



**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
May 14, 2015**

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, May 14, 2015.

CLOSED SESSION

2:00pm To discuss Property, Personnel and Litigation

WORK SESSION

3:00 pm Council Questions and Comments and Manager's Report

Manager's Report

-Construction Project Update

3:15pm City Manager's Recommended Budget - CIP	Pg. 8
4:15pm WaterSmart Update	Pg 29
4:45pm Events Update	Pg. 36
5:15pm Old Town Toters (Trash Receptacles)Discussion	Pg. 68
5:45pm Sundance Economic Report	Pg. 78

REGULAR MEETING

6:00 PM

- I. ROLL CALL**
- II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF**
- III. PUBLIC INPUT (*ANY MATTER OF CITY BUSINESS NOT SCHEDULED ON THE AGENDA*)**
- IV. CONSENT AGENDA**

1. Consideration of a contract with Mountain Trails Foundation (MTF), for backcountry trail maintenance services on the Park City public trail system in an amount, not to exceed twenty five thousand dollars (\$25,000) annually, in a form approved by the City Attorney. Pg. 79

V. NEW BUSINESS

A. Agenda Items

1. Consideration of the 2014 Historic Preservation Award to Garage located at 101 Prospect Avenue. Pg. 84
2. Consideration of Park Avenue Walkability Improvements contract with B. Jackson Construction for Nine Hundred Sixty Thousand Four Hundred Eleven Dollars 80/100. (\$960,411.80). Pg. 98
3. Consideration of an Ordinance Approving Amendments to the Land Management Code Revising Chapter 2.24: Transfer of Development Rights (TDRs). Pg. 106

Public Hearing/Action

4. Consideration of the Land Management Code Amendments Regarding Setbacks for Patios and Hot Tubs in HRL, Chapter 2.1, HR-1 Chapter 2.2, HR-2 Chapter 2.3, and RC Chapter 2.16. Pg. 141

Public Hearing/ Motion to Continue to June 25, 2015

5. Consideration of the 205 Main Street Plat Pursuant to Findings of Fact, Conclusions of Law and Conditions of Approval in a Form Approved by the City Attorney. Pg. 142

Public Hearing/Motion to Continue to May 28, 2015

VI. ADJOURNMENT

A majority of City Council members may meet socially after the meeting. If so, the location will be announced by the Mayor. City business will not be conducted. Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the City Recorder at 435-615-5007 at least 24 hours prior to the meeting. Wireless internet service is available in the Marsac Building on Wednesdays and Thursdays from 4 p.m. to 9 p.m. Posted: 05/11/15 See: www.parkcity.org



MANAGER'S REPORT – 5/14/2015

Submitted by: Craig Sanchez
Subject: Projects Update

Main Street Streetscape

April

- East side - Questar begins main line replacement and building tie ins. 4th St. to turn around
- Set up lay down yard - north Swede Alley parking area
- Begin work on City Hall Plaza - completion end of June
- Complete Bear Bench Plaza - in ground lighting, landscape, pavers
- East side 4th Street south to Brew Pub - Begin storm drain, water meters, curb, and sidewalk replacement

For further information contact Craig Sanchez sanchez@parkcity.org
<<mailto:csanchez@parkcity.org>>435-615-5206

Water Projects

Estates Drive Water Line Replacement

- SCI will begin work to locate a minor leak in the water line that was installed in 2014
- Work will begin May 1st
- Will be intermittent water outages during the day to selective houses, contact has been made
- Project completion May 15th

Golf Course

- Repair landscaping and sod on golf course

Judge Pipeline Project - Three Kings Dr.

- Three Kings Dr. begin digging on 5/6
- One way traffic from Silver Start to Crescent Road in the South Bound direction
- North Bound will be closed in that area
- Completion 6/15

For further information please contact Craig Sanchez at csanchez@parkcity.org <<mailto:csanchez@parkcity.org>> or 435-615-5206

Park Avenue Pathway

- Park Avenue Walkability Project Construction Bid is scheduled for May 8th
- Tentative Construction Start date is June 1
- Repair/replacement of a water line and Questar gas line within the SR-224 Right of Way along Park Avenue between Kearns Blvd. and Deer Valley Dr.

- An 8-10' pathway, separated from the roadway, by a landscaped area, will be constructed along the entire west side of Park Avenue.
- A similar pathway, separated at various locations, will be constructed from the Christian Center to The Fresh Market on the east side of Park Avenue.
- Minor improvements will also be made to the Transit stop located on the west side of Park Avenue
- Fiber conduit placed within the project area where required.
- Completion of the project is scheduled by November 15th, 2015.

For further information contact Heinrich Deters hdeters@parkcity.org
<<mailto:hdeters@parkcity.org>> 435-615-5205

Deer Valley Drive Phase 2 Project

Park City has allocated funds for the beautification of Deer Valley Drive or the Deer Valley Drive Phase 2 Project. The area included within the Deer Valley Drive Phase 2 project includes the Deer Valley Drive corridor from the existing round-about east to the Snow Park Lodge, including the Deer Valley Drive loop.

Deer Valley Phase 2 was recently re-advertised for construction. The re-advertisement was the best approach after receiving high bids on the advertised project last summer. The project has been awarded and construction is scheduled to begin in May. A meeting with residents in the area is scheduled for May 6th.

- Anticipated construction to start - May 2015
- Construction Completion - September 2015

For further information please contact Kim Clark Kim@v-i-a-consulting.com <<mailto:Kim@v-i-a-consulting.com>> or 801-860-7354

McHenry Avenue Project

Park City Municipal Corporation has been working on the street and utility improvements for McHenry Avenue. The proposed project improvements include roadway paving, drainage improvements, and coordination with utility companies. The project has been awarded to Miller Paving and construction is scheduled to begin early May. A neighborhood meeting will be held on May 4th.

- Anticipated construction to start - May 2015
- Construction Completion - September 2015

For further information please contact Kim Clark Kim@v-i-a-consulting.com <<mailto:Kim@v-i-a-consulting.com>> or 801-860-7354

Rocky Mountain Power - Re-Conducting project

- RMP will be starting the work Monday, April 20,
- RMP anticipates taking 6 weeks to re-conductor the power feed to PC substation (remove existing transmission lines and replace with a higher quality wire),
- RMP will start their work near the PC substation and work their way east
- To replace the transmission lines, the power must be off. The PC substation will be back

fed from the Snyderville substation

- This means for the 6 weeks, we will only have one power feed into the City,
- If this feed goes down, we do not have a backup feed and will lose power,
- The Snyderville substation feed is also the main feed to our Judge substation, so if we lose this feed, we lose power to both the PC and Judge substations and thus the whole town will lose power.

For further information please contact Matt Cassel matt.cassel@parkcity.org <<mailto:matt.cassel@parkcity.org>>435-615-5075

Street Overlay Project - This is a draft schedule and will likely change

PROGRAM	IMPACT	SCHEDULE
Lower Utilities (manholes/water valves)	Low	June 22-July 11
Rotomilling	Minor	July 6 - 11
Asphalt Paving	Significant	July 6- 20
Readjustment of utilities	Low	July 8- August 8
Slurry Seal	Significant	August?
Crack Seal	Low	September
Sealcoat paths	Low	August?

Street Overlays:

- Park Ave: SR224 to 12th Street
- Chambers Ave: Prospect to Marsac Ave
- King Road: Main Street to end
- Deer Valley Drive: Snow Park Lodge to Solamere Drive
- Royal Street: Deer Valley up
- Meadows Drive: Evening Star to Silver Cloud
- Aspen Springs Drive: 2680 to Canyon Court

Type 2 Slurry Seals:

- Aerie Drive: SR224 to end
- Golden Way: Aerie Drive to end
- Aerie Circle: Aerie Drive to end
- Three Kings Court
- Webster Drive: Webster Drive to end
- Ina Ave: Comstock to Monarch Drive
- Paddington Drive: Euston to High Street South end
- High Street: Paddington to Paddington
- Waterloo Court: Paddington to end
- Victoria Circle: Paddington to end
- Sunrise Court: Ina to end
- Monarch Drive:
- Oak Wood Drive: Sun Ridge Drive to Oak Wood Court
- Oak Wood Court: Sun Ridge to end
- Sullivan Road (City Park): SR224 around Miners Hospital

Seal Coat Bike Paths

- McPolin Farm Trail: Payday Drive to White Pine Canyon Road
- • Holiday Ranch Loop Road Path: Jupiter View Drive to Little Kate
- North Forty Trail: School Field to Meadows Drive plus connecting spurs
- Spine Trail: Iron Horse Drive to 9th Street plus connecting spurs
- High School Field: High School parking lot to McPolin Elementary
- High School Field: Lucky John Drive to McPolin Elementary

For further information please contact Troy Dayley troy@parkcity.org
[435-615-5637](mailto:troy@parkcity.org)

R 224 - Marsac Avenue

- UDOT mill and overlay of SR 224 from Marsac roundabout to snow gate above Montage.
- Bid specs have not been finalized (probably next week) and then goes to bid.
- Likely start after July 4th weekend and complete by Labor Day
- Clean road for Tour of Utah and lower Marsac open for Arts Fest.

For further information please contact Brooks Robinson brooks@parkcity.org
[435-615-5309](mailto:brooks@parkcity.org)

Private Construction Projects

692 and 632 Main (Silver Queen)

- 692 - Completion?
- 632 - Completion?

333 Main - completion early July

- Completing exterior work - painting and landscaping
- Completing interior work - units completd
- Final commercial space has been leased - interior finishes in May

820 Park Ave - Completion November 2015

- Nearing vertical completion

205 Main Street - Completion Spring 2016

- Currently constructing footings and foundation

Park Avenue

- Multiple residential projects currently underway on Upper Park Avenue.

825 Main - completion late June

- Replacing deck at Town Lift Plaza

PCMR - Snowhut construction - Start date 5/4

- Currently developing construction mitigation plan
- Traffic impacts to the Old Town area primarily Swede Alley, Upper Main St., King Rd
- Completion mid-November

Marriott - 780 Main St. - Completion June 26th

- Removal and replacement of current walkways - including waterproofing

-

Imperial - New ownership no plans submitted at this time

For further information please contact Craig Sanchez csanchez@parkcity.org
<<mailto:csanchez@parkcity.org>>435-615-5206

Respectfully:

Craig Sanchez, Community Engagement Liaison



DATE: May 14, 2015

TO HONORABLE MAYOR AND COUNCIL

The City Manager Recommended Budget was presented and adopted by City Council on May 7. Over the next four weeks staff will present various aspects of the budget to Council. This week staff will present the 5-Year Capital Improvement Plan. Council should provide direction to staff on any recommended changes to the Final Budget. On June 18, the City will hold a public hearing and City Council will adopt the Final Budget.

Respectfully:

Nate Rockwood, Capital Budget, Debt & Grants Manager



City Council Work Session Report

Subject: City Manager Recommended Budget
Author: Jed Briggs & Nate Rockwood
Department: Budget, Debt, & Grants
Date: May 14, 2015
Type of Item: Legislative

Executive Summary:

The City Manager Recommended Budget was presented and adopted by City Council on May 7. Over the next four weeks staff will present various aspects of the budget to Council. This week staff will present the 5-Year Capital Improvement Plan. Council should provide direction to staff on any recommended changes to the Final Budget. On June 18, the City will hold a public hearing and City Council will adopt the Final Budget.

Recommendations:

Hold a discussion on the City Manager Recommended Budget and the proposed 5-Year Capital Improvement Plan. Council should provide direction to staff on any recommended changes to the Final Budget.

Topic/Description:

FY 2015 Adjusted Budget and FY 2016 City Manager Recommended Budget

Acronyms

BFO – Budgeting for Outcomes
FY- Fiscal Year
CIP – Capital Improvement Plan
RDA – Redevelopment Authority
ACA - Affordable Care Act
FIAR - Financial Impact Assessment Report
URS – Utah Retirement System
CEMP – Comprehensive Emergency Management Plan
P&P - Personnel Policies and Procedures
LED - Light-Emitting Diode
EE/CA - Engineering Evaluation/Cost Analysis
EPA – Environmental Protection Agency
NRDA - Natural Resource Damage Assessment
O&M - Operations & Maintenance
ARCST - Additional Resort Communities Sales Tax
GO Bonds – General Obligation Bonds
LOS – Level of Service
OTIS – Old Town Improvements Study
WALC – Walkability
WTP – Water Treatment Plant

Background:

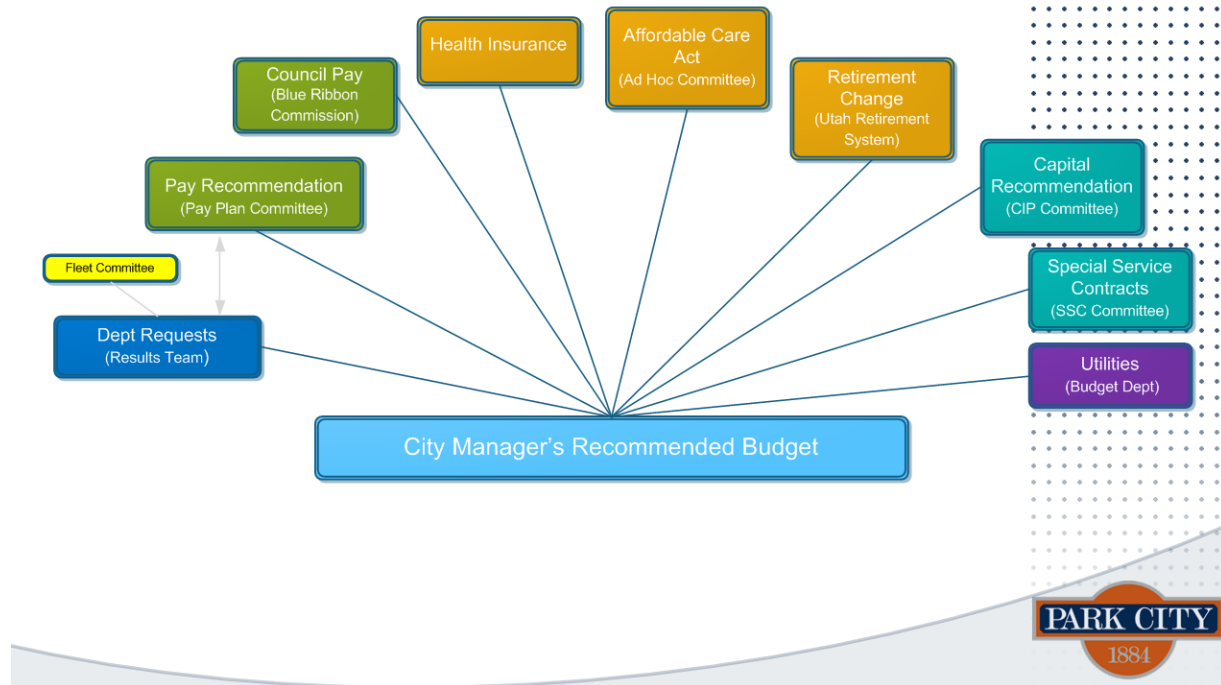
This budget season will be the second year of the budget biennium. Between now and June we will be working on adjusting the FY 2015 Budget as well as developing the FY 2016 Budget.

The City Manager Recommended Budget is constructed drawing upon Council input and direction received during the Council Retreat in January/February, as well as Council input received during work sessions and study sessions throughout the year. During a Council work session (Feb. 26), Council was presented with the Financial Impact Assessment Report (FIAR) projection of the City's expenditures and revenues over the next ten years. In essence, the FY16 budget has to fit within the confines of the FIAR's projected expenditure increases (based off of a 10-year historical analysis of an average annual increase of Park City's expenditures), approved by Council. The funding level recommendation has to account for what could be considered "inflationary" increases like Pay Plan, health insurance, and retirement as well as more discretionary increases like Affordable Care Act (ACA) provisions, departmental requests, CIP enhancement, etc.

Below are the City's Long-Term Budget Strategies for crafting the City Manager Recommended Budget:

1. Budget draws upon Council input from Council Retreat and FIAR projections as a guide
 - Priority-driven operating budget based upon Council's goals, objectives, and desired outcomes
2. Two-year budget process with fewer budget requests coming in the "off-year" (the "off-year" is FY16 in this particular biennium budget)
 - Second-year budget requests that will be considered are ones that
 - i. will come with revenue offsets;
 - ii. are accompanied by expense reductions, or that;
 - iii. are required by law; or
 - iv. are necessitated by market/environment changes that happened since the last budget adoption (since the adoption of the FY15 budget, in this case)
3. Budget committees' recommendations will be considered
 - Committees include Results Team as well as CIP, Pay Plan, Benefit, and Fleet committees and any other ad hoc committees needed for unique circumstances
 - Results Team will make recommendations by considering BFO score, manager's bid request, established need, available resources, and performance measures
4. All operating and capital budget requests should be considered during the budget process
5. General Fund budget surplus should be used for capital projects

BUDGET RECOMMENDATIONS



Utah State law requires that the City Manager present to Council a balanced budget at the first regularly scheduled Council meeting in May. A balanced budget is defined by Utah Code: “The total of the anticipated revenues shall equal the total of appropriated expenditures.” The proposed budget must be available for public inspection during normal business hours after it has been filed with the City Council. Between the first City Council meeting in May and the presentation of the Final Budget on June 18, the Council has the opportunity to review the proposed budget, consider public comment, and finally, adopt a balanced budget. Before June 22 the Council must adopt either a tentative budget if the certified tax rate is to be exceeded (tax increase) or a final budget and proposed tax rate (no tax increase). If there is a property tax increase, the Council holds an additional public hearing before adopting the budget in August.

The high level timeline for the strategic planning and budget process was provided to City Council during their annual retreat and is as follows:

ID	Task Name	Start/Ongoing	Finish	Duration	2015												2016	
					Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	
1	Council Retreat	2/4/2015	2/6/2015	3d		*												
2	Results Team deliberation	2/16/2015	3/30/2015	31d														
3	Quarterly Goal Update (Q3.FY14)	4/1/2015	4/15/2015	11d														
4	Council Budget Hearings	5/7/2015	6/25/2015	36d														
5	Quarterly Goal Update (Q4.FY14)	7/1/2015	7/15/2015	11d														
6	Business Plan FY14 Update	7/1/2015	9/1/2015	45d														
7	Biennial Plan FY15 & 16 Revision	7/1/2015	9/1/2015	45d														
8	Quarterly Goal Update (Q1.FY15)	10/1/2015	10/15/2015	11d														
9	BFO Departmental Submission	12/1/2015	1/29/2016	44d														
10	Biennial Plan FY15-16 Off-year Update	12/16/2015	1/15/2016	23d														
11	Quarterly Goal Update (Q2.FY15)	1/1/2016	1/15/2016	11d														

The timelines and process for the budget hearings is detailed below:

Feb 26 – FIAR presentation, monthly budget report, budget kickoff (Biennial Strategic Plans update).

May 4 - Staff delivered the City Manager Recommended Budget (Tentative or Proposed Budget) to City Council. Discussion/action is slated for these dates as follows, barring changes as needed:

May 7 – Presentation of the Tentative Budget, Budget Overview & Timeline, Update of Financial Impact Assessment Report (FIAR), and Benefits (pay plan, URS-Retirement, Health Insurance). Presentation and adoption of the Tentative Budget.

May 14 – CIP Budget

May 28 – Operating Expenditures - Biennial Plan Team Presentations and Fee Changes.

June 4 – Personnel Policies and Procedures (P&P) Manual, City Fee Resolution, Council Compensation, Budget Policies, Outstanding Budget Issues, Adopt CEMP update by resolution

June 18 – Presentation & Adoption of Final Budget (if no property tax increase), Adoption of Provisional Budget (if property tax will be increased)

Analysis:

On May 7, the budget staff presented an overview of the City Manager Recommended Budget including the Financial Impact Assessment Report (FIAR). This week, budget staff will present a more in-depth look at the proposed 5-year Capital Improvement Plan. The following CIP staff report mimics the information found in the “expenses” section in the Budget Document Volume I. In addition to presenting the information in the report

and answering questions about the Capital Improvement Plan, staff will present the FIAR/Additional Resort Communities Sales Tax Model and the Lower Park Ave. RDA Model. Much of the following text appears word-for-word in the budget document. **New text in this staff report has been added in green. Green text should not be thought of as greater in importance, but has been added to provide additional clarity or to indicate adjustments to the budget since the adoption of the City Manager Recommended Budget that will be included in the Final Budget.**

THE 5-YEAR CAPITAL IMPROVEMENT PLAN (CIP)

The capital budget, as proposed by the City Manager, continues to fund high priority projects which meet Councils' four goals. This year's the City Manager recommended budget has an added emphasis on funding affordable housing projects, which has been identified by Council as a critical priority. **In total, the CIP budget has over \$31 million in recommended funding for affordable, attainable and middle income housing over the next five years.** The following table shows a summary of current major projects with proposed funding amounts.

Major Capital Projects in 5-Year CIP				
Projects	Proposed Budget	Principal Funding Source	Scheduled Start	Scheduled Finish
Affordable Housing - 1450-60 Park Avenue	2,261,750	Lower Park RDA	2016	2016
Streets and Water Maintenance Building	3,126,000	General Fund Transfer	2017	2018
	1,224,000	Water Fund		
	650,000	Transit Fund		
Affordable Housing - Private Land Development #1	2,884,000	Lower Park RDA	2016	2016
Affordable Housing - Private Land Acquisition #1	250,000	Additional Resort Sales Tax	2016	2016
Affordable Housing - 13th Avenue Corridor	1,886,000	Lower Park RDA	2018	2019
Affordable Housing - Old Town Housing	3,205,000	Lower Park RDA	2018	2019
Affordable Housing - Land Acquisition/Banking Program	5,000,000	Lower Park RDA	2016	2020
	5,000,000	Additional Resort Sales Tax		
Affordable Housing - Neighborhood Preservation Program	10,650,000	Lower Park RDA	2016	2020
OTIS Phase III(a)	1,950,000	Additional Resort Sales Tax	Underway	2015
Water Projects (2015-2020)	47,517,553	Water Revenue (Bonds)	Underway	Phased
Storm Water Improvements	3,999,999	Additional Resort Sales Tax	Underway	2017
Prospector Drain - Regulatroy Project	2,039,655	General Fund Transfer	Pending	Phased
Soil Repository	1,300,000	General Fund	2016	2019
Downtown Enhancements Phase II	3,500,000	Sales Tax Bond	2017	2017
PCMR Transit Center	300,000	Transit Fund	Pending	Pending
	1,200,000	Federal Grants		
Open Space Acquisition	4,750,000	Additional Resort Sales Tax	Pending	Pending
Affordable Housing - Multi-Generational Housing	6,530,000	Lower Park RDA	Pending	2017
Prospector Avenue Reconstruction	230,000	Impact Fees	2016	2017
	1,000,000	Federal Grants		
	170,000	General Fund Transfer		

Major Capital Projects

Being the second year of a budget biennium, the CIP Committee ranked and evaluated new projects and placed them in the current 5 Year Capital Improvement Plan. This year's CIP committee (Blake Foncesbeck, Jon Weidenhamer, Ken Fisher, Marina Smith, Nate Rockwood, Matt Cassel, Scott Robertson, Kayla Sintz and Matt Twombly) scored and prioritized all new projects and all projects with significant changes in funding types or amounts and integrated them into the 5-Year Capital Improvement Plan. These projects were reviewed and ranked based on five criteria: Objectives (City

Council Goals), Funding, Necessity, Previous Investment, and Cost/Benefit. In addition, this year projects were also evaluated and scored based on projects which significantly contributed to Councils identified critical priorities. The CIP requests and recommendations are highlighted in the Expenditures section of the City Manager Recommended Budget Vol. I, with a complete detailed CIP report included in the [Volume II](#).

At the time of prioritization, projections showed a general fund transfer to the CIP Fund of approximately \$4.4 million in FY 2015, \$4.3 million in FY 2016, \$3.9 million in FY 2017, \$3.4 million in FY 2018 and \$2.9 million in FY 2019. These figures include approximately \$900K to \$1 million in transfers from the General Fund for equipment replacement.

The Committee recommended funding projects requiring operating General Fund transfer in the amount of \$4,422,000 in the current fiscal year, \$4,407,000 in FY 2016 and \$3,940,000 FY 2017, \$3,475,000 in FY 2018 and \$3,180,000 FY 2018 and \$2,830,000 in FY 2020. The recommended project totals then taper from \$3.1 million in FY 2019 to \$2.8 million in FY 2020 to match the amount required to fund the ongoing CIP projects. The City Manager made one adjustment to the CIP committee recommendation, which was to include funding for the Building Permit Issuance Software for the amount of \$18,000 in FY 2016.

As part of the 2015 Council Retreat, Council evaluated and selected two projects to be funded in FY 2015 as part of the Innovation Challenge. Funding for the projects comes from the additional transfer from the General Fund to the CIP (fund 031) remaining in FY 2014. The two projects selected were the Bus Stop Play Project for \$20,000 and the LED Street Light Retrofit Phase I project for \$78,000. The budget for FY 2015 has been adjusted to include these projects. With the adoption of the 2015 Tentative Adjusted Budget these projects will be formally included and approved as part of the FY 2015 Capital Budget.

The total proposed CIP budget (all funds combined) for the FY 2015 Adjusted Budget is \$92.7 million (\$31.3 million original budget and \$61.4 million carry-forward budget). The proposed FY 2016 CIP budget is \$39.7 million; FY 2017 CIP is \$40.3 million. The CIP includes significant debt financing including anticipated debt issuance in the Water Fund, Lower Park Redevelopment Area and in the Capital Fund (fund 031). The General Fund surplus required to fund projects in FY 2015 will be approximately \$4 million—the majority of which is dedicated to completing current projects, ensuring the maintenance of existing infrastructure, or securing funding for previously-identified needs. Projects in these categories include Pavement Management, Trails Master Plan Implementation, Traffic Calming, Asset Management, Walkability and Asset Management.

The list below details each of the new projects recommended for funding in the 5-Year CIP for the first time this year. Project descriptions are located in [Budget Vol. II](#) Capital Improvement section p.285-381(293-389 PDF):

New Project Requests (All Funds Combined)											
New Projects Recommended in 5-Year CIP											
New CIP #	Score	Project Name	Project Manager	Fund	Revenue	Total Project Cost By Fund	Total Budget				
							FY 2015	FY2016	FY 2017	FY 2018	FY 2019
000366	25.81	1450-60 Park Avenue	Robinson	33	LOWER PARK RDA	2,261,750		2,261,750			
000384	23.50	Old Town Housing	Robinson	33	LOWER PARK RDA	3,205,000			50,000	3,155,000	
000381	23.47	Private Land Development #1	Robinson	33	LOWER PARK RDA	2,884,000		2,884,000			
000382	23.00	13th Avenue Corridor	Robinson	33	LOWER PARK RDA	1,886,000			266,000	1,620,000	
000400	21.97	Paid Parking Infrastructure for Main Street Area	Fonnesbeck	57	TRANSIT FUND	525,000	525,000				
000380	21.81	Private Land Acquisition #1	Robinson	31	ADD RESORT TAX	250,000		250,000			
000388	21.72	Traffic Management Cameras	Cashel	57	TRANSIT FUND	175,000	50,000	75,000	50,000		
000387	20.06	Neighborhood Preservation Program	Robinson	33	LOWER PARK RDA	10,650,000	1,750,000	2,225,000	2,225,000	2,225,000	2,225,000
000392	19.69	Comstock Tunnel Discharge	Ober	31	TRANS FR GEN FUND	150,000	150,000				
000386	19.69	Land Acquisition/Banking Program	Robinson	31	ADD RESORT TAX	5,000,000	2,000,000	750,000	750,000	750,000	750,000
				33	LOWER PARK RDA	5,000,000	2,000,000	750,000	750,000	750,000	750,000
000363	19.14	Payment for snow storage lot	McAfee	31	TRANS FR GEN FUND	170,000		170,000			
000399	19.08	Video Storage Array	Robertson	31	TRANS FR GEN FUND	40,000		40,000			
000396	18.69	HR: Applicant Tracking Software (Recruiting software)	Robertson	31	TRANS FR GEN FUND	6,000		6,000			
				51	WATER SERVICE FEES	2,000		2,000			
				55	GOLF FEES	1,000		1,000			
				57	TRANSIT SALES TAX	6,000		6,000			
000398	18.56	Replacement of Data Backup System	Robertson	31	TRANS FR GEN FUND	100,000	100,000				
CP0089	18.42	Public Art	Rockwood	31	TRANS FR GEN FUND	225,000		75,000	75,000	75,000	
				31	LOWER PARK RDA	75,000		25,000	25,000	25,000	
000369	18.31	Parks Irrigation System Efficiency Improvements	Fonnesbeck	31	TRANS FR GEN FUND	On going		25,000	25,000	25,000	25,000
000362	18.19	McPolin Farm Barn Seismic Upgrade	Carey	31	TRANS FR GEN FUND	800,000		800,000			
000371	18.00	Streets and Water Maintenance Building	McAfee	31	TRANS FR GEN FUND	3,126,000		446,000	1,670,000	1,010,000	
				51	WATER FUND	1,224,000			1,224,000		
				57	TRANSIT FUND	650,000			650,000		
000376	17.17	Expand Rental Locker Capacity	Noel	31	TRANS FR GEN FUND	8,518	8,518				
000370	17.00	Remote snow storage site improvements	McAfee	31	TRANS FR GEN FUND	100,000		25,000	25,000	50,000	
		Legal Software for Electronic Document									
000352	16.19	Management and Workflow	Robertson	31	TRANS FR GEN FUND	35,000	35,000				
000368	15.94	Artificial Turf Replacement Quinn's	Fonnesbeck	31	TRANS FR GEN FUND	600,000					600,000
000391	15.67	Master Plan for Recreation Ameminities	Fisher	31	IMPACT FEES OPEN	126,000	101,000	25,000			
000407	15.61	Building Permit Issuance Software (City Manager Recommended)	Robertson	31	TRANS FR GEN FUND	18,000		18,000			
000409		Bus Stop Play Project	Fisher	31	BEGINNING BALANCE	20,000	20,000				
000403		Regionalization Fee	McAfee	51	WATER SERVICE FEES	200,000					200,000
000402		C1 - Quinns WTP to Boothill - Phase 1	McAfee	51	WATER SERVICE FEES	1,101,080					1,101,080
000401		C7 - Neck Tank to Last Chance	McAfee	51	WATER SERVICE FEES	320,707					320,707
000408		LED Streets Lights Phase I	Fonnesbeck	31	BEGINNING BALANCE	78,000	78,000				
000404		Operational Water Storage Pond	McAfee	51	WATER SERVICE FEES	5,000,000		500,000	500,000	2,000,000	2,000,000
000410		Park City Disc Golf	Rockwood	31	IMPACT FEES OPEN	35,000	35,000				

Recommended New CIP Amounts

The following figure shows projects that were not recommended for funding in the 5-Year CIP:

New Project Requests (All Funds Combined)											
New Projects Not Recommended in 5-Year CIP											
New CIP #	Score	Project Name	Project Manager	Fund	Revenue	Total Project Cost By Fund	Total Budget				
							FY 2015	FY2016	FY 2017	FY 2018	FY 2019
000374	17.78	Energy Management Project	Noel	31	TRANS FR GEN FUND	128,000	53,000	37,500	20,000	17,500	
000364	15.47	LED Street lights Phase II	Fonnesbeck	31	TRANS FR GEN FUND	135,000		135,000	Funded with revolving loan fund		
000397	15.11	HR: Human Resource Management System	Robertson	31	TRANS FR GEN FUND	65,000		35,000	30,000		
000375	15.03	Redundancy Projects	Noel	31	TRANS FR GEN FUND	40,000	15,000	25,000	Funded by ice assessment management		
000393	14.47	Upper Silver Creek LOMA	Cassel	31	TRANS FR GEN FUND	75,000			75,000		
000335	14.31	Feasibility & Conceptual Design Indoor Field Space	Fisher	31	TRANS FR GEN FUND	33,000		33,000	Funded by impact fees in Master Plan		
000333	13.78	Feasibility & Conceptual Design for Indoor Aquatics	Fisher	31	TRANS FR GEN FUND	33,000		33,000	Funded by impact fees in Master Plan		
000377	13.42	Ice Rink Expansion	Noel	31	DEBT SERVICE	8,000,000		8,000,000			
000389	13.36	Library Book Sorter	Twombly	31	TRANS FR GEN FUND	110,000		110,000			
000348	12.92	Additional Parking/ P.C. Police Building	Gustafson	31	TRANS FR GEN FUND	1,500,000		1,500,000			
000394	12.83	Innovation program with U of U Civil Engineering Department	Cassel	31	TRANS FR GEN FUND	10,000		10,000			

