PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MARCH 29, 2012

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 29, 2012.

Closed Session
2:00 p.m. Property and litigation

Work Session

4:00 p.m.	Annual open meetings law training	
4:30 p.m.	Council questions/comments	
4:40 p.m.	Open space easements	P. 4 - 22
5:10 p.m.	Master Festival License Code change and venue use guidelines	P. 23 - 51
5:30 p.m.	Main Street dining parking fee	P. 52 - 57
5:50 p.m.	Break	

Regular Meeting
6:00 p.m.

I ROLL CALL

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

III PUBLIC INPUT *(Any matter of City business not scheduled on the agenda)*

IV VISIONING SESSION MINUTES OF FEBRUARY 9 AND 10, 2012 P. 58 - 93

V NEW BUSINESS

1. Consideration of authorization to staff to execute a Grant Contract with the Federal Transit Administration in the amount of $1,875,000 for the construction of seasonal housing P. 94 - 99
2. Consideration of an Ordinance approving the 269 Daly Avenue plat amendment, located at 269 Daly Avenue, Park City, Utah
` (a) Public hearing
(b) **Motion to continue to April 26, 2012**

3. Consideration of a Resolution amending Section 8, Recreation Services and Facility Rental Fees; Section 9, Ice Arena and Fields Rental Fee Schedule, adding Sections 10.4 Bleachers, 10.5 Banner Installation; 10.6 Parks Cleanup, labor and equipment; 10.7 Public Safety; 10.9 Parking Reservation Fees; 10.10 Barricades; 10.11 Dumpsters; 10.12 Streets Equipment and Materials; 10.13 Materials; 10.14 Personnel; 10.15 Application Fees; 10.16 Public Parking Lot Use; 10.17 and Trail Use fees and repealing and replacing Resolution No. 30-11 in its entirety P. 100 - 111
` (a) Public hearing
(b) Action

4. Consideration of an Ordinance approving the 920 Norfolk Avenue plat amendment, located at 920 Norfolk Avenue, Park City, Utah P. 112 - 121

` (a) Public hearing
(b) Action

5. Consideration of an Ordinance approving the 543 Woodside Avenue plat amendment, located at 543 Woodside Avenue, Park City, Utah P. 122 - 131

` (a) Public hearing
(b) Action

6. Consideration of an appeal of the Planning Commission's decision to deny the request for a Conditional Use Permit for a proposed Nightly Rental at 60 Sampson Avenue. Appellant - Jan Maltby, represented by Jones Waldo P. 132 - 170

(a) Scope of hearing
(b) Staff' presentation
(c) Appellant presentation
(d) Public hearing
(e) Possible action

VI ADJOURNMENT

A majority of City Council members may meet socially after the meeting. If so, the location will be announced by the Mayor. City business will not be conducted. Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the City Recorder at 435-615-5007 at least 24 hours prior to the meeting. Wireless internet service is available in the Marsac Building on Wednesdays and Thursdays from 4 p.m. to 9 p.m.

Posted: 03/26/12
See www.parkcity.org

Note: This future meeting schedule is TENTATIVE and subject to change.
March 2012

April 2012

5 Quinns Water Treatment Plant ribbon cutting – 4 p.m.
Special assessment bonds for PC Heights – PR
Award of contract for audit services
Quinn's Junction Partnership Annexation – public hearing/continue to 5/17 – KW
Resolution – Coalition of Mayors
Resolution adopting Agreement for Joint Use of Facilities for Recreation between SBSRD, PCMC and PCSD for the purpose of designating rights and responsibilities of each entity while guiding the efficient delivery of recreation facilities and services in the greater Park City area

12 **No meeting – ULCT Conference**

19 Regular meeting – 5 p.m.
Park City 2030 Long Range Strategic Plan (1 hour)
Library business plan – work
QJP annexation and MPD review update – staff communication
7700 Marsac Avenue Subdivision - public hearing/action – ME
455 Park Avenue plat amendment – public hearing/action – FA

26 **Dana gone**
Emergency planning update – work – police facility
Dumpster Days (20 min) – PE
269 Daly Avenue - ME

May 2012

3 **Dana gone**
Site tour – Quinns Junction
Introduction of budget
QJP annexation - work
Recreation survey – work (1 hour)

10 **No meeting – Cindy gone**

17 Budget – work and public hearing
Sundance Festival Policy – study session
Community Water Efficiency Efforts
QJP annexation – public hearing/continuation

24 Budget – work and public hearing
Balanced Growth Study findings – work – (90 min)
Rocky Mountain Power substation – study session
QJP annexation – public hearing/possible action

31 Budget – work and public hearing

June 2012

7 Budget – work and public hearing
Bonanza Park Plan update

14 Budget – work and public hearing

21 (Regular meeting begins at 5 p.m. and limited to budget)

28

Pending Items:
RDA Strategic Plan
Resolution establishing a strategic plan for City-owned property with development potential in Park City, Utah and repealing and replacing Resolution No. 22-05 in its entirety

City Council
Staff Report

Subject: **Summit Land Conservancy Request for Endowment Funds and General Discussion of the role of conservation easements**
Author: **Heinrich Deters & Diane Foster**
Department: **Sustainability & Executive**
Date: **March 29, 2012**
Type of Item: **Discussion and Direction**

Summary Recommendations: Staff recommends Council discuss Summit Land Conservancy's request for an endowment and the possible options for an endowment structure and provide staff with direction. Staff would also like Council to have a high level discussion on the need for future conservation easements on existing and future City-owned property.

Because of the complex nature of this staff report, staff recommendations are being provided in a list below:

1. Staff does not recommend asking the taxpayers to fund endowments for parcels that currently have conservation easements or on recently acquired property where Council wishes to place a new conservation easement; and
2. Staff recommends that Council determine whether endowment funding for future conservation easements is appropriate when those parcels are purchased by the future open space bond so that the cost of the endowment is known at that time and can be negotiated either with the seller or easement holder; and
3. Staff recommends that should Council wish to place conservation easements on current or future open space parcels, that Council consider each parcel individually, rather than making a blanket statement to place conservation easements on any and all open space.

Topic/Description: Staff would like to discuss two topics with Council:

1. Review Summit Land Conservancy's request to receive funds from Park City Municipal to create an endowment to provide a secure source of future funding for the stewardship/monitoring of conservation easements on City-owned open space and answer the questions:
    a. Does Council wish to create stewardship endowments for conservations easements already held by Summit Land Conservancy?
    b. If Council wishes to place conservation easements on parcels that the City has recently acquired, but for which there are not currently easement, does Council want to create an endowment?

2. Does Council wish to continue to place additional or repetitive conservation easements on City-owned property?

Background:
Protecting open space from future development has been a long standing goal for Park City residents and it's Council. Over the past twenty years, the City has preserved over 7,000 acres of open space, through development agreements, the purchase of property or acquisition of easements. Mechanisms to ensure that the use of these parcels remain 'undeveloped' into the future include but are not limited to; deed restrictions, zoning, and associated bond language.

Park City has traditionally employed all of the following measures on all parcels purchased with Open Space Bond funds:

1. *Deed Restrictions:* Language which restricts use of the property as open space with a reversionary interest for the benefit of the prior owner should the terms be violated.
2. *Zoning:* Purchased properties within Park City limits are typically zoned as Recreational or Protected Open Space.
3. *Bond Language:* Every parcel purchased by the City with bond funds must be used in compliance with the terms of the issuance of the bonds restricting such use, in perpetuity, to open space. (Exhibit A)

A fourth option available for open space acquisition and subsequent stewardship is the use of conservation easements. These easements have two main goals:

1. Assigns enforcement rights of the open space deed and bond terms by which the City acquired the property to a third party conservation organization; and
2. Depending on the easement terms, the easement may further restrict the City's or the public's use of the property in perpetuity by narrowing the definition of permitted uses and conservation values of the property.

Throughout much of 2004, Council and staff discussed the use of conservation easements. Specifically, Council discussed several properties purchased with bond funds in the Round valley area, the Lower Main Street, UP&L parcel, the Rail Trail, the Virginia Mining Claims and the Richard's parcels. At that time, staff recommended that the use of deed restrictions, zoning and the associated bond language provided ample restrictions on the properties and the use of conservation easements as a further measure was a '*redundant'* application to the parcels. *On November 4, 2004, Council unanimously agreed to place conservation easements on all existing open space parcels that were purchased with open space bond funds. However, the Council confirmed that the permitted use language in the easements should match the bond language unless the Council decided otherwise at the time of acquisition (i.e. in conjunction with the seller such as with Armstrong and Osguthorpe, or a co-purchaser such as the County with Clissold).*

ANALYSIS
Because Summit Land Conservancy's current contract expires June 30, 2012, staff has begun work on drafting a new 'Request for Proposals' (RFP) for easement monitoring services. Some of the questions in this staff report relate to a current request from Summit Land Conservancy and some questions relate to how staff should craft a future RFP.

Endowment Discussion
Recently Summit Land Conservancy has asked if Council would be willing to consider providing an endowment to provide for monitoring services in perpetuity.

Summit Land Conservancy is unwilling to take on the liability of additional conservation easements unless those easements are accompanied by an ongoing, protected source of funding, such as an endowment. (Exhibit B Letter from Summit Land Conservancy)

Why provide an endowment?
Summit Land Conservancy would like Council to consider funding an endowment that would provide ongoing funding for stewardship or monitoring of conservation easements. Reasoning for the creation of this long-term, protected funding source includes:

a. **Protection from volatility of City funds:** Through strong financial management, Park City has weathered the current economic storm, however, in future economic hard times, open space monitoring could be a budget item reduced or cut completely;
b. **Protection from a non-open space minded future Council:** One might be able to imagine that in the future there could be a City Council that does not place the same value on open space as the current Council. That Council could functionally cripple a conservation easement by eliminating monitoring funds.
c. **Saves the taxpayer money in the long term:** While in the short term creating an endowment will cost the taxpayer more money, in the long term an endowment will actually save the taxpayers money because after the endowment is in place, the taxpayers no longer have to pay for monitoring services. Please see the "Endowment Structure" section below for options.

Funding stewardship of existing and possible future conservation easements:
Stewardship can have several deliverables, depending on the issue but basically involves on the ground monitoring of the property and subsequent reports to ensure the conservation values associated are being upheld. In simple terms, the conservation values set forth on City-owned parcels are best described in recent bond language which 'forever preserve park and recreational land, together with related historical or cultural improvements, to protect the conservation values thereof, to remove existing unneeded man-made improvements, and to make limited improvements for public access, parking and use.'

Summit Land Conservancy (SLC) provides this service via two specific programs. First, SLC professional staff, performs several site visits to the parcels and provide an annual report to the City. Second, SLC sponsors an 'Adopt and Easement' program, which encourages the public to provide verbal and/or written reports on possible violations. These reports may include information on suspect activities, invasive weeds or wildlife sightings. This information is provided to City staff via email or during monthly meetings.

Below is a historical breakdown of costs, specific to Summit Land Conservancy, per the stewardship of open space parcels.

2005-2007	*Round Valley & Empire Baseline/Easement, Round Valley, Empire, Richard's Ranch monitoring (Virginia Mining Claims, Rail Trail, UP&L easements/baseline)*	*$12,500 (2 year contract total)*
2007-2009	*McPolin Baseline/Easement Round Valley, Empire, Virginia Mining Claims, Rail Trail, UP&L, Richard's Monitoring. Aerial photos*	*$15,000 (2 year contract total)*
**2009-2012*	*Quarry, Osguthorpe, Iron Mountain, PRI Round Valley, Gambel Oak, Hope Baselines/Easements. Round Valley, Empire, Virgina Mining Claims, Rail Trail, UP&L, Quarry, Iron Mountain, McPolin Farm Monitoring*	*$143,833 (3 year contract total)*

**Current 3-year Professional Service Agreement*

For Summit Land Conservancy, monitoring of the majority of conservation easements had historically been paid for through a Special Service Contract. In 2009 Council changed the payment method to a regular contract because of the nature of the service was more closely aligned with a regular contract rather than a Special Service Contract. The annual cost for the monitoring service for the aforementioned parcels is $48,000 per year. The term of the contract is three years, ending in June of 2012.

Council has also approved a $40,000 line of credit for legal defense of easements in 2010, as well as, $50,000 direct reimbursement for costs associated with the fundraising for the Osguthorpe Easement in 2012.

Consideration of other costs associated with Open Space management and the current level of service provided by the City:
Maintaining City-owned open space is vital to upholding the open space values set forth in bond language, deed restrictions and conservation easements. Specifically, the City funds capital improvements in the case of recreational trails, signage and trailhead parking. Operationally, the City funds maintenance programs for invasive weeds, infrastructure (fences/signage) and education. In 2011, costs associated with the maintenance of Open Space, totaled $120,306.

It should be noted, that as the City moves forward with Management Plans for some of the open space areas it is very likely that funding for specific management studies and capital projects, such as restoration of wetlands and wildlife underpasses may need to be funded. These funds would traditionally been drawn from the Open Space Maintenance fund.

The Open Space Maintenance Fund has a current balance of $558,523.

As Summit Land Conservancy's current contract expires June 30, 2012, staff will be working over the next two months to issue a RFP. Because Summit Land Conservancy holds a responsibility to monitor with the easement, staff expected Summit Lands to bid on this RFP. Should Council wish, staff could also submit a bid to do the monitoring internally.

Requested Endowment:
Summit Land Conservancy is requesting a $500 per acre endowment, totaling $1,500,000. That endowment is expected to generate a 6% annual return, with 3% of that return ($45,000) to be withdrawn from the fund to fund annual monitoring and 3% to be reinvestments (3% interest) to be used for monitoring. Below is a table of the stewardship or monitoring cost for City-owned parcels with easements held by Summit Land Conservancy and the endowment needed to monitor each parcel.

Easement Monitoring Costs & Endowment Request

Property	# of acres	annual cost= $15/acre (or minimum*)	Endowement Needed (assuming 3% interest)	
City-Owned Easements				
Bilogio - Round Valley	143.7	$ 2,156	$ 71,850	
Cranbrook - Round Valley	40	$ 600	$ 20,000	
Ed Gillmor - Round Valley	186	$ 2,790	$ 93,000	
Grover - Round Valley	40	$ 600	$ 20,000	
McMillian - Round Valey	280	$ 4,200	$ 140,000	
McPolin Farmlands	115.57	$ 1,734	$ 57,785	
Rail Trail*	1.977	$ 500	$ 16,667	
Richards' Ranch	18.92	$ 284	$ 9,460	
UP& L*	0.51	$ 500	$ 16,667	
Virginia Mine Claims*	13.3	$ 500	$ 16,667	
New Round Valley	340	$ 5,100	$ 170,000	
Gambel Oak	200	$ 3,000	$ 100,000	
City-County Easements				
Quarry Mountain	183	$ 1,373	$ 45,750	this is 50% since County is co-owner
Easements Co-held with Park City				
Lady Morgan* -- Deer Valley	1.79	$ 500	$ 16,667	
Ski Area -- Deer Valley	883	$ 13,245	$ 441,500	
Osguthorpe Farm	121	$ 1,815	$ 60,500	
Prospect Ridge -- Talisker	64.75	$ 971	$ 32,375	
Warren Claims -- Talisker	105	$ 1,575	$ 52,500	
TOTALS	2738.517	$ 41,442	$ 1,381,387	

* stewardship based on $15/acre per year or a minimum of $500 per year

Endowment Structure:
The Summit Land Conservancy is proposing that the endowment would be held by The Park City Foundation. Municipal funds could be deposited into a specially identified Park City Municipal Conservation Easement Monitoring Fund that would be used exclusively for the monitoring of Park City Municipal properties or can be placed in the Summit Land Conservancy already existing permanently restricted stewardship endowment fund.

Summit Land Conservancy and The Park City Foundation would target returns of 6% a year. 3% of those returns would be spent on the actual monitoring and 3% is to cover inflation.

In a year where the endowment does not perform adequately, Summit Land Conservancy will continue to fundraise. The intent of the endowment is that the City would not be asked for future funding, unless additional easements are placed. For future easements, it will be Summit Land Conservancy's policy to request endowment funding sufficient to fund monitoring at that time the easement is placed.

In a case where Summit Land Conservancy were to dissolve, the conservation easement would be passed to a successor (such as Utah Open Lands, The Nature Conservancy, etc.) and that successor would become the beneficiary of the endowment.

Endowment funding:
All funds from the most recent open space bond have been spent. Currently the open space maintenance & acquisition fund has a balance of $558,523 The City spends approximately $100,000 per year on aforementioned open space maintenance and spends $48,000 annually for open space monitoring with Summit Land Conservancy.

The source of monies the open space maintenance & acquisition fund is the Flagstaff Fees. Currently, in accordance with Council direction, the Flagstaff fees are split 50/50 between the transportation and open space funds. Below is the calendar year income from the Flagstaff fees for the past few years:

	Open Space	**Transportation**	**Total**
FY2006	$465,407	$465,404	$930,810
FY2007	$293,405	$293,405	$586,811
FY2008	$610,119	$610,119	$1,220,238
FY2009	$122,532	$122,532	$245,063
FY2010	$408,070	$408,070	$812,596
FY2011	$228,225	$228,225	$456,449

The transportation funds are used to mitigate impacts from Flagstaff, including bus service and transportation infrastructure enhancement.

Summit Land Conservancy needs a total endowment of $1,500,000 to provide sufficient funds to monitor the City's current easements. Below are several scenarios showing how the City could fund the endowment over various time periods. Please note that the Summit Land Conservancy is not asking for $1.5 million in today's dollars (not accounting for inflation), but is asking for a total of $1.5 million if the City provides that funding within a reasonable time period (5-20 years).

Summary

Summary	Total contract over time period ($45k * years)	Total contract with reduction of annual interest	Endowment Dollars per year	Total incremental spend
Immediately	$ -	$ -	$ 1,500,000	
5 years	$ 225,000	$ 135,000	$ 300,000	$ 1,365,000
10 years	$ 450,000	$ 246,890	$ 150,000	$ 1,253,110
20 years	$ 900,000	$ 472,500	$ 75,000	$ 1,027,500
35 years	$ 1,575,000	$ 810,000	$ 42,857	$ 690,000
50 years	$ 2,250,000	$ 1,147,500	$ 30,000	$ 352,500
75 years	$ 3,375,000	$ 1,515,000	$ 20,000	$ (15,000)

1. Option 1:
   a. Create $1.5 million endowment immediately
   b. Stop paying $45,000 annual contract

2. Option 2:
   a. Create the $1.5 million endowment within a 5-year period.
   b. Reduce the annual contract amount by the 3% interest the endowment would generate

5 years, beginning in FY2012

Year	Annual Contract - Stewardship Only	Endowment Dollars per year	total endowment	3% Interest on total endowment	***$ over current annual spend***
2012	$ 45,000	$ 300,000	$ 300,000	$ 9,000.00	*$ 300,000*
2013	$ 36,000	$ 300,000	$ 600,000	$ 18,000.00	*$ 291,000*
2014	$ 27,000	$ 300,000	$ 900,000	$ 27,000.00	*$ 282,000*
2015	$ 18,000	$ 300,000	$ 1,200,000	$ 36,000.00	*$ 273,000*
2016	$ 9,000	$ 300,000	$ 1,500,000	$ 45,000.00	*$ 264,000*
Total	**$ 135,000**	**$ 1,500,000**		**$ 135,000**	

$ 225,000 *5 year contract without annual reduction in Stewardship Contract*
$ 90,000 *contract savings*

3. Option 3:
   a. Create the $1.5 million endowment within a 10-year period.
   b. Reduce the annual contract amount by the 3% interest the endowment would generate

10 years, beginning in FY2012

Year	Annual Contract - Stewardship Only	Endowment Dollars per year	total endowment	3% Interest on total endowment	***$ over current annual spend***
2012	$ 45,000	$ 150,000	$ 150,000	$ 4,500.00	*$ 150,000*
2013	$ 40,500	$ 150,000	$ 300,000	$ 9,000.00	*$ 145,500*
2014	$ 36,000	$ 150,000	$ 450,000	$ 13,500.00	*$ 141,000*
2015	$ 31,500	$ 150,000	$ 600,000	$ 18,000.00	*$ 136,500*
2016	$ 27,000	$ 150,000	$ 750,000	$ 22,500.00	*$ 132,000*
2017	$ 22,500	$ 150,000	$ 900,000	$ 27,000.00	*$ 127,500*
2018	$ 18,000	$ 150,000	$ 1,050,000	$ 31,500.00	*$ 123,000*
2019	$ 13,500	$ 150,000	$ 1,200,000	$ 36,000.00	*$ 118,500*
2020	$ 9,000	$ 150,000	$ 1,350,000	$ 40,500.00	*$ 114,000*
2021	$ 4,500	$ 150,000	$ 1,500,000	$ 45,000.00	*$ 109,500*
Total	**$ 246,890**	**$ 1,500,000**		**$ 247,500**	

$ 450,000 10 year contract without annual reduction in Stewardship Contract
$ 202,500 Contract savings over 10 years

4. Option 4:
    a. Create the $1.5 million endowment within a 20-year period.
    b. Reduce the annual contract amount by the 3% interest the endowment would generate

20 years, beginning in FY2012

Year	Annual Contract - Stewardship Only	Endowment Dollars per year	total endowment	3% Interest on total endowment	***$ over current annual spend***
2012	$ 45,000	$ 75,000	$ 75,000	$ 2,250.00	*$ 75,000*
2013	$ 42,750	$ 75,000	$ 150,000	$ 4,500.00	*$ 72,750*
2014	$ 40,500	$ 75,000	$ 225,000	$ 6,750.00	*$ 70,500*
2015	$ 38,250	$ 75,000	$ 300,000	$ 9,000.00	*$ 68,250*
2016	$ 36,000	$ 75,000	$ 375,000	$ 11,250.00	*$ 66,000*
2017	$ 33,750	$ 75,000	$ 450,000	$ 13,500.00	*$ 63,750*
2018	$ 31,500	$ 75,000	$ 525,000	$ 15,750.00	*$ 61,500*
2019	$ 29,250	$ 75,000	$ 600,000	$ 18,000.00	*$ 59,250*
2020	$ 27,000	$ 75,000	$ 675,000	$ 20,250.00	*$ 57,000*
2021	$ 24,750	$ 75,000	$ 750,000	$ 22,500.00	*$ 54,750*
2022	$ 22,500	$ 75,000	$ 825,000	$ 24,750.00	*$ 52,500*
2023	$ 20,250	$ 75,000	$ 900,000	$ 27,000.00	*$ 50,250*
2024	$ 18,000	$ 75,000	$ 975,000	$ 29,250.00	*$ 48,000*
2025	$ 15,750	$ 75,000	$ 1,050,000	$ 31,500.00	*$ 45,750*
2026	$ 13,500	$ 75,000	$ 1,125,000	$ 33,750.00	*$ 43,500*
2027	$ 11,250	$ 75,000	$ 1,200,000	$ 36,000.00	*$ 41,250*
2028	$ 9,000	$ 75,000	$ 1,275,000	$ 38,250.00	*$ 39,000*
2029	$ 6,750	$ 75,000	$ 1,350,000	$ 40,500.00	*$ 36,750*
2030	$ 4,500	$ 75,000	$ 1,425,000	$ 42,750.00	*$ 34,500*
2031	$ 2,250	$ 75,000	$ 1,500,000	$ 45,000.00	*$ 32,250*
Total	**$ 472,500**	**$ 1,500,000**		**$ 472,500**	

$ 900,000 *20 year contract without annual reduction in Stewardship Contract*

$ 653,110 *Contract savings over 20 years*

5. Option 5:
   a. Create the $1.5 million endowment within a 10-year period, but provide greater funding in the initial years (where cash flow from Flagstaff fees are more of a known quantity)
   b. Reduce the annual contract amount by the 3% interest the endowment would generate

10 years, beginning in FY2012

	Year	Annual Contract - Stewardship Only	Endowment Dollars per year	total endowment	3% Interest on total endowment	***$ over current annual spend***
	2012	$ 45,000	$ 500,000	$ 500,000	$ 15,000.00	*$ 500,000*
	2013	$ 30,000	$ 500,000	$ 1,000,000	$ 30,000.00	*$ 485,000*
	2014	$ 15,000	$ 62,500	$ 1,062,500	$ 31,875.00	*$ 32,500*
	2015	$ 13,125	$ 62,500	$ 1,125,000	$ 33,750.00	*$ 30,625*
	2016	$ 11,250	$ 62,500	$ 1,187,500	$ 35,625.00	*$ 28,750*
	2017	$ 9,375	$ 62,500	$ 1,250,000	$ 37,500.00	*$ 26,875*
	2018	$ 7,500	$ 62,500	$ 1,312,500	$ 39,375.00	*$ 25,000*
	2019	$ 5,625	$ 62,500	$ 1,375,000	$ 41,250.00	*$ 23,125*
	2020	$ 3,750	$ 62,500	$ 1,437,500	$ 43,125.00	*$ 21,250*
	2021	$ 1,875	$ 62,500	$ 1,500,000	$ 45,000.00	*$ 19,375*
Total		**$ 246,890**	**$ 1,500,000**		**$ 352,500**	

$	*450,000*	*10 year contract without annual reduction in Stewardship Contract*
$	*97,500*	*Contract savings over 10 years*

Additional Conservation Easement Discussion:
Staff maintains the position that the placement of conservation easements on parcels with existing restrictive covenants, such as deed restrictions, as well as, additional layers of 'protection', such as zoning and bond language is a 'redundant' application. Staff suggests that it would be more efficient to simply assign enforcement rights by an agreement rather than creating a separate easement, and pay for monitoring by contract. Another option would be to consolidate monitoring into a specific government position, perhaps funded by interlocal agreement, to provide for independence from any particular political governing body. However, staff understands that current council direction to place easements on existing parcels purchased with bond funds does provide a third party oversight of the parcels, as well as, reinforces the public's will and commitment to fund said parcels as open space in perpetuity. Staff also recognizes the importance of a national accreditation in ensuring land management standards are used as guiding principles in determining long term planning and preservation of open space values. However, the priorities and tax purposes underlying most of the accredited organization may not apply to certain properties that the City acquires.

Since 2004, the City has use open space bond funds to purchase several additional parcels independent of and cooperatively with the County. Conservation easements have been placed on the Quarry Mountain Parcel, the Armstrong Parcel and the Osguthorpe Parcel.

The question of the role of conservation easements on new open space parcels
Because the legal construct of a conservation easement means that the easement is in place in perpetuity, this discussion of conservation easements focuses exclusively on the question of placing conservation easements on parcels where there is not already an easement. (Current easements cannot be removed by Council.)

Council direction has been to place conservation easements on all parcels purchased with open space funds. As mentioned earlier, staff understands that Council wished to provide an additional layer of protection for these parcels, even though the land was already protected by bond language, deed restrictions and even zoning. The graphic below illustrates the three layers of protection that exist prior to placing a conservation easement on a piece of property:

Below is the bond language and a discussion of the difference in open space protectio
n provided by the bond language and provided by a conservation easement.

- **Bond language:** Below the bond language from the most recent open space bond.

  CITY PROPOSITION NUMBER 1

  Shall Park City, Utah be authorized to issue general obligation bonds in an amount not to exceed $20,000,000 and to mature in no more than 21 years from the date or dates of such bonds to acquire, improve and forever preserve park and recreational land, together with related historical or cultural improvements, to protect the conservation values thereof, to remove existing unneeded man-made improvements, and to make limited improvements for public access, parking and use?

  This bond language requires the City to maintain the property as open space in perpetuity and also requires the City to legally defend both any encroachment on that open space or any attempt to change the property in such a way that would conflict with the bond language.

- **Conservation easement:** Conservation easements differ from the bond language many ways, but there are three major areas of divergence: identification of conservation values; and third party monitoring.
  1. **Identification of conservation values:** When an open space easement in placed on a property, the party placing the easement must identify what is attempting to be protected by the easement. For example, the Armstrong and Clissold (Quarry Mountain) easements place a priority on wildlife values, while the Osguthorpe easement values agriculture. Once the values have been

identified and the conservation easement put in place, nothing can be done on that parcel that negatively impacts those values – and the only things that can be done on the parcel are things that actually *enhance* the conservation values.

For example, the Armstrong parcel is protected by both the bond language and a conservation easement. This easement places the highest value on the protection of wildlife. If the City wanted to place a new trail on the Armstrong property (one not currently there and one not identified as a possible future trail in the easement), the trail would only be allowed if it would not harm the wildlife conservation value.

One other example would be if, in the future, the City wanted to grow crops in Round Valley, the crops would be allowed only if they did not impair the conservation values of open and undeveloped land and recreational access. While we may not now view Round Valley as prime agricultural land, it is difficult for us to predict the community's needs in an emergency or in the future, say in the year 3011.

It is for that reason that staff would recommend Council consider either defining conservation values more loosely or with the ability for future generations to modify certain parts of the easement to meet their needs. For example, an easement could be written with the following parameters:

a. Prioritize the open nature of the property, in keeping with the bond language (so, no matter what, in the future, permanent buildings could not be built on the site… not even permanent greenhouses);
b. Prioritize the natural state of the property, if the natural state is in keeping with community needs at the time;
c. Secondary priority of recreation, so long as recreation does not negatively impact the aforementioned priorities one and two;
d. Emergency community needs: The parcel may be used, on a temporary basis (defining temporary as a maximum of 180 days or some other defined time period) to meet the emergency needs of the community.

2. **Third Party Monitoring:** While City staff (Public Works team) does spend a significant amount of time on open space maintenance (weed management, trash removal, trail head management, fencing & gates, signage, etc.), the actual monitoring reports on the property is conducted by a third party to ensure that the conservation values identified in the easement are being honored. For City-owned property the majority of our easements are monitored by Summit Land Conservancy, while a few are monitored by Utah Open Lands.

   Even if the City Council were to decide that conservation easements were unnecessary because of the protection afforded by the bond language, and deed language, Council could still determine that third party monitoring was important to maintain the integrity of the bond language.

3. **Cost:** The City currently pays approximately $48,000 per year to Summit Land Conservancy for the monitoring of easements on City-owned property. For new easements, Summit Land Conservancy would like to have the monitoring for those properties paid for through a property-specific endowment. **see endowment discussion*

Below is a list of historical open space bond purchases, their acreage, deed restrictions and if a conservation easement has been placed on the parcel and who holds the easement.

Property	**Purchase Date**	**Purchase Price**	**Acreage**	**Deed Restriction**	**Conservation easement/ Holder**
Richards Ranch	September 19, 1999	$1,657,482	Approx. 20	X	SLC
Virginia Mining Claim	October 19, 1999	$852,960	Approx. 13.3	X	SLC
Union Pacific Rail Trail	March 1, 2000	$220,000	1.977 acres		SLC
UP&L Parcel	March 31, 2000	$390,260	Approx .51	X	SLC
Grover Round Valley	May 5, 2000	$325,100	40 acres	X	SLC
McMillian Round Valley	December 14, 2001	$5,500,330	280 acres	X	SLC
Bilogio Round Valley	December 28, 2001	$2,250,180	144 acres	X	SLC
Edward Gillmor Round Valley	November 19, 2003	$3,750,601	188 acres	X	SLC
Cranbrook Round Valley	December 29, 2003	$1,000,190	40 acres		SLC
Hope Mining Claims	December 16, 2004	$1,100,763	113 acres	X	
Laws Properties	March 31, 2005	$285,125	3.92 acres	X	
Royal Street/Aerie	September 30, 2005	$150,000	4.51 acres		
Sanchez Lot	October 15, 2006	$120,000	1.0 acre		
Clissold/Quarry Mtn	December 28, 2007	$4m total *($2 City & $2 County)*	183.7 acres	X	SLC
Kimball Junction PRI	December 31, 2008	$16 million *($3.5 City & $12.5 County)*	330 acres	X	
Round Valley PRI	December 31, 2008	$8.5 million	377 acres	X	
Armstrong / Thaynes Canyon	September 30, 2009	$5.00 million	135 acres	X	UOL
Gambel Oak**	August 27, 2009	conveyance from BLM	112.87 acres	X	
White Acre**	August 27, 2009	conveyance from BLM	110.18 acres	X	

Osugthorpe Conservation Easement	February 12, 2010	$5.75 million ($4.75 PCMC & $1 million Summit Land Conservancy	121 acres	X	SLC
	Total	**$56,852,993**	**2,220 acres**		

Park City Municipal Spend **$46,352,993**
(excludes Summit County spend)

** The Gambel Oak and White Acre parcels, transferred to the City from the BLM through an act of Congress (HR 146). The parcels are not required to have a conservation easement placed on the property and are protected by this act of Congress. Because of this unusual situation, staff has not yet placed a conservation easement on the property. Below is the Park City-specific text of HR 146:

> *DEED RESTRICTION.—The conveyance of the lands under paragraph (1) shall be made by a deed or deeds containing a restriction requiring that the lands be maintained as open space and used solely for public recreation purposes or other purposes consistent with their maintenance as open space. This restriction shall not be interpreted to prohibit the construction or maintenance of recreational facilities, utilities, or other structures that are consistent with the maintenance of the lands as open space or its use for public recreation purposes.*

Property acquired as open space but without the use of bond funds:
There are also several other Round Valley City-owned parcels that were not purchased with open space funds, but are treated as open space. All of those properties are protected by deed restrictions, but do not currently have conservation easements. However, there is some precedence for placing a conservation easement on land purchased with general funds: Parcels in the Empire Canyon and Iron Mountain areas, as well as the McPolin Farm parcel, were not purchased with bond funds but have had conservation easements in place. PCMC and Summit Land Conservancy are co-holders of these easements.

Options for future conservation easements:

1. **Provide easements with identified conservation values on all existing open space and any open space that may be purchased in the future:** Place conservation easements on all City-owned open space.

2. **Provide easements with identified conservation values on bond-funded open space parcels only:** Place conservation easements on only City-owned open space parcels that were purchased with open space bond funds.

3. **Easements on a case-by-case basis:** Consider the placement of conservation easements on City-owned open space on a case by case basis. Staff would then bring each parcel purchased to Council for consideration.

4. **Monitoring contracts only:** Do not place conservation easements on City owned property in the future, but contract with ask Summit Land Conservancy to provide monitoring services on those parcels. The contract would have a three-five year term, renewable for three-five year periods thereafter and would include an annual payment to Summit Land Conservancy for those monitoring services. For this option, the City would need to determine the monitoring criteria.

5. **No easements; no monitoring:** Do not place conservation easements on City-owned open space and do not contract with a third party to monitor the easements.

Summary of Questions for Council:

1. Does Council wish to fund stewardship endowments that already have conservation easements on them?
2. If Council wished to place conservation easements on some or all of the city's open space parcels that currently do not currently have easements, does Council wish to fund stewardship endowments for those properties?
3. Does Council wish to establish a policy for funding future stewardship endowments, in the case where a new open space bond fund was established?

4. Does Council wish to place conservation easements on some or all City-owned open space that does not currently have a conservation easement? If so, should this be policy direction for the future?
5. Does Council wish to place conservation easements on some or all City-owned open space on a case-by-case basis? If so, should this be policy direction for the future?
6. Should staff incorporate this Council direction (received in response to questions 1-5) in the new RFP?

Department Review: This report has been reviewed by the Sustainability, Legal and Executive Departments. Input for this report was also received from the Finance and Budget Department.

Summary Recommendations: Staff recommends Council discuss Summit Land Conservancy's request for an endowment and the possible options for an endowment structure and provide staff with direction. Staff would also like Council to have a high level discussion on the need for future conservation easements on existing and future City-owned property.

Because of the complex nature of this staff report, staff recommendations are being provided in a list below:

1. Staff recommends Council not place endowments on parcels that currently have conservation easements or on recently acquired property where Council wishes to place a new conservation easement.

2. Staff recommends that should Council wish to place conservation easements on current or future open space parcels, that Council consider each parcel individually, rather than making a blanket statement to place conservation easements on any and all open space;
3. Staff recommends that Council suggest endowment funding for future conservation easements when those parcels are purchased by the future open space bond; and

Attachments
Exhibit A: Most recent open space bond language

Exhibit B: Letter from Summit Land Conservancy

Exhibit A
2006 Open Space Bond Language

OFFICIAL BALLOT FOR

PARK CITY, UTAH

SPECIAL BOND ELECTION

November 7, 2006

(Facsimile Signature)
____
City Recorder, Park City

CITY PROPOSITION NUMBER 1

Shall Park City, Utah be authorized to issue general obligation bonds in an amount not to exceed $20,000,000 and to mature in no more than 21 years from the date or dates of such bonds to acquire, improve and forever preserve park and recreational land, together with related historical or cultural improvements, to protect the conservation values thereof, to remove existing unneeded man-made improvements, and to make limited improvements for public access, parking and use?

> To vote in favor of the above bond issue, select the box to the left of the words "FOR THE ISSUANCE OF BONDS." To vote against the bond issue, select the box to the left of the words "AGAINST THE ISSUANCE OF BONDS."

☐ FOR THE ISSUANCE OF BONDS

☐ AGAINST THE ISSUANCE OF BONDS

Exhibit B
Summit Land Conservancy Stewardship Letter

WE SAVE LAND

March 19, 2012

Dear Mayor Dana Williams and members of the Park City Council:

Park City should be honored for it many positive environmental initiatives. One of its greatest successes has been the City's open space acquisition programs. Recognizing the critical importance of open space to the character, economy, and quality of life of Park City, Park City has not only acquired important properties, but has employed the best tool to insure that the citizen's investment in these landscapes is protected forever: permanent third party conservation easements.

As the holder of conservation easements on much of the City's open spaces, the Summit Land Conservancy monitors each property each year, inventories the ecology, and works with City staff to mitigate any adverse uses. The Conservancy's mission to permanently protect the open spaces of Park City and Summit County means that it must take measures to insure its ability to continue these monitoring activities permanently.

Accordingly, the Conservancy has established a Stewardship Endowment. This money is permanently restricted, meaning that only the interest can be used and then only for the purposes of making sure that the conservation values (open space, recreation access, wildlife habitat, etc.) are in fact still protected.

The Summit Land Conservancy is unable to accept conservation easements without appropriate stewardship funding. The IRS requires land trusts, like the Conservancy, to have funding set aside in such stewardship endowments in order to insure that these organizations will be able to fulfill their obligation to protect the land forever. Likewise, the Land Trust Alliance, having reviewed the Summit Land Conservancy's easements and their additional protections, recommends substantially increasing our existing stewardship endowment.

The Conservancy will honor its current contract with the City to place conservation easements on the North Round Valley Parcel and the Gambol Oak/Hope White-Acre Parcels, hoping to find stewardship funds from the neighbors or other sources. If the City moves forward and continues to acquire open space, we advise it to include stewardship funding as part of the transaction costs, for without such funding the conservation process is not complete.

As you know, the Conservancy has already accepted 10 conservation easements from Park City Municipal without any stewardship funding, and it is a co-holder of 5 additional easements: 4 of these also lack adequate stewardship funding. Despite this lack of funding, the Conservancy remains obligated to monitor these properties each year and has done so, with support from a contract with the City. But the contract must be renewed every few years and done so in a public process. It is entirely possible that the City could chose not to renew its contract with the Conservancy, but the Conservancy would still have to the obligation of monitoring the properties. If the Conservancy were to go away or lose the ability to monitor these easements, the open space would be imperiled.

While we understand that other protections have been placed on these lands, but these additional measures lack one very important factor: a third party. Without a third party (in this case the Summit Land Conservancy) there may be no one who realizes that a piece of property was supposed to be protected. There may be people who wish such protections to be forgotten. The Summit Land Conservancy exists for the very purpose of remembering and speaking up on behalf of those who protected the land in the first place.

In the 1920's a group of people in the town of Huntsville acquired land high up on Ogden Mountain. The property had been over-grazed resulting in a degradation of the town's water source. After purchasing the land, the people of Huntsville gave this property to the forest service, thinking that the US Government would protect the land from future development and insure that their investment would be maintained forever.

They were wrong. In the 1990's the federal government, influenced by Utah's Congressional Delegation, decided to give that land to a developer instead, and it is now owned by Snow Basin.[1]

This is why Park City decided to use third party conservation easements on the lands that it truly wants to protect. But without stewardship funding today, a future government could cripple the Summit Land Conservancy's ability to protect the land and honor the investment made by Park City citizens.

Thank you for all that you do to keep Park City green and open.

CAFox

Cheryl Fox
Executive Director
Summit Land Conservancy

[1] See Stephen Trimble's *Bargaining For Eden*, University of California Press, 2008

City Council
Staff Report

Subject: **Master Festival and Special Event Permits**
- Code Changes
- City Owned Venue Use Guidelines
Authors: **Tommy Youngblood**
Department: **Sustainability**
Date: **March 29, 2012**
Type of Item: **Informational**

Summary Recommendations:
Staff recommends City Council provide direction to return for approval of the recommended additions and deletions to Title 4 of the Park City Municipal Code. No action is requested at this time.

Topic:
Informational update on codes related to events; associated fee resolution amendments are in a separate report.

