

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH,
NOVEMBER 3, 2011**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, November 3, 2011.

Closed Session – City Council Chambers

2:00 p.m. Litigation, property and personnel

Work Session – City Council Chambers

4:00 p.m. Council questions/comments

4:15 p.m. Temporary and convention business licenses P. 4 - 10

4:45 p.m. Osguthorpe conservation easement and benches P. 11 - 36

5:30 p.m. Offer to buy the City's 50% interest in the PC Heights Project as part of the sale
of the total project to Ivory Homes P. 37 - 43

5:50 p.m. Break

Regular Meeting – City Council Chambers

6:00 p.m.

I ROLL CALL

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

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

IV WORK SESSION NOTES AND MINUTES OF MEETING OF OCTOBER 13, 2011

P. 44 - 53

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

1. Consideration of a Resolution declaring an official day of giving in Park City and proclaiming November 11, 2011 as Park City's "Day of Giving" P. 54 - 55

2. Consideration of a Resolution declaring the month of November as Pancreatic Cancer Awareness Month in Park City, Utah P. 56 - 60

3. Consideration of a Master Festival License for the PCHS Girls Basketball Fund-raiser to be held November 12, 2011 P. 61 - 69

(a) Public hearing

(b) Action

4. Consideration of a Master Festival License for the Egyptian Theater Snow Dance Party to be held November 5, 2011 P. 70 - 77

(a) Public hearing

(b) Action

VI OLD BUSINESS (*Continued business*)

Consideration of an Ordinance amending the Land Management Code adding Historic Preservation Board review and approval for historic reconstruction and disassembly processes in Park City, Utah

P. 78 - 140

- (a) Public hearing
- (b) Action

VII ADDITIONAL DISCUSSION – AGENDA ITEMS

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 p.m. to 9 p.m.

Posted: 10/31/11

See: www.parkcity.org

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

November 2011

- 10 **Liza gone**
 - Retention schedules - work
 - 1530 Empire amendment to record of survey – Matt
 - MOU and City Services Contract extension – KAC
 - Professional Services Contract with Fehr and Peers for SR 224 Corridor Study, in the amount of \$__, in a form approved by the City Attorney
- 17 Board of Canvassers
 - Swearing in of police officers
 - GRAMA resolution – action
 - Pre-visioning budget workshop – (45 min)
 - Parameters Resolution – Walkability GO Bond – work/action
 - GRAMA resolution – action
 - Amendment to Title 4, Business Licensing
 - P C Heights Subdivision – Kirsten
 - PC Heights – The Boyer Company
- 24 **Thanksgiving**

December 2011

- 1 Financial advisor contract
 - Electrical utilities: (2 hours)
 - Bonanza Park Substation move
 - Electrical pole/lines visual mitigation
 - Ordinance for siting utility facilities
 - Final Resolution on Walkability GO Bond
- 8 Joint work session with Planning Commission
- 14 *PC MARC reception for officials 6 – 8 p.m.*
- 15 PC Marc ribbon-cutting
 - National citizen participation survey (1 hr)
 - Audit approval
- 22 **Holiday recess**
- 29 **Holiday recess**

Pending Items:

Inter-local agreement with Summit County for police database integration
Resolution establishing a strategic plan for City-owned property with development potential in Park City, Utah and repealing and replacing Resolution No. 22-05 in its entirety



City Council Staff Report

Subject: Temporary and Convention Sales License Discussion
Authors: Jonathan Weidenhamer
Department: Sustainability
Date: November 3, 2011
Type of Item: Informational and request for Council Direction

Summary Recommendations:

Staff recommends City Council affirm proceeding with the following changes immediately, and directing staff to consider additional licensing/fee changes in the future:

1. Prior direction on September 15, 2011 that gifting is conducting business and that each individual vendor shall be licensed individually if they are physically present regardless of whether they are sharing space;
2. Support to pursue an “umbrella” for single-addressed spaces that have multiple vendors, provided each business engaged in business pays individual inspection and licensing fees.
3. Restore the traditional convention license to all allow exhibition in hotel conference, and licensed assembly/event facilities by multiple parties under one license but do not have individual temporary use permits, licenses, fees, or inspections unless retail/point of sale transactions are taking place;
4. Create a stand-alone category of temporary business licensing during Sundance Film Festival under the Convention Sales License –available only in existing licensed assembly spaces;
5. Continue to require full Business License (non-assembly use) unless exempt by being part of the MFL.

Topic/Description:

Continuation of temporary licensing discussion

Background:

Convention Sales Licensing has long been a part of the code to facilitate conventions in hotels. In the earliest days of the Slamdance festival, former Police Chief Frank Bell used the convention sales licensing section as a framework to regulate a film festival un-affiliated with the MFL holder. The use of the section was expanded over the years and, the major provisions of the convention sales licensing code were amended prior to and in anticipation of the 2002 Winter Olympics to also address enhance level of service fees.

The concept was to manage the additional business activity expected for the Games that was not officially part of the SLOC MFL. These types of activities continue to exist, most notably during the Sundance Film Festival.

In determining whether to subsidize private businesses during the Sundance festival, Council must continue to weigh allowing the free market to encourage private businesses to realize positive economic impacts that temporary rentals bring, versus undercutting the potential long-term economic viability of the special event partner by not only allowing, but facilitating additional opportunities for interests directly harmful to (or at least reducing the value of) their sponsorships. The direct impacts of the temporary licensing are also huge in terms of staff time, physical changes to structures, load in and out, parking, maximizing temporary occupancy, traffic and other health, safety and welfare issues.

The original consensus as to why the City does not have more basic temporary licensing structure was in order to avoid undercutting the viability of the brick and mortar businesses, while preserving a business environment compatible with the historic uses and design of Old Town. The problem with the hardline approach evidenced itself in the 1990s and 2000s as commercial activity crept into the residential areas. So, the City made a conscious effort to bring the activity back to Main Street and other commercial areas to better manage the adverse impacts. However, the code was not adjusted to deal with these directly and the City continued to use the convention licensing for broader temporary uses.

A number of these businesses would like to continue to have the ability to allow subletting during events, despite the very same impacts upon long term contracted event partners. Therefore, the City is caught trying to balance these conflicting goals and economic development strategies. At a more basic level, there is also the question of simply being a world class host, neighbor and partner.

Analysis

Based upon Council's direction, Staff intends to return on November 17, 2011 with ordinance changes that reflect the following:

Giftng is business & all vendors licensed individually

On September 15, 2011 Council directed staff to update the Code to acknowledge that gifting is conducting business. Staff will likely include defining "exhibiting" and "promotional activity" with those changes. Furthermore there was consensus that each individual vendor shall be licensed individually if they are physically present regardless of whether they are sharing space.

The HPCA and Economic Development staffs believe that current process that requires each individual vendor to have an individual license within the same address is cumbersome. City Staff is considering a process that would allow an umbrella organization as the license holder for one venue, while still being able to assess all licensing and inspection fees to each individual vendor within that space – provided there is no point of sale transactions. Therefore the promoter or organizer who is responsible for the entire space will get an umbrella license with the number of individual vendors each being charged a flat convention license rate.

Staff believes this is different than the former issue we had with property management companies having blanket licensing over multiple properties in that there are only a few of these each year, during a condensed time, with significant oversight and coordination efforts from staff.

Unintended consequences of literal interpretation of convention sales licenses

The changes to the Code over the years to address temporary business have resulted, staff believes in unintended consequences to licensed convention, lodging, and other event facilities. By their nature, these types of facilities have been permitted, paid impact fees, and pay annual licensing fees for their facilities that are appropriate for the impacts of the business.

The literal interpretation of the current Code requires each individual vendor at each convention to pay licensing (\$50) fees. Staff will likely pursue restoring the traditional convention license to all allow exhibition in hotel conference, and licensed assembly/event facilities by multiple parties under one license but do not have individual temporary use permits, licenses, fees, or inspections unless retail/point of sale transactions are taking place.

Staff seeks an initial preliminary discussion on whether single convention license must still be pulled by the host facility if point of sales transaction isn't being conducted. The Lodging Association and Chamber have provided strong input opposed to any licensing requirement beyond a facilities' annual business license for each individual convention or trade show. Staff hasn't had time to assess implications to finalize a formal position, but preliminarily have concerns stemming from allowing totally unregulated trade shows or conventions even though a "host" location may already have a business license.

Stand alone convention sales license during Sundance Film Festival

Rather than introduce a temporary business license, Staff will be recommending further differentiation between traditional "conventions and tradeshow" from temporary gifting and promotional activity within the convention sales licensing code. The changes would be established to not create competition for venues with the MFL holder, to reinforce keeping commercial activity out of residential neighborhoods, and regulating business activity so it is safe and covers costs.

Further consideration of additional changes

In an effort to get these changes codified prior to Sundance 2012, staff will return on November 17, 2011 with amendments to the Code. We believe further clarifications to the code may be necessary including, but not limited to:

- Ensure the fees cover the impacts;
- Continue working with Sundance Institute, HPCA , Lodging and other stakeholders to ensure a business friendly licensing system;
- Address whether or not conventions and trade shows need licensed.

Significant Impacts

Staff does not believe there are significant financial impacts with making these changes. An updated revenue license fee analysis will be conducted prior to next fall to ensure adequate fees to cover cost of municipal service.

Recommendation:

Staff recommends City Council affirm proceeding with the following changes immediately, and directing staff to consider additional licensing/fee changes in the future:

1. Prior direction on September 15, 2011 that gifting is conducting business and that each individual vendor shall be licensed individually if they are physically present regardless of whether they are sharing space;
2. Support to pursue an “umbrella” for single-addressed spaces that have multiple vendors, provided each business engaged in business pays individual inspection and licensing fees.
3. Restore the traditional convention license to all allow exhibition in hotel conference, and licensed assembly/event facilities by multiple parties under one license but do not have individual temporary use permits, licenses, fees, or inspections unless retail/point of sale transactions are taking place;
4. Create a stand-alone category of temporary business licensing during Sundance Film Festival under the Convention Sales License –available only in existing licensed assembly spaces;
5. Continue to require full Business License (non-assembly use) unless exempt by being part of the MFL.

Exhibits

A Municipal Code Section 4 Excerpts

Exhibit A – Section 4 Code Excerpts

4-1-1.13 **CONDUCTING BUSINESS.** For purposes of this Title the term "conducting business" shall include the sale or offering for sale of any goods or merchandise, or the offering or performing of any service for valuable consideration of any kind.

4-1-1.20 **ENGAGING IN BUSINESS.** Includes all activities engaged in within the corporate limits of Park City carried on for the purpose of gain or economic profit, except that the acts of employees rendering service to employers shall not be included in the term business unless otherwise specifically prescribed. "Engaging in business" includes but is not limited to, the sale or rental of tangible personal or real property at retail or wholesale, the manufacturing of goods or property and the rendering of personal services for others for a consideration by persons engaged in any profession, trade, craft, business, occupation, or other calling, except the rendering of personal services by an employee to his employer under any contract of personal employment.

4-1-1.38 **PLACE OF BUSINESS.** Each separate location maintained or operated by the licensee within Park City from which business activity is conducted or transacted. A location shall be identified by street address or by building name if a street address has not been assigned. "Place of business" as used in connection with the issuance of beer and liquor licenses means cafes, restaurants, public dining rooms, cafeterias, taverns, cabarets, clubs, and any other place where the general public is invited or admitted for business purposes, including any patios, balconies, decks, or similar areas, and also means private clubs, corporations and associations operating under charter or otherwise wherein only the members, guest members and their visitors are invited. Occupied hotel and motel rooms that are not open to the public shall not be "places of business" as herein defined.

4- 2- 3. NO TEMPORARY LICENSES.

Any person engaging in business on a temporary basis within Park City shall be required to obtain the license required by this Chapter in the same manner and shall be subject to the same fees as a person engaging in business on a permanent basis within Park City.

4- 2-16. SEPARATE BUSINESSES, LICENSED PREMISES.

Where two (2) or more persons conduct separate businesses at the same location, each such person shall obtain a separate license for each such business and pay the required license fee for such business. Where a person is a licensee pursuant to provisions in the beer and liquor licensing chapter of this Title, that person shall obtain a separate business license for each licensed premises.

4- 2-20. REVENUE MEASURE.

The revenue license fee provided for in this Chapter is imposed to raise revenue for an enhanced level of municipal services. The fees are in addition to and not a substitute for other regulatory ordinances of Park City. The revenues raised through the revenue fee shall be used to defray the costs incurred by the City in operating, maintaining, and replacing the City transit system.

4- 2-21. EXCEPTIONS TO BUSINESS REVENUE LICENSE FEE.

No business license fee shall be imposed under this Chapter upon the following persons or businesses:

- (A) Any person engaged in business for solely religious, charitable, eleemosynary, or other types of strictly non-profit purposes who is tax exempt in such activities under the laws of the United States and the State of Utah, nor shall any revenue license fee be imposed on any person engaged in a business specifically exempted from municipal taxation and fees by the laws of the United States or the State of Utah; nor shall any revenue license fee be imposed on any non-profit corporation duly incorporated according to the provisions of the Utah Non-Profit Corporation and Cooperative Association Act;
- (B) Any insurance company or agent, so long as they are exempted by state law;
- (C) Any sales or merchandise damaged by smoke or fire or of bankrupt concerns, where such stocks have been acquired from merchants of Park City theretofore, regularly licensed and engaged in business; provided, however, no such stocks or merchandise shall be augmented by other goods;
- (D) Any person, firm, or corporation exhibiting goods for sale concurrent with and as an adjunct to a group display, meeting or convention duly authorized to be held; provided that the convention is duly licensed under other applicable ordinances;
- (E) A person who sells his own property which was not acquired for resale, barter, or exchange and who does conduct such sales or act as a participant by furnishing goods in such a sale more than twice during any calendar year. Each person seeking this exemption shall furnish to the department of licensing an accurate list with the names, addresses and telephone numbers of all persons contributing items to said sale. Said list shall be filed with the licensing department at least ten (10) days prior to the sale;
- (F) Any person, firm, or organization, i.e., tournament referees, ski race officials, sport camp instructors, whose contract is for a period of thirty (30) days or less per year, and whose contract relates directly to recreation programs or services in Park City, is not required to obtain a business license;
- (G) Any person who obtains an exemption from the City Council by petitioning the Council for a waiver of the fees.

4- 3- 9. CONVENTION SALES AND OLYMPIC COMMERCIAL HOSPITALITY.

The Finance Department may issue licenses for a period not to exceed two (2) weeks for temporary use of convention and meeting rooms within any licensed convention or meeting facility for the purpose of temporary retail sales of goods or services, whether in conjunction with a convention or not. Solicitation of orders for future sales or deliveries of goods or services is permissible without licensure.

Olympics: The Finance Department may issue licenses for a period not to exceed five (5) weeks for temporary use of convention, meeting, restaurant and retail rooms within any licensed business for the purpose of temporary commercial hospitality events.

The licenses may be issued on the following terms:

(A) **LICENSE FEE.** The license fee shall be as set forth in the Park City License Fee Schedule. An additional administrative fee as set forth in the Park City License Fee Schedule is hereby authorized for all such temporary licenses effective during any portion of the Sundance Film Festival or the 2002 Winter Olympics.

(B) **STATE TAX NUMBER.** The applicant must provide his sales tax identification number as a part of the license application to assist in verifying the collection and reporting of sales tax.

(C) **APPLICATIONS.** Applications must be filed at least ten (10) days prior to the proposed date of commencement of business to permit adequate time for the Police Department review and investigation. The police may request reasonable evidence of title to goods proposed to be offered for sale as a part of the review.

(D) **RESPONSIBILITY OF HOST BUSINESS TO ENSURE LICENSING AND COMPLIANCE WITH THE UNIFORM BUILDING AND FIRE CODES.** Businesses which make all of or a portion or portions of their licensed business locations available to other persons for the purpose of engaging in business shall be responsible to ensure that such persons obtain business licenses and possess Utah state sales tax numbers listed in Park City. In the event a licensed hotel, motel, inn or bed-and-breakfast business fails to require such a showing, that business shall be liable for payment of all license fees and penalties payable by the person engaging in business at their licensed location. If such business is not currently licensed for assembly use, the business shall obtain the necessary inspection and permit from the Building Department. Nothing herein shall relieve the sub-letting/guest business from their individual responsibility to obtain the necessary licenses.

(Amended by Ord. 00-60; 01-38)

City Council Staff Report



Subject: Summit Land Conservancy Fundraising Proposal
And Osguthorpe Update
Author: Heinrich Deters and Diane Foster
Department: Sustainability
Date: November 3, 2011
Type of Item: Discussion and Direction

Summary Recommendations: Staff recommends Council discuss and approve the proposal to auction benches in Round Valley to help fund the Osguthorpe conservation easement.

Topic/Description: Staff would like to discuss the following topics:

1. Does Council want to allow a third party to auction off benches on public open space in order to raise funds for a conservation easement?
2. Informational only: Status update on Summit Land Conservancy's fundraising efforts for the incremental \$1 million for the Osguthorpe conservation easement.

Background:

Benches on open space

In 2009, Park City Municipal was approached by a member of the local Boy Scouts of America, asking if he could place three benches within the Round Valley Open Space as part of his Community Service Eagle Scout project. City staff notified Summit Land Conservancy of the project and the benches were implemented. In 2010, City staff received several additional requests for benches within Round Valley. One specific request, made initially to the Mountain Trails Foundation and subsequently to City staff was implemented. During this time period, staff worked with Council on the adoption of a Donation Policy, which would provide a process for similar requests. A donation policy was adopted by City Council in 2011. (Exhibit A)

Osguthorpe conservation easement

For more than a decade, Park City Municipal Corporation and Summit Land Conservancy have worked in unison to protect the conservation values set forth in the voter approved open space bond language. On October 8th, 2009, City Council approved a 'First Right of Refusal' for the 121 acre parcel commonly referred to as the Osguthorpe parcel, located adjacent to the Round Valley Open Space and SR-248. In February of 2010, City Council approved an Agreement for Conveyance of a Conservation Easement Deed between the Afton Osguthorpe Sheltered Trust, Summit Land Conservancy and Park City Municipal Corporation in the amount of \$5,750,000. Park City Municipal provided \$4,750,000 initially for the easement from open space funding sources, with an additional \$1,000,000 to be paid by Summit Land Conservancy by February 12, 2012.

Analysis:

Benches on open space

Summit Lands Conservancy is proposing to auction off several benches in the Round Valley open space to supplement their continuing fundraising efforts. Summit Lands Conservancy would like to discuss the option with the Council and if the Council provides positive direction, the Conservancy will return in the very near future with additional program details, such as locations and number of benches.

Park City's Donation Policy addresses third party donations under the 'Qualifying Donations' section, which states:

- Third party consideration 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 programs).

Staff finds that the Summit Land Conservancy proposal qualifies for this so long as the bench auction revenue is directly allocated to the conservation easement purchase obligation.

Osguthorpe conservation easement

To date, Summit Land Conservancy has raised a total of \$603,000 of the \$1,000,000 commitment. Due to the fact that Round Valley is enjoyed by a large majority of Snyderville Basin residents, the Basin Open Space Advisory Committee and the County Council graciously contributed \$300,000 to the easement. Additionally, through local fundraising opportunities and grants from the LeRay McAllister fund and The George S. and Delores Doré Eccles Foundation, Summit Lands raised another \$303,000 from private sources.

As of October 24, 2011, an additional \$397,000 needs to be raised to successfully fund the conservation easement. Summit Land Conservancy has additional fundraising activities that will take place this fall and winter.

If Summit Land Conservancy is unable to raise the additional funds, the City is obliged to cover the shortfall. The City has no open space bond money remaining. Staff has been working with the Budget Office to identify possible sources of funding and it is clear that this would be extremely difficult and may result in a reduction of other services levels/maintenance, staffing and capital projects.

Staff does not need Council input at this time on "backstop" funding, as the fundraising deadline for the incremental \$397,000 is not until February 2011. Over the coming months, staff will keep Council apprised of fundraising progress through Manager's Report.

Alternatives:

- A. Approve: This is the staff recommended option.
- B. Modify the request: Council could choose to modify the proposal.
- C. Deny the request: Council could direct the City Manager not approve the proposal.

- D. Continue the Item: Council may feel there is not enough information to make a decision, and have staff return with more information.
- E. Do Nothing: Same effect as continuance.

Significant Impacts

Any use of public property needs to be approved by City Council.

Over the past few years, numerous Park City residents and groups have inquired specifically about placing benches on City Open Space. Some inquires, from such entities as the Boy Scouts of America, have been for community service projects, while others have been memorial requests. Staff agrees with the Conservancy, that while there remains an opportunity to place a small number of additional benches in Round Valley, which will enhance the recreational opportunities, the area may become saturated and negatively impact the user experience.

Departmental Review

This report has been reviewed by the Sustainability Team, Legal Department and City Manager.

Staff Recommendations:

City Council provides positive direction on the Summit Land Conservancy fundraising proposal.

Exhibit A Donation Policy

Resolution No. -11

A RESOLUTION ADOPTING MEMORIAL AND COMMUNITY PROJECT DONATION POLICY

**WHEREAS, creating community character is a top priority for City Council; and
WHEREAS, providing customer service consistent with open and responsive government is a top priority for City Council; and
WHEREAS, protecting the integrity of City property is paramount for the residents in Park City; and**

WHEREAS, the City Council discussed the policy on January 27, 2011, and finds the attached policy to be in the best interests of the residents of Park City.

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

1. Policy Adoption. The Park City Memorial and Community Project Donation Policy attached as Exhibit A is hereby adopted.

PASSED AND ADOPTED this 2nd day of June, 2011.

PARK CITY MUNICIPAL CORPORATION

Mayor Dana Williams

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney
PARK CITY DONATION POLICY

I. Purpose

To establish a policy for non-artistic donations proposed in public parks, facilities, open space and trails on City property or on public easements.

II. Authorization

The City Council shall retain final authority for accepting donations and/or authorizing any use of City owned property.

III. Objectives

Ensure uniformity and a timeline for requests

Facilitate and encourage contributions to the City

Protect the integrity of City property

Provide opportunities for residents to augment the provision of City services and create a vested connection to place and community

Provide customer service consistent with open and responsive government

IV. Qualifying Donations

Community project enhancements and/or services, such as eagle scout and youth program projects

Memorial items, such as benches or trees

Artistic donations will not be considered. PCMC has a specific donation policy for art, which is reviewed by the Art Board.

Third party consideration 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 programs).

V. PCMC 'Donation List'

PCMC has created a list of items that may represent a benefit to the community but are not currently funded within the budget. It is recommended that all proposals review this list of approved items. Donations identified on this list have a very high probability of being approved.

VI. Process

The purpose of this policy is to establish a uniform process for donations in public parks, facilities, open space and trails on City property or public easements.

The following guidelines will be used when donating items:

A. Written Proposal and Letter of Intent

A written proposal (Exhibit B) must be submitted to the Executive Office at Park City Municipal Corporation for review. The proposal submitted should include: an explanation or scope of the proposed donation; specifications, including type, dimensions, material and proposed location; estimated value of the donation; and any other pertinent information. Additionally, a draft Letter of Intent (Exhibit C), detailing the general criteria and obligations for a donation needs to accompany the proposal.

B. General Criteria

In general, the following criteria will be considered: Any existing agreements, regulations or deeds, proposal, scope, easements, utilities, existing structures, quality and/or quantity of an object(s), size, future or ongoing maintenance, public safety, estimated value, relationship to the natural environment, users of the proposed site, future development plans, landscape design, existing infrastructure, environmental concerns, visibility and accessibility and if the item is identified on the PCMC "donations list."

All applications may be reviewed by such city agencies as Engineering, Finance, Parks, Public Works, Sustainability, Water, Recreation or Planning before making a recommendation. Should the donation be proposed for a historic building, site or district, PCMC will consult with the Planning staff and the appropriate Historic Commission. Finally, donations made on property with a conservation easement or deed restriction shall require approval from the easement holder if required per the applicable easement or deed.

The City Council shall retain final authority for all use of City owned property.

C. Timeline and Review Process

Once an application is considered complete, (verified in writing) staff will process and respond to each application within 60 days of submittal. One of the following responses will be provided:

1.

Application acceptance and prepare for Council approval.

Application denial due to the applicant not meeting the terms of agreement of general criteria.

Application modification request which may include a general modification to the scope of the project

1.

No timeframe shall be set for Council approval.

Location and Process

Donations will be processed appropriately within a tier system dependent on the proposals location.

Tier 1: Donations which are included in the PCMC Donations List (Exhibit G) and proposed location is within City Parks, Urban green spaces and along trail corridors (Exhibit F), may be approved administratively by a review committee consisting of

Parks, Public Works, Executive and Sustainability Department staffers. The City Manager will notify City Council of any such approval, by means of a Manager's Report.

Tier 2: Donations which are NOT included in the PCMC Donations List and proposed location is within City Parks, Urban green spaces and along trail corridors shall be reviewed by City Council in a regularly scheduled work session meeting.

Tier 3: Donations proposed on City Owned Open Space, identified in (Exhibit E), must be compliant with the locations management plan, conservation easements, if any, and shall require City Council approval in a regularly scheduled meeting.

D. Implementation

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:

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") sixteen 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.

1.

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.

(Exhibit B)

Written Proposal

Date: _____

Applicant: _____

Address: _____

Phone: _____

Email: _____

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

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

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

Approximate Cost of Donation

(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:

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 _____ (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 _____ (location), Park City, Utah. Subject to the following terms and conditions of this agreement.

DATED this _____ day of _____, 20____

PARK CITY MUNICIPAL CORPORATION

Dana Williams, Mayor

Attest:

Owner's Signature Owner's Name (Printed)

Mailing Address email address or phone number

STATE OF UTAH)

ss

COUNTY OF SUMMIT)

On the ____ day of _____, 20____, 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 acknowledged 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.

Notary Public

EXHIBIT E

Park City Open Space (Exhibit E description continued)

1.

Round Valley Open Space

Osguthorpe Conservation Easement

Armstrong Open Space

April Mountain/Masonic Hill Open Space

McPolin Farm Open Space (does not include barn structures and patio area)

Willow Ranch/Aspen Springs Open Space

Coalition Park Open Space

Rail Trail

Virgina Mining Claims/Rossi Hill Open Space

Iron Mountain/Colony Open Space

Town Lift

Quinn's Complex Open Space

PRI parcel

Quarry Mountain Open Space

Park City Heights Open Space

McLeod Creek Open Space (not including trail corridor)

Pace Open Space

North 40 Open Space

Triangle Parcel

Eagle Mountain Open Space

Huntsman Parcel adjacent to Hwy 224

Park City Urban Spaces and Parks (Exhibit F)

PARK CITY CEMETERY

CARL WINTERS

CITY PARK

MARSAC (No trees)

RACQUET CLUB

THAYNES CREEK RANCH

TRANSIT CENTER (No trees)
UPPER CHINA BRIDGE (No trees)
LOWER CHINA BRIDGE (No trees)
T.M.I. PARKING (No trees)
OLYMPIC WELCOME PARK
6TH STREET (No trees)
CREEKSIDE PARK
COALITION PARK
MAIN STREET WALK (No trees)
CITY PARK REC. BUILDING
SOUTH END OF CITY PARK
PROSPECTOR PARK
PROSPECTOR BUFFER STRIP
MAKING TRACKS
HUNTSMAN PARK
TROLLEY TURN AROUND
224 MEDIAN (No trees)
SANDRIDGE PARKING
SKATE PARK
248 MEDIAN (No trees)
ROTARY PARK (No trees)
HILLSIDE PARK
SENIOR CITIZENS CENTER
SIDEWINDER PARK
PUBLIC WORKS
MAWHINNIE PARK
HACKNEY COURT
SUNSET COURT
RIVER BURCH COURT
WHITE PINE
RED MAPLE
QUAKING ASPEN
MOUNTAIN OAK
RED PINE
QUINN'S – PARK CITY SPORTS COMPLEX
HOLIDAY RANCH PARK STRIP
COMSTOCK PARK STRIP
HILLSIDE PARKING LOT
ROUNDAABOUT
BONANZA MEDIAN/PARK STRIP
Poison Creek Pathway
McLeod Creek Pathway
Crescent Tram area
Round Valley Way Trailhead
Cove Trailhead
Quinn's Trailhead
Lost Prospector Trailhead

**Guardsman Pass Trailhead
Park City Recreation Center Park/Outdoor areas
Solamere Trailhead
Mid Mountain Trailheads
Lost Prospector Trailhead**

DONATIONS LIST (Exhibit G)

All proposed donations must meet City specifications and be approved by the Parks Department.

Interior Plants

Trees

Shrubs

Flowers

Picnic tables

Benches

Playground equipment

Drinking fountains (existing water service must be considered)

Doggy waste dispensers or bags

Ball Field Conditioner

Ball Field Bleachers

Recreational Equipment – (ball sports, swimming, exercise, etc.)

Soccer or Lacrosse goals or nets

Garbage cans

Shade Structures

Memorial Markers

Flags (national or municipal)

Trailhead (tools) kiosk/informational items

Signage (informational and without sponsorship)

Trailhead Kiosk

Bicycle Racks

Resolution No. -11

**A RESOLUTION ADOPTING MEMORIAL AND COMMUNITY PROJECT DONATION
POLICY**

WHEREAS, creating community character is a top priority for City Council; and

WHEREAS, providing customer service consistent with open and responsive government is a top priority for City Council; and

WHEREAS, protecting the integrity of City property is paramount for the residents in Park City; and

WHEREAS, the City Council discussed the policy on January 27, 2011, and finds the attached policy to be in the best interests of the residents of Park City.

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

1. Policy Adoption. **The Park City Memorial and Community Project Donation Policy** attached as Exhibit A is hereby adopted.

PASSED AND ADOPTED this 2nd day of June, 2011.

PARK CITY MUNICIPAL CORPORATION

Mayor Dana Williams

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney

PARK CITY DONATION POLICY

I. Purpose

To establish a policy for non-artistic donations proposed in public parks, facilities, open space and trails on City property or on public easements.

II. Authorization

The City Council shall retain final authority for accepting donations and/or authorizing any use of City owned property.

III. Objectives

- Ensure uniformity and a timeline for requests
- Facilitate and encourage contributions to the City
- Protect the integrity of City property
- Provide opportunities for residents to augment the provision of City services and create a vested connection to place and community
- Provide customer service consistent with open and responsive government

IV. Qualifying Donations

- Community project enhancements and/or services, such as eagle scout and youth program projects
- Memorial items, such as benches or trees
- Artistic donations **will not be considered**. PCMC has a specific donation policy for art, which is reviewed by the Art Board.
- Third party consideration 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 programs).

V. PCMC 'Donation List'

PCMC has created a list of items that may represent a benefit to the community but are not currently funded within the budget. It is recommended that all proposals review this list of approved items. Donations identified on this list have a very high probability of being approved.

