



**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
November 19, 2020**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regular City Council meeting at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah 84060 for the purposes and at the times as described below on Thursday, November 19, 2020.

NOTICE OF ELECTRONIC MEETING & HOW TO COMMENT VIRTUALLY:

This meeting will be an electronic meeting without an anchor location as permitted by Utah Code Open and Public Meetings Act section 52-4-207(4) as amended June 18, 2020, and Park City Resolution 05-2020, adopted March 19, 2020. The written determination of a substantial health and safety risk, required by Utah Code section 52-4-207(4) is attached as Exhibit A. Council members will connect electronically. Public comments will be accepted virtually as described below.

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

Exhibit A: Determination of Substantial Health and Safety Risk

On November 9, 2020, the Mayor determined that conducting a meeting with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location. Utah Code section 52-4-207(4) requires this determination and the facts upon which it is based, which include: • Governor Herbert declared a COVID-19 State of Emergency on November 8, 2020. • Summit County has extended its Emergency Declaration and Public Health Emergency Declaration through January 8, 2021. • Statewide COVID cases and hospitalizations are increasing exponentially. This determination is valid for 30 days, and is set to expire on December 9, 2020.

CLOSED SESSION - 5:30 p.m.

To Discuss Property, Personnel, and Litigation

REGULAR MEETING - 6:00 p.m.

I. ROLL CALL

II. APPOINTMENT

1. Consideration to Appoint Nann Worel as a Non-Voting Liaison to Mountain Mediation Center Board
(A) Public Input (B) Action

III. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Council Questions and Comments

Staff Communications Reports

1. Soils Repository Project Update
[Soils Repository Staff Report](#)
[Exhibit A: Project Location](#)
[Exhibit B: Concept Plans](#)
2. Winter Sportex Field Operations Update
[Winter Sportex Field Operations Staff Report](#)
3. Impact Fee Study
[Impact Fee Study Staff Report](#)
4. Park City Vision 2020 Update
[Vision 2020 Staff Report](#)
5. Arts and Culture District Update
[Arts and Culture District Decision Timeline Staff Report](#)
[Exhibit A: Calendar of Deliverables](#)

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

V. CONSENT AGENDA

1. Request to Adopt Resolution 26-2020, a Resolution Declaring November 28, 2020, as “Small Business Saturday” in Park City, Utah
[Small Business Saturday Staff Report](#)
[Exhibit A: Small Business Saturday Resolution](#)
2. Request to Approve the Mountain Trails Foundation (MTF) Donation Application for Funding Associated with the Construction of the Treasure Hill Trail, Located on the Treasure Hill Open Space
[Mountain Trails Foundation Treasure Hill Trail Donation Staff Report](#)
[Exhibit A: Mountain Trails Foundation Application- Treasure Hill Trail Donation](#)
3. Request to Authorize the City Manager to Execute Contract Addendum No. 1 to the Professional Services Agreement with Ward Engineering Group for the Rossie Hill Drive Reconstruction Project, in a Form Approved by the City Attorney, in an Amount Not to Exceed \$91,185.29
[Rossie Hill Drive Reconstruction Project Staff Report](#)
[Exhibit A: Project Area](#)
[Exhibit B: Addendum Scope of Work](#)

VI. OLD BUSINESS

1. Park City Municipal CARES Grant Funding Update
(A) Public Input
[CARES Grant Award Staff Report](#)
2. Consideration to Approve Ordinance 2020-39, an Ordinance Approving a New Zoning District to be Known as Land Management Code Chapter 15-2.26, Urban Park District, and a Zoning Map Amendment to Re-Zone Rotary Park; Creekside Park; Prospector Park; City Park; and the North and South Parcels of the Municipal Golf Course from Recreation and Open Space to Urban Park District Zoning
(A) Public Hearing (B) Action
[Urban Park Zoning District LMC Amendment and Rezone Staff Report](#)
[Exhibit A: Urban Park Zoning Ordinance](#)
3. Consideration to Approve: 1) an Update to Park City's Affordable Housing Goals; 2) an Addendum to the 2020 Housing Assessment and Plan; and 3) the 2020 Moderate Income Housing Report
(A) Public Input (B) Action
[2021 Annual State Housing Report Staff Report](#)
[Exhibit A: 2021 Addendum to Housing Assessment and Plan](#)
[Exhibit B: State MIH Report Form](#)
[Exhibit C: Five Year Projections Spreadsheet](#)
4. Consideration to Continue an Ordinance Enacting Land Management Code Section 15-3-5 to Outline Limited Circumstances and a Process for Applicants to Apply to the Planning Commission and Council to Build a Private Driveway over Platted, Un-Built Rights-of-Way
(A) Public Hearing (B) Continue to a Date Uncertain
[Land Management Code Section 15-3-5 Continuation Staff Report](#)

VII. NEW BUSINESS

1. Consideration to Approve Ordinance 2020-48, Amending Land Management Code Chapter 15-3, Parking, Sections 15-15-1, Definitions, and 15-15-2, List of Defined Terms, and Enacting Land Management Code Section 15-3-11, Electric Vehicle Charging Stations, to Establish Electric Vehicle Charging Station Infrastructure and Installation Requirements for Multi-Unit Dwellings and Non-Residential Development
(A) Public Hearing (B) Action
[Electric Vehicle Charging Station Land Management Code Amendments Staff Report](#)
[Exhibit A: Ordinance No. 2020-48 and Land Management Code Redlines](#)
[Exhibit B: Electric Vehicle Charging Station Networks](#)
[Exhibit C: Public Input](#)
2. Consideration to Approve Ordinance 2020-49, an Ordinance Approving the 1117 Park Avenue Plat Amendment Located at 1117 Park Avenue, Park City, Utah
(A) Public Hearing (B) Action
[1117 Park Avenue Staff Report](#)
[Exhibit A: Draft Ordinance 2020-49](#)
[Exhibit B: Site Photographs](#)

[Exhibit C: Applicant's Submitted Project Description](#)

3. Consideration to Approve Ordinance 2020-50, an Ordinance Approving the 331 McHenry Avenue Subdivision - First Amended Located at 327 McHenry Avenue, Park City, Utah
(A) Public Hearing (B) Action
[327 McHenry Avenue Staff Report](#)
[Exhibit A: Draft Ordinance 2020-50](#)
[Exhibit B: Ordinance 09-27](#)
[Exhibit C: 331 McHenry Avenue Subdivision](#)
[Exhibit D: Proposed Setback Exhibit and Footprint Calculation](#)
[Exhibit E: Site Photographs](#)
[Exhibit F: Public Comment](#)
4. Consideration to Approve Resolution 27-2020, a Resolution Authorizing Park City Sustainability Department to File an Application for the Evaluation and Possible Use of Utah Department of Transportation Surplus Property
(A) Public Hearing (B) Action
[Utah Department of Transportation Surplus Property Staff Report](#)
[Exhibit A: UDOT Surplus Property Resolution](#)
5. Consideration to Grant an Access Easement across City-Owned Property to the Snyderville Basin Water Reclamation District (SBWRD) to Access a Sewer Trunk Line Located near Richardson Flat Road
(A) Public Input (B) Action
[Snyderville Basin Water Reclamation District Access Easement Staff Report](#)
[Exhibit A: Snyderville Basin Water Reclamation District Sewer Access Easement](#)
6. Consideration to Authorize Staff to Execute an Encroachment Agreement between Park City Municipal Corporation and Old Town Lands, LLC, for a Portion of Shared Drive Encroaching on PCMC Parcel PC-364-A-X, in a Form Approved by the City Attorney and City Engineer
(A) Public Input (B) Action
[Encroachment Agreement Staff Report](#)
[Exhibit A: Driveway](#)
[Exhibit B: Encroachment Permit](#)
[Exhibit C: Engineering Memorandum](#)
7. Consideration to Approve Ordinance 2020-51, an Ordinance Approving the First Amended and Restated Deer Crest Roosevelt Gap Resort, Deer Crest Roosevelt Gap Residences Condominium Project, Deer Crest Roosevelt Gap Condo Suites Condominium Project Condominium Plat at 2300 Deer Valley Drive East, Park City, Utah
(A) Public Hearing (B) Action
[St. Regis Plat Amendment Staff Report](#)
[Exhibit A: Ordinance No 2020-51](#)
[Exhibit B: St. Regis 1st Amended Housing Mitigation Plan 8-2019](#)
[Exhibit C: Snow Park Affordable Housing](#)

VIII. ADJOURNMENT

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

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

Council Agenda Item Report

Meeting Date: November 19, 2020

Submitted by: Michelle Kellogg

Submitting Department: Executive

Item Type: Staff Report

Agenda Section:

Subject:

Consideration to Appoint Nann Worel as a Non-Voting Liaison to Mountain Mediation Center Board
(A) Public Input (B) Action

Suggested Action:

Attachments:

Council Agenda Item Report

Meeting Date: November 19, 2020

Submitted by: Matt Twombly

Submitting Department: Sustainability

Item Type: Staff Report

Agenda Section:

Subject:

Soils Repository Project Update

Suggested Action:

Attachments:

[Soils Repository Staff Report](#)

[Exhibit A: Project Location](#)

[Exhibit B: Concept Plans](#)

City Council Staff Communications Report



Subject: Park City Soils Repository Project Update
Author: Matthew A. Twombly, Senior Project Manager
Department: Sustainability
Date: November 19, 2020

The existing Council direction is to site a soils repository locally to reduce the burden on taxpayers for the cost of hauling and handling soils generated by City capital improvements within the Soils Ordinance Boundary. Staff and the consultant are working through the Utah Department of Environmental Quality (UDEQ) permitting process to ensure environmental stewardship for the management of these soils.

The project team, comprised of City staff, Brett Mickelson, and IGES, has met regularly to finalize the scope of a future soils repository at the Baingo Wortley ("Gordo") parcel(s) on the West side of the intersection of SR-248 and Richardson's Flat Rd (Exhibit A). Based upon previous Council direction (June 18, 2020, Council meeting) regarding the Gordo parcel and a favorable letter from UDEQ ([link to meeting](#)), we concentrated on the design and permitting of a repository for Bevill Exempt soils and maintaining an area for Public Works operations and possible recycling facility.

The future soils repository will require a permit from the UDEQ and an administrative grading permit from the City's Building Department. Although the property is within the Frontage Protection Zone, there are no structures as part of the landfill project. The required soils-liner is outside the 100' setback from the right of way, requiring only an administrative grading permit from the City.

The project team explored various options for the design and engineering of the landfill in conjunction with the other uses noted above. In addition, staff also considered the adjacent open space parcels, requirements of the City's Soils Ordinance, and site restrictions of topography, bedrock and groundwater. IGES performed additional soils investigations to determine the depth of bedrock and groundwater. After incorporating all of these factors, the landfill is recommended to be constrained to the existing stockpile and area directly east and southeast toward SR-248 (Exhibit B).

The project team proposes to phase the repository into two separate lined "cells" within the UDEQ permit. Lined Cell 1 will be constructed by excavating and wrapping a berm along the SR-248 side of the cell with the excavated soils. Once the cell liner is installed and approved by UDEQ, the 35,000 cubic yards (cy) of the existing stockpile at the Gordo site will be moved into Cell 1. Next, the 60,000 cy from the Arts & Culture District (including the City's, Sundance Institute's, and Kimball Art Center's anticipated excavation) will be hauled and placed into Cell 1 over the course of two to three years .

Subsequently, Cell 2 will be constructed in the location of the current soils stockpile and have capacity for an additional 40,000 cy of soils. Cell 2 will remain open to accept soils for an additional 7-10+ years. It is anticipated that Cell 2 will include any City projects post Arts & Culture, as well as soils from residential and non-profit projects from within the Soils Ordinance boundary. It is likely arrangements will be made during the building permit process for any fees (such as tipping fees) associated with the management of the soils at the repository.

Because of the City's Soils Ordinance ([Link to Ordinance](#)), all of the soils (including "clean" excavated soils from the site itself) must remain on-site or be hauled to an approved facility. At the completion of Cell 2, the finish grade of the site will be at a height approximately 10 to 14 feet higher than the existing stockpile at the rear of the property and extend and slope toward SR-248 to the height of the berm created from the excavation of Cell 1.

Staff hired Elliott Workgroup to develop a visual analysis from vantage-points determined by the Planning Director (to obtain a Grading Permit). The most noticeable visual impact will be from SR-248 adjacent to the site. The Grading Permit application will include revegetation plans with native grasses and plants to reduce visual impact.

Timing

The current schedule anticipates an application for a UDEQ permit December 2020. Concurrently, staff will pursue a Building Permit for grading. Once the Landfill Permit is submitted, IGES will develop construction documents/drawings for bidding, likely February – March 2021. There will be two bid packages; one for earthwork and one for liner installation, as they are specialized trades. After the liner is installed, it will also need State approval. The goal is to have the new soils repository and liner approved and accepting soils by July 2021.

Budget

The current budget for Cell 1 is ~\$1.6 million and funded within the City's CIP Budget. The budget includes design and engineering fees, constructing the landfill, installing/monitoring groundwater wells, moving the existing soils stockpile, hauling soils from the Arts & Culture District, and capping and seeding. The budget for Cell 2 is ~\$700,000, which does not include soil hauling. After the Arts & Culture District, individual projects will be responsible for their own hauling costs. There will also be up to 30 years of groundwater monitoring at ~\$2,500/yr or ~\$75,000.

Exhibits

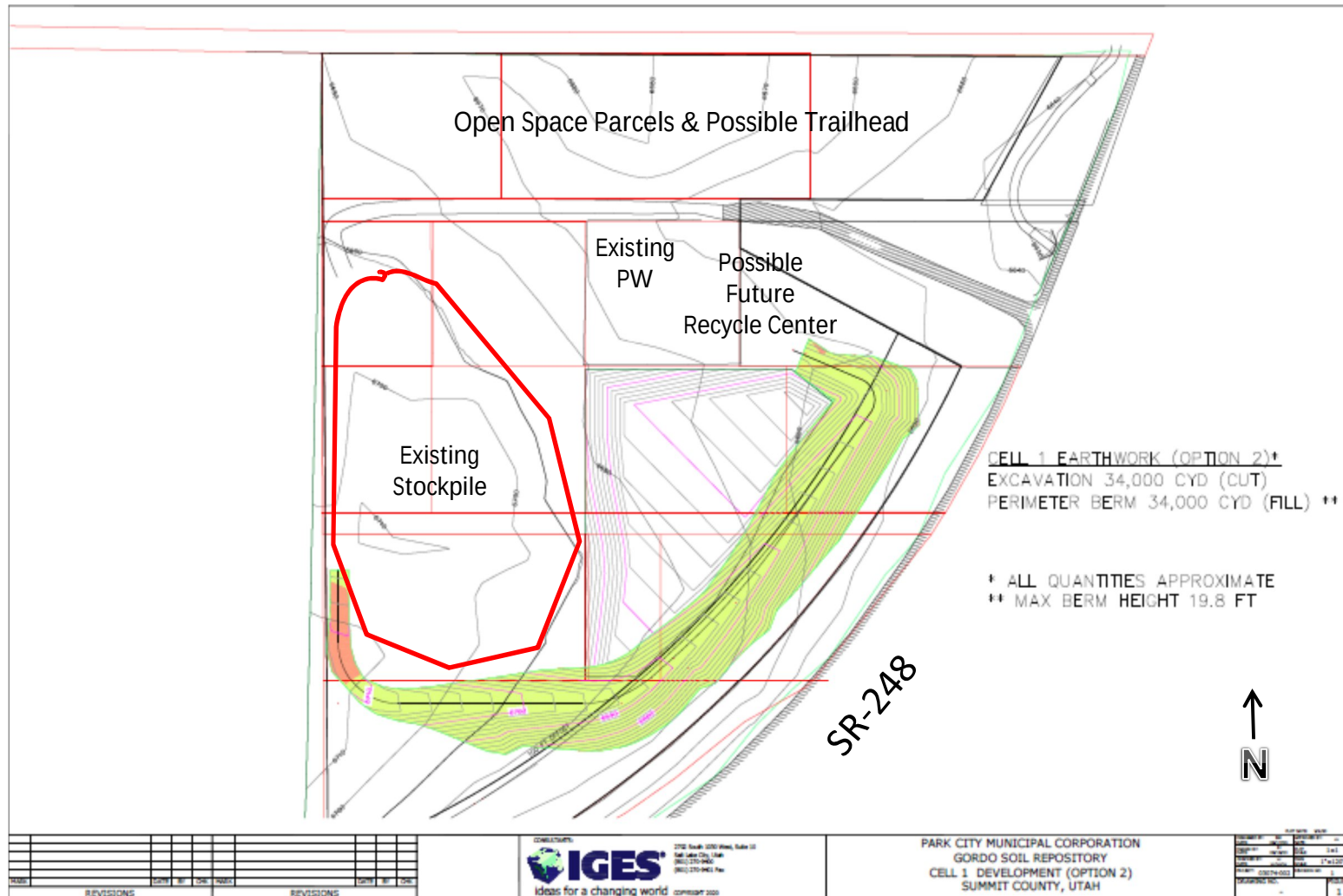
Exhibit A: Project Location

Exhibit B: Concept Site Plan

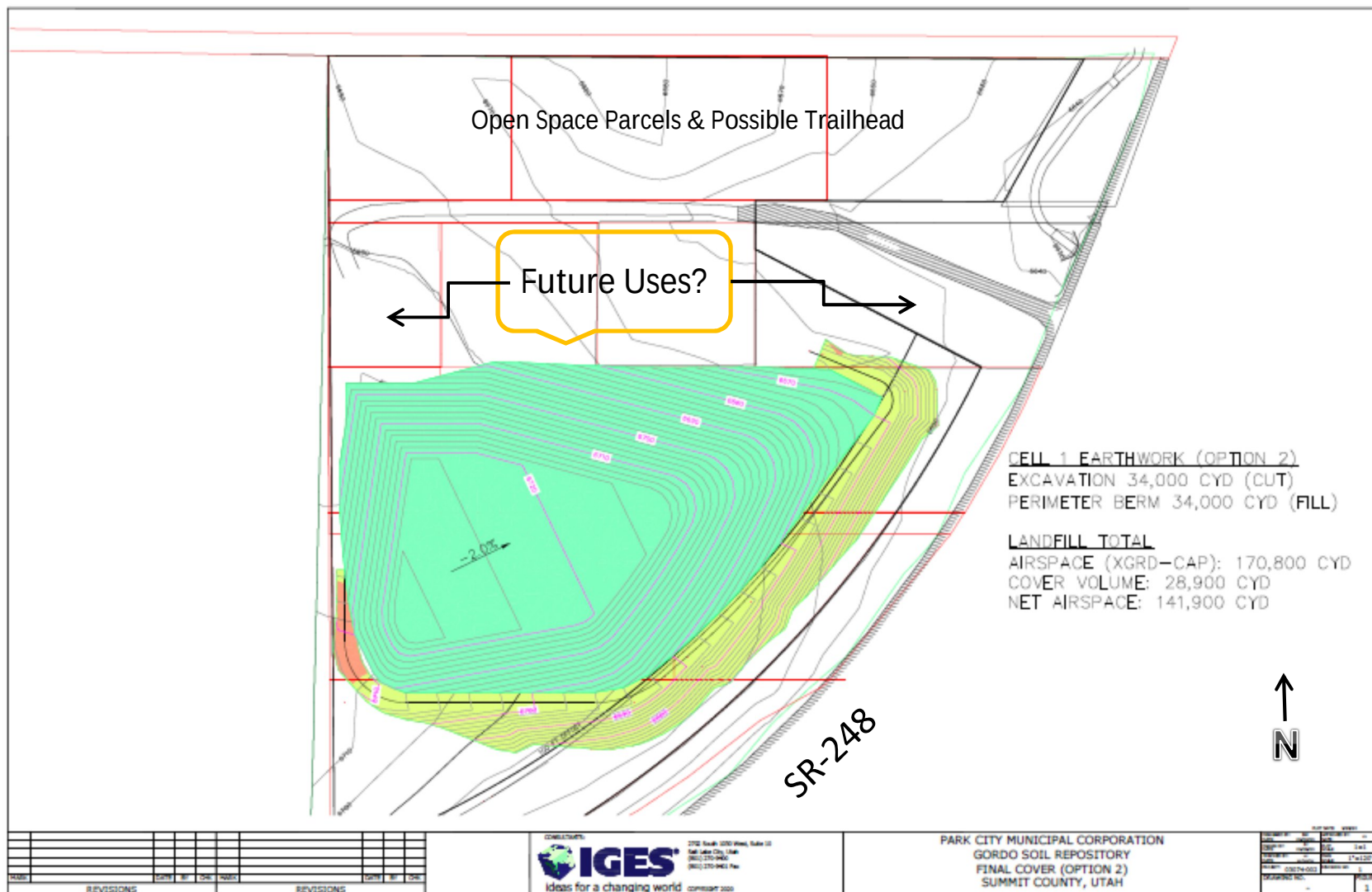
Exhibit A Project Location



Exhibit B: Concept Plans



Cell 1 Excavation and Berming Plan



Final Repository after Capping

Council Agenda Item Report

Meeting Date: November 19, 2020

Submitted by: Jessica Moran

Submitting Department: Recreation

Item Type: Staff Report

Agenda Section:

Subject:

Winter Sportex Field Operations Update

Suggested Action:

Attachments:

[Winter Sportex Field Operations Staff Report](#)



City Council Staff Communications Report

Subject: Winter Sportexe Field Use

Author: Jessica Moran, Recreation, Marketing & IT Division Manager

Department: Recreation

Date: November 19, 2020

Summary

In preparation for winter under COVID-19 restrictions, staff worked with local field stakeholders and youth sports teams to understand how to safely provide additional athletic training and development for Park City's young athletes. This report provides an overview of winter operations on the Sportexe artificial turf field at the Park City Sports Complex at Quinn's Junction.

This fall, our local stakeholders worked diligently under strict protocols and local health department guidelines to complete outdoor league seasons in soccer, lacrosse, baseball, and football. Program administrators, coaches, and athletes are eager to continue offering programs that promote physical fitness and mental wellness during the winter months, but concerns over moving play indoors remain serious.

The greater Park City community is fortunate to benefit from two artificial turf fields, playable and programmable during the winter when and if free from snow (the Sportexe field at Quinn's and turf field operated by Basin Recreation at Matt Knoop Park). Since 2010, the Park City Parks Department has removed snow from the Sportexe field to allow play during February, March, and April.

In order to balance community health concerns with the desire of youth sports teams to continue their competition and training, Park City Recreation and Snyderville Basin Recreation Teams propose additional snow removal during November, December, and January. The additional months of maintenance and snow removal will allow many local youth sports teams to continue playing outdoors when they otherwise would be forced to move indoors.

Organizations wishing to use outdoor space (Sportexe or Matt Knoop) will complete the regular Stakeholder Agreement and follow all guidelines and meet Covid Protocols from the Summit County Health Department. The Park City and Basin Recreation Parks Departments have agreed to provide snow removal for the extended period within their existing operating budgets.

The Recreation Department sees an added benefit of earlier snow removal. It also allows fitness programming to take place outdoors, thus increasing options for patrons of the PC MARC should COVID precautions continue.

In addition, the Recreation Department will adhere to the Lighting Management Plan, put in place since 2006, and occasionally a source of abutting resident consternation:

Lighting Management Plan -Quinn's Recreation Complex - 8-16-06

The sports lights on fields C and D at the Complex will be operated by the Recreation Complex Manager. During daylight savings hours (March to October) no games will be scheduled past 9 PM in the evening, where the game should be completed at approximately 10 PM. The lights will be turned off one half hour after the last game, and no later than 11 PM . From November through February the Sportex field may be cleared of snow and available for use. If field lights are needed then they must be turned off a half hour after the last scheduled use and no later than 8 PM.

The parking lot lights are arranged on the site to provide the minimum lighting necessary for ingress and egress to the buildings. The lights at the Ice Rink parking lot and overflow lot will be used every night throughout the year. The lower lots and lights will be used as determined by the Recreation Complex Manager.

The management of all of the lights at the Recreation Complex will be subject to change by the Police Chief, Chief Building Inspector, Fire Marshall, Fire Chief, City Attorney, City Manager, and/or City Council and as may be regulated for use by any Federal, State or City codes and ordinances.

After careful coordination with Snyderville Basin Recreation, various youth sports teams and recreation stakeholders, and the PCMC Parks Department, staff is prepared to expand the Sportex Field's availability at Quinn's Junction to November, December, and January provided the City Council does not have concerns.

Council Agenda Item Report

Meeting Date: November 19, 2020

Submitted by: Josh Miller

Submitting Department: Budget, Debt & Grants

Item Type: Staff Report

Agenda Section:

Subject:

Impact Fee Study

Suggested Action:

Attachments:

[Impact Fee Study Staff Report](#)



City Council Staff Communication

Subject: Impact Fee Study
Author: Josh Miller & Jed Briggs
Department: Budget, Debt, and Grants
Date: November 19, 2020
Type of Item: Staff Communication

Summary

The Budget Department is preparing an Impact Fee Facilities Plan (IFPP) and separate Impact Fee Analyses (IFAs) for parks, trails, open space, public safety, and streets. It has been several years since PCMC updated its non-water impact fees. Accurate impact fees are very important to Park City's ability to help mitigate some of the impacts of new development and redevelopment. Staff plans to present a revised impact fee schedule for the City Council to consider adopting on December 10.

Background

An impact fee is a one-time payment imposed upon new development to help mitigate the impact of the development on public infrastructure. The fees may only be used to finance capital facility costs and may not be used to fund ongoing operations or maintenance. Park City currently splits its impact fees into separate fee schedules: (1) parks, trails, and open space, (2) public safety facilities, (3) streets and storm water facilities ("non-water fees"); and (4) water fees.

An Impact Fee Facilities Plan (IFFP) is an analysis of the current level of service provided by public facilities to existing residents, and how that service will be impacted by growth. Thus, depending on the impact fee and the planned capital facilities or projects the City has planned, these fees may go up or down.

The Impact Fee Analyses (IFA) describes what portions of the anticipated infrastructure projects are attributable to new development and identifies how the impact fee for new development is calculated. The IFFP and IFA(s) are not required to be prepared by an independent expert; however, using an expert is recommended, given the analyses' complexity. The IFFP is a technical document prepared by engineers. The City's Engineering and Transportation Planning departments are currently working with TO Engineers to prepare the IFFP. The Budget department is working with Zions Public Finance to prepare the IFA's.

Staff is planning to present the impact fee schedules to the City Council on December 10 for consideration and adoption. Staff plans to return with an update to the Streets impact fee once the Transportation Master Plan is adopted. Nothing precludes a phased adoption schedule. Streets projects should only be included in the impact fee analysis when certain a streets project will happen. Otherwise, the City would have to remove the project from the analysis after the impact fee was assessed.

The City's current water impact fees are valid through 2023 and were adopted by ordinance on 9/25/2014.

Council Agenda Item Report

Meeting Date: November 19, 2020

Submitted by: Linda Jager

Submitting Department: Community & Public Affairs

Item Type: Staff Report

Agenda Section:

Subject:

Park City Vision 2020 Update

Suggested Action:

Attachments:

[Vision 2020 Staff Report](#)



City Council Staff Communications Report

Subject: Vision 2020 Update
Author: Jed Briggs, Budget Operations & Strategic Planning Manager
Michelle Downard, Resident Advocate
Linda Jager, Community Engagement Manager
Department: Budget, Debt, and Grants; Community Engagement
Date: November 19, 2020

Project Update:

On September 22, 2020, City Council held a work session for an update and discussion of Park City Vision 2020, the City's 10-year community visioning project. The staff report can be found [HERE](#). Following a pause on completing the Vision 2020 Final Report and implementation of Vision 2020's Strategic Pillars due to COVID-19, Staff recommended Council;

- Review and, if necessary, revise wording and prioritization of action plans within each pillar;
- Review suggested next steps to include any additional community feedback, final report revision and distribution, activation of Strategic Pillar workgroups, to include:
 - Community Feedback: Roll-out updated Strategic Pillars and action items and seek feedback from the community through a virtual community forum and survey;
 - Timeline of Final Report and Adoption: Determine Council's expected deadline for report based on community feedback; and
 - Strategic Pillar workgroups: Re-engage with select community members and strategic stakeholders to further validate or refine objectives within the action items.

During the work session:

- Council agreed the Vision 2020 strategic pillars remained relevant for the long-term despite COVID-19 impacts;
- Council recommended the Vision 2020 statement "*Embracing Bold Change*" be modified to "*Embracing Bold Action*" to illustrate work to advance the Strategic Pillars and action items are underway and will continue;
- Council suggested staff work on a strategic communication plan to align the Critical Community Priorities with the Vision 2020 Strategic Pillars into a clear message and graphic to be included in public outreach when the Vision 2020 Final Report is released; and
- Council was supportive of public outreach to reaffirm the vision and support for quick actions to accomplish some goals within the pillars.

Action since the September 21 work session includes:

- Research and selection of a consultant – [Soul Story Creative](#) – that will deliver strategic communications and branding plan that articulates the Vision 2020 Strategic Pillars and Community Critical Priorities into a combined, cohesive, and succinct message and graphic. Work on this project is scheduled to begin in late-November with delivery in mid-January;
- Future iQ, the Vision 2020 facilitation consultant, is finishing a final draft of the Vision 2020 Final Report which will be brought to Council on December 10 for review;
- A one-sheet Vision 2020 document has been produced as a resource for City staff for use in project implementation and Council Staff Reports; and
- Staff has updated the Strategic Pillar graphic to reflect the Council's request to update the Vision statement to "Embracing Bold Action"



Staff plans to return to Council on December 10 with an update on the progress of the Vision 2020 communications and branding plan, a final draft copy of the Vision 2020 report for review, a suggested virtual roll-out event for the public, and a recruitment plan and timeline for stakeholders to serve on Strategic Pillar implementation workgroups.

Department Review:

Budget Operations & Strategic Planning; Community Engagement, Executive, and Legal.

Council Agenda Item Report

Meeting Date: November 19, 2020

Submitted by: David Everitt

Submitting Department: Executive

Item Type: Staff Report

Agenda Section:

Subject:

Arts and Culture District Update

Suggested Action:

Attachments:

[Arts and Culture District Decision Timeline Staff Report](#)

[Exhibit A: Calendar of Deliverables](#)



City Council Staff Communications Report

Subject: Timeline for Council Policy Discussions - Arts and Culture District
Author: David Everitt
Department: Executive
Date: November 19, 2020

On October 29, 2020, Council approved a public art request to mitigate the visual impacts of the future construction of the Arts and Culture District (District). During the discussion, Council requested more detail on the future public process necessary for Council to making a policy decision regarding the District.

Previously, the Council received a District briefing and update on July 9, 2020, where staff reviewed progress to date and provided context for future scope, design, funding decisions, and various challenges. Staff also met with each Councilmember the week of October 26, 2020, to receive feedback on a potentially revised project scope and design, updated construction costs, project funding sources, and ongoing challenges in light of COVID-19 related impacts.

Based on that feedback and in response to the constantly-shifting landscape, staff is prepared to present an updated financial analysis, revised District scope and phasing, and design changes that prioritize community and affordable housing for the City's portion of District and phase 1. To set clear expectations for the community, project partners, and Council, we have created a proposed Decision Roadmap. It includes:

1. PCMC Financial Overview (1.5hr work session) – Budget and Finance will summarize PCMC's overall financial position, focusing on specific revenue sources, updated capital project budgets, reserve fund balances, and a review of underlying debt. This summary will provide a foundation for future Council consideration of the District or any other strategic, near-term financial decisions. It will also consider reallocating capital funds set aside for a new Senior Center towards community and affordable housing to enhance phase 1.
2. District Scope, Phasing, and Financial Plan (2-3hr work session, standalone special meeting) – Staff will present a phased approach to the City-owned portion of the District, including prioritizing the initial emphasis towards creating more community and affordable housing during phase 1. The presentation will include a detailed budget and financial analysis.
3. Public Input and Stakeholder Coordination (1.5hr work session) – Additional opportunity for further Council public engagement with key stakeholders, constituents, and the general public.

4. Consideration of District Resolution (1hr old business) – When Council is sufficiently informed, any remaining questions addressed, and stakeholder and public input has been adequately considered, staff will produce a formal Resolution that could either:
 - Proceed with phase 1 District construction in 2021;
 - Pause District expenditures and planning work until May 2021; or
 - Delay District expenditures and planning until further notice.
5. Community Housing Pipeline Update and Resolution (1hr work session, new business) – Staff will review the proposed 2021-2025 Housing Pipeline Strategy, incorporating Council feedback from the previous Financial Overview and District work sessions.

Exhibit A outlines the proposed meeting dates and times, including a staff request to conduct a Special City Council Meeting in December to accommodate a comprehensive work session. Staff is prepared to meet the deadlines necessary to prepare analysis and information to inform a thoughtful policy decision-making process.

Please review Exhibit A and confirm that this process meets Council expectations, as well as your willingness to hold a Special Meeting in December.

Exhibit A – Calendar of Deliverables

Deliverables for the week	Monday	Tuesday	Wednesday	Thursday	Friday
Internal iterating Staff Communications ED Group briefing	November 16	17	18 Review project costs w/Budget and GTS	19 Council Meeting - Soils repository staff communication - District Decision Making Process Staff Communications	20 Present to ED group 10am
KAC/SDI briefings Liaisons briefing Council member 1x1s if requested	23 Exec briefing Council liaisons briefing	24	25 District staff report and resolution – circulate internally Draft Pipeline Resolution	26	27
KAC/SDI briefings PCMC Financial Overview staff report Key stakeholder briefings Council member 1x1s/2x2s if requested Internal topical	30 District agenda item to Matt Pipeline agenda item to Matt Financial SOTC agenda item to Matt	December 1 Internal topical 9am	2	3 PCMC Financial Overview staff report due to Exec	4
PCMC Financial Overview work session Council member 1x1s/2x2s if requested	7 Bonanza AT agenda item to Matt District staff report+resolution finalized	8	9 -	10 Council Meeting - PCMC Financial Overview – work session (including implication for Affordable Housing Pipeline) Bonanza AT agenda item finalized	11
District work session AT options work session	14	15 Special Council Meeting (proposed) - District scope, phasing, funding – work session	16	17 Council Meeting - Check in re: District additional stakeholder/public engagement opportunity – work session - Bonanza/Prospector area Active Transportation options – work session	18
	21 Pipeline staff report+resolution finalized	22	23	24	25
	28	29	30	31	January 1
District resolution Housing Pipeline resolution	4	5	6	7 Council Meeting - District – Consider approval of Resolution (Scope and Finance) - old business - Housing Pipeline Resolution – new business	8
Architects agreement Demo contract CMAR contract	11	12	13	14 Council Meeting - Approve architect agreement – new business - Approve contract for demolition – new business - Approve CMAR contract – new business	15

Council Agenda Item Report

Meeting Date: November 19, 2020

Submitted by: Michelle Kellogg

Submitting Department: Executive

Item Type: Resolution

Agenda Section:

Subject:

Request to Adopt Resolution 26-2020, a Resolution Declaring November 28, 2020, as “Small Business Saturday” in Park City, Utah

Suggested Action:

Attachments:

[Small Business Saturday Staff Report](#)

[Exhibit A: Small Business Saturday Resolution](#)



City Council Staff Report

Subject: Small Business Saturday
Author: Michelle Kellogg
Department: Executive
Date: November 19, 2020
Type of Item: Administrative

Summary Recommendation

Approve the proposed resolution proclaiming November 28, 2020, as “Small Business Saturday” in Park City, Utah.

Background

Small businesses are the lifeblood of our city, and we salute small business owners, entrepreneurs, and employees for enhancing our community and expanding opportunities for all the residents of Park City and the surrounding communities. The hard work and ingenuity of our small business owners are helping to sustain our economic strength, vitality and authenticity. Small Business Saturday recognizes and celebrates our many outstanding small business owners and employees for their unique contributions to the Park City economy and for their entrepreneurial spirit. Park City has approximately 4,000 businesses, including 2,200 nightly rentals, 850 storefront businesses, and 1,000 businesses that come to Park City to operate.

Though this event is not affiliated with a corporation, the original campaign was conceived by American Express, first observed in 2010. The company reported that more than \$19.6 billion was spent at independently-owned businesses on this day in 2019. Small businesses employ over 47 percent of the working population in the United States. Eighty-nine percent of consumers in the United States agree that small businesses contribute positively to the local community by supplying jobs and generating tax revenue and 87% percent of consumers in the United States agree that it is important for people to support small businesses that they value in their community.

In 2020, small businesses were significantly affected because of the COVID-19 virus. The Historic Park City Alliance (HPCA) is promoting Small Business Saturday by inviting Santa to Main Street and lighting the Christmas tree at Miner’s Hospital. By proclaiming Saturday, November 28, 2020, Small Business Saturday, Park City will be joining in a nationwide effort to steer shoppers toward local independently-owned businesses during the holiday season and urge the residents of our community and communities across the country to support small businesses and merchants throughout the year.

Funding Source

There are no commitments associated with this resolution.



Resolution No. 26-2020

**RESOLUTION DECLARING NOVEMBER 28, 2020, AS “SMALL BUSINESS SATURDAY”
IN PARK CITY, UTAH**

Whereas, the government of Park City, Utah, celebrates our local small businesses and the contributions they make to our local economy and community. According to the United States Small Business Administration, there are currently 30.7 million small businesses in the United States, which represent 99.7% of all businesses with employees in the United States, and are responsible for 64.9% of net new jobs created from 2000 to 2019; and

Whereas, Park City has approximately 4,000 businesses, including 2,200 nightly rentals, 850 storefront businesses, and 1,000 businesses that come to Park City to operate; and

Whereas, small businesses employ 47.3% of the employees in the private sector in the United States; and

Whereas, 96% of consumers who plan to shop on Small Business Saturday said the day inspires them to go to small, independently-owned retailers or restaurants that they have not been to before, or would not have otherwise tried; and

Whereas, 92% of companies planning promotions on Small Business Saturday said the day helps their business stand out during the busy holiday shopping season; and

Whereas, 59% of small business owners said Small Business Saturday contributes significantly to their holiday sales each year; and

Whereas, Park City, Utah, supports our local businesses that create jobs, boost our local economy and preserve our communities; and

Whereas, advocacy groups as well as public and private organizations across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday,

Now, Therefore, the Mayor and City Council of Park City, Utah, do hereby proclaim November 28, 2020, as **SMALL BUSINESS SATURDAY** and urge the residents of our community, and communities across the country, to support small businesses and merchants on Small Business Saturday and throughout the year.

Passed and adopted this 19th day of November, 2020.

PARK CITY MUNICIPAL CORPORATION

Andy Beerman, Mayor

ATTEST:

Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

City Attorney's Office

Council Agenda Item Report

Meeting Date: November 19, 2020

Submitted by: Heinrich Deters

Submitting Department: Sustainability

Item Type: Staff Report

Agenda Section:

Subject:

Request to Approve the Mountain Trails Foundation (MTF) Donation Application for Funding Associated with the Construction of the Treasure Hill Trail, Located on the Treasure Hill Open Space

Suggested Action:

Attachments:

[Mountain Trails Foundation Treasure Hill Trail Donation Staff Report](#)

[Exhibit A: Mountain Trails Foundation Application- Treasure Hill Trail Donation](#)

City Council Staff Report

Subject: Community Project Donation- Treasure Hill Trail
Author: Heinrich Deters, Trails and Open Space Manager
Department: Sustainability
Date: November 19, 2020
Type of Item: Consent

Recommendation

Approve the attached Donation Application by Mountain Trails Foundation (MTF) for funding associated with the construction of the Treasure Hill Trail, located on the Treasure Hill Open Space (Exhibit A). This donation will help offset the costs to produce a new trail that was previously contemplated to improve access to the Treasure Hill Open Space and existing trail system.

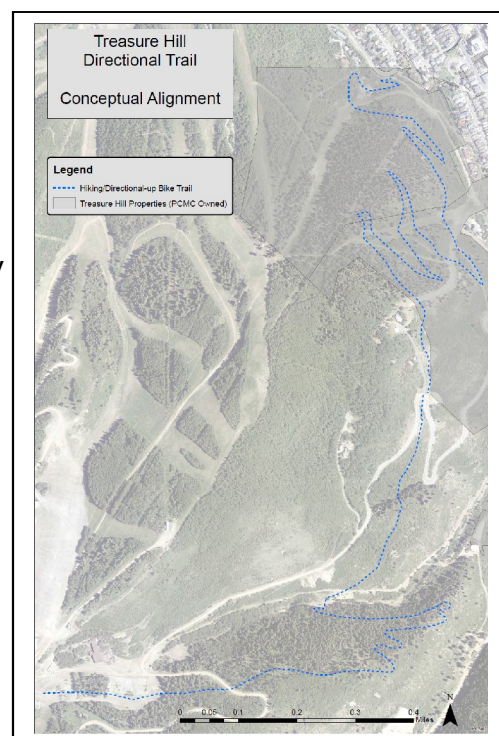
Background

In June 2011, Council adopted a City donation policy for community service and private donations on City property. In the spring of 2020, the Mountain Trails Foundation approached the City for a private donation to fund the construction of a Trail on the Treasure Hill Open Space.

Analysis

The City's donation policy requires City Council notification and approval for projects. Third-party considerations are prohibited unless specifically approved by the City Council. Third parties, including non-profit organizations, may not market or include donations to the City as part of a donation or additional consideration to that party or organization. The City Council may only approve such arrangements where the consideration is used to offset costs or enhance existing services or donations directly provided by that organization to the City (such as Adopt a Trail program). Staff finds that this request specifically enhances the existing adopt a trails program.

The proposed 'Mother Urban' trail is approximately four miles in length and costs approximately \$100,000. The trail will be multi-use but directional 'uphill' for bikes. It is projected to start at the Treasure Hill trailhead and traverse south across the Treasure property. It will then encompass the rerouting of several older trails in the area, including Gravedigger and Moose House. Final alignment and costs may vary.



The value of the donation is \$50,000. This will be documented via invoices from Mountain Trails and provided to the City. Staff will provide notification of the asset to the Finance Department once completed.

Department Review

This report has been reviewed by the Office of the City Attorney, Finance Department, and City Manager.

Funding Source

The City will utilize funds from the Treasure Hill Open Space Budget for costs above the \$50,000 donation.

Exhibit A- Mountain Trails Donation Application

Date: 10/19/2020

Applicant: Mountain Trails Foundation

Address: P.O. Box 754

Phone: 435 513 8710

Email: charlie@mountaintrails.org

Scope of donation(s) *(Why and what are you submitting for this request?)*

Mountain Trails is submitting this to allow an] private donor make a donation that will build a new trail on Treasure Hill.
The donor is willing to provide funds that the PCMC is planning on matching so the trail can be completed.