Background:

On March 24, 2011, Staff reported to City Council on the overall administrative, operational, and economic impacts surrounding special events in Park City. At that time, staff received Council feedback on the general policies and procedures the Special Event Team were developing to manage resources, maximize the development of the event calendar and provide maximum process efficiencies and economic benefit balanced with maintaining our unique community values. Specifically, Council gave the following feedback:

There is a Special Event Fee Resolution scheduled as a separate agenda item.

1. Council had mixed dialogue about prioritizing or choosing one event over another when competing for the same time on the event calendar. They considered balancing and prioritizing:
    a. Resident access;
    b. Local host;
    c. First in time applicants;
    d. Recurring event;
    e. Best event (process & criteria to judge);
    f. Existing use policies of particular facilities and venues;
    g. Compatibility with the neighborhood and Council annual goals for the City generally;
2. Supported general use guidelines for use of City-owned venues, as opposed to firm criteria;
3. Voiced no consensus on establishing quotas for event venues;
4. Wanted to see updates to Municipal Code that could:
    a. More specifically define “event”;
    b. Create criteria to provide more objective basis by which to deny events.
5. Maintain flexibility and balance on an event by event basis.

Analysis

Council directed Staff to review the current Municipal Code for Master Festival and Special Events and to recommend changes that would better reflect Council goals (Exhibit A). The substantive provisions of the proposed code changes include:

1. Clarification of the definition of Master Festival

Staff finds that the current definition of Master Festival needed clarity. For example, the current criteria 4-1-1.26 (A) requires a Master Festival License (MFL) for 'the attraction of larger crowds'. Staff finds it would benefit the City and event organizers to give specific requirements on actual size of crowd that would trigger an MFL. These changes would also align better with Summit County regulations for large scale events. In vein of introducing specific clarity, Staff recommends deleting Section 4-1-1.26 in its entirety and replacing it with the following, no substantive items have be changed (the entire current and newly proposed code is included as **Exhibit A**):

4 -1-1.26 MASTER FESTIVAL DEFINITION
A Master Festival is defined as any event held on public or private property in which the general public is invited with or without charge and not associated with an approved use and which creates significant public impacts through any of the following:

1. *The attraction of crowds of over 500 participants and spectators, not associated with an existing occupancy limit of a building, structure or use;*
2. *Requires partial or full Street Closure or use of Public Right of Way;*
3. *Use of Public Facilities, including parks, trails, buildings, or other public property; or*
4. *Use of Outdoor Amplified Music or sound, not associated with an pre- approved use*
5. *Any activity which involves the use of any city services that would not be necessary in the absence of such an event.*

2. Adoption and clarification of the definition of Special Event

Staff finds that the current definition of Special Events (Section 4-1-1.45), broad and could be misused and misinterpreted.

The current definition:

4-1-1.45 ***SPECIAL EVENT****. Any event, public or private, with either public or private venues, requiring City licensing beyond the scope of normal business and/or liquor regulations, as defined by this Code; or creates public impacts through any of the following:*

(A) The 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 duration of less than one (1) day shall be considered a Special Event.

Although all these elements may be present at special events, Staff finds they themselves do not constitute an Event as Staff believes it is intended to be defined. At times these provisions, in particular those related to *events…requiring licensing beyond the scope of normal business…* have been used by applicants as a loophole or exception to allow uses that staff believes are more strictly commercial in nature and should be regulated by the Land Management Code. For example retail sales in parking lots and non-convention related trade shows

Similarly, outdoor sales of merchandise (including in parking lots) are limited under current zoning codes and ordinances. Staff finds that these practices inconsistent with the General Plan and economic strategies of the City as well as detrimental to the community aesthetics and character goals – and therefore should not be facilitated or expanded through a special event process, except when directly necessary for an Event/MFL.

These types of activities can be considered through other provisions in the Land Management Code. For example Section 15-4-16 of the LMC Tents & Temporary Structures allows for both:

a) an administrative process that allows for placement of tents and temporary structures 5 times a year
b) a formal Planning Commission process that allows for unlimited number of installation dates

Each of these LMC processes are intended to facilitate flexibility for hotel, convention and meeting spaces while continuing to address and mitigate for impacts stemming from the Use, such as noise and parking. The reason there is pressure to do some of these as Events is because there are exceptions to noticing/deadlines that can be granted through the event process that aren't available through the Planning/CUP process.

The proposed changes would not affect the current Municipal Code provisions for sidewalk sales or outdoor sales such as Christmas tree lots.

Staff recommends deleting Section 4 -1-1.45 of the Municipal Code in its entirety and replacing it with the following definition for Special Event (the entire current and newly proposed code is included as **Exhibit A**):

SPECIAL EVENTS DEFINITION
Shall be defined as a temporary activity or series of activities, specific to an time and place held on public or private property, designed to attract the general public with total attendee and participant numbers less than 500 persons per event day and not related to an approved use under current municipal codes and any activity that substantially increases or disrupts the normal flow of traffic or routine on any street, trail, highway or affected neighborhood and may be comprised of the following elements:

1. *Food and Beverage sales*
2. *Temporary Beer or Liquor licensing*
3. *Merchandise Sales- however subletting private parking or other outdoor areas for retail sales shall not be permitted*
4. *Outdoor Entertainment or temporary Noise Ordinance waiver*

3. Creation of a new event category: Small Scale Community Event.

There are a few instances where activities such as fundraisers or other community based events would benefit from added coordination of staging or parking, additional on-site signs, or minor use of city rights- of-way. Including a new sub-category under Events will provide small community events the benefit of safe planning and coordinating guidance with minimum restrictions.

Separating this type of event from other larger events will facilitate our sense of community and help keep Park City's quality of character through an efficient and nimble regulatory process. Therefore, Staff recommends creation of the following definition

> *SMALL SCALE COMMUNITY EVENT.*
> *Shall be defined as recreational, fundraising or non-commercial events for non-profit religious, educational, community service or neighborhood support organizations held on private property owned, leased, rented or utilized by the sponsoring organization with total attendee and participant numbers less than 300 persons per event day, and does not exceed 10 hours in duration and requires nominal (typically less than a half day) Staff time for pre-event preparation and/or post event clean-up.*

4. Add clarification of administrative denial appeal procedure

There has been much discussion of the enforcement of the application deadlines. Staff finds that approximately 60 % of applicants submit completed applications within the proper 60 and 90 day time frame; 30 % submit the application paperwork without the additional information required for staff to do a complete review; 10% submit their application with little or no information other than the event date and location. Typically the latter groups are comprised of applicants unfamiliar with Park City and our event process as well as local organizations and citizens that have become accustomed to Staff working through timing issues to resolve their lack of overall event management and incomplete operational planning.

Staff understands that circumstances sometimes arise where complete applications cannot meet the timeline. On occasion these are events where Council would, based on previous discussions, traditionally support Staff in being flexible with timelines but firm enough to obtain the information required to do a complete review and report to Council for their approval or denial.

To this end, Staff recommends adding the following language to section 4-8-4 (A) Application Submittal to further clarify stating that applications will only be accepted within the 90 day deadline if there is an additional finding of adequate time:

> (A) **APPLICATION SUBMITTAL**. Complete Applications for ~~Special Events~~ Master Festival, Special Event or Small Scale Community Event Licenses ~~Master Festival~~ shall be made in writing to the ~~Special Events~~ Economic Development Manager. Application materials are available at City Special Events Department and the Chamber Bureau offices, and must be completed and submitted to the Special Event Manager not less than ninety (90) days prior to the scheduled opening of any Master Festival, and not less than sixty (60) days prior to the scheduled opening of any Special Event or Small Scale Community Event, unless otherwise approved by the City Council, or by the ~~Special Events~~ Economic Development Manager or his/her designee for Special Events, based upon ~~a showing~~ findings of good cause by the Applicant and a finding that due to a lack of substantial planning issues there remains sufficient time to adequately conduct a review the Application.

Historically this is one of the reasons the code allows Staff to make findings if the timeframe is adequate to do proper planning for the event or Master Festival Licenses presented to Council. Master Festival level events can range from the complex operational challenges of a Sundance Film Festival or Arts Festival to a simple trail race involving 100 people in Round Valley.

5. Additional criteria for the Standards of License Approval.

Currently our Code bases priority calendar placement on the grounds of improper health, safety, or general welfare concerns in addition to various basic scheduling, liability, compliance with underlining municipal codes and past performance issues, if applicable. Council requested Staff create a mechanism by which economic impacts and community compatibility of current and proposed events can be factored into this decision.

The PCMC Special Event Staff & Special Event Joint Venture conducts two meetings per month with local and regional governmental and non-governmental groups involved in the operation, production and management of special events. In addition to operational issues these groups consist of a wide range of participants with local commercial and residential concerns. These parties also receive copies of all events applied for within the Park City limits for review and comments.

Staff recommends adding the following to Section 4-8-1(e) 'Definitions' and Section 4-8-5 'Standards of License Approval' in order to accommodate Councils direction(the entire current and newly proposed code is included as **Exhibit A**):
:

Section 4-8-1(e) - Definitions

Event Ranking Criteria –

Each event can receive a maximum score of 100 points, and each event will be scored annually as part of the Event Debrief (excluding first time events):

1. *Economic Impact: Lodging, Restaurant Sales, Retail Sales (40 possible points)*
2. *Community Impact: Enhancement to Local quality of Life, Enhancement to Visitor Experience, Consistency with Park City brand (i.e., high altitude training; outdoor recreation; art /culture (30 possible points)*
3. *Mitigation of Negative Impacts on PCMC Resources and PC Community: limited use of PCMC resources; meets existing policies regarding local stakeholder use vs. destination visitor use of venues; neighborhood impacts; limited traffic, etc. (30 possible points)*

And: Section 4-8-5 Standards for License approval (addition to current criteria)

All applications will be evaluated with a graded ranking system comprised of the following areas; Economic Impact, Community Impact, and Mitigation of negative Impacts on Park City Municipal Corporation Resources. Events that score highest may be given priority for placement on the event calendar.

The forms **(Exhibit C)** are completed by Staff and the Joint Venture based on representative feedback, applicant submitted information and past performance, if applicable. The Special Event Staff and Joint Venture between PCMC and the Park City Chamber/Bureau finds that a more formal process is unnecessary at this time.

Staff has graded all current events based on these criteria and is applying the same to new applications. Where some events would score high in positive local economic impact such as Sundance, Art Festival, or soccer tournaments and lower on negative impacts to resources or community impacts, in one sense, while others such as Miner's Day or a small scale trail event would bring minimal direct economic impact but provide high sense of community and varying use of city resources. As these cannot, and should not, be measured on the same scale, subsets of similar activities can be compared against each other. Meaning applying objective criteria subjectively can be difficult.

6. General Use Guidelines

Council requested staff review event use of all city facilities and develop use guidelines. These guidelines are intended to give the current and historical use of each venue as well as infrastructure information. Council also requested that these guidelines be flexible enough to allow organizers and Staff latitude in event designing without compromising current zoning rules, facility quality, neighborhood or other community character expectations.

Staff requests input on the attached **Exhibit B** of Venue Use Guidelines. These guidelines would be included in the Event Planning Guide for public information and considered in the staff review process.

7. Joint Venture Role

The Destination Tourism and Community Events Partnership (Joint Venture) is a public-private partnership between Park City Municipal Corporation and the Park City Chamber Bureau approved by council in 2005. It was created with the purpose of attracting and facilitating new events that provide positive economic impact to the community. As envisioned the Joint Venture, when necessary, provides limited "seed money" to events.

The Special Event Joint Venture (JV) continues to recruit new events for the Park City calendar of events and works closely with PCMC Events Staff to determine the proper level of PCMC support to provide to event organizers. The JV has an annual budget of $65,000 to this end and we will continue to use it in the role of supporting, facilitating and recruiting events.

Currently this partnership is actively working with the Tour of Utah for their 2012 Park City stage.

PCMC Special Event Staff will serve in a support role (when necessary) for facilitating certain special events that are recruited to Park City with possible financial assistance from the Joint Venture Funding. However, once an application is pending, staff will revert to a traditional regulatory function.

Issues for Discussion
Council should provide specific input on the following:

1. Redefining Event definitions of event process to preclude use:
    a. Expansion of hotel, convention and meeting space flexibility beyond individual event needs (amend the code to further restrict use of tents and event permits to augment daily use of existing, internal meeting space)?
    b. Allow outdoor sales of merchandise unrelated to a broader special event?
    (Understanding other processes currently exist under the LMC and Municipal Code regulate these activities)
2. Should Council seek further background and discussion on current allowances and efficiencies for temporary structures, staff can return at a later date.
3. Facilitating small, community based events by creating an event sub-category definition for Small Scale Community Event?
4. Keeping the 60 & 90 day deadlines for event applications which can be waived through findings of good cause and sufficient time to review the application.
5. Does the administrative ranking system staff is using properly reflect the Council's prioritization and Visioning levers?
6. Do the event use guidelines for City facilities reflect the flexibility desired by Council?

Schedule of Action:

Event Overhaul including:

- Change of definitions of events
- Adopt use guidelines
- Add clarification of administrative denial and appeal
- Add criteria for the Standards of approval

Sundance Study Session: includes the discussion of policy including but not limited to gifting, temporary licensing, and temporary alcohol permitting

Item	Date of action
Adopt Fee Schedule Update	March 29, 2012
Adopt changes in Municipal Code	April 19, 2012
Sundance Study Session Report	May 17, 2012
Potential adoption of code related changes	May 31 & June 17, 2012

Department Review:
The Special Event Team has collaborated with the Planning, Building, Business License, Public Works, Police and Parks departments; their comments have been incorporated into the report.

Alternatives:

A. Approve:

Review code changes, definitions and Venue use guidelines as presented and direct staff to return with an Ordinance for action.

B. Deny:
Direct staff not to move forward with code changes, definitions and Venue use guidelines as presented.

C. Modify:
Direct Staff to make changes to items as presented and return at a later date for approval request

.

D. Continue:
Continue item for further discussion.

Significant Impacts:
A small number of activities would either not be able to take place as they have in the past under these provisions , and /or would be permitted under Business or Convention Sales license provisions.

Consequences of not taking the recommended action:
Special events would be processed as they are currently

Recommendations:
Staff recommends City Council provide direction to return for approval of the recommended additions and deletions to Title 4 of the Park City Municipal Code.

<u>Attachments</u>
Exhibit A – Park City Municipal Code: Chapter 1 - Definitions and Chapter 8 - Master Festival License
Exhibit B – Public Space Venue Guidelines.
Exhibit C – Grading Criteria Debrief and Event Economic Debrief

~~4-1-1.26 **MASTER FESTIVAL**. Any event held on public or private property in which the general public is invited with or without charge and which creates significant public impacts through any of the following:~~

~~(A) the attraction of large crowds,~~

~~(B) necessity for street closures on Main Street or any arterial street necessary for the safe and efficient flow of traffic in Park City,~~

~~(C) use of public property,~~

~~(D) use of City transportation services,~~

~~(E) use of off-site parking facility, or~~

~~(F) use of amplified music in or adjacent to a residential neighborhood.~~

4 -1-1.26 MASTER FESTIVAL DEFINITION
A Master Festival is defined as any event held on public or private property in which the general public is invited with or without charge and not associated with an approved use and which creates significant public impacts through any of the following:

1. The attraction of crowds of over 500 participants and spectators, not associated with an existing occupancy limit of a building, structure or use;
2. Requires partial or full Street Closure or use of Public Right of Way;
3. Use of Public Facilities, including parks, trails, buildings, or other public property; or
4. Use of Outdoor Amplified Music or sound, not associated with an pre- approved use
5. Any activity which involves the use of any city services that would not be necessary in the absence of such an event.

4 -?-?.?? **PUBLIC FACILITIES.** Any real property, buildings, open space, trails, Rights-of- ways, owned or controlled directly by Park City Municipal Corporation or controlled in conjunction with other governmental or private entities.

4-1-1. -- **SMALL SCALE COMMUNITY EVENT.**
Shall be defined as recreational, fundraising or non-commercial events for non-profit religious, educational, community service or neighborhood support organizations held on public or private property owned, leased, rented or utilized by the sponsoring organization with total attendee and participant numbers less than 300 persons per event day, and does not exceed 8 hours in duration and requires less than 3 hours of total Staff time for pre-event preparation and/or post event rehabilitation as judged by the Special Events Team. Where such use cannot be approved under an existing municipal code.

~~4-1-1.45 **SPECIAL EVENT**. Any event, public or private, with either public or private venues, requiring City licensing beyond the scope of normal business and/or liquor regulations, as defined by this Code; or creates public impacts through any of the following:~~

~~(A) The 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 duration of less than one (1) day shall be considered a Special Event.~~

4-1-1.45 SPECIAL EVENTS DEFINITION
Shall be defined as an activity or series of activities, specific to and identifiable time and place held on private property, designed to attract the general public with total attendee and participant numbers less than 500 persons per event day and not related to an approved use, and any activity that substantially increases or disrupts the normal flow of traffic or routine on any street, trail, highway or affected neighborhood and comprising the following elements:

1. Food and Beverage sales
2. Merchandise Sales
3. Entertainment, throughout event

CHAPTER 8 - MASTER FESTIVAL LICENSE

4- 8- 1. DEFINITIONS

For the purpose of this Chapter the following terms shall have the meanings herein prescribed.

(A) **APPLICANT**. The person, or group of people, who is or are the organizer(s) and with whom the responsibility for conduct of the event lies. The Applicant signs the festival license application and all other documents relevant to the event. The Applicant must be a natural person or persons, and not a corporation, corporate sponsor, or business, or any other entity, which is not a natural person. See sponsor.

(B) **CONCESSION**. A privilege to sell food, beverages, souvenirs, or copyrighted or logoed event memorabilia at a licensed event.

(C) **FEES**. Charges assessed by Park City for licensing, staffing, equipment use/rental, property use/rental, clean up, inspections, public employees, or public equipment assessed to an event or festival and established within the festival licensing process.

(D) **LICENSEE**. The Applicant, as defined above, becomes the "licensee" when the Master Festival, Special Event or Small Scale Community Event ~~Master Festival or Special Event~~ License is signed by the ~~Special Events~~ Economic Development Manager and/or upon approval by Park City Council, upon meeting all the criteria in this Chapter. As the license holder, the licensee becomes the sole proprietor of the event and inherits the responsibilities connected with all licenses, fee assessments, copyrights, and insurance liabilities connected with the licensed event.

(Amended by Ord. No. 01-31)

(D) **COMPLETE APPLICATION – is defined as the posted application paperwork completely filled out with all relevant questions answered as well the submittal of all plans necessary for proper staff review which could include but is not limited to the following:**

a. Map of entire venue, including any street closures with accurate sizes and distances
b. Operational Plan
c. Traffic Control Plan if needed
d. Structures (bleachers, fences, displays, booths, stages, rides, etc.)
e. Restrooms locations
f. Location of parking for attendees
g. Start/End points for parades and races
h. All Entrances & Exits
i. Accurate placement of equipment and furniture
j. Accurate locations of vendors, stages, booths and all activity
k. Seating plan
l. Fire Lanes & barricades
m. Location of crowd control barriers
n. Location of road closures barriers
o. First Aid Locations
p. Other information may be required depending upon event

(E) **Event Ranking Criteria –**

Each event can receive a maximum score of 100 points, and each event will be scored annually as part of the Event Debrief (excluding first time events):

1. Economic Impact: Lodging, Restaurant Sales, Retail Sales (40 possible points)
2. Community Impact: Enhancement to Local quality of Life, Enhancement to Visitor Experience, Consistency with Park City brand (i.e., high altitude training; outdoor recreation; art /culture (30 possible points)
3. Mitigation of Negative Impacts on PCMC Resources and PC Community: limited use of PCMC resources; meets existing policies regarding local stakeholder use vs. destination visitor use of venues; limited traffic, etc. (30 possible points)

4- 8- 2. UNLAWFUL TO OPERATE WITHOUT A LICENSE.

It is unlawful for any person to conduct a Master Festival, Special Event or Small Scale Community Event ~~Special Event or Master Festival~~ with or without charge for admission, on public or private property, without first applying for and being granted a ~~Master Festival License or special event~~ license for the specific event and its venue(s). All licenses issued pursuant to this Title are non-transferrable and expire at the completion of the given event, or upon revocation, whichever is earlier.

(Amended by Ord. No. 01-31)

4- 8- 3. RENEWAL OF LICENSES.

Licensees under the provisions of this Chapter who successfully operate a master festival or special event under the provisions of this Chapter and who wish to have the event on an annual or periodic basis must renew each Master Festival, Special Event or Small Scale Community Event ~~Master Festival or Special Event License~~ as provided in Section 4-8-4 herein. Events, which occur in series such as concerts, falling under the criteria established in this Chapter, must have a Master Festival, Special Event or Small Scale Community Event ~~Master Festival or Special Event~~ License, which specifically authorizes each concert in the series, even if the same performer is ~~performing~~ on separate occasions.

(Amended by Ord. No. 01-31)

4- 8- 4. MASTER FESTIVAL, SPECIAL EVENT AND SMALL SCALE COMMUNITY EVENT LICENSE APPLICATION PROCEDURE.

(A) **APPLICATION SUBMITTAL**. Complete Applications for ~~Special Events~~ Master Festival, Special Event or Small Scale Community Event Licenses ~~Master Festival~~ shall be made in writing to the ~~Special Events~~ Economic Development Manager. Application materials are available at City Special Events Department and the Chamber Bureau offices, and must be completed and submitted to the Special Event Manager not less than ninety (90) days prior to the scheduled opening of any Master Festival, and not less than sixty (60) days prior to the scheduled opening of any Special Event or Small Scale Community Event, unless otherwise approved by the City Council, or by the ~~Special Events~~ Economic Development Manager or his/her designee for Special Events, based upon ~~a showing~~ findings of good cause by the Applicant and a finding that due to a lack of substantial planning issues there remains sufficient time to adequately conduct a review the Application.

(B) **CITY COUNCIL REVIEW**. The City Council of Park City shall review and either approve, approve with conditions, or deny the following applications:

(1) Applications for new master festivals;

(2) Applications for master festival license renewals where material elements of the event have substantially changed from the previous application; and

(3) Appeals of administrative decisions made pursuant to Subsection (C) Administrative Review, herein.

(4) As used herein, a 'new Master Festival' shall mean any master festival being proposed for the first time, or a prior master festival which was not renewed for a period exceeding one (1) year. The City Council shall review applications for compliance with the standards for license approval described at Section 4-8-5 herein as follows:

(a) **Staff Review and Recommendation**. Upon receipt of a complete Master Festival License application and accompanying fee, City staff shall review the application for compliance with Section 4-8-5 herein. Staff shall subsequently return a copy of the application to the Applicant with comments and a recommendation, i.e., approve as is, approve with changes and/or conditions, or cause for denial. Incomplete applications will be returned to the Applicant and noted accordingly. Following review of the Master Festival License application and notice to the Applicant, the Special Events Manager shall schedule the application for a public hearing before the City Council. Staff shall forward all positive recommendations to city council for hearing. If staff recommends denial of application, the applicant whose application has been administratively denied may appeal the decision to the City Council by filing a written request to the Special

Events Manager within ten (10) days of the date of decision. A review of the denial will be scheduled for Council within 45 days of receipt of appeal.

(b) **City Council Hearing**. Master festival applications requiring City Council review and appeals of administrative Master Festival, ~~or~~ Special Event or Small Scale Community Event decisions shall be heard at a duly noticed public hearing of the City Council. The City Council shall review the application for compliance the standards set forth at Section 4-8-5 herein, and shall record its decision with written findings of fact, conclusions of law, and condition of approval, if applicable. Written notice of the City Council's decision shall be delivered to the Applicant within ten (10) days of the date of decision.

(C) **ADMINISTRATIVE REVIEW**. The Special Events Manager shall review and shall have the authority to administratively approve, approve with conditions, or deny the following applications:

(1) Special Event and Small Scale Community Event applications;

(2) Applications for Master Festival License renewals where material elements of the event have not substantially changed from the previous ~~application~~ approval. Upon receipt of a complete Master Festival License application and accompanying fee, the Special Events Manager shall review the application for compliance with Section 4-8-5 herein.

Following review of the application, the Special Events Manager shall record his/her decision with written findings of fact, conclusions of law, and conditions of approval, if applicable, and deliver written notice of such decision to the Applicant. Any Applicant whose application has been administratively denied may appeal the decision to the City Council by filing a written request to the Special Events Manager within ten (10) days of the date of decision. The City Council shall hear the matter de novo and with public hearing.

Upon receipt of a complete master festival license application and accompanying fee, the Special Events Manager shall review the application for compliance with Section 4-8-5 herein. Following review of the application, the Special Events Manager shall record his/her decision with written findings of fact, conclusions of law, and conditions of approval, if applicable, and deliver written notice of such decision to the Applicant.

(Amended by Ord. 01-31)

4- 8- 5. STANDARDS FOR LICENSE APPROVAL.

Applications for Master Festival, Special Event or Small Scale Community Event ~~Master Festival and Special Events~~ shall be reviewed for compliance with the standards provided herein.

The Special Events Manager or City Council may prohibit or restrict Master Festival, Special Event or Small Scale Community Event ~~Master Festival and Special Events~~ whenever any of the conditions enumerated in this Section is found likely to occur, unless the event is modified to eliminate said conditions.

(A) The conduct of the event will substantially interrupt or prevent the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area of its venue.

(B) The conduct of the event will require the diversion of so great a number of police, fire, or other essential public employees from their normal duties as to prevent reasonable police, fire, or other public services protection to the remainder of the City.

(C) The concentration of persons, vehicles, or animals will unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets or with the provision of other public health and safety services.

(D) The event will substantially interfere with any other Special Event or Master Festival for which a license has already been granted or with the provision of City services in support of other such events or governmental functions.

(?) All applications will be evaluated with a graded ranking comprised of the following areas; Economic Impact, Community Impact, and Mitigation of negative Impacts on Park City Municipal Corporation Resources. Events that score highest may be given priority.

(E) Where applicable, the Applicant fails to provide the following:

(1) The services of a sufficient number of traffic controllers, signs or other City required barriers or traffic devices consistent with Manual on Uniform Traffic Control Devices (MUTCD).~~;~~

(2) Monitors for pedestrian and crowd control safety;

(3) Safety, health, or sanitation equipment, and services or facilities reasonably necessary to ensure that the event will be conducted without creating unreasonable negative impacts to the area and with due regard for safety and the environment;

(4) Adequate off-site and/or onsite parking, event transportation and traffic circulation in the vicinity of the event;

(5) Required insurance, cash deposit, or other security; or

(6) Any other services or facilities necessary to ensure compliance with City noise, sign, or other applicable ordinance(s).

(F) The event created the imminent possibility of violent disorderly conduct likely to endanger public safety or cause significant property damage.

(G) The Applicant demonstrates inability or unwillingness to conduct the event pursuant to the terms and conditions of this Chapter or has failed to conduct a previously authorized event in accordance with the law or the terms of a license, or both.

(H) The Applicant has not obtained the required approval of any other public, state or local agencies, including the Park City Fire District, within whose jurisdiction the event or a portion thereof will occur.

(Amended by Ord. No. 01-31)

4- 8- 6. CONFLICTING LICENSE APPLICATIONS.

(A) No more than one (1) Master Festival~~, or~~ Special Event or Small Scale Community Event shall be approved for the same date(s) unless the Special Events Manager or City Council finds that the events will not adversely impact one another and that concurrent scheduling of the events will not adversely impact the public health, safety, and welfare. In making this determination, the Special Events Manager or City Council will apply the following criteria:

(1) Geographic separation of the events;

(2) Proposed time and duration of the events;

(3) Anticipated attendance volumes;

(4) Necessity for public personnel, equipment, and/or transportation services at the events; and

(5) Anticipated traffic and parking impacts.

(6) Special Event Grading Criteria Ranking

(B) When more than one (1) Special Event or Master Festival application is received for the same date(s), the Special Events Manager finds that:

(1) the events will adversely impact one another; or

(2) concurrent scheduling of the events will adversely impact the public health, safety, and welfare, the Special Events Manager shall resolve the conflict as provided herein.

(C) The Special Events Manager shall first attempt to reach an agreement among the conflicting Applicants to modify the applications in order to resolve the conflicts and accommodate the public interest. If no voluntary agreement is reached, then the Special Events Manager shall resolve the issue based on the following order or priorities:

(1) Historic usage special events or master festivals where the same Applicant has been granted a license under this Chapter for use of a particular forum at a particular date, time, and place for more than three (3) consecutive years;

(2) Events planned, organized, or presented by state, federal, or City governmental entities or their agents shall have priority over conflicting applications if:

(a) the application is timely filed and processed by the City;

(b) said governmental application is made in good faith and not with the effect or purpose of improperly chilling constitutional rights of conflicting Applicants; and

(3) Priority may be given to those events that score highest in the Event Rating Criteria;

~~(3) If neither subsection (1) or (2) do not resolve the conflict, then the first-in-time application shall be given priority. The conflicting Applicant shall be advised of other open dates on the City's events calendar.~~

(Amended by Ord. No. 01-31)

4- 8- 7. LICENSES NECESSARY FOR A SMALL SCALE COMMUNITY EVENT, **SPECIAL EVENT ~~LICENSE~~ AND MASTER FESTIVAL LICENSE**.

The Applicant/licensee shall provide to the Special Events Manager proof of valid Special Event temporary liquor or beer license, fireworks license, and building permit, as applicable, as well as a receipt acknowledging that all application fees have been paid. The licensee must obtain all permits for any temporary structure constructed under the provisions of a Master Festival License or Special Event and must pass all inspections as a condition precedent to a valid Special Event License. Temporary concessions on public or private property may be approved in conjunction with a Master Festival or Special Event in the sole discretion of the City. Such concessions must be directly related to the event and meet a demonstrated need of participants. All approved applicants must submit a complete list of all vendors and concessionaires who offer for sale any products or services 10 days prior to the event which includes the following:

1. Name of vendor
2. Contact phone number of vendor
3. Business address of vendor
4. Mailing address of vendor
5. Type of product offered for sale
6. Utah State Sales Tax identification number of vendor and Federal Identification Number

Amended vendor lists can be submitted within 7 days after the event in case of vendor submissions or changes.

(Amended by Ord. No. 01-31)

4- 8- 8. FEES TO BE ASSESSED.

(A) **APPLICATION FEE**. First-time Master Festival, ~~applications shall be assessed a fee of one hundred dollars ($100)~~ Special Event, and Small Scale Community and renewals of such licenses shall be assessed in accordance with the Park City Fee Schedule. Events and renewals of such licenses shall be assessed in accordance with the Park City Fee Schedule ~~and renewal Master Festival applications shall be assessed a fee of fifty dollars ($50)~~. All application fees are due and payable upon submission of a completed application. Applications shall be considered incomplete unless and until the application fee is paid in full. Application fees are non-refundable.

(B) **CITY SERVICE FEES**. Upon receipt of a completed Master Festival, Special Event or Small Scale Community Event ~~Master Festival or Special Event~~ application, the Special Events Manager will provide the Applicant with an estimate of fees based on estimated costs for City services arising from the event, including but not limited to the use of City personnel and/or equipment, City transportation services, inspections, and user fees. A final assessment of City costs will occur upon completion of the special event. All City service fees will be adjudged to reflect actual cost. Unless waived pursuant to Section 4-8-9, all City service fees must be paid in full within thirty (30) days of the final assessment of City costs for the master festival or special event.

(C) **FINANCIAL SECURITY**. The Special Events Manager is authorized to require an Applicant to post a cash deposit or other security accepted by the Legal Department for all estimated contingent costs prior to the issuance of a master festival license, as a guarantee against fees, damages, clean up, or loss of public property.

(Amended by Ord. No. 01-31)

4- 8- 9. FEE WAIVERS.

(A) The City Manager may waive the following Master Festival, Special Event or Small Scale Community Event ~~Master Festival or Special Event~~ licensing and associated fees upon a finding of eligibility pursuant to the criteria provided herein:

(1) Application fee;

(2) Facility rentals;

(3) Field rentals; and
(4) Use of public parking spaces and bleachers.

(B) All fee waiver requests should be submitted to the Special Events Manager ~~at time of application, but in no case no later than the first day of the proposed event~~ within 30 days of the receiving the final municipal invoice. Fee waiver determinations made by the City Manager may be appealed to the City Council. Eligibility for a full or partial fee waiver shall be determined by the City Manager pursuant to the following criteria, none of which shall be individually controlling:

(1) For-profit or non-profit status of the Applicant;

(2) Whether the event will charge admission fees;

(3) Whether the event is youth-oriented;

(4) The duration of the event;

(5) Whether and to what extent the City is likely to receive positive tax benefits by virtue of the event;

(6) The degree of City services involved and whether City costs are likely to be recovered by other revenue opportunities arising from the event;

(7) The season of occurrence; and

(8) Demonstration of hardship by the Applicant.

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

(Amended by Ord. Nos. 01-31; 06-57)

4- 8-10. INSURANCE REQUIREMENTS.

Approved applicants shall provide ~~upon application~~ for a Master Festival, Special Event or Small Scale Community Event ~~Master Festival License~~ proof of liability insurance in the amount of four ~~two~~ million dollars ($4,000,000) ~~($2,000,000)~~ 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 no later that 10 days prior to the first approved day of event. Failure to provide required insurance will result in denial of event approval. All Applicants shall further indemnify the City from liability occurring at the event, or from event related activities, except for any claim arising out of the sole negligence or intentional torts of the City or its employees.

(Amended by Ord. No. 01-31)

4- 8-11. RUNS, WALKS, FILM-MAKING, AND PROMOTIONS.

Runs, walks, ~~film-making~~, and parades, ~~public demonstrations, and promotions~~ shall be considered Special Events unless such event does not create substantial public impact or requires substantial City service. Any run, walk, or film, ~~or promotion~~ undertaken by any for-profit business or corporation, must first be licensed as a business under Chapter 2, Business Licenses. For-profit corporations falling under the provisions of this Chapter or who are specifically in or film-making ~~or promotions~~ on public or private property must, as a provision of their license, provide proof of insurance, shooting schedule or schedule of events, produce written permission of property owners, and provide access to any set or site for purposes of code enforcement. Promotional activity is considered 'Engaging in Business' as defined and requires either a business license under Chapter 2 of the Park City Municipal Code or a Convention Sales License, under Chapter 4-3-9 of the Park City Municipal Code

(Amended by Ord. No. 01-31)

4- 8-12. CRIMINAL PENALTY.

Any person who willfully violates any provision of this Chapter shall be guilty of a Class B misdemeanor. Persons conducting Special Events or Master Festivals without having first obtained a Master Festival License are subject to arrest and the event is subject to closure.

(Amended by Ord. No. 01-31)

4- 8-13. REVOCATION FOR CAUSE; NOTICE TO CURE.

(A) **NOTICE TO CURE**. If the Special Events Manager or any sworn law enforcement officer determines that the conditions of any license issued pursuant to this Chapter have been or are being violated, then notice shall be given to the licensee, sponsor, or designated organizer's representative of the Special Event or Master Festival to cure the violation.

(B) **FAILURE TO CURE**. It is unlawful for the licensee, sponsor, or on-site organizer's representative of an authorized Special Event or Master Festival to fail to take reasonable steps to promptly cure any notice of violation of this Chapter. It is also unlawful for any participant or spectator to fail to comply with lawful directions issued by any sworn law enforcement officer or by the licensee, sponsor, or on-site organizer's representative to cure their violation of this Chapter.

(C) **CLEAR AND PRESENT DANGER**. If a sworn law enforcement officer determines, after consultation with the Chief of Police or the Chief of Police's designee, that any failure to cure a violation of this Chapter creates a clear and present danger of immediate significant harm to life, public safety, or property which cannot be reasonably mitigated by increased public safety enforcement and which, on balance, outweighs the constitutionally protected rights of the organizers or participants in the Special Event or Master Festival, the licensee, sponsor, or on-site organizer's representative of the Special Event or Master Festival shall be promptly notified that the license is revoked and that the Special Event or Master Festival must immediately cease and desist.

(D) **VIOLATION OF CEASE AND DESIST ORDER**. If a license is revoked as specified in Subsection (C) above, then it shall be unlawful for any person to fail to obey the order to cease and desist from illegal activities.

4- 8-13 – EXEMPTIONS. Any event that takes place on private property specifically zoned for such activity with current parking inventory and infrastructure which does not increase or disrupt the normal flow of pedestrian or vehicular traffic, routine transit service, or emergency access is exempt from this provision. However such activities may require additional municipal, county or state licenses and/or permits.
Non-commercial public demonstrations on that do not create substantial public impact or require substantial City service.

North City Park – North Sullivan Road

Master Festival Use Guidelines:
Suitable uses:

- Field games i.e. rugby, football, baseball, softball, soccer, volleyball, lacrosse or any similar traditional or non-traditional activity including support activity for such tournaments or events.
- Music performances and entertainment events (with approved parking and transportation plan for expected attendance of over 300)

These activities can be a standalone event or take place in conjunction with a larger Master Festival approved event.
All applications for Master Festival events with participation and/or attendance over 300 must submit an off-site parking and transportation plan for approval
All use of outside amplified music will be between 9am and 10pm in accordance with Park City Municipal Code
All use of park fields and public use spaces will be coordinated with the Recreation and Parks Department

Event Fees: All rental fees are set for in the Park City Fee Schedule
Hours of operation – 8am – 10pm 7 days a week

USE SPACES

1. Two (2) Sand Volleyball courts
2. Two (2) Tennis courts
3. One (1) Standard Pitch (cannot be used if # 4 is booked)
   a. Rugby
   b. Football
   c. Lacrosse
   d. Multiple Grass Volleyball courts
   e. Other similar uses
4. One (1) Softball field (cannot be used if # 3 is booked)
5. One (1) Full Basketball Court
6. Recreation Center and Bathrooms
7. Two (2) Sand Volleyball courts

AMENITIES

- 2 restrooms
- Portable restrooms required for Events w/ 500 + attendees

PARKING

- 130 Onsite public parking spaces
- Expected attendance of over 300 requires approved off-site parking and transportation plan

EVENT EXAMPLES

- Park City Rugby Tournament
- Component of 4th of July & Miners Day celebration
- Grass Volleyball Tournament
- Lacrosse Tournament
- Component of Larger Softball Tournament

Miner's Hospital –Gazebo – Picnic Area at City Park – Sullivan Road

Master Festival Use Guidelines:
Suitable uses:

- Music, theatre performances, entertainment events and movie screenings (with approved parking and transportation plan for expected attendance of over 300)
- Small scale event type activity, beverage and food service, children's activities, lawn games, etc.

These activities can be a standalone event or take place in conjunction with a larger Master Festival approved event.
All applications for Master Festival events with participation and/or attendance over 300 must submit an off-site parking and transportation plan for approval
All use of outside amplified music will be between 9am and 10pm in accordance with Park City Municipal Code
All use of park fields and public use spaces will be coordinated with the Recreation and Parks Department

Event Fees: All rental fees are set for in the Park City Fee Schedule
General Hours of operation – 8am – 10pm - 7 days a week

USE SPACES

1. Miner's Hospital – Three (3) rentable spaces (floors)
    a. 49 persons maximum occupancy per floor
    b. 150 persons maximum occupancy with entire building rental
    c. 3 restrooms (not open to the public)
2. Gazebo and grass area
3. Picnic and grass area
4. Restrooms

AMENITIES

- 2 restrooms
    - Portable restrooms required for Events w/ 500 + attendees

PARKING

- 130 On-site public parking spaces in park
- 57 adjacent to this area

EVENT EXAMPLES

- Park City Municipal Employee Party
- Children's Fair
- Component of 4th of July & Miners Day

Skateboard Park and Mawhinney Parking – South Sullivan Road

Master Festival Use Guidelines:
Suitable uses:

- Area 2 Skate Park related activity
- Area 3 Event parking and staging

These activities can be a standalone event or take place in conjunction with a larger Master Festival approved event. All applications for Master Festival events with participation and/or attendance over 300 must submit an off-site parking and transportation plan for approval.
All use of outside amplified music will be between 9am and 10pm in accordance with Park City Municipal Code

Event Fees: All space rentals fees, including parking space use fees apply and are set forth in the Park City Fee Schedule
General Hours of operation – 8am – Sundown - 7 days a week

USE SPACES

1. Restrooms
2. Skate Park
3. Mawhinney Parking Lot – 72 spaces

AMENITIES

- 2 restrooms
  - Portable restrooms required for Events w/ 500 + attendees

PARKING

- 130 On-site public parking spaces in park
- 15 adjacent to this area
- 72 spaces in Mawhinney Lot

EVENT EXAMPLES

- Skate Series
- Component of 4th of July & Miners Day
- Tour de Suds staging

North Main Street – Heber to 9th Street

The Historic Park City Association (HPCA) will give specific recommendations to Staff, based on merchant criteria on all event applications involving Main Street activity.

Master Festival Use Guidelines:
Suitable uses:

- Full or support activity to street festivals, concert performances, parades, auto and vehicle shows, bicycle, running, walking, dining events and community celebrations associated with an approved Master Festival.

