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

December 3, 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, December 3, 2015.

CLOSED SESSION

2:45 pm To Discuss Property, Personnel and Litigation

STUDY SESSION

3:15 pm – Library Board Update 2015

WORK SESSION

4:15 pm Council Questions and Comments

4:30 pm – Park Meadows Well Filtration Site Planning Discussion

5:00 pm – Utility Mitigation Surcharge: Funding Discussion

5:30 pm – ElevateHER Challenge Update

REGULAR MEETING

6:00 PM

I. ROLL CALL

II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Manager's Report – Neighborhood Traffic Management Program (NTMP) Update

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

IV. CONSIDERATION OF MINUTES

1. Consideration of a Request to Approve the City Council Meeting Minutes from September 3, 2015

2. Consideration of a Request to Approve the City Council Meeting Minutes from October 22, 2015.

3. Consideration of a Request to Approve the City Council Meeting Minutes from October 29, 2015

4. Consideration of a Request to Approve the City Council Meeting Minutes from November 5, 2015

5. Consideration of a Request to Approve the City Council Meeting Minutes from November 16, 2015

V. CONSENT AGENDA

1. Approve Avatech's Economic Development Grant in Fiscal Year 2016 in the amount of $10,000, and an additional $10,000 per year for the next two years totaling $30,000

2. Authorize the City Manager to Execute a Professional Services Agreement, in a Form Approved by the City Attorney, with Bowen Collins & Associates for Engineering Services for Upper Swede Alley Utility Replacement Project for an Amount Not to Exceed $37,900

3. Approve Local Consent for Special Event Temporary Alcoholic Beverage Licenses During the Sundance Festival

4. Approve Type 2 Convention Sales Licenses

VI. NEW BUSINESS

1. Consideration of Ordinance 15-50, an Ordinance Approving the 1114 Park Avenue Plat Amendment Located at 1114 Park Avenue, Park City, Utah 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

2. Consideration of Ordinance 15-51, an Ordinance Approving the 217 & 221 Park Avenue Plat Amendment Located at 217 & 221 Park Avenue, Park City, Utah 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

3. Consideration of Ordinance 15-52, and Ordinance Approving the Sorensen Plat Amendment 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

4. Approve the 2016 Park City Municipal Insurance Placements

5. Amend the 2007 Master Festival License and Park City Services Agreement and Letter of Intent Between the Kimball Art Center (KAC) and Park City Municipal Corporation, in a form Approved by the City Attorney

6. Authorize the City Manager to enter into an agreement in a form approved by the City Attorney's Office with the Brendle Group for consulting services for the Water and Energy Program, for an amount not to exceed $37,175

7. Consideration of Ordinance 15-48, an Ordinance of Park City, Utah Amending Title 12-Sign Code, of the Municipal Code of Park City:

(A) Public Hearing

(B) Action

8. Consideration of Ordinance 15-49, an Ordinance of Park City, Utah Repealing Section 4-3-7, Street Musicians, of the Municipal Code of Park City:

(A) Public Hearing

(B) Action

VII. 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: 12/01/2015 at the Park City Offices, Park City Post Office, and www.pmn.utah.gov See: www.parkcity.org

DATE: December 3, 2015

TO HONORABLE MAYOR AND COUNCIL

The Park City Library Director and the Park City Library Board would like to thank Mayor Thomas and City Council for the opportunity to share in a joint meeting and update. Particular acknowledgement is made of Cindy Matsumoto, who is the City Council Liaison to the Library Board.

Respectfully:

Adriane Juarez, Library Director

City Council
Manager's Report

Subject: **Library Board Joint Meeting and Update**
Author: **Adriane Herrick Juarez**
Department: **Library**
Date: **December 3, 2015**

The Park City Library Director and the Park City Library Board would like to thank Mayor Thomas and City Council for the opportunity to share in a joint meeting and update. Particular acknowledgement is made of Cindy Matsumoto, who is the City Council Liaison to the Library Board.

Cindy Matsumoto, City Council Liaison

Email: cindy.matsumoto@parkcity.org

Margie Schloesser, Chair

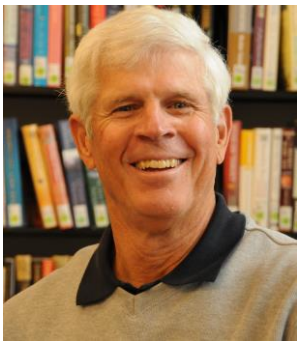
Margie Schloesser is a retired IT executive that has lived in Park City for 15 years with her husband Peter and two sons, Ben and Patrick. She is the co-owner of commercial real estate in the Memphis area. She is a year-round volunteer with Sundance and has actively volunteered with McPolin Elementary and Ecker Hill Middle School.

Email: margieschloesser@gmail.com Term Expires: July 2017

Chris Cherniak, Vice-Chair

Chris Cherniak has a total of 30 years' experience as an environmental engineer and consultant. In addition to consulting, Mr. Cherniak currently co-hosts "This Green Earth", a weekly radio show covering environmental news and issues, broadcast on KPCW, the NPR affiliate for Park City. He is also one of the founding members of Summit Community Power Works.

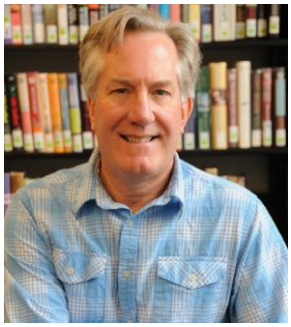
Email: chris@cherniakenvironmental.com Term Expires: July 2017



Jerry Brewer

Jerry Brewer was born and raised in Manhattan Beach, CA; attended and graduated from UCLA; spent 7 years in the Navy: 1 1/2 years in Flight School in Meridian, MS, 3 1/2 years flying the A-7 in Jacksonville, FL and aircraft carriers, and 2 years as an instructor pilot flying the TA-4 in Beeville, TX. He was hired as a pilot by Western Airlines in 1977 and fly for Western and, after the merger, with Delta Airlines. He has lived in Park City since 1999, retiring from flying in 2004.

Email: sandjbrewer@comcast.net Term Expires: July 2018



John Fry

John Fry owns and operates Basix, LLC from his home in Park City. Basix provides value-added programs and specialized networks to health plans in 17 states and the District of Columbia. John has lived in town for 6 years so is reaching the point that long-term residents are only slightly suspicious of him. John holds an MBA and has published articles and a book about health care financing and management

Email: johnf@basixservices.com Term Expires: July 2017

Jess Griffiths

Jess Griffith's is a lawyer whose practice focuses primarily on assisting clients with their most challenging business and legal issues - strategic thinking and implementation strategies, compliance, intellectual property rights protection, brand development, new markets, technology licensing, implementation and development, healthcare, risk assessment and general counseling of emerging businesses.

Email: jess.h.griffiths@gmail.com Term Expires: July 2018

Abby McNulty

Abby McNulty has 20 years' experience working in the nonprofit sector with a focus on strategic development, community engagement and leadership. She is currently the Executive Director of the Park City Education Foundation. Abby and her husband George live in Old Town with their two young children, Cal and Scarlett.

Email: amcnulty@pcschools.us Term Expires: July 2016

Bobbie Pyron

Bobbie Pyron has been a librarian since before the Internet and is now an author of novels for teens and kids.

Email: bobbie.pyron@gmail.com Term Expires: July 2016

Jane Osterhaus

Jane Osterhaus has lived in Park City since 2000. She has been an active volunteer and is an avid reader. She is one of the most recent additions to the library BOD.

Email: jtosterhaus@mac.com Term Expires: July 2018

Ann Whitworth, Friends of the Library Liaison

Ann Whitworth is a retired elementary school teacher, Friends of the Library member for 4 years, and is passionate about the importance of books and libraries.

Reappointed Annually

The Library Board of Trustees

The Park City Library Board of Trustees, representing the citizens of Park City, and working in partnership with the Library Director, evaluates library services and community needs, establishes library policies, and sets goals to be implemented by the director and staff. Board members inform others about library services, needs, and accomplishments to foster a positive public image and build community support.

The Park City Library Board of Trustees consists of seven to nine voting members appointed by the Park City Council and one non-voting member of Council. The Library director attends Board meetings but is not a voting member. Trustees are appointed for

three-year terms and may be re-appointed once. The Board establishes subcommittees as needed. Individual Board members contribute personal volunteer time to working in the library.

The Board meets on the third Wednesday of every month at 12:00 p.m. in the Library. There is no December meeting. The February meeting is an extended one as it is the annual meeting of the Board at which goals are established for the upcoming year. The Board encourages public attendance at Board meetings and welcomes input at any time.

Park City Board of Trustees Mission Statement

(Adopted June, 1998)
The Library Board, representing the citizens of Park City, and working in partnership with the Library Director, evaluates Library services and community needs, establishes Library policies, and sets goals to be implemented by the Director and staff. Board members inform others about library services, needs and accomplishments to foster a positive public image and build community support.

DATE: December 3, 2015

TO HONORABLE MAYOR AND COUNCIL

The Park Meadows Well was declared by the Division of Drinking Water (DDW) to be groundwater under the influence of surface water (GWUDI). On September 29, 2014 a Compliance Agreement/Enforcement Order (CA/EA) was executed by DDW requiring filtration to be added to the existing well treatment process or removal of the well from the potable water system. Through an alternatives analysis by CH2M, adding filtration is determined to be the best alternative to provide DDW approved potable water supply and maintain source redundancy for the City.

This staff report presents a recommended site to accommodate the addition of the filtration process to the Park Meadows Well and the Project Approach for design and construction for a new combined Park Meadows Well/Divide Well treatment facility. The approach identifies recommended project improvements and alternatives to address source reliability, treatment, security, sustainability, and energy considerations.

The following Questions for Council are contained within this staff report.

A. *Does Council support the proposed siting and use of City property for the combined Park Meadows Well/Divide Well treatment building (referred to in the report as the Creekside Park Water Treatment Facility)?*
B. *Does Council support the proposed interpretative area improvements where the existing well buildings are to be demolished?*
C. *Are the proposed design elements in line with Council's goals for sustainability and energy?*
D. *Does Council support moving forward with the Conditional Use Permit process?*

Respectfully:

Roger McCLain, Water Engineer

City Council
Staff Report

Subject: PARK MEADOWS WELL FILTRATION SITE PLANNING
Author: Roger McClain, Public Utilities Engineer
Department: Public Utilities, Water
Date: December 3, 2015
Type of Item: Work Session

Summary Recommendations:
Staff is seeking direction from City Council with regards to site selection, sustainability design, and energy options for the installation of improvements to meet filtration requirements for the Park Meadows Well located on City-owned property at Creekside Park along Holiday Ranch Loop Road. Staff's recommended Project Approach and site improvements are contained in the report.

Executive Summary:
The Park Meadows Well was declared by the Division of Drinking Water (DDW) to be groundwater under the influence of surface water (GWUDI). On September 29, 2014 a Compliance Agreement/Enforcement Order (CA/EA) was executed by DDW requiring filtration to be added to the existing well treatment process or removal of the well from the potable water system. Through an alternatives analysis by CH2M, adding filtration is determined to be the best alternative to provide DDW approved potable water supply and maintain source redundancy for the City.

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C. *Are the proposed design elements in line with Council's goals for sustainability and energy?*
D. *Does Council support moving forward with the Conditional Use Permit process?*

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

ACOE:	Army Corps of Engineers
CIP:	Capital Improvement Project
CH2M:	CH2M Hill Engineers, Inc.
City:	Park City Municipal Corporation
CA/EA:	Compliance Agreement/Enforcement Order
CUP	Conditional Use Permit
DDW:	Utah Division of Drinking Water
EPA:	Environmental Protection Agency
GWUDI:	Ground Water Under the Direct Influence of Surface Water
O&M	Operations and Maintenance
PCFD:	Park City Fire District
PSA:	Professional Services Agreement
ROS:	Recreation Open Space
UV:	UV Ultraviolet Light
Water:	Park City Municipal Water Department

Background:
The Park Meadows Well was recently declared by the Division of Drinking Water (DDW) to be groundwater under the influence of surface water (GWUDI). On September 29, 2014 a Compliance Agreement/Enforcement Order (CA/EA) was executed by DDW requiring either filtration be added to the existing well treatment process or the well be removed from the potable water system. The Park Meadows Well is an integral part of the City's existing water source portfolio and subsequent evaluations have determined that the best alternative to meet the City's water source demands, source redundancy, and strategic goals is to add filtration to the well.

Staff has previously recommended to Council that design services be authorized with CH2M for the Park Meadows Well treatment process upgrades to meet DDW potable use rules and the DDW CA/EA. Subsequently, concept layouts for the well treatment process, filtration equipment, and control systems have been developed by CH2M and an associated space needs assessment has been completed.

Site Analysis:
The Park Meadows Well shares the site with the existing Divide Well and each well has an individual wellhouse. Both are located within Creekside Park which is located south of Holiday Ranch Loop Road. The site is shown on **Map 1**.

<u>Site Conditions</u>:

1. The existing well buildings are located on Lot 2 of the Creekside Subdivision plat.
2. Lot 2 is owned by Park City Municipal Corporation.
3. The site is currently zoned Recreation Open Space (ROS).
4. The existing Park Meadows Well building is partially within ROS zoning setbacks.
5. The Park Meadows Well building was constructed in 1980.
6. The Divide Well building was constructed in 2006.
7. Access to the two well buildings is from Holiday Ranch Loop Road.

