



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

October 27, 2022

The Council of Park City, Summit County, Utah, met in open meeting on October 27, 2022, at 4:15 p.m. in the City Council Chambers.

Council Member Gerber moved to close the meeting to discuss property, personnel, and advice of counsel at 4:15 p.m. Council Member Doilney seconded the motion.

RESULT: APPROVED

AYES: Council Members Dickey, Doilney, Gerber, Rubell, and Toly

CLOSED SESSION

Council Member Doilney moved to adjourn from Closed Meeting at 5:05 p.m. Council Member Rubell seconded the motion.

RESULT: APPROVED

AYES: Council Members Dickey, Doilney, Gerber, Rubell, and Toly

PARK CITY HOUSING AUTHORITY MEETING

I) ROLL CALL

Attendee Name	Status
Chair Nann Worel Board Member Ryan Dickey Board Member Max Doilney Board Member Becca Gerber Board Member Jeremy Rubell Board Member Tana Toly Matt Dias, Executive Director Margaret Plane, City Attorney Michelle Kellogg, Secretary	Present
None	Absent

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

Chair Worel opened the meeting for any who wished to speak or submit comments on items not on the agenda. No comments were given. Chair Worel closed the public input portion of the meeting.

III. OLD BUSINESS

1. Consideration to Approve Modifications to the Restrictive Covenant Protecting the Affordability and Sustainability of Units EMP-A and EMP-B at Argent at Empire Pass Condominiums, 7677 Village Way:

Browne Sebright, Housing Program Manager, reviewed the language in the deed restriction was different than other versions. He recommended correcting the language and defining the qualifications based on unit size and occupancy to allow this to be employee housing. He reviewed the discussion from the last meeting and noted the current area median income (AMI) of 45% eliminated all Deer Valley employees. He displayed two tables that showed AMI maximums for a single person or a two-person household with a respective AMI maximum of 100% or 150%. The second tier would allow employees within the school district and had a maximum AMI of 80%. Sebright requested that Council approve the corrected CCRs shown as Exhibit B in the packet and approve the updated definition of "Qualified Renter."

Board Member Rubell stated the flow down prioritized the Deer Valley employee, but there was also an AMI decrease. He asked if the rent was set to the lower AMI if there weren't Deer Valley employees who wanted these units. Sebright indicated the rent would not change, so a renter would need to meet the eligibility requirements. Council Member Rubell asked if the City wanted to allow an employee who earned more to be able to rent the unit at a lower rate. Glidden stated the proposal tonight would not change the rent rate, but rather to open up the qualifications. Council Member Rubell asked what the rent was, to which Fiveash indicated the one-bedroom was \$1,063 per month and the studio was \$988 per month. Glidden stated it was set at the 45% AMI.

Board Member Toly asked if Deer Valley would pay the HOA dues. Fiveash stated the renter would pay 25% of the HOA dues and owner would subsize the rest. Council Member Toly read the language in the CCRs and stated "self-employed" was a broad term. She requested that it be more defined. It was noted the units might not get to that third tier. Glidden stated this was a good definition based on prior resolutions, but it could be looked at.

Chair Worel opened the public hearing. No comments were given. Chair Worel closed the public hearing.

Board Member Doilney moved to approve modifications to the restrictive covenant protecting the affordability and sustainability of Units EMP-A and EMP-B at Argent at Empire Pass Condominiums, 7677 Village Way. Board Member Toly seconded the motion.

Board Member Rubell proposed an amendment to update Section 2.3 of the restrictive covenant to make sure the language was reflective of the staff report and presentation slides with the different AMIs and levels and inclusive of HOA dues. Margaret Plane, City Attorney, stated the staff report language was in the restrictive covenant and so it didn't qualify as an amendment to the motion. Board Member Rubell clarified that he wanted the language to note that the rent was inclusive of utilities, HOA fees, etc. so the unit would be affordable. Fiveash stated the language was in there. Board Member Rubell withdrew his proposal.

RESULT: APPROVED

AYES: Board Members Dickey, Doilney, Gerber, Rubell, and Toly

IV. ADJOURNMENT

PARK CITY COUNCIL WORK SESSION

Winter Transit to Trails Update:

Heinrich Deters, Trails and Open Space Manager, and Wendy Fisher, Executive Director of Utah Open Lands (UOL), presented this item. Deters reviewed webcams were put up at Bloods Lake, Bonanza Flat and Mid Mountain so people could see the trailheads before going to enjoy the area. Transit to Trails had a budget of \$58,000, which was funded by grants from the Central Wasatch Commission and UOL. At the beginning of the season, the shuttle also went up on Thursday and Friday evenings. In 2021, 949 riders used the shuttles and in 2022, 2,453 riders used the shuttles, for a 158% increase. He noted there were four rangers who helped enforce parking at the trailhead. Data gathered from cell phone users showed there were a lot of people from the Salt Lake City areas who came up to enjoy the area. Forty eight percent of visitors came up for a scenic drive.

Council Member Toly asked if more signage was needed in areas where vehicles received citations. Deters stated parking alongside the road was prohibited and parking was only allowed at the trailheads. He thought it was pretty clear for drivers to see that.

Fisher reviewed the restoration efforts around Blood's Lake. Volunteers came up to help and many left positive comments about their experiences. The first restoration was completed, and visitors respected that area. Deters felt the work put into Bonanza Flat had been successful. Council Member Toly asked what UOL was trying to gain from the Bonanza Flat survey. Fisher didn't know about the general survey but discussed the volunteer survey.

Deters stated it was more difficult to get to Bonanza Flat in the winter and indicated staff reached out to the Twisted Branch Subdivision to request that the shuttle use their access to reach Bonanza Flat, and they allowed access from November 15 to

December 15. The shuttle would still work on a reservation basis to take people up there and the schedule could change depending on the weather. Mountain Trails would provide the trail grooming and the Empire Pass restroom would be open. Fisher indicated they were trying to open trails and work on regeneration. There was also education on staying on the trails.

Council Member Gerber asked how long the loop was, to which Deters stated there was seven to 10 kilometers of skiing there. Council Member Toly asked what would happen if people were up there in a storm, to which Deters stated they would get everyone down. Council Member Rubell thanked Empire Pass HOA for allowing access and thought this was a great recreation addition for the community. Council Member Doilney agreed and liked the timelines for the usage. Council Member Toly asked if people could hike or snowshoe there, to which Deters affirmed.

REGULAR MEETING

I. ROLL CALL

Attendee Name	Status
Mayor Nann Worel Council Member Ryan Dickey Council Member Max Doilney Council Member Becca Gerber Council Member Jeremy Rubell Council Member Tana Toly Matt Dias, City Manager Margaret Plane, City Attorney Michelle Kellogg, City Recorder	Present
None	Absent

II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Council Questions and Comments:

Council Member Gerber stated some of the Council members attended the Colorado Association of Ski Towns (CAST) meeting and heard what other cities were doing. Council Member Toly reviewed upcoming events in the City. Council Member Doilney noted the passing of Blair Fullmer and stated he had a big impact on the community.

Staff Communications Reports:

1. 2022 Semi-Annual Council Strategic Planning Retreat Summary:

Council Member Rubell asked if there was a meeting date set to discuss the request to identify areas of LMC that allow case-by-case determinations. Dias stated he would have a date certain by the next meeting.

2. Community Engagement Quarterly Update:

3. Deed Restriction Template for the Live Local Park City Lite Deed Restriction Program:

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

Mayor Worel opened the meeting for any who wished to speak or submit comments on items not on the agenda. No comments were given. Written comments are attached to the end of the minutes. Mayor Worel closed the public input portion of the meeting.

IV. CONSIDERATION OF MINUTES

1. Consideration to Approve the City Council Meeting Minutes from September 27, 2022:

Council Member Doilney moved to approve the City Council meeting minutes from September 27, 2022. Council Member Gerber seconded the motion.

RESULT: APPROVED

AYES: Council Members Dickey, Doilney, Gerber, Rubell, and Toly

V. CONSENT AGENDA

1. Request to Approve Resolution 20-2022, a Resolution Declaring November 1, 2022, as "Extra Mile Day" in Park City, Utah:

2. Request to Approve a Three-Year Professional Services Agreement for Special Event and Peak Day Transportation and Personnel Services Management, with Kane LLC, Not to Exceed \$358,032 Annually, in a Form Approved by the City Attorney:

3. Request to Approve a Settlement Agreement in a Form Approved by the City Attorney's Office with Kenneth and Sandra Flores in the Amount of \$100,000 Regarding Claims Arising Out of Construction at 955 Saddle View Way, Park City:

Council Member Rubell moved to approve the Consent Agenda. Council Member Gerber seconded the motion.

RESULT: APPROVED

AYES: Council Members Dickey, Doilney, Gerber, Rubell, and Toly

VI. OLD BUSINESS

1. Park City Kimball Art Festival Debrief and Agreement Next Steps:

Jenny Diersen, Special Events Manager, and Aldy Milliken and Hilary Gilson, Kimball Art Center (KAC), presented this item. Diersen reviewed the history of events and the current priorities of Council to find a balance and reduce the impact of events as well as not subsidize events. She noted even though events had agreements with the City, they still needed the Council's approval to have future events.

Gilson thanked Council and staff for their support with the festival. She reported there were 29,000 attendees at this year's event, and 57% were not residents. She stated 19% of the artists at the festival were from Utah. Milliken reviewed the economic impact to the City from this event and stated there was a \$23 million total impact, and \$442,363,58 in tax revenue. Gilson indicated there were education stations throughout Main Street for children and adults. All revenues from the festival went to education programs at KAC. Milliken stated this was a revenue generating event. He thought the Council's vote would show that they supported art.

Diersen stated her team worked on a survey and outreach. The survey was released in September and an open house was scheduled. Approximately 564 people responded to the survey and 75% agreed with the hours, days, and weekend of the event. Comments were given with suggestions on how to improve the festival. She noted KAC requested to keep the event status quo for next year. She recommended a status quo one-year extension and suggested working with the Council liaisons on an economic and financial analysis, and then returning in the spring to discuss a future long-term agreement. She could return to a future meeting to have Council approve a one-year extension.

Council Member Rubell asked where the economic impact numbers came from, to which Gilson stated it came from Lighthouse Development, who broke down demographics and got the tax revenue data. Council Member Rubell clarified the third party asked people how much they spent at the festival and then estimated the total. He thought the numbers were assumptions. Gilson stated the Tax Commission came to close out the festival with the food vendors and artists and explained the \$1.9 million reported to the Tax Commission was part of the total impact of \$23 million. Council Member Rubell asked what percentage of the \$1.9 million the City received, to which Diersen stated 2.3% of that. Council Member Rubell estimated \$50,000 was direct City revenue and then the rest was indirect impact.

Council Member Toly asked how many artists applied to be in the festival to which Gilson stated 1,000. Council Member Toly asked how many local artists applied. Gilson didn't know the local applicant number, but stated when any artist from the Wasatch Back applied, they were tagged. Based on juror scores, invitations were given to participate in the festival. The local artists not selected were reviewed again and 15 were chosen to be part of the festival. The local artists had ribbons at their booths to distinguish them, and flags at the booths were being considered for next year. Council Member Toly asked if an artist's price for their merchandise was a consideration in the jury selection, to which Gilson affirmed. She thought there was a lot that could be done to educate the artists like how to arrange their displays. Council Member Toly noted 6,385 Summit County residents registered to come to the festival on Friday night, and asked how many actually came. Gilson did not know the actual number. Council Member Toly stated Friday was the slowest night.

Council Member Rubell asked if there was information on historical fee waivers. Diersen stated the waiver maximum had been set at \$180,000 since 2019. The actual fees waived were \$152,552 in 2019, \$149,095 in 2021, and \$81,270 in 2022. This year, the fees were lower because of reduced transit staffing.

Council Member Gerber asked if the contract should be a longer term contract. Diersen stated staff and KAC met with the liaisons, and they thought the fees were volatile. Council Member Gerber stated it was a 50-year-old event in the community and she thought it would make sense to have a longer contract and then have a supplemental plan as well.

Mayor Worel opened the item for public input.

Shelley Gillwald with Park City Soccer Club supported the Arts Festival, but noted the 2026 festival would conflict with the Extreme Soccer Tournament. She reviewed the history of her tournament and that it used to be the same weekend as Arts Fest. She got the tournament rescheduled some years ago so there wouldn't be a conflict, but now there would be a calendar conflict in 2026. She had a concern that if there was a long-term contract, they would move into that spot and the Extreme Cup would not be allowed.

Mitch Bedke, President of Park City Artists Association, stated the festival was vital. It allowed the Park City artists to compete with international artists.

Bill Humbert supported having a long-term agreement for the festival so Council wouldn't have to go through the same process next year.