These activities can be a standalone event or take place in conjunction with a larger Master Festival approved event.
All applications for Master Festival events with participation and/or attendance over 1000 must submit an off-site parking and transportation plan for approval
All use of outside amplified music will be between 9am and 10pm in accordance with Park City Municipal Code

Event Fees: All space rentals fees, including parking space use fees apply and are set forth in the Park City Fee Schedule
General Hours of operation – 8am – 10pm 7 days a week

USE SPACES

1. Main Street; Heber Ave to 7th
2. Main Street; Heber Ave to 9th
3. 7th Street
4. 9th Street

AMENITIES

- No public restrooms in vicinity
  - Portable restrooms required for all events

PARKING

- If this portion of Main Street is used for event all parking must be accommodated along upper Main Street, China Bridge Garage, Flagpole Lot and Swede Alley Surface Parking or off –site locations
- Main Street Parking on-street parking
  - Heber to 7th Street – 10 Spaces East Side
  - 7th – 9th Street – 21 spaces East Side / 15 West side / Total – 36

EVENT EXAMPLES

- Classic Sports Car Show – Main Street / 7th – 9th street
- Park Silly Sunday Market
- Portion of Halloween on Main Street
- Winter Street concerts
- Arts Festival

Central Main Street – Heber to 5th Street at Post Office

The Historic Park City Association (HPCA) will give specific recommendations to Staff, based on merchant criteria on all event applications involving Main Street activity.

Master Festival Use Guidelines:
Suitable uses:

- Full or support activity to street festivals, concert performances, parades, auto and vehicle shows, bicycle, running, walking, dining events and community celebrations associated with an approved Master Festival.
- Area 2,3,4 and 5 - Event parking and staging

These activities can be a standalone event or take place in conjunction with a larger Master Festival approved event. All applications for Master Festival events with participation and/or attendance over 1000 must submit an off-site parking and transportation plan for approval.
All use of outside amplified music will be between 9am and 10pm in accordance with Park City Municipal Code

Event Fees: All space rentals fees, including parking space use fees apply and are set forth in the Park City Fee Schedule
General Hours of operation – 8am – 10 pm - 7 days a week

USE SPACES
1. Main Street 5th Street to Heber Ave
2. Flagpole Parking Lot
3. Swede Alley Historic Wall Lot
4. Swede Alley surface parking
5. Galleria Lot
6. Swede Alley head-in parking

AMENITIES
- 2 restrooms at Park City Museum
  - Portable restrooms required for Events w/ 500 + attendees

PARKING
- Flag Pole Lot – 55 / 2 ADA spaces
- Galleria Lot – 8 /1 ADA spaces
- Swede Alley Historic Wall Lot – 23 spaces
- Swede Alley Surface Lot – 44/ 2 ADA spaces
- Main Street Parking on-street parking - 28 Eastside – 28 Westside / Total - 56

EVENT EXAMPLES
- Art Festival & support parking
- Event Staff or equipment placement parking lots
- 4th of July & Miners Day Parade

Upper Main Street – 5th St. to Intersection of Main & Swede

The Historic Park City Association (HPCA) will give specific recommendations to Staff, based on merchant criteria on all event applications involving Main Street activity.

Master Festival Use Guidelines:
Suitable uses:

- Full or support activity to street festivals, concert performances, parades, auto and vehicle shows, bicycle, running, walking, dining events and community celebrations associated with an approved Master Festival.
- Area 3,4,5,6 and 7 Event parking and staging

These activities can be a standalone event or take place in conjunction with a larger Master Festival approved event. All applications for Master Festival events with participation and/or attendance over 1000 must submit an off-site parking and transportation plan for approval.
All use of outside amplified music will be between 9am and 10pm in accordance with Park City Municipal Code

Event Fees: All space rentals fees, including parking space use fees apply and are set forth in the Park City Fee Schedule
General Hours of operation – 8am – 10 pm - 7 days a week

USE SPACES

1 .Main Street – 4th to 5th Street
2. Main Street – 4th to Intersection of Main and Swede Alley
3. China Bridge Garage – 624 spaces
4. Lower Brew Pub Lot – 16 spaces
5. Upper Brew Pub Lot- 35 spaces
6. Lower Sandridge Lot – 55 spaces
7. Upper Sandridge Lot – 46 spaces

AMENITIES

- 2 restrooms at Miners Park
- Portable restrooms required for Events w/ 500 + attendees

PARKING – see above

- Main Street on street parking
- 5th – 4th Street – 15 spaces each side / Total - 30
- 4th and Top of Swede – 20 spaces each side – Total – 40

EVENT EXAMPLES

- Kimball Art Festival
- 4th of July & Miners Day Parade
- Car Shows
- Event Staff or equipment placement parking lots

Rotary Park

Area Use Guidelines:

Master Festival Use Guidelines:
Suitable uses:

- Area 1 & 2 are suitable for support activity to approved Master Festival licensed activity.
- The reminder of this location is not generally used for permitted MFL or Special Events.

All applications for Master Festival events with participation and/or attendance over 100 must submit an off-site parking and transportation plan for approval.
All use of outside amplified music will be between 9am and 10pm in accordance with Park City Municipal Code
All use of park fields and public use spaces will be coordinated with the Recreation and Parks Department

Event Fees: All rental fees are set for in the Park City Fee Schedule
General Hours of operation – 8am – 10 pm - 7 days a week

USE AREAS

1. Parking – 6 Spaces
2. Bathrooms
3. Covered Gazebo

AMENITIES

- 2 restrooms

PARKING

- 6 On-Site Parking spaces

EVENT EXAMPLES

- PC Marathon uses Parking spaces only and along Payday Drive

Library and Education Center and Library Field

Master Festival Use Guidelines:
Suitable uses:

- Area 1 and 4 Event parking and staging – Use of Area 1 is limited. Parking for library patrons and building tenants must be maintained during their operational hours
- Area 2 is suitable for direct support activity related approved MFL activity. Area 2 is not suited for concert or performance related event activity unless such activity is secondary to a larger MFL and uses no more than 50% of the open field area.
- Area 3 is suitable movie and stage performances and conference meeting room space

These activities can be a standalone event or take place in conjunction with a larger Master Festival approved event. All applications for Master Festival events with participation and/or attendance over 400 must submit an off-site parking and transportation plan for approval.
All use of outside amplified music will be between 9am and 10pm in accordance with Park City Municipal Code

Event Fees: All space rentals fees, including parking space use fees apply and are set forth in the Park City Fee Schedule
General Hours of operation – 8am – 10 pm - 7 days a week

USE AREAS
1. Santy Auditorium
2. Meeting Room 201
3. Meeting Room 202
4. Meeting Room 205
5. Meeting Room 207
6. Library Field

AMENITIES
- 2 restrooms on each floor

PARKING
- 126 On-site public parking spaces
- 25 adjacent to field

EVENT EXAMPLES
- Sundance Film Festival
- Park City Film Series
- Community non-profit meeting
- Book Sale

PCMC MASTER FESTIVAL LICENSE & SPECIAL EVENT - DEBRIEF/EVENT RECAP REPORT

Special Events
435.615.5150

The Special Event and Master Festival License (MFL) Debrief/Event Recap must be completed and **submitted** to the Special Events Department no less than **45 days** after each event. This report application will be reviewed by the PCMC Events Team to identify the impacts and/ or benefits of your event and help to better plan and implement future events. Economic, community, and other benefits will be weighed, as well as detractors such as increased City service levels, operational challenges, and public safety concerns.

Event Name ______________________Date/ s of Event

Please provide supporting materials. All information will be reviewed. Attach additional sheets, if necessary.

Event Economic and Marketing Debrief			
How many teams/participants were registered in your event:			
How many spectators in attendance:			
Indicate the number of teams/attendees locally and from out of town (more than 60 miles):			
What states/regions/country did the participants/spectators originate? **(List location & numbers broken out) :**			
Number of room nights generated by your event **(Please provide confirming information)**:			
At what properties did your participants have lodging: **(Provide name/s and contact information)**:			
Number of Local Vendors used for event: **(Provide name/s and contact information)**:			
Number of vendors from outside of Summit County (**Provide name/s and contact information**):			
Sales generated directly at your event.	Food:		
	Merchandise:		
	Beverage:		
Did you integrate "deals" with local merchants or associations: (if so please provide copy)	(Circle one)	Yes – No	
PLEASE DESCRIBE MARKETING AND PROMOTIONAL EFFORTS FOR YOUR EVENT AND PROVIDE A PROGRAM FROM EVENT			
In what media were marketing materials placed (Please provide proofs/examples of media placements)			
Print Media:	Radio Media:	Television Media:	
Additional Comments:			
For departmental use only:	For departmental use only:		

Event Operational Debrief

Please rate the event below and return this email to Special Events Department:

EVENT – **EVENT DATE –**

- **Pre & Post event timeliness of required information**
- **Event Set-up**
- **Event Cleanup**
- **Resolution of conflicts**

(This score will be used to evaluate all returning events)

Please highlight your department

Police Dept. - Building Dept. - Planning Dept. - Code Enforcement - Parks Dept. - Finance Dept.. – Streets Dept. - Parking Dept. - Parks Dept. - Building Maint.

Rating 1 – 5 1 Needs much improvement 5 Needs little improvement (Please use N/A if your department had little or no required contact with this event)	**OPERATIONAL HOURS/COSTS**	**TOTAL COSTS INCURRED BY DEPT. FOR EVENT**	**ADDITIONAL COMMENTS** PLEASE CLARIFY ANY NOTABLE INCIDENTS WITH THIS EVENT

Special Events Grading Criteria	**Events**		PC Snow Shoe	Sundance	Round Valley Rdup
Was completed application submitted within timeframe Y/N – If no , how many days before event					
Economic Impact (Graded by SE Staff & JV-Chamber)					
Lodging (1 - little or no activity)	1 - 20				
Restaurant Sales (1 - little or no activity)	1- 10				
Retail Sales(1 - little or no activity)	1- 10				
Total Possible Points (Higher score is better)	**40**				
Community Impact (Graded by SE Staff)					
Enhancement to local quality of life **(1 - no enhancement)**	1- 10				
Enhancement to visitor experience **(1 - no enhancement)**	1- 10				
Meets restrictions re: local use vs destination visitor use of venues **(1 - Mostly Local)**	1 - 10				
Consistent with Park City brand (i.e., high altitude training; outdoor recreation; art/culture **(1 - not consistant)**	1- 10				
Total Possible Points (Higher score is better)	**40**				
Mitigation of Negative Impacts (Graded by Ops Review)					
Limited use of PCMC resources **(1 - little resources required)**	1- 10				
Limited traffic/congestion/street closures**(1 - Little or no impact)**	1 - 10				
Total Possible Points (Higher score means larger impact to Staff time and public)	**20**				
	51				

City Council Staff Report

Subject:	**Street Dining on Main Parking Fee and request by HPCA for 15 additional free parking days**
Author:	**Francisco Astorga, Planner and Kent Cashel, Transit and Transportation manager**
Department:	**Planning & Transportation**
Date:	**March 29, 2012**
Type of Item:	**Work Session - Administrative**

Summary Recommendations:
Staff recommends that City Council increase permit fees dining decks from $300 to $550 to cover roughly fifty percent (50%) of forgone parking revenues. Staff requests that Council authorize for 2012:

1. Dining Deck fees of $550 per 20' space.
2. 15 additional free parking days requested by Historic Park City Alliance (HPCA)

Topic/Description:
Street Dining on Main program fee and free parking days

Background:
The Street Dining on Main program started in 2010 with three (3) built dining decks. During this initial year City Council waived all fees associated with the leased spaces. It was also determined then, that the program would be set up as a three (3) year pilot program with an annual review.

In 2011 the City Council authorized a total of nine (9) dining decks. In order to promote street activity during the summer season, the City Council during their April 2011 meetings, directed Staff to charge a fee for using the street right-of-way and waive a portion of the maximum parking fee for a special use to $300 per parking space, twenty feet (20') in length, based on a linear calculation. The maximum fee for special use of public parking on Main Street is a daily rate of sixteen dollars ($16) per space, a maximum of $2,880 for the six (6) month period per space (the decks are permitted from May 1st thru October 30th).

On March 8th 2012, the City Council requested Staff to return with an estimate of the foregone parking revenues created by the Street Dining on Main program.

Analysis:
The table below contains the Main Street parking fee collections for the six (6) month period that dining decks are permitted on the street. Staff utilized 2010-2011 collections for this impact estimate as Council authorized an increase in parking fees in

2010 (from $1.00 per hour to $1.50 per hour) and the two (2) year average best reflects collections under the new rate structure.

Two Year Average Paid Parking Meter Collections

	2010	2011	Average
May	$ 35,922	$ 24,463	$ 30,192
June	$ 28,165	$ 31,327	$ 29,746
July	$ 43,386	$ 46,425	$ 44,906
August	$ 40,475	$ 40,645	$ 40,560
September	$ 35,242	$ 31,637	$ 33,440
October	$ 30,421	$ 28,411	$ 29,416
Average Collection During Six Mos Period			$ 208,259
20' Spaces in Paid Parking Program			185
6 Month Average per 20' space			$ 1,126
Pilot Program Dining Deck Fees for 20' space			$ 300
Estimate of Foregone Revenue Per 20' Space			($826)

Staff requested Council authorize up to (12) dining decks in 2012. Only nine (9) were ultimately erected in 2011. Based upon historical collection rates and a $300 per 20' space fee the forgone revenue impact of this request to the City's Transportation Fund is $9,912 ($826 X 12).

In addition to the above parking fee waivers, Staff has received a request from the HPCA for the following 15 additional free parking days in 2012, which are in addition to those free days already granted in 2010 and 2011:

- Spring Locals Thursdays (May 3-June 29) 9 additional days
- Fall Locals Thursday's (Sept 6 – Nov 22) 1 additional day
- Free Holiday Parking (Nov 23-Dec 21) 5 additional days

The benefits of free parking days include improved public relations with Main Street merchants, marketing for free parking days…all of which leads to economic vitality. The table below details the total free parking days that the HPCA requested and were granted including 2010, 2011and the 15 additional days the HPCA is requesting for 2012:

(See table next page)

HPCA Requested Free Parking Days	Free Days 2010	2011	2012	Additional Free Days Requested	Incremental 2012 Forgone Revenue	Total Forgone Revenue
Spring Locals Thursdays (May 3rd - June 29th)	0	0	9	9	$ 8,836	$ 8,836
Fall Locals Thursdays (Sept 6 - Nov 22)	0	11	12	1	$ 580	$ 10,574
Free Holiday Parking (Nov 23-Dec 21)	24	24	29	5	$ 3,609	$ 19,797
Totals	24	35	50	15	$ 13,025	$ 39,207

Foregone revenue for the additional 2012 days and total foregone revenue for all free days was calculated using two (2) year average daily revenue figures (by month) displayed in the table below.

Meter Revenue

Month	2010-2011 2 Year Monthly Average	Days In Month	Average Daily Meter Revenue
July	$ 44,906	31	$ 1,449
August	$ 40,560	31	$ 1,308
September	$ 33,440	30	$ 1,115
October	$ 29,416	31	$ 949
November	$ 17,401	30	$ 580
December	$ 22,375	31	$ 722
January	$ 44,792	31	$ 1,445
February	$ 42,256	28	$ 1,509
March	$ 45,881	31	$ 1,480
April	$ 24,312	30	$ 810
May	$ 30,192	31	$ 974
June	$ 29,746	30	$ 992

Staff is supportive of the HPCA request for additional days but is also keenly aware of Council’s previous directive, which started in 2003, that program revenues should cover program costs. The table below presents year to date financial results and a forecast through June 30th, 2012:

(See table next page)

Parking Operation Financial Results	FY 2012 YTD	FY 2012 Forecast (Thru June 30)
Revenues		
Parking Fines	$ 93,301	$ 110,895
Parking Permits	$ 96,466	$ 102,354
In Car Meters	$ 6,964	$ 11,136
Token Sales	$ 1,901	$ 2,495
Meter Revenue	$ 281,521	$ 416,717
Impound Fees	$ 440	$ 440
Total Revenues	**$ 480,593**	**$644,037**
Expenses		
Personnel	$ 120,484	$ 174,032
Materials Supplies Services	$ 51,632	$ 74,580
Utilities	$ 3,332	$ 4,813
Contract Services	$ 126,063	$ 182,091
Interfund Transfer	$ 32,072	$ 32,072
Capital Equipment Replacement Fund	$ 44,333	$ 44,333
Contribution to Park Silly Market	$ 40,000	$ 40,000
Contribution to HPCA	$ 40,000	$ 40,000
Contribution to Enhanced Parking\Transit Marketing	$ 40,000	$ 40,000
Total Expenses	**$ 497,916**	**$631,921**
Estimated Net Income		**$ 12,116**

The above forecast for FY 2012 is very similar to the actual results achieved for FY 2011. This forecast indicates $12,116 in net income. HPCA's request for additional days will reduce meter revenues an estimated $13,512 (12 x $1,126), resulting in a $1,396 ($13,512 - $12,116) net loss on parking operations.

Staff believes a reasonable approach to solving the forecasted revenue shortfall is to increase permit fees for dining decks from $300 to $550 ($550 represents 49% of forgone parking revenues). Staff thinks this level of City subsidy:

- Provides strong support for program participants,
- preserves City resources that can be applied to other parking programs that benefit the street, and
- allows the parking program to generate sufficient revenue to cover expenses.

This additional $250 per 20' space will generate approximately $3,000 in additional revenues for the parking operation (based upon 12 - 20' spaces). These additional funds will enable the Main Street parking operations to cover expenses while still supporting robust dining deck permit subsidies and free parking day programs requested by the HPCA.

Staff recommends Council support the dining deck fee subsidies and free parking days for 2012 only, and strongly recommends these subsidy programs are revisited in early 2013.

The Planning Department initially recommended charging the same amount that was charged in 2011, $300 per space (20'). This fee is ten percent (10%) of the maximum fee that can be collected for a special use, and twenty-seven percent (27%) of the collected average of 2010 and 2011. Based upon Planning's work with Transportation Staff, Planning supports the increase from $300 to $550 (per 20'). In essence, this would be an increase from 10% of potential revenue to 19% of potential revenue (or 49% of actual revenue).

Department Review:
This report has been reviewed and commented on by City Manager's Office, City Attorney's Office, Public Works, Planning and Economic Development. All comments received have been incorporated into this report.

Alternatives

A. **Approve the Public Works Parking Division Recommendation.** Staff requests that Council authorize 2012 Dining Deck fees of $550 per 20' space and 15 additional free parking days as requested by HPCA per the Public Works Parking.

B. **Deny or Modify The Recommendation**. Council could deny or modify Staff's recommendation.

C. **Defer the item to a later date.** Council could defer the item to a later date this would likely impact the deck application process as applicants wait to see what Council's decision regarding fees will be.

D. **Do Nothing**. Council could choose to do nothing. This would have the same impact as Alternative C.

Significant Impacts:
Should Council choose to authorize Dining Deck permit fees at less than Staff's recommendation and also authorize HPCA's requested 15 additional free days, Staff believes it is likely the parking program will not generate sufficient revenue to cover its parking operations costs in FY 2012.

Additionally, Staff does not believe the current rate structure can provide for more than the current requested free days. Staff recommends Council revisit this level of free days in early 2013.

Recommendation:
Staff recommends that City Council increase permit fees dining decks from $300 to $550 to cover roughly fifty percent (50%) of forgone parking revenues. Staff requests that Council authorize for 2012:

1. Dining Deck fees of $550 per 20' space.
2. 15 additional free parking days requested by Historic Park City Alliance (HPCA)

PARK CITY COUNCIL
VISIONING SESSION MINUTES
FEBRUARY 9, 2012

City Council Members: Mayor Dana Williams, Cindy Matsumoto, Alex Butwinski, Dick Peek, Liza Simpson, and Andy Beerman

Ex Officio: Carl Neu, Facilitator; Mark Harrington, City Attorney; Thomas Bakaly, City Manager; Thomas Eddington, Planning Manager; Jonathan Weidenhamer, Economic Development Manager; Phyllis Robinson, Public Affairs Manager; Diane Foster, Interim Assistant City Manager; and Bret Howser, Budget Manager

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 8 a.m. Members in attendance were Mayor Dana Williams, Andy Beerman, Alex Butwinski, Cindy Matsumoto, Dick Peek, and Liza Simpson. Staff present was Tom Bakaly, City Manager and Mark Harrington, City Attorney. Facilitator Carl Neu was also in attendance. Alex Butwinski, "I move to close the meeting to discuss personnel". Liza Simpson seconded. Motion carried unanimously. The meeting opened at approximately 1:45 p.m. Andy Beerman, "I move to open the meeting". Liza Simpson seconded. Motion unanimously carried.

Mayor Dana Williams opened the Visioning Session.

Council "Nits" and Small issues

Mayor Williams remarked that in visioning, "nits" is the time to bring up projects or small issues that are bothersome.

Council Member Butwinski recalled that a year ago, meeting protocol and procedure in terms of how members would listen to a staff report, ask questions, take public input and have their discussion was developed. He believed they have allowed that order to change. Council Member Butwinski recognized that while he prefers that type of structure, others may prefer flexibility in the format but both processes set a tone and he felt the tone should be consistent.

Council Member Beerman commented on emails sent to Council Members and understood that they could not have ongoing replies to all types of conversations. However, he recently read an article that he thought would benefit the entire Council and he wanted to know if it would be appropriate to forward the link to all the Council members.
City Attorney Mark Harrington clarified that City Council Members are not allowed to have discussion by email. It would be appropriate to forward a link or an informational item, but Council Members could not respond. If a Council member wanted to make comment or incorporate the information into a work session for discussion, they could send that request

to the Planning Manager or the Legal Department.

Mayor Williams stated that anytime he emails individuals, Council Members, Thomas Eddington and/or Mark Harrington are copied. He recommended that others do the same when communicating by email.

Council Member Simpson supported Council Member Butwinski's comment because it is easier for visitors attending meetings to understand what goes on if it follows a predictable format. When camp training was conducted for the HPB and others three years ago, the trainer pointed out that the public, who are encouraged to attend meetings, are not familiar with routine and jargon. She believed predictability would make the process more accessible. Council Member Butwinski remarked that a structured procedure also makes sure that every Council Member has the opportunity to comment.

Carl Neu, the Visioning Facilitator from the Center for the Future of Local Governance, stated that the presiding officer has a critical role in council debates, and that is to maintain the process rather than immediately inject into the content. He asked if anyone has constructive advice for the Mayor as to how he might handle procedures as the presiding officer.

Council Member Peek stated that Mayor Williams handles the schedule very well and keeps agenda items running on time. However, sometimes Council Members address issues through dialogue versus waiting to be recognized by the Chair.

Council Member Simpson thought Council members would all agree that Mayor Williams does a very good as the presiding officer. He also is good at recognizing each member to gain individual input. Council Member Simpson thought a better question to ask the Mayor is what Council Members can do to help him.

Mayor Williams stated that at times the process becomes anarchistic. Council Member Peek tends to be the quietest. It is difficult when he plays by the rules they all agreed to and everyone else is speaking out of turn. Mayor Williams remarked that free form discussion is fine, but it is in direct conflict with the procedure to allow everyone a turn to speak.

Mayor Williams agreed that he is strict about keeping the agenda on time. He asked if Council Members are willing to table further discussion on an important topic to another agenda in order to begin the regular meeting on time. He believes they have an obligation to the public to start meetings on time, and it is unfair to make people wait until the Council finishes its work session discussion.

Council Member Peek remarked that if an item is finished earlier than expected, they should not move forward on the agenda out of respect to the public who arrive to hear a specific item at the posted time.

Council Member Butwinski agreed that if a discussion runs late and it is clear that the matter would not be resolved timely, pushing it to another agenda would be appropriate. On the issue of discussions, Council Member Butwinski asked at what point in the discussion the presiding officer would offer his opinion.

City Attorney Harrington stated that without a formal rule there is no limit on when the presiding officer can interject into the conversation. It is within his power to initiate a comment; however, if someone formally requests recognition prior to initiating his own comments, he would need to honor that request. Mr. Harrington pointed out that in the past the City Council has rejected becoming overly formal and restrictive. There is an ability to limit input by rule, but unless it is a rule, it is left to the discretion of the presiding officer.

Mr. Neu remarked that the primary function of the presiding officer is to maintain the process. As a result, many presiding officers tend not to speak immediately, other than to start the process.

City Manager Tom Bakaly noted that the guidelines state that the Council should request to speak and the Mayor would recognize them by name. He pointed out that the Council could make a change to the current guidelines if desired. Mayor Williams believed the current process works well.

Mr. Neu emphasized the importance of avoiding the habit of allowing people to talk over another person or interrupt. When that continually occurs it becomes the norm and it is hard to reign people back in.

Council Member Simpson raised another “nit”. She noted that in the past the Council discussed finding ways for the staff to keep the City Council updated on different projects. An example is the Marsac Avenue light. Council Member Simpson thought it is incumbent upon the Council to help keep track of minor issues and to request updates from staff as opposed to making everything a work session item.

Council Member Beerman understood that a goal established from last year’s Visioning Session was to maintain an annual calendar and believed that goal should be carried forward. Council Member Simpson suggested a work session on how to use Outlook and the joint calendar, and how to use it on iPads. She explained that three years ago the City Council talked about using a central calendar so everyone would know who was or was not available and on which days. Council Member Simpson was unsure whether Members want to take it that far, but it may be a worthwhile discussion.

Council Member Beerman suggested that the Council think about taking the same Thursday night off each month to allow the opportunity to make personal or travel plans in advance. Mayor Williams stated that historically, if a council member is out-of-town, there is an effort to make that week a no meeting date. Council Member Matsumoto relayed that the no meeting date changes every month due to holidays, Sundance or other reasons. She favored the idea of a yearly calendar so Council Members can plan their vacations around items on the calendar.

The Council discussed the pros and cons of a yearly calendar and decided that it was best to start with a quarterly calendar and then add a month to keep the calendar four months in advance.

City Attorney Harrington reminded the Council about being diligent in announcing the location of the social meeting if one takes place after the regular meeting. The announcement should be made concurrent with adjournment to give the public and others the opportunity to hear the announcement and participate if they wish.

Financial Update

Bret Howser presented the Financial Impact Assessment Report (FIAR) to the City Council. The FIAR was started approximately six years ago with the goal of projecting expenses and revenues for ten years. The City Council uses the FIAR as a tool in making decisions.

In addition to the Budget Department creating the FIAR, this year a technical team looked at the projections and methodology used and the outlook of different departments regarding revenue services and expenditures.

Mr. Howser noted that a major change was the property tax recalibration that was conducted this year. The interactive model that was presented last year was updated. A graph was presented that was broken down by revenue sources. A red dotted line indicated the total expenditures compared to the revenue sources. Sales tax and property tax make up two-thirds of the projected revenue. The graph did not include any of the oldest projects, which was why total expenses dropped below the total revenue line.

Numbers are currently at an ideal revenue mix for 2013, meaning that property tax makes up the majority of revenues with sales tax close behind. Property tax is the least volatile source of revenue. The bump in property tax revenue was primarily due to adjusted property taxes.

Council Member Matsumoto pointed out that the bump was in the second home level rather than the primary level.

Mr. Howser pointed out that correcting mistakes and bringing in additional properties resulted in slightly under $1 billion in taxable value, which was close to 13% of the City's total taxable value. It was a one-time bump in new growth, but this revenue will continue to be collected every year forward. While the current mix is good, since property tax does not have an inflationary component, over time the property tax will get smaller as the property tax revenue shrinks in comparison to sales tax.

Other notable adjustments were presented and reviewed. *Fees and Others* is not a significant revenue source, but it does bring in significant revenue over time. Interest earnings is a major component that drives that revenue. Because of the market, the interest earnings have dropped and no one was making money on interest. The update projects a modest growth in interest earnings and fees over the next ten years. There were signs that growth through fees was beginning to recover. Specific fee projections were outlined and reviewed.

The formula used to estimate the property taxes was explained and specific changes were identified. The new formula is more consistent with accurate projections.

In the past, new growth had been projected only on a linear trend, but it did not capture inflation in new growth. The formula was changed and new growth figures are now estimated on a percentage of the total AV value. The percentage is based on an average of the new growth over the last ten years.

A graph was presented showing the projected tax levy, which showed growth over time. Another graph was reviewed showing the expenditures. A green line indicated the projected revenue. The graph also included OTIS, which was funded with sales revenue bonds.

Mr. Howser indicated that despite the bump in property tax revenue, over time it would still continue to go into a deficit because revenues do not keep pace with projected expenditures.

The updated model showed major capital issues. Projects and funding sources could be added to the model to see how the current CIP affects long term projections in the general fund. The model was intended to be flexible.

Mayor Williams clarified that Park City is not currently receiving the 1% transient room tax shown in the model. He stated that the City has had discussions about having its own separate TRT compared to the County. Mr. Bakaly explained that the City has the ability to raise the transient room tax, which is something the City Council could vote to do following a public hearing. A resort tax requires a vote of the people. Currently Park City has a 1% Resort Cities Sales Tax and a quarter of that goes to the Transit Fund. There is no requirement to spend the resort tax on transit.

Council Member Butwinski stated that this is the second time the Council had seen the model. He asked if it is possible to incorporate the model into the big expense decision-making process. He suggested that the model be included as part of the staff report when the Council looks at spending large sums of money. It would help them understand the financial impact. Mr. Bakaly believed it could be part of the budgeting process. He envisioned coming back with budgeting for outcomes and cost and to show how it all interacts. Mr. Bakaly thought the model could be an ongoing tool to help the City Council identify the impacts of spending or not spending.

Mayor Williams thought the model could also help them decide when it is time to charge a TRT in the City. With the bump in property tax from adding 200 properties, it appeared they were able to push a potential property tax increase to 2017. However, that depended on what capital improvement projects were done. Mr. Bakaly anticipated that the City Council would be faced with major capital decisions during the budget discussion.

Council Member Simpson was intrigued by the ability to use the model, because it gives the City Council the opportunity to think about tying revenue sources to capital projects. For example, they could decide to use the TRT to fund downtown improvement projects, which would benefit the business district and visitors, versus using property taxes to fund a recreation facility.

Mr. Bakaly commented on the community's willingness to vote themselves increases for open space. He reiterated that the City Council has the purview to implement a TRT; but he wanted to know if they would consider engaging the community in a vote of the people for a TRT. Council Member Peek asked for clarification. Mr. Bakaly stated that the Council could vote in a Transient Room Tax, but a Transit Tax must be voted on by the people. Mr. Bakaly noted that a Resort Cities Sales Tax is also a vote of the people, but there is no restriction on its use.

Biennial Strategic Plans & Goal Setting

The strategic plans were outlined and reviewed. The concept is what government does and how they do it. The link between the two is a strategic planning process. The strategic plan establishes the linkage between spending dollars and the broader goals. The community vision was determined through a public process. The City Council developed seven goals that encapsulated the community vision.

The strategic plan takes the goals and creates strategies for how to achieve those goals; and then links the programs and how the money is actually spent to those strategies. The budgeting for outcomes process becomes the link between requests in the budget process to the strategic plans themselves. One step in the process was actually drafting the biennial strategic plans.

Desired outcome is the basis of the strategic plan, and everything else should tie back to those desired outcomes. The plan looks at where the City is currently, where it is going and an action plan for the next two years. It was noted that the action plan includes very finite points that could eventually evolve into level of service changes that would have budget option bids. As Council moves through the discussions throughout visioning, it is important to be careful not to get lost in the finite points. If there are issues in the action plan, the question to ask is whether it accomplishes the desired outcome. If it accomplishes one of the desired outcomes, but the action taken is unfavorable, then possibly the outcome should be adjusted to become a goal.

The core indicators should be telling and adjusting information in the core indicators should be evaluated in a context relative to the desired outcomes.

The format for this portion of visioning is to present highlighted information to the City Council for discussion. The intent of the discussion is to make sure the desired outcomes are what the community wants. Once that information is available, staff could return with good bids during the budget process on programs, services, and capital.

Mayor Williams thanked the participants for listening to the Council and the community. He believed the information provided is well-done and helpful because it provides a defined way of being able to look at the issues and figure out the goal and how it relates to the vision.

Preservation of Park City Character

Planning Manager Thomas Eddington stated that the full team participated in preparing the Preservation of Park City Character and the result was a collaborative effort.

The presentation provided an overview of the desired outcomes, the challenges in general, and the action plan. The desired outcomes focus on the character of what Park City is. It is a resort town, but it is also a great community to live in. Therefore, part of the challenge was dual for maintaining the economy and maintaining what makes the community what it is. The team tried to build off of Visioning 2009, discussions from the Planning Commission/City Council joint meetings, and other various meetings to determine the outcomes.

The primary outcomes are to maintain the social fabric, the diverse population, a transparent government and engaged citizenry, vibrant community places, gathering spaces, neighborhoods that maintain connectivity, furthering the National Register Historic

District, utilizing arts and culture as an opportunity to diversify the economy, continuing to add to the resort experience, maintaining natural geography and open space, and expanding the trails system. Manager Eddington stated that the team tried to narrow the outcomes to the top three or four and chose diverse population, social fabric, vibrant arts and cultural offerings and protecting the natural environment. As they go through the next set of challenges and action plans, they would reflect back to see how this proposal achieves those outcomes.

Mr. Eddington reviewed the current challenges and noted that three stood out as more significant. The team believes that regional growth pressures are significant in maintaining the character of Park City, because they impact the diverse population as well as the natural setting. As the real estate market changes, the demand will go up, the supply will decrease, and costs will increase. Maintaining affordable moderate income housing will continue to be a challenge. Rapidly changing technology is another major challenge. As technology changes, the City will need to meet the demands. A third challenge is funding for capital projects and ways to allocate and prioritize those funds. It is also important to look for opportunities to expand on arts and culture as a critical part of the economy.

Mr. Eddington presented the action plan, which outlines the path to achieve the outcomes, recognizing the challenges. Following the presentation, the team requested discussion and input from the City Council regarding the action plans.

Mr. Eddington noted that Preservation of Park City Character is a difficult challenge because it involves many different teams such as the library, affordable housing, economic development, planning, and IT to name a few.

Mayor Williams referred to the action plan, facilitating work with the Advisory Committee on Latino Affairs. He asked if the Advisory Committee would become an advisory group similar to a *friends* group with the City, or whether it would incorporate as a 501C3 and stand alone. Mayor Williams thought it is important to have that discussion. He did not think the people who expressed interest in being on the Advisory Committee had money to contribute, but they would add significant value. He pointed out that the Latino group has been meeting with the Latinos in Action in high school and middle school, and is very excited to have another group working on this. Mayor Williams stated that the Latino Group did not want to duplicate existing services and he liked the direction the Latino Group was heading, but it is important to define its role.

Mr. Bakaly pointed out that the word "facilitate" means assist. He suggested that if the intent is to maintain a higher role as a direct service to the City, a better word might be "coordinating". Mr. Bakaly stated that "facilitate" meets the desired outcome of the diverse population and social fabric, but if Council wants it to be stronger or more proactive it would likely change the action plan. If the City coordinates it, the bid could go up.

Mayor Williams thought the matter should be put on a work session agenda or a study session. Stakeholders should be invited to talk about their goals and visions to see what direction it should take.

Council Member Butwinski thought it was obvious from the materials presented that the staff believes the library is a high priority, since it is listed under Current Challenges. In a previous discussion, he recalled that the decision was to wait until Council members knew what they wanted to do with the building. Council Member Butwinski believes that part of the action operating plan was premature because it implies more of an action plan than Council is prepared to commit to in this document.

Mr. Bakaly understood that the direction was to come back with a strategic plan for the library. Council Member Butwinski replied that the plan presented is more than strategic.

Council Member Matsumoto stated that during the visioning for the library, it became clear that what the building becomes depends on what plan they have for the other building a block down. She thought there was consensus that the buildings needed to be planned together. Council Member Matsumoto agreed that what was presented looked more like implementing a plan, and it is premature because they are still in the planning stage.

Council Member Peek stated that in looking at desired outcomes in relation to the action plan items, he believes it is a reasonable outcome. Council Member Butwinski was unsure how they could budget for a library out of the capital plan expansion without first knowing what they want to do. He agreed with Council Member Peek that the library is one of the components, but it is not completely ready.

Mr. Bakaly stated that the direction they would likely see bids on would reflect the strategic plan for the library, as opposed to a capital extension. Based on comments, he understood that the message to the staff as they prepare the budget, as well as to the library community, is that the City would not be looking at a capital program for at least a year or longer because it would be working on a strategic plan. Mr. Bakaly clarified that that is the intended policy direction.

Mayor Williams stated that weeks earlier during a work session discussion, the City Council requested additional information before moving forward on capital improvements. However, based on the information provided, it appears that staff was moving forward with a capital improvement plan before a strategic plan was presented. If these are the overriding documents to prepare the budget, he is concerned that they may have moved ahead too far.

Council Member Simpson thought this is a good example of something suffering from a timing issue. With the timing of the library work session and the need for capital improvements, the City Council had asked for more detail. With that understanding, she believes everyone is aware of the need to reconfigure the Library and Education Center. Council Member Simpson is not opposed to budgeting money in the capital plan for reconfiguring the Library and Education Center, as long as it runs parallel with a track of what they want or need to do, based on the direction from work session. As part of the budgeting process, the City may find that there is not enough money when the fuller plan comes back. At that point they could decide whether to do it this year or next year. Including the library in the capital plan recognizes the fact that it needs to be reconfigured. It also supports three of the desired outcomes. Council Member Matsumoto believes it meets all the desired outcomes.

Council Member Butwinski is comfortable including the library in the budget process as long as the expectation is clear that it will be a placeholder and not a commitment. Mr. Bakaly believed the strategic plan could run parallel with the budget process.

Mayor Williams referred to the points for discussion and stated that he is comfortable with recommendations 1, 2 and 4. He thought the night sky ordinance should be discussed. Mayor Williams commented that the City has a night sky ordinance with variances. A number of complaints are received when the lights are on after 10 p.m. at the sports field at Quinn's Junction, and it is difficult to explain to people that the lights comply with the night sky ordinance because it has a variance. Mayor Williams questioned the purpose for having an ordinance if variances could be given.

Council Member Butwinski thought the question is whether or not Park City is holding itself to a higher standard. The City needs to make that decision and he suggested a study session to discuss the issue. The Council could decide to leave the current ordinance as is or taking it to a higher level and examine how the Code is written and whether or not there is compliance. He felt that enforcement is also a key factor for making an ordinance work. Council Member Butwinski believes the policy discussion of higher standard versus same standard should occur sooner rather than later.

Mr. Bakaly remarked that the issue goes back to the desired outcome to protect the pristine natural setting and staff believes the current ordinance achieves that outcome. If the Council disagrees, direction should be provided to staff.

Council Member Peek stated that his threshold is whether the Milky Way is still visible, as well as the addition of particulate pollution from lights. Council Member Matsumoto asked if not allowing variances would take away some of the desired outcomes. For example, it would be difficult to ask the resort to change the lighting on the ski runs. She agreed that the matter should be further discussed in a study session. Council Member Beerman thought a disproportionate amount of time is spent discussing the night sky topic. Very little time is spent on air quality, which is a much larger issue, and he prefers to broaden the discussion.

Mayor Williams commented that in terms of air quality, the County has placed monitoring units in various locations. Council Member Simpson believed Council Members Beerman and Butwinski were talking about two different conversations. One was a list of environmental issues. The other was deciding whether or not it was appropriate for the City to write ordinances that protect the night sky, but also allows exceptions to further other valid community goals. Both conversations are important but should not be addressed in the same study session.

Diane Foster clarified that PCMR does not have a variance but complies with the night sky ordinance by installing energy efficient lights two years ago. She pointed out that the head of the International Dark Skies Association had remarked that it was the best lighting he had ever seen.

Council Member Matsumoto requested discussion on Recommendation #1, which stated that older stock is not economically viable. She was told that in checking the MLS listing, the pricing on units from 200-400 square feet are very affordable, but no one would expect a family to live in a unit that small. Those units are privately owned and the City does not have the ability to combine units. Council Member Matsumoto asked if it is possible for someone to work with Mountainlands Housing to acquire a building and reconfigure the units to make them more livable. She was told that the units are condo projects, which have attached limitations, and the HOA fees were being evaluated in terms of affordability. Council Member Matsumoto's suggestion could be considered for the housing plan.

Mayor Williams stated that Charles Buki talked about these types of units in an RDA where communities rehabbed older projects as opposed to tearing them down and building from scratch. In the end, the cost was much lower as the housing stock changed from resort bed base to affordable housing stock.

Council Member Simpson understood that a challenge in funding affordable housing has been the position of the FHA with regard to multi-unit complexes. It is a constant struggle and she thought it is important to raise the issue in Washington, DC.

Mr. Bakaly stated that in the past with affordable housing, the City Council has not been interested in converting existing units, thinking that they were already available at a lower price point. He asked if the Council still held that opinion. Council Member Peek understood that if a unit is purchased, it would go from an affordable rental to an affordable ownership situation. Mr. Bakaly replied this is correct. The City Council has been reluctant to allow the private developer to purchase existing units at a lower price point to satisfy part of the affordable housing requirement. Council has typically required developers to build new units to add to the stock. Council Member Simpson commented on the importance of recognizing that the market has changed. She thought Council Members would be better able to answer Mr. Bakaly's question after they see the housing study. If the units are too small to be attractive to a small family and too old to be attractive to the resort rental pool, it might make sense to relook at the policy and purpose of the units

After further discussion, Mr. Bakaly summarized that the Council is open to a shift in policy; but only after Members review the housing study.

