



**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
October 20, 2016**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, October 20, 2016.

CLOSED SESSION

4:00 p.m. To Discuss Property and Litigation

WORK SESSION

4:40 p.m. Council Questions and Comments

4:55 p.m. – Woodside Park (Former Fire Station) Architectural Concepts and Senior Updates **PAGE 3**

5:40 p.m. – Main Street Paid Parking Progress Update **PAGE 17**

REGULAR MEETING

6:00 p.m.

I. ROLL CALL

II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Staff Communications Reports:

- FY 2017 First Quarter Budget Report **PAGE 26**

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

IV. CONSIDERATION OF MINUTES

Consideration to Approve the City Council Meeting Minutes from September 22, 2016, and October 6, 2016 **PAGE 37**

V. CONSENT AGENDA

Request to Authorize the City Manager to Execute the Construction Agreement with Alder Construction, Inc., in a Form Approved by the City Attorney, for Construction Services for the Quinns Junction Water Treatment Plant Upgrades Project for a Total Amount Not to Exceed \$3,878,465.00 **PAGE 67**

VI. OLD BUSINESS

1. Consideration to Approve the Modification of the Current Real Estate Purchase Contract (REPC) for the Southern Portion of 1251 Kearns Boulevard (The Yard) in Order to Extend the Due Diligence Deadline from November 1, 2016 to December 9, 2016 **PAGE 78**

VII. NEW BUSINESS

1. Public Hearing for the Purpose of Receiving Public Input on the \$25 Million Bonanza Flats General Obligation Open Space Bond Initiative that Will Appear on the November 8, 2016, Ballot and the Economic Impact that the Facilities and Property Financed with the Bonds Will Have on the Private Sector **PAGE 103**

2. Consideration to Approve Ordinance 2016-32, an Ordinance Approving the Lilac Hill Subdivision Located at 632 Deer Valley Loop, Park City, Utah, Pursuant to Findings of Fact, Conclusions of Law, and Conditions of Approval in a Form Approved by the City Attorney **PAGE 108**

(A) Public Hearing (B) Action

3. Consideration of Ordinance 2016-48, an Ordinance Approving Amendments to the Land Management Code of Park City, Utah, Regarding the Following Chapters: Chapter 11 Historic Preservation - Regarding Relocation and/or Reorientation of a Historic Building or Historic Structure and Chapter 15 Defined Terms **PAGE 157**

(A) Public Hearing (B) Action

VIII. ADJOURNMENT

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

Posted: See: www.parkcity.org



DATE: October 20, 2016

TO HONORABLE MAYOR AND COUNCIL

On August 25, 2016 the City Council provided preliminary direction on Phase 1 - housing at the former fire station parcel, including ([link](#)):

1. Pursue Option 3, which was the most dense and included footprints for four single family homes ranging in size from 869 – 1,800 sf; and four townhomes, each with an accessory apartment; and a shared parking lot at 1364 Woodside.
2. Create additional accessory units where possible; and
3. Consider different approaches to parking including parking across street in a possible underground garage and/or parking reductions (contingent upon a planning process).

The design of this option has been further developed and will be presented to City Council at this meeting. Staff seeks affirmation that staff and the design team are moving in the right direction in terms of scale, streetscape and design. If Council supports this direction, a next step will be to begin the planning process.

At this meeting staff will also present preliminary options for relocation of both the senior program/use and current senior building. The footprint of the current Senior Center building is insufficient to meet the current or future senior program. Additionally, to meet Council's housing goals, staff believes relocation of the current building is necessary. Council discussions to date have focused on keeping the Senior Center and associated programming in the general vicinity of the current building location, therefore relocation options are limited. While there is not yet a defined scope or budget to accomplish a move, this report is a step along the path to accomplishing that. This issue will be a high focus as a next step in this process.

Respectfully:

Michelle Kellogg, City Recorder

RDA Staff Report



Subject: Lower Park Avenue Update:

- Woodside Park (former fire station) architectural concepts;
- Senior Center Update; and
- Next Steps

Authors: Jonathan Weidenhamer
Department: Sustainability
Date: October 20, 2016
Type of Item: Administrative

Summary Recommendation

Affirm staff is moving in the right direction on the architectural feel and design of Phase One (location of the former fire station). Provide preliminary direction on next steps for the senior program and possible relocation of the existing facility.

Executive Summary

On August 25, 2016 the City Council provided preliminary direction on Phase 1 - housing at the former fire station parcel, including [\(link\)](#):

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Acronyms

HDDR	Historic District Design Review
PCMC	Park City Municipal Corporation
RDA	Lower Park Avenue Redevelopment Authority

The Opportunity

The City has secured approximately 2.2 acres of contiguous property between Park and Woodside Avenues in the 1300 block. City Council has identified approximately \$40 million to pursue their critical goal of creating affordable housing. The Council has also approved \$4.5M in the Capital budget for a recreation/community center to be located at the City Park.

Background

On August 25, 2016 the City Council provided preliminary direction on housing at the former fire station parcel, including ([link](#)):

- Agreed the proposal(s) respected the immediate neighborhood in scale and rhythm;
- Pursue Option 3, which was the most dense and included footprints for four single family homes ranging in size from 869 – 1800 sf; and four townhomes, each with an accessory apartment; and a shared parking lot at 1364 Woodside.
- Create additional accessory units where possible;
- An understanding of balancing costs (land & construction), affordability and return on investment/subsidy goals; and
- Consider parking options, including reductions through the MPD process.

Council was also presented with and overview and analysis of the tradeoffs balancing costs (land & construction), affordability and return on investment/subsidy goals. The option as updated based on Council direction:



On September 20, 2016 the City hosted a community open house on multiple projects at the library community room. Options for the fire station parcel and possible relocation of the Senior Center program/facility were highlighted: A summary of input includes:

- Strong attendance, approximately 75 attendees;
- Of the 34 comment forms received, 25 included comments on the Woodside Park Area;
- Strong support for Preferred Option 3 at the fire station;
- Support to relocate the current senior building to Richardson's Flat (as support to the transit and parking facility i.e. warming hut, restrooms, coffee);
- Negative feedback on relocating the Keetley Train Station (current senior center building) to Mawhinney parking lot – mainly focused around the already limited parking availability and confusion on possible uses;
- Support for a new facility for the Senior Center programming; and
- Strong support for building affordable housing between Park Avenue and Empire Avenue.

A summary of comments regarding the Woodside Park Area and the Community Center in City Park are included as Exhibit B.

Updates

Fire Station Architecture (Phase 1)

Elliott Work Group will present their preliminary architecture proposals at the meeting. A next step will be to go through a pre- Historic District Design Review, which will be the last step prior to completion of this phase of the project with Elliott Work Group. All final approvals are subject to applicable regulatory approvals through the standard application process.

The concepts, Exhibit A, will be presented visually in detail at the meeting.

- **Staff seeks support from City Council regarding Elliot Work Group's proposed architecture.**

Senior Update (Program and Existing Building)

- Existing Senior Center Building

Staff, including Sustainability, Housing and Planning, believes the affordable housing density goals established by Council necessitate relocation of the existing Senior Center programming and facility to most efficiently use the site for our housing goals. Secondly, the current building's floor plan is not conducive for senior programming. We believe building a new, efficient building is the only practical option.

- **Does Council support Staff's recommendations that the building that currently houses the Senior Center needs to be removed from its current location?**

The existing Senior Center building is not on City's Historic Sites Inventory and is not contributory to the Park City mining era. It, however was the Keetley Train Station, which was originally located on a parcel that now sits under the Jordanelle Reservoir, and was moved to its current location in 1976. Due to its age and fabric, Planning strongly prefers finding a site to relocate the building as opposed to demolition. Past City Councils were supportive of demolition or relocation of the building – at one time there was discussion of it becoming a new City Hall for the Town of Francis. While staff has not requested specific direction on disposition of this building, given the strong historic preservation ethic of the current City Council, staff believes that Council would prefer relocation and reuse of the building.

In support of Council's critical priority of housing, the Planning Department is supportive of relocation and reuse and has recommended creating a tie to the building's historic transit use, if possible. Staff can return to Council at a later date to outline possible locations, estimated costs for relocation, foundation, utilities, and possible uses for the building. Staff will also work to identify possible funding sources.

➤ **Does the Council want staff to return with a more focused discussion on the building's historical value versus possible demolition as well as possible scope and cost to relocate and budget implications?**

- Existing Senior Programming and Operations

As stated earlier, the current building's floor plan is not conducive to the senior use and operations. Combining senior programming into a shared community facility makes sense from an efficiency standpoint (shared staff, costs, management and programming, etc.) – especially where the current Senior Center building is underutilized. Our team is currently identifying an overview of the current and future needs for a senior operational and use program. We will then refine how that programming might fit within the building design brought forth with the Recreation Master Plan at City Park. While the Recreation Master Plan isn't anticipated for Council consideration and possible adoption until later this fall, a new Recreation Building located next to Miner's Hospital (replacing the current Rec Building in that location) project has an approved budget in the FY16 capital budget of \$4.5M.

While programming for the building is not yet defined, there is a possibility that a small non-profit daycare facility could be co-located in this facility along with Senior Center and Recreation uses. There is still much work to be done on this front.

It is important to note that specific concerns have been raised regarding access to shared parking at City Park. To that end, a study will be conducted regarding parking supply, proximity and availability for both senior and other intended and shared community uses, such as recreation, senior uses and a small daycare facility.

That effort will be led by the Recreation Department, who intends to put together a working group consisting of PCMC staff, senior representatives, and Summit County staff. Their next step will be to conduct a series of site visits to local senior facilities.

The scope, timing and potential budget of a combined facility will be further defined during this scoping process. While the current City Council adopted CIP contains \$4.5 million for the City Park Recreation Building project, it should be noted that this budget was entered in during the concept stage of the process. As staff continues to define the scope and use of the building, it is likely that the current budget will be reevaluated with the scope/use and further evaluated in the context of the 15-year LPA RDA Financial Plan. Any recommended changes would need to be authorized by City Council in a future budget process.

- **Consistent with the draft, Recreation Master Plan, is Council supportive of the concept of relocating the Senior Center Programming to a new, shared community center at City Park?**

Next Steps

- Phase I Housing:
 - With Council's support, submit for preliminary Historic District Design Review;
 - Consider a contract with Elliott Work Group to complete construction design.
- Phase Two Housing – Financial and parking assumptions vetted, present preliminary options for Council to consider (November 3, 2016);
- Senior Center
 - Potential senior building relocation – further vet locations and cost;
 - Refine senior program:
 - Create a working group
 - Conduct site visits.
 - Refine concept design of shared senior & community center.

Issues for Discussion

- Is Council supportive of the design direction we are headed on Phase One?
- Does Council support staff's recommendations that the senior building needs to be removed from its current location?
- Does the Council want staff to return with a more focused discussion on the building's historical value versus possible demolition as well as possible budget implications?
- Is Council supportive of relocating the senior program to a new, shared community center at City Park?

Department Review

Legal, Community Development, Economic Development, Housing, Planning Budget, Community Affairs and City Manager.

Funding Source

RDA Tax Increment Finance Bonds or Related Sales Revenue Bonds

Attachments

- A Site Plans, Renderings
- B Summary of Comments

Exhibit A – Floor Plans, Renderings













Exhibit B

**SUMMARY OF COMMENTS
REGARDING WOODSIDE PARK AND RECREATION CENTER IN CITY PARK**

COMMENTS GATHERED AT OPEN HOUSE 9/20/16

#	WOODSIDE PARK COMMENTS	PARKS & RECREATION COMMENTS
1	More affordable and workforce housing PLEASE!! Housing is needed! Parking is a luxury. If the city gets serious about pushing residents to abandon cars this walkable and public trans accessible development is THE place to start.	Where is the fenced and functional dog park city park needs? Perhaps if the city implemented this years ago the library field could've been considered for affordable housing instead of fiercely guarded as the 'only open space left in old town' by dog owners. *I have a dog.
2	looks good	Like an indoor pool
3	Information on all affordable housing topics	
4	Why add density to a crowded area of town. You are creating more problems without generating income. Deed restricted housing added higher density to Prospector Square. I doubt there are many policemen, firemen, or teachers living in that project.	
5	Phase 2 Option 3 - Please build this one! Steve Brown and Craig Elliot Both great, took time to explain what the options are!	
6	Phase 2 Option 3	More Pickle ball courts - haha
7	Congestion is a major obstacle to economic development - anticipate transportation - access to future center of commercial development	
8		Rec Building and Senior Center Planned near Miners Hospital. I'll be interested to see how the Senior Center section develops
9	Like what you have completed on paper - parking and really creating housing must continue to be a focus - Hannah and Jonathon were refreshing and like the "active" move for historical homes with "open mind".	always
10	How will work on the fire station lot affect current Senior Center?	Like site - need more information actual space for Senior Center. I have talked to Kim Clark, Craig Elliot, Jonathan W., and Steve Brown when they came to the center
11	needed	love
12		More ice sheets, indoor pool space in town, make sure PC keeps open space.
13		MARC should have classes just for seniors
14	Need affordable housing for young people and seniors	
15	I like more stacked flats - less townhome design.	
16	Bike / Pedestrian passage is key - Continuous to resort base	X
17	Phase 2 Option 2 - no single family but townhomes and stacked flats - underground parking - move Keetley station to Richardson Flats - investigate regional senior center	24 acre developments of 248 Park City Heights Area - Add Keetley Station here - park and ride lot.
18	Favor Option 1 or 2	Ok with plan except not in favor of AstroTurf - athletic injury potential



DATE: October 20, 2016

TO HONORABLE MAYOR AND COUNCIL

Executive Summary

Following the June 9, 2016 City Council support of the Downtown and Main Street Parking Management Plan staff moved forward in the later part of June to form the Main Street Parking Plan Implementation Task Force. The Task Force consisted of representatives from the following key areas:

- Three Historic Park City Alliance members
- City Staff Representatives from Parking, Special Events, Planning, Transit, Transportation, and Sustainability/(Public Outreach) Staff

The Task Force's first meetings reviewed the Parking Plan and established a list of considerations that would need to be met in order to implement a successful and effective paid parking program. Once the tasks and considerations were identified at a more detailed level a timeline was discussed. It was determined that due to the complexities of the technology systems and infrastructure requirements that a Request for Proposal would need to go out to bring in a consultant/project manager to evaluate and recommend infrastructure, technologies, engineering, and project management to develop and deploy a complete system.

Due to the additional Request for Proposal step along with the desire to ensure that all of the selected technologies work together to create an effective demand based pricing system for the Main Street area parking, the implementation time line was moved from an overly aggressive initial target date of December 1, 2016 to June 1, 2017. This new date will have some advantages like ensuring that we have time to get it right, time to get the message out to employees and customers, time to ensure we have multiple parking and transit alternatives for employees of Main Street, develop effective incentives programs, and allow for an adequate testing period prior to full implementation.

Respectfully:

Michelle Kellogg, City Recorder



City Council Staff Report

Subject: Main Street Paid Parking Update
Author: Blake Fannesbeck, Transit & Public Works Director
Department: Public Works
Date: October 20, 2016
Type of Item: Informational

Summary Recommendation

On June 9, 2016 during the City Council Work Session the Downtown and Main Street Parking Management Plan was presented by staff. The Plan contained strategies to better manage the parking supply with technologies, infrastructure, and demand based pricing while also supporting broader transportation programs and related goals. The Plan as presented on June 9, 2016 received the full support of the City Council for City Staff to move forward with the plan recommendations in a fast but slow manner (in other words make sure we get it right). This staff report is informational as to the steps and timeline of the implementation of the Plan and staff is not seeking a recommendation at this time from the City Council.

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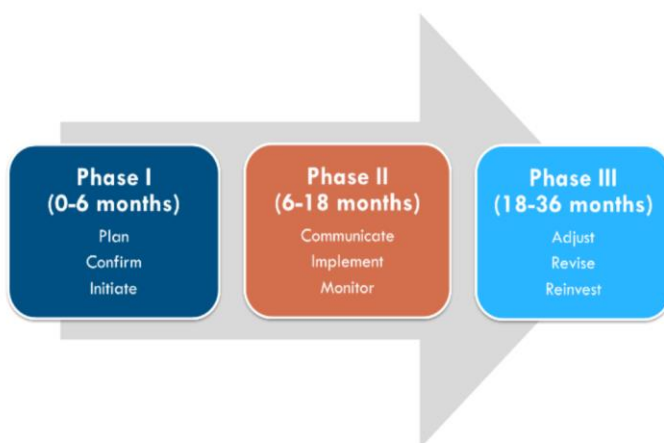
The Problem

Parking is currently free in the Old Town area with inconsistent parking time limits, spotty enforcement, and confusing way finding/signage which results to increased congestion and vehicle miles travel due to drivers looking for parking. Free parking in Park City's most popular yet congested area does not support recommendations and strategies in either the General Plan, Traffic and Transportation Master Plan, or the recently adopted Transportation Demand Management Plan which estimates that parking demand management can reduce vehicle miles traveled from between 10-15%. Lastly, private and public parking are not managed in a comprehensive manner which does not make the most effective use of the available inventory. As such, staff proceeded with the development of the Downtown and Main Street Parking and Management Plan.

The Downtown and Main Street Parking and Management Plan adopted by City Council in June consists of eighteen recommendations to be implemented to create an effective Demand Based Pricing Parking Program. The key components of the plan include paid parking infrastructure, way finding technologies, pricing methodologies, public outreach and communication, employee alternatives, and transit initiatives. All of these need to be combined and accomplished in a manner that is seamless to the users. With all of these components it became clear to staff and the Main Street Parking Plan Implementation Task Force that we would need until June 1, 2017 to implement the full program.

Background

Below is the rollout plan from the study presented to Council in June 2016 and then a list of the main milestones in the timeline for the implementation of the Downtown and Main Street Parking and Management Plan:



Implementation Timeline

- 11/15/2016: Create Request for Proposal and hire a Consultant/Project Manager (A Proposal was created and submitted in September but there were several points missing that did not create the desired results and a new proposal will be advertised this week.)
- 12/15/2016: Review recommendation from consultant for infrastructure, select technologies and prepare bid documents.
- 1/15/2017: Select successful infrastructure bid.
- 2/15/2017: Begin working on non-construction aspects of the Paid Parking and Demand based pricing system, way finding, and technology systems to be ready for equipment installation.
- 4/15/2017: Complete Main Street Employee incentive and parking alternatives for roll out during the month of May.
- 4/15/2017: Infrastructure construction begins.
- 5/15/2017: Construction completed and testing begins.
- 6/1/2017: Full roll out of the Main Street Parking Demand Based Pricing program.

Winter 2015/2017: Same China Bridge parking program as last winter

Other background that is important for the City Council to note is that for this upcoming Winter Season Parking Services will continue with the same pass program and prices for China Bridge as the past two winter seasons. When we switch over to the new system on June 1, 2017 we will credit all prior paid China Bridge parking passes with a preloaded parking card with the prorated remaining dollar value that can be used for the paid parking system.

As a refresher the current China Bridge permit prices for last year AND this winter are:

- \$150/Year for Covered Parking - Blackouts on Friday and Saturdays from 5 – 11 P.M. and Sundance
- \$300/Year for Covered Parking – No Blackouts other than Sundance

New Program Beginning Summer 2017

At a high level, the new parking program that will be rolled out in the Summer of 2017 will work as follows:

:

- Employee who want to park off-street in the Main Street Core will enroll in the *Access Park City* program:
 - Smart card linked to a credit card
 - Rates for off-street parking are based on parking demand: Parking during peak periods is more expensive than off peak
 - Employees will park off street in the Main Street Core for free approximately one third of the year
 - Employees get discounted rates for off-street parking in the Main Street Core (approx. 15% to 50% discount over public parking rates, depending on location, parking demand and length of parking stay).
- Mix of “Value” and “Premium” Parking in Main Street Core (remote parking is also free)
 - Locations for Value Parking are as follows and shown on the map below: North Marsac, City Hall, China Bridge Top Level & Brew Pub

- Locations for Premium Parking are as follows and shown on the map below: Gateway, Flag Pole, Galleria, Bob Wells, China Bridge North, China Bridge South (Top level of China Bridge is Value Parking)
- *Reminder: Free remote parking will be available with frequent pickups & guaranteed ride home program (with more frequent pickups at remote lots during peak periods)*

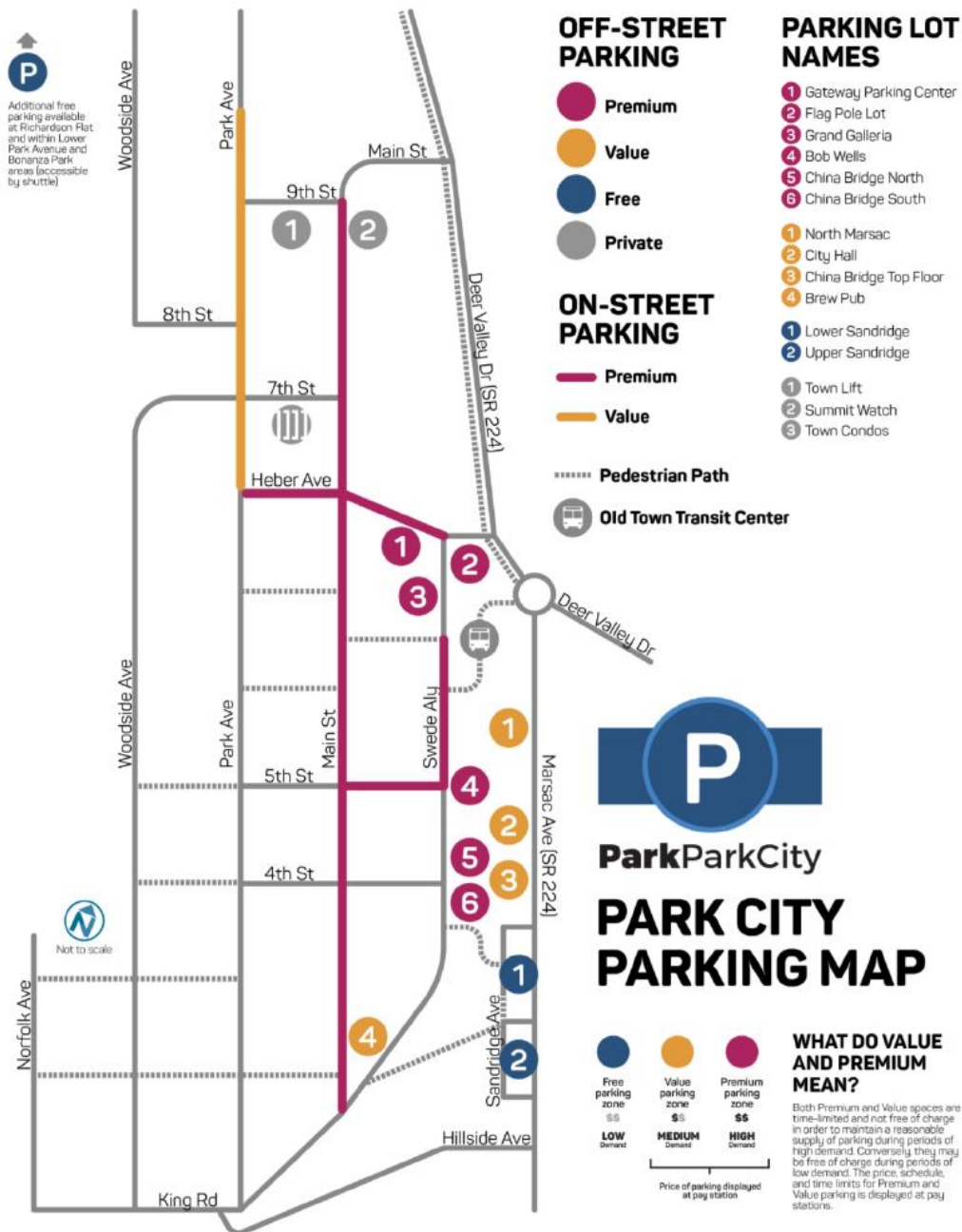
With the rates recommended in the Downtown and Main Street Parking Management Plan the table below compares the current China Bridge Parking Pass Rates to the new proposed rates. The two highlighted scenarios below demonstrate the following:

9 to 5 Main Street Area Office Worker: Works 9am –5pm most days Parking 5 days/week; Monday through Friday.

4 to 12 Main Street area Restaurant/Bar Worker: Works 4pm –12am most days Parking 5 days/week.

Employee Scenario	Annual Parking Cost	Annual Incentives	Net Annual Cost	Existing Annual Cost
9 to 5 worker. Parking 3 days/week. "Value" parking.	\$72	\$61	\$11	Up to \$300+
9 to 5 worker. Parking 5 days/week. "Value" parking.	\$121	\$0	\$121	
9 to 5 Main Street area Office worker. Parking 5 days/week. Mix of "Value" and "Premium" parking, Monday – Friday	\$204	\$0	\$204	
4 to 12 worker. Parking 3 days/week. Mix of "Premium" and "Value."	\$215	\$63	\$152	
4 to 12 Main Street area Restaurant/Bar worker. Parking 5 days/week. Mix of "Premium" and "Value."	\$508	\$0	\$508	

The table below is a representative map showing where Premium, Value, and Remote parking will be designated as part of the Demand Based Paid Parking Management Plan:



As Part of the Parking Management Plan the parking demand is broken into Peak and Non-Peak times which are described in the table below and separated into four tiers based on the annual parking demand that was determined through extensive data collection over the past 3 years.

	WHEN	ACTIONS
TIER 1	Non-peak Weekdays	- Lower rates on Main - Extend time limits on Main - Free off-street parking
TIER 2	Non-peak Weekends Peak Weekdays	- Base + escalating rate on Main - Low rates in Premium lots - 2-hr free parking in Value lots
TIER 3	Peak Weekends Minor Events	- Higher + escalating rates on Main - Off-street < on-street
TIER 4	Major Events	- Restrict parking on Main - Maintain permit system

The table below shows when the various tiers 1-4 would be applied during a year in the demand based parking system.

How much will parking cost?

Actual price of parking displayed at pay station



January

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

February

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28				

March

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

April

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

May

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

June

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

July

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	
30	31					

August

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

September

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

October

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

November

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

December

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

Department Review

This Report has been reviewed by the Public Works, Legal, Community Development, and Administration Departments.

Attachments

- A: The following is the link to the Downtown and Main Street Parking Management Plan **executive summary** that was approved by the City Council on June 9, 2016. <http://www.parkcity.org/home/showdocument?id=29345>
- B: The following is the link to the Downtown and Main Street Parking Management Plan **final report** that was approved by the City Council on June 9, 2016. <http://www.parkcity.org/home/showdocument?id=29347>



DATE: October 20, 2016

TO HONORABLE MAYOR AND COUNCIL

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

Respectfully:

Kory Kersavage, Budget Analyst

MEMO



To: City Council
From: Budget Department
Date: October 4, 2016
Subject: Quarterly Budget Reporting

Budget, Debt, & Grants

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State Compliance Monthly Budget Reporting

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

The beginning and ending (399 Beginning Balance) fund balances (09 Interfund transfer) have not been calculated for the FY17 YTD actuals and thus do not show up in the report. We typically calculate these when we begin balancing the budget in April.

Notable Observations:

- 23% of the Personnel budget for the general fund has been spent, which means that personnel expenditures are on track for FY 2017.
- 17% of the General Fund Materials budget has been spent so far, which means materials have been underspent so far in FY 2017.
- 23% of the total General Fund budget has been spent. Spending is on track for being a quarter of the way through the year.
- All City funds came in under budget for FY 2016.

Attachment A: Expenditure Summary by Object and Type

Attachment B: Revenue Summary by Object and Type

Expenditure Summary by Object Type

October 3, 2016

Object Type	Actuals FY 2014	Actuals FY 2015	Actuals FY 2016	Annual Budget FY 2016	Remaining Budget FY 2016	Actuals FY 2017	Annual Budget FY 2017	Remaining Budget FY 2017
011 GENERAL FUND								
01 PERSONNEL SERVICES	16,906,148	18,056,527	19,716,225	19,894,487	178,262	4,871,345	21,034,661	16,163,316
02 MATERIALS, SUPPLIES AND SERVICES	1,113,051	1,183,269	1,080,523	1,178,550	98,027	208,695	1,221,351	1,012,656
03 UTILITIES	726,142	1,420,453	1,428,903	1,468,863	39,960	87,282	1,501,178	1,413,896
04 CONTRACT SVCS/CONSULTING/SOFTWARE LIC	1,791,738	1,856,064	2,075,588	2,492,012	416,424	449,769	2,749,669	2,299,900
05 PARTS/MAINTENANCE SUPPLIES	983,655	891,169	800,669	992,260	191,591	204,297	1,040,811	836,514
06 SPECIAL SERV CONTRACT/MISC CHARGES	919,237	1,035,873	961,858	1,050,400	88,542	715,958	1,005,400	289,442
07 CAPITAL OUTLAY	208,870	200,988	95,318	369,282	273,964	65,358	431,390	366,032
09 INTERFUND TRANSFER	11,932,280	12,486,945	11,624,443	11,624,443		573,942	12,117,400	11,543,458
Total 011 GENERAL FUND	34,581,120	37,131,289	37,783,526	39,070,297	1,286,771	7,176,647	41,101,860	33,925,213
012 QUINNS RECREATION COMPLEX								
01 PERSONNEL SERVICES	701,623	670,273	723,031	736,682	13,652	169,595	854,411	684,816
02 MATERIALS, SUPPLIES AND SERVICES	48,642	54,764	49,916	53,040	3,124	15,403	56,365	40,962
03 UTILITIES	169,420	169,862	150,026	184,443	34,417	17,706	179,563	161,857
04 CONTRACT SVCS/CONSULTING/SOFTWARE LIC	95,903	96,458	48,617	70,699	22,082	13,603	71,933	58,330
05 PARTS/MAINTENANCE SUPPLIES	66,228	60,074	85,106	123,275	38,169	16,773	47,275	30,502
06 SPECIAL SERV CONTRACT/MISC CHARGES	12,106	12,465	12,182	4,500	-7,682	1,186	12,141	10,955
07 CAPITAL OUTLAY	1,903	78	2,085	6,000	3,915		6,000	6,000
09 INTERFUND TRANSFER	-3,204,032	-3,497,044	-3,900,683	-3,900,683		300	-4,340,371	-4,340,671
Total 012 QUINNS RECREATION COMPLEX	-2,108,208	-2,433,070	-2,829,719	-2,722,044	107,675	234,566	-3,112,683	-3,347,249
021 POLICE SPECIAL REVENUE FUND								
07 CAPITAL OUTLAY		200						
09 INTERFUND TRANSFER	29,144	29,944	31,374	31,374			31,374	31,374
Total 021 POLICE SPECIAL REVENUE FUND	29,144	30,144	31,374	31,374			31,374	31,374
022 CRIMINAL FORFEITURE RESTRICTED ACCOUNT								
07 CAPITAL OUTLAY		1	4,867	4,867				
09 INTERFUND TRANSFER	17,258	17,257	18,128	18,128			18,128	18,128
Total 022 CRIMINAL FORFEITURE RESTRICTED ACCOUNT	17,258	17,258	22,995	22,995			18,128	18,128
023 LOWER PARK AVE RDA SPECIAL REVENUE FUND								
01 PERSONNEL SERVICES		6,460	22,393	22,634	241	7,180	25,161	17,981
02 MATERIALS, SUPPLIES AND SERVICES		11,950	10,200	20,000	9,800	2,800	20,000	17,200
03 UTILITIES		9,868	11,014	12,000	986	906	12,000	11,094
04 CONTRACT SVCS/CONSULTING/SOFTWARE LIC		67,071	112,863	150,000	37,137	130	150,000	149,870

Expenditure Summary by Object Type

October 3, 2016

Object Type	Actuals FY 2014	Actuals FY 2015	Actuals FY 2016	Annual Budget FY 2016	Remaining Budget FY 2016	Actuals FY 2017	Annual Budget FY 2017	Remaining Budget FY 2017
06 SPECIAL SERV CONTRACT/MISC CHARGES			485,451	568,000	82,549		568,000	568,000
09 INTERFUND TRANSFER		2,204,075	1,774,685	1,774,685		410,280	1,772,191	1,361,911
Total 023 LOWER PARK AVE RDA SPECIAL REVENUE FUND		2,299,424	2,416,607	2,547,319	130,713	421,296	2,547,352	2,126,056
024 MAIN STREET RDA SPECIAL REVENUE FUND								
04 CONTRACT SVCS/CONSULTING/SOFTWARE LIC			33,264	80,000	46,736	709	80,000	79,291
06 SPECIAL SERV CONTRACT/MISC CHARGES		310,086	276,082	405,000	128,918		405,000	405,000
09 INTERFUND TRANSFER		959,885	816,638	816,638		188,001	821,638	633,637
Total 024 MAIN STREET RDA SPECIAL REVENUE FUND		1,269,971	1,125,984	1,301,638	175,654	188,710	1,306,638	1,117,928
031 CAPITAL IMPROVEMENT FUND								
01 PERSONNEL SERVICES	34,424	45,169	65,879		-65,879	16,783		-16,783
07 CAPITAL OUTLAY	9,376,543	18,685,295	8,827,413	45,465,596	36,638,183	1,434,161	18,820,204	17,386,043
09 INTERFUND TRANSFER	27,240,940	33,201,102	4,720,540	4,720,540		321,465	10,769,498	10,448,033
Total 031 CAPITAL IMPROVEMENT FUND	36,651,907	51,931,567	13,613,832	50,186,136	36,572,304	1,772,409	29,589,702	27,817,293
033 REDEVELOPMENT AGENCY-LOWER PRK								
01 PERSONNEL SERVICES	5,365	7,861	7,727		-7,727	543		-543
06 SPECIAL SERV CONTRACT/MISC CHARGES	525,297	543,620						
07 CAPITAL OUTLAY	3,060,404	8,846,299	1,847,149	13,025,293	11,178,144	74,993	17,881,858	17,806,865
09 INTERFUND TRANSFER	8,534,271	882,497	2,121,391	2,121,391			56,658	56,658
Total 033 REDEVELOPMENT AGENCY-LOWER PRK	12,125,337	10,280,278	3,976,267	15,146,684	11,170,417	75,536	17,938,516	17,862,980
034 REDEVELOPMENT AGENCY-MAIN ST								
06 SPECIAL SERV CONTRACT/MISC CHARGES	281,491							
07 CAPITAL OUTLAY	2,385		47,541	122,603	75,062		50,000	50,000
09 INTERFUND TRANSFER	2,224,068	2,221,001	1,969,986	1,969,986		201,522	1,868,101	1,666,579
Total 034 REDEVELOPMENT AGENCY-MAIN ST	2,507,943	2,221,001	2,017,527	2,092,589	75,062	201,522	1,918,101	1,716,579
035 BUILDING AUTHORITY								
07 CAPITAL OUTLAY	2,844	66,575	8,011	42,198	34,187	2,066		-2,066
09 INTERFUND TRANSFER	523,127	458,911	416,713	416,713			416,713	416,713
Total 035 BUILDING AUTHORITY	525,971	525,486	424,724	458,911	34,187	2,066	416,713	414,547
038 EQUIPMENT REPLACEMENT CIP								
07 CAPITAL OUTLAY	735,016	1,019,443	1,250,276	2,471,132	1,220,856	569,953	1,023,700	453,747
09 INTERFUND TRANSFER	1,902,793	1,832,162	372,030	372,030			372,030	372,030
Total 038 EQUIPMENT REPLACEMENT CIP	2,637,809	2,851,605	1,622,306	2,843,162	1,220,856	569,953	1,395,730	825,777

Expenditure Summary by Object Type

October 3, 2016

Object Type	Actuals FY 2014	Actuals FY 2015	Actuals FY 2016	Annual Budget FY 2016	Remaining Budget FY 2016	Actuals FY 2017	Annual Budget FY 2017	Remaining Budget FY 2017
051 WATER FUND								
01 PERSONNEL SERVICES	2,077,220	2,305,294	2,515,881	2,430,216	-85,665	578,152	2,958,603	2,380,451
02 MATERIALS, SUPPLIES AND SERVICES	192,431	197,443	254,900	284,425	29,525	56,293	294,927	238,634
03 UTILITIES	882,759	955,923	975,108	1,123,197	148,089	105,229	1,183,005	1,077,776
04 CONTRACT SVCS/CONSULTING/SOFTWARE LIC	744,473	617,246	935,079	1,081,955	146,876	208,400	1,116,944	908,544
05 PARTS/MAINTENANCE SUPPLIES	823,086	602,799	645,810	843,230	197,420	111,227	849,980	738,753
06 SPECIAL SERV CONTRACT/MISC CHARGES	18,764	22,459	32,842	28,100	-4,742	1,942	42,000	40,058
07 CAPITAL OUTLAY	7,965,236	6,047,589	6,919,868	13,731,488	6,811,620	426,409	17,013,429	16,587,020
08 DEBT SERVICE	4,361,654	4,510,478	4,503,481	4,509,004	5,524	63,988	4,507,304	4,443,316
09 INTERFUND TRANSFER	8,070,283	10,441,425	11,216,075	11,216,075		231,993	16,057,179	15,825,186
Total 051 WATER FUND	25,135,905	25,700,655	27,999,042	35,247,691	7,248,649	1,783,633	44,023,371	42,239,738
052 STORM WATER FUND								
01 PERSONNEL SERVICES						110,222	653,223	543,001
02 MATERIALS, SUPPLIES AND SERVICES						1,205	60,000	58,795
03 UTILITIES						352	27,100	26,748
04 CONTRACT SVCS/CONSULTING/SOFTWARE LIC						15,694	157,000	141,306
05 PARTS/MAINTENANCE SUPPLIES							51,300	51,300
07 CAPITAL OUTLAY						31,440	31,500	60
09 INTERFUND TRANSFER						20,001	119,877	99,876
Total 052 STORM WATER FUND						178,915	1,100,000	921,085
055 GOLF COURSE FUND								
01 PERSONNEL SERVICES	678,265	728,579	691,471	784,597	93,126	227,268	928,410	701,142
02 MATERIALS, SUPPLIES AND SERVICES	70,894	52,638	66,487	74,900	8,413	9,126	74,900	65,774
03 UTILITIES	56,458	46,996	53,740	58,387	4,647	7,812	58,387	50,575
04 CONTRACT SVCS/CONSULTING/SOFTWARE LIC	70,196	71,478	72,094	93,942	21,848	12,706	93,942	81,236
05 PARTS/MAINTENANCE SUPPLIES	185,738	208,841	236,701	240,800	4,099	63,854	240,800	176,946
06 SPECIAL SERV CONTRACT/MISC CHARGES	23,565	25,400	26,020	30,500	4,480	5,207	30,500	25,293
07 CAPITAL OUTLAY	55,877	46,545	34,349	149,084	114,735	20,927	114,565	93,638
08 DEBT SERVICE	36,080	36,080	27,060	27,060	0			
09 INTERFUND TRANSFER	1,176,585	1,315,444	1,274,663	1,274,663		31,893	1,182,028	1,150,135
Total 055 GOLF COURSE FUND	2,353,658	2,532,002	2,482,586	2,733,933	251,348	378,793	2,723,532	2,344,739
057 TRANSPORTATION & PARKING FUND								
01 PERSONNEL SERVICES	4,496,723	4,896,369	5,880,917	5,907,758	26,841	1,287,371	6,523,387	5,236,016
02 MATERIALS, SUPPLIES AND SERVICES	263,923	346,871	366,326	233,734	-132,592	44,309	253,734	209,425

