PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
February 4, 2021

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regular City Council meeting at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah 84060 for the purposes and at the times as described below on Thursday, February 4, 2021.

NOTICE OF ELECTRONIC MEETING & HOW TO COMMENT VIRTUALLY:

On January 27, 2021, the Mayor issued a written determination that because of the public health emergency, conducting a meeting with an anchor location presents a substantial risk to the health and safety of those who may attend in person. For these reasons, this meeting will be an electronic meeting without an anchor location.

Council members will connect electronically. Public comments will be accepted virtually. To comment virtually, use eComment or raise your hand on Zoom. Written comments submitted before or during the meeting will be entered into the public record, but will not be read aloud. For more information on participating virtually and to listen live, please go to www.parkcity.org.

WORK SESSION

2:30 p.m. - FY2020 Library Annual Update
FY2020 Library Annual Update Staff Report

3:15 p.m. - Park City Arts and Culture District – Follow Up Discussion: Housing
Arts and Culture District Housing Staff Report

5:45 p.m. - Break

REGULAR MEETING - 6:00 p.m.

I. ROLL CALL

II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Council Questions and Comments

Staff Communication Reports

1. December 2020 Monthly Budget Report
   Budget Monitoring Staff Report - December 2020
   Exhibit A: Expenditure Report

Exhibit B: Revenue Report
Exhibit C: Sales Tax Analysis

2. Recreation Department Operational Update
Recreation Department - COVID Update Staff Report

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

IV. CONSIDERATION OF MINUTES

1. Consideration to Approve the City Council Meeting Minutes from January 21, 2021
January 21, 2021 Minutes

V. CONSENT AGENDA

1. Request to Authorize the Mayor to Execute a Memorandum of Agreement (MOA), in a Form Approved by the City Attorney, to Continue Leasing Surplus Water to Weber Basin through Provisions in the Western Summit County Project Master Agreement
Surplus Water Lease Staff Report
Exhibit A: Memorandum of Understanding 2021

2. Request to Authorize the City Manager to Execute a Contract for Water System American Water Infrastructure Act Resilience and Risk Assessment AND an Emergency Response Plan Update, in Forms Approved by the City Attorney, with Hazen and Sawyer, in an Amount Not to Exceed $109,360
AWIA Staff Report
Exhibit A: Hazen Scope of Work

3. Request to Authorize the City Manager to Execute a Construction Agreement, in a Form Approved by the City Attorney, with Vancon Inc., for the Replace Empire Raw Water Storage Tank Project in an Amount Not to Exceed $1,472,000.00
Replace Empire Raw Water Storage Tank Staff Report
Exhibit A: Replace Empire Tank - View Analysis 2020
Exhibit B: MIW CIP Contracts

4. Request to Authorize the City Manager to Execute the Second Addendum to the Design Professional Services Agreement, in a Form Approved by the City Attorney, with Bowen, Collins and Associates, Inc., for the 3Kings Water Treatment Plant Off-Site Improvements - Engineering Services, in an Amount Not to Exceed $160,500.00
3KWTP Offsite Engineering Services Staff Report
Exhibit A: MIW CIP Contracts

VI. OLD BUSINESS

1. Social Equity Quarterly Update
Social Equity Staff Report

Exhibit A: MEI Application-2020

2. 2021 Legislative Update

VII. NEW BUSINESS

1. Consideration to Approve Ordinance No. 2021-06, an Ordinance Amending Footnote 2 of Land Management Code Section 15-2.1-2(B)(1) to Establish Nightly Rentals as a Conditional Use in the Lower Rossi Hill Sub-Neighborhood of the Historic Residential Low-Density Zoning District
(A) Public Hearing (B) Action
Lower Rossi Hill Historic Residential - Low Density Zoning District Nightly Rentals Staff Report
Exhibit A: Ordinance No. 2021-06
Exhibit B: January 11, 2017 Planning Commission Staff Report
Exhibit C: February 16, 2017 City Council Staff Report
Exhibit D: December 12, 2019 Attorney Letter to the Mayor
Exhibit E: Public Input

2. Consideration to Approve Ordinance 2021-07, an Ordinance Amending Title 11, Building and Building Regulations Code Section 11-6 Flood Damage Prevention for Establishing the Areas of Special Flood Hazard of the Municipal Code of Park City
(A) Public Hearing (B) Action
Flood Damage Code Update Staff Report
Exhibit A: Flood Damage Prevention Ordinance
Exhibit B: Comparison Report-2885 Cochise Court

3. Consideration to Grant the Following Easements, in a Form Approved by the City Attorney, across City-Owned Property to the Snyderville Basin Water Reclamation District (SBWRD): 1) Two Access Easements for the Existing 'Silver Creek' Sewer Trunk Line Located near Highway 40 and Park City Heights; and 2) A Utility, Access, and Maintenance Easement for a New Sewer Line for the Lilac Hill East Subdivision, Located Near Deer Valley Drive and Rossi Hill Road
(A) Public Input (B) Action
SBWRD Easements Request Staff Report
Exhibit C: DRAFT Silver Creek Access Easements
Exhibit D: DRAFT Lilac Hill East Utility, Access, and Maintenance Easement

4. Consideration to Approve Emergency Contingency Funding in the Amount of $170,000 to Acquire Emergency Services to Mitigate Community Impacts of COVID-19
(A) Public Input (B) Action
FY2021 Emergency Contingency Funds Staff Report
Exhibit A: Access to Emergency Contingency Funds Policy

VIII. ADJOURNMENT

A majority of City Council members may meet socially after the meeting. If so, the location will be announced by the Mayor. City business will not be conducted. Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the City Recorder at 435-615-5007 at least 24 hours prior to the meeting. Wireless internet service is available in the Marsac Building on Wednesdays and Thursdays from 4:00 p.m. to 9:00 p.m. Posted: See: www.parkcity.org

***Parking validations will be provided for Council meeting attendees that park in the China Bridge parking structure.**

Agenda Item No:

Council Agenda Item Report

Meeting Date: February 4, 2021
Submitted by: Adriane Juarez
Submitting Department: Library
Item Type: Work Session
Agenda Section:

Subject:
2:30 p.m. - FY2020 Library Annual Update

Suggested Action:

Attachments:
FY2020 Library Annual Update Staff Report

City Council
Manager's Report

Subject: **Library Annual Report, FY20**
Author: **Adriane Herrick Juarez**
Department: **Library**
Date: **February 4, 2021**

The Park City Library Director and the Park City Library Board would like to thank Mayor Beerman and City Council for the opportunity to present the Library's FY20 Annual Report. Nann Worel sits as the current City Council Liaison to the Library Board, and we are grateful for her time and service.

The Library Board of Directors

The Current Board membership can be found at: http://parkcitylibrary.org/about/library-board/library-board-members/

The Park City Library Board of Directors, representing the citizens of Park City, and working in partnership with the Library Executive Director, evaluates library services and community needs, establishes library policies, and helps set goals to be implemented by the director and staff. Board members inform others about library services, needs, and accomplishments to foster a positive public image and build community support.

The Park City Library Board of Directors consists of five to nine voting members appointed by the Park City Council. The Library Executive Director attends Board meetings but is not a voting member. Board members are appointed for three-year terms and may be re-appointed once. Individual Board members contribute personal volunteer time.

Annual Report Highlights

- 153,590 people visited the library in FY20
- 95,891 items were checked out in FY20
- 10,066 public computer sessions were used in FY20
- 33,041 Wi-Fi sessions were used in FY20

The Park City Library would like to thank everyone who supported the Library in a year that ended on an unusual note as the pandemic took hold. The Library Team learned to operate in new ways by implementing online programs, offering curbside service, modifying indoor spaces for safety, promoting usage of e-materials, providing online library card registrations, utilizing ask-a-librarian services on the website, implementing outdoor programs in warm weather, giving remote printing services, and being available to the public by phone, email, online, and at car windows.

We heard from many people saying how important the library is to the community and thanking our staff for offering as many services as possible, as safely as possible. We

eagerly look forward to the day when we can throw open our doors and welcome everyone back into the Library for service-as-usual.

A potential system to provide the public with a predictable system to forecast levels of library services and a return to normal service opening plan During COVID-19 – Benchmarks - will be discussed during the Council meeting. Staff hopes to obtain feedback from the City Council on the proposed Benchmark plans, as well as the public, as we all desire to provide a safe environment for both our patrons and our employees.

Successful Library Reaccreditation

In FY2020, the Utah State Library Division continued Park City Library's accreditation with *Quality Library Status*, indicating that our library provides a level of service to the community that exceeds the standards developed by Utah public librarians and adopted by the State Library Board. As a Quality Library, our organization is proven as an active, involved, and vital part of the community providing essential resources. Quality Status qualifies the Park City Library to mentor other libraries. State accreditation makes the Library eligible to receive funds from the *Community Library Enhancement Fund* (CLEF).

Annual Report on the Library Website

The Library's Annual Report can be found in full at:

http://parkcitylibrary.org/about/library-annual-report/

Agenda Item No:

Council Agenda Item Report

Meeting Date: February 4, 2021
Submitted by: David Everitt
Submitting Department: Executive
Item Type: Staff Report
Agenda Section:

Subject:
3:15 p.m. - Park City Arts and Culture District – Follow Up Discussion: Housing

Suggested Action:

Attachments:
Arts and Culture District Housing Staff Report

City Council Staff Report

Subject: **Park City Arts and Culture District Follow Up Discussion – Affordable Housing**
Author: **David Everitt**
Department: **Executive**
Date: **February 4, 2021**
Type of Item: **Work Session**

Recommendation

Review and discuss Park City's affordable housing development policy considerations, and the proposed Park City Arts and Culture District's housing component.

Executive Summary

As the City Council considers the budget and scope of the proposed District, larger policy considerations regarding affordable housing have grown in prominence. This staff report reviews current policy statements related to affordable housing, how those statements manifest currently as projects and initiatives, and the implications for affordable housing at the District.

Background

This is the City Council's fifth consecutive work session to discuss the Park City Arts and Culture District. Past staff reports and presentations include:

- December 15, 2020 staff report and audio;
- December 17, 2020 staff report and audio;
- January 7, 2021 staff report, presentation, and audio; and
- January 21, 2021 staff report and audio.

While the Council as a whole continues to express support for the District concept and community priorities it can achieve, Council members have questioned the housing plans of the District.

City-funded affordable housing is a foundational element of the District. The District contemplates 50-70 primarily micro and studio-sized rental units to support and reflect the appropriate type of housing to include in a mixed use development. The fully-loaded per-unit cost for housing is higher than previous City housing projects, which is causing concern and debate over broader policy implications regarding the City's approach and strategies to develop affordable housing at the District and across the city.

For decades, the Park City community has expressed a strong desire to preserve its sense of character and authenticity by ensuring a diverse population of permanent residents remains within City limits and neighborhoods. This desire is articulated in a

series of policy statements about housing found in citywide visioning documents and surveys[1], the 2014 Park City General Plan (General Plan), and the 2020 Housing Assesment and Plan and 2021 Addendum (2020 Plan). The 2020 Plan provides direction to build units on city-owned land (Goal #1[2]) and consider a rental model to increase the reach of the city's housing program. (Goal #2[3]).

Analysis

Affordability, Demand, and Prioritization of Resources

One of the biggest challenges to retaining character and authenticity – particularly as a resort community – is housing affordability and affordable housing. To counter this, Park City prioritized subsidizing housing for residents who contribute to the community (usually by working full time within city limits.)[4] Thus far, we have focused on deed restricted for sale units, particularly in single household zoning districts. Typical buyers are established members of Park City, able to invest a down payment, manage their mortgage, and assume the responsibilities of homeownership. This approach results in housing for a small number of households with a narrower demographic profile – perceived as more stable, neighborhood and community-minded, and less transient.

The demand for housing for Park City's workforce, however, is much more diverse than that targeted demographic. Many do not desire a traditional home, and smaller spaces with less maintenance obligations (and lower monthly costs) are in high demand throughout the Snyderville Basin and Park City area.

Given that a) the community is committed to subsidizing housing to maintain its sense of community and authenticity, b) limited funds are available to continue to provide a housing subsidy over time, and c) there is great demand for all kinds of housing types, how should the Council prioritize use of limited housing funds? Factors include construction costs, timeline to bring units online, land use utilization considerations (height, setbacks, parking, etc.), type of housing (rent/ownership), soils, and operational costs.

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[1] The Vision 2020 process affirmed the community priority of affordability and equity, noting that "Housing [s]olutions [should] [i]mplement policy to shift neighborhood balance back to residents by incentivizing long term rentals, and creating more workforce and family housing options such as accessory units and apartments."

[2] Goal #1 of the 2020 Plan: Build affordable and attainable units on City-owned property through public-private partnerships. The 2020 Plan acknowledges that "private developers alone will never meet the affordable housing needs of the community. Land and construction costs are simply too high, making it difficult to provide affordable prices without subsidies….[U]nits will be developed directly by the City, or in partnership with other entities. "

[3] Goal #2 of the 2020 Plan: Develop a financial strategy to use housing authority bonds to build housing authority-owned low and moderate income rentals. The 2021 Addendum notes that "[t]he Budget Department developed a strategy to finance affordable rental units for low and moderate income individuals utilizing future rental income to bond for cost of construction. The model has been vetted through the City's bond counsel and is now ready to be utilized for future affordable housing developments."

[4] See Resolution 25-2020, Section 16. Household Qualifications.

The situation at the City-owned Woodside/Empire property is illustrative. Located in an area suited for single household and lower-density multifamily (townhome-style development), it is a classic infill opportunity in a residential neighborhood with excellent transit and amenity access. Title and encumbrance issues related to the senior center on site, however, and an appeal by a neighbor, resulted in delays and design challenges that delayed the development for the foreseeable future.

Staff have developed an informal matrix to evaluate the effect of prioritizing different factors that will be presented at the work session.

Additionally, the City is also developing an approach that relies more on partnerships with non-profit and/or private developers, whereby the City offsets costs by providing land, reduced development fees, favorable financing, or even cash up front for construction.

Affordable Housing and the Arts and Culture District

The District presents unique challenges and opportunities regarding affordable housing. They are discussed below.

Why provide community housing in the District?

There are compelling reasons to co-locate community housing within the District – in addition to supporting the community's affordable housing goals. Co-locating long-term residents above and adjacent to the creative spaces adds to the sense of vibrancy and place. Permanent residents become invested in the District and identify with it as their home, and one that has residents living in the neighborhood center instead of on the periphery. Furthermore, incorporating housing into the District adds to the sense of safety and security that comes from having community members living in the area year-round and ensuring the District is not a one-dimensional tourism destination. And the potential for some to work and live in close proximity supports traffic reduction and sustainable transportation goals.

Why provide rental housing in the District?

This approach aligns closely with the goals of the 2020 Plan. Rental housing 1) provides a more sustainable ongoing stream of revenue for the City's Housing Pipeline (See January 7, 2021 presentation), 2) constrains the number of property owners involved, 3) allows for some AMI flexibility, 4) results in more units available for occupancy, and 5) addresses the acute shortage of affordable rental housing in Park City.

Are the estimated operational costs associated with the rental model too low?

Staff is consulting with a local company that manages affordable units in the Park City area. This analysis is ongoing and we will bring back comparison data for consideration at the Council meeting.

The construction costs appear high based upon a per-unit cost.

Staff contacted Mountainlands Community Housing Trust to review the District's estimated housing construction costs. They estimate that construction costs increased by about 20 percent last year. Additionally, in general, there is a 20 percent increase to build within City limits compared to outside areas. Based on these estimates, the normal building cost for a development in Park City is around $350 per square foot. This is assuming that the project was on flat ground, did not require underground parking, and was not built to net-zero standards. The District require underground parking, soil remediation, and will set the example with regard to sustainabile building practices.

Why do the per-unit/per-square-foot cost of construction seem high?

Given the concern with the estimated cost per square foot (or per unit) for construction of the affordable housing portion of the District, particularly compared to anticipated costs for construction of housing at the Homestake lot, staff provided a fully loaded cost estimate at the previous meeting, which included proportionate costs for:

- Parking;
- Building design and materials;
- Building elements associated with net-zero (which lower monthly energy costs);
- Contaminated soils mitigation; and
- Overall site work (sidewalks, landscaping, plaza).

Costs are also higher due to construction and design quality. Rather than a traditional, standalone stick-frame build surrounded by surface parking, the District is to be built using a mass-timber construction approach to 1) achieve a higher level of quality as designed for the District, 2) lower the amount of embedded carbon in building materials, 3) optimize land uses by locating parking underground, and 4) conform to current City-imposed height restrictions. These factors all put upward pressure on the square footage costs. See Figure 2.

What adjustments and tradeoffs could be implemented to bring down the per-unit cost?

1. Use different building materials. Mass timber construction embodies less energy into the construction but results in higher per-unit costs;
2. Reconfigure the layout (i.e., more shared walls and/or taller structure);
3. Repurpose the space currently planned for at grade parking stalls;
4. Calculate the per unit costs to include the additional 10-15 affordable units planned for the full buildout.

Figure 3: Breakdown of Housing Costs at Arts and Culture (50 units)

Static costs	Cost/SF	Cost/Unit	Construction	Soft Cost	Total Project Cost	Project Cost/ Unit
Housing Related Preconstruction	$ -	$ -		$ 2,192,158	$ 2,192,158	$ 43,843
Base Housing Construction	$ 291	$ 242,565	$ 12,128,259	$ 2,976,306	$ 15,104,564	$ 302,091
Total	**$ 291**	**$ 242,565**	**$ 12,128,259**	**$ 5,168,464**	**$ 17,296,722**	**$ 345,934**
Park City add-on costs						
Netzero/ Sustainability Systems **	$ 68	$ 56,545	$ 2,827,232	$ 693,415	$ 3,520,647	$ 70,413
Building Enclosure (3 story limit)	$ 23	$ 19,204	$ 960,192	$ 233,807	$ 1,193,999	$ 23,880
Total	**$ 91**	**$ 75,748**	**$ 3,787,424**	**$ 927,222**	**$ 4,714,646**	**$ 94,293**
A&C District premium features						
Building Height & Carbon Reduciton (Mass Timber) *	$ 32	$ 26,672	$ 1,333,600	$ 327,083	$ 1,660,683	$ 33,214
Housing Related Soils Removal Expense Prorated	$ 17	$ 14,490	$ 724,521	$ 177,698	$ 902,219	$ 18,044
Housing Related Site Expense	$ 46	$ 38,661	$ 1,933,067	$ 474,110	$ 2,407,177	$ 48,144
Total	**$ 96**	**$ 79,824**	**$ 3,991,188**	**$ 978,891**	**$ 4,970,079**	**$ 99,402**
Parking						
Full accounting for underground spaces	$ 72	$ 59,815	$ 2,990,746	$ 733,519	$ 3,724,265	$ 74,485

Could the inclusion of market-rate housing units offset the costs of affordable units?

Designating some units for market-rate rental would generate revenue for the next Housing Pipeline project. Alternatively, one could view the revenue from market-rate rentals as offsetting rental costs for affordable units. The tradeoff is that the City would not bring as many affordable units online in the same timeframe.

Could the inclusion of market-rate commercial spaces offset the costs of construction?

This can be done easily and would compliment the District's mission by providing culinary and retail opportunities in Building 3. Additionally, there is potential for a larger anchor-type culinary offering on the second floor of the food hall (currently programmed for seating and as a flex performance space).

Next Steps

Staff seeks the following direction from the Council:

Are the goals of the 2020/2021 Housing Assessment and Plan still the Council's goals? Do they need to be revised/refined?

Does the proposed affordable housing component of the Arts and Culture District adequately meet those goals; and

If not, what direction does the Council wish for staff to pursue with regard to the next affordable housing project or initiative?

Council Agenda Item Report

Meeting Date: February 4, 2021
Submitted by: Josh Miller
Submitting Department: Budget, Debt & Grants
Item Type: Staff Report
Agenda Section:

Subject:
December 2020 Monthly Budget Report

Suggested Action:

Attachments:
Budget Monitoring Staff Report - December 2020

Exhibit A: Expenditure Report

Exhibit B: Revenue Report

Exhibit C: Sales Tax Analysis

Staff Communication

Subject: **Monthly Budget Reporting for December 2020**
Author: **Budget Team**
Department: **Budget, Debt, & Grants**
Date: **February 4, 2021**
Type of Item: **Informational**

State Compliance Monthly Budget Reporting for December 2020

The attachments within this report consist of monthly revenue and expenditure reports detailed by Fund and Major Object Type. The format of these reports follows the audit procedure from the State Compliance Audit Guide, the Utah statute, and sample summary reports found in the Utah Uniform Accounting Manual. These summary reports should be reviewed monthly by Council for all funds.

Notable Observations:

Expenditures

- Overall, operating expenditures for FY21 are in line with expectations and down slightly compared to FY19 and FY20, once the CARES Act Funding ($2M) is accounted for.

Revenues

- Sales tax revenues generally continued their stronger than projected trend in November 2020. Regular sales taxes for the year (Jul-Nov) are up 1.5% from last fiscal year. Incremental growth in airline flights, along with anecdotal growth in vehicle traffic and visitation, helped most sales taxes beat projections and FY20 historical revenues.
- Despite the strong trajectory of sales taxes thus far, staff is eager to obtain data from December and January to help determine the financial impacts of COVID during our highest periods of visitation.
    - General Fund - November FY21 sales tax revenues were up 21% more than FY20.
    - Capital Fund - November FY21 sales tax revenues were up 10% more than FY20.
    - Transportation Fund - November FY21 sales tax revenues were down slightly vs FY20 at -7%, but essentially even for the year.
    - However, TRT, or our lodging tax, is currently down 18% compared to FY20.
- BPE fees are down significantly because of less building activity stemming from the COVID-19 pandemic. However, these are in-line with budget projections.

Attachment A: Expenditure Summary by Object and Type
Attachment B: Revenue Summary by Object and Type
Attachment C: Sales Tax Analysis

Expenditures by Object Type- 6th Month of FY21 (December 2020)

January 25, 2021

	Actuals FY 2019	Actuals FY 2020	Actuals FY 2021	Budget FY 2021	% of Budget FY 2021
011 GENERAL FUND					
PERSONNEL SERVICES	10,603,772	11,184,651	10,751,306	21,961,047	49.0%
MATERIALS, SUPPLIES AND SERVICES	535,592	523,239	360,903	1,072,776	33.6%
UTILITIES	329,570	282,453	257,411	1,551,940	16.6%
CONTRACT SVCS/CONSULTING/SOFTWARE LIC	1,420,929	1,522,612	1,772,219	4,382,104	40.4%
PARTS/MAINTENANCE SUPPLIES	427,187	511,044	356,650	1,046,665	34.1%
SPECIAL SERV CONTRACT/MISC CHARGES	482,065	392,735	2,509,775	3,830,464	65.5%
CAPITAL OUTLAY	74,507	122,886	123,282	335,320	36.8%
INTERFUND TRANSFER	2,450,726	1,486,584	1,417,026	2,834,061	50.0%
Total 011 GENERAL FUND	16,324,348	16,026,204	17,548,571	37,014,378	47.4%
012 QUINNS RECREATION COMPLEX					
PERSONNEL SERVICES	427,508	362,629	381,388	909,979	41.9%
MATERIALS, SUPPLIES AND SERVICES	19,907	17,876	16,280	63,345	25.7%
UTILITIES	59,702	42,498	40,642	157,200	25.9%
CONTRACT SVCS/CONSULTING/SOFTWARE LIC	25,919	34,439	26,383	70,740	37.3%
PARTS/MAINTENANCE SUPPLIES	26,976	22,253	20,151	43,200	46.6%
SPECIAL SERV CONTRACT/MISC CHARGES	9,922	10,585	10,678	21,000	50.8%
CAPITAL OUTLAY				1,000	0.0%
Total 012 QUINNS RECREATION COMPLEX	569,934	490,280	495,524	1,266,464	39.1%
023 LOWER PARK AVE RDA SPECIAL REVENUE FUND					
PERSONNEL SERVICES	11,675	11,447	4,294	31,958	13.4%
MATERIALS, SUPPLIES AND SERVICES	7,100	6,350	12,411	20,000	62.1%
UTILITIES	608	7,712	1,147	34,300	3.3%
CONTRACT SVCS/CONSULTING/SOFTWARE LIC		1,700	-2,005	70,000	-2.9%
SPECIAL SERV CONTRACT/MISC CHARGES				568,000	0.0%
INTERFUND TRANSFER	820,560	1,046,268	1,546,266	3,092,532	50.0%
Total 023 LOWER PARK AVE RDA SPECIAL REVENUE FUND	839,943	1,073,477	1,562,112	3,816,790	40.9%
024 MAIN STREET RDA SPECIAL REVENUE FUND					
CONTRACT SVCS/CONSULTING/SOFTWARE LIC	921	722		50,000	0.0%
SPECIAL SERV CONTRACT/MISC CHARGES				405,000	0.0%
INTERFUND TRANSFER	376,002	345,000	349,998	700,000	50.0%
Total 024 MAIN STREET RDA SPECIAL REVENUE FUND	376,923	345,722	349,998	1,155,000	30.3%
031 CAPITAL IMPROVEMENT FUND					
CAPITAL OUTLAY	6,319,893	9,411,760	3,464,944	37,536,158	9.2%

	Actuals FY 2019	Actuals FY 2020	Actuals FY 2021	Budget FY 2021	% of Budget FY 2021
INTERFUND TRANSFER	1,672,692	2,872,560	1,790,160	3,580,329	50.0%
Total 031 CAPITAL IMPROVEMENT FUND	7,992,585	12,284,320	5,255,104	41,116,487	12.8%
033 REDEVELOPMENT AGENCY-LOWER PRK					
CAPITAL OUTLAY	87,066	14,791	196,579	255,000	77.1%
INTERFUND TRANSFER	354,108	353,358	1,391,418	2,782,840	50.0%
Total 033 REDEVELOPMENT AGENCY-LOWER PRK	441,174	368,149	1,587,997	3,037,840	52.3%
034 REDEVELOPMENT AGENCY-MAIN ST					
INTERFUND TRANSFER	402,582	402,504	523,386	1,046,777	50.0%
Total 034 REDEVELOPMENT AGENCY-MAIN ST	402,582	402,504	523,386	1,046,777	50.0%
038 EQUIPMENT REPLACEMENT CIP					
CAPITAL OUTLAY	877,835	764,166	158,891	1,460,138	10.9%
Total 038 EQUIPMENT REPLACEMENT CIP	877,835	764,166	158,891	1,460,138	10.9%
051 WATER FUND					
PERSONNEL SERVICES	1,387,043	1,581,394	1,479,064	3,258,424	45.4%
MATERIALS, SUPPLIES AND SERVICES	98,336	123,768	215,478	305,962	70.4%
UTILITIES	409,268	360,379	336,859	1,224,066	27.5%
CONTRACT SVCS/CONSULTING/SOFTWARE LIC	480,605	625,300	638,090	1,115,183	57.2%
PARTS/MAINTENANCE SUPPLIES	384,917	487,031	457,760	891,927	51.3%
SPECIAL SERV CONTRACT/MISC CHARGES	45,708	49,763	64,630	52,000	124.3%
CAPITAL OUTLAY	2,338,336	7,717,605	16,342,504	40,896,797	40.0%
DEBT SERVICE	1,766,400	1,748,264	3,697,939	1,028,266	359.6%
INTERFUND TRANSFER	502,872	525,750	529,038	1,773,085	29.8%
Total 051 WATER FUND	7,413,484	13,219,253	23,761,362	50,545,710	47.0%
052 STORM WATER FUND					
PERSONNEL SERVICES	366,561	437,116	307,920	607,137	50.7%
MATERIALS, SUPPLIES AND SERVICES	10,222	9,838	11,186	63,000	17.8%
UTILITIES	33,655	16,287	18,277	37,200	49.1%
CONTRACT SVCS/CONSULTING/SOFTWARE LIC	21,128	51,834	47,794	149,625	31.9%
PARTS/MAINTENANCE SUPPLIES	5,108	25,397	12,098	40,200	30.1%
CAPITAL OUTLAY	6,414	2,492	40,669	1,221,500	3.3%
INTERFUND TRANSFER	52,002	56,502	63,714	127,425	50.0%
Total 052 STORM WATER FUND	495,090	599,467	501,657	2,246,087	22.3%
055 GOLF COURSE FUND					
PERSONNEL SERVICES	461,517	434,774	434,100	899,687	48.3%

	Actuals FY 2019	Actuals FY 2020	Actuals FY 2021	Budget FY 2021	% of Budget FY 2021
MATERIALS, SUPPLIES AND SERVICES	38,591	25,207	37,791	66,200	57.1%
UTILITIES	21,290	17,025	41,557	68,400	60.8%
CONTRACT SVCS/CONSULTING/SOFTWARE LIC	24,241	36,605	33,684	85,535	39.4%
PARTS/MAINTENANCE SUPPLIES	128,802	102,586	124,077	235,800	52.6%
SPECIAL SERV CONTRACT/MISC CHARGES	25,140	25,470	31,201	30,500	102.3%
CAPITAL OUTLAY	-8,507	83,361	45,757	114,565	39.9%
DEBT SERVICE				24,283	0.0%
INTERFUND TRANSFER	71,454	70,548	67,452	134,913	50.0%
Total 055 GOLF COURSE FUND	762,527	795,576	815,619	1,659,883	49.1%
057 TRANSPORTATION & PARKING FUND					
PERSONNEL SERVICES	4,528,029	4,614,230	3,566,865	8,909,323	40.0%
MATERIALS, SUPPLIES AND SERVICES	306,777	114,315	133,452	290,822	45.9%
UTILITIES	140,615	145,121	121,150	360,100	33.6%
CONTRACT SVCS/CONSULTING/SOFTWARE LIC	404,938	365,481	351,010	1,572,750	22.3%
PARTS/MAINTENANCE SUPPLIES	4,473	4,092	13,396	25,000	53.6%
SPECIAL SERV CONTRACT/MISC CHARGES	79,314	15,698	14,898	20,000	74.5%
CAPITAL OUTLAY	1,141,558	720,272	-1,288,983	8,281,094	-15.6%
INTERFUND TRANSFER	1,514,370	1,713,006	1,667,256	3,334,501	50.0%
Total 057 TRANSPORTATION & PARKING FUND	8,120,075	7,692,214	4,579,044	22,793,590	20.1%
058 PARKING FUND					
PERSONNEL SERVICES		429,361	360,021	849,924	42.4%
MATERIALS, SUPPLIES AND SERVICES		128,669	11,700	430,500	2.7%
UTILITIES		1,969	2,606	10,400	25.1%
CONTRACT SVCS/CONSULTING/SOFTWARE LIC		4,719	2,194	148,000	1.5%
PARTS/MAINTENANCE SUPPLIES		21,237	6,751	54,000	12.5%
SPECIAL SERV CONTRACT/MISC CHARGES		59,595	1,758	65,000	2.7%
CAPITAL OUTLAY				125,000	0.0%
INTERFUND TRANSFER		3,000	4,002	8,000	50.0%
Total 058 PARKING FUND		648,550	389,032	1,690,824	23.0%
062 FLEET SERVICES FUND					
PERSONNEL SERVICES	488,580	488,656	451,852	995,989	45.4%
MATERIALS, SUPPLIES AND SERVICES	30,707	37,100	30,373	77,355	39.3%
UTILITIES	294,252	448,018	193,804	1,001,800	19.3%
CONTRACT SVCS/CONSULTING/SOFTWARE LIC			3,515	3,800	92.5%

	Actuals FY 2019	Actuals FY 2020	Actuals FY 2021	Budget FY 2021	% of Budget FY 2021
PARTS/MAINTENANCE SUPPLIES	231,042	338,641	283,116	770,200	36.8%
Total 062 FLEET SERVICES FUND	1,044,581	1,312,416	962,660	2,849,144	33.8%
064 SELF INSURANCE FUND					
MATERIALS, SUPPLIES AND SERVICES	18,342	23,239	17,229	50,500	34.1%
CONTRACT SVCS/CONSULTING/SOFTWARE LIC	208,619	415,292	313,193	872,560	35.9%
SPECIAL SERV CONTRACT/MISC CHARGES	545,520	605,087	702,508	810,000	86.7%
Total 064 SELF INSURANCE FUND	772,480	1,043,618	1,032,929	1,733,060	59.6%
070 SALES TAX REV BOND - DEBT SVS FUND					
DEBT SERVICE	894,045	2,666,445	2,634,345	5,040,066	52.3%
Total 070 SALES TAX REV BOND - DEBT SVS FUND	894,045	2,666,445	2,634,345	5,040,066	52.3%
071 DEBT SERVICE FUND					
DEBT SERVICE	831,687	1,575,127	1,737,581	7,699,000	22.6%
Total 071 DEBT SERVICE FUND	831,687	1,575,127	1,737,581	7,699,000	22.6%
TOTAL	48,159,294	61,307,488	63,895,813	186,171,239	34.3%

Revenues by Object Type – 6th Month of FY21 (December 2020)

January 25, 2021

	Actuals FY 2019	Actuals FY 2020	Actuals FY 2021	Budget FY 2021	% of Budget FY 2021
011 GENERAL FUND					
Property Taxes	9,472,438	8,540,961	10,432,918	10,412,892	100.2%
Sales Tax	3,268,048	3,884,437	3,773,457	8,728,066	43.2%
Franchise Tax	946,843	943,106	901,703	3,229,380	27.9%
Licenses	329,651	305,514	255,326	323,501	78.9%
Planning Building & Engineering Fees	2,285,216	2,380,638	1,048,158	2,107,887	49.7%
Special Event Fees	48,864	99,108	8,081	127,595	6.3%
Federal Revenue	3,125	4,476		56,953	0.0%
State Revenue	82,399	56,026	57,285	80,182	71.4%
County/SP District Revenue	5,000		10,000	25,705	38.9%
Cemetery Charges for Services	10,886	14,313	8,809	95,465	9.2%
Recreation	883,031	989,071	945,210	1,415,701	66.8%
Other Service Revenue	17,687	31,815	19,322	151,702	12.7%
Library Fees	11,713	9,765	7,277	18,645	39.0%
Misc. Revenues	478,951	446,003	185,505	717,185	25.9%
Interfund Transactions (Admin)	979,332	1,004,922	1,004,922	2,724,847	36.9%
Special Revenues & Resources	51,777	33,109	3,202,053	2,938,857	109.0%
Total 011 GENERAL FUND	18,874,960	18,743,263	21,860,025	33,154,563	65.9%
012 QUINNS RECREATION COMPLEX					
County/SP District Revenue			10,300	10,300	100.0%
Recreation	4,043	1,791	409	3,359	12.2%
Ice	430,897	462,847	248,365	612,867	40.5%
Misc. Revenues	-176	3,676	86	847	10.1%
Total 012 QUINNS RECREATION COMPLEX	434,764	468,313	259,160	627,373	41.3%
023 LOWER PARK AVE RDA SPECIAL REVENUE FUND					
Property Taxes	2,658,040	3,826,051	3,370,920	4,252,000	79.3%
Total 023 LOWER PARK AVE RDA SPECIAL REVENUE FUND	2,658,040	3,826,051	3,370,920	4,252,000	79.3%
024 MAIN STREET RDA SPECIAL REVENUE FUND					
Property Taxes	996,445	1,063,086	1,179,698	1,195,000	98.7%
Total 024 MAIN STREET RDA SPECIAL REVENUE FUND	996,445	1,063,086	1,179,698	1,195,000	98.7%
031 CAPITAL IMPROVEMENT FUND					
Sales Tax	1,579,718	1,993,796	1,718,871	6,569,128	26.2%
Planning Building & Engineering Fees	380,566	277,390	177,993	355,000	50.1%
State Revenue	150,481	245,275	164,655	421,005	39.1%

	Actuals FY 2019	Actuals FY 2020	Actuals FY 2021	Budget FY 2021	% of Budget FY 2021
County/SP District Revenue		1,991,263	380,713	2,030,000	18.8%
Transit Charges for Services				3,500,000	0.0%
Misc. Revenues	251,824	3,789,316	1,640,286	14,420,502	11.4%
Special Revenues & Resources	69,636	158,053	218,207	231,125	94.4%
Bond Proceeds				9,000,000	0.0%
Total 031 CAPITAL IMPROVEMENT FUND	2,432,224	8,455,092	4,300,725	36,526,760	11.7%
033 REDEVELOPMENT AGENCY-LOWER PRK					
Interfund Transactions (CIP/Debt)	820,560	1,046,268	1,546,266	3,092,532	50.0%
Total 033 REDEVELOPMENT AGENCY-LOWER PRK	820,560	1,046,268	1,546,266	3,092,532	50.0%
034 REDEVELOPMENT AGENCY-MAIN ST					
Interfund Transactions (CIP/Debt)	376,002	345,000	349,998	700,000	50.0%
Total 034 REDEVELOPMENT AGENCY-MAIN ST	376,002	345,000	349,998	700,000	50.0%
038 EQUIPMENT REPLACEMENT CIP					
Interfund Transactions (CIP/Debt)	536,850	642,798	657,798	1,315,600	50.0%
Total 038 EQUIPMENT REPLACEMENT CIP	536,850	642,798	657,798	1,315,600	50.0%
051 WATER FUND					
Planning Building & Engineering Fees	1,194,564	1,239,604	720,069	1,183,938	60.8%
Water Charges for Services	10,164,742	9,461,161	11,040,138	19,889,201	55.5%
Total 051 WATER FUND	11,359,306	10,700,765	11,760,208	21,073,139	55.8%
052 STORM WATER FUND					
Water Charges for Services	652,085	680,306	487,176	2,000,000	24.4%
Total 052 STORM WATER FUND	652,085	680,306	487,176	2,000,000	24.4%
055 GOLF COURSE FUND					
Recreation	1,039,255	1,031,505	1,296,367	1,337,137	97.0%
Misc. Revenues	537	2,881	5,346	40,748	13.1%
Interfund Transactions (CIP/Debt)	12,498	12,498	12,498	25,000	50.0%
Total 055 GOLF COURSE FUND	1,052,290	1,046,884	1,314,211	1,402,885	93.7%
057 TRANSPORTATION & PARKING FUND					
Sales Tax	1,274,145	1,912,492	1,862,619	4,566,595	40.8%
Licenses	888,618	905,864	877,085	656,289	133.6%
Federal Revenue		88,436	4,811,261	3,585,800	134.2%
Transit Charges for Services	2,320,164	263,863	760,557	5,866,000	13.0%
Misc. Revenues	49,219	54,714	94,901	288,410	32.9%
Special Revenues & Resources	130,349	73,998	241,971	402,002	60.2%

	Actuals FY 2019	Actuals FY 2020	Actuals FY 2021	Budget FY 2021	% of Budget FY 2021
Total 057 TRANSPORTATION & PARKING FUND	4,662,494	3,299,368	8,648,394	15,365,096	56.3%
058 PARKING FUND					
Fines & Forfeitures		1,189,886	119,463	2,603,364	4.6%
Total 058 PARKING FUND		1,189,886	119,463	2,603,364	4.6%
062 FLEET SERVICES FUND					
Interfund Transactions (Admin)	1,282,508	1,474,500	1,362,498	2,725,000	50.0%
Total 062 FLEET SERVICES FUND	1,282,508	1,474,500	1,362,498	2,725,000	50.0%
064 SELF INSURANCE FUND					
Interfund Transactions (Admin)	520,866	639,432	699,522	1,399,043	50.0%
Total 064 SELF INSURANCE FUND	520,866	639,432	699,522	1,399,043	50.0%
070 SALES TAX REV BOND - DEBT SVS FUND					
Interfund Transactions (Admin)	80,850	81,240	11,250	22,495	50.0%
Interfund Transactions (CIP/Debt)	2,429,382	3,628,422	3,704,964	7,409,946	50.0%
Total 070 SALES TAX REV BOND - DEBT SVS FUND	2,510,232	3,709,662	3,716,214	7,432,441	100.0%
071 DEBT SERVICE FUND					
Property Taxes	6,036,374	9,281,384	9,506,281	9,518,281	99.9%
Misc. Revenues	24,846	22,464	262	39,366	0.7%
Total 071 DEBT SERVICE FUND	6,061,220	9,303,848	9,506,543	9,557,647	99.5%
TOTAL	55,230,846	66,634,521	71,138,819	144,422,443	49.3%

FY21 – November Sales Tax Update
PARK CITY
1884

1

General Fund
PARK CITY
1884

2

Sales Tax Summary – General Fund

General Fund - Sales Tax Summary - Monthly					
Month	FY19 Actual	FY20 Actual	FY20 Revised Budget	FY21 Budget (Adopted Oct. 2020)	FY21 Actual
July	$712,817	$890,546	$890,546	$592,130	$749,209
August	$641,769	$839,320	$839,320	$569,130	$758,823
September	$662,379	$912,173	$912,173	$587,277	$967,342
October	$470,853	$715,887	$715,887	$396,792	$717,245
November	$705,655	$820,365	$820,365	$667,118	$1,126,813
December	$1,430,945	$1,877,541	$1,877,541	$951,823	
January	$1,662,279	$2,167,578	$2,167,579	$1,155,948	
February	$1,559,218	$1,936,051	$2,020,291	$1,093,269	
March	$1,874,301	$1,292,639	$926,264	$1,090,252	
April	$449,321	$368,103	$117,143	$478,608	
May	$521,734	$391,036	$76,661	$513,445	
June	$678,400	$633,760	$159,307	$632,274	
Total	**$11,369,672**	**$12,845,001**	**$11,523,077**	**$8,728,066**	

Source: Park City Municipal Corporation. As of January 25, 2021.

3

Sales Tax Summary – General Fund

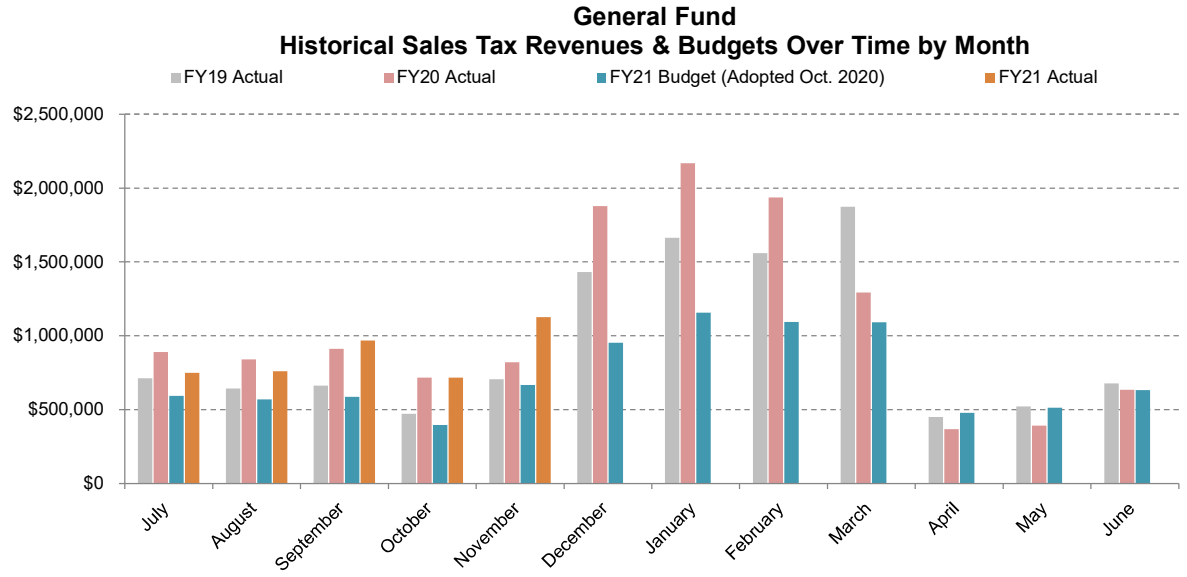
General Fund - Sales Tax Summary - $ Change					
Month	FY20 Actual vs. FY19 Actual	FY20 Actual vs. FY20 Revised Budget	FY21 Actual vs. FY19 Actual	FY21 Actual vs. FY20 Actual	FY21 Actual vs. FY21 Budget (Adopted Oct. 2020)
July	$177,729	$0	$36,391	($141,337)	$157,079
August	$197,551	$0	$117,054	($80,497)	$189,693
September	$249,794	$0	$304,963	$55,169	$380,065
October	$245,034	$0	$246,392	$1,358	$320,453
November	$114,710	$0	$421,158	$306,448	$459,696
December	$446,596	$0			
January	$505,300	($0)			
February	$376,833	($84,239)			
March	($581,662)	$366,376			
April	($81,218)	$250,960			
May	($130,698)	$314,375			
June	($44,640)	$474,453			
Total	**$1,475,329**	**$1,321,924**	**$1,125,958**	**$141,140**	**$1,506,986**

General Fund - Sales Tax Summary - % Change					
Month	FY20 Actual vs. FY19 Actual	FY20 Actual vs. FY20 Revised Budget	FY21 Actual vs. FY19 Actual	FY21 Actual vs. FY20 Actual	FY21 Actual vs. FY21 Budget (Adopted Oct. 2020)
July	25%	0%	5%	-16%	27%
August	31%	0%	18%	-10%	33%
September	38%	0%	46%	6%	65%
October	52%	0%	52%	0%	81%
November	16%	0%	60%	37%	69%
December	31%	0%			
January	30%	0%			
February	24%	-4%			
March	-31%	40%			
April	-18%	214%			
May	-25%	410%			
June	-7%	298%			
Total	**13%**	**11%**			

Source: Park City Municipal Corporation. As of January 25, 2021.

4

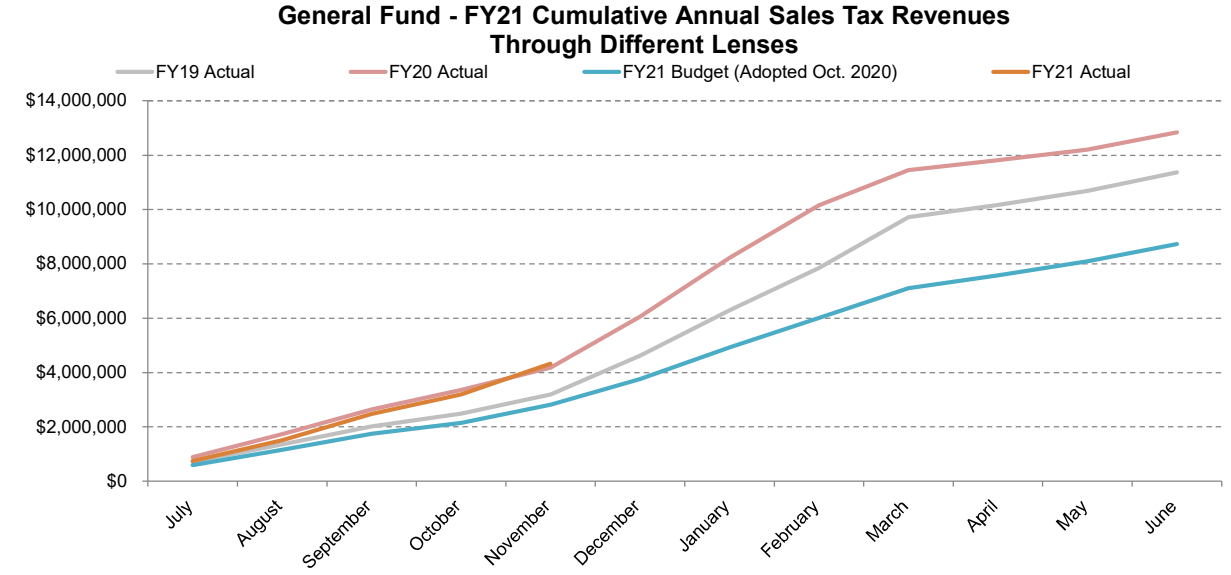
Sales Tax Summary – General Fund



Source: Park City Municipal Corporation. As of January 25, 2021.

5

Sales Tax Summary – General Fund

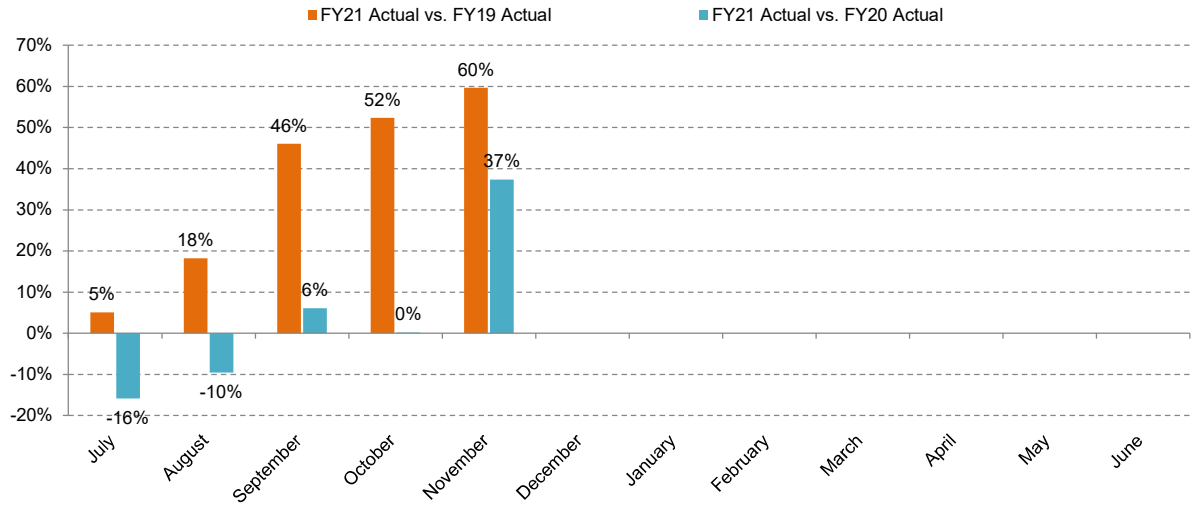


Source: Park City Municipal Corporation. As of January 25, 2021.

6

Sales Tax Summary – General Fund

General Fund
FY21 Sales Tax % Change from Previous Fiscal Years

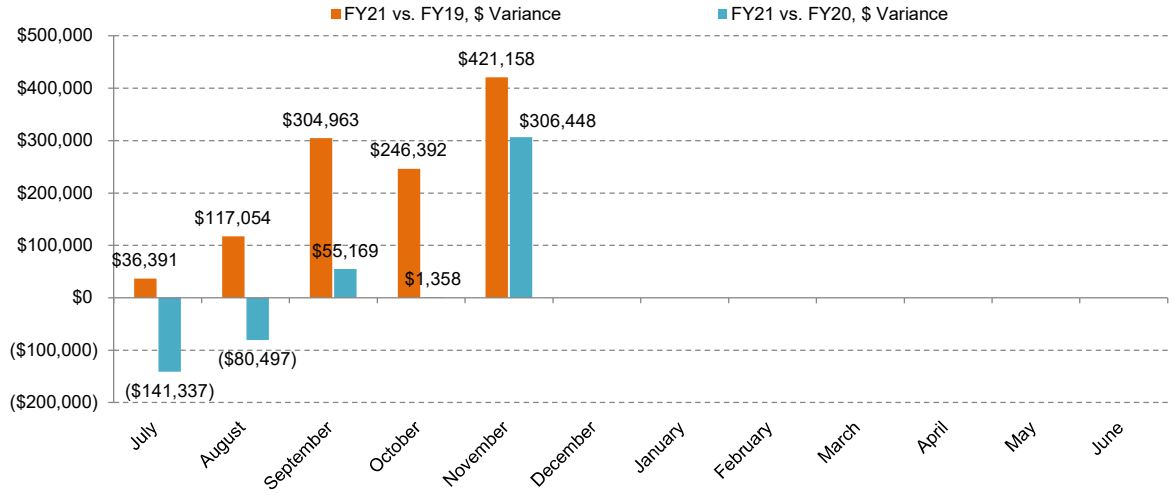


Source: Park City Municipal Corporation. As of January 25, 2021.

7

Sales Tax Summary – General Fund

General Fund
$ Change from Previous Fiscal Years

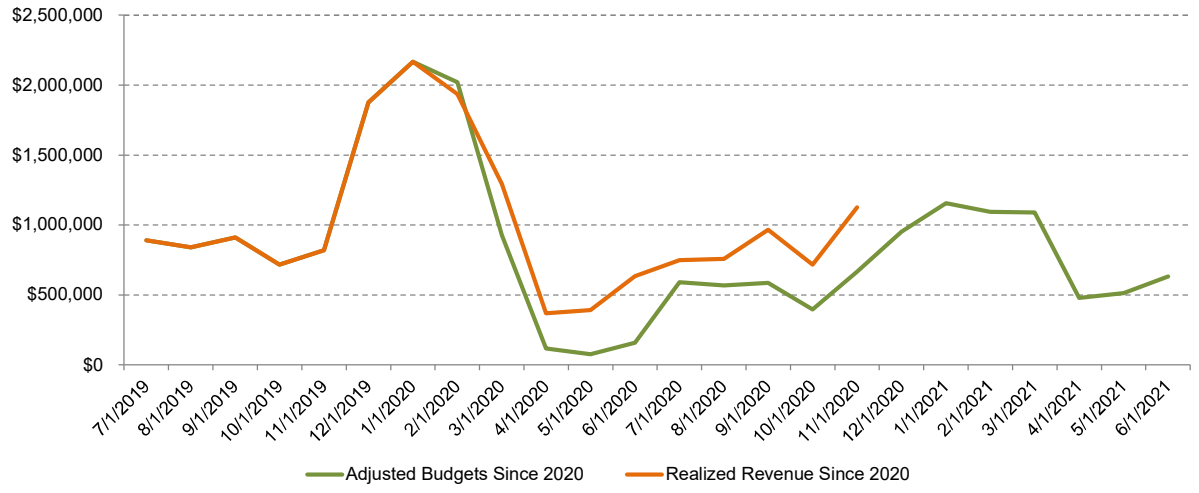


Source: Park City Municipal Corporation. As of January 25, 2021.

8

Sales Tax Summary – General Fund

General Fund - Sales Taxes
Original Budgets, Adjusted Budgets and Realized Revenue Since FY20



Source: Park City Municipal Corporation. As of January 25, 2021.

9

10

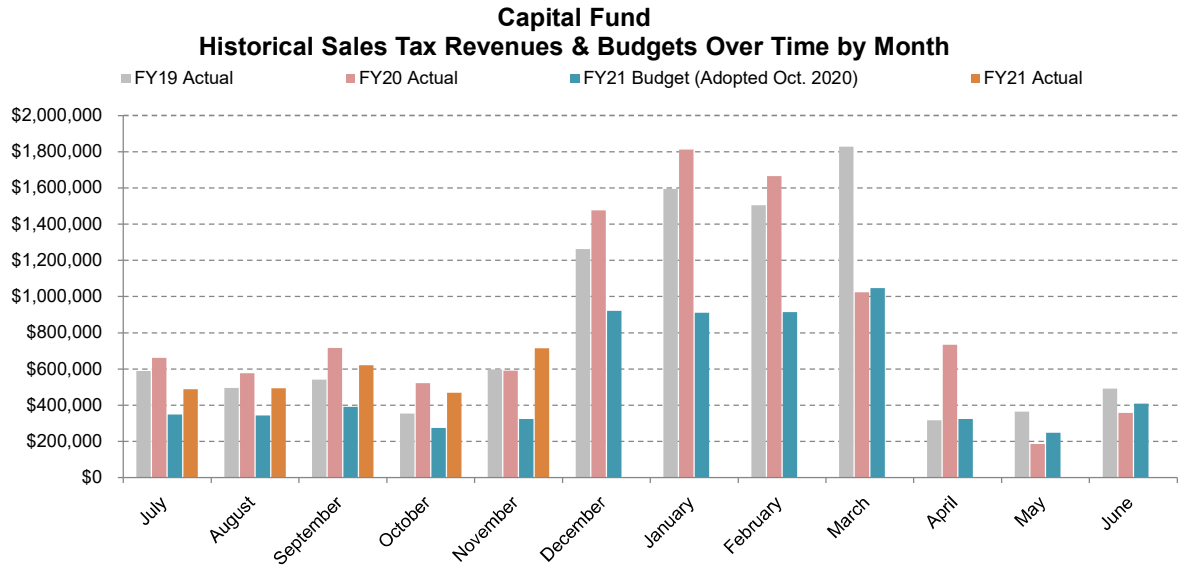
Sales Tax Summary – Capital Fund

Capital Fund - Sales Tax Summary - Monthly				
Month	FY19 Actual	FY20 Actual	FY21 Budget (Adopted Oct. 2020)	FY21 Actual
July	$588,564	$661,724	$349,121	$487,778
August	$494,894	$576,198	$343,560	$493,779
September	$541,422	$715,405	$390,073	$620,225
October	$353,819	$521,668	$273,572	$468,860
November	$597,310	$590,681	$323,013	$713,655
December	$1,261,805	$1,476,015	$921,876	
January	$1,595,334	$1,812,295	$911,358	
February	$1,504,837	$1,665,664	$913,518	
March	$1,827,726	$1,022,988	$1,046,362	
April	$316,906	$734,482	$323,282	
May	$363,774	$186,204	$248,089	
June	$492,378	$357,492	$407,603	
Total	**$9,938,768**	**$10,320,817**	**$6,451,427**	

Source: Park City Municipal Corporation. As of January 25, 2021.

11

Sales Tax Summary – Capital Fund

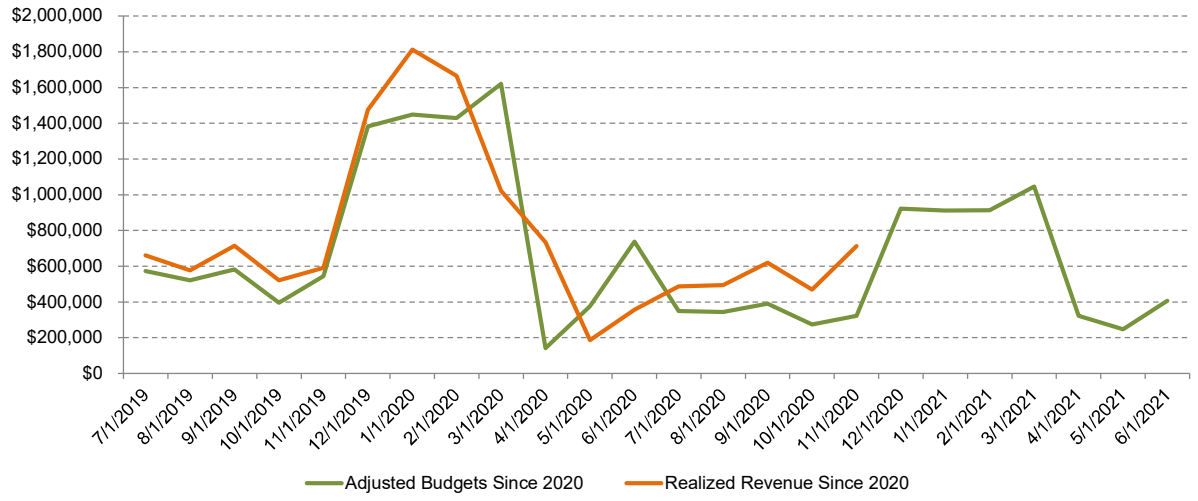


Source: Park City Municipal Corporation. As of January 25, 2021.

12

Sales Tax Summary – Capital Fund

Capital Fund - Sales Taxes
Original Budgets, Adjusted Budgets and Realized Revenue Since FY20



Source: Park City Municipal Corporation. As of January 25, 2021.

13

Sales Tax Summary – Transient Room Tax

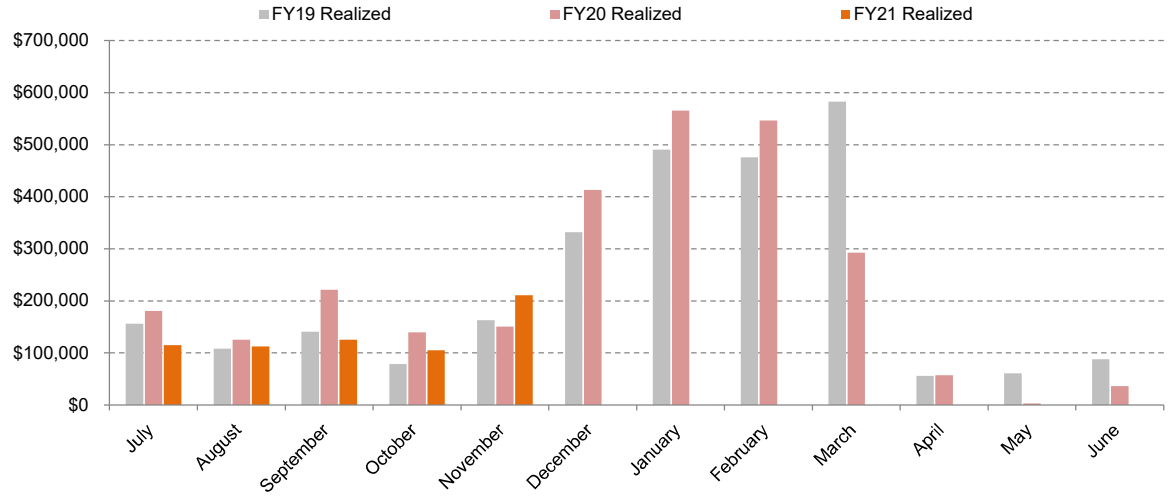
Transient Room Tax							
Monthly	**FY19 Realized**	**FY20 Realized**	**FY21 Realized**	**FY21 vs. FY19, $ Variance**	**FY21 vs. FY20, $ Variance**	**FY21 vs. FY19, % Variance**	**FY21 vs. FY20, % Variance**
July	$155,919	$180,669	$114,918	($41,001)	($65,751)	-26%	-36%
August	$108,460	$125,677	$112,872	$4,412	($12,804)	4%	-10%
September	$140,971	$221,639	$125,348	($15,623)	($96,291)	-11%	-43%
October	$78,769	$139,424	$104,921	$26,152	($34,503)	33%	-25%
November	$163,248	$150,563	$210,795	$47,547	$60,232	29%	40%
December	$332,107	$412,832					
January	$490,668	$565,442					
February	$475,570	$546,738					
March	$582,847	$292,669					
April	$55,730	$57,016					
May	$60,892	$3,114					
June	$87,903	$36,423					
Total	**$2,733,084**	**$2,732,205**	**$668,855**	**$21,488**	**($149,116)**		

Source: Park City Municipal Corporation. As of January 25, 2021.

