



**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
September 17, 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, September 17, 2015.

CLOSED SESSION

2:45 pm To discuss Property, Personnel and Litigation

WORK SESSION

3:50 pm Council Questions and Comments

- *Communication from City Council Member Andy Beerman – Colorado Association of Ski Towns Update*

4:20 pm 2015 Community Engagement Quarterly Update

4:50 pm 2015 Housing Monthly Update

5:20 pm City Tour 2015 Summary and Presentation

REGULAR MEETING

6:00 PM

I. ROLL CALL

II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

1. Rain Barrel Program Update – Manager’s Report

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

IV. CONSENT AGENDA

1. Consideration of a Request for Use of Public Property to Display Public Art Near 638 Park Avenue

2. Consideration of a Request to Authorize the City Manager to Execute an Amendment to the Park Avenue Pathways 2015 Construction Agreement with B. Jackson Construction, in a Form Approved by the City Attorney, as Change Orders No. 1 and 2, for an Increase Not to Exceed \$86,644.01, for a Total Not to Exceed \$1,047,055.81

3. Consideration of an Amendment to the existing Vehicle and Pedestrian Easement for the April Inn located at 545 Main Street

V. NEW BUSINESS

1. Consideration of an Ordinance Adopting a Waste and Recycling Receptacle Ordinance for Old Town Park City, UT, and an Amendment to Park City Municipal Code for Waste and Recycling Receptacles Managed by Nightly Rentals in Old Town Park City, UT:

A) Public Hearing

B) Action

2. Consideration of a Request to Move Current Dispatch Employees from the “Public Employee” Retirement System to the “Public Safety” Retirement System Offered by the State of Utah

3. Consideration of a Resolution Designating September 26, 2015, as Park City Neighbor Day

4. Consideration of an Ordinance of the Bee Plat Amendment Located at 281 and 283 Deer Valley Drive, Park City, UT Pursuant to Findings of Fact, Conclusions of Law, and Conditions of Approval in a Form Approved by the City Attorney:

A) Public Hearing

B) Action

5. Consideration of an Ordinance of the Miner’s Plaza Plat Amendment at 415 Main Street, Park City, UT, Pursuant to Findings of Fact, Conclusions of Law, and Conditions of Approval in a Form Approved by the City Attorney:

A) Public Hearing

B) Action

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:
See: www.parkcity.org



DATE: September 17, 2015

TO HONORABLE MAYOR AND COUNCIL

This report outlines recent and upcoming community engagement activities and highlights key program enhancements including new outreach platforms and training.

Staff is requesting Council discussion on two questions:

1. Staff has been and is continuing to develop a professional, robust community engagement program. What additional information would you like to have presented to you at the next quarterly update?
2. Are there activities or topics for which Council would like staff to develop more formal engagement strategies?

Respectfully:

Phyllis Robinson, Public & Community Affairs Manager



City Council Staff Report

Subject: Community Engagement Update
Author: Phyllis McDonough Robinson, Public Affairs Manager
Department: Community Affairs
Date: September 17, 2015
Type of Item: Work Session

Summary Recommendations:

Staff recommends that the Council discuss the recent community engagement activities and proposed activities for the current quarter.

Executive Summary:

This report outlines recent and upcoming community engagement activities and highlights key program enhancements including new outreach platforms and training.

Staff is requesting Council discussion on two questions:

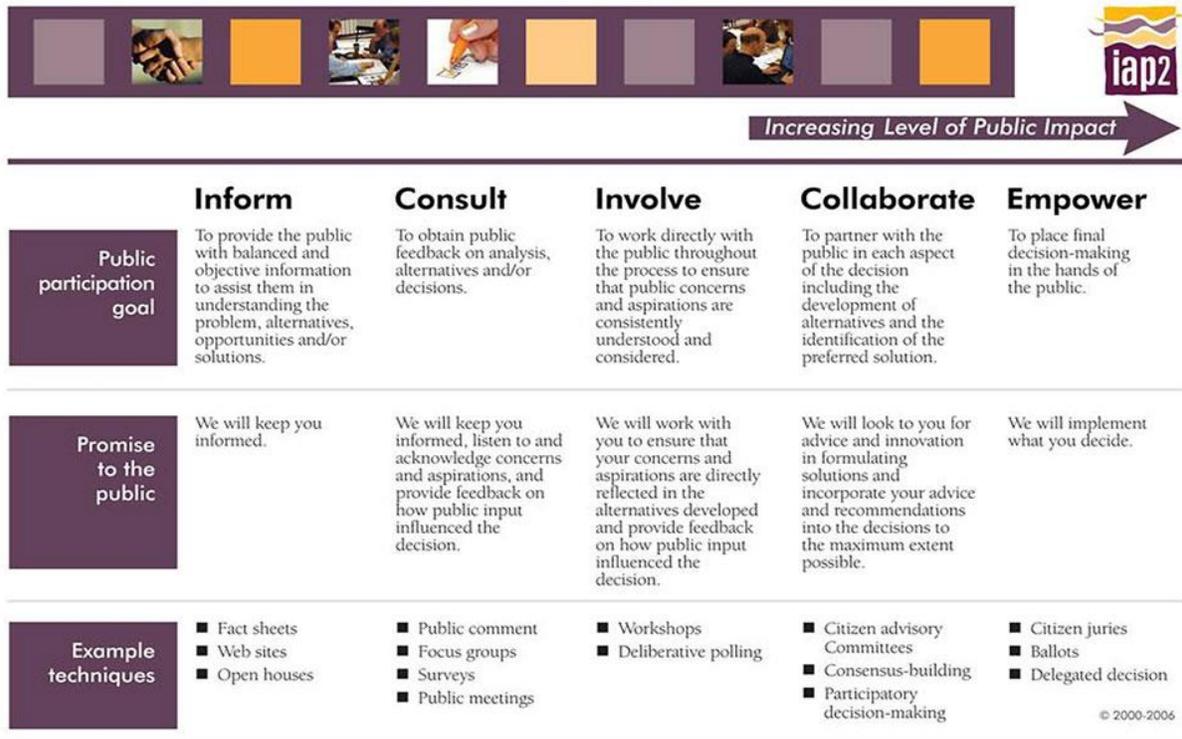
1. Staff has been and is continuing to develop a professional, robust community engagement program. What additional information would you like to have presented to you at the next quarterly update.
2. Are there activities or topics for which Council would like staff to develop more formal engagement strategies?

Background:

Citizen engagement and community outreach is a Top Priority of City Council. It also contributes significantly City Council's goals of (1) *an inclusive community that values historic preservation, economic diversity, and the arts & culture*, and (2) *responsive, cutting-edge & effective government*. While the techniques and approaches used during engagement activities will vary depending on the topic and level of public impact, we are guided by the following principles of engagement: Open and Responsive, Proactive, Meaningful, Community-Centered, and Honest.

The International Association of Public Participation model below is the leading approach to identifying and developing appropriate level of public engagement and designing effective public engagement processes.

IAP2's Public Participation Spectrum



Analysis:

City Council has directed staff to implement diverse outreach and engagement activities. Over the past quarter Community Affairs staff has designed and implemented a broad range of strategies that span the Spectrum of Public Participation from Informing to Collaboration. Below is a summary of larger-scale engagement activities. In addition to the activities below, there is an ongoing outreach activities including meetings with community stakeholders including, but not limited to, Homeowners Associations and the Senior Center Board; regular media interviews with the Mayor and Council, appointed officials, city manager and staff.

Summary of Engagement Activities June – August 2015

June 2015

Main Street Liaison: Main Street work is underway and Craig Sanchez is on the streets keeping the merchants informed of this year's construction activity. Miller Paving (Jeff) will be the contractor; they have worked on this project the last two years. Work this year includes Questar replacing the main line and new meter, the City Hall Plaza, new storm drains, water meters, street lights, curb and sidewalk. This work will continue through October 2015.

Library Grand Opening: Community Affairs staff worked with the staff and event organizer to develop and implement outreach and promotion of the event. While this is

less of an engagement activity and more of a community outreach and community building event, it provided Council with a valuable opportunity to engage with community members during the event.

What's Next Park City?: Park City kicked off community conversations about *What's Next Park City* with a set of presentations about growth pressures in the state, region and the city. This meeting, attended by 167 persons, was held at the Santy Auditorium on June 15. Robert Grow, President and CEO for Envision Utah provided an overview of state and regional population projections, provided a high level overview of Your Utah Your Future survey and discussed growth pressures for Park City to consider. Mayor Thomas and Councilmember Henney provided historical perspectives on our growth patterns and the intentional choices we made as a community to create this mountain resort community and forward looking projections on entitled and anticipated growth in Park City, tools, and options and considerations for how we grow in the future. Following the presentation the community was invited to post comments to three questions: What does the word growth mean to you? What's missing from Park City? What are your ideas or questions?

The materials from this meeting, including an audio/visual recording of the meeting, were posted to an information page on the City's website at www.parkcity.org. The kick-off meeting at the Santy was intentionally designed as a presentation rather than a forum. The goal of the meeting was to provide community members with baseline information about projected growth and use that as a springboard for future conversations about how we grow. The Mayor and Council then hosted community conversations the following week. The small group format provided a more comfortable and less formal environment for community members to ask questions, provide feedback and engage in a conversation with elected officials and their neighbors. Staff collected pages and pages of comments, questions and ideas at these meetings that will be used to inform future discussions and initiatives. Seventy-six community members attended a community conversation.

Senior Policy Advisor Ann Ober and Community Affairs Manager Phyllis Robinson presented the findings and proposed next steps in a City Council Study Session on August 6. A copy of that staff report can be found here:

<http://www.parkcity.org/Modules/ShowDocument.aspx?documentid=15319>

July 2015

Community Wildfire Preparedness: Community Affairs and Emergency Management worked together to create a direct mailing to residents on wildfire preparedness and prevention. The focus of this year's annual promotion is defensible space. Additionally, Police, Emergency Management and Sustainability staff provided outreach on the city's wildfire ban including posting notices throughout the community and on the trail system, print ads and public service announcements and media interviews.

Lower Park Avenue Design Studio: Staff began outreach in the Lower Park Avenue area in March. Interviews were held with key stakeholders including users of city buildings in Lower Park Avenue to understand how they function and their space needs, as well as Park City Community Foundation to learn more about the physical needs of nonprofits in Park City. This was followed by a community workshop on May 19 that generated a range of community options. Following the interviews and community workshop, Park City hosted a 3.5 day design studio for the Lower Park Avenue area on July 13 – 16, 2015 to provide a development framework for city-owned properties in this area. The Design Studio participants received briefing materials that included Lower Park Redevelopment planning documents, the current General Plan including the Resort Center area which had specific guidance on existing city buildings, the Empire Lowell loop and the Lower Woodside area, and community input received through interviews and workshops.

The Design Studio began with a walking tour of the area and a physical tour of many of the city-owned properties. A community open house to meet the team was held on Monday evening, July 13. More than eighty community members attended to ask about and provide input into the process. On July 14, following a briefing by planning, transportation, housing, economic development and capital projects, the Design Studio members reviewed all the input received and began brainstorming potential approaches based on this input. The members self-organized into three working groups to develop concepts. Over the next two days the teams developed and refined concepts. An informal daily wrap-up provided community members the opportunity to see the work progress, ask questions and provide additional feedback. An additional forty community members participated in the wrap up sessions. By the conclusion of the design studio nearly 200 community members had participated through interviews, the May community workshop and the three organized outreach events during the design studio. The design studio team presented 20+ concepts to City Council at a study session on July 16.

August

Transportation Community Workshop: Staff assisted the Transportation Department in developing and implementing outreach for its August 5 community workshop. Approximately 50 community members attended to provide input on transportation and parking needs in Bonanza Park and the Lower Park Avenue corridor. Outreach included print ads and Public Service Announcements, media interviews with staff, social media, and digital mail through the city's e-notify system. This workshop is part of the city's Transportation Demand Study currently underway.

Brew Pub Lot Neighborhood Outreach: Staff arranged and participated in a community meeting with adjacent residents and the city's consultant Struck for preliminary input on the Brew Pub lot development. Areas covered were: Swede Alley, Grant Avenue, Sandridge Avenue, and upper Main Street. Staff walked the neighborhoods, left notices for this meeting. Eight people attended the meeting. Additional residents responded to the notices left by staff and asked to be added to the contact list for future meetings.

Senior Outreach: Staff participated in the annual Senior Lunch at the Summit County Fair. The lunch was attended by 140 seniors county-wide. Additionally, staff met with the Senior Center Board of Trustees in July and August to discuss upcoming projects including the Lower Park Avenue redevelopment.

Tour of Utah: Community Affairs staff assisted the Events team and Local Organizing Committee with volunteer recruitment and coordination for the Saturday (8/6) and Sunday (8/7) stages of the Tour of Utah. Additionally, staff assisted with community outreach about the event especially road closure times.

Additionally, staff coordinated several small outreach campaigns including sharrows promotion, e-bikes survey, Marsac Avenue (SR 224) milling and paving outreach, rain barrel press conference and promotion and the PC MARC solar array ribbon cutting and press event.

Upcoming Events September – December 2015

Staff continues to refine and enhance its engagement efforts and improve our metrics and evaluation tools. Over the past quarter more than 500 community members (excluding the Library Grand Re-Opening) participated in a major community outreach initiative. The outreach preceding these events along with the media coverage following these events cast a wider net of folks informed about engagement opportunities in Park City.

National Citizens Survey: The launch of the biennial National Citizens Survey was delayed until September. Staff anticipates a greater return rate surveying during the fall when school is back in session and summer vacation travel is completed. This will be our third time participating in this survey. This is a statistically-valid survey that provides the city with significant input on quality of city services, citizen attitudes and perceptions. The City's results are used as performance measures in our biennial plans. The City's responses are also benchmarked against other communities. Once the mailed survey is closed, the survey will also be posted on-line to gather additional input.

Be Ready Park City: September is Be Ready Utah month. Community Affairs staff have been working with Emergency Manager Hugh Daniels to launch Be Ready Park City. This is a website dedicated to emergency community modeled after the successful SummitWildfires.com that was created in 2012. Funded in part by a grant from the State of Utah, the site is designed to be a single, coordinated source of information during an emergency. This interagency approach was developed by the Summit County Health Department, Park City Fire District and Park City Municipal to assist community members and the media in obtaining timely, accurate information during wildfires. Rather than having multiple sites to update and monitor, Public Information Officers from these agencies were able to update and maintain one combined site. Staff will preview the site to City Council during the work session.

What's Next Park City: As the City was hosting its June What's Next discussion, Envision Utah was conducting "Your Utah Your Voice", a statewide survey on growth. As part of the follow up to What's Next, Robert Grow, President of Envision Utah, will

present the survey findings generally and specifically the results from Park City in a community gathering to be held at the Jim Santy Auditorium. The presentation is scheduled for November 16, 2015. Staff will be heavily promoting this community presentation through multiple channels.

How Did That Happen?: Community Affairs is working with the City Attorney to publish an informational section on the new City website that explains significant prior planning approvals and projects. Titled “How Did That Happen?”, the website section is intended to provide a robust description of why and how particular projects were approved. An example would be the multi-year process that preceded the annexation into the City of the parcel on which the movie studio now sits.

Staff Training Guides: Community Affairs staff is finalizing an internal media training guide and a citizen engagement guide. Community Affairs staff will offer internal training opportunities for staff to enhance the effectiveness of media and community interactions.

Continued Development of In-House Public Engagement Resources: Phyllis Robinson and Craig Sanchez presented a session to the International Association of Public Participation North American Conference earlier this month. The session focused on the City’s decision to create an in-house engagement program and included factors to take into consideration when deciding between in-house and consultant services for public engagement; key strategies used to build community confidence including appropriate use of virtual and personal outreach, and the role of public engagement professionals at the weekly construction meeting. In addition to reducing external consulting costs, one of the advantages of our in-house program is relationship building with local residents and businesses.

Discussion Questions:

1. What additional information would you like to have presented to you at the next quarterly update.
2. Are there activities or topics for which Council would like staff to develop more formal engagement strategies?

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	+ Reduced municipal, business and community carbon footprints	+ Residents live and work locally	+ Streamlined and flexible operating processes
Assessment of Overall Impact on Council Priority (<i>Quality of Life Impact</i>)	Neutral 	Neutral 	Very Positive 	Positive 
Comments:				

Department Review: This report was reviewed by Community Affairs and Sustainability staff, the City Attorney and the City Manager.

Recommendation: Staff recommends that the Council discuss the recent community engagement activities and proposed activities for the next quarter.



DATE: September 17, 2015

TO HONORABLE MAYOR AND COUNCIL

This report summarizes the progress on the four key housing areas discussed during the February 2015 Housing Retreat: Regulatory Tools, City Sponsored Development, Land Acquisition and Disposition, and the Neighborhood Preservation Pilot Program.

Specifically, staff will provide a status update on the 1450/60 housing project and potential updates to Park City's Housing Resolution.

Respectfully:

Rhoda Stauffer, Housing Specialist



City Council Staff Report

Subject: Affordable Housing Update
Author: Rhoda Stauffer, Housing Specialist
Phyllis Robinson, Manager, Community and Public Affairs
Department: Community Affairs
Date: September 17, 2015
Type of Item: Work Session: Affordable Housing

Summary Recommendations:

Staff is requesting Council discussion on the affordable housing updates and strategies outlined in this report. This report is a progress update on the City Council critical priority of Affordable, Attainable and Middle Income Housing. No Council action is requested.

Executive Summary

This report summarizes the progress on the four key housing areas discussed during the February 2015 Housing Retreat: Regulatory Tools, City Sponsored Development, Land Acquisition and Disposition and the Neighborhood Preservation Pilot Program. Specifically staff discusses the status of the 1450/60 housing project and the Housing Resolution update.

Acronyms Used in This Report:

EPS – Economic & Planning Systems, Inc.
HPB = Historic Preservation Board
LMC = Land Management Code
LOMR = Letter of Map Revision
ROS = Zoning code for Recreation and Open Space
s.f. = square feet

Background:

In December 2014 City Council identified Affordable, Attainable and Middle Income Housing as a critical priority. Council also similarly designated Transportation during that meeting.

On February 5, 2015 the City's Community Affairs Manager, and its Housing Specialist, presented a report on the current state of housing in Park City, 2014 accomplishments, a one-year action plan and five year targets.

On March 5, 2015 Council provided direction to proceed with city-sponsored housing development at 1450/60 Park Avenue.

On April 23, 2015 staff refined the housing action plan to reflect actions taken through that date, and actions planned through June 30, 2019 in each of the program areas:

Housing Regulatory & Compliance, Housing Development, Land Acquisition and Disposition and Neighborhood Preservation. All areas were on schedule with the timeline proposed during the Council Retreat, staff and Council also discussed income targeting for city-sponsored projects. Staff presented a summary of existing housing affordability levels and anticipated housing targets for proposed projects.

On June 4, 2015 staff had an extended study session with City Council to provide a housing update and specifically to ask City Council for approval to (1) establish a Blue Ribbon Commission on Housing as we work through Housing Resolution changes, (2) consider housing feasibility on all city-owned parking lots, and (3) conduct a feasibility analysis to rehabilitate the historic home owned by the city located at 664 Woodside Avenue.

Analysis

Staff has updated the housing action plan to the current status of the city's housing program and actions planned in the upcoming months. The program areas remain on schedule consistent with the timeline presented in February 2015. Below are the highlights in the past 60 days.

Regulatory Tools

- Staff has begun work with Economic & Planning Systems, Inc. (EPS) based in Denver, Colorado. An employment survey is being distributed to Park City businesses and organizations on September 11. In addition, a thorough analysis and holistic examination has begun of the housing resolution, current regulatory approaches as well as the challenges of our existing systems. The scope of work includes reviewing regulatory tools as well as potential barriers to the development of affordable housing. The expected time frame for this project is through December 15, 2015.
- Staff is finalizing application materials for the Blue Ribbon Commission on Housing. This was deferred to coincide with the selection of the firm for the Housing Resolution update. Applications will be published by September 21 and the selection process completed by October 9, 2015.
- Staff is working on the resale of a deed restricted unit at Black Rock Ridge.
- Staff has begun the process for annual compliance review. Letters will go out to all deed restricted property owners by the end of September requiring the return of a

signed, notarized affidavit statement that the unit is in compliance with the deed restriction.

City Sponsored Development

1450/60 Park Avenue Status

At the March 5, 2015 City Council meeting, Council directed staff to move forward with a city-sponsored, single-family affordable housing project at this site. The property is zoned Historic Residential Medium density. There are two lots each .21 acres.

- Staff conducts weekly meetings with Caddis of Boulder, Colorado – the architectural firm approved by City Council on June 25, 2015. Caddis drafted multiple site plan options for a meeting held with the city’s planning staff on August 24. The meeting helped to identify questions and to discuss the best option for platting the property. Following the meeting, the options for site plan have been narrowed to three and the design team is preparing documents for presentation to City Council on October 29.
- Under the guidance of the City’s Historic Preservation Planner and Chief Building Official, parts of interior drywall and exterior siding were removed and an assessment completed on the interior condition and base structure of the homes. Staff has posted signs on the property with contact information for further information.
- Staff is also working on flood plain issues. FEMA is in the process of revising flood plain maps for the area in which the property is located. Early indications are that the revision might remove the property from the flood plain. Staff is investigating options to get this determination completed prior to start of construction.
- Staff will return to Council on October 29, 2015, with three site plans including the historic preservation plan for Council direction. Council is reviewing these documents in its role as Owner. Over the fall and winter staff and the design team will be preparing applications, completing plat amendments, construction drawings and bid documents. The intended sale/move-in for buyers is Fall 2016.

Lower Park Avenue Status

At a high level, the Lower Park Avenue area includes a variety of public, private, residential, and resort uses that have the possibility of being woven together. The pockets of Park City owned land provides an opportunity to increase housing in the community and possibly at the same time, create more community focused areas that connect historic Main Street to the Bonanza Drive area. The City hosted a Design

Studio for city-owned property in the Lower Park Avenue Redevelopment Area July 13 – July 16.

Lower Park Ave Next Steps:

Council provided direction at the September 3, 2015 on a set of high level concepts that will guide the program for city-owned property in Lower Park Avenue:

1. The East-west corridor should be preserved as a right-of-way;
2. Replace the existing Senior Center with a space that can also function as a Community Center when not in use by the Seniors
3. Staff should conduct an assessment of identified community center needs to determine which of those needs are being fulfilled, or can likely be fulfilled, by the Library.
4. Woodside & Park Avenue area: City-owned property in this area should be for some type of housing;
5. Mawhinney (Skate Park) Lot: In the November work session where staff will present Senior Center/Community Center and housing concepts, the Mawhinney lot will be considered for either housing or as one of the location/site options for a Senior Center/Community Center.
6. Library field: The Library field should not be included in this "Master Plan Light" process. Also, a majority of Council did not want to put a conservation easement on the Library field.

Staff will return in November with location/site concepts & options based along with pros and cons and all of feedback received.

Other City-Owned Property

- At the June 5 City Council meeting the Council provided direction for staff to evaluate the rehabilitation needs and costs for the city-owned house at 664 Woodside Avenue. A cost estimate for improvements to the property was conducted in 2013 totaling \$373K. Reassessment is underway to bring the costs current.

Similarly, Council directed staff to investigate the feasibility of housing on all city-owned land including surface parking lots. Feasibility analyses are underway on the following city-owned parking lots:

- Flagpole Lot (Heber and Swede Alley) – additional investigation is continuing however early indication is that the property will likely present soils issues.
- Sandridge Lots – additional investigation is continuing however early indication is that these lots will likely present density issues.
- China Bridge (Old/New) – additional investigation is continuing however early indications are that use of the parking garage will present significant development issues primarily related to the difficulty of penetrating the post tension rebar in the parking levels. The old section of China Bridge will also likely have structural issues since it was modified during the construction of the new section.

- Mawhinney Lot (across Park Avenue from the Library) – early indications are that this lot won't have serious issues.

Land Acquisition and/or Disposition

The purchase of 14 acres along the Rail Trail was completed on September 4, 2015. The property was purchased with a combination of open space and affordable housing budget lines. An initial issue is lack of access to the site. Staff continues to investigate additional opportunities to acquire land for affordable housing development.

Neighborhood Preservation Pilot

Staff continues to research best practices and program models for acquisition and resale of housing for neighborhood preservation.

General Updates

Park City Heights:

Phase 1 of Park City Heights, consisting of four townhomes and six single-family homes is underway. These units are all deed-restricted, affordable units. Vertical construction for the townhomes began in August. Site prep for the single-family homes is also underway. Ivory Homes will submit permits on an additional four townhomes this month.

Ivory is projecting that completion and move-in will occur for the first ten units in December 2015. Ivory Homes is responsible for the marketing and sales of all deed restricted units at Park City Heights. City staff has worked, and continues to work closely with Troy Goff, the Park City Sales Representative for Ivory Homes to ensure compliance with all terms of the deed restrictions and the housing plan.

Currently Ivory has an interested-persons waiting list of more than 400 persons for the affordable units. Ivory will be contacting these buyers in September to begin a pre-application that includes verification of employment within the Park City School District Boundaries, acknowledgement of the deed restrictions and affirmation that the units will be their primary residence. Employees of Park City Medical Center will be given an initial first preference on 28 of the 79 deed restricted, affordable units. These units are

part of the housing requirement that was transferred into Park City Heights from the medical center campus.

