

**SPECIAL PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JANUARY 22, 2009**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold a special meeting at the Park City Police Facility, 2060 Park Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, January 22, 2009.

Closed Session

2:30 p.m. Property

Work Session

4:00 p.m. Council questions/comments

4:10 p.m. Sidewalk and pathway lighting P. 5 - 19

Review of regular meeting:

4:40 p.m. Environmental Strategic Plan P. 58 - 88

5:30 p.m. Historic Sites Inventory P. 89 - 103

5:50 p.m. Break

Regular Meeting

6:00 p.m.

I ROLL CALL

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

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

IV WORK SESSION NOTES AND MINUTES OF MEETINGS OF JANUARY 8, 2009
P. 20 - 33

VII NEW BUSINESS (*New items with presentations and/or anticipated detailed discussions*)

1. Consideration of reimbursement to Intermountain Health Care for the installation of gas service at the Park City Ice Arena in the amount of \$137,000 P. 34 - 38

2. Consideration of Construction Agreement in the amount of \$77,035, in a form approved by the City Attorney, with Landmark Excavating, Inc. for the Fairway Hills Pump Station Project P. 39 - 57

3. Consideration of a Resolution declaring Park City's vision, goals, policies and action plan in promotion of environmental initiatives for Park City Municipal Corporation and the community P. 58 - 88

(a) Public input

(b) Possible action

4. Consideration of an Ordinance approving amendments to the Land Management Code of Park City, Utah to address revisions in Chapters 11 and 15 (Historic Sites Inventory) P. 89 - 103

- (a) Public hearing
- (b) Possible action

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.

**PARK CITY COUNCIL VISIONING SESSION
SUMMIT COUNTY, UTAH
JANUARY 29 AND 30, 2009**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its annual Visioning Session on January 29 and 30, 2009 at the Park City Police Facility, 2060 Park Avenue, and will **not** hold its regularly scheduled meeting on Thursday, January 29, 2009.

Posted: 01/20/09

See www.parkcity.org

Note: This future meeting schedule is TENTATIVE and subject to change.
PARK CITY COUNCIL TENTATIVE MEETING SCHEDULE

January 2009

29-30 Visioning Session

February 2009

- 5 SR248 corridor plan – (1hr) - work
Cost recovery policy for Recreation – work
Racquet Club remodel – presentation by VCBO
Contract for SR248 pedestrian crossing - MC
Adoption of Historic Sites Inventory – public hearing and action
Historic District Guidelines – public hearing and action
PSSM – 2009 incentives for upper Main Street
Comprehensive transportation strategic plan
Land Management Code Amendments to Chapter 2 – Zoning Districts regarding applicable Steep Slope Conditional Use Permits in the HR-1, HR-2, and HRL zones – old business
Ordinance approving the 2300 Meadows Drive subdivision plat – old business
Ordinance approving a one-year extension of the Boothill Parcel Plat, located near the corner of Monitor Drive and Kearns Blvd., Park City, Utah
- 12 Ordinance – 395 Centennial Circle plat amendment – JD
Ordinance – 2001 & 2009 Lucky John Drive plat amendment - JD
Resolution adopting SR248 corridor plan – work/action
Award of contract – Park City Website
- 19 **No meeting**
- 26

March 2009

- 5
- 12
- 19 **No meeting**
- 26

April 2009

- 2
- 9 **Tom gone**
- 16 **No meeting**
- 23
- 30

Pending Items:

Amendment to fee resolution - GRAMA
Park City Foundation update – work
Water supply and demand
Resolution amending (or replacing) Resolution No. 20-07, adopting Affordable Housing Guidelines and Standards for Park City, Utah
Carrying capacity/market analysis survey
Wild land interface issues
No meeting – May 14 – Dana gone

City Council Staff Report



Author: Heinrich Deters, Matt Twombly
Subject: Pathway/Sidewalk Lighting
Date: January 22, 2009
Type of Item: Informational

Sustainability

Summary Recommendation:

Review the Sidewalk and Pathway Lighting Plan attached to this report and provide staff direction on changes or alternatives for implementation and/or adoption. The Sidewalk and Pathway Lighting Plan will be guidelines to be applied administratively by staff to new development, reconstruction of roadways and through the budget process. Staff also recommends that Council consider updating the Land Management Code and Design Guidelines for lighting and developing a comprehensive plan for lighting considering the impacts to such an undertaking.

Background

During the November 6th Council meeting review of the Quarterly Goals there was discussion of pathway lighting, specifically the lighting of Deer Valley Dr., Ironhorse Drive and Kearns Boulevard. Deer Valley Drive was identified as an unfunded project in the Neighborhood and Business District RELS section of the Goals. The City Engineer explained that funds are available through the Statewide Transportation Improvement Plan (STIP) that could fund the Deer Valley Drive lighting project from Stonebridge to the Roundabout. These funds would not be available until 2012.

There was further discussion at the Council meeting regarding the lighting of Iron Horse Drive. Council members and the Mayor were concerned with the number of pedestrians using Iron Horse Drive at night where there is significant amount of housing on one end and the commercial zone on the other end. Kearns Boulevard was also brought up in the discussion as were the WALC recommendations, and Council also suggested a comprehensive lighting plan for City streets. *See attached minutes.*

In conclusion, Council directed staff to incorporate the Iron Horse lighting into the Bonanza Drive Reconstruction project. Since the meeting staff (Engineering, Sustainability, Public Works) has met with a consultant from Mountain States Lighting for the lighting of Iron Horse Drive. Mountain States Lighting is one of the distributors for many of the lights and poles found in the City. It became evident that the City is lacking a comprehensive policy or plan for lighting of: streets, facilities, developments, buildings, sidewalks, stairways and pathway.

Analysis

The Sidewalk and Pathway Lighting Plan incorporates the lighting sections from the Trails Master Plan (TMP, including WALC sections), Land Management Code (LMC), and Park City Design Standards, Construction Specifications and Standard Drawings which currently guide all lighting in Park City.

The Trails Master Plan section: Pedestrian Network C. Pedestrian Amenities and 'Street Furniture' states: "Lighting is an important factor in encouraging pedestrian activity after the daylight hours. Good illumination is especially important at intersections and crosswalks so that pedestrians are fully visible while waiting to cross and while actually crossing. In areas where crime is a concern, lighting is essential for fostering a sense of safety. All lighting should comply with Park City ordinances."

"Considerations: The following factors must be considered when installing or renovating outdoor lighting systems: In general, overhead lighting is more efficient and economical than low level lighting. Lighting levels should respond to site hazards such as steps, ramps and steep embankments. Posts and standards should be placed so that they do not create hazards for pedestrians or vehicles. Because of their effect on light distribution trees and shrubs at present height and growth potential should be considered in a lighting layout. Light pollution to areas other than those to be illuminated should be avoided."

The Park City Walkability/ Bikeability Vision supports the five goals and established for the Park City Walkable/Bikeable Neighborhood Study (March 2007), as follow:

GOAL 1: SAFETY

Walking and biking in Park City should be safe and pleasant. The needs of those least able to negotiate busy streets – children and elderly citizens, for example –should set the standard. Residents and visitors should be able to safely walk and bike to school, shopping, work and other destinations, and access public transit.

GOAL 2: EFFICIENCY

Walking and biking in Park City should be easy and efficient. The urban walking and biking environment should be capable of helping to reduce vehicle trips and/or mitigate traffic congestion.

GOAL 3: ENHANCES REGIONAL CONNECTIONS

The Park City walking and biking environment should be highly integrated and interconnected. Facilities should enhance regional walking and cycling mobility and access, particularly along primary walking/biking routes including SR-224, SR-248 (Kearns Blvd.), Bonanza Drive, the Rail Trail and other significant regional links.

GOAL 4: ENHANCES LOCAL CONNECTIONS

The Park City walking and biking environment should be developed in a manner that improves intercity mobility to and through the city's neighborhoods. Connections should be seamless and obvious, ultimately linking with regional routes and activities. Walkable and bikeable design for both residential and commercial areas should be encouraged.

GOAL 5: COST AND MAINTENANCE

Walking and biking in Park City should be cost effective, providing the greatest value to taxpayers. Facilities should serve a large number of users, and build upon established routes and ways.

Additionally, lighting is specifically addressed within the 2008 Trails Master Plan Walking/Biking Vision update (page 65):

Policy: Ensure the lighting of walking and cycling facilities is adequate to safely facilitate walking during nighttime hours.

Implementation Measure: Provide pedestrian lighting along “Spine System” facilities in a judicious manner. Lighting solutions should be carefully developed to generally meet and acknowledge conflicting policies (night sky, in particular).

Implementation Measure: Light minor trails when appropriate and feasible according to street lighting standards for neighborhoods.

The LMC lighting chapter is attached as (Exhibit B). It has now been more than ten years since the lighting chapter of the LMC has been updated. Since the “Night Sky Ordinance” or lighting chapter of the LMC was adopted in 1998, there have been developments in the technology of lights and a better understanding of how lighting codes have and have not worked to achieve the goals of lower levels of light pollution or trespass. The Architectural Design Guidelines are planned to be updated and it is good timing to also look at updating this chapter as part of an overall or comprehensive lighting plan.

In addition to the LMC, The Park City Design Standards, Construction Specifications and Standard Drawings determine how City streets are built in new developments including sidewalks and together with the TMP, public trails are constructed and dedicated. The Park City Design Standards Section 540 specifies the type of pole, luminaire and wattage (Exhibit C). The section specifically addresses light pole placement at intersections (as shown in the typical intersection detail), but does not specify any other areas for light pole placement. It has been the policy to only light intersections to illuminate street signs to provide vehicular wayfinding.

UDOT also has policies on lighting, although these are not integral to the City’s Design Standards for City Streets. Many local governments are working with UDOT on meeting the local agencies goals for levels of lighting (both more and less lighting in certain areas) as well as aesthetics, operations and maintenance.

Staff has developed a plan for the lighting of pathways and sidewalks attached as (Exhibit A, A-1, & A-2). Based upon the review of the plan Council may direct staff to return with this plan for adoption as an addendum to the Trails Master Plan. Council may also direct staff to look at a comprehensive plan and update the Lighting section of the Land Management Code. Staff is proceeding with having the Deer Valley Drive lighting project and other street improvement projects in the area developed under the STIP for 2012. Staff will consider the new technologies that are available and return to Council with a recommendation for the lighting of Iron Horse Drive as part of the Bonanza project.

Department Review:

City Manager, Engineering, Planning, Streets and Sustainability have reviewed this report and all comments have been incorporated into the report.

Alternatives:

Approve the Request:

Review the Sidewalk and Pathway Lighting Plan attached to this report and provide staff direction on changes or alternatives for implementation or adoption. Staff also recommends that Council consider updating the Land Management Code and Design Guidelines for lighting and developing a comprehensive plan for lighting considering the impacts to such an undertaking.

Deny the Request:

If Council directs staff to update the Land Management Code and Design Guidelines as part of a comprehensive plan for lighting then Council may wish to defer the Sidewalk and Pathway Lighting Plan until the comprehensive lighting plan is completed. Council could also consider directing staff to not undertake a comprehensive lighting plan at this time.

Continuance:

Council may require more time to consider the recommendations than the meeting would allow.

Do Nothing:

Same effect as continuance.

Significant Impacts

Additional lighting projects will have an impact on the City’s budgets for capital, operation and maintenance. The lighting of Iron Horse was not contemplated in the Bonanza budget. Additional lighting will also have an impact on light trespass in the night sky. Implementation of sidewalk and pathway lighting is consistent with the direction of WALC’s vision to provide a more walkable community through an enhanced Level of Service. A comprehensive lighting plan is a major undertaking and will take significant staff time to implement and may require the use of an outside consultant(s) and/or reprioritization of staff’s current work program.

Furthermore, after a plan is adopted, redevelopment and retrofitting existing infrastructure will have a significant cost, but the new technologies and consistency should have a net positive impact of operation and maintenance in the future. A comprehensive plan is not currently budgeted within department budgets and no Capital Improvement Plan identified for implementation.

During the Planning Commission meetings to adopt the WALC update as a part of the Trails Master Plan, aesthetics, streetscape and “creating place” were continually discussed as an important part of the overall community goals for walkability.

Staff is proceeding with having the Deer Valley Drive lighting project and other street improvement projects in the area developed under the STIP for 2012. Staff will consider the new technologies that are available and return to Council with a recommendation for the lighting of Iron Horse Drive as part of the Bonanza project.

Consequences of not taking the recommended action:

Many of the other sections of the Architectural Design Guidelines are planned to be updated in the near future so returning at a later date for changes to the lighting section would require

additional staff resources at that time. A comprehensive plan would be consistent with Council Goal's for a sustainable community.

Recommendation:

Staff recommends that the City Council review the Sidewalk and Pathway Lighting Plan attached to this report and provide staff direction on changes or alternatives for implementation and/or adoption. Staff also recommends that Council consider updating the Land Management Code and Design Guidelines for lighting and developing a comprehensive plan for lighting considering the impacts to such an undertaking.

Exhibits:

Exhibit A – Lighting Plan for Sidewalks and Pathways

Exhibit A1 - WALC Spine map

Exhibit A2 - Additional streets/paths for lighting map

Exhibit B – LMC chapter on lighting

Exhibit C - The Park City Design Standards, Construction Specifications and Standard Drawings

Exhibit D - Minutes of November 6, 2008

EXHIBIT A.

LIGHTING PLAN FOR CITY SIDEWALKS, PATHWAYS AND OLD TOWN STAIRWAYS

Purpose

“Pedestrian lighting” includes all exterior lighting applications where people travel by foot or on bike along pathways, sidewalks, bikeways and roadways. In all cases, the overall lighting system must enable pedestrians to navigate the route safely. Issues that must be considered with outdoor lighting also apply to pedestrian lighting, such as vandalism, maintenance, trees, weather, safety and security.

Lighting complements pathways and sidewalks, as well as the overall walkability of the City. It can be used to highlight outdoor art or natural features in addition to providing assistance to wayfinding features aiding pedestrians in their journeys. Park City is concerned with protecting the night sky and the intrusion of light. The addition of lighting for sidewalks and pathways should not only follow City guidelines and codes; but balance the quality of life, aesthetic, streetscape, and creating sense of place concerns in Park City with the goal to provide safe and accessible pedestrian and bicycle routes.

Pathway vs. Sidewalk Lighting

Pathways and sidewalks both serve as walkable corridors in the community; however, each has its own requirements and conditions for lighting.

- Sidewalks as discussed are found adjacent to roadways. Ambient lighting levels adequate for sidewalks may already be provided through adjacent building, street and parking lot lighting. If sidewalks are to be lit the use of traditional street lighting is recommended. The location, type, number, height, and wattages shall be determined by staff after careful consideration of the criteria listed below.
- Pathways as discussed are generally considered pedestrian and bicycle trails separated from the roadways where they would not receive adequate ambient lighting from roadways. In such cases, specific pathway lighting would be supplied by lamp posts, street lights or sometimes bollards, although bollards do not provide enough light for other than minor walkways, are expensive and often buried in snow and broken by snowplows.
- Old Town Stairways that have been reconstructed have incorporated additional shoebox lighting as needed. Most of the Old Town Streets have street lights at the stair right of way intersections on the telephone poles. Most of the Old Town Streets have street lights along the street as well, where traditionally pedestrian traffic at night takes place on the street where sidewalks are limited. Stairways, due to their nature, require lighting in conformance with the International Building Code.

Criteria for lighting:

Several criteria should be evaluated when choosing which pathways, sidewalks, bikeways or roadways should be lit for pedestrian and cycling including both physical and technical criteria. Lighting should be consistent with the General Plan, Trails Master Plan (TMP), Land

Management Code (LMC), Walking and Biking Liaison Committee (WALC), and the Park City Design Standards, Construction Specifications, and Standard Drawings.

Physical Criteria

- Location

Initial criteria for pathway lighting shall be determined by location. The WALC consultants and committee has identified a pedestrian 'spine system' that incorporates the criteria used to develop project priorities. The priorities were determined by the criteria of safety, efficiency and regional and local connections. (Exhibit A-1). An additional map has been provided that includes the 'spine system' identified by WALC, as well as additional high-use sidewalk connections in the City not identified in the WALC spine system such as Deer Valley Drive from the Roundabout to Snow Park, Iron Horse, Monitor Drive and Empire/Lowell Avenue to the Resort (Exhibit A-2). These pathways connect to resort bases or centralized commercial district.

Additional location criteria might include areas with a history of documented criminal or unsafe activities. All other areas outside the 'spine system' (Exhibit A-1), or those areas included in A-2 considered for lighting should be weighed against the goals used in the WALC study. The goals are: Safety, Efficiency, Enhances Regional Connections, Enhances Local Connections, Cost and Maintenance. The description of the goals can be found in Section XI chapter 4.

Only those sidewalks or pathways in Exhibit A-2 or areas with a history of criminal or unsafe activities, will be considered for lighting. All lighting installation will need a site specific determination on the placement of fixtures due to trees and other physical obstructions that could effect the light distribution as discussed below in the Technical Criteria.

Technical Criteria

- Types

Criteria should be evaluated when choosing how pathways, sidewalks, bikeways or roadways should be lit for nighttime use by pedestrians and cyclists. The criteria shall include but not be limited to: illumination devices within fixtures, types of fixtures and poles, height of poles, wattage of bulbs, horizontal and vertical light levels and ratios, trespass, aesthetics, construction costs, maintenance, and sustainability.

- Illumination

Illumination and types of lights shall be consistent with the Trails Master Plan; the Park City Design Standards; Construction Specifications and Standard Drawings; and Land Management Code.

- Aesthetics

Examples of existing light fixtures include contemporary highway fixtures as found along Park Avenue and at the traffic lights; the Main Street lamp posts; the Transit Center light posts; the shoe-box style fixtures found in most developments and at the Old Town stairways; and the mining-era lampposts currently found along the Poison Creek Path. There are a myriad of other light fixtures found in and around the City, but staff recommends using the mining-era replica lights (or similar fixture) for all Old Town areas both on and off the street; and the

shoe-box style fixtures specified in the Design Standards for all other areas of town. Exceptions will be made for Main Street, and the zones identified as exceptions in the Land Management Code.

- Sustainability

Installing additional lighting will use additional electricity and have impacts to the night sky. Incorporating more energy efficient lighting systems as part of a comprehensive plan should help to reduce the overall operations and maintenance costs. Staff will also investigate the use of solar panels and other lighting technologies. These technologies have some operating and aesthetic issues such as solar panels are not efficient in heavy snowfall areas, and would likely need to tie into the electric grid. LED and QL Induction lighting systems have a brighter white light and appear to have greater light trespass than the high pressure sodium lights which have more of a yellow glow.

The LED fixtures are more expensive in initial and maintenance costs, and to date do not show the return on investment. The QL or induction lights and more so the traditional high pressure sodium (HPS) lamps have lower initial costs, provide a lower level of source light and have lower operating costs. The new technologies will be incorporated into the comprehensive plan as LED and QL continue to be refined and meet the overall objectives.

Summary

As Park City continues to grow and develop, and as the City continues to construct pedestrian infrastructure and promote walking and biking there is an increasing demand for lighting on sidewalks and pedestrian facilities for use beyond daylight hours. Although the demand for lighting is consistent with the recent WALC update to the Trails Master Plan the City must balance the quality of life in Park City with the goal to provide safe and accessible pedestrian and bicycle routes.

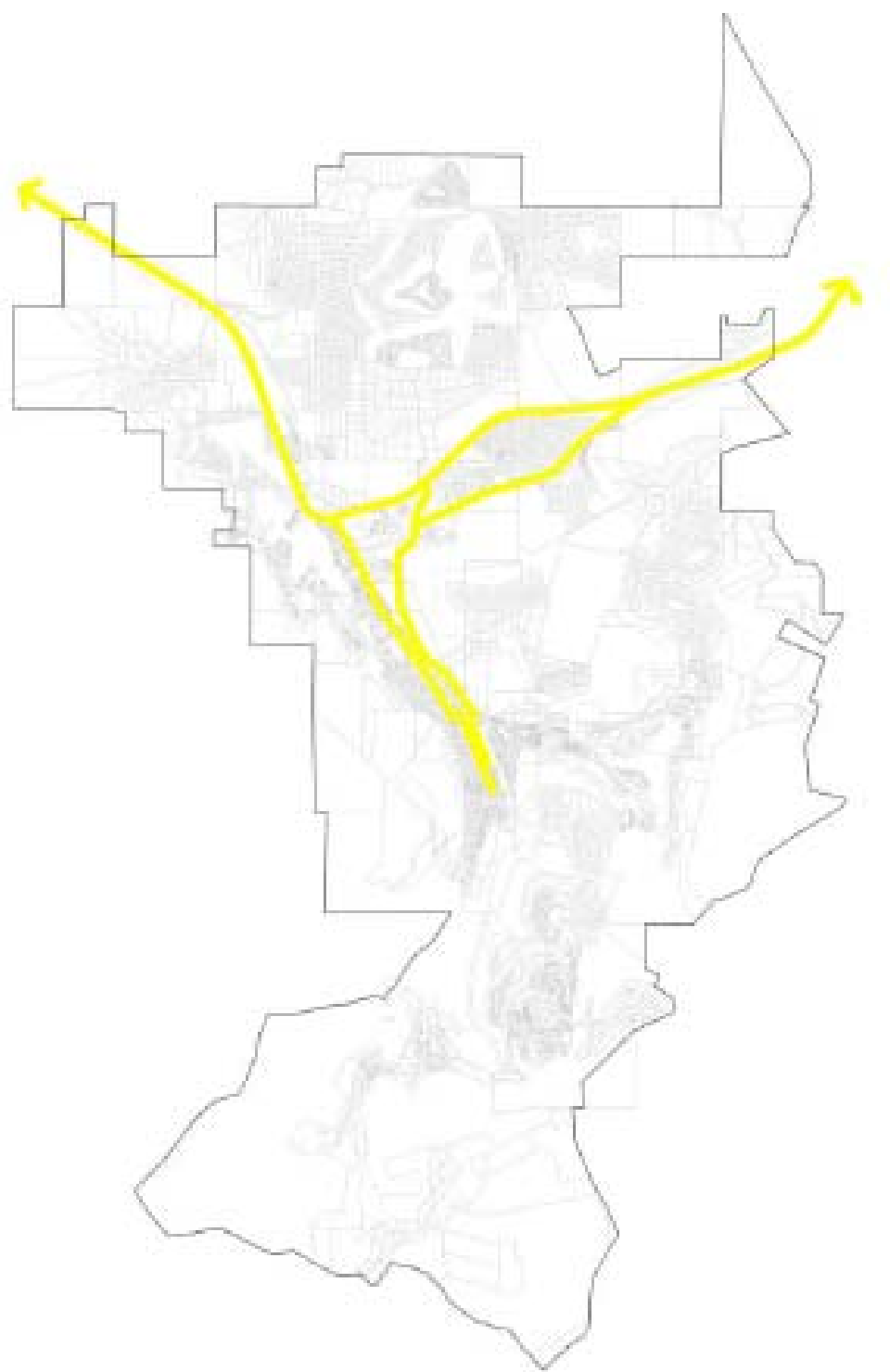
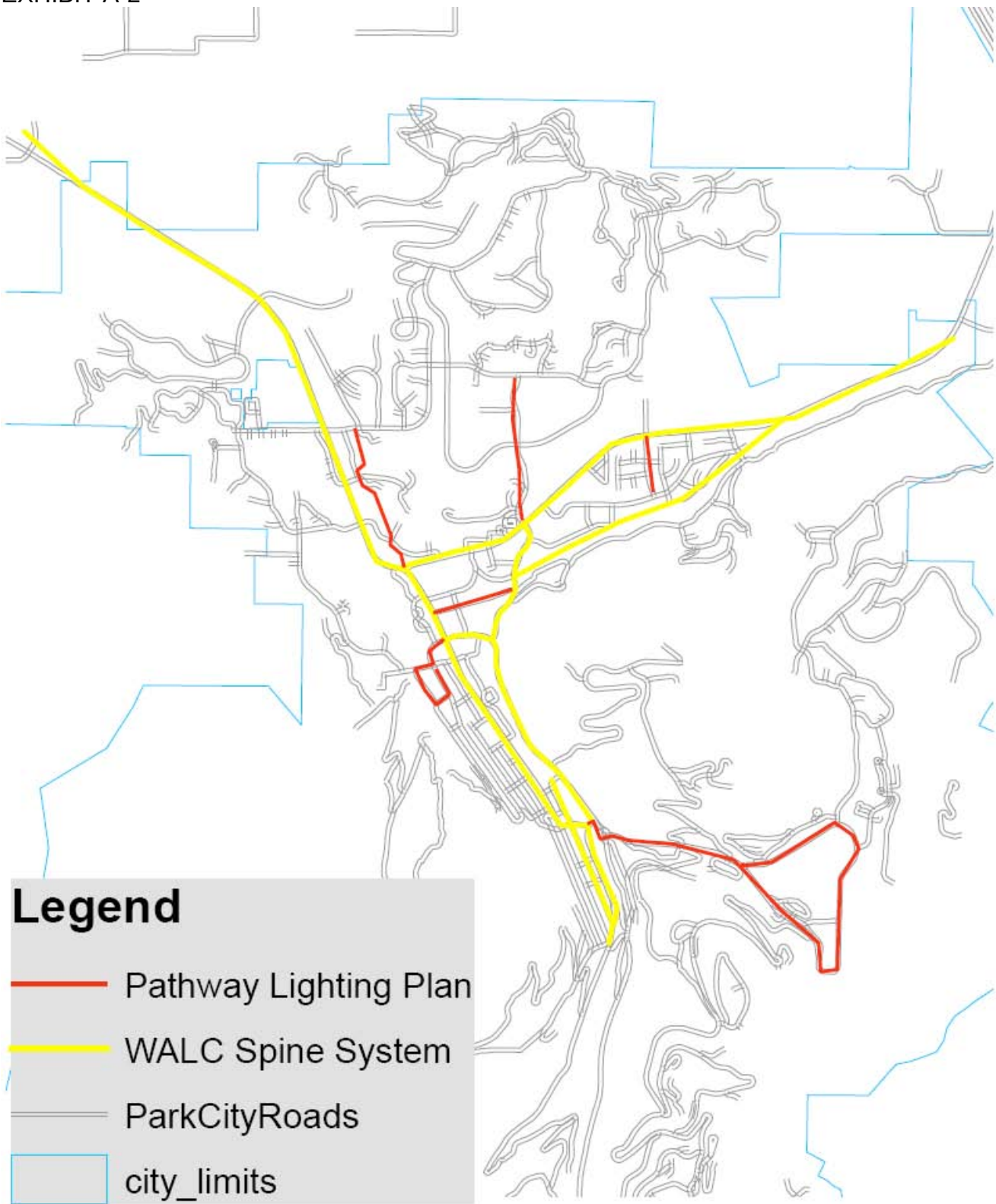


Figure 1 Spine Concept

EXHIBIT A-2



Additional Path Lighting

EXHIBIT A-2

0 0.1 0.2 0.3 0.4 0.5 Miles



Exhibit B

15-5 -5. ARCHITECTURAL DESIGN GUIDELINES.