Council Member Simpson commented on Recommendation #2, and wanted to make sure it included wayfinding and signage comprehensively throughout the City. The Friends of the Farm, Recreation Advisory Board, and various other boards and groups have discussed signage, wayfinding elements and the use of queue cards.

Mayor Williams referred to the recommendation regarding child care and questioned whether it is too limited. Mr. Bakaly clarified that the recommendation is to facilitate the discussion as opposed to the City getting into the child-care business. The bids will reflect facilitating unless the Council provides different direction to staff.

Multi-Seasonal Resort Community

Jonathan Weidenhamer named the people who were involved in preparing this plan and presentation.

Mr. Weidenhamer stated that the world-class multi-seasonal resort community is a tourism economy. He has been doing economic development strategic plans for four or five years, and in many ways the question is the same; what will be Park City's role.

Mr. Weidenhamer reviewed the desired outcomes, which relate to balancing the resort economy with the quality of life for residents. A resort town provides amazing experiences, opportunities and amenities for residents and visitors and events continue to be an area that can grow and be more successful. However, more growth and success in major events creates competition for local events.

In terms of the action plan, the purpose of the discussion is to define the partnership relating to redevelopment. Mr. Weidenhamer commented on the success of the five joint redevelopment meetings between the City Council and Planning Commission. The result is a clear role and posture in redevelopment and that the City wants to be proactive. Now that the role has been established, it is important to determine the extent to which the City should be proactive and in which areas. He referred to the economic tool box and deciding which options to use.

Mr. Weidenhamer stated that staff will continue the push for capital and world-class multi-seasonal resort community status, which includes amenities, town plazas and fun things. At the same time, it is important to recognize other capital needs in the City.

Mr. Weidenhamer emphasized that the action plan takes a more active role in facilitating events which is difficult because many events impact neighborhoods and business districts. Again, the challenge is balancing the effects. Mr. Weidenhamer requested input from the City Council on defining partnerships. That discussion would occur another day in a work session, and it will focus on the City's goals and roles.

Mr. Weidenhamer outlined additional points for discussion throughout the year, which include a robust Sundance discussion and the importance of keeping Sundance in Park City.

Council Member Simpson asked if the developed ski resort interconnect concept plan should be left in the action plan. Before a policy decision can be made the City Council needs to be better educated to understand the difference between ski link and the interconnect, as well as the impacts and benefits. Council Member Simpson did not believe the City Council as a body supports an interconnect or ski link until more information is provided. She is comfortable leaving the language in the plan, as long as it is understood that more discussion is needed before decisions can be made.

Mr. Bakaly suggested adding language indicating a dialogue on City roles and potentially a concept plan.

Mayor Williams referred to the citizens survey and expressed that the community does not think the City does well in creating employment opportunities. He felt that was a fundamental shift from the last 30 years. The economics of Park City has always been towards tourism and resort base economy, which creates minimum wage jobs. He noted that many children raised in Park City leave for college and come back with a degree and they want a good job. Lack of employment forces them to leave the town where they grew up. Mayor Williams believes those areas need to be looked at. More businesses are offering opportunities to Park City for higher paying jobs and those opportunities should be explored. However, the fact that the core business is the resort needs to be considered, and not every child who lived in Park City can come back to pursue a career.

Mayor Williams referred to questions asking whether the City's role was more active or passive with regard to Bonanza Park. He pointed out that Bonanza Park has a developer who is very open minded in terms of the project. As they determine the gives and gets they should be willing to look at partnerships. Mayor Williams believed the City has taken an active role with Bonanza Park so far and could see no reason to stop being active. In his opinion, there is demand from the community for the City to stop being reactive to new things coming in and being more proactive. He thought Bonanza Park, Lower Park Avenue, and PCMR are good examples of trying to be more proactive with the development community to find mutual *gets*.

Mr. Bakaly recalled a discussion from the joint meetings for wanting more locally owned businesses in the Bonanza Park area. He believes there are a number of tools to accomplish that, and asked if the Council is interested in offering any type of incentive to encourage local business. In the past, the idea of incentives was discussed for limited cases and Council always decided against it.

There was some discussion about criteria and mechanisms to identify which businesses the City might be interested in facilitating. Once that is established, the question then becomes how to actually facilitate. Currently the options are limited in terms of economic development trends and not geared towards targeting a certain business in a specific location.

Council Member Butwinski suggested that it would be good to have some version of the incubator idea in the action plan. He believes there is value in developing new business and to provide a financial benefit for a period of time until the business demonstrates viability.

Council Member Matsumoto stated that before the City Council institutes a business recruitment program, a study session should be held to discuss criteria for businesses and types of positive reinforcement.

Council Member Simpson was willing to consider almost any tool. If this is something they want to consider, the staff needs to come back with ideas on how it could be accomplished.

In terms of the business incubator, Council Member Peek suggested that the City establish parameters on what they are trying to grow. He cautioned against spreading out too far or focusing on industry types of business. Mayor Williams asked if it would be worthwhile to have the Innovation Center in Fort Collins conduct an informational meeting, open to the public, to explain what they did, how it was funded and who came into it. Council Member Simpson favored that suggestion because it would give Council a chance to look at a variety of ideas.

Council Member Beerman noted that Fort Collins recognized the need to narrow its focus, which made it particularly effective. In Fort Collins the college is the major industry and the list was narrowed to micro-breweries and green technology. It was very successful because all resources focused on just two points which fit with the community. He encouraged Council to follow the same procedure for Park City and focus on a small number of business types that match our brand. Mayor Williams suggested that the innovative groups they are looking for may be in outdoor recreation and the ski business.

Council Member Simpson commented on public art and stated that she would love to find a dedicated funding stream. She would be willing to follow Boise and include all capital projects. In talking about cultural tourism, public art requires a significant amount of money before it becomes art that people come to see. She likes most of the art in Park City, but there is little or no return on investment. Council Member Simpson preferred to find a source for a smaller revenue stream dedicated to public art that would not go through the CIP process and would continue to fund public art. Mr. Weidenhamer thought that would reflect the goals for more community place and preservation of Park City character. Council Member Simpson concurred.

Council Member Butwinski stated that if public art is one of the goals to identify character, the Council needs to commit to it and make it a high priority. Public art should be on the street and it should not be part of the CIP.

Council Member Matsumoto agreed with Council Member Simpson. In her opinion, public art belongs under Park City Character rather than Economic Development. She is willing to look for a more permanent, modest contribution for public art. Council Member Simpson wanted temporary art to be included in discussions regarding public art. Commissioner Peek remarked that public art can also be way-finding.

The City Council discussed Sundance in terms of impacts and benefits. Mayor Williams emphasized the critical need to keep Sundance in Park City. Council Member Beerman felt the long term lease issue should be solved. Council Member Simpson agreed, but suggested that part of that would be to have an after Sundance meeting with all the parties involved to discuss what worked and what didn't to address the issues. It is different every year and the community, the City and Sundance need to be flexible enough to respond. Mr. Bakaly stated that the plan is to have a broader policy discussion about Sundance. The goal has been to balance Sundance interests with those of the business community and residents. Scheduling changes were announced for the visioning session the next day.

The meeting was adjourned and the City Council attended a social reception with managers, commissions and boards.

Prepared by Mary May, Secretarial Services
Edited by Janet M. Scott, City Recorder

PARK CITY COUNCIL
VISIONING SESSION MINUTES
FEBRUARY 10, 2012

City Council Members: Mayor Dana Williams, Cindy Matsumoto, Alex Butwinski, Dick Peek, Liza Simpson, Andy Beerman

Ex Officio: Carl Neu, Facilitator; Mark Harrington, City Attorney; Tom Bakaly, City Manager; Clint McAffee, Water Manager; Jason Glidden, Business Marketing Manager; Craig Sanchez, Golf Manager; Jonathan Weidenhamer, Economic Development Manager; Pace Erickson, Operations Manager; Phyllis Robinson, Public Affairs Manager; Diane Foster, Interim Assistant City Manager; Ken Fisher, Recreation Manager; Scott Robertson, IT Manager; Phil Kirk, Police Captain, Bob Lucking, Police Sergeant

Mayor Dana Williams opened the Visioning Session.

Continuation of Biennial Strategic Plans & Goal Setting

Effective Transportation System

The presentation and discussion for this item was not recorded. The information presented by the team can be found in the City Council Visioning packet dated February 9-10, 2012.

Water and Natural Environment

Clint McAffee reported that Park City Water has secured enough water to meet demands for about the next 10 to15 years and the City continues to seek additional sources to meet build-out demands. Despite recent water quality challenges, the water supply is safe, reliable, and constantly improving. Financial planning continues to be a high priority as the next round of large infrastructure projects is planned.

Mr. McAffee presented the desired outcomes and action plans. Water conservation would be a large component reducing volume usage. Public perception is an important issue to address and staff will continue to monitor regulatory trends and increase efficiency.

Mr. McAffee stated that water quality was targeted as a very high priority. Several broad components include a sampling plan and a blending and source management program to simplify a massive complex system into zones where staff can monitor water blending at sources. Management is a daunting task considering the complexity of the system. He outlined the components involved with water supply storage and collaboration.

He commented on several construction projects coming on line this summer and Empire Avenue is a large component of that construction. Minor upgrades will be made to the snow making connections. He explained that a portion of the Last Chance water line was replaced last year and it would be completed this summer. The Deer Valley Drive project will be coming up soon, as well as other renewal projects, including a solution for the Prospector Drain. Mr. McAffee outlined long term projects, which include a continuous upgrade to the rural water system and upgrading the SCADA system. Another point for discussion is to increase utilization of renewable energy by increasing the portfolio of renewable energy sources and uses.

Council Member Butwinski expressed concern with regard to the solution of blending water, and with the actual infrastructure that may be corrupted by prior excursions. He asked if that concept is planned for as a capital improvement and whether it is considered to be a priority. Mr. McAffee replied that replacing the infrastructure in the system is not a priority because it is not required at this time. However, a blending program is being considered to try and keep the source and the water fenestration system steady. Both events tie back to a drastic shift in water source, which leads to a drastic shift in water quality. Other options considered are a chemical feed to stabilize the water and an aggressive washing program to scour the pipe.

Council Member Butwinski understood that the brown looking water was more a function of the chemical reaction occurring in the existing cast iron pipes. While experiments continue with ways to mitigate the reaction, a better solution to address neighborhood concerns may be to prioritize the actual replacement of new pipe. Mr. Bakaly clarified that the professional recommendation was that the pipe did not need to be replaced; however, if the City Council would like to explore the replacement option it can be done.

Mr. McAffee explained that the source of the problem is not the old pipe itself. The problem is with water coming into the old pipe, building up a layer on the pipe and then releasing that layer. Installing new pipe would not resolve the problem. Addressing the water source, blending a chemical feed system, and flushing the lines are the recommended approaches to the problem. Council Member Butwinski understood that the problem is not a result of corrosion of the cast iron pipe which was affirmed.

Council Member Matsumoto thought the City should try the recommended approach and asked when Council would know if it works. She suggested communication and updates with the neighborhood to help relieve some of the concerns. Mr. McAffee stated that staff is not in direct contact with specific residents but working on an overall public involvement plan to provide updates on how the problem is being addressed and a progress report. Council Member Matsumoto suggested that the public be educated on the source of the problem since everyone assumes the problems lies with the pipes. Council Member Beerman agreed that the City should inform the residents as soon as possible that there is a plan in place. His experience from door-to-door campaigning was that most residents felt they were being ignored and the problem was not being addressed.

Council Member Simpson stated that years ago a system for putting micro-hydro in some of the pipes to generate electricity for pumping water was examined. At that time the technology was lacking and it was not working as well as expected. She wanted to make sure the City was staying on top of developments in micro-hydro. Mr. McAffee noted that the City has identified locations where micro-hydro could be considered.

Council Member Simpson believed an important discussion for the future is whether the eventual Round Valley reservoir should be an open reservoir or a closed system due to evaporation issues. She also stressed the importance of continuing to monitor water technology that addresses gray water and ground water. She read an article about a water plant in San Diego that turned waste water into drinking water. Park City is a high mountain desert with a need to address eventual water issues several years into the future.

The Council and staff discussed water distribution, supply and repairs, particularly for the Thaynes neighborhood. Mr. Bakaly suggested adding customer confidence as a desired outcome and Council Members concurred.

Council Member Beerman asked if there is new direction for water conservation. He was told that last year the City started a landscape water program. Interns from the Weber Basin District were sent to different neighborhoods to conduct irrigation efficiency tests. The interns returned with a detailed report for customers with an irrigation table and the program will be continued this summer. A smart controller rebate program will also be implemented this summer. A number of communities in Utah have incorporated good savings for water production using the rebate program.

Council Member Matsumoto asked if the water budgeting program is in place. She was told that currently staff is still working out the details for implementing the fixed base system. Software issues also needed to be resolved. The next step is to institute a customer web interface so customers can monitor their own water use.

Mayor Williams thought it would be worthwhile to consider a xeriscape program where money is put into a fund for people who remove existing landscapes and install low water usage xeriscape. It is difficult to encourage people to conserve and this may offer an incentive. Mr. Bakaly stated that incentive programs have been successful and staff could come back with expanded options.

Another point for conservation is the ability to have storage because it reduces the amount of secured water needed. Without storage, all of the water associated with peaking capacity still needs to be available.

Council Member Beerman stated that as the City looks at various water plans and considers the reservoir, it would be interesting to know the electrocutes and carbon impacts associated with different plans for comparison purposes. Council Member Simpson asked if Council would also be talking about carbon life cycle in the evaluation of a covered versus non-covered reservoir. She was told that it would be included in the analysis.

Mayor Williams thought the repository was ill-placed as a long-term action plan. He suggested that it be placed under *New Opportunities* since the project will be addressed within the next six to eight months.

Council Member Simpson referred to continuous tunnel maintenance and asked if there is a plan for continuing education so City personnel could inspect the tunnels. She recalled a previous discussion about a rapidly shrinking pool of skilled personnel. Mr. McAffee acknowledged that maintenance is a challenge and there needs to be more focus on a long-term plan. Currently the City leans heavily on JSSD who is compensated. Hiring people with that expertise on the water crew could be an option so workers are able to perform both functions.

Recreation and Open Space Trails

Jason Glidden presented the goals and strategic plans for recreation open space and trails. It is an important goal because it is one of the main reasons why people choose to live in Park City and why guests and second homeowners choose to visit Park City.

Mr. Glidden highlighted the priority outcomes taken from a list of desired outcomes identified by the team. The first is to provide accessibility to recreational activities and facilities to the local community at an affordable cost. The second is to preserve the Park City brand through beautification of City parks and open space preservation. The third is to develop as a year-round designated recreation location.

Some of the challenges that hinder moving towards the desired outcomes are development pressures on open space, funding future acquisitions for open space, maintaining an aging infrastructure to keep up with maintaining world class facilities, maintaining affordability versus true costs, and satisfying demand for prime-time usage of recreational facilities.

Mr. Glidden identified three issues for discussion, which include the current recreation demand and funding of future projects, accessibility versus cost recovery, and open space and management plans of future acquisitions.

Mayor Williams commented on the issue of limited space in the cemetery and a previous discussion about a memory wall. He favored that idea and cautioned against letting the project slip through the cracks. He referred to the first item under the current recreation demand/future funding, and asked when the last recreation master plan was done. He was told that the last needs assessment was done in 2006 which drove all the projects that were completed from the dog park to the reconstruction of the Racquet Club. The last formal master plan was done in 1996.

Mayor Williams suggested adding forestry to the open space management plan. Mr. Glidden stated that Katie Cattan is already working with natural resource consultants on the General Plan and a major recommendation is wild land fire prevention and forestry. Mayor Williams pointed out a potential partnership opportunity with Talisker to cost share on a forestry survey.

Council Member Beerman asked for clarification on sound agronomic practices. It was explained that sound agronomic practices looks to use green products whenever possible in pest control. In addition, things are done within the Parks Department that increase the health of the community forest. Those measures are all considered sound agronomic practices.

Council Member Beerman asked if the open space management plans included a conversation on stewardship and how it will be addressed in the future. Mr. Glidden stated that stewardship and maintenance are connected, but they are two separate discussion topics.

Council Member Beerman noted that the information indicates that some recreation programs are too expensive for some households. He asked if the City has a formal program to aid in accessibility for children. He was told that children who qualify for the school lunch program are given a 70% discount on fees for recreation programs. The summer day camp is the most used program, followed by swimming and tennis lessons.

Council Member Beerman asked if there is some type of inventory of open space acquisitions that could be reviewed. It was explained that there is no formal list, but criteria has been put forth to an advisory committee. If the City Council were to float another bond, the advisory committee could ask the City Council to review the criteria. Mr. Bakaly stated that COSAC has been working on a list but he is unsure of its status.

Council Member Simpson pointed out that under *Current Challenges*, the golf industry reflected a flat on growth rate; however under *New Opportunities*, creating a golf learning center is proposed which she believed are in direct conflict. Craig Sanchez explained that golf takes time, which is the difficulty in the sport. The golf learning center is a different product. It is a place where people could go for a short time to hit balls or putt without being gone five or six hours from family or work. It is an added amenity to the destination resort experience. Council Member Simpson remarked that a County regional cemetery is also on the list; there have been ongoing debates about the need for a cemetery. She wanted a better understanding of the need before the project moves too far forward. Mr. Sanchez stated that the golf learning center will appear on the next citizens survey.

Council Member Peek referred to the *Direct Cost Recovery* graph and asked why golf remains consistent from year to year. It was explained that as an enterprise fund, all expenses must be recovered through user fees, similar to water and transit. Typically, the course makes money every year, with the exception of the last few years. Most of the recent costs have been infrastructure and facility replacement costs. In addition, the enterprise fund cannot have a negative fund balance. Council Member Peek stated that if fund transfers create a flat graph from year to year for golf, he wanted to know why it was different for the Ice Arena and the PC Marc. Mr. Bakaly replied that fund transfers are not causing the flat graph. Expenses and revenues are budgeted each year, but if the expense comes in low, the revenue comes down to cover it and vice-versa. The graph shows that the Golf Fund is completely recovering its expenses yearly.

Council Member Peek asked why the County regional cemetery is on the City's list as a long term action plan. He was told that currently the County does not have a cemetery and is looking to develop one. Park City no longer sells plots in the City Cemetery to County residents. As with any project, if there is an opportunity to collaborate with the County, it makes sense for the City to be involved in developing the cemetery and/or creating access for City residents in the future. Council Member Peek asked if there is an opportunity to save space through internment of ashes instead of caskets. The answer was yes, because currently four cremations can be placed in one plot. Mr. Bakaly clarified that there is space in the City cemetery for City residents, however it makes sense to work with the County if there is the opportunity to address future needs.

Council Member Matsumoto commented on past problems with keeping track of the graves. She asked if that problem has been resolved or if it needed to be further addressed as part of the goals. She was told that a software program was purchased two years ago that transfers paper records to electronic records. Verifying all the records has been a time consuming process and is still ongoing.

Mr. Bakaly summarized from the discussion that the City should participate with the County on a regional solution, but in a limited role. He also understood the importance of ensuring that the management of the existing facility is as good as it could be with needed improvements.

Council Member Matsumoto had mixed feelings about cooperating on the regional cemetery without knowing more about it and Council Member Simpson wanted to see a demonstrated need.

Council Member Beerman inquired about the year-round aquatic programs. He asked about heating the MARC pool or whether an additional facility would be required. Ken Fisher explained that there are two components to the question. With the opening of the

MARC, there have been a number of requests for opening a lap pool year-round and offering year-round swimming. There was year-round pool access prior to the Olympics, but in a round of budget cuts the pool was closed in the winter. A budget request is necessary to obtain funding to keep the pool open year-round. The pool was built in 1990, but it has been well-maintained and parts are replaced when necessary. Based on the recreation demand study and the citizens survey, aquatics rank as a high priority.

It was explained that years ago people thought they wanted an aquatic center, but as time went on they were not so convinced about paying $10 million. Needs analysis surveys should also contain information on the cost to taxpayers. Mr. Bakaly remarked that two surveys have been done. One was a needs assessment using industry standards to determine the needs. The citizens survey asked the question about paying for it. They could merge the two surveys to determine the desired direction. The citizens survey should be completed by the middle of April.

Council Member Matsumoto encouraged the City to explore an open space bond and to reactivate COSAC or obtain a list of properties. She believed it is important since open space is key to the economy and enjoyment of the residents. Council Member Butwinski questioned whether there was land left to purchase. Council Member Matsumoto pointed out that they could buy down development with more open space. Council Member Simpson stated that any discussion of an open space bond would need to be hand in hand with other possible bonding needs. If it comes down to bonding for open space or bonding for OTIS or a repository, a comprehensive discussion should take place. In her opinion, the more open space purchased means fewer people living in Park City and she balances that with conversations about allowing up to six stories in Bonanza Park or the fact that not everyone can move back to Park City after college. Council Member Simpson was not opposed to purchasing open space, but it needs to be part of a whole discussion.

Mayor Williams stated that the flat maps and aerial photographs that are color coded help to easily identify potential parcels of open space. Mr. Bakaly suggested a bonding discussion where Council could consider available options related to open space and infrastructure. He believed there would be public interest in hearing that discussion. Council Member Beerman thought future boundary discussions should be combined with open space discussions.

Mayor Williams suggested adding the annexation of Osguthorpe and Round Valley to the list under *New Opportunities*. Mr. Bakaly thought the annexation discussion should be added to the Action Plan list.

The challenges of keeping the recreation staff competitive with training and compensation were identified and discussed. Mr. Bakaly pointed out that many of the departments reduced their training budgets several years ago and are realizing the results now. He believed the Council would likely see some requests for enhanced training. The connection between training and compensation is a city-wide issue in terms of being able to attract and obtain high quality people in the service they provide.

Regional Collaboration & Partnerships

Diane Foster presented the desired outcomes related to regional collaboration and partnerships. The primary outcome is a city in which other agencies are invested. The Council was asked to think about how they would interact with the agencies around them if they felt like they wanted to contribute to their success. When that feeling is mutual, everything else falls into place. Another desired outcome is a community that is prepared and part of a regional water network. In the end, it all comes down to regional relationships.

Ms. Foster pointed out that that a number of people are retiring or taking positions at other agencies, and it is incumbent upon both City Council and staff to establish new relationships. Links in creating that web is of critical importance. The Council has invested in the legislature and should continue to be vigilant in that investment. Another important factor is the organization of Summit County because of its impacts on Park City as it grows.

Enhance Interagency Relationships was added to the prepared action plan. Other items, such as regional transit and the recycling center are things the City is not currently doing alone and would not do alone in the future.

An important question is what Park City wants its role to be as the region grows. Mayor Williams asked Ms. Foster to explain how she thought the City could take a more aggressive stance. Ms. Foster replied that it is definitely an issue for a study session. Mr. Bakaly stated that currently the plan is to have the Park City Planning Commission and the Snyderville Basin Planning Commission work together on general planning issues. He believed the real question is whether or not Park City wants to get involved in regional planning. He agreed that a study session would be appropriate to discuss the concept of a formal partnership with Summit County.

The question was asked about collaborating with Wasatch County. Mayor Williams stated that there is an existing non-binding agreement between Park City and Wasatch County to talk to each other. Mr. Bakaly noted that Park City recently approved an MOU with Wasatch County regarding affordable housing. He clarified that the staff recommendation is for the City to be more actively involved to see if there is an opportunity for a formal process and partnership with both counties as they plan for growth.

Mayor Williams favored the idea of joint meetings at the Planning Commission level where both the City and the County can present their general plans and identify areas where they can collaborate.

City Attorney Harrington stated that in defense to both Summit and Wasatch Counties, the City has often taken the approach of what County growth is doing to Park City, as opposed to how Park City's growth affects the County. He acknowledged that impacts from Park City go downstream in terms of workforce and traffic. Mr. Harrington remarked that to some degree it was not the City helping the County plan its growth, it was more a collaboration on future growth and impacts on both communities.

Council Member Matsumoto asked for an explanation of *Mayor/Council/Staff Learn and Lead* under the Operating Plan. Ms. Foster believed it addressed budget cuts to the Council travel budget and the staff training budget. If the Council elects to move forward, the team would come back with a budget option proposing a slight increase in those areas. They would also come back with a formal staff coordination plan.

Mayor Williams added *Maintaining and Advancing the Relationship with the Federal Delegation* as a long term goal. Council Member Matsumoto asked the meaning of local government sector in decline. Mr. Weidenhamer replied that it was only a comment regarding the general trend that most local governments were struggling with the economic recession resulting in cutbacks in staff and service.

Mayor Williams pointed out that on the citizens survey the City did not rank high on emergency awareness, even though significant work has been done in that area and felt that it is another example of public perception versus reality.

Council Member Peek asked if the Olympics should be included under *Desired Outcomes* in terms of regional collaboration. Mr. Bakaly suggested adding Olympic exploration under the outcome of *A Town that Plays on the World Stage*. Council Member Simpson thought it could be a key strategy for building relationships because it would be nice to collaborate on something small before tackling something larger. After further discussion, the consensus was to put Olympic exploration in the action plan.

Council Member Beerman commented on potential changes and the level of service for recycling and solid waste. He asked if the City would have to step up its internal measures if the program becomes untenable for the County. Ms. Foster stated if the center is moved, the City Council would need to determine its level of support. Recycling and solid waste removal would also be a coordination point with the County. Council Member Beerman clarified that he was referring to the current contract for curbside recycling. Ms. Foster stated that on two occasions the staff provided feedback and she believed it was a regional collaboration issue. Council Member Beerman asked if the City would have to increase its internal recycling efforts if regional collaboration is insufficient. Mr. Bakaly stated that it could be done, but at a cost. He relayed that the City was already in the recycling business because of a change that occurred ten years ago and providing that service did not go as well as expected. The precedent has already been set and he preferred to wait until the bids came in before discussing recycling plans.

Council Member Peek asked about level of service from the County regarding animal control in the City. Mayor Williams stated that the level of service from the County had gone down in the last few months because half of the crew had left. Mr. Bakaly suggested that the Council address animal control and emergency awareness during the public safety presentation.

The morning agenda was completed and the session was adjourned for lunch**.**

Lunch Break

Mayor Williams opened the afternoon session.

Completion of Biennial Strategic Plans & Goal Setting

Open & Responsive Government

It was noted that the presentation for *Open and Responsive Government* was a collaborative team effort that produced many varied ideas. Open and responsive government is a chain of events where everyone has a part. Different pieces fit and blend together to create open and responsive government. Many tools are available for responsive government, and training is required to know how to use the tools. To a larger extent, the concepts of building and engineering change dramatically over time, and both engineering and IT backgrounds are critical with regard to hiring employees in the future.

No one would argue against being financially and fiscally sound. An engaged work force, as well as security, maintenance and preservation of City assets, while connecting with the citizens for a shared vision for the future are desired outcomes. However, in the end, the main focus area for the next two years is to be flexible and nimble to adjust to quickly changing environments. The pace of changing technology is so rapid that nothing has a ten or twenty year life span. There is a high level of efficiency with technology, but it does not come without a cost.

The staff outlined areas and challenges collectively faced, tying back to how they can be flexible, nimble and adjust to changing environments with the evolving demands of consumers and citizens. As everything becomes more instantaneous, people expect more and it is important that their government has a higher level of technological advancement and innovation.

Council Member Butwinski asked if the idea of contracting janitorial services would be a cost reduction or if the City could do it more efficiently. He pointed out that typically the private sector provides services better than government. He asked if it is a question of getting better value or having more control. Pace Erickson explained that it is a combination of service, value and control. Park City has contracted out janitorial services since 1995, at a time when the buildings were smaller and there was less technical equipment to be cleaned. For example, the floor surfaces at the new MARC have to be cleaned a certain way. It is difficult to communicate effectively with outside contractors and to know if proper training is done when their staff changes. In addition, looking at the City as a whole, the staff believes there are efficiencies and benefits of getting a higher level of service for the same dollar.

Council Member Simpson stated that as she read through all the documents, she was struck by two words: resiliency and adaptability. There is an ongoing theme in all the bid documents that speaks to a decreased level for technical expertise, whether it is teaching Council members how to use their iPad or figuring out how to set the temperature in a room. Everything is becoming increasingly technical and she was heartened to see that acknowledged in each team report, as well as a commitment to find ways to provide the appropriate resources. If the City does not address the issue now, it will fall way behind.

Mayor Williams asked for an explanation of *Widget and Navigation Development*. Scott Robertson clarified that for all practical purposes it is software. Even though it is an App, there is a distinction in the type of software for a mobile device. A widget is primarily the same, but it is an under-component that ties in. City Attorney Harrington clarified that it was commonly known as an icon on mobile devices.

Council Member Simpson was especially pleased to see the first item under the action plan, which is to develop mid-range and long- term information technology strategic to deployment and management plans.

Council Member Beerman favored all the technology concepts presented and encouraged staff to continue exploring new technology. Regarding open space and walkability bonds, he recommended plaques and signage at the entrances or on the tunnels and pathways. It would remind the citizens of what they bought for their enjoyment.

Council Member Matsumoto referred to the action plan, to connect, collaborate and create with community in person and virtually. The Council has previously discussed reaching out to neighborhoods in a more planned way, and she would like to begin that this year.

Council Member Butwinski noted that as part of the strategic plan for IT, there is no plan for partnering. He asked if that could be expected as the plan moves forward. He was told that the staff would be making a CIP request that deals with hardware. In addition, there is a component related to increases in operating to manage the hardware which also needs to be balanced with other services that are available at lower cost points.

Council Member Simpson commented on the fact that in an increasingly technical world there are people who are not technology-minded. The City needs to be able to respond to their needs and communicate with them as well. Ms. Robinson stated that the theme of the City's communication program is *High-Tech, High Touch,* which blends the two focuses.

Mr. Neu stated that several of the concepts, such as the technology strategy, the enhanced HR training, specialized software acquisition, increased development training for staff, implies a tremendous investment commitment. He wanted to know how the team could quantify that for the City Council so it would not be viewed as a huge "ouch". He was told that taking the elements that come forward into the future and the amount of change in a short period of time would be significant. The challenge is trying to figure out what the changes will be. Another focus is how to think about strategy and cost, but still have the flexibility to adjust into that environment. It would certainly take investment and adaptation.

City Attorney Harrington stated that the second component is the human component of the training. As previously discussed, the allocation of the most precious resource being staff time, the Council would see an increased recommendation for reservation of some of that training time. It is not an "ouch" in terms of financial commitment, but it is in prioritization of the resource of staff time. Mr. Harrington stated that they could expect to see some push back towards traditional training and adaptive training for technology.

Mr. Neu thought the concepts were good, but there would be a significant front-end cost investment. Ms. Robinson agreed. She suggested that it becomes the balance staff was trying to achieve between every program. Mr. Neu clarified that he was not diminishing the plan because it is important; however, once everything is defined there needs to be a commitment to make it absolute and not hedge on it.

Council Member Butwinski thought the Council Members should be careful not to over-invest until some of the benefits of their investment are reaped. There should be an offset in return cost taking advantage of technology. Ms. Robinson remarked that the outcome measures were the pieces they needed to focus on. Part of open and responsive government is realizing the back end of what goes into the outward projects that the community sees. It is another piece of evaluation to keep in mind which ties into all those other parts. Mr. Harrington remarked that the team fully intends to address the balance, as they have in the past, with a balance report such as the water computerized measurements that show the cost benefit analysis of the technical upgrade with the long-term collective revenue opportunity or savings. That reports allows Council to see both sides of the equation.

It was explained that while one piece can be managed; another piece that cannot be ignored is that the cost of technology is so low that a traditional mechanical piece is being supplied by a piece of technology. Therefore, when something is purchased there might not be the option to choose the alternative.

Council Member Peek stated that as the computer systems get more integrated into critical City functions, perhaps there is a knowledge base of ways to bypass so the City can remain functional at the same time. It was pointed out that the majority of functions could still run without the computer, but there is definitely more technology than ever before and it is becoming more complex.

Mr. Bakaly believed that the conversation regarding technology has been from the standpoint of a support function. He felt technology will change the way Council will govern in the future because customers will change due to technology. He used communicating through texting as an example. Mr. Bakaly remarked that the changing environment will be their constituents and the desire to gain information and participate in government through technical methods. He anticipated that the expectation for quicker service delivery will increase significantly. Council Member Simpson concurred. It is important to keep in mind that there is an election every two years. There is no guarantee that everyone who gets elected understands the technical aspects, and Ms. Simpson did not want to lose that piece of the training component.

Public Safety

Captain Phil Kirk with the Police Department introduced the team. He noted that the four general areas of the desired outcomes were preparedness, preparation, education, and response. Like other departments, a primary challenge for public safety is keeping up with technology. The action plans and challenges are tied to the outcomes. Captain Kirk outlined preparedness and preparation steps that were taken by the Police Department in an effort to reduce crime.

Captain Kirk noted that an example of the challenges in keeping up with technology was the dispatch center which was becoming obsolete and needed to be replaced. Due to great work by staff, a grant was obtained that funded nearly all of the updated equipment.

Council Member Beerman asked if there are plans to incorporate the webcams around town for public safety purposes. Sergeant Lucking with the Police Department stated that because there are so many different software programs used by individual businesses, it is difficult tapping into each of those programs. If someone has video surveillance, the police utilizes that surveillance to help build a case. Some technology downloads directly to the laptops in patrol cars. The challenge is getting everyone to use the same program so every system works in conjunction with police surveillance. Captain Kirk pointed out that

Sergeant Lucking was instrumental in getting more cameras in patrol cars to monitor interaction between the public and the officer. More cars are equipped with cameras through innovative and cost saving efforts of buying surplus equipment from the state or other agencies. Mr. Bakaly interjected that many of the cameras around town were installed at the time of the Olympics and most of them were privately installed.

Council Member Simpson noted that one of the challenges is resources for fire investigations. The Deputy Fire Marshal currently uses his own vehicle to do conduct those investigations. Staff is looking into possibly obtaining a vehicle for the Deputy Fire Marshal to use for fire investigations equipped with the necessary tools.

The suggestion was made for possibly sharing vehicles and equipment with the County for fire investigations. City Attorney Harrington remarked that the issue was raised as part of the interlocal agreement with the Fire District. There is a strong desire for the City to retain control of fire investigations locally. The original interlocal agreement would need to be modified in order to make that change and he thought it made sense to reconsider the matter.

Council Member Butwinski asked about the type of safety inspections under core indicators. He was told that they were primarily building inspections/event inspections conducted by the building inspectors. Now that the Montage is completed the number of inspections has decreased. The number of building inspectors decreased because some have retired and others were relocated to other departments.

Mayor Williams reiterated his earlier comments regarding the citizens survey and the public perception that the City is lacking on emergency preparedness and traffic enforcement. The City does a great job but the public has no idea. Mayor Williams thought efforts should be made to better inform citizens about actions taken and progress made to make them aware of what the City actually does.

Mayor Williams relayed that some communities changed or eliminated some of their programs; for example, the DARE Program in Salt Lake. He asked if Salt Lake has noticed any difference in the school system with the absence of DARE and leaving gyms open later. Captain Kirk stated that he would need to research whether or not there Is data to determine the effects of the change and if replacement programs are more effective. He believed that the DARE Program was eliminated because it was difficult for it to show its effectiveness to the satisfaction of Mayor Rocky Anderson.

Mr. Neu stated that emergency planning and animal control were carried over from a previous discussion to be addressed under public safety. Mayor Williams explained that emergency planning or preparedness was just addressed. In terms of animal control, the

County cut its budget in half and eliminated some of the control officers. Captain Kirk stated that the County still assists the City on animal control issues when requested.

Goal Refinement & Board/Commission Liaison Assignments

<u>Goal Refinement</u>

Mr. Bakaly asked the City Council to confirm the seven goals and the goal language. If everyone was comfortable with the goals and the action items, the teams will prepare a quarterly report. He believed the quarterly tracking sheet will change slightly to reflect changes to the strategic plan.

Council Member Simpson referred to the action plan that said, appoint a Council liaison to a tech committee. She noted that the tech committee is not on the liaison list and should be added. Mr. Bakaly remarked that CAST, the Colorado Association of Ski Towns, should also be added to the liaison list.

Council Member Simpson referred to #8 - Bonanza Park, the discussion of the substation move; and suggested that language be added in the cost impacts to also include neighborhood impacts.

Council Member Butwinski referred to Goal #1, Preservation of Park City Character, and Item 5 regarding Park City Heights. Mr. Bakaly replied that Park City Heights should show as completed. Council Member Butwinski referred to Item 6, Lower Park Redevelopment, which showed that "other public property within RDA" was ongoing. Mr. Bakaly replied that currently there is nothing specific. Council Member Butwinski referred to Item 8, Bonanza Park, "examine the ability to create event venue, convention area, and permanent Sundance area". He thought Council decided that the data did not support moving in that direction. Council Member Butwinski asked if they are still considering some type of convention center in Bonanza Park. If so, he thought Mark Fischer should be involved in those discussions.

Council Member Butwinski referred to Goal #3, Transportation, Item 3 – public parking, and suggested that Council relook at motorcycle parking.

Council Member Beerman thought it would be good to tie the goals and the community values together for clarity.

<u>Liaison Assignments</u>

The Council reviewed the list of liaison positions and made the following appointments, which will be modified and confirmed at a later date.