Location *(Where are you proposing to donate the item(s)? maps, photos are encouraged. Please be specific)*

The trail will begin at Lowell Avenue and go four miles to join at the Link or Mid mtn trail. This trail will be up only for
biking and multi directional for foot traffic.

Type of Donation *(Please provide size, shape, materials, quantity of donation.)*

Mountain Trails will provide everything required to build the trail;man power,machines, techincal e
expertise.

Approximate Cost of Donation

The private donors are providing \$50,000.00 of the \$100,000.00 estimated cost of the trail.

(Exhibit C)

Donation Letter of Intent

The following guidelines are provided for the installation, construction or placement of any donation:

1. Project and Process

This donation agreement shall be appurtenant to the following location and project: Treasure Hill project

2. Funding

All costs including initial installation, labor and materials are the responsibility of the donor. All donations with an estimated value over \$5000 need to be reported to the Finance Department.

3. Installation

Park City Parks Department will oversee and provide for the installation of all donations. Donations requiring installation services outside of the Parks Department's regular duties may require an outside contractor at the applicant's expense. Furthermore, the Parks Department shall approve final locations and the installation timeline for all donations.

4. Location

PCMC reserves the right to amend and/or reject any location provided by the applicant, based on Any existing agreements, regulations or deeds, scope, proposal, easements, utilities, existing structures, quality and/or quantity of an object(s), size, maintenance, public safety, relationship to the natural environment, users of the proposed site, future development plans, landscape design, existing infrastructure, proximity to other donations, environmental concerns, visibility and accessibility and if the item is identified on the PCMC "Donations List." Unless specifically agreed to in writing, the City may, at any future date, elect in its sole discretion to remove or relocate the donation. No permanent right, title, or interest of any kind shall vest in the Donor's behalf by virtue of this agreement.

5. Vandalism & Maintenance

All normal maintenance costs are at the City's expense, however, no special maintenance and/or replacement will be undertaken. Special maintenance shall be defined as exceeding normal maintenance as determined and provided by the Parks Department. Payment will be made by check payable to Park City Municipal Parks Department. The Parks Department will replace a tree within one year of the planting of the tree but will not be responsible after two years. The City reserves the right to relocate any donation.

6. Plaques

No upright, free standing signs or plaque donations are allowed without City Council approval. The City will allow at specified sites an engraved (12" x 8") 96 square inch or smaller engraved flat stone that can be placed at the foot of a donation. Other items may have a plaque placed or engraved. These Plaques/engravings will be (4" x 4") 16 square inches in size. Other details such as materials and wording must be approved by the City as part of the written proposal.

7. Materials

All donated benches and species of trees must be approved by the Parks Department. Materials or items not specified within this document will be reviewed and approved by the City Engineer. Trees may only be planted between May 15th to October 1st; weather permitting approved and coordinated with the Parks Department.

8. Liability

In no event shall the City be liable for value or tax assertions/claims by the Donor. The Donor(s) agree(s) to hold the City harmless and indemnify the City for any and all claims which might arise from any person, entity or corporation, resulting from the Donor's use of the City property or right-of-way for installation purposes, or arising from the Donor's performance or improvement/item donated pursuant to this policy.

9. Other

This agreement shall be in effect for the life of the donated item in accordance with generally applicable standards administered by the Finance Department.

THIS AGREEMENT is made by and between PARK CITY MUNICIPAL CORPORATION (City) and Mountain Trails Foundation (Donor(s)) to set forth the terms and conditions under which the City will permit the applicant to donate certain improvements on City property at Treasure Hill (location), Park City, Utah. Subject to the following terms and conditions of this agreement.

DATED this _____ day of _____, 20__

PARK CITY MUNICIPAL CORPORATION

Andy Beerman, Mayor

Attest:

DocuSigned by:

Charlie Sturgis

Owner's Signature

PO Box 754 Park City, UT 84060

Mailing Address

charlie Sturgis

Owner's Name (Printed)

charlie@mountaintrails.org

Email address or phone number

THE CITY REQUIRES THE SERVICE PROVIDER TO COMPLETE EITHER THE NOTARY BLOCK OR THE UNSWORN DECLARATION, WHICH ARE BELOW.

STATE OF UTAH)

) ss.

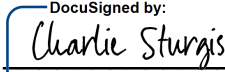
COUNTY OF SUMMIT)

On this ____ day of _____, 20__, personally appeared before me _____, 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 _____, a _____ corporation (or limited liability company), by authority of its Bylaws/Resolution of the Board of Directors (if as to a corporation) or Operating Agreement/Member Resolution (if as to a limited liability company), and acknowledged that he/she signed it voluntarily for its stated purpose as _____ (title) for _____, a _____ corporation (or limited liability company).

Notary Public

I declare under criminal penalty under the law of Utah that the foregoing is true and correct. Signed on the 19 day of October, 2020, at Summit County in the State of Utah (insert State and County here).

Printed name Charlie Sturgis

Signature: 
B7DB7FB0BFDE4B2...

Council Agenda Item Report

Meeting Date: November 19, 2020

Submitted by: Corey Legge

Submitting Department: Engineering

Item Type: Staff Report

Agenda Section:

Subject:

Request to Authorize the City Manager to Execute Contract Addendum No. 1 to the Professional Services Agreement with Ward Engineering Group for the Rossie Hill Drive Reconstruction Project, in a Form Approved by the City Attorney, in an Amount Not to Exceed \$91,185.29

Suggested Action:

Attachments:

[Rossie Hill Drive Reconstruction Project Staff Report](#)

[Exhibit A: Project Area](#)

[Exhibit B: Addendum Scope of Work](#)



City Council Staff Report

Subject: Ward Engineering Group Contract Addendum No. 1 for the Rossi Hill Drive Reconstruction Project
Author: Corey Legge, PE, Deputy City Engineer
Department: Engineering
Date: November 12, 2020
Type of Item: Administrative

Summary Recommendation

Authorize the City Manager to execute Contract Addendum No. 1 to the Professional Services Agreement with Ward Engineering Group, in a form approved by the City Attorney, not to exceed \$91,185.29.

Executive Summary

The addendum is for modifications to the professional services agreement to provide contract administration and construction engineering management (CEM) services for the reconstruction of Rossi Hill Drive. Staff anticipates this project will be completed during the 2021 construction season.

Proposed project improvements for Rossi Hill Drive consist of modifications to the intersection of Rossi Hill Drive and Ontario Avenue, changes to the overall road width of Rossi Hill Drive in sections, new pavement/resurfacing, an extension of the storm drain system, snow storage improvements, and coordination with dry utility companies for the upgrade or replacement of their facilities. The update of traffic signs, regulatory signage and street lighting is also part of this project.

Background

- Park City has been steadily improving Old Town infrastructure since 1992.
- Council adopted the Old Town Improvement Study (OTIS) in 2002.
- OTIS Projects completed include:
 - King Road
 - Ontario Avenue
 - Marsac Avenue
 - Woodside Avenue south of 12th Street
 - Upper Park Avenue, Prospect Street
 - Lower Woodside and Norfolk
 - Most of Swede Alley
 - Hillside Avenue
 - Sandridge Avenue
 - Empire Avenue
 - 10th and 11th Streets

- McHenry Avenue
- Lowell Avenue
- [May 12, 2011](#)- OTIS study was updated with current estimates of construction costs.
- [August 4, 2016](#)- Staff discussed the NTMP appeal of the parking on Rossi Hill Drive between Ontario Avenue and Echo Spur, with Council directing staff to re-construct this street section to a width of 26 feet.
- [September 21, 2017](#)- Council approves Professional Services Agreement with Ward Engineering Group for an amount not to exceed \$174,018.00
- [May 17, 2018](#) - Staff informs Council that the 2018-19 recommended budget will temporarily delay various Capital Improvement Plan (CIP) projects, including the Rossi Hill Reconstruction Project, to purchase Treasure Hill. This delayed the construction of the project to a date uncertain.
- [July 1, 2020](#) – The Fiscal Year 2021 budget approved the Rossi Hill Drive Reconstruction Project.

Analysis

The Rossi Hill Drive Reconstruction Project was slated for construction in 2018. Although the project was delayed, the bulk of the design work was previously completed. The design work incorporated comments obtained from two public meetings with the neighborhood. Since that time, staff identified additional improvements supported by the neighborhood that should be included in the scope of the project.

In addition, during the planning process for the Lilac Hill Condominiums, the applicant agreed to finance a pedestrian staircase linking Rossi Hill Drive to Deer Valley Loop ([Condition of Approval #7: Ordinance No. 2019-59](#)). The dwelling units have obtained a certificate of occupancy and the developer provided a \$75,000.00 bond for the stairs. The Rossi Hill Reconstruction Project will utilize these funds by including design and construction of the staircase into the project's scope.

A goal of the Rossi Hill Drive Reconstruction Project is to improve the intersection of Rossi Hill Drive and Ontario Avenue. The construction delay allowed staff to evaluate potential right-of-way acquisition necessary to achieve this goal best. This addendum would authorize Ward Engineering Group to complete a survey and title work required to facilitate any right-of-way acquisition.

Ward Engineering Group will draft the contract documents and administer the bidding process. Before the project is bid, a notice will be sent to inform stakeholders of the upcoming construction. Once a contractor is selected and the construction agreement approved by City Council, an open house will be scheduled to discuss construction-related concerns with stakeholders. This addendum will authorize Ward Engineering Group to provide onsite construction management and oversight.

The total amount of Contract Addendum No. 1 is \$91,185.29. Thus, the total cost of the contract will be \$265,203.29. Staff reviewed the cost and found it reasonable. As part of

the addendum, the contract time for Ward Engineering Group will extend to the end of the project, anticipated to occur October 2021.

Department Review

This report has been reviewed by the City Manager, Community Development, Budget and Legal. All issues have been resolved.

Funding Source

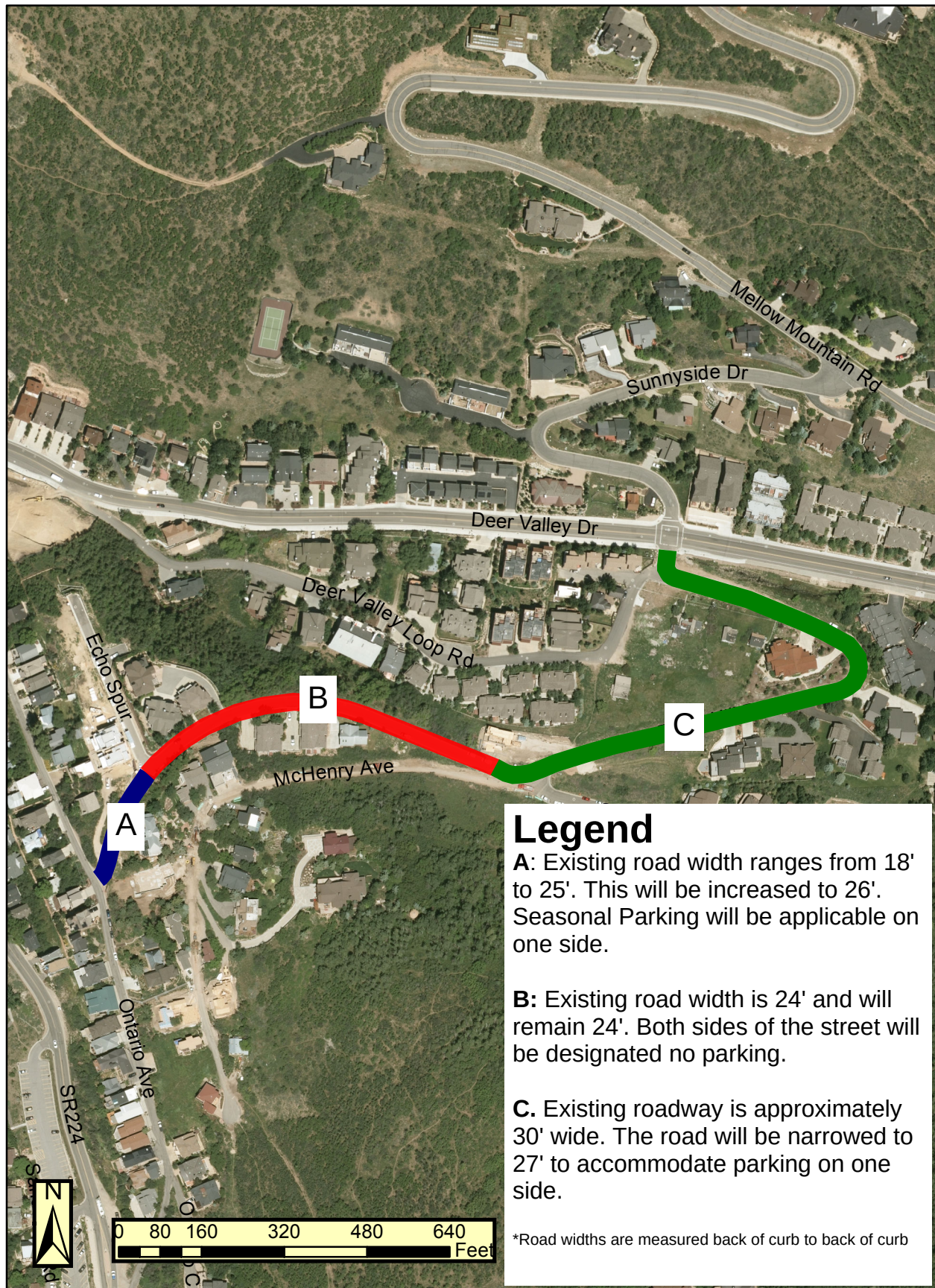
Capital Project CP0157 contains funds to satisfy the change order request and still complete the overall project. Funding for OTIS projects are part of the Council adopted 10-year Additional Resort Communities Sales Tax plan and the 5-year CIP.

Exhibits

Exhibit A: Project Area

Exhibit B: Addendum Scope of Work

Rossi Hill Reconstruction



2020 COMPLETION

ADDENDUM “A” SCOPE OF SERVICES

ROSSI HILL DRIVE – CONSTRUCTION DESIGN AND CONSTRUCTION MANAGEMENT

- Coordinate with Questar Gas to determine whether or not they will include any programmed replacement projects at the same time PCMC reconstructs Rossi Hill.
 - WARD will layout a recommended gas line alignment and coordinate CAD files and utility drawings with Questar.
 - Update contract documents to include any project coordination.
- Sernyak / IPJ Holdings LLC Properties
The objective is: (1) to abandon the existing gravel access driveway at the intersection, and relocate the drive further east, away from the intersection; (2) Obtain parcel PC-492-1 (the small triangular parcel) for roadway expansion (i.e. the north curve at the intersection at Ontario will be increased); and (3) to obtain a portion of Parcel PC-491-492-UPL (i.e. the portion containing the occupied right-of-way of Rossi Hill Drive).
 - WARD will complete a topography and boundary retracement of parcels PC-493, north portion of PC-491-492-UPL, PC-491, and PC-492-1.
 - Grading and site plan for proposed driveway to future Lot 1 (as illustrated in preferred Access Exhibit #3 previously provided).
 - Grading, site plan, and retaining wall design for improvements within the public right-of-way.
 - Retaining wall design along east side of new private driveway
 - Street landscape and irrigation plan (within right-of-way)
 - Driveway sections
 - Utility stubs for future lot 2
 - Right-of-way Acquisition Documents – WARD will prepare legal descriptions and recordable exhibits for a title company to prepare special warranty deeds for parcels PC-492-1, and a partial PC-491-492-UPL).

WARD understands that no subdivision plat will be prepared, and the driveway to future lot 2, and all other private improvements will be the responsibility of the property owners Sernyaks and IPJ Holdings LLC. It is also recommended that the Sernyaks provide PCMC with a current Commitment for Title Report of the above reference parcels to as part of their “burden of proof” to clear title to PCMC, in conjunction with producing the deeds as referenced above.
- Intersection Geometry at Ontario
 - Revise intersection design based on Sernyak right-of-way acquisition.
 - Design retaining walls (as needed) to expand intersection curve.

- Lilac Hills Subdivision
 - Obtain and/or verify final subdivision record drawings
 - Survey new driveway access
 - Survey new water line in Rossi Hill
 - Verify topography and/or survey the stairway corridor connecting Rossi Hill to Deer Valley Loop, WARD understands that PCMC will obtain the stairway easement / right-of-way from BLM prior to construction.
- Drainage
 - Redesign drainage system due to Lilac Hills water line construction.
 - City to verify status of Fox Glove easement for storm drain line discharging to the creek, and coordinate directly with the HOA to confirm the design. WARD understands that the line running through Fox Glove Condominiums is the final alignment and no further revisions are anticipated.
 - WARD will coordinate with and submit plans to the Division of Water Rights for discharge to the creek, and coordinate a stream alternation permit.
 - Preferably before snow falls, WARD will survey and verify the location of storm drain catch basins and spring overflow on Coalition Ct., and revise the plans if necessary.
- Water
 - Conduct a meeting with Roger McClain.
 - Redesign any connections and/or alignments to tie to the Lilac Hills water line project.
 - Finalize or revise any needed service lateral reconnections (to the meter and meter & vault replacements as directed) with the Lilac Hills water line construction project.
- Sewer
 - Submit plans to and coordinate with Snyderville Basin Water Reclamation District. We anticipate that there will only be reconstruction of manhole risers and lids associated with this project.
- Interconnecting Stairway (West of Lilac Hills Subdivision)
 - Obtain and plot the recorded easement or right-of-way from BLM.
 - Prepare and/or verify plan and profile of stairway.
 - Prepare construction details and/or schedules for foundation supports, and materials and hardware (WARD anticipates that the City will maintain a standard drawing and specifications).
 - Add specifications to the project and/or prepare special provision documents from Division 5, 6, & 9 if required.
 - WARD understands that there will be no new lighting or new landscaping within the right-of-way or easement, and that no additional construction easements will be required.
- Contract Documents
 - Update Bid Schedule and Measure & Payment.
 - Review applicability of Key Special Provisions with PCMC departments and revise as directed.
 - Access and Contract Incentives
 - Public Information Services
 - Supplementary Conditions (special events, traffic and pedestrian control and maintenance, parking, limits of operations, contractor permits, etc.)
 - Format and revise other special provisions in the format of PCMC's APWA adoption as Directed.

- Contractor Agreement
- Review and revise with Legal Department. Complete standard checklist.
- Update PCMC's revised standard drawings and details in the construction plans based on APWA adoption.
- Prepare 'Invitation to Bid' and assist PCMC in advertising the project.
- Final Review with PCMC
 - Submit final plans and documents to PCMC for final review by the applicable departments
 - Receive redlines and comments. Address comments and provide construction plans and documents to PCMC.
- Bidding Process (use VPO Cloud platform to exchange documents and information)
 - Conduct pre-bid meeting.
 - Respond to questions from bidders.
 - Issue addenda and correspondence as required.
 - Assist in opening and evaluating bids and make recommendation for awarding the contract.
- Construction Staking
 - Provide a one-time construction staking for the project.
 - Restaking we understand will be at the cost of the contract or.
 - The staking fee is based on 7 days of staking activities. If additional days are required, WARD requests a travel and set up fee for additional partial days at \$600 per day.
- Construction / Contract Administration
 - Provide part time "onsite" construction oversight. WARD's time is allocated based on 6 months of continuous construction with an average of 4 hours/day, 3 days/week.
 - Arrange and conduct a pre-construction conference.
 - Provide pre-construction photos/video of the road and homes along Rossi Hill Drive impacted by the construction.
 - Arrange and conduct a public meeting with residents with contractor in attendance.
 - Provide construction administration including review of submittals, review of RFIs, verify monthly pay requests, attend weekly construction meetings, review, evaluate, negotiate and prepare change orders.
 - Provide part time construction observation as described above.
 - Provide a monthly construction reports to PCMC including daily field reports, testing results, changes, progress, photos, etc.
- Public Involvement
 - Preconstruction
 - Update the project stakeholders list.
 - Send a public notice to all stakeholders of PCMC intent to bid the project.
 - Send a public notice that the project has been awarded along with a preliminary schedule and other preliminary information.
 - Construction
 - Conduct one open house with stakeholders and contractor.
 - Attend preconstruction meeting and provide PI comments and outreach goals.
 - Establish and maintain a 'hotline' for stakeholders during the course of the project.
 - Establish and manage project email account.
 - Attend key construction meetings, prepare and deliver important updates, utility interruption notices, etc.

- Coordinate waste management and mail delivery services.
 - Collect and log stakeholder interactions and communications. Distribute PI reports to Contractor, Engineer, and PCMC. Continue to engage public on resolutions.
- Post Construction
 - Provide records of constructed facilities along with contractor drawings for the preparation of record drawings. Record drawings will be submitted in hard copy form (Mylar) and electric in CAD or GIS shape files as needed by PCMC. Note that record drawings do not include an asbuilt or post construction survey of facilities and utilities.

FEE SCHEDULE

WARD ENGINEERING GROUP TEAM

2020 COMPLETION - ROSSI HILL DRIVE RE-CONSTRUCTION DESIGN & CONSTRUCTION MANAGEMENT

Position	Licenced Surveyor	Field Crew 1-Man	Design Tech	Design Engineer	Project Engineer	Project Manager	QA/QC	Inspector	Construction Manager	
Hourly Rate	\$130.00	\$125.00	\$95.00	\$110.00	\$130.00	\$150.00	\$150.00	\$95.00	\$110.00	

Hourly Costs

Task	Description	Hours	Hours	Hours	Hours	Hours	Hours	Hours	Hours	Hours	Subtotal	
1	Coordinate with Questar & Revise Plans			6		4					\$1,090.00	New Work
2	Sernyak / IPJ Holdings LLC Work	8	8	20	20	9	4	2			\$8,210.00	
3	Intersection Geometry at Ontario			8	4	2					\$1,460.00	
4	Lilac Hills Subdivision Work	2	6	4	4						\$1,830.00	
5	Drainage			8	8	8	1	1			\$2,980.00	
6	Water			1	1	1	2				\$635.00	
7	Sewer			1	1	2					\$465.00	
8	Interconnecting Stairway (West of Lilac Hills Sub)			8	8	4	2	1			\$2,610.00	
9	Contract Documents					16	2	1			\$2,530.00	
10	Final Review with PCMC			8	6	2	2				\$1,980.00	
11	Bidding Process			2	2	20	14				\$5,110.00	Original Contract
12	Construction Staking	2	66	26							\$10,980.00	New Work
13	Construction / Contract Administration								270	90	\$35,550.00	Original Contract
14	Post Construction			30			12				\$4,650.00	
Total		12	80	92	54	68	39	5	270	90	\$75,430.00	

Subconsultants

Task	Description		Subtotal	
13	Public Involvement	Jacques & Associates	\$37,374.08	Original Contract
Total			\$37,374.08	

Direct Expenses

Item	Description	Quantity	Rate		Total	
1	Milage	4,320	\$0.58/mile		\$2,505.60	New Work
2	Other Direct Expenses				\$0.00	

Total Project Cost \$115,309.68

Council Agenda Item Report

Meeting Date: November 19, 2020

Submitted by: Jonathan Weidenhamer

Submitting Department: Sustainability

Item Type: Staff Report

Agenda Section:

Subject:

Park City Municipal CARES Grant Funding Update

(A) Public Input

Suggested Action:

Attachments:

[CARES Grant Award Staff Report](#)

Staff Report

Subject: CARES Funding Grant Update
Author: Mindy Finlinson, Jonathan Weidenhamer
Department: Finance, Economic Development
Date: November 19, 2020
Type of Item: Informational

In response to COVID-19, the U.S. Congress passed the CARES Act to provide financial assistance to cover necessary expenditures incurred by businesses and non-profits due to the public health emergency ([CARES Guidelines](#)). Park City (PCMC) received two previous allocations of CARES Act funding (tranches 1 and 2) totaling \$500,396.

Park City worked closely with the Utah League of Cities and Towns (ULCT), State officials, and other essential stakeholders to secure the 3rd tranche of CARES Act funding to focus on hot spot areas that remain disparately impacted by COVID-19. On October 26, 2020 ([link](#)), PCMC received \$2,932,857 for the 3rd tranche of CARES Act funding. Council allocated \$2.2M towards grants for small businesses and non-profits ([PCMC Grant Program](#)). The remaining money is being used by the City to reimburse COVID-19 related costs for public services incurred through November 30, 2020.

Regarding the Grant Program, the City Council:

- Created a general policy outline and scoring criteria to help prioritize and review grant applications;
- Appointed Nann Worel and Steve Joyce as Council Liaisons and authorized them to update Council, work with staff, and make award decisions and recommendations for grant disbursements (both recipients and amounts); and
- Agreed to contract with the Mountainlands Association of Governments (MAG) to administer the grants ([MAG Link](#)).

Council's goals for the grant program include:

- Maximizing the impact of regional CARES Act funding for small businesses and non-profits and avoid redundancy within the context of all Federal and State funding assistance in Summit County ([Summit County CARES Awards](#)); and
- Prioritizing organizations that did not proportionally benefit from earlier public funding opportunities.

The application window closed on November 9, 2020. The MAG received the following applications:

- Non-Profit – 39 applicants seeking \$2,193,714.
- Small Business - 134 applicants seeking \$5,219,210.

While \$2.2M was an incredible amount to distribute in grants to Park City businesses and non-profits, the decision of how to allocate those funds was complex. Under the

guidance of MAG, the City Council Liaisons evaluated the amount requested for each application, types of reimbursement sought, eligibility per CARES statutes, financial loss, other public dollars received, number of employees affected, and the ownership status (minority, female, veteran). Council Liaisons also evaluated the role and impact of the business in the community. When one owner applied for multiple companies, each business was reviewed as a separate entity. In the event that one individual or company owned more than one business, each was reviewed as a completely separate entity.

PCMC greatly appreciates the time each business owner and non-profit took to submit an application.

Next Steps and Timing:

- 11/16 - Council Liaisons will inform the MAG of their final awards to recipients and amounts;
- 11/17 - MAG begins to notify applicants and starts to finalize paperwork with recipients;
- 11/18 - PCMC will publish a final list of grant recipients before the November 19 meeting on the City's website.
- 11/19 – Council Liaisons will report back to Council on their awards.
- 11/20 - PCMC and MAG distribute grant amounts at Miner's Hospital at 9:00 a.m. – 3:00 p.m.

Council Agenda Item Report

Meeting Date: November 19, 2020

Submitted by: Tate Shaw

Submitting Department: Recreation

Item Type: Staff Report

Agenda Section:

Subject:

Consideration to Approve Ordinance 2020-39, an Ordinance Approving a New Zoning District to be Known as Land Management Code Chapter 15-2.26, Urban Park District, and a Zoning Map Amendment to Re-Zone Rotary Park; Creekside Park; Prospector Park; City Park; and the North and South Parcels of the Municipal Golf Course from Recreation and Open Space to Urban Park District Zoning

(A) Public Hearing (B) Action

Suggested Action:

Attachments:

[Urban Park Zoning District LMC Amendment and Rezone Staff Report](#)

[Exhibit A: Urban Park Zoning Ordinance](#)

City Council Staff Report

Subject: Consideration of Ordinance No. 2020-39, which creates a new Urban Park Zoning District and rezones five City-owned public parks

Authors: Tate Shaw, Assistant Recreation Director
Alexandra Ananth, Senior Planner

Departments: Recreation and Planning Departments

Date: November 19, 2020

Type of Item: Legislative

Recommendation

Hold a public hearing and consider adopting Ordinance No. 2020-39 to create Land Management Code Chapter 15-2.26 for a new Urban Park Zoning District, and to re-zone five City-owned public parks—Rotary Park, Creekside Park, Prospector Park, City Park, and the North and South Parcels of the Municipal Golf Course—from Recreation and Open Space to the Urban Park Zoning District.

Description

Applicant: Park City Municipal Corporation Recreation Advisory Board

Parcels: Parcels PCA-1001-D-X; PCA-108-C-X; PCA- 1001-6-X; CRKSD-2-X; PCA-3-3107-PC-X; SA-224-G-5-X; SA-235-1-X; SA-224-2-X; SA-400-4-1-X; SA-360-A-X; parcel SA-265-A-X east of Park Avenue

City Parks: Rotary Park; Creekside Park; Prospector Park; City Park; North and South Parcels of the Municipal Golf Course;

LMC Sections: Enacts Sections 15-2.26-1; 15-2.26-2; 15-2.26-3; 15-2.26-4; 15-2.26-5

Existing Zoning: Recreation Open Space

Proposed Zoning: Urban Park District

Adjacent Land Uses: Single-Family Dwellings; Multi-Unit Dwellings; Open Space, General Commercial

Reason for Review: Land Management Code and Zoning Map amendments require Planning Commission recommendation and City Council action

Background

The community treasures Park City’s public parks. However, over time, there have been discussions about selling or transferring public parks for development purposes or to help forward community goals and priorities. To help protect public parks for generations and to provide the community with a voice and a platform if public parks are ever considered for other uses, Ordinance 2020-39 creates a protective Urban Park Zoning District and rezones five public parks—Rotary Park, Creekside Park, Prospector Park, City Park, and the North and South Parcels of the Municipal Golf Course—from Recreation Open Space to the Urban Park Zoning District. Ordinance 2020-39 has been

a collaborative work-in-progress for over three years, and is a complex public policy decision that has lasting implications for future City Council's.

March 2017: During Recreation Advisory Board (RAB) Visioning with City Council, Council asked RAB to form a sub-committee to research measures to protect public parks short of a third-party conservation easement. This was due to the recent protective easement that the City placed on the Library Field.

June 2018: During RAB Visioning with City Council, the Park Preservation Sub-Committee recommended additional protections of public parks through the development of a Local Parks Preservation Master Plan.

March 2019: The RAB Sub-Committee presented a draft [Local Parks Preservation Master Plan](#) (the draft Plan) to City Council. To protect important public parks for generations to come without requiring a third-party conservation easement, the draft Plan includes the following Voter Referendum language:

No sale, change of ownership or change in the 'recreation and open space' zoning of current Recreation Open Space Districts pertaining to the City-owned properties included in this Local Parks Preservation Plan, or changes in the intent of this Plan to protect park spaces shall be undertaken without an affirmative vote of four out of five City Council Members.

This vote must further be affirmed by 60% of the voters in a locally scheduled special election within 180 days of the Council's decision.

Nothing in this provision shall affect bonds currently secured by the property or preclude or hinder the City using this property as security or collateral for future bonding, as long as the basic intent of maintaining recreation and open space is upheld.¹

The Voter Referendum language has precedence – it was applied during the preservation efforts of McPolin Farm in the [1995 Entryway Corridor Master Plan](#).

City Council was supportive of the efforts to develop the draft Plan, but recommended that the Recreation staff work with the Planning Department to clean up the Recreation Open Space Zoning District to further protect public parks.

Since **March of 2019**, Recreation staff, the RAB Sub-Committee, and the Planning Department have been reviewing the City's Zoning Districts and determined that the best solution to protect unwanted development of parks would be to create a new Zoning District, the Urban Park Zoning District. The Urban Park Zoning District blends

¹ If the Council approves Ordinance No. 2020-39 this evening, staff will amend the draft Local Parks Preservation Master Plan to include Voter Referendum language that is specific to public parks that have been rezoned to Urban Park District Zoning. Staff plans to bring the draft Plan to Council for ratification this winter.

Protective Open Space and Recreation Open Space Zoning regulations and implements further protections that will support the draft Plan.

January 2020: City Council conducted a work session and expressed support for the creation of the Urban Park Zoning District. Council directed staff to bring the proposed Zoning District before the Commission for review and recommendation ([Staff Report](#); [Minutes](#), p. 2-3).

May 2020: The Planning Commission conducted a work session on the Urban Park Zoning District. The Commission recommended further review and more standards outlining Height, Setback, and other zoning regulation restrictions. ([Staff Report](#); [Minutes](#), p. 2-8).

July 2020: The Planning Commission unanimously forwarded a positive recommendation for City Council's consideration to adopt Ordinance 2020-39 to create an Urban Park Zoning District and to rezone five City parks to the Urban Park Zoning District. The Commission wanted to ensure that their recommendations from the May work session were incorporated into the final redlines. The Commission specified that they wanted the Recreation Open Space Setback restrictions outlined in Land Management Code [§ 15-2.7-3](#), *Lot and Site Requirements*, and Height restrictions outlined in Land Management Code [§ 15-2.7-4](#), *Building Height*, to be included in the Urban Park Zoning District. The final redlines (Exhibit A, Attachment 1) reflect the Recreation Open Space Setback and Height restrictions. ([Staff Report](#); [Minutes](#) p.38-43).

August 2020: At the August 4, 2020 Council meeting, the Recreation Advisory Board Sub-Committee presented on the positive recommendation from the Planning Commission to adopt Ordinance 2020-39. City Council was generally supportive of the efforts, but wanted to ensure that additional vetting and changes were made to the zone and the following areas.

- Childcare Center
 - Staff determined that we can strike Childcare Center from the Conditional Uses section of the proposed Ordinance
- Anemometers and Anemometer Towers and Small Wind Energy Systems
 - Through our vetting with Sustainability, staff is comfortable removing the small wind energy systems from this zone as an Administrative Conditional Use. However, due to the placement of Anemometers and Anemometer Towers for operational needs regarding weather monitoring and watering and fertilizing efficacy, it is recommended that this item stay in this zone but move from an Admin CUP to a Conditional Use requiring Planning Commission approval, , and must fall within the zone height restrictions.

September 2020: On September 17, 2020, staff recommended the City Council **continue** the consideration of adopting Ordinance No. 2020-39 to create Land Management Code Chapter 15-2.26 for a new Urban Park Zoning District, and to re-

zone five City-owned public parks from Recreation Open Space to the Urban Park Zoning District to a date uncertain.

Additional work needed to be done by the Recreation and Planning Departments on the proposed Land Management Code Amendment. This work included definitions as well as allowed and conditional uses. Additionally, the Planning Commission requested Council delay action on the proposed Zoning Map Amendment until the Planning Commission could further review and analyze PEG's Traffic Impact Study on the redevelopment of Park City Mountain's base area. Subsequent to that review, staff have revised the scope of the Map Amendment to include the entirety of the Municipal Golf Course.

Analysis

The proposed ordinance addresses the following provisions of the 2014 General Plan:

- [Goal 9](#): Park City will continue to provide unparalleled parks and recreation opportunities for residents and visitors (p. 12).
- [Objective 9A](#): “[m]aintain local recreation opportunities with high quality of service, exceptional facilities, and variety of options” (p. 13).
- [Community Planning Strategy 9.3](#): “[c]ontinue long-range planning efforts to anticipate recreation needs of future generations” (p. 13).

As City staff and the Recreation Advisory Board developed a draft [Local Parks Preservation Master Plan](#) (the draft Plan), they identified five City-owned public parks that require additional protections from development:

Park	Parcel	Acres
Rotary Park	PCA-108-C-X	2.82
Creekside Park	CRKSD-2-X	6.71
Prospector Park	PCA-3-3107-PC-X	4.67
City Park	SA-235-1-X	7.80
	SA-224-G-5-X	1.65
	SA-224-2-X	3.90
	SA-265-A-X (East of Park Ave)	4.18
	SA-400-4-1-X	5.98
	SA-360-A-X	9.08
North Parcels of the Municipal Golf Course	PCA-1001-D-X	57.02
	PCA-1001-6-X	10.55
South Parcel of the Municipal Golf Course	PCGCBNS-1-X	67.75
	TOTAL	182.11

Urban Park District Purpose

The purpose of the Urban Park Zoning District is to:

- A. promote the preservation of Historic Buildings, Structures, Sites, or Objects;
- B. preserve the vegetation and habitat of natural Areas;

- C. provide for careful review of low-intensity recreational Uses and environmentally-sensitive, non-motorized trails;
- D. establish and preserve districts for land Uses requiring substantial Areas of Open Space covered with vegetation that are substantially free from Accessory Buildings, Streets, and Parking Lots;
- E. permit recreational Uses and preserve recreation land;
- F. encourage parks, golf courses, trails, and other compatible public or private recreational Uses, and preserve and enhance park amenities; and
- G. encourage sustainability, conservation, and renewable energy.

Allowed and prohibited uses

The Uses Section proposed to be enacted as LMC § 15-26.2-2 is more restrictive than Protected Open Space and Recreation Open Space Uses. For example, grazing of horses and livestock is an Allowed Use in the Protected Open Space and Recreation Open Space Zoning Districts, but is prohibited in the Urban Park Zoning District. Additionally, no ski tow ropes, ski lifts, ski runs, ski bridges, or ski-related accessory buildings are Allowed or Conditional Uses in the Urban Park Zoning District. Commercial stables, resort support commercial Uses, cemeteries, and nurseries are further prohibited. Staff-level Administrative Conditional Use Permits for small Parking Areas are heightened to Conditional Use Permits approved by the Planning Commission.

The Urban Park District creates one new Use: community gardens.

Rezoning five public parks from Recreation and Open Space to the Urban Park Zoning District subjects the public parks to more restrictive zoning regulations and also to the Voter Referendum process outlined in the draft Local Parks Preservation Master Plan. The Voter Referendum holds protective language that precludes the sale, change of ownership or change in zoning cannot be undertaken without an affirmative vote of four out of five City Council Members. Additionally, this vote must further be affirmed by 60% of the voters in a locally scheduled special election within 180 days of the Council's decision. An Urban Park Zoning designation for these five public parks provides the Community with a voice if the parks are ever proposed for a different use.

Rezoning Rotary Park, Creekside Park, Prospector Park, City Park, and the Municipal Golf Course sets these parks apart from other City-owned land that is zoned Recreation Open Space or Protected Open Space. The designation of Urban Park Zoning for these five public parks provides heightened Land Management Code regulations and protects these lands pursuant to the Local Parks Preservation Master Plan by providing Voter Referendum requirements so that the community has a voice should these specific public parks ever be proposed for other uses.

Nonconforming uses and structures

Staff from several departments recently reviewed the existing conditions and identified several nonconforming uses and structures which include (but may not be limited to) the

following: utilities, two garages, a shed, a small block wall and a portion of a parking lot and fence that encroach onto City property without recorded agreements. These will be governed in accordance with the Non-Conforming Use and Non-Complying Structure regulations of the LMC – Title 15, Chapter 9.

Next Steps: If the Council adopts Ordinance 2020-39, staff will amend the Local Parks Preservation Master Plan to reflect the new Urban Park Zoning District and will bring the Plan to the Council for ratification in the fall.

Exhibit

Exhibit A: Ordinance No. 2020-39

Attachment 1: Land Management Code Redlines

Attachment 2: Proposed Zoning Map Amendment Rezoning Five City Parks from Recreation Open Space to Urban Park Zoning

Ordinance No. 2020-39

AN ORDINANCE APPROVING A NEW ZONING DISTRICT TO BE KNOWN AS LAND MANAGEMENT CODE CHAPTER 15-2.26, *URBAN PARK DISTRICT*, AND A ZONING MAP AMENDMENT TO REZONE ROTARY PARK, CREEKSIDE PARK, PROSPECTOR PARK, CITY PARK, AND THE NORTH AND SOUTH PARCELS OF THE MUNICIPAL GOLF COURSE FROM RECREATION AND OPEN SPACE TO URBAN PARK DISTRICT ZONING

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

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

WHEREAS, Goal 9 of the Park City General Plan states that Park City will continue to provide unparalleled parks and recreation opportunities for residents and visitors;

WHEREAS, Objective 9A of the Park City General Plan is to maintain local recreation opportunities with high quality of service, exceptional facilities, and a variety of options;

WHEREAS, Community Planning Strategy 9.3 of the Park City General Plan is to continue long-range planning efforts to anticipate recreation needs of future generations;

WHEREAS, the City Council asked the Recreation Advisory Board to research measures to protect certain City parks short of a conservation easement and the Recreation Advisory Board recommended the creation of a new Zoning District;

WHEREAS, the Recreation Advisory Board created a draft Local Parks Preservation Master Plan to further protect City parks;

WHEREAS, the Local Parks Preservation Master Plan requires a Voter Referendum in order to change the use of certain City parks that are zoned as Urban Parks;

WHEREAS, the Recreation Department and Planning Department collaborated to develop a new Urban Park Zoning District to be codified in Land Management Code Chapter 15-2.26 to protect City parks and to delineate City park subject to the Voter Referendum;

WHEREAS, Rotary Park, Creekside Park, Prospector Park, City Park, and the Municipal Golf Course are rezoned from Recreation Open Space to Urban Park Zoning;

WHEREAS, the Planning Commission duly noticed and conducted a public hearing at the regularly scheduled meeting on July 8, 2020;

WHEREAS, on July 8, 2020, the Planning Commission forwarded a positive recommendation for City Council's consideration;

WHEREAS, on the City Council duly noticed and conducted a public hearing at the regularly scheduled meeting on November 19, 2020.

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

SECTION 1. LAND MANAGEMENT CODE CHAPTER 15-2.26, URBAN PARK DISTRICT. The recitals above are incorporated herein as findings of fact. Chapter 15-2.26 of the Land Management Code of Park City is hereby adopted as indicated in Attachment 1.

SECTION 2. ZONING MAP AMENDMENT. The recitals above are incorporated herein as findings of Fact. The Zoning Map is hereby amended as indicated in Attachment 2.

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

PASSED AND ADOPTED this 19th day of November 2020.

PARK CITY MUNICIPAL CORPORATION

Andy Beerman, MAYOR

ATTEST:

Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment 1

15-2.26 Urban Park District

15-2.26-1 Purpose

The purpose of the Urban Park Zoning (UPZ) District is to:

- A. promote the preservation of Historic Buildings, Structures, Sites, or Objects;
- B. preserve the vegetation and habitat of natural Areas;
- C. provide for careful review of low-intensity recreational Uses and environmentally-sensitive, non-motorized trails;
- D. establish and preserve districts for land Uses requiring substantial Areas of Open Space covered with vegetation that are substantially free from Accessory Buildings, Streets, and Parking Lots;
- E. permit recreational Uses and preserve recreation land;
- F. encourage parks, golf courses, trails, and other compatible public or private recreational Uses, and preserve and enhance park amenities; and
- G. encourage sustainability, conservation, and renewable energy.

15-2.26-2 Uses

Uses in the UPZ District are limited to the following:

A. ALLOWED USES.

- 1. Conservation Activity
- 2. Food Truck Locations¹

B. ADMINISTRATIVE CONDITIONAL USES.²

- 1. Trail and Trailhead Improvement
- 2. Outdoor Recreation Equipment
- 3. Essential municipal public utility Use, service, or Structure less than 600 sq. ft.