(I) LIGHTING.

(1) PURPOSE. The functional objectives in providing exterior Area lighting are to illuminate Areas necessary for safe, comfortable and energy efficient Use. The number of fixtures shall be limited to provide for safe entry and egress and for sign or Business identification.

Illumination of new Building features for architectural enhancement is prohibited. Historic Structures may be illuminated under the terms prescribed in this Code.

With the exception of Americans with Disabilities Act lighting requirements, the minimum lighting standards generally applied and recommended by the Illuminating Engineering Society of North America (IES), are observed by this Code.

(2) CONFORMANCE WITH APPLICABLE CODES. All outdoor electrically powered illuminating devices shall be installed in conformance with the provisions of this Code, the International Building Code, the Electrical Code, and the Sign Code under the appropriate permit and inspection. When discrepancies in these Codes exist, the most restrictive shall apply.

(3) APPROVED MATERIALS AND METHODS OF CONSTRUCTION OR INSTALLATION/OPERATION. The provisions of this Code are not intended to prevent the Use of any design, material or method of installation or operation not specifically prescribed by this Code, provided any such alternate has been approved. The Chief Building Official may approve any such proposed alternate providing he/she finds that:

(a) The alternative provides approximate equivalence to the applicable specific requirement of this Code;

(b) The alternative is otherwise satisfactory and complies with the intent of this Code; or

(c) The alternate has been designed or approved by a registered professional engineer and the content and function promotes the intent of this Code.

(4) SUBMISSION OF PLANS AND EVIDENCE OF COMPLIANCE WITH CODE.

(a) The Applicant for any permit required by any provisions of the laws of this jurisdiction in connection with proposed work involving outdoor lighting fixtures shall submit, as part of the Application for permit, evidence that the proposed lighting fixtures and Light Source will comply with this Code. The submission shall contain the following:

(i) Plans indicating the location on the premises, and the type of illumination devices, fixtures, lamps, supports, reflectors, and installation and electrical details;

(ii) Description of illuminating devices, fixtures, lamps, supports, reflectors, and other devices. The description may include, but is not limited to, catalog cuts by manufacturers, and drawings, including section where required;

(iii) Photometric data, such as that furnished by manufacturers or similar showing the angle of the cut off or light emission. A point by point light plan may also be required to determine the adequacy of lighting over the entire Site.

Additional information may be required elsewhere in the laws of this jurisdiction upon Application for the required permit.

(b) Lamp or Fixture Substitution. On commercial Structures if any outdoor light fixture or the type of Light Source therein is proposed to be changed after the permit has been issued, a change request must be submitted to the Planning Department for approval. Adequate information to assure compliance with this Code must be provided and the request must be received prior to substitution.

(5) SHIELDING. All non-exempt outdoor lighting fixtures shall have shielding as required by Table 1 of this Chapter below.

(a) Historic District Shielding and Fixture Exemption. Fixtures in the HR-L, HR-1, HR-2, HCB, HRM, and HRC Zoning Districts that replicate a Historic fixture shall be permitted to be installed without partial shields with the approval of the Planning Director. All fixtures shall be filtered and refractors that direct the light downward shall be installed if the bulb is exposed. Historic fixtures that are fifty (50) years or older and contribute to the architectural and cultural character of the Historic District are exempt from these requirements. Architectural features on Historic Structures may be illuminated with fully shielded fixtures.

(6) WATTAGE/FIXTURE AND LIGHT SOURCE REQUIREMENTS. Wattage, fixture and Light Source requirements as outlined in Table 1 below apply to all zones throughout the City:

Table 1

High Pressure Sodium - Required Standard: Partially Shielded, 50 Watt Maximum per Fixture. This is the standard Light Source for Park City and Summit County unless otherwise noted in a specific section. Fully shielded fixtures are preferred but not required with this Light Source. Other sources are only permitted as noted. Residential porch lights and exterior garage and post lights may utilize incandescent bulbs, provided that the bulbs are Shielded. Lightening for signs may use halogen bulbs, provided that they are Shielded and directed at the sign face. Wattages outlined are the maximum and can be decreased under the Building Permit review process depending on the number and location of the fixture on each project. In no case shall the levels be reduced to levels below the Illuminating Engineering Society (IES) minimum standards.

Low Pressure Sodium - Required Standard: Partially Shielded, 55 Watt Maximum per Fixture.

Metal Halide - Required Standard: Fully Shielded, 1500 Watt Maximum per Fixture. Metal Halide sources shall be permitted only for recreational sport field or ski area Uses and installed only in one hundred percent (100%) fully enclosed Luminaries. Metal Halide lights shall also be filtered.

Low Voltage/Halogen - Required Standard: Partially Shielded, 50 Watt Maximum per Fixture. Low voltage/halogen sources are permitted in landscaping lighting only.

Compact Fluorescent - Required Standard: Partially Shielded, 75 Watt maximum per Fixture.

Other Sources: As approved by the Planning Director

(7) GAS STATION CANOPIES. Gas station canopies may not exceed an average horizontal luminance level of eight (8) Foot Candles across the Site and the maximum point levels should not exceed fifteen (15) Foot Candles within the Area directly underneath the canopy.

(8) AREA LIGHTING - BUILDING CANOPY AND SOFFIT, WALL MOUNTED. Area, stand alone or wall mounted fixtures shall not be mounted above eighteen feet (18') as measured from the top of the fixture to the adjacent Grade or horizontal plane being lit by the fixture. The horizontal luminance level along the sidewalk or Building Facade shall not exceed one (1) Horizontal Foot Candle with a uniformity ratio of 4:1.

(9) CONSTRUCTION SITES. All commercial construction Sites shall submit a lighting plan as part of the Construction Mitigation Plan for the project prior to Building Permit issuance. Criteria for review shall include duration, number, location, height, Light Source, and hours of operation.

(10) LANDSCAPE LIGHTING. The primary function of landscape lighting is to provide illumination for pathways, steps, and entrances to Buildings.

(a) Pathway Lighting. Two types of lights can be selected: Three foot (3') bollards with louvers and ten foot (10') pole mounted, down directed Luminaries. Bollard lights shall be low voltage. The intent of pathway lights is to provide pools of light to help direct pedestrians along the path, not to fully illuminate the path. Steps and path intersections should be illuminated for safety. The maximum Foot Candle permitted on the ground is one (1) Horizontal Foot Candle or less.

(b) Highlighting, Backlighting. Only low voltage systems are permitted. Lights must be partially shielded and light must not be directly off the Property. A maximum Foot Candle permitted at ten feet (10') is 0.6 Horizontal Foot Candles from the Light Source. Up-lighting is prohibited.

(c) Moonlighting. Low voltage systems may be placed in trees or on Buildings to give the effect of moonlight. Lights must be down-directed and partially shielded. A maximum Foot Candle permitted at ten feet (10') is 0.25 Horizontal Foot Candle from the Light Source. Up-lighting is prohibited.

(11) RECREATIONAL LIGHTING. Because of their unique requirements for nighttime visibility and their limited hours of operation, baseball diamonds, playing fields, tennis courts and ski area runs may Use the Light Source permitted under Table 1 above with the following conditions and exceptions:

(a) The height of outdoor recreational posts shall not exceed seventy feet (70') above Natural Grade. The average Horizontal Foot Candle shall not exceed 3.6 across the Area boundary with a uniformity ratio of 4:1. Ski area lighting may require higher illumination levels in some instances. Those levels shall be reviewed and approved by the Planning Commission under the Conditional Use process outlined in the LMC.

(b) All fixtures used for event lighting shall be fully shielded as defined in Section (4) herein, or be designed or provided with sharp, cutoff capability, so as to minimize up-light, spill light and glare.

(c) Recreational lighting shall be turned off within thirty (30) minutes of the completion of the last game, practice, or event. In general, recreational lighting shall be turned off after 11:00 p.m., unless an exception is granted by the Planning Director for a specific event or as approved as part of a Master Festival license.

(12) RESIDENTIAL LIGHTING.

(a) All exterior lights on porches, garage doors or entryways shall be shielded to prevent glare onto adjacent Property or public right of ways and light trespass in to the night sky. Lights shall be directed at walkways or entries and shall not be directed into the night sky.

(b) Compact fluorescent fixtures are the recommended Light Source. High pressure sodium and incandescent bulbs may be permitted, provided the wattage is low and the light is shielded and down-directed.

(c) Bare bulb light fixtures such as flood or spotlights are not permitted.

(d) Lighting exterior Building features for architectural interest is prohibited.

(e) Security lighting shall be fully shielded and shall be set on a timer or motion detector. Infrared sensor spotlights are the recommended light type for security.

(f) Private sport court facilities shall Use fully shielded fixtures and shall not Use the lights past 11 p.m.

(13) SEASONAL DISPLAY OF LIGHTS. Seasonal restrictions apply to the HCB, GC, LI and HRC zones. Residential Uses in the HR-1, HR-2, E. HRL, SF, RM, R-1, RDM and RD zones are exempt from these requirements. Winter seasonal displays are permitted from the first of November to the 31st of March. Displays should be turned off at midnight. Any color of lights may be used, however, the lights shall not be used to create advertising messages or signs. Spelling out the name of a Business is prohibited.

(14) OUTDOOR DISPLAY LOTS. Any Light Source permitted by this Code may be used for lighting of outdoor display Lots such as, but not limited to, automobile sales or rental, recreational vehicle sales, Building material sales, and seasonal goods, provided all the following conditions are met:

(a) All fixtures shall be Fully Shielded as defined in LMC Chapter 15-15.

(b) The maximum horizontal illumination across the Site shall not exceed an average Foot Candle of two (2) across the Site with a uniformity ratio of 4:1.

(c) Display lighting shall be turned off within thirty (30) minutes of closing the Business. Lighting used after 11 p.m. shall be security lighting. Security lighting shall be required to be motion sensitive, not permanently illuminated. Infrared sensor security lights are the only type of security light permitted.

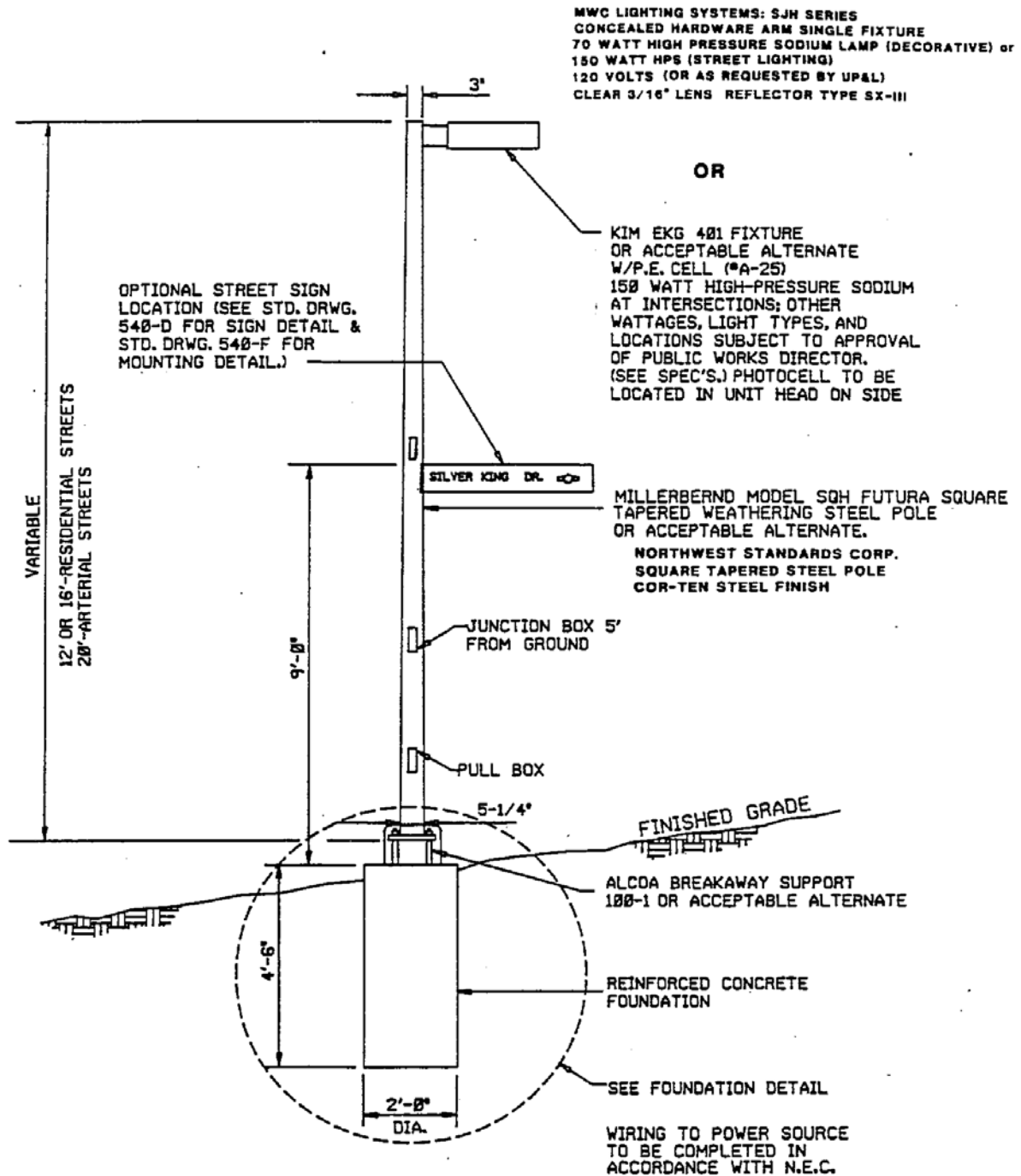
(15) PROHIBITIONS. The following light fixtures and Light Sources are prohibited: mercury vapor lamps, laser Light Sources, unshielded floodlights or spotlights, metal halide, except for recreational Uses, see Section (10), and searchlights.

(16) OTHER EXEMPTIONS.

(a) Nonconformance. All other outdoor light fixtures lawfully installed prior to and operable on the effective date of the ordinance codified in this chapter, including City owned or leased Street lights, are exempt from all requirements of this Code. On commercial projects, all such fixtures shall be brought into compliance with this Code upon any Application for any exterior Building Permit. On residential Structures, only new exterior fixtures on remodels or new additions must comply with this ordinance.

(b) Fossil Fuel Light. All outdoor light fixtures producing light directly by the combustion of natural gas or other fossil fuels are exempt from the requirements of this Code.

EXHIBIT C



STANDARD DRAWING
540-A

STREET LIGHT

PARK CITY MUNICIPAL CORPORATION

Exhibit D

November 6, 2008 Council Meeting Minutes

With regard to neighborhood and business district needs, Ms. Erickson expressed concerns about not having sufficient funding to install pedestrian lighting. Matt Cassel explained that federal funds will be used for lighting on Deer Valley Drive and the Mayor raised the need for lighting on Iron Horse. Ms. Erickson felt that safety is a core service of the City and Ms. Simpson asked staff to check to make sure lighting was not duplicated among the WALC recommendations. Joe Kernan suggested a comprehensive lighting plan for City streets and pointed out that lighting could be improved on Kearns Blvd. The City Manager suggested placing lighting under Goal 5.

**PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
JANUARY 8, 2009**

Present: Mayor Dana Williams; Council members Candace Erickson; Roger Harlan; Jim Hier; Joe Kernan; and Liza Simpson

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Bret Howser, Budget Manager; Shelly Hatch, Finance Analyst; Ron Ivie, Chief Building Official; Thomas Eddington, Planning Director; Matt Cassel, City Engineer; Kent Cashel, Transportation Manager

Brandon Thorpe, Ward Engineering and Bryce Ward, CRSA Associates

Dina Blaes, Preservation Consultant and Julia Petit, Planning Commissioner

1. Council questions/comments. Liza Simpson thanked Diane Foster and Crystal Ward for organizing a diverse and contributing group from the community to work with the Brindle Group on our carbon footprint. She also expressed appreciation to the Streets Department for clearing the entrance to the dog park which has been getting a lot of use. Candace Erickson reported on the Recreation Advisory Board meeting, specifically the remodel of the Racquet Club. She is pleased that VCBO is listening to input which is reflected the design. The dog park group is organizing a fund raiser for March 25 to acquire accessories for the park. The Mayor remarked on the productive meeting with the Brindle Group and the swearing-in ceremony for the new County Council. The grand opening of the remodeled high school was held this week and the School District applied for a Silver Leed certification for the project. The Mayor noted that he and Sally Elliott spoke to the Board of Realtors about City and County business. Roger Harlan commented on the high school dedication and the Planning Commission meeting where the Treasure Hill Project was discussed.

2. Business license amendments – nightly rentals. Bret Howser explained that a problem with interpreting the Code was brought to staff's attention with regard to licensing nightly rentals. In the past, the City has been issuing one business license to each property management company or business license holder rather than licensing each nightly rental premise and this practice prompted code enforcement issues. The Municipal Code specifies that each location should be licensed and a letter was sent in October informing property management companies that the City would now be issuing a separate license for each property. He explained that concerns were expressed by licensees about the \$46 administrative fee being charged for each separate property and creating a financial hardship. Staff met with representatives from the lodging industry and it was decided to meet with Council on this issue to discuss options before licenses are paid this year.

Mr. Howser explained that all businesses are charged a \$46 fee for administrative services. The administrative fee is created to recover the cost of the business license program and some code enforcement costs. Service enhancement and festival facilitation fees are also assessed, but are not in question. He explained that the issues involve the financial impact of charging property management companies for each property. However, there are problems with code enforcement and inspections that arise from not having a separate license for each location. Ron Ivie emphasized that the ordinance requires licensing per location and it is important to have contact information, especially in the event of an emergency. In many instances condominium building units may be managed by a number of property management companies. He felt that perhaps a license could be posted on units to identify properly licensed units because it is currently confusing to the public. Mr. Ivie stated that he fully supports enforcing the ordinance as written. In response to a question from Candace Erickson, Mr. Ivie indicated that 1,000 inspections were conducted in 2008 of new stock not units holding occupancy permits unless its management has changed. It is typical that the inspector visits the unit at least twice.

Jim Hier felt that the administrative fee should be adjusted if a property owner switches property management companies in the middle of the year. He stated that he favors not charging this year and performing a comprehensive analysis to arrive at an appropriate fee which is described as Option C in the staff report. The fee would be charged in 2010 and nothing would be recaptured for 2009. Bret Howser explained that staff is not proposing to collect \$46 per location but only the administrative fee for each property management company this year. However, each location will have a business license with property management company information. Discussion ensued about the number of property management locations that are not licensed and out-of-state property management companies without a physical office in the City.

Bret Howser polled members about whether there should be separate licensure for each location and if so, whether to defer or waive the fees for 2009. The recommendation is to issue separate licenses this year, but to defer a decision on the fees until they are analyzed to determine the amount and if fees should be waived altogether for 2009. Roger Harlan pointed out the complexity of tracking nightly rental units especially when owners change management providers. Mr. Howser believed that separate licensure will actually help staff keep current with changes. Jim Hier pointed out that property management companies are already required to submit a list of units and believed that the City should collect the same amount in fee revenue as it did last year. Candace Erickson stated that she was unaware of the festival fee charged per bedroom and felt it appropriate to study related fees and allow some opportunity for the property management companies to talk with their clients about potential increases.

There was discussion about requiring companies to provide all pertinent information. Ron Ivie felt this recommendation is a sensible approach acknowledging that fees will need to be analyzed so that they're equitable and clear. Ms. Simpson discussed the 10 day requirement for the City to inspect nightly rentals and felt that the property management companies should be required to provide access; Mr. Ivie acknowledged

the importance of cooperation. The Mayor encouraged involving representation from the lodging community in the fee analysis and Mr. Howser stated that staff will work together in arriving at an equitable distribution of costs. Mr. Ivie voiced his commitment to the process.

3. Hillside Avenue reconstruction update. Matt Cassel explained that on October 2, the design contract was approved for the Hillside Avenue reconstruction project but before the preliminary design is completed, Council requested reviewing it. He pointed out that there has been a lot of discussion on the project among staff members, but there is no staff consensus on the width of improved Hillside Avenue. Kent Cashel, Transit Department and Ron Ivie, Chief Building Official and Fire Marshal, favor a wider road section while the Planning Department, the traffic management and walk-ability group prefer a narrower street.

Brandon Ward noted that the design reflects input from staff and through illustration of renderings described the location and configuration of the road. The project consists of widening the road, which requires constructing a retaining wall system and a guardrail or barrier to provide roadside safety. Pedestrian access and a parking area at the bottom of the intersection are elements that need to be addressed by Council. The proposed parking area can accommodate about nine vehicles and paving it and building a small retaining structure along the stream would improve the intersection.

Mr. Ward explained that the Hillside Avenue retaining wall is proposed to be a concrete two-tiered terrace structure; the design provides some opportunities for aesthetics and visually breaks up the elevation of the wall. The rendering shows a road section of 20 feet and the uphill side will have a sidewalk or some type of graded shoulder or buffer between the existing structures and the roadway. The downhill side will have a guardrail with curb and gutter to protect the wall. He displayed additional illustrations of the retaining wall reminiscent of the mining era. In response to a question from the Mayor, Mr. Ward stated that Hillside Avenue is currently in failure mode. A schematic of the parking area was displayed and he explained the benefits of delineating access and egress within the intersection area. There will be enough room to accommodate the operation of the trolley. Matt Cassel interjected that before the final design is approved, the required turn-around radius will be determined.