New CIP Amounts Not Recommended

The following table shows all projects funded with the general fund transfer, in order of how each project was scored by the CIP Committee:

Projects Recommended in 5-Year CIP (General Fund Transfer)								
CIP #	Score	Project Name	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
CP0006	26.36	Pavement Managment Implementation	300,000	300,000	300,000	300,000	300,000	300,000
CP0150	24.58	Ice Facility Capital Replacement	50,000	50,000	50,000	50,000	50,000	50,000
CP0075	23.47	Equipment Replacement - Computer	275,000	296,000	296,000	296,000	296,000	296,000
CP0146	23.47	Asset Management/Replacement Program	552,709	552,709	552,709	552,709	552,709	552,709
CP0312	23.42	Fleet Management Software	27,000	-	-	-	-	-
CP0336	23.00	Prospector Avenue Reconstruction	-	170,000	-	-	-	-
CP0267	22.81	Soil Repository	-	300,000	-	-	1,000,000	-
CP0278	21.97	Royal Street	1,250,000	-	-	-	-	-
CP0325	21.83	Network & Security Enhancements	80,000	-	-	-	-	-
CP0290	21.53	APP Development	60,000	-	-	-	-	-
CP0074	21.47	Equipment Replacement - Rolling Stock	650,000	700,000	700,000	750,000	750,000	800,000
CP0217	21.36	Emergency Management Program	10,000	10,000	-	-	-	-
CP0061	20.89	Economic Development	25,000	25,000	25,000	-	-	-
CP0339	20.81	Fiber Connection to Quinn's Ice & Water	65,000	-	-	-	-	-
CP0333	20.64	Engineering Survey Monument Re-establish	10,000	5,000	5,000	-	-	-
CP0041	20.53	Trails Master Plan Implementation	45,000	30,000	30,000	30,000	30,000	30,000
CP0017	20.42	ADA Implementation	5,000	5,000	5,000	5,000	5,000	5,000
CP0250	20.31	Irrigation Controller Replacement	20,000	20,000	20,000	20,000	20,000	20,000
CP0191	19.97	Walkability Maintenance	40,500	40,500	40,500	40,500	40,500	40,500
CP0340	19.94	Fleet Shop Equipment Replacement	15,000	15,000	15,000	15,000	15,000	15,000
000392	19.69	Comstock Tunnel Discharge	150,000	-	-	-	-	-
CP0036	19.69	Traffic Calming	37,500	37,500	10,000	10,000	-	-
CP0142	19.61	Racquet Club Program Equipment Replaceme	60,000	60,000	60,000	60,000	60,000	60,000
CP0231	19.47	Mortgage Assistance Program	-20,000	-	-	-	-	-
CP0264	19.25	Security Projects	25,000	50,000	-	-	-	-
000363	19.14	Payment for snow storage lot	-	170,000	-	-	-	-
000399	19.08	Video Storage Array	-	40,000	-	-	-	-
CP0251	19.06	Electronic Record Archiving	6,000	-	-	-	-	-
000396	18.69	HR: Applicant Tracking Software (Recruiting software)	-	6,000	-	-	-	-
000398	18.56	Replacement of Data Backup System	100,000	-	-	-	-	-
CP0089	18.42	Public Art	-	75,000	75,000	75,000	-	-
CP0280	18.42	Aquatics Equipment Replacement	11,250	11,250	11,250	11,250	11,250	11,250
000369	18.31	Parks Irrigation System Efficiency Improvements	-	25,000	25,000	25,000	25,000	25,000
000362	18.19	McPolin Farm Barn Seismic Upgrade	-	800,000	-	-	-	-
CP0229	18.17	Dredge Prospector Pond	-	-	-	150,000	-	-
000371	18.00	Streets and Water Maintenance Building	-	446,000	1,670,000	1,010,000	-	-
CP0332	17.86	Library Technology Equipment Replacement	14,387	24,387	24,387	24,387	24,387	24,387
CP0337	17.67	Solar Installation - MARC	426,800	-	-	-	-	-
000376	17.17	Expand Rental Locker Capacity	8,518	-	-	-	-	-
000370	17.00	Remote snow storage site improvements	-	25,000	25,000	50,000	-	-
000352	16.19	Legal Software for Electronic Document Management and Workflow	35,000	-	-	-	-	-
000368	15.94	Artificial Turf Replacement Quinn's	-	-	-	-	-	600,000
000407	15.61	Building Permit Issuance Software (City Manager Recommended)	-	18,000	-	-	-	-
CP0042	Not Rated	Property Improvements Gilmore O.S.	100,000	100,000	-	-	-	-
Total			4,434,664	4,407,346	3,939,846	3,474,846	3,179,846	2,829,846

Projects Recommended in 5-Year CIP (General Fund Transfer)

New Ongoing CIPs

The following table shows ongoing General Fund projects in the 5-Year CIP. This year's CIP incudes two new ongoing capital replacement projects:

Ongoing CIP Projects with General Fund Transfer as Funding Source							
CIP#	Project Name	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
000369	<i>Parks Irrigation System Efficiency Improvements</i>		25,000	25,000	25,000	25,000	25,000
CP0006	Pavement Managment Implementation	300,000	300,000	300,000	300,000	300,000	300,000
CP0041	Trails Master Plan Implementation	30,000	30,000	30,000	30,000	30,000	30,000
CP0074	Equipment Replacement - Rolling Stock	650,000	700,000	700,000	750,000	750,000	800,000
CP0075	Equipment Replacement - Computer	275,000	296,000	296,000	296,000	296,000	296,000
CP0142	Racquet Club Program Equipment Replaceme	60,000	60,000	60,000	60,000	60,000	60,000
CP0146	Asset Management/Replacement Program	552,709	552,709	552,709	552,709	552,709	552,709
CP0150	<i>Ice Facility Capital Replacement</i>	50,000	50,000	50,000	50,000	50,000	50,000
CP0191	Walkability Maintenance	40,500	40,500	40,500	40,500	40,500	40,500
CP0250	Irrigation Controller Replacement	20,000	20,000	20,000	20,000	20,000	20,000
CP0280	Aquatics Equipment Replacement	11,250	11,250	11,250	11,250	11,250	11,250
CP0332	Library Technology Equipment Replacement	14,387	24,387	24,387	24,387	24,387	24,387
CP0340	Fleet Shop Equipment Replacement	15,000	15,000	15,000	15,000	15,000	15,000
Total		2,018,846	2,124,846	2,124,846	2,174,846	2,174,846	2,224,846

Ongoing CIP Projects with General Fund Transfer as Funding Source

Parks Irrigation System Efficiency Improvements

Many of the Parks irrigation systems are outdated and in need of a system upgrade to improve efficiencies. The purpose of the Parks Irrigation System Efficiency project is to create a program to fund irrigation system improvement to increase system efficiencies. Some of our irrigation systems are approaching 30 years old and in need of an upgrade. With new irrigation equipment or modifications, current systems could be updated to improve system efficiencies. The program would include:

- Perform a water audit using a certified third party auditor to test the distribution uniformity (DU) of the larger systems.
- Evaluate each park design and functionality; identify opportunities to modify existing park area to create a lower water use landscape.
- Use audit information to identify inefficiencies in each system and outline future projects.
- Create a program to systematically upgrade irrigation system and/or landscaping.
- Following system upgrades, the park would be retested to verify efficiency increases. The program would be an on-going program investing 25,000 annually.

Ice Facility Capital Replacement

The Ice Facility currently receives \$50,000 annually from Snyderville Basin Recreation District to be used for annual and long term capital facilities asset management. As the facility is approaching 10 years in operation the capital facility replacement needs have increased. The City Manager Recommended Budget includes an additional \$50,000 annual contribution from the City's general fund transfer for necessary capital replacement needs. The Ice Facility Staff has created a 10 and 20 year capital replacement plan. This plan includes necessary replacement but also includes efficiency system upgrades which will result in ongoing operations savings. These include improvements such as Dehumidifier Desiccant Wheel Replacement, Replacing tank-less water heaters, Compressor Un-loaders, Wrapping Ducts, Electrical Evaluation with installation of appropriate power management capacitors, and LED lighting upgrades.

Major Project Adjustment and Updates

Prospector Drain

On January 10, 2013, Council reviewed, approved, and signed the Proposed Administrative Order on Consent (Settlement Agreement) for Richardson Flat Tailings Site OU4 (the Prospector Drain) negotiated by Park City Municipal Corporation staff, the Environmental Protection Agency, the U.S. Fish and Wildlife Service, the Bureau of Land Management and the Utah Department of Environmental Quality. This Settlement Agreement provides for the preparation and performance of an Engineering Evaluation/Cost Analysis (EE/CA) and a non-time critical removal action for OU4. The Prospector Drain is a shallow groundwater drain underneath a portion of a historic tailings pond that has been developed with residences on the surface. The project will include site characterization, risk assessment, the development of removal action alternatives and their respective costs, and implementation of selected removal action.

The project is being done under an Administrative Order on Consent with the EPA to address the discharge of metals impacted water from the Prospector Drain and Biocell. Project involves first conducting an Engineering Evaluation and Cost Analysis, then selecting a remedial action and implementation. In addition, a Natural Resource Damage Assessment (NRDA) must be done that will determine compensatory restitution for damages to natural resources.

Previously the Prospector Drain was funded as a capital project in the Water Fund, however based on the recommendation of the city's financial audit it was determined that the project should be funded within the capital improvements fund (Fund 31). It is the recommendation of the environmental team that previously allocated environmental CIP funds should be used on the high priority Prospector Drain project. Funding for this project was moved up to FY 2014 to cover current costs associated with the project. The current budget is based on a better understanding of potential outcomes and regulatory requirements of the project. In addition, we now have a better understanding of agency costs and NRDA costs.

We are not 100% certain the EPA will require a treatment plant to be built. But this is a realistic, worst case scenario. In the case where we are required to build a treatment facility, there will be an ongoing operating expense for routine maintenance. This amounts to potentially \$420,000 estimated annual O&M (includes 25% contingency).

Housing Action Plan

In December 2014, City Council identified Affordable, Attainable and Middle Income Housing as a critical priority. On February 5, 2015 the City's Community Affairs Manager and Housing Specialist presented an overview of the current state of housing in Park City, 2014 accomplishments, a one-year action plan and five year targets. At that time staff also committed to return monthly to City Council on housing –related topics. Staff has presented the Housing Action Plan to reflect both actions taken and actions planned through June 30, 2019.

The four program areas of the plan are: Housing Regulatory Tools, Neighborhood Preservation

Pilot Program, City Sponsored Development and Land Acquisition/Disposition. As committed to Council, staff will continue to update this action plan monthly to reflect completed items, updated timelines and provide greater levels of detail as programs become more defined. The updates and action plan are laid out in a built point check list format (see below). Descriptions and Budget Amounts for individual projects are outline in the project descriptions contained in the Budget Document Vol. II.

Funding for the proposed housing action plan are recommended from two primary funding sources: the Lower Park RDA & the Additional Resort Communities Sales Tax (see Additional Resort Communities Sales Tax section below).

Regulatory Tools		
<ul style="list-style-type: none"> • Housing Nexus Review & Code Barrier(s) Analysis • Housing Resolution Update • Inclusionary Housing Plans • Compliance 		
Actions Taken	July 1 – September 30, 2015	July 1, 2016 – June 30, 2017
<ul style="list-style-type: none"> ✓ Deed restrictions for Park City Heights Recorded ✓ Request for Proposals(RFP) for Housing Nexus Review and Housing Barrier Analysis issued 	<ul style="list-style-type: none"> <input type="checkbox"/> Review of Nexus and Barrier studies <input type="checkbox"/> Housing Resolution Update <input type="checkbox"/> Vail Housing Plan review (potential) 	<ul style="list-style-type: none"> <input type="checkbox"/> Annual compliance review of deed restricted units <input type="checkbox"/> Housing Resolution Review <input type="checkbox"/> Park City Heights sales continue
Through June 30, 2015	October 1 – December 31, 2015	July 1, 2017 – June 30, 2018
<ul style="list-style-type: none"> <input type="checkbox"/> Award of contract for Housing Nexus Review and Barrier Analysis <input type="checkbox"/> IHC Housing Plan to Housing Authority <input type="checkbox"/> Central Park City Condos to Housing Authority 	<ul style="list-style-type: none"> <input type="checkbox"/> Annual compliance review of deed restricted units <input type="checkbox"/> Park City Heights sales begin <input type="checkbox"/> Review of barrier to housing development and recommendations <input type="checkbox"/> Treasure Hill Housing Plan review (potential) 	<ul style="list-style-type: none"> <input type="checkbox"/> Annual compliance review of deed restricted units <input type="checkbox"/> Housing Resolution Review <input type="checkbox"/> Park City Heights sales continue
	January 1 – June 30, 2016	
	<ul style="list-style-type: none"> <input type="checkbox"/> Annual compliance review of deed restricted units <input type="checkbox"/> Implement Code Changes, as necessary <input type="checkbox"/> Park City Heights sales continue 	

City Sponsored Development

- 1450/1460 Park Avenue
- City-owned land in Lower Park Avenue
- New city projects

Actions Taken

1450/60 Park Avenue

- ✓ Massing studies complete
- ✓ Request for Proposals for Architecture and Engineering Services issued
- ✓ Capital budget requests submitted
- ✓ Discussion with Planning Department on historic property options
- ✓ Soils and industrial hygienist testing

Lower Park Avenue

- ✓ Letter of Intent for Design Studio issued
- ✓ Stakeholder interviews underway
- ✓ Capital budget request submitted

New City Projects

- ✓ Housing feasibility for Brew Pub lot in RFP

Through June 30, 2015

1450/60 Park Avenue

- Architecture and engineering commences
- Community Outreach

Lower Park Avenue

- Stakeholder interviews complete
- Community gathering and input (May 19)
- Design Studio Selection (May 20)
- Design Studio Webinar (June 5)
- What's Next Gathering Update (June 30)

New City Projects

- Further milestones to be developed, if necessary, based on brew pub lot feasibility
- Develop policy parameters for considering affordable housing in city projects.

July 1 - Sept 30, 2015

1450/60 Park Avenue

- Entitlement process begins

Lower Park Avenue

- Design studio & presentations (July 13-16)
- Council recommendation on preferred option, development structure and timing
- Request(s) for proposals issued
- Negotiated development plan to Council
- Community outreach

New City Projects

- Future milestones TBD

Sept 30 – December 31, 2015

1450/60 Park Avenue

- Entitlement process concludes

Lower Park Avenue

- Request for Proposals for Architecture and Engineering or Joint Venture services issued and awarded

New City Projects

- Future milestones to be developed

January 1 – June 30, 2016

1450/60 Park Avenue

- Construction drawings bid
- Construction start May 2016

Lower Park Avenue

- Development and entitlement process begins (scope TBD)

New City Projects

- Future milestones TBD

July 1, 2016 – June 30, 2017

1450/60 Park Avenue

- Sale of units Fall 2016
- Project closeout Fall 2016

Lower Park Avenue

- Scope to be determined
- Development continues

New City Projects

- Future milestones to be developed

July 1, 2017 – June 30, 2018

Lower Park Avenue

- Development continues

New City Projects

- Future milestones to be developed

Land Acquisition and/or Disposition

- Parcel Identification
- Feasibility Studies
- Policy Development

Actions Taken

- ✓ Potential for affordable housing incorporated into City Property Master Plan.
- ✓ Capital budget request submitted

Through June 30, 2015

- Feasibility analysis and/or implementation as potential sites are identified

July 1 – September 30, 2015

- Feasibility analysis and/or implementation as potential sites are identified

October 1 – December 31, 2015

- Feasibility analysis and/or implementation as potential sites are identified.

January 1 – June 30, 2016

- Feasibility analysis and/or implementation as potential sites are identified

July 1, 2016 – June 30, 2017

- Feasibility analysis and/or implementation as potential sites are identified

July 1, 2017 – June 30, 2018

- Feasibility analysis and/or implementation as potential sites are identified

Neighborhood Preservation Pilot Program

Actions Taken

- ✓ Worked with Capital Improvement Project (CIP) Committee on recommended significant funding allocation for this program

Through June 30, 2015

- Identify program models and best practices

July 1 – September 30, 2015

- Draft program parameters

October 1 – December 31, 2015

- Revised program parameters
- Community outreach/input
- Internal coordination with budget, finance and legal

January 1, 2016 – June 30, 2016

- Work session on program design
- Community outreach
- Property Identification

July 1, 2016 – June 30, 2017

- Begin implementation, if feasible

July 1, 2017 – June 30, 2018

- Implementation continues

Housing Action Plan

The City Manager Recommended Budget contained over \$31 million in new affordable, middle income and attainable housing projects over the next 5 years. Funding for the proposed housing projects recommended from two primary funding sources: the Lower Park RDA & the Additional Resort Communities Sales Tax (see Additional Resort

Communities Sales Tax section below). The following table details recommended funding for affordable and attainable housing projects.

CIP Projects - Affordable Housing										
CIP#	Project Name	Manager	Fund	Revenue	Total Cost	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
000366	1450-60 Park Avenue	Robinson	33	Lower Park RDA	\$ 2,261,750	2,261,750				
000380	Private Land Acquisition #1	Robinson	31	Additional Resort Tax	\$ 250,000	250,000				
000381	Private Land Development #1	Robinson	33	Lower Park RDA	\$ 2,884,000	2,884,000				
000382	13th Avenue Corridor	Robinson	33	Lower Park RDA	\$ 1,886,000			266,000	1,620,000	
000384	Old Town Housing	Robinson	33	Lower Park RDA	\$ 3,205,000			50,000	3,155,000	
000386	Land Acquisition/Banking Program	Robinson	31	Additional Resort Tax	\$ 5,000,000	2,000,000	750,000	750,000	750,000	750,000
			33	Lower Park RDA	\$ 5,000,000	2,000,000	750,000	750,000	750,000	750,000
000387	Neighborhood Preservation Program	Robinson	33	Lower Park RDA	\$10,650,000	1,750,000	2,225,000	2,225,000	2,225,000	2,225,000
Total					\$31,136,750	11,145,750	3,725,000	4,041,000	8,500,000	3,725,000

Funding for Housing Projects

It is recommended that the bulk of Housing Land Acquisitions, to the extent possible, come from the Additional Resort Communities Sales Tax. This will allow the most flexibility for land acquisitions while properties are evaluated for affordable housing projects. Projects which are outside the RDA and are not considered affordable housing will likely be funded through the Additional Resort Communities Sales Tax. Affordable housing construction projects are recommended to be financed through the Lower Park RDA. Proceeds from sales of affordable housing units will be returned to the RDA to be put into the next set of affordable housing projects or economic development projects in the RDA. Staff has developed finance models for both the Lower Park RDA and the Additional Resort Communities Sales Tax which will be presented to Council as part of the FY 2016 Budget Hearings.

Deer Valley Drive

The Deer Valley Drive Reconstruction project was originally funded for FY2011 as part of the FY 2008 budget process. The project includes the reconstruction of Deer Valley Drive including water infrastructure as well as walkable/functional and aesthetic improvements to the street. The project has been divided into two phases. Phase I was partially funded with federal funds (\$1M), water service fees (\$1.6M), storm water funds (Additional Resort Sales Tax \$760K) and General Fund transfer (\$441K). In FY2014 Council authorized the use of the Additional Resort Communities Sales Tax as the funding source for phase II (\$950K).

The first phase of the Deer Valley Drive Reconstruction project included replacement of the existing collapsed storm drain, replacement of the gas line (work and design to be performed by Questar Gas), replacement of the existing distribution water line, pedestrian modifications at the round-about, left turn lane at the intersection of Deer Valley Drive and Deer Valley Drive North, bus pullouts, speed limit feedback signs, pedestrian lighting from the round-about to Sunnyside Drive, update of signage and road resurfacing.

The proposed second phase of the Deer Valley Drive Reconstruction project would include additional pedestrian lighting, crosswalks, possible bus shelters/bus stop

amenities, cleaning of the creek, landscaping improvements along the corridor, a new entry feature near the intersection of Deer Valley Drive and Deer Valley Drive north, and improved sidewalks. This project was delayed in FY 2014 due to poor bid response but has since been rebid and construction will begin in Spring of FY 2015.

Spiro Water Treatment Plant Related CIP Projects (Streets and Water Maintenance Building & Parks and Golf Maintenance Buildings)

Due to explosive growth in Park City and increasing Federal and State regulations, additional land and financial capital must be allocated for the expansion of operational and administrative needs in order to continue the current Level of Service (LOS) provided by Public Works and Public Utilities. Park City's greatest assets include the built infrastructure and natural environments which offer a truly world class experience and lifestyle. Management of these assets and the services provided by Public Works and Public Utilities has provided the foundation for our unprecedented success and we must prioritize and invest in securing the long term Public Works and Public Utilities resource needs to achieve Council's vision and goals. Required resources include adequate space for equipment and material storage, employee workspaces, training and meeting spaces, and customer service. To continue the current LOS in the face of these challenges, we must expand our physical operational space and provide the tools, resources, and basic administrative needs for staff at all levels.

Staff has not finalized a detailed study or design but it is estimated that the Public Utilities Team (Water, Streets, and Storm Water) will need at least 5 acres of space to contain existing equipment, materials, and administrative needs. This area would include enclosed equipment storage; a laydown yard for material, equipment, storage, and staging; administrative space; and customer access.

Staff is also proposing the construction of a small operational storage reservoir. Water storage provides the ability to equalize peak flows and provide redundancy. This smaller storage reservoir would be a part of our existing Rockport Water Importation System which the City spent over \$45M on over the past 10 years. This importation system is critical to the water supply for Park City both in the summer peak months and during the snowmaking season. However, there is a large amount of risk associated with this water supply as it relies on an extremely large pump station near Rockport Reservoir and approximately 14 miles of high pressure pipeline to transport water to Quinns WTP. Failure of any of this infrastructure or a short term water quality upset condition in the Weber River upstream of Rockport Reservoir would compromise this critical water supply. A large water storage reservoir, would significantly mitigate this risk by storing water that could be treated at Quinns WTP. It is likely that even if the Rockport system failed, several of the City's other sources would continue to produce water and water stored in this reservoir could supplement the water supply for several days and in most cases several weeks. In a major event when power to the entire City is lost, water stored in this reservoir could still be treated as Quinns WTP has a generator capable of running the entire treatment and pumping process.

The following table details the recommended maintenance building relocation budget related to the potential Spiro Water Treatment Plant expansion:

Spiro Water Treatment Plant Related CIP Projects											
CIP#	Project Name	Manager	Fund	Revenue	Total Cost	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
000371	Streets and Water	McAfee	31	Transfer from General Fund	\$2,700,000	-	385,221	1,442,418	872,361	-	-
	Maintenance Building		51	Water Fund	\$2,700,000	-	-	2,700,000	-	-	-
			57	Transit Fund	\$ 650,000	-	-	650,000	-	-	-
			TBD	Storm Water Fund	\$2,700,000	-	-	2,700,000	-	-	-
000404	Operational Water Storage Pond	McAfee	51	Water Fund	\$2,700,000	-	-	-	2,700,000	-	-
000411	Parks and Golf	Fonnesbeck	31	Transfer from General Fund	\$ 426,000	-	-	426,000	-	-	-
	Maintenance Buildings		33	Lower Park RDA	\$ 204,000	-	-	204,000	-	-	-
			51	Water Fund	\$ 770,000	-	-	770,000	-	-	-
			57	Transit Fund	\$ 100,000	-	-	100,000	-	-	-

Maintenance Building Relocation Budget

Walkability Projects

To date, approximately \$7,900,000 has been utilized to fund the twenty seven substantially completed projects. \$7,170,000 in voter approved bond funds remain from the \$15 Million bond initiative. On March 5, 2013, staff presented a walkability update which included the remaining walkability project list and proposed project timeline to Council. At that time Council indicated that they were in favor of moving forward with the listed walkability projects and authorized issuing a General Obligation (GO) Bond for the remaining \$7,175,000 of voter approved Walkability GO Bonds.

Two of the thirty six WALC Projects remain. These two projects are located within the Dans-Jans corridor. Pathway construction on the west side of Park Avenue and significant portions of the east side, is currently out to bid and anticipated to be completed by November 2015. The remaining portions of the pathway on the east side of Park Avenue and an underpass at Kearns Boulevard is in the design phase with construction tentatively scheduled for 2016.

Prospector Avenue Reconstruction

Park City is slated to receive \$1,000,000 in Small Urban Fund Grant money in 2016. These funds require a 7% match but also have strict restrictions on how they are used. The CIP money requested is to allow our staff to complete the project in one season. Elements of the project include updated storm drains, sidewalks, bus pullouts, additional lighting, resurfacing of the road, bike lanes, etc. This project is scheduled for FY 2016, additional details including scope, schedules and community and business impacts will be discussed in detail as the project is designed and developed.

McPolin Farm Seismic Upgrade

The McPolin farm is considered a historic icon in the entryway corridor to Park City. The existing structure is currently inadequate to resist snow loads, wind loads and high seismic loads required by local building codes. There are several structural deficiencies with the general framing of the building that should be repaired. The connection of the floor beams to the exterior wood post needs to be strengthened, the gable walls need to be stiffened and the floor framing at the stairs need to be strengthened. The gable walls need to be stiffened and the floor framing at the stairs needs to be strengthened. Under design snow loads, the roof structure is highly over stressed. Over the last year, staff

and the Friends of the Farm Committee have presented several options to Council on was to preserve or improve the facility. Based on Council’s discussions the current 5-year CIP includes \$800,000 in the FY 2016 budget. This amount would be sufficient to do the “middle” option which includes fixing all structural issues including adding a new structurally sound foundation and structural system, removing the internal cables and replacing the windows. Council should have further discussions regarding this project to assure that the current direction is appropriate.

Additional Resort Communities Sales Tax

In FY 2014 the City secured an additional funding source with the Additional Resort Communities Sales and Use Tax (ARST). It was anticipated that the ARST would generate approximately \$3.2 million in FY 2014. The amount actually received was just over \$3.5 million. The full amount of the anticipated revenue was designated to be received in the City’s Capital Improvement Fund. The total allocation of the ARST funds will be adjusted each year as part of the CIP process. The potential funding type will vary between cash and debt as project timing is adjusted to match projected project expenditures. To date the City has issued two Sales Revenue Bonds in FY 2014 & FY 2015 totaling \$17,375,000 and leveraged approximately 35 percent of the Additional Resort Sales Tax until FY 2029.

The A/B scenario originally adopted by Council during the FY 2013 budget process designates total funding between 2014 and 2021 to the following capital projects:

Additional Resort Communities Sales Tax - Cash and Bonds		
Designated Project 2014 - 2021	Total Funding Amount	Amount Expended to Date
Historic Park City/ Main Street & Downtown Projects	\$14.5 M	\$800 K + (\$3 M GOED)
OTIS	\$8.5 M	\$2.1 M
Open Space	\$15 M	\$10.24 M
Storm Drain Improvements	\$8.5 M	\$886 K
Total	\$46.5 M	\$14 M

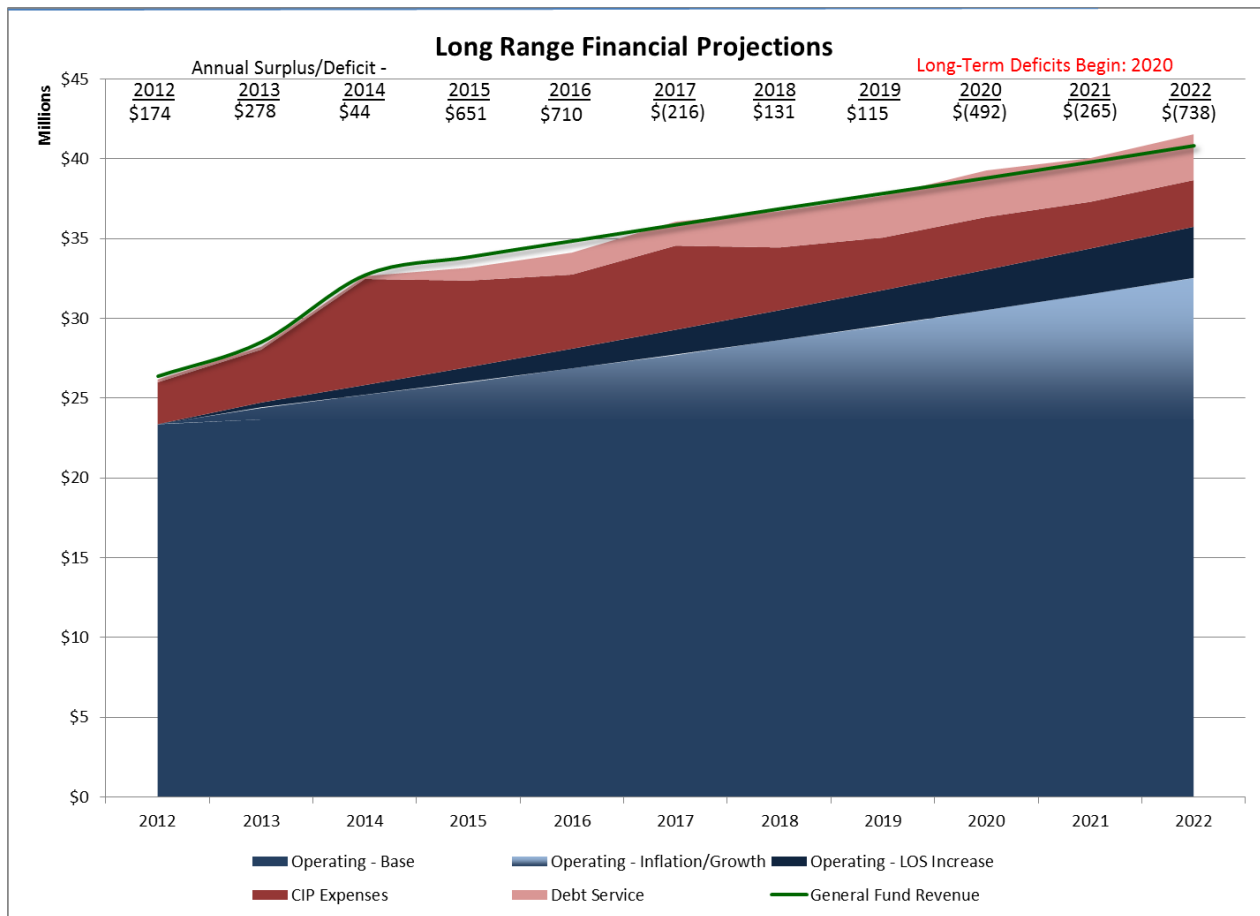
Figure E17 – Additional Resort Communities Sales Tax Total Allocated Project Funding Table

Additionally the City secured a \$3,000,000 economic development grant from the State of Utah Governor’s Office of Economic Development for the Historic Park City Main Street & Downtown project. These funds have been used to offset the total \$14.5 million downtown project therefore freeing up ARST funds for other appropriate capital projects or for additional expenditures for the Main Street project.