14

Sales Tax Summary – Transient Room Tax

Transient Room Tax
Historical Revenues Over Time by Month

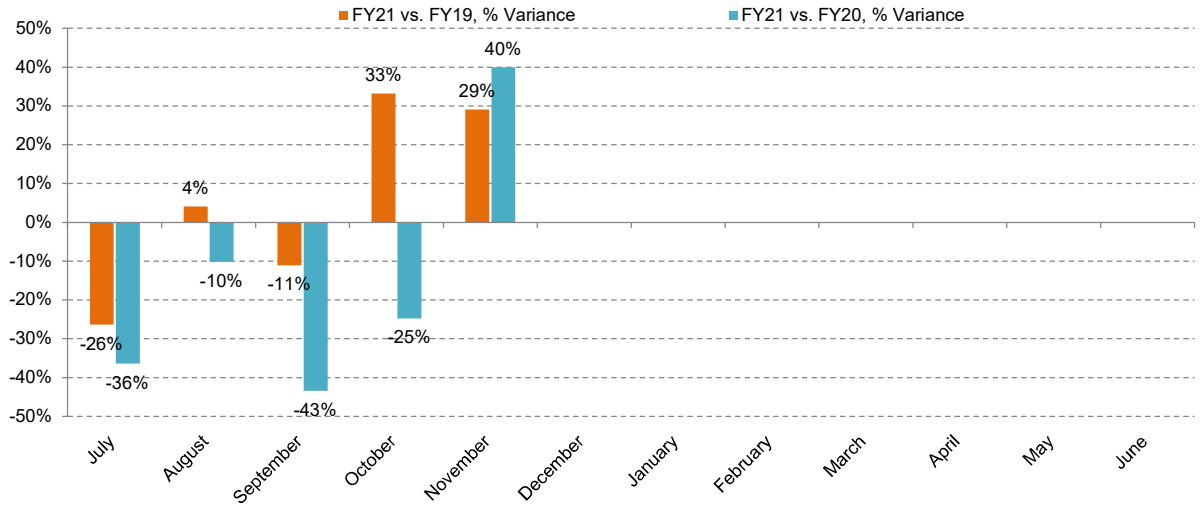


Source: Park City Municipal Corporation. As of January 25, 2021.

15

Sales Tax Summary – Transient Room Tax

Transient Room Tax
% Change from Previous Fiscal Years

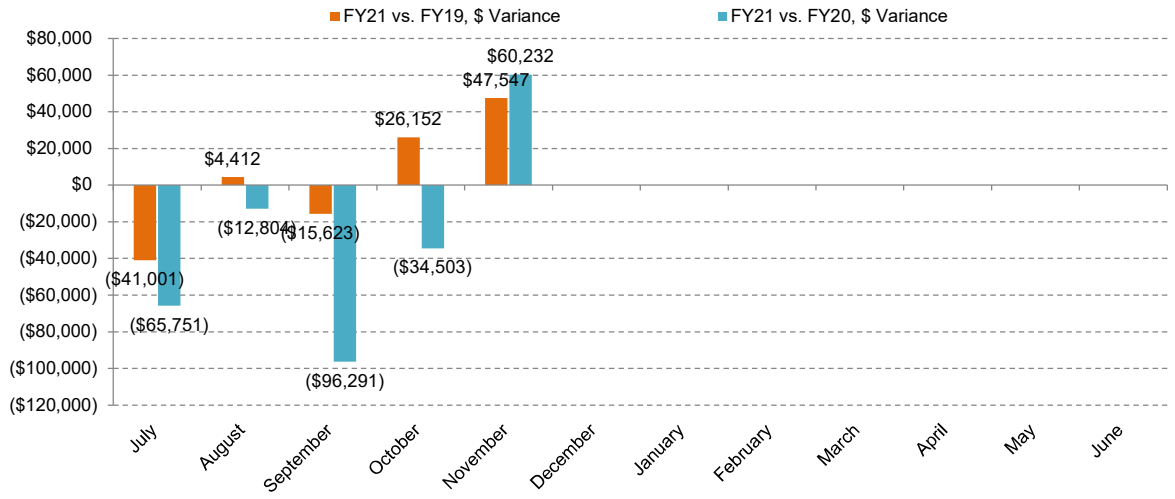


Source: Park City Municipal Corporation. As of January 25, 2021.

16

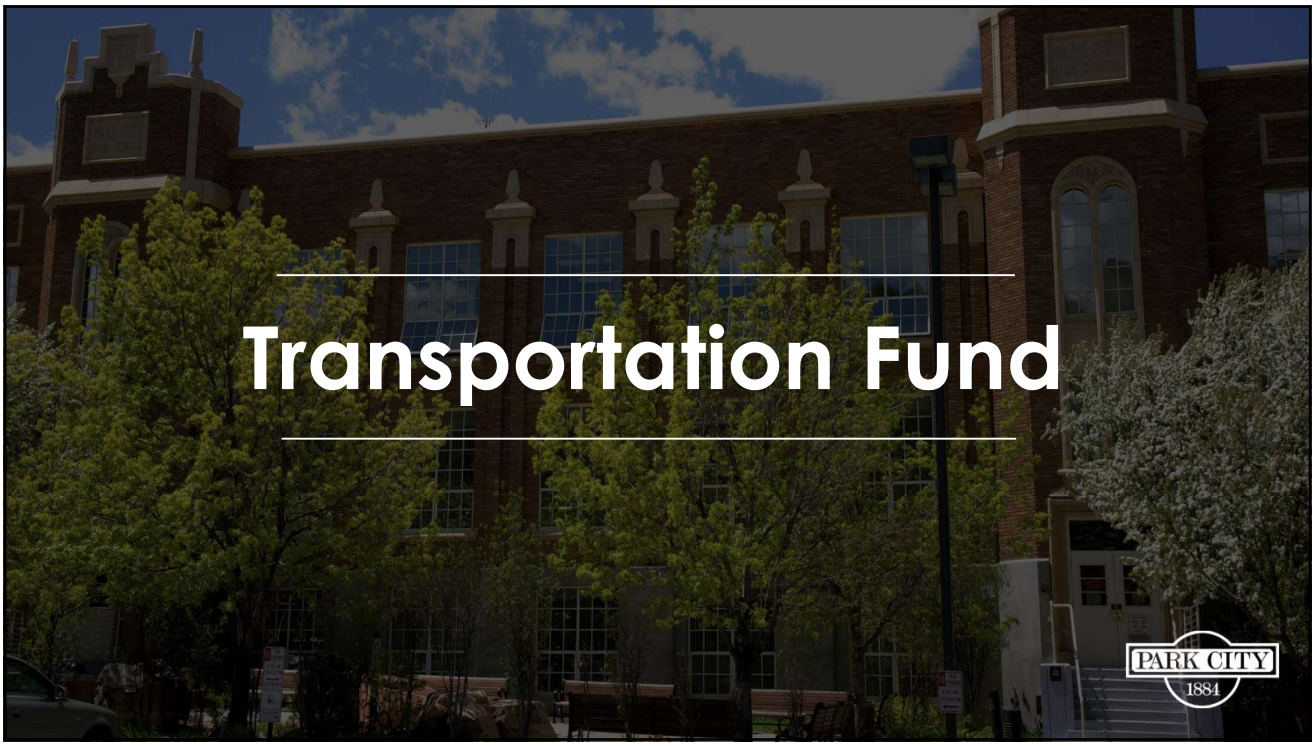
Sales Tax Summary – Transient Room Tax

Transient Room Tax
$ Change from Previous Fiscal Years



Source: Park City Municipal Corporation. As of January 25, 2021.

17



18

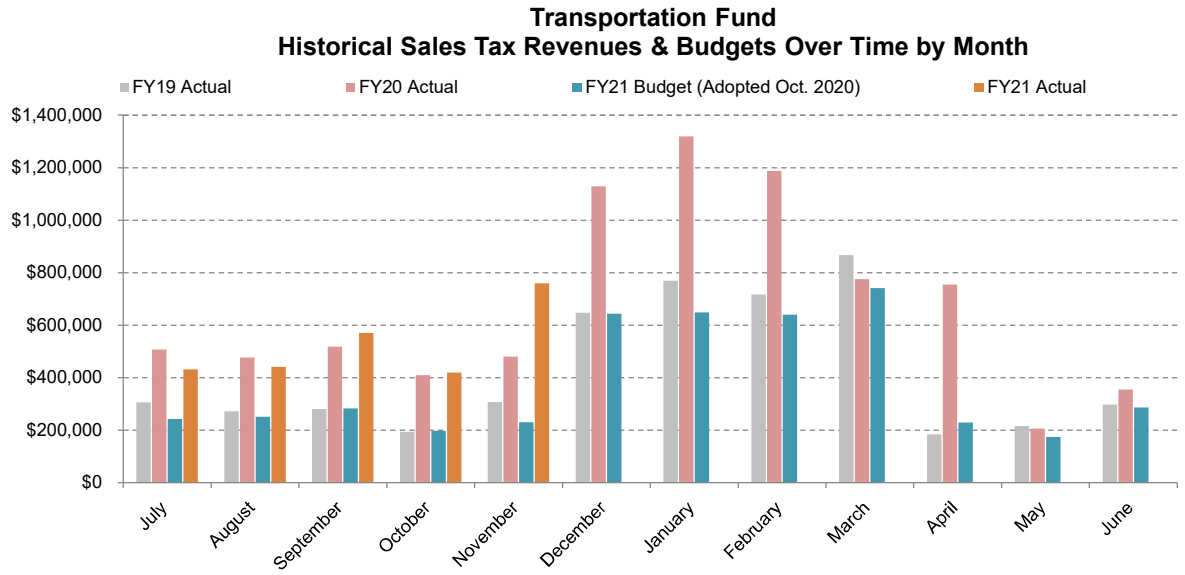
Sales Tax Summary – Transportation Fund

Transportation Fund - Sales Tax Summary - Monthly				
Month	FY19 Actual	FY20 Actual	FY21 Budget (Adopted Oct. 2020)	FY21 Actual
July	$305,684	$507,735	$243,153	$431,048
August	$271,205	$476,867	$250,505	$441,580
September	$280,908	$517,995	$282,223	$570,321
October	$193,841	$409,895	$197,601	$419,670
November	$307,477	$480,163	$229,840	$759,894
December	$647,190	$1,129,662	$644,181	
January	$769,683	$1,319,546	$648,768	
February	$716,852	$1,187,380	$639,892	
March	$867,347	$775,863	$741,053	
April	$183,990	$755,198	$229,233	
May	$215,527	$206,318	$173,692	
June	$296,928	$354,592	$286,553	
Total	**$5,056,631**	**$8,121,215**	**$4,566,695**	

Source: Park City Municipal Corporation. As of January 25, 2021.

19

Sales Tax Summary – Transportation Fund

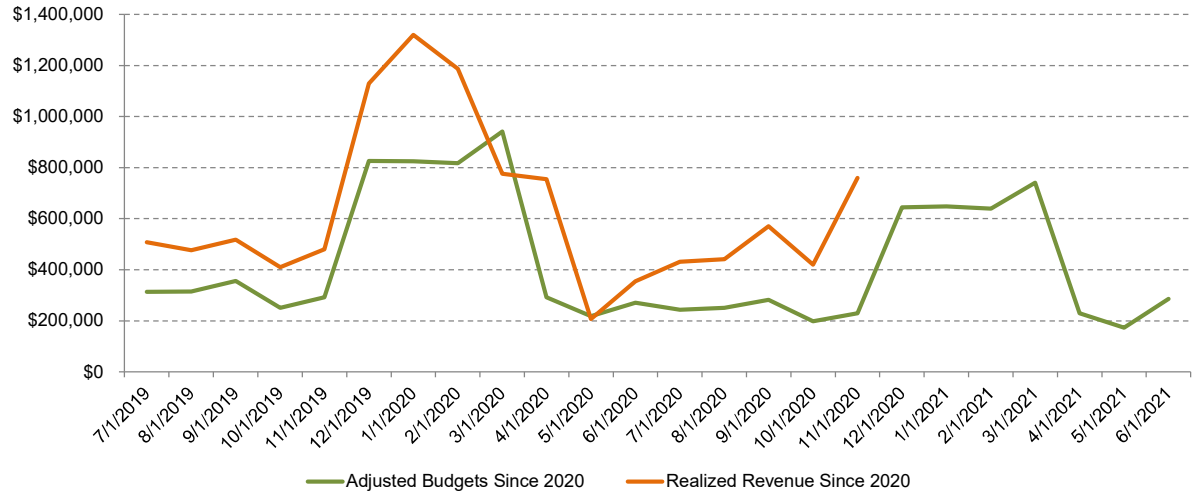


Source: Park City Municipal Corporation. As of January 25, 2021.

20

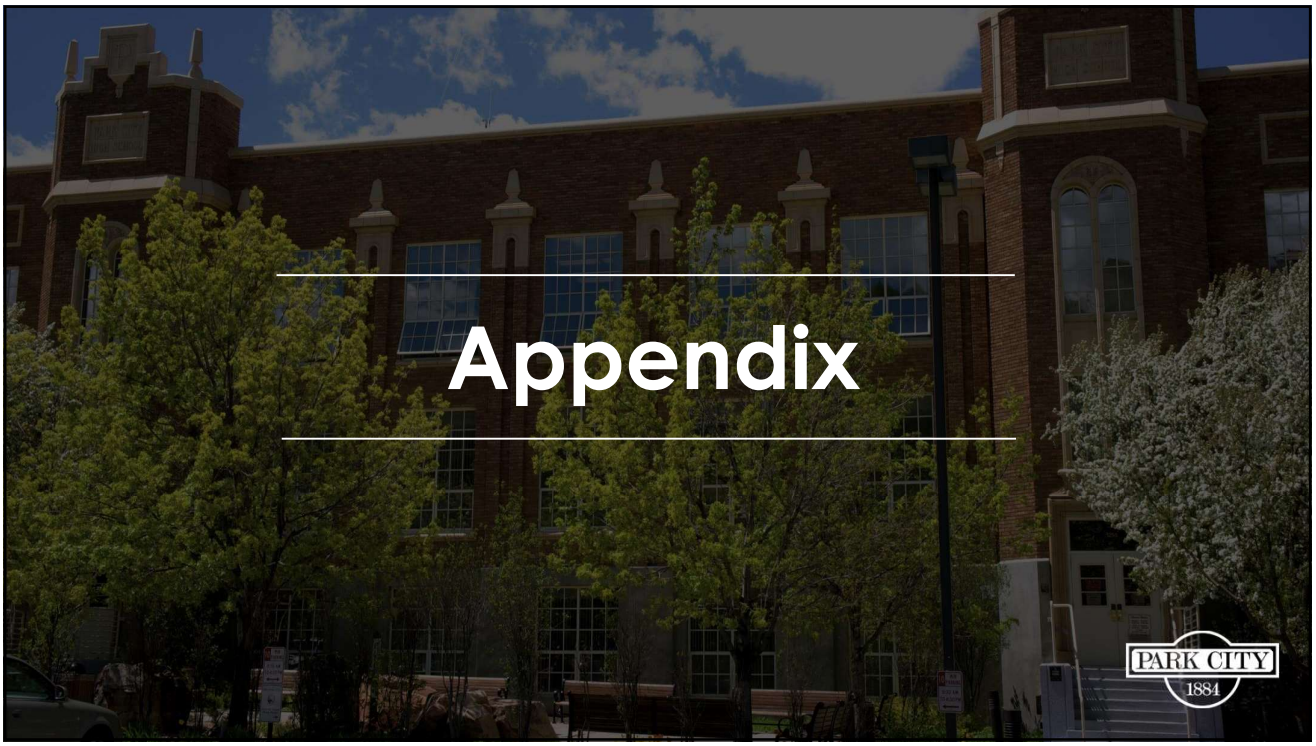
Sales Tax Summary – Transportation Fund

Transportation Fund - Sales Taxes
Original Budgets, Adjusted Budgets and Realized Revenue Since FY20



Source: Park City Municipal Corporation. As of January 25, 2021.

21



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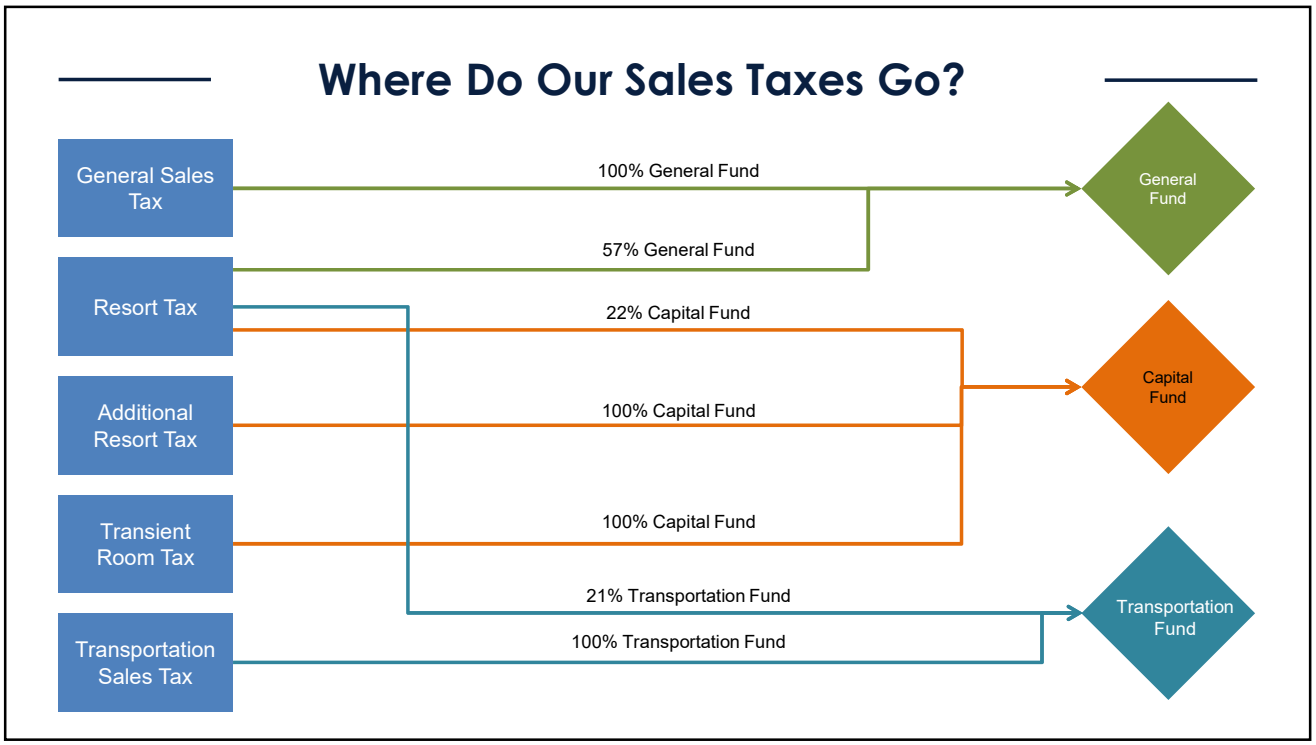
Where Do Our Sales Taxes Go?
General Sales Tax
Resort Tax
Additional Resort Tax
Transient Room Tax
Transportation Sales Tax
100% General Fund
57% General Fund
22% Capital Fund
100% Capital Fund
100% Capital Fund
21% Transportation Fund
100% Transportation Fund
General Fund
Capital Fund
Transportation Fund

23

Council Agenda Item Report

Meeting Date: February 4, 2021
Submitted by: Ken Fisher
Submitting Department: Recreation
Item Type: Staff Report
Agenda Section:

Subject:
Recreation Department Operational Update

Suggested Action:

Attachments:
Recreation Department - COVID Update Staff Report

City Council
Staff Communications Report

Subject: Recreation COVID Update
Author: Ken Fisher, Recreation Director
Department: Recreation
Date: February 4, 2021

The first six months of FY21 has presented many challenges to the Recreation Department. This past summer and thru the first half of FY21, we have operated programs with program specific COVID protocols developed by the Recreation Team. These protocols ensured compliance with various health orders and enabled the City to offer multiple recreation programs for the community in a safe manner.

The Recreation Department includes three separate operating budgets; Recreation Programs, PC MARC, and Tennis. The three combined revenue budgets for FY21 decreased by $51,594 when compared to FY20. Expenses were also reduced by $115,267 during July through December when compared to the same period of FY20 to FY21. The result is that through December, the Recreation Department is tracking at a 68.66% cost recovery, which is the highest cost recovery rate experienced the last several years.

FY 20 July - Dec 2019			
	Expenses	Revenue	Cost Recovery
Recreation	$343,977	$77,602	22.56%
Tennis	$468,483	$473,475	101.07%
PC MARC	$687,222	$451,077	65.64%
Total	$1,499,682	$1,002,154	66.82%

FY 21 July - Dec 2020			
	Expenses	Revenue	Cost Recovery
Recreation	$345,305	$65,146	18.87%
Tennis	$445,907	$561,305	125.88%
PC MARC	$593,203	$324,109	54.64%
Total	$1,384,415	$950,560	68.66%

PC MARC
When looking at the reduction in expenses, a vast majority was achieved in our personnel budget. The personnel budget was reduced by $67,000, with more than half of the reduction due to fewer group fitness offerings.

From July through October, we held group fitness classes outside at various park locations. Classes were well attended by patrons but still far less than normal due to COVID precautions. This winter, all fitness classes have been held virtually via Zoom.

These have been successful and continue to grow in popularity. We have also witnessed several participants from locations outside Summit County.

Other areas with reduced operating expenses include utilities ($14,000) and materials & supplies ($12,000). The utility reduction could be due to the billing cycle and the timing of when the invoices are processed.

For the first six months of the fiscal year, the PC MARC (not including tennis) has a decreased revenue of $109,000. The majority of the reduction is in facility usage and classes, which is down over $140,000. The good news is that we have had significant revenue increases in swim revenue ($24,600) & pickleball fees ($10,400).

PC MARC Expense	2019	2020	$ Change
Personnel	$516,855	$449,853	($67,002)
Materials & Supplies	$27,918	$16,201	($11,717)
Utilities	$64,286	$50,121	($14,165)
Contract Services	$30,321	$28,395	($1,926)
Parts/Maint Supplies	$21,042	$18,864	($2,178)
Misc Charges	$22,300	$25,561	$3,261
Capital	$0	$458	$458
Interfund Transfer	$4,500	$3,750	($750)
Total	$687,222	$593,203	($94,019)

PC MARC Revenue Comparison July thru December			
	2019	2020	$ Change
Facility Rental	$3,678	$3,760	$82
Facility Usage	$377,510	$245,073	($132,437)
Classes	$27,203	$18,758	($8,445)
Child Care	$629	$0	($629)
FC Senior Programs	$7,198	$4,152	($3,046)
Pickleball Court Fees	$16,236	$20,412	$4,176
Pickleball Lessons	$0	$6,257	$6,257
Swim Fees	$8,300	$32,948	$24,648
Aerobics	$7,457	$3,502	($3,955)
Locker Rental	$193	$239	$46
Vending Commission	$1,314	$6,813	$5,499
Party Room	$1,360	$13	($1,347)
Total	$451,078	$341,927	($109,151)

Tennis

Tennis is on pace to have a record year in FY21. Tennis is an activity that patrons feel comfortable participating in during the pandemic since it is naturally socially distanced. The tennis boom we are experiencing is unprecedented since the City has operated the MARC. The increased tennis participation has also resulted in expanded Pro Shop

sales as patrons need racquets re-strung and are purchasing new racquets and other merchandise.

The challenge is the limited availability for court time, as patrons are looking for both instruction or court time for open play. If you want to play tennis, it takes advanced planning, and even then, you need to plan seven days in advance. Historically, the tennis courts had been underutilized on weekends and some evenings, but there is limited availability given the increase in demand.

The unused tennis court time has been allocated to pickleball, which is also experiencing rapid growth. Due to the demand for tennis courts, we have limited availability for pickleball.

Expenses for tennis are down $22,500 thru December. The majority of the reduction ($27,000) is in personnel as there are fewer active tennis pros than in past years.

Revenue for tennis has increased in all areas for a total increase of $88,099 during the same timeframe compared to last year. The increased demand for tennis lessons has also been significant.

Tennis Expense	2019	2020	$ Change
Personnel	$408,478	$381,280	($27,198)
Materials & Supplies	$3,944	$3,475	($469)
Utilities	$436	$341	($95)
Contract Services	$963	$285	($678)
Parts/Maint Supplies	$54,662	$60,527	$5,865
Misc Charges	$0	$0	$0
Capital	$0	$0	$0
Total	$468,483	$445,908	($22,575)

Tennis Revenue Comparison thru Dec			
	2019	2020	$ Change
Tennis League	$15,732	$23,955	$8,223
Tennis Court Fees	$90,587	$98,730	$8,143
Tennis Lessons	$311,283	$370,376	$59,093
Retail Sales	$55,604	$68,244	$12,640
Total	$473,206	$561,305	$88,099

Recreation

The recreation budget includes recreational activities outside of the PC MARC. Our expense budget for FY21 is tracking with FY20 while revenue is down $30,000. The decrease is due to the timing of the fiscal year as it splits the summer in half. For example, camp revenue is down $20,700 due to fees collected in FY20 due to COVID.

Recreation Expense	2019	2020	$ Change
Personnel	$305,510	$321,567	$16,057
Materials & Supplies	$4,107	$1,322	($2,785)
Utilities	$0	$0	$0
Contract Services	$4,000	$7,603	$3,603
Parts/Maint Supplies	$30,360	$14,531	($15,829)
Misc Charges	$0	$12	$12
Capital	$0	$0	$0
Total	$343,977	$345,035	$1,058

Recreation Revenue Comparison July thru December			
	2019	2020	$ Change
Cemetery Burials	$8,170	$4,450	($3,720)
Cemetery Lots	$4,100	$900	($3,200)
Camps	$40,091	$19,403	($20,688)
League Adult	$16,571	$12,543	($4,028)
Leagues Youth	$0	$450	$450
Park reservations	$4,955	$6,627	$1,672
Tournaments	$1,630	$2,714	$1,084
Field Rental	$3,756	$2,015	($1,741)
Total	$79,273	$49,102	($30,171)

All programs, camps, and leagues ran smoothly due to the recreation team's hard work and dedication over this past summer. We had increased demand for instructional programming and small group activities such as youth and adult mountain biking, archery, and fishing.

This summer, the department plans to continue offering quality, well-run programs in compliance with current health guidelines. The recreation team anticipates demand for outdoor activities such as aquatics, tennis, mountain biking, fitness, and camps.

The past eleven months have been a challenge that the recreation team has taken on. The department has adapted operational plans, developed new programming, offered and delivered programs in ways that were not even considered before COVID.

Council Agenda Item Report

Meeting Date: February 4, 2021
Submitted by: Michelle Kellogg
Submitting Department: Executive
Item Type: Minutes
Agenda Section:

Subject:
Consideration to Approve the City Council Meeting Minutes from January 21, 2021

Suggested Action:

Attachments:
January 21, 2021 Minutes

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

January 21, 2021

The Council of Park City, Summit County, Utah, met in open meeting on January 21, 2021, at 4:15 p.m. The meeting was a remote, electronic meeting due to the declared public health emergency.

Mayor Beerman read the Determination of Substantial Health and Safety Risk.

Council Member Joyce moved to close the meeting to discuss litigation and advice of counsel at 4:15 p.m. Council Member Doilney seconded the motion.

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

CLOSED SESSION

Council Member Gerber moved to adjourn from Closed Meeting at 4:55 p.m. Council Member Doilney seconded the motion.

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

WORK SESSION

Park City Arts and Culture District – Follow Up Discussion:
Mayor Beerman stated this discussion would focus on transportation as it related to the Arts and Culture District, and the next meeting would focus on housing. He also indicated the Council retreat would be moved to March or April.

David Everitt, Deputy City Manager, stated staff worked on transit for this site and designated it as a Transit node although he knew Council thought of the site as a Transit hub. He indicated the district would not be a stop for every bus line, but the focus of the district would be the destination experience once the passengers arrived. There were several transit constraints with the parcel. He noted the Fresh Market stop was a better location for a hub outside of the Old Town Transit Center.

Council Member Henney asked how staff determined the site would be a node instead of a hub. Sarah Pearce, Deputy City Manager, and Jerry Benson, Transit Consultant, weighed in on the topic. Pearce stated the project had changed a lot in the past two years as the team studied what would and wouldn't work in the district. There was also more knowledge with regard to SR-248, PEG Development construction at the Park City Mountain Resort (PCMR) base, bus rapid transit (BRT) on SR-224, the Deer Valley project, potential aerial connections, etc., so staff realized there needed to be a shift in the design to accommodate these factors. Benson stated he looked at all these changes and studied how this would be a hub and work with the access constraints. He determined having this site as a hub would slow down traffic and transit. He worked with staff and they determined Transit could provide good service to the site as well as to the resorts, and the current plans were best for this site. He felt good about this solution considering the current and future projects in the area.

Council Member Worel asked if there were national or local projections on how long it would take for people to be comfortable using public transportation after the pandemic. Benson stated people were concerned about safety, but once they felt comfortable gathering in groups they would begin using transit. Council Member Doilney stated Fresh Market was the most used Transit stop, and he liked the nodal plan for the district. He stated this plan would meet the City's needs now and could be adjusted to meet its needs in the future.

Council Member Henney asked about ridership trends. Pearce indicated ridership increased as employees were hired for the resorts this winter. Total ridership was down 50% from last winter, but the routes were reduced as a result of budget cuts, which somewhat affected that figure. Council Member Henney favored the less costly and more efficient plan. Council Member Worel asked if a new traffic study would be needed for the updated plan. Everitt didn't think the bus count would be very different. Benson stated the bus movements were already captured in the original study.

Council Member Joyce thought the new design was right, but he didn't think anything was being done to make a fundamental change in traffic. He wondered if Transit should not be promoted as part of the Arts and Culture District. Everitt stated Transit would be an integral part of the district. Council Member Joyce stated Transit at the district was originally promoted as a hub and as a way to make progress in getting people out of cars. Now, it would not have the proportional impact on traffic. Everitt estimated the mixed use aspect of the district would promote a 7% drop in traffic. Mayor Beerman stated this plan was not what Council hoped it would be, but it was car optional and would meet the City's ideals. The plan would enhance the Transit system without the major infrastructure that was initially proposed. Council Member Joyce stated the community's top priority was traffic, and he hoped this district would reflect that priority. The current design did not tackle the number one priority. Everitt stated that in the end, this was an arts and culture district first.

Council Member Doilney stated this was not the place to fix everything, but he liked the proposed direction for the district. Council Member Gerber agreed and noted moving people out of cars was a big task. She thought it made sense to leave flexibility in the Transit system. Council Member Joyce indicated that the project would drain most of the City's capital project dollars, so he hoped for a bigger Transit impact with the funds. Council Member Gerber stated most transportation projects were in partnerships with UDOT, so this project would not drain all resources away from Transit. Council Member Henney reviewed the history of the property and how it evolved to an arts and culture district. He supported the project for community benefit, but he questioned the $100 million price tag and asked what percentage of the overall cost related to Transit. Everitt stated the current proposal was 10%-15% of the overall cost, but the underground Transit option would cost an extra $12-$15 million.

Council Member Doilney was comfortable with the current Transit plan. Council Member Worel stated the district was intended to be a very vibrant community center, and asked for a future discussion regarding the capacity that the proposed Transit plan would be able to handle considering the projected vibrancy. Pearce stated Transit would handle the district's occupancy levels and it would have flexibility that the underground proposal lacked. The Long Range and Short Range Transportation Plans would complement Transit at the district and would look at the bigger transportation goals.

The discussion continued in the regular meeting.

REGULAR MEETING

I) ROLL CALL

Attendee Name	Status
Mayor Andy Beerman Council Member Max Doilney Council Member Becca Gerber Council Member Tim Henney Council Member Steve Joyce Council Member Nann Worel Matt Dias, City Manager Mark Harrington, City Attorney Michelle Kellogg, City Recorder	Present via technology
None	Excused

<u>Arts and Culture District Discussion – Continued from Work Session:</u>
Council Member Worel liked the node model, but indicated it wasn't certain how the district would be programmed. She wanted to make sure there was capacity for Transit

to move people in and out. Mayor Beerman asked how the Transit node at the district would fit into the overall plan for the Arts and Culture district. Benson stated the Long Range Transportation Plan discussed how transportation fit together for the City. One project was just a piece of the system. There were key destinations in the City and as the long range plan was being restarted, there would be an evolution to provide more links so people would not have to drive cars. The Short Term Transportation Plan and Active Transportation Plans were also part of the process and would direct the actions needed to meet the long range goals. He stated much of the long range plan work had been done, but an update to the plan based on the 2020 visioning process was still needed. Pearce added the Walkability Plan would be another benefit for the site. Council Member Joyce stated the walkability project was not part of the district cost, so if it was promoted as part of the project, the cost should be included. He affirmed he understood this was a node and would never be a hub and also knew what would and would not be accomplished at the site. The Council members were clear on the current proposal.

Mayor Beerman noted Council wanted staff to explore public/private partnerships. He recommended a task force that would meet once or twice to delve into this discussion, and then present barriers and provide recommendations to Council. He requested that it include two Council members, Mountainlands Housing, private stakeholders, people with experience from other communities, and Housing Department staff. Council Members Doilney and Worel volunteered to be on the task force.

II) COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Council Questions and Comments:

Mayor Beerman noted the community lost several pillars recently: Carleen Riley, Bob O'Connor, former high school principal, and Bruce Erickson, Park City Planning Director and community volunteer. He offered condolences to their families and friends. He stated Erickson was part of the municipal family and he noted all his accomplishments with projects as well as mentoring staff. He also announced Planning Commissioner Sarah Hall had a baby girl.

Matt Dias related staff was heartbroken with Erickson's passing. He praised Erickson for his humility, wit, and caring for others. Council Member Henney stated Erickson volunteered at the Glenwood Cemetery and Recycle Utah because those were important to him. Council Member Gerber indicated Erickson helped her understand the Land Management Code when she was first elected to Council and she was grateful for him. She stated the community was better off for having him. She also stated O'Connor was at Treasure Mountain when she attended.

Council Member Worel stated she enjoyed working with Erickson over the last several years, and noted his patience and understanding. Council Member Doilney indicated

O'Connor always acknowledged him at high school and all three of these people had a knack for making people feel special. It was hard to lose them all in one week.

Council Member Henney indicated Jeff Jones at the County related the Census was completed as of December 31, 2020 and the information was being compiled. The response rate in 2020 was 43.1% versus a 31.4% response rate in 2010.

Council Member Joyce stated there was a shortage of vaccines and referred listeners to the Park Record article or the KPCW interview from this morning. He also noted the selling of surplus water resulted in a $140,000 payment to Park City from Weber Basin. Council Member Henney indicated this revenue helped keep water rates low for residents.

Council Member Gerber attended a Recycle Utah board meeting and noted they were waiting to see the Council decision on the Arts and Culture District so they knew when they would be moving.

Council Member Worel stated there were a lot of questions regarding waiting lists for receiving the vaccine and suggested residents 70 years old and above go to summitcountyhealth.org and select the link to register for a vaccine.

Council Member Doilney stated Amanda Gorman captured everyone's attention at the Presidential Inauguration. He felt she was an example of how art affected people and he realized the importance of the Arts and Culture District.

Mayor Beerman indicated he spoke to the Heber City Council at their Council retreat last week about lessons learned during rapid growth. He noted many were disappointed the Sundance Film Festival would not be in town this year, and encouraged people to watch some of the films online.

Staff Communication Report:

1. **FIS Freestyle World Cup at Deer Valley Event Update:**

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

Mayor Beerman opened the meeting for anyone who wished to comment or submit comments to the Council on items not included on the agenda. No comments were given. Mayor Beerman closed the public input portion of the meeting.

IV) CONSIDERATION OF MINUTES

Consideration to Approve the City Council Meeting Minutes from January 7, 2021:

Council Member Gerber moved to approve the City Council meeting minutes from January 7, 2021. Council Member Worel seconded the motion.

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

V) NEW BUSINESS

1. Consideration to Approve Resolution 02-2021, a Resolution Proclaiming February, 2021, as Children's Dental Health Month in Park City:

Dalia Gonzalez, Peoples Health Clinic Coordinator, reviewed that the purpose of Peoples Health Clinic was to provide health care to the uninsured. She noted this resolution would bring awareness to children's dental health by proclaiming February Children's Dental Health Month. She also indicated there would be a few events promoting dental health.

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

Council Member Worel moved to adopt Resolution 02-2021, a resolution proclaiming February, 2021, as Children's Dental Health Month in Park City. Council Member Henney seconded the motion.

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

2. Consideration to Approve Ordinance 2021-05, an Ordinance Amending Land Management Code § 15-3-3(C), Parking Area Lighting; § 15-3-4(C), Parking Garages and Structures; § 15-5-1, Architectural Review – Policy and Purpose; §15-5-5(J), Lighting; § 15-15-1, Definitions; and § 15-15-2, List of Defined Terms to Update the City's Outdoor Lighting Code:

Rebecca Ward and Liz Jackson, Planning Department, Celia Peterson, Sustainability Project Manager, and Eric Dekeyzer, Chair of Utah Dark Skies Association, presented this item. Jackson stated staff looked to Flagstaff, Arizona, for night sky protection initiatives. She reviewed Planning Commission requested a Night Sky ordinance be prioritized for the City. Staff performed community outreach and received really good feedback. One goal was to align with Summit County's Outdoor Lighting ordinance.

The Planning Commission forwarded a recommendation to the City Council with the following changes: to restrict Historic fixture exemptions to Historic Sites, to allow outdoor lights that exceed 12 feet in ridge line and steep slope areas with additional

shielding, to add language prohibiting property owners from replacing compliant lighting with non-compliant features, and to change the compliance timeline.

Ward stated there would not be amendments to recreation lighting since restrictions were already in place. There was some concern from the public on lighting at the Quinn's recreation area and that was being looked at. Referring to street lights, Ward stated the City policy exceeded the requirements in the proposed code and the Rocky Mountain Power streetlights could now be updated to mitigate impacts.

Public safety lighting amendments were made to exempt parking area lighting and residential properties from maximum Lumen constraints. Staff also exempted public trails lighting and doubled the allowed maximum Lumen regulations for muli-unit dwellings and non-residential properties. There was public input for seasonal lights and the City proposed lights be turned off by 11:00 p.m. Other restrictions distinguished seasonal lighting from year round string lights.

The compliance timeline was that all outdoor lighting installed after the effective date of the ordinance must conform, including site improvements, reconstruction, expansion, alteration, or modification of existing structures. Damaged nonconforming outdoor lighting must be replaced or repaired with compliant lighting. The Planning Commission proposed that for existing lighting, owners would be required to only replace light bulbs by December 31, 2024.

Council Member Gerber asked if homeowners could get lower wattage instead of updating the fixtures. Ward stated a clear glass fixture would need to be obscured. Council Member Worel stated she was concerned from a social equity standpoint, noting it could be costly to change out fixtures. Unless there was a grant program, the City would be taking a step backwards for social equity. Ward stated the ordinance would not apply to existing homes or those who could demonstrate a hardship for replacing the lightbulbs.

Council Member Doilney favored getting on the Dark Sky Cities list. He also supported Council Member Worel’s valid concern with social equity. Council Member Joyce agreed that this could be very costly. He was concerned about the gas stations, parking lots and ball fields because they glowed. He also thought the biggest light sources were granted exceptions, which didn't help. Council Member Gerber thought this ordinance was a first step, and after this progress, further restrictions could be implemented. She also suggested lighting that was better for wildlife as well as humans.

Council Member Henney agreed this was a good first step. He asked if the commenters' concerns were addressed. Jackson stated there was a virtual discussion and a good conversation took place. Council Member Henney supported the Planning Commission’s recommendations. He also noted retro fitting the Rocky Mountain Power

lights would result in significant improvements. Mayor Beerman favored the idea for a grant program to help with social equity. He was especially in favor of changing the Quinn's Junction recreation area lighting.

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

Dekeyzer stated there was a lot of Dark Sky momentum in Utah, including a proposal for a Dark Sky license plate. He hoped Park City would take a lead on this and be a model for the State.

Council Member Worel asked that staff return to discuss a grant program. Council Member Henney clarified existing lighting was not being required to change fixtures, but only light bulbs. He noted Summit Community Power Works had helped with grants for clean energy in the past.

Peterson stated Summit Community Power Works was active in the community and working with high school students. Also, some University of Utah students would be coming to assess City properties and recommend actions in the community. There were also Rocky Mountain Power programs available for people in multi-unit dwellings under 80% area median income (AMI) so they could receive help with energy saving solutions.

Council Member Joyce asked how this ordinance would be enforced outside the construction process. Ward stated staff would look at the business license process for commercial properties, the nightly rental business license process, and building inspections. Community outreach would be key.

Council Member Henney moved to approve Ordinance 2021-05, an ordinance amending Land Management Code § 15-3-3(C), Parking Area Lighting; § 15-3-4(C), Parking Garages and Structures; § 15-5-1, Architectural Review – Policy and Purpose; §15-5-5(J), Lighting; § 15-15-1, Definitions; and § 15-15-2, List of Defined Terms to update the City's Outdoor Lighting Code. Council Member Joyce seconded the motion.

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

3. Discuss 2021 Legislative Policy Platform:

Matt Dias, City Manager, reviewed the COVID-19 protocols for attending the Legislative Session. He stated the City increased its lobbyist resource from one to two lobbyists and he thought they would be effective because of their relationships with those in State office. He noted Chief Carpenter was the interim president for the Utah Police Chiefs Association and indicated this year there would be a lot of public safety bills.

Dias indicated there would be bills on homelessness, law enforcement, health, land use control, and the budget, and these would impact Park City. He stated the proposed protocols had been in place for the past several years to guide staff in the event that decisions needed to be made in between Council meetings.

Council Member Gerber stated there was concern of the closure of the local liquor store and some hoped the City could be an advocate in the area of liquor laws and the Department of Alcoholic Beverage Control (DABC). Dias indicated liquor laws would not be a focus during this session.

Council Member Worel stated in years past there was a protocol about legislation regarding the health and wellbeing of the community, and she wanted mental health to be added in the protocols. Dias stated the health and wellbeing verbiage was added a couple years ago and he would expand that to include mental health.

Council Member Henney indicated there was a discussion on accessory dwelling units by the County and asked if something had already passed. Dias stated because of the need for affordable housing, there was an assault on regulations on these units, and one bill stated an accessory dwelling unit could not be prohibited in any zone in the City. As a resort town, Council and staff wanted to plan the City in a way that worked for the unique community of Park City. This was a bill that was a priority for the State leadership, which was difficult for cities and towns. The City would need to be proactive by informing the community. Mayor Beerman noted this bill would evolve. Council Member Joyce hoped the bill would allow the City to manage those units. Dias stated management could be a compromise.

Council Member Joyce asked if the City was receiving applications for Planning Commission. Dias stated the City had received 13 applications, which was a good response. There was no deadline and residents were invited to apply. Council Member Joyce requested the process be expedited.

VI) ADJOURNMENT

With no further business, the meeting was adjourned.

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Michelle Kellogg, City Recorder

Council Agenda Item Report

Meeting Date: February 4, 2021
Submitted by: Clint Mcaffee
Submitting Department: Public Utilities
Item Type: Staff Report
Agenda Section:

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

Suggested Action:

Attachments:
Surplus Water Lease Staff Report

Exhibit A: Memorandum of Understanding 2021

City Council Staff Report

Subject: **Western Summit County Project – Surplus Water Lease**
Author: **Clint McAffee**
Department: **Public Utilities**
Date: **February 4, 2021**
Type of Item: **Administrative**

Recommendation

Staff recommends Council authorize the Mayor to execute a Memorandum of Agreement "MOA" (Exhibit A), in a form approved by the City Attorney, to continue leasing surplus water to Weber Basin through provisions in the Western Summit County Project Master Agreement "MA".

Note: In the December 10, 2020 City Council meeting, Council approved the MOA. However, Weber Basin subsequently requested an increase in the volume of water Park City will lease in the year 2025 from 650 acre feet to 850 acre feet. This increase is reflected in the MOA (Exhibit A) and requires Council approval. Nothing else in the MOA or this staff report has changed from the December 10, 2020 Council Meeting.

The two main benefits of leasing surplus water are: 1) it delays a large regional water importation and/or storage project, and 2) it provides a new source of revenue to reduce future water rate increases for Park City Water's customers.

The price set for surplus water reflects the cost of delivery and ensures the cost is similar to what Park City's water customers are paying. For 2021, the estimated surplus water charge will be $9.11 per 1,000 gallons which is similar to Park City's commercial rate. For comparison to Park City water rates, see Park City's current rate structure at the following link.

https://www.parkcity.org/departments/public-utilities/customer-service/water-services/rates

Background

Council approved a MOA in 2019 for the lease of surplus water to Weber Basin through provisions in the MA. Each year, the MOA will be updated to update the price of surplus water and extend the term by one year until Park City elects to stop leasing surplus water to Weber Basin. This is the second proposed extension of the 2019 MOA.

Park City is a party to the MA, which was developed and executed in 2013 to ensure a safe and reliable water supply to the residents of Snyderville Basin and Park City by regionalizing water supply and infrastructure between parties. Links to the MA are provided below in Exhibit B.

As a party to the MA, Park City has the opportunity to continue leasing surplus water to Weber Basin, which Weber Basin leases to other parties to meet growing water demands. As existing platted land is developed, water demand is projected to increase beyond local and existing water source capacity. Once existing water surplus in the Snyderville Basin is exhausted, Weber Basin is obligated to provide supplemental water up to 5,000 acre-feet. Providing supplemental water supply will require Weber Basin to construct a large water importation and/or storage project, which in 2017, was estimated to cost between $70M and $100M and would provide water capacity for significant growth in the Basin. If Park City stops leasing surplus water, a large regional project would likely happen sooner than if Park City continues to lease its surplus water, and water rates would need to be increased more than currently planned.

On an annual basis, each party to the MA is required to provide its 10 year rolling water surplus or water deficiency, whichever is applicable, to Weber Basin, in the form of Exhibit D (Exhibit C below). If an entity declares a water deficiency in years 1 – 5 on Exhibit D, that entity must enter into a perpetual water purchase agreement with Weber Basin. If an entity declares a water surplus in years 1 – 5 on Exhibit D, that entity must enter into a 5 year water sales contract with Weber Basin. Years 6 – 10 are non-binding and intended to provide an indication of longer term water supply and demand in order to determine when a new water source is needed. The MOA is the water sales agreement between Park City and Weber Basin.

Currently, Summit Water is the only party that is under a perpetual purchase contract with Weber Basin, which is being fulfilled by Weber Basin with surplus water purchased from Mountain Regional. Beginning in 2020, Summit Water's demand exceeds Mountain Regional's surplus and Weber Basin needs to secure additional water. Park City is projected to have adequate surplus to continue leasing water to Weber Basin to fulfill the deficiency. If Park City does not continue leasing its surplus water, Weber Basin will begin planning for the construction of a large water importation project to meet the water supply deficit.

Over the past few years, significant improvements to the Park Meadows Well and Quinns Junction WTP have been made in order to increase their capacity and reliability. These investments were primarily driven by the need to supply water in 2020, 2021, and 2022, while the existing Spiro WTP is being reconstructed.

Park City's total treated water capacity in 2020, 2021, and 2022 is 7,500 gpm. Average peak day treated water demand in the last 5 years is approximately 5,800 gpm. Staff reserves 1,000 gpm of capacity for redundancy in case of water source loss. Accounting for reserved redundant capacity, up to 700 gpm could be leased to Weber Basin in 2020, 2021, and 2022. Once the new 3Kings WTP starts up in 2022 and 2023, Park City's drinking water surplus will significantly increase.

Funding

Revenue generated by the sale of surplus water will be used to offset future water rate increases.

Exhibits

Exhibit A: Memorandum of Agreement

- Memorandum of Agreement

Exhibit B: Links to Western Summit County Project Master Agreement

- 1 master agreement executed
- 2 master agreement exhibits a-d
- 3 master agreement exhibits e-j & exhibits (3)
- exhibit list

2021 MEMORANDUM OF AGREEMENT

This Memorandum of Agreement ("**MOA**") is made and entered into this _____ day of _____, 2021, by and between Park City Water Service District, a special service district organized and existing pursuant to the provisions of Utah Code Annotated §17A-2-1301 et seq., 1953, as amended, (the "District"), and Weber Basin Water Conservancy District, a water conservancy district organized and existing pursuant to the provisions of §17B-2a-1001 *et* seq., Utah Code Annotated, 1953, as amended ("**Weber Basin**"). The District and Weber Basin each is a "**Party**" and collectively they are referred to as the "**Parties**."

RECITALS

WHEREAS, The District and Weber Basin, along with other parties, entered into the Western Summit County Project Master Agreement dated June 26, 2013 ("**Master Agreement**"). This Master Agreement provides Weber Basin with the right to use, wheel and comingle all Surplus Water of the District, Mountain Regional, and Summit Water. [*See* Master Agreement ¶2.4].

WHEREAS, The Master Agreement provides Weber Basin with the right to determine, in its sole discretion, which Parties to which it will deliver and sell that Surplus Water. The Master Agreement allows each entity, at its sole discretion, to set the price per acre-foot for which its Surplus Water may be sold. Weber Basin then is authorized to sell that Surplus Water to any Party of the Master Agreement, as determined by Weber Basin in its discretion, for the price established by the Party supplying the Surplus Water. [*See* Master Agreement ¶2.4].

WHEREAS, Weber Basin is then directed to credit the Party whose Surplus Water is delivered at the rate applicable to that water so delivered.

WHEREAS, As outlined in Paragraph 2.4 of the Master Agreement, this process was established in order to allow Weber Basin "to operate the Western Summit County Project in such manner as Weber Basin deems necessary and proper." [*See* Master Agreement ¶2.4].

WHEREAS, under the Master Agreement, Weber Basin is required to construct an interconnect vault and associated facilities in the Quinns Junction area, which will be funded one-third each by Mountain Regional, Summit Water Distribution Company, and the District ("**Interconnect Facilities**"); and,

WHEREAS, pursuant to the Master Agreement, the District agrees to provide surplus water to Weber Basin through the Interconnect Facilities ("**Surplus Water**").

WHEREAS, on or about July 21, 2020, the Parties entered into a Memorandum of Agreement pertaining to the Surplus Water (the "2020 Agreement").

WHEREAS, by executing this 2021 Agreement, the Parties desire to amend and restate the terms of their agreement relating to the Surplus Water, and to supersede the 2020 Agreement, and to replace that 2020 Agreement with this 2021 Agreement.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants and conditions set forth herein, and other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. Water Lease.

   A. **Surplus Water. The District** agrees to deliver to Weber Basin the Surplus Water identified in **Error! Reference source not found.** through the Interconnect Facilities in accordance with the Master Agreement. Pursuant to the terms of the Master Agreement, Weber Basin agrees to make the Surplus Water available for sale and delivery to another party to the Master Agreement (either Mountain Regional or Summit Water) (a "Purchasing Party"), as selected in Weber Basin's sole discretion; such water to be marketed and sold at a price equal to the total annual take or pay amount in Figure 1 below. The cost per acre foot shall be adjusted annually based, in part, upon Operation and Maintenance costs, per the Master Agreement [See Master Agreement ¶2.4].

Figure 1
Annual Surplus Water Take or Pay Volumes and Pricing Schedule

	2020	2021	2022	2023	2024	2025
Annual Volume (acre feet)	50	50	450	450	550	850
Peaking Factor	2	2	2	2	2	2
Maximum Flow Rate (gallons per minute)	62	62	558	558	682	1054
Delivery Location	Park City Interconnect - Quinns Area					
Surplus Water Cost per Acre Foot	$2,882.84	$2,969.32	$3,058.40	$3,150.15	$3,244.66	$3,342.00
Treatment Redundancy Upgrades - Take or Pay	$200,000.00	$200,000.00	$200,000.00			
Total Annual Take or Pay Amount	$344,141.77	$348,466.03	$1,576,280.07	$1,417,568.47	$1,784,561.20	$2,840,696.96

   B. **Terms of Delivery.** The total annualized cost for which the Surplus water shall be marketed, sold, and delivered, by Weber Basin to a Purchasing Party, and the total annualized cost to be paid by the Purchasing Party (and credited by Weber Basin to the District) shall be take-or-pay for the full annual water volume in Figure 1.

2. Term. The term of this MOA shall commence on January 1, 2021 and continue for a term of five (5) years, ending December 31, 2025 ("**Term**"). This MOA supersedes the previously signed MOA that was dated July 21, 2020.

3. Binding Effect. The provisions of this MOA shall be binding upon and inure to the benefit of the Parties hereto and their respective successors and assigns.

Assignment Limited. No assignment or other transfer of this MOA or any part thereof or interest therein shall be valid unless and until approved by all Parties hereto.

4. Attorney's Fees. In the event that this MOA or any provision hereof shall be enforced by an attorney retained by a Party hereto, whether by suit or otherwise, the fees and costs of such attorney shall be paid by the Party who breaches or defaults hereunder, including fees and costs incurred upon appeal or in bankruptcy court.

5. Severability. If any term or provision of this MOA shall, to any extent, be determined by a court of competent jurisdiction to be void, voidable, or unenforceable, such void, voidable or unenforceable term or provision shall not affect the enforceability of any other term or provision of this MOA.

6. Captions. The section and paragraph headings contained in this MOA are for the purposes of reference only and shall not limit, expand or otherwise affect the construction of any provisions hereof.

7. Construction. As used herein, all words in any gender shall be deemed to include the masculine, feminine, or neuter gender, all singular words shall include the plural, and all plural words shall include the singular, as the context may require.

8. Further Action. The Parties hereby agree to execute and deliver such additional documents and to take further action as may become necessary or desirable to fully carry out the provisions and intent of this MOA.

9. Inducement. The making and execution of this MOA has not been induced by any representation, statement, warranty or agreement other than those herein expressed.

10. Force Majeure. Performance by any Party hereunder shall not be deemed to be in default where delays or defaults are due to war, insurrections, strikes, lock-outs, floods, earthquakes, fires, casualties, acts of God, epidemics, quarantine, restrictions, inability (when the responsible Party is faultless) to secure necessary labor, materials, tools, acts or failure to act of any public or governmental agency or entity, or by any other reason not the fault of the Party delayed in performing work or doing acts required under the terms of this MOA, and in such event, the performance of such work or the doing of such act shall be excused for the period of the delay and the period of performance for any such work or the doing of any such act shall be extended for a period equivalent to the period of such delay.

11. No Third Party Beneficiaries. This MOA shall not be deemed to create any right in any person who is not a Party (other than the permitted successors and assigns of a Party) and shall not be construed in any respect to be a contract, in whole or in part, for the benefit of any third party (other than permitted successors and assigns of a Party hereto).

12. Warranty of Authority. The individuals executing this MOA on behalf of the Parties hereby warrant that they have the requisite authority to execute this MOA on behalf of the respective Parties and that the respective Parties have agreed to be and are bound hereby.

IN WITNESS WHEREOF, the Parties have executed this MOA as of the day and year first above written.

PARK CITY WATER SERVICE DISTRICT

By: _____

Its: President

APPROVED AS TO FORM:

_____
The District Water Attorney

WEBER BASIN WATER CONSERVANCY DISTRICT

By: _____
Dee Alan Waldron, Chairman, Board of Trustees

ATTEST:

_____
Tage I. Flint, General Manager

APPROVED AS TO FORM:

_____
Weber Basin Attorney

Council Agenda Item Report

Meeting Date: February 4, 2021
Submitted by: Michelle Dehaan
Submitting Department: Public Utilities
Item Type: Staff Report
Agenda Section:

Subject:
Request to Authorize the City Manager to Execute a Contract for Water System American Water Infrastructure Act Resilience and Risk Assessment AND an Emergency Response Plan Update, in Forms Approved by the City Attorney, with Hazen and Sawyer, in an Amount Not to Exceed $109,360

Suggested Action:

Attachments:
AWIA Staff Report

Exhibit A: Hazen Scope of Work

City Council Staff Report

Subject:	**Water System American Water Infrastructure Act Resilience and Risk Assessment and Emergency Response Plan Update Consultant Award**
Author:	**Michelle De Haan, Water Quality and Treatment Manager**
Department:	**Public Utilities**
Date:	**February 4, 2021**
Type of Item:	**Administrative**

Recommendation

Staff recommends City Council Authorize the City Manager to execute a contract for Water System American Water Infrastructure Act Resilience and Risk Assessment and an Emergency Response Plan Update, in forms approved by the City Attorney, with Hazen and Sawyer, in an amount not to exceed $109,360.

Background

- The American Water Infrastructure Act (AWIA) requires that water systems assess risks and resilience of its system by conducting a Resilience and Risk Assessment (RAA) with a mandatory EPA certification deadline of June 30, 2021 and certification that the water system Emergency Response Plan (ERP) be updated within 6-months of completion of the RAA.
- The RRA must include an evaluation of potential threats to and resiliency of the following water system elements:
    - Risk to the system from malevolent acts and natural hazards
    - Resilience of the infrastructure, including SCADA/cybersecurity resilience
    - Financial enterprise infrastructure program
    - Use, storage, or handling of various treatment chemicals
    - Operation and maintenance practices of water system assets
- The ERP update must include response protocols for any type of emergency or event identified as a threat during the RRA. Specifically it must include:
    - Strategies and resources to improve the resilience of the system, including the physical security and cybersecurity of the system

    - Plans and procedures that can be implemented, and identification of equipment that can be utilized, in the event of a malevolent act or natural hazard that threatens the ability of the community water system to deliver safe drinking water
    - Actions, procedures, and equipment which can prevent or significantly lessen the impact of a malevolent act or natural hazard on the public health and the safety and supply of drinking water
    - Strategies that can be used to aid in the detection of malevolent acts or natural hazards that threaten the security or resilience of the system
- Emergency Manager and IT staff will support this effort.
- Consistent with purchasing policies, staff advertised a request for statements of qualifications for General Services Water System and General Engineering which includes a specific area of interest to assist with meeting water system AWIA requirements.
- Hazen and Sawyer has been selected as the most qualified consultant after review of six consultants who expressed interest in the AWIA specific area of interest and interviews with two of the most qualified consultants.
- Entering into a multi-year contract allows support by a consultant with yearly RRA and ERP reviews and with a required recertification to EPA in five years.
- This contract is structured as as-needed time and material contract, and actual expenditures on the contracts will depend on the level of effort required to identify critical assets and associated risks including desk top training exercises.
- The initial award for the AWIA area of interest will be $109,360 for the first year of the contract through 12/31/2021. Additional funds may be required through the contract end date of 12/31/2026.

Funding

- This funding is out of the adopted water operations and CIP budgets and Emergency Management Security Capital Investment Project funding.

Exhibits

Exhibit A Scope and Fee

Exhibit A – Scope of Work

BACKGROUND & PURPOSE

The American Water Infrastructure Act (AWIA) requires all community water systems serving populations greater than 3,300 persons to assess the risks and resilience of its system (referred to hereinafter as the Resilience and Risk Assessment or RRA) with a mandatory certification deadline of June 30, 2021. According to the AWIA legislation, the RRA must include an evaluation of the following elements:

- The risk to the system from malevolent acts and natural hazards.
- The resilience of the infrastructure, including SCADA/cyber resilience.
- The monitoring practices of the system.
- The financial infrastructure of the system.
- The use, storage, or handling of various chemicals by the system.
- The operation and maintenance of the system.

The American Water Works Association (AWWA) has developed the J100-10 Standard (hereafter "J100") as an approach for completing the risk and resilience analysis and the approach is "Safety Act Designated", meaning it offers limited liability protection to Park City in the event of future malevolent acts. Hazen has adapted the J100 standard into a non-proprietary spreadsheet tool that serves as the cornerstone for completing the RRA.

Within 6 months of certifying the RRA, Park City is required to complete or update an Emergency Response Plan (ERP) that includes response protocols for any type of emergency or event identified as a threat during the RRA. Hazen uses a template based on instructions from the EPA for the ERP that can be used along with existing documents from Park City to complete the plan. The ERP must contain the following elements:

- Strategies and resources to improve the resilience of the system, including the physical security and cybersecurity of the system
- Plans and procedures that can be implemented, and identification of equipment that can be utilized, in the event of a malevolent act or natural hazard that threatens the ability of the community water system to deliver safe drinking water
- Actions, procedures, and equipment which can obviate or significantly lessen the impact of a malevolent act or natural hazard on the public health and the safety and supply of drinking water provided to communities and individuals, including the development of alternative source water options, relocation of water intakes, and construction of flood protection barriers; and
- Strategies that can be used to aid in the detection of malevolent acts or natural hazards that threaten the security or resilience of the system.

The purpose of this task authorization is to assist Park City in developing an RRA and ERP that meets all regulatory requirements. The AWIA also recommends, but does not require, an implementation plan for capital and operational needs for risk and resilience management of the system. Hazen and Sawyer is available to assist Park City in making necessary updates to existing plans to address the findings of the RRA and requirements of the ERP in a later phase of this project.