Pricing is being finalized in accordance with the housing mitigation plan submitted by Ivory Homes and approved by the Park City Housing Authority on July 17, 2014. It is anticipated that the first 14 homes completed will all be deed restricted units. Subsequent phases will include a mix of market and affordable units. Interested buyers should contact Troy Goff at troyg@ivoryhomes.com or call at (435) 729-0550

Department Review:

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

Funding Source: Activities proposed in this report have existing funding sources.

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	+ Reduced municipal, business and community carbon footprints	+ Residents live and work locally	+ Streamlined and flexible operating processes
Assessment of Overall Impact on Council Priority (Quality of Life Impact)	Very Positive 	Positive 	Very Positive 	Positive 
Comments:				

Summary Recommendations:

Staff is requesting Council discussion on the affordable housing updates and strategies outlined in this report. This report is a progress update on the City Council critical priority of Affordable, Attainable and Middle Income Housing. No Council action is requested.

Attachments

Exhibit A – Housing Agenda Chart

Moving Forward: The Housing Agenda

Housing Areas of Focus	<div style="background-color: #f0e68c; padding: 5px; text-align: center;">Regulatory Tools</div> <ul style="list-style-type: none"> ✚ Housing Nexus Review ✚ Code Barrier(s) Analysis ✚ Housing Resolution Update ✚ Inclusionary Housing Plans ✚ Compliance 	<div style="background-color: #4f81bd; padding: 5px; text-align: center;">City Sponsored Development</div> <ul style="list-style-type: none"> ✚ 1450/1460 Park Avenue ✚ City-owned land in Lower Park Avenue ✚ New city projects 	<div style="background-color: #c0504d; padding: 5px; text-align: center;">Land Acquisition & Disposition</div> <ul style="list-style-type: none"> ✚ Parcel Identification ✚ Feasibility Studies ✚ Policy Development 	<div style="background-color: #4f81bd; padding: 5px; text-align: center;">Neighborhood Preservation Pilot</div> <ul style="list-style-type: none"> ✚ Neighborhood Preservation Pilot Program
Actions Taken	<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 ✓ Award of contract for Housing Nexus Review and Barrier Analysis to EPS ✓ IHC Housing Plan to Housing Authority ✓ Housing Resolution updated to permit banking of affordable units. ✓ Work begun with EPS with employment survey scheduled for distribution 	<p><u>1450/60 Park Avenue</u></p> <ul style="list-style-type: none"> ✓ Massing studies complete ✓ Request for Proposals for Architecture and Engineering Services issued ✓ Capital budget requests submitted ✓ Architecture and engineering in full swing ✓ Environmental conditions analysis and initial Historic planning review completed ✓ Community outreach <p><u>Lower Park Avenue</u></p> <ul style="list-style-type: none"> ✓ Letter of Intent for Design Studio participants issued ✓ Stakeholder interviews and community input solicited ✓ Capital budget request submitted ✓ Design Studio completed and outcomes presented ✓ Follow-up direction discussions held with additional community input and direction established for strategic pieces <p><u>New City Projects</u></p> <ul style="list-style-type: none"> ✓ Housing feasibility analysis for Brew Pub lot ✓ Feasibility studies for city-owned 	<ul style="list-style-type: none"> ✓ Potential for affordable housing incorporated into City Property Master Plan. ✓ Capital budget request submitted ✓ Sommer property purchased 	

		<p>parking lots underway</p> <p>✓ 664 Woodside feasibility analysis underway</p>		
<p>FY2016: July 1 - September 30, 2015</p>	<p><input type="checkbox"/> Annual compliance review of deed restricted units commences</p> <p><input type="checkbox"/></p>	<p><u>1450/60 Park Avenue</u></p> <p><input type="checkbox"/> Site planning, architecture and engineering continues</p> <p><u>Lower Park Avenue</u></p> <p><input type="checkbox"/> Request(s) for proposals issued</p> <p><input type="checkbox"/> Negotiated Development plan submitted to Council.</p> <p><input type="checkbox"/> Community outreach</p> <p><u>New City Projects</u></p> <p><input type="checkbox"/> Feasibility analysis continues</p>	<p><input type="checkbox"/> Feasibility analysis and/or implementation as potential sites are identified</p>	<p><input type="checkbox"/> Draft program parameters</p>
<p>FY2016: October 1 – December 31, 2015</p>	<p><input type="checkbox"/> Park City Heights sales begin</p> <p><input type="checkbox"/> Review of barrier to housing development and recommendations</p> <p><input type="checkbox"/> Treasure Hill Housing Plan review (potential)</p> <p><input type="checkbox"/> Vail Housing Plan review (potential)</p>	<p><u>1450/60 Park Avenue</u></p> <p><input type="checkbox"/> Site options and plan for preservation of historic structures is presented to Council on October 29.</p> <p><u>Lower Park Avenue</u></p> <p><input type="checkbox"/> Request for Proposals for Architecture and Engineering or Joint Venture services issued and awarded</p> <p><u>New City Projects</u></p> <p><input type="checkbox"/> Feasibility analysis and recommendations presented to Council for discussion and decision on selected parcels</p>	<p><input type="checkbox"/> Feasibility analysis and/or implementation as potential sites are identified</p>	<p><input type="checkbox"/> Draft Program Parameters</p> <p><input type="checkbox"/> Community outreach/input on proposed program design</p> <p><input type="checkbox"/> Internal coordination with budget and finance</p>
<p>FY2016: January 1 – June 30, 2016</p>	<p><input type="checkbox"/> Annual compliance review of deed restricted units completed</p> <p><input type="checkbox"/> Implement Code Changes, as necessary</p> <p><input type="checkbox"/> Park City Heights sales continue</p>	<p><u>1450/60 Park Avenue</u></p> <p><input type="checkbox"/> Construction drawings bid</p> <p><input type="checkbox"/> Construction start May 2016</p> <p><u>Lower Park Avenue</u></p> <p><input type="checkbox"/> Development and entitlement process begins (scope to be determined)</p> <p><u>New City Projects</u></p> <p><input type="checkbox"/> Future milestones to be developed</p>	<p><input type="checkbox"/> Feasibility analysis and/or implementation as potential sites are identified</p>	<p><input type="checkbox"/> Work session on program design</p>

<p>FY 2017: July 1, 2016 – June 30, 2017</p>	<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 	<p><u>1450/60 Park Avenue</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Sale of units Fall 2016 <input type="checkbox"/> Project closeout Fall 2016 <p><u>Lower Park Avenue</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Scope to be determined <input type="checkbox"/> Development continues <p><u>New City Projects</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Future milestones to be developed 	<ul style="list-style-type: none"> <input type="checkbox"/> Feasibility analysis and/or implementation as potential sites are identified 	<ul style="list-style-type: none"> <input type="checkbox"/> Begin implementation, if feasible
<p>FY 2018: July 1, 2017 – June 30, 2019</p>	<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 	<p><u>Lower Park Avenue</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Development continues <p><u>New City Projects</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Future milestones to be developed 	<ul style="list-style-type: none"> <input type="checkbox"/> Feasibility analysis and/or implementation as potential sites are identified 	<ul style="list-style-type: none"> <input type="checkbox"/> Implementation continues



DATE: September 17, 2015

TO HONORABLE MAYOR AND COUNCIL

Myles Rademan, Director, Leadership Park City, will provide a presentation to the City Council and community members regarding City Tour 2015. The 2015 City Tour was conducted on September 9-13, and included stops in Breckenridge and Grand Junction, Colorado.

Respectfully:

Matt Dias, Asst City Manager



MANAGER'S REPORT – 9/17/2015

Submitted by: Jason Christensen
Subject: Rain Barrel Program Update

This Managers Report will update the Mayor and Council on the success of the Rain Barrel program.

Respectfully:

Jason Christensen, Conservation & Tech Coordinator

This Managers Report will update the Mayor and Council on the success of the Rain Barrel program.

On August 30, 2015 approximately 300 rain barrels were distributed to Park City or Summit County residents in partnership with the Utah Rivers Council.



The distribution event ends a very successful partnership with Utah Rivers Council. As discussed with City Council on June 25, 2015 the City subsidized rain barrels for residents reducing the price from \$74 per barrel to \$40 dollars per barrel. 79 Park City customers participated in the program, purchasing 146 barrels.

The Summit County Council also chose to partner with Utah River Council and subsidized about 150 barrels for Summit County Residents.

In addition to the subsidy, the City supported this program by running several ads in the Park Record, providing logistical support, and staffing for the distribution event.

When installed these barrels will reduce treated water demand and improve stream water quality in Park City by reducing peak storm water runoff. Staff will track the Park City rain barrel group to determine whether collectively their water consumption pattern is affected by the barrels.





DATE: September 17, 2015

TO HONORABLE MAYOR AND COUNCIL

The Park City Public Art Advisory Board recommends the acceptance of the proposal from the Kimball Art Center for installation of a temporary, water activated work of art near the 638 Park Avenue location. The Kimball Art Center is requesting permission to use City property, on Heber Avenue and Main Street sidewalks, surrounding the building.

The City Council is being asked to authorize the location of the project and allow the Kimball Art Center to enter into a License Agreement, approved by the Legal Department, for the work.

The Kimball Art Center shall be responsible for all costs and work associated with the project.

Respectfully:

Jennifer Diersen,



City Council Staff Report

Subject: Display of Public Art at 638 Park Avenue
Author: Jenny Diersen, Public Art Staff Liaison
Department: Sustainability – Special Events
Date: Thursday, September 17, 2015
Type of Item: Administrative – Consent of Location/Use of City Property

Summary Recommendation:

The Park City Public Art Advisory Board (PAAB), and staff recommend the acceptance of the proposal from the Kimball Art Center staff for installation of a temporary, water/weather activated work of art at the 638 Park Avenue location at the Heber Avenue and Main Street sidewalks in a License Agreement approved by the Legal Department.

Executive Summary:

The Kimball Art Center is requesting the permission to use City property, on Heber Avenue and Main Street sidewalks surrounding the building. City Council is being asked to authorize the location of the project and allow the Kimball Art Center to enter into a License Agreement for the work. The Kimball Art Center shall be responsible for all costs and work associated with the project.

Topic/Description:

Approval for the location of Public Display of Art in on the sidewalk near 638 Park Avenue. The proposal requests to install work on City sidewalks at Heber Avenue and Main Street. (Exhibits A and B)

Acronyms included in this report:

PAAB – Public Art Advisory Board
ARTS – Academic Resources for Teachers and Students

Background:

Previously this year, University of Utah students approached the Public Art Advisory Board with a proposal to create a Community Mural 100 yards north of Vinto in a Poison Creek Trail tunnel. The project was approved in May, and the tunnel is near completion. This project was donated by the group, exists on City property and is permanent in nature.

City Staff was approached by the Kimball Art Center’s ARTS Coordinator, Mathias Sanyer, on July 29, 2015 with a request to use City sidewalks for a public art display. Staff met with the Kimball Art Center and determined that the request was for public display of artwork on August 15th, 2015. Staff has been working with various City Departments (Building, Planning and Engineering) and the PAAB regarding this request. City Departments and the PAAB recommended the approval of the project under terms and conditions as outlined in this report.

Staff nor the PAAB released Request for Proposals or Qualifications for the project. Staff was approached independently by the Kimball Art Center to complete the project at the Heber Avenue and Main Street sidewalk locations surrounding 638 Park Avenue.

There shall be no City Funding for this project, as the project shall be completed at the expense of the Kimball Art Center.

Analysis:

Staff and the Public Art Advisory Board received one request, without solicitation, for installation and display of temporary public art on City sidewalks at Heber Avenue and Main Street near the Kimball Art Center at the 638 Park Avenue location. The Kimball Art Center is requesting to use this area, as the work is only visible during wet weather conditions. This is the last exhibition that will be at the 638 location, as the Kimball Art Center will be transitioning to their new space at Kearns Blvd. Mathias Sanyer, the Kimball Art Center's ARTS Coordinator, submitted the request and will incorporate the exhibition's water use into educational tours for school children regarding Park City and Utah's water cycle and conservation efforts. The Kimball Art Center estimates that over the course of the exhibition, more than 500 students, grades K – 12, will participate in the ARTS tours.

Mathias Sanyer has been working with the Rainworks design team to come up with images that fit Park City specifically, which are included as Exhibit C. The piece will be created with stenciling techniques. Stencils will be the size of approximately four by four (4x4') feet to create the installation. The Kimball Art Center would be responsible for working with City Departments as necessary so that pedestrians can cross the sidewalk in the area during the 24 hours installation period. The material used to create the piece is a non-toxic solvent that lasts between three (3) months to a year depending on weather conditions. Staff has the right to request the removal of the work, should it not meet the standards and imagery agreed upon. In addition, should the project require removal for any City Projects or other activities, it will be removed with expenses incurred by the Kimball Art Center. Any permits that are necessary to complete the work will also be approved by the Planning and/or Building Departments.

Scope of Services:

The scope of work includes fabrication of the water activated artwork, community outreach, delivery, and on-site installation. The artwork will be created in conjunction with an exhibit at the Kimball Art Center, and after completion will involve community participation. Date of installation will begin no sooner than September 18th, 2015. Project is temporary in nature and shall last no later than three months (December 18, 2015) to one year (September 18th, 2016). The City may at any time request that the piece be removed and the Kimball Art Center shall remove the piece at its own expense. At any time during installation, display or de-installation of the work, the sidewalk must be passable to pedestrians or an alternate path provided. The Kimball Art Center, must also enter into the License Agreement as approved by the City's Legal Department. The Kimball Art Center assumes all costs including but not limited to installation and materials, City permits as required, and time to create the work.

Department Review:

Legal, Sustainability, Building, Planning, Engineering, Streets and Parks Departments reviewed the proposal and comments have been incorporated. Staff will work with the Building and Parking Department to obtain necessary permits for this project. Staff has also been working with the PAAB for a positive recommendation of the project.

Alternatives:

A. Approve:

Authorize the location of the Display of Public Art at 638 Park Avenue – Heber Avenue and Main Street sidewalk locations. The Kimball Art Center would be required to enter into a License Agreement in a form approved by the Legal Department. This is Staff’s recommendation.

B. Deny:

The Council could decide to deny the project and the installation of art at the sidewalk would not happen.

C. Modify:

The Council could ask staff to modify the proposal.

D. Continue the Item:

The Council could request continuation of the item to a future meeting.

E. Do Nothing:

The Council could make no action, and there would be no Public Art at the sidewalk.

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 + Accessible and world-class recreational facilities, parks and programs + Safe community that is walkable and bike-able 	<ul style="list-style-type: none"> + Effective water conservation program 	<ul style="list-style-type: none"> + Community gathering spaces and places + Vibrant arts and culture offerings + Physically and socially connected neighborhoods + Shared use of Main Street by locals and visitors + Entire population utilizes community amenities 	
Assessment of Overall Impact on Council Priority (Quality of Life Impact)	Very Positive 	Positive 	Very Positive 	
Comments:				

Funding Source:

Public Art Funding for the art comes from comes from the Public Art Advisory Board CIP Account established when the PAAB was initially created. However, no funds are required for this project.

Consequences of not taking the recommended action:

Public Display of Art will not be installed at the Main Street and Heber Avenue sidewalk locations that surround the Kimball Art Center near the 638 Park Avenue location, and therefore the temporary display would not be accepted.

Recommendation:

The PAAB and Staff recommend that Council authorize the location of the Display of Public Art at the Main Street and Heber Avenue sidewalk locations that surround the Kimball Art Center near the 638 Park Avenue location. The Kimball Art Center would be required to enter into a License Agreement in a form approved by the Legal Department. This is Staff’s recommendation.

Attachments:

- Exhibit A – Image of Location Public Display of Artwork
- Exhibit B – Map of Public Display of Artwork location near 638 Park Avenue – Heber Avenue and Main Street Sidewalk Locations

Exhibit C – Concept of artwork proposed at locations

Exhibit D – Land Management Code 15-4-15C, Public Display of Artwork

Public Display of Art Work at 638 Park Avenue (Kimball Art Center) Exhibits

Exhibit A – Image of Location of Public Display of Artwork



The Blue dots represent another path as well

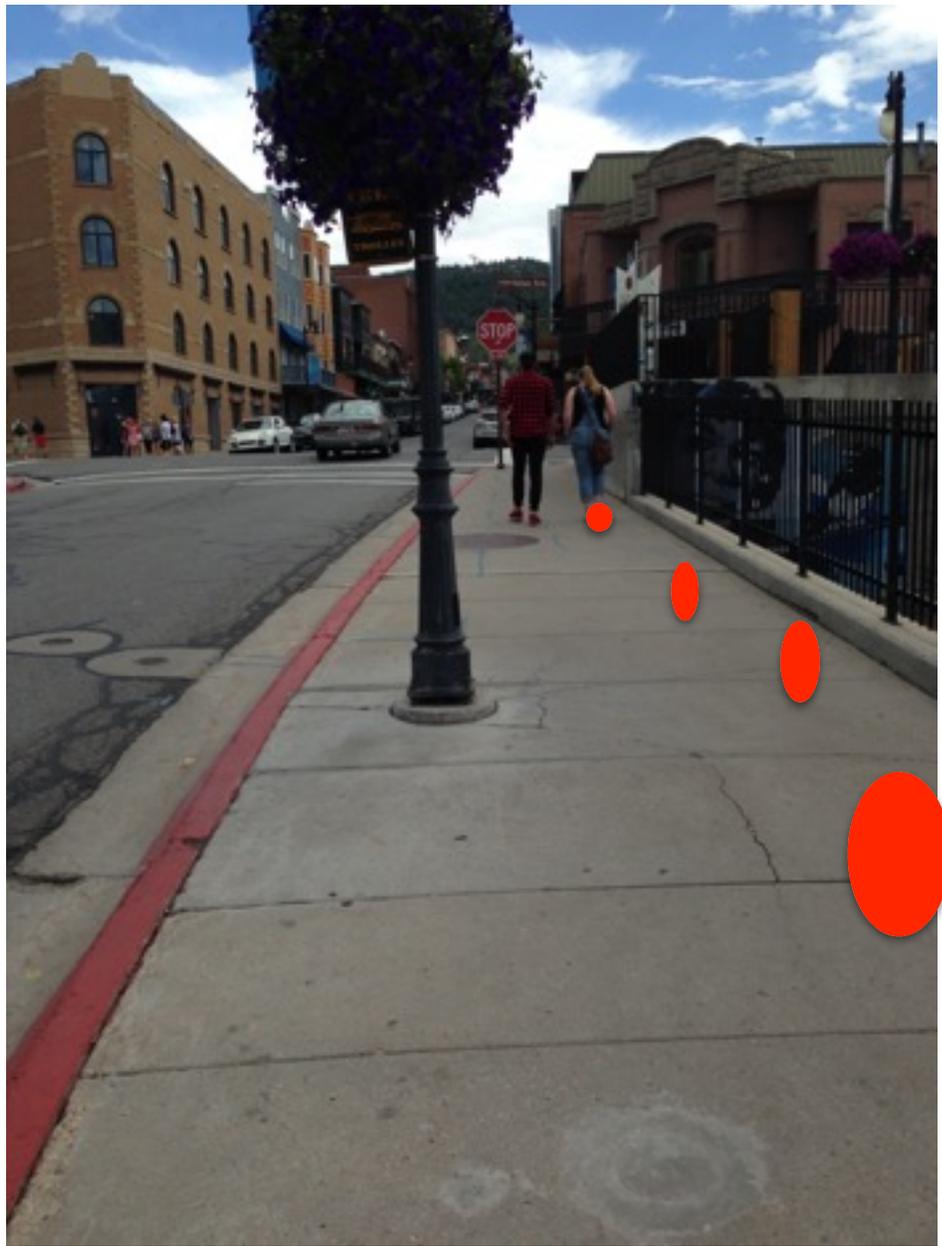




Exhibit B – Map of Public Display of Artwork location near 638 Park Avenue – Heber Avenue and Main Street Sidewalk Locations



Locations are marked by red, sidewalk closures will only be partial on Friday and Saturday .



= locations along sidewalk for small repeated image.

Exhibit C – Concept of Artwork at Proposed Locations

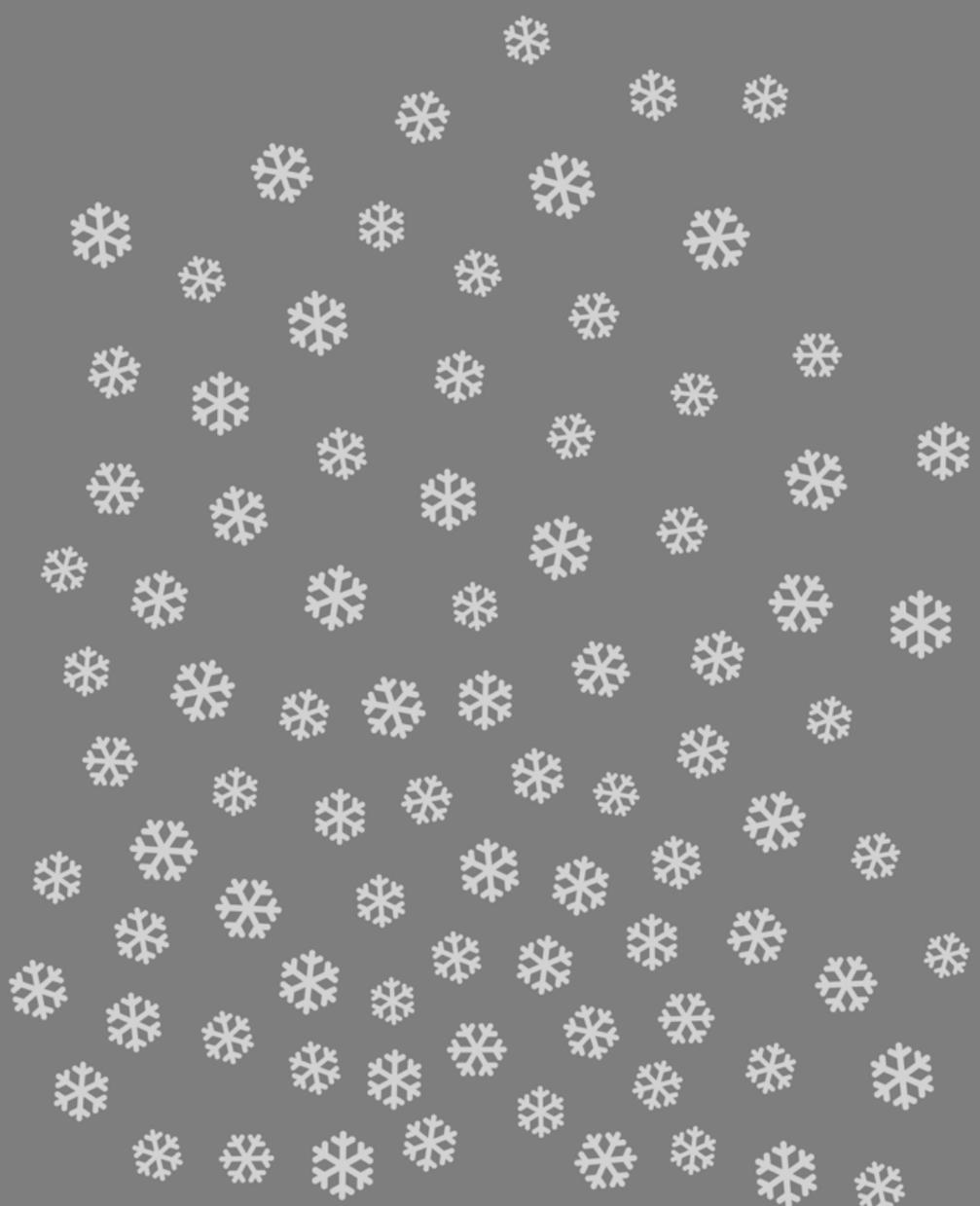
DO THINGS
THAT WILL MAKE
FUTURE  **YOU**
SAY
"THANK YOU"

4.5 feet

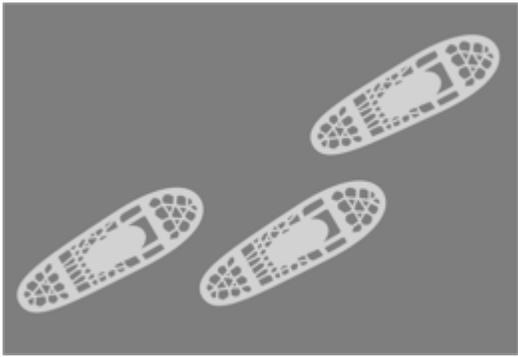
5.5 feet



DEFY GRAVITY



WHEN IT RAINS IT SNOWS



calendar days. In no case will a temporary Administrative Permit be issued for a period of greater than thirty (30) days.

(2) **HEIGHT.** The height of the temporary Antenna may not be greater than five feet (5') more than the zoning height for the specific zone where the Antenna is placed, as stated in the Land Management Code.

(3) **ZONING.** Temporary Antennas are permitted in the following zones: RCO, GC, HCB, HRC, RC, PUT and LI.