Mayor Williams shared concerns from the neighborhood that improved Hillside Avenue not become a bypass route for trucks from Main Street or Marsac Avenue and asked about staff's perspective about the width of the road. Mr. Cassel stated that each department has different interests. Ron Ivie prefers a minimum 20 foot width which is a Fire Code requirement and needed to provide access for emergency vehicles. The width of Hillside Avenue is currently 14'17". Mr. Cassel explained that the neighborhood seemed to be split evenly on the preferred width of the road. He added that resident Peter Marth was comfortable with 20 feet and was more concerned about installing signs prohibiting commercial vehicles. Mr. Ivie stated that 20 feet is the minimum allowed under the Building Code. Under the Fire Code, it could easily be argued that Hillside provides secondary emergency access for Swede Alley and Main Street. He

emphasized that 20 feet is the absolute minimum and if City standards were applied, the road would be much wider. A road built below standards may also create potential liability. Mr. Ivie added that 20 feet represents a balance of interests and he urged Council to support the minimum width requirement. He further clarified that the pavement width, including the curb on one side will be 20 feet, and the actual asphalt section will be 30" short of 20 feet, but is still considered the paved surface. The sidewalk is an add-on. Matt Cassel explained that his recommendation is to bring a sidewalk off the road near 9 Hillside Avenue and only for a short distance. The walkway would be covered so when snow is pushed off the road, it is safe for use. Constructing stairs to Main Street are proposed because it seems most pedestrians walking Hillside Avenue are headed to Main Street. Options include running the sidewalk along the road, fitting the sidewalk along the old Grant Avenue right-of-way, or running it through the two retaining walls to Old Town. Ron Ivie expressed that from a safety standpoint and considering the requirements for walk-ability, the street is too steep for a sidewalk adjacent to the asphalt. Locating it away from the road seems like a better alternative to reduce conflicts. Liza Simpson pointed out challenges in acquiring easements for access through old Grant Avenue. Candace Erickson indicated that she favors the stairs and Tom Eddington stated that this is the preferred option of the Planning Department; the width of the road is the only feature where there is not consensus. Matt Cassel agreed and clarified that the retaining wall design and paved parking area will need to be finalized by Council members.

Council discussed the current historical use of the intersection area being used for resident parking and Kent Cashel advised that typically parking adjacent to a park is prohibited during certain times of the day to discourage long term parking and/or storage. Jim Hier pointed out that if it is paved, it will need to be plowed and regulated and this is a huge change from the existing scenario. Joe Kernan felt that the area should be treated like neighborhood streets which are used for parking and regulated accordingly. He feels this is an amenity the residents would like to keep. Liza Simpson observed that most people parking there are residents of upper Main Street and suggested that they may be eligible for resident parking privileges in the China Bridge Parking Structure. Mr. Cashel explained that they are not eligible but felt that most upper Main Street residents use the Sandridge Avenue lots which are more convenient.

Roger Harlan felt it worthwhile to pursue the Grant Avenue right-of-way walkway and emphasized the importance of providing an adequate turn-around radius for the trolley. Mayor Williams expressed concerns about creating a formalized parking lot and believed regulating it may not be popular with residents. He felt the intersection area is used more than the Sandridge lots for parking. There was discussion about regulations and Liza Simpson suggested regulating parking like the Library lot where people are allowed to park overnight except for one night a week to allow for snow removal. This would solve the storage issue. Ron Ivie emphasized that from an environmental standpoint, the informal parking area is located in the waterway and it should be paved to contain contaminants. He pointed out that people can not legally park unless it is on a hard surface and he recommended that the area be improved. Mayor Williams stated that constructing a parking lot for this particular park is not logical since most park

patrons will be walking there and the parking lot will be used by the residents. Matt Cassel explained that it was not intended to be parking for the park.

Candace Erickson felt that the retaining wall looks massive and asked if it needs to be two tiered. Mr. Ward explained that the design of the retaining wall is contingent on the final width of the road. The wall could be 15 to 20 feet tall and the idea of breaking it up into two smaller walls is a proposed visual solution. Ms. Erickson asked if the lower wall could be planted to screen the upper wall but was unsure if plant material would undermine the integrity of the structure. Brandon Ward felt it is possible as long as the vegetation can be maintained. The Mayor confirmed that the historic wall will not be altered in any way.

Thomas Eddington explained that preference for a narrower road was based on traffic calming approaches implemented by many communities. Eighteen feet without striping seems like a good width so from a visual perspective Hillside Avenue basically becomes a shared road. Liza Simpson added that information provided at the open house revealed there are many historic towns with narrow roads who manage to provide fire protection by acquiring the correct equipment. Discussion ensued about the narrow width of improved Prospect Avenue but that it serves different users and is not considered a secondary fire emergency access for Main Street. Ron Ivie reiterated that as a compromise, the paved rolled gutter is included in the road width to meet the minimum standard. Ms. Simpson favored not striping for traffic calming reasons and for compatibility in the neighborhood. Mayor Williams expressed the goal of keeping trucks off of Hillside Avenue. Mr. Ivie emphasized that this street has never been used as authorized construction mitigation but acknowledged that from time to time a delivery truck travels on Hillside. Matt Cassel spoke about the type of signs contemplated to regulate type of traffic. All members agreed to the 20 foot width including a rolled gutter.

Mr. Ward explained that the guard rail will be close to the travel way and suggested that a raised gutter provides more correction to the driver, protecting the guard rail. Members still agreed with a 20 foot width including a rolled gutter, no striping, and the installation of signs. The Mayor raised the question of paving the lot at the intersection. Jim Hier felt that a decision should be made now whether it is paved or not and emphasized the risk of parking cars on a pervious surface. Members decided to pave it. Liza Simpson asked for information on maintenance costs relating to both the historic trail and the stairway options.

3. Historic Sites Inventory. Thomas Eddington explained that staff is in the process of amending the Land Management Code to reflect landmark and significant status. The Planning Commission forwarded an unanimous positive recommendation last night. Dina Blaes stated that on October 2, the City Council directed staff to prepare amendment language and added that the changes are not radical. The amendment will replace the list of significant properties with an historic sites inventory. The list consists of buildings, structures and sites. Site is not a defined term and accessory structures are not specifically listed as eligible for consideration in the

designation process in the current LMC.. The historic sites inventory approaches properties in a more comprehensive fashion and would consider accessory structures as a contribution to the significance of the entire site. The amendment will clarify that any owner or the Planning Department may apply for a hearing before the Historic Preservation Board to determine significance with the assumption that as surveys are conducted on a regular basis more structures may be discovered.

She explained that the current Code draws directly from nationally recognized standards but they are difficult to administer and apply. It is recommended to incorporate the nationally recognized standards but in a way that is clearer and more in keeping with what people who work in preservation will understand. She emphasized that property will have to meet criteria; it has to be significant, demonstrate historic integrity and be at least 50 years old unless it has achieved significance in the last 50 years. The existing LMC contains many *and/or statements* which is confusing. In response to a question from Jim Hier, Ms. Blaes explained that the Planning Commission last night recommended that properties not be limited to 50 years if there is significance. She explained that the language is not very different but clearer; the existing Code requires historic integrity and significance and the proposed LMC will require historic integrity, significance and age. She explained that the definition for integrity will include the words *feeling and association* as defined by the National Park Service for the National Register of Historic Places. Location, design, and setting are not defined terms in the current Code and are all requirements of the list. Ms. Blaes indicated that 99% of the buildings in Park City are going to be based on the mining era. The definition of *dissimilar* was discussed and Ms. Blaes described examples of dissimilar locations. Candace Erickson commented on the historic home moved from Coalville to Doc Holiday in Prospector and expressed concerns that it would not be protected because of it being relocated to a dissimilar location. Ms. Blaes admitted that this house is in question because of the problem of not having any photos of it in Coalville. She strongly encouraged members to formulate a comprehensive policy and not one based on one or two emotionally charged examples.

Julia Petit, Planning Commissioner, agreed with Ms. Blaes that standardized criteria should be applied even with the risk of losing houses that do not meet the criteria. She noted that the Commission did not specifically discuss examples based on definitions. Candace Erickson stated that she has no issues with the landmark sites but she believed that creating a second tier would broaden qualifications to capture more buildings. Ms. Blaes noted that she understands the desire to broaden the policy but warned not to threaten the credibility and strength of the preservation program. Joe Kernan suggested expanding the second tier so that it includes everything and felt that a date may be a better standard than years, like the beginning of the ski industry. Ms. Blaes stated that this was discussed at length at the Planning Commission meeting who wanted the ability to go less than 50 years because of the potential loss of early ski industry structures. Language will be included in the draft for the public hearing with the standard *50 years old or has achieved significance within the last 50 years*. If someone argues significance, a reconnaissance level survey would be conducted of early ski industry properties, then intensive level surveys on the buildings to begin to develop an

argument in favor of the A-frames, truncated A-frames. Joe Kernan expressed his goal of being able to appreciate more old homes even those not meeting criteria. Liza Simpson felt the program should be rigorous enough so it is a real preservation plan standing up to scrutiny and easily understood. She suggested a compromise by changing the wording to say *meets two of the criteria listed below (a), (b) or (c)* and asked the extent of the impacts of her recommendation. Ms. Blaes explained like all preservation plans, the LMC is one only component. At the Planning Commission meeting last night, there was discussion about high land costs discouraging preservation. She described huge additions on small historic structures or using inappropriate building materials.

With regard to Liza Simpson's suggestion, Ms. Blaes explained that it would be very difficult to apply one or two of three criteria. The second tier provides that the building must be at least 50 years old unless it has achieved significance within the last 50 years, it would require that the structure retain its essential historical form which will be defined in the Code. A structure would not be considered in its essential historical form if there is a change in the roof pitch, addition of upper stories or removal of upper stories outside the historic period, moving it to a dissimilar location, or additions that significantly obscure the structure, and it must still be significant. The Centennial House is a landmark because of its early mining era attributes and significant sites are seen as more than buildings, making up the fabric that gives Park City its broader overall historic character. She strongly urged members not to omit criteria because the farther the City moves from some recognizable preservation approach, the more the preservation program is undermined. In response to a question from Joe Kernan, Ms. Blaes advised not to use preservation as a tool to control the size, scale and mass of new development because they are two totally separate issues. *If it is historic, say it is historic; if it meets the criteria, say it is and fight for it and try to create incentives to keep it.* If it doesn't, it's not contributing to your program and what should be there is compatible in-fill that is going to actually compliment what is already in the historic neighborhood. She discouraged saving structures because of the fear of what could be built in its place. Liza Simpson understood the Doc Holiday example does not fit in this category. Joe Kernan acknowledged Ms. Blaes' expertise in preservation which the average citizen may not understand.

She urged members not to focus on the Doc Holiday home because it is still being assessed. The historic residence was prominently placed in Coalville but it may be determined that Prospector is not a dissimilar location. The focus is broadening the definition of historic significant sites which are at least 50 years old that retain an essential historical form associated with local history. The Historic Building Inventory was adopted by the HPB in 2007 and the new inventory includes the same information but further define some as landmark, some as significant, and additional sites that will be both significant and landmark. In addition, the 16 to 18 mining structures and buildings on the resort property will become part of the inventory. Some are landmark and some are significant sites. The proposed LMC amendments will include criteria for removing a site from the Historic Sites Inventory, which is important because currently there is a process but no criteria. There are no intensive level surveys on each of the

buildings and she strongly recommended that the City begin the work on this project to better protect Park City's historic stock. Jim Hier suggested modifications to draft definitions.

Prepared by Janet M. Scott, City Recorder

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JANUARY 8, 2009**

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Library and Education Center on Thursday, January 8, 2009. Members in attendance were Dana Williams, Candace Erickson, Roger Harlan, Jim Hier, Joe Kernan, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Katie Cattan, Planner; Jacquie Mauer, Planner; Bret Howser, Budget Manager; Brooks Robinson, Planner

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Liza Simpson thanked Public Works personnel for clearing the parking lot and entrance to the dog park.

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

None.

IV WORK SESSION NOTES AND MINUTES OF MEETINGS OF DECEMBER 18, 2008

Roger Harlan, "I move approval of the work session notes and minutes from the meeting of December 18". Jim Hier seconded. Motion unanimously carried.

V CONSENT AGENDA *(Items that have previously been discussed or are perceived as routine and may be approved by one motion. Listed items do not imply a predisposition for approval and may be removed by motion and discussed and acted upon under "Additional Discussion – Agenda Items")*

Consideration of a Resolution establishing a regular meeting date, time, and location for meetings of the City Council of Park City, Utah for 2009 – The Mayor requested a motion to approve. Roger Harlan, "I so move". Liza Simpson seconded. Motion unanimously carried.

VI RESIGNATIONS AND APPOINTMENTS

1. Consideration of the appointment of Mayor Pro Tem and Alternate Mayor Pro Tem – Liza Simpson, "I move to appoint Candace Erickson Mayor Pro Tem and myself Alternate Mayor Pro Tem". Joe Kernan seconded. Motion unanimously carried.

2. Consideration of the appointment of a Member and an Alternate to the Employee Transfer and Discharge Appeals Board – Jim Hier, "I move we appoint Candace

Erickson and Liza Simpson as the Council representatives to the Employee Transfer and Discharge Appeals Board with Joe Kernan as the Alternative". Roger Harlan seconded. Motion unanimously carried.

VII NEW BUSINESS (*New items with presentations and/or anticipated detailed discussions*)

1. Consideration of an Ordinance approving the Four's Company Replat, a re-subdivision of Lots 26-29 and a portion of Lots 25 and 30, Block 73, all of Lot A of the 187 Daly Avenue Replat, Millsite Reservation, located at 161, 167, 173, and 187 Daly Avenue, Park City, Utah – Planner Katie Cattan explained that the request is to clean up lot lines between the above-mentioned properties. The application was approved by the Planning Commission who forwards a positive recommendation to Council. The Mayor opened the public hearing; there were no comments, and the hearing was closed. Jim Hier, "I move we approve the Four's Company Replat as conditioned in the staff report". Candace Erickson seconded. Motion unanimously carried.

2. Consideration of an Ordinance approving the Fisher Amended Subdivision, a replat of Lots 17 and 18, Block 74, located at 118 – 124 Daly Avenue, Park City, Utah – Ms. Cattan explained that the owners of the property acquired a portion of vacated Anchor Avenue providing an additional 15 feet. The Planning Commission asked that vacated Anchor Avenue be hatched on the plat and a note be added that the hatched area will not be included in future footprint calculations. As a result, no additional square footage would be added to the structure and the plat will clearly show the creation of one lot of record for ownership. The Mayor opened the public hearing; there were no comments. The public hearing was closed. Jim Hier, "I move we approve the Fisher Subdivision amended plat as conditioned by the Planning Commission and the staff report". Roger Harlan seconded. Motion unanimously carried.

3. Consideration of an Ordinance approving the 1910 Prospector Avenue Office Condominiums Record of Survey located at 1910 Prospector Avenue, Park City, Utah – Planner Jaquie Mauer stated that staff finds good cause for the condominium conversion record of survey, separating the building into three commercial units for office space, to allow the individual sale of the units, and the removal of the lot line between 23b and 23c, bringing the location of the structure into compliance. The Mayor opened the public hearing and with no input, closed the hearing. Liza Simpson, "I move that we approve the 1910 Prospector Avenue Office Condominium Record of Survey based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance". Jim Hier seconded. Motion unanimously carried.

4. Consideration of an Ordinance amending Title 4, Licensing, Section 4-2-23, Fee and Tax Payments, Renewals and Penalty, of the Municipal Code of Park City to defer payment of the administrative fee for lodging business licenses until 2010, and to allow for refunds of lodging administrative fees already paid – Bret Howser stated that this was discussed at length during work session where staff was directed to proceed with separate licensure for nightly rental units and to charge one \$46 administrative fee to

each property management company as has been done in years past. Council also directed staff to study the fee structure as part of the budget process in the spring and formulate recommendations regarding amendments to the program. He read a modification to the draft ordinance to reflect Council direction, *For the 2009 billing period due January 1, 2009, each local representative will be charged one \$46 administrative fee for a lodging license. If multiple \$46 administrative fees have been paid prior to January 8, 2009 a refund will be issued for the amount of the administrative fee greater than \$46.* It was clarified for the benefit of the audience that the fee for each unit has been waived and not deferred, however, each property management office location will be charged the \$46 administrative fee. An analysis of the fees will be conducted by staff and representation from the lodging community and that assessment will be due 2010. The Mayor opened the public hearing.

Teri Whitney, Lodging Association, expressed her appreciation to the City for involving lodging representation in the process. She felt it is important for lodging to be in compliance. She appreciated Council's decision to waive the fees for 2009 and explained challenges in collecting deferred payments. There was discussion about the potential to cross-reference data for better tracking. She encouraged holding onto licenses until all pertinent information is provided to the City by the management company.

Joe Kernan, "I move we approve the Ordinance with the amendments that Bret (Howser) described". Liza Simpson seconded. Motion unanimously carried;

5. Determination of compliance with Section 15-1-18 of the Land Management Code regarding Final Action, Timing, and Form of Appeal of a written request submitted by Jamie Thomas on November 17, 2008 to appeal the Steep Slope Conditional Use Permit approval of the Marsac Avenue Affordable Housing Project, located at 100 Marsac Avenue, Park City, Utah rendered by the Planning Commission on October 22, 2008 – Planner Brooks Robinson explained that the City Council has the final authority on the administration of the Land Management Code. On October 22, the Planning Commission approved ten steep slope conditional use permits and concurrently with that action forwarded a positive recommendation to the Council on the subdivision with written findings of fact and conclusions of law supporting the approvals. He stated that Council reviewed the subdivision earlier and remanded it to the Planning Commission to be heard concurrently with the steep slope CUPs.

Mr. Robinson explained that an appeal was received by the Planning Department ten days after the City Council approval of the subdivision, but significantly after the final action by the Planning Commission on the CUPs. In accordance with the LMC 15-1-18, final action of a Planning Commission action must be received ten days which did not occur in this instance. He stated that there is no basis in the LMC for claiming that the timing period for appealing a Planning Commission action begins after the City Council approval of a concurrent subdivision. It is not the intention to discuss the merits of the appeal itself tonight, but if Council decides the appeal was submitted in a timely manner, an appeal hearing can be scheduled. It is staff's recommendation to deny the

request for an appeal based on timeliness and the fact that the Council would not have jurisdiction to hear the merits of the appeal. Findings of fact, conclusions of law and an order dismissing the appeal are recommended to be accepted by Council members.

Jamie Thomas, appellant on behalf of the Ontario Court Driveway Association, expressed his confusion about language in the staff report because he is described as the applicant rather than the appellant. If he is the applicant, he should have been notified about this meeting. If not, then why is he named as the applicant? The Mayor explained that the Council is being asked to make a decision on whether the appeal petition was submitted in a timely manner, and this deliberation has nothing to do with the merits of the 100 Marsac Avenue Project. Mark Harrington emphasized that Mr. Thomas is not the applicant and the wording in the staff report is a grammatical error. Mr. Thomas stated that his being in attendance is a coincidence because he did not know this was scheduled tonight. He thanked the Mayor for advising Peter Barnes about the agenda at 8 a.m. this morning who then brought it to his attention. Otherwise he would not have had this opportunity to raise these questions.

Mark Harrington disagreed and stated that he informed him personally that staff had no jurisdiction to dismiss the appeal on its own and that he could withdraw the appeal or it would be scheduled for City Council to determine if the submittal was timely.

Mr. Thomas stated that an email from Polly McLean sent on Wednesday, November 26, 2008 at 9:44 a.m. read *I have received your appeal and reviewed it, however, pursuant to LMC Section 15-1-18, appeals must be made within ten calendar days from the final action. Final Action is the latter of the final vote or written decision on a matter. Final Action on the CUP approval occurred in front of the Planning Commission on October 22, 2008. If you wish to schedule this before City Council, you may however, Legal will recommend to them that they lack jurisdiction and your appeal will be denied on that ground. If you wish to withdraw your appeal, we will refund your application fee in full. Please let me know how you would like to proceed as soon as possible but please no later than December 10, 2008.*

On Wednesday, December 3, 2008 at 5:13 p.m., Ms. McLean further wrote, *I wanted to confirm that you received my email below.*

On Tuesday, December 9, 2008, 3:16 p.m., he responded, *Please be advised that we are withdrawing our appeal under protest. Legal has already predetermined the appeal before going to Council. Further, could you please explain how the Planning Commission had jurisdiction to approve ten steep slope CUPs before the lots existed or how they had jurisdiction to approve an MPD when LMC 15-6-2 specifically disallows it.*

Mark Harrington insisted there was another response but Mr. Thomas said he had not received another response. He added that this speaks to the process where Legal had predetermined the request for an appeal and so they withdrew the appeal. He found out third-hand today that they were named as *applicants* to the consideration of timeliness and that his name was individually listed as the representative. The reason

he believes the appeal is valid was that the LMC clearly says Final Action is defined by Section 15-15-1.90, *the latter of the final vote or written decision on a matter*. A CUP can not be approved or finalized without a subdivision in place. The CUP was approved by the Planning Commission on October 22. Final action on the subdivision was approved by the City Council on November 6, 2008 which was the Final Action, making the CUP valid. The appeal was submitted on November 17, 2008 which is ten days, including the weekend, from November 6, 2008. Mr. Thomas insisted that they couldn't appeal before then because Final Action had not been taken.

In response to a question from Liza Simpson about why this matter is before Council, Mark Harrington stated that the withdrawal of the appeal was conditional (under protest) and staff did not have the ability to accept a conditional withdrawal. He understood that tonight's meeting was clearly communicated and he recommended that Council follow staff's recommendation. Mr. Harrington further explained that the withdrawal was recommended so that the appellant could recover the appeal fee. Jim Hier recalled that MPDs and CUPs are approved by the Planning Commission before plat recordation. Mark Harrington stated that this is typical but not always the case, but all actions are separate. Mr. Hier believed that the statutory time for submitting an appeal of a Planning Commission decision is ten days; this was received past the ten days and the appeal is not valid. He questioned why this is even before Council. Liza Simpson was surprised to learn that *under protest* is considered a legal condition and Mark Harrington reiterated that because that language was used, staff could not accept the withdrawal.

Roger Harlan, "I move approval to dismiss an appeal by the Ontario Court Driveway Association on an action by the Planning Commission which took place on October 22, 2008 pursuant to the draft Order". Joe Kernan seconded. Motion unanimously carried.

Mayor Williams asked if staff contacted Mr. Thomas with the actual date of the meeting and Mr. Robinson indicated that he would have to refer to Polly McLean's email to Jamie Thomas. The Mayor did not question Council's process but is concerned that adequate notice was not given. Mark Harrington understood that the date was confirmed with Mr. Thomas' attorney. Mr. Thomas stated that is inaccurate and his attorney has nothing to do with this matter whatsoever.

VIII ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned.

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 3 p.m. Members in attendance were Mayor Dana Williams, Candace Erickson, Roger Harlan, Jim Hier, Joe Kernan, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Tom Daley, Deputy City Attorney; and Mark Harrington, City Attorney. Roger Harlan, "I move to close the meeting to discuss property and litigation". Joe Kernan seconded. Motion carried

unanimously. The meeting opened at approximately 3:45 p.m. Liza Simpson, "I move to open the meeting". Joe Kernan seconded. Motion unanimously carried.

The meeting for which these minutes were prepared was noticed by posting at least 24 hours in advance and by delivery to the news media two days prior to the meeting.

Prepared by Janet M. Scott

Janet M. Scott, City Recorder



City Council Staff Report

Subject: Reimbursement to IHC for gas service to the
Park City Ice Arena
Author: Matthew Cassel, City Engineer
Date: January 22, 2009
Type of Item: Administrative

Summary Recommendations:

Staff recommends that the City Council approve a reimbursement to Intermountain Health Care (IHC) in the amount of \$137,359 for gas service to Park City's Ice Arena. The reimbursement will be payable in two payments with the first due on or before August 1, 2009 and the second due on or before August 1, 2010.