VI. Process

The purpose of this policy is to establish a uniform process for donations in public parks, facilities, open space and trails on City property or public easements.

The following guidelines will be used when donating items:

A. Written Proposal and Letter of Intent

A written proposal (Exhibit B) must be submitted to the Executive Office at Park City Municipal Corporation for review. The proposal submitted should include: an explanation or scope of the proposed donation; specifications, including type, dimensions, material and proposed location; estimated value of the donation; and any other pertinent information. Additionally, a draft Letter of Intent (Exhibit C), detailing the general criteria and obligations for a donation needs to accompany the proposal.

B. General Criteria

In general, the following criteria will be considered: Any existing agreements, regulations or deeds, proposal, scope, easements, utilities, existing structures, quality and/or quantity of an object(s), size, future or ongoing maintenance, public safety, estimated value, relationship to the natural environment, users of the proposed site, future development plans, landscape design, existing infrastructure, environmental concerns, visibility and accessibility and if the item is identified on the PCMC "donations list."

All applications may be reviewed by such city agencies as Engineering, Finance, Parks, Public Works, Sustainability, Water, Recreation or Planning before making a recommendation. Should the donation be proposed for a historic building, site or district, PCMC will consult with the Planning staff and the appropriate Historic Commission. Finally, donations made on property with a conservation easement or deed restriction shall require approval from the easement holder if required per the applicable easement or deed.

The City Council shall retain final authority for all use of City owned property.

C. Timeline and Review Process

Once an application is considered complete, (verified in writing) staff will process and respond to each application within 60 days of submittal. One of the following responses will be provided:

1. Application acceptance and prepare for Council approval.
2. Application denial due to the applicant not meeting the terms of agreement of general criteria.
3. Application modification request which may include a general modification to the scope of the project

4. No timeframe shall be set for Council approval.

Location and Process

Donations will be processed appropriately within a tier system dependent on the proposals location.

Tier 1: Donations which are included in the PCMC Donations List (Exhibit G) and proposed location is within City Parks, Urban green spaces and along trail corridors (Exhibit F), may be approved administratively by a review committee consisting of Parks, Public Works, Executive and Sustainability Department staffers. The City Manager will notify City Council of any such approval, by means of a Manager's Report.

Tier 2: Donations which are NOT included in the PCMC Donations List and proposed location is within City Parks, Urban green spaces and along trail corridors shall be reviewed by City Council in a regularly scheduled work session meeting.

Tier 3: Donations proposed on City Owned Open Space, identified in (Exhibit E), must be compliant with the locations management plan, conservation easements, if any, and shall require City Council approval in a regularly scheduled meeting.

D. Implementation

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: _____

- 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") sixteen 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.

(Exhibit B)
Written Proposal

Date: _____

Applicant: _____

Address: _____

Phone: _____

Email: _____

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

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

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

Approximate Cost of Donation

(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: _____

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 _____(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 _____(location), Park City, Utah. Subject to the following terms and conditions of this agreement.

DATED this _____ day of _____, 20____

PARK CITY MUNICIPAL CORPORATION

Dana Williams, Mayor

Attest:

Owner's Signature

Owner's Name (Printed)

Mailing Address

email address or phone number

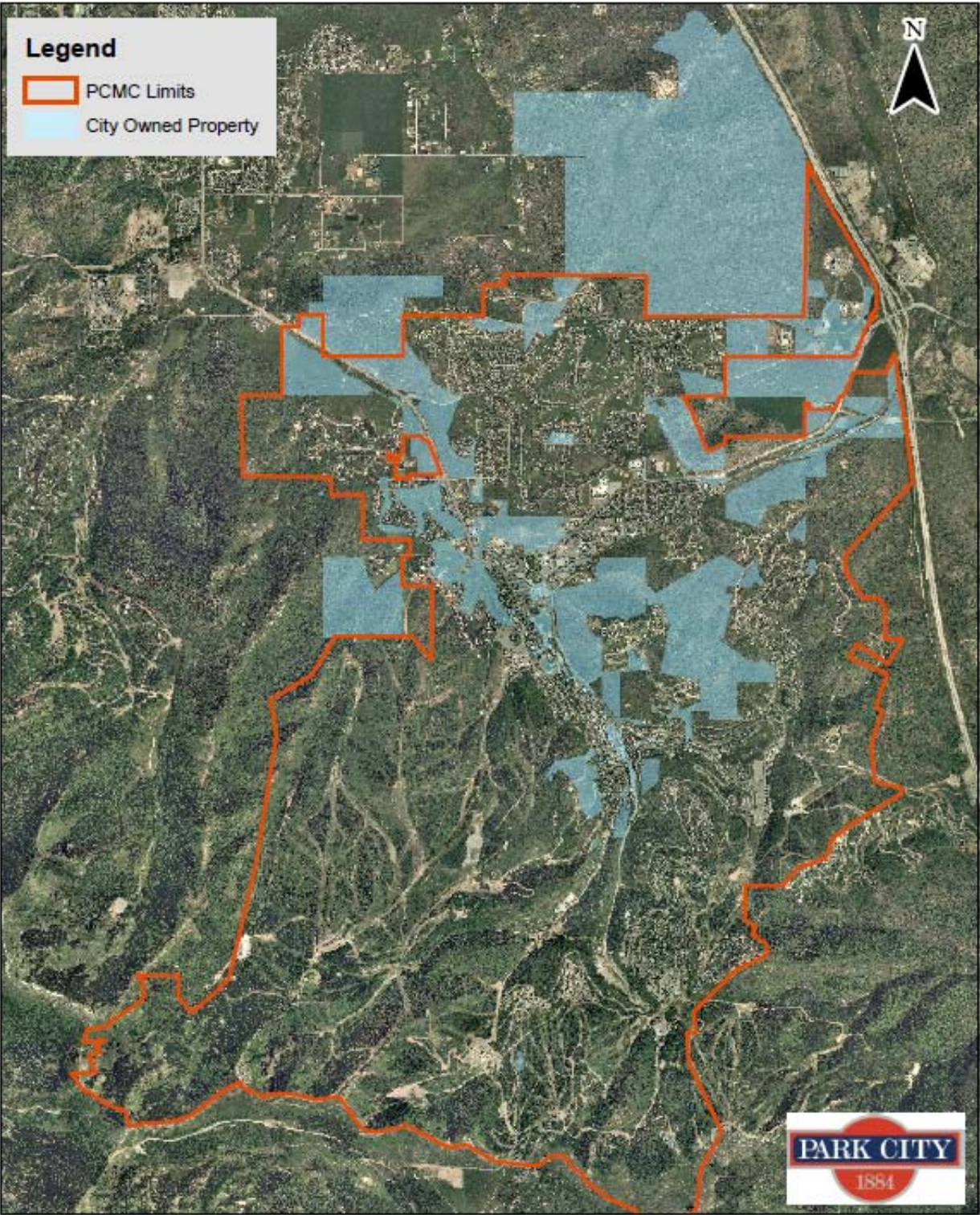
STATE OF UTAH)
 ss
COUNTY OF SUMMIT)

On the ____ day of _____, 20____, _____ 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 acknowledged 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.

Notary Public

EXHIBIT E

PCMC Owned Property



Park City Open Space (Exhibit E description continued)

1. Round Valley Open Space
2. Osguthorpe Conservation Easement
3. Armstrong Open Space
4. April Mountain/Masonic Hill Open Space
5. McPolin Farm Open Space (does not include barn structures and patio area)
6. Willow Ranch/Aspen Springs Open Space
7. Coalition Park Open Space
8. Rail Trail
9. Virginia Mining Claims/Rossi Hill Open Space
10. Iron Mountain/Colony Open Space
11. Town Lift
12. Quinn's Complex Open Space
13. PRI parcel
14. Quarry Mountain Open Space
15. Park City Heights Open Space
16. McLeod Creek Open Space (not including trail corridor)
17. Pace Open Space
18. North 40 Open Space
19. Triangle Parcel
20. Eagle Mountain Open Space
21. Huntsman Parcel adjacent to Hwy 224

Park City Urban Spaces and Parks (Exhibit F)

PARK CITY CEMETERY
CARL WINTERS
CITY PARK
MARSAC (No trees)
RACQUET CLUB
THAYNES CREEK RANCH
TRANSIT CENTER (No trees)
UPPER CHINA BRIDGE (No trees)
LOWER CHINA BRIDGE (No trees)
T.M.I. PARKING (No trees)
OLYMPIC WELCOME PARK
6TH STREET (No trees)
CREEKSIDE PARK
COALITION PARK
MAIN STREET WALK (No trees)
CITY PARK REC. BUILDING
SOUTH END OF CITY PARK
PROSPECTOR PARK
PROSPECTOR BUFFER STRIP
MAKING TRACKS
HUNTSMAN PARK
TROLLEY TURN AROUND

224 MEDIAN (No trees)
SANDRIDGE PARKING
SKATE PARK
248 MEDIAN (No trees)
ROTARY PARK (No trees)
HILLSIDE PARK
SENIOR CITIZENS CENTER
SIDEWINDER PARK
PUBLIC WORKS
MAWHINNIE PARK
HACKNEY COURT
SUNSET COURT
RIVER BURCH COURT
WHITE PINE
RED MAPLE
QUAKING ASPEN
MOUNTAIN OAK
RED PINE
QUINN'S – PARK CITY SPORTS COMPLEX
HOLIDAY RANCH PARK STRIP
COMSTOCK PARK STRIP
HILLSIDE PARKING LOT
ROUNDAABOUT
BONANZA MEDIAN/PARK STRIP
Poison Creek Pathway
McLeod Creek Pathway
Crescent Tram area
Round Valley Way Trailhead
Cove Trailhead
Quinn's Trailhead
Lost Prospector Trailhead
Guardsman Pass Trailhead
Park City Recreation Center Park/Outdoor areas
Solamere Trailhead
Mid Mountain Trailheads
Lost Prospector Trailhead

DONATIONS LIST (Exhibit G)

All proposed donations must meet City specifications and be approved by the Parks Department.

- Interior Plants
- Trees
- Shrubs
- Flowers

- Picnic tables
- Benches
- Playground equipment
- Drinking fountains (existing water service must be considered)
- Doggy waste dispensers or bags
- Ball Field Conditioner
- Ball Field Bleachers
- Recreational Equipment – (ball sports, swimming, exercise, etc.)
- Soccer or Lacrosse goals or nets
- Garbage cans
- Shade Structures
- Memorial Markers
- Flags (national or municipal)
- Trailhead (tools) kiosk/informational items
- Signage (informational and without sponsorship)
- Trailhead Kiosk
- Bicycle Racks



City Council Staff Report

Subject: Park City Heights Disposition
Author: Phyllis McDonough Robinson
Department: Sustainability
Date: November 3, 2011
Type of Item: Administrative – Disposition of Significant Property

Summary Recommendation: Staff recommends that Council, in its role as a co-tenant, review and discuss the terms of the proposed purchase offer and direct the City Manager to move forward in finalizing the terms and conditions for the sale and transfer of the unimproved property at Park City Heights. Staff is noticing the Purchase and Sale Agreement for public hearing and action on November 17, 2011.

Topic/Description:

Joint Public/Private Development Partnership: Employee/Affordable Housing

Background:

In November 2009, City Council authorized the acquisition of a 50 percent interest as an equal tenant in common in the 200 acres owned by Boyer-Plumb Park City, LLC. Funding was provided through reprioritization of capital improvement projects. The annexation was approved in May 2010 and the MPD for 239 units including 79 affordable units was approved in June 2011. The Co-Tenancy was approved in August 2011. On October 26 the Planning Commission provided a positive recommendation to City Council on the Development Agreement and Phase 1 Subdivision Plat. In mid-August, following the approval of the co-tenancy agreement the Boyer Company joined the Park City Board of Realtors and listed the property. The Master Plan is attached as Exhibit A.

Analysis:

The Boyer Company and City have entered into a real estate purchase contract subject to City Council approval (scheduled for November 17, 2011) with Ivory Development to purchase the Park City Heights project in its entirety.

Terms of Sale

- Total Purchase Price is \$15.5 million.
- Ivory Development will build the MPD as approved by the Planning Commission.
- An initial cash payment of \$5 million will be made upon closing followed by three annual payments of \$3.5 million secured by a promissory note of \$10.5 million, trust deed and full guaranty by Ivory's parent company (recourse not limited to just land).
- Closing to occur as early as November 22, 2011.
- The City will bond for improvement costs for both on-site lot improvements plus off-site master infrastructure improvements. The anticipated bonding vehicle is a Special Assessment Bond. The recourse on this type of bond is to the property and is not a general obligation of the City. It is anticipated at this time that bonds will be issued in phases up to \$9 million. A pro rata share of bonded improvement costs (including interest costs) will be returned to the City each time a building permit is issued for a particular lot. Each phase of the bond will be repaid by the Buyer no later than 36 months from the date the bond is issued, regardless of whether or not all building permits have been issued.
- Buyer will build, market, sell and deed restrict the affordable units consistent with an affordable

- housing plan to be approved by the Park City Housing Authority.
- Park City will transfer its ownership interest in Parcels A & B shown on Exhibit B1 and B2 to Buyer subject to all existing easements, covenants and deed restrictions.

Additionally, as required by the MPD/Annexation, prior to closing, Boyer will deed the 24 acre parcel adjacent to SR 248 to the City as open space.

Distribution of Proceeds of Sale between Co-Tenants

The Co-Tenancy Agreement approved by City Council on August 25, 2011 outlined the distribution of sales proceeds. Funds are earned and/or distributed to co-tenants in different stages and all flow from the "Gross Sales Proceeds" defined as "cash and the value of other property derived from the sale of all or a portion of the property." "Gross Sales Proceeds" are distributed as following first to cover "Property Expenses" defined as Sale Costs, Fees, Commission and Reserves, and Financing Payments.

A. Gross Sales Proceeds

The Property Expenses in this transaction are limited to Marketing Expense and Sales Commission and Sales Costs because the co-tenants would not be responsible for developing the infrastructure for the site. While the City will still issue infrastructure bonds, the interest costs are borne by the Buyer not the City and Boyer as co-tenants.

Below are estimated permitted Property Expenses which are subtracted from the Gross Sales Proceeds.

Total Sales Price (Gross Sales Proceeds)	\$15,500,000
Permitted Property Expenses	
Financing Payments	0
Project Construction Mgt (3%)	0
Marketing Expense & Sales Commissions (3%)	\$ (465,000)
Sales Costs – title insurance, legal & closing	\$ (250,000)
Less: Subtotal Permitted Property Expenses	\$ (715,000)
Equals Net Sales Proceeds	\$14,785,000

B. Net Sales Proceeds

Gross Sales Proceeds minus Project Expenses Equal Net Sales Proceeds

The remaining funds, or the Net Sales Proceeds, to be distributed between the co-tenants equal \$14,785,000. "Net Sales Proceeds", defined as funds remaining after the payment of Project Expenses are distributed as follows:

- First to the City and Boyer in proportion to the respective "Undivided Interests" until each has received the aggregate allocation of \$5.5 million.
- Second to the Boyer Company until it has received an "Equivalent Density Return" of up to \$4 million. The City previously elected to reduce project density by 40 market units in lieu of a cash return.
- Third, the remainder, if any, to the City and Boyer in proportion to their respective Undivided Interests.

The table below shows the flow of funds of this offer based upon the co-tenancy agreement and the pay-in scheduled proposed by the Buyer.

Net Sales Proceeds \$14,785,000					
	Net Flow of Funds Yr 1	Flow of Funds Yr 2	Flow of Funds Yr 3	Flow of Funds Yr 4	Total Funds
	\$4,285,000 (\$5,000,000 less Property Expenses of \$715,000)	\$3,500,000	\$3,500,000	\$3,500,000	
Boyer Land Cost	\$2,142,500	\$1,750,000	\$1,607,500		\$5,500,000
Park City Land Cost	\$2,142,500	\$1,750,000	\$1,607,500		\$5,500,000
Boyer Equivalent Density Return			\$285,000	\$3,500,000	\$3,785,000

REVIEW OF OFFER

Advantages:

- **Timeliness.** Closing proposed for November 22 with an outside date of December 12. City would receive \$2,142,500 this calendar year.
- **Terms.** This is a part cash and part owner financed offer with full recourse to Buyer
- **Bond Debt Risk Minimized.** Seller will repay outstanding debt for each bonding phase within 36 months.
- **Ease of transaction.** City does not have to manage infrastructure construction. Sale is to one buyer.
- **Market Solution.** The project is developed by the private sector and the City simply recovers its initial investment (does not have excess proceeds/profit to address). Policy goals including additional affordable units, design changes and proactively addressing a historically challenging project are all achieved without further risk of City funds. The City received its equivalent return up front by removing 40 market rate lots from the development. The estimated value of those lots at that time was \$100,000 per lot for a total of \$4,000,000. The current estimated market value is \$4,400,000.
- **Affordable Housing.** City secures affordable housing units without additional staff time/cost incurred in construction and/or marketing of units.
- **Reduced Commission.** Boyer reduced its commission from 4 percent as permitted under the co-tenancy to 3 percent for this transaction.

Disadvantages:

City will not receive full return of its initial investment until December 2013. However, 2013 is still way in advance of staff's initial repayment estimate based upon the assumption that the land would sell in phases and the City would receive its return incrementally through the project build-out.

Significant Impacts:

While the City may suggest alternate terms, it is important to keep in mind that the Put Option remains in place. Should the City chose not to agree with this or another offer that Boyer believes is a fair offer in today's marketplace, Boyer may choose to exercise its Put Option which would require the City to purchase Boyer's undivided interest plus 5.5 percent per annum. This is in addition to the initial \$5.5 million paid by the City for its co-tenancy interest. Should the City pursue this offer, it will receive

\$2,142,000 this calendar year. This offer also removes the City from developing the City-owned units, while existing development regulations set the parameters for these units. These units will benefit from the overall efficiencies that scale development affords. It also assures that the units associated with IHC will be constructed at Park City Heights as well as product cohesion from a design perspective for the overall project that would be more difficult to achieve with multiple builders.

ALTERNATIVES

- A.** Authorize the City Manager to move forward with finalizing the terms and conditions for the sale of the City's interest in Park City Heights as outlined in the attached Purchase and Sale Agreement.
This is Staff's recommendation.
- B.** Council may suggest alternate terms or conditions to the Purchase and Sale Agreement. Such alternatives will be reviewed by the Boyer Company and Ivory Development LLC. Staff will return with their response(s).
- C.** Council may continue this item for more information and discussion prior. This may have the same effect as rejecting the offer due to Seller time constraints.
- D.** Council may direct Staff to terminate all discussions related to this purchase offer.

Department Review:

The City Attorney and City Manager reviewed this report.

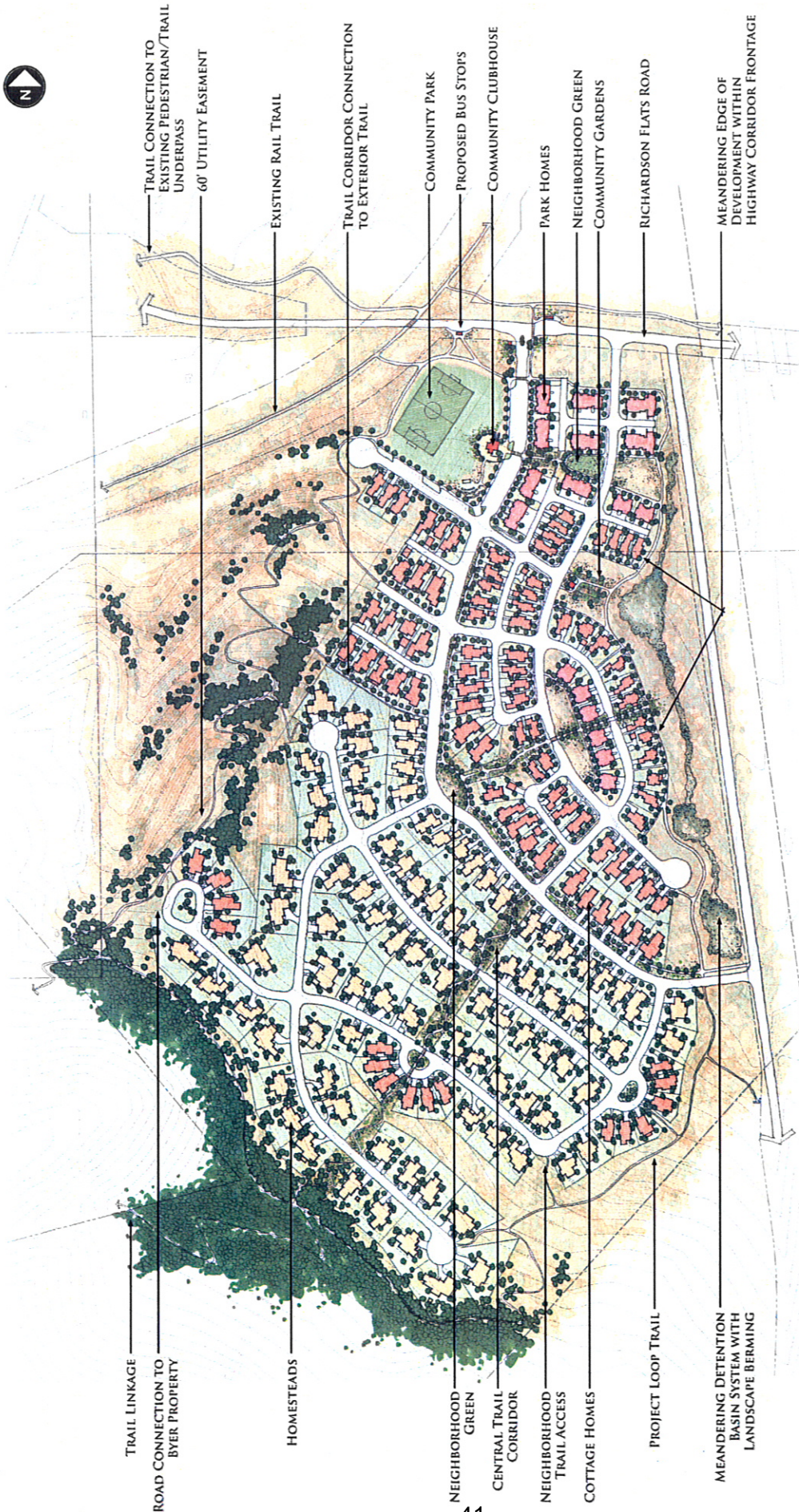
Recommendation:

Staff recommends that Council, in its role as a co-tenant, review and discuss the terms of the proposed purchase offer and direct staff to move in finalizing the terms and conditions for the sale and transfer of the unimproved property at Park City Heights.

Exhibits

- A** Master Planned Development
- B.1 & B.2** Property Ownership

FEBRUARY 9, 2010



PARK CITY HEIGHTS

NEIGHBORHOOD MASTER PLAN

EXHIBIT B.1

Park City Heights

24 AC
OWNED BY
CO-TENANTS

±20 AC
donated by
TALSKE
To City w/
conservation
easement

±19 ac
donated to
City by
Talske

176 AC
OWNED BY
CO-TENANTS

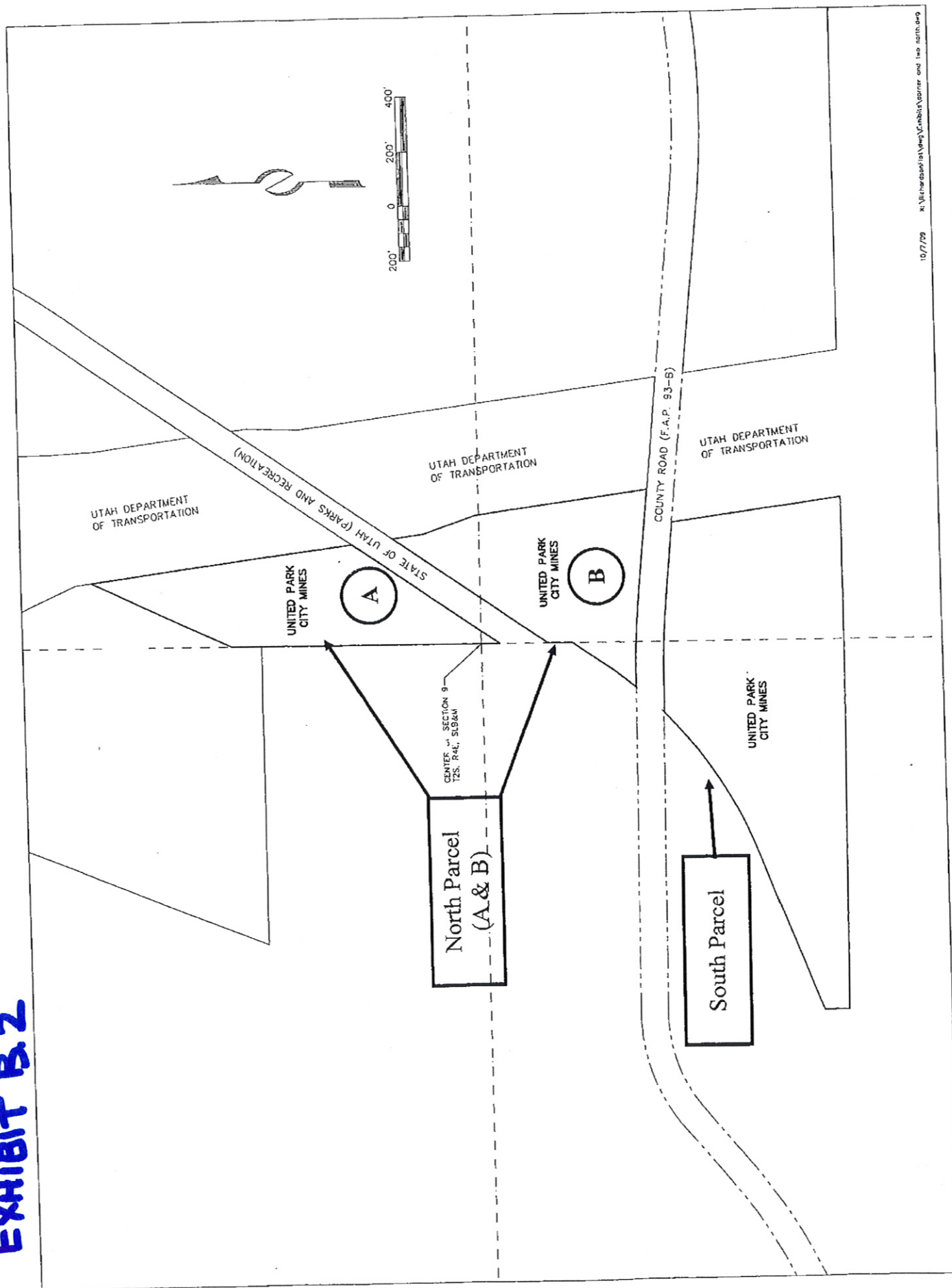
HIDDEN MEADOW
SUBDIVISION
(1995)

THE OAKS AT
DEER VALLEY
SUBDIVISION

MORNING STAR
ESTATES
SUBDIVISION 42

CO-TENANCY
CITY

EXHIBIT B.2



**PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
OCTOBER 13, 2011**

Present: Mayor Dana Williams; Council members Alex Butwinski; Joe Kernan; Cindy Matsumoto; Dick Peek; and Liza Simpson

Tom Bakaly, City Manager; Mark Harington, City Attorney; Michael Kovacs, Assistant City Manager; Thomas Eddington, Planning Manager; Jonathan Weidenhamer, Economic Development Manager; Bret Howser, Finance Manager

Alison Butz, Historic Park City Alliance

1. Council questions/comments. Liza Simpson reported on a Mountainlands Community Housing Trust meeting and Dick Peek on a Historic Preservation Board meeting. Cindy Matsumoto reminded the public that October is Domestic Violence Awareness Month. She attended the Habitat for Humanity fund-raiser. The Mayor congratulated Heber City on its first natural gas pump station and commented on how well the Bonanza Drive project is coming along.

2. Debrief on field trip and discussion of potential sale of Park Avenue properties. Michael Kovacs noted that the Council has just visited the site and last week the HPB toured the property. Some immediate repairs may include the roof, doors, access, and possibly interior mold. The City will submit a HDDR application for planning staff review. A RFP draft will return to Council in a couple of weeks. He pointed out that the project poses three competing City goals. The RDA has a financial interest in the property totaling \$800,000; and the City has attainable housing and historic preservation goals. He spoke about creating a RFP to try to balance these interests or a RFP focusing on the treatment of the historic homes.

Mayor Williams commented on the number of additions made to the homes over the years. Thomas Eddington advised that the residences are considered significant structures not landmark. Mr. Kovacs noted that a requirement for a preservation plan could be included in the RFP and Thomas Eddington advised that the structures cannot be moved according to the 2009 Historic Preservation Guidelines. Mayor Williams felt the City should abide by the same standards expected by the public and Cindy Matsumoto added that the outbuildings need to be addressed now. Thomas Eddington agreed and stated that additions are allowed to be removed. Dick Peek pointed out that the original siding can usually be found under the layers of additions. Ms. Matsumoto believed they look like typical Park City homes and prefers a more complicated RFP. Mr. Peek stated that he has renovated a number of houses in Old Town in far worse condition and one project became a landmark property; it is doable but challenging. Liza Simpson asked if there are soil issues and Mr. Eddington replied that the soil has not been tested.

She asked for clarity on the HPB's comments on TDRs and Mr. Eddington felt the HPB was referring to the TDR Ordinance implemented last March, allowing for the transfer of development rights from historic properties that don't maximum their footprints. Mr. Kovacs believed that if the Council wants the homes restored but leaves the remaining property as is, a transfer of the density on the back could be applied somewhere else in town. Liza Simpson referred to the analysis section of the staff report and a statement that says the City has a goal that involves areas outside Park City's jurisdiction . . . *in boosting the in-City population while discouraging development in currently undeveloped areas in Summit County such as along and behind US40*. She stated that she is unaware of this City goal. Michael Kovacs explained that Summit County has conducted a study on TDRs and a presentation will be given to the Planning Commission. If attainable housing is not built in the City it will be provided in the County.

Tom Bakaly asked if members are comfortable with disassembling the structures. Thomas Eddington explained that disassembly was previously known as panelization and he explained the goal of salvaging historic elements. Reconstructions involve demolition and reconstruction of the structure to the original design and a disassembly or reconstruction approach is determined during the HDDR. He encouraged proceeding with a RFP and judging the submitted preservation plans. The three criteria in the Code for reconstructions include the Chief Building Official deeming the structure dangerous and determining the building cannot be made safe or serviceable through repair, and rebuilding some of the form features as part of a newly reconstructed project.