(4) **PERMISSION.** Temporary Antenna permit Applications shall be accompanied by written permission from the Property Owner.

If the above criteria are met, the Planning Department shall grant a temporary Administrative Permit for the facility.

(P) **TEMPORARY ANTENNA FOR USE DURING DRIVE TESTS.**

Telecommunications companies wishing to perform drive tests shall submit notice to the Park City Planning Department stating the location and the date of the proposed test. Antennas in Use for a drive test shall not be left standing for a period greater than one (1) day. Drive tests shall be limited to testing functions only and shall not be used for Telecommunications services to customers. Drive tests on City Property also require Planning Department approval and

execution of the City's standard drive test agreement.

(Amended by Ord. Nos. 02-47; 06-22; 09-10)

15-4 -15. OUTDOOR DISPLAY OF WORKS OF ART ON CITY-OWNED PROPERTY.

(A) **POLICY AND PURPOSE.** It is the intent of Park City to encourage and accommodate the placement and enjoyment of outdoor public works of art. Therefore, certain public/City-owned Properties are available for the display of art that promotes the visual interest, and economic vitality of Park City's Historic, resort-based community; promotes aesthetic enhancement through artistic expression; and contributes to the festive nature of Park City's world class resort atmosphere. Accordingly, the City has adopted the following criteria:

(B) **REVIEW CRITERIA.** The outdoor display of works of art on City-owned Property shall be reviewed by the Planning, Engineering, and Building Departments for compliance with the following criteria:

- (1) The outdoor display of works of art must comply with the height and Setback requirements of the Zoning District where it is located.
- (2) Outdoor display of works of art that are displayed in excess of six (6) months must be designed and created with materials that will

withstand the weather conditions and the elements.

(3) The outdoor display of works of art must comply with all applicable Building Codes;

(4) In cases where the City is not the Owner of record of the work of art displayed, the City accepts no liability in cases of damage or theft of the art.

(5) No sale price may appear on the work of art, however, the name of the artist, the name of a gallery sponsoring the art, the name of the art work, and/or a brief narrative specific to the work of art, not exceeding one square foot (1 sq. ft.), may be attached to the work of art or its support base.

(6) The outdoor display of works of art shall not create a hazard to the public due to moving parts, sharp edges, or extension into public Rights-of-Way, including sidewalks, or pedestrian and vehicular Areas; nor shall the display restrict vision at intersections.

(7) All lighting shall conform to the lighting regulations in Land Management Code Chapter 15-5-5(l) Lighting.

(C) **CITY COUNCIL REVIEW**. Upon compliance with all criteria set forth in this section, the City Council shall review and take final action on all requests for the

outdoor display or works of art on City-owned Property. The City Council may seek a recommendation on requests for the outdoor display or works of art on City-owned Property from the Planning Commission, arts-related advisory boards, or a specific task force that may be appointed by the City Council prior to taking final action. The City and the Applicant shall execute all necessary agreements prior to installing any approved Public Art on City-owned/public Property.

(Amended by Ord. Nos. 03-13; 06-22)

15-4-16. TEMPORARY STRUCTURES, TENTS, AND VENDORS.

Prior to the issuance of an Administrative Permit for any temporary Structure, tent, or vendor, the following requirements shall be met:

(A) **APPLICATION**. An Application must be submitted to the Planning Department including the following information:

(1) **GENERAL DESCRIPTION**. An overview of the proposed activity. Include hours of operation, anticipated attendance, Use of speakers, any beer or liquor license, any sign or lighting plan, and any other applicable information.

(2) **SITE PLAN**. The site plan shall be to scale indicating in detail how the proposal will comply with the International Building Code



DATE: September 17, 2015

TO HONORABLE MAYOR AND COUNCIL

Staff recommends City Council amend the Park Avenue Pathways 2015 Construction Agreement with B. Jackson Construction for an increase not to exceed \$86,644.01, for a total not to exceed \$1,047,055.81.

Respectfully:

Nicholas Graue, Water Project Engineer



City Council Staff Report

Subject: PARK AVENUE PATHWAYS 2015
CONSTRUCTION AGREEMENT - AMENDMENT NO. 1

Author: Heinrich Deters, Trails and Open Space Project Manager
Nick Graue, Public Utilities Project Engineer

Department: Sustainability / Public Utilities

Date: September 17, 2015

Type of Item: Administrative

Summary Recommendations:

Staff recommends Council authorize the City Manager to execute an Amendment to the Park Avenue Pathways 2015 Construction Agreement with B. Jackson Construction, in a form approved by the City Attorney, as Change Orders No. 1 and 2, for an increase to the contract in an amount not to exceed \$86,644.01, in a total contract amount not to exceed \$1,047,055.81.

Executive Summary

The Park Avenue Pathways 2015 project encompasses pathway construction on the west side of Park Avenue, including replacement of water lines and gas lines within the Park Avenue right-of-way, and pathway improvements on the east side of Park Avenue. This staff report includes a recommendation for an amendment to the existing construction agreement with B. Jackson Construction for Change Orders No. 1 and 2. These change orders address extra work costs associated with site conditions along the west side of Park Avenue differing from those included in the construction plans and construction agreement. Changed conditions include the discovery of previously unknown water lines and several existing utilities varying significantly from expected locations. These conditions require additional water system improvements and the rerouting of water lines to avoid conflicts with existing utilities.

Acronyms and Abbreviations:

No. Number
SR State Route

Background:

On May 14, 2015 Council authorized the City Manager to execute a Construction Agreement with B. Jackson Construction, in the amount of \$960,411.80, to construct Park Avenue walkability, water system, fiber, and gas line improvements. The work consists of approximately 1,800 feet of pathway improvements with water and gas line replacements along the west side of Park Avenue from the intersection of SR-224/SR-248 to Silver King Drive.

Proposed Contract Changes:

During construction several differing site conditions have been encountered. These change orders address the extra work required by the Contractor to address each issue. The existing conditions and proposed changes are coordinated with the Contractor through the Engineer's Field Representative (Horrocks Engineers) in conjunction with Sustainability staff, the Water Project Manager, and Water crews input and efforts. Changes to the construction agreement are described below:

Proposed Change Order 1: Total Amount, \$63,659.14

The proposed change order contains the following extra work:

1. Locate Existing Waterline for Connection A: The Water Department does not have any records for the existing water line along Park Avenue which was installed prior to 1970. Construction plans were prepared based on best estimates by the Water Department staff. Three (3) days of excavation by the contractor were required to locate the existing water line which was more than 25 feet from the expected location. In addition to the excavation effort, extra pipe, pipe fittings, bedding and backfill material, and traffic control were required.
2. Utility Conflicts: Along the proposed new waterline alignment, several segments of existing utilities locations and depths varied greatly from the design site investigations. Consequently, the new water line was required to be deepened and/or the alignment changed to avoid the existing utilities. The rerouting requires extra flowable fill material to be installed around utility duct banks, additional imported trench backfill material, and traffic control during the construction. The extra work requires seven (7) additional days.
3. Potholing Services: To minimize potential change orders resulting from future utility conflicts and enable adjustments in the water line routing and alignment to be made in advance of construction, the City directed the contractor to perform potholing for utilities in advance of waterline construction.

Proposed Change Order 2: Total amount, \$22,984.87

The proposed change order contains the following extra work:

1. Storm Drain Conflict: Loop water line under the existing storm drain. Install pipe thrust blocking and insulation.
2. Utility Conflicts: Realign new water line and provide fittings and appurtenances as required.
3. Waterline break: An unknown water service was damaged by the Contractor during new water line installation.
4. Modify Waterline Connection B: This is a Park City Water requested change. Based on existing condition of the existing water line, Contractor is to modify water line connection B by removing old pipe fittings and thrust blocks and adding/installing new fittings.

Analysis:

The Contractor's records and breakdown of the costs associated with each change order item have been reviewed by the Project Engineer (Horrocks Engineers), the Water Project Manager, and Sustainability. Detailed information for each change order

item is available and on file with Sustainability. Staff has determined that the extra work is consistent with construction industry practices and that the amount is a fair value for the proposed construction. In total, these conflicts have delayed the project approximately three weeks.

Proposed Change Orders No. 1 and 2, absent the associated detail information, are provided as Exhibit A to the Staff Report. Staff recommends approval of Change Orders No. 1 and 2.

Staff anticipates a third change order for additional water infrastructure on the project; however, costs associated have not been provided by the contractor, thus are not included in this report.

Department Review:

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

Alternatives:

A. Approve:

Council could approve the staff recommendation.

B. Deny:

Council could deny staff's recommendation. Installation of the new water line has required sections of the existing water line to be removed. Denying the changes will require installation of the new water line to be terminated and connections, at additional costs, to be made to the remaining existing water line. Installation of the gas and fiber line will also be impacted due to conflicts with the existing waterline. Sections of waterline not replaced will remain at the current level of service which is susceptible to failure and interruption of service to customers.

C. Modify:

Council could modify the staff recommendation. This would delay the project and depending on the modifications it could result the failure to complete the west side pathway improvements this year.

D. Continue the Item:

Delay could impact the item. Due to the time of the year, this would likely result in the failure to complete the west side pathway improvements this year.

E. Do Nothing:

Staff does not recommend this alternative. Doing nothing with the request will have the same outcome as denying the request.

Significant Impacts:

	Responsive, Cutting-Edge & Effective Government
Which Desired Outcomes might the Recommended Action Impact?	+ Well-maintained assets and infrastructure
Assessment of Overall Impact on Council Priority (Quality of Life Impact)	Positive 
Comments:	

Funding Source:

Funding for the water system improvements is from water service fees and is part of the proposed 5-year Water CIP. Water’s total participation portion of the contract, including the proposed change order amounts, is within existing budget amounts.

To date, the following breakdown of funding has been applied to the project:

Water: \$141,030.71

Walkability: \$35,188.28

Proposed Change Order in this report:

Water: \$86,644.01

Walkability: -

No walkability funds will be utilized for this change order, as it is specific to the water utility portion of the project.

Consequences of not taking the recommended action:

The changes are critical to completion of the project infrastructure. Not taking the recommended action could result in the sections of waterline which are not replaced remaining at the current level of service which is susceptible to failure and interruption of service to customers.

Recommendation:

Staff recommends Council authorize the City Manager to execute an Amendment to the Park Avenue Pathways 2015 Construction Agreement with B. Jackson Construction, in a form approved by the City Attorney, as Change Orders No. 1 and 2, for an increase to the contract in an amount not to exceed \$86,644.01, in a total contract amount not to exceed \$1,047,055.81.

Exhibits:

Exhibit A – Change Orders No.1 and 2.

EXHIBIT A

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

August 27, 2015

Heinrich Deters
Park City Municipal Corp – Sustainability Department

Griffin Lloyd
Park City Water Department

Subject: Park Avenue Pathways Project 2015 – B Jackson Waterline Change Order No 2

On August 8, 2015, a meeting was held between Park City, B Jackson and Horrocks Engineers, to review Parts 1 and 2 of the “Extra Costs for Waterline Construction” as well as the initial Horrocks recommendations.

A time and materials assessment was conducted on the labor & equipment and the materials, potholing and traffic control were added upon agreement of quantities.

A breakdown of the costs is attached to this letter and the original requests and recommendations are attached as backup.

Generally, it was agreed that the following should be paid to B Jackson:

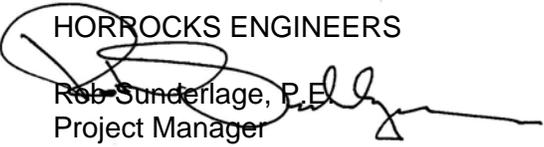
Part 1:	63,654.14
Part 2:	22,984.87
Total:	86,639.02

Recommended Total for Change Order \$86,639.02

If you have any questions please call.

HORROCKS ENGINEERS

Rob Sunderlage, P.E.
Project Manager



Extra Cost for Installing Waterline Part 1			
	Hr	Rate	Total
Foreman	8	29.45	235.6
Operator	8	21.18	169.44
Operator	8	20.65	165.2
Labor	8	21.14	169.12
Labor	8	21.65	173.2
John Deere 200 Excavator			379.75
John Deere 160 Excavator			346.06
Hitachi 85 Mini Ex			248.06
624 K Loader			385.88
289 C Skidsteer			231.25
Broce CR 350 Broom			225
RT82-SC Walk Behind Compactor			216.67
Foreman Truck Pick Up			419.76
Operator Truck Pick Up			194.88
Operator Truck Pick Up			194.88
Per day labor and equipment rate			3754.75
Fittings LS			725.13
Import 200 tons			3260
Traffic Contro 3 days			1050
Labor and equipment 10 days			37547.5
Materials & Traffic Control			5800
Pothole get LS			6625
Subtotal			55007.63
Markup			8251.1445
Bond			395.367341
Total			63654.142

Extra Cost for Installing Waterline Part 2		
Part 1	LS	8037.56
Part 2		
Labor and equipment 1.74 days		6533.265
Materials LS		2285.3
Part 3	LS	1791.26
Part 4	LS	1215.32
Subtotal		19862.705
Markup		2979.40575
Bond		142.763192
total		22984.874

Grand total 86639.016



DATE: September 17, 2015

TO HONORABLE MAYOR AND COUNCIL

On February 26, 2015, Council granted a non-exclusive vehicle and pedestrian easement across City property to April Inn (545 Main Street), allowing the owners to access the back lot of their property from the City owned alley located between the Cunningham Building (537 Main Street) and the General Store (541 Main Street).

In the February 26, 2015 staff report, staff indicated to Council that six (6) parking spaces would be dedicated for the use by residents/guests of the Inn. The developer has recently submitted a request to use one (1) of the six (6) parking spaces to meet the LMC parking requirements for a proposed house at 550 Park Avenue.

This change would require an amendment to the easement allowing both April Inn and 550 Park Avenue to use the City owned alley to access their parking facility.

Respectfully:

Matthew Cassel, City Engineer



City Council Staff Report

Subject: Amendment to Vehicle and Pedestrian Easement for 545 Main Street (April Inn)
Authors: Matthew Cassel, Engineering
Francisco Astorga, Planning
Date: September 17, 2015
Type of Item: Legislative

Summary Recommendations:

Staff recommends that City Council grant an amendment to the recently approved non-exclusive vehicle and pedestrian easement across City property for the benefit of April Inn (545 Main Street). The amendment will allow 550 Park Avenue to also benefit from the non-exclusive vehicle and pedestrian easement across City property.

Executive Summary:

On February 26, 2015, Council granted a non-exclusive vehicle and pedestrian easement across City property to April Inn (545 Main Street). The easement would allow the owners of April Inn (545 Main Street) to access the back lot of their property from the City owned alley located between the Cunningham Building (537 Main Street) and the General Store (541 Main Street). In the February 26, 2015 staff report, staff indicated to Council that these six (6) parking spaces would be dedicated for the use by residents/guests of the April Inn. The developer has recently submitted a request to use one (1) of the six (6) parking spaces to meet the LMC parking requirements for the proposed house at 550 Park Avenue.

This change would require an amendment to the easement allowing both April Inn and 550 Park Avenue to use the City owned alley to access their parking facility.

Acronyms:

LMC – Land Management Code
ROW – Right-of-Way
Etc. – Et cetera

Background:

On April 1, 1940, Summit County conveyed and quit claimed to Park City the alley located between the Cunningham Building (537 Main Street) and the General Store (541 Main Street). The legal description is as follows:

- The north 21.5 feet of Lot 11 and all of Lot 36 of Block 9, Park City Survey.

From Eric DeHaan's Memorandum dated October 11, 1999 (see attachments):

- As the Old Towne Shops and the two-level parking structure immediately west of Old Towne Shops were being developed in 1984, the City and property

developer entered into an easement agreement providing for continued vehicular and pedestrian access within the alley,

- The upper level of the parking structure is accessed from Park Avenue while the lower level is accessed from Main Street. The easement agreement provides for the lower level access from Park Avenue if Main Street were ever to become a pedestrian mall.

Specifics of the Easement Agreement include:

- Old Towne Shops (537 Main Street) and Sierra Pacific (543 Park Avenue) entered into a parking agreement with each other which necessitated improvements to the alley,
- City granted a non-exclusive pedestrian and vehicular easement over the alley property to Old Towne Shops,
- City granted a non-exclusive pedestrian and vehicular easement over the alley property to Sierra Pacific,
- Old Towne Shop and Sierra Pacific were responsible for improvements in the alley,
- The City would maintain the alley as required for safe pedestrian access. Old Towne Shop and Sierra Pacific may supplement the City's maintenance of the alley.

Right-of-Way – The non-exclusive easement agreement with Old Towne Shop and Sierra Pacific notes that the alley is a ROW. Despite a thorough review, no records were found that indicated that the alley was ever formally dedicated as ROW. Staff considers the alley to be City property and thus the requirement to provide a formal easement for April Inn (If the alley was a dedicated public ROW, a vehicle and pedestrian easement would not be required).

On February 26, 2015, Council granted a non-exclusive vehicle and pedestrian easement across City property for the benefit of April Inn (545 Main Street). This easement would allow the development of six (6) parking spaces immediately west of April Inn dedicated for use by residents/guests of April Inn. The parking is located on the developer's property. This easement agreement has been created but staff has held the document and not processed it until Council approves the development's other applications. The Cardinal Park plat was approved by City Council on June 4, 2015. Additionally, the steep slope CUP and the CUP for a parking area with five or more spaces is scheduled to be heard by the Planning Commission on September 23, 2015.

Analysis:

545 Street Holdings, LLC (the developer) currently owns lots 13, 14, 15, 32, 33, 34, and 35 of Block 9. April Inn is located on Lots 13, 14 and 15 (545 Main Street), Lots 34 and 35 are currently being developed as 550 Park Avenue. April Inn recently re-modeled their facility from 12 units down to 3 units.

The developer has submitted plans for the development of 550 Park Avenue. Their plans propose using one (1) of the six (6) parking spaces dedicated for use by April Inn residents/guests to be used to satisfy the parking requirements for 550 Park Avenue.

550 Park Avenue is required to provide two off-street parking spaces. One parking space is proposed to be accessed from Park Avenue while the other parking space is proposed to be accessed from Main Street.

The six (6) space parking facility is still located to the immediate west of the April Inn, and would still be accessible only from Main Street via the alley. Two of the parking spaces would still be surface while the other four will be covered. The covered parking spaces are proposed to be located under 550 Park Avenue.

Staff previously supported the vehicle and pedestrian easement for two reasons (from the February 26, 2015 staff report):

- April Inn had paid their parking assessment into China Bridge for their commercial uses but not for their residential uses. It is unclear as to where the previous residents/renters of the 12 units parked, but is assumed they were parking within the Main Street corridor. The vehicle and pedestrian easement allows parking for the residential uses of April Inn to be established,
- April Inn has reduced the number of residential units from 12 to 3 and has proposed satisfying their residential parking requirements on site. Staff anticipates a slight increase in trips generated from the immediate area near April Inn but an overall reduction in traffic impacts to the Main Street corridor due to the reduction in residential units.

Staff supports the amendment to the vehicle and pedestrian easement for two reasons:

- April Inn still meets their LMC parking requirement – The Planning Department had previously determined that the three (3) units in April Inn would require four (4) off-street parking spaces. With six (6) parking spaces proposed, two (2) of the spaces were not specifically dedicated to meeting a parking requirement so one (1) of the parking spaces could be dedicated to 550 Park Avenue,
- As noted in the paragraph above, due to the reduction in residential units in April Inn, the traffic impacts to Main Street should be reduced. Changing one parking space to being dedicated to 550 Park Avenue, staff still anticipates seeing an overall reduction in traffic impacts to Main Street.

Department Review:

This report has been reviewed by City Manager, Legal, Public Works and Planning. All concerns raised by these departments have been incorporated herein.

Alternatives:

A. Approve the Request:

Approving the amendment to the easement will allow April Inn (545 Main Street) and 550 Park Avenue to develop parking on their parcel. This is Staff's recommendation.

B. Deny the Request:

Denying the amendment to the easement will then require the developer to redesign 550 Park Avenue with two parking spaces accessed from Park Avenue.

C. Continue the Item:

If the Council desires more information about the easement, the item may be continued.

D. Do Nothing:

This would have the same affect as denying the request for the easement.

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?	+ Safe community that is walkable and bike-able		+ Shared use of Main Street by locals and visitors + Physically and socially connected neighborhoods	
Assessment of Overall Impact on Council Priority (Quality of Life Impact)	Positive 	Neutral 	Positive 	Neutral 
Comments:				

There are no significant or financial impacts arising from the recommended action.

Consequences of not taking the recommended action:

If the amendment to the easement is not granted, the developer will need to redesign 550 Park Avenue with two parking spaces accessed from Park Avenue instead of their current proposal of one parking space accessed from Park Avenue and one parking space accessed from Main Street.

Recommendation:

Staff recommends that City Council grant an amendment to the recently approved non-exclusive vehicle and pedestrian easement across City property for the benefit of April Inn (545 Main Street) The amendment will allow 550 Park Avenue to also benefit from the non-exclusive vehicle and pedestrian easement across City property.

Attachments:

- February 26, 2015 Staff Report,
- Exhibit of Easement and Property Ownership.
- Draft Vehicle and Pedestrian Easement
- Proposed Cardinal Park Plat



City Council Staff Report

Subject: Vehicle and Pedestrian Easement for 545 Main Street (April Inn)
Author: Matthew Cassel, City Engineer
Date: February 26, 2015
Type of Item: Legislative

Summary Recommendations:

Staff recommends that City Council grant a non-exclusive vehicle and pedestrian easement across City property for the benefit of April Inn (545 Main Street).

Description:

The Vehicle and Pedestrian Easement would allow the owners of April Inn (545 Main Street) to access the back lot of their property from the City owned alley located between the Cunningham Building (537 Main Street) and the General Store (541 Main Street).

Background:

On April 1, 1940, Summit County conveyed and quit claimed to Park City the alley located between the Cunningham Building (537 Main Street) and the General Store (541 Main Street). The legal description is as follows:

- The north 21.5 feet of Lot 11 and all of Lot 36 of Block 9, Park City Survey.

From Eric DeHaan's Memorandum dated October 11, 1999 (see attachments):

- As the Old Towne Shops and the two-level parking structure immediately west of Old Towne Shops were being developed in 1984, the City and property developer entered into an easement agreement providing for continued vehicular and pedestrian access within the alley,
- The upper level of the parking structure is accessed from Park Avenue while the lower level is accessed from Main Street. The easement agreement provides for the lower level access from Park Avenue if Main Street were ever to become a pedestrian mall.

Specifics of the Easement Agreement include:

- Old Towne Shops (537 Main Street) and Sierra Pacific (543 Park Avenue) entered into a parking agreement with each other which necessitated improvements to the alley,
- City granted a non-exclusive pedestrian and vehicular easement over the alley property to Old Towne Shops,
- City granted a non-exclusive pedestrian and vehicular easement over the alley

- property to Sierra Pacific,
- Old Towne Shop and Sierra Pacific were responsible for improvements in the alley,
 - The City would maintain the alley as required for safe pedestrian access. Old Towne Shop and Sierra Pacific may supplement the City's maintenance of the alley.

Right-of-Way – The non-exclusive easement agreement with Old Towne Shop and Sierra Pacific notes that the alley is a Right-of-Way. Despite an through review, no records were found that indicated that the alley was ever formally dedicated as Right-of-Way. Staff considers the alley to be City property and thus the requirement to provide a formal easement for April Inn (If the alley was a dedicated public Right-of-Way, a vehicle and pedestrian easement would not be required).

Analysis:

April Inn currently owns lots 13, 14, 15, 32, 33, 34, and 35 of Block 9. April Inn is located on Lots 13, 14 and 15 (545 Main Street), Lots 32, 33, 34 and 35 are currently un-developed and front Park Avenue. April Inn is currently re-modeling their facility from 12 units down to 3 units. They have submitted plans for the development of the lots fronting Park Avenue and are requesting to build a 6 space parking facility to the immediate west of the April Inn, which would be accessible from Main Street via the alley. Two of the parking spaces will be surface while the other four will be covered. The covered parking spaces are proposed to be located under a house; the house's access will be from Park Avenue. These six parking spaces would be on April Inn property and would be dedicated for the use by residents/guests of the April Inn. This easement request would allow access to this parking facility through and across the alley. Because of the differential grade and proposed development, access from Park Avenue would be difficult.

Staff supports the vehicle and pedestrian easement for two reasons:

- April Inn had paid their parking assessment into China Bridge for their commercial uses but not for their residential uses. It is unclear as to where the previous residents/renters of the 12 units parked, but is assumed they were parking within the Main Street corridor. By allowing this vehicle and pedestrian easement, parking for the residential uses of April Inn will be established,
- April Inn has reduced the number of residential units from 12 to 3 and has proposed satisfying their residential parking requirements on site. If Council approves the vehicle and pedestrian easement for April Inn, staff anticipates a slight increase in trips generated from the immediate area near April Inn but an overall reduction in traffic impacts to the Main Street corridor due to the reduction in residential units.