CITY BOARDS/COMMISSIONS/TASK FORCES

	TYPE	LIAISON	STAFF
BOARD OF ADJUSTMENT Meets as needed on first and third Tuesdays at 5 p.m. in Council Chambers	Non-voting	Dick Peek	Thomas Eddington
CITIZENS OPEN SPACE ADVISORY COMMITTEE (COSAC) Meets as needed on second Tuesdays at 4 p.m. in Council Chambers	Non-voting	Andy Beerman Alternate Cindy Matsumoto	Diane Foster
EMPLOYEE TRANSFER AND DISCHARGE BOARD (ETDAB) Meets as needed	Non-voting	Liza Simpson and Dick Peek Alternate Andy Beerman	Brooke Moss
FRIENDS OF THE FARM	Non-voting	Liza Simpson	Denise Carey
HISTORIC PRESERVATION BOARD Meets first and third Wednesdays at 5 p.m. in Council Chambers	Non-voting	Dick Peek Alternate Liza Simpson	Thomas Eddington
LIBRARY BOARD Meets second Fridays at noon at Park City Library	Non-voting	Cindy Matsumoto Alternate Liza Simpson	Linda Tillson
PLANNING COMMISSION Meets second and fourth Wednesdays at 5:30 p.m. in Council Chambers	N/A	Alex Butwinski Alternate Liza Simpson	Thomas Eddington
PUBLIC ART ADVISORY BOARD Meets second Mondays at 6 p.m. in Executive Conference Room – Marsac Building	Non-voting	Alex Butwinski	Sharon Bauman
PUBLIC SERVICE CONTRACT SUBCOMMITTEE Meets as needed	Voting	Cindy Matsumoto and Liza Simpson	Nate Rockwood and Heinrich Deters
RECREATION ADVISORY BOARD Meets first Tuesdays at 6 p.m. at PC MARC	Non-voting	Liza Simpson Alternate Andy Beerman	Ken Fisher
RDA TAXING ENTITY COMMITTEE Meets as needed	Voting	Dick Peek Alternate Andy Beerman	Bret Howser Tom Bakaly

COMMUNITY NONPROFIT ORGANIZATIONS

	TYPE	LIAISON	STAFF
ADVISORY COUNCIL ON LATINO AFFAIRS	Non-voting	Dana Williams	Phyllis Robinson
HABITAT FOR HUMANITY	Non-voting	Dick Peek	Phyllis Robinson
MOUNTAINLANDS COMMUNITY HOUSING TRUST Meets second Tuesdays at 8:30 a.m. at MCHT Office	Non-voting	Liza Simpson	Phyllis Robinson
PARK CITY HISTORICAL SOCIETY Meets first Thursdays 8:15 a.m. at 528 Main Street	Non-voting	Dick Peek	Thomas Eddington
PARK CITY SUMMIT COUNTY ARTS COUNCIL Meets quarterly at 6 p.m. at rotating locations	Voting	Alex Butwinski	Sharon Bauman
PEACE HOUSE Meets the second Mondays every other month	Non-voting	Cindy Matsumoto Alternate Andy Beerman	Rhoda Stauffer
RECYCLE UTAH	Non-voting	Andy Beerman	Diane Foster

Meets the third Mondays of the month at 8 a.m. at Center		Alternate Alex Butwinski	
SENIOR CENTER	Non-voting	Liza Simpson Alternate Cindy Matsumoto	Rhoda Stauffer
SUMMIT LANDS CONSERVANCY Meets the third Wednesdays of the month at 7:30 a.m. at The Yarrow	Non-voting	Cindy Matsumoto Alternate Andy Beerman	Diane Foster

OUTSIDE AGENCIES AND PROFESSIONAL ORGANIZATIONS

	TYPE	LIAISON	STAFF
BASIN OPEN SPACE ADVISORY COMMITTEE (BOSAC)	Non-voting	Andy Beerman Alternate Dick Peek	Diane Foster and Heinrich Deters
COLORADO ASSOCIATION OF SKI TOWNS (CAST) Meets quarterly	Voting	Andy Beerman and Cindy Matsumoto	Diane Foster
COALITION OF GOVERNMENTS (COG) Meets quarterly	Voting	Dana Williams	Kent Cashel
ENVIRONMENTAL PROTECTION AGENCY (EPA) Meets as needed	N/A	Dana Williams and Liza Simpson Alternate Andy Beerman	Joan Card
FEDERAL DELEGATION Meets as needed	N/A	Dana Williams and Liza Simpson	Tom Bakaly
HISTORIC PARK CITY ASSOCIATION (HPCA) Meets the third Tuesdays of the month at 8:30 a.m.	Non-voting	Alex Butwinski Alternate Dana Williams	Jon Weidenhamer
INTERAGENCY TASK FORCE	N/A	Liza Simpson and Dick Peek	Sharon Bauman
JOINT TRANSPORTATION ADVISORY BOARD	N/A	Liza Simpson Alternate Dick Peek	Kent Cashel
MOUNTAINLANDS ASSOCIATION OF GOVERNMENTS Meets the fourth Thursdays of the month at 7 p.m. 586 E 800 N, Orem	Voting	None – MAG meets on Thursdays	Diane Foster
PARK CITY AREA LODGING ASSOCIATION Meets the first Wednesdays of the month at noon at different locations	Non-voting	Liza Simpson Alternate Andy Beerman	Jon Weidenhamer
PARK CITY CHAMBER/BUREAU BOARD OF DIRECTORS Meets first Wednesdays at 6:30 p.m. at rotating locations	Voting	Cindy Matsumoto	Phyllis Robinson
PARK CITY FIRE SERVICE DISTRICT ADMINISTRATIVE CONTROL BOARD Meets first Wednesdays at 5:30 p.m. at Administrative Office	Voting – four year term	Liza Simpson	Kent Cashel
SKI UTAH Meets third Wednesdays at 9:30 a.m. at rotating locations	Voting	Alex Butwinski	Diane Foster
SUMMIT COUNTY BOARD OF HEALTH Meets last Mondays every other month	Ex Officio	Liza Simpson Alternate Andy Beerman	Phyllis Robinson
SUMMIT MOSQUITO ABATEMENT DISTRICT	Voting	Dana Williams	Pace Erickson

Meets second Tuesdays every other month at 5 p.m. at District Office			
SNYDERVILLE BASIN WATER RECLAMATION DISTRICT Meets third Mondays at 5 p.m. at District Office	Voting – four year term	Dana Williams	Clint McAffee
UTAH LEAGUE OF CITIES AND TOWNS (ULCT) LEGISLATIVE POLICY COMMITTEE Meets as needed	Voting	Dana Williams and Alex Butwinski Alternate Andy Beerman and Dick Peek	Diane Foster
WESTERN SUMMIT COUNTY WHOLESALE WATER IMPORTATION PROJECT (WSCWWIP) Meets as needed	Non-voting	Dana Williams and Alex Butwinski Alternate Dick Peek	Clint McAffee and Tom Daley

Architectural Design Competition

Robin Marrouche, Kimball Arts Center Executive Director, reported that tomorrow the Wall Street Journal will break an exclusive story on who won the Architectural Design Competition. Regardless of who wins, it was a unanimous jury decision. She explained the process and clarified that the design was secondary. The focus was on choosing architects. As soon as the winner is announced, they will meet with the winner and tweak the design where necessary. The next phase will be to present ideas to the City for input through the appropriate approval processes. Ms.Marrouche remarked that whichever design was chosen would further raise Park City's national profile and expand the City's reputation as an arts destination, as well as a world class ski destination. She was confident that the winner will help them achieve that goal.

Council Member Simpson commended Ms. Marrouche and the Kimball Arts Center for a fascinating, accessible process, and for involving the public.

Wrap Up

Mr. Neu asked the Council for their thoughts on study sessions and how it contrasts with work sessions.

Council Member Matsumoto understood that a study session would be held on a Thursday night in a casual format. The staff and others would provide information and have a discussion with the Council members. Mr. Neu explained that typically a study session is not held on a dais like a City Council meeting. The Council members would sit around a working table and communicate in an informal setting. Mr. Neu remarked that study sessions are extremely important because it allows the opportunity to work through issues and achieve total understanding. It provides a sense of confidence that what Council ultimately approves is what members want.

Council Member Matsumoto favored the idea of a study session, but she was interested in hearing comments from the City Attorney and City Manager regarding study sessions.

City Attorney Mark Harrington stated that replacing two City Council meetings with study sessions could have an impact on agenda items that are time sensitive. However, if the study session is used less frequently and it is more targeted, similar to the joint meetings with the Planning Commission, everyone could benefit from that type of discussion. He would not favor a regularly scheduled study session.

Mr. Bakaly suggested holding the study session in a different room if it is held on a regular City Council night. Based on Council's discussion regarding topics for study sessions, he believed the amount of staff time and preparation would be significant. Mr. Bakaly thought the parameters and goals of the study session should be defined. He believed the goal is to learn about an issue and obtain more information.

Mr. Neu noted that Page 7 of the handout outlined the exact purpose of a study session. The key purpose is to understand the issue, identify problems, select best options, build commitment, develop knowledge for decision-making, sort out options and examine the consequences of those options, develop proposed strategies, and being able to say that Council is ready to make a competent and informed decision.

Mayor Williams thought the study session should be held as needed and it should not be held on Thursday. He believed that they already push the limit on work session time and suggested that a study session may help with the work session discussion. He preferred to limit the study session to two or three hours. Mayor Williams liked the idea of a study session because it is different and did not have to be held every week.

Mr. Bakaly outlined the list of study session items identified during the visioning discussion. Mr. Neu stated that one purpose of a study session is clarity of policy and how policy would be followed to make decisions. It provides a framework of how to make the decision, and everyone has the same understanding so there is no guesswork when it happens. He noted that some study sessions are held strictly to rate policy guidelines. Other study sessions might pertain to a specific application or matter.

Mr. Neu commented on scheduling. He suggested that one person put together a list of topics and prioritize them. At that point a schedule to determine how frequently to meet can be decided. Mr. Neu stated that each study session should have a definite agenda and other items should not be allowed to creep in. Mr. Neu remarked that frequently study sessions require significant staff work, depending on the nature and complexity of the issue. He encouraged paying attention to the required staff time when planning the study session agenda. Mr. Neu strongly recommended that study sessions not be held on the same night as a City Council meeting because fatigue promotes ineffectiveness.

Council Member Simpson was not concerned about scheduling a study session the same day as a City Council meeting, because they have the ability to start earlier in the day. She suggested replacing the work session with a study session for the first meeting of every month. It would build a rhythmic flow for the Council, the staff and the public. Council Member Simpson pointed out that the City Council does not meet on one Thursday a month. She was willing to commit to meeting every week for the next three or four months while they try this hybrid. It would provide rhythm and not overburden the staff.

Mr. Bakaly commented that the list of topics have three or four major items. He suggested identifying three topics for study sessions in March, April and May, and adding minor topics to lighter work session schedules. He believed that the budget would take most of the work session time in May and June.

Mayor Williams was not opposed to a study session on the same day as a Council meeting; however, he was concerned about staying within the scheduled time frames to start the regular meeting on time. Council Member Simpson clarified that her suggestion was that the study session would replace the work session on that day. Council Member Matsumoto recommended that they try a study session on the first Thursday of the month to see how it works. She pointed out that the City Council always held a short meeting prior to the joint sessions with the Planning Commission. She suggested following the same format on the night they have a study session and hold the regular meeting first.

Council Members discussed and prioritized topics for study sessions. A major issue of disagreement was the Interconnect. Mr. Bakaly suggested a study session be postponed on the Interconnect until there is a better understanding of the City's role and leadership position based on the strategic plans.

Mr. Bakaly summarized the initial study session topics as power lines, Sundance, night sky, air quality, Latino issues and the bond/funding discussion. A community event, such as an event with Fort Collins could also be explored. There was long-term interest to be a leader in annexation boundaries and Interconnect, but timing is unknown because of the involvement of other parties where the City has no control.

Council Member Beerman asked if anyone is interested in having a boundaries discussion. The City is looking at annexing Quinn's Junction and potentially Round Valley, and he questioned whether other areas should be identified to be included, such as Quarry Mountain, Bonanza Flats, or Deer Crest. Mayor Williams was comfortable having that discussion. Mr. Bakaly stated that the County has rights to growth both in the City and outside of the inside. If Council intends to have broader regional planning discussions, starting with an annexation discussion is probably not the best approach.

Mr. Neu stated that the terminology typically used for boundary definitions is growth management boundaries. A lot of communities stake them and actually publish them. It varies from state to state. The County agrees that the growth that will occur in those areas during the transition will abide by the building codes of the final entity of which they will be a part. That would protect Park City from getting something undesirable because the County has different building codes and the future community determines the quality of the growth that occurs in those areas to be annexed.

Regarding scheduling, Mr. Bakaly suggested having the financing discussion in March and the Sundance discussion in April. The other topics could be weaved into work sessions, recognizing that the budget would take the majority of work session time in May and June.

Mayor Williams thought Sundance should be invited to the table to participate in that discussion. Having negotiated with them for 17 years, Mr. Bakaly believed Sundance could react differently in a public meeting.

Mr. Neu complimented everyone on what was accomplished through this Visioning Session, particularly the strategic planning process. He thought the staff has done a phenomenal job with their presentations. Mr. Neu pointed out that the City still has refinements to make. The capstone project coming up would provide better opportunities for better integration in the whole process. Mr. Neu remarked that the staff raised a number of issues for discussion in their reports and it is important to monitor those points to make sure the significant issues are not left unanswered.

Mr. Neu commented on the support he received from Phyllis Robinson in preparing for this session. He gave her a standing ovation for an outstanding job.

Mayor Williams thought this visioning was very productive and that everyone worked well together. The Council members thanked Mr. Neu for facilitating. Mr. Harrington appreciated the opportunity to participate in a non-traditional role. Mr. Bakaly stated that he has been through a number of Visioning Sessions and this was the best one. It was an environment where the staff could be direct in their dialogue without worrying about ramifications.

The meeting was adjourned.

Prepared by Mary May, Secretarial Service
Edited by Janet M. Scott, City Recorder

City Council Staff Report

Subject: Iron Horse Seasonal Housing Grant
Author: Brooks Robinson, Senior Transportation Planner
Kent Cashel, Transit & Transportation Manager
Department: Public Works Transit Division
Date: March 29, 2012
Type of Item: Administrative

Summary Recommendations:
The Council should consider authorizing Staff to execute a Federal Transit Administration grant in the amount of $1.5 million for the construction and equipping seasonal housing at the City's Iron Horse facility.

Topic/Description:
Park City is requesting authorization to execute a $1.5 million grant from the U. S. Department of Transportation, Federal Transit Administration (FTA) as well as authorize funding from the City's Transit Fund for finish construction.

Background:
The City's transit operation experiences two peak demand periods during the year. The largest peak period occurs during the winter with summer not far behind. Each year the transit operation recruits, trains and employs approximately 50 seasonal bus drivers each winter (approximately 25 during the summer). Attracting and retaining this core group of seasonal bus drivers is a major challenge for the Transit operation. Since 2006 Transit, working with the City's affordable housing specialist has rented housing to approximately 12-16 seasonal drivers (using the Park Avenue fire station, City housing units and third party rentals). Staff identified the need for a dedicated transit seasonal housing facility as part of the City's Short Range Transit Development Plan.

The Master Plan for the Iron Horse Facility was reviewed and approved by the Planning Commission with direction from the City Council in early summer 2009. The Master Plan discussion included the potential for seasonal housing on-site. The bus facility expansion was recently completed. Transit Staff applied to the FTA for a federal grant under the Bus Facilities and Livability program. The FTA awarded a grant in the amount of $1.5 million for construction of the shell of the building, but not the interior finish of the residential units (Fixtures, Furnishing, and Equipment or FFE). Staff has procured the services of the architectural firm CRSA to provide schematic site and floor plans and building elevations for submittal of a Conditional Use Permit for review by the City Planning Commission.

Analysis:
The FTA grant applies $1.5 million in FY 2011 Livability discretionary funds for constructing a new structure adjacent to the Iron Horse Maintenance Facility. The structure will house two functions: transit vehicle storage and transit employee housing.

The FTA funds will be used for constructing the shell of the building and the finishes for the transit vehicle and equipment storage on the ground level. FTA has notified the City that FTA funds can be utilized to construct the vehicle storage and housing shell but may not be utilized for furnishing, fixtures or equipment (FF&E) for the dorm style housing on the upper two levels.

At the time of application, the City estimated construction costs at $1,875,000 with $375,000 coming from City Transit funds for the FFE.

The qualified project budget is:

- $ 150,000   Design and Engineering
- $1,210,000   Construction
- $ 140,000   Project Management
- $ 375,000   FFE (City Responsibility)

The City must pay for the FFE from Transit Funds. The FFE includes everything interior to the drywall, including paint, plumbing fixtures, electrical fixtures, cabinets, and the like.

A residential building within the General Commercial zoning district requires a Conditional Use Permit (CUP). The application for a CUP requires a site plan, floor plans and building elevations for the Planning Commission to review. Procurement of design services for projects using Federal money is required to follow the federal Brooks Act for selection of architects and engineers. Under the Brooks Act, firms are selected based on ranking of qualifications and then a contract is negotiated within a fair and reasonable price for the services. Selection of a firm is not based on price and local preference is not a consideration.

A review committee consisting of Kent Cashel and Brooks Robinson (Public Works), Destry Pollard (Transit), Rhoda Stauffer (Affordable Housing Specialist in Sustainability) and Dave Gustafson (Project Manager in Sustainability), evaluated nine submitted proposals from the firms as listed below:

FIRM	
Otto – Walker	Elliott Workgroup
Jack Thomas & Ken Pollard	REA
CRSA	Hill & Co
Richard Motto	THINK
Blalock	

The review committee evaluated each firm according to a list of criteria including experience on similar projects, strength of individual firm members, project management skills, communication skills, and technical skills. Each proposal included the estimated number of hours and the proposal cost. Costs ranged from $9,500 to $56,000.

The selection committee determined that the firm of CRSA was the best choice for providing professional services to the City on this project. The CRSA bid was preferred for their experience and qualifications with residential projects, Federal funding, and familiarity with the Park City Planning process. Although price was not a consideration and most of the firms came in around the anticipated amount, the CRSA bid was the lowest.

It is important to note that the design bid is for schematics only. Once the Planning Commission approves the CUP, full construction drawings will be put out to bid so architectural firms will again be able to bid on the project. As long as the full design is not substantially different from what the Planning Commission approves, a different firm may produce the final documents.

The City anticipates a two month process from time of CUP application to Planning Commission hearing with construction drawings taking another several months after that. Construction is proposed to be simple foundation with slab on grade and stick-built framing. If all goes well, Staff hopes to be under roof and dried in by the end of the year.

Department Review:
This report has been reviewed by Public Works, City Manager, and Legal.

Alternatives:

A. **Approve the Request:**
This is the staff's recommendation.

B. **Deny the Request:**
The City would lose the FTA grant and build the entire project with its own funds if it chooses to proceed with the project.

C. **Continue the Item:**
If the Council needs more information the item can be continued.

D. **Do Nothing:**
This option is the same as denying the request.

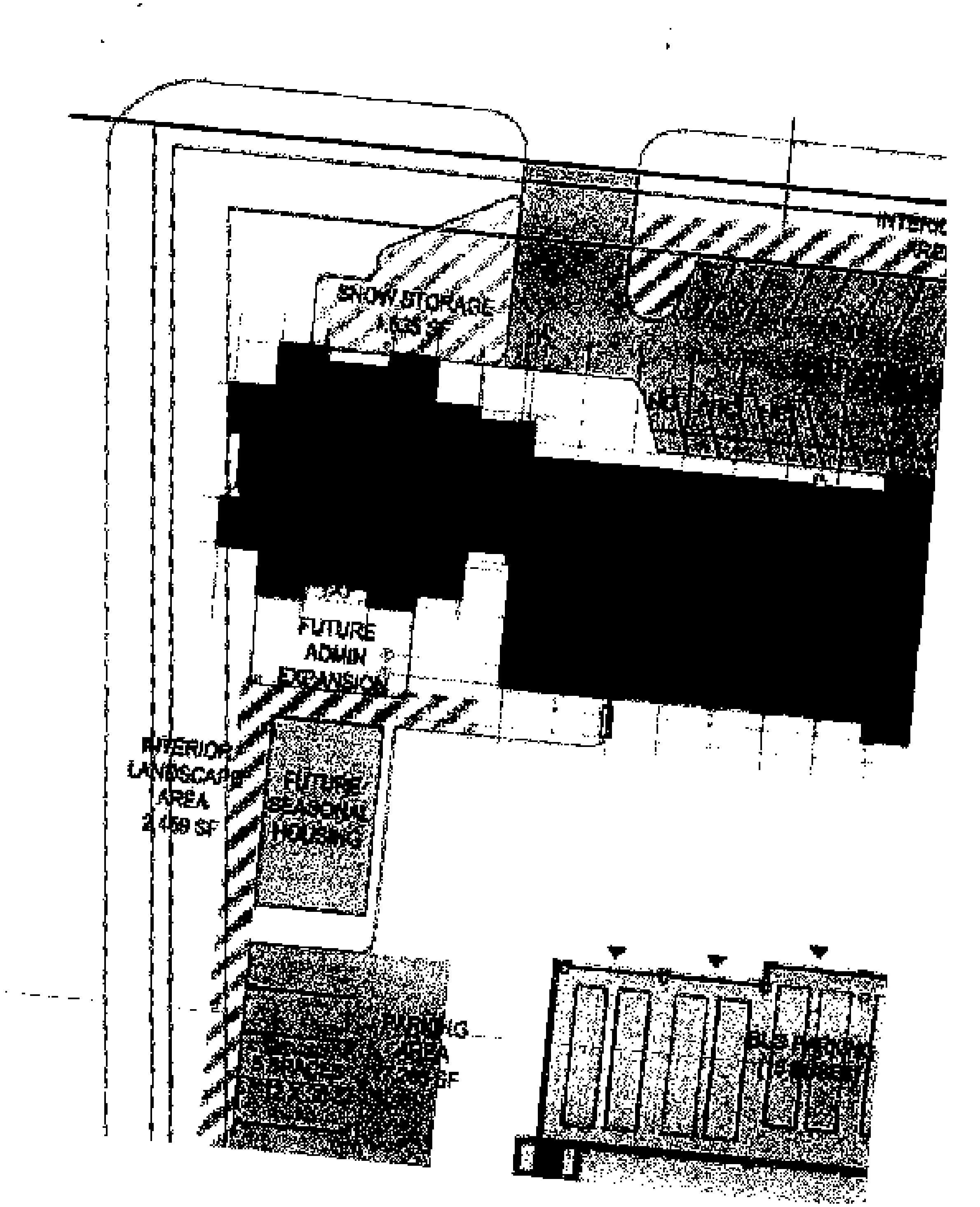
Significant Impacts:
Construction of the Transit Residential Building will incur costs to the City of up to $375,000. The required funds exist within the Transit Fund. This cost is for the finish of the residential units as previously discussed.

Consequences of not taking the recommended action:
If the City does not execute the grant, the City will lose it. This course of action should only be taken if the City does not wish to build the seasonal housing for Transit.

Recommendation:
The Council should consider authorizing Staff to execute a Federal Transit Administration grant in the amount of $1.5 million for the construction and equipping

seasonal housing at the City’s Iron Horse facility. Staff will electronically execute grant document immediately upon Council approval.

Exhibits:
A – Site Plan
B – Grant Agreement


SNOW STORAGE
FUTURE ADMIN EXPANSION
INTERIOR LANDSCAPE AREA
FUTURE SEASONAL HOUSING

GRANT AGREEMENT
(FTA G-18, October 1, 2011)

On the date the authorized U.S. Department of Transportation, Federal Transit Administration (FTA) official's electronic signature is entered for this Grant Agreement, FTA has Awarded Federal assistance in support of the Project described below. Upon Execution of this Grant Agreement by the Grantee named below, the Grantee affirms this FTA Award, and enters into this Grant Agreement with FTA. The following documents are incorporated by reference and made part of this Grant Agreement:
(1) "Federal Transit Administration Master Agreement," FTA MA(18), October 1, 2011, http://www.fta.dot.gov/documents/18-Master.pdf
(2) The Certifications and Assurances applicable to the Project that the Grantee has selected and provided to FTA, and
(3) Any Award notification containing special conditions or requirements, if issued.

FTA OR THE FEDERAL GOVERNMENT MAY WITHDRAW ITS OBLIGATION TO PROVIDE FEDERAL ASSISTANCE IF THE GRANTEE DOES NOT EXECUTE THIS GRANT AGREEMENT WITHIN 90 DAYS FOLLOWING THE DATE OF THIS FTA AWARD SET FORTH HEREIN.

FTA AWARD

FTA hereby awards a Federal grant as follows:

Project No: UT-04-0021-00

Grantee: PARK CITY MUNICIPAL CORP

Citation of Statute(s) Authorizing Project: 49 USC 5309 - Bus and Bus Facilities (FY2006 forward)

Estimated Total Eligible Cost (in U.S. Dollars): $1,875,000

Maximum FTA Amount Awarded [Including All Amendments] (in U.S. Dollars): $1,500,000

Amount of This FTA Award (in U.S. Dollars): $1,500,000

Maximum Percentage(s) of FTA Participation:

Percentages of Federal participation are based on amounts included in the Approved Project Budget, modified as set forth in the text following the Project Description.

U.S. Department of Labor Certification of Public Transportation Employee Protective Arrangements:

Original Project Certification Date: 2/27/2012

Project Description:

Const Transit Storage, Employee Housing

The Project Description includes information describing the Project within the Project Application submitted to FTA, and the Approved Project Budget, modified by any additional statements displayed in this Grant Agreement, and, to the extent FTA concurs, statements in other documents including Attachments entered into TEAM-Web.

Awarded By:
Ms. Charmaine Knighton
Deputy Regional Administrator
FEDERAL TRANSIT ADMINISTRATION
U.S. DEPARTMENT OF TRANSPORTATION

City Council
Staff Report

Subject: **Additions to Park City Fee Resolution related to Special Events**
Authors: **Tommy Youngblood**
Department: **Sustainability**
Date: **March 29, 2012**
Type of Item: **Informational/Legislative**

Summary Recommendations:
Staff Recommends City Council review for adoption the Fee Analysis and hold a public hearing and approve the amended fee schedule as presented.

Topic/Description:
Additions and changes to Park City Fee Resolution related to Special Events

Background:
On September 29, 2011, Staff reported to City Council on the overall administrative, operational, and economic impacts surrounding special events in and around Park City. At that time, staff received Council feedback on the general policies and procedures the Special Event Team were developing to manage resources, maximize the development of the event calendar and provide maximum economic benefit balanced with maintaining our unique community values. Specifically, Council agreed with developing better accounting practices for staff time and fees, including:

- city operational costs,
- identification of cost recover goals (could vary by event type);

Council's primary goal was to fulfill cost of service recovery goals without imposing unnecessary financial burdens the event community; seeking 100% cost recovery for more commercial related event activity and a lesser percentage for community and not-for-profit organizations.

The specific policy and cost recovery goals have been set forth in the Park City Fee Schedule, revised October 13, 2011. The relevant sections excerpted below:

SECTION 8. RECREATION SERVICES AND FACILITY RENTAL FEES

8.1 PURPOSE AND PHILOSOPHY. Recreation Services, the Parks Department, Miners Hospital Community Center and the Library are supported primarily by tax dollars through the City's General Fund. The Golf Course has been established as an enterprise fund and should be primarily supported by revenues other than taxes. This policy applies to Recreation Services and the Golf Course Enterprise fund.

The purpose of this section is to establish a level of operations and maintenance cost recovery for programs, activities and facilities, and direction for establishing fees and charges for the use of and/or participation in the programs, activities and facilities offered by the Recreation Services, Golf Course, Library, and Miners Hospital Community Center.

It is the intent of the City to offer its Recreation Services programs, activities and facilities to the entire community. To help offset the cost of providing these services, and since the primary beneficiaries of these services are users, it is appropriate to charge fees that are adequate to fund operation of the facility in line with other like programs.

8.2 COST RECOVERY. It is the intent of the City to recover roughly 70% of the operations and maintenance expenses incurred by the Recreation Department and the Recreation Center and 100% of the operations and maintenance expenses incurred by the Golf Course through sources of revenue other than taxes. The City's cost recovery plan is described in detail in the City's budget document. User fees should not be considered the only source for accomplishing this objective. Revenues may also include:

Increases in program participation

- Fees charged for non-recreational use of facilities (conventions/special events)
- Rental income
- New programs or activities
- Private sponsorship of programs or activities
- Public agency grants or contributions.

8.3.4 <u>Fee Increases</u> Recommendations for fee increases may be made on an annual basis. The City will pursue frequent small increases as opposed to infrequent large ones. Staff will be required to provide an annual review and analysis of the financial posture of the Golf Course Fund along with justification for any recommended increase. When establishing fees, the City will consider rates charged by other public and private providers as well as the ability of the users to pay.
To establish and maintain the Council's objective of 70% cost recovery, the City Manager will have the authority to annually increase fees up to $.50 or 10%, whichever is greater. Any requested increase over that amount will require Council action.

Fee increases will take place only if they are necessary to achieve the City Council's objective and maintain program quality, and only with the authorization of the City Manager or the City Council.

Analysis:

A. Event Related Fee Schedule and Waiver Process

In 2010 the PCMC Budget Department did a Special Event Fee Schedule and Cost of Service Analysis that reviewed all special event related city fees. In summary, many of our base prices for recovery of service were well below our current cost for delivering those services, mostly in the areas of materials, supplies, equipment and facilities. Fees have been adjusted to reflect the city's recovery of cost for services.

Other than the fee increases for application process and analysis most events will experience their city related fees increase by up to 50% due to new fees charges for parking lot and trail use. However, the fee waiver application process allows non-profit and community organization's to request fee waivers.

In the past, we have waived 25% of the total fees on an annual basis. This would be consist with generating approximately $75, 000 in special event fee related revenues for FY 2013

Currently, there are two processes for an event applicant to request fee waivers. The first is a waiver of any fee that can be granted by City Council at the request of the applicant. The second provides for the applicant to request of the City Manager a full or partial wavier of the following fees (4-8-9 of the Municipal Code):

- Application,
- Facility rentals,
- Field rentals
- Use of Public Parking spaces
- Bleacher use fees.

Eligibility for the waiver shall be determined by the City Manager pursuant to the following criteria, none of which shall be individually controlling:

1. For profit or non-profit status of the Applicant;
2. Whether the event will charge admission fees;
3. Whether the event is youth-oriented;
4. The duration of event
5. Whether and to what extent the city is likely to receive positive tax benefits by virtue of the event;
6. The degree of City services involved and whether City costs are likely to be recovered by other revenue opportunities arising from the event;
7. The season of occurrence; and
8. Demonstration of hardship by the Applicant.

The City Manager's determination may by the appealed to the City Council.

Staff finds the current system of fee waivers works well. There are suggestions of expanding the list of fees the City Manager can waive to operational costs such as Public Safety and other PCMC staff time for operation of the event. Staff recommends that those hard costs should be left for Council to decide in the case of an appeal.

In the discussion on March 24, 2011, Council asked staff to consider if local 'non-profit or community events' should be given greater consideration in fee waivers and less in cost of recovery of city services. In researching this, Staff discovered that many events charging a fee are registered not-for-profit entities.

Staff is currently reviewing the following processes of refining 'non-profit or community events' in the matter of fee waivers:

1. Additional fee waivers granted to the new category of " Small Scale Community Events,
2. Additional fee waivers granted to applicants that have at least 75% Summit County participation,
3. Additional fee waivers to events with fees less than $10,
4. Additional fee waivers to Summit County based non-profit groups,
5. No fee waiver's if application timelines are not met, or
6. A combination of the above.

Department Review:
This report has been reviewed by all relevant departments.

Alternatives:

A. Approve Item: Fees would be adjusted

B. Continue the Item: Current fee schedule would remain the same

C. Do Nothing: Current fee schedule would remain the same

Significant Impacts:
Applicants for Master Festival and Special Events related activity would see an increase in related fees. Park City Municipal will better align related fee to cost recovery model.

Recommendation:
The City Council should follow the budget presentation schedule described above and provide direction as necessary.

Attachments:

Exhibit A – Fee Resolution

Exhibit A

Resolution No. XX-XX

A RESOLUTION AMENDING SECTION 8, RECREATION SERVICES AND FACILITY RENTAL FEES; SECTION 9, ICE ARENA AND FIELDS RENTAL FEE SCHEDULE AND ADDING SECTIONS 10.4, BLECHERS 10.5, BANNER INSTALLATION; 10.6, PARKS CLEANUP, LABOR AND EQUIPMENT; 10.7, PUBLIC SAFETY; 10.9, PARKING RESERVATION FEES; 10.10, BARRICADES; 10.11, DUMPSTERS; 10.12, STREETS EQUIPMENT AND MATERIALS; 10.13, MATERIALS; 10.14, PERSONNEL; 10.15, APPLICATION FEES; 10.16 PUBLIC PARKING LOT USE; 10.17, TRAIL USE FEES

AND REPLACING AND REPEALING RESOLUTION XX-XX IN ITS ENTIRETY

WHEREAS it is necessary to update the fee resolution to reflect the changing costs of performing services; and

WHEREAS, a public hearing was held on March 29, 2012, to receive public comments on the user fee increases,

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

SECTION 1. FEE SCHEDULE AMENDMENTS. The Park City Fee Schedule is hereby re-adopted with changes as outlined in Exhibit A

SECTION 2. EFFECTIVE DATE. This resolution shall take effect upon adoption.

PASSED AND ADOPTED this 29nd day of March, 2012.

PARK CITY MUNICIPAL CORPORATION

____
Mayor Dana Williams

Attest:

____
Janet M. Scott, City Recorder

Approve as to form:

____
Mark D. Harrington, City Attorney

EXHIBIT A

EXCERPT OF PARK CITY FEE SCHEDULE REFLECTING AMENDMENTS

PARK CITY FEE SCHEDULE (REVISED) MARH 22, 2012)

8.9. MINERS HOSPITAL COMMUNITY CENTER FEES. This facility is located at 1354 Park Avenue. Reservation fees for use of the Miners Hospital Community Center are as follows:

Function/Use	Park City/Snyderville Basin Resident or Non-Profit Commercial	Non-Resident or Non-Profit/Commercial
Single level:		
Hourly:		
First/additional up to 3 hours	~~$15/$10~~ $25/$16	~~$25/$15~~ $42/$25
Half day (4 hours.)**	~~$40~~ $67	~~$60~~ $101
Whole day (8 hours)***	~~$75~~ $126	~~$110~~ $185
Entire building:		
Two hours minimum	~~$60~~ $101	~~$110~~ $185
Half day**	~~$100~~ $168	~~$175~~ $294
Whole Day (8 a.m. to 5 p.m.)**	~~$125~~ $210	~~$200~~ $336
Special events (weddings, receptions, etc.)***	~~$400~~ $673	~~$550~~ $925

Park City/Snyderville non-profit groups will receive 12 free rentals per year, after which time the standard rate applies.

Cancellation Policies for entire building reservations:

For two hour reservations, a $25 handling fee will be charged for cancellations received less than one week prior to rental.

For half-day reservations, a $50 handling fee will be charged for cancellations received less than two weeks prior to rental.

For whole day reservations, a $75 handling fee will be charged for cancellations received less than two weeks prior to rental.

Notes:

*Snyderville Basin and Park City residents and groups were formerly charged two separate rates. Those groups have now been combined.

**a $50 damage/cleaning deposit is required on all whole day rentals, refundable if the facility is left in satisfactory condition; full payment of all fees is due two weeks prior to the facility rental.

***a $300 damage/cleaning deposit is required on all special events rentals, $275 is refundable if the facility is left in satisfactory condition; full payment of all fees for special events is due 30 days prior to the date of the event.

Snyderville Basin Resident is defined as a resident or business that is located within the boundaries of the Park City School District and Park City Fire Service District.

Commercial is defined as any use of the facility wherein participants are charged fees for profit.

8.10. PARK CITY LIBRARY & EDUCATION CENTER AUDITORIUM RENTAL RATES

This facility is located at 1255 Park Avenue. The rates for this facility are as follows:

Number of Patrons	5 Hours (or less)	Per Day	Refundable Deposit
Fewer than 50	~~$ 50~~ $ 84	~~$100~~ $168	$100
50 -100	~~75~~ $126	~~150~~ $252	150
100 - 150	~~150~~ $252	~~300~~ $505	300
150 - 250	~~250~~ $420	500 $841	500
More than 250	~~500~~ $841	~~1,000~~ $1683	1,000

	Current Fee	New Fee
PA System Rental (Per event)	$75	$99

Notes:

1. Advance reservations and standard lease agreement required, tenants included.
2. Events without admission or fee or non-profit groups are eligible for 50% rate reduction.

3. Tenants of the Park City Library and Education Center are eligible or a 50% rate reduction.
4. Multi-day events (more than three days) are eligible for a 25% rate reduction.
5. Special parking arrangements may be required for events for more than 250 participants and guests.
6. All rates are subject to change without notice.
7. All fees are to be paid in advance.
8. Only one rate reduction may apply to any group or user (the largest allowable reduction will apply).
9. City reserves the right to change fees, especially in the case of commercial enterprises.
10. These rates apply to Auditorium rental only; rental rates for film equipment are calculated separately.

SECTION 9. ICE ARENA AND FIELDS RENTAL FEE SCHEDULE.

9.7 **Establishing User Fees:** Fees shall be set at a level which ensures field quality and meets the objectives of the City Council. Resident rates apply to residents of Park City School District. Visitor rates apply to requests outside of the Park City School District Boundaries. In order to receive the resident rate a minimum of 75% of the participants must be residents of the Park City School District.

Additional Restroom Cleaning	$30 per clean
Additional Field Prep (Softball/Baseball)	~~$75 per field~~ $91 per field
Special Field Prep (Low grass Cut)	$1,000 per field
Field Set Up (Lacrosse, Soccer, Football)	$200 per field
Lights - PCSC & City Park	$20 per hr

	Current Fee	New Fee
Field Prep, Bleachers, Banners & Clean Up		
Field Prep		
Full Prep (per field, one prep)	$77.25	$91.15
Partial Prep per field, one prep, drag and line only)	$56.26	$60.75
Field Set Up (soccer & lacrosse, per field, one set up)	$200.00	$266.05
Field Lights (administration, per hour)	not incl	$46.65
Drag Only (per field, one prep)	$25.00	$30.40
Chalk (per bag, not incl. labor)	$6.00	$8.50
Quick Dry (per bag, not incl. labor)	$8.00	$14.30

SECTION 10. MISCELLANEOUS FEES: The following fees are set to insure cost recovery and use fees for additional city services associated with but not limited to; Master Festival, Special Event or Small Scale Community Licenses and approved filming activity.

	Current Fee	New Fee
10.4 Bleachers		
Bleacher Rental (per bleacher, per day)	$50.00	$53.00
Bleacher Delivery and Pick Up (per event, all bleachers)	$50.00	$93.25
10.5 Banner Installation		
Street Banner Installation-entire Main	$360.00	$648.70
Street Banner Installation-every other Main	not incl	$486.55
Street Banner Installation-every 3rd	not incl	$324.35
Street banner Installation- Roundabout	not incl	$346.65
Street Banner Installation- Kearns	not incl	$1,431.00
(Includes state permit, barricades and signage, required during install and takedown)		
10.6 Parks Clean Up, Labor and Equipment		
Pressure Washing (per hour, incl operator)	$40.00	$47.70
Pavilion Cleaning	na	$157.95
Trash Removal	$19.50	$33.90
(public property only - not provided for private property)		
Extra Trash Cans	$4.00	$6.75
Trash Bags		
	$1.00	$2.10
10.7 Public Safety		
Police Officer	$45.00	$45.00
(per employee, per hour - four hour minimum)		
10.9 Parking Reservation Fees (Parking Department)		
Application Fee	$20.00	$22.25
Main Street, Heber Avenue, Park Avenue (Heber to 9th St):	$16.00	$20.00
Swede Alley Parking Space (per space, per day)	$12.00	$13.25
10.10 Barricades (cost per barricade)		
Crowd Control Barricades	not incl	$5.90
Street Barricades	$0.38	$1.40
-		
10.11 Dumpsters		
8 Yard (delivery + haul off fee)	$120.00	$210.00
30 yard (delivery + haul off fee)	not incl	$210.00
Landfill fee for 30 yard dumpster (per ton)	not incl	$23.00
10.12 Streets Equipment and Materials		

Equipment
(2 hour min. - billable rate is portal to portal,
cost includes operator, fuel, maintenance)

Large Loader (per hour, 1 staff)	$103.10	$103.20
Small Loader (per hour, 1 staff)	$66.10	$71.95
Street Mechanical Sweeper (per hour, 1 staff)	$137.50	$150.60
Unimog with Snow Blower (per hour, 1 staff)	$131.55	$180.20
Unimog Snowplow (per hour, 1 staff)	$96.30	$88.35
Loader with Blower (per hour, 1 staff)	not incl	$218.65
1 Ton Truck with dump (per hour, 1 staff)	$46.70	$54.15
2 Ton Truck with dump (per hour, 1 staff)	$62.60	$86.55
Bucket Truck (per hour, 2 staff)	$114.00	$117.65
Skid Steer (Cat 262 - per hour, 1 staff)	not incl	$55.90
Add Grinder	not incl	$7.60
Add Snow Blower	not incl	$6.35
Backhoe (per hour, 2 staff)	$66.40	$98.75
Air Compressor (per hour, 1 staff)	$38.55	$42.00
Graffiti Truck (per hour, 1 staff)	$55.50	$75.05
Portable Electronic Sign/ message board (per day)	$120.00	$151.20

10.13 Materials

Salt (per ton)	$37.00	$39.95
Road base (per ton)	$12.50	$13.50
Sand (per ton)	$12.50	$13.50
Cold Patch (per ton)	$62.00	$90.70
Hot Mix (per ton)	$40.00 `	$66.95

10.14 Personnel (total compensation per employee, per hour, during regular business hours)

Parks Dept. (PCMC employee - Seasonal Parks III –non-–benefited)	not incl	$23.30
Streets Department (Streets III employee)	$19.25	$30.25
Special Events Department (staff)	not incl	$42.25
Cleaning Labor – restrooms, buildings and other (contract labor)	$15.00	$28.00

10.15 Application Fee (Processing and Analysis)

New Event	$100	$160
Reoccurring Event	$ 50	$ 80

10.16 Public Parking Lot Use Rates for approved Master Festival Events:

All lot fees are for approved Master Festival licensed events only. Regular parking rates apply at all other times

Brew Pub Lot – Upper Lot	$ 240 per day
Brew Pub Lot – Lower Lot	$ 105 per day

North Marsac Lot $ 50 per day

Swede Alley Surface Lot $ 50 per day

Swede Alley Wall Lot $ 50 per day

Flag Pole Lot $ 50 per day

Sandridge lot – Upper/Lower $ 50 per day/ per lot

Quinn's Sports Parking Lots 1, 2, 3 $ 50 per day/ per lot

Mawhinney Parking Lot $ 50 per day

Library Parking Lot – Partial Use Only $ 50 per day

10.17 Trail Use Fees

Trail Use Fee and Deposit Schedule

ACTIVITY	NUMBERS	LOCAL NON-PROFIT	OUT OF AREA NON-PROFIT	LOCAL PROFIT	OUT OF AREA PROFIT
Mountain Biking	30-350	1% x $150 x number of participants	2% x $150 x number of participants	1.5% x $150 x number of participants	3% x $150 x number of participants
Cross Country Skiing*	30-350	.5% x $150 x number of participants	1% x $150 x number of participants	1% x $150 x number of participants	1.5% x $150 x number of participants
Triathlon*	30-350	1.5% x $150 x number of participants	2.5% x $150 x number of participants	2% x $150 x number of participants	3.5% x $150 x number of participants
Running/Walking/Snowshoe*	30-500	.5% x $150 x number of participants	1% x $150 x number of participants	1% x $150 x number of participants	1.5% x $150 x number of participants
Other (Events that may propose significant impacts to the system)	TBD	TBD	TBD	TBD	TBD

If Council approves additional participation above a capped quota of participants, add $2/participant in addition to fees provided below.

*All winter events that propose to use the winter trails system may be subject to a grooming fees of $30/hr. This fee may include pre-event preparation of the trails and post event maintenance of the trails.