Task 1 – Complete Risk and Resilience Analysis

Step 1: Document Request and Discovery

The first part of the risk and resilience assessment (RRA) involves identification of critical assets and probable threats to the system. To facilitate this process, Hazen will host a virtual kickoff meeting with key staff from Park City to familiarize the group with the approach to achieving AWIA compliance and to provide an opportunity to discover relevant documents that may be useful during the project. At the kickoff meeting the following topics will be covered:

- An overview of AWIA including the RRA process
- Discussion of confidentiality and impacts on open records requests
- Schedule Review
- Expectations for staff involvement through the project
- A threat identification exercise followed by review of Threat-Asset pairs
- Walkthrough the modified Hazen J100 spreadsheet tool
- Discussion of relevant documents to support initial project work (see next paragraph)

To perform the RRA, documents such as Emergency Response Plans, Vulnerability Assessments, and system maps need to be collected. Additional useful, but optional, documents to receive from Park City may include:

- Existing vulnerability assessment and ERP (if available)
- System maps of water sources, facilities, and distribution system assets
- Existing security plans and procedures
- SCADA system information
- Door lock/key policies
- Security camera use and policies
- Source water protection plans
- Local natural hazard mitigation plan(s)

Because the availability of these documents varies widely by utility, Hazen will help Park City identify important documents that may be available and/or that are not listed here and review them at a high level to prepare for the workshop. Hazen will submit a records request to Park City and will provide a secure file transfer portal for submittal of the documents to Hazen for review. Hazen will review the documents and use the information to prepare an initial list of critical assets and threats to be discussed during Step 3.

***Deliverables*:** A secure SharePoint site for document transfer. A Threat-Asset Matrix and the Draft J100 Tool will be provided for review.

Step 2: Cybersecurity Assessments

A network and SCADA security assessment will be accomplished by subconsultant Zivaro, Inc. using the AWWA cybersecurity tool and the NIST framework to provide a list of best practices and security measures based on available information for Park City system. Appropriate City IT staff will be asked to meet with Zivaro staff to review and evaluate documents and practices related to Park City's business and SCADA network configuration for cyber security with respect to local and remote access, firewalls, robustness of communication links (fiber, copper, etc.), and data reliability and security including:

- Network architecture and topology
- Communication link bandwidth
- Vulnerabilities associated with connection media (fiber optic cable, digital data service, etc.)
- Cyber security
- Hardware
- Software
- Telemetry System

Deliverables: The results of the AWWA cybersecurity assessment tool and NIST framework will be provided, including a plan of action matrix and a prioritized list of recommended controls to enhance cybersecurity posture for Park City. A summary memo documenting the findings of the physical security assessment will be included in the RRA report with a list of recommended security enhancements to improve Park City's security posture.

Step 3: Workshops and Prioritization of Threat-Asset Pairs

One of the key aspects of a risk and resilience analysis using J100 is a series of workshops that enable the risk assessment team to identify critical assets, threats, consequences, and existing vulnerability. As the most important part of the J100 and AWIA process, Hazen will facilitate a series of up to three on-site or virtual workshops (2 hours each) where key staff familiar with Park City's system from source through distribution, including administrative facilities and business systems, come together to work through threat-asset pairing, vulnerability analysis, and consequence analysis. The outcome of the workshops will be a list of all identified system threats, critical assets, and a prioritized list of up to 20 threat-asset pairs to be used for further analysis. The workshop team would include our AWIA compliance lead, Dr. Ben Stanford, in addition to several staff familiar with the Park City system and the J100 process and documentation tools to help facilitate and record information. The first workshop will focus on confirming critical assets and threats to the system. The second workshop will focus on ranking the threats with the goal of determining the top ranked system threats. The third workshop will focus on identifying current and future countermeasures that can be used to mitigate risks from those threats.

Deliverables: The populated J100 spreadsheet tool with the threat-asset screening matrix will be provided to Park City for review, including notes captured within the J100 tool regarding countermeasures.

Task 2 – Remediation and Resilience Strategies

After the workshops, the Hazen team will use the J100 framework and Excel-based tool to complete risk calculations and develop countermeasures for the top 10-20 threat-asset pairs as identified by the collective group. The total risk calculations (consequence x vulnerability x threat likelihood) and countermeasures will be recorded in the J100 tool. A conference call or an in-person meeting may be needed to discuss potential countermeasures and the impact on risk to Park City. Likewise, Park City staff will be needed to review and provide additional input into the J100 tool where system-specific information is needed. A short summary document will also be prepared and delivered along with the Hazen J100 tool in Excel format to Park City. The completion of the tool and short summary document is sufficient to satisfy regulatory requirements from AWIA and will allow Park City to submit their certification to EPA via the online portal.

Deliverables: The Hazen team will submit a spreadsheet (J100 tool) showing data collected, results of the assessment, summary of each critical asset and the mitigation measures chosen by Park City. Hazen's non-proprietary spreadsheet will be used to catalog the following:

- All Threat-Asset (T-A) pairs identified at the workshop
- A consequence analysis for the top 20 identified T-A pairs
- A list of potential resilience improvement strategies with order of magnitude costs for the top T-A pairs

The Hazen team will provide the draft RRA spreadsheet and a brief memorandum summarizing key results and prioritized improvements will be provided for review. It is assumed that Park City's comments will be received within three weeks after receipt of the draft. Hazen will make corresponding revisions to the spreadsheet and provide the final document in electronic format. Phone meetings may be scheduled as needed to discuss findings with key City staff. Hazen will provide assistance to Park City as needed in walking through the online certification process to the EPA

Task 3 – Update Emergency Response Plan (ERP)

Step 1: Kick-off Meeting and ERP Coordination

Hazen will conduct an ERP kickoff meeting with Park City to review the scope of services and project schedule, review the existing ERP to conduct a gap analysis, and identify any additional information to be reviewed. The following items will be discussed during the meeting:

- Identification of City staff to participate in the emergency plan update
- Identification of any external team members and/or plan reviewers
- AWIA ERP requirements
- Recommended updates based on RRA

Deliverables: Gap analysis memo and outline of proposed updates to the emergency plan for City review and comment prior to drafting the updated plan.

Step 2: Development of New ERP and Up to Eight Incident Specific Response Procedures (ISRPs)

Using the existing ERP as the base document and the results of the RRA, Hazen will create a new ERP with all updates needed to meet AWIA requirements including the creation of up to eight incident-specific response procedures (ISRPs) that outline preparation, monitoring, response, and recovery strategies for the top risks identified for Park City. The development of the ISRPs in conjunction with the ERP development will allow Park City to satisfy EPA's AWIA compliance requirements while providing an actionable master document that will be useful for emergency planning and response activities.

Park City will then certify via the online portal to the Administrator of the EPA that the ERP has been completed, copying Hazen on the confirmation email. Such certification will remain valid for five years. It is recommended that Park City perform a review yearly and significant revision after four years, recertifying to EPA following each revision.

Deliverables: A .docx and .pdf version of the final ISRPs and the gap analysis of recommended updates to the ERP will be provided to Park City for printing and distribution internally.

Task 4 – ERP Training Exercises and Additional Prioritized RRA Asset Evaluations

Task 4 provides the ability for Park City to authorize specific activities on a case-by-case basis related to developing training exercises around emergency preparedness and response as well as allowing the option to complete additional evaluation of assets and risks identified during the course of the study. Deliverables will be agreed to in writing prior to commencing any work in this task.

NOTES ON CITY RESPONSIBILITIES:

- All existing documents will be provided by Park City in electronic file formats which can be utilized during the RRA and ERP development.
- Park City will coordinate with non-utility agency staff (such as from police or fire departments) who are identified as part the RRA/Emergency Response Team.
- Park City will ensure that required personnel from all necessary departments are present at all meetings to provide necessary input in the development of the RRA and ERP.
- City's existing ERP/incident response plan will serve as the base document for the emergency response plan and ISRP creation.
- Park City will file certifications online to the Administrator of the EPA, copying Hazen on the confirmation email following completion of the RRA and ERP.

	Hazen and Sawyer Fee Estimate Submittal January 14, 2021	Roger Austin	Ben Stanford	Chris Thunhorst	Bryan Oldham	Matt Ridens	William Raseman	Emily von Hagen	Cyber Sub. (Zivaro)	Total	Fee		
Task	Description	$290	$290	$240	$240	$210	$130	$130	$250	Hours	Labor	Expenses	Total
1	**Task 1: Complete Risk and Resilience Analysis**	**2**	**16**	**26**	**10**	**18**	**24**	**40**	**40**	**156**	**$ 33,360**	**$ 200**	**$ 33,560**
1.1	Kickoff, Discovery, and Site Visits	2	8	16	4	12	10	0	0	62	$ 12,820	$ 200	$ 13,020
1.2	Cybersecurity Audit, Basic	0	0	4	0	0	4	40	40	48	$ 11,480	$ -	$ 11,480
1.3	Workshops (3 @ 2 hours)	0	8	6	6	6	10	0	0	46	$ 9,060	$ -	$ 9,060
2	**Task 2: Remediation and Resilience Strategies**	**4**	**18**	**4**	**16**	**16**	**20**	**0**	**0**	**118**	**$ 22,340**	**$ -**	**$ 22,340**
2.1	J100 Clean-Up and Countermeasures Post-Workshop	0	6	0	6	8	10	0	0	40	$ 7,460	$ -	$ 7,460
2.2	Risk Management Summary	0	4	0	6	4	10	0	0	34	$ 6,040	$ -	$ 6,040
2.3	Summary Report and J100 Tool plus QA/QC	4	8	4	4	4	0	0	0	44	$ 8,840	$ -	$ 8,840
3	**Task 3: Emergency Response Plan & ISRPs**	**6**	**8**	**20**	**20**	**20**	**60**	**0**	**0**	**194**	**$ 33,460**	**$ -**	**$ 33,460**
3.1	Develop New ERP or Update from Minimal Docs	0	8	0	20	20	60	0	0	168	$ 26,920	$ -	$ 26,920
3.2	QA/QC & Project Management	6	0	20	0	0	0	0	0	26	$ 6,540	$ -	$ 6,540
4	**ERP Training Exercises and Prioritized Asset Evaluations**	**0**	**10**	**0**	**20**	**20**	**60**	**0**	**0**	**110**	**$ 20,000**	**$ -**	**$ 20,000**
4.1	ERP Training Exercises and Prioritized Asset Eval.	0	10	0	20	20	60	0	0	110	$ 20,000	$ -	$ 20,000
	Total Project Cost	**12**	**52**	**50**	**66**	**74**	**164**	**40**	**40**	**578**	**$109,160**	**$ 200**	**$109,360**

Hazen

Council Agenda Item Report

Meeting Date: February 4, 2021
Submitted by: Roger McClain
Submitting Department: Public Utilities
Item Type: Staff Report
Agenda Section:

Subject:
Request to Authorize the City Manager to Execute a Construction Agreement, in a Form Approved by the City Attorney, with Vancon Inc., for the Replace Empire Raw Water Storage Tank Project in an Amount Not to Exceed $1,472,000.00

Suggested Action:

Attachments:
Replace Empire Raw Water Storage Tank Staff Report

Exhibit A: Replace Empire Tank - View Analysis 2020

Exhibit B: MIW CIP Contracts

City Council Staff Report

Subject:	**Replace Empire Raw Water Storage Tank Construction Agreement – Vancon, Inc.**
Author:	**Roger McClain, Public Utilities Engineering Manager**
Department:	**Public Utilities**
Date:	**February 25, 2021**
Type of Item:	**Administrative**

Recommendation

Staff recommends Council authorize the City Manager to execute a Construction Agreement, in a form approved by the City Attorney, with Vancon Inc., to replace the Empire Raw Water Storage Tank, in an amount not to exceed $1,472,000.00.

Background

- The water improvements included in this staff report are integral parts of the Major Water Conveyance and Storage portion of the overall master plan for the treatment of water draining from the Judge and Spiro Tunnels. This project is intended to provide operational flexibility to the 3KWTP and is integral to the conveyance of raw water, via the Judge Pipeline, from the Judge Tunnel to the water treatment plant;
- On November 8, 2018, Council authorized the design of the project through the execution of the Design Professional Services Agreement with Bowen Collins and Associates;
- The project received Conditional Use Permit approval (Application No. PL-20-04711) from the Planning Commission on January 13, 2021;
- The proposed work is located on property owned by United Park City Mines Company and within an existing water tank easement granted to Park City Municipal Corporation; and
- Construction access is via Ontario Canyon (SR-224) and the Mine Bench property. Construction access via Daly Avenue has been prohibited by the CUP. The existing user trail/utility access through the site will be maintained during construction.

Analysis

Bidding. The project was bid through a publically advertised procurement process on November 19, 2020. The low bidder was BluTotem, Inc. Bid summary below:

BluTotem, Inc.; $1,444,648.00
Vancon, Inc.; $1,472,000.00
ProBuild Construction, Inc.; $2,242,500.00

In reviewing BluTotem's bid and qualifications, the Project Engineer requested BluTotem provide qualifications, evidence of 3 projects of similar work and cost, Qualifications of Bidders, and the Evaluation of Bids and Award of Contract. The information did not include concrete water tank construction experience.

Based on the lack of applicable qualifications, staff found BluTotem's bid nonresponsive. Consequently, the lowest responsive bid received is Vancon, Inc.

Bid Amount Review. The bids received are significantly higher than the costs projected in the M-I-W Project Contract Cost Summary. Staff reviewed the preliminary project

scope and costs estimates (prepared spring 2018), compared them to the final project scope and bids received, and determined the bid consistent with the final design and construction requirements, current bidding environment, and cost escalations. Contributing differences from preliminary design/estimates to final costs include:

- Inclusion of the existing valve vault structure replacement with a buried vault;
- Complete bury of the structure for security and visual considerations;
- Concrete and steel cost inflation;
- Under-estimated costs attributed to site location, constraints, and conditions.

The adopted overall M-I-W project budget is not significantly impacted by this increase.

Project Scope. Work included in the construction agreement includes:

- Demolition and removal of an existing 73 feet diameter, 32 feet high, 1 million gallon, above-ground steel water storage tank constructed in 1978;
- Demolition and removal of an existing 166 s.f. above-ground CMU building containing treatment equipment and valving;
- Demolition and removal of an existing buried metering vault;
- A new 200,000 gallon buried reinforced concrete raw water storage tank;
- A new 485 sf buried/bunkered concrete vault/equipment structure and associated buried piping;
- Site regrading and seeding; and
- A display of the proposed pre- and post-construction project viewshed is attached, see Exhibit *Pre- and Post-construction Project - Viewshed Analysis*

Construction administration and field observation services during the construction are provided by the design engineer, Bowen Collins and Associates. Authorization is being presented to Council in a separate Staff Report, as an amendment to Bowen Collins' existing professional services agreement.

Schedule. The improvements will be complete and operational by November 15, 2021.

Funding Source

- The funding for the improvements is from water service fees;
- Water improvements are included in the approved FY2021 Water CIP budget and costs are included in the Water Department's long term comprehensive financial model.

Public Outreach

The Project will implement an "in-house" Public Outreach Plan using Park City Public Involvement staff. This effort is intended to be an extension of the 3KWTP Project public outreach effort, utilizing a variety of outreach tools to communicate and inform the community, agencies, neighbors, and the public throughout the project construction.

Exhibits

A: Pre- and Post-construction Project - Viewshed Analysis
B: Table 1. M-I-W Project Contract Summary

Proposed Conditions

Existing Conditions

EMPIRE CANYON

Prepared for Park City Public Utilities
Prepared by Bowen Collins & Associates

Summary of Approved Council Contracts and Anticipated Contracts	
Total Approved Contracts	$104,819,053
Total Estimated Contracts	$107,050,000
Budget prior to FY 20	$8,075,375
5 year CIP Budget (FY 20 - FY 24)	$101,736,093
Total Budget	$109,811,468
Percent Design Complete	95%
Percent Construction Complete	20%

Service	Contractor	Contract	CC Authorized Date	CC Authorized Amount	Estimated Contract Amount	Estimated Future Contract Approval Date
3Kings Water Treatment Plant and Associated Improvements						
Design Engineer - 3KWTP Concept & Process Development	CH2M (Jacobs)	DSPA	25-May-17	$1,497,909.00	$1,500,000	
Schematic Design		First Addendum	5-Apr-18	$1,600,000.00	$1,470,000	
Design Development & Const. Drawings		Second Addendum	8-Nov-18	$5,870,000.00	$5,100,000	
Supplemental Design and Equipment Procurement Assistance		Third Addendum		$565,000.00	$580,000	October 2019
Design Engineer - 3KWTP Process Advisory Assistance	WQTS	DSPA		$98,460.00	$100,000	
ECI Contractor - 3WKTP Pre-Construction & Construction Services	Alder Construction	Agreement	8-Nov-18	$0.00	$0	
Pre-Construction Services		Amendment No. 1	8-Nov-18	$183,500.00	$200,000	
Pre-Construction Services		Amendment No. 2	18-Jul-19	$61,336.00	$100,000	
Pre-Construction Services		Amendment No. 3	15-Aug-19	$82,374.00	$100,000	
Off-site Improvements Ph 1 GMP		Amendment No. 4	15-Aug-19	$2,400,000.00	$2,400,000	
Construction Mitigation & Demolition GMP		Amendment No. 5	2-Sep-19	$2,530,650.00	$2,500,000	
3KWTP Construction GMP		Amendment No. 6	21-Nov-19	$77,500,000.00	$77,000,000	November 2019
3KWTP GMP Contract Adjustment (Time Only, No Cost)		Amendment No. 7	1-May-20	$0.00	$0	
Off-site Improvements Ph 2 GMP		Amendment No. ~~7~~8	4-Aug-20	$4,855,000.00	$6,000,000	June 2020
3KWTP Construction Engineering Services	TBD	DSPA	5-Dec-19	$6,500,000.00	$6,500,000	December 2019
3KWTP Geotechnical Engineering Services	TBD	DSPA			$25,000	January 2020
3KWTP Materials Testing & Inspections	TBD	DSPA			$750,000	January 2020
3KWTP Special Inspections	TBD	DSPA			$50,000	January 2020
3KWTP Energy Modeling & Building Commissioning	Van Boerum Frank & Assoc.	DPSA	31-May-18	$44,174.00	$50,000	
Building & Mechanical Commissioning Services		First Addendum	27-Feb-20	$70,650.00	$75,000	February 2020
Public Art in the Community	TBD	DSPA			$300,000	July 2020
Design Engineer - 3KWTP Off-Site Improvements	Bowen Collins & Associates	DPSA	8-Nov-18	$755,000.00	$800,000	
Construction Engineering - Off-Site Improvements Ph 1		First Addendum	15-Aug-19	$205,000.00	$200,000	
Construction Engineering - Off-Site Improvements Ph 2		Second Addendum			$200,000	June 2020
Construction Engineering - Empire Tank Replacement		Second Addendum			$50,000	June 2021
Empire Tank Replacement - Construction	TBD	C/A			$650,000	March 2021
Empire Tank Replacement - Materials Testing	TBD	DSPA			$25,000	March 2022
Judge Tunnel & Empire Tank Communications System	TBD	C/A			$325,000	March 2023
3KWTP Building Permit Fee Waiver	TBD				TBD	
3KWTP Annual Operations and Maintenance Budget	NA				$2,000,000 per year	Fiscal Year 22
			TOTALS	**$104,819,053**	**$107,050,000**	

Notes
1- Dollar amounts shown in the estimated contract amount column are based on the best available information and are subject to change based on many factors such as scope change, project approach change, price inflation and other similar factors.
2 - The list of future contracts is estimated and some may be removed or added depending on the requirements of the project.

LEGEND:
CC: City Council
C/A: Construction Agreement
CM/GC: Construction Manager/General Contractor
DSPA: Design Service Professional Services Agreement
TBD: To be Determined

Council Agenda Item Report

Meeting Date: February 4, 2021
Submitted by: Roger McClain
Submitting Department: Public Utilities
Item Type: Staff Report
Agenda Section:

Subject:
Request to Authorize the City Manager to Execute the Second Addendum to the Design Professional Services Agreement, in a Form Approved by the City Attorney, with Bowen, Collins and Associates, Inc., for the 3Kings Water Treatment Plant Off-Site Improvements - Engineering Services, in an Amount Not to Exceed $160,500.00

Suggested Action:

Attachments:
3KWTP Offsite Engineering Services Staff Report

Exhibit A: MIW CIP Contracts

City Council Staff Report

Subject:	**3Kings Water Treatment Plant Off-Site Improvements - Engineering Services Bowen, Collins and Associates – Second Addendum to the Design Professional Services Agreement**
Author:	**Roger McClain, Public Utilities Engineering Manager**
Department:	**Public Utilities**
Date:	**February 25, 2021**
Type of Item:	**Administrative**

Recommendation

Staff recommends Council authorize the City Manager to execute the Second Addendum to the Design Professional Services Agreement, in a form approved by the City Attorney, with Bowen, Collins and Associates, Inc., for the 3Kings Water Treatment Plant Off-Site Improvements - Engineering Services in an amount not to exceed $160,500.00.

Services included in the proposed Second Addendum for the Bowen Collins and Associates (BCA) are construction engineering/inspection services related to the 3KWTP Off-site Improvements Phase 2 located within the Park City Golf Course and Three Kings Drive as contained in Amendment No. 8 to Alder Construction's construction agreement, replacement of the Empire Raw Water Storage Tank, as contained in Vancon's construction agreement, and the pending Empire Canyon Fiber Communications construction. These items generally include:

- water conveyance to and from the 3KWTP;
- utility services to the 3KWTP;
- landscape and golf course restoration;
- demolition of existing water storage tank and appurtenances and replacement with a new buried concrete water tank and valve vault located in Empire Canyon; and
- City-owned fiber communications from the Marsac City Offices to the Judge Tunnel.

Park City Water staff will provide contact administration and support BCA during the construction.

Schedule. It is anticipated that the work will be completed by winter of 2021.

Background

- On November 8, 2018, Council authorized the execution of the Design Professional Services Agreement;
- On August 15, 2019, Council authorized the execution of the First Addendum for the Bowen Collins and Associates (BCA) for construction engineering/inspection services related to the 3KWTP Off-site Improvements Phase 1, located within Three

Kings Drive, and a portion of the QJWTP 2019 Upgrades work contained in Amendment No. 6 to Alder Construction's construction agreement;

- On August 15, 2019 Council authorized the execution of the Construction Agreement for the QJWTP Upgrades Project with Alder Construction Company;
- On August 4, 2020 Council authorized the execution of Amendment No. 8 to the 3KWTP Construction Services GMP Construction Agreement with Alder Construction Company for the 3KWTP Off-Site Improvements Phase 2 Project;
- On February 4, 2021 Council authorized (pending February 4th action) the execution of the Construction Agreement for the Replace Empire Raw Water Storage Tank Project with Vancon, Inc.; and
- As Engineer of Record and to support BCA's design related to the 3KWTP and QJWTP Upgrades Project work by Alder Construction, City staff and BCA have developed and negotiated a scope and fee for construction engineering services.

Funding Source

The funding for the addendum is from water service fees and is included in the approved FY2021 Water CIP budget and costs are included in the Water Department's long term comprehensive financial model. Table 1 - M-I-W Project Contract Summary (attached), reflects the pertinent line items for the proposed services.

Attachment

Exhibit A: M-I-W Project Contract Summary

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Total Estimated Contracts	$107,050,000
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DSPA: Design Service Professional Services Agreement
TBD: To be Determined

Council Agenda Item Report

Meeting Date: February 4, 2021
Submitted by: Lynn Ware Peek
Submitting Department: Community & Public Affairs
Item Type: Staff Report
Agenda Section:

Subject:
Social Equity Quarterly Update

Suggested Action:

Attachments:
Social Equity Staff Report

Exhibit A: MEI Application-2020

City Council Staff Report

Subject:	**Social Equity Quarterly Update**
Author:	**Lynn Ware Peek, Community Engagement Liaison** **Jolene Weston, Organizational Development Manager**
Department:	**Community Engagement, Human Resources**
Date:	**February 4, 2021**
Type of Item:	**Old Business**

Summary Recommendation

Review the quarterly Social Equity update highlighting two recently launched initiatives – Park City Municipal's Spanish Facebook page - Municipio de Park City, and the LGBTQ+ Task Force. Additionally, the staff is requesting Council provide direction on the next steps for the LGBTQ+ Task Force.

Background

Social Equity is a critical community priority, which was reaffirmed during the Park City Vision 2020 process. As the City strives to foster an inclusive and supportive community, we are also working at the staff level to develop and implement innovative programs and initiatives within our organization. As referenced in the October 2020 Social Equity Staff Report, municipalities play an essential role in shaping the community's overall quality of life, and addressing and focusing on social inequities leads to better outcomes for everyone.

Current Initiatives

Spanish Facebook Page – Municipio de Park City

On October 20, 2020, the Community Engagement team, Enrique Sanchez, and intern Heidy Onofre launched the Municipio de Park City Facebook page to provide tailored information to better engage and connect with our Spanish-speaking community. Park City's Spanish-speaking population makes up approximately 25% of the City's total population. Page content includes news and information from Park City Municipal and a host of important community partners, stakeholders, and not-for-profits.

Goals

- Grow the number of followers to 1,000 in the calendar year 2021 (currently around 200).
- Increase shared information on Municipio de Park City Facebook Page and became the go-to source for the many service organizations that work with this community.
- Inform, educate, and create a sense of inclusion among our Spanish speaking residents.

LGBTQ+ Task Force
Park City Municipal formed an internal LGBTQ+ Task Force in December 2020 to focus on both internal practices and better support the overall LGBTQ+ community. Our internal focus includes job recruitment, hiring and retention, municipal code review, and engagement. Externally, we are working with local advocacy groups and stakeholders to provide support and find opportunities for greater collaboration.

Goals

- Create a community-wide LGBTQ+ alliance: Liaise with Park City High School Gay-Straight Alliance (GSA), Encircle, Equality Utah, Mountain Mediation, and the Park City Community Foundation to align our equity and inclusion practices;
- Collaborate with external groups to advance advocacy to support Park City's LGBTQ+ community. This could include:
    - Creating ordinances that further protect and advocate for the LGBTQ+ community; and
    - Advocating for the LGBTQ+ community in Utah State Legislature.
- Improve practices and utilize the Human Rights Campaign Municipal Equality Index (MEI): This index examines municipal laws, policies, and services from the vantage point of the LGBTQ+ community.

Additional Social Equity Projects

At any given time, the City's internal team working on Social Equity continues to pursue a more inclusive and supportive community using a variety of tools – policy, programming, and partnerships. Below is a snapshot of work currently underway:

- The Human Resources Department works with Bright Futures, Dream Big, and the neurodiverse community to create internships at Park City Municipal.
    - Bright Futures interns - Michelle Centeno and Emily Garcia – started in November 2020;
    - Municipio de Park City intern - Heidy Onofre, a Park City High School graduate and student at the University of Utah, joined the City as a social equity intern in October 2020; and
    - Neurodiverse community interns - Kyra Cassel at the MARC and Mark Gustafson in Library.
- Participation in a vaccine rollout plan for vulnerable populations and utilizing social media platforms to help reach a broader audience;
- The Library and City are promoting in Black History Month for education and inclusion;
- Staff and elected officials are participating and helping to fund the Park City Community Foundation's Social Equity Cohort program, launched in November 2020;
- City Council recently adopted a resolution in support of the Utah Compact on Racial, Diversity, and Inclusion on December 17, 2020;
- Developed a career recruitment partnership with the University of Utah Diversity, Equity, and Inclusion department;

- Expanded job postings to attract diverse candidates to broaden our appeal, diversity, and inclusion;
- In the process of updating City policies, codes, and ordinances to use gender-neutral pronouns;
- Added a new housing specialist for our affordable housing department - Elyse Kats started in January;
- Added a senior leadership full-time position in the FY21 budget at the Library to lead the Spanish Services Program - Daniel Thurston started in January 2021;
- Formed a translation team to increase Spanish translated materials;
- Continuing monthly "*Mensaje a la Comunidad Hispana de Park City*" Facebook Live events, presenting Spanish speaking community experts;
- Targeted PPE distribution in partnership with the Christian Center of Park City, People's Health Clinic, and Park City Community Foundation;
- Park City Recreation and the Park City Ice Arena are creating a sliding scale fee program to increase financial aid and prevent financial barriers to participation in recreation programming; and
- The Park City Police Department expanded the Police Explorer Program to include more diverse community participation.
- The Police Complaint review board changed from 5 members (2 staff and 3 community members) to 5 members, all of which are community members.

MEI Annual Update

The Human Rights Council's Municipal Equality Index (MEI) provides an inventory of equity and inclusion efforts to support the LGBTQ+ community. For several years, the City has submitted an application to be indexed alongside other cities and towns. Over time, the City has had varied and incremental improvement.

However, when Park City elevated Social Equity to a Critical Community Priority, the MEI index was targeted by staff as a tool to focus municipal improvement and progress with the LGBTQ+ community. See Exhibit A.

Unfortunately, this year's scoring of the incremental progress made by updating our index application was not reflected in our overall score. Staff made several attempts to contact administrators of the Human Rights Council requesting responses, updated scoring, and to better understand why new information, policies, and programs implemented by PCMC were not counted. Unfortunately, staff is unable to reach or obtain a response from representatives of the Human Rights Council.

Nonetheless, staff will continue to pursue a higher score on the MEI each year moving forward.

Exhibits

A – MEI Scorecard 2020

City: Park City

State: Utah

Contact Name: Lynn Ware Peek, Community Engagement Liaison

Contact Email: lynn.ware-peek@parkcity.org

Section I: Non-Discrimination Laws

A. City prohibits discrimination on the basis of sexual orientation in:

1. **Employment: See exact verbiage below and link to specific page in policy:** https://parkcity.municipalcodeonline.com/book?type=ordinances#name=4C-1_Employment_Discrimination

   4C-1-1 Purpose Every individual in the City has the right to work and earn wages through gainful employment. Discriminatory employment practices are detrimental because they impede the social and economic progress of the City by preventing all of the City's citizens from contributing to or fully participating in the cultural, spiritual, social, and commercial life of the community, which is essential to the growth and vitality of the City's neighborhoods and businesses. The denial or deprivation of employment rights because of an individual's Sexual Orientation or Gender Identity is detrimental to the health, safety, and welfare of the City's citizens and damages the City's economic well-being. The purpose of this Chapter is to provide a clear and comprehensive mandate for the prevention and elimination of discrimination in employment in the City against individuals based upon Sexual Orientation or Gender Identity and this Chapter shall be liberally construed to achieve that purpose.

   HISTORY
   Adopted by Ord. 2017-51 on 10/5/2017

2. **Housing: Please see exact verbiage below and link to specific page in policy:** https://parkcity.municipalcodeonline.com/book?type=ordinances#name=4C-2_Housing_Discrimination

   4C-2-1 Purpose

Every individual in the City has the right to seek housing. Discriminatory housing practices are detrimental because they impede the social and economic progress of the City by preventing all of the City's citizens from contributing to or fully participating in the cultural, spiritual, social and commercial life of the community, which is essential to the growth and vitality of the City's neighborhoods and businesses. The denial or deprivation of access to housing because of an individual's Sexual Orientation or Gender Identity is detrimental to the health, safety, and welfare of the City's citizens and damages the City's economic well-being. The purpose of this Chapter is to provide a clear and comprehensive mandate for the prevention and elimination of discrimination in housing in the City against individuals based upon Sexual Orientation or Gender Identity and this Chapter shall be liberally construed to achieve that purpose.

HISTORY
Adopted by Ord. 2017-51 on 10/5/2017

3. **Public accommodations:**

4. **4C-1-3 No Private Rights Of Action; No Special Rights**
5. This Chapter does not create a private cause of action, nor does it create any right or remedy that is the same or substantially equivalent to the remedies provided under federal or state law. This Chapter does not create any special rights or privileges which would not be available to all of the City's citizens because every Person has a Sexual Orientation and a Gender Identity.

B. City prohibits discrimination on the basis of gender identity in:

1. **Employment: See exact verbiage below and link to specific page in policy:** https://parkcity.municipalcodeonline.com/book?type=ordinances#name=4C-1_Employment_Discrimination

A. **EMPLOYERS**. An Employer may not refuse to hire, promote, discharge, demote, or terminate any persons, and may not retaliate against, harass, or discriminate in matters of compensation or in terms, privileges, and conditions of employment against any Person Otherwise Qualified because of a person's Sexual Orientation or Gender Identity.

- ***Housing***

  - https://parkcity.municipalcodeonline.com/book?type=ordinances#name=4C-2_Housing_Discrimination

4C-2-1 Purpose
Every individual in the City has the right to seek housing. Discriminatory housing practices are detrimental because they impede the social and economic progress of the City by preventing all of the City's citizens from contributing to or fully participating in the cultural, spiritual, social and commercial life of the community, which is essential to the growth and vitality of the City's neighborhoods and businesses. The denial or deprivation of access to housing because of an

individual's Sexual Orientation or Gender Identity is detrimental to the health, safety, and welfare of the City's citizens and damages the City's economic well-being. The purpose of this Chapter is to provide a clear and comprehensive mandate for the prevention and elimination of discrimination in housing in the City against individuals based upon Sexual Orientation or Gender Identity and this Chapter shall be liberally construed to achieve that purpose.

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- **Public accommodations**

  - **4C-1-3 No Private Rights Of Action; No Special Rights**
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Bonus: All-Gender Single Occupancy Facilities

- Yes; please see picture of gender neutral bathroom facilities at City Building – PC MARC. Attached as "Gender Neutral Bathroom"

Bonus: Protects Youth From Conversion Therapy

- Yes – State of Utah

Section II. Municipality as Employer

A. City has a policy of non-discrimination for its employees on the basis of:

- Sexual orientation and gender identity: Yes . See link and below for specific verbiage.

4C-1-7 Unlawful Employment Practices

  - **EMPLOYERS**. An Employer may not refuse to hire, promote, discharge, demote, or terminate any persons, and may not retaliate against, harass, or discriminate in matters of compensation or in terms, privileges, and conditions of employment against any Person Otherwise Qualified because of a person's Sexual Orientation or Gender Identity.

B. City has transgender-inclusive healthcare benefits for its employees:

- Yes, see verbiage from policy below and attached.

Medical and surgical treatments of gender dysphoria in transgender individuals involves

- psychotherapy, hormonal therapy and, in some cases, gender affirmation surgery.

C. City requires all contractors to have a non-discrimination ordinance or policy on the basis of:

- Sexual orientation – Yes , Gender identity – Yes. See link to policy and see specific verbiage below.

  - The City is an equal opportunity employer.
  -
  - B. In the performance of this Agreement, Contractor will not discriminate against any qualified person in matters of compensation and other terms, privileges, and conditions of employment because of: race, color, religion, sex (including pregnancy, childbirth, pregnancy-related conditions, breastfeeding, or medical conditions related to breastfeeding), national origin, age (40 or older), disability, genetic information, sexual orientation, gender identity, or protected expressions. Contractor shall take such action with respect to this Agreement as may be required to ensure full compliance with local, State and federal laws prohibiting discrimination in employment.
  -
  - C. Contractor will not discriminate against any recipient of any services or benefits provided for in this Agreement on the grounds of race, color, religion, sex (including pregnancy, childbirth, pregnancy-related conditions, breastfeeding, or medical conditions related to breastfeeding), national origin, age (40 or older), disability, genetic information, sexual orientation, gender identity, or protected expressions.
  -
  - D. If any assignment or subcontracting has been authorized by the City, said assignment or subcontract shall include appropriate safeguards against discrimination. The Contractor shall take such action as may be required to ensure full compliance with the provisions in the immediately preceding paragraphs herein.
-

D. City provides an inclusive workplace for LGBTQ employees in:

- LGBTQ-inclusive recruitment. Yes, see language:

  - The City is an equal opportunity employer.

- LGBTQ-inclusive diversity training – Yes. PCMC has a “respect in workplace” training which includes diversity training.

- LGBTQ employee resource group – Yes, through executive office LGBTQ Liaison.(See attached)

Bonus: Domestic Benefits for Same- and Different Sex Couples for City Employees:

Yes – please see attached PDF outlining benefits.
At Park City Municipal Corporation, many employee benefits available to spouses of PCMC employees have similar availability to eligible domestic partners. Because some benefits are governed by Internal Revenue Service (IRS) regulations, the tax treatment of the benefits for domestic partners may be different from the tax
treatment of the same benefit for spouses. In addition, certain benefits available to spouses may not be available to domestic partners.
The following “*Question and Answers*” provide information about domestic partner benefits at PCMC, required
documentation, enrollment procedures, and a summary of some of the tax and earning implications. Because this summary contains important information, we strongly recommend you read it in its entirety. For tax
questions you may want to consult a competent tax advisor. If you have any further questions, please contact

- Human Resources.

Section III. Municipality's Services & Programs

A. Human Relations Commission (County or City)

- Yes – Social Equity is a critical priority of Park City Municipal. See attached document titled “Social Equity Critical Priority,” :

B. Enforcement Mechanism of NDO by the Human Relations Commission (County or City):

- No

C. Mayoral LGBTQ Liaison or Mayoral Office of LGBTQ Affairs:

- **Yes. See attached letter titled “LGBTQ Liaison in Executive Offices of City Manager and Mayor”**

Bonus: Youth Prevention Policy for Youth-Facing City Services:

- Sexual orientation and gender identity: See verbiage, not certain if this is strong enough language:
-

BONUS: City Services For Vulnerable Populations:

- LGBTQ youth and transgender community – Yes, PCMC supports and funds Communities That Care, an organization that supports LGBTQ Youth. Please see attached letter titled, "Park City Municipal supports LGBTQ Youth Through Communities that Care."

Section IV. Municipality as Law Enforcement

- Police LGBTQ task force or liaison – Yes, see attached letter of documentation.

- Police Reported 2018 Hate Crimes Data to the FBI – Yes, see attached letter of documentation.

Section V. Leadership on LGBTQ Equality

A. Leadership's public position on LGBTQ equality:

- Please describe statements that city leadership has made regarding LGBTQ equality (for and/or against), and detail any recent local legislative efforts that have been made regarding LGBTQ issues.

- The Park City Council consistently expresses its commitment to increasing acceptance and support of the diversity within the community and takes measures through both public declaration and policy to support the LGBTQ community. See news story from local public radio station, KPCW, in which City Council member Tim Henney expresses his support of a resolution declaring June official pride month. See also minutes from May 21, 2020 meeting in which resolution was approved. Quote from Park City Councilmember Becca Gerber: Council Member Gerber stated this was a hard time for the community in general, but

especially for those that might not feel valued. This was a huge step forward. Council Member Henney stated this was what being diverse was about. Council Member Gerber moved to adopt Resolution 10-2020, a resolution proclaiming June 2020, as Pride Month in Park City. Council Member Henney seconded the motion.

- Participation in pride: Pride flags adorn Main Street beginning in June each year. See attached photo

- Partnership with LGBTQ advocacy groups: Park City Municipal has ongoing relationships with Communities that Care, a youth advocacy group as well as Equality Utah, whose local representative is on PCMC's steering committee for social equity.

- Other engagement with LGBTQ issues:

B. Leadership's pro-equality legislative or policy efforts:

- Please describe how actively the city has been pursuing pro-equality legislation or policies.

See link that describes Park City Municipal's critical priority of Social Equity.

- This includes ordinances introduced, whether passed or not, city policies, as well as pro-equality city council resolutions. See Pride Month resolution below or link here.

  - **10-2020 LGBT Pride Month**
  - RESOLUTION PROCLAIMING JUNE 2020, AS PRIDE MONTH IN PARK CITY
  - WHEREAS, LGBTQ+ pride month is the positive stance against discrimination and violence toward lesbian, gay, bisexual, transgender, queer, plus (LGBTQ+) people to promote their self-affirmation, dignity, equality rights, increase their visibility as a social group, build community, and celebrate sexual diversity and gender variance.
  - WHEREAS, Utah Pride began with a small, informal gathering of Salt Lake City's LBGTQ+ community in 1974, and is now a cultural event drawing more than 50,000 people annually; and
  - WHEREAS, Park City welcomes residents and visitors from the LGBTQ+ community, their friends and family members, and straight allies who show their support; and
  - WHEREAS, Park City honors those in our community who have dedicated their lives to the cause of justice for all people; and

- WHEREAS, Park City has a dedicated history of creating and supporting policies and programs that stand against discrimination and promote equality and opportunity for all members of the LGBTQ+ community; and
- WHEREAS, Pride Month is a reminder of how much we have to celebrate, and should prompt us to never let up in our efforts to ensure full equality, inclusion, and empowerment for every member of our LGBTQ+ community.
- NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council hereby proclaim June, 2020 as Pride Month PASSED AND ADOPTED this 21st day of May, 2020.
- HISTORY
  Adopted by Res. 10-2020 on 5/21/2020

-

BONUS: Open LGBTQ elected or appointed municipal leaders:

- Daniel Potter, appointed to Social Equity steering committee, Equality Utah, Wasatch Back Steering Committee.

- Kami Richardson, appointed to Social Equity steering committee, resident and openly transgender.

-

Council Agenda Item Report

Meeting Date: February 4, 2021
Submitted by: Michelle Kellogg
Submitting Department: Executive
Item Type: Staff Report
Agenda Section:

Subject:
2021 Legislative Update

Suggested Action:
Each week during the 2021 Legislative Session, the City Manager will provide a verbal update and synopsis of the Session to date.

Attachments:

City Council
Staff Report

Subject: **Nightly Rentals – Lower Rossi Hill HRL Zone**
Application: **PL-20-04613**
Author: **Rebecca Ward**
Date: **February 4, 2021**
Type of Item: **Legislative – Land Management Code Amendment**

Recommendation

(1) Review the proposed Land Management Code amendment to correct a 2017 staff oversight and allow Nightly Rentals as a Conditional Use in the Lower Rossi Hill Historic Residential Low – Density area; (2) hold a public hearing; and (3) consider approving Ordinance No. 2021-06.

Description

Applicant:	Planning Department
Zoning District:	Lower Rossi Hill Historic Residential Low – Density Area
Reason for Review:	Land Management Code amendments require Planning Commission review and recommendation to City Council for Final Action

Acronyms

CUP	Conditional Use Permit
HRL	Historic Residential Low – Density
LMC	Land Management Code

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § 15-15-1.

Executive Summary

A Land Management Code Amendment to Correct an Oversight

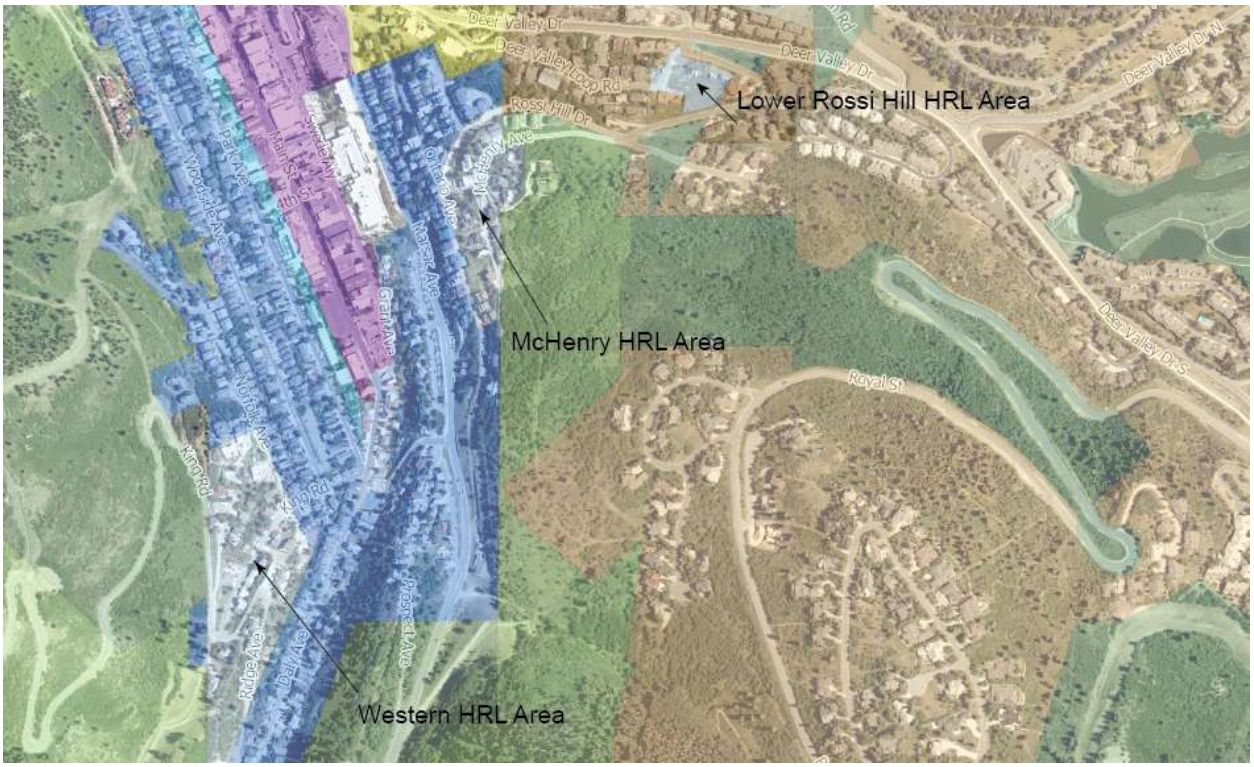
The proposed Land Management Code (LMC) amendment establishes Nightly Rentals as a Conditional Use in the Lower Rossi Hill Historic Residential Low – Density (HRL) area to align with information that was presented to the Planning Commission and the Council when the Lower Rossi Hill area was rezoned from Residential – Medium to HRL in 2017.

Prior to the 2017 rezone, Nightly Rentals were allowed in the area subject only to business license regulations. Due to a staff oversight in 2017 when the area was rezoned, Nightly Rentals were by default prohibited. Establishing Nightly Rentals as a Conditional Use Permit (CUP) in the area will allow property owners to apply for a Nightly Rental permit and business license—a property right that was represented to the Planning Commission and Council when the area was rezoned—while providing the Planning Commission with an opportunity to review and mitigate impacts to the neighbors. Additionally, the CUP process for each property requires public notice and a public hearing. The neighbors will have an opportunity to provide input to the Planning Commission during the CUP review for each Nightly Rental.

Background

Nightly Rentals are an Allowed Use in the Residential – Medium Zoning District.[1] In 2017, the City Council adopted Ordinance 2017-05, rezoning a portion of the Lower Rossi Hill area from Residential – Medium to HRL to reduce potential density to protect three Historic Structures designated Landmark Status on the City's Historic Sites Inventory.[2]

The HRL Zoning District is an outlier. It is the only Zoning District that requires a CUP for a Nightly Rental, and it is the only Zoning District that is divided into three sub-neighborhoods, shown in light blue below – the western Sampson Avenue/Ridge Avenue/King Road HRL area, the middle McHenry Avenue HRL area, and the eastern Lower Rossi Hill HRL area:



In 2015, at the request of residents, the City Council adopted Ordinance No. 15-44 to prohibit Nightly Rentals in the McHenry HRL area, in part to protect the primary resident neighborhood (Staff Report, p. 248; Minutes, p. 8). This prohibition is reflected in LMC § 15-2.1-2(B)(1), Footnote 2:

> [Nightly Rentals] shall be allowed only in the West sub-neighborhood located south of platted 2nd Avenue, west of Upper Norfolk and Daly Avenues, and east of King Road. No Nightly Rentals are allowed elsewhere in this Zoning District. . .

[1] LMC § 15-2.15-2(A)(7).
[2] 622, 652, and 660 Rossie Hill Drive; LMC § 15-11-10(D)(fc) – (fe)

As a result of the 2015 amendments limiting Nightly Rentals to the western HRL area, when the Lower Rossi Hill area was rezoned to HRL, Nightly Rentals were by default prohibited in the Lower Rossi Hill HRL area. However, the rezone staff report contained an oversight and did not consider Footnote 2 to LMC § 15-2.1-2(B)(1) that restricts Nightly Rentals to the western HRL area (Exhibit B, January 11, 2017 Planning Commission Staff Report; Exhibit C, February 16, 2017 City Council Staff Report). Instead, the staff report included the table below that showed that Nightly Rentals would be a Conditional Use when the Lower Rossi Hill area was rezoned to HRL:

Zone Allowance:	***Residential Medium-Density (RM)***	***Historic Residential Low-Density (HRL) District***
Single Family Dwelling	*Allowed*	*Allowed*
Duplex Dwelling	*Allowed*	*Not Permitted*
Triplex Dwelling	*Allowed*	*Not Permitted*
Secondary Living Quarters	*Allowed*	*Not Permitted*
Lockout Unit	*Allowed*	*CUP*
Accessory Apartment	*Allowed*	*CUP*
Nightly Rental	*Allowed*	*CUP*
Home Occupation	*Allowed*	*Allowed*
Child Care, In-Home Babysitting	*Allowed*	*Allowed*
Child Care, Family	*Allowed*	*Allowed*
Child Care, Family Group	*Allowed*	*Allowed*
Accessory Building and Use	*Allowed*	*Allowed*

On December 12, 2019, an attorney representing the company with a property interest in the Lower Rossi Hill HRL area submitted a letter to Mayor Beerman—included as Exhibit D—to bring this oversight to the City's attention.

The Planning Commission first considered the proposed Land Management Code amendment to correct this oversight on September 23, 2020 (Staff Report; Minutes, p. 11). However, the Planning Commission recommended that the City Council conduct a work session on Nightly Rentals, improvements to internal tracking of complaints, and improved business license compliance before the Commission took action on any Nightly Rental applications. On December 17, 2020, the City Council conducted this work session (Staff Report; Minutes, p. 1).

On January 13, 2021, the Planning Commission once again considered the proposed Land Management Code amendments to correct the 2017 staff oversight (Staff Report; Audio). The Planning Commission unanimously forwarded a positive recommendation to City Council.

Analysis

Goal 7 of the General Plan, *Life-Cycle Housing: Create a diversity of primary housing opportunities to address the changing needs of residents*, includes objective 7C: "Focus future nightly rental units to resort neighborhoods – near Park City Mountain Resort and Deer Valley" (General Plan, Volume I, *Sense of Community,* p. 71). The Lower Rossi

Hill HRL area is located to the east of Old Town and to the west of the Deer Valley Resort. The Lower Rossi Hill HRL area, shown in light blue below, is surrounded by property zoned Residential – Medium (dark brown) and Residential Development (light brown). Nightly Rentals are allowed in both Zoning Districts.[3]

Prior to the 2017 rezoning of the Lower Rossi Hill area to HRL, Nightly Rentals were allowed and the only requirement was a business license pursuant to the regulations outlined in Municipal Code of Park City § 4-5-3.

Unlike the western HRL area that contains several vacant and developable lots accessed by substandard roads, the rezone of the Lower Rossi Hill area reduced potential density and rezoned nearly one acre of vacant land as Recreation Open Space. Due to the restricted future density, staff does not recommend a cap on Nightly Rentals in this area.[4]

However, according to the Deputy City Engineer, parking for Nightly Rentals should be restricted to on-site parking as a result of parking limitations on Deer Valley Loop and the steep grade of Rossi Hill Drive. Staff recommends heightened CUP criteria, including requirements for on-site parking and posting of the property management

[3] LMC § 15-2.15-2(A)(7); LMC § 15-2.13-2(A)(6).
[4] Duplex, Triplex, and Bed & Breakfasts are Allowed Uses in the Residential – Medium Zoning District (LMC § 15-2.15-2) and the minimum Lot Area is 2,812 square feet for Single-Family Dwellings (LMC § 15-2.15-3). Only Single-Family Dwellings are Allowed in the HRL Zoning District (LMC § 15-2.1-2) and the minimum Lot Area is 3,750 square feet (LMC § 15-2.1-3).

information within the Nightly Rental so that responsible parties for Nightly Rental properties can be easily contacted. Please see Exhibit A for the proposed redlines.

Review

The Planning, Engineering, and Legal Departments reviewed this report.

Notice

Staff mailed courtesy notice to property owners within the Lower Rossi Hill HRL Zoning District and within 300 feet on December 23, 2020. Staff published notice on the City's website and the Utah Public Notice website on December 23, 2020. The *Park Record* published notice on December 30, 2020. LMC § 15-1-21.

Public Input

No public input for this meeting was submitted at the time of report publication. Public input submitted to the Planning Commission when the Commission considered this matter on September 23, 2020 is included as Exhibit E.

Exhibits

Exhibit A: Ordinance 2021-06 and Redlines
Exhibit B: January 11, 2017 Planning Commission Staff Report
Exhibit C: February 16, 2017 City Council Staff Report
Exhibit D: December 12, 2019 Attorney Letter to Mayor Beerman
Exhibit E: September 23, 2020 Public Input

ORDINANCE No. 2021-06

AN ORDINANCE AMENDING FOOTNOTE 2 OF LAND MANAGEMENT CODE § 15-2.1-2(B)(1) TO ESTABLISH NIGHTLY RENTALS AS A CONDITIONAL USE IN THE LOWER ROSSI HILL SUB-NEIGHBORHOOD OF THE HISTORIC RESIDENTIAL LOW – DENSITY ZONING DISTRICT

WHEREAS, the Land Management Code was adopted by the City Council of Park City, Utah, to promote the health, safety, and welfare of the residents, visitors, and property owners of Park City;

WHEREAS, the Land Management Code implements the goals, objectives, and policies of the Park City General Plan to maintain the quality of life and experiences for City residents and visitors;

WHEREAS, Goal 7 of the General Plan includes objective 7C: "Focus future nightly rental units to resort neighborhoods – near Park City Mountain Resort and Deer Valley;"

WHEREAS, the Lower Rossi Hill area is located east of Old Town and west of the Deer Valley Resort;

WHEREAS, the Lower Rossi Hill area was zoned Residential – Medium prior to 2017 and Nightly Rentals are allowed in Residential – Medium Zoning Districts;

WHEREAS, the Lower Rossi Hill area contains three Landmark Historic Structures on the City's Historic Sites Inventory: 622, 652, and 660 Rossi Hill Drive;

WHEREAS, to protect the Landmark Historic Structures, the Council directed staff to research a potential rezoning of the area to restrict future density in the area and to preserve certain vacant property as Recreation Open Space;

WHEREAS, on February 16, 2017, the City Council adopted Ordinance No. 2017-05, *Approving a Zoning Map Amendment from Residential Medium (RM) District to Historic Residential Low-Density (HRL) District and Recreation Open Space (ROS) at 622, 652, and 660 Rossi Hill Drive as well as the BLM-Owned Parcels, Park City, Utah*;

WHEREAS, the staff report prepared for the Planning Commission's recommendation to City Council for the rezone contained an oversight and represented that Nightly Rentals would be a Conditional Use when the area was rezoned;

WHEREAS, the staff report prepared for the City Council's review contained an oversight and represented that Nightly Rentals would be a Conditional Use when the area was rezoned;

WHEREAS, Footnote 2 of Land Management Code § 15-2.1-2(B)(1) restricts Nightly Rentals to the western Historic Residential Low – Density Zoning District and by default, Nightly Rentals were prohibited in the Lower Rossi Hill neighborhood when the area was rezoned to Historic Residential Low – Density;

WHEREAS, to align the Land Management Code with the information presented to the Commission and Council at the time the area was rezoned, Nightly Rentals are a Conditional Use in the Lower Rossi Hill HRL area;

WHEREAS, the Lower Rossi Hill HRL area is surrounded by property zoned Residential – Medium and Residential Development and Nightly Rentals are an allowed use in both Zoning Districts;

WHEREAS, to protect the three Landmark Historic Structures in the Lower Rossi Hill HRL area, additional Conditional Use Permit criteria shall be considered for Nightly Rentals, including a requirement that Nightly Rental vehicles be restricted to the number of on-site parking spaces and that property management contact information be displayed in a prominent location inside the Nightly Rental;

WHEREAS, the Planning Commission duly noticed and conducted a public hearing on January 13, 2021, and forwarded a positive recommendation to City Council; and

WHEREAS, the City Council duly noticed and conducted a public hearing on February 4, 2021.

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

SECTION 1. MUNICIPAL CODE OF PARK CITY FOOTNOTE 2 OF LAND MANAGEMENT CODE § 15-2.1-2(B)(1), *Historic Residential – Low Density District Uses*. The recitals above are incorporated herein as findings of fact. Section 15-2.1-2(B)(1), Footnote 2, of the Land Management Code of Park City is hereby amended as outlined in Attachment 1.

SECTION 2. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this 4th day of February, 2021

PARK CITY MUNICIPAL CORPORATION

_____

Andy Beerman, Mayor

Attest:

_____
City Recorder

Approved as to form:

_____
Mark Harrington, City Attorney

15-2.1-2 Uses

. . .

B. **CONDITIONAL USES**.

1. Nightly Rentals[2]
2. Lockout Unit
3. Accessory Apartment[3]
4. Child Care Center[1]
5. Essential Municipal and Public Utility Use, Facility, Service and Structure
6. Telecommunication Antenna[4]
7. Satellite dish greater than thirty-nine inches (39") in diameter[5]
8. Residential Parking Area or Structure five (5) or more spaces
9. Temporary Improvement[6]
10. Passenger Tramway Station and Ski Base Facility[7]
11. Ski Tow Rope, Ski Lift, Ski Run, and Ski Bridge[6]
12. Recreation Facility, Private
13. Fences greater than six feet (6') in height from Final Grade[5,8]

. . .

[2] The HRL Zoning District is divided into three sub-neighborhoods: the western sub-neighborhood along Sampson Avenue, Ridge Avenue, and King Road; the McHenry Avenue sub-neighborhood; and the Lower Rossi Hill sub-neighborhood along Deer Valley Loop and Rossi Hill Drive. No more than twelve (12) Conditional Use Permits shall be allowed ~~only~~ in the ~~West~~ western sub-neighborhood ~~located south of platted 2nd Avenue, west of Upper Norfolk and Daly Avenues, and east of King Road~~. Nightly Rentals are prohibited in the McHenry Avenue sub-neighborhood. Nightly Rentals in the Lower Rossi Hill sub-

neighborhood require a Conditional Use Permit. ~~No Nightly Rentals are allowed elsewhere in this Zoning District.~~ For Nightly Rentals in the western sub-neighborhood, ~~In~~ in addition to the Conditional Use Permit criteria in LMC § 15-1-10(E), the Planning Commission shall consider whether or not the proposed Nightly Rental mitigates the impacts of and addresses the following items: (a) all rental agreements for Nightly Rental shall include language that limits the vehicles allowed to the number of on-site Parking Spaces; (b) all rental agreements shall include language indicating that all-wheel drive vehicles are required during the winter season; (c) all rental agreements shall provide Nightly Renters with information regarding walkable access to skiing, to Park City's Historic Main Street, to Old Town, and to Park City's free transit service; and (d) property management contact information shall be displayed in a prominent location inside the Nightly Rental. For Nightly Rentals in the Lower Rossi Hill sub-neighborhood, in addition to the Conditional Use Permit criteria in LMC § 15-1-10(E), the Planning Commission shall consider whether or not the proposed Nightly Rental mitigates the impacts of and addresses the following items: (a) all rental agreements for Nightly Rental shall include language that limits the vehicles allowed to the number of on-site parking spaces; and (b) property management contact information shall be displayed in a prominent location inside the Nightly Rental.

Planning Commission
Staff Report

PARK CITY 1884
PLANNING DEPARTMENT

Subject:	**Zoning Map Amendment Request**
Author:	**Anya Grahn, Historic Preservation Planner**
	Bruce Erickson, AICP, Planning Director
Project Number:	**PL-16-03323**
Date:	**January 11, 2017**
Type of Item:	**Legislative – Zoning Map Amendment**

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing and consider forwarding a positive recommendation to City Council to approve the Zoning Map Amendment Request from Residential Medium (RM) District to Historic Residential Low-Density (HRL) District and Recreation Open Space (ROS) at 622, 652, and 660 Rossie Hill Drive and the BLM-owned parcels as well as an additional zone change from Estate (E) to ROS for the BLM-owned parcels above Rossie Hill Drive, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Description

Applicant:	Park City Planning Department
Location:	622, 652, and 660 Rossie Hill Drive
Existing Zoning:	Residential Medium (RM) District
Proposed Zoning:	Historic Residential Low-Density (HRL) and Recreation Open Space (ROS)
Adjacent Land Uses:	Single-family and multi-unit residential
Reason for Review:	Zoning Map Amendment applications require a Planning Commission recommendation and City Council review and action

Proposal

City Council has expressed concern about the future development of the BLM parcels along Rossie Hill Drive, which include 622, 652, and 660 Rossie Hill Drive. The neighborhood of the BLM parcels is currently zoned Residential Medium (RM) District along Deer Valley Drive, and Estate (E) to the south of Rossie Hill Drive; this area provides a transition between Old Town to the West and Lower Deer Valley to the east. As outlined in the General Plan, the aesthetics of the Lower Deer Valley neighborhood should be preserved with special consideration to preserving the few remaining miners' houses along Deer Valley Drive and encouraging compatible development that does not overwhelm the historic houses. Additionally, the General Plan recommends the use of conservation neighborhoods tools to protect native vegetation and wildlife corridors in the Lower Deer Valley neighborhood.

In order to maintain the aesthetic experience of arriving at the resort and meeting City Council's goals for preserving historic resources along Deer Valley Drive, City Council directed staff to make a zone change amendment on September 22, 2016 (Staff Report

page 92, Minutes page 18).

Background

Prior to 2013, the BLM has owned the hillside containing the three historic miner's houses at 622, 652, and 660 Rossie Hill Drive the fire-damaged historic house at 632 Deer Valley Loop, and the triangle parcel above Rossie Hill Drive. In 2013, the BLM granted a land patent to the Bertagnoles for the 632 Deer Valley Loop parcel after 30 years of Color of Title legal action. Richard Dennis is currently in a Color of Title action with BLM for the three remaining houses.