Expenditure Summary by Object Type

October 3, 2016

Object Type	Actuals FY 2014	Actuals FY 2015	Actuals FY 2016	Annual Budget FY 2016	Remaining Budget FY 2016	Actuals FY 2017	Annual Budget FY 2017	Remaining Budget FY 2017
03 UTILITIES	130,215	131,885	135,146	140,744	5,598	15,665	150,744	135,079
04 CONTRACT SVCS/CONSULTING/SOFTWARE LIC	572,123	769,977	875,308	1,156,473	281,165	106,355	746,473	640,118
05 PARTS/MAINTENANCE SUPPLIES	11,100	30,305	12,067	21,000	8,933	83	21,000	20,917
06 SPECIAL SERV CONTRACT/MISC CHARGES	81,866	72,297	78,358	36,000	-42,358	8,891	36,000	27,109
07 CAPITAL OUTLAY	2,622,510	677,758	1,117,219	15,144,542	14,027,323	4,078	18,384,045	18,379,967
09 INTERFUND TRANSFER	21,135,122	22,661,534	15,554,410	15,554,410		656,241	6,372,103	5,715,862
Total 057 TRANSPORTATION & PARKING FUND	29,313,582	29,586,997	24,019,750	38,194,662	14,174,912	2,122,993	32,487,486	30,364,493
062 FLEET SERVICES FUND								
01 PERSONNEL SERVICES	670,854	800,303	891,897	851,510	-40,387	231,292	964,100	732,808
02 MATERIALS, SUPPLIES AND SERVICES	66,970	70,130	74,426	70,100	-4,326	19,083	70,100	51,017
03 UTILITIES	1,118,663	994,533	765,670	837,900	72,230	121,650	837,900	716,250
04 CONTRACT SVCS/CONSULTING/SOFTWARE LIC	3,133	3,639	6,557	4,200	-2,357	750	4,200	3,450
05 PARTS/MAINTENANCE SUPPLIES	622,705	668,413	724,894	708,420	-16,474	137,714	713,420	575,706
07 CAPITAL OUTLAY	6,794	7,438	6,116	10,000	3,884		10,000	10,000
09 INTERFUND TRANSFER	961,174	1,145,417	1,111,287	1,111,287			990,767	990,767
Total 062 FLEET SERVICES FUND	3,450,294	3,689,874	3,580,848	3,593,417	12,569	510,489	3,590,487	3,079,998
064 SELF INSURANCE FUND								
02 MATERIALS, SUPPLIES AND SERVICES	12,720	38,560	31,433	50,300	18,867	6,748	50,500	43,752
04 CONTRACT SVCS/CONSULTING/SOFTWARE LIC	236,240	700,711	218,015	836,000	617,985	65,199	636,000	570,801
06 SPECIAL SERV CONTRACT/MISC CHARGES	520,639	582,721	640,392	550,000	-90,392	77,635	660,000	582,365
09 INTERFUND TRANSFER	1,208,215	607,450	421,816	421,816			20,313	20,313
Total 064 SELF INSURANCE FUND	1,977,814	1,929,442	1,311,657	1,858,116	546,459	149,581	1,366,813	1,217,232
070 SALES TAX REV BOND – DEBT SVS FUND								
04 CONTRACT SVCS/CONSULTING/SOFTWARE LIC		429,374						
08 DEBT SERVICE	1,559,863	8,733,012	2,592,290	2,601,563	9,273	2,100	2,261,013	2,258,913
09 INTERFUND TRANSFER	1,165,265	18,597,136	6,515,764	6,515,764			2,791,417	2,791,417
Total 070 SALES TAX REV BOND - DEBT SVS FUND	2,725,128	27,759,521	9,108,054	9,117,327	9,273	2,100	5,052,430	5,050,330
071 DEBT SERVICE FUND								
04 CONTRACT SVCS/CONSULTING/SOFTWARE LIC	123,931	74,606						
08 DEBT SERVICE	7,107,411	8,282,350	4,214,543	4,230,380	15,838	500	4,224,985	4,224,485
09 INTERFUND TRANSFER	7,596,740	1,003,018	1,063,074	1,063,074			1,120,892	1,120,892
Total 071 DEBT SERVICE FUND	14,828,082	9,359,974	4,214,543	5,293,454	15,838	500	5,345,877	5,345,377
TOTAL	166,752,743	206,683,419	133,984,975	207,017,661	73,032,686	15,769,844	188,841,428	173,071,584

Revenue Summary by Type

October 3, 2016

Revenue Type	Actuals FY 2014	Actuals FY 2015	Actuals FY 2016	Adjusted Budget FY 2016	Remaining Budget FY 2016	Actuals FY 2017	Annual Budget FY 2017	Remaining Budget FY 2017
011 GENERAL FUND								
311 Property Taxes	9,279,024	9,268,604	11,108,571	10,464,000	-644,571	112	10,670,557	10,670,445
312 Sales Tax	7,314,413	7,408,763	7,437,258	7,416,832	-20,426		9,875,419	9,875,419
313 Franchise Tax	3,158,716	3,061,207	3,185,820	3,144,000	-41,820	260,624	3,225,000	2,964,376
321 Licenses	422,747	412,605	456,599	504,000	47,401	18,261	543,000	524,739
322 Planning Building & Engineering Fees	2,154,168	2,578,017	1,873,987	2,277,000	403,013	558,778	2,437,000	1,878,222
326 Other Fees	41,961	36,865	133,288	49,000	-84,288	4,538	59,000	54,462
331 Federal Revenue	69,654	44,557	64,321	34,000	-30,321		48,000	48,000
332 State Revenue	69,198	66,218	66,806	106,000	39,194	1,341	106,000	104,659
333 County/SP District Revenue				2,000	2,000	50,000	25,000	-25,000
344 Cemetery Charges for Services	26,250	38,188	21,937	38,000	16,063	3,102	38,000	34,898
346 Recreation	1,836,326	1,913,310	1,982,640	1,998,000	15,360	309,546	2,138,900	1,829,354
349 Other Service Revenue	86,364	99,640	90,239	91,000	761	12,468	91,000	78,532
352 Library Fines & Fees	16,124	12,456	21,407	20,000	-1,407	4,649	20,000	15,351
353 Fines & Forfeitures	100	150						
361 Misc. Revenues	348,604	192,873	307,055	361,000	53,945	43,630	370,000	326,370
381 Interfund Transactions (Admin)	1,346,991	2,166,534	2,256,360	2,256,360		420,636	2,397,547	1,976,911
391 Special Revenues & Resources	42,800	42,048	42,428	54,000	11,572	26,081	55,000	28,919
399 Beginning Balance	8,367,681	9,789,256	10,255,105	10,255,105			9,002,437	9,002,437
Total 011 GENERAL FUND	34,581,121	37,131,290	39,303,819	39,070,297	-233,522	1,713,766	41,101,860	39,388,094
012 QUINNS RECREATION COMPLEX								
333 County/SP District Revenue	23,000							
346 Recreation		13,815	2,826		-2,826	720		-720
347 Ice	787,773	757,271	749,880	775,000	25,120	127,221	788,000	660,779
361 Misc. Revenues	58	-24	1,131		-1,131	-122		122
391 Special Revenues & Resources						500		-500
399 Beginning Balance	-2,919,038	-3,204,132	-3,497,044	-3,497,044			-3,900,683	-3,900,683
Total 012 QUINNS RECREATION COMPLEX	-2,108,208	-2,433,071	-2,743,207	-2,722,044	21,163	128,318	-3,112,683	-3,241,001
021 POLICE SPECIAL REVENUE FUND								
332 State Revenue	500	1,000	2,310	1,430	-880			
399 Beginning Balance	28,644	29,144	29,944	29,144	-800		31,374	31,374
Total 021 POLICE SPECIAL REVENUE FUND	29,144	30,144	32,254	31,374	-880		31,374	31,374
022 CRIMINAL FORFEITURE RESTRICTED ACCOUNT								
332 State Revenue	-1,875		3,996	5,738	1,742			

Revenue Summary by Type

October 3, 2016

Revenue Type	Actuals FY 2014	Actuals FY 2015	Actuals FY 2016	Adjusted Budget FY 2016	Remaining Budget FY 2016	Actuals FY 2017	Annual Budget FY 2017	Remaining Budget FY 2017
399 Beginning Balance	19,133	17,258	17,257	17,257			18,128	18,128
Total 022 CRIMINAL FORFEITURE RESTRICTED ACCOUNT	17,258	17,258	21,253	22,995	1,742		18,128	18,128
023 LOWER PARK AVE RDA SPECIAL REVENUE FUND								
311 Property Taxes		2,298,631	2,399,605	2,413,792	14,187		2,413,792	2,413,792
361 Misc. Revenues		793	3,962		-3,962			
399 Beginning Balance			133,527	133,527			133,560	133,560
Total 023 LOWER PARK AVE RDA SPECIAL REVENUE FUND		2,299,425	2,537,094	2,547,319	10,225		2,547,352	2,547,352
024 MAIN STREET RDA SPECIAL REVENUE FUND								
311 Property Taxes		1,266,718	1,259,760	1,242,000	-17,760		1,242,000	1,242,000
361 Misc. Revenues		3,254	2,395		-2,395			
399 Beginning Balance			59,638	59,638			64,638	64,638
Total 024 MAIN STREET RDA SPECIAL REVENUE FUND		1,269,972	1,321,793	1,301,638	-20,155		1,306,638	1,306,638
031 CAPITAL IMPROVEMENT FUND								
311 Property Taxes	283,345							
312 Sales Tax	6,184,909	7,389,182	8,897,706	8,745,007	-152,699		7,459,250	7,459,250
322 Planning Building & Engineering Fees	397,737	817,666	425,365	765,000	339,635	123,882	765,000	641,118
331 Federal Revenue	12,613	4,091	1,044	1,000,000	998,956			
332 State Revenue	1,302,855	2,385,239	285,873	312,267	26,394	6,150	360,000	353,850
333 County/SP District Revenue	341,001	100,000	50,000	50,000			50,000	50,000
361 Misc. Revenues	1,785,454	1,713,671	509,139	232,000	-277,139	2,145	230,000	227,855
382 Interfund Transactions (CIP/Debt)	7,164,160	12,069,371	3,715,347	3,715,347				
391 Special Revenues & Resources	408,647	345,772	278,416	316,491	38,075	2,738	302,500	299,762
392 Bond Proceeds				2,100,000	2,100,000		17,000,000	17,000,000
399 Beginning Balance	18,771,186	27,106,574	32,950,023	32,950,023			3,422,952	3,422,952
Total 031 CAPITAL IMPROVEMENT FUND	36,651,907	51,931,567	47,112,913	50,186,136	3,073,223	134,915	29,589,702	29,454,787
033 REDEVELOPMENT AGENCY-LOWER PRK								
311 Property Taxes	2,203,448							
361 Misc. Revenues	44,598	26,634	728,943	750,000	21,057			
382 Interfund Transactions (CIP/Debt)		2,070,548	1,641,125	1,641,125		410,280	1,641,125	1,230,845
392 Bond Proceeds				12,200,000	12,200,000		14,500,000	14,500,000
399 Beginning Balance	9,877,290	8,183,095	555,559	555,559			1,797,391	1,797,391
Total 033 REDEVELOPMENT AGENCY-LOWER PRK	12,125,336	10,280,277	2,925,627	15,146,684	12,221,057	410,280	17,938,516	17,528,236

Revenue Summary by Type

October 3, 2016

Revenue Type	Actuals FY 2014	Actuals FY 2015	Actuals FY 2016	Adjusted Budget FY 2016	Remaining Budget FY 2016	Actuals FY 2017	Annual Budget FY 2017	Remaining Budget FY 2017
034 REDEVELOPMENT AGENCY-MAIN ST								
311 Property Taxes	1,263,060							
361 Misc. Revenues	6,927	18,035	9,067		-9,067			
382 Interfund Transactions (CIP/Debt)		900,247	752,000	752,000		188,001	752,000	563,999
399 Beginning Balance	1,237,956	1,302,719	1,340,589	1,340,589			1,166,101	1,166,101
Total 034 REDEVELOPMENT AGENCY-MAIN ST	2,507,943	2,221,001	2,101,656	2,092,589	-9,067	188,001	1,918,101	1,730,100
035 BUILDING AUTHORITY								
361 Misc. Revenues	2,513	2,359	3,187		-3,187			
399 Beginning Balance	523,457	523,127	458,911	458,911			416,713	416,713
Total 035 BUILDING AUTHORITY	525,970	525,486	462,098	458,911	-3,187		416,713	416,713
038 EQUIPMENT REPLACEMENT CIP								
361 Misc. Revenues	146,554	23,812	33,825		-33,825			
382 Interfund Transactions (CIP/Debt)	905,000	925,000	1,011,000	1,011,000		255,924	1,023,700	767,776
399 Beginning Balance	1,586,254	1,902,793	1,832,162	1,832,162			372,030	372,030
Total 038 EQUIPMENT REPLACEMENT CIP	2,637,808	2,851,605	2,876,987	2,843,162	-33,825	255,924	1,395,730	1,139,806
051 WATER FUND								
322 Planning Building & Engineering Fees	1,225,961	2,303,997	1,140,313	2,100,000	959,687	393,405	1,000,000	606,595
331 Federal Revenue	485,097	1,445,229	42,874		-42,874			
341 Water Charges for Services	13,128,172	14,125,896	15,162,429	15,660,141	497,712	7,164,141	16,748,500	9,584,359
361 Misc. Revenues	435,958	508,095	422,545	178,023	-244,522	44,676	178,023	133,347
392 Bond Proceeds				8,400,000	8,400,000		16,500,000	16,500,000
399 Beginning Balance	9,860,717	7,317,437	8,909,527	8,909,527			9,596,848	9,596,848
Total 051 WATER FUND	25,135,905	25,700,655	25,677,688	35,247,691	9,570,003	7,602,222	44,023,371	36,421,149
052 STORM WATER FUND								
341 Water Charges for Services						240,686	1,100,000	859,314
Total 052 STORM WATER FUND						240,686	1,100,000	859,314
055 GOLF COURSE FUND								
333 County/SP District Revenue	11,000							
346 Recreation	1,327,549	1,426,520	1,411,819	1,469,596	57,777	671,992	1,489,596	817,604
361 Misc. Revenues	62,941	25,829	25,428	51,350	25,922	78	51,350	51,272
382 Interfund Transactions (CIP/Debt)	25,000	25,000	25,000	25,000		6,249	25,000	18,751
399 Beginning Balance	927,168	1,054,654	1,187,987	1,187,987			1,157,586	1,157,586
Total 055 GOLF COURSE FUND	2,353,658	2,532,002	2,650,234	2,733,933	83,699	678,319	2,723,532	2,045,213

Revenue Summary by Type

October 3, 2016

Revenue Type	Actuals FY 2014	Actuals FY 2015	Actuals FY 2016	Adjusted Budget FY 2016	Remaining Budget FY 2016	Actuals FY 2017	Annual Budget FY 2017	Remaining Budget FY 2017
057 TRANSPORTATION & PARKING FUND								
312 Sales Tax	4,019,133	4,398,879	4,877,097	4,850,000	-27,097		5,092,500	5,092,500
321 Licenses	951,713	1,040,014	1,032,191	923,699	-108,492	3,815	916,183	912,368
326 Other Fees	1,500	320	2,125		-2,125			
331 Federal Revenue	2,827,961	1,630,990	457,917	7,991,572	7,533,655		7,930,119	7,930,119
342 Transit Charges for Services	2,175,148	2,200,248	2,312,576	2,556,039	243,463	171,555	3,671,378	3,499,823
353 Fines & Forfeitures	739,204	970,338	1,080,705	679,200	-401,505	87,385	1,469,200	1,381,815
361 Misc. Revenues	108,100	142,300	201,922	742,500	540,578	4,695	92,500	87,805
391 Special Revenues & Resources	452,727	408,972	315,322	346,000	30,678	63,081	300,000	236,919
399 Beginning Balance	18,038,096	18,794,937	20,105,652	20,105,652			13,015,606	13,015,606
Total 057 TRANSPORTATION & PARKING FUND	29,313,582	29,586,998	30,385,507	38,194,662	7,809,155	330,531	32,487,486	32,156,955
062 FLEET SERVICES FUND								
381 Interfund Transactions (Admin)	2,576,000	2,728,700	2,448,000	2,448,000		619,800	2,479,200	1,859,400
399 Beginning Balance	874,294	961,174	1,145,417	1,145,417			1,111,287	1,111,287
Total 062 FLEET SERVICES FUND	3,450,294	3,689,874	3,593,417	3,593,417		619,800	3,590,487	2,970,687
064 SELF INSURANCE FUND								
361 Misc. Revenues	204,000	258,000	258,000	258,000		64,500	258,000	193,500
381 Interfund Transactions (Admin)	349,998	463,227	992,665	992,666	1	171,747	686,997	515,250
399 Beginning Balance	1,423,816	1,208,215	607,450	607,450			421,816	421,816
Total 064 SELF INSURANCE FUND	1,977,814	1,929,442	1,858,115	1,858,116	1	236,247	1,366,813	1,130,566
070 SALES TAX REV BOND - DEBT SVS FUND								
361 Misc. Revenues	2,747	4,669	33,338		-33,338	3,211		-3,211
381 Interfund Transactions (Admin)	181,247	168,616	164,089	164,089		40,014	160,058	120,044
382 Interfund Transactions (CIP/Debt)	1,380,741	1,428,429	2,425,473	2,425,473		522,987	2,091,955	1,568,968
392 Bond Proceeds		24,992,543						
399 Beginning Balance	1,160,392	1,165,265	6,527,765	6,527,765			2,800,417	2,800,417
Total 070 SALES TAX REV BOND - DEBT SVS FUND	2,725,127	27,759,521	9,150,665	9,117,327	-33,338	566,212	5,052,430	4,486,218
071 DEBT SERVICE FUND								
311 Property Taxes	5,082,714	5,321,592	3,723,453	4,223,453	500,000		4,220,158	4,220,158
361 Misc. Revenues	94,732	65,958	62,849	66,983	4,134	1	62,645	62,644
392 Bond Proceeds	9,243,543	3,539,845						
399 Beginning Balance	407,093	432,580	1,003,018	1,003,018			1,063,074	1,063,074
Total 071 DEBT SERVICE FUND	14,828,082	9,359,975	4,789,320	5,293,454	504,134	1	5,345,877	5,345,876
TOTAL	166,752,742	206,683,419	174,057,233	207,017,661	32,960,428	13,105,221	188,841,427	175,736,206

Revenue Summary by Type

October 3, 2016



DATE: October 20, 2016

TO HONORABLE MAYOR AND COUNCIL

Attached for your approval, please find the minutes for the September 22, 2016, and October 6, 2016, City Council Meetings. Thank you for your consideration.

Respectfully:

Michelle Kellogg, City Recorder



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

September 22, 2016

The Council of Park City, Summit County, Utah, met in open meeting on September 22, 2016, at 3:10 p.m. in the City Council Chambers.

Council Member Beerman moved to close the meeting to discuss property, personnel and litigation at 3:10 p.m. Council Member Worel seconded the motion. Voting Aye: Council Members Beerman, Gerber, Henney, Matsumoto, and Worel.

CLOSED SESSION

Council Member Beerman moved to adjourn from Closed Meeting. Council Member Gerber seconded the motion. Voting Aye: Council Members Beerman, Gerber, Henney, Matsumoto, and Worel.

WORK SESSION

Council Questions and Comments:

Council Member Gerber attended the joint School District, County, City meeting. She stated there was a good discussion on issues and topics from the last few months. Council Member Gerber said she will be missing Planning Commission next week. Mayor Thomas said he would go in her place.

Council Member Matsumoto appreciated City staff working with the School District on start time issues. She attended the open house at the library and said there was a good turnout. Council Member Matsumoto attended the Snyderville Basin Water Reclamation District board meeting and they went on a tour of the hole that they are digging for the new plant.

Council Member Henney attended the Moab Delegation meeting. He thought it was very informative. They talked about common goals and objectives. He went to the LED swap out on Cooke Drive and commented that it was a great way to interact with the community. Council Member Henney went to the All Hands Meeting and thought it was great to go and see presentations on customer engagement.

1 Council Members Worel and Henney met and talked about the deaths of the 13 year old
2 boys and discussed what Council could do. They had some suggestions and ideas, and
3 asked the other council members if they felt it was okay if Council Members Worel and
4 Henney met with the school and other groups about the subject.

5
6 Council Member Worel wanted to know if Council was interested in “Coffee with the
7 Council”—an activity where they would meet with members in the community.

8
9 Diane Foster, City Manager, explained that Linda Jager, Community Engagement
10 Manager, was working on the “Coffee with the Council” program and that Jager would
11 raise it on her priority list.

12
13 Council Member Worel attended Autumn Aloft and thought it was a great event that
14 attracted so many families. She was also involved with the LED exchange on Cooke
15 Drive. Council Member Worel reminded everyone that the Friends of the Library
16 luncheon was coming up on October 10th. She said that the library had formed a mini
17 library at the MARC and that they had books on health and fitness. She stated the
18 library was expanding its Spanish services and that they had story time in Spanish for
19 families. Council Member Worel said she was also meeting with people about childcare
20 to try and meet those needs.

21
22 Council Member Beerman wanted to thank Council Members Worel and Henney for
23 focusing on what the Council and community could do in the wake of the two Junior
24 High student deaths. He congratulated Park City on the Utah Governor’s Business
25 Friendly Community Award that Mayor Thomas, Assistant City Manager Matt Dias, and
26 Executive Intern John Rock received from the Lieutenant Governor. Council Member
27 Beerman reported that Moab City just put their City Manager on leave. He wished them
28 luck with their issues and said that those who attended the Moab delegation meeting
29 had outstanding presentations for the Moab group. Council Member Beerman gave a
30 shout out to Park City’s public safety officers and everyone who helped put together a
31 memorial for the boys who died.

32
33 Mayor Thomas reported that he was at the presentation of the Governor’s Business
34 Friendly Community Award. He attended the joint School District, City Council, County
35 Council meeting on Monday, the KPCW sponsored event on drug issues, and the
36 Soaring Wings preschool where the children sang songs to him and shook his hand.

37
38 Council Member Worel reminded everyone that Saturday is neighborhood day.

39
40 The Council said goodbye and thank you to Ann Ober, Regional Collaboration and
41 Energy Director, and Craig Sanchez, Community Engagement Liaison.

42
43 Diane Foster, City Manager, introduced Lynn Ware Peek as the newest employee for
44 the City. Foster explained that Craig Sanchez had become familiar with what was

1 happening with the private businesses on Main Street and that Peek would also
2 continue to work with the private businesses as well as other community engagement
3 programs.

4
5 Peek said working for the City had been a huge learning experience already. She met
6 with a handful of Latino community members and she was glad to be here. She said
7 that she loves her new coworkers.

8
9 **Energy Critical Priority - Electrical Program Update**

10 Luke Cartin, Environmental Sustainability Manager, explained they were coming before
11 Council to receive direction on the electricity piece of Park City's renewable energy
12 goal. Salt Lake City and Rocky Mountain Power went public with their cooperative
13 agreement, which said they would work together to achieve Salt Lake City's 2032 goal
14 for 100% renewable energy. Cartin explained that if Council chose to adopt the same
15 goal, it would make it easier for Rocky Mountain Power to work with both Salt Lake City
16 and Park City and we would all be working together as a team toward the same goal.

17
18 Cartin stated that Council would begin to see all the pieces come together on the City
19 side; for example, Sustainability would be filling a current vacancy and hiring an
20 environmental project manager. They would also be pulling together an internal
21 stakeholder group that would help them prioritize and think outside the box. In order to
22 put things in perspective, Cartin stated that the National Oceanic and Atmospheric
23 Administration reported August as the 16th straight warmest month on record. He also
24 explained that the Rocky Mountain Power piece was a major part of meeting the
25 community-wide goal.

26
27 Ann Ober, Regional Collaboration and Energy Director, discussed the opt-out program
28 that could be put in place to achieve Park City's 100% renewable energy goal or to
29 achieve the net-zero goal in general. She suggested the City needed to move the
30 community to a net-zero energy source and they had been discussing different
31 possibilities for doing so. Ober explained that in communities where they had been
32 successful, they had an opt-out program. She stated that it worked because the city put
33 everyone on a renewable energy plan and residents would have to opt-out if they
34 wanted to leave the plan for whatever reason. Park City had a 5% buy rate with the
35 subscriber solar and blue sky programs for the whole City. The remainder of Park City's
36 portfolio was 16% carbon free. She suggested that going to 100% instead of 5% of the
37 community using renewable energy would be impossible without the opt-out program. In
38 communities that introduced the opt-out program the percentage of residents using
39 renewable energy was 89%. Ober used Park City's Water Department as an example.
40 As they tracked their water metering, if a resident participated in the opt-in program, it
41 was about a 30% buy-in rate; whereas, if a resident was a part of the automatic signup
42 and opted out there was about a 90% uptake.

1 When Ober discussed the opt-out plan with Rocky Mountain Power, they thought it
2 might not be the right way to go, even though they were still willing to talk about it. She
3 said that staff would be getting together with Mayor Thomas and Council Member
4 Beerman to try and figure out how Park City can legislatively create an opt-in program.
5 Ober stated that Cartin would be coming back to Council asking for endorsement for
6 that legislation.

7
8 As a reminder, Ober stated that PCMC was at about 52% of its 100% renewable energy
9 goal because of subscriber solar and some other programming. Ober stated that Park
10 City would be getting close on its 2022 goal, but reaching the 2032 goal would still be
11 exceptionally difficult, even on the electricity side.

12
13 Council Member Matsumoto asked by how much we should expect the opt-out program
14 to affect the price of electricity.

15
16 Ober replied that staff had been trying to figure that out. The pricing had been part of
17 the discussion over the last couple months, but she did not have the answer yet.

18
19 Cartin explained that the subscriber solar program and most renewable energy
20 programs locked in the rate for 20-25 years, but staff did not know what the rate would
21 be. Cartin stated that PCMC would be trying to do a mix of renewables in order to keep
22 the costs down because we could not be successful with an opt-out program that would
23 break the bank for everyone. Cartin explained that another avenue for reaching Park
24 City's energy goals would be by looking at how City operations could become more
25 efficient.

26
27 Cartin explained that from January-March, Park City residents used more power than all
28 commercial businesses in town; consequently, the focus should be on the residents'
29 energy consumption in order to reach Council's goals.

30
31 Council Member Matsumoto asked if residents could still apply for residential subscriber
32 solar. Ober replied that residents could still buy solar, but that commercial was sold out.

33
34 Council Member Gerber stated that it was hard to find where to opt-in for subscriber
35 solar on the website. She suggested that if in the future we could make the opt-out
36 option as hard to find as the opt-in option is now, that would be great. Council Member
37 Gerber asked when the opt-in option became available. Cartin answered that it had
38 been just a few months since it started and they were hopeful that the residential
39 subscriber solar would sell out quickly.

40
41 Council Member Beerman explained that renewable energy would be more expensive
42 than regular energy in the short-term, but that it would eventually flip and renewable
43 energy would be less expensive in the long-term. He stated that focusing on efficiency

1 and conservation would offset the increase in costs so that the net cost would not
2 increase for the municipality and the residents.

3
4 Cartin explained that they had been in talks with Rocky Mountain Power (RMP) about
5 the opt-out program. Park City would draw a boundary line and everyone who lived
6 within the boundary would be using the renewable energy source. RMP would be a
7 utility and the residents in the boundary would have to opt-out if they did not want to use
8 it. Cartin said both Park City and RMP were trying to figure out how to make this work.
9 Park City would be asking RMP to drive the legislation that would make it possible.

10 Ober talked about the difference between the goals of 1) carbon neutral or 2) renewable
11 energy. She explained that with carbon neutral you would have the same impacts on
12 climate change, but there may be a negative effect on the environment in other places.
13 Two ways Park City could become carbon neutral that might have a negative effect on
14 the environment included large hydro or nuclear. Large hydro would have an ecosystem
15 and fisheries impact on the waterways. Ober explained that Park City could use large
16 hydro in order to reach a carbon neutral goal, or it could take its goal to a higher level
17 and decide to better the environment across the board.

18
19 Cartin explained that they were working with Rocky Mountain Power in order to create a
20 mix of renewable sources that were available in the region. In order to use large hydro
21 as an energy source, Park City would have to get it from sources that were farther
22 away. Cartin suggested that large hydro was a touchy subject and if Park City removed
23 hydro from its portfolio we would still be able reach our goals. Ober explained that hydro
24 was only 5% of the current portfolio and by removing it, Park City would then be able to
25 engage in the national and international renewable energy discussions.

26
27 Council Member Henney asked where the international conversation was going with
28 hydro. Ober said it had become very expensive to build new hydro plants and her guess
29 would be that new hydro plants would not be built in the future. She explained that the
30 current hydro energy discussion dealt mainly with whether or not existing hydro plants
31 should still be used. Ober stated that hydro was better than some other energy options,
32 and that was why they had included it as a possibility in the portfolio up to this point, but
33 that they now felt it would be beneficial to exclude hydro in order to be a part of the
34 national conversation and to help solve the bigger environmental picture.

35
36 Mayor Thomas agreed with Ober's suggestion and stated that Ober and Cartin had
37 done a stellar job navigating a sometimes tense issue. Mayor Thomas felt that Park City
38 was getting somewhere and it was because of their persistence. Ober stated that
39 having Mayor Thomas and Council Member Beerman involved in the conversation and
40 at the meetings had also really helped the progression that they had seen.

41
42 Council Member Beerman wanted to highlight that Council's sub-goal was to promote
43 new, clean, renewable energy and the decision to remove hydro from the portfolio
44 clarified that goal. He said there were various less desirable ways to reach net-zero, but

1 removing hydro would help clarify Park City's direction as they continued negotiations
2 with renewable energy providers.

3
4 Ober indicated that having a broad range of places to get renewable energy would help
5 Park City reach its goals, but stated that we were in a good location because just across
6 the border there was a lot of wind and just south of the border there was a lot of solar.

7
8 Cartin said that when coal plants were built they had specific dates planned for when
9 they would close and that we would start to see them shut down in the near future. He
10 stated that Park City's move toward renewable energy would help support the move
11 away from coal.

12
13 Council Member Matsumoto asked what percentage of residents would need to be
14 using Rocky Mountain Power renewable energy in order for Park City to reach its goal.
15 Ober stated that she did not know the exact percentage, but suggested that this aspect
16 of the portfolio would be the easiest and least expensive to achieve, so getting as close
17 to 100% of residents opting in would bring down the overall cost of the portfolio.

18
19 Council Member Gerber asked if other cities in Utah were considering renewable
20 energy goals and if their support would help make negotiations easier for Park City.
21 Ober replied that for Rocky Mountain Power, Salt Lake City and Park City were at the
22 top of their list as places to focus on nationally. Ober stated that Park City was being
23 heard. Cartin agreed that we were breaking trail and suggested that Summit County
24 was interested as well. He said that once we were further down the path he expected to
25 see other groups join in as well.

26
27 Council Member Henney asked where Summit County stood on the issue of renewable
28 energy. Ober explained that County Manager Tom Fisher was on board with what Park
29 City was doing. She stated that the County was excited to talk about renewable energy,
30 but that they had a lot on their plate. Ober said Park City would be keeping them in the
31 loop and showing them opportunities that they could implement wherever they present
32 themselves.

33
34 Council Member Henney brought up the partnership the City and County had with
35 Summit Community Power Works and how they had been working together on a shared
36 goal. He wondered why we were not working together with the County on this shared
37 goal since we had already worked together on similar issues. Ober replied that the
38 reason Salt Lake City and Park City had been working together was because the two
39 cities had the same goals and the same timeframe, so the outcome was the same for
40 Rocky Mountain Power. She said that although Summit County had not made the exact
41 same goals, they had been implementing their climate plan and that was really valuable.
42 Ober suggested the County was going in the same direction, but they were just using a
43 different plan.

Special Events Threshold Discussion

Jason Glidden, Economic Development Project Manager, started the discussion by explaining that he was not here to cut events; rather, he wanted to talk about the state of special events, their goals, and next steps and hear comments from the public. He explained where special events came from. He said that previous councils wanted to promote special events in order to stabilize the economy by having year-round tourism and income. He stated that the special events team had up to this point not been given direction otherwise. Glidden showed the growth that Park City had seen in the number of events and the continued increase of attendance at each event. Glidden suggested that special events had reached Council's goal of diversifying and stabilizing the economy during the summer months.

Council Member Matsumoto commented on how amazing the growth on sales had been. She wanted to know if attendance had been tracked previous to the data in the report, which started at 2013. Glidden stated that there was no data from earlier years.

Glidden wanted to recognize the concern Park City residents had been voicing about event fatigue, and indicated he had a list of possible tools that could be used to mitigate that sentiment.

Council Member Gerber asked about the required additional financial reporting and wanted to know how that tool helped us with analyzing events. Glidden explained that knowing their financials helped staff to know whether to offer or not offer fee reductions. He explained that if there was less funding for an event it would become smaller, or if it was not financially viable it would not continue as an event at all.

Council Member Worel asked how we would know the sales in hotels and restaurants are from events. Glidden replied that this unknown was one reason we needed to continue looking at special events. Glidden said the City was receiving more and more data about who would be coming as visitors and data about who were local or who were coming in to work.

Diane Foster, City Manager, explained that with the current tracking we would be able to know who was visiting and how they arrived in Park City.

Council Member Matsumoto asked about the relation between lodging sales and the increase of rooms. Glidden stated that the number of rooms had slowly increased, whereas the price of rooms had drastically increased.

Council Member Beerman explained that although sales numbers had increased because of increased daily rates, occupancy had decreased. He stated that the pillow count was off because of Vacation Rentals by Owner (VRBO) and other similar rentals.

Glidden stated that they were trying to integrate this event information into the General Plan. Glidden explained that over the course of one year, the 4th of July event really

1 improved because of their work with the event organizers. The Special Events team and
2 City Staff were able to mitigate impacts. He said that in the future they would focus on
3 mitigating traffic during events and especially focus on the Old Town area.

4
5 Jenny Diersen, Special Events Coordinator, and Luke Cartin, Environmental
6 Sustainability Manager, said they would look at the environmental sustainability impact
7 on the City from events. The events team had looked through the event prioritization
8 sheet with the Special Events Advisory Committee (SEAC) members and evaluated the
9 impacts of each event.

10
11 Glidden wanted to know how the Special Events team should get the information out
12 about the events, and how they should let residents know when there would be impacts
13 from parking. He stated that residents appreciated knowing about these kinds of
14 impacts.

15
16 SEAC wanted to have clear goals established. They also wanted to have quantifiable
17 ways to know when the events were exceeding capacity. The Council suggested they
18 add additional scrutiny to existing events; for example, they should consider how much
19 value the event was bringing to the City. Council asked staff to not place a moratorium
20 on events yet, but suggested additional scrutiny should be incorporated.

21
22 Council Member Henney asked how fatigue should be defined. He wondered if fatigue
23 should be defined by the number of people or the number of cars. He suggested that
24 these issues were not always related to events. Council Member Henney stated that
25 SEAC should determine what it was that caused the fatigue. He said that if we could tie
26 it to an event, then we could work on mitigating the impacts. He suggested that if we
27 could not tie it to an event, then we would have to look at actual weeks during the month
28 and work on mitigating the impacts during those weeks. Council Member Henney stated
29 that SEAC needed to take on understanding the fatigue. He asked SEAC why the
30 Lobster event was on the SEAC score card. He stated that if the Lobster event was
31 going to be on the score card, they should be able to present their event to SEAC.

32
33 Council Member Matsumoto suggested that residents' fatigue came from traffic and
34 parking. She explained that Park City had increased events over the years in order to
35 increase its economic diversity so that businesses could function year-round. Council
36 Member Matsumoto did not want to stop the events and that success. She wanted to
37 increase overnight stays and increase people eating in the restaurants and thought the
38 reasons we had events were still good reasons. Council Member Matsumoto agreed
39 that mitigating traffic was a valid concern and suggested that getting people to stay
40 overnight, as opposed to driving in and out of town, would make it better.

41
42 Council Member Gerber stated that traffic was a concern and that it was natural for
43 events to grow. She explained that the events started as small local events and that
44 they felt different now than they did years ago. She said the events seemed more for

1 tourists now and not for locals. However, she understood that it was hard to keep a non-
2 profit from growing when they were trying to raise money. Council Member Gerber said
3 that Level 1 events were events she did not even know about. She agreed that financial
4 reports were important to track in order to demonstrate how fee waivers were affecting
5 the budget of the City. She stated that the City took some huge financial hits while the
6 small businesses made money from the events.

7
8 Council Member Worel thanked SEAC for the work they were doing. She liked Council
9 Member Henney's idea of SEAC hearing from the event organizers so they knew what
10 the event was about. Council Member Worel suggested including event organizers in
11 the event debrief. She stated that the economic impact was an important aspect of the
12 value of an event. Council Member Worel would like to see concrete measures
13 regarding the economic impacts of each event.

14
15 Council Member Beerman suggested that Park City residents would feel it when we did
16 not have event fatigue anymore. He said that when we quit hearing about it from
17 residents was when we would have achieved balance with our events. He stated that
18 achieving this balance would be more of an art than a science. Council Member
19 Beerman was concerned that we had overheated our economy and suggested we
20 needed to focus on our residents. He stated that although his business received money
21 from the events, as a citizen he also experienced the fatigue that others felt. He did not
22 think the events brought in the amount of money that some people thought. Council
23 Member Beerman said that evaluating Level 1 events was a waste of time for SEAC. He
24 suggested that having the event organizer at the debrief may take away from the honest
25 discussion. He stated that SEAC should determine whether some events should go
26 away and also that traffic should be looked at. He said other resort towns focused their
27 events at the resorts so the impacts were not as noticeable in town.

28
29 Council Member Matsumoto replied by saying that Park City's resorts were adjacent to
30 town so putting the events at the resorts would not necessarily take them out of the
31 town.

32
33 Council Member Gerber asked how SEAC would provide data on the questions that
34 were very data specific. Diersen explained that some committee members decided not
35 to answer certain questions if they did not have the data.

36
37 Mayor Thomas agreed with Council Member Beerman in regard to the events. Mayor
38 Thomas stated that we had event fatigue and wanted to hear from the residents who
39 live here.

40
41 Council Member Henney stated that he was neutral on the event issue, meaning that
42 Park City did not need to bring more events in; but rather, we should put energy into
43 assessing the current events. He said that a new event would really have to be a winner
44 in order for the Council to add it.

1
2 Jason Glidden restated what Council wanted in regard to special events. He said that
3 his understanding was that Council wanted the Special Events staff to let off the gas or
4 even put their foot on the brakes of future events.

5
6 Council Member Matsumoto suggested that by not waiving fees, it would help reduce
7 the events. She said that some events needed to be paired down. Sarah Klingenstein,
8 SEAC community member, thanked Council for creating the SEAC committee. She
9 explained that the community members valued events that are economic drivers, had
10 historic value, and incorporated residents. She asked Council what they suggested
11 SEAC should do with the events that were not meeting their standards.

12 Glidden wanted to know the opinion of the Council Members who he had not heard
13 direction from. Council Member Worel replied that she wanted the event team to take
14 their foot off the gas. Council Member Gerber replied that she wanted to tap the brakes
15 regarding the growth of events. Council Member Matsumoto wanted to cut back on fee
16 waivers. She suggested they slow down or tap the brakes.

17
18 Mayor Thomas opened the meeting for public comment.

19
20 Annette Sneed, a SEAC member, read a letter from Melanie Reif, a resident who lives
21 on Main Street. Reif stated she would like to see the Park Silly Market discontinued.
22 She felt that every Sunday was excessive. Reif explained that there was loud music and
23 noisy merchants. She said that Silly Market had made them avoid Park City in the
24 summer. She stated that activities occurred back to back from Saturday to Sunday and
25 the noise levels were too loud. She said she had called police about noise and drugs,
26 but they had not received help.

27
28 Shelley Gillwald, Executive Director of Park City Soccer Club (PCSC), appreciated the
29 Council Members' advice to allow event organizers to be in the discussion with SEAC.
30 She did not feel the community and Council Members realized what the events did for
31 the City. She explained that PCSC had grown mainly in Oakley and Heber, and not in
32 Park City. She stated that PCSC brought an economic value to the community. She
33 explained that there were 450 children from Park City who were in the soccer club and
34 that they were the neighbors and members in the community. She would like to work
35 with SEAC on mitigation and other issues. She stated that PCSC had already cut back
36 their starting times and they would be willing to do more. They were also working on
37 their sustainability efforts and they had eliminated the sale of water bottles.

38
39 Pam Carazo, a resident of Park Meadows, said she loved that the SEAC committee had
40 been formed. She thought some of the events did not bring people that respected Park
41 City. She stated that Autumn Aloft did a great job of leaving it very nice. But she said
42 that the lacrosse and soccer visitors left trash and the people had a negative impact on
43 the landscape. She suggested that the softball group was the worst for being

inconsiderate in our town. Carazo wanted SEAC to consider which groups were the most respectful and which were not.

Kate Boyd, Executive Director of the Park Silly Market, stated that she appreciated the support of the Council. She listed many businesses that had grown because of Park Silly Market. She explained that they had their event for 14 Sundays each summer. She stated that Park Silly brought a lot of people into town this year and they helped mitigate traffic by having visitors park their cars at the school. Boyd said their noise level was to code. She also said Park Silly was a non-profit that was here to help the community and businesses grow. She read notes from other residents who liked Silly Market and who wanted it to continue.

The following people signed their names in support of Kate Boyd's statement: Kevin Reynolds, Cheryl Dudley, Angie Black, Penn Kinsey, Anita, Cindy Evell, Shauna Hales, Joel Nollan, Beverly Nollan

Mayor Thomas closed the public comment portion of the meeting.