The following table shows the recommended ARST capital plan including \$5.25 million affordable housing recommendation:

Long Range Financial Model Scenario A/B - Accelerated funding for OTIS (with FY 2016 Affordable Housing Projects)													
Project	Funding Type	Total Funding	Funding Available by Fiscal Year										
			FY2014	FY2015	FY2016	FY2017	FY2018	FY2019	FY2020	FY2021	FY2022		
OTIS (Phase A)	Cash	\$ 1,800,000	\$ 1,800,000										
OTIS (Phase B)	Debt	\$ 2,300,000		\$ 2,300,000									
OTIS (Phase C)	Cash	\$ 1,900,000			\$ 633,333	\$ 633,333	\$ 633,333						
OTIS (Phase D)	Debt	\$ 2,500,000						\$ 2,500,000					
Downtown Projects (Phase II)	Debt	\$ 3,000,000	\$ 3,000,000										
Downtown Projects (Phase III)	Debt	\$ 3,500,000				\$ 3,500,000							
Downtown Projects (Phase IV)	Debt	\$ 3,200,000							\$ 3,200,000				
Downtown Projects (Cash)	Cash	\$ 1,800,000			\$ 360,000	\$ 360,000	\$ 360,000	\$ 360,000	\$ 360,000	\$ 360,000			
Additional Open Space (Phase I)	Debt	\$ 3,000,000	\$ 3,000,000										
Additional Open Space (Phase II)	Debt	\$ 4,000,000		\$ 4,000,000									
Additional Open Space (Phase III)	Debt	\$ 5,000,000				\$ 5,000,000							
Additional Open Space (Cash)	Cash	\$ 3,000,000	\$ 1,500,000	\$ 1,500,000									
Storm Drain System (Cash)	Cash	\$ 4,000,000	\$ 761,154	\$ 1,080,000	\$ 1,080,000	\$ 1,080,000							
Storm Drain System (Debt)	Debt	\$ 4,500,000						\$ 1,500,000				\$ 1,500,000	
DeerValley Dr. Phase II	Debt	\$ 950,000	\$ 950,000										
Downtown Improvement Maintenance Fund	Cash	\$ 800,000		\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000
Affordable Housing - Land Acquisition	Debt	\$ 5,000,000			\$ 2,000,000	\$ 750,000	\$ 750,000	\$ 750,000	\$ 750,000				
Affordable Housing - Private Land Acquisitions #1	Cash	\$ 250,000			\$ 250,000								

Additional Resort Communities Sales Tax Adjusted Table



Additional Resort Communities Sales Tax Adjusted Graph

This plan continues to show large open space purchasing ability (\$15 million) in the first 4 years of the new tax (\$10.24 million have been spent to date). The plan includes additional ongoing resources for capital replacement/asset Management of the main street improvements in the amount of \$100,000 per year. This asset management fund is similar to the walkability or trails asset management funds. Its allowable uses include

capital replacement or renewal, which would extend the useful life of the capital asset. This does not cover expenses such as routine maintenance or enhanced levels of service, which are required to be accounted for in the General Fund operating budget. As can be noted in the graph above, the \$3 million offset from the State for the Main Street improvements results in additional bonding capacity in FY2015 or additional cash in future years. Approximately \$1 million of this additional bonding capacity was allocated to the Deer Valley Drive phase II project.

The City Manager recommended budget includes \$5,250,000 from FY 2016 to FY 2020 for land acquisition for affordable and attainable housing projects. As currently projected these funds can fit within the Additional Resort Communities Sales Tax 10 year plan without the need to reduce currently allocated project funds for Open Space, Main Street Sidewalk Improvements, OTIS or Storm Water Systems. An updated model has been prepared and will be presented by staff.

Operating Impacts of Capital Projects

Through a combination of the Additional Resort Communities Sales Tax, Lower Park RDA extension and the remaining Walkability bonds, the City is likely to see an estimated \$70 to 85 million in project funding over the next 10 years. While these improvements are an obvious boon to the services and economic growth of the City, Council must remain aware that the uses of these funds have been restricted to capital improvement projects. Capital projects often place a burden on the ongoing operating costs of the City.

The operating burden will vary from project to project. Reconstruction of an aging street may gain efficiencies while maintenance of a new Main Street plaza, sidewalks that need to be plowed or transit structure may incur additional costs. Council must consider the impacts of capital improvement projects on the ongoing operating budget of the City. Capital projects which necessitate level of service adjustments could potentially impact other city services. It is staff's recommendation that these impacts should not be evaluated in isolation but should be evaluated as part of the Budgeting for Outcomes process in the context of all other city services. Maintaining the long range sustainability of city services continue to a high priority of city staff.

Staff will continue to evaluate the operating costs for projects so they are budget correctly as they come on line. When possible, long term maintenance projects/funds have been established for new projects such as the Main Street Infrastructure Maintenance Project. This project will receive an annual contribution which will be used for capital infrastructure replacement, much like the asset management or pavement management projects/funds. Staff is currently evaluation a possible Storm Water Enterprise Fund which will potentially include a new ongoing revenue source.

The largest foreseeable burden for the General Fund will likely be associated with the completion of the Prospector Drain project which may potentially (if a treatment system is installed) have an estimated ongoing operating expenditure \$250,000 starting in FY 2017.

Department Review:

Budget, Debt, & Grants Department, Legal, and City Manager

Alternatives:**A. Approve:**

Staff recommends that Council hold a discussion regarding the 5-year Capital Improvement Plan for the FY 2016 City Council Final Budget. Council should provide direction to staff on any recommended changes to the Final Budget.

B. Deny:

Council could chose not to provide input or direction on the Budget.

C. Modify:

The Tentative (City Manager Recommended) Budget was adopted on May 7; however, changes can be made to until the Final Budget adoption on June 18.

D. Continue the Item:

Council can provide input or direction on the Budget until the Final Budget is adopted on June 18.

E. Do Nothing:

The Final Budget must be adopted on June 18.

Significant Impacts:

The Final Budget will be adopted on June 18. Council may direct staff to make changes to the Final Budget. The Final Budget is the financial plan for the year and sets the funding levels for projects and programs in FY 2016.

Consequences of not taking the recommended action:

The Tentative (City Manager Recommended) Budget was adopted on May 7; however, changes can be made to until the Final Budget adoption on June 18.

Summary Recommendation:

Hold a discussion on the City Manager Recommended Budget and the proposed 5-Year Capital Improvement Plan. State statute requires at least one public hearing before the adoption of a Final Budget. City Council adopted the City Manager Recommended Budget on May 7. State code requires a public hearing be held before adoption of the Final Budget on June 18.



DATE: May 14, 2015

TO HONORABLE MAYOR AND COUNCIL

Staff discusses the success of the existing WaterSmart program, and requests Council's input on whether to continue the program through a contract extension.

Respectfully:

Jason Christensen, Conservation & Tech Coordinator



City Council Staff Report

Subject: WaterSmart Program Report and Contract Extension Discussion

Author: Jason Christensen, Water Business Resource Supervisor

Department: Public Utilities Department

Date: May 14, 2015

Type of Item: Administrative

Summary Recommendations:

Staff recommends City Council direct staff to return at a future regular session with a contract addendum to extend the City's contract with WaterSmart Software so as to continue providing a customer portal, Home Water Reports and conservation suggestions through July 1, 2018.

Executive Summary:

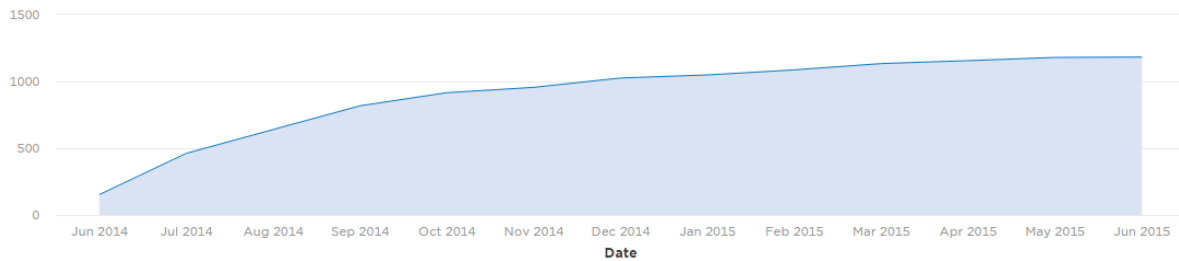
Staff discusses the success of the existing WaterSmart program, and requests Council's input on whether to continue the program through a contract extension.

Background:

On December 5, 2013 Council authorized the City Manager to execute a contract in the amount of \$65,400 with WaterSmart Software. WaterSmart Software provides the City with a water customer portal for all customers, a Home Water Report for all Single Family Residential customers, and conservation suggestions for Single Family Residential Customers. Staff has issued one change order in the amount of \$5,900 for an additional Home Water Report in order to extend this contract through the end of fiscal year 2015. The total to date spent on the WaterSmart program is \$71,300.

The first year and a half of this program has been very successful. Park City has registered 23% of all accounts for the portal. For our Single Family Residential customer, this means that they can log-in, see how they are using water by the hour, see conservation suggestions, and report on what conservation actions they are taking. For staff this means an increased ability to send leak alerts and the distribution of Home Water Reports by email, reducing staff time and the cost of these efforts. It should be noted that 23% registration is the highest registration percentage of any utility that has partnered with WaterSmart Software.

Cumulative Registration



The majority of the feedback from our customers has been positive. Here is an example of a note we recently received from a customer who had been sent a notice of a possible leak.

“THANK YOU! Your service is awesome. [We] had no idea what the issue was and checked everywhere for possible leaks. ...[O]ur yard guy turned on the system for the season and was going to install a water saving irrigation controller. We must have a leak somewhere underground we will have to find.”

These positive interactions with our customers are a win/win. The customer saves money, water, and possibly prevents property damage. The utility reduces water used and improves how the community views it as a service provider.

The primary reason for this program is water conservation. The Home Water Reports provide individualized conservation suggestions for each of our Single Family Residential customers. These recommendations estimate the money and water an individual will save by taking various actions. Staff appreciates each customer who reviews these and takes action to reduce their water usage. Staff believes there is a benefit even if a customer is less mindful of a report. These constant conservation messages demonstrate the City’s interest in water conservation.

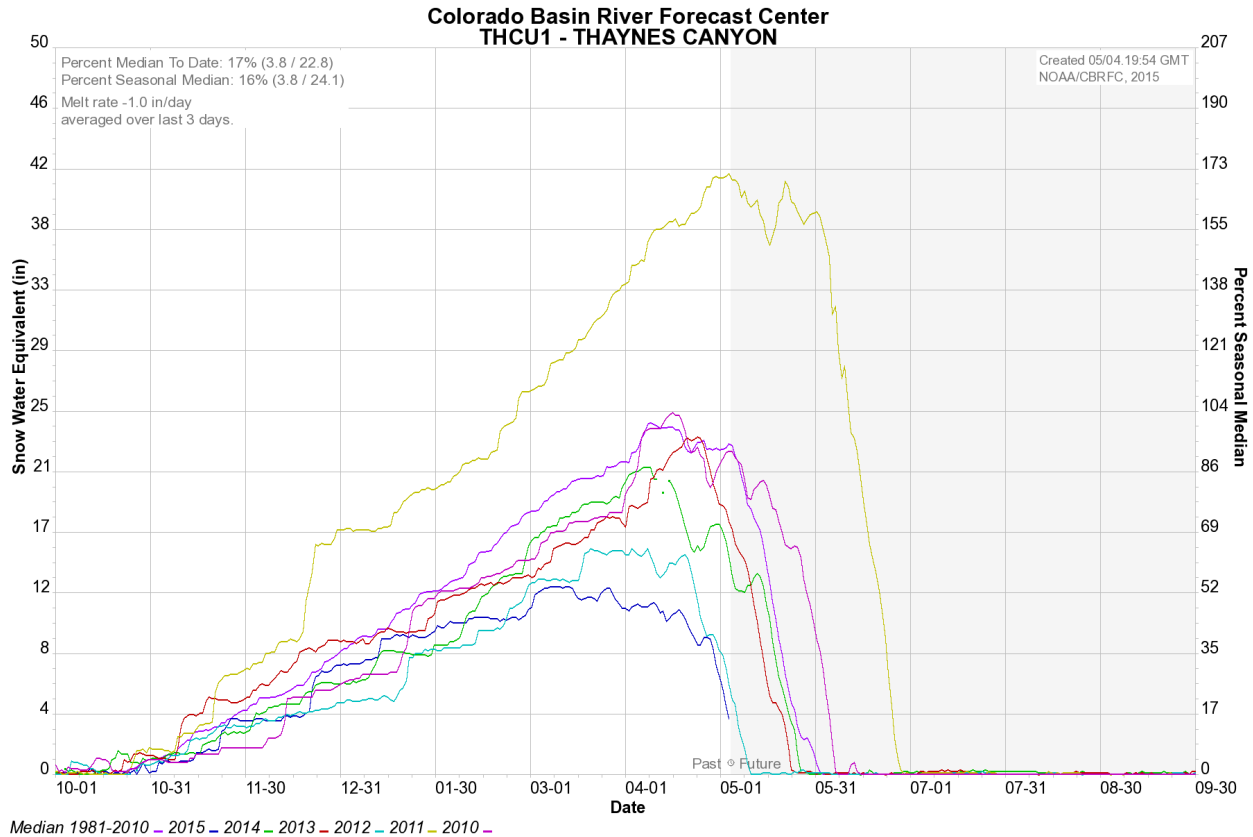
An added benefit of the program is analytical feedback that shows staff the actions customers are self-reporting that they are taking. The graphic below identifies the percentage of customers who have started or taken conservation actions, of those people who have logged actions in the customer portal.

Top Actions

+ Started		✓ Completed			
	Upgrade Your Irrigation Controller	9%		Install High-Efficiency Toilets	8%
	Choose low water-use plants	8%		Water at Dawn or Dusk	7%
	Install a Recirculation Pump	8%		Check for a Continuous-Use Leak	5%
	Take a 5-Minute Shower	7%		Change Grass to Natives	5%
	Check for a Continuous-Use Leak	7%		Check for a High-Volume Leak	4%

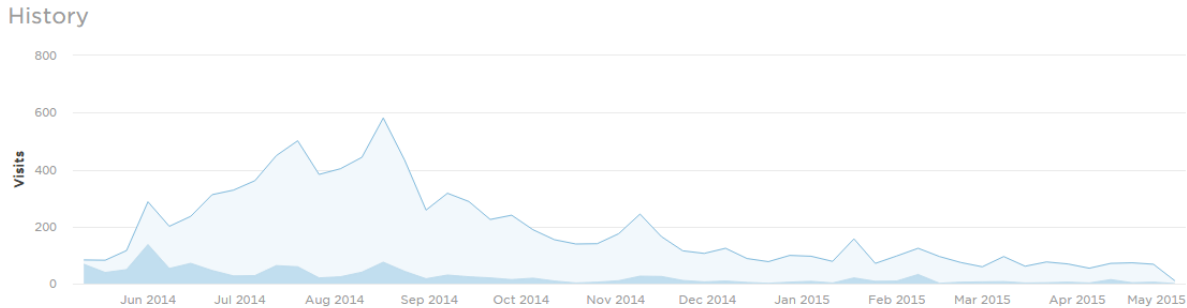
As we move into the fourth year of drought, conservation and reduction in our water usage becomes even more critical. This year’s Snow Water Equivalent, a measure of

the volume of water found in snow, is the lowest in the Thaynes Canyon measuring sites history.



Staff believes a drought declaration is unlikely but possible under Park City Municipal Code § 13-1-26 (Park City’s Drought Ordinance). Regardless of whether a drought is declared, staff is expecting a difficult summer water season. While difficult, the situation is made much better by the community’s continued response to conservation messaging and the City’s investment in new water resources such as the Quinn’s Junction Water Treatment Plant.

The customer portal benefits the City’s conservation efforts to meet water needs during this drought. The customer portal provides actual water usage information in real time to all our customers. This data is especially valuable during the summer, when customer demand and the price of water are highest. Last year’s portal usage peaked during summer irrigation months. Staff expects more users this summer as people monitor their water consumption. The graph below shows visits per week over the past year.



Analysis:

Staff is currently negotiating a proposed three year extension to the WaterSmart Software contract. The cost to continue service with WaterSmart including both the customer portal and the Home Water Reports is about \$40,000 a year for a total of \$120,000 during the proposed three year extension. This is higher than the 2013 estimate of \$30,000 to \$35,000 a year to continue service. WaterSmart attributes this to an across the board escalation of their pricing as the company transitions from a startup to a more self-sustaining business.¹ Staff has negotiated with WaterSmart on this extension, and continues to feel that the value to our customers warrants continuation of this service. While many companies offer a water use customer portal and some include conservation suggestions, WaterSmart is the only company that adds social comparisons. These social comparisons drive a much higher percentage of customers to our customer portal and to investigate water saving options.

Staff has requested WaterSmart Software include a new component in their offering to the City. This component is an additional mailing that would be sent to all Non-Single Family accounts to remind them of their ability to access the customer portal. Our Single Family Residential customers receive the Home Water Report, which serves as a reminder to visit our customer portal. The cost for this service is about \$1,500 a year, or \$4,500 during the three year contract extension.

Staff has also been working with WaterSmart to create an irrigation report that could be run by staff and/or could automatically email customers about their irrigation practices. This was identified as one of the City’s goals as a part of the Park City Water Conservation Plan that was submitted to the State in 2014. This would allow staff to mine the AMI data to identify accounts where irrigation is occurring every day or where irrigation is occurring during the afternoon. The idea is that these accounts would be contacted with information on municipal code compliant irrigation schedules. Currently the City relies primarily on customer calls to identify out of compliance irrigation. WaterSmart has not finalized this offering, and it is not anticipated to be in the contract extension. Once finalized, it is anticipated that such a report could be added with an additional cost.

¹ WaterSmart just secured \$7 Million dollars in Series B Fund. <http://www.watersmart.com/press-release/watersmart-software-announces-7m-series-b-funding-round/>

Staff anticipates a new Request for Proposals for a customer portal and Home Water Report will be issued by July of 2018, the end of the term for this extension. As discussed in the December 5, 2013 Staff Report it was contemplated that this contract would be extended. The reason a longer-term contract was not initially entered was that budget had not yet been allocated to support a continuing program. Budget was provided as part of the FY 2015 budget process. Given the high cost of integration, which was paid under the initial contract, it seems cost effective to extend this contract through an anticipated date of July of 2018.

Department Review:

This report has been reviewed by the Water and Streets Department, Legal, and the City Manager's Office.

Alternatives:

A. Approve:

This is staff's recommendation.

B. Deny:

If denied, staff would request Council's direction as to continuing the WaterSmart program.

C. Modify:

Modifications would be possible.





D. Continue the Item:

In order to continue the WaterSmart program, a contract extension must be in place by July 1, 2015.

E. Do Nothing:

Staff would request Council's direction as to continuing the WaterSmart program.

Significant Impacts:

	World Class Multi-Seasonal Resort Destination (Economic Impact)	Preserving & Enhancing the Natural Environment (Environmental Impact)	An Inclusive Community of Diverse Economic & Cultural Opportunities (Social Equity Impact)	Responsive, Cutting-Edge & Effective Government
Which Desired Outcomes might the Recommended Action Impact?		<ul style="list-style-type: none"> + Enhanced water quality and high customer confidence + Effective water conservation program + Adequate and reliable water supply + Reduced municipal, business and community carbon footprints 		<ul style="list-style-type: none"> + Fiscally and legally sound + Engaged, capable workforce + Ease of access to desired information for citizens and visitors
Assessment of Overall Impact on Council Priority (Quality of Life Impact)	Neutral 	Very Positive 	Neutral 	Positive 
Comments:				

Funding Source:

Continuation of this program is currently budgeted in the Water Fund operations budget.

Recommendation:

Staff recommends City Council direct staff to return at a future regular session with a contract addendum to extend the City’s contract with WaterSmart Software so as to continue providing a customer portal, Home Water Reports and conservation suggestions through July 1, 2018.



DATE: May 14, 2015

TO HONORABLE MAYOR AND COUNCIL

The Special Event Department has been working on a number of projects that will more efficiently manage events taking place in the Park City community. This report is to provide Council with updates on projects that staff have been working on and seek direction on proposed changes to Municipal Code.

Respectfully:

Jason Glidden, Economic Development Program Manager



City Council Staff Report

Subject: Event Update
Author: Jason Glidden
Department: Sustainability
Date: May 14th, 2015
Type of Item: Administrative

Summary Recommendations:

Council should direct staff to return in a regular meeting to approve the proposed changes to Title 4 in the Park City Municipal Code. In addition, staff is providing an update to City Council on various Special Event projects.

Executive Summary

Changes to Municipal code as well to inform Council of project updates as they relate to Special Events.

Acronyms in this Report:

PCMC	Park City Municipal Corporation
SEAC	Special Event Advisory Committee
HPCA	Historic Park City Alliance
RAB	Recreation Advisory Board
PSA	Public Service Announcement

Background:

On October 9, 2014, staff facilitated a Study Session with City Council to discuss Special Events in Park City. During that conversation, Council members expressed concerns regarding the impact of events on the Park City community. Discussions centered on finding a “balance” between the positive economic outcomes that events bring to the community, and the negative impacts such as traffic and parking congestion. Additional dialog focused on the growth of community gatherings that have morphed into large-scale events, which has begun to deter local residents from attending.

City Council also discussed possible tools that could be utilized to mitigate event impacts and help to decrease “event fatigue” in the Park City area. These discussions focused on increasing community involvement, and finding a balanced way to evaluate and prioritize the event calendar based on location, timing and size of each event.

Lastly, Council discussed resources that the City utilizes to regulate, organize, promote, and facilitate events in Park City. Council requested that staff return with a clearer picture of the level of support that the City provides for events. Staff indicated plans to return to Council in spring of 2015 with that information. The analysis will include direct financial and fee waiver analysis in addition to amount of City services.

On December 4, 2014 Council provided direction and support to implement next steps staff proposed in order to achieve the following goals:

- Reduce event impacts on residential neighborhoods;
- Create a tool for evaluating and prioritizing events;
- Increase community participation in event planning and debriefing; and
- Effectively and efficiently utilize City resources.

Council affirmed a number of next steps represented in the matrix below along with a brief description and proposed completion date. These projects were designed to help reach the stated goals above while paving the way for the City to have the ability to say no to events that do not help build the community through positive economic benefits and minimal negative impacts.

PROJECT	DESCRIPTION	COMPLETION DATE
Special Event Advisory Committee	Creation of a group of community stakeholders that will provide feedback on events including: event prioritization, event funding, and debrief information. Participants of this group would include: Chamber, HPCA, Lodging Association, Restaurant Association, resort representatives, and two at-large community members. Similar to RAB, appointments would come from Council through an application & interview process	February-2015
Event Prioritization Process	Finalize process for prioritizing events based on a number of weighted criteria.	February -2015 Revised to April 2015
Code Changes on Event Type	Propose changes to Municipal Code that will create new event type that will realign event types based on impacts caused. Each event type would have different requirements such as: insurance, application deadlines, and permit fees.	February-2015 Revised to April 2015

Resident Notification Requirements	Create list of public notification requirements for events causing localized impacts on residential areas or business districts.	February-2015
Event Venue Guideline Sheets	One-page sheets that would outline City-owned venues and provide guidelines specific to that venue. Items included would be: General type of event activity, parking availability, hours of operations, public transit availability, and other general restrictions.	March-2015
Reorganization of 4th of July Event	Rework 4th of July event to reduce impacts on the community and create an event that will continue to draw local residents to the event.	July-2015 Revised to March 2015

On March 26, 2015 staff returned to Council with updates on the following subjects:

Resident Notification Requirements

In an effort to mitigate any negative impacts that an event may have on residential areas, staff will now work with event organizers to increase notification through a variety of channels. Event staff will help event organizers to determine which method of notification will be most appropriate based on the type and location of the event. All event permits will include the following as a condition of approval:

Any event that takes place in or around a residential area must ensure that the residents of the affected area(s) are properly notified of any possible impacts that may occur due to the event. Possible methods of notification are listed below. The event organizer must work with the Special Event Department to determine which methods will be most effective.

E-Mail – *In formational e-mails that contain event information that can be sent to affected residents through their Home Owners Associations or property management companies.*

Flyers – *Informational flyers need to be distributed to every home in the affected area. These flyers need to provide the following information:*

- *Event Date(s) & Times*
- *Location of the event*
- *How it will possibly affect residents*
- *How the impacts are being mitigated*
- *E-mail notification to Home Owners Association (if applicable).*

Radio – Event organizers need to utilize local radio stations (KPCW) as a means of getting information out to residents. This would include:

- Public Service Announcements (PSA)
- Morning Show Appearance
- Afternoon Show Appearance

Special Event Advisory Committee (SEAC)

Per Council direction, the Special Events department has moved forward with the creation of the SEAC. SEAC's role is purely advisory to City Council and is not in any way mandated by law or ordinance. Members serve at the discretion of Council and are traditionally appointed for a three year term. SEAC will meet on a quarterly basis throughout the year.

SEAC's mission is to provide recommendations to City Council and staff on:

- **Event Threshold** – Provide input of suggested event threshold levels in regards to event types, venue guidelines, and total number of events.
- **Event Resource Assistance** – Make recommendations on the level of City services to be provided to an event.
- **Event Debrief** – Provide information on event performance once the event is complete

SEAC liaisons and appointments

The following groups/entities will hold seats on the advisory committee:

- Historic Park City Alliance (HPCA)
- Park City Lodging Association
- Park City Area Restaurant Association
- Park City Chamber of Commerce & Visitors Bureau
- Representatives from Vail Resort & Deer Valley Resort
- Mountain Trails Foundation
- Four community at large members

Notice requesting application for the SEAC went out in mid-April. Applications are due in May, and Council will interview and make appointments in June. City staff is looking to host the first quarterly meeting in late June.

Reorganization of 4th of July Event

Staff will work with the Park City Chamber of Commerce to begin the reorganization of the annual 4th of July event after the disbandment of the Park City Ambassadors, who had organized the event in previous years. An organizing committee will be set up to help plan the event. The overall goals of the event organizer and the committee are:

- Get locals back to the event by increasing local feel
- Family friendly event

Potential Areas of Improvement to achieve these goals have been identified as:

- Parade

- Spacing of floats – Keep them together
 - Length of parade route – Extend route to spread spectators out
 - Quality/Quantity of floats – possible reduction in floats; look at creating standards for floats that will increase quality and “funk”, and reduce commercial feel
 - Crowd management – increase safety
- Family Activities
 - Increase activities on Main Street – work with HPCA
 - Implement new activities – water fight, carnival games, small rides

Staff had planned on working with the Park City Chamber to hire an event organizer to help the committee to plan and execute the event. A number of potential candidates were approached regarding the position but due to the scale of the event and the short timeline, a qualified candidate was not found. Staff from the Chamber and the City will oversee the event planning committee and the search for an event organizer will resume in the fall.

Event Venue Guideline Sheets

Event Venue Guideline Sheets were created for all City owned properties where events can be permitted. The purpose of the sheet is to provide one-page guidelines specific to each City venue. Items include: General type of event activities supported; parking availability; hours of operations; public transit availability; and other general restrictions. These sheets will help to minimize chances of unintended impacts from events as well as to serve as a resource to manage expectations for event organizers through the planning process. The guidelines that are outlined in the sheets could be amended on a per event basis if the event organizer has taken the appropriate steps to mitigate impacts. Staff is working to make edits to the sheets to reflect comments provided by City Council as well as adding additional information on transit and emergency management for each venue.

Analysis:

Special Event staff has been working on the completion of the project list provided to Council last fall. Below are updates that were not provided to City Council in March.

Event Prioritization Process –

The Event Prioritization process will provide staff with a tool to grade events based on a variety of criteria. The primary focus will be on three areas: Economic Impact, Community Impact, and City Resources. The process would be for staff to provide scoring to the grading sheet (Exhibit A) to establish an overall grade for each event permitted. The grading will allow a means of establishing value for each event so that we can make objective decisions if conflicts between events were to occur and only one event could be permitted. The event grade would be one factor in determining which of the conflicting events to permit.

Code Changes on Event Type –

Staff has a number of proposed edits to the Municipal Code as it relates to the permitting of events (Exhibit B). Many of the edits are merely a cleanup of the code to reflect organizational changes in positions within the Special Event Department as well as update fees currently approved in the City's fee schedule. In an effort to make the proposed edits easier to review, staff has separated the edits into three categories and provided a summary of the changes proposed.

Event Type – Staff is recommending edits to the Code that will create a new event type that will further align event types based on impacts caused.

Staff is proposing the addition of a "Community Event" type in Municipal Code. This type of event would come with limited impacts on the community and thus require less time to permit. These types of events would have an application deadline of 30 days prior to the event and have a reduced permit fee of \$40 as opposed to the traditional 60 day deadline and the \$80 permit fee. Event type will be determined or verified based on the information provided by the event organizer as well as by an Event Type Determination Sheet (Exhibit C).

Approval of Events – Staff was asked by City Council in March to investigate other criteria for denial of an event beyond safety concerns with an event. The proposed changes to the Code would add additional criteria for denial based on the economic and cultural value that an event brings to the community as well as how the event correlates with Park City's Economic Development Plan and the City's General Plan. The additional criteria would also be used to make a decision on which event to permit when two applications are submitted that conflict with each other or create impacts too great to approve both events.

Fee Waivers –Currently, the City uses fee waivers as a tool to help facilitate events. The City has seen an increase in the amount of fee waiver requests over the past three years. The proposed edits to the Code will provide clarity on the fee waiver process, including the dollar amount at which City Council approval is required. The recommended changes also include changes to the criteria used by City staff to evaluate whether a waiver of fees should be approved. In addition, the proposed changes would add other fee categories that could be waived for an event including: Building Permit Fees, Public Safety resources, and Trail Fees.

Department Review:

Economic Development, Building, Public Safety, Planning, City Manager, Legal, and Special Events departments have reviewed this report.

Alternatives:

A. Approve:

Council should direct staff to return in a Regular City Council Meeting to approve the proposed Municipal Code Changes as well as provide staff with feedback on the other event projects.

B. Deny:

Council could choose not to move forward with staff’s recommendations

C. Modify:

Council could choose to modify staff’s recommendation





D. Continue the Item:

Council could choose to continue the item and request that staff bring additional information back to Council.

E. Do Nothing:

Council could take no action. This would provide not direction to staff.

Significant Impacts:

	World Class Multi-Seasonal Resort Destination (Economic Impact)	Preserving & Enhancing the Natural Environment (Environmental Impact)	An Inclusive Community of Diverse Economic & Cultural Opportunities (Social Equity Impact)	Responsive, Cutting-Edge & Effective Government
Which Desired Outcomes might the Recommended Action Impact?	<ul style="list-style-type: none"> + Balance between tourism and local quality of life + Varied and extensive event offerings + Unique and diverse businesses + Multi-seasonal destination for recreational opportunities 		<ul style="list-style-type: none"> + Shared use of Main Street by locals and visitors + Entire population utilizes community amenities + Vibrant arts and culture offerings 	<ul style="list-style-type: none"> + Well-maintained assets and infrastructure + Streamlined and flexible operating processes + Ease of access to desired information for citizens and visitors + Fiscally and legally sound
Assessment of Overall Impact on Council Priority (Quality of Life Impact)	Very Positive 	Neutral 	Positive 	Very Positive 
Comments:				

Funding Source:

Special Events and Economic Development.

Consequences of not taking the recommended action:

Staff will lack direction on next steps to take to improve special events and reach Council-stated goals.

Recommendation:

Council should direct staff to return in a regular meeting to approve the proposed changes to Title 4 in the Park City Municipal Code. In addition, staff is providing an update to City Council on various Special Event projects.