City Council
Staff Report

Subject: **920 Norfolk Ave Plat Amendment**
Author: **Mathew W. Evans, Senior Planner**
Date: **March, 29 2012**
Project Number **PL-11-01231**
Type of Item: **Administrative – Plat Amendment**

PARK CITY 1884 PLANNING DEPARTMENT

Summary Recommendations
Staff recommends that the City Council hold a public hearing for the 920 Norfolk Avenue Plat Amendment and consider approving the proposed plat amendment based on the findings of fact, conclusions of law, and conditions of approval as found in the ordinance attached hereto.

Topic

Applicant:	Craig Elliot on behalf of Jack Mahoney
Location:	920 Norfolk Avenue
Zoning:	Historic Residential (HR-1)
Adjacent Land Uses:	Residential

Proposal
The applicant is proposing to combine four (4) existing lots of record, and one half lot of record (south half of lot 27 and all of lots 28, 29, 30 and 31) located within Block 10 of the Snyder's Addition to Park City, into three (3) lots. Proposed Lot 1 is 3,750 square feet, proposed Lot 2 is 2,812.5 square feet, and proposed Lot 3 is 1,875 square feet. The total acreage of the proposed Amended Plat is 0.19 acres or 8,437.5 square feet.

Lot 1 is the result of the combination of the south half of lot 27, lot 28 and the north half of lot 29 where an existing historic home currently straddles the lot lines, and Lots 2 and 3 are vacant and will ultimately result in two buildable lots. The HR-1 Zone allows one single-family dwelling unit per (legal) lot as a permitted use. The applicant is proposing no changes to the existing home or footprint at this time.

Background
The existing 1,840 square foot home located at 920 Norfolk Avenue is known as the "Fred Larson House". Built in 1892, the house is shown on the Historic Sites inventory as a "Landmark Site". The existing home sits on the southern half of Lot 27 and all of Lot 28 of Block 10 of the Snyder's Addition to Park City. South of the home are three (3) additional vacant lots, Lot 29, Lot 30 and 31. The other half of Lot 27 is adjoined to a neighboring property owner. As part of this proposal, the applicant is proposing subdividing 4 and half old town lots into 3 lots - Lot 1 with the historic house will include the south half of lot 27, lot 28 and the north half of lot 29, Lot 2 will contain the south half of lot 29 and lot 30, and Lot 3 will contain Lot 31.

On March 23rd, 2011, the applicant came before the Design Review Team (DRT) with a Pre-HDDR (Historic District Design Review) application. The applicant requested feedback on the possibility of building two new homes on the adjacent lots. The DRT noted that a Plat Amendment to combine the lots would be required, and that the applicant should also combine the lots underneath 920 Norfolk as well to bring the existing home into compliance.

On March 29, 2011, the applicant submitted the application for the proposed plat amendment. The application was actually put on hold due to the prior moratorium on lot-combinations. The application was deemed complete on February 2, 2012, and on February 29, a letter was sent to all property owners within 300 feet of the subject property.

On March 14, 2012, the Park City Planning Commission held a public hearing and took public comment on the requested plat amendment. The Planning Commission voted unanimously to recommend approval of the 920 Norfolk Avenue Plat Amendment based on the findings of fact, conclusions of law and conditions of approval as found in the attached ordinance.

Analysis

Planning Staff finds there is good cause for the application to combine four and a half lots into three new lots. Part of Lot 27 and 28 are straddled by an existing home located at 920 Norfolk Avenue, and the applicant wishes to build two additional homes on the vacant land which is currently comprised of the other three (3) lots. Lot 1 with the historic house will include the south half of lot 27, lot 28 and the north half of lot 29, Lot 2 will contain the south half of lot 29 and lot 30, and Lot 3 will contain Lot 31. Combining these lots will allow the applicant better utilize the vacant land for the placement of the new homes.

The applicant is also subject to current Land Management Code and Design Guidelines for Historic Districts and Historic sites. Although there are no other applications contemplated at this time, the applicant will be required to go through the Historic District Design Review process for both new homes, and will be required to meet the design standards as outlined within the aforementioned design guidelines for new construction in Park City’s historic districts.

The proposed lots will be subject to the following Historic Residential (HR-1) Zone designation requirements found in the LMC:

HR-1 Zone Designation Lot Requirements

Lot Analysis	Proposed Lot Size in square feet:	Maximum Allowed Building Footprint in Square feet	Existing Building Footprint in Square feet	Side Yard Setback	Front and Rear Yard Setback
Lot 1	3,750	1,519	1,116*	5' total of 10'	10' both
Lot 2	2,812.5	1,201	N/A	3' total of 6'	10' both
Lot 3	1,875	844	N/A	3' total of 6'	10' both

*Estimate

The proposed plat amendment will combine the existing Block 10 Snyder's Addition Lots 27, 28 and half of Lot 29 into one Lot. Currently the existing historic home straddles the property lines of Lots 27 and 28, and is currently setback one-foot (1') away from the property line between Lots 28 and 29. This plat amendment will remedy the existing nonconformities by erasing those lot lines, and creating a 38 side-yard setback on the south property line between the existing historic home and the new Lot 2.

The existing historic home currently has an 11-foot (11') front-yard setback, a 14 foot rear-yard setback, and four and a half foot (4.5') side-yard setback on the north side of the home. The existing nonconforming setback between the historic home and the north property line will not be altered through this plat amendment process due to the fact that the applicant does not own the north half of Lot 27.

Process

Approval of this application 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. All of the issues raised by the Development Review Committee (DRC) have been addressed, and the original proposal was altered to reflect the changes requested by the DRC.

Notice

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 put in the Park Record 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 City Council meeting March 29, 2012.

Alternatives

- The City Council may approve the proposed 920 Norfolk Avenue Amended Plat; or,
- The City Council may deny the proposed 920 Norfolk Avenue Amended Plat; or,
- The City Council may continue the discussion on the on 920 Avenue Plat Amendment to a date certain and provide the applicant and staff direction on additional information or changes needed to make a decision.

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

Consequences of not taking the Suggested Recommendation
The proposed plat amendment would not be recorded and the four and a half existing lots would remain as such, and the nonconformities associated with the existing historic home would remain.

Recommendation
Staff recommends the City Council hold a public hearing for the 920 Norfolk Avenue Plat, consider any public input and consider approving the plat amendment based on findings of fact, conclusions of law and conditions of approval as stated in the attached ordinance.

Exhibits
Ordinance
Exhibit A – Aerial photo vicinity map
Exhibit B – Proposed Plat
Exhibit B – Record of Survey

Ordinance No. 12-

AN ORDINANCE APPROVING THE 920 NORFOLK AVENUE PLAT AMENDMENT LOCATED AT 920 NORFOLK AVENUE, PARK CITY, UTAH.

WHEREAS, the owners of property located at 920 Norfolk Avenue have petitioned the City Council for approval of the 920 Norfolk Avenue 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 March 14, 2012, to receive input on the 920 Norfolk Avenue Plat Amendment;

WHEREAS, the Planning Commission, on the aforementioned date, forwarded a positive recommendation to the City Council;

WHEREAS; the City Council, held a public hearing on March 29, 2012; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the 920 Norfolk Avenue Plat Amendment.

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 920 Norfolk 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 property is located at 920 Norfolk Avenue within the Historic Residential (HR-1) Zoning District.
2. The HR-1 Zone District allows for detached single-family dwellings as a permitted use.
3. The existing 1,840 square foot home known as the “Fred Larson House” was built in 1892 and is shown on the Historic Sites inventory as a “Landmark Site”.
4. The proposed amended plat will solve existing nonconformities associated with the existing home, including the fact that the home currently straddles two (2) lot lines and has a one-foot (1) side-yard setback between it and the existing lot line. The new amended plat will erase the lot lines the home now straddles, and will create a new thirty-eight foot (38’) side-yard setback.

5. The existing home will continue to have a legal-nonconforming 4.5 side-yard setback to the north property line of proposed Lot 1. Five feet is the current setback requirement in the HR-1 Zone.
6. The proposed amended plat combines existing south half of Lot 27 and Lots 28 through 31 of Block 10 of the Snyder's Addition (four and a half existing lots) into three new lots.
7. Lot 1 with the historic house will include the south half of lot 27, lot 28 and the north half of lot 29, Lot 2 will contain the south half of lot 29 and lot 30, and Lot 3 will contain Lot 31.
8. Proposed Lot 1 is 3,750 square feet, proposed Lot 2 is 2,812.5 square feet, and proposed Lot 3 is 1,875 square feet.
9.
10. Any new construction on any of the Lots will require approval through the Historic Design Review (HDDR) process, as well as any future additions to the existing historic home.
11. Conformity with the Design Guidelines for Historic Districts and Historic Sites adopted in 2009 will be required for any new construction or additions and exterior remodeling of the existing historic home.
12. The existing historic home has no available off-street parking, however none are required due to the fact that the home is historic, and historic homes are exempt from off-street parking requirements.

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 amendment 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 amendment at the 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 complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. No building permits shall be issued for additions to the existing home, or for new homes on the adjoining lots, until the subdivision is recorded.
4. A 10 foot wide public snow storage easement will be provided along the frontage of the property.

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

PASSED AND ADOPTED this 29th day of March, 2012.

PARK CITY MUNICIPAL CORPORATION

____
Dana Williams, MAYOR

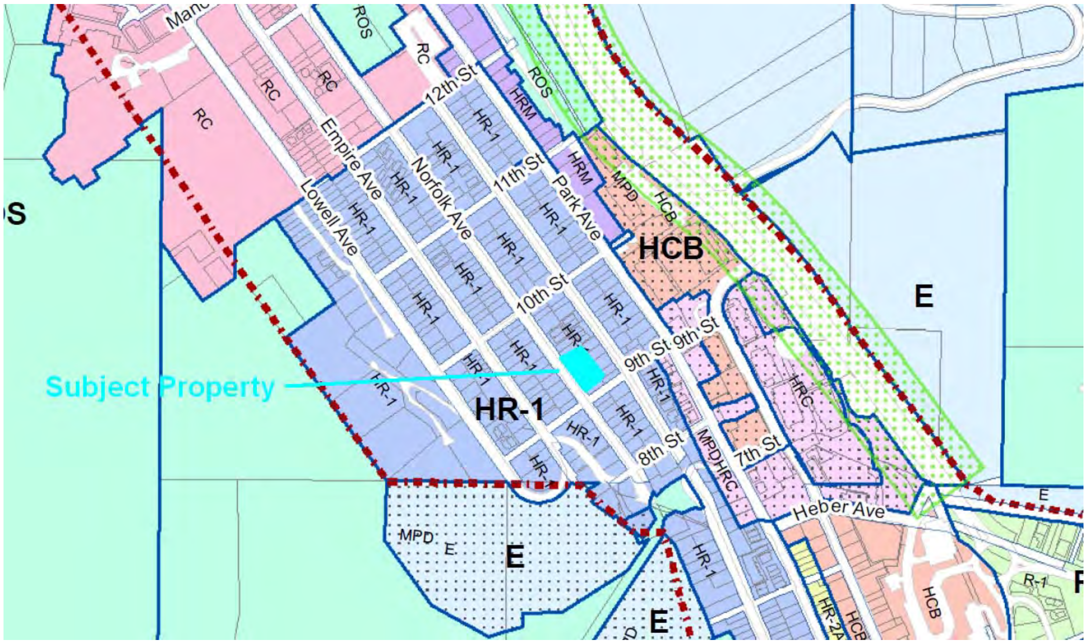
ATTEST:

____
Jan Scott, City Recorder

APPROVED AS TO FORM:

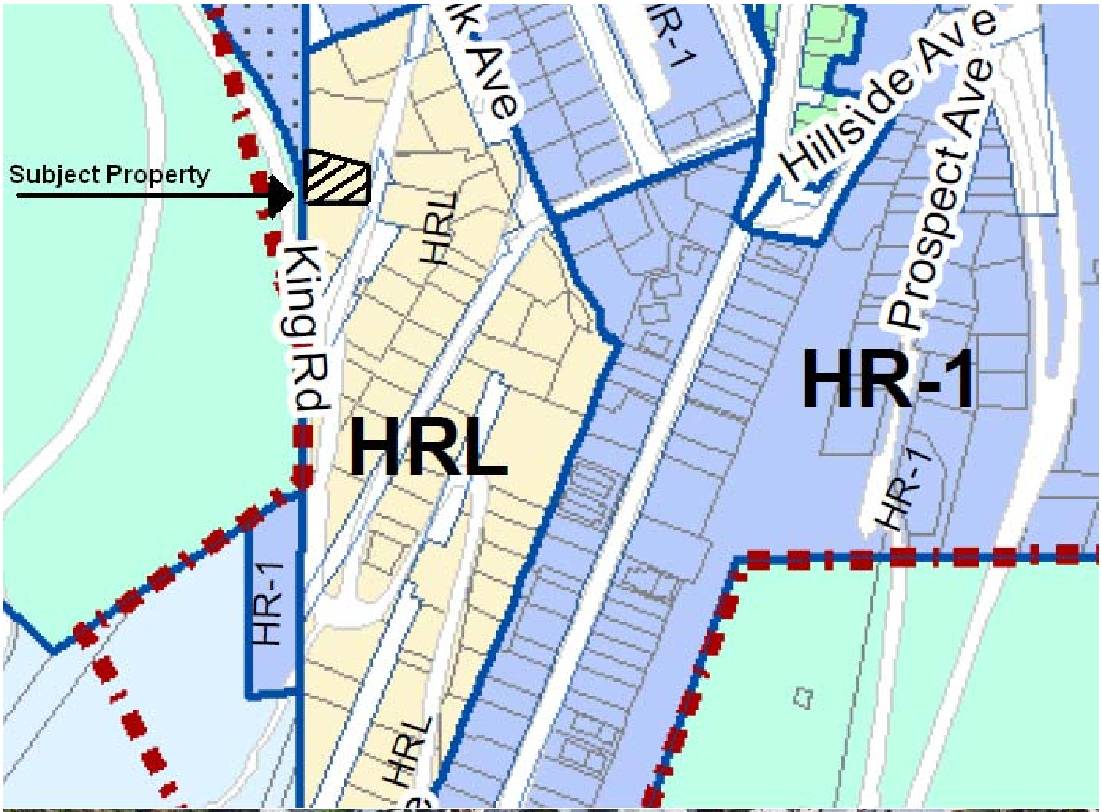
____
Mark Harrington, City Attorney

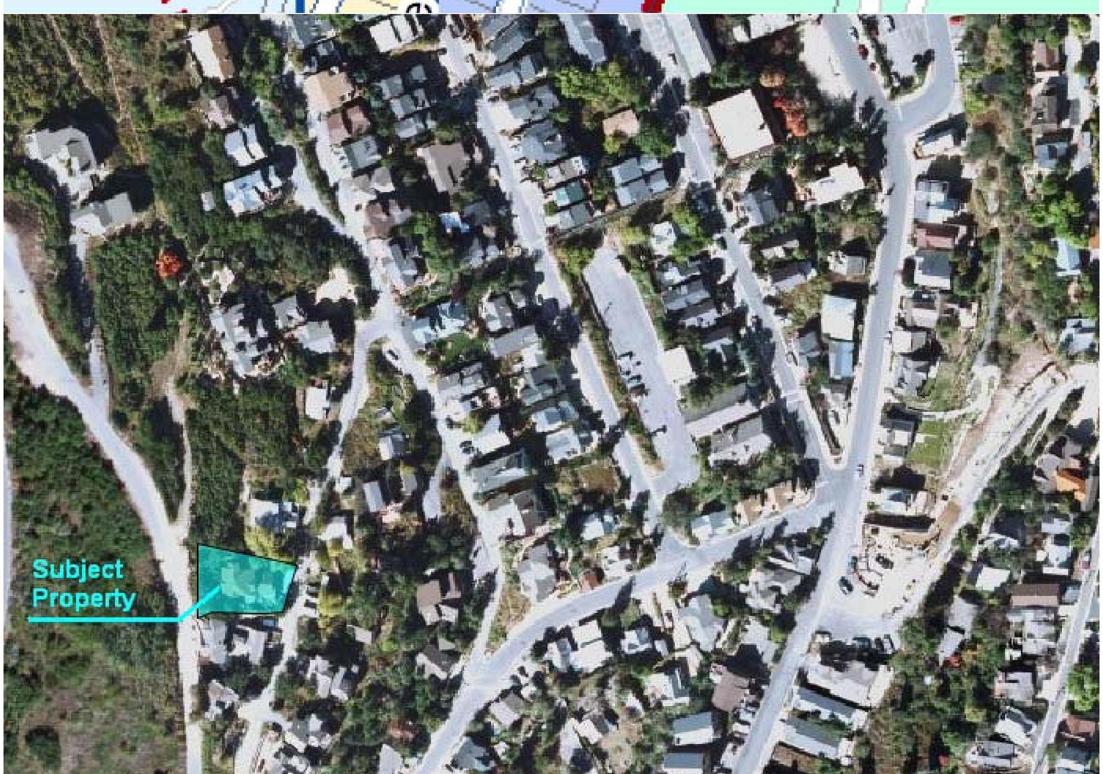
Exhibit A

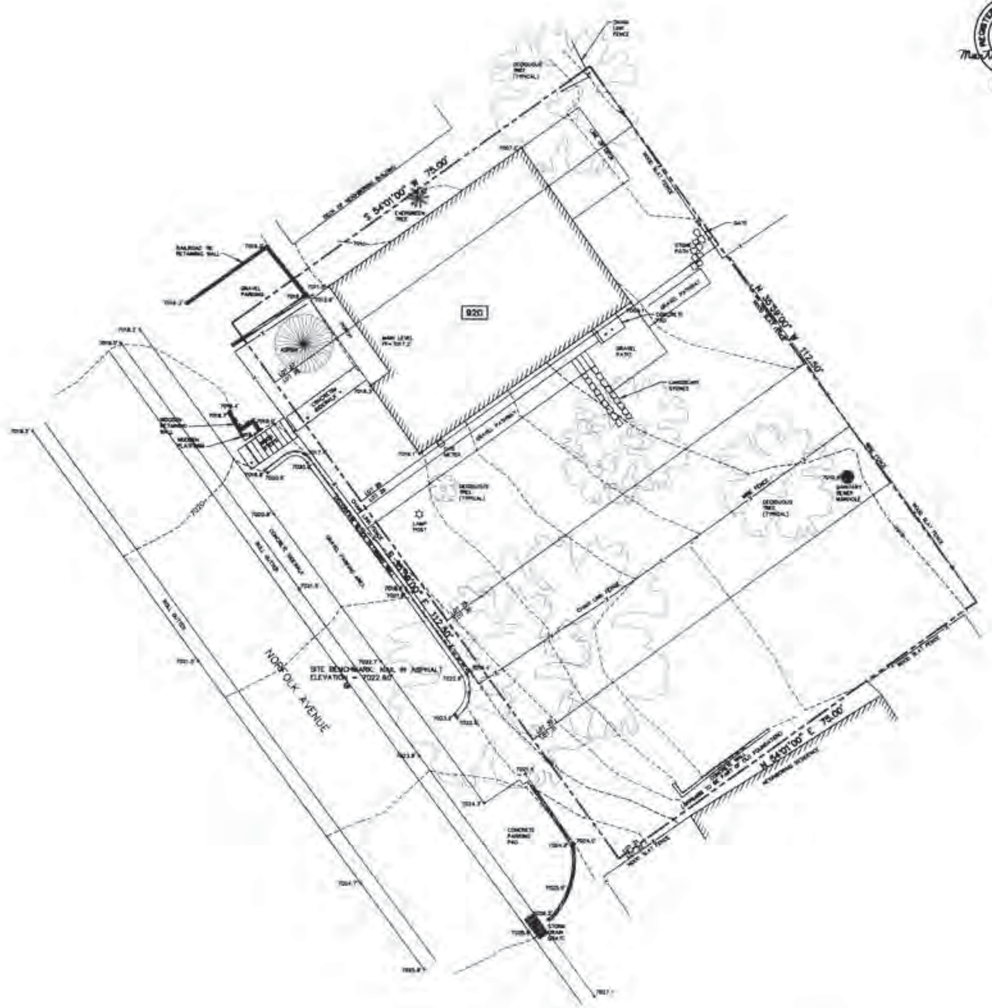


Subject Property
HR-1
HCB
E
12th St
11th St
10th St
9th St
8th St
7th St
Empire Ave
Norfolk Ave
Lowell Ave
Park Ave
Heber Ave
RC
ROS
HRM
MPD
HRC
HR-2A
R-1

Subject Property


Subject Property
King Rd
HRL
HRL
HRL
HR-1
HR-1
HR-1
HR-1
Hillside Ave
Prospect Ave


Subject Property



SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, do hereby certify that I am a registered land surveyor and that I hold certification no. 4938739 as prescribed under the laws of the State of Utah. I further certify that a topographic survey has been made under my direction of the lands shown and described hereon. I further certify that this topographic survey is a correct representation of the land surveyed at the time the field work was completed and is in compliance with generally accepted industry standards for accuracy.

REGISTERED LAND SURVEYOR No. 4938739 MARTIN A. MORRISON State of Utah

Martin A. Morrison

3-21-'11

NOTES

1. Site Benchmark: Nail in asphalt Elevation=7022.60'
2. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
3. This topographic map is based on a field survey performed on November 4, 2003 and updated on March 16, 2011.
4. Property corners were set during the 2003 survey.
5. Snow coverage at the time of the survey was approximately 1' to 2'. As a result, actual elevations may vary from elevations shown on this survey. In addition, monuments, improvements and/or conditions may exist which are not shown on this survey.

Alliance (435) 649-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS	STAFF: MARSHALL KING MARTY MORRISON DATE: 3/21/11	EXISTING CONDITIONS 920 NORFOLK AVENUE FOR: JACK MAHONEY JOB NO.: 4-9-03 FILE: X:\SnydersAddition\dwg\srv\topo03\040903-updated.dwg	SHEET 1 OF 1

REGISTERED LAND SURVEYOR
No. 154491
JOHN
DEMKOWICZ
State of Utah

SURVEYOR'S CERTIFICATE

I, John Demkowicz, 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 by authority of the owner, I have prepared this Record of Survey map of the 920 NORFOLK AVENUE SUBDIVISION 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.

_____________________ John Demkowicz

__________ Date

LEGAL DESCRIPTION

PARCEL 1

The south 1/2 of Lot number Twenty-Seven (27), all of Lots Twenty-Eight (28) and Twenty-Nine (29), and the north 1/2 of Lot number Thirty (30), in Block Number Ten (10), Snyder Addition to Park City, Summit County, Utah, according to the official plat thereof on file and of record in the Summit County Recorder's Office.

PARCEL 2

The southerly one half of Lot 30, and all of Lot 31, Block 10, Snyder's Addition to Park City Survey, according to the official plat thereof on file and of record in the office of the Summit County Recorder.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that MAHONEY ENTERPRISES, L.P., a California limited partnership, the undersigned owner of the herein described tract of land to be known hereafter as 920 NORFOLK AVENUE SUBDIVISION, does hereby certify that it has caused this Plat Amendment to be prepared. MAHONEY ENTERPRISES, L.P., a California limited partnership, hereby consents to the recordation of this Plat Amendment.

ALSO, the owner, or its representative, hereby irrevocably offers for dedication to the City of Park City all the streets, land for local government uses, easements, parks, and required utilities and easements shown on the plat in accordance with an irrevocable offer of dedication.

IN WITNESS WHEREOF, the undersigned set his hand this ________, day of ________________, 2011.

MAHONEY ENTERPRISES, L.P., a California limited partnership

____
Jack Mahoney, Manager

ACKNOWLEDGMENT

State of________________)
:ss.
County of_______________)

On this ______ day of _______________, 2011, Jack Mahoney personally appeared before me, the undersigned Notary Public in and for said state and county. Having been duly sworn, Jack Mahoney acknowledged to me that he is the managing member of MAHONEY ENTERPRISES, L.P., a California limited partnership, and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

____
A Notary Public commissioned in Utah

____
Printed Name

Residing in: ______________________

My commission expires: ____________

A PARCEL COMBINATION PLAT

BLOCK 10, SNYDER'S ADDITION TO PARK CITY SURVEY

920 NORFOLK AVENUE SUBDIVISION

LOCATED IN SECTION THE NORTH HALF OF SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

10' 0 10' 20'

SHEET 1 OF 1

3/24/11 JOB NO.: 4-9-03 FILE: X:\SnydersAddition\dwg\srv\plat2003\040903.dwg

(435) 649-9467 Alliance Engineering Inc 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 ___________, 2011 A.D. BY ________________ S.B.W.R.D.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ____ DAY OF ___________, 2011 A.D. BY ________________ CHAIRMAN	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ______ DAY OF ___________, 2011 A.D. BY ________________ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF ___________, 2011 A.D. BY ________________ PARK CITY ATTORNEY	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS ______ DAY OF ___________, 2011 A.D. BY ________________ PARK CITY RECORDER	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ______ DAY OF ___________, 2011 A.D. BY ________________ MAYOR	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF ____________________ DATE _______ TIME _____ BOOK _____ PAGE _____ __________ FEE ______________ RECORDER

City Council
Staff Report

Subject: 543 Woodside Avenue Plat
Author: Mathew W. Evans, Senior Planner
Date: March 29, 2012
Project Number PL-11-011417
Type of Item: Administrative – Plat Amendment

PARK CITY 1884 PLANNING DEPARTMENT

Summary Recommendations
Staff recommends the City Council hold a public hearing for the 543 Woodside Avenue Plat Amendment and approve the same based on the findings of fact, conclusions of law and conditions of approval as found in the attached ordinance.

Topic
Applicant:	Jonathan Degray on behalf of Steve Maxwell
Location:	543 Woodside Avenue
Zoning:	Historic Residential (HR-1)
Adjacent Land Uses:	Residential

Proposal
The applicant is proposing to combine Lots 11 and 12, Block 28 of the Park City Survey, into one new lot which will be known as 543 Woodside Plat. There is an existing historic home and a historic accessory building which both straddle both lots, and the owner would like to make future additions to the home, thus the plat amendment is required.

The applicant is proposing the plat amendment because they intend make additions to the home which will ultimately require a Historic District Design Review. The original proposal by the applicant included the addition of a third "basement" level addition to the home for a garage and stairwell leading to the main floor of the home, as well as other improvements.

Background
Originally constructed in 1894, the 543 Woodside Avenue home is shown on the Historic Sites inventory as a "Landmark Site". The original mining-era home was originally noted to be a one-story home of 1,000 square feet with a 940 square foot basement, but has been altered overtime to include additions totaling 760 square feet. There is also a detached accessory structure located in back of the historic home. On September 3, 2008, the Historic Preservation Board (HPB) determined that the rear "outbuilding" met the criteria for being historically significant due to the fact it was originally constructed sometime between 1900 to 1927, and was noted on the Sanborn Insurance maps from that era.

On June 16, 2011, the applicant applied for a HDDR pre-application meeting before the

Design Review Team (DRT). The applicant proposed adding a garage below the ground level floor of the home, as well as other improvements to the existing home. The DRT noted that a plat amendment would be necessary due to the fact that the home was built over two lots.

On January 12, 2011, the applicant submitted a complete application for the proposed 543 Woodside Avenue Subdivision Plat, and on February 29, 2012, a notice of the Public Hearing was sent to all property owners within 300 feet of the subject property.

On March 14, 2012, the Park City Planning Commission held a public hearing and took public comment on the requested plat amendment. The Planning Commission voted unanimously to recommend approval of the 543 Woodside Avenue Plat Amendment based on the findings of fact, conclusions of law and conditions of approval as found in the attached ordinance.

Analysis

Planning Staff finds there is good cause for the application as the subdivision will bring the parcels into compliance with state law by removing the lot line and combining the two parcels into one lot. Staff finds that the plat will not cause undo harm on any adjacent property owners because the proposal meets the requirements of the Land Management Code and all future development will be reviewed for compliance with requisite Building and Land Management Code requirements.

There is an existing retaining wall in front of the existing historic home that encroaches into the right-of-way. Staff is recommending that as a Condition of Approval, that they obtain an encroachment agreement from the City prior to the recording of the plat.

The applicant ultimately plans to request a full HDDR to improve the building by lifting the home, constructing a new foundation under it, remodeling the interior and adding a small addition to the rear of the historic building. Listed below are the existing conditions and the lot requirements for the property as proposed:

Existing Conditions - 543 Woodside Home

- Lot Size: 3,750 square feet (lots 11 and 12 combined)
- Home Size: 1,942 square feet
- Footprint 971 square feet
- Accessory Structure: 277 square feet[1]
- Total Building Footprint: 1,248 square feet
- Stories: 2 (Main level at grade, basement)
- Setbacks: Front – 11', Rear - 29', Side (north) 5', Side (south) 9'
- Height: 26' (approximate – 28' approximate for a portion of the accessory structure)

[1] Accessory Structure is "Historic" and does not count against the maximum allowed footprint per LMC Section 15-15-1.35 "Building Footprint" definition.

HR-1 Zone Designation Lot Requirements
(Based on 3,750 square foot lot)

- Maximum Building Footprint: 1,519 square feet
- Side-yard Setback Requirement: 5 feet minimum, 10 feet combined
- Front and Rear-Yard Setbacks: 10 feet minimum, 20 feet combined.
- Max Height: 27 feet

The existing home meets all of the setback and height requirements established within the HR-1 Zone. The accessory structure meets current setback requirements but exceeds the established height requirements by one-foot (1').

The calculated total footprint of 971 square feet is based on the fact that the accessory building is listed as a historic structure and does not count against the total building footprint per the definition of "Building Footprint" found in LMC Section 15-15-1.35 which states:

> "*The total Area of the foundation of the Structure, or the furthest exterior wall of the Structure projected to Natural Grade, not including exterior stairs, patios, decks and Accessory Buildings listed on the Park City Historic Structures Inventory that are not expanded, enlarged or incorporated into the Main Building*."

Any future applications for additions or improvements to the home will have to meet the LMC and Historic District Design Review requirements as adopted by the City, as well as those the building footprint maximum and height as listed above. Based on the analysis of existing conditions and HR-1 Zone Designation requirements, the applicant does possess the ability to add addition square footage to the building footprint.

Process
Approval of this application 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. All of the issues raised by the Development Review Committee (DRC) have been addressed, and the original proposal was altered to reflect the changes requested by the DRC.

Notice
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 put in the Park Record 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 City Council meeting March 29, 2012.

Alternatives

- The City Council may approve the proposed 543 Woodside Avenue Amended Plat; or,
- The City Council may deny the proposed 543 Woodside Avenue Amended Plat; or,
- The City Council may continue the discussion on the on 543 Woodside Avenue Plat Amendment to a date certain and provide the applicant and staff direction on additional information or changes needed to make a decision.

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

Consequences of not taking the Suggested Recommendation
The proposed plat amendment would not be recorded and two existing lots would not be adjoined. The applicant would not be permitted to make any substantial changes to the existing historic structure.

Recommendation
Staff recommends the City Council hold a public hearing for the 543 Woodside Avenue Plat, consider any public input and consider approving the plat amendment based on findings of fact, conclusions of law and conditions of approval as stated in the attached ordinance.

Exhibits
Ordinance
Exhibit A – Aerial photo vicinity map
Exhibit B – Proposed Plat
Exhibit C – Record of Survey

Ordinance No. 12-

AN ORDINANCE APPROVING THE 543 WOODSIDE AVENUE PLAT AMENDMENT LOCATED AT 543 WOODSIDE AVENUE, PARK CITY, UTAH.

WHEREAS, the owners of property located at 543 Woodside Avenue have petitioned the City Council for approval of the 543 Woodside Avenue 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 March 14, 2012, to receive input on the 543 Woodside Avenue Plat Amendment;

WHEREAS, the Planning Commission, on the aforementioned date, forwarded a positive recommendation to the City Council;

WHEREAS; the City Council, held a public hearing on March 29, 2012; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the 543 Woodside Avenue Plat Amendment.

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 543 Woodside 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 property is located at 543 Woodside Avenue within the Historic Residential (HR-1) Zoning District.
2. The HR-1 Zoning District allows for detached single-family dwelling units as a permitted use.
3. The property is shown on the Historic Sites inventory as a “Landmark Site” and includes a 971 square foot mining era home constructed in 1894. The property also contains a 277 square feet detached accessory structure that was built between 1900 and 1927, and is also on the inventory as a historic structure. Both of these structures straddle an existing lot line.
4. The applicants are requesting to adjoin two lots of record into one Lot for the purpose of a future additional development and improvement of the home.

5. The plat amendment is necessary in order for the applicant to obtain a building permit for the proposed addition, which includes the addition of a garage under the existing main level, and a small addition to the rear of the home.
6. The amended plat will create one new 3,750 square foot lot.
7. The existing historic home and accessory building meet all current setback requirements, the existing home meets current height requirements, and the existing accessory structure exceeds the maximum height requirement by one-foot (1).
8. The applicant has a concurrent Historic Design Review application for a significant remodel of the home, including the addition a third level for a new garage and additional living space to the rear of the existing home. Compliance with adopted Design Guidelines for Historic Districts and Historic Sites shall be required.

<u>Conclusions of Law:</u>

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.

<u>Conditions of Approval:</u>

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment 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 amendment at the 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 complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. No building permits for the expansion of the existing home will be granted until the plat amendment is recorded with the Summit County Recorder's office.
4. Modified 13-D sprinklers will be required for renovation of the existing structure.
5. A 10 foot wide public snow storage easement will be provided along the frontage of the property.
6. An encroachment agreement between the property owner and the city for the existing retaining wall shall be recorded prior to the recordation of the proposed plat.

<u>SECTION 2. EFFECTIVE DATE.</u> This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 29th day of March, 2012.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, MAYOR

ATTEST:

Jan Scott, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Exhibit A


Thai On Main
Mountain Town Olive Oil
Riverhorse on Main
Wahso Asian Grill
Lanny Barnard Gallery
Woodside Ave
Subject Property
Park Ave
Washington School House
Woodside Ave
Park Ave

543 WOODSIDE PLAT

LOT 1 OF THE 543 WOODSIDE PLAT
OF THE AMENDED PLAT OF PARK CITY SURVEY,
LYING WITHIN THE SOUTHWEST QUARTER OF SECTION 16,
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE & MERIDIAN, PARK CITY,
SUMMIT COUNTY, UTAH

LEGEND

- STREET MONUMENT
- FOUND PROPERTY MONUMENT (AS DESCRIBED)
- 543 ADDRESS ON WOODSIDE AVENUE
- 25 LOT NUMBER

LEGAL DESCRIPTION:

ALL OF LOTS 11 AND 12, BLOCK 28 OF THE AMENDED PLAT OF PARK CITY SURVEY. ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENT THAT, the undersigned owner(s) of the herein described tract of land, to be known hereafter as the 543 WOODSIDE PLAT, do hereby certify that I have caused this Plat to be prepared, and I, Steve Maxwell, hereby consent to the recordation of this Plat. ALSO, the owner, or his representatives, hereby irrevocably offers for dedication to the City of Park City all the streets, land for local government uses, easements, parks, and required utilities and easements shown on the plat and construction drawings in accordance with an irrevocable of pedication.

In witness whereof, I have hereunto set my hand this ______ day of ______________, 2008.

____
Steve Maxwell

ACKNOWLEDGMENT

State of Utah
County of Summit

On this ______ day of ______________ 2008, personally appeared before me, the undersigned Notary Public, in and for said County of Summit, in said State of Utah, Steve Maxwell, the person that executed the within instrument and known to me to be (or proved to me on the basis of satisfactory evidence) the person who executed the within instrument on behalf of said person, being duly sworn acknowledged to me that they are the owner of the herein described tract of land and he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

______________________ My commission expires ______________
Notary Public

SURVEYOR'S CERTIFICATE

I, Christopher Pentes, certify that I am a Registered Land Surveyor and that I hold Certificate No. 6449384, as prescribed by the laws of the State of Utah, and this Plat was prepared under my direction in accordance with the requirements of Park City Municipal Corporation. I further certify that the property boundaries as shown are correct.

______________________ ______________
Christopher Pentes Date
PLS 6449384

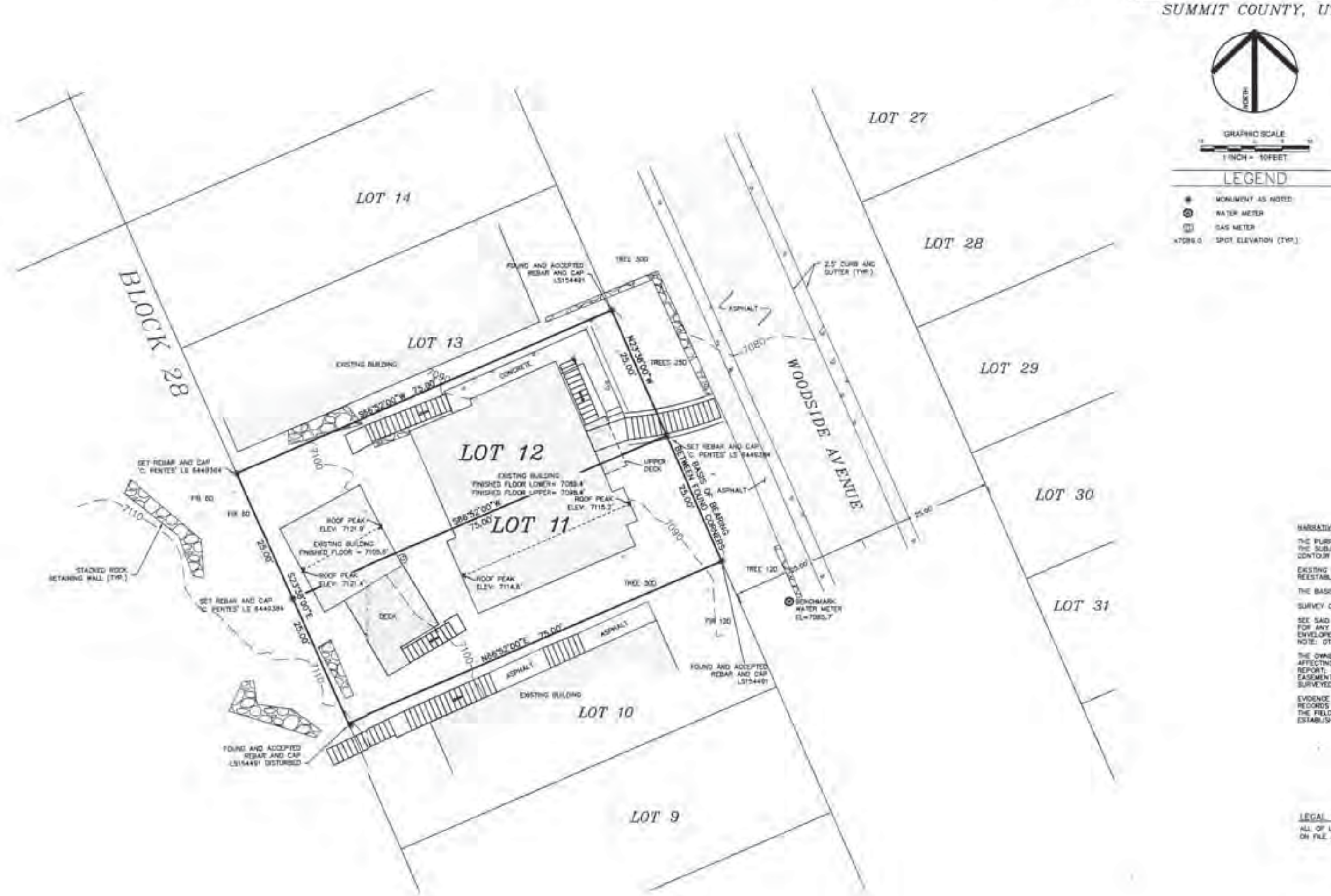
Park City Surveying
P.O. Box 682993
Park City, UT 84068
(435)649-2918
(435)649-4617 fax

PAGE 1 of 1

PARK CITY PLANNING COMMISSION	CERTIFICATE OF ATTEST	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT	ENGINEERS CERTIFICATE	APPROVAL AS TO FORM	COUNCIL APPROVAL AND ACCEPTANCE	RECORDED
APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS ____ DAY OF ____________, 2008, A.D.	I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS ____ DAY OF ____________, 2008 A.D.	REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ________ DAY OF ____________, 2008 A.D.	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ______ DAY OF ____________, 2008 A.D.	APPROVED AS TO FORM THIS ____ DAY OF ____________, 2008 A.D.	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ____ DAY OF ____________, 2008 A.D.	STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF ____________ DATE ______ TIME ______ BOOK ______ PAGE ______
CHAIRMAN	BY ____________ PARK CITY RECORDER	BY ____________ S.B.W.R.D.	BY ____________ PARK CITY ENGINEER	BY ____________ PARK CITY ATTORNEY	BY ____________ MAYOR	FEE ______ RECORDER

RECORD OF SURVEY, TOPOGRAPHIC MAP & AS-BUILT

LOTS 11 & 12 BLOCK 28 OF THE PARK CITY SURVEY
LYING WITHIN THE SOUTHEAST QUARTER OF
SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE & MERIDIAN
SUMMIT COUNTY, UTAH



NARRATIVE:

THE PURPOSE OF THIS SURVEY IS TO LOCATE THE BOUNDARY LINES OF THE SUBJECT PROPERTY, OBTAIN GROUND ELEVATIONS FOR A CONTOUR MAP AND LOCATE EXISTING STRUCTURES ON THE LOT.