Map 1- Existing Conditions

N

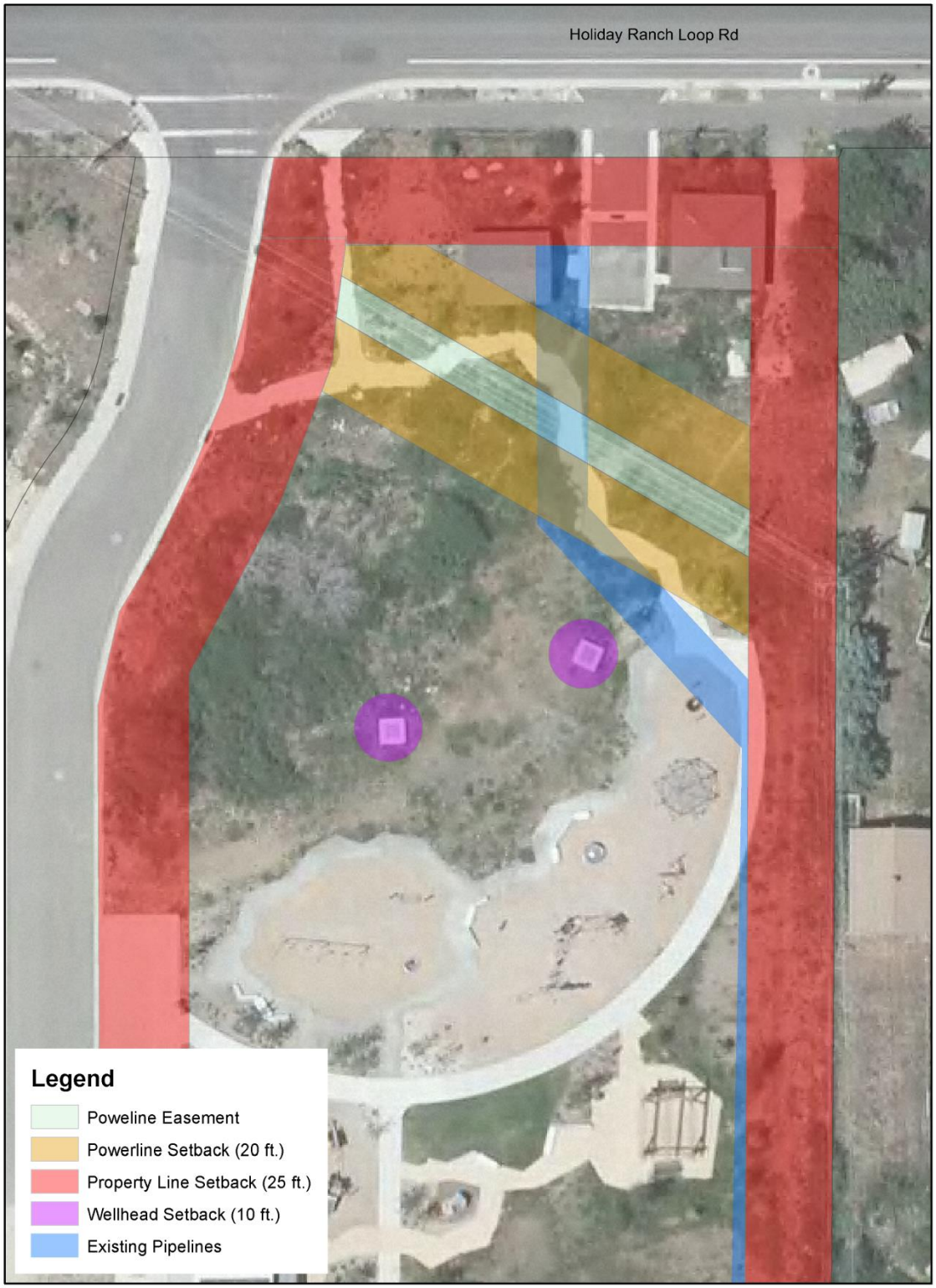
December 3, 2015

Site Constraints and Considerations:

Existing site constraints have been examined with respect to accommodating the required process modifications. A brief summary of the findings follows:

1. The space required for new filtration process equipment and the ability to incorporate the new equipment inside the existing well houses has been evaluated. The Divide Well building is 340 square feet in size and the Park Meadows Well building measures 233 square feet. The filtration equipment requires a minimum of an additional 1,000 square feet.
2. The existing Park Meadows Well building is located within current ROS zoning setbacks. The building is therefore non-conforming and expansion of the building will have restrictions.
3. Due to treatment process configuration requirements, expansion of the Divide Well building to accommodate the new Park Meadows well filtration equipment would require additional space to accommodate the relocation and incorporation of the existing Park Meadows well and existing UV equipment. UV is used, in conjunction with chlorination, to meet DDW disinfection requirements prior to placing the well water into the drinking water system.
4. Availability of both the Park Meadows and Divide wells is critical to water supply and meeting peak seasonal demands. Any construction must be phased to accommodate full operation of the wells between June 15 and September 1 and between October 15 and January 15.
5. Both well houses are located within the well protection zones for the two wells. Any improvements to the facilities will need to address well protection zone requirements.
6. Site constraints relative to available building expansion in the area immediately adjacent to the existing well buildings based on zoning setbacks, existing power line clearances, and other site constraints are shown on **Map 2**.

Map 2 – Creekside Park Site Constraints



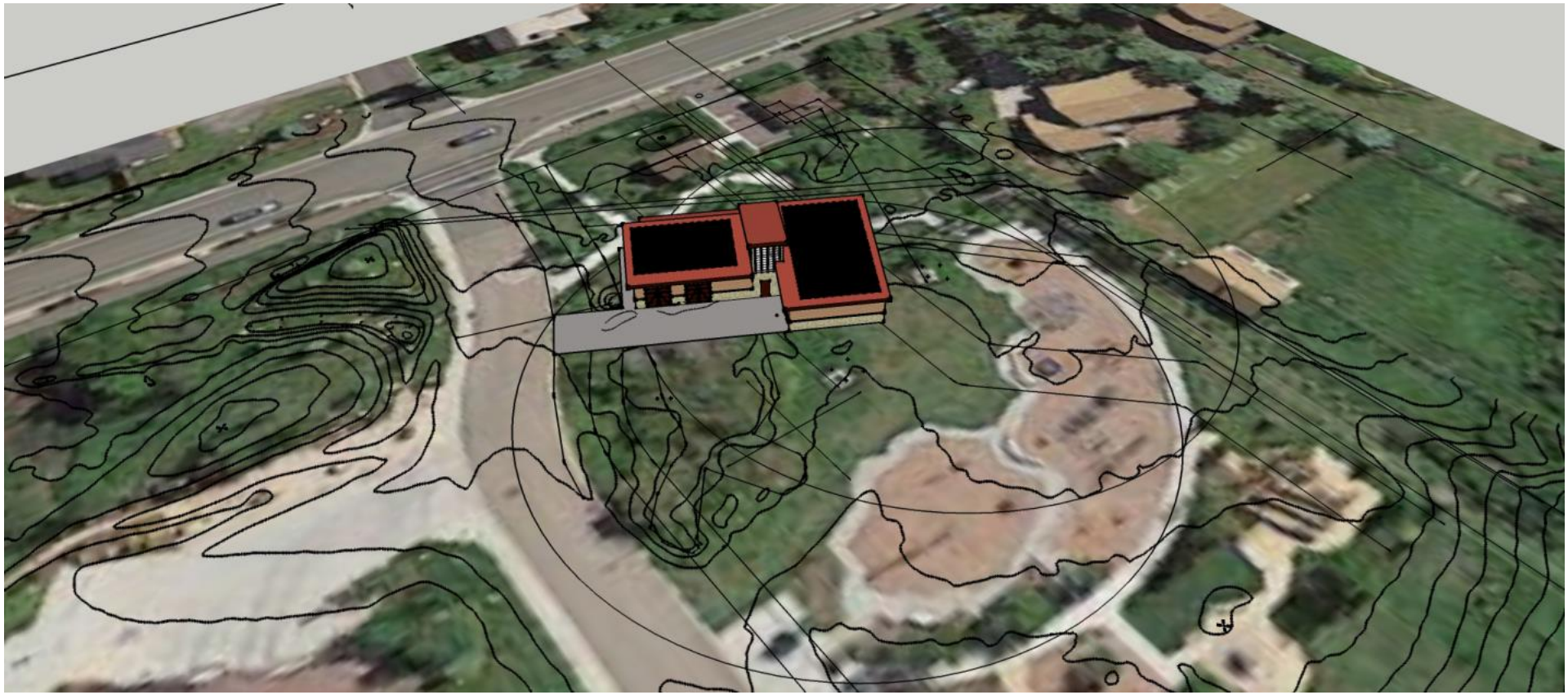
Based on CH2M's space needs assessment for the addition of filtration equipment, it has been determined that the neither the existing Park Meadows wellhouse space, the Divide wellhouse space, or a combination of the two spaces is adequate to house the additional filtration equipment and meet the project constraints. Furthermore, through the preparation a siting analysis for the immediate well building area it has been determined that expansion of either existing well building or the consolidation of both the Park Meadows and Divide wellhouse structures does not provide sufficient space to meet the project space requirements.

Alternative Siting:
To address these space limitations, staff has worked with CH2M to perform siting evaluations and prepare concept layouts which will fully address the long-term facility needs. Due to well treatment process and operational considerations, any alternate site which is remote from the existing well buildings requires a well building which incorporates treatment facilities for both wells. The following location, site design, and space needs have been considered:

- Siting in close proximity to the existing wellheads;
- Sufficient site to enable incorporation of process improvements for both wells as well as potential process upgrades to the UV system and chlorination system and the addition of emergency power;
- Ability to incorporate energy reduction goals and renewable energy technology in treatment process and building systems;
- Location, orientation, and concept architecture more harmonious with the surrounding neighborhood;
- Site security;
- Safer site access from private drive vs Holiday Ranch Loop Road.

The Creekside Park area has a number of site constraints limiting the available area for a new structure. Recreational areas, wetlands, well protection zones, zoning setbacks, and powerline clearances dictate only one possible location for the new facility that could meet the required treatment operations footprint. The resulting proposed site location is shown on **Map 3**.

Map 3 – Proposed Creekside Park Treatment Facility Location



An analysis summary for the site shown on Map 3 is provided below:

Wetlands Impact

A portion of Creekside Park is designated wetlands. The alternative building site will impact approximately 0.1 acres of wetlands. Based on initial analysis by CH2M, the engineering consultants for this project, the impacted area will require permitting through the Army Corps of Engineers (ACOE) however the alternative site area is less than the threshold limit requiring extensive mitigation efforts. Once a site is confirmed for well building improvements, if wetlands are impacted the application process with the ACOE will move forward.

Powerline Setback

Rocky Mountain Power has been contacted and a 20-foot wire-to-building setback was confirmed. This setback is reflected on Map 3.

Zoning Setbacks

The 25-foot property setback, in accordance with the ROS zoning requirements, is reflected on Map 3.

Well Protection Zone

The alternative site is located within the well protection zone, as are the existing well buildings. CH2M has confirmed that a well related structure can be located within the DDW source protection provided special design considerations are met. These requirements include restricted and/or full containment for materials storage, excavation depth limitations, site drainage restrictions, and a minimum setback distance of 10 feet from both the Park Meadows and Divide wellheads.

Access Impacts

Access for the alternative site will be off the private drive within the Creekside Subdivision plat. This drive also provides access to the recreation area and the Park City Fire District fire station.

Current access to the well houses is from Holiday Ranch Loop Road. Water Department and delivery vehicles must cross the pedestrian trail along Holiday Ranch Loop Road and again must back out into Holiday Ranch Loop Road when leaving the site. This access will eliminate the potential vehicle/pedestrian conflicts along Holiday Ranch Loop Road. The concept layout of the building and site layout has been developed to reduce the driveway size thereby reducing further impacts to the site.

Since the well building is not staffed and accessed only for Operations and Maintenance (O&M) purposes, the proposed driveway access should not interfere with fire district operations or park access. The PCFD and PCMC Recreation and Parks Departments have been consulted regarding the proposed driveway location. No objections were expressed.

Neighborhood Impacts

The alternative site is further removed from adjacent residences and the pedestrian trail than the existing well buildings. This additional setback, in addition to mitigating access considerations, will provide buffer from well O&M activities.

Restoration of Existing Well Buildings Area

Selection of the alternative site will result in the abandonment of the existing well buildings. Demolition of the existing buildings and restoration of the site is proposed to occur after the new facility is operational and tested.

Abandonment and demolition of the buildings, presents an opportunity for enhanced improvements beyond basic site restoration efforts. These improvements could create open space that encourages interaction with the environment, social interaction, and education. The outdoor space could be:

- physically accessible;
- provide a pedestrian-oriented trail area with physical site elements that accommodate interpretative and outdoor social activities;
- include informative placards with respect to water conservation, storm water quality, and sustainability efforts;
- preserve, create, or restore habitat.

An additional consideration to be further explored is reconstruction of the existing Park Meadows Well Building to provide an interpretative open-air kiosk site which could support the interpretative area.

Questions for Council

A. Does Council support the proposed siting and use of City property for the Creekside Park Well Building?

B. Does Council support the proposed interpretative area improvements where the existing well buildings are to be demolished?

Project Approach:

The construction of a new well house at the proposed location affords several opportunities such as:

- Reduces interferences to well operations during construction.
- Addresses non-conforming existing building conditions.
- Poses potential construction cost advantages of new construction.
- Improves operational efficiencies through an integrated Park Meadows and Divide well facility.
- Provides opportunities for operational improvements.
- Provides opportunities for the incorporation of sustainable design practices and energy initiatives.

These are intended to be incorporated into the Project Approach as discussed in the following paragraphs.

Well Operations Interference

As mentioned previously, the Park Meadows and Divide well must be operational during high water demand periods. Expanding and upgrading each well house independently

would require construction to occur over a number of years. This would create a substantial impact to the neighborhood and the park patrons. Construction of a new structure allows the existing wells to operate with only minor disruptions and allows for construction to occur continually. This presents not only a cost savings, but reduces the impacts to the neighborhood.