Description:

In early 2008 IHC paid Questar Gas to bring natural gas to the Quinn's Junction development. IHC then turned to USSA and Park City Ice Rink to cost share the capital cost for the natural gas line and pressure station construction. The cost share allocated to Park City as calculated by IHC and confirmed staff is \$137,359.

Background:

In early 2008, IHC arranged with Questar Gas to provide natural gas service to their facility. Because IHC wanted to ensure gas service to their new hospital before it was opened, they paid Questar Gas in full so the work would start immediately. The construction for the gas service and high pressure station was completed in late 2008. The cost to provide natural gas to Quinn's Junction was \$1,373,591.

Because the Park City Ice Rink and the future USSA facility could both utilize natural gas, IHC approached these entities looking for them to cost share in the capital costs for the natural gas service. IHC presented three options for our consideration:

1. The Ice Rink could utilize propane gas for the next three years and then connect to the Questar gas line incurring a cost for the service line installation and a cost for a small extension of the main line, but would not incur the capital cost (cost share requirements for Questar Gas capital facilities is waived if their facilities have been installed for more than thirty months),
2. The Ice Rink could immediately convert to natural gas by paying for the service line installation, paying for a small extension of the main line and paying a share of the capital cost to Questar Gas, who would then reimburse IHC, or
3. The Ice Rink could immediately convert to natural gas by paying for the service line installation, paying for a small extension of the main gas line and paying a share of the capital costs to IHC.

Analysis:

The three options presented in the previous section were used to perform a cost analysis. The goal was to determine the least cost option to provide natural gas to the Ice Rink. The analysis is based on total cost over a 30 month (2.5 year) time period. The cost analysis below does not include the cost to convert equipment inside of the Ice Rink from propane to natural gas and is based on today's dollars.

1. The Ice Rink uses propane gas for the next 2.5 years before converting to natural gas:

• 2.5 year cost of propane (based on Ice Rink records)	\$277,778
• Cost for main gas line extension	\$ 11,144
• Cost for service line from building to main line	<u>\$ 8,608</u>
Total Cost for this option	\$297,530

2. The Ice Rink converts to natural gas immediately and pays Questar Gas for the capital cost for the gas facilities. Questar Gas determines the cost share by charging \$12 per square foot of the building:

• Questar Gas cost share model (\$12/sq ft x 14,318)	\$171,816
• 2.5 years cost for natural gas (2.5 years x \$31,908/yr)	\$ 79,770
• Cost for main gas line extension	\$ 11,144
• Cost for service line from building to main line	<u>\$ 8,608</u>
Total Cost for this option	\$271,338

3. The Ice Rink converts to natural gas immediately and pays IHC for the capital cost for the gas facilities. IHC determined the cost share based on anticipated gas usage. Through their research, IHC determined that they would use 74% of the gas provided and thus should pay for 74% of the \$1,373,591 total cost. They also determined that USSA would pay for 16% and Park City Ice Rink would pay for 10% of the capital cost.

• IHC cost share model (\$1,373,591 x 10%)	\$137,359
• 2.5 years cost for natural gas (2.5 years x \$31,908/yr)	\$ 79,770
• Cost for main gas line extension	\$ 11,144
• Cost for service line from building to main line	<u>\$ 8,608</u>
Total Cost for this option	\$236,881

Another way to analyze the cost of the gas service to the ice rink is to look at the payback period.

Monthly cost savings (propane cost/yr - natural gas cost/yr divided by 12 months)

(\$111,111 - \$31,908)/12 months	\$6,600/month
Capital cost of gas to be recouped	\$137,359
Months to recoup capital costs (\$137,359/\$6,600)	20.8 months

Department Review:

This report has been reviewed by the City Manager, Legal, Recreation and Planning. All concerns raised by these departments have been incorporated herein.

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

Approving the reimbursement (alternative 3) will allow IHC to be reimbursed for our share of the capital costs to bring gas service to the Quinn's Junction area. This is Staff's recommendation.

B. Deny the Request:

Denying the reimbursement may require Park City to revert back to using propane for the next 2.5 years, which will significantly increase the Ice Rinks operation costs.

C. Continue the Item:

If the Council desires more information about the reimbursement to IHC for gas service, the item may be continued.

D. Do Nothing:

This would have the same affect as denying the request for the reimbursement.

Significant Impacts:

Other than cost, there are no other significant impacts arising from the recommended action. IHC has agreed to allow Park City to reimburse in two equal installments over the next two years which will allow us to budget for this expenditure. It is anticipated that this reimbursement will be budgeted in the Asset Mgt Fund (cp0146-031475). The total capital cost to provide gas service to the Ice Rink is \$157,111 with the Ice Rink already paying \$19,752 of that amount this year to Questar Gas' for the service line and main line extension installations.

Consequences of not taking the recommended action:

The consequence of denying the reimbursement is the City may be required to revert back to using propane for the next 2.5 years. The use of propane will significantly increase the Ice Rinks operation costs.

Recommendation:

Staff recommends that the City Council approve a reimbursement to Intermountain Health Care (IHC) in the amount of \$137,359 for gas service to Park City's Ice Arena. The reimbursement will be payable in two payments with the first due on or before August 1, 2009 and the second due on or before August 1, 2010.

Attachments – Back-up Documentation

QRA is S.
(435) 654- 6187

Questar's Usual Method				
Minimum System		Cost/Foot		Total
From Home Depot	14318 feet	12		\$171,816
Intermountain/USSA Cost Share Model		Proposed		
Intermountain Usage	39	72%	74%	\$1,016,457
USSA Usage	9	17%	16%	\$219,775
Park City Ice Rink Usage	6	11%	10%	\$137,359 Plus cost from regulation station to ice rink
	54			
High Pressure Line Cost	\$1,373,591			
Delay 30 Months				
No Cost Share Required				Plus cost from regulation station to ice rink
3 additional winters with propane				

PROPANE USAGE FOR PARK CITY ICE RINK

DATE	QUANTITY	AMOUNT	AVERAGE COST	Natural Gas Equivalent	Cost
39346	1241	2345.49	1.89	113.6756	895.3827
39378	2085.6	5003.35	2.399	191.04096	1469.463
39395	2350.1	5755.39	2.449	215.26916	1458.218
39401	2015	4125.71	2.0475	184.574	1257.815
39415	1071.4	2300.83	2.1475	98.14024	693.5047
39423	1571.8	3253.63	2.07	143.97688	992.7639
39434	2393	4953.51	2.07	219.1988	1483.874
39449	2453.5	5814.8	2.37	224.7406	1520.056
39458	2021.3	4366.01	2.16	185.15108	1261.583
39465	2000	4320	2.16	183.2	1248.845
39471	941.2	2032.99	2.16	86.21392	615.6399
39472	2212.5	4779	2.16	202.665	1375.928
39477	1900.1	4104.22	2.16	174.04916	1189.1
39482	4302.3	9572.62	2.225	394.09068	2607.071
39498	2232	4966.2	2.225	204.4512	1377.919
39498	1919.1	4270	2.225	175.78956	1192.148
39520	1719.9	3826.78	2.225	157.54284	1073.882
39521	1163.4	2588.57	2.225	106.56744	743.4837
39534	2000.1	3850.19	1.925	183.20916	1240.239
39560	4229.5	9040.56	2.1375	387.4222	2312.185
39582	1210.6	2617.92	2.1625	110.89096	695.9156
39589	1363.8	3051.5	2.2375	124.92408	777.9364
39604	800	1782	2.2275	73.28	476.087
39637	709.4	1624.53	2.29	64.98104	547.8427
39658	928	2036.96	2.195	85.0048	702.2319
39700	1000	2409	2.409	91.6	753.0828
39703	1000	2409	2.409	91.6	753.0828
39707	1623.2	3910.29	2.409	148.68512	1193.226
TOTAL:	50457.8	111111.05	2.2878	4621.93448	31908.51

* Estimate only: Does not include monthly meter charge and state and local taxes



City Council Staff Report

Subject: Fairway Hills Pump Station Project
Author: Todd Touchard
Department: Water
Date: January 22, 2009
Type of Item: Administrative

Summary Recommendations:

Staff recommends Council authorize the City Manager to execute a Construction Agreement in the amount of \$77,035.00, in a form approved by the City Attorney, with Landmark Excavating, Inc. for the Fairway Hills Pump Station Project.

Description:

Water Strategic Plan Topic: Infrastructure
Strategy/Policy: Implement Capital Facilities Plan

Topic:

Fairway Hills Pump Station Project

Background:

The Quinn's Junction Area is in the Fairway Hill pressure zone. The Fairway Hills Pump Station can only keep up with current demand. Due to the growth in that area, additional capacity at the Fairway Hills Pump Station is needed. Furthermore, the City has entered into an agreement with Intermountain Health Care (IHC) to upgrade the pump station. As per the agreement, IHC will pay the portion of cost and expenses that will supply the Hospital with water, which is 17.1% of applicable construction and design cost.

The existing capacity of the pump station is 160 gpm. Bowen Collins & Associates (BC&A) has projected the peak demand for the zone to be 523 gpm at build-out. The proposed upgrade will provide between 550 to 600 gpm. The upgrade consists of replacing pumps, motors, piping, and electrical work.

The proposed construction will take less than two months, and will be done this winter to minimize the use of temporary bypass pumps.

Analysis:

The following summarizes the bids:

Contractor	Total Bid
Engineer's Estimate	\$136,470
Clear Construction	\$124,695
Extreme Excavating	\$112,261
Nelson Brothers Construction	\$110,340
Counterpoint Construction	\$100,800
VanCon, Inc	\$96,395
Liberty Construction	\$85,627
Homeland Construction	\$79,065
Landmark Excavating	\$77,035

Landmark Excavating, Inc is the lowest qualified bidder. Qualification and Bid Documents were verified by our Engineer, Bowen, Collins, & Associates, Inc (see attached letter). Staff therefore recommends Landmark Excavating as the successful bidder.

The budget for the construction was set at \$181,470 including the contingency and cost of pumps (\$7,680). The purchase of the pumps was not included in bid documents.

Department Review:

This staff report has been reviewed by Public Works, Legal, and the City Manager.

Alternatives:

A. Approve:

Staff recommends Council authorize the City Manager to execute a Construction Agreement in the amount of \$77,035.00, in a form approved by the City Attorney, with Landmark Excavating, Inc. for the Fairway Hills Pump Station Project.

B. Deny:

Council could deny Staff's request. Denying the request would delay the upgrade and default on agreement with IHC.

D. Continue the Item:

Council could continue the item to a future date. Continuing the request would delay the upgrade.

E. Do Nothing:

Staff does not recommend this alternative. Doing nothing would also delay the upgrade.

Significant Impacts:

The Fairway Hills Pump Station Upgrade project is part of the approved FY09 budget.

Recommendation:

Staff recommends Council authorize the City Manager to execute a Construction Agreement, in a form approved by the City Attorney, with Landmark Excavating, Inc. for the Fairway Hills Project for a lump sum amount of \$77,035.



January 5, 2009

Todd Touchard, P.E.
Water Project Manager
Park City Municipal Corporation
P.O. Box 1480
Park City, Utah 84060

Project: Fairway Hills Pump Station Project

Subject: Review of Bids

Dear Mr. Touchard:

Bids for the Fairway Hills Pump Station Project were received at the office of Park City Public Works on Tuesday, December 23, 2008 at 2:00 PM. Eight contractors furnished bids for consideration and we have reviewed the bids. Refer to the Bid Opening Checklist and Summary and Bid Opening Attendance List for related information.

The bids ranged from \$77,035 to \$124,695. The apparent low bidder was Landmark Excavating, Inc. at \$77,035 with Homeland Construction having the second low bid at \$79,065.

We reviewed the data submitted by the low bidder, Landmark Excavating, Inc., and have prepared the attached table containing a summary of information obtained from calling each reference listed in Landmark's bid submittal. Of those references that were contacted, the general opinion was that Landmark Excavating did good work.

The criteria for evaluating the bids for construction of the Fairway Hills Pump Station Project were published in the bid documents Section 00100 – Instructions to Bidders. The criteria are summarized below.

1. A bid bond of 5% of the bid amount is furnished
2. Active Utah Contractor's License, in good standing, with appropriate classification
3. The firm and the project superintendent shall have satisfactorily completed at least three similar projects within the last five years
4. The project superintendent shall be dedicated to this project with no substitutions without written approval by the OWNER.

Landmark's submittal adequately met criteria item #1 by furnishing a bid bond with their bid in the amount of 5%.

Criterion #2 above was met by Landmark with their E100 classification. For a clarification, Landmark's license is listed as "Contractor with LRF". LRF refers to the contractor's membership in the Lien Recovery Fund which allows them to get paid as a subcontractor should the general contractor receive payment from the owner but not pay the subcontractors.

Fairway Hills Pump Station
January 5, 2009
Page 2

Landmark provided a project list for Criterion #3 with their bid. BC&A has contacted the references and a summary is attached. A resume was submitted for Shane Bills as superintendent that outlined his experience. The project list and superintendent information did not satisfy Criterion #3 with regard to experience with similar pump station projects. BC&A asked Landmark to submit additional information regarding their pump station experience. A letter dated January 5, 2009 (attached) was submitted indicating that this project would be the first pump station that Landmark will complete but their superintendent, Shane Bills, has years of experience with pump stations. We contacted Mr. Bills previous employer, Scott Hill of Riverton City, and he confirmed Shane's experience and that he would be very comfortable with Shane in charge of a pump station project for Riverton City.

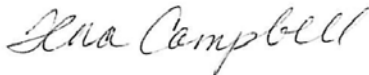
Criterion #4 was met by the proposed superintendent, Shane Bills, as he will be dedicated to this project.

Based on the above information, we recommend that Park City award the contract to Landmark Excavating, Inc.

Please let us know if you have any questions or comments about our bid review.

Sincerely,

Bowen, Collins & Associates



Tena Campbell, P.E.
Project Engineer

Enclosures (5)

cc: Kathy Lundborg – PCMC Water Manager
Rich Hilbert – PCMC

CONSTRUCTION AGREEMENT

THIS AGREEMENT is made and entered into as of this ____ day of _____, 2008, by and between PARK CITY MUNICIPAL CORPORATION, P O Box 1480, Park City UT 84060, a municipal corporation of the state of Utah (hereinafter "City"), and Landmark Excavating, Inc, 560 South 100 West Suite 7, Provo UT 84601, which is a (*check one*) X corporation ____ partnership ____ sole proprietorship ____ limited liability company (hereinafter "Contractor").

PURPOSE: For the project known as the Fairway Hills Pump Station (hereinafter "Project"), which consists of the replacing the existing pumps, motors, piping and electrical work in accordance with the Contract Documents and Park City Standards, Construction Specifications, and Standard Drawings.

NOW, THEREFORE, in consideration of the mutual promises contained herein, the parties hereby agree as follows:

SECTION 1. SCOPE OF WORK. Contractor shall furnish all labor, materials and equipment to complete the Project, consisting of the work described in the Information for Bidders as the Basic Bid, and the following additive alternates: Alternative 1 to meet UDOT Specification, as specifically set out in the contract specifications, which is made a part hereof by reference, herein called the "Project."

The Project will be bound by the specifications referenced herein, according to the Advertisement for Bid, the Information for Bidders, the General Project Requirements and Specifications provided by City, the Bid of the Contractor, Bid Bond, Drawings, Notice of Award and Notice to Proceed, collectively referred to as the Contract Documents, all of which are incorporated herein by reference and on file in the Public Works Department. To the extent that this Agreement conflicts in any way with a proposed form agreement which may have been submitted as part of the bid specifications, this Agreement shall control.

If any of the work performed by Contractor in any phase of the Project does not meet City standards as outlined in the bid documents and specifications, then Contractor shall immediately repair or correct the work at no additional cost to City.

A. SUBCONTRACTORS. No part of this contract shall be subcontracted by the Contractor without prior written approval by City through the Project Manager/Engineer. The Contractor shall be fully responsible to the City for the acts and omissions of its Subcontractors and of persons either directly or indirectly employed by them, as it is for the acts and omissions of persons directly employed by it.

The Contractor shall, within ten (10) days of submittal of request for final payment, include an affidavit showing satisfactory evidence that all claims of subcontractors, laborers and materialmen who supplied services or materials to

the Project have been fully paid, discharged, or waived. The Contractor shall submit lien waivers for each pay release.

If the City reasonably believes that Contractor has failed to pay Subcontractors, materialmen, or laborers for work on the Project within a reasonable time of when payment is due, then City may, after having notified the Contractor, either pay unpaid bills or withhold from the release of Contractor's payment bond for this Project, a sum of money deemed reasonably sufficient to pay any and all such lawful claims until satisfactory evidence is furnished that all liabilities have been fully discharged and a ten percent (10%) fee for administering such claims.

B. STANDARDS OF WORKMANSHIP. Contractor shall demonstrate workmanship equal to or better than current industry standards for this Project. Where Park City specifications exist (for example, asphalt, concrete, irrigation, sprinkling system and landscaping), they shall provide the benchmark for determination of acceptability.

C. INSPECTION AND TESTING. All materials and equipment used in the construction shall be subject to inspection by the Project Manager/Engineer. If laws, ordinances, rules or regulations of any public authority having jurisdiction require any work to specifically be inspected, tested or approved by someone other than Project Manager/Engineer, the Contractor shall give the Project Manager/Engineer timely notice of readiness. Inspections, tests or approvals by the City or appropriate authorities will not relieve the Contractor from obligations to perform the work in accordance with the requirements of the Contract Documents and/or provisions. The Project Manager/Engineer and other designated persons will at all times have access to the work. All work shall ultimately be inspected for final acceptance by the Project Manager/Engineer within a reasonable time upon receipt of notice from the Contractor that work is complete and ready for final inspection.

During construction, the work will be inspected and observed by the Project Manager/Engineer or his designated representative. All work that is deficient or does not meet specifications shall be removed and replaced with proper material at Contractor's expense.

D. WARRANTY. Contractor warrants that all materials and supplies used in the construction of the Project shall be new, except as otherwise agreed to in writing by the City's Representative. All materials, equipment, parts and labor and any necessary corrections to the Project shall be guaranteed for a period of at least one (1) year following the date of substantial completion of the Project under the terms of the performance bond or as provided in the project specifications and construction documents, whichever is longer.

SECTION 2. PERFORMANCE AND PAYMENT BONDS. Contractor shall furnish to the City payment and performance bonds satisfactory to the City guaranteeing

Contractor's payment and performance, in the amount, for each separately, of one hundred percent (100%) of the Contract Amount.

SECTION 3. INSURANCE. Unless otherwise specified in the bid documents, the Contractor shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Contractor, their agents, representatives, employees, or subcontractors.

The Contractor shall provide a Certificate of Insurance evidencing:

A. Commercial General Liability insurance written on an occurrence basis with limits no less than two million dollars (\$2,000,000) combined single limit per occurrence and four million dollars (\$4,000,000) aggregate for personal injury, bodily injury and property damage. Coverage shall include but not be limited to: blanket contractual; products/completed operations; broad form property damage; explosion, collapse and underground (XCU) if specifically requested; and employer's practices.

The Contractor shall increase the limits of such insurance to at least the amount of the Limitation of Judgments described in Section 63-30d-604 of the Governmental Immunity Act of Utah, as calculated by the state risk manager every two years and stated in Utah Admin. Code R37-4-3.

B. Automobile Liability insurance with limits no less than two million dollars (\$2,000,000) combined single limit per accident for bodily injury and property damage.

C. Workers Compensation insurance limits written as follows:
Bodily Injury by Accident \$500,000 each accident;
Bodily Injury by Disease \$500,000 each employee, \$500,000 policy limit

The City shall be named as an additional insured on the insurance policies and a copy of the endorsement naming the City as an additional insured shall be attached to the Certificate of Insurance. The City reserves the right to request certified copies of any required policies.

The Contractor's insurance shall contain a clause stating that coverage shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

SECTION 4. CONTRACT AMOUNT, ACCEPTANCE OF WHOLE, ADDITIONS. City shall pay Contractor the total sum of **Seventy Seven Thousand and Thirty Five Dollars, (\$77,035.00)** ("Contract Amount") for all work and materials expended to complete this Project, which shall include the cost of all bonds, insurance, and all charges, fees, permits (including water and sewer fees, unless waived), expenses or

assessments of whatever kind or character that are or may be necessary to complete this Project, including any additive alternates listed within the Scope of Work described in Section 1.

SECTION 5. PERMITS AND FEES. As set out in Section 4 above, the Contract Amount includes the price of all normally applicable fees and permits. The City may, at its discretion, arrange for the waiver of certain fees, permits and expenses.

SECTION 6. TERMS OF PAYMENT. The City shall pay for services provided hereunder according to and in an amount not to exceed that detailed in the attached payment schedule (Attachment A) and only upon Contractor's request on forms approved by and submitted to the Project Manager. The City shall make payment within thirty (30) days thereafter. Requests for a more rapid payment may be considered if a discount is offered for early payment. At no time shall the aggregate amount of money paid to the Contractor in proportion to the Contract Amount be greater than the proportion of the work performed at that point to the total Project work. No payment shall be made for any service rendered by the Contractor except for services set forth and identified in this Agreement. The City reserves the right to withhold payment in whole or part from the Contractor for non-compliance with the provisions of the Contract Documents.

A. RETAINAGE. The City may, in its sole discretion; (1) retain five percent (5%) of the value of all work done and materials or equipment supplied as part security for the fulfillment of the Agreement by the Contractor; or (2) retain the final payment of up to five percent (5%) of the total project amount. As work nears completion and solely at the City's discretion, the City may reduce the retainage to an amount more in line with the work remaining. The City reserves the right to retain all amounts previously withheld or due, including any liquidated damages, until all services specified herein are complete. Any money withheld pursuant to this section shall be placed in an interest bearing account and the interest shall also be payable to the Contractor upon final payment.

Before final payment is made, the Contractor must submit evidence satisfactory to the City that all payrolls, material bills, subcontracts and all outstanding indebtedness in connection with the Project have been paid for.

The City may withhold a reasonable amount of the payment bond sufficient to cover any outstanding indebtedness or monies owed or claimed by any person who supplied work or materials to the Project plus ten percent (10%) of such indebtedness as the City's cost of administering such claims until Contractor supplies a release satisfactory to the City, signed by all persons who have supplied labor or materials to the Project or, at the City's option if no claim is made, until 105 days after the date on which any person performed the last of the labor or supplied the last of the material for the Project and upon written request from the Contractor.

The Contractor shall supply to the Project Manager/Engineer within a reasonable time after his request a signed statement verifying all the suppliers, subcontractors and other persons who have supplied labor or materials to the Project.

B. FINAL PAYMENT. Acceptance by the Contractor of the final payment from the City shall release the City of all claims, demands and liability of the Contractor, its officers, agents, employees and subcontractors, whether communicated or not by the Contractor, except with respect to those matters referred to in writing delivered to the Contractor and approved in a signed writing by the Project Manager.

SECTION 7. COMPLETION TIME. The work on this Project shall commence within ten days of receipt of the Notice to Proceed and shall be completed 90 days from Notice to Proceed. Work stoppage due to inclement weather conditions and other factors must be approved in writing by the Project Manager. Inclement weather shall not otherwise constitute cause for delay. Unless otherwise agreed by the City by Change Order, no damages shall become due to Contractor for City caused delay. A Change Order for delay will generally be accepted for delay so excessive and unreasonable that it is beyond the scope of the Contract or delay attributed to direct, active or willful interference by the City. The Change Order must be based upon actual damages sustained by the Contractor which are directly attributed to the delay.

In the event that Contractor fails to complete all of the work required herein within the time limit set out above, then for each partial or complete day during which the work remains uncompleted thereafter, the Contractor agrees to pay the City **One Hundred Fifty Dollars (\$150.00)**, (NOTE: liquidated damages clause must be agreed to by Contractor, if no mutual agreement, then no liquidated damages) which the parties believe, due to the difficulty of actually assessing the damages the City will suffer in the event of such a delay, is a fair estimate of the loss the City will suffer. The parties agree that the daily liquidated damages provided for herein is reasonable and fair, and is not a penalty. TIME IS OF THE ESSENCE IN THIS AGREEMENT.