REGULAR MEETING

I. Roll Call

Attendee Name	Title	Status
Jack Thomas	Mayor	Present
Andy Beerman	Council Member	Present
Becca Gerber	Council Member	Present
Tim Henney	Council Member	Present
Cindy Matsumoto	Council Member	Present
Nann Worel	Council Member	Present
Diane Foster	City Manager	Present
Mark Harrington	City Attorney	Present
Matt Dias	Assistant City Manager	Present
Michelle Kellogg	City Recorder	Present
Katie Madsen	Deputy City Recorder	Present

II. Communications and Disclosures from Council and Staff

Staff Communications Report:

- Citizen's Budget

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

1
2 Mayor Jack Thomas opened the meeting for those wishing to comment on items not
3 being addressed on the agenda.

4
5 Hadley Dynak, Executive Director of the Park City Summit County Arts Council, stated
6 that events like Silly Market brought people to Main Street and those people bought
7 food and visited local businesses. Dynak said the Silly Market promoted the arts in Park
8 City. Her first experience in Park City was the Silly Market and she was impressed by
9 the way the community supported a grass roots event like Park Silly Market. She
10 wanted to thank Council for the Park City Neighbor Day support and explained that
11 hikes, lemonade stands, and other events would take place on Neighbor Day. She
12 encouraged everyone to say hello to a neighbor.

13 Kevin Reynolds stated he had two sons who were involved in the Park Silly Market
14 doing art. He said the Park Silly Market grew small businesses. Reynolds said that
15 people he had talked to said Park Silly was a high quality market. He suggested that we
16 could address the issues—but to not throw out the baby with the bath water.

17
18 Stuart Mackless, a resident and business owner in Park City, said his business had
19 grown because of the Silly Market. He had a recycling business and he agreed with the
20 positive effects that the market had on the City. He suggested the negative effect of
21 events could be mitigated by the way we got in and out of town and where we parked.

22
23 Mary Wintzer, a resident and business owner in Old Town, thanked the Council for
24 addressing this topic. She had a lunch with various Council Members and friends who
25 also lived in Old Town to discuss this and other topics. She stated that some
26 businesses closed on Sunday because of Silly Market, so it helped some businesses
27 and hurt others. She was happy that Council listened to the residents. She wanted
28 every event to know that there needed to be compromise between the event and the
29 residents. Wintzer said she saw a sign that said, "More Park, Less City." She suggested
30 the sign was evidence of what was happening here. Wintzer said it could not be all
31 about one side.

32
33 Carissa Davenport said that she grew up in Park City. She started a restaurant here and
34 it will be sustained because Park Silly Market draws people to it. She did not feel like 14
35 Sundays per year were too much.

36
37 Mike Wong said he used to work for the Park Silly Market. He stated that it brought the
38 community together. He loved events and said the events brought diversity and
39 uniqueness to Park City. He stated that events should be hosted responsibly.

40
41 Barbara Stilenvich stated that she had a business that had participated in the Silly
42 Market for many years. She suggested that the Park Silly Market was the most
43 responsibly run market she been to throughout the country. She said that the rules and
44 regulations were in place.

Mayor Thomas closed the public input portion of the meeting.

Council Member Matsumoto brought up the point that Council had not yet addressed the change to the SEAC committee.

Council Member Beerman said he was expecting more discussion of the make-up of SEAC and suggested Council come back in a study session for further discussion on the special events topic. The entire Council agreed.

Diane Foster, City Manager, explained that the takeaway was that the Special Events team would take their foot off the gas pedal and gently apply the brakes regarding additional special events; however, the discussion on special events and the composition of the SEAC committee would be further rounded out in the future study session.

IV. NEW BUSINESS

1. Consideration to Approve Ordinance 2016-45, an Ordinance Amending Title 4, Licensing, of the Municipal Code to Change the Business License Renewal Date from January 1 to October 1 of Each Year:

Beth Bynan, Business License Specialist, explained that staff was bringing this issue to the Council because it was hard to renew business licenses in the time frame that was currently in place.

Council Member Henney asked about the range of fees. Bynan replied that the range of fees was between \$30 and \$230,000. Council Member Henney asked where the hardship complaints were coming from. Bynan replied that the information had come from a survey and that just under 16% of the respondents felt that the proposed renewal date would come at a hard time for their business.

Council Member Beerman stated his business license fees were around \$2,500-\$3,000 and that most owners had enough time to anticipate the fees.

Council Member Beerman moved to approve Ordinance 2016-45, an ordinance amending Title 4, Licensing, of the Municipal Code to change the business license renewal date from January 1 to October 1 of each year. Council Member Gerber seconded the motion.

RESULT: APPROVED

AYES: Council Members Beerman, Gerber, Henney, Matsumoto and Worel

2. Consideration to Approve Ordinance 2016-46, an Ordinance Repealing Ordinance 2016-31, Which Adopted Title 11, Buildings and Building Regulations, Chapter 21, Utah Wildland-Urban Interface Code, of the Park City Municipal Code:

Chad Root, Chief Building Official, explained that the reason to modify the ordinance was to give more leeway when restoring historic buildings. Council Member Matsumoto asked if it was the siding that was the issue. Root responded that siding was an issue and that the new code prohibited wood, but the dangers of using wood could be mitigated by increased defensible space. Root explained that if an ordinance was adopted before the end of the year, Park City could meet its historic preservation goals.

Council Member Beerman asked if fireworks were related to this ordinance. Root explained that a different code related to fireworks.

Council Member Gerber stated that we have little rain and asked if this ordinance would take into consideration the fire danger here. Root said it would take the fire danger into consideration.

Council Member Matsumoto moved to approve Ordinance 2016-46, an ordinance repealing Ordinance 2016-31, which adopted Title 11, Buildings and Building Regulations, Chapter 21, Utah Wildland-Urban Interface Code, of the Park City Municipal Code. Council Member Beerman seconded the motion.

RESULT:

APPROVED

AYES: Council Members Beerman, Gerber, Henney, Matsumoto and Worel

3. Consideration to Approve Resolution 23-2016, a Resolution by the Park City Council to Achieve Net-Zero Carbon by 2022 for the Municipal Government and by 2032 for the Broader Community and for Park City to Invite Other Local Governments to Join Us with the Goal:

Luke Cartin, Environmental Sustainability Manager, asked Council to modify their direction for the renewable energy and net zero goals. He explained that by approving this resolution we would be bringing Park City and Salt Lake City's energy goals in line.

Mayor Thomas opened the public hearing.

Park City resident Tina Smith stated that achieving net-zero by 2032 was a great goal.

Summit County resident Lindsey Ziegler suggested that an addition of the term "renewable" to the resolution would make it a name that would resonate with the community.

Mayor Thomas closed the public hearing portion of the meeting.

Council Member Beerman asked the audience how many of them came out to support the renewable energy goal. Everyone in the room raised their hands (about 60 people). He explained that it was important for Park City to be a leader in this endeavor.

Council Member Gerber said that we were 53% of the way to reaching our goal. She encouraged everyone to talk to their neighbors about the goal.

Council Member Henney explained to the public that Council had discussed this subject in the earlier work session and he wanted to explain that the resolution was making Park City's portfolio renewable and also excluding nuclear and hydro.

Council Member Henney moved to approve Resolution 23-2016, a resolution by the Park City Council to achieve Net-Zero Carbon by 2022 for the Municipal Government and by 2032 for the broader community and for Park City to invite other local governments to join us with the goal. Council Member Worel seconded the motion.

RESULT:

APPROVED

AYES: Council Members Beerman, Gerber, Henney, Matsumoto and Worel

4. Consideration to Continue Ordinance 2016-32, an Ordinance Approving the Lilac Hill Subdivision Located at 632 Deer Valley Loop, Park City, UT Pursuant to Findings of Fact, Conclusions of Law, and Conditions of Approval in a Form Approved by the City Attorney. (A) Public Hearing (B) Continue to October 20, 2016:

Mayor Thomas opened the public hearing.

Mike Mullin said he was in favor of the development on Deer Valley Loop. Mullin stated the applicant offered to do a lot to meet the concerns of the neighbors and City Council. He said that if the City was concerned about this property, they could have purchased it and that they should not have a regulatory process take it away from the applicant.

Diane Bernhardt represented the Save Rossie Hill Alliance. She said they cared about the open space on Rossi Hill and thanked Council for their support of open space. Bernhardt had a proposal that would work with the applicant in order to have the development and provide open space. The Save Rossie Hill Alliance wanted to work with the applicant in order to have a mutually beneficial outcome. They wanted to renovate the historic buildings to preserve them in their original state. She said the Save Rossie Hill Alliance had specific details that would satisfy the concerns of all. Bernhardt wanted to support the continuance of the ordinance.

1 Jack Koson supported the Mullin application. He said the Matt Mullin took the correct
2 steps before he bought the property to ensure he could develop the property.

3
4 Beth Fratkin stated that she lived on Rossie Hill next to an 8,500 square foot home. She
5 said the Dennis family had been living on the BLM land for hundreds of years. Fratkin
6 said her landlord would be treated unfairly if the land was rezoned. She suggested that
7 if affordable housing was developed there she still would not be able to afford it. She
8 wanted the current residents to be able to get the value from their homes.

9
10 Aimee Koson stated that she was here to support the development. She believed in the
11 rights of the owner and stated that to change the zoning after the purchase of the land
12 could be harmful to others in Park City.

13
14 John Whitely stated that he grew up in the shacks on Rossie Hill and said those homes
15 are historic and beautiful.

16
17 Jason Parker stated he bought his home ten years ago on Rossie Drive. He said the
18 three current buildings were historic and he wanted to preserve the history of these
19 homes. He would be heartbroken if that was changed.

20
21 Bob Gurse, Save Rossie Hill Alliance, stated that zoning issues were relevant and
22 thanked Council and staff for their work. He said there was a desire in the community to
23 preserve the homes and open space.

24
25 Allison Kitching stated that she lived on Rossie Hill. She wanted to continue discussions
26 with Mullin because they would come to a good conclusion themselves.

27
28 Angela Moshetta spoke on behalf of Future Park City. She suggested her group was
29 instrumental in getting the two sides together. Moshetta wanted to applaud the Mullins
30 for working with the other residents. She wanted to talk about adding density in certain
31 areas while preserving open space in others. Moshetta encouraged Council to come to
32 a conclusion that helped the workforce housing solutions.

33
34 Mary Wintzer explained that the Mullin's development process had not been interrupted.
35 She stated that there was danger on the road on Rossie Hill in the winter. Wintzer does
36 not feel the City was robbing Mullin of making money because they could have a
37 valuable home the way the property was and that by asking for less density it did not
38 mean they could not make money. She was impressed with the groups that had come
39 together to work on the issue. In regard to affordable housing, she said they had
40 property that would be better for affordable housing. She stated that we need to keep
41 construction costs down on affordable housing and that the old homes on Rossie Hill
42 could be made into nice homes and no one would be hurt.

43
44 Christina Shiebler stated she appreciated the collaborative process.

1
2 Scott Carr, a resident of Park City, stated he always wondered why these houses were
3 so dilapidated. He was concerned when he heard about the proposal for the density that
4 would be put there, but was impressed to see the process working. His concern was
5 that Park City was at a tipping point where it could remain a mountain town or become a
6 suburb of Salt Lake City. He stated that with new developments the town might lose its
7 character and he supported the continuation of the issue. He said that this land was
8 very visible, and asked why not have it be maintained in a way that supported the
9 historic character of Park City.

10
11 Mayor Thomas closed the public hearing portion of the meeting.

12
13 Mark Harrington, City Attorney, explained that if Council wanted any additional
14 information on the subject they could ask staff.

15
16 Matt Mullin, applicant, wanted to know if they could present their side.

17 Anya Grahn, Historic Preservation Planner, explained that in the previous Council
18 meeting there were so many comments that Council suggested staff come back with
19 specific conditions of approval. Matt Mullin had come up with his own conditions of
20 approval.

21
22 Bruce Ericksen, Planning Director, stated that Council had asked staff to come up with
23 conditions of approval and they were now asking Council to continue the item.

24
25 Council Member Henney stated he was not interested in the most restrictive condition.
26 He would like to see the area rezoned. Council Member Henney liked the conditions
27 that the applicant proposed. Council Members Gerber and Worel agreed with Council
28 Member Henney.

29
30 Council Member Beerman stated he liked the medium restrictive condition, but said that
31 if the applicant and neighbors could come to their own agreement, that option would be
32 the best. Council Member Matsumoto stated that she was happy to see that the
33 applicant was concerned about the historic structures. She would favor medium
34 restrictive, which would allow for open space. Council Member Henney wanted to clarify
35 that his first preference would be to have it worked out between the applicant and the
36 neighbors.

37
38 Council Member Gerber moved to continue Ordinance 2016-32, an ordinance approving
39 the Lilac Hill Subdivision located at 632 Deer Valley Loop, Park City, UT pursuant to
40 findings of fact, conclusions of law, and conditions of approval in a form approved by the
41 City Attorney to October 20, 2016. Council Member Henney seconded the motion.
42

RESULT:

CONTINUED

AYES: Council Members Beerman, Gerber, Henney, Matsumoto and Worel

5. Discuss Initiating an Application Rezoning and Amending the Official Zoning Map of Park City of a Portion of the Residential Medium Density (RM) District in the Area of Deer Valley Loop Road and Deer Valley Drive Better Known as 622, 652, and 660 Rossie Hill:

Mark Harrington, City Attorney, stated there is a long history with these parcels. The primary goal in dealings with the BLM was making sure they followed their own rules and the city retained our historic preservation authority over the homes. He cautioned Council to use their legislative police power to evaluate the broad planning scheme when making a decision on these properties, and not the transactional developments of third parties.

Council Member Henney said he wanted to explore Harrington's suggestion. Council Member Henney thought there was a strong argument from planning staff and that he was comfortable with the staff report.

Mayor Thomas opened the public hearing.

Bryce Panzer, attorney for the Dennis family who lives on the property, said there was an argument about who owns the property. He explained that Richard Dennis and daughters own about 3/4 of an acre. The Dennis family argues it was not owned by the BLM. Panzer suggested the Dennis property was being used as a sacrificial lamb. He stated there were other solutions other than rezoning. Panzer suggested that selling the property was an option. He stated that if the purpose was to preserve the site for the public, it was unfair to take it from the Dennis family.

Richard Dennis, owner of homes and property on Rossie Hill, asked the Council to treat them fairly. He stated that he would sell the property to Park City Municipal for fair market value.

Diane Bernhardt wanted to promote the creation of a long-term action plan for Rossie Hill. She wanted to preserve open space and historic homes as well as a corridor for wild animals. She also wanted to rezone the area for limited development. She had a petition that was signed by many people. Bernhardt recommended the area be rezoned.

Mike Wallen thought Council should not rezone the Rossie Hill area and take property away from the Dennis family.

Mayor Thomas closed the public hearing portion of the meeting.

Council Member Matsumoto asked if anyone else had claim to the BLM land. Bryce Panzer replied that there are mining claims that have been given to the Bertolinis and a claim by the United Park City Mines.

Bruce Ericksen, Planning Director, suggested the City should meet with the Dennis family and their attorney in order to map out their property lines for clarification.

Council Member Beerman moved to approve initiating an application rezoning and amending the Official Zoning Map of Park City of a portion of the Residential Medium Density (RM) District in the area of Deer Valley Loop Road and Deer Valley Drive better known as 622, 652, and 660 Rossie Hill. Council Member Worel seconded the motion.

RESULT:

APPROVED

AYES: Council Members Beerman, Gerber, Henney, Matsumoto and Worel

V. ADJOURNMENT

With no further business, the meeting was adjourned.

Katie Madsen, Deputy City Recorder



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

October 6, 2016

The Council of Park City, Summit County, Utah, met in open meeting on October 6, 2016, at 5:25 p.m. in the City Council Chambers.

Council Member Henney moved to close the meeting to discuss property at 2:15 p.m. Council Member Worel seconded the motion. Voting Aye: Council Members Beerman, Gerber, Henney, Matsumoto and Worel.

CLOSED SESSION

Council Member Beerman moved to adjourn from Closed Meeting. Council Member Gerber seconded the motion. Voting Aye: Council Members Beerman, Gerber, Henney, Matsumoto and Worel.

WORK SESSION

Council Questions and Comments:

Council Member Beerman indicated there would be a Mountain Accord hearing on November 15th for the Central Wasatch National Conservation and Recreation Area legislation. He attended a housing discussion in Moab with some Park City staff, and attended an outdoor recreation conference in Moab as well.

Council Member Gerber attended the Park City Area Lodging Association (PCALA) where the governor came and spoke on tourism.

Council Member Worel indicated she attended a luncheon with seniors at the Senior Center where she met Ralph Gates who was working with the library and interviewing residents on their experiences and perception of the City. She went to a community leaders meeting with Superintendent Conley from the School District. There was discussion on how the community could support the school system as drug issues are being dealt with. She attended a reception for the National Affordable Housing Conference, as well as a Board of Health meeting. She also attended the Affordable Childcare Taskforce meeting where moving childcare initiatives forward was discussed, as well as the possibility of starting a Head Start program in Park City. She also noted that she participated in the walk at the Domestic Violence Vigil.

1 Council Member Henney attended the Chamber meeting and indicated the Chamber
2 was marketing the community effectively and there would be lots of tourism and events
3 coming to town. He attended the Affordable Housing reception. He suggested having a
4 study session to discuss the ideas that he and Council Member Worel had discussed
5 with regard to the community connection and building component that might help
6 connect the community. He also discussed the paid parking issue and expressed regret
7 that it couldn't be implemented this winter. He requested a manager's report or a quick
8 update with regard to the implementation part of the parking plan.
9

10 Mayor Thomas stated he attended the Affordable Housing Conference and gave an
11 introduction to the group. He attended the Planning Commission meeting, the Fire
12 Board meeting and the Historical Society meeting as well. He congratulated Clint
13 McAfee for the birth of his son and wished a happy birthday to Matt Dias.
14

15 Alfred Knotts, Transportation Planning Manager, stated he spoke with a colleague in
16 Colorado who worked for the Federal Highway Administration. They provide free
17 technical assistance to entities to help with congestion, traffic calming, etc., and he
18 indicated she was willing to contribute her time in helping Park City with its
19 transportation goals.
20

21 **Discuss Public Utilities Facility-Programmatic Goals:**

22 Roger McClain, Clint McAfee, and Bina Skordas, Public Utilities Department, and RNL
23 Design Team Member Rachel Godfrey presented this item. McClain stated they were
24 still in the design process with regard to the new facility and wanted to implement
25 sustainable energy, housing and transportation critical priorities into the design.
26

27 Godfrey stated the net zero goal was a worthy goal and she thought that it should be
28 attached to everything from a building up to the entire community. She hoped this
29 project would be a pilot project for all future building projects in the City.
30

31 Skordas asked the Council if they were supportive of the Sustainability Approach for this
32 facility. Council Member Henney asked if Luke Cartin, Sustainability Manager,
33 supported this project, noting he hoped Cartin would have a lot of input with regard to
34 this project. Cartin explained the Leadership in Energy and Environmental Design
35 (LEED) piece from Resolution 12-07 wasn't a good fit for this project because energy
36 reduction didn't fit in that piece. He hoped to be tied into the project with regard to
37 energy reduction using the Project Sustainability Approach found in the Council packet.
38 Council Member Henney thanked Cartin for being involved with this project, as well as
39 McClain, McAfee and Skordas for all their work.
40

41 Council Member Beerman agreed that LEED didn't fit for this project and was excited to
42 see the net zero goals for this building. He hoped a standard could be set for all future
43 buildings so the tool could be used and questions would not need to be asked.
44

1 Mayor Thomas also felt this was the right approach.

2
3 Skordas asked if Council supported onsite solar, and indicated there were different solar
4 programs that might preclude onsite solar. Council Member Beerman favored onsite
5 solar. The other Council members indicated they favored onsite solar as well.

6
7 McClain addressed housing with this project. He stated a portion of the site was zoned
8 ROS (Recreation Open Space) and a portion zoned RD (Residential Development). He
9 noted this was a 24 hour site (i.e. snow removal, etc.) that would have noise and lights,
10 which was not compatible with housing. He felt onsite employee housing was not
11 necessary, but housing could be built offsite to accommodate employees and their
12 families.

13
14 Mayor Thomas referred to the Snow Creek housing project years ago which proposed
15 housing above commercial buildings, and regretted that housing was not implemented
16 there. Council Member Gerber stated she did not want housing withdrawn from
17 consideration yet, and thought in some situations it could work.

18
19 Council Member Matsumoto didn't think the site was a great area for housing, but
20 thought a few apartments could be built for employee housing. She indicated it was
21 isolated from the rest of the City, which made it an unattractive area. Bruce Erickson
22 stated there was discussion to change the zoning to Commercial Transition so housing
23 could be accommodated onsite, if desired. Council Member Worel favored employee
24 housing onsite because she had repeatedly heard the problem that the essential
25 workforce could not live in Park City. Council Member Beerman didn't think this would
26 be a desirable place to live. He noted he had spoken with McAfee, who indicated the
27 Public Utilities staff did not want to live there. He proposed that some money from this
28 project be used to build housing in town.

29
30 Council Member Gerber asked if staff would be interested in the onsite housing if the
31 price was right. Clint Daley, Parks and Golf Manager, stated he didn't see the desire from
32 his group. McAfee stated the entire site would be needed for the facilities, so if housing
33 was included, it would be above or below the shop or another facility. Laurent stated
34 some scenarios still needed to be run before a final decision would be made. She
35 suggested that housing there might work for transit or seasonal employees, but she
36 would have to study it further.

37
38 Mayor Thomas stated there could be a component that could be used. Council Member
39 Henney stated the possibility of housing shouldn't be eliminated as of yet, and
40 encouraged staff to continue to think of options and to design for housing alternatives.

41
42 McClain spoke about the transportation element for this site and stated transportation
43 issues had not been identified. Council Member Worel thought getting snowplows on

1 SR248 might be a challenge. Brooks Robinson, Transportation Planner, stated a stop
2 light would be installed at the site.

3
4 **Fourth of July Event Debrief:**

5 Jenny Diersen and Jason Glidden, Special Events, presented this item. Diersen showed
6 a video of the Fourth of July parade from 1963. She explained that the Chamber had
7 hosted this event in the past, but changes were made and the City staff and SEAC were
8 taking a larger role in this event. She noted some changes included the reinstatement of
9 water guns and candy, and limiting parade entries to Summit County residents only.
10 She reviewed that this event was funded through a restaurant tax grant. Feedback she
11 received was that the event was hugely successful and that it felt very community
12 based. She expressed gratitude for all who helped with the event.

13
14 Council Member Worel asked if there had been conversations with Sunrise Rotary with
15 regard to hosting the event in the future. Glidden stated they were contacted but they
16 felt it was too big of an event to handle. Council Member Gerber asked if there was a
17 benefit to not advertising so the event would stay manageable. Diersen noted that
18 something to consider was the day of the week the event happens, since weekends
19 draw larger crowds that stay in the hotels and eat at the restaurants. She felt that was a
20 good question to consider. Glidden stated the targeted marketing was for a multi-day
21 event. If funding was obtained from another source, marketing might not be necessary
22 in the future.

23
24 Council Member Henney asked how paid parking would affect this event. Glidden stated
25 transportation parking at satellite lots could be implemented like the Sundance event.
26 Council Member Beerman stated the adjustments for this event added a lot to the event.
27 He was concerned with the City taking a larger role with this event, and stated he
28 preferred a third party running the event. He felt the traffic was crushing to residents and
29 hoped for more aggressive measures in dealing with traffic.

30
31 Council Member Matsumoto stated that asking a group to take on the event which
32 would not generate a profit would be difficult and she felt the City should own the event.
33 Council Member Worel asked why an event organizer couldn't be found if there would
34 be funding for the future. Glidden stated there was not enough time when organizations
35 were asked in the past. Now that the grant was in place, he was relatively confident an
36 organizer could be found. Council Member Gerber agreed with Council Member
37 Matsumoto that the City should own this event. She suggested having additional buses,
38 bike racks, etc. to help mitigate the traffic issues. Mayor Thomas felt if the City
39 controlled the event, it could control the impacts that go along with the event. Council
40 Member Henney agreed.

41
42 Diersen reviewed Council direction that the City would take a larger role, look for help
43 from a third party, and mitigate traffic with paid parking, offsite lots, etc.

Discuss Main Street Tenant Mix - Store Front Vacancies:

Jonathan Weidenhamer, Economic Development Manager, Beth Bynan, Business Licensing, and Michelle Downard, Deputy Building Official, presented this item. Weidenhamer indicated most of the tenants were hospitality businesses that operated year round. A few empty store fronts had just been leased, so he felt the perception of empty tenants was not correct with regard to Main Street. He noted he would return with Planning within the next few weeks to present a formula that could sharpen regulations with regard to these store fronts. He asked the Council to give direction on business license and liquor license codes that were tied to hospitality.

Council Member Matsumoto favored business licenses for long term tenants. Council Member Beerman stated that he had commercial space for 15 years and there had been a few times when tenants left, and he rented it out for Sundance. He asked if that would be prohibited now. Weidenhamer stated this policy would not go into effect until February, and discussions that would refine the regulations would continue during that time.

Council Member Gerber noted she feared that some Main Street owners would raise rent high so tenants would not be attracted, and then the storefronts would be available to rent out for Sundance. Council Member Worel indicated she liked the recommendations presented by staff.

Mayor Thomas stated this should be implemented sooner than later, and felt an exception could be made for cases such as Council Member Beerman explained. He stated the City's interest was to activate Main Street and he preferred not to wait until February to implement the regulations.

Mayor Thomas opened the meeting for public comments.

Mike Barille, Executive Director of Historic Park City Alliance (HPCA), stated most of the HPCA members would agree that these rules should be implemented as soon as possible. If issues arise as a consequence of the implementation, an appeals process should take care of that.

Hans Fuegi stated he was in favor of the City reaching out to the property owners and was happy to see the big spaces had been leased as a result of this. A year round tenant on Main Street was favorable and he thanked Weidenhamer for all his work.

Mayor Thomas closed the public comment portion of the meeting.

Council Member Beerman stated a hardship clause would be a good idea, and he was in favor of implementing the regulations as of this winter. Mayor Thomas agreed.

Council Member Henney stated that the two big locations that concerned the City just

1 leased to long term tenants so there may not be an issue. The Council agreed to
2 implement changes to Section Four of the Municipal Code before winter.
3

4 **REGULAR MEETING**

5 **I. ROLL CALL**

6

Attendee Name	Title	Status
Jack Thomas	Mayor	Present
Andy Beerman	Council Member	Present
Becca Gerber	Council Member	Present
Tim Henney	Council Member	Present
Cindy Matsumoto	Council Member	Excused
Nann Worel	Council Member	Present
Diane Foster	City Manager	Present
Mark Harrington	City Attorney	Present
Matt Dias	Assistant City Manager	Present
Michelle Kellogg	City Recorder	Present

7 **II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF**

8

9 No comments were given.

10 **III. PUBLIC INPUT (ANY MATTER OF CITY BUSINESS NOT SCHEDULED ON**

11 **THE AGENDA)**

12 Mayor Thomas opened the meeting for those wishing to comment on items not being
13 addressed on the agenda. No comments were heard. Mayor Thomas closed the public
14 input portion of the meeting.

15 **IV. CONSIDERATION OF MINUTES**

16

17 **1. Consideration to Approve the City Council Meeting Minutes from**

18 **September 15, 2016:**

19 Council Member Beerman moved to approve the City Council Meeting minutes from
20 September 15, 2016. Council Member Worel seconded the motion.
21

22 **RESULT: APPROVED**

23 **AYES:** Council Members Beerman, Gerber, Henney, and Worel

24 **EXCUSED:** Council Member Matsumoto

25 **V. CONSENT AGENDA**

26
27

1. Request to Authorize the City Manager, in a Form Approved by the City Attorney, to Enter into a Construction Contract with North Ridge Construction, Inc. to Rehabilitate Two Historic Homes and Build Six New Detached Houses Entitled the 1450-1460 Park Avenue Affordable Housing Project in an Amount Not to Exceed Two Million Two Hundred Thousand Eight Hundred Dollars (\$2,200,800):

2. Request to Authorize the City Manager to Execute the First Amendment to the Professional Services Agreement, in a Form Approved by the City Attorney, with Bowen Collins & Associates for Engineering Services for the Upper Swede Alley and Heber Avenue Utility Replacement Project for an Increase to the Agreement in an Amount Not to Exceed \$80,550 for a Total Contract Amount Not to Exceed \$118,450:

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

RESULT: APPROVED

AYES: Council Members Beerman, Gerber, Henney, and Worel

EXCUSED: Council Member Matsumoto

VI. NEW BUSINESS

1. Consideration of a Voter Information Pamphlet Related to the Bonanza Flats \$25,000,000 Open Space Bond Ballot Initiative to be Mailed to Park City Residents in Compliance with the Utah Local Government Bond Act:

Tom Daley, Deputy City Attorney, presented this item. Daley stated a voter information pamphlet was required under the Utah Local Government Bonding Act. Council Member Henney remarked that there were three different issues addressed in the pamphlet: the history of open space, the bond initiative and voter information. He suggested cutting the verbiage and increasing the font to make it more effective.

Council Member Beerman stated the pamphlet was thorough but he felt the map should take up one of the pages and then have the focus be on just a few points. Council Member Worel suggested including the deadline date for ballots to be postmarked. Council Member Gerber stated she didn't want to wait until the next meeting to approve the pamphlet due to the suggestions given today because then it wouldn't get to voters timely. Daley stated the motion could include the suggested amendments.

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

Council Member Beerman moved to approve a voter information pamphlet related to the Bonanza Flats \$25,000,000 Open Space Bond Ballot Initiative to be mailed to Park City residents in compliance with the Utah Local Government Bond Act as amended from the feedback suggested by Council. Council Member Worel seconded the motion.

RESULT: APPROVED

AYES: Council Members Beerman, Gerber, Henney, and Worel

EXCUSED: Council Member Matsumoto

2. Consideration to Approve Resolution 24-2016, a Resolution Adopting the Transportation Demand Management Plan for Park City, Utah:

Alfred Knotts and Brooks Robinson, Transportation Planning Department, presented this item. Knotts stated one of the Transportation Department's goals was to seek and implement alternative forms of transportation. He displayed the results of traffic pattern studies that were performed in January and July, 2015, and noted a 3% increase in traffic overall and also during peak time traffic. He stated a Transportation Demand Management Plan (TDM) was necessary before implementing large construction projects. He indicated a Transportation Management Association was initiated, and a wide variety of programs had been implemented or were in the process of being implemented, such as e-bikes, codifying a TDM plan and efficient parking strategies. He noted the City had an employee vanpool and he hoped to expand the vanpool program with area employers as well.

Council Member Beerman asked if Summit County had adopted similar plans. Knotts responded that Summit County had not adopted a plan, but he would be meeting with his counterpart at the County to work on code amendments, making sure the City and County codes complimented each other. Knotts felt that when this plan was adopted by the City, the County might adopt it as well. Council Member Henney stated the County had a bike share program with some bikes coming into the City. He asked if this was a joint project. Knotts stated that this was a joint project and stations would be placed at the MARC, Prospector, the library and the Old Town Transit Center. Council Member Henney asked how many e-bikes were involved in the County's program. Knotts stated all the bikes were pedal assisted bicycles.

In another matter, Brooks Robinson stated he would be retiring November 4th. Mayor Thomas and the Council thanked Robinson for his 20 years of service to the City.

Mayor Thomas opened the meeting for public input.

MaryAnn Cirino asked if the plan was the context of the final report contained in the Council packet. Knotts stated it was. Cirino stated she had an office on Main Street and many business owners didn't know about this plan and were upset about it. She thought diminishing parking and traffic in the City wasn't taking into account the employees of

the businesses within the City. She stated the data was based on employees who worked 9:00 a.m.-5:00 p.m. which was not an accurate assessment. She felt there wasn't an engagement with the small business owner, but only with the large resorts, and she also thought everything being presented did not service the employees of the City. She asked for the City to get feedback from the community instead of from the consultants. She indicated she met with Blake Fannesbeck, Transportation Manager, but he didn't listen to her. She also asserted the community thrived on the people, including employees.

Mayor Thomas closed the public input portion of the meeting.

Knotts clarified that the action requested tonight did not include the parking plan, which would be presented to Council on a future date.

Council Member Worel asked if the "Let's Go" pamphlet would be available to the public. Knotts affirmed it would.

Council Member Henney moved to approve Resolution 24-2016, a resolution adopting the Transportation Demand Management Plan for Park City, Utah. Council Member Gerber seconded the motion.

RESULT: APPROVED

AYES: Council Members Beerman, Gerber, Henney, and Worel

EXCUSED: Council Member Matsumoto

3. Request to Approve I AM PRO SNOW 100% Committed Partnership Letter in Conjunction with the Climate Reality Project, a District of Columbia, USA, Nonprofit Corporation:

Luke Cartin, Sustainability Manager, showed Council a video on Climate Change, featuring Ted Livity, an Olympic skier. Cartin explained the Climate Reality Project was Al Gore's group and he was excited to be onboard.

Council Member Gerber moved to approve I AM PRO SNOW 100% Committed Partnership Letter in conjunction with the Climate Reality Project, a District of Columbia, USA, nonprofit corporation. Council Member Beerman seconded the motion.

RESULT: APPROVED

AYES: Council Members Beerman, Gerber, Henney, and Worel

EXCUSED: Council Member Matsumoto

4. Consideration of Ordinance No. 2016-47, an Ordinance Approving the Silver Bird Condominiums at Deer Valley Second Amended – Amending Unit 29

Condominium Plat, Located at 7379 Silver Bird Drive, Pursuant to Findings of Fact, Conclusions of Law, and Conditions of Approval in a Form Approved by the City Attorney:

Makena Hawley, Planning, explained this amendment would convert existing common area into private area.

Mayor Thomas opened the public hearing. No comments were given. Mayor Thomas closed the public hearing portion of the meeting.

Council Member Worel moved to approve Ordinance No. 2016-47, an ordinance approving the Silver Bird Condominiums at Deer Valley Second Amended – amending Unit 29 Condominium Plat, located at 7379 Silver Bird Drive, pursuant to findings of fact, conclusions of law, and conditions of approval in a form approved by the City Attorney. Council Member Gerber seconded the motion.

RESULT: APPROVED

AYES: Council Members Beerman, Gerber, Henney, and Worel

EXCUSED: Council Member Matsumoto

VII. ADJOURNMENT

With no further business, the meeting was adjourned.

Michelle Kellogg, City Recorder



DATE: October 20, 2016

TO HONORABLE MAYOR AND COUNCIL

Initial evaluations and investigations for the Quinns Junction Water Treatment Plant (QJWTP) Process, Capacity, & Energy Management Upgrades project have been recently completed. In the course of the effort, staff and the consultant have identified and prioritized cost-effective treatment process and sustainable project elements to improve the reliability and energy efficiency of the City's Rockport importation and treatment infrastructure. These improvements will address issues such as the ability to treat seasonally changing source water quality and risk exposures in the raw water supply and conveyance system as well as energy management for the existing facilities.

Additionally, staff evaluated and selected a construction contract delivery method that would be the most beneficial approach for the project. This staff report includes a recommendation for construction of the improvements in the delivery form of a construction manager/general contractor (CM/GC) "guaranteed maximum price" construction agreement.

Respectfully:

Michelle Kellogg, City Recorder



City Council Staff Report

Subject: QJWTP Upgrades Project – Construction Agreement, Alder Construction, Inc.
Author: Roger McClain, Public Utilities Engineering Manager
Michelle De Haan, Water Quality and Treatment Manager
Department: Public Utilities
Date: October 20, 2016
Type of Item: Administrative

Summary Recommendations

Staff recommends Council authorize the City Manager to execute the Construction Agreement with Alder Construction, Inc., in a form approved by the City Attorney, for construction services for the Quinns Junction Water Treatment Plant Upgrades Project for a total amount not to exceed \$3,878,465.00.

Executive Summary

Initial evaluations and investigations for the Quinns Junction Water Treatment Plant (QJWTP) Process, Capacity, & Energy Management Upgrades project have been recently completed. In the course of the effort, staff and the consultant have identified and prioritized cost-effective treatment process and sustainable project elements to improve the reliability and energy efficiency of the City's Rockport importation and treatment infrastructure. These improvements will address issues such as the ability to treat seasonally changing source water quality and risk exposures in the raw water supply and conveyance system as well as energy management for the existing facilities.

Additionally, staff evaluated and selected a construction contract delivery method that would be the most beneficial approach for the project. This staff report includes a recommendation for construction of the improvements in the delivery form of a construction manager/general contractor (CM/GC) "guaranteed maximum price" construction agreement.

Acronyms and Abbreviations in this Report

The following acronyms and abbreviations have been used in this report:

CH2M:	CH2M Hill Engineers, Inc.
CM/GC:	Construction Manager/General Contractor
City:	Park City Municipal Corporation
DDW:	Division of Drinking Water
GAC:	Granulated Activated Carbon
M-I-W	Mining-Influenced-Water
MnO ₂	Manganese Dioxide
PSA:	Professional Services Agreement
RFP:	Request for Proposal
QJWTP:	Quinns Junction Water Treatment Plant

The Problem

During the initial three and one-half years of treatment plant operation, staff has experienced several short-term circumstances and recently experienced a longer period condition that impacted the ability of the treatment facility to produce safe, reliable drinking water and to meet the waste water discharge permit. These impacts have been the result of treatment plant process limitations which stemmed from seasonal water quality changes within the river when constituents exceeded several of the facility's treatment process capabilities. In several instances it has been necessary to shut down water treatment plant operation until water quality parameters could be met.

Additionally, an evaluation of the initial years of treatment facility operation with respect to energy management, has identified several improvements that will address the Council's energy-critical priority initiative.

Background

October 29, 2015 staff recommended to City Council the PSA for CH2M engineering service to provide an evaluation of the QJWTP for the following items:

- Water Quality and Treatment for Changing Water Source Conditions
- Energy Management
- Raw Water Operational Basin, Conveyance, and Renewable Energy.
- Impacts of Judge Tunnel Treatment at QJWTP, M-I-W Alternative.
- Development of a QJWTP Facility Program

A subsequent CH2M contract addendum was authorized by City Council design services of selected improvements.

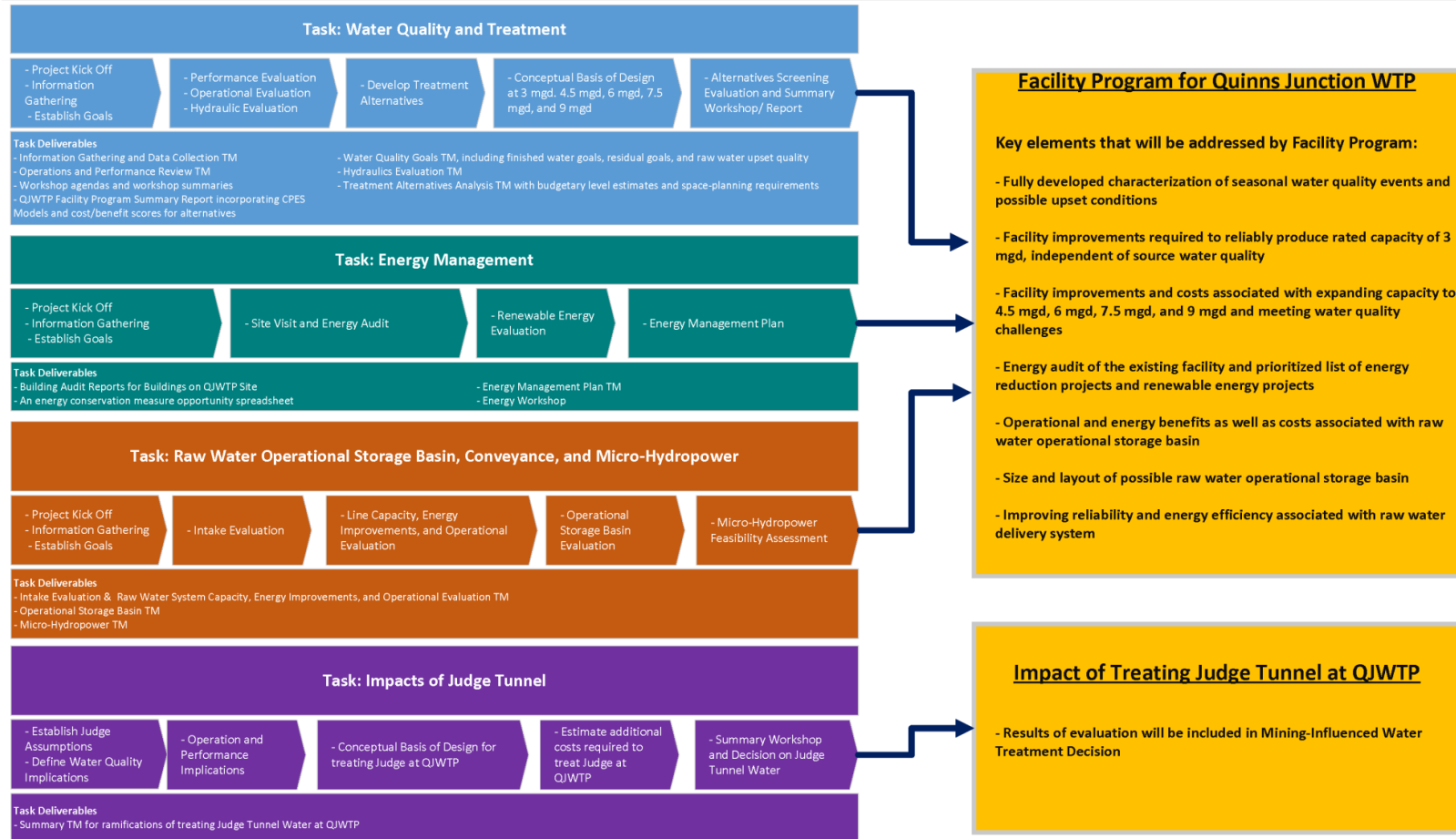
- The staff report for the original *CH2M PSA – QJWTP Process, Capacity, & Energy Management Upgrades – Engineering Services – October 29, 2015*, may be found at:
<http://parkcityut.igmp2.com/Citizens/FileOpen.aspx?Type=1&ID=2073&Inline=True>
- The staff report for the *CH2M PSA, First Addendum – September 1, 2016*, may be found at:
<http://parkcityut.igmp2.com/Citizens/FileOpen.aspx?Type=1&ID=2181&Inline=True>

Proposed Construction Elements

CH2M's evaluation of the QJWTP resulted in a *Facility Program* that identified four phases which included: 1) Short-term Improvements; 2) Operation Storage Basin Implementation; 3) Plant Capacity Expansion; and 4) Future Water Quality Improvements. The following graphical illustration presents the CH2M's Project Approach and key elements of the QJWTP Project. The proposed improvements included in this Staff Report address the recommendations included in the first phase of the Facility Program.