Site improvements construction is currently planned to begin in the fall of 2016, which is an optimal time for utility, wetlands, and subgrade work. Above grade building improvements would continue into the late spring of 2017 (the contract will be structured to allow the contractor to suspend construction during the winter). At the completion of construction of the new facility, the existing well building will be demolished and site landscaping improvements installed.

Non-conforming Building

The existing Park Meadows Well building is located within current ROS zoning setbacks. Removal of the building will address non-conforming conditions.

Operational Improvements

In addition to the filtration process equipment, there are several operational related upgrades that, as a minimum, staff recommends be incorporated into the project. These improvements include:

A. Emergency Power
   To ensure well operations can continue during power outages, a generator is proposed to be included with the well house upgrades. All well building sites (existing and alternative) are within the well protection zone. To mitigate and eliminate fuel storage and containment concerns, the generator will be fueled by natural gas. Additionally, this eliminates deliveries associated with a diesel powered generator. To mitigate noise disturbance to the neighborhood, aesthetics associated with the generator, and to address security concerns the proposed generator will be located within the well building structure. This requires approximately 425 square feet of additional building space.

B. Disinfection System Upgrade
   Liquid chlorine is currently used for water system disinfection process. This requires frequent deliveries to the site and storage of a large volume of liquid chlorine (in a 12% chlorine solution, chlorine bleach commonly used for household purposes is 6%). Staff has investigated the alternative of upgrading to on-site chlorine generation. This affords a more consistent chlorine concentration (yielding a more efficient and cost effective means of disinfection) and requires the delivery and storage of salt rather than liquid chlorine. Additionally, on-site chlorine generation requires fewer material deliveries thereby reducing truck trips to once every three to six months. On-site chlorine generation requires approximately 180 square feet of additional building space.

C. Security System
   Security systems will be upgraded, however the addition of exterior security lighting or fencing is not proposed.

Sustainability Design Practices and Energy Initiatives

Planning for the operational upgrades and new building design will include sustainable design attributes to reduce operational costs, mitigate environmental impacts, and increase building resiliency wherever possible. These design elements generally include the ability to:

- Optimize Site Potential
- Optimize Energy Use
- Protect and Conserve Water
- Optimize Building Space and Material Use
- Optimize Operational and Maintenance Practices

In support of these elements the following considerations have also been identified and are proposed to be incorporated where effective:

- Life-cycle impact reduction
- Low impact development
- Educational opportunities
- Renewable Energy Opportunities

Key baseline design attributes and considerations, with respect to the incorporation of sustainable elements and recommended achievable alternatives into the project, are identified in Tables 1 and 2:

Table 1. The following table presents **Sustainability** related design considerations and proposed Project Approach.

Sustainability Considerations	Baseline Design	Alternative	Capital Cost Change for Alternative Selection (est.)	O&M Cost Change for Alternative Selection (est.)	Recommended Approach
Optimize Energy Use	Natural gas supplied emergency generator	Bio-fuel supplied emergency generator	+20% (does not incl. addn'l building costs)	n.a.	Use baseline. Current reliability of bio-fuels not acceptable for emergency application
Life-cycle Impact Reduction	Construction materials – 30 year life-cycle	Construction materials – 50 year life-cycle (FRP vs HDPE tanks)	+10%		Use baseline, but upgrade to Hardi-Plank siding
Low Impact Development	Off-site disposal of excavation materials	Incorporate on-site excavated soils into landscape areas to minimize haul-off	-10%	n.a.	Use alternative
Low Impact Development / Water Conservation	Discharge roof drainage to storm drain	Convert existing Divide Well Building containment area into an irrigation cistern to be supplied by roof drains and well pump to waste flows. Install irrigation pump in cistern for irrigation of site landscaping.	+$15,000	-	Use alternative
Optimize Operations	Maintain existing liquid chlorine delivery/storage disinfection system	Incorporate on-site chlorine generation disinfection system, reduction in truck deliveries (1 per 2 weeks to 1 per 12 weeks), optimized operation	+$50,000	-	Use alternative. Also see energy considerations
Low Impact Development	Haul existing bricks from demo building to a recycler	Crush existing brick from existing building demolish for use as on-site trail material	+20%	n.a.	Use baseline. Off-site recycling meets sustainability goals and existing materials may contain undesirable items such as paints, etc.
Education for Water Conservation / Storm Water Mitigation	Re-landscape well building demolition site area only	Construct Interpretative Area within well building demolition site	+10%	+$1,500/yr	Use alternative
Low Impact Development	Demolish Existing Building	Convert existing PM Well Building into a kiosk for the Interpretative Area	+$15,000	+$500/yr	Use alternative

Table 2. The following table presents **Energy** related design considerations and proposed Project Approach.

Energy Considerations	Baseline Design	Alternative	Cost Change for Alternative from Baseline (est.)	O&M Cost Change for Alternative Selection (est.)	Recommended Approach
Site Optimization	Remodel existing buildings	Conversion from older existing buildings to newer combined facility		-5 to -8%	Use alternative. Remodel not an alternative due to site constraints. Provides more energy-efficient building
Building Design	Typical building design with glazing ratio (window to wall) reduction	Building design to incorporate solar heat gains with HVAC circulation for supplemental space heating	+5%	-2%	Use alternative
Building Design	R-Value design – Use 2015 IBC	R-Value design – Exceed current IBC	+10%	-2%	Use baseline. Comfort levels can be reduced for unoccupied building
Building Design	Electric heating	Natural gas, infrared type heating	-15%	-10 to -12%	Use alternative. Comforts levels can be reduced for unoccupied building
Building Design	Florescent lighting	LED lighting	+7%	-2%	Use alternative. Unoccupied space, therefore limited savings
Optimize Operations	Standard well pump start- up operation (existing)	Incorporate soft-start, VFD, or use standby generator for peak-shaving during well pump start-up	+$25,000	-10M gal of water pumped to waste annually	Use alternative
Optimize Operations	Well pump start-up – pump to waste cycle operations currently 45 minutes	Optimize pump to waste cycle utilizing filtration equipment, SCADA controls, and VFD controller- potential reduction to 5 minutes	+$2,500 programming & controls (with inclusion of VFD alternative)	-10M gal of water pumped to waste annually	Use alternative
Energy Reduction	Maintain existing liquid chlorine delivery/storage disinfection system	Incorporate on-site chlorine generation disinfection system	+$50,000	-	Use alternative. Also see sustainability and operational considerations
Renewable Energy Opportunity	Remodel existing buildings	New building with optimized siting orientation and maximized roof area to accommodate PV panels		-5 to -8%	Use alternative. Remodel not an alternative due to site constraints.
Renewable Energy Opportunity	PV Panels only	Battery storage to maximize on-site energy use generated by PV panels	+$30,000	-5 to -8%	Use alternative

Energy Baseline

The Park City Sustainability Department in conjunction with Park City Water's energy initiative has established an energy baseline for the existing Park Meadows Well and Divide Well facilities. A table of the 5-year baseline of energy and power use in Park Meadows and Divide Well combined is presented below.

Year	Average KW (Power used in both wells)	Total kWh (Total energy used in both wells)
2011	261	738,840
2012	244	757,760
2013	238	813,600
2014	243	789,880
2015	259	543,080

Renewable Energy

A project goal is to provide on-site renewable energy to reduce the environmental and economic impacts associated with fossil fuel energy use. The concept design provides enough usable roof to install approximately a 30kW Solar PV system. The project also includes space to install Tesla Powerwall Lithium Ion battery units or equivalent to maximize the use of on-site generated power. This solar PV solar system has the ability to offset the loads of the UV, the on-site Hypochlorite system, and the building electrical loads concurrently. Based on previous power usage and considering the new buildings and process energy requirements, this renewable energy system will offset approximately 5%-8% of the present baseline. This savings does not include the anticipated energy reduction through the proposed operational improvements.

Building Materials and Systems

Concept plans for the building reflect the integration of the Creekside Park and neighborhood architectural elements. These have been integrated with the project's sustainable considerations. The concept plans and elevations are provided within **Exhibit A**.

Analysis:

Staff will be incorporating Council's direction regarding siting and improvement alternatives for processing through the Conditional Use Permit approval process. Council's direction as owner shall not limit the scope of review of the Planning staff and normal approvals must be obtained pursuant to the Land Management Code.

Questions for Council

C. Is the Project Approach and are the proposed design elements in line with Council's goals for sustainability and energy?

D. Does Council support moving forward with the Conditional Use Permit (CUP) process?

Next Steps:

1. Upon site confirmation, prepare and submit an ACOE permit application.
2. Submittal to Planning to begin the Conditional Use Permit (CUP) process
3. Begin Neighborhood Outreach in conjunction with the CUP application

Department Review:

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

Significant Impacts:

	Preserving & Enhancing the Natural Environment **(Environmental Impact)**	**Responsive, Cutting-Edge & Effective Government**
Which Desired Outcomes might the Recommended Action Impact?	+ Managed natural resources balancing ecosystem needs + Enhanced water quality and high customer confidence + Adequate and reliable water supply + Reduced municipal, business and community carbon footprints	+ Fiscally and legally sound + Well-maintained assets and infrastructure + Streamlined and flexible operating processes
Assessment of Overall Impact on Council Priority *(Quality of Life Impact)*	Positive ⇧	Positive ⇧
Comments:		

Funding Source:

The funding for the project is from service fees and is part of the approved 5-year Water CIP. However, additional budget requests will likely be required to address final design cost estimates which will include the sustainability and energy enhancements.

Recommendation:

Staff is seeking direction from City Council with regards to site selection, sustainability design, and energy options for the installation of improvements to meet filtration requirements for the Park Meadows Well located on City-owned property at Creekside Park along Holiday Ranch Loop Road.

Maps:
MAP 1: Existing Conditions
MAP 2: Creekside Park Site Constraints
MAP 3: Proposed Creekside Park Treatment Facility Location

Exhibits:
EXHIBIT A: Concept Building Plans and Elevations – Alternative Site

EXHIBIT A

Concept Building Plans and Elevations – Alternative Site

VIEW – NORTH ELEVATION

VIEW – WEST ELEVATION

VIEW – SOUTH ELEVATION

VIEW – EAST ELEVATION

DATE: December 3, 2015

TO HONORABLE MAYOR AND COUNCIL

Staff is Returning to Council with the Second of Two Reports Outlining Potential Funding Approaches for the Water & Energy Program. Staff is Seeking Council Direction on the Funding Approach. Staff Has Recently Selected a Contractor to Assist in Determining the Best, Most Thoughtful Approach to Becoming a More Energy Optimized Water System. the Selected Contractor Will Do a Full System Audit and Work with Staff to Determine the Feasibility and Timeline of These Projects. Future Contracts And/Or Additional FTE's Will be Required to Actually Perform This Work.

Respectfully:

Matthew Abbott, Enviromental Program Manager

City Council
Staff Report

Subject: **Utility Mitigation Surcharge: Funding**
Author: **Matt Abbott and Jason Christensen**
Department: **Sustainability and Public Utilities**
Date: **December 3, 2015**
Type of Item: **Informational**

Summary Recommendations:
Staff is recommending Council to direct staff to pursue a modification of the existing water user rate structure that could likely be accomplished by July 1, 2016, the beginning of FY2017.

Executive Summary:
Staff is returning to Council with the second of two reports outlining potential funding approaches for the Water & Energy Conservation Program. Staff is seeking Council direction on the funding approach. Staff has recently selected a contractor to assist in determining the best, most thoughtful approach to creating a more energy optimized water system. The selected contractor will do a full system audit and work with staff to determine the feasibility and timeline of these projects. Future contracts and/or additional FTE's will be required to actually perform this work.

Abbreviations:

FY	Fiscal Year
M	Million
FTE	Full Time Equivalent

Background:
On May 28, 2015 Council requested that staff return to discuss a potential water rate surcharge that captures the carbon cost of our water delivery system.

On July 16, 2015 staff returned to Council with a report summarizing their findings. That report can be found on page 19 of the Council packet at: http://www.parkcity.org/Modules/ShowDocument.aspx?documentid=15239.

On October 22, 2015 staff returned to Council with Part One, seeking Council input on the goals and assumptions of the Water & Energy Conservation Program. That report is currently being added to the Park City Municipal's Document Central.

Below is a summary of the goals of the program:
i. Keep it simple
ii. Reduce peak demand
iii. Reduce dollars spent per unit of energy
iv. Reduce kilowatt hours per gallon per pumped vertical foot
v. Produce local renewable energy

vi. Prioritize regulatory requirements and water quality goals over efficiency/optimization

Staff has been meeting weekly since July 16 to develop a Water & Energy Conservation Program and a rough budgetary needs estimate. This program's scoping is as follows: potential projects, data, timelines, operations, staff, budget, estimate energy savings, and return on investment. Staff has recently selected a project team from Hansen, Allen & Luce, Inc. and Brendle Group, Inc. to assist staff with a system wide study including scoping, prioritizing, and implementing the Water & Energy Conservation Program.

Staff is approaching Council with two reports. Part Two, today's report, explores potential funding approaches for the Water & Energy Conservation Program.

Analysis:
Staff has identified three potential funding mechanisms that all carry implications in regards to public perception/reaction, implementation, and longevity. Based on information available to staff today, a target of roughly $900,000 per year would generate enough revenue to complete identified projects in about 10 years. Once more information is known through studies mentioned in this report; the annual budget for this enhanced program will likely be adjusted. After the 10 year timeframe, the annual budget for this program would likely remain depending on the success of the projects and the goals of Council. $900,000 equates to about a 7% rate increase. The proposed options for mechanisms are as follows:

- Option 1: An across the board rate increase; or
- Option 2: Modify the existing elevation surcharge; or
- Option 3: Modify the existing water user rate structure – this is staff's recommendation

Option 1: An across the board rate increase is the most expedient route. Customers would see a new, 7% surcharge, on their monthly utility bill. Staff sees this as a more regressive measure, in that every customer would pay the same percentage rate increase regardless of elevation, when elevation is a major factor in total energy usage. Alternatively, utility customers regularly pay flat fees for efficiency programs with Rocky Mountain Power and Questar Gas. From a messaging perspective, customers would know that they are paying into an efficiency program and they would know that this rate is not weighted by impact. This option is implementable within the next month.