A draft of the easement is included with this staff report. Easement specifics

- Language is inserted to address the closing of Main Street for special events,
- The 1984 easement agreement with Old Towne and Sierra Pacific includes a paragraph stating "City shall maintain the Right-of-Way as required for safe

pedestrian access, but Old Towne and Sierra Pacific may supplement the City's maintenance as they deem necessary or appropriate." Staff interprets this paragraph to indicate that the City will maintain the alley to minimum safety standards for pedestrian access (but not vehicular access). If the grantee would like to add amenities such as more lighting, landscaping, signage, etc, they may upon City approval. A paragraph such as this one will be included in the vehicle and pedestrian easement for April Inn.

An alternative to granting the vehicle and pedestrian easement would be to sell the property to the parties and retain an easement for pedestrian use. Because of the significant grade difference, this alley will never be a thoroughfare and thus will not be part of the City's transportation network. Also, staff does not foresee the future use of this alley to change. The advantage of selling the property would be the shifting of current maintenance program for the alley to the parties purchasing the property. One disadvantage will be the ownership of this parcel by three separate entities and the City resources necessary for the parties to come to an shared ownership agreement.

Department Review:

This report has been reviewed by City Manager, Legal, Sustainability, Public Works, and Planning. All concerns raised by these departments have been incorporated herein.

Alternatives:

A. Approve the Request:

Approving the easement will allow April Inn (545 Main Street) to develop parking on their parcel. This is Staff's recommendation.

B. Deny the Request:

Denying the easement will then not allow April Inn to provide on-site parking accessed from Main Street.

C. Continue the Item:

If the Council desires more information about the easement, the item may be continued.

D. Do Nothing:

This would have the same affect as denying the request for the easement.

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?	+ Safe community that is walkable and bike-able		+ Shared use of Main Street by locals and visitors + Physically and socially connected neighborhoods	
Assessment of Overall Impact on Council Priority (Quality of Life Impact)	Positive 	Neutral 	Positive 	Neutral 
Comments:				

There are no significant or financial impacts arising from the recommended action.

Consequences of not taking the recommended action:

If the easement is not granted, vehicle and pedestrian access to the proposed on-site parking for the April Inn (545 Main Street) cannot occur.

Recommendation:

Staff recommends that City Council grant a non-exclusive vehicle and pedestrian easement across City property for the benefit of April Inn (545 Main Street).

Attachments:

Draft Vehicle and Pedestrian Easement,
Exhibit of Easement and Property Ownership.
Eric Dehaan Memorandum dated October 11, 1999 including the
Non-Exclusive Easement Agreement between Park City, Old
Towne Associates and Sierra Pacific

Property Map April Inn (545 Main) and 550 Park Ave



When recorded please return to:
Park City Municipal Corporation
Attn: City Engineer
P.O. Box 1480
Park City, Utah 84060

NON-EXCLUSIVE VEHICLE AND PEDESTRIAN EASEMENT AGREEMENT

THIS NON-EXCLUSIVE VEHICLE AND PEDESTRIAN EASEMENT AGREEMENT (the "Agreement") is entered into this _____ day of _____, 2015, by and between 545 Main Street Holdings, LLC, an Oklahoma limited liability company ("545 Main") and Park City Municipal Corporation ("Park City"), a nonprofit corporation of Utah.

RECITALS

WHEREAS, 545 Main owns the real property located at 545 Main Street and certain property to the rear or west of 545 Main Street, Park City, Utah 84060, more particularly described in **Exhibit A** hereto ("Parcel 1"); and

WHEREAS, Park City owns lots of record generally known as the north 21 ½ feet of Lot 11 and all of Lot 36, Block 9 of the Park City Survey, which fronts Main Street south of 545 Main Street over which 545 Main would like to access Parcel 1, which lots of record is more particularly described in **Exhibit B** hereto ("Parcel 2"); and

WHEREAS, on March 22, 1984, Old Towne Associates (537 Main Street) and Sierra Pacific (543 Park Avenue) entered into an agreement with Park City to use this Parcel 2 for pedestrian and vehicular access to their adjacent properties. The 1984 agreement allows Old Towne Associates and Sierra Pacific to improve Parcel 2 subject to City's prior approval and, while the City provides maintenance as required for safe pedestrian access, Old Towne Associates and Sierra Pacific may provide supplemental maintenance as deemed necessary and appropriate; and

WHEREAS, 545 Main desires a private, non-exclusive vehicle and pedestrian easement for ingress and egress over Parcel 2 for the benefit of Parcel 1, subject to closures from time of Parcel 2 by Park City in connection with various special events throughout the year.

AGREEMENT

NOW THEREFORE, in consideration of Ten Dollars (\$10.00), the mutual promises and covenants made herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. GRANT OF EASEMENT. Park City hereby grants to the owner of Parcel 1, its successors and assigns, for the benefit of Parcel 1 its successors and assigns, a private, non-

exclusive vehicle and pedestrian easement over Parcel 2 for the purpose of pedestrian and vehicular ingress and egress to and from Parcel 1, which grant of easement is expressly made subject to Park City's right, in its sole discretion, to temporarily close Parcel 2 to vehicular access during special events. The easement granted herein shall be effective from and after the date of recording of this Agreement in the official records of the Summit County Recorder. This non-exclusive vehicle and pedestrian access granted to 545 Main Street shall be appurtenant to Parcel 1.

2. **GOVERNING LAW.** This Agreement shall be interpreted and governed by the laws of the State of Utah.

3. **FUTURE USE.** The City may, at some future date, elect to install utilities or other public improvements within this property and easement. To the extent that any utility work or public improvement requires the removal, relocation, replacement and/or destruction of any encroachments, 545 Main may have been using within the City's property, the City shall require 545 Main to remove such encroachments pursuant to the notice in paragraph 4 below. 545 Main acknowledges that 545 Main have no rights to compensation for the loss of the encroachments or loss of the use of the property and/or change in the grade and elevation of the easement. This acknowledgement, in the event the encroachments are removed for any reason whatsoever in the sole determination of the City, is the consideration given for the granting of this easement for the continued use.

4. **PUBLIC IMPROVEMENTS.** Prior to commencing public improvements in a manner that will require the removal or relocation of encroachments, the City will give 545 Main ninety (90) days prior written notice, in which time 545 Main shall make adjustments to and remodel their respective improvements as necessary to accommodate the changes in the property at 545 Main's cost.

5. **MAINTENANCE.** 545 Main or its successors shall, at their sole expense, maintain their encroachments in a good state of repair at all time, and upon notice from the City, will repair any damaged, weakened or failed sections. If a notice to repair is received from the City, 545 Main or its successors, Old Towne Associates or its successors and Sierra Pacific or its successors shall coordinate the repairs. 545 Main agrees to hold the City harmless and indemnify the City for any and all claims which might arise from third parties, who are injured as a result of 545 Main's use of the easement for private purposes, or from the failure of 545 Main's improvements. Nothing herein shall limit or waive any provision or defense of the Utah Government Immunity Act.

6. **AMENDMENT OR WAIVER.** This Agreement may be amended only by an instrument in writing signed by the parties hereto. No provision of this Agreement and no obligation of either party under this Agreement may be waived except by an instrument in writing signed by the party waiving the provision or obligation. The waiver of any breach of any of the terms, covenants or conditions hereof on the part of one party to be kept and performed shall not be a waiver of any preceding or subsequent breach of the same or any other term, covenant or condition contained herein.

7. **ENTIRE AGREEMENT.** This Agreement, including exhibits, contains the entire Agreement and understanding between the parties with regard to the subject matter of this Agreement. All terms and conditions contained in any other writings previously executed by the parties and all other discussions, understandings or agreements regarding the subject matter of this Agreement shall be deemed to be superseded by this Agreement.

8. **SUCCESSORS AND ASSIGNS.** This Agreement shall be binding upon and inure to the benefit of the successors and assigns of the parties.

9. **CONSTRUCTION OF AGREEMENT.** The language and all parts of this Agreement shall be in all cases construed simply according to their fair meaning and not strictly for or against either of the parties hereto. Headings at the beginning of sections and subsections of this Agreement are solely for the convenience of the parties and are not part of this Agreement. When required by the context, whenever the singular number is used in this Agreement, the same shall include the plural, and the plural shall include the singular; the masculine gender shall include the feminine and neuter genders and vice versa; and the word "person" shall include corporations, partnerships or other forms of associations or entities.

10. **COUNTERPARTS.** This Agreement may be executed in any number of counterparts, each of which shall be an original and such counterparts shall together constitute but one and the same instrument.

11. **SEVERABILITY.** Invalidation of any one of the covenants or provisions of this Agreement or any part thereof by judgment or court order shall not affect any other covenant or provision of this Agreement, which shall remain in full force and effect. This agreement shall be in effect until the license is revoked by the City. Revocation shall be effected by the City recording a notice of revocation with the Summit County Recorder and sending notice to 545 Main or their successors.

12. **NOTICES.** Any notices or requests to be made under this Agreement shall be by United States Mail, e-mail or facsimile, and sent

to 545 Main at:

545 Main Street Holdings, LLC
501 N. W. Grand Boulevard, 6th Floor
Oklahoma City, OK 73118
Fax: (925)938-3722
E-mail: billy.reed@sbcglobal.net

and to Park City at:

E-mail: _____.

13. **INCORPORATION OF RECITALS AND ATTACHMENTS.** All Recitals in this Agreement and all attachments hereto are hereby fully incorporated by reference herein.

14. **NO PARTNERSHIP.** Neither this Agreement nor the acts of the parties is intended to create and does not create a joint venture or partnership between the parties.

15. **FURTHER ASSURANCES.** Each party shall execute and deliver any and all documents that may be reasonably requested by the other party in order to document and perform fully and properly the provisions of this Agreement.

16. **COVENANTS TO RUN WITH THE LAND.** The respective benefits and burdens of the easement granted herein and the terms hereof shall run with and be appurtenant to Parcel 1 and Parcel 2 and shall inure to the benefit of and be binding on their respective owners, successors in interest and assigns.

IN WITNESS WHEREOF, the undersigned have executed this Non-Exclusive Vehicle and Pedestrian Easement Agreement on the date first above written.

PARK CITY:

By: _____
City Manager

Attest:

Marcie Heil, City Recorder

APPROVED AS TO FORM

City Attorney's Office

545 MAIN:

545 Main Street Holdings, LLC,
an Oklahoma limited liability company

By: W.R. Johnston & Co.
Its: Manager

By: _____
Print Name: _____
Its: Vice President

EXHIBIT A

Legal Description of Parcel 1

DRAFT

EXHIBIT B

Legal Description of Parcel 2

SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, certify that I am a Registered Land Surveyor and that I hold the certificate of registration in the State of Utah. I have personally supervised the survey and the accuracy of the same. This Record of Survey is a true and correct copy of the original Record of Survey as shown on this plat.



BOUNDARY DESCRIPTIONS

PARCEL 1
 LOT 1, 545 MAIN STREET, Lot Line Adjustment Plat, Park City, Utah, according to the official Record of Survey, as Entry No. 480398, filed on the 14th day of August, 2015, in the office of the Summit County Recorder's Office.
 Also described as and being located within the following: All of Lots 13, 14 and 15, and the North 2.4 feet of Lot 12, Block 9, PARK CITY SURVEY OF BUILDING LOTS.

PARCEL 2
 All of Lot 34, Block 9, PARK CITY SURVEY, AMENDED, according to the official plat thereof on file and of record in the Summit County Recorder's Office, records of Summit County, Utah.
 Also described as and being located within the following: All of Lots 13, 14 and 15, and the North 2.4 feet of Lot 12, Block 9, PARK CITY SURVEY OF BUILDING LOTS.

PARCEL 3
 All of Lots 32 and 33, Block 9, PARK CITY SURVEY, AMENDED, according to the official plat thereof on file and of record in the Summit County Recorder's Office, records of Summit County, Utah.
 Less and excepting therefrom the easterly 2 feet of said Lot 33, Block 9, PARK CITY SURVEY, AMENDED, according to the official plat thereof on file and of record in the Summit County Recorder's Office, records of Summit County, Utah.

PARCEL 4
 The southerly 22.6 feet of Lot 35, Block 9, PARK CITY SURVEY, AMENDED, according to the official plat thereof on file and of record in the Summit County Recorder's Office, records of Summit County, Utah.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that 545 MAIN STREET HOLDINGS, LLC, an Oklahoma limited liability company, the undersigned owner of the herein described tract of land to be known hereafter as CARDINAL PARK SUBDIVISION, does hereby certify that it has caused this plat to be prepared, and does hereby consent to the preparation of this plat.

In witness whereof, the undersigned set her hand this _____ day of _____, 2015.

Michelle Lynn Williams
 545 Main Street Holdings, LLC

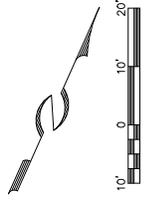
ACKNOWLEDGMENT

State of: _____
 County of: _____
 On this _____ day of _____, 2015, Nicole Lips personally appeared before me, the undersigned Notary Public, and for said state and county, she acknowledged to me that she is a managing member of 545 Main Street Holdings, LLC, an Oklahoma limited liability company, and that she signed the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in _____
 Printed Name _____
 Residing in: _____
 My commission expires: _____

NOTE
 1. This condominium plat is subject to the Conditions of Approval in Ordinance 15-_____.

LINE	BEARING	DISTANCE
1	N 23°36'00" W	21.55
2	N 23°48'14" W	1.03



FILE: X:\ParkCity\Survey\480398\48039814_000114_2015.dwg SHEET 1 OF 1

CERTIFICATE OF ATTEST
 I CERTIFY THIS RECORD OF SURVEY WAS FILED BY _____ DAY OF _____, 2015
 AT THE REQUEST OF _____
 DATE _____ TIME _____ ENTRY NO. _____
 BY _____ RECORDER
 FEE _____

COUNCIL APPROVAL AND ACCEPTANCE
 APPROVAL AS TO FORM THIS _____, 2015
 APPROVED AS TO FORM THIS _____, 2015
 COUNCIL THIS _____ DAY OF _____, 2015
 BY _____ MAYOR
 _____ PARK CITY ATTORNEY

ENGINEER'S CERTIFICATE
 FIND THIS PLAT TO BE IN ACCORDANCE WITH THE PLANS ON FILE IN MY OFFICE THIS _____, 2015
 DAY OF _____, 2015
 BY _____ CHAIR
 _____ PARK CITY ENGINEER

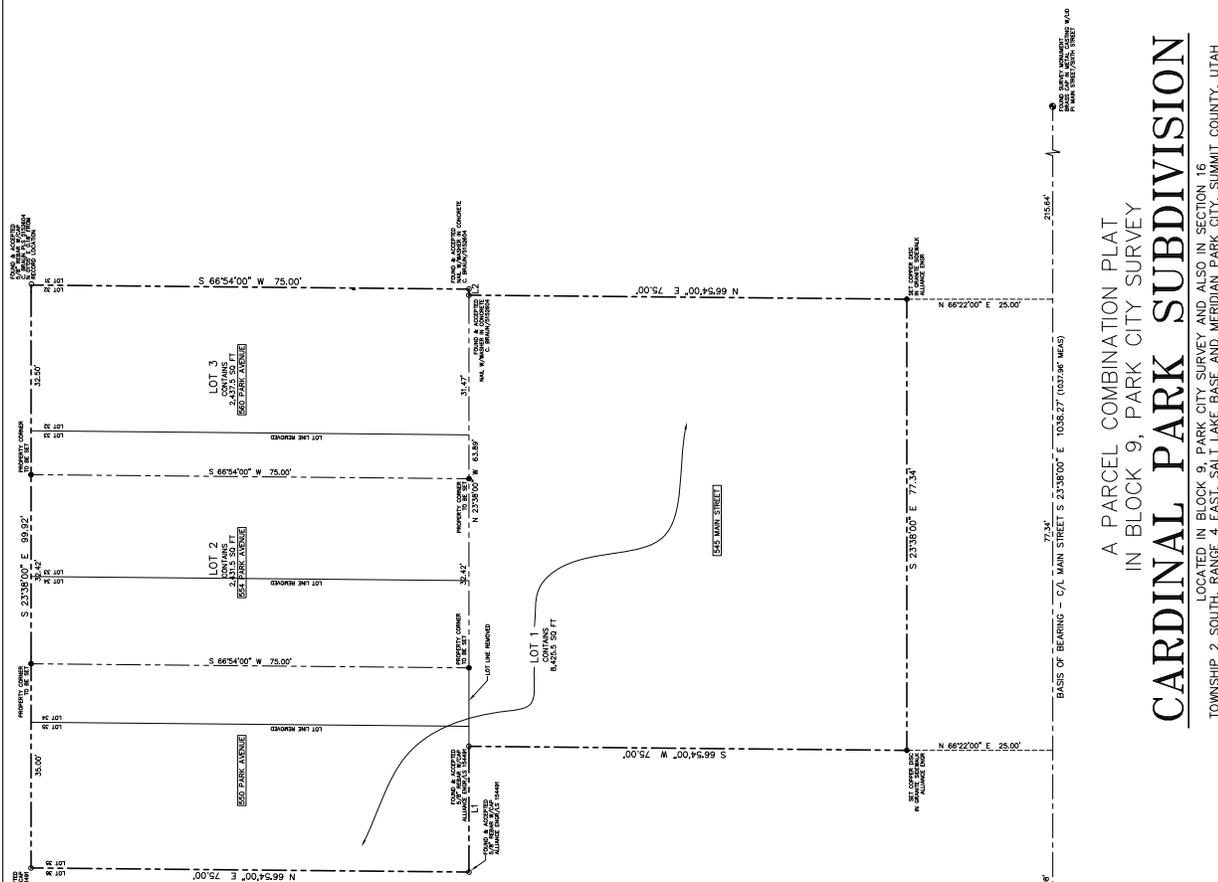
PLANNING COMMISSION
 APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____, 2015
 DAY OF _____, 2015
 BY _____ CHAIR
 _____ PARK CITY ENGINEER

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
 REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____, 2015
 DAY OF _____, 2015
 BY _____ S.B.W.R.D.

PLANNING COMMISSION
 APPROVED AS TO FORM THIS _____, 2015
 APPROVED AS TO FORM THIS _____, 2015
 COUNCIL THIS _____ DAY OF _____, 2015
 BY _____ MAYOR
 _____ PARK CITY ATTORNEY

ENGINEER'S CERTIFICATE
 FIND THIS PLAT TO BE IN ACCORDANCE WITH THE PLANS ON FILE IN MY OFFICE THIS _____, 2015
 DAY OF _____, 2015
 BY _____ CHAIR
 _____ PARK CITY ENGINEER

PLANNING COMMISSION
 APPROVED AS TO FORM THIS _____, 2015
 APPROVED AS TO FORM THIS _____, 2015
 COUNCIL THIS _____ DAY OF _____, 2015
 BY _____ MAYOR
 _____ PARK CITY ATTORNEY



CARDINAL PARK SUBDIVISION
 A PARCEL COMBINATION PLAT
 IN BLOCK 9, PARK CITY SURVEY
 LOCATED IN BLOCK 9, PARK CITY SURVEY AND ALSO IN SECTION 15
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN PARK CITY, SUMMIT COUNTY, UTAH





DATE: September 17, 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. This report presents a finalized ordinance and a recommended amendment to the Municipal Code of Park City.

Respectfully:

Matthew Abbott, Environmental Program Manager



City Council Staff Report

Subject: Park City Waste and Recycling Receptacle Ordinance
Author: Matt Abbott and Michelle Downard
Department: Sustainability & Building
Date: September 17, 2015
Type of Item: Legislative

Summary Recommendations:

Staff recommends that City Council adopt the attached receptacle ordinance (Exhibit A) and amend Municipal Code of Park City (MCPC) 4-2-18(C) to be consistent with the proposed receptacle ordinance.

Executive Summary:

Park City's Old Town neighborhood has a history of poor curbside collection performance due to a variety of factors. This report presents a finalized ordinance and a recommended amendment to the Municipal Code of Park City

Acronyms:

MCPC Municipal Code of Park City

Background:

For several years, residential curbside waste and recycling collection efforts in Old Town have not met the expectations of residents, business owners, Councilmembers, staff, and Republic Services, our waste/recycling contract hauler.

In an effort to resolve this ongoing issue, staff has presented to information to Council 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>
 - City Council rejected a Citywide toter ordinance on 12/8/05
- 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>
- May 14, 2015 – Old Town Curbside Collection Performance (pg. 68)
 - <http://www.parkcity.org/Modules/ShowDocument.aspx?documentid=14837>

- June 11, 2015 – Old Town Curbside Collection Performance – Budget (pg. 6)
 - <http://www.parkcity.org/Modules/ShowDocument.aspx?documentid=15075>
- July 16, 2015 – Park City Waste and Recycling Receptacle Ordinance (pg. 28)
 - <http://www.parkcity.org/Modules/ShowDocument.aspx?documentid=15239>

Analysis:

Receptacle Ordinance

Staff is returning to City Council with a recommended Ordinance (Exhibit A). This Ordinance incorporates all previous recommendations from Council.

In summary, receptacles can be curbside no earlier than 6:00PM the day prior to scheduled collection. Receptacles must be removed from the curb by 11:59PM on the day that they are collected. On a typical collection day, receptacles could be curbside for as long as 36 hours. Delayed collections, due to holiday, weather, or hauler complications are accounted for in the phrasing of the ordinance.

The ordinance also requires that all receptacles be labeled on the street facing panel and on the lid with the street number. For example, 123 Main Street would have “123.” Labels need to be at least 2” tall and 1” wide and can be stickers, handwritten, painted, or otherwise applied in a manner that does not interfere with the collection of the receptacles.

This ordinance will apply to Old Town only, specifically the following zones: HCB, HR-1, HR-2 A/B , HRC, HRL, and HRM.

Starting December 3, 2015, after a 90-day education and outreach period, any receptacle that is unlabeled will be removed and any receptacle that is noted to be in violation will result in a \$100 dollar fine.

Amend MCPC 4-2-18(C)

Park City Municipal Code has a 24-hour curbside limit for waste and recycling containers from nightly rentals (MCPC 4-2-18(C)). Staff is recommending that the timing in MCPC 4-2-18(C) be amended from:

Trash collection which insures that trash cans are not left at the curb for any period in excess of twentyfour (24) hours and the property must be kept free from accumulated garbage and refuse.

To:

Trash collection which insures that trash cans are not left at the curb for any period later than 11:59PM on the day of collection and the property must be kept free from accumulated garbage and refuse.

Staff is recommending this change to simplify enforcement.

Department Review:

Sustainability, Building, Planning, Legal, and Executive.

Alternatives:

A. Approve:

Adopt an AN ORDINANCE AMENDING TITLE 6, HEALTH, NUISANCE ABATEMENT, AND NOISE OF THE MUNICIPAL CODE OF PARK CITY, UTAH BY ADOPTING REGULATIONS FOR STORAGE OF TRASH RECEPTACLES and amend MCPC 4-2-18(C). Resulting in labeled receptacles and the ability to educate and potentially fine property owners for leaving their receptacles curbside outside of the recommended collection period. **[STAFF RECOMMENDATION]**

B. Deny:

Deny all or portions of AN ORDINANCE AMENDING TITLE 6, HEALTH, NUISANCE ABATEMENT, AND NOISE OF THE MUNICIPAL CODE OF PARK CITY, UTAH BY ADOPTING REGULATIONS FOR STORAGE OF TRASH RECEPTACLES and amendments to MCPC 4-2-18(C) resulting in no new ordinances or amendments. Receptacles in Old Town will not be labeled and staff will be unable to educate and potentially fine property owners for leaving their receptacles curbside outside of the recommended collection period.

C. Modify:

Modify all or portions of Adopt an AN ORDINANCE AMENDING TITLE 6, HEALTH, NUISANCE ABATEMENT, AND NOISE OF THE MUNICIPAL CODE OF PARK CITY, UTAH BY ADOPTING REGULATIONS FOR STORAGE OF TRASH RECEPTACLES and amendments to MCPC 4-2-18(C). Resulting in a delay or change in capacity for City staff to educate and potentially fine property owners for leaving their receptacles curbside outside of the recommended collection period.

D. Continue the Item:

Continue the Item with specific requests to staff delaying receptacle labeling in Old town and staff's ability to educate and potentially fine property owners for leaving their receptacles curbside outside of the recommended collection period.

E. Do Nothing:

Do nothing, resulting in no receptacle ordinance and no amendments to Park City Municipal Code. Waste and recycling receptacles in Old Town will remain in their current state, unlabeled and unchanged.

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	~ Managed natural resources balancing ecosystem needs	+ Part-time residents that invest and engage in the community	+ Ease of access to desired information for citizens and visitors
Assessment of Overall Impact on Council Priority (Quality of Life Impact)	Positive	Neutral	Positive	Positive
Comments: Staff believes that an effective and accessible waste and diversion program is the foundation of a sustainable community and economy. Staff also believes that tax dollars should be invested based on priority and existing precedents.				

Funding Source:

These changes do not require any additional funding at this point. Depending on the success of the education and outreach effort, staff may be seeking additional funding through the existing budgeting for outcomes process.

Consequences of not taking the recommended action:

If no action is taken, Park City will not adopt an ordinance regulating receptacles in Old Town and Park City Municipal Code will not be amended to match this ordinance.