Project Map:

Engineering Services for Quinns Junction Water Treatment Plant Process, Capacity, and Energy Management Upgrades



Updated 10/12/2015

ch2m

Construction plans and specifications prepared by CH2M for Phase 1 include the following key treatment plant upgrades:

- GAC Improvements – Installation of an additional GAC vessel and associated operational and maintenance improvements to address taste and odor considerations
- Manganese Dioxide (MnO₂) Improvements – Installation of new vessels and associated chlorination system to address manganese removal
- Equalization Basin and Vessel Backwash Supply System – Installation of a basin and water supply system to facilitate backwash of GAC and MnO₂ vessels
- Membrane Filtration System Improvements – Installation of a membrane backwash supply tank
- Maintenance and Safety Access Platforms on GAC Vessels and Plate Settlers
- Clearwell modifications – Operation and maintenance related improvements

Griff Lloyd, the Public Utilities Project Manager, will be managing the project, and will be working under the guidance of the Public Utilities Engineering Manager and the Public Utilities Director.

Alternatives for City Council to Consider

This section provides pros and cons and next steps associated with the recommended addition to engineering services and increase in fees.

Pros

Facilitates completion of treatment improvements and upgrades to enable the treatment to meet water supply production requirements and DDW water quality requirements

Cons

Increases capital improvement project costs that could be utilized for other purposes

Consequences of not authorizing services

The QJWTP is an integral part of the City's existing water source portfolio. Should changing raw water quality conditions exceed existing treatment facility capabilities, QJWTP could be shut down until the raw water can be treated to meet water quality standards. Other sources would be relied upon during that time which may create the inability to meet existing water obligations.

Analysis

Project Delivery Method

During the programming stage of the project, Public Utilities staff evaluated alternative delivery approaches to determine the most beneficial approach for the project. Based on the complexities associated with construction at the operating treatment plant, staff determined that an integrated approach using the construction manager/general contractor (CM/GC) "guaranteed maximum price" method would be best suited for the project. A *guaranteed maximum price (GMP) contract* is a cost-plus contract under which the contractor is compensated for actual costs incurred, plus an agreed upon and specified fee, not to exceed a guaranteed maximum amount.

RFP Process

Staff prepared a RFP that identified CM/GC requirements for the QJWTP Upgrades. The requirements addressed CM/GC capability of providing and/or managing all facets of the project, reserved the City's right to negotiate with the selected Proposer with respect to the qualifications and selection of proposed subconsultants, subcontractors, or vendors, and to award any one or all phases/tasks of the work.

Subsequently, a RFP was advertised in the Park Record beginning 6/11/2016 and continuing through 7/13/2016, and on the Park City Website beginning June 6, 2016. Proposals, received and opened on July 19, 2016, were received from:

Ellsworth Paulsen Construction Services
Gerber Construction, Inc.
Alder Construction, Inc.
VanCon, Inc.

A selection committee evaluated Proposals based on specific factors listed in the RFP which included; Preconstruction Services Price Proposal, Project Approach and Management Capabilities, Project Organization, Relevant Project Experience and Resumes, Summary, Owner-CM/GC Agreement and Insurance Requirements, Financial Capabilities and Fee Structure, and ability to meet the City's overall project needs, goals, and objectives.

Alder Construction, Inc., ranked highest among the responsive proposers. Alder was the contractor for the original QJWTP construction.

Construction Contract

Staff has prepared the scope of work contained in Alder's construction GMP proposal, reviewed the bid costs, and negotiated the associated fee. The proposed construction schedule is consistent with the CM/GC construction timeline for upgrades to the QJWTP. A summary of the scope of work and cost proposal is included as Attachments A and B to the Staff Report. The complete scope of work and cost basis will be included in the QJWTP Upgrades Project construction agreement (Standard Form of Agreement Between Owner and Construction Manager *where the Construction Manager is also THE CONSTRUCTOR*). Cost of the Work and the Construction Manager's Fee is guaranteed by the Construction Manager "Guaranteed Maximum Price." The GMP contract is a cost-plus contract under which the contractor is compensated for actual costs incurred, plus an agreed upon and specified fee, not to exceed a guaranteed maximum amount. The GMP does not include the Preconstruction Service Fee, however the fee and an Owner's contingency are included in the total recommended contract amount.

The total contract amount includes the following:

Preconstruction Services Fee: \$21,465.00
Guaranteed Maximum Price: \$3,857,000.00

The GMP includes a Construction Manager's Fee of an amount not to exceed (10%) ten percent of the cost of the work, \$385,700.00

Staff feels that the GMP proposal is usual and customary for construction of this type, scope, and complexity and is recommending authorization of the Construction Agreement.

Furthering the Goals of the General Plan

Utilities are essential services that play a vital role in economic and social development. A resilient water system is a critical prerequisite to all of the goals and objectives identified within Park City's general plan.

Department Review

This report has been reviewed by representatives of Public Utilities, City Attorney's Office, and the City Manager's Office. Comments have been integrated into this report.

Funding Source

The funding for the First Addendum is from water service fees and is included in the approved 5-year Water CIP.

Attachments

Attachment A	QJWTP Upgrades Project - Scope of Work, Alder Construction, Inc.
Attachment B	QJWTP Upgrades Project - Fee Summary, Alder Construction, Inc.

ATTACHMENT A
QJWTP Upgrades Project - Scope of Work
Alder Construction, Inc.

SUMMARY OF WORK
CONSTRUCTION MANAGER/GENERAL CONTRACTOR

GENERAL

- A. The Work under this Contract consists of furnishing all facilities, tools, equipment, materials, supplies, manufactured articles, management, planning, drawings, submittals, transportation, and services, fuel, power, water, communications, coordination, permits and permit compliance, and performing all Work, or other operations required for the fulfillment of the Contract in accordance with the Contract Documents.
- B. The Work shall be complete, and all Work, materials, and services not expressly indicated or called for in the Contract Documents which may be necessary for the complete, safe and proper construction and startup of the Work in good faith shall be provided by the Contractor within the contract time and for the bid amounts.
- C. The completed Work will provide the Owner with a water treatment plant upgrades and improvements installed to Park City Municipal Code, International Building Code, and Utah drinking water standards.
- D. The Project will include the following elements:

PRE-CONSTRUCTION SERVICES

The Preconstruction Services of the CM/GC will begin immediately with preparing a cost estimate of the design development documents prepared by the AE Team. The CM/GC will be expected to actively participate in design meetings, constructability reviews, periodically provide cost estimates during the design process, and ultimately develop a Guaranteed Maximum Price (GMP) based on a percent complete Construction Documents prepared by the AE TEAM.

CM/GC GMP PROJECT TASKS

General Conditions. This includes project related items (such as reimburseable general conditions costs, insurances, bonds, and surety) that are not allowed under the Construction Management Fee.

Task 1 – Install New GAC Vessel and MnO₂ Vessels. Work generally consists of the implementation of new full-flow treatment barriers for manganese and organics within the existing building space at the QJWTP. Improvements consist of:

- a. Procure and install one new 14-foot diameter GAC vessel and multiple skids of smaller, 7-feet height, MnO₂ vessels, including the installation, piping, valves, ancillary items,

instrumentation and controls, disinfection system, piping supports, and other items required for a functional system.

- b. Procure and install GAC (granulated activated carbon) media
- c. Procure and install MnO₂ vessel media (3.5-feet of pyrolusite media)
- d. Backwash and forward-flush piping and valving reflect the proposed piping routing and valving requirements associated with the GAC and MnO₂ vessels.
- e. Modifications to the existing GAC vessel, including new sample taps.
- f. Vessel and piping testing and startup

This task requires the CM/GC to solicit quality-based competitive bids from vessel manufacturers for evaluation and selection by the City.

Task 2 – Backwash Supply System and Equalization Tank. Work generally consists of the implementation of new backwash supply piping, buried concrete structure, and associated piping and pumps to facilitate backwashing of the full-flow treatment barriers for manganese and organics within the existing building space at the QJWTP. Improvements consist of:

- a. Install backwash supply system that consists of 10-inch isolation valves, backflow preventer, two (2) pressure reducing valves, flow meters, and flow control valves, all to provide backwash supply water for the GAC vessel and MnO₂ system. Backwash supply will tie-in and come from existing potable water pipeline outside of the existing QJWTP building space, with the new components installed within the existing building space.
- b. Install a 225,000 gallon buried concrete structure complete with access hatches, vents, pump-out system, level controls, and site restoration.
- c. Piping and valving associated with the Backwash Equalization Tank including submersible pumps (duty + standby) to pump water to the existing WW EQ tank as well as a permanent pipe with Vactor truck connection at the surface to suction out any remaining water. There will be a BWW line coming in, a pumped line leaving from submersible pumps, an overflow to detention ponds, and a pipe in for clearwell draining.

Task 3 – Membrane Backwash Supply Tank. Work generally consists of modifications to the existing membrane backwash system within the existing building space at the QJWTP. Improvements consist of:

- a. Provide and install new 3,000 gallon high-density polyethylene backwash supply tank.
- b. Modify associated existing membrane backwash piping to facilitate the new backwash tank. Provide and install new associated piping, valving, instrumentation and controls as required for a complete and functional system.

Task 4 – Elevated Walkways on GAC Vessels and Plate Settlers. Work generally consists of the implementation of operation and maintenance access improvements to filter vessels and existing plate settlers within the existing building space at the QJWTP. Improvements consist of:

- a. Provide an elevated walkway to allow access to the tops of the GAC pressure vessels
- b. Provide an elevated walkway to allow access to the top of the existing plate settlers
- c. Provide engineered structural plans stamped and signed by a State of Utah licensed professional engineer.

This task requires the CM/GC to solicit quality-based competitive bids from grating manufacturers for evaluation and selection by the City.

Task 5 – Clearwell Modifications. Work generally consists of modifications to the existing clearwell within the existing building space at the QJWTP. Improvements consist of:

- a. Rotate clearwell inlet tee
- b. Install clearwell pump-out piping and discharge pump

Task 6 – Electrical & Instrumentation. Work generally consists of electrical and instrumentation improvements and modifications associated with Tasks 1, 2, 3 and 5. Improvements consist of:

- a. Pump controls, instrumentation, and controls
- b. Add a residual feedback control loop to control chlorine residual after the MnO₂ contactors, prior to the clearwell, and use the residual measured after MnO₂ to boost/trim the chlorine dose for disinfection

Contractor Contingency. The GMP cost proposal includes a contingency because the level of design, at the time of the establishment of the GMP, does not allow the scope of work to be completely quantified or estimated at this time.

ATTACHMENT B
QJWTP Upgrades Project – Fee Summary
Alder Construction, Inc.

CM/GC - PRE-CONSTRUCTION SERVICES

Pre-construction Services: \$21,465

CM/GC GMP - PROJECT TASKS

General Conditions: \$282,414

Task 1 – Install New GAC Vessel and MnO₂ Vessels: \$1,854,754

Task 2 – Backwash Supply System and Equalization Tank: \$661,333

Task 3 – Membrane Backwash Supply Tank: \$220,380

Task 4 – Elevated Walkways on GAC Vessels and Plate Settlers: \$216,344

Task 5 – Clearwell Modifications: \$28,894

Task 6 – Electrical and Instrumentation: \$411,393

Contractor Contingency: \$181,488

TOTAL CONSTRUCTION AGREEMENT AMOUNT: \$3,878,465



DATE: October 20, 2016

TO HONORABLE MAYOR AND COUNCIL

To allow completion of our due diligence, specifically creating transportation and housing massing and feasibility alternatives, along with stakeholder and public meetings, staff recommends extension of our due diligence date. The \$60,000 in earnest money was scheduled to go hard on November 1, 2016. Staff recommends extending that to December 9, 2016. The scheduled closing date would remain the same, February 1, 2017.

Respectfully:

Jonathan Weidenhamer, Economic Development Manager



City Council Staff Report

Subject: Approval of an extension of the due diligence deadline in a Real Estate Purchase Contract to pursue acquisition of the southern portion of 1251 Kearns Boulevard (the Yard).
Author: Jonathan Weidenhamer
Department: Sustainability
Date: October 20, 2016
Type of Item: Administrative

Summary Recommendation

Staff recommends Council direct staff to modify the current Real Estate Purchase Contract for the south Yard parcel to extend the due diligence deadline from November 1, 2016 to December 9, 2016.

Executive Summary

To allow completion of our due diligence, specifically creating transportation and housing massing and feasibility alternatives, along with stakeholder and public meetings, staff recommends extension of our due diligence date. The \$60,000 in earnest money was scheduled to go hard on November 1, 2016. Staff recommends extending that to December 9, 2016. The scheduled closing date would remain the same, February 1, 2017.

Acronyms

REPC Real Estate Purchase Contract
PCMC Park City Municipal Corporation

The Problem

- The contract to purchase approximately 2.29 acres of land in Bonanza Park represents a unique opportunity to forward some of Council's critical goals in the areas of affordable housing and/or transportation. Through recent transportation studies, the Yard property was identified as one of four recommended locations to potentially build a parking and transit center.
- Additionally, as we have learned developing our concept planning and financial analysis for the fire station affordable housing project, spending \$200/sf or more for land quickly eats into the \$40M budgeted for housing, and pursuing more affordable alternatives, such as the Yard could allow more flexibility and efficiency with housing dollars.
- PCMC's earnest money goes hard on November 1, 2016. Concept massing and feasibility alternatives haven't been completed, nor presented and discussed to adjoining property owner, the general public, nor City Council.

Background

- May 12, 2016 the City Council agreed to enter into a Real Estate Purchase Contract (REPC) to purchase the southern portion of 1251 Kearns Boulevard (approximately 2.29 acres of the “Yard”) in an amount of \$60/ square foot. ([link](#));
- June 16, 2016 - Environmental and soils test returned clean on parcel.
- July 16, 2016 – City’s Survey work completed. Preliminary road alignments completed.
- September 2016 – Contract for feasibility, massing and concept work approved and will be completed by late October.
- October 2016 - To allow the City Council and public to consider and discuss possible housing and or transit options (massing and feasibility studies) on the site prior to earnest money deposit, PCMC requested an extension of the due diligence deadline.
- October 2016 - The Yard property owners (1251 Kearns LLC), who include and are represented locally by Mark Fischer have agreed to this request.

Alternatives for City Council to Consider

- 1. Recommended Alternative:** Direct staff to modify the REPC to extend the due diligence date:

Pros

- a. Would allow continued pursuit of a significant transportation and/or housing project;
- b. Could set in motion many of the goals stated within the General Plan for the neighborhood including a walk able, mixed-use, locals district;
- c. Deliver on our intent to forward community goals through taking a proactive role.

Cons

- a. Seller could not agree to extend, and terminate the deal, but has verbally represented a willingness to extend.

- 2. Null Alternative: Do not extend the Due Diligence Deadline**

Pros

- a. Would reinforce our intent and commitment to proactively pursuing purchase of land to forward housing and/or transportation goals;
- b. Environmental site assessments have been completed for the site and have returned with no identified issues.

Cons

- a. The City’s earnest money would go hard without the benefit of stakeholder input and other public discussions.

- 3. Other Alternative: Exit the Contract**

Pros

- a. Would prevent earnest money going hard.

Cons

- b. Would preclude pursuit of this opportunity.

Analysis

This is a key parcel in the City's overall strategy to potentially site a multi-modal transportation facility to serve as a centrally located parking and transit hub outside the Park City's most congested intersections, yet accessible by both of our entry corridors. Utilizing Bonanza Park as a means to help to diffuse the peak periods of traffic and congestion is a priority recommendation in the 2011 Transportation Master Plan and also one of the strong recommendations in the Nelson Nygaard "Bonanza Park/Lower Park Avenue/Park City Mountain Resort Transportation and Parking Siting Plan".

The site also represents an enormous opportunity to develop affordable housing in that it is flat and centrally located proximate to service and commercial amenities.

Next Steps

- Complete feasibility, concept and massing study;
- Discuss the results of the feasibility exercise with adjacent stakeholders (i.e. Iron Horse, Claim jumper and Homestake condos);
- Present the concepts to City Council and the community in a public meeting.

Updated Timeline:

- | | |
|--|------------------------|
| • Council public meeting to authorize REPC | May 12, 2016 |
| • Offer date | May 13 |
| • Deadline for Accepting Offer | May 20 |
| • Kearns disclosures (enviro, etc.) | June 13 |
| • City completes & delivers Phase I & II ESA to seller | June 30 |
| • Seller deliver clear title | Aug 13 |
| • Due Diligence Deadline/Earnest \$ hard | Nov 1 Dec 9 |
| • Council public meeting to authorize Purchase Agmt. | Jan 26, 2017 |
| • Closing | Feb 1, 2017 |

General Plan Review

The property is being sought for purchase for possible affordable housing and or transportation improvements.

Goal 7 of the General Plan states "Create a diversity of primary housing opportunities to address the changing needs of residents" and Goal 8 states: "increase affordable housing opportunities and associated services for the workforce of Park City" ([Link to pages 70-77 of the General Plan](#)). All efforts and issues identified here are to increase the number of units affordable to members of Park City's workforce. General Plan objectives that are addressed by this work include:

- 7A - Increase diversity of housing stock to fill void within housing inventory.
- 7E - Create housing opportunities for the city's aging population.
- 8A - Provide increased housing opportunities that are affordable to a wide range of income levels.

- 8C - Increase housing ownership opportunities for workforce within primary residential neighborhoods.

The General Plan goals for Small Town include directing growth towards existing compact, mixed-use centers along priority transit corridors to prevent sprawl and protect quality of life. Objectives also include walking and transit connectivity, and prioritize transit over widening roads.

Department Review

Budget, Executive, City Attorney's Office, Transportation, Community Development (Transportation, Planning)

Funding Source

Sufficient funds have been allocated within the Transportation and Parking Fund for this acquisition. The Lower Park Avenue Redevelopment budget has adequate funds for a housing project.

Attachments

A Real Estate Purchase Contract

REAL ESTATE PURCHASE CONTRACT FOR LAND

This is a legally binding Real Estate Purchase Contract ("REPC"). If you desire legal or tax advice, consult your attorney or tax advisor.

OFFER TO PURCHASE AND EARNEST MONEY DEPOSIT

On this 13th day of May, 2016 ("Offer Reference Date") Park City Municipal Corporation or its assignees ("Buyer") offers to purchase from 1251 Kearns, LLC ("Seller") the Property described below and [☒] delivers to the Title Company with this offer, or [☐] agrees to deliver no later than four (4) calendar days after Acceptance (as defined in Section 23), Earnest Money in the amount of \$60,000.00 in the form of a bank wire. After Acceptance of the REPC by Buyer and Seller, and receipt of the Earnest Money by the Title Company, the Title Company shall have four (4) calendar days in which to deposit the Earnest Money into the title company Trust Account.

Received by: _____ on _____ (Date)

(Signature above acknowledges receipt of Earnest Money)

OTHER PROVISIONS

1. PROPERTY: 1251 Kearns Blvd, Park City, UT 84060

also described as: southern portion of Bonanza Park Triangle parcel City of Park City County of Summit, State of Utah, Zip 84060 (the "Property"). Any reference below to the term "Property" shall include the Property described above, together with the Included Items and water rights/water shares, if any, referenced in Sections 1.1, and 1.3.

1.1 Included Items (specify) _____ NA _____

1.2 Excluded Items (specify) _____ NA _____

1.3 Water Service. The Purchase Price for the Property shall include all water rights/water shares, if any, that are the legal source for Seller's current culinary water service and irrigation water service, if any, to the Property. The water rights/water shares will be conveyed or otherwise transferred to Buyer at Closing by applicable deed or legal instruments. The following water rights/water shares, if applicable, are specifically excluded from this sale: NONE

2. PURCHASE PRICE. The Purchase Price for the Property is \$60/square foot, currently assumed at \$ 6,000,000.00. Except as provided in this Section, the Purchase Price shall be paid as provided in Sections 2(a) through 2(d) below. Any amounts shown in 2(b) and 2(d) may be adjusted as deemed necessary by final plat map square footage.

\$ <u>60,000.00</u>	(a) Earnest Money Deposit. Under certain conditions described in the REPC, this deposit may become totally non refundable.
\$ _____	(b) New Loan. Buyer may apply for mortgage loan financing (the "Loan") on terms acceptable to Buyer.
\$ _____	(c) Seller Financing (see attached Seller Financing Addendum)
\$ <u>5,940,000.00</u>	(d) Balance of Purchase Price in Cash at Settlement
\$ <u>6,000,000.00</u>	PURCHASE PRICE. Total of lines (a) through (d)

3. SETTLEMENT AND CLOSING.

3.1 Settlement. Settlement shall take place no later than the Settlement Deadline referenced in Section 24(d), or as otherwise mutually agreed by Buyer and Seller in writing. "Settlement" shall occur only when all of the following have been completed: (a) Buyer and Seller have signed and delivered to each other or to the escrow/closing office all documents required by the REPC, by the Lender, by the title insurance and escrow/closing offices, by written escrow instructions (including any split closing instructions, if applicable), or by applicable law; (b) any monies required to be paid by Buyer or Seller under these documents (except for the proceeds of any new loan) have been delivered by Buyer or Seller to the other party, or to the escrow/closing office, in the form of cash, wire transfer, cashier's check, or other form acceptable to the escrow/closing office.

Page 1 of 6 pages Buyer's Initials DNT Date 5/13/16 Seller's Initials MSF Date 5-13-16

3.2 Prorations. All prorations, including, but not limited to, homeowner's association dues, property taxes for the current year, rents, and interest on assumed obligations, if any, shall be made as of the Settlement Deadline referenced in Section 24(d), unless otherwise agreed to in writing by the parties. Such writing could include the settlement statement. The provisions of this Section 3.2 shall survive Closing.

3.3 Greenbelt. If any portion of the Property is presently assessed as "Greenbelt" the payment of any roll-back taxes assessed against the Property shall be paid for by: ☐ Seller ☐ Buyer ☐ Split Equally Between Buyer and Seller ☒ Other (explain) NA

3.4 Special Assessments. Any assessments for capital improvements as approved by the HOA (pursuant to HOA governing documents) or as assessed by a municipality or special improvement district, prior to the Settlement Deadline shall be paid for by: ☐ Seller ☐ Buyer ☐ Split Equally Between Buyer and Seller ☒ Other (explain) NA The provisions of this Section 3.4 shall survive Closing.

3.5 Fees/Costs/Payment Obligations. Unless otherwise agreed to in writing, Seller and Buyer shall each pay one-half (1/2) of the fee charged by the escrow/closing office for its services in the settlement/closing process. Tenant deposits (including any prepaid rents) shall be paid or credited by Seller to Buyer at Settlement. Buyer agrees to be responsible for homeowners' association and private and public utility service transfer fees, if any, and all utilities and other services provided to the Property after the Settlement Deadline. The escrow/closing office is authorized and directed to withhold from Seller's proceeds at Closing, sufficient funds to pay off on Seller's behalf all mortgages, trust deeds, judgments, mechanic's liens, tax liens and warrants. The provisions of this Section 3.5 shall survive Closing.

3.6 Closing. For purposes of the REPC, "Closing" means that: (a) Settlement has been completed; (b) the proceeds of any new loan have been delivered by the Lender to Seller or to the escrow/closing office; and (c) the applicable Closing documents have been recorded in the office of the county recorder. The actions described in 3.6 (b) and (c) shall be completed within four calendar days after Settlement.

4. POSSESSION. Seller shall deliver physical possession of the Property to Buyer as follows: ☒ Upon Closing; ☐ _____ Hours after Closing; ☐ _____ Calendar Days after Closing; ☐ Other (explain) _____

Any contracted rental of the Property prior to or after Closing, between Buyer and Seller, shall be by separate written agreement. Seller and Buyer shall each be responsible for any insurance coverage each party deems necessary for the Property. Seller agrees to deliver the Property to Buyer free of debris and personal belongings. The provisions of this Section 4 shall survive Closing.

5. CONFIRMATION OF AGENCY DISCLOSURE. Buyer and Seller acknowledge prior written receipt of agency disclosure provided by their respective agent that has disclosed the agency relationships confirmed below. At the signing of the REPC:

Seller's Agent _____, represents ☐ Seller ☐ both Buyer and Seller as a Limited Agent; ,
Seller's Brokerage _____ represents ☐ Seller ☐ both Buyer and Seller as a Limited Agent; ,
Buyer's Agent _____ represents ☐ Buyer ☐ both Buyer and Seller as a Limited Agent; ,
Buyer's Brokerage: _____ represents ☐ Buyer ☐ both Buyer and Seller as a Limited Agent.

6. TITLE & TITLE INSURANCE.

6.1 Title to Property. Seller represents that Seller has fee title to the Property and will convey marketable title to the Property to Buyer at Closing by general warranty deed. Buyer does agree to accept title to the Property subject to the contents of the Commitment for Title Insurance (the "Commitment") provided by Seller under Section 7, and as reviewed and approved by Buyer under Section 8. Buyer also agrees to accept title to the Property subject to any existing leases rental and property management agreements affecting the Property not expiring prior to Closing which were provided to Buyer pursuant to Section 7(e). The provisions of this Section 6.1 shall survive Closing.

6.2 Title Insurance. At Settlement, Seller agrees to pay for and cause to be issued in favor of Buyer, through the title insurance agency that issued the Commitment, the most current version of an ALTA standard coverage owner's policy of title insurance. Any additional title insurance coverage desired by Buyer shall be at Buyer's expense.

7. SELLER DISCLOSURES. No later than the Seller Disclosure Deadline referenced in Section 24(a), Seller shall provide to Buyer the following documents in hard copy or electronic format which are collectively referred to as the "Seller Disclosures":

- (a) a written Seller Property Condition Disclosure (Land) for the Property, completed, signed and dated by Seller as provided in Section 10.2;
- (b) a Commitment for Title Insurance as referenced in Section 6.1;
- (c) a copy of any restrictive covenants (CC&R's), rules and regulations affecting the Property;
- (d) a copy of the most recent minutes, budget and financial statement for the homeowners' association, if any;
- (e) a copy of any lease, rental, and property management agreements affecting the Property not expiring prior to Closing;

- (f) evidence of any water rights and/or water shares referenced in Section 1.3;
- (g) written notice of any claims and/or conditions known to Seller relating to environmental problems; and violation of any CC&R's, federal, state or local laws, and building or zoning code violations; and
- (h) Other (specify) _____

8. BUYER'S CONDITIONS OF PURCHASE.

8.1 DUE DILIGENCE CONDITION. Buyer's obligation to purchase the Property: ☒ IS ☐ IS NOT conditioned upon Buyer's Due Diligence as defined in this Section 8.1(a) below. This condition is referred to as the "Due Diligence Condition." If checked in the affirmative, Sections 8.1(a) through 8.1(c) apply; otherwise they do not.

(a) Due Diligence Items. Buyer's Due Diligence shall consist of Buyer's review and approval of the contents of the Seller Disclosures referenced in Section 7, and any other tests, evaluations and verifications of the Property deemed necessary or appropriate by Buyer, such as: the physical condition of the Property; the existence of any hazardous substances, environmental issues or geologic conditions; the square footage or acreage of the Property; the costs and availability of flood insurance, if applicable; water source, availability and quality; the location of property lines; regulatory use restrictions or violations; fees for services such as HOA dues, municipal services, and utility costs; convicted sex offenders residing in proximity to the Property; and any other matters deemed material to Buyer in making a decision to purchase the Property. Unless otherwise provided in the REPC, all of Buyer's Due Diligence shall be paid for by Buyer and shall be conducted by individuals or entities of Buyer's choice. Seller agrees to cooperate with Buyer's Due Diligence. Buyer agrees to pay for any damage to the Property resulting from any such inspections or tests during the Due Diligence.

(b) Buyer's Right to Cancel or Resolve Objections. If Buyer determines, in Buyer's sole discretion, that the results of the Due Diligence are unacceptable, Buyer may either: (i) no later than the Due Diligence Deadline referenced in Section 24(b), cancel the REPC by providing written notice to Seller, whereupon the Earnest Money Deposit shall be released to Buyer without the requirement of further written authorization from Seller; or (ii) no later than the Due Diligence Deadline referenced in Section 24(b), resolve in writing with Seller any objections Buyer has arising from Buyer's Due Diligence.

(c) Failure to Cancel or Resolve Objections. If Buyer fails to cancel the REPC or fails to resolve in writing any objections Buyer has arising from Buyer's Due Diligence, as provided in Section 8.1(b), Buyer shall be deemed to have waived the Due Diligence Condition.

8.2 APPRAISAL CONDITION. Buyer's obligation to purchase the Property: ☐ IS ☒ IS NOT conditioned upon the Property appraising for not less than the Purchase Price. This condition is referred to as the "Appraisal Condition." If checked in the affirmative, Sections 8.2(a) and 8.2(b) apply; otherwise they do not.

(a) Buyer's Right to Cancel. If after completion of an appraisal by a licensed appraiser, Buyer receives written notice from the Lender or the appraiser that the Property has appraised for less than the Purchase Price (a "Notice of Appraised Value"), Buyer may cancel the REPC by providing written notice to Seller (with a copy of the Notice of Appraised Value) no later than the Financing & Appraisal Deadline referenced in Section 24(c); whereupon the Earnest Money Deposit shall be released to Buyer without the requirement of further written authorization from Seller.

(b) Failure to Cancel. If the REPC is not cancelled as provided in this section 8.2(a), Buyer shall be deemed to have waived the Appraisal Condition.

8.3 FINANCING CONDITION. Buyer's obligation to purchase the property: ☐ IS ☒ IS NOT conditioned upon Buyer obtaining the Loan referenced in Section 2(b). This condition is referred to as the "Financing Condition." If checked in the affirmative, Sections 8.3(a) and 8.3(b) apply; otherwise they do not. If the Financing Condition applies, Buyer agrees to work diligently and in good faith to obtain the Loan.

(a) Buyer's Right to Cancel Before the Financing & Appraisal Deadline. If Buyer, in Buyer's sole discretion, is not satisfied with the terms and conditions of the Loan, Buyer may cancel the REPC by providing written notice to Seller no later than the Financing & Appraisal Deadline referenced in Section 24(c); whereupon the Earnest Money Deposit shall be released to Buyer without the requirement of further written authorization from Seller.

(b) Buyer's Right to Cancel After the Financing & Appraisal Deadline. If after expiration of the Financing & Appraisal Deadline referenced in Section 24(c), Buyer fails to obtain the Loan, meaning that the proceeds of the Loan have not been delivered by the Lender to Seller or to the escrow/closing office as required under Section 3.6 of the REPC, then Buyer or Seller may cancel the REPC by providing written notice to the other party; whereupon the Earnest Money Deposit, or Deposits, if applicable (see Section 8.4 below), shall be released to Seller without the requirement of further written authorization from Buyer. In the event of such cancellation, Seller agrees to accept as Seller's exclusive remedy, the Earnest Money Deposit, or Deposits, if applicable, as liquidated damages. Buyer and Seller agree that liquidated damages would be difficult and impractical to calculate, and the Earnest Money Deposit, or Deposits, if applicable, is a fair and reasonable estimate of Seller's damages in the event Buyer fails to obtain the Loan.

8.4 ADDITIONAL EARNEST MONEY DEPOSIT. If the REPC has not been previously cancelled by Buyer as provided in Sections 8.1, 8.2 or 8.3(a), then no later than the Due Diligence Deadline referenced in Section 24(b), or the Financing & Appraisal Deadline referenced in Section 24(c), whichever is later, Buyer: ☐ WILL ☒ WILL NOT deliver to the Buyer's Brokerage, an Additional Earnest Money Deposit in the amount of \$_____. The Earnest Money Deposit and the Additional Earnest Money Deposit, if applicable, are sometimes referred to herein as the "Deposits". The Earnest Money Deposit, or Deposits, if applicable, shall be credited toward the Purchase Price at Closing.

9. ADDENDA. There ☒ ARE ☐ ARE NOT addenda to the REPC containing additional terms. If there are, the terms of the following addenda are incorporated into the REPC by this reference: ☒ Addendum No. A
☐ Seller Financing Addendum ☐ Other (specify) _____

10. AS-IS CONDITION OF PROPERTY.

10.1 Condition of Property/Buyer Acknowledgements. Buyer acknowledges and agrees that in reference to the physical condition of the Property: (a) Buyer is purchasing the Property in its "As-Is" condition without expressed or implied warranties of any kind; (b) Buyer shall have, during Buyer's Due Diligence as referenced in Section 8.1, an opportunity to completely inspect and evaluate the condition of the Property; and (c) if based on the Buyer's Due Diligence, Buyer elects to proceed with the purchase of the Property, Buyer is relying wholly on Buyer's own judgment and that of any contractors or inspectors engaged by Buyer to review, evaluate and inspect the Property.

10.2 Condition of Property/Seller Acknowledgements. Seller acknowledges and agrees that in reference to the physical condition of the Property, Seller agrees to: (a) disclose in writing to Buyer defects in the Property known to Seller that materially affect the value of the Property that cannot be discovered by a reasonable inspection by an ordinary prudent Buyer; (b) carefully review, complete, and provide to Buyer a written Seller Property Condition Disclosure (Land) as stated in Section 7(a); and (c) deliver the Property to Buyer in substantially the same general condition as it was on the date of Acceptance, as defined in Section 23. The provisions of Sections 10.1 and 10.2 shall survive Closing.

11. FINAL PRE-SETTLEMENT INSPECTION.

11.1 Pre-Settlement Inspection. At any time prior to Settlement, Buyer may conduct a final pre-Settlement inspection of the Property to determine only that the Property is "as represented," meaning that the items referenced in Sections 1.1, 1.3 and 8.1(b)(ii) ("the items") are respectively present, repaired or corrected as agreed. The failure to conduct a pre-Settlement inspection or to claim that an item is not as represented shall not constitute a waiver by Buyer of the right to receive, on the date of possession, the items as represented. If the items are not as represented, Seller agrees to cause all applicable items to be corrected, repaired or replaced (the "Work") prior to the Settlement Deadline referenced in Section 24(d).

11.2 Escrow to Complete the Work. If, as of Settlement, the Work has not been completed, then Buyer and Seller agree to withhold in escrow at Settlement a reasonable amount agreed to by Seller, Buyer (and Lender, if applicable), sufficient to pay for completion of the Work. If the Work is not completed within thirty (30) calendar days after the Settlement Deadline, the amount so escrowed may, subject to Lender's approval, be released to Buyer as liquidated damages for failure to complete the Work. The provisions of this Section 11.2 shall survive Closing.

12. CHANGES DURING TRANSACTION. Seller agrees that from the date of Acceptance until the date of Closing, none of the following shall occur without the prior written consent of Buyer: (a) no changes in any leases, rental or property management agreements shall be made; (b) no new lease, rental or property management agreements shall be entered into; (c) no substantial alterations or improvements to the Property shall be made or undertaken; (d) no further financial encumbrances to the Property shall be made, and (e) no changes in the legal title to the Property shall be made.

13. AUTHORITY OF SIGNERS. If Buyer or Seller is a corporation, partnership, trust, estate, limited liability company or other entity, the person signing the REPC on its behalf warrants his or her authority to do so and to bind Buyer and Seller.

14. COMPLETE CONTRACT. The REPC together with its addenda, any attached exhibits, and Seller Disclosures (collectively referred to as the "REPC"), constitutes the entire contract between the parties and supersedes and replaces any and all prior negotiations, representations, warranties, understandings or contracts between the parties whether verbal or otherwise. The REPC cannot be changed except by written agreement of the parties.

15. MEDIATION. Any dispute relating to the REPC arising prior to or after Closing: ☒ SHALL ☐ MAY AT THE OPTION OF THE PARTIES first be submitted to mediation. Mediation is a process in which the parties meet with an impartial person who helps to resolve the dispute informally and confidentially. Mediators cannot impose binding decisions. The parties to the dispute must agree before any settlement is binding. The parties will jointly appoint an acceptable mediator and share equally in the cost of such mediation. If mediation fails, the other procedures and remedies available under the REPC shall apply. Nothing in this Section 15 prohibits any party from seeking emergency legal or equitable relief, pending mediation. The provisions of this Section 15 shall survive Closing.

16. DEFAULT.

16.1 Buyer Default. If Buyer defaults, Seller may elect one of the following remedies: (a) cancel the REPC and retain the Earnest Money Deposit, or Deposits, if applicable, as liquidated damages; (b) maintain the Earnest Money Deposit, or Deposits, if applicable, in trust and sue Buyer to specifically enforce the REPC; or (c) return the Earnest Money Deposit, or Deposits, if applicable, to Buyer and pursue any other remedies available at law.

16.2 Seller Default. If Seller defaults, Buyer may elect one of the following remedies: (a) cancel the REPC, and in addition to the return of the Earnest Money Deposit, or Deposits, if applicable, Buyer may elect to accept from Seller, as liquidated damages, a sum equal to the Earnest Money Deposit, or Deposits, if applicable; or (b) maintain the Earnest Money Deposit, or Deposits, if applicable, in trust and sue Seller to specifically enforce the REPC; or (c) accept a return of the Earnest Money Deposit, or Deposits, if applicable, and pursue any other remedies available at law. If Buyer elects to accept liquidated damages, Seller agrees to pay the liquidated damages to Buyer upon demand.

17. ATTORNEY FEES AND COSTS/GOVERNING LAW. In the event of litigation or binding arbitration to enforce the REPC, the prevailing party shall be entitled to costs and reasonable attorney fees. However, attorney fees shall not be awarded for participation in mediation under Section 15. This contract shall be governed by and construed in accordance with the laws of the State of Utah. The provisions of this Section 17 shall survive Closing.

18. NOTICES. Except as provided in Section 23, all notices required under the REPC must be: (a) in writing; (b) signed by the Buyer or Seller giving notice; and (c) received by the Buyer or the Seller, or their respective agent, or by the brokerage firm representing the Buyer or Seller, no later than the applicable date referenced in the REPC.

19. NO ASSIGNMENT. The REPC and the rights and obligations of Buyer hereunder, are personal to Buyer. The REPC may not be assigned by Buyer without the prior written consent of Seller. Provided, however, the transfer of Buyer's interest in the REPC to any business entity in which Buyer holds a legal interest, including, but not limited to, a family partnership, family trust, limited liability company, partnership, or corporation (collectively referred to as a "Permissible Transfer"), shall not be treated as an assignment by Buyer that requires Seller's prior written consent. Furthermore, the inclusion of "and/or assigns" or similar language on the line identifying Buyer on the first page of the REPC shall constitute Seller's written consent only to a Permissible Transfer.

20. INSURANCE & RISK OF LOSS.

20.1 Insurance Coverage. As of Closing, Buyer shall be responsible to obtain such casualty and liability insurance coverage on the Property in amounts acceptable to Buyer and Buyer's Lender, if applicable.