Option 2: Modifying the existing elevation surcharge is a more tailored route. Customers would see a variable percentage surcharge applied that is dependent on elevation. Staff sees this as a more progressive measure, in that customers are paying based on impact with lower percentage surcharges in lower impact areas. From a messaging perspective, customers would be more aware of their energy impact and may participate in behavior change or water/energy conservation measures based on their actualized impact. This option could be implemented in three to four months. Under this option customers in low elevation areas would experience less than a 7% rate increase and customers in higher elevations would experience greater than 7% rate increases.

Exact rate increases can be determined with a detailed rate analysis study. This option does not include building in more aggressive water conservation pricing signals into the rate structure or other considerations as described in Option 3 below. These additional changes could happen later but staff recommends consolidating the changes to the rate structure into one process as described in Option 3.

Option 3: A water user rate structure modification could likely be accomplished in time for adoption of the FY2017 budget. A rate modification could combine modification of the existing elevation based surcharge, with Council's request for additional consumptive tiers that would further encourage water conservation. It also would allow staff to create contingency plans to maintain revenue stability if these additional tiers and consumptive charges destabilize the water fund's revenue stream. Staff sees this as the most progressive measure, in that it addresses total consumption and impact. It would also consolidate changes to the water fee schedule, and prevent customer confusion from a series of incremental changes to the water fee schedule. From a messaging perspective, staff would make a concerted customer communication effort so that customers would both understand their current bills and understand how to reduce their future bills. **[This is staff's recommendation.]**

Staff has already engaged Zions Bank Public Finance on preliminary work related to a rate modification. This work is being done under an existing contract with Zions which allows for this type of work. This existing contract would need to be amended in the near future to complete a full rate modification.

It is important to note that staff is moving forward with the design of the Quinns Water Treatment Plant Modifications, the Park Meadows Well reconstruction, and a system wide study as described earlier in this report. Staff has determined that work in FY 2016 can be done with funds in the approved FY 2016 budget. In other words, the lack of an additional fee will not slow us down in FY 2016.

Next Steps:
Depending on the option Council directs staff to pursue, staff would begin work towards implementing the option. All options would include a modified rate proposal for Council to consider for adoption in the timeframes described in each option and after the appropriate number of public hearings as determined by Council.

Department Review:
Public Utilities, Sustainability, Budget, Legal, and Executive.

Alternatives:

A. **Approve:**
   Staff is recommending Council to direct staff to pursue a modification of the existing water user rate structure that could likely be accomplished by July 1, 2016, FY2017. **[STAFF RECOMMENDATION]**

B. Deny:
Deny staff's recommendation to pursue a holistic rate restructure with any feedback and recommendations, resulting in possible Water & Energy Conservation Program delays.

C. Modify:
Modify staff's recommendation to pursue a holistic rate restructure with any modifications, resulting in possible Water & Energy Conservation Program delays.

D. Continue the Item:
Continue staff's recommendation to pursue a holistic rate restructure, resulting in potential Water & Energy Conservation Program delays.

E. Do Nothing:
Do nothing, resulting in Water & Energy Conservation Program delays.

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?	+ Multi-seasonal destination for recreational opportunities + Internationally recognized & respected brand	+ Managed natural resources balancing ecosystem needs + Enhanced water quality and high customer confidence + Adequate and reliable water supply + Reduced municipal, business and community carbon footprints	+ Skilled, educated workforce	+ Fiscally and legally sound + Engaged, capable workforce + Well-maintained assets and infrastructure + Streamlined and flexible operating processes
Assessment of Overall Impact on Council Priority *(Quality of Life Impact)*	Positive ⇧	Very Positive ↑	Positive ⇧	Very Positive ↑

Comments: A Utility Mitigation Surcharge would help to acheive a variety of Council, Community, and Staff goals.

Impacts on City Council's Critical Priority of Energy:
This funding mechanism will enable the Water & Energy Conservation Program to operate at proposed levels. This program will have significantly reduce Park City Municipals energy use and positively advance City Council's Critical Priority of Energy.

Funding Source:
Work in FY 16 can be done under the approved FY 16 water budget. Work beyond FY 16 will be requested during following budget cycles, starting in FY 17, and will be offset by increasing water user rates.

Consequences of not taking the recommended action:
The Water & Energy Conservation Program will be delayed until accepted by City Council.

Recommendation:
Staff is recommending Council to direct staff to pursue a modification of the existing water user rate structure that could likely be accomplished by July 1, 2016, FY2017.

Exhibits:
Exhibit A – Utility Mitigation Surcharge: Strategy (October 22, 2015)

City Council Staff Report

Subject: **Utility Mitigation Surcharge: Strategy**
Author: **Matt Abbott and Jason Christensen**
Department: **Sustainability and Public Utilities**
Date: **October 22, 2015**
Type of Item: **Informational**

Summary Recommendations:
Staff is recommending that Council review, provide feedback, and adopt staff's recommended goals, assumptions, and parameters for the Water & Energy Resiliency Program.

Executive Summary:
Staff is returning to Council with the first of two reports outlining the goals of the Water & Energy Resiliency Program. Staff is seeking feedback on the goals, assumptions, and parameters presented today. Staff will return on November 5 with a funding mechanism and suggested levels of funding.

Abbreviations:

CO_2e	carbon dioxide equivalent
gal	US gallon
Dth	dekatherm
kWh	kilowatt hour
MMBtu	1 Million British Thermal Units
RFQ	request for qualifications
W&ERP	Water & Energy Resiliency Program

Background:
On May 28, 2015 Council requested that staff return to discuss a potential water rate surcharge that captures the carbon cost of our water delivery system.

On July 16, 2015 staff returned to Council with a report summarizing their findings. That report can be found on page 19 of the Council packet at: http://www.parkcity.org/Modules/ShowDocument.aspx?documentid=15239.

Staff has been meeting weekly since July 16 to develop a Water & Energy Resiliency Program and a rough budgetary needs estimate. This program is scoping: potential projects, data, timelines, operations, staff, budget, estimate energy savings, and return on investment. We are using the working title of Water & Energy Resiliency Program (W&ERP) as we finalize the funding mechanisms during the November 5, 2015 Council presentation. There is a possibility that funding will not be tied to an on-bill surcharge. Additionally, the scope of the work is broader than a funding mechanism.

Staff is approaching Council with two reports. Part One, today's report, explores the goals and strategies staff has identified. Part two, to be presented on November 5, 2015, will identify a recommended implementation and funding structure. Staff is seeking feedback on the goals, assumptions, and parameters presented today.

Analysis:

Staff has been informally calling the program the Water & Energy Resiliency Program. The team, listed below, has been meeting weekly to identify goals, metrics, methodologies, and the best means of communicating the overall program.

Team

Office of Sustainability

- Matt Abbott – Environmental Project Manager
- Bina Skordas – Sustainable Energy Project Manager

Public Utilities

- Clint McAffee – Director of Public Utilities
- Jason Christensen – Water Resources Manager
- Kyle MacArthur – Water Distribution Manager
- Roger McClain – Water Engineer
- Nick Graue – Engineer & Project Manager
- Griff Lloyd – Water Project Manager

Water & Energy Resiliency Program Summary:

System efficiency is being directly addressed through the W&ERP. The W&ERP is a program to reduce Park City Water's environmental impact by optimizing operations, capturing efficiencies, and developing renewable energy through four focus areas:

1. Operations: *review and alter existing plans, establish baseline, and measurable goals*
2. Efficiency & Renewables: *includes operational efficiencies and capital projects*
3. Water Conservation: *continue and expand existing water conservation efforts*
4. Future-ready planning: *utilize existing capital project timelines, projections, and assumptions to best incorporate program work with long-term system goals*

Staff has identified five primary **goals** of this program:

1. Reduce peak demand (of water and energy)
   Peak electricity and peak water demand represent the highest incremental costs of service delivery. Staff is exploring a universal metric to baseline and track system improvements and conserve water and energy.

2. Reduce dollars spent per unit of energy
   This represents both inefficiencies and low-cost energy sources.

3. Reduce energy consumption per gallon per pumped vertical foot (core metric)
   This represents the energy required per gallon of water procured, treated, and delivered.

4. Produce local renewable energy
   Identify and develop renewable energy projects that benefit the water delivery system near-term and long-term.

5. Prioritize regulatory requirements and water quality goals over efficiency/optimization
   Essentially a pass/fail test for any proposed project. The Water Department must be able to consistently deliver clean, safe drinking water.

Staff has made the following **assumptions**:

1. Projects will be funded through the Water Fund
2. Funding will be restricted to PCMC Water Department projects
3. Projects will rely on operationally proven technologies and techniques
4. Project and programs will be dependent on staff and local renewables

This program is **not**:

1. Not a program to reduce customers' bills
   This program is not scoped so that it can be justified as a way to reduce customers' bills. Staff's understanding is that Council has a goal of triple bottom line success. Achieving success across the triple line will have strong financial benefits and these benefits will be balanced with environmental and social successes.

2. Not a carbon tax or carbon offset program
   This program is an attempt at a more holistic view of our water system and directs focus to potential energy conservation and generation opportunities in our system. While there is a goal of reducing carbon pollution in this program, staff is prioritizing investments that benefit Park City for the long-term. In summary, we are working our way out of carbon dependency, not buying our way out.

3. Not "business as usual" projects program
   This program will create new projects, and align current operations with the stated program goals. Behaviors and thinking will change.

Staff is targeting an efficient, adaptive, and resilient system to best address near-term and long-term stressors/opportunities.

In addition to internal analysis, staff is engaged in an RFQ process to deliver a Water System Optimization plan. The selected respondent will deliver a comprehensive Water System Optimization plan specific to Park City Water Department's current and projected systems. Staff is utilizing a third party to review our current data work, asset replacement and improvement plan, and to double-check the work the Water Department has planned. Third party expertise will help the Water Department to deliver a more robust and higher ROI product. This plan will deliver a highly-detailed data collection plan, detailed baseline system performance, and detailed strategies to best

implement the projects staff has identified. Early results from this process are anticipated in December.

Strategy
Staff is confident in its current approach and metrics. Staff is seeking Council feedback on the current trajectory of the project. Namely:

- Are the goals described in line with Council **goals**?
- Are staff's assumptions in line with Council's **assumptions**?
- Are the project parameters, specifically what this program is "**not**," in line with Council's parameters?

On October 22, 2015 staff will return with a recommended funding mechanism along suggested levels of funding for Council feedback and review.

Department Review:
Public Utilities, Sustainability, Legal, and Executive.

Alternatives:

C. Approve:
Adopt staff's recommended goals, assumptions, and parameters for the Water & Energy Resiliency Program with any feedback and recommendations. **[STAFF RECOMMENDATION]**

D. Deny:
Deny staff's recommended goals, assumptions, and parameters for the Water & Energy Resiliency Program with any feedback and recommendations, resulting in program delays.

C. Modify:
Modify staff's recommended goals, assumptions, and parameters for the Water & Energy Resiliency Program with any feedback and recommendations, likely resulting in program delays.

D. Continue the Item:
Modify staff's recommended goals, assumptions, and parameters for the Water & Energy Resiliency Program with any feedback and recommendations, resulting in program delays.

E. Do Nothing:
Do nothing, resulting in program delays.

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?	+ Multi-seasonal destination for recreational opportunities + Internationally recognized & respected brand	+ Managed natural resources balancing ecosystem needs + Enhanced water quality and high customer confidence + Adequate and reliable water supply + Reduced municipal, business and community carbon footprints	+ Skilled, educated workforce	+ Fiscally and legally sound + Engaged, capable workforce + Well-maintained assets and infrastructure + Streamlined and flexible operating processes
Assessment of Overall Impact on Council Priority *(Quality of Life Impact)*	Positive ⇧	Very Positive ↑	Positive ⇧	Very Positive ↑
Comments: A Utility Mitigation Surcharge would help to acheive a variety of Council, Community, and Staff goals.				

Funding Source:
Staff is currently operating out of existing Water Department funds and is assessing funding alternatives that will be discussed with Council in the coming months.

Consequences of not taking the recommended action:
The Water & Energy Resiliency Program will be delayed until accepted by City Council.

Recommendation:
Staff is recommending that Council review, provide feedback, and adopt staff's recommended goals, assumptions, and parameters for the Water & Energy Resiliency Program.