EXISTING SURVEY MONUMENTS IN ADJACENT LOTS WERE USED TO REESTABLISH THE PROPERTY CORNERS.

THE BASIS OF BEARING IS SHOWN HEREON.

SURVEY COMPLETED: 5-3-07

SEE SAID OFFICIAL PARK CITY SURVEY FOR ANY EASEMENTS, SETBACK REQUIREMENTS, BUILDING ENVELOPES AND BUILDING LOT RESTRICTIONS.
NOTE: OTHERS MAY APPLY.

THE OWNER OF THE PROPERTY SHOULD BE AWARE OF ANY ITEMS AFFECTING THE PROPERTY THAT MAY APPEAR IN A TITLE INSURANCE REPORT; THE SURVEYOR HAS FOUND NO OBVIOUS EVIDENCE OF EASEMENTS, ENCROACHMENTS, OR ENCUMBRANCES ON THE PROPERTY SURVEYED, EXCEPT AS SHOWN HEREON.

EVIDENCE FOR THIS SURVEY WAS TAKEN FROM RECORDED DEEDS, RECORDS OF SURVEYS, PLATS AND PHYSICAL EVIDENCE OBTAINED IN THE FIELD. ALL EVIDENCE HAS BEEN CONSIDERED IN THE ESTABLISHMENT OF THE BOUNDARY AS SHOWN HEREON.

LEGAL DESCRIPTION

ALL OF LOTS 11 & 12 LYING WITHIN BLOCK 28 OF THE PARK CITY SURVEY ON FILE AND OF RECORD AT THE SUMMIT COUNTY RECORDER'S OFFICE.

SURVEYOR'S CERTIFICATE

I, CHRISTOPHER PENTES, OF PARK CITY, UTAH, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, HOLDING LICENSE NO. 6449384. I FURTHER CERTIFY I HAVE PERFORMED A SURVEY ON THE HEREON DESCRIBED PROPERTY AND THAT TO THE BEST OF MY KNOWLEDGE IT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED.

CHRISTOPHER PENTES

DATE 4/1/08

PARK CITY SURVEYING
P.O. BOX 682993
PARK CITY, UTAH 84068
(435) 649-2918

SURVEYED BY: TM BO
DRAWN BY: GF
DATE: MAY 2007

FOR: PAUL DE GROOT

RECORD OF SURVEY, TOPOGRAPHIC MAP AND AS-BUILT
LOTS 11 & 12 BLOCK 28 OF PARK CITY SURVEY

FILE: PCS BLK 28 L 11-12.DWG

SHEET 1 OF 1

City Council Staff Report

Subject:	**Appeal of a Planning Commission Decision to Deny a Conditional Use Permit for Nightly Rental**
Author:	**Mathew W. Evans, Senior Planner**
Date:	**March 29, 2012**
Project Number	**PL-12-01500**
Type of Item:	**Quasi-Judicial Appeal**

PARK CITY 1884 PLANNING DEPARTMENT

Summary Recommendations
Staff recommends the City Council hold a quasi-judicial hearing on an appeal of the Planning Commission action to deny a Conditional Use Permit for a Nightly Rental and consider upholding the denial based on the findings of fact, conclusions of law and order that the appeal be denied in whole.

Topic

Applicant:	Eric P. Lee on behalf of Jan Maltby
Location:	60 Sampson Avenue
Zoning:	Historic Residential-Low (HRL)
Adjacent Land Uses:	Single-Family Residential
Reason for Review:	Appeals of Planning Commission decisions on Conditional Use Permits are heard by City Council

Background
On October 10, 2011, a complete application was received by the Planning Department for a Conditional Use Permit (CUP) to allow nightly rental use of an existing 3,800 square feet single family house located at 60 Sampson Avenue. The property is located within the Historic Residential Low Density (HRL) zoning district. A Conditional Use Permit is required for nightly rental in this zoning district.

The house, which is a historic home listed as “Significant” on the Park City Historic Homes Site inventory was originally constructed in 1909. The original 1909 home was approximately 800 square foot single-story home. In 1995 the home was raised and the basement and garage were added. In 2007 approval was granted for a 1,953 square foot expansion to the rear of the existing house. The home now has four bedrooms with five full bathrooms. The house was completed and a Certificate of Occupancy granted in 2008.

On January 11, 2012, the Planning Staff brought forth a Staff Report to the Planning Commission with a positive recommendation for approving the proposed Conditional Use Permit for the Nightly Rental. On the same date, the Planning Commission held a duly noticed public hearing and took public comment on the proposed Conditional Use Permit for the nightly rental (See Staff Report and minutes attached hereto as Exhibit B and C). The Planning Commission denied the application on a vote of 3-2. The Planning Commission found that the applicant could not mitigate the detrimental effect of the proposed use in five of the conditional use review criteria as outlined in Section 15-1-10 of the Land Management Code. The Planning Commission found that the proposed Conditional Use Permit with respect to the conditional use review criteria #2, #4, #5 and #6 as outlined in LMC 15-1-10, could not be mitigated.

Furthermore, the Planning Commission had concerns about mitigation issues related to Criterion #14 (Expected ownership and management of the property), and listed concerns that there was no requirement for the applicant to hire a property management company to ensure that many of the issues associated with nightly rentals (e.g. trash, loud parties, etc.) would not be attended to by a local property manager who could enforce proper behavior by the tenants and ensure the proper care of the property while it was being used as a nightly rental.

The Planning Commission also noted that the suggestion of having off-site parking at China Bridge was unenforceable and there may be times when both King Road and Sampson Avenue become impassable and inaccessible for automobile travel. The Planning Commission, by a 3-2 vote, denied the application for the Conditional Use Permit to allow for the nightly rental as proposed.

The Planning Commission also noted that Sampson Avenue and King Road are very narrow roadways. The paved width of Sampson Avenue is 12 feet wide, which is not wide enough for two cars to pass each other. There is also no on-street parking available on Sampson Avenue. Testimony from residents suggests that this street has had difficulty being accessed by emergency vehicles in the past

On February 22, 2012, the Planning Commission voted 4-0 to ratify the Findings of Fact and Conclusions of Law to deny the Conditional Use Permit for a nightly rental request at 60 Sampson Avenue. The Ratification and meeting minutes are attached hereto (Exhibit D).

Appeal

On March 2nd, the City Recorder received an appeal (Exhibit A attached hereto) of the Planning Commission Final Action denying the application for the Conditional Use Permit for the proposed nightly rental at 60 Sampson Avenue pursuant to Chapter 15-1-18(A) of the Land Management Code. On March 19th this meeting was noticed in the Park Record, and a public notice was sent to all property owners within 300 feet of the subject property.

Standard of Review

Per LMC Section 15-1-18(C) any final action by the Planning Commission on a conditional use permit may be appealed to the City Council. The City Council shall act in a quasi-judicial manner (e.g.) a “quasi-judicial act” is defined as a judicial act, which is performed by someone who is not a judge. As such, Council members are barred from "ex parte" communications (pre-hearing influence or communications, etc.) outside of the appeal hearing.

LMC Section 15-1-18(G) requires that the City Council shall review factual matters "de novo" (new/anew) and it shall determine the correctness of the decision of the Planning Commission on the application of the land use ordinance. The appellant has the burden of proving that the Planning Commission erred.

Pursuant to State Code (UCA 10-9a-507[2]), a conditional use 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 reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

The City Council may affirm, reverse, or affirm in part and reverse in part the appeal based on written findings of fact, conclusions of law, and conditions of approval, if any, supporting the decision. Final action by City Council may be appealed to District Court.

Conditional Use Permit

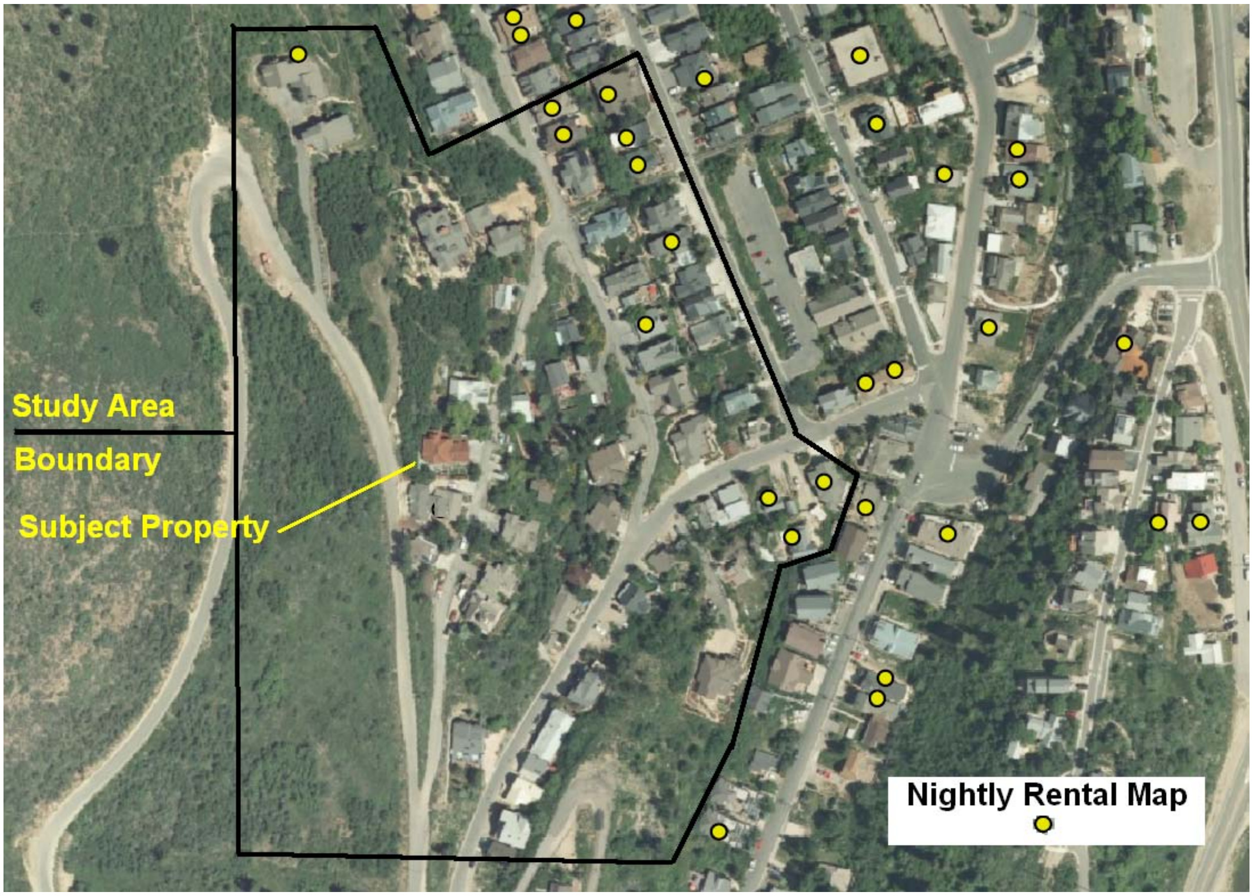
The property owner requested approval of a CUP to allow nightly rental use of an existing 3,800 square foot, four bedroom, four and a half bathroom, single-family home with an attached single-car garage. The home is has frontage onto both Sampson Avenue and King Road, with the main access and driveway taken from the Sampson Avenue side with direct stair access to King Road from the rear-yard. The lot which is approximately 6,500 square feet (0.15 acres) exceeds the minimum lot size of 3,750 square feet currently required in the HRL zoning district for a single family house.

The home meets all of the current setback requirements with exception to the historic portion of the home. The front yard setback of the historic portion of the existing home from the recorded right-of-way (Utah Avenue as platted) varies from 1 foot to 15 feet. The minimum front-yard setback in the HRL Zone is 15 feet. Although the setbacks to current standards are not met for the front yard, the setback is considered legal-nonconforming.

There are two legal parking spaces available at the home, one oversized space in the garage, and one oversized space on the driveway. Access to the home can also be achieved from King Road; however the only off-street parking is available from Sampson Avenue. All nightly rentals require a business license to allow them to rent the house for periods of less than 30 days.

As part of the review of the CUP, Staff conducted an analysis of all Nightly Rentals within the near proximity to the applicant's home. Staff concluded that there are 11 nightly rentals within the specified area, including four on King Road, four on Park Avenue, and three on Upper Norfolk Avenue (see map). There were not active Nightly

Rental business license for Sampson Avenue, and records indicate that no business licenses have been issued for Nightly Rentals on Sampson Avenue within the past ten (10) years.



Analysis of the CUP Application

According to the Land Management Code, Section 15-2.1-2, Nightly Rental is a Conditional Use in the HRL zoning district. Staff has reviewed the proposed Conditional Use Permit with respect to the conditional use review criteria as outlined in LMC 15-1-10. During the January 11, 2012 meeting, the Planning Commission denied the CUP on a 3-2 vote, and directed Staff to make findings for the denial of the CUP based on the issues raised at the meeting. During the Ratification of Findings on February 22, 2012, the Planning Commission made the following findings regarding the denial of the Conditional Use Permit for the nightly rental. Excerpts from the Appeal are below. The entire appeal is attached as Exhibit A.

Criteria 1: Size and location of the site. **No unmitigated impacts.**

The project is located on the 6,500 square foot lot at 60 Sampson Avenue. The site is large enough to accommodate the proposed use of nightly rental within an existing structure. The 3,800 square feet structure is large relative to surrounding houses and buildings and meets the LMC height and footprint requirements. The structure is located within walking distance of the Upper Norfolk ski runs at PCMR, Old Town and Main Street, and the bike trails at King Road and Daly Avenue. According to the business license records there are 11 existing nightly rental uses in the surrounding neighborhood on King Road, Sampson, and Ridge Avenue. The house is 3,800 square feet in area and contains 4 bedrooms and 4.5 bathrooms. The house has a non-conforming front-yard setback and conforms to the current setbacks on all other sides.

Criteria 2: Traffic considerations. **Cannot be mitigated.**

The Planning Commission found that Criterion #2 (Traffic) of Section 15-2.1-2, LMC, cannot be mitigated because traffic on the roads leading to the applicant's property, and the street where the proposed nightly rental is located, are narrow roadways that may become subject to closure during a major storm event, such as snow or rain, and that renters may not be able to access the home because there are times when both King Road and Sampson Avenue are not passible by automobile. One must drive on steep hills to access Sampson Avenue, and it is not possible for two cars to pass each other on the road.

The applicant's response to the Planning Commission finding is:

> (2) **Traffic Considerations**. The sum of the evidence regarding traffic impacts is that nightly rentals at the Property would generate more trips than if the Property were vacant, but fewer trips than if the Property were used in any other way, such as a long-term rental, a seasonal workforce rental or as a permanent residence. Importantly, despite the evidence of more trips, the record contains no evidence that nightly rentals at the Property will generate trips that amount to a detriment. The Applicant is willing to abide by any reasonable condition proposed to mitigate any traffic impacts created by the proposed use. But none are reasonably anticipated, as originally found by the Planning Department.

Criteria 3: Utility capacity. **No unmitigated impacts.**

No additional utility capacity is required for this project. Utilities for a nightly rental use are consistent with the available utilities.

Criteria 4: Emergency vehicle access. **Cannot be mitigated.**

The Planning Commission found that Criterion #4 (Emergency Vehicle Access) cannot be mitigated for the same reasons as found in Criterion #2 above, specifically that the roads leading to and from the proposed nightly rental are narrow road ways that may become impassible during major storm events, such as snow or rain, and that testimony from the Public suggests that emergency vehicles tend to get stuck turning from Sampson Avenue during normal weather, making emergency vehicle access to the nightly rental subject to delay. The Planning Commission further found that the nightly rental may increase the need for emergency vehicle access to the area, and that such an increase would burden the neighborhood because of the narrow roadways which can become impassible during major storm events as described herein.

The applicant's response to the Planning Commission finding is:

> (4) **Emergency Vehicle Access**. The Property has emergency vehicle access from two sides, Sampson Avenue and King Road and, unlike most other homes on the street, access is further eased by the fact that the Property is close to the King Road intersection. Moreover, as noted in the January 11, 2012 Staff Report, the nightly rental business license application that follows CUP approval will trigger "an inspection of the house by the Park City Building Department and all IBC and Fire Code requirements have to be met prior to issuance..." of the license. *See Staff Report* at p. 3. Finally, nightly rental use of the Property creates no emergency vehicle access impacts different from those created by any other use of the Property, and detrimental impacts, if any, will be addressed by the Building Department staff best qualified to assess the impacts. Again, the Planning Department correctly found no unmitigated impacts regarding this criterion.

Criteria 5: <u>Location and amount of off-street parking</u>. **Cannot be mitigated.**

The Planning Commission found that Criterion #5 (Location and amount of off-street parking) cannot be mitigated due to the fact that there are only two parking spaces at the proposed location for the nightly rental, and due to the fact that the existing home is 3,800 square feet, has four bedrooms, five bathrooms and sleeps an undetermined number of people and could potentially accommodate a large gathering of individuals, and there is no way for the City to enforce a maximum gathering of occupants for the nightly rental, and the fact that there is no on-street parking available at this location due to the fact that Sampson Avenue is in essence, a 12-foot wide one-way road with no on-street parking near the proposed nightly rental, and that King Road has the same physical conditions as Sampson Avenue, causing a potentially dangerous situation for those trying to park near the home.

The applicant's response to the Planning Commission finding is:

> (5) **Location and Amount of Off-Street Parking**. LMC §15-3-6 requires two off-street parking spaces for the Property, regardless of how it is used, and the Property complies. Consequently, the Planning Department concluded that nightly rental use creates no unmitigated off-street parking impacts. The only evidence that even arguably contradicts that conclusion came from Ruth Meintsman, who stated that the four-bedroom nightly rental across the street

from her Woodside Avenue house usually has "three vehicles and those cars are always in motion." Ms. Meintsman's statement is not helpful, however, because it says nothing about the Property and Ms. Meintsman did not address whether the "three vehicles" are parked on or off the street. The bottom line is the record contains nothing to refute the Planning Department's "no unmitigated impacts" conclusion on this criterion.

Criteria 6: Internal circulation system. **Cannot be mitigated.**

The Planning Commission finds that Criterion #6 (Internal circulation system) cannot be mitigated due to the fact that both King Road and Sampson Avenue are narrow roadways which in essence, function as one-way streets, and that circulation in the area is usually difficult even if not complicated by frequent major storm events, and that the nightly rental could generate additional trash or additional service needs, and that those could potentially cause in increase of the level traffic generated from outside of the area, and that the streets leading to and from the proposed Nightly Rental are local streets that are more than likely at a failing level of service because they do not meet current City Street Standards for asphalt width and snow storage.

The applicant's response to the Planning Commission finding is:

(6) **Internal Vehicular and Pedestrian Circulation System**. Given the single family nature of Property, "internal" circulation is not a meaningful criterion regardless of how the Property is used. Simply put, no internal circulation occurs at the Property. Consequently, no adverse circulation impacts exist.

Criteria 7: Fencing, screening and landscaping to separate uses. **No unmitigated impacts.**

Fencing is not proposed at this time. No changes to the exterior landscaping are part of this application. The property is landscaped and appears to be well kempt and in good condition.

Criteria 8: Building mass, bulk, orientation and the location on site, including orientation to adjacent buildings or lots. **No unmitigated impacts.**

The size of the existing house, relative to surrounding buildings, mitigates impacts from building mass, bulk, orientation, and location on the site. The home, which was finished in 2008, meets current LMC and code requirements. Other homes within close proximity are of the same size and scale as the applicants home.

Criteria 9: Usable open space. **N/A**
The use is not required to provide open space in excess of that provided by typical single family houses. However, the home is located on a 6,500 square foot lot and there are patios, decks, and other outdoor spaces available for use by renters.

Criteria 10: Signs and lighting. **No unmitigated impacts.**

No signs are proposed. All exterior lighting was previously approved. Any lighting installed after the home was constructed would need to conform to current standards. There are no known violations of the lighting standards within the LMC at this property.

Criteria 11: Physical design and compatibility with surrounding structures in mass, scale and style. **No unmitigated impacts.**

The existing home is compatible with surrounding structures in mass, scale, and style.

Criteria 12: Noise, vibration, odors, steam, or other mechanical factors that might affect people and property off-site. **No unmitigated impacts.**

No noise, vibration, odors, steam or mechanical factors are anticipated. There is an outdoor deck in the front of the house and there are two patio areas. There is also a hot tub on the rear patio of the home. The tub does not face the street or adjacent properties, and it is not anticipated that the amount of steam generated from its use is would require mitigation. The hot tub is also covered when not in use.

Criteria 13: Control of delivery and service vehicles, loading and unloading zones, and screening. **No unmitigated impacts.**

No deliveries are anticipated. Residential trash pickup for the Lot will be from Sampson Avenue as it is with all houses in the area. A trash dumpster is not proposed or required.

Criteria 14: Expected ownership and management of the property. **Cannot be mitigated.**

The Planning Commission was concerned that Criterion #14 (Expected ownership and management of the property) would be difficult to mitigate due to the fact that there are no provisions in the LMC to require that a local property management company oversee the nightly rental. The owner of 60 Sampson Avenue, who's primary residence is in New York, would be an absentee landlord and would not be able to ensure that issues related to trash and loud parties at the home could be taken care of to the satisfaction of the neighbors or the City. The burden of dealing with issues related to trash, loud parties, and other issues related to Nightly Rentals, is unfairly shifted to the neighborhood and the City to handle.

The applicant's response to the Planning Commission finding is:

(14) **Expected Ownership and Management of the Project**. The Planning Department correctly concluded that the proposed use creates no unmitigated impacts pertaining to ownership or management. Ownership will not change. And to the extent needed, the Applicant has a local property manager. Any management needs created by use of the Property as a nightly rental will be addressed. Again, the Applicant will agree, as a condition of CUP approval, to maintain a reasonable property management arrangement.

Criteria 15: Sensitive Lands Review. **No unmitigated impacts.**

The house is not located within the Sensitive Lands Overlay zone. The use is within an existing structure and no external changes are proposed.

Appeal

Per LMC Section 15-1-18(F) an appeal must have a comprehensive statement of all the reasons for the appeal, including specific provisions of the law, if known, that are alleged to be violated by the action taken.

The appeal (attached hereto as Exhibit A) consists of seven pages. The above analysis addresses the issues brought forth by the Appellant.

Process

The decision on this application by the City Council constitutes Final Action that may be appealed to District Court within 30 days.

Notice

The noticing requirements of LMC Section 15-1-21 have been met for the appeal. The property was posted prior to the seven (7) day notice requirement for the date set for the appeal, noticing was sent to all parties who received mailed notice for the original administrative action seven (7) days prior to the hearing, and the agenda was published in a newspaper of local circulation once seven (7) days prior to the hearing.

Public Input

No public input has been received by the time of this report; public input may be taken at the regularly scheduled City Council public hearing.

Alternatives

- The City Council may affirm the Planning Commission's decision to deny the Conditional Use Permit for a Nightly Rental at 60 Sampson Ave in whole or in part as conditioned or amended; or
- The City Council may remand the matter back to the Planning Commission with direction on specific items; or
- The City Council may reverse the Planning Commission's decision and approve the Conditional Use Permit for a Nightly Rental at 60 Sampson Avenue in whole or in part and direct staff to make Findings for this decision; or

- The City Council may continue the discussion on the appeal of the Conditional Use Permit for a Nightly Rental at 60 Sampson Avenue to a date certain.

Recommendation

Staff recommends the City Council hold a quasi-judicial hearing on an appeal of the Planning Commission action to deny the Conditional Use Permit for a Nightly Rental at 60 Sampson Avenue and uphold the denial based on the findings of fact, conclusions of law and order.

Findings of Fact:

1. The property is located at 60 Sampson Avenue. The property is improved with a 3,800 square foot, four bedroom, five full-bath, single family house.
2. The subject property is located within the Historic Residential Low Density (HRL) zoning district.
3. The house at 60 Sampson Avenue is located an approximately 6,500 square feet (.15 acres) lot. Minimum lot size in the HRL district is 3,570 square feet.
4. The historic portion of the home is 1,818 square feet and was constructed in 1909 with a 1,953 square foot addition completed in 2008.
5. Nightly rental uses are subject to a Conditional Use Permit in the HRL district.
6. On January 11, 2012, the Planning Commission held a public hearing, took public comment, and voted 3-2 to deny the Conditional Use Permit for the nightly rental.
7. On February 22, 2012, the Planning Commission voted 4-0 to ratify the Findings of Fact and Conclusions of Law denying the request for the Conditional Use Permit for the nightly rental at 60 Sampson Avenue.
8. Access to the subject property is off of Sampson Avenue with frontage onto King Road, both are public streets.
9. Sampson Avenue and King Road are very narrow roadways. The paved width of Sampson Avenue is 12 feet wide, which is not wide enough for two cars to pass each other. There is also no on-street parking available on Sampson Avenue. Testimony from residents suggests that this street has had difficulty being accessed by emergency vehicles in the past.
10. There are no legally established nightly rentals on Sampson Avenue. The Finance Department has confirmed that there are no business licenses issues for Nightly Rentals on Sampson Avenue.
11. Requiring additional cars to park in China Bridge in the rental agreement does not mitigate the impacts of additional cars because it is difficult for the City to enforce such a requirement and the Landlord has no incentive to enforce such a condition.
12. There are three separate sets of stairs and over 250 stairs from China Bridge making it unlikely that nightly rental tenants would actually use China Bridge as an alternative parking area. There is no on street parking in the vicinity of the residence.
13. Trash is a problem with nightly rentals because tenants often leave on a Monday and the trash is put outside however, the garbage pick-up isn’t until Thursday. No mitigation for this impact has been proposed.

14. Criterion #2 (Traffic) of Section 15-2.1-2, LMC, cannot be mitigated because traffic on the roads leading to the applicant's property, and the street where the proposed nightly rental is located, are narrow roadways that may become subject to closure during a major storm event, such as snow or rain, and that renters may not be able to access the home because there are times when both King Road and Sampson Avenue are not passible by automobile. One must drive on steep hills to access Sampson Avenue, and it is not possible for two cars to pass each other on the road.
15. Criterion #4 (Emergency Vehicle Access) cannot be mitigated for the same reasons as found in Criterion #2 that the roads leading to and from the proposed nightly rental are narrow road ways that may become impassible during major storm events, such as snow or rain, and that testimony from the Public suggests that emergency vehicles tend to get stuck turning from Sampson Avenue during normal weather, making emergency vehicle access to the nightly rental subject to delay. The Planning Commission further finds that the nightly rental may increase the need for emergency vehicle access to the area, and that such an increase would burden the neighborhood because of the narrow roadways which can become impassible during major storm events as described herein.
16. Criterion #5 (Location and amount of off-street parking) cannot be mitigated due to the fact that there are only two parking spaces at the proposed location for the nightly rental, and due to the fact that the existing home is 3,800 square feet, has four bedrooms, five bathrooms and sleeps an undetermined number of people and could potentially accommodate a large gathering of individuals, and there is no way for the City to enforce a maximum gathering of occupants for the nightly rental, and the fact that there is no on-street parking available at this location due to the fact that Sampson Avenue is in essence, a 12-foot wide one-way road with no on-street parking near the proposed nightly rental, and that King Road has the same physical conditions as Sampson Avenue, causing a potentially dangerous situation for those trying to park near the home.
17. Criterion #6 (Internal circulation system) cannot be mitigated due to the fact that both King Road and Sampson Avenue are narrow roadways which in essence, function as one-way streets, and that circulation in the area is usually difficult even if not complicated by frequent major storm events, and that the nightly rental could generate additional trash or additional service needs, and that those could potentially cause in increase of the level traffic generated from outside of the area, and that the streets leading to and from the proposed Nightly Rental are local streets that are more than likely at a failing level of service because they do not meet current City Street Standards for asphalt width and snow storage.
16. Criterion #14 (Expected ownership and management of the property) will be difficult to mitigate due to the fact that there are no provisions in the LMC to require that a local property management company oversee the nightly rental. The owner of 60 Sampson Avenue, who's primary residence is in New York, would be an absentee landlord and would not be able to ensure that issues related to trash and loud parties at the home could be taken care of to the satisfaction of the neighbors or the City. The burden of dealing with issues related to trash, loud parties, and other issues related to Nightly Rentals, is unfairly shifted to the neighborhood and the City to handle.

17. The condition to require off-site parking during times when King Road or Sampson Avenue may become impassable during periods of heavy snow, or other inclement weather, un-enforceable, and thus un-reasonable to impose and will not mitigate the impacts of the nightly rental.

Conclusions of Law

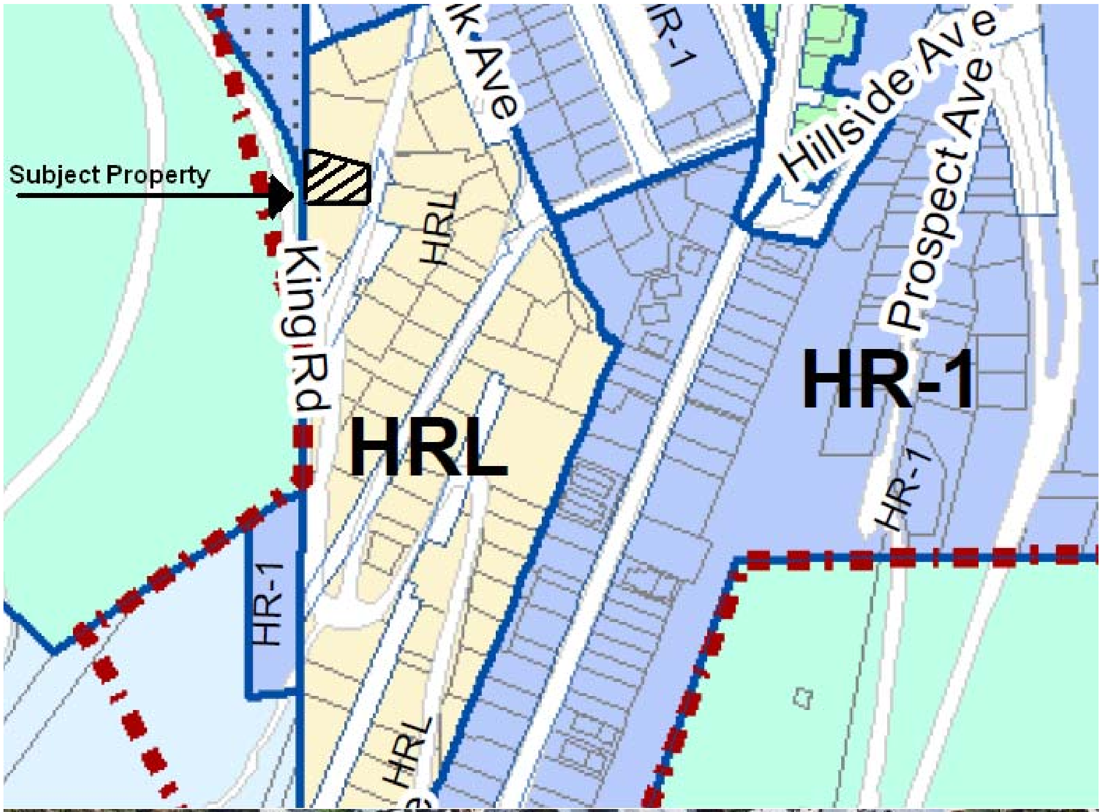
1. The reasonable anticipated detrimental effects of the proposed Conditional Use could not be substantially mitigated by the proposal and that there was not an imposition of reasonable conditions to achieve compliance with the applicable standards, as listed within Section 15-1-10(E) of the Land Management Code
2. The proposed Conditional Use Permit with respect to the conditional use review criteria #2, #4, #5 and #6 as outlined in LMC 15-1-10, could not be successfully mitigated by the applicant.
3. The Planning Commission did not err in denying the Conditional Use Permit for the proposed nightly rental at 60 Sampson Avenue.

Order

1. The appeal is denied in whole. The decision of the Planning Commission is upheld.

Exhibits

Vicinity Map
Exhibit A – Appeal
Exhibit B – January 11, 2012 Planning Commission Staff Report
Exhibit C – January 11, 2012 Planning Commission Meeting Minutes
Exhibit D – Ratification of Findings and February 22, 2012 Planning Commission Meeting Minutes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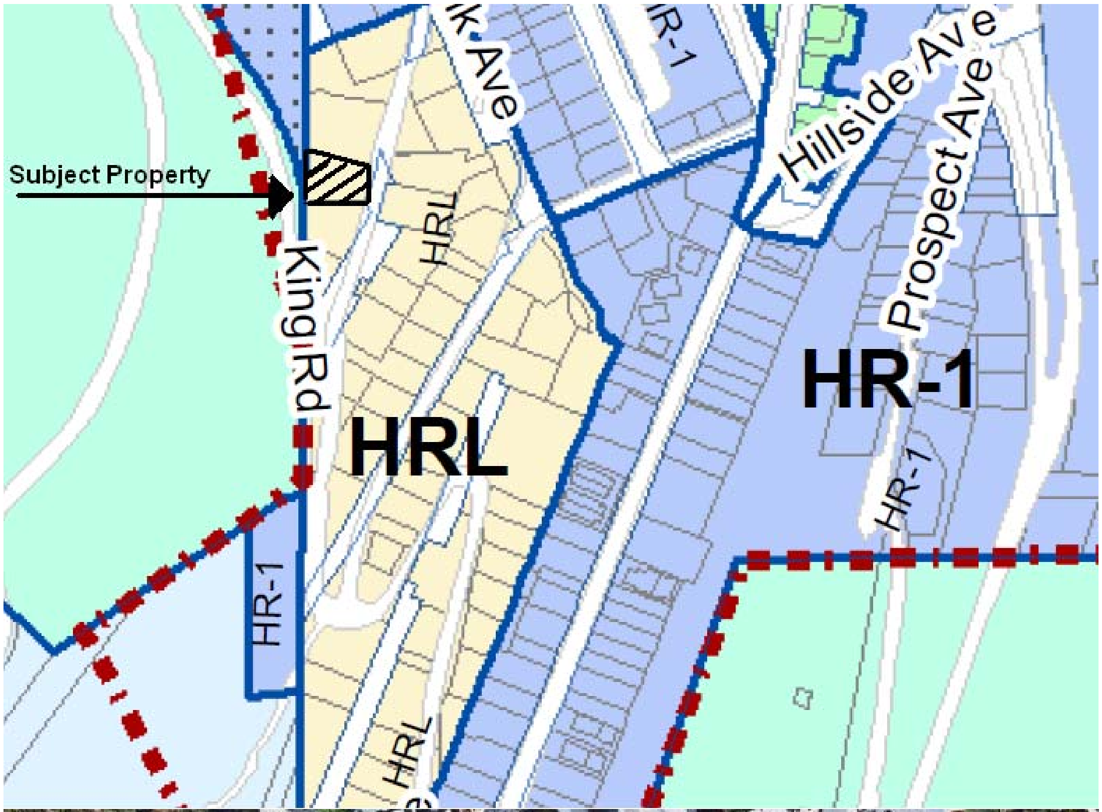
Subject Property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Subject Property

Planning Commission
Staff Report

Subject: **60 Sampson Avenue Nightly Rental**
Project #: PL-11-01369
Author: Mathew W. Evans, Senior Planner
Date: January 11, 2012
Type of Item: Administrative – Conditional Use Permit

PARK CITY 1884 PLANNING DEPARTMENT

Summary Recommendations
Staff recommends that the Planning Commission conducts a public hearing and consider approving the Conditional Use Permit for nightly rental of a single family house located at 60 Sampson Avenue. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

Description
Applicant: Jan Maltby
Location: 60 Sampson Avenue
Zoning: Historic Residential Low Density (HRL)
Adjacent Land Uses: Single-family/detached single-family residences
Reasons for Review: Conditional Use Permit for Nightly Rentals requires Planning Commission review and approval.

Proposal
This application is a request for a Conditional Use Permit to allow for the nightly rental of an existing 3,800 square foot single-family home located at 60 Sampson Avenue. The home has four bedrooms, and four and a half bathrooms, including two legal off-street parking spaces in the form of an attached single-car (oversized) garage and a single-car driveway.

Background
On October 10, 2011, a complete application was received by the City for a Conditional Use Permit (CUP) to allow nightly rental use of an existing 3,800 square feet single family house located at 60 Sampson Avenue. The property is located within the Historic Residential Low Density (HRL) zoning district. A Conditional Use Permit is required for nightly rental in this zoning district. The house, which is a historic home listed as "Significant" on the Park City Historic Homes Site inventory was originally constructed in 1909. The original 1909 home was approximately 800 square foot single-story home. In 1995 the home was raised and the basement and garage were added. In 2007 approval was granted for a 1,953 square foot expansion to the rear of the existing house. The home now has four bedrooms with five full bathrooms. The house was completed and a Certificate of Occupancy granted in 2008.

Analysis
The applicant is requesting approval of a CUP to allow nightly rental use of an existing 3,800 square foot, four bedroom, four and a half bathroom, single-family home with an

attached single-car garage and .

The home is has frontage onto both Sampson Avenue and King Road, with the main access and driveway taken from the Sampson Avenue side with direct stair access to King Road from the rear-yard. The lot which is approximately 6,500 square feet (0.15 acres) exceeds the minimum lot size of 3,750 square feet currently required in the HRL zoning district for a single family house.

The home meets all of the current setback requirements with exception to the historic portion of the home. The front yard setback of the historic portion of the existing home from the recorded right-of-way (Utah Avenue as platted) varies from 1 foot to 15 feet. The minimum front-yard setback in the HRL Zone is 15 feet. Although the setbacks to current standards are not met for the front yard, the setback is considered legal-nonconforming.

There are two legal parking spaces available at the home, one oversized space in the garage, and one oversized space on the driveway. Access to the home can also be achieved from King Road; however the only legal off-street parking is available from Sampson Avenue.

All nightly rentals require a business license to allow them to rent the house for periods of less than 30 days

According to the Land Management Code, Section 15-2.1-2, Nightly Rental is a Conditional Use in the HRL zoning district. Staff has reviewed the proposed Conditional Use Permit with respect to the conditional use review criteria as outlined in LMC 15-1-10 as follows:

Criteria 1: Size and location of the site. **No unmitigated impacts.**

The project is located on the 6,500 square foot lot at 60 Sampson Avenue. The site is large enough to accommodate the proposed use of nightly rental within an existing structure. The 3,800 square feet structure is large relative to surrounding houses and buildings and meets the LMC height and footprint requirements. The structure is located within walking distance of the Upper Norfolk ski runs at PCMR, Old Town and Main Street, and the bike trails at King Road and Daly Avenue. According to the business license records there are 11 existing nightly rental uses in the surrounding neighborhood on King Road, Sampson, and Ridge Avenue. The house is 3,800 square feet in area and contains 4 bedrooms and 4.5 bathrooms. The house has a non-conforming front-yard setback and conforms to the current setbacks on all other sides.

Criteria 2: Traffic considerations. **No unmitigated impacts.**

The project could likely contribute some traffic to the neighborhood. However, the trip generation for long term rentals, seasonal work force rental, and/or housing for permanent residents, is generally greater than that of short term vacation rentals. This is primarily due to the location in close proximity to vacation amenities. Nightly rentals are required to be rented to one person or entity (family, group, etc.) increasing the likelihood of the entire family or group arriving in a single vehicle, with fewer overall daily trips generated. The property has 2 legal parking spaces including the oversized single-car garage and the oversized single-car driveway. The applicant has indicated that she intends to limit the amount of people she rents the home to at one time, which if implemented by the applicant, could help to reduce additional traffic impacts to and from the neighborhood. However, there is nothing in the code that suggests that the City could limit the amount of guests who stay in the home. It would be up to the applicant to self-regulate the amount of guests as they have indicated that they will do.

Criteria 3: Utility capacity. **No unmitigated impacts.**

No additional utility capacity is required for this project. Utilities for a nightly rental use are consistent with the available utilities.

Criteria 4: Emergency vehicle access. **No unmitigated impacts.**

The nightly rental business license triggers an inspection of the house by the Park City Building Department and all IBC and Fire Code requirements have to be met prior to issuance of a business license. Nightly rental use does not change the requirement for emergency vehicle access which exists on Sampson Avenue and King Road. The double-frontage of the home allows emergency access from two sides, Sampson Avenue and King Road. Although Sampson Avenue is a narrow street, the location of the home is close to the intersection with King Road, thus making it easier to gain access to.