EXHIBITS

- Exhibit A – Event Grading Sheet
- Exhibit B – Event Determination Sheet
- Exhibit C – Proposed Changes to Municipal Code

Exhibit A – Event Grading Sheet

Special Events Grading Criteria		Event #1	Event #2	Event #3	Event #4	Event #5	Event #6	Event #7	Event #8	Event #9
		Points								
Economic Impact										
Lodging (1 - little or no activity)	1 - 20									
Restaurant Sales (1 - little or no activity)	1- 10									
Retail Sales(1 - little or no activity)	1- 10									
Total Possible Points (Higher score is better)	30	0	0	0	0	0	0	0	0	0
Community Impact										
Enhancement to local quality of life (1 - no enhancement)	1- 10									
Meets restrictions re: local use vs destination visitor use of venues (1 - Mostly Local)	1 - 10									
Consistent with Park City brand (i.e., high altitude training; outdoor recreation; art/culture) and enhances both the community & visitor experience (1 - not consistent)	1- 10									
Total Possible Points (Higher score is better)	30	0	0	0	0	0	0	0	0	0
Mitigation of Negative Impacts										
Amount of PCMC resources (1 - large amount of resources required)	1- 10									
Level of traffic/congestion/street closures (1 - major impact)	1 - 10									
Level of parking impacts (1 - major impact)	1 - 10									
Level of impact to residential areas (1 - major impact)	1 - 10									
Total Possible Points (Lower score means larger impact to Staff time and public)	40									
TOTAL SCORE		0	0	0	0	0	0	0	0	0

Exhibit B – Event Determination Sheet

EVENT TYPE DETERMINATION SHEET			
EVENT NAME			
EVENT DATE			
	1	2	3
Attendance	0-199	200-499	500+
Public Use	Free Access	Limited Access	Closed to Public
Property	Event Space	Private Property	Public Property
Traffic Impact	very little - increased beyond normal flow	moderate - partial road closure,	very high - multiple full road closure
Impact on Public Parking	0-25 spots	26-100 spots	over 100 spots
Noise Impact	none	Under 65 db	Over 65 db
Cost of city service/fee waivers	\$0-\$499	\$500-\$15,000	Above \$15,000
Transit	Regular	Enhanced with current resources	Enhanced with additional resources
Jurisdiction	Single	Two	Multiple
Risk Management Impacts	Low	Medium	High
Duration	1- 5 hours	1 day	multiple days
			TOTAL
			0
		TOTAL POINTS	
SMALL SCALE COMMUNITY EVENT/			1 to 17
SPECIAL EVENT			18 to 24
MASTER FESTIVAL			25 and above



TITLE 4 - LICENSING

CHAPTER 1 - IN GENERAL

4- 1- 1. DEFINITIONS.

All words and phrases used in this title shall have the following meanings unless a different meaning clearly appears from the context:

4-1-1.1 **ALCOHOLIC BEVERAGES.** Includes "beer" and "liquor" as they are defined herein.

4-1-1.2 **ARCADE.** A business dedicating at least eighty-five percent (85%) of its square footage to amusement games only, and not more than fifteen percent (15%) dedicated to concession and/or cashiering. No food preparation is allowed and alcoholic beverages may not be sold.

4-1-1.3 **BEDROOM.** Each room in a hotel, motel, lodge, timeshare project, condominium project, single family residence or other nightly lodging facility that is intended primarily for the temporary use of transient guests for sleeping purposes.

4-1-1.4 **BEER.** Any beverage containing not less than one-half of one percent (.5%) of alcohol by volume and obtained by the alcoholic fermentation of an infusion or decoction of any malted grain, or similar products. "Heavy beer" means beer

containing more than three point two percent (3.2%) of alcohol by weight. "Light beer" means beer containing not more than 3.2% of alcohol by weight. "Beer" may or may not contain hops or other vegetable products. "Beer" includes ale, stout and porter. Beer does not include a flavored malt beverage.

4-1-1.5 **BEER LICENSE - SPECIAL EVENT TEMPORARY .** A license issued by the City to an individual or organization for a maximum period of time of thirty (30) days to sell beer at an event. Person's holding a special event temporary beer license issued by the City are also required to obtain a State Temporary Special Event Beer permit, but are not required to obtain an on-premise beer license.

4-1-1.6 **BEER RETAILER.** Any business establishment engaged, primarily or incidentally, in the retail sale or distribution of beer to public patrons, whether for consumption on or off the establishment's premises, and that is licensed to sell beer by the Commission and Park City.

4-1-1.7 **BEER RETAILER - ON PREMISE.** Any beer retailer engaged, primarily or incidentally, in the sale or distribution of beer to public patrons for consumption on the retailer's premises. It

includes taverns.

4-1-1.8 **BUSINESS.** A distinct and separate person or entity engaging in business, as those terms are defined herein. A business is distinguished from another business by separate state sales tax numbers or separate ownership.

4-1-1.9 **CHARITABLE ORGANIZATION.** "Charitable organization" means any recognized religious organization, or any social or welfare organization recognized and dedicated to the relief of the poor, care of the sick or elderly, or aid to victims of disaster, catastrophe, or personal tragedy.

4-1-1.10 **CLUB LICENSEE.** A Club Licensee is a person licensed under Chapter 5, Club Licenses, of the Alcoholic Beverage Control Act.

4-1-1.11 **COMMERCIAL VEHICLES AND TRAILERS.** Businesses that utilize motor vehicles as their normal course of business, but do not transport people to, from and within Park City for a fee. Such businesses include but are not limited to delivery trucking, commercial hauling, snow removal services, u-haul or other cargo rental vehicles, concrete trucks and dump trucks.

4-1-1.12 **COMMISSION.** The State of Utah Alcoholic Beverage Control Commission.

4-1-1.13 **COMMUNITY EVENT.** Any event, public or private, with either public or private venues, requiring City licensing beyond the scope of normal business and/or liquor regulations, as

defined by this Code; or creates public impacts through any of the following:

- (A) the attraction of crowds under 200.
- (B) limited to partial street closures.
- (C) use of public property.
- (D) limited increase to traffic flow.
- (E) limited use of off-site parking facility, or
- (F) use of amplified music below 65db.

4-1-1.124-1-1.14

4-1-1.134-1-1.15 **CONDUCTING BUSINESS.** For purposes of this Title the term "conducting business" shall include the sale or offering for sale of any goods or merchandise, or the offering or performing of any service for valuable consideration of any kind.

4-1-1.144-1-1.16 **CORPORATE SPONSOR.** Any business enterprise or combination of business enterprises which provide funding for any special event in the amount of fifty percent (50%) or more of the funds necessary to promote the event or account for fifty percent (50%) or more of the events operating expenditure budget.

4-1-1.154-1-1.17 **DABC.** The Utah Department of Alcoholic Beverage Control.

4-1-1.164-1-1.18 **DESIGNEE.** A Park City staff member qualified to process liquor-related Applications and renewals.

4-1-1.174-1-1.19 **DIRECTOR.** The

Administrative Services Director of Park City.

4-1-1.184-1-1.20 **DIVISION**. The Park City Business Licensing Division.

4-1-1.194-1-1.21 **EMPLOYEE BASED**. Businesses which lease or otherwise provided employees to other businesses or any person in return for consideration. Such businesses include but are not limited to employment agencies and security firms.

4-1-1.204-1-1.22 **ENGAGING IN BUSINESS**. Includes all activities engaged in within the corporate limits of Park City carried on for the purpose of gain or economic profit, except that the acts of employees rendering service to employers shall not be included in the term business unless otherwise specifically prescribed. "Engaging in business" includes but is not limited to, the sale, rental, gifting, or promotion of tangible personal or real property at retail or wholesale, the manufacturing of goods or property and the rendering of personal services for others for a consideration by persons engaged in any profession, trade, craft, business, occupation, or other calling, except the rendering of personal services by an employee to his employer under any contract of personal employment; each manufacturing or originating company whether individually occupying a premise or co-locating shall be required to obtain an individual business license for that business activity.

4-1-1.214-1-1.23 **FIREWORKS PERMIT**. A permit issued by the City Fire Marshal for aerial or concession fireworks,

pursuant to the Uniform Fire Code.

4-1-1.224-1-1.24 **GIFTING**. Includes various hospitality, gifting, filming, display, exhibiting or promotional use of goods, not for sale and other related activity that are marketing or promoting tools in which goods are given or traded to the public in general or desirable people so that the product will be associated with those people and appear in publications, media, internet, etc., and give the product exposure. Gifting is not just the display of goods with the hopes of future orders; it involves actually giving the product away, where the consideration for the gift is the exposure of the product; and includes direct or indirect interaction with customers, potential customers in order to increase awareness of a product, service of company. Corporate groups that receive gifts purchased by the corporation are not provided by another entity and are exclusively for the group will not be considered gifting.

4-1-1.234-1-1.25 **HOURLY UPHILL LIFT CAPACITY**. The aggregate number of persons that can be accommodated per hour by all of the ski lifts in a given ski resort operating at the maximum safe rate of operation.

4-1-1.244-1-1.26 **HOURLY USER CAPACITY**. The maximum number of persons that can be safely and reasonably accommodated per hour by an amusement park, golf course, athletic club, theater bowling alley, tennis club, racquetball club, swimming pool, and any other recreational, sports, or entertainment facility.

4-1-1.254-1-1.27 **LICENSEE**. Any person holding any beer or liquor license in

connection with the operation of a place of business or private club. This term shall also include beer or liquor handling employee of the licensee. The licensee is responsible for the acts and omissions of its employees.

4-1-1.264-1-1.28 **LICENSED PREMISE.** Any room, building, structure, or place occupied by any person licensed to sell beer or to allow the consumption or storage of liquor on such premises under Chapter 4; provided that in any multi-roomed establishment, an applicant for an on-premise or off-premise beer license shall designate a room or portion of a building of such business for the consumption or the sale of beer, which portions shall be specifically designated in the application and, in the license issued pursuant thereto, shall be the licensed premises. Multiple dining facilities located in one building, owned or leased by one license applicant and subject to the same type of beer or liquor license shall not be deemed separate licensed premises, and shall not be required to obtain a separate license for each area.

4-1-1.274-1-1.29 **LICENSE FEE(S).** Includes the administrative fee and service enhancement fee as defined by the Business License Fee Schedule.

4-1-1.284-1-1.30 **LIQUOR.** Includes alcohol, or any alcoholic, spirituous, vinous, fermented, malt or other liquid combination of liquids, a part of which is spirituous, vinous, or fermented, and all other drinks or drinkable liquids, containing more than one half one percent (.5%) of alcohol by volume; and which are suitable for beverage purposes; and includes a flavored malt beverage. Liquor does not include a

beverage defined as beer.

4-1-1.294-1-1.31 **MANUFACTOR.** Means to distill, brew, rectify, mix, compound, process, ferment, or otherwise make an alcoholic product for personal use or for sale or distribution to others.

4-1-1.304-1-1.32 **MASTER FESTIVAL.** Any event held on public or private property in which the general public is invited with or without charge and which creates significant public impacts through any of the following:

- (A) the attraction of large crowds greater than 500 people,
- (B) necessity for full street closures on Main Street or any arterial street necessary for the safe and efficient flow of traffic in Park City,
- (C) use of public property,
- (D) major increase to vehicular traffic flow
- (E) the need for expanded use of City transportation services,
- (~~F~~) use of multiple off-site parking facility, or
- (~~G~~) use of amplified music in or adjacent to a residential neighborhood.

4-1-1.314-1-1.33 **MOBILE FOOD VENDOR.** Any motor vehicle from which consumable on-site food service is offered. Mobile food vendors are restricted to serving construction sites.

4-1-1.324-1-1.34 **MONTHLY RENTAL FACILITY - UNDER MANAGEMENT.** Any place where rooms or units are rented or otherwise made available by a manager or management company for residential purposes on a monthly or longer time basis, but not including monthly or longer rental by the owner of the property without management.

4-1-1.334-1-1.35 **NIGHTLY LODGING FACILITY.** Any place where or any portion is rented or otherwise made available to persons for transient lodging purposes for a period less than thirty (30) days including, without limitation, a hotel, motel, lodge, condominium project, single family residence or timeshare project.

4-1-1.344-1-1.36 **NON-PROFIT CORPORATION.** A corporation, no part of the income of which, is distributable to its members, trustees or officers, or a non-profit cooperative association.

4-1-1.354-1-1.37 **NUISANCE.** Any licensed premises where: alcoholic beverages are manufactured, sold, kept, bartered, stored, consumed, given away or used contrary to the Alcohol Beverage Control Act, the Utah Liquor Commission Rules and Regulations, or this Code; or intoxicated persons are permitted to loiter about, or profanity, indecent, immoral, loud or boisterous language or immoral, unruly, disorderly, lewd, obscene conduct is permitted, or carried on; or persons under the age of twenty-one (21) are permitted to purchase or drink beer or liquor; or city, county, state or federal laws or ordinances are violated by the licensee or his agents or patrons with the consent or knowledge of licensee which tend to affect the public

health, safety, peace, or morals; or patrons are throwing litter or other objects within the licensed premises or from the licensed premises in a manner which tends to affect the public safety or health; or patrons are permitted to remove opened containers of alcoholic beverages or glasses containing alcoholic beverages from the licensed premises to the public street or way.

4-1-1.364-1-1.38 **PEDDLER.** A person who carries goods or merchandise with him or her and sells or offers for sale those goods or merchandise on a door-to-door or transient basis rather than from a fixed location.

4-1-1.374-1-1.39 **PERSON.** Any individual, receiver, assignee, trustee in bankruptcy, trust, estate, firm, partnership, joint venture, club, company, business trust, corporation, association, society or other group of individuals acting as a unit, whether mutual, cooperative, fraternal, non-profit, or otherwise.

4-1-1.384-1-1.40 **PLACE OF BUSINESS.** Each separate location maintained or operated by the licensee within Park City from which business activity is conducted or transacted. A location shall be identified by street address or by building name if a street address has not been assigned. "Place of business" as used in connection with the issuance of beer and liquor licenses means cafes, restaurants, public dining rooms, cafeterias, taverns, cabarets, clubs, and any other place where the general public is invited or admitted for business purposes, including any patios, balconies, decks, or similar areas, and also means private clubs, corporations and associations operating under charter or

otherwise wherein only the members, guest members and their visitors are invited. Occupied hotel and motel rooms that are not open to the public shall not be "places of business" as herein defined.

4-1-1.394-1-1.41 **RESTAURANT.** A place of business where a variety of hot food is prepared and cooked and complete meals are served to the general public in indoor dining accommodations, or in outdoor accommodation and is engaged primarily in serving meals to the general public.

4-1-1.404-1-1.42 **RESORT LICENSE.** A type of liquor and/or beer license available to a resort. A resort, for purposes of the Resort License definition, is a single building which physically touches the boundary of a ski area and has at least 150 dwelling or lodging units, the building itself is at least 400,000 square feet (excluding areas such as above ground surface parking) and where at least half of the units are owned by a person other than the resort licensee.

4-1-1.414-1-1.43 **RETAILER.** Any person engaged in the sale or distribution of alcoholic beverages to the consumer.

4-1-1.424-1-1.44 **ROUTE DELIVERY.** Any delivery made to customers of a business, which makes repeated door-to-door deliveries to the same households along designated routes with an established time interval in between delivery visits. The majority of such deliveries must be to fulfill orders previously made by the customer. However, nothing in Chapter 3 shall prevent orders from being taken from established customers and filled during such delivery visits. Such businesses will

include, but not be limited to, dairies and sellers of bulk meats or produce.

4-1-1.434-1-1.45 **SELL OR TO SELL.** Any transaction, exchange, or barter whereby, for any consideration, an alcoholic beverage is either directly or indirectly transferred, solicited, ordered, delivered for value, or by any means or any pretexts promised or obtained, whether done by a person as a principal, proprietor, or as an agent, servant or employee unless otherwise defined in this title.

4-1-1.444-1-1.46 **SET-UP.** Glassware, ice, and/or mixer provided by a licensee to patrons who supply their own liquor.

4-1-1.454-1-1.47 **SKI RESORT.** A ski area, such as the Park City or Deer Valley Ski Areas, which is operated as a distinct and separate enterprise, and which shall be deemed to include, without limitation, the ski runs, ski lifts, and related facilities that are part of the ski area and primarily service the patrons of the ski area. The ski resort includes ski instruction, tours, first aid stations, parking garages, management and maintenance facilities, and workshops, but does not include food service, ski rentals, or retail sales of goods or merchandise, which are all deemed separate businesses even if owned by a resort operator.

4-1-1.464-1-1.48 **SKIER DAY.** A three (3) year average of the total number of lift tickets sold annually, including daily lift tickets, resident coupons, complimentary tickets, and an estimated average of season pass holders daily use. The three (3) year average shall be calculated by the Ski Resort and shall include the three most recent years

of operation from November 1 through June 30. The City may audit the analysis and any business records relied upon for the analysis. The calculation shall be submitted to the Finance Department by October 15th of each year.

4-1-1.474-1-1.49 **SOLICITED DELIVERY.** A delivery of previously ordered goods or services or the United States mail. Solicited delivery includes, but is not limited to, the delivery of newspapers or publications pursuant to a subscription, the United States mail, parcel delivery services, businesses engaging in route delivery or persons delivering previously ordered goods or services on behalf of an established retailer of those goods or services.

4-1-1.484-1-1.50 **SOLICITOR.** A person who contacts individuals or the general public for the purpose of taking orders for goods or services, or encouraging attendance at sales presentations, lectures, seminars, or the like at which goods or services are promoted or offered for sale, whether the presentation is held within Park City or not, provided that the solicitor makes contact with the public at a location other than at the regular place of business at which the goods or services are actually sold or performed. For purposes of Chapter 3, the term "goods or services" shall include merchandise, produce, personal services, property services, investment opportunities, franchises, time intervals in the use of ownership or real property, and any other kind of tangible or intangible thing that is given in exchange for a valuable consideration.

4-1-1.494-1-1.51 **SPECIAL EVENT.**

Any event, public or private, with either public or private venues, requiring City licensing beyond the scope of normal business and/or liquor regulations, as defined by this Code; or creates public impacts through any of the following:

(A) the attraction of crowds between 200 - 499 people.

(B) necessity for partial street closures on Main Street or any arterial street necessary for the safe and efficient flow of traffic in Park City.

(C) use of public property.

(D) moderate increase to vehicular traffic flow.

(E) use of off-site parking facility, or

(F) use of amplified music in or adjacent to a residential neighborhood-(A) —The use of City personnel,

~~(B) — Impacts via disturbance to adjacent residents,~~

~~(C) — Traffic/parking,~~

~~(D) — Disruption of the normal routine of the community or affected neighborhood; or~~

~~(E) — Necessitates special event temporary beer or liquor licensing in conjunction with the public impacts. Neighborhood block parties or other events requiring street closure of any residential street that is not necessary for the safe and efficient flow of traffic in Park City for a duration of less than one (1) day shall be considered a~~

Special Event.

4-1-1.504-1-1.52 **SPECIAL EVENTS COORDINATOR/MANAGER.** The Special Events Coordinator/Manager or his/her designee within the Department of Special Events and Facilities.

4-1-1.514-1-1.53 **STREET CLOSURE.** The deliberate blockage of any public street or City owned parking facility to prohibit the flow of traffic or access of vehicles. Any non-construction street closure shall require a master festival or special event license.

4-1-1.524-1-1.54 **SPONSOR.** A person, group, or business which has contracted to provide financial or logistical support to any special event or master festival. Such agreement may provide for advertising rights, product promotion, logo promotion, exclusivity of rights, products, or logos.

4-1-1.534-1-1.55 **SQUARE FOOTAGE.** The aggregate number of square feet of area within a place of business that is used by a licensee in engaging in its business.

4-1-1.544-1-1.56 **UNIT.** Any separately rented portion of a hotel, motel, condominium, apartment building, single family residence, duplex, triplex, or other residential dwelling without limitation.

4-1-1.554-1-1.57 **UNSOLICITED DELIVERY.** The delivery of any unsolicited newspaper or publication, sample product or advertising material. Unsolicited newspapers or publications, sample products or advertising material shall

include, but not be limited to, handbills describing or offering goods or services for sale, any goods or products that were not previously ordered by the home owner or occupant, any newspaper or publication delivered without a subscription by the owner or occupant, and any coupons or rebate offers for goods and services.

4-1-1.564-1-1.58 **VENUE.** The location or locations upon which a special event or master festival is held, as well as the ingress and egress route when included in the festival license.

4-1-1.574-1-1.59 **WHOLESALER.** Any person other than a licensed manufacturer engaged in importation for sale or in the sale of beer, malt liquor, or malted beverages in wholesale or jobbing quantities to retailers.

(Amended by Ord. Nos. 01-31; 10-21; 13-32)

CHAPTER 8 - EVENTMASTER FESTIVAL LICENSE

4-8-1. DEFINITIONS.

For the purpose of this Chapter the following terms shall have the meanings herein prescribed.

(A) **APPLICANT.** The person, or group of people, who is or are the organizer(s) and with whom the responsibility for conduct of the event lies. The Applicant signs the festival license application and all other documents relevant to the event. The Applicant must be a natural person or persons, and not a corporation, corporate sponsor, or business, or any other entity, which is not a natural person. See sponsor.

(B) **CONCESSION.** A privilege to sell food, beverages, souvenirs, or copyrighted or logoed event memorabilia at a licensed event.

(C) **FEES.** Charges assessed by Park City for licensing, staffing, equipment use/rental, property use/rental, set-up, clean up, inspections, public employees, or public equipment assessed to an event or festival and established within the event/festival licensing process.

(D) **LICENSEE.** The Applicant, as defined above, becomes the "licensee" when the Master Festival License ~~or Special License, Special Event License, or Community Event License~~ is signed by the ~~Special Events Manager~~ Economic Development Manager or his/her designee,

upon meeting all the criteria in this Chapter. As the license holder, the licensee becomes the sole proprietor of the event and inherits the responsibilities connected with all licenses, fee assessments, copyrights, and insurance liabilities connected with the licensed event.

(Amended by Ord. No. 01-31)

4-8-2. UNLAWFUL TO OPERATE WITHOUT A LICENSE.

It is unlawful for any person to conduct a Community Event, Special Event or Master Festival with or without charge for admission, on public or private property, without first applying for and being granted ~~an Master Festival License or special~~ event license for the specific event and its venue(s). All licenses issued pursuant to this Title are non-transferrable and expire at the completion of the given event, or upon revocation, whichever is earlier.

(Amended by Ord. No. 01-31)

4-8-3. RENEWAL OF LICENSES.

Licenses under the provisions of this Chapter who successfully operate a master festival, ~~or Special Event, or Community Event~~ under the provisions of this Chapter and who wish to have the event on an annual or periodic basis, must renew each Master Festival, ~~or Special Event, or Community Event~~ License as provided in Section 4-8-4 herein. Events, which occur in series such as concerts, falling under the criteria established in this Chapter, must have a Master Festival, ~~or Special Event, or Community Event~~ License, which

specifically authorizes each concert in the series, even if the same performer is performing on separate occasions.

(Amended by Ord. No. 01-31)

4-8-4. MASTER FESTIVAL LICENSE APPLICATION PROCEDURE.

(A) **APPLICATION SUBMITTAL.** Applications for Community Events, Special Events and Master Festivals shall be made in writing to ~~the Special Events Manager~~Economic Development Manager or his/her designee. Application materials are available at City Special Events Department, ~~and the Chamber Bureau offices, as well as online on the City's website~~, and must be completed and submitted to the Special Event ~~Department~~Manager not less than ninety (90) days prior to the scheduled opening of any Master Festival, ~~and~~ not less than sixty (60) days prior to the scheduled opening of any Special Event, ~~and not less than thirty (30) days prior for a Community Event~~ unless otherwise approved by the City Council, or by the Economic Development Manager or his designee~~Special Events Manager~~ for ~~Special e~~Events, upon a showing of good cause.

(B) **CITY COUNCIL REVIEW.** The City Council of Park City shall review and either approve, approve with conditions, or deny the following applications:

(1) Applications for new Mmaster Ffestivals;

(2) Applications for Mmaster Festival license renewals where

material elements of the event have substantially changed from the previous application; and

(3) Appeals of administrative decisions made pursuant to Subsection (C) Administrative Review, herein.

(4) As used herein, a 'new Master Festival' shall mean any Mmaster Festival being proposed for the first time, or a prior Mmaster Festival which was not renewed for a period exceeding one (1) year. The City Council shall review applications for compliance with the standards for license approval described at Section 4-8-5 herein as follows:

(a) **Staff Review and Recommendation.** Upon receipt of a complete Master Festival License application and accompanying fee, City staff shall review the application for compliance with Section 4-8-5 herein. Staff shall subsequently return a copy of the application to the Applicant with comments and a recommendation, i.e., approve as is, approve with changes and/or conditions, or cause for denial. Incomplete applications will be returned to the Applicant and noted accordingly. Following review of the Master Festival License application and notice to the Applicant, the

Special Events ~~Coordinator~~ Manager shall schedule the application for a public hearing before the City Council.

(b) **City Council Hearing.** Master ~~F~~estival applications requiring City Council review and appeals of administrative Master Festival, ~~or~~ Special Event or Community Events decisions shall be heard at a duly noticed public hearing of the City Council. The City Council shall review the application for compliance the standards set forth at Section 4-8-5 herein, and shall record its decision with written findings of fact, conclusions of law, and condition of approval, if applicable. Written notice of the City Council’s decision shall be delivered to the Applicant within ten (10) days of the date of decision.

(C) **ADMINISTRATIVE REVIEW.**

The ~~Special Events Manager~~ Economic Development Manager or his/her designee shall review and shall have the authority to administratively approve, approve with conditions, or deny the following applications:

- (1) Special Event and Community Event applications;
- (2) Applications for Master Festival License renewals where

material elements of the event have not substantially changed from the previous application. Upon receipt of a complete Master Festival License application and accompanying fee, the Special Events ~~Coordinator~~ Manager shall review the application for compliance with Section 4-8-5 herein.

Following review of the application, the Special Events ~~Coordinator~~ Manager shall record his/her decision with written findings of fact, conclusions of law, and conditions of approval to the Economic Development Manager or his/her designee for final administrative approval. Once approved by the Economic Development Manager or his/her designee, the Special Event Coordinator will, if applicable, and deliver written notice of such decision to the Applicant. Any Applicant whose application has been administratively denied may appeal the decision to the City Council by filing a written request to the Special Events ~~Coordinator~~ Manager within ten (10) days of the date of decision. The City Council shall hear the matter de novo and with public hearing.

Upon receipt of a complete ~~event~~ master festival license application and accompanying fee, the Special Events ~~Coordinator~~ Manager shall review the application for compliance with Section 4-8-5 herein. Following review of the application, the Special Events ~~Coordinator~~ Manager shall record his/her decision with written findings of fact, conclusions of law, and conditions of approval, if applicable, and deliver written notice of such decision to the Applicant.

(Amended by Ord. 01-31)

4- 8- 5. STANDARDS FOR LICENSE APPROVAL.

Applications for Master Festivals, Community Events and Special Events shall be reviewed for compliance with the standards provided herein. The Special Events Manager~~Economic Development Manager or his/her designee~~ or City Council may prohibit or restrict any Special Event, Community Event or Master Festival whenever any of the conditions enumerated in this Section is found likely to occur, unless the event is modified to eliminate said conditions.

(A) The event does not provide positive economic, cultural, community value, or is not in accordance with the goals of the Park City Economic Development Plan or the Park City General Planning.

(B) The conduct of the event will substantially interrupt or prevent the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area of its venue.

(~~CB~~) The conduct of the event will require the diversion of so great a number of police, fire, or other essential public employees from their normal duties as to prevent reasonable police, fire, or other public services protection to the remainder of the City.

(~~DC~~) The concentration of persons, vehicles, or animals will unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on

the streets or with the provision of other public health and safety services.

(~~ED~~) The event will substantially interfere with any other Community Event, Special Event, or Master Festival for which a license has already been granted or with the provision of City services in support of other such events or governmental functions.

(~~FE~~) Where applicable, the Applicant fails to provide the following:

- (1) The services of a sufficient number of traffic controllers, signs or other City required barriers or traffic devices;
- (2) Monitors for crowd control and safety;
- (3) Safety, health, or sanitation equipment, and services or facilities reasonably necessary to ensure that the event will be conducted without creating unreasonable negative impacts to the area and with due regard for safety and the environment;
- (4) Adequate off-site parking and traffic circulation in the vicinity of the event;
- (5) Required insurance, cash deposit, or other security; or
- (6) Any other services or facilities necessary to ensure compliance with City ~~noise, sign, or other applicable~~ ordinance(s).

(~~GF~~) The event created the imminent

possibility of violent disorderly conduct likely to endanger public safety or cause significant property damage.

(HG) The Applicant demonstrates inability or unwillingness to conduct the event pursuant to the terms and conditions of this Chapter or has failed to conduct a previously authorized event in accordance with the law or the terms of a license, or both.

(IH) The Applicant has not obtained the approval of any other public agencies, including the Park City Fire District, within whose jurisdiction the event or a portion thereof will occur.

(Amended by Ord. No. 01-31)

4-8-6. CONFLICTING LICENSE APPLICATIONS.

(A) No more than one (1) Master Festival, ~~or~~ Special Event, or Community Event shall be approved for the same date(s) unless the ~~Special Events Manager~~ Economic Development Manager or his/her designee or City Council finds that the events will not adversely impact one another and that concurrent scheduling of the events will not adversely impact the public health, safety, and welfare. In making this determination, the ~~Special Events Manager~~ Economic Development Manager or his/her designee or City Council will apply the following criteria:

- (1) Geographic separation of the events;
- (2) Proposed time and duration of the events;

- (3) Anticipated attendance volumes;
- (4) Necessity for public personnel, equipment, and/or transportation services at the events; and
- (5) Anticipated traffic and parking impacts.

(B) When more than one (1) Community Event, Special Event or Master Festival application is received for the same date(s), the ~~Special Events Manager~~ Economic Development Manager or his/her designee finds that:

- (1) the events will adversely impact one another; or
- (2) concurrent scheduling of the events will adversely impact the public health, safety, and welfare, the Special Events ~~Coordinator~~ Manager shall resolve the conflict as provided herein.

(C) The Special Events ~~Coordinator~~ Manager shall first attempt to reach an agreement among the conflicting Applicants to modify the applications in order to resolve the conflicts and accommodate the public interest. If no voluntary agreement is reached, then the ~~City Council~~ Special Events Manager shall resolve the issue based on the following order or priorities:

- (1) ~~(1)~~ The event that provides the greatest overall value to the City based on economic, cultural, and

<p><u>community impacts based on annual event debrief along with recommendations from the Special Event Advisory Committee.</u></p>	<p>4- 8- 7. LICENSES NECESSARY FOR A SPECIAL EVENT LICENSE AND MASTER FESTIVAL LICENSE.</p>
<p>Historic usage special events or master festivals where the same Applicant has been granted a license under this Chapter for use of a particular City forum at a particular date, time, and place for more than three (3) consecutive years.</p>	<p>The Applicant/licensee shall provide to the Special Events Coordinator <u>Manager</u> proof of a valid Special Event temporary liquor or beer license, fireworks license, and building permit, as applicable, as well as a receipt acknowledging that all application fees have been paid. The licensee must obtain all permits for any temporary structure constructed under the provisions of an <u>event Master Festival L</u>icense and must pass all inspections as a condition precedent to a valid Special Event License. Temporary concessions on public or private property may be approved in conjunction with an <u>Master Festival or Special</u> Event in the sole discretion of the City. Such concessions must be directly related to the event and meet a demonstrated need of participants. Unless otherwise approved by City Council, all concessions require a regular business license.</p>
<p>(22) Events planned, organized, or presented by state, federal, or City governmental entities or their agents shall have priority over conflicting applications if:</p> <p>(a) the application is timely filed and processed by the City;</p> <p>(b) said governmental application is made in good faith and not with the effect or purpose of improperly <u>violating chilling</u> constitutional rights of conflicting Applicants; and</p>	<p>(Amended by Ord. No. 01-31)</p> <p>4- 8- 8. FEES TO BE ASSESSED.</p> <p>(A) APPLICATION FEE. First-time Master Festival applications shall be assessed a fee of one hundred <u>sixty</u> dollars (\$1600). Special Event and renewal Master Festival applications shall be assessed a fee of <u>eighty</u>ifty dollars (\$850). <u>Community Events shall be assessed a fee of forty dollars (\$40).</u> All application fees are due and payable upon submission of a completed application. Applications shall be considered incomplete unless and until the application fee is paid in full.</p>
<p>(43) If neither subsection (1), or (2) do not resolve the conflict, then the first-in-time application shall be given priority. The conflicting Applicant shall be advised of other open dates on the City' s events calendar.</p> <p>(Amended by Ord. No. 01-31)</p>	

(B) **CITY SERVICE FEES.** Upon receipt of a completed Master Festival, ~~or~~ Special Event, or Community Event application, the Special Events ~~Coordinator~~ Manager will provide the Applicant with an estimate of fees based on estimated costs for City services arising from the event, including but not limited to the use of City personnel and/or equipment, City transportation services, inspections, and user fees. A final assessment of City costs will occur upon completion of the special event. All City service fees will be adjudged to reflect actual cost. Unless waived pursuant to Section 4-8-9, all City service fees must be paid in full within thirty (30) days of the final assessment of City costs for the ~~Master Festival, or Special Event, or Community Event.~~

(C) **FINANCIAL SECURITY.** The Special Events ~~Coordinator~~ Manager is authorized to require an Applicant to post a cash deposit or other security accepted by the Legal Department for all estimated contingent costs prior to the issuance of an event master festival-license, as a guarantee against fees, damages, clean up, or loss of public property.