Exhibits:
Exhibit A – Identified Projects

Exhibit A – Identified Projects

WE&RP Identified Projects

Capital Projects:

- Meter replacements – more accurate metering leads to better leak detection
- Variable Frequency Drives (VFD) and/or Soft starts
- Jockey Pumps at various locations to meet current demands and shoulder season demands
- HVAC and building insulation
- Quinn's WTP improvements

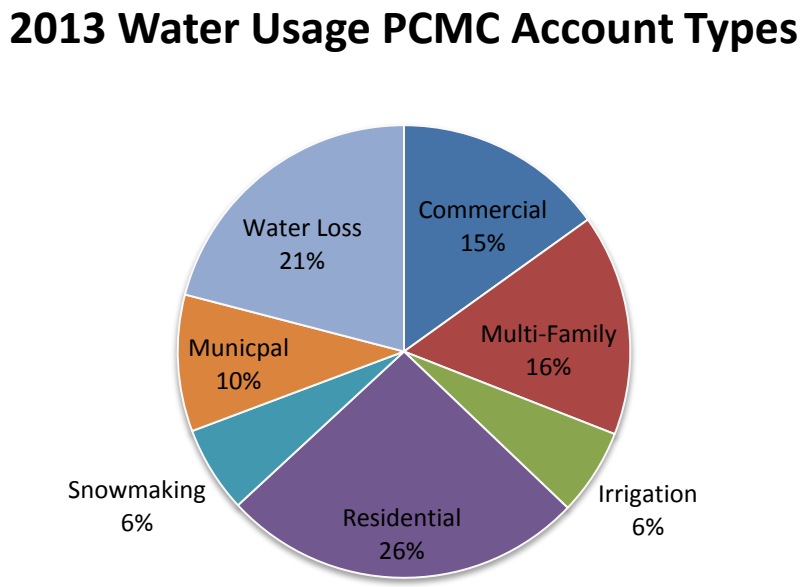
Operational:

- Continue working on hydraulic model to include energy efficiency
- Reduce leaping, looping, loading and losing head
    - A. Leaping – pumping up high and dropping down through several PRV's
    - B. Looping – pumping in circles
    - C. Loading – poor pumping schedules, load factors
    - D. Losing Head – burning pressure off unnecessarily
- Flow Control Valves – Are the rate of flow valves energy wasters?
- Pressure Reducer valve set points – Determine best setting and which should take priority
- Rate Optimization
    - 6A (off peak) when possible
    - 23 for small load factor facilities
    - 6 if you manage a load factor to 80%

Energy Generation/Renewable Energy

- Solar Panels on pump stations, treatment plants
- In line micro-hydro turbines
- Hydropond – a storage pond that utilizes steady flows of water to power microhydro while also storing raw water for purification
- Large microhydro – Judge
- Spiro and Rockport microhydro

Conservation:



- Continue conservation efforts through the WaterSmart program
    - Large public outreach program includes home water report and a customer portal to all single family residential customers, real time usage data for all customers.

DATE: December 3, 2015

TO HONORABLE MAYOR AND COUNCIL

Park City has developed an ad hoc committee to discuss how we can “elevate the stature of women’s leadership” here in Park City and specifically within the Park City Municipal government structure. The committee recommends signing the ElevateHER challenge and using the structure outlined to look at how the ways recommended by ElevateHER can even better support women here at the City.

Respectfully:

Ann Ober, Community Relations

City Council
Staff Report

Subject: **ElevateHER Challenge**
Author: **Ann Ober**
Department: **Executive/Sustainability**
Date: **November 5, 2015**
Type of Item: **Administrative- Program**

Summary Recommendations:
Authorize Park City participation in the ElevateHER challenge, with focus areas being determined in the coming weeks and months.

Executive Summary:
Park City has developed an ad hoc committee to discuss how we can "elevate the stature of women's leadership" here in Park City and specifically within the Park City Municipal government structure. The committee recommends signing the ElevateHER challenge and using the structure outlined to look at how the ways recommended by ElevateHER can even better support women here at the City.

Topic/Description: In September, Council requested that staff investigate participating in the ElevateHER challenge. In response, staff has developed an Ad Hoc Committee to review the premise of the program and to discuss opportunities for engaging with the challenge. Staff recommends participation in the program at this time.

Background:
The ElevateHER challenge is a program of the Women's Leadership Institute. Funded by Zion's Bank, the Institute is still in its infancy but has a mission to, "elevate the stature of women's leadership in Utah by improving society's understanding of the value of diversity in leadership roles, training women in leadership skills, and conveying the positive impact female leaders have on economic development, vitality, and the overall health of the state."

Led by Pat Jones (former State Senator and owner of Dan Jones and Associates), the group is dedicated to working with organizations throughout the state to achieve a better life for Utah's women (see Appendix A).

The Ad Hoc Committee is made of employees from throughout the City. Special thanks go out to those participants:

Jed Briggs
Michelle Downard
Rebecca Gillis
Claire Marlin
Andrew Leatham
Anne Laurent
Jolene Weston
Malena Stevens
Bruce Erickson
Brooke Moss

The ElevateHER challenge has the following tenets:

1. Increase the percentage of women in senior leadership positions.
2. Increase the retention rate of women at all levels of your organization.
3. Increase the number of women on your organizations board of directors, extend the influence of women in your industry and encourage women to serve on community and corporate boards.
4. Monitor pay by gender and close identified gaps.
5. Establish a leadership development and/or mentoring program for women.
6. Urge women to run for public office and give follow-up support.
7. Create innovative ways to elevate the stature of women's leadership in your organization.

Analysis:
Staff believes that Park City is actually already doing an exceptional job in these areas. However, as a part of the challenge, the committee is interested in looking at what retention of women has been for our municipality, to examine if there are any pay disparities and, if there are any pay disparities, the reasons behind such, and mentoring programs for staff. Staff recommends spending the next several months digging into these items and then returning to Council with any recommendations for change.

The team would also like to keep flexibility in the committee to look at other issues should they arise.

Department Review:
Sustainability, Police, Finance, Building, Community Development, Planning

Alternatives:

A. Approve:
Authorize City Manager Diane Foster to sign the ElevateHER challenge on behalf of the City. The committee receives direction to continue to look into these issues and update Council as items are available.

B. Deny:
Council chooses not to participate in the ElevateHER challenge at this time due to time constraints.

C. Modify:
Council chooses to amend the recommendation so a Council Member signs the challenge or Council gives specific feedback on areas they would like the committee to review impacts on women.

D. Continue the Item:
Choose to vote on this with additional information at a later date.

E. Do Nothing:
Do not act.

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?	+ Internationally recognized & respected brand + Every City employee is an ambassador of first-class service		+ Skilled, educated workforce + Diverse population (racially, socially, economically, geographically, etc.)	+ Engaged, capable workforce
Assessment of Overall Impact on Council Priority *(Quality of Life Impact)*	Very Positive ↑	Neutral ⇔	Very Positive ↑	Very Positive ↑
Comments:				

Funding Source:
None Required

Consequences of not taking the recommended action:
The City will not engage in a heightened focus on the stature of women at Park City Municipal.

Recommendation:
Park City participates in the ElevateHER challenge, with focus areas being determined in the coming weeks and months.

Appendix:
Appendix: Appendix A – ElevateHER Participants List

Appendix A – ElevateHER Participants

Zions Bank
American Express
Beneficial Life: Insurance Company
Boncom
Questar
City Creek Center
Salt Lake Chamber
Deseret Digital Media
Deseret Book
Deseret Management Corporation
Deseret News
Dixie State University
Intermountain Healthcare
Utah State University
KSL TV 5
Larry H Miller Group of Companies
United Way
Salt Lake Community College
Temple Square Hospitality
Utah Valley University
Westminster College
Weber State University
Visitor Bureau
Snow College
Infinite Scale
UTA
CHG Healthcare Services
Buckner
MountainStar Healthcare
Davis Chamber of Commerce
Utah Media Group
Workers Compensation Fund
Ogden, Utah
CBIZ MHM
CBRE
Rio Tinto
inContact
Cambridge Financial Center
Union Pacific
Utah Housing Corp
City Launch PR
University of Phoenix
The University of Utah
Holland & Hart
Fabian VanCott
Phillips Edison & Company
Peco Real Estate Partners

MANAGER'S REPORT – 12/3/2015

Submitted by: **Steven Arhart**
Subject: **Neighborhood Traffic Management Program Update**

The information provided in this Manager Report is an update on the items that have come through the Neighborhood Traffic Management Program (NTMP) since June 2014. Included in this is a notification and summary for a Request for Elevated Level of Service (RELS) to do snow removal of the sidewalk in front of Line Condos on Deer Valley Drive.

Respectfully:

Steven Arhart,

City Council
Manager Report

Subject:	**Neighborhood Traffic Management Program Update for Council**
Author:	**Steven Arhart**
Department:	**Engineering**
Date:	**December 3, 2015**
Type of Item:	**Administrative**

The information provided in this Manager Report is an update on the items that have come through the Neighborhood Traffic Management Program (NTMP) since June 2014. Included in this is a notification and summary for a Request for Elevated Level of Service (RELS) to do snow removal of the sidewalk in front of Line Condos on Deer Valley Drive.

Acronyms

NTMP – Neighborhood Traffic Management Program
RELS – Request for Elevated Level of Service

RELS Request

Jack Pacholarz, a resident of the line condos has submitted a petition to the city to plow the sidewalks in front of the Line Condos. This stretch of sidewalk is the north side of Deer Valley Drive between 545 and 601 Deer Valley Drive. Part of this sidewalk includes a City bus stop and a school bus stop. Community meeting fliers were delivered to all the residences of the Line condos and a couple of the adjacent properties. On May 26th, 2015 a community meeting was held. As we progress into winter Public Work's staff may plow the sidewalk depending on the amount of snow. The time and cost is the main concern when the snow is deep and/or heavy. The NTMP Committee is gathering data related to the bus stop usage by the school district, municipal buses, required costs for snow removal, and other pertinent information. Once staff has completed our analysis and developed a recommendation, the recommendation will be brought to Council for consideration. Staff anticipates bringing this analysis and recommendation to Council within the next two months.

Summary of the NTMP Items since June 2014

NTMP Item	Request for	Progress	Start Date	Phase 1 - Evaluation	Phase 2 - Petition & Meeting	Comments
Doc Holiday & Little Bessie	Intersection controls and lower speed limit	Complete	6/26/2014	9/24/2014	6/21/2015	Took speed counts. Speed counts show 85th percentile is 21 mph and 17 mph in two sections. Accessed parking. Held community meeting. Checked accident reports. Gathered data and research. Mitigation measures: Striped the curve of the road. Added red curb where necessary. Speed counts do not warrant additional speed control measures.
Woodside Cobra Lights	Removal of cobra street lights	Complete	8/12/2014	11/10/2014	12/6/2014	Held a community meeting. Turned off certain lights. Will reach out to community for feedback. Probably remove cobra lights. Mitigation measure: Removed light.
Holiday Ranch Loop Bicycle Path	Mark shoulder as bicycle lane move bicycles from pathway	Complete	9/9/2014	12/8/2014	9/4/2015	Took bicycle counts for volume and speed. Gathered data and research on similar bicycle paths. Mitigation measures: Advised homeowner to keep sight triangles clear in order to see oncoming bicycles at an adequate distance.
Park Avenue Parking (Hotel Park City)	Deal with cars parked along SR 224	Complete	9/9/2014	12/8/2014	1/3/2015	Discussed the parking regulations on SR 224. Increased police enforcement. Discussed issue with PC Hotel Management.
Parking Restrictions on Rising Star Lane	Cars parked poorly in cul-de-sac, loud noise, and trespassing onto property	Complete	9/9/2014	12/8/2014	9/4/2015	Created and discussed plan of action with concerned resident. Made changes to plan of action to satisfy both parties. Mitigation measures: Installed signs as desired per the plan of action that was discussed with the homeowner.

Rossi Hill Parking	Cars parked on narrow road, causing public safety issue	In Phase II	10/21/2014	1/19/2015	10/16/2015	Held a community meeting. Parking inventory during summer. Interplan will determine best solution for community. Report to council in December or January.
950 Park Avenue	Requested no parking zone	Complete	10/21/2014	1/19/2015	2/14/2015	Checked sight triangles. Checked accident reports. Mitigation measure: Discussed increased enforcement with police and requestor.
Pedicabs in Park City	Requested to operate Salt City Cycle Cab in PC	Complete	10/21/2014	1/19/2015	2/14/2015	Sustainability is taking this project.
Three Kings and Crescent Road	Additional No Parking Signs	Complete	10/21/2014	1/19/2015	2/14/2015	Looked into history of parking signs on Crescent Road and determined that signs should have originally been installed. Mitigation measure: Installed No parking signs to mitigate issue.
Park Avenue Parking near 13th Street	Parking across the sidewalk	Complete	11/11/2014	2/9/2015	3/7/2015	Mitigation measure: Increased police enforcement to control parking on sidewalk.
Snow Removal Line Condos Sidewalk	Snow removal of sidewalk and bus stop	RELS	11/11/2014	2/9/2015	11/6/2015	Received a petition. Held community meeting. Gathered data about costs, external influences, etc. Next step is to take this to City Council.
Hillside Traffic Issue	Better control vehicle traffic on Hillside Avenue	In Phase I	12/9/2015	3/8/2016	12/3/2016	Drafted a plan of action and reviewed with NTMP and requestor. Made changes to top of Hillside. Waiting for Brew Pub Lot redevelopment plans.
Snow Removal Marsac Sidewalk	Snow removal of sidewalk	Complete	12/9/2015	3/8/2016	4/3/2016	Denied approval because of the location, the serviceability to a few homes and not the community. Discussed with the requestor.

820 Park Avenue Stop Signs	Make intersection controls permanent	Complete	1/13/2015	4/13/2015	5/9/2015	Not a current problem. Will address after the construction is complete.
Prospector Square Parking Prospector Poison Creek	Sign Prospector Avenue as no parking 2 AM to 6 AM	In Phase II	1/13/2015	4/13/2015	1/8/2016	Increased Police enforcement. Hales Engineering has finalized parking study. Police will review the study. Engineering will meet with Aspen Villa.
Intersection Control Snow Creek cottages and Access Road	Request a yield sign for intersection controls	Complete	2/10/2015	5/11/2015	6/6/2015	Discussed non-standard intersection. Mitigation measure: Streets added yield sign. Looked at public safety concern and road width. Mitigation measure: No Parking Sign is installed behind fire hydrant. Took traffic counts. Denied request per the analysis of the traffic counts.
Parking Issue 243 Ontario Ave	Request for No Parking Signs	Complete	3/10/2015	6/8/2015	7/4/2015	
Intersection Lane Markings at Comstock and Kearns	Change the layout of the intersection stripes	Complete	4/21/2015	7/20/2015	4/15/2016	
Opening 10th Street year round to allow frontage access to homeowner	Open 10th street year round	Complete	5/12/2015	8/10/2015	5/6/2016	Discussed with trash collection, checked steepness, public safety concerns. Denied request for steepness, public safety concern, and trash collection will not operate trucks on 10th street even if it were open.
Parking on west end of Deer Valley Loop	No parking on Deer Valley Loop	In Phase I	6/9/2015	9/7/2015	6/3/2016	Mitigation measure: Landscaped in order to prevent parking. Monitor parking issue
Parking Permit 672 Woodside	Change parking permit zone	Complete	6/9/2015	9/7/2015	6/3/2016	672 Woodside is an empty lot and should not have a parking pass.