Karen Kendall was a local artist who participated in the Arts Festival. The festival was one of the premier events in the City and gave the local artists an opportunity to participate in a large scale festival. She supported a long-term contract.

Kelly Gallagher eComment: "I'd like to take the opportunity to submit this letter to you, expressing my support for both the Kimball Arts Festival and the Park City Sunday Silly Market. Both events allow local artists to showcase and sell their work; one of the very few venues available to local artists at all. I am writing because although I took both surveys, I do not live in zip code 84060, I live in 84098. I am concerned that my survey opinions will not count in your considerations, hence this letter. As a consumer I have shopped and purchased medium value and expensive items at the Kimball Art Center since moving here in 1993 and learning about the Festival. Likewise, I have shopped and purchased smaller items at the Silly Market since its inception, and it has been fun to see the growth over the years. Regarding the brick & mortar stores on Main Street who seem to be complaining about the festival/market, I do eat on Main Street during the Arts Festival, so yes I do bring additional revenue to those businesses. Otherwise I come to Main Street when I have a reason to shop there, or to attend shows at The Egyptian. If the Festival or Market were not on Main Street it would not encourage me to shop there any more than I do now. As an artist I have had the opportunity to show/sell my art through my association with the Park City Artists Association (PCAA) and our excellent relationship with the Silly Market, and in other PCAA or Summit County-sponsored shows. Having these types of outlets is critical to sustaining the Arts, and Park City does benefit from taxes paid for these sales that are made within your tax jurisdiction. As a teacher at the Kimball Art Center (I teach the welding class, folks make small art items in a 4-hour class), I know that exposure to many types of arts through shows and markets really helps drive the creative urge that most of us have. These 2 events help people think that they want to, and can, learn new arts and enjoy the arts all the more. The exposure of the Kimball to visitors helps provide the incentive for folks to follow through, take a class and expand their lives. I strongly urge you to continue support of the 3-day Kimball Arts Festival and the 'nearly every Sunday' schedule for the Silly Market, in Park City on Main Street. I would go on about the importance of the Arts and Culture district, but that is another story for another day."

Mayor Worel closed the public input.

Council Member Dickey explained Council asked for a one-year contract and then a longer contract after that. One reason was to lower the fee waiver. The second part was to have a conversation about giving a fee waiver or supporting the arts. The economic impact was complicated. The objective was to figure out the fee waiver issue and then move forward from there.

Council Member Rubell stated the economic impact was not based on real numbers. He thought it was about transparency with the community and felt the question with the fee waivers should be explored. He didn't want to give KAC \$180,000 when they only spent \$81,000 of that this year. He didn't have a problem supporting the festival, but it was about transparency.

Council Member Toly asked Council Member Rubell if he was talking about not having the festival or just not subsidizing it. Council Member Rubell indicated the festival was good and he supported it as an event. Council didn't know if they were subsidizing the festival or investing in something that had an economic benefit to the City. There wasn't enough information to say the City was subsidizing the festival. He wanted to know the answer to that.

Council Member Gerber indicated the City required some events to hire a third-party contractor. She had a hard time when they reported the numbers, and then some Council members didn't believe them and said they were assumptions. Council Member Rubell stated it depended on how the questions were asked, because participants could give a different answer.

Council Member Doilney stated this company did this type of work, so if they didn't meet the bar, the Council needed to tell KAC. He wasn't hearing a solution. He asserted professionals in the field knew their job and the Council was questioning the results. Council Member Rubell stated there were multiple numbers about the impact, so he thought they needed to pause and determine what was the true economic impact to the City.

Council Member Toly asked if Daenitz could pull out sales tax numbers for just the Historic District. Dias stated there were privacy issues so those numbers could not be broken down. Council Member Toly stated if economic benefit was a concern, then the economic benefit should be benefitting the Main Street businesses, since they were affected by street closures. She noted 67% of the Main Street businesses supported continuing the event. Council Member Gerber was fine with looking at the impact. This was a negotiation and a process, but surveys were distributed. It was fine to take a closer look for another year.

Mayor Worel agreed there should be a long-term contract and asked if the decision could be delayed. Milliken stated the third party was an industry standard, but all could agree the festival had an economic impact. He looked forward to working with the City to come up with a formula. He felt sure they were providing an efficient Arts Fest. He was not sure he would ever know how much every person was spending.

Council Member Doilney supported the KAC proposal. He was concerned when Council took events that were community identifiers and talked about economic factors only. Council Member Rubell thought the numbers could be more accurate, but he supported a one-year contract. It was a conversation about putting money in the right buckets, and if there was a subsidy, it should be defined that way. He asked for a commitment from KAC to be conscious of what they spent. All the Council members supported continuing the event with a one-year contract. They requested that Diersen come back for a long-term contract and with a timeline.

2. Consideration to Approve Ordinance No. 2022-21, an Ordinance Amending the Land Management Code Sections 15-2.5-2 Historic Recreation Commercial, 15-2.6-2 Historic Commercial Business, 15-2.13-2 Residential Development, 15-2.14-2 Residential Development - Medium Density, 15-2.18 General Commercial, 15-2.16-2 Recreation Commercial, and 15-2.17-2, Regional Commercial Overlay to Allow "Dwelling Unit, Fractional Co-Ownership/Use," Enacting Section 15-4-23, "Dwelling Unit, Fractional Ownership/Use" and Amending Section 15-15-1 to Define "Dwelling Unit, Fractional Co-Ownership/Use":

Makena Hawley and Spencer Cawley, Planning Department, presented this item. Hawley reviewed the previous presentations on the amendments and stated the current proposal was more comprehensive, including a specific definition, and the addition of condos and townhomes. She also explained the proposed permitting process and indicated staff recommended an administrative permit to allow an opportunity for public noticing and public input. The other option was an administrative approval letter, in which staff would have the authority to approve the permit after mailing public notices to adjacent property owners and confirming compliance to the code criteria.

Cawley stated there were additional clusters of primary residences within the General Commercial (GC), Residential Development (RD), and Residential Development Medium (RDM) Zoning Districts. He suggested that Council direct staff to continue the pending ordinance for an additional six months for these zones.

Council Member Dickey thought the fractional ordinance was conditional in the RD zones. Hawley stated those were still conditional but there was a footnote for those to say an administrative letter or approval. Council Member Dickey asked if RD would remain in the conditional category if Council directed staff to continue the pending ordinance. He thought it was confusing to have it as a conditional use if it was being studied. Hawley stated there would be a pending ordinance for these specific zones and they would be separated from this ordinance being considered today. If Council approved this ordinance with a permit or an administrative letter, it would be a conditional use. McGrath clarified there would be a pending ordinance with a hold on those zones for six months if Council asked for a continued study.

Council Member Gerber asked what would be studied. McGrath stated there were areas within the zones that had primary resident occupancy, so a study would focus on if the neighborhoods in question were appropriate for transient residences. Council Member Toly clarified each area would be considered by its own subdivision. Council Member Rubell stated the yellow on the map was a zone and the definition of the zone would help determine what the use should be in each area.

Mayor Worel opened the public hearing.

Joe Tesch represented some neighborhoods that weren't in the yellow area. He thought other areas needed protection as well. He requested lines 268-272 of the ordinance that

listed subdivisions where fractional ownerships were prohibited be amended to reflect the additions of Aerie 1 and 2.

Vincent Novack, Friends for Responsible Development of Greater Park City and Vice President of his HOA, opposed the City allowing fractional ownership in any areas where timeshares were not allowed. The ordinance protected some areas with single-family homes and he thought it should not be limited to single-family homes. He thought neighborhoods that prohibited nightly rentals should be considered to prohibit fractional ownership. He didn't know how the requirement for property management to be available 24/7 and to respond in 20 minutes could be verified. He stated these companies were invading neighborhoods. He read data on how many people could sleep in fractional ownership homes and several were over 20 people per household. He supported the ordinance.

John Spung via Zoom lived in Park Meadows and his neighbors were opposed to fractional ownership in their neighborhood. He agreed with the previous speaker.

Chip Burrus, Fairway Meadows HOA, stated fractional ownership had a place but not in the neighborhoods. It commercialized neighborhoods and created issues. He stood with the other HOAs in opposing this. His HOA worked hard to include the prohibition of fractional ownership in his neighborhood and noted it was prohibited in the HOA CCRs. He commented 10 days of notice did not seem sufficient since people could be out of town that long. He suggested a 20 day notice requirement.

Eric Moxham via Zoom, Friends for Responsible Development, indicated fractional ownership would drive up prices in town. As the most expensive homes increased in value, all homes would increase in value. His concern was with single-family homes.

Sarah Filosa, Pacaso, stated she was disappointed to see how restrictive the ordinance was based on past conversations with staff and Council. She thought the ordinance limited people's ability to own homes in Park City. She had problems with the proposed zones and the six-month trial on the RD zones. She proposed a 10% fractional ownership home cap in the Historic District Zone. She also had concern with the administrative permit since the timeline was restrictive as they tried to buy properties. She stated the new definition displayed at the meeting was not the definition published in the packet. Pacaso did not want to litigate with the City, but there should be opportunity for others to own property in Park City.

Ed Parigian via Zoom stated there was an affordability crisis in the City and this would be a new way to have rich people buy in town. He urged Council to be careful because it was hard to undo something that had been done.

Bill Humbert cautioned Council to beware when people praised something and then used the word "but."

Ginny Schulman indicated the units were sold and financed by Pacaso. Death and divorce would happen and things could fall apart when eight owners had to agree on things.

Mayor Worel closed the public hearing.

Council Member Dickey liked the proposal and the management of fractional ownership by zone and thought that would be a consistent way to do it. He thought it made sense to step back and study the RD, RDM and GC zones because those zones had a variety of uses. The study was not a delay but a thorough way to assess the use in the zone. From an impact perspective, fractional ownership homes would be consistently resold as fractions. It was critical to think about the neighborhood impact. A home used by a family was very different than fractional ownership. He thought an administrative letter was sufficient. The City used public hearings to discover impacts that weren't considered. He thought fractional ownership impacts were known and they would always be the same. Council Member Toly agreed the administrative letter would be sufficient.

Council Member Gerber stated Council Members Dickey and Rubell did a lot of work with staff. It was confusing but it was an important move for the community. It was important to study the yellow zones on the map and as they were studied, some areas would be green and some red. Nightly rentals changed the community and the City couldn't wait to see how fractional ownership changed the community. She supported having the administrative letter.

Council Member Rubell indicated it would make sense not to allow the uses in the RD, RDM, and GC zones during the study in order to complete the study as soon as possible. He also favored using the administrative letter.

Council Member Doilney agreed the administrative letter was appropriate and he supported evaluating the zones in question. He stated the transition from single-family homes to nightly rentals was hard on the community and he supported the ordinance. He noted changes could be made to it as needed.

Council Member Toly asked if Council liaisons would still be involved in studying the zones for the next six months. McGrath stated they had ideas on how to start and once Council gave direction, a plan would be formulated. Council liaisons were anticipated to be part of the study.

Mayor Worel asked if the administrative letter required a separate motion. Ward stated there was language for the motion. Hawley read the new definition.

Council Member Rubell moved to approve Ordinance No. 2022-21, an ordinance amending the Land Management Code Sections 15-2.5-2 Historic Recreation

Commercial, 15-2.6-2 Historic Commercial Business, 15-2.13-2 Residential Development, 15-2.14-2 Residential Development - Medium Density, 15-2.18 General Commercial, 15-2.16-2 Recreation Commercial, and 15-2.17-2, Regional Commercial Overlay to Allow "Dwelling Unit, Fractional Co-Ownership/Use," Enacting Section 15-4-23, "Dwelling Unit, Fractional Ownership/Use" and amending Section 15-15-1 to define "Dwelling Unit, Fractional Co-Ownership/Use" with the amendment to require an administrative letter rather than an administrative permit as reflected on lines 83, 183, 297, 411, 509, 609, and 710 and further direct staff to study the RD, RDM, and GC Zones for uses, including fractional ownership, timeshares, and private residence clubs. During the study period, any of the named uses would be prohibited pending results of the study which should be completed as soon as possible and not to exceed six months, and amend lines 772-789 to update the Fractional Use definition. Council Member Gerber seconded the motion.