This hillside was initially zoned R-1 in 1968, which permitted a density of about 14.5 units/acre; however, by 1985, it had been rezoned to RM. The RM zoning district serves as a transition neighborhood between Old Town to the west and Lower Deer Valley to the east. The neighborhood is largely characterized by resort-oriented housing development, including single family, duplex, and multi-unit dwellings that serve as primary and second homes as well as nightly rentals.

The triangle parcel to the west of Coalition View Court is currently zoned Estate; however, the size of the parcel is a substandard lot for the minimum lot size requirements for the Estate zone.

During City Council's review of the Lilac Hill Subdivision at 632 Deer Valley Loop on July 14, 2016, Council was concerned about future development of the adjacent BLM parcels. In particular, Council asked staff to return with limitations on house size, height, site parameters, and restrictions on relocation of the historic houses. On September 22, 2016 [See City Council Staff Report (starting page 92) and City Council Minutes (starting page 15)], staff presented to City Council the potential to rezone the area from Residential-Medium (RM) to Residential Development (RD) District; however, upon further analysis, staff finds that Historic Residential Low-Density (HRL) is more appropriate.

Staff's change of recommendation from RD to HRL was largely due to the size of BLM parcel PC-537-X, which contains the three Richard Dennis-owned historic houses at 622, 652, and 660 Rossie Hill Drive. The RD zone district limits density to three units per acre (3 units/1 acre), and this property contains 3 houses on 0.74 acres. Therefore, if zoned RD, the site would be legal non-complying and no further development could occur. However, additions could be made to the existing homes during restoration.

Additionally, the proposed zone change is consistent with the plat notes added to the Lilac Hill Subdivision, approved by City Council on October 20, 2016 [See City Council Staff Report (starting on page 108) and City Council Minutes (starting page 9)]. The property at 632 Deer Valley Loop is zoned RM; however, any new development at this site is required to comply with Park City Design Guidelines for Historic Districts and Historic Sites in order to ensure that new development is compatible to the historic structure on this lot and the Historic Structures in the surrounding area. The Conditions of Approval of Ordinance 16-32 for this Subdivision also provided a 40% open space

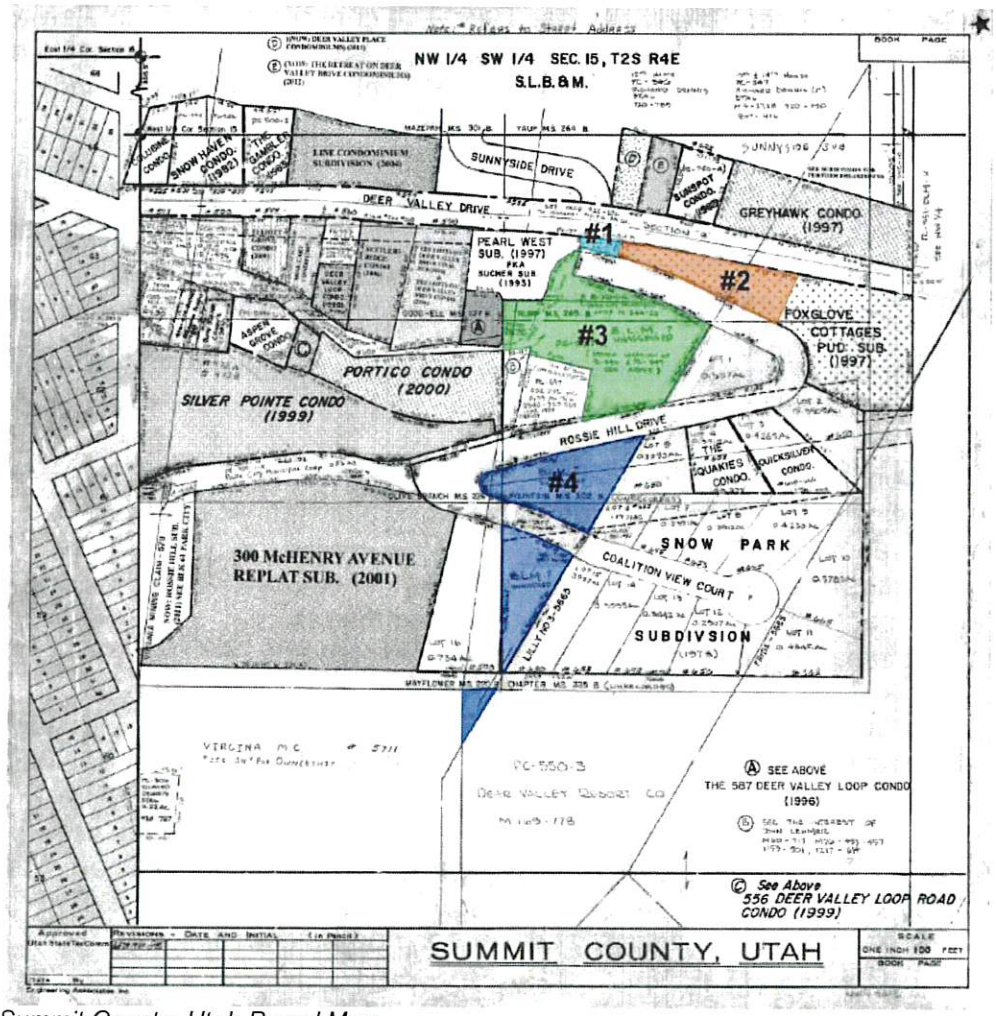
provision.

Zoning Map Amendment

In order to accommodate their goals, City Council directed staff to bring an application to rezone the BLM properties and private property which includes:

- Parcel 1: The City-owned parcel PC-750-4-X to the south of Rossie Hill Drive and north of the historic houses on Rossie Hill Drive
- Parcel 2: The portion of the Foxglove Cottages PUD Subdivision (1997) that was designated as common open space on their plat
- Parcel 3: BLM parcel PC-537-X which includes the Richard Dennis-owned historic houses at 622, 652, and 660 Rossie Hill Drive
- Parcel 4: BLM triangle parcel that extends from Rossie Hill to the north, across Coalition View Court, and south adjacent to the Snow Park Subdivision

These parcels are shown on the image below:



Summit County, Utah Parcel Map

These parcels are under separate ownership. The property is identified as Summit County parcels M244-24, PC-750-1-X, M-244-23, PC-537-X, and the un-assessed BLM triangle parcel that is located to the south and east of Rossie Hilll Drive and south of Coalition View Court.

Parcel #1 is owned by Park City Municipal Corporation; it is the paved area that connects Rossie Hill Drive to Deer Valley Drive. Parcel #2 has been designated as open space on the Foxglove Cottages PUD Subdivision, recorded in 1997, and owned by the Foxglove Homeowners association. Parcel #3 is owned by the BLM; however, the BLM is in a Color of Title legal action with the Dennis family for the northeast side of the property which includes the three (3) historic houses along Rossie Hill Drive. Finally, Parcel #4 is also owned by the BLM.

Parcels #1, #2, and #3 are currently zoned Residential Medium (RM); whereas the triangle Parcel #4 is zoned Estate (E). Zoned as estate, Parcel #4 is an undevelopable parcel as the Estate zone requires a minimum lot size of three (3) acres for all uses with density limited to one (1) unit per three (3) acres. Parcel #4 consists of approximately 0.6 acres north of Coalition View Court and approximately 0.4 acres on the south side of Coalition View Court. These lots are substandard lots and cannot be developed under the current zoning.

Staff proposes rezoning Parcel #1, #2, and #4 as Recreation and Open Space (ROS). This will protect this area from development and allow it to retain its natural character of an open meadow. It will also help preserve the context of the historic houses along Rossie Hill Drive as they will continue to be framed by open space. The purposes of the ROS District include:

A. establish and preserve districts for land uses requiring substantial Areas of open land covered with vegetation and substantially free from Structures, Streets and Parking Lots,
B. permit recreational Uses and preserve recreational Open Space land,
C. encourage parks, golf courses, trails and other Compatible public or private recreational Uses, and
D. preserve and enhance environmentally sensitive lands, such as wetlands, Steep Slopes, ridge lines, meadows, stream corridors, and forests.
E. encourage sustainability, conservation, and renewable energy.

Staff also proposes to rezone Parcel #3 from RM to HRL. The change in zone will aid in meeting Council's goals as it will reduce the amount of density permitted on the site as the RM zone would permit up to twenty-two (22) units of development and the HRL zone would only allow eight (8) units of development; these unit calculations are based only on the size of the lot and do not consider the placement of the historic houses on the property. The Historic zone designation will ensure that development is reviewed under the Historic District Design Guidelines and Review process (HDDR).

This property is not contiguous to the existing HRL Zone District, which is located approximately 750 feet to the west / southwest along Rossie Hill Drive. The size of the

proposed rezoning area is approximately 15% of the total the size the entire existing HRL Zone District along McHenry Road.

This proposal to modify this specific area is aligned with the City's General Plan and current zoning restrictions. The zone change will maintain the existing open space on the hillside and designated by the Fox Glove Cottages PUD Subdivision and further protect the historic properties along Deer Valley Drive through the HRL zoning regulations, meeting the goals of the General Plan.

The purpose statements of the HRL zoning district reflect the strategies and goals outlined in our General Plan. The purpose statements for the HRL Zoning District include:

A. reduce density that is accessible only by substandard Streets so these Streets are not impacted beyond their reasonable carrying capacity,
B. provide an Area of lower density Residential Use within the old portion of Park City,
C. preserve the character of Historic residential Development in Park City,
D. encourage the preservation of Historic Structures,
E. encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District, and maintain existing residential neighborhoods.
F. establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment, and
G. define Development parameters that are consistent with the General Plan policies for the Historic core.

These purpose statements reflect the goals for Historic Character as outlined in the General Plan. The General Plan seeks to preserve the integrity, mass, scale, and character of Park City's Historic fabric. It also addressed examining lot sizes in Old Town to ensure compatible mass and scale of infill development and additions to historic structures. It recommends developing compatibility regulations that limit lot size, massing, siting, and height in order to guide compatible neighborhood development as well as retain and preserve the character of historic sites. Most importantly it intends to maintain local and national historic assignations, prevent incompatible infill as well as significant modifications/alterations to historic structures, and the loss of historic resources.

Parcel #3 was identified as Old Town in the General Plan. However, the historic resources along Deer Valley Drive were actually addressed as part of the Lower Deer Valley Neighborhood. In this area, Deer Valley is meant to be a transition between historic Old Town and the relatively new resort. The General Plan sought to preserve the aesthetic experience of the approach to the resort by maintaining cultural resources along Deer Valley Drive, particularly the few remaining miner's home. Again, preservation is a key component to the HR-L zoning District.

The following table outlines the differences between the existing RM and proposed HRL

zones:

Zone Allowance:	***Residential Medium-Density (RM)***	***Historic Residential Low-Density (HRL) District***
Lot Size Requirements:		
Single Family	*2,812 SF*	*3,750 SF*
Duplex Dwelling	*3,750 SF*	*Not permitted*
Triplex Dwelling	*4,687 SF*	*Not permitted*
Four-plex Dwelling	*5,625 SF*	*Not permitted*
More than four dwelling units	*5,625 SF + 1,000 SF for each additional unit*	*Not permitted*
Lot Width	*37.50 ft.*	*35 ft.*
Setbacks		
<u>Front Yard</u>		
Single Family, Duplex, and Accessory Buildings	*15 ft.*	*10-15 ft. depending on lot depth*
Front Facing Garages for Single Family and Duplex Dwellings	*20 ft.*	*N/A*
Triplex or Multi-Unit Dwellings	*20 ft.*	
Front Facing Garages for Multi-Unit Dwellings	*25 ft.*	*N/A*
<u>Rear Yard</u>		
Single Family and Duplex Dwellings	*10 ft.*	*10-15 ft. depending on lot depth*
Triplex or Multi-Unit Dwelling	*15 ft.*	*N/A*
Accessory Building less than 18 ft. in height	*5 ft.*	*1 ft.*
<u>Side Yard</u>		
Single Family, Duplex, and Accessory Buildings	*5 ft.*	*3-10 ft. depending on lot width*
Triplex or Multi-Unit Dwelling	*10 ft.*	*N/A*
Accessory Building less than 18 ft. in height	*3 ft.*	*3 ft.*
Open Space Requirement Triplex or Multi-Unit Dwelling	*60%*	*Not permitted*
Building Height	*28 ft.*	*27 ft. from existing grade; maximum height of thirty five feet (35') measured from the lowest floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters. A ten foot (10') minimum horizontal step in the downhill façade is required unless the First Story is located completely under the finish grade on all sides of the*

		Structure.
Maximum House Size	*N/A*	*Based on footprint allowance*

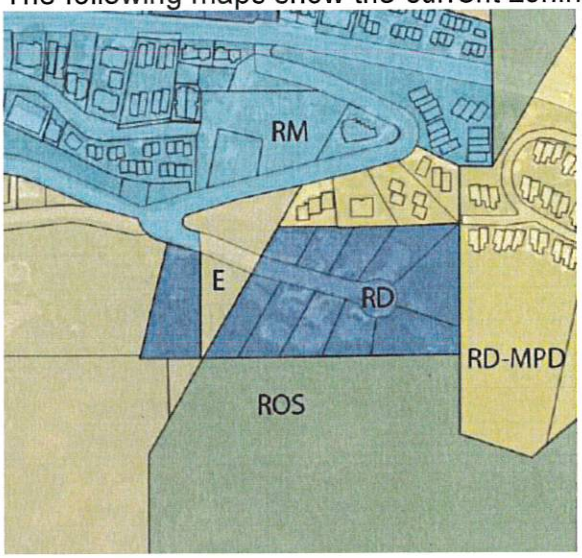
[1] *As part of a MPD or subdivision, the Planning Commission may designate maximum house sizes to ensure Compatibility. See equations outlined in LMC 15-2.13-6.*

As noted in the following table, the allowed uses of the zones are fairly similar in promoting residential development. The HRL zone restricts residential development only to single family dwellings which is consistent with the historic development on Parcel #3. Additionally, the conditional uses of the HRL zone include Passenger Tramway Stations and Ski Base Facilities, Ski Tow Ropes, Ski Lifts, Ski Runs, and Ski Bridges which further support resort development to the east. The following table shows the differences in allowed uses between the RM and RD zones:

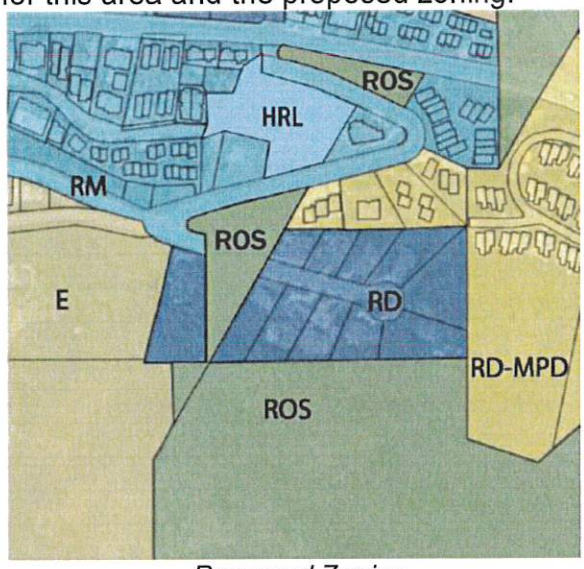
Zone Allowance:	***Residential Medium-Density (RM)***	***Historic Residential Low-Density (HRL) District***
Single Family Dwelling	*Allowed*	*Allowed*
Duplex Dwelling	*Allowed*	*Not Permitted*
Triplex Dwelling	*Allowed*	*Not Permitted*
Secondary Living Quarters	*Allowed*	*Not Permitted*
Lockout Unit	*Allowed*	*CUP*
Accessory Apartment	*Allowed*	*CUP*
Nightly Rental	*Allowed*	*CUP*
Home Occupation	*Allowed*	*Allowed*
Child Care, In-Home Babysitting	*Allowed*	*Allowed*
Child Care, Family	*Allowed*	*Allowed*
Child Care, Family Group	*Allowed*	*Allowed*
Accessory Building and Use	*Allowed*	*Allowed*
Conservation Activity	*Allowed*	*Allowed*
Agriculture	*Allowed*	*Allowed*
Bed & Breakfast Inn	*Allowed*	*Not Permitted*
Parking Area or Structure with four (4) or fewer spaces	*Allowed*	*Not Permitted*
Multi-Unit Dwelling	*CUP*	*Not Permitted*
Guest House, on Lot greater than one (1) acre	*CUP*	*Not Permitted*
Group Care Facility	*CUP*	*Not Permitted*
Child Care Center	*CUP*	*Not Permitted*
Public and Quasi-Public Institution, Church, and School	*CUP*	*Not Permitted*
Essential Municipal Public Utility Use, Facility, Service, and Structure	*CUP*	*CUP*
Telecommunication Antenna	*CUP*	*CUP*
Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter	*CUP*	*CUP*
Boarding House, Hostel	*CUP*	*Not Permitted*
Hotel, Minor	*CUP*	*Not Permitted*
Outdoor Event	*Admin-CUP*	*Not Permitted*
Residential Parking Area or Structure with four (4) or fewer spaces	*Not Permitted*	*Allowed*

Parking Area or Structure with five (5) or more spaces	*CUP*	*CUP*
Temporary Improvement	*Admin-CUP*	*Admin-CUP*
Recreation Facility, Public and Private	*CUP*	*CUP (Private only)*
Master Planned Development with moderate income housing Density bonus	*CUP*	*Not Permitted*
Master Planned Development with residential and transient lodging Uses only	*CUP*	*Not Permitted*
Master Planned Development with Support Retail and Minor Service Commercial Uses	*CUP*	*Not Permitted*
Fences greater than six feet in Height from Final Grade	*Admin-CUP*	*Admin-CUP*
Passenger Tramway Station and Ski Base Facility	*Not Permitted*	*CUP*
Ski Tow Rope, Ski Lift, Ski Run, and Ski Bridge	*Not Permitted*	*CUP*

The following maps show the current zoning for this area and the proposed zoning:



Current Zoning



Proposed Zoning

General Plan Compliance

Volume I of the General Plan contains goals, objectives, and strategies for each of the four (4) Core Values: Small Town, Natural Setting, Sense of Community, and Historic Character. The General Plan goals are copied below in italics below:

Small Town

- Goal 1: Park City will protect undeveloped lands; discourage sprawl, and direct growth inward to strengthen existing neighborhoods. *The proposed Zoning Map Amendment directs complimentary development into an existing neighborhood while safeguarding the neighborhood's historic character through rezoning Parcel #3 to HRL and the remaining parcels to recreation and open space by zoning it ROS.*

- Goal 2: Park City will emphasize and preserve our sense of place while collaborating with the Wasatch Back and Salt Lake County regions through regional land use and transportation planning. *Not applicable.*

- Goal 3: Park City will encourage alternative modes of transportation on a regional and local scale to maintain our small town character. *Not applicable.*

Natural Setting

- Goal 4: Open Space: Conserve a connected, healthy network of open space for continued access to and respect for the Natural Setting. *The proposed zoning change will continue to maintain the existing open space by zoning it ROS to further protect it from future development.*

- Goal 5: Environmental Mitigation: Park City will be a leader in energy efficiency and conservation of natural resources reducing greenhouse gas emissions by at least fifteen percent (15%) below 2005 levels in 2020. *The zone change will ensure the protection of existing natural resources and open space by zoning it ROS.*

- Goal 6: Climate Adaptation: Park City will implement climate adaptation strategies to enhance the City's resilience to the future impacts of climate change. *Not applicable.*

Sense of Community

- Goal 7: Life-cycle Housing: Create a diversity of primary housing opportunities to address the changing needs of residents. *Not applicable.*

- Goal 8: Workforce Housing: Increase affordable housing opportunities and associated services for the work force of Park City. *Not applicable.*

- Goal 9: Parks & Recreation: Park City will continue to provide unparalleled parks and recreation opportunities for residents and visitors. *The purpose statements of the ROS zoning district encourages parks, trails, and other recreational uses as well as the preservation and enhancement of environmentally sensitive lands such as the meadows, stream corridors, and forests.*

- Goal 10: Park City will provide world-class recreation and public infrastructure to host local, regional, national, and international events that further Park City's role as a world-class, multi-seasonal destination resort while maintaining a balance with our sense of community. *Not applicable.*

- Goal 11: Support the continued success of the multi-seasonal tourism economy while preserving the community character that adds to the visitor experience. *The proposed zone change will encourage the rehabilitation of the three (3) existing miner's cottages along Rossie Hill Drive while also maintaining their*

context by rezoning the existing open space as ROS.

- Goal 12: Foster diversity of jobs to provide greater economic stability and new opportunities for employment in Park City. *Not applicable.*

- Goal 13: Arts & Culture: Park City will continue to grow as an arts and culture hub encouraging creative expression. *Not applicable.*

- Goal 14: Living within Limits: The future of the City includes limits (ecological, qualitative, and economic) to foster innovative sustainable development, protect the community vision, and prevent negative impacts to the region. *Not applicable.*

Historic Character

- Goal 15: Preserve the integrity, mass, scale, compatibility and historic fabric of the nationally and locally designated historic resources and districts for future generations. *The rezone of the historic cottages from RM to HRL will allow redevelopment of these sites and ensure their longevity by encouraging their adaptive reuse. The context of their location will be maintained and preserved by rezoning the existing open space as ROS.*

- Goal 16: Maintain the Historic Main Street District as the heart of the City for residents and encourage tourism in the district for visitors. *The proposed Zone Changes does not affect the "heart" of the City, Main Street.*

Good Cause

Planning Staff finds that there is Good Cause for this Zone Amendment as the amendment will not cause undo harm to adjacent property owners and all requirements of the Land Management Code can be met. In addition, the portion of land proposed to change from RM to HRL and RM and E to ROS have not been developed previously and still contain undisturbed native grasses and shrubs in a natural state typical of other designated open space areas so no re-vegetation will be necessary and it satisfies the requirements of the Zone.

Process

The approval of the proposed rezoning application by the Planning Commission constitutes Final Action that may be appealed following the procedures found in LMC § 1-8.

Department Review

This project has gone through an interdepartmental review. No further issues were brought up at that time.

Notice

On December 28, 2016 the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record on

December 31, 2016 according to requirements of the Land Management Code.

If this application is forwarded to City Council, the property owners will be noticed once again, ten days prior to the public hearing, according to requirements of the LMC.

Public Input
No public input has been received by the time of this report.

Alternatives

- The Planning Commission may forward a positive recommendation to City Council to approve the Zoning Map Amendment; or
- The Planning Commission may forward a negative recommendation to City Council to deny the Zoning Map Amendment and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on Zoning Map Amendment to a date certain and provide input to Staff and the applicant on any additional information they require in order to make a recommendation; or

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

Consequences of not taking the Planning Department's Recommendation
The zoning designation would remain as is.

Summary Recommendations
Staff recommends the Planning Commission hold a public hearing and consider forwarding a positive recommendation to City Council to approve the Zoning Map Amendment Request from Residential Medium (RM) District to Historic Residential Low-Density (HRL) District and Recreation Open Space (ROS) at 622, 652, and 660 Rossie Hill Drive and the BLM-owned parcels as well as an additional zone change from Estate (E) to ROS for the BLM-owned parcels above Rossie Hill Drive, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Exhibits
Exhibit A – Zoning Map Amendment Draft Ordinance and map of amendment
Exhibit B – Survey of Richard Dennis Property
Exhibit C – Aerial photographs of the rezone
Exhibit D – Site Photographs

Exhibit A: Zoning Map Amendment Draft Ordinance

Ordinance No. 17-XX

AN ORDINANCE APPROVING A ZONING MAP AMENDMENT FROM RESIDENTIAL MEDIUM (RM) DISTRICT TO HISTORIC RESIDENTIAL LOW-DENSITY (HRL) DISTRICT AND RECREATION OPEN SPACE (ROS) AT 622, 652, AND 660 ROSSIE HILL DRIVE AS WELL AS THE BLM-OWNED PARCELS, PARK CITY, UTAH.

WHEREAS, City Council directed staff to initiate a Zoning Map Amendment on September 22, 2016; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on December 28, 2016 the property was posted and notice was mailed to property owners within 300 feet; and

WHEREAS, legal notice was published in the Park Record on December 31, 2016 according to requirements of the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on January 11, 2017 to receive input on Zoning Map Amendment; and

WHEREAS, the Planning Commission, on January 11, 2017, forwarded _____ recommendation to the City Council; and,

WHEREAS, on February 16, 2017 the City Council held a public hearing to receive input on the Zoning Map Amendment; and

WHEREAS, there is good cause and it is in the best interest of Park City, Utah to approve Amend the Zoning Map.

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

SECTION 1. APPROVAL. Zoning Map Amendment from Residential Medium (RM) District to Historic Residential Low-Density Development (HRL) District and Recreation Open Space (ROS) at 622, 652, and 660 Rossie Hill Drive as well as the BLM-owned parcels as shown in Attachment 1 is approved subject to the following Findings of Facts, and Conclusions of Law.

Findings of Fact:

1. The property is identified as Summit County parcels M244-24, PC-750-1-X, M-244-23, PC-537-X, and the un-assessed BLM triangle parcel that is located to

the south and east of Rossie Hilll Drive and south of Coalition View Court.

2. The property is currently zoned Residential Medium-Density (RM) and the triangle parcel is zoned Estate (E).
3. There are currently three historic houses located at 622, 652, and 660 Rossie Hill Drive. These are located on parcel PC-537-X. These houses are designated as Landmarks on the City's Historic Sites Inventory.
4. This rezone also includes the northwestern half of the Foxglove Cottages PUD Subdivision, which was recorded in 1997. This subdivision included a provision that the common area is master planned open space, and may not be sold separately. The eastern half of the property is designated as open space on the subdivision.
5. This property is not contiguous to the existing HRL Zone District, which is located approximately 750 feet to the west / southwest along Rossie Hill Drive.
6. The size of the proposed rezoning area is approximately 15% of the total size of the entire existing HRL Zone District along McHenry Road.
7. The access to the sites is from Rossie Hill Drive and Coalition Court.
8. The ROS District lists Conservation Activity as the only allowed use.
9. The requested Zoning Map Amendment from RM to HRL and ROS is appropriate in that the zone change will meet City Council's goals of preserving the hillside and promoting redevelopment of the historic houses and is consistent with the General Plan.
10. This zone change proposes rezoning parcel PC-537-X from RM to HRL. The RD zone only allows up to 8 single family units of development; under the RM zone, the density is roughly 24 units of development consisting of a mix of multi-unit dwellings over four units.
11. This zone change proposes rezoning the remainder of PC-537-X and the other parcels to Recreation Open Space (ROS) which encourages preserving and enhancing environmentally sensitive lands, encouraging sustainability, conservation, and renewable energy.
12. The proposed Zoning Map Amendment directs complimentary development into an existing neighborhood and protects the historic properties along Deer Valley Drive through the HRL zoning regulations, meeting the goals of the General Plan.

Conclusions of Law:

1. There is Good Cause for this Zoning Map Amendment.
2. The Zoning Map Amendment request is consistent with the Park City General Plan and the Park City Land Management Code.
3. The Zoning Map Amendment is consistent with applicable State law.
4. Neither the public nor any person will be materially injured by the proposed Zoning Map Amendment.
5. Approval of the Zoning Map Amendment does not adversely affect the health, safety and welfare of the citizens of Park City.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication and when the revised Official Zoning Map is signed by the City upon final review by the City

Attorney.

PASSED AND ADOPTED this 16th day of February, 2017.

PARK CITY MUNICIPAL CORPORATION

_____

Jack Thomas, MAYOR

ATTEST:

_____

Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

_____

Mark Harrington, City Attorney

Attachment 1 – Proposed Zoning Map Amendment

Exhibit A

Proposed Zoning Map

January, 2017

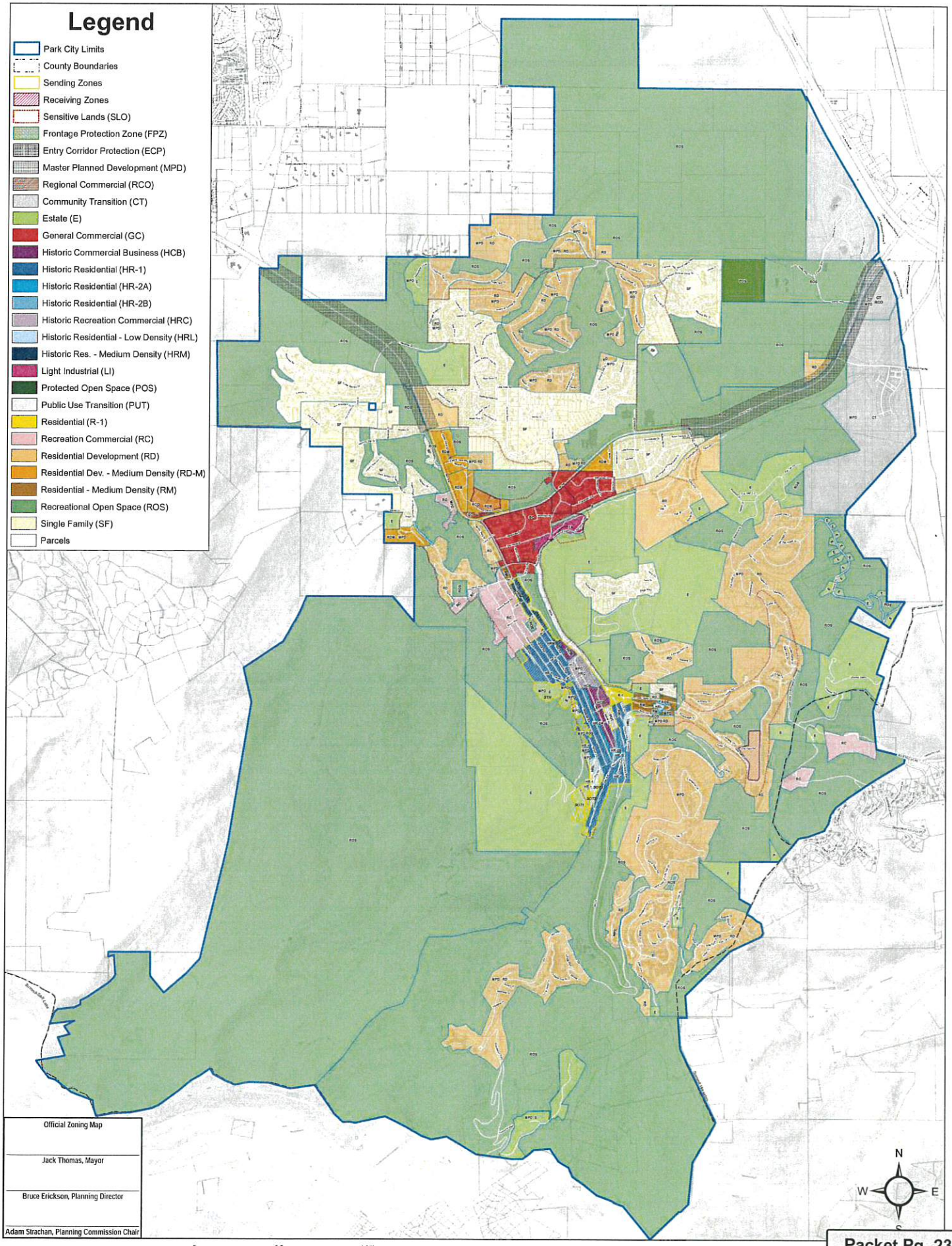


Exhibit B

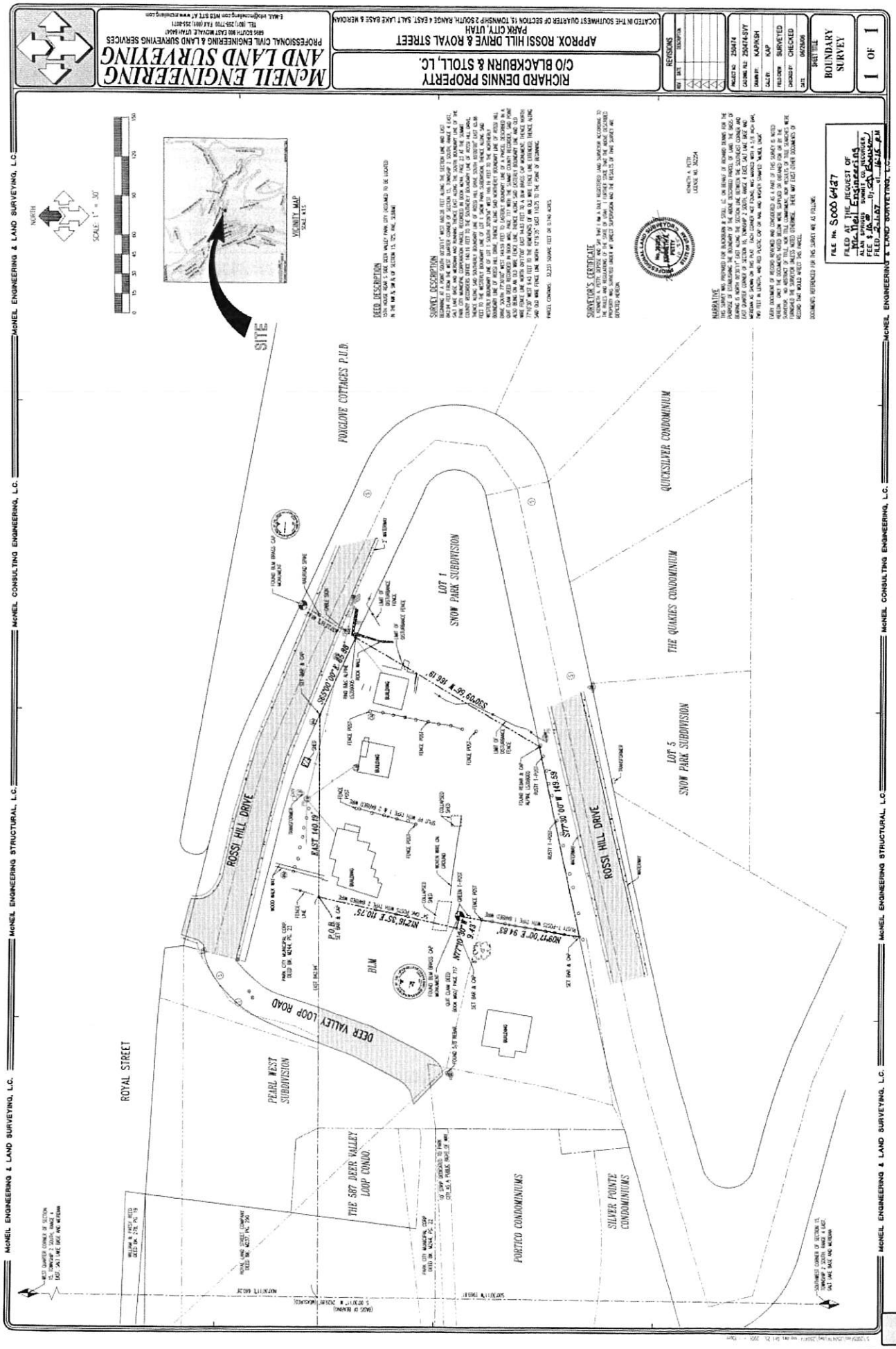
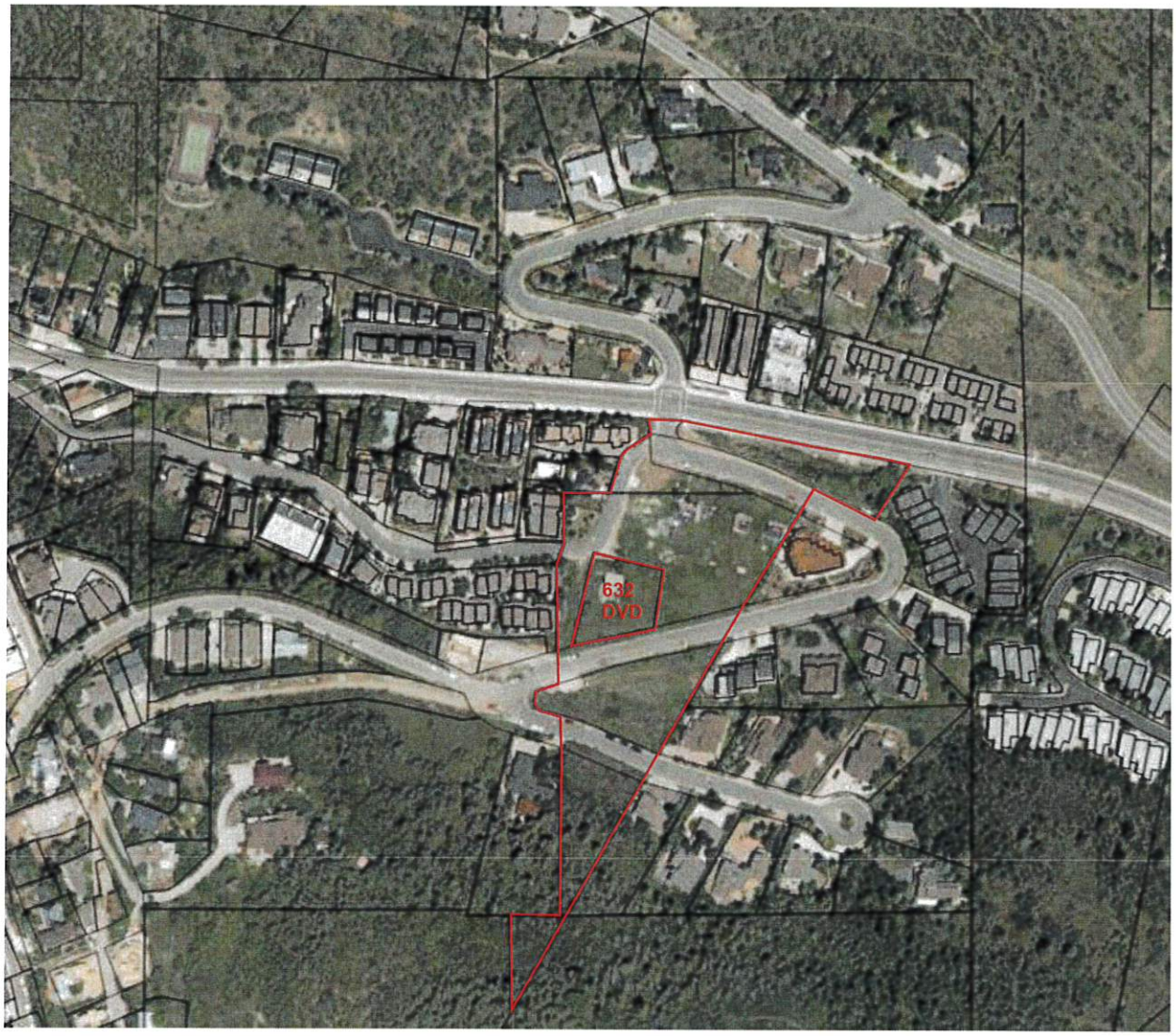
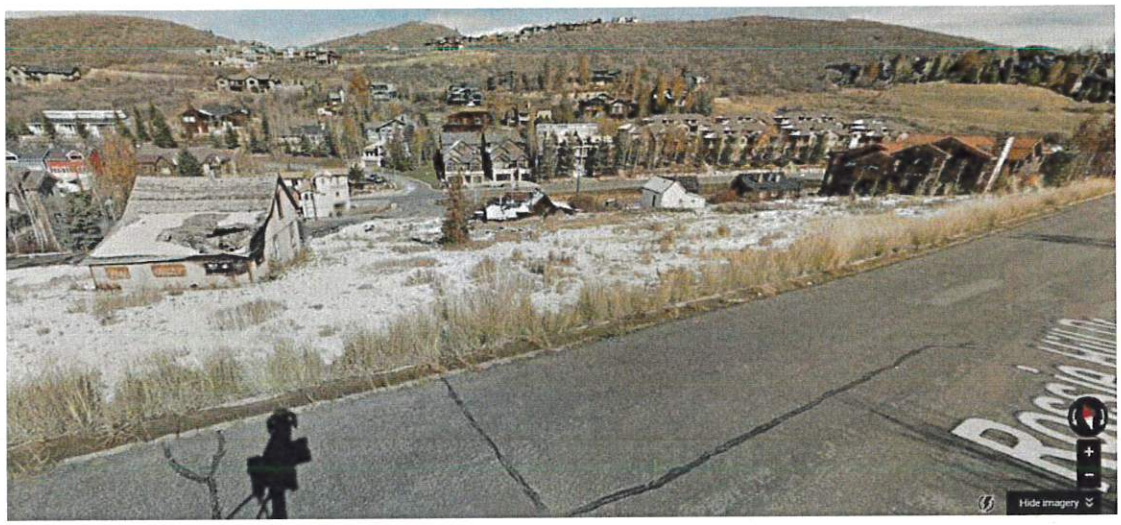

McNEIL ENGINEERING AND LAND SURVEYING
PROFESSIONAL CIVIL ENGINEERING & LAND SURVEYING SERVICES
RICHARD DENNIS PROPERTY
C/O BLACKBURN & STOLL, LC.
APPROX. ROSSI HILL DRIVE & ROYAL STREET
PARK CITY, UTAH
BOUNDARY SURVEY
1 OF 1
SITE
VICINITY MAP
FOXGLOVE COTTAGES P.U.D.
QUICKSILVER CONDOMINIUM
THE QUAKIES CONDOMINIUM
LOT 1 SNOW PARK SUBDIVISION
LOT 5 SNOW PARK SUBDIVISION
ROSSI HILL DRIVE
DEER VALLEY LOOP ROAD
ROYAL STREET
PEARL WEST SUBDIVISION
THE 507 DEER VALLEY LOOP CONDO
PORTICO CONDOMINIUMS
SILVER POINTE CONDOMINIUMS
BLM
P.O.B.
S00°09'36"W 186.19'
S87°50'00"W 169.58'
N09°17'00"E 94.85'
EAST 140.19'
N17°09'30"E 9.43'
N12°16'35"E 110.75'
S00°02'00"E 140.02'
McNEIL ENGINEERING & LAND SURVEYING, L.C.
McNEIL CONSULTING ENGINEERING, L.C.
McNEIL ENGINEERING STRUCTURAL, L.C.
S-6427

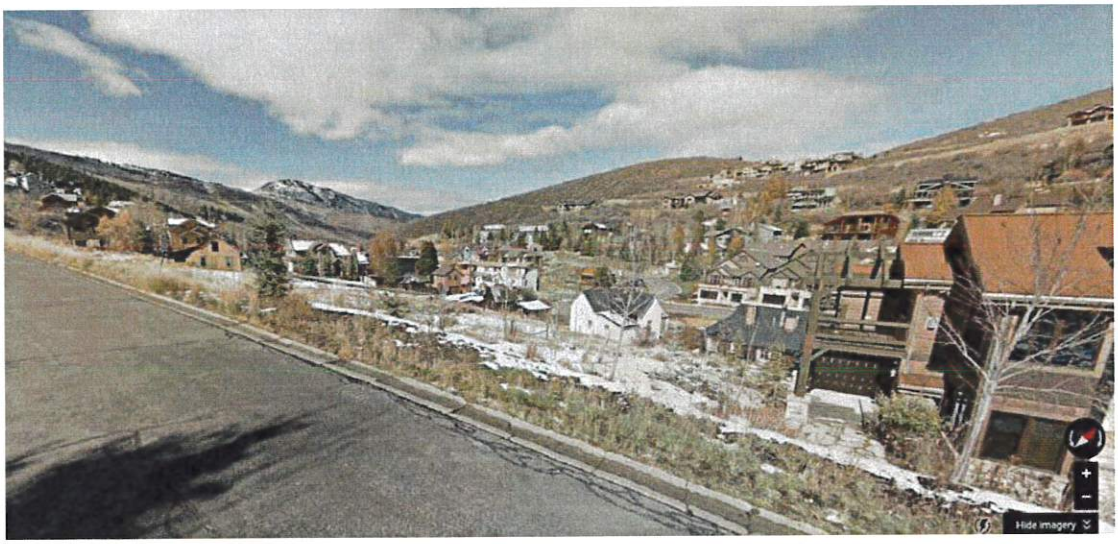
Exhibit C

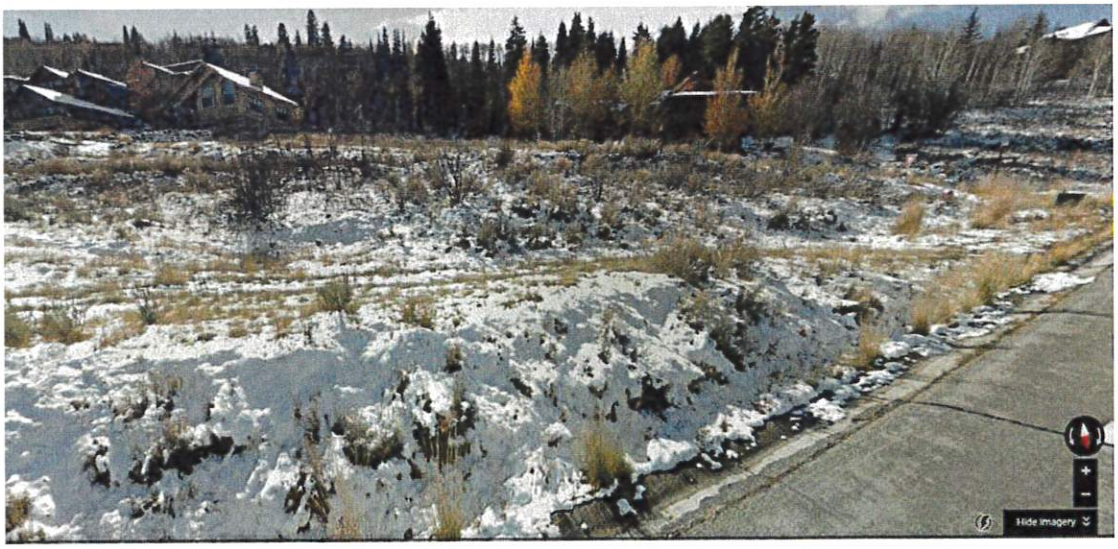


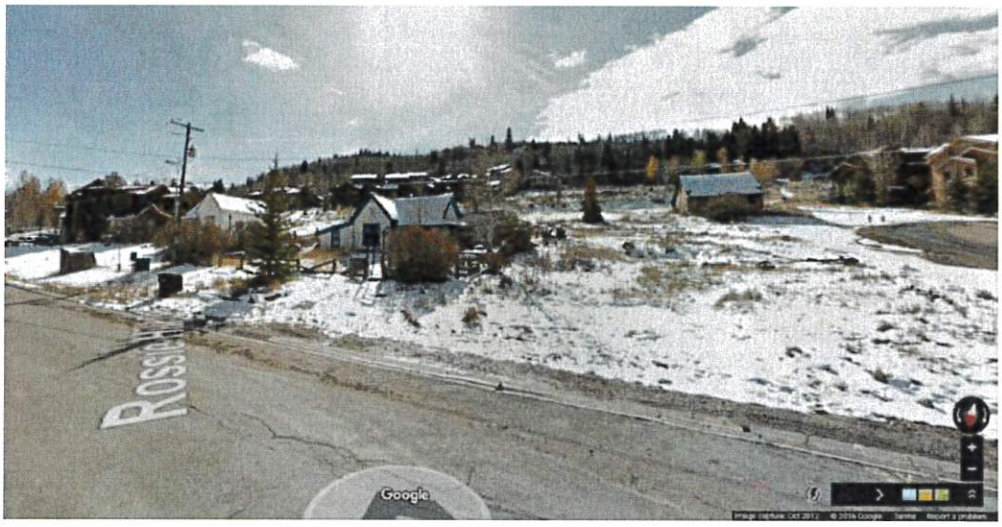
Rossie Hill Zone Change
(Please note that 632 Deer Valley Drive is not included)

Exhibit D





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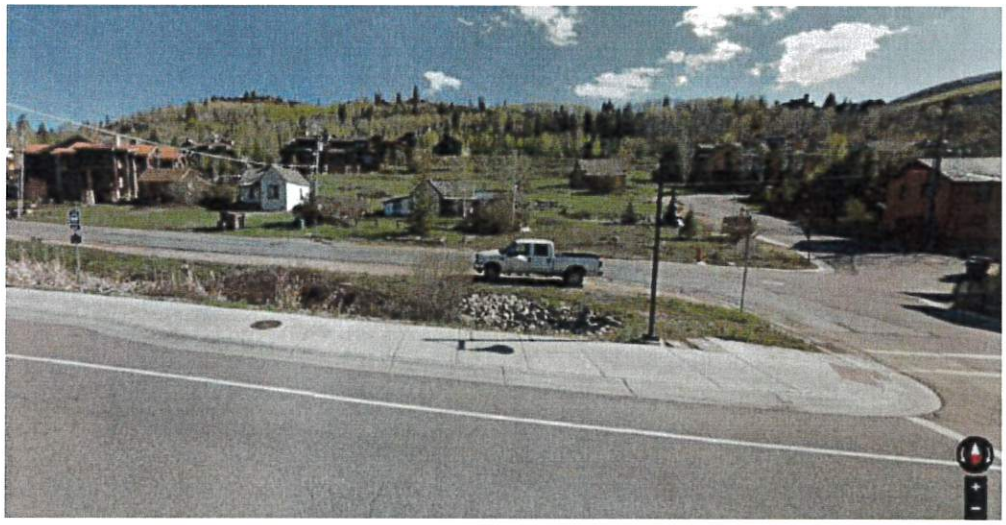
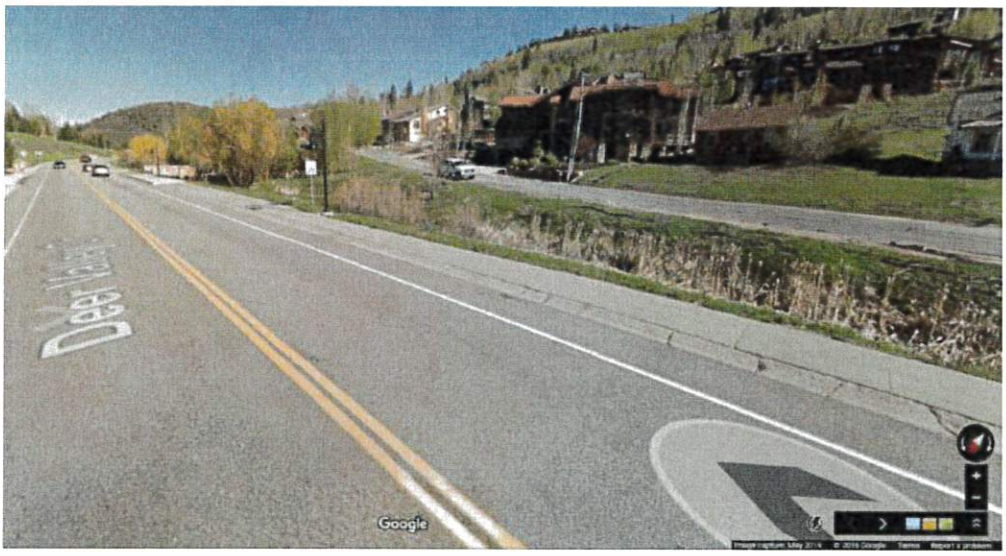



Google

DATE: February 16, 2017

TO HONORABLE MAYOR AND COUNCIL

City Council has expressed concern about the future development of the BLM parcels along Rossie Hill Drive, which include 622, 652, and 660 Rossie Hill Drive. The neighborhood of the BLM parcels is currently zoned Residential Medium (RM) District along Deer Valley Drive, and Estate (E) to the south of Rossie Hill Drive; this area provides a transition between Old Town to the West and Lower Deer Valley to the east. As outlined in the General Plan, the aesthetics of the Lower Deer Valley neighborhood should be preserved with special consideration to preserving the few remaining miners' houses along Deer Valley Drive and encouraging compatible development that does not overwhelm the historic houses. Additionally, the General Plan recommends the use of conservation neighborhoods tools to protect native vegetation and wildlife corridors in the Lower Deer Valley neighborhood.

In order to maintain the aesthetic experience of arriving at the resort and meeting City Council's goals for preserving historic resources along Deer Valley Drive, City Council directed staff to make a zone change amendment on September 22, 2016. The Planning Commission forwarded a positive recommendation to City Council for this zone change on January 11, 2017.

Respectfully:

Anya Grahn, Planner II

City Council Staff Report

PARK CITY 1884

PLANNING DEPARTMENT

Subject:	**Zoning Map Amendment Request**
Author:	**Anya Grahn, Historic Preservation Planner**
	Bruce Erickson, AICP, Planning Director
Project Number:	**PL-16-03323**
Date:	**February 16, 2017**
Type of Item:	**Legislative – Zoning Map Amendment**

Summary Recommendations

Staff recommends the City Council hold a public hearing for the Zoning Map Amendment Request from Residential Medium (RM) District to Historic Residential Low-Density (HRL) District and Recreation Open Space (ROS) at 622, 652, and 660 Rossie Hill Drive and the BLM-owned parcels as well as an additional zone change from Estate (E) to ROS for the BLM-owned parcels above Rossie Hill Drive, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Description

Applicant:	Park City Planning Department
Location:	622, 652, and 660 Rossie Hill Drive as well as the adjacent BLM Parcels
Existing Zoning:	Residential Medium (RM) and Estate (E)
Proposed Zoning:	Historic Residential Low-Density (HRL) and Recreation Open Space (ROS)
Adjacent Land Uses:	Single-family and multi-unit residential
Reason for Review:	Zoning Map Amendment applications require a Planning Commission recommendation and City Council review and action

Executive Summary/Proposal

City Council has expressed concern about the future development of the BLM parcels along Rossie Hill Drive, which include 622, 652, and 660 Rossie Hill Drive. The neighborhood of the BLM parcels is currently zoned Residential Medium (RM) District along Deer Valley Drive, and Estate (E) to the south of Rossie Hill Drive; this area provides a transition between Old Town to the West and Lower Deer Valley to the east. As outlined in the General Plan, the aesthetics of the Lower Deer Valley neighborhood should be preserved with special consideration to preserving the few remaining miners' houses along Deer Valley Drive and encouraging compatible development that does not overwhelm the historic houses. Additionally, the General Plan recommends the use of conservation neighborhoods tools to protect native vegetation and wildlife corridors in the Lower Deer Valley neighborhood.

In order to maintain the aesthetic experience of arriving at the resort and meeting City Council's goals for preserving historic resources along Deer Valley Drive, City Council

directed staff to make a zone change amendment on September 22, 2016 (Staff Report page 92, Minutes page 18. The Planning Commission expressed concern about the zone change as they did not believe Deer Valley Drive was a transition between Old Town and Deer Valley Resort and they had reservations about creating a non-contiguous island of zoning; however, they forwarded a positive recommendation to City Council for this zone change on January 11, 2017, largely due to the owner's support of the rezone.

Background

Prior to 2013, the BLM has owned the hillside containing the three historic miner's houses at 622, 652, and 660 Rossie Hill Drive, the fire-damaged historic house at 632 Deer Valley Loop, and the triangle parcel above Rossie Hill Drive. In 2013, the BLM granted a land patent to the Bertagnoles for the 632 Deer Valley Loop parcel after 30 years of Color of Title legal action. Richard Dennis is currently in a Color of Title action with BLM for the three (3) remaining houses.

This hillside was initially zoned R-1 in 1968, which permitted a density of about 14.5 units/acre; however, by 1985, it had been rezoned to RM. The RM zoning district serves as a transition neighborhood between Old Town to the west and Lower Deer Valley to the east. The neighborhood is largely characterized by resort-oriented housing development, including single family, duplex, and multi-unit dwellings that serve as primary and second homes as well as nightly rentals.

The triangle parcel to the west of Coalition View Court is currently zoned Estate; however, the size of the parcel is a substandard lot for the minimum lot size requirements for the Estate zone.

During City Council's review of the Lilac Hill Subdivision at 632 Deer Valley Loop on July 14, 2016, Council was concerned about future development of the adjacent BLM parcels. In particular, Council asked staff to return with limitations on house size, height, site parameters, and restrictions on relocation of the historic houses. On September 22, 2016 [See City Council Staff Report (starting page 92) and City Council Minutes (starting page 15)], staff presented to City Council the potential to rezone the area from Residential-Medium (RM) to Residential Development (RD) District; however, upon further analysis, staff finds that Historic Residential Low-Density (HRL) is more appropriate.

Staff's change of recommendation from RD to HRL was largely due to the size of BLM parcel PC-537-X, which contains the three Richard Dennis-owned historic houses at 622, 652, and 660 Rossie Hill Drive. The RD zone district limits density to three units per acre (3 units/1 acre), and this property contains 3 houses on 0.74 acres. Therefore, if zoned RD, the site would be legal non-complying and no further development could occur. However, additions could be made to the existing homes during restoration.

Additionally, the proposed zone change is consistent with the plat notes added to the Lilac Hill Subdivision, approved by City Council on October 20, 2016 [See City Council

Staff Report (starting on page 108) and City Council Minutes (starting page 9)]. The property at 632 Deer Valley Loop is zoned RM; however, any new development at this site is required to comply with Park City Design Guidelines for Historic Districts and Historic Sites in order to ensure that new development is compatible to the historic structure on this lot and the Historic Structures in the surrounding area. The Conditions of Approval of Ordinance 16-32 for this Subdivision also provided a 40% open space provision.

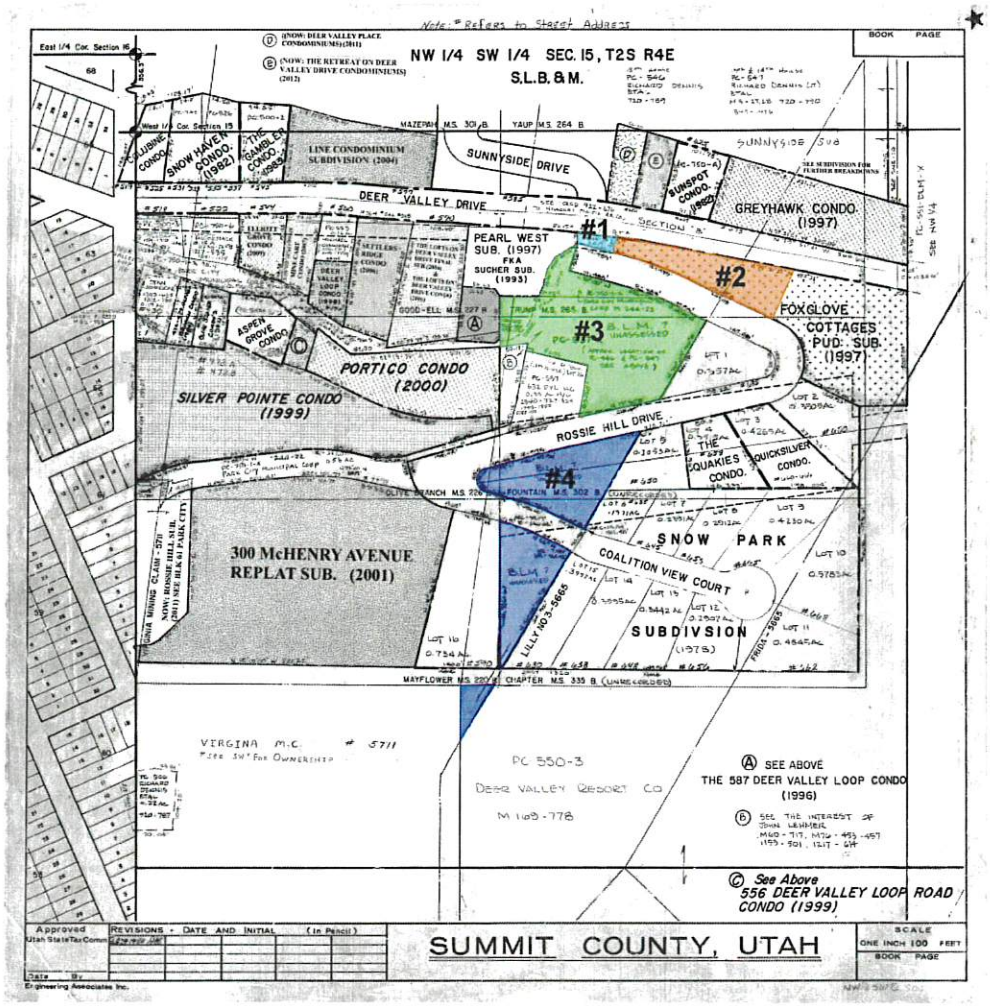
On January 11, 2017, the Park City Planning Commission reviewed this application. [See Staff Report (starting page 221) and Minutes (Exhibit F)]. Several of the Planning Commissioners expressed concern about zoning such a small parcel and that the HRL zoning proposal was not contiguous to the HRL neighborhood along McHenry Neighborhood. They also expressed interest in the City purchasing the property in order to better control development of the property consistent with the neighbors' wishes of seeing the hillside preserved as open space or even a pocket park. Ultimately, however, the Planning Commission found that the proposal would provide growth management, mitigated the neighborhoods' wishes and concerns about development of the Dennis-BLM parcel, and favored the rehab of the buildings to avoid demolition by neglect. The Planning Commission unanimously forwarded a positive recommendation to City Council for the rezone.

Zoning Map Amendment

In order to accommodate their goals, City Council directed staff to bring an application to rezone the BLM properties and private property which includes:

- Parcel 1: The City-owned parcel PC-750-4-X to the south of Rossie Hill Drive and north of the historic houses on Rossie Hill Drive
- Parcel 2: The portion of the Foxglove Cottages PUD Subdivision (1997) that was designated as common open space on their plat
- Parcel 3: BLM parcel PC-537-X which includes the Richard Dennis-owned historic houses at 622, 652, and 660 Rossie Hill Drive
- Parcel 4: BLM triangle parcel that extends from Rossie Hill to the north, across Coalition View Court, and south adjacent to the Snow Park Subdivision

These parcels are shown on the image below:



Summit County, Utah Parcel Map

These parcels are under separate ownership. The property is identified as Summit County parcels M244-24, PC-750-1-X, M-244-23, PC-537-X, and the un-assessed BLM triangle parcel that is located to the south and east of Rossie Hilll Drive and south of Coalition View Court.