SECTION 8. ADDITIONAL WORK/CHANGE ORDERS. The City may enlarge or reduce the work to be performed by Contractor hereunder by written notification to Contractor, including changes to the plans and specifications. The City shall pay Contractor for any additional work so requested, and shall reduce the payment to the Contractor for any reduction in labor, materials, overhead and profit margin resulting from the reduction in the work. Except as the City shall so notify the Contractor in writing, it is understood and agreed by the parties hereto that no money will be paid to the Contractor for any new or additional labor or materials furnished unless a written modification is agreed to in a document signed by both parties.

The value of any work covered by a change order or of any claim for increase or decrease in the contract price shall be determined by one or more of the following methods in order of precedence listed below:

- A. An agreed lump sum; or in the event the parties cannot agree; then
- B. The unit rate for the work bid by the Contractor, if applicable, or in the event there was no such rate bid; then
- C. The actual cost for: (1) labor; (2) materials; (3) supplies; (4) equipment; (5) direct overhead (not to exceed 5% of the sum total of items 1-4, unless approved by the City); and (6) other services necessary and approved by the City to complete the work. In the event of a net increase in the Contract Amount for a change order as a whole, the City shall allow a payment to the Contractor of an additional ten percent (10%) of the actual cost of the work, not including direct overhead or bond costs, to cover the cost of general overhead and profit. The Contractor may also charge the City for actual cost of the net increase in bond costs as a result of the overall change to the Contract Amount. The City specifically reserves the right to request documentation, including but not limited to payroll stubs, bond bills, and invoices, to validate the Contractor's calculations.

SECTION 9. DISPUTES. Except as otherwise provided in this Agreement, any disputes concerning a question of fact arising under this Agreement which is not disposed of by Agreement shall be decided by the City. The decision of the City shall be final and conclusive unless, within thirty (30) days from the date of receipt of such decision, the Contractor shall mail or otherwise furnish the City a written signed appeal addressed to the Project Manager/Engineer. In connection with any appeal proceeding under this clause, the Contractor will be afforded an opportunity to be heard and to offer evidence in support of its appeal. Pending final decision of a dispute hereunder, the Contractor will proceed diligently with the performance of the contract and in accordance with the City's decision. The decision of the City shall be final and conclusive, but shall not be arbitrary or unreasonable. Although this Contract has been drafted by the City, the Contractor expressly agrees that any ambiguity herein shall be resolved in favor of the City.

SECTION 10. DEFAULT, REMEDY AND TERMINATION. The City may terminate this agreement upon the occurrence of one or more of the following events:

- A. If Contractor or any Subcontractor should substantially violate any of the provisions of this contract;
- B. If Contractor substantially fails to perform any part of this Agreement;
- C. If Contractor repeatedly fails or becomes unable to perform the services under this Agreement as required herein, or substantially fails to provide services under this Agreement for a period of seventy-two (72) hours;

D. If Contractor (1) shall become insolvent in a bankruptcy sense; (2) shall be generally not paying its debts as they become due, or within a reasonable time thereafter; (3) shall suffer, voluntarily or involuntarily, the entry of an order by any court or governmental authority authorizing the appointment of or appointing of a custodian (as that term is defined in 11 U.S.C. '101[10]), receiver, trustee, or other officer with similar powers with respect to it or any portion of its property which remains undismissed for a period of ninety (90) days; (4) shall suffer, voluntarily or involuntarily, with or without judicial or governmental authorization, any such custodian, receiver, trustee, or other officer with similar powers to take possession of any part of its property which third party remains in possession for an excess of ninety (90) days; (5) shall suffer, voluntarily or involuntarily, the filing of a petition respecting an assignment for the benefit of creditors which is not dismissed for a period of ninety (90) days; (6) shall be dissolved; (7) shall become the subject of any proceeding, suit, or action at law or in equity under or relating to any bankruptcy, reorganization or arrangement of debt, insolvency, readjustment of debt, receivership, liquidation, or dissolution law or statute or amendments thereto to be commenced by or against it or against any of its property which remains undismissed for a period of ninety (90) days; (8) shall voluntarily suspend substantially all of its business operations; (9) shall be merged with, acquired by, or otherwise absorbed by any individual, corporation, or other business entity or organization of any kind except for any individual corporation or other business entity or organization which is controlled by, controlling, or under common control with the Contractor; or (10) shall take action for the purpose of any of the foregoing,

After serving ten (10) days written notice on the Contractor and its surety of its intention to terminate the services of Contractor, and if within ten (10) days after serving such notice, the violation is not corrected to City's reasonable satisfaction, the City then may take over the work and prosecute it to completion by contract or by any other method it may deem advisable at the expense of the Contractor. The Contractor and the bonding company shall be liable to the City for any reasonable cost occasioned by the City in excess of the amount agreed for the service herein.

The Contractor shall be entitled to a hearing before a City hearing officer upon the issue of termination if it submits a written request therefore within seven (7) days of the service of the notice of the City's intent to terminate. The Contractor shall be entitled to be heard at such hearing on the issue of termination. The Contractor shall not bring an action against the City, its officers, agents or employees arising out of or relating to the termination of this Agreement before the decision is issued by the City's hearing officer(s).

Waiver of any default shall not be deemed to be a waiver of any subsequent default. Waiver of any provision of this Agreement shall not be construed to be modification of the terms of this Agreement, unless stated to be such in writing, signed by the City's authorized representative.

The Contractor shall continue the performance of this agreement to the extent not terminated under the provisions of this section.

The rights and remedies of the City provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law or under this agreement.

SECTION 11. HOLD HARMLESS INDEMNIFICATION. The Contractor clearly and unequivocally agrees to indemnify and to hold the City and its agents, employees, and officers, harmless from and shall process and to defend at its own expense any and all claims, demands, suits, at law or equity, actions, penalties, losses, damages, or costs, of whatsoever kind or nature, brought against the City arising out of, in connection with, or incident to the execution of this Agreement and/or the Contractor's performance or failure to perform any aspect of this Agreement; provided, however, that if such claims are caused by or result from the concurrent negligence of the City, its agents, employees, and officers, this indemnity provision shall be valid and enforceable only to the extent of the negligence of the Contractor or others; and provided further, that nothing herein shall require the Contractor to hold harmless or defend the City, its agents, employees and/or officers from any claims arising from the sole negligence of the City, its agents, employees, and/or officers. The Contractor expressly agrees that the indemnification provided herein constitutes the contractor's waiver of immunity under Utah Code Section 34A-2-105 for the purposes of this Agreement. This waiver has been mutually negotiated by the parties. The provisions of this section shall survive the expiration or termination of this Agreement. No liability shall attach to the City by reason of entering into this Agreement except as expressly provided herein.

SECTION 12. CONTROLLING LAW. These general conditions shall be construed in accordance with and enforced under the laws of the State of Utah. Any action of law, suit in equity, or judicial proceeding for the enforcement of the Agreement, or any provisions thereof, shall be instituted and maintained only in any of the courts of competent jurisdiction in Summit County, Utah.

SECTION 13. ASSIGNMENT. The Contractor shall not assign nor transfer any interest in this agreement without the prior written consent of the City, provided however, that claims for compensation due or to become due the Contractor from the City under this agreement may be assigned to a bank, trust company, or other financial institution without such approval. Written notice of any such assignment shall be promptly furnished to City.

SECTION 14. SAFETY AND TRAFFIC CONTROL. Contractor shall take all reasonable precautions to protect the safety of pedestrians, school children, motorists, and others who may use or come near to the Project site, including but not limited to compliance with the Manual of Uniform Traffic Control Devices.

SECTION 15. SAFETY AND PROTECTION OF THE WORK. Contractor shall be responsible for initiating, maintaining and supervising all safety precautions and programs in connection with the project work. Contractor shall provide reasonable protection to prevent damage, injury or loss to employees on the Project work and all other persons who may be affected thereby, materials and equipment, whether on or off the site, and other property at the work site or adjacent thereto, including trees, shrubs, lawns, walks, pavements, roadways, structures and utilities not designated for removal, relocation or replacement in the course of construction. In addition, the Contractor shall give all notices and comply with all applicable laws, ordinances, rules, regulations and lawful orders of any public authority bearing on the safety of persons or property or their protection from damage, injury or loss.

The Contractor shall erect and maintain, as required by the existing conditions and progress of the work, all reasonable safeguards for safety and protection, including posting danger signs and other warnings against hazards, setting safety regulations, and notifying owners and user of adjacent utilities.

The Contractor shall promptly remedy all damage or loss to any property referred to in this Section caused in whole or in part by the Contractor, any subcontractor, sub-subcontractor or anyone directly or indirectly employed by any of them, or by anyone for whose acts any of them may be liable and for which the Contractor is responsible, except for acts or omissions by the City or anyone directly or indirectly employed by it, or by anyone for whose acts it may be liable, and not attributable to the fault or negligence of the Contractor. Contractor shall remove from the site all cuttings, debris, equipment and unused material.

SECTION 16. UNENFORCEABLE CONTRACT, WAIVERS. In the event that any provision of this contract shall be ruled invalid and unenforceable, the remaining provisions shall be valid and binding upon the parties. One or more waivers by either party of any provision, term or covenant shall not be construed by the other party as a waiver of a subsequent breach of the same provision by the other party.

SECTION 17. ENTIRE AGREEMENT. This contract represents the entire integrated agreement between City and Contractor and supersedes all prior negotiations, representations or agreements, either written or oral. This agreement may be amended only by written modification signed by both parties.

SECTION 18. COMMENCEMENT OF WORK. Contractor will commence work as required by the specifications within ten calendar days after receiving the NOTICE TO PROCEED.

SECTION 19. UTILITIES. The right is reserved to the owners of public utilities and franchises to enter upon the street or work site for the purpose of making repairs or changes of their property that may become necessary by the work. The City shall also have the privilege of entering upon the street or work site for the purpose of repairing

culverts, storm drains, water system repairs or adjustments and any and all other necessary City work.

The Contractor takes the whole risk, responsibility and expense with respect to the location of utilities, and in working with utility owners about locating, moving, repairing, and modifying utilities. All utility locations shown on the plans and specifications are approximate and are marked on the plans, if at all, only for convenience. The City makes no representation about the location of any such utilities, and Contractor is encouraged to contact utility companies and owners about the location of all utilities that may be impacted by or impact the Project work.

SECTION 20. HOURS AND DAYS OF WORK. All work performed by the Contractor, its subcontractors, material men, agents and employees shall be performed during work hours of 7:00 a.m. to 7:00 p.m. Monday through Saturday unless otherwise specified in a Conditional Use Permit or Construction Mitigation Plan. In individual Construction Mitigation Plans, the Building Official may further reduce the hours or days of work for Special Events or as other circumstances may reasonably warrant. When work is prohibited, no exterior construction, excavation or delivery of supplies and concrete are allowed. Interior work, however, may be allowed Monday through Sunday, with no limitation on hours for the following types of construction:

- A. Interior work on individual single-family home construction or addition projects not involving materials or supply deliveries
- B. Construction of decks, patios, landscape walls less than 4 feet in height, and fences on individual single-family lots
- C. Non-mechanized exterior painting on individual single-family residences
- D. Non-mechanized landscaping on individual single-family residences
- E. Survey work not involving grading or use of power equipment to cut vegetation.

Extended Hours Special Permit. The Building Official may authorize extended hours for construction operations or procedures which, by their nature, require continuous operation or modify or waive the hours of work on projects in generally isolated areas where the extended hours do not impact upon adjoining property occupants. In such cases, the Building Official shall issue a Special Permit identifying the extended hours. Contractor shall display the special permit on site.

Special Event Regulations. The Building Official and/or Police Chief may, at their discretion, restrict construction activity, including governmental or special improvement agencies, in order to assure the public safety during special events

within the City. Special events shall include, but not be limited to the Art Festival, Film Festival, ski events, and holiday events.

SECTION 21. CONSTRUCTION MANAGEMENT PLANS. Contractor shall submit a Construction Mitigation Plan to be approved by the Community Development Department, for all building permits. The Community Development Department may waive this requirement for minor remodels, additions and interior construction where the impact on adjacent property is minimal. This plan shall be written and shall address, to the satisfaction of the Community Development Department.

A. Hours and Days of Operation. The Construction Mitigation Plan shall specify the daily construction start and finish times. Construction activity occurring outside of the times specified in Section 11-14-6 of the Park City Municipal Code may only be allowed by Special Permit issued by the Building Official or the City Engineer.

B. Parking. The Construction Mitigation Plan shall include a parking plan. Construction vehicle parking may be restricted at construction sites so as to not block reasonable public and safety vehicle access along streets and sidewalks. Construction parking in paid or permit only parking areas require the Public Works Department review and approve a parking plan. The plan shall also include anticipated temporary parking, e.g. delivery vehicles, large equipment parking.

C. Deliveries. The Construction Mitigation Plan shall identify proposed delivery locations and routes. Deliveries of construction materials and supplies including concrete may be regulated as to time and routing if such deliveries will cause unreasonable noise, parking, or access issues. In order to reduce the number of delivery trips to construction sites, the stockpiling of materials on or near the site may be required. In the case of multiple construction sites in close proximity, a common materials storage and staging site may be required.

D. Construction Phasing. Due to the narrow streets, small lot configuration, topography, traffic circulation, weather, construction parking and material staging problems, projects in the Historic District and other areas of the City may be required to be phased if more than one project is under construction in close enough proximity to create public safety or nuisance problems. In cases where phasing is deemed necessary by the Community Development Department, the first project to receive a building permit shall have priority, however, the Building Official shall have the authority to phase projects as necessary to assure efficient, timely and safe construction.

E. Trash Management and Recycling. Construction sites shall provide adequate storage and a program for trash removal.

F. Control of Dust and Mud on Streets. A program for the control of dust or other airborne debris shall be required. Provision must be made to eliminate the tracking of mud on streets and a program shall be required to remove any such mud daily.

G. Noise. Construction activity shall not exceed the noise standards as specified in Section 6-3-9 of the Park City Municipal Code.

H. Grading and Excavation. Because of the truck hauling involved in grading and excavation, restrictions on trucking routes as well as the hours of operation may be necessary to mitigate the adverse impacts from such operations. Destination and total cubic yards of excavated material shall be noted.

I. Construction Sign Requirements. A sign, indicating the name of the party responsible for the Project shall be posted in a location where such sign is readable from the street or driveway to the construction site. The sign shall not exceed 12 square feet in size, six feet in height and shall not exceed a letter type of 4". Information on the sign shall include, at a minimum:

1. Name, address and phone number of contractor;
2. Name, address, and phone number of person responsible for the project; and
3. Phone number of party to call in case of emergency.

No additional fee is required for this sign.

SECTION 22. TOILET FACILITIES AND CONTAINERIZED TRASH SERVICE REQUIRED.

A. The Contractor shall obtain and maintain on the site a container of suitable size and design to hold and confine trash, scraps, and other construction related refuse created or accumulated on the site. All such construction refuse shall be maintained in a closed container at all times, until transferred to the landfill. Containers may be placed in setback areas, provided that the placement of the container does not obstruct the view of motorists on adjoining streets and thereby create traffic hazards. Contractor shall not permit accumulated debris, litter, or trash on the construction site to blow or scatter onto adjoining properties, including the public street or to accumulate on the site outside of the container, or on transit to the landfill or dump. The owner or contractor shall service the container as frequently as needed to prevent trash from over-flowing.

B. The Project site shall have permanent toilets, or an approved temporary toilet facility positioned in a location approved by the Building Department, at the rate of one toilet per fifteen on-site employees (1-15 employees = one toilet, 16-30 employees= two toilets and so on).

SECTION 23. OBEY LAWS. Contractor shall obey all laws, ordinances and regulations of the United States, the State of Utah, and Park City in performing this Agreement.

SECTION 24. NONDISCRIMINATION.

A. The City is an equal opportunity employer.

B. In the performance of this Agreement, the Contractor will not discriminate against any employee or applicant for employment on the grounds of race, creed, color, national origin, sex, marital status, age or the presence of any sensory, mental or physical handicap; provided that the prohibition against discrimination in employment because of handicap shall not apply if the particular disability prevents the proper performance of the particular worker involved. The Contractor shall ensure that applicants are employed, and that employees are treated during employment without discrimination because of their race, creed, color, national origin, sex, marital status, age or the presence of any sensory, mental or physical handicap. Such action shall include, but not be limited to: employment, upgrading, demotion or transfers, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and programs for training including apprenticeships. The 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. The Contractor will not discriminate against any recipient of any services or benefits provided for in this Agreement on the grounds of race, creed, color, national origin, sex, marital status, age or the presence of any sensory, mental or physical handicap.

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.

SECTION 25. THIRD PARTY RIGHTS. Nothing herein is intended to confer rights of any kind in any third party. No member, officer, or employee of the City shall have any interest, direct or indirect, in this Agreement or the proceeds thereof.

SECTION 26. PROJECT MANAGER/ENGINEER. The Project Manager/Engineer for this Project is Paul Jerominski, or such other person designated by the City Engineer or Public Works Director to the Contractor orally or in writing.

SECTION 27. PARTIES' REPRESENTATIVES. For purposes of notice required or desired by the parties, or communication involving the services under this Agreement, such notice or communication shall be deemed to have been given when personally delivered or mailed, or sent by facsimile transmission certified mail, postage pre-paid, to the parties at the following addresses:

Contractor: Casey Carlsen, or such other person designated in writing by the Contractor's chief administrative officer, at the Contractor's address set out first above;

Park City: Project Manager/Engineer, at the address set out first above for the City, or when given to such other person as either of the above representatives shall designate in writing. The designation of any address may be changed by notice given in the same manner as provided in this paragraph.

SECTION 28. SEVERABILITY. Should any part of this Agreement for any reason be declared invalid, such decision shall not affect the validity of any remaining provisions, which remaining provisions shall remain in force and effect as if this Agreement had been executed with the invalid portion thereof eliminated, and it is hereby declared the intention of the parties that they would have executed the remaining portion of this Agreement without including any such part, parts, or portions which may, for any reason, be hereafter declared invalid. If any provision of this Agreement is held invalid or unenforceable with respect to particular circumstances, such provision shall nevertheless remain in full force and effect in all other circumstances.

IN WITNESS WHEREOF, the parties have entered into this agreement on the day and year set out at the top of this Agreement.

PARK CITY MUNICIPAL CORPORATION

Tom Bakaly, City Manager

ATTEST:

City Recorder's Office

APPROVED AS TO FORM:

City Attorney's Office

Landmark Excavating, Inc
560 South 100 West, Suite 7
Provo, UT 84601

Signator, Title

6159918-5501

Utah Contract License No.

Corporate Acknowledgment

STATE OF UTAH)
) ss.
COUNTY OF SUMMIT)

On this ____ day of _____, _____, personally appeared before me (signator), whose identity is personally known to me/or proved to me on the basis of satisfactory evidence and who by me duly sworn/affirmed), did say that he/she is the (title or office) of (Contractor business name) by Authority of its Bylaws/Resolution of the Board of Directors, and acknowledged to me that said Corporation executed the same.

Notary Public



City Council Staff Report

Subject: Environmental Strategic Plan Update
Author: Diane Foster
Department: Sustainability
Date: January 22, 2009
Type of Item: Administrative

Summary Recommendations:

Staff recommends City Council review and approve the Environmental Strategic Plan update.

Description:

Environmental Strategic Plan

Background:

In June of 2007 City Council adopted an action plan as part of the Environmental Strategic plan for Park City. That plan was last updated in November of 2007. In August of 2008 Council reviewed and provided input on the updated plan. This version of the plan includes several updates since August.

In August, staff discussed the following three major questions with Council. Direction provided in August by Council is in blue::

1. Does Council want to establish measurable objectives for some of the elements of the Environmental Sustainability Strategic Plan? (Example: Reduce municipal carbon emissions by 2% in the next year.) **Council decided it did want to establish measurable objectives for some of the elements of the strategic plan, but it wanted those goals to be reasonable, achievable and built from the bottom up. One example of Council direction: staff was directed to develop internal municipal reduction goals after working with each department to understand expected increases in service and then identify a carbon reduction action plans and associated department goals.**
2. Is Council wanting to pursue more environmental regulatory requirements? (Examples: regulating use of plastic bags, water conservation building standards) **At that time, Council did not want to pursue more environmental regulatory requirements such as regulating the use of plastic bags. However, Council did indicate that, in the future, they would be willing to consider good ideas related to regulatory requirements.**
3. Is Council willing to provide financial incentives – and how much – for environmental improvements by private citizens? (Examples: solar panels, xeriscaping, dual flush toilets) **At that time, Council did not want to consider**

providing financial incentives; however, they again held open the door to possible consideration in the future.

In August 2008 Council also received an update on these completed and current projects. Updates to these projects are included in blue:

Increased Municipal Recycling

Over the course of the past four months, staff has worked with all City departments to place recycling bins in all appropriate city facilities. Additionally, staff has worked with Public Works to put recycling bins on Main Street and in major City-owned parks and has contracted for recycling pickup.

Energy Conservation within Municipal Facilities

Council approved the Johnson Controls project in June 2008 and work on the project has already begun. This contract includes 51 distinct facility improvements ranging from replacement of lighting fixtures to replacement of toilets to installation of photovoltaic solar panels.

The contract calls for \$1.4 million in improvements that will result in:

- a \$99,138 annual savings in energy bills;
- a 2,296 ton annual reduction in carbon emissions – 13.5% of total municipal emissions (equivalent to planting 183,000 trees every year); and
- an annual water savings of 1.8 million gallons of water each year.

This project is at 90% of completion and on schedule. A few items were pulled from the upgrade list where we determined either we would not have operational control of the upgrade or the planned renovations made it unwise to upgrade at this time. These planned but not implemented upgrades included lighting in the Gateway parking garage (we do not own the space) and lighting and furnace upgrades to the Racquet Club, where it was determined that these systems would be impacted by the planned renovation. Major items not yet include installation of solar panels and a heat recovery system for the ice facility. Performance feedback on the upgrades has been generally good and where systems did not perform exactly to specifications, adjustments were made.

Municipal Carbon Footprint

Staff began this project in May of 2008 and will deliver results to City Council on August 21, 2008. Staff recommends Council establish a municipal-wide performance goal and direct the Environmental Sustainability Team to work with other municipal departments to establish departmental-specific environmental performance goals. This project was completed and staff provided an update to Council on August 21, 2008. Since that time staff has been working with each department to develop carbon reduction plans and associated goals. Staff plans on bringing the department-level reduction plans to Council Spring 2009.

Reinitiate Wasatch Back Environmental Alliance

This environmentally-focused group comprised of non-profits, for-profits and government had been dormant for 11 months. In May of 2008 staff called a meeting to re-establish this group. The group now has over 25 regularly participating organizations as well as a website (<http://www.wasatchback.net/>). Importantly, while staff has a leadership role as part of the WBEA's Advisory Board, the group is run by community organizations.

Wind Testing at Park City Ice Arena & Sports Complex

In July of 2008, as property owner, Council voted to test the potential wind resource on city property adjacent to the Park City Ice Arena & Sports Complex to determine if a wind turbine should be placed at that location. Subject to obtaining regulatory approvals, a 70- foot high tower with two anemometers will either be placed on Park City's Lot 5 at Quinns and/or, pending successful negotiations with IHC, on Lot 2 of the IHC/USSA subdivision. Should testing prove there is good potential for energy production, the Sustainability Department would seek Planning approvals and necessary code or zoning amendments to install a permanent wind turbine (also on a 70 foot tower) to generate electricity at the same location tested. Negotiations with IHC are already under way. Staff will go before the Board of Adjustment on August 19 to request a temporary special exception to the zone height limit for the anemometers. Staff received a temporary special exception from the BOA. Staff then worked with the Utah State Energy Program to borrow an anemometer, instead of spending grant money for testing. IHC approved the installation of the anemometer on their parcel near the ice facility. The anemometer was installed on September 30, 2008. Staff will report results of wind testing to Council in the spring.