Recommendation:

Staff recommends that City Council adopt the attached receptacle ordinance (Exhibit A) and amend Municipal Code of Park City (MCPC) 4-2-18(C) to be consistent with the proposed receptacle ordinance.

Exhibits:

- Exhibit A – Final Receptacle Ordinance
- Exhibit B – Map of Old Town, Park City, UT

Exhibit A – Final Receptacle Ordinance

Ordinance No. 15-

AN ORDINANCE AMENDING TITLE 6, HEALTH, NUISANCE ABATEMENT, AND NOISE OF THE MUNICIPAL CODE OF PARK CITY, UTAH BY ADOPTING REGULATIONS FOR STORAGE OF TRASH RECEPTACLES

WHEREAS, in July 2012 the waste collection process changed in Park City to include multiple waste related receptacles; and

WHEREAS, receptacles that are not promptly retrieved have caused blocked sidewalks, contamination, parking obstructions, visual blight and increased litter; and

WHEREAS, the beauty and appearance of the City is of great importance; and

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PARK CITY, UTAH THAT:

SECTION 1. AMENDMENT TO MUNICIPAL CODE. The recitals above are incorporated herein as findings of the City Council, Park City's legislative body. The Municipal Code of the City of Park City, Utah, is hereby amended by adding a new Section 11, Chapter 1, Title 6, which said Section shall read as follows:

6-1-11. COLLECTION TIME - PLACEMENT OF PRIVATE TRASH RECEPTACLES.

Trash receptacles to be collected and emptied curbside by the County, or a licensed collector, shall be set out for collection at the time and place as may be designated by the County, or licensed contractor. Such receptacles must not be set out for collection prior to 6:00 PM of the day before collection.

With the exception for property in the HCB Zone which is regulated by 15-2.6-11, all empty trash receptacles in HCB, HR-1, HR-2 A/B, HRC, HRL, and HRM must be removed from the street as soon as practical after being emptied, and in every case must be removed from the street prior to 11:59 PM the day they are emptied.

Each day that a violation of this section occurs shall constitute a separate offense.

This ordinance does not apply to municipal receptacles or dumpsters approved pursuant to Section 6-1-9.

Violations of this Section are infractions, punishable by a fine, fee or civil penalty not to exceed Seven Hundred and Fifty Dollars (\$750), including confiscation of the garbage container by the City, but not imprisonment.

6-1-12. IDENTIFICATION AND LABELLING OF PRIVATE TRASH RECEPTACLES

Private trash receptacles to be collected and emptied curbside by the County, or a licensed collector, shall be labeled on the street facing panel and on the lid of the receptacle. The label must contain, at minimum, the street number of the receptacles associated address. Labels must be at least two (2) inches in height and one (1) in width. Labels may be stickers, written, painted, or otherwise applied. Labels must not interfere with the collection of the receptacle.

Any receptacle that is not labeled prior to December 17, 2015 is subject to confiscation.

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

PASSED AND ADOPTED this 17th day of September, 2015
PARK CITY MUNICIPAL CORPORATION

Mayor Jack Thomas

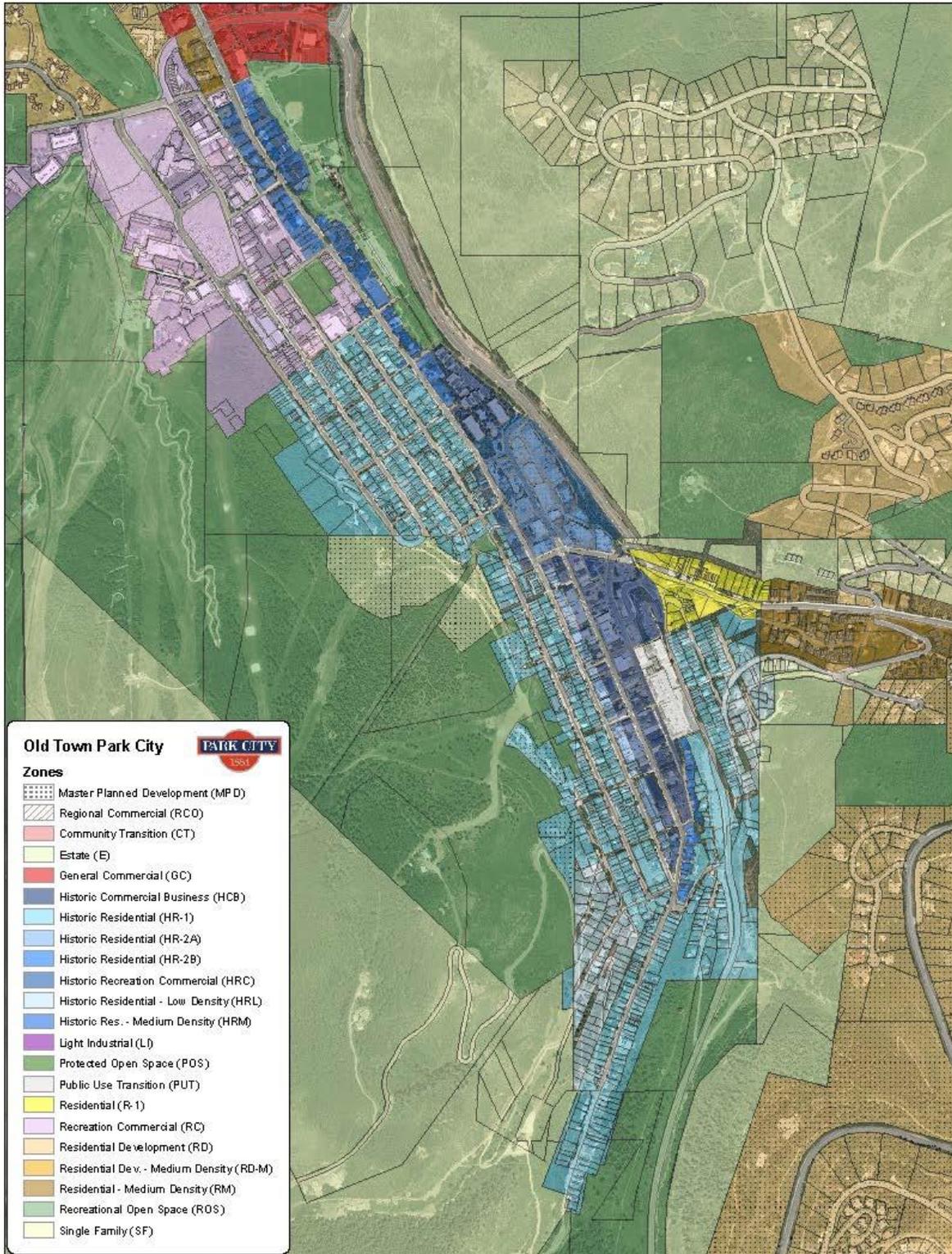
Attest:

City Recorder

Approved as to form:

Mark D. Harrington, City Attorney

Exhibit B – Map of Old Town, Park City, UT





DATE: September 17, 2015

TO HONORABLE MAYOR AND COUNCIL

Due to legislative changes, the City has been given the option to move current Dispatch employees from the designated "Public Employee" retirement system to the "Public Safety" system offered by the state's designated pension program, the Utah Retirement System (URS). This option is a higher cost and a larger retirement benefit for those employees.

An increase in the retirement budget needed for this change was recommended by the City Manager and approved by the City Council as part of the FY 2016 budget process. Dispatch positions are historically hard to fill and these employees can be difficult to retain, especially problematic because the training for this position is approximately a 6 month period.

Respectfully:

Cherie Ashe,

City Council Staff Report



Subject: House Bill 115 – Optional coverage for Dispatchers included in the URS Public Safety retirement system
Author: Brooke Moss Cherie Ashe, HR
Date: September 17, 2015
Type of Item: Administrative

Summary Recommendation

Staff recommends the adoption of a Resolution authorizing the City to change eligibility of Dispatch positions from the Public Employees retirement system to the Public Safety retirement system offered by the URS.

Executive Summary

Due to legislative changes the City has been given the option to move current Dispatch employees from the designated “Public Employee” retirement system to the “Public Safety” system offered by the state’s designated pension program, the Utah Retirement System (URS). This option is a higher cost and a larger retirement benefit for those employees. An increase in the retirement budget needed for this change was recommended by the City Manager and approved by the City Council as part of the FY 2016 budget process. Dispatch positions are historically hard to fill and these employees can be difficult to retain, especially problematic because the training for this position is approximately a 6 month period.

Acronyms Used in This Report:

URS – Utah Retirement System

Background:

There are many similarities between police officers and police dispatchers. Dispatchers in the state of Utah are required to successfully complete a Police Officers Standards & Training (POST) certification specific to their position. Also, dispatchers must make urgent decisions affecting the life, health, and welfare of the public and other public safety employees. Due to similarities and challenges of working these positions, the Utah State Legislature has passed House Bill 115, allowing government organizations to voluntarily select use of the Public Safety retirement system in lieu of the Public Employee System for Dispatchers.

Under this bill, Dispatchers employed by the state of Utah receive service credit in the public safety retirement system as of July 1, 2015. Other participating employers, such as Park City Municipal, may make an irrevocable election to provide their dispatchers with public safety retirement benefits.

Basic differences include:

	Cost	Service credits per year	Retirement Eligibility Age
Public Employees Retirement System	18.47%	2.0 credits	Any age with 30 years' service Age 60 with 20 years' service Age 62 - with 10 years' service Age 65 with 4 years' service
Public Safety Retirement System	34.04%	2.5 credits	Any age with 20 years' service Age 60 - with 10 years' service Age 65 with 4 years' service

Up until now, City Dispatchers have been classified by the URS system to be eligible for participation only in the “Public Employees” category. Dispatchers would become eligible for the Public Safety Retirement System beginning September 6th, 2015, the beginning of the next pay period. The cost for this change would become a match of up to 34.04% of salary over their current 18.47%. Funds for this change were recommended for the FY 2016 budget process, and information was included in the May 7th staff report under the City Manager’s Recommended Budget, in a section titled URS Benefit Increase for Dispatch.

This change would impact eleven positions currently in the Communication Center (Dispatch) Department. The total cost increase to the General Fund to put all Dispatchers and the Dispatch Coordinator at the higher level would be \$53,160. The funds needed for this change were approved as part of the FY 2016 budget.

Analysis:

We have struggled consistently recruit and maintain a qualified workforce for this position in Park City (a problem also common in other jurisdictions).

Dispatcher recruitments in 2015 – 3 as of 08/01/2015

- 2014 – 5
- 2013 – 6
- 2012 – 2
- 2011 – 5

Due to the challenges, as well as the recent passage of House Bill 115, the Police Chief and his management team discussed the option of making this change to retirement or requesting equivalent funds and putting those dollars into salary as a recommended increase above the City’s pay philosophy. The recommendation from Dispatch and Police management was to make this change to the retirement program. These funds were requested and approved as part of the FY 2016 budget process.

In order to make this change, however, the City Council must pass a resolution stating their intention to do so (see attached resolution).

Department Review:

Police Department, Legal Department, Executive Department

Alternatives:

A. Approve:

Park City Dispatchers would become enrolled in the URS Public Safety Retirement System beginning on September 6, 2015 (beginning of current pay period).

B. Deny:

No change will be made to the benefit of the Dispatch staff. This may diminish the City's ability to attract and retain qualified dispatch candidates.

C. Modify:

Council could give direction to modify this proposal, such as spending the approved funds in other ways to enhance the City's ability to attract and retain dispatch candidates.

D. Continue the Item:

Staff could return with additional information or for additional discussion if needed.

E. Do Nothing:

This has the same effect as Alternative B

Significant Impacts:

Potential impact on ability to recruit and retain qualified dispatchers.

Funding Source:

Police Department URS pension budget. This option is fully budgeted.

Consequences of not taking the recommended action:

Potential risk in poor recruitment turnover in competition with other agencies

Recommendation:

Approve City Ordinance authorizing the City to move Dispatch personnel into the URS Public Safety Retirement System.

Resolution No. -

**A RESOLUTION AUTHORIZING COVERAGE FOR CERTIFIED
DISPATCHERS IN THE PUBLIC SAFETY RETIREMENT SYSTEM**

WHEREAS, Park City Municipal is authorized to employ public safety personnel on a full-time basis; and

WHEREAS, an election is allowed by Utah State law to provide benefits Public Safety Retirement for certified dispatch personnel by the City; and

WHEREAS, it is the intent of the Park City Municipal Corporation to approve and authorize coverage under the Utah Public Safety Retirement Systems for Park City Municipal Corporation Certified Dispatch Personnel.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PARK CITY, UTAH THAT:

The City is authorized to undertake all of the necessary actions to enroll the Organization in the benefit programs of the Utah Public Safety Retirement System offered by Utah Retirement Systems, including the retirement coverage and death benefit coverage for qualified employees under the laws and regulations of the Utah Retirement Systems.

PASSED AND ADOPTED this 17th day of September, 2015.

PARK CITY MUNICIPAL CORPORATION

Mayor Jack Thomas

Attest:

City Recorder

Approved as to form:

Mark D. Harrington, City Attorney



DATE: September 17, 2015

TO HONORABLE MAYOR AND COUNCIL

Leadership Park City is a one-year course sponsored by PCMC in which community leaders are recruited for training and guidance on how to accomplish worthwhile goals on a local level and beyond. Each class creates a project in which to enrich Park City as a community.

This year's Leadership Class project seeks to encourage greater inclusiveness and to strengthen personal connections within our neighborhoods by designating the 4th Saturday of September, 2015, Neighbor Day. This year, we will celebrate our neighborhoods on September 26th.

Respectfully:

Anya Grahn, Planner II



City Council Staff Report

Subject: Park City Neighbor Day—September 26th
Author: Anya Grahn, Historic Preservation Planner;
Stuart Johnson, Project Coordinator
Department: Planning Department
Date: September 17, 2015
Type of Item: Designation of Local Celebration

Summary Recommendations:

Staff recommends that City Council review the attached resolution and designate the fourth Saturday of September, Neighbor Day. This year, we will celebrate our neighborhoods on September 26th.

Executive Summary:

Leadership Park City is a one-year course sponsored by PCMC in which community leaders are recruited for training and guidance on how to accomplish worthwhile goals on a local level and beyond. Each class creates a project in which to enrich Park City as a community. This year's Leadership Class project seeks to encourage greater inclusiveness and to strengthen personal connections within our neighborhoods by designating the 4th Saturday of September, Neighbor Day. This year, we will celebrate our neighborhoods on September 26th.

Acronyms in this Report:

No Acronyms

Background:

Park City is home to many different communities -- geographic, sports, religious, outdoor/recreational, community service, social clubs, and advocacy groups -- and there are numerous opportunities through these avenues to build and connect with others. These avenues frequently build broad social networks that help tie the whole community together, but where we fall short is with our immediate neighbors. Many people have dispersed friends throughout the community but do not know the people who live next door. Further, the high rate of turnover on Park City's house stock means that neighbors are often short-term.

This year's Leadership class project seeks to encourage greater inclusiveness and to strengthen personal connections within our neighborhoods. Studies have shown that good neighbors can improve health, increase longevity, foster safer environments, and produce increased general happiness. Strong neighborhoods matter. Leadership Class XXI seeks to build on the opportunities for connection that already exist and to help foster innovative, fun opportunities for neighbors to get to know one another and enjoy Park City in new ways.

By working to connect Park City, the greater Park City community, and Summit County residents in a neighborhood-specific, “one-neighbor-at-a-time” campaign, the project intends to contribute to Park City’s vision as a model for exceptional connectedness, happiness, health, and to continue its legacy as an amazing place to live, work, and play.

Leadership Class XXI approached City Council during public comment on July 16, 2015, and City Council expressed interest in passing a request that the PC City Council and Summit County Council consider passing a resolution that designates the 4th Saturday of September, Neighbor Day. This year, we will celebrate our neighborhoods on September 26th.

Summit County Council has also proclaimed the last Saturday in September as Summit County Neighbor Day; this resolution was adopted on August 12, 2015.

Department Review:

This project has gone through an interdepartmental review. There were no issues raised by any of the departments.

Alternatives:

- A. The City Council may approve the resolution designating the fourth Saturday in September as Neighbor Day; this year, we will celebrate our neighborhoods on September 26th
- B. The City Council may deny the resolution designating the fourth Saturday in September as Neighbor Day; we will not celebrate our neighborhoods on September 26th;
- C. The City Council may continue the discussion to a date certain and provide staff with direction to provide additional information necessary in order to make a final decision on the resolution.

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 		<ul style="list-style-type: none"> + Residents live and work locally + Part-time residents that invest and engage in the community ~ Shared use of Main Street by locals and visitors + Physically and socially connected neighborhoods + Vibrant arts and culture offerings + Diverse population (racially, socially, economically, geographically, etc.) 	<ul style="list-style-type: none"> + Fiscally and legally sound + Engaged and informed citizenry
Assessment of Overall Impact on Council Priority (Quality of Life Impact)	Positive ↑		Very Positive ↑	Very Positive ↑
<p>Comments: This resolution is just declaratory; there are no budgetary or program impacts at this time. The City may be asked to approve future events on a case by case basis.</p>				

Consequences of not taking the recommended action:

The resolution will not be passed and the fourth Saturday of September will not be designated as Park City Neighbor Day. Neighbor Day will not be celebrated this year on September 26th.

Recommendation:

Staff recommends that City Council review the attached resolution and designate the fourth Saturday of September, Neighbor Day. This year, we will celebrate our neighborhoods on September 26th.

Resolution No. 15-XX

RESOLUTION TO CELEBRATE “NEIGHBOR DAY” ON THE FOURTH SATURDAY OF SEPTEMBER

WHEREAS, Park City is home to many different communities—organized around geography, sports, religion, outdoor recreational opportunities, community service, etc.; and

WHEREAS, in 1980 there were approximately 10,400 residents in Greater Summit County; by 2014, that number had grown to nearly 38,000 and our population continues to grow rapidly; and

WHEREAS, despite a number of opportunities for connection, many of us have become exclusionary, isolated by social media and disassociated with the immediate neighborhood around us; and

WHEREAS, studies have shown that good neighbors improve health, increase longevity, foster safer environments, and produce a greater sense of well-being; and

WHEREAS, the Leadership Park City Class XXI has proposed Neighbor Day to connect and strengthen our community in a neighborhood-specific, one neighbor at a time approach, that encourages celebrating your neighbors in your own unique way with the local/neighborhood-specific events and activities; and

WHEREAS, healthy, livable and safe neighborhoods are where neighbors know, care, and support each other and the overall community objectives; and

NOW, THEREFORE, BE IT RESOLVED, that the fourth Saturday of September from here on forward, that the Park City Council will officially, heartily, and warmly declare that day to be “Park City Neighbor Day.”

SECTION 2. EFFECTIVE DATE. Passed and adopted this 17th day of September, 2015.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

ATTEST:

Kristin Parker, Deputy City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney



DATE: September 17, 2015

TO HONORABLE MAYOR AND COUNCIL

Lots 3, 4, 26, and 27, Block 66, of the Amended Plat of Park City Survey are owned by the Bee's. The property owner intends to remove the lot line common to Lot 4 and Lot 26 to create one (1) lot of record (Lot 1 as proposed). The property owner intends to remove the lot line common to Lot 3 and Lot 27 to create one (1) lot of record (Lot 2 as proposed). As proposed, Lot 1 contains 3,295 SF and Lot 2 contains 3,425 SF. A Party Wall Agreement will be required.

The property is in the Residential (R-1) District and the current adjacent land uses are residential. Plat Amendments require Planning Commission review and City Council review and action.

The Planning Commission reviewed the plat amendment on August 26, 2015, and forwarded a positive recommendation to City Council with a unanimous vote.

Respectfully:

Hannah Turpen, Planner I

City Council Staff Report

Subject: Bee Plat Amendment, 281 & 283 Deer Valley Drive
Author: Hannah Turpen, Planner
Project Number: PL-15-02808
Date: September 17, 2015
Type of Item: Legislative – Plat Amendment

Summary Recommendations

Staff recommends the City Council hold a public hearing for the Bee Plat Amendment located at 281 & 283 Deer Valley Drive and consider approving the proposed plat amendment based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Consideration of an ordinance of the Bee Plat Amendment located at 281 & 283 Deer Valley Drive, Park City, UT pursuant to findings of fact, conclusions of law, and conditions of approval in a form approved by the City Attorney.

- (a) Public Hearing
- (b) Action

Staff reports reflect the professional recommendation of the Planning Department. The City Council, as an independent body, may consider the recommendation but should make its decisions independently.

Executive Summary

Lots 3, 4, 26, and 27, Block 66, of the Amended Plat of Park City Survey are owned by the Bee's. The property owner intends to remove the lot line common to Lot 4 and Lot 26 to create one (1) lot of record (Lot 1 as proposed). The property owner intends to remove the lot line common to Lot 3 and Lot 27 to create one (1) lot of record (Lot 2 as proposed). As proposed, Lot 1 contains 3,295 SF and Lot 2 contains 3,425 SF. A Party Wall Agreement will be required.

The property is in the Residential (R-1) District and the current adjacent land uses are residential. Plat Amendments require Planning Commission review and City Council review and action.

The Planning Commission reviewed the plat amendment on August 26, 2015, and forwarded a positive recommendation to City Council with a unanimous vote of 6-0 in favor of the plat amendment.

Description

Applicant: George and Giovanna Bee (represented by Jonathan DeGray, Architect)
Location: 281 & 283 Deer Valley Drive

Zoning: Residential (R-1) District
Adjacent Land Uses: Residential
Reason for Review: Plat Amendments require Planning Commission review and City Council review and action

Acronyms in this Report

R-1 District Residential District
LMC Land Management Code

Background

The property is located at 281 & 283 Deer Valley Drive. The property is in the Residential (R-1) District. The subject property consists of Lots 3, 4, 26, and 27, Block 66, of the Amended Plat of Park City Survey. Currently the site contains a duplex dwelling on Lots 3, 4, 26, and 27 which was constructed in 1981.

In July 2008, a Building Permit was approved for a deck repair and in July 2010 the deck was demolished. In August 2010, a Building Permit was approved for the construction of a new deck. On April 21, 2014, a Conditional Use Permit for an accessory apartment was submitted to the Planning Department. On June 3, 2014, the Conditional Use Permit was withdrawn. In August 2014, a Building Permit for interior demolition was approved.

On October 9, 2014, an At-Risk Building Permit (BD-14-20000) was approved by the Planning Department and Building Department for the construction of an addition and remodel to the existing non-historic duplex dwelling. The existing non-historic duplex dwelling was constructed across the property lines of all four (4) lots of the existing parcel. The proposed construction would cause construction to occur across property lines which triggered the need for a plat amendment or condominium record of survey. However, an At-Risk Building Permit was needed because no construction on the property could occur until a plat amendment or condominium record of survey was recorded. Rather than waiting for the plat amendment or condominium record of survey process to be completed, construction was allowed to commence as a result of the At-Risk Building Permit approval. Condition of Approval #2 for the At-Risk Building Permit stated, "The Planning Department will not sign-off on a Certificate of Occupancy if the Condominium Record of Survey has not yet been approved". If the plat amendment or condominium record of survey were not recorded by Summit County, all work approved as a part of the At-Risk Building Permit would have to be returned to its original state.

On September 29, 2014, the City received a Condominium Record of Survey application (PL-14-02498) for 281 & 283 Deer Valley Drive. The application was never deemed complete. On March 19, 2015, the property owner stated via email that because there is a mortgage loan on the property, the property description of the subject property could not be changed without compromising the terms of the loan agreement. The issue with the property owner's financial institution could not be resolved; therefore, the Condominium Conversion application was withdrawn.

The property owner worked closely with the City to find a solution that would fulfill the

requirements of Condition of Approval #2 for the At-Risk Building Permit. On April 28, 2015, the City determined that a Plat Amendment and a revised Common Wall Agreement would not fulfill the requirements of Condition of Approval #2 as outlined in the At-Risk Building Permit; however, this would satisfy the requirement of a plat amendment in order to allow construction across property lines. Per Land Management Code (LMC) § 15-2.12-3 (F)(2), the Residential (R-1) District does not require a side yard between connected structures where the structures are designed with a common wall on a Property Line and the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official.

On June 8, 2015, the City received a Plat Amendment application and revised Common Wall Agreement for 281 & 283 Deer Valley Drive. The application was deemed complete on June 18, 2015.

On July 16, 2015 the applicant submitted a Non-Complying Structure Determination application for the non-complying side yard setbacks and non-complying lot widths. The application was required because as proposed, the lot would not meet the Land Management Code (LMC) § 15-2.12-3 requirements for lot width or side yard setbacks. Per Land Management Code (LMC) § 15-9-2(B) the Planning Director shall determine the Non-Complying status of Properties. The application was deemed complete on July 22, 2015. On July 23, 2015 the Planning Director determined that the existing duplex dwelling is a legal non-complying structure due to non-complying side yard setbacks, non-complying lot widths, and therefore, the existing structure and existing lot width may be maintained as a part of the proposed plat amendment (Exhibit G).

The Planning Commission reviewed the plat amendment on August 26, 2015, and forwarded a positive recommendation to City Council with a unanimous vote of 6-0 in favor of the plat amendment.