Parcel #1 is owned by Park City Municipal Corporation; it is the paved area that connects Rossie Hill Drive to Deer Valley Drive. Parcel #2 has been designated as open space on the Foxglove Cottages PUD Subdivision, recorded in 1997, and owned by the Foxglove Homeowners association. Parcel #3 is owned by the BLM; however, the BLM is in a Color of Title legal action with the Dennis family for the northeast side of the property which includes the three (3) historic houses along Rossie Hill Drive. Finally, Parcel #4 is also owned by the BLM.

Parcels #1, #2, and #3 are currently zoned Residential Medium (RM); whereas the triangle Parcel #4 is zoned Estate (E). Zoned as estate, Parcel #4 is an undevelopable parcel as the Estate zone requires a minimum lot size of three (3) acres for all uses with

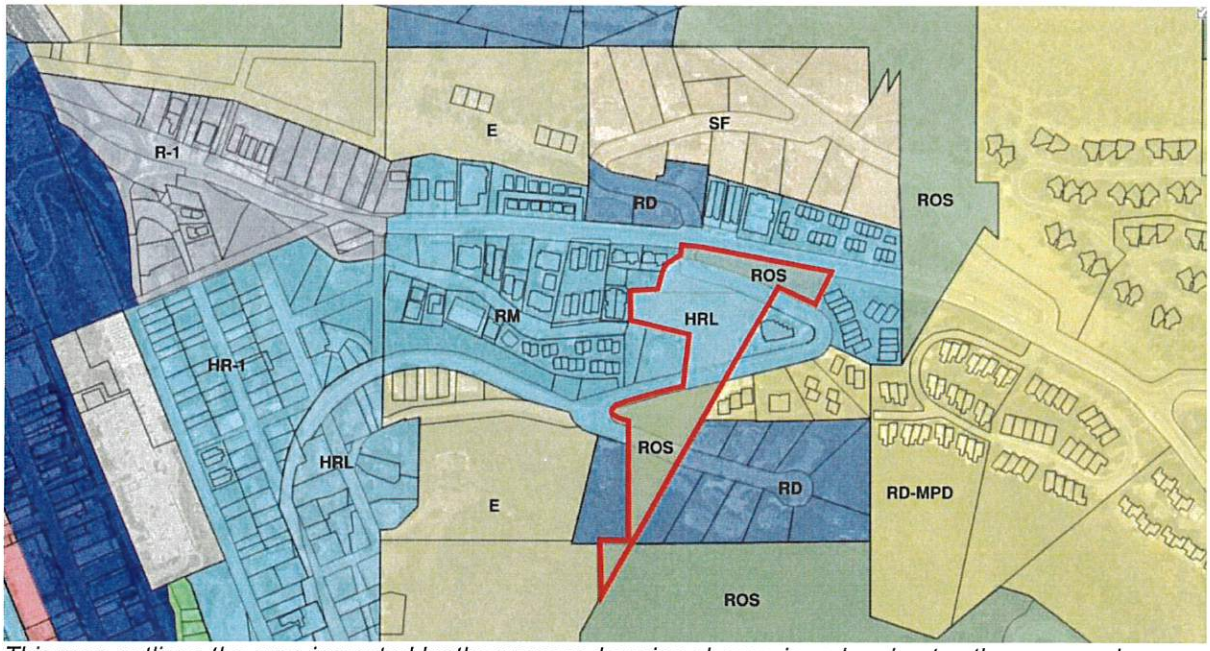
density limited to one (1) unit per three (3) acres. Parcel #4 consists of approximately 0.6 acres north of Coalition View Court and approximately 0.4 acres on the south side of Coalition View Court. These lots are substandard lots and cannot be developed under the current zoning.

Staff proposes rezoning Parcel #1, #2, and #4 as Recreation and Open Space (ROS). This will protect this area from development and allow it to retain its natural character of an open meadow. It will also help preserve the context of the historic houses along Rossie Hill Drive as they will continue to be framed by open space. The purposes of the ROS District include:

A. establish and preserve districts for land uses requiring substantial Areas of open land covered with vegetation and substantially free from Structures, Streets and Parking Lots,
B. permit recreational Uses and preserve recreational Open Space land,
C. encourage parks, golf courses, trails and other Compatible public or private recreational Uses, and
D. preserve and enhance environmentally sensitive lands, such as wetlands, Steep Slopes, ridge lines, meadows, stream corridors, and forests.
E. encourage sustainability, conservation, and renewable energy.

Staff also proposes to rezone Parcel #3 from RM to HRL. The change in zone will aid in meeting Council's goals as it will reduce the amount of density permitted on the site as the RM zone would permit up to twenty-two (22) units of development and the HRL zone would only allow eight (8) units of development; these unit calculations are based only on the size of the lot and do not consider the placement of the historic houses on the property. The Historic zone designation will ensure that development is reviewed under the Historic District Design Guidelines and Review process (HDDR).

This property is not contiguous to the existing HRL Zone District, which is located approximately 750 feet to the west / southwest along Rossie Hill Drive. The size of the proposed rezoning area is approximately 15% of the total the size the entire existing HRL Zone District along McHenry Road.



This map outlines the area impacted by the proposed zoning change in red and notes the proposed zone changes for these parcels. Note the surrounding land uses.

This proposal to modify this specific area is aligned with the City's General Plan and current zoning restrictions. The zone change will maintain the existing open space on the hillside and designated by the Fox Glove Cottages PUD Subdivision and further protect the historic properties along Deer Valley Drive through the HRL zoning regulations, meeting the goals of the General Plan.

The purpose statements of the HRL zoning district reflect the strategies and goals outlined in our General Plan. The purpose statements for the HRL Zoning District include:

A. reduce density that is accessible only by substandard Streets so these Streets are not impacted beyond their reasonable carrying capacity,
B. provide an Area of lower density Residential Use within the old portion of Park City,
C. preserve the character of Historic residential Development in Park City,
D. encourage the preservation of Historic Structures,
E. encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District, and maintain existing residential neighborhoods.
F. establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment, and
G. define Development parameters that are consistent with the General Plan policies for the Historic core.

These purpose statements reflect the goals for Historic Character as outlined in the General Plan. The General Plan seeks to preserve the integrity, mass, scale, and

character of Park City's Historic fabric. It also addressed examining lot sizes in Old Town to ensure compatible mass and scale of infill development and additions to historic structures. It recommends developing compatibility regulations that limit lot size, massing, siting, and height in order to guide compatible neighborhood development as well as retain and preserve the character of historic sites. Most importantly it intends to maintain local and national historic assignations, prevent incompatible infill as well as significant modifications/alterations to historic structures, and the loss of historic resources.

Parcel #3 was identified as Old Town in the General Plan. However, the historic resources along Deer Valley Drive were actually addressed as part of the Lower Deer Valley Neighborhood. In this area, Deer Valley is meant to be a transition between historic Old Town and the relatively new resort. The General Plan sought to preserve the aesthetic experience of the approach to the resort by maintaining cultural resources along Deer Valley Drive, particularly the few remaining miner's home. Again, preservation is a key component to the HR-L zoning District.

The following table outlines the differences between the existing RM and proposed HRL zones:

Zone Allowance:	***Residential Medium-Density (RM)***	***Historic Residential Low-Density (HRL) District***
Lot Size Requirements:		
Single Family	*2,812 SF*	*3,750 SF*
Duplex Dwelling	*3,750 SF*	*Not permitted*
Triplex Dwelling	*4,687 SF*	*Not permitted*
Four-plex Dwelling	*5,625 SF*	*Not permitted*
More than four dwelling units	*5,625 SF + 1,000 SF for each additional unit*	*Not permitted*
Lot Width	*37.50 ft.*	*35 ft.*
Setbacks		
<u>Front Yard</u>		
Single Family, Duplex, and Accessory Buildings	*15 ft.*	*10-15 ft. depending on lot depth*
Front Facing Garages for Single Family and Duplex Dwellings	*20 ft.*	*N/A*
Triplex or Multi-Unit Dwellings	*20 ft.*	
Front Facing Garages for Multi-Unit Dwellings	*25 ft.*	*N/A*
<u>Rear Yard</u>		
Single Family and Duplex Dwellings	*10 ft.*	*10-15 ft. depending on lot depth*
Triplex or Multi-Unit Dwelling	*15 ft.*	*N/A*
Accessory Building less than 18 ft. in height	*5 ft.*	*1 ft.*
<u>Side Yard</u>		
Single Family, Duplex, and		*3-10 ft. depending on lot width*

Accessory Buildings *Triplex or Multi-Unit Dwelling* *Accessory Building less than 18 ft. in height*	*5 ft.* *10 ft.* *3 ft.*	 *N/A* *3 ft.*
Open Space Requirement *Triplex or Multi-Unit Dwelling*	 *60%*	*Not permitted*
Building Height	*28 ft.*	*27 ft. from existing grade; maximum height of thirty five feet (35') measured from the lowest floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters. A ten foot (10') minimum horizontal step in the downhill façade is required unless the First Story is located completely under the finish grade on all sides of the Structure.*
Maximum House Size	*N/A*	*Based on footprint allowance*

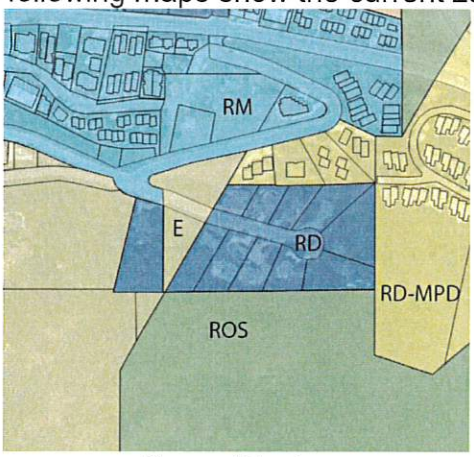
[1] As part of a MPD or subdivision, the Planning Commission may designate maximum house sizes to ensure Compatibility. See equations outlined in LMC 15-2.13-6.

As noted in the following table, the allowed uses of the zones are fairly similar in promoting residential development. The HRL zone restricts residential development only to single family dwellings which is consistent with the historic development on Parcel #3. Additionally, the conditional uses of the HRL zone include Passenger Tramway Stations and Ski Base Facilities, Ski Tow Ropes, Ski Lifts, Ski Runs, and Ski Bridges which further support resort development to the east. The following table shows the differences in allowed uses between the RM and RD zones:

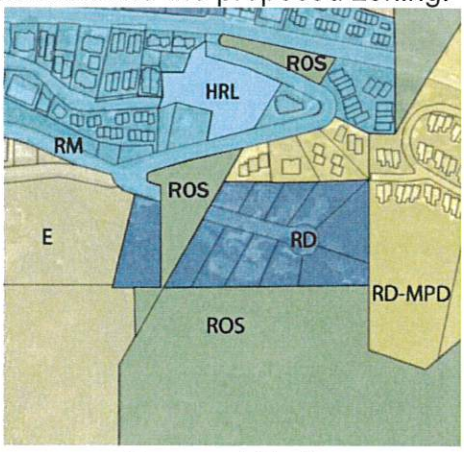
Zone Allowance:	***Residential Medium-Density (RM)***	***Historic Residential Low-Density (HRL) District***
Single Family Dwelling	*Allowed*	*Allowed*
Duplex Dwelling	*Allowed*	*Not Permitted*
Triplex Dwelling	*Allowed*	*Not Permitted*
Secondary Living Quarters	*Allowed*	*Not Permitted*
Lockout Unit	*Allowed*	*CUP*
Accessory Apartment	*Allowed*	*CUP*
Nightly Rental	*Allowed*	*CUP*
Home Occupation	*Allowed*	*Allowed*
Child Care, In-Home Babysitting	*Allowed*	*Allowed*
Child Care, Family	*Allowed*	*Allowed*
Child Care, Family Group	*Allowed*	*Allowed*
Accessory Building and Use	*Allowed*	*Allowed*

Conservation Activity	*Allowed*	*Allowed*
Agriculture	*Allowed*	*Allowed*
Bed & Breakfast Inn	*Allowed*	*Not Permitted*
Parking Area or Structure with four (4) or fewer spaces	*Allowed*	*Not Permitted*
Multi-Unit Dwelling	*CUP*	*Not Permitted*
Guest House, on Lot greater than one (1) acre	*CUP*	*Not Permitted*
Group Care Facility	*CUP*	*Not Permitted*
Child Care Center	*CUP*	*Not Permitted*
Public and Quasi-Public Institution, Church, and School	*CUP*	*Not Permitted*
Essential Municipal Public Utility Use, Facility, Service, and Structure	*CUP*	*CUP*
Telecommunication Antenna	*CUP*	*CUP*
Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter	*CUP*	*CUP*
Boarding House, Hostel	*CUP*	*Not Permitted*
Hotel, Minor	*CUP*	*Not Permitted*
Outdoor Event	*Admin-CUP*	*Not Permitted*
Residential Parking Area or Structure with four (4) or fewer spaces	*Not Permitted*	*Allowed*
Parking Area or Structure with five (5) or more spaces	*CUP*	*CUP*
Temporary Improvement	*Admin-CUP*	*Admin-CUP*
Recreation Facility, Public and Private	*CUP*	*CUP (Private only)*
Master Planned Development with moderate income housing Density bonus	*CUP*	*Not Permitted*
Master Planned Development with residential and transient lodging Uses only	*CUP*	*Not Permitted*
Master Planned Development with Support Retail and Minor Service Commercial Uses	*CUP*	*Not Permitted*
Fences greater than six feet in Height from Final Grade	*Admin-CUP*	*Admin-CUP*
Passenger Tramway Station and Ski Base Facility	*Not Permitted*	*CUP*
Ski Tow Rope, Ski Lift, Ski Run, and Ski Bridge	*Not Permitted*	*CUP*

The following maps show the current zoning for this area and the proposed zoning:



Current Zoning



Proposed Zoning

General Plan Compliance

Volume I of the General Plan contains goals, objectives, and strategies for each of the four (4) Core Values: Small Town, Natural Setting, Sense of Community, and Historic Character. The General Plan goals are copied below in italics below:

Small Town

- Goal 1: Park City will protect undeveloped lands; discourage sprawl, and direct growth inward to strengthen existing neighborhoods. *The proposed Zoning Map Amendment directs complimentary development into an existing neighborhood while safeguarding the neighborhood's historic character through rezoning Parcel #3 to HRL and the remaining parcels to recreation and open space by zoning it ROS.*

- Goal 2: Park City will emphasize and preserve our sense of place while collaborating with the Wasatch Back and Salt Lake County regions through regional land use and transportation planning. *Not applicable.*

- Goal 3: Park City will encourage alternative modes of transportation on a regional and local scale to maintain our small town character. *Not applicable.*

Natural Setting

- Goal 4: Open Space: Conserve a connected, healthy network of open space for continued access to and respect for the Natural Setting. *The proposed zoning change will continue to maintain the existing open space by zoning it ROS to further protect it from future development.*

- Goal 5: Environmental Mitigation: Park City will be a leader in energy efficiency and conservation of natural resources reducing greenhouse gas emissions by at least fifteen percent (15%) below 2005 levels in 2020. *The zone change will ensure the protection of existing natural resources and open space by zoning it ROS.*

- Goal 6: Climate Adaptation: Park City will implement climate adaptation strategies to enhance the City's resilience to the future impacts of climate change. *Not applicable.*

Sense of Community

- Goal 7: Life-cycle Housing: Create a diversity of primary housing opportunities to address the changing needs of residents. *Not applicable.*

- Goal 8: Workforce Housing: Increase affordable housing opportunities and associated services for the work force of Park City. *Not applicable.*

- Goal 9: Parks & Recreation: Park City will continue to provide unparalleled parks and recreation opportunities for residents and visitors. *The purpose statements of the ROS zoning district encourages parks, trails, and other recreational uses*

as well as the preservation and enhancement of environmentally sensitive lands such as the meadows, stream corridors, and forests.

- Goal 10: Park City will provide world-class recreation and public infrastructure to host local, regional, national, and international events that further Park City's role as a world-class, multi-seasonal destination resort while maintaining a balance with our sense of community. *Not applicable.*

- Goal 11: Support the continued success of the multi-seasonal tourism economy while preserving the community character that adds to the visitor experience. *The proposed zone change will encourage the rehabilitation of the three (3) existing miner's cottages along Rossie Hill Drive while also maintaining their context by rezoning the existing open space as ROS.*

- Goal 12: Foster diversity of jobs to provide greater economic stability and new opportunities for employment in Park City. *Not applicable.*

- Goal 13: Arts & Culture: Park City will continue to grow as an arts and culture hub encouraging creative expression. *Not applicable.*

- Goal 14: Living within Limits: The future of the City includes limits (ecological, qualitative, and economic) to foster innovative sustainable development, protect the community vision, and prevent negative impacts to the region. *Not applicable.*

Historic Character

- Goal 15: Preserve the integrity, mass, scale, compatibility and historic fabric of the nationally and locally designated historic resources and districts for future generations. *The rezone of the historic cottages from RM to HRL will allow redevelopment of these sites and ensure their longevity by encouraging their adaptive reuse. The context of their location will be maintained and preserved by rezoning the existing open space as ROS.*

- Goal 16: Maintain the Historic Main Street District as the heart of the City for residents and encourage tourism in the district for visitors. *The proposed Zone Changes does not affect the "heart" of the City, Main Street.*

Good Cause

Planning Staff finds that there is Good Cause for this Zone Amendment as the amendment will not cause undo harm to adjacent property owners and all requirements of the Land Management Code can be met. In addition, the portion of land proposed to change from RM to HRL and RM and E to ROS have not been developed previously and still contain undisturbed native grasses and shrubs in a natural state typical of other designated open space areas so no re-vegetation will be necessary and it satisfies the requirements of the Zone.

Process
The approval of the proposed rezoning application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC § 1-8.

Department Review
This project has gone through an interdepartmental review. No further issues were brought up at that time.

Notice
On December 28, 2016 the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record on December 31, 2016 according to requirements of the Land Management Code.

On February 2, 2017, the property was posted and notice was mailed to property owners within 300 feet for the City Council public hearing. Legal Notice was published in the Park Record February 1, 2017, according to requirements of the Land Management Code.

Public Input
The Planning Department has received written communication from the neighborhood. Overall the neighbors are supportive of the zone change; however, they would like to see more of the area zoned ROS to protect the open space for both animal migration, historic context, and trails and recreation. Public comment has been included in this packet as Exhibit E.

Alternatives
- The City Council may approve the Zoning Map Amendment; or
- The City Council may deny the Zoning Map Amendment and direct staff to make Findings for this decision; or
- The City Council may continue the discussion on the Zoning Map Amendment; or
- The City Council may remand the item back to the Planning Commission for specific discussion on topics and/or findings.

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

Consequences of not taking the Planning Department's Recommendation
The zoning designation would remain as is.

Summary Recommendations
Staff recommends the City Council hold a public hearing for the Zoning Map Amendment Request from Residential Medium (RM) District to Historic Residential Low-Density (HRL) District and Recreation Open Space (ROS) at 622, 652, and 660 Rossie Hill Drive and the BLM-owned parcels as well as an additional zone change from Estate (E) to ROS for the BLM-owned parcels above Rossie Hill Drive, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Exhibits

Exhibit A – Zoning Map Amendment Draft Ordinance and map of amendment
Exhibit B – Survey of Richard Dennis Property
Exhibit C – Aerial photographs of the rezone
Exhibit D – Site Photographs
Exhibit E – Public Comment
Exhibit F – Planning Commission Minutes, 1.11.17

Exhibit A: Zoning Map Amendment Draft Ordinance

Ordinance 2017-05

AN ORDINANCE APPROVING A ZONING MAP AMENDMENT FROM RESIDENTIAL MEDIUM (RM) DISTRICT TO HISTORIC RESIDENTIAL LOW-DENSITY (HRL) DISTRICT AND RECREATION OPEN SPACE (ROS) AT 622, 652, AND 660 ROSSIE HILL DRIVE AS WELL AS THE BLM-OWNED PARCELS, PARK CITY, UTAH.

WHEREAS, City Council directed staff to initiate a Zoning Map Amendment on September 22, 2016; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on December 28, 2016 the property was posted and notice was mailed to property owners within 300 feet; and

WHEREAS, legal notice was published in the Park Record on December 31, 2016 according to requirements of the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on January 11, 2017 to receive input on Zoning Map Amendment; and

WHEREAS, the Planning Commission, on January 11, 2017, forwarded a positive recommendation to the City Council; and,

WHEREAS, on February 16, 2017 the City Council held a public hearing to receive input on the Zoning Map Amendment; and

WHEREAS, there is good cause and it is in the best interest of Park City, Utah to approve Amend the Zoning Map.

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

SECTION 1. APPROVAL. Zoning Map Amendment from Residential Medium (RM) District to Historic Residential Low-Density Development (HRL) District and Recreation Open Space (ROS) at 622, 652, and 660 Rossie Hill Drive as well as the BLM-owned parcels as shown in Attachment 1 is approved subject to the following Findings of Facts, and Conclusions of Law.

Findings of Fact:

1. The property is identified as Summit County parcels M244-24, PC-750-1-X, M-244-23, PC-537-X, and the un-assessed BLM triangle parcel that is located to

the south and east of Rossie Hilll Drive and south of Coalition View Court.

2. The property is currently zoned Residential Medium-Density (RM) and the triangle parcel is zoned Estate (E).
3. There are currently three historic houses located at 622, 652, and 660 Rossie Hill Drive. These are located on parcel PC-537-X. These houses are designated as Landmarks on the City's Historic Sites Inventory.
4. This rezone also includes the northwestern half of the Foxglove Cottages PUD Subdivision, which was recorded in 1997. This subdivision included a provision that the common area is master planned open space, and may not be sold separately. The eastern half of the property is designated as open space on the subdivision.
5. This property is not contiguous to the existing HRL Zone District, which is located approximately 750 feet to the west / southwest along Rossie Hill Drive.
6. The size of the proposed rezoning area is approximately 15% of the total size of the entire existing HRL Zone District along McHenry Road.
7. The access to the sites is from Rossie Hill Drive and Coalition Court.
8. The ROS District lists Conservation Activity as the only allowed use.
9. The requested Zoning Map Amendment from RM to HRL and ROS is appropriate in that the zone change will meet City Council's goals of preserving the hillside and promoting redevelopment of the historic houses and is consistent with the General Plan.
10. This zone change proposes rezoning parcel PC-537-X from RM to HRL. The RD zone only allows up to 8 single family units of development; under the RM zone, the density is roughly 24 units of development consisting of a mix of multi-unit dwellings over four units.
11. This zone change proposes rezoning the remainder of PC-537-X and the other parcels to Recreation Open Space (ROS) which encourages preserving and enhancing environmentally sensitive lands, encouraging sustainability, conservation, and renewable energy.
12. The proposed Zoning Map Amendment directs complimentary development into an existing neighborhood and protects the historic properties along Deer Valley Drive through the HRL zoning regulations, meeting the goals of the General Plan.

Conclusions of Law:

1. There is Good Cause for this Zoning Map Amendment.
2. The Zoning Map Amendment request is consistent with the Park City General Plan and the Park City Land Management Code.
3. The Zoning Map Amendment is consistent with applicable State law.
4. Neither the public nor any person will be materially injured by the proposed Zoning Map Amendment.
5. Approval of the Zoning Map Amendment does not adversely affect the health, safety and welfare of the citizens of Park City.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication and when the revised Official Zoning Map is signed by the City upon final review by the City

Attorney.

PASSED AND ADOPTED this 16th day of February, 2017.

PARK CITY MUNICIPAL CORPORATION

_____

Jack Thomas, MAYOR

ATTEST:

_____

Michelle Kellogg, City Recorder

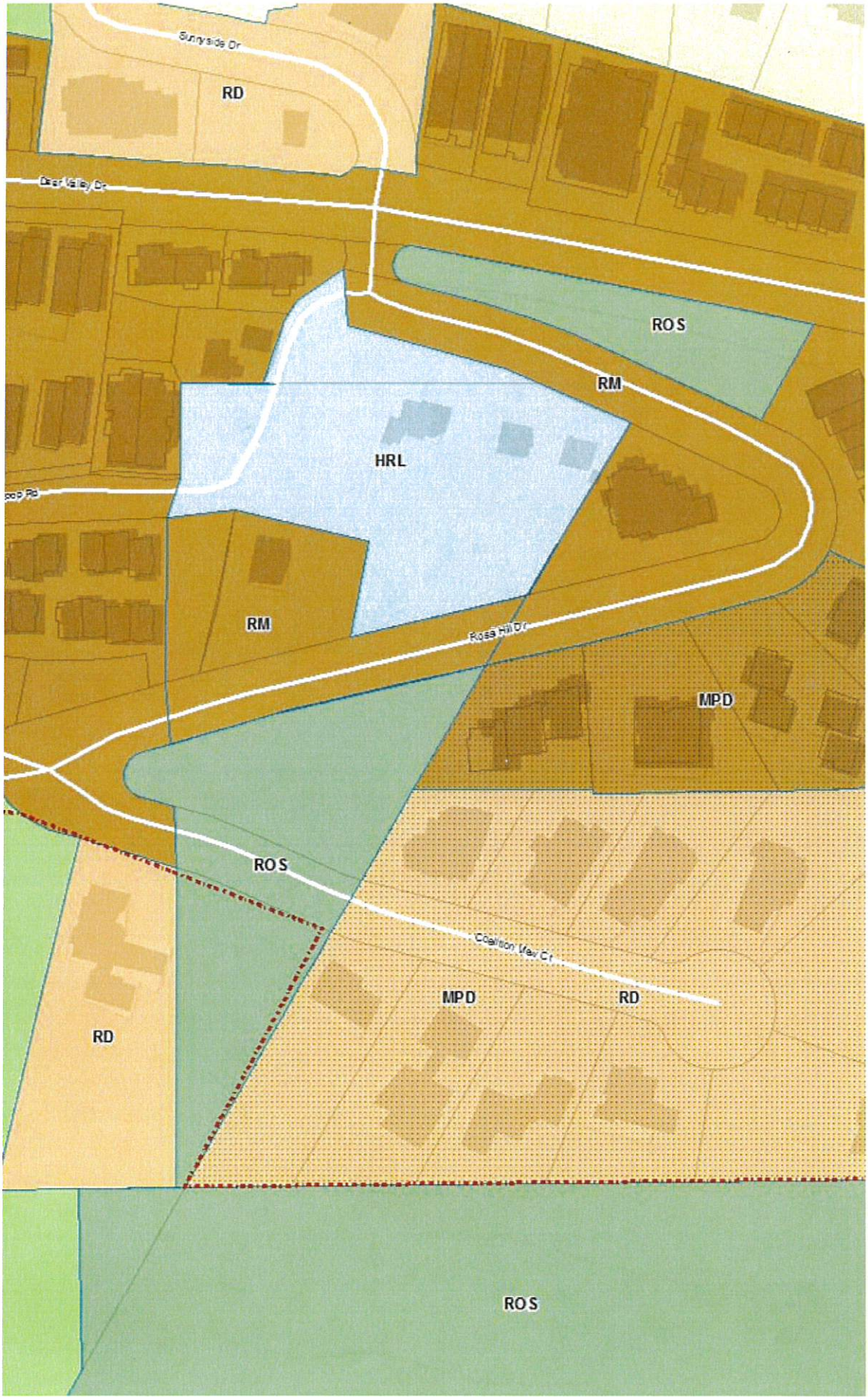
APPROVED AS TO FORM:

_____

Mark Harrington, City Attorney

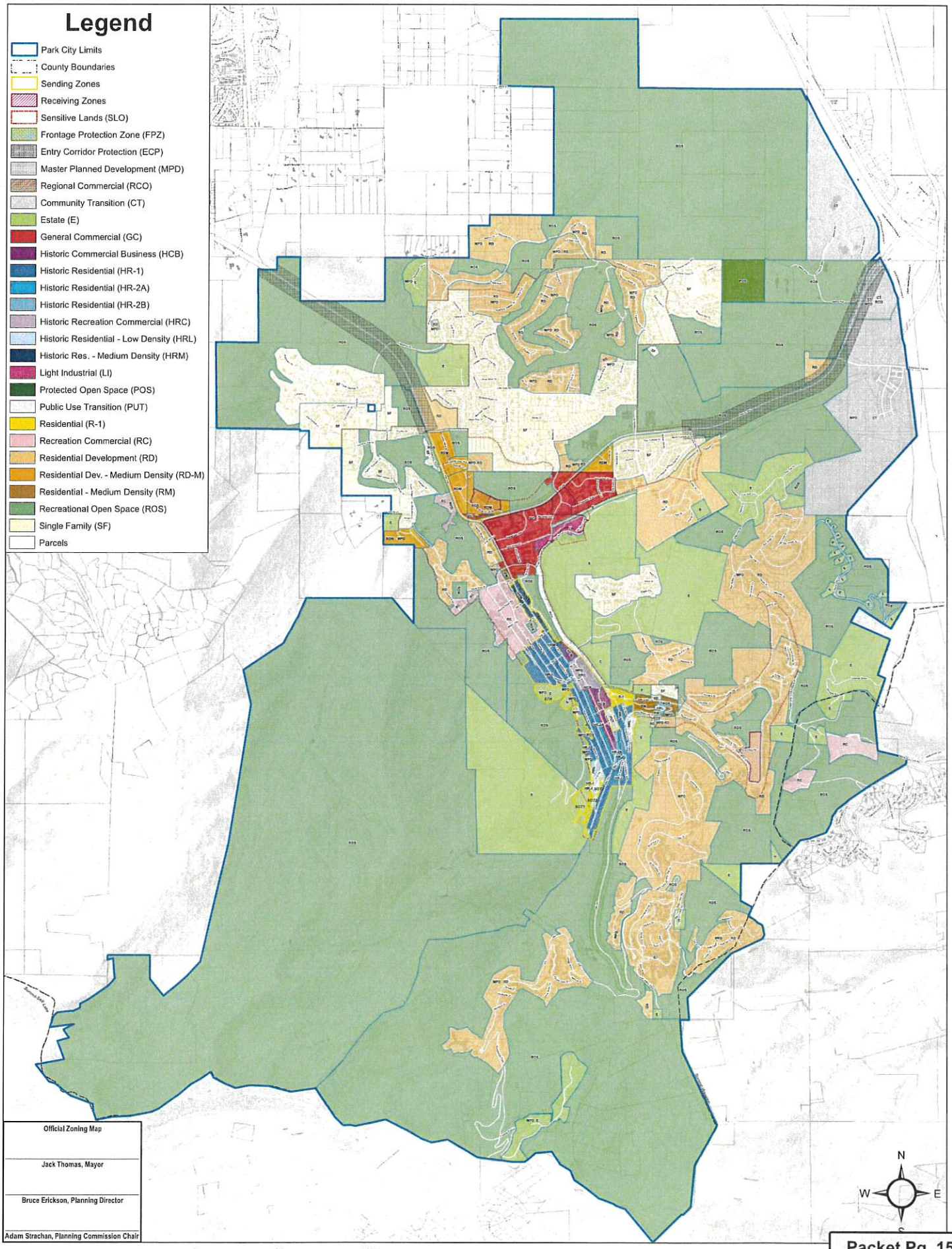
Attachment 1 – Proposed Zoning Map Amendment

Exhibit A- Proposed Zoning Map Amendment



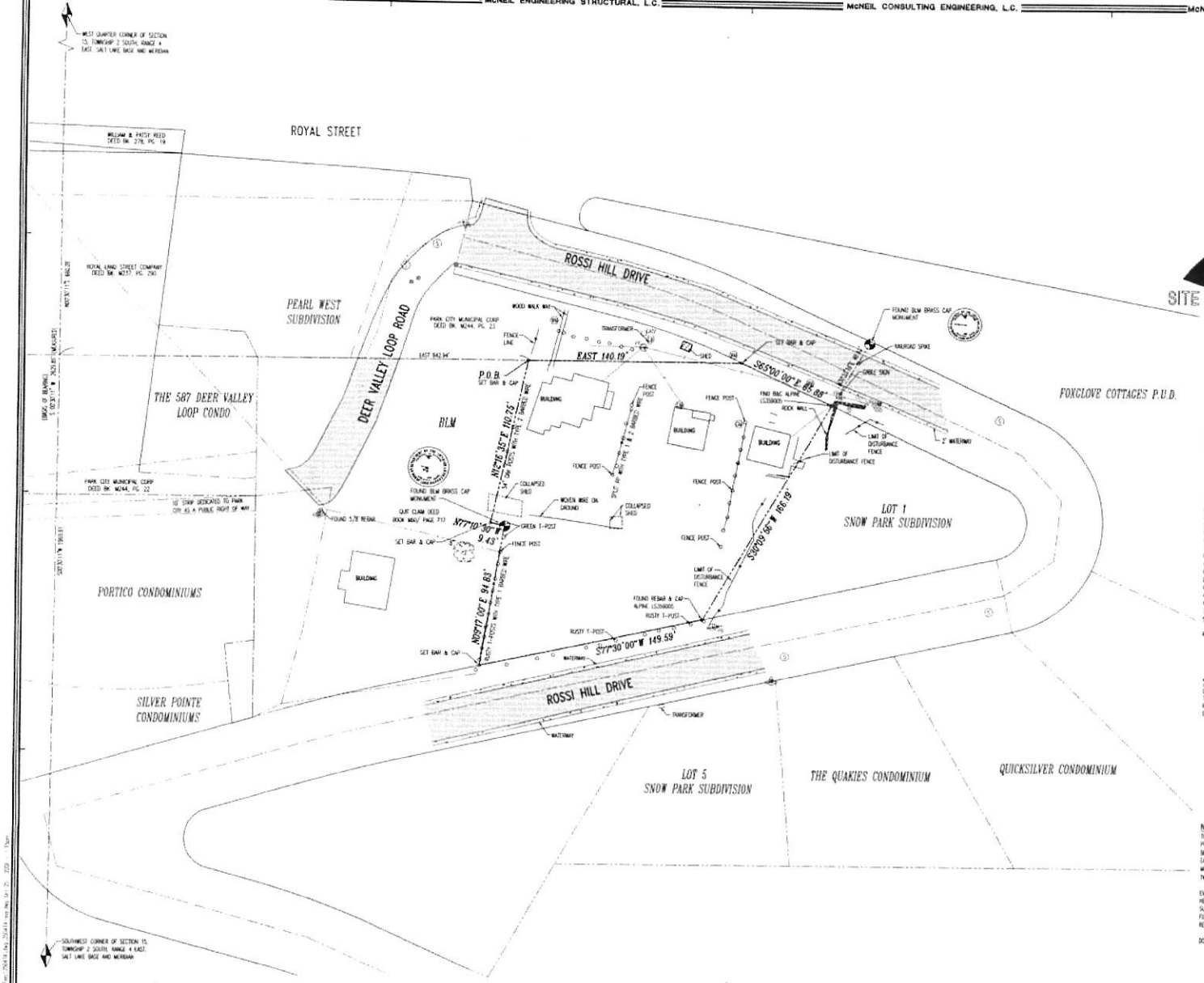
Proposed Zoning Map

January, 2017



This map is a graphic illustration of Park City's zoning districts and is not intended to establish precise dimensions and/or surveyed boundaries of each zone. Interpretation of the Zoning Map is governed by the standards in LMC Section 15-1-6. For complete information relating to the specific boundaries of any of the zoning designations shown on this map, please contact the Park City Planning Department.

McNEIL ENGINEERING & LAND SURVEYING, L.C. — McNEIL ENGINEERING STRUCTURAL, L.C. — McNEIL CONSULTING ENGINEERING, L.C. — McNEIL ENGINEERING & LAND SURVEYING, L.C.



NORTH

SCALE 1" = 30'

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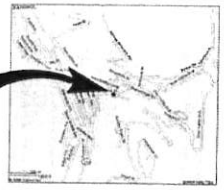


VICINITY MAP
SCALE N.T.S.

DEED DESCRIPTION

150n HOUSE REAR S SIDE DEER VALLEY PARK CITY (ASSUMED TO BE LOCATED IN THE NW ¼ SW ¼ OF SECTION 15, T2S, R4E, SLB&M)

SURVEY DESCRIPTION

BEGINNING AT A POINT SOUTH 00°30'11" WEST 660.28 FEET ALONG THE SECTION LINE AND EAST 842.94 FEET FROM THE WEST QUARTER CORNER OF SECTION 15, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE EAST ALONG THE SOUTH BOUNDARY LINE OF THE PARK CITY MUNICIPAL CORPORATION PARCEL RECORDED IN BOOK M244, PAGE 23 AT THE SUMMIT COUNTY RECORDERS OFFICE 140.19 FEET TO THE SOUTHERLY BOUNDARY LINE OF ROSSI HILL DRIVE, THENCE ALONG SAID SOUTHERLY BOUNDARY LINE OF ROSSI HILL DRIVE SOUTH 65°00'00" EAST 85.88 FEET TO THE WESTERLY BOUNDARY LINE OF LOT 1 SNOW PARK SUBDIVISION, THENCE ALONG SAID WESTERLY BOUNDARY LINE OF LOT 1 SOUTH 26°09'55" WEST 156.19 FEET TO THE NORTHERLY BOUNDARY LINE OF ROSSI HILL DRIVE, THENCE ALONG SAID NORTHERLY BOUNDARY LINE OF ROSSI HILL DRIVE SOUTH 17°30'00" WEST 149.59 FEET TO EASTERLY BOUNDARY LINE OF A PARCEL DESCRIBED IN A QUIT CLAIM DEED RECORDED IN BOOK M061, PAGE 717 WITH THE SUMMIT COUNTY RECORDER, SAID POINT ALSO BEING ON AN OLD WIRE FENCE LINE, THENCE ALONG SAID EASTERLY BOUNDARY LINE AND OLD WIRE FENCE LINE NORTH 00°17'00" EAST 94.63 FEET TO A BLM BRASS CAP MONUMENT, THENCE NORTH 77°10'10" WEST 9.43 FEET TO THE REMNENTS OF AN OLD WIRE FENCE LINE EXTENDED, THENCE ALONG SAID OLD WIRE FENCE LINE NORTH 72°16'35" EAST 110.75 TO THE POINT OF BEGINNING.

PARCEL CONTAINS: 32,233 SQUARE FEET OR 0.740 ACRES.

SURVEYOR'S CERTIFICATE

I, KENNETH A. PETTI, DEPOSE AND SAY THAT I AM A DULY REGISTERED LAND SURVEYOR ACCORDING TO THE RULES AND REGULATIONS OF THE STATE OF UTAH. I FURTHER STATE THAT THE ABOVE DESCRIBED PROPERTY WAS SURVEYED UNDER MY DIRECT SUPERVISION AND THE RESULTS OF THAT SURVEY ARE DEPICTED HEREON.

PROFESSIONAL LAND SURVEYOR No. 362254 KENNETH A. PETTI STATE OF UTAH

KENNETH A. PETTI
LICENSE NO. 362254

NARRATIVE

THIS SURVEY WAS PREPARED FOR BLACKBURN & STOLL, LC ON BEHALF OF RICHARD DENNIS FOR THE PURPOSE OF ESTABLISHING THE BOUNDARY OF THE ABOVE DESCRIBED PARCEL OF LAND. THE BASIS OF BEARING IS NORTH 00°30'11" EAST ALONG THE SECTION LINE BETWEEN THE SOUTHEAST CORNER AND EAST QUARTER CORNER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN AS SHOWN ON THIS PLAT. EACH CORNER NOT FOUND WAS MARKED WITH A 5/8 INCH BAR, TWO FEET IN LENGTH, AND RED PLASTIC CAP OR NAIL AND WASHER STAMPED "McNEIL ENGR".

EVERY DOCUMENT OF RECORD REVIEWED AND CONSIDERED AS A PART OF THIS SURVEY IS NOTED HEREON. ONLY THE DOCUMENTS NOTED BELOW WERE SUPPLIED OR OBTAINED FOR OR BY THE SURVEYOR. NO ABSTRACT OF TITLE, NOR TITLE COMMITMENT, NOR RESULTS OF TITLE SEARCHES WERE FURNISHED THE SURVEYOR UNLESS NOTED OTHERWISE. THERE MAY EXIST OTHER DOCUMENTS OF RECORD THAT WOULD AFFECT THIS PARCEL.

DOCUMENTS REFERENCED FOR THIS SURVEY ARE AS FOLLOWS:

FILE No. S000 6427
FILED AT THE REQUEST OF McNeil Engineering
ALAN SPRIGGS SUMMIT CO. RECORDER
FEE $ 16.00 By [illegible]
FILED 2-6-07 at 16:15 P.M

S-6427

McNEIL ENGINEERING AND LAND SURVEYING
PROFESSIONAL CIVIL ENGINEERING & LAND SURVEYING SERVICES
8866 SOUTH 900 EAST WEST JORDAN UTAH 84047
TEL. (801) 255-7799 FAX (801) 255-8271
E-MAIL: info@mcneilengineering.com WEB SITE AT www.mcneilengineering.com

RICHARD DENNIS PROPERTY
C/O BLACKBURN & STOLL, LC.

APPROX. ROSSI HILL DRIVE & ROYAL STREET
PARK CITY, UTAH
LOCATED IN THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN

REVISIONS

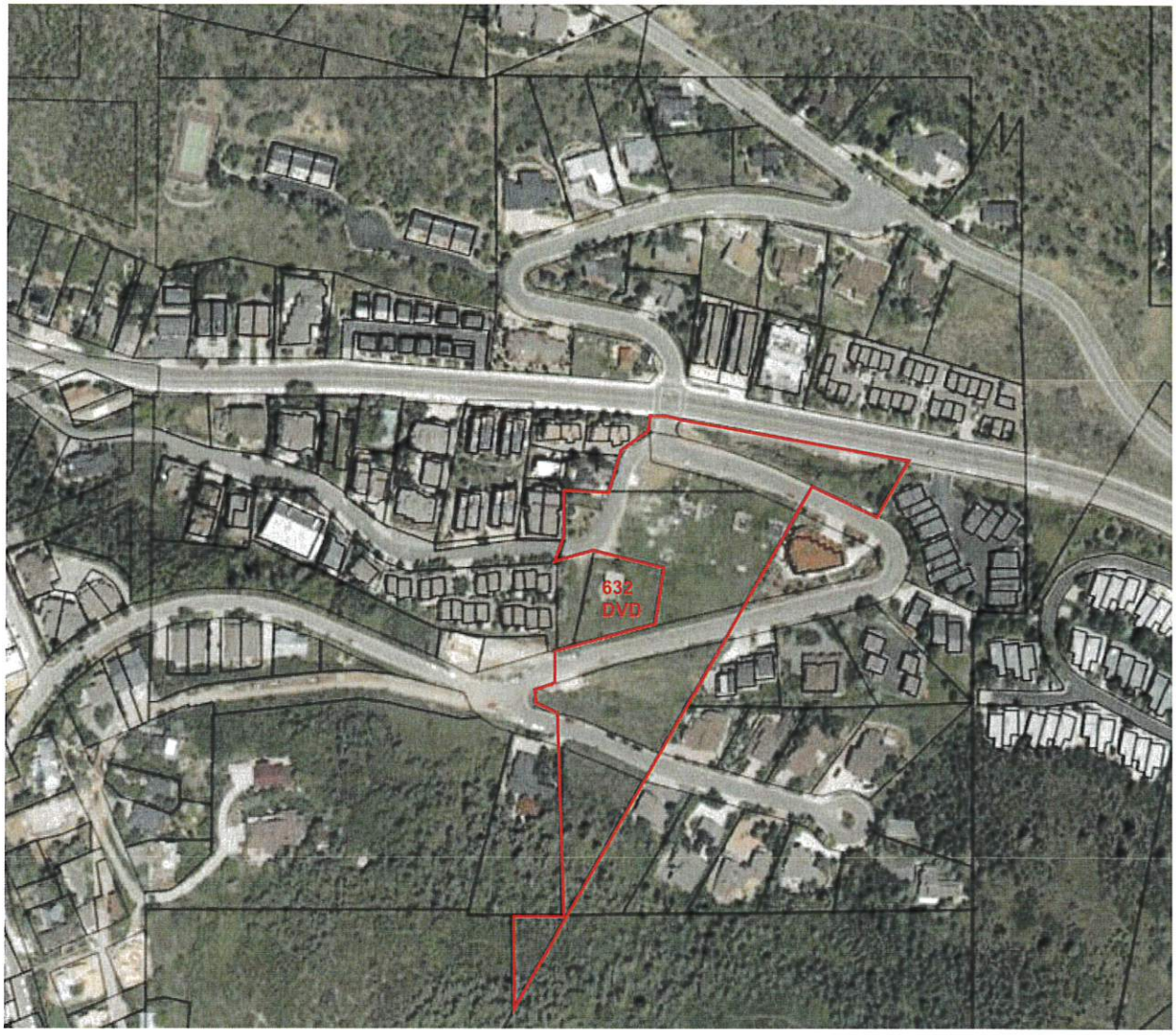
REV	DATE	DESCRIPTION

PROJECT NO.	250474
CAD DWG FILE	250474-SVY
DRAWN BY	KAP/KSH
CALC BY	KAP
FIELD CREW	SURVEYED
CHECKED BY	CHECKED
DATE	06/26/06

SHEET TITLE
BOUNDARY SURVEY

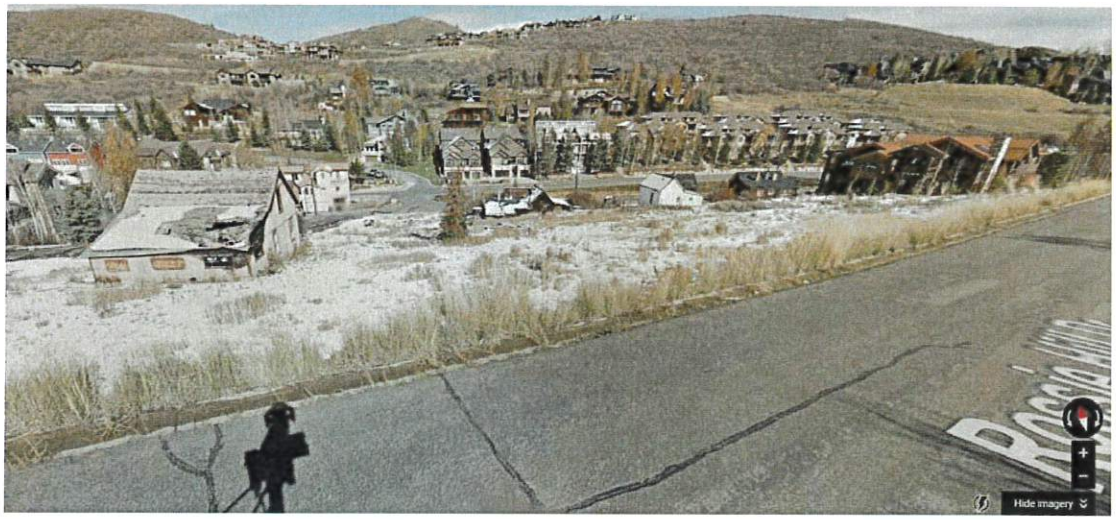
1 OF 1

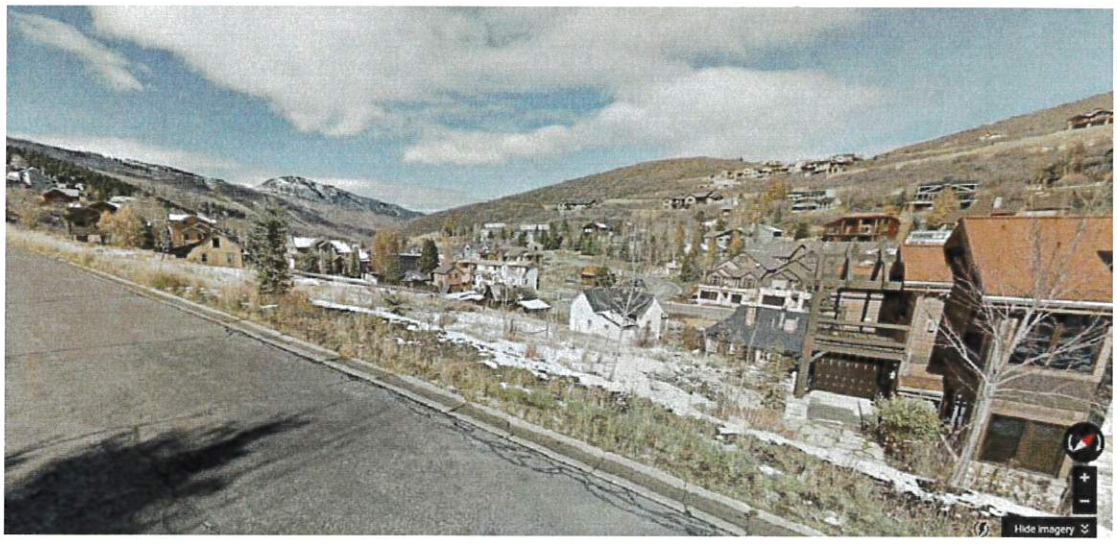
Exhibit C

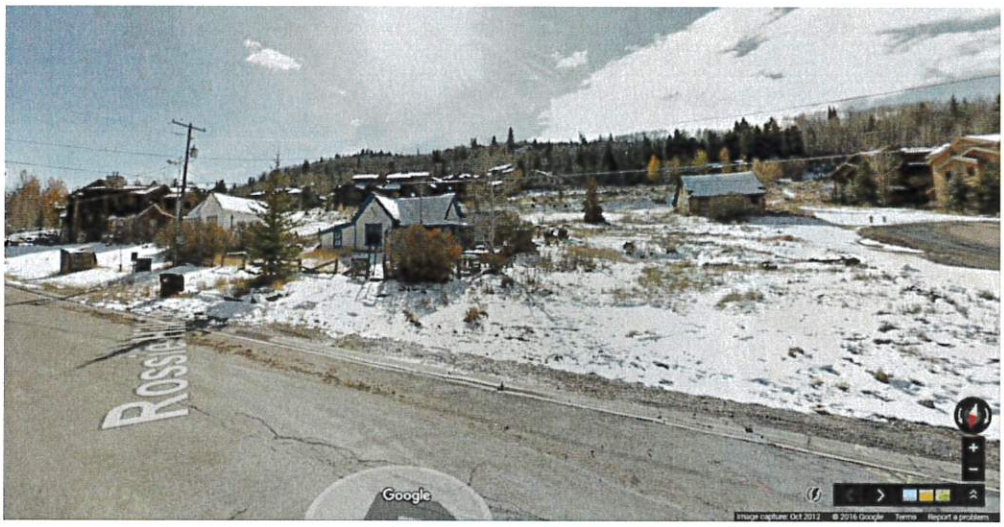


Rossie Hill Zone Change
(Please note that 632 Deer Valley Drive is not included)

Exhibit D



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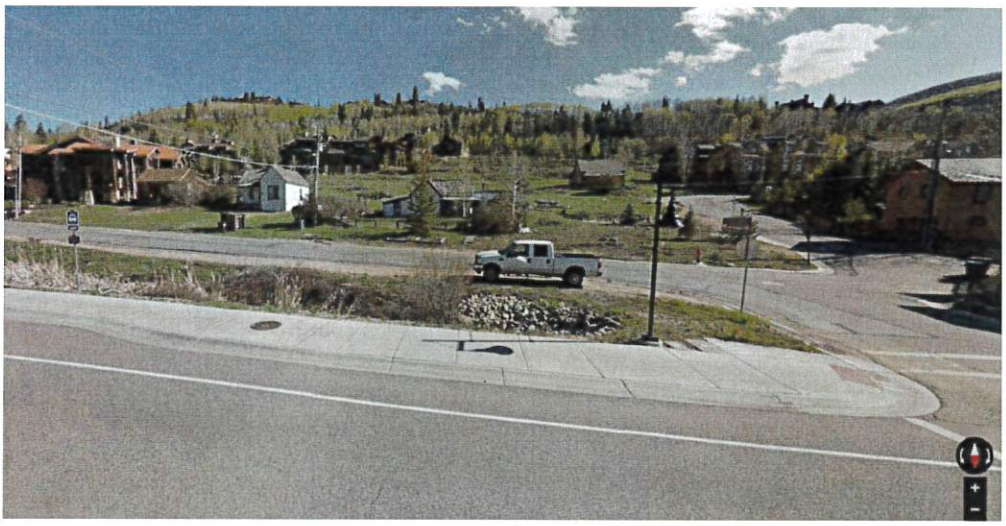

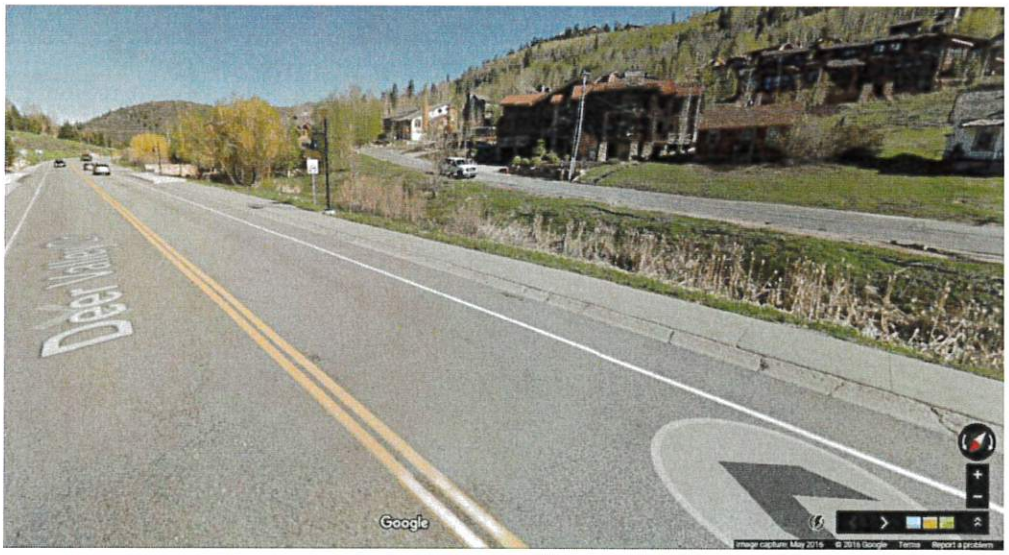
Google
Image capture: May 2016 © 2016 Google Terms Report a problem

Anya Grahn

From: planning
Sent: Wednesday, January 11, 2017 9:56 AM
To: Anya Grahn
Subject: FW: Save Rossi Hill

From: Jamie Vaught [vaughtlaw@gmail.com]
Sent: Tuesday, January 10, 2017 2:08 PM
To: planning
Subject: Save Rossi Hill

I own a home at 668 Rossie Hill Drive. I support the zoning change to HRL and ROS because it will preserve the unique character of the piece of Park City that is Rossi Hill.

Park City has a unique "feel" and appearance, and this is due in part to the open spaces and to the appearance of the historic areas around town, especially on Rossi Hill. I purchased my home on Rossi Hill due to the unique feel and appearance of the Rossi Hill area.

Let's preserve Park City for our residents, home owners, visitors and future generations.

Please do not support any plans that would allow increased development on Rossi Hill, especially any high-density development. Please preserve the feel and appearance of Rossi Hill.

Thank you

James Vaught

James Vaught Law Office, PLLC

2393 Alumni Drive, Suite 204

Lexington, KY 40517

859-455-7444

859-554-5931 fax

Anya Grahn

From: planning
Sent: Wednesday, January 11, 2017 3:45 PM
To: Anya Grahn
Subject: FW: Rossie Hill Historic Open Space

From: Christina Marie Shiebler [christina@shiebler.com]
Sent: Wednesday, January 11, 2017 1:21 PM
To: Adam Strachan; Laura Suesser; Melissa Band; Douglas Thimm; John Phillips; Preston Campbell; Steve Joyce
Cc: planning; Council_Mail; Jack Thomas; Bruce Erickson; Anya Grahn
Subject: Rossie Hill Historic Open Space

Good afternoon and thank you for taking the time to read my email.

My family has been in Park City for nearly 25 years. I myself have been a resident of Park City for nearly 13 years. I have lived on Coalition View Court, part of the Rossie Hill (affectionately named "Happy Hill") neighborhood, for 11 years and counting. I am a proud to be from this incredible community and also proud to be a part of the Rossie Hill Historic Open Space Alliance.

I, along with 358 others (241 from Park City and surrounding, 28 are from our home state of Utah, and 16 out-of-state Park City second home / property owners or visitors) support the protection and preservation of this incredible and historic land.

I am in support of the zoning amendment as referenced in the packet for the meeting scheduled for this evening. Additionally it is my hope and the hope of the many others supporting the Save Rossie Hill Historic Open Space that the Commission recommend to Council that further long range protections be applied to this land. We have a unique opportunity to preserve this land and its rich history. I, along with so many other members of our community, would like to see additional / stronger zoning changes, consideration to strengthen protection through the historic guidelines and / or the general plan, and / or strong consideration and proposal to have the City acquire the land to be held as open and historic space in perpetuity.

As I look through the packet for the meeting and see the Treasure Hill agenda item, I can not help but think that this ongoing community issue is an opportunity for great community to look 30 years in to the future and take the opportunity to preserve and secure this Rossie Hill sacred land. Although the scale is wildly different, the sentiment is the same. Change in inevitable, but how we change and grow is within our control.

I am grateful to the members of Staff, the Planning Commission, Council and the Mayor for your individual and collective willingness to work on behalf of our great community. Your work has great impact on the current and future state of Park City, and I respect the time and attention you all give to these important issues.

Respectfully,
Christina Marie Shiebler

Anya Grahn

From: planning
Sent: Wednesday, January 11, 2017 9:56 AM
To: Anya Grahn
Subject: FW: Upcoming Rossie Hill hearings

From: Rachel.Sahlman@aps.com [Rachel.Sahlman@aps.com]
Sent: Tuesday, January 10, 2017 11:16 AM
To: planning
Subject: Upcoming Rossie Hill hearings

Planning Commission,
I understand there are two upcoming hearings concerning the zoning at Rossie Hill. Although my husband Scott and I are unable to attend the meetings, we wanted to pass along our thoughts about Rossie Hill and open space in Park City. We have lived at 625 Deer Valley Drive for more than 10 years and have enjoyed the historical character and witnessed the wildlife migration that is part of that space. The area is already beginning to have a more densely populated feel and I am concerned that we losing the character of an area we love very much. There needs to be room to breathe and as the density increases along Deer Valley Drive, I'm afraid that we are losing the true character of the area. Additional multi-housing will overwhelm this small valley community and will add to the traffic, noise and congestion. We choose Park City because of its beautiful open spaces, wildlife, peace and quiet. Please don't put that at risk. Our address is below if needed for future reference.

Best regards,

Scott and Rachel Sahlman

Contact phone: 602-402-6166
625 Deer Valley Drive A2
Park City, UT 84060

--- NOTICE ---

This message is for the designated recipient only and may contain confidential, privileged or proprietary information. If you have received it in error, please notify the sender immediately and delete the original and any copy or printout. Unintended recipients are prohibited from making any other use of this e-mail. Although we have taken reasonable precautions to ensure no viruses are present in this e-mail, we accept no liability for any loss or damage arising from the use of this e-mail or attachments, or for any delay or errors or omissions in the contents which result from e-mail transmission.

Anya Grahn

From: planning
Sent: Wednesday, January 11, 2017 9:55 AM
To: Anya Grahn
Subject: FW: Rossie Hill Proposal on tomorrow's agenda

More public comment on BLM.

Ashley

From: Jordan Pynes [jordan@tsahousing.com]
Sent: Tuesday, January 10, 2017 6:27 PM
To: Adam Strachan; Laura Suesser; Melissa Band; Douglas Thimm; John Phillips; Preston Campbell; Steve Joyce; planning
Cc: Council_Mail
Subject: Rossie Hill Proposal on tomorrow's agenda

Dear Commission Members:

My name is Jordan Pynes and my family has owned and resided at 645 Coalition View Court for the past eight years. Thank you for your consideration for the proposed zoning changes on Rossie Hill. It is my hope you will approve the proposed modifications to the existing zoning of the Rossie Hill Open Space.

I believe the proposal is a fair and win-win agreement. While most of us in the community would like to see zero future development, I think what is being proposed is the right compromise. Please consider preserving as much open space as possible to protect the character of our neighborhood, the wildlife that is a wonderful part of our daily lives and the beautiful historic homes that help make Park City/Rossie Hill such a charming community.

Thank you for all your hard work and with this matter. I hope you will approve the zoning change that is being proposed.

Jordan Pynes

Anya Grahn

From: planning
Sent: Wednesday, January 11, 2017 9:56 AM
To: Anya Grahn
Subject: FW: Rossie Hill

From: Mark Kaire [Mark@kairelaw.com]
Sent: Tuesday, January 10, 2017 3:42 PM
To: Adam Strachan; Laura Suesser; Melissa Band; Douglas Thimm; John Phillips; Preston Campbell; Steve Joyce; planning
Subject: Rossie Hill

Esteemed Commission Members,

By way of brief introduction my name is Mark Kaire, and together with my wife and 3 children we reside at 635 Coalition view court. I am hopeful that my family and I will make this a full time residence in the near future.

I would like to take this opportunity to truly thank the planning department and commission members for trying to formulate a plan that works for all the residents of park city. The plan is a true compromise- all parties walk away thinking they gave up too much. To that end, while I am saddened with the amount of development that is proposed, I am likewise grateful that the plan limits the amount of new homes, preserves the historic character, and changes the zoning of parcel #4 to ROS.