Michael Kovacs interjected that what happens to the houses will be driven by use. Dick Peek stated that the walls are plumb and aren't racking and in his opinion, the houses can be rehabilitated. He reiterated that the walls are vertical and are not buckling under the windows; it is a simple but technical construction involving lifting the houses up, pouring the foundations, and restructuring and reusing the houses. He pointed out that the most extreme option is reconstruction, the second is disassembly, and the third is using the existing structure in its current configuration and restructuring it as needed based on a structural engineer's assessment. The latter is the condition he views the houses. Thomas Eddington explained that that would be straight rehabilitation of the existing structures which is the preference according to the Department of Interior, second is disassembly and third reconstructions. The decision is based on the HDDR, the submitted proposal and preservation plan. Mark Harrington stated that members can decide to require rehabilitation. Cindy Matsumoto agreed with Mr. Peek that rehabilitation is possible and a preference for this approach could be included in the RFP, but it is difficult to know what the challenges are until construction begins. Dick Peek stated that the result is based on the motivation of the owner.

Tom Bakaly emphasized that if there is a preference for rehabilitation which is the most expensive, the bid price will be lowered and the subsidy from the City will be higher. He noted that the recommendation could be reconstruction in compliance with the LMC but as owner, the Council can request a preference for rehabilitation which is a higher

standard than what the Code provides. Cindy Matsumoto argued that the first choice is rehabilitation and the City asks homeowners to spend more. Mr. Bakaly explained that as an owner, the Council can request something more restrictive and there will be a cost implication. The Mayor invited public input.

Craig Elliott, architect, acknowledged the question to request additional restrictions over and above the requirements placed on individual property owners. There are different ways to address individual properties like rehabilitate, renovate, reconstruct, panelize and each property has its unique conditions. Park City is a leader in creating new product for historic properties and the reason options are in place is to allow identification of the issues. It is impossible to determine now the condition of the structure and whether it can be saved. If it cannot be saved but the Council requires rehabilitation, the expense becomes exorbitant. Mr. Elliott spoke about trying to save the old Park Avenue boarding house but because of the extent of rot, panelization was necessary. He felt that making a decision to add additional requirements over and above what the Code requires, would be a mistake because of the unknown and unforeseen conditions. The unknown will also affect how people respond to the RFP and the ability to meet Council's goals and criteria as far as affordable housing. Cindy Matsumoto again pointed out that rehabilitation is what the Code prefers. Mr. Elliott agreed and believed that staff does an excellent job in determining the approach.

Katherine Matsumoto-Gray, HPB, stated that she is happy to answer any questions regarding the HPB's position. The group's discussion centered on saving the structures and discouraging panelization or reconstruction. They are significant structures with the potential of becoming landmark status and eligible for the National Historic Registry. Once the panelization or reconstruction happens, that is not an option. The Mayor pointed out that High West Distillery was panelized and listed. Thomas Eddington pointed out that reconstructions are not typically considered as candidates for the National Register. Parts of the High West Distillery project were reconstructed but it was primarily a disassembly and the Department of Interior reviewed the application and agreed to keep it on the National Register of Historic Places. Dick Peek pointed out that the roof and front façade were removed as units, replaced and restructured. He was uncertain about the side walls and whether the siding was placed back on a restructured wall. Tom Bakaly emphasized that the designation was not easy to accomplish and Thomas Eddington explained that a reconstruction wouldn't become a landmark structure. Panelized buildings could be landmarked. Ms. Matsumoto-Gray continued that the character of the historic site includes the space, the land and the small size of the buildings. The size and scale should be compatible with the historic houses in the neighborhood and the HPB believes that any new construction should be the size and scale of the existing structures to compliment them. The ratio of built and unbuilt space on the land contributes to the character and should be preserved and the TDR recommendation emerged as an incentive to rehabilitate.

John Phillips, contractor, agreed with Mr. Elliott's comments. He feels confident that the buildings can be rehabilitated. It would be best for the City to do the project and set an

example for the community. The property could be sold to someone with different motivations than what the Council expects. The property is on Park Avenue and very visible and a well done restoration would be ideal.

Judy McKie, HPB member, agreed with Mr. Phillips and stated that this would be a great community preservation project. The City has an opportunity to show Park City what preservation is and the land presents a great opportunity for a community garden.

Dick Peek suggested removing some uncertainty by remediating the asbestos siding and making any exterior repairs that need to occur to keep the structures weather-tight and dry. Michael Kovacs interjected that the co-housing group is waiting for the City to make a decision with a timeline this spring. Cindy Matsumoto understood that the asbestos siding is protecting the original siding. Mr. Peek discussed the properties of asbestos and felt that removing it will improve the investment value because it removes uncertainty for the owner and provides information for the HDDR whether the buildings should be rehabilitated or disassembled. He asked how soon a RFP could be released to remediate the asbestos. Tom Bakaly understood that the suggestion is spending some money to help preserve the structures with rehabilitation being the answer. Ms. Matsumoto stated that she is not as concerned about the asbestos as she is about the roof.

Liza Simpson stated that the City bought the two properties for \$800,000 with the understanding at the time that because of the size of the lots and the lack of historic buildings in the neighborhood, that there would be no problem moving the historic houses. The idea was to move the houses forward but still have them fit in their historic context on the lot. She recalls a discussion where they could be picked up, turned around and oriented to Sullivan Road. The intention was to gain a large piece of land for uses by the community. There was discussion of a community garden and much more discussion about affordable or attainable housing of some sort. She added that since that time, it has been established that the houses cannot be moved and she asked if the back half of the lots can be subdivided into parcels, and separated from these historic buildings. As wonderful as it would be for the City to rehabilitate the homes, she pointed out that the City has already spent \$800,000 for the two properties which is something everyone needs to keep in mind. The current Historic Design Guidelines and the HDDR process already prioritize rehabilitation. However the Council decides to move forward, she is comfortable with the City going through the same process that all others have to go through. If Council was making a decision on the RFP tonight, she would select the submittal balancing community goals.

Alex Butwinski agreed with Ms. Simpson's comments and appreciated the background information on why the City bought the properties. He asked for confirmation that the houses cannot be moved. Thomas Eddington explained that the initial HDDR based on information submitted at that time did not recommend movement. Moving or reorienting the structures could be considered if it abates demolition or other unique conditions but he doesn't have the notes from the meeting. Mr. Butwinski expressed that *it is easy to*

spend other people's money and the City's number one goal should be recovering the money spent on the acquisition which sounds like the plan when the property was purchased. Money is important here and if the conditions on the RFP are too strict, the costs become astronomical for bidders and he can't support that. Mr. Butwinski expressed his frustration that the City let the properties go into further disrepair for two years and at this point, the City may need to shore up the buildings to dry them out. The goal should be recovering the investment

Thomas Eddington noted that the property can probably be subdivided into six lots with the historic homes on their own lots. If the houses cannot be moved, there would be four lots left. Cindy Matsumoto pointed out that the preference in the Guidelines is rehabilitation so she didn't feel the Council is asking a potential buyer to go above and beyond the standard. There was consensus to arrest the current deterioration and Mr. Bakaly explained that the plan was to shore up the buildings but it sounds like the Council wants more than that. Ms. Matsumoto didn't feel the asbestos siding needs to be removed.

Liza Simpson addressed the HPB's letter and to say that the City ignored the property for two years is not accurate. They do not look much different than they did when they were acquired. Tom Bakaly expressed that it seems that the majority of members want a balanced approach RFP. Joe Kernan noted that he doesn't have a problem with allowing people to propose what they want to do because it is additional information which can be helpful.

Mark Harrington cautioned that Council has its most control over the outcome now and he is hearing many assumptions on outcomes. If three members have a clear preferred outcome of rehabilitation, he advised specifying that in the RFP and not basing it on an assumption. If other priorities are in play and there is lack of information and members want to see all possibilities, then go with a modified first RFP or the second one which will clearly give the most flexibility. If the desired outcomes are known, specify them. If there is not enough information, then wait and get the information and then specify. If Council does not know and wants to consider everything, then do the second RFP. Moving the houses was again addressed and the Mayor stated that he is opposed to moving them because it conflicts with our Guidelines. Liza Simpson reiterated that she voted to purchase the property based on the fact that the houses could be moved. Tom Bakaly asked members if they would consider reconstruction. The Mayor, Cindy Matsumoto, and Dick Peek expressed they want to see rehabilitation.

Liza Simpson confirmed that the majority would not consider reconstruction or disassembly regardless of the recommendation, and prefers imposing the highest form of preservation whether it makes sense or fits the criteria. Dick Peek noted that he is not saying that blindly because he has walked the buildings three times and feels confident that rehabilitation is not an unreasonably high standard. He can support moving them slightly if needed, but orienting them toward Sullivan Road is not acceptable because they are the third and fourth historic homes coming into town. The

Mayor commented on losing historic buildings by allowing reconstructions and he felt the City should set an example and spoke about the renovation of the Marsac Building. Mr. Butwinski stated that he doesn't think the City can afford it. The Mayor felt that by working with the right partners the buildings can be restored and there will be preference to submittals that achieve that goal. He didn't feel the City has to do the restoration and agrees that the City should not do it. He would love to recover the investment. Alex Butwinski stated that it seems the Council is straying from the City Attorney's advice which is to prescriptively say in the RFP that the houses have to be rehabilitated and he is doesn't agree. There could be a preference for rehabilitation but the door should be left open for balancing all of the objectives so that the potential bidder has the opportunity to be creative with the goal of preserving the houses in some way. Joe Kernan felt that if three members want the houses rehabilitated the RFP should specify that. The City Manager stated that staff will return with language that reflects this.

The Mayor suggested that Council discuss whether the City wants to hold onto the property and doing the restoration project itself. Ms. Simpson stated that she has no desire to keep the property. Joe Kernan felt that the houses should be restored properly because of their visibility. Ms. Simpson commented that she would rather leave the determination to the HDDR and the City Manager pointed out that Council can accept or reject bids.

3. Main Street branding. Jon Weidenhamer spoke about the City's relationship with the HPCA who has forwarded a formal request to recognize the name change from the Main Street Historic Business Alliance to the Historic Park City Alliance, specifically referring to the business area as *Historic Park City*. The HPCA does not want to jeopardize the name of the Park City Main Street Historic District on the National Historic Register but are asking for a change in philosophy. He displayed current way-finding signs which are worded differently and the request is to change references to *Historic Main Street* to *Historic Park City*. Staff is recommending that from a professional planning standpoint that there be no change and the words *Main Street* remain. HPCA has done research which supports them in its desire to re-brand from other commercial areas.

Alex Butwinski recognized the pros in the name change and re-branding and felt that signs should be consistent. As a compromise, Jon Weidenhamer suggested a sign that says Historic Park City with bullets underneath that indicate Resorts and Main Street. Ms. Butz explained that the HPCA is not asking to take the signs off of Main Street but are looking to establish an umbrella name for the district because businesses are located on Heber Avenue, Swede Alley and Park Avenue. Liza Simpson stated that she is comfortable with staff's compromise suggestion but not removing Main Street from way-finding signs for visitors. Cindy Matsumoto emphasized that the HPCA is a business alliance and Main Street is an historic district. They are separate and different and she hates to get rid of the use of *Historic Main Street*. Dick Peek supported a cohesive marketing approach but questioned if Historic Park City is too vague because

the core is Main Street and Swede Alley, Park Avenue and Heber Avenue feed off of Main Street. The Mayor expressed that the majority is comfortable with the compromise.

Sandra Morrison, Director of Park City Historical Society, stated that changing the wording on way-finding signs does not affect the National Register of Historic Places designation. She supported the HPCA in its branding efforts.

4. New budget proposal. Bret Howser referred to specific goals developed recently, including being more collaborative and taking the principles learned from budgeting for outcomes and applying those in an on-going manner. Priority based decision making is inherent to a sound budgeting process and it is recommended to better integrate performance measurements as well as building accountability and efficiencies. The process should address long-term issues and short-term priorities. He discussed meeting with staff at Fort Collins on its experience with budgeting for outcomes. Fort Collins produces a budget on a two year cycle to best accommodate the approach of budgeting for outcomes. He discussed the two year budget cycle and the timing of elections. The pay plan, service contracts and CIP processes will remain the same but the operating budget will be reviewed as early as November. The technical team will review the methodologies and refine projections before going to City Council. In late November, pre-visioning workshops are suggested where Council has a chance to review the strategic plans for change in direction. After these meetings, staff will start to develop bids for programs. He explained that the results team then has a couple of months to review, negotiate and prioritize the bids. The executive budget team reviews the recommendations of the results team to make sure they align with Council's goals. Mr. Howser stated that budget hearings are held in May and June. He compared accepting bids as operating on contracts the first year and modifying the scope with change orders the second year. He spoke about using these techniques for carbon reduction.

Alex Butwinski complimented the budget staff on its hard work and Joe Kernan liked the concept of the technical team. Dick Peek stated that he attended the Fort Collins meetings and Bret Howser has done a good job in applying this approach.

Prepared by Janet M. Scott, City Recorder

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
OCTOBER 13, 2011**

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, October 13, 2011. Members in attendance were Dana Williams, Alex Butwinski, Joe Kernan, Cindy Matsumoto, Dick Peek, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Matt Long, Planner; Thomas Eddington, Planning Manager; Max Paap, Special Events Manager; and Jon Weidenhamer, Economic Development Manager.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Leadership Class Civility Awards – John Davis, Leadership Class XVII, described the purpose of the program and selecting civility as a project. The Everyday Hero Award went to Lee Whiting, the Teen Award to Jack Lambert, Alma Armendariz was presented with the Community Award, and former City Council Member Candy Erickson was posthumously awarded the Public Service Award.

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

For-hire Vehicle Regulations - Michael Horhi, Silver Mountain Transportation, stated that he has one eleven year old vehicle, not meeting Park City's ten year age limit and requested a one year waiver. Mark Harrington advised that the Ordinance had a six month effective date but does not include a grace period like Salt Lake has in place. The Mayor suggested that he work with staff and that Council be updated. Mr. Horhi also encouraged changing the wording to taxi rather than for-hire on the license because the designation of taxi is recognized by the Salt Lake Airport.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF SEPTEMBER 29, 2011

Alex Butwinski, "I move we approve the work session notes and minutes of the meeting of September 29, 2011". Liza Simpson seconded. Motion unanimously carried.

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

Alex Butwinski stated that he has questions on Item 2. Joe Kernan, "I move to approve Consent Agenda Item 2". Liza Simpson seconded. Motion unanimously carried. In response to questions from Mr. Butwinski, Jon Weidenhamer explained that the scope has been expanded to facilitate additional joint work sessions with the Planning Commission. Mr. Butwinski emphasized that the original plan was three meetings not five and he encouraged that contract services not serve as a crutch for officials. Liza Simpson, "I move that we authorize the City Manager to execute an amended contract with czb LLC in the amount of \$36,000 for a total amount of \$74,683". Cindy Matsumoto seconded. Motion unanimously carried.

1. Consideration of authorizing the City Manager to execute an amended contract for the Balanced Growth Management Study with czb LLC in the amount of \$36,000 for a total amount of \$74,683 – See staff report and comments above.
2. Consideration of the appointment of Election Judges for the Municipal General Election to be held November 8, 2011 – Staff recommends approval.

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

1. Consideration of a Resolution proclaiming October 25, 26 and 27, 2011 as “Cares Enough to Wear Pink Days” in Park City, Utah – Heidi Hewitt spoke about the history of Pink Heals and starting a charter in the Park City area. The Mayor acknowledged that all funds raised by Pink Heals stays in the community and that the City will participate in the event. Liza Simpson, “I move we approve a Resolution proclaiming October 25, 26 and 27 as Cares Enough to Wear Pink Days”. Cindy Matsumoto seconded. Motion unanimously carried.

2. Consideration of a Master Festival License for Schirf Brewing for amplified music and use of City Park on October 15, 2011 from 11 a.m. to 6 p.m. - Max Paap explained that the one day event programs the gazebo area and requires a MFL because of the requests for amplified music, large crowds, and use of City property. The Mayor opened the public hearing; there were no comments.

Liza Simpson, “I move we approve the Master Festival License for Schirf Brewing for amplified music and use of City Park on October 15th from 11 a.m. to 6 p.m.”. Joe Kernan seconded. Motion unanimously carried. Greg Schirf expressed his appreciation of Council's support; it will be a fun event for everyone.

3. Consideration of a Resolution commemorating the Wasatch Brewery 25th Year Anniversary in Park City, Utah – The Mayor read the Resolution. Greg Schirf stated that the 25th Anniversary of the Brewery is possible because of the partnership formed with the City when the property was purchased from the RDA in 1987. He encouraged the Council to continue to look at other RDA opportunities. Cindy Matsumoto, “I move approval of a Resolution commemorating the Wasatch Brewery 25th Year Anniversary in Park City, Utah”. Dick Peek seconded. Motion unanimously carried.

4. Consideration of an Ordinance approving the Second Amendment to the Shadow Ridge Condominiums Record of Survey Plat, located at 50 Shadow Ridge Drive, Park City, Utah – Matt Long described the application involving five changes to the existing condominium plat. The first is to divide the existing Unit 4119 into four separate units. It is a 6,217.4 square foot non-residential condominium unit designated as private area. The second change is to combine the existing Unit 4119A with Unit 4119D. The third change is to convert the private area to common area into four smaller units. The fourth change is to convert the private area to common area in Units 4004 through 4006 and the fifth change is to show the location of the 90 existing parking spaces on site as limited common area on the two lower areas. Mr. Long emphasized that the plat amendment does not change any allowed uses within the building. There are no exterior changes or additional square footage added. The Planning Commission recommended approval. Alex Butwinski disclosed that his nephew is a tenant of Shadow Ridge.

The Mayor opened the public hearing; there were no comments and the public hearing was closed. Liza Simpson, "I move we approve an Ordinance approving the Second Amendment to the Shadow Ridge Condominium Record of Survey Plat located at 50 Shadow Ridge Drive, Park City, Utah". Cindy Matsumoto seconded. Motion unanimously carried.

5. Consideration of an amendment to the Fee Resolution, Section 1, Construction and Development Related Fees, adding a planning service for determining non-conforming uses/non-complying structures and associated fees and repealing and replacing Resolution No. 15-11 in its entirety – Thomas Eddington explained that the amendment is needed to insert a fee for non-conforming uses and non-compliant structure review. The fee is \$100 which is the minimum charged for a review. There is a separate \$300 fee in the event and application goes on to a Board of Adjustment hearing. The Mayor opened the public hearing; there was no input and the public hearing was closed. Cindy Matsumoto, "I move to approve Agenda Item No. 5". Joe Kernan seconded. Motion unanimously carried.

VII ADDITIONAL DISCUSSION – AGENDA ITEMS

VIII ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 2 p.m. Members in attendance were Mayor Dana Williams, Alex Butwinski, Joe Kernan, Cindy Matsumoto, Dick Peek, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Jonathan Weidenhamer, Economic Development Manager; Tom Daley, Deputy City Attorney; Diane Foster, Sustainability Manager; Joan Card, Environment Regulation Manager; Jim Blankeneau, Environmental Regulation Analyst; Michael Kovacs, Assistant City Manager; Heinrich Deters, Trails Manager; Thomas Eddington, Planning Manager; and Mark Harrington, City Attorney. Cindy Matsumoto, "I move to close the meeting to discuss property and litigation". Dick Peek seconded. Motion carried unanimously. The meeting opened at approximately 3:30 p.m. Liza Simpson, "I move to open the meeting". Alex Butwinski seconded. Motion unanimously carried.

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

Prepared by Janet M. Scott, City Recorder



City Council Staff Report

Subject: Resolution for PC Foundation
Author: Janet M. Scott
Department: City Manager's Office
Date: November 3, 2011
Type of Item: Administrative

Summary Recommendations:

Approve the Resolution declaring an official day of giving in Park City and proclaiming November 11, 2011 as Park City's "Day of Giving".

Background:

Katie Wright of the PC Foundation contacted our office about adopting a resolution recognizing our non-profits and encouraging the community to support them. Melissa Christensen decided to make this a class project by involving her fifth grade class in authoring the resolution. Katie Wright, Melissa Christensen and some of her students will be in attendance at Thursday's meeting.

Department Review:

City Manager and Legal Department.

Alternatives:

A. Approve:

This is staff's recommendation.

B. Deny:

Not recommended.

C. Modify:

Council option.

D. Continue the Item:

Council option.

E. Do Nothing:

Not recommended.

Significant Impacts:

None.

Recommendation:

Approve the Resolution declaring an official day of giving in Park City and proclaiming November 11, 2011 as Park City's "Day of Giving".



**RESOLUTION DECLARING AN OFFICIAL DAY OF GIVING IN PARK CITY
AND PROCLAIMING NOVEMBER 11, 2011
AS PARK CITY'S "DAY OF GIVING"**

WHEREAS, the fifth grade class at Park City Day School, promotes the day of giving in Park City on 11-11-11 to encourage donors to contribute to local nonprofit organizations that enhance the lives of Park City citizens; and

WHEREAS, the success of nonprofit groups and their community programs depends upon utilizing cost-effective public campaigns to continuously reach new donors, as well as reinforce to existing donors how their local giving touches many lives in the community; and

WHEREAS, Park City is a caring community that is consistently willing to take care of one another, our environment, and provide for families, children and animals in need or in crisis; and

WHEREAS, the day of giving will allow nonprofits to get in front of more supporters without steep fundraising costs, and will increase giving in Park City by engaging new givers and inspiring current givers to donate even more; and

WHEREAS, here are eleven types of organizations that would benefit from the day of giving on 11-11-11 including:

- Wildlife protection
- Pets
- Environmental
- Education
- Families in need – elderly
- Outdoor recreation



- Entertainment – music, arts, libraries
- Children in need
- Hospitals
- Mentally ill
- Local food sources

WHEREAS, supporting these nonprofit organizations in Park City helps to protect the social and physical environment of Park City for generations to come; and

WHEREAS, giving is its own reward and is recognized and encouraged in Park City;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council hereby declare a

DAY OF GIVING ON NOVEMBER 11, 2011

to reinforce generosity and compassion in Park City.

PASSED AND ADOPTED this 3rd day of November, 2011.



City Council Staff Report

Subject: Resolution for Pancreatic Cancer Action Network
Author: Janet M. Scott
Department: City Manager's Office
Date: November 3, 2011
Type of Item: Administrative

Summary Recommendations:

Approve the Resolution declaring November as Pancreatic Cancer Awareness Month in Park City, Utah.

Background:

Gibbie Whelehan contacted the Mayor's Office on October 25, 2011 about adopting a Resolution to raise awareness about pancreatic cancer. The City Council adopted a similar resolution last year at Ms. Whelehan's request, but this year she is also requesting that wording be included regarding the Council's support of the *Pancreatic Cancer Research & Education Act* (S. 362/H.R.733) which is legislation ensuring a national strategic plan to address pancreatic cancer. Staff does not recommend including that language in the Proclamation because support of any proposed legislation deserves more attention and analysis than time will allow. As a result, language regarding Park City's support of the bill has been removed from the following draft. Ms. Whelan is aware of the City's concern and is fine with language solely promoting awareness of the disease. Information about the bill is attached for your information.

Department Review:

City Manager and Legal Department.

Alternatives:

A. Approve:

This is staff's recommendation.

B. Deny:

Not recommended.

C. Modify:

Council option.

D. Continue the Item:

Council option.

E. Do Nothing:

Not recommended.

Significant Impacts:

None.

Recommendation:

Approve the Resolution declaring November as Pancreatic Cancer Awareness Month in Park City, Utah.

Good Afternoon Jan,

I am not sure if you remember me but I am a volunteer for the Pancreatic Cancer Action Network. And, you assisted me last year with getting a proclamation from Mayor Williams declaring November Pancreatic Cancer Awareness Month. May I ask for your help again? November is right around the corner and my volunteer colleagues and I have been working diligently to get our community's support. Last month I hosted my first fundraiser at the Kimball Art Center benefiting Pancreatic Cancer research and raised over \$4100! Your time and support is much appreciated to keep the momentum going.

Attached please find a cover letter explaining the need to make Pancreatic Cancer a priority along with a fact sheet and a summary of *The Pancreatic Cancer Research & Education Act*, a bill that was introduced by Sen. Sheldon Whitehouse calling the National Cancer Institute to action by putting a strategic plan in place to address Pancreatic Cancer. Also, attached is a template text for the declaration. I understand that there might be a review process before the Mayor signs off on it so if there are any changes that need to be made, please let me know.

As I mentioned, I am a volunteer for Pancreatic Cancer Action Network. We are the only organization that takes a comprehensive approach toward Pancreatic Cancer by funding research, providing patient outreach and raising awareness. This disease is the most lethal of all cancers and there are no early detection screenings. If and when a patient does incur any of the few symptoms it is too late. In honor, of my father-in-law, and the many that will be diagnosed in the future I want to do whatever I can to help raise awareness in order to someday find a cure. A city declaration is a great step in the right direction. If there is any further information I can provide or any questions I can answer, please contact me on my cell phone (303) 907-2528 or via email gwhелеhan@pancanvolunteer.org.

Thank you so much for your consideration and I look forward to hearing from you soon.

Sincerely,

GIBBIE WHELEHAN | Chef Concierge

Montage Deer Valley
9100 Marsac Avenue
P.O. Box 4680
Park City, UT 84060

O : (435) 604-1300 xt. 2750
F : (435) 604-1310

**RESOLUTION DECLARING THE MONTH OF NOVEMBER AS
PANCREATIC CANCER AWARENESS MONTH
IN PARK CITY, UTAH**

WHEREAS in 2011, an estimated 44,030 people will be diagnosed with pancreatic cancer in the United States and 37,660 will die from the disease; and

WHEREAS pancreatic cancer is one of the deadliest cancers and is the fourth leading cause of cancer death in the United States; and

WHEREAS when symptoms of pancreatic cancer present themselves, it is usually too late for an optimistic prognosis, and 74 percent of pancreatic cancer patients die within the first year of their diagnosis while 94 percent of pancreatic cancer patients die within the first five years; and

WHEREAS of all the racial/ethnic groups in the United States, African Americans have the highest incidence rate of pancreatic cancer, between 34 percent and 70 percent higher than the other groups; and

WHEREAS approximately 200 deaths will occur in Utah in 2011; and

WHEREAS there is no cure for pancreatic cancer and there have been no significant improvements in survival rates in the last 40 years; and

WHEREAS the Federal Government invests significantly less money in pancreatic cancer research than it does in any of the other leading cancer killers; and pancreatic cancer research constitutes only approximately 2 percent of the National Cancer Institute's federal research funding, a figure far too low given the severity of the disease, its mortality rate, and how little is known about how to arrest it; and

WHEREAS the Pancreatic Cancer Action Network is the first and only national patient advocacy organization that serves the pancreatic cancer community in Park City and nationwide by focusing its efforts on public policy, research funding, patient services, and public awareness and education related to developing effective treatments and a cure for pancreatic cancer; and

WHEREAS the Pancreatic Cancer Action Network and its affiliates in Park City support those patients currently battling pancreatic cancer, as well as to those who have lost their lives to the disease, and are committed to nothing less than a cure; and

WHEREAS the good health and well-being of the residents of Park City are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes, and effective treatments;

NOW, THEREFORE, BE I RESOLVED that the Mayor and City Council designate the month of November 2011 as "Pancreatic Cancer Awareness Month" in Park City.

PASSED AND ADOPTED this 3rd day of November 2011.



There Is No More Time to Wait

Support the Pancreatic Cancer Research & Education Act (S. 362/H.R. 733)

We're Not Making Progress on pancreatic cancer and the consequences are deadly.

- Pancreatic cancer is one of the deadliest cancers and is one of the few cancers for which survival has not improved substantially in 40 years. Of the cancers tracked by both the American Cancer Society and the National Cancer Institute (NCI), pancreatic cancer has the lowest relative five-year survival rate.¹
- The NCI needs a long-term and comprehensive strategic plan to make progress on this deadly killer.
- Given the research discovery timeline and the significant projected increase in pancreatic cancer cases, nothing less than dramatic action is required to address pancreatic cancer.

We Need to Step Up the investment in pancreatic cancer research.

- In February 2011, the Pancreatic Cancer Action Network released its report "Pancreatic Cancer: A trickle of federal funding for a river of need" that demonstrates a serious lack of federal resources allocated to pancreatic cancer research. Among the report findings was that the average dollar amount of basic research (R) grants in pancreatic cancer in FY2009 was 18 to 29 percent less than R grants for lung, colon, breast, and prostate cancers, the other four U.S. top-five cancer killers. An analysis of the FY2010 funding shows little change.
- In FY2010, NCI allocated just approximately 2 percent of its \$5 billion annual budget for pancreatic cancer research. By contrast, lung, colon, breast, and prostate cancers received 2.7- to 6.4-fold more NCI funding than pancreatic cancer. In addition, two to almost five times as many R grants were awarded to the other top-five cancer killers than to pancreatic cancer. When researchers are properly funded, advances follow.
- In 2010, the NCI funded more than 6,500 research grants, contracts, and intramural research projects across all forms of cancer, but only 285 (4.3%) were relevant to pancreatic cancer.²
- The NCI funds significantly fewer pancreatic cancer researchers at any funding level compared to the other top-five cancer killers. In 2010, only 367 pancreatic cancer researchers were funded, compared to 1,537 breast cancer researchers, 859 prostate cancer researchers, 832 lung cancer researchers, and 843 colorectal cancer researchers.²
- Only 4 percent of the NCI's 2010 training awards for new and established investigators (K, F, and T awards) had relevance to pancreatic cancer. These grants are critical to mobilizing young scientists to study the disease.² Given the lack of funding for pancreatic cancer research, senior scientists from other areas of biomedical and cancer research do not have the incentive to apply their knowledge to this disease.
 - Of the researchers who received NCI funding specifically for pancreatic cancer research, only 28 (four fewer than in 2009) received grants of \$500,000 or more, a level appropriate for senior scientists. By comparison, this level of funding was awarded to 249 researchers in breast cancer, 115 in prostate cancer, and 110 in colorectal cancer. The positive survival trends in these other cancers strongly suggest that these larger grants are necessary to further progress and attract more investigators.²

We Need a Unique and Targeted approach to studying this disease.

- Pancreatic tumors are different than many other tumors. The cellular composition of the tumors is different and therefore specialized research techniques must be applied.
- Due to the wide geographic dispersion of relatively few pancreatic cancer patients, few individual medical centers treat a sufficient numbers of patients to conduct statistically significant research.
- Furthermore, because few patients qualify for surgery and most patients die quickly after diagnosis, scant pancreatic cancer tissue is available for research.
- Additionally, many patients who might consider a clinical trial are too sick to do so or die before they can enroll.
- These obstacles can be overcome, but require a concerted effort by the NCI to develop a specific strategic plan to address these and other challenges in pancreatic cancer research in addition to an infusion of targeted research funding.



The *Pancreatic Cancer Research & Education Act* is the solution.