Criteria 5: Location and amount of off-street parking. **No unmitigated impacts.**

Pursuant to LMC 15-3-6 parking for the first 6 bedrooms of a Nightly Rental is based on the parking requirement for the unit. In this case the parking requirement is the same as that required for the existing home which would be two (2) legal off-street parking spaces. As previously addressed herein, the site has a two existing oversized off-street parking spaces available, 1 space in the large oversized single-car garage, and one space on the driveway leading to, and beyond the garage. The driveway entrance is approximately 20 feet wide and tappers down to about 10 feet wide at its most narrow point. The driveway is approximately 30 feet long with an average width of about 17 feet wide. It would be possible to park two-cars towards the front of the driveway, providing a total of 3 spaces, but depending upon the size of the vehicles, 3 cars would be tight, and neither would meet the legal requirement for two separate spaces. The current code requires two 9’ by 18’ spaces to be located on-site and generally to be perpendicular to the street. In this case the applicant has one legal space within the garage and one legal space on the driveway. Both spaces are “oversized” meaning they exceed the minimum width and depth requirements.

Criteria 6: Internal circulation system. **No unmitigated impacts.**

Sampson Avenue and King Road are steep and narrow streets. There is however, area on the lot for limited circulation. Vehicles will need to utilize King Road and Sampson Avenue for ingress and egress. During heavy snow fall or bad road conditions, access to the lot may be limited or may require a four-wheel drive vehicle in order to gain access. There may be times when renters need to park off-site in an approved overnight public parking lot and walk to the property. Staff recommends as a condition of approval that the nightly rental lease include information to this effect, and that alternative access to the property and alternative locations for parking may become necessary during heavy snow events.

Criteria 7: Fencing, screening and landscaping to separate uses. **No unmitigated impacts.**

Fencing is not proposed at this time. No changes to the exterior landscaping are part of this application. The property is landscaped and appears to be well kempt and in good condition.

Criteria 8: Building mass, bulk, orientation and the location on site, including orientation to adjacent buildings or lots. **No unmitigated impacts.**

The size of the existing house, relative to surrounding buildings, mitigates impacts from building mass, bulk, orientation, and location on the site. The home, which was finished in 2008, meets current LMC and code requirements. Other homes within close proximity are of the same size and scale as the applicants home.

Criteria 9: Usable open space. **N/A**
The use is not required to provide open space in excess of that provided by typical single family houses. However, the home is located on a 6,500 square foot lot and there are patios, decks, and other outdoor spaces available for use by renters.

Criteria 10: Signs and lighting. **No unmitigated impacts.**

No signs are proposed. All exterior lighting was previously approved. Any lighting installed after the home was constructed would need to conform to current standards. There are no known violations of the lighting standards within the LMC at this property.

Criteria 11: Physical design and compatibility with surrounding structures in mass, scale and style. **No unmitigated impacts.**

The existing home is compatible with surrounding structures in mass, scale, and style.

Criteria 12: Noise, vibration, odors, steam, or other mechanical factors that might affect people and property off-site. **No unmitigated impacts.**

No noise, vibration, odors, steam or mechanical factors are anticipated. There is an outdoor deck in the front of the house and there are two patio areas. There is also a hot tub on the rear patio of the home. The tub does not face the street or adjacent properties, and it is not anticipated that the amount of steam generated from its use is would require mitigation. The hot tub is also covered when not in use.

Criteria 13: Control of delivery and service vehicles, loading and unloading zones, and screening. **No unmitigated impacts.**

No deliveries are anticipated. Residential trash pickup for the Lot will be from Sampson Avenue as it is with all houses in the area. A trash dumpster is not proposed or required.

Criteria 14: Expected ownership and management of the property. **No unmitigated impacts.**

The house is owned by the applicants as a second home, and only plan to rent the home out for short period of times to help supplement their income (off-set expenses). The property owners intend to be the managers of this nightly rental use and will obtain the necessary business licenses upon approval of the CUP.

Criteria 15: Sensitive Lands Review. **No unmitigated impacts.**

The house is not located within the Sensitive Lands Overlay zone. The use is within an existing structure and no external changes are proposed.

Process

Approval of this application constitutes Final Action that may be appealed to the City Council following the procedures found in LMC 1-18.

Department Review

This item was reviewed by the Planning, Building, Legal, and Engineering Departments. The Building Department will require an additional inspection of the home prior to the issuance of the business license.

Public Input

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record. As of this date no public input has been offered.

Alternatives

- The Planning Commission may approve the CUP for nightly rental use at 60 Sampson Avenue, as conditioned or amended, or
- The Planning Commission may deny the CUP for nightly rental use at 60 Sampson Avenue and direct staff to make findings of fact for this decision; or
- The Planning Commission may continue the discussion and request additional information on specific items.

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

Consequences of not taking the Suggested Recommendation
The applicant would not be issued a City Business License to allow for nightly rentals of the existing home.

Recommendation
Staff recommends that the Planning Commission conduct a public hearing and consider approving the Conditional Use Permit for nightly rental of a single family house located at 60 Sampson Avenue based on the findings of fact, conclusions of law, and conditions of approval listed below for the Commission's consideration..

Findings of Fact

1. The property is located at 60 Sampson Avenue. The property is improved with a 3,800 square foot, four bedroom, five full-bath, single family house.
2. Two legal off-street parking spaces are required for homes with nightly rentals. There are two legal parking spaces available, including one (1) 12X33 square foot single-car parking space within the attached garage, and one (1) single sized space on the driveway which is approximately 10-20 wide by 30 feet in depth. Although the home is located on a double-frontage lot with access to both Sampson Avenue and King Road, no on-street parking is anticipated or proposed.
3. The house at 60 Sampson Avenue is located an approximately 6,500 square feet (.15 acres) lot. Minimum lot size in the HRL district is 3,570 square feet.
4. The historic portion of the home is 1,818 square feet and was constructed in 1909 with a 1,953 square foot addition completed in 2008.
5. The subject property is located within the Historic Residential Low Density (HRL) zoning district.
6. Nightly rental uses are subject to a Conditional Use Permit in the HRL district.
7. Access to the subject property is off of Sampson Avenue with frontage onto King Road, both are public streets.
8. According to the City's business license records, there are currently 11 existing nightly rental uses in the surrounding neighborhood on King Road, Sampson, and Ridge Avenue.
9. The applicant stipulates to the conditions of approval.

Conclusions of Law

1. The proposed nightly rental use as conditioned is compatible with surrounding structures in use, scale and mass, and circulation.
2. The proposed nightly rental use as conditioned is consistent with the Park City General Plan.
3. Any effects in difference in use of the nightly rental use have been mitigated through careful planning and conditions of approval.

Conditions of Approval

1. All standard project conditions shall apply.
2. A business license and inspection of the property by the building department are necessary to ensure that the business owners are verified and the property meets all applicable fire and building codes.
3. A detailed review against specific requirements of the Uniform Building and Fire Codes in use at the time of business license application is required as a condition precedent to issuance of a business license.
4. No exterior commercial signs are approved as part of this CUP. All signs are subject to the Park City Sign Code.
5. All lease agreements for nightly rental of 60 Sampson Avenue shall include the following language: *"Both Sampson Avenue and King Road are narrow, steep streets. During snow storms and other abnormal weather events, including construction projects in the area, King Road, Sampson Avenue and streets leading to or away from the rental unit may become impassable. Snow removal in Park City is on a priority basis and it maybe several days before snow is removed from streets leading to, or away from the rental unit. During these times you may be required to park your vehicle in an approved overnight parking lot, such as the China Bridge parking structure, and you will be required walk to, or find alternative transportation to the rental unit. An annual permit may be required to park in a municipal lot."*
6. Nightly rental leases for 60 Sampson Avenue shall only be allowed to one person or single entity. Nightly rental does not include the use of the dwelling unit for Commercial uses.
7. Renters shall be required to park either in the garage or on the driveway. Both parking spaces shall be made available. No on-street parking is permitted on either Sampson Avenue or King Road.

Exhibits
Exhibit A- (Site plan and photos)
Exhibit B- Standard Conditions
Exhibit C- Applicant's letter

JONES WALDO
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PARK CITY, UT 84098

WWW.JONESWALDO.COM

AFFILIATED FIRM
LEAR & LEAR, LLP

RECEIVED
MAR 2
Park City Municipal Corp.

March 2, 2012

VIA E-MAIL AND HAND DELIVERY

City Council
Attn: City Recorder
Park City Municipal Corporation
P.O Box 1480
Park City, UT 84060

Re: Appeal of Planning Commission Final Action denying Application for Conditional Use Permit – Project No. PL-11-01369 (the "CUP").

Dear Council Members:

Jones Waldo Holbrook & McDonough represents Jan Maltby (the "Applicant"), the co-owner of the residential building located at 60 Sampson Avenue in Park City (the "Property"). Please accept this letter as our client's appeal of the denial by the Planning Commission of her application for a CUP for nightly rentals at the Property pursuant to LMC 15-2.1-2(B).

Standard of Review

As you know, your objective is to determine whether denial of the CUP was erroneous. *See LMC §15-1-18(G)*. The first step is *de novo* review of the evidence. Because they are not evidence, the Planning Commission's findings of fact should be ignored. Your aim is to consider anew the evidence in the record and determine the facts from that evidence, without regard to what the Planning Commission found.

The second step is *de novo* consideration of the legal issues. You should draw your own legal conclusions regarding whether the CUP is appropriate, based on the facts as you see them. The *de novo* review standard means the Planning Commission's conclusions of law, and its decision based on those conclusions, should not be considered; they are not material to your review.

The Facts

The following factual information is found in the Planning Department's January 11, 2012 Staff Report, which recommended approval of the CUP, and in the minutes of the January 11, 2012 Planning Commission meeting regarding the CUP:

1. The Property is a 3800 square foot single-family home with 4 bedrooms, 4 ½ bathrooms and two legal off-street parking spaces, one in the attached, oversized single car garage, and another in an oversized space on the driveway for the home.

2. The Property is the Applicant's second home. She purchased the Property in 2004 and did not intend to rent it but economic circumstances and the need to offset the expenses of owning the Property have led her to seek approval to rent for short periods of time.

3. The Property has frontage on both Sampson Avenue and King Road. The King Road access is via a stairway through the rear yard of the Property.

4. The Property is located within walking distance of the Upper Norfolk ski runs at PCMR, Old Town and Main Street, and the bike trails at King Road and Daly Avenue.

5. The project could contribute some traffic to the neighborhood but long-term rentals, seasonal workforce rentals, and/or housing for permanent residents would likely contribute more traffic than the short-term, nightly vacation rentals proposed by the Applicant.

6. The Applicant intends to limit the number of occupants during any given rental period, which will reduce any traffic impacts.

7. The double frontage of the Property allows emergency access from two sides, Sampson Avenue and King Road. Moreover, the Property is close to the Sampson Avenue/King Road intersection, easing emergency vehicle access.

8. The City's business license records show 11 existing nightly rental uses in the surrounding neighborhood on King Road, Sampson Avenue and Ridge Avenue.

The only other factual information in the record is that provided by four Park City residents who spoke at the January 11, 2012 public hearing before the Planning Commission. None of the four offered any information specific to the Property. Only one, Carol Sletta, lives on the same street as the Property. Ms. Sletta complained that someone had been coming and going in taxis, setting off fireworks late at night and letting trash overflow from trash cans. *See Minutes* at p. 5. She "suspected that the disruption was caused by nightly renters…" but had no actual knowledge of the source. *Id.* Ms. Sletta claimed that she spoke with Shelly Hatch "in the License Department" and was told that no one on Sampson Ave. had a nightly rental license. *Id.*

John Phillips lives on Norfolk Avenue. He noted that the home adjacent to his is rented on occasion and "he was concerned that a nightly rental [in the Property] would create a large impact to the rest of the neighborhood." *Id.* Mr. Phillips later "clarified that he was not opposed to nightly rentals in the neighborhood, but he was concerned with nightly rentals in that particular area…," presumably meaning the area near the Property. *Id.* at 6. He offered no specific input regarding any of the criteria applicable to CUP review.

Jimmy Weinberg lives at 201 Upper Norfolk. He pointed out that the streets in the neighborhood are "extremely narrow." *Id.* at 5. Mr. Weinberg believed "a nightly rental would be a detriment to the neighborhood ..." but he too offered no information addressing any of the CUP review criteria.

Finally, Ruth Meintsman, who lives at 305 Woodside Avenue, noted that the four-bedroom nightly rental across the street from her house usually has "three vehicles and those cars are always in motion." *Id.* She also stated that "[t]ypically on a three day rental stay the trash can is filled double and remains on the street for most of the week until the trash is picked up on Thursday." *Id.* at 6.

<u>The Law</u>

Conditional uses are reviewed pursuant to the criteria listed in LMC §15-1-10(E). The Applicant's position on each criterion follows:

(1) **Size and location of the site**. The Planning Department found no unmitigated impacts associated with the size or location of the Property. *See January 11, 2012 Staff Report* at

p. 2. The size of the Property, used as a nightly rental, creates no detrimental impacts at all. And the record contains no evidence of adverse effects generated by the location of the Property. John Phillips claimed a nonspecific "large impact to the rest of the neighborhood" but he failed to articulate the nature of that alleged impact. Jimmy Weinberg also claimed an indistinct "detriment to the neighborhood ..." but offered nothing pertinent to the location criterion. The Planning Department's finding regarding no unmitigated impacts is correct.

(2) **Traffic Considerations**. The sum of the evidence regarding traffic impacts is that nightly rentals at the Property would generate more trips than if the Property were vacant, but fewer trips than if the Property were used in any other way, such as a long-term rental, a seasonal workforce rental or as a permanent residence. Importantly, despite the evidence of more trips, the record contains no evidence that nightly rentals at the Property will generate trips that amount to a detriment. The Applicant is willing to abide by any reasonable condition proposed to mitigate any traffic impacts created by the proposed use. But none are reasonably anticipated, as originally found by the Planning Department.

(3) **Utility Capacity**. There is no suggestion in the record that this criterion is at issue in any way. The proposed use creates no unmitigated impacts concerning utility capacity.

(4) **Emergency Vehicle Access**. The Property has emergency vehicle access from two sides, Sampson Avenue and King Road and, unlike most other homes on the street, access is further eased by the fact that the Property is close to the King Road intersection. Moreover, as noted in the January 11, 2012 Staff Report, the nightly rental business license application that follows CUP approval will trigger "an inspection of the house by the Park City Building Department and all IBC and Fire Code requirements have to be met prior to issuance..." of the license. *See Staff Report* at p. 3. Finally, nightly rental use of the Property creates no emergency vehicle access impacts different from those created by any other use of the Property, and detrimental impacts, if any, will be addressed by the Building Department staff best qualified to assess the impacts. Again, the Planning Department correctly found no unmitigated impacts regarding this criterion.

(5) **Location and Amount of Off-Street Parking**. LMC §15-3-6 requires two off-street parking spaces for the Property, regardless of how it is used, and the Property complies. Consequently, the Planning Department concluded that nightly rental use creates no unmitigated off-street parking impacts. The only evidence that even arguably contradicts that conclusion came from Ruth Meimtsman, who stated that the four-bedroom nightly rental across the street

from her Woodside Avenue house usually has "three vehicles and those cars are always in motion." Ms. Meintsman's statement is not helpful, however, because it says nothing about the Property and Ms. Meintsman did not address whether the "three vehicles" are parked on or off the street. The bottom line is the record contains nothing to refute the Planning Department's "no unmitigated impacts" conclusion on this criterion.

(6) **Internal Vehicular and Pedestrian Circulation System.** Given the single family nature of Property, "internal" circulation is not a meaningful criterion regardless of how the Property is used. Simply put, no internal circulation occurs at the Property. Consequently, no adverse circulation impacts exist.

(7) **Fencing, Screening, and Landscaping.** No fencing or landscaping changes are proposed in connection with nightly rental use of the Property. As found by the Planning Department, this criterion involves no impacts.

(8) **Building Mass, Bulk, and Orientation, and the Location of Buildings on the Site.** Likewise this criterion is irrelevant because the nightly rental use will not change the mass, bulk, orientation or location of the Property.

(9) **Usable Open Space.** This is another immaterial criterion because, as the Planning Department concluded, the nightly rental use requires no additional open space.

(10) **Signs and Lighting.** The proposed use involves no signs or exterior lighting fixtures other than those previously approved. Consequently, the use creates no signage or lighting impacts.

(11) **Physical Design and Compatibility with Surrounding Structures in Mass, Scale, Style, Design, and Architectural Detailing.** The Planning Department concluded that the Property is compatible with surrounding structures in all ways listed in this criterion and, of course, the nightly rental use does nothing to change that conclusion.

(12) **Noise, Vibration, Odors, Steam, or Other Mechanical Factors That Might Affect People and Property Off-Site.** The Planning Department found no unmitigated impacts in connection with this criterion and the record contains no evidence to the contrary.

(13) **Control of Delivery Vehicles, Loading Zones, and Screening of Trash and Recycling Pickup Areas.** The only concerns that even arguably pertain to this criterion were raised by Carol Sletta and Ruth Meintsman. Ms. Sletta complained that an unidentified person at an identified location let trash overflow from trash cans. She "suspected that the disruption was caused by nightly renters..." but had no actual knowledge of the source. *Minutes of the January 11, 2012 Planning Commission Hearing* at p. 5. Ms. Meintsman stated that the trash can used at a nightly rental property on Woodside Avenue often "remains on the street for most of the week until the trash is picked up on Thursday." *Id.* at 6. Although there is no evidence establishing that nightly rental of the Property will create any similar detrimental impact, the Applicant is willing to abide by any sensible condition proposed to mitigate any reasonably anticipated impact.

(14) **Expected Ownership and Management of the Project**. The Planning Department correctly concluded that the proposed use creates no unmitigated impacts pertaining to ownership or management. Ownership will not change. And to the extent needed, the Applicant has a local property manager. Any management needs created by use of the Property as a nightly rental will be addressed. Again, the Applicant will agree, as a condition of CUP approval, to maintain a reasonable property management arrangement.

(15) **Sensitive Lands Review**. The Property is not located within the Sensitive Lands Overlay zone. Like several others, this criterion is not applicable.

Conclusion

The minutes of the January 11, 2012 Planning Commission hearing show a manifest bias on the part of several of Commissioners against nightly rentals in this part of the HRL zone, and an expressed desire to amend the LMC to prohibit nightly rentals as a conditional use. Unfortunately, that bias and desire translated into denial of the CUP for reasons not supported by the facts or the law. The Applicant is entitled to an unbiased review of her application based on the LMC as it now exists and, given the record in this matter, that review can result in only one conclusion: the proposed use of the Property as a nightly rental creates no unmitigated impacts. Even if the Council concludes detrimental impacts are possible, reasonable conditions can be imposed to mitigate those impacts. Consequently, the Council should reverse the Commission's denial of the CUP.

Please do not hesitate to contact me if we can provide any other information to aid the Council's review of this matter. Thank you.

Sincerely,

Eric P. Lee

cc: Jan Maltby

Planning Commission
Staff Report

Subject:	**60 Sampson Avenue**
Author:	**Mathew Evans**
Date:	**February 22, 2012**
Type of Item:	**Conditional Use Permit - Ratification of Findings**
Project Number:	**PL-11-01369**

PARK CITY 1884 PLANNING DEPARTMENT

Summary Recommendation

Staff recommends the Planning Commission ratify the Findings of Fact and Conclusions of Law to deny the Conditional Use Permit for a nightly rental request at 60 Sampson Avenue for an existing home located in the HRL Zone according to the Findings of Fact and Conclusions of Law.

Topic

Applicant:	Jan Maltby
Location:	60 Sampson Avenue
Zoning:	Historic Residential Low (HRL)
Adjacent Land Uses:	Single-Family Residential, Vacant Land

Background

On January 11, 2012, the Planning Commission held a regularly scheduled meeting to consider an application for a Conditional Use Permit to allow a nightly rental in an existing home located at 60 Sampson. The existing home is located in the Historic Residential Low (HRL) zone designation wherein nightly rentals are listed as a "Conditional Use" thus requiring a Conditional Use Permit to be issued by the Planning Commission.

One the aforementioned date, the Planning Commission reviewed the application held a public hearing and denied the application on a vote of 3-2. The Planning Commission discussed the possibility that the applicant could not mitigate conditions of approval found in Section 15-2.1-2 Land Management Code that the proposed Conditional Use Permit with respect to the conditional use review criteria #2, #4, #5 and #6 as outlined in LMC 15-1-10, could not be mitigated.

Furthermore, the Planning Commission had concerns about mitigation issues related to Criterion #14 (Expected ownership and management of the property), and there were concerns that there was no requirement for the applicant to hire a property management company to ensure that many of the issues associated with nightly rentals (e.g. trash, loud parties, etc.) would not be attended to by a local someone local who could enforce proper behavior by the tenants and ensure the proper care of the property while it was being used as a nightly rental.

The Planning Commission also noted that the City could not enforce the requirement for off-site parking even though there may be times when both King Road and Sampson Avenue become impassable and inaccessible for automobile travel. For these reasons, including the aforementioned reasons listed above, the Planning Commission, by a 3-2 vote, denied the application for the Conditional Use Permit to allow for the nightly rental as proposed.

The minutes of the meeting are attached in the packet.

Findings of Fact, Conclusions of Law and Order regarding 60 Sampson Avenue Conditional Use Permit for a nightly rental of an existing home within the HRL Zone.

The Planning Commission hereby ratifies the Findings of Fact, Conclusions of Law as follows:

Findings of Fact

1. The property is located at 60 Sampson Avenue. The property is improved with a 3,800 square foot, four bedroom, five full-bath, single family house.
2. The subject property is located within the Historic Residential Low Density (HRL) zoning district.
3. The house at 60 Sampson Avenue is located an approximately 6,500 square feet (.15 acres) lot. Minimum lot size in the HRL district is 3,570 square feet.
4. The historic portion of the home is 1,818 square feet and was constructed in 1909 with a 1,953 square foot addition completed in 2008. The house has 4 bedrooms
5. Nightly rental uses are subject to a Conditional Use Permit in the HRL district.
6. Access to the subject property is off of Sampson Avenue with frontage onto King Road, both are public streets.
7. Sampson Avenue and King Road are very narrow roadways. The paved width of Sampson Avenue is 12 feet wide, which is not wide enough for two cars to pass each other. There is also no on-street parking available on Sampson Avenue. Testimony from residents suggests that this street has had difficulty being accessed by emergency vehicles in the past.
8. There are no legally established nightly rentals on Sampson Avenue. The Finance Department has confirmed that there are no business licenses issues for Nightly Rentals on Sampson Avenue.
9. Requiring additional cars to park in China Bridge in the rental agreement does not mitigate the impacts of additional cars because it is difficult for the City to enforce such a requirement and the Landlord has no incentive to enforce such a condition.
10. There are three separate sets of stairs and over 250 stairs from China Bridge making it unlikely that nightly rental tenants would actually use China Bridge as an alternative parking area. There is no on street parking in the vicinity of the residence.

11. Trash is a problem with nightly rentals because tenants often leave on a Monday and the trash is put outside however, the garbage pick-up isn't until Thursday. No mitigation for this impact has been proposed.
12. The Planning Commission finds that Criterion #2 (Traffic) of Section 15-2.1-2, LMC, cannot be mitigated because traffic on the roads leading to the applicant's property, and the street where the proposed nightly rental is located, are narrow roadways that may become subject to closure during a major storm event, such as snow or rain, and that renters may not be able to access the home because there are times when both King Road and Sampson Avenue are not passible by automobile. One must drive on steep hills to access Sampson Avenue, and it is not possible for two cars to pass each other on the road.
13. The Planning Commission finds that Criterion #4 (Emergency Vehicle Access) cannot be mitigated for the same reasons as found in Criterion #2 that the roads leading to and from the proposed nightly rental are narrow road ways that may become impassible during major storm events, such as snow or rain, and that testimony from the Public suggests that emergency vehicles tend to get stuck turning from Sampson Avenue during normal weather, making emergency vehicle access to the nightly rental subject to delay. The Planning Commission further finds that the nightly rental may increase the need for emergency vehicle access to the area, and that such an increase would burden the neighborhood because of the narrow roadways which can become impassible during major storm events as described herein.
14. The Planning Commission finds that Criterion #5 (Location and amount of off-street parking) cannot be mitigated due to the fact that there are only two parking spaces at the proposed location for the nightly rental, and due to the fact that the existing home is 3,800 square feet, has four bedrooms, five bathrooms and sleeps an undetermined number of people and could potentially accommodate a large gathering of individuals, and there is no way for the City to enforce a maximum gathering of occupants for the nightly rental, and the fact that there is no on-street parking available at this location due to the fact that Sampson Avenue is in essence, a 12-foot wide one-way road with no on-street parking near the proposed nightly rental, and that King Road has the same physical conditions as Sampson Avenue, causing a potentially dangerous situation for those trying to park near the home.
15. The Planning Commission finds that Criterion #6 (Internal circulation system) cannot be mitigated due to the fact that both King Road and Sampson Avenue are narrow roadways which in essence, function as one-way streets, and that circulation in the area is usually difficult even if not complicated by frequent major storm events, and that the nightly rental could generate additional trash or additional service needs, and that those could potentially cause in increase of the level traffic generated from outside of the area, and that the streets leading to and from the proposed Nightly Rental are local streets that are more than likely at a failing level of service because they do not meet current City Street Standards for asphalt width and snow storage.

16. The Planning Commission is concerned that Criterion #14 (Expected ownership and management of the property) would be difficult to mitigate due to the fact that there are no provisions in the LMC to require that a local property management company oversee the nightly rental. The owner of 60 Sampson Avenue, who's primary residence is in New York, would be an absentee landlord and would not be able to ensure that issues related to trash and loud parties at the home could be taken care of to the satisfaction of the neighbors or the City. The burden of dealing with issues related to trash, loud parties, and other issues related to Nightly Rentals, is unfairly shifted to the neighborhood and the City to handle.
17. The Planning Commission finds that the condition to require off-site parking during times when King Road or Sampson Avenue may become impassable during periods of heavy snow, or other inclement weather, un-enforceable, and thus un-reasonable to impose.

Conclusions of Law

1. The proposed conditional use permit has conditions that cannot be mitigated, including those found in criterion #2, #4, #5, #6 and #14 of Section 15-2.1-2 of the Park City LMC.
2. The condition of approval to require off-site parking during heavy snow events or other inclement weather make King Road or Sampson Avenue impassible is un-enforceable by the City, and thus is an unreasonable condition of approval.

Order: The Conditional Use Permit for Nightly Rental at 60 Sampson Avenue is hereby denied for the reason specified within the Findings of Fact and Conclusions of Law listed herein.

Dated this 22th day of February, 2012.

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Charlie Wintzer, Chairman, Planning Commission

Commissioner Thomas disclosed that he would be recusing himself from the North Silver Lake discussion due to his design involvement with the project.

Director Thomas Eddington reminded the Planning Commission of the joint City Council/Planning Commission meeting from 5:30 to 7:00 p.m. the following evening to discuss the Bonanza Park plan.

Director Thomas Eddington reported that the Council visioning originally scheduled for February 3rd and 4th had been changed to February 9th and 10th. He would send a reminder email to the Planning Commission and include the time the Planning Commission is scheduled on the agenda. Chair Wintzer had a previous obligation and he was unsure if he would be able to attend.

Chair Wintzer stated that a previous planning commissioner, Steve Deckert, had passed away. Chair Wintzer remarked that Mr. Deckert was a great Planning Commissioner and a great member of the community. Chair Wintzer outlined a number of major accomplishments that Mr. Deckert had achieved in Park City, which spanned the history of Park City's growth. He did it as a planner, as well as two terms as a planning commissioner.

On behalf of the Planning Commission, Chair Wintzer thanked the Staff for their work on the General Plan for Bonanza Park. It was an incredible job and the entire Staff spent many hours. As a thank you, the Planning Commission presented the Staff with a card and a gift card for lunch.

Chair Wintzer also thanked Commissioner Thomas for his efforts and involvement working with the Staff to complete the General Plan for Bonanza Park. He was certain the end result showed the talent that Commissioner Thomas had contributed.

CONTINUATION(S) – Discussion, Public Hearing and Possible Action

Land Management Code – Amendments to Chapter 10 for Special Exceptions and Chapter 15 for Definitions of Special Exceptions. **(Application #PL-11-01418)**

Chair Wintzer opened the public hearing. There was no comment. Char Wintzer closed the public hearing.

MOTION: Commissioner Thomas moved to CONTINUE the LMC Amendments to February 22, 2012. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. 60 Sampson Avenue – Conditional Use Permit
(Application #PL-11-01369)

Planner Matt Evans stated that it has been several years since Park City approved a nightly rental application. Nightly rentals are conditional uses in some of the residential zones in the City. The property at 60 Sampson Avenue is located in the HRL zone, which requires a conditional use permit for nightly rentals in the zone, per LMC Chapter 15-2.1-2.

Planner Evans noted that the Staff report outlined a number of criteria for review when considering a conditional use permit. He pointed out there was not a separate set of criteria for considering a nightly rental use.

Planner Evans reviewed the request for a conditional use permit for a home located at 60 Sampson Avenue. He presented slides showing an aerial view and the reviewed the zone designation. The structure is a 3,800 square foot single family home, and includes an oversized one-car garage and a driveway area leading to the garage. One of the criteria requires that the nightly rental can provide two off-street parking spaces.

Planner Evans stated that the home at 60 Sampson Avenue is located on the Historic Homes Inventory. A permit was pulled in 2007 for a remodel and the project was recently completed. A 2,000 square foot addition was added to the home. The number of bedrooms and bathrooms show that the house is a substantial size. The applicant would like to rent the home for nightly rentals, which is allowed under a conditional use permit, as long as the rental period does not exceed 30 days.

Planner Evans reviewed the list of criteria for considering nightly rentals as outlined in the Staff report. Criteria 2 addressed traffic considerations. Currently the home is used as a second residence for the owner. The Staff recognized that traffic impacts from a nightly rental would be greater than those associated with a single family dwelling. However, since the criteria is not specific to nightly rental, it does not ask the Staff analysis to make extra considerations for that use. Criteria 5 addressed off-street parking. Due to the driveway, by definition it would meet the requirement for two off-street parking spaces.

The Staff recommended that the Planning Commission approve the conditional use permit for a nightly rental based on the findings of fact, conclusions of law, and conditions of approval as indicated in the Staff report.

Planner Evans reviewed the conditions of approval outlined in the Staff report.

Jan Maltby, the applicant/owner stated that they have owned the house since 2004 and never planned to rent it. She was born and raised in Utah and even though it is their second home, she considers it home because her whole family lives in Salt Lake. Ms. Maltby remarked that renting was not their first choice but life changes made the decision. She wanted the neighbors to understand that they would be very careful about who they rent to because it is their home.

Chair Wintzer opened the public hearing.

Carol Sletta, a resident at 135 Sampson, stated that she lives two doors down and across the street from 60 Sampson. Ms. Sletta remarked that within the last ten days their neighborhood had been turned up-side-down. She was unsure whether several people were renting or whether it was one family in the neighborhood; but taxis come and go, fireworks are set off late at night, trash overflows the trash cans. Ms. Sletta suspected that the disruption was caused by nightly renters. She had called Shelly Hatch in the License Department to ask who had permits for nightly rentals in the neighborhood, and Ms. Hatch told her no one on Sampson Avenue had a nightly rental license. Ms. Sletta stated that people drive too fast. Those who live there and know the neighborhood make it a point to slow down. With all the taxis and traffic, the situation would be much worse if there was snow this winter. She was concerned about losing the neighborhood to people who do not live there or care about the community. When she first moved to Sampson in 1979 nightly rentals were not allowed. Later on an ordinance was passed to allow nightly rentals in the neighborhood, and it was done without notice to the neighbors. Ms. Sletta believed the neighborhood needs to remain a neighborhood and a safe place in Park City.

John Phillips, a resident on Norfolk agreed with all the comments made by Carol Sletta. He had also noticed excessive activity in the neighborhood and it was very apparent that many people were occupying one house. Mr. Phillips believed that Ms. Maltby would screen her renters; however, the neighbors adjacent to his home rent their house on occasion and even though they try to screen their renters, many times the renters were deceptive. Based on the location and the quaintness of their small neighbor, he was concerned that a nightly rental would create a large impact to the rest of the neighborhood. Mr. Phillips was also concerned about parking and traffic. With a 3800 square foot four bedroom home, he could envision a large number of people in the house.

Jimmy Weinberg, a resident at 201 Upper Norfolk, stated he is a former city employee who is now retired. He worked in the parking department and for the public works department. In that neighborhood the streets are extremely narrow. During his time with the City, they prided themselves on trying to create neighborhoods. He believed that a nightly rental would be a detriment to the neighborhood on Upper Norfolk. Mr. Weinberg referred to condition of approval #5, which spoke about the inclement weather and the difficulty of trying to reach the residence and the possibility of having to park at the China Bridge parking structure. He noted that there are three sets of steps and over 250 stairs from China Bridge to Upper Norfolk. Sampson Avenue is extremely narrow and two vehicles cannot pass. Mr. Weinberg urged the Planning Commission to consider all the impacts and to remember what the City is trying to create in town. He did not want to take rights away from the owner, but he felt the request was inappropriate for the street.

Ruth Meintsman, a resident at 305 Woodside, stated that her neighborhood on Woodside is mostly nightly rentals and she wanted to comment on the impacts. Ms. Meintsma understood that Park City thrives on nightly rentals and it is great that people can come to Park City for a short stay and have a good time. However, there are serious impacts. She lives across the street from a four bedroom nightly rental. That house has a garage and one parking spot in the driveway, but usually there are always three vehicles and those cars are always in motion. She believed it was due to the fact that visitors do not understand the logistics of Old Town and how to get around without a vehicle.

Ms. Meintsma stated that trash was also an incredible problem. Typically on a three day rental stay the trash can is filled double and it remains on the street for most of the week until the trash is picked up on Thursday. Ms. Meintsma suggested that the only way that type of impact could be mitigated would be through intense communication between the owners and the renters, as well as the neighborhood. As an example, the owner could compile a list of email addresses and use that as a way to inform the neighbors of the name of the renters, how long they would be staying, and the number of people expected to occupy the house. This would enable the neighbors to introduce themselves and help the renters to understand the logistics of Old Town. Ms. Meintsma believed that would help resolve the current miscommunication with nightly rentals and solve many of the problems.

John Phillips stated that he lives next door to a duplex that has been used for nightly rentals for years. There have been no problems, but they have a huge parking lot and it is not located on Sampson, which is more narrow than his road. He clarified that he was not opposed to nightly rentals in the neighborhood, but he was concerned with nightly rentals in that particular area.

Chair Wintzer closed the public hearing.

Chair Wintzer stated that the HRL zone was created for his neighborhood 35 years ago for the purpose of creating a neighborhood for primary residents. They did not want nightly rentals or duplexes. When the HRL zone moved across the canyon, everything that his neighborhood did not want was put into a conditional use. Chair Wintzer believed that nightly rentals takes away from a neighborhood and changes the nature of that neighborhood. He was unsure what could be done now since it is a conditional use in the zone per the LMC. Chair Wintzer personally thought the Planning Commission should look at changing the requirements in the LMC, even though it would not apply to this application.

Commissioner Hontz appreciated the public input this evening because it validates the negative impacts she sees and lives with every day as an Old Town resident. Commissioner acknowledged that some of the impacts were from long -term rentals as well as nightly rentals, and she believed that some of the nightly rental impacts could be mitigated. In order to support the requested CUP, she would need to have public health, safety and welfare concerns addressed, along with criteria 2,4 ,5 and 14, which relate to on-site parking and access. She noted that many homes in Old Town have garages and parking pads, however, renters are locked out of the garages because the owners store their personal belongings in the garage. Many renters who do have garage access prefer to park on the street rather than take the time to open the garage. Commissioner Hontz appreciated that Planner Evans had pointed out that parking is not allowed on Sampson, but that does not always deter renters. It is a huge impact to the residents to have to call the City to enforce illegal parking and an additional impact to the City to enforce it.

Commissioner Hontz pointed out that 60 Sampson is a large home. The renters could most likely have more than two vehicles and there is not room on the site to accommodate more than two. She did not believe the suggestion to park at China Bridge was a reasonable solution. Commissioner Hontz noted that this winter is abnormal weather because snow is the normal for Park City. She wants snow in Park City and slippery and hard to drive roads. She could not understand why the City would create more problems that would need to be resolved in the future by allowing nightly renters in that area. Commissioner Hontz remarked that Sampson Avenue is the most challenging street in Old Town for access and size. She thought they might be able to meet the requirements to allow the conditional use permit, but she questioned whether it was worth it in terms of approving this type of use. She also questioned whether the CUP could be rescinded if there were consistent problems.

Assistant City Attorney, Polly Samuels McLean, clarified that a conditional use is an allowed use as long as the impacts can be mitigated. She asked if Commissioner Hontz was concerned that the impacts could not be mitigated in this location due to the lack of parking and other constraints.

Commissioner Hontz replied that she would be comfortable with the CUP if someone could convince her that the impacts could be mitigated. She believed some of the impacts could be addressed through the rental agreement; however, if the impacts were not mitigated, the burden would fall on the neighbors to resolve it. She was also concerned that if the conditions are not met and the impacts are not mitigated, it would take additional time to rescind the CUP.

Assistant City Attorney McLean pointed out that the legal criteria is whether or not the impacts can be mitigated. She understood that Commissioner Hontz was saying that if the impacts were difficult to enforce, they could not be mitigated. Commissioner Hontz replied that it was her concern, but she was willing to listen to other Commissioners if they could find a way to resolve that issue.

Commissioner Hontz stated that trash is a problem throughout Old Town with nightly rentals. She concurred with Ms. Meintsma that the property management company cleans the day after trash pickup, and the trash sits there for a week. Trash on the street erodes the experience for both residents and guests.

Commissioner Thomas understood that the concern was who would rent the house and assumptions on the number of people who would occupy the house. More occupants create more trash and more parking issues. He pointed out that the Planning Commission could not control that aspect, which is similar to the fact that they could not control who purchases a house or who rents it long term. He noted that an owner or long-term renter with a large family generates a lot of cars and a lot of trash, but that is completely allowed and acceptable. He could not see much difference between that occurring with a long-term renter versus a short-term renter. Commissioner Thomas remarked that the HRL zone was created to accept these conditional uses. He believed the impacts could be mitigated the same as with the normal community.

Commissioner Hontz remarked that the difference is that if someone lives there long-term, it is easier for a neighbor to talk to them face to face regarding a problem. It is more difficult to talk to someone renting short-term because they are leaving soon and do not care to address the problem. Commissioner Hontz appreciated Commissioner Thomas' comments, but she believed there was a significant difference between the two.

Commissioner Thomas still thought they were making assumptions on who would be renting the house. He was comfortable with the conditions and believed the impacts could be mitigated. Commissioner Thomas thought the issues begged a conversation on re-evaluating some of the zones in terms of conditional uses and allowed uses. However, the Code is clear for this application and he was not opposed to the requested CUP.

Commissioner Savage concurred with Commissioner Thomas. Based on the comments this evening, he found nothing that would cause him to think that the impacts associated with nightly rentals would be materially different than the impacts that exist from the people who already use the house. Commissioner Savage noted that the Staff analysis indicates that there are no unmitigated impacts and he had not heard anything to make him think otherwise. Based on legal advice, if that is the case, the Planning Commission has an obligation to approve the application.

Commissioner Strachan stated that he heard evidence of unmitigated impacts from three separate people who have nightly rentals in their neighborhoods. He did not believe a rental agreement was an effective tool to mitigate the impacts because the landlord has no incentive to enforce the rental agreement. Once the landlord receives the money he is often an absentee party. Commissioner Strachan remarked that a CUP is infinite and once it is granted it cannot be taken away. They could assume that the impacts of a nightly rental are the same as the impacts of a primary resident family, but if that assumption is wrong, they cannot rescind the CUP. Commissioner Strachan pointed out that it only takes three or four instances of disagreeable and uncooperative nightly renters to make the impacts different than the impacts created by a permanent resident. He could not find the ability to mitigate the impacts of nightly rentals in this application.

Commissioner Strachan believed the LMC should be amended to only allow nightly rentals on the streets that immediately surround Main Street.

Chair Wintzer remarked that Condition of Approval #5 regarding the China Bridge was unrealistic and it could not be enforced. If the street is so difficult that it requires that type of a condition, it indicates that the impact was unmitigated.

Ms. Maltby remarked that the house could also be accessed from King Road, which would address concerns regarding emergency vehicles. There is no parking but there is direct access to the house. King Road is a two lane road and much wider than Sampson. Ms. Maltby stated that she has owned the house since 2004 and has never had a problem accessing the house due to bad weather. Chair Wintzer replied that the difference was that Ms. Maltby had a four-wheel drive vehicle and had lived in Park City long enough to understand the road and weather conditions.

MOTION: Commissioner Strachan moved to DENY the conditional use permit application for nightly rentals at 60 Sampson Avenue. Commissioner Hontz seconded the motion.

VOTE: The motion passed 3-2. Commissioners Hontz, Strachan and Wintzer voted in favor of the motion. Commissioners Thomas and Savage voted against the motion.

Ms. Maltby asked if she had any recourse against their decision. Chair Wintzer advised Ms. Maltby that she was entitled to the appeal process and her project planner could explain the details.

2. <u>North Silver Lake, Lot 2B – Extension of Conditional Use Permit</u>
(Application #PL-11-01392)