Please consider preserving as much open space as you deem necessary to protect the character of this neighborhood and these treasured historic homes.

Thank you for all your help and cooperation in this matter.

Mark and Jennifer Kaire

Mark A. Kaire
Kaire & Heffernan, LLC
999 Brickell Avenue
PH 1102
Miami, FL 33131
305-372-0123(P)
305-377-4222(F)
www.kairelaw.com

To: Park City Planning Commission

From: Robert Gurss

Date: January 9, 2017 (for January 11, 2017 Planning Commission Meeting)

RE: Zoning Map Amendment Request, PL-16-03323

Mr. Chairman and members of the Planning Commission, my name is Robert Gurss. My wife and I are full time residents of Park City. We live at 654 Rossie Hill Drive, directly behind the BLM property containing three historic mining era homes.

As this Commission is well aware, Park City's historic architecture is probably the most important factor that makes "Park City Park City." I volunteer at the Park City Museum, giving tours of historic Main Street in the summer. I can tell you from personal experience that many people come to Park City precisely because of our colorful mining history. Having preserved that history, Park City is able to stand out among other Mountain West resort towns that offer little more than condominiums, high end homes, and touristy shops.

The mining era homes on Rossie Hill Drive are a unique remnant of our history. I often see tourists stopping on the road to take pictures of the homes, and it's not unusual to see an artist at an easel painting pictures of the houses and their surroundings. These houses are historic treasures, not only because they are in nearly original form, but also because these 3 houses are probably the ONLY remaining Park City historic homes in an original semi-rural setting. Once upon a time, small homes dotted some of the hills around Park City, often surrounded by gardens or small pastures. Most of the few that remain are now surrounded by or completely engulfed by modern day construction (e.g., the Line), with little remaining sense of their original settings.

Therefore, it is essential that the City take this opportunity to protect these rare vestiges of our history by preserving these historic homes and the surrounding open space.

The Planning Department has done a good job addressing this issue, and I applaud their efforts. Their current proposal is for HRL zoning for parcel #3, containing the 3 historic homes. That is a major improvement over the "existing" zoning of RM, which may have allowed the entire parcel to be covered by a huge condominium complex. However, according to the Department's proposal, even with the HRL zoning, up to 5 new homes (for a total of 8 single family homes) could be built on parcel #3 based on the total acreage in the parcel. As the Department notes, the actual number of new structures would be limited by the location of the current historic homes and related factors. Nevertheless, the potential for up to 5 new homes on the land (up to 3,750 SF each), most likely behind the current houses, is troublesome as it would take away much of the semi-rural setting that make these historic homes so special. The Planning Department's proposal points to the recommended ROS zoning of other portions of the BLM land, including Parcel #4 (i.e. the "triangle" straddling Coalition View Ct), as a way to preserve open space relative to the historic homes. While I and my neighbors strongly support that ROS designation, the open space immediately surrounding the historic homes within parcel #3 should also be preserved, whether through zoning or enforcement of relevant historic guidelines.

The original Planning Department recommendation presented to City Council on September 22, 2016, divided parcel #3 into two parts, with the southern (uphill) portion proposed for ROS. I would ask the Commission to consider drawing a similar line, with the northern (downhill) portion of parcel #3 zoned HRL, and the southern (uphill) portion of parcel #3 (and all of parcel #4) zoned ROS, assuming such a division would better preserve both the historic homes and their unique original setting.

Thank you for your consideration.

Anya Grahn

From: planning
Sent: Wednesday, January 11, 2017 3:45 PM
To: Anya Grahn
Subject: FW: Public Input - Rossie Hill Zoning Amendment (PL-16-03323)

From: Diane Bernhardt [diane.a.bernhardt@gmail.com]
Sent: Wednesday, January 11, 2017 2:32 PM
To: Adam Strachan; Laura Suesser; Melissa Band; Douglas Thimm; John Phillips; Preston Campbell; Steve Joyce
Cc: planning; Anya Grahn; Bruce Erickson
Subject: Public Input - Rossie Hill Zoning Amendment (PL-16-03323)

Chairman and Commissioners,

My name is Diane Bernhardt. I am a resident at 630 Coalition View Ct and I represent the *Save Rossie Hill Historic Open Space Alliance*, an organization whose mission is to promote the creation of a long-range vision and action plan for the protection of the historic open space on Rossie Hill.

With this mission, our first goal is to advocate for and facilitate the protection of the open space and the historic miners' cabins which are located on BLM Parcel 18.

To that end, we created a petition representing our community's support for the preservation of the Rossie Hill Historic Open Space. Those supporting the petition declared that:

1. they support the restoration and preservation of the historic mining-era homes.
2. they support the preservation of the irreplaceable open space for future generations
3. they request the rezone of BLM parcel 18 to ensure the protection of this open space from new land development.

The response to the petition was extraordinary. First circulated on Thursday, August 11, six days later, it had gathered 297 signatures. As of yesterday, the petition had 359 signatures in the affirmative of which 241 are from Park City or its suburbs, 28 are from Utah, and 16 are out-of-state Park City property owners or frequent visitors. Through the sensational support of the petition, our community has made **abundantly** clear that the preservation of this unique open space is **very** important.

We thank the Planning Staff for this considered zoning amendment proposal. It makes appreciable progress toward the goal of protecting this prized open space. The HRL designation provides significantly more defense for the miner's cottages than the current zone, but still permits development that will overpower the quaint homes and take them out of their historical context. We support the approval of this zoning amendment in order to provide immediate, increased protection. However, we **also** respectfully request that the Commission recommend to Council that further protections are required to truly preserve this land, using tools such as: additional zoning changes, amendments to the general plan, strengthening of historic guidelines, or municipal acquisition of this land for the benefit of our community.

We respectfully request that the Commission forward a positive recommendation to City Council to approve the Zoning Map Amendment Request as recommended by staff with additional recommendation that further protective measures are required to fully safeguard this iconic Park City landscape.

Thanks for the opportunity to provide input from the members of *Save Rossie Hill* and from the 359 community members signing the petition requesting the rezone and further protections.

Diane Bernhardt

http://saverossiehill.org

http://www.thepetitionsite.com/225/200/591/save-rossie-hill-historic-open-space-by-rezoning/

Francisco: We wouldn't be ready. Yeah.

Chair Strachan: I'm just wondering whether our agenda on February 8th is going to get backed up because we're lacking a meeting.

Commissioner Suesser: So lacking a meeting on the 25th?

Planner Francisco: And I'm not sure how effective we would be without seeing the update that's being proposed now for Presidents Day 2017. I don't know if--- Bruce?

Shawn Ferrin: Do you want to continue to the 8th and we'll have a discussion with Staff about what's next on the agenda. And if we're back, great, and if we're not you can continue it again.

Chair Strachan: That sounds fair. Yeah, that sounds fair.

Shawn Ferrin: We can at least have it [inaudible].

Chair Strachan: Yeah, that's fine. All right. Motion to Continue then to February 8th.

MOTION: Commissioner Thimm moved to CONTINUE the Treasure Hill Conditional Use Permit to February 8th, 2017. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

2. <u>622, 652, and 660 Rossie Hill Drive as well as the BLM-owned parcels, request for Zone Change from Residential Medium (RM) District to Historic Residential Low-Density (HRL) and Recreation Open Space (ROS) as well as from Estate (E) to ROS</u>. (Application PL-16-03323)

Planner Anya Grahn reported that this request was to rezone the BLM properties, as well as the three historic houses that are at approximately 622, 652, and 660 Rossi Hill Drive. Planner Grahn explained that they were talking about rezoning Parcels 1, 2 and 3 from RM to ROS.

Parcel #1 is owned by the City and provides the linkage between Rossi Hill Drive on to Deer Valley Drive. Parcel #2 is a portion of the Fox Glove Cottages PUD Subdivision. The PUD identifies all the common space as open space. Changing the zoning to ROS was not much different because it was already identified to remain open space. Parcel #4 is also owned by the BLM, and currently the parcels are zoned E for Estate. The density on Estate is one unit per three acres. Therefore, this parcel is not able to be developed because of the density requirement, and the Planning Department was suggesting changing it to ROS for Recreation Open Space.

Planner Grahn stated that Parcel #3 is partially owned by the City, and partially in a Title of Color litigation with the BLM by the Dennis family.

Planner Grahn showed what the map would look like if the proposed zoning change occurs. She pointed out the current zoning versus the proposed zoning. Planner Grahn remarked that it would blend with the HRL District, which is Historic Residential Low Density.

Planner Grahn noted that there have been questions about whether or not this zoning change would set a precedent. She stated that there are other cases where the zoning has a similar situation of creating a pocket of a different zone within a larger neighborhood. One example was the Library Field, which is designated as ROS. She also commented on an annexation parcel that was zoned Estate even though it was surrounded by Single Family and RD development. Another example was the rezone of the Sunnyside Subdivide. In that case the residents came forward with a request to change from RD to Single Family to eliminate the opportunity for nightly rentals. In doing so, it left a pocket of RD that could continue to be used as residential.

Planner Grahn had received public comments that was forwarded to the Planning Commission via email, and the Commissioner were also given hard copies of those comments as well.

Assistant City Attorney McLean explained that the standard the Planning Commission was looking at is whether it promotes the general welfare. It has to be a rationally based decision under State Case Law. The Commissioners need to balance their decision on good cause and the rationality behind it. The findings should be on whether or not this promotes the general welfare. Ms. McLean noted that the Planning

Commission has done zone changes, but not frequently. It is covered under Section 10-9A-801, which is the appeal section that talks about how those decisions are reviewed. The State Code states that the zoning promotes the purpose of the chapter being the Land Use Chapter. The Courts interpret it as for the general welfare.

Chair Strachan thought the direction from the City Council was unclear. Director Erickson stated that the Council's goal was three-fold. One was to bring the property more in compliance with the General Plan as the transition zone between the historic district and Deer Valley. Second was to provide a mechanism to restore the three houses. And third was to do the best possible to maximize the amount of open space on the property without removing property rights from the Color of Title action. Director Erickson remarked that the City Council had asked for a rigorous start towards those goals, and the Planning Department came up with low density zoning alternatives, including the RD zone, which is three units per acre. It would have effectively taken away most of the development rights. The HRL, which is the proposed solution, could yield as many as eight units, including restoration of the three houses. Director Erickson noted that there may be additional open space opportunities when the Color of Title action is complete.

Commissioner Joyce asked how the rezone helps with the transition from Historic Old Town to Deer Valley, when at least a quarter to a half mile on both sides is packed with condos. Director Erickson replied that the Staff position is that the rhythm and pattern is maintained by the protection of the three houses in that location, as well as the restoration and the provision of the open space on the hillside, which becomes a pocket park consistent with the Library Field, the City Park at the south end of Main Street, and Creekside Park. Director Erickson stated that it works very much like the undeveloped street rights-of-way in the Historic District. He explained that they could develop the site, but those three houses would not remain in the same existing historic agricultural context. A limited amount of development may achieve that goal, consistent with a few other historic houses on the other side of the street.

Chair Strachan opened the public hearing.

Robert Gurse stated that he and his wife are full-time residents of Park City at 654 Rossi Hill Drive, directly behind the BLM property. Mr. Gurse remarked that Park City's historic architecture is the most important factor that makes Park City Park City. He volunteers at the Park City Museum giving tours of Main Street in the summer. From personal experience, he knows that a lot of people come to Park City because of its history. Having preserved that history, Park City is able to stand out among other Mountain West resort town that little more than condominiums and high priced homes and tourist shops. Mr. Gurse stated that the mining era homes on Rossi Hill area a

unique remnant of Park City's history. He often sees tourists stop on the road to take pictures of these homes. He has also seen people set up an easel and paint pictures of the homes and their surroundings. Mr. Gurse believed these homes were historic treasures for Park City, not only because they are in nearly original form, but because they are probably the only remaining Park City historic homes in their original semi-rural setting. He stated that at one time small homes dotted the hills around Park City, often surrounded by gardens and small pastures. Most of those homes that remain have been completely engulfed by condominiums and other modern structures with no remnants of their original setting. Mr. Gurse believed it was essential for the City to take this opportunity to protect these rare vestiges of its history by preserving these historic homes and the surrounding open space. He thought the Planning Department had done a good job addressing this issue, and he applauded their efforts. The current proposal for HRL zoning for Parcel #3 containing the three historic homes is a major improvement over the existing zoning of RM, which would allow the entire parcel to become a huge condominium complex. However, according to the proposal by the Planning Department, even with the HRL zoning, up to five new homes for a total of eight could be built on this parcel based on the total acreage. The actual number of new structures would be limited by the location of the current homes and other factors, but the potential for five new homes on this land mostly likely behind the current homes is troublesome. It would take away much of the semi-rural setting that makes these homes so special. Mr. Gurse noted that the Planning Department's proposal points to the recommended ROS zoning of other portions of the BLM land, including Parcel #4, as a way to preserve the open space relative to the historic homes. He and his neighbors support that; however, additional steps should be made to protect the open space immediately surrounding these homes to the extent possible whether it is through rezoning or through strict enforcement of relevant historic guidelines. Mr. Gurse stated that the original Planning Department to the City Council on December 22nd divided Parcel #3 into two parts, with the southern portion as ROS. He asked the Planning Commission to at least consider drawing a similar line with the northern downhill portion of that parcel zoned HRL, and the southern uphill portions zoned ROS, along with Parcel #4 and Parcel 1 and 2. Such a division would better preserve both the historic homes and their unique original setting.

Bryce Panser, stated that he was an attorney representing Richard Dennis and his two daughters who own the three historic cabins. He has been involved with this since the initial meeting that Mr. Gurse mentioned. Mr. Panser stated that this came up in the context of an adjacent property seeking to establish a record lot for the Bertagnole cabin, which is in a Color of Title Action, which is similar to what the Dennis family has been involved in for the last ten years. He remarked that the neighbors were upset that anything would be done with this pristine area, which they have come to understand is a city park and believe it should be maintained as a park. As Mr. Gurse had indicated,

one of the proposals floated was to make much of the parcel that the Dennis' claim as ROS. Mr. Panser understood that the Planning Department examined this and ultimately concluded that the proposal that had been floated would make the remaining cabin properties non-complying, and would confiscate all possible development rights. It would make it uneconomical and unattractive for anyone to do anything with the cabins which have fallen into disrepair. When the Planning Department come up with the proposal of converting the parcel to HRL, his client thought it made sense. He wanted to see the cabins preserved and believe this proposal provided a mechanism for doing it. Mr. Panser pointed out that Richard Dennis was born in one of these cabins, and his family has owned the three cabins for the last 100 years or so. Mr. Panser remarked that what the neighbors suggested was a laudable goal, but if the City wants to preserve the land as a pocket park, they should purchase the property or acquire in some fashion, rather than restrict the development. Mr. Panser pointed out that this does not create a transition zone between Old Town and Deer Valley because of the existing development. However, in essence it is a compromise. It is a solution that his clients are agreeable to, and that fits with what they think the future development of this property should be.

Jeff Camp, a resident at 590 Coalition View Court, stated that he has lived adjacent to the BLM property for 25 years. He pointed out that no one ever raises the issue of animals. Having live there for 25 years he watches the animals over and over again. It used to be a corridor for the animals to go down and cross Deer Valley Drive and up into the open space in the Aerie. A wall has been built but the animals still squeeze through it. Mr. Camp noted that an elk herd used to come through there but he has not seen them in years since the two duplexes were built on the opposite side of Deer Valley Drive. Mr. Camp remarked that all the animals need water. The deer and moose are very prevalent on that land because it is the only place where they can get to the water. Walls of condominiums prevent them from getting to the Deer Valley ponds, and the creek runs underground at the intersection of Rossi Hill Road. Mr. Camp believed the issue was more about saving a place for the animals. He commended the City for wanting to zone the upper parts ROS, and he also liked the HRL zone for the Dennis parcel. However, he agreed with Mr. Gurse that the remainder of Parcel #3 should be ROS as well. He noted that in terms of the BLM, the use has always been ROS. Mr. Camp stated that the BLM is supposed to preserve open space, but now they were divesting their property. Mr. Camp has been in touch with the BLM for a number of years and watching their intentions for that property. He provided copies of a document he obtained from the BLM several years ago. When he first started living there the BLM land was one large parcel, but over time it was divided into smaller lots. Mr. Camp believed the Dennis family was claiming property rights to property that they do not own. They own the shacks that are on top of the ground, but they do not own the land. It is Color of Title. The Bertagnole family fought it 30 years and he suggested that the

Dennis family may fight it for another 10 years. Mr. Camp requested that the Planning Commission give the Dennis family the smaller parcel and let it be HRL, as proposed, and make the remainder of Parcel #3 ROS to protect the animals.

Diane Bernhardt, a resident at 630 Coalition View Court, stated that she represented the Save Rossi Hill Historic Open Space Alliance, whose mission is to promote the creation of a long range vision and action plan for the protection of the historic open space on Rossi Hill. The first goal of this mission is to advocate for and facilitate the protection of the open space and the historic miners' cabins located on BLM parcel 18. To that end, the organization created a petition representing community support for the preservation of the parcel. Those supporting the petition declared that: 1) they support the restoration and preservation of the historic mining era homes; 2) they support the preservation of the irreplaceable open space for future generations; 3) they request a rezone to ensure the protection of this open space from new land development. Ms. Bernhardt stated that the response to this petition was extraordinary. It was first circulated on August 11th, and six days later it had gathered 297 signatures. As of yesterday, the petition had 359 signatures in the affirmative, of which 241 are from Park City or its suburbs, 28 are from Utah, and 16 are out-of-state Park City property owners or frequent visitors. Ms. Bernhardt remarked that through the sensational support of the petition, the community has made it abundantly clear that preservation of this unique open space is very important. The Save Rossi Hill Historic Open Space Alliance thanked the Planning Staff for this considered zoning amendment proposal. It makes appreciable progress towards the goal of protecting these remarkable acres. The HRL designation provides significantly more defense for the miners' cottages than the current zone, but still permits development that will overpower the quaint homes and remove them from their historical context. The organization supports the approval of the zoning amendment in order to provide immediate increased protection. However, the also respectfully requested that the Planning Commission recommend to the City Council that further protections are required to truly protect this land using tools such as additional zoning changes, amendments to the General Plan, strengthening of historic guidelines, or the municipal acquisition of this land for the benefit of the community. Ms. Bernhardt urged the Planning Commission to forward a positive recommendation to the City Council to approve the zoning map amendment request as proposed by Staff, with additional recommendation that further protective measures are required to fully safeguard this iconic Park City landscape. She thanked the Commissioners for the opportunity to provide input from the members of Save Rossi Hill, and from the 359 petitioners calling for this rezone and for further protections.

Christina Schiebler, a resident at 638 Coalition View Court, agreed with her neighbors and the Rossi Hill Open Space Alliance.

Chair Strachan closed the public hearing.

Commissioner Phillips was pleased to see that the Dennis family was not wanting to maximize development. It is extremely important to preserve these old buildings, but in some ways it felt like they were downzoning to accomplish that goal. Commissioner Phillips was trying to see the other side as well, to make sure no mistakes were being made. He recalled that the Lilac Subdivision was approved by the Planning Commission, but he was unsure what happened with it at the City Council level.

Director Erickson reported that the plat was approved by the City Council and created one lot of record. Planner Grahn explained that when the City Council reviewed the Lilac Hill Subdivision, which is the burnt out house at 632 Deer Valley Loop, added conditions of approval included a requirement to provide 40% open space. Another condition was to make sure that any development on that site or any future subdivided parcels or lots created out of that site had to comply with the design guidelines. Planner Grahn noted that as discussed by the Planning Commission, any work to the historic house would have to comply with the guidelines; however, new construction on new lots would not have to comply because it is outside of the historic districts. Planner Grahn stated that the added condition of approval makes sure that work on the historic house, as well as any new development, must comply with the guidelines to help promote that historic character. She recalled that another added condition of approval talked about not blocking the view to the historic house so the hillside would maintain its existing look and feel. Planner Grahn remarked that those were the primary conditions for why the Planning Staff recommended the HRL. Even though that parcel would remain RM and would not be rezoned to HRL, the HRL zone carries over the design guidelines and some of the requirements that keep the historic context.

Commissioner Phillips stated that in reading the Staff report there was reference to 22 units, and then it talked about the amount of allowed units being based off of the square footage. He asked to what extent the Dennis family was informed of what they could actually do, as opposed to the actual number that could fit. Planner Grahn replied that the Staff did not look what could be allowed because they did not want to draw subdivision lines and try to estimate what the development could be. That was the reason for basing it off the square footage of the lot as a whole.

Commissioner Phillips favored the proposal because it would definitely help preserve the structures. However, if the Dennis family were to build other buildings on this site, he asked if the City would look at limiting the other buildings to be more consistent with the same mass and scale of the existing structures. Planner Grahn believed the design guidelines would dictate that. She pointed out that height requirements in the LMC stipulates a maximum height of 27'. Commissioner Phillips pointed out that 27' would

tower over the existing structures, and he asked if they could require a lower height or if it was a given based on the requirements. Planner Grahn did not believe it was a given; but when the building comes in with the Design Guidelines, the Staff would mitigate it at that point to make sure it would not overpower the historic buildings.

Commissioner Suesser asked if the Staff had considered isolating the three cottages to the HRL section, and keeping the remainder of Parcel 3 ROS. Planner Grahn replied that the Staff had looked at that, but the concern was that some development has to be allowed on the site in order to rehab the houses and make it financially feasible. The Staff also looked at the historic Sanborn maps from 1927 and at that time this hillside had ten small houses on it. It helped the Staff understand what should be built there and to keep that context. Commissioner Suesser understood that anything else built on Parcel 3 would have to comply with HRL guidelines. Planner Grahn replied that she was correct. It would have to comply with that section of the LMC in addition to the Design Guidelines.

Commissioner Joyce stated that he lives up the hill from this parcel and he looks at those structures every day. He wanted to see the structures preserved, but at the same time what they want cannot influence what they do. Commissioner Joyce was uncomfortable creating a little zoning island of one lot of one land owner; and at some level downzoning them. He was looking for good excuses as to why that was acceptable, but he thought the transitional reason was ludicrous. Commissioner pointed out that two feet from one of the historic houses, the City approved an 8,000 square foot duplex on one side and Foxpoint was on the other side. Commissioner Joyce was not in favor of micro-zoning. In his opinion, it was a bad use of the zoning tool and they should not make it a habit. He clarified that the only reason he would vote to support this was because the landowner supports it. He would recommend to the City Council that if they want to preserve these houses they should purchase them. If they want to make it a park, the City should buy it. Otherwise, if the landowner comes back wanting to build 27' houses, he would support their proposal because the zoning allows it and he believes it is reasonable. Commissioner Joyce reiterated that his original intent was to vote no on this proposal because he believes micro-zoning is wrong.

Commissioner Campbell agreed with Commissioner Joyce. He was opposed to what was clearly the downzoning of the other lot and he voted against it. He would have voted against this one as well. Commissioner Campbell was not sure the owner being in favor swayed him, but he backed Commissioner Joyce 100% that everyone gets great satisfaction out of seeing those structures as they drive up and down the road. The only way it will remain is if the City buys it. Commissioner Campbell suggested that the Planning Commission let the City Council know that they agree to approve this

request, but in return they would like the Council to look at purchasing the structures to preserve them.

Commissioner Band concurred with Commissioners Campbell and Joyce. Open space that is privately owned is not open space; it is privately owned land. She shared the sentiment that if the City wants it preserved they should purchase it. Commissioner Band believed this proposal was a great compromise, and that many of the neighbors shared her opinion. She personally favored spot zoning. It is a great tool if people are creative and she thought Park City should look at it in the future.

Assistant City Attorney McLean stated that spot zoning or micro-zoning does not exist in Utah. It is a matter of finding the right zone for a particular area. Zoning cannot be done only for economic reasons.

Commissioner Thimm concurred with the other Commissioners with respect to zoning. His decision was swayed by the historic structures. Commissioner Thimm did not believe that creating the non-contiguous zoning islands was a good practice and he thought they should be careful about doing that. He felt this proposal would create a district that is set up by the existing historic structures in trying to modulate the scale of what is occurring in that area. Creating open space by zoning towards the ROS would preserve that ground in an appropriate way. Commissioner Thimm supported the proposal.

Commissioner Phillips was in favor of a City purchase, but he would be uncomfortable changing the zoning before the purchase. He preferred to purchase first and then change the zoning. Commissioner Phillips stated that he still had some misgivings, but he was willing to support the proposal.

Director Erickson remarked that the effect of this particular zone change reduces trip generation on Deer Valley Drive from 22 units x 10 to 8 units x 10. He explained that doing the zoning to protect the context of these historic houses is much closer to form based code in saying that this is the character we want to preserve in this location for X, Y and Z reasons. Director Erickson stated that this was more than a strict downzone. It was a careful enactment of progressive non-Euclidian technics and growth management on Deer Valley Drive, and protection of the neighborhood values. When the Staff looked at this rezone proposal, the number one mission was to protect the houses.

Commissioner Campbell referred to Silver Star, the Rio Grande and similar places that were deteriorating but there were plans for preservation; however, a commercial piece behind it paid for the preservation. It was a model he would like to see and he was

certain that the City, the Planning Staff and the public could get behind it. Commissioner Campbell clarified that he did not believe that model would work in this case because no one would want additional commerce in that area. His intent was to make sure that commercial components are considered in places where it would work.

Director Erickson stated that the mechanism already exists for historic houses where commercial uses such as a café could occur. As lower Park Avenue redevelops, he anticipated one or two additional coffee shops in that zone.

Commissioner Campbell wanted it on the record that his vote would be in favor of anything that would keep the historic buildings from demolition by neglect. It is never the intent, but it does happen to many structures if rebuilding them does not make sense.

MOTION: Commissioner Joyce moved to forward a POSITIVE recommendation to the City Council to approve the zoning map amendment request from RM to HRL and ROS at 622, 652 and 660 Rossi Hill Drive, and the BLM parcels, as well as additional zone changes from Estate to ROS for the BLM parcels above Rossi Hill, based on the Findings of Fact and Conclusions of Law as found in the draft ordinance. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – Zoning Map Amendment

1. The property is identified as Summit County parcels M244-24, PC-750-1-X, M-244-23, PC-537-X, and the un-assessed BLM triangle parcel that is located to the south and east of Rossie Hill Drive and south of Coalition View Court.

2. The property is currently zoned Residential Medium-Density (RM) and the triangle parcel is zoned Estate (E).

3. There are currently three historic houses located at 622, 652, and 660 Rossie Hill Drive. These are located on parcel PC-537-X. These houses are designated as Landmarks on the City's Historic Sites Inventory.

4. This rezone also includes the northwestern half of the Foxglove Cottages PUD Subdivision, which was recorded in 1997. This subdivision included a provision that the common area is master planned open space, and may not be sold separately. The eastern half of the property is designated as open space on the subdivision.

5. This property is not contiguous to the existing HRL Zone District, which is located approximately 750 feet to the west / southwest along Rossie Hill Drive.

6. The size of the proposed rezoning area is approximately 15% of the total size of the entire existing HRL Zone District along McHenry Road.

7. The access to the sites is from Rossie Hill Drive and Coalition Court.

8. The ROS District lists Conservation Activity as the only allowed use.

9. The requested Zoning Map Amendment from RM to HRL and ROS is appropriate in that the zone change will meet City Council's goals of preserving the hillside and promoting redevelopment of the historic houses and is consistent with the General Plan.

10. This zone change proposes rezoning parcel PC-537-X from RM to HRL. The RD zone only allows up to 8 single family units of development; under the RM zone, the density is roughly 24 units of development consisting of a mix of multi-unit dwellings over four units.

11. This zone change proposes rezoning the remainder of PC-537-X and the other parcels to Recreation Open Space (ROS) which encourages preserving and enhancing environmentally sensitive lands, encouraging sustainability, conservation, and renewable energy.

12. The proposed Zoning Map Amendment directs complimentary development into an existing neighborhood and protects the historic properties along Deer Valley Drive through the HRL zoning regulations, meeting the goals of the General Plan.

Conclusions of Law – Zoning Map Amendment

1. There is Good Cause for this Zoning Map Amendment.
2. The Zoning Map Amendment request is consistent with the Park City General Plan and the Park City Land Management Code.
3. The Zoning Map Amendment is consistent with applicable State law.
4. Neither the public nor any person will be materially injured by the proposed Zoning Map Amendment.
5. Approval of the Zoning Map Amendment does not adversely affect the health, safety and welfare of the citizens of Park City.

HLH
HOGGAN LEE HUTCHINSON

Matthew B. Hutchinson
ATTORNEY AT LAW
Matt@hlhparkcity.com
Direct: 435.731.9191

December 12, 2019

VIA U.S. MAIL AND E-MAIL (andy@parkcity.org)

Park City Municipal Corporation
Attn: Andy Beerman, Mayor
PO Box 1480
Park City, Utah 84060

Re: HRL Zone- Nightly Rental Prohibition Error on Dennis Property

Dear Mayor Beerman,

This firm represents Frank Watanabe, Watanabe Ventures, LLC, and Lilac Hill, LLC. Watanabe Ventures holds a security interest and an executory option to purchase that certain real property located on Deer Valley drive commonly known as 622, 652 and 660 Rossie Hill, Parcel Nos. PC-546-547, currently vested in the Dennis family (the "Dennis Property"). We recently discovered that City records incorrectly reflect the Dennis Property as being zoned in an area in which nightly rentals are prohibited, with or without a conditional use permit.

Under the Park City Land Management Code Section 15-2.1-2, which defines, among other things, the permissible uses of properties located in the Historic Residential-Low Density Zone (the "HR-L Zone"), nightly rentals are listed as potential conditional uses, subject to the following footnote:

> Conditional Use Permit allowed only in the West sub-neighborhood located south of platted 2nd Avenue, west of Upper Norfolk and Daly Avenues, and east of King Road. No Nightly Rentals are allowed elsewhere in this Zoning District.

Thus, as things stood in 2015, some owners in the HR-L Zone are permitted to apply for conditional use permits for nightly rentals and some are not, depending on the "sub-neighborhood" in which their property is located.

Note that this code section – and this detailed sub-neighborhood-specific footnote – was last amended in 2015 by Ordinance No. 15-44, at a point in time before the Dennis Property was included in the zone. A copy of this ordinance is enclosed.

To our knowledge, it was not until 2017 that the Planning Department proposed adding the Dennis Property to the HR-L Zone. According to the February 16, 2017 Staff Report regarding the Dennis Property, nightly rentals were clearly identified as a conditional use:

Zone Allowance:	***Residential Medium-Density (RM)***	***Historic Residential Low-Density (HRL) District***
Single Family Dwelling	*Allowed*	*Allowed*
Duplex Dwelling	*Allowed*	*Not Permitted*
Triplex Dwelling	*Allowed*	*Not Permitted*
Secondary Living Quarters	*Allowed*	*Not Permitted*
Lockout Unit	*Allowed*	*CUP*
Accessory Apartment	*Allowed*	*CUP*
Nightly Rental	*Allowed*	*CUP*
Home Occupation	*Allowed*	*Allowed*
Child Care, In-Home Babysitting	*Allowed*	*Allowed*
Child Care, Family	*Allowed*	*Allowed*
Child Care, Family Group	*Allowed*	*Allowed*
Accessory Building and Use	*Allowed*	*Allowed*

See p. 146 of February 16, 2017 Staff Report, a copy of which is enclosed.

Notably, nowhere in the Staff Report does it state that nightly rentals would be prohibited on the Dennis Property if they agreed to be re-zoned HR-L. The Dennis' attorney, Bryce Panzer was in attendance at this meeting. He has advised Mr. Watanabe that had he and the Dennises been made aware that nightly rentals were not going to be a permissible conditional use in the HRL Zone, the Dennises would have objected to the rezone.

Based on this information, we believe that the prohibition on nightly rentals on the Dennis Property was not properly placed before the City Council, the Dennises or the public who would have had an opportunity to provide input on that aspect of the rezone. Rather, we think this prohibition is a result of an apparent oversight or scrivener's error.

Since the prohibition does not appear to have been actually voted on by the City Council – which voted based on the information in the staff report – it plainly did not intend to prohibit nightly rentals on the Dennis Property when it adopted Ordinance 2017-05.

From our prospective, this can be corrected administratively. Let me know if there is any additional information required to process this correction. The Dennises and our client would appreciate it very much if this matter could be resolved quickly, as it potentially impacts their transaction.

Sincerely,

HOGGAN LEE HUTCHINSON

Matthew B. Hutchinson

Encl.

cc: Frank Watanabe (via e-mail)
Mark Harrington (via e-mail)
Bruce Erickson (via e-mail)
Bryce Panzer, Esq. (via e-mail)

Ordinance 15-44

AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, AMENDING SECTION 15-2.1-2 USES IN THE HISTORIC RESIDENTIAL-LOW DENSITY (HR-L) DISTRICT.

WHEREAS, the Land Management Code was adopted by the City Council of Park City, Utah to promote the health, safety and welfare of the residents, visitors, and property owners of Park City; and

WHEREAS, the Land Management Code implements the goals, objectives and policies of the Park City General Plan to maintain the quality of life and experiences for its residents and visitors; and to preserve the community's unique character and values; and

WHEREAS, the City reviews the Land Management Code and identifies necessary amendments to address planning and zoning issues that have come up in the past, and to address specific Land Management Code issues raised by the public, Staff, and the Commission, and to align the Code with the Council's goals implementing the General Plan; and

WHEREAS, the City's goals include preservation of Park City's character regarding Old Town improvements, historic preservation, sustainability, affordable housing, and protecting Park City's residential neighborhoods and commercial districts; and

WHEREAS, Chapters 2.1, Historic Residential-Low Density District (HR-L) provides a description of requirements, provisions and procedures specific to this zoning district that the City desires to revise; and

WHEREAS, by prohibiting Nightly Rentals within the HR-L District-East, it would further protect the integrity of this Old Town sub-neighborhood to remain predominantly as a primary resident neighborhood; and

WHEREAS, the Planning Commission duly noticed and conducted public hearings at the regularly scheduled meeting on May 13, 2005, October 14, 2015, and October 28, 2015; and forwarded a positive recommendation to City Council; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on November 5, 2015; and

WHEREAS, it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the Park City General Plan and to be consistent with the values and identified goals of the Park City community and City Council to protect health and safety, maintain the quality of life for its residents,

preserve and protect the residential neighborhoods, and preserve the community's unique character.

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

SECTION 1. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 2.1 Section 2. The recitals above are incorporated herein as findings of fact. Section 15-2.1-2 of the Land Management Code of Park City is hereby amended as redlined (see Attachment 1).

SECTION 2. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this 5th day of November, 2015.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, Mayor

Attest:

Michelle Kellogg, City Recorder

Approved as to form:

Mark Harrington, City Attorney

Attachment 1

15-2.1-2. USES.

(A) **ALLOWED USES.**

(1) Single Family Dwelling
(2) Home Occupation
(3) Child Care, In-Home Babysitting
(4) Child Care, Family[1]
(5) Child Care, Family Group[1]
(6) Accessory Building and Use
(7) Conservation Activity
(8) Agriculture
(9) Residential Parking Area or Structure with four (4) or fewer spaces

(B) **CONDITIONAL USES.**

(1) Nightly Rentals[8]
(2) Lockout Unit
(3) Accessory Apartment[2]
(4) Child Care Center[1]
(5) Essential Municipal and Public Utility Use, facility, service, and Building
(6) Telecommunication Antenna[3]
(7) Satellite dish greater than thirty-nine inches (39") in diameter[4]
(8) Residential Parking Area or Structure five (5) or more spaces
(9) Temporary Improvement[5]
(10) Passenger Tramway Station and Ski Base Facility[6]
(11) Ski Tow Rope, Ski Lift, Ski Run, and Ski Bridge[6]
(12) Recreation Facility, Private
(12) Fences greater than six feet (6') in height from Final Grade[5,7]

(C) **PROHIBITED USES**. Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. Nos. 06-56; 09-10; 15-44)

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[1]See LMC Chapter 15-4-9 for Child Care Regulations
[2]See LMC Chapter 15-4-7, Supplemental Regulations for Accessory Apartments
[3]See LMC Chapter 15-4-14, Telecommunications Facilities
[4]See LMC Chapter 15-4-13, Satellite Receiving Antennas
[5]Subject to Administrative or Administrative Conditional Use permit, see LMC Chapter 15-4.
[6]See LMC Chapter 15-4-18, Passenger Tramways and Ski-Base Facilities
[7]See LMC Chapter 15-4-2, Fences and Walls
[8]Conditional Use Permit allowed only in the West sub-neighborhood located south of platted 2nd Avenue, west of Upper Norfolk and Daly Avenues, and east of King Road. No Nightly Rentals are allowed elsewhere in this Zoning District.

DATE: February 16, 2017

TO HONORABLE MAYOR AND COUNCIL

City Council has expressed concern about the future development of the BLM parcels along Rossie Hill Drive, which include 622, 652, and 660 Rossie Hill Drive. The neighborhood of the BLM parcels is currently zoned Residential Medium (RM) District along Deer Valley Drive, and Estate (E) to the south of Rossie Hill Drive; this area provides a transition between Old Town to the West and Lower Deer Valley to the east. As outlined in the General Plan, the aesthetics of the Lower Deer Valley neighborhood should be preserved with special consideration to preserving the few remaining miners' houses along Deer Valley Drive and encouraging compatible development that does not overwhelm the historic houses. Additionally, the General Plan recommends the use of conservation neighborhoods tools to protect native vegetation and wildlife corridors in the Lower Deer Valley neighborhood.

In order to maintain the aesthetic experience of arriving at the resort and meeting City Council's goals for preserving historic resources along Deer Valley Drive, City Council directed staff to make a zone change amendment on September 22, 2016. The Planning Commission forwarded a positive recommendation to City Council for this zone change on January 11, 2017.

Respectfully:

Anya Grahn, Planner II

City Council
Staff Report

PARK CITY 1884
PLANNING DEPARTMENT

Subject: **Zoning Map Amendment Request**
Author: **Anya Grahn, Historic Preservation Planner**
Bruce Erickson, AICP, Planning Director
Project Number: **PL-16-03323**
Date: **February 16, 2017**
Type of Item: **Legislative – Zoning Map Amendment**

Summary Recommendations

Staff recommends the City Council hold a public hearing for the Zoning Map Amendment Request from Residential Medium (RM) District to Historic Residential Low-Density (HRL) District and Recreation Open Space (ROS) at 622, 652, and 660 Rossie Hill Drive and the BLM-owned parcels as well as an additional zone change from Estate (E) to ROS for the BLM-owned parcels above Rossie Hill Drive, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Description

Applicant:	Park City Planning Department
Location:	622, 652, and 660 Rossie Hill Drive as well as the adjacent BLM Parcels
Existing Zoning:	Residential Medium (RM) and Estate (E)
Proposed Zoning:	Historic Residential Low-Density (HRL) and Recreation Open Space (ROS)
Adjacent Land Uses:	Single-family and multi-unit residential
Reason for Review:	Zoning Map Amendment applications require a Planning Commission recommendation and City Council review and action

Executive Summary/Proposal

City Council has expressed concern about the future development of the BLM parcels along Rossie Hill Drive, which include 622, 652, and 660 Rossie Hill Drive. The neighborhood of the BLM parcels is currently zoned Residential Medium (RM) District along Deer Valley Drive, and Estate (E) to the south of Rossie Hill Drive; this area provides a transition between Old Town to the West and Lower Deer Valley to the east. As outlined in the General Plan, the aesthetics of the Lower Deer Valley neighborhood should be preserved with special consideration to preserving the few remaining miners' houses along Deer Valley Drive and encouraging compatible development that does not overwhelm the historic houses. Additionally, the General Plan recommends the use of conservation neighborhoods tools to protect native vegetation and wildlife corridors in the Lower Deer Valley neighborhood.

In order to maintain the aesthetic experience of arriving at the resort and meeting City Council's goals for preserving historic resources along Deer Valley Drive, City Council

directed staff to make a zone change amendment on September 22, 2016 (Staff Report page 92, Minutes page 18. The Planning Commission expressed concern about the zone change as they did not believe Deer Valley Drive was a transition between Old Town and Deer Valley Resort and they had reservations about creating a non-contiguous island of zoning; however, they forwarded a positive recommendation to City Council for this zone change on January 11, 2017, largely due to the owner's support of the rezone.

Background

Prior to 2013, the BLM has owned the hillside containing the three historic miner's houses at 622, 652, and 660 Rossie Hill Drive, the fire-damaged historic house at 632 Deer Valley Loop, and the triangle parcel above Rossie Hill Drive. In 2013, the BLM granted a land patent to the Bertagnoles for the 632 Deer Valley Loop parcel after 30 years of Color of Title legal action. Richard Dennis is currently in a Color of Title action with BLM for the three (3) remaining houses.

This hillside was initially zoned R-1 in 1968, which permitted a density of about 14.5 units/acre; however, by 1985, it had been rezoned to RM. The RM zoning district serves as a transition neighborhood between Old Town to the west and Lower Deer Valley to the east. The neighborhood is largely characterized by resort-oriented housing development, including single family, duplex, and multi-unit dwellings that serve as primary and second homes as well as nightly rentals.

The triangle parcel to the west of Coalition View Court is currently zoned Estate; however, the size of the parcel is a substandard lot for the minimum lot size requirements for the Estate zone.

During City Council's review of the Lilac Hill Subdivision at 632 Deer Valley Loop on July 14, 2016, Council was concerned about future development of the adjacent BLM parcels. In particular, Council asked staff to return with limitations on house size, height, site parameters, and restrictions on relocation of the historic houses. On September 22, 2016 [See City Council Staff Report (starting page 92) and City Council Minutes (starting page 15)], staff presented to City Council the potential to rezone the area from Residential-Medium (RM) to Residential Development (RD) District; however, upon further analysis, staff finds that Historic Residential Low-Density (HRL) is more appropriate.

Staff's change of recommendation from RD to HRL was largely due to the size of BLM parcel PC-537-X, which contains the three Richard Dennis-owned historic houses at 622, 652, and 660 Rossie Hill Drive. The RD zone district limits density to three units per acre (3 units/1 acre), and this property contains 3 houses on 0.74 acres. Therefore, if zoned RD, the site would be legal non-complying and no further development could occur. However, additions could be made to the existing homes during restoration.

Additionally, the proposed zone change is consistent with the plat notes added to the Lilac Hill Subdivision, approved by City Council on October 20, 2016 [See City Council

Staff Report (starting on page 108) and City Council Minutes (starting page 9)]. The property at 632 Deer Valley Loop is zoned RM; however, any new development at this site is required to comply with Park City Design Guidelines for Historic Districts and Historic Sites in order to ensure that new development is compatible to the historic structure on this lot and the Historic Structures in the surrounding area. The Conditions of Approval of Ordinance 16-32 for this Subdivision also provided a 40% open space provision.

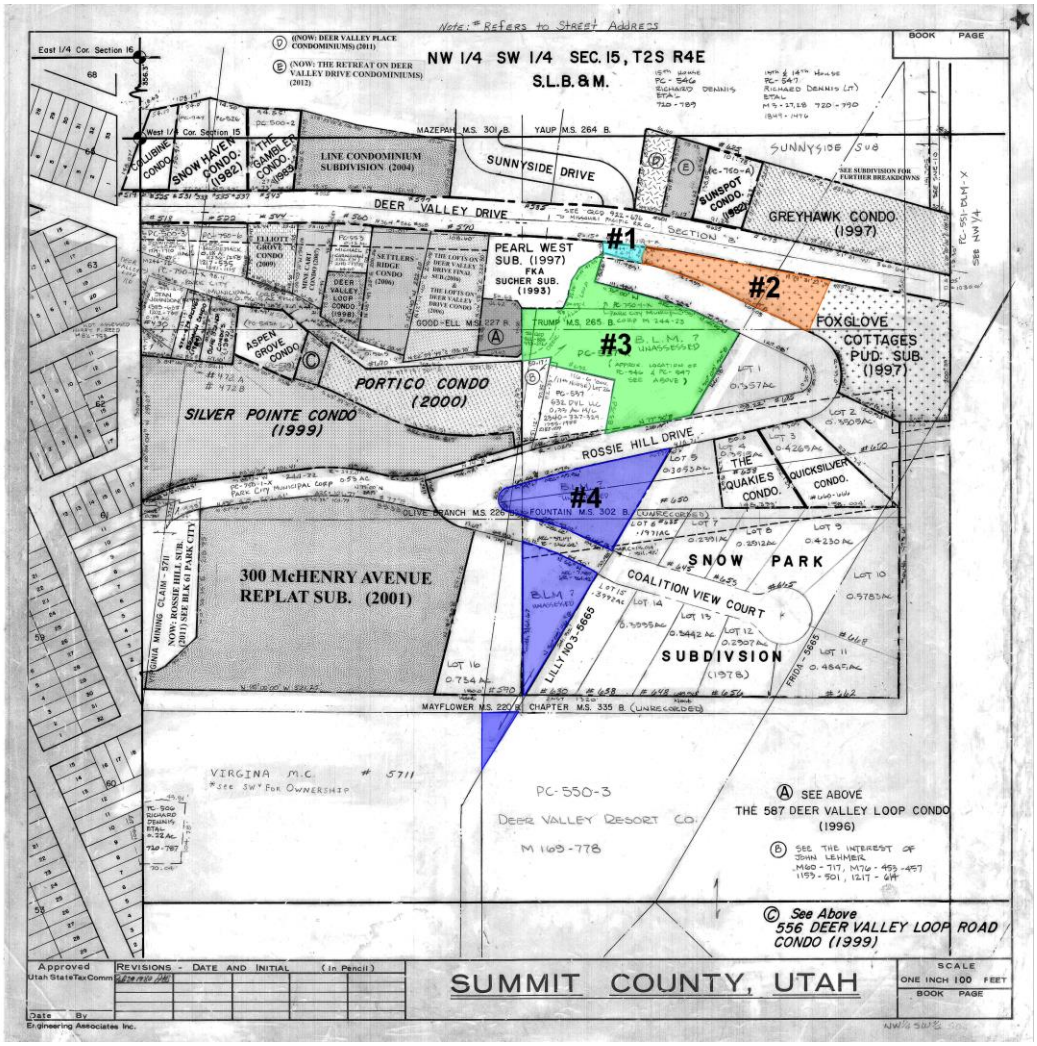
On January 11, 2017, the Park City Planning Commission reviewed this application. [See Staff Report (starting page 221) and Minutes (Exhibit F)]. Several of the Planning Commissioners expressed concern about zoning such a small parcel and that the HRL zoning proposal was not contiguous to the HRL neighborhood along McHenry Neighborhood. They also expressed interest in the City purchasing the property in order to better control development of the property consistent with the neighbors' wishes of seeing the hillside preserved as open space or even a pocket park. Ultimately, however, the Planning Commission found that the proposal would provide growth management, mitigated the neighborhoods' wishes and concerns about development of the Dennis-BLM parcel, and favored the rehab of the buildings to avoid demolition by neglect. The Planning Commission unanimously forwarded a positive recommendation to City Council for the rezone.

Zoning Map Amendment

In order to accommodate their goals, City Council directed staff to bring an application to rezone the BLM properties and private property which includes:

- Parcel 1: The City-owned parcel PC-750-4-X to the south of Rossie Hill Drive and north of the historic houses on Rossie Hill Drive
- Parcel 2: The portion of the Foxglove Cottages PUD Subdivision (1997) that was designated as common open space on their plat
- Parcel 3: BLM parcel PC-537-X which includes the Richard Dennis-owned historic houses at 622, 652, and 660 Rossie Hill Drive
- Parcel 4: BLM triangle parcel that extends from Rossie Hill to the north, across Coalition View Court, and south adjacent to the Snow Park Subdivision

These parcels are shown on the image below:



Summit County, Utah Parcel Map

These parcels are under separate ownership. The property is identified as Summit County parcels M244-24, PC-750-1-X, M-244-23, PC-537-X, and the un-assessed BLM triangle parcel that is located to the south and east of Rossie Hilll Drive and south of Coalition View Court.

Parcel #1 is owned by Park City Municipal Corporation; it is the paved area that connects Rossie Hill Drive to Deer Valley Drive. Parcel #2 has been designated as open space on the Foxglove Cottages PUD Subdivision, recorded in 1997, and owned by the Foxglove Homeowners association. Parcel #3 is owned by the BLM; however, the BLM is in a Color of Title legal action with the Dennis family for the northeast side of the property which includes the three (3) historic houses along Rossie Hill Drive. Finally, Parcel #4 is also owned by the BLM.

Parcels #1, #2, and #3 are currently zoned Residential Medium (RM); whereas the triangle Parcel #4 is zoned Estate (E). Zoned as estate, Parcel #4 is an undevelopable parcel as the Estate zone requires a minimum lot size of three (3) acres for all uses with

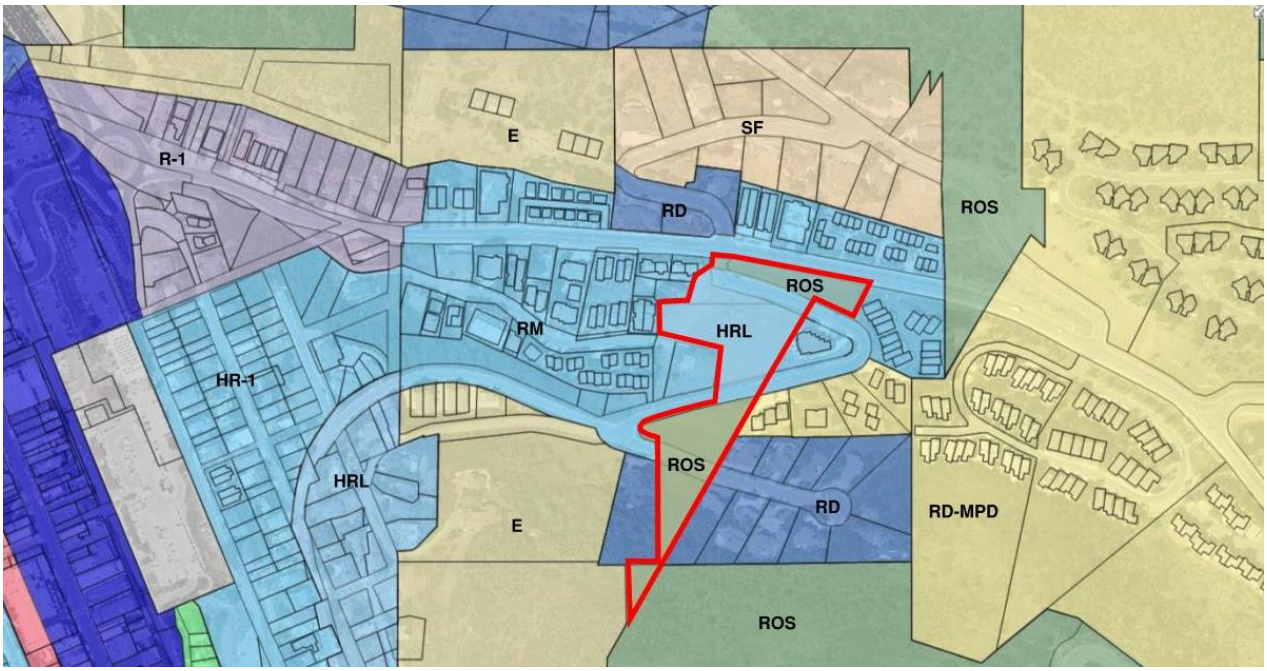
density limited to one (1) unit per three (3) acres. Parcel #4 consists of approximately 0.6 acres north of Coalition View Court and approximately 0.4 acres on the south side of Coalition View Court. These lots are substandard lots and cannot be developed under the current zoning.

Staff proposes rezoning Parcel #1, #2, and #4 as Recreation and Open Space (ROS). This will protect this area from development and allow it to retain its natural character of an open meadow. It will also help preserve the context of the historic houses along Rossie Hill Drive as they will continue to be framed by open space. The purposes of the ROS District include:

A. establish and preserve districts for land uses requiring substantial Areas of open land covered with vegetation and substantially free from Structures, Streets and Parking Lots,
B. permit recreational Uses and preserve recreational Open Space land,
C. encourage parks, golf courses, trails and other Compatible public or private recreational Uses, and
D. preserve and enhance environmentally sensitive lands, such as wetlands, Steep Slopes, ridge lines, meadows, stream corridors, and forests.
E. encourage sustainability, conservation, and renewable energy.

Staff also proposes to rezone Parcel #3 from RM to HRL. The change in zone will aid in meeting Council's goals as it will reduce the amount of density permitted on the site as the RM zone would permit up to twenty-two (22) units of development and the HRL zone would only allow eight (8) units of development; these unit calculations are based only on the size of the lot and do not consider the placement of the historic houses on the property. The Historic zone designation will ensure that development is reviewed under the Historic District Design Guidelines and Review process (HDDR).

This property is not contiguous to the existing HRL Zone District, which is located approximately 750 feet to the west / southwest along Rossie Hill Drive. The size of the proposed rezoning area is approximately 15% of the total the size the entire existing HRL Zone District along McHenry Road.



This map outlines the area impacted by the proposed zoning change in red and notes the proposed zone changes for these parcels. Note the surrounding land uses.

This proposal to modify this specific area is aligned with the City's General Plan and current zoning restrictions. The zone change will maintain the existing open space on the hillside and designated by the Fox Glove Cottages PUD Subdivision and further protect the historic properties along Deer Valley Drive through the HRL zoning regulations, meeting the goals of the General Plan.

The purpose statements of the HRL zoning district reflect the strategies and goals outlined in our General Plan. The purpose statements for the HRL Zoning District include:

A. reduce density that is accessible only by substandard Streets so these Streets are not impacted beyond their reasonable carrying capacity,
B. provide an Area of lower density Residential Use within the old portion of Park City,
C. preserve the character of Historic residential Development in Park City,
D. encourage the preservation of Historic Structures,
E. encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District, and maintain existing residential neighborhoods.
F. establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment, and
G. define Development parameters that are consistent with the General Plan policies for the Historic core.

These purpose statements reflect the goals for Historic Character as outlined in the General Plan. The General Plan seeks to preserve the integrity, mass, scale, and

character of Park City's Historic fabric. It also addressed examining lot sizes in Old Town to ensure compatible mass and scale of infill development and additions to historic structures. It recommends developing compatibility regulations that limit lot size, massing, siting, and height in order to guide compatible neighborhood development as well as retain and preserve the character of historic sites. Most importantly it intends to maintain local and national historic assignations, prevent incompatible infill as well as significant modifications/alterations to historic structures, and the loss of historic resources.

Parcel #3 was identified as Old Town in the General Plan. However, the historic resources along Deer Valley Drive were actually addressed as part of the Lower Deer Valley Neighborhood. In this area, Deer Valley is meant to be a transition between historic Old Town and the relatively new resort. The General Plan sought to preserve the aesthetic experience of the approach to the resort by maintaining cultural resources along Deer Valley Drive, particularly the few remaining miner's home. Again, preservation is a key component to the HR-L zoning District.

The following table outlines the differences between the existing RM and proposed HRL zones:

Zone Allowance:	***Residential Medium-Density (RM)***	***Historic Residential Low-Density (HRL) District***
Lot Size Requirements:		
Single Family	*2,812 SF*	*3,750 SF*
Duplex Dwelling	*3,750 SF*	*Not permitted*
Triplex Dwelling	*4,687 SF*	*Not permitted*
Four-plex Dwelling	*5,625 SF*	*Not permitted*
More than four dwelling units	*5,625 SF + 1,000 SF for each additional unit*	*Not permitted*
Lot Width	*37.50 ft.*	*35 ft.*
Setbacks		
<u>Front Yard</u>		
Single Family, Duplex, and Accessory Buildings	*15 ft.*	*10-15 ft. depending on lot depth*
Front Facing Garages for Single Family and Duplex Dwellings	*20 ft.*	*N/A*
Triplex or Multi-Unit Dwellings	*20 ft.*	
Front Facing Garages for Multi-Unit Dwellings	*25 ft.*	*N/A*
<u>Rear Yard</u>		
Single Family and Duplex Dwellings	*10 ft.*	*10-15 ft. depending on lot depth*
Triplex or Multi-Unit Dwelling	*15 ft.*	*N/A*
Accessory Building less than 18 ft. in height	*5 ft.*	*1 ft.*
<u>Side Yard</u>		
Single Family, Duplex, and		*3-10 ft. depending on lot width*

Accessory Buildings *Triplex or Multi-Unit Dwelling* *Accessory Building less than 18 ft. in height*	*5 ft.* *10 ft.* *3 ft.*	 *N/A* *3 ft.*
Open Space Requirement *Triplex or Multi-Unit Dwelling*	 *60%*	*Not permitted*
Building Height	*28 ft.*	*27 ft. from existing grade; maximum height of thirty five feet (35') measured from the lowest floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters. A ten foot (10') minimum horizontal step in the downhill façade is required unless the First Story is located completely under the finish grade on all sides of the Structure.*
Maximum House Size	*N/A*	*Based on footprint allowance*

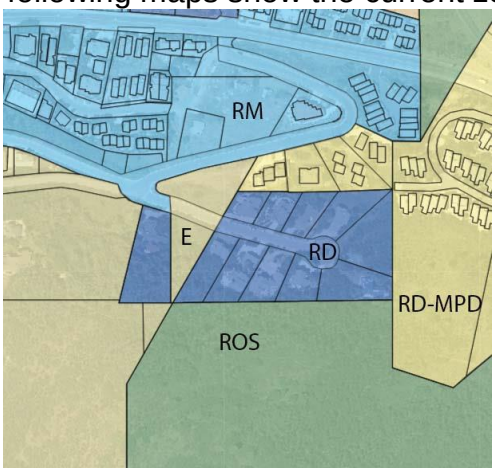
[1] *As part of a MPD or subdivision, the Planning Commission may designate maximum house sizes to ensure Compatibility. See equations outlined in LMC 15-2.13-6.*

As noted in the following table, the allowed uses of the zones are fairly similar in promoting residential development. The HRL zone restricts residential development only to single family dwellings which is consistent with the historic development on Parcel #3. Additionally, the conditional uses of the HRL zone include Passenger Tramway Stations and Ski Base Facilities, Ski Tow Ropes, Ski Lifts, Ski Runs, and Ski Bridges which further support resort development to the east. The following table shows the differences in allowed uses between the RM and RD zones:

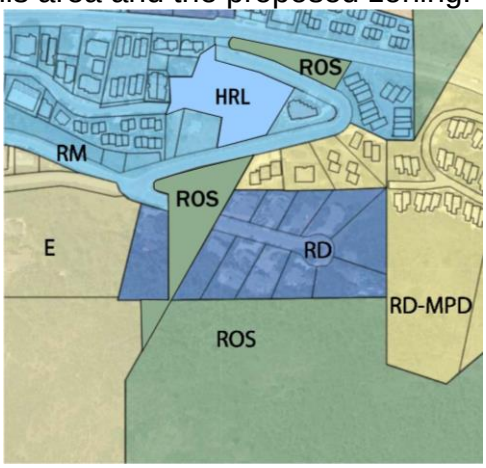
Zone Allowance:	***Residential Medium-Density (RM)***	***Historic Residential Low-Density (HRL) District***
Single Family Dwelling	*Allowed*	*Allowed*
Duplex Dwelling	*Allowed*	*Not Permitted*
Triplex Dwelling	*Allowed*	*Not Permitted*
Secondary Living Quarters	*Allowed*	*Not Permitted*
Lockout Unit	*Allowed*	*CUP*
Accessory Apartment	*Allowed*	*CUP*
Nightly Rental	*Allowed*	*CUP*
Home Occupation	*Allowed*	*Allowed*
Child Care, In-Home Babysitting	*Allowed*	*Allowed*
Child Care, Family	*Allowed*	*Allowed*
Child Care, Family Group	*Allowed*	*Allowed*
Accessory Building and Use	*Allowed*	*Allowed*

Conservation Activity	*Allowed*	*Allowed*
Agriculture	*Allowed*	*Allowed*
Bed & Breakfast Inn	*Allowed*	*Not Permitted*
Parking Area or Structure with four (4) or fewer spaces	*Allowed*	*Not Permitted*
Multi-Unit Dwelling	*CUP*	*Not Permitted*
Guest House, on Lot greater than one (1) acre	*CUP*	*Not Permitted*
Group Care Facility	*CUP*	*Not Permitted*
Child Care Center	*CUP*	*Not Permitted*
Public and Quasi-Public Institution, Church, and School	*CUP*	*Not Permitted*
Essential Municipal Public Utility Use, Facility, Service, and Structure	*CUP*	*CUP*
Telecommunication Antenna	*CUP*	*CUP*
Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter	*CUP*	*CUP*
Boarding House, Hostel	*CUP*	*Not Permitted*
Hotel, Minor	*CUP*	*Not Permitted*
Outdoor Event	*Admin-CUP*	*Not Permitted*
Residential Parking Area or Structure with four (4) or fewer spaces	*Not Permitted*	*Allowed*
Parking Area or Structure with five (5) or more spaces	*CUP*	*CUP*
Temporary Improvement	*Admin-CUP*	*Admin-CUP*
Recreation Facility, Public and Private	*CUP*	*CUP (Private only)*
Master Planned Development with moderate income housing Density bonus	*CUP*	*Not Permitted*
Master Planned Development with residential and transient lodging Uses only	*CUP*	*Not Permitted*
Master Planned Development with Support Retail and Minor Service Commercial Uses	*CUP*	*Not Permitted*
Fences greater than six feet in Height from Final Grade	*Admin-CUP*	*Admin-CUP*
Passenger Tramway Station and Ski Base Facility	*Not Permitted*	*CUP*
Ski Tow Rope, Ski Lift, Ski Run, and Ski Bridge	*Not Permitted*	*CUP*

The following maps show the current zoning for this area and the proposed zoning:



Current Zoning



Proposed Zoning

General Plan Compliance

Volume I of the General Plan contains goals, objectives, and strategies for each of the four (4) Core Values: Small Town, Natural Setting, Sense of Community, and Historic Character. The General Plan goals are copied below in italics below:

Small Town

- Goal 1: Park City will protect undeveloped lands; discourage sprawl, and direct growth inward to strengthen existing neighborhoods. *The proposed Zoning Map Amendment directs complimentary development into an existing neighborhood while safeguarding the neighborhood's historic character through rezoning Parcel #3 to HRL and the remaining parcels to recreation and open space by zoning it ROS.*

- Goal 2: Park City will emphasize and preserve our sense of place while collaborating with the Wasatch Back and Salt Lake County regions through regional land use and transportation planning. *Not applicable.*

- Goal 3: Park City will encourage alternative modes of transportation on a regional and local scale to maintain our small town character. *Not applicable.*

Natural Setting

- Goal 4: Open Space: Conserve a connected, healthy network of open space for continued access to and respect for the Natural Setting. *The proposed zoning change will continue to maintain the existing open space by zoning it ROS to further protect it from future development.*

- Goal 5: Environmental Mitigation: Park City will be a leader in energy efficiency and conservation of natural resources reducing greenhouse gas emissions by at least fifteen percent (15%) below 2005 levels in 2020. *The zone change will ensure the protection of existing natural resources and open space by zoning it ROS.*

- Goal 6: Climate Adaptation: Park City will implement climate adaptation strategies to enhance the City's resilience to the future impacts of climate change. *Not applicable.*

Sense of Community

- Goal 7: Life-cycle Housing: Create a diversity of primary housing opportunities to address the changing needs of residents. *Not applicable.*

- Goal 8: Workforce Housing: Increase affordable housing opportunities and associated services for the work force of Park City. *Not applicable.*

- Goal 9: Parks & Recreation: Park City will continue to provide unparalleled parks and recreation opportunities for residents and visitors. *The purpose statements of the ROS zoning district encourages parks, trails, and other recreational uses*

as well as the preservation and enhancement of environmentally sensitive lands such as the meadows, stream corridors, and forests.