(Amended by Ord. No. 01-31)

4- 8- 9. FEE WAIVERS.

(A) The City Manager may waive the following ~~eMaster Festival or Special Event~~ licensing and associated fees up to a total of twenty thousand dollars (\$20,000) upon a finding of eligibility pursuant to the criteria provided herein:

- (1) aApplication fee;

- (2) building permit;
- ~~(3)~~ Facility or equipment rentals;
- (4) public safety officers;
- ~~(5)~~ Field and park rentals; and
- ~~(6)~~ special use of public parking permits; and spaces
- ~~(7) and B~~ leachers.
- (8) trail fees

If the total fee waiver request exceeds twenty thousand dollars (\$20,000) or includes other city service fees outside the fees mentioned above, then the request must be approved by City Council in a Public Meeting.

(B) All fee waiver requests should be submitted to the Special Events ~~Coordinator~~ Manager at the time of application, but in no case later than fifteen (15) days prior to the first day of the proposed event. Fee waiver determinations made by the City Manager may be appealed to the City Council. Eligibility for a full or partial fee waiver shall be determined by the City Manager pursuant to the following criteria, none of which shall be individually controlling:

- ~~(1) For profit or non-profit status of the Applicant;~~
- ~~(2)~~ Whether the event will charge admission fees for participants or spectators;
- ~~(3)~~ Whether the event is youth-oriented;
- ~~(4) The duration of the event;~~
- ~~(5)~~ Whether and to what extent

the City is likely to receive positive tax benefits by virtue of the event;

(46) The degree of City services involved and whether City costs are likely to be recovered by other revenue opportunities arising from the event;

(57) Whether the event occurs during the resort off seasons The season of occurrence; and

(68) Demonstration of hardship by the Applicant.

Fee waiver requests must be filed annually, unless otherwise approved in a City services agreement by the City Council. Approval of a fee waiver for any application shall not create a precedent for future requests.

(Amended by Ord. Nos. 01-31; 06-57)

4- 8-10. INSURANCE REQUIREMENTS.

Applicants shall provide upon application for a Master Festival License proof of liability insurance in the amount of two million dollars (\$2,000,000) per occurrence and four million dollars (\$4,000,000) aggregate two million dollars (\$2,000,000) or more as may be required by the Special Events ~~Coordinator~~Manager or the City Attorney's Office, and shall further name Park City Municipal Corporation as an additional insured. All Applicants shall further indemnify the City from liability occurring at the event, except for any claim arising out of the sole negligence or intentional torts of the City or its employees. Any reduction of these requirements must be

approved prior to approval of permit by both the Special Events Coordinator and the City Attorney's Office.

(Amended by Ord. No. 01-31)

4- 8-11. RUNS, WALKS, FILM-MAKING, AND PROMOTIONS.

~~Runs, walks, film-making, parades, public demonstrations,~~ and promotions shall be considered Special ~~Events~~. Unless the Economic Development Manager or his/her designee makes written findings that the specific proposal does not create a substantial public impact or require substantial City services, unless such event does not create substantial public impact or requires substantial City service. Any ~~run, walk,~~ film, or promotion undertaken by any for-profit business or corporation, must first be licensed as a business under Chapter 2, Business Licenses. For-profit corporations falling under the provisions of this Chapter or who are specifically in film-making or promotions on public or private property must, as a provision of their license, provide proof of insurance, shooting schedule or schedule of events, produce written permission of property owners, and provide access to any set or site for purposes of Code enforcement.

(Amended by Ord. No. 01-31)

4- 8-12. CRIMINAL PENALTY.

Any person who willfully violates any provision of this Chapter shall be guilty of a Class B misdemeanor. Persons conducting Community Events, Special Events, or Master Festivals without having first obtained a ~~Master Festival~~ License are

subject to arrest and the event is subject to closure.

(Amended by Ord. No. 01-31)

4- 8-13. REVOCATION FOR CAUSE; NOTICE TO CURE.

(A) **NOTICE TO CURE**. If the Special Events ~~Coordinator~~Manager or any sworn law enforcement officer determines that the conditions of any license issued pursuant to this Chapter have been or are being violated, then notice shall be given to the licensee, sponsor, or designated organizer’s representative of the Community Event, Special Event or Master Festival to cure the violation.

(B) **FAILURE TO CURE**. It is unlawful for the licensee, sponsor, or on-site organizer’s representative of an authorized Community Event, Special Event, or Master Festival to fail to take reasonable steps to promptly cure any notice of violation of this Chapter. It is also unlawful for any participant or spectator to fail to comply with lawful directions issued by any sworn law enforcement officer or by the licensee, sponsor, or on-site organizer’s representative to cure their violation of this Chapter.

(C) **CLEAR AND PRESENT DANGER**. If a sworn law enforcement officer determines, after consultation with the Chief of Police or the Chief of Police’s designee, that any failure to cure a violation of this Chapter creates a clear and present danger of immediate significant harm to life, public safety, or property which cannot be reasonably mitigated by increased public safety enforcement and which, on balance,

outweighs the constitutionally protected rights of the organizers or participants in the Community Event, Special Event, or Master Festival, the licensee, sponsor, or on-site organizer’s representative of the Community Event, Special Event, or Master Festival shall be promptly notified that the license is revoked and that the Community Event, Special Event or Master Festival must immediately cease and desist.

(D) **VIOLATION OF CEASE AND DESIST ORDER**. If a license is revoked as specified in Subsection (C) above, then it shall be unlawful for any person to fail to obey the order to cease and desist from illegal activities.

(Amended by Ord. No. 01-31)

CHAPTER 8A - PUBLIC OUTDOOR MUSIC PLAZAS

(Created by Ord. 00-36)

4-8A-1. TITLE FOR CITATION.

This section shall be known and may be referred to as the Public Outdoor Music Plaza Ordinance.

4-8A-2. PURPOSE: REASONABLE LICENSING PROCEDURES.

It is the purpose and object of this Chapter that the City establish reasonable and uniform regulations governing the licensing and manner of operations of public outdoor music plazas in Park City. This Chapter shall be construed to protect the legitimate and important governmental interests recognized by this Chapter in a manner consistent with constitutional protections provided by the United States and Utah Constitutions. The purpose of these regulations is to provide for the regulation and licensing of public outdoor music plazas within the City in a manner which will protect the property values of surrounding businesses and neighborhoods, and residents from the potential adverse secondary effects, while providing to those who desire to perform in and patronize public outdoor music plazas the opportunity to do so. The purpose of this Chapter is to prevent and control the adverse effects of public outdoor music plazas and thereby to protect the health, safety, and welfare of the citizens and guests of park City, protect the citizens from increased noise, preserve the quality of life, preserve the property values and character of the surrounding neighborhoods.

4-8A-3. APPLICATION OF PROVISIONS.

This Chapter imposes regulatory standards and license requirements on certain activities, which are characterized as A public outdoor music plazas”. It is not the intent of this Chapter to suppress any speech activities protected by the First and Fourteenth Amendments to the United States Constitution and the Constitution of the State of Utah, but to impose content-neutral regulations which address the adverse secondary effects of public outdoor music plazas. This Chapter is intended to supersede any other related ordinances including, but not limited to, Title 6 Chapter 3, Noise and Title 15, Land Management Code, of the Municipal Code.

4-8A-4. DEFINITIONS.

For the purpose of this Chapter, the following words shall have the following meanings:

(A) **AMPLIFIED EVENT OR MUSIC.** An event or music utilizing an amplifier or other input of power so as to obtain an output of greater magnitude or volume through speakers or other electronic devices.

(B) **STAGES.** The raised and semi-enclosed platforms that are designed to attenuate sound, or as otherwise approved by special events staff.

4-8A-5. EVENTMASTER FESTIVAL LICENSE; REVIEW PROCEDURE.

The public outdoor music plazas identified at Section 4-8A-6 herein may be programmed for public performances and outdoor music, subject to the regulations and conditions of this Chapter and subject to ~~eventmaster festival~~ licensing review pursuant to Title 4, Chapter 8, ~~EventMaster Festival~~ License. No licensee nor performer shall accrue any vested rights under this revocable license.

(Amended by Ord. No. 03-18; 03-31; 04-13)

4-8A-6. PUBLIC OUTDOOR MUSIC PLAZAS.

The following locations, dates and times may be programmed for public performances and outdoor music:

(A) LOWER SUMMIT WATCH PLAZA.

(1) **LOCATION.** On the north end of Summit Watch Plaza. Approved plans are on file with the Special Events Department.

(2) **OPERATION DAYS/HOURS/MONTHS.** This stage may be programmed a maximum of three (3) days per week from June 1st through Labor Day. Programming is limited to a maximum of three (3) hours per day and shall begin no earlier than 12:00 Noon and conclude no later than 8:30 p.m. A timer device will be installed that shuts the power of the stage and sound system off at 8:30 p.m.

(3) **TYPE OF MUSIC.** Amplified and acoustic with prerecorded music allowed during

breaks. For amplified events or music on Summit Watch Plaza, the program manager shall be responsible to ensure that the sound system maintains the sound at an A-weighted sound level adjustment and maximum decibel level of ninety (90), as measured twenty-five feet (25') in front of the stage.

(B) MINER' S PLAZA.

(1) **LOCATION.** 415 Main Street.

(2) **OPERATION DAYS/HOURS/MONTHS.** This stage may be programmed a maximum of two (2) days per week from June 1st through Labor Day. Programming is limited to a maximum of three (3) hours per day and shall begin no earlier than 12:00 ~~p.m.~~ ~~Noon~~ and conclude no later than 8:30 p.m. Programming of this stage shall not conflict with any City-sponsored or duly licensed master festival as approved by the Special Events Department, including but not limited to dates reserved for the Park City Arts Festival. A timer device will be installed that shuts the power of the stage and sound system off at 8:30 p.m.

(3) **TYPE OF MUSIC.** Solo and duo acts with microphones for vocal, with prerecorded music during breaks. For amplified ~~soundevents~~, the program manager shall be responsible to ensure that the sound system maintains the sound at an A-weighted sound level adjustment and

maximum decibel level of 90, as measured twenty-five feet (25') in front of the stage.

(C) **TOWN LIFT PLAZA.**

(1) **LOCATION.** 825 Main Street.

(2) **OPERATION DAYS/HOURS/MONTHS.** This stage may be programmed a maximum of three (3) days per week from June 1st through Labor Day. The maximum duration of programming per day shall not exceed four (4) hours and shall begin no earlier than 12:00 p.m. ~~Noon~~ and must conclude no later than 8:30 p.m. Programming of this stage shall not conflict with any City-sponsored or duly licensed ~~event~~ ~~master festival~~ as approved by the Special Events Department, including but not limited to dates reserved for the Park City Arts Festival. A timer device will be installed that shuts the power of the stage and sound system off at 8:30 p.m.

(3) **TYPE OF MUSIC.** Amplified and acoustic acts with microphones for vocal, with prerecorded music during breaks. For amplified ~~sound~~ ~~events~~, the program manager shall be responsible to ensure that the sound system maintains the sound at an A-weighted sound level adjustment and maximum decibel level of ninety (90), as measured twenty-five feet (25') in front of the stage.

(D) **UPPER SUMMIT WATCH PLAZA.**

(1) **LOCATION.** On the south end of Summit Watch Plaza. Approved plans are on file with the Special Events Department.

(2) **OPERATION DAYS/HOURS/MONTHS.** This stage may be programmed a maximum of three (3) days per week from June 1st through Labor Day. Programming is limited to a maximum of three (3) hours per day and shall begin no earlier than 12:00 p.m. ~~Noon~~ and must conclude no later than 8:30 p.m. A timer device will be installed that shuts the power of the stage and sound system off at 8:30 p.m.

(3) **TYPE OF MUSIC.** Amplified and acoustic with prerecorded music allowed during breaks. For amplified ~~sound~~ ~~events~~ or music at on Upper Summit Watch Plaza, the program manager shall be responsible to ensure that the sound system maintains the sound at an A-weighted sound level adjustment and maximum decibel level of 90, as measured twenty-five feet (25') in front of the stage.

(Amended by Ord. 01-20; 02-12; 03-18; 03-31; 03-35; 04-13)

4-8A-7. GENERAL REGULATIONS.

(A) The program manager, or his/her designee, shall provide on-site management

for each event.

(B) A sound technician shall provide on-site noise monitoring for each event with music, amplified or otherwise, and any amplified event.

(C) Except as otherwise provided at Subsection 6(A) herein, for amplified events or music, the program manager shall be responsible to ensure that the sound system maintains the sound at an A-weighted sound level adjustment and maximum decibel level of 90, as measured twenty-five feet (25') in front of the stage. The data currently available to the City indicates that a maximum decibel level of 90 satisfies the purpose of this ordinance. The City may amend this ordinance consistent with newly acquired data.

(D) All events shall be open to the public and free of charge.

(E) No event shall exceed 250 people at one time unless a separate ~~eventmaster~~ festival license is granted for that event.

(F) The Police Department or other proper City official shall have access at all times to all public outdoor music plazas under this Chapter, and may make periodic inspection of said premises whether the officer or official is in uniform or plain clothes.

(G) All events shall take place only on authorized stages and shall have clean-up services directly following each event so as to leave the plazas in a clean and litter free manner.

4-8A- 8. ALCOHOL.

It is unlawful for the licensee or any person or business to allow the sale, storage, supply, or consumption of alcoholic beverages at the public outdoor music plazas, unless licensed pursuant to Chapters 4-6 of Title 4, as applicable.

4-8A- 9. LICENSE HOLDER, PROGRAM BOARD.

(A) The licensee(s) will hire a program manager, approved by the City, said approval not to be unreasonably withheld. The program manager will be responsible for general management of each public outdoor music plaza and on-site oversight for each event. Agreements with the individual property owners will be provided to the City Special Events Department by the program manager.

(B) The licensee(s) shall schedule events in accordance with the regulations set forth in this Chapter. Nothing herein shall allow the City to regulate the content or otherwise censor plaza productions or speech. The licensee(s) shall at all times hold the City harmless and indemnify the City from all claims, actions and liability arising from the licensee(s)' use of the public outdoor music plazas. The licensee(s) shall maintain their own liability insurance, with the City listed as an additional insured in a form approved by the City Attorney.

(C) Nothing in this Chapter shall be interpreted to create a contract or implied-contract between the City and any performer, or public outdoor music plaza owner.

(Amended by Ord. 03-31; 04-13)

4-8A-10. ON-GOING COMPLIANCE EVALUATION.

(A) Licensee(s) shall post a phone number at each venue so that individuals may phone in comments. Based upon such comments, the special events staff may issue additional conditions consistent with the intent of this Chapter to the program manager, including decreasing DB levels in three (3) DB increments with at least three (3) days between each reduction. A summary of, and recommended response to comments will be forwarded to the City Council within seven (7) days of the end of each month of operation, or sooner if requested by the program manager to resolve any issue.

(B) The Police Chief, or his/her designee, may suspend the licenses granted herein and schedule a revocation hearing before the City Council at the next regularly scheduled City Council meeting for any of the following causes:

- (1) Any violation of this Chapter as evidenced by a citation issued by the Police Department.
- (2) Any violation of law or City ordinance.
- (3) Upon any other evidence that the program manager or entertainer constitutes a hazard or nuisance to the health, safety, or welfare of the community.

(Amended by Ord. 03-31; 04-13)

4-8A-11. TRANSFER

LIMITATIONS.

The ~~eventmaster festival~~ licenses granted under this Chapter are not transferable without the written consent of the Mayor. It is unlawful for an individual to transfer a public outdoor music plaza master festival license without City approval as provided herein. If any transfer of the controlling interest in a public outdoor music plaza license occurs without City approval, the license is immediately null and void and the public outdoor music plaza shall not operate until a separate new license has been properly issued by the City as herein provided. The City will not unreasonably withhold consent of transfer provided the proposed licensee is a non-profit organization within Park City, meets all the criteria of this Chapter, and demonstrates experience managing special events.

4-8A-12. PLAZA LICENSES IN LIEU OF ADMINISTRATIVE PERMITS FOR OUTDOOR MUSIC AND OUTDOOR SPEAKERS.

The ~~eventmaster festival~~ licenses granted under this Chapter are in lieu of any administrative conditional permit (CUP) for outdoor music, including outdoor speakers, pursuant to Title 15 of the Municipal Code, Land Management Code. The Planning Department shall not issue any outdoor music permits in the Historic Commercial Business (HCB) zoning district north of Heber Avenue. The City may still issue outdoor music permits in conjunction with an approved ~~eventmaster festival~~ license.

(Amended by Ord. 04-13)



DATE: May 14, 2015

TO HONORABLE MAYOR AND COUNCIL

Park City's Old Town Neighborhood Has a History of Poor Curbside Collection Performance Due to a Variety of Factors: the Geography, Population, and History of Old Town Contribute to Inconsistent Containers, High Contamination Rates, Missed Pick-Ups, 'Orphan' Toters, and an Impression of Disarray. This Report Summarizes Previous Efforts and Recommends New Solutions.

Respectfully:

Matthew Abbott, Environmental Program Manager



City Council Staff Report

Subject: Old Town Curbside Collection Performance
Author: Matt Abbott
Department: Sustainability
Date: May 14, 2015
Type of Item: Administrative

Summary Recommendations:

Staff is seeking Council direction on the priority of improving Old Town's curbside waste and recycling collection performance. If Old Town curbside collection performance is a priority, staff is recommending the deployment of an RFID toter management system for all 1,028 Old Town customers along with increased staff time to support performance improvements.

Executive Summary:

Park City's Old Town neighborhood has a history of poor curbside collection performance due to a variety of factors. The geography, population, and history of Old Town contribute to inconsistent containers, high contamination rates, missed pick-ups, 'orphan' toters, and an impression of disarray. This report summarizes previous efforts and recommends new solutions.

Acronyms:

MSW	Municipal Solid Waste
PCALA	Park City Area Lodging Association
PCMC	Park City Municipal Corporation
QR Code	Quick Response Code
RFID	Radio-frequency Identification

Background:

Residential curbside waste and recycling collection in Old Town is not meeting the expectations of residents, business owners, Councilmembers, staff, and Republic Services, our contract hauler.

On July 1st of 2012 Summit County initiated a five-year contract with Republic Services for residential municipal solid waste services and expanded recycling services Countywide. Waste services continued on a weekly pickup schedule in 65-gallon toters, a 30-gallon reduction from the previous contract. Curbside recycling was expanded from 5,750 participants to 14,500 participants using 95-gallon toters that are collected every other week. Glass is not accepted under the 2012 contract.

Park City's Old Town neighborhood represents 1,028 residents, property owners, and businesses. Prior to July 1st, 2012, Old Town was part of a pilot recycling program.

Since July 1st, 2012 both the property owners and Republic Services have been facing numerous problems with all aspects of curbside collection.

Curb It Recycling managed curbside recycling in Old Town under a subcontract with Republic Services until early 2014.

Staff has presented to Council on this issue on the following dates:

- February 3, 2005 – Consideration of Trash Container Removal Ordinance (pg. 3)
 - <http://www.parkcity.org/Modules/ShowDocument.aspx?documentid=3507>
- September 8, 2005 – General Discussion about Old Town Trash Issues (pg. 6)
 - <http://www.parkcity.org/Modules/ShowDocument.aspx?documentid=3485>
- December 8, 2005 – Trash Container Ordinance (pg. 62)
 - <http://www.parkcity.org/Modules/ShowDocument.aspx?documentid=3476>
- April 19, 2007 – Main Street Recycling & Old Town Trash Container Issues (pg. 127)
 - <http://www.parkcity.org/Modules/ShowDocument.aspx?documentid=2992>
- June 27, 2013 – Old Town Curbside Recycling (pg. 7)
 - <http://www.parkcity.org/Modules/ShowDocument.aspx?documentid=11388>
- May 29, 2014 – Waste Container Ordinance & Old Town Curbside Recycling (pg. 107)
 - <http://www.parkcity.org/Modules/ShowDocument.aspx?documentid=12859>

Staff has been working directly with Jake DeBerg, Operations Manager, and Reece DeMille, General Manager for Republic Services as well as Jaren Scott, Summit County's Solid Waste Superintendent.

Analysis:

There are numerous interrelated problems that contribute to the poor performance of curbside collection in Old Town. These issues include, but are not limited to:

- Geography of Old Town
 - Hilly
 - Constrained streetscape
 - Limited storage space for toters
- Population of Old Town
 - Transient/Nightly rentals
 - Disconnected ownership/responsibility
- History of Old Town curbside collection
- Construction
- Parking
- Toters
 - Inconsistent containers
 - Unclear labeling
 - Overflow
 - Contamination

All of the issues contribute to missed pick-ups, unclaimed or misplaced toters, waste/recycling stream contamination, and lead to a poor impression of Old Town. Furthermore, these factors make direct and meaningful education, feedback, and enforcement expensive in Old Town.

Geography, population, history, and construction are out of the scope of this report. This report will focus primarily on enforcement and toters.

Republic Services has cited Old Town as unique and consistently problematic. For context, Republic Services is the second largest hauler in the United States. Republic Services photographed a typical collection day. Photos can be found [here](https://www.dropbox.com/sh/swlrjnszx4t64ib/AACZmL8WJPpCNRaX847eerJla?dl=0) (<https://www.dropbox.com/sh/swlrjnszx4t64ib/AACZmL8WJPpCNRaX847eerJla?dl=0>). A memo from Jake DeBerg has been included in this report's appendix (Exhibit A). Republic Services has also invested in a custom, rear-load truck for Old Town.

Enforcement

The Historic Commercial Business (HCB) zone requires commercial business waste and recycling containers to be curbside no sooner than 10:00PM the night before collections and to be removed from the curb by 10:00AM the day of collections (LMC 15-2.6-11). Park City Municipal Code has a 24 hour curbside limit for waste and recycling containers from nightly rentals (MCPC 4-2-18(C)). City Council rejected a Citywide toter ordinance on 12/8/05.

As Republic Services cites in their memo (Exhibit A), there are at least 100 toter violations in Old Town. This is just under 10% of the toters in Old Town. Republic Services has been 'tagging' non-compliant toters and it is difficult to determine ownership/responsible parties.

Past efforts have resulted in educational mailings, refrigerator magnets, and improved information on Summit County's webpage. Along with these efforts, approximately 25% of the toters have been stenciled.

Park City Code Enforcement responds to all toter complaints. Code Enforcement shares Republic Services' difficulty in identifying the toter's owner/responsible party. The research process is time consuming and often results in feedback that is delayed or potentially out of date.

The primary enforcement obstacle is connecting the toter to the owner/responsible party. This is obstacle has been discussed in previous Council presentations and can be resolved.

Under current staffing conditions, Code Enforcement can respond to complaints but cannot proactively enforce Old Town.

Toters

Inconsistent containers, poor labeling, and ineffective stickers have all contributed to confusion for Old Town customers. Under the new contract, what used to be the waste container became the recycling container. The first attempt to add labels to these containers the labels did not properly adhere. Finally, there are a variety of toter colors, shapes, and collection locations that create a lack of consistency for residents, visitors, and maintenance staff.

Consistently sized, colored, and labeled toters should increase system clarity and decrease contamination.

Potential Solutions

In order for Code Enforcement and Republic Services to make any meaningful progress in Old Town toters must be connected to the owner/responsible party.

Staff has assessed a variety of labeling schemes including: stickers, paint, paint pens, hot stamps, art, and RFID toter management (e.g. <http://www.toter.com/cart-maintenance/rfid-cart-management.cfm>).

The biggest obstacle in each of the proposals is interacting with 100% of existing toters. Republic Services estimates that no more than 75% of toters are routinely available. A complete replacement of existing toters with recommended labeling or chipping is the most complete solution and would eliminate toter confusion.

Stickers

Pros: Can be printed, consistent appearance

Cons: Previous issues with adherence, would have to reorder for replacements

Paint (stencil)

Pros: Readily available, consistent appearance

Cons: Custom layout for each address, labor intensive

*Paint Pen – **Staff Recommendation***

Pros: Readily available, consistent appearance

Cons: Custom application for each address, somewhat labor intensive

Hot Stamp

Pros: Permanent, consistent appearance

Cons: Unfeasible for individual addresses

Art

Pros: Unique, funky

Cons: Unfeasible for individual addresses, difficult to read, aesthetics

RFID – Staff Recommendation

Pros: permanent, invisible to customer, improved automation

Cons: Invisible to customer, potential subscription data costs



Image from Toter®

A deployment of RFID chipped toters has some unique advantages. First, every toter will have its own, unique RFID tied to an account. This will allow Code Enforcement to scan violators and generate a weekly report of violations tied directly to owners/responsible parties. RFIDs will drastically reduce the amount of staff time required to identify violators, increase response times, and increase performance. Second, this deployment will allow Old Town to start fresh. Toter's will be consistent throughout all of Old Town.

This level of service is not included in the 2012 Countywide contract.

Proposed Program Rollout

Staff recommends a complete replacement of toters throughout all of Old Town. These toters would match existing color schemes, grey for garbage and blue for recycling. Every bin would contain a unique RFID chip, be labeled with existing labels, and include an address applied with paint pen. All existing bins will be collected and recycled.

Staff is recommending that all toters contain RFID chips and that PCMC wait to pursue RFID scanners and any related background data processes. The cost of including RFIDs during rollout is low (\$1/toter) and the total scale and persistence of violations is unclear. Without further clarity, staff is hesitant to invest further in an RFID deployment.

Republic Services has estimated the cost of this deployment to Park City to be approximately \$64,000, \$30 per toter (\$61,680) and \$1 per RFID chip (\$2,056).

Internally, there would be increased seasonal Code Enforcement demands. Staff estimates that surveying Old Town on a weekly basis would take four hours, or 208 hours annually. Following up with violators would vary seasonally and staff estimates that enforcement would exceed current staff capacity. Alternate labeling methods would increase the amount of staff time required to enforce toter violations in Old Town.

Due to the unique nature of Old Town and its high percentage of nightly rentals, staff is less concerned with precedence.

Ongoing Opportunities

Glass Recycling

Glass is readily recyclable. The majority of our visitors reside in markets where glass is recycled. From a business perspective, glass typically represents an expense as opposed to revenue for haulers. Secondly, our regional recycling operations are not equipped to sort glass.

Glass represents 4.6%¹ of the American waste stream and 11.0%² of Park City's waste stream. This equates to almost 6,500 tons of glass disposed by Park City annually. Glass is the number one contaminant in our recycling system and a huge and persistent problem for our recyclers.

Staff is working the County to increase glass diversion through drop-off centers and pilot curbside programs.

Education

Education is integral part of any successful waste reduction program. Republic Services has contractual expectations and an associated budget to provide a certain level of customer education in the Old Town neighborhood.

Staff is looking into additional education materials to be provided during the business licensing process, at PCALA meetings, and directly to service providers. Staff will be working with Jason Glidden in his efforts to identify and license nightly rentals to insure educational materials are properly distributed. All education, mailings, and labeling should be bilingual (English and Spanish).

Old Town Curbside

Staff believes that improving Old Town curbside recycling to the intended level of services would support the following Council-approved objectives from PCMC's Environmental Strategic Plan. There are also economic and social benefits beyond these environmental outcomes that are highlighted in the Significant Impacts section of this staff report:

- Reduce Municipal carbon & greenhouse gas emissions (Objective 1.2)
- Increase Park City's community-wide recycling rates (Objective 2.2)
- Play an active role in environmental community education and outreach (Objective 3.3)
- Ensure the Environmental Sustainability Plan keeps pace with technology, nationwide trends and the community's collective interests (Objective 5.0)

Complete details on Park City's Environmental Strategic Plan are available online:

<http://www.parkcity.org/index.aspx?page=244>

¹ US EPA

² *Park City Solid Waste and Recycling Best Practices Inventory*, Cascadia Consulting Group (2014)

Department Review:

Sustainability, Building, Finance, Budget, Legal, and the Executive Office reviewed this Staff Report.

Alternatives:

A. Approve:

Replace all toters in Old Town with consistent, RFID tagged, and labeled waste/recycling toters. Increase staff time dedicated to initial and seasonal toter enforcement.

(STAFF RECOMMENDATION)

B. Deny:

City Council may direct staff to not make any changes to Old Town’s curbside collection.


C. Modify:

City Council may approve the staff recommendation, but with some modifications outlined by Council during Work Session.

D. Continue the Item:

City Council may request that staff return with more information to help inform their decision and priorities.

Significant Impacts:

	World Class Multi-Seasonal Resort Destination (Economic Impact)	Preserving & Enhancing the Natural Environment (Environmental Impact)	An Inclusive Community of Diverse Economic & Cultural Opportunities (Social Equity Impact)	Responsive, Cutting-Edge & Effective Government
Which Desired Outcomes might the Recommended Action Impact?	+ Balance between tourism and local quality of life ~ Internationally recognized & respected brand	+ Reduced municipal, business and community carbon footprints	+ Part-time residents that invest and engage in the community ~ Primarily locally owned businesses	+ Ease of access to desired information for citizens and visitors
Assessment of Overall Impact on Council Priority (Quality of Life Impact)	Positive	Very Positive 	Positive	Positive
Comments: Staff believes that an effective and accessible waste and diversion program is the foundation of a sustainable community and economy. A clear and approachable				

Funding Source:

Any increase to the City’s operating budget for this program did not go through the regular budget process. The City Manager is presenting a balanced budget for Fiscal Year 2016, and if Council decides that they would like to increase funding for this program, it is recommended to also suggest a cut in spending from another BFO

program, pay for it within existing resources, or pay for it out of the General Contingency account.

Consequences of not taking the recommended action:

Old Town customers along with citizens, contractors and staff will likely remain dissatisfied with the level of curbside services.

Recommendation:

Staff is seeking Council direction on the priority of improving Old Town's curbside waste and recycling collection performance. If Old Town curbside collection performance is a priority, staff is recommending the deployment of an RFID toter management system for all 1,028 Old Town customers along with increased staff time to support performance improvements.

Attachments:

Exhibit A – Memo from Jake DeBerg, Operations Manager, Republic Services

Exhibit A – Memo from Jake DeBerg, Operations Manager, Republic Services

Jake DeBerg
Republic Services
Trash and Recycling in Old Town

Matt Abbott
Park City

Reasons why we don't pick-up customers or why we tag customers:

- Recycle Contamination
 - Ceiling fan
 - Metal light
 - Glass
 - Food Wrapping
 - Oil Paint
 - Styrofoam
- Not out by 7am at curb (curbside service)
- NOT placed in street with wheels against the curb/within 2ft. of blacktop.
- Carts are NOT 4 feet from other containers/carts.
- Carts are NOT 8 feet from mailboxes, poles, fences, trees or parked vehicles.
- Cardboard boxes and other large items are not broke down.
- Snow, Ice or other obstructions blocking access to container, driver unable to service.
- Container overfilled or refuse (trash/recycling) not in container creating possibility for damage to vehicle or injury to driver.

Currently, in Old Town Trash and/or Recycle day has at minimum 100 violations causing extra time for us and inability to service correctly.

Tagging customers normally does not work due to the high frequency of rental properties. Also, we have had many complaints that the customers feel they are getting picked on and harassed.



DATE: May 14, 2015

TO HONORABLE MAYOR AND COUNCIL

Sarah Pearce, Managing Director for the Sundance Institute will be giving the 2105 Sundance Economic Report.

Respectfully:

Marci Heil, City Recorder



DATE: May 14, 2015

TO HONORABLE MAYOR AND COUNCIL

Council Consideration to authorize the City Manager to enter into a five year service provider agreement with the Mountain Trails Foundation (MTF), for backcountry trail maintenance services on the Park City public trail system in an amount, not to exceed twenty five thousand dollars (**\$25,000**) annually, in a form approved by the City Attorney.