Purpose

The purpose of the Residential (R-1) District is to:

- (A) allow continuation of land Uses and architectural scale and styles of the original Park City residential Area,
- (B) encourage Densities that preserve the existing residential environment and that allow safe and convenient traffic circulation,
- (C) require Building and Streetscape design that minimizes impacts on existing residents and reduces architectural impacts of the automobile,
- (D) require Building design that is Compatible with the topographic terrain and steps with the hillsides to minimize Grading,
- (E) encourage Development that protects and enhances the entry corridor to the Deer Valley Resort Area,
- (F) provide a transition in Use and scale between the Historic Districts and the Deer Valley Resort; and
- (G) encourage designs that minimize the number of driveways accessing directly onto Deer Valley Drive.

Analysis

The proposed plat amendment creates two (2) lots of record from the existing four (4) lots. As proposed, Lot 1 contains 3,295 SF and Lot 2 contains 3,425 SF. A duplex dwelling is an allowed use in the Residential (R-1) District. The minimum lot area for a duplex dwelling is 3,750 square feet; as proposed, Lot 1 and Lot 2 combined will be a total of 6,720 square feet. The proposed lots meet the minimum lot area for a duplex dwelling. The minimum lot width allowed in the R-1 District is thirty-seven and one-half feet (37.5'). The proposed lots are each twenty-five feet (25') wide. The proposed lots do not meet the minimum lot width requirement for a duplex dwelling; however the Planning Director determined the Legal Non-Complying status of the lot width (Exhibit G).

Table 1 shows applicable development parameters for the combined lot in the Residential (R-1) District:

Table 1:

LMC Regulation	Requirements	Proposed
Minimum Lot Size	3,750 square feet (duplex dwelling)	6,720 square feet, <u>complies.</u>
Front Yard Setbacks	15 feet minimum. New Garages, 20 feet minimum.	See Table 2.
Rear Yard Setbacks	10 feet minimum.	See Table 2.
Side Yard Setbacks	5 feet minimum.	See Table 2.
Building (Zone) Height	No Structure shall be erected to a height greater than twenty-eight feet (28') from Existing Grade.	Thirty-one feet (31') with five foot (5') exception for gables, <u>complies.</u>
Minimum parking Requirements	2 per unit	2 per unit, <u>complies.</u>

Front and Side Yard Setbacks

Existing Lots 3, 4, 26, and 27 contain a duplex dwelling which was constructed in 1981. The minimum front yard setback for a lot in the R-1 District is fifteen feet (15'). When the duplex dwelling was built in 1981, it was constructed with a setback of fourteen feet (14'). The minimum side yard setbacks for a lot in the R-1 District are five feet (5'). When the duplex dwelling was built in 1981, it was constructed with a four and one-half foot (4.5') setback on the east side and a five and one-half (5.5') setback on the west side. There is a zero foot (0') side yard setback between each unit of the duplex dwelling. Per Land Management Code (LMC) § 15-2.12-3 (F)(2), the Residential (R-1) District does not require a side yard between connected structures where the structures are designed with a common wall on a Property Line and the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official. Table 2 below illustrates the discrepancy:

Table 2:

Setback Requirements

	Minimum Setbacks	Existing Setbacks (Lot 1)	Existing Setbacks (Lot 2)
Front (South)	15 ft. minimum, 20 ft. (new garages)	14 ft.	14 ft.
Rear (North)	10 ft.	52 ft.	52 ft.
Side (West)	5 ft.	5.5 ft.	0 ft.
Side (East)	5 ft.	0 ft.	4.5 ft.

On July 23, 2015 the Planning Director determined that the existing duplex dwelling is a legal non-complying structure due to non-complying side yard setbacks, non-complying lot widths, and therefore, the existing structure and existing lot width may be maintained as a part of the proposed plat amendment (Exhibit G).

Staff finds that the front and side yard setback discrepancies should not prevent the requested plat amendment as the existing duplex dwelling is a legal non-complying structure as determined by the Planning Director. The Building Department does not have a Building Permit record for the construction of the duplex dwelling. It is unknown whether or not a Building Permit was obtained to construct the duplex dwelling in 1981. See Exhibit E – LMC § 15-9-6 Non-Complying Structures. In addition, the duplex dwelling complies with Land Management Code (LMC) § 15-2.12-3 (F)(2), the Residential (R-1) District does not require a side yard between connected structures where the structures are designed with a common wall on a Property Line and the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official. See Exhibit F – (LMC) § 15-2.12-3 (F)(2) Lot and Site Requirements.

In terms of the existing structure, these are the only discrepancies found as other standards have been reviewed, and staff has not found any other issues with the built structures, including other minimum setbacks, building height, etc.

Good Cause

Planning Staff finds that there is good cause for this plat amendment as Staff finds that the plat amendment will not cause undo harm to adjacent property owners and all requirements of the Land Management Code for any future development can be met. The proposed lot areas of 3,295 square feet (Lot 1) and 3,425 square feet (Lot 2) are compatible lot combinations as the entire Residential-1 (R-1) District has abundant sites with the same lot dimensions.

Encroachments

There is an existing rock retaining wall on the east property line of Lot 3. The east rock retaining wall encroaches onto the property of 295 Deer Valley Drive and extends into the Public Right-of-Way. There is an existing rock retaining wall on the west property line of Lot 4. The west rock retaining wall encroaches onto the property of 267 Deer Valley Drive and extends into the Public Right-of-Way. The east rock retaining wall can either be removed, or the property owner must enter into an encroachment agreement

with the owner(s) of 295 Deer Valley Drive and with the City for the Public Right-of-Way, as dictated by Condition of Approval #4. The west rock retaining wall can either be removed, or the property owner must enter into an encroachment agreement with the owner(s) of 267 Deer Valley Drive and with the City for the Public Right-of-Way, as dictated by Condition of Approval #5.

Process

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

Department Review

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

Notice

On August 12, 2015 the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record on August 8, 2015 according to requirements of the Land Management Code.

Public Input

No public input has been received by the time of this report. A public hearing is noticed for both the Planning Commission and City Council meetings.

Alternatives

- The City Council may approve the Bee Plat Amendment as conditioned or amended; or
- The City Council may deny the Bee Plat Amendment and direct staff to make Findings for this decision; or
- The City Council may continue the discussion on Bee Plat Amendment.

Significant Impacts

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

Consequences of not taking the Planning Department's Recommendation

The site would remain as is. The site would contain one (1) duplex dwelling on Lots 3, 4, 26, and 27.

Summary Recommendation

Staff recommends the City Council hold a public hearing for the Bee Plat Amendment located at 281 & 283 Deer Valley Drive and consider approving the proposed plat amendment based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Exhibits

Exhibit A – Draft Ordinance with Proposed Plat

Exhibit B – Existing Survey

Exhibit C – Aerial Photograph

Exhibit D – Site Photograph

Exhibit E – LMC § 15-9-6 Non-Complying Structures.

Exhibit F – LMC § 15-2.12-3 (F)(2) Lot and Site Requirements.

Exhibit G – Planning Director Determination – Legal Non-Complying Structure

Exhibit A: Draft Ordinance

Ordinance No. 15-XX

AN ORDINANCE APPROVING THE BEE PLAT AMENDMENT LOCATED AT 281 & 283 DEER VALLEY DRIVE, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 281 & 283 Deer Valley Drive has petitioned the City Council for approval of the Plat Amendment; and

WHEREAS, on August 12, 2015, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on August 8, 2015, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on August 26, 2015, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on August 26, 2015, forwarded a recommendation to the City Council; and,

WHEREAS, on September 17, 2015, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, there is good cause and it is in the best interest of Park City, Utah to approve the 281 & 283 Deer Valley Drive Plat Amendment.

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

SECTION 1. APPROVAL. The Bee plat amendment located at 281 & 283 Deer Valley Drive as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 281 & 283 Deer Valley Drive.
2. The property is in the Residential (R-1) District.
3. The subject property consists of Lots 3, 4, 26, and 27, Block 66, of the Amended Plat of Park City Survey.
4. In 1981 a duplex dwelling was constructed on Lots 3, 4, 26, and 27.
5. The proposed plat amendment creates two (2) lots of record from the existing four (4) lots. As proposed, Lot 1 contains 3,295 SF and Lot 2 contains 3,425 SF.
6. A duplex dwelling is an allowed use in the Residential (R-1) District.
7. The minimum lot area for a duplex dwelling is 3,750 square feet; Lot 1 and Lot 2 at 281 & 283 Deer Valley Drive will be a total of 6,720 square feet. The proposed lots meet the minimum lot area for a duplex dwelling.
8. The minimum lot width for a duplex in the district is thirty-seven and one-half feet

- (37.5'). The proposed lots are each twenty-five feet (25') wide. The proposed lots do not meet the minimum lot width requirement for a duplex dwelling.
9. The setback requirements for the lot are a minimum front yard setback of fifteen feet (15'), a minimum side yard setback of five feet (5'), and a minimum rear setback of fifteen feet (15').
 10. The existing duplex dwelling does not meet the current LMC setback requirements for the front and side yard setbacks. The existing front yard setback is fourteen feet (14') and the existing side yard setbacks are four and one-half foot (4.5') setback on the east side and a five and one-half (5.5') setback on the west side.
 11. There is a zero foot (0') side yard setback between each unit of the duplex dwelling. Per Land Management Code (LMC) § 15-2.12-3 (F)(2), the Residential (R-1) District does not require a side yard between connected structures where the structures are designed with a common wall on a Property Line and the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official.
 12. On July 16, 2015 the applicant submitted a Non-Complying Structure Determination application. The application was deemed complete on July 22, 2015.
 13. On July 23, 2015 the Planning Director determined that the existing duplex dwelling is a legal non-complying structure due to non-complying side yard setbacks, non-complying lot widths, and therefore, the existing structure and existing lot width may be maintained as a part of the proposed plat amendment.
 14. There is an existing rock retaining wall on the east property line of Lot 3. The rock retaining wall encroaches onto the property of 295 Deer Valley Drive. The rock retaining wall also extends into the Public Right-of-Way.
 15. There is an existing rock retaining wall on the west property line of Lot 4. The rock retaining wall encroaches onto the property of 267 Deer Valley Drive. The rock retaining wall also extends into the Public Right-of-Way.
 16. The proposed plat amendment will not cause undo harm to adjacent property owners.
 17. The proposed lot area of 3,295 square feet (Lot 1) and 3,425 square feet (Lot 2) are compatible lot combinations as the entire Residential-1 (R-1) District has abundant sites with the same dimensions.
 18. On October 9, 2014, an At-Risk Building Permit (BD-14-20000) was approved by the Planning Department and Building Department for the construction of an addition and remodel to the existing non-historic duplex dwelling.
 19. The applicant applied for a Plat Amendment application on June 8, 2015. The Plat Amendment application was deemed complete on June 18, 2015.
 20. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law:

1. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
2. Neither the public nor any person will be materially injured by the proposed Plat

Amendment.

3. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.
4. There is good cause for this plat amendment in that it creates two legal lots of record and resolves existing non-complying issues.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A ten feet (10') wide public snow storage easement will be required along the Deer Valley Drive frontage of the property and shall be shown on the plat prior to recordation.
4. The east rock retaining wall can either be removed, or the property owner must enter into an encroachment agreement with the owner(s) of 295 Deer Valley Drive and with the City for the Public Right-of-Way.
5. The west rock retaining wall can either be removed, or the property owner must enter into an encroachment agreement with the owner(s) of 267 Deer Valley Drive and with the City for the Public Right-of-Way.
6. The structures must be designed with a party wall agreement in a form approved by the City Attorney and Chief Building Official.
7. 13-D sprinklers are required for any new construction or significant renovation of existing.
8. Separate utility meters must be installed for each unit.
9. Easements for utilities must be determined and established.

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

PASSED AND ADOPTED this 17th day of September, 2015.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

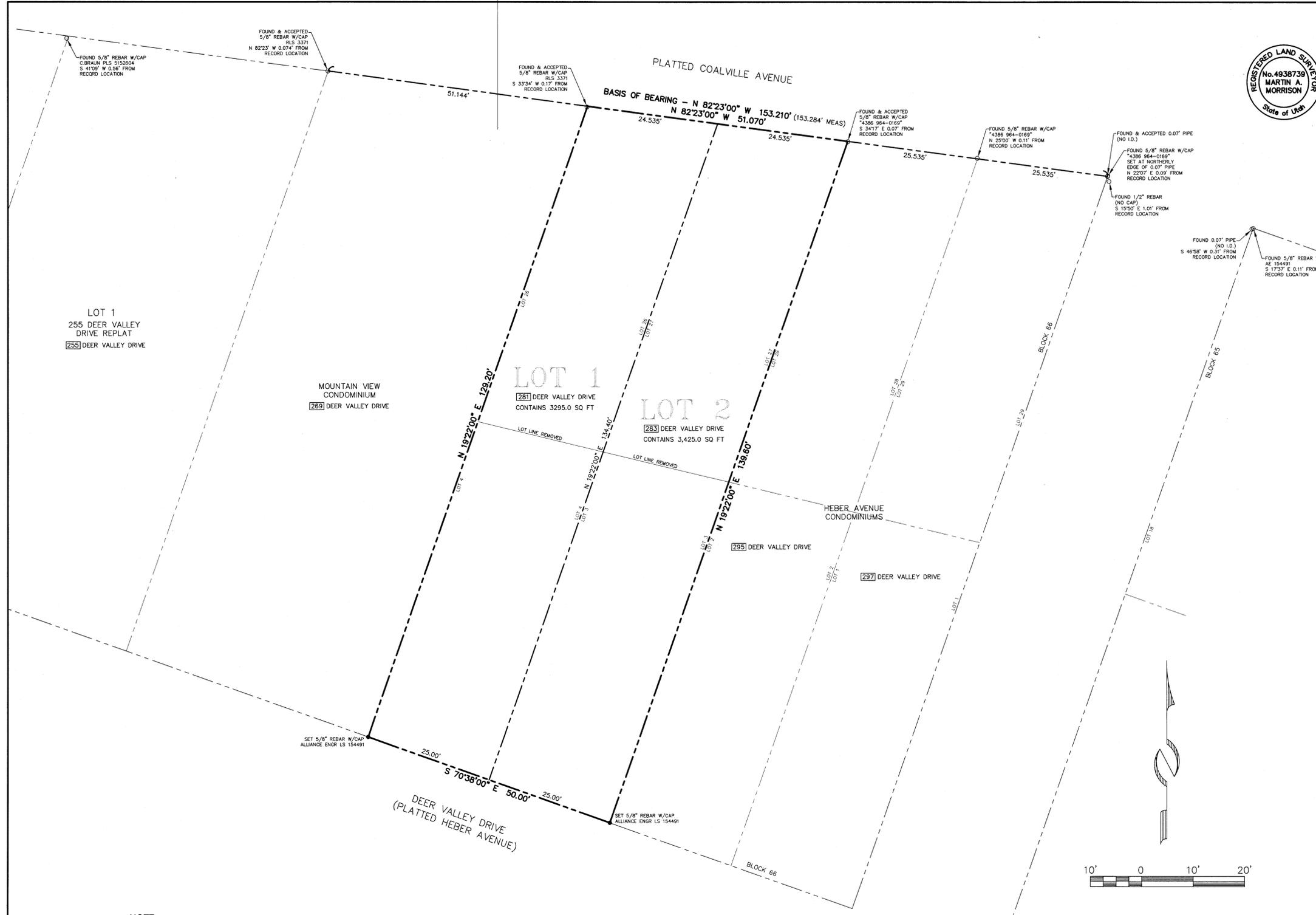
ATTEST:

Marci Heil, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment 1 – Proposed Plat



SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, certify that I am a Registered Land Surveyor and that I hold Certificate No. 4938739, as prescribed by the laws of the State of Utah, and that by authority of the owner, this Record of Survey map of the BEE SUBDIVISION has been prepared under my direction and that the same has been monumented on the ground as shown on this plat.

BOUNDARY DESCRIPTION

PARCEL 1:
Lot 4 and 26, Block 66, AMENDED PLAT OF PARK CITY SURVEY, according to the official plat thereof on file and of record in the Summit County Recorder's Office.

PARCEL 2:
Lot 3 and 27, Block 66, AMENDED PLAT OF PARK CITY SURVEY, according to the official plat thereof on file and of record in the Summit County Recorder's Office.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that Giovanna P. Bee, as to PARCEL 1, hereby certifies that she has caused this survey to be made and this amended Record of Survey Map to be prepared and hereby consents to the recordation of this amended Record of Survey Map.

Giovanna P. Bee

ACKNOWLEDGMENT

State of _____
: ss.
County of _____

On this _____ day of _____, 2015, Giovanna P. Bee personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Giovanna P. Bee acknowledged to me that she is the owner of PARCEL 1, and that she signed the above Owner's Dedication and Consent to Record freely and voluntarily.

Signature
A Notary Public commissioned in _____

Printed Name
Residing in: _____

My commission expires: _____

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that George Michael Bee, Trustee of The George Michael Bee Revocable Children's Trust, as to PARCEL 2, hereby certifies that he has caused this survey to be made and this amended Record of Survey Map to be prepared and hereby consents to the recordation of this amended Record of Survey Map.

George Michael Bee, Trustee of The George Michael Bee Revocable Children's Trust

ACKNOWLEDGMENT

State of _____
: ss.
County of _____

On this _____ day of _____, 2015, George Michael Bee personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, George Michael Bee acknowledged to me that he is the Trustee of The George Michael Bee Revocable Children's Trust, the owner of PARCEL 2, and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

Signature
A Notary Public commissioned in _____

Printed Name
Residing in: _____

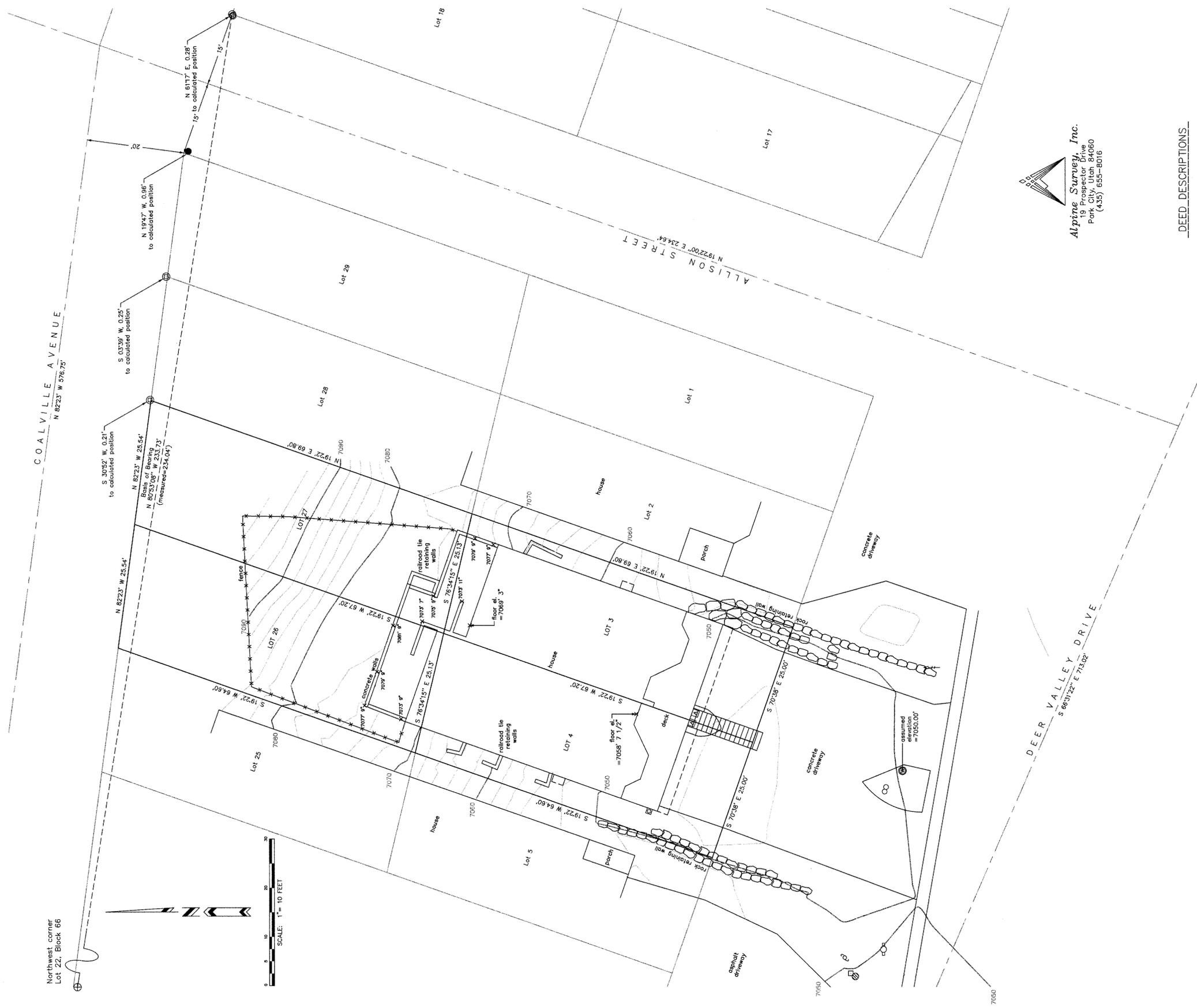
My commission expires: _____

**RECORD OF SURVEY OF
BEE SUBDIVISION**

LOCATED IN BLOCK 66, PARK CITY SURVEY, WHICH IS IN THE SOUTHEAST QUARTER OF SECTION 16 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN PARK CITY, SUMMIT COUNTY, UTAH

 (435) 649-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2015 BY _____ S.B.W.R.D.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2015 BY _____ CHAIR	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2015 BY _____ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2015 BY _____ PARK CITY ATTORNEY	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2015 BY _____ MAYOR	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2015 BY _____ PARK CITY RECORDER	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ ENTRY NO. _____ _____ FEE _____ RECORDER _____
--	---	---	--	--	---	---	---

Park City Survey Block 66, Lots 3, 4, 26, 27



Northwest corner
Lot 22, Block 66

SCALE: 1" = 10 FEET

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

DEED DESCRIPTIONS:

All of Lots 3, and 27, Block 66, Amended Plat of Park City Survey, according to the official plat thereof on file and of record in the office of the Summit County Recorder. All of Lot 4 and 26, Block 66, Amended Plat of Park City Survey, according to the official plat thereof on file and of record in the Summit County Recorder's Office.

NARRATIVE

1. Survey requested by: George M. Bee and Giovanna P. Bee.
2. Purpose of survey: locate the improvements and the specified topographic relief.
3. Basis of survey: found property monuments as shown.
4. Date of survey: October 8, 2013.
5. Property monuments found as shown.
6. Located in the Southeast Quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian.
7. See the official plats of The Park City Survey for other possible easements, restrictions or setbacks.
8. The owner of the property should be aware of any items affecting the property that may appear in a title insurance report.
9. An elevation of 7050.00 feet, from the U.S.G.S. Quad. Map 'Park City East', was assigned to the top of the water meter lid in front of the property, as shown.
10. See the previous surveys recorded as Survey File No.'s S-876, S-4581 and S-6462 in the office of the Summit County Recorder.

Legend

- ⊕ Found rebar & cap-LS 152604
- ⊙ Found rebar & cap-LS 6164
- ⊗ Found rebar & cap-LS 4386
- Found 1/2" rebar-no cap
- ⊠ Found iron pipe
- ⊡ Electric meter
- ⊞ Telephone pedestal
- ⊚ Gas meter
- ⊛ Water meter
- 5" PVC
- ⊕ Fire hydrant
- ⊖ Utility pole
- ⊣ Traffic sign

SURVEYOR'S CERTIFICATE

I, J.D. Gailey, a Registered Land Surveyor as prescribed by the laws of the State of Utah and holding License No. 359005, do hereby certify that I have supervised a survey of the hereon described property and that this plat is a true representation of said survey.

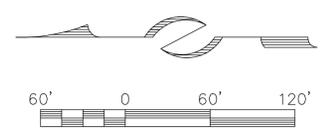


Sept. 27, 14 Date

J.D. Gailey 359005



SUBJECT
PROPERTY



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

STAFF:
 MARSHALL KING
 HARRISON HOLLEY
DATE: 9/24/14

AERIAL PHOTOGRAPH
BEE SUBDIVISION
281 & 283 DEER VALLEY DRIVE
FOR: GEORGE BEE
JOB NO.: 2-9-14
FILE: X:\ParkCitySurvey\dwg\Exhibits\281and283drive-ortho.dwg

SHEET
1
OF
1

Exhibit D – Site Photograph



PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 9 - Non-Conforming Uses and Non-Conforming Structures **15-9-5**

15-9-6. NON-COMPLYING STRUCTURES.

No Non-Complying Structure may be moved, enlarged, or altered, except in the manner provided in this Section or unless required by law.

(A) REPAIR, MAINTENANCE, ALTERATION, AND ENLARGEMENT.

Any Non-Complying Structure may be repaired, maintained, altered, or enlarged, provided that such repair, maintenance, alteration, or enlargement shall neither create any new non-compliance nor shall increase the degree of the existing non-compliance of all or any part of such Structure.