RESULT: APPROVED

AYES: Council Members Dickey, Doilney, Gerber, Rubell, and Toly

VII. NEW BUSINESS

1. Consideration to Approve the Memorandum of Understanding with the Park City Seniors Regarding the Potential Development of the Woodside Park Properties Owned by Park City Municipal Corporation:

Jason Glidden, Housing Manager, reviewed the City worked diligently to proactively acquire properties in this area with the intent to provide senior housing. The Woodside Park Phase II project had some issues, one of which was the existing Senior Center. There was discussion on relocating the senior center and building a new facility for the seniors. The seniors resisted and it was not the right timing. They owned the building but had a 99-year land lease with the City. Recently a memorandum of understanding (MOU) was signed by the seniors, the City, and Summit County to define roles, and it was a step forward. His team met regularly with the seniors to find a common goal with regard to this affordable development. The goals for the project were to develop a mixed-income development that would create new affordable housing and new senior housing opportunities, and develop a new senior center. Glidden reviewed the terms agreed to in the MOU, some of which included that the City agreed to provide a new Senior Center on 1361 Woodside or on one of the adjacent City-owned parcels and the City and seniors would negotiate a new space lease that would address the seniors' exclusive use and control of a new space.

Council Member Rubell asked if the old lease accommodated the temporary location. Margaret Plane, City Attorney, stated it was a question that needed to be documented and agreed upon by both parties.

Council Member Gerber stated an MOU was entered with the Arts and Culture District and then circumstances changed. She wanted to make sure there were conversations

with seniors on guardrails and budget. Glidden indicated staff would work with seniors on design and budget and there would need to be a discussion with the Council on the budget. Council Member Gerber requested talking about a timeline and budget as well as projected attendance for the center.

Mayor Worel thought a discussion was needed on what model to use in building the center and stated they could use a public/private partnership. Council Member Doilney thought it was wonderful to see an agreement had been reached. The agreement did not have a lot of detail and everyone who read it would expect something different. The sooner expectations were defined the better it would be for the project. He liked the MOU but noted the need for guardrails. Mayor Worel indicated earlier this year she met with the seniors to hammer out the process and saw a new level of excitement and cooperation between the City and the seniors.

Mayor Worel opened the item for public input.

Francie McNulty was on the senior committee and stated budgets were important to the project, but the MOU was a beginning. She looked forward to having senior housing and a senior center.

Cami Richardson stated the Leadership Class presented on options for senior housing and she thought a public/private partnership would be wise for this project.

Bill Humbert stated he watched the discussions for the past six or seven years and he was excited to see the MOU. It was an important issue for seniors and he supported it. Elizabeth Novack stated she was on the gray ribbon committee, and she encouraged Council to support the MOU. This MOU sent a message to the seniors that they were a vital part of the community.

Council Member Gerber moved to approve the Memorandum of Understanding with the Park City Seniors regarding the potential development of the Woodside Park Properties owned by Park City Municipal Corporation. Council Member Toly seconded the motion.

RESULT: APPROVED

AYES: Council Members Dickey, Doilney, Gerber, Rubell, and Toly

2. Consideration to Approve Ordinance No. 2022-42, an Ordinance Approving the Heimpel Plat Amendment Located at 455 Woodside Avenue, Park City, Utah:

Makena Hawley, Planner, presented this item and stated the lots were being combined into one lot. Council Member Rubell asked if the dissenting Planning Commission vote was due to the Land Management Code (LMC) definition of lot combinations. Hawley stated the definitions were being reviewed, but there was no pending ordinance.

Council Member Gerber asked to discuss keeping one unit per lot when there were lot combinations so there could be an opportunity for additional dwelling units (ADU).

Mayor Worel opened the public hearing.

Angela Moschetta via Zoom stated she offered public input in Planning Commission and Council Members Gerber and Rubell raised similar questions. Moschetta stated the City hadn't given much thought to this in the past, but it was an issue of equity. She read the definition of Good Cause and stated the only one that benefited from the lot combination was the owner. She thought a conditioned approval could be given that would only increase square footage to the maximum of one lot.

Joe Tesch stated 30 years ago everyone was allowed to build across the lot lines. Lot combinations were an advantage to the community because miners had small homes with many children but that didn't work today. Out of 26 lots in the area, six were 25 feet and the other 20 lots were lots and a half or larger. The request was consistent with the neighborhood.

Mayor Worel closed the public hearing.

Council Member Doilney stated it fit with the neighborhood and the lot couldn't be developed without the combination. He agreed with Council Members Gerber and Rubell that the City needed to maintain its density and allow for ADUs. This was a unique situation, but he didn't want to set a precedent. Each lot was unique and he wanted to consider each on its own merit.

Council Member Dickey moved to approve Ordinance No. 2022-42, an ordinance approving the Heimpel Plat Amendment located at 455 Woodside Avenue, Park City, Utah. Council Member Doilney seconded the motion.

RESULT: APPROVED

AYES: Council Members Dickey, Doilney, Gerber, Rubell, and Toly

3. Consideration to Approve Ordinance No. 2022-43, an Ordinance Approving the Stonebridge Amended Plat, Located at 1201 Stonebridge Circle, Park City, Utah:

Spencer Cawley, Planner, presented this item and indicated the plat amendment would allow the addition of an elevator. There would not be visual impacts. The HOA approved the change from common to private.

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

Council Member Gerber moved to approve Ordinance No. 2022-43, an ordinance approving the Stonebridge Amended Plat, located at 1201 Stonebridge Circle, Park City, Utah. Council Member Dickey seconded the motion.

RESULT: APPROVED

AYES: Council Members Dickey, Doilney, Gerber, Rubell, and Toly

4. Consideration to Approve Ordinance 2022-44, an Ordinance Approving the 569 Park Avenue Subdivision, Located at 569 Park Avenue, Summit County, Park City, Utah:

Lillian Zollinger, Planner, presented this item and stated this was an application for a lot combination. The proposal would not exceed the current height of the unit.

Mayor Worel opened the public hearing.

Angela Moschetta stated this was not a good cause other than personal benefit. She discussed this at the Historic Preservation Board meeting and some members stated they wanted to limit lot combinations but the LMC allowed it. She indicated the owner would move the house and remove an old tree. The house was already beautiful, and it didn't need an addition and basement to improve the character. She asked Council to deny the ordinance

Mayor Worel closed the public hearing.

Council Member Gerber agreed with Moschetta to some degree and asked for consideration to require an ADU or something similar. She thought Council was required to approve this, but she wanted to continue to have conversations on this item.

Council Member Toly indicated Old Town had changed so much over the years and she would welcome discussions on preserving historical character. Council Member Rubell asked what was being deconstructed, to which Zollinger stated a wall was being deconstructed to attach a garage.

Council Member Doilney noted many houses built enormous additions and he was glad this house would keep its same form. He knew the house would no longer be affordable after the basement and garage were added. There were rules that needed to be adhered to so he wouldn't feel comfortable denying this.

Council Member Dickey moved to approve Ordinance 2022-44, an ordinance approving the 569 Park Avenue Subdivision, located at 569 Park Avenue, Summit County, Park City, Utah. Council Member Doilney seconded the motion.

RESULT: APPROVED

AYES: Council Members Dickey, Doilney, Gerber, Rubell, and Toly

Mayor Worel asked if Council would like Planning Commission to consider amending the code on lot combinations. Ward stated it was already scheduled for a work session.

VIII. ADJOURNMENT

With no further business, the meeting was adjourned.

Michelle Kellogg, City Recorder

7677 VILLAGE WAY ARGENT AT EMPIRE PASS CONDOS

MODIFICATION OF EMPLOYEE HOUSING
RESTRICTIVE COVENANTS

October 27, 2022



BACKGROUND

- Housing Team records show that upon recordation of the restrictive covenants, we identified that there were incorrect references to CC&Rs
- In July of 2022, the developer team contacted the Housing Team to address these incorrect references, and to discuss changes to employee eligibility for local workers

BACKGROUND

- Project was approved in 2017 with a requirement that two **employee** units be included:
- **EMP-A** is a **one-bedroom unit** that has an expected occupancy for a 1.5-person household
- **EMP-B** is a **studio unit** that has an expected occupancy for a 1-person household
- The purpose of updating this section is for the units to have distinct qualifications based on respective household sizes, and to prioritize eligibility for local workers

UPDATES SINCE 10/6

1.28 Qualified Renter. Qualified Renter shall be a person or persons who are determined by the City to meet the following criteria:

1.28.1. A person with a minimum of one adult in **their** Household who is a full-time (aggregate of 30 hours of employment per week) **employee of (a) an entity or entities performing services within the Property or (b) of a business or enterprise operating within the Deer Valley Area and (c) whose household income is compliant with the following:**

	Single Person Household	Two-Person Household
EMP – A	Less than 100% of AMI	Less than 150% of AMI
EMP – B	Less than 80% of AMI	Less than 100% of AMI



UPDATES SINCE 10/6

1.28.2. A person with a minimum of one adult in their Household who is a full-time (aggregate of 30 hours of employment per week) **employee** of (a) **business or enterprises within the Park City School District** may be considered Qualified Renters when reasonable efforts to rent to those employed by an entity or entities performing services within the Property or of a business or enterprise operating within the Deer Valley Area are not successful, and (b) whose household income is compliant with the following:

	Single Person Household	Two-Person Household
EMP – A	Less than 80% of AMI	Less than 80% of AMI
EMP – B	Less than 80% of AMI	Less than 80% of AMI

1.28.3. Individuals who are self-employed do not qualify as “Qualified Renters”.



RECOMMENDATION

- Approve the two requested edits:
 1. **Exhibit B** – Update an incorrect reference to CC&Rs
 2. **“Qualified Renter” definition** – Update definition to account for current employee wage data
- Or; Continue the item to a date certain



Winter Transit to Trails

PARK CITY

1884

Bonanza Flat 2022 Recap

Bonanza Flat Mitigation Plan

- Parking Enforcement
- Education/Outreach
- Transit 2 Trails

Trailhead Webcams

(3- Bloods, Bonanza Flat, Mid-Mountain)

[Utah Open Lands Trailhead Cameras](#)

Transit 2 Trails

Budget: \$58,000 Contract with Utah Mountain Shuttle

- Utah Open Lands/Central Wasatch Commission Grant \$13,000
- Thursday & Friday evening additions

- 2022 Total: **2453**
 - (2071 bike/382 hike)
- 2021 Total: **949**
 - (861 bikes/86 hikers)

158% Increase

Parking Enforcement

Four Rangers

- **123 warnings**
- **282 citations**
 - (145 in October)

VMS boards, PCMC PD/Coordination with Sheriff (Fall Colors)

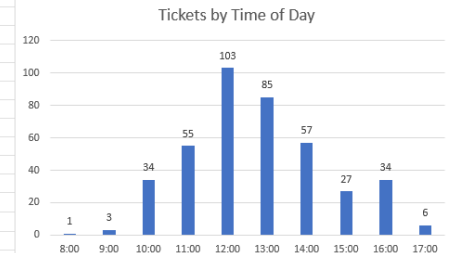
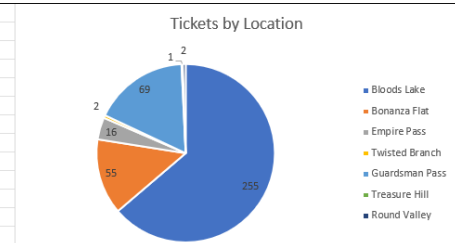
Total		405	
Location	Bloods Lake	255	63%
	Bonanza Flat	55	14%
	Empire Pass	16	4%
	Twisted Branch	2	0%
	Guardsman Pass	69	17%
	Treasure Hill	1	0%
	Round Valley	2	0%
	Other	4	1%

Warnings	123	30%
Valids	282	70%

8:00	1	
9:00	3	
10:00	34	
11:00	55	
12:00	103	
13:00	85	
14:00	57	
15:00	27	
16:00	34	
17:00	6	

Appeals	30	7% (all granted so far)
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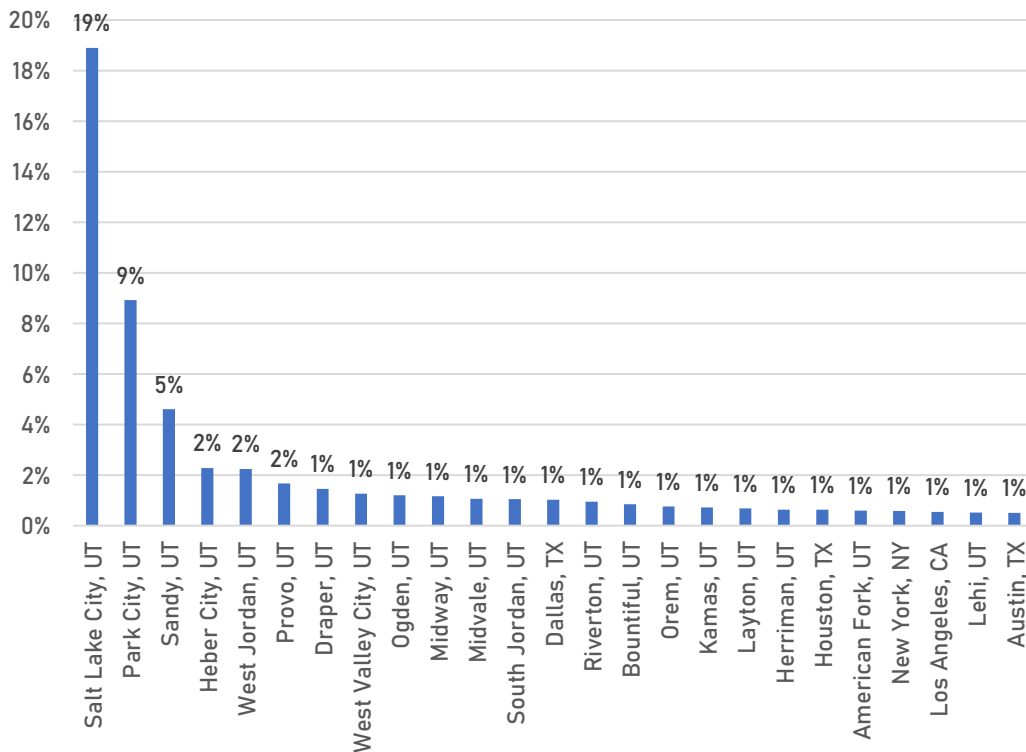
2022 by Month	
July	140
Aug	59
Sept	61
Oct (through 16th)	145