20.2 Risk of Loss. If prior to Closing, any part of the Property is damaged or destroyed by fire, vandalism, flood, earthquake, or act of God, the risk of such loss or damage shall be borne by Seller; provided however, that if the cost of repairing such loss or damage would exceed ten percent (10%) of the Purchase Price referenced in Section 2, Buyer may elect to either: (i) cancel the REPC by providing written notice to the other party, in which instance the Earnest Money, or Deposits, if applicable, shall be returned to Buyer; or (ii) proceed to Closing, and accept the Property in its "As-Is" condition.

21. TIME IS OF THE ESSENCE. Time is of the essence regarding the dates set forth in the REPC. Extensions must be agreed to in writing by all parties. Unless otherwise explicitly stated in the REPC: (a) performance under each Section of the REPC which references a date shall absolutely be required by 5:00 PM Mountain Time on the stated date; and (b) the term "days" and "calendar days" shall mean calendar days and shall be counted beginning on the day following the event which triggers the timing requirement (e.g. Acceptance). Performance dates and times referenced herein shall not be binding upon title companies, lenders, appraisers and others not parties to the REPC, except as otherwise agreed to in writing by such non-party.

22. ELECTRONIC TRANSMISSION AND COUNTERPARTS. Electronic transmission (including email and fax) of a signed copy of the REPC, any addenda and counteroffers, and the retransmission of any signed electronic transmission shall be the same as delivery of an original. The REPC and any addenda and counteroffers may be executed in counterparts.

23. ACCEPTANCE. "Acceptance" occurs **only** when **all** of the following have occurred: (a) Seller or Buyer has signed the offer or counteroffer where noted to indicate acceptance; and (b) Seller or Buyer or their agent has communicated to the other party or to the other party's agent that the offer or counteroffer has been signed as required.

24. CONTRACT DEADLINES. Buyer and Seller agree that the following deadlines shall apply to the REPC:

(a) Seller Disclosure Deadline	<u>6/13/16</u>	(Date)
(b) Due Diligence Deadline	<u>11/1/16</u>	(Date)
(c) Financing & Appraisal Deadline	<u>NA</u>	(Date)
(d) Settlement Deadline	<u>2/1/17</u>	(Date)

25. OFFER AND TIME FOR ACCEPTANCE. Buyer offers to purchase the Property on the above terms and conditions. If Seller does not accept this offer by: 1:00 [] AM [X] PM Mountain Time on 5/17/16, this offer shall lapse; and the Brokerage shall return any Earnest Money Deposit to Buyer.

<u>[Signature]</u> (Buyer's Signature)	<u>5/13/16</u> (Offer Date)	<u>[Signature]</u> (Buyer's Signature)	<u>[Signature]</u> (Offer Date)
<u>Diane Foster, City Manager</u> (Buyer's Names) (PLEASE PRINT)	<u>445 Marsae Ave Park City, UT 84060</u> (Notice Address)	<u>84060</u> (Zip Code)	<u>435.615.5151</u> (Phone)
<u>[Signature]</u> (Buyer's Names) (PLEASE PRINT)	<u>[Signature]</u> (Notice Address)	<u>[Signature]</u> (Zip Code)	<u>[Signature]</u> (Phone)

ACCEPTANCE/COUNTEROFFER/REJECTION

CHECK ONE:

☒ ACCEPTANCE OF OFFER TO PURCHASE: Seller Accepts the foregoing offer on the terms and conditions specified above.

[] COUNTEROFFER: Seller presents for Buyer's Acceptance the terms of Buyer's offer subject to the exceptions or modifications as specified in the attached ADDENDUM NO. _____.

[] REJECTION: Seller rejects the foregoing offer.

<u>[Signature]</u> (Seller's Signature)	<u>5-13-16</u> (Date)	<u>9:30 AM</u> (Time)	<u>[Signature]</u> (Seller's Signature)	<u>[Signature]</u> (Date)	<u>[Signature]</u> (Time)
<u>MARK J. FISCHER</u> (Seller's Names) (PLEASE PRINT)	<u>[Signature]</u> (Notice Address)	<u>[Signature]</u> (Zip Code)	<u>[Signature]</u> (Phone)	<u>[Signature]</u> (Notice Address)	<u>[Signature]</u> (Zip Code)
<u>[Signature]</u> (Seller's Names) (PLEASE PRINT)	<u>[Signature]</u> (Notice Address)	<u>[Signature]</u> (Zip Code)	<u>[Signature]</u> (Phone)	<u>[Signature]</u> (Notice Address)	<u>[Signature]</u> (Zip Code)

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UAR FORM 19

**ADDENDUM A OF THE REAL ESTATE PURCHASE CONTRACT WITH AN OFFER REFERENCE
DATE OF APRIL 29, 2016**

ADDENDUM NO.

A TO

REAL ESTATE PURCHASE CONTRACT

THIS IS AN ADDENDUM to that REAL ESTATE PURCHASE CONTRACT (the "REPC") with an Offer Reference Date of May 13, 2016, including all prior addenda and counteroffers, between Park City Municipal Corporation ("PCMC") or assignees as Buyer, and 1251 Kearns, LLC ("Kearns") as Seller, regarding a portion of "Parcel 1 The Yard Subdivision" as that parcel is described in the office of the Summit County Recorder (hereinafter "Yard-1"). The southern portion of Yard-1 shall herein be referred to as the "Property," and is located at 1251 Kearns Blvd, Park City, UT 84068, as defined in the REPC. All capitalized words in this Addendum A are defined in the REPC. The following terms are hereby incorporated into and made a part of the REPC:

Conditions to be Satisfied Prior to Closing.

- a. Buyer and Seller agree that the Property comprises approximately 100,000 square feet, as depicted in **Exhibit 1 to this Addendum A**, and that the exact square footage will be determined through the subdivision process as described in paragraph (i) of this Addendum A. Title to the Property will be free and clear at Closing. If Seller cannot convey free and clear fee title to the Property, Seller shall disclose to Buyer all defects of title and encumbrances no later than August 13, 2016, and Buyer shall have the discretion to accept any such defects or encumbrances.
- b. Seller shall memorialize prior discussions with Rocky Mountain Power regarding contracting or relocating any and all aspects of the Rocky Mountain Power Substation including any discussions of: a) exchange of property with Rocky Mountain Power; b) conveyance of easement; and/or c) the reduction in footprint or relocation of the substation. Prior to the Seller Disclosure Deadline identified in Section 24 (a) of the REPC, Seller shall deliver to Buyer copies of all such memorialized discussions in addition to copies of all correspondence, draft agreements, exhibits, preliminary cost estimates, background data, documents or other information in Seller's possession related to the removal, reconfiguration and/or downsizing of the substation.
- c. Prior to the Seller Disclosure Deadline identified in Section 24 (a) of the REPC, Seller shall deliver copies of any currently available site-specific environmental information, including drainage, geotechnical and soils information, related to the Property, but Seller shall not be required to fund or complete any additional studies related to the environmental condition of the Property.
- d. Buyer shall be responsible for all future environmental studies and costs associated therewith which Buyer, in its sole discretion, determines are necessary to satisfy the Due Diligence Condition set out in Section 8.1 of the REPC.
- e. Prior to the Due Diligence Deadline identified in Section 24 (b) of the REPC, Buyer shall complete a Phase I/II ESA consistent with the guidelines of the ASTM International Designation E 1527-13, Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process, and the All

Appropriate Inquiry (AAI) section of the Small Business Liability Relief and Revitalization Act (the Federal Brownfields Law). Buyer shall provide a copy of the Assessment to Seller on or before June 30, 2016. If Buyer, in its sole discretion, determines that the Property requires environmental remediation, Buyer and Seller shall discuss how to resolve the issues and further agree to extend the deadlines identified in the REPC if such an extension is necessary for Buyer and Seller to fulfill the intent of the REPC.

- f. Prior to the Due Diligence Deadline identified in Section 24 (b) of the REPC, Buyer shall be responsible for identifying preliminary road alignments, including proposed rights-of-way (ROW), curb cuts, proposed sidewalks, and any necessary utility or access easements, as depicted in **Exhibit 2 to this Addendum A**, subject to and without limiting the Planning Commission and City Council final approval authority in the subdivision process consistent with Title 15, Chapter 7 of the Land Management Code.
- g. Seller and Buyer agree, in principle, to the mutually beneficial action of aligning a future ROW, consistent with the engineering standards and methods set out in the city council-adopted 2011 Park City Traffic and Transportation Master Plan, directly between the Property and the northern portion of Yard-1. The Parties agree this ROW would provide direct access from Bonanza Drive, by way of a Munchkin ROW extension to Homestake Road, and would include any and all reasonably necessary ROWs to be dedicated by Seller on the northern portion of Yard - 1 necessary to facilitate the construction of a "Commercial Collector" roadway, as defined in Chapter 4 (Standard Street Cross-Section) of the city council-adopted 2011 Park City Traffic and Transportation Master Plan. Specific segments are as follows: Woodbine Way from Kearns/SR 248 to Munchkin Road and Homestake from Kearns/SR 248 to the southwest corner of Yard-1.
- h. Seller shall convey to Buyer additional real property or easements reasonably necessary for ROW dedication at the south east and south west corners of the northern portion of Yard-1 as depicted in **Exhibit 3 to this Addendum A**, the same to be agreed to by Buyer and Seller prior to Due Diligence Deadline and reflected on the final subdivision plat.
- i. Seller, with the cooperation of Buyer, shall be responsible for the creation and regulatory approval of a subdivision plat of the Yard-1 Property to the mutual satisfaction of both parties. Buyer and Seller agree that the northern portion of Yard-1 comprises approximately 100,376 square feet and that the exact square footage will be determined through the subdivision process. Buyer and Seller further agree that the subdivision plat shall include the easements and rights-of-way identified in **Exhibit 3 to this Addendum A**. Seller may, in Seller's discretion, record the subdivision plat prior to the Due Diligence Deadline identified in Section 24(b) of the REPC. Seller, in Seller's discretion, may elect to obtain approval and execution of the subdivision plat prior to the Due Diligence Deadline and maintain the plat in escrow until Closing, at which time the plat would be recorded. The Parties agree that Closing of the Property shall be conditioned upon final subdivision plat recordation.
- j. Prior to the the Due Diligence Deadline identified in Section 24 (b) of the REPC, Seller shall secure or otherwise satisfy the on-site existing parking demand created by the uses of the northern portion of Yard-1. Seller's satisfaction

of this condition shall be consistent with the parking requirements described in **Exhibit 4 to this Addendum A**. Subject to agreement between Buyer and Seller on term and rent, Buyer shall consent to a temporary lease-back of area in the southern portion of Yard-1 sufficient for Seller to meet the parking requirements for the uses of the Bone Yard, Blind Dog, and Indoor Event Facility all of which are located on the northern portion of Yard-1. Seller shall pay Buyer Three Hundred Dollars (\$300.00) per month for the leased area and either party may terminate the lease with three (3) months notice. If Buyer and Seller are unable to agree to a lease-back, it shall be Buyer's sole responsibility, prior to the Due Diligence Deadline, to identify a long-term parking solution for the parking demand created by the uses of the northern portion of Yard-1.

- k. Seller and Buyer agree to work cooperatively to create access for Buyer across the northern portion of Yard-1 during events such as Sundance for the purposes of facilitating parking and public transportation.
- l. Buyer and Seller agree to negotiate an agreement addressing Buyer's potential acquisition or use of the northern portion of Yard-1, as depicted in **Exhibit 5 to this Addendum A**, prior to or concurrently with the Closing

M. L. J. Fel

5-13-16

9:30 AM

[] Seller Signature

(Date)

(Time)

TMR

5/13/16

3:18 PM

[] Buyer Signature

(Date)

(Time)

City Manager

**EXHIBIT 1 TO ADDENDUM A TO THE REAL ESTATE PURCHASE CONTRACT WITH AN OFFER
REFERENCE DATE OF APRIL 29, 2016**

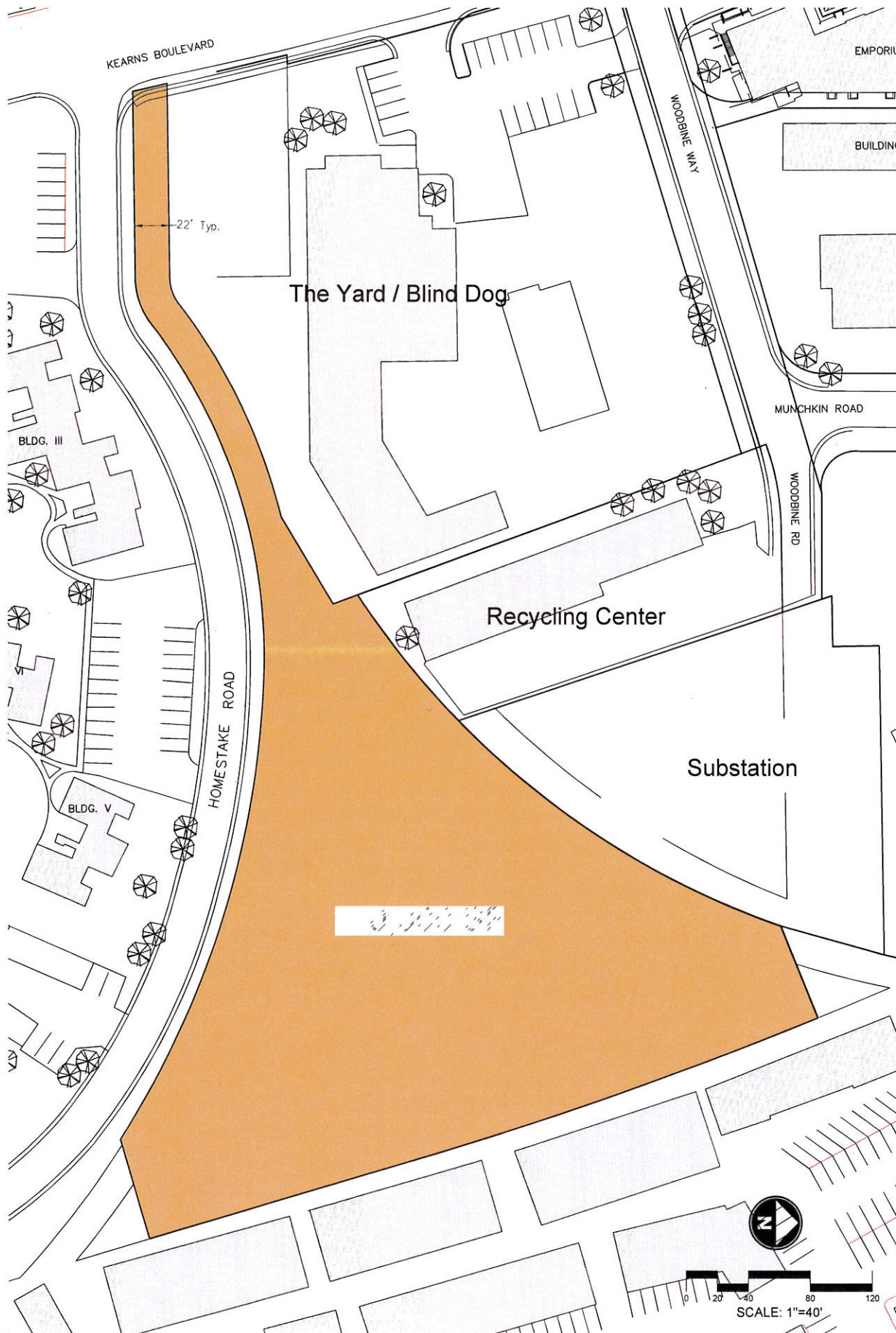


EXHIBIT 2 TO ADDENDUM A TO THE REAL ESTATE PURCHASE CONTRACT WITH AN OFFER REFERENCE
DATE OF APRIL 29, 2016

EXHIBIT 3 TO ADDENDUM A TO THE REAL ESTATE PURCHASE CONTRACT WITH AN OFFER REFERENCE
DATE OF APRIL 29, 2016

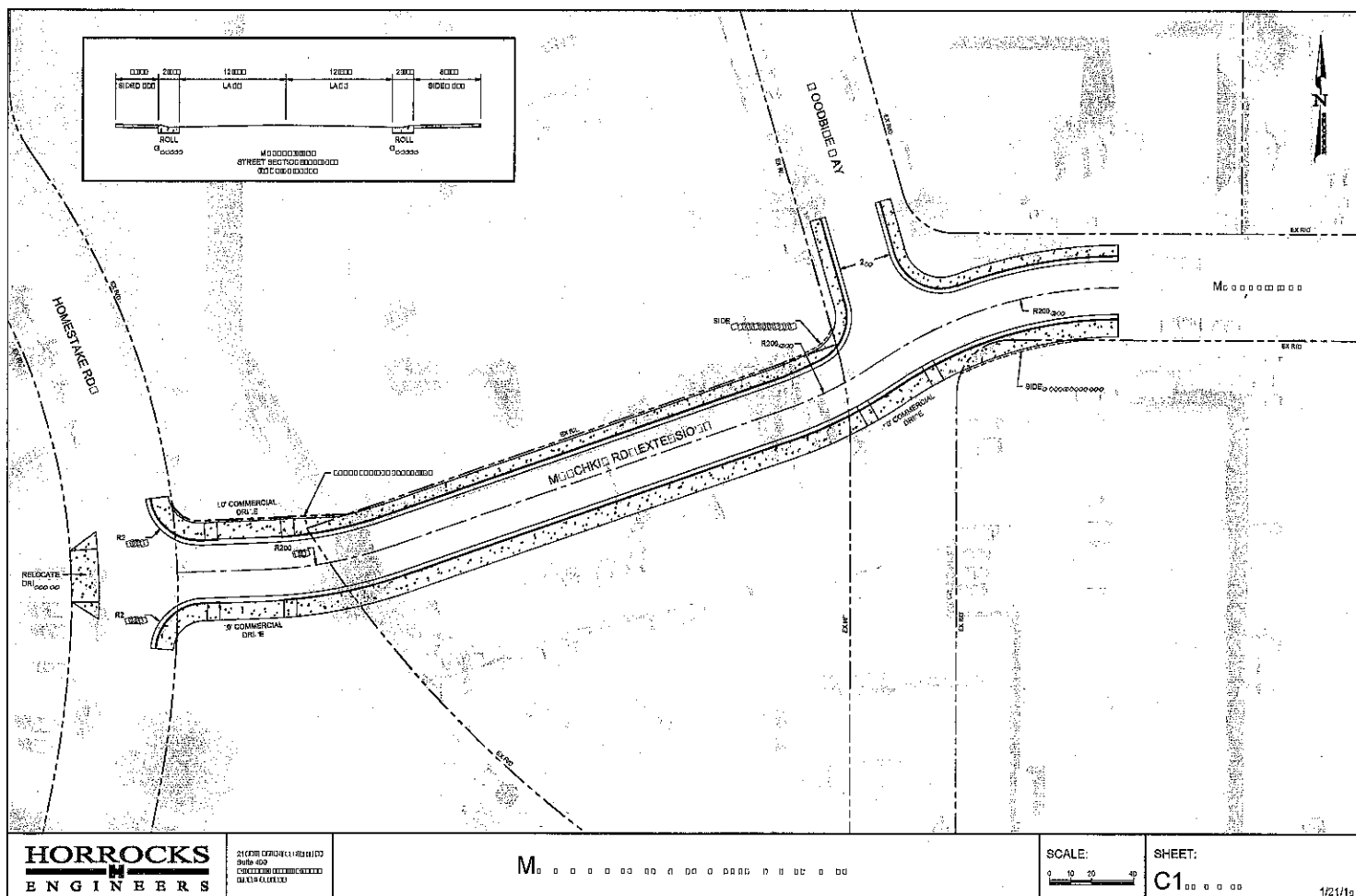


EXHIBIT 4 TO ADDENDUM A TO THE REAL ESTATE PURCHASE CONTRACT WITH AN OFFER REFERENCE
DATE OF APRIL 29, 2016

Current Inventory

118 Spaces available on MJF property
17 Attainable spaces on MJF property
Total on site = 135 Spaces
Additional availability
21 Spaces on City Property
5 Attainable spaces on City property
Total on site w/ city spaces = 161 spaces

Parking Count per Use

13,271 SF - Building Footprint (No Convention, No Upper Deck)- 133 Spaces
2,992 SF - Boneyard Upper Deck Area - Exempt
Total Floor Area (Boneyard, Blindog) = 13,271 SF/ 1,000 SF per space
parking spaces required = 133 Spaces

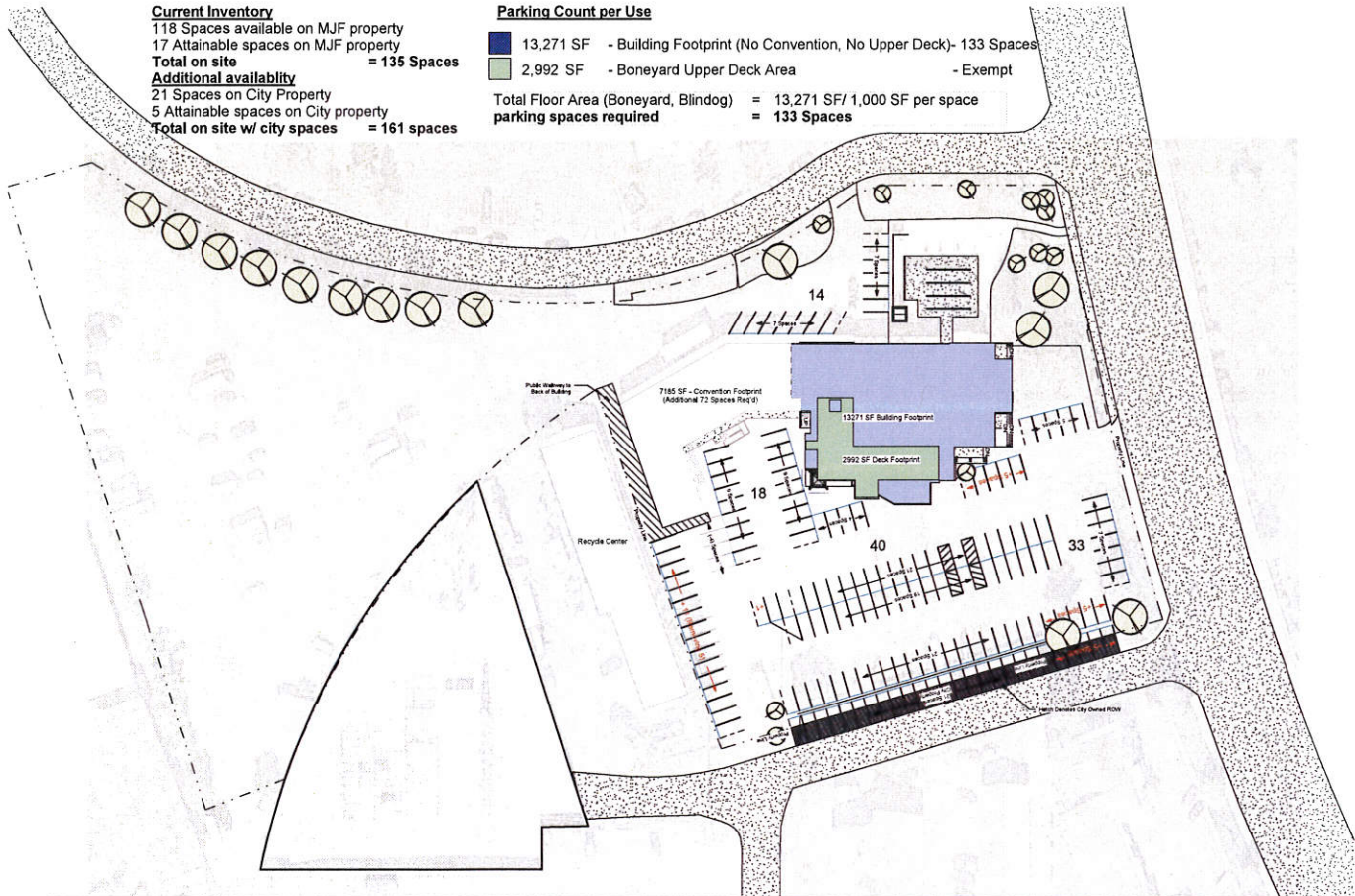
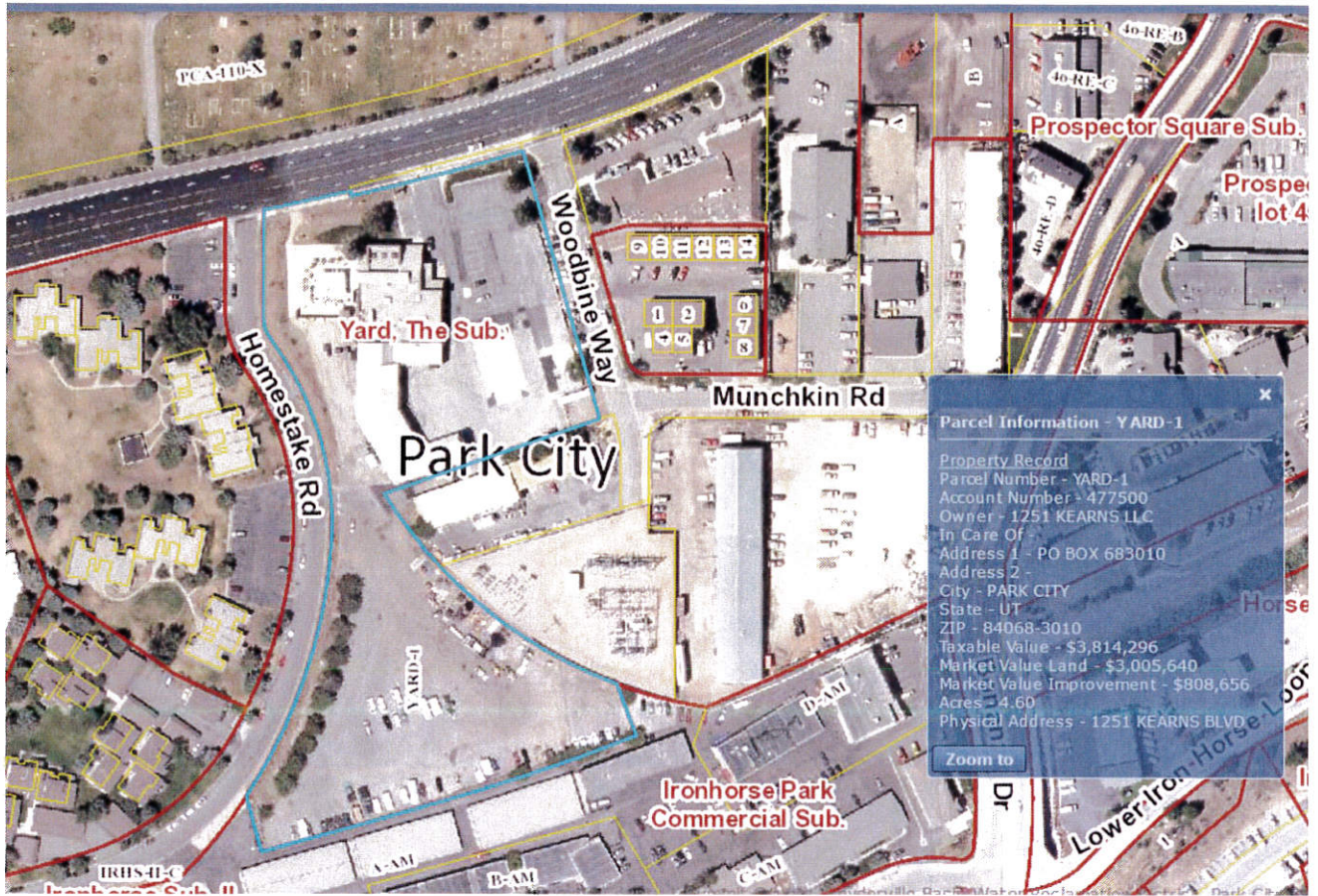


EXHIBIT 5 TO ADDENDUM A TO THE REAL ESTATE PURCHASE CONTRACT WITH AN OFFER REFERENCE
DATE OF APRIL 29, 2016

Exhibit 5





DATE: October 20, 2016

TO HONORABLE MAYOR AND COUNCIL

State code requires that City Council hold a public hearing to take comments on the potential issuance of an open space bond, and the potential economic impact on the private sector of the improvement, facility, or property for which the bond pays all or part of the cost. As required by State code, notices for this hearing have been included in the Park Record for two consecutive weeks (8-31-2016 and 9-7-2016), and on the State Public Notice Website.

PCMC does not have a deal with the current owner of Bonanza Flats. If and when the owner of Bonanza Flats should approach PCMC, the availability of bond proceeds could give PCMC the ability to make an offer on the property. If PCMC has an opportunity to make an offer to purchase and preserve Bonanza Flats using proceeds from this open space bond, PCMC would publish notice of the bond issuance and there would be a public hearing prior to any bond(s) being sold.

Respectfully:

Lisa Roadfuss, Paralegal



City Council Staff Report

Subject: \$25,000,000 General Obligation Open Space Bond
Author: Tom Daley, Deputy City Attorney
Department: City Attorney's Office
Date: October 20, 2016
Type of Item: Administrative

Summary Recommendation

City Council should conduct a public hearing for the purpose of receiving public input on the \$25 Million Bonanza Flats general obligation open space bond initiative that will appear on the November 8, 2016, ballot.

Executive Summary

State code requires that City Council hold a public hearing to take comments on the potential issuance of an open space bond, and the potential economic impact on the private sector of the improvement, facility, or property for which the bond pays all or part of the cost. As required by State code, notices for this hearing have been included in the Park Record for two consecutive weeks (8-31-2016 and 9-7-2016), and on the State Public Notice Website.

PCMC does not have a deal with the current owner of Bonanza Flats. If and when the owner of Bonanza Flats should approach PCMC, the availability of bond proceeds could give PCMC the ability to make an offer on the property. If PCMC has an opportunity to make an offer to purchase and preserve Bonanza Flats using proceeds from this open space bond, PCMC would publish notice of the bond issuance and there would be a public hearing prior to any bond(s) being sold.

Acronyms

PCMC Park City Municipal Corporation

Background and Summary of Previous Staff Reports

On August 11, 2016, the City Council adopted a resolution to put a \$25,000,000 general obligation bond question on the November 8, 2016, ballot. If voters approve the initiative by a simple majority, PCMC would be in a position to issue and sell open space bonds for the purpose of making a financial contribution to the purchase and preservation of Bonanza Flats.

Please view the August 4, August 11, and September 15, 2016, staff reports and the full text of the bond resolution using these links:

www.parkcity.org/Files/Staff_Report_8_4_16.pdf

www.parkcity.org/Files/Staff_Report_8_11_16_only.pdf

www.parkcity.org/Files/Staff_Report_8_11_16_Resolution.pdf

www.parkcity.org/Files/Staff_Report_9_15_16.pdf

Park City has been aware of the development pressure on Bonanza Flats for decades. There is also long-standing public support for the idea of preserving Bonanza Flats for recreation and open space. As a result of Wells Fargo's foreclosure action against Talisker and the subsequent sheriff's sale, Redus, LLC currently owns Bonanza Flats along with other property. Redus, LLC is owned by Wells Fargo and its lending partner, Midtown Acquisitions. PCMC does not have a deal with the current owner of Bonanza Flats. If and when the owner of Bonanza Flats should approach PCMC, the availability of bond proceeds could give PCMC the ability to make an offer on the property.

If approved by voters on November 8, 2016, PCMC would be authorized to issue the bond(s) as early as March, 2017, which would make funds *up to \$25,000,000* available at that time. The amount of the bonds issued and sold could be less than the \$25,000,000 authorization. PCMC is required to publish notice of the bond issuance and there would be public hearings prior to any bonds being sold. The authorization to issue the bond(s) for the purpose specified would remain effective for up to ten years.

The purpose of this open space bond would be specific to the potential purchase and preservation of Bonanza Flats. Bonanza Flats is comprised of approximately 1,400 acres of undeveloped and pristine ground situated along Guardsman Pass Road in unincorporated Wasatch County at the upper elevations of the Wasatch Mountains. It is contiguous to Park City's southern boundary which is also the Summit and Wasatch County line. Bonanza Flats is bordered to the west generally by the ridge line of Clayton's Peak and 10420' which is also the Wasatch and Salt Lake County line. Bonanza Flats is a scenic terrain of dramatic stands of conifers, large aspen groves, steep cliff areas, and open meadows.

Park City's long held legacy of successful open space purchases has been the result of voter approved open space bond measures and sales tax initiatives. Park City's approach to open space preservation has always included a willing seller and a willing buyer, and the same would need to occur to make the purchase and preservation of Bonanza Flats possible.

In the event Redus, LLC or its successor-in-interest approaches Park City regarding the availability of Bonanza Flats, Park City would need funds readily available to make an offer at that time. Staff has determined that a meaningful offer would need to be supported by the proceeds from a general obligation bond. In other words, staff feels

that a general obligation bond may be the only means by which Park City could achieve the preservation and protection of Bonanza Flats. No purchase price has been identified for the Bonanza Flats property. The next opportunity to place a general obligation bond on the ballot would not arise until November, 2017, and the availability of funds would be pushed back twelve months at a minimum.

Though similar to past open space bonds, this bond would be different in one respect: Voters in Park City have historically approved by high margins open space bonds without knowing what property might be purchased with those bond funds. For this ballot measure, voters will have the opportunity to authorize funding only if PCMC is able to reach an agreement to purchase a specific piece of property – namely Bonanza Flats. So while voters will have the opportunity to vote to preserve a specific piece of property, they will be voting without certainty that PCMC will reach an agreement to buy and preserve that property or that the bond will be issued.

If PCMC were to issue and sell the full amount of the authorization, or \$25,000,000, full-time residents with primary resident tax status would pay annually \$15.15 for every \$100,000 of home value. Second homeowners/part time residents and businesses would pay annually \$27.54 per \$100,000 of home or business value. The life of the bond is anticipated to be 15 years.

On November 8, 2016, Park City voters will have the opportunity to answer this question on the ballot:

CITY PROPOSITION NUMBER 1

Shall Park City, Utah be authorized to issue general obligation bonds in an amount not to exceed \$25,000,000 and to mature in no more than 16 years from the date or dates of such bonds to acquire, improve, and forever preserve open space, park, and recreational land located in Bonanza Flats, if such land is available for purchase by the City, in order to protect the conservation values thereof, to remove existing unneeded man-made improvements, and to make limited improvements for public access, parking and use?

PROPERTY TAX COST OF BONDS

If the bonds are issued as planned, an annual property tax to pay debt service on the bonds will be required over a period of 16 years in the estimated amount of \$122.67 on an \$810,000 primary residence, and in the estimated amount of \$223.05 on a business property having the same value.

The foregoing is only an estimate and is not a limit on the amount of taxes that the governing body may be required to levy in order to pay debt service on the bonds. The governing body is obligated to levy taxes to the extent provided by law in order to pay the bonds.

☐

FOR THE ISSUANCE OF BONDS

☐

AGAINST THE ISSUANCE OF BONDS

If voters approve the bond on November 8, 2016, up to \$25,000,000 in bond(s) could be sold as early as March, 2017. Park City may sell a bond for less than \$25,000,000 depending on an agreed purchase price and/or contributions from other funding sources both public and private.

The authorization to issue the bond will remain effective for up to ten years, and prior to any issuance of a bond, there will be notice and a public hearing. The long-term viability of the authorization will give Park City latitude well into the future to make an offer should the opportunity present itself.

In the event an agreement to acquire and preserve Bonanza Flats is not reached, Park City would not sell a bond. The resolution City Council approved on August 11, 2016, is limited to the possible purchase and protection of Bonanza Flats and it will not allow bonds to be sold for the purpose of acquiring any property other than Bonanza Flats.

City Council Action

The City Council should conduct a public hearing in compliance with Utah law to receive input consistent with this report.

Department Review

This report has been reviewed by the Executive Department and Budget and Finance Department.

Funding Source

There is no funding source associated with Council conducting a public hearing on this matter.



DATE: October 20, 2016

TO HONORABLE MAYOR AND COUNCIL

The site known as Lilac Hill Subdivision at 632 Deer Valley Loop consists of all of Government Lot 26 in Section 15, Township 2 South, Range 4 East, Salt Lake Base and Meridian. It was formerly known as the 11th House on the south side of Deer Valley Park City. The owner requests this plat amendment in order to create a legal platted lot of record and to develop the site.

Respectfully:

Anya Grahn, Planner II



City Council Staff Report

PLANNING DEPARTMENT

Subject: Lilac Hill Subdivision at 632 Deer Valley Loop
Author: Anya Grahn, Historic Preservation Planner
Project Number: PL-16-03153
Date: October 20, 2016
Type of Item: Legislative – Plat Amendment

Summary Recommendations

Staff recommends City Council hold a public hearing and consider approving the Lilac Hill Subdivision located at 632 Deer Valley Loop based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the attached ordinance.

Description

Applicant: 632 DVL, LLC represented by Matt Mullin
Location: 632 Deer Valley Loop
Zoning: Residential Medium (RM)
Adjacent Land Uses: Residential—Single family, duplex, and multi-family dwellings
Reason for Review: Plat Amendments require Planning Commission review and City Council review and action.

Acronyms

Board of Adjustment	BOA
Bureau of Land Management	BLM
Deer Valley Loop	DVL
Determination of Significance	DOS
Historic District Design Review	HDDR
Historic District Design Review Pre-Application	Pre-app
Historic Preservation Board	HPB
Historic Sites Inventory	HSI
Master Planned Development	MPD
Residential Medium Density District	RM
Residential Development-Medium Density	RDM

Executive Summary/Proposal

The site known as Lilac Hill Subdivision at 632 Deer Valley Loop consists of all of Government Lot 26 in Section 15, Township 2 South, Range 4 East, Salt Lake Base and Meridian. It was formerly known as the 11th House on the south side of Deer Valley Park City. The owner requests this plat amendment in order to create a legal platted lot of record and to develop the site.

District Purpose

The purpose of the RM District is to:

- A. Allow continuation of permanent residential and transient housing in original residential Areas of Park City,
- B. Encourage new Development along an important corridor, that is Compatible with Historic Structures in the surrounding Area,
- C. Encourage the rehabilitation of existing Historic Structures,
- D. Encourage Development that provides a transition in Use and scale between the Historic District and the resort Developments,
- E. Encourage affordable housing,
- F. Encourage Development that minimizes the number of new driveways Accessing existing thoroughfares and minimizes the visibility of Parking Areas

Background

On April 26, 2016, the City received a Subdivision application for the Lilac Hill Subdivision located at 632 Deer Valley Loop; the application was deemed complete on April 28, 2016. The property is in the Residential Medium (RM) District. Its legal description is all of Government Lot 26 in Section 15, Township 2 South, Range 4 East, Salt Lake Base and Meridian; it was formerly known as 11th House on the south side of Deer Valley, Park City.

This site is listed on Park City's Historic Sites Inventory (HSI) and is designated as a Significant Site. The house was constructed c.1900 during the Mature Mining Era (1894-1930) by George and Elizabeth Thompson. The early twentieth century Sanborn Fire Insurance Maps demonstrate that this site was part of a much denser neighborhood comprised of approximately fourteen (14) structures. Of these, only four (4) structures currently exist.

This property has had a long history as it is the first of the BLM parcels to be released by the BLM and privately held. This complex history is outlined by the following staff reports, but summarized in the July 14, 2016 report:

- **1981:** William and Juli Bertagnole purchase the property from Harold and Mary Dudley
- **May 2, 2013:** BLM granted the Bertagnoles a land patent for ownership of the parcel
- **August 21, 2013:** Park City Building Department issues a Notice and Order to Vacate and Repair the structure due to fire damage and the dilapidated state of the building
- **November 13, 2013:** HPB holds a Determination of Significance (DOS) hearing and finds that the house should remain designated as "Significant" on the City's HSI. [HPB Staff Report \(page 19\)](#)
- **April 15, 2014:** BOA reviews Bertagnoles appeal of the DOS; due to the new information submitted by the appellant, the BOA remands the DOS back to the HPB for review. [BOA Staff Report \(page 23\)](#) and [BOA Minutes \(page 2\)](#).

- **May 21, 2014:** HPB again finds the house should remain designated as “Significant” on the City’s HSI. [HPB Staff Report \(page 15\)](#). Bertagnoles again appeal the DOS.
- **July 9, 2014:** Bertagnoles withdraw the DOS appeal.
- **February 2016:** Bertagnoles sell property to 632 DVL, LLC.
- **April 26, 2016:** 632 DVL, LLC submits a plat amendment application.
- **June 22, 2016:** Planning Commission reviews the Lilac Hill Subdivision at 632 Deer Valley Loop and forwards a positive recommendation to City Council. [PC Staff Report \(page 29\)](#) and [PC Minutes \(page 4\)](#)
- **July 14, 2016:** City Council reviews Lilac Hill Subdivision at 632 Deer Valley Loop and continues to a date uncertain. City Council expresses concerns regarding the development of the hillside and directs staff to return with legal restrictions on house size, height, site parameters, and relocating the historic house. [CC Staff Report \(page 81\)](#), [CC Minutes \(page 5\)](#), and [CC Audio](#).
- **September 22, 2016:** Due to concerns expressed by City Council during the July 14th meeting, staff returned to Council for input on proposed Conditions of Approval. [CC Staff Report \(page 58\)](#), CC Minutes (Exhibit E), and [CC Audio](#).