This legislation would create a path for true progress on pancreatic cancer by better targeting research, developing a cadre of committed scientists, and promoting physician and public awareness. It would also require accountability for these efforts. The legislation is based on "The National Plan to Advance Pancreatic Cancer Research," a report developed by the Pancreatic Cancer Action Network's Scientific Advisory Board. The bill has four key components.

Developing a Strategic Plan for Pancreatic Cancer Research

- The bill does not dictate how the NCI should conduct pancreatic cancer research. Instead, it calls for a strategic plan to be created every five years under the direction of the Health & Human Services (HHS) Secretary and in consultation with the Directors of the National Institutes of Health (NIH), the NCI, and the Centers for Disease Control and Prevention (CDC), as well as a new Interdisciplinary Pancreatic Cancer Coordinating (IPCC) Committee comprising pancreatic cancer research experts, early career pancreatic cancer investigators, and a pancreatic cancer advocate.
- The NCI-directed long-term and comprehensive five-year strategic plan would detail the needs for the conduct and support of pancreatic cancer research and awareness activities. To improve accountability, the plan would be submitted to the HHS Secretary and published on the agency's website.
- Annually, the Secretary would submit a report to Congress that identifies the steps taken to implement the recommendations in the strategic plan.

Establishing a Cancer Research Incubator Pilot Project for the Deadliest Cancers

- A new five-year grant pilot project would be created at the NCI specifically for research into the deadliest cancers, defined as those with five-year survival rates below 50 percent. The initial phase would include pancreatic cancer. Following the initial phase, the Secretary would submit a report to Congress evaluating the program and making recommendations for continuation and/or expansion into other cancers that meet the criteria.

Strengthening and Expanding Centers of Excellence for Pancreatic Cancer

- The legislation builds on the Specialized Programs of Research Excellence (SPORE), a program created by Congress in the 1990s specifically for breast and prostate cancer. SPORE was expanded in the last several years to not only provide increased opportunities for research into these cancers, but to also offer some limited research opportunities for pancreatic and other cancers.
- The legislation calls for the designation of at least two additional pancreatic cancer SPOREs.

Promoting Physician and Public Awareness

- The legislation calls for the NIH and CDC, in collaboration with patient advocacy organizations, to develop a toolkit for patients and a program to educate primary care providers about pancreatic cancer.

What We Are Asking from Congress

Forty years is too long to wait for true progress. We need Congress to act to ensure that sufficient NCI funding is available to further research progress for all types of cancer, including pancreatic, and to put in place a strategic plan that addresses the research needs for pancreatic cancer. *The Pancreatic Cancer Research & Education Act* calls on the NCI to focus on improving outcomes for cancers with poor survival rates. It is a vehicle for ensuring that we invest our scarce research dollars in the areas where progress is needed most.

The Pancreatic Cancer Action Network calls on the 112th Congress to give current and future pancreatic cancer patients a fighting chance by:

- Co-sponsoring the *Pancreatic Cancer Research & Education Act* (S. 362/H.R. 733).
- Ensuring that the NCI has sufficient funding to allow for progress in diseases like pancreatic cancer by supporting continued growth in the NCI budget for FY2012.

¹ American Cancer Society. *Cancer Facts & Figures 2011*. Atlanta: American Cancer Society; 2011.

² Source: NCI Funded Research Portfolio, <http://fundedresearch.cancer.gov> (Accessed May 2011). Funding statistics exclude extramural support and payments with no grant mechanisms specified because they represent NCI administrative costs, not research, as well as projects with $\leq \$1$ in NCI relevant funding because they are insignificant.

City Council Staff Report

Subject: Park City Girls Basketball 5K Fundraiser
Author: Max J. Paap
Department: Sustainability
Date: November 3, 2011
Type of Item: Administrative – Master Festival License

Summary Recommendations:

Review the Master Festival License application, conduct a public hearing, and approve the license for the Park City Girls Basketball 5K Fundraiser, as conditioned, on November 12, 2011 which includes a 5K fun run to be held on the streets in and around the Park City school campus, and the Park Meadows neighborhood.

Description:

Topic:

Park City Girls Basketball 5K Fundraiser

Background:

Sam White, on behalf of the Park City Girls Basketball team, submitted an application to hold a 5K race as a fundraiser for the Girls Basketball team. This single day event would follow the same route that the LDS Turkey Trot has successfully taken the past few years. The organizer has expectations of attendance to be around 200. The course would be programmed and staffed from 9:00 am to 11:30 am on Saturday, November 12, 2011. The organizer has met with Special Events staff to go over any logistical challenges or other issues.

Analysis:

This application is being reviewed as a Master Festival License due to the request for partial street closure and use of City property.

The following areas were scrutinized by the Events Team when considering the recommendation to approve the event.

Race Course Logistics

The event organizers have requested a proven route that has had much success on the annual Turkey Trot held on Thanksgiving mornings the past few years. No negative comments have been received using this proposed route from prior events. Public Safety and Transit have been noticed of the event through the Staff Review process and have provided positive comments to the Events Staff. The event would begin with set up of the

course at 8:00 am. The race would begin at 9:00 am on the described route (Exhibit A). The event is scheduled to be finished no later than 11:30 am.

Parking

Parking for the anticipated crowd of 200 can be accommodated in the Park City School District campus parking inventory.

Findings of Good Cause to Reduce 90 day Review Requirement

Park City High School submitted their initial application in October of 2011; Park City Municipal Code (4-8-4) requires 90 day review for consideration of a Master Festival License. Park City High School has not met that criterion. Staff recommends that Council consider approval based on current Park City Council Targets for Action that promote Park City as a World Class - Multi Seasonal Resort Community that *promotes community amenities and events*. The Special Event Team finds that because of the limited size and scope of the event and there are no other approved Master Festival and/or Special Event Licenses for November 12, 2011, this timeframe does allow for sufficient time for a proper review.

Department Review:

Sustainability, Streets, Parking, Police, Recreation, and Police departments have reviewed the application for the Park City Girls Basketball 5K Fundraiser and their comments have been incorporated into the report.

Alternatives:

Approve the Request:

Approve the Master Festival License allowing the Park City Girls Basketball 5K Fundraiser as described. **This is staff's recommendation.**

Deny the Request:

Deny the Master Festival License, preventing the addition of the Park City Girls Basketball 5K Fundraiser to Park City's schedule of events.

Continue the Item:

The City Council may continue the discussion in order to receive additional information.

Significant Impacts:

Park City has held many similar events to the Park City Girls Basketball 5K Fundraiser Fun Run. Impacts that could arise from this event have been actively addressed by Public Safety and should be kept to a manageable level and the proposed route has proven success.

Consequences of not taking the recommended action:

The Park City Girls Basketball 5K Fundraiser would not take place on public property.

RECOMMENDATION:

Staff recommends the City Council conduct a public hearing and approve a Master Festival for the Park City Girls Basketball 5K Fundraiser Fun Run on

November 12, 2011 based on the following Findings of Fact, Conclusions of Law and Conditions of Approval:

Findings of Fact:

1. The 3.1 Park City Girls Basketball 5K Fundraiser Fun Run will begin at the Park City High School. The course will start on Lucky John Dr. to American Saddler Dr. to Meadows Dr. and back to Park City High School at Dozier Field. The event will run from 9:00 am until 11:30 am.
2. The applicant will post volunteer course directors at all intersections along the route and have PCPD staffing as well at all critical points. This event will not cause a disruption of the normal routine of the community/affected neighborhoods.
3. The event will not obstruct sidewalks or public rights-of-ways. Public transportation and other vehicular and pedestrian traffic in the area will not be significantly interrupted.
4. Fire or other essential public employees will not be diverted from their normal duties to protect the remainder of the City from the impacts of this event. Although there will be two dedicated officers for participant/traffic mitigation.
5. The event is expecting less than 200 attendees which will not unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets or with the provision of other public health or safety services.
6. There are no other approved Master Festival and/or Special Event Licenses for November 12, 2011.
7. Due to the anticipated attendance and type of event there will not be an imminent possibility of violent disorderly conduct likely to endanger public safety or cause significant property damage.
8. This application was submitted by the Park City High School Girls Basketball Team. The Applicant has been working with City Staff to ensure that all conditions of the event will be met. The Applicant has demonstrated an ability and willingness to conduct the event pursuant to the terms and conditions of the Park City Municipal Code and has never failed to conduct a previously authorized event in accordance with the law or the terms of a license, or both.
9. The proposed route is one implemented by the annual Turkey Trot, and has received not negative comments.

Conclusions of Law:

1. The application is consistent with the requirements of the Park City Municipal Code, Title 4, Chapter 8.

Conditions of Approval:

1. The Applicant will work with Staff in order to ensure that any safety, health, or sanitation equipment, and services or facilities reasonably necessary to ensure that the event will be conducted with due regard for safety are provided and paid for by the Applicant.

2. The approval identification provided with the approval of this permit must be in possession of the applicant at all times while on location and must be made available for inspection when requested by City authorities or the public.
3. The applicant shall barricade and provide detour signage for the street closure in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) for the duration of the event.
4. The Applicant will provide Park City Municipal Corporation with proof of liability insurance in the amount of \$2,000,000 and name Park City Municipal Corporation as additionally insured.

Attachments

Exhibit A- Route Map

Exhibit B- Applicants proposed activity

EXHIBIT A



* REGISTRATION, START,
FINISH @ PARK CITY HIGH
PRACTICE FIELD



Park City Municipal Corporation

Master Festival & Special Event Application

Submit by Email

Special Events
435.615.5150
specialevents@parkcity.org

Master Festival (MFL) & Special Event Applications **MUST** be complete and submitted to the Special Events Department no Less than **90 Days Prior** to a MFL and no less than **60 Days Prior** to a Special Event for staff review. Applications not submitted within that timeframe may not be granted approval. Refer to Park City Special Event Planning Guide for answers to the most frequently asked event related questions
This application **DOES NOT** constitute a valid permit until approved by the Special Events Department and/or Park City Council

APPLICATION FEES

All new applications require a \$100.00 non-refundable application processing fee

All applications for returning events require a \$50.00 non-refundable application processing fee

Additional fees for other services, including Health Department, Fire Department, and City Services will be estimated and provided to the applicant.

EVENT INFORMATION

MASTER FESTIVAL CRITERIA (PUBLIC EVENT)

(If one box is checked the event is automatically an MFL)

☐

Attraction of crowds over 500 participants and or spectators

☒

Requires Partial or Full Street Closure or use of Public Right of Way

☐

Use of City park, buildings or other properties

☐

Use of off-site parking facility

☐

Use of Amplified Music

SPECIAL EVENT CRITERIA (PUBLIC OR PRIVATE EVENT)

☐

Causes significant public impacts via disturbance, crowd, traffic, and or parking

☐

Disruption of the normal routine of the community or affected neighborhood

☐

Necessitates temporary business or liquor licensing

☐

Event signs visible from public property or right of way

☐

Temporary structures, including inflatable's

EVENT TYPE

☐ Street Fair/Festival

☒ Run - Walk

☐ Parade

☐ Trail Event

☐ Concert

☐ Road Bike Event

Other Type of Event (Please Specify):

APPLICANT AND SPONSORING ORGANIZATION INFORMATION

NAME:

SAM WHITE

POSITION:

COACH

STREET ADDRESS:

1700 KEARNS BUL

CITY, STATE:

PC, UT

84060

MAILING ADDRESS:

SAME

CITY, STATE, ZIP CODE:

TELEPHONE (WORK):

645-5600

MOBILE PHONE:

OTHER:

EMAIL ADDRESS:

SWHITE@PCSCHOOLS.UT

FAX NUMBER:

SPONSORING ORGANIZATION:

DELTA 5

US

Is organization a registered non-profit? ☐ Yes ☐ No
(If yes, please provide copy of registration paperwork)

ONSITE CONTACT:

(day/s of event)

SAM WHITE

MOBILE PHONE:

NAME OF EVENT:

☒ FIRST TIME EVENT

☐ ANNUAL EVENT (How many years?)

Will a fee be charged for attendance or participation?

☒ Yes ☐ No

Overall Event Description (Briefly explain event and activities):

EVENT DATES AND TIMES

EVENT DATE(S):

11/12/11

EVENT HOURS - START TIME:

9 AM

END TIME:

11:30 AM

SET-UP DATE/S:

11/12/11

TIME/S:

8 AM

BREAKDOWN DATE/S:

11/12/11

TIME/S:

Noon

ESTIMATED ATTENDANCE - PARTICIPANTS:

200

SPECTATORS:

50

TOTAL:

250

EVENT LOCATION:

PARK MEADOWS

EVENTS WITH ATTENDANCE HIGHER THAT 500 REQUIRES A SUMMIT COUNTY MASS GATHERING PERMIT



Park City Municipal Corporation

Master Festival & Special Event Application

Special Events
435.615.5150
specialevents@parkcity.org

OPERATIONAL - PART A

PARADE / STREET CLOSURES - * SITE MAP MUST BE INCLUDED WITH APPLICATION*

Will this be a Complete Road Closure? YES ☐ NO ☒	Will this be a Partial Road Closure? YES ☐ NO ☐	Will this be a Rolling Road Closure? YES ☐ NO ☐			
Names of Streets to be Closed : * SITE MAP, with proposed route if applicable, MUST BE INCLUDED WITH APPLICATION *					
Street: SEE	Between: ROUTE	And: DESC.			
Street:	Between:	And:			
Street:	Between:	And:			
Street:	Between:	And:			
Description of reason for closure: 5K RACE					
Days of Closure: (including setup and breakdown)	Start Date: 11/12/11	Reopen Date: 11/12/11	Time Of Closure: 2 hrs	Start: 9:00 A	End: 11:00 A

Parade Information

Assembly Area:	Disbanding Area:	# of anticipated Entrants:
Does the event cross over city boundaries? YES ☐ NO ☐ Into Summit County ☐ Into Wasatch County ☐		

PUBLIC FACILITY USE - * SITE MAP MUST BE INCLUDED WITH APPLICATION*

ADDITIONAL FEES MAY APPLY

Check any or all that apply :	☐ Miners Hospital	☐ Main Street - Miner's Park	☐ McPolin Barn
	☐ City Park Softball Field	☐ Library Field	☐ Dirt Jump Park
	☐ City Park Rugby Field	☐ Sports Complex Fields	☐ Skate Park
	☐ City Park Gazebo Area	☐ Ice Arena	
	☐ City Park Covered Picnic Area	☐ Rotary Park	

EVENT PARKING - * SITE MAP MUST BE INCLUDED WITH APPLICATION*

ADDITIONAL FEES MAY APPLY

Request for Closure of or Access to any public parking. This includes any activity that will remove public parking: YES ☐ NO ☒
If yes, you must complete a Request for Special Use of Public Parking Application
Will event parking be on Private property? YES ☐ NO ☒ (Written Permission from Owner of Private Parking Area is Required)
Will there be transportation services to and from Parking Lots? YES ☐ NO ☒
If yes, who is the provider? Name : _____ Contact Information: _____

TEMPORARY STRUCTURES & IMPROVEMENTS - * SITE MAP MUST BE INCLUDED WITH APPLICATION*

All temporary structures must be approved and inspected by the Park City Building Department at 435-615-5100. Check all that apply

☐ Bleachers	☐ Inflatable's	☐ Canopies
☐ Stage/s	☐ Temporary Lighting	☐ Tent/s < 200 sq ft
☐ Trailer/s	☐ Structures over 6' in height	☐ Tent/s > 200 sq ft

Will you have electrical needs? YES ☐ NO ☒	Do you propose to use generators? YES ☐ NO ☒
What is the purpose of the structures:	
Will you be using flammable materials, including fuels and gasses? YES ☐ NO ☒	
Will you be requesting permits for fireworks? YES ☐ NO ☒	
If yes to either above question, a Fire Permit Application must be submitted 20 days prior to the event.	
Toilet Facilities - Depending on the size, scope and location of this event the SUMMIT COUNTY HEALTH DEPARTMENT may require additional public facilities. Site plan must include the location of public facilities	

Refer to Park City Special Event Planning Guide for answers to the most frequently asked event related questions



Park City Municipal Corporation

Master Festival & Special Event Application

Special Events
435.615.5150
specialevents@parkcity.org

OPERATIONAL - PART B

WASTE MANAGEMENT & RECYCLING

The Park City Municipal Corporation encourages sustainable efforts in Waste Management including the recycling of as much event waste as possible. Please refer to the Park City Event Planning Guide for a list of local recyclers to find out how they may assist you.

All applications must include a waste management plan that includes pre and post event details

FOOD AND MERCHANDISE SALES

Will there be sale of Merchandise? YES ☐ NO ☒

Will there be sale of or complimentary food? YES ☐ NO ☒

Describe Items for sale :

Will food items be pre-packaged? YES ☐ NO ☒

Will food items be cooked at event? YES ☐ NO ☒

Will food items be prepared off site? YES ☐ NO ☒

**All individual vendors must obtain a Park City Business License & Summit County Temporary Food Service Permit
If cooking onsite a permit may be required for use of appliances**

Will there be beer, wine, and/or liquor sales during the event? YES ☐ NO ☒

The Park City Finance Department requires application for a Beer & Liquor License.

The Utah Dept. of Alcoholic Beverage Control (UDABC) may require application for a Single Event Liquor License or other state permit.

TEMPORARY SIGNS

Will there be Temporary signs at the event? YES ☐ NO ☒

If yes, attach sign plan describing sign content, sizes and locations

ANIMALS AT EVENT

Will there be animals at the event? YES ☐ NO ☒

If yes, attach plan to address nuisances or health hazards associated with the animals.

COMMUNICATIONS NEEDS

Will there be installation of antenna for communications? YES ☐ NO ☒

If yes, attach site plan and specifications of antenna.

SAFETY – SECURITY

A Operational Plan is required for all events outlining : Security and Crowd Control specifics, Fire District and Access Information, First Aid & EMT requirements (Refer to Park City Special Event Planning Guide for more information)

Does your event require Law Enforcement services beyond routine periodic patrol? YES ☐ NO ☒

Upon review the Park City Police Department may require additional on-site personnel for event approval

MARKETING OF EVENT

Proper marketing your event is vital to its success. Please contact the Park City Chamber Bureau (www.parkcityinfo.com) as a resource.

Who is the target market for this event?

Where is the target market for this event? Local ☒ Regional ☐ National ☐ International ☐

Will this event be televised? YES ☐ NO ☒

Local ☐ Regional ☐ National ☐ International ☐
Describe coverage:

Please list print advertisements including newspapers and magazines:

Please list range of marketing budget < \$100 ☒ \$100 - \$500 ☐ \$500 - \$1000 ☐ > \$1000 ☐

Refer to Park City Special Event Planning Guide for answers to the most frequently asked event related questions



Park City Municipal Corporation

Master Festival & Special Event Application

Special Events
435.615.5150
specialevents@parkcity.org

INFORMATIONAL - PART A

INSURANCE REQUIREMENTS

MUST BE SUBMITTED AT LEAST 10 DAYS PRIOR TO EVENT

Park City Municipal Corporation requires proof of liability Insurance in the minimum amount of two million dollars (\$ 2,000,000) and the applicant shall name Park City Municipal Corporation, 445 Marsac, P.O Box 1480, Park City, Utah 84060 as additionally insured

RULES AND REGULATIONS

To insure prompt and accurate processing of your application, ensure that ALL relevant support materials and documentation accompanies application. Failure to do so will constitute an incomplete application and may delay review.

A complete application must include a event site plan that includes, but may not be limited to the following: street closures, signs, operational vehicles, barricades, tents and other temporary structures, activity locations, bleachers, portable and fixed toilets, water stations, event headquarters, solid waste & recycle containers, entrances/exits, walkways, fire lanes, event route, operational plan , security / crowd control plan, power sources, cooking facilities, etc.

Upon application the Park City Special Event Department may set up a meeting to discuss your event

The Applicant(s) shall assume and reimburse the city for any and all costs and expenses determined by Park City Municipal Corporation such as City's staff's time if required at event, additional garbage or waste in city receptacles, providing, erecting or moving equipment such as barricades, directional or event signs, garbage and waste receptacles. Park City Municipal Corporation may require a deposit that shall not exceed one thousand dollars (\$ 1,000.00) to cover such expenses.

AGREEMENT AND SIGNATURE

I, the undersigned representative have read the rules and regulations with reference to this application and am duly authorized by the organization to submit this application on it's behalf. The information contained herein, including supporting documentation is complete and accurate.

Name (Printed)

Signature:

Sam Whelan

Date:

10/1/11

Refer to Park City Special Event Planning Guide for answers to the most frequently asked event related questions

City Council Staff Report



Sustainability

Subject: Snow Dance Parade
Author: Tommy Youngblood
Department: Sustainability
Date: November 3, 2011
Type of Item: Administrative – Master Festival License

Summary Recommendations:

Review the Master Festival License application, conduct a public hearing, and approve the license for the Snow Dance Parade, as conditioned, on November 5, 2011 at the Brew Pub parking with a music stage and a parade on Main Street from Main and Swede Alley to 4th Street.

Description Topic:

Snow Dance Parade and Music Stage

Background:

A representative for the Egyptian Theatre submitted an application requesting a Master Festival License to hold their Snow Dance Parade and Music Stage. This is a first time event.

The event organizers have requested to hold their event on November 5, 2011. The event would begin at 10:30 am at the Brew Pub lot and conclude at 2:00 pm. Set-up in the Brew Pub Lot would begin at 9am; teardown completed by 2:30 pm. The organizers would also like to stage a parade from the top of Main and Swede down to 4th Street retuning to the Brew Pub lot on Swede. The organizer is expecting approximately 400 participants. The organizer is also requesting amplified music to be played from the marquee at 328 Main Street for the duration of the parade.

Staff has met with the organizer and understands that the size of the event is weather dependent and is prepared to mitigate for any parking issues. This application is being reviewed as a Master Festival License due to the attraction of large crowds, amplified music and a request to use City property.

Analysis:

The following is an outline of the proposed activities:

Brew Pub Lot Activities

The event would begin at 10:30 am at the Brew Pub lot and conclude at 2:00 pm. Closure and Set-up in the Brew Pub Lot would begin at 9am; teardown completed by 2:30 pm. The lot would contain a music stage and beer garden. The organizers have applied for all the proper liquor licenses with the State of Utah. Upon review of the PCPD sent a letter to Department of Alcohol & Beverage Control (Exhibit C) correcting information contained in the application.

Main Street Activities

The organizers would like to stage a parade from the top of Main and Swede down to 4th Street retuning to the Brew Pub lot on Swede beginning at 11:15am and take 15 -20 minutes. The organizer is also requesting amplified music to be played from the marquee at 328 Main Street for the duration of the parade. No removal of parking would be necessary traffic would be diverted and paused for the duration of the parade. The organizers have met with PCMC staff to ensure that all events that occur will not adversely affect public safety.

Parking

Parking for the event can be accommodated with use of the China Bridge parking structure, the Swede Alley surface lots, or Main Street pay and display spaces if sated attendance numbers are accurate.

Findings of Good Cause to Reduce 90 day Review Requirement

This application was submitted on September 29, 2011, 35 days prior to the event date. Ninety days is the required time frame to review an MFL request. This requirement can be waived with findings of good cause. The Special Event Team finds that because of the limited size and scope of the event, and no other events are pending for the same date, this timeframe does allow for sufficient time for a proper review. Furthermore staff finds the Snow Dance Parade and Music Stage is consistent with and promotes the City Council's Goal of maintaining a multi-seasonal, world class resort status as a World Class Resort Increasing events in the off-peak times is consistent with Economic Development Strategic Plan goals. In addition the Egyptian Theatre holds a special service contract from PCMC for cost associated with youth and non-youth theatre productions. This event encourages and supports the Egyptian Theatre, a Main Street not for profit that encourages cultural tourism and supports continued Main Street vibrancy.

Department Review:

Sustainability, Streets, Police, Parks, and Legal departments have reviewed the Snow Dance Parade and Music Stage and their comments have been incorporated within the report.

Alternatives:**Approve the Request:**

Approve the Master Festival License allowing the Snow Dance Parade and Music Stage as described. **This is staff's recommendation**

Deny the Request:

Deny the Master Festival License, preventing the addition of the Snow Dance Parade and Music Stage to Park City's schedule of events.

Modify the Request:

Modify the Master Festival, City Council may wish to direct staff to modify the parameters of the approval.

Continue the Item:

The City Council may continue the discussion in order to receive additional information

Significant Impacts:

Park City has held many similar events to the Snow Dance Parade and Music Stage. This activity will close the Brew Pub Parking Lot for set-up, teardown and the duration of the event. This will also involve a temporary closure of Main Street from the top of Main to 4th Street.

Due to the event organizer's late submittal and resulting shortened time frame to review the application, staff has had to take a more active facilitation role to ensure implementation of an effective and safe operational plan that mitigates for impacts.

Consequences of not taking the recommended action:

The Snow Dance Parade and Music Stage would not take place.

Recommendation:

Staff recommends the City Council conduct a public hearing, and approve a Master Festival License for the Snow Dance Parade and Music Stage for November 5, 2011 at the Brew Pub parking with a Music Stage and a Parade on Main Street from Main and Swede Alley to 4th Street based on the following Findings of Fact, Conclusions of Law, Conditions of Approval.

Findings of Fact:

1. The Snow Dance Parade and Music Stage for November 5, 2011 starting at 10:30 am until 1:30 pm (Set-up begins at 9:00 am, Teardown will be completed by 2:30pm) and will occur at described locations.
2. Parking for the anticipated crowd of 400 will be accommodated with the existing parking in and around the venue. The conduct of the Snow Dance Parade and Music Stage will not substantially interrupt or prevent the safe and orderly

movement of public transportation or other vehicular and pedestrian traffic in the area of its venue.

3. The events associated with the Snow Dance Parade and Music Stage will not require the diversion of so great a number of police, fire, or other essential public employees from their normal duties as to prevent reasonable police, fire, or other public services protection to the remainder of the City.
4. The event will take place in the Brew Pub Parking Lot with a Music Stage & beer Garden and a Parade on Main Street from Main and Swede Alley to 4th Street. The concentration of persons, vehicles, or animals will not unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets or with the provision of other public health or safety services.
5. The event will not interfere with police, fire, ambulance, and other emergency vehicles on the streets or with the provision of other public health or safety services.
6. There are no other Master Festival or Special Event licenses that have been granted for November 5, 2011. The table below will show in column (A) – Geographic separation of the events; column (B) – Proposed time and duration of the events; and column (C) – Anticipated attendance.

1. 2011 DATE	EVENT	A – Geographic Separation	B - Propose d Time & Duration	C – Anticipate d Attendance
November 5	Snow Dance Parade and Music Stage	Brew Pub Lot & Main St	10:30 AM- 1:30PM	400

7. The size of the crowd and nature of the event will not create an imminent possibility of violent disorderly conduct likely to endanger public safety or cause significant property damage.
8. The applicant has been working with City Staff and applicable departments to address all event concerns. The Applicant demonstrates an ability and willingness to conduct the event pursuant to the terms and conditions of this Chapter and has not failed to conduct a previously authorized event in accordance with the law or the terms of a license, or both.
9. This application was submitted on September 29, 2011, 35 days prior to the event date. Ninety days is the required time frame to review an MFL request. Findings of good cause have been found to waive this requirement, including:
 - a. Because of the limited size and scope of the event and no other event application were pending for the same date, this timeframe does allow for sufficient time for a proper review;
 - b. The Snow Dance Parade and Music Stage is consistent with and promotes the City Council's Goal of maintaining a multi-seasonal, world class resort status as a World Class Resort Increasing events in the off-peak times is consistent with Economic Development Strategic Plan

Goals;

- c. The Egyptian Theatre holds a special service contract from PCMC for cost associated with youth and non-youth theatre productions. This event encourages and supports the Egyptian Theatre, a Main Street not for profit that encourages cultural tourism and supports continued Main Street vibrancy.

Conclusions of Law:

1. The application is consistent with the requirements of the Park City Municipal Code, Title 4, Chapter 8.

Conditions of Approval:

1. The applicant will work with Staff in order to ensure that any safety, health, or sanitation equipment, and services or facilities reasonably necessary to ensure that the event will be conducted with due regard for safety are provided and paid for by the applicant.
2. Applicants shall provide proof of liability insurance in the amount of two million dollars (\$2,000,000) or more as may be required by the Special Events Manager or the City Attorney's Office, and shall further name Park City Municipal Corporation as additional insured. All Applicants shall further indemnify the City from liability occurring at the event except for any claim arising out of the sole negligence or intentional torts of the City or its employees.
3. All plans for tents, stages, and other temporary structures shall be submitted to the Building Department for review and permitted by November 4, 2011.

Attachments:

Exhibit A- HPCA Letter of Support

Exhibit B – Application

Exhibit C – Letter to DABC from Park City Police Dept.

Exhibit A



October 6, 2011

Max Paap
Park City Municipal Corporation
PO Box 1480
Park City, UT 84060

RE: Egyptian Theatre – First Winters Blast

Dear Max:

The Historic Park City Alliance (HPCA) recently discussed the Egyptian Theatre's proposed event for November 5, 2011. The HPCA feels the First Winters Blast – Snow Dance Parade would be a great event for November in Historic Park City.

It is our understanding that the parade will require a temporary closure of Main Street for approximately 20 minutes. The HPCA is supportive of the temporary closure and understands the vehicles can remain on the street. We feel the location at the Brew Pub Parking Lot is appropriate for the main programming for the event.

The Egyptian Theatre is a valued member of our District and the programming and events they bring to the community are truly appreciated.

Best regards,

A handwritten signature in black ink, appearing to read "Alison Butz".

Alison Butz
Executive Director

Historic Park City Alliance
PO Box 1348 Park City, UT 84060
www.historicparkcityutah.com

Exhibit B



Park City Municipal Corporation

Master Festival & Special Event Application

Submit by Email

Special Events
435.615.5150
specialevents@parkcity.org

Master Festival (MFL) & Special Event Applications **MUST** be complete and submitted to the Special Events Department no Less than **90 Days Prior** to a MFL and no less than **60 Days Prior** to a Special Event for staff review. Applications not submitted within that timeframe may not be granted approval. Refer to Park City Special Event Planning Guide for answers to the most frequently asked event related questions
This application **DOES NOT** constitute a valid permit until approved by the Special Events Department and/or Park City Council

APPLICATION FEES

All new applications require a \$100.00 non-refundable application processing fee
All applications for returning events require a \$50.00 non-refundable application processing fee

Additional fees for other services, including Health Department, Fire Department, and City Services will be estimated and provided to the applicant.