(B) MOVING. A Non-Complying Structure shall not be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot unless the entire Structure shall thereafter conform to the regulations of the zone in which it will be located.

(C) DAMAGE OR DESTRUCTION OF NON-COMPLYING STRUCTURE.

If a Non-Complying Structure is allowed to deteriorate to a condition that the Structure is rendered uninhabitable and is not repaired or restored within six (6) months after written notice to the Property Owner that the Structure is uninhabitable and that the Non-Complying Structure or the Building that houses a Non-Complying Structure, is voluntarily razed or is required by law to be razed, the Structure shall not be restored unless it is restored to comply with the regulations of the zone in which it is located.

If a Non-Complying Structure is

involuntarily destroyed in whole or in part due to fire or other calamity and the Structure or Use has not been abandoned, the Structure may be restored to its original condition, provided such work is started within six months of such calamity, completed within eighteen (18) months of work commencement, and the intensity of Use is not increased.

(Amended by Ord. No. 06-35)

15-9-7. ORDINARY REPAIR AND MAINTENANCE AND STRUCTURAL SAFETY.

The Owner may complete normal maintenance and incidental repair on a complying Structure that contains a Non-Conforming Use or on a Non-Complying Structure. This Section shall not be construed to authorize any violations of law nor to prevent the strengthening or restoration to a safe condition of a Structure in accordance with an order of the Building Official who declares a Structure to be unsafe and orders its restoration to a safe condition.

15-9-8. APPEALS.

Appeal from a Board of Adjustment decision made pursuant to this Chapter shall be made to the district court and not to City Council. Any Person applying to the district court for review of any decision made under the terms of this Chapter shall apply for review within thirty (30) days after the date the decision is filed with the City Recorder as prescribed by state statute.

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 2.12 - R-1 District

15-2.12-2

- (10) Child Care, Family Group⁴
- (11) Accessory Building and Use
- (12) Conservation Activity
- (13) Agriculture
- (14) Parking Area or Structure with four (4) or fewer spaces

- (12) Outdoor Event⁸
- (13) Master Planned Development with moderate income housing Density bonus¹⁰
- (14) Master Planned Development with residential and transient lodging Uses only¹⁰
- (15) Recreation Facility, Private
- (16) Fences and walls greater than six feet (6') in height from Final Grade⁸

(B) **CONDITIONAL USES.**

- (1) Triplex Dwelling⁵
- (2) Guest House, on Lots one (1) acre or larger
- (3) Group Care Facility
- (4) Child Care Center⁴
- (5) Public or Quasi-Public Institution, Church, and School
- (6) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (7) Telecommunication Antenna⁶
- (8) Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter⁷
- (9) Bed & Breakfast Inn
- (10) Temporary Improvement⁸
- (11) Ski tow rope, ski lift, ski run, and ski bridge⁹

(C) **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. No. 06-76)

15-2.12-3. LOT AND SITE REQUIREMENTS.

Except as may otherwise be provided in this Code, no Building Permit shall be issued for a Lot unless such Lot has Frontage on a Street shown as a private or Public Street on the Streets Master Plan, or on a private easement connecting the Lot to a Street shown on the Streets Master Plan. All Development must comply with the following:

⁵Must comply with special parking requirements, see Section 15-3.

⁶See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunications Facilities

⁷See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

⁸Subject to an administrative Conditional Use permit.

⁹As part of an approved Ski Area

Master Plan. See LMC Chapter 15-4-18, Passenger Tramways and Ski Base Facilities

¹⁰Subject to provisions of LMC Chapter 15-6, Master Planned Development

(A) **LOT SIZE.** The minimum Lot Area for a Single-Family Dwelling is 2,812 square feet; Duplex Dwelling is 3,750 square feet; and Triplex Dwelling is 5,625 square feet. The minimum width of a Lot must be thirty-seven and one-half feet (37.5') measured fifteen feet (15') back from Front Lot Line. In the case of unusual Lot configurations, Lot Width measurements shall be determined by the Planning Director.

(B) **FRONT YARD.**

(1) The minimum Front Yard is fifteen feet (15').

(2) New Front Facing Garages for Single Family and Duplex Dwellings must be at least than twenty feet (20') from the Front Property Line.

(3) Parking Spaces are allowed within the required Front Yard, but not within five feet (5') of Side Lot Lines.

(C) **FRONT YARD EXCEPTIONS.**

The Front Yard must be open and free of any Structure except:

(1) Fences, walls, and retaining walls not more than four feet (4') in height, or as permitted in Section 15-4-2. On Corner Lots, Fences more than three feet (3') in height are prohibited within twenty-five feet (25') of the intersection at back of curb.

(2) Uncovered steps leading to the Main Building provided the steps are not more than four feet (4') in height from Final Grade, not including any required handrails, and do not cause any danger or hazard to traffic by obstructing the view of a Street or intersection.

(3) Decks, porches, and Bay Windows not more than ten feet (10') wide, projecting not more than five feet (5') into the Front Yard.

(4) Roof overhangs, eaves, and cornices projecting not more than two feet (2') into the Front Yard.

(5) Sidewalks, patios, and pathways.

(6) Driveways leading to a garage or Parking Area. No portion of a Front Yard, except for approved driveways, allowed Parking Areas, patios, and sidewalks may be Hard-Surfaced or graveled.

(7) Circular driveways meeting all requirements stated in Section 15-3-4 herein.

(D) **REAR YARD.** The minimum Rear Yard is ten feet (10').

(E) **REAR YARD EXCEPTIONS.** The Rear Yard must be open and free of any Structure except:

(1) Bay Windows not more than ten feet (10') wide projecting not

more than two feet (2') into the Rear Yard.

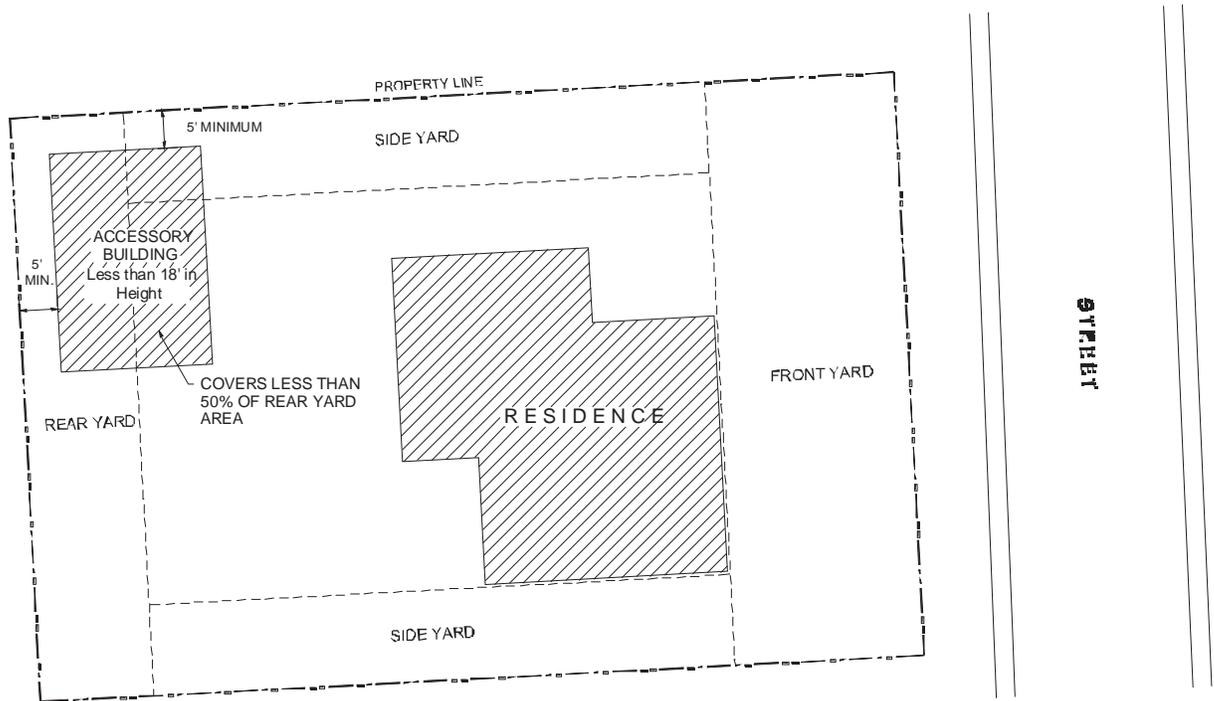
(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Rear Yard.

(3) Window wells and light wells projecting not more than four feet (4') into the Rear Yard.

(4) Roof overhangs and eaves projecting not more than two feet (2') into the Rear Yard.

(5) Window sills, belt courses, cornices, trim, and other ornamental features projecting not more than six inches (6") beyond the window or Structure to which it is attached.

(6) Detached Accessory Buildings, not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front façade of the Main Building and maintaining a minimum Rear Yard Setback of five feet (5'). Such Structure must not cover over fifty percent (50%) of the Rear Yard. See the following illustration:



equipment, not tubs, and similar

Structures located at least five feet (5') from the Rear Lot Line.

(9) Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2. Retaining walls may have multiple steps; however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Planning Director may approve minor deviations to the height and stepping requirements based on Site specific review.¹¹

(10) Patios, decks, pathways, steps and similar Structures not more than thirty inches (30") above Final Grade, located at least five feet (5') from the Rear Lot Line.

(F) **SIDE YARD.**

(1) The minimum Side Yard is five feet (5').

(2) A Side Yard between connected Structures is not required where the Structures are designed with a common wall on a Property Line and the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief

¹¹Fences and walls greater than six feet (6') in height require an administrative Conditional Use permit.

Building Official.

(3) The minimum Side Yard for a Detached Accessory Building not greater than eighteen feet (18') in height, located at least five feet (5') behind the front facade of the Main Building is one foot (1'), except when an opening is proposed on an exterior wall adjacent to the Property Line, at which time the minimum Side Yard must be three feet (3').

(4) On a Corner Lot, the minimum Side Yard that faces a Street is ten feet (10') for both the Main and Accessory Buildings.

(G) **SIDE YARD EXCEPTIONS.** The Side Yard must be open and free of any Structure except:

(1) Bay Windows not more than ten feet (10') wide, projecting not more than two feet (2') into the Side Yard.

(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Side Yard.

(3) Window wells and light wells projecting not more than four feet (4') into the Side Yard.

(4) Roof overhangs and eaves projecting not more than two feet (2') into the Side Yard.

(5) Window sills, belt courses, cornices, trim, and other ornamental features projecting not more than six inches (6") beyond the window or

main Structure to which it is attached.

(6) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") in height above Final Grade located at least a one foot (1') from the Side Lot Line.

(7) Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2. A retaining wall may have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Planning Director may approve minor deviations to the height and stepping requirements based on Site specific review.¹²

(8) Driveways leading to an approved garage or Parking Area, maintaining a three foot (3') landscaped Setback to the Side Lot Line. A paved turn out Area, to aid in backing a vehicle out of a garage or Parking Area, is allowed, but may not be used for parking and must maintain a one foot (1') landscaped Setback to the Side Lot Line.

¹²Fences and walls greater than six feet (6') in height require an administrative Conditional Use permit.

(9) Paths and steps connecting to a City stairway or path.

(10) Screened mechanical equipment, hot tubs, and similar Structures located a minimum of five feet (5') from the Side Lot Line.

(H) **SNOW RELEASE**. Site plans and Building design must resolve snow release issues to the satisfaction of the Chief Building Official.

(I) **CLEAR VIEW OF INTERSECTION**. No visual obstruction in excess of two feet (2') in height above Road Grade shall be placed on any Corner Lot within the Site Distance Triangle. A reasonable number of trees may be allowed, if pruned high enough to permit automobile drivers an unobstructed view. This provision must not require changes in the Natural Grade on the Site.

(Amended by Ord. No. 06-76)

15-2.12-4. SPECIAL SETBACK REQUIREMENTS FOR CONDITIONAL USES.

Conditional Uses in the R-1 District must maintain the following Setbacks:

(A) **SIDE YARD**. The minimum Side Yard is ten feet (10').

(B) **FRONT YARD**. The minimum Front Yard is twenty feet (20'). All yards of Structures fronting on any Streets must be considered Front Yards for the purposes of determining required Setbacks. Garages must be a minimum of five feet (5') behind



July 21, 2015

George and Giovanna Bee
P.O. Box 166
Park City, UT 84060

CC: Jonathan DeGray, Architect

NOTICE OF PLANNING DIRECTOR DETERMINATION

Project Address: 281 & 283 Deer Valley Drive
Project Description: Determination of Non-complying Structure Status for the existing duplex structure on a substandard lot(s).
Project Number: PL-15-02864
Date of Action: July 23, 2015

Action Taken by Planning Director:

The Planning Director has made a determination that the existing duplex located at 281 & 283 Deer Valley Drive is a legal non-complying structure due to non-complying side yard setbacks, non-complying lot width, and the evidence on record related to this property, and therefore, the existing structure and the existing lot width may be maintained as a part of the proposed plat amendment.

The Building and Planning Departments could not find a valid building permit on record that shows the existing home complied with the Code at time of building permit approval. According to LMC §15-9-2.(A) Burden on Owner to Establish Legality - *the Owner bears the burden of establishing that any Non-Conforming Use or Non-Complying Structure lawfully exists.* The applicant submitted floor plans of the original duplex dwelling which were dated May 24, 1980. There are no stamps on the plans submitted by the applicant that would reflect Building Department approval for a Building Permit.

According to LMC § 15-9-6. Non-Complying Structures - *a non-complying structure may be repaired, maintained, altered, or enlarged, provided that such repair, maintenance, alteration, or enlargement shall neither create any new non-compliance nor shall increase the degree of the existing non-compliance (setbacks and footprint) of all or any part of such structure.* If the applicant were to maintain the existing walls at the existing setbacks and not build any further into the setbacks, the applicant could maintain the

existing non-compliance. However, the remainder of the home must conform to current setback standards and not increase the degree of non-compliance.

The property consists of four (4) standard Old Town lots (25' x 75') which were part of the Historic Park City Survey. However, according to LMC § 15-2.13-3(A), the minimum lot width in the R-1 District is thirty-seven and one-half feet (37.5'). The proposed lots are each twenty-five feet (25') wide and a total of fifty feet (50') wide combined. If the lot line common to Lot 3 and Lot 27 and the lot line common to Lot 4 and Lot 26 are removed, the existing lot width may be maintained as a part of the proposed plat amendment.

The Planning Director has made this determination based on the following findings of fact:

Findings of Fact

1. The property is located at 281 & 283 Deer Valley Drive.
2. The property is in the Residential (R-1) District and is subject to the LMC Section 15-2.13.
3. The subject property consists of Lots 3, 4, 26, and 27, Block 66, of the Amended Plat of Park City Survey. The property consists of four (4) standard Old Town lots (25' x 75') which were part of the Historic Park City Survey.
4. In 1981 a duplex dwelling was constructed on Lots 3, 4, 26, and 27.
5. On October 9, 2014, an At-Risk Building Permit (BD-14-20000) was approved by the Planning Department for the construction of an addition and remodel to the existing non-historic duplex dwelling.
6. The applicant applied for a Plat Amendment application on June 8, 2015. The Plat Amendment application was deemed complete on June 18, 2015.
7. The property owner intends to remove the lot line common to Lot 4 and Lot 26 to create one lot of record (Lot 1 as proposed). The property owner intends to remove the lot line common to Lot 3 and Lot 27 to create one lot of record (Lot 2 as proposed).
8. As proposed, Lot 1 contains 3,295 SF and Lot 2 contains 3,425 SF. A Common Wall Agreement will be required.
9. A duplex dwelling is an allowed use in the Residential (R-1) District.
10. The minimum lot area for a duplex dwelling is 3,750 square feet; Lot 1 and Lot 2 at 281 & 283 Deer Valley Drive will be a total of 6,720 square feet. The proposed lots meet the minimum lot area for a duplex dwelling.
11. The minimum lot width in the R-1 District is thirty-seven and one-half feet (37.5'). The proposed lots are each twenty-five feet (25') wide and a total of fifty feet (50') wide combined. The proposed lots do not meet the minimum lot width requirement for a duplex dwelling.
12. The setback requirements for the lot are a minimum front yard setback of fifteen feet (15'), a minimum side yard setback of five feet (5'), and a minimum rear setback of fifteen feet (15'). The existing duplex dwelling does not meet the current LMC setback requirements for the front and side yard setbacks. The

existing front yard setback is fourteen feet (14') and the existing side yard setbacks are four and one half foot (4.5') setback on the east side and a five and one half (5.5') setback on the west side.

13. There is a zero foot (0') side yard setback between each unit of the duplex dwelling. Per Land Management Code (LMC) § 15-2.12-3 (F)(2), the Residential (R-1) District does not require a side yard between connected structures where the structures are designed with a common wall on a Property Line and the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official.
14. No valid building permit could be found for the home that showed the non-conforming setbacks as legally approved.
15. On July 16, 2015, the applicant submitted floor plans of the original duplex dwelling which were dated May 24, 1980. There are no stamps on the plans submitted by the applicant that would reflect Building Department approval for a Building Permit.
16. The applicant proposes to maintain the existing structure and the existing lot width as a part of the proposed plat amendment.

If you have any questions regarding this determination, please don't hesitate to contact Hannah Turpen in the Planning Department at (435) 615-5059 or via email at hannah.turpen@parkcity.org.

Sincerely,



Kayla Sintz
Planning Director

CC: Hannah Turpen, Planner I



DATE: September 17, 2015

TO HONORABLE MAYOR AND COUNCIL

The applicant is requesting a Plat Amendment for the purpose of combining all of Lots 3 and 4, and a portion of Lot 5, into one (1) lot of record located in Block 10 of the Amended Plat of the Park City Survey.

The applicant currently owns the parcel and requests to combine the lots to create one (1) new larger lot of record. The applicant intends to renovate this public plaza in the future as part of the ongoing public improvements of Main Street.

The Planning Commission forwarded a positive recommendation to City Council on August 26, 2015.

Respectfully:

Anya Grahn, Planner II



City Council Staff Report

Subject: Miner’s Plaza Plat Amendment; 415 Main Street
Author: Anya Grahn, Historic Preservation Planner
Project Number: PL-15-02851
Date: September 17, 2015
Type of Item: Legislative – Plat Amendment

Summary Recommendations

Staff recommends the City Council hold a public hearing and consider approving the Miner’s Plaza Plat Amendment at 415 Main Street based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the attached ordinance.

Description

Applicant: Park City Municipal Corporation, represented by Matt Twombly
Location: 415 Main Street
Zoning: Historic Commercial Business District (HCB)
Adjacent Land Uses: Commercial buildings, public plazas
Reason for Review: Plat amendments require Planning Commission review and City Council action

Acronyms

Floor Area Ratio	FAR
Historic Commercial Business District	HCB
Historic District Design Review	HDDR

Executive Summary/Proposal

The applicant is requesting a Plat Amendment for the purpose of combining all of Lots 3 and 4, and a portion of Lot 5 into one (1) lot of record located in Block 10 of the Amended Plat of the Park City Survey. The applicant currently owns the parcel and requests to combine the lots to create one (1) new larger lot of record. The applicant intends to renovate this public plaza in the future as part of the ongoing public improvements of Main Street. The Planning Commission reviewed this plat amendment on August 26, 2015 and unanimously forwarded a positive recommendation to City Council.

District Purpose

The purpose of the Historic Commercial Business (HCB) District:

- (A) preserve the cultural heritage of the City’s original Business, governmental and residential center,
- (B) allow the Use of land for retail, commercial, residential, recreational, and institutional purposes to enhance and foster the economic and cultural vitality of the City,

- (C) facilitate the continuation of the visual character, scale, and Streetscape of the original Park City Historical District,
- (D) encourage the preservation of Historic Structures within the district,
- (E) encourage pedestrian-oriented, pedestrian-scale Development,
- (F) minimize the impacts of new Development on parking constraints of Old Town,
- (G) minimize the impacts of commercial Uses and business activities including parking, Access, deliveries, service, mechanical equipment, and traffic, on surrounding residential neighborhoods,
- (H) minimize visual impacts of automobiles and parking on Historic Buildings and Streetscapes, and
- (I) support Development on Swede Alley which maintains existing parking and service/delivery operations while providing Areas for public plazas and spaces.
- (J) maintain and enhance the long term viability of the downtown core as a destination for residents and tourists by ensuring a Business mix that encourages a high level of vitality, public Access, vibrancy, activity, and public/resort-related attractions.

Background

On July 8, 2015, the applicant submitted an application for the Miners' Plaza Plat Amendment, located at 415 Main Street. The application was deemed complete on July 15th. The parcel consists of Lots 3, 4, and a portion of Lot 5 of Block 10 of the Amended Plat of the Park City Survey. The parcel currently has improvements that extend beyond the interior property lines, including the existing public restrooms building, concrete pads, wood landing, retaining walls, planting beds, and other landscape features. The parcel is owned by Park City Municipal Corporation.

The Planning Commission reviewed this plat amendment on August 26, 2015 and unanimously forwarded a positive recommendation to City Council.

Going forward, the City will be renovating Miner's Plaza as part of the Main Street Improvements Plan. The renovation will include rebuilding the restrooms, plaza, and stage. The stage will likely be relocated to create a better connection between Main Street and the restrooms. This will also improve the programming of the stage area. The applicant hopes to start work on this plaza in 2016.

Analysis

The proposed plat amendment creates one (1) lot of record consisting of 4,500 square feet and is comprised of all of Lots 3 and 4, and a portion of Lot 5. The portion of Lot 5 measures approximately 10.13 feet on the west side and 9.87 feet wide on the east side; it is 75 feet in length on the north and south sides. The minimum lot size in the HCB District is 1,250 square feet. There is an existing restroom building that encroaches over the shared property line between Lots 3 and 4. Other landscape improvements extend over the two interior property lines dividing Lots 3, 4, and 5. The applicant has not yet submitted a Historic District Design Review (HDDR) application or plans for the renovation of the plaza.

There is also a historic house and wood deck constructed over the west property line in the northwest corner of the property. The house and deck encroaches about six inches (6") for a length of six feet six inches (6'6"). As indicated in Condition of Approval #5, the property owner must enter into an encroachment agreement with the owner(s) of 416 Park Avenue for the existing historic house and deck located on the west property line of lot 5.

Any new improvements or structures proposed for this plaza will be required to meet the current LMC code requirements. The proposed lot combination meets the lot and site requirements of the HCB District described below:

Required	Existing	Permitted
Lot size	4,500 square feet	1,250 square feet minimum
Floor Area Ratio (FAR)	0.076 (based on building size of approximately 339.75 square feet); complies	4.0 FAR maximum
Front/rear yard setbacks	51 feet front yard setback and 9 feet rear yard setback; complies.	0 feet minimum
Side yard setbacks	30 feet northerly side setback and 0 feet southerly side setback (the building encroaches 5 feet over the interior lot line between Lots 3 and 4)	0 feet minimum
Building volume and height	Restroom building is 12.85' tall; complies with Criteria A, B, and D	(A) The maximum Building volume for each Lot is defined by a plane that rises vertically at the Front Lot Line to a height of thirty feet (30') measured above the average Natural Grade and then proceeds at a forty-five degree (45°) angle toward the rear of the Property until it intersects with a point forty-five feet (45') above the Natural Grade and connects with the rear portion of the bulk plane. (B) Wherever the HCB District abuts a residential Zoning District, the abutting portion

		<p>of the bulk plane is defined by a plane that rises vertically at the abutting Lot Line to a height matching the maximum height of the abutting Zone (in this case 27' due to HR-2 District), measured from Existing Grade, and then proceeds at a forty-five degree (45°) angle toward the opposite Lot Line until it intersects with a point forty-five feet (45') above Existing Grade.</p> <p>(D) Wherever the HCB District abuts a residential Zoning District, the abutting portion of the bulk plane is defined by a plane that rises vertically at the abutting Lot Line to a height matching the maximum height of the abutting Zone, measured from Existing Grade, and then proceeds at a forty-five degree (45°) angle toward the opposite Lot Line until it intersects with a point forty-five feet (45') above Existing Grade.</p>
Parking	0; complies.	Per LMC 15-2.6-9(B) Non-Residential Uses must provide parking at the rate of six (6) spaces per 1,000 square feet of Building Area, not including bathrooms, and mechanical and storage spaces.

The plat also contains an existing common private sewer lateral serving 416 and 424 Park Avenue as well as 419 Main Street. The Snyderville Basin Water Reclamation District has requested that the plat show the approximate location of this sewer lateral and Condition of Approval #4 be added stating that the applicant shall provide a private sewer lateral easement for the benefit of 416 Park Avenue, 424 Park Avenue, and 419 Main Street.

Good Cause

Planning Staff finds there is good cause for this plat amendment. Combining the lots will allow the City to renovate Miners' Plaza for the benefit of the public. The plat will incorporate a remnant lot (Lot 5) into a platted lot. The plat amendment will also utilize best planning and design practices, while preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City community.

Staff finds that the plat will not cause undo harm to adjacent property owners and all future development will be reviewed for compliance with requisite Building and Land Management Code, and applicable Historic District Design Guidelines requirements.