Staff is now returning to Council requesting the approval of the plat amendment based on updated Conditions of Approval.

Analysis

The proposed Plat Amendment creates one (1) lot of record from the existing metes and bounds parcel. The proposed Plat Amendment combines the property into one (1) lot measuring 14,446 square feet.

A portion of Deer Valley Loop (64.27 SF) cuts across the northwest corner of the site and the platted Rossie Hill Drive (62.72 SF) across the southeast corner of the property, consuming a total of 127 square feet (SF). The property surrounding this lot is owned by the BLM, but the BLM has granted a right-of-way easement to the City for the streets that cross over the BLM parcel. The portion of the property at 632 Deer Valley Drive that is the street will be dedicated to the City during this plat amendment, and the street dedication shall be noted on the recorded plat, as reflected in Condition of Approval #3. The portion of the street dedication will reduce the overall lot size to 14,319 square feet and is included on the calculations below.

A single-family dwelling is an allowed use in the RM District. The minimum lot area for a single-family dwelling is 2,812 square feet. The proposed lot meets the minimum lot area for single-family dwellings. The required minimum lot width is 27.50; the proposed lot width is 129.41 feet. The proposed lot meets the minimum lot width requirement. The following table shows applicable Land Management Code (LMC) development parameters in the RM District:

Required	Existing	Permitted
Lot size	14,319 SF ¹	2,812 square feet minimum Complies
Front yard setbacks	35 feet front yard (north property line)	15 feet Complies
Rear yard setbacks	52 feet rear yard (Rossie Hill Drive)	10 feet Complies
Side yard setbacks	17 feet (west), 65 feet (east)	5 feet, Complies

¹ This represents the size of the lot after the street dedication.

There is no footprint requirement in the RM District.

The only encroachment that exists is a gravel driveway or parking area off of Deer Valley Loop on the northwest corner of the site that accesses the property.

This area of Park City is designated as Significant on the Historic Sites Inventory (HSI). Any proposed development or work on the historic house will require approval of a Historic District Design Review (HDDR) to ensure compliance with the Design Guidelines for Historic Sites in Park City. Though only the site in which the historic house is located would be required to go through the HDDR process, staff has found that this site, along with the three historic cottages 555, 560, and 577 Deer Valley contribute to Park City's history and provide a density of historic structures that largely retain their relationship with one another and the hillside.

Due to the historic nature of the hillside, staff has added Condition of Approval #4 which states:

“Any development on this lot or future subdivided lots within this lot shall provide a transition in scale between the historic structures in the neighborhood, the Historic District, and Deer Valley Resort. Any new development on this lot or future subdivided lots within this lot shall comply with the Park City's Design Guidelines to ensure that the new development is compatible with the Historic Structure on this lot and Historic Structures in the surrounding Area.”

Staff found that such a condition of approval would ensure that any future development is in keeping with the historic character of this pocket neighborhood of historic houses and will allow the historic house at 632 Deer Valley Loop to become the focal point of any future project. To further emphasize this, staff has also added Condition of Approval 5 which states that any new development on this lot or future subdivided lots within this lot shall not block the view of the historic house at 632 Deer Valley Loop from the Deer Valley Loop and Deer Valley Drive rights-of-way.

The applicant has consented to these Conditions of Approval; however, the applicant also finds that the following Condition of Approval be added to maintain his vesting in the RM zone:

“New construction shall comply with Land Management Code Section 15-2.15-3 regarding setbacks, building height, building envelope, building footprint, etc.”

Staff finds that this condition is redundant as the property is located in the Residential Medium District and thus any land use applications will already have to comply with this code section. Further, having this condition of approval does not vest the property in any zone.

City Council had expressed concern about the possible relocation of the historic house. Any relocation of the historic house shall be approved by the HPB in accordance to the LMC. [LMC 15-11-13](#) currently requires the Historic Preservation Board to review and approve any relocation/reorientation of historic structures. Staff finds that the code has provided specific criteria for relocation which should apply equally to all historic homes.

During the September 22, 2016, City Council meeting, the applicant had also proposed additional Conditions of Approval to encourage open space. Staff has incorporated this Condition of Approval as #6, which states, “New construction on this lot or future subdivided lots within this lot shall provide for a minimum of 40% of the site to be Open Space, Landscape and/or Open Space, Natural.”

The City Engineer will also require the applicant to grant one (1) – ten foot (10') snow storage easements along the south (Rossie Hill) property line to address street frontages, per Condition of Approval #7.

Due to the poor sight lines along Rossie Hill Drive, the City Engineer has also requested that the current driveway on the site be limited to Deer Valley Loop. Should any future development result in new lots fronting Rossie Hill Drive, the new lots shall only be accessible along the eastern half of the Rossie Hill frontage and shall have a slope of no more than 5% for the first twenty feet (20') to maintain sight lines. This is reflected in Conditions of Approval #8 and #9.

The utilities were disconnected from this property on May 26, 1999. The City will also require the applicant to dedicate a public utilities easement to the City for the existing waterline that is located within the Deer Valley Loop right-of-way; this is reflected in Condition of Approval #10. A final utility plan will be required at the time of the building permit prior to any development of the site.

The property is located outside the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine related impacts. If the property owner does encounter mine waste or mine waste impacted soils they must handle the material in accordance to State and Federal law. Staff has included this as Condition of Approval #11.

The applicant has been communicating with his neighbors who make up the Save Rossie Hill group to draft Conditions of Approval to meet their shared goals. On October 2, 2016, the Save Rossie Hill group submitted a list of Conditions of Approval they would like City Council to consider (see Exhibit D). Staff has followed Council's direction—provided at the September 22, 2016, meeting—for the additional restrictive Conditions of Approval that limit access, provide open space minimums, and require adherence to the Design Guidelines. City Council should direct staff to include any of the public's proposed Conditions if Council finds it necessary. The applicant has not stipulated to these additional Conditions of Approval proposed by his neighbors.

Staff finds that 650 and 685 Rossie Hill are both part of the Snow Park Subdivision. In 1991, the City amended the zoning for the Snow Park Subdivision to rezone lots 1 through 5 from Residential Development (RD) to Residential Medium Density District (RM). Additionally, they also created an MPD in 1991 that provided the following restrictions:

1. Minimum of 60% open space, may include driveways.
2. Maximum Floor Area Ratio (FAR) of .5 plus 500 square feet for each unit garage.
3. Minimum front yard setback 25 feet.
4. Two (2) enclosed off-street parking spaces for each unit.
5. Design subject to the Park City Design Guidelines.

Staff finds that it would be inappropriate to restrict the lot at 632 Deer Valley Loop in the same way as these two properties as they are both part of a larger MPD passed in 1991 which allowed additional restrictions to be added and expressed on the Snow Park Subdivision plat.

Good Cause

Staff finds good cause for this Plat Amendment as the interior block line running through the property will be removed and existing encroachments will be resolved. Public snow storage easements will be provided along Rossie Hill and a utility easement will be dedicated for the waterline in Deer Valley Loop Road. Staff has also worked with the applicant to require any future development to comply with the Design Guidelines and provide a minimum of 40% open space on this lot.

More importantly, no rehabilitation of the historic house can occur without this plat amendment; the City could not issue a building permit if the property was not a legal lot of record. If the plat amendment is not approved, the applicant cannot move forward with a Historic District Design Review (HDDR) to rehabilitate the historic house.

Department Review

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

Notice

On October 6, 2016, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record on October 5, 2016, according to requirements of the Land Management Code.

Public Input

Public input has been provided on this proposed plat amendment and is attached as Exhibit C. The public has been concerned about over-development of the site to create high density development, need for trailheads, impact to wildlife corridors, and additional traffic congestion in the neighborhood. Additional public comment was submitted by the Save Rossie Hill Group on October 2, 2016, regarding additional Conditions of Approval; this has been included as Exhibit D.

Process

The approval of this plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC § 15-1-18.

Alternatives

- The City Council may approve the Lilac Hill Subdivision at 632 Deer Valley Loop; or
- The City Council may deny the Lilac Hill Subdivision at 632 Deer Valley Loop and direct staff to make Findings for this decision; or
- The City Council may continue the discussion to a date certain and provide staff with direction to provide additional information necessary in order to make a final decision on the subdivision.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

Consequences of not taking the Planning Department's recommendation are that the Site would remain as is and Deer Valley Loop and Rossie Hill Drive would continue to encroach on to the property. No snow storage or public utilities easements would be granted to the City. No building permit could be issued for the rehab of the historic house.

Recommendation

Staff recommends the City Council hold a public hearing and consider approving the Lilac Hill Subdivision at 632 Deer Valley Loop, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the attached ordinance.

Exhibits

Exhibit A – Draft Ordinance with Proposed Plat (Attachment 1)

Exhibit B – Survey

Exhibit C– Public Comment

Exhibit D– Save Rossie Hill's Proposed Conditions of Approval

Exhibit E– City Council Minutes 9.22.16

Exhibit F– Applicant's response to neighborhood comments 10.17.16

Ordinance No. 2016-32

AN ORDINANCE APPROVING THE LILAC HILL SUBDIVISION LOCATED AT 632 DEER VALLEY LOOP, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 632 Deer Valley Loop have petitioned the City Council for approval of the Plat Amendment; and

WHEREAS, on June 8, 2016, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on June 4, 2016, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on June 22, 2016, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on June 22, 2016, forwarded a positive recommendation to the City Council; and,

WHEREAS, on July 14, 2016; September 22, 2016; and October 20, 2016, the City Council held public hearings to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Lilac Hill Subdivision located at 632 Deer Valley Loop.

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

SECTION 1. APPROVAL. The Lilac Hill Subdivision located at 632 Deer Valley Loop, as shown in Attachment 1, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Ordinance No. 2016-32

AN ORDINANCE APPROVING THE LILAC HILL SUBDIVISION LOCATED AT 632 DEER VALLEY LOOP, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 632 Deer Valley Loop have petitioned the City Council for approval of the Plat Amendment; and

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according to the requirements of the Land Management Code; and

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WHEREAS, the Planning Commission, on June 22, 2016, forwarded a positive recommendation to the City Council; and,

WHEREAS, on July 14, 2016; September 22, 2016; and October 20, 2016, the City Council held public hearings to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Lilac Hill Subdivision located at 632 Deer Valley Loop.

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

SECTION 1. APPROVAL. The Lilac Hill Subdivision located at 632 Deer Valley Loop, as shown in Attachment 1, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 632 Deer Valley Loop.
2. The property is in the Residential Medium (RM) zoning district.
3. The subject property consists of all of Government Lot 26 in Section 15, Township 2 South, Range 4 East, Salt Lake Base and Meridian. It was formerly known as the 11th House on the south side of Deer Valley, Park City. The proposed plat amendment creates one (1) lot of record.
4. This site is listed on Park City's Historic Sites Inventory (HSI) and is designated as Significant.
5. This site, along with the three historic cottages 555, 560, and 577 Deer Valley contribute to Park City's history and provide a density of historic structures that largely retain their relationship with one another and the hillside.
6. The purpose statements of the RD zoning district include (B) encouraging new Development along an important corridor, that is Compatible with Historic Structures in the surrounding Area, and (C) encouraging the rehabilitation of existing Historic Structures.
7. The Plat Amendment creates a legal lot of record from the government lot.
8. The proposed Plat Amendment combines the property into one (1) lot measuring 14,319 square feet.
9. A single-family dwelling is an allowed use in the District.

10. The minimum lot area for a single-family dwelling is 2,812 square feet. The proposed lot meets the minimum lot area for single-family dwellings.
11. The proposed lot width is 116.38 feet along the north property line (facing Deer Valley Drive) and 129.41 feet along the south property line (Rossie Hill).
12. The minimum lot width required is 37.50 feet. The proposed lot meets the minimum lot width requirement.
13. LMC § 15-2.2-4 indicates that historic structures that do not comply with building setbacks are valid complying structures.
14. The minimum front yard setbacks are fifteen feet (15') and rear yard setbacks are 10 feet. The historic house has a front yard setback of 35 feet and rear yard setback of 52 feet.
15. The minimum side yard setbacks are five feet (5'). The historic house has a side yard setback of 17 feet on the west and 65 feet on the east.
16. Deer Valley Loop consumes 64.27 square feet of the northwest corner of the lot and Rossie Hill Drive consumes 62.72 square feet of the southeast corner of the lot.
17. Existing access to the site is limited to a driveway from Deer Valley Loop.
18. The City Engineer finds that only the eastern half of the lot directly abuts the City's right-of-way along Rossie Hill Drive and there are poor sight lines along Rossie Hill Drive.
19. The utilities were disconnected from this property on May 26, 1999.
20. There is an existing City waterline that is located within the Deer Valley Loop right-of-way.
21. The property is located outside the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance)
22. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.
23. The applicant has stipulated to some of the conditions of approval, with the exception of one requiring that new construction shall comply with Land Management Code Section 15-2.15-3 regarding setbacks, building height, building envelope, building footprint, etc.

Conclusions of Law:

1. There is good cause for this Subdivision.
2. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this

approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. The applicant shall dedicate a portion of the property that consists of Deer Valley Loop and Rossie Hill Drive to the City as part of this plat amendment.
4. Any development on this lot or future subdivided lots within this lot shall provide a transition in scale between the historic structures in this neighborhood, the Historic District, and Deer Valley Resort. Any new development on this lot or future subdivided lots within this lot shall comply with Park City's Design Guidelines to ensure that the new development is compatible with the Historic Structure on this lot and the Historic Structures in the surrounding area.
5. Any new development on this lot or future subdivided lots within this lot shall not block the view of the historic house from the 632 Deer Valley Loop and Deer Valley Drive rights-of-way.
6. New construction on this lot or future subdivided lots within this lot shall provide a minimum of 40% of the site to be Open Space, Landscaped and/or Open Space, Natural as defined by the Park City Land Management Code.
7. A ten foot (10') wide public snow storage easement will be required along the Rossie Hill frontage of the property.
8. Driveway access to any development to this one-lot subdivision shall be limited from Deer Valley Loop Road. Should the future subdivision of this lot result in new lots fronting Rossie Hill Drive, the new lots shall only be accessible from the eastern half of the Rossie Hill frontage where the property line directly abuts the City right-of-way.
9. Any future access off of Rossie Hill shall have a slope of no more than 5% for the first 20 feet of the driveway off of the right-of-way to maintain sight lines.
10. A public utilities easement is required along Deer Valley Loop for the existing water line and shall be indicated on the final plat.
11. The property is located outside the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine related impacts. If the property owner does encounter mine waste or mine waste impacted soils they must handle the material in accordance to State and Federal law.
12. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final Mylar prior to recordation.

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

PASSED AND ADOPTED this 20th day of October, 2016.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

ATTEST:

City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment 1 – Proposed Plat

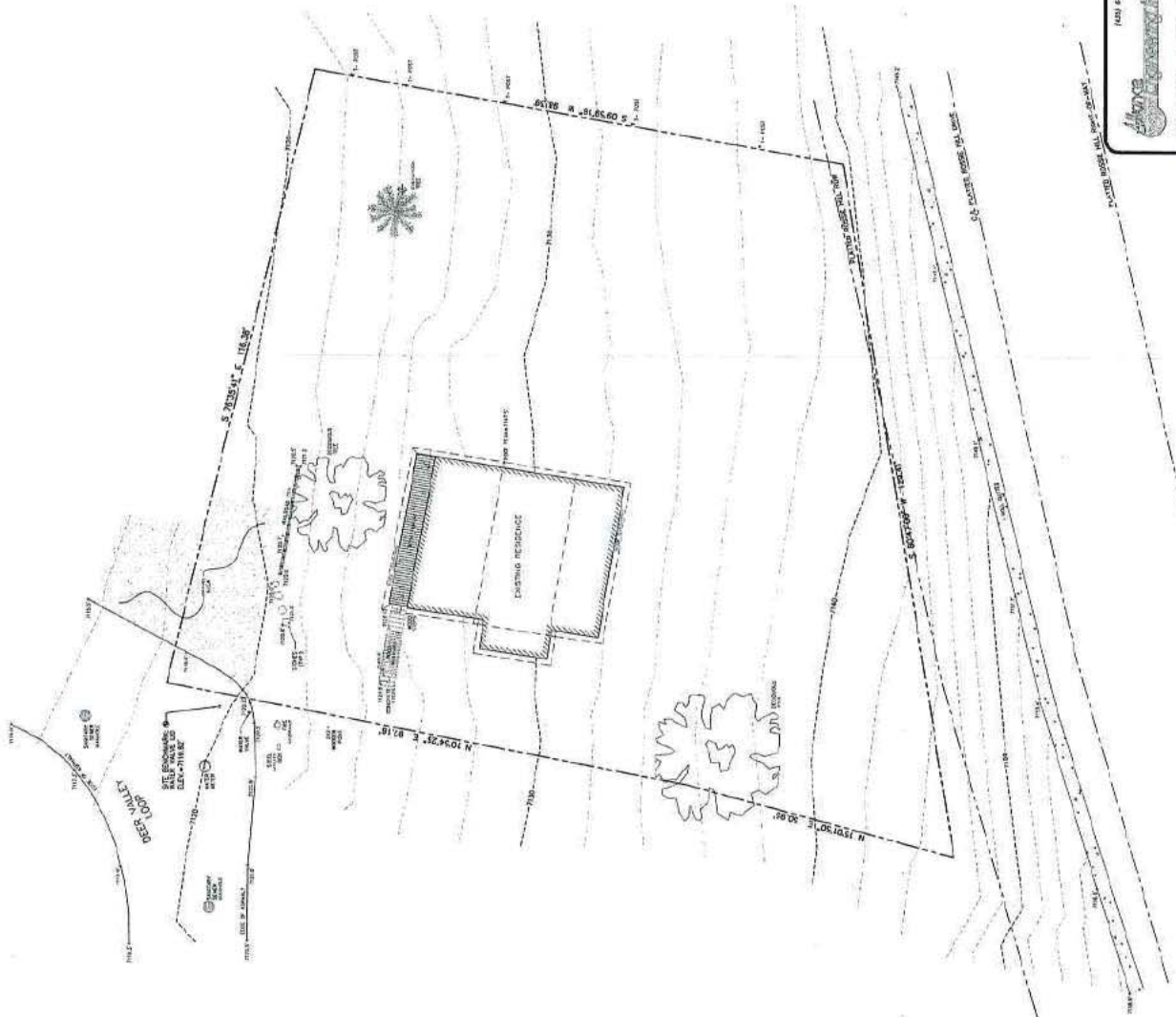
SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, do hereby certify that I am a registered land surveyor and that I have performed the survey described under the provisions of the Surveyor's Act, Chapter 119B, of the Laws of the State of Utah, and that the survey has been made under my direction and that the survey is a true and correct survey of the land shown and described herein. I further certify that this topographic survey is a true and correct survey of the land shown and described herein and that the same was completed and is in compliance with generally accepted industry standards for accuracy.



NOTES

1. City Delineation: Water view (d)
2. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
3. This topographic map is based on a field survey performed on October 6, 2015.
4. Property corners were found or set.



STAFF: JESSIE MORENO JESSE MORENO CONSULTING ENGINEER JESSIE MORENO 1420 540-3447 1420 540-3447 1420 540-3447	EXISTING CONDITIONS & TOPOGRAPHIC MAP PARCEL PC-537 632 DEER VALLEY LOOP FOR: MATT MILLIN JOB NO.: 18-4-15 FILE: X:\Projects\Deer Valley Loop\Parcel PC-537.mxd	SHEET 1 OF 1
	DATE: 11/07/15	

Diane Bernhardt

530-575-0899 diane.a.bernhardt@gmail.com 630 Coalition View Ct - PO Box 2819 Park City, UT 84060



August 17, 2016

The Honorable Mayor and Park City City Council
Park City Municipal Corporation
445 Marsac Avenue, PO Box 1480
Park City, UT 84060-1480

Dear Mayor and Council,

I am writing to you on behalf of Save Rossie Hill Historic Open Space. This alliance is a newly created community of active and interested Park City residents and property owners who care deeply about the future of Park City and of the open space on Rossie Hill. We would like to thank you for your interest in and enthusiasm for preservation of this historic open space.

Today I am presenting to you a petition that represents our community's support for the preservation of the historic open space on Rossie Hill. It also includes a specific request that Park City officials change the zone of the entirety of BLM parcel 18, inclusive of 632 Deer Valley Loop, in order to insure the restoration and preservation of the heritage homes in their original setting and protection of the open space from new land development. We request that action on the change in zone occurs as soon as possible, and prior to the approval of Plat Amendment 2016-32 - Lilac Hill Subdivision - 632 Deer Valley Loop.

The intensity of our petition's support is evidence by the speed with which signatures were obtained. The Petition was first circulated on Thursday, August 11. While our original idea was to collect 50 signatures, we set an ambitious goal of 200. By Wednesday, August 17, the petition had gathered 297 signatures with the numbers continuing to rise. With this level of petition support and with the comments provided on the petition, our community has made very clear that this unique open space is **extremely important** to them.

Text of the petition:

Save Rossie Hill Historic Open Space

This 2.5 acre urban open space is located on Deer Valley Drive after the "Condo Canyon" following the Deer Valley roundabout. This parcel, owned by the BLM for over 100 years, is remarkable for its uncommon variety:

Historical: It holds historic significance for its cluster of National Historic Register, mining-boom houses with a notorious, red-light district past.

Recreational: It includes an established trailhead and well-loved recreational trails which were built by the Mountain Trails Foundation and are an integral part of the Park City trail network.

Ecological: It houses the fall breeding grounds for moose and deer, is the last available access for Rossie Hill wildlife to make their way to their only source of drinking water, and is a migration path between upper Rossie Hill Open Space to the Aerie Open Space.

Recent resolution of a 35-year, ownership rights struggle has put part of this property into private ownership, marking the beginning of a new era for this unique piece of land. The zoning overlay for the Rossie Hill Historic Open Space is currently RM (Residential Medium Density). Because of the RM zoning, a 0.33 acre piece of Rossie Hill Historic Open Space recently acquired by a local land developer would allow the building of 10 residential units! Imagine the number of units that could be built on the full 2.5 acre lot with a precedent of this density!

Now is the time for our Park City community to design a “big picture” plan for the whole of this one-of-a-kind property, rather than dealing with portions of the property, piecemeal, as they are made available by the BLM and in turn made available to our very ambitious land development community.

We the undersigned declare:

- 1) We support the restoration and preservation of the historic mining-era homes.**
- 2) We support the preservation of the irreplaceable open space for future generations, the protection of vulnerable wildlife, and for the advancement of community’s trail network.**
- 3) We respectfully request that Park City officials rezone the entirety of BLM parcel 18, inclusive of PC-537 (632 Deer Valley Loop), to insure the protection of this open space from any new land development.**

We are asking Council to direct staff to explore and recommend a change in the zoning on BLM parcel 18, inclusive of 632 Deer Valley Loop from RM (Residential - Medium Density), to a zone, such as E (Estate), ROS (Recreational and Open Space) or POS (Protected Open Space), that will protect the open space while allowing for the restoration and preservation of the historic cottages.

Please view our petition at: [Save Rossie Hill Historic Open Space Petition](#)

Thanks again for your time and attention.

Sincerely yours,

Diane Bernhardt
Save Rossi Hill Historic Open Space

Honorable Mayor and City Council of Park City, UT

	Name	From	Comments
1.	Diane Bernhardt	Park City, UT	Let's work together to save our unique, historical, and natural community open space!
2.	rose wild	BUFFALO, NY	
3.	Ciecie yanti	Yogyakarta, Indonesia	
4.	Christina Shiebler	Park City, UT	Open space, mining era historical cottages, wildlife migration and recreation - the attributes of this land are exactly what makes Park City... Park City!
5.	Matt Shier	park city, UT	Let us capitalize on this opportunity to preserve what we love about Park City!
6.	Teresa Wlosowicz	Sosnowiec, Poland	
7.	Alexandra Gundelfingen	Poprad, Slovakia	
8.	Janet Clarke	Burgess Hill, United Kingdom	
9.	Tony Guzman	Doral, Dominican Republic	
10.	Bettina Lorenz	Rhede, Germany	
11.	Kim J prob sending stars	Peterboro, United Kingdom	
12.	Mariana Lukacova	Moldava nad Bodvou, Slovakia	
13.	Robert Gurss	Park City, UT	The City should act now to preserve open space and historic homes.
14.	Graham Anthony	Park City, UT	This space adds value to the neighborhood, the city, and the Deer Valley entryway. Worth protecting!
15.	Barbara and Hamilton Easter	Park City, UT	Please save this small historic piece of open space! It is a reminder of how this town used to look and a benefit to both wildlife and humans.
16.	Howard Klein	Park Cuty, UT	
17.	Tom & Sherrie Kelley	Park City, UT	We request any development or changes to the existing situation can never be brought back if it turns out development was a bad idea, or done indiscriminately.
18.	David Heeger	Park City, UT	I am a property owner in Park City. Our vacation home is located on Deer Valley Loop. Although it is a vacation home, we spend a total of about 3 months each year in Park City. I am would like to voice my support for the Save (continues on next page)

	Name	From	Comments
18.	David Heeger	Park City, UT	<i>(continued from previous page)</i> Rossie Hill Historic Open Space Alliance. We very much value the open space in and around Park City, and I join my neighbors in calling for preservation of the mining era cottages and keeping open space for wildlife. There's precious little open space left on that hillside. Over-development of the area will take away the very reason that many of us chose to be in Park City.
19.	Ted Williams	RALLS, TX	
20.	Jennifer Camp	Park City, UT	
21.	wendy lavitt	park city, UT	
22.	Lisa Allison	Heber City, UT	
23.	Nicole Johnson	Park city, UT	
24.	Jennifer Gurss	Park City, UT	This area is so special and well-known and appreciated throughout Park City. Losing the open space, and the mining era houses, would take away a unique part of Park City's history.
25.	Bill Shiebler	Park City, UT	
26.	David & Patricia Constable	Park City, UT	We fully support the maintenance of this open space to be preserved in a fashion that does include more density.
27.	Mary Wintzer	Park City, UT	Rossie Hill has been my home for 38 years. I cherish what this Old Town area has given me and so many others in our community. Where else can the moose,deer, tourists and locals have a quiet existence together. Our neighbors created a park for people to sit and enjoy the views..hikers often stop for a rest and some reflection and to read the historical marker. You can feel this is a special place.
28.	Baldis Ron and Leisa	Park City, UT	
29.	mauricio carvajal	santiago, Chile	
30.	Jana Johnson	Park City, UT	Our open space is getting smaller and smaller, and it's incredibly important that we preserve what we can. Thank you.
31.	raleigh koritz	MINNEAPOLIS, MN	
32.	Cathy Boruch	Heber City, UT	
33.	Robert Anderson	Park City, UT	
34.	Cathy King	Midway, UT	
35.	Dana Craig	Park Clty, UT	The desire to maintain and preserve open space is a common theme in Park City, and yet it's a conversation that seems to go unheard all too often. Make a statement by saving this historic and cherished part of Rossie Hill.
36.	Leah Leake	Midway, UT	

	Name	From	Comments
37.	Cindy Kaiser	Park City, UT	Park City...we are losing our heart and soul, piece by piece. To allow this historical piece of land go to development is catastrophic! Enough is enough, when are we going to just say no! There are so few mining shacks in town, they have been bulldozed for mega-mansions. To lose this piece of land would be like cutting out a piece of the heart of Park City. To add more homes to yet another hillside is eliminating the character of our community...the reason we love Park City is being eliminated one permit at a time. STOP the madness!
38.	Melissa Brucia	Park city, UT	
39.	Cynthia Jones	midway, UT	
40.	Mel Lavitt	Park City, UT	This is vital to maintaining the integrity of the Rossie Hill Historic Open Space. There are too few areas left in Park City that remind us of what Park City used to look like.
41.	Matthew Bernhardt	Park City, UT	This land cannot support high density. We should take the time to make well considered plan before preceding.
42.	natasha salgado	Toronto, Canada	
43.	LeeAnne Feddersen	Park City, UT	
44.	Patricia Harris	THOMPSON, MO	
45.	Joanne Shiebler	Park City, UT	You are doing a great thing, Christina. I am very proud of YOU.
46.	Su Mash	Nsl, UT	
47.	Cathy Clark	Park City, UT	
48.	Annie Elliott	Park City, UT	Lets give the wildlife of Park City a break!!! Leave this open!
49.	Edward & Gail Laurson	DENVER, CO	
50.	Jeff Camp	Park City, UT	
51.	Margaret Chan	Hewlett, NY	
52.	Amanda Olsen	Austin, TX	
53.	VICTORIA JEPPSON	Sandy, UT	
54.	Tracie Murphy	Park City, UT	Open Space should remain just that. preserved space for neighbors and wildlife in the Rossie Hill area.
55.	Harrison Smith	Park City, UT	
56.	Corinne Prewitt	Park City, UT	
57.	Linda Childers	Park City, UT	
58.	Kerrie Meier	Park city, UT	There are few sacred spots left in this booming town. Please let this be one of the ones to remain open, for citizens and wildlife!!

	Name	From	Comments
59.	Bonita Vanderkooi	Park city, UT	
60.	Hillary Jessup	84060, UT	
61.	Darlene Logue	Las Vegas, NV	
62.	Deborah McGraw	Park City, UT	
63.	annie fernandez	marcillac, France	
64.	Tara Williams	Park City, UT	
65.	Megan McGuire	Tucson, AZ	This type of space is rare and way too quickly evaporating from the landscape of America. I've been blessed to visit and enjoy this area several times over the past 4 yrs when it was first introduced to me. I simply can't imagine why such an amazing town would not protect such a treasure that brings tourists like me back. I don't need more vacation spots that are over developed , commercialized, and lifeless. Please heed the voices here and protect this space for your community and us all. Respectfully, Megan McGuire
66.	Matthew Chojnacki	Tucson, AZ	Please save Rossie Hill! MC
67.	Chris Gage	Park city, UT	
68.	Carrie Sheinberg	Park City, UT	
69.	Meeche White	Park City, UT	Our open spaces in the City are what separates Park City for any other resort where every square inch is developed. Let's leave this unique space open for all life to enjoy.
70.	Jenny Strauss	Park City, UT	
71.	Brian Van Hecke	Park City, UT	
72.	Shaun Woodard	Park city, UT	
73.	Mark Kaire	Park City, UT	
74.	Tiffany Wood	Park City, UT	This would be a wonderful "museum" for posterity. They way Park City was....
75.	Jane Sagerman	Park City, UT	
76.	Julie Olsen	Park City, UT	Please keep this Rossi Hill area as Open Space.
77.	Robert Arroyo	Park City, UT	I am a homeowner on Deer Valley Drive at Rossi Hill Drive. Please preserve the mining era homes and open space on Rossi Hill. The homes are historic and should be permanently preserved. They are part of the priceless fabric of Park City. For any of the mining era homes to be compromised would be a travesty.
78.	Melissa Ferraro	Park City, UT	Keep Park City PC!!!
79.	Allen Tran	Park City, UT	
80.	Greg Heuer	Park City, UT	Thriving wildlife would be hugely impacted by the irresponsible development of Rossi Hill. Stay true PC. Rebuild existing miners shacks to accurate but modern (continues on next page)

	Name	From	Comments
80.	Greg Heuer	Park City, UT	<i>(continued from previous page)</i> dwellings which do not impact the current habitat that is Rossi Hill.
82.	Angela Erickson	Park City, UT	Rossi Hill should be preserved as a historical site to show our mining history.
83.	Carol Kret	Park City, UT	Too bad we can't do this for Treasure Hill. Let's keep Rossie Hill open or at least reduce the density allowed.
84.	Rebecca Hill	Park City, UT	
85.	Warren Gane	Park city, UT	
86.	Tanya Sabini	Hertfordshire, United Kingdom	
87.	Tracy Land	Park City, UT	
88.	Temple Smith	Park city, UT	
89.	Jody Kavalauskas	Park City, UT	
90.	Paulo Reeson	Toronto, Canada	
91.	amanda norton	park city, UT	
92.	Jenni Haines	Park City, UT	
93.	Patricia Damon	Park City, UT	This is my backyard and a place I depend on for an amazing spiritual connection. Whether it be the fall runs glitter with golden leaves or the winter snowshoe climbs in hopes of wildlife sightings. This is a magical place that deserves to be preserved.
94.	Mike Ruzek	Park city, UT	
95.	Jason Smith	84098, UT	
96.	Erin Ruzek	Park City, UT	
97.	Morgan Hole	ParkCity, UT	Please save Park City and Rossi Hill open space for all of Park City citizens and critters !
98.	Caprice Benz	Midway, UT	
99.	Christine Lapointe	Park city, UT	Our open space is getting smaller and smaller. Traffic is a huge issue. Animals have less space to be wild. Please preserve this open space for a better future in Park City.
100.	Sarah Jenson	Park city, UT	
101.	Penelope Sullivan	Park City, UT	
102.	Joe Orrego	Ventura, CA	
103.	Victor Lopez	Winters, CA	
104.	Joseph Davies	Park City, UT	The Rossie Hill Historic Open Space provides great community value add. Please keep this incredible land open for community and wildlife use. Thank you.
105.	Patricia Takamine	Anaheim, CA	

	Name	From	Comments
106.	CJ Johnson	Park City, UT	The open spaces In Park City are cherished every day...White Barn & Round Valley. They are what keeps Park City unique & beautiful. Let's preserve Rossie Hill.
107.	Amy Wakefield	84088, UT	
108.	James Frauenberg	Park city, UT	
109.	Hattie Gardner	Park city, UT	Open space is necessary for all kinds of life forms and it's our responsibility to protect and preserve that for future generations! We must speak for those who don't have a voice and I'm signing this petition in honor of all the animals who are counting on us to be their voice and protect their habitats.
110.	Kristian Colvin	Park city, UT	
111.	Thomas Bates	Park city, UT	
112.	Anne Carothers	Heber City, UT	
113.	Scott Maizlish	Park City, UT	
114.	Liz Rebsamen	Park City, UT	
115.	Meredith Riley	Park city, UT	
116.	Channing Leitch	Park city, UT	
117.	Jason Deaderick	Park city, UT	
118.	Amy Heitman	Park City, UT	
119.	John Oscadal	Heber City, UT	
120.	Sharyn Jones	Park City, UT	
121.	Trace Worthington	Park City, UT	
122.	Scott DuBois	Park City, UT	
123.	Sarah Hawkins	Park City, UT	Please preserve this beautiful land, we don't have much of it left in Park City. Wildlife needs a home too, let's try to keep Park City a unique and beautiful place to live for animals and humans for our future.
124.	Christopher Dorsey	Park city, UT	We do not need anymore empty condos for rich people in Park City , there are plenty of empty condos for rich people already.....
125.	Summer March	Park City, UT	
126.	Matthew Baydala	Park City, UT	
127.	Gail Van	Banning, CA	
128.	Amy S	Park City, UT	Park City needs it's wildlife!
129.	Mark Moeller	Park City, UT	
130.	Wendy Glorit	Park City, UT	
131.	Robert Sutherland	Park City, UT	Stop building and ruining the natural landscape

	Name	From	Comments
132.	Morgan Taylor	Midway, UT	I grew up in Park City and adore this historic hill. Please leave it how it is!!
133.	Heather Miller	Park City, UT	
134.	Kyle Sadelson	Park City, UT	
135.	patty yun	park city, UT	Protect the historic parts of Park City!
136.	Nathan Dolin	Park city, UT	
137.	Kyle Kilcomons	Park City, UT	
138.	Paula Altschuler	Park city, UT	
139.	Ed Lewis	Park City, UT	
140.	Jeff Turbeville	Park City, UT	
141.	Nick Hanscom	Park City, UT	
142.	Jodie Sobel	Park city, UT	
143.	Conrad Nagel	Salt lake city, UT	There's plenty of mansions up there but not enough old town feel!
144.	kyle losik	park city, UT	
145.	Lisa Conner	WOODBURY, NJ	
146.	Yvonne Craig	Lake Havasu, AZ	
147.	Kristen Haaijer	Park City, UT	
148.	Kristy Hoffman	Park City, UT	
149.	Samantha Potts	San Diego, CA	
150.	Court Armstrong	Park city, UT	
151.	CJ Wolf	San Francisco, UT	
152.	Casey Sowul	Park City, UT	
			As a lifetime local (33 years born and raised) I have seen Park City transform from a small and local town filled with young families with plenty of open land into a money hungry city developing every square inch of land for corporations or the rich who want a 2nd, 3rd, or 4th home left vacant most of the year. Hundreds and thousands of empty condos and homes DO NOT MAKE A COMMUNITY BETTER. Local companies and local residents are being pushed out of town and the charm of Park City is being destroyed. The only sort of development that should be supported is local housing in any areas left currently undeveloped. If not used for local housing developments which support the workers/local families who are the foundation of Park City, STOP BUILDING! There is NO need for any more million dollar homes or tourist targeted vacation rentals. Support your community Park City!
153.	Michael2 Deppenbusch	Park Ci, UT	
154.	David Krancer	KEMMERER, WY	
155.	Brooke Cuda	Park City, UT	

	Name	From	Comments
156.	BRAD BECKER	PARK CITY, UT	
157.	Jordan Pynes	Park City, UT	Responsible development only and preserve our open space!!!
159.	Bok Summers	Livingston, MT	
160.	David Kleinebreil	85286, AZ	
161.	Lauren Loberg	Park City, UT	
162.	Scott Holton	Ponte Vedra Beach, FL	We also own a home in Park City and (627 Park Avenue, Unit C) and enjoy the trails that run through the Rossie Hill area when we come to town.
163.	Kate Currutt	44023, OH	My husband and I lived in park city for 20 (my husband) and 12 (me) years. It is and always will be home. We have moved to Ohio to be near family but still visit a few times a year to park city. Our dearest and closest friends still live there and we all love the remaining open space for many many reasons. Please keep this open and let all enjoy whether you are local, tourist, or a local wildlife animal. Rossi hill pictures and paintings are on etsy and sold in town in park city; it is the iconic view of what everyone thinks of when they think park city. Please keep that view alive.
164.	Al Lanning	Park city, UT	Just leave it alone.. Seriously.
165.	Alisha Niswander	84060, UT	Please DO NOT develop this green parcel! We don't need another huge complex shoved into a small piece of natural beauty.
166.	Kris T	Heber, UT	Enough.
167.	Katherine Quinlan	Park City, UT	Please, please do not ruin our small town appeal by developing every acres available. Preserving some open space preserves our town's character and why families love to visit, live and recreate in our amazing little town.
169.	Ginger Ries	Francis, UT	
170.	Toby Huggett	Park city, UT	I ll've those old miner homes. They're
171.	Alex Elbert	Park city, UT	Save this wonderful space!
172.	Heather Stanton	Ketchum, ID	
173.	Scott Ford	Park City, UT	The Deer Valley corridor once had open hillsides. With the growth of the Park City areas few are left open. What's left of the open space in the Deer Valley corridor should be diligently protect for the generations to follow.
174.	Mary Honigman	Park City, UT	
175.	Janet ivers	Park City, UT	
176.	James Madsen	Kamas, UT	Would be a crime to develop this historical piece of open space.