Bonanza Flat Trends: Source of Visits

Rank	City	Visits Over Period	% of All Visits
1	Salt Lake City, UT	18,370	19%
2	Park City, UT	8,670	9%
3	Sandy, UT	4,475	5%
4	Heber City, UT	2,216	2%
5	West Jordan, UT	2,185	2%
6	Provo, UT	1,632	2%
7	Draper, UT	1,419	1%
8	West Valley City, UT	1,231	1%
9	Ogden, UT	1,167	1%
10	Midway, UT	1,135	1%
11	Midvale, UT	1,032	1%
12	South Jordan, UT	1,019	1%
13	Dallas, TX	1,003	1%
14	Riverton, UT	924	1%
15	Bountiful, UT	832	1%
16	Orem, UT	741	1%
17	Kamas, UT	703	1%
18	Layton, UT	671	1%
19	Herriman, UT	619	1%
20	Houston, TX	619	1%
21	American Fork, UT	582	1%
22	New York, NY	569	1%
23	Los Angeles, CA	537	1%
24	Lehi, UT	514	1%
25	Austin, TX	499	1%

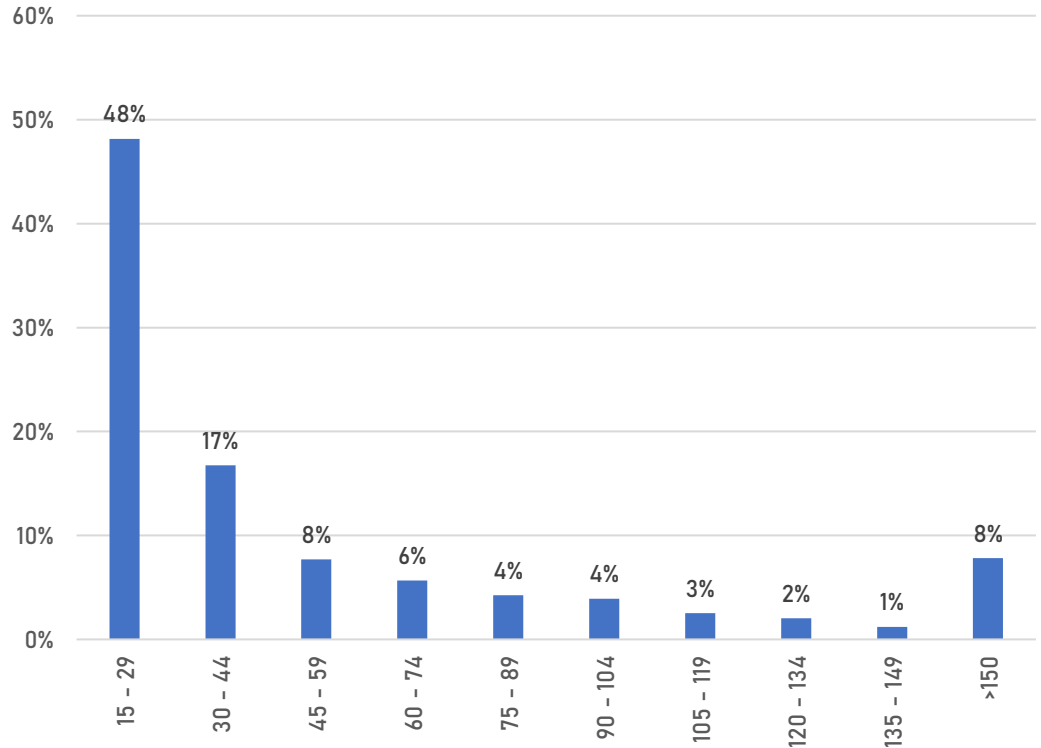
Bonanza Flat July 1, 2022 - October 18, 2022
% of All Visits by Home Location



Bonanza Flat Trends: Length of Stay

Bonanza Flat July 1, 2022 - October 18, 2022
% of All Visits by Length of Stay in Min.

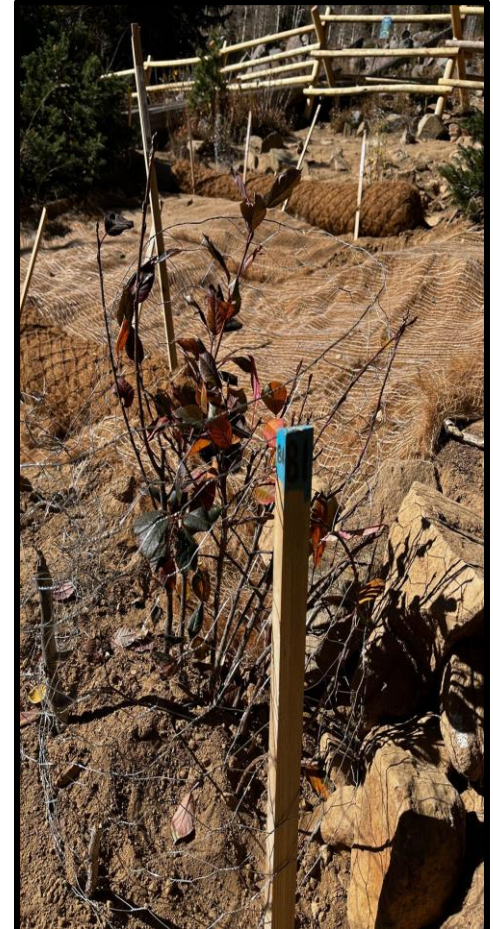
Length in minutes	Visits Over Period by Length of Stay	% of All Visits
15 - 29	61,914	48%
30 - 44	21,535	17%
45 - 59	9,913	8%
60 - 74	7,272	6%
75 - 89	5,457	4%
90 - 104	5,011	4%
105 - 119	3,260	3%
120 - 134	2,629	2%
135 - 149	1,542	1%
>150	10,049	8%



Bonanza Flat Restoration Projects

Restoration Projects

- Bloods Lake
- Lackawaxen
- Trails





“ Want to help to restore the landscapes that I use and enjoy.”

“Bonanza Flat was a great and beautiful place. The Utah Open Lands staff, , Park City Trails Foundation, and the Park City Recreation staff were helpful, friendly, and very skilled. I enjoyed doing the restoration work It was meaningful to learn new info”

“Amazing people out there. Great to be in nature”

“Such an organized group with a strong track record of saving natural resources. It’s a pleasure to help in even a small way”

“Such a valuable organization”

“It is wonderful being a part of maintaining the beauty of our beautiful outdoors here in Utah. Everyone was super friendly and it was such a team event. I loved it.”

“Very well organized”

Winter T2T Logistics

Winter Transit 2 Trails Program

- Council FY23 Budget request
- Use of Twisted Branch Road (Blue Dash)
 - Allow limited public transit to Bonanza Flat but only mid-Nov to mid-Dec.
- Early season option when no snow in valley
- Great for local winter programs
- Bonanza Park Area for Pick-up
- Notification (24 hours, may change, weather)
- Trail Grooming provided by Mountain Trails Foundation (Yellow Line)
- Empire Pass Restroom will be open



KIMBALL ART FESTIVAL

DEBRIEF & FUTURE AGREEMENT

KIMBALL
ARTS
FESTIVAL

organized by
KIMBALL
ARTS
CENTER

PARK CITY

1884

AUGUST 5-7

DEBRIEF

53rd annual Park City Kimball Arts Festival



“Love the festival not only as a participant, but also shopper!” 2nd time participating local artist

“Park City is the best organized, best executed show we do. Set up and tear down work like clockwork. It is our best show of the year EVERY year. We cannot say enough good things about the Park City Kimball Arts Festival and are enormously grateful to be a part of it.” 5+ time participating artist from Missouri

“We really enjoyed our time in PC. We stayed 4 days additionally exploring the area ...” 1st time participating artist from Colorado



STATISTICS

Attendance

- Approximately 29,000 people attended
 - 77% of attendance from Utah, all 50 states represented
 - 57% Non-Resident, 43% Park City Resident
- 6,385 Summit County locals attended Friday night
 - Increase of 1,890 from 2021

Artists

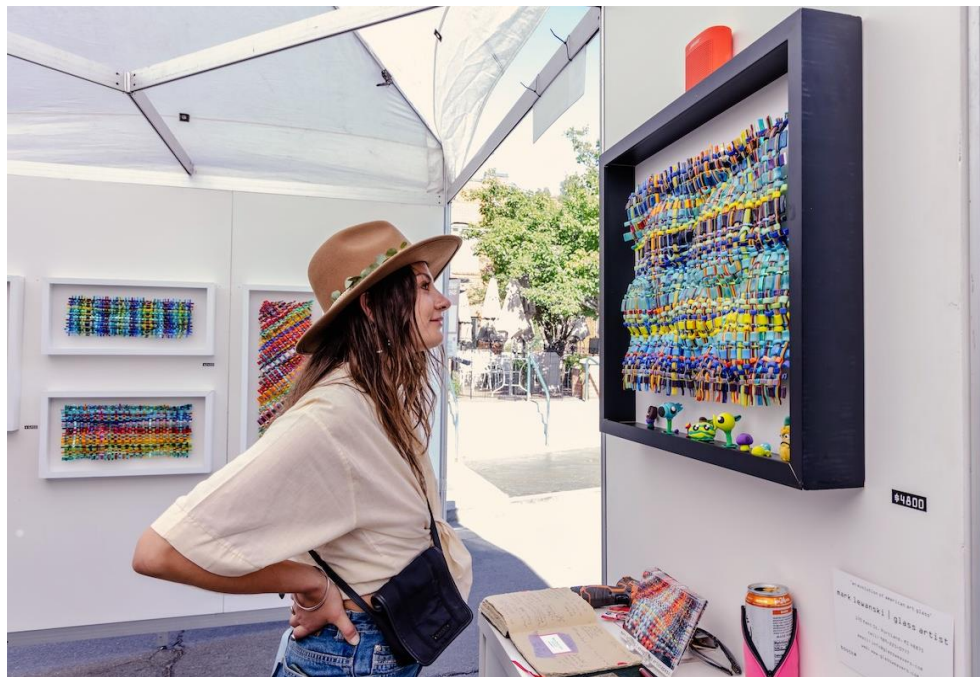
- 184 participating artists
- 35 artists from Utah (19%)
 - 14 from the Wasatch Back (7% of total artists)
- 13 (7%) emerging artists, 53 first-time artists (30%)



ECONOMIC IMPACT

Economic Impact

- \$23 million total economic impact
- \$442,363.58 total tax revenue generated for Park City
 - \$126,073.62 tax revenue generated for Park City by attendees primarily visiting for the Arts Festival (28.5% of overall attendees)
- \$1.9 million revenue generated by art sales and food vendors
 - Highest reported sales ever!