- Goal 10: Park City will provide world-class recreation and public infrastructure to host local, regional, national, and international events that further Park City's role as a world-class, multi-seasonal destination resort while maintaining a balance with our sense of community. *Not applicable.*

- Goal 11: Support the continued success of the multi-seasonal tourism economy while preserving the community character that adds to the visitor experience. *The proposed zone change will encourage the rehabilitation of the three (3) existing miner's cottages along Rossie Hill Drive while also maintaining their context by rezoning the existing open space as ROS.*

- Goal 12: Foster diversity of jobs to provide greater economic stability and new opportunities for employment in Park City. *Not applicable.*

- Goal 13: Arts & Culture: Park City will continue to grow as an arts and culture hub encouraging creative expression. *Not applicable.*

- Goal 14: Living within Limits: The future of the City includes limits (ecological, qualitative, and economic) to foster innovative sustainable development, protect the community vision, and prevent negative impacts to the region. *Not applicable.*

Historic Character

- Goal 15: Preserve the integrity, mass, scale, compatibility and historic fabric of the nationally and locally designated historic resources and districts for future generations. *The rezone of the historic cottages from RM to HRL will allow redevelopment of these sites and ensure their longevity by encouraging their adaptive reuse. The context of their location will be maintained and preserved by rezoning the existing open space as ROS.*

- Goal 16: Maintain the Historic Main Street District as the heart of the City for residents and encourage tourism in the district for visitors. *The proposed Zone Changes does not affect the "heart" of the City, Main Street.*

Good Cause

Planning Staff finds that there is Good Cause for this Zone Amendment as the amendment will not cause undo harm to adjacent property owners and all requirements of the Land Management Code can be met. In addition, the portion of land proposed to change from RM to HRL and RM and E to ROS have not been developed previously and still contain undisturbed native grasses and shrubs in a natural state typical of other designated open space areas so no re-vegetation will be necessary and it satisfies the requirements of the Zone.

Process
The approval of the proposed rezoning application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC § 1-8.

Department Review
This project has gone through an interdepartmental review. No further issues were brought up at that time.

Notice
On December 28, 2016 the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record on December 31, 2016 according to requirements of the Land Management Code.

On February 2, 2017, the property was posted and notice was mailed to property owners within 300 feet for the City Council public hearing. Legal Notice was published in the Park Record February 1, 2017, according to requirements of the Land Management Code.

Public Input
The Planning Department has received written communication from the neighborhood. Overall the neighbors are supportive of the zone change; however, they would like to see more of the area zoned ROS to protect the open space for both animal migration, historic context, and trails and recreation. Public comment has been included in this packet as Exhibit E.

Alternatives
- The City Council may approve the Zoning Map Amendment; or
- The City Council may deny the Zoning Map Amendment and direct staff to make Findings for this decision; or
- The City Council may continue the discussion on the Zoning Map Amendment; or
- The City Council may remand the item back to the Planning Commission for specific discussion on topics and/or findings.

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

Consequences of not taking the Planning Department's Recommendation
The zoning designation would remain as is.

Summary Recommendations
Staff recommends the City Council hold a public hearing for the Zoning Map Amendment Request from Residential Medium (RM) District to Historic Residential Low-Density (HRL) District and Recreation Open Space (ROS) at 622, 652, and 660 Rossie Hill Drive and the BLM-owned parcels as well as an additional zone change from Estate (E) to ROS for the BLM-owned parcels above Rossie Hill Drive, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Exhibits

Exhibit A – Zoning Map Amendment Draft Ordinance and map of amendment
Exhibit B – Survey of Richard Dennis Property
Exhibit C – Aerial photographs of the rezone
Exhibit D – Site Photographs
Exhibit E – Public Comment
Exhibit F – Planning Commission Minutes, 1.11.17

Exhibit A: Zoning Map Amendment Draft Ordinance

Ordinance 2017-05

AN ORDINANCE APPROVING A ZONING MAP AMENDMENT FROM RESIDENTIAL MEDIUM (RM) DISTRICT TO HISTORIC RESIDENTIAL LOW-DENSITY (HRL) DISTRICT AND RECREATION OPEN SPACE (ROS) AT 622, 652, AND 660 ROSSIE HILL DRIVE AS WELL AS THE BLM-OWNED PARCELS, PARK CITY, UTAH.

WHEREAS, City Council directed staff to initiate a Zoning Map Amendment on September 22, 2016; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on December 28, 2016 the property was posted and notice was mailed to property owners within 300 feet; and

WHEREAS, legal notice was published in the Park Record on December 31, 2016 according to requirements of the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on January 11, 2017 to receive input on Zoning Map Amendment; and

WHEREAS, the Planning Commission, on January 11, 2017, forwarded a positive recommendation to the City Council; and,

WHEREAS, on February 16, 2017 the City Council held a public hearing to receive input on the Zoning Map Amendment; and

WHEREAS, there is good cause and it is in the best interest of Park City, Utah to approve Amend the Zoning Map.

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

SECTION 1. APPROVAL. Zoning Map Amendment from Residential Medium (RM) District to Historic Residential Low-Density Development (HRL) District and Recreation Open Space (ROS) at 622, 652, and 660 Rossie Hill Drive as well as the BLM-owned parcels as shown in Attachment 1 is approved subject to the following Findings of Facts, and Conclusions of Law.

Findings of Fact:

1. The property is identified as Summit County parcels M244-24, PC-750-1-X, M-244-23, PC-537-X, and the un-assessed BLM triangle parcel that is located to

the south and east of Rossie Hilll Drive and south of Coalition View Court.

2. The property is currently zoned Residential Medium-Density (RM) and the triangle parcel is zoned Estate (E).
3. There are currently three historic houses located at 622, 652, and 660 Rossie Hill Drive. These are located on parcel PC-537-X. These houses are designated as Landmarks on the City's Historic Sites Inventory.
4. This rezone also includes the northwestern half of the Foxglove Cottages PUD Subdivision, which was recorded in 1997. This subdivision included a provision that the common area is master planned open space, and may not be sold separately. The eastern half of the property is designated as open space on the subdivision.
5. This property is not contiguous to the existing HRL Zone District, which is located approximately 750 feet to the west / southwest along Rossie Hill Drive.
6. The size of the proposed rezoning area is approximately 15% of the total size of the entire existing HRL Zone District along McHenry Road.
7. The access to the sites is from Rossie Hill Drive and Coalition Court.
8. The ROS District lists Conservation Activity as the only allowed use.
9. The requested Zoning Map Amendment from RM to HRL and ROS is appropriate in that the zone change will meet City Council's goals of preserving the hillside and promoting redevelopment of the historic houses and is consistent with the General Plan.
10. This zone change proposes rezoning parcel PC-537-X from RM to HRL. The RD zone only allows up to 8 single family units of development; under the RM zone, the density is roughly 24 units of development consisting of a mix of multi-unit dwellings over four units.
11. This zone change proposes rezoning the remainder of PC-537-X and the other parcels to Recreation Open Space (ROS) which encourages preserving and enhancing environmentally sensitive lands, encouraging sustainability, conservation, and renewable energy.
12. The proposed Zoning Map Amendment directs complimentary development into an existing neighborhood and protects the historic properties along Deer Valley Drive through the HRL zoning regulations, meeting the goals of the General Plan.

Conclusions of Law:

1. There is Good Cause for this Zoning Map Amendment.
2. The Zoning Map Amendment request is consistent with the Park City General Plan and the Park City Land Management Code.
3. The Zoning Map Amendment is consistent with applicable State law.
4. Neither the public nor any person will be materially injured by the proposed Zoning Map Amendment.
5. Approval of the Zoning Map Amendment does not adversely affect the health, safety and welfare of the citizens of Park City.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication and when the revised Official Zoning Map is signed by the City upon final review by the City

Attorney.

PASSED AND ADOPTED this 16th day of February, 2017.

PARK CITY MUNICIPAL CORPORATION

_____
Jack Thomas, MAYOR

ATTEST:

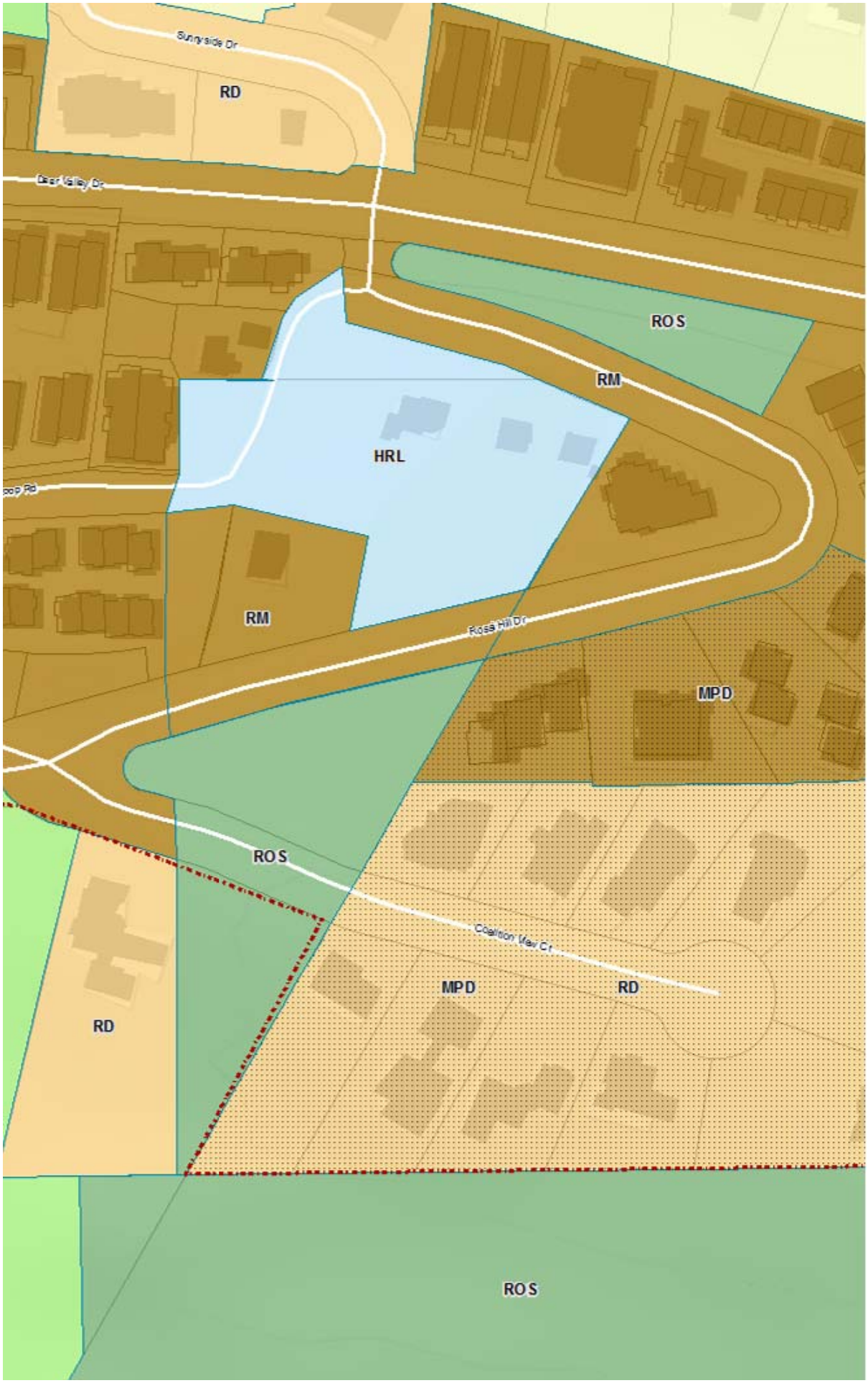
_____
Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

_____
Mark Harrington, City Attorney

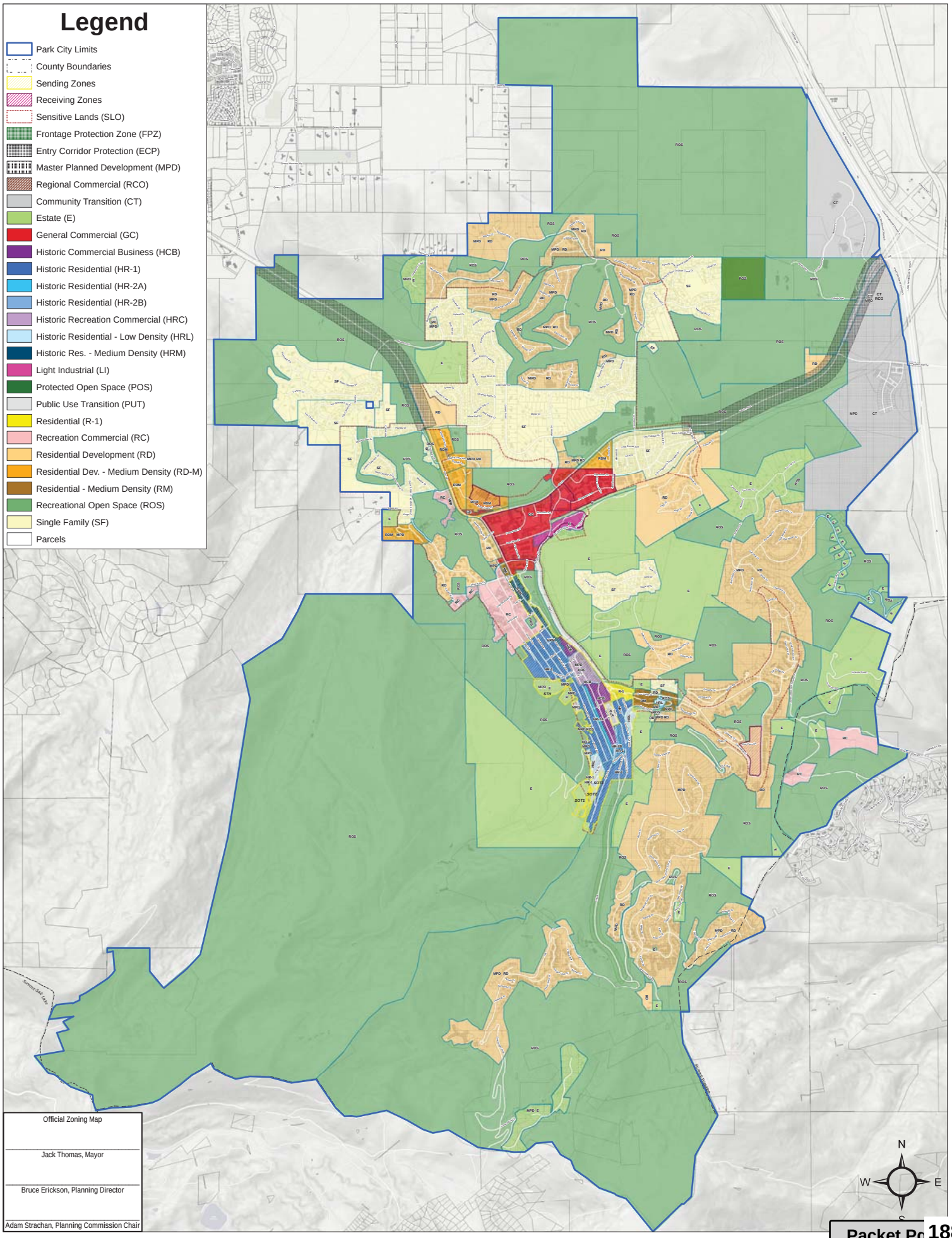
Attachment 1 – Proposed Zoning Map Amendment

Exhibit A- Proposed Zoning Map Amendment



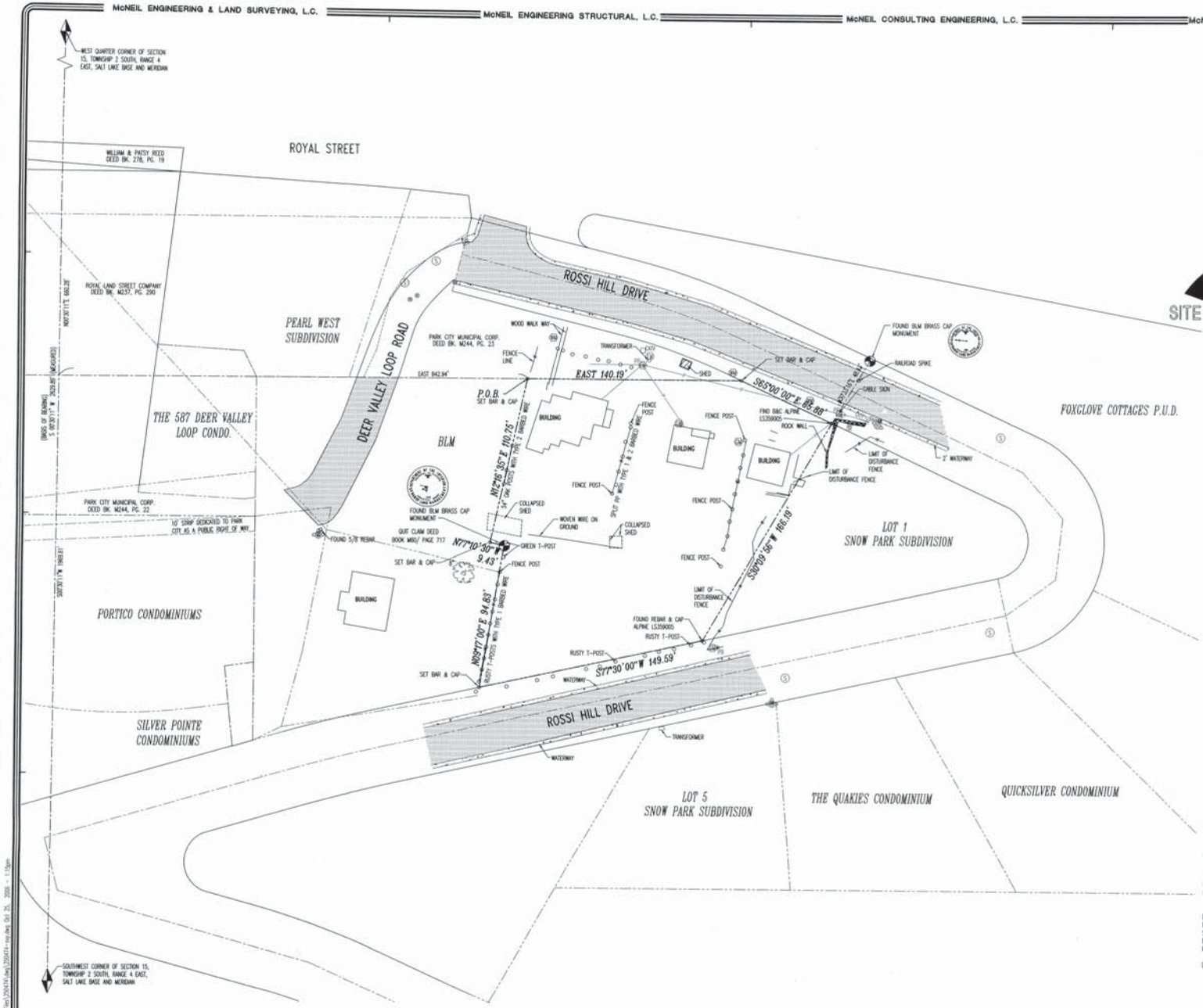
Proposed Zoning Map

January, 2017



This map is a graphic illustration of Park City's zoning districts and is not intended to establish precise dimensions and/or surveyed boundaries of each zone. Interpretation of the Zoning Map is governed by the standards in LMC Section 15-1-6. For complete information relating to the specific boundaries of any of the zoning designation shown on this map, please contact the Park City Planning Department.

McNEIL ENGINEERING & LAND SURVEYING, L.C. — McNEIL ENGINEERING STRUCTURAL, L.C. — McNEIL CONSULTING ENGINEERING, L.C. — McNEIL ENGINEERING & LAND SURVEYING, L.C.



DEED DESCRIPTION

155h HOUSE REAR S SIDE DEER VALLEY PARK CITY (ASSUMED TO BE LOCATED IN THE NW & SW & OF SECTION 15, T2S, R4E, SLB&M)

SURVEY DESCRIPTION

BEGINNING AT A POINT SOUTH 00°30'11" WEST 660.28 FEET ALONG THE SECTION LINE AND EAST 842.94 FEET FROM THE WEST QUARTER CORNER OF SECTION 15, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE EAST ALONG THE SOUTH BOUNDARY LINE OF THE PARK CITY MUNICIPAL CORPORATION PARCEL RECORDED IN BOOK M244, PAGE 23 AT THE SUMMIT COUNTY RECORDERS OFFICE 140.19 FEET TO THE SOUTHERLY BOUNDARY LINE OF ROSSI HILL DRIVE; THENCE ALONG SAID SOUTHERLY BOUNDARY LINE OF ROSSI HILL DRIVE SOUTH 65°00'00" EAST 65.88 FEET TO THE WESTERLY BOUNDARY LINE OF LOT 1 SNOW PARK SUBDIVISION; THENCE ALONG SAID WESTERLY BOUNDARY LINE OF LOT 1 SOUTH 38°09'56" WEST 166.19 FEET TO THE NORTHERLY BOUNDARY LINE OF ROSSI HILL DRIVE; THENCE ALONG SAID NORTHERLY BOUNDARY LINE OF ROSSI HILL DRIVE SOUTH 77°30'00" WEST 149.59 FEET TO EASTERLY BOUNDARY LINE OF A PARCEL DESCRIBED IN A QUIT CLAIM DEED RECORDED IN BOOK M60, PAGE 717 WITH THE SUMMIT COUNTY RECORDER, SAID POINT ALSO BEING ON AN OLD WIRE FENCE LINE; THENCE ALONG SAID EASTERLY BOUNDARY LINE AND OLD WIRE FENCE LINE NORTH 09°17'00" EAST 94.63 FEET TO A BLM BRASS CAP MONUMENT; THENCE NORTH 77°10'30" WEST 9.43 FEET TO THE REMAINING OF AN OLD WIRE FENCE LINE EXTENDED; THENCE ALONG SAID OLD WIRE FENCE LINE NORTH 12°16'35" EAST 110.75 TO THE POINT OF BEGINNING.

PARCEL CONTAINS: 32,233 SQUARE FEET OR 0.740 ACRES.

SURVEYOR'S CERTIFICATE

I, KENNETH A. PETTY, DEPOSE AND SAY THAT I AM A DULY REGISTERED LAND SURVEYOR ACCORDING TO THE RULES AND REGULATIONS OF THE STATE OF UTAH. I FURTHER STATE THAT THE ABOVE DESCRIBED PROPERTY WAS SURVEYED UNDER MY DIRECT SUPERVISION AND THE RESULTS OF THAT SURVEY ARE DEPICTED HEREON.

PROFESSIONAL LAND SURVEYOR No. 362254 KENNETH A. PETTY STATE OF UTAH

KENNETH A. PETTY
LICENSE NO. 362254

NARRATIVE

THIS SURVEY WAS PREPARED FOR BLACKBURN & STOLL, LC. ON BEHALF OF RICHARD DENNIS FOR THE PURPOSE OF ESTABLISHING THE BOUNDARY OF THE ABOVE DESCRIBED PARCEL OF LAND. THE BASIS OF BEARING IS NORTH 00°30'11" EAST ALONG THE SECTION LINE BETWEEN THE SOUTHEAST CORNER AND EAST QUARTER CORNER OF SECTION 15, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN AS SHOWN ON THIS PLAT. EACH CORNER NOT FOUND, WAS MARKED WITH A 5/8 INCH BAR, TWO FEET IN LENGTH, AND RED PLASTIC CAP OR NAIL AND WASHER STAMPED "McNEIL ENGR".

EVERY DOCUMENT OF RECORD REVIEWED AND CONSIDERED AS A PART OF THIS SURVEY IS NOTED HEREON. ONLY THE DOCUMENTS NOTED BELOW WERE SUPPLIED OR OBTAINED FOR OR BY THE SURVEYOR. NO ABSTRACT OF TITLE, NOR TITLE COMMITMENT, NOR RESULTS OF TITLE SEARCHES WERE FURNISHED THE SURVEYOR UNLESS NOTED OTHERWISE. THERE MAY EXIST OTHER DOCUMENTS OF RECORD THAT WOULD AFFECT THIS PARCEL.

DOCUMENTS REFERENCED FOR THIS SURVEY ARE AS FOLLOWS:

FILE No. S0006427
FILED AT THE REQUEST OF McNeil Engineering
ALAN SPRIGGS SUMMIT CO. RECORDER
FEE $ 10.00 By D. Bowen
FILED 2-1-07 at 16:15 PM

S-6427

McNEIL ENGINEERING AND LAND SURVEYING
PROFESSIONAL CIVIL ENGINEERING & LAND SURVEYING SERVICES
6995 SOUTH 900 EAST MIDVALE, UTAH 84047
TEL. (801) 255-7799 FAX (801) 255-8071
E-MAIL info@mcneileng.com WEB SITE AT www.mcneileng.com

RICHARD DENNIS PROPERTY
C/O BLACKBURN & STOLL, LC.

APPROX. ROSSI HILL DRIVE & ROYAL STREET
PARK CITY, UTAH
LOCATED IN THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN

REVISIONS

REV	DATE	DESCRIPTION

PROJECT NO:	250474
CAD DWG. FILE:	250474-SVY
DRAWN BY:	KAP/KSH
CALC BY:	KAP
FIELD CREW:	SURVEYED
CHECKED BY:	CHECKED
DATE:	06/26/06

SHEET TITLE: BOUNDARY SURVEY

1 OF 1

Exhibit C

Rossie Hill Zone Change

(Please note that 632 Deer Valley Drive is not included)

Exhibit D

Google
Image capture: Oct 2012 © 2016 Google Terms Report a problem

Google
Image capture: May 2016 © 2016 Google Terms Report a problem

Anya Grahn

From: planning
Sent: Wednesday, January 11, 2017 9:56 AM
To: Anya Grahn
Subject: FW: Save Rossi Hill

From: Jamie Vaught [vaughtlaw@gmail.com]
Sent: Tuesday, January 10, 2017 2:08 PM
To: planning
Subject: Save Rossi Hill

I own a home at 668 Rossie Hill Drive. I support the zoning change to HRL and ROS because it will preserve the unique character of the piece of Park City that is Rossi Hill.

Park City has a unique "feel" and appearance, and this is due in part to the open spaces and to the appearance of the historic areas around town, especially on Rossi Hill. I purchased my home on Rossi Hill due to the unique feel and appearance of the Rossi Hill area.

Let's preserve Park City for our residents, home owners, visitors and future generations.

Please do not support any plans that would allow increased development on Rossi Hill, especially any high-density development. Please preserve the feel and appearance of Rossi Hill.

Thank you

James Vaught

James Vaught Law Office, PLLC

2393 Alumni Drive, Suite 204

Lexington, KY 40517

859-455-7444

859-554-5931 fax

Anya Grahn

From: planning
Sent: Wednesday, January 11, 2017 3:45 PM
To: Anya Grahn
Subject: FW: Rossie Hill Historic Open Space

From: Christina Marie Shiebler [christina@shiebler.com]
Sent: Wednesday, January 11, 2017 1:21 PM
To: Adam Strachan; Laura Suesser; Melissa Band; Douglas Thimm; John Phillips; Preston Campbell; Steve Joyce
Cc: planning; Council_Mail; Jack Thomas; Bruce Erickson; Anya Grahn
Subject: Rossie Hill Historic Open Space

Good afternoon and thank you for taking the time to read my email.

My family has been in Park City for nearly 25 years. I myself have been a resident of Park City for nearly 13 years. I have lived on Coalition View Court, part of the Rossie Hill (affectionately named "Happy Hill") neighborhood, for 11 years and counting. I am a proud to be from this incredible community and also proud to be a part of the Rossie Hill Historic Open Space Alliance.

I, along with 358 others (241 from Park City and surrounding, 28 are from our home state of Utah, and 16 out-of-state Park City second home / property owners or visitors) support the protection and preservation of this incredible and historic land.

I am in support of the zoning amendment as referenced in the packet for the meeting scheduled for this evening. Additionally it is my hope and the hope of the many others supporting the Save Rossie Hill Historic Open Space that the Commission recommend to Council that further long range protections be applied to this land. We have a unique opportunity to preserve this land and its rich history. I, along with so many other members of our community, would like to see additional / stronger zoning changes, consideration to strengthen protection through the historic guidelines and / or the general plan, and / or strong consideration and proposal to have the City acquire the land to be held as open and historic space in perpetuity.

As I look through the packet for the meeting and see the Treasure Hill agenda item, I can not help but think that this ongoing community issue is an opportunity for great community to look 30 years in to the future and take the opportunity to preserve and secure this Rossie Hill sacred land. Although the scale is wildly different, the sentiment is the same. Change in inevitable, but how we change and grow is within our control.

I am grateful to the members of Staff, the Planning Commission, Council and the Mayor for your individual and collective willingness to work on behalf of our great community. Your work has great impact on the current and future state of Park City, and I respect the time and attention you all give to these important issues.

Respectfully,
Christina Marie Shiebler

Anya Grahn

From: planning
Sent: Wednesday, January 11, 2017 9:56 AM
To: Anya Grahn
Subject: FW: Upcoming Rossie Hill hearings

From: Rachel.Sahlman@aps.com [Rachel.Sahlman@aps.com]
Sent: Tuesday, January 10, 2017 11:16 AM
To: planning
Subject: Upcoming Rossie Hill hearings

Planning Commission,
I understand there are two upcoming hearings concerning the zoning at Rossie Hill. Although my husband Scott and I are unable to attend the meetings, we wanted to pass along our thoughts about Rossie Hill and open space in Park City. We have lived at 625 Deer Valley Drive for more than 10 years and have enjoyed the historical character and witnessed the wildlife migration that is part of that space. The area is already beginning to have a more densely populated feel and I am concerned that we losing the character of an area we love very much. There needs to be room to breathe and as the density increases along Deer Valley Drive, I'm afraid that we are losing the true character of the area. Additional multi-housing will overwhelm this small valley community and will add to the traffic, noise and congestion. We choose Park City because of its beautiful open spaces, wildlife, peace and quiet. Please don't put that at risk. Our address is below if needed for future reference.

Best regards,

Scott and Rachel Sahlman

Contact phone: 602-402-6166
625 Deer Valley Drive A2
Park City, UT 84060

--- NOTICE ---

This message is for the designated recipient only and may contain confidential, privileged or proprietary information. If you have received it in error, please notify the sender immediately and delete the original and any copy or printout. Unintended recipients are prohibited from making any other use of this e-mail. Although we have taken reasonable precautions to ensure no viruses are present in this e-mail, we accept no liability for any loss or damage arising from the use of this e-mail or attachments, or for any delay or errors or omissions in the contents which result from e-mail transmission.

Anya Grahn

From: planning
Sent: Wednesday, January 11, 2017 9:55 AM
To: Anya Grahn
Subject: FW: Rossie Hill Proposal on tomorrow's agenda

More public comment on BLM.

Ashley

From: Jordan Pynes [jordan@tsahousing.com]
Sent: Tuesday, January 10, 2017 6:27 PM
To: Adam Strachan; Laura Suesser; Melissa Band; Douglas Thimm; John Phillips; Preston Campbell; Steve Joyce; planning
Cc: Council_Mail
Subject: Rossie Hill Proposal on tomorrow's agenda

Dear Commission Members:

My name is Jordan Pynes and my family has owned and resided at 645 Coalition View Court for the past eight years. Thank you for your consideration for the proposed zoning changes on Rossie Hill. It is my hope you will approve the proposed modifications to the existing zoning of the Rossie Hill Open Space.

I believe the proposal is a fair and win-win agreement. While most of us in the community would like to see zero future development, I think what is being proposed is the right compromise. Please consider preserving as much open space as possible to protect the character of our neighborhood, the wildlife that is a wonderful part of our daily lives and the beautiful historic homes that help make Park City/Rossie Hill such a charming community.

Thank you for all your hard work and with this matter. I hope you will approve the zoning change that is being proposed.

Jordan Pynes

Anya Grahn

From: planning
Sent: Wednesday, January 11, 2017 9:56 AM
To: Anya Grahn
Subject: FW: Rossie Hill

From: Mark Kaire [Mark@kairelaw.com]
Sent: Tuesday, January 10, 2017 3:42 PM
To: Adam Strachan; Laura Suesser; Melissa Band; Douglas Thimm; John Phillips; Preston Campbell; Steve Joyce; planning
Subject: Rossie Hill

Esteemed Commission Members,

By way of brief introduction my name is Mark Kaire, and together with my wife and 3 children we reside at 635 Coalition view court. I am hopeful that my family and I will make this a full time residence in the near future.

I would like to take this opportunity to truly thank the planning department and commission members for trying to formulate a plan that works for all the residents of park city. The plan is a true compromise- all parties walk away thinking they gave up too much. To that end, while I am saddened with the amount of development that is proposed, I am likewise grateful that the plan limits the amount of new homes, preserves the historic character, and changes the zoning of parcel #4 to ROS.

Please consider preserving as much open space as you deem necessary to protect the character of this neighborhood and these treasured historic homes.

Thank you for all your help and cooperation in this matter.

Mark and Jennifer Kaire

Mark A. Kaire
Kaire & Heffernan, LLC
999 Brickell Avenue
PH 1102
Miami, FL 33131
305-372-0123(P)
305-377-4222(F)
www.kairelaw.com

To: Park City Planning Commission

From: Robert Gurss

Date: January 9, 2017 (for January 11, 2017 Planning Commission Meeting)

RE: Zoning Map Amendment Request, PL-16-03323

Mr. Chairman and members of the Planning Commission, my name is Robert Gurss. My wife and I are full time residents of Park City. We live at 654 Rossie Hill Drive, directly behind the BLM property containing three historic mining era homes.

As this Commission is well aware, Park City's historic architecture is probably the most important factor that makes "Park City Park City." I volunteer at the Park City Museum, giving tours of historic Main Street in the summer. I can tell you from personal experience that many people come to Park City precisely because of our colorful mining history. Having preserved that history, Park City is able to stand out among other Mountain West resort towns that offer little more than condominiums, high end homes, and touristy shops.

The mining era homes on Rossie Hill Drive are a unique remnant of our history. I often see tourists stopping on the road to take pictures of the homes, and it's not unusual to see an artist at an easel painting pictures of the houses and their surroundings. These houses are historic treasures, not only because they are in nearly original form, but also because these 3 houses are probably the ONLY remaining Park City historic homes in an original semi-rural setting. Once upon a time, small homes dotted some of the hills around Park City, often surrounded by gardens or small pastures. Most of the few that remain are now surrounded by or completely engulfed by modern day construction (e.g., the Line), with little remaining sense of their original settings.

Therefore, it is essential that the City take this opportunity to protect these rare vestiges of our history by preserving these historic homes and the surrounding open space.

The Planning Department has done a good job addressing this issue, and I applaud their efforts. Their current proposal is for HRL zoning for parcel #3, containing the 3 historic homes. That is a major improvement over the "existing" zoning of RM, which may have allowed the entire parcel to be covered by a huge condominium complex. However, according to the Department's proposal, even with the HRL zoning, up to 5 new homes (for a total of 8 single family homes) could be built on parcel #3 based on the total acreage in the parcel. As the Department notes, the actual number of new structures would be limited by the location of the current historic homes and related factors. Nevertheless, the potential for up to 5 new homes on the land (up to 3,750 SF each), most likely behind the current houses, is troublesome as it would take away much of the semi-rural setting that make these historic homes so special. The Planning Department's proposal points to the recommended ROS zoning of other portions of the BLM land, including Parcel #4 (i.e. the "triangle" straddling Coalition View Ct), as a way to preserve open space relative to the historic homes. While I and my neighbors strongly support that ROS designation, the open space immediately surrounding the historic homes within parcel #3 should also be preserved, whether through zoning or enforcement of relevant historic guidelines.

The original Planning Department recommendation presented to City Council on September 22, 2016, divided parcel #3 into two parts, with the southern (uphill) portion proposed for ROS. I would ask the Commission to consider drawing a similar line, with the northern (downhill) portion of parcel #3 zoned HRL, and the southern (uphill) portion of parcel #3 (and all of parcel #4) zoned ROS, assuming such a division would better preserve both the historic homes and their unique original setting.

Thank you for your consideration.

Anya Grahn

From: planning
Sent: Wednesday, January 11, 2017 3:45 PM
To: Anya Grahn
Subject: FW: Public Input - Rossie Hill Zoning Amendment (PL-16-03323)

From: Diane Bernhardt [diane.a.bernhardt@gmail.com]
Sent: Wednesday, January 11, 2017 2:32 PM
To: Adam Strachan; Laura Suesser; Melissa Band; Douglas Thimm; John Phillips; Preston Campbell; Steve Joyce
Cc: planning; Anya Grahn; Bruce Erickson
Subject: Public Input - Rossie Hill Zoning Amendment (PL-16-03323)

Chairman and Commissioners,

My name is Diane Bernhardt. I am a resident at 630 Coalition View Ct and I represent the *Save Rossie Hill Historic Open Space Alliance*, an organization whose mission is to promote the creation of a long-range vision and action plan for the protection of the historic open space on Rossie Hill.

With this mission, our first goal is to advocate for and facilitate the protection of the open space and the historic miners' cabins which are located on BLM Parcel 18.

To that end, we created a petition representing our community's support for the preservation of the Rossie Hill Historic Open Space. Those supporting the petition declared that:

1. they support the restoration and preservation of the historic mining-era homes.

2. they support the preservation of the irreplaceable open space for future generations

3. they request the rezone of BLM parcel 18 to ensure the protection of this open space from new land development.

The response to the petition was extraordinary. First circulated on Thursday, August 11, six days later, it had gathered 297 signatures. As of yesterday, the petition had 359 signatures in the affirmative of which 241 are from Park City or its suburbs, 28 are from Utah, and 16 are out-of-state Park City property owners or frequent visitors. Through the sensational support of the petition, our community has made **abundantly** clear that the preservation of this unique open space is **very** important.

We thank the Planning Staff for this considered zoning amendment proposal. It makes appreciable progress toward the goal of protecting this prized open space. The HRL designation provides significantly more defense for the miner's cottages than the current zone, but still permits development that will overpower the quaint homes and take them out of their historical context. We support the approval of this zoning amendment in order to provide immediate, increased protection. However, we **also** respectfully request that the Commission recommend to Council that further protections are required to truly preserve this land, using tools such as: additional zoning changes, amendments to the general plan, strengthening of historic guidelines, or municipal acquisition of this land for the benefit of our community.

We respectfully request that the Commission forward a positive recommendation to City Council to approve the Zoning Map Amendment Request as recommended by staff with additional recommendation that further protective measures are required to fully safeguard this iconic Park City landscape.

Thanks for the opportunity to provide input from the members of *Save Rossie Hill* and from the 359 community members signing the petition requesting the rezone and further protections.

Diane Bernhardt

http://saverossiehill.org

http://www.thepetitionsite.com/225/200/591/save-rossie-hill-historic-open-space-by-rezoning/

Francisco: We wouldn't be ready. Yeah.

Chair Strachan: I'm just wondering whether our agenda on February 8th is going to get backed up because we're lacking a meeting.

Commissioner Suesser: So lacking a meeting on the 25th?

Planner Francisco: And I'm not sure how effective we would be without seeing the update that's being proposed now for Presidents Day 2017. I don't know if---Bruce?

Shawn Ferrin: Do you want to continue to the 8th and we'll have a discussion with Staff about what's next on the agenda. And if we're back, great, and if we're not you can continue it again.

Chair Strachan: That sounds fair. Yeah, that sounds fair.

Shawn Ferrin: We can at least have it [inaudible].

Chair Strachan: Yeah, that's fine. All right. Motion to Continue then to February 8th.

MOTION: Commissioner Thimm moved to CONTINUE the Treasure Hill Conditional Use Permit to February 8th, 2017. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

2. <u>622, 652, and 660 Rossie Hill Drive as well as the BLM-owned parcels, request for Zone Change from Residential Medium (RM) District to Historic Residential Low-Density (HRL) and Recreation Open Space (ROS) as well as from Estate (E) to ROS</u>. (Application PL-16-03323)

Planner Anya Grahn reported that this request was to rezone the BLM properties, as well as the three historic houses that are at approximately 622, 652, and 660 Rossi Hill Drive. Planner Grahn explained that they were talking about rezoning Parcels 1, 2 and 3 from RM to ROS.

Parcel #1 is owned by the City and provides the linkage between Rossi Hill Drive on to Deer Valley Drive. Parcel #2 is a portion of the Fox Glove Cottages PUD Subdivision. The PUD identifies all the common space as open space. Changing the zoning to ROS was not much different because it was already identified to remain open space. Parcel #4 is also owned by the BLM, and currently the parcels are zoned E for Estate. The density on Estate is one unit per three acres. Therefore, this parcel is not able to be developed because of the density requirement, and the Planning Department was suggesting changing it to ROS for Recreation Open Space.

Planner Grahn stated that Parcel #3 is partially owned by the City, and partially in a Title of Color litigation with the BLM by the Dennis family.

Planner Grahn showed what the map would look like if the proposed zoning change occurs. She pointed out the current zoning versus the proposed zoning. Planner Grahn remarked that it would blend with the HRL District, which is Historic Residential Low Density.

Planner Grahn noted that there have been questions about whether or not this zoning change would set a precedent. She stated that there are other cases where the zoning has a similar situation of creating a pocket of a different zone within a larger neighborhood. One example was the Library Field, which is designated as ROS. She also commented on an annexation parcel that was zoned Estate even though it was surrounded by Single Family and RD development. Another example was the rezone of the Sunnyside Subdivide. In that case the residents came forward with a request to change from RD to Single Family to eliminate the opportunity for nightly rentals. In doing so, it left a pocket of RD that could continue to be used as residential.

Planner Grahn had received public comments that was forwarded to the Planning Commission via email, and the Commissioner were also given hard copies of those comments as well.

Assistant City Attorney McLean explained that the standard the Planning Commission was looking at is whether it promotes the general welfare. It has to be a rationally based decision under State Case Law. The Commissioners need to balance their decision on good cause and the rationality behind it. The findings should be on whether or not this promotes the general welfare. Ms. McLean noted that the Planning

Commission has done zone changes, but not frequently. It is covered under Section 10-9A-801, which is the appeal section that talks about how those decisions are reviewed. The State Code states that the zoning promotes the purpose of the chapter being the Land Use Chapter. The Courts interpret it as for the general welfare.

Chair Strachan thought the direction from the City Council was unclear. Director Erickson stated that the Council's goal was three-fold. One was to bring the property more in compliance with the General Plan as the transition zone between the historic district and Deer Valley. Second was to provide a mechanism to restore the three houses. And third was to do the best possible to maximize the amount of open space on the property without removing property rights from the Color of Title action. Director Erickson remarked that the City Council had asked for a rigorous start towards those goals, and the Planning Department came up with low density zoning alternatives, including the RD zone, which is three units per acre. It would have effectively taken away most of the development rights. The HRL, which is the proposed solution, could yield as many as eight units, including restoration of the three houses. Director Erickson noted that there may be additional open space opportunities when the Color of Title action is complete.

Commissioner Joyce asked how the rezone helps with the transition from Historic Old Town to Deer Valley, when at least a quarter to a half mile on both sides is packed with condos. Director Erickson replied that the Staff position is that the rhythm and pattern is maintained by the protection of the three houses in that location, as well as the restoration and the provision of the open space on the hillside, which becomes a pocket park consistent with the Library Field, the City Park at the south end of Main Street, and Creekside Park. Director Erickson stated that it works very much like the undeveloped street rights-of-way in the Historic District. He explained that they could develop the site, but those three houses would not remain in the same existing historic agricultural context. A limited amount of development may achieve that goal, consistent with a few other historic houses on the other side of the street.

Chair Strachan opened the public hearing.

Robert Gurse stated that he and his wife are full-time residents of Park City at 654 Rossi Hill Drive, directly behind the BLM property. Mr. Gurse remarked that Park City's historic architecture is the most important factor that makes Park City Park City. He volunteers at the Park City Museum giving tours of Main Street in the summer. From personal experience, he knows that a lot of people come to Park City because of its history. Having preserved that history, Park City is able to stand out among other Mountain West resort town that little more than condominiums and high priced homes and tourist shops. Mr. Gurse stated that the mining era homes on Rossi Hill area a

unique remnant of Park City's history. He often sees tourists stop on the road to take pictures of these homes. He has also seen people set up an easel and paint pictures of the homes and their surroundings. Mr. Gurse believed these homes were historic treasures for Park City, not only because they are in nearly original form, but because they are probably the only remaining Park City historic homes in their original semi-rural setting. He stated that at one time small homes dotted the hills around Park City, often surrounded by gardens and small pastures. Most of those homes that remain have been completely engulfed by condominiums and other modern structures with no remnants of their original setting. Mr. Gurse believed it was essential for the City to take this opportunity to protect these rare vestiges of its history by preserving these historic homes and the surrounding open space. He thought the Planning Department had done a good job addressing this issue, and he applauded their efforts. The current proposal for HRL zoning for Parcel #3 containing the three historic homes is a major improvement over the existing zoning of RM, which would allow the entire parcel to become a huge condominium complex. However, according to the proposal by the Planning Department, even with the HRL zoning, up to five new homes for a total of eight could be built on this parcel based on the total acreage. The actual number of new structures would be limited by the location of the current homes and other factors, but the potential for five new homes on this land mostly likely behind the current homes is troublesome. It would take away much of the semi-rural setting that makes these homes so special. Mr. Gurse noted that the Planning Department's proposal points to the recommended ROS zoning of other portions of the BLM land, including Parcel #4, as a way to preserve the open space relative to the historic homes. He and his neighbors support that; however, additional steps should be made to protect the open space immediately surrounding these homes to the extent possible whether it is through rezoning or through strict enforcement of relevant historic guidelines. Mr. Gurse stated that the original Planning Department to the City Council on December 22nd divided Parcel #3 into two parts, with the southern portion as ROS. He asked the Planning Commission to at least consider drawing a similar line with the northern downhill portion of that parcel zoned HRL, and the southern uphill portions zoned ROS, along with Parcel #4 and Parcel 1 and 2. Such a division would better preserve both the historic homes and their unique original setting.

Bryce Panser, stated that he was an attorney representing Richard Dennis and his two daughters who own the three historic cabins. He has been involved with this since the initial meeting that Mr. Gurse mentioned. Mr. Panser stated that this came up in the context of an adjacent property seeking to establish a record lot for the Bertagnole cabin, which is in a Color of Title Action, which is similar to what the Dennis family has been involved in for the last ten years. He remarked that the neighbors were upset that anything would be done with this pristine area, which they have come to understand is a city park and believe it should be maintained as a park. As Mr. Gurse had indicated,

one of the proposals floated was to make much of the parcel that the Dennis' claim as ROS. Mr. Panser understood that the Planning Department examined this and ultimately concluded that the proposal that had been floated would make the remaining cabin properties non-complying, and would confiscate all possible development rights. It would make it uneconomical and unattractive for anyone to do anything with the cabins which have fallen into disrepair. When the Planning Department come up with the proposal of converting the parcel to HRL, his client thought it made sense. He wanted to see the cabins preserved and believe this proposal provided a mechanism for doing it. Mr. Panser pointed out that Richard Dennis was born in one of these cabins, and his family has owned the three cabins for the last 100 years or so. Mr. Panser remarked that what the neighbors suggested was a laudable goal, but if the City wants to preserve the land as a pocket park, they should purchase the property or acquire in some fashion, rather than restrict the development. Mr. Panser pointed out that this does not create a transition zone between Old Town and Deer Valley because of the existing development. However, in essence it is a compromise. It is a solution that his clients are agreeable to, and that fits with what they think the future development of this property should be.

Jeff Camp, a resident at 590 Coalition View Court, stated that he has lived adjacent to the BLM property for 25 years. He pointed out that no one ever raises the issue of animals. Having live there for 25 years he watches the animals over and over again. It used to be a corridor for the animals to go down and cross Deer Valley Drive and up into the open space in the Aerie. A wall has been built but the animals still squeeze through it. Mr. Camp noted that an elk herd used to come through there but he has not seen them in years since the two duplexes were built on the opposite side of Deer Valley Drive. Mr. Camp remarked that all the animals need water. The deer and moose are very prevalent on that land because it is the only place where they can get to the water. Walls of condominiums prevent them from getting to the Deer Valley ponds, and the creek runs underground at the intersection of Rossi Hill Road. Mr. Camp believed the issue was more about saving a place for the animals. He commended the City for wanting to zone the upper parts ROS, and he also liked the HRL zone for the Dennis parcel. However, he agreed with Mr. Gurse that the remainder of Parcel #3 should be ROS as well. He noted that in terms of the BLM, the use has always been ROS. Mr. Camp stated that the BLM is supposed to preserve open space, but now they were divesting their property. Mr. Camp has been in touch with the BLM for a number of years and watching their intentions for that property. He provided copies of a document he obtained from the BLM several years ago. When he first started living there the BLM land was one large parcel, but over time it was divided into smaller lots. Mr. Camp believed the Dennis family was claiming property rights to property that they do not own. They own the shacks that are on top of the ground, but they do not own the land. It is Color of Title. The Bertagnole family fought it 30 years and he suggested that the

Dennis family may fight it for another 10 years. Mr. Camp requested that the Planning Commission give the Dennis family the smaller parcel and let it be HRL, as proposed, and make the remainder of Parcel #3 ROS to protect the animals.

Diane Bernhardt, a resident at 630 Coalition View Court, stated that she represented the Save Rossi Hill Historic Open Space Alliance, whose mission is to promote the creation of a long range vision and action plan for the protection of the historic open space on Rossi Hill. The first goal of this mission is to advocate for and facilitate the protection of the open space and the historic miners' cabins located on BLM parcel 18. To that end, the organization created a petition representing community support for the preservation of the parcel. Those supporting the petition declared that: 1) they support the restoration and preservation of the historic mining era homes; 2) they support the preservation of the irreplaceable open space for future generations; 3) they request a rezone to ensure the protection of this open space from new land development. Ms. Bernhardt stated that the response to this petition was extraordinary. It was first circulated on August 11th, and six days later it had gathered 297 signatures. As of yesterday, the petition had 359 signatures in the affirmative, of which 241 are from Park City or its suburbs, 28 are from Utah, and 16 are out-of-state Park City property owners or frequent visitors. Ms. Bernhardt remarked that through the sensational support of the petition, the community has made it abundantly clear that preservation of this unique open space is very important. The Save Rossi Hill Historic Open Space Alliance thanked the Planning Staff for this considered zoning amendment proposal. It makes appreciable progress towards the goal of protecting these remarkable acres. The HRL designation provides significantly more defense for the miners' cottages than the current zone, but still permits development that will overpower the quaint homes and remove them from their historical context. The organization supports the approval of the zoning amendment in order to provide immediate increased protection. However, the also respectfully requested that the Planning Commission recommend to the City Council that further protections are required to truly protect this land using tools such as additional zoning changes, amendments to the General Plan, strengthening of historic guidelines, or the municipal acquisition of this land for the benefit of the community. Ms. Bernhardt urged the Planning Commission to forward a positive recommendation to the City Council to approve the zoning map amendment request as proposed by Staff, with additional recommendation that further protective measures are required to fully safeguard this iconic Park City landscape. She thanked the Commissioners for the opportunity to provide input from the members of Save Rossi Hill, and from the 359 petitioners calling for this rezone and for further protections.

Christina Schiebler, a resident at 638 Coalition View Court, agreed with her neighbors and the Rossi Hill Open Space Alliance.

Chair Strachan closed the public hearing.

Commissioner Phillips was pleased to see that the Dennis family was not wanting to maximize development. It is extremely important to preserve these old buildings, but in some ways it felt like they were downzoning to accomplish that goal. Commissioner Phillips was trying to see the other side as well, to make sure no mistakes were being made. He recalled that the Lilac Subdivision was approved by the Planning Commission, but he was unsure what happened with it at the City Council level.

Director Erickson reported that the plat was approved by the City Council and created one lot of record. Planner Grahn explained that when the City Council reviewed the Lilac Hill Subdivision, which is the burnt out house at 632 Deer Valley Loop, added conditions of approval included a requirement to provide 40% open space. Another condition was to make sure that any development on that site or any future subdivided parcels or lots created out of that site had to comply with the design guidelines. Planner Grahn noted that as discussed by the Planning Commission, any work to the historic house would have to comply with the guidelines; however, new construction on new lots would not have to comply because it is outside of the historic districts. Planner Grahn stated that the added condition of approval makes sure that work on the historic house, as well as any new development, must comply with the guidelines to help promote that historic character. She recalled that another added condition of approval talked about not blocking the view to the historic house so the hillside would maintain its existing look and feel. Planner Grahn remarked that those were the primary conditions for why the Planning Staff recommended the HRL. Even though that parcel would remain RM and would not be rezoned to HRL, the HRL zone carries over the design guidelines and some of the requirements that keep the historic context.

Commissioner Phillips stated that in reading the Staff report there was reference to 22 units, and then it talked about the amount of allowed units being based off of the square footage. He asked to what extent the Dennis family was informed of what they could actually do, as opposed to the actual number that could fit. Planner Grahn replied that the Staff did not look what could be allowed because they did not want to draw subdivision lines and try to estimate what the development could be. That was the reason for basing it off the square footage of the lot as a whole.

Commissioner Phillips favored the proposal because it would definitely help preserve the structures. However, if the Dennis family were to build other buildings on this site, he asked if the City would look at limiting the other buildings to be more consistent with the same mass and scale of the existing structures. Planner Grahn believed the design guidelines would dictate that. She pointed out that height requirements in the LMC stipulates a maximum height of 27'. Commissioner Phillips pointed out that 27' would

tower over the existing structures, and he asked if they could require a lower height or if it was a given based on the requirements. Planner Grahn did not believe it was a given; but when the building comes in with the Design Guidelines, the Staff would mitigate it at that point to make sure it would not overpower the historic buildings.

Commissioner Suesser asked if the Staff had considered isolating the three cottages to the HRL section, and keeping the remainder of Parcel 3 ROS. Planner Grahn replied that the Staff had looked at that, but the concern was that some development has to be allowed on the site in order to rehab the houses and make it financially feasible. The Staff also looked at the historic Sanborn maps from 1927 and at that time this hillside had ten small houses on it. It helped the Staff understand what should be built there and to keep that context. Commissioner Suesser understood that anything else built on Parcel 3 would have to comply with HRL guidelines. Planner Grahn replied that she was correct. It would have to comply with that section of the LMC in addition to the Design Guidelines.

Commissioner Joyce stated that he lives up the hill from this parcel and he looks at those structures every day. He wanted to see the structures preserved, but at the same time what they want cannot influence what they do. Commissioner Joyce was uncomfortable creating a little zoning island of one lot of one land owner; and at some level downzoning them. He was looking for good excuses as to why that was acceptable, but he thought the transitional reason was ludicrous. Commissioner pointed out that two feet from one of the historic houses, the City approved an 8,000 square foot duplex on one side and Foxpoint was on the other side. Commissioner Joyce was not in favor of micro-zoning. In his opinion, it was a bad use of the zoning tool and they should not make it a habit. He clarified that the only reason he would vote to support this was because the landowner supports it. He would recommend to the City Council that if they want to preserve these houses they should purchase them. If they want to make it a park, the City should buy it. Otherwise, if the landowner comes back wanting to build 27' houses, he would support their proposal because the zoning allows it and he believes it is reasonable. Commissioner Joyce reiterated that his original intent was to vote no on this proposal because he believes micro-zoning is wrong.

Commissioner Campbell agreed with Commissioner Joyce. He was opposed to what was clearly the downzoning of the other lot and he voted against it. He would have voted against this one as well. Commissioner Campbell was not sure the owner being in favor swayed him, but he backed Commissioner Joyce 100% that everyone gets great satisfaction out of seeing those structures as they drive up and down the road. The only way it will remain is if the City buys it. Commissioner Campbell suggested that the Planning Commission let the City Council know that they agree to approve this

request, but in return they would like the Council to look at purchasing the structures to preserve them.

Commissioner Band concurred with Commissioners Campbell and Joyce. Open space that is privately owned is not open space; it is privately owned land. She shared the sentiment that if the City wants it preserved they should purchase it. Commissioner Band believed this proposal was a great compromise, and that many of the neighbors shared her opinion. She personally favored spot zoning. It is a great tool if people are creative and she thought Park City should look at it in the future.

Assistant City Attorney McLean stated that spot zoning or micro-zoning does not exist in Utah. It is a matter of finding the right zone for a particular area. Zoning cannot be done only for economic reasons.

Commissioner Thimm concurred with the other Commissioners with respect to zoning. His decision was swayed by the historic structures. Commissioner Thimm did not believe that creating the non-contiguous zoning islands was a good practice and he thought they should be careful about doing that. He felt this proposal would create a district that is set up by the existing historic structures in trying to modulate the scale of what is occurring in that area. Creating open space by zoning towards the ROS would preserve that ground in an appropriate way. Commissioner Thimm supported the proposal.

Commissioner Phillips was in favor of a City purchase, but he would be uncomfortable changing the zoning before the purchase. He preferred to purchase first and then change the zoning. Commissioner Phillips stated that he still had some misgivings, but he was willing to support the proposal.

Director Erickson remarked that the effect of this particular zone change reduces trip generation on Deer Valley Drive from 22 units x 10 to 8 units x 10. He explained that doing the zoning to protect the context of these historic houses is much closer to form based code in saying that this is the character we want to preserve in this location for X, Y and Z reasons. Director Erickson stated that this was more than a strict downzone. It was a careful enactment of progressive non-Euclidian technics and growth management on Deer Valley Drive, and protection of the neighborhood values. When the Staff looked at this rezone proposal, the number one mission was to protect the houses.

Commissioner Campbell referred to Silver Star, the Rio Grande and similar places that were deteriorating but there were plans for preservation; however, a commercial piece behind it paid for the preservation. It was a model he would like to see and he was

certain that the City, the Planning Staff and the public could get behind it. Commissioner Campbell clarified that he did not believe that model would work in this case because no one would want additional commerce in that area. His intent was to make sure that commercial components are considered in places where it would work.

Director Erickson stated that the mechanism already exists for historic houses where commercial uses such as a café could occur. As lower Park Avenue redevelops, he anticipated one or two additional coffee shops in that zone.

Commissioner Campbell wanted it on the record that his vote would be in favor of anything that would keep the historic buildings from demolition by neglect. It is never the intent, but it does happen to many structures if rebuilding them does not make sense.

MOTION: Commissioner Joyce moved to forward a POSITIVE recommendation to the City Council to approve the zoning map amendment request from RM to HRL and ROS at 622, 652 and 660 Rossi Hill Drive, and the BLM parcels, as well as additional zone changes from Estate to ROS for the BLM parcels above Rossi Hill, based on the Findings of Fact and Conclusions of Law as found in the draft ordinance. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

<u>Findings of Fact – Zoning Map Amendment</u>

1. The property is identified as Summit County parcels M244-24, PC-750-1-X, M-244-23, PC-537-X, and the un-assessed BLM triangle parcel that is located to the south and east of Rossie Hill Drive and south of Coalition View Court.

2. The property is currently zoned Residential Medium-Density (RM) and the triangle parcel is zoned Estate (E).

3. There are currently three historic houses located at 622, 652, and 660 Rossie Hill Drive. These are located on parcel PC-537-X. These houses are designated as Landmarks on the City's Historic Sites Inventory.

4. This rezone also includes the northwestern half of the Foxglove Cottages PUD Subdivision, which was recorded in 1997. This subdivision included a provision that the common area is master planned open space, and may not be sold separately. The eastern half of the property is designated as open space on the subdivision.

5. This property is not contiguous to the existing HRL Zone District, which is located approximately 750 feet to the west / southwest along Rossie Hill Drive.

6. The size of the proposed rezoning area is approximately 15% of the total size of the entire existing HRL Zone District along McHenry Road.