	Name	From	Comments
177.	Chandler Lund	Park City, UT	The last thing Park City needs is more condos. Eventually, no one will want homes here because "peace and quiet and nature" will no longer be found. We might as well move to NYC.
178.	Juliann Fritz	Park City, UT	Don't crowd this area. The little miners' homes are priceless and the hillside beautiful.
179.	Joss Christensen	park city, UT	
180.	Elliott Evans	Park City, UT	
181.	Kris Reyes	Park City, UT	
182.	Heleena Sideris	84060, UT	Life on planet earth is short let's protect our legacy and keep Park City open!
183.	Hallie Wintzer-Facey	Park City, UT	I grew up on Rossi hill and don't want to see all the open space gone!
184.	Anna Borgman	Bend, OR	I spent 10 years in Park City and had to leave because of the insane development. Please don't let that development ruin something so important to the legacy of Park City.
185.	Stacy Wintzer	Park city, UT	My family and I enjoy the trails and open space daily
186.	Ann MacQuoid	84060, UT	City Council of Park City This property must be preserved as a valued Urban Park and one of the last remaining Sites housing historic miner homes. My husband Mac and I have been lobbying to save this property since the mid-80's. Now is the time!
187.	Laurel Vanthof	Park City, UT	
188.	Dan Tewksbury	Park city, UT	I used to live right next to the open space and it's the best undeveloped land in town. Save it.
189.	Colleen Logan	Park City, UT	
190.	Aidan Pruett	Park City, UT	
191.	Tai Robinson	Snowbird, UT	
192.	Emily Leslie	Park city, UT	Don't build on it ! Save it !
193.	Lucas Dumas	Park city, UT	Park city is big enough! Take it back to the small town with good snow fall!
194.	Ashley H	Park City, UT	
196.	Patte Thompson	Park city, UT	Please save some of The original town space
197.	Jennifer Sachs	Park City, UT	
198.	Katy Chapel	Hermosa beach, CA	
199.	Emily Shaw	Park City, UT	It would be such a shame to lose this slice of Park City history!
200.	Angela Kohn	Cologne, Germany	
201.	Marina Knight	84098, UT	This space is one of the most authentic snapshots we have left. Please save it!
202.	Fred Schwacke	Bondville, VT	

	Name	From	Comments
203.	Allison Kitching	Park City, UT	
204.	Beth McMahon	Park City, UT	Please save our open spaces
205.	Kathy Turner	Park City, UT	
206.	Ronald Steven Butkovich	park city, UT	
207.	Sehba Singer	Park City, UT	To protect. Some of the original scale
208.	Beau Hennings	Park City, UT	
209.	Ben Dorsett	84060, UT	
210.	Julie Hopkins	Park City, UT	My office is near here, and I often see moose sitting in front of these historic homes and wonder what history lies there ...
211.	Jo Jones	Hebet, UT	Why do developers need to fill in every bit of space? People move here for the open space, not to look at another hotel or someones 3rd home!
212.	Negar Chevre	Park City, UT	
213.	Robert Heitman	Park City, UT	
214.	Leanne Raymond	Deer Mountain, UT	Don't let Vail take over our town!!
215.	Leisa Baldis	Park City, UT	
216.	Robert Johnson	84060, UT	
			I would like see this area remain open to the wildlife that passes through the field. Better to have a few houses like it has right now. RJ
217.	Wendy Sly	Park City, UT	
218.	Laura Cornish	Portola Valley, CA	Please stop the shameless development of every inch of Park City. This open space is essential to the character of the town and the continuation of the town's connection to its wildlife and ecosystems
219.	Jodey Fey	Park City, UT	
220.	Greg Schmidt	Park City, UT	
221.	Olivia Massimino	84060, UT	
222.	Ryan McElmon	Park City, UT	
223.	Emily Cook	Park City, UT	Love our open space in Park City, let's maintain it for future generations!
224.	Lynn Butterfield	Park City, UT	
225.	bob merrill	park city, UT	
226.	Marsha August	Park City, UT	
228.	Andrew August	Park City, UT	
229.	JAMIE KELLER	PARK CITY, UT	
230.	Matt Mullin	Park City, UT	As you consider this petition please keep in mind that Park City is a small town, and every action impacts your friends and neighbors. This petition will negatively impact our (continues on next page)

	Name	From	Comments
230.	Matt Mullin	Park City, UT	<i>(continued from previous page)</i> family and was started because we filed an application to take a property we own from its current status as a Parcel, to that of a Lot of Record. The petition implies you are saving open space - - You are actually signing a potion to support the creation of new open space at the expense of our private property. Read on, if you'd like to know more. Maren and I own the .33 acres mentioned in the petition and the condemned historic home upon it -- both the land and the home are fully protected by Park City Codes, including the Historic District Design Review process. No development application, of any kind, has been submitted. If and when such and application is submitted (by us or anyone else) it will be governed by the Land Management Code and the zone which the property sits within -- a zone that has gone unchanged and un-protested for years. Our property, like any home, condo, or piece of land that any of you may own is not currently and has never been open space. It is privately owned land. Supporting this petition sets a precedent that could show the City Council and Mayor that public opinion outweighs private property rights - your private property rights. Imagine if you wanted to add onto your home with an addition into your backyard. You submitted a code-complaint application to build that addition which was meet with approval at all levels except the final approval from City Council - which was delayed due to your neighbors concert about keeping your backyard open and available as a public use.. They decided to protest your application because your back yard never had anything built on it -- and they wanted to keep it that way. All of sudden a petition pops up that describes your backyard as open space and asks your friends and neighbors to support taking your backyard and converting it to public open space - while not mentioning that your back yard is yours and that it's never been public open space. Then, your friends and neighbors start signing it, because who doesn't like more open space? And all of sudden you're faced with the reality that your privately owned land is being devalued by public opinion, despite your application to use the land being 100% code compliant. Scary. Our property and our family is going through that scenario right now, because of this petition. Our property does not have any trail or trail head on it, and is surrounded on all sides by BLM land or City streets. Further, our application does not create any negative impact to the area, which is why it was met with the full approval and positive recommendation of the Park City Planning Department and the Park City Legal Department. It was also approved by a 5 to 0 vote of the Planning Commission. We followed every <i>(continues on next page)</i>

	Name	From	Comments
230.	Matt Mullin	Park City, UT	<i>(continued from previous page)</i> rule and created a fully complaint application because we live here too and want to be held to the same standards as everyone else. We love the open space around our town, but our PRIVATE PROPERTY, like yours, is not open space. If you feel like you signed this petition without knowing all the details, then email the sponsors and ask to be removed - saverossiehill@gmail.com, copy us if you'd like matt@thelangegroup.com. We encourage you to support our application and let the Mayor and City Council know that private property rights are important too. Email them here -- council_mail@parkcity.org -- and let them know that you "support the code-complaint application for 632 Deer Valley Loop and private property rights." Thank you! Call us, message us, email us, and ask us anything you'd like! Matt, Maren, Jane, Faye and Molly Mullin
231.	Ginger Tolman	Park city, UT	I lived across the street from this parcel for 5 years, before the Line condominiums were constructed. The homes and the space around them were where my children played and enjoyed the ability to wander a bit in the open area. It is a small piece of what it might have been like to be part of that mining community that roots our town. It's charm allows us to take a breath from the stacked up condos and homes around it. It was once a spot where small frogs could be heard on a summer night. Keep it open.
232.	Jonas Machado	Salt Lake city, UT	
233.	Beth Moon	Park City, UT	I have lived here for 25 years!
234.	Virginia Plummer	Park City, UT	Please redone this to preserve the beauty and wildlife so important to this area and all of offers to us!
235.	Katie Stellpflug	Kamas, UT	
236.	Alexx Koskella	Park city, UT	
238.	Kirsta Albert	Park City, UT	
239.	Nancy Dexter	Salem, OR	
240.	Noah Willingham	Park City, UT	
241.	Sandra Heilberger	Nürnberg, Germany	
242.	Harrison Holley	Park city, UT	
243.	Joseph Wenzel	LAKE ELMO, MN	
244.	Amber Houston	Park City, UT	
245.	Jessica King	Charleston, SC	
246.	Robin Mazzone	Park City, UT	
247.	Joette Hessick	Park City, UT	

	Name	From	Comments
248.	Rob Alday	Park City, UT	
249.	Bob Smith	Park city, UT	If you take a close look at this area on google maps and what do you see? Answer: a couple acres of undeveloped land surrounded by condo's and homes. This is not a wildlife migration path (unless they migrate in circles), it's not a breeding ground for moose or deer either (pretty sure they would much prefer a bit more privacy), it's not trailhead access (that happens at the end of a cul-de-sac on the street in the back of this photo). I am all for preserving lands that actually are those things but this privately owned property clearly is not and this petition is as misleading as it is self serving to the people that created it. Don't sign this and DON'T BE SHEEP!!!!
250.	Joan Thompson	Park City, UT	I lived across from the open space and the small cabins for over 30 years and enjoyed the break in density that this area provided. Park City does not need to have any more development on Deer Valley Drive especially in light of the traffic on that road and the density of the existing structures. Open Space is essential to Park City and little pockets of green enhance this area.
251.	Lirrue Mirams	Park city, UT	
252.	Wendy Little	Olympia, WA	
253.	Beth Farrell	Sudbury, MA	
254.	patrick reddish	park city, UT	
255.	Sophy Kohler	Park city, UT	
256.	A B	Seattle, WA	
257.	Marco Messina	Park City, UT	Keep the open space and the historic image of Park City
258.	Darius Keblinskas	Park City, UT	
259.	roscoe dingus	park city, UT	wow what is up with the people that want to steal private property - if you want it to be "open" "space" then buy it. if you want to walk your dog on it forever, then buy it. if you want your kids to play on it forever THEN BUY IT. Otherwise please remember that after they come for this good family's land they might just come for yours.
260.	Jessica Pollatsek	Santa Cruz, CA	
261.	Trudee Sanbonmatsu	Park city, UT	
262.	Margery Hadden	Park City, UT	
263.	Dylan Keller	Park City, UT	
264.	Jude gRENNY	PARK CITY, UT	THAT AREA IS ALREADY VERY DENSE. OPEN SPACE AND GREEN AREAS GIVE OUR COMMUNITY THE CHARACTER THAT KEEPS TOURISTS COMING. ANYTHING WE CAN DO TO KEEP OPEN SPACES OPEN, SHOULD BE DONE.

	Name	From	Comments
265.	Adam Mull	Triadelphia, WV	Used to live right up the street. It was always refreshing to see the old mining homes and open space. Once it's gobbled up its gone forever.
266.	darlene messina	park city, UT	
267.	Hunt Williams	park city, UT	
268.	John M.	Park City, UT	Once developed, gone forever. Preserve this wonderful open space and slice of Park City history.
269.	Brenda Lee	Sandy, UT	
270.	William Johnson	Park City, UT	
271.	William Boyd	Heber City, UT	And you've got to do something about treasure Hill
272.	Casey simons	park city, UT	
274.	Andrew Shearman	Park City, UT	
276.	London Pope	salt lake city, UT	
277.	Ktie Clinard	Park city, UT	
278.	Andrea Garland	Salt Lake City, UT	
279.	Eileen Kintner	Park city, UT	
280.	Michael Stefan	Park City, UT	
281.	Sallt Nadler	Park city, UT	
282.	Cathy Botha	Johannesburg, South Africa	
283.	Diana BEARD	Luton, United Kingdom	
284.	MaryBeth Mazzone	Park City, UT	
285.	Jeffrey Brzoska	Park City, UT	
286.	Dannette Phillips	HOUSTON, TX	
287.	Cole Sax	Salt Lake City, UT	
288.	Amy Hoyt	Park city, UT	
289.	Debra Beckman	Lake Havasu City, AZ	
290.	Kyra Downing-Krepela	Park City, UT	
291.	Lauren Lockey	Park City, UT	
292.	Dave Swartz	Park city, UT	
293.	Laura Asyeerne	Park city, UT	
294.	Sarah Garrett	Park City, UT	
295.	Margaret Lokey	NO, LA	

	Name	From	Comments
296.	Matey H	Park City, UT	I have lived in PC for over 23 years....and 19 of those years on Rossie Hill; an incredibly authentic and beautiful neighborhood with so much history. We need to preserve the history that this space represents, the miner homes that tell stories of the past, the open corridor that allows for the wildlife to roam...Continued development on this land, no matter what scale, would be a shame. Public opinion has a strong voice in this case and I am happy to sign this petition.
297.	Jill Ford	Park city, UT	

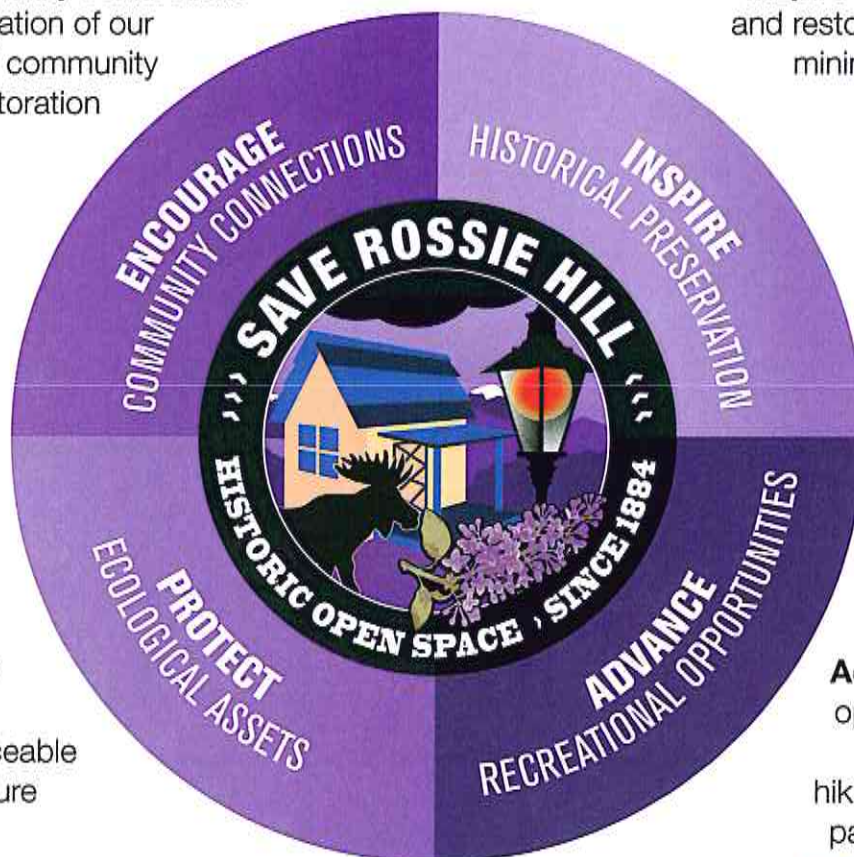
SAVE ROSSIE HILL HISTORIC OPEN SPACE



Our mission is to rally the creation of a long-range vision and comprehensive action plan for protection of the Rossie Hill Historic Open Space.

Encourage community connections through the illumination of our history, curation of community trails and land, restoration of heritage homes reflecting Park City's robust, distinctive history.

Inspire historic preservation and restoration of the historic mining era homes, some of the last vestiges of Park City's colorful past.



Protect ecological assets: vulnerable wildlife and irreplaceable open space for future generations.

Advance recreational opportunities through free, public biking & hiking trails, pedestrian paths and community open space.

RECEIVED

AUG 10 2016

Rossie Hill Cornerstones



ENCOURAGE COMMUNITY CONNECTIONS

TODAY:

- Urban Open Space that provides much needed visual relief from the "Condo Canyon" after the Deer Valley roundabout

INITIATIVES:

- *Boost access to public transit - **Rossie Hill Interpretive Trail***
- *Improve pedestrian and biker safety - **Rossie Hill Interpretive Trail***
- *Preserve four Park City heritage homes - **Rossie Hill Heritage Home Restoration***
- *Promote creation of one-of-a-kind affordable homes - **The Cottages at Rossie Hill***
- *Restore land through a park at base of Rossie Hill - **Mother Urban's Pocket Park***
- *Reconstruct failing roadway by PC Municipal - **Rossie Hill Drive Reconstruction***



INSPIRE HISTORIC PRESERVATION

TODAY:

- Heritage Red-light, Mining Era Cottages
 - 11th House: House at 632 Deer Valley Loop
 - 13th House: House at 622 Rossie Hill Dr
 - 14th House: Jack M. Murdock House
 - 15th House: Benedictus Carling House (Beth's House)
- Utah Eastern Railroad "Echo Spur" Line
- Historic Mining Claims (Lilly, May Flower, Olive Branch, Frida, Switzerland, Trump)

INITIATIVES:

- *Preserve four heritage homes in their setting - **Rossie Hill Heritage Home Restoration***
- *Illuminate our unique community history - **Rossie Hill Interpretive Trail***





ADVANCE RECREATIONAL OPPORTUNITIES

TODAY:

Fabulous Hiking and Biking on Mountain Trails Foundation Trail Network

- Trailhead at Harry's Path
- Harry's Path (Memorial to Harry Reed, longtime Rossie Hill visionary)
- Duke's Trail (Memorial to Duke, Rossie Hill's Neighborhood "Watchdog")
- Rossie Hill Trail

INITIATIVES:

- *Protect the land's existing trails for posterity - **Rossie Hill Trail Protection***
- *Enhance Park City's stellar trail network - **Rossie Hill Interpretive Trail***



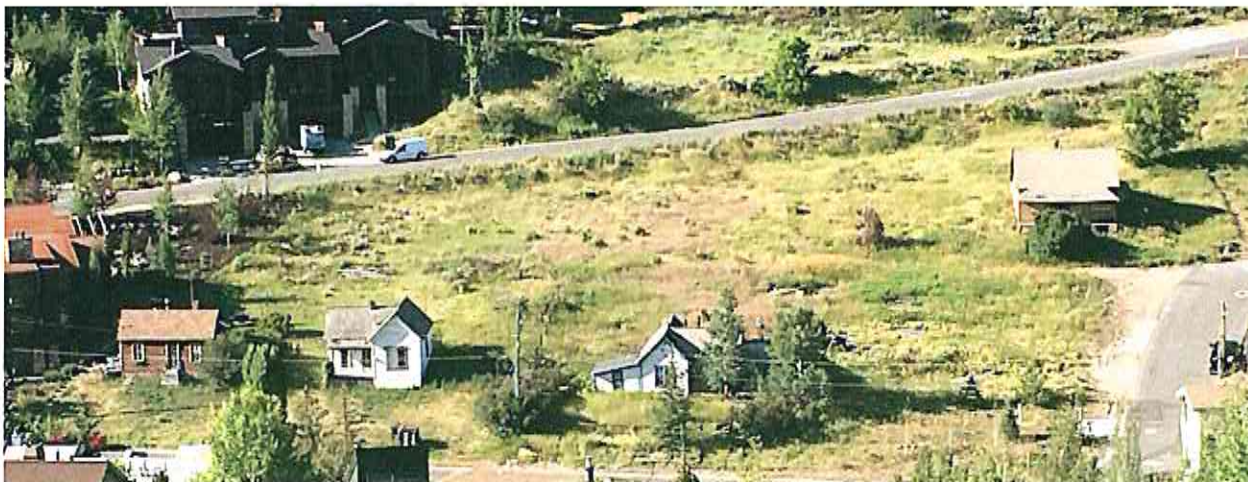
PROTECT ECOLOGICAL ASSETS

TODAY:

- Breeding habitat for Park City's most emblematic animal: The Moose
- Important large animal migratory path between Rossie Hill and Aerie Open Space
- Deer Creek: Last source of accessible drinking water for Rossie Hill wildlife
- Residence to protected bat species
- Home to variety of animals: Moose, Deer, Bear, Owl, Fox, Flying Squirrel, Badger...

INITIATIVES:

- *Defend breeding habitat and migration paths - **Rossie Hill Wildlife Protection***
- *Safeguard drinking water for our wildlife - **Deer Creek Revitalization***





Rossie Hill Community Initiatives

Rossie Hill Heritage Home Restoration & The Cottages at Rossie Hill

A coupled effort that advances two important initiatives: the preservation of our red-light district heritage homes with the creation of four attainable, community homes.

Rossie Hill Wildlife Protection

An effort to defend open space for the large animal breeding grounds and migration paths between Upper Rossie Hill and the Aerie Open Space and to conserve the Open Space for future generations for wildlife.

Deer Creek Revitalization

A conservation effort to safeguard clean drinking water for the Rossie Hill and Aerie wildlife. Goals include researching up-stream for potential contaminants, on going clean-up and maintenance of the creek, and conservation protection of the accessibility of the creek to future generations for wildlife.

Rossie Hill Drive Reconstruction

A planned PC Municipal effort to reconstruct Rossie Hill Drive with the objectives to deal with a fatigued, congested, and dangerous roadway falling under pressures of a growing traffic load, parking stress and pedestrian passage.

Mother Urban's Pocket Park

A proposed mini-park running along Deer Creek restoring the scarred, creekside land after years of destructive parking habits. The vision for the haven: a cozy, simple refuge to enjoy the wildlife in their habitat, benches to sit and enjoy the view of the miner's cabins imagining a different way of life, the perfect setting to paint a watercolor.

Rossie Hill Trail Protection

A conservation effort to ensure the existing Rossie Hill Trails remain available to all and for all time.

Rossie Hill Interpretive Trail

A proposed community trail illuminating our community's history and ecology. The trail begins at the Park City Museum, wanders up and over Rossie Hill arriving at the red-light district's Mother Urban's Pocket Park with a quick PC Transit bus ride back to Old Town. A perfect afternoon stroll.



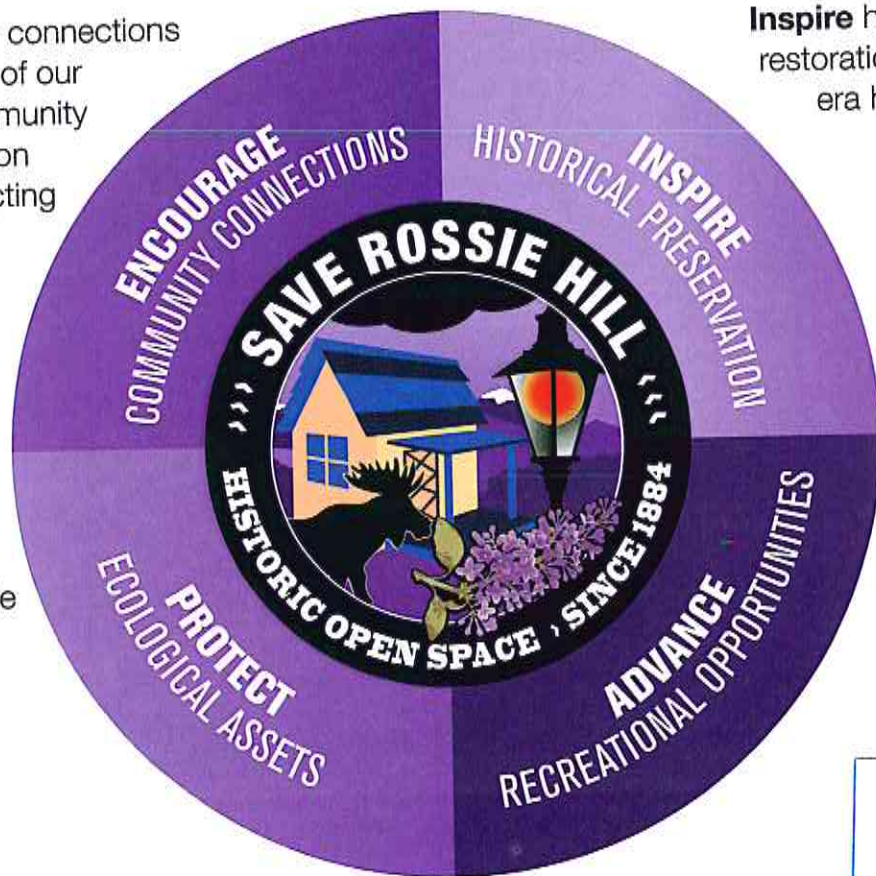
Rossie Hill Interpretive Trail Stops

1. **Park City Transic Center**
2. **Start:** PC Museum
3. **Overview/Map of Trail** @ Passage and Swede Alley
4. **History:** China Bridge @ Base of China Bridge
5. **History:** Shorty's Steps @ Shorty's Step Heart Attack Landing
6. **History and Ecology:** "Ella" The Moose @ Top of Shorty's Steps
7. **History:** Rossie Hill Settlement 1880 NY @ intersection of Ontario and Rossie Hill Drive
8. **History:** Echo Spur Railroad @ Echo Spur Townhomes
9. **History:** Mining Claims @ McHenry Lightpost
10. **History:** Harry's Path @ Harry's Path Trailhead
11. **History and Ecology:** "Ella" The Moose @ Scarred BLM triangle
12. **Ecology:** Moose Migration and Breeding @ Scarred BLM triangle
13. **History:** Duke's Trail @ Top of Duke's Path
14. **History:** Cottage 11 @ 632 DVL
15. **History:** Cottage 13 @ Mother Urban's Pocket Park across from house 13
16. **History:** Cottage 14 @ Mother Urban's Pocket Park across from house 14
17. **History:** Cottage 15 @ Mother Urban's Pocket Park across from house 15
18. **History:** Red Light District & Mother Urban @ Mother Urban's Pocket Park
19. **End:** Promote PC Transit back to Old Town



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Anya Grahm

From: matthew shier <mshier@shierkatz.com>
Sent: Sunday, October 02, 2016 4:33 PM
To: Bruce Erickson; Anya Grahm
Cc: matt@ironwoodresorts.com; Diane Bernhardt; Christina Shiebler (christina@shiebler.com)
Subject: 632 DVL Plat Amendment/BLM Parcel 18
Attachments: tahoma packet.pdf; powderhound packet.pdf
Categories: Red Category

Bruce, Anya –

We have not yet reached agreement with Matt Mullin on conditions of approval for the 632 DVL plat amendment and the rezoning of the remainder of BLM Parcel 18. However, in our study of this matter, we came across the attached 2006 conditions of approval for 685 Rossie Hill Drive (separated from 632 DVL by only the BLM Parcel 18) (pages 22 – 35) which, with no public input,

1. approved the development on this 0.36-acre parcel as a duplex (Matt is seeking the development of 4 units on 0.33 acres)
2. required 25' setback for front and back, both bordering Rossie Hill Drive and the side setback of 10' (Matt is proposing 10' front setback, 10' rear setback, and 5' side setback for the Rossie Hill Drive structure and is proposing 15' front setback, 10' rear setback, and 5' side setback for the Deer Valley Loop structure.
3. required dedication of 60% of the parcel as open space (Matt is proposing 40%).
4. required minimum of two enclosed off street parking spaces for each unit (Matt is proposing 7 enclosed off street parking spaces for the 4 proposed units)
5. required a maximum FAR of 0.5 with a 500 square foot garage allowance (Matt is proposing a FAR of 0.75)

We also encountered the attached similar 2008 conditions of approval for 650 Rossie Hill Drive (across the Rossie Hill Drive from 632 DVL) (page 53-59) which, with no public input,

1. approved the development on this 0.30-acre parcel as a triplex (Matt is seeking the development of 4 units)
2. required 25' front setback, 15' rear setback, and 10' side setback. (Matt is proposing 10' front setback, 10' rear setback, and 5' side setback for the Rossie Hill Drive structure and is proposing 15' front setback, 10' rear setback, and 5' side setback for the Deer Valley Loop structure.
3. required dedication of 60% of the parcel as open space (Matt is proposing 40%).
4. required minimum of two enclosed off street parking spaces for each unit (Matt is proposing 7 enclosed off street parking spaces for the 4 proposed units)
5. required a maximum FAR of 0.5 with a 500 square foot garage allowance (Matt is proposing a FAR of 0.75)

Studying Matt's proposed 4-unit development within the context of the RM zone, there appear to be a number of code inconsistencies:

1. The maximum allowed use without a conditional use permit tied to a MPD in the RM zone is a triplex. Matt is proposing a 4-unit development on what is at this time a single, un-subdivided lot (LMC 15-2.15-2).
2. The minimum Front Yard for all Single Family, Duplex Dwellings, and Accessory Buildings is fifteen feet (15'). New Front Facing Garages for Single-Family and Duplex Dwellings must be at least twenty feet (20') from the Front Lot Line. 15-2.15-3 (C)(1 & 2) Matt is proposing a front yard of 10' with front facing garages at 20' for structure facing Rossie Hill Drive. Matt is proposing a front yard of 15' with front facing garages at 15' for one of

the garages on the structure facing Deer Valley Loop. Matt's 10' setback is driven by his position that the short side of the lot is 75'. Even if the short side is 75', the setback must be 20' on the opposite side – and we're not convinced the short side is less than 75' in the first place.

In the event we cannot reach agreement with Matt, we believe you should take the 685 Rossie Hill and 650 Rossie Hill conditions into account in your recommendations to City Council for the October 20 meeting.

You should also be aware that our significant hang-up with Matt is that he is unwilling to limit access to 632 via DVL. We would hope that you would echo the sentiments of the staff engineer and make this an express condition.



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Anya Grahn

From: matthew shier <mshier@shierkatz.com>
Sent: Monday, October 17, 2016 7:57 AM
To: Council_Mail; Bruce Erickson; Anya Grahn
Cc: matt@ironwoodresorts.com; Christina Shiebler (christina@shiebler.com);
diane.a.bernhardt@gmail.com
Subject: 632 DVL Plat Amendment Application/BLM Parcel 18

Bruce, Anya and City Council –

Save Rossie Hill is disappointed to advise that we were unable to reach an agreement with Matt Mullin. Matt refused to compromise **in any way** from his position as presently proposed to the City.

While **Save Rossie Hill** offered a number of compromises during negotiation, our original offer and position on the 632 Plat Amendment Application is indicated below. Absent a compromise and agreement, we ask City Council to revise the Plat Amendment application.

The land in this lot originally supported two historic homes in a rural setting. In order to preserve the contexts and character of this listed historic site, we request City Council to add the following conditions of approval:

- A. Maximum subdivision of two lots in perpetuity. Each lot with one single family home in perpetuity.
- B. Maximum combined square footage totaling 7,500 for the two homes.
- C. Subject to HDDR.
- D. Existing historic home remains in current location.
- E. New buildings situated side-by-side or slightly staggered to the existing historic building
- F. No building on Rossie Hill side of property
- G. Height limited to 28 feet above existing grade
- H. No nightly rental
- I. No active roof decks

Rossie Hill Drive is a high-traffic, substandard and dangerous roadway shared by pedestrians and vehicles. To improve safety and safeguard Rossie Hill Drive travel, we request City Council to add further conditions of approval:

J. To reduce traffic, allow property entrance on Deer Valley Loop **only**. As recommended by the City Engineer, **no** property entrance on Rossie Hill Drive should be permitted.

K. To remove pedestrians from the roadway, provide for a pedestrian easement through the northwest corner of 632 in anticipation of a proposed pathway from Deer Valley Drive, along Deer Valley Loop, and up the hill along the western edge of BLM parcel 18.

The foregoing is subject to a Park City rezoning, guaranteeing that when, as and if the remainder of BLM Parcel 18 becomes part of Park City, the land will be conserved as open space and the historic homes will be restored for the benefit of the public, with the following conditions:

1. The remainder of Parcel 18 will be guaranteed by the City to be historic open space in perpetuity.

2. Restoration of the 3 historic homes claimed by Dennis as they exist today – same footprint, height, square footage and character either as affordable housing or museum.
3. Creation of an ecological and historical interpretive trail from Old Town to and through the Rossie Hill Open Space.
4. Creation of a pocket park running along Deer Creek.
5. Permanent conservation of the existing and new recreational trails.
6. Revitalization of Deer Creek.
7. Conservation of the Rossie Hill wildlife migration path.

Save Rossie Hill intends to appear at the meeting on October 20 and oppose the existing application based on the foregoing. Thank you again for your continued interest in and support of preservation of this historic Park City open space.



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PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
September 22, 2016
Page | 15

Council Member Beerman asked the audience how many of them came out to support the renewable energy goal. Everyone in the room raised their hands (about 60 people). He explained that it was important for Park City to be a leader in this endeavor.

Council Member Gerber said that we were 53% of the way to reaching our goal. She encouraged everyone to talk to their neighbors about the goal.

Council Member Henney explained to the public that Council had discussed this subject in the earlier work session and he wanted to explain that the resolution was making Park City's portfolio renewable and also excluding nuclear and hydro.

Council Member Henney moved to approve Resolution 23-2016, a resolution by the Park City Council to achieve Net-Zero Carbon by 2022 for the Municipal Government and by 2032 for the broader community and for Park City to invite other local governments to join us with the goal. Council Member Worel seconded the motion.

RESULT:**APPROVED****AYES:** Council Members Beerman, Gerber, Henney, Matsumoto and Worel

4. Consideration to Continue Ordinance 2016-32, an Ordinance Approving the Lilac Hill Subdivision Located at 632 Deer Valley Loop, Park City, UT Pursuant to Findings of Fact, Conclusions of Law, and Conditions of Approval in a Form Approved by the City Attorney. (A) Public Hearing (B) Continue to October 20, 2016:

Mayor Thomas opened the public hearing.

Mike Mullin said he was in favor of the development on Deer Valley Loop. Mullin stated the applicant offered to do a lot to meet the concerns of the neighbors and City Council. He said that if the City was concerned about this property, they could have purchased it and that they should not have a regulatory process take it away from the applicant.

Diane Bernhardt represented the Save Rossie Hill Alliance. She said they cared about the open space on Rossi Hill and thanked Council for their support of open space. Bernhardt had a proposal that would work with the applicant in order to have the development and provide open space. The Save Rossie Hill Alliance wanted to work with the applicant in order to have a mutually beneficial outcome. They wanted to renovate the historic buildings to preserve them in their original state. She said the Save Rossie Hill Alliance had specific details that would satisfy the concerns of all. Bernhardt wanted to support the continuance of the ordinance.

1 Jack Koson supported the Mullin application. He said the Matt Mullin took the correct
2 steps before he bought the property to ensure he could develop the property.

3
4 Beth Fratkin stated that she lived on Rossie Hill next to an 8,500 square foot home. She
5 said the Dennis family had been living on the BLM land for hundreds of years. Fratkin
6 said her landlord would be treated unfairly if the land was rezoned. She suggested that
7 if affordable housing was developed there she still would not be able to afford it. She
8 wanted the current residents to be able to get the value from their homes.

9
10 Aimee Koson stated that she was here to support the development. She believed in the
11 rights of the owner and stated that to change the zoning after the purchase of the land
12 could be harmful to others in Park City.

13
14 John Whitely stated that he grew up in the shacks on Rossie Hill and said those homes
15 are historic and beautiful.

16
17 Jason Parker stated he bought his home ten years ago on Rossie Drive. He said the
18 three current buildings were historic and he wanted to preserve the history of these
19 homes. He would be heartbroken if that was changed.

20
21 Bob Gurse, Save Rossie Hill Alliance, stated that zoning issues were relevant and
22 thanked Council and staff for their work. He said there was a desire in the community to
23 preserve the homes and open space.

24
25 Allison Kitching stated that she lived on Rossie Hill. She wanted to continue discussions
26 with Mullin because they would come to a good conclusion themselves.

27
28 Angela Moshetta spoke on behalf of Future Park City. She suggested her group was
29 instrumental in getting the two sides together. Moshetta wanted to applaud the Mullins
30 for working with the other residents. She wanted to talk about adding density in certain
31 areas while preserving open space in others. Moshetta encouraged Council to come to
32 a conclusion that helped the workforce housing solutions.

33
34 Mary Wintzer explained that the Mullin's development process had not been interrupted.
35 She stated that there was danger on the road on Rossie Hill in the winter. Wintzer does
36 not feel the City was robbing Mullin of making money because they could have a
37 valuable home the way the property was and that by asking for less density it did not
38 mean they could not make money. She was impressed with the groups that had come
39 together to work on the issue. In regard to affordable housing, she said they had
40 property that would be better for affordable housing. She stated that we need to keep
41 construction costs down on affordable housing and that the old homes on Rossie Hill
42 could be made into nice homes and no one would be hurt.

43
44 Christina Shiebler stated she appreciated the collaborative process.

1
2 Scott Carr, a resident of Park City, stated he always wondered why these houses were
3 so dilapidated. He was concerned when he heard about the proposal for the density that
4 would be put there, but was impressed to see the process working. His concern was
5 that Park City was at a tipping point where it could remain a mountain town or become a
6 suburb of Salt Lake City. He stated that with new developments the town might lose its
7 character and he supported the continuation of the issue. He said that this land was
8 very visible, and asked why not have it be maintained in a way that supported the
9 historic character of Park City.

10
11 Mayor Thomas closed the public hearing portion of the meeting.

12
13 Mark Harrington, City Attorney, explained that if Council wanted any additional
14 information on the subject they could ask staff.

15
16 Matt Mullin, applicant, wanted to know if they could present their side.

17 Anya Grahn, Historic Preservation Planner, explained that in the previous Council
18 meeting there were so many comments that Council suggested staff come back with
19 specific conditions of approval. Matt Mullin had come up with his own conditions of
20 approval.

21
22 Bruce Ericksen, Planning Director, stated that Council had asked staff to come up with
23 conditions of approval and they were now asking Council to continue the item.

24
25 Council Member Henney stated he was not interested in the most restrictive condition.
26 He would like to see the area rezoned. Council Member Henney liked the conditions
27 that the applicant proposed. Council Members Gerber and Worel agreed with Council
28 Member Henney.

29
30 Council Member Beerman stated he liked the medium restrictive condition, but said that
31 if the applicant and neighbors could come to their own agreement, that option would be
32 the best. Council Member Matsumoto stated that she was happy to see that the
33 applicant was concerned about the historic structures. She would favor medium
34 restrictive, which would allow for open space. Council Member Henney wanted to clarify
35 that his first preference would be to have it worked out between the applicant and the
36 neighbors.

37
38 Council Member Gerber moved to continue Ordinance 2016-32, an ordinance approving
39 the Lilac Hill Subdivision located at 632 Deer Valley Loop, Park City, UT pursuant to
40 findings of fact, conclusions of law, and conditions of approval in a form approved by the
41 City Attorney to October 20, 2016. Council Member Henney seconded the motion.
42

RESULT:

CONTINUED

AYES: Council Members Beerman, Gerber, Henney, Matsumoto and Worel

5. Discuss Initiating an Application Rezoning and Amending the Official Zoning Map of Park City of a Portion of the Residential Medium Density (RM) District in the Area of Deer Valley Loop Road and Deer Valley Drive Better Known as 622, 652, and 660 Rossie Hill:

Mark Harrington, City Attorney, stated there is a long history with these parcels. He cautioned Council to look at the broad picture when making a decision on these properties.

Council Member Henney said he wanted to explore Harrington's suggestion. Council Member Henney thought there was a strong argument from planning staff and that he was comfortable with the staff report.

Mayor Thomas opened the public hearing.

Bryce Panzer, attorney for the Dennis family who lives on the property, said there was an argument about who owns the property. He explained that Richard Dennis and daughters own about 3/4 of an acre. The Dennis family argues it was not owned by the BLM. Panzer suggested the Dennis property was being used as a sacrificial lamb. He stated there were other solutions other than rezoning. Panzer suggested that selling the property was an option. He stated that if the purpose was to preserve the site for the public, it was unfair to take it from the Dennis family.

Richard Dennis, owner of homes and property on Rossie Hill, asked the Council to treat them fairly. He stated that he would sell the property to Park City Municipal for fair market value.

Diane Bernhardt wanted to promote the creation of a long-term action plan for Rossie Hill. She wanted to preserve open space and historic homes as well as a corridor for wild animals. She also wanted to rezone the area for limited development. She had a petition that was signed by many people. Bernhardt recommended the area be rezoned.

Mike Wallen thought Council should not rezone the Rossie Hill area and take property away from the Dennis family.

Mayor Thomas closed the public hearing portion of the meeting.

Council Member Matsumoto asked if anyone else had claim to the BLM land. Bryce Panzer replied that there are mining claims that have been given to the Bertolinis and a claim by the United Park City Mines.

Anya Grahm

From: Matt Mullin <matt@ironwoodresorts.com>
Sent: Monday, October 17, 2016 12:32 PM
To: Anya Grahm
Cc: Eric Lee; Polly Samuels McLean; Bruce Erickson
Subject: Re: 632 DVL Plat Amendment Application/BLM Parcel 18

Anya,

I'm sorry this is a bit late in coming in, I am attending a relatives memorial service in Chicago and am a bit pressed for time. I did want to provide some thoughts on the letter from the Rossie Hill Group and some clarification on the Conditions of Approval.

First, in response to the Rossie Hill group: We have two remaining issues with them. First and foremost is that they are only offering to end their opposition to our application should the City create some "Guarantees" relative to adjacent land the City neither owns, nor has any jurisdiction over. Thus, our application would not meet their approval, no matter its conditions, until and unless many future arrangements and deal-making occurs. We simply cannot wait until those numerous issues of "City Guarantee's" and land ownership/development/zoning issues are settled, nor is there any legal requirement that we do so.

Secondly, their support of our application involves 11 conditions (items A - K in their letter), most of which create severe economic hardship for this property and create use restrictions not in-place on any neighboring properties. One point I'd like to specifically clarify is the City Engineer's study of our application does not preclude access off Rossie Hill drive so long as the driveway is on the Eastern portion of the property and the first 20' of the driveway does not exceed 5% slope. Their letter states "no property entrance on Rossie Hill Drive should be permitted." which paraphrases the City Engineers report to their benefit.

Here is the full language from the September 22nd Council Hearing Staff Report.

Driveway limitations

- *The City Engineer has directed staff to limit access to the existing site from Deer Valley Loop. Should the applicant require access off of Rossi Hill, the City Engineer finds that the applicant will struggle with the steep grade. As existing, only the eastern half of the lot is adjacent to the City right-of-way. Any access on the western half of the frontage would have to cross BLM property. Further, the City Engineer will not permit a driveway with a slope of greater than 5% for the first 20 feet of the driveway due to the sight lines of Rossi Hill.*

Moving onto the official Conditions of Approval as contained in various staff reports. I want to be clear that in offering to self restrict the density on the lot through the creation of a 40% open space requirement we were relying upon the Conditions of Approval proposed in the July 14th City Council hearing, specifically item #9 which tied all construction to the RM Zone.