- 25 4. Accessory Building, less than 200 sq. ft.
- 26 5. Outdoor Event, outdoor music
- 27 6. Temporary Improvement
- 28 C. CONDITIONAL USES.
- 29 1. Essential municipal public utility Use, service, or Structure 600 sq. ft. or greater³
- 30 2. Accessory Building, 200 sq. ft. or greater, not to exceed 600 sq. ft.
- 31 3. Recreational outdoor lighting
- 32 4. Community gardens
- 33 5. Recreation Facility, Public
- 34 6. Recreational Facility, Commercial
- 35 7. Golf course
- 36 8. Recreational sports field and courts
- 37 9. Skateboard park
- 38 10. Public and Quasi-Public institution, education, park, plaza, Structure for public
- 39 assembly greater than 600 sq. ft.
- 40 11. Vehicle Control Gates⁴
- 41 12. Surface Parking Area with five (5) or more spaces
- 42 13. Telecommunications Antenna⁵
- 43 14. Fences greater than six feet (6') in height from Final Grade
- 44 15. Anemometer and Anemometer Towers
- 45 16. Olympic Games Displays⁶
- 46 D. PROHIBITED USES. Any Use not listed above as an Allowed or Conditional Use is a
- 47 prohibited Use.

1 The Planning Director or his or her designee shall, upon finding a Food Truck Location in compliance with Municipal Code of Park City Section 4-5-6, issue the property owner a Food Truck Location administrative approval letter.

² Subject to an Administrative Conditional Use permit

³ Essential municipal utilities or infrastructure related to the provision of essential municipal utilities requires a Conditional Use permit with approval by the Planning Commission.

⁴ Subject to Section 15-4-19, Review Criteria For Vehicle Control Gates

⁵ Subject to Section 15-4-14, Telecommunication Facilities

⁶ Olympic Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed on the original Property set forth in the services agreement and/or Master Festival License.

15-2.26-3 Lot And Site Requirements

All Structures must be no less than twenty-five feet (25') from the boundary line of the Lot, district, or public Right-of-Way.

A. FRONT, SIDE, AND REAR SETBACK EXCEPTIONS. Fences, walls, stairs, paths, trails, sidewalks, patios, driveways, Ancillary Structure, approved Parking Areas, and Screened mechanical and utility equipment are allowed as exceptions in the Front, Side, and Rear Setbacks.

15-2.26-4 Building Height

No Structure may be erected to a height greater than twenty-eight feet (28') from Existing Grade. This is the Zone Height.

A. BUILDING HEIGHT EXCEPTIONS. To allow for a pitched roof and to provide usable space within the Structure, the following height restrictions may apply:

1. A gable, hip, Barrel, or similar pitched roof may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater.

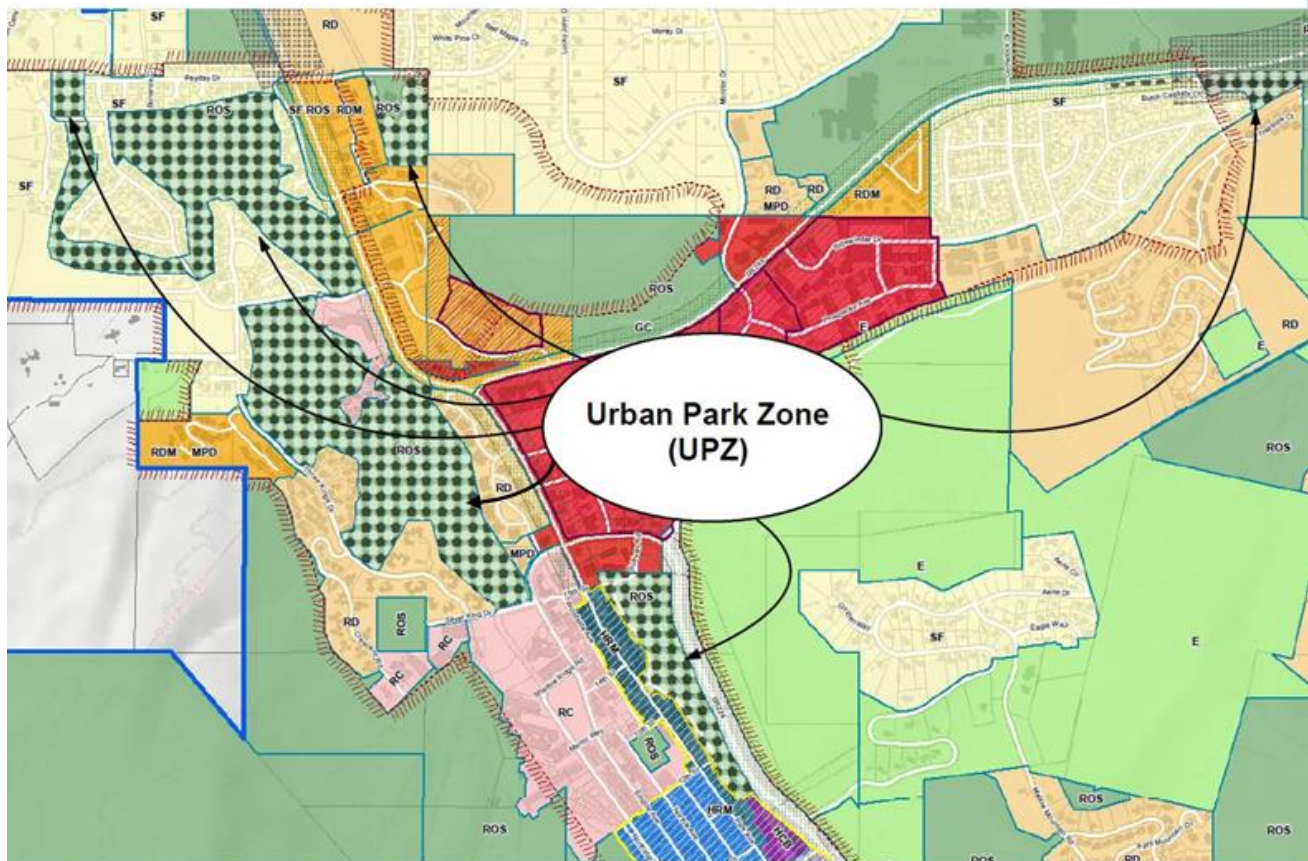
- 73 2. An antenna, chimney, flue, vent, or similar Structure may extend up to five feet
74 (5') above the highest point of the Building to comply with International Building
75 Code (IBC) requirements.
- 76 3. Water towers, mechanical equipment, and associated Screening, when enclosed
77 or Screened, may extend up to five feet (5') above the height of the Building.
- 78 4. Anemometers and Anemometer Towers used to measure wind energy potential
79 for future Wind Energy Systems may extend above the maximum Zone Height
80 subject to a visual analysis and Conditional Use approval, see Section 15-2.7-8.

81 **15-2.26-5 Related Provisions**

- 82 • Fences and Walls. LMC § 15-4-2.
- 83 • Satellite Receiving Antenna. LMC § 15-4-13.
- 84 • Parking. LMC Chapter 15-3.
- 85 • Landscaping. Title 14; LMC § 15-3-3(D).
- 86 • Lighting. LMC § 15-3-3(C) and § 15-5-5(J).
- 87 • Historic Preservation. LMC Chapter 15-11.
- 88 • Park City Sign Code. Title 12.
- 89 • Architectural Design. LMC Chapter 15-5.
- 90 • Snow Storage. LMC § 15-3-3(E).

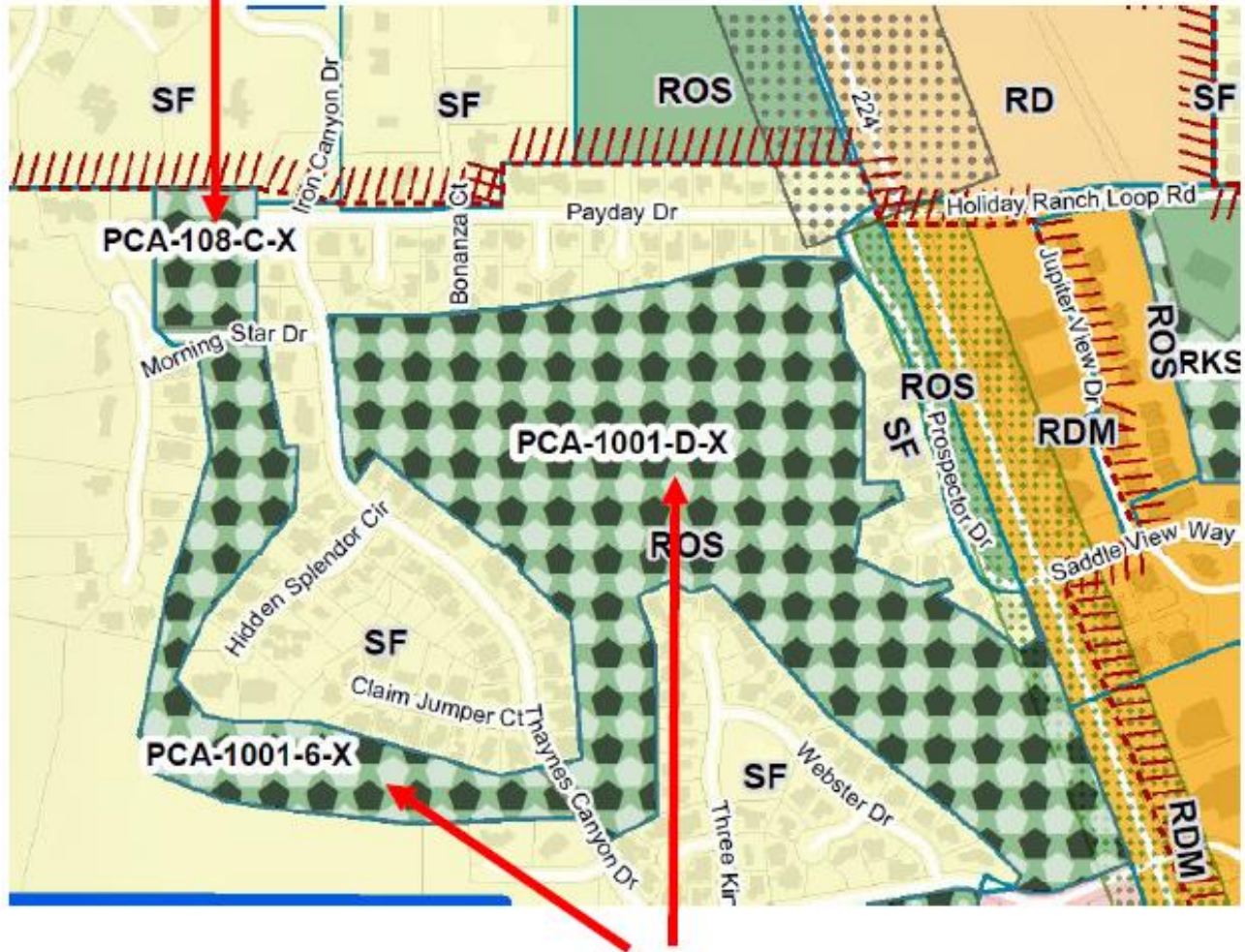
Attachment 2 – Zoning Maps Rezoning Five City Parks from Recreation Open Space to Urban Park Zoning

PROPOSED ZONING MAP CHANGE
Recreation Open Space to Urban Park Zone
(ROS to UPZ)



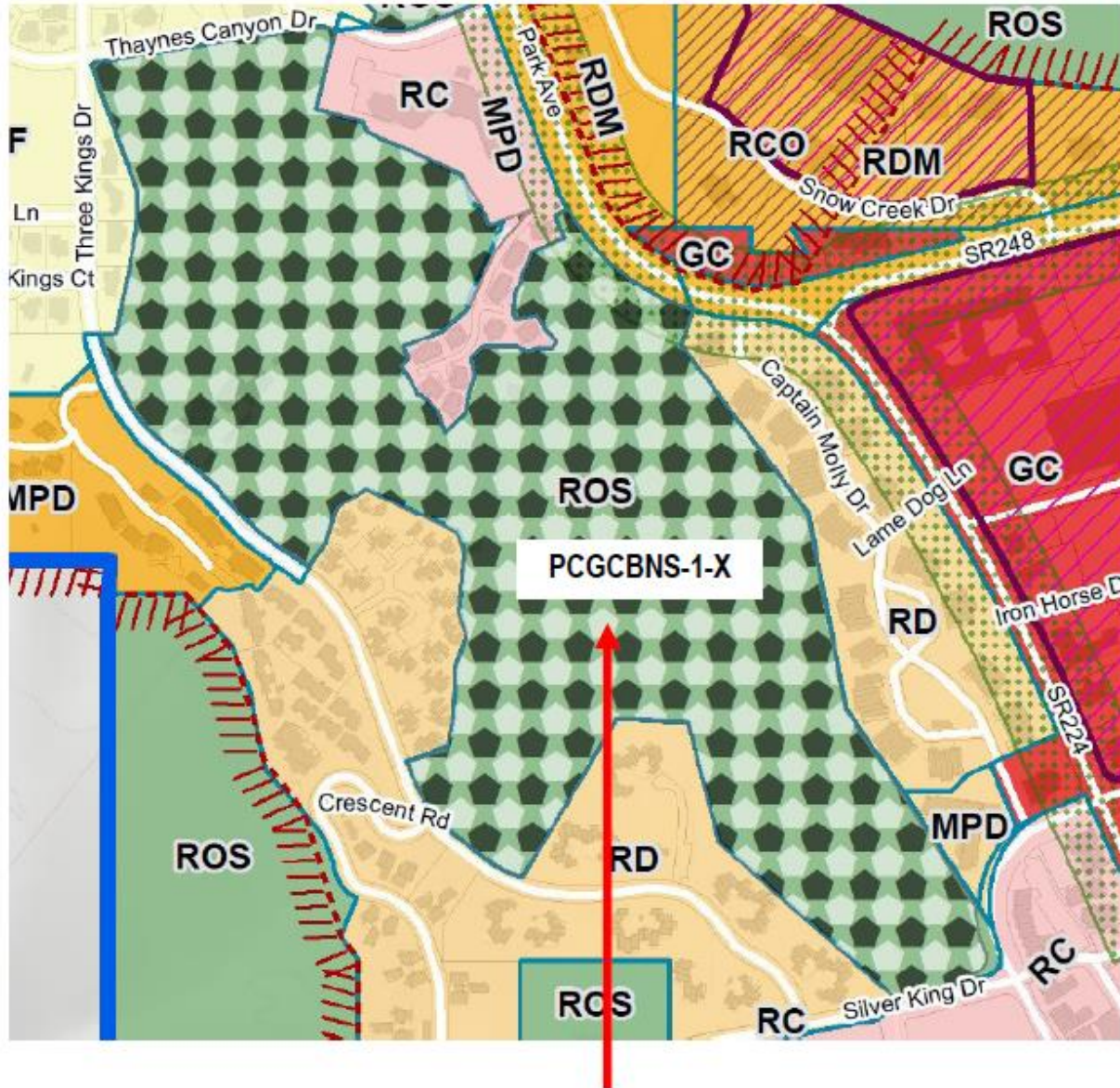
PROPOSED ZONING MAP CHANGE
ROS to UPZ
Rotary Park and North Parcels of Golf Course

ROTARY PARK
PCA-108-C-X



NORTH PARCELS OF THE MUNICIPAL GOLF COURSE
PCA-1001-D-X
PCA-1001-6-X

PROPOSED ZONING MAP CHANGE
ROS to UPZ
South Parcel of the Municipal Golf Course

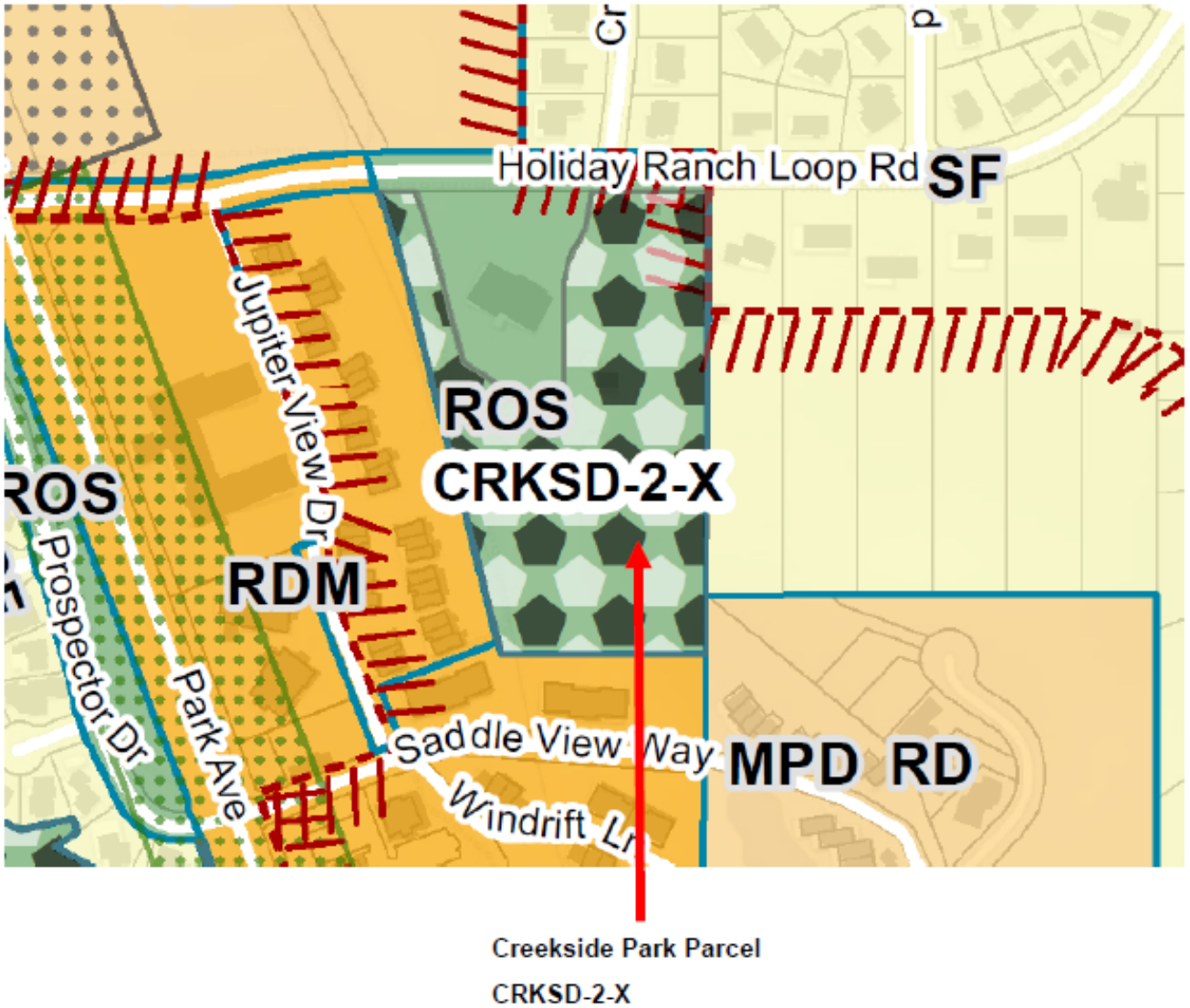


South Parcel of Municipal Golf Course
PCGCBNS-1-X

PROPOSED ZONING MAP CHANGE

ROS to UPZ

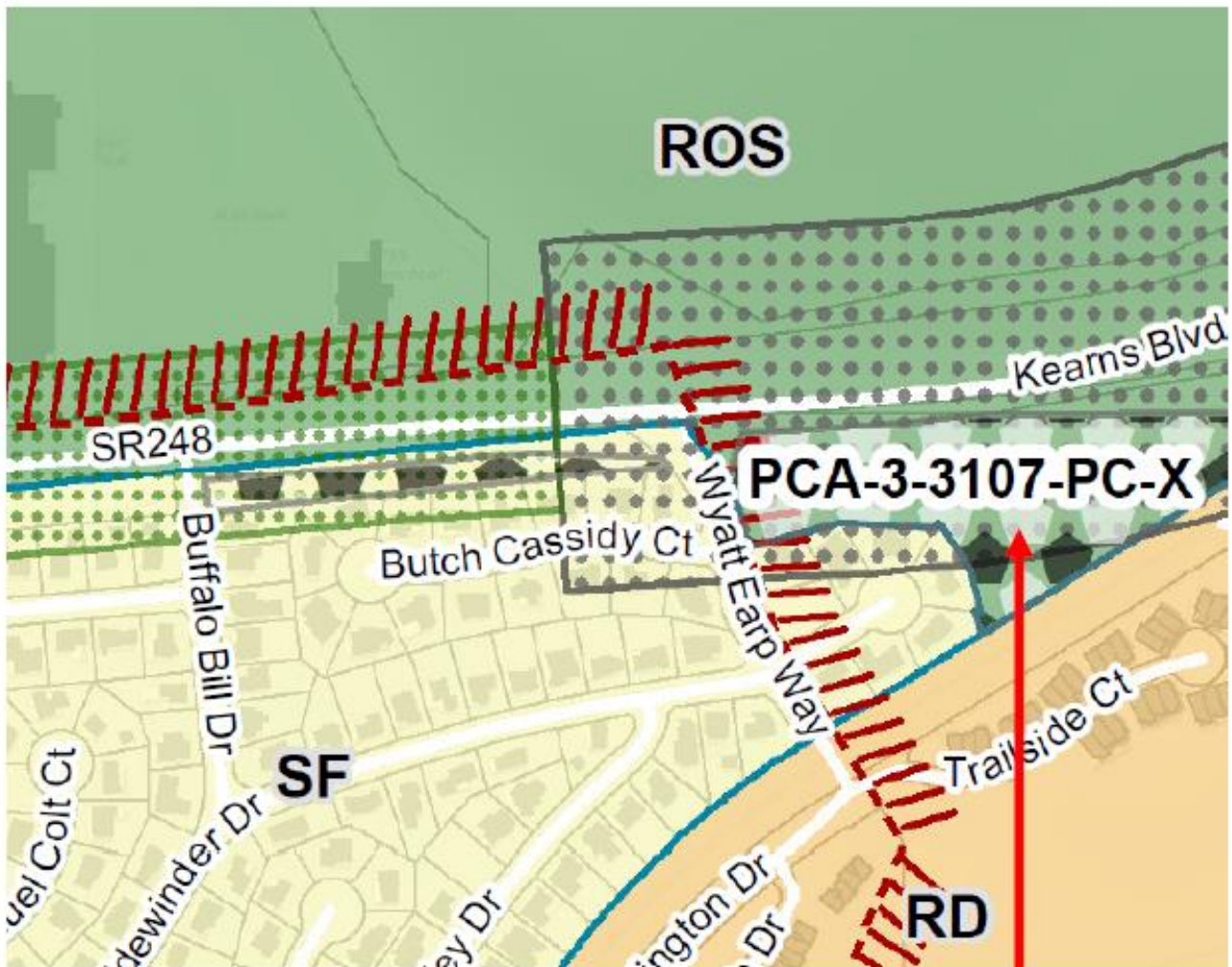
Creekside Park



PROPOSED ZONING MAP CHANGE

ROS to UPZ

PROSPECTOR PARK

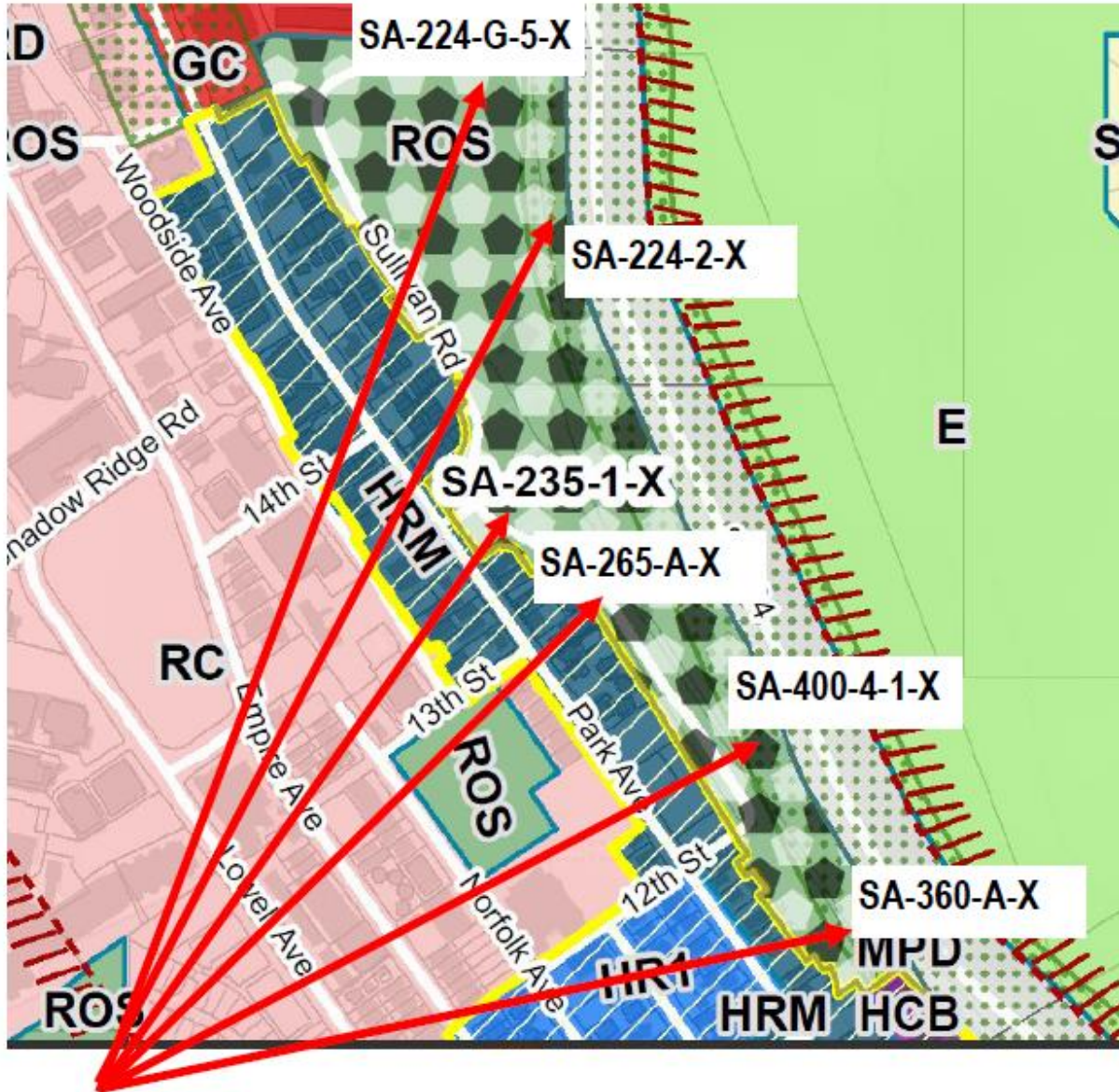


Prospector Park
PCA-3-3107-PC-X

PROPOSED ZONING MAP CHANGE

ROS to UPZ

City Park



City Park Parcels

SA-235-1-X	SA-265-A-X (East of Park Ave)
SA-224-G-5-X	SA-400-4-1-X
SA-224-2-X	SA-360-A-X

Council Agenda Item Report

Meeting Date: November 19, 2020

Submitted by: Rhoda Stauffer

Submitting Department: Community Development

Item Type: Staff Report

Agenda Section:

Subject:

Consideration to Approve: 1) an Update to Park City's Affordable Housing Goals; 2) an Addendum to the 2020 Housing Assessment and Plan; and 3) the 2020 Moderate Income Housing Report
(A) Public Input (B) Action

Suggested Action:

Attachments:

[2021 Annual State Housing Report Staff Report](#)

[Exhibit A: 2021 Addendum to Housing Assessment and Plan](#)

[Exhibit B: State MIH Report Form](#)

[Exhibit C: Five Year Projections Spreadsheet](#)

City Council Staff Report



Subject: Park City Moderate Income Housing Annual Report
Authors: Jason Glidden & Rhoda Stauffer
Department: Housing
Date: November 19, 2020
Type of Item: Annual Moderate Income Housing Report to the State

Recommendation

Approve Park City's annual a) update to the City's affordable housing goals, b) addendum to the 2020 Housing Assessment and Plan, and c) 2020 Moderate Income Housing Report.

Executive Summary

Utah Code Annotated (UCA) requires municipalities to annually (1) review implementation of their Moderate Income Housing Plan (Plan); (2) prepare a Moderate Income Housing Report (Report); and (3) publish the Report on the municipality's website.¹ Park City must submit the Plan and Report to the Utah Department of Workforce Services and the Mountainland Association of Governments by December 1, 2020.

Background

Park City has a long history and continues to be forward-thinking and aggressive in meeting affordable housing needs. Prior to the institution of the State Moderate Income Housing statute, Park City was focused on the housing needs within the community. Beginning in the early 1990's, Park City launched programs to address affordable housing needs through a number of avenues including: regulatory, policy, financial support and direct city-sponsored unit development. A total of 647 units have been produced to date.

2020 HOUSING ASSESSMENT AND PLAN

The state of Utah requires municipalities to create "a plan that provides a realistic opportunity to meet the need for additional moderate income housing."² The plan must facilitate a reasonable opportunity for a variety of housing, including moderate income housing, to "meet the needs of people of various income levels living, working, or desiring to live or work in the community" and "to allow people with various incomes to benefit from and fully participate in all aspects of neighborhood and community life."³

For cities like Park City, the plan must address four of 23 strategies established by the state, including higher density for affordable housing along the City's fixed-route transit, or reduced parking for affordable housing near transit.⁴ In 2019, the City Council

¹ Utah Code [§ 10-9a-408\(1\)](#).

² Utah Code [§ 10-9a-403\(3\)\(a\)\(iii\)](#).

³ Utah Code [§ 10-9a-403\(3\)\(b\)](#).

⁴ Utah Code [§ 10-9a-403\(3\)\(b\)\(ii\)](#).

adopted the [2020 Housing Assessment and Plan](#), an addendum to the City's General Plan, which outlines the City strategies to try to reach the overarching goal: 800 affordable units by 2026.

Please see Exhibit A to view the 2021 addendum to the 2020 Housing Assessment and Plan, which outlines progress on the 2020 goals and establishes goals for 2021 based on Planning Commission and City Council work sessions and direction provided throughout the year.

2020 MODERATE INCOME HOUSING REPORT

The state requires the City Council to annually report on the following:

- An estimate of the need for moderate income housing in the City for the next five years;
- Progress made to provide moderate income housing demonstrated by analyzing and publishing data on the number of housing units that are at or below:
 - 30% AMI
 - 50% AMI
 - 80% AMI
- A description of the City's use of the moderate-income housing RDA set-aside; and
- A description of how the City implemented its 2020 Housing Assessment and Plan⁵.

The Utah Department of Workforce Services (UDWS) provides a template for the Report. UDWS also creates Excel spreadsheets for cities to calculate their need for affordable housing units for those at 30, 50, and 80 percent of AMI.

Analysis

Based on UDWS calculations, the City far exceeds affordable housing rental stock for households at 50 and 80 percent of AMI (Exhibit B). According to UDWS calculations, Park City has an excess of 310 affordable units for those at 80% of AMI, an excess of 230 units for those at 50% of AMI, and a deficit of 65 units affordable to those at 30% of AMI. However, it is important to note that UDWS utilizes calculations based on three Park City zip codes – 84060, 84068 & 84098 – which means that units located outside City limits are included in the UDWS totals.

Based on an independent study ordered by the City, there is a need to produce 80 affordable units per year to keep the percentage of workforce living within the community from dropping below current levels. Based on this study⁶, City Council adopted the “800 units by 2026” goal.

As of November 2020:

- 133 affordable units are completed;
- 373 affordable units are in the development process; and

⁵ Utah Code [§ 10-9a-408\(2\)](#)

⁶ Economic & Planning Systems, Inc., [2016 Housing Policy Study](#), pg. 57.

- 294 units are unidentified and unfunded.

Based on the State's population growth baseline (Exhibit C), Park City lacks 65 affordable units for those community members who are at 30% or below of AMI. While the City's goals are to increase the inventory of affordable rental units, it is not financially feasible to offer units affordable to extremely low income households (30% of AMI) without significant up front subsidies for construction. Subsidies of this magnitude also limits the ability for the City to continue to develop other affordable projects in the City's pipeline.

Exhibit A is a status update on the goals made in the 2020 Housing Assessment and Plan, as well as an addendum establishing goals for 2021 summarized below:

Status of 2020 goals:

1. Updates are provided on units produced in 2020 through the City's housing construction program, partnership agreements, and fulfillment of housing obligations by private developers. A total of 53 units and \$794,793 fee in lieu were added to housing resources.
2. A financial model utilizing bond financing for rental housing has been vetted through the City's bond counsel and may be utilized for future affordable housing developments.
3. Land Management Code amendments were approved to reduce set-backs and open space requirements for affordable housing projects.
4. Work was initiated to institute a Transportation Master Plan which was interrupted by COVID and is now back on track to be reviewed in early 2021.

2021 Goals:

1. Continue City-funded construction and development of housing units to increase the City's Affordable Housing Pipeline.
2. Continue amending the Land Management Code to incentivize affordable housing development through reduced parking requirements, build height to a fourth floor, density bonuses for projects proposing 50% or more as affordable housing, and consider accessory dwelling units in appropriate neighborhoods.
3. Investigate the feasibility of utilizing housing software to manage application and waitlist process for sales and resales of deed restricted units.
4. Align housing plans with the Transportation Master Plan.

Exhibits

Exhibit A: 2021 addendum to the [2020 Housing Assessment and Plan](#)

Exhibit B: 2020 Moderate Income Housing Report

Exhibit C: Five-Year Needs Projections

2021 UPDATE TO 2020 HOUSING ASSESSMENT AND PLAN The Moderate Income Housing Plan, an addendum to the 2014 Park City General Plan

November 19, 2020

Park City has a history and continues to be forward-thinking and aggressive in meeting affordable housing needs. Prior to the institution of the State Moderate Income Housing statute, Park City was focused on the housing needs within the community. Beginning in the early 1990's, Park City launched programs to address affordable housing needs through a number of avenues including: regulatory, policy, financial support and direct city-sponsored unit development. A total of 647 units have been produced to date for a community of 8,500¹ permanent residents (3,400 households)². Current goals continue to expand the work in those same avenues as itemized below:



STATUS OF 2020 GOALS

The City's ultimate goal is to create 800 affordable housing units by 2026. The 800 affordable housing units will help 15% of the City's workforce live within City limits. The goals and strategies below outline the City's steps to achieve its goal.

GOAL 1: BUILD AFFORDABLE AND ATTAINABLE UNITS ON CITY-OWNED PROPERTY THROUGH PUBLIC-PRIVATE PARTNERSHIPS.

In 2020, seven homes completed in 2019 were sold to qualified affordable and attainable households. In addition, four qualified workforce members are renting accessory apartment units included in the project. Work also continued on development of affordable rental units in the Arts & Culture District in Bonanza Park. Depending on final design, the project will include between 40 and 60 affordable housing units.

Units completed by private developers in fulfillment of inclusionary housing obligations included:

- 4 single family homes at Park City Heights;
- 10 Condominiums at Kings Crown (9 affordable and 1 attainable);
- Deed Restrictions were placed on the following rental units in fulfillment of a portion of IHC's housing

¹ U.S. Census, 2016 ACS

² U.S Census, 2017 ACS

obligation: 24 Single-Room Occupancy rental units at Rail Central, 12 two-bedroom units at 1440 Empire Avenue, and one three-bedroom unit in the Claimjumper Condos;

- The City also received a \$794,793 fee in lieu of development to satisfy 2.04 AUEs of the IHC housing obligation; and
- 2 studio units in Phase 2 of the St. Regis development in Deer Valley for employees of the hotel.

The Woodside Park, Phase II project has experienced a delay due an appeal to the Planning Commission's approval of the Master Planned Development application. The project slated to produce between 50 and 60 units for sale is now under re-design. The pipeline of all projects appears below.

AFFORDABLE HOUSING PIPELINE

The following affordable housing projects have been completed since the City's 2017 Housing Assessment and Plan or are in the works:

- Ivory Homes, under a sales agreement with the City, will build 79 affordable homes as part of their larger Park City Heights development in Quinn's Junction. To date, 68 are completed. The final 11 homes will be completed within the next few years.
- In 2018, the City purchased 11 units in the Central Park Condominiums that were slated for market-rate sale. The units are now deed restricted and occupied by qualified buyers.
- In 2018, the City finished construction of The Retreat at the Park, eight single-family homes. These units are owner-occupied by qualified households.
- In 2018, the City purchased 23 affordable units in the Prospector Condos, renovated the units, and rents them to City transit employees.
- In 2019, the City completed Woodside Park Phase I, seven owner-occupied units, and four accessory rental units.
- The following City-sponsored projects are in development:

Arts & Culture District (40-60 units)



1875 Homestake Drive (50-60 units)
Woodside Park Phase II (40-50 units)

- A balance of 13.225 AUEs will be built to fulfill the affordable housing obligations of private developers working in the Empire Pass area.
- A balance of 13.88 AUEs will be provided in fulfillment of the balance of the housing obligation incurred by IHC.
- Affordable housing units will be considered for all the City's future capital projects.



GOAL 2: DEVELOP A FINANCIAL STRATEGY TO USE HOUSING AUTHORITY BONDS TO BUILD HOUSING AUTHORITY-OWNED LOW AND MODERATE INCOME RENTALS.

The Budget Department developed a strategy to finance affordable rental units for low and moderate income individuals utilizing future rental income to bond for cost of construction. The model has been vetted through the City's bond counsel and is now ready to be utilized for future affordable housing developments. The City Council will be required to approve the use of these bond funds.

GOAL 3: IMPLEMENT ZONING INCENTIVES FOR AFFORDABLE UNITS IN NEW DEVELOPMENTS; REDUCE PARKING FOR CERTAIN AFFORDABLE HOUSING; AMEND THE LAND MANAGEMENT CODE TO INCENTIVIZE AFFORDABLE HOUSING DEVELOPMENT.

Work on these efforts is reflected in the following meetings with Planning Commission and City Council:

January 30, 2020 – the City Council adopted [Ordinance No. 2020-09](#), approving Land Management Code amendments to reduce open space requirements and setbacks for Affordable Master Planned Developments (AMPDs). The AMPD code required parking spaces in excess of what is required for market-rate Master Planned Developments (MPDs). The Council reduced affordable parking requirements to match the lower market-rate MPD requirement.

On June 24, 2020, the Planning Commission conducted a work session to discuss policy research completed by Sudbury Consulting, LLC outlining potential incentives for Land Management Code amendments to incentivize Accessory Apartment development (the City's equivalent to an Affordable Dwelling Unit) ([Policy Research Report](#)). These amendments are ongoing.

On July 22, 2020, the Planning Commission conducted a work session to review and discuss the timeline of the affordable housing LMC amendments.

On October 28, 2020, the Planning Commission conducted a work session to review the Cascadia Partners, LLC memorandum, *Best Practice Research on Height and Parking Code Standards for AMPD Update* to evaluate potential further reductions in parking ([Cascadia Report](#)). These amendments are ongoing.

On November 11, 2020, the Planning Commission conducted a work session to review the Cascadia Partners, LLC memorandum, *Best Practice Research on Height and Parking Code Standards for AMPD Update* to evaluate potential further increases in height ([Cascadia Report](#)). These amendments are ongoing.

GOAL 4: ENCOURAGE AFFORDABLE HOUSING NEAR TRANSIT. LOCATE CITY HOUSING PROJECTS WITHIN 1/4-MILE OF A FIXED ROUTE TRANSIT STOP.

All city-sponsored housing projects are located within ¼ mile of a transit corridor and the City's free bus system. 1875 Homestake Drive is located within a couple hundred yards of a bus stop. The Arts & Culture District will include a transit transfer hub, and Woodside Park, Phase II will be within a few hundred yards of several bus stops.

In May of 2018, the City Council approved the initiation to update the City's Transportation Master Plan, *Park City Forward*. The Plan was slated for adoption in March of this year and the Planning Department was set to align the long-term land use plans with the expansion of fixed-route transit. However, due to COVID-19, the work was put on hold. On October 1, 2020, the City Council approved continuation to finalize the Plan and the Planning Department will continue to collaborate with the Transportation Department to align potential zoning and density bonuses for affordable housing development near fixed-route transit.

2021 GOALS

The Goals in 2021 will continue to work towards the City's ultimate goal of creating 800 affordable housing units by 2026.

GOAL 1: BUILD AFFORDABLE AND ATTAINABLE UNITS ON CITY-OWNED PROPERTY THROUGH PUBLIC-PRIVATE PARTNERSHIPS.

Work will continue on development of affordable units in the City's Housing Pipeline which includes Arts & Culture District and at 1875 Homestake Drive.

The City will evaluate the feasibility of other City-owned properties to develop affordable housing.

Staff will also work with private developers who need to fulfill inclusionary housing obligations.

GOAL 2: COMPLETE THE WORK TO AMEND THE LAND MANAGEMENT CODE TO INCENTIVIZE AFFORDABLE HOUSING DEVELOPMENT

Complete the work to amend the Land Management Code in the areas of Affordable Housing Master Planned Developments to increase the application of this section of code to include:

- Allow for density bonuses for any project that proposes that 50% or more of the development will be affordable housing.
- Allow for building height increases up to four stories
- Allow for parking reductions for affordable housing units if list of parking mitigation criteria is met.

Complete the on-going amendment work to allow Accessory Dwelling Units in appropriate neighborhoods.



GOAL 3: BRING ON ADDITIONAL STAFFING RESOURCES FOR THE HOUSING TEAM

The goal for 2021 is to complete a successful recruitment and hire a Housing Specialist who will be the third Housing Team member.

GOAL 4: ALIGN HOUSING DEVELOPMENT PLANS WITH THE TRANSPORTATION MASTER PLAN

Participate with the Transportation Master Planning Team to ensure that housing development plans align with transportation plans.

IMPLEMENTATION TIMELINE

GOAL 1: BUILD AFFORDABLE AND ATTAINABLE UNITS ON CITY-OWNED PROPERTY THROUGH PUBLIC-PRIVATE PARTNERSHIPS.

Complete 42 ownership units and 70 rental units by 2023. Oversight: Jason Glidden, Housing Development Manager

GOAL 2: IMPLEMENT ZONING INCENTIVES FOR AFFORDABLE UNITS IN NEW DEVELOPMENTS; REDUCE PARKING FOR CERTAIN AFFORDABLE HOUSING; AMEND THE LAND MANAGEMENT CODE TO INCENTIVIZE AFFORDABLE HOUSING DEVELOPMENT.

Finalize Code review and revisions of the Land Management Code by the end of 2021. Oversight: AICP; Rebecca Ward, Land Use Policy Planner; Jason Glidden, Housing Development Manager

GOAL 3: HIRE ADDITIONAL HOUSING TEAM MEMBER

Complete recruitment and hiring process by February of 2021. Oversight: Jason Glidden, Housing Development Manager

GOAL 4: ALIGN HOUSING DEVELOPMENT PLANS WITH THE TRANSPORTATION MASTER PLAN

Complete process by December of 2021. Oversight: Julia Collins, Senior Transportation Planner; Rebecca Ward, Land Use Policy Planner; Jason Glidden, Housing Development Manager





State of Utah
Department of Workforce Services
Housing & Community Development

ANNUAL MODERATE-INCOME HOUSING REPORTING FORM

Under the Utah Code, Municipal legislative bodies must annually:

- Update 5-year estimates of moderate-income housing needs UCA 10-9a-408 and 17-27a-408.
- Conduct a review of the moderate-income housing element and its implementation; and
- Report the findings for updated planning to the Housing and Community Development Division (HCDD) of the Utah Department of Workforce Services and their Association of Government or Metropolitan Planning Organization no later than December 1 of each year.
- Post the report on their municipality's website.

In accordance with [UCA 10-9a-401](#) and [17-27a-401](#) municipalities that must report regularly are:

- Cities of the first, second, third, and fourth class (or have 10,000 or more residents).
- Cities of the fifth class:
 - Having an estimated population greater than or equal to 5,000 residents; **AND**
 - That are located in a county with a population greater than or equal to 31,000 residents.
- Metro Townships:
 - Having an estimated population greater than or equal to 5,000 residents;
 - Having an estimated population less than 5,000 **BUT** is located in a county with a population greater than or equal to 31,000 residents.
- Not a town with fewer than 1,000 residents.

To find out if your municipality must report annually, please visit:

<https://jobs.utah.gov/housing/affordable/moderate/reporting/>

For additional moderate-income housing planning resources:

<https://jobs.utah.gov/housing/affordable/moderate/index.html>

MUNICIPAL GOVERNMENT INFORMATION:

Municipal Government: Park City Municipal Corporation

Reporting Date: November 19, 2020

MUNICIPAL GOVERNMENT CONTACT INFORMATION:

Mayor's First and Last Name: Andy Beerman

Mayor's Email Address: andy.beerman@parkcity.org

PREPARER CONTACT INFORMATION:

Preparer's First and Last Name: Rhoda Stauffer

Preparer's Title: Affordable Housing Program Manager

Preparer's Email Address: rhoda.stauffer@parkcity.org

Preparer's Telephone: 435-615-5152

Extension: _____

When did the municipality last adopt moderate-income housing element of their general plan?

November 7, 2019

Link to moderate-income housing element on municipality website:

<https://www.parkcity.org/departments/find-affordable-housing/housing-plan>

UCA 10-9a-403 (2)(b)(iii) and **17-27a-403 (2)(b)(ii)** requires municipalities to include three or more strategies in their moderate-income housing element of their general plan. In addition to the recommendations required under **10-9a-403 (2)(b)(iii)** and **17-27a-403 (2)(b)(ii)**, for a municipality that has a fixed guideway public transit station, shall include a recommendation to implement the strategies described in **10-9a-403 (2)(b)(iii)(G) or (H)** and **17-27a-403 (2)(b)(ii)(G) or (H)**. Municipalities shall annually progress on implementing these recommendations.

Strategy 1

STRATEGIES

***** Repeat questions 1-5 for each strategy listed in the moderate-income housing element of the general plan. Include additional strategies on a separate document. *****

1. State strategy municipality included in the moderate-income housing element of its general plan below.

Utilize municipal resources to increase affordable and attainable housing.

2. Please state the municipality's goal(s) associated with the strategy

Build units on city-owned property through public/private partnerships.

3. What are the specific outcomes that the strategy intends to accomplish?

Make it possible for more workforce members to live near their jobs and take commuters off the roads.

4. Please describe how the municipality has monitored its annual progress toward achieving the goal(s).

The city is self-monitoring the progress of units being built through development projects being completed with municipal funds. The city also requires annual compliance affidavits of all deed-restricted units.

5. In the boxes below, outline the following objectives associated with the goal(s) stated in item 2.
 - a. Please identify the key tasks of each stage needed to accomplish the goal(s) stated in item 2.

1. Identify municipal resources. 2. Identify suitable property
3. Hire architects to complete building plans.
4. Hire general contractor to construct the units.

- b. Please identify the primary parties that are responsible for completing the key tasks of each stage identified in item 5a.

1. City Budget Team 2. Housing Development Manager, Jason Glidden
3. Housing Development Manager, Jason Glidden
4. Housing Development Manager, Jason Glidden and Project Manager, Dave Gustafson

- c. Please describe the resources that the municipality must allocate to complete the key task of each stage identified in item 5a.

In 2016, the City committed \$40Million in municipal resources to add to the inventory of affordable and attainable housing units. Resources from RDA and resort sales tax pools are being utilized to fulfill housing program

- d. Please state specific deadlines for completing the key tasks of each stage identified in item 5a.

In 2016, the City committed \$40Million in municipal resources to add to the inventory of affordable and attainable housing units. Resources from RDA and resort sales tax pools are being utilized to fulfill housing program

- e. Which of the tasks stated in item 5a have been completed so far, and what have been their results?

Plans for the projects are under review from the architects. Property has been identified and the funding has been identified.

- f. How is the municipality addressing results described in 5e that deviate from the desired outcomes specified in item 3? What barriers has the municipality encountered during the course of implementation of said goals?

Projects have encountered NIMBY neighbors which causes delays. Also, construction costs continue to rise and are especially bad in mountain resort towns such as Park City.

- g. (Optional) Have you considered efforts to use a moderate-income housing set aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency within your community.

Yes, Park City primarily uses RDA funds to build the city-sponsored units.

PLEASE SUBMIT REQUISITE DOCUMENTATION FROM THE EVALUATION PERIOD THAT VALIDATES THE INFORMATION PROVIDED IN THIS REPORT.

Municipal legislative bodies are also required to review and submit the following:

UCA 10-9a-408(2)(i): (data should be from validated sources, like US Census, with verified methodologies)

- A current estimate of the city's rental housing needs for the following income limits:

○ 80% of the county's adjusted median family income	No Need - excess of 310 units
○ 50% of the county's adjusted median family income	No Need - excess of 230 units
○ 30% of the county's adjusted median family income	65 units

Link to moderate-income housing element on municipality website:

<https://www.parkcity.org/departments/find-affordable-housing/housing-plan>

UCA 10-9a-403 (2)(b)(iii) and 17-27a-403 (2)(b)(ii) requires municipalities to include three or more strategies in their moderate-income housing element of their general plan. In addition to the recommendations required under 10-9a-403 (2)(b)(iii) and 17-27a-403 (2)(b)(ii), for a municipality that has a fixed guideway public transit station, shall include a recommendation to implement the strategies described in 10-9a-403 (2)(b)(iii)(G) or (H) and 17-27a-403 (2)(b)(ii)(G) or (H). Municipalities shall annually progress on implementing these recommendations.

Strategy 2

STRATEGIES

*** Repeat questions 1-5 for each strategy listed in the moderate-income housing element of the general plan. Include additional strategies on a separate document. ***

1. State strategy municipality included in the moderate-income housing element of its general plan below.

Make Land Management Code changes to better incentivize affordable housing development

2. Please state the municipality's goal(s) associated with the strategy

Make it more cost-effective to build affordable units by removing barriers to development

3. What are the specific outcomes that the strategy intends to accomplish?

Bring more private developers to the table as partners to build more units.

4. Please describe how the municipality has monitored its annual progress toward achieving the goal(s).

The number of projects developed after code is changes will demonstrate progress.

5. In the boxes below, outline the following objectives associated with the goal(s) stated in item 2.

- a. Please identify the key tasks of each stage needed to accomplish the goal(s) stated in item 2.

1. Identify barriers in the LMC. 2. Conduct a cost benefit analysis
3. Present recommended changes to Decision-making bodies -- Planning Commission and City Council.

- b. Please identify the primary parties that are responsible for completing the key tasks of each stage identified in item 5a.

1. Hannah Tyler, Senior Planner and Rebecca Ward, Land Use Policy Planner
3. Hired Consultant
4. Planners listed above and Housing Development Manager, Jason Glidden

- c. Please describe the resources that the municipality must allocate to complete the key task of each stage identified in item 5a.

Consulting line items in the general fund of \$12,000.

- d. Please state specific deadlines for completing the key tasks of each stage identified in item 5a.

Consulting line items in the general fund of \$12,000.

- e. Which of the tasks stated in item 5a have been completed so far, and what have been their results?

Initial discussions have occurred with mixed reviews. A full discussion of staff recommendations based on the consultants report will occur in the next few months.

- f. How is the municipality addressing results described in 5e that deviate from the desired outcomes specified in item 3? What barriers has the municipality encountered during the course of implementation of said goals?

It is very difficult for elected officials to make hard decisions that will have immediate impact on neighborhoods, such as more crowded street parking (reduced parking requirements) and viewsheds being blocked (raising height restrictions).

- g. (Optional) Have you considered efforts to use a moderate-income housing set aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency within your community.

Yes, Park City primarily uses RDA funds to build the city-sponsored units.

PLEASE SUBMIT REQUISITE DOCUMENTATION FROM THE EVALUATION PERIOD THAT VALIDATES THE INFORMATION PROVIDED IN THIS REPORT.

Municipal legislative bodies are also required to review and submit the following:

UCA 10-9a-408(2)(i): (data should be from validated sources, like US Census, with verified methodologies)

- A current estimate of the city's rental housing needs for the following income limits:

○ 80% of the county's adjusted median family income	No Need - excess of 310 units
○ 50% of the county's adjusted median family income	No Need - excess of 230 units
○ 30% of the county's adjusted median family income	65 units

Link to moderate-income housing element on municipality website:

<https://www.parkcity.org/departments/find-affordable-housing/housing-plan>

UCA 10-9a-403 (2)(b)(iii) and 17-27a-403 (2)(b)(ii) requires municipalities to include three or more strategies in their moderate-income housing element of their general plan. In addition to the recommendations required under 10-9a-403 (2)(b)(iii) and 17-27a-403 (2)(b)(ii), for a municipality that has a fixed guideway public transit station, shall include a recommendation to implement the strategies described in 10-9a-403 (2)(b)(iii)(G) or (H) and 17-27a-403 (2)(b)(ii)(G) or (H). Municipalities shall annually progress on implementing these recommendations.

Strategy 3

STRATEGIES

*** Repeat questions 1-5 for each strategy listed in the moderate-income housing element of the general plan. Include additional strategies on a separate document. ***

1. State strategy municipality included in the moderate-income housing element of its general plan below.

Conduct feasibility study of adding affordable housing software

2. Please state the municipality's goal(s) associated with the strategy

Assist in managing the city's waitlist and new applications for purchase of deed restricted units.

3. What are the specific outcomes that the strategy intends to accomplish?

More data and details about housing success and program outcomes. Will understand the profile of who is being served and be able to more closely track compliance.

4. Please describe how the municipality has monitored its annual progress toward achieving the goal(s).

A decision will be made by February of 2021 about whether there is a benefit to paying the cost for the software.

5. In the boxes below, outline the following objectives associated with the goal(s) stated in item 2.
 - a. Please identify the key tasks of each stage needed to accomplish the goal(s) stated in item 2.

1. Review current practice
2. Identify product options
3. Compare the costs of each option.
4. Recommend a path forward to Management team.

- b. Please identify the primary parties that are responsible for completing the key tasks of each stage identified in item 5a.

1. - 3. Housing Program Manager, Rhoda Stauffer
4. Housing Development Manager, Jason Glidden

- c. Please describe the resources that the municipality must allocate to complete the key task of each stage identified in item 5a.

Budget is in place to continue current practice or to transition to a software alternative.

- d. Please state specific deadlines for completing the key tasks of each stage identified in item 5a.

Budget is in place to continue current practice or to transition to a software alternative.

- e. Which of the tasks stated in item 5a have been completed so far, and what have been their results?

Analysis is in process now.

Completion of the feasibility analysis will be completed and a recommendation made by December of 2020.

- f. How is the municipality addressing results described in 5e that deviate from the desired outcomes specified in item 3? What barriers has the municipality encountered during the course of implementation of said goals?

No barriers to date, however cost may be a future barrier.

- g. (Optional) Have you considered efforts to use a moderate-income housing set aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency within your community.

Yes, Park City primarily uses RDA funds to build the city-sponsored units.

PLEASE SUBMIT REQUISITE DOCUMENTATION FROM THE EVALUATION PERIOD THAT VALIDATES THE INFORMATION PROVIDED IN THIS REPORT.

Municipal legislative bodies are also required to review and submit the following:

[UCA 10-9a-408\(2\)\(i\)](#): (data should be from validated sources, like US Census, with verified methodologies)

- A current estimate of the city's rental housing needs for the following income limits:

○ 80% of the county's adjusted median family income	No Need - excess of 310 units
○ 50% of the county's adjusted median family income	No Need - excess of 230 units
○ 30% of the county's adjusted median family income	65 units

Link to moderate-income housing element on municipality website:

<https://www.parkcity.org/departments/find-affordable-housing/housing-plan>

UCA 10-9a-403 (2)(b)(iii) and **17-27a-403 (2)(b)(ii)** requires municipalities to include three or more strategies in their moderate-income housing element of their general plan. In addition to the recommendations required under **10-9a-403 (2)(b)(iii)** and **17-27a-403 (2)(b)(ii)**, for a municipality that has a fixed guideway public transit station, shall include a recommendation to implement the strategies described in **10-9a-403 (2)(b)(iii)(G) or (H)** and **17-27a-403 (2)(b)(ii)(G) or (H)**. Municipalities shall annually progress on implementing these recommendations.

Strategy 4

STRATEGIES

***** Repeat questions 1-5 for each strategy listed in the moderate-income housing element of the general plan. Include additional strategies on a separate document. *****

1. State strategy municipality included in the moderate-income housing element of its general plan below.

Align Housing Development plans with the Transportation Master Plan

2. Please state the municipality's goal(s) associated with the strategy

Ensure that future development occurs within key transit hubs and future transportation plans.

3. What are the specific outcomes that the strategy intends to accomplish?

Housing that is built where fewer residents need cars but can take public transportation and alternative modes of transportation.

4. Please describe how the municipality has monitored its annual progress toward achieving the goal(s).

Progress is monitored when the Transportation Master Plan is complete and the housing development goals clearly match future transportation plans for hubs and alternative modes of transportation.

5. In the boxes below, outline the following objectives associated with the goal(s) stated in item 2.
 - a. Please identify the key tasks of each stage needed to accomplish the goal(s) stated in item 2.

1. Support Transportation Planning Team in completing the plan
2. Review Plan and adjust housing development plans as needed

- b. Please identify the primary parties that are responsible for completing the key tasks of each stage identified in item 5a.

1. Housing Development Manager, Jason Glidden and Senior Transportation Planner, Julia Collins
4. Housing Development Manager, Jason Glidden

- c. Please describe the resources that the municipality must allocate to complete the key task of each stage identified in item 5a.

No additional resources are needed to complete this strategy.

- d. Please state specific deadlines for completing the key tasks of each stage identified in item 5a.

No additional resources are needed to complete this strategy.

- e. Which of the tasks stated in item 5a have been completed so far, and what have been their results?

None

- f. How is the municipality addressing results described in 5e that deviate from the desired outcomes specified in item 3? What barriers has the municipality encountered during the course of implementation of said goals?

Should have no obstacles to completing this task.

- g. (Optional) Have you considered efforts to use a moderate-income housing set aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency within your community.

Yes, Park City primarily uses RDA funds to build the city-sponsored units.

PLEASE SUBMIT REQUISITE DOCUMENTATION FROM THE EVALUATION PERIOD THAT VALIDATES THE INFORMATION PROVIDED IN THIS REPORT.

Municipal legislative bodies are also required to review and submit the following:

UCA 10-9a-408(2)(i): (data should be from validated sources, like US Census, with verified methodologies)

- A current estimate of the city's rental housing needs for the following income limits:

○ 80% of the county's adjusted median family income	No Need - excess of 310 units
○ 50% of the county's adjusted median family income	No Need - excess of 230 units
○ 30% of the county's adjusted median family income	65 units

UCA 10-9a-103(41)(b): (data should be from validated sources, like US Census, with verified methodologies)

- An updated projection of 5-year affordable housing needs, which includes:
 - Projected growth of households (housing demand)
 - Projected housing stock (housing supply)
 - Projected median housing costs
 - Projected median household income

To complete the annual reporting requirements above, please download the state's FIVE YEAR HOUSING PROJECTION CALCULATOR: <https://jobs.utah.gov/housing/affordable/moderate/>

Submission Guidelines:

1. Moderate-income housing review reports are due on December 1 of each year.
2. Emails must include the following items as separate attachments:
 - An updated estimate of the municipality's 5-year moderate-income housing needs
 - A findings report of the annual moderate-income housing element review
 - The most current version of the moderate-income housing element of the municipality's general plan
 - Submitted moderate-income housing elements must include their adoption date on a cover page.
3. Acceptable electronic document formats include:
 - (a) DOC or PDF
4. Emails MUST be addressed to: dfields@utah.gov.

AOG Contact Information:

Bear River AOG 170 N Main Logan, Utah 84321 Phone (435) 752-7242	Six County AOG 250 North Main Street, Richfield, Utah Phone: (435) 893-0712	Uintah Basin AOG 330 East 100 South Roosevelt, UT 84066 Phone: (435) 722-4518
Five County AOG 1070 W 1600 S Saint George, Ut 84770 Phone: (435) 673-3548	Southeastern Utah AOG 375 South Carbon Avenue Price, UT 84501 Phone: (435) 637-5444	Wasatch Front Regional Council 295 North Jimmy Doolittle Road Salt Lake City, UT 84116 Phone: (801) 363-4250
Mountainland AOG 586 E 800 N Orem, UT 84097 Phone: 801-229-3800		

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UCA 10-9a-408(2)(c)(i)

Calculate the municipality's housing gap for the current year by entering the number of moderate-income renter households, affordable and available rental units from TABLE 1 below:

2020 Shortage	Renter Households	Affordable Rental Units	Available Rental Units	Affordable Units - Renter Households	Available Units - Renter Households
≤ 80% HAMFI	540	1,360	850	820	310
≤ 50% HAMFI	415	1,015	645	600	230
≤ 30% HAMFI	255	280	190	25	-65

Calculate the municipality's housing gap for the previous annual by entering the number of moderate-income renter households, affordable and available rental units from TABLE 2 below:

2016 Shortage	Renter Households	Affordable Rental Units	Available Rental Units	Affordable Units - Renter Households	Available Units - Renter Households
≤ 80% HAMFI	740	1,300	1,024	560	284
≤ 50% HAMFI	535	905	680	370	145
≤ 30% HAMFI	385	320	250	-65	-135

Subtract Table 2 from Table 1 to estimate progress in providing moderate-income housing

PROGRESS	Renter Households	Affordable Rental Units	Available Rental Units	Affordable Units - Renter Households	Available Units - Renter Households
≤ 80% HAMFI	-200	60	-174	260	26
≤ 50% HAMFI	-120	110	-35	230	85
≤ 30% HAMFI	-130	-40	-60	90	70

UCA 10-9a-408(2)(c)(ii)

Report the number of all housing units in the municipality that are currently subsidized by each level of government below:

Municipal Government:	<u>275</u>	Subsidized by municipal housing programs
State Government:	<u>313</u>	Subsidized by Utah's OWHLF multi-family program
Federal Government:	<u>635</u>	Subsidized by the federal Low-Income Housing Tax Credit (LIHTC) program

UCA 10-9a-408(2)(c)(iii)

Report the number of all housing units in the municipality that are currently deed-restricted for moderate-income households in the box below:

910

City Council Staff Report



Subject: Private Driveways in the Platted, Un-Built ROW
Application: PL-20-04658
Author: Rebecca Ward, Land Use Policy Analyst
Date: November 19, 2020
Type of Item: Legislative – Land Management Code Amendment

Recommendation

Open a public hearing and continue the proposed Land Management Code Amendment to a date uncertain.

Description

Applicant: Planning Department
LMC Amendment: Enacting § 15-3-5, *Private Driveways Within Platted, Un-Built Rights-of-Way in the Historic Districts*
Reason for Review: LMC amendments require Planning Commission review and recommendation to the City Council for Final Action

Executive Summary

On October 14, 2020, the Planning Commission reviewed the proposed code to establish a process for private driveways in the platted, un-built rights-of-way and unanimously forwarded a positive recommendation to the City Council with the following changes: add language to clarify that private use of the public ROW is generally discouraged and that such approvals are for exceptional circumstances.

Planning staff, the legal department, and the Planning Commission are working through the final language and request that this item be continued.

City Council Staff Report



Subject: Electric Vehicle Charging Stations
Application: PL-20-04623
Author: Rebecca Ward
Date: November 19, 2020
Type of Item: Legislative – Land Management Code Amendments

Recommendation

Hold a public hearing and consider approving Ordinance No. 2020-48, Land Management Code amendments to require Electric Vehicle Charging Station Infrastructure and installations for Multi-Unit Dwellings and non-Residential Developments.

Description

Applicant: Planning Department
LMC Amendment: Amending § 15-3-1, *Purpose*; § 15-3-2, *Requirement*; § 15-15-1, *Definitions*; and § 15-15-2, *List of Defined Terms*
Reason for Review: Enacting § 15-3-11, *Electric Vehicle Charging Stations*
LMC amendments require Planning Commission review and recommendation to the City Council for Final Action

Acronyms

EV Electric Vehicle
EVCS Electric Vehicle Charging Station
LMC Land Management Code

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § [15-15-1](#).

Executive Summary

Park City set ambitious sustainability goals to be net-zero carbon, running on 100% renewable electricity by 2022 for City operations and 2030 communitywide ([Resolution No. 32-2018](#)). The City implemented [a four-pillar strategy](#) to meet these goals: (1) Energy Efficiency, (2) Electrification, (3) Renewables, and (4) Regeneration. Initial Park City Vision 2020 public input indicates that the community continues to prioritize and support the City's net-zero carbon goal.¹

Part of the work toward carbon neutrality is to convert combustion-based transportation to electric transportation powered by renewables. To promote electric transportation, the City waives building permit fees for Electric Vehicle Charging Station (EVCS) installations and Solar Energy Systems pursuant to [Park City Fee Schedule 1.2.2](#).

¹ City Council September 22, 2020 [Staff Report](#); [Exhibit A](#), Draft Strategic Pillars

In 2019, the City announced a plan to install 100 EVCS throughout town. To date, the City has installed 46 (16 of these stations are dual port, for a total of 62 EVCS).² On a regional, state, and county level, EVCS networks are growing (Exhibit B). EVCS are slated for installation at least every 50 miles along the state's interstate highway system by 2025. Other installations are planned to support the state's tourism industry along scenic byways, interconnecting national parks and other tourist destinations.

There are three EVCS levels:³

Level 1	Plugs into a basic household outlet Requires many hours to fully charge a battery Cost ranges from \$300 - \$1,500
Level 2	Plugs into a 208/240 volt outlet similar to a household dryer outlet Requires a few hours to fully charge a battery Cost ranges from \$400 - \$6,500
Level 3	Direct Current Fast Charger (DCFC) that requires a 480 volt outlet Fully charges a battery in less than an hour Generally located along major highways Cost ranges from \$10,000 - \$40,000

The proposed LMC amendments are specific to Level 2 Charging Stations in Multi-Unit Dwellings and Non-Residential Developments and:

- Define key terms;
- Require EVCS Infrastructure—meaning the conduit required for future EVCS installation—to be installed at the time of construction for 20% of all required parking spaces up to the first 100 spaces and for 5% thereafter;
- Require EVCS installations for 5% of all required parking spaces at the time of construction;
- Encourage Single-Family Dwelling, Duplex, and Triplex garages to be EV – Ready, meaning the garage includes a dedicated circuit to accommodate the potential installation of a Level 2 EVCS; and
- Establish installation, signage, and maintenance standards.

² City Council May 21, 2020 [Staff Report](#); Rocky Mountain Power committed to cover fifty percent of the costs.

³ [Costs Associated with Non-Residential Electric Vehicle Supply Equipment](#), U.S. Department of Energy (2015).

Background

The Planning Commission conducted two work sessions to discuss the proposed LMC amendments:

June 10, 2020 [Staff Report](#); [Minutes](#), p. 2 - 10

July 8, 2020 [Staff Report](#); [Minutes](#), p. 9 - 15

On October 14, 2020, the Planning Commission unanimously forwarded a positive recommendation of the proposed amendments for City Council's consideration, increasing the required EVCS Infrastructure from 15% to 20% and requiring that the first of all EVCS installations be a dual port, with one port that is ADA compliant ([Staff Report](#); [Minutes](#), p. 12).

Analysis

The [General Plan Community Planning Strategy 5.7](#) (p. 10) recommends requiring dedicated parking and EVCS to support Electric Vehicles within new development and redevelopment. The LMC implements the goals and policies of the General Plan.⁴ The Commission has the primary responsibility of reviewing LMC amendments and forwarding a recommendation for City Council's consideration.⁵ The City Council holds a public hearing and takes Final Action on LMC amendments.⁶

The proposed Land Management Code amendments are outlined below:

1. Define *Electric Vehicle*; *Electric Vehicle Charging Station*; *Electric Vehicle Charging Station Infrastructure*; and *Electric Vehicle – Ready*.

Definitions establish consistent understanding and application of the proposed amendments.

2. Encourage EV – Ready Private Garages for Single-Family Dwellings, Duplexes, and Triplexes.

The proposed amendments encourage—not require—that new Single Family, Duplex, and Triplex Private Garages be EV – Ready, meaning the dedicated circuit for a 208/240 volt outlet similar to a household dryer outlet is included in initial construction to support the future installation of a Level 2 EVCS.

The reason that the proposed amendments encourage rather than require EV – Ready Private Garages is because most already accommodate Level 1 EVCS capacity—a basic household outlet—for overnight charging. In addition to requiring a dedicated circuit for a 208/240 volt outlet, EV – Ready Private Garages may also require additional

⁴ LMC [§ 15-1-2](#).

⁵ LMC [§ 15-12-15\(B\)\(3\)](#).

⁶ LMC [§ 15-1-7\(D\)](#).

ventilation. However, while the code recommends rather than requires EV – Ready Private Garages, they are a rising trend in new construction because of added value to property.⁷

- 3. Require that an Applicant provide EVCS Infrastructure for twenty percent of Off-Street parking spaces for Multi-Unit Dwellings and non-Residential Development for the first 100 parking spaces, and for five percent thereafter.**

To support EV charging locally, staff recommends that developers install EVCS Infrastructure, meaning the conduit to support the future installation of Level 2 Charging Stations is put into place at the time of construction. Once the baseline infrastructure is put into place, it is possible to expand this infrastructure without expensive retrofits. This requirement is recommended for the first 100 parking spaces, and for five percent thereafter:

Parking Spaces	20% EVCS Infrastructure		
15	3		
25	5		
50	10		
75	15		
100	20	+5% EVCS Infrastructure	TOTAL
125	20	+2	22
150	20	+3	23
175	20	+4	24
200	20	+5	25
225	20	+7	27
250	20	+8	28
275	20	+9	29
300	20	+10	30

- 4. Require that an Applicant install EVCS for five percent of Off-Street parking spaces for Multi-Unit Dwellings and non-Residential Developments for the first 200 parking spaces.**

To ensure EVCS are installed as a part of new Multi-Unit Dwelling and non-Residential Development and redevelopment and that the first of these stations is ADA accessible, LMC § 15-3-11(D) is proposed to be enacted to require that EVCS are installed for five percent of all parking spaces for the first 200 parking spaces.

⁷ [Electric Vehicle Charging Station Strategy for Real Estate Implementation in the United States](#), RCLCO Real Estate Advisors (2020).

EVCS installations are part of the required parking spaces outlined in LMC [§ 15-3-6](#), *Parking Ratio Requirements for Specific Land Use Categories*. While the five percent requirement is conservative initially, as the demand for EVCS increases over time, the infrastructure will be in place to increase the number of EVCS Installations over time.

Parking Spaces	EVCS Installations
25	1
50	3
75	4
100	5
125	6
150	8
175	9
200	10

5. Establish uniform standards for EVCS.

To establish consistent EVCS installations citywide, the proposed amendments outline signage, cord management, bollard or wheel stop protections, snow removal, and maintenance standards.

The amendments also:

- **Amend § 15-3-1, *Purpose*, and § 15-3-2, *Requirement*, to include EVCS;**
- **Allow EVCS as an Accessory Use in all Zoning Districts; and**
- **Allow Solar Energy Systems to support EVCS in non-Historic Zoning District Parking Areas.**

Department Review

The Development Review Committee and Planning, Building, Engineering, Sustainability, Economic Development, and Legal Departments reviewed the proposed code.

Notice

Staff published notice on the City's website and the Utah Public Notice website on September 25, 2020. The *Park Record* published notice on September 25, 2020.⁸

Public Outreach

Staff published notice of the proposed amendments in the Community Development Newsletter, asked the City's Advisory Committee on sustainability for input, and reached

⁸ LMC [§ 15-1-21](#).

out to the Park City Homebuilders Association and local developers for feedback. Public input received to date is attached as Exhibit C.

Public Input

Please see Exhibit C.

Exhibits

Exhibit A: Ordinance No. 2020-48 and Land Management Code Redlines

Exhibit B: Regional, State, County, and City EV Charging Station Network Plans

Exhibit C: Public Input

ORDINANCE 2020-48

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF PARK CITY, TITLE 15, LAND MANAGEMENT CODE CHAPTER 15-3, *PARKING*, SECTIONS 15-15-1, *DEFINITIONS*, AND 15-15-2, *LIST OF DEFINED TERMS*, AND ENACTING LAND MANAGEMENT CODE SECTION 15-3-11, *ELECTRIC VEHICLE CHARGING STATIONS*, TO ESTABLISH ELECTRIC VEHICLE CHARGING STATION INFRASTRUCTURE AND INSTALLATION REQUIREMENTS FOR MULTI-UNIT DWELLINGS AND NON-RESIDENTIAL DEVELOPMENT

WHEREAS, on November 29, 2018, the City Council of Park City adopted Resolution 32-2018 to set ambitious sustainability goals to be net-zero carbon, running on 100% renewable electricity by 2022 for City operations and 2030 communitywide;

WHEREAS, part of the work toward carbon neutrality is to convert combustion-based transportation to electric transportation powered by renewables;

WHEREAS, the General Plan Community Planning Strategy 5.7 recommends requiring dedicated parking and Electric Vehicle Charging Stations to support Electric Vehicles within new development and redevelopment;

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

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

WHEREAS, Electric Vehicle Charging Station networks are growing on a regional, state, county, and local level;

WHEREAS, initial Vision 2020 results indicate the Park City community continues to prioritize and support the City's net-zero carbon goal;

WHEREAS, the Planning Commission duly noticed and conducted a work session on June 10, 2020, and July 8, 2020;

WHEREAS, the Planning Commission duly noticed and conducted a public hearing on October 14, 2020 and forwarded a positive recommendation to City Council;

WHEREAS, the City Council duly noticed and conducted a public hearing on November 19, 2020.

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

SECTION 1. MUNICIPAL CODE TITLE 15 - LAND MANAGEMENT CODE. The recitals above are incorporated herein as findings of fact. Municipal Code Sections 15-3-1; 15-3-2; 15-15-1; and 15-15-2 are hereby amended as outlined in Attachment 1. Municipal Code Section 15-3-11 is hereby enacted as outlined in Attachment 1.

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

PASSED AND ADOPTED this 19th day of November, 2020

PARK CITY MUNICIPAL CORPORATION

Andy Beerman, Mayor

Attest:

City Recorder

Approved as to form:

Mark Harrington, City Attorney

Attachment 1

15-3-1 Purpose

The purpose of this Chapter is to:

- A. specify Parking Area, Parking Structure, and Access drive standards for all Development within the City;
- B. specify Parking Ratio requirements for specific land Use categories to ensure adequate and not excessive parking is provided for the Use~~[-];~~
- C. provide solutions to mitigate impacts of parking and vehicular oriented Development;
- D. provide for safe and efficient parking for people with disabilities; ~~[and]~~
- E. provide for convenient and safe motorcycle and bicycle parking to encourage and facilitate alternative modes of transportation~~[-]; and~~
- F. establish requirements and standards for Electric Vehicle Charging Stations.

HISTORY

Adopted by Ord. 00-25 on 3/30/2000

15-3-2 Requirement

- A. An Applicant ~~[must]~~ shall provide required Off-Street parking with adequate provisions for independent ingress and egress by automobiles and other motorized vehicles, required Electric Vehicle Charging Station Infrastructure, and Electric Vehicle Charging Station installations at the time a Building is erected or enlarged.
- B. If any land, Structure, or Use is changed to create more Off-Street parking demand, the Owner must provide such additional Off-Street parking~~[-]~~ and

required Electric Vehicle Charging Station Infrastructure and installation for the
new Use ~~[as is required by this Chapter]~~.

- C. Required parking must be on-Site unless the Planning Commission allows such
parking on adjacent or nearby deed restricted Lots.

HISTORY

Adopted by Ord. 00-25 on 3/30/2000

15-3-11 Electric Vehicle Charging Stations

A. **ELECTRIC VEHICLE CHARGING STATIONS.** Electric Vehicle Charging
Stations are an Allowed Accessory Use in all Zoning Districts.

B. **INFRASTRUCTURE.** An Applicant shall provide Electric Vehicle Charging
Station Infrastructure for twenty percent (20%) of the first one hundred (100)
required Off-Street parking spaces for Multi-Unit Dwellings and non-Residential
Development and for five percent (5%) of required Off-Street parking spaces
above one hundred (100).

1. The Electric Vehicle Charging Station Infrastructure shall be identified on
all construction documents submitted for review.
2. To put future Property Owners on notice of the Electric Vehicle Charging
Station Infrastructure, an Applicant shall provide information in Covenants,
Conditions, and Restrictions or other documents governing a homeowner
or master owners association for the Development and/or on the breaker
panel.

45 C. **ELECTRIC VEHICLE - READY.** Applicants are encouraged to construct Private
46 Garages for Single-Family Dwellings, Duplexes, and Triplexes that are Electric
47 Vehicle - Ready.

48 D. **INSTALLATION.** An Applicant shall install Electric Vehicle Charging Stations for
49 five percent (5%) of required Off-Street parking spaces for Multi-Unit Dwellings
50 and non-Residential Development for the first 200 parking spaces.

- 51 1. The first Electric Vehicle Charging Station installed shall be a dual-port
52 with one Charging Station that is ADA accessible. This dual-port shall
53 count as one Charging Station. Dual-port Charging Stations installed
54 thereafter shall count as two Charging Stations.

55 E. **STANDARDS.**

- 56 1. **Location.** Electric Vehicle Charging Stations shall not obstruct:

- 57 a. Building access;
58 b. Rights-of-Way;
59 c. sidewalks or pathways;
60 d. parking space dimensions; or
61 e. the Sight Distance Triangle.

- 62 2. **Signs.** An Applicant shall install Electric Vehicle Charging Station signage
63 that complies with the *Federal Highway Administration Manual on Uniform*
64 *Traffic Control Devices*, as amended for use in Utah. An Applicant shall
65 install signage as follows:

- a. At the point of entrance to direct drivers to the location of Electric Vehicle Charging Stations for Parking Structures with fifty (50) or more parking spaces.
 - b. At the point of entrance to direct drivers to the location of Electric Vehicle Charging Stations for Parking Areas with seventy-five (75) or more parking spaces.
 - c. For each Electric Vehicle Charging Station to indicate that such Station is for Electric Vehicle charging only.
3. **User Information.** An Applicant shall label each Electric Vehicle Charging Station with information regarding safety, voltage and amperage levels, usage fees if any, hours of operation, charging time limits, the contact information to report malfunctioning equipment or other issues, and cord management requirements.
4. **Cord Management.** An Applicant shall install Electric Vehicle Charging Stations that contain a retraction device or place to hang and store cords, cables, and connectors. Cords, cables, and connectors shall not obstruct Building access, sidewalks or pathways, parking spaces, or the Rights-of-Way.
5. **Protection.** An Applicant shall install wheel stops, concrete-filled bollards, or other device approved by the Planning Director to protect Electric Vehicle Charging Stations from damage by vehicles.
6. **Snow Removal.** An Applicant shall install Electric Vehicle Charging Stations that are safe for use in inclement weather. Cords, cables, and

connectors shall be stored at least 24 inches above the ground. Property owners shall manage cords so that they do not impede snow removal and shall remove snow from Electric Vehicle Charging Stations in a timely manner.

7. **Maintenance.** Property owners shall maintain Electric Vehicle Charging Stations in good condition, appearance, and repair. If an Electric Vehicle Charging Station is inoperable, the Property Owner shall replace the Charging Station within three (3) months.

F. **SOLAR ENERGY SYSTEMS.** Solar Energy Systems may be installed on permanent Parking Area Structures for Electric Vehicle Charging Stations in non-Historic Zoning Districts. Solar Energy Systems shall be incorporated in the roof of the permanent Structure and shall be mounted flush to the roof plane. Solar panels, solar devices, and Solar Energy Systems and mounting equipment shall use non-reflective finishes such as an anodized finish.

15-15-1 Definitions

For the purpose of the LMC, certain numbers, abbreviations, terms, and words shall be used, interpreted, and defined as set forth herein. Defined terms will appear as proper nouns throughout this Title. Words not defined herein shall have a meaning consistent with Webster's New Collegiate Dictionary, latest edition.

Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word "herein" means "in these regulations"; the word "regulations" means "these regulations";

112 “used” or “occupied” as applied to any land or Building shall be construed to include the
113 words “intended, arranged, or designed to be used or occupied”.

114 . . .

115 **Electric Vehicle (EV).** Any motor vehicle registered to operate on public roadways that
116 operates either partially or exclusively on electric energy.

117 **Electric Vehicle Charging Station.** A public or private parking space with Level 2
118 Electric Vehicle supply equipment that consists of the conductors, including the
119 ungrounded, grounded, and equipment grounding conductors, and the Electric Vehicle
120 connectors, attachment plugs, and all other fittings, devices, power outlets, or
121 apparatus, installed specifically for the purpose of transferring energy between the
122 premises wiring to a battery or other energy storage device in an Electric Vehicle.

123 **Electric Vehicle Charging Station Infrastructure.** Development designed and
124 constructed to include a fully-wired circuit for an Electric Vehicle Charging Station
125 power, including conduit and wiring with the electrical service capacity necessary to
126 serve the power outlets to allow for the future installation of Level 2 Electric Vehicle
127 Charging Stations.

128 **Electric Vehicle – Ready.** A Private Garage that includes a dedicated circuit to
129 accommodate the potential installation of a Level 2 Electric Vehicle Charging Station.

130 **15-15-2 List Of Defined Terms**

- 131 -E-
- 132 Economic Hardship, Substantial
- 133 Elder Care
- 134 [Electric Vehicle \(EV\)](#)
- 135 [Electric Vehicle Charging Station](#)
- 136 [Electric Vehicle Charging Station Infrastructure](#)
- 137 [Electric Vehicle – Ready](#)
- 138 Elevator Penthouse
- 139 Emergency Repair Work
- 140 Equipment Shelter (see Telecommunications Facility, Equipment Shelter)
- 141 Escrow
- 142 Essential Historic Form
- 143 Exterior Architectural Appearance

REGIONAL, STATE, COUNTY, AND CITY EV CHARGING STATION NETWORK PLANS

- In 2016, the Legislature enacted the [Sustainable Transportation and Energy Plan Act](#), which created the electric vehicle incentive program, subject to Public Service Commission approval. In 2017, the Public Service Commission approved [Rocky Mountain Power's Electric Vehicle Incentive Program](#). The [Program](#) provides \$10 million in funding over five years and includes financial incentives to install EV charging stations statewide.
- In 2017, Governor Herbert entered into a Memorandum of Understanding with seven states to establish the Regional Electric Vehicle Plan for the West ([REV West Plan](#)). The REV West Plan creates the Intermountain West Electric Vehicle Corridor, which includes I-80. (The [Plan](#) was updated in 2019).
- In 2018, the state created an [Electric Vehicle Master Plan](#) for EV Charging Stations. One of the Plan's initiatives is to develop EV Charging Stations along Utah's scenic byways to connect the state's national parks and other tourist destinations. (Maps showing statewide installations can be viewed [here](#).)
- In 2018, [Summit County](#) installed two Level 3 EV Charging Stations in the Kimball Junction area.
- In 2019, the Legislature appropriated \$4.9 million for the [Workplace Electric Vehicle Charging Funding Assistance Program](#) to provide grants to reimburse businesses and nonprofits for up to half of the purchase and installation costs for EV Charging Stations.
- In 2019, [Summit County](#) installed a Level 3 EV Charging Station in Coalville and more Level 2 Charging Stations for the County's EVs.
- In 2019, [the City announced a plan to install 100 charging stations](#) throughout town.
- In January of this year, the Kem C. Gardner Policy Institute published [The Utah Roadmap: Positive solutions on climate and air quality](#) at the request of the Legislature to assist with air quality and climate change policy. While the Legislature did not adopt the roadmap, one of the seven recommendations is to position Utah as the market-based EV state.
- This year, the Legislature enacted [HB 259](#), *Electric Vehicle Charging Network*, which requires the Department of Transportation to create a charging network plan to install EV Charging Stations at strategic locations by June 30, 2021, and to install an EV Charging Station at least every 50 miles along the state's interstate highway system by December 31, 2025.

Exhibit C

(Received July 2, 2020)

Hi Rebecca, just saw this come through from the HBA. I'm not a builder that deals in multi family, just single family dwellings. I install either a 50 amp or 100 amp junction box in the garage of every home that I build, it's foolish not to. The 100 amp service is only installed by request from my clients for a Tesla super charger. A 50 amp service is only a few hundred dollars. It seems like a no brainer.

That being said I support this being mandatory and part of the LMC.

Travis Smith
T and T Mountain Builders INC
Tandtmountainbuilders.com

(Received July 2, 2020)

I got a message from PCAHBA about this being a topic. I don't think these should be required at any development and for sure any single family or multi family dwelling. While a good idea, I don't think they should be required as part of a new project as it is just more cost for something that is not a life and safety issue and only a nice option to have. Thanks.

Jake Jorgenson
Jorgenson Builders

(Received August 7, 2020)

Hi Rebecca,

I spoke with a couple people who know more about charging stations than I do and my initial hunch was correct; if the requirement to install the conduit is built into the infrastructure it is simply the cost of laying the conduit and the trenching. It does not have to be buried deep or even buried at all once it goes into the building. The trenching can be placed in with other electrical utilities, so it really becomes a very small cost. Conduit costs about \$1.50/ft. Everyone I spoke to said it was a smart idea and made sense for the future and these guys are contractors!

Have a good weekend,

Rory

Rory Murphy

Council Agenda Item Report

Meeting Date: November 19, 2020

Submitted by: Caitlyn Barhorst

Submitting Department: Planning

Item Type: Staff Report

Agenda Section:

Subject:

Consideration to Approve Ordinance 2020-49, an Ordinance Approving the 1117 Park Avenue Plat Amendment Located at 1117 Park Avenue, Park City, Utah
(A) Public Hearing (B) Action

Suggested Action:

Attachments:

[1117 Park Avenue Staff Report](#)

[Exhibit A: Draft Ordinance 2020-49](#)

[Exhibit B: Site Photographs](#)

[Exhibit C: Applicant's Submitted Project Description](#)

City Council Staff Report

Subject: 1117 Park Avenue Plat Amendment
Application: PL-20-04634
Author: Caitlyn Barhorst
Date: November 19, 2020
Type of Item: Administrative



Summary Recommendations

Staff recommends the City Council review the Plat Amendment located at 1117 Park Avenue, hold a public hearing, and consider approving Ordinance 2020-49, an ordinance approving the 1117 Park Avenue Plat Amendment based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in Exhibit A: Draft Ordinance.

Description

Applicant: Erik and Susie Westerlund
Location: 1117 Park Avenue
Zoning District: Historic Residential (HR-1) District
Adjacent Land Uses: Residential
Reason for Review: Plat Amendments require Planning Commission review and City Council review and action

Acronyms

LMC Land Management Code

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § [15-15-1](#).

Executive Summary

On September 22, 2020, the Planning Department received a complete Plat Amendment application. The applicant is proposing to combine the North 1/2 of Lot 3 and All of Lot 4 of Block 5 of Snyder's Addition into one (1) Lot of Record which contains 2,812.5 square feet.

Background

The property located at 1117 Park Avenue was constructed in 1979 according to building permit records and the Summit County Recorder's Office. The subject property is located in the Historic Residential (HR-1) Zoning District. On October 28, 2020 the Planning Commission unanimously forwarded a positive recommendation ([Staff Report](#) page 61 and [Minutes](#) page 16).

The Plat Amendment approved through [Ordinance No. 2018-41](#) expired on July 12, 2019 while the applicant was working on Conditions of Approval.

Analysis

Per [LMC § 15-7.1-3\(B\)](#) the Planning Commission shall review the Final Subdivision Plat and shall make findings as to Good Cause prior to making a positive recommendation to City Council.

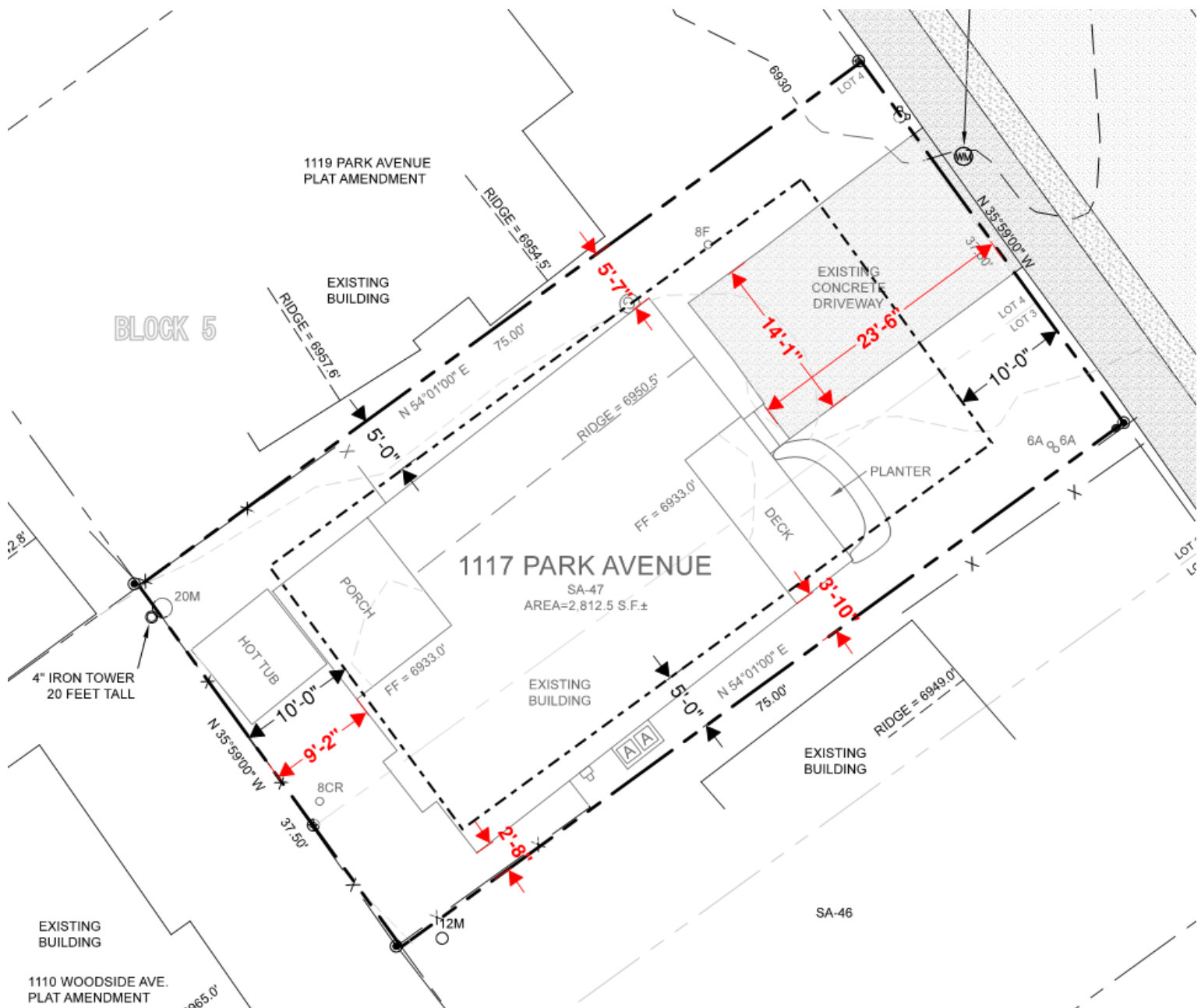
(I) Staff recommends the City Council approve the 1117 Park Avenue Plat Amendment because any future Development will be required to comply with the HR-1 Zoning District Requirements outlined in [LMC § 15-2.2](#).

a. HR-1 Zoning Code Land Use Table

Zoning Requirement	Analysis of Proposal
Minimum Lot Area – 1,875 square feet	Lot contains 2,812.5 square feet.
Minimum Lot Width – 25 feet	Lot Width of 37.5 feet.
Lot Depth	75 feet
Maximum Building Footprint – 1,200.7 square feet	Existing: 910 Square Feet. Any development will comply.
Minimum Front Setback – 10 feet	Any development will comply.
Minimum Rear Setback – 10 feet	Existing: Approximately 9'-2". Any development will comply.
Minimum Side Setback – 5 feet	Existing: Approximately 5'-7" North Side, 2'-8" to 3'-10" South Side. Any development will comply.
Maximum Building Height – 27 feet	Any development will comply.
Parking Regulations – Single Family Dwelling – 2 per Dwelling Unit	Does not comply. 1 Parking Space (approx. 14ft x 23ft). Any development will comply.

- b. The existing structure straddles the common lot line between Lot 4 and Lot 3 of Snyder's Addition to Park City. There are no existing conditions, encroachments, or impacts that require additional Conditions of Approval for this plat amendment. The applicant (per **Exhibit C**) has submitted this Plat Amendment application to combine the North 1/2 of Lot 3 and all of Lot 4 of Block 5 of Snyder's Addition into one (1) Lot of Record.

Figure 1: Existing Conditions Survey Showing Lot Setback Requirements, Existing Structure Setbacks, and Parking Space measurements.



(II) Staff recommends the City Council approve the 1117 Park Avenue Plat Amendment because it complies with [LMC § 15-7.1-6](#) Final Subdivision Plat.

(III) Staff recommends the City Council approve the 1117 Park Avenue Plat Amendment because it complies with [LMC § 15-7.3](#) Requirements for Improvements, Reservations, and Design.

a. Analysis

Section	Analysis of Proposal
15-7.3-1 (A-E) Conformance to Applicable Rules and Regulations	Complies.
15-7.3-2 (A-N) General Subdivision Requirements	Complies.
15-7.3-3 (A-K) General Lot Design Requirements	Complies.
15-7.3-4 (A-I) Road Requirements and Design	The proposal does not create any new Roads nor alter any existing Roads.
15-7.3-5 (A-C) Drainage and Storm Sewers	The proposal does not create any new Drainage and/or Storm Sewers nor alter any existing Drainage and/or Storm Sewers.
15-7.3-6 (A-B) Water Facilities	The proposal does not extend nor create a new water-supply system.
15-7.3-7 (A-B) Sewer Facilities	The proposal does not create any new sanitary sewer facilities.
15-7.3-8 (A) Sidewalks, Hiking Trails, Bike Paths, and Horse Trails	The proposal does not create nor alter any Sidewalks, Hiking Trails, Bike Paths, or Horse Trails.
15-7.3-9 (A-B) Utilities	Any future construction on this site proposed will connect into existing utilities in Park Avenue. The Development Review Committee reviewed the proposal and did not identify any utility connection issues.
15-7.3-10 (A-B) Public Uses	Not required. The proposal does not consist of a Major or Minor Subdivision.
15-7.3-11 (A) Preservation of Natural Features and Amenities	Complies.
15-7.3-12 (A-B) Nonresidential Subdivisions	Does not apply.

b. The proposed Lot complies with [LMC § 15-7.3](#).

Department Review

The Development Review Committee and Planning, Engineering, and Legal Departments reviewed this application and did not identify any concerns with the proposed Plat Amendment.

Notice

Staff published notice on the City's website and the Utah Public Notice website, and posted notice to the property on October 14, 2020. Staff mailed courtesy notice to property owners within 300 feet on October 13, 2020. The *Park Record* published notice October 14, 2020. LMC [§ 15-1-21](#).

Public Input

Staff did not receive any public input at the time this report was published.

Alternatives

- The City Council may approve the 1117 Park Avenue Plat Amendment;
- The City Council may deny the 1117 Park Avenue Plat Amendment; or
- The City Council may request additional information and continue the discussion to December 10, 2020.

Exhibits

Exhibit A: Draft Ordinance 2020-49 with Attachment 1- Proposed Plat and Existing Conditions Survey

Exhibit B: Site Photographs

Exhibit C: Applicant's Submitted Project Description

Ordinance No. 2020-49

AN ORDINANCE APPROVING THE 1117 PARK AVENUE PLAT AMENDMENT LOCATED AT 1117 PARK AVENUE, PARK CITY, UTAH.

WHEREAS, the owner of the properties located at 1117 Park Avenue has petitioned the City Council for approval of the Subdivision Plat; and

WHEREAS, on October 10, 2020, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on October 13, 2020, proper legal notice was published according to requirements of the Land Management Code and courtesy letters were sent to surrounding property owners; and

WHEREAS, the Planning Commission held a public hearing on October 28, 2020 to receive input on the Subdivision Plat; and

WHEREAS, the Planning Commission, on October 28, 2020, forwarded a positive recommendation to the City Council; and,

WHEREAS, on November 19, 2020, the City Council held a public hearing to receive input on the Subdivision Plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 1117 Park Avenue Plat Amendment, located at 1117 Park Avenue.

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

SECTION 1. APPROVAL. The 1117 Park Avenue Amendment, as shown in Attachment 1, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact

Background:

1. On September 22, 2020, the Planning Department received a complete Plat Amendment application.
2. The applicant is proposing to combine the North ½ of Lot 3 and all of Lot 4 of Block 5 of Snyder's Addition into one (1) Lot of Record.
3. The property is located at 1117 Park Avenue.

Zoning District:

4. The property is located in the Historic Residential (HR-1) Zoning District.

Public Notice Requirements:

5. Staff published notice on the City's website and the Utah Public Notice website, and posted notice to the property on October 14, 2020. Staff mailed courtesy notice to

property owners within 300 feet on October 13, 2020. The *Park Record* published notice on October 14, 2020.

Lot and Site Requirements

6. All future development on the proposed Lot complies with the HR-1 Zoning District Requirements outlined in LMC § 15-2.2:
 - a. Minimum Lot Area is 1,875 square feet. The proposed Lot contains 2,812.5 square feet.
 - b. Minimum Lot Width is 25 feet. The proposed Lot Width is 37.5 feet.
 - c. The Lot Depth is 75 feet.
 - d. The Maximum Building Footprint is 1,200.7 square feet. Any development will comply.
 - e. The Minimum Front Setback is 10 feet. Any development will comply.
 - f. The Minimum Rear Setback is 10 feet. Existing: Approximately 9'-2". Any development will comply.
 - g. The Minimum Side Setback is 5 feet. Approximately 5'-7" North Side to 3'-10" South Side. Any development will comply.
 - h. The Maximum Building Height is 27 feet. Any development will comply.
 - i. Parking Regulations – Single Family Dwelling – 2 per Dwelling Unit. Does not comply. Existing: 1 Parking Space at approximately 14ft x 23ft.
7. The existing structure straddles the common lot line between Lot 4 and Lot 3. The existing structure is an existing Non-Complying Structure for Single-Family Dwelling Parking Requirements and Side and Rear Setback compliance. Per LMC § 15-9-6 Non-Complying Structures: If the Property Owner has voluntarily demolished, or is required by law to demolish, more than 50% of the Gross Floor Area of the Non-Complying Structure, the Structure shall not be restored unless it is restored to comply with the regulations of the Zoning District in which it is located.

Subdivision Requirements:

8. The proposal complies with LMC § 15-7.1-6.
9. The proposal complies with LMC § 15-7.3-1(A-E) Conformance to Applicable Rules and Regulations.
10. The proposal complies with LMC § 15-7.3-2(A-N) General Subdivision Requirements.
11. The proposal complies with LMC § 15-7.3-3(A-K) General Lot Design Requirements.
12. 15-7.3-4 (A-I) Road Requirements and Design. The proposal does not create any new Roads nor alter any existing Roads.
13. 15-7.3-5 (A-C) Drainage and Storm Sewers. The proposal does not create any new Drainage and/or Storm Sewer nor alter any existing Drainage and/or Storm Sewer.
14. 15-7.3-6 (A-B) Water Facilities. The proposal does not extend nor create a new water-supply system.
15. 15-7.3-7 (A-B) Sewer Facilities. The proposal does not create any new sanitary sewer facilities.
16. 15-7.3-8 (A) Sidewalks, Hiking Trails, Bike Paths, and Horse Trails. The proposal does not create nor alter any Sidewalks, Hiking Trails, Bike Paths, or Horse Trails.
17. 15-7.3-9 (A-B) Utilities. Any future construction on this site proposed will connect into existing utilities in Park Avenue. The Development Review Committee reviewed the proposal and did not identify any utility connection issues.

18. 15-7.3-10 (A-B) Public Uses. Not required. The proposal does not consist of a Major or Minor Subdivision.
19. The proposal complies with 15-7.3-11 (A) Preservation of Natural Features and Amenities
20. 15-7.3-12 (A-B) Nonresidential Subdivisions does not apply.
21. The Development Review Committee and Planning, Engineering, and Legal Departments reviewed this application.
22. Staff did not receive any public input at the time this report was published.

Conclusions of Law

1. There is Good Clause for this Plat Amendment.
2. The Plat Amendment is consistent with the Park City Land Management Code, including LMC § 15-2.2-3 Historic Residential (HR-1) District, LMC § 15-7.1-3(B) Plat Amendment, LMC § 15-7.1-6 Final Subdivision Plat, LMC § 15-7.3 Requirements for Improvements, Reservations, and Design.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant shall record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The plat shall note that fire sprinklers are required for all new or renovation construction on this lot, to be approved by the Chief Building Official.
4. A ten foot (10') public snow storage easement on Park Avenue shall be noted on the Plat.
5. The property is not located within the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore it is not regulated by the City for mine related impacts. However, if the property owner does encounter mine waste or mine waste impacted soils they must handle the material in accordance to State and Federal law.
6. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.

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

PASSED AND ADOPTED this 19th day of November, 2020.

PARK CITY MUNICIPAL CORPORATION

Andy Beerman, MAYOR

Date

ATTEST:

City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment 1 – Proposed Plat and Existing Conditions Survey



IDAHO
1A 283GN
FOREIGN AUTOMOBILES



FOR SALE
435-659-6810
TOM SAVAGE



Search for an address



PROPOSED PLAT AMENDMENT - 1117 PARK AVENUE, PARK CITY UT
LOT#: SA-47, BLOCK#: 5 OF SNYDER'S

APPLICANT(S); ERIK & SUSIE WESTERLUND

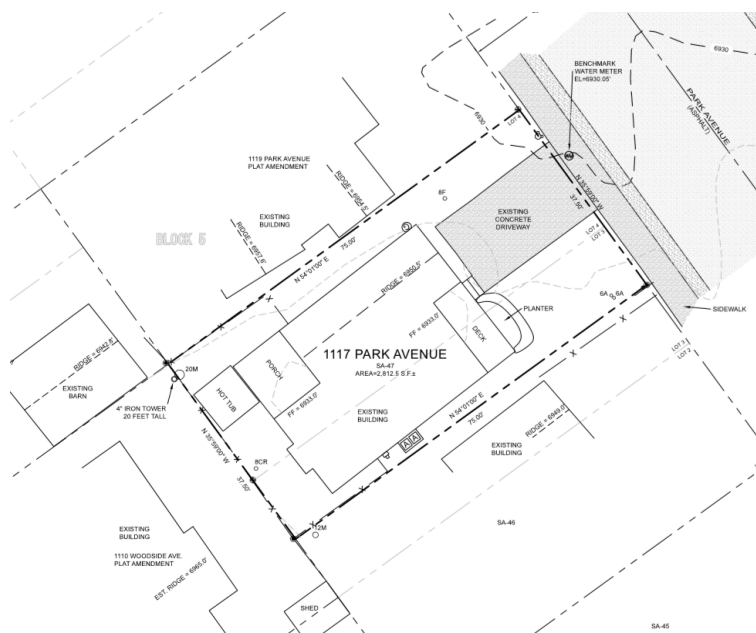
PROJECT BACKGROUND:

The application is in reference to a residential single-family house at 1117 Park Avenue in the Historic District of Park City. The present house was built in the late 1970's (c.1978) as a single-family residential home, as it remains at present.

In our course of exploring potential to possibly remodel the existing home it came to our attention as owners that the official plat on file records the property as two separate lots with a lot line running through the middle of the house. The plat on file had seemingly never been updated to accurately reflect the status of the house as a single property (as it has been for the past 40-50 years).

SCOPE OF PROJECT:

We are submitting the current plat amendment request in order to "clean up" and update the existing plat and property lines so that the house is shown as on one single lot (and no longer as two lots with a property line running through the middle of the house). This would combine the north half of lot 3 and all of lot 4 into a single lot (which is functionally as it has been for the past 40 years or more)..



Council Agenda Item Report

Meeting Date: November 19, 2020

Submitted by: Caitlyn Barhorst

Submitting Department: Planning

Item Type: Staff Report

Agenda Section:

Subject:

Consideration to Approve Ordinance 2020-50, an Ordinance Approving the 331 McHenry Avenue Subdivision - First Amended Located at 327 McHenry Avenue, Park City, Utah
(A) Public Hearing (B) Action

Suggested Action:

Attachments:

[327 McHenry Avenue Staff Report](#)

[Exhibit A: Draft Ordinance 2020-50](#)

[Exhibit B: Ordinance 09-27](#)

[Exhibit C: 331 McHenry Avenue Subdivision](#)

[Exhibit D: Proposed Setback Exhibit and Footprint Calculation](#)

[Exhibit E: Site Photographs](#)

[Exhibit F: Public Comment](#)

City Council Staff Report



Subject: 331 McHenry Avenue Subdivision – First Amended
Application: PL-20-04666
Author: Caitlyn Barhorst
Date: November 19, 2020
Type of Item: Administrative

Summary Recommendations

Staff recommends the City Council review the proposal, hold a public hearing, and consider approving Ordinance 2020-50, an ordinance approving the 331 McHenry Avenue Subdivision – First Amended based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in Exhibit A: Draft Ordinance.

Description

Applicant: Jerry Fiat
Location: 327 McHenry Avenue and 320 Ontario Avenue
Zoning District: Historic Residential- Low Density (HRL) District
Adjacent Land Uses: Residential
Reason for Review: Plat Amendments require Planning Commission review and City Council review and action

Acronyms

LMC Land Management Code

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § [15-15-1](#).

Executive Summary

On September 22, 2020, the Planning Department received a complete Plat Amendment application. The applicant is proposing to combine Lot B and C of the 331 McHenry Avenue Subdivision into One (1) Lot of Record which contains 7,501 square feet. On October 28, 2020 the Planning Commission unanimously forwarded a positive recommendation to City Council ([Staff Report](#) page 77 and [Minutes](#) page 19).

Per [LMC § 15-2.1-8 Architectural Review](#) any future Development on the proposed Lot will be required to comply with the HRL Zoning District Requirements and a Historic District Design Review Application will be required for review with compliance with [LMC § 15-13](#) Design Guidelines for Historic Districts and Historic Sites.

Background

The 331 McHenry Avenue Subdivision was approved through Ordinance 09-27 (**Exhibit B**) by City Council on July 9, 2009. The recorded plat can be seen in **Exhibit C**. Lot B is addresses as 327 McHenry Avenue and Lot C is addressed as 320 Ontario Avenue. Both Lots are vacant.

Analysis

Per [LMC § 15-7.1-3\(B\)](#) the Planning Commission shall review the Final Subdivision Plat and shall make findings as to Good Cause prior to making a positive recommendation to City Council.

(I) Staff recommends the City Council approve the 331 McHenry Avenue Subdivision – First Amended because any future Development will be required to comply with the HRL Zoning District Requirements outlined in [LMC § 15-2.1](#).

a. HRL Zoning Code Land Use Table

Zoning Requirement	Analysis of Proposal
Minimum Lot Area – 1,875 square feet	Lot contains 7,501 square feet.
Minimum Lot Width – 25 feet	Lot Width of 47'-6".
Lot Depth	Lot Depth of 132'-7"
Maximum Building Footprint – 2,460.5 square feet	Any development will comply.
Minimum Front Setback – 15 feet	Any development will comply.
Minimum Rear Setback – 15 feet	Existing: Approximately 9'-2". Any development will comply.
Minimum Side Setback – 5 feet	Any development will comply.
Maximum Building Height – 27 feet	Any development will comply.
Parking Regulations – Single Family Dwelling – 2 per Dwelling Unit	Any development will comply.

The applicant has provided a Setback Exhibit as **Exhibit D**, which also includes the footprint calculation comparison of the existing Lot B and C versus the proposed Lot B.

Existing Lot B: Lot Contains 3,750.6 sf = 1,518.9 sf Maximum Building Footprint

Existing Lot C: Lot Contains 3,750.2 sf = 1,518.8 sf Maximum Building Footprint
= 3,037.7 sf Total Building Footprint

Proposed Lot B: Lot Contains 7,501 sf = 2,460.5 sf Maximum Building Footprint

Proposed Lot B reduces the Maximum Building Footprint by 577.2 sf from the existing Lot B and C. Condition of Approval #7 states any future development on the Lot shall have a single vehicular driveway accessed from McHenry Avenue.

(II) Staff recommends the City Council approve the 331 McHenry Avenue Subdivision – First Amended because it complies with [LMC § 15-7.1-6](#) Final Subdivision Plat.

(III) Staff recommends the City Council approve the 331 McHenry Avenue Subdivision – First Amended because it complies with [LMC § 15-7.3](#) Requirements for Improvements, Reservations, and Design.

a. Analysis

Section	Analysis of Proposal
15-7.3-1 (A-E) Conformance to Applicable Rules and Regulations	Complies.
15-7.3-2 (A-N) General Subdivision Requirements	Complies.
15-7.3-3 (A-K) General Lot Design Requirements	Complies.
15-7.3-4 (A-I) Road Requirements and Design	The proposal does not create any new Roads nor alter any existing Roads.
15-7.3-5 (A-C) Drainage and Storm Sewers	The proposal does not create any new Drainage and/or Storm Sewer nor alter any existing Drainage and/or Storm Sewer.
15-7.3-6 (A-B) Water Facilities	The proposal does not extend nor create a new water-supply system.
15-7.3-7 (A-B) Sewer Facilities	The proposal does not create any new sanitary sewer facilities.
15-7.3-8 (A) Sidewalks, Hiking Trails, Bike Paths, and Horse Trails	The proposal does not create nor alter any Sidewalks, Hiking Trails, Bike Paths, or Horse Trails.
15-7.3-9 (A-B) Utilities	Any future construction on this site proposed will connect into existing utilities in McHenry Avenue. The Development Review Committee reviewed the proposal and did not identify any utility connection issues.
15-7.3-10 (A-B) Public Uses	Not required. The proposal does not consist of a Major or Minor Subdivision.
15-7.3-11 (A) Preservation of Natural Features and Amenities	Complies.
15-7.3-12 (A-B) Nonresidential Subdivisions	Does not apply.

b. The proposed Lot complies with [LMC § 15-7.3](#).

Department Review

The Development Review Committee and Planning, Engineering, and Legal Departments reviewed this application and did not identify any concerns with the proposed Plat Amendment.

Notice

Staff published notice on the City's website and the Utah Public Notice website, and posted notice to the property on October 14, 2020. Staff mailed courtesy notice to property owners within 300 feet on October 13, 2020. The *Park Record* published notice October 14, 2020. LMC [§ 15-1-21](#).

Public Input

Staff has included the public input received prior to publishing this report as **Exhibit F**. Public comment received during the Planning Commission meeting can be found in October 28, 2020 [Minutes](#) page 19.

Alternatives

- The City Council may approve the 331 McHenry Avenue Subdivision – First Amended;
- The City Council may deny the 331 McHenry Avenue Subdivision – First Amended;
- The City Council may request additional information and continue the item to December 10, 2020.

Exhibits

Exhibit A: Draft Ordinance with Attachment 1- Proposed Plat and Survey

Exhibit B: Ordinance 09-27 Approving the 331 McHenry Avenue Subdivision

Exhibit C: 331 McHenry Avenue Subdivision

Exhibit D: Proposed Setback Exhibit and Footprint Calculation

Exhibit E: Site Photographs

Exhibit F: Public Input

Ordinance No. 2020-50

AN ORDINANCE APPROVING THE 331 MCHENRY AVENUE SUBDIVISION – FIRST AMENDED LOCATED AT 327 MCHENRY AVENUE and 320 ONTARIO AVENUE, PARK CITY, UTAH.

WHEREAS, the owner of the properties located at 327 McHenry Avenue and 320 Ontario Avenue has petitioned the City Council for approval of the Subdivision Plat; and

WHEREAS, on October 10, 2020, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on October 13, 2020, proper legal notice was published according to requirements of the Land Management Code and courtesy letters were sent to surrounding property owners; and

WHEREAS, the Planning Commission held a public hearing on October 28, 2020 to receive input on the Subdivision Plat; and

WHEREAS, the Planning Commission, on October 28, 2020, forwarded a positive recommendation to the City Council; and,

WHEREAS, on November 19, 2020, the City Council held a public hearing to receive input on the Subdivision Plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 331 McHenry Avenue Subdivision – First Amended, located at 327 McHenry Avenue and 320 Ontario Avenue.

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

SECTION 1. APPROVAL. The 331 McHenry Avenue Subdivision – First Amended, as shown in Attachment 1, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact

Background:

1. On October 1, 2020, the Planning Department received a complete Plat Amendment application.
2. The applicant is proposing to combine Lot B and C of the 331 McHenry Avenue Subdivision into One (1) Lot of Record which contains 7,501 square feet.
3. The property is located at 327 McHenry Avenue and 320 Ontario Avenue.

Zoning District:

4. The property is located in the Historic Residential- Low (HRL) Zoning District.

Public Notice Requirements:

5. Staff published notice on the City's website and the Utah Public Notice website, and posted notice to the property on October 14, 2020. Staff mailed courtesy notice to property owners within 300 feet on October 13, 2020. The *Park Record* published notice on October 14, 2020.

Lot and Site Requirements

6. All future development on the proposed Lot complies with the HRL Zoning District Requirements outlined in LMC § 15-2.1:
 - a. Minimum Lot Area is 1,875 square feet. The proposed Lot contains 7,501 square feet.
 - b. Minimum Lot Width is 25 feet. The proposed Lot Width is 47'-6".
 - c. The Lot Depth is 132'-7".
 - d. The Maximum Building Footprint is 2,460.5 square feet. Any development will comply.
 - e. The Minimum Front Setback is 15 feet. Any development will comply.
 - f. The Minimum Rear Setback is 15 feet. Any development will comply.
 - g. The Minimum Side Setback is 5 feet. Any development will comply.
 - h. The Maximum Building Height is 27 feet. Any development will comply.
 - i. Parking Regulations – Single Family Dwelling – 2 per Dwelling Unit. Any development will comply.

Subdivision Requirements:

7. The proposal complies with LMC § 15-7.1-6.
8. The proposal complies with LMC § 15-7.3-1(A-E) Conformance to Applicable Rules and Regulations.
9. The proposal complies with LMC § 15-7.3-2(A-N) General Subdivision Requirements.
10. The proposal complies with LMC § 15-7.3-3(A-K) General Lot Design Requirements.
11. 15-7.3-4 (A-I) Road Requirements and Design. The proposal does not create any new Roads nor alter any existing Roads.
12. 15-7.3-5 (A-C) Drainage and Storm Sewers. The proposal does not create any new Drainage and/or Storm Sewer nor alter any existing Drainage and/or Storm Sewer.
13. 15-7.3-6 (A-B) Water Facilities. The proposal does not extend nor create a new water-supply system.
14. 15-7.3-7 (A-B) Sewer Facilities. The proposal does not create any new sanitary sewer facilities.
15. 15-7.3-8 (A) Sidewalks, Hiking Trails, Bike Paths, and Horse Trails. The proposal does not create nor alter any Sidewalks, Hiking Trails, Bike Paths, or Horse Trails.
16. 15-7.3-9 (A-B) Utilities. Any future construction on this site proposed will connect into existing utilities in McHenry Avenue. The Development Review Committee reviewed the proposal and did not identify any utility connection issues.
17. 15-7.3-10 (A-B) Public Uses. Not required. The proposal does not consist of a Major or Minor Subdivision.
18. The proposal complies with 15-7.3-11 (A) Preservation of Natural Features and Amenities
19. 15-7.3-12 (A-B) Nonresidential Subdivisions does not apply.
20. The Development Review Committee and Planning, Engineering, and Legal

Departments reviewed this application.
21. Staff did not receive any public input at the time this report was published.

Conclusions of Law

1. There is Good Clause for this Plat Amendment.
2. The Plat Amendment is consistent with the Park City Land Management Code, including LMC § 15-2.1 Historic Residential (HRL) District, LMC § 15-7.1-3(B) Plat Amendment, LMC § 15-7.1-6 Final Subdivision Plat, LMC § 15-7.3 Requirements for Improvements, Reservations, and Design.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant shall record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The plat shall note that fire sprinklers are required for all new or renovation construction on this lot, to be approved by the Chief Building Official.
4. A ten foot (10') public snow storage easement on McHenry Avenue shall be noted on the Plat.
5. The property is not located within the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore it is not regulated by the City for mine related impacts. However, if the property owner does encounter mine waste or mine waste impacted soils they must handle the material in accordance to State and Federal law.
6. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
7. Any future development on the Lot shall have a single vehicular driveway accessed from McHenry Avenue.

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

PASSED AND ADOPTED this 19th day of November, 2020.

PARK CITY MUNICIPAL CORPORATION

Andy Beerman, MAYOR

Date

ATTEST:

City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment 1 – Proposed Plat and Existing Conditions Survey

All of Lots B and C, 331 McHENRY AVENUE SUBDIVISION, according to the official plat thereof on file and of record in the office of the Summit County Recorder.

KNOW ALL BY THESE PRESENTS that the undersigned is the owner of the above described land and hereby conveys the same to be unified into one lot of record, together with easements as set forth to be hereinafter known as 331 WENHRY MENUE SUBDIVISION—FIRST AMENDED and does hereby dedicate for the perpetual use of the public the area shown on this plat as intended for public use. The undersigned owner also hereby conveys to any and all public utility companies a perpetual easement over the above described land for the installation, maintenance and use of the same for the purpose of the transmission of electric power and gas and for the use of utility poles and facilities. The undersigned owner also hereby conveys any other easements as shown on this plat to the parties indicated and for the purposes stated herein.

In witness whereof, the undersigned set his hand this _____ day of _____, 2020.

331 McHENRY, LLC, a Utah limited liability company

By: Jerry Fiat, Member

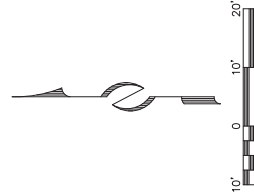
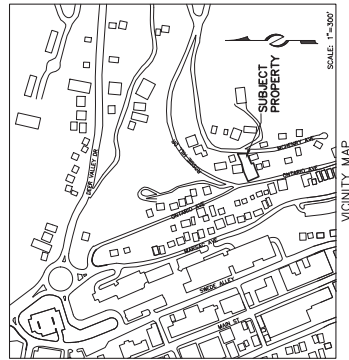
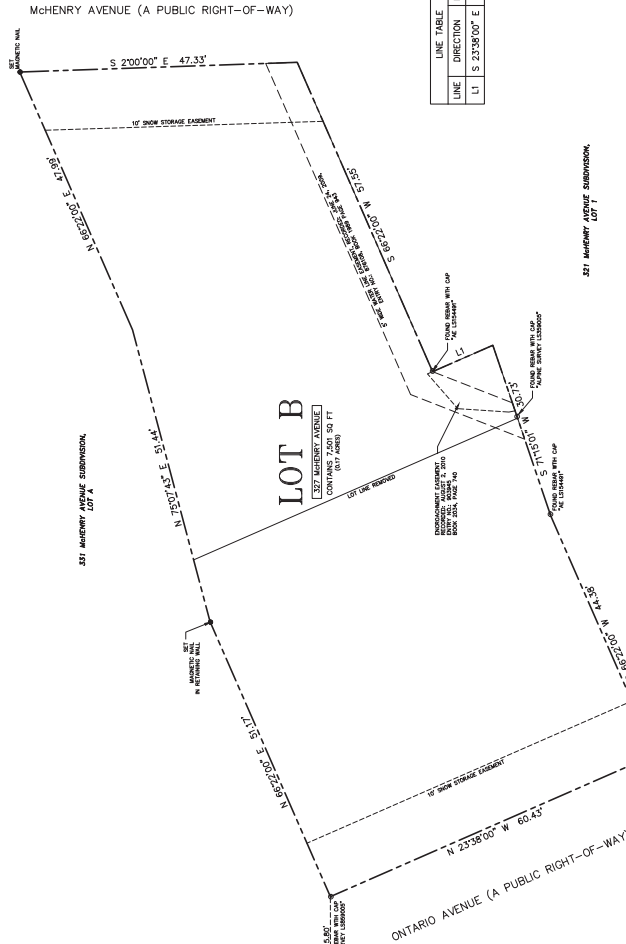
STATE OF _____)
: ss.:
COUNTY OF _____)

On this _____ day of _____, 2020, Jerry Flat personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and he acknowledged to me that he executed the foregoing document as a Utah limited liability company agreement, which said document was signed by him on behalf of a Utah limited liability company named "MCHERRY AVENUE SUBDIVISION—FIRST AMENDED," a Utah limited liability company by authority of its Operating Agreement or Resolution of its Members, and he acknowledged to me that he executed 331 MCHERRY AVENUE SUBDIVISION—FIRST AMENDED.

By: _____

Printed Name _____
Residing in: _____
My commission expires: _____
Commission No. _____

1. This plot amendment is subject to the Conditions of Approval in Ordinance 2020-_____.
2. The property is located in Zone X, areas determined to be outside the 0.2% annual chance floodplain, as shown on the Flood Insurance Rate Map of the Federal Emergency Management Agency, Panel 938, Map Number 49043C0938C, and has an effective date of March 16, 2006.



331 McHENRY AVENUE SUBDIVISION - FIRST AMENDED

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

9/29/20 JOB NO.: 21-g-20 FILE: X:\PorkCitySurvey.dwg and plot2020\210920.dwg

PUBLIC SAFETY ANSWERING POINT APPROVAL APPROVED THIS _____ DAY OF _____ 2020 BY _____ SUMMIT COUNTY GIS COORDINATOR	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____ 2020 BY _____ ENGINEERING DEPARTMENT	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____ 2020 BY _____ CHAIR	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____ 2020 BY _____ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____ 2020 BY _____ PARK CITY ATTORNEY	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____ 2020 BY _____ MAYOR	CERTIFICATE OF ATTEST I CERTIFY THIS PLAT WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____ 2020 BY _____ PARK CITY RECORDER RECORDER	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ FEE _____ TIME _____ DATE _____ ENTRY NO. _____
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LOTS B & C 331 MCHENRY AVENUE SUBDIVISION LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN LOTS B & C, BLOCK 59 PARK CITY SURVEY RECORD OF SURVEY SUMMIT COUNTY, UTAH



SURVEYOR'S CERTIFICATE

I, Michael Demkowicz, certify that I am a Professional Land Surveyor and that I hold License No. 4857254, as prescribed by the laws of the State of Utah. I further certify that under my direct supervision and control, I have caused this survey to be made and that it is the best of my knowledge this plot is a correct representation of said survey.

LEGAL DESCRIPTION

All of Lots B and C, 331 McHenry Avenue Subdivision, according to the official plot thereof on file and of record in the office of the Summit County Recorder.

NARRATIVE/NOTES

- The basis of bearing for this survey is between the found street monuments as shown.
- Field work for this survey was completed September 21, 2020, and is in compliance with generally accepted industry standards for accuracy.
- The purpose of this survey was to perform an Existing Conditions and Topography survey for the possibility of future improvements to the property.
- Easements according to the subdivision plot are shown as part of this survey. The owner of the property is responsible for obtaining all necessary easements and encroachments on the property as found except as shown herein.
- County tax maps, recorded deeds, 331 McHenry Avenue Subdivision Entry No. 902780 (all aforementioned documents on file and of record in the Summit County Recorder's Office), and other information were used in this field work at compliance with the boundary as shown on this plot.
- Site Benchmark, Sanitary Sewer Mainline, Elevation=7199.12'
- The architect is responsible for verifying building setbacks, zoning requirements and building heights.
- Property corners were set or found as shown.



LINE	DIRECTION	LENGTH
L1	S 23°28'00\"	11.21'

CONSULTING ENGINEER LAND SURVEYOR SURVEYOR

STAFF:
CHARLES GALATI
JACOB BETZER
TOM LUND

DATE: 9/29/2020

EXISTING CONDITIONS & TOPOGRAPHIC MAP
331 MCHENRY AVENUE SUBDIVISION

FOR: CHRISTENSEN DEVELOPMENT

JOB NO.: 21-9-20

FILE: X:\ParkCitySurvey\dwg\env\env2020\201920-337 McHenry\210920.dwg

SHEET
1
OF
1

Ordinance No. 09-27

**AN ORDINANCE APPROVING THE 331 MCHENRY AVENUE SUBDIVISION
LOCATED AT 331 MCHENRY AVENUE, PARK CITY, UTAH.**

WHEREAS, the prospective owner of the property located at 331 McHenry Avenue have petitioned the City Council for approval of the 331 McHenry Avenue Subdivision; and

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

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on June 24, 2009, to receive input on the 331 McHenry Avenue Subdivision;

WHEREAS, the Planning Commission, on June 24, 2009, forwarded a positive recommendation to the City Council; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the 331 McHenry Avenue Subdivision.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The 331 McHenry Subdivision plat amendment as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 331 McHenry Avenue in the HRL zoning district.
2. The existing structure located at 331 McHenry Avenue is not considered historic and is not listed on the City's Inventory of Historic Buildings.
3. The exiting structure complies with setbacks on the newly created Lot A of the proposed subdivision.
4. The lot and site requirements are outlined within LMC Section 15-2.1-3. The minimum lot area is 3,750 square feet. The minimum width of a lot is 35'. All lots must have frontage off of a city street or a connection to a city street shown on the streets master plan. Each of the proposed lots complies with these minimums.
5. The South – East corner of the subdivision will be dedicated to the City as McHenry Right-of-Way.
6. Any new construction within the Historic Residential Low-density District (HRL) requires a Historic District Design Review.
7. A building permit cannot be issued for construction across a lot line.
8. All other facts within the Analysis section of this report are incorporated within.

Conclusions of Law:

1. There is good cause for this subdivision.

2. The subdivision is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.
3. Neither the public nor any person will be materially injured by the proposed subdivision.
4. Approval of the subdivision, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

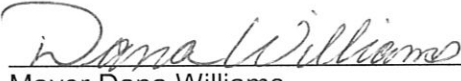
Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the subdivision at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the subdivision will be void.
3. Modified 13-D sprinklers shall be required for new construction on lots B and C.
4. A ten feet snow storage area is required on all three lots along property lines adjacent to existing streets.
5. A certified survey showing compliance with the setback requirements of the LMC must be provided to the City prior to recordation of the plat.

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

PASSED AND ADOPTED this 9th day of July, 2009.

PARK CITY MUNICIPAL CORPORATION



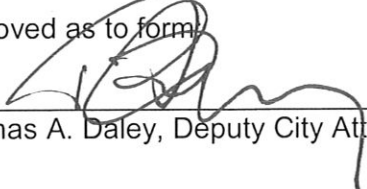
Mayor Dana Williams

Attest:

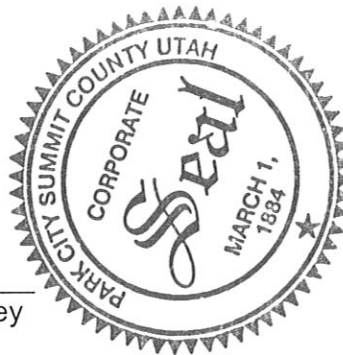


Janet M. Scott, City Recorder

Approved as to form:



Thomas A. Daley, Deputy City Attorney



331 McHenry Avenue Subdivision A replat of Lots 5, 6, 7, 8, 9, 24, 25, 26, 27 & 28 Block 38, Park City Survey

LEGAL DESCRIPTIONS

Section 1 of the northwestern quarter of Lot 22, Block 38, Park City Survey, according to the original plat thereof, is divided into four equal parts, each containing 1/4 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/16 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/64 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/256 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/1024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/4096 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/16384 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/65536 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/262144 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/1048576 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/4194304 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/16777216 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/67108864 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/268435456 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/1073741824 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/4294967296 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/17179869184 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/68719476736 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/274877906944 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/1099511627776 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/4398046511104 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/17592186044416 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/70368744177664 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/281475056710656 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/1125900226842624 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/45036009073705024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/180144036294820096 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/720576145179280384 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/2882304580717121536 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/11529218322868486144 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/46116873291473944576 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/184467493165895778304 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/737869972663583113216 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/2951479890654332452864 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/11805919562617329811264 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/47223678250469319245056 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/188894713001873276980224 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/755578852007513107920896 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/3022315408030052431683584 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/12089261632120209726734336 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/48357046528480838906937344 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/193428186113923355627749376 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/773712744535693422510997504 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/3094850978142773690043990016 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/12379403912571094760175960064 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/49517615650284379040703840256 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/198070462601137516162815361024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/7922818504045500646512613241024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/316912740161820025860504529641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/12676509606472801034420181185641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/507060384258912041376807247425641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/20282415370356481655072289897025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/811296614814256066202891595881025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/32451864592570242648115663835241025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/1298074583702809705924626553409641025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/51922983348112388236985062136385641025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/20769193339244955294794024854554241025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/830767733569798211791760994182169641025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/332307093427919284716704397672867841025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/13292283737116771388668175906914713641025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/5316913494846708755467270362765885441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/21267653979386835021869081451063542441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/8507061591754734008747632580425417641025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/34028246367018936035070530321699670441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/136112985468075744140282121286798688441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/544451941872302964561128485147194752441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/217780776748921185824451394058778902441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/8711231070956847432977655762351156096441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/34844924283827389719110623049406244441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/139379697135309558876442480196824976441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/557518788541238235505769920787299904441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/2230075154164952942023079683149199968441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/892030061665981176809231953259599984441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/3568120246663924675236927733038399936441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/1427248098665569870094771093215559974441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/5708992394662279480379084372862239888441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/22835969578649117921516337501449559552441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/91343878314596471686065350005798230208441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/365375513258385886744261400023192920832441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/146150205303354354697704560009277168326441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/5846008212134174187908182400371086732928441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/23384032848536696751632729601484346912441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/935361313941467870065309184059373876496441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/3741445255765871480261236736237495506384441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/14965781023063485921044945444949902025536441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/5986312409225394368417978177979960810214441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/239452496369015774736719127119198432408576441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/9578099854760630989470765084767937297142441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/383123994190425239578830603390715491888441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/15324959767617009583153224135628619515536441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/6129983907046803833261289654251447806214441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/245199356281872153329651586170058712248576441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/980797425127488613318606344680234889154304441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/3923189700509954533274425378720939556617216441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/1569275880203981813309770151488375822646886441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/627710352081592725323908060595351130738752441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/251084140832637090129563224238140452305504441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/1004336563330548360518252968952561809222016441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/4017346253322193442072971875810247236888064441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/1606938501328877376829188750324099015155328441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/6427754005315509507316755001296396060621312441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/25711016021262038029267020005185584242485248441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/102844064085048152117068080002070232969936992441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/411376256340192608468272320008280931879747968441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/164550502536077043387308928003312372751191984441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/658202010144308173549235680013249511007967936441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/263280804057723269419694272005309804403191152441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/1053123216230893077678777088021239217612764608441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/4212492864923572310715107152004848868851062432441025641024 of the section. 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The northwestern quarter of the section is further divided into four equal parts, each containing 1/1766847567332039935072686026655857064801760256441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/7067390270928159740290744106622348263207041024441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/2826956108371263896116176426488957092802816441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/11307824433485055584464706505955830771211264441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/45231297735940222337858826023823323084845056441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/180925190943760891351435304095293292339380224441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/72370076377504356540574121638117316935352096441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/289480305510017426162296486552469267741408441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/1157921222040069704649065946209877070857632441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/46316848881602788185962637848395082834304441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/185267395526411152743850551395582331337216441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/74106958210564461097540220558232933334886441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/29642783284225784439016088223293173339552441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/118571133136903137756064352893172709358208441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/474284532547612551024257411572690829433232441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/189713813019045020409702964630112329372928441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/7588552520761800816388115825204493129511136441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/303542100830472032655524633001797251844454441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/1214168403321888130622098532007189007537776441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/4856673613287552522488394128028716303151104441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/19426694453150210089955576512114864124444441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/777067778126008403599423060484594564888441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/31082711125040336143976922419383782635536441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/12433084450016134457590769679753513054214441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/497323378000645378303630787190140522168576441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/1989293512002581513214523148760562088674304441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/7957174048001046052858092635042248354697216441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/318286961920041842114323693401699534187888441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/1273147847680167368457329573606798136751552441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/5092591390720669473829318294427192547006208441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/2037036556288267869531727317771170019202564441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/81481462251530714753269092710846880768096441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/325925849006122859013076370843547523072384441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/130370339602449143605230548337419009229552441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/521481358409796574420922193349676036918208441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/2086725433639186297683688773398704151672704441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/834690173455674519073475509359481662669088441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/333876069382269807629390203739872665067632441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/1335504277529079230517560815059490660270528441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/5342017110116316922070243260237962641082112441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/21368068440465267688280970640951850562528441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/85472273761861070753123882563807002250112441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/3418910950474442830124955302552280090004441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/13675643801897771320498221210209120000441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/5470257520759108528199288484083648000441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/21881030083036434112797153936334592000441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/87524120332145736451188615745338368000441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/35009648132858294580475446982135347200441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/1400385925314331783219017959285373888441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/5601543701257327132876071837141505536441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/2240617480502930931150430734856602214441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/89624699220117237246017229394264088576441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/35849879688046894898406891757705635430441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/14339951875218757959362756703082253772441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/573598075008750318374510268123290150896441025641024 of the section. The northwestern quarter of the section is further divided into four equal parts, each containing 1/2294392300035001273498041072493160643584441025641024 of the section. 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331 McHenry Avenue Subdivision

A replat of Lots 5, 6, 7, 8, 9, 24, 25, 26, 27 & 28
Block 59, Park City Survey

LEGAL DESCRIPTIONS

SEWER LINE EASEMENT

Beginning at the Northeastly corner of Lot 24 and the Southeastly corner of Lot 23, Block 59, Park City Survey, according to the official plats thereof, on file and of record in the office of the Summit County Recorder, and running thence S 66°22' W along the Northerly line of Lots 24 & 9 of said Block 59, 135.73 feet to the Easterly line of a Railroad Right of Way; thence Southerly, 5.65 feet along the arc of a 353.88 foot radius curve to the left and said Railroad Right of Way, through a central angle of 0°54'54"; thence N 66°22' E, 138.36 feet to a point on the Easterly line of said Lot 24; thence N 23°38' W along said Easterly line, 5.00 feet to the point of beginning; containing 685.3 square feet, more or less.

WATER LINE EASEMENT

Beginning at the Northeastly corner of Lot 28 and the Southeastly corner of Lot 27, Block 59, Park City Survey, according to the official plats thereof, on file and of record in the office of the Summit County Recorder, and running thence S 66°22' W along the Northerly line of Lots 28 & 5 of said Block 59, 77.07 feet; thence S 21°22' W, 20.89 feet, more or less, to the Southerly line of the Woolsey property, as described in that particular boundary survey recorded as File No. S-7000 in the office of the Summit County Recorder; thence N 71°15'01" E, along said Southerly line, 6.54 feet; thence N 21°22' E, 14.61 feet, more or less, to a point on the Easterly line of said Lot 5 and the Westerly line of said Lot 28; thence N 66°22' E, 75.00 feet, more or less, to a point on the Easterly line of said Lot 28; thence N 23°38' W along said Easterly line, 5.00 feet to the point of beginning; containing 468.9 square feet, more or less.

ENCROACHMENT EASEMENT

Beginning at the Northeastly corner of Lot 5 and the Southeastly corner of Lot 6, Block 59, Park City Survey, according to the official plats thereof, on file and of record in the office of the Summit County Recorder, and running thence S 23°38' E along the line between Lots 5 & 28 of said Block 59, 4.05 feet, more or less, to the Northerly edge of a railroad tie retaining wall, the true point of beginning, thence along the Northerly and Westerly edge of said railroad tie retaining wall, the following three courses: 1) S 48°57'28" W, 7.86 feet; 2) S 03°48'02" W, 8.74 feet; 3) S 11°33'37" E, 1.07 feet, more or less, to the Southerly line of the Woolsey property, as described in that particular boundary survey recorded as File No. S-7000 in the office of the Summit County Recorder; thence N 71°15'01" E along said Southerly line, 11.79 feet, more or less, to the line between said Lots 5 & 28; thence N 23°38' W along the line between said Lots 5 & 28, 12.16 feet, more or less, to the point of beginning; containing 100.7 square feet, more or less.

OWNER'S DEDICATION AND CONSENT TO RECORD

Know all men by these presents that the undersigned is a member of 331 McHenry, L.L.C., the owner of the hereon described 331 McHenry Avenue Subdivision, Block 59, Park City Survey, and having caused this Plat Amendment to be made, does hereby consent to the recordation of this Record of Survey Plat in the office of the County Recorder of Summit County, Utah, in accordance with Utah Law. Also, the owners hereby irrevocably offer for dedication to the City of Park City all the streets, land for local government uses, utilities and easements shown on the plat in accordance with an irrevocable offer of dedication.

In witness whereof, the undersigned has set his hand this 28 day of June, 2010.

By: Jerry Fiat
Member, 331 McHenry, L.L.C.

ACKNOWLEDGEMENT

STATE OF UTAH
County of Summit:

On this 28 day of June, 2010, Jerry Fiat personally appeared before me, the undersigned Notary Public in and for said State and County, who after being duly sworn, acknowledged to me that he is a member of 331 McHenry, L.L.C., that he has signed the above Owner's Dedication and Consent to Record on behalf of said 331 McHenry, L.L.C., and that he executed this document in his capacity as Agent as the act of said 331 McHenry, L.L.C., for the purpose set forth herein.

My commission expires: 3/5/2013

NOTARY PUBLIC
RESIDING IN Summit COUNTY, Utah



Alpine Survey, Inc.
19 Prospector Drive
Park City, Utah 84060
(435) 655-8016

SNYDERVILLE BASIN
WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN
WATER RECLAMATION DISTRICT STANDARDS
ON THIS 28 DAY OF JUNE, 2010.

By: B.D. Le
SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

PLANNING COMMISSION

APPROVED BY THE PARK CITY
PLANNING COMMISSION THIS 24th
DAY OF JUNE, 2009 A.D.

By: [Signature]
CHAIRMAN

ENGINEER'S CERTIFICATE

I FIND THIS PLAT TO BE IN
ACCORDANCE WITH INFORMATION ON
FILE IN MY OFFICE THIS 16th
DAY OF JUNE, 2010 A.D.

By: [Signature]
PARK CITY ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS 22nd
DAY OF June, 2010 A.D.

By: [Signature]
PARK CITY ATTORNEY

CERTIFICATE OF ATTEST

I CERTIFY THIS RECORD OF SURVEY
MAP WAS APPROVED BY PARK CITY
COUNCIL THIS 16 DAY
OF July, 2010 A.D.

By: [Signature]
PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE

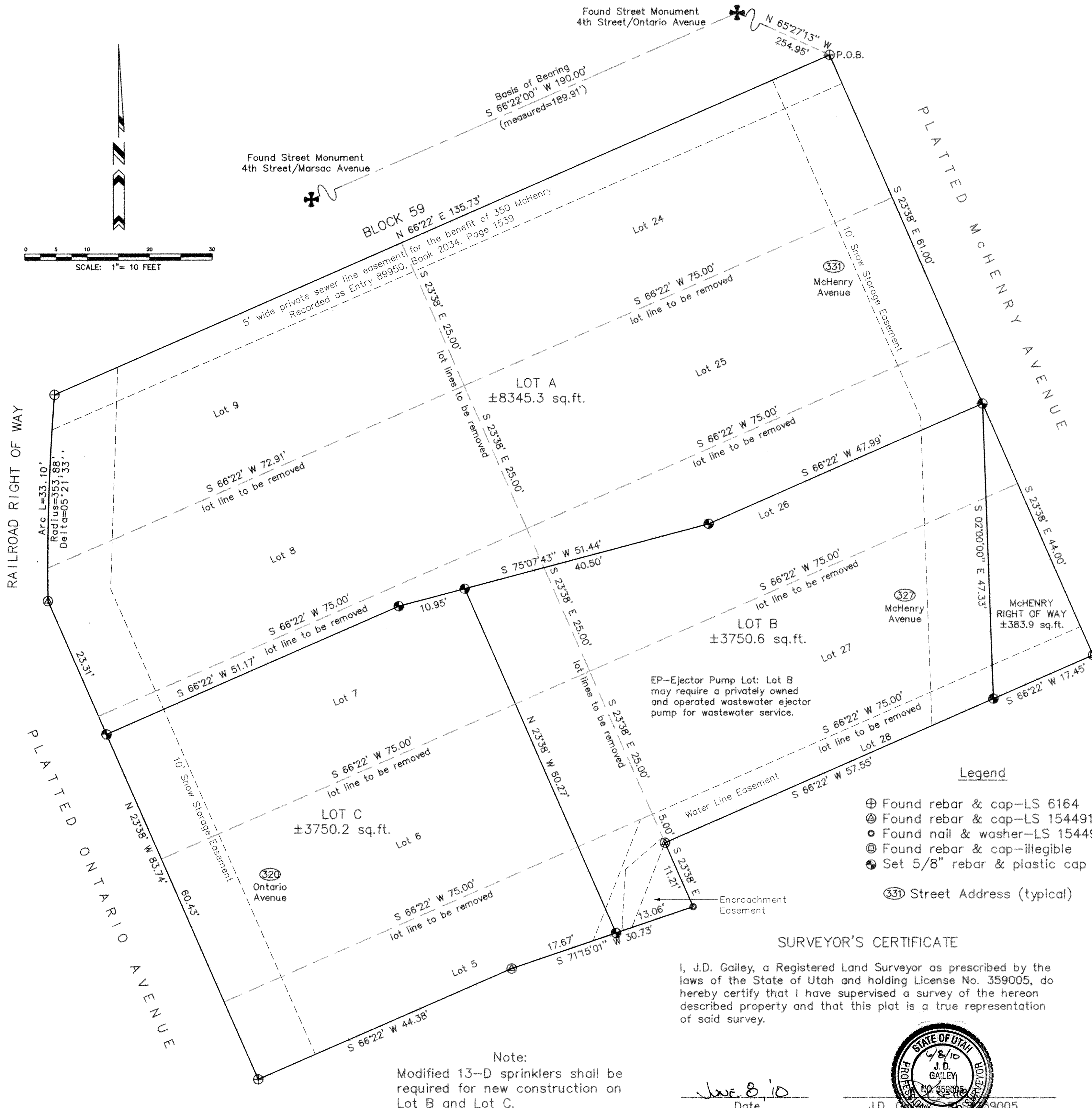
APPROVAL AND ACCEPTANCE BY THE PARK CITY
COUNCIL THIS 16th DAY OF JULY,
2010 A.D.

By: [Signature]
MAYOR

902760 RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF Coalition Title
DATE 7-13-10 TIME 11:18 AM BOOK 2089 PAGE 11

933.0 FEE
[Signature] RECORDER



NARRATIVE

1. Survey requested by: Jerry Fiat.
2. Basis of survey: found property monuments as shown.
3. Date of survey: May, 2010.
4. Property monuments set or found as shown.
5. Located in the Southeast Quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian.
6. The owners of the property should be aware of any items affecting the property that may appear in a title insurance report.
7. Based on the previous boundary survey recorded as File No. S-7000 in the office of the Summit County Recorder.

LEGAL DESCRIPTIONS

331 McHENRY AVENUE SUBDIVISION

Beginning at the Northeastly corner of Lot 24 and the Southeastly corner of Lot 23, Block 59, Park City Survey, according to the official plats thereof, on file and of record in the office of the Summit County Recorder, and running thence S 23°38' E along the Easterly lines of Lots 24, 25, 26, 27 and 28 of said Block 59, 105.00 feet; thence S 66°22' W, 75.00 feet to a point on the line between Lot 5 and Lot 28 of said Block 59; thence S 23°38' E along said line between Lot 5 and Lot 28, 11.21 feet; thence S 71°15'01" W, 30.73 feet; thence S 66°22' W, 44.38 feet to a point on the Westerly line of said Lot 5; thence N 23°38' W along the Westerly line of Lots 5, 6, 7 and 8 of said Block 5, 83.74 feet to a point on the Westerly line of said Lot 8 and the Easterly line of a Railroad Right of Way; thence Northerly, 33.10 feet along said Easterly Right of Way and the arc of a 353.88 foot radius curve to the right through a central angle of 05°21'33", the chord of said arc bears N 01°55' E, 33.09 feet, to a point on the Northerly line of Lot 9 of said Block 59; thence N 66°22' E along the Northerly line of said Lots 9 and 24, 135.73 feet to the point of beginning; containing 16,230.0 square feet, more or less.

LOT A

Beginning at the Northeastly corner of Lot 24, Park City Survey, according to the official plats thereof, on file and of record in the office of the Summit County Recorder, and running thence South 66°22' West, along the Northerly line of Lots 24 & 9 of said Block 59, and the Northerly line of the Woolsey property, as described in that particular boundary survey recorded as File No. S-7000 in the office of the Summit County Recorder, 135.73 feet to the Easterly line of a Railroad Right of Way; thence Southerly, 33.10 feet, more or less, along the arc of a 353.88 foot radius curve to the left and said Railroad Right of Way, through a central angle of 05°21'33" to a point on the Westerly line of Lot 8 of said Block 59; thence South 23°38' East along the Westerly line of Lots 8 & 7 of said Block 59, 23.31 feet to a point on the Westerly line and 3.16 feet, more or less, from the Northwestly corner of said Lot 7; thence North 66°22' East, 51.17 feet; thence North 75°07'43" East, 51.44 feet; thence North 66°22' East, 47.99 feet, more or less, to a point on the Easterly line of Lot 26 of said Block 59; thence North 23°38' West along the Easterly line of Lots 26, 25 & 24 of said Block 59, 61.00 feet, more or less, to the point of beginning; containing 8,345.3 square feet, more or less.

LOT B

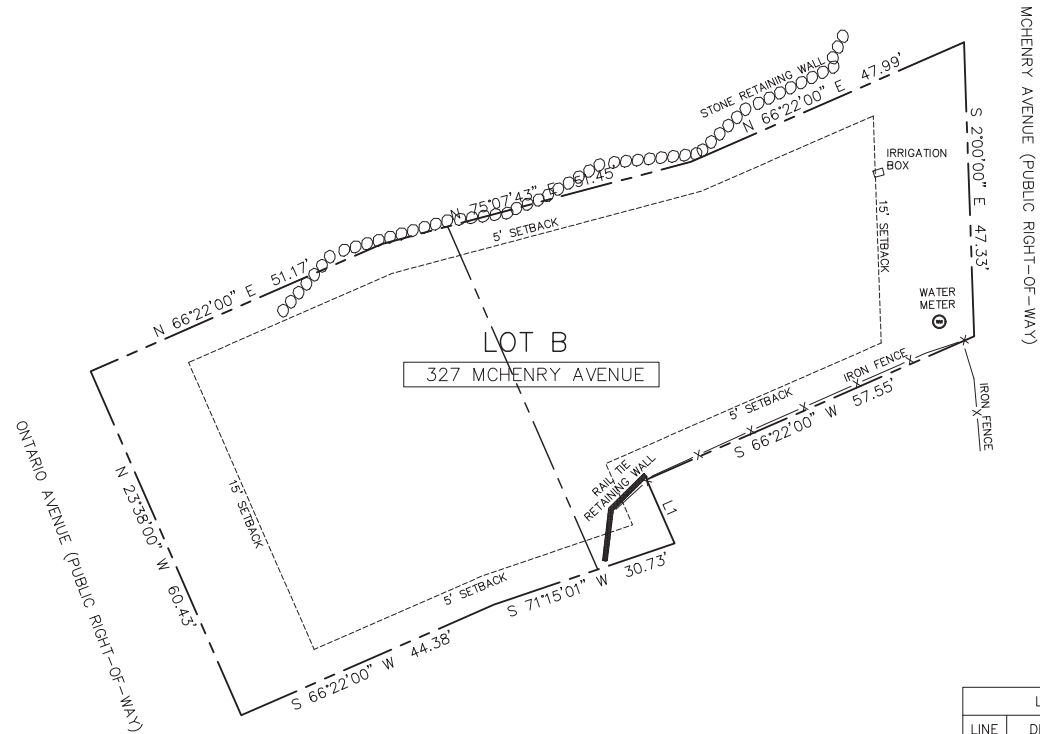
Beginning at a point on the Easterly line of Lot 26, Block 59, Park City Survey, according to the official plats thereof, on file and of record in the office of the Summit County Recorder, said point being South 23°38' East, 61.00 feet from the Northeastly corner of Lot 24 of said Block 59 and running thence South 66°22' West, 47.99 feet; thence South 75°07'43" West, 40.50 feet; thence South 23°38' East, 60.27 feet, more or less, to a point on the Southerly line of the Woolsey property, as described in that particular boundary survey recorded as File No. S-7000 in the office of the Summit County Recorder; thence North 71°15'01" East, along said Southerly line, 13.06 feet to a point on the Easterly line of Lot 5 and the Westerly line of Lot 28 of said Block 59; thence North 23°38' West along said line between Lots 5 & 28, 11.21 feet; thence North 66°22' East, 57.55 feet; thence North 02°00' West, 47.33 feet, more or less, to the point of beginning; containing 3,750.6 square feet, more or less.

LOT C

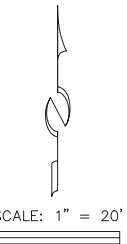
Beginning at a point on the Westerly line of Lot 5, Block 59, Park City Survey, according to the official plats thereof, on file and of record in the office of the Summit County Recorder, said point being South 23°38' East, 13.59 feet from the Northwestly corner of said Lot 5 and also being the Southwestly corner of the Woolsey property, as described in that particular boundary survey recorded as File No. S-7000 in the office of the Summit County Recorder, and running thence North 66°22' East along said Southerly line, 44.38 feet; thence North 71°15'01" East along said Southerly line, 17.67 feet; thence North 23°38' West, 60.27 feet; thence South 75°07'43" West, 10.95 feet; thence South 66°22' West, 51.17 feet, more or less, to a point on the Westerly line of Lot 7 of said Block 59, said point being 3.16 feet, more or less, from the Northwestly corner of said Lot 7; thence South 23°38' East along the Westerly line of Lots 7, 6 & 5 of said Block 59, 60.43 feet, more or less, to the point of beginning; containing 3,750.2 square feet, more or less.

PROPOSED LOT B 331 MCHENRY AVENUE SUBDIVISION- FIRST AMENDED

SLOPE MAP



LINE TABLE		
LINE	DIRECTION	LENGTH
L1	S 23°38'00" E	11.21'

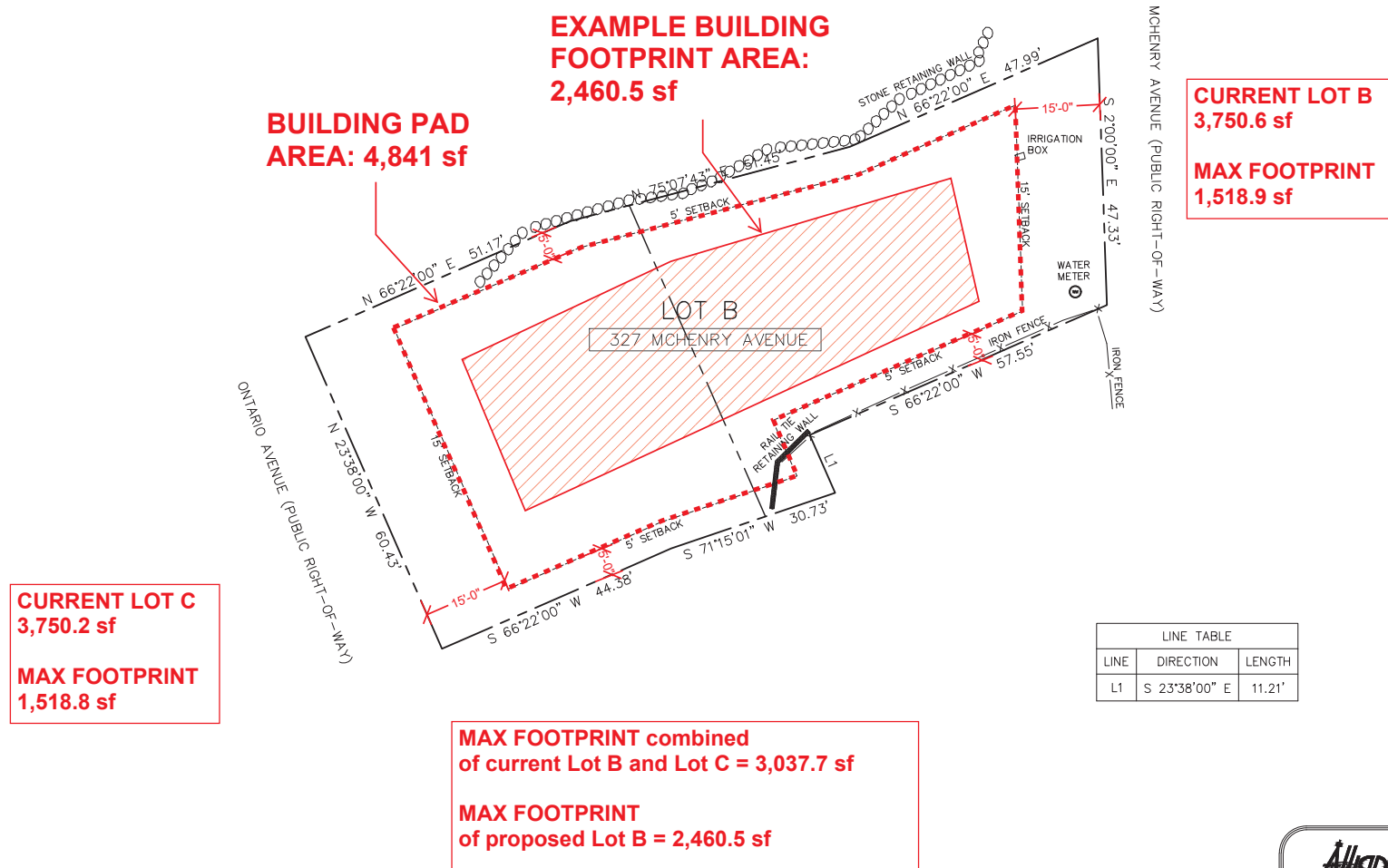


Alliance Engineering Inc.
 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664
 (435) 649-9467-PHONE
 (435) 649-9475-FAX

Date: 9.28.20
 Project No.: 21-9-20
 X:\ParkCitySurvey\dwg\srvc\srvc2020\201920-327 McHenry\210920-327 McHenry Ave.dwg

PROPOSED LOT B 331 MCHENRY AVENUE SUBDIVISION- FIRST AMENDED

SLOPE MAP



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 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664
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Date: 9.28.20
 Project No.: 21-9-20
 X:\ParkCitySurvey\dwg\srvc\srvc2020\201920-327 McHenry\210920-327 McHenry Ave.dwg



327 McHenry Avenue- Looking Westerly



327 McHenry Avenue- Looking Westerly



327 McHenry Avenue- Looking Easterly

Caitlyn Barhorst

From: Jeff <jeff@actiumpartners.com>
Sent: Monday, November 2, 2020 1:20 PM
To: Caitlyn Barhorst
Subject: 331 McHenry

Caitlyn,

As the new resident of 331 McHenry I wanted to let you know we support the combination of the two lots next to us into one lot. We believe it will be less impactful to all the neighbors if it is combined into one lot with one house built on the property.

Please let us know if you have any questions but we support the combination of the lots.

Best,

Jeff

Jeffrey Wright
Actium Partners LLC
111 East Broadway Suite 390
Salt Lake City, Utah 84111

Caitlyn Barhorst

From: D Constable <decjpc49@msn.com>
Sent: Monday, October 26, 2020 1:54 PM
To: Caitlyn Barhorst
Subject: 331 McHenry Subdivision Plat

Caitlyn Barhorst

re: 331 McHenry Avenue Replat

Patricia and I reside at 287 McHenry Avenue. This street is within the HRL and is a no nightly rental zone. It is almost exclusively full time residents. We are opposed to the replating of the 331 McHenry

Avenue Subdivision for the following reasons.

!) The removal of rear yard set-backs allows for a significantly larger structure, as much as an another 1000 sq. ft. with multiple floors. This in its self is contrary to the intent of the HRL zone. Additionally, by allowing a much

larger building, this increases the density on McHenry Avenue, already a substandard dead end street.

2) Further, the intent of the HRL zone is to build compatible residences within this unique HRL zone. A much larger structure does not comply with this. Two smaller structures, with one accessing Ontario Street would be a

much better fit for the entire neighborhood.

.
David & Patricia Constable
287 McHenry Ave.

10/22,2020

Re: J.Fiat lot combination 331 McHenry St.

Dear Park City Planning Commissioners,

McHenry Street is a unique Old Town neighborhood. The street is substandard (8 feet width in parts). The street is a dead end with a narrow turnaround at the end that does not meet the Fire Department standards.

Most notably there are no nightly rentals allowed in our neighborhood since the 1980's. This is the only Old Town neighborhood with this distinction. We have always been primarily fulltime residents with only a few long term renters.

History of 331 McHenry :

Mr. Fiat's property at 331 McHenry was owned for 40 years by Dr. Carl Woolsey and his wife , Donna.

There was always one house on the lot with an almost historic shed and beautiful gardens.

When the Woolseys both fell into ailing health and needed to move to Salt Lake ...Mr. Fiat came on the scene.

Jerry told the neighborhood that in order to buy the property he needed all the neighbors to sign off on his plan. In short if we wanted to help Carl and Donna sell....we all needed to co-operate.

Jerry told many neighbors he was going to move in and be part of our neighborhood. Also, that he would put 3 houses on the property with one house coming off of Ontario Avenue because he couldn't afford to have only one house.

Fast forwardAfter 4 and a half years of construction the house was listed for 7.8 million and we had our first house on the street that was over 3000 sf.

It was permitted as a remodel with a non-conforming setback on the garage. When construction was completed every wall in the house was replaced (inspite of 2 neighborhood outcries) and Jerry had a brand new house with the better non-conforming setback. Also the neighbors had a green roof turned party deck and a 3 story stairwell lightbox to illuminate our neighborhood at night.

Now with 2 lots left....the market has changed and Jerry wants to change his game plan to his benefit.

Combining the lots will eliminate the backyard setbacks for both houses and gain a larger footprint by almost 1000 SF

All the impact of this larger house will be on McHenry St. Ontario Ave although also substandard is at least a through street. If the lots are not combined then half the traffic and daily use will be shared by Ontario Ave. One larger home on McHenry will yield a substantial increase in staff for maintenance , etc.

Please see the attached drawings as well as the points that we have researched in the Code for you to review.

-Thank you for your efforts!
MARY D. WINTZER
330 McHENRY ST.

331 McHenry Ave Combine lot B and C

HRL Zone

Purpose

A—reduce density that is accessible only by substandard streets so these streets are not impacted beyond their reasonable carrying capacity.

Does not comply, WILL INCREASE THE SIZE OF THE HOUSE THAT WILL BE SERVICED OFF THE SUBSTANDARD MCHENRY ST.

B—provide an area of lower density residential use within the old portion of Park City

Does not comply, WILL INCREASE THE SIZE OF THE HOUSE THAT WILL BE SERVICED OFF THE SUBSTANDARD MCHENRY.

C—Preserve the character of historic residential development in Park City

Does not comply, before Jerry Fiat built his house at 331 McHenry St. the biggest house on McHenry was 3,000 sq.ft increasing the size of the lot will increase the size of the house and change character of the neighborhood.

D—encourage the preservation of historic structures

E—encourage construction of historically compatible structures that contribute to the character and scale of the historic district and maintain existing residential neighborhoods.

Does not comply, WILL INCREASE THE SIZE OF THE HOUSE THAT WILL BE SERVICED OFF THE SUBSTANDARD MCHENRY.

F—establish development review criteria for new development on steep slopes which mitigate impacts to mass and scale and the environment and

THIS HAS NEVER BEEN DONE

G—define development parameters that are consistent with the General Plan policies for the historic core.

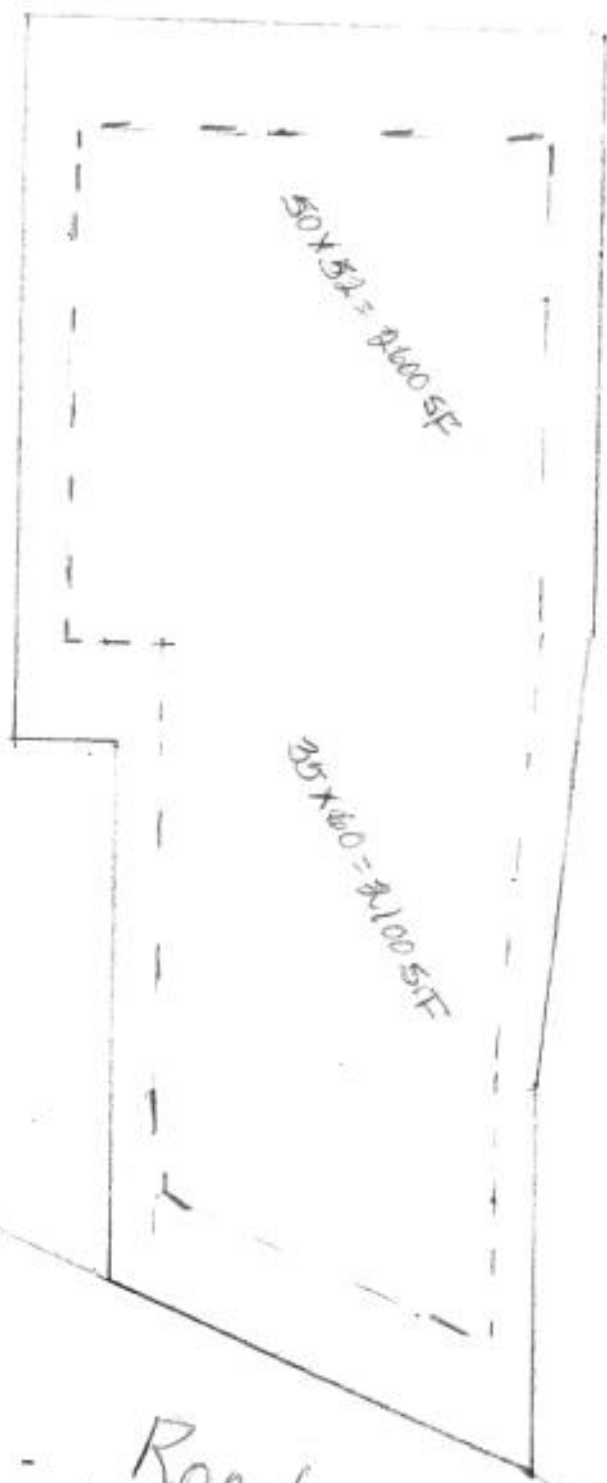
THIS HAS NEVER BEEN DONE

✱ **Note:**

In 2011 when four property owners formed the Rossi Hill Subdivision , the City asked us to place a restriction of a maximum footprint we could build on each lot.

So a precedent is in place for this planning tool. These properties are 310,320,330 and 350 McHenry St. which are directly across of Jerry's 331 McHenry.

ROAD - ONTARIO AVE.



ROAD
McHENRY

HOUSE FOOTPRINT
2600
2100
4700 SF

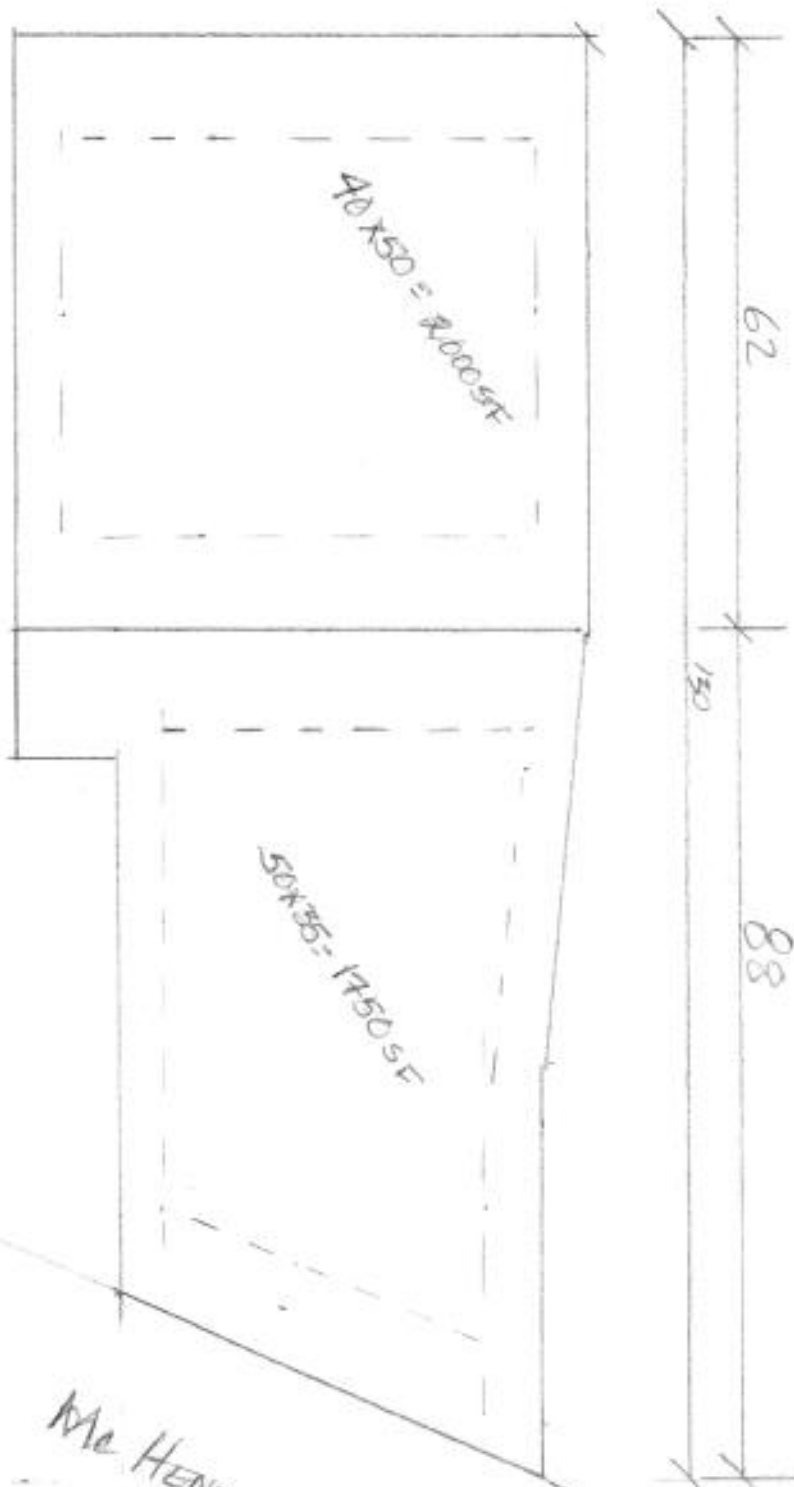
20' = 1"

30' ± 1"

House Footprint
2000 SF

Total Footprint
3750 SF

House Footprint off of Mc HENRY
1750 SF



Council Agenda Item Report

Meeting Date: November 19, 2020

Submitted by: Heinrich Deters

Submitting Department: Sustainability

Item Type: Resolution

Agenda Section:

Subject:

Consideration to Approve Resolution 27-2020, a Resolution Authorizing Park City Sustainability Department to File an Application for the Evaluation and Possible Use of Utah Department of Transportation Surplus Property (A) Public Hearing (B) Action

Suggested Action:

Attachments:

[Utah Department of Transportation Surplus Property Staff Report](#)

[Exhibit A: UDOT Surplus Property Resolution](#)

City Council Staff Report

Subject: UDOT Resolution- Richardson Flat Intersection

Author: Heinrich Deters

Department: Sustainability

Date: November 19, 2020

Type of Item: Resolution

Recommendation

Adopt a City Council resolution to approve interest in acquiring surplus property adjacent to the Richardson Flat and SR-248 intersection from the Utah Department of Transportation (UDOT), consistent with their surplus property process. (Exhibit A)

Background

UDOT owns several acres near the Richardson Flat Road/SR-248 intersection. (Blue in map below) The city owns several parcels in the area, commonly referred to as the 'Gordo properties' (Green in map below).



On June 18, 2020, staff presented Council with a recommendation to utilize the Gordo properties ([Staff Report](#)) as a soils management area, public works facility, trailhead, and recycling center. Staff has worked with a design contractor per the layout of the proposed facilities and it became apparent that the UDOT parcels would provide a more efficient site design, ingress and egress, berming, etc.

Additionally, the request includes the evaluation of UDOT parcels, where the city has existing walkability infrastructure, including the newly constructed Richardson Flat boardwalk and pathway.

Analysis

As part of the UDOT surplus property program, UDOT requires governmental entities to adopt a resolution before proceeding with the disposition process.

PCMC is requesting UDOT include the following parcels in their review process:

- **PCA-95-A-X (Entry Number 00551155)**
 - Project Number STP-0248 (2)3
 - UDOT Parcel number: 0248:14
- **PCA-95-C-X (Entry Number 00541093)**
 - Project Number STP-0248(2)3
 - UDOT Parcel Number 0248:18
- **PCA-9-95-N-1-X**
- **PCA-9-95-2-X**

The initial review process may determine if the UDOT properties are:

- Available for disposition/purchase;
- Available for a non-purchase transfer or agreement such as an encroachment permit; and
- Provide details associated with a possible transfer, including value, restrictions or encumbrances.

The UDOT review process does not obligate PCMC to purchase or acquire any parcels.

Department Review

This report was reviewed by the Office of the City Attorney, Finance Department and City Manager.

Funding Source

Funding is not required for the property evaluation process.

Attachments

Exhibit A- Resolution

Resolution No. 27-2020

**RESOLUTION AUTHORIZING PARK CITY SUSTAINABILITY DEPARTMENT TO
FILE AN APPLICATION FOR THE EVALUATION AND POSSIBLE USE OF UTAH
DEPARTMENT OF TRANSPORTATION SURPLUS PROPERTY**

WHEREAS, Park City provides for pathways and walkability infrastructure for the community and visitors with a high level of service and safety; and

WHEREAS, Park City is the owner of numerous acres of land in the vicinity of Richardson Flat Road and State Route 248 intersection, commonly referred to as the 'Gordo Properties'; and

WHEREAS, the Utah Department of Transportation (UDOT) owns several acres located in the vicinity of Richardson Flat Road and State Route 248 intersection, where pathway and walkability infrastructure currently exist; and

WHEREAS, on June 18, 2020, Council identified possible future uses on the 'Gordo Properties'; and

WHEREAS, UDOT requires entities interested in entering into a use agreement for or acquiring surplus property adopt a public resolution; and

WHEREAS, the Sustainability Department is currently leading planning efforts associated with the 'Gordo Properties'; and

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

SECTION 1. AUTHORIZATION. The Park City Council authorizes the Mayor and City Manager, and their designees to file any necessary application, proposal and generally all necessary steps to explore possible use agreements or acquisition of UDOT surplus property in the vicinity of Richardson Flat and State Route 248 intersection.

SECTION 2. EFFECTIVE DATE. This Resolution shall take effect upon adoption by the City Council.

PASSED AND ADOPTED November 19th, 2020.

PARK CITY MUNICIPAL CORPORATION

Mayor Andy Beerman

ATTEST:

Michelle Kellogg, City Recorder

Approved as to form:

City Attorney's Office

Council Agenda Item Report

Meeting Date: November 19, 2020

Submitted by: Heinrich Deters

Submitting Department: Sustainability

Item Type: Staff Report

Agenda Section:

Subject:

Consideration to Grant an Access Easement across City-Owned Property to the Snyderville Basin Water Reclamation District (SBWRD) to Access a Sewer Trunk Line Located near Richardson Flat Road
(A) Public Input (B) Action

Suggested Action:

Attachments:

[Snyderville Basin Water Reclamation District Access Easement Staff Report](#)

[Exhibit A: Snyderville Basin Water Reclamation District Sewer Access Easement](#)

City Council Staff Report

Subject: Grant of Access Easement-
Snyderville Basin Water Reclamation District
Author: Heinrich Deters, Trails and Open Space Manager
Date: November 19, 2020
Department: Sustainability
Type of Item: Administrative

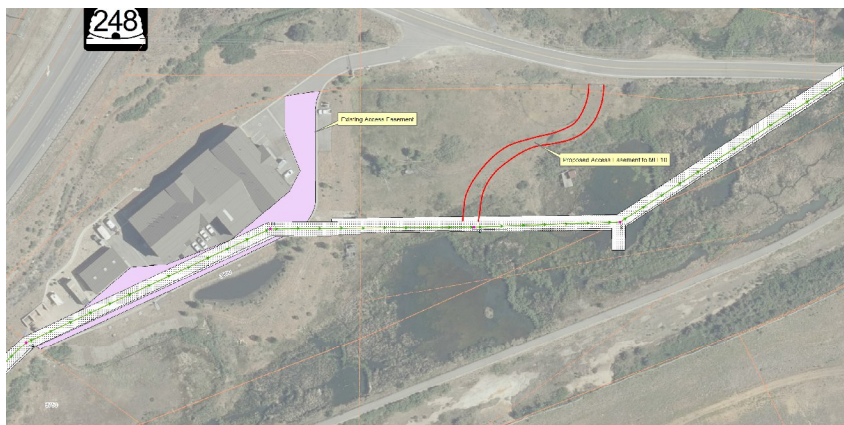
Recommendation

Grant an access easement, in a form approved by the City Attorney, across city-owned property to the Snyderville Basin Water Reclamation District (SBWRD) to access a sewer trunk line located near Richardson Flat Road. (Exhibit A)

Background

In 1986, SBWRD installed a wastewater trunk line in the silver creek drainage. They acquired an access easement, Entry 230197 Recorded February 4, 1985, for the utility. The current easement is located on City-owned property near the Quinn's Water Treatment Plant.

Construction improvements associated with the Quinn's facility, including grading, expansion of the parking area and utility placement has made the current access easement, inaccessible. As part of the recent upgrades to the wastewater utility, SBWRD reviewed all access easements to ensure proper access was in place.



Existing and Proposed Easement Areas

Analysis

SBWRD is a valued utility and stakeholder throughout the Park City community. It holds numerous easements with the city to efficiently and effectively operate and maintain the wastewater system.

The proposed easement crosses a portion of the Ed Gillmor property, encumbered by a conservation easement held by Summit Land Conservancy (SLC). It utilizes an existing

gate and double track. Staff has presented the request to SLC, and they have reviewed, noting that the request is not a violation of the easement terms and thus is allowed. SLC staff has requested that the access area is not improved with road base or an impervious surface. City staff has included language associated with this request into the easement document.

Staff does not recommend requiring a fee for this easement.

Department Review

This report has been reviewed by the Office of the City Attorney and City Manager.

Funding Source

No funding is associated or requested with this project.

Attachments

Exhibit A- SBWRD Easement

When recorded return to:
Snyderville Basin Water Reclamation District
2800 Homestead Road
Park City, Utah 84098

**GRANT OF ACCESS EASEMENT
FOR ACCESS TO WASTEWATER COLLECTION AND
TRANSPORTATION PIPELINE(S) AND APPURTENANCES**

Park City Municipal Corporation, Grantor, does hereby convey and warrant to the Snyderville Basin Water Reclamation District, a local District of the State of Utah, (the District) Grantee, of Summit County, Utah, for good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, a perpetual right of ingress and egress over, across, and through the premises of the Grantor situated in Summit County, Utah which are more specifically described as follows:

Beginning at a point that is South 89°32'22" East a distance of 285.90 feet and South 83°47'38" East a distance of 50.00 feet (along a northerly boundary of Parcel PCA-92-A-X-X and along the southerly boundary of UDOT Parcel PCA-A-2-X) from a northwest corner of Parcel PCA-92-A-X-X, which is common with the northeast corner of Lot 1 of the Quinn's Water Treatment Plant Subdivision, recorded as Entry #887138 on the 24th day of November, 2009 and running thence along said southerly UDOT boundary South 83°47'38" East 20.04 feet to a point on a non-tangent curve to the right, having a radius of 95.00 feet, of which the radius point bears North 80°33'51" West; thence along the arc of said curve 100.59 feet through a central angle of 60°40'05"; thence South 70°06'14" West, 74.73 feet to a point on a tangential curve to the left having a radius of 80.00 feet; thence along the arc of said curve 111.94 feet through a central angle of 80°10'27"; thence West 20.25 feet to the point of curve of a non-tangent curve to the right, having a radius of 100.00 feet, of which the radius point bears North 81°57'31" East; thence along the arc of said curve 136.39 feet through a central angle of 78°08'43"; thence North 70°06'14" East 74.73 feet to a point on a tangential curve to the left having a radius of 75.00 feet; thence along the arc of said curve 78.29 feet through a central angle of 59°48'19" to the POINT OF BEGINNING.

Containing 5,766.71 square feet or 0.1324 acres, more or less.

This easement is contained within Parcel PCA-92-A-X-X

Also granting to the Snyderville Basin Water Reclamation District the right to trim, clear or remove, at any time from said right-of-way any tree, brush, structure or obstruction of any character whatsoever, which in the sole judgment of the Grantee may limit the accessibility of the easement. However, the Grantee acknowledges that the easement granted herein is subject to the previously recorded conservation easement held by Summit Land Conservancy, which is recorded at Book Page. Grantee agrees that Grantee shall not improve the surface of the easement granted, including, but not limited to, the addition of road base or any impervious material. The Grantor and its successors in interest hereby forever relinquish the right to construct any improvement which would interfere with the accessibility of the easement and covenant and agree that no improvement, trees or structures will be constructed over the surface

of the easement granted herein, without the express written consent in advance of the Grantee, which would interfere with the right of the Grantee to utilize the easement for access to wastewater facilities.

The easement granted herein is subject to the condition that the Grantee shall indemnify and hold harmless, the Grantor, its heirs and successors against any and all liability caused by the acts of the Grantee, its contractors or agents, while exercising the rights of this easement; the Grantor's right to indemnification or to be held harmless by the Grantee under the terms of this paragraph are expressly conditioned upon actual or constructive notice to the Grantee of any claim or demand which would cause a claim against the Grantee or invoke Grantee's duty to indemnify Grantor. This provision shall not be interpreted or construed to waive the rights of the Grantee to the affirmative defenses to claims provided under the Utah Governmental Immunity Act.

WITNESS the hand of said Grantor this _____ day of _____, 20__.

PARK CITY MUNICIPAL CORPORATION

By: _____

Name: _____

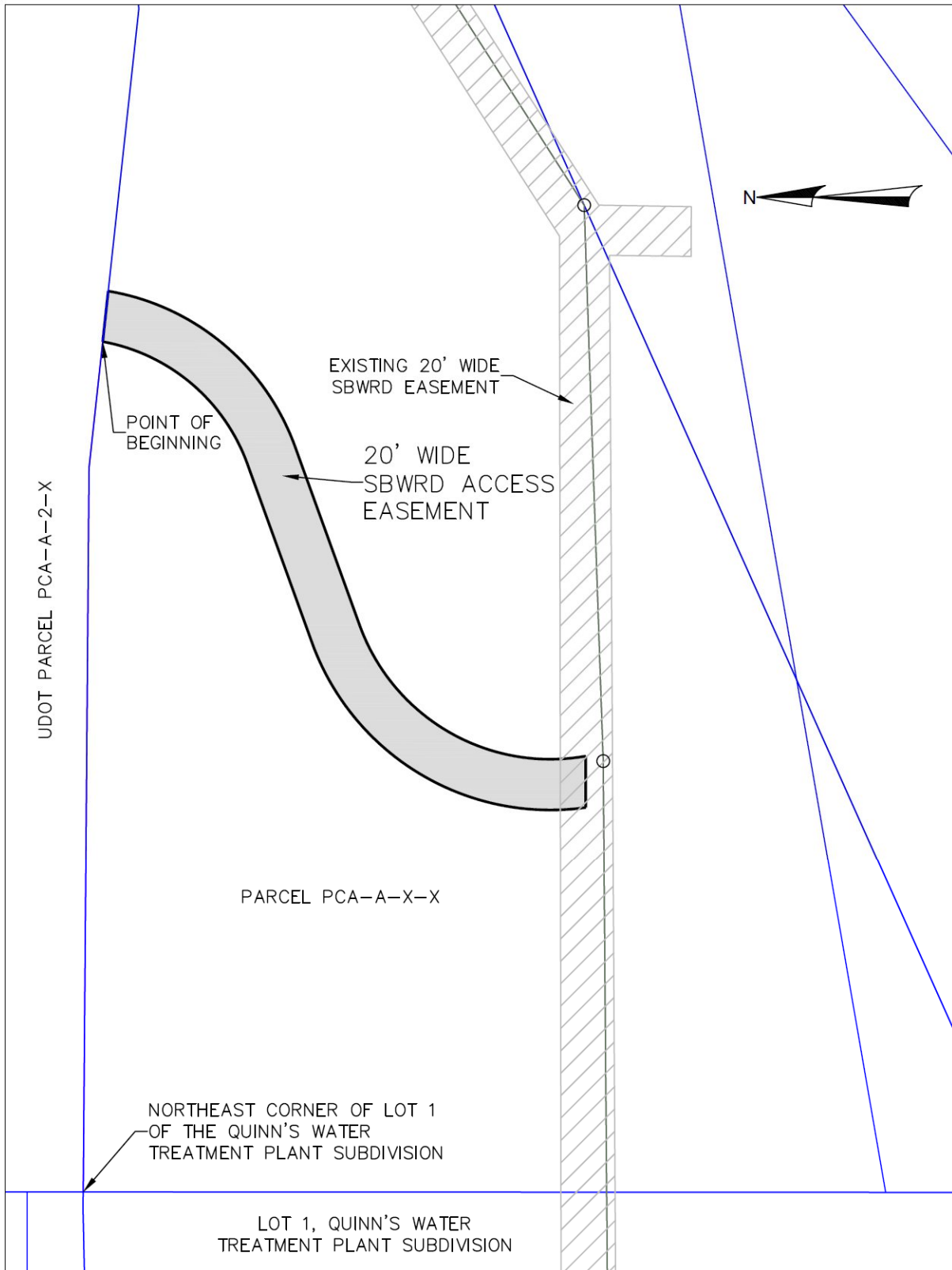
Title: _____

STATE OF UTAH)
 : ss.
COUNTY OF SUMMIT)

On this _____ day of _____, 20____, personally appeared before me _____, who being duly sworn, did say that he/she is the signer of the within instrument, and that the within and foregoing Grant of Access Easement was signed on behalf of _____, with actual and requisite authority, and said signer acknowledged to me that he/she executed the same.

S
E
A
L

Notary Public



Council Agenda Item Report

Meeting Date: November 19, 2020

Submitted by: Corey Legge

Submitting Department: Engineering

Item Type: Staff Report

Agenda Section:

Subject:

Consideration to Authorize Staff to Execute an Encroachment Agreement between Park City Municipal Corporation and Old Town Lands, LLC, for a Portion of Shared Drive Encroaching on PCMC Parcel PC-364-A-X, in a Form Approved by the City Attorney and City Engineer

(A) Public Input (B) Action

Suggested Action:

Attachments:

[Encroachment Agreement Staff Report](#)

[Exhibit A: Driveway](#)

[Exhibit B: Encroachment Permit](#)

[Exhibit C: Engineering Memorandum](#)



City Council Staff Report

Subject: 802 Empire Avenue Subdivision Encroachment Agreement
Author: Corey Legge, PE, Deputy City Engineer
Department: Engineering
Date: November 19, 2020
Type of Item: Administrative

Recommendation

Authorize staff to execute an encroachment agreement between Park City Municipal Corporation (PCMC) and Old Town Lands, LLC, for a portion of shared drive encroaching on PCMC Parcel PC-364-A-X, in a form approved by the City Attorney and City Engineer.

Executive Summary

The 802 Empire Avenue Subdivision was approved by [Ordinance No. 2020-32](#). A condition of approval and plat note indicate that no building permit may be issued until City Council approval of an encroachment agreement for the shared driveway. The improvement is proposed to be located within a portion of public right-of-way of Empire Avenue and PCMC Parcel PC-364-A-X.

Background

- [June 10, 2020](#)- Planning Commission forwarded a positive recommendation to the City Council for approval of the subdivision.
- [June 10, 2020](#)- Planning Commission approves the Conditional Use Permit (CUP) for a shared private driveway over a platted, unbuilt City street.
- [July 9, 2020](#)- City Council approves the subdivision.

The 802 Empire Avenue Subdivision combined multiple small vacant parcels in order to create two developable lots in the HR-1 zone. During the development review committee process, staff encouraged the applicant to seek vehicular access to both Lot 1 and Lot 2 from Empire Avenue rather than Crescent Road. The applicant addressed staff's comments and drafted an exhibit of a shared driveway from Empire Avenue that was included in the public discussions during the subdivision approval (Exhibit A).

A memorandum from the Engineering Department outlines the difficulties of access from Crescent Road and is included as Exhibit C. Findings and Conditions from the Engineering Memorandum were incorporated into the approved [Ordinance No. 2020-32](#).

Access to the 802 Empire Avenue Subdivision required a CUP to locate a shared driveway over the City's Platted Unbuilt Right-of-Way. The area of unbuilt right-of-way served as informal parking for at least the past 30 years. Built Empire Avenue is located within the portion of right-of-way directly to the west of the CUP area. The CUP was approved by the Planning Commission and processed administratively by staff.

Analysis

Parcel PC-364-A-X (Treasure Hill Open Space) is located just south of the 802 Empire Avenue Subdivision. The parcel connects Crescent Tram and Empire Avenue although the existing terrain is steep and heavily vegetated. The potential for a public staircase, known as the 8th Street public pathway, was discussed during the Public Hearings of the 802 Empire Avenue Subdivision approvals. The encroachment agreement does not preclude a future alignment or improvement in some form on the Treasure Hill Open Space. Conditions of approval for [Ordinance No. 2020-32](#) and notes on the 802 Empire Avenue Subdivision plat preserves the City's ability to provide public access.

The Community Development Department has not yet received an application for a building permit in the 802 Empire Avenue Subdivision. In order to comply with the conditions of approval of the subdivision, City Council approval is required for processing of the encroachment agreement.

Department Review

This report has been reviewed by the City Manager, Community Development, and Legal. All issues have been resolved.

Exhibits

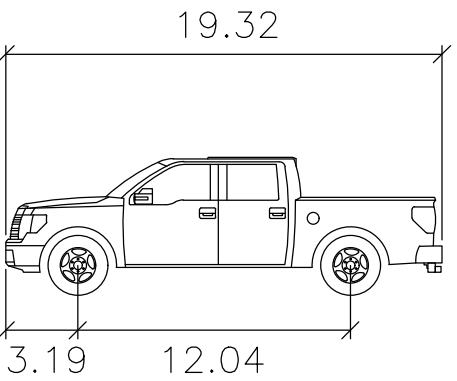
Exhibit A: Driveway Exhibit

Exhibit B: Draft Encroachment Agreement

Exhibit C: Engineering Memorandum

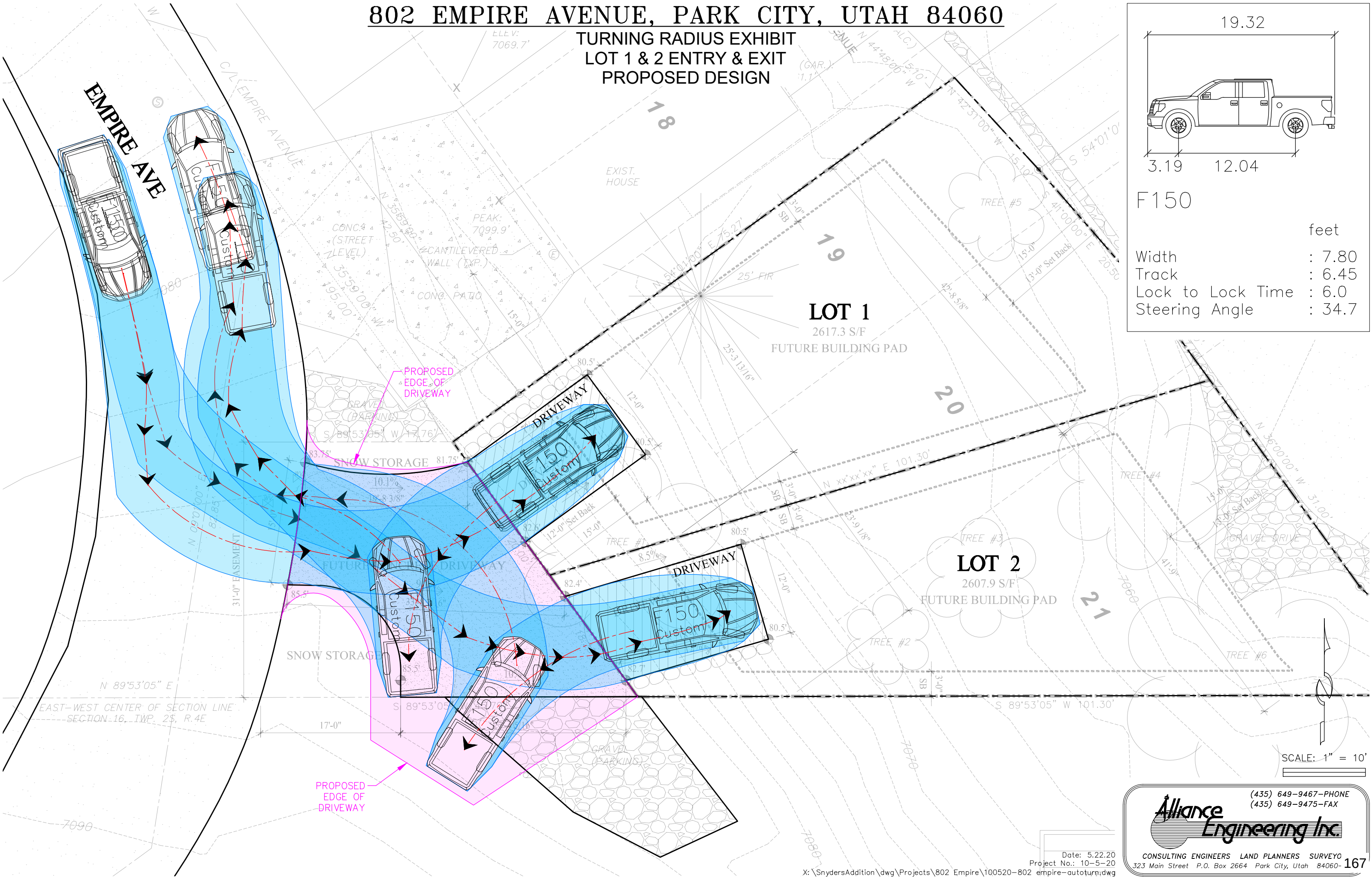
802 EMPIRE AVENUE, PARK CITY, UTAH 84060

TURNING RADIUS EXHIBIT
LOT 1 & 2 ENTRY & EXIT
PROPOSED DESIGN



F150

	feet
Width	: 7.80
Track	: 6.45
Lock to Lock Time	: 6.0
Steering Angle	: 34.7

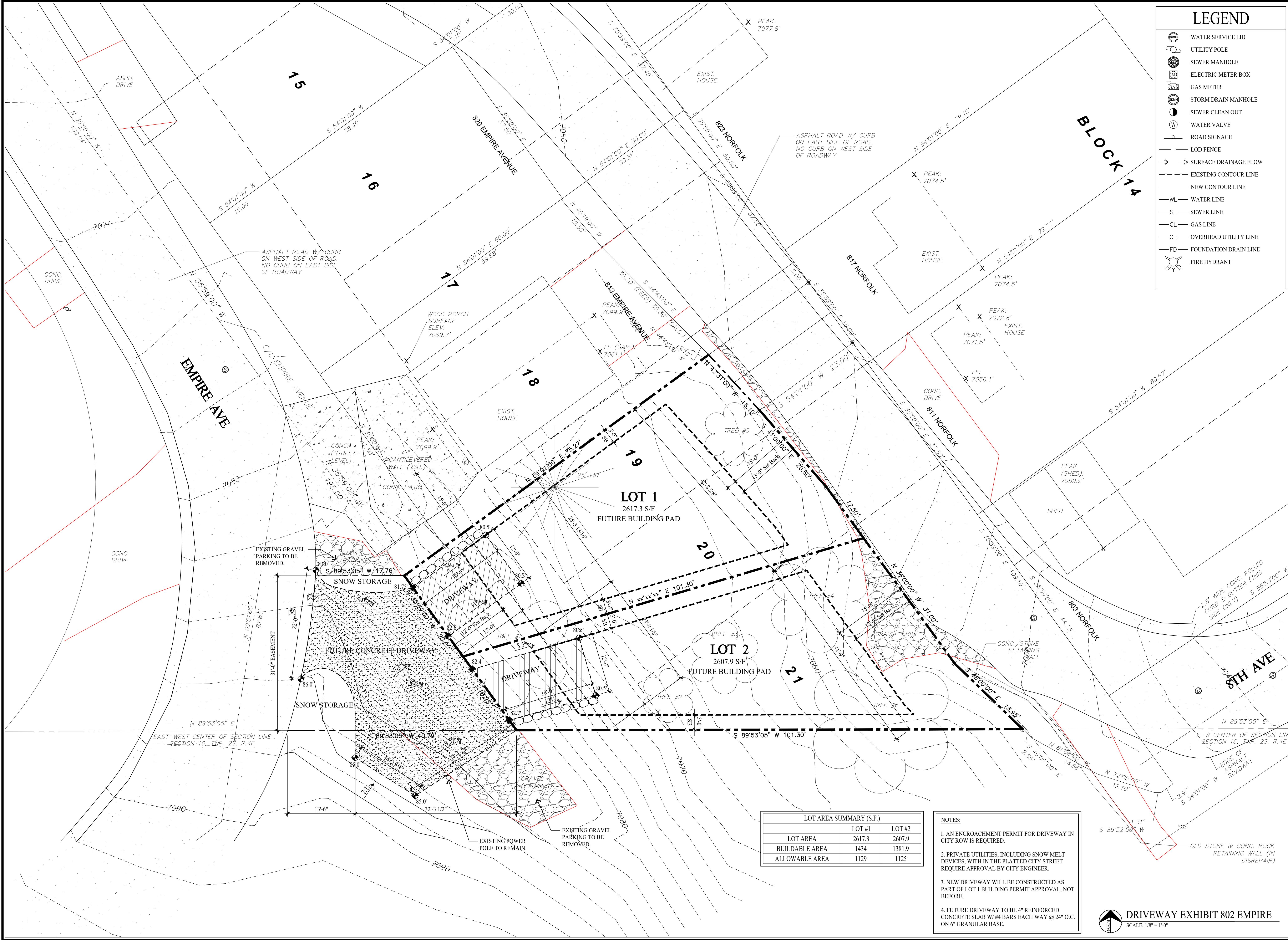


SCALE: 1" = 10'

(435) 649-9467-PHONE
(435) 649-9475-FAX

CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-167

THE GRAPHIC MATERIAL AND DESIGN ON THIS SHEET ARE INSTRUMENTS OF SERVICE AND REMAIN AT ALL TIMES THE PROPERTY OF JONATHAN DEGRAY - ARCHITECT P.C. VIOLATORS WILL BE PROSECUTED TO THE FULLEST EXTENT OF THE LAW.
JONATHAN DEGRAY - ARCHITECT P.C. ALL RIGHTS RESERVED



LEGEND

WATER SERVICE LID

UTILITY POLE

SEWER MANHOLE

ELECTRIC METER BOX

GAS METER

STORM DRAIN MANHOLE

SEWER CLEAN OUT

WATER VALVE

ROAD SIGNAGE

LOD FENCE

SURFACE DRAINAGE FLOW

EXISTING CONTOUR LINE

NEW CONTOUR LINE

WL — WATER LINE

SL — SEWER LINE

GL — GAS LINE

OH — OVERHEAD UTILITY LINE

FD — FOUNDATION DRAIN LINE

FIRE HYDRANT

LOT AREA SUMMARY (S.F.)		
LOT #1	LOT #1	LOT #2
LOT AREA	2617.3	2607.9
BUILDABLE AREA	1434	1381.9
ALLOWABLE AREA	1129	1125

- NOTES:
1. AN ENCROACHMENT PERMIT FOR DRIVEWAY IN CITY ROW IS REQUIRED.

2. PRIVATE UTILITIES, INCLUDING SNOW MELT DEVICES, WITHIN THE PLATTED CITY STREET REQUIRE APPROVAL BY CITY ENGINEER.

3. NEW DRIVEWAY WILL BE CONSTRUCTED AS PART OF LOT 1 BUILDING PERMIT APPROVAL, NOT BEFORE.

4. FUTURE DRIVEWAY TO BE 4" REINFORCED CONCRETE SLAB W/ #4 BARS EACH WAY @ 24" O.C. ON 6" GRANULAR BASE.

DRIVEWAY EXHIBIT 802 EMPIRE

SCALE: 1/8" = 1'-0"

Jonathan DeGray

Architect

P.O. Box 1674, 614 Main Street, Suite 302, Park City, Utah 84060
Tel. 435-648-7263, E-mail: degrayarch@westoffice.net

DRIVEWAY EXHIBIT 802 EMPIRE

DRIVEWAY CONDITIONAL USE PERMIT

802 EMPIRE AVENUE, PARK CITY, UTAH 84060

DRIVEWAY EXHIBIT 802 EMPIRE

REVISIONS:

DATE: MAY 28, 2020

PROJECT NUMBER: 1902-02

SHEET NUMBER: EX-A

168

When recorded please return to:
Park City Municipal Corporation
Attn: City Engineer
PO Box 1480
Park City UT 84060

ENCROACHMENT PERMIT
802 Empire Avenue Subdivision, Park City, Utah

THIS AGREEMENT is made by and between PARK CITY MUNICIPAL CORPORATION (City) and **Old Town Lands, LLC**, (owner) to set forth the terms and conditions under which the City will permit the Owner to build, maintain, and use certain improvements within the City property and right-of-way at **802 EMPIRE AVENUE and 806 EMPIRE AVENUE**, Park City, Utah. Subject to the following terms and conditions of this agreement, Owner shall have the right to construct and maintain **A DRIVEWAY** within the City right-of-way of **EMPIRE AVENUE**.

1. This encroachment agreement shall be appurtenant to the following described property:
Lot 1 & Lot 2 of 802 Empire Avenue Subdivision

Parcel # _____

The Encroachment Permit area lies within Summit County Parcel PC-364-A-X

This agreement is not transferable to other property, but is freely transferable with the title to this lot. The license and conditions as stated in the agreement, are binding on the successors in title or interest of Owner(s).

2. The improvements permitted within the street right-of-way shall consist of **A DRIVEWAY**. Attach a scaled drawing, labeled as ATTACHMENT 'A', showing the improvements and the location of all related elements, on 8 1/2 "x 11" or 11"x 17" paper. No modifications to the improvements may be made without prior written permission from Park City Municipal Corporation.
3. The City may, at some future date, elect to make improvements to **802 EMPIRE AVENUE SUBDIVISION** at this location and widen the streets to full width of the right-of-way and City property and/or to install utilities (or allow such installation by franchised utilities). To the extent that any improvements or utility work requires the removal, relocation, replacement, and/or destruction of the improvements the Owner(s) may have been using within the City property right-of-way, the Owner(s) waives any right to compensation for the loss of improvements and loss of the use of the street right-of-way and/or change in the grade and elevation of the street. This waiver of compensation, in the event the improvements are removed for any reason whatsoever in the sole determination of Park City, is the consideration given for the granting of this encroachment permit.
4. Prior to installing City improvements in, along or adjacent to the street or installing utilities in a manner that will require the removal or relocation of the improvements, the City will endeavor to give the Owner(s) ninety (90) days notice, in which time the Owner(s) shall make adjustments and remodel the improvements as necessary to accommodate the changes in the street width, utilities, and-or grade at the Owner(s) cost. Park City and its franchised utilities will attempt to save as much of the Owner(s) improvements as possible but in no way guarantees any salvage value whatsoever.
5. No permanent right, title, or interest of any kind shall vest in the Owner(s) in the street right-of-way by virtue of this agreement. The property interest hereby created is a revocable license, and not an easement or other perpetual interest. No interest shall be perfected under the doctrines of adverse possession, prescription, or other similar doctrines of law based on adverse use, as the use hereby permitted is entirely permissive in nature.
6. The Owner(s) or his/her successor shall maintain the improvements in a good state of repair at all times, and upon notice from the City, will repair any damaged, weakened, or failed sections. The Owner(s) agree(s) to hold the City harmless and indemnify the City for any and all claims which might arise from third parties, who are injured as a result of the Owner's use of the right-of-way for private purposes, or from the failure of the Owner's improvements.
7. This agreement shall be in effect until the license is revoked by the City. Revocation shall be effected by the City regarding a notice of revocation with the Summit County Recorder and sending notice to Owner or the Owner's successor.

PARK CITY MUNICIPAL CORPORATION

DATED this _____ day of _____, 20____

Engineer

STATE OF UTAH)

ss

COUNTY OF SUMMIT

On the _____ day of _____, 20____, Tom C. Peek, Managing Member of Old Town Lands LLC, A Utah Limited Liability Company, personally appeared before me _____ and who, being first duly sworn and upon oath, and in full recognition of the penalty for perjury in the State of Utah, did acknowledge to me that he is the Owner(s) of the property or, if the Owner(s) is a Corporation, that he is an authorized representative of the Corporation, and that she/he signed the foregoing instrument on their behalf.

Notary Public

PROPERTY OWNER

Old Town Lands, LLC

by Thomas C. Peek Jr. M.M.
*Owner's Signature

Thomas C. Peek Jr.
Owner's Name (Printed)

P.O. Box 4167, Park City, UT 84060
Mailing Address

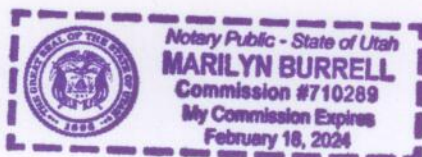
tom@tompeekparkcity.com
email address or phone number

STATE OF UTAH)

ss

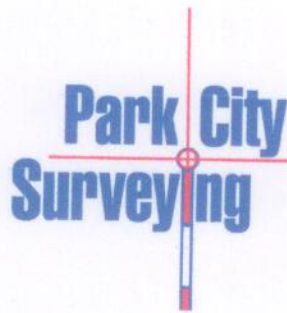
COUNTY OF SUMMIT

On the 27 day of October, 2020, Tom C. Peek, Managing Member of Old Town Lands LLC, a Utah Limited Liability Company, personally appeared before me, who, being first duly sworn and upon oath, and in full recognition of the penalty for perjury in the State of Utah, did acknowledge to me that she/he is the Owner(s) of the property or, if the Owner(s) is a Corporation, that she/he is an authorized representative of the Corporation, and that she/he signed the foregoing instrument on their behalf.



Marilyn Burrell

Notary Public



P.O. Box 682993
Park City, UT 84068
(435)649-2918
(435)649-4637 fax

Attachment "A"

10/27/2020

Encroachment Permit

Dominant Parcel: 802 Empire Avenue Subdivision

Servient Parcel: PC-364-A-X, Park City Municipal Corporation

Reason for Encroachment Permit: access to 802 & 806 Empire Avenue, Park City, Utah

LEGAL DESCRIPTION

BEING A PARCEL OF LAND LYING WITHIN THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN, BASIS OF BEARINGS LYING WITHIN THE "SNYDER'S ADDITION TO PARK CITY SUBDIVISION", OF RECORD AND ON FILE AT THE SUMMIT COUNTY, UTAH RECORDER'S OFFICE, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

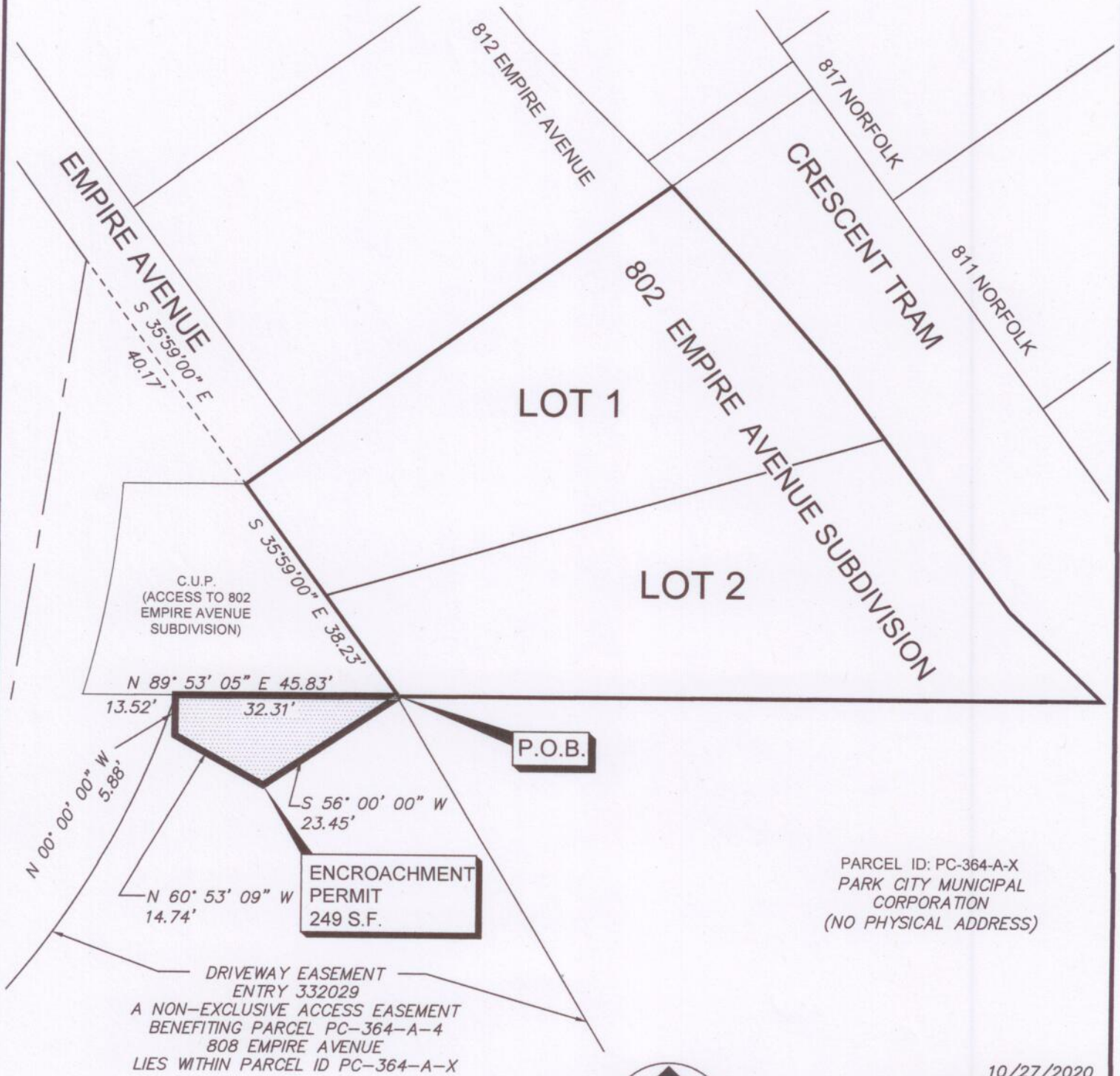
COMMENCING AT A STREET CENTERLINE MONUMENT AT EMPIRE AVENUE WITH 9TH STREET, SNYDER'S ADDITION TO PARK CITY, BASIS OF BEARINGS BEING SOUTH 35°59'00" EAST A DISTANCE OF 860.00 FEET BETWEEN THE FOUND & ACCEPTED STREET MONUMENTS AT EMPIRE AVENUE WITH 11TH STREET AND EMPIRE AVENUE WITH 9TH STREET; THENCE SOUTH 35°59'00" EAST 233.23 FEET FROM THE SURVEY MONUMENT AT THE INTERSECTION OF EMPIRE AVENUE WITH 9TH STREET, TO A POINT ON THE EAST-WEST CENTER OF SECTION LINE OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, BEING THE **TRUE POINT OF BEGINNING**;

AND RUNNING THENCE SOUTH 56°00'00" WEST A DISTANCE OF 23.45 FEET; THENCE NORTH 60°53'09" WEST A DISTANCE OF 14.74 FEET; THENCE NORTH 00°00'00" WEST A DISTANCE OF 5.88 FEET; THENCE NORTH 89°53'05" EAST A DISTANCE OF 32.31 FEET TO THE **TRUE THE POINT OF BEGINNING**.

CONTAINS 249 SQUARE FEET OR 0.006 ACRES.

FOR REFERENCE: THIS PARCEL LIES WITHIN SUMMIT COUNTY PARCEL ID PC-364-A-X

ATTACHMENT "A"
ENCROACHMENT PERMIT EXHIBIT
802 EMPIRE AVENUE SUBDIVISION



PARCEL ID: PC-364-A-X
 PARK CITY MUNICIPAL
 CORPORATION
 (NO PHYSICAL ADDRESS)

PARCEL ID: PC-364-A-X
 PARK CITY MUNICIPAL
 CORPORATION
 (NO PHYSICAL ADDRESS)



SCALE 1" = 20'

10/27/2020
 MAP: SHEET 2 OF 2

Park City
Surveying

PO Box 662993
 Park City, UT 84068
 435-649-2918

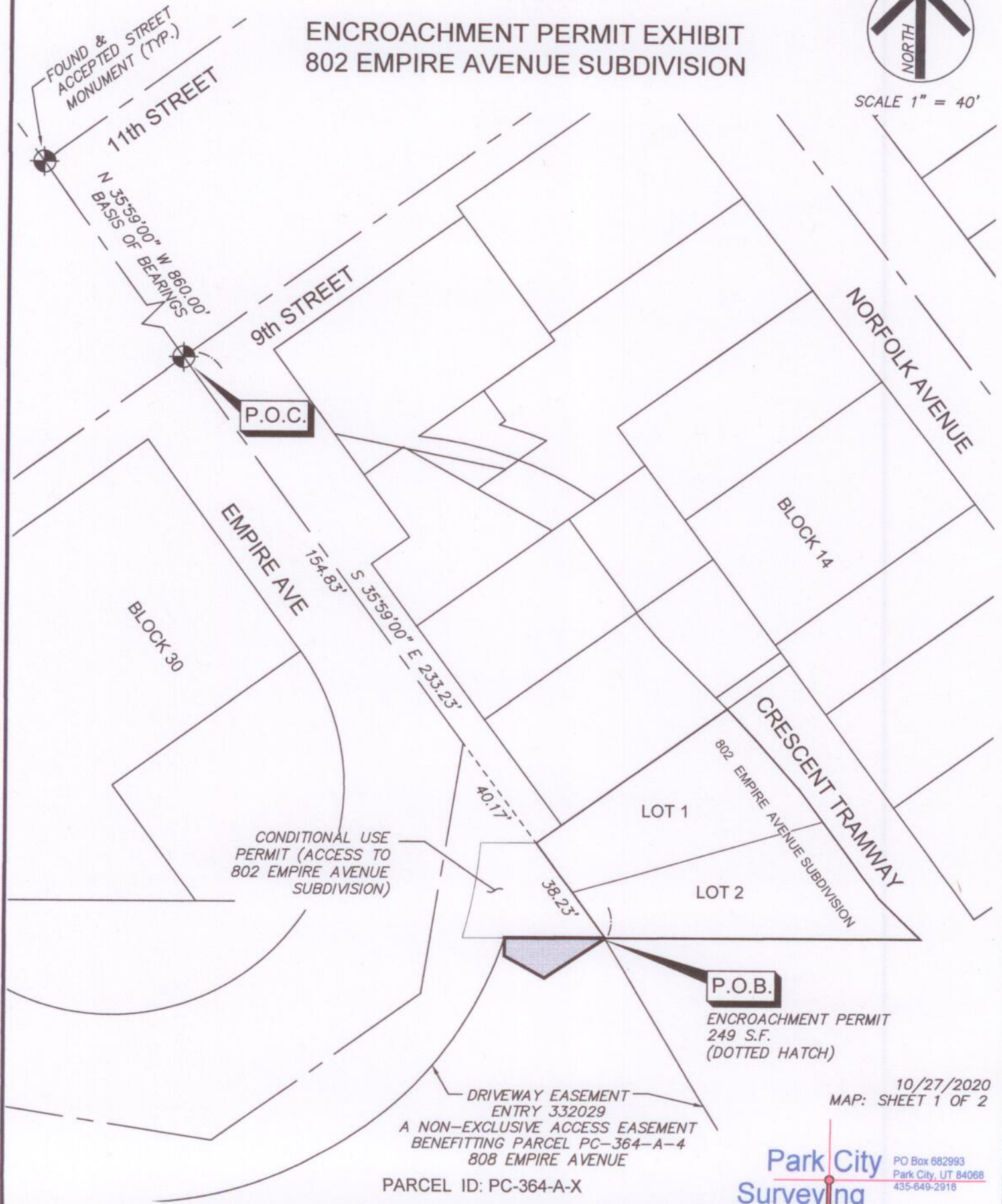
WWW.PARKCITYSURVEY.COM

ATTACHMENT "A"

ENCROACHMENT PERMIT EXHIBIT 802 EMPIRE AVENUE SUBDIVISION



SCALE 1" = 40'



PARCEL ID: PC-364-A-X

P.O.B.

ENCROACHMENT PERMIT
249 S.F.
(DOTTED HATCH)

10/27/2020
MAP: SHEET 1 OF 2

**Park City
Surveying**

PO Box 682993
Park City, UT 84068
435-649-2918

WWW.PARKCITYSURVEY.COM



MEMORANDUM

To: Alexandra Ananth, Senior Planner

From: Corey Legge, EIT, ENV-SP, Public Improvements Engineer

CC: John Robertson, PE, City Engineer

Date: May 5th, 2020

Re: 802 Empire Avenue Drive Entrance

The Engineering Department has reviewed the driveway exhibit for Lots 1 and 2 of the 802 Empire Avenue Subdivision dated February 12th, 2020. The exhibit proposes a shared driveway to encroach within Empire Avenue platted unbuilt right-of-way which requires a Conditional Use Permit (CUP). Alternatively, if a CUP is not approved each lot of the 802 Empire Avenue Subdivision may be accessed from Crescent Road.

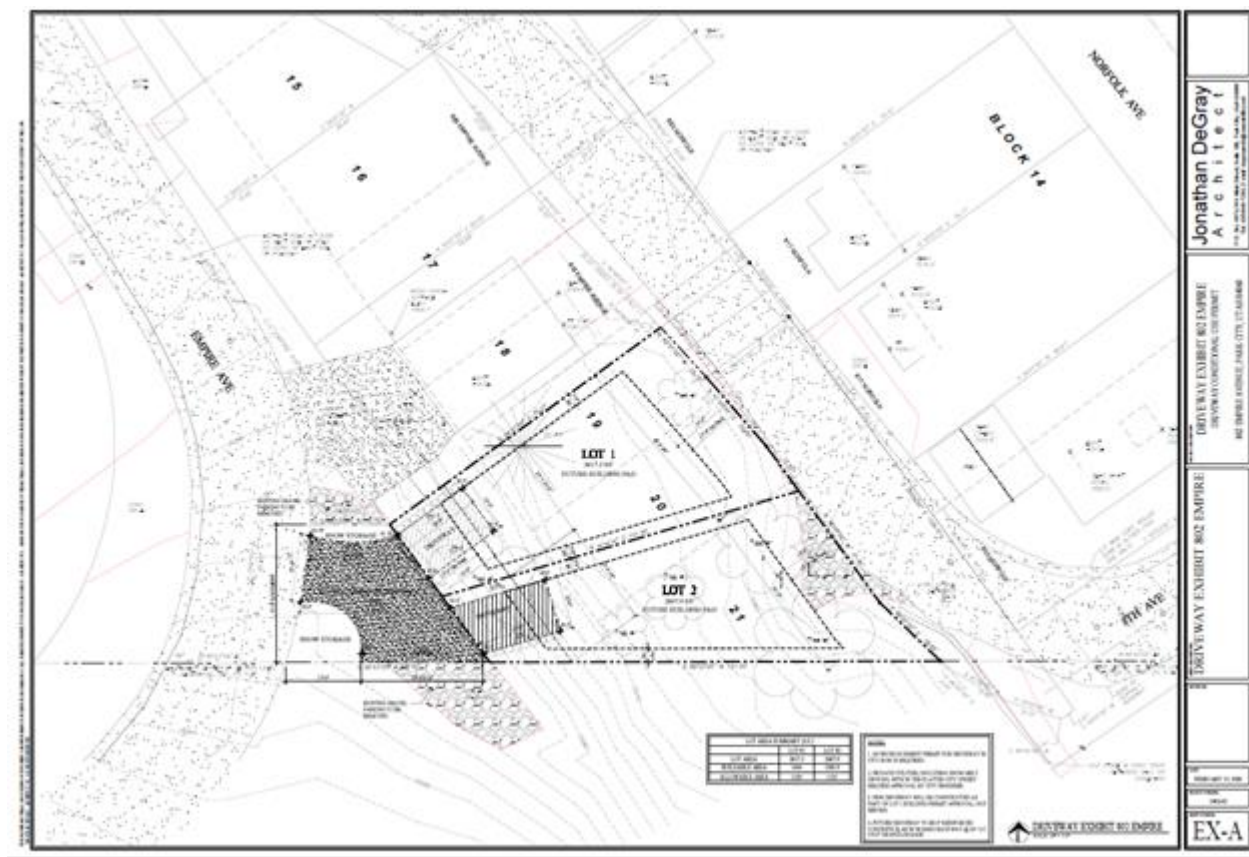


Figure 1: Proposed Driveway from Empire Avenue over Platted-Unbuilt Empire Avenue to Lot 1 and Lot 2

Existing Conditions

Crescent Road, located directly east of the proposed 802 Empire Avenue Subdivision, is a two-way street that serves as the primary southerly access to Empire Avenue and Lowell Avenue. The road slopes from Empire Avenue to 8th Street at a nine percent (9%) to seventeen (17%) grade. The road pavement width was measured to be eighteen feet (18'). The alignment of Crescent Road as it traverses the steep hillside includes two horizontal curves. Existing structures abut the roadway directly, limiting a motorist's sight distance when navigating each horizontal curve. Due to the steep grade, narrow width, and limited sight distance, unrestricted two-way traffic is not easily accommodated. Vehicles traveling downhill generally yield to vehicles travelling uphill.

On the west side of Crescent Road there are 3 existing driveways and one public trail access. There is one existing parallel off-street parking spot on the east side of the street. Due to the cross slope drainage, a high back curb and gutter is necessary on the eastern edge of the street. Unlike rolled curb and gutter, the surface width of a high back curb and gutter is not included when calculating the travel lane width.

Pertinent to the general area of the proposed shared driveway, Empire Avenue holds an eight percent (8%) grade around the horseshoe bend connecting to Lowell Avenue. The cross section features eleven foot (11') travel lanes and a two and a half foot (2.5') rolled curb and gutter on each side of the street resulting in a corridor width of twenty seven feet (27'). There is an existing gravel parking area directly at the location of the proposed shared drive. This entrance is southeast of Empire Avenue at the approximate point of horizontal curve. The gravel parking area, shown in figure 2, predates the oldest Google Earth satellite imagery from 1993.



Figure 2: Existing gravel parking area pictured from Empire Avenue

The existing gravel parking area slopes away from Empire Avenue at a measured ten and a half percent (10.5%) grade. The angle between the bend of Empire Avenue and the alignment of the gravel parking area is quite skew. A large berm exists on the western side of the existing gravel parking area. A motorist would find it difficult to back out of the existing gravel parking area due to the intersection angle coupled with the obstructed sight line.

Analysis

Comments provided from the development review committee encouraged the applicant to seek vehicular access to both Lots 1 and 2 of the 802 Empire Avenue Subdivision from Empire Avenue rather than Crescent Road.

[LMC 15-3-3 General Parking Area and Driveway Standards](#) requires drives serving more than one Single-Family Dwelling shall provide a minimum twenty foot (20') transition Area at no greater than two percent (2%) Slope beginning at the back of the curb, or as otherwise approved by the City Engineer, in anticipation of future Street improvements. The same section of the Land Management Code requires driveways to not exceed fourteen percent (14%) slope.

Considering the following findings:

1. Existing gravel areas on both the north and south side of the shared concrete driveway are noted to be removed.
2. The proposal allows for adequate snow storage.
3. The intersection of the shared driveway and Empire Avenue is roughly normal which is an improvement compared to the existing conditions.
4. The proposed driveway width of fifteen feet (15') complies with the minimum requirement specified in [LMC 15-3-3 \(H\)](#).
5. The proposed driveway is spaced approximately thirty three feet (33') from the nearest existing driveway and approximately one hundred twenty two feet (122') from the intersection of Empire Avenue and Crescent Road.
6. The maximum slope of the drive is shown to be twelve percent (12%).

Based on the facts listed above, and the noted difficulties from an alternative access off Crescent Road outlined in the existing conditions section of this memorandum, the Engineering Department approves a slope greater than two percent (2%) within the transition area noted in the [LMC 15-3-3 General Parking Area and Driveway Standards](#).

Conclusions/Recommendations

The Engineering Department is supportive of a shared driveway within the platted unbuilt right-of-way to access Lots 1 and 2 of the 802 Empire Avenue Subdivision. However, at this stage of review the Engineering Department has the following comments:

1. The grade of the proposed shared drive shall not exceed ten percent (10%) within the platted unbuilt right-of-way.
2. Backing out of the shared drive shall be forbidden. A swept path analysis showing a vehicle turn-around from both Lots 1 and 2 shall be provided to the City Engineer for review prior to building permit issuance.
 - a. Note, the current driveway exhibit does not reasonably support this turning movement for Lot 2. In order for a motorist to turn around, it is likely the existing power pole, shown in Figure 2, will need to be relocated. In addition, the proposed shared driveway will likely need to be extended further south. This will result in a separate encroachment agreement for the portion of shared drive encroaching on PCMC owned parcel PC-364-A-X.
3. An encroachment permit for the shared driveway is required prior to building permit issuance.
4. No parking shall be permitted within the portion of shared driveway located within the platted unbuilt right-of-way.
5. The shared driveway shall not prohibit pedestrian access of a future 8th street public stairway, located just south of the proposed 802 Empire Avenue Subdivision, connecting the Crescent Tramway trail to Empire Avenue.

Council Agenda Item Report

Meeting Date: November 19, 2020

Submitted by: Alexandra Ananth

Submitting Department: Planning

Item Type: Staff Report

Agenda Section:

Subject:

Consideration to Approve Ordinance 2020-51, an Ordinance Approving the First Amended and Restated Deer Crest Roosevelt Gap Resort, Deer Crest Roosevelt Gap Residences Condominium Project, Deer Crest Roosevelt Gap Condo Suites Condominium Project Condominium Plat at 2300 Deer Valley Drive East, Park City, Utah

(A) Public Hearing (B) Action

Suggested Action:

Attachments:

[St. Regis Plat Amendment Staff Report](#)

[Exhibit A: Ordinance No 2020-51](#)

[Exhibit B: St. Regis 1st Amended Housing Mitigation Plan 8-2019](#)

[Exhibit C: Snow Park Affordable Housing](#)

[Exhibit D: Applicant's Description of Project](#)

City Council Staff Report



Subject: St. Regis Deer Valley Condominium
Plat Amendment
Project #: PL-20-04653
Author: Alexandra Ananth, Senior Planner
Date: November 19, 2020
Type of Item: Administrative – Condominium Plat Amendment

Recommendation

Hold a public hearing for an amendment to the St. Regis Deer Valley Condominium Plat (Phase 1), located at 2300 Deer Valley Drive East, and approve the amendment based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the attached Ordinance.

Description

Applicant: SRDV Partners, LLC
Location: 2300 Deer Valley Drive East
Zoning District: Residential Development (RD-MPD)
Adjacent Land Uses: Ski resort and related uses, hotels/condominium units, open space, single-family residences and lots, parking
Reason for Review: Condominium Plats require Planning Commission review and City Council approval

Executive Summary

The Hotel is subject to the 1995 Deer Crest Settlement Agreement, the 2001 Deer Crest Hotel Conditional Use Permit (known as the Rosewood CUP or “Hotel CUP” for the purposes of this Staff Report) and the 2011 Amenity Club Conditional Use Permit “Amenity Club CUP”. Both the Hotel CUP and the Amenity Club CUP have been amended over time.

The Hotel CUP allows a total density of 130 residential Unit Equivalents (UE’s) with 99.5 UE’s at Roosevelt Gap (the Hotel) and 30.5 UE’s at Snow Park, and for the project to be constructed in phases. All of the UE’s at Roosevelt Gap and 1 Unit (plus 2 Deed Restricted Units) at Snow Park have been constructed. The remaining, 29.5 UE’s, at Snow Park will be constructed with Phases 2 and 3 of the Hotel CUP. Phase 2 is currently under construction and received Plat Approval in June 2020 for nine (9) units over parking plus two (2) affordable housing units (AHUs).

This is an application to amend the St. Regis Deer Valley Condominium Plat entitled “First Amended and Restated Deer Crest Roosevelt Gap Resort, Deer Crest Roosevelt Gap Residences Condominium Project, Deer Crest Roosevelt Gap Condo Suites Condominium Project Condominium Plat,” the condominium plat for Phase 1 of the St. Regis Deer Valley which includes the Hotel and funicular building. The purpose of the requested amendment is to modify the plat to accommodate the interior remodeling of

space to create one (1) new AHU in the funicular building, which is part of the affordable housing obligation of Phase 2 of the St. Regis Deer Valley Snow Park Residences. No changes to the exterior of the building are proposed as part of this plat amendment and the project meets the parking requirements. The other AHU is located in the Phase 2 building and is part of the Phase 2 Condominium Plat.

On October 28, 2020, the Planning Commission unanimously voted to recommend approval of the amendment to the City Council.

- Planning Commission [Staff Report](#);
- Planning Commission [Minutes](#) (beginning on page 24).

Background

The St. Regis Hotel is located at 2300 Deer Valley Drive East and consists of two (2) parcels, the Roosevelt Gap parcel (the upper hotel parcel) and the Snow Park parcel (lower funicular parcel). The hotel property (upper parcel) has access via the funicular (lower Snow Park parcel) on Deer Valley Drive East, as well as from Deer Crest Estates Drive within the Deer Crest gates.

The property is subject to the 1995 Deer Crest Settlement Agreement, the 2001 Deer Crest Hotel Conditional Use Permit (known as the Rosewood CUP or “Hotel CUP” for the purposes of this Staff Report), the 2011 Amenity Club Conditional Use Permit which was amended in 2020 to expand the membership cap and allow 2,183 square feet within the Phase 2 building to be used as Amenity Club space, and the 2020 Snow Park Residences Condominium Plat.

The Hotel CUP allows a total density of 130 residential Unit Equivalents (UE’s) with 99.5 UE’s at Roosevelt Gap and 30.5 UE’s at Snow Park. All of the UE’s at Roosevelt Gap and 1 Unit (plus 2 Deed Restricted Units) at Snow Park have been constructed. The remaining, 29.5 UE’s, at Snow Park will be constructed with Phases 2 and 3 of the Hotel CUP.

The applicant is currently in the process of building Phase 2 of the Hotel, just south of the existing funicular building. Phase 2 includes a four story condominium building with one (1) level of underground parking, nine (9) condominium units as well as support commercial and meeting room space that will be operated as part of the Hotel for the benefit of condominium owners and hotel guests. This second phase consists of approximately 12.2 UE’s. The third phase consists of the north parking structure with condominium units above, approximately 17 UE’s.

The funicular building is located in the Residential Development (RD) zone but the upper hotel parcel is located in the Recreation Commercial (RC) zone.

The Housing Authority approved an overall housing obligation equal to 12 AUEs for the St. Regis. A total of 9.865 AUEs were satisfied in Phase 1 of the project. Two (2) rental units totaling 1,492 SF (1.865 AUEs) were incorporated within the funicular building as part of Phase 1. Eight (8) units were fulfilled through payment of an in-lieu fee totaling \$692,880. The remaining obligation of 2.135 AUEs (1,708 SF) are to be incorporated

into Phases 2 and 3 of the project.

In August 2019 the Housing Authority approved a 1st Amendment to the Housing Mitigation Plan (Exhibit A) that splits the remaining AUE requirement proportionally between Phases 2 and 3. In accordance with the 2019 Amendment, 1.135 AUE's (908 SF) are to be provided in the Phase 2 building and 1 AUE (800 SF) in Phase 3. It is a condition that the Owner fulfills 1.135 AUEs for Phase 2 prior to the issuance of the Certificate of Occupancy for any of the Phase 2 market units and that the fulfillment of AUEs for Phase 2 must be built on Site. The applicant is locating one (1) 449 SF AUE in the new Phase 2 building on the second floor (AHU-1) and is creating one (1) new affordable unit, AHU-2C, 463 SF, in the funicular building adjacent to two (2) existing affordable units in this building, in an area that used to be used as an office and hotel storage (Exhibit B). ***This unit, AHU-2C, in the funicular building, is the subject of this proposed Plat Amendment.***

Analysis

The proposed Condominium Plat has been reviewed for compliance with the following Land Management Code Sections: [15-4-12](#), [15-7.1-3\(C\)](#), [15-12-15\(B\)\(9\)](#).

Parking is required based on LMC requirements in effect at the time of building permit application. A detailed parking analysis was done in 2016 for the CUP when the timing of Phases 2 and 3 was addressed.

The proposal complies with LMC lot and site requirements of the RD Zoning District, the Settlement Agreement and the DV MPD as described below. As noted above, this plat amendment is for an interior change only to the existing funicular building, no other changes are proposed as part of this amendment. Staff finds Good Cause for this Condominium Plat Amendment as it is consistent with the AUE obligation of the Phase 2 Snow Park Residences and is for interior work only. The project is in keeping with the goals of the General Plan for the Deer Valley neighborhood and allows for the creation of an additional deed restricted employee unit. Approval of the Condominium Plat Amendment will allow for the construction of an additional AUE and is consistent with the approved August 2019 1st Amendment to the Housing Mitigation Plan.

Exhibits

Exhibit A – Ordinance 2020-51

Exhibit B – First Amended Affordable Housing Mitigation Plan for the St. Regis Hotel
Deer Valley

Exhibit C – Snow Park Affordable Housing Exhibit

Exhibit D – Applicant's Description of the Project

Ordinance No. 2020-51

AN ORDINANCE APPROVING THE FIRST AMENDED AND RESTATED DEER CREST ROOSEVELT GAP RESORT, DEER CREST ROOSEVELT GAP RESIDENCES CONDOMINIUM PROJECT, DEER CREST ROOSEVELT GAP CONDO SUITES CONDOMINIUM PROJECT CONDOMINIUM PLAT AT 2300 DEER VALLEY DRIVE EAST

WHEREAS, the owner of the property located at 2300 Deer Valley Drive East have petitioned the City Council for approval of a Plat Amendment; and

WHEREAS, on October 14, 2020, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on October 14, 2020, proper legal notice was published according to requirements of the Land Management Code and courtesy letters were sent to surrounding property owners; and

WHEREAS, the Planning Commission held a public hearing on October 28, 2020, to receive input on the Plat Amendment; and

WHEREAS, the Planning Commission, on October 28, 2020, forwarded a positive recommendation to the City Council; and,

WHEREAS, on November 19, 2020, the City Council held a public hearing to receive input on the Plat Amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the First Amended and Restated Deer Crest Roosevelt Gap Resort, Deer Crest Roosevelt Gap Residences Condominium Project, Deer Crest Roosevelt Gap Condo Suites Condominium Project Condominium Plat at 2300 Deer Valley Drive East.

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

SECTION 1. APPROVAL. The First Amended and Restated Deer Crest Roosevelt Gap Resort, Deer Crest Roosevelt Gap Residences Condominium Project, Deer Crest Roosevelt Gap Condo Suites Condominium Project Condominium Plat, as shown in Attachment 1, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The First Amended and Restated Deer Crest Roosevelt Gap Resort, Deer Crest Roosevelt Gap Residences Condominium Project, Deer Crest Roosevelt Gap Condo

Suites Condominium Project Condominium Plat is located at 2300 Deer Valley Drive East.

2. This application is a part of a larger Master Planned Development known as the Deer Crest Annexation MPD and is subject to the 1995 Deer Crest Settlement Agreement, as amended in December of 1998 and also in April 6, 2001, by the City Council.
3. On February 28, 2001 Planning Commission approved the Deer Crest Hotel CUP (formally known as the Rosewood CUP). Amendments to the CUP were approved by the Planning Commission on July 25, 2001, March 24, 2004, May 11, 2005, April 22, 2009, and April 23, 2014, and April 13, 2016. The City Council denied an appeal of the April 22nd approval on June 18, 2009.
4. The density of 99.5 residential unit equivalents at Roosevelt Gap, 30.5 residential unit equivalents for Snow Park (total of 130 unit equivalents) and up to 5% of the gross floor area for support commercial uses with an additional 5% gross floor area for meeting space on the 12.07 acre development site is consistent with the Deer Crest Settlement, as amended.
5. The Hotel is located in the RD (Residential Development) and RC (Resort Commercial) zoning districts subject to the Deer Crest Settlement Agreement and MPD. The funicular building is located in the RD zone.
6. A total of 105 overnight parking spaces, and up to 41 day use spaces, are allowed at the Roosevelt Gap site. Eight of these spaces are provided as tandem spaces for valet parking. The amended Settlement Agreement, allowed the Planning Commission to approve overnight parking in conjunction with a luxury hotel and upon demonstration that the remainder of the (Deer Crest) project has been modified to result in no net increase of traffic on Keetley Road.
7. A total of 374 parking spaces are required for the entire Hotel, with a maximum of 157 spaces allowed at Roosevelt Gap and the remaining spaces required at Snow Park (north and south sites). The applicant expects to have 444 parking stalls available upon completion of the project and 430 stalls available upon completion of Phase 2.
8. A Traffic and Parking Study by Hales Engineering as part of the 2019 expansion of the Deer Crest Amenity Club at the St. Regis determined that the Hotel has sufficient parking for all of the existing and proposed uses.
9. It is the desire of the applicant to build out the St. Regis in three phases. The first phase is complete and consists of the 105 Roosevelt Gap hotel/condominiums (99.5 UE), including a restaurant, bar, and spa; the funicular and funicular building at Snow Park (the funicular building contains one condominium unit, common area for the hotel lobby and check in, back of house hotel uses, and two affordable housing units); and a temporary sales office with surface parking.
10. This application is for the conversion of interior space in order to create an additional affordable housing unit required as part of the Phase 2 AUE obligation.
11. Phase 2 consists of the south parking structure at Snow Park (35 stalls) with nine (9) condominium units above (approximately 12.2 UE's).
12. Phase 3 consists of the north parking structure and condominium units above (approximately 17 UE's). The total density approved for Snow Park is 30.5 UEs.

13. Staff finds Good Cause for this Plat Amendment as it allows for the satisfaction of the applicant's AUE obligation for Phase 2 and is consistent with the density, maximum height, location and uses identified in the approved Deer Valley Settlement Agreement, the Deer Valley Master Planned Development and the most recently amended Hotel CUP.
14. The project is in keeping with the goals of the General Plan for the Deer Valley neighborhood and allows for the construction of an additional deed restricted employee unit within the existing funicular building.
15. All Conditions of the Hotel CUP's shall continue to apply and remain in full force and effect.
16. All findings within the Analysis section and the recitals above are incorporated herein as Findings of Fact.

Conclusions of Law:

1. There is good cause for this Plat Amendment as it will allow for the construction of an additional deed restricted employee unit within the existing funicular building and will satisfy the applicant's AUE obligation for Phase 2.
2. The Plat Amendment is consistent with the Park City Land Management Code including Sections 15-4-12, 15-7.1-3(C) and 15-12-15(B)(9) and applicable State Law regarding Condominium Plats.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the Plat for compliance with State Law, the Land Management Code, and the Conditions of Approval, prior to recordation of the Plat.
2. The applicant will record the Plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the Plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. All conditions of approval of the 1995 Deer Crest Settlement Agreement, as amended, continue to apply.
4. All conditions of approval of the Deer Crest Hotel CUP approved on February 28, 2001 (then known as the Rosewood CUP) and amended by the Planning Commission on July 25, 2001; March 24, 2004; May 11, 2005; and April 22, 2009 (with final approval by the City Council on appeal on June 18, 2009), April 23, 2014; and April 13, 2016, shall continue to apply.
5. The new deed restricted housing unit in the funicular building shall be a minimum of 459 sf (0.574 AUE). An additional AUE of 449 sf (0.561 AUE) is located in the Phase 2 building and combined, these two units meet the requirement of 1.135 AUE, consistent with the 1st Amendment to the Housing Mitigation Plan for Phase 2 of the St. Regis. One AUE is equivalent to 800 sf according to the Development Agreement.

6. Deed Restrictions for the AUE's, approved by the City in accordance with the applicable Housing Resolution shall be recorded prior to plat recordation, and a Certificate of Occupancy shall be issued for this 0.574 AUE prior to the issuance of Certificates of Occupancy for the final or last market rate unit as part of Phase 2.
7. The CCRs or Deed Restrictions for the AUE's shall comply with the provisions of the applicable Housing Resolution in order to ensure the units remain affordable. The Deed Restrictions shall be submitted with the Condominium Plat amendment for review and approval by the City prior to final Plat recordation.

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

PASSED AND ADOPTED this 19 day of November 2020.

PARK CITY MUNICIPAL CORPORATION

Andy Beerman, MAYOR

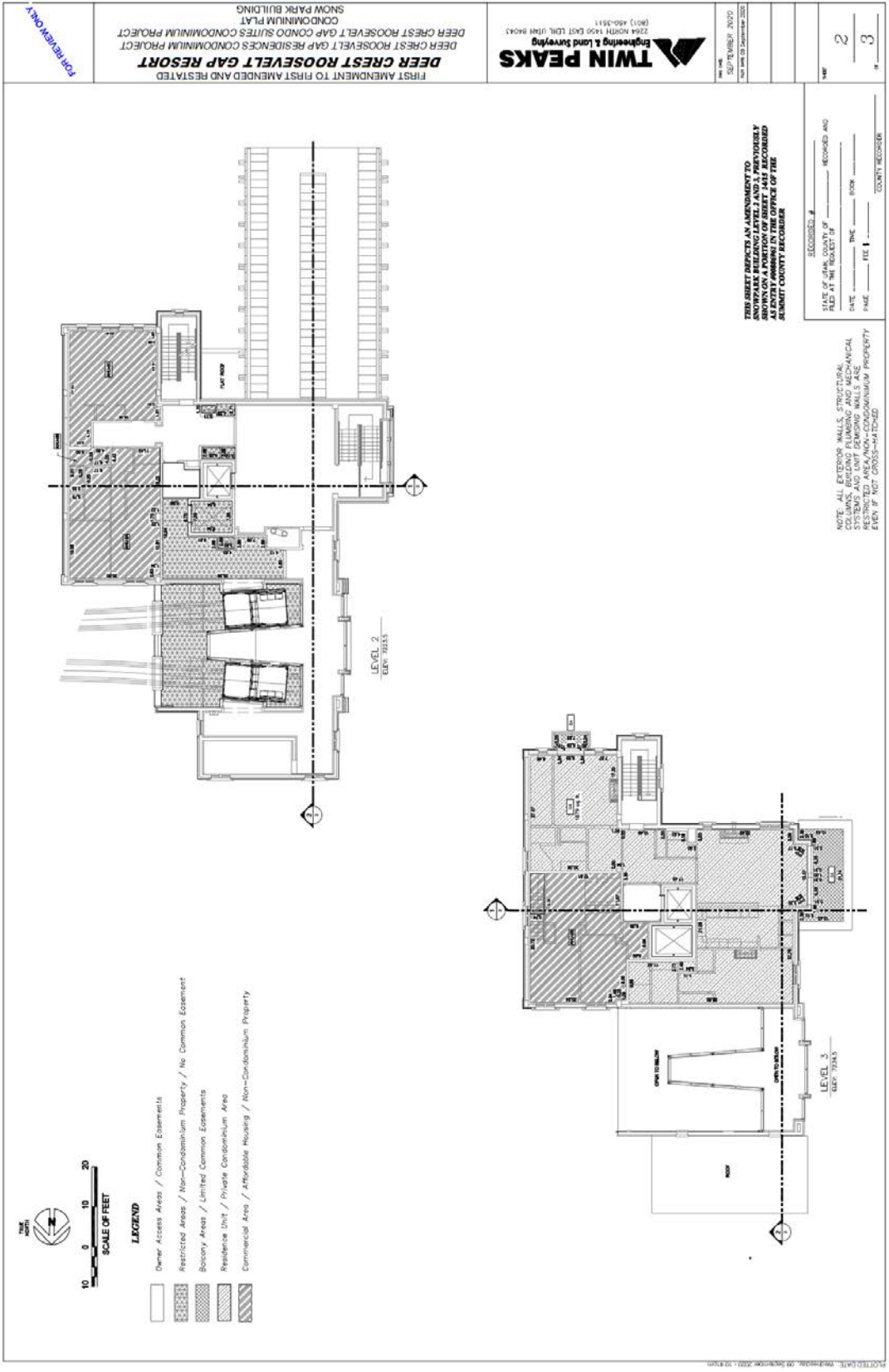
ATTEST:

Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

[illegible]



FOR REFERENCE ONLY

FIRST AMENDMENT TO FIRST AMENDED AND RESTATED
DEER CREST ROOSEVELT GAP RESORT
DEER CREST ROOSEVELT GAP CONDO SUITES CONDOMINIUM PROJECT
SNOW PARK SECTIONS

TWIN PEAKS
Engineering & Land Surveying
2264 NORTH 1450 EAST LRD-4, UTAH 84043
(801) 450-3511

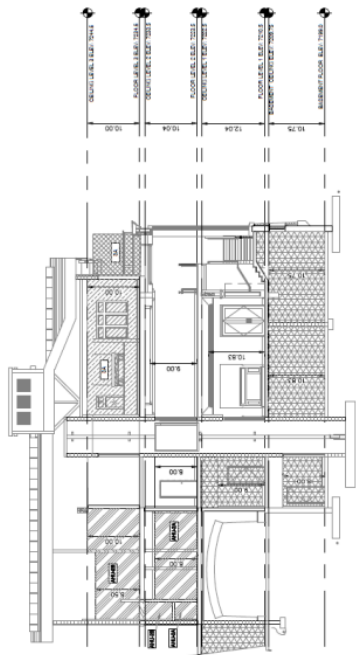
DATE: SEPTEMBER 2020
DRAWN BY: [illegible]

THIS SHEET PICTURES AN AMENDMENT TO
SNOWPARK BUILDING LAYERS 1 AND 2, PREVIOUSLY
SHOWN ON A PORTION OF SHEET 1515, PREVIOUSLY
RECORDED IN THE PUBLIC RECORDS OF THE
SUMMIT COUNTY RECORDER.

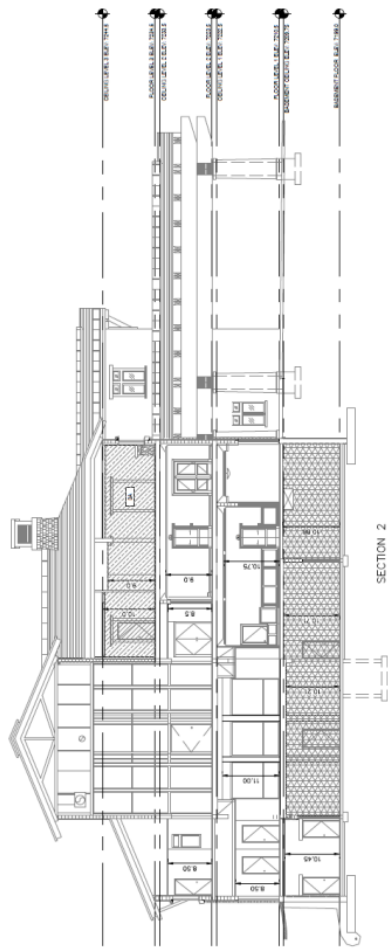
NOTE: ALL EXTERIOR WALLS, STRUCTURAL
COLUMNS, BUILDING PLUMBING AND MECHANICAL
SYSTEMS SHALL BE SHOWN AND HAVE
RESTRICTED AREA/NO-CONDOMINIUM
PROPERTY EVEN IF NOT CROSS-HATCHED

RECORDED # _____
DATE OF PLAN _____ RECORDED AND
FILED AT THE REGISTRY OF _____
DATE _____ TIME _____ ROOM _____
PAGE _____ OF _____
COUNTY RECORDER

- Owner Access Areas / Common Easements
- Restricted Areas / Non-Condominium Property / No common Easement
- Balcony Areas / Limited Common Easements
- Residence Unit / Private Condominium Area
- Commercial Area / Affordable Housing / Non-Condominium Property



SECTION 1



SECTION 2

**FIRST AMENDED AFFORDABLE HOUSING MITIGATION PLAN FOR THE ST.
REGIS HOTEL DEER VALLEY FINDINGS OF FACT, CONCLUSIONS OF LAW AND
CONDITIONS OF APPROVAL**

WHEREAS, the owners of the St. Regis Hotel at Deer Valley located on Deer Valley Drive have a total housing obligation of 12 AUEs calculated as 10 percent of the approved 120 unit equivalents (UEs) for the project. The mitigation rate was negotiated in the Deer Crest Settlement Agreement and was approved as part of Rosewood Hotel CUP approval on December 12, 2001;

WHEREAS, a total of 9.865 AUEs were satisfied in Phase 1 of the project. Two rental units totaling 1,492 SF (1.865 AUEs) were incorporated within the funicular building as part of phase one. Eight units were fulfilled through payment of an in-lieu fee totaling to \$692,880., and a balance of 2.135 AUEs remain to be fulfilled;

NOW, THEREFORE, the Housing Authority of Park City, Utah hereby approves the 1st Amendment to the Housing Mitigation Plan as follows:

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Housing Mitigation Plan submitted by the Owner is approved subject to the following Findings of Fact, Conclusions of Law, and Conditions of Approval.

Findings of Fact:

1. The housing obligation is subject to the requirements of Housing Resolution 17-99.
2. The Housing Authority approved an overall housing obligation equal to 12 AUEs.
3. A Housing Mitigation Plan was approved on December 12, 2001 by the Housing Authority. Other than as amended herein, its findings of fact, conclusions of law and conditions of approval continue to apply.
4. A total of 9.865 AUEs were satisfied in Phase 1 of the project. Two rental units totaling 1,492 SF (1.865 AUEs) were incorporated within the funicular building as part of phase one. Eight units were fulfilled through payment of an in-lieu fee totaling to \$692,880
5. The remaining obligation of 2.135 AUEs (1,708 SF) were to be incorporated into Phase Two of the project also allowing that one AUE be fulfilled off site.
6. The St. Regis CUP (Phase Two) has been modified to complete the development in two phases (Phases Two and Three). Phase Two is currently under construction directly to the south of the St. Regis funicular building and contains nine condominium units equaling approximately 13.1 Unit Equivalents (UEs). Phase Three is planned for a future date immediately north of the funicular building and will contain approximately 16.4 UEs.
7. The Owner submitted a proposed 1st Amendment to the Housing Mitigation Plan that would Split the requirement proportionally between Phases Two and Three:

1.135 AUEs (908 SF) in the Phase Two building 1 AUE (800 SF) in Phase Three. The 1 AUE required in Phase 3 may be provided within the Phase Three building or it may be provided off-site.

Conclusions of Law:

1. The Owner currently has 2.135 AUEs outstanding
2. The Owner will fulfill 1.135 AUEs prior to the issuance of the Certificate of Occupancy of any of the market units for Phase 2 of the project.
3. The Owner will fulfill the balance of 1 AUEs prior to the issuance of the Certificate of Occupancy of any market units for Phase 3.

Conditions of Approval:

1. The Owner will fulfill 1.135 AUEs prior to the issuance of the Certificate of Occupancy of any of the market units for Phase 2 of the project.
2. The fulfillment of 1.135 AUEs for Phase 2 must be built on-site.
3. The Owner will fulfill the balance of 1 AUEs prior to the issuance of the Certificate of Occupancy of any market units for Phase 3.
4. The fulfillment of the 1 AUE for Phase 3 can be located off site if done prior to the completion of Phase 2. If fulfillment occurs after the completion of Phase 2 than the 1 AUE must be built on site.

SECTION 2. EFFECTIVE DATE. This approval shall take effect upon adoption and execution.

PASSED AND ADOPTED this 29th day of August 2019.

PARK CITY HOUSING AUTHORITY





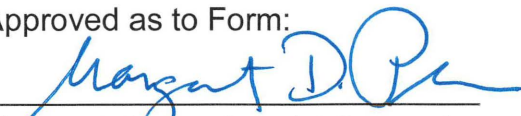
Andy Beerman, Chair

Attest:

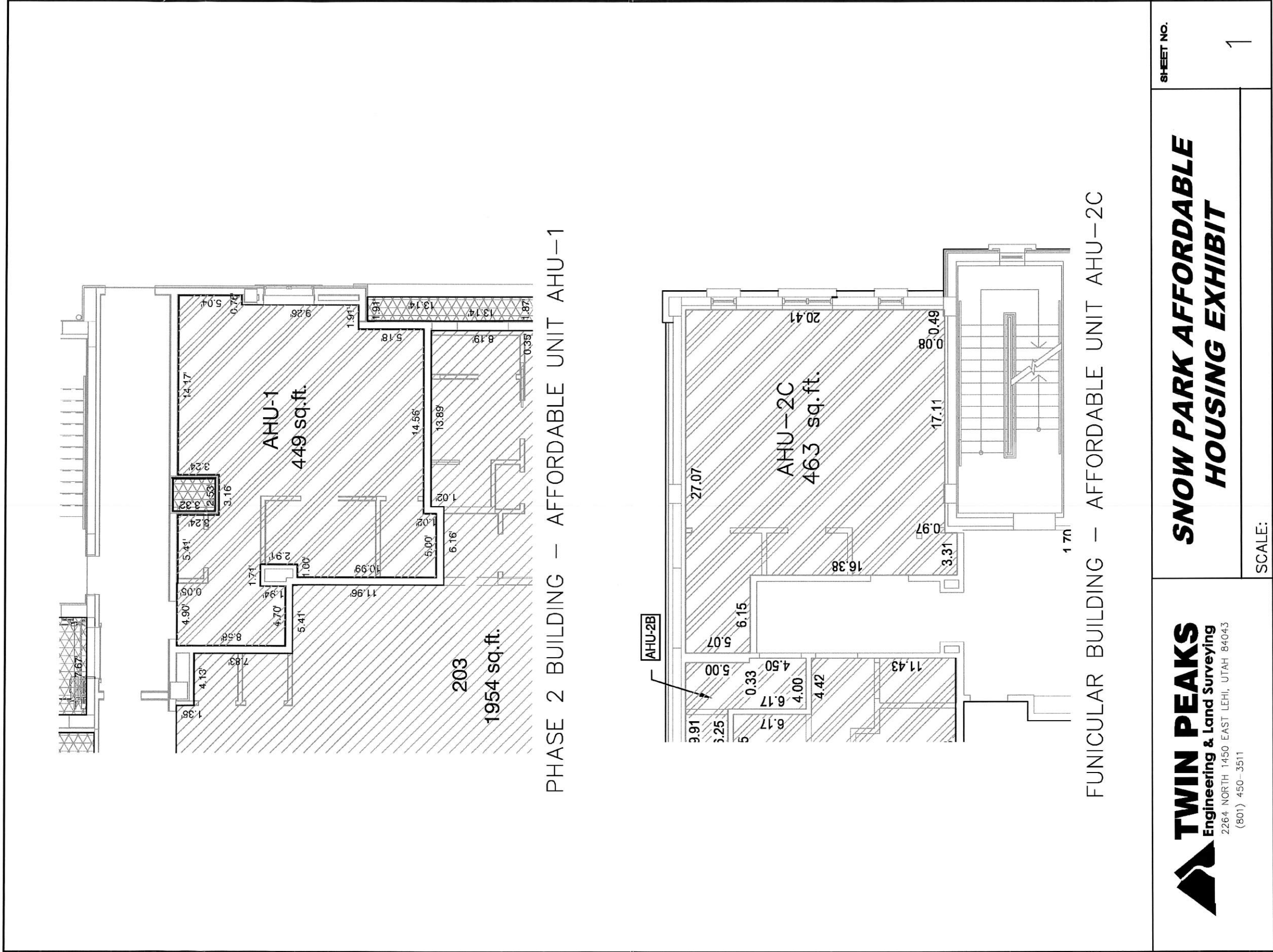


Michelle Kellogg, City Recorder

Approved as to Form:



Margaret Plane, Special Counsel



Description of Condominium Plat Amendment St. Regis Deer Valley (the “Project”)

This Application seeks an amendment to pages 14 and 15 of the First Amended and Restated Deer Crest Roosevelt Gap Resort, Deer Crest Roosevelt Gap Residences Condominium Project, Deer Crest Roosevelt Gap Condo Suite Condominium Project Condominium Plat (the “**Original Plat**”).

In connection with the construction of Phase 2 of the St. Regis Deer Valley (also known as the “**Snow Park Residences**”) a new affordable housing unit (“**AHU-2C**”) is being constructed within the currently existing funicular building included on the Original Plat. Like the other affordable units in the Project, AHU-2C will not be a condominium unit, but will be included in that portion of the funicular building that is owned by the applicant, SRDV Partners, LLC. The area in which AHU-2C will be constructed is designated on the Original Plat as part of the “Restricted Areas/Non-Condominium Property/No Common Easement” and “Owner Access Area/Common Easements”. The purpose for the current amendment is to modify the Use Area designation on the Original Plat in order for AHU-2 to be designated as “Commercial Areas/Non-Condominium Property”. This is consistent with how the affordable space in the Phase 2 building is designated on the condominium plat for the Snow Park Residences.

The CC&Rs for the St. Regis Deer Valley allow the owner of the hotel, SRDV Partners, LLC, to redesignate the Use Areas in the Project. The Project is governed by three sets of CC&Rs: (i) Amended and Restated Resort Declaration (“**Resort Declaration**”), (ii) Amended and Restated Declaration for Roosevelt Gap Residences (“**Residence Declaration**”), and (iii) Amended and Restated Condo Suites Declaration (“**Condo Suites Declaration**”).

Section 3.3(c) in both the Residence Declaration and the Condo Suites Declaration provides that the “Commercial Owner” (which is SRDV Partners, LLC) has the right to “redesignate the Use Areas” in accordance with the Resort Declaration. Section 2.2 of the Resort Declaration provides that the Use Areas may be redesignated from time to time by Commercial Owner without the consent or approval of any other owners or owners’ association so long as such changes do not (a) prevent the condominium owners from accessing their Units, any pool, the fitness center or parking spaces available to the owners, or (b) cause the condominium HOA assessments for any units to increase by more than 20% over the prior year. The changes in the Use Area designation being made to accommodate AHU-2C do not cause either items (a) or (b) to occur. Consequently, no vote or other consent of the condominium owners or their HOA is required.