COMMUNITY

Community Impact

The Kimball Arts Festival reaffirms the Kimball Art Center as an educational institution of Park City

- Creation Station (formally Kid's Area) activities
- Young Artist Academy live painting and murals
- Two Studio on Main locations with four activities for all ages
- Murals created by KAC edu. outreach programs
- Two music stages programmed by Mountain Town Music



— FEEDBACK & OUTREACH —

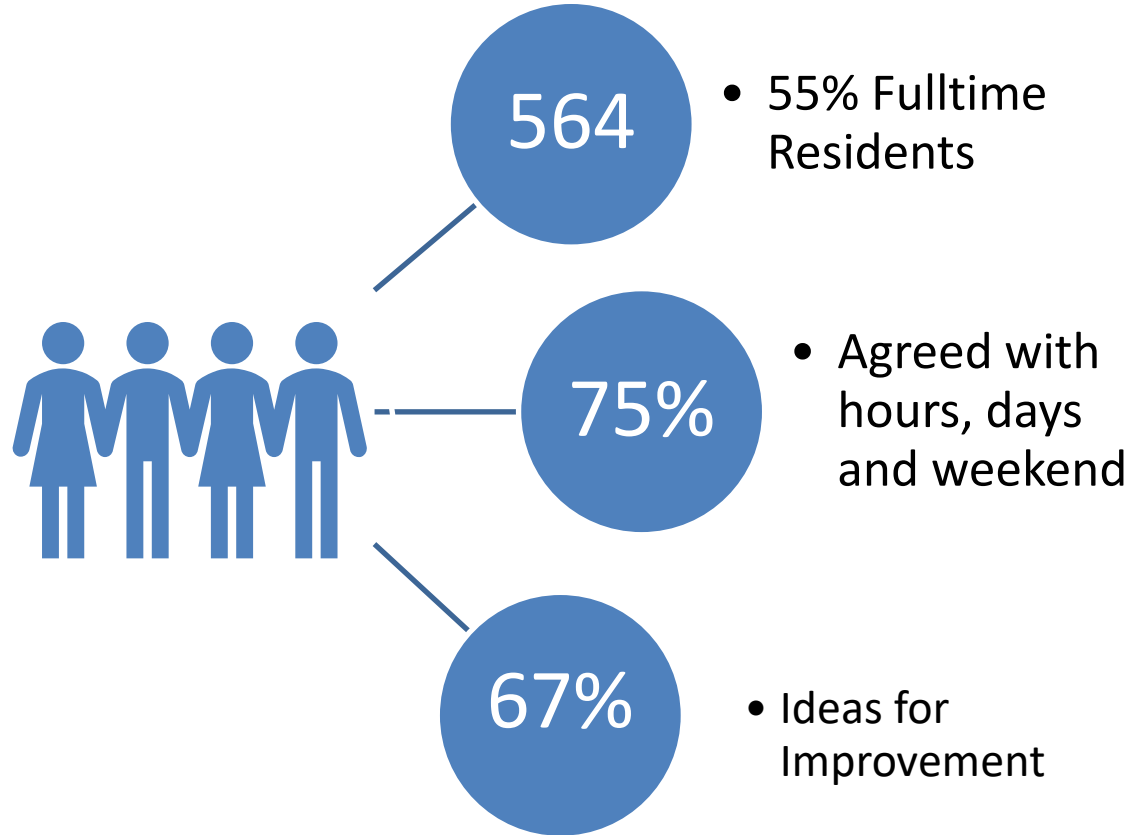
Extensive outreach:

- Various ways to provide feedback.
- Local and Social Media
- Postcard Mailing
- Open House
- Community Partners

On a scale of 1 to 100:

Continuing Event 79

Importance of Free Friday 78



RECOMMENDATION

Take public input and provide direction on Alternatives.

ALTERNATIVES				
Option	Description	Fees	Number of Days	Dates
1	Status Quo (Kimball Proposal) - Consider a second addendum to the current contract and extend the Agreement for one year to provide time to understand economic and financial analysis.	Up to \$180K waived, KAC pays \$10K	3	1 year (August 4 - 6)
2	Decline to enter into future Agreement	\$0	0	0
3	Extend Contract for One Year with Changes - if changes are requested, Council should provide direction on which areas they want changes	TBD		1 year (August 4 - 6)

Special Events recommends Option 1 – Status Quo one year extension.

- Work with Council Liaisons on economic and financial analysis, to return in Spring to discuss future long-term agreement.
- Return at subsequent meeting to approve one year extension.



LMC AMENDMENTS

FRACTIONAL OWNERSHIP

City Council

PL-22-05210

October 27, 2022



Definition

DWELLING UNIT, FRACTIONAL USE. Any Dwelling Unit which is owned by ~~a~~ **limited liability company, LC, LLC, Corporation, partnership**, or other joint ownership structure in which unrelated persons or entities **own**, sell, purchase or otherwise for consideration create or acquire any divided property interest including co-ownership or fractional or divided estates, shares, **leaseholds**, or **memberships** which are subject to, or subsequently bound by any agreement limiting interest holders' or their designees' right or functional ability to occupy or use the property to their respective interests or any other agreement which limits interest holders' or their designees' use of the property to fractional reservations through stay limitations of any duration. ~~Other elements of Fractional Use~~ **is established by any of the following elements include:** co-ownership or fractional or divided estates, shares, **leaseholds**, or memberships which are openly advertised, marketed, or offered for sale and sold individually at separate times; centralized or professional management; reservation systems; maximum or minimum day limits on each interest holder's occupancy or use of the property; or management fees reflective of interval use or ownership, irrespective of whether the agreement may be cancelled individually or by any party. This definition shall not include non-commercial **groups such as families**, partnerships, associations, or trusts with divided interests or agreements in which the real estate is held and transferred within the family, partnership, association, or trust as opposed to sold on the free market for commercial purposes.



– Include All Dwelling Unit Types —

- Direction from past City Council was to include Duplexes, Triplexes, and Multi Unit Dwellings.
 - Focus is placed on Primary Residents and capturing all housing types.



Permitting

Administrative Permit Staff-Level Approval	Administrative approval letter Staff-Level approval
• Public notice mailed 10 days prior to Public Hearing to adjacent property owners • Public notice posted to the property 10 days prior to Public Hearing • Public notice posted to the City website, City Hall, and the Main Street Post Office • Proposal must comply with the criteria outlined in the proposed new LMC Section 15-4-23, and the Zoning District • Administrative Public Hearing	• Public notice mailed 10 days prior to Final Action to adjacent property owners • Proposal must comply with the criteria outlined in the proposed new LMC Section 15-4-23, and the Zoning District

Staff Recommends the Administrative Permit to allow the opportunity for public noticing and public input. Public Hearings will allow Staff to collect data for additional analysis.

Study Area

Additional Zones of Study are Proposed

There may be additional clusters within General Commercial, Residential Development, and Residential Development Medium Zoning Districts with primary resident areas. Council may direct staff to issue notice of a pending ordinance to further study these areas for six months.

Discussion

- 1.) Concurrence on the Definition
- 2.) Recommended Permitting Type
- 3.) Direction for Further Study

—Recommendation—

Staff recommends the Council conduct a public hearing, approve Ordinance No. 2022-21, and amend lines 772-789 to update the Fractional Use definition.

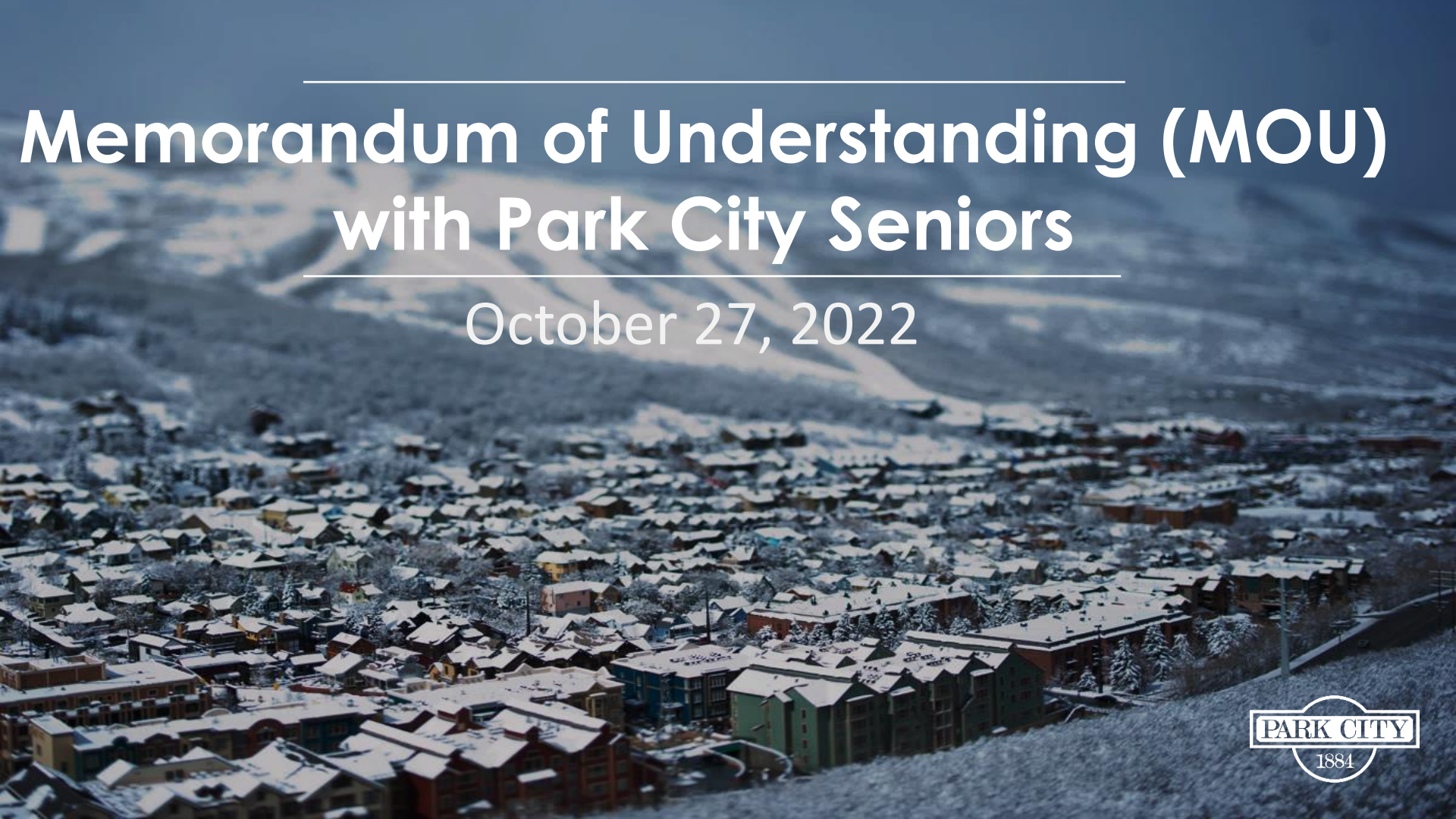
Recommendation

If Council desires to amend the Ordinance to establish and Administrative Letter rather than an Administrative Permit, Council will need to include the following in the motion:

“Amending lines 83, 183, 297, 411, 509, 609, and 710 to require an Administrative Letter rather than an Administrative Permit.”

Recommendation

The Council may also direct staff regarding an additional study in the GC, RD, and RDM Zoning Districts, with the possibility of issuing a pending ordinance that would initiate a six-month period.

An aerial photograph of a mountain town covered in snow. The houses are densely packed, and the surrounding landscape is a mix of snow-covered ground and evergreen trees. The sky is a clear, pale blue.

Memorandum of Understanding (MOU) with Park City Seniors

October 27, 2022



Background

- City proactively acquired several adjoining parcels in the 1300 block of Park Avenue west up to Empire Avenue in anticipation of developing a large, in-fill affordable housing project in the heart of Old Town.
- Woodside Park Phase 1 which consists of four single family homes and four townhomes was completed in 2019.



Townhomes at Woodside Park Phase 1

Woodside Park Phase 2

- Original designs called for the creation of just under 50 affordable, deed-restricted townhomes and flats and pedestrian connection between Park Avenue and Empire Avenue.
- Project met with several challenges:
 - Planning Commission approval was appealed and eventually overturned by the Board of Adjustments
 - Plan to build a new senior center stalled.



Original Design Woodside Park Phase 2

Park City Senior Center

- The Park City Seniors own the current senior center building and lease the land from the City through a 99-year lease created in 1976.
- Over the years, the City has helped maintain the existing Senior Center building, land, and parking lot. Recently the City, Summit County, and the Park City Seniors entered into an MOU to clarify each organization's role regarding the shared construct of operations and maintenance and programming of the Senior Center.
- In January 2022, the Park City Seniors and PCMC officials re-engaged in good faith to contemplate a new and shared vision of jointly building a brand new Park City Senior Center and an affordable housing development.
- Among the first steps is to draft and consider an MOU to outline the overall goals, lease considerations, proposed timeline, and the general terms of a potential development agreement.



Overall Goals

- The overall goal for the Woodside Park Phase 2 project is twofold;
 - 1) Develop a mixed-income development that creates new affordable and new senior housing opportunities,
 - 2) Develop a newly constructed senior community center.