Respectfully:

Heinrich Deters, Trails and Open Space Program Manager

City Council Staff Report



Author: Heinrich Deters
Subject: Back Country Trail Maintenance
Professional Service Provider Contract
Date: May 14, 2015
Type of Item: Administrative - Award of Contract

Sustainability

RFP- Request for Proposal
MTF- Mountain Trails Foundation

Executive Summary: Council Consideration to authorize the City Manager to enter into a five year service provider agreement with the Mountain Trails Foundation (MTF), for backcountry trail maintenance services on the Park City public trail system in an amount, not to exceed twenty five thousand dollars (**\$25,000**) annually, in a form approved by the City Attorney.

Background:

Park City hosts approximately one hundred and fifty miles of back country recreational trails. Much of this trail system is located in various open space preserves within or adjacent to City Limits. These areas include Round Valley, the Aerie and Masonic Hill, Solamere and Old Town. Park City has been recognized by the International Mountain Bike Association as a gold level trail community for the recreational trail opportunities and levels of service provided.

Park City Municipal Corporation advertised a request for proposals (RFP) for qualified organizations to trail maintenance services specific to back country recreational trails, often referred to as „single track“. A Request for Proposals was advertised on April 1st and 4th in the Park Record and March 30th and 31st in the Salt Lake Tribune. Additionally, the RFP was posted on the City’s website and on utahlegals.com.

Analysis:

Scope of Services

Briefly, the scope of services outlined in the RFP included the following:

- Provide trail evaluation and maintenance schedules to address annual maintenance needs and possible risk management items, including proper signage and trail damage.
- Provide basic trail maintenance including but not limited to; vegetation clearing, tree pruning, sign/trailhead maintenance, rerouting of trails, vegetation of eroded areas and back-country trail construction, closures and regulation of trails, as directed by the PCMC Trails and Open Space Program Manager and or if notified in as reasonable as possible timeframe.
- Assist with various trail related events that have been addressed through the Park City Special Events application process.
- Coordinate and oversee various trail related volunteer opportunities.
- Coordinate with applicable land trusts and PCMC on work taking place within conservation open space.

- Coordinate with Snyderville Basin Special Recreation District trail crew and trail project manager.
- Provide trail condition information and updates to the public.

Proposal Requirements

Briefly, the proposal requirements outlined in the RFP included the following:

- A narrative of firm’s qualifications and relevant experience.
- A statement of your understanding of the project and a general description of your proposed approach to project scope of services.
- Detailed list of trail maintenance equipment as described within the qualifications section.
- Detail your organization or business’ experience in providing the services requested herein for similar customers of similar size, with dates of performance and/or completion, customer name, contact person, and telephone number(s). By providing such references you agree that neither the City nor the clients referenced shall have any liability regarding the provision of such references or the City’s use of such references in making selections under this request for proposal.
- Fee proposal for work provided in the scope of services. Proposals should include, at minimum, an hourly rate for maintenance services, based on an annual approximate budget of \$25,000. (Budget appropriation subject to change per annum)

Additionally, a project timetable was provided in the (RFP), outlining specific components of the process including submittal deadlines and award of contract.

RFP Advertised	March 30, 2015
Deadline for RFP Questions	April 13, 2015
RFP Deadline for Submittal	April 16, 2015
Selection Committee Review	April 28-May 5
Interviews if appropriate	May 5-May 8
Proposed City Council Award of Contract	May 14-May 21

Submittals/Review/Selection

Only one organization submitted a formal proposal by the April 16th deadline. On April 27th, a five person selection committee consisting of the following participants reviewed the proposal:

- Heinrich Deters- Trails and Open Space Project Manager
- Dave Gustafson- Project Manager
- Matt Twombly- Senior Project Manager
- Craig Sanchez – Community Engagement Liaison
- Jonathan Weidenhamer- Economic Development Manager

Selection of the consulting firm was based on the following criteria outlined in the (RFP):

1. Experience in trail maintenance and trail design and construction as well as consulting services to municipalities.
2. Ability to be responsive and available to City Staff on all trail issues for the Park City trail network.
3. Thoroughness of the organization or business’ “approach” to the requested scope of services.

4. Ability to provide for community volunteer trail projects.
5. Consistent with City policy, subject to federal, state and local procurement laws, that Park City Municipal Corporation will make reasonable attempts to support Park City business by purchasing goods and services through local vendors and service providers.
6. Nature and extent of requested changes to the City's standard contract
7. Cost effectiveness of the hourly rates associated with the proposal.

Mountain Trails provided the following fee proposal for the project:

Fee Proposal:

Mountain Trails Foundation proposes the following fee structure:

- An hourly rate of \$25/man-hour which includes use of a trained staff, general equipment, fuel and travel time incurred in performing the work required. (Note: Materials will be billed separately at cost.)
- An hourly rate of \$50/hour for a trained operator utilizing Mountain Trails' machinery (primarily the Bobcat Toolcat or Vermeer Skid Steer)
- All rental equipment will be billed at cost (rental charge) plus fuel. In addition, an hourly rate of \$25/hr will be charged for the operator.

After reviewing the proposal, the selection committee agreed that Mountain Trails Foundation was well qualified to provide the services.



Department Review: This report has been reviewed by department representatives of Sustainability, Legal and the City Manager's Office and their comments have been integrated into this report.

Alternatives:

- A. Approve the request, and authorize the City Manager to execute the service provider agreement as attached: (Staff recommendation)**
- B. Modify the request: Council could choose to modify the agreement, which would likely delay the schedule of the project.
- C. Deny the request: Council could choose to not continue with the project at this time.
- D. Continue the Item: Council may feel there is not enough information to make a decision, which will delay the project and the proposed schedule.
- E. Do Nothing: Same effect as continuance.

Significant Impacts:

The cost proposal provided by Mountain Trails Foundation (\$25/hr.) is more than the previous contracts (\$20/hr.), also held by Mountain Trails Foundation. This may significantly impact the trail maintenance budget; however, staff understands and does not find the fees proposed are without justification. Staff may return in a future budget process if appropriate maintenance levels of service are impacted by the costs incurred.

	World Class Multi-Seasonal Resort Destination (Economic Impact)	Preserving & Enhancing the Natural Environment (Environmental Impact)	An Inclusive Community of Diverse Economic & Cultural Opportunities (Social Equity Impact)	Responsive, Cutting-Edge & Effective Government
Which Desired Outcomes might the Recommended Action Impact?	+ Accessible and world-class recreational facilities, parks and programs + Safe community that is walkable and bike-able			+ Well-maintained assets and infrastructure
Assessment of Overall Impact on Council Priority (<i>Quality of Life Impact</i>)	Very Positive 	(Select from List)	(Select from List)	Positive 
Comments:				

Funding Source:

Funding for this project will come from the Trails Maintenance operating budget.

Consequences of not taking the recommended action:

If Council chooses to deny the contract award levels of service associated with trail maintenance will be negatively impacted.

Staff Recommendations:

Authorize the City Manager to enter into a five year service provider agreement with the Mountain Trails Foundation (MTF), for backcountry trail maintenance services on the Park City public trail system in an amount, not to exceed twenty five thousand dollars (\$25,000) annually, in a form approved by the City Attorney.



DATE: May 14, 2015

TO HONORABLE MAYOR AND COUNCIL

This is the Fourth Year that the Historic Preservation Board (HPB) Has Chosen to Recognize a Significant Preservation Project in the Community. the Award is Not Meant to Compete with Any of the Historical Society's Awards, But Complement the Existing Joint Preservation Efforts Already Taking Place and Highlight the Design Guidelines for Historic Districts and Historic Sites by Which All Development in the Historic Districts Must Comply. This Year's Recipient is the Garage at 101 Prospect Avenue.

Respectfully:

Anya Grahn, Planner II



City Council Staff Report

Subject: 2014 Historic Preservation Award
Authors: Anya Grahn, Historic Preservation Planner
Department: Planning Department, GI-14-00274
Date: May 14, 2015

Summary Recommendation:

Staff recommends that the City Council partner with the Historic Preservation Board (HPB) to present the 2014 Historic Preservation Award to the garage structure at 101 Prospect Avenue for its Excellence in Restoration.

List of Acronyms:

HPB Historic Preservation Board
HSI Historic Sites Inventory

Executive Summary:

This is the fourth year that the Historic Preservation Board (HPB) has chosen to recognize a significant preservation project in the community. The award is not meant to compete with any of the Historical Society's awards, but complement the existing joint preservation efforts already taking place and highlight the *Design Guidelines for Historic Districts and Historic Sites* by which all development in the Historic Districts must comply. This year's recipient is the garage at 101 Prospect Avenue.

Background:

Over the course of the last year, the Historic Preservation Board (HPB) has indicated as part of their Visioning goals the intent to continue the Preservation Awards program. The awards program is to be based on a Project utilizing the *Design Guidelines for Historic Districts and Historic Sites* and the focus of the award may change from year to year. The Board has agreed that the HPB Preservation Award should not compete with any of the Historical Society's awards, but complement the existing joint preservation efforts already taking place and highlight the *Design Guidelines for Historic Districts and Historic Sites* by which all development in the Historic Districts must comply.

Properties are selected for this award based on the following categories:

- Adaptive Re-Use
- Infill Development
- Excellence in Restoration
- Sustainable Preservation
- Embodiment of Historical Context
- Connectivity of Site

In 2011, the Historic Preservation Board recognized the exemplary adaptive reuse of the High West Distillery and the City commissioned artist Sid Ostergaard to create an oil painting depicting the structure. The Washington School House Hotel received the 2012 Historic Preservation Award, and the City commissioned an oil painting by Jan Perkins. Last year, the HPB selected the residential structure at 929 Park Avenue and Talisker on Main (515 Main Street) for their Excellence in Restoration; the City commissioned artists Bill Kranstover and





Dori Pratt in 2013. All of these paintings are displayed in the hallway on the Main Level of the Marsac Building.

This year, the Historic Preservation Board selected the garage at 101 Prospect Avenue as the recipient for the 2014 Historic Preservation Award. 101 Prospect Avenue is a “Landmark” Site that contains a historic bungalow as well as a garage. Constructed c. 1925, the corrugated metal garage was supported by wood pylons and support beams from the downhill side of the hill. Due to its dilapidated condition and structural instability, the garage was restored in 2012 with the help of the Historic District Grant Program. Today, the original pylons and support beams have been replaced by a concrete foundation. The owners, Doug Cotter and Nancy Detamble, were also able to construct a small basement addition beneath the renovated garage for additional storage. Artist Bill Kranstover was selected to complete the painting of the garage on behalf of the City.

Department Review:

Legal, Planning, and the City Manager reviewed this report and their feedback was incorporated.

Significant Impacts:

	World Class Multi-Seasonal Resort Destination (Economic Impact)	Preserving & Enhancing the Natural Environment (Environmental Impact)	An Inclusive Community of Diverse Economic & Cultural Opportunities (Social Equity Impact)	Responsive, Cutting-Edge & Effective Government
Which Desired Outcomes might the Recommended Action Impact?	<ul style="list-style-type: none"> + Balance between tourism and local quality of life + Internationally recognized & respected brand ~ Unique and diverse businesses 	<ul style="list-style-type: none"> ~ Reduced municipal, business and community carbon footprints + Enhanced conservation efforts for new and rehabilitated buildings 	<ul style="list-style-type: none"> + Preserved and celebrated history; protected National Historic District + Community gathering spaces and places + Primarily locally owned businesses + Vibrant arts and culture offerings 	<ul style="list-style-type: none"> + Fiscally and legally sound + Engaged, capable workforce
Assessment of Overall Impact on Council Priority (Quality of Life Impact)	Positive 	Positive 	Very Positive 	Positive 
Comments: The Staff Recommendation advances a variety of goals and is responsive to historic preservation that enhance community character.				

Recommendation:

Staff recommends that the City Council partner with the Historic Preservation Board (HPB) to present the 2014 Historic Preservation Award to the garage structure at 101 Prospect Avenue for its Excellence in Restoration.

Exhibits:

Exhibit A — Historic Site Inventory (HSI) Form & Current Photograph

HISTORIC SITE FORM - HISTORIC SITES INVENTORY

PARK CITY MUNICIPAL CORPORATION (10-08)

1 IDENTIFICATION

Name of Property: **House at 101 Prospect Street**

Address: 101 Prospect Street

AKA:

City, County: Park City, Summit County, Utah

Tax Number: PHS-1

Current Owner Name: Douglas Cotter

Parent Parcel(s): PST-1

Current Owner Address: PO Box 2414, Park City, UT 84060-2414

Legal Description (include acreage): 0.44 acres; LOT 1 PROSPECT HEIGHTS SUBDIVISION.

2 STATUS/USE

Property Category

- building(s), main
 building(s), attached
 building(s), detached
 building(s), public
 building(s), accessory
 structure(s)

Evaluation*

- Landmark Site
 Significant Site
 Not Historic

Reconstruction

- Date:
Permit #:
 Full Partial

Use

- Original Use: Residential
Current Use: Residential

- *National Register of Historic Places: ineligible eligible
 listed (date: 10/22/1984 - Mining Boom Era Residences Thematic District)

3 DOCUMENTATION

Photos: Dates

- tax photo:
 prints: 1983, 1995 & 2006
 historic: c.

Drawings and Plans

- measured floor plans
 site sketch map
 Historic American Bldg. Survey
 original plans:
 other:

Research Sources (check all sources consulted, whether useful or not)

- abstract of title
 tax card
 original building permit
 sewer permit
 Sanborn Maps
 obituary index
 city directories/gazetteers
 census records
 biographical encyclopedias
 newspapers
 city/county histories
 personal interviews
 Utah Hist. Research Center
 USHS Preservation Files
 USHS Architects File
 LDS Family History Library
 Park City Hist. Soc/Museum
 university library(ies):
 other:

Bibliographical References (books, articles, interviews, etc.) Attach copies of all research notes and materials.

Blaes, Dina & Beatrice Lufkin. "Final Report." Park City Historic Building Inventory. Salt Lake City: 2007.

Carter, Thomas and Goss, Peter. *Utah's Historic Architecture, 1847-1940: a Guide*. Salt Lake City, Utah:

University of Utah Graduate School of Architecture and Utah State Historical Society, 1991.

McAlester, Virginia and Lee. *A Field Guide to American Houses*. New York: Alfred A. Knopf, 1998.

Roberts, Allen. "Final Report." Park City Reconnaissance Level Survey. Salt Lake City: 1995.

Roper, Roger & Deborah Randall. "Residences of Mining Boom Era, Park City - Thematic Nomination." National Register of Historic Places Inventory, Nomination Form. 1984.

4 ARCHITECTURAL DESCRIPTION & INTEGRITY

Building Type and/or Style: Bungalow type / Vernacular and Arts & Crafts elements No. Stories: 1

Additions: none minor major (describe below) Alterations: none minor major (describe below)

Number of associated outbuildings and/or structures: accessory building(s), # 1; structure(s), # _____.

General Condition of Exterior Materials:

Researcher/Organization: Dina Blaes/Park City Municipal Corporation

Date: November, 08

- Good (Well maintained with no serious problems apparent.)
- Fair (Some problems are apparent. Describe the problems.):
- Poor (Major problems are apparent and constitute an imminent threat. Describe the problems.):
- Uninhabitable/Ruin

Materials (The physical elements that were combined or deposited during a particular period of time in a particular pattern or configuration. Describe the materials.):

Foundation: Concrete block.

Walls: Narrow wood siding.

Roof: Clipped gable roof form sheathed in shingles.

Windows/Doors: Double-hung sash type.

Essential Historical Form: Retains Does Not Retain, due to:

Location: Original Location Moved (date _____) Original Location:

Design (The combination of physical elements that create the form, plan, space, structure, and style. Describe additions and/or alterations from the original design, including dates--known or estimated--when alterations were made): The one-story frame bungalow remains largely unchanged from what is described in its National Register nomination form (see Structure/Site Form, 1983).

Setting (The physical environment--natural or manmade--of a historic site. Describe the setting and how it has changed over time.): The house sits atop a hill on approximately 0.44 acres. The landscaping is informal and includes deciduous trees, shrubs, and grasses. The setting has not changed significantly from what is seen in early photographs.

Workmanship (The physical evidence of the crafts of a particular culture or people during a given period in history. Describe the distinctive elements.): The physical evidence from the period that defines this as a typical Park City mining era house are the simple methods of construction, the use of narrow wood siding, the plan type, the simple roof form, the informal landscaping, the restrained ornamentation, and the plain finishes.

Feeling (Describe the property's historic character.): The physical elements of the site, in combination, convey a sense of life in a western mining town of the late nineteenth and early twentieth centuries.

Association (Describe the link between the important historic era or person and the property.): The bungalow was a common house type built in Park City during the mining era and the one of the most common house type built in Utah during this era.

This site was listed on the National Register of Historic Places in 1984 as part of the *Park City Mining Boom Era Residences Thematic District*. It was built within the historic period, defined as 1872 to 1929 in the district nomination, and retains its historic integrity. As a result, it meets the criteria set forth in LMC Chapter 15-11 for designation as a Landmark Site.

5 SIGNIFICANCE

Architect: Not Known Known: (source:) Date of Construction: c. 1925¹

Builder: Not Known Known: (source:)

The site must represent an important part of the history or architecture of the community. A site need only be significant under one of the three areas listed below:

1. Historic Era:

- Settlement & Mining Boom Era (1868-1893)

¹ USHS, Structure/Site Form, and National Register nomination form, 1984.

- Mature Mining Era (1894-1930)
 Mining Decline & Emergence of Recreation Industry (1931-1962)

Park City was the center of one of the top three metal mining districts in the state during Utah's mining boom period of the late nineteenth and early twentieth centuries, and it is one of only two major metal mining communities that have survived to the present. Park City's houses are the largest and best-preserved group of residential buildings in a metal mining town in Utah. As such, they provide the most complete documentation of the residential character of mining towns of that period, including their settlement patterns, building materials, construction techniques, and socio-economic make-up. The residences also represent the state's largest collection of nineteenth and early twentieth century frame houses. They contribute to our understanding of a significant aspect of Park City's economic growth and architectural development as a mining community.²

2. **Persons** (Describe how the site is associated with the lives of persons who were of historic importance to the community or those who were significant in the history of the state, region, or nation):

3. **Architecture** (Describe how the site exemplifies noteworthy methods of construction, materials or craftsmanship used during the historic period or is the work of a master craftsman or notable architect):

6 PHOTOS

Digital color photographs are on file with the Planning Department, Park City Municipal Corp.

Photo No. 1: Southwest oblique. Camera facing northeast, 2006.

Photo No. 2: Accessory building. Camera facing east, 2006.

Photo No. 3: Northwest oblique. Camera facing southeast, 1995.

Photo No. 4: Northwest oblique. Camera facing southeast, 1983.

² From "Residences of Mining Boom Era, Park City - Thematic Nomination" written by Roger Roper, 1984.

Dec. 5/29/84

Utah State Historical Society

Property Type:

Historic Preservation Research Office

Site No. _____

Structure/Site Information Form

IDENTIFICATION 1

Street Address: 101 Prospect UTM: 12 458330 4498490
 Park City, Summit County, Utah

Name of Structure: House at 101 Prospect T. R. S.

Present Owner: United Park City Mines Company

Owner Address: c/o Mr. E. L. Osika, Jr.
 309 Kearns Building, Salt Lake City, Utah 84101

Year Built (Tax Record): Effective Age: Tax #:
 Legal Description Kind of Building:

This house is located on a large parcel of mining property located in the Northeast quarter of the Northeast quarter of Section 21, T2S R4E Salt Lake Base and Meridian. The small parcel of land upon which this house sits is located on the East side of Prospect Street, Park City, Utah, and is described as commencing approximately 550 feet South of the intersection of Prospect and Chambers streets, that linear measurement paralleling the (See continuation sheet)

STATUS/USE 2

Original Owner: Unknown Construction Date: c. 1925 Demolition Date:

Original Use: Residence Present Use: Residence

Building Condition: Integrity: Preliminary Evaluation: Final Register Status:

- | | | | | | | |
|--|--------------------------------|---|---|-------------------------------------|--|---|
| <input type="checkbox"/> Excellent | <input type="checkbox"/> Site | <input checked="" type="checkbox"/> Unaltered | <input checked="" type="checkbox"/> Significant | <input type="checkbox"/> Not of the | <input type="checkbox"/> National Landmark | <input type="checkbox"/> District |
| <input checked="" type="checkbox"/> Good | <input type="checkbox"/> Ruins | <input type="checkbox"/> Minor Alterations | <input type="checkbox"/> Contributory | Historic Period | <input type="checkbox"/> National Register | <input type="checkbox"/> Multi-Resource |
| <input type="checkbox"/> Deteriorated | | <input type="checkbox"/> Major Alterations | <input type="checkbox"/> Not Contributory | | <input type="checkbox"/> State Register | <input type="checkbox"/> Thematic |

DOCUMENTATION 3

Photography: Date of Slides: 1983 Slide No.: Date of Photographs: 1983 Photo No.:

Views: Front Side Rear Other Views: Front Side Rear Other

Research Sources:

- | | | | |
|---|---|--|---|
| <input checked="" type="checkbox"/> Abstract of Title | <input checked="" type="checkbox"/> Sanborn Maps | <input checked="" type="checkbox"/> Newspapers | <input type="checkbox"/> U of U Library |
| <input checked="" type="checkbox"/> Plat Records/ Map | <input type="checkbox"/> City Directories | <input type="checkbox"/> Utah State Historical Society | <input type="checkbox"/> BYU Library |
| <input checked="" type="checkbox"/> Tax Card & Photo | <input type="checkbox"/> Biographical Encyclopedias | <input type="checkbox"/> Personal Interviews | <input type="checkbox"/> USU Library |
| <input type="checkbox"/> Building Permit | <input checked="" type="checkbox"/> Obituary Index | <input type="checkbox"/> LDS Church Archives | <input type="checkbox"/> SLC Library |
| <input type="checkbox"/> Sewer Permit | <input checked="" type="checkbox"/> County & City Histories | <input type="checkbox"/> LDS Genealogical Society | <input checked="" type="checkbox"/> Other |

Bibliographical References (books, articles, records, interviews, old photographs and maps, etc.):

Kummer, Bea. Interview, February 10, 1984, Park City, Utah.
 Osika, E.L., Jr. Telephone interview, April 23, 1984, Salt Lake City, Utah.

Architect/Builder: Unknown

Building Materials: Wood

Building Type/Style: Bungalow

Description of physical appearance & significant architectural features:

(Include additions, alterations, ancillary structures, and landscaping if applicable)

This house is a one story frame bungalow with a clipped gable roof. It has a low pitch roof, an almost square plan, and narrow lap siding which are all typical of many of Park City's bungalows. It varies, however, in that the major facade is not on the gable end of the house, but on the north broad side of the building. The roof has a slight overhang with exposed rafters on the north and south sides. The facade is symmetrical. Instead of having an open porch or hood over the door as was common in other Park City houses, access to the interior is through an enclosed vestibule with a clipped gable roof. The entrance, centered on the facade of the vestibule, is a multi-paned glass door with multi-paned side lights. The vestibule is centered between two large windows. Each window is divided vertically by mullions into three panels of equal size. Each of the panels is multi-paned. Windows on the other sides of the house are simple square or rectangular openings, and are not symmetrically arranged as on the facade. This house is unaltered and therefore maintains its original integrity.

PHOTOS

Statement of Historical Significance:

Construction Date: c. 1925

Built c. 1925, this house at 101 Prospect is architecturally significant as one of 18 extant bungalows in Park City, eight of which are included in this nomination. The bungalow is the major Park City house type that was built between 1907 and the end of the mining boom period, and significantly contributes to the character of the residential area.

This house, which is located on mining property, was apparently built in the mid-1920s as the residence for an official of the mining company owning the property.¹ It is unclear which mining company owned this property at the time that this house was constructed, and officials of various mines, including the Judge Mine, the Ontario Mine, and others, have reportedly lived in this house over the years.² Alleged early occupants of this house include a Mr. Hewett, claimed to be the first owner, and Frank Stone, who lived here for many years.³ Nothing is known about either of them. In recent years the house has been occupied by Neff Murdock.

The bungalow styling of this house indicates that it was built in the mid-to-late 1920s. Similarly styled houses at 1100 and 1110 Woodside were built in 1928.

¹Interview with Bea Kummer, February 10, 1984, Park City, Utah. Also, telephone interview with E.L. Osika Jr., vice-president of United Park City Mines Company, April 23, 1984.

²Ibid.

³Interview with Bea Kummer.



House at 101 Prospect
Park City, Summit County, Utah

Northwest corner

Photo by Roger Roper, October 1983
Negative: Utah State Historical Society





101 Prospect Avenue





DATE: May 14, 2015

TO HONORABLE MAYOR AND COUNCIL

Council consideration to authorize the City Manager to enter into a construction contract for the Park Avenue Walkability project in a form approved by the City Attorney's Office with B. Jackson Construction for Nine Hundred Sixty Thousand Four Hundred Eleven Dollars 80/100. **(\$960,411.80)**.

Respectfully:

Heinrich Deters, Trails and Open Space Program Manager

City Council Staff Report



Author: Heinrich Deters
Subject: Park Avenue Walkability Improvements - Award of Construction Contract
Date: May 14, 2015
Type of Item: Administrative - Award of Contract

Sustainability

Executive Summary: Council consideration to authorize the City Manager to enter into a construction contract in a form approved by the City Attorney's Office with B. Jackson Construction for Nine Hundred Sixty Thousand Four Hundred Eleven Dollars 80/100. **(\$960,411.80).**

Acronyms in this Report:

UDOT Utah Department of Transportation
SR State Route
PCMC Park City Municipal Corporation

Background:

On May 22, 2008, City Council approved a recommended list of 36 walking and biking capital projects that would be funded through the \$15M Walkability Bond. As of March 2014, numerous major projects have been completed. These projects include the Bonanza and Comstock underpasses, the Little Kate and Comstock sidewalks, the Holiday Ranch Loop Pathway, traffic calming improvements in Prospector, improvements to the McLeod Creek and Farm Trails, bicycle shoulders, crosswalks and associated signage.

In August 2012, the City, in conjunction with Utah Department of Transportation and area stakeholders, completed the SR-224 Corridor study. The Study outlined several **phases** of recommended improvements to help mitigate traffic volume, access and circulation, pedestrian and bicycle safety, aesthetics and changing land use.

On December 13, 2012, Council awarded Design Workshop and Horrock's Engineering the Professional Service contract for the **Phase I (west side pathway)** of the Dans-Jans project. The project has been on hold due to easement discussions for an extended period of time. Recently easements associated with the Phase I project were secured, thus the project can move forward.

In January of 2014, the City Council approved a Professional Service Agreement with Horrock's Engineering for the design and construction management of the **Phase II (east side pathway and underpass project)**. The scope of the underpass work was originally noted to address the location between Cole Sport and Jans; however, after initial feasibility work, Council approved direction to place the underpass at the Kearns Boulevard location.

Consistent with Council direction, over the fall/winter of 2014, staff worked with UDOT to determine a final alignment for the underpass at Kearns Boulevard, which would not impact the possible construction of a round-about at SR-224/SR-248, should UDOT or Park City ever wish to move forward with the concept. This alignment has been reviewed and approved by UDOT and design and coordination of the underpass is underway. As part of this determination and consistent with Council direction, staff is working to determine if a second east/west underpass at the Kearns Boulevard location is financially feasible.

Analysis:

Due to the length of time it took to secure easements on the west side of Park Avenue, staff has combined components from both phases of the Dans-Jans project into one construction contract.

The contract/work contemplated in this report encompasses all of the recommended pathway construction on the west side of Park Avenue (**Phase I**), in addition to, parts of the (**Phase II**) pathway improvements on the east side of Park Avenue, specifically from the Christian Center building on Deer Valley Drive, heading west, then north on Park Avenue to Homestake Drive, on the east side of the street. (Exhibit A) Also included in the contract is replacement of some City waterlines within the Park Avenue rights of way, installation of fiber within the project area and improvements to the transit stop on the west side of Park Avenue.

Finally, in conjunction with this project, Questar gas has asked to upgrade their existing gas lines in various places within the project area rights of way. *The City welcomes this coordination but it should be noted, that Questar bids, awards and funds their project separately from the City. Furthermore, Questar’s contractor will need to coordinate efforts with the City’s contractor per timing and work associated to limit any impacts.*

Staff advertised the project in the Park Record on April 25th and 29th. Additionally, the bid was posted on www.utahlegals.com and the City website.

Two construction firms submitted bids for the project and are identified below:

B. Jackson Construction	\$960,411.80
MC Contractors	\$992,640.01

B. Jackson Construction was identified as the apparent low bidder. Horrocks Engineering confirmed the bid and recommend approval. (Exhibit B)

Engineer’s Estimate/Department Costs:

Horrocks Engineering provided an initial estimate of \$1,145,811.68 overall project.

The project includes items which will be paid directly by Sustainability, Water and IT Departments, as well as ‘shared costs’ associated with the project. Below is an *estimated* cost that will be incurred by each Department.

Department	Hard Cost	Shared Cost	Total
Sustainability	\$535,644	\$135,412.42	\$671,056.42
Water	\$219,395.00	\$52,660.38	\$272,055.38
Information Technologies	\$17,300.00		\$17,300.00
			\$960,411.80

Tentative Timeline:

Staff anticipates signing contracts and bonding within the next two weeks. Construction will begin approximately June 1st, with the water line and gas line realignments on the west side of Park Avenue. Pathway improvements on the east side of Park Avenue will primarily be addressed after Labor Day, so as to minimize impacts to the businesses along the corridor.

Dates	Project Component
May 14 – June 1	Approve contracts, permitting, outreach
June 1-September 1	Water and Walkability Improvements on west side of Park Avenue (some minor Walkability improvements on north side of Deer Valley Drive)
September 8 – November 15	Walkability Improvements on east side of Park Avenue
November 15, 2015	Construction substantially completed

Pedestrian and Business Impacts/Detours:

Language associated with limiting lane closures, pedestrian impacts, scheduling of work adjacent to businesses and consideration of special events is included within the construction documents, so as to mitigate the construction impacts. That said, staff will continue to work with the contractor and code enforcement to further refine the construction schedule and mitigate impacts. Furthermore, staff and Horrocks Engineering’s public involvement team anticipates close communication with the local business owners, as well as, the general public to notify of all construction activity.

Department Review:




This report was reviewed by representatives of Sustainability, Legal, and the City Manager’s Office.

Alternatives:

- A. Approve the request, and authorize the City Manager to enter into a contract with B. Jackson Construction, (staff recommendation)**

- B. Modify the request: Council could choose to modify the project and redo the bid process, which would delay the project.
- C. Deny the request: Council could choose to discontinue the project.
- D. Continue the Item: Council may feel there is not enough information to make a decision, which will delay the project and the proposed schedule.
- E. Do Nothing: Same as continuance.

Significant Impacts:

	World Class Multi-Seasonal Resort Destination (Economic Impact)	Preserving & Enhancing the Natural Environment (Environmental Impact)	An Inclusive Community of Diverse Economic & Cultural Opportunities (Social Equity Impact)	Responsive, Cutting-Edge & Effective Government
Which Desired Outcomes might the Recommended Action Impact?	<ul style="list-style-type: none"> + Accessibility during peak seasonal times + Safe community that is walkable and bike-able + Internationally recognized & respected brand 		<ul style="list-style-type: none"> + Community gathering spaces and places 	<ul style="list-style-type: none"> + Well-maintained assets and infrastructure
Assessment of Overall Impact on Council Priority (<i>Quality of Life Impact</i>)	Very Positive 		Very Positive 	Positive 
Comments:				

Funding Source:

Funding for the Walkability project comes from the 2013A Walkability General Obligation Bonds, which were issued in August 2013 in the amount of \$7,170,000. The WALC project number 1, "Dans-Jans Improvements," has a placeholder of \$4,000,000. Funding for the waterline improvements will come from the approved Water CIP Budget. Funding for the Fiber Conduit will come from the IT CIP Budget.