Parking Issues 1149 Park Ave	Add red curb on sides of driveway	Complete	7/14/2015	10/12/2015	7/8/2016	Checked accident reports. Mitigation measure: Increased police enforcement. Will monitor parking issue.
Mirror @ 8th and Park Ave	Requesting advice and concerns about locations of concave mirror	Complete	7/14/2015	10/12/2015	7/8/2016	Discussed concerns of angle, vehicle head lights, and shiny backside with Heather and Clint with Parks and Recreation Departments.
Speed Issues 2131 Lucky John	Radar feedback sign	In Phase I	7/14/2015	10/12/2015	7/8/2016	Posted speed is 25 mph. Two speed counts show 85th percentile is 30 mph and 29 mph. Police Trailer is taking speed counts. Checked sight triangles. Checked visibility of signage. Mitigation measure: Installed advisory 20 mph speed signs below curve signs. Took speed counts. 85th percentile is 31 mph. Looking into installation of feedback sign.
Speed and Signage issue 3100 American Saddler	Adjust signage for the sharp curve	Complete	7/14/2015	10/12/2015	7/8/2016	
Traffic Noise and Speed Issues 446 Marsac Ave	Noise ordinance, slower speed, brake ordinance	In Phase I	7/14/2015	10/12/2015	7/8/2016	
57 Thaynes Canyon Drive Speed Issue	Radar feedback sign	Complete	8/11/2015	11/9/2015	8/5/2016	Took speed counts. 85th percentile is 26 mph. Denied request per speed data.
478 Marsac Avenue	Reduce speed limit	Complete	8/11/2015	11/9/2015	8/5/2016	Took speed counts. 85th percentile is 31 mph. Looking into installation of feedback sign.
Webster Drive Parking Issue	Parking permit program	In Phase I	9/15/2015	12/14/2015	9/9/2016	Took parking inventory. Discussed with Vaughn and Clint with Golf. Discussing with Planning Department.

Kings Court Parking Issue	No parking signs	Complete	9/15/2015	12/14/2015	9/9/2016	Took parking inventory. Discussed public safety. Denied request per the width of the street and scarcity of parking issue occurring.
Left Turn Lane at Guardsman Connection and Marsac Avenue	Additional lane marking for left turn only	Complete	9/15/2015	12/14/2015	9/9/2016	Analyzed road width. Checked accidents reports. Denied request per analysis of the available space.
No Parking Signs in Swede Alley	Address the non-compliant parking signs and delivery regulations	Compliant	9/15/2015	12/14/2015	9/9/2016	Mitigation measure: Installed code compliant parking signs. Will remove red curb in spring.
Parking along Park Avenue	Change parking permit enforcement	Complete	9/15/2015	12/14/2015	9/9/2016	Mitigation measure: Increased police enforcement. Discussed with resident.
Parking Issue Woodside between 14th and 15th	Parking permit program or No Parking Signs	In Phase I	10/13/2015	1/11/2016	10/7/2016	Took parking inventory. Received petition from resident. Will meet with resident. Possibly install No Parking signs per public safety issue.
No parking 12th and Norfolk Ave	No parking both sides of street	In Phase I	10/13/2015	1/11/2016	10/7/2016	Will meet with yoga studio. Possibly install No Parking Signs per public safety issue.
Driveway, parking, and sight triangles on Sidewinder	Add No Parking Signs or red curb for driveways	In Phase I	11/10/2015	2/8/2016	11/4/2016	Sight triangle is of standard distance. Checking Accident reports.
Noise pollution along SR 224	Minimize noise pollution from SR224 near Town Point Condos	In Phase I	11/10/2015	2/8/2016	11/4/2016	Will schedule meeting with requestor.

DATE: December 3, 2015

TO HONORABLE MAYOR AND COUNCIL

Attached for your approval, please find the City Council meeting minutes for September 3, 2015. Thank you for your consideration.

Respectfully:

Michelle Kellogg, City Recorder

PARK CITY COUNCIL MEETING MINUTES - DRAFT
SUMMIT COUNTY, UTAH
September 3, 2015

CLOSED SESSION
To discuss Property, Personnel and Litigation

STUDY SESSION

Historic Preservation Board Joint Meeting
There was discussion regarding the Historic Preservation Board's (HPB) process. It was inquired how many appeals there had been, to which it was noted there had been one.

Mayor Thomas explained that there was a process to go through in order to build or renovate. A building permit would need to be obtained from the Building Department, and the Planning Department would also be involved to help everything go smoothly. He wanted to discuss ways the Board could clarify everyone's roles even more, and indicated there were knowledgeable people on the Board who could help the Planning staff with issues regarding historic preservation.

It was discussed that last night, Planning reviewed demolitions and they would be bringing a lot of items to the HPB. Two historic buildings came before the Board to request things they wanted removed. Council Member Matsumoto stated she felt the community wasn't confident that everything was being done to preserve historic buildings, and noted that when guidelines were presented, one person's interpretation of those could be different than another's. She thought it was important that a request go back to design review.

Mayor Thomas indicated the Board wanted to enhance the role of HPB and make a better process with regard to historic preservation. It was questioned whether the HPB should be a commission or a board. Council Member Matsumoto stated she didn't know if those names had significant differences, but she wanted to see a design review after staff as opposed to appeals. She felt the community didn't have confidence in the current system.

Council Member Simpson stated that at one point, the Planning staff was directed to produce a report for HPB with every house in the historic district that was under

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construction. She indicated those reports would be helpful again. One HPB member indicated those monthly updates were wonderful, and asserted that at every meeting the Board also received additional information such as what funds and grants were available. Council Member Simpson felt the reports were bare bone, but at least it helped the Board members know what was going on at each property. She also favored seeing something like that again. Planning staff indicated they would be happy to do that again. Another HPB member thought the Board would have more of an opinion and more room for interpretation, but that seemed to be determined more by the Legal Department, with no room for interpretation.

Council Member Matsumoto asserted that if the code was such that historic buildings could have changes that didn't look good, the Board's responsibility was to change the code. It was indicated that the Board had a problem with demolitions, and it wanted more communication in order to be kept in the loop.

Bruce Erickson stated if there was potential to hurt a historical structure, it first needed to go in front of the HPB. Even though staff might feel that it wouldn't need to go through a design review, HPB should decide whether it was okay to do the "demolition". He thought the information about what was happening in the historic district would be best disseminated by HPB. Council Member Simpson suggested that the order of how they're doing things needed to be changed. Erickson explained that in 2009, people interpreted the code loosely, and staff made many of the decisions. The definition of "historic" broadened over time, and there was a weakness in the design criteria. Planning was trying to be much more careful with the Historic District now.

Council Member Simpson indicated that it was apparent the guidelines weren't working, and if they weren't fixed, an individual would be put in the position of voting for something even if they hated it, just because it met the guidelines. She requested to see pictures of structures that showed where the guidelines didn't meet the intent the guidelines were supposed to create. Erickson stated communication with the community should happen early and often, and noted the Planning Department needed help from HPB with that.

Discussion followed regarding amendments to the code. Mayor Thomas indicated the Board needed to take a closer look at how flat roofs would need to be addressed in the code, and also look at other sections that needed to be amended. It was inquired if there was a way to give the HPB an appeal board. It was indicated that it wouldn't be a decision but an opinion. If the HPB was not happy with "X" outcome, the members could learn how that guideline was misapplied. Mark Harrington, City Attorney, explained the review process, and stated it would be like going to the Board of Adjustment.

Council Member Matsumoto inquired about what would happen when a project needed to have changes, but it didn't get reapproved. She asserted that buildings were not

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meant to last 100 years, making it necessary to renovate, but there seemed to be a step missing where changes could be made that wouldn't follow the historic guidelines. Planning staff indicated that they had to go back to HPB for permission when they were going to make changes.

Mayor Thomas summarized the points from the Study Session. Council Member Beerman stated the Board needed to review the design guidelines. Planning staff indicated that they could do that.

WORK MEETING

Council Questions and Comments and Manager's Reports:
Council Member Simpson indicated that she attended a land wildfire meeting in Salt Lake City, and they were close to figuring out the formula for cities to contribute to the fund. She continued that she attended the Fire District meeting last week. She also noted that she and Council Member Peek attended the joint city Council meeting.

Council Member Henney stated that he attended the Utah Recycle Meeting, and noted that prices for recycled materials are extremely low. In addition, he attended Planning Commission Meeting, and they discussed affordable housing. He noted that they seemed to be agreeing on the need for affordable housing, but not getting the deliverable product soon enough. He noted his attendance at the joint City and School District meeting, and stated he didn't know the school was asking the community how they wanted to pay for improvements--with a bond or through a property tax increase--and he left with a completely different take on the project. He stated he was pleased with the way Diane Foster, City Manager, expressed staff's need to clarify the Council's priorities. He noted that staff elevated transportation and housing to critical priorities. He inquired if the Council was interested in raising the priority of carbon reduction and energy efficiency to a third critical priority. He also stated he was not asking for staff resources at this time. Foster indicated this request would be sent through the budget process. Council Member Beerman stated he didn't want to wait until budget time. He realized a mid-stream change was difficult; however, he was in favor of assigning more staff time toward this effort. Foster indicated staff could make this a priority.

Council Member Matsumoto indicated she met with HPB at their meeting, and thanked them for meeting with the Council today. She continued that she attended the School Board meeting and the County and City Council meeting. She noted that she and Council Member Henney agreed to work on projects with the Rec Board and the School Board. She noted that she met with the Historical Society today as the City liaison, and they reviewed that they put wraps on buses and trains in Salt Lake that advertised the museum and Park City. They also got the advertisement done with the restaurant tax. She indicated there was also talk about the California Comstock mine that was collapsing, and indicated the Historical Society spoke about acquiring funds in order to

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work with Vail. She stated it was in a critical state right now, and asked if there were some City funds available for this purpose.

Council Member Beerman stated he attended the MARC solar ribbon cutting and went to the KPCW bash, which was well attended by the local residents. He indicated that Mountain Accord had a few discussions, and noted that he and Chris Robinson are still on that committee. Finally, he indicated that he had a presentation on Colorado Association of Ski Towns (CAST); however, he would wait to give that due to the number of individuals wanting to give public comment tonight.

Mayor Thomas indicated that he too attended the School District and solar meetings. He noted a lot of solar power was being created, and he was glad to be part of that.

MANAGER'S REPORTS

Public Utilities Department Water Pumping Surcharge Map Correction:
It was decided to discuss this item at a later date to be determined.

Park City Municipal Interior LED Lighting Retrofit Update:
Council Member Henney stated that he was pleased with the new LED lighting in the building. Council Member Beerman added he had undertaken this project at his hotel as well because he had seen a 30% energy reduction at his home from using LED lighting.

WORK SESSION

Update Regarding Temporary Sanitation Facilities During Sundance:
Kurt Simister, Building, addressed the Council regarding the temporary restroom facilities during Sundance. He indicated that staff's recommendation was that the City not provide temporary restroom facilities during Sundance since the event activities normally took place inside. He informed the Council there were nine event venues that signed the bathroom hardship forms.

Foster summarized the agenda item. She noted that there were nine properties which all signed the hardship form, and all would have the ability to rent property during Sundance. Staff's perception was that these properties should adhere to the building code. Discussion followed regarding occupancy and what specified occupancy of a building. Simister explained occupant load and code to the Council. Council Member Beerman inquired if the city consistently enforced the plumbing code. Simister responded affirmatively. Council Member Beerman stated these were all small local businesses, and he knew these individuals. They had high expenses, so this item concerned him.

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Council Member Matsumoto agreed with Council Member Beerman and inquired if there was something that precluded the nine businesses from coming together and renting their own restroom facilities. It was indicated they could; however, they couldn't station them on public property.

Mayor Thomas inquired if the Council agreed with staff's recommendation. Council Member Matsumoto stated that she agreed the city shouldn't pay for the facilities. Council Member Simpson stated it was a fairness issue, and indicated there were businesses that installed restrooms to meet the code. She thought if a business wanted to make money during Sundance, they needed to comply with the code. Council Member Henney agreed with Council Members Beerman and Matsumoto; however, he also agreed with Council Member Simpson and Peek regarding the code issue.

Lower Park Avenue Design Studio, Next Steps Discussion Continued:
Phyllis Robinson, Sustainability, addressed the Council, and reviewed the discussion from the August 20th Council meeting. Robinson explained the city-owned property in the RDA, which was outlined in red. She reviewed the process they had gone through thus far and stated they were coming back for Council direction in December.

Robinson noted the differences in this group's proposal and her meeting organization proposal. Discussion followed regarding the Library Field. Council Member Beerman clarified that the Library Field should not be a discussion about giving the entire library field to developers. The field was owned by the city and therefore by the community, so whatever happened there would be up to the public. If some development occurred there, it would only be on part of the field. The questions he hoped to discuss was whether the community would be willing to develop any part of the Library Field for a community purpose, if there was a percentage they would be willing to give up, and if there was a trade-off on this item or not.

Council Member Simpson stated that she was proud of how respectful the Park City community was to people with differing opinions. Council Member Matsumoto stated that she was not in favor of having the senior center take up any portion of the Library Field. She discussed affordable housing, and indicated she would like a future Council to be able to have citizens to work with, and not just second homeowners in Park City. She would like there to be voters in town, and thought this group had some other good properties they could use for affordable housing. They shouldn't have to attempt building on the Library Field first, although she didn't want to take it off the board completely.