Terms of the MOU

- The City agrees to provide a new Senior Center space on the site located at 1361 Woodside or on one of the adjacent City-owned parcels;
- The City/Developer/Non-Profit Partner will collaborate with the Park City Seniors, Inc., a Utah nonprofit (the “Seniors”) in the design process of the new Senior Center space and Senior Housing; The size should reflect the projected growth in the senior population in Summit County, while meeting all City zoning and Land Management Code requirements and staying within the identified budget.
- The Seniors will assist in engaging with the senior (and soon-to-be-seniors) community to organize meetings and/or other outreach efforts to assist in gathering the needs/wants of the Seniors and the community;



Terms of the MOU (continued)

- The Seniors and City/Developers will all work in good faith to achieve mutually acceptable Project feasibility through appropriate support and consideration of environmental remediation, affordability, design, sustainability, transportation, and other Project requirements and preferences.
- The City and Seniors will work in good faith to negotiate a new space lease, with the lease term being a minimum of time remaining from the 99-year lease from July 16, 1976. The new lease will address the Seniors' exclusive use and control management of a new, agreed-upon space, and maintenance requirements of both parties.
- The Seniors agree to terminate the current lease for the property located at 1361 Woodside Avenue only when a new lease is agreed upon, executed, and all lease requirements (completion of the new building, etc.) are met.

Terms of the MOU (continued)

- The City and the Seniors will work together to secure a temporary Senior Center location acceptable to both parties during the construction of the new facility.
- The City and the Seniors will work with the selected developer to develop a plan to honor the current Senior Center building. The plan may include:
 - The Repurpose and moving of all/portion of the building to an off-site location. If the building is moved, honoring its history and use with an appropriate plaque and statement of its importance to the Park City community, or;
 - Utilizing some of the materials from the existing building in a new space or location.
- The City will try to include market-rate and affordable senior housing elements in the new project.
- The City will continue to retain ownership of the Land.



Recommendation

- Review and consider approving the proposed Memorandum of Understanding (MOU) with the Park City Seniors regarding the potential development of the Woodside Park properties owned by Park City Municipal Corporation (PCMC).



Heimpel Plat Amendment 455 Woodside Avenue

City Council | PL-22-05278
October 27, 2022



Heimpel Plat Amendment

455 Woodside Avenue

The property owner requests to combine all of Lot 10 with the southern half of Lot 11 of block 29 in the Park City Survey to build a Single-Family Dwelling.

Both Lots are currently vacant.

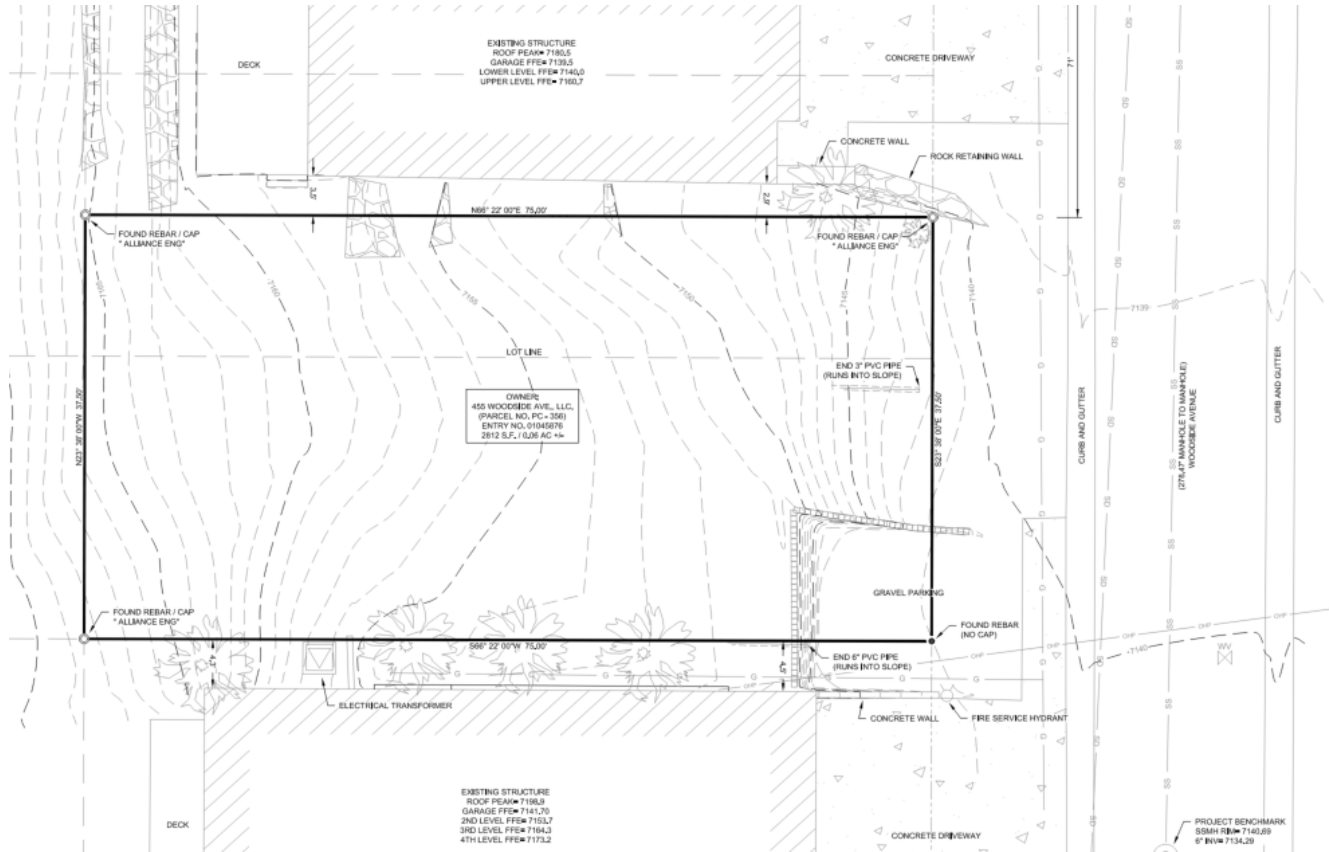


– Heimpel Plat Amendment –

The subject property is located at 455 Woodside Avenue. The property is in the Historic Residential - 1 (HR-1) Zoning District.

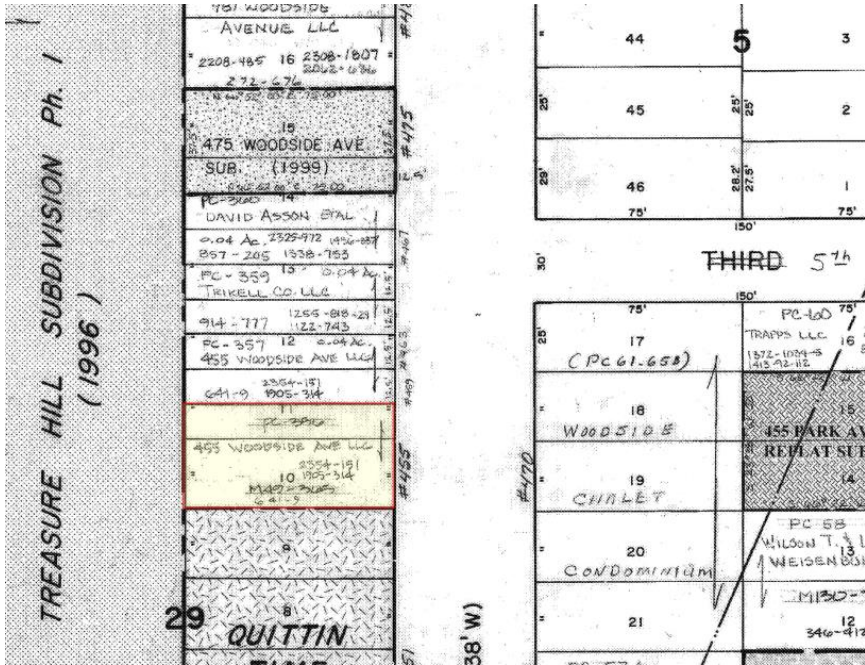


– Heimpel Plat Amendment –

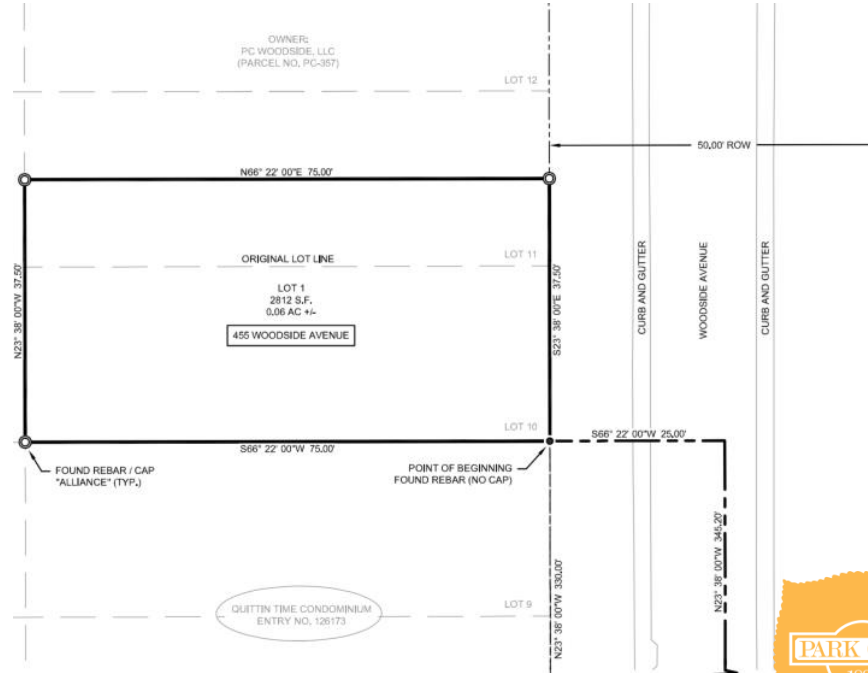


– Heimpel Plat Amendment –

Existing Plat



Proposed Plat



– Heimpel Plat Amendment –

Preserving present land Uses and the character of the Historic residential areas of Park City.

The proposal for 455 Woodside is compatible with the character of the streetscape.



– Heimpel Plat Amendment –

Staff Finds this proposal complies with:

- The Historic Residential (HR-1) Zoning District
- The General Subdivision Requirements outlined in 15-7.1-3

Staff Finds Good Cause for this Plat Amendment:

- Preserves present land uses and character of the Historic Residential Areas of Park City.
- The Plat does not vacate or amend any portion of the platted ROW and no easements are vacated or amended.



Heimpel Plat Amendment

Planning Commission

On September 14, 2022, the Planning Commission reviewed the Heimpel Plat Amendment, held a Public Hearing and forwarded a positive recommendation with 3 votes for and 1 vote against.



Heimpel Plat Amendment

Public Input

Public input was provided during the Planning Commission public hearing and is available in the minutes.



Heimpel Plat Amendment

Recommendation

Staff recommends the Council:

- (I) Open A Public Hearing
- (II) Consider approving Ordinance 2022-42 subject to the Findings of Fact, Conclusions of Law, and Conditions of Approval.



STONEBRIDGE AMENDED PLAT

1201 STONEBRIDGE CIRCLE



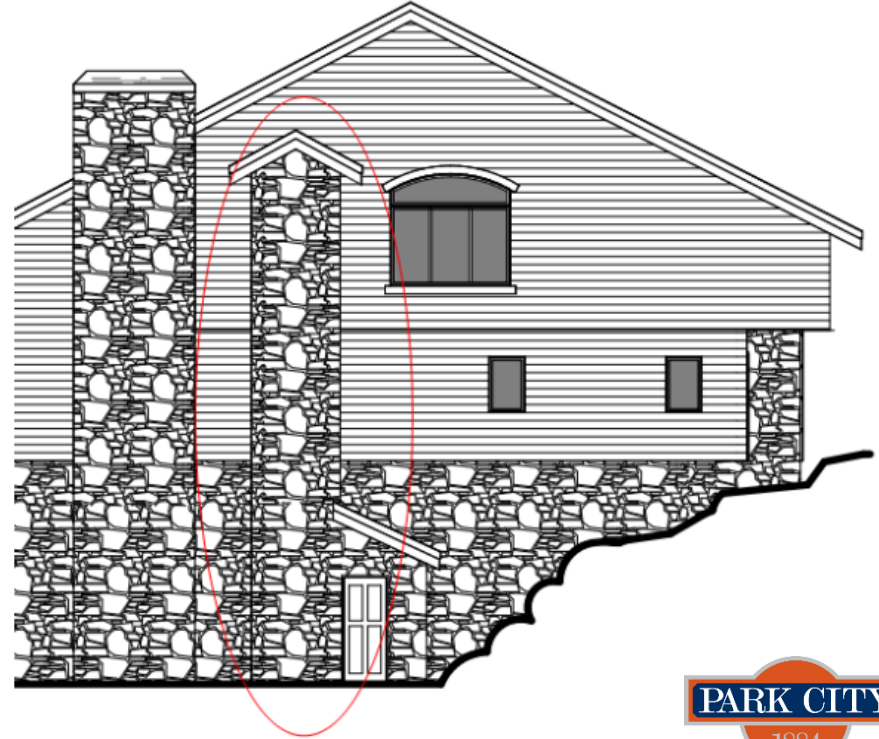
BACKGROUND

- Stonebridge is a Planned Unit Development
- 26 units
- Located in the Residential Development Zoning District
- 1981 the City Council approved the Plat.