Community Education & Promoting Partnerships

Staff has completed an environmental sustainability flyer that describes Park City's recent environmental achievements, foreshadows upcoming projects and identifies ways citizens can get involved in local environmental activities. Included in this flyer is information about all of the local environmental non-profits. The flyer was printed on 100% recycled, chlorine free paper and the carbon emissions from the entire project were offset with green tags/renewable energy credits (\$40 donation used).

Community Carbon Footprint

City Council approved the funding of a Community Carbon Footprint with the amended budget for FY2009. Staff published a Request for Proposal in July seeking support from an experienced consulting firm in completing this analysis and six responses were received. A selection committee was formed that included representatives from other departments and a vendor was selected. Staff will be coming to Council on August 28 for contract approval. Council approved a contract with The Brendle Group and work began on September 23. The data collection phase is completed and a draft report was presented to the 25-member Community Carbon Advisory Group (this group includes Mayor Dana Williams and Councilperson Liza Simpson as well as department representation from Water, Transportation, Public Works and Sustainability. Staff anticipates the final report and presentation to Council in February/March 2009.

Analysis:

Staff has taken the following steps to reorganize the 2006 Environmental Strategic Plan:

1. all elements from the November 2006 Environmental Strategic Plan have been included them in the revised plan;
2. projects & tasks have been aligned under specific objectives; and
3. objectives are aligned with Council goals.

This organization should allow Council to more easily see how projects align under Council goals and to give staff direction on priorities. Below are the proposed objectives, aligned under Council's goals:

GOAL 1. Preserve and enhance the ecological systems and diversity of the City and, in turn, the Region

ID	Action #	Description
Objective	1.0	Reduce Municipal carbon & greenhouse gas emissions ___ below 2007 levels by ___
Objective	1.1	Reduce Municipal water consumption by ___% by _____
Objective	1.2	Reduce Municipal ecological footprint by ___% by _____
Objective	1.3	Reduce Park City's <i>community</i> CO2 emissions ___ below 2007 levels by _____
Objective	1.4	Reduce Park City's <i>community</i> water consumption by ___% by _____
Objective	1.5	Reduce Park City's <i>community</i> ecological footprint by ___% by _____
Objective	1.6	Minimize liability and proactively address potential environmental issues
Objective	1.7	Complete environmental regulatory commitments

GOAL 2. Encourage the efficient use of all resources in order to ensure a future with a secure and sustainable energy supply

Objective	2.0	Develop General Municipal Building Efficiency Measures
Objective	2.1	Develop Internal Municipal Policies that encourage conservation
Objective	2.2	Increase Park City's community-wide recycling rates by _____% by _____
Objective	2.3	Increase utilization and visibility of renewable energy in Park City
Objective	2.4	Explore city-supported environmental sustainability programs for residents

GOAL 3. Encouraging environmental stewardship and protection of Park City's natural environment through sharing of environmental information with the community and active, meaningful community participation

Objective	3.0	Support local organizations that educate the public, schools, other jurisdictions, professional associations, business and industry about reducing global warming pollution
Objective	3.1	Support discussions for transit options between Park City and surrounding areas
Objective	3.2	Strengthen the State Residential Energy Code through strongly advocating for state and national policies that conserve energy, reduce carbon emissions and conserve water

Objective	3.3	Play an active role in environmental community education and outreach
Objective	3.4	Stay current on environmental initiatives, concepts & best practices
Objective	3.5	Encourage greater community participation in the creation of renewable energy projects in Park City

GOAL 4. Incorporate environmental considerations as an integral part in assessing growth management options, land use plans, transportation plans and development proposals.

Objective	4.0	Reduce community-wide energy consumption & reduce community-wide energy costs
Objective	4.1	Increase utilization of alternative transportation
Objective	4.2	Maintain air quality at current levels
Objective	4.3	Improve visibility of night sky
Objective	4.4	Pursue a regulatory role to increase energy efficiency in new construction as well as remodels

GOAL 5. Continue to review and investigate best practices that have the potential of substantially improving the environment

Objective	5.0	Ensure the Environmental Sustainability Plan keeps pace with technology, nation-wide trends and the community's collective interests
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In addition to asking Council to affirm these goals and objectives, staff would like to discuss the following specific items with City Council:

Community Carbon & Water Website

Through the facilitation and support of the Park City Foundation, Park City Municipal received an \$86,740 grant from The Knight Foundation to build a website that will facilitate the reduction of carbon emissions and water consumption in our community. This website will help to further Council's goal to "Encourage the efficient use of all resources in order to ensure a future with a secure and sustainable energy supply, safe/reliable water, and clean air."

Using the website, residents and part-time residents can measure their carbon and water impact, compare that information to others in Park City and learn about actions they can take to reduce consumption. Users will also be able to find out the latest information on tax and utility company incentives, customized for Park City.

Staff has issued a RFP to find a vendor/partner to build the website. Staff will be coming to Council in February to request approval of a contract. The hope is to launch a first phase of the website in conjunction with a "Save Our Snow II" event that the Park City Foundation will be hosting sometime in the spring of 2009.

Eco-footprint

The 2006 Environmental Strategic Plan included a project to measure Park City Municipal's ecological footprint as well as measure Park City's community ecological footprint. Discussions with Council liaisons to the City's environmental sustainability

goals indicate this may be a lower-priority goal or perhaps a goal Council would want to move to the Waiting List for future consideration.

Green Building

Staff would like to confirm its understanding of the intent of the section of the CIP green building policy that addressed building to LEED standards. It is staff's understanding that the intent of the policy is to architect the new building or remodel to LEED standards and then have internal city staff confirm that all planned green building elements have been incorporated into the project, as specified.

Air Quality Monitoring

Over the past few months, staff has been discussing air quality monitoring in Park City. Staff is recommending that Council direct staff to develop a comprehensive air quality monitoring project that would include several monitoring stations. This plan would include identification of costs associated with hiring a firm to conduct the testing. Additionally, this plan would include planning for minimizing emissions with institutional controls or requiring best available control technology, should any of the air quality elements measured not meet standards prescribed in the Clean Air Act. This effort is jointly supported by the Building and Sustainability Departments.

Recommendation:

Staff recommends City Council review and approve the Environmental Strategic Plan update.

Attachments:

Exhibit A – Resolution approving January 2009 Environmental Strategic Plan

Exhibit B – January 2009 Environmental Strategic Plan with Projects

Exhibit C - Staff report from August 21, 2008 containing proposed Environmental Strategic Plan Update

Exhibit D - June 2007 Staff Report – Last Adoption of Environmental Strategic Plan

Exhibit A – Resolution approving January 2009 Environmental Strategic Plan

Resolution No. __-09

RESOLUTION DECLARING PARK CITY'S VISION, GOALS, POLICIES AND ACTION PLAN IN PROMOTION OF ENVIRONMENTAL INITIATIVES FOR PARK CITY MUNICIPAL AND THE COMMUNITY

WHEREAS, Park City recognizes that a healthy natural environment is critical to well-being of our society.

WHEREAS, Park City aims to provide long-term environmental health for the Park City region through efficient use of resources, protection of the quality and diversity of the local environment upon which the community depends.

WHEREAS, Park City will continually improve the efficient use of all energy resources in order to ensure a future with a secure and sustainable energy supply.

WHEREAS, Park City encourage environmental stewardship and protection of Park City's natural environment through sharing of information and collaboration with the community, community groups, as well as local, state and federal agencies.

WHEREAS, Park City desires to incorporate environmental considerations as an integral part in assessing growth management options, land use plans, transportation strategies and development proposals, and overall sustainable community design.

WHEREAS, Park City will continue to review and investigate best practices that have the potential of substantially improving the environment.

NOW THEREFORE, be it resolved by the City Council of Park City as follows:

GOAL 1. Preserve and enhance the ecological systems and diversity of the City and, in turn, the Region

ID	Action #	Description
Objective	1.0	Reduce Municipal carbon & greenhouse gas emissions __ below 2007 levels by __
Objective	1.1	Reduce Municipal water consumption by __ % by ____
Objective	1.2	Reduce Municipal ecological footprint by __ % by ____
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Objective	1.5	Reduce Park City's <i>community</i> ecological footprint by __ % by ____
Objective	1.6	Minimize liability and proactively address potential environmental issues
Objective	1.7	Complete environmental regulatory commitments

GOAL 2. Encourage the efficient use of all resources in order to ensure a future with a secure and sustainable energy supply

Objective	2.0	Develop General Municipal Building Efficiency Measures
Objective	2.1	Develop Internal Municipal Policies that encourage conservation
Objective	2.2	Increase Park City's community-wide recycling rates by ____ % by ____
Objective	2.3	Increase utilization and visibility of renewable energy in Park City

Objective 2.4 Explore city-supported environmental sustainability programs for residents

GOAL 3. Encouraging environmental stewardship and protection of Park City's natural environment through sharing of environmental information with the community and active, meaningful community participation

Objective 3.0 Support local organizations that educate the public, schools, other jurisdictions, professional associations, business and industry about reducing global warming pollution

Objective 3.1 Support discussions for transit options between Park City and surrounding areas

Objective 3.2 Strengthen the State Residential Energy Code through strongly advocating for state and national policies that conserve energy, reduce carbon emissions and conserve water

Objective 3.3 Play an active role in environmental community education and outreach

Objective 3.4 Stay current on environmental initiatives, concepts & best practices

Objective 3.5 Encourage greater community participation in the creation of renewable energy projects in Park City

GOAL 4. Incorporate environmental considerations as an integral part in assessing growth management options, land use plans, transportation plans and development proposals.

Objective 4.0 Reduce community-wide energy consumption & reduce community-wide energy costs

Objective 4.1 Increase utilization of alternative transportation

Objective 4.2 Maintain air quality at current levels

Objective 4.3 Improve visibility of night sky

Objective 4.4 Pursue a regulatory role to increase energy efficiency in new construction as well as remodels

GOAL 5. Continue to review and investigate best practices that have the potential of substantially improving the environment

Objective 5.0 Ensure the Environmental Sustainability Plan keeps pace with technology, nation-wide trends and the community's collective interests

SECTION 3. EFFECTIVE DATE. This resolution shall become effective upon adoption.

PASSED AND ADOPTED this 22nd day of January 2009.

PARK CITY MUNICIPAL CORPORATION

Mayor Dana Williams

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney

Exhibit B – January 2009 Environmental Strategic Plan with Projects

ENVIRONMENTAL SUSTAINABILITY STRATEGIC PLAN - *update January 2009*

Environmental Goals

1. Preserve and enhance the ecological diversity of the City and the Region.
2. Encourage the efficient use of all resources in order to ensure a future with a secure and sustainable energy supply, safe/reliable water, and clean air.
3. Encourage environmental stewardship and protection of Park City's natural environment through sharing of information and collaboration with the community, community groups, as well as local, state and federal agencies.
4. Incorporate environmental considerations as an integral part in assessing growth management options, land use plans, transportation strategies and development proposals, and overall sustainable community design.
5. Continue to review and investigate best practices that have the potential of substantially improving the environment.
6. Continue to monitor the environment with representative air, water, and soil sampling protocol.

Environmental Vision

PCMC views the environment as air, surface/ground/culinary water, land, soil, native vegetation, etc. Park City will provide long-term environmental health for the region through efficient use of resources, protection of the quality and diversity of the local environment upon which the community depends. As a guiding principle, the City will consistently strive to sustain its vibrant multi-seasonal destination resort community in a manner that protects and enhances its natural environment.

Environmental Policies

- >Comply with the U.S. Mayors Climate Protection Agreement signed on May 19, 2005
- >Mitigate historic mining impacts
- >Promote implementation of conservation programs that assist in maintaining wildlife habitat and wildlife corridors.
- >Pursue open space protection opportunities
- >Improving surface water quality to the East Canyon Creek watershed and Silver Creek watershed
- >Encourage best available green building practices for city and private development
- >Look to increase the amount of clean and renewable energy purchased and utilized
- >Encourage year-round community water conservation programs
- >Pursue model environmental sustainability projects that are working symbols of the city's commitment
- >Increase recycling levels in City operations and in the community
- >Continue the City's strong leadership example through participation on boards, groups and working together with other organizations
- >Direct and comment on environmental regulatory policy that has the potential of impacting Park City, citizens and other stakeholders.
- >Reduce sprawl, preserve open space, and create compact, walkable urban communities
- >Promote Alternative Transportation
- >Promote "reasonable accommodation"/"complete streets" practices in City's annexation, MPD and CUP processes.

Action Plan

Key An **Objective** is something that Council may want to accomplish. It is the outcome or end result.
A **Project** is something that support the Objective. It is how the Objective is achieved.

GOAL 1. Preserve and enhance the ecological systems and diversity of the City and, in turn, the Region

Status	ID	Action #	Old #	Description
new	Objective	1.0		Reduce Municipal carbon & greenhouse gas emissions __ below 2007 levels by __.
Completed	Project	1.0a	1.1	Join ICLEI - Local Governments for Sustainability. Through the membership ICLEI will provide the City tools to inventory global warming emissions of municipal operations and community emissions.
Completed Top Priority 11/2007	Project	1.0b	1.2	Inventory CO2 emissions from City operations
In Process	Project	1.0c		Establish municipal CO2 emission reduction goal
Not Started - Top Priority 11/2007	Project	1.0d	1.4	Adopt a Resolution outlining the process to measure progress in meeting the target of reducing the municipal operation's climate pollution by seven percent or greater by 2012 compared to 1990 levels.
In Process Top Priority 11/2007	Project	1.0e	2.1c	Implement needed efficiency upgrades (Johnson Controls project) (same as 2.0d)
In Process	Project	1.0f		Complete municipal CO2 emissions inventory section of ICLEI Milestone 1
In Process	Project	1.0g		Work with municipal departments to create department-level CO2 emission reduction goals
new	Project	1.0h		Create monthly reporting system for measurement against department goals
Not Started - Top Priority 11/2007	Project	1.0i	1.5	Implementation and technical support for this Municipal Action Plan including convening an interdepartmental Climate Team that will coordinate, track and report on implementation progress and develop climate protection performance measures to be integrated into departments' existing performance measures
new	Objective	1.1		Reduce Municipal water consumption by __ % by ____
In Process	Project	1.1a		Inventory water consumption of City operations
new	Project	1.1b		Establish municipal water consumption reduction goal
new	Project	1.1c		Work with municipal departments to set department-level water consumption reduction goals

new	Project	1.1d		Create monthly reporting system for measurement against department goals	
new Not Started - Top Priority 11/2007	Objective Project	1.2 1.2a	1.3	Reduce Municipal ecological footprint by ___ % by _____ Discuss conducting an ecological footprint for municipal operations	
new In Process	Objective Project	1.3 1.3a	1.7	Reduce Park City's community CO2 emissions __ below 2007 levels by ___ Inventory community-wide CO2 emissions	
new	Project	1.3b		Complete community CO2 emissions inventory section of ICLEI Milestone 1	
new	Project	1.3c		Establish community CO2 emission reduction goal	
new	Project	1.3d		Establish sector-level CO2 emission reduction goals	
new	Project	1.3e		Create monthly reporting system for measurement against goals	
new	Project	1.3f		Implementation and technical support for a Community Action Plan (<i>this is a huge task</i>)	
new In Process	Objective Project	1.4 1.4a		Reduce Park City's community water consumption by __ % by _____ Inventory water consumption of entire community	
new	Project	1.4b		Establish community-wide water consumption reduction goal	
	Project	1.4c	4.8	Make water conservation a priority through funding and supporting water conserving landscape enforcement through code enforcement.	
new new	Objective Project	1.5 1.5a		Reduce Park City's community ecological footprint by ___ % by _____ Discuss conducting an ecological footprint for the entire community	
Building Department Objectives & Projects within Environmental Plan (Jeff Schoenbacher)					
	Objective	1.6		Minimize liability and proactively address potential environmental issues	
			1.6a	Embark upon a comprehensive air quality monitoring program	
			1.6b	Improve City input to watersheds	
			1.6c	Review, identify and prioritize available Control Technology that minimizes air and water pollution for City use.	
	Objective	1.7		Complete environmental regulatory commitments	
			1.7a	Fund and administer the Environmental Management System	
			1.7b	Increase property owner use of the top soil assistance program	
			1.7c	Fund the Environmental Management System (EMS) as approved by UDEQ and USEPA and as obligated for delisting Prospector Development.	

In process - Top
Priority 11/2007

- 1.7d Fund City's Storm Water Management Plan as approved by UDEQ and USEPA and required under the Phase II Rule of the Clean Water Act.
- 1.7e Meet regulatory the requirements for the Comprehensive Environmental Response, Clean Air Act, Clean Water Act, Comprehensive Environmental Response, Compensation, and Liability Act, Resource Conservation and Recovery Act, and the Conservation Reserve Program.
- 1.7f Comply with State and Federal Environmental Laws that are applicable to City Departments.
- 1.7g Enforce institutional controls that are designed to protect human health and the environment from historic impacts (i.e. soils ordinance, EMS Program).
- 1.7h Construction of the Biocell for the Prospector Drain

GOAL 2. Encourage the efficient use of all resources in order to ensure a future with a secure and sustainable energy supply

Top Priority 11/2007	Objective	2.0	2.1	Develop General Municipal Building Efficiency Measures
Completed	Project	2.0a	2.1a	Adopt a Green Building Policy for Capital Projects
Completed Top Priority 11/2007	Project	2.0b	2.1b	Perform building efficiency audits to identify upgrades for all types of building systems
Completed Top Priority 11/2007	Project	2.0c	2.1c	Prioritize needed efficiency upgrades
In Process Top Priority 11/2007	Project	2.0d	2.1c	Implement needed efficiency upgrades (Johnson Controls project)

Completed Top Priority 11/2007	Objective	2.1		Develop Internal Municipal Policies that encourage conservation
	Project	2.1a	2.2	Develop and Implement Citywide green purchasing policy
In Process	Objective	2.1b	2.3	Improve the efficiency of all city vehicles
Top Priority 11/2007	Project	2.1c	2.4	Continue with quarterly energy use challenges among all city facilities
In Process	Objective	2.1d	2.5	Increase recycling rates in City operations
Completed	Project	2.1e	2.5a	Contract for municipal recycling services for Main Street and City Parks

	Objective	2.2	2.7	Increase Park City's community-wide recycling rates by ____ % by ____.
In Process	Project	2.2a	2.7a	Investigate single stream collection of recyclables

In Process	Project	2.2b	2.7b	Establish a municipal green waste and construction waste recycling program
	Project	2.2c	new	Work with Summit County on the revision to the Solid Waste Master Plan to ensure Park City's recycling goals are supported in the plan
In Process	Project	2.2d	new	Work with HMBA to improve the recycling rates of Main Street Businesses

new	Objective	2.3		Increase utilization and visibility of renewable energy in Park City
In Process	Project	2.3a		Test the wind resource potential next to the Ice Rink at Quinn's and create high quality educational displays
In Process	Project	2.3b		Install Solar panels and a high quality educational display on the Ice Rink at Quinn's
new	Project	2.3c		Work with partner organizations to increase participation in renewable energy purchases

new	Objective	2.4		Explore city-supported environmental sustainability programs for residents
new	Project	2.4a		Create a grant or loan program to support "100 solar roofs" (either solar electric or solar hot water) in Park City

GOAL 3. Encouraging environmental stewardship and protection of Park City's natural environment through sharing of environmental information with the community and active, meaningful community participation

	Objective	3.0	3.1	Support local organizations that educate the public, schools, other jurisdictions, professional associations, business and industry about reducing global warming pollution.
In Process	Project	3.0a	3.3	Continue to play an active role in the Wasatch Back Environmental Alliance
	Project	3.0b	3.8	Support the Summit County Health Department in their investigation and programs regarding air quality.
	Project	3.0c	3.11	Co-sponsor & promote educational programs

	Objective	3.1	3.2	Support discussions for transit options between Park City and surrounding areas.
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	Objective	3.2	3.4	Strengthen the State Residential Energy Code through strongly advocating for state and national policies that:
				o increase investment in public transit and other infrastructure that makes alternatives to motor vehicles more convenient and affordable;
				o increase the fuel efficiency of motor vehicles as well as development and use of

alternative fuels;
o encourage energy utilities to fully support and implement cost effective conservation and meet new demand with renewable energy sources;
o and other measures to reduce our state and national impact on the global climate.

In Process	Objective	3.3		Play an active role in environmental community education and outreach
	Project	3.3a	3.5	Launch a quarterly award recognizing a community member or business for their positive environmental impact. (environmental heroes)
	Project	3.3b		Actively engage with high school Environmental Club by creating an internship
	Project	3.3c	3.6	Investigate launching either solely or in cooperation with other entities a Community Climate Partnership. The Partnership would work together to help set and meet community-wide reduction goals. <i>(this would be a big task)</i>
	Waiting List	3.3d		Improve web presence (ParkCity.org) for Environmental Sustainability Initiatives
new completed?	Project	3.3e	3.7	Promote use of bio-diesel fuel to other businesses with fleet vehicles
	Project	3.3f	3.9	Increase water conservation education by _____?

	Objective	3.4	3.10	Stay current on environmental initiatives, concepts & best practices
	Project	3.4a	3.10	Attend appropriate conferences & seminars

	Objective	3.5		Encourage greater community participation in the creation of renewable energy projects in Park City
new	Project	3.5a		create working group/task force focused on testing renewable energy options in Park City?

GOAL 4. Incorporate environmental considerations as an integral part in assessing growth management options, land use plans, transportation plans and development proposals.

new	Objective	4.0		Reduce community-wide energy consumption & reduce community-wide energy costs
	Project	4.0a	4.1	Promote sustainable building practices using the U.S. Green Building Council's LEED program, ASHRAE's green building standards or a similar system;
	Project	4.0b	4.3	Education series for City employees to help identify green building elements in projects when reviewing plans with applicants

new	Objective	4.1		Increase utilization of alternative transportation
	Project	4.1a	4.2	Adopt “reasonable accommodation”-“complete street” standards as part of annexation and LMC requirements.
Top Priority 11/2007	Project	4.1b	4.5	Adopt and enforce land-use policies that reduce sprawl, preserve open space, and create compact, walkable urban communities;
	Project	4.1c	4.9	Promote transportation options such as bicycle trails, commute trip reduction programs, flex hour schedules, incentives for car pooling and public transit;
In process - Top Priority 11/2007	Project	4.1d	4.10	Implement recommendations from the Walkability Study which Significantly Expand Bicycling and Pedestrian Infrastructure
In process - Top Priority 11/2007	Project	4.1e	4.11	Develop an Employee Carpooling Campaign (Transportation & HR taking the lead)
	Project		1.9	Launch a program promoting employee use of alternative sustainable transportation
new	Waiting List	4.1f		
In process - Top Priority 11/2007	Project	4.1g	4.12	Target a location for a Park and Ride lot and investigate alternative transportation options from the lot
	Not sure	4.1h	4.13	Enhance current trail system and identify new trail opportunities

new	Objective	4.2		Maintain air quality at current levels
	Project	4.2a		Embark upon a comprehensive air quality monitoring program (same as 1.6a)
	Project	4.2a	4.7	Adopt Code changes that work to keep our Air Quality at current levels

new	Objective	4.3		Improve visibility of night sky
	Project	4.3a	4.6	Review and adopt any needed changes to the Night Sky Ordinance

new	Objective	4.4		Pursue a regulatory role to increase energy efficiency in new construction as well as remodels
	Project	4.4a	4.4	Set minimum standards that require energy efficiency and green building design for construction projects in the General Plan, annexation policies and Land Management Code amendments to the MPD and CUP sections.

GOAL 5. Continue to review and investigate best practices that have the potential of substantially improving the environment

new	Objective	5.0		Ensure the Environmental Sustainability Plan keeps pace with technology, nation-wide trends and the community's collective interests
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new	Project	5.0a		Update the City Council biannually on the Municipal Action Plan as part of the City's budget process.
new	Project	5.0b		Participate in the Community Visioning process to understand the community's collective environmental interests (<i>however this is not the primary focus of the community visioning process</i>)
	Project	5.0c	5.1	Return on a yearly basis to recommend and implement modifications to improve program effectiveness.