Staff Recommendations:

Staff recommends Council authorize the City Manager to enter into a construction contract in a form approved by the City Attorney's Office with B. Jackson Construction for Nine Hundred Sixty Thousand Four Hundred Eleven Dollars 80/100. **(\$960,411.80).**

Exhibit A- Map of Work Contemplated in Contract

2015 Park Avenue Pathway Improvements



0 120 240 480 720 960 Feet



Exhibit B- Horrock's Bid Recommendation

2162 West Grove Parkway Ste 400
Pleasant Grove, Utah 84062
www.horrocks.com



Tel: 801.763.5100
Salt Lake line: 532.1545
Fax: 801.763.5101
In state toll free: 800.662.1644

May 11, 2015

Heinrich Deters
Park City Municipal Corp – Sustainability Dept
445 Marsac
Park City, UT 84060

Subject: Park Avenue Pathways Project 2015 – Bid Tabulation

Dear Heinrich:

Attached is the bid tabulation for the Park Avenue Pathways Project 2015. The low bidder was B Jackson at a total Base Bid of \$960,411.80. The engineers estimate was \$1,145,881.68 which represents an apparent low bid of 16% lower than the engineers cost estimate. There were 2 total bids with an average of \$976,525.90.

Following our review of the Bid Bond and the Completed Bid Schedule, it is our recommendation that the contract be awarded to B Jackson Construction.

If you have any questions please call.

Sincerely,
HORROCKS ENGINEERS

A handwritten signature in black ink, appearing to read "Rob Sunderlage", is written over a horizontal line.

Rob Sunderlage, P.E.
Project Engineer

cc: file

enclosed: Park Avenue Pathways Project 2015 - Bid Tabulation



DATE: May 14, 2015

TO HONORABLE MAYOR AND COUNCIL

Executive Summary

The Planning Staff is beginning the 2015 annual review of the Land Management Code. This annual review includes various administrative and substantive items to align the LMC with the State Code, to address issues and inconsistencies that have come up over the past year, and to address specific goals of the newly adopted Park City General Plan. These specific LMC amendments were identified by several property owners in the “Old Town” zoning districts with a specific request to review and amend how Development Credits are calculated within the Transfer of Development Rights (TDR) program for property within specific Sending zones.

Staff is currently conducting a more in depth review of the entire Transfer of Development Rights (TDR) program, including a review of existing and potential future receiving and sending zones as well as a review of the mechanics of the transfer of development rights process. This additional review will be presented to the Planning Commission at a future date for further discussion and recommendation to City Council.

Staff is also researching other TDR programs in the western United States to see what makes them successful. Reviewing the TDR program is identified as one of the goals of the newly adopted General Plan and is also included in the strategies laid out in the Plan.

Respectfully:

Kirsten Whetstone, Senior Planner

City Council Staff Report



Application: PI-14-02595
Subject: LMC Amendments
Author: Kirsten Whetstone, MS, AICP
Date: May 14, 2015
Type of Item: Legislative – LMC Amendments

Summary Recommendation

Staff recommends the City Council review proposed amendments to the Land Management Code (LMC) regarding Transfer of Development Rights (TDR) in Chapter 15-2.24. Staff recommends the Council conduct a public hearing, consider public input, and consider adopting the attached Ordinance.

Executive Summary

The Planning Staff is beginning the 2015 annual review of the Land Management Code. This annual review includes various administrative and substantive items to align the LMC with the State Code, to address issues and inconsistencies that have come up over the past year, and to address specific goals of the newly adopted Park City General Plan. These specific LMC amendments were identified by several property owners in the “Old Town” zoning districts with a specific request to review and amend how Development Credits are calculated within the Transfer of Development Rights (TDR) program for property within specific Sending zones.

Staff is currently conducting a more in depth review of the entire Transfer of Development Rights (TDR) program, including a review of existing and potential future receiving and sending zones as well as a review of the mechanics of the transfer of development rights process. This additional review will be presented to the Planning Commission at a future date for further discussion and recommendation to City Council.

Staff is also researching other TDR programs in the western United States to see what makes them successful. Reviewing the TDR program is identified as one of the goals of the newly adopted General Plan and is also included in the strategies laid out in the Plan.

Acronyms used in this Report

HR-1- Historic Residential Zoning District
HRL- Historic Residential Low Density Zoning District
LMC- Land Management Code
PCMR/LoPa- Park City Mountain Resort/Lower Park Avenue
STH- Sending Treasure Hill
TDR- Transfer of Development Rights
TDR-S- Transfer of Development Rights Sending
TDR-R- Transfer of Development Rights Receiving
TDR-SHD- Transfer of Development Rights Sending Historic District
TDR- SOT1- Transfer Development Rights Sending Old Town 1 (Overlay Zone)

Description

Project Name: LMC Amendments to Chapter 2.24
Approximate Location: Historic Districts TDR Sending zones
Proposal: Amendments to the Land Management Code (LMC) require Planning Commission review and recommendation with final action by the City Council.

Background

On February 25, 2015, the Planning Commission conducted a public hearing, discussed the proposed TDR amendments and requested the Planning Staff return on the March 11, 2015 meeting with an Ordinance outlining the specific LMC revisions so they could forward a recommendation to City Council (see Exhibit D- Planning Commission minutes). On March 11, 2015, the Planning Commission conducted a public hearing and unanimously forwarded a positive recommendation to the City Council (Exhibit E). The minutes of the Planning Commission meetings are included with this report due to the lengthy discussion regarding the overall TDR program that Staff will address in a future report. As Staff presents code amendments to implement the goals and objectives of the General Plan other potential sending and receiving zones will be reviewed as well as revisions to the mechanics of the TDR program to make it a sharper and more useful planning tool. The TDR program was added to the LMC in 2011. There has been infrequent application since implementation of the program. To date only three application requests for TDR credit letters have been submitted and no actual transfer of development rights or credits has taken place.

General Plan

These proposed Land Management Code (LMC) amendments were reviewed for consistency with the recently adopted Park City General Plan. The LMC implements the goals, objectives and policies of the Park City General Plan to maintain the quality of life and experiences for its residents and visitors and to preserve the community's unique character and values. The LMC shall be updated on a regular basis to stay current with State Law and the General Plan. The General Plan includes strategies to strengthen the Transfer of Development Rights (TDR) program as a more effective tool to direct the location of growth and to preserve sensitive lands (steep slopes, hillsides, ridges, wetlands, etc.), to preserve historic sites, and to ensure that development is compatible with surrounding neighborhoods.

These first proposed amendments to the TDR Chapter clarify calculation of Development Credits for equity issues and consistency throughout the District as well as clarify certain specific requirements for individual overlay Sending Zoning Districts that property owners and staff found unclear. Staff finds these changes are necessary for the current TDR program to work effectively.

Planning Staff will return at a future meeting with a complete analysis of the entire TDR program, a comparison with other TDR programs in the State, and provide a framework for the Commission to discuss several alternatives to make this a stronger and more effective tool in Park City's growth management tool box. This request to revisit

Development Credit calculations has long been anticipated by property owners in historic district Sending areas in order for them to more fully evaluate their options to development.

Transfer of Development Rights

The General Plan includes several strategies referring to the Transfer of Development Rights (TDR) program. Staff provided this review to give the Commission and Council the big picture regarding the anticipated improved TDR program. These include Strategies 1.1, 1.2, 1.11, 1.12, 2.6, 2.10, 4.2, and 4.3 (Reference to the Park City General Plan - Volume One) as stated below:

Community Planning Strategies

1.1- Amend the Land Management Code to allow TDR credits to be utilized within defined receiving zones for additional density that compliments the existing built environment. Increased density should only be achieved through the purchase of TDR credits and for affordable housing. This requires the adoption of new context sensitive criteria within the LMC. The use of these TDRs is limited to the City's TDR program.

1.2- Identify transition areas where two adjacent neighborhoods meet and one neighborhood has a higher density. Transition zones should be considered to receive TDR credits within the less dense neighborhood along the connection into the denser neighborhood. Specific review criteria shall be created for increased density in a transition zone to ensure an appropriate medium between the two existing neighborhoods.

1.11- Identify and prioritize parcels for open space acquisition and include as TDR sending zones.

1.12- The Transfer of Development Rights (TDR) system shall reflect market rate valuations.

2.6 – Research the pros and cons to understand and evaluate the impacts of a regional TDR program in the Wasatch Back. If feasible under state code, consider adoption of state legislation; otherwise identify necessary legislative steps to establish a regional TDR program. Identify future capacity to receive density within the County and City limits to limit sprawl, concentrate densities, and protect open space.

2.10- Explore opportunities to expand the City's TDR program. PCMR/LoPa, Bonanza Park, Snow Creek and Lower Deer Valley (Snow Park) may be suitable locations to receive density from "sending zones". Additional receiving zones should be considered subject to thorough planning analysis.

4.2- Create increased opportunities for preservation of open space through designation of TDR sending zones and identify appropriate areas for increased density within TDR receiving zones.

4.3- Update the TDR program as needed to reflect market rate valuations of properties included within TDR zones; multipliers may be used to incentivize the conservation of open space. Ensure the public is educated regarding the use and function of TDRs and that the update is a public process. Consider a City “bank” for TDRs.

Proposed LMC Amendments

Several property owners are considering the TDR option for property that is currently in a designated historic sending zone; however the language in the LMC regarding specific Old Town Sending Zones (see below and Exhibit A) requires that these properties can only “send” one Development Credit (equivalent to 2000 SF) for each lot that meets the minimum lot area of the underlying zoning district. For example, if a property owner has one (1) 25’ x 75’ lot (1,875 SF) in HR-1 (the minimum size buildable lot); they may receive a “sending” Development Credit of 2000 SF that can be sold/transferred to a Receiving Zone. An owner in HRL where minimum lot size is 3,750 sf (requires two 1,875 sf lots to build) may receive only one “sending” Development Credit. There is also confusing language in the section that can be made more clear.

15-2.24-2. ESTABLISHMENT OF SENDING AND RECEIVING DISTRICTS.

(A) The City Council may amend Sending Sites and Receiving Sites as TDR Zoning Districts within the Official Zoning Map by ordinance in the manner of amending the Official Zoning Map pursuant to Section 15-1-7 of this Code. The designations “TDR-S” shall be the prefix designations “TDR-S” shall be the prefix title for the overlay Zoning District for Sending Sites, the designation “TDR-R” shall be the prefix title of the overlay Zoning District for Receiving Sites.

(B) All vacant lots within the Park City Historic Districts (~~except for those lots included in SOT1, SOT2, SOT3, and STH~~) and all Sites listed on the Park City Historic Sites Inventory shall be eligible as Sending Sites. Vacant lots and Sites listed on the Park City Historic Sites Inventory, except for those lots included in overlay Zoning Districts SOT1, SOT2, SOT3 and STH, and shall be an overlay Zoning District referred to as TDR-Sending Historic District (TDR- SHD). All Lots and Sites included in overlay Zoning Districts SOT1, SOT2, SOT3 and STH shall be eligible as Sending Sites as further specified in Section 15-2.24-4 and shall be an overlay Zoning District referred to as TDR-SOT1, TDR-SOT2, TDR-SOT3, and TDR-STH respectively.

(C) Sending Sites and Receiving Sites shall be consistent with the General Plan and the purpose statements of Chapter 2.24.

The issue that has arisen is the value of the TDR program for those property owners in the HRL Zoning District in Old Town that are within these Old Town Sending Zones (see map in Exhibit B) where the minimum lot size is 3,750 SF (two “Old Town” lots). Under the current code, they may only receive one (1) Development Credit of 2000 SF to sell

or transfer to a designated Receiving Zone, for each two “Old Town” lots. See below and attached Exhibit A for specific proposed amendments (redlines to existing Chapter 2.24).

15-2.24-4. DEVELOPMENT CREDIT DETERMINATION LETTER

(A) The total number of Development Credits available to a Sending Site shall be determined as follows:

(1) **TDR – Sending Treasure Hill (TDR-STH).** For properties within TDR-STH, one (1) Development Credit per existing MPD Unit Equivalent may be calculated. A maximum of twenty-two (22) MPD Unit Equivalents may be sent from the TDR-STH Sending Site.

(2) **TDR – Sending Old Town1 (TDR-SOT1), Sending Old Town 2 (TDR-SOT2), and Sending Old Town 3 (TDR-SOT3).** For Properties within TDR-SOT1, TDR-SOT2, and TDR-SOT3, one (1) Development Credit may be calculated per each 1,875 square feet of platted Lot Area within the overlay Zoning District (Sending Zone). Development Credits shall be prorated for each portion of 1,875 square feet of platted Lot Area. For example, if the property consists of 3,750 square feet of platted Lot Area then two (2) Development Credits may be calculated. For example, if the property consists of 937.5 square feet of platted Lot Area, then 0.5 Development Credits may be calculated.

For property within the TDR-SOT1 overlay Zoning District, where the underlying zoning designation is Estate (E), Development Credits shall be calculated per existing minimum Lot Area within the underlying Estate Zoning District.

(3) **TDR – Sending Historic District (TDR-SHD).**

(a) For vacant Lots of record in the Historic Districts, one (1) Development Credit per each existing 1,875 square feet of platted Lot Area of record may be calculated. Development Credits shall be prorated for each portion of 1,875 square feet of platted Lot Area.

(b) For Sites listed on the Historic Sites Inventory, one (1) Development Credit per 2,000 square feet of unused development potential may be calculated.

Staff presented this issue to the Commission on February 25th and March 11th 2015, and following lengthy discussion of the overall TDR program, there was support to amend the LMC to consider increasing the Development Credit calculation for HRL zoned lots to two (2) credits – basically noting that one (1) Development Credit may be calculated for each typical Old Town lot of 1,875 SF or each 1,875 SF of platted Lot Area (2 credits for a standard 3,750 SF minimum lot size).

Sending Site Procedure

Staff proposes additional amendments to the Sending site procedure for clarity of language as outlined in Exhibit A and below:

15-2.24-5.

SENDING SITE PROCEDURE.

(A) The following is the Sending Site procedure that must be followed to send Development Credits:

(1) TDR-S Property Owners may choose to develop their property under Base Zoning, or they may choose to sell, Transfer, or joint venture their Development Rights.

(2) TDR-S fee Property Owners may request a Development Credit determination letter from the Park City Planning Director.

(3) A TDR-S Property Owner is eligible to negotiate the sale, Transfer, or joint venture of their Property's Development Credits.

(4) A Development Credit may only be sold, conveyed, or otherwise transferred by the Owner(s) or their legal representative.

(5) The sale, conveyance, or Transfer shall occur upon surrender of the Development Credits which authorizes the Park City Planning Director, or designee to Transfer the Development Credits to the stated transferee by reissuing the Development Credits in the transferee's name, and recording a Development Credit Certificate in the real Property records of Summit County.

(6) With each Transfer or sale, a Conservation Easement and/or deed restriction shall be recorded covering the entire Site, or if only a portion of the available Development Credits are sold then the Conservation Easement and/or deed restriction shall cover a proportional amount of the Site to be determined by the Park City Planning Director or a designee.

(7) Within TDR-STH, portions of Development Rights may be sent to a Receiving Site. Within the TDR-STH portions of Development Rights up to the maximum of twenty-two (22) MPD Unit Equivalents may be sent to a Receiving Site overlay Zoning District. Twenty-two (22) MPD Unit Equivalents in the TDR- STH zone equates to twenty-two (22) Development Credits in a Receiving Site overlay Zoning District.

(8) Within the individual TDR- SOT1, TDR-SOT2, and TDR-SOT3 overlay Zoning Districts, Property Owners must sell, Transfer, or joint venture all of the Development Rights within the individual overlay Zoning Districtzone. Portions of the TDR-SOT1, TDR-SOT2, and TDR- SOT3 overlay Zoning Districts shall not be developed if any portion of ~~that the TDR-SOT1, TDR-SOT2, and TDR-SOT3~~ overlay Zoning District has been sent to a Receiving Site. An Owner of land within an individual ~~the~~ TDR-SOT overlay Zoning District will not be eligible to Transfer Development Credit if they chose to sell or develop any portion of ~~that e-TDR-SOT1, TDR-SOT2 and TDR-SOT3~~ TDR-SOT overlay Zoning District. The Development

Rights associated with each individual TDR-SOT1, TDR-SOT2, and TDR-SOT3 overlay Zoning Districts must be transferred in whole.

(9) When all available Development Credits on a Sending Site have been purchased, no Uses other than those enumerated in the Conservation Easement are allowed. Responsibility for any required maintenance or abatement remains with the fee title Owner- or as further described in the Conservation Easement.

(10) The final Transfer of Development Credits will be completed upon Development Approval on a Receiving Site and the Recording of a deed restriction and/or Conservation Easement against the Sending Site or if the Owner of the Development Credits chooses to forfeit Development Rights and records a deed restriction and/or Conservation Easement against the Sending Site the Transfer of Development Credits will be considered completed. ~~to do so.~~

(11) TDR-S Property Owners shall notify any lien or mortgage holders of the sale of the Development Credits, and such notification shall be demonstrated by written approval submitted to the City prior to Transfer.

(12) TDR-S Property Owners shall be responsible for notification of the county tax assessor regarding possible changes in Property value.

The Commission conducted a public hearing on February 25, 2015 and requested staff return on March 11, 2015, with these specific redlines and an Ordinance so they could forward a recommendation to City Council. A more comprehensive review of the TDR program will be discussed as the Commission discusses and prioritizes items related to implementation of the General Plan. While there was consensus at the March 11, 2015, meeting, and a unanimous vote to forward a positive recommendation on these specific LMC amendments, there was not consensus as to prioritizing the comprehensive review of the TDR program. Minutes of the Planning Commission meetings (Exhibits D and E) reflect public input and Staff will provide a detailed analysis and discussion of these issues when the comprehensive review is presented to the Commission at a future meeting.

Process

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

Notice

Legal notice of a public hearing was posted in the required public spaces and websites on April 29, 2015 and published in the Park Record on the same date per requirements of the Land Management Code.

Public Input

Public hearings are required to be conducted by the Planning Commission and City Council prior to adoption of Land Management Code amendments. Public input in support of the amendments was received at the February 25th Commission meeting (see Exhibit D). Staff also received written public input in support of these changes (see Exhibit C) that was handed out at the February 25th meeting. Public input was received regarding the mechanics of the TDR program with a request that the Planning Commission consider future changes that would strengthen the TDR program and ensure that it is an effective growth management tool. There were also comments related to two Estate Zoned lots located adjacent to the TDR-SOT1 overlay district and a request that they be included as an additional sending zone. Additional public input in support of these amendments was presented to the Commission at the March 11, 2015 meeting.

Alternatives

- The City Council may approve the Land Management Code amendments as presented or as amended at the meeting; or
- The City Council may deny the amendments; or
- The City Council may continue the discussion to a date certain and provide direction to Staff regarding additional information or analysis needed in order to take final action.

Significant Impacts

There are no significant financial or environmental impacts to the City that result from the proposed LMC amendments. The proposed amendments provide additional incentives to affected property owners to consider and utilize the TDR program for the purposes stated in the Code to preserve sensitive lands, open space, historic structures, and community character.

Summary Recommendation

Staff recommends the City Council review proposed amendments to the Land Management Code (LMC) regarding Transfer of Development Rights (TDR) in Chapter 15-2.24. Staff recommends the Council conduct a public hearing, consider public input, and consider adopting the attached Ordinance.

Exhibits

Draft Ordinance

Exhibit A – Chapter 2.24 Transfer of Development Rights Overlay (TDR) redlines

Exhibit B – Transfer of Development Rights Maps

Exhibit C – Written public input received

Exhibit D – Minutes of February 25, 2015 Planning Commission meeting

Exhibit E – Minutes of March 11, 2015 Planning Commission meeting

Ordinance 15-

AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, REVISING CHAPTER 2.24 TRANSFER OF DEVELOPMENT RIGHTS (TDR)

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

WHEREAS, the Land Management Code implements the goals, objectives and policies of the Park City General Plan to maintain the quality of life and experiences for its residents and visitors; and to preserve the community's unique character and values; and

WHEREAS, the City reviews the Land Management Code on a regular basis and identifies necessary amendments to address planning and zoning issues that have come up, and to address specific LMC issues raised by Staff, Planning Commission, and City Council, and to align the Code with the Council's goals; and

WHEREAS, the Planning Commission duly noticed and conducted public hearings at the regularly scheduled meetings on February 25th and March 11th, 2015, and forwarded a positive recommendation to City Council; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on May 14, 2015; and

WHEREAS, it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the State of Utah Code, the Park City General Plan and to be consistent with the values and goals of the Park City community and City Council to protect health and safety, maintain the quality of life for its residents, preserve and protect the residential neighborhoods, ensure compatible development, preserve historic resources, protect environmentally sensitive lands, and preserve the community's unique character.

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

SECTION 1. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 2.24 (Transfer of Development Rights). The recitals above are incorporated herein as findings of fact. Chapter 2.24 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit A).

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

PASSED AND ADOPTED this ___ day of _____, 2015

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, Mayor

Attest:

Marci Heil, City Recorder

Approved as to form:

Mark Harrington, City Attorney

Exhibits

Exhibit A – Chapter 2.24 (Transfer of Development Rights) amendments

TITLE 15 - LAND MANAGEMENT CODE

**CHAPTER 2.24 - TRANSFER OF DEVELOPMENT RIGHTS (TDR) OVERLAY
ZONE**

15-2.24-1.	PURPOSE.....	1
15-2.24-2.	ESTABLISHMENT OF SENDING AND RECEIVING DISTRICTS	1
15-2.24-3.	SENDING SITE ELIGIBILITY	2
15-2.24-4.	DEVELOPMENT CREDIT DETERMINATION LETTER	2
15-2.24-5.	SENDING SITE PROCEDURE.....	3
15-2.24-6.	RECEIVING SITE ELIGIBILITY	4
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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.24 – TRANSFER OF DEVELOPMENT RIGHTS (TDR)
OVERLAY ZONE REGULATIONS

Chapter created by Ordinance No. 11-12

15-2.24-1. PURPOSE.

The purposes of the Transfer of Development Rights Overlay Zone are to:

- (A) promote the general health, safety, and welfare of the present and future inhabitants, businesses, and visitors of Park City;
- (B) preserve Open Space, scenic views, environmental areas, Steep Slopes and Sensitive Lands;
- (C) conserve Agriculture, and forest areas;
- (D) protect lands and structures of aesthetic, architectural, and Historic significance;
- (E) retain Open Space in which healthful outdoor recreation can occur;
- (F) improve upon Park City’s well-established park and trail system;

(G) ensure the owners of preserved, conserved, or protected land may make reasonable use of their Property rights by transferring their right to develop to eligible zones;

(H) provide a mechanism whereby Development rights may be reliably Transferred;

(I) ensure Development Rights are transferred to properties in Areas or districts that have adequate community facilities and infrastructure, including transportation, to accommodate additional Development; and

(J) locate receiving zones to improve future traffic circulation

15-2.24-2. ESTABLISHMENT OF SENDING AND RECEIVING DISTRICTS.

(A) The City Council may amend Sending Sites and Receiving Sites as TDR Zoning Districts within the Official Zoning Map by ordinance in the manner of amending the Official Zoning Map pursuant to Section 15-1-7 of this Code. The designations “TDR-S” shall be the prefix

title for the overlay Zoning District for Sending Sites, the designation “TDR-R” shall be the prefix title of the overlay Zoning District for Receiving Sites.

(B) All vacant lots within the Park City Historic Districts ~~(except for those lots included in SOT1, SOT2, SOT3, and STH)~~ and all Sites listed on the Park City Historic Sites Inventory shall be eligible as Sending Sites. Vacant lots and Sites listed on the Park City Historic Sites Inventory, except for those lots included in overlay Zoning Districts SOT1, SOT2, SOT3 and STH, and shall be an overlay Zoning District referred to as TDR-Sending Historic District (TDR-SHD). All Lots and Sites included in overlay Zoning Districts SOT1, SOT2, SOT3 and STH shall be eligible as Sending Sites as further specified in Section 15-2.24-4 and shall be an overlay Zoning District referred to as TDR-SOT1, TDR-SOT2, TDR-SOT3, and TDR-STH respectively.

(C) Sending Sites and Receiving Sites shall be consistent with the General Plan and the purpose statements of Chapter 2.24.

15-2.24-3. SENDING SITE ELIGIBILITY

All Properties located within the TDR-S overlay zone are eligible to Transfer Development Credits.

15-2.24-4. DEVELOPMENT CREDIT DETERMINATION LETTER

(A) The total number of Development Credits available to a Sending Site shall be determined as follows:

(1) **TDR – Sending Treasure Hill (TDR-STH).** For properties within TDR-STH, one (1) Development Credit per existing MPD Unit Equivalent may be calculated. A maximum of twenty-two (22) MPD Unit Equivalents may be sent from the TDR-STH Sending Site.

(2) **TDR – Sending Old Town1 (TDR-SOT1), Sending Old Town 2 (TDR-SOT2), and Sending Old Town 3 (TDR-SOT3).** For Properties within TDR-SOT1, TDR-SOT2, and TDR-SOT3, one (1) Development Credit may be calculated per each 1,875 square feet of platted Lot Area within the overlay Zoning District (Sending Zone). Development Credit shall be prorated for each portion of 1,875 square feet of platted Lot Area. For example, if the property consists of 3,750 square feet of platted Lot Area then two (2) Development Credits may be calculated. For example, if the property consists of 937.5 square feet of platted Lot Area, then 0.5 Development Credits may be calculated.

For property within the TDR-SOT1 overlay Zoning District, where the underlying zoning designation is Estate (E), Development Credits shall be calculated per existing minimum Lot Area within the underlying Estate Zoning District.

(3) TDR – Sending Historic District (TDR-SHD).

(a) For vacant Lots of record in the Historic Districts, one (1) Development Credit per each existing 1,875 square feet of platted Lot Area of record may be calculated. Development Credits shall be prorated for each portion of 1,875 square feet of platted Lot Area.

(b) For Sites listed on the Historic Sites Inventory, one (1) Development Credit per 2,000 square feet of unused development potential may be calculated.

(B) If requested, this calculation will be made by the Park City Planning Director or his or her designee in the form of a determination letter. If the calculation results in a fraction it shall be rounded to the nearest hundredth. Such letter will indicate the Development Credits at the time the request is made. The letter is an indication of possible Development Credits that may Transfer. The Development Credits are not Base Zone Density. The number of Development Credits may change if an MPD is amended or expires, or if the LMC is amended. A determination letter is not a binding document and does not grant a vested right.

15-2.24-5. SENDING SITE PROCEDURE.

(A) The following is the Sending Site procedure that must be followed to send Development Credits:

(1) TDR-S Property Owners may choose to develop their property under Base Zoning, or they may choose to sell, Transfer, or joint venture their Development Rights.

(2) TDR-S fee Property Owners may request a Development Credit determination letter from the Park City Planning Director.

(3) A TDR-S Property Owner is eligible to negotiate the sale, Transfer, or joint venture of their Property's Development Credits.

(4) A Development Credit may only be sold, conveyed, or otherwise transferred by the Owner(s) or their legal representative.

(5) The sale, conveyance, or Transfer shall occur upon surrender of the Development Credits which authorizes the Park City Planning Director, or designee to Transfer the Development Credits to the stated transferee by reissuing the Development Credits in the transferee's name, and recording a Development Credit Certificate in the real Property records of Summit County.

(6) With each Transfer or sale, a Conservation Easement and/or deed

restriction shall be recorded covering the entire Site, or if only a portion of the available Development Credits are sold then the Conservation Easement and/or deed restriction shall cover a proportional amount of the Site to be determined by the Park City Planning Director or a designee.

(7) Within TDR-STH, portions of Development Rights may be sent to a Receiving Site. Within the TDR-STH portions of Development Rights up to the maximum of twenty-two (22) MPD Unit Equivalents may be sent to a Receiving Site overlay Zoning District. Twenty-two (22) MPD Unit Equivalents in the TDR-STH zone equates to twenty-two (22) Development Credits in a Receiving Site overlay Zoning District.

(8) Within the individual TDR-SOT1, TDR-SOT2, and TDR-SOT3 overlay Zoning Districts, Property Owners must sell, Transfer, or joint venture all of the Development Rights within the individual overlay Zoning Districtzone. Portions of the TDR-SOT1, TDR-SOT2, and TDR-SOT3 overlay Zoning Districts shall not be developed if any portion of that the TDR-SOT1, TDR-SOT2, and TDR-SOT3 overlay Zoning District has been sent to a Receiving Site. An Owner of land within an individual ~~the~~ TDR-SOT overlay Zoning District will not be eligible to Transfer Development Credit if they chose to sell or develop any portion of that e-TDR-SOT1, TDR-SOT2

~~and TDR-SOT3~~ TDR-SOT overlay Zoning District. The Development Rights associated with each individual TDR-SOT1, TDR-SOT2, and TDR-SOT3 overlay Zoning Districts must be transferred in whole.

(9) When all available Development Credits on a Sending Site have been purchased, no Uses other than those enumerated in the Conservation Easement are allowed. Responsibility for any required maintenance or abatement remains with the fee title Owner- or as further described in the Conservation Easement.

(10) The final Transfer of Development Credits will be completed upon Development Approval on a Receiving Site and the Recording of a deed restriction and/or Conservation Easement against the Sending Site or if the Owner of the Development Credits chooses to forfeit Development Rights and records a deed restriction and/or Conservation Easement against the Sending Site the Transfer of Development Credits will be considered completed. ~~to do so.~~

(11) TDR-S Property Owners shall notify any lien or mortgage holders of the sale of the Development Credits, and such notification shall be demonstrated by written approval submitted to the City prior to Transfer.

(12) TDR-S Property Owners shall be responsible for notification of the county tax assessor regarding possible changes in Property value.

15.-2.24-6. RECEIVING SITE ELIGIBILITY.

All Properties located within the TDR-R overlay zone are eligible to receive Transfer Development Credits within the procedures outlined in 15-2.24.7.

15-2.24-7. RECEIVING SITE PROCEDURES.

(A) The following is the Receiving Site procedure that must be followed to receive Transfer Development Credits.

(1) All regulations governing zoning, subdividing, and approval processes remain as currently adopted and amended. If any Development within the TDR-R overlay requests a Density greater than permitted by the Base Zoning, the increased Density shall be realized through Development Credits.

(2) Any Development requesting higher density than the Base Zoning must be reviewed by the Planning Commission as a Master Planned Development. The Planning Commission shall consider all factors set forth in LMC Chapter 15-6.

(3) Any Development requesting the higher densities shall bring evidence of Development Credits in the form of options to purchase, ownership or joint ventures at the time of Master Planned Development approval and evidence of ownership at time of Development Agreement approval.