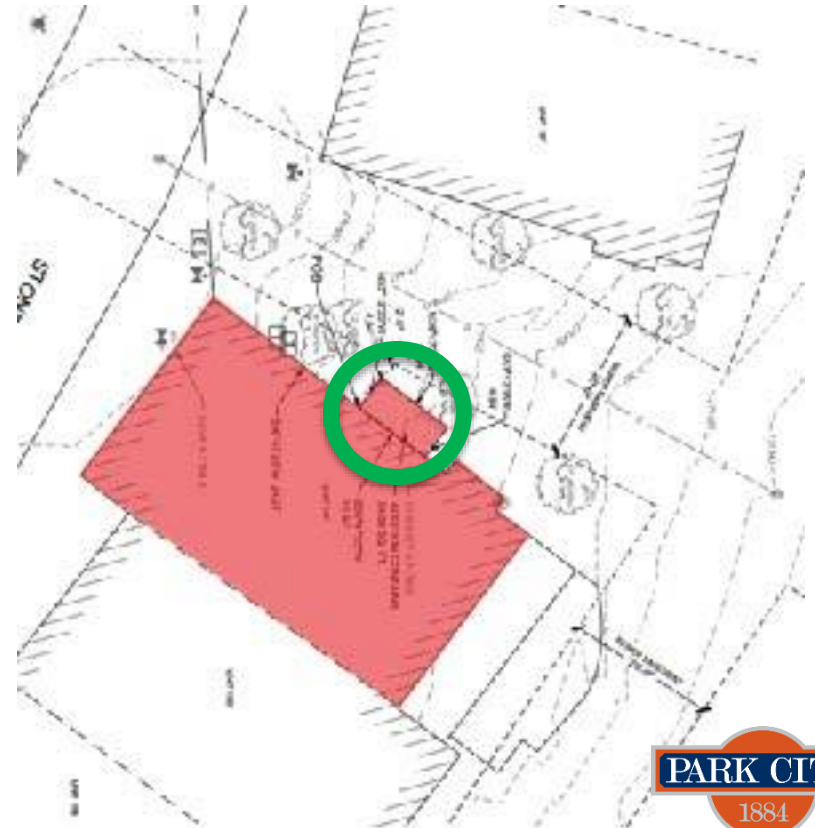


PROPSAL

- Amend the Plat for the purpose of adding an exterior elevator
- Elevator will allow for interior and exterior accessibility
- Addition is approximately 54 sq. ft.
- 79% HOA approval



PROPSAL



ANALYSIS

The proposed Plat Amendment, as conditioned, complies with the RD Zoning District Requirements (LMC Chapter 15-2.13)

- A 20-foot sewer easement is platted between this unit and the neighboring unit
- Elevator will not visually impact neighbors and will not impact the side setback
- Staff recommends a Condition of Approval which ensures the elevator addition will not exceed the height of the existing structure

ANALYSIS

The proposal complies with the Stonebridge Plat requirements

- Maintains platted easements
- HOA approved the change from common to private for the elevator addition
- Although the city does not enforce CC&Rs, the Applicant has HOA support and approval
- Private ownership for other units is maintained and will not change as part of this proposal

ANALYSIS

The proposal complies with LMC § 15-7.1-3(B), *Plat Amendment*

Staff finds Good Cause for this Plat Amendment because:

- Does not increase density
- Does not increase off-street parking requirements
- Preserves the character of the neighborhood
- Ensures the safety and quality of life for the property owner
- Aids in accessibility
- Gives variation to the housings stock
- No Right-of Way is vacated or amended

ANALYSIS

Development Review Committee – reviewed on July 19, 2022

The Development Review Committee meets the first and third Tuesday of each month to review and provide comments on Planning Applications, including review by the Building Department, Engineering Department, Sustainability Department, Transportation Planning Department, Code Enforcement, the City Attorney's Office, Local Utilities including Rocky Mountain Power and Dominion Energy, the Park City Fire District, Public Works, Public Utilities, and the Snyderville Basin Water Reclamation District (SBWRD)



ANALYSIS

The Planning Department, Engineering Department, and City Attorney's Office reviewed the staff report.



ANALYSIS

On September 28, 2022, the Planning Commission reviewed the Application, held a public hearing, and forwarded a unanimous positive recommendation.



NOTICE

Staff published notice on the City's website, the Utah Public Notice website, and posted notice to the property on September 14, 2022. Staff mailed courtesy notices to property owners within 300 feet on September 14, 2022. The *Park Record* published notice on September 14, 2022.



PUBLIC INPUT

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



RECOMMENDATION

(I) Review the proposed Stonebridge Amended Plat, Amending Unit 14F and Common Area, (II) hold a public hearing, and (III) consider approving Ordinance No. 2022-43, based on the Findings of Fact, Conclusions of Law and Conditions of Approval in the Draft Ordinance.





569 PARK AVENUE

PLAT AMENDMENT

City Council
PL-22-05320 | October 27, 2022



569 PARK AVENUE BACKGROUND

The structure was built around 1917 and is a Historic Significant Site.

On September 7, 2022, the Historic Preservation Board approved relocation of the structure four feet to the north and material deconstruction of a portion of the rear and south side façade to accommodate a rear garage and basement addition.

There is an HDDR application pending final staff-level review.



569 PARK AVENUE ANALYSIS

(I) The proposal complies with Land Management Code Chapter 15-2.2, Historic Residential (HR-1) District:

Zoning Requirement	Analysis of Proposal
Minimum Lot Size- 1875 sf (for Single Family Dwelling)	Complies- 3,748.5 sf
Lot Width – 25'	Complies- 49.98'
Maximum Building Footprint- Determined by (LOT AREA/2) x 0.9^{AREA/1875}	$3748.5/2) \times 0.9^{3748.5/1875}$ $1874.25 \times 0.9^{1.99}$ $1874.25 \times .810853869918714$ $= 1519.74 \text{ sf}$ Complies – ~ 1085 sf

569 PARK AVENUE

Zoning Requirement

Analysis of Proposal

Minimum Front and Rear Setback-

12'/13' for a total of 25'

Front Setback:

The Significant Historic Structure meets a 9-foot Front Setback.

The porch encroaches into the Front Setback ~7 feet.

Legal Non-Complying- ~9'

Rear Setback: **Complies-** ~21.4'

Minimum Side Setbacks- 5' each

Northside setback:

Complies- 10.5'

South side setback:

Legal Non-Complying- 14.8'

Maximum Building Height- 27' from Existing Grade

Complies- 14'

569 PARK AVENUE ANALYSIS

(II) There is Good Cause for the Plat Amendment and no public street, Right-of-Way, or easement is vacated or amended.

- Plat amendment allows the Applicant to:
 - create one 50-foot-wide lot for the Significant Historic Site
 - and to rehabilitate the Significant Historic Structure.
 - construct the rear garage and basement addition
 - rehabilitate and the preserve the Significant Historic Site to enhance the historic feel and character of the HR-1 Zoning District

569 PARK AVENUE ANALYSIS

(III) The Development Review Committee reviewed the proposal on August 2, 2022 and did not identify any issues.



569 PARK AVENUE

The Planning, Engineering, and Legal Departments reviewed this application. No significant issues were raised.

On September 14, 2022, Staff published notice to the City website, City Hall, the Park Record, the property, and mailed courtesy notice to property owners within 300 feet.

Staff did not receive additional public input prior to this meeting.



569 PARK AVENUE

Staff recommends the City Council hold a Public Hearing and consider forwarding approving the 569 Park Avenue Plat Amendment, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in Ordinance No. 2022-44.



TESCH
LAW OFFICES
A Professional Law Corporation

Joseph E. Tesch
joet@teschlaw.com

360 Cottage Creek Court
Midway, Utah 84049

MAILING ADDRESS:
PO Box 3390
Park City, Utah 84060-3390
Tel: (435) 649-0077

October 25, 2022

Via Email: spencer.cawley@parkcity.org

Spencer Cawley
Park City Planning Department

Re: Proposed Ordinance 2022-21 for the October 27, 2022 City Council Meeting

Hi Spencer,

I have reviewed the proposed Ordinance and, in particular, lines 267 through 270 with regard to those subdivisions which do not allow Fractional Ownership. Those lines do not include Solamere Subdivision Nos. 1 and 2A as requested. This is a severe disappointment. Solamere Subdivision has in many ways requested that Fractional Ownership be prohibited in that subdivision. You have a letter from the President of the Board of Trustees, you have correspondences from me and you have an application from Solamere to meet the requirement of an "application."

As you know, Solamere has relied on the statement in the Staff Report wherein it states those subdivisions in the residential zoning district "that petition the City to prohibit Nightly Rentals including April Mountain... will be excluded" [emphasis added] from Fractional Ownership. I have emphasized that the words Makena Hawley used were only the requirement to have an application with the City and there is no indication that the application had to be approved. In conversation with Makena she walked that statement back and tried to add the requirement that the application be approved. That is not what it said and that is not what myself and my client relied on in filing the application.

From my point of view, it makes no sense to not include Solamere among the subdivisions that are listed in the proposed Ordinance in lines 267 through 270.

After discussion with you on October 12 you sent me a note saying "Planning Staff is working on updating the proposed Fractional Ownership Map to indicate that Solamere is a subdivision with a pending application to restrict this use." On the map, but not to be noted in the proposed Ordinance.

That is entirely insufficient. Nothing in the note on the Map prohibits an owner or owners in Solamere to sell their property as Fractional Ownership during the months when the

application to restrict Nightly Rentals is processed. It doesn't protect the neighbors and it doesn't protect all of the other owners in Solamere. As I have noted to you previously, out of 110 units in Solamere approximately 44 units are primary residents. It doesn't protect them from this new increase in neighbors. Similarly it doesn't protect the common areas of Solamere such as its tennis courts, clubhouse and swimming pool from increased and perhaps overuse.

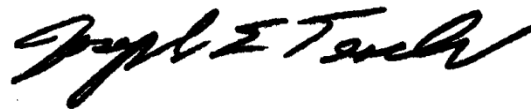
But most importantly, it makes no logical sense at all. Why should having an approved application for prohibition of Nightly Rentals be the only method for a subdivision to request prohibition of Fractional Ownership?

Also, let's assume that eventually the application is approved. Will the Ordinance and Map need to then be amended by petition of Solamere to add it to the Fractional Ownership prohibited group? How many additional months and resulting damage to the owners in Solamere will have occurred by then?

Therefore, I request, again for Solamere, that you add Solamere Subdivisions Nos. 1 and 2A to the subdivisions which are listed in the proposed Ordinance in lines 267 through 270.

Thank you for any help you can give on this and also a prompt response again to this request.

Sincerely,
TESCH LAW OFFICES, P.C.

A handwritten signature in black ink, appearing to read "Joseph E. Tesch", written in a cursive style.

Joseph E. Tesch

Cc: Park City Mayor and City Council
Charles Haggerty
Tom Argyris

WEST RIDGE HOMEOWNERS' ASSOCIATION

From: West Ridge Homeowners Association
To: The Honorable Mayor Worel and Park City Council Members
Subject: Fractional Ownership agenda item Oct 27, 2022

Dear Mayor Worel and Park City Council Members:

The West Ridge Homeowners Association opposes any fractional ownership initiatives for residential areas such as those being promoted by outside interests.

We are a small HOA of 40 homes/lot owners. Our membership is concerned with degradation of quality of life brought on by possible increased traffic issues, transient occupancy, as examples.

Fractional ownership and short-term rentals will likely increase density within the city and in residential HOAs. We are a community within a community and feel it important to our current membership to maintain that spirit. Transient ownership offered by fractional ownership interests would adversely affect that community-oriented spirit.

We note that page 374 of the agenda materials denotes a map which indicates the West Ridge HOA as an area designated for "future study," whereas adjacent HOA neighborhoods are designated "Fractional Ownership Not Allowed". We feel that the West Ridge HOA should have similar consideration as the adjacent HOAs. Thank you for that consideration.

Additionally, with respect to potential "Administrative permits," we note page 221 suggests "Public Notice" period of 10 days. If this process is approved, we feel that a minimum of 20 days should be considered rather than just 10 days.