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.

2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The applicant shall dedicate a portion of the property that consists of Deer Valley Loop Road and Rossie Hill Drive to the City as part of this plat amendment.
4. Any development on this lot or future subdivided lots within this lot shall provide a transition in scale between the historic structures in this neighborhood, the Historic District, and Deer Valley Resort. The Planning Department shall review the proposed plans for compliance with the purpose of the RM District, which specifically encourages development that is compatible with historic structures in the surrounding area.
5. Two (2)- ten foot (10') wide public snow storage easement will be required along the Deer Valley Loop Road and Rossie Hill Road frontages of the property.
6. A public utilities easement is required along Deer Valley Loop for the existing water line and shall be indicated on the final plat.
7. The property is located outside the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine related impacts. If the property owner does encounter mine waste or mine waste impacted soils they must handle the material in accordance to State and Federal law.
8. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final Mylar prior to recordation.
9. New construction shall comply with Land Management Code Section 15-2.15-3 regarding setbacks, building height, building envelope, building footprint, etc.

This Item was not asked to be changed by Council in the July 14th meeting nor the September 22nd meeting. In preparation for this meeting on October 20th, our third City Council hearing on this plat amendment, the Staff noted that Item #9 above, along with two items we added, should be removed due to their being "redundant." However this redundancy does not negatively impact the city, nor any other entity or person in anyway, and the existence of this language was specifically relied upon by us in offering the 40% open space restriction.

We request that the language highlighting that "New construction shall comply with Land Management Code Section 15-2.15-3 regarding setbacks, building height, building envelope, building footprint, etc.", which has never been requested to be changed by Council nor the Applicant be left in as a Condition of Approval. We make this request because our offer of 40% open space was made in reliance upon that language being a Condition of Approval.

Thank you,

Matt

Matt Mullin
(435) 901-4707
matt@ironwoodresorts.com

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DATE: October 20, 2016

TO HONORABLE MAYOR AND COUNCIL

After reviewing several applications for Relocation and/or Reorientation of Historic Buildings, staff has found that there is a need to re-review and revise the criteria to add clarity. Our unique criteria were not as specific as they could be, and so staff has proposed the following revisions incorporated into this staff report. The Historic Preservation Board forwarded a positive recommendation to City Council for these amendments on July 20, 2016 and the Planning Commission did the same on September 28, 2016. Amendments to the Land Management Code (LMC) require Planning Commission recommendation and City Council adoption.

Respectfully:

Anya Grahn, Planner II



City Council Staff Report

Subject: LMC Amendment – Relocation and/or Reorientation
Author: Anya Grahn, Historic Preservation Planner
Hannah Turpen, Planner
Bruce Erickson, AICP, Planning Director
Department: Planning
Date: October 20, 2016
Type of Item: Legislative – LMC Amendment

Summary Recommendation

Staff recommends that the City Council review proposed amendments to Land Management Code (LMC) regarding Chapter 15-11 Relocation and Reorientation of a Historic Building or Historic Structure and definitions in Chapter 15-15. Staff recommends City Council conduct a public hearing, consider any public input, review the request, and consider approving the proposed changes as proposed in this report.

Executive Summary

After reviewing several applications for Relocation and/or Reorientation of Historic Buildings, staff has found that there is a need to re-review and revise the criteria to add clarity. In order to make the criteria for “unique conditions” more specific staff has proposed the following revisions incorporated into this staff report. The Historic Preservation Board forwarded a positive recommendation to City Council for these amendments on July 20, 2016 and the Planning Commission did the same on September 28, 2016 with some alterations reflected here. Amendments to the Land Management Code (LMC) require Planning Commission recommendation and City Council adoption.

Acronyms

Historic Preservation Board	HPB
Land Management Code	LMC

Background

After reviewing several applications for Relocation and/or Reorientation of Historic Buildings, staff has found that there is a need to re-review and revise the criteria to add clarity and ensure that the “unique conditions” had more specific criteria.

Relocation is not a preferred method of historic preservation and is generally only encouraged if it is the only viable option to preserving the historic building. Relocation divorces the house from its site and destroys the material and cultural associations such as its ownership sequence as well as topographic and historical setting and context. The preferred solution when relocating a building is to keep it on its original site. When this is not possible, the structure should be relocated to a new site that conveys a similar context to the original site. Further, staff found that when the last LMC changes

were initially made last December, they were not as concise and clear as they should have been. Further, we found that we had eliminated the criteria for relocating the historic building or structure to a new site in error.

Staff has researched codes from Charleston, South Carolina; Savannah, Georgia; Madison, Indiana; and a number of other preservation-oriented historic districts throughout the US to aid us in developing criteria that discourages relocation overall, but provides opportunities for relocation under unique conditions.

The Historic Preservation Board (HPB) reviewed staff's proposed LMC amendments on July 20, 2016 (See page 219 of [staff report](#) and Exhibit B for minutes). Overall, the HPB was supportive of the direction staff was going and thought it would be positive for those who lived in Park City. They unanimously forwarded a positive recommendation to the Planning Commission and City Council. Following the HPB meeting, staff had further discussion and has made further clarifications to the following revisions.

The Planning Commission reviewed staff's proposed LMC amendments on September 28, 2016 (See page 109 of [staff report](#) and Exhibit C for minutes). The Planning Commission was generally supportive of staff's proposed changes, but asked for several clarifications, including:

- Clarify that a structural engineer's report is always required for relocating a historic building, not just when there are unique conditions
- Define what a Substantial Benefit to the community is and require City Council to make the determination that relocating the historic structure will achieve such a substantial benefit
- Determine if relocation is permitted only for buildings and structures moving from outside the historic district and into the historic district, or if buildings can be relocated within the district.

Staff further discussed Planning Commission's suggestions and made further clarifications which are reflected in this staff report. Additionally, staff anticipates that the HPB would be the first body to review a request for relocation; any review by City Council to determine if a relocation is substantiated by a Substantial Benefit to the community would occur after the HPB's review.

Analysis

The proposed amendments are as follows:

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-ITS~~ EXISTING LANDMARK OR 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 Historic Preservation Board shall find the project complies with the following criteria:

- (1) For either a Landmark or Significant Site all of the following shall be met:
 - (a) A licensed structural engineer has certified that the Historic Building(s) and/or Structure(s) can successfully be relocated and the applicant has demonstrated that a professional building mover will move the building and protect it while being stored; and
 - (b) The proposed relocation will not have a detrimental effect on the structural soundness of the building or structure;
- (2) Landmark structures shall only be permitted to be relocated on its existing site if
 - a. the relocation will abate demolition; or
 - b. the Planning Director and Chief Building Official find that the relocation will abate a hazardous condition at the present setting and enhance the preservation of the structure.
- (3) For Significant sites, at least one of the following shall be met:
 - ~~(1a)~~ The proposed relocation and/or reorientation will abate demolition of the Historic Building(s) and/or Structure(s) on the Site; or
 - ~~(2b)~~ The Planning Director and Chief Building Official determine that the building is threatened in its present setting because of hazardous conditions and the preservation of the building will be enhanced by relocating it; or
 - ~~(3c)~~ The Historic Preservation Board, with input from the Planning Director and the Chief Building Official, determines that unique conditions warrant the proposed relocation and/or reorientation on the existing Site. Unique conditions shall ~~which include but are not limited to~~ all of the following:
 - i. The historic context of the ~~building~~ Historic Building(s) and/or Structure(s) has been so radically altered that ~~the present setting does not appropriately convey its history and~~ the proposed relocation ~~may be considered to will~~ will enhance the ability to interpret the historic character of the ~~building~~ Historic Building(s) and/or Structure (s) and the Historic District or its present setting; and

- ii. The proposed relocation will not diminish the overall physical integrity of the Historic District or diminish the historical associations used to define the boundaries of the district; and
- iii. The new site shall convey a character similar to that of the historic site, in terms of scale of neighboring buildings, materials, site relationships, geography, and age; or
- iv. The ~~historical~~ integrity and significance of the ~~h~~Historic ~~b~~Building(s) and/or Structure(s) will not be diminished by relocation and/or reorientation; ~~or and~~
- v. The potential to preserve the Historic Building(s) and/or Structure(s) will be enhanced by its relocation
- vi. All other alternatives to relocation/reorientation have been reasonably considered prior to determining the relocation/reorientation of the building. These options include but are not limited to:
 - 1. Restoring the building at its present site; or
 - 2. Stabilizing the building from deterioration and retaining it at its present site for future use; or
 - 3. Incorporating the building into a new development on the existing site.

(B) PROCEDURE FOR THE RELOCATION AND/OR REORIENTATION OF THE HISTORIC BUILDING(S) AND/OR STRUCTURE(S) TO A NEW SITE. To approve 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 to a new site, the Historic Preservation Board shall find the project complies with the following criteria.

- (1) For either a Landmark or Significant Site, all of the following shall be met:
 - (a) A licensed structural engineer has certified that the Historic Building(s) and/or Structure(s) can successfully be relocated and the applicant has demonstrated that a professional building mover will move the building and protect it while being stored; and
 - (b) The proposed relocation will not have a detrimental effect on the structural soundness of the building or structure;
- (2) Landmark structures shall only be permitted to be relocated to a new site if the relocation will abate demolition and the Planning Director and Chief Building Official find that the relocation will abate a hazardous condition at the present setting and enhance the preservation of the structure.
- (3) For Significant Sites, at least one of the following must be met:

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

(b) The Planning Director and Chief Building Official determine that the building is threatened in its present setting because of hazardous conditions and the preservation of the building will be enhanced by relocating it; or

(c) The Historic Preservation Board, with input from the Planning Director and the Chief Building Official, determines that unique conditions warrant the proposed relocation and/or reorientation to a new Site. This criterion is only available to Significant Sites. Unique conditions shall include all of the following:

- i. The relocation will not negatively affect the historic integrity of the Historic District, nor the area of receiving site; and
- ii. One of the following must also be met:
 - a. The historic building is located within the Historic districts, but its historic context and setting have become so radically altered that the building may be enhanced by its new setting if the receiving site is more similar to its historic setting in terms of architecture, style, period, height, mass, volume, scale, use and location of the structure on the lot as well as neighborhood features and uses; or
 - b. The historic building is located outside of the Historic districts, and its historic context and setting have been so radically altered that the building may be enhanced by its new setting if the receiving site is more similar to its historic setting in terms of architecture, style, period, height, mass, volume, scale, use, and location of the structure on the lot as well as neighborhood features and uses; or

(d) City Council, with input from the Historic Preservation Board, Planning Director, and Chief Building Official, determines that the Historic Building(s) and/or Structure(s) is deterrent to a major improvement program outside of the Historic districts that will be of Substantial Benefit to the community such as but not limited to:

- a. The relocation of the Historic Building(s) and/or Structure(s) will result in the restoration of the house—both the interior and exterior—in compliance with the Secretary of the Interiors Standards and the relocation will aid in the interpretation of the history of the Historic Building(s) and/or Structure(s); or

- b. The relocation of the Historic Building(s) and/or Structure(s) will result in the revitalization of the receiving neighborhood due to the relocation; or
- c. The relocation of the Historic Building(s) and/or Structure(s) will result in a new affordable housing development on the original site that creates more units than currently provided on the existing site and the rehabilitation of the Historic Building(s) and/or Structure(s) on the new receiving site.

(C) 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 Historic Preservation Board pursuant to Section 15-11-12 of this Code.

Additionally, staff found that it was necessary to define Substantial Benefit. In the past, houses have been relocated for improvement projects such as the Town Bridge because the improvement was considered to be a Substantial Benefit to the community. Staff finds that the following definition is appropriate:

Substantial Benefit: Significant improvement or positive effect that will fill a community need and/or meet a specified City Council goal and provide a considerable economic, financial, or environmental benefit to the community that does not currently exist.

Department Review

This report has been reviewed by the Planning and Legal Departments.

Attachments

Exhibit A—Draft Ordinance

Exhibit B- Historic Preservation Board Minutes, 7.20.16.

Exhibit C- Planning Commission Minutes 9.28.16

Ordinance No. 2016-48

AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, AMENDING LAND MANAGEMENT CODE SECTION 15-11-13. RELOCATION AND/OR REORIENTATION OF A HISTORIC BUILDING OR HISTORIC STRUCTURE AND SECTION 15-11-15 DEFINITIONS.

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

WHEREAS, it is in the best interest of the community to periodically amend the Land Management Code to reflect the goals and objectives of the City Council and to align the Code with the Park City General Plan; and

WHEREAS, the City Council finds that the proposed changes to the Land Management Code are necessary to supplement existing zoning regulations to protect Historic structures and the economic investment by owners of similarly situated Historic property; and

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; and

WHEREAS, these buildings are among the City's most important cultural, educational, and economic assets;

WHEREAS, the relocation and reorientation of historic buildings would permanently alter the character of a neighborhood, community and City;

WHEREAS, individual members of the Historic Preservation Board ("HPB"), the official body to review matters concerning the historical designation and design of buildings within the City held a public hearing and forwarded a positive recommendation to Planning Commission and City Council on July 20, 2016; and

WHEREAS, individual members of the Planning Commission, the official body to review matters concerning the Land Management Code held a public hearing and forwarded a positive recommendation to City Council on September 28, 2016;

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

SECTION 1. AMENDMENTS TO TITLE 15- LAND MANAGEMENT CODE CHAPTER 11 (HISTORIC PRESERVATION). The recitals above are incorporated herein as findings of fact. Chapter 11 of the Land Management Code of Park City is hereby amended as redlined (Exhibit A).

SECTION 2. AMENDMENTS TO TITLE 15- LAND MANGEMENT CODE CHAPTER 15 (DEFINED TERMS). The recitals above are incorporated herein as findings of fact. Chapter 15 of the Land Management Code of Park City is hereby amended as redlined (Exhibit B).

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

PASSED AND ADOPTED this ____ day of _____, 2016

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, Mayor

Attest:

Michelle Kellogg, City Recorder

Approved as to form:

Mark Harrington, City Attorney

Exhibit A

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-ITS~~ EXISTING LANDMARK OR 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 Historic Preservation Board shall find the project complies with the following criteria:

(4) For either a Landmark or Significant Site all of the following shall be met:

(a) A licensed structural engineer has certified that the Historic Building(s) and/or Structure(s) can successfully be relocated and the applicant has demonstrated that a professional building mover will move the building and protect it while being stored; and

(b) The proposed relocation will not have a detrimental effect on the structural soundness of the building or structure;

(5) Landmark structures shall only be permitted to be relocated on its existing site if

a. the relocation will abate demolition; or

b. the Planning Director and Chief Building Official find that the relocation will abate a hazardous condition at the present setting and enhance the preservation of the structure.

(3) For Significant sites, at least one of the following shall be met:

(~~1~~a) The proposed relocation and/or reorientation will abate demolition of the Historic Building(s) and/or Structure(s) on the Site; or

(~~2~~b) The Planning Director and Chief Building Official determine that the building is threatened in its present setting because of hazardous conditions and the preservation of the building will be enhanced by relocating it; or

(~~3~~c) The Historic Preservation Board, with input from the Planning Director and the Chief Building Official, determines that unique conditions warrant the proposed relocation and/or reorientation on the existing Site.

Unique conditions shall ~~which include but are not limited to all of the following:~~

- ~~vii. The historic context of the ~~building~~ Historic Building(s) and/or Structure(s) has been so radically altered that ~~the present setting does not appropriately convey its history and~~ the proposed relocation ~~may be considered to will~~ enhance the ability to interpret the historic character of the ~~building~~ Historic Building(s) and/or Structure (s) and the ~~Historic District~~ or its present setting; and~~
- ~~viii. The proposed relocation will not diminish the overall physical integrity of the Historic District or diminish the historical associations used to define the boundaries of the district; and~~
- ~~ix. The new site shall convey a character similar to that of the historic site, in terms of scale of neighboring buildings, materials, site relationships, geography, and age; or~~
- ~~x. The historical integrity and significance of the ~~h~~Historic ~~b~~Building(s) and/or Structure(s) will not be diminished by relocation and/or reorientation; ~~or and~~~~
- ~~xi. The potential to preserve the Historic Building(s) and/or Structure(s) will be enhanced by its relocation~~
- ~~xii. All other alternatives to relocation/reorientation have been reasonably considered prior to determining the relocation/reorientation of the building. These options include but are not limited to:~~
 - ~~4. Restoring the building at its present site; or~~
 - ~~5. Stabilizing the building from deterioration and retaining it at its present site for future use; or~~
 - ~~6. Incorporating the building into a new development on the existing site.~~

(B) PROCEDURE FOR THE RELOCATION AND/OR REORIENTATION OF THE HISTORIC BUILDING(S) AND/OR STRUCTURE(S) TO A NEW SITE. To approve 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 to a new site, the Historic Preservation Board shall find the project complies with the following criteria.

- (1) For either a Landmark or Significant Site, all of the following shall be met:
 - (a) A licensed structural engineer has certified that the Historic Building(s) and/or Structure(s) can successfully be relocated and the applicant has demonstrated that a professional building mover will move the building and protect it while being stored; and

- (b) The proposed relocation will not have a detrimental effect on the structural soundness of the building or structure;
- (3) Landmark structures shall only be permitted to be relocated to a new site if the relocation will abate demolition and the Planning Director and Chief Building Official find that the relocation will abate a hazardous condition at the present setting and enhance the preservation of the structure.
- (6) For Significant Sites, at least one of the following must be met:
- (a) The proposed relocation and/or reorientation will abate demolition of the Historic Building(s) and/or Structure(s) on the Site; or
- (b) The Planning Director and Chief Building Official determine that the building is threatened in its present setting because of hazardous conditions and the preservation of the building will be enhanced by relocating it; or
- (c) The Historic Preservation Board, with input from the Planning Director and the Chief Building Official, determines that unique conditions warrant the proposed relocation and/or reorientation to a new Site. This criterion is only available to Significant Sites. Unique conditions shall include all of the following:
- iii. The relocation will not negatively affect the historic integrity of the Historic District, nor the area of receiving site; and
- iv. One of the following must also be met:
- a. The historic building is located within the Historic districts, but its historic context and setting have become so radically altered that the building may be enhanced by its new setting if the receiving site is more similar to its historic setting in terms of architecture, style, period, height, mass, volume, scale, use and location of the structure on the lot as well as neighborhood features and uses; or
- b. The historic building is located outside of the Historic districts, and its historic context and setting have been so radically altered that the building may be enhanced by its new setting if the receiving site is more similar to its historic setting in terms of architecture, style, period, height, mass, volume, scale, use, and location of the structure on the lot as well as neighborhood features and uses; or
- (d) City Council, with input from the Historic Preservation Board, Planning Director, and Chief Building Official, determines that the Historic

Building(s) and/or Structure(s) is deterrent to a major improvement program outside of the Historic districts that will be of Substantial Benefit to the community such as but not limited to:

- d. The relocation of the Historic Building(s) and/or Structure(s) will result in the restoration of the house—both the interior and exterior—in compliance with the Secretary of the Interiors Standards and the relocation will aid in the interpretation of the history of the Historic Building(s) and/or Structure(s); or
- e. The relocation of the Historic Building(s) and/or Structure(s) will result in the revitalization of the receiving neighborhood due to the relocation; or
- f. The relocation of the Historic Building(s) and/or Structure(s) will result in a new affordable housing development on the original site that creates more units than currently provided on the existing site and the rehabilitation of the Historic Building(s) and/or Structure(s) on the new receiving site.

(C) 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 Historic Preservation Board pursuant to Section 15-11-12 of this Code.

Exhibit B

15-15 DEFINED TERMS

1.269 **SUBSTANTIAL BENEFIT.** Significant improvement or positive effect that will fill a community need and/or meet a specified City Council goal and provide a considerable economic, financial, or environmental benefit to the community that does not currently exist.

Historic Preservation Board Meeting
July 20, 2016

4. Legislative Consideration of an ordinance amending the Land Management Code Section 15, Chapters 2.5, 2.6 to require Historic Preservation Board review of Historic District or Historic Site Design Review for both historic and non-historic structures, as well as Chapter 11 Purposes and Relocation and/or Reorientation of a Historic Building or Historic Structure

Planner Turpen reported that this item was an amendment to the LMC to expand the role of the HPB to include design review of commercial structures on Main Street; as well as amendments to relocation and reorientation.

Planner Turpen provided background on the design review component. On April 6th the Board reviewed the topics that Planner Grahm would be taking to the City Council regarding the Historic Preservation Update. Design Review was one of the topics and the HPB voted unanimously not to be the design review authority. However, when the topics were presented to the City Council, the Council had concerns about Main Street and gave the direction for Design Review to occur on all Landmarks structures.

Planner Grahm clarified that the City Council wanted a review of all Landmark structures; however, the Staff thought it was better to use Main Street as an example to perfect the Design Review before extending it beyond the HCB and the Heber Avenue subzone.

Planner Turpen explained that after the City Council made their recommendation, she met with Planner Grahm and Director Erickson and they determined that one of the biggest challenges would be to maintain the National Register District. Instead of just looking at Landmark structures they decided to look at all commercial structures in the HCB and the HRC Heber Avenue Subzone because they all contribute to the District. New construction has to be contributing as much as Landmark structures. To be consistent, the Staff thought it made sense from the standpoint of Design Review to look at all structures on the street.

Planner Turpen noted that the amendment expands the purpose of the HPB to include the Design Review component of those commercial structures. She stated that the Board would be reviewing the structures under the same criteria as the Staff in this specific section of the Code.

Planner Turpen pointed out that the noticing matrix was updated to reflect that noticing will be done when a structure comes before the HPB.

Director Erickson understood that this would also change the appeal of their action. Planner Grahm stated that appeals already go to the Board of Adjustment because of material deconstruction. The Board of Adjustment would remain the appeal body for this additional action.

Planner Grahm stated that she and Planner Turpen initially thought the HPB should only do reviews for Universal Guidelines because it was high-level and more detail oriented. However, after discussing it further, they decided that the Staff would do their analysis regardless, and if the Staff finds that it could not be approved or did not meet the LMC requirements they would not bring it to the HPB. Since the Staff analysis would already be done, the Staff thought it would be beneficial to share with the Board how it meets each specific design guideline. Planner Grahm thought the reviews could be done quickly.

Vice-Chair Stephens understood that the structure would go through the Design Review process and the HPB would be the last review in the process. Mr. Stephens asked since the Board would be reviewing those particular designs, whether they could be involved in the process earlier and sit in on the DRT meetings. Assistant City Attorney McLean replied that the Staff would be vetting the project and researching background information, and the HPB would make the final determination. However, the HPB would not be acting as a judge, which was the previous issue. Ms. McLean stated that unless the entire Board attended the DRT, there would be quorum issues and other problem related to the process. It would be more appropriate to request further information if necessary, or to request a presentation on certain aspects that could be given to the entire Board to make the determination.

Assistant City Attorney McLean pointed out that the process would become public sooner, since the goal is to be more transparent in terms of daylighting the process for the most treasured portion of the City. Mr. Stephens stated that he has the utmost confidence in the Planning Staff. However, there were occasions and occurrences in the past where applicants felt like they had gone through the design process with Staff, only to be turned away and denied by the Historic Board at that time. He wanted to know how they could educate and include the Board members before it gets to that final point. Ms. McLean suggested that the HPB could have a special meeting with the preservation consultant, but it would have to be a public meeting. She understood Mr. Stephen's concern because it is a complaint they hear quite often.

Director Erickson thought they could back off a little on the project specific review. He believed the difficulties between the Staff and the Historic Board and the public trust in operations, was due to a philosophic difference between the Board and the Staff. Instead of looking for a mechanism to involve the HPB earlier, he preferred a mechanism to avoid philosophical misunderstanding, or outright obstinacy on the part of former Staff members who had their own interpretation of not replicating history buildings and decided to insert contemporary. Director Erickson thought a better approach would be to find a way to discuss the guidelines and for the Staff to interpret the Board's philosophy with respect to the guidelines, rather than inserting the HPB into an individual

project. However, if the Staff hits an impasse in the process, they could bring it to the Board in a work session for guidance, or they could bring the project forward for approval or denial. Director Erickson stated that the current Staff spends a lot of time listening to the Board to make sure they are philosophically aligned. They will continue to do that as the Guidelines move forward.

Planner Grahn noted that the Guidelines for commercial buildings was scheduled to come before the HPB on August 3rd.

Vice-Chair Stephens did not disagree with Director Erickson. He thought it might work, primarily because of the high level of confidence he has in the Staff. However, the Guidelines are good, but they can be difficult to apply to unique properties or unique situations. Mr. Stephens stated that as Board members they have a responsibility to make themselves aware if there is an important project on Main Street.

Board Member Beatlebrox thought public input was also an important part of the process because people can see what the Staff has been working on with the owner or developer. It gives the public the opportunity to provide their comments and thoughts. Ms. Beatlebrox thought more care and priority needed to be given to high-profile projects. She believed it was important for the HPB to be involved in the review process for projects on Main Street.

Vice-Chair Stephens did not necessarily agree that the HPB needed to be involved in the review process because it is important to have confidence in a qualified Staff. He thought their involvement should relate more to the bigger picture.

Director Erickson stated that he was considering a mechanism to make sure the HPB knows the Staff is struggling with a difficult design problem and they might involve the HPB in the process sooner rather than later in terms of having a policy discussion. Mr. Stephens remarked that projects on Main Street are always important, and he would need more time than Friday to Wednesday, when the reports go and the meetings take place, to really understand the issues. Mr. Stephens thought it was less of a legislative issue and more of an administrative issue in terms of communication between the HPB and the Staff. If the Board wants to be involved and the Staff wants them involved, they would need the time to get up to speed on the processes the Staff has gone through and the problems they had to deal with. The packet should describe the process the Staff went through and would take more than just a cursory read to understand that process.

Planner Grahn stated that the question would be how much time the Board would need; noting that the Staff needs to plan ahead in terms of internal reviews for the Staff reports, noticing, and posting on the public website. Mr. Stephens

thought it could be as simple as putting in the Staff report that the Planning Department received this application. It would put the HPB on notice and each Board member would be responsible for pursuing whatever information they needed.

Vice-Chair Stephens opened the public hearing.

Ruth Meintsma stated that in the past she heard all the hesitations about dealing with Design Review and having confidence in Staff. Previously the Guidelines were difficult in vague areas and the language has changed. These Guidelines are so specific and clean, and she believed their level of discussion would be very different. When the Staff report is written on these projects, those Guidelines will be listed for their discussion. Ms. Meintsma thought it would empower them as a Board, and it would also give them the opportunity to not only back up a Staff decision, but they will begin to learn which guidelines are less effective than others. Ms. Meintsma believed the Board was entering into a new area with this design review, and she thought it would be an exciting responsibility at their level. She looked forward to seeing it happen.

Cindy Matsumoto stated that she was commenting as a private citizen and not as a Council member. She believed it was important for the HPB to take this step forward, because even though the HDDR has a public component, it is not at a regular scheduled meeting that the people are aware of and can follow. Ms. Matsumoto remarked that Main Street belongs to the community, and historic preservation is the community's responsibility. Having a meeting where the public can comment on the different aspects of a project helps the community to become educated on the Guidelines; and that education enables them to talk about specific guidelines that they do or do not support. Ms. Matsumoto reiterated that public input is important and the HPB would allow that input in a more democratic way.

Board Member Beatlebrox agreed, and she believes the community expects it. It is all about perception, and it would be good for the community to have the perception that there is another set of eyes looking at these high priority projects.

Vice-Chair Stephens closed the public hearing.

Board Member Stephens understood that the review under discussion was limited to the HCB and HRC zones. Planner Turpen replied that it was for commercial structures in the HCB and HRC sub Heber Avenue zones. Assistant City Attorney McLean remarked that as written, it was not clear that it was only for commercial. It was written to include all structures in those zones. Planner Grahm explained that in some cases former residential structures have become commercial structures, such as the High West Annex. Those structures fall into

the Heber Avenue Subzone, which is still part of the commercial core, and they have to maintain that integrity.

The Board had no further comments regarding design review.

Planner Grahn commented on the amendments for relocation. She explained that these were redone in an effort to be as clear as possible and to make sure there is consistency. Planner Grahn referred to Item A on page 225 of the Staff report, which was about abating demolition. She explained that they were not abating demolition by neglect. For example, if a road project goes through and expands SR224, they would not want the expansion to take out the barn, so the barn would have to be relocated on the site to abate demolition.

Planner Grahn believed the second item was fairly obvious. For example, if there was danger of the mountain or cliffside falling into a house it would create a hazardous situation and relocation would be necessary.

Planner Grahn stated that the third item was an effort to emphasize that if a structure is relocated, it would either enhance the ability to interpret the structure, or it does not diminish its overall physical integrity in its relationship with the District. They want to make sure they preserve as much historic integrity and significance as possible. Planner Grahn stated that a significant main point is that the City requires that a license structural engineer look at the structure to make sure that it can survive relocation. She pointed out that if it was also a panelization project, the Board would be looking at it for both panelization and relocation, similar to what they did on 1057 Woodside this evening. Planner Grahn stated that the preservation must be enhanced by relocating it. It is important to make sure that the relocation would not have a detrimental effect on the soundness of the building.

Planner Grahn referred to Item B on page 226, which were procedures for locating the structure to a different site in Old Town. The language was being changed for more clarity, and to make sure that even if the structure is being relocated to a new site, that it maintains its integrity and significance, that it does not have a negative effect on the District, and it does not threaten the structural soundness of the building. A structural engineer needs to make sure that it can sustain relocation. They also want to make sure that the applicant looked at all the options on the site and that restoring it on that site is not viable.

Planner Grahn stated that a Landmark structure is listed on the National Register of Historic Places. The National Register generally frowns upon relocation, although in some cases relocated structures are listed on the National Register. For that reason, Park City limits relocation to only Significant structures because they are not listed on the National Register of Historic Places. Significant is a lesser designation and it allows more flexibility.

Vice-Chair Stephens asked if reorientation or relocation includes the case where a home is lifted and replaced. Planner Grahn replied that the amendment addresses relocation of placement. It would be more horizontal on the lot or turned around, rather than vertical up and down.

The Staff recommended that the HPB forward a positive recommendation to the Planning Commission and the City Council on these amendments to the LMC.

Vice-Chair Stephens opened the public hearing.

There were no comments.

Vice-Chair Stephens closed the public hearing.

Board Member Holmgren liked the direction they were going with these amendments. She understood that many people are afraid of the changes, but she thought it was very positive for the people who live in Park City.

Vice-Chair Stephens was comfortable with the amendments because it is restrictive. He is not a design professional, but he was pleased with what the Planning Department has been doing as far as design approvals.

MOTION: Board Member Holmgren moved to forward a POSITIVE recommendation to the Planning Commission and the City Council to adopt an ordinance amending the Land Management Code of Park City to amend the Architectural Review Section 15-2.5-7, and Section 15-2.6-8, Purposes of the Preservation Board; Section 15-11-5 Relocation and/or Reorientation of a historic building or historic structure, Section 15-11-13. Board Member Hewett seconded the motion.

VOTE: The motion passed unanimously.

The meeting adjourned at 6:50 p.m.

Approved by _____
David White, Chair
Historic Preservation Board

Planning Commission Meeting
September 28, 2016
Page 7

support stabilization of the historic structures; the plan was submitted according to the terms of the approval.

12. On April 8, 2016, Park City Mountain Resort, Park City Historical Society and Museum, and Park City Municipal announced the formation of a new group dedicated to preserving the historic mining structures located at various locations at Park City Mountain named Friends of Ski Mountain Mining History.

Conclusions of Law – PCMR Mountain Upgrade & MPD

1. The MPD Historic Preservation Condition of Approval No. 4 had been met;
2. The MPD Historic Preservation Condition of Approval No. 4 finding of compliance has been noticed and public hearing held in accordance with this Code.

Conditions of Approval – PCMR Mountain Upgrade & MPD

1. All previous conditions of approval of the 2015-approved MPD apply.
2. No documentation of the additional structures will be required at this time; however, the Silver King and King Con aerial tramway towers shall be documented in an addendum to the Historic Preservation Plan concurrent to submittal of any future development applications.

Chair Strachan returned and resumed the Chair.

2. **Land Management Code (LMC) amendments – Amendments to the Park City Development Code, specifically amending Land Management Code – Chapter 11 Historic Preservation – regarding Relocation and/or Reorientation of a Historic Building or Historic Structure. (Application PL-14-02600)**

Planner Grahn explained that the purpose of this amendment is to make sure that unique conditions are in fact unique for the relocation and/or reorientation of a historic building or structure. The intent is not to prevent the relocation or reorientation of Significant structures, but rather to make sure there are clear criteria. However, it will be more difficult to relocate Landmark structures since that would impact the National Register of Historic Places listings.

Planner Grahn noted that on July 20th the Historic Preservation Board had reviewed the proposed amendments provided in the Staff report. Following their review and input the Staff revised the amendments.

The Staff recommended that the Planning Commission conduct a public hearing and forward a positive recommendation to the City Council.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

Commissioner Joyce referred to the redlined bullet point D on page 111 of the Staff report. He read the language which requires that a licensed structural engineer must certify that the historic building can successfully be relocated and that a professional building mover will move the building and keep it safe while it is being moved. He questioned why it only applied to Item 3. Commissioner Joyce asked why they were not applying the requirement for a structural engineer and a professional house mover to 100% of the requests to relocate a historic house.

Planner Grahn replied that it does apply to almost 100%, but one or two could result in a more urgent situation. As an example, if SR224 expands to a 12 lane highway and it could take out the McPolin Barn. Currently there is very little flexibility for whether or not it could be relocated, but they would want to relocate it in order to preserve the buildings. Another example would be if the barn was threatened at his current setting by a natural disaster in that location that would impact the building. If that were to occur there would be more of an urgent situation to relocate the structure. Planner Grahn stated that the unique conditions would be more than just opting to relocate the building and meeting all of the conditions.

Commissioner Joyce asked whether the professional building mover would apply in an urgent situation. Planner Grahn replied that it would depend on the situation. The building might need to be panelized in order to relocate due to a highway expansion or sink hole, whereas, Item 3 speaks more to voluntary relocations. Planner Grahn stated that a structural engineer is generally required before a building could be considered for relocation. If the Planning Commission felt it was important for additional clarification, she was willing to add bullet point D to Items 1 and 2. Commissioner Joyce stated that as written, it appeared that they were demanding the most for the least important.

Director Erickson asked if the preservation plan already requires a review by a structural engineer. Planner Grahm replied that it generally does not. However, if it is a unique situation and someone wants to voluntarily move their structure, she believed the owner or applicant would want to have a structural engineer confirm that it could be relocated successfully.

Commissioner Suesser referred to the redlined language inserted under 15-11-13 on page 110 of the Staff report. She noted that the language talks about if the relocation will abate demolition; **and** the Planning Director finds that the building is threatened in its present setting because of hazardous conditions. However, the provisions in subsection A below that has an **or** between bullet points 1 and 2. Commissioner Suesser thought they needed to make the language consistent. Planner Grahm agreed that the **and** in the language under 15-11-13 should be changed to **or**.

Commissioner Suesser pointed out that just changing and to or was not inclusive of Item 3. Planner Grahm suggested adding **or** between 1 and 1 as Commissioner Suesser suggested. However, since this addresses Landmark Structures, the intent is to clarify that a Landmark structure can only be relocated if the purpose is to abate demolition or the Planning Director and Chief Building Official find that the building is endangered at its present setting. Those are the only two conditions for moving a Landmark structure. Item 3 would not apply to a Landmark Site.

Commissioner Suesser referred to Item 3(d) on page 112 of the Staff report. She noted that unique conditions must include all of a, b, c and d, and in d, one of the following must be met. She did not feel that language made sense because (d) talks about a historic building located outside of the historic district, or a historic building that is a deterrent to a major improvement program outside of the historic district. She was unclear as to why they would have to meet one of those conditions.

Planner Grahm explained that there are historic structures located outside of the Historic Districts that might still retain their historic context. For instance, there is a cluster of historic houses on Deer Valley Drive and they help each other with compatibility. Number 3 would be outside of the Historic District but it does not relate to its context in terms of the historic integrity of the streetscape. Commissioner Suesser pointed out that if one of the two conditions under (d) must be met, it would not allow for relocation of a historic building to a new site within the historic district. Planner Grahm stated that a structure within the Historic Districts would not have to move around because it already has historic context by being in the District. They would not want the structure to be relocated because it contributes to the National Register Historic District of Residential Sites. Commissioner Suesser clarified that the amendment as proposed would not create a situation where a historic building could be moved from a historic site. Planner Grahm answered yes.

Structures within the Historic District could not be moved. She suggested that the Staff should look closer at the number of opportunities there were in the past to relocate within the District, and whether they would want to do that.

Assistant City Attorney McLean thought it was a good point that might need to be clarified. She noted that the proposed language says that only a historic building outside of the Historic District could be moved to a new site under unique conditions. The idea is that moving to a new site is the least preferred option and it needs to be a very unusual circumstance.

Commissioner Suesser asked about the Rio Grande building which was temporarily moved off its site and then moved back. Planner Grahm replied that because it was temporary the conditions would not apply. Instead, they looked at its original placement on the lot and the final location, as opposed to where it was temporarily being housed.

Commissioner Campbell asked if that would be allowed under these new proposals. Planner Grahm stated that the HPB would have to find unique conditions. Regarding the Rio Grande, the HPB would have had to find compliance with the criteria. Assistant City Attorney McLean clarified that there were two situations. One is moving within the site itself, such as the Rio Grande. Commissioner Campbell asked how the Rio Grande met any of the three criteria. Ms. McLean replied that it would not need to meet the three proposed criteria because the final resting place was still off-site. She stated that if the Rio Grande had been moved to a new site, such as City Park, the new site provision would apply. However, moving within its site, sub a) applies. Planner Grahm remarked that the criteria on page 111 would apply to buildings being relocated on an existing site. The Rio Grande would have had to meet that criteria.

Planner Grahm reminded the Commissioners that at the time the Rio Grande was relocated it only had to meet “unique conditions” and unique conditions was not defined. It was challenging for the Staff and the HPB to determine unique conditions, which is the reason for the proposed LMC revisions.

Commissioner Joyce read from page 113 of the Staff report, “The historic building or structure is deterrent to a major improvement program outside of the historic districts that will be of substantial benefit to the community”. Planner Grahm explained that they looked at what other cities do to relocate buildings. For example, in Charleston, if there is not as much density of historic buildings in a neighborhood, they allow people to relocate a historic structure if they can show that the new development on that site will have a substantial benefit to the community. She believed that in the 1990s when historic houses in Park City were relocated to accommodate the Town Bridge, it was a substantial benefit to the community. Planner Grahm noted that “substantial benefit” was not defined, but the

Staff thought it was a good option to have since there are a few buildings located outside of the historic district that have been isolated and abandoned. Director Erickson pointed out that it would be an HPB public process decision appealable to the Board of Adjustment.

Commissioner Thimm asked how substantial benefit would be defined. Planner Grahm stated that because substantial benefit is not defined, the HPB would have to find that the relocation is necessary to achieve a substantial benefit to the community. The burden would be on the applicant to demonstrate substantial benefit and the HPB would weigh it into their decision. Commissioner Thimm asked if that should be spelled out in the LMC. Director Erickson thought they could define “substantial”, but “benefit” would be an open community discussion. Commissioner Thimm stated that if a Board makes that decision, he assumed there would be a way to close a loop that is currently left open. Assistant City Attorney McLean suggested that they could include a list of examples of what might be considered substantial benefits. The list would not be inclusive, but it would be clear as to what might be considered as benefits.

Commissioner Joyce questioned whether the HPB or the BOA have the proper skill set and expertise to make that decision; particularly if the benefit is roads, tax base, affordable housing, etc. Chair Strachan thought it was clearly a policy decision for the City Council. Commissioners Phillips and Thimm agreed.

Director Erickson stated that the Planning Commission could make the recommendation that the HPB is the proper body to make a recommendation on the basis of historic integrity; but the City Council should make the determination on whether or not there is public benefit. They would also add examples of benefits. One example is that moving the structure would result in the restoration of the historic building.

MOTION: Commissioner Joyce moved to forward a POSITIVE recommendation to the City Council for the LMC Amendments to Chapter 11 - Historic Preservation Board Design Review regarding relocation and reorientation of historic structures, as amended. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

3. **7700 Stein Way – A Conditional Use Permit for an addition to the Stein Eriksen Lodge for ski lockers and guest recreational amenities, as well as improvements to the exterior pool and deck area and remodel of existing interior ski locker rooms and skier services** (Application PL-16-03176)