Waiting List. Items identified by Council outside of the review of the strategic Plan.

	Potential Objective?	#1 EPA green power community? (goal)	
	Potential Objective?	Additional Performance Measures / metrics?	
	Potential Project?	Water conservation through new landscape requirements in code?	
	Potential Project?	Card key activated light switches for hotels?	
	Potential Project?	Snow melt system tax?	
	Potential Project?	Get software to track progress? (such as Visible Strategies?)	
	Potential Project?	Recycling in Master Festival (event) License	
	Potential Project?	Green cleaning products for municipal facilities	
	Potential Project?	Reduce the number of people renting cars (one possibility: Green Start Program)	
	Potential Project?	Green Start Program	
	Potential Project?	Improve web presence (ParkCity.org) for Environmental Sustainability Initiatives	
	Potential Project?	Investigate alternative forms of transportation for employees to use while at work (electric cars, electric motorcycles, Segway, etc.)	
	Potential Project?	Free/preferred parking for hybrids/electric cars	

Exhibit C - Staff report from August 21, 2008 containing proposed Environmental Strategic Plan Update



Subject: Environmental Strategic Plan Update
Author: Diane Foster
Department: Sustainability
Date: August 21, 2008
Type of Item: Administrative

Summary Recommendations:

Review the status of the initiatives identified on the Environmental Strategic plan as well as proposed updates to the plan.

Description:

Environmental Strategic Plan

Background:

In June of 2007 City Council adopted an action plan as part of the Environmental Strategic plan for Park City. That plan was updated in November of 2007. At the plan's inception, City Council agreed to review the plan and modify and/or add additional action steps twice each year.

Analysis:

Staff would like to discuss the following three major questions with Council, in addition to receiving direction on top priorities for the next six months:

4. Does Council want to establish measurable objectives for some of the elements of the Environmental Sustainability Strategic Plan? (Example: Reduce municipal carbon emissions by 2% in the next year.)
5. Is Council wanting to pursue more environmental regulatory requirements? (Examples: regulating use of plastic bags, water conservation building standards)
6. Is Council willing to provide financial incentives – and how much – for environmental improvements by private citizens? (Examples: solar panels, xeriscaping, dual flush toilets)

In support of this discussion, the Environmental Strategic Plan adopted by Council in November 2007 is attached (Exhibit A) along with a draft of a revised plan (Exhibit B).

Completed and Current Major Projects

Increased Recycling

Over the course of the past four months, staff has worked with all City departments to place recycling bins in all appropriate city facilities. Additionally, staff has worked with

Public Works to put recycling bins on Main Street and in major City-owned parks and has contracted for recycling pickup.

Energy Conservation within Municipal Facilities

Council approved the Johnson Controls project in June 2008 and work on the project has already begun. This contract includes 51 distinct facility improvements ranging from replacement of lighting fixtures to replacement of toilets to installation of photovoltaic solar panels.

The contract calls for \$1.4 million in improvements that will result in:

- a \$99,138 annual savings in energy bills;
- a 2,296 ton annual reduction in carbon emissions – 13.5% of total municipal emissions (equivalent to planting 183,000 trees every year); and
- an annual water savings of 1.8 million gallons of water each year.

Municipal Carbon Footprint

Staff began this project in May of 2008 and will deliver results to City Council on August 21, 2008. Staff recommends Council establish a municipal-wide performance goal and direct the Environmental Sustainability Team to work with other municipal departments to establish departmental-specific environmental performance goals.

Reinitiate Wasatch Back Environmental Alliance

This environmentally-focused group comprised of non-profits, for-profits and government had been dormant for 11 months. In May of 2008 staff called a meeting to re-establish this group. The group now has over 25 regularly participating organizations as well as a website (<http://www.wasatchback.net/>). Importantly, while staff has a leadership role as part of the WBEA's Advisory Board, the group is run by community organizations.

Wind Testing at Park City Ice Arena & Sports Complex

In July of 2008, as property owner, Council voted to test the potential wind resource on city property adjacent to the Park City Ice Arena & Sports Complex to determine if a wind turbine should be placed at that location. Subject to obtaining regulatory approvals, a 70- foot high tower with two anemometers will either be placed on Park City's Lot 5 at Quinns and/or, pending successful negotiations with IHC, on Lot 2 of the IHC/USSA subdivision. Should testing prove there is good potential for energy production, the Sustainability Department would seek Planning approvals and necessary code or zoning amendments to install a permanent wind turbine (also on a 70 foot tower) to generate electricity at the same location tested. Negotiations with IHCare already under way. Staff will go before the Board of Adjustment on August 19 to request a temporary special exception to the zone height limit for the anemometers.

Community Education & Promoting Partnerships

Staff has completed an environmental sustainability flyer that describes Park City's recent environmental achievements, foreshadows upcoming projects and identifies ways citizens can get involved in local environmental activities. Included in this flyer is information about all of the local environmental non-profits. The flyer was printed on

100% recycled, chlorine free paper and the carbon emissions from the entire project were offset with green tags/renewable energy credits (\$40 donation used).

Community Carbon Footprint

City Council approved the funding of a Community Carbon Footprint with the amended budget for FY2009. Staff published a Request for Proposal in July seeking support from an experienced consulting firm in completing this analysis and six responses were received. A selection committee was formed that included representatives from other departments and a vendor was selected. Staff will be coming to Council on August 28 for contract approval.

Current Top Priority Action Steps

Council-identified Top Priority Action Steps from November 2007

Complete	Action #	Description	Status
Top Priority	1.2	Inventory CO2 emissions from City operations	Completed
Top Priority	1.3	Discuss and consider conducting an ecological footprint for municipal operations	Not started
Top Priority	1.4	Adopt a Resolution outlining the process to measure progress in meeting the target of reducing the municipal operation's climate pollution by seven percent or greater by 2012 compared to 1990 levels.	August 21, 2008 discussion with Council
Top Priority	1.5	Implementation and technical support for this Municipal Action Plan including convening an interdepartmental Climate Team that will coordinate, track and report on implementation progress and develop climate protection performance measures to be integrated into departments' existing performance measures	Not started. Katie Cattan has the OK from Tom B. to review a way to set indicators.
Top Priority	2.1	Develop General Municipal Building Efficiency Measures.	Completed
Top Priority	2.1b	Perform building efficiency audits to identify upgrades for all types of building systems	Completed
Top Priority	2.1c	Prioritize and implement needed efficiency upgrades	In Process (Johnson Controls Project)
Top Priority	2.4	Continue with quarterly energy use challenges among all city facilities	Not happening currently
Top Priority	4.5	Adopt and enforce land-use policies that reduce sprawl, preserve open space, and create compact, walkable urban communities;	Not sure
Top Priority	4.10	Implement recommendations from the Walkability Study which Significantly Expand Bicycling and Pedestrian Infrastructure	In Process
Top Priority	4.11	Develop an Employee Carpooling Campaign	HR & Public Works/Transit taking the lead
Top Priority	4.12	Target a location for a Park and Ride lot and investigate alternative transportation options from the lot	Public Works taking the lead

Future Top Priority Action Steps

Staff would like direction from Council to prioritize action steps for the next six months. Please see Exhibit A for more detail.

Recommended Top Objectives for next six months

(An Objective is an end result or target. A Project is an activity that contributes to the achievement of the Objective.)

Status	ID	Action #	Description
new?	Objective	1.0	Reduce Municipal carbon & greenhouse gas emissions __ below 2007 levels by ____.
new?	Project	1.0c	Establish municipal CO2 emission reduction goal
In Process	Project	1.0e	Implement needed efficiency upgrades (Johnson Controls)
new?	Project	1.0f	Complete municipal CO2 emissions inventory section of ICLEI Milestone 1
new?	Project	1.0g	Work with municipal departments to create department-level CO2 emission reduction goals
new?	Objective	1.3	Reduce Park City's <i>community</i> CO2 emissions __ below 2007 levels by ____.
In Process	Project	1.3a	Inventory community-wide CO2 emissions
new?	Project	1.3b	Complete community CO2 emissions inventory section of ICLEI Milestone 1
new?	Objective	1.4	Reduce Park City's <i>community</i> water consumption by __ % by ____.
In Process	Project	1.4a	Inventory water consumption of entire community
new?	Objective	1.7	Pursue a regulatory role to accelerate the pace of environmental protection programs
new?	Project	1.7a	Restrict the use of plastic shopping bags to carry items purchased in the supermarket, retail, restaurant and vendor environments
new?	Objective	2.3	Increase utilization and visibility of renewable energy in Park City
In Process	Project	2.3a	Test the wind resource potential next to the Ice Rink at Quinn's and create high quality educational displays
In Process	Project	2.3b	Install Solar panels and a high quality educational display on the Ice Rink at Quinn's
new?	Objective	4.1	Increase utilization of alternative transportation
new?	Waiting List	4.1f	Investigate alternative forms of transportation for employees to use while at work (electric cars, electric motorcycles, Segway, etc.)
new?	Objective	5.0	Ensure the Environmental Sustainability Plan keeps pace with technology, nation-wide trends and the community's collective interests
new?	Project	5.0b	Participate in the Community Visioning process to understand the community's collective environmental interests (<i>however this is not the primary focus of the community visioning process</i>)

Recommendation:

Staff would like direction from Council on the following four items:

1. Does Council want to establish measurable objectives for some of the elements of the Environmental Sustainability Strategic Plan? (Example: Reduce municipal carbon emissions by 2% in the next year.)
2. Is Council wanting to pursue more environmental regulatory requirements? (Examples: regulating use of plastic bags, water conservation building standards)
3. Is Council willing to provide financial incentives – and how much – for environmental improvements by private citizens? (Examples: solar panels, xeriscaping, dual flush toilets)
4. Feedback on Top Priorities for the next six months

No action will be taken during the work session. After receiving Council direction, staff will return at a later date with Council-recommended changes to the Environmental Sustainability Strategic Plan and request formal adoption of the updated plan.

Attachments:

Exhibit A – November 2007 version of Environmental Strategic Plan

Exhibit B – Proposed Environmental Strategic Plan Update for August 21 2008

Exhibit D - June 2007 Staff Report – Last Adoption of Environmental Strategic Plan

City Council Staff Report

Author: Alison Butz
Subject: Environmental Initiatives
Date: June 28, 2007
Type of Item: Administrative



Sustainability Team

Summary Recommendations:

Review the proposed Environmental Initiatives and Action Plan and consider adopting a resolution outlining Park City's goals, policies and actions.

Description:

Environmental Strategic Plan

Background:

In 2006, Council broadened their definition of Sustainability and agreed to focus on the importance of environmental initiatives for the community as a distinct element. Following the Visioning Session, Council adopted a resolution setting an Environmental Strategic Plan outlining goals, policies and strategies.

Over the past year, research and discussions on potential action steps to strengthen the City's efforts in addressing the City's environmental vision took place. Efforts focused on narrowing down the goals to guiding statements, weeding through the policies and moving those that were action steps into the action plan and moving the strategies into action items. The work resulted in the following goals:

1. Preserve and enhance the ecological diversity of the City and the Region
2. Encourage the efficient use of all resources in order to ensure a future with a secure and sustainable energy supply
3. Encourage environmental stewardship and protection of Park City's natural environment through sharing of information and collaboration with the community, community groups, as well as local, state and federal agencies.
4. Incorporate environmental considerations as an integral part in assessing growth management options, land use plans, transportation plans and development proposals
5. Continue to review and investigate best practices that have the potential of substantially improving the environment.
6. Continue to monitor the environment with representative air, water, and soil sampling protocol.

Analysis:

Staff requests that Council review the proposed Vision, Goals and Policies and to discuss, suggest any modifications to them and consider adopting the attached resolution.

The Action Plan lists 51 specific action steps. The top priority goals are outlined below. The top priorities selected help us reach the Mayors Climate Protection Agreement signed in 2005 as well as other goals that will help strengthen efforts within the Park City region.

Top Priority Action Steps

1.2	Inventory CO2 emissions from City operations
1.3	Discuss and consider conducting an ecological footprint for municipal operations
1.4	Adopt a Resolution outlining the process to measure progress in meeting the target of reducing the municipal operation's climate pollution by seven percent or greater by 2012 compared to 1990 levels.
1.5	Implementation and technical support for this Municipal Action Plan including convening an interdepartmental Climate Team that will coordinate, track and report on implementation progress and develop climate protection performance measures to be integrated into departments' existing performance measures
2.1	Develop General Municipal Building Efficiency Measures.
2.1b	Perform building efficiency audits to identify upgrades for all types of building systems
2.1c	Prioritize and implement needed efficiency upgrades
2.2	Develop and Implement Citywide green purchasing policy
2.3	Continue with quarterly energy use challenges among all city facilities
4.5	Adopt and enforce land-use policies that reduce sprawl, preserve open space, and create compact, walkable urban communities;
4.10	Implement recommendations from the Walkability Study which Significantly Expand Bicycling and Pedestrian Infrastructure
4.11	Develop an Employee Carpooling Campaign
4.12	Target a location for a Park and Ride lot and investigate alternative transportation options from the lot

Staff scheduled the following tasks on the Sustainability Team work plan to be complete within the next year. Updates as to the progress of the strategies and initiatives would come to the City Council twice a year, with monthly updates to the liaisons.

Significant Impacts:

Outlining the City's environmental vision and goals provides an outline to focus staff efforts and evaluate requests and proposals.

Department Review:

All applicable departments have reviewed the proposed Environmental Initiatives and their comments have been incorporated within the report.

Recommendation:

Review the proposed Environmental Initiatives and consider adopting a resolution outlining Park City's goals, policies and actions.

Attachments:

Exhibit A – Resolution - Environmental Strategic Plan

Resolution No. 07-

A RESOLUTION DECLARING PARK CITY'S VISION, GOALS, POLICIES AND ACTION PLAN IN PROMOTION OF ENVIRONMENTAL INITIATIVES FOR PARK CITY MUNICIPAL AND THE COMMUNITY.

WHEREAS, Park City recognizes that a healthy natural environment is critical to well-being of our society.

WHEREAS, Park City aims to provide long-term environmental health for the Park City region through efficient use of resources, protection of the quality and diversity of the local environment upon which the community depends.

WHEREAS, Park City will continually improve the efficient use of all energy resources in order to ensure a future with a secure and sustainable energy supply.

WHEREAS, Park City encourage environmental stewardship and protection of Park City's natural environment through sharing of information and collaboration with the community, community groups, as well as local, state and federal agencies.

WHEREAS, Park City desires to incorporate environmental considerations as an integral part in assessing growth management options, land use plans, transportation strategies and development proposals, and overall sustainable community design.

WHEREAS, Park City will continue to review and investigate best practices that have the potential of substantially improving the environment.

NOW THEREFORE, be it resolved by the City Council of Park City as follows:

ENVIRONMENT

ENVIRONMENTAL VISION

PCMC views the environment as air, surface/ground/culinary water, land, soil, native vegetation, etc. Park City will provide long-term environmental health for the region through efficient use of resources, protection of the quality and diversity of the local environment upon which the community depends. As a guiding principle, the City will consistently strive to sustain its vibrant multi-seasonal destination resort community in a manner that protects and enhances its natural environment.

ENVIRONMENTAL GOALS

1. Preserve and enhance the ecological diversity of the City and the Region.
2. Encourage the efficient use of all resources in order to ensure a future with a secure and sustainable energy supply, safe/reliable water, and clean air.
3. Encourage environmental stewardship and protection of Park City's natural environment through sharing of information and collaboration with the community, community groups, as well as local, state and federal agencies.
4. Incorporate environmental considerations as an integral part in assessing growth management options, land use plans, transportation strategies and development proposals, and overall sustainable community design.

5. Continue to review and investigate best practices that have the potential of substantially improving the environment.

ENVIRONMENTAL POLICIES

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| <ul style="list-style-type: none"> o Comply with the U.S. Mayors Climate Protection Agreement signed on May 19, 2005 o Mitigate historic mining impacts o Promote implementation of conservation programs that assist in maintaining wildlife habitat and wildlife corridors. o Pursue open space protection opportunities o Improving surface water quality to the East Canyon Creek watershed and Silver Creek watershed o Encourage best available green building practices for city and private development o Look to increase the amount of clean and renewable energy purchased and utilized o Encourage year-round community water conservation programs o Pursue model environmental sustainability projects that are working symbols of the city's commitment o Increase recycling levels in City operations and in the community o Continue the City's strong leadership example through participation on boards, groups and working together with other organizations o Direct and comment on environmental regulatory policy that has the potential of impacting Park City, citizens and other stakeholders. o Reduce sprawl, preserve open space, and create compact, walkable urban communities o Promote Alternative Transportation o Promote "reasonable accommodation"/"complete streets" practices in City's annexation, MPD and CUP processes. |
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ACTION PLAN

Complete	Action #	
GOAL 1. Preserve and enhance the ecological systems and diversity of the City and, in turn, the Region		
X	1.1	Join ICLEI - Local Governments for Sustainability. Through the membership ICLEI will provide the City tools to inventory global warming emissions of municipal operations and community emissions.
	1.2	Inventory CO2 emissions from City operations
	1.3	Discuss and consider conducting an ecological footprint for municipal operations
	1.4	Adopt a Resolution outlining the process to measure progress in meeting the target of reducing the municipal operation's climate pollution by seven percent or greater by 2012 compared to 1990 levels.

	1.5	Implementation and technical support for this Municipal Action Plan including convening an interdepartmental Climate Team that will coordinate, track and report on implementation progress and develop climate protection performance measures to be integrated into departments' existing performance measures
	1.6	Inventory Park City community's CO2 emissions
X	1.7	Launch an employee education program including anti-idling messages
	1.8	Launch a program promoting employee use of alternative sustainable transportation
	1.9	Continue to monitor the environment with representative air, water, and soil sampling protocol.
	1.10	Fund and administer the Environmental Management System
	1.11	Improve City input to watersheds
	1.12	Increase property owner use of the top soil assistance program
	1.13	Fund the Environmental Management System (EMS) as approved by UDEQ and USEPA and as obligated for delisting Prospector Development.
	1.14	Fund City's Storm Water Management Plan as approved by UDEQ and USEPA and required under the Phase II Rule of the Clean Water Act.
	1.15	Meet regulatory the requirements for the Comprehensive Environmental Response, Clean Air Act, Clean Water Act, Comprehensive Environmental Response, Compensation, and Liability Act, Resource Conservation and Recovery Act, and the Conservation Reserve Program.
	1.16	Comply with State and Federal Environmental Laws that are applicable to City Departments.
	1.17	Enforce institutional controls that are designed to protect human health and the environment from historic impacts (i.e. soils ordinance, EMS Program).
GOAL 2. Encourage the efficient use of all resources in order to ensure a future with a secure and sustainable energy supply		
	2.1	Develop General Municipal Building Efficiency Measures.
X	2.1a	Adopt a Green Building Policy for Capital Projects
	2.1b	Perform building efficiency audits to identify upgrades for all types of building systems
	2.1c	Prioritize and implement needed efficiency upgrades
	2.2	Implement Citywide green purchasing policy
	2.3	Improve the efficiency of all city vehicles
	2.4	Continue with quarterly energy use challenges among all city facilities
	2.5	Increase recycling rates in City operations
	2.5a	Contract for recycling services for Main Street and City Parks
	2.6	Review, identify and prioritize available Control Technology that

		minimizes air and water pollution for City use.
	2.7	Increase the community's recycling percentages
	2.7a	Investigate single stream collection of recyclables
	2.7b	Establish a municipal green waste and construction waste recycling program
GOAL 3. Encouraging environmental stewardship and protection of Park City's natural environment through sharing of environmental information with the community and active, meaningful community participation		
	3.1	Support local organizations that educate the public, schools, other jurisdictions, professional associations, business and industry about reducing global warming pollution.
	3.2	Support discussions for transit options between Park City and surrounding areas.
	3.3	Support Wasatch Environmental Alliance Community Action Plan by participating in action awareness campaign
	3.4	Strengthen the State Residential Energy Code through strongly advocating for state and national policies that: - o increase investment in public transit and other infrastructure that makes alternatives to motor vehicles more convenient and affordable; - o increase the fuel efficiency of motor vehicles as well as development and use of alternative fuels; - o encourage energy utilities to fully support and implement cost effective conservation and meet new demand with renewable energy sources; - o and other measures to reduce our state and national impact on the global climate.
	3.5	Launch a quarterly award recognizing a community member or business for their positive environmental impact.
	3.6	Investigate launching either solely or in cooperation with other entities a Community Climate Partnership. The Partnership would work together to help set and meet community-wide reduction goals.
X	3.7	Promote use of bio-diesel fuel to other businesses with fleet vehicles
	3.8	Support the Summit County Health Department in their investigation and programs regarding air quality.
	3.9	Increase water conservation education.
	3.10	Continue to educate ourselves on concepts and best management practices in environmental initiatives through conferences & seminars
	3.11	Co-sponsor & promote educational programs
	3.12	Direct and comment on environmental regulatory policy that has the potential of impacting Park City, citizens and other stakeholders.
GOAL 4. Incorporate environmental considerations as an integral part in assessing growth management options, land use plans, transportation plans and development proposals.		
X	4.1	Promote sustainable building practices using the U.S. Green

		Building Council's LEED program or a similar system;
	4.2	Adopt "reasonable accommodation"- "complete street" standards as part of annexation and LMC requirements.
	4.3	Education series for City employees to help identify green building elements in projects when reviewing plans with applicants
	4.4	Set minimum standards that require energy efficiency and green building design for construction projects in the General Plan, annexation policies and Land Management Code amendments to the MPD and CUP sections.
	4.5	Adopt and enforce land-use policies that reduce sprawl, preserve open space, and create compact, walkable urban communities;
	4.6	Review and adopt any needed changes to the Night Sky Ordinance
	4.7	Adopt Code changes that work to keep our Air Quality at current levels
	4.8	Make water conservation a priority through funding and supporting water conserving landscape enforcement through code enforcement.
	4.9	Promote transportation options such as bicycle trails, commute trip reduction programs, flex hour schedules, incentives for car pooling and public transit;
	4.10	Implement recommendations from the Walkability Study which Significantly Expand Bicycling and Pedestrian Infrastructure
	4.11	Develop an Employee Carpooling Campaign
	4.12	Target a location for a Park and Ride lot and investigate alternative transportation options from the lot
	4.13	Enhance current trail system and identify new trail opportunities
GOAL 5. Continue to review and investigate best practices that have the potential of substantially improving the environment		
	5.1	Update the City Council biannually on the City's Environmental Action Plan
	5.2	Return on a yearly basis to recommend and implement modifications to improve program effectiveness.

SECTION 3. EFFECTIVE DATE. This resolution shall become effective upon adoption.

Passed and adopted this 28th day of June 2007.

PARK CITY MUNICIPAL CORPORATION

Mayor Dana Williams

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney

City Council Staff Report



Subject: Historic Preservation
Author: Dina Blaes, Consultant
Thomas E. Eddington, Jr., AICP
Date: January 22, 2009
Type of Item: Legislative - LMC amendments/Historic Sites Inventory

Summary Recommendations:

Staff recommends the Council conducts a public hearing and discusses the proposed amendments to the Land Management Code (LMC) for Chapters 11 and 15 as described in this report. Staff recommends the Council adopt the proposed amendments based on the recitals found in the draft ordinance.

Topic:

Project Name: LMC Amendments - Regarding the manner in which historic sites are designated in Park City and definitions
Applicant: Planning Department
Proposal: Revisions to the Land Management Code

Background:

On August 4, the City Council adopted Ordinance 08-33 imposing a temporary moratorium on the demolition of any structure located within the municipal boundaries built before 1962. When the moratorium was imposed, City Council asked staff to develop a strategy for modifying the current way in which buildings are designated as historic so that more of the buildings that give Park City its unique character would be subject to the protections found in the LMC for Historically Significant Buildings.

At an October 2, 2008 work session, the City Council provided direction for staff to move forward in two areas:

- 1) Prepare amendments to Title 15-11-12 Determination of Historical Significance to accommodate "Landmark" and "Significant" designations and to broaden the definition of historic properties.
- 2) Prepare an updated Historic Sites Inventory based on the new criteria to be presented to the HPB for adoption once the proposed changes to the LMC are adopted.