7. The access to the sites is from Rossie Hill Drive and Coalition Court.

8. The ROS District lists Conservation Activity as the only allowed use.

9. The requested Zoning Map Amendment from RM to HRL and ROS is appropriate in that the zone change will meet City Council's goals of preserving the hillside and promoting redevelopment of the historic houses and is consistent with the General Plan.

10. This zone change proposes rezoning parcel PC-537-X from RM to HRL. The RD zone only allows up to 8 single family units of development; under the RM zone, the density is roughly 24 units of development consisting of a mix of multi-unit dwellings over four units.

11. This zone change proposes rezoning the remainder of PC-537-X and the other parcels to Recreation Open Space (ROS) which encourages preserving and enhancing environmentally sensitive lands, encouraging sustainability, conservation, and renewable energy.

12. The proposed Zoning Map Amendment directs complimentary development into an existing neighborhood and protects the historic properties along Deer Valley Drive through the HRL zoning regulations, meeting the goals of the General Plan.

<u>Conclusions of Law – Zoning Map Amendment</u>

1. There is Good Cause for this Zoning Map Amendment.
2. The Zoning Map Amendment request is consistent with the Park City General Plan and the Park City Land Management Code.
3. The Zoning Map Amendment is consistent with applicable State law.
4. Neither the public nor any person will be materially injured by the proposed Zoning Map Amendment.
5. Approval of the Zoning Map Amendment does not adversely affect the health, safety and welfare of the citizens of Park City.

September 20, 2020, 9:16 AM

I reside in the Sunnyside Subdivision located across Deer Valley Drive from the Lower Rossi Hill District. I am opposed to the proposed amendment to the Land Management Code that would allow nightly rentals in this district. The Sunnyside Homeowners Association has had a negative experience with nightly rentals and several years ago moved to change our zoning to prohibit nightly rentals in our subdivision. The problem has been the nuisance that nightly rentals cause with increased levels of noise and traffic. The noise factor that nightly rentals would produce in the Lower Rossi Hill area would negatively affect the residents of our subdivision because noise along Deer Valley Drive is magnified by the canyon that the street is located in. Furthermore Nightly Rentals will compound the traffic congestion at the entrance to our neighborhood where Sunnyside Dr. and Rossi Hill Drive intersect with Deer Valley Drive. This intersection is already congested and poses a danger for drivers entering and leaving our subdivision.

Thank you for your consideration of this matter.

Rick Anderson
634 Sunnyside Drive

September 20, 2020, 11:58 AM

My wife and I have lived on Mellow Mt. Rd. for sixteen years, and are long time Park City residents. We are opposed to the proposed rezone on Lower Rossi Hill which would allow nightly rentals.

Our Sunnyside neighborhood has a nightly rental house which has been a constant source of noise that often lasts well into the night. The police have been called to deal with disturbances many times. There are also nightly rentals on the sections of Deer Valley Drive and Deer Valley Loop that have been troublesome as well - large groups of people have rented these properties and the noise echoes across the canyon to our home. Rossi Hill nightly rentals would add to the disturbance.

Since the houses in question on Rossi Hill are directly across from our neighborhood, the noise from their inevitable late night parties will add to the nuisance level in the Sunnyside area, as well as several other neighborhoods within easy earshot of the parties.

The traffic from those houses will also increase, as will on-street parking issues.

We urge you to deny approval to the rezone in order to help keep all the neighborhoods in the area as quiet and safe as possible.
Thank you for you time and consideration.

Pete and Mary Larsen
670 Mellow Mt. Rd.

September 20, 2020, 2:15 PM

My husband, Mel Lavitt and I live in the Sunnyside Subdivision located across Deer Valley Drive from the Lower Rossi Hill District. We are adamantly opposed to the proposed amendment to the Land Management Code that would allow nightly rentals in this district. The Sunnyside Homeowners Association or years has had a negative experience with nightly rentals and therefore several years ago moved to change our zoning to prohibit nightly rentals in our subdivision. The problem has been the nuisance that nightly rentals cause with increased levels of noise and traffic. The noise factor that nightly rentals would produce in the Lower Rossi Hill area would negatively affect the residents of our subdivision because noise along Deer Valley Drive is magnified by the canyon that the street is located in. We have found that unfortunately nightly renters often don't take care of the homes they are in, indulging in loud parties, excessive use of fireworks on holidays and leaving unwanted trash in front of the homes they are occupying. Furthermore Nightly Rentals will compound the traffic congestion at the entrance to our neighborhood where Sunnyside Dr. and Rossi Hill Drive intersect with Deer Valley Drive. This intersection is already congested and poses a danger for drivers entering and leaving our subdivision. The major thoroughfare, Mellow Mountain Road, which already has been impacted by increased traffic will be affected, making what was once a pleasant neighborhood into a noisy and dangerous thoroughfare.

Thank you for your consideration of this matter.

Sincerely, Wendy Lavitt
630 Mellow Mt. Rd.
Park City, UT 84060

September 22, 2020, 8:09 AM

I write to oppose the proposed amendment to the Land Management Code that would allow nightly rentals in this district.

I reside in the Sunnyside Subdivision located across Deer Valley Drive from the Lower Rossi Hill District. The Sunnyside Homeowners Association has had a negative experience with nightly rentals and several years ago moved to change our zoning to prohibit nightly rentals in our subdivision. The problem has been the nuisance that nightly rentals cause with increased levels of noise and traffic as well as illegal parking. The noise factor that nightly rentals would produce in the Lower Rossi Hill area would negatively affect the residents of our subdivision because noise along Deer Valley Drive is magnified by the canyon that the street is located in. Furthermore Nightly Rentals will compound the traffic congestion at the entrance to our neighborhood where Sunnyside Dr. and Rossi Hill Drive intersect with Deer Valley Drive. This intersection is already congested and poses a danger for drivers entering and leaving our subdivision, particularly given the number of service and construction trucks entering and leaving our streets.

Thank you for taking into account my position.

Susan Himes
606 Mellow Mountain Road

September 22, 2020, 1:10 PM

Hello, Rebecca. I received today your notice to property owners dated September 9. In that notice, you requested input regarding nightly rentals in the Rossi Hill area of the historic residential low density zoning district on Rossi Hill Drive and Deer Valley Loop Road.

I live on McHenry Avenue and have since 2011. At present, McHenry and Rossi Hill Drive are both designated 1st Priority Roads for snow clearing and maintenance, and much of these roads are designated no-parking areas (some seasonal), yet cars are ALWAYS parked on these roads, thus preventing the city EVEN NOW from proper maintenance.

This is the case without the completion of entitled development, the sale of recently built homes, the development or use of the BLM property, or, worst of all, permitting the area to become a high density, high volume, multi-car occupied daily rental transient hotel community.

As for Deer Valley Loop Road, drive by there today in the COVID off-season and see what it looks like. Cars everywhere, passage often impossible, trash pickup frustrated, and more development in the works. Imagine this with nightly rentals, particularly in season, with multiple families in each unit (yes, this is so despite prohibitions that may limit occupancy numbers). Social distancing? Forget it. Fire? Better hope all sprinklers work.

Even a simple Planning Commission meeting has been found to present a “Substantial Health and Safety Risk,” thus warranting an online meeting. Similar Substantial Health and Safety Risks will be needlessly caused by changing the very nature and character of this Historical District into a crowded hotel/motel row.

We purchased in this area in reliance on the fact that in an historical district, and given other land use requirements in place, such daily rentals would NEVER be permitted. Every neighbor I have spoken with feels the same way, and several have also said they purchased in such a district specifically because NO NIGHTLY RENTALS were permitted. Requests for minor variances in this area are routinely denied when they affect an historic structure or impede in any way the view, ambience, access or other quality of life markers. Nightly rentals would NOT be a minor variance, it would be a change of life.

Basic city services, not to mention life safety concerns such as ambulance, police and fire, would suffer dramatically. The city will not be able to police the resulting increase in code violations and risk to public safety, particularly to the area’s people and property.

Despite this burden, there appears to be no consideration of the financial impact of this proposal in the Planning Commission Staff Report. I may be mistaken, but I thought it was required (and good practice) to include an evaluation of the fiscal impact of any council decision. In addition to the direct costs above, there will be indirect costs because of declining property values around any to-be-permitted mini-hotels.

The complaining property owner has not claimed any prior historical use as a nightly rental, or any other claimed entitlement or basis to justify a deviation from the Land Management Code.

I urge you, the Planning Commission and the Council to cease any consideration of permitting such a use. An error in a staff report has no force of law, unlike the Land Management Code that clearly prohibits such a use. Public safety and policy guide an easy decision, that is, to just say no.

Please contact me if I can provide any additional information, and I urge you to reach out to all McHenry and Rossi Hill Drive residents to guage the very high level of opposition to such a proposal.

Respectfully,
Tom Grady

[CONTINUED ON THE NEXT PAGE]

September 22, 2020, 6:56 PM

Dear Planning Commission:

I live on Coalition View Drive and am opposed to the proposed amendment to the Land Management Code that would allow nightly rentals in this district. The problem is the nuisance that nightly rentals cause with increased levels of noise and traffic. The noise factor that nightly rentals would produce in the Lower Rossi Hill area would negatively affect the residents of our neighborhood. Daily renters do not have the same respect for their neighbors and there are no repercussions for playing loud music, having parties, or packing multiple families into one rental unit.

Nightly rentals will also compound the traffic congestion on Rossi Hill by Deer Valley Drive. This area and intersection is already congested and poses a danger for drivers entering and leaving our neighborhood and for pedestrians going to the bus stop. Please help us protect our wonderful and quiet neighborhood and restrict nightly rentals.

Thank you for your consideration.

Jordan Pynes
645 Coalition View Drive

September 23, 2020, 8:30 AM

Hello Rebecca – My name is Kevin Barker and my wife and I live at 257 McHenry Ave. Last night a neighbor let me know that the planning commission is going to vote on a recommendation to allow nightly rentals on the lower section of Rossi Hill. I never received any notice on this planned vote so this is the first I have heard of it.

Rossi Hill is a small, narrow street that is very poorly maintained by the city and has numerous issues on the lower section with illegal parking. Residents living on Coalition View and McHenry have to deal with navigating around these cars and the bad street conditions every day.

The commissions plans will simply exacerbate the situation by adding additional traffic to the street.

In addition much of Park City is already zoned for and is full of houses offering nightly rentals. This results in properties that are fully occupied in peak season times and empty off-season. City officials often decry this exact situation and now you are looking to expand it. When my wife and made the decision to live full time in Park City we spent

days and days visiting pretty much every street in Old Town and made the decision to purchase our house on McHenry due to the fact that the residents on the whole live here full time.

I hope the commission will reconsider their plans.

Kevin Barker

September 23, 2020, 10:33 AM

Dear Planning Committee,

I am a full time resident at 650 Rossie Hill Dr. located just above the Lilac Hill East property (Tahoma). I have a question and also a concern about changing the zoning for "nightly rentals". If the property is zoned "no nightly rentals" why are you even considering changing this code? Lower Rossie Hill Dr. is already a parking lot for renters. Not sure where they all come from. Our building has 3 units. The middle unit is used for nightly rentals. Our experience is with 3 bedrooms it is often rented to 3 couples and they bring 3 vehicles. If a house has 4 bedrooms it will be rented to 4 couples with 4 vehicles. Despite Mr. Watanabe's statement regarding parking on the property most of the vehicles will be lined up on Rossie Hill drive. Around the hairpin turn (people already park there) and up the hill. While there are restrictions on parking in the winter they are rarely enforced. So, I am opposed to changing the code for Lilac Hill East.

Sincerely,

Linda Mason

September 23, 11:27 AM

Hi Rebbeca and all,

As long time residents of Mchenry Avenue we are not in favor of rezoning Lower Rossi Hill Historic Residential Low Density to allow nightly rentals.

How is it that zoning designations can be changed arbitrarily without regard as to the reason they were established in the first place.

I am sick to my stomach that this area was allowed to be developed at all. The three historic homes on lower Rossi Hill are basically the only true examples of Park City

history that remain. These homes should've been bought by the city and turned into museums like at McPoland farm. Or better yet maybe tiny homes for families. Or more open space and wildlife corridor in Old Town Park City.

We have hotels in Park city to accommodate nightly rentals, not neighborhoods! Developers and second homeowners want the designation to allow nightly rentals because it adds value to their property. This intern exacerbates affordability of single family homes in old town. Imagine that, affordable housing, the very thing you are trying to address every single every day.

Please say no to nightly rentals on Lower Rossi Hill Historic District!

Thank you or your consideration.
Matey and Morgan Hole
310 Mchenry Avenue

September 23, 2020, 1:21 PM

Rebecca...I had a discussion with my neighbor Morgan Hole this morning.

In the interest of time and after hearing Morgan's letter , I totally concur with the content.

We finally must begin to make adjustments as we are now living with the results of decisions that no longer work in our new congested Park City.

Kind regards,
Mary C. Wintzer
320 McHenry St.

Council Agenda Item Report

Meeting Date: February 4, 2021
Submitted by: John Robertson
Submitting Department: Engineering
Item Type: Ordinance
Agenda Section:

Subject:
Consideration to Approve Ordinance 2021-07, an Ordinance Amending Title 11, Building and Building Regulations Code Section 11-6 Flood Damage Prevention for Establishing the Areas of Special Flood Hazard of the Municipal Code of Park City
(A) Public Hearing (B) Action

Suggested Action:

Attachments:
Flood Damage Code Update Staff Report

Exhibit A: Flood Damage Prevention Ordinance

Exhibit B: Comparison Report-2885 Cochise Court

City Council Staff Report

Subject: **Flood Damage Code Update**
Author: **John S. Robertson, City Engineer**
Department: **Engineering**
Date: **February 4, 2021**
Type of Item: **Legislative – Amending Park City Municipal Code Title 11, Buildings and Building Regulations, Chapter 16 Flood Damage Prevention**

Recommendation

Staff recommends that the City Council review the proposed code amendment to Municipal Code Chapter 11-16 "Flood Damage Prevention", hold a public hearing, and approve Ordinance No. 2021-07. Approval of this ordinance replaces the existing section of Code and will bring the City into compliance with current Federal Emergency Management Agency (FEMA) requirements related to the Federal Flood Insurance Program (FIP).

Background

Adoption of this ordinance and proper management of the floodplain keep the City compliant with all requirements of the FIP and allow homeowners to continue to receive flood insurance under that program. Since late in 2016 FEMA and their consultant, in cooperation with the State of Utah Division of Emergency Management, have been working on updating the Flood Insurance Rate Maps (FIRMs) for Summit County including Park City. FIRM's depict on a map areas that are high, moderate, or low flood risk as a series of zones. Zones range from high to low risk. High risk or Special Flood Hazard Areas (SFHA's) are defined as locations that have a 1-percent chance of being inundated by a flood event in any given year. The 1-percent annual chance of flood is also referred to as the base or 100-year flood.

Flood risk can, and does, change over time. Flood risk can change for many reasons, including land development, erosion, increasing storm intensity, wildfires, and other causes. These changes overtime require that FIRM's be updated to ensure proper flood insurance coverage of properties. The new maps will help property owners better understand their flood risk so they can take steps to protect their homes and businesses. Once effective the new maps will be used for community floodplain management and flood insurance rating purposes.

The new maps are planned to become effective March 23, 2021. Once effective, flood insurance is mandatory if any part of the structure (not the property) is located within a Special Flood Hazard Area (SFHA) and has a federally backed mortgage or grant tied to it. Insurance costs for some homeowners may rise to reflect the true (or high) risk. The newly mapped procedure allows policyholders to purchase coverage at the lower-cost Preferred Risk Policy rate for the first 12 months after new maps go into effect.

After the first year, the rate begins its transition to a full-risk rate with annual rate increases of no more than 18 percent each year. Conversely, insurance costs may be reduced if the area is updated and reflects a lower flood risk than previously approved maps. Additionally, homeowners that currently have flood insurance from the National

Flood Insurance Program will be grandfathered into program and maintain their current rates.

Homeowners in the SFHA that wish to update more than 50% of their structure will be required to bring their full structure up to all current codes including those required in the proposed Flood Damage ordinance.

During this update an appeal was filed to remove sections of Daly Avenue and upper Swede Alley from the SFHA. This appeal was granted by FEMA. As stated above, the new mapping in these areas will allow these homeowners to obtain a reduction in their flood insurance rates. There is a section of the City that was added into a SFHA. This section of town will be subject to higher insurance rates and includes the homes within Cochise Court and portions of Sidewinder Drive and Wyatt Earp Way (See attached exhibit).

In addition to confirming and accepting the updated Flood Insurance Study and associated maps, this proposed code includes updates to or adds in new sections of code that provide information and guidance related to: the establishment of the permit, severability, confirms that the City Engineer is the Floodplain Local Administrator, procedures to consider variances, standards for subdivision proposals, standards for areas of shallow flooding, and definitions.

Attachments

A Ordinance 2021-07 Flood Damage Prevention

B. Comparison Report – Cochise Court

Ordinance 2021-07

AN ORDINANCE AMENDING TITLE 11, BUILDING AND BUILDING REGULATIONS CODE SECTION 11-6 FLOOD DAMAGE PREVENTION FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD OF THE MUNICIPAL CODE OF PARK CITY

WHEREAS, the Municipal Code was adopted by the City Council of Park City, Utah to promote the health, safety and welfare of the residents, visitors, and property owners of Park City; and

WHEREAS, the Municipal Code implements the goals, objectives and policies of the Park City General Plan to maintain the quality of life and experiences for its residents and visitors; and to preserve the community's unique character and values; and

WHEREAS, the Federal Emergency Management Agency updates it Flood Insurance Study and the Flood Insurance Rate Map; and

WHEREAS, to comply with federal regulations to receive flood insurance coverage those updates must be reflected;

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

SECTION 1. AMENDMENTS TO TITLE 11 – Building and Building Regulations Code. The recitals above are incorporated herein as findings of fact. Chapter 11-16 Flood Damage Prevention is hereby amended as attached (see Attachment A).

SECTION 2. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this 4th day of February, 2021

PARK CITY MUNICIPAL CORPORATION

_____

Andy Beerman, Mayor

Attest:

_____

Michelle Kellogg, City Recorder

Approved as to form:

_____

Margaret Plane, Special Counsel

ATTACHMENT A - AN ORDINANCE PROVIDING FOR THE REGULATION AND ENFORCEMENT OF FLOOD DAMAGE PREVENTION

TABLE OF CONTENTS

Section 11-16-1. Statutory Authorization

Section 11-16-2. Findings of Fact

Section 11-16-3. Statement of Purpose

Section 11-16-4. Methods of Reducing Flood Losses

Section 11-16-5. Lands to Which This Ordinance Applies

Section 11-16-6. Basis for Establishing the Areas of Special Flood Hazard

Section 11-16-7. Establishment of Development Permit

Section 11-16-8. Compliance

Section 11-16-9. Abrogation and Greater Restrictions

Section 11-16-10. Interpretation

Section 11-16-11. Warning and Disclaimer or Liability

Section 11-16-12. Severability

Section 11-16-13. Designation of the Floodplain Administrator

Section 11-16-14. Duties & Responsibilities of the Flood plain Administrator

Section 11-16-15. Permit Procedures

Section 11-16-16. Variance Procedures

Section 11-16-17. General Standards

Section 11-16-18. Specific Standards

Section 11-16-19. Standards for Subdivision Proposals

Section 11-16-20. Standards for Areas of Shallow Flooding (AO/AH Zones)

Section 11-16-21. Floodways

Section 11-16-22. Definitions

11-16 FLOOD DAMAGE PREVENTION

11-16-1 STATUTORY AUTHORIZATION

The Legislature of the State of Utah has in Utah Code annotated 10-3-701 delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, does ordain as follows:

11-16-2 FINDINGS OF FACT

(1) The flood hazard areas of Park City are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

(2) These flood loses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazards areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

11-16-3 STATEMENT OF PURPOSE

It is the purpose of this Chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

A. Protect human life and health;

B. Minimize expenditure of public money for costly flood control projects;

C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

D. Minimize prolonged business interruptions;

E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

F. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas.

G. Insure that potential buyers are notified that property is in a flood area; and

H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

11-16-4 METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this Chapter uses the following methods:

A. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;

B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;

D. Control filling, grading, dredging and other development which may increase flood damage;

E. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

11-16-5 LANDS TO WHICH THIS ORDINANCE APPLIES

The Chapter shall apply to all areas of special flood hazard within the jurisdiction of Park City, Utah.

11-16-6 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Park City, Utah," dated March 23, 2021, with accompanying March 23, 2021 Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance.

11-16-7 ESTABLISHMENT OF DEVELOPMENT PERMIT

A Floodplain Development, Preliminary plat approval, site plan approval, or a building permit, shall be required to ensure conformance with the provisions of this ordinance.

11-16-8 COMPLIANCE

No structure or land within City limits shall hereafter be located, altered, or have its use changed without full compliance with the terms of this Chapter and other applicable regulations.

11-16-9 ABROGATION AND GREATER RESTRICTIONS

This Chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Chapter and other Titles or Chapters of this Code, another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

11-16-10 INTERPRETATION

In the interpretation and application of this Chapter, all provisions shall be:

A. Considered as minimum requirements;

B. Liberally construed in favor of the governing body; and

C. Deemed neither to limit nor repeal any other powers granted under State statutes.

11-16-11 WARNING AND DISCLAIMER OR LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

11-16-12 SEVERABILITY

If any section, provision, or portion of this Chapter ordinance is adjudged unconstitutional or invalid by a court, the remainder of the ordinance shall not be affected.

11-16-13 DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR

The Park City, City Engineer is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

11-16-14 DUTIES & RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

A. Maintain and hold open for public inspection all records pertaining to the provisions of this Chapter.

B. Review permit application to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.

C. Review, approve or deny all applications for development permits required by adoption of this Chapter. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State and local government agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.

D. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.

E. Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is the State of Utah Department of Public Safety Emergency Management

Division, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

F. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

G. When base flood elevation data has not been provided in accordance with Section 11-6-5 , the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of Section 11-16-17 General Standards.

H. When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

I. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community **first** applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision).

11-16-15 PERMIT PROCEDURES

Application for a Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

A. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;

B. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;

C. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Section 11-16-18(2);

D. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

E. Maintain a record of all such information in accordance with Section 11-16-14(A)..

Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:

A. The danger to life and property due to flooding or erosion damage;

B. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

C. The danger that materials may be swept onto other lands to the injury of others;

D. The compatibility of the proposed use with existing and anticipated development;

E. The safety of access to the property in times of flood for ordinary and emergency vehicles;

F. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;

G. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

H. The necessity to the facility of a waterfront location, where applicable;

I. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

J. The relationship of the proposed use to the comprehensive plan for that area.

11-16-16 VARIANCE PROCEDURES

1) The City Council as established by the community shall hear and render judgement on requests for variances from the requirements of this ordinance.

2) The City Council shall hear and render judgement on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.

3) Any person or persons aggrieved by the decision of the City Council may appeal such decision in the courts of competent jurisdiction.

4) The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

5) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this ordinance.

6) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section 11-16-15 (F—O) of this Section have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

7) Upon consideration of the factors noted above and the intent of this ordinance, the City Council may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance (Section 11-16-3 Statement of Purpose).

8) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

9) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

10) Prerequisites for granting variances:

    a) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

    b) Variances shall only be issued upon:

    c) showing a good and sufficient cause;

    d) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and

    e) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

    f) Any application to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

11) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
    a) the criteria outlined in Section 11-16-16 (1)-(9) are met, and

b) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

11-16-17 GENERAL STANDARDS

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

A. Shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

B. Shall be constructed by methods and practices that minimize flood damage;

C. Shall be constructed with materials resistant to flood damage;

D. Shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

E. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

F. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,

G. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

11-16-18 SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) Section 11-16-6, (ii) Section 11-16-14(G), or (iii) Section 11-16-18(3), the following provisions are required:

1) **Residential Construction -** new construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Section 11-16-15(A), is satisfied.

2) **Nonresidential Construction -** new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural

components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.

3) **Enclosures -** new construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

   a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

   b) The bottom of all openings shall be no higher than one foot above grade.

   c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

4) **Manufactured Homes** –
   a) Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

   b) Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

   c) Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the

community's FIRM that are not subject to the provisions of paragraph (4) of this section be elevated so that either:

d) the lowest floor of the manufactured home is at or above the base flood elevation, or

e) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

5) **Recreational Vehicles -** Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either:

a) be on the site for fewer than 180 consecutive days,

b) be fully licensed and ready for highway use, or

c) meet the permit requirements of Section 11-16-15(A), and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

11-16-19 STANDARDS FOR SUBDIVISION PROPOSALS

1) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Sections 11-16-2, -3, -4.

2) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Development Permit requirements of Sections 11-16-7, -15, -17, -18, -19, -20 of this Ordinance.

3) Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions. 18 which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Section 11-16-6, or Section 11-16-14 (G) of this ordinance.

4) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

5) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

11-16-20 STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES)

Located within the areas of special flood hazard established in Section 11-16-6, are areas designated as shallow flooding. These areas have special flood hazards associated with base

flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

1) All new construction and substantial improvements of **residential** structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).

2) All new construction and substantial improvements of **non-residential** structures;

   a) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or;

   b) together with attendant utility and sanitary facilities be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

3) A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Section 11-16-15(A), are satisfied.

4) Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

11-16-21 <u>FLOODWAYS</u>

Floodways - located within areas of special flood hazard established in Section 11-16-6, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

1) Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway *unless* it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

2) If Section 11-16-20(1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Sections 11-16-17, -18, -19.

3) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a community may permit encroachments within the adopted regulatory

floodway that would result in an increase in base flood elevations, provided that the community **first** applies for a conditional FIRM and floodway revision through FEMA.

11-16-22 <u>DEFINITIONS</u>

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

ALLUVIAL FAN FLOODING - means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

APEX - means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

AREA OF SHALLOW FLOODING - means a designated AO, AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD - is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V.

BASE FLOOD - means the flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE) is the water surface elevation of the 1-percent-annual-chance flood event. It is the height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas. It is also the elevation shown on the FIRM and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a 1-percent chance of equaling or exceeding that level in any given year.

BASEMENT - means any area of the building having its floor sub-grade (below ground level) on all sides.

CRITICAL FEATURE - means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

DEVELOPMENT - means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

ELEVATED BUILDING - means a non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls if the breakaway walls met the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.

EXISTING CONSTRUCTION - means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION- Means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD OR FLOODING - means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. the overflow of inland or tidal waters.

2. the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM) - means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY - is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map.

FLOODPLAIN OR FLOOD-PRONE AREA - means any land area susceptible to being inundated by water from any source (see definition of flooding).

FLOODPLAIN MANAGEMENT - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

FLOODPLAIN MANAGEMENT REGULATIONS - means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOOD PROTECTION SYSTEM - means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

FLOOD PROOFING - means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY (REGULATORY FLOODWAY) - means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

FUNCTIONALLY DEPENDENT USE - means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE - means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE - means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

4. Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:

a) by an approved state program as determined by the Secretary of the Interior or;

b) directly by the Secretary of the Interior in states without approved programs.

LEVEE - means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

LEVEE SYSTEM - means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

LOWEST FLOOR - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; **provided** that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood insurance Program regulations.

MANUFACTURED HOME - means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

MANUFACTURED HOME PARK OR SUBDIVISION - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MEAN SEA LEVEL - means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

NEW CONSTRUCTION - means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which

the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

RECREATIONAL VEHICLE - means a vehicle which is:

1. built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projections;
3. designed to be self-propelled or permanently towable by a light duty truck; and
4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

START OF CONSTRUCTION - (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE - means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE - means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions or

2. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

VARIANCE - is a grant of relief to a person from the requirement of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this ordinance. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.).

VIOLATION - means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION - means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

CERTIFICATION

It is hereby found and declared by the City of Park City, Utah that severe flooding has occurred in the past within its jurisdiction and will certainly occur within the future; that flooding is likely to result in infliction of serious personal injury or death, and is likely to result in substantial injury or destruction of property within its jurisdiction; in order to effectively comply with minimum standards for coverage under the National Flood Insurance Program; and in order to effectively remedy the situation described herein, it is necessary that this ordinance become effective immediately.

Therefore, an emergency is hereby declared to exist, and this ordinance, being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval.

APPROVED; _____
(community official)

PASSED: _____
(date)

I, the undersigned, _____, do hereby certify that the above is a true and correct copy of an ordinance duly adopted by the City Council for the City of Park City, Utah, at a regular meeting duly convened on _____.
(date)

_____
(Secretary or responsible person)

(SEAL)

SUGGESTED WORDING FOR PENALTY CLAUSE

In accordance with Section 59.2(b) of CFR 44, Chapter 1, of the National Flood Insurance Program (NFIP) regulation, to qualify for the sale of federally-subsidized flood insurance, a community must adopt floodplain management regulations that meet or exceed the minimum standards of Section 60. “These regulations must include effective enforcement provisions.”

In accordance with Section 60.1(b) of CFR 44, Chapter 1, of the NFIP regulations, “These regulations must be legally-enforceable, applied uniformly throughout the community to all privately and publicly owned land within flood-prone (i.e. mudflow) or flood-related erosion areas, and the community must provide that the regulations take precedence over less restrictive conflicting local laws, ordinances or codes.”

THEREFORE: The following is *suggested wording* for a penalty clause to be included and adopted with your Flood Damage Prevention Ordinance. Wording should be modified as necessary to reflect specific local/state statutory provisions.

PENALTIES FOR NONCOMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than $ _____or imprisoned for not more than _____days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the City of Park City from taking such other lawful action as is necessary to prevent or remedy any violation.

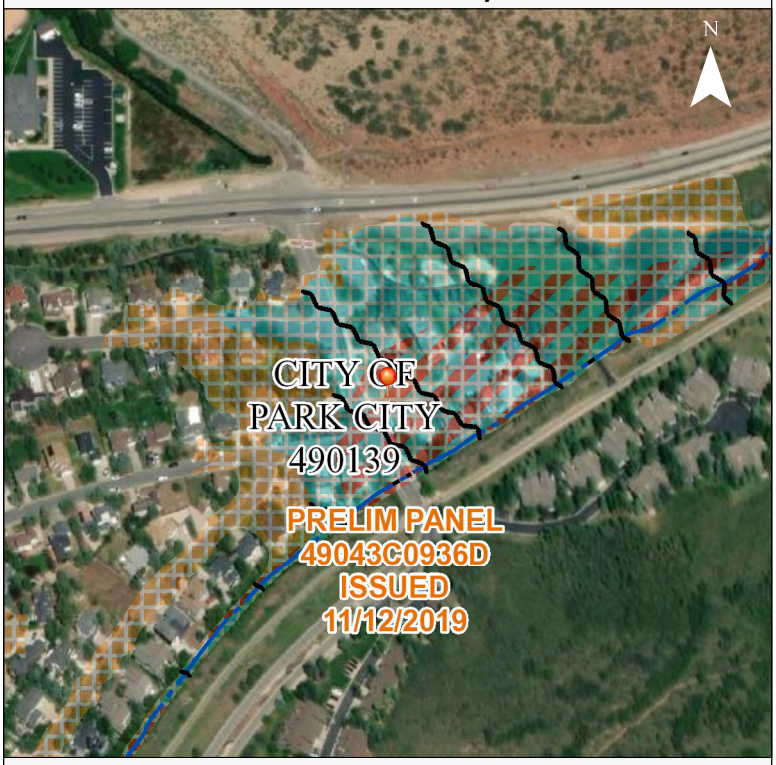
Comparison of Flood Hazard

Attachment B

Effective & Preliminary Flood Hazards

Effective

Preliminary



Effective	
POI Longitude/Latitude	-111.4852, 40.6674
Effective FIRM Panel	49043C0936C
Effective Date	3/16/2006
Flood Zone	A
Static BFE*	Not Available
Flood Depth	Not Available
Vertical Datum	Not Available

Preliminary	
POI Longitude/Latitude	-111.4852, 40.6674
Preliminary FIRM Panel	49043C0936D
Preliminary Issue Date	11/12/2019
Flood Zone	AE
Estimated Static BFE*	Not Available
Estimated Flood Depth	Not Available
Vertical Datum	Not Available

* A **Base Flood Elevation** is the expected elevation of flood water during the 1% annual chance storm event. Structures below the estimated water surface elevation may experience flooding during a base flood event.

Hazard Level	Flood Hazard Zone
High Flood Hazard	**AE, A, AH, AO, VE and V Zones.** Properties in these flood zones have a 1% chance of flooding each year. This represents a 26% chance of flooding over the life of a 30-year mortgage.
Moderate Flood Hazard	**Shaded Zone X.** Properties in the moderate flood risk areas also have a chance of flooding from storm events that have a less than 1% chance of occuring each year. Moderate flood risk indicates an area that may be provided flood risk reduction due to a flood control system or an area that is prone to flooding during a 0.2% annual chance storm event. These areas may have been indicated as areas of shallow flooding by your community.
	Unshaded Zone X. Properties on higher ground and away from local flooding sources have a reduced flood risk when compared to the Moderate and High Flood Risk categories. Structures in these areas may be affected by larger storm events, in excess of the 0.2% annual chance storm event.
Low Flood Hazard	**Insurance Note:** High Risk Areas are called 'Special Flood Hazard Areas' and flood insurance is mandatory for federally backed mortgage holders. Properties in Moderate and Low Flood Risk areas may purchase flood insurance at a lower-cost rate, known as Preferred Risk Policies. See your local insurance agent or visit https://www.fema.gov/national-flood-insurance-program for more information.

Disclaimer: This report is for informational purposes only and is not authorized for official use. The positional accuracy may be compromised in some areas. Please contact your local floodplain administrator for more information or go to msc.fema.gov to view an official copy of the Flood Insurance Rate Maps.

Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

9/24/2020 6:35:14 PM

Council Agenda Item Report

Meeting Date: February 4, 2021
Submitted by: Heinrich Deters
Submitting Department: Sustainability
Item Type: Staff Report
Agenda Section:

Subject:
Consideration to Grant the Following Easements, in a Form Approved by the City Attorney, across City-Owned Property to the Snyderville Basin Water Reclamation District (SBWRD): 1) Two Access Easements for the Existing 'Silver Creek' Sewer Trunk Line Located near Highway 40 and Park City Heights; and 2) A Utility, Access, and Maintenance Easement for a New Sewer Line for the Lilac Hill East Subdivision, Located Near Deer Valley Drive and Rossi Hill Road
(A) Public Input (B) Action

Suggested Action:

Attachments:
SBWRD Easements Request Staff Report

Exhibit C: DRAFT Silver Creek Access Easements

Exhibit D: DRAFT Lilac Hill East Utility, Access, and Maintenance Easement

City Council Staff Report

Subject: Grant of Utility and Access Easements-
Snyderville Basin Water Reclamation District
Author: Heinrich Deters, Trails and Open Space Manager
Date: February 4, 2021
Department: Sustainability
Type of Item: Administrative

Recommendation

Grant the following easements, in a form approved by the City Attorney, across city-owned property to the Snyderville Basin Water Reclamation District (SBWRD);

1. Two access easements for the existing 'Silver Creek' sewer trunk line located near Highway 40 and Park City Heights. (Exhibit A)
2. A Utility, Access, and Maintenance Easement for a new sewer line for the Lilac Hill East Subdivision, located near Deer Valley Drive and Rossi Hill Road. (Exhibit B)

Background

Silver Creek Access Easements

In 1986, SBWRD installed a wastewater trunk line in the silver creek drainage. As part of the recent upgrades to the wastewater utility, SBWRD reviewed all-access easements to ensure proper access was in place.

SBWRD is requesting two access easements near Highway 40 and Park City Heights. (Exhibit C) The access crosses the city-owned parcel PCA-88-X; however, no permanent improvements, such as a gravel pathway, are being proposed on the city-owned property. This parcel is encumbered with a deed restriction held by Talisker Open Lands Conservancy, which allows for maintenance and access of existing utilities.

SBWRD requests that the easement not include a 'relocation clause' as it is tied to easement locations from Utah State Parks. This means that the City cannot request relocation of the easements, however, both parties can agree to abandonment. Noting the location and aspect that there is no material improvement associated with the easement, staff does not foresee a negative impact to the property.

Lilac Hill East Utility, Access, and Maintenance Easement

This is a new sewer line that will service the proposed Lilac Hill East subdivision. The Lilac Hill subdivision was approved by the Planning Commission on December 11, 2019, in which a positive recommendation was forwarded to City Council. On January 9, 2020, the City Council approved the subdivision Staff Report, Minutes by adopting Ordinance 2020-20. SBWRD requires that the easement be approved and recorded before providing their signature on the Lilac Hill East subdivision plat.

This easement crosses a small piece of city-owned property, PC-750-1-X. No deed restriction or third-party conservation easement encumber the property. Engineering has reviewed the easement language and location and recommend Council approval. (Exhibit D)

Analysis

SBWRD is a valued utility and stakeholder throughout the Park City community. It holds numerous easements with the City to operate and maintain the wastewater system efficiently and effectively. Engineering and Legal staff have reviewed the easements and support the proposed language associated with each location.

Department Review

The Office of the City Attorney and City Manager reviewed this report.

Funding Source

No funding is associated or requested with this project.

Attachments

Exhibit A - SBWRD Silver Creek Access Easements
Exhibit B - SBWRD Lilac Hill East Utility, Access, and Maintenance Easement
Exhibit C - DRAFT SBWRD Silver Creek Access Easement
Exhibit D - DRAFT SBWRD Lilac Hill Easement

Exhibit A - SBWRD Silver Creek Access Easements

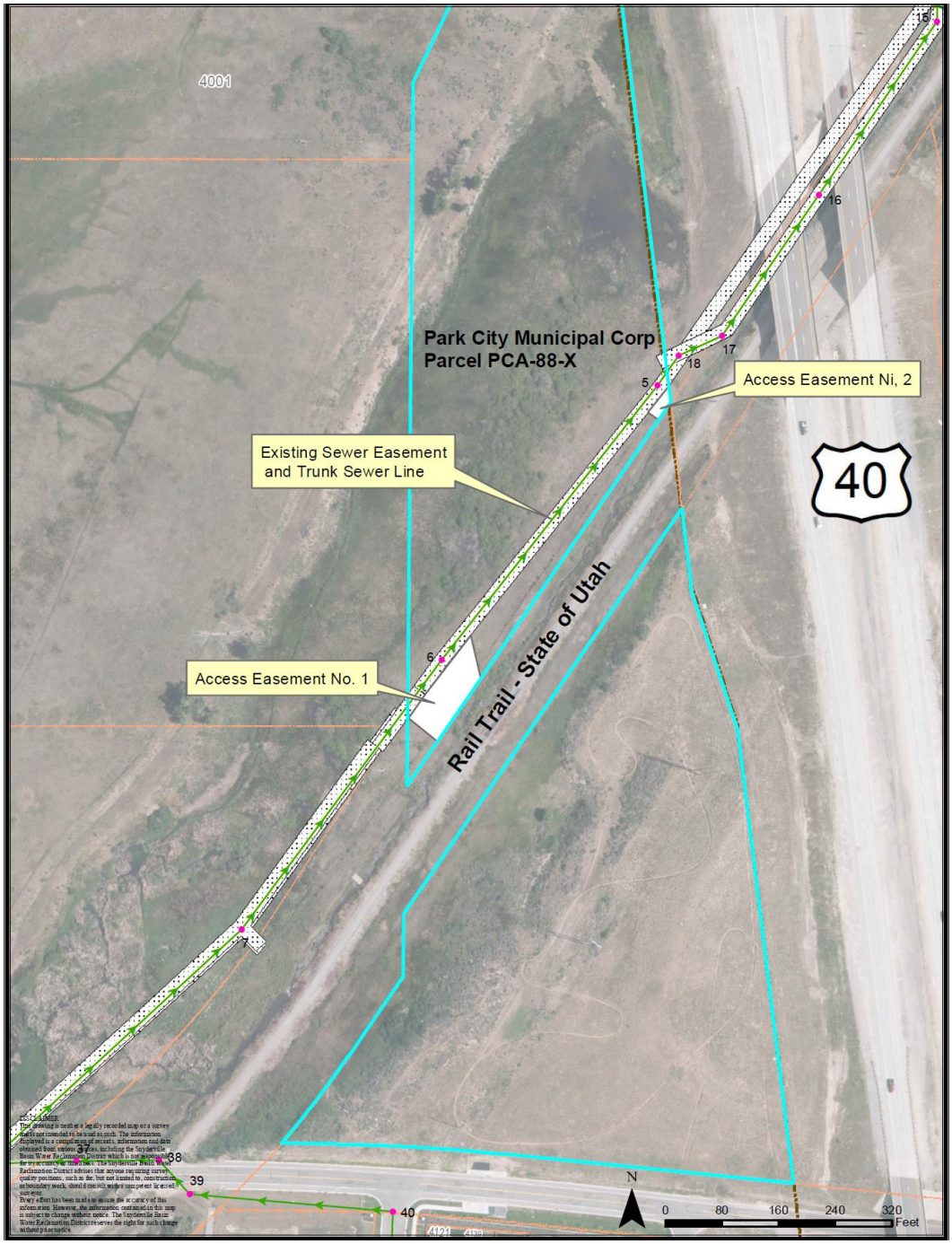
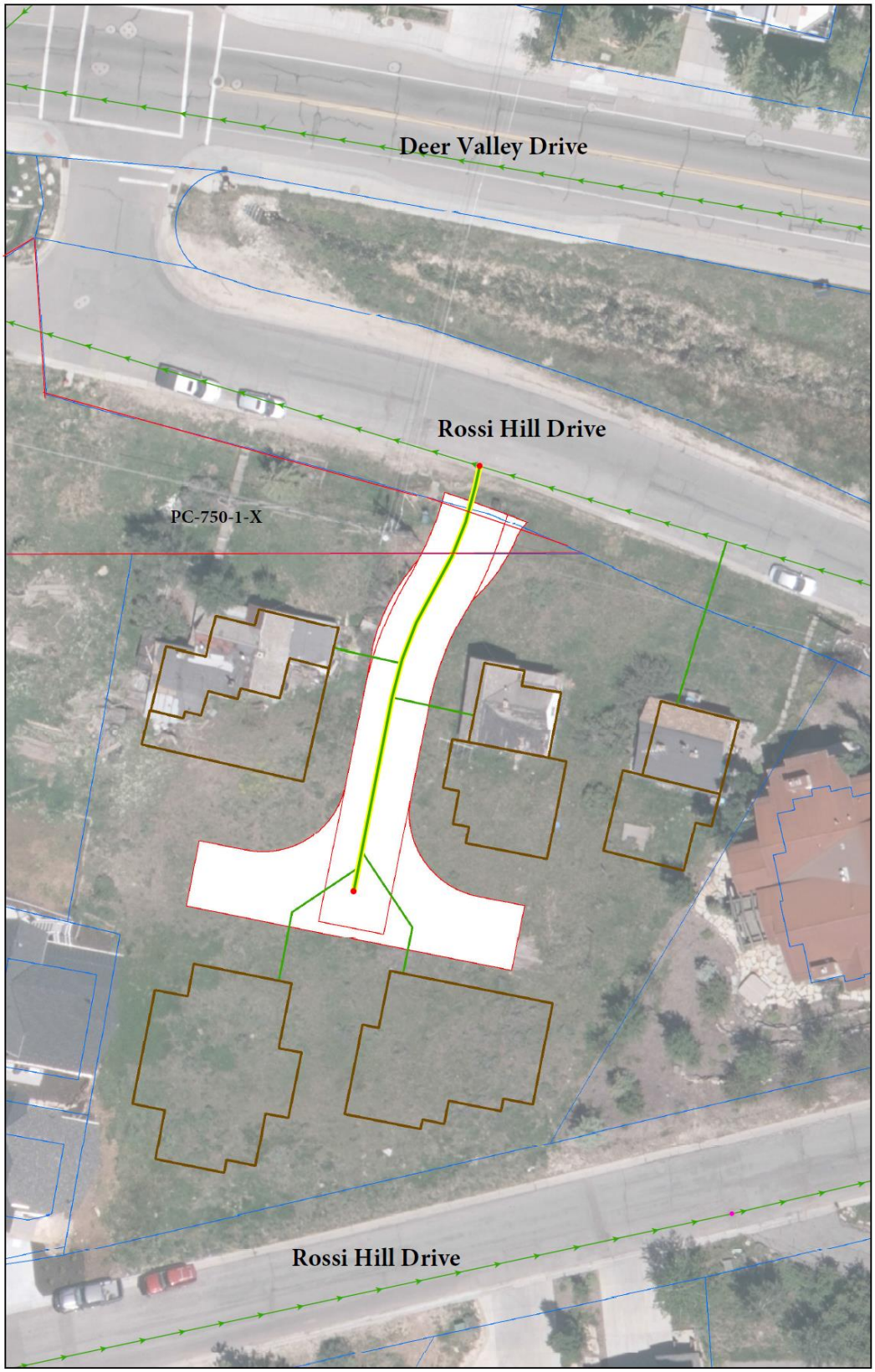


Exhibit B - SBWRD Lilac Hill East Utility, Access, and Maintenance Easement



When recorded return to:
Snyderville Basin Water Reclamation District
2800 Homestead Road
Park City, Utah 84098

GRANT OF ACCESS EASEMENT
FOR ACCESS TO WASTEWATER COLLECTION AND TRANSPORTATION PIPELINE(S) AND APPURTENANCES

Park City Municipal Corporation, Grantor, does hereby convey and warrant to the Snyderville Basin Water Reclamation District, a local District of the State of Utah, (the District) Grantee, of Summit County, Utah, for good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, a perpetual right of ingress and egress over, across, and through the premises of the Grantor situated in Summit County, Utah which are more specifically described as follows:

EASEMENT NO. 1

COMMENCING AT THE WEST 1/4 CORNER OF SECTION 2, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; THENCE N01°27'12"E 82.35 FEET ALONG THE SECTION LINE (THE BASIS OF BEARING), AND EAST 2810.80 FEET TO GRANTORS EASTERLY PROPERTY LINE AND THE POINT OF BEGINNING.

THENCE S34°30'43"W 113.54 FEET ALONG GRANTORS EASTERLY PROPERTY LINE; THENCE N53°45'43"W 53.06 FEET TO THE EAST LINE OF AN EXISTING 20-FOOT WIDE SEWER EASEMENT; THENCE THE FOLLOWING TWO COURSES AND DISTANCES COINCIDENT TO SAID EAST LINE, N36°14'17"E 92.11 FEET; THENCE N38°37'47"E 66.55 FEET; THENCE S09°51'16"E 65.04 FEET TO THE POINT OF BEGINNING.
CONTAINS 6,917 SQ. FT. OR 0.16 ACRES

EASEMENT NO. 2

COMMENCING AT THE WEST 1/4 CORNER OF SECTION 2, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; THENCE N01°27'12"E 433.93 FEET ALONG THE SECTION LINE (THE BASIS OF BEARING), AND EAST 3043.54 FEET TO GRANTORS EASTERLY PROPERTY LINE AND THE POINT OF BEGINNING.

THENCE N55°28'47"W 18.12 FEET TO THE EAST LINE OF AN EXISTING 20-FOOT WIDE SEWER EASEMENT; THENCE THE FOLLOWING TWO COURSES AND DISTANCES COINCIDENT TO SAID EAST LINE, N38°37'47"E 45.48 FEET; THENCE N34°44'18"E 9.06 FEET TO GRANTORS EAST PROPERTY LINE; THENCE S07°07'15"E 22.31 FEET ALONG SAID EAST PROPERTY LINE TO GRANTORS SOUTHEAST PROPERTY CORNER; THENCE CONTINUING ALONG GRANTORS EASTERLY PROPERTY LINE S34°30'43"W 37.76 FEET TO THE POINT OF BEGINNING.
CONTAINS 759 SQ. FT. OR 0.02 ACRES

BOTH EASEMENTS ARE CONTAINED WITHIN PARCEL PCA-88-X

Also granting to the Snyderville Basin Water Reclamation District the right to trim, clear or remove, at any time from said right-of-way any tree, brush, structure or obstruction of any character whatsoever, which in the sole judgment of the Grantee may limit the accessibility of

the easements. However, the Grantee acknowledges that the easements granted herein are subject to the previously recorded conservation easement held by Summit Land Conservancy, which is recorded at Book ___ Page __. Grantee agrees that Grantee shall not improve the surface of the easements granted, including, but not limited to, the addition of road base or any impervious material. The Grantor and its successors in interest hereby forever relinquish the right to construct any improvement which would interfere with the accessibility of the easements and covenant and agree that no improvement, trees or structures will be constructed over the surface of the easements granted herein, without the express written consent in advance of the Grantee, which would interfere with the right of the Grantee to utilize the easements for access to wastewater facilities.

The easements granted herein are subject to the condition that the Grantee shall indemnify and hold harmless, the Grantor, its heirs and successors against any and all liability caused by the acts of the Grantee, its contractors or agents, while exercising the rights of these easements; the Grantor's right to indemnification or to be held harmless by the Grantee under the terms of this paragraph are expressly conditioned upon prompt and immediate notice to the Grantee of any claim or demand which would cause a claim against the Grantee and upon the Grantees right to defend any claim against the Grantor which would cause a claim of indemnification against the Grantor. This provision shall not be interpreted or construed to waive the rights of the Grantee to the affirmative defenses to claims provided under the Utah Governmental Immunity Act.

WITNESS the hand of said Grantor this _____ day of _____ , 20__.

PARK CITY MUNICIPAL CORPORATION

By: _____

Name: _____

Title: _____

STATE OF UTAH)
: ss.
COUNTY OF SUMMIT)

On this _____ day of _____, 20____, personally appeared before me _____, who being duly sworn, did say that he/she is the signer of the within instrument, and that the within and foregoing Grant of Access Easement was signed on behalf of _____, with actual and requisite authority, and said signer acknowledged to me that he/she executed the same.

S
E
A
L

_____
Notary Public

When recorded return to:
Snyderville Basin Water Reclamation District
2800 Homestead Road
Park City, Utah 84098

GRANT OF EASEMENT AND ACCESS EASEMENT FOR CONSTRUCTION AND MAINTENANCE OF WASTEWATER COLLECTION AND TRANSPORTATION PIPELINE(S) AND APPURTENANCES

Lilac Hill East, LLC, a Delaware limited liability company and Park City Municipal Corporation, a municipality organized in the State of Utah, Grantors, do hereby convey and warrant to the Snyderville Basin Water Reclamation District, a local District of the State of Utah, (the District) Grantee, of Summit County, Utah, for good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, a permanent non-exclusive easement and right-of-way for the purpose of constructing, operating and maintaining one or more underground pipelines and appurtenances in the easement granted herein for the collection and transportation of wastewater as permitted by the District in the exclusive discretion of the District, over, across, through and under the premises of the Grantors situated in Summit County, Utah which are more specifically described as follows:

SANITARY SEWER EASEMENT

An easement located in the northwest quarter of the southwest quarter of Section 15, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said easement being described as follows:

Beginning at a point on the southerly boundary of Rossie Hill Drive, as shown on the plat of Snow Park Subdivision recorded September 11, 1978, as Entry No. 149210 in the office of the recorder, Summit County, Utah, said point being South 00°30'11" West 637.17 feet coincident with the section line and East 926.18 feet from the east quarter corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point also being on a curve to the right having a radius of 383.00 feet, of which the radius point bears South 17°55'28" West; and running thence easterly along the arc of said curve 20.07 feet through a central angle of 03°00'11" to a point on a non tangent curve to the right having a radius of 110.00 feet, of which the radius point bears North 74°58'13" West; thence along the arc of said curve 31.40 feet through a central angle of 16°21'12" to a point of reverse curve to the left having a radius of 90.00 feet, of which the radius point bears South 58°37'01" East; thence along the arc of said curve 31.63 feet through a central angle of 20°08'19"; thence South 11°14'40" West 69.81 feet; thence North 78°45'20" West 20.00 feet; thence North 11°14'40" East 69.81 feet to a point on a curve to the right having a radius of 110.00 feet, of which the radius point bears South 78°45'20" East; thence along the arc of said curve 38.66 feet through a central angle of 20°08'19" to a point of reverse curve to the left having a radius of 90.00 feet, of which the radius point bears North 58°37'01" West; thence along the arc of said curve 27.23 feet through a central angle of 17°19'59" to the point of beginning.

The Basis of Bearing for the above description is South 00°30'11" West 2630.05 feet between the east quarter corner and the southeast corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian.

This easement is contained within Parcels PC-546-547 & PC-750-1-X.

Also granting to the Snyderville Basin Water Reclamation District a perpetual right of ingress and egress to and from and along said right-of-way and with the right to operate, maintain, repair, replace, augment and/or remove the pipelines and appurtenances deemed necessary by the District for the collection and transportation of wastewater; also the right to trim, clear or remove, at any time from said right-of-way any tree, brush, structure or obstruction of any character whatsoever, which in the sole judgment of the Grantee may endanger the safety of or interfere with the operation of Grantee's facilities. The Grantors and their successors in interest hereby forever relinquish the right to allow or construct any surface or underground improvement which would interfere with the operation, replacement or repair of the pipelines constructed and maintained under the provisions of this easement and covenant and agree that no underground or surface improvement, trees or structures will be constructed under or over the surface of the easement granted herein, without the express written consent in advance of the Grantee, which would interfere with the exercise of the rights of the Grantee to operate, maintain, repair or replace the sewer pipeline constructed by or for the Grantee.

Also granting to the Snyderville Basin Water Reclamation District a perpetual right of ingress and egress to the above described permanent easement over, across, and through the premises of the Grantors situated in Summit County, Utah which are more specifically described as follows:

SANITARY SEWER ACCESS EASEMENT

An easement located in the northwest quarter of the southwest quarter of Section 15, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said easement being described as follows:

Beginning at a point on the southerly boundary of the northernmost portion of Rossie Hill Drive, as shown on the plat of Snow Park Subdivision recorded September 11, 1978, as Entry No. 149210 in the office of the recorder, Summit County, Utah, said point being South 00°30'11" West 637.73 feet coincident with the section line and East 927.90 feet from the east quarter corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point also being on a curve to the right having a radius of 383.00 feet, of which the radius point bears South 18°11'44" West; and running thence easterly and coincident with the southerly boundary of said Rossie Hill Drive and along the arc of said curve 24.92 feet through a central angle of 03°43'42" to a point on a non tangent curve to the left having a radius of 15.00 feet, of which the radius point bears South 43°42'39" East; thence along the arc of said curve 5.98 feet through a central angle of 22°51'14" to a point of reverse curve to the right having a radius of 52.50 feet, of which the radius point bears North 66°33'52" West; thence along the arc of said curve 21.97 feet through a central angle of 23°58'37" to a point of reverse curve to the left having a radius of 37.50 feet, of which the radius point bears South 42°35'16" East; thence along the arc of said curve 23.67 feet through a central angle of 36°10'04"; thence South 11°14'40" West 40.51 feet to

a point on a curve to the left having a radius of 25.50 feet, of which the radius point bears South 78°45'20" East; thence along the arc of said curve 40.06 feet through a central angle of 90°00'00"; thence South 78°45'20" East 14.50 feet; thence South 11°14'40" West 20.00 feet; thence North 78°45'20" West 100.00 feet; thence North 11°14'40" East 20.00 feet; thence South 78°45'20" East 14.50 feet to a point on a curve to the left having a radius of 25.50 feet, of which the radius point bears North 11°14'40" East; thence along the arc of said curve 40.06 feet through a central angle of 90°00'00"; thence North 11°14'40" East 40.51 feet to a point on a curve to the right having a radius of 57.50 feet, of which the radius point bears South 78°45'20" East; thence along the arc of said curve 36.30 feet through a central angle of 36°10'04" to a point of reverse curve to the left having a radius of 32.50 feet, of which the radius point bears North 42°35'16" West; thence along the arc of said curve 4.75 feet through a central angle of 08°21'55" to a point of compound curve to the left having a radius of 15.00 feet, of which the radius point bears North 50°57'11" West; thence along the arc of said curve 13.82 feet through a central angle of 52°48'23" to the point of beginning.

The Basis of Bearing for the above description is South 00°30'11" West 2630.05 feet between the east quarter corner and the southeast corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian.

This easement is contained within Parcels PC-546-547 & PC-750-1-X.

The easements granted herein are subject to the condition that the Grantee shall indemnify and hold harmless, the Grantors, its heirs and successors against any and all liability caused by the acts of the Grantee, its contractors or agents, during the construction, operation or maintenance of the sewer pipeline provided for in this easement; the Grantors' right to indemnification or to be held harmless by the Grantee under the terms of this paragraph are expressly conditioned upon prompt and immediate notice to the Grantee of any claim or demand which would cause a claim against the Grantee and upon the Grantees right to defend any claim against the Grantors which would cause a claim of indemnification against the Grantors. This provision shall not be interpreted or construed to waive the rights of the Grantee to the affirmative defenses to claims provided under the Utah Governmental Immunity Act.

WITNESS the hand of said Grantor this ___ day of _____, 2021.

Lilac Hill East, LLC
a Delaware limited liability company

By: _____
Todd Franklin Watanabe, Authorized Signatory

STATE OF UTAH)
: ss.
COUNTY OF SUMMIT)

On this _____ day of _____, 2021, personally appeared before me Todd Franklin Watanabe, who being duly sworn, did say that he is the signer of the within instrument, and that the within and foregoing Grant of Easement was signed on behalf of Lilac Hill East, LLC, a Delaware limited liability company with actual and requisite authority, and said signer acknowledged to me that he executed the same.

S
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A
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_____
Notary Public

WITNESS the hand of said Grantor this ___ day of _____, 2021.

Park City Municipal Corporation,
a municipality organized in the State of Utah

By: _____

Its: _____

ATTEST:

_____
Park City Municipal Corporation Clerk

STATE OF UTAH)
: ss.
COUNTY OF SUMMIT)

On this _____ day of _____, 2021, personally appeared before me _____, who being duly sworn, did say that he is the signer of the within instrument, and that the within and foregoing Grant of Easement was signed on behalf of Park City Municipal Corporation with actual and requisite authority, and said signer acknowledged to me that he executed the same.

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Notary Public

Council Agenda Item Report

Meeting Date: February 4, 2021
Submitted by: Jed Briggs
Submitting Department: Budget, Debt & Grants
Item Type: Staff Report
Agenda Section:

Subject:
Consideration to Approve Emergency Contingency Funding in the Amount of $170,000 to Acquire Emergency Services to Mitigate Community Impacts of COVID-19
(A) Public Input (B) Action

Suggested Action:

Attachments:
FY2021 Emergency Contingency Funds Staff Report

Exhibit A: Access to Emergency Contingency Funds Policy

City Council
Staff Report

Subject: Emergency Contingency Distribution for Covid-19
Author: Jed Briggs
Department: Budget
Date: February 4, 2021
Type of Item: Administrative - Emergency Contigency Funding Request

Recommendation

Direct staff to access Emergency Contingency Funding ($170,000) to acquire emergency services immediately necessary to mitigate community impacts of COVID-19.

Background & Analysis

Accessing Emergency Contingency Funds shall be accessible for the following purposes:

1. *Unforeseen emergencies or disasters that require immediate response and incur short to mid-term unbudgeted expenses up to $100,000. Emergency Contingency funds are targeted at small to moderate incidents that incur immediate funding needs for actions such as, but not limited to, debris removal, flood mitigation measures, wildfire response, severe weather, pandemics, water service disruptions and extended Emergency Operations Center (EOC) mobilization. Larger disaster funding requirements will be addressed by the City Council's ability to exceed the budget in a declared emergency (Utah 10-6-129. Uniform Fiscal Procedures Act for Utah Cities - Emergency expenditures)…*

Utah's most recent Public Health Order 2021-3, found HERE, provides an updated statewide COVID-19 plan to promote and protect the health and wellness of the people of Utah. The Order is effective January 22, 2021, and remains in effect through February 22, 2021.

Staff recomends using the Emergency Contingency Fund to immediately support the following emergency needs in Park City, as a result of the COVID-19 pandemic:

- Immediately upscaling vaccine distribution volunteer management and additional support for COVID-19 rapid testing services;
- Emergency subsidies for access to mental health services;
- Emergency support for at-risk employee and student school populations;
- Additional food security distribution programs; and
- Emergency housing support for rental assistance and eviction support programs.

The emergency approval to access $170,000 of Emergency Contingency Funds will implement time-sensitive COVID-19 mitigation measures, which if not addressed will imminently threaten public health, safety or welfare. There are several front-line non-profits and local services providers already capable of providing immediate emergency services in the areas noted above. Existing contracts will be utilized if possible via change order or the City Manager may enter new contracts consistent with emergency contracting provisions within the budget policies.

Conversely, Council could direct staff to return with an expedited RFP process to quickly seek proposals to obtain services in any of the emergency need areas noted above.

Exhibits

Exhibit A - Emergency Contingency Fund Policy

Access to Emergency Contingency Funds

Monies set aside in the Emergency Contingency account shall be accessible for the following purposes:

1. Unforeseen emergencies or disasters that require immediate response and incur short to mid-term unbudgeted expenses up to $100,000. Emergency Contingency funds are targeted at small to moderate incidents that incur immediate funding needs for actions such as, but not limited to, debris removal, flood mitigation measures, wildfire response, severe weather, pandemics, water service disruptions and extended Emergency Operations Center (EOC) mobilization. Larger disaster funding requirements will be addressed by the City Council's ability to exceed the budget in a declared emergency (Utah 10-6-129. Uniform Fiscal Procedures Act for Utah Cities - Emergency expenditures).

2. In the case of emergency expenditures may be authorized by the Emergency Manager up to $2,500, the Chief of Police up to $5,000, the Finance Manager up to $100,000 and the City Manager beyond $100,000. In addition, since the emergency contingency budget is capped at $100,000, any transaction over this amount will need City Council's approval unless another funding source is identified.