Council Member Beerman stated he thought Council Member Matsumoto did a good job explaining what the discussion was about. Council wanted to look at every scrap of property that would be a possibility. They had heard the public loudly and they were focusing the affordable housing project elsewhere. He indicated he was not interested in affordable housing on Library Field. As far as a senior center, maybe it could be

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reoriented to sit more on the perimeter. He wanted to have a senior center in place before too long, but noted he was willing to look at other locations for it.

Council Member Peek stated he agreed that it's important for the community to have full-time residents, but housing on the perimeter of the library field was not the Council's first priority. Council Member Simpson agreed with everything that had been said. She stated one thing they could look at with the property that stretched from Park Avenue to Woodside was that good design didn't have to mean one acre lots; it could mean shared space. She was interested in the promenade idea and enhancing the park if they kept it as green space.

Mayor Thomas stated the Woodside properties could work to their advantage if planned in a more careful way. He saw Library Field from the perspective of an interior open space, one that the neighborhoods enjoyed. He noted the pressure to develop something would get higher and higher, but the city placed a high value on open space in this community and he wanted to emphasize the importance of it. If planned properly, they could have both.

Council Member Matsumoto indicated it was important to establish the kind of housing the Council was looking for. She didn't want 300 square foot housing units, and didn't feel responsible for resort employee housing—the resorts should supply that. But it was evident that the city needed housing for young families that wanted to live here. She wanted options for middle income, professional people.

REGULAR MEETING

I. ROLL CALL

Mayor Jack Thomas called the regular meeting of the City Council to order at approximately 6:00 p.m. at the Marsac Municipal Building on September 3, 2015. **Council present:** Mayor Jack Thomas, and Council Members Andy Beerman, Tim Henney, Cindy Matsumoto, Dick Peek, and Liza Simpson. **Staff members present :** Diane Foster, City Manager; Matt Dias, Assistant City Manager; Mark Harrington, City Attorney; Karen Anderson, Deputy City Recorder.

II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

This item was not discussed.

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

<u>Library Park</u>

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There were multiple residents who wished to express their concern regarding the development of Library Park. The consensus of the residents was to preserve the park and not develop it.

Abby McNaulty – Norfolk, had two kids and her niece and nephew also lived on Norfolk. She was concerned about old town becoming a ghost town. As the neighbors have children, the households grow out of their spaces in their homes, so they gather at the library field as their backyard with all of their kids. She indicated she was a proponent of affordable housing, but didn't feel like that was the spot. She would like the Library Field to be kept open forever.

Paula Heard – Thaynes Canyon, informed the Council that 12 days ago a P.A. system came into her neighborhood and amplified music, which was not allowed at the park, and noted that this occurred regularly. She said she was not dissatisfied with the park being there; however, there was an ordinance which was established to prevent this type of activity from happening at Rotary Park. She asked that the liaison from the Parks Department reacquaint the employees with this sound restriction.

Suzie Williams – Thaynes Street, stated residents on her street were having a problem with taxi cabs parking on her street, especially during Sundance, and sometimes there were three deep. She inquired if something could be done about the situation.

Ed Lewis indicated the library park was in his backyard. He asked the Council to drop the conversation of any proposed development on Library Field and start talking about preserving it in its entirety forever.

Jo Jones – Heber, stated she lived in Park City for many years and still works here. She indicated that many people who work in town meet up with friends at the park, take their children there, and many drive into town every day to hang out at places like library park.

Max McNaulty – Norfolk, stated he was ten years old and had lived in old town since he was two. He indicated that old town didn't have a lot of good places to play, and Library Field was one of the places he and his friends go sledding and roll down the hills. The town kids love library field. He requested that the Council not take it away.

David Bennett - UCARE, indicated he was at the meeting to represent UCARE. He would like to encourage the Council to adopt a resolution to require Rocky Mountain Power to utilize renewable energy. He felt that Rocky Mountain Power was doing a horrible job, and homeowners would have to fight to promote renewable energy.

Mark Clemens – UCARE, addressed the Council regarding a proposed resolution for renewable energy. He represented the Sierra Club, and indicated that Matt Abbott had an electronic copy of the Resolution.

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Joe Glen owned a second home in old town and he hoped to retire in Park City. He thought that the Library Field was some of the only green space in old town, and once it was taken away, even two percent of it, you could never get it back. For people wanting to move to Park City or retire here, that field would be a large incentive for them to stay.

Ed Parisian was a representative of the Library Field Group. He stated the Council wanted a town full of citizens, and the citizens here tonight voiced that they did not want the field developed. He thought the city would want the whole field intact for future citizens to enjoy. He knew the Council was only considering building on a portion of the field, but he didn't want any building on the field because interior green space was limited. He suggested that the Council pass a conservation agreement for that area.

Andrea Aver stated she owned a second home in Park City, but lived in the valley, so her family was here often. They utilized all the amenities in old town. They owned a condo across from Library Field, and that was one of the reasons they wanted to live there. She requested that the Council take the proposed development of the field off the table permanently.

Barbara Grawe stated she was a resident of Park City, but not of old town. Her children lived in old town, in a home with limited space, so she goes to the soccer field and plays with her grandsons. It's a special place for kids, dogs and families.

Deb Statchell – Upper Woodside, stated she goes to the Library Field three to five nights a week to run her dog and spend time with friends. She would like to preserve the field forever.

Becca Gerber thought most people come to Park City as the workforce and then they stay and become year-round voting citizens. She indicated that millennials would be less likely to buy a home and drive a car. They were environmentally conscious and willing to live in smaller spaces. She recommended that the Council consider building something more dense and providing more rental space in Park City.

Further Discussion on Lower Park Avenue Design Studio, Next Steps Discussion Continued:

Further discussion continued regarding Lower Park Avenue Design Studio, and staff requested direction for Library Field.

Mayor Thomas indicated with regard to balance of property, the senior center should be considered. There were many unknowns such as what it is, how big it is or where it will be located. There are also questions regarding the east-west connection. In addition, he thought the Council needed to come up with some kind of program and function diagraming of how some of this works.

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It was indicated that the East-West Connection would be preserved as a right-of-way, and as of now it was just a high level concept. Council Member Matsumoto indicated she had a few questions, such as how wide it would be and what the possibilities are for it. She inquired how much room the City had on Park Avenue and Empire. It was indicated there was a minimum of 30 feet on Park Avenue and Empire had 87.5 feet.

Council Member Simpson stated on a high level, she did not want single family occupancy vehicles. Council Members Peek and Henney indicated they were in favor of the East-West Connection. Council Member Beerman stated he was supportive of leaving the East-West Connection. Foster stated that knowing the Council was in favor of preserving that was helpful to staff. Council Member Matsumoto expressed concerns regarding the East-West Connection because the transportation study was not back yet.

Mayor Thomas noted the East-West Connection was an important connectivity, however, he didn't know where the connection should go. He added that it was important to know where it was and who it was for. Council Member Simpson stated in all the conversations she had been a part of, it had been more of a neighborhood connection, not an extra connection for the resorts. The majority of the Council was in favor of the East-West Connection except for Council Member Matsumoto.

Discussion followed regarding the senior center. Foster inquired if the Council wanted to replace the senior center with a community center. Council Member Simpson indicated she didn't want to move the senior center out of the Lower Park Avenue. In addition, she was intrigued about moving it closer to the library. Council Member Matsumoto indicated that she felt more information was needed before she formed an opinion. Mayor Thomas requested that the facility be multi-functional, and also noted that the senior center needed a community room for 30-40 people. It was indicated that there was a bigger community room, and more at the library.

Council Member Beerman was in favor of the new senior center being built on the same site, and he was open to see if they would like to expand the recreational building, in addition to a full-size kitchen. He stated he was not interested in the Miner's Hospital. He also interjected the possibility of child care. Council Member Peek said he would like to see the library utilized, and noted that a kitchen was all it would need.

Council Member Henney indicated senior needs seemed to be at the top of the priority list. He felt the multipurpose center could be combined with the library. Council Member Matsumoto inquired if they could get a list of the other users and move them into the library. Foster indicated there were different options, and staff could bring them back to the Council in November, 2015, and look at the third floor of the library as a temporary space. Mayor Thomas stated he wanted to look at scale as well.

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Discussion followed regarding Woodside and Park Avenue Housing. Foster stated they would come back in November, 2015, and present concepts. Council Member Beerman stated Woodside was more walkable, and he liked the pedestrian concept.

Foster stated Library Field was not being utilized for any development. Council Member Simpson noted he would like to utilize Library Field for connectivity. Council Member Beerman thought there was a lot of traffic that went through that field, and he was okay with that.

IV. CONSIDERATION OF MINUTES

Council Member Peek moved to approve the City Council Meeting minutes for July 16, 2015, and July 30, 2015. Council Member Simpson seconded the motion.

Voting Aye: Council Members Andy Beerman, Tim Henney, Cindy Matsumoto, Dick Peek, and Liza Simpson.

V. CONSENT AGENDA

Consideration of a Special Employment Contract and Appointment Subject to MCPC 2-4-6, Michelle Limon as City Recorder from September 7, 2015 through June 30, 2016:

Consideration of a Request to Accept a Donation, Memorial Bench, and Authorize use of City Property in Round Valley to Honor the Legacy of Keith McCauley:

Consideration of a Request to Accept a Donation, Memorial Bench, and Authorize Use of City Property in round Valley to Honor the Legacy of Lacey Compton:

Council Member Simpson moved to approve the Consent Agenda. Council Member Beerman seconded the motion.

Voting Aye: Council Members Andy Beerman, Tim Henney, Cindy Matsumoto, Dick Peek, and Liza Simpson.

VI. NEW BUSINESS

Consider Acquiring the 14.35 Acre Sommer Parcel, Located Immediately South of the Rail Train in the Prospector Area, for the Amount of $500,000:
Heinrich Dieters addressed the Council regarding the acquisition of the 14.35 acres referred to as Sommer Parcel. He noted that during the meeting held on August 20, 2015, the Council approved the purchase of real estate. Originally, they were going to close on September 25, 2015; however, due to the seller's health, they requested to move the date up to tomorrow.

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It was inquired if 50% of the parcel could be utilized for affordable housing. Mr. Dieters indicated the Council needed to decide on a number.

Council Member Peek moved to approve the acquisition of the 14.35 Acre Sommer Parcel, located immediately south of the Rail Train in the Prospector Area, for the amount of $500,000. Council Member Beerman seconded the motion.

Voting Aye: Council Members Andy Beerman, Tim Henney, Cindy Matsumoto, Dick Peek, and Liza Simpson.

Consideration of an Ordinance Approving the Mountain Sprits Condominiums Record of Survey Plat Located at 533-537 Woodside Avenue Pursuant to Findings of Fact, Conclusions of Law and Conditions of Approval in a Form Approved by the City Attorney:
Kiersten Whetstone, Planning, addressed the Council regarding the proposed ordinance. It was inquired if this was the site of a remodeled condominium. It was noted it was, and the owners would be able to keep their same setbacks. Council Member Matsumoto expressed concern with this in Old Town. Whetstone indicated that she just recently approved some code requirements; however, this one didn't speak to that because it was determined to be a remodel.

Council Member Simpson asserted there wasn't any of the original building left. Whetstone stated the foundation and first floor were still there, and noted that it was so poorly constructed that the owners had to remodel it wall by wall.

Public Hearing
No comments were heard

Council Member Matsumoto moved to authorize Mayor Thomas to sign an ordinance approving the Mountain Sprits Condominiums Record of Survey Plat, located at 533-537 Woodside Avenue pursuant to Findings of Fact, Conclusions of Law and Conditions of Approval in a form approved by the City Attorney. Council Member Peek seconded the motion.

Voting Aye: Council Members Andy Beerman, Tim Henney, Cindy Matsumoto, Dick Peek, and Liza Simpson.

Authorize the City Manager to Execute Amendment No. 3 to the Water Conveyance – 2013 Pipelines Projects Segment B Construction Agreement, in a Form Approved by the City Attorney, with Cop Construction, LLC., for an Amount not to Exceed $247,099.78:
Roger McClain, Water Department Manager, informed the Council that the pipeline was installed to the last phase, and the change order was in compliance with the primary

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screen and sediment in Empire tank before they discharged into the creek. He state the screening would remain in place until they got treatment.

Council Member Simpson moved to Authorize the City manager to execute Amendment No. 3 to the Water Conveyance – 2013 Pipelines Projects Segment B Construction Agreement, in a form approved by the City Attorney, with Cop Construction, LLC., for an amount not to exceed $247,099.78. Council Member Peek seconded the motion.

Voting Aye: Council Members Andy Beerman, Tim Henney, Cindy Matsumoto, Dick Peek, and Liza Simpson.

Authorize the City Manager to Execute the Third Addendum to the Well Source Alternatives Assessment Professional Services Agreement, in a Form Approved by the City Attorney, with CH2M Hill Engineers, Inc. for Park Meadows Well Filtration Designs Services in an Amount not to Exceed $348,666:

Roger McClain, Water Department Manager, addressed the Council regarding the Third Addendum to the Well Source Alternatives Assessment Professional Services Agreement. He noted that they had been working on meeting those treatment requirements, and the design contract moved them into meeting the requirements. They planned to have concept submittal by January, 2016, and another submittal by December, 2016. Then they would be assessing what the building would look like.

Council Member Beerman moved to authorize the City Manager to execute the Third Addendum to the Well Source Alternatives Assessment Professional Services Agreement, in a form approved by the City Attorney, with CH2M Hill Engineers, Inc. for Park Meadows Well Filtration Designs Services, in an amount not to exceed $348,666. Council Member Henney seconded the motion.

Voting Aye: Council Members Andy Beerman, Tim Henney, Cindy Matsumoto, Dick Peek, and Liza Simpson.