Finally, we support the Planning team's proposal to amend the Land Management Code to prevent circumvention of intended prohibition on fractional or co-ownership by using ownership forms such as using LLCs as a single owner, but selling separate fractional shares or interests.

We respectfully submit this letter OPPOSING Fractional Ownership in associations like ours.

Sincerely,

WEST RIDGE BOARD OF DIRECTORS

John Feasler President
Janet Smith Vice President
Jeff Ackerman Secretary/Treasurer

Deb Rentfrow eComment: “Back in June the budget was set for this programming and yet nothing until recently has been planned for the 'Art District'. It was communicated during the June meeting that interested parties or 'partners' were waiting to see what the City was planning to do. Unfortunately, it appears once the City decided to limit the budget and put some of the onus on the partners, the decision by the partners was to do nothing. This seemingly indicates that our 'partners' only wish to participate if the City does the heavy lifting of planning, organizing, programming, marketing, etc. The staff report states, "Two local organizations reached out to program the area but did not proceed due to a lack of infrastructure and the cost of bringing in necessary equipment (tents, bathroom, power)." Now, in the eleventh hour, the City is going to step in and do the heavy lifting. Four dates within less than a week are being proposed when two dates would suffice, one for fall / Halloween festival type activities and one for Day of the Dead. Cutting back to only two dates would have little to no impact on our partners the KAC and Sundance: KAC can still follow through with their plan for free exhibitions regardless of how many nights are programmed; KAC Young Artists' Academy can still participate in the Nov 1st, Day of the Dead celebration as proposed by staff; Sundance can still do their double feature on the Saturday regardless of how many nights are programmed. In addition, as this is being geared to locals, please consider this is similar to the Candy Cane Hunt Holiday Party at the MARC. This event is held once at an extremely busy time of year. We do not offer four different opportunities to attend. You can either make it or you can't. Pumpkin painting & carving, costumes, face painting, games, live music, beer garden and food truck can all happen simultaneously. There is no need to spread these activities out over three evenings when one event from 4:00pm - 8:00pm would suffice. Keep in mind, there is still Halloween on Monday, the 31st. Assuming we're still doing a parade and activities on Halloween, under the current proposal, we'd be at five events in a period of seven days. Maybe as an alternative to one of the days, we program a morning of Thanksgiving event from 8:00am - 11:00am. We could program a Turkey Trot (1K walk and 5K run) for families and individuals utilizing the nearby rail trail. KPCW could set up at the Arts District and do a live broadcast with music. KAC could participate with an art theme geared toward the holiday, gratitude or whatever they deem appropriate. We could offer warm beverages and pastries/doughnuts and have large gratitude boards, games, costumes, etc. I'm sure there are many ideas out there we could gather from other communities for something like this or other events at various times of the year.”

Brent, Maxine, and Kristin Parkin eComment: “I would like to discuss the future of Park City Silly Market. The market is a great event for our community but I think it has run its course on Main Street. I think the majority of the people who no longer want it on Main Street would all agree it belongs in a more accessible space within our community. A place that does not take away from local businesses and is easier for locals and visitors to get to. From the beginning the market has disrupted Sundays on Main Street. It has caused traffic, major parking issues, noise and has taken away from businesses on Main Street. It has affected residents, businesses and their employees. Personally, I see a drop in sales every Sunday. Sunday's are typically one of the busiest days of the week until Silly Market starts. Myself and many community members have embraced it

for many years but it is time for a change! If it is decided that the market will stay on Main Street, can we at least consider it being held once a month?"

Karen Millar Kendall eComment: "I'm writing in support of keeping Park Silly Market and the Kimball Arts Festival on Main Street for many years to come. Both of these venues are an integral part of the personality and character of our town. They add to the cool "artsy vibe" we are trying to establish in this city, and would be sorely missed on Main St. These events are exciting, fun, interesting, and bring many, many people to Main St. Park City. I honestly don't think the market or the arts fest would draw as many visitors if they were stuck in a parking lot - it just wouldn't be the same. I've heard that some of the Main St. businesses are not happy with having the Silly Market there because they "aren't spending money in their shops". NOT having the market isn't going to magically produce hundreds of people on Main St spending money in their really expensive retail spaces, it is a non argument. Aside from the business aspect of the Silly Market and the Arts Festival, a really important consideration to moving them, or discontinuing them at some point, is that these venues, and Park Silly especially, are an avenue for local artists to be seen, to become well known, and to make money by selling their art. There is no other venue for them (myself included) to do so with the exception of CreatePC which is a temporary space, and is going away soon. As an artist, I can tell you that these events are crucial for the vibrancy of the local arts scene and for local artists. Every awesome, hip, culturally relevant town has a vibrant arts culture, I would hope that Park City would value this as well. One last point regarding Park Silly and local artists; did you know that Park Silly donates a booth to members of the Park City Artists Association? This is a \$2600 value that allows our artists a place to show, and sell their work. This is the only time some of our artists have a platform to do so. Park Silly Market and the Kimball Arts Festival are two events that give our town character and allow local artists to shine. Main Street IS the proper venue for them both."

Jen Schumacher eComment: "I took the survey regarding the Silly Market but didn't feel it allowed me to voice my opinion as a lower Main business owner. I'm all for the market staying in Park City but do not want to see it remain on lower Main. The market directly competes with most, if not all, of lower Main street businesses and honestly keeps many of our higher end home owners and visitors away."

Brian Kadison eComment: "I am a full time resident and live in Deer Valley. It is my understanding that we support Silly Sundays with services that our taxes pay for. In my discussions with Main Street Business I have found that many of them receive little or no business as a result of Silly Sunday. Restaurants and Bars being the exception. The demographic of the attendees does not support our shops and businesses. I am opposed to the continuing of Silly Sundays. Traffic, congestion, lack of access to Main Street are all annoying. Outside law enforcement which have no understanding of Park City make the situation worse. Combined with City support of this event in resources and associated costs with no income generated lead me to say: No more Silly Sundays. If I am mistaken in my assumptions, please let me know."

Stephanie Padilla eComment: "I am writing on behalf of my daughter Savannah and myself as full-time Park City residents and, additionally, Park Silly Vendors. We are in a somewhat unique position, as we view the topic at hand from two different perspectives. However, our opinion does not change from either side regarding the importance of maintaining and continuing Park Silly as a weekly summer event. Park Silly has been a staple of this community long before we moved here. Since 2006, Park Silly Sunday Market has provided a unique richness to our community, an opportunity to shop from one-of-a-kind local vendors and is a huge draw for Park City families, Utah residents and, especially, out of state tourists. It is a non-profit organization that strives to provide a fun, family friendly environment that is eco-friendly and supports local artisans, farmers, musicians, food vendors and more. Additionally, it brings a variety of new customers to shops and restaurants on Main Street. I know I may sound like an advertising brochure, but I do not feel that enough individuals are truly aware of what a positive impact the Park Silly Market has on this community. My daughter, Savannah, started our Bath & Body company when she was 6 years old. She began selling her soap creations door to door for \$0.25. When we moved to Utah, she proceeded to set up booths in front of our house and donated a portion of her profits to her Elementary School and Nuzzles & Co. She began receiving orders and "Savannah's Soaps" was born. One of the first groups to ever give her an amazing opportunity to sell and promote her company was The Park Silly Sunday Market. She was accepted as a Youth Vendor and had great success. Savannah is not the only young entrepreneur to get their start at Park Silly, as there are many others who still run successful businesses in part to the support that they received from The Park Silly Sunday Market. Presently, our business has expanded and is now called "Savannah's Treat Boutique." Savannah is currently 11 years old and now has more of a "Consultant" role in the business due to School, Sports and "being 11." However, it doesn't negate the fact that we owe so much gratitude to the Park Silly Market for helping our company grow and giving Savannah the opportunity to expand her young "business skills." I currently run our company full time, and it is my primary source of income. Losing the weekly Park Silly Markets would be financially devastating to our family and business. Without Park Silly, countless other vendors and farmers would be in the same situation. Many other Markets are not open on Sundays, so Park Silly gives us all the opportunity to increase our sales and grow our brands. Park City has been such a huge advocate for supporting small, local business, so it seems counterintuitive for this city to cancel or adjust the Park Silly Market. Additionally, Park City is a huge tourist town, and Park Silly an incredibly popular event for locals and out of town guests alike. Each Sunday, Park Silly sees approximately 10,000 attendees, which also brings in a great deal of business to Main Street stores and restaurants. As a Vendor, I see countless individuals walking around with shopping bags from Main Street businesses, as well as dining in Main Street restaurants, coffee shops and other food establishments. As a former Main Street restaurant owner, I can 100% attest to the boost in customers during and following the Market on Sundays and, additionally, its benefit for our local businesses. The Park Silly Sunday Market staff and Vendors are like a family. They support each other, not only because one could not exist without the other, but because both know what a staple this Market has been for Park City and what incredible benefits it provides for the community, Vendors, and tourists. I truly hope that the decision-makers can also see

what an attribute the Park Silly Sunday Market has been and will continue to be for Park City and will choose to allow it to continue weekly on Main Street as it has been for the last 16 plus years.”

Nora Leugers eComment: “I am a local silversmith and vendor at some of the Park Silly Markets. In past years, and even a few Sundays this season I have visited the market as a shopper with friends. It’s one of our favorite Sunday activities and we love to support the local community through purchasing from art vendors and the food vendors. We end up wandering around Main Street and shopping there too and often end the evening dining at a local restaurant. This event means a lot to me as an artist and also as a visitor. It brings money back into the community and gets people excited about Park City. Getting rid of or changing the number of dates of the event would be a huge disappointment to myself and other artists who rely on the income it provides. I hope to see this event continue for many more years. Thank you for your time and consideration.”

Rick Anderson eComment: “I found the Silly Market Survey to be biased in favor of the market. It focused too much on the format of the existing market and too little on the viability of the market. As a 36 year resident of Park City and former business owner here I believe the market has become a nuisance that inhibits my ability to access and enjoy Main Street businesses on the weekend. The PSSM would better serve the business community and citizens if it were held on a weekday evening.”

Jenny Terry eComment: “I would like to talk about local artists participating during the Kimball Arts Festival.

CHANGES OVER TIME

I feel that the Kimball Art Center is always changing. I've been here long enough to see it. About 15 years ago, the KAC offered a small amount of local artists to participate in the Kimball Arts Festival. I believe that program is changing and allowing fewer artists to participate. But no one is really talking about it.

IMPACT OF THOSE CHANGES

Even though my artwork has improved over the years I've had less and less opportunity to participate in the show. It was a wonderful program to allow the locals to participate in the weekend's event. It has impacted me negatively financially. I'm sad to see that. I could understand their reasons for limiting local artists to participate. But I can also imagine a solution to the problem too.

A PROPOSAL

OPEN TO ALL LOCAL ARTISTS

1. Instead of making the local artist participation smaller in the KAF, I propose that any local artist can participate; but wouldn't be part of the KAF. And they would not necessarily be on Main St. or wherever the KAF hosts their show.

THE LOCAL ARTIST SHOW COULD BE CLOSE TO THE KAF

2. Imagine the local artists having an alleyway perpendicular to Main St. where the local Artists can set up their booths. Perhaps, allowing space at the bottom or top of Main St.? Maybe Swede Alley? NO, I'm not proposing Kimball Junction or anything far away from Main St. It would have to be close enough to capture the KAF visitor traffic.

ARTS COUNCIL COULD MANAGE THE LOCAL ARTIST SHOW

3. The Kimball Arts Center would be separate and would not have to manage the Local Artists Group. I figure they have enough to do! I'm proposing that the Summit County / Park City Arts Council could organize and advertise for the local artists art show.

OTHER SUPPLEMENTAL SHOWS

4. I'm also thinking during the KAF, we could have supplemental shows going on at the same time. Maybe there could be a music venue, a dance venue, a poetry venue, a kids art and performance and music venue, a food truck venue....etc. Maybe these venues could be near Main St. Possible sites would be the High School parking lot, Park City Mountain Resort parking lot, Deer Valley parking lot, the Bonanza area....etc...

I'm thinking that the KAF is cool but it doesn't HAVE to be the ONLY event going on in the city that weekend. If tourists and locals are there for the KAF I think it would be great for people to visit multiple places to see, listen, taste, experience more art at different supporting venues for the entire weekend.

JUMPSTARTING THE ARTS DISTRICT

5. There has been discussion about the Arts District near Bonanza. Why not jump start the Art District movement by getting these smaller venues up and running each year the KAF weekend?

By the time the Arts District is built / up and running / (this could be years) all of these proposed venues will have a following by then. The venues will have a 'Permanent Home' eventually at the Bonanza Site.

PLEASE consider this idea. If anything, start small and make it a goal to expand the KAF to a larger audience year after year. The artists that participate in the KAF are coming from all over the country. Let's try to include more LOCAL PEOPLE during the same weekend."