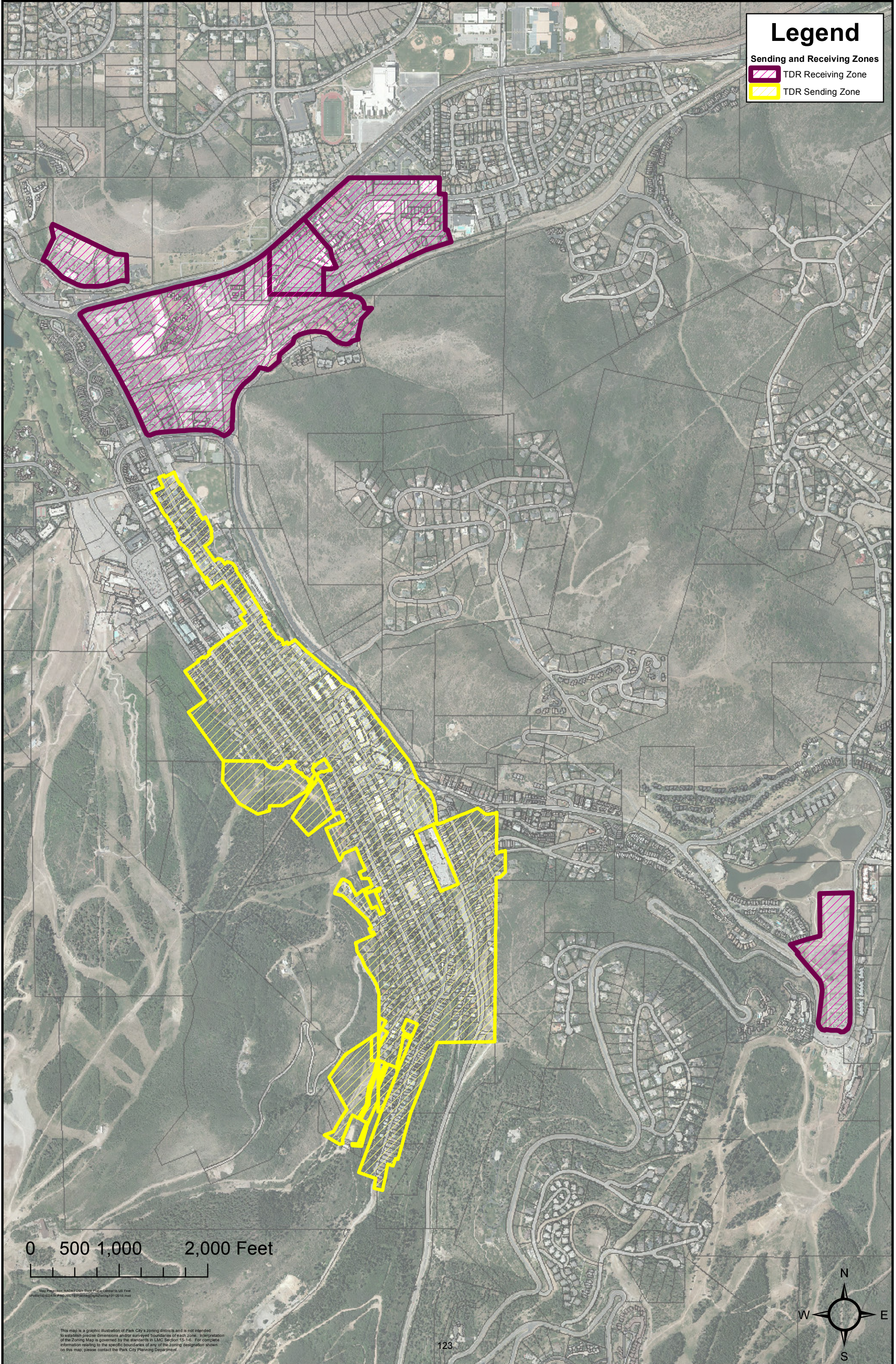
(4) Areas may develop at the underlying Base Zoning without purchasing Development Credits. If these Properties desire to increase their Densities beyond the existing zone, then Development Credits shall be required and the height limitation for the Site may be increased from the Base Zoning limits through an approved MPD.

(5) Any Development Approval process, using Development Credits, shall adhere to the Base Zoning requirements including the Master Planned Development requirements.

15-2.24-8. UNIT EQUIVALENTS OF DEVELOPMENT CREDITS

(A) The following is the value of a Development Credit that may be applied to a receiving overlay zone:

(1) One (1) Development Credit is equivalent to one thousand (1,000) square feet of Gross Commercial Floor Area or two thousand (2,000) square feet of Gross Residential Floor Area in the Receiving Site overlay Zoning District.



Kirsten Whetstone

From: THOMAS HURD <hurd-tl@msn.com>
Sent: Tuesday, February 24, 2015 11:04 AM
To: Kirsten Whetstone
Cc: Sydney Reed; Richard Miller
Subject: LMC revisions

Hi Kirsten: Here are my comments on the proposed LMC changes. Please present them to Planning as I am unable to attend. I think Syd Reed will be there for input. Thanks, Tom

Public input: I think that the proposed changes to the LMC regarding TDR's have merit as it is a more equitable solution, is easily understood and sets one standard wherein 1875 Sq. Ft. in the historic district equals 1 TDR. Since no TDR's have yet been sold their value is still problematic but this at least offers the chance of achieving some economic benefit from our holdings. It also benefits the public by precluding development in the sending areas. Thank you for your consideration, Paula & Thomas Hurd

Commissioner Joyce thought the setbacks should be 3' and 3', including for hot tubs, and no screening.

Commissioner Thimm was comfortable with 3' and 3' and no screen, but he did not want to lose the screened element for mechanical equipment. Commissioner Thimm noted that the discussion was about hot tubs, but in reading the language he asked if mechanical equipment could be brought closer to the property line. Planner Whetstone noted that mechanical equipment is typically an air conditioner and that is usually up against the house.

Commissioner Strachan believed these were issues that would be flushed out at the counter and they may see additional revisions because of it. He suggested that the Staff come back at the next meeting with new language without the screening, and the Commissioners could vote to approve specific language.

MOTION: Commissioner Strachan moved to CONTINUE the public hearing on the setback regulations for hot tubs in the HRL, HR1, HR2, HRM and RC Zoning Districts to March 25, 2015. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

4. Chapters 2 (in all applicable zoning districts) and 15 (Definitions) to clarify Essential Municipal and Public Utility Uses

Planner Whetstone requested that the Planning Commission continue Chapters 2 and 15 in an effort to keep all the amendments together for the March 25th meeting.

Planner Whetstone referred to page 189 of the Staff report. She noted that every zoning district had the same language as either an allowed use or a conditional use. She read, "Essential Municipal Public Utility Use, Facility, Service and Structure." The request was to add the word "and" after "Municipal" to read as "Essential Municipal and Public Utility Use." The intent was to make the distinction between municipal uses and other utilities such as power and non-municipal utilities.

MOTION: Commissioner Strachan moved to CONTINUE the public hearing on Essential Municipal and Public Use Facilities, Services and Structures in all Zoning Districts to March 25, 2015. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

5. Chapter 2.24 – Regarding Transfer of Development Rights (TDR)

Planner Whetstone handed out public input from Thomas Hurd. She also handed out a map that identifies the SOT1, SOT2 and SOT3, which are the sending zones that are different than the sending zones for all of the historic districts. She also provided copies of the redlines.

Planner Whetstone stated that the current language talks about all vacant lots within the Park City historic districts. It then says, “except those lots in the SOT1, SOT2, SOT3, which are the sending overlay, and Sending TH, which is sending Treasure Hill, and all sites listed on the Inventory shall be eligible as sending sites and shall be an overlay zoning district referred to as a TDR Sending Historic.” Planner Whetstone noted that it never says that the vacant lots in the SOT1, SOT2, etc., are eligible, but it later talks about how to get the credits. She stated that the first blue line was her attempt to clarify and reiterate that all lots included in the SOT1, 2 and 3 and in the Sending Treasure Hill are eligible as sending sites as further specified in Section 15-2.24.

Commissioner Joyce thought the TDR looked like something that was invented to make the Treasure Hill deal work. If he was asked whether it made more sense to move density out of Old Town over to the base of Deer Valley, he would have to say no because Old Town is where people shop and eat and there are real transit solutions. Commissioner Joyce stated that if they were going to have a TDR discussion, it should be one that really makes sense.

Planner Whetstone stated that the primary reason for these sending zones, at least in the in SOT1, SOT2 and SOT3, is the fact that the lots are very steep, they have sensitive lands, narrow streets and they are not ideal for development. Commissioner Joyce understood that reasoning; however, if they discussion is about making sure they use those and eliminate the HR1, it would be an interesting planning discussion about where TDR sources should be coming from. Planner Whetstone explained that they also have property owners in one of those sending zones that have an interest in using the TDR. She noted that the TDR has only been used once. The General Plan identifies in some of the strategies that they relook at receiving and sending zones. There is an urgency to do some cleanup language, but the Staff intends to come back with the map that shows all of the existing sending and receiving zones, and to have that planning discussion.

Director Eddington stated that the idea of the SOT1, 2 and 3 was to denote areas that were challenged by the road infrastructure, steep slopes, etc., and to offer an opportunity to transfer those development rights. The Planning Commission at that time discussed that these areas could have negative impacts but they did not want to take away the individual property owner’s right to develop their property or to make money on it via the sending zone. The HR1 Historic District was included because there was a discussion with regard

to compatibility and that people were building houses to the full footprint and to the full heights, which they are allowed to do pursuant to the LMC as long as they meet compatibility and the Historic District Designs Guidelines. At that time there were some historic houses that were recommended to stay as they were and/or add very small additions. In order to encourage that, the owner had the right to transfer the square footage that they did not build out to, which gave them an economic incentive for not building to the full height and footprint. That approach was desired by most everyone in Old Town. Director Eddington stated that they knew it would not be used extensively, but in the places where it was used it was deemed a good planning tactic.

Director Eddington stated that in regards to the issue this evening, they were clarifying language and discussing the issue of Old Town lots in the SOT zone. He noted that double Old Town lots only get one credit if they transfer. The question is whether they should give them two credits to be more equitable and fair. Director Eddington reiterated that the purpose of tonight's discussion was to clarify language and consider the equity issue.

Chair Worel opened the public hearing.

Bill Coleman referred to the map and SOT1 and noted that there were two or three lots that were not included. He thought it appeared arbitrary and odd not to include those lots in one of those zones. Mr. Coleman stated that he raised that question on behalf of Kathy Doobie and her family from Indiana. They are old miners and wanted to make sure they were in the deal. On a second issue, Mr. Coleman stated that he has been working with Harry and Sidney Reid on their property and he suggested some changes in their wordsmithing. He clarified that he is not a proponent of TDRs. He does not believe they work or that they City has proven that they work. Mr. Coleman read from the first page, item H, "Providing a mechanism whereby the development rights may be allowed to transfer." Although it may be a wonderful idea, he submitted five ways that it might work better. Mr. Coleman referred to Section 3B and read, "The determination letter is not a binding document and does not grant a vested right." He asked at what point is it vested. He did not believe the language was clear. He understood what they were trying to do but it does not tie together with Section 9 on the next page which says that no matter what happens, maintenance and all responsibility for the property after the TDR is erased from it is still the owners. Mr. Coleman pointed out that there was no mechanism to unload the full responsibility of the property and the liability. He read from Section 5, Transfer of development rights, "... by reissuing the development credits in the transferee's name and reporting the development credit certificate...." He thought there should be a way to sell the development rights with or without City approval. Once a deal is made, he questioned how the property could become vested to the new owner. The language says, "at the time of approval", but it does not stop someone from selling a TDR without City guidance. It is

the fundamental problem with TDRs because no one on the buying side of these TDRs wants to buy their land twice. This is why TDRs are not working. Mr. Coleman referred to Section 8 and stated that his biggest concern is that all the rights must be sold. It is not possible to only sell some rights. At some point the ownership has to be considered. He believed the presumption is one owner, but that is not true in all cases. Mr. Coleman appreciated the one lot/one density limit. However, he did not believe that solved all the questions. When they try to find a market for TDRs, he did not believe it exists and he challenged the City to show him how it would. He believed they were close by making it make more sense on the steeper lots, but his client, the Reid's had a plan attached to their property that they would not be able to do easily based on all the rules incorporated into the Code. Mr. Coleman thought they were getting closer, but there was no place where the City does anything to accelerate a sale to happen. Leaving it to the private section is a cop-out and does not make for a good banking possibility or a good currency exchange. Mr. Coleman recommended making other modifications at the same time they were wordsmithing.

Sydney Reid, stated that she was part owner with two other partners of the property Mr. Coleman was talking about. They would appreciate the change in the multiple because it gives more value to the property they have owned for a long time. Ms. Reid noted that the development they had planned was not going through, and the person who had the passion and ability to make a development work on the property is no longer here. Ms. Reid remarked that open space is a great option and would benefit bikers, hikers, and neighbors in the area. She struggles trying to understand how this would work because if they transfer the development rights on that property, they would still have the responsibility of maintenance and abatement of the property. Ms. Reid echoed all the comments made by Bill Coleman.

Chair Worel closed the public hearing.

Commissioners Campbell and Phillips had no further comments.

Commissioner Band liked the idea in theory; however she thought very good questions were raised with valid concerns. Director Eddington explained that when the City first looked at TDRs in 2011 there was a discussion regarding multipliers, bonuses, etc. The issue is that some land is more valuable than other land, which can make the transfer difficult. The Staff initially recommended density bonuses to help accommodate the difference. Director Eddington stated that at the time the City Council recommended removing the multipliers and simplifying the TDR process. He noted that it was a dull tool at this point. However, there was also a discussion about whether the City wanted a role in being a public bank with a website identifying those selling and those interested in buying. The City Council decided at that time not to be involved. Director Eddington stated that it is

a very difficult endeavor without some of those components. He believed that equaling the bonuses or making it more equitable lot for lot helps a little, but it does put the onus on the private property owner. Director Eddington stated that he has seen TDRs work effectively, not only in Washington but also in New York. He has also seen them work in rural districts and other areas. However, it is complex and it does require a bank or a central place where people can understand who is buying and selling. Director Eddington remarked that at the time both the City Council and the Planning Commission were concerned about facilitating development. If it is viewed as facilitating development they may not want to do it. If viewed as controlling, shaping and guiding it may have more appeal. Director Eddington clarified that what they have now is a very simplified version of TDRs.

Commissioner Band reiterated that she liked the idea of allowing someone who has a difficult lot to develop to be able to sell their development rights to someone else who could use it in a place where development is more appropriate. However, she questioned whether cleaning up the language was an effort to clean up something that would never be used anyway.

Based on public comment, Director Eddington believed that fixing the problems would be a step in the right direction. He asked if the Planning Commission wanted the Staff to come back with a more holistic approach to TDRs and address some of the bigger questions.

Commissioner Strachan thought the tool would only work if it is looked at holistically and if they can draft an ordinance that they believe can work. If they know the current one will not work and they tweak it and send it to City Council, it accomplishes nothing. Commissioner Strachan noted that he and Chair Worel were on the Planning Commission during the last TDR discussion. However, things have changed since then and he thought the discussion should be re-opened, and some of the things that were initially rejected should be put back on the table. He stated that a bank was one item that was rejected after a long debate. He thought the bank was important to make it work, but there were also good arguments as to why that was not true. Commissioner Strachan stated that if they intend to do TDRs it needs to be done right and they need to draft a good ordinance before they send it to the City Council.

Commissioner Thimm agreed completely with Commissioner Strachan. He thought the benefits were worth the effort to make it work. He was not interested in spending time on something that was not going to work.

Commissioner Joyce agreed, but with a different conclusion. He did not have an understanding of what would make the TDRs work effectively. Trying to create a market where they were none and where buyers and sellers do not match up well, it would still not be used. Commissioner Joyce stated that if they were really talking about building a

service and being the “bank”, it would involve money, time and a commitment from the City that to this point the City Council was not interested in pursuing. He did not want the Planning Commission to spend a significant amount of time creating something that goes against what the City Council has already said. Commissioner Joyce thought it was important to know whether the City Council would be willing to accept it if they drafted something good. Another question is whether they could be convinced that the market is there if the infrastructure was in place. Without being quite confident that it would work, he did not think they should spend much time on it.

Commissioner Strachan stated that the questions and issues raised by Commissioner Joyce were raised before and the Staff has documented those discussions. He thought the only question that should be decided at this point is whether or not the City Council would look at this. Whether or not the market is there has been analyzed by the Staff. He suggested that Commissioner Joyce look at that information and decide for himself whether or not he thinks it is feasible. Commissioner Strachan believed that whether the City Council looks at it is driven by whether or not the Planning Commission thinks they should look at it. If the Planning Commission determines that it is an important tool to give to a developer, the City Council would listen to what they say and not just reject it.

Commissioner Band agreed that things may have changed since the initial discussions. In deciding whether they should look at it again, they need to consider that something may not make sense now but it may be valuable in the future.

Chair Worel pointed out that TDRs are part of the General Plan which makes her think that the City Council is interested. Director Eddington stated that the perspective on development is different now than it was during the recession. A TDR ordinance offers opportunities to buyers and sellers. He believed they would need multipliers and bonuses, and that could be challenging for people to understand. They may have to give a little more to remove density from an area where they do not want density. There was no agreement on that at both the Planning Commission and the City Council level at that time and it was a difficult challenge. If it is presented more holistically and with more Planning Commissioners in agreement it might be the right thing to do.

Commissioner Strachan stated that in addition to a mandate of the General Plan, it also gets them away from the regulatory mire and puts them into more of a planning position. Commissioner Strachan thought the Planning Commission should relook at this starting from scratch. He pointed out that the discussions are complicated and take a lot of time and they should be prepared for long meetings.

Commissioner Joyce was concerned that the TDR matter is enormous and more prone to failure than other planning issues. He like the idea of having more of a planning role, but

he was not convinced that TDRs should be in the top three of their priorities. Commissioner Joyce suggested that the Commissioners review the General Plan and together compile a list of priority items. Planner Whetstone noted that the Planners have been compiling a list and have provided Director Eddington with information about certain strategies. Director Eddington offered to provide what the planners have listed as their highest and most important strategies to see if the Commissioners have anything to add. Commissioner Strachan thought it would be a valid exercise. The Commissioners agreed.

Commissioner Strachan recommended that the Planning Commission table the discussion and continue it to a date uncertain. Commissioner Joyce thought the Staff has brought forth two obvious items this evening. One was the SOT zones that were not explicitly mentioned. The second was the issue of getting double credit for a double lot. He was not opposed to agreeing with both of those concepts independent of the bigger picture of TDRs. The Commissioners concurred.

Commissioner Strachan commented on the language about the SOT lots being more specific. He suggested that they delete the parenthetical that says, “except for the lots included in SOT 1, SOT2, SOT3”, and keep the new version language. Commissioner Campbell asked if they could fix the three orphan lots in SOT1 this evening. Planner Whetstone preferred to first do some research to find out why those lots were left out. Director Eddington believed they were part of the Alice Claim parcel, which was holistically looked at as its own parcel to be transferred in total or not. He was unsure why the parcels were left out. Planner Whetstone suggested a recommendation to the City Council for those to be a separate SOT sending zone. Director Eddington agreed that they would have to be separate. Commissioner Strachan thought they should be included in the broader discussion of whether or not to tweak the TDR ordinance more than the two changes in front of them.

MOTION: Commissioner Joyce moved to CONTINUE the public hearing for Chapter 2.24 regarding Transfer of Density Rights to March 11, 2015. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

6. Chapter 9 – Non-conforming Uses and Non-complying Structures Regulations

Chair Worel opened the public hearing. There were no comments. Chair Worel closed the public hearing.

MOTION: Commissioner Joyce moved to CONTINUE Chapter 9 – Non-conforming uses and non-complying structure regulations to a date uncertain. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

Commissioners Worel and Strachan stated that they would be out of town on March 11th.

Assistant City Attorney McLean noted that Chair Worel's term as chairperson expires in March. The Commissioners should be prepared to elect a new Planning Commission chair at the next meeting. Since Commissioner Worel has served two years as the Chair she could not be re-elected.

The Park City Planning Commission Meeting adjourned at 10:00 p.m.

Approved by Planning Commission: _____

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
MARCH 11, 2015

COMMISSIONERS IN ATTENDANCE:

Chair Pro Tem Steve Joyce, Melissa Band, Preston Campbell, John Phillips, Doug Thimm

EX OFFICIO:

Planning Director Thomas Eddington; John Boehm, Planner, Polly Samuels McLean,
Assistant City Attorney

=====

REGULAR MEETING

Chair Worel and Vice-Chair Strachan were absent this evening.

MOTION: Melissa Band nominated Commissioner Joyce to conduct the meeting this evening as the Chair Pro Tem. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously. Commissioner Campbell was not present for the vote.

Assistant City Attorney McLean noted that the Planning Commission would be meeting in closed session this evening and she explained the process.

Chair Pro Tem Joyce stated that the Planning Commission would be voting to move into closed session in the Council Chambers to discuss security and safety issues.

MOTION: Commissioner Thimm made a motion to move into closed session. Commissioner Band seconded the motion.

VOTE: The Motion passed. Commissioners Band, Phillips, Joyce and Thimm voted in favor of the motion. Commissioner Campbell was not present for the vote.

The Commissioners went into closed session at 5:10 p.m.

Chair Pro Tem Joyce re-opened the Regular Meeting. Commissioner Campbell was present.

ROLL CALL

granted by the Planning Director.

11. Modified 13-D residential fire sprinklers are required for all new structures on the lot.

12. All exterior lighting, on porches, garage doors, entryways, etc. shall be shielded to prevent glare onto adjacent property and public rights-of-way. Light trespass into the night sky is prohibited.

2. Land Management Code Amendments – Chapter 2.24 Regarding Transfer of Development Rights (TDR) (Application PL-14-02595)

Director Eddington recalled that the Planning Commission had discussed Transfer of Development Rights at the last meeting. The discussion primarily focused on the issue of the lots in the HRL Sections of Old Town, which was Old Town 1, 2, 3 and 4, and specific sending opportunities for those areas. Director Eddington clarified that they are Old Town lots; however, the minimum lot size for the HRL zone is 3,750 square feet, which is two Old Town lots. Per the Code as currently written, those only get one development credit if they send. The Staff was recommending a change to two development credits, which would mean that for all of the Old Town District, every typical 25' x 75' Old Town lot would get one development credit.

Director Eddington clarified that the intent is to give equity to those HRL zones and to make sure there was an understanding of the development credits. He noted that proposed language was added to make that clarification.

Director Eddington noted that at the last meeting the Planning Commission talked about revisiting TDRs overall. The Staff had noted that when the TDR ordinance was first implemented three or four years ago there were a number of additional aspects such as multipliers, bonus opportunities, a TDR bank, etc. He pointed out that those elements were not included in the ordinance. He understood that some people believe it is a dull tool without those elements, but it was still a good tool to start with. Director Eddington stated that the Staff would come back and address TDRs more comprehensively in the next few months.

Chair Pro Tem Joyce opened the public hearing.

Bill Coleman stated that he had not read the changes since the last meeting.

Director Eddington referred to page 70 of the Staff report and noted that at the last meeting Bill Coleman had discussed a question regarding a couple of lots outside of the Historic District zones. The Staff had researched those lots and found that they were in the Estate

Zone, which is why they were never considered part of sending for Old Town Historic Districts. However, it was noted in the Staff report that the Staff would relook at those lots when they do the overall TDR ordinance amendments review and revisions.

Mr. Coleman suggested that as they go through the next steps the discussions should focus on the receiving areas separately from the sending areas because they have very different dynamics. Mr. Coleman believed the real problem were the receiving areas. He pointed out that someone would be hesitant to purchase the property without knowing what they would be allowed to put on it. Because the City can slow down the process and reduce what can be put on the lot, they are forcing the buyer to sell back a portion of the lot. Mr. Coleman remarked that it would stifle the marketplace because no one would buy the property subject to that vague set of rules; particularly when the City controls it on both sides. Mr. Coleman thought TDRs was a fabulous idea. He liked it in urban environments where a lot of things are happening. However, for the purposes of a receiving area, he thought it would be better to deal with a density bonus and to create an employee housing or affordable housing incentive. In order to get the density they want in specific areas, they need to find a better way, because right now those people are disincentivized rather than incentivized. He believed they could look at it in other ways and achieve the same benefit.

Mr. Coleman recommended that they also relook at the sending areas comprehensively. He understood that grade and steepness is an important issue, but there are other ways to address that without having to send away the density. Mr. Coleman was interested in discussing other ideas, but he was unsure how to do it outside of the public input process. He stated that if the City were to set up a subcommittee that includes citizens, he wanted to be the first to volunteer.

Sydney Reed stated that if someone needs the density they might not need all of the density that is offered. She pointed out that currently all an owner has to offer all the density they have. Ms. Reed did not understand how the sending/receiving would work if someone did not want all of the density. She also wanted to know how TDRs would work if several parties own a specific area being considered.

Director Eddington responded to some of the questions raised by Ms. Reed. He believed it was important to consider a TDR bank. He provided an example to show how the TDR bank would work. As they look at TDRs more holistically, he thought that would be an easy way to address the question. The second question regarding the sending zone where Ms. Reed owns property with other property owners in SOT2, Director Eddington stated that four years ago the Planning Commission approved SOT2 with the understanding that this area of Ridge Avenue was challenged with steep slopes, inadequate infrastructure for the road widths, etc. They decided that all of those property owners would need to commit to selling their development rights; otherwise there would still be impacts to the road, the

steep slopes, erosion, etc. Director Eddington stated that SOT1, 3 and 4 have single property owners in each section.

Commissioner Phillips asked if all of the SOT zones have different rules. Director Eddington stated that 1, 2, 3 and 4 are much the same in that it has to be all or none in terms of sending. Sending Old Town 2 has an additional challenge because multiple owners have to agree on whether or not to send. Commissioner Phillips wanted to know why it was SOT1, 2, 3, 4 and not just one. Director Eddington stated that these areas were identified as topographically challenged, steep slopes and inadequate infrastructure. The properties are bigger than just one lot and the Planning Commission targeted them as areas where density could be moved off.

Mr. Coleman questioned how they could isolate SOT2 and zone it differently from all the other properties. Director Eddington stated that at the time those owners wanted to be viewed as one. He understood that in retrospect they may now prefer to be individual. Mr. Coleman believed the City was walking itself into a problem by treating one property different from the rest.

Chair Pro Tem Joyce disagreed that they were treated differently, because each of the SOT areas were the same in that it was all or nothing.

Chair Pro Tem Joyce closed the public hearing.

Commissioner Phillips stated that he knows of several properties where an owner owns two lots adjacent to one another. One lot has the house and the second lot is their yard. He asked if the owner could sell the development rights to the lot they use as a yard, but still continue to use it as a yard. Director Eddington answered yes. He explained that in the areas of Old Town outside of SOT1, 2, 3, 4, an owner could sell either a portion or all of their Old Town lot.

Commissioner Campbell asked what they could do in SOT1, 2, 3, 4 if it was a separate lot. Director Eddington replied that those are under single ownership. Three or four years ago the Planning Commission felt it was better to take an "all or nothing" approach because of the development challenges on some of the lots. If someone owns three or four lots in one of those sections it has to be all or none. Director Eddington clarified that currently in SOT1, 2, 3, 4 the lots are vacant lots of record. Commissioner Campbell asked if there were houses in any of those four zones. Director Eddington replied that currently there are no houses, but the owners can choose to either build on their property or transfer the density.

Commissioner Campbell preferred to simplify the language in four paragraphs down to one paragraph. Director Eddington stated that the language in one paragraphs pertains to all four SOT zones with the same parameters. However, there are four different sections because there are four different property owners or development groups. Commissioner Campbell stated that development is development and density is density. He thought they should find a way to bring those four zones into the rest of Old Town. He noted that the Planning Commission did not have the authority to set up the TDR banks. Commissioner Campbell thought they should make this process as simple as possible. He questioned whether the whole idea of sending and receiving was too complicated. He did not understand why any part of town could not send or receive. Director Eddington stated that it would require significant discussion in terms of density. Based on Commissioner Campbell's suggestion the City Council would have to pro-actively get involved and create the bank. If the City wanted to move the density, the City or a private owner could buy the density and drop it into the bank to sit until it is used somewhere else. Director Eddington noted that other communities do that, but the City would have to be pro-active in the process. When it was discussed three years ago there was a desire by both the Planning Commission and the City Council not to be that pro-active; however, that opinion may have changed.

Commissioner Band asked if the Planning Commission was only discussing the one component this evening or whether they were talking about all of TDRs. She had done some research, and of the top 20, approximately 350,000 acres have been saved through TDRs. There are 20 successful programs and she was willing to share her article. Commissioner Band pointed out that of the 20, only four have banks. Three things were considered necessary for TDRs to be successful and a bank was not one of them. Commissioner Band stated that the first three were demand; customized receiving areas, and transfer ratios.

Director Eddington stated that demand cannot be controlled. Commissioner Band stated that according to the article, if developers are getting what they need density-wise out of the Code, then there is no demand. Director Eddington cited scenarios that would help induce demand. He believed the Code has good parameters for both sending and receiving zones which would help keep demand high in Park City.

Director Eddington commented on the second point; customized receiving areas. He stated that three years ago the Staff recommended including ratios, multipliers, bonus, and other benefits in the Transfer of Development Right Ordinance; but both the Planning Commission and the City Council requested that they be taken out. Director Eddington stated that those elements had the benefit of making the TDR process equalize and work. In his opinion, taking those out dulled the tool. Commissioner Band stated that the more she reads about it and understands what it takes to actually have a successful TDR

program she questions whether Park City can actually pull it off. Director Eddington stated that this is where multipliers come into play. If someone already bought their land to build three stories, the question is how much they are willing to pay for a credit to add the fourth story. If the fourth story yields so much ROI they might buy that credit. It is an equalization of supply and demand and he believed multipliers could help that.

Commissioner Campbell understood that the only reason for the multiplier was to try to make the unit more valuable. He could see no reason for the City to get involved because the buyer and the seller could work it out. Director Eddington stated that determining the value is difficult because the lands have different functions and different uses. One party would probably want a bonus or multiplier to be satisfied, and the other party might want to pay less because they already paid for their land. It is a complex formula based on real estate value. Otherwise, the buyer and seller would argue over the property value and they might be talking about very different pieces of property. Either way, there has to be a bonus for either the sender or the receiver.

Commissioner Campbell did not think it would work unless the buyer and the seller were the same room figuring out the price. Director Eddington agreed that they do need to be in the same room. He stated that they have had people talk about development credits and there have been discussions about the value of a credit. No one has used it yet because the economy has not been strong.

Chair Pro Tem Joyce stated that if the seller and the buyer do not have any concept of a multiplier, they each may have a different idea of value because they are not valuing the same thing. Currently, the answer is that they will trade one for one, because the multiplier does not exist. It is not dollars and cents yet, other than the fact that the buyer is valuing the unit and the seller is valuing the unit. They may actually be in agreement but there is no multiplier to achieve a number. Director Eddington agreed that a multiplier would even that out.

Director Eddington stated that as the economy picks up, he believed more people would approach the Planning Department looking for more development space in the near future.

Commissioner Band asked why only 22 units from Treasure Hill were identified for sending. Director Eddington stated that when the Planning Commission discussed it, they did not want all of Treasure Hill to be transferred because they were concerned about flooding the density in Bonanza Park if all the density went there. Commissioner Band pointed out that it already caps out in the Code. Director Eddington confirmed that it does cap out; and there has to be provisions to allow for more as they allow master planned developments or incentivized density via the Form Based Code. He pointed out that the previous Planning

Commission was concerned about how much is too much density in Bonanza Park and how much starts to impact the traffic or create other impacts. At that time they decided to start with 10% and see what happened.

Chair Pro Tem Joyce referred to page 84 of the Staff report and the language, "...for property within SOT1, overlay zoning district, where the underlying zoning designation is Estate, development credits shall be calculated per...." He understood from an earlier comment that they were leaving out the extra lots they discussed at the last meeting because they were in the Estate Zone. Director Eddington explained that there was an odd area in the Alice Claim area where some of the Estate zone is tucked in behind the HR1 zone. This language was always included in the Old Town Sending District. It simply says that an Estate Zone cannot be divided into a bunch of credits for Old Town lots. There is only one credit for an Estate lot.

Chair Pro Tem Joyce clarified that the proposed change fixes the equity problem for the SOT1, 2, 3, 4, but they were not fixing the equity for an Estate lot. An Estate lot is treated the same as a historic Old Town lot. Director Eddington answered yes.

Director Eddington commented on other issues related to TDRs that this Planning Commission may want to discuss in their broader discussion of TDRs. He noted that the Staff had proposed other things at the time the ordinance was written, but the Planning Commission and the City Council chose to go more conservative.

Chair Pro Tem Joyce could see how TDRs could get fairly complex based on having a number of different priorities for both sending and receiving. Director Eddington remarked that getting to that level of specificity when looking at TDRs holistically would be good, and he would recommend it.

MOTION: Commissioner Phillips moved to forward a positive recommendation to the City Council to adopt the attached ordinance for LMC Amendments regarding Transfer of Density Rights in Chapter 15-2.24. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

The Planning Commission adjourned the regular meeting and moved into Work Session to discuss General Plan Implementation. That discussion can be found in the Work Session Minutes dated March 11, 2015.



DATE: May 14, 2015

TO HONORABLE MAYOR AND COUNCIL

Request for a public hearing and continuation, to June 25, 2015, of the Land Management Code Amendments regarding Setbacks for patios and hot tubs in the HRL Chapter 2.1, HR-1 Chapter 2.2, HR-2 Chapter 2.3, and RC Chapter 2.16 in order to allow time for Planning Commission final review and public hearing on May 27, 2015.

Respectfully:

Kirsten Whetstone, Senior Planner



DATE: May 14, 2015

TO HONORABLE MAYOR AND COUNCIL

Please hold a public hearing and continue the item to May 28, 2015

Respectfully:

Francisco Astorga, Senior Planner