At a November 5, 2008 work session, the HPB reviewed the proposed amendments to Title 15-11-12 Determination of Historical Significance and, after much discussion and public comment, came to consensus on adopting three policies:

- 1) Proposed projects involving Landmark Sites must result in the site retaining its status as a Landmark Site.

2) Proposed projects involving Significant Sites must result in the site retaining its status as a Significant Site or upgrading its status to Landmark Site designation.

3) The City should pursue financial incentives--targeted grant funds, property tax freeze, and fee waivers--for projects involving Landmark or Significant sites.

On January 7, the Planning Commission, at a public hearing, discussed the proposed amendments and, after hearing from three members of the public who spoke in favor of the amendments, forwarded a positive recommendation for adoption by the City Council.

On January 8, City Council discussed the proposed amendments during a work session and provided the following recommendations:

1) Modify the definition of "Dissimilar Location" to provide greater clarity.

2) Modify the definition of "Significant" to eliminate the circular reference to "important".

3) Consider eliminating some of the "major alterations that destroy Essential Historical Form" from the section pertaining to the criteria for designation of a "Significant Site".

Staff has made the requested modifications to the definitions noted above in 1) and 2).

The amendments pertaining to the criteria for designating a "Significant Site" remain as presented at the January 7, 2009 work session. Staff does not recommend changing the language to lower the standards that define "Essential Historical Form." Maintaining the standards, as proposed, will aid the Planning Department, HPB, and Planning Commission in determining which historic sites are a preservation priority and why. In addition, it will enable the Planning Department and public to better understand what the essential physical features are that must be present and visible enough for a property to represent its significance.

The attached proposed amendments to the LMC (see Exhibits A and B) reflect the policy direction of both the Historic Preservation Board and the City Council and received a positive recommendation for adoption from the Planning Commission.

Staff anticipates bringing additional LMC amendments pertaining to draft Design Guidelines to the Council for public hearing and possible adoption on March 3, 2009. Because of the time constraint imposed by the temporary zoning ordinance adopted in August 2008, at this time staff is seeking adoption by the City Council only for the amended sections of LMC Chapter 11 and Chapter 15 that address the designation of historic sites in Park City.

Discussion of Intent:

The proposed amendments represent recommendations to broaden the criteria by which buildings; structures and sites are designated as historic and to define separate criteria for Landmark Sites and Significant Sites.

Analysis and Discussion:

Amendments to Chapter 11-HISTORIC PRESERVATION

Staff recommends the Council adopt amendments to the following section of Chapter 11:

Section 15-11-12. DETERMINATION OF HISTORICAL SIGNIFICANCE.

Section replaced with proposed language to:

- Establish the Historic Sites Inventory to replace the List of Significant Buildings;
- Broaden the criteria by which buildings, structures and sites are designated in order to increase the total number of buildings protected by provisions set forth in LMC Chapter 15-11;
- Establish the criteria and procedure for the designation of "Landmark Sites" and "Significant Sites" rather than having one category of "Historically Significant Buildings"; and
- Define the criteria and procedure for removing a property from the Historic Sites Inventory.

Amendments to Chapter 15

Section 15-15-1. DEFINITIONS.

Staff recommends the Commission review amendments to Chapter 15 to revise and/or add definitions as follows (re-number Section accordingly):

- **Dissimilar Location.** A location that differs from the original location in terms of vegetation, topography, other physical features, and proximity of other Structures.
- **Essential Historical Form.** The physical characteristics of a Structure that make it identifiable as existing in or relating to an important era in the past.
- **Historic Integrity.** The ability of a Site to retain its identity and, therefore, convey its significance in the history of Park City. Within the concept of historic integrity, Park City Municipal Corporation recognizes seven aspects or qualities as defined by the National Park Service that, in various combinations, establish integrity. They are:

(A) Location. The place where the historic Site was constructed or the historic event took place.

(B) Design. The combination of physical elements that create the form, plan, space, structure, and style of a Site. Design includes such considerations as the structural system; massing; arrangement of spaces; pattern of fenestration; textures and colors of surface materials; type, amount, and style of ornamental detailing; and arrangement and type of plantings in a designed landscape.

(C) Setting. The physical environment, either natural or manmade, of a historic Site, including vegetation, topographic features, manmade features (paths, fences, walls), and the relationship between Structures and other features or open space.

(D) **Materials.** The physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic Site.

(E) **Workmanship.** The physical evidence of the crafts of a particular culture or people during any given period in history; including methods of construction, finishes (plain or decorative), painting, carving, joinery, tooling, and turning.

(F) **Feeling.** A Site's expression of the aesthetic or historic sense of a particular period of time. Feeling results from the presence of physical features that, taken together, convey the property's historic character.

(G) **Association.** The direct link between an important historic era or person and a historic Site. A Site retains association if it is the place where the activity occurred and is sufficiently intact to convey that relationship to an observer.

- **Historic Sites Inventory.** A list of Historic Sites, as determined by the Historic Preservation Board, that meets specified criteria set forth in LMC Chapter 15-11.
- **Landmark Site.** Any Site, including Buildings (Main, Attached, Detached or Public), Accessory Buildings, and/or Structures, that is determined by the Historic Preservation Board to meet specified criteria set forth in LMC Chapter 15-11.
- **Noteworthy.** Deserving notice or attention because of uniqueness, excellence, or Significance.
- **Period of Historic Significance.** A specific period of time that provides a context for Historic Sites based on a shared theme.
- **Preservation.** The act or process of applying measures necessary to sustain the existing form, integrity, and materials of a historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction.
- **Reconstruction.** The act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.
- **Rehabilitation.** The act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.
- **Restoration.** The act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of

removal of features from other periods in its history and reconstruction of missing features from the restoration period.

- **Significance.** The quality of having Historical consequence or being regarded as having great architectural value.
- **Significant Site.** Any Site, including Buildings (Main, Attached, Detached or Public), Accessory Buildings, and/or Structures, that is determined by the Historic Preservation Board to meet specified criteria set forth in LMC Chapter 15-11.
- **Site.** An area, Lot, or piece of land where a Building (Main, Attached, Detached or Public), Accessory Building(s), and/or Structure(s) were, are, or will be located.

Process:

Amendments to the Land Management Code require Planning Commission recommendation and City Council adoption. On January 7, 2009, the Planning Commission unanimously approved a positive recommendation to the City Council for adoption of the proposed amendments. City Council action may be appealed to a court of competent jurisdiction per LMC Section 15-1-18.

Department Review:

These LMC amendments have been reviewed by the Planning and Building Departments and by the Legal Department.

Notice:

Legal Notice of this public hearing was published in the Park Record and posted in the required public spaces.

Public Input:

Public hearings, conducted by the Planning Commission and City Council, are required prior to adoption of Land Management Code amendments. The public hearing for these amendments was properly and legally noticed as required by the Land Management Code. Public comments from the Planning Commission public hearing held January 7, 2009 are summarized below:

- Roger Durst, member of the Historic Preservation Board, asked for and received the definition of "Historic Integrity".
- Ken Martz, former Chair and current member of the Historic Preservation Board, spoke in favor of adopting the LMC amendments; he answered in the affirmative when asked by a Planning Commissioner if he thought adoption of the amendments would make the process of designation easier.
- John Staffschultz, resident of Old Town, spoke in favor of the amendments and restated the urgency to amend the ordinance before the expiration of the TZO that was adopted in August, 2008 in order to avoid the loss of historic structures.

- Ruth Meitsma, resident of Old Town, spoke in favor of amending the ordinance to allow structures built within the past 50 years that have achieved significance to be considered for designation; noting that the early ski industry architecture (primarily A-frames) is not perceived as attractive, but if lost, the city will miss the story these structures tell about our past.

Alternatives:

- Conduct a public hearing on the LMC amendments described herein and adopt them as presented or as amended at the meeting.
- Conduct a public hearing and reject the amendments, providing specific findings for this action.
- Continue action on these LMC amendments to a date certain.

Significant Impacts:

There are no significant fiscal impacts on the City as a result of these amendments. The amendments provide clarification of procedures, criteria, and definitions and are consistent with City Council direction and stated historic preservation goals.

Consequences of *not* taking the Suggested Recommendation:

Not taking the recommended action will leave the LMC unchanged and may result in the demolition of historic structures. If the Historic Sites Inventory is not adopted before the expiration of the TZO on February 7, 2009, structures that would meet the criteria for designation as Landmark or Significant Sites under the proposed LMC amendments may be demolished. In order for the Historic Sites Inventory to be adopted at a public hearing of the Historic Preservation Board (required by LMC) before the TZO expiration date, the City Council must adopt the LMC language that establishes the Inventory.

Recommendation:

Staff recommends the Council conduct a public hearing and discuss the proposed amendments to the Land Management Code (LMC) for Chapters 11 and 15 as described in this report. Staff recommends the Council adopt the proposed amendments based on the recitals found in the draft ordinance.

Exhibits:

Exhibit A: Land Management Code, Chapter 11-Historic Preservation.
 Exhibit B: Land Management Code, Chapter 15-Definitions.
 Exhibit C: Draft ordinance

EXHIBIT A: LMC, Chapter 11-HISTORIC PRESERVATION.

~~15-11-12. DETERMINATION OF HISTORICAL SIGNIFICANCE.~~

~~The HPB is the official body to review matters concerning the historical designation of Buildings, Structures and Sites within Park City, and to make this information available to all interested citizens. It is hereby declared that all Buildings, Structures and Sites within Park City which substantially comply with the standards of review found in Section 15-11-13(A), are determined to be Significant for the purposes of this Chapter.~~

~~The Planning Department shall maintain a list of such Significant Properties. Any Owner of a Building, Structure or Site may apply for a hearing before the HPB to ascertain Significance of said Property. The Application shall be on forms as prescribed by the City and shall be filed with the Planning Department. Upon receiving an Application for determination of historical Significance, the Planning staff shall schedule a hearing on the HPB agenda within thirty (30) days. Notice of the hearing shall be posted on the Property and published at least once prior to the hearing. At the hearing, the Applicant shall have an opportunity to present testimony and evidence to demonstrate the historical Significance, or insignificance of the Building, Structure or Site.~~

~~(A) **STANDARDS OF REVIEW.** In determining the Historic Significance of the Property at the hearing, the HPB shall evaluate whether the Building, Structure or Site demonstrates a quality of Significance in local, regional, state or national history, architecture, archaeology, engineering or culture, and integrity of location, design, setting, materials, and workmanship according to the following criteria:~~

- ~~(1) The Building, Structure or Site is associated with events or lives of Persons Significant to our past; and/or~~
- ~~(2) The Building, Structure or Site embodies the distinctive characteristics of a type, period or method of construction or that represent the work of a master; and/or~~
- ~~(3) The architectural or historical value or Significance of the Building, Structure or Site contributes to the Historic value of the Property and surrounding Area; and/or~~
- ~~(4) The Building, Structure or Site is at least fifty (50) years old, or has achieved Significance within the past fifty (50) years if the Property is exceptional importance to the community; and/or~~
- ~~(5) The relation of Historic or architectural features found on the Building, Structure or Site to other such features within the surrounding Area; and/or~~
- ~~(6) Any other factors, including aesthetic, which may be relevant to the historical or architectural aspects of the Building, Structure or Site.~~

~~(B) **NOTICE.** Prior to taking action on any determination of historical Significance Application, the Planning staff shall provide public notice pursuant to Section 15-1-20 of the Code.~~

~~(C) **DECISION.** If the HPB finds that the Building, Structure or Site is insignificant pursuant to Section 15-11-13(A), it shall immediately be removed from the list, if any, of historically Significant Properties. The HPB shall forward a copy of its written findings to the Owner and/or Applicant.~~

~~(D) **APPEAL.** The Applicant or any party participating in the hearing may appeal the HPB decision to the Board of Adjustment pursuant to Section 15-10-7 of this Code. Appeal requests shall be submitted to the Planning Department within ten (10) days of the HPB decision. Notice of all pending appeals shall be made by staff pursuant to Section 15-1-20 of this Code. Appeals shall be considered only on the record made before the HPB.~~

15-11-12. PARK CITY HISTORIC SITES INVENTORY

The Historic Preservation Board may designate Sites to the Historic Sites Inventory as a means of providing recognition to and encouraging the preservation of historic Sites in the community.

(A) CRITERIA FOR DESIGNATING SITES TO THE PARK CITY HISTORIC SITES INVENTORY.

(1) LANDMARK SITE. Any Buildings (Main, Attached, Detached or Public), Accessory Buildings, and/or Structures may be designated to the Historic Sites Inventory as a Landmark Site if the Planning Department finds it meets all the criteria listed below:

(a) It is at least fifty (50) years old or has achieved Significance in the past fifty (50) years if the Site is of exceptional importance to the community; and

(b) It retains its Historic Integrity in terms of Location, Design, Setting, Materials, Workmanship, Feeling and Association as defined by the National Park Service for the National Register of Historic Places; and

(c) It is significant in local, regional or national history, architecture, engineering or culture associated with at least one of the following:

(i) An era that has made a significant contribution to the broad patterns of our history,

(ii) The lives of persons significant in the history of the community, state, region, or nation, or

(iii) The distinctive characteristics of type, period, or method of construction or the work of a notable architect or master craftsman.

(2) SIGNIFICANT SITE. Any Buildings (Main, Attached, Detached or Public), Accessory Buildings, and/or Structures may be designated to the Historic Sites Inventory as a Significant Site if the Planning Department finds it meets all the criteria listed below:

(a) It is at least 50 years old or has achieved Significance in the past fifty (50) years if the Site is of exceptional importance to the community; and

(b) It retains its Essential Historical Form; meaning there are no major alterations that have destroyed the Essential Historical Form. Major alterations that destroy the Essential Historical Form include:

(i) Changes in pitch of the main roof if:

(a) the change was made after the Period of Historic Significance, or

(b) the change is NOT due to any structural failure, or

(c) the change is NOT due to collapse as a result of inadequate maintenance on the part of the Applicant or a previous owner.

(ii) Addition of upper stories or the removal of original upper stories occurred after the Period of Historic Significance, or

(iii) Moving it from its original location to one that is Dissimilar to the original, or

(iv) Addition(s) that significantly obscures the Essential Historical Form when viewed from the primary public right-of-way.

(c) It is important in local or regional history, architecture, engineering or culture associated with at least one of the following:

(i) An era of historic importance to the community, or

(ii) Lives of persons who were of historic importance to the community, or

(iii) Noteworthy methods of construction, materials, or craftsmanship used during the historic period.

(B) PROCEDURE FOR DESIGNATING SITES TO THE PARK CITY HISTORIC SITES INVENTORY. The Planning Department shall maintain an inventory of Historic Sites. It is hereby declared that all Buildings (Main, Attached, Detached or Public), Accessory Buildings, and/or Structures within Park City, which comply with the criteria found in sections 15-11-12(A)(1) or 15-11-12(A)(2) are determined to be on the Park City Historic Sites Inventory.

Any Owner of a Building (Main, Attached, Detached or Public), Accessory Building, and/or Structure may nominate it/them for listing in the Park City Historic Sites Inventory. The Planning Department may nominate a Building (Main, Attached, Detached or Public), Accessory Building, and/or Structure for listing in the Park City Historic Sites Inventory. The nomination and designation procedures are as follows:

(1) COMPLETE APPLICATION. The Application shall be on forms as prescribed by the City and shall be filed with the Planning Department. Upon receiving a complete Application for designation, the Planning staff shall schedule a hearing before the Historic Preservation Board within thirty (30) days.

(2) NOTICE. Prior to taking action on the Application, the Planning staff shall provide public notice pursuant to section 15-1-21 of this Code.

(3) HEARING AND DECISION. The Historic Preservation Board will hold a public hearing and will review the Application for compliance with the "Criteria for Designating Historic Sites to the Park City Historic Sites Inventory". If the Historic Preservation Board finds that the Application complies with the criteria set forth in section 15-11-12(A)(1) or section 15-11-12(A)(2) the Building (Main, Attached, Detached or Public), Accessory Building and/or Structure will be added to the Historic Sites Inventory. The HPB shall forward a copy of its written findings to the Owner and/or Applicant.

(4) APPEAL. The Applicant or any party participating in the hearing may appeal the Historic Preservation Board decision to the Board of Adjustment pursuant to Section 15-10-7 of this Code. Appeal requests shall be submitted to the Planning Department within ten (10) days of Historic Preservation Board Final Action. Notice of pending appeals shall be made pursuant to Section 15-1-21 of this Code. Appeals shall be considered only on the record made before the Historic Preservation Board.

(C) REMOVAL OF A SITE FROM THE PARK CITY HISTORIC SITES INVENTORY. The Historic Preservation Board may remove a site from the Historic Sites Inventory.

(1) CRITERIA FOR REMOVAL.

(a) The Site no longer meets the criteria set forth in 15-11-10(A)(1) or 15-11-10(A)(2) because the qualities that caused it to be originally designated have been lost or destroyed,

(b) The Building (Main, Attached, Detached or Public), Accessory Building, and/or Structure on the Site have been demolished and will not be Reconstructed, or

(c) Additional information indicates that the Building(s), Accessory Building(s), and/or Structures on the Site do not comply with the criteria set forth in 15-11-12(A)(1) or 15-11-12(A)(2).

(2) PROCEDURE FOR REMOVAL.

(a) Complete application. The Application shall be on forms as prescribed by the City and shall be filed with the Planning Department. Upon receiving a complete Application for designation, the Planning staff shall schedule a hearing before the Historic Preservation Board within thirty (30) days.

(b) Notice. Prior to taking action on the Application, the Planning staff shall provide public notice pursuant to section 15-1-21 of this Code.

(c) Hearing and Decision. The Historic Preservation Board will hear testimony from the Applicant and public and will review the Application for compliance with the "Criteria for Designating Historic Sites to the Park City

Historic Sites Inventory". If the HPB finds that the Application does not comply with the criteria set forth in section 15-11-12(A)(1) or section 15-11-12(A)(2) the Building (Main, Attached, Detached or Public) Accessory Building, and/or Structure will be removed from the Historic Sites Inventory. The HPB shall forward a copy of its written findings to the Owner and/or Applicant.

(d) Appeal. The Applicant or any party participating in the hearing may appeal the Historic Preservation Board decision to the Board of Adjustment pursuant to Section 15-10-7 of this Code. Appeal requests shall be submitted to the Planning Department within ten (10) days of the Historic Preservation Board decision. Notice of pending appeals shall be made pursuant to Section 15-1-21 of this Code. Appeals shall be considered only on the record made before the Historic Preservation Board.

EXHIBIT B: LMC, Chapter 15-DEFINITIONS.

Dissimilar Location. A location that differs from the original location in terms of vegetation, topography, other physical features, and proximity of Structures.

Essential Historical Form. The physical characteristics of a Structure that make it identifiable as existing in or relating to an important era in the past.

Historic Integrity. The ability of a Site to retain its identity and, therefore, convey its significance in the history of Park City. Within the concept of historic integrity, Park City Municipal Corporation recognizes seven aspects or qualities as defined by the National Park Service that, in various combinations, define integrity. They are:

(A) Location. The place where the historic Site was constructed or the historic event took place.

(B) Design. The combination of physical elements that create the form, plan, space, structure, and style of a Site. Design includes such considerations as the structural system; massing; arrangement of spaces; pattern of fenestration; textures and colors of surface materials; type, amount, and style of ornamental detailing; and arrangement and type of plantings in a designed landscape.

(C) Setting. The physical environment, either natural or manmade, of a historic Site, including vegetation, topographic features, manmade features (paths, fences, walls), and the relationship between Structures and other features or open space.

(D) Materials. The physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic Site.

(E) Workmanship. The physical evidence of the crafts of a particular culture or people during any given period in history; including methods of construction, finishes (plain or decorative), painting, carving, joinery, tooling, and turning.

(F) Feeling. A Site's expression of the aesthetic or historic sense of a particular period of time. Feeling results from the presence of physical features that, taken together, convey the property's historic character.

(G) Association. The direct link between an important historic era or person and a historic Site. A Site retains association if it is the place where the activity occurred and is sufficiently intact to convey that relationship to an observer.

Historic Sites Inventory. A list of Historic Sites, as determined by the Historic Preservation Board, that meets specified criteria set forth in LMC Chapter 15-11.

Landmark Site. Any Site, including Buildings (Main, Attached, Detached or Public), Accessory Buildings, and/or Structures, that is determined by the Historic Preservation Board to meet specified criteria set forth in LMC Chapter 15-11.

Noteworthy. Deserving notice or attention because of uniqueness, excellence, or Significance.

Period of Historic Significance. A specific period of time that provides a context for Historic Sites based on a shared theme.

Preservation. The act or process of applying measures necessary to sustain the existing form, integrity, and materials of a historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction.

Reconstruction. The act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

Rehabilitation. The act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.

Restoration. The act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of removal of features from other periods in its history and reconstruction of missing features from the restoration period.

15-15-1.207. **Significance.** The value placed on a Building relating to its architectural or Historical importance. The quality of having Historical consequence or being regarded as having great architectural value.

Significant Site. Any Site, including Buildings (Main, Attached, Detached or Public), Accessory Buildings, and/or Structures, that is determined by the Historic Preservation Board to meet specified criteria set forth in LMC Chapter 15-11.

Site. An area, Lot, or piece of land where a Building (Main, Attached, Detached or Public), Accessory Building(s), and/or Structure(s) were, are, or will be located.

Exhibit C: Draft Ordinance

AN ORDINANCE APPROVING AMENDMENTS TO THE LAND MANAGEMENT CODE OF PARK CITY, UTAH TO ADDRESS REVISIONS TO CHAPTERS 11 AND 15

WHEREAS, the Land Management Code is designed and enacted to implement the objectives of the Park City General Plan; to protect the general health, welfare, and safety of Park City's citizens and property owners; to maintain the quality of life and experience for its residents and visitors; and to preserve the community's unique character and values; and

WHEREAS, the City reviews the General Plan and Land Management Code and identifies necessary amendments to address planning and zoning issues that arise and to address specific LMC issues raised by Staff and the Commission; and

WHEREAS, the City Council goals include protecting the City's historic and cultural resources by encouraging sound preservation practices; and

WHEREAS, Chapter 11-Historic Preservation provides regulations and procedural requirements for Historic Preservation in Park City and the City desires to revise these regulations as outlined in the staff report; and

WHEREAS, Chapter 15-Definitions provides clarity of meaning for words used in the Land Management Code and amendments to existing definitions and new definitions are necessary to clarify terms. The City desires to clarify these terms by including and/or revising definitions in the Land Management Code; and

WHEREAS, these amendments represent changes identified by the City Council in discussions held in 2008. Amendments to establish a Historic Sites Inventory, to broaden the criteria by which buildings, structures and sites are designated as historic, to modify the criteria and procedure for the designation of Landmark Sites and Significant Sites; and to define the criteria and procedure for removing a property from the Historic Sites Inventory are consistent with City Council goals to protect historic and cultural resources; and

WHEREAS, the Planning Commission duly noticed and conducted a public hearing at the special meeting held January 7, 2009, and forwarded a recommendation to the City Council; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on January 22, 2009; 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 Utah State Code and 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 the health, safety, and welfare, and to maintain the quality of life for its residents, and to preserve the community's unique character.

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

Section 1. AMENDMENTS TO CHAPTER 11 OF THE LAND MANAGEMENT CODE. Chapter 15-11 is hereby amended as attached hereto as Exhibit A. The Planning Director shall resolve conflicts or cross-references from other provisions of the LMC to Chapter 11.

Section 2. AMENDMENTS TO CHAPTER 15 OF THE LAND MANAGEMENT CODE. Chapter 15-15 is hereby amended as attached hereto as Exhibit B. The Planning Director shall resolve conflicts or cross-references from other provisions of the LMC to Chapter 15.

Section 3. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this 22nd day of January, 2009

PARK CITY MUNICIPAL CORPORATION

Dana Williams, Mayor

Attest:

Jan M. Scott, City Recorder

Approved as to form:

Mark Harrington, City Attorney