EVENT INFORMATION

MASTER FESTIVAL CRITERIA (PUBLIC EVENT) (If one box is checked the event is automatically an MFL)	☐ Attraction of crowds over 500 participants and or spectators	☒ Requires Partial or Full Street Closure or use of Public Right of Way	☐ Use of City park, buildings or other properties	☒ Use of off-site parking facility	☒ Use of Amplified Music
SPECIAL EVENT CRITERIA (PUBLIC OR PRIVATE EVENT)	☐ Causes significant public impacts via disturbance, crowd, traffic, and or parking	☒ Disruption of the normal routine of the community or affected neighborhood	☒ Necessitates temporary business or liquor licensing	☒ Event signs visible from public property or right of way	☒ Temporary structures, including inflatable's

EVENT TYPE

☐ Street Fair/Festival	☐ Run - Walk	☒ Parade	☐ Trail Event	☐ Concert	☐ Road Bike Event
---	-------------------------------------	--	--------------------------------------	----------------------------------	--

Other Type of Event (Please Specify):

APPLICANT AND SPONSORING ORGANIZATION INFORMATION

NAME: <u>Egyptian Theatre / Amber Hansen</u>	POSITION: <u>House Manager</u>
STREET ADDRESS: <u>328 Main St.</u>	CITY, STATE, ZIP CODE: <u>Park City, UT 84060</u>
MAILING ADDRESS: <u>PO Box 3119</u> (If different from above)	CITY, STATE, ZIP CODE: <u>PC, UT 84060</u>
TELEPHONE (WORK): <u>435-649-9371</u>	MOBILE PHONE: <u>801-637-1603</u> OTHER:
EMAIL ADDRESS: <u>amber@parkcityshows.com</u>	FAX NUMBER: <u>435-649-0446</u>
SPONSORING ORGANIZATION: <u>Egyptian Theatre</u>	Is organization a registered non-profit? ☒ Yes ☐ No (If yes, please provide copy of registration paperwork)
ONSITE CONTACT: <u>Amber Hansen</u> (day/s of event)	MOBILE PHONE: <u>801-637-1603</u>
NAME OF EVENT: <u>Snow Dance Parade</u>	
☒ FIRST TIME EVENT ☐ ANNUAL EVENT (How many years?)	Will a fee be charged for attendance or participation? ☐ Yes ☒ No

Overall Event Description (Briefly explain event and activities):

11am from Brew Pub lot parade that goes to 5th St back to Publot with stage on lot w/ live music.

EVENT DATES AND TIMES

EVENT DATE(S): <u>11/5/2001</u>	EVENT HOURS - START TIME: <u>11am</u>	END TIME: <u>1:30pm</u>
SET-UP DATE/S: <u>11/5</u>	TIME/S: <u>9am</u>	BREAKDOWN DATE/S: <u>11/5</u>
ESTIMATED ATTENDANCE - PARTICIPANTS: <u>200</u>	SPECTATORS: <u>200</u>	TOTAL: <u>400</u>
EVENT LOCATION: <u>Brew Pub lot</u>		

EVENTS WITH ATTENDANCE HIGHER THAN 500 REQUIRES A SUMMIT COUNTY MASS GATHERING PERMIT



Police Department

October 31, 2011

Margaret Hardie
DABC Licensing and Compliance
1625 South 900 West
PO Box 30408
Salt Lake City, Utah 84130-0408

Dear Margaret,

Thank you for taking the time to talk with me this morning concerning the beer license application for Randy Barton's Egyptian Theater Snow Dance Parade to be held on Saturday, November 5, 2011. It was important for us that you were aware that the number of officers that he represented to be on site for the event was highly exaggerated. As you know he claimed 20 officers would be on site when actually the total for the beer garden will be 2. As you stated you were aware his representation of 20 officers was not accurate for the event. Further as per our conversation this letter will be placed in file for future reference.

Respectfully,

Rick L. Ryan
Captain

A handwritten signature in black ink that reads "Captain Rick L. Ryan". The signature is written in a cursive, flowing style.



City Council Staff Report

Planning Department

Subject: Land Management Code Amendments -
HPB review of Reconstructions and Disassembly of Historic
Structures

Author: Thomas Eddington, AICP- Planning Director
Kayla Sintz, AIA, Architect/Planner

Project #: PL-11-01203

Date: November 3, 2011

Type of Item: Legislative

Summary Recommendations

Staff recommends the City Council conduct a public hearing and discuss proposed amendments to the Land Management Code for Chapters 1, 11 and 15 which would require the Historic Preservation Board review and approve all Reconstructions and Disassembly of structures on the Historic Sites Inventory.

Topic

Project Name: LMC Amendments

Applicant: Planning Department

Proposal: Revisions to the Land Management Code – HPB review of
Reconstructions and Disassembly of Historic Structures

Background

During the February 3, 2011 joint City Council, Planning Commission and Historic Preservation Board visioning session, concerns in regards to the process by which Reconstruction is permitted as part of a Historic District Design Review were discussed. Much of the discussion revolved around the reconstruction of the structure at 657 Park Avenue which was subject to the requirements of the Land Management Code prior to the 2009 amendments. Public and property noticing, as well as, opportunity for public input were also discussed. Direction was given to Staff to expand the review of all Reconstructions to include a formal, noticed review and approval by the Historic Preservation Board. An excerpt of the Draft visioning minutes are attached (Exhibit G).

On August 10, 2011 the Planning Commission heard this item as part of their regular agenda. Meeting minutes are attached (Exhibit F). The Planning Commission heard public comment that generally was against imposing an additional step in the historic review process. Commissioners agreed that additional requirement was both unnecessary and cumbersome to applicants. Commissioners indicated that the 2009 LMC amendments regarding the criteria of reconstructions/disassembly didn't have an opportunity to be implemented and they wished to see them be applied. In addition, some Commissioners were concerned that such a move would eliminate the Historic Preservation Board as an appeals body for reconstruction or disassembly projects. The

Planning Commission unanimously voted to forward a negative recommendation to the City Council for the proposed LMC language.

On September 15, 2011 the City Council heard this item as part of their regular agenda (Exhibit E). Staff had intended for the Historic Preservation Board to be present at the meeting in order to give input to Council on the matter. The HPB was not able to attend the meeting. Council continued the item in order to receive input from the HPB on the matter, as well as, complete a site visit to historic City-owned properties at 1450 & 1460 Park Avenue possibly impacted by the proposed LMC changes.

Council also discussed possibly limiting the LMC change to only include Reconstructions and not Disassembly applications.

On October 6, 2011 the HPB heard this item as part of their regular agenda. Draft meeting minutes are attached (Exhibit D). The item was discussed extensively and public input was also given. While they did not take a formal vote, a majority of the HPB seemed to be inclined to not recommend HPB review as proposed and felt their appeal authority was more important.

The HPB voted unanimously to not make a recommendation to City Council on the proposed LMC amendment until one application for reconstruction has gone through the process without an appeal to use it as a work session example of how Staff made their decision in applying the new Guidelines and LMC.

The HPB also voted unanimously to recommend the following to City Council regarding noticing of HDDR applications involving Reconstruction/Disassembly:

1. to expand the noticing distance to 300 feet (the HDDR application currently requires 100 feet)
2. notify HPB of all Reconstruction/Disassembly final action determinations
3. set up City website e-notify link for all HDDR Reconstruction/Disassembly final action determinations
4. publish all Reconstructions/Disassembly final actions in newspaper

Items 2-4 can currently be implemented by staff without any code changes. It is staff's intention to expand the noticing as recommended by HPB. Expanding the noticing distance to 300 feet would require an amendment to the LMC.

Analysis:

There is not a current inventory of new building product to determine whether or not the 2009 Historic Guidelines or Land Management Code changes are effective in regards to Reconstruction and Disassembly applications. Council may wish to wait for an analysis of approved built product under the new changes to determine whether or not the new process is effective in analyzing the Reconstruction/Disassembly process requirements and noticing prior to making changes in review authority in the LMC. Only one project to

date has been completed which involved an addition to a historic structure (1059 Park Avenue). Reconstruction/Disassembly was not relevant with that particular application. Within the discussion there are three possible amendments which have been discussed:

- 1) definition of Disassembly
- 2) expanding noticing from 100 to 300 feet
- 3) Changing the body who evaluates the reconstruction/disassembly criteria from staff to the HPB

Recommendation

Staff recommends the City Council conduct a public hearing, discuss the proposed amendments and alternatives to the Land Management Code as described and redlined in the Exhibits, and consider the proposed amendments as stated in the attached ordinance.

Alternatives

- Conduct a public hearing on the LMC amendments described herein and choose only to adopt the definition change as outlined with no other changes
- Conduct a public hearing on the LMC amendments regarding definition change and noticing changes, but wait on all other changes until staff has completed a review of a Reconstruction/Disassembly and the HPB can provide further recommendation
- Conduct a public hearing on the LMC amendments and adopt the changes proposed for the definition, noticing and HPB review of all Reconstruction/Disassembly applications as outlined herein
- Conduct a public hearing on the LMC amendments and vote not to adopt any of the amendments

Exhibits

Ordinance

Exhibit A - LMC Chapter One - General Provisions and Procedures

Exhibit B - LMC Chapter Eleven – Historic Preservation

Exhibit C - LMC Chapter Fifteen – Definitions

Exhibit D - Excerpt Historic Preservation Board draft meeting minutes – October 6, 2011

Exhibit E - City Council Staff Report September 15, 2011 with meeting minutes

Exhibit F - Excerpt Planning Commission Meeting Minutes – August 10, 2011

Exhibit G - Excerpt Draft Joint Visioning Minutes – February 3, 2011

Ordinance No. 11-____

AN ORDINANCE APPROVING AMENDMENTS TO THE PARK CITY LAND MANAGEMENT CODE REQUIRING HISTORIC PRESERVATION BOARD REVIEW AND APPROVAL OF RECONSTRUCTIONS AND DISASSEMBLY OF STRUCTURES ON THE HISTORIC SITES INVENTORY AMENDING CHAPTERS 1, 11 AND 15.

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

WHEREAS, Staff saw a need to expand the ability of the Historic Preservation Board to review and approve the Reconstruction and Disassembly of historic structures in order to provide more oversight to preserve historic character;

WHEREAS, these amendments were identified during the 2011 City Council Visioning;

WHEREAS, Chapter 15 – Definitions provides clarity of meaning for words used in the Land Management Code and amendments to existing definitions and new definitions are necessary to clarify terms that are not currently defined in the Code. The City desires to clarify these terms to including and/or revising definitions in the Land Management Code.

WHEREAS, Park City was originally developed as a mining community and much of the City's unique cultural identity is based on the historic character of its mining era buildings;

WHEREAS, the City's historic sites are among its most important cultural, educational, and economic assets;

WHEREAS, the Planning Department duly noticed and conducted a public hearing at the regularly scheduled meeting on August 10, 2011, and forwarded a negative recommendation to City Council; and

WHEREAS, the Historic Preservation Board duly noticed and conducted a public hearing at the regularly scheduled meeting on October 5, 2011, and recommended to City Council amendments to increase the area of noticing and recommended waiting to review whether the HPB should review reconstructions and disassembly applications until after staff had reviewed an application; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on September 15, 2011 and November 3, 2011; and

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

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

SECTION 1. AMENDMENTS CHAPTER 1 OF THE LAND MANAGEMENT CODE.

Chapter 15-1 is hereby amended as attached hereto as Exhibit A. Any conflicts or cross-references from other provisions of the LMC to Chapter 15-1 shall be resolved by the Planning Director.

SECTION 2. AMENDMENTS TO CHAPTER 11 OF THE LAND MANAGEMENT CODE.

Chapter 15-11 is hereby amended as attached hereto as Exhibit B. Any conflicts or cross-references from other provisions of the LMC to Chapter 11 shall be resolved by the Planning Director.

SECTION 3. AMENDMENTS CHAPTER 15 OF THE LAND MANAGEMENT CODE.

Chapter 15-15 is hereby amended as attached hereto as Exhibit C. Any conflicts or cross-references from other provisions of the LMC to Chapter 15 shall be resolved by the Planning Director.

SECTION 4. EFFECTIVE DATE. This Ordinance shall become effective upon publication.

Dated this ____ day of _____, 2011

PARK CITY MUNICIPAL CORPORATION

Mayor Dana Williams

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 1 - General Provisions and Procedures

15-1-24

NOTICE MATRIX			
ACTION:	POSTED:	COURTESY MAILING:	PUBLISHED:
<u>Reconstruction and Disassembly of sites on Historic Sites Inventory</u>	<u>14 days prior to the hearing before the Historic Preservation Board</u>	<u>14 days prior to the hearing before the Historic Preservation Board to Owners within 300 feet</u>	<u>Once 14 days prior to the hearing before the Historic Preservation Board</u>
Historic District or Historic Site Design Review	First Posting: The Property shall be posted for a 14 day period once a Complete Application has been received. Other posted legal notice not required. Second Posting: For a 10 day period once the Planning Department has determined the proposed plans comply or does not comply with the Design Guidelines for Historic Districts and Historic Sites. Other posted legal notice not required.	First Mailing: To Owners within 100 feet once a Complete Application has been received, establishing a 14 day period in which written public comment on the Application may be taken. Second Mailing: To Owners within 100 feet and individuals who provided written comment on the Application during the 14 day initial public comment period. The second mailing occurs once the Planning Department determines the proposed plans comply or do not comply with the Design Guidelines for Historic Districts and Historic Sites and no later than 45 days after the end of the initial public comment period. This establishes a 10 day period in which the Planning Department's decision may be appealed.	See appeals from Planning Director, Historic Preservation Board, Planning Commission, including City Council Call-Up. Section 15-1-18.

PARK CITY MUNICIPAL CODE
TABLE OF CONTENTS
TITLE 15 LAND MANAGEMENT CODE - CHAPTER 11

TITLE 15 - LAND MANAGEMENT CODE

CHAPTER 11 - HISTORIC PRESERVATION

15-11-1.	ESTABLISHMENT OF BOARD.....	1
15-11-2.	TERMS AND QUALIFICATIONS OF MEMBERS.....	1
15-11-3.	ORGANIZATION	2
15-11-4.	ABSENCE DEEMED RESIGNATION OR GROUNDS FOR, REMOVAL	2
15-11-5.	PURPOSES	2
15-11-6.	ADDITIONAL DUTIES	3
15-11-7.	LIMITATIONS.....	3
15-11-8.	STAFF ASSISTANCE	3
15-11-9.	PRESERVATION POLICY	4
15-11-10.	PARK CITY HISTORIC SITES INVENTORY	5
15-11-11.	DESIGN GUIDELINES FOR PARK CITY'S HISTORIC DISTRICTS AND HISTORIC SITES.....	9
15-11-12.	HISTORIC DISTRICT OR HISTORIC SITE DESIGN REVIEW.....	9
15-11-13.	RELOCATION AND/OR REORIENTATION OF A HISTORIC BUILDING OR HISTORIC STRUCTURE	13
15-11-14.	DISASSEMBLY AND REASSEMBLY OF A HISTORIC BUILDING OR HISTORIC STRUCTURE	13
15-11-15.	RECONSTRUCTION OF AN EXISTING HISTORIC BUILDING OR HISTORIC STRUCTURE	15
15-11-16.	DEMOLITION OF HISTORIC BUILDINGS, STRUCTURES, AND SITES	15
15-11-17.	CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION (CAD)	16
15-11-18.	PRE-HEARING APPLICATION REQUIREMENTS.....	16
15-11-19.	CAD HEARING	17



TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 11 - HISTORIC PRESERVATION

*Chapter adopted by Ord. No. 02-07;
Chapter Amended in Entirety by Ord. No.
03-34*

**CHAPTER 11 – HISTORIC
PRESERVATION**

**15-11-1. ESTABLISHMENT OF
BOARD.**

Pursuant to the Historic District Act, Section 11-18-1, et seq. of the Utah Code, 1953, and other applicable power, there is hereby created a Park City Historic Preservation Board (HPB). The HPB shall be composed of seven (7) members.

(Amended by Ord. No. 06-69)

**15-11-2. TERMS AND
QUALIFICATIONS OF MEMBERS.**

Members of the HPB shall serve terms of three (3) years. The terms shall be staggered. Terms may expire on May 1, however, members of the HPB shall continue to serve until their successors are appointed and qualified.

(A) The Mayor shall appoint a new HPB member to fill vacancies that might arise

and such appointments shall be to the end of the vacating member's term.

(B) It is the first priority of the City Council that the HPB have technical representation in Historic preservation, therefore, when vacancies occur and if appropriate, it shall be the first consideration of the City Council to ensure that there is a licensed architect, or other professional having substantial experience in rehabilitation-type construction, serving on the HPB, and secondly that there is representation from the Park City Historical Society. After being notified by the City of a vacancy, at least two (2) nominations shall be rendered to the City Council by the Park City Historical Society if it desires to participate in the Application process.

(C) In addition, the HPB should include members with the following qualifications, or representing the following interests:

(1) A member recommended by or associated with the Utah State Historical Society or Utah Heritage Foundation.

(2) A member living in the Historic District with demonstrated

interest and knowledge of Historic preservation.

(3) A member appointed at large from Park City with demonstrated interest and knowledge of Historic preservation.

(4) A member associated with Main Street Business and commercial interests.

15-11-3. ORGANIZATION.

(A) **CHAIR**. The HPB shall elect one of its members to serve as Chair for a term of one (1) year at its first meeting following the expiration of terms and appointment of new members. The Chair may be elected to serve for one (1) consecutive additional term, but not for more than two (2) successive terms. If the Chair is absent from any meeting where a quorum would otherwise exist, the members may appoint a Chair Pro Tem to act as Chair solely for that meeting.

(B) **QUORUM**. No Business shall be conducted without a quorum at the meeting. A quorum shall exist when the meeting is attended by four (4) of the appointed members, including the Chair or Chair Pro Tem.

(C) **VOTING**. All actions of the HPB shall be represented by a vote of the membership. A simple majority of the members present at the meeting in which action is taken shall approve any action taken. The Chair may vote at the meetings.

(Amended by Ord. Nos. 07-34; 09-10; 11-05)

15-11-4. ABSENCE DEEMED RESIGNATION OR GROUNDS FOR REMOVAL.

Any HPB member who is absent from two (2) consecutive regularly scheduled Board meetings, or a total of four (4) regularly scheduled meetings per calendar year may be called before the City Council and asked to resign or removed for cause by the Council. Members of the HPB are not required to reside within the City limits, however, the majority of the members shall reside in Park City.

15-11-5. PURPOSES.

The purposes of the HPB are:

(A) To preserve the City's unique Historic character and to encourage compatible design and construction through the creation, and periodic update of comprehensive Design Guidelines for Park City's Historic Districts and Historic Sites;

(B) To identify as early as possible and resolve conflicts between the preservation of cultural resources and alternative land Uses;

(C) To provide input to staff, the Planning Commission and City Council towards safeguarding the heritage of the City in protecting Historic Sites, Buildings, and/or Structures;

(D) To recommend to the Planning Commission and City Council ordinances that may encourage Historic preservation;

(E) To communicate the benefits of Historic preservation for the education, prosperity, and general welfare of residents, visitors and tourists;

(F) To recommend to the City Council Development of incentive programs, either public or private, to encourage the preservation of the City's Historic resources;

(G) To administer all City-sponsored preservation incentive programs;

(H) To review all appeals on action taken by the Planning Department regarding compliance with the Design Guidelines for Park City's Historic Districts and Historic Sites; and

(I) To review and take action on all designation of Sites to the Historic Sites Inventory Applications submitted to the City.

(J) To review and take action on all Reconstruction and Disassembly of Sites on the Historic Sites Inventory

(Amended by Ord. No. 09-23)

15-11-6. ADDITIONAL DUTIES.

In addition to the powers set forth in Section 15-11-5, the HPB may, at the direction of the City Council:

(A) Participate in the design review of any City-owned projects located within the designated Historic District.

(B) Recommend to the City Council the purchase of interests in Property for purposes of preserving the City's cultural resources.

(C) Recommend to the Planning Commission and the City Council zoning boundary changes for the district to preserve the historical integrity of the Area. Subdivision, Conditional Uses and planned unit Development Applications must continue to be acted upon by the Planning Commission.

(D) Provide advice and guidance on request of the Property Owner or occupant on the construction, restoration, alteration, decoration, landscaping, or maintenance of any cultural resource, Historic Site, and Property within the Historic District, or neighboring Property within a two (2) block radius of the Historic District.

(Amended by Ord. No. 09-23)

15-11-7. LIMITATIONS.

The HPB has no authority to waive or increase any requirement of any ordinance of the City.

15-11-8. STAFF ASSISTANCE.

The City may, subject to the approval of the City Manager, provide staff and/or the HPB with such assistance from:

(A) Utah Heritage Foundation.

(B) National Trust for Historic Preservation.

(C) Utah State Division of History.

- (D) Park City Historical Society.
- (E) American Institute of Architects (AIA).
- (F) The National Alliance of Preservation Commissions.
- (G) American Planning Association (APA)

(Amended by Ord. Nos. 06-35; 09-23)

15-11-9. PRESERVATION POLICY.

It is deemed to be in the interest of the citizens of Park City, as well as the State of Utah, to encourage the preservation of Buildings, Structures, and Sites of Historic Significance in Park City. These Buildings, Structures and Sites are among the City's most important cultural, educational, and economic assets. In order that they are not lost through neglect, Demolition, expansion or change within the City, the preservation of Historic Sites, Buildings, and Structures is required. This section is intended to provide an incentive for identification and preservation of Historic Buildings, Structures or Sites that may occur within the Park City Historic District, as well as those that may be located outside the Historic District.

- (A) **HISTORIC PRESERVATION PLAN.** The Planning Department is authorized to require that Developers prepare a Historic Preservation Plan as a condition of approving an Application for a Building project that affects a Historic

Structure, Site or Object. The Planning Director and the Chief Building Official, or their designees, must approve the Historic Preservation Plan.

- (B) **GUARANTEE REQUIRED.** The Planning Department is also authorized to require that the Applicant provide the City with a financial Guarantee to ensure compliance with the conditions and terms of the Historic Preservation Plan.

- (C) **TERMS OF GUARANTEE.** The Guarantee shall be similar in form to other Guarantees required by this title and shall consist of an Escrow deposit, a cash deposit with the City, a letter of credit or some combination of the above as approved by the City, including but not limited to a lien on the Property.

- (D) **AMOUNT OF THE GUARANTEE.** The amount of the Guarantee shall be determined by the Chief Building Official, or his designee. The Building and Planning Departments shall develop standardized criteria to be used when determining the amount of the Historic preservation Guarantee. Such amount may include additional cost or other penalties for the destruction of Historic material(s).

- (E) **EFFECT OF NON-COMPLIANCE.** If the Developer does not comply with the terms of the Historic Preservation Plan as determined by the Chief Building Official and the Planning Director, or their designees, the City shall have the right to keep the funds of the Guarantee, including the ability to refuse to grant the Certificate of Occupancy and

resulting in the requirement to enter into a new Historic Preservation Plan and Guarantee. The funds of the Guarantee shall be used, in the City's discretion, for Historic preservation projects within the City.

(F) **RELEASE OF GUARANTEE.**

The Guarantee shall not be released prior to the issuance of the final Certificate of Occupancy or at the discretion of the Chief Building Official and Planning Director, or their designees, based on construction progress in compliance with the Historic Preservation Plan.

(Amended by Ord. Nos. 09-09; 09-23)

15-11-10. PARK CITY HISTORIC SITES INVENTORY.

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

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

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

(a) It is at least fifty (50) years old or has achieved Significance in the past fifty

(50) years if the Site is of exceptional importance to the community; and

(b) It retains its Historic Integrity in terms of location, design, setting, materials, workmanship, feeling and association as defined by the National Park Service for the National Register of Historic Places; and

(c) It is significant in local, regional or national history, architecture, engineering or culture associated with at least one (1) of the following:

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

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

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

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

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

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

(i) Changes in pitch of the main roof of the primary façade if 1) the change was made after the Period of Historic Significance; 2) the change is not due to any structural failure; or 3) the change is not due to collapse as a result of inadequate maintenance on the part of the Applicant or a previous Owner, or

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

(iii) Moving it from its original location to a Dissimilar Location, or

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

(c) It is important in local or regional history, architecture, engineering, or culture associated with at least one (1) of the following:

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

(ii) Lives of Persons who were of Historic importance to the community, or

(iii) Noteworthy methods of construction, materials, or craftsmanship used

during the Historic period.

(3) Any Development involving the Reconstruction of a Landmark Site or a Significant Site that is executed pursuant to Section 15-11-15 of this code shall remain on the Park City Historic Sites Inventory and shall be listed as a Significant Site.

(B) PROCEDURE FOR DESIGNATING SITES TO THE PARK CITY HISTORIC SITES INVENTORY.

The Planning Department shall maintain an inventory of Historic Sites. It is hereby declared that all Buildings (main, attached, detached or public), Accessory Buildings, and/or Structures within Park City, which comply with the criteria found in Sections 15-11-10(A)(1) or 15-11-10(A)(2) are determined to be on the Park City Historic Sites Inventory.

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

(1) **COMPLETE APPLICATION.** The Application shall be on forms as prescribed by the City and shall be filed with the Planning Department. Upon

receiving a Complete Application for designation, the Planning staff shall schedule a hearing before the Historic Preservation Board within thirty (30) days.

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

(3) **HEARING AND DECISION.** The Historic Preservation Board will hold a public hearing and will review the Application for compliance with the "Criteria for Designating Historic Sites to the Park City Historic Sites Inventory." If the Historic Preservation Board finds that the Application complies with the criteria set forth in Section 15-11-10(A)(1) or Section 15-11-10(A)(2), the Building (main, attached, detached or public), Accessory Building, and/or Structure will be added to the Historic Sites Inventory. The HPB shall forward a copy of its written findings to the Owner and/or Applicant.

(4) **APPEAL.** The Applicant or any party participating in the hearing may appeal the Historic Preservation Board decision to the Board of Adjustment pursuant to Section 15-10-7 of this Code. Appeal requests shall be submitted to the Planning Department within ten (10) days of Historic Preservation Board final action. Notice of pending appeals

shall be made pursuant to Section 15-1-21 of this code. Appeals shall be considered only on the record made before the Historic Preservation Board.

(C) REMOVAL OF A SITE FROM THE PARK CITY HISTORIC SITES INVENTORY.

The Historic Preservation Board may remove a Site from the Historic Sites Inventory. Any Owner of a Site listed on the Park City Historic Sites Inventory may submit an Application for the removal of his/her Site from the Park City Historic Sites Inventory. The Planning Department may submit an Application for the removal of a Site from the Park City Historic Sites Inventory. The criteria and procedures for removing a Site from the Park City Historic Sites Inventory are as follows:

(1) CRITERIA FOR REMOVAL.

- (a) The Site no longer meets the criteria set forth in Section 15-11-10(A)(1) or 15-11-10(A)(2) because the qualities that caused it to be originally designated have been lost or destroyed; or
- (b) The Building (main, attached, detached, or public) Accessory Building, and/or Structure on the Site has been demolished and will not be reconstructed; or
- (c) Additional information indicates that the Building, Accessory

Building, and/or Structure on the Site do not comply with the criteria set forth in Section 15-11-10(A)(1) or 15-11-10(A)(2).

(2) PROCEDURE FOR REMOVAL.

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

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

(c) Hearing and Decision. The Historic Preservation Board will hear testimony from the Applicant and public and will review the Application for compliance with the "Criteria for Designating Historic Sites to the Park City Historic Sites Inventory." The HPB shall review the Application "de novo" giving no deference to the prior determination. The

Applicant has the burden of proof in removing the Site from the inventory. If the HPB finds that the Application does not comply with the criteria set forth in Section 15-11-10(A)(1) or Section 15-11-10(A)(2), the Building (main, attached, detached, or public) Accessory Building, and/or Structure will be removed from the Historic Sties Inventory. The HPB shall forward a copy of its written findings to the Owner and/or Applicant.

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

(Amended by Ord. Nos. 09-05; 09-23)

15-11-11. DESIGN GUIDELINES FOR PARK CITY'S HISTORIC DISTRICTS AND HISTORIC SITES.

The HPB shall promulgate and update as necessary Design Guidelines for Use in the Historic District zones and for Historic Sites. These guidelines shall, upon adoption by resolution of the City Council, be used by the Planning Department staff in reviewing Historic District/Site design review Applications. The Design Guidelines for Park City's Historic Districts and Historic Sites shall address rehabilitation of existing Structures, additions to existing Structures, and the construction of new Structures. The Design Guidelines are incorporated into this Code by reference. From time to time, the HPB may recommend changes in the Design Guidelines for Park City's Historic Districts and Historic Sites to Council, provided that no changes in the guidelines shall take effect until adopted by a resolution of the City Council.

(Amended by Ord. No. 09-23)

15-11-12. HISTORIC DISTRICT OR HISTORIC SITE DESIGN REVIEW.

The Planning Department shall review and approve, approve with conditions, or deny, all Historic District/Site design review Applications involving an Allowed Use, a Conditional Use, or any Use associated with a Building Permit, to build, locate, construct, remodel, alter, or modify any Building, accessory Building, or Structure, or Site located within the Park City Historic Districts or Historic Sites, including fences and driveways.

Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department shall review the proposed plans for compliance with the Design Guidelines for Historic Districts and Historic Sites, LMC Chapter 15-11, and LMC Chapter 15-5. Whenever a conflict exists between the LMC and the Design Guidelines, the more restrictive provision shall apply to the extent allowed by law.

(A) **PRE-APPLICATION
CONFERENCE.**

(1) The Owner and/or Owner's representative shall be required to attend a pre-Application conference with representatives of the Planning and Building Departments for the purpose of determining the general scope of the proposed Development, identifying potential impacts of the Development that may require mitigation, providing information on City-sponsored incentives that may be available to the Applicant, and outlining the Application requirements.

(2) Each Application shall comply with all of the Design Guidelines for Historic Districts and Historic Sites unless the Planning Department determines that, because of the scope of the proposed Development, certain guidelines are not applicable. If the Planning Department determines certain guidelines do not apply to an Application, the Planning Department staff shall communicate, via electronic or written means, the

information to the Applicant. It is the responsibility of the Applicant to understand the requirements of the Application.

(3) The Planning Director, or his designee, may upon review of a Pre-Application submittal, determine that due to the limited scope of a project the Historic District or Historic Site Design Review process as outlined in LMC Sections 15-11-12(B-E) is not required and is exempt.

If such a determination is made, the Planning Director, or his designee may, upon reviewing the Pre-Application for compliance with applicable Design Guidelines, approve, deny, or approve with conditions, the project. If approved, the Applicant may submit the project for a Building Permit.

Applications that may be exempt from the Historic Design Review process, include, but are not limited to the following:

(a) For Non-Historic Structures and Sites - minor routine maintenance, minor routine construction work and minor alterations having little or no negative impact on the historic character of the surrounding neighborhood or the Historic District, such as work on roofing, decks, railings, stairs, hot tubs and patios, foundations, windows, doors,

trim, lighting, mechanical equipment, paths, driveways, retaining walls, fences, landscaping, interior remodels, temporary improvements, and similar work.

(b) For Significant Historic Structures and Sites - minor routine maintenance, minor routine construction work and minor alterations having little or no negative impact on the historic character of the surrounding neighborhood, the Historic Structure or the Historic District, such as work on roofing, decks, railings, stairs, hot tubs and patios, replacement of windows and doors in existing or to historic locations, trim, lighting, mechanical equipment located in a rear yard area or rear façade, paths, driveways, repair of existing retaining walls, fences, landscaping, interior remodels, temporary improvements, and similar work.

(c) For Landmark Historic Structures and Sites - minor routine maintenance and minor routine construction having no negative impact on the historic character of the surrounding neighborhood,

the Historic Structure, or the Historic District, such as re-roofing; repair of existing decks, railing, and stairs; hot tubs and patios located in a rear yard; replacement of existing windows and doors in existing or historic locations; repair of existing trim and other historic detailing; lighting, mechanical equipment located in a rear yard area or rear façade, repair of paths, driveways, and existing retaining walls; fences, landscaping, interior remodels, temporary improvements, and similar work.

(B) **COMPLETE APPLICATION.**

The Owner and/or Applicant for any Property shall be required to submit a Historic District/Site design review Application for proposed work requiring a Building Permit in order to complete the work.

(C) **NOTICE.** Upon receipt of a Complete Application, but prior to taking action on any Historic District/Site design review Application, the Planning staff shall provide notice pursuant to Section 15-1-12 and 15-1-21 of this Code.

(D) **DECISION.** Following the fourteen (14) day public notice period noted in Section 15-1-21 of this Code. The Planning Department staff shall make, within forty-five (45) days, written findings, conclusions of law, and conditions of approval or

reasons for denial, supporting the decision and shall provide the Owner and/or Applicant with a copy. Staff shall also provide notice pursuant to Section 15-1-21.

(1) Historic District/Site design review Applications shall be approved by the Planning Department staff upon determination of compliance with the Design Guidelines for Park City's Historic Districts and Historic Sites. If the Planning Department staff determines an Application does not comply with the Design Guidelines, the Application shall be denied.

(2) With the exception of any Application involving the Reconstruction of a Building, Accessory Building, and/or Structure on a Landmark Site, an Application associated with a Landmark Site shall be denied if the Planning Department finds that the proposed project will result in the Landmark Site no longer meeting the criteria set forth in 15-11-10(A)(1).

(3) An Application associated with a Significant Site shall be denied if the Planning Department finds that the proposed project will result in the Significant Site no longer meeting the criteria set forth in 15-11-10(A)(2).

(E) **APPEALS.** The Owner, Applicant, or any Person with standing as defined in Section 15-1-18(D) of this Code may appeal any Planning Department decision made on a Historic District/Site design review

Application to the Historic Preservation Board.

All appeal requests shall be submitted to the Planning Department within ten (10) days of the decision. Appeals must be written and shall contain the name, address, and telephone number of the petitioner, his or her relationship to the project, and a comprehensive statement of the reasons for the appeal, including specific provisions of the Code and Design Guidelines that are alleged to be violated by the action taken. All appeals shall be heard by the reviewing body within forty-five (45) days of the date that the appellant files an appeal unless all parties, including the City, stipulate otherwise.

Notice of all pending appeals shall be made by staff, pursuant to Section 15-1-21 of this Code. The appellant shall provide required stamped and addressed notice envelopes within fourteen (14) days of the appeal. The notice and posting shall include the location and description of the proposed Development project. The scope of review by the Historic Preservation Board shall be the same as the scope of review at the Planning Department level.

(1) The Historic Preservation Board shall either approve, approve with conditions, or disapprove the proposal based on written findings, conclusions of law, and conditions of approval, if any, supporting the decision, and shall provide the Owner and/or Applicant with a copy.

(2) Any Historic Preservation Board decision may be appealed to

the Board of Adjustment pursuant to Section 15-10-7 of this Code.

Appeal requests shall be submitted to the Planning Department within ten (10) days of the Historic Preservation Board decision. Notice of all pending appeals shall be made by staff, pursuant to Section 15-1-21 f this Code. Appeals shall be considered only on the record made before the Historic Preservation Board and will be reviewed for correctness.

(Amended by Ord. Nos. 09-23; 10-11; 11-05)

15-11-13. RELOCATION AND/OR REORIENTATION OF A HISTORIC BUILDING OR HISTORIC STRUCTURE.

It is the intent of this section to preserve the Historic and architectural resources of Park City through limitations on the relocation and/or orientation of Historic Buildings, Structures, and Sites.

(A) CRITERIA FOR THE RELOCATION AND/OR REORIENTATION OF THE HISTORIC BUILDING(S) AND/OR STRUCTURE(S) ON A LANDMARK SITE OR A SIGNIFICANT SITE.

In approving a Historic District or Historic Site design review Application involving relocation and/or reorientation of the Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site, the Planning Department shall find the project complies with the following criteria:

(1) A portion of the Historic Building(s) and/or Structure(s) encroaches on an adjacent Property and an easement cannot be secured; or

(2) The proposed relocation and/or reorientation will abate demolition of the Historic Building(s) and/or Structure(s) on the Site; or

(3) The Planning Director and the Chief Building Official determine that unique conditions warrant the proposed relocation and/or reorientation on the existing Site; or

(4) The Planning Director and the Chief Building Official determine that unique conditions warrant the proposed relocation and/or reorientation to a different Site.

(B) PROCEDURE FOR THE RELOCATION AND/OR REORIENTATION OF A LANDMARK SITE OR A SIGNIFICANT SITE.

All Applications for the relocation and/or reorientation of any Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site within the City shall be reviewed by the Planning Department pursuant to Section 15-11-12 of this Code.

(Created by Ord. No. 09-23)

15-11-14. DISASSEMBLY AND REASSEMBLY OF A HISTORIC

BUILDING OR HISTORIC STRUCTURE.

It is the intent of this section to preserve the Historic and architectural resources of Park City through limitations on the **Disassembly** and reassembly of Historic Buildings, Structures, and Sites.

(A) **CRITERIA FOR DISASSEMBLY AND REASSEMBLY OF THE HISTORIC BUILDING(S) AND/OR STRUCTURE(S) ON A LANDMARK SITE OR SIGNIFICANT SITE.** In approving a Historic District or Historic Site design review Application involving **Disassembly** and reassembly of the Historic Building(s) and/or Structure(s) on a Landmark Site or Significant Site, the **Planning Department Historic Preservation Board** shall find the project complies with the following criteria:

- (1) A licensed structural engineer has certified that the Historic Building(s) and/or Structure(s) cannot reasonably be moved intact; or
- (2) The proposed **Disassembly** and reassembly will abate demolition of the Historic Building(s) and/or Structure(s) on the Site; or
- (3) The Historic Building(s) and/or Structure(s) are found by the Chief Building Official to be hazardous or dangerous, pursuant to Section 116.1 of the International Building Code; or
- (4) The Planning Director and the Chief Building Official

determine that unique conditions and the quality of the Historic preservation plan warrant the proposed **Disassembly** and reassembly;

Under all of the above criteria, the Historic Structure(s) and or Building(s) must be reassembled using the original materials that are found to be safe and/or serviceable condition in combination with new materials; and

The Building(s) and/or Structure(s) will be reassembled in their original form, location, placement, and orientation.

(B) **PROCEDURE FOR THE DISASSEMBLY AND REASSEMBLY OF A LANDMARK SITE OR A SIGNIFICANT SITE.** All Applications for the **Disassembly** and reassembly of any Historic Building(s) and/or Structure(s) on a Landmark Site of a Significant Site within the City shall be reviewed by the **Planning Department Historic Preservation Board** pursuant to Section 15-11-12 of this Code.

If an Application involving the **Disassembly** and reassembly of Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site also includes relocation and/or reorientation of the reassembled Historic Building(s) and/or Structure(s) on the original Site or another Site, the Application must also comply with Section 15-11-13 of this Code.

(Created by Ord. No. 09-23; Amended by Ord. No. 11-05))

15-11-15. RECONSTRUCTION OF AN EXISTING HISTORIC BUILDING OR HISTORIC STRUCTURE.

It is the intent of this section to preserve the Historic and architectural resources of Park City through limitations on the Reconstruction of Historic Buildings, Structures, and Sites.

(A) **CRITERIA FOR RECONSTRUCTION OF THE HISTORIC BUILDING(S) AND/OR STRUCTURE(S) ON A LANDMARK SITE OR A SIGNIFICANT SITE.** In approving an Application for Reconstruction of the Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site, the [Planning Department Historic Preservation Board](#) shall find the project complies with the following criteria:

- (1) The Historic Building(s) and/or Structure(s) are found by the Chief Building Official to be hazardous or dangerous, pursuant to Section 116.1 of the International Building Code; and
- (2) The Historic Building(s) and/or Structure(s) cannot be made safe and/or serviceable through repair; and
- (3) The form, features, detailing, placement, orientation and location of the Historic Building(s) and/or Structure(s) will be accurately depicted, by means of new construction, based on as-built measured drawings, historical records, and/or current or Historic photographs.

(B) **PROCEDURE FOR THE RECONSTRUCTION OF THE HISTORIC BUILDING(S) AND/OR STRUCTURE(S) ON A LANDMARK SITE OR A SIGNIFICANT SITE.** All Applications for the Reconstruction of any Historic Building and/or Structure on a Landmark Site or a Significant Site within the City shall be reviewed by the [Planning Department Historic Preservation Board](#) pursuant to Section 15-11-12 of this Code.

If an Application involving the Reconstruction of Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site also includes relocation and/or reorientation of the Reconstructed Historic Building(s) and/or Structure(s) on the original Site or another Site, the Application must also comply with Section 15-11-13 of this Code.

(Created by Ord. No. 09-23; Amended by Ord. No. 11-05)

15-11-16. DEMOLITION OF HISTORIC BUILDINGS, STRUCTURES AND SITES.

It is the intent of this and succeeding sections to preserve the Historic and architectural resources of Park City, through limitations on Demolition of Historic Buildings, Structures and Sites to the extent it is economically feasible, practical and necessary. The Demolition or removal of Historic Buildings, Structures and Sites in Park City diminishes the character of the City's Historic District and it is strongly discouraged. Instead, the City recommends and supports preservation, renovation,

adaptive reuse, Reconstruction, and relocation within the Historic District. It is recognized, however, that economic hardship and other factors not entirely within the control of a Property Owner may result in the necessary Demolition of a Historic Building, Structure or Site.

(A) **DEMOLITION, RECONSTRUCTION, OR REPAIR OF HAZARDOUS BUILDINGS.** If, upon review, the Chief Building Official determines the subject Building, Structure or Site to be structurally unsound, and a hazardous or dangerous Building, pursuant to Section 116.1 of the International Building Code, the Chief Building Official may order its Demolition, Reconstruction, or repair.

(B) **REQUIREMENT FOR STAY OF DEMOLITION.** In the absence of a finding of public hazard, the Application for Demolition shall be stayed for 180 days.

(Amended by Ord. Nos. 09-10; 09-23; 11-05)

15-11-17. CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION (CAD).

With the exception of any Building or Structure falling under the purview of Section 116.1 of the International Building Code or undergoing complete renovation/reconstruction in compliance with this Chapter, no Building, other Structure or Site deemed to be Historic, pursuant to the standards of review set forth in Section 15-11-10(A)(1) or 15-11-10(A)(2) herein, may be Demolished

without the issuance of a Certificate of Appropriateness for Demolition (CAD) by an independent CAD Hearing Board appointed by the City. Application for a CAD shall be made on forms prescribed by the City and shall be submitted to the Planning Department.

(Amended by Ord. Nos. 06-35; 09-10; 09-23)

15-11-18. CAD PRE-HEARING APPLICATION REQUIREMENTS.

Upon submittal of a CAD Application to the Planning Department, a pre-hearing period of forty-five (45) days shall commence, during which time the Owner shall allow the City to post and sustain a visible sign stating that the Property is “threatened.” Said sign shall be at least three feet by two feet (3’X2’), readable from a point of public Access and state that more information may be obtained from the Planning Department for the duration of the stay. In addition, the Owner shall conduct negotiations with the City for the sale or lease of the Property or take action to facilitate proceedings for the City to acquire the Property under its power of eminent domain, if appropriate and financially possible.

At the end of the forty-five (45) days, the Application will be scheduled for a hearing before the CAD Hearing Board, upon showing that the above requirements have been met and all economic hardship information required has been submitted. The Applicant must also submit fees in accordance with the Park City Municipal fee schedule. The Planning Department staff shall notify the Owner if any additional

information is needed to complete the Application.

(A) **CAD HEARING BOARD.** Upon confirmation of receipt of a complete CAD Application, the City shall appoint an independent CAD Hearing Board, consisting of three (3) members, for the purpose of reviewing and taking action upon the Application. The City Manager shall appoint the CAD Board as the need might arise, solely for the purpose of reviewing and taking final action on all CAD Applications.

It is the first priority of the City that the CAD Board has substantial experience in finance, real estate, and commercial business interests. Hence, the Board should possess the following qualifications, or represent the following interests:

- (1) A member appointed at large from Park City with demonstrated knowledge of economics, accounting and finance;
- (2) A member appointed at large from Park City who is an attorney at law; and
- (3) A member appointed from the Board of Adjustment.

15-11-19. CAD HEARING.

At the hearing, the CAD Hearing Board will review the Application pursuant to the economic hardship criteria set forth in Section 15-11-19(A) herein, and consider public input. The CAD Hearing Board may only approve Demolition of a Historic

Building, Structure or Site if the Owner has presented substantial evidence that demonstrates that unreasonable economic hardship will result from denial of the CAD Application.

(A) **ECONOMIC HARDSHIP CRITERIA.** In order to sustain a claim of unreasonable economic hardship, the Owner shall provide information pertaining to whether the Property is capable of producing a reasonable rate of return for the Owner or incapable of beneficial Use. The City shall adopt by resolution separate standards for investment or income producing and non-income producing Properties, as recommended by the HPB. Non-income Properties shall consist of Owner occupied Single-Family Dwellings and non-income producing institutional Properties. The information required by the City may include, but not be limited to the following:

- (1) Purchase date, price and financing arrangements;
- (2) Current market value;
- (3) Form of ownership;
- (4) Type of occupancy;
- (5) Cost estimates of Demolition and post-Demolition plans;
- (6) Maintenance and operating costs;
- (7) Costs and engineering feasibility of rehabilitation;
- (8) Property tax information; and

- (9) Rental rates and gross income from the Property.

The CAD Hearing Board, upon review of the CAD Application, may request additional information as deemed appropriate.

(B) CONDUCT OF OWNER

EXCLUDED. Demonstration of economic hardship by the Owner shall not be based on conditions resulting from:

- (1) willful or negligent acts by the Owner; or
- (2) purchasing the Property for substantially more than market value at the time of purchase; or
- (3) failure to perform normal maintenance and repairs; or
- (4) failure to diligently solicit and retain tenants; or
- (5) failure to provide normal tenants improvements.

(C) DECISION. The CAD Hearing Board shall make written findings supporting the decision made. The CAD Hearing Board may determine that unreasonable economic hardship exists and approve the issuance of a CAD if one of the following conditions exists:

- (1) For income producing Properties, the Building, Structure or Site cannot be feasibly used or rented at a reasonable rate or return

in its present condition or if rehabilitated and denial of the Application would deprive the Owner of all reasonable Use of the Property; or

- (2) For non-income producing Properties, the Building, Structure or Site has no beneficial Use as a residential dwelling or for an institutional Use in its present condition or if rehabilitated, and denial of the Application would deprive the Owner of all reasonable Use of the Property; and

- (3) The Building, Structure or Site cannot be feasibly Reconstructed or relocated.

(D) APPROVAL. If the CAD Hearing Board approves the Application, the Owner may apply for a Demolition permit with the Building Department and proceed to Demolish the Building, Structure or Site in compliance with other regulations as they may apply. The City may, as a condition of approval, require the Owner to provide documentation of the Demolished Building, Structure or Site according to the standards of the Historic American Building Survey (HABS). Such documentation may include a complete history, photographs, floor plans, measured drawings, an archeological survey or other information as specified. The City may also require the Owner to incorporate an appropriate memorializing of the Building, Structure or Site, such as a photo display or plaque, into the proposed replacement project of the Property. Approval of a CAD shall be valid for one (1) year.

(E) **DENIAL**. If the CAD Hearing Board denies the Application, the Owner shall not Demolish the Building, Structure or Site, and may not re-apply for a CAD for a period of three (3) years from the date of the CAD Hearing Board's final decision, unless substantial changes in circumstances have occurred other than the re-sale of the Property or those caused by the negligence or intentional acts of the Owner. It shall be the responsibility of the Owner to stabilize and maintain the Property so as not to create a structurally unsound, hazardous, or dangerous Building, as identified in Section 116.1 of the International Building Code. The City may provide the owner with information regarding financial assistance for the necessary rehab or repair work, as it becomes available.

(F) **APPEAL**. The City or any Persons adversely affected by any decision of the CAD Hearing Board may petition the District Court in Summit County for a review of the decision. In the petition, the plaintiff may only allege that the Officer's decision was arbitrary, capricious, or illegal. The petition is barred unless it is filed within thirty (30) days after the date of the CAD Hearing Board's decision.

(Amended by Ord. Nos. 09-10; 09-23; 10-11; 11-05)

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 15- Definitions

15-15-11

1.80 DEVELOPMENT AGREEMENT.

A contract or agreement between an Applicant or Property Owner and the City pursuant to the provisions in this Code and used as an implementation document for Master Planned Developments.

1.81 DEVELOPMENT APPROVAL APPLICATION. Includes any Application for any Development approval including, but not limited to Grubbing, Grading, an alteration or revision to an approved MPD, Conditional Use permit (CUP), zoning or rezoning, Subdivision, or annexation. The term "Development Approval Application" shall not include any Building Permits associated with construction within an approved Subdivision or on an existing platted Lot unless otherwise specified.

1.82 DEVELOPMENT CREDIT. A credit measured in Unit Equivalents that denotes the amount of density on a Sending Site which may be Transferred.

1.83 DEVELOPMENT CREDIT CERTIFICATE. The certificate issued by the Planning Director of Park City that represents the total number of development credits recognized for and derived from the sending site that may be Transferred.

1.84 DEVELOPMENT RIGHT. The right held by a fee simple property owner to build on a legally established parcel of real property. This right is limited by applicable zoning ordinances.

1.85 DISABLED CARE. A long-term care residential facility for disabled Persons, Persons suffering from a physical or mental impairment that substantially limits one (1)

or more of a Person's major life activities, including a Person having a record of such an impairment or being regarded as having such an impairment.

1.86 DISASSEMBLY. The act or process of taking apart a Historic Building or Structure in the largest workable components possible for the purpose of accurately reassembling it in its original form, location, and orientation

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

1.88 DWELLING.

(A) **Dwelling, Duplex.** A Building containing two (2) Dwelling Units.

(B) **Dwelling, Triplex.** A Building containing three (3) Dwelling Units.

(C) **Dwelling, Multi-Unit.** A Building containing four (4) or more Dwelling Units.

(D) **Dwelling, Single Family.** A Building containing not more than one (1) Dwelling Unit.

1.89 DWELLING UNIT. A Building or portion thereof designed for Use as the residence or sleeping place of one (1) or more Persons or families and includes a Kitchen, but does not include a Hotel, Motel, Lodge, Nursing Home, or Lockout Unit.

1.90 ECONOMIC HARDSHIP.

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 15- Definitions

15-15-38

Facility, Co-Location)	Dwelling, Multi-Unit
Commercial Use	Dwelling, Single Family
Commercial Use, Support	Dwelling Unit
Commercial Use, Resort Support	
Common Area	-E-
Common Ownership	Economic Hardship, Substantial
Compatible or Compatibility	Elder Care
Conditional Use	Elevator Penthouse
Condominium	Equipment Shelter (see Telecommunications
Conservation Activity	Facility, Equipment Shelter
Conservation Easement	Escrow
Constitutional Taking	Essential Historical Form
Construction Activity	Exterior Architectural Appearance
Construction Mitigation Plan	
Construction Plan	-F-
Contributing Building, Structure, Site/Area	Facade, Building
or Object	Façade, Front
Council	Facade Easement
Cover, Site	Facade Shift
Crawl Space	Fence
Crest of Hill	Filtered Light Fixture
Cul-de-sac	Final Action
	Final Plat
-D-	First Story
Deli or Delicatessen	Flood Plain Area
Demolish or Demolition	Floor Area, Gross Commercial
Density	Floor Area, Gross Residential
Design Guideline	Floor Area, Net Leasable
Detached	Floor Area Ratio (FAR)
Developable Land	Foot Candle
Developer	Foot Candle, Average (afc)
Development	Foot Candle, Horizontal (hfc)
Development Agreement	Foot Candle, Vertical (vfc)
Development Approval Application	Frontage
Development Credit	Fully Shielded
Development Credit Certificate	
Development Right	-G-
Disabled Care	Garage, Commercial
<u>Disassembly</u>	Garage, Front Facing
Dissimilar Location	Garage, Private
Dwelling, Duplex	Garage, Public
Dwelling, Triplex	Geologic Hazard

***DRAFT MEETING MINUTES: October 5, 2011
Historic Preservation Board – Park City, Utah***

REGULAR SESSION – Discussion/Public Hearing/Action Items

Land Management Code Amendments to Add Historic Preservation Board review and approval of all Reconstruction and Disassembly applications of Historic Sites.

Planner Sintz noted that page 29 of the Staff report summarized the City Council report. In addition, the attached City Council report included the February 2011 visioning notes. The Staff report also included minutes from the Planning Commission meeting that reflected the discussion by the Planning Commission when they reviewed the draft ordinance for the LMC change. Also included were the meeting minutes from the last City Council meeting on September 25. Planner Sintz noted that the City Council wanted input from the HPB and continued the item to October 27. Based on the information provided, the Staff requested that the HPB give their recommendation to the City Council regarding the proposed changes to the LMC.

Planner Sintz remarked that the HPB would be looking at a recommendation based on whether they feel the HPB role is more of an appeal body or whether the Board's role would be effective on reconstructions. The City Council would take their recommendation under consideration and provide direction to Staff on whatever changes would be applicable.

Assistant City Attorney, Polly Samuels McLean, stated that the Planning Commission had forwarded a negative recommendation for the proposed changes, which was counter to the direction the City Council had given the Staff during visioning. As indicated in the Planning Commission minutes, the primary concern was the length of process. Therefore, the City Council wanted input on how the HPB felt about these changes. Ms. McLean clarified that the City Council would consider the HPB recommendation, but they would not have to follow it.

Chair Werbelow asked if it would be appropriate to hear public comment prior to the Board discussion. Assistant City Attorney advised that public comment would be appropriate.

Chair Werbelow opened the public hearing.

Ruth Meintsma, a resident at 305 Woodside Avenue, stated that she had attended the Planning Commission meeting and nearly 100% of the public thought it would add another layer to an already cumbersome process if the HPB also had to approve demolition. Ms. Meintsma thought the HPB should have some involvement in demolition and reconstructions; however there should also be confidence in the competency of the Staff to review and approve demolitions. She would like any plan for demolition to come before the HPB for comment. It would not have to be an approval or denial. This would allow the HPB to understand what was going on before the

demolition occurred and to be prepared to answer questions if approached by the public. Ms. Meintsma also encouraged a specific definition for disassembly.

Sandra Morrison, Park City Historical Society and Museum, pointed out that the discussion was not to change the rules and that the LMC and design guidelines would still be in place. A review by the HPB would allow the public the ability to know what was occurring in the Historic District. The Historic District is important to the entire town and a resource that drives the economy. Ms. Morrison believed there was a misunderstanding regarding reconstruction, because it makes a structure ineligible for the National Register for Historic Places. Therefore, the more reconstruction that occurs, the less eligible Park City becomes for being on the National Register. Each building is not listed individually. It is a grouped listing because Park City is an intact historic mining town. Each time they take a piece out of the puzzle they become less historic. Ms. Morrison hoped the City would continue to encourage people to preserve the historic nature of Park City for now and for future generations. Regarding the issue of process, Ms. Morrison believed that because this resource is so important as a community, it would be appropriate for any application for demolition to come before the HPB.

Chair Werbelow closed the public hearing.

Board Member McKie liked the idea of the Staff presenting reconstruction projects to the HPB. She wanted to know if making comments on a reconstruction without actually making the decision would affect their ability to serve as the appeal authority.

Assistant City Attorney McLean stated that if the HPB hears an item and makes a decision, the appeal would go to the Board of Adjustment. If the final decision stays with the Staff, she did not think the Board Members would be able to comment, either individually or as a Board, because they would be the appeal authority. Ms. McLean remarked that there were two options. The first option would allow the Staff to review and approve or deny the demolition and provide an informational report to the HPB. The second option would be to have the decision come to the HPB using the same criteria.

Chair Werbelow recalled from minutes provided in the Staff report that someone had suggested a notification/discussion type process. In those minutes Ms. McLean had recommended that the policy be codified for consistency. Chair Werbelow agreed with that recommendation. It should not be an information dialogue because it needed to be one way or the other.

Board Member McKie asked if there a current public process for demolitions. Planner Sintz noted that page 31 of the Staff report contained a City Council analysis of how much time the process would take if HPB review and approval was added to the process. She noted that bullet point #3 referenced a 14 day noticing requirement. That notice would be sent to property owners within 100 feet, and that is their time to provide input on the initial application. Typically the Staff receives phone calls and written correspondence or comments. The Staff waits for public comment before beginning

their analysis, and they use those comments and concerns when analyzing the guidelines.

Board Member Natt believed the crux of the issue was noticing, and that was being driven by the demolition that occurred on Park Avenue without informing the public. He asked if there was a better way to notice the community as to action regarding historic structures, without changing the function of the HPB. Director Eddington replied that the noticing procedure had already been changed. New property signs now show illustrations of the proposed project and provide contact information. Board Member Natt asked if notices were published in the paper and posted on the internet. Board Member McKie thought it would be good to have a link where people could check for reconstructions on the internet. Access to that information would also benefit the HPB members.

Board Member White asked if they could be notified of active applications as a Board. Assistant City Attorney McLean stated that she would not recommend codifying that procedure, but the Staff could provide that information through email or during an HPB meeting. Ms. McLean noted that the trigger date would be the only difference in the noticing process with HPB review and approval. Planner Sintz explained that the typical noticing boundary for the Staff review was 100 feet. If the HPB would review and approve reconstruction projects, the Staff would recommend a 300 foot boundary, which is the current policy for a steep slope CUP and the noticing range for other Boards and Commissions.

Chair Werbelow understood that if the HPB became involved in the approval, the appeal board would then be the Board of Adjustment. However, she believed that having the HPB involved in the approval process would allow the Board to see reconstructions and disassemblies and enable the public to hear about these projects before they occur.

Board Member Natt pointed out that a public noticing procedure already exists, which allows the public 14 days to make comment and request information. He did not believe anything more would be accomplished through a public hearing. If the argument is that more people would attend a public hearing, he thought that issue could be resolved by advertising the reconstruction and panelization in the same manner, and informing people that the Staff would be making the decision. He could not understand why the HPB would have to hear each application.

Chair Werbelow remarked that under the current process one or two neighbors may interact with the Staff, but there is no chance for the public as a group to hear all the issues in one forum.

Board Member Holmgren thought the current process would be sufficient if the project was properly advertised to the public. She noted that the HPB is an appeal Board and taking a different direction would create additional problems.

Board Member McFawn concurred with Board Member Holmgren. He liked that the HPB was an appeals Board. He thought the HPB could still recommend that initial noticing occur at 300 feet even if they were not involved in the approval process. Board Member McFawn noted that the 2009 Guidelines were more restrictive than the previous guidelines for reconstructions. Planner Sintz agreed, and noted that demolition of 657 Park Avenue occurred under the old guidelines and noticing procedure.

Board Member McFawn agreed with the concerns to maintain the historic properties and not threaten their historic registry; but he was comfortable that it would be more difficult to for a reconstruction to be approved.

Board Member Matsumoto-Gray believed the noticing issue could be sufficiently addressed. A greater concern was that reconstruction and panelization is a sensitive issue and different from a standard application. In her opinion, she could see no reason for the HPB to preserve their appeal function when the Board of Adjustment could handle those appeals. As a preservation-oriented Board tasked with specific roles, including preservation of cultural resources and protecting historic sites, she felt it was important to have preservation-minded people review reconstruction proposals in a public forum. Board Member Matsumoto-Gray thought that would be a great extension of the current function of the HPB. She was not suggesting that the Staff be removed from the process. The Staff and the HPB should work together as a team. Board Member Matsumoto-Gray was in favor of forwarding a positive recommendation to involve the HPB in reconstruction, based on the importance of this resource.

Board Member McKie clarified that the HPB would only be giving up their role as the appeals body for reconstruction and disassembly. She was told that this was correct. Planner Sintz referred to the minutes from the last City Council meeting and noted that one Council Member talked about possibly only having the HPB review reconstructions, but not disassemblies.

Chair Werbelow supported the comments by Board Member Matsumoto on the importance of having the HPB review reconstruction applications. She did not believe their involvement would add another layer and delay the process. Chair Werbelow concurred that the HPB would look to the Staff for recommendations and work together as a team. Chair Werbelow thought the distinction between reconstruction and disassembly was important, and suggested that the HPB could consider only looking at reconstructions.

Board Member Matsumoto-Gary thought disassemblies were also a significant action, and she asked about the number of disassemblies. Planner Sintz stated that the Staff initially made the recommendation to City Council for both reconstruction and disassemblies because it is a concern when pieces and panels are removed from a structure and taken off-site. Planner Sintz stated that within the last year the Staff has seen one reconstruction and they are currently in the process of reviewing a

panelization request. In past years she estimated a 3:1 or 4:1 ratio between reconstructions and disassemblies.

Board Member McKie liked the idea of a forum where the public could attend and voice their opinion. However, while she is preservation-minded, she is not a builder and would need to respect and trust the opinion of a professional in terms of whether or not a structure could be saved.

Board Member White was confident that the Planning Staff and the Building Department could handle these sensitive situations. He believed that the HPB role as an appeal board was important. If they take on the approval process for reconstruction and give up their appeal authority, he was uncertain whether the Board of Adjustment would have the expertise to hear an appeal on such a sensitive matter. Board Member White agreed with Boards Members Holmgren, Natt and McFawn to keep the current process.

Board Member Holmgren asked if it was possible to publicly notice reconstructions or disassemblies. Assistant City Attorney McLean explained the noticing process for administrative lot line adjustments. From a legal perspective reconstruction and disassembly could be noticed in the same manner, which includes a firm date of when the review would take place. Board Member McFawn favored increasing the initial notice to 300 feet.

Board Member White believed the problem with 657 Park Avenue resulted from a breakdown in the noticing process. In his opinion, noticing would be the key factor in this situation. Chair Werbelow agreed that noticing was a factor; but it was also the fact that the HPB was not informed on any level. Board Member White clarified that the breakdown in noticing included the HPB.

Director Eddington commented on a number of changes that have occurred since 657 Park Avenue. The Staff started creating the matrix that is included in the HPB Staff reports, which would inform the HPB of proposed reconstructions. In addition, the guidelines and the LMC were different from what was in place at the time of 657 Park Avenue. Director Eddington believed the concerns regarding the opportunity for public comment could be addressed by increasing the noticing boundary to 300 feet. Planner Sintz pointed out that besides taking input from people within the noticing boundary, the Staff also receives input from anyone who happens to see the public notice sign posted in the property. Anyone who provided input is notified of the Staff's decision and they are eligible to appeal. Planner Sintz stated that the new signs have been an effective tool that generates more reaction and comment.

The suggestion was made to post the materials submitted with a reconstruction or disassembly application on the website so the public would have the benefit of knowing what was involved. Board Member McKie asked if the HPB could be invited to attend site visits with the Staff or the Building Department for informational purposes. Board Member Holmgren did not think it would be appropriate to attend a site visit as a Board

because that puts them in an official capacity. However, if she saw a project noticed in the newspaper, she would make an individual effort to visit the site.

Assistant City Attorney McLean stated that under the Code, as a Board the HPB has standing to appeal Staff decisions. Board Member Natt was surprised to learn that unless a person had submitted comments or contacted the Staff within the comment period, they were not eligible to appeal a decision. Board Member Matsumoto stated that when a situation occurred in her neighborhood the people had no idea of the process. They wanted to oppose the project after it was approved and found that it was too late.

Board Member Natt liked the fact that the HPB has standing, and he envisioned it as a safety valve for concerned citizens. He also has confidence in the ability of the Staff. Board Member Natt stated that when he applied to join the HPB, he saw it as an opportunity to help the citizens who felt they were not being considered by Staff. He believed the ability for the HPB to appeal a decision they might oppose is the answer to the problem. Board Member Natt was not in favor of changing the Code to correct one perceived issue when that issue could be corrected directly through better noticing and public comment.

Board Member Werbelow re-opened the public hearing.

Ruth Meintsma did not believe the difference between reconstruction and disassembly was that great. She has seen many historic homes reconfigured and she has photos that she took just walking around town. Ms. Meintsma stated that disassembly is not separate from reconstruction because the story is there, but when disassembly occurs things get changed. The disassembly tells the story and says what is historic and what the house is and was, and how it morphed over time. With that education they begin to understand the house visually and the reconstruction takes places. Ms. Meintsma did not believe the two could be separated. She also thought it was important for the HPB to be involved in the entire process and educated from beginning to end. As the appeal Board, if someone appealed a decision by Staff the HPB would only be educated at that point, and in her opinion that would be too late. Ms. Meintsma has confidence in the Staff, but she believes they need help and another set of eyes.

Marianne Cone commented on noticing and stated that people need to be hard pressed to read public notices in the newspaper. She asked if it would be legal for the Staff to compile an email list for reconstruction noticing and have those people spread the word. The email list would be comprised of people from different neighborhoods who would volunteer to receive the email and notify their neighbors.

Assistant City Attorney McLean stated that it would not be illegal to have the email list. The City can always notice more than the minimum requirement of the State. She pointed out that the current noticing procedure already goes beyond the State requirement. She noted that it would be a question of technology and resources, but it could be done. Ms. McLean remarked that currently people can sign up for a link to the

HPB meeting agenda. She suggested that it might be possible to create a similar link for administrative actions. Director Eddington stated that the Staff could look at several options.

Chair Werbelow closed the public hearing.

Board Member White remarked that the comments made by Ms. Meintsma were accurate; however since the new guidelines were adopted the required documentation has increased significantly and the process is better. Board Member McFawn stated that he has seen the same things Ms. Meintsma mentioned when he walks around town, but he believes things are better now that the Planning Staff stays more involved throughout the project.

Chair Werbelow summarized that there were two issues; one was noticing and the other was the role of the HPB in the reconstruction process. She understood that the majority of the Board did not favor adding reconstruction and disassembly decisions to their purview. However, they would recommend enhanced noticing.

Board Member Matsumoto-Gray reiterated her preference for having the HPB involved in the process of reviewing reconstruction and demolition projects. She understood the opposing view, but she felt the issue was extremely important to the fabric of the Historic District and it should be taken seriously. Improved noticing would be beneficial, but the choice was whether the HPB wanted to be the appeals board or whether they wanted to be active participants in the decisions regarding reconstruction and disassembly.

Board Member Holmgren asked if there were other structures besides 657 Park Avenue that would be subject to the old guidelines. Planner Sintz replied that all the structures on the list were under the 1983 guidelines. Many are under construction or in the process of having pulled a building permit and were doing footing and foundation work. Any projects where the HDDR had expired were not included on the list. Board Member Holmgren asked if the Staff had received any new applications for disassembly under the 1983 guidelines. Planner Sintz replied that there was an application for 109 Woodside and a panelization request for a property on Daly Avenue. Board Member Holmgren pointed out that there was no evidence that the new guidelines were broken. Planner Sintz agreed. Certain criteria must be met and that is only one layer that was added to the new guidelines. She itemized additional documentation that is required now but was not required under the old guidelines.

Board Member Holmgren questioned why they would fix something without knowing whether it was broken. She preferred to let the Staff do their job and continue to update the HPB.

Board Member McKie suggested having a liaison from the HPB to Staff for reconstructions and disassemblies, similar to the liaison with the DRT. Board Member White noted that reconstruction or disassembly projects would go through the HDDR

process and that would be the same liaison. Board Member McKie pointed out that the liaison cannot update the Board until a decision is made, which would be too late to give input.

Board Member Holmgren believed there was consensus among the Board for increased communication and notification. If that could be accomplished it would eliminate many of the problems.

Board Member Natt stated that if the Board has the ability to object to a Staff decision, he wanted to know how the Staff decisions would be communicated to the Board. Director Eddington replied that it would be on the spreadsheet. Board Member Natt felt it was important for the Board to be notified when the decision is made so they could take action within the 10 day appeal period.

Assistant City Attorney McLean stated that if the Staff was to implement e-notify, each Board Member would be notified when a final decision was made on a reconstruction or disassembly. Board Member Natt assumed that the HPB could call a special meeting to decide whether or not to pursue an appeal.

Planner Katie Cattan suggested that the Staff could review a reconstruction or disassembly and bring it to the HPB as a work session item and walk through the process of how the decision was made. The HPB could then determine whether the Staff was going about it correctly or whether the Board should be the review body. Planner Cattan clarified that the Staff would come to the HPB after noticing for the 14 day appeal. If the decision is not appealed, the Staff would present the reasons for their decision to the HPB. At that time, the Board could revisit the issue of being the review body on future applications. If the decision was appealed within that 14 day period, the HPB would act as the appeal body.

The Board discussed with Staff the procedure and timing for sending a recommendation to the City Council. Board Member Matsumoto-Gray suggested that the HPB could send the City Council a summary of their discussion indicating that the Board was split on changing the ordinance, and inform the City Council that the Board would like time to consider the option suggested by Planner Cattan. Board Member McKie stated that since many of the Board Members were new, an additional six months of experience would give them more insight on effective preservation measures.

Board Member McFawn favored waiting six months to forward a recommendation. He also suggested a straw vote to see how many members favored or opposed having the HPB review reconstruction projects.

On the issue of having the HPB retain their appeal body status, Boards Members McFawn, Natt, Holmgren and White would vote in favor of remaining the appeal body. Board Members McKie, Werbelow and Matsumoto-Gray would vote to change the LMC and have the HPB review and approve reconstruction projects. Chair Werbelow clarified that the vote was 4-3 for not supporting the proposed change to the LMC.

Assistant City Attorney McLean asked if there was consensus to wait six months before forwarding a recommendation to the City Council. There was consensus for waiting on a recommendation; however, the Board was not comfortable specifying six months because they wanted to wait until one application had completed the process.

Assistant City Attorney understood that the Board was ready to make a recommendation that the City Council amend the Code to increase the noticing to 300 feet.

MOTION: Board Members McFawn made a motion to wait until one application for reconstruction has gone through the process without an appeal to use it as a work session example of how Staff made their decision. Board Member Natt seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Board Member McFawn made a motion to forward a recommendation to the City Council for a change to the LMC to increase the notification boundary to 300 feet, to e-notify the public and the HPB members each time final action or a determination is made on a reconstruction or disassembly application, and to publish notice in the Park Record. Board Member White seconded the motion.

VOTE: The motion passed unanimously



City Council Staff Report

Planning Department

Subject: Land Management Code Amendments -
HPB review of Reconstructions and Disassembly of Historic
Structures

Author: Kayla Sintz, Architect/Planner

Project #: PL-11-01203

Date: September 15, 2011

Type of Item: Legislative

Summary Recommendations

Staff recommends the City Council conduct a public hearing and discuss proposed amendments to the Land Management Code for Chapters 1, 11 and 15 which would require the Historic Preservation Board review and approve all Reconstructions and Disassembly of structures on the Historic Sites Inventory.

Topic

Project Name: LMC Amendments

Applicant: Planning Department

Proposal: Revisions to the Land Management Code – HPB review of
Reconstructions and Disassembly of Historic Structures

Background

During the February 3, 2011 joint City Council, Planning Commission and Historic Preservation Board visioning session, concerns in regards to the process by which Reconstruction is permitted as part of a Historic District Design Review were discussed. Much of the discussion revolved around the reconstruction of the structure at 657 Park Avenue which was subject to the requirements of the Land Management Code prior to the 2009 amendments. Public and property noticing, as well as, opportunity for public input were also discussed. Direction was given to Staff to expand the review of all Reconstructions to include a formal, noticed review and approval by the Historic Preservation Board. An excerpt of the Draft visioning minutes are attached (Exhibit D).

On August 10, 2011 the Planning Commission heard this item as part of their regular agenda. Meeting minutes are attached (Exhibit E). The Planning Commission heard public comment that generally was against imposing an additional step in the historic review process. Commissioners agreed that additional requirement was both unnecessary and cumbersome to applicants. Commissioners indicated that the 2009 LMC amendments as to the criteria of reconstructions/disassembly didn't have an opportunity to be implemented and they wished to see them be applied. In addition, some Commissioners were concerned that such a move would eliminate the Historic Preservation Board as an appeals body for reconstruction or disassembly projects. The

Planning Commission unanimously voted to forward a negative recommendation to the City Council for the proposed LMC language.

The current process for a Reconstruction or Disassembly approval (by staff) as updated in the 2009 LMC amendments as part of a Historic District Design Review (HDDR) is as follows:

- o Staff reviews application file for completeness within 72 hours of submittal
- o Upon completeness staff posts property for 14 days to receive public comment
- o Following 14 day noticing the 45 day review period for HDDR starts; Staff reviews public comment and application for compliance with Historic District Guidelines and writes report
- o Approval or Denial of application is publically posted at property for 10 days (appeal period). Any appeal would be heard by the Preservation Board.
- o HPB's decision may be appealed to the Board of Adjustment (taking up to 45 days)
 - Review time if decision not appealed: up to 69 days
 - If appealed would take up to an additional 45 days with the possibility of an additional appeal to BOA (also taking up to 45 days): up to 159 days

The process for a Reconstruction or Disassembly as part of a Historic District Design Review (HDDR) if the HPB is added for review and approval:

- o Staff reviews file for completeness within 72 hours of submittal
- o Upon completeness staff posts property for 14 days to receive public comment
- o Following 14 day noticing the 45 day review period for HDDR starts; Staff reviews public comment and application for compliance with Historic District Guidelines and writes report
- o Staff schedules HPB meeting for reconstruction/disassembly approval; report is routed internally for review, and meeting is publically noticed (estimated 30-45 days)
- o HPB reviews and approves/denies Reconstruction/Disassembly request
- o Approval or Denial of HPB's decision of application is posted at property for 10 days (appeal period)
- o Any appeal would go directly to the Board of Adjustment (taking up to 45 days)
 - Review time if decision not appealed: 99 to 114 days
 - If appealed would take up to an additional 45 days: 144 to 159 days

Staff does not receive a large number of HDDR Reconstruction/Disassembly requests with the adoption of the 2009 Historic District Guidelines and LMC changes. Requests are due to mold and loss of structural stability of many of the wood structures (predominately roofs and lower wall panels). Since the adoption of the 2009 Historic District Guidelines staff has received only two applications involving Reconstructions/Disassembly. Both of those are currently under review by staff. Since June, 2006, the Planning Department has calculated 10 other Reconstruction or Disassembly applications.

The criteria for Reconstruction/Disassembly of a historic structure is not proposed to be changed as part of this ordinance. The same criteria will be applied whether staff reviews the application or the HPB reviews the application.

The LMC criteria for Disassembly 15-11-14 (A) is as follows:

- (1) A licensed structural engineer has certified that the Historic Building(s) and/or Structure(s) cannot reasonably be moved intact; or
- (2) The proposed disassembly and reassembly will abate demolition of the Historic Building(s) and/or Structure(s) on the Site; or
- (3) The Historic Building(s) and/or Structure(s) are found by the Chief Building Official to be hazardous or dangerous, pursuant to Section 116.1 of the International Building Code; or
- (4) The Planning Director and Chief Building Official determine that unique conditions and the quality of the Historic preservation plan warrant the proposed disassembly and reassembly;

Under all of the above criteria, the Historic Structure(s) and or Building(s) must be reassembled using the original materials that are found to be safe and/or serviceable condition in combination with new materials; and the Building(s) and/or Structure(s) will be reassembled in their original form, location, placement, and orientation.

The LMC criteria for Reconstruction 15-11-15 (A) is as follows:

- (1) The Historic Building(s) and/or Structures are found by the Chief Building Official to be hazardous or dangerous, pursuant to Section 116.1 of the International Building code; and
- (2) The Historic Building(s) and/or Structure(s) cannot be made safe and/or serviceable through repair; and
- (3) The form, features, detailing, placement, orientation and location of the Historic Building(s) and/or Structure(s) will be accurately depicted, by means of new construction, based on as-built measured drawings, historic records, and/or current or Historic photographs.

Additional definition needed:

Currently, the term disassembly is not defined in the Land Management Code. Staff recommends that the following definition be added to the Code regardless of the outcome of the other proposed amendments.

1.86 DISASSEMBLY. *The act or process of taking apart a Historic Building or Structure in the largest workable components possible for the purpose of accurately reassembling it in its original form, location, and orientation.*

Other Proposed Amendments

If the Land Management Code is amended, the Historic Guidelines will also have to be updated to match those changes . Amendments to the Guidelines are adopted by Resolution by the Council.

Amendments to Chapter 1 – General Provisions

These amendments add the HPB's review of Reconstructions and Disassemblies to the Notice Matrix which include Posting requirements, Courtesy Mailing requirements and Publishing requirements.

Section 15-1-21. Notice Matrix.

Posted: 14 days prior to the hearing before the Historic Preservation Board

Courtesy Mailing: 14 days prior to the hearing before the Historic Preservation Board to Owners within 300 feet

Published: Once 14 days prior to the hearing before the Historic Preservation Board

Amendments to Chapter 11- Historic Preservation

These amendments requires the HPB instead of the Planning Department to review Reconstructions and Disassemblies

Section 15-11-5. Purposes (J)

Section 15-11-14. (A) Criteria for Disassembly and Reassembly of the Historic Building(s) on a Landmark or Significant Site.

Section 15-11-14. (B) Procedure for the Disassembly and Reassembly of a Landmark Site or a Significant Site.

Section 15-11-15. (A) Criteria for Reconstruction of the Historic Building(s) and/or Structure(s) on a Landmark or a Significant Site.

Section 15-11-15. (B) Procedure for the Reconstruction of the Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site.

Amendments to Chapter 15 – Definitions

These amendments add the term *Disassembly* to Definitions.

Section 15-15-1. Definitions.

Section 15-15-2. List of Defined Terms.

Department Review

These amendments have been reviewed by the Planning, Engineering, and Building Departments as well as the Legal Department.

Process

Amendments to the Land Management Code require Planning Commission recommendation and City Council adoption. City Council action may be appealed to a court of competent jurisdiction per LMC Section 15-1-18.

Notice

Legal notice of a public hearing was posted in the required public spaces and published in the Park Record.

Public Input

Public hearings are required to be conducted by the Planning Commission and City Council prior to adoption of Land Management Code amendments. The public hearing for these amendments was properly and legally noticed as required by the Land Management Code. No public input has been received at the time of this report.

Alternatives

- Conduct a public hearing on the LMC amendments described herein and adopt all changes as presented, or as amended at the hearing.
- Conduct a public hearing on the LMC amendments and only adopt the definition for Disassembly as outlined herein.
- Conduct a public hearing on the LMC amendments described herein and choose not to adopt any amendments as outlined.
- Conduct a public hearing on the LMC amendments described herein and continue action on the LMC amendments to a date certain providing staff with direction for further analysis, modifications and/or changes.

Significant Impacts and Consequences of *not* taking the Suggested Recommendation

With these proposed amendments, owners of Historic Structures proposing Reconstruction or Disassembly as part of their remodeling or renovation project would need approval by the Historic Preservation Board. If the proposed amendments were not approved, Staff would continue the Reconstruction and Disassembly review and approval process administratively which has occurred since the June, 2009 adoption of the Historic Guidelines and associated LMC changes as noted above. The HPB would continue to act as the appeal board in the case a request for a Reconstruction or Disassembly was denied by staff.

Recommendation

Staff recommends the City Council conduct a public hearing, discuss the proposed amendments to the Land Management Code as described in this report and as redlined in the Exhibits, and consider adopting the changes based on the findings of fact and conclusions of law found in the ordinance.

Exhibits

Ordinance

Exhibit A - LMC Chapter One - General Provisions and Procedures

Exhibit B - LMC Chapter Eleven – Historic Preservation

Exhibit C - LMC Chapter Fifteen – Definitions

Exhibit D - Excerpt Draft Joint Visioning Minutes – February 3, 2011

Exhibit E - Excerpt Planning Commission Meeting Minutes – August 10, 2011

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
SEPTEMBER 15, 2011**

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, September 15, 2011. Members in attendance were Dana Williams, Alex Butwinski, Joe Kernan, Cindy Matsumoto, Dick Peek, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Thomas Eddington, Planning Manager; Kayla Sintz, Planner; Roger McLain, Project Manager; and Mark Harrington, City Attorney.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

9-11 Memorial Event- Liza Simpson thanked members of the Police Department in attendance for their help in organizing the 9-11 Memorial Event held over the weekend which was very well done and attended.

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

1. 4th of July Celebration - Roger Strand, President of the Park City Ambassadors, thanked the Park City community and government for making the 4th of July a very memorable occasion and he named a number of City employees who helped with the event. On another subject, he commended the Council for keeping the Shoe Tree.
2. Lower Main Street Walking Bridge – Mike Sweeney invited the public to enjoy the pedestrian bridge decorated with yarn as a part of the Park Silly Sunday Market festivities.

IV WORK SESSION NOTES AND MINUTES OF MEETINGS OF AUGUST 25, 2011 AND SEPTEMBER 1, 2011

Liza Simpson, "I move we approve the work session notes and minutes of the meetings of August 25 and September 1, as corrected". Alex Butwinski seconded. Motion unanimously carried.

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

Mayor Williams stated that Wesley Garrett, International Sales Manager of SoundTube, requested a proclamation recognizing the power of AV technology in its variety of applications. He presented a signed resolution to Mr. Garrett.

Alex Butwinski, "I move to remove Item 3 from the Consent Agenda to ask a question". Dick Peek seconded. Motion unanimously carried. Cindy Matsumoto, "I move that we approve Consent Agenda Items 1 and 2". Liza Simpson seconded. Motion unanimously carried.

1. Consideration of a Resolution proclaiming the week of October 16 – 22, 2001 as Audiovisual Week in Park City, Utah – Staff recommends approval.

2. Consideration of an amendment to the contract for state lobbying services with Legislative Executive Consulting, LLC for an additional \$40,000 for the 2012 legislative session, in a form approved by the City Attorney – Staff recommends approval.

3. Consideration of a professional services agreement with czb LLC for the General Plan Balanced Growth Study in the amount of \$38,583, in a form approved by the City Attorney – Alex Butwinski asked the methodology contemplated for the study. Thomas Eddington explained that staff will work with facilitator Charles Buki in utilizing existing GIS, budget, and financial data to help identify growth patterns. This new information can be added to the Design Workshop Study to help guide growth. Alex Butwinski, "I move to approve Consent Agenda Item No. 3". Liza Simpson seconded. Motion unanimously carried.

VI RESIGNATIONS AND APPOINTMENTS

Consideration of the appointment of a member to the Public Art Advisory Board for a term expiring June 2013 – Alex Butwinski, "I move to appoint Maren Mullin as a member of the Public Art Advisory Board for a term expiring June 2013". Dick Peek seconded. Motion unanimously carried.

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

1. Consideration of an Ordinance amending the Land Management Code adding Historic Preservation Board review and approval for historic reconstruction and disassembly processes in Park City, Utah – Planner Kayla Sintz displayed a chart comparing noticing requirements for 657 Park Avenue under the old guidelines and current noticing requirements. She explained that this proposed amendment involves adding the Historic Preservation Board to the review process to approve reconstructions and disassemblies of historic sites on the Historic Sites Inventory. Part of this discussion came about from the reconstruction project at 657 Park Avenue, regulated under the old guidelines and the second reason was the February 2011 joint session with the City Council and the HPB. Ms. Sintz relayed that direction was to assign the HPB as the review authority instead of staff for reconstructions and disassemblies. The Planning Commission recommended a definition for disassembly also known as panelizations. *Panelizations* is a common term in Park City but it is not a trade or

historic term and using the word disassemblies is encouraged and defined in the Land Management Code regardless of whether or not this amendment is adopted. If reconstructions are reviewed, she recommended considering review of disassemblies because they have the same effect. She referred to her staff report pointing out the time line for an application if the HPB were to review a reconstruction versus staff and the inclusion of criteria for disassembly and criteria reconstruction. Staff is not proposing to change that criteria; it is simply who would be the review authority for these types of applications.

Kayla Sintz stated that staff is recommending that this item be continued so that the HPB can be in attendance. With regard to Planning Commission action, she clarified that Charlie Wintzer was in favor of the LMC amendment but didn't vote as the Chairman but three voted to forward a negative recommendation with two members absent. The 2009 Historic District Guidelines have clear and solid criteria regarding disassembly or reconstruction. Public and Commissioner comments reflect reluctance of putting applicants through an additional step, interest in seeing if the new Guidelines in place will address concerns about noticing, a belief that staff has adequate professional training which members of the HPB do not necessarily have, and a preference for maintaining the HPB's appeal authority.

Ms. Sintz felt that the concerns about the 657 Park Avenue application was that no one really knew what was going on at the site and when the new Guidelines were rewritten, significant steps were put into place to get input from the public before staff conducted a review and to broaden the scope of noticing to not only adjacent neighbors but to owners within 100 feet of the project and any one that provided written comment. She also described the new noticing signs for properties which have been very effective. A sign for reconstructions or significant additions will be on-site for the entire length of the project and the information on the sign will include summary before and after photographs. Ms. Sintz emphasized that these new practices have been working. In response to a question from Dick Peek, she explained that the Board of Adjustment is the appeal authority for HPB decisions.

Cindy Matsumoto believed that demolitions should be carefully monitored to save historic elements and is concerned about broadening the process to disassemblies from panelizations. Thomas Eddington clarified that demolition by neglect is not permitted and the property can be liened to secure the structure. The actual definition of disassembly is similar to panelization but is consistent with the uniform definition from the Department of the Interior. The act of saving certain panels and/or siding boards remains the same and the process is actually stricter so the City has gone further. He explained that reconstruction could include original elements but is generally considered a new structure.

Ms. Matsumoto believed staff is proposing a broader solution than directed by Council and understands why a number of Planning Commissioners rejected the proposal. Joe

Kernan believed that more public input will be received at HPB meetings than during the staff review process. Thomas Eddington explained that notice is sent to owners within 100 feet of a project and adjacent owners seem comfortable coming to the Planning Department to review applications and documents and he didn't necessarily feel that there would be an increase in public participation at HPB meetings. Kayla Sintz added that currently there is an average of about three phone calls and one to two people coming in on an application depending on the scope of a project and its location. The Mayor opened the public hearing.

Jeffrey Riehl, general contractor, stated that he spoke at the Planning Commission hearing and his concern is that adding the HPB review to the process is redundant and lengthy. The Planning and Building Department staff is very competent. He commented that the oldest buildings are not usually the healthiest structures and the HPB could help the community in researching building practices that benefit the historic nature of the community but not necessarily be involved in all decisions.

With no further comments, the public hearing was closed. Liza Simpson felt it would be helpful for the Council to conduct its tour of the City-owned Park Avenue properties before the next public hearing on this matter. She is not convinced that the new requirements are needed with the new practices in noticing. Liza Simpson, "I move that we continue this to the 27th of October". Alex Butwinski seconded. Motion unanimously carried.

2. Consideration of authorization to the City Manager to execute a Construction Agreement for the Last Chance Waterline Replacement and Pump Station Modifications, in a form approved by the City Attorney – Roger McClain explained that this is a critical project and the schedule has been compressed considerably to complete it. He described the location of the Last Chance Pump Station at Snow Park to serve the upper Deer Valley area. The pipeline was examined during recent failures where significant corrosion was found which prompted concern. Staff met with Deer Valley Resort about the urgency of the repair so it could be timed appropriately with its operations. The pipeline is a 12" 500 to 555 psi line providing culinary and snow making service and the new alignment will be an improvement for the Resort. Staff pre-qualified contractors and ordered parts to expedite the project and the City received a range of bids today. Mr. McClain reported that the low bidder, SCI Inc, is recommended to be awarded the project at \$273,918, which represents labor and not materials. The Mayor invited public input; there was none. Cindy Matsumoto, "I move that we authorize the City Manager to execute a Construction Agreement for the Last Chance Waterline replacement and Pump Station modifications to SCI Inc.". Liza Simpson seconded. Motion unanimously carried.

VIII ADDITIONAL DISCUSSION – AGENDA ITEMS

IX ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 2 p.m. Members in attendance were Mayor Dana Williams, Alex Butwinski, Joe Kernan, Cindy Matsumoto, Dick Peek, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Michael Kovacs, Assistant City Manager; Tom Daley, Deputy City Attorney; Thomas Eddington, Planning Manager; Joan Card, Environmental Regulatory Manager; Heinrich Deters, Trails Coordinator; Polly Samuels McLean, Assistant City Attorney; and Mark Harrington, City Attorney. Alex Butwinski, "I move to close the meeting to discuss litigation ad property". Dick Peek seconded. Motion carried unanimously. The meeting opened at approximately 3:30 p.m. Liza Simpson, "I move to open the meeting". Dick Peek seconded. Motion unanimously carried.

The City Council again convened in closed session after the adjournment of the regular meeting at approximately 7 p.m. Joe Kernan, "I move to close the meeting for property and litigation". Dick Peek seconded. Motion unanimously carried. The closed session concluded at approximately 7:30 p.m.

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

Prepared by Janet M. Scott, City Recorder



PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
AUGUST 10, 2011

COMMISSIONERS IN ATTENDANCE:

Chair Charlie Wintzer, Mick Savage, Jack Thomas, Nann Worel

EX OFFICIO:

Planning Director, Thomas Eddington; Planner, Kirsten Whetstone Planner; Kayla Sintz, Planner;
Polly Samuels McLean, Assistant City Attorney

=====

REGULAR MEETING

ROLL CALL

Chair Wintzer called the meeting to order at 5:40 p.m. and noted that all of the Commissioners were present except Commissioners Pettit, Hontz and Strachan who were excused.

ADOPTION OF MINUTES – July 27, 2011

MOTION: Commissioner Thomas moved to APPROVE the minutes of July 27, 2011.
Commissioner Worel seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Director Eddington reminded the Planning Commission that the next joint meeting with the City Council was scheduled for August 25th. The Commissioners would be receiving a Staff report and agenda.

Chair Wintzer stated that he would be out of Town for the next regular Planning Commission meeting on August 24th and the joint meeting with the City Council on August 25th.

Commissioner Savage asked if the Planning Commission would hold their regular meeting the night before Thanksgiving. Director Eddington replied that due to the holidays, the Planning Commission typically has one meeting in November and December. He could not foresee canceling any other Planning Commission meetings prior to November.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

5. **Land Management Code – Amendments to Chapter 1 (General Provisions), Chapter 11 (Historic Preservation), and Chapter 15 (Definitions) – to amend the review process of reconstructions and panelizations to include the Historic Preservation Board** (Application #PL-11-01203)

Planner Sintz reported that on September 3, 2011, the City Council, the Planning Commission and the HPB held a joint visioning session. During that session a discussion occurred regarding the process for when a reconstruction is permitted as part of the Historic District Design Review application. Public and property noticing, as well as opportunity for public input were also discussed. Direction was given to Staff to expand the review of all reconstructions to include a formal notice review and approval by the Historic Preservation Board. The Staff would make a recommendation and the application would move forward per the criteria currently outlined in the LMC.

Planner Sintz noted that reconstruction is defined as “The act or process of depicting by means of new construction, the form, features and detailing of a non-surviving site, landscape, building structure or object for the purpose of replicating its appearance at a specific period of time and in its Historic location”. She stated that reconstruction is a recognized form of preservation for Park City and industry standards. It is documented in the LMC and in the design guidelines.

Planner Sintz stated that from the Staff review and in preparing the amendments, she recommended adding disassembly to the Historic Preservation Review. The Staff worked with Dina Blaes, the Preservation Consultant, to draft a new definition for disassembly to be included in the Land Management Code. Disassembly would be defined as, “The act or process of taking apart a Historic building or structure in the largest workable components possible for the purpose of accurately reassembling it in its original form, location, and orientation”.

Planner Sintz remarked that anyone who has been actively involved in Historic District Design Reviews knows that disassembly is sometimes called panelization. However, panelization is not a historic preservation term. The Staff recommended that the Planning Commission also add disassembly to the Historic Preservation Board review since reconstruction and disassembly are the only times when a site is scrubbed and nothing is on it while work is being done or a foundation is being poured. Planner Sintz stated that if the original intent was in regards to a project on Park Avenue in which the public was not aware of what was going back up, the Staff would recommend that disassemblies be added to that as well.

Planner Sintz stated that the Staff has also been working with the HPB on a new signage system. Therefore, in addition to the possible change to the LMC, there would be increased signage at the disassembled and reconstructed sites.

Planner Sintz reviewed the proposed amendments and identified the applicable chapters. In Chapter 1, they would add a new noticing matrix required for new applications. The Staff

recommended the same noticing that occurs for a conditional use permit. Chapter 11 would add Historic Preservation Board in places where it currently says Planning Staff approval. It would also capitalize the D in disassembly wherever that phrase occurs, since it is a newly defined term. A new definition would be added for Disassembly. Planner Sintz requested input from the Planning Commission as to whether they support including disassembly as part of the amendments.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council based on the draft ordinance.

Chair Wintzer asked if the Historic District Guidelines would be changed to match the proposed amendments. Planner Sintz replied that any language in the guidelines that would conflict with the new LMC would be updated.

Commissioner Savage asked about the vetting process between the HPB and the Planning Department associated with how the LMC amendments were created. He assumed the HPB supported the proposed amendments. Planner Sintz explained that the LMC is not reviewed by the Historic Preservation Board. However, the HPB members favored the idea of being more involved in different historic design reviews, and this was deemed to be an appropriate way for the HPB to be involved. Commissioner Savage asked if they could assume that the HPB would embrace these amendments as being satisfactory to address the issues that caused the problem in the first place.

Director Eddington stated that the HPB fully supports the amendment to the LMC. He summarized that the change started with reconstruction and now includes disassembly, formerly known as panelization. Director Eddington noted that the information presented this evening would be given to the HPB as an information update. Planner Sintz remarked that the HPB would have to receive training in terms of how their review and approval would occur.

Commissioner Savage questioned whether they were putting the cart ahead of the horse as it relates to review by the HPB. If this change to the Land Management Code was being driven by their desire, he suggested that it would be better for the Planning Commission to review the amendment with the HPB prior to the City Council process. Planner Sintz understood that the direction came from the City Council in terms of what they deemed to be an appropriate role for the Historic Preservation Board. Director Eddington noted that the City Council gave that direction in conjunction with the joint visioning session with the HPB.

Assistant City Attorney McLean stated that the HPB has appointed a liaison to attend Planning Commission meetings when items on the agenda relate to the Historic District. The Liaison would then report back to the HPB.

Commissioner Thomas appreciated the liaison, but he felt it was one-way communication. He asked if the Planning Commission has ever had a liaison to the HPB to see what they do. Assistant City Attorney McLean stated that the Planning Commission could appoint a liaison if they wished. Commissioner Thomas commented on the number of times situations have occurred in the review process, even with the expertise of Dina Blaes, that he has questioned as an architect involved in historic restorations. Commissioner Thomas suggested an educational process to better

understand how some things are approved in certain conditions. Assistant City Attorney recommended a joint work session with the Planning Commission and the HPB to discuss those issues. Chair Wintzer asked if it was possible to schedule a joint work session with the HPB prior to a Planning Commission meeting. Director Eddington thought the HPB would be amenable to a joint work session. The HPB also has new members and it would be a good opportunity for everyone to get acquainted. Commissioner Thomas suggested that Dina Blaes be invited to attend the work session.

Chair Wintzer opened the public hearing.

Jeff Brille, was concerned about the redundancy of another review body and the potential of creating additional delays. He agreed with the concerns expressed by the Planning Commission regarding the qualifications of the HPB and their ability to streamline the process. He supported reconstruction but he had reservations about disassembly. In a community where they are trying to be sustainable and productive with energy use, disassembly turns into an intensive process, particularly for mobilizing portions of the structure on and off site. If contractors have facilities in the Valley, transporting up and down the canyon creates energy waste, which would be the case with disassembly.

Ruth Meintsma stated that she had spoken with Planner Sintz about adding additional language to the definition of disassembly. Ms. Meintsma remarked that disassembly in itself is a course process typically done by hard labor. She felt that if the definition was not clear, disassembly could involve babysitting by the Planning Staff. Ms. Meintsma read her suggested language to the definition. "...for the purpose of accurately assembling, and for the purpose of accurately reproducing the placement, scale, and dimensions of the historic elements (windows, doors and porch posts). Ms. Meintsma noted that those words are used in the historic design guidelines under B-2, Exterior Walls. She has seen instances where the forms and panels were saved, but the porch posts that were supposed to be saved were lost. In those cases the porch posts were recreated but they were not like the original. Ms. Meintsma remarked that the lost details take away from the historic.

Mike Sweeney echoed the comments regarding a second layer of review. He pointed out that the City already has a knowledgeable Planning Group, and to add another layer that would require a property owner to spend more time going through the process makes no sense. Mr. Sweeney thought the Staff was more than capable of answering the questions and addressing the issues, and he believed the decision would be the same. It would just take longer and cost more money to reach that decision. Mr. Sweeney preferred to see the process streamlined rather than expanded.

Mary Cook stated that she did not want to cause problems for property owners; however, a friend was visiting Park City and they were walking up Park Avenue. Her friend had lived in Park City many years ago and they were talking about building that had been changed or taken down. The very items being discussed, such as trim, porch posts, shape of windows, etc, were the same things her friend immediately noticed had been removed and replaced with plastic or machined trim. Her friend's commented that you cannot have a historic district if you don't preserve those elements that are the hallmark of that historic time period. Ms. Cook could see arguments on both sides of the issue, but she felt it was important for the Planning Commission to hear her story.

Helen Alvarez stated that her comments were not related to historic preservation or elements or disassembly. She agreed with Commissioner Thomas that the City should not be layering on boards. The Planning Staff and the Legal Staff are paid to make decisions, and the Planning Commission volunteers hours and hours discussing those decisions. As a citizen, she did not feel protected when volunteer citizens assemble as a board to make decisions that should be made by the elected officials and their appointed Planning Commission. Ms. Alvarez urged the Planning Commission not to grant the Historic Preservation Board the right to review projects within the Historic District. She strongly favored professional review and she asked them to consider that. The City is surrounded by competent professionals to serve the citizens. She was not opposed to a volunteer Board in an advisory capacity, but she was strongly opposed if they are placed in a decision making capacity. Ms. Alvarez knows of situations where citizen boards, without the benefit of legal counsel, have said things that could be strongly challenged if the decision went to court. She did not want to be unprotected from that kind of legal action. Ms. Alvarez urged the Planning Commission to assume their responsibility as professionals and not grant their authority or the authority of the Planning Staff to a board.

Chair Wintzer closed the public hearing.

Commissioner Savage understood that the amendment being reviewed was mandated by the City Council. In accordance with that mandate, the Planning Staff recommended a modification to the LMC that the Planning Commission was being asked to review and approve. Commissioner Savage assumed that the Planning Commission was not in a capacity to make a decision as to whether or not this was an appropriate decision on behalf of City Council. They could only determine whether the proposed Land Management Code amendment supports the recommendation from City Council.

Assistant City Attorney McLean explained that as part of the joint visioning in February the City Council gave Staff direction to make the proposed changes to the Land Management Code. The Planning Commission is responsible for their own recommendations and if they disagree with the City Council they need to stand behind their opinion. When forwarding their recommendation, it is important for the Planning Commission to articulate why they disagree so the City Council has the benefit of that information. Ms. McLean clarified that direction from the City Council does not abdicate the Planning Commission from their duties.

Commissioner Savage stated that he was emboldened by Ms. Alvarez and her comments. If there is a way to facilitate a more efficient process for construction using the existing Staff and the existing mechanisms, he would support that approach. Commissioner Savage believed the recommended modification was a consequence of one incident that created a tumult, and it did not justify adding another layer to an already cumbersome approval process. Commissioner Savage opposed the amendments to the LMC.

Commissioner Worel concurred. She completely supports streamlined processes. Commissioner Worel stated that the HPB has the opportunity as citizens to attend public hearings and make their opinions known, particularly if they have a liaison to the Planning Commission. She believed adding another layer of review would be difficult.

Assistant City Attorney McLean stated that under the current process, if someone applies for a reconstruction it goes to the Planning Department. If the Staff decision is appealed, it would go to the HPB. Director Eddington clarified that the HPB is an appeal body in their current capacity. Ms. McLean pointed out that in those cases, the decision would not come before the Planning Commission. If the Staff's decision is not appealed, the project would move forward without going to another body. Ms. McLean remarked that the proposed amendment would require a public hearing for those reconstructions. If that was appealed it would go to the Board of Adjustment.

Planner Sintz noted that existing LMC criteria must be met. There are four criteria under disassembly and three criteria under reconstruction. Planner Sintz explained the current approval process for disassembly and reconstruction. She clarified that the only difference was that the proposed amendment takes the approval away from the Planning Department and puts it in the hands of the Historic Preservation Board.

Chair Wintzer asked if the Planning Staff needed another layer of review or if they felt they could handle it on their own. Director Eddington replied that the process works well with the Planning Staff. There were issues with a recent reconstruction; however, he did not believe the City Council or the HPB thought a mistake was made. The problem was a lack of public involvement with the reconstruction on Park Avenue. During visioning the City Council and some HPB members thought a public forum at the HPB level would inform the neighbors of the project and what to expect. Director Eddington stated that the Planning Staff was more than capable of architectural review and/or interpreting the guidelines and City Codes. The proposed amendment provides public opportunity that would not occur in the Staff review process.

City Council Member, Alex Butwinski, stated that the City Council is always concerned about not adding another layer of bureaucracy. He clarified that the issue resulted from 657 Park Avenue and the City Council was interested in finding a better way to keep the public informed. Mr. Butwinski agreed with Ms. McLean that the Planning Commission has the purview to offer a different opinion. However, he asked the Planning Commission to consider the potential in the Historic District for many things falling through the cracks, particularly with regard to reconstruction. The amendment would heighten awareness of the Historic preservation they were striving to maintain in Old Town. Mr. Butwinski remarked that less bureaucracy is generally better, except in this case.

Chair Wintzer stated that having another review board would take the pressure off the Staff from always being the ones to interpret the Code, and it would provide them with back-up. Chair Wintzer favored the amendment.

Commissioner Savage stated that if the Staff wanted to involve the HPB in a given set of decisions, they should have that discretion. However, he was not in favor of compelling the Staff to involve the HPB. Assistant City Attorney McLean thought it was important to have a clear process in place. Ms. McLean pointed out that the HPB is an appeal Board for Staff decisions, and therefore, it would be difficult for the Staff to use the HPB in an advisory capacity. It is not a viable option because of how the Code is structured.

Commissioner Savage reiterated his objection to changing an entire process because of one incident that generated public outcry, particularly since many other applications were successfully reviewed and approved under the same process.

Planner Sintz pointed out that the application on Park Avenue was under the old historic guidelines and was not subject to the new noticing requirements.

Commissioner Thomas agreed with Helen Alvarez. As an architect he was more comfortable with the Staff review procedure and process. He liked the professionalism of the Staff and the fact that the Planning Department has an architect on Staff. He was not comfortable adding another layer to the process. He agreed that there was an obvious hiccup on Park Avenue and they need to consider that in future discussions about the General Plan and the LMC. He believed they could reinforce the design process in the Historic District and he looked forward to having that discussion at a later date. Commissioner Thomas stated that he could not support the recommendation.

MOTION: Commissioner Thomas moved to forward a NEGATIVE recommendation to the City Council for approval of the Land Management Code Amendment. Commissioner Worel seconded the motion.

VOTE: The motion passed unanimously.

The Park City Planning Commission meeting adjourned at 7:55 p.m.

Approved by Planning Commission: _____ 3

DRAFT MEETING MINUTES

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
FEBRUARY 3 AND 4, 2011**

ROLL CALL

Mayor Dana Williams called the annual City Council Visioning Session to order at approximately 8:30 a.m. at the Lloyd D. Evans, Jr., Conference Room at the Park City Police Facility on Thursday, February 3, 2011. Members in attendance were Dana Williams, Alex Butwinski, Candace Erickson, Joe Kernan, Cindy Matsumoto, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; and Michael Kovacs, Assistant City Manager.

CLOSED SESSION

Liza Simpson, "I move to close the meeting to discuss property and personnel". Joe Kernan seconded. Motion carried unanimously. The meeting opened at approximately 11:30 p.m. Candace Erickson, "I move to open the meeting". Liza Simpson seconded. Motion unanimously carried.

Historic Preservation - HPB and Planning Commission Included HPB members Roger Durst, Ken Martz, Sara Werbelow, David White, and David McFawn.

Thomas Eddington – role of HPB, they have expressed interest in more proactive role with regard to preservation. Executive summary reviews history of transition from hdc to hpb

Purpose statements of HPB in LMC and staff has made recommendations regarding areas they HPB has expressed to us in various visioning sessions and work sessions. Want to talk about hpb and reconstruction issues in second part of report. Proactive steps we would like to work with HPB on.

DW – Dec 16, Council work session discussion regarding adding independent review/assessment for any proposed reconstruction project. That was talking about independent review with regard to an applicant that comes in requesting reconstruction. We typically left it up to them and their architect to do and have them seal that. There was discussion of having 3rd party architect or structural engineer document that. When staff came forward about 1 ½ years ago and created new historic site inventory there was tremendous amount of discussion that the initial draft had lost a number of houses. We then added significant structures so we had two tiers, landmark and significant. There was discussion at that point that challenges of owning historic home in old town became greater. Restrictions were greater, design review process got longer, added design review team, no doubt we tried to make it more one on one and friendly but it got more detailed, more refined, more black and white. Given that how do we help out these homeowners and one issues was the opportunity to look at additional historic grants, increasing the grants, look into redevelopment area, are there more monies we could devote. Coming back to incentivizing what you want to see. Don't know monetary impact for thorough analysis for detailed preservation plan, 2-6,000.

Labor costs for panelization are high. Owner could save money by reconstruction. Park ave house, total shock and awe, realized, we understand the application was before new guidelines kicked in, based on all HDC guidelines, but – we are all concerned that toughest thing to do in this town is tear down a house in old town.

DW We have heard different things from you about how we should be looking at things. In terms of reading things you sent us, is that reflection of Board? Are you in agreement that this board should be tweaked so that it is in more of regulatory stance than an appeal stance. Have you talked in terms of appeals if you are coming in at different level – seems this is nitty gritty of what we wanted to get to today.

They are mutually exclusive. If we are putting you in position where you are reviewing reconstructions that will involve demolitions, threatened buildings, etc., you are losing ability to be appeal board for it. What are your best thoughts

Roger Durst, would initially defer. Have made my case well known in communications with Council and with Te and his staff and have sent copy to board. My feelings are that the design review process is not don't see in all deference to Tom a vast improvement and before I make any more comments I defer to any of board members here who might like to express themselves about that.

Sarah Werbelow – I have been selected as first board member to participate in design review process. Have ben to one meeting, little early to make definitive comment. Had an epiphany in the meeting and the process I was able to witness was reason I chose to serve. Had a chance to see that guidelines are being utilized and it is too soon to make a judgment as to how these guidelines are going to affect design and the impact on the historic district. Thanked Roger, took me while to understand what you were getting at with whole design review team process but had a sense that there is a process at work, very structured process, guidelines are carefully utilized. Saw how guidelines are being put into practice and design community is going to get sense to see how they need to be factored into the process. Little soon to make judgment. Would love to see each commission member to have chance to see process at work and get sense for how guidelines are translating into reality. Useful and inspiring. **Having HPB be involved with determination of historic significance or CAD process or anything pertaining to demolition/reconstruction would be critical role.** Don't know how that interacts with appeal scenario. That one specific issue is such a passionate hot button issue for community that being on this board and not having those applications come before doesn't make any sense.

Ken Martz - go along with what Sarah mentioned last. David White and I were both on old historic district commission in the 90s. was chair through establishment of new guidelines that we have. Area of oversight has been issue gone back and forth with and Tom E has outlined issues we have. In favor of new guidelines, they need to have chance to work. Need another year to have most of it go through process. Still want to address reconstruction issue – that was such difficult process, not that anyone made a mistake, in area of reconstruction we need some oversight which acts as PR system to get word out – takes care of issues along the way. Need oversight in this one area. Oversight takes care of issues along the way. We need this oversight just in one area – te outlined cost of having us involved, additional time in process, not asking for panelization, regular areas, in this one area we need oversight. Would help to have us involved in that one area and go through the process and see if all ducks are in row. Other one is inventory – nothing has been mentioned about the inventory. How does this affect the

inventory, are we going to lose properties off inventory the negative feeling it gives to people when backhoes start tearing something down. Needs to be addressed.

DW – do you feel that what was done on redone on panelization works and if that is something. Distillery was done on new guidelines. Reconstruction guidelines came out through national parks.

TE – had reconstruction in old guidelines and when we came to you for the new historic site and expanded it, we at that time had already included reconstruction it got reinforced, reconstruction for significant structures anyway, that got added in as cast net bigger. Department of Interior – method of last resort, listed that way in your guidelines too.

Don't think you are interested in historic preservation if you are going to build and sell for \$2M. not labor of love. We have to watch and maintain inventory there are huge amount of projects under old guidelines that is a donut hole and ambiguous as to how that process works. HPB needs to have oversight on reconstruction under both the old and new guidelines. Something to review that process.

DW Having our eyes open as to what limitations of significant and landmark studies work. Visual representation of each house, not structural ... in terms of moving forward and we have talked about the fact that should we go that next step with significant and landmark houses – it will cost a fortune to do it, or is it the type of thing that if something is coming up with an action associated with it that kicks in certain

David White – one of most important things we need to do right now is include HPB in any applications for demolition. We need to be involved with planning, building depts. In review of CAD process – another set of eyes and ears.

Cindy m – what happened on park avenue was not demolition so I think we have to make sure you don't to just be involved in demolition, you want to be involved with reconstruction.

David – when you have a demolition, theoretically you are going to have a reconstruction.

Cindy – if it comes under classification of reconstruction we are only going to look at demolitions – I want to make sure that we don't want to miss out.

Two go hand in hand. One of the mistakes that were made, they decided to take building down but project wasn't going to start for 6-8 months so they took it down and we end up with vacant lot with for sale sign. That freaked everybody out. If there was going to be demolition it should have been postponed until just before the project was going to start rather than having all this time with vacant lot. Those two things go hand in hand.

David McFawn – process needs a chance to play itself under new rules before we start saying they don't work. We want to look forward to make sure they will work given these circumstances that came into play this time around. Talked about communication, how much time was spent doing damage control educating all of us, council, board, citizens – what happens if there is a sign that explains they are using panelization, restoring project, rendering of what it will look like.

Watts garage panelization project was one of the best preservation projects that we have done.

Liza – bigger concern is properties that are demolition by neglect. That is how we end up with properties that need to be reconstructed rather than restored. We need to set process where HPB reviews all cads and reconstructions, appeal process..... Comes out of your hands..... probably best way to insure – have second set of eyes and Second level of review for this most

extreme last resort option for these buildings happens. Would like to not lose trust with all the other communications tools and ideas that you talk about implementing. Our historic district is in danger partially because of how small it was when it started. Equally important to keeping historic district is making sure infill is contributory. Much better partnership between HPB and Historic Society – should be jointed at hip.

Candy – don't have issue with HPB getting more involved in this one are and maybe that is first step.

Don't think it is bad thing if HPB doesn't act as appeal board on every issue

Cindy having another set of eyes look at reconstruction and demolition very critical – old town is crucial to our town and sense of community, economic drivers, etc. favor giving extra responsibility to HPB. Clarify donut hole – not just things going forward under new guidelines but all inventory that is coming up that will be done under old guidelines over next year or so. Need to look at those also. It will be a cost to homeowners and I think that one you take on buying a historic home. Not burdensome to historic homeowner to get second evaluation as to whether something should be demolished or reconstructed, if you are just relying on homeowner and their architect you aren't getting clear picture. We expect inside of historic homes to be gutted and rearranged, we are looking at outside and face to public and scale and what it adds to existing neighborhood. What was appeals process before when HDC denied something – varied – Council switched to Board of Appeals. Look for ways to incentivize people.

Alex – whole idea of regulation to extreme level bothers me, in order to move forward with restoration versus reconstruction, we need to be very specific. At what point do I have enough information. Specificity – planning commission had discussion about neighborhoods and putting in LMC, raised question of what is neighborhood – is it Old Town, Park Meadows, could be narrower than that it could 16 square block area. tear down reconstruction versus restoration, has to be clear. How many boards do you have to have, how restorable does a place have to be in order to qualify as a reconstruction. Legislative question which goes to, you have a house that everybody recognizes should be torn down and don't have a plan for it yet – catch 22 dilemma of am I forced to tear it down, do I leave it in unsafe condition because I'm not ready to build and know I have a 6 month clock – is that resolved in any of this somewhere.

TE – if you have a house that has been deemed unsafe by the building official you would have to prepare preservation plan outlining exactly what house consists of now, measurements, drawings, materials, and it could be torn down for reconstruction.

Polly – situation like that, either person would have to shore up house if they didn't want to tear it down so that it could remain standing and be safe, or if they were to enter into preservation plan and do all that, we have in language the timeframes by which they have from date of demolition get a CO, lien or guarantee, if they don't the City has the right to pull that money to ensure that it gets rebuilt. Most cost effective, shore it up

Joe – historic homes are important to our character and our branding. We have seen a lot of people build on them and have lost a lot of that value. It is appropriate to ramp things up with both incentives and regulation and review. Willing to look at funding through RDA. Look at smaller grants to help people with reconstruction and look at possibility of other ways such as just giving money from RDA or density transfer to encourage them not to reconstruct at all or minimize it. Additional layer of outside architect if cost is reasonable and fair. Okay with HPB involvement in design review.

Dana – in terms of demolition associated with or a reconstruction, HPB would be required to add another layer in there.

Liza – clarify what Sarah does.

Sarah – HPB doesn't see applications that come into the city for remodel, new construction, or demolition/reconstruction in the historic district idea was to have a member of the board sit in as an observer only to get a sense for what the process looks like.

Just focus on reconstruction section only

If that is going to be the case, and a board member sits in as an observer, should go a step further and that individual should be able to share in some capacity some findings with the board that can be useful. New design guidelines are supposed to be more fluid than original guidelines and that was one of the issues, it wasn't an evolving document and now the way these guidelines are written the purpose is that they can be fluid. So, as things are observed and shared with commission if there are places that those guidelines can be cleaned up or amended to have more use, that could be a way to utilize that observation role. Actually has to be a purpose for what one witnesses to show the commission they can have some kind of impact on guidelines.

DW do you see that as something that
TE guideline specific.

Dana – the goal of the new guidelines, which I think we are all on the same page, was that so someone is buying in Old town they could grab something, sit down and read it, and have some basic understanding. They are not going to know every nuance, the realtor is not going to tell them, but basically what they could do and what they couldn't do.

Thomas E – as well, exactly what Sarah said, they would grow and evolve year after year. We would come back and relook at them. The old guidelines were written in 1983, things have changed.

Gary Kimball - One of things when I was heading up the commission then was that we wanted it to be fluid so we could tweak it every year and Tom has addressed that and

Roger Durst – thanks for opening this dialogue. It's necessary and it is my concern that this historic preservation board is a more proactive entity. Compliment Tom on his commentary and I certainly Those recommendations he just made. It is, I think we are on the right track. I have a much bigger goal and otherwise I wouldn't be so outspoken. Have spent a good deal of my career in historic preservation. Have worked on 3 buildings that were on listing of National Historic Register and I think I understand it. I have also participated in my community, I am an outsider, I live in Salt Lake City in the Avenues, a portion of which is an historic district. I have served on the Board of Utah Heritage Foundation. Having said that, I think there are some, we will make the same mistakes that these other communities have made and will lose our historic sense if we don't go beyond that. I participated in the deliberations, it took a year or more when we talked about these guidelines and I think they are good. They are a wonderful presentation to either an architect or property buyer in the town as to what it is we are looking for. They are guidelines and they should not be dealt with as regulations. I don't have a concern, as an architect I have dealt with the design review team and I understand what they are doing. Unfortunately, these people are regulators, they are controllers, they adjudicate, they prescribe and they regulate. That is their function and there is nothing wrong with that. The problem that I have is the subjective side of this. I have gone through these guidelines and I have listed 42

items of valuation that are subjective. From what I have seen, what has come to the historic preservation board from the DRT, I think they have done a remarkable job. If you don't go beyond those prescriptive remedies and look at these buildings in context, you can't salvage the historic essence, the character, high standards, feasibility ... distinctive, I won't go through all of these but that is the kind of evaluation that I think needs to be made. One of the things about the US Secretary of Interior's Guidelines for Rehabilitation, they deal with buildings individually in an historic sense. What it is to restore this building individually. What we are talking about in this community is retaining the context of history. In another few years, we will have the a-frames and recreational buildings that in fact will become a part of our history and we need to look at that. It is the mining, it is the depression, it's the regeneration. That is the kind of history that is important and I respectfully understand the need not to be excessively subjective. I don't want attorneys designing this town.

Dana – there is a word that you used last year – delight.

Roger Durst – It is that character that we want to sustain because it has such great cultural, social and economic value to us. We are on the right track and because you have opened this dialogue, I would continue to be aggressive beyond these controls. I think there needs to and the start of this is, I think we have a bunch of committed, well-intentioned, bright people on this board. They make judgments about music, food they eat, plays they go to see, movies that they enjoy; there is no reason they can't do that about their town.

Liza – having spent a lot of blood, sweat and tears maintaining an 1880's building in Old Town, I am fairly familiar without being able to make a professional opinion of parts of it that needed to be replaced and milled to match. Currently, per our guidelines and our regulations the building department makes a determination as to whether a building is up for reconstruction or that there is "x" amount of rot, there is "x" amount of ..., the one that struck me that we toured was the one down on Lower Woodside, which I don't think was the raccoon house, not only was in horrible shape but had been remodeled and basically Ron wanted them to tear it down. We do have a professional determination being made by someone in the City.

Thomas E – if a building is deemed unsafe by the building official, that is a more proactive step by the city. If somebody is coming in and buying an old house and they want to submit an historic district design review application, they would come in and we would work them through the DRT process, of which Sarah is a part, and we would see what they are proposing with their architect, work with them, if they said you haven't been out to this house, but let me tell you, this thing is a ... their structural engineer would bring in photographs, documentation, prepare preservation plan that recommends reconstruction. We would generally send the planner and building official out to look at that to basically make a determination that that was true. We are basing it on their architect's or structural engineer's application.

Liza - We are verifying it. We are talking about that extra layer of inspection, that third party inspection, which I don't think that is a bad idea, but I want to be clear that we are currently verifying by a qualified person.

David White – but we are also proposing an extra review from our board.

Liza – I get it, but when we started talking about that third party inspection by a professional, I wanted to make sure that was a different extra layer as opposed to ...

Thomas Eddington – it is already there, this would be in addition

Alex Butwinski In future who is going to know whether I restored, or reconstructed, that house. Driving down the street it looks exactly the same.

Dana - bring this to a close because ...

Jeff Love – Application in for 811 Norfolk – it has been a 10 month process, every historic house has some unique situations and circumstances and part of reason I attended today is hoping at some point, I think there are some things that happened .. streamlined better for future people and I would like to be able at some point to convey that.

Dana – is it possible for you to write that up and send it to us?

Jeff – it would take a long time, I would rather just do it verbally at some point if that is possible. One thing I would like to convey today that I think people have brought up statement that they don't know if the design guidelines were working or not and I have a great example of how I think they are working. Tom Peek owns house at 957 Woodside. It is a landmark house, like my house it is a landmark house, each property consists of 3,000 sf, exactly same lot sizes. In my application, I am proposing a 2,450 sf house; Tom's house has approvals from old guidelines for 3700 sf. His house is essentially the exact historic house, both landmarked, both on same lot size, but his house is 1/3 bigger. Some of things that are working is that 4 stories aren't allowed anymore; there is transitional element from historic house to new house, that reduces square footage, and in my case if I could move the house forward that would allow additional square footage. There are limitations on movements of the house. If I could move it forward that would add square footage. The point is that the design guidelines are working. I personally think the pendulum has swung too far the other way. I have some great examples of flaws, I think, in the design guidelines. My favorite, and I think it is very interpretation neighbors to contest the project but under new construction B1.4 it says "taller portions of buildings should be constructed so as to minimize obstruction of sunlight to adjacent yards rooms". How do you build anything in Old Town and not affect sunlight to an adjacent property? That is so subjective and leaves it wide open for some neighbor to challenge your project. There are a lot of good things in the design guidelines, but there are some things that need to be looked at. There are also a lot of inconsistencies between the design guidelines and the Land Management Code, and I have some great examples. It says that the more restrictive should apply, but there are inconsistencies and conflicting information between the two.

Dana – let's set something up where we can sit down for an hour

Dana – there were some recommendations on page 3 and 4 in terms of an action plan on certain things associated with you guys. Are you okay with moving ahead and adding some of these things to your plate, and (c) specifically ... HPB Action Plan for 2011, the second page starts with c on the top.

I think this goes to what you were saying Sarah is that, this is saying it would be once or twice a year, but maybe that we make that quarterly or as needed if something comes up. I want the dialogue to continue because it seems like where we get sideways at times is at times when we are all so caught up in everything else that we are doing that we don't talk to each other. Are you basically okay with this action plan?

HPB members – yes - other than it doesn't address the old guidelines, the only thing

Liza requested clarity from Mark. Would we be changing the LMC to give HPB review authority over demolitions and reconstructions

Mark Harrington – anything that doesn't currently have an approval, even though if it is pending you are adding ... I think you could probably do that, but if they have already got staff approval you couldn't add another layer of approval.

Liza – but that does make the doughnut hole much smaller

Tom Bakaly – one clarification I had ...

Thomas E –we reviewed old reconstructions for old guidelines and we list the six houses that have actually had been, or will be, reconstructed. These have been demolished and they will be reconstructed. We tried to look back to see if there were others, there may be two, it was unclear in the notes. That doughnut hole is not very big.

....

Dana – basically, we are moving ahead with the action plan for 2011 and we are going to move ahead to try to set this up so that we are adding authority to HPB in terms of demolition, demolition by neglect, reconstruction, and things associated with CAD.

Liza – are we going to add the 3rd party inspection?

Dana – part of that is wanting architects to look at it, or is it structural engineers?

Liza – my thought was structural, but I am certainly okay for at least a while going for

Dana –agreed that they move ahead with it,

Liza – are we increasing due diligence enough by having these go to the HPB when we know that Roger is going out and doing inspections, or do we think in addition to raising the level of vigilance we have to have another.

Thomas E – recommendation, go that way with this level and then as this body also works with you and the planning commission, to look at maybe RDA funds, etc, maybe there is a way to move to that next level that is a little less burdensome.

Dana – as part of their review process couldn't they say we don't have enough information to the applicant and that you need to have a structural engineer go through this house and we are not going to proceed further with this until you do that report.

Mark H – let us come back with clarity. Problem with this element is it is a real hot topic for legislators right now in terms of independent fees that municipalities are utilizing on this. We don't want to give them cause We may already have the ability in terms of existing lmc. Staff will come back with some detailed recommendations.

Joe – although think these guys are totally capable and interested in performing that function to a high degree, that protection in the long run, you never know what is going to happen with this body and these people, nice to have some level of protection from outside

Tom – we will come back as LMC change and you will all have a chance to discuss it