VII. ADJOURNMENT

With no further business, the meeting was adjourned.

_____
Michelle Kellogg, City Recorder

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DATE: December 3, 2015

TO HONORABLE MAYOR AND COUNCIL

Attached for your approval, please find the City Council meeting minutes for October 22, 2015. Thank you for your consideration.

Respectfully:

Karen Anderson, Deputy City Recorder

PARK CITY COUNCIL MEETING MINUTES – DRAFT
SUMMIT COUNTY, UTAH
October 22, 2015

CLOSED SESSION

To discuss Property and Litigation

STUDY SESSION

Main Street Tenant Mix Discussion

Jonathan Weidenhamer and Alison Butz, Historic Park City Alliance (HPCA), recommend the City take a limited role in addressing the tenant mix on Main Street as the current discussion supports us refraining from influencing free market forces. They suggest Council should consider steps to address building vacancies and currently pending updates to the vertical zoning ordinance.

Butz addressed the vacant buildings on Main Street and the allowance of chain stores, saying both affect our authenticity and historic character. Mayor Jack Thomas states some store owners make enough money they don't have to be open year round, which makes it appear like there are vacancies; therefore, we need to know what tools we are dealing with. Council member Matsumoto says she feels vacancies and tenant mix are two different discussions. Says she's not sure what other cities do but would like to spend some staff and community time to figure out the answer.

Council member Henney states the free market is what is driving everything, but if it's unbalanced it will leave unintended consequences. He believes there are governmental factors that can counteract free market drivers, but we need to figure out what those are first, and we need the support of the business community to make them successful.

Council member Beerman says, as a business owner, he feels there are three parts to this discussion -- historic character, business mix, and overall vibe of the street -- and losing any one these would put our community in danger. He feels we should address the issue of vacancies wherever we can find leverage. Says construction is also a problem as it is ever-present and inhibits movement with many projects taking too long. Feels we limit chain stores as they may ruin the character of Main.

Council member Simpson says a way to impact free market dynamics is to create smaller spaces that are attractive to small businesses. Would like to discuss the hotbed piece more because she's not sure it's in a crisis stage and says Main Street has never seemed "un-vibrant" to her.

Council member Henney doesn’t want to see the City’s involvement have an unintended consequence of affecting other parts of town that provide spaces for businesses who are pushed off Main, but feels it’s worth it to take a look at property ownership there.

Bruce Erickson, Planning Director, spoke to how he and Weidenhamer have taken a deeper look at the code and says we need prioritization on issues. Council member Henney believes we can address the vacancy issues easily by requiring businesses to be open other parts of the year; also feels we need office space above street level because it creates vibrancy during the shoulder season, and would like to encourage that through more available parking. Erickson states he can't currently find a correlation between parking on Main and office space. Butz states they have their eye on that issue. Erickson says the 2016 events will be their test model to put solid regulations in to place in 2017.

Public Comment
Jan Wilking states the businesses that can afford rising rents are national chains. He supports bringing in more hotbeds and small businesses to Swede Alley. Feels more beds on Main would be a benefit as it would create more traffic. Regarding vacant buildings, he agrees with the City to use whatever tools they can to fill them throughout the year. Wilking feels we have a fairly decent mix and doesn't feel we should further limit real estate offices on Main as they bring in traffic. As a business owner, he says international/national business owners look at China Bridge and worry about where their employees would park, so it scares them away.

Hans Fuegi states the intersection by Kimball Arts Center currently has dark spaces and that's a concern to him and that something needs to be done about vacant buildings. Would be hard to control rent but he would be in favor of limiting formula stores and encourages bringing in only those that are locally based. Feels improving Swede Alley's aesthetics would be extremely beneficial.

Michael Kaplan says what we're seeing with Main Street is a natural cycle that other towns have gone through, so it would be beneficial to learn from them and their mistakes/successes. Suggests looking at condos that don't allow kitchens, which forces tenants down to Main.

Staff Update on the City's Public Website Upgrade
Scott Robertson and IT staff spoke to the status of the city's new website and gave accolades to Vision Internet for their work as this has been one of the smoother website transitions he has worked on. The site will go live at the end of October.

Robertson says the new site has more functional menus and is less busy looking, and that making changes on the fly is much easier now than before. They have taken ideas from Council and across the organization to incorporate in to the site, which is much easier to navigate and has the ability to feature more events and highlights from each department. Shannon Dale, IT, says there is more control with the home screen and highlights different ways to spotlight more news events than we could before. She demonstrated some of the menus and features of the home page and department pages. She reports access to document central can happen directly from the City Council page. Council member Beerman asks about mobile usage and how it will adjust depending on the device you usie, to which Dale explains the site will automatically adjust.

WORK SESSION

Council Questions and Comments and Manager's Report
Council member Matsumoto attended the Historic Preservation Board meeting last night and reports Planning and Preservation are doing a great job discussing features they're looking for and how we can

best meet needs with the temporary ordinance. Attended Friends of Library luncheon today, which was very nice.

Council member Peek attended Planning Commission, which was deja vu all over again with the normal processes occurring. They discussed nightly rentals and moving more things to the consent agenda with input from legal.

Council member Beerman attended the Project for Deeper Understanding on the school bond discussions. There were solid arguments on each side and a great turnout. Monday he attended the ULCT Legislative Policy Committee meeting; it was an interesting session because Speaker of the House Hughes spoke about why we're not supporting Medicaid as a state. Two of our Congressional Representatives Stewart and Chaffetz also spoke. Chaffetz talked about the Remote Transaction Parity Act, which is the internet sales tax act; reports Chaffetz feels the Feds will get something done on that this year, which will have implications for Park City. He attended a Mountain Accord Management Team meeting and reports they have shifted everything over to the Wasatch Front Regional Council, reports d they need to make an amendment to the Accord so they can resign it, which will be on the next meeting's agenda. They're taking RFPs for the new program director who they hope to hire two weeks from now.

Council member Henney attended the Recycle Utah Board meeting. Their programs continue to be very successful, in particular the hazardous waste program. We can expect to see a larger request for a service contract from them. They also discussed their Aqua Affair, which was very successful. He attended a Mountainlands Community Housing Trust meeting and reports the big news there is they have negotiated a deal with a developer out by Weilenmann School where there will be a 40-unit affordable housing development. Attended the HPCA board meeting on Tuesday where lots of discussion was held regarding the impacts of filming on Main Street as we've had an unexpected flurry of filming requests. There's work being done to make sure we don't overwhelm Main Street. He reports Bill Malone and Kim McClellan presented on their Thin Air event, the first of its kind, which will have a keynote speaker along with a welcoming dinner and third-day breakfast. They've received indications of interest from well over 1000 people and it's to be held in April. Reports Alfred Knotts, Transportation Planning Manager, did an excellent overview of our current transit initiatives, specifically regarding Main Street. Henney attended a public transit meeting on Tuesday at the Recreation Basin offices that was not well attended. There were six or seven members of the public, which was disappointing, but there was a lot going on that night. City Manager Diane Foster said the attendance doubled later in the evening.

Council member Simpson says the transit planning meeting at the library was very well attended and there was excellent input. Reports Knotts, Caroline Ferris and Roger Armstrong with the County met with Mayor Marchant of Kamas regarding transportation issues in the Kamas Valley. They will be addressing the Kamas City Council on transit issues.

Mayor Thomas attended the ULCT meeting. He also attended the Snyderville Basin Sewer District meeting and thanked Jan Wilking for leading it; says they addressed growth in the county and possible rate increases. Reports he and Foster attended a meeting for an organization supporting the Latino population of Salt Lake, where they discussed services they provide for Latinos. He feels we could learn from them in creating a similar structure here in our community to empower Latinos and help those who aren't as fortunate as the rest of us.

Foster addressed the County Council's direction to start a transportation task force where they discussed the critical need of remote parking. The County invited the City to participate in a joint blue ribbon commission to find land that is politically acceptable. Council agrees to participate. Foster officially introduced Anne Laurent, our new community development director.

Brew Pub Plaza Project Update

Weidenhamer introduced representatives from GSBS, Struck, and Civitas architects. Jennifer with Struck spoke to key takeaways they have researched, including adaptable multi-use space, respect for the fact that this is an emotional center of town, honoring the legacy and history of the area without replicating it, and creating aspects of engagement and interaction. She states that the must-haves for the plaza are authenticity, a sense of discovery that makes people want to come back again and again, and keeping it a transitional space where residents and visitors can interact.

Brent spoke to the visual aspects of the plaza by displaying pictures that illustrate the five thematic guideposts they hope to represent, which are a sense of discovery, authenticity, fusion, intimacy, and rebellion. People come to Park City to ski, have an adventure and discover something new. He explains that fusion is the merge of nature and man. They want to bring the mountain to the plaza. Intimacy is the level to which people are connecting to the environment and connecting to each other. Rebellion is about progression and taming the West. There's an element of funk that goes along with this theme.

Christine spoke to how the space will be used and by whom on a day-to-day basis and also for events. She states they conducted a series of interviews with those who run events/festivals in the community to discover how they would use this space. The interviews showed people are looking at indoor and outdoor space that would work seamlessly together. Most people mentioned they want a space where they can go to just relax in addition to a space for events. They want this space to be a place for everyday activities that is also dog and kid friendly.

Mayor Thomas questioned the need for a commercial kitchen and asked how they are looking at this space, whether it be as a daily use space that can open up into a space for a few larger events a year, or vice-versa. Christine says this tension is something the design team is already working on and they're at a transition point right now as far as thinking through those design aspects.

Christine next addressed the results of the resident survey conducted through the HPCA. The survey asked why they come to Main Street, with the majority saying they come for dinner, events, bringing visitors, coming for lunch, and arts and entertainment. The top events they attend are parades, Park Silly Market, Kimball Arts, Halloween on Main, Savor the Summit, and street concerts. The survey also asked about their favorite spot in Park City right now. Top responses were City Park, the Post Office, Main Street, and the trails. She says her team would like to create a place that will generate daily activity as well as accommodate event activity. They want a place that encourages people to stay and play that is multi-seasonal.

Heather says they will come back on December 17th with three conceptual designs. Craig says they have begun design phase and have developed a fairly solid structure to frame designs on. Weidenhamer Council if they would like to see some of the design in process in a few weeks rather than waiting for the final product, to which Council said yes.

Employee Electric Vehicle Charging Stations

Matt Abbott, Sustainability, presented Staff's plan to add two electric vehicle charging stations at public works for employees in the private lot. He addressed cost issues regarding this project and says the total cost would not exceed $5,500. Staff recommends Council review details and provide direction, to which Staff would return with policy and guidelines in the future.

Council member Henney asked if the stations will be just for employees, to which Abbott says yes. Council member Peek asked if a dual charging station is possible from a single pedestal, to which Abbott says that is an option. Council member Beerman says he's a big fan of electric vehicles and these charging stations fit in with the city's goals. He feels it's a small investment for us to encourage this type of activity. Council member Simpson asked about charging stations in China Bridge, to which Abbott says that will be a place where they will add more stations. Mayor Thomas says he would like to see this use expand to the public as well.

Main Street & Swede Alley Early Deliveries Discussion

Due to a formal complaint and public comment by several residents, Matt Dias addressed the issue of early morning deliveries on Swede Alley. He reports Council made a change to the ordinance in 2011 due to a noise complaint that allowed deliveries to take place during a longer period of time. Dias states he and Sergeant Randall have met with trucking companies and discussed the changes they will be making to reduce noise levels. Council member Peek asked how many people complained to bring about the change to the ordinance in 2011. Council member Simpson says there was one resident.

Council member Beerman thanked Dias for his hard work to mitigate this complaint and says his one concern is that deliveries taking place at 3:00 and 4:00 in the morning hit the one time the streets are quiet. He asked if deliveries can be made earlier like around midnight.

Public Hearing

Lynn Ware Peek says she is up at strange hours of the night and has notice it is very noisy on Swede Alley and Main in the early AM hours.

Henney asked if we have metered the decibel levels. Dias says they have and that delivery functions fall within current decibel level ranges. Other adjustments to deliveries were discussed such as shifting deliveries further up the street and adjusting delivery routes.

Sargeant Jay Randall says what he's noticed is a few key drops in this particular area, mainly from Sysco. Beerman asks if these companies can deliver to Main during this time, and feels delivery times can be adjusted and that maybe food could be delivered a day in advance.

Jason Booth with Sysco talks about their delivery schedule on Main and Swede Alley. Mayor Thomas asks if they could change their delivery times to later in the morning. Booth says that would not work as their deliveries take a long time as it is. Mayor Thomas says that this is a delicate subject. Dias reiterated this has been the only complaint for this particular location in the past year. Booth states they have adjusted their delivery schedule somewhat to help alleviate this situation and are willing to move their drop locations and adjust the position of their trucks. Council member Simpson says she doesn't think this issue is delicate, but they do need to create a balance. She explains that the complaint is from a person living on Main Street, which is a commercial district. There are benefits to living on Main Street and there are costs, and the extra noise is the cost of living there. She states since they've had only two complaints in eight years that she's not in favor of changing the status quo. Council member Matsumoto

agrees with Simpson, but says they should mitigate the noise as much as possible. The drivers need to be sensitive about the noise they're making, but Matsumoto also doesn't want to change any of the policy they have in place right now.

Carol Fontana, who lives on upper Main Street, says the noise level has improved and she appreciates the changes that have been made, but feels it's a totally different issue down on lower Main.

Utility Mitigation Surcharge: Strategy Discussion

Abbott, along with Clint McAfee, Jason Christensen from Water and Bina Skordas, Sustainable Energy Project Manager, spoke to their efforts on a water conservation program. McAfee says as far as supply goes, we're secure but water quality continues to be a major priority. The environment we live in requires an extremely high amount of energy to move water around. We're at the top of the watershed and a lot of the economic activities in town depend on water. We have to pump water high and McAