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

March 8, 2018

The Council of Park City, Summit County, Utah, met in open meeting on March 8, 2018, at 2:00 p.m. in the City Council Chambers.

Council Member Ware Peek moved to close the meeting to discuss property, personnel, and litigation at 2:00 p.m. Council Member Joyce seconded the motion.

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

CLOSED SESSION

Council Member Worel moved to adjourn from Closed Meeting at 4:00 p.m. Council Member Henney seconded the motion.

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

WORK SESSION

Margaret Bose, Executive Director of Colorado Association of Ski Towns (CAST), reviewed that CAST was a membership organization. Resort communities had a lot in common, and CAST brought them together to participate in information sharing and networking. It was also formed to ensure that the elected officials in Colorado knew the issues that the ski industry and tourism faced. CAST met four times per year, and they also distributed surveys. Housing and transportation, as well as short term rentals and climate action, had been the top issues for members. Bose indicated CAST valued Park City's involvement and participation. Mayor Beerman stated Myles Rademan was a founder of CAST when he worked in Colorado. He recommended that all the Council members make the trip to attend the CAST meetings. Council Member Joyce asked if Park City was the only Utah member. Bose stated Moab was the newest member.

Council Questions and Comments:

Council Member Gerber attended the Ski Utah board meeting and listened to presenters from Clean Air and the Outdoor Recreation Office. There was a grant offered for trails and outdoor recreation opportunities. Heinrich Deters, Trails and Open Space Manager, stated Logan Jones attended the workshop and would be submitting a grant request. Council Member Gerber attended the Lodging Association meeting and indicated lodging would be strong in March. She attended the Friends of the Farm Snowshoe Event and thanked Minda Stockdale for her work on that event.

Council Member Ware Peek indicated she was continuing the onboarding process and was reviewing the General Plan. She attended the Geodesign Hub workshop and it was enlightening to see priorities layer over each other. She talked with PC Unidos and they were flattered with the interest the City had taken with their community. She stated the Council retreat was enlightening and a lot of work. She went to Jackson and Whitefish and saw affordable housing being constructed in Jackson Hole. They had acquired 112 units since 1992, so Park City was doing well in comparison.

Council Member Joyce felt the Council retreat was good. He also indicated he was getting into his role as a liaison.

Council Member Worel stated she spent time with the Mental Wellness Alliance and noted this group was being viewed as best practices by other agencies, who referred people to Mental Wellness. She talked with those in the Solomon Fund and they were in the process of accepting applications for grants. They wanted to serve the underserved five to twelve year olds in the community. She met with the EATS Board and they talked how food played into Social Equity.

Council Member Henney stated he attended a few meetings. He indicated this was his fifth Council retreat and he was a fan of the process and was pleased with the outcome of the priorities and the plan. He also liked the visual minutes.

Mayor Beerman thanked staff for their efforts in making the Council retreat successful. He indicated the State Legislature was on its final day. Luke Cartin stated the plastic bag ban might come up for a vote before midnight. Mayor Beerman thanked Matt Dias for his time spent at the Legislature. He asked if the October 25th Council meeting could be changed to Tuesday the 23rd so that Council could attend the CAST meeting in Colorado.

Blake Fonnesbeck indicated he was a member of the Summit Mosquito Abatement District. Park City had two votes on that board and he didn't want to give that up. He suggested Council appointing two staff members to fill the Council liaison vacancy for that board. Council agreed to having two staff members sit on that board. Fonnesbeck also talked about the Transit app, and indicated staff was putting together needed and wanted features and would be drafting an RFP. He noted that the contract with the current company had expired and he hoped the RFP would result in better service.

McPolin Farm Update

Minda Stockdale, McPolin Barn Manager, presented this item. She thanked Denise Carey for her stewardship over the Farm and for her mentoring efforts as Stockdale took over this position. She reviewed the barn upgrade was completed in 2016, and the board expressed interest in conducting educational tours for small groups. But the farm administrative policy prohibited any use of the barn. She asked if Council would like to expand the use, and noted changes would need to be made to the policy. Stockdale also noted the Chief Building Official was working on ADA accessibility at the barn.

Council Member Worel asked what the difference was for allowing 25 people through the barn and this small group request. Stockdale indicated groups hadn't been through, but the Chief Building Official had approved the one request on the condition that Council approved the expanded use request. She stated she wanted the policies to align with the practices. Mayor Beerman stated the goal of the Council was to allow tours and that was a reason for the structural upgrades.

Council Member Gerber indicated the board was in favor of having tours, but thought additional staff would be needed to accommodate the tour requests. She referred to a survey which indicated the residents wanted more access to the barn. Council Member Ware Peek agreed more events should be held at the barn, and noted that it was a magnificent facility. The barn was approved for 12 events per year under the CUP, but currently, only three events were held there per year. She hoped more events could be scheduled there.

Council Member Worel indicated the residents bought the barn and should have access to it. She asked if a volunteer could manage it. Stockdale responded in the affirmative. Council Member Henney stated he would like to see a plan where volunteers were used. He was concerned about assigning staff to accomplish the goal. He stated the residents didn't want active use but passive use only. He thought there would be community support for giving tours to school children. Council Member Gerber referred to the survey and indicated 82% of people wanted nonprofits to hold events there. She felt people might be open to having more than just tours take place at the barn.

Mayor Beerman also supported expanding the activation of small group tours. He felt the community was protective of this space, but thought it could be expanded little by little.

Council Member Joyce expressed concern about parking and estimated only 20 vehicles could fit in the parking lot. He didn't want to see a lot of staff time dedicated to the barn, and suggested giving more thought about adding constraints for more events. Mayor Beerman stated the question was for small group tours, and proposed the board could come back with other suggestions for events. Council Member Gerber stated the events would know that a transportation plan would be necessary if they wanted an event there. Also, events would know their limits since there was a maximum occupancy. Council agreed to expand barn activities to small groups and change the land use documents to accommodate the additional activity.

Request to Issue an RFP for Public Art at Creekside Treatment Plant in an Amount Not to Exceed $13,000.00:
Jenny Diersen, Special Events Manager, introduced Meghan Newsome, the Water Quality intern. Newsome had a public art project idea for Council consideration. She stated she was hired to test meters for accuracy. The meters could not be recycled so she had the thought to turn them into public art. She proposed the public art piece be displayed at the new Creekside Treatment Plant, where it could be viewed by community members. It would be interactive and would bring awareness to water conservation. The project would have a budget of $13,000. Diersen stated it was a great project to combine Arts and Culture with Sustainability. The Council supported the idea. Council Member Worel asked if children would be able to climb on it. Newsome indicated that interactivity with the piece was the goal.

Lower Park Avenue Affordable Housing: Discuss Options for Woodside Park Phase 2 - Conceptual Designs:
Jason Glidden, Affordable Housing Manager, Jarrett Moe and Gentry Griffin, Method Studio, presented this item. Griffin discussed shared goals with the project and stated the project would be in compliance with the City's net zero goal. He indicated the underground parking on Option One would cut deep into the slope of the terrain, and indicated they only had a full conceptual design for Option Two. The pedestrian walkway would go from City Park through the housing projects to the Park City Mountain Resort.

Council Member Joyce asked how they determined the trade-off between the number of stacked flats and townhomes. Griffin stated it was split to encourage interaction on the street. Council Member Henney liked Option Two with the pedestrian plaza. Glidden stated Option One would be very expensive since the hillside would have to have such a deep cut and the underground parking would need ventilation. Option Two didn't have cuts in the hillside. Council Member Joyce asked if Option Two could be sold at market rate. Glidden stated Option Two would work well because market rate units could be built next to the affordable units on Empire.

Council Member Gerber asked if there were the same number of units in Options One and Two. It was indicated Option One had 44 units planned and Option Two had 48 units planned. Glidden indicated the six townhomes could be sold at market rate if the Council chose to go in that direction. Council Member Gerber asked where storage would be located. Griffin stated storage would be incorporated with the parking area, but noted there would also be cubbies in the units. Council Member Gerber asked if there would be parking spaces available for electric vehicles. Glidden explained there would be charging stations in the parking area. Council Member Gerber suggested under-parking some of the project since the units were close to transit and the resort. Glidden stated he hoped to have an ordinance changing some of the parking requirements by late April. Griffin indicated a three bedroom unit would have two parking spaces. Council Member Ware Peek asked if the walkway would go all the way through if the market rate units on Empire were pursued. It was confirmed that the walkway would go through to the resort, but the separation would be with the green space. Council Member Ware Peek favored metal grate staircases and asked for it to be considered with this project.

Council Member Worel struggled with the concept because the units looked like dorms on a college campus. She hoped there could be a design that would blend with the community. She thought there was an opportunity on the walkway for public art, especially with wayfinding. She was also concerned with the amount of excavation, and asked if the soil was clean. Griffin indicated the soil looked good. Council Member Ware Peek stated she thought the units looked like dorms as well, but then she thought attention could be added to the outside in order to mask the dorm look. Council agreed Option Two was preferred. They requested pictures of the design included with the rest of the street in order to verify how the project would fit in the neighborhood. Council Member Joyce requested picnic tables along the walkway and gathering spaces. Mayor Beerman requested a location for a community garden.

REGULAR MEETING

I. ROLL CALL

Attendee Name	Title	Status
Andy Beerman	Mayor	Present
Becca Gerber	Council Member	Present
Tim Henney	Council Member	Present
Steve Joyce	Council Member	Present
Lynn Ware Peek	Council Member	Present
Nann Worel	Council Member	Present
Diane Foster	City Manager	Present
Matt Dias	Asst. City Manager	Present
Mark Harrington	City Attorney	Present
Michelle Kellogg	City Recorder	Present

II. EMPLOYEE RECOGNITION

Consideration to Approve Resolution 04-2018, a Resolution Acknowledging Denise Carey's Retirement from Park City Municipal Corporation and Recognizing Her Many Contributions in Providing Public Service, Support to Her Fellow Employees, and Contributions to Park City Community:

Vaughn Robinson, Golf Manager, stated Denise Carey was being honored for being an employee with the City over 31 years, starting in September, 1986. He stated there were many coworkers here to honor her, but they were here as friends. Foster stated

Carey was an amazing team member who had great business acumen. Minda Stockdale read an email from George Hull that praised Carey for her event planning expertise. Matt Dias indicated Carey's wish before retiring was to preserve the McPolin Barn.

Council Member Gerber read the resolution honoring Carey. Carey stated these weren't coworkers and friends, but rather they were family.

Council Member Gerber moved to approve Resolution 04-2018, a Resolution acknowledging Denise Carey's retirement from Park City Municipal Corporation and recognizing her many contributions in providing public service, support to her fellow employees, and contributions to Park City community. Council Member Ware Peek seconded the motion.

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

III. APPOINTMENTS

Consideration to Appoint the Following to the Planning Commission: Sarah Hall and Mark James Sletten to Terms Ending July, 2020; John Kenworthy to a Term Ending July, 2021; and Re-Appoint Laura Suesser and John Phillips to Terms Ending July, 2022:
Bruce Erickson announced the newest members of the Planning Commission: Sarah Hall, Mark Sletten, John Kenworthy, Laura Suesser and John Phillips. Mayor Beerman congratulated the appointees.

Council Member Joyce moved to appoint the following to the Planning Commission: Sarah Hall and Mark James Sletten to terms ending July, 2020; John Kenworthy to a term ending July, 2021; and re-appoint Laura Suesser and John Phillips to terms ending July, 2022. Council Member Worel seconded the motion.

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

IV. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Mayor Beerman recognized Mike McComb as the new Emergency Manager.

Council Member Joyce disclosed that he was part of the Planning Commission when Alice Claim received a positive recommendation last year, but felt he could be unbiased in tonight's presentation.

Staff Communications Reports:

- **2018 Special Event Calendar Preview**

Council Member Gerber thought the graphs were a little confusing, but noted over 100,000 people were attending the events.

- **Professional Service Agreement with Ward Engineering Group Update**
- **Citywide Employee Safety Program Update**

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

Mayor Beerman opened the meeting for those who wished to address the Council on items not listed on the agenda. No comments were given. Mayor Beerman closed the public input portion of the meeting.

VI. CONSIDERATION OF MINUTES

1. Consideration to Approve the City Council Meeting Minutes from February 22 and 28, 2018:

Council Member Henney indicated that in the February 28th minutes, Planning Commission applicant Jeff Batterson withdrew and the Council interviewed Bob Dillon via phone. Council Member Ware Peek commented that her name was omitted from the roll and Closed Session vote.

Council Member Worel moved to approve the City Council Meeting minutes from February 22 and 28, 2018, as amended. Council Member Gerber seconded the motion.

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

VII. CONSENT AGENDA

1. Request to Authorize the City Manager to Enter into a Contract, in a Form Approved by the City Attorney's Office, with Pure Technologies US Inc., D.B.A. Wachs Water, for Acoustic Leak Detection of the Park City Water System in an Amount Not to Exceed $141,500:

2. Request to Authorize the City Manager to Enter into a Contract, in a Form Approved by the City Attorney's Office, with WaterSmart Software Inc. for a Water Conservation and Usage Customer Portal in an Amount Not to Exceed $185,500:

3. Request to Authorize the City Manager to Execute a Professional Services Agreement, in a Form Approved by the City Attorney, with Ward Engineering

Group. for the Golf Course Maintenance Building Engineering Services, in an Amount Not to Exceed $48,556.00:

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

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

VIII. NEW BUSINESS

1. Consideration to Adopt Council Liaison Assignments:
Matt Dias, Assistant City Manager, presented this item and indicated Council reaffirmed its liaisons, commenting that they were on over 50 boards and commissions throughout the community.

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

Council Member Ware Peek moved to adopt Council liaison assignments. Council Member Gerber seconded the motion.

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

2. Consideration to Approve Ordinance No. 2018-08, an Ordinance Approving the Alice Claim Subdivision and Plat Amendment, Located at the Intersection of King Road, Ridge Avenue, Sampson Avenue, and Woodside Gulch, Park City, Utah:
Francisco Astorga, Senior Planner, presented this item and stated the Alice Claim Subdivision and plat amendment and the Ridge Avenue plat amendment would be presented together since they were related. He reviewed the history of the application. The applicant was requested to work on five items prior to bringing this item back to Council. He distributed two emails from the applicant's attorney and one public comment that were left out of the packet materials.

Astorga referred to a plat map and explained the zoning within the proposed subdivision. In 2016, the former layout was abandoned and replaced with the concept shown today. He explained the engineer didn't find any detrimental traffic components with the subdivision. The wildfire/hazard condition was considered and the fire plan was reviewed by the Building Department and nothing of note was found. With regard to conditions for sewer and water, the applicant filed a line extension agreement so that condition was standard language. There was concern because the FEMA flood plain study did not show information on this parcel, therefore the applicant would still be responsible for completing the study. Astorga noted the conditions of approval on the ordinance would be checked against the mylar to ensure all restrictions get on the mylar.

Gregg Brown, Jerry Fiat, Brad Cahoon, and Joe Tesch represented the owner, and they indicated they were available for questions. Brown noted there was a land swap with a parcel on Ridge Subdivision, but the total acreage did not change. Council Member Worel asked if Lot Nine was large enough to build on without the land swap. Astorga affirmed the lot was large enough to build on.

Council Member Henney asked Mark Harrington to address issues brought up by the applicant's attorney. Harrington stated the application for the density was not an issue since it wouldn't be considered until after the subdivision approval. But they agreed on the density application being vested. He thought staff could address the other conditions of approval.

Mayor Beerman opened the public hearing.

Carol Sletta stated she heard from the Council on the City's core values. The dump trucks, cement trucks and workers would travel through the City to reach this development. She believed this project was not appropriate and wanted it to remain as open space. If this was approved, it would set precedence for more development in Old Town. She hoped the Council would deny the subdivision.

Brooke Hontz stated her letter to Council was on Page 119 of the Council packet. The subdivision standard should be applied to each subdivision. The findings of fact and conditions were made by her neighborhood group. She hoped the City would use the same requirements that each development was required to follow. She had comments on the findings which said no duplexes, but they did not mention accessory apartments. Also, "shack" on Number 25 should be "shaft." She didn't think nine lots were appropriate, but noted the subdivision was better today than in the past.

Tom Gadek spoke about the risk of fire in that area. The Alice Claim was undeveloped wildland and the Park City Fire Department recognized the poor accessibility to the property, single access and steep access. There were substandard roads and that brought an unacceptable risk to the community. He gave an example of a fire in Oakland, California in 1991, where 25 people died as a result of poor roads with unacceptable access. He recommended Council reject the application.

Kathryn Deckert thanked the City and applicants for all the time spent getting the subdivision right. She wondered why the applicant only chose nine lots. She thought a new nine lot subdivision was not in line with the City's core values. The new critical priority of Social Equity was not addressed with this subdivision. The development also didn't meet the Wildland Urban Development Plan. She was not in favor of the subdivision.

Jim Doilney stated an approval would constitute a density increase. The proposal would create 14% grade roads. The conclusions of fact stated the approval of the plat would not adversely affect the community, but on any snowy day he would drive down King Road and would have to back up if a car was coming in the opposite direction. Nine lots would grossly overestimate King Road. He recommended remanding this to the Planning Commission to decide the appropriate density.

Mary Wintzer stated the Old Town residents made the community what it was over the years. She emphasized the fire hazard was real. Also, she stated the City worked hard to be sustainable, to protect the core values, fought the nightly rentals, and she didn't want to give away City right-of-ways. She wanted everyone to go by the rules. She felt there were steps that could be taken to minimize the impact on Ridge Avenue.

Mayor Beerman closed the public hearing.

Brown stated he had a concern with Condition of Approval Number 12, which talked about FEMA Flood Plain studies. The concern was requiring FEMA to review the flood study. His advisors felt FEMA might not want to review such a small water shed. He wanted to find a way to move forward if FEMA wasn't interested in reviewing it. Matt Cassel, City Engineer, stated he was agreeable to make some changes to the wording. He read a proposed amendment to Number 12 that would clarify the City's need. The developer would do a study and present it to FEMA."Acceptance or denial of the study by FEMA is not required prior to plat recordation." Cassel stated there should not be a flood zone through the property. He noted all lots would require an elevation certificate"

Council Member Gerber asked about accessory apartments in the subdivision. Astorga stated if an accessory unit was built, the house would have to be smaller and the City would have to review any requests for accessory buildings. Another regulation for accessory apartments was that there could only be one every 300 feet.

Council Member Worel asked if the road that had a 14% grade was owned by the City. It was indicated it was a private road. She asked if the road would be gated, and the response was no. She asked if there would be a pedestrian access, and it was indicated there would be access for pedestrians because there would be a trail. She also asked if proposed density versus vested rights had been considered. Astorga indicated it wasn't that simple to divide lots from total property. He gave an example to better explain the division exercise, and stated 95% of area was a meets and bound parcel so it was not buildable until the subdivision was granted. He felt this was the density exercise.

Council Member Worel stated there could be nine more cars on King Road if the accessory apartments were 300 feet apart. Astorga stated a lot of land would have to be given up to have an accessory building. Council Member Joyce added that the layout of the subdivision would only allow two or three accessory apartments at the most due to the 300 foot requirement.

Council Member Worel was concerned about the Wildland Urban Interface. Dave Thacker, Chief Building Official, indicated there would be additional requirements for interior and exterior automatic fire sprinklers. She asked if the subdivision was defensible as a whole. Thacker stated the building permits were considered separately, so each lot would be considered on its own. Council Member Worel thought there was a disconnect in getting conditions of approval. Thacker indicated all conditions were carried over to the construction mitigation plan and great effort was made to ensure all conditions of approval were transferred appropriately. Council Member Worel asked why the City would approve a subdivision without knowing if they had access to water. Cassel indicated it had been determined the pressure was there to provide water to the lots.

Mayor Beerman had concern with the steep road, and asked if the City could condition the road for construction and make it weather dependent. Thacker stated some enforceable conditions could be set. Jerry Fiat stated 1,000 trucks had been traveling the road to remove contaminated soil and there had never been issues. He salted the road and prohibited his trucks from working in bad weather.

Council Member Ware Peek stated she sat through Planning Commission and City Council meetings where this subdivision had been discussed. She learned a lot from the neighbors. She asked if there would be trailhead parking to which Astorga indicated there would not be trailhead parking, but a hammerhead turnaround. He indicated the developer would need to put up “No Parking” signs. Council Member Ware Peek indicated cars would park on King Road and Sampson which would impact the neighborhood. Astorga recommended beefing up the parking policy. Council Member Ware Peek talked about the public comment on the build out time and asked how that would be addressed. Thacker stated the building code didn't give a time limit as long as building was continuous. He suggested something could be put into the code to address that.

Council Member Ware Peek asked Fiat if he could put in provisions so construction could move along. Fiat wanted to address parking and said he was giving 37 spots to the City on Sampson and King. It would be the City's decision on use because he was giving the land to the City. He said it would be impossible to address every variable and there needed to be trust that he would do what made sense as things came up. Council Member Ware Peek asked Cassel if the plat could be recorded without FEMA's approval. Cassel stated the plat could be recorded after the study was completed. FEMA was stressed with the hurricanes and wouldn't get to this in a timely manner.

Council Member Ware Peek stated the biggest threat to the community was wildfire, and asked what had been done with regard to defensible space. Thacker stated defensible space included requirements on siding, distance and number of trees in proximity to the house. These requirements would be looked at for each lot. It was indicated the Fire Chief had reviewed this proposed subdivision. Brown noted there would be interior and exterior sprinklers.

Council Member Joyce appreciated the concern for adding density in Old Town. He requested a future Council discussion on freezing new development in Old Town. But since it hadn't been done yet, he would have to comply with the code. He also noted the developer cleaned up their property, as well as the City property in the area, and that improved the aesthetics of the area. He also complimented them for leaving so much open space. He noted having nine lots in the subdivision in order to avoid affordable housing was a flaw in the code and that needed to be addressed.

Council Member Henney stated this project went through many changes, and the most recent proposal looked very different. The code allowed for this subdivision. The developer was given conditions and they complied. He agreed that the code was in conflict with the City's core values, but with the work from neighbors, staff, and developers, this application was solid and he couldn't see how it could be denied.

Council Member Gerber agreed with Council Member Joyce about a discussion on a moratorium on new development. She thought these homes would have landscapers, housekeeping, and property management, which would increase employment in the City. Council Member Henney indicated that the affordable housing requirement kept this development from having 20 lots so it was effective to a degree. He wanted to see affordable housing on every development from here out.

Mayor Beerman agreed with Council Member Joyce that Council could not be arbitrary in approving developments. He also agreed with Council Member Henney that there were things in conflict with the core values, but Council couldn't go against State law. There were property rights that had to be respected.

Council Member Ware Peek stated the neighbors allowed easements for the retaining walls and they needed to be acknowledged. Council Member Worel stated this was a prime example of balancing property rights with the rights of the neighbors. She understood the impacts to the community. She was not comfortable approving this subdivision until it was determined that there was enough water there, especially to comply with the Wildland Urban Interface. Cassel stated there was water pressure for that area. Mayor Beerman noted Condition Eight that referred to having sufficient water.

Council Member Gerber moved to approve Ordinance No. 2018-08, an ordinance approving the Alice Claim Subdivision and Plat Amendment, located at the intersection of King Road, Ridge Avenue, Sampson Avenue, and Woodside Gulch, Park City, Utah, as amended by the City Engineer and with Condition 27 amended by the City Planner. Council Member Ware Peek seconded the motion.

RESULT: APPROVED
AYES: Council Members Gerber, Henney, Joyce, and Ware Peek
NAY: Council Member Worel

3. Consideration to Approve Ordinance No. 2018-09, an Ordinance Approving the Ridge Avenue Plat Amendment, Located at 123 Ridge Avenue, Park City, Utah:
It was indicated this item was discussed in conjunction with the previous item.

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

Council Member Joyce moved to approve Ordinance No. 2018-09, an ordinance approving the Ridge Avenue Plat Amendment, located at 123 Ridge Avenue, Park City, Utah. Council Member Henney seconded the motion.

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

4. Consideration of the Mountaintop Subdivision Annexation Petition to Allow Further Review and Recommendation by the Planning Commission:
Bruce Erickson, Planning Director, and Kirsten Whetstone, Senior Planner, presented this item and indicated this application was from a 12 lot subdivision. The Planning Department did not feel like there was sufficient information to approve the petition, and noted there had been no attempt made by the applicant to review financing mechanisms to put in infrastructure with the County, and employee housing for the subdivision had not been discussed. Staff also determined this was in the sensitive land zone. It was indicated the applicant could resubmit an application when they came up with a finance plan.

Whetstone stated the request for annexation was made because the owners wanted to hook up to the City's water system due to insufficient water flow to the homes. She indicated annexation was a legislative act and the application had to be presented to the Council to accept before moving forward for further analysis. The owners were willing to make the required upgrades if the property was annexed but had requested financing the cost with the City. The Planning Department didn't support the proposed zoning nor the proposal to be exempt from the housing resolution, and recommended rejecting the annexation petition.

Council Member Worel asked what the water situation was like for other properties in that area. Whetstone stated other homes had wells. Council Member Worel asked if those other properties would request annexation if this subdivision was annexed into the City. Erickson felt that was a possibility.

Council Member Ware Peek asked if this petition would return. Erickson indicated it would return and Rockwood recommended having 100% of the property owners sign the petition since they would be assessed for funding the improvements.

Ware Peek asked the applicants to address not building on the ridgeline. Rob Karz indicated the 10 existing homes would not be in compliance with the ridgeline requirements. Council Member Ware Peek was concerned that the applicant didn't want to be held to the affordable housing requirement. Karz expressed his surprise that financing was an issue in the staff report because it was not discussed with them. They had been working on the zoning issues. Karz also indicated financing would not be a problem. They were ready to self-finance up to $1.3 million. With regard to affordable housing, Karz felt the resolution did not apply to the subdivision because it only applied to new construction. There were two vacant lots so those would be considered new development. He thought the residents would step up and comply with the requirements of the City. They were here tonight to seek guidance and asked if the zoning concept was something the Council could accept. He stated accepting the petition would allow the applicants to continue to discuss and proceed with zoning changes and present those to the Planning Commission. Erickson stated the first time Planning saw the zoning request was when the petition was received. He also commented that he didn't know if the self-funding was intended for upgrades to the City system or upgrades to the existing system.

Mayor Beerman indicated there were areas of concern and asked if the applicants would agree to have this item continued so they could work with the Planning Department to resolve those concerns and provide additional information to staff.

Karz stated his property line was the City/County line, the well was on another property. He started talks with the City for annexation in 2014. He reviewed the process he had gone through in the last four years to get to this point. He felt the City would have no risk and any perceived risks would be mitigated in the annexation agreement.

Council Member Gerber asked Erickson if a checklist could be given to help them apply. Erickson responded that they had the checklist but there were bigger issues to be considered, such as a substandard well, ridgeline equity, and a financial plan. Council Member Gerber asked if they were willing to meet that. Erickson stated if all issues were resolved, it would be typical practice to annex the area. Staff recommended not accepting the petition until the requirements had been met.

Council Member Worel stated this subdivision would be a pre-existing noncompliant so if there was a fire, the owners could rebuild on the original footprint but not bigger. She asked about continuing the item. Harrington stated Council could continue to a date uncertain if both parties agreed. She asked if the current road met City code. Erickson indicated the road would need to be upgraded to comply with the City standards. Harrington stated one of the owners was protesting road upgrades by saying they had a prescriptive right to keep the road where it was currently located, which was outside the easement.

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

Council Member Joyce expressed concern about spot zoning. He would like to see a line-by-line analysis and wanted to know if they just wanted a ridgeline exception or were there several exceptions to the current code that they requested. He also supported them paying the affordable housing fee for just the two vacant lots.

Council Member Henney was surprised staff was recommending the rejection of the petition. The County allowed substandard roads, water, etc. He thought this could move forward. Erickson stated Planning would be happy continuing this item to gain more clarity with water and financing.

Council Member Ware Peek favored continuing the item. Council agreed to assess affordable housing fees only for the two vacant lots. It was indicated zoning would be addressed as well as a finance plan. Erickson stated zoning on the sensitive lands ordinance was an issue and also starting with zoning as a single family home.

Harrington suggested continuance to allow for the completion of the petition. The applicants agreed to that wording.

Council Member Worel moved to continue Mountaintop Subdivision Annexation Petition to allow for the completion of the petition. Council Member Gerber seconded the motion.

RESULT: CONTINUED TO A DATE UNCERTAIN
AYES: Council Members Gerber, Henney, Joyce, Ware Peek and Worel

5. Consideration to Approve the Snyderville Basin Special Recreation District (SBSRD) Trail Easement Across City-Owned Property on Iron Mountain:
Heinrich Deters, Trails and Open Space Manager, stated this easement would be for two trails on Iron Mountain, and the City would be accepting the existing conditions on the easement.

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

Council Member Gerber moved to approve the Snyderville Basin Special Recreation District (SBSRD) Trail Easement across City-owned property on Iron Mountain. Council Member Joyce seconded the motion.

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

6. 2018 Legislative Update:
Matt Dias, Assistant City Manager, stated the bill spreadsheet was given to Council, but it would change before midnight and he would give a final summary at the next meeting. Bills that were being watched were the alcohol bill and the transportation bill. He and Mayor Beerman worked in a provision to the transportation bill that would ensure the City would receive tax benefits like the first class cities. The final bill they were watching was the plastic container bill. It would be debated tonight. He thanked Representative Quinn and Senator VanTassell for their work supporting Park City. He also talked about the homeless bill and stated he would know more for the next meeting.

Council thanked Dias for all his work at the Legislature.

IX. ADJOURNMENT

X. PARK CITY REDEVELOPMENT AGENCY

I. ROLL CALL

Attendee Name	Title	Status
Andy Beerman	Chairman	Present
Becca Gerber	Committee Member	Present
Tim Henney	Committee Member	Present
Steve Joyce	Committee Member	Present
Lynn Ware Peek	Committee Member	Present
Nann Worel	Committee Member	Present
Diane Foster	City Manager	Present
Mark Harrington	City Attorney	Present
Matt Dias	Assistant City Manager	Present
Michelle Kellogg	Secretary	Present

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

Chairman Beerman opened the meeting for public input. No comments were given. Chairman Beerman closed the public input portion of the meeting.

III. NEW BUSINESS

1. Consideration to Authorize the City Manager to Execute a Contract with Earthworks Landscape for the Construction of Chambers Trail, in a Form Approved by the City Attorney's Office in the Amount of $44,880:
Julia Collins, stated this project would landscape the new trail, recently named Chambers Trail. Work on the trail would consist of sidewalk improvements, benches and erosion control. She reviewed her outreach efforts and indicated the residents were in favor of this project. She received four bids, and a local business was the lowest bidder. Council Member Ware Peek asked if the chain link fence would be removed. Collins stated the fence would be removed. She noted the retaining walls were historic and would not be removed. Mayor Beerman liked the connection to Old Town Park.

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

Council Member Ware Peek moved to authorize the City Manager to execute a contract with Earthworks Landscape for the construction of Chambers Trail, in a form approved by the City Attorney's Office in the Amount of $44,880. Council Member Gerber seconded the motion.

RESULT: APPROVED **AYES:** Committee Members Gerber, Henney, Joyce, Ware Peek and Worel

IV. ADJOURNMENT

With no further business, the meeting was adjourned.

____
Michelle Kellogg, City Recorder

Expanded Use of the Barn

- Friends of the McPolin Farm (FOF) have expressed a interest in small educational group tours of the Barn for adults and school groups
- Supported by the Preservation Plan and community response to 2015 Farm Use Survey
- May require more resources and intensity at the Farm

Limitations

McPolin Farm CUP 3/8/06
Conditions of Approval

1. Up to twelve (12) one-day, City Council-sponsored, special public events per year
2. Use of the farm complex may include the newly reconstructed McPolin shed and appurtenant outdoor areas. Use of the McPolin Barn is not permitted under this conditional use permit.

McPolin Farm Administrative Policy 12/18/08
Policy Guidelines

A) The Farm (including the Shed, the Farmhouse and Outbuildings, but not including the Barn) shall be open and accessible to the general public year round, weather permitting.

D) The Barn is not available for public use. An interpretive display is housed in the barn which may be viewed through the windows.

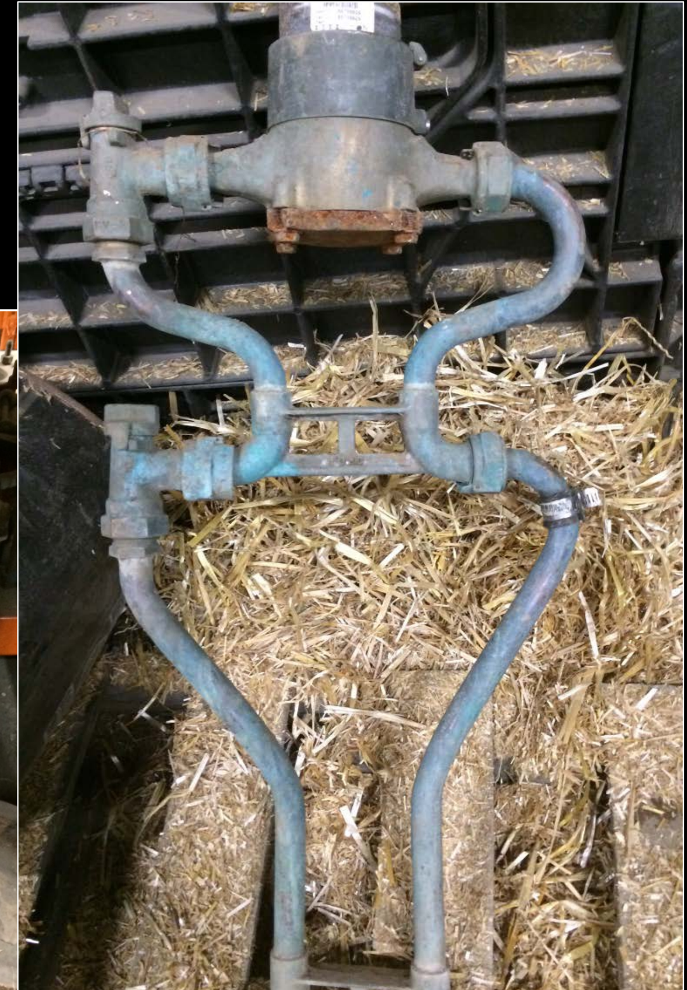
Is Council supportive of expanded interpretation of the Barn to include small group tours?

If so, is Council supportive of staff pursuing amendments to the Farm’s original land use documents through the Planning Commission?

If not, does the Council have further direction to staff now that the structural upgrade is complete?

Public Art for
Creekside Water Treatment Plant

Authors: Jenny Diersen and Meghan Newsome



Creekside Water Treatment Plant Project

Anticipated Construction Start – April 2017

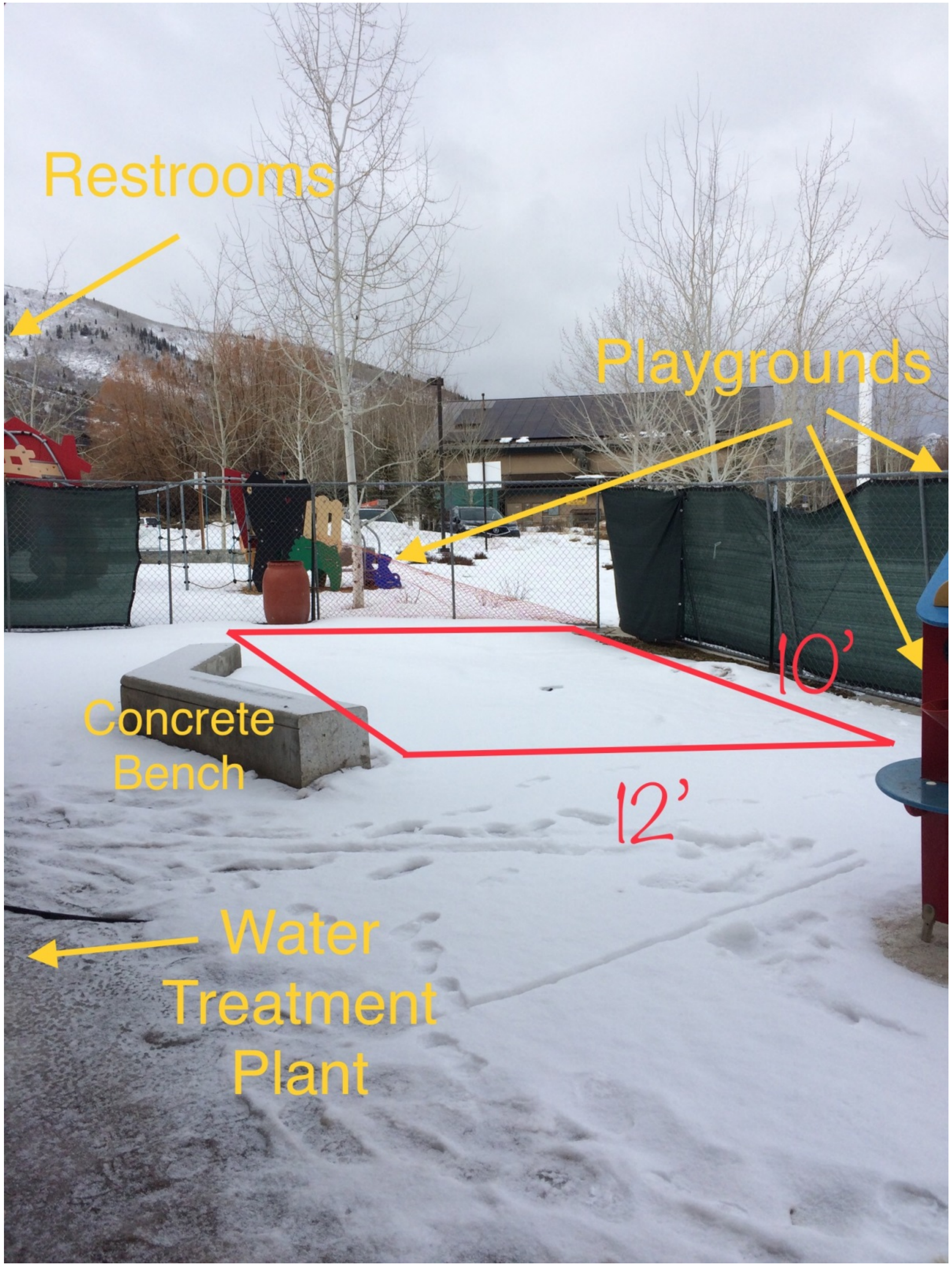
The Creekside Water Treatment Plant is part of Park City's continuing effort to provide quality drinking water to its residents. The Project will treat well water to State standards for drinking water purposes. Construction is scheduled to occur from April 2017 through October 2017. Safety of the park users is important to the City and efforts will be made to keep construction activities isolated from the play areas.

Your continued patience is very much appreciated. If you have any questions, please contact Park City Pubic Utilities at 435.615.5329.

Site Plan

Architectural Renderings

PARK CITY
1884


Restrooms
Playgrounds
10'
Concrete
Bench
12'
Water
Treatment
Plant

Award of Contract for Chambers Trail

Julia Collins & Logan Jones

March 8th, 2018

TRAIL IMPROVEMENTS

- *Increase neighborhood connections to Main Street and Old Town Park*
- *Align trail on City owned right-of-way*
- *Aesthetic improvements*
- *Sidewalk improvements*
- *Erosion control*

GOALS OF THE PROJECT

TRAIL ALIGNMENT

RECOMMENDED ACTION:

- Staff requests the City Council, acting as the governing board of the Redevelopment Agency (RDA), authorize the City Manager to Execute a contract with Earthworks Landscape for the construction of Chambers Trail, in a form approved by the City Attorney's Office in the amount of Forty Four Thousand Eight hundred and Eighty Dollars ($44,880).

Next steps

- Earthworks is anticipated to commence construction in late April/early May 2018 with completion by the end of June 2018
- Continued communication with residents on the construction and timeline of the improvements

Category	Bill #	Short Title	Bill Sponsor	Bill Summary	Status if Known	ULCT S/N/O	PCMC S/N/O	Pass/Fail
2018 LEGISLATIVE BILLS TO WATCH Updated: 3/8/18								
ALCOHOL	HB 107	**Alcoholic Beverage Proof of Age Amendments**	Rep Poulson; Sen Stevenson	This bill modifies the definition of "proof of age" under the Alcoholic Beverage Control Act to include driver's licenses of foreign countries. The bill was held in committee after DABC raised concerns about the ability to forge foreign driver's licenses by minors.	14 Feb 2018, House Comm - Held; 6 Mar 2018, House/ comm rpt/ sent to Rules		**S**	
	HB 120	**Alcohol Liabiltiy Amendments**	Rep Thurston	This bill provides that a person who is liable for injury or damage that results from furnishing an alcoholic product is jointly and severally liable with any other person who is liable for the injury or damage. This would make servers personally liable.	6 Feb 2018, House/ to standing committee; 6 Mar 2018, House/ comm rpt/ sent to Rules	**N**	**O**	
	HB 345	**Driving Under the Influence Amendments**	Rep Kwan	Would delay the effective date of the reduction of the blood alcohol concentration limit from .08 to .05 until December 30, 2022.	14 Feb 2018, LFA/ fiscal note sent to sponsor; 6 Mar 2018, House/ comm rpt/ sent to Rules/ amended	**N**		
	HB 442 S1	**Alcohol Amendments**	Rep Wilson	Modifies provisions related to the regulation of alcoholic beverages.	Bill in 2017 General Session; 6 Mar 2018, House/ 3rd Reading Calendar to Rules			
BUILDING	HB 250	**Building Permit & Impact Fees Amendment**	Rep Schultz	Allows a claimant to challenge whether a local political subdivision spent or encumbered an impact fee in accordance with law; establishes a time by which a claimant may challenge whether a local political subdivision spent or encumbered an impact fee in accordance with law; transmits a portion of the surcharge on building permits to the Office of the Property Rights Ombudsman to provide certain land use education and training.	5 Feb 2018, House/ to standing committee; 13 Feb 2018, House/ 2nd reading; 5 Mar 2018, Draft of Enrolled Bill Prepared			
CLIMATE CHANGE	HCR1 S2	**Concurrent Resolution on Global Warming & Climate Change**	Rep Ward	Acknowledges that average global temperature and average Utah temperature have increased substantially over recent decades, and that scientific consensus is that a substantial cause for these increases is human-caused emissions; and commits that the Legislature and Governor will base decisions regarding state energy policies on the best scientific evidence available and urges individuals and corporations to conserve energy.	1 Feb 2018, House/ to standing committee; 13 Feb 2018, LFA/ fiscal note publicly available; 6 Mar 2018, House/ comm rpt/ sent to Rules/ substituted		**S**	
HOUSING	HB 111 S1	**Community Reinvestment Agency Modifications**	Re Coleman	Modifies provisions related to the Community Reinvestment Agency Act. Removes the housing allocation requirement for certain community reinvestment project areas.	23 Jan 2018, House/ to standing committee; 13 Feb 2018, House Comm - Held; 6 Mar 2018, House/ 3rd Reading Calendar to Rules	**N**		
LOCAL GOVERNMENT			Rep Eliason	Asks cities and counties statewide to pay a combined $3 million for operations and maintenance of homeless resource centers. The payment assessment mechanisms being considered are one based on population and one based on number of affordable housing units.	Proposed legislation			
	HB 66 S1	**Local Government Modifications**	Rep Handy; Sen Hemmert	Provides that a local district board of trustees is not required to have an odd number of members once the board reaches a certain size; amends provisions related to the membership of a municipal services district board of trustees.	5 Feb 2018, Senate/ placed on 2nd Reading Calendar; 14 Feb 2018, Senate/ passed 2nd; 19 Feb 2018, Draft of Enrolled Bill Prepared	N		
	HB 79	**Private Attorney General Doctrine**	Rep Greene	Repeals a provision that disavows the private attorney general doctrine. This bill is of concern to all cities and towns because it allows Courts to award attorney's fees and costs to plaintiffs in cases against cities and towns that currently do not allow such an award.	5 Feb 2018, House/ 2nd reading; 6 Mar 2018, Senate/ comm rpt/ sent to Rules	O		
	HB 117	**Hourly Wage Increase Amendments**	Rep King	On and after July 1, 2018, and before July 1, 2022, the minimum wage would become $10.25 per hour. On and after July 1, 2022, the minimum wage would become $12.00 per hour.	16 Feb 2018, House Comm - Not Considered; 6 Mar 2018, House/ comm rpt/ sent to Rules			
	HB 142	**Impact Fees Amendments**	Rep Owens	Addresses the definition of public facilities for the purpose of impact fees.	5 Feb 2018, House/ 2nd reading; 6 Mar 2018, Draft of Enrolled Bill Prepared	N		
	HB 175 S4	**Oversight Committee Creation**	Rep Stratton	Creates the Joint Committee on Governmental Oversight and establishes the committee's membership; establishes that the purpose of the Joint Committee on Governmental Oversight is to increase the transparency, efficiency, effectiveness, and accountability of state and local governmental entities.	5 Feb 2018, LFA/ fiscal note publicly available; 13 Feb 2018, LFA/ fiscal note publicly available; 1 Mar 2018, Senate/ 1st reading (Introduced)	O		
	HB 346 S1	**Local Government Plan Review Amendments**	Rep Schultz	Removes repeal dates related to construction project plan reviews; clarifies the scope of a plan review; allows an applicant to waive a plan review time requirement; under certain circumstances, prohibits a local government from requiring an applicant to redraft a plan.	13 Feb 2018, House Comm - Favorable Recommendation; 14 Feb 2018, House/ 2nd reading; 8 Mar 2018, Senate/ Rules to 2nd Reading Calendar	S		
	HB 361 S2	**Billboard Amendments**	Rep Gibson	Amends provisions related to a municipality or a county's acquisition of a billboard and associated rights through eminent domain; permits a municipality or county to require a billboard owner to remove a billboard under certain conditions. Was heard in the House Transportation Committee. This bill adopts the eminent domain process as the process to condemn a billboard. Layton City Attorney Gary Crane testified on behalf of the League, expressing agreement that cities need a mechanism for compensating a billboard owner if the city does not want to allow the owner to relocate it, but eminent domain is the wrong process and not in the best interest of either municipalities or billboard owners. He also pointed out that there is a small change to the bill that has major consequences. Taking out the word "structural" actually opens up the option for billboard companies unilaterally to replace a regular billboard with a lighted or digital billboard. Rep. Westwood suggested that before the bill goes to the floor, some additional work needs to be done with the sponsor and stakeholders. The bill passed out unanimously, as expected, but you can be sure that we will continue to work on it.	12 Feb 2018, House/ to standing committee; 13 Feb 2018, House/ received fiscal note from Fiscal Analyst; 5 Mar 2018, Senate Comm - Returned to Rules; 8 Mar 2018, LFA/ fiscal note publicly available	O	**O**	

2018 LEGISLATIVE BILLS TO WATCH Updated: 3/8/18								
Category	**Bill #**	**Short Title**	**Bill Sponsor**	**Bill Summary**	**Status if Known**	**ULCT S/N/O**	**PCMC S/N/O**	**Pass/Fail**
	HB 484 S1	**Winter Sports Venue**	Rep Hutchings; Sen Harper	Establishes the "Winter Sports Venue Grant Fund" to provide grants to certain entities to assist in funding improvements to winter sports venues in the state; establishes certain application and reporting requirements relating to the fund money; and requires the Division of Facilities Construction and Management to review grant proposals and distribute grant money.	8 Mar 2018, Senate/ Rules to 2nd Reading Calendar			
	SB 28 S1	**Local Government & Limited Purpose Entity**	Sen Henderson; Rep Hall	Requires local government entities and limited purpose entities to register with the lieutenant governor; requires the lieutenant governor to: create a registry of local government entities and limited purpose entities; establish registration and renewal fees to create, administer, and maintain the registry; and send certain notices regarding compliance with registry requirements; allows the state auditor to: withhold certain state funds and property tax disbursements if an entity does not comply with registry requirements; and prohibit access to certain money if an entity does not comply with registry requirements; increases the state auditor's enforcement authority.	5 Feb 2018, Draft of Enrolled Bill Prepared	N		
	SB 29	**County Listing of Local Government & Limited Purpose Entities**	Sen Henderson; Rep Hall	Requires each county to publish certain information on the county's website regarding each local government entity and limited purpose entity within the county.	1 Feb 2018, Draft of Enrolled Bill Prepared	N		
	SB 167 S1	**Food Truck Regulation Amendments**	Sen Henderson	Restricts a political subdivision's ability to regulate a food truck through a land use or zoning ordinance; prohibits certain regulation of a food truck on private property.	14 Feb 2018, Senate/ received fiscal note from Fiscal Analyst; 5 Mar 2018, Draft of Enrolled Bill Prepared			
	SB 192	**Retail Bag Impact Reduction Program**	Sen Iwamoto; Rep Perry	Imposes a fee on a single-use retail bag; creates the Retail Bag Impact Reduction Fund; provides for allocation of the funds to achieve the purposes of the program; provides guidance for the administration of the fund; provides limited rulemaking authority; requires a report.	15 Feb 2018, Senate/ 1st reading (Introduced); 23 Feb 2018, Senate/ comm rpt/ sent to Rules		O	
PROPERTY	HB 62 S2	**Property Rights Amendments**	Rep Quinn	Provides that a court, jury, or referee determining just compensation may consider certain evidence; prohibits consideration of the assessed value on a property tax assessment except in certain circumstances.	5 Feb 2018, House/ 2nd reading; 15 Feb 2018, House/ to Senate; 8 Mar 2018, House/ signed by Speaker/ sent for enrolling	O		
	HB 135 S3	**Extraterritorial Jurisdiction Amendments**	Rep Noel	Modifies provisions related to the extraterritorial jurisdiction of a city of the first class. Rep. Noel presented the second substitute of the bill as a way to relieve Salt Lake City of their extraterritorial jurisdiction, in which he characterizes Salt Lake City as being in "way over their heads." Rep. Noel addressed the creation of a permissible $1 charge for all retail water customers, of which 50 cents would be spent on statewide water infrastructure projects, and Rep. Briscoe clarified that the funds would go to developing the Bear River and Lake Powell pipeline. Rep. Noel also brought up the idea of a constitutional amendment that would allow communities like Millcreek to own their water rights instead of entering agreements with Salt Lake City for surplus water. ULCT Senior Advisor John Hiskey testified on behalf of the League in support of the Executive Water Task Force's recommendation to send this proposal to interim committee for further study. After public comment, Rep. Noel proposed an amendment to change the $1 fee allocation so that the local jurisdiction retains 75 cents and the remaining 25 cents would go to the Drinking Water Expendable Special Revenue Fund. This amendment was in response to public comment expressing opposition to money going to the Lake Powell and Bear River development projects. Rep. Briscoe made a motion to hold the bill based on the complexity of the legislation and the need for further study. A substitute motion was made to recommend the bill, which failed 7-5. The motion to hold the bill then passed unanimously. We are likely to see this one considered in committee again soon.	29 Jan 2018, House/ to standing committee; 2 Mar 2018, Senate/ to standing committee; 2 Mar 2018, Senate/ to standing committee; 6 Mar 2018, Senate/ comm rpt/ sent to Rules	O		
	HB 136 S01	**Federal Designations**	Rep Noel	A governmental entity may not advocate or lobby for a federal designation (national monument, national conservation area, wilderness area, area of criticial environmental concern, research natural area, or national recreation area) within the state unless the Legislature passes a concurrent resolution in favor of the proposed federal designation. This bill will undermine Mountain Accord/ Central Wasatch Commission and is extremely broad in its scope. The bill was changed significantly, basically to (1) remove the provisions prohibiting a government entity from lobbying/advocating for a federal land designation; and (2) deletes the requirement to acquire a concurrent resolution from the state legislature. However, the revised bill requires a government entity that is advocating for a federal land designation within the state to bring the proposal to the Natural Resources, Agriculture, and Environment Interim Committee for feedback. While this substitute bill is better, I think it is important to note that, at least in the Mountain Accord process, our legislators were invited to participate through the process. It seems like that kind of participation would be a more meaningful local and state engagement process on designations than what is required in this proposed legislation.	12/28/17: LFA/bill sent to agencies for fiscal input; 9 Feb 2018, LFA/ fiscal note publicly available; 7 Mar 2018, Senate/ 2nd Reading Calendar to Rules	N	O	

2018 LEGISLATIVE BILLS TO WATCH Updated: 3/8/18									
Category	Bill #	Short Title	Bill Sponsor	Bill Summary	Status if Known	ULCT S/N/O	PCMC S/N/O	Pass/Fail
	HB 255 S1	**Extra-Jurrisdictional Municipal Property**	Rep Coleman	Limits the circumstances in which a municipality may own property outside the municipality's boundaries; it would potentially prohibit PCMC from participating in things like Toll Canyon and anything outside of City limits. As far as paying property taxes on land outside of city limits--1) you can apply for exemptions and 2) if it has a conservation easement on it the law states that you are exempt from roll back taxes and your property taxes are necessarily low. But it is a bad bill overall.	5 Mar 2018, LFA/ fiscal note publicly available; 6 Mar 2018, House/ 3rd Reading Calendar to Rules	O	O	
	SB 183	**Land Use Notice Amendments**	Sen Dayton	Requires counties and municipalities to publish certain land use ordinance information. This is identical to a bill that was run by our friend Mel Brown a couple of years ago, that was finally defeated with difficulty. The costs of publishing as required could be substantial, not to mention the onerousness of having to do this, perhaps frequently. It's our understanding that the sponsor has agreed not to proceed with the bill this session.	16 Feb 2018, Senate Comm - Not Considered; 6 Mar 2018, Senate/ comm rpt/ sent to Rules	O	O	
	SB 189 S3	**Small Wireless Facilities Deployment Act**	Sen Bramble	Permits a wireless provider to deploy a small wireless facility and any associated utility pole within a right-of-way under certain conditions; AT&T whom is a sponsor of the legislation has addressed some of our concerns with historic districts; we have some apprehension about the reference to "design and aesthetic standards" outlined in the new language. Our interpretation is that we need to update the LMC to provide standards if this goes through in an effort to protect our historic character.	16 Feb 2018, Senate/ to standing committee; 8 Mar 2018, Senate/ signed by President/ sent for enrolling			
TAXES	HB 148 S1	**Tax Revisions**	Rep Quinn	This bill would eliminate the state portion of sales tax on all food items. To replace the lost revenue the bill proposes a sales tax increase on all remaining taxable items from the current state rate of 4.70% to a new higher rate of 4.92%. Candy would not be considered food and taxed at the 4.92%.	20 Feb 2018, House/ held; 6 Mar 2018, Senate/ comm rpt/ sent to Rules	N		
	HB 168 S3	**Political Subdivision Lien Authority**	Rep Webb; Sen Bramble	Clarifies certain existing grants of political subdivision lien authority to ensure that each grant provides an identifiable effective date, notice mechanism, and enforcement mechanism; imposes limits on political subdivision liens; provides that certain political subdivision liens are invalid against a subsequent bona fide purchaser if the lien is not recorded before the purchase; prohibits a county treasurer from including an item on the property tax notice unless the item's inclusion is expressly authorized in statute; amends the items that a county treasurer is required to include on a property tax notice.	9 Feb 2018, Senate/ to standing committee; 15 Feb 2018, LFA/ fiscal note publicly available; 27 Feb 2018, Draft of Enrolled Bill Prepared	N		
	HB 367 S1	**Transient Room Tax Amendments**	Rep Noel	Changes the percentage of TRT that counties may spend on marketing/promotion from 1/3rd to 50% and allows rural counties to use TRT for road repair and upgrades.	14 Feb 2018, House/ received fiscal note from Fiscal Analyst; 7 Mar 2018, Senate/ 2nd Reading Calendar to Rules	S	O	
TRANSPORTATION	SB 71 S4	**Road Tolls Provisions**	Sen Niederhauser; Rep Schultz	Modifies provisions related to the imposition and collection of tolls on certain roads. allows the Department of Transportation to: mail correspondence to inform the owner of a motor vehicle of an unpaid toll or penalty for failing to pay a toll; use camera and video technology to monitor a tollway; and request a hold on the registration of a motor vehicle if the owner has failed to pay a toll or penalty associated with the motor vehicle.	5 Mar 2018, Draft of Enrolled Bill Prepared			
	SB 136 S6	**Transportation Governance Amendments**	Sen Harper; Rep Schultz	Original bill draft had a proposed 4.68% Statewide TRT increase for Transit funding. The official version SB 136 posted and the rate was decreased to 2.68%. As drafted this bill will enact the third highest fee in the U.S. to electric vehicles in Utah ($150/year). Proposal in the factsheet is a lower, mileage-based registration fee designed to help pay for roads while not creating a disincentive to the adoption of EVs, and also includes a "soft incentive" through which EV drivers (not taxpayers) help pay for expanded EV charging infrastructure until Utah's EV market share reaches 2%.	7 Feb 2018, Senate/ received fiscal note from Fiscal Analyst; 5 Mar 2018, House Comm - Favorable Recommendation; 8 Mar 2018, Senate/ signed by President/ sent for enrolling	S	O	
WATER	HB 73	**Instream Flow Water Rights Amendments**	Rep Hawkes	Removes the sunset provision regarding an instream flow change application that may be filed by a fishing group for trout habitat.	22 Jan 2018, House/ to standing committee; 6 Mar 2018, House/ comm rpt/ sent to Rules	N		
	HB 103 S1	**Water Conservation Revisions**	Rep Froerer	Modifies the required contents of a water conservation plan.	5 Feb 2018, House/ 2nd reading; 7 Mar 2018, Senate/ 2nd Reading Calendar to Rules			
	HB 124 S1	**Water Holdings Accountability and Transparency Amendments**	Rep Coleman	Requires a city or special service district that supplies municipal water outside the city or special service district's jurisdictional boundaries to post the following information publicly and provide it to the state engineer: a legal description and map of the service area being served; the cost of water being assessed from users; and various information about the water right being used to service the area, including certificate number, water right number, point of diversion, and uses for the water in the service area.	2 Feb 2018, House/ to standing committee; 2 Mar 2018, Senate/ to standing committee; 6 Mar 2018, Senate/ comm rpt/ sent to Rules; 6 Mar 2018, Senate/ comm rpt/ sent to Rules	N		
	HB 303 S2	**Drinking Water Source Sizing Requirements**	Rep Sandall; Sen Buxton	Amends provisions related to drinking water source and storage requirements. Requires certain public water systems to provide certain water use data; requires the director of the Division of Drinking Water to establish water source sizing requirements for certain public water systems.	2 Mar 2018, House/ 2nd suspended; 7 Mar 2018, House/ signed by Speaker/ sent for enrolling	N		
	SB 34	**Legislative Water Development Commission Amendments**	Sen Dayton; Rep Grover	Removes the sunset date for the Legislative Water Development Commission; authorizes the Legislative Water Development Commission to meet up to six times per calendar year without approval from the Legislative Management Committee.	5 Feb 2018, Draft of Enrolled Bill Prepared			

2018 LEGISLATIVE BILLS TO WATCH Updated: 3/8/18								
Category	Bill #	Short Title	Bill Sponsor	Bill Summary	Status if Known	ULCT S/N/O	PCMC S/N/O	Pass/Fail
	SB 35	**Water Right for Trout Habitat Repeal Date Extension**	Sen Christensen; Rep Sandall	Extends the repeal date of the instream flow water right for trout habitat.	7 Feb 2018, Draft of Enrolled Bill Prepared			
	SB 45	**Water Law Amendments**	Sen Dayton; Rep Noel	Requires the state engineer to include an evaluation of an asserted beneficial use in the report of a field investigation for a diligence claim.	12 Feb 2018, House/ 2nd reading; 14 Feb 2018, House/ circled; 23 Feb 2018, Draft of Enrolled Bill Prepared	N		
	SB 61 S1	**Water Rights Adjudication Amendments**	Sen Dayon; Rep Sandall	Modifies the summons for a general adjudication of a water right.	12 Feb 2018, House/ 2nd reading; 14 Feb 2018, Senate/ signed by President/ sent for enrolling; 15 Feb 2018, Draft of Enrolled Bill Prepared	N		

Francisco Astorga

From: Cahoon, Brad R. <bcahoon@djplaw.com>
Sent: Wednesday, March 07, 2018 1:17 PM
To: Polly Samuels McLean; Francisco Astorga
Cc: Cahoon, Tyler R.
Subject: Alice Claim -- Vested/Entitled

Hello Francisco and Polly,

For the record on this matter, on behalf of the Applicants King Development Group, LLC and 123-129 Ridge, LLC ("Applicants"), we refer you to pages 74-75 of the City Council March 8, 2018 Packet, stating in part that "density provided above *is not vested or entitled.*" http://parkcityut.iqm2.com/Citizens/FileOpen.aspx?Type=1&ID=2344&Inline=True (emphasis added).

This statement is incorrect. Pursuant to the Municipal Land Use, Development, and Management Act ("**LUDMA**"), "[a]n applicant is *entitled* to approval of a land use application if the application conforms to the requirements of the municipality's land use regulations *in effect when a complete application is submitted* and all application fees have been paid." Utah Code § 10-9a-509(1)(a)(ii) (emphasis added). King submitted its complete land use application in 2005, and its application conforms to the LUDMA that was in effect at that time. Thus, the application is vested and entitled to the density that is allowed under LUDMA.

Please make this correspondence part of the record in the hearing before the City Council on March 8, 2018.

Kindest regards,
Brad

Bradley R. Cahoon | Attorney at Law
Durham Jones & Pinegar, P.C.
111 S. Main Street, Suite 2400 | Salt Lake City, UT 84111
Phone: 801.415.3000 | Fax: 801.415.3500
www.djplaw.com | bcahoon@djplaw.com

D | J | P DURHAM JONES & PINEGAR

Please consider the environment before printing this e-mail.

SALT LAKE CITY | LEHI | OGDEN | ST. GEORGE | LAS VEGAS

Francisco Astorga

From: Cahoon, Brad R. <bcahoon@djplaw.com>
Sent: Wednesday, March 07, 2018 2:40 PM
To: Francisco Astorga; Polly Samuels McLean
Subject: Alice Claim -- Condition of Approval 26

Hello Francisco and Polly,

For the record on this matter, on behalf of the Applicants King Development Group, LLC and 123-129 Ridge, LLC, we refer you to Condition of Approval No. 26 on Page 90 of the City Council March 8, 2018 Packet," http://parkcityut.iqm2.com/Citizens/FileOpen.aspx?Type=1&ID=2344&Inline=True (emphasis added). Condition 26 states:

> If the site plan is substantially altered, as determined by the SBWRD, Planning Director, and City Engineer, due to any utility redesign or retaining wall redesign or other unforeseen issues, this approval shall be null and void and an application to amend the Ordinance and plat shall need to be submitted and be reviewed and go through the entire process including internal review, planning commission and city council review.

We believe that this condition can be removed because it is a carry-over from the Conditional Use Permit granted for the three ten foot retaining walls that are no longer needed if the Applications are approved. There was concern that the walls may impact utilities and require redesign and a plat amendment. That concern has been removed because those large walls are no longer needed.

As written, Condition 26 is overly broad, unclear and limitless. At the very least Condition 26 should be rewritten, as follows:

> Before the plat is signed by all utility providers, if the plat needs to be materially changed, as determined by the SBWRD, Planning Director, and City Engineer, due to utility redesign, an application to amend the Ordinance and plat shall need to be submitted and be reviewed and go through the entire process including internal review, planning commission and city council review.

Please make this correspondence part of the record in the hearing before the City Council on March 8, 2018.

Kindest regards,
Brad

Bradley R. Cahoon | Attorney at Law
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Phone: 801.415.3000 | Fax: 801.415.3500
www.djplaw.com | bcahoon@djplaw.com

D | J | P DURHAM JONES & PINEGAR

January 18, 2018

Attn: Park City Planning & Engineering Department
Francisco Astorga
Matt Cassel

Gentlemen:

I am the owner of 141 and 201 Ridge Avenue. I understand the project Alice Claim, includes 9 new homes and infrastructure and is going to the Planning Commission soon for approval. I understand the City has worked with the applicant to try and minimize the amount of disturbance to the open space by clustering 8 of the homes. Although I appreciate the clustering of units and prefer that to having the homes spread out on the hillside, I believe the horizontal and vertical construction of this new subdivision will be extremely disruptive to the neighborhood for traffic, noise, and pollution and ask that the City require the applicant to post a bond for all the improvements and require a time limit such as all construction (horizontal and vertical) work be completed within a 2 year time frame otherwise the City may pull the bond to make the completions. Without such a mechanism in place our little neighborhood and narrow streets will become the center of on-going construction vehicles crowding the streets and creating daily disturbances for years and years.

Please, it is important that this new subdivision not be allowed to be the center of construction; I would advocate the horizontal work be completed with 12 months and the vertical including homes be completed within 24 months. This time frame and bonding mechanism will also be advantageous to Old Towne and its narrow streets so that we do not have heavy equipment clogging the streets and causing construction pollution.

Thank you for your consideration,
Joy Berry