Department Review

This project has gone through an interdepartmental review. There were no issues raised by any of the departments or service providers regarding this proposal that have not been addressed by the conditions of approval.

Notice

The property was posted and notice was mailed to property owners within 300 feet in accordance with the requirements in the LMC on August 12, 2015. Legal notice was also published in the Park Record by August 8, 2015, and posted on the public notice website in accordance with the requirements of the LMC.

Public Input

Staff has not received public input on this application at the time of this report. Public input may be taken at the regularly scheduled City Council public hearing.

Process

Approval of this application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18. Any new structures and improvements will require a Historic District Design Review. A Building Permit is publicly noticed by posting of the permit.

Alternatives

- The City Council may approve Miner's Plaza Plat Amendment at 415 Main Street record of survey plat; or
- The City Council may deny the Miner's Plaza Plat Amendment at 415 Main Street record of survey plat and direct staff to make Findings for this decision; or
- The City Council may continue the discussion to a date certain and provide staff with direction to provide additional information necessary in order to make a final decision on the record of survey plat.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The proposed plat amendment would not be recorded and Lots 3, 4, and a portion of Lot 5 would not be adjoined and would remain as is. The lot at 415 Main Street would remain with the existing restroom building and landscape structures and any new construction would have to comply with the current LMC requirements for any new structures on typical “Old Town” single lots.

Recommendation

Staff recommends the City Council hold a public hearing and consider approving the Miner’s Plaza Plat Amendment at 415 Main Street based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the attached ordinance.

Exhibits

- Exhibit A –Draft Ordinance and Proposed Plat
- Exhibit B – Existing Conditions Survey
- Exhibit C – Vicinity Map/Aerial
- Exhibit D – Photographs

Ordinance 15-

**AN ORDINANCE APPROVING THE MINER'S PLAZA PLAT AMENDMENT,
LOCATED AT 415 MAIN STREET, PARK CITY, UTAH.**

WHEREAS, the owners of the property known as the Miner's Plaza Plat Amendment located at 415 Main Street, have petitioned the City Council for approval of the Miner's Plaza Plat Amendment; and

WHEREAS, on August 12, 2015, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on August 12, 2015, proper legal notice was sent to all affected property owners according to the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on August 26, 2015, to receive input on the proposed subdivision;

WHEREAS, on August 26, 2015, the Planning Commission forwarded a positive recommendation to the City Council; and,

WHEREAS, on September 17, 2015 the City Council held a public hearing on the proposed Miner's Plaza Plat Amendment at 415 Main Street and

WHEREAS, it is in the best interest of Park City, Utah, to approve the proposed Miner's Plaza Plat Amendment.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Miner's Plaza Plat Amendment at 415 Main Street, as shown in Exhibit A, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The Miner's Plaza Plat Amendment is located at 415 Main Street within the Historic Commercial Business (HCB) District.
2. The Miner's Plaza Plat Amendment at 415 Main Street consists of Lots 3, 4, and a portion of Lot 5 of Block 10 of the Amended Plat of the Park City Survey.
3. On July 8, 2015, the applicants submitted an application for a plat amendment to combine Lots 3, 4, and a portion of Lot 5 containing a total of 4,500 square feet into one (1) lot of record.
4. The application was deemed complete on July 15, 2015.
5. The lots at 415 Main Street currently contain an existing restroom building and landscaping improvements.

6. The HCB zone requires a minimum lot size of 1,250 square feet. The proposed lot size is 4,500 square feet.
7. The maximum floor area ratio (FAR) allowed in the HCB zone is 4.0. Currently, the site has an FAR of 0.076.
8. The HCB zone does not have a minimum front, rear and side yard setbacks. The existing restrooms building has a front yard setback of 51 feet, rear yard setback of 9 feet, north (side) yard setback of 30 feet and south (side) yard of 0 feet. These comply with the LMC.
9. The current restroom building is 12.85' in height, and complies with the height requirements of the HCB zone.
10. No parking is required as this is a public plaza.
11. The parcel currently has improvements that extend beyond the interior property lines, including the existing public restrooms building, concrete pads, wood landing, retaining walls, planting beds, and other landscape features.
12. The house and deck at 416 Park Avenue encroach about six inches (6") for a length of six feet six inches (6'6") along the west property line of Lot 5.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Recordation of this plat and completion and approval of a final Historic District Design Review (HDDR), applications are required prior to building permit issuance for any construction on the proposed lot.
4. The applicant shall provide a private sewer lateral easement for the benefit of 416 Park Avenue, 424 Park Avenue, and 419 Main Street.
5. The property owner must enter into an encroachment agreement with the owner(s) of 416 Park Avenue for the existing historic house and deck located on the west property line of lot 5.
6. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final mylar prior to recordation.

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

PASSED AND ADOPTED this ____day of _____, 2015

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

ATTEST:

Kristin Parker, Deputy City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

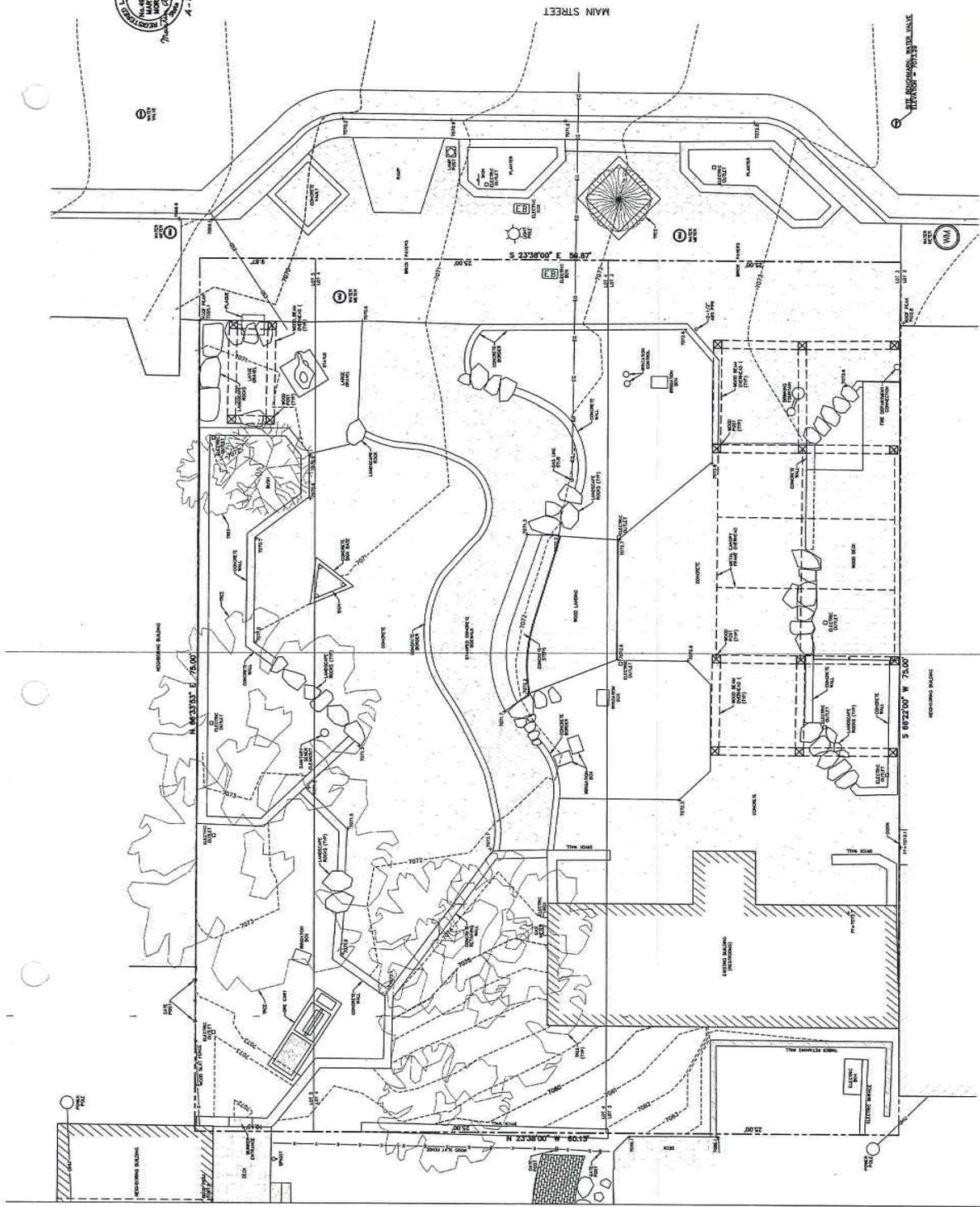
SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, do hereby certify that I am a registered land surveyor and that I hold certificate no. 4832738 as prescribed under the laws of the State of Utah. I further certify that a topographic survey has been made of the lands hereinafter described herein. I further certify that this topographic survey is a true and correct copy of the original survey and that the work was completed and is in compliance with generally accepted industry standards for accuracy.

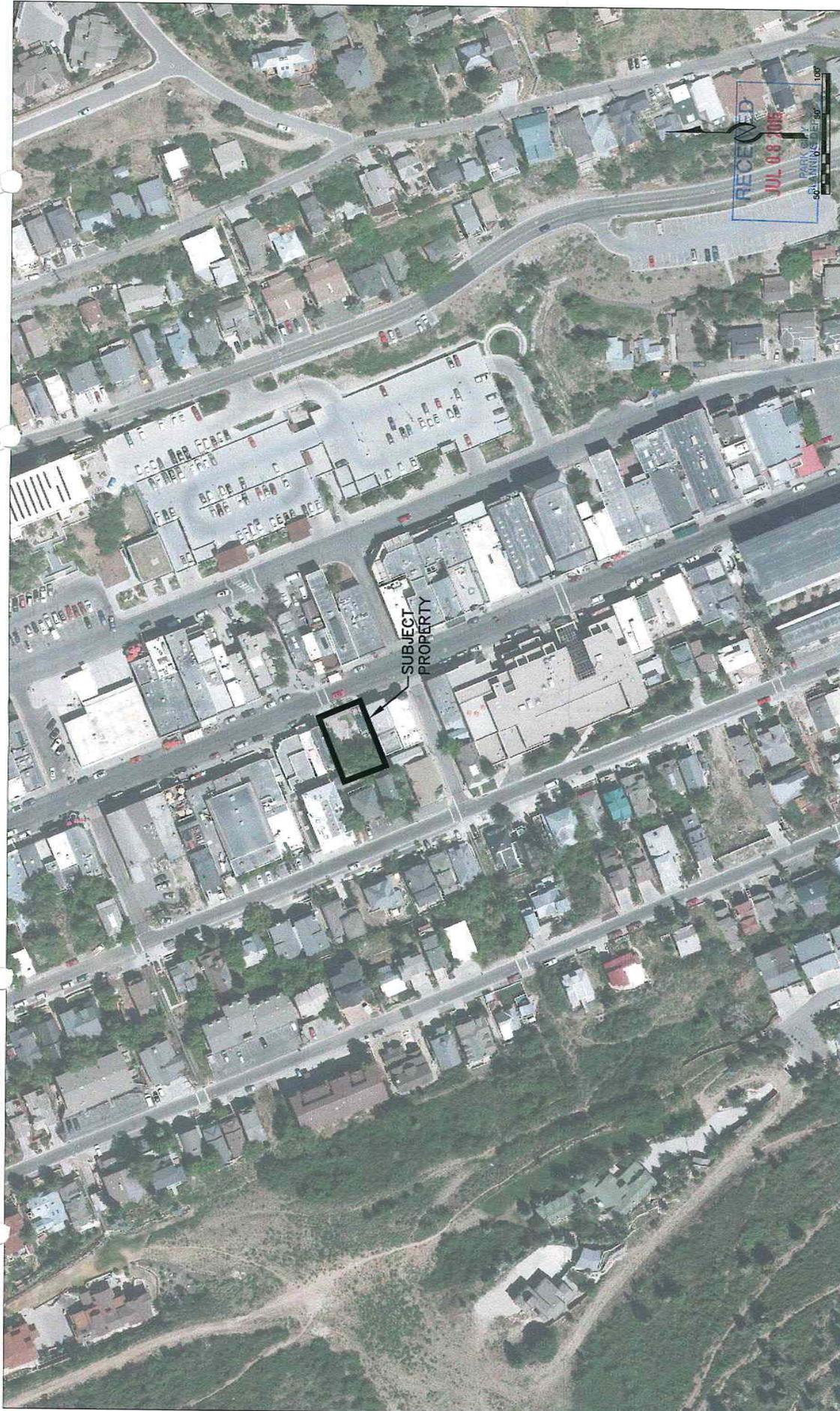


NOTES

1. Site Benchmark: Water valve
Elevation=7072.29
2. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
3. This topographic map is based on a field survey performed on March 23, 2015.
4. Property corners were set.
5. Any coverage of this area of the survey was approximately 0" to 6". As a result, actual elevations and horizontal measurements, improvements and/or conditions may exist which are not shown on this survey.



	<p>STAFF: MARTIN MORRISON JEFF ATCHISON</p>	<p>EXISTING CONDITIONS & TOPOGRAPHIC MAP MINER'S PLAZA (415 MAIN STREET) BLOCK 10, PARK CITY SURVEY</p>	<p>SHEET 1 OF 1</p>
	<p>DATE: 4/9/15</p>	<p>FOR: PARK CITY MUNICIPAL CORPORATION</p>	<p>JOB NO.: 7-3-15 FILE: X:\ParkCitySurvey\env\pccs2015\070315.dwg</p>



SUBJECT PROPERTY

RECEIVED
 JUL 08 2015
 PARK CITY
 50' MAIN ST 7-50'

STAFF: L. KING
 J. MITCHELL

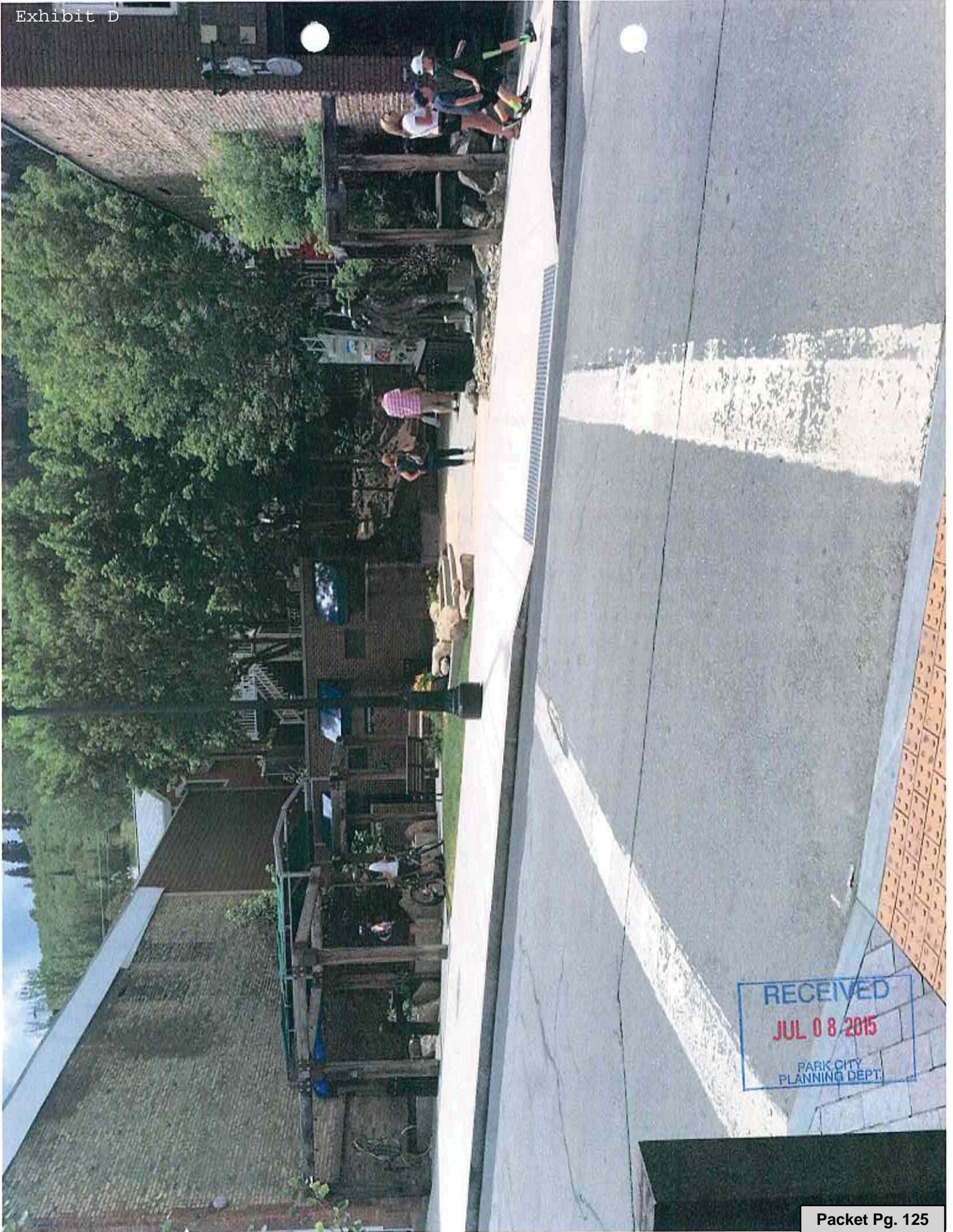
DATE: 4/9/15

(435) 644-4447

CONSULTING ENGINEERS AND PLANNERS
 100 East Street, Suite 200, Park City, Utah 84302-3001

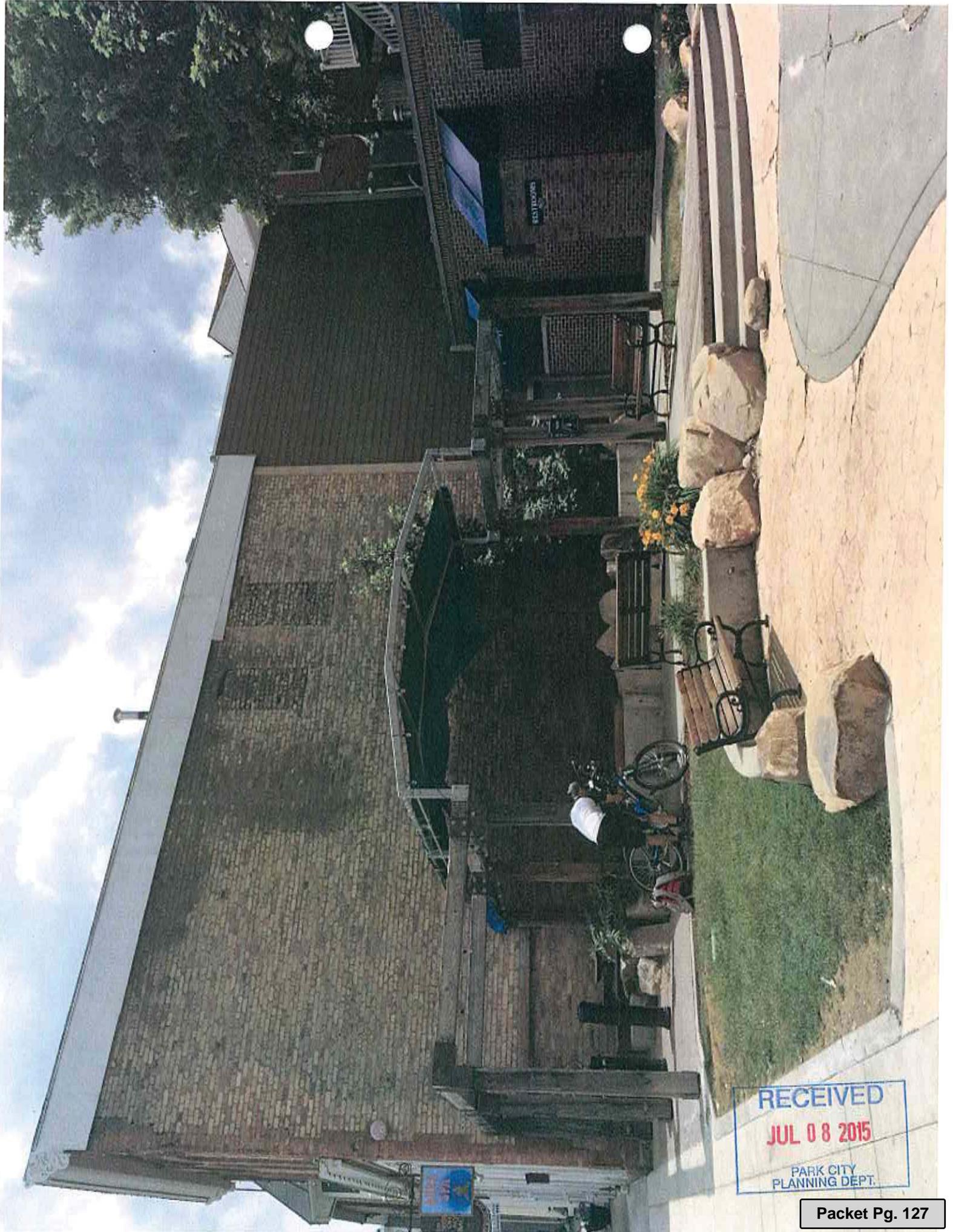
AERIAL PHOTOGRAPH
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 FOR: PARK CITY MUNICIPAL CORPORATION
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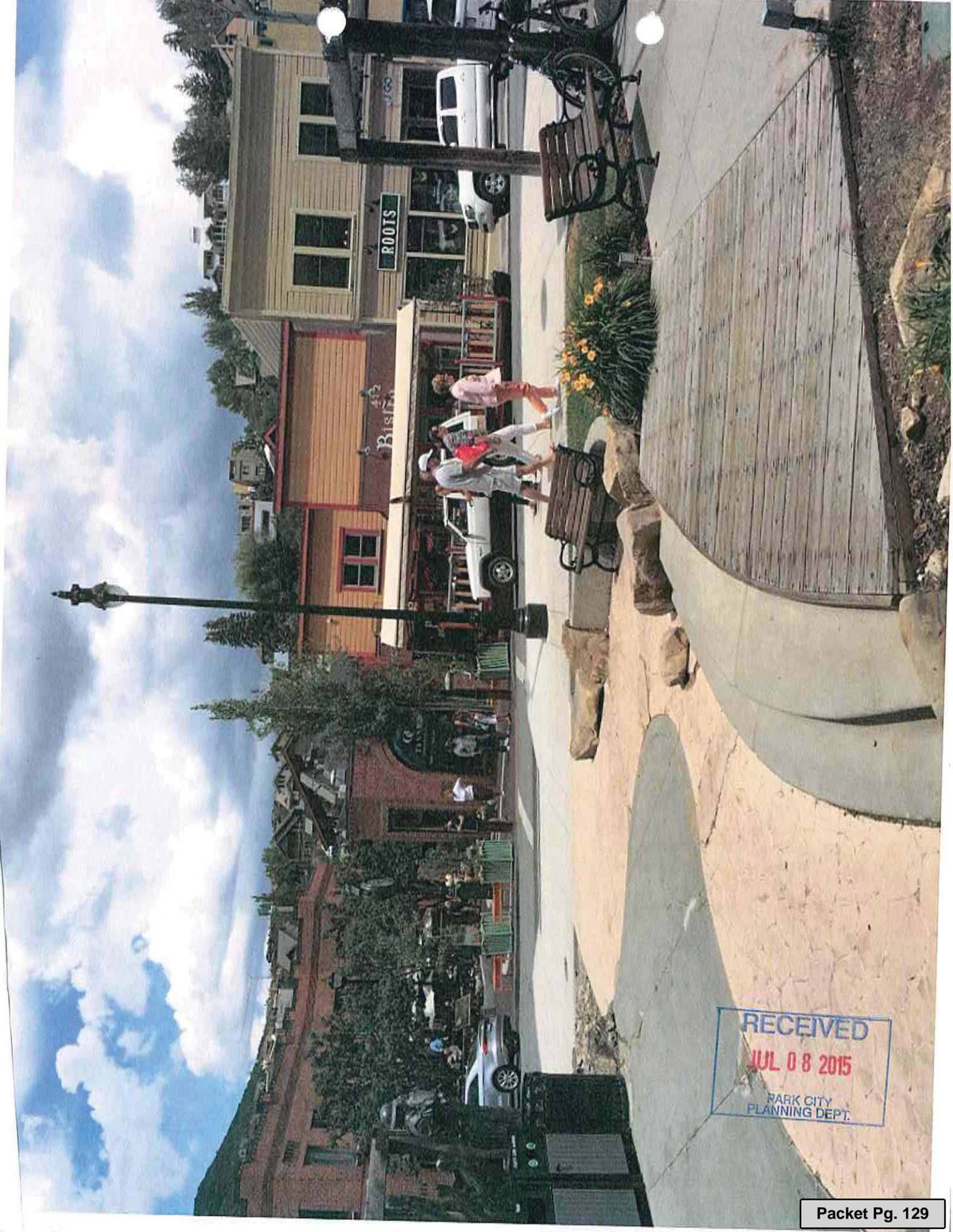
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Miner's Plaza



1 Foot
200 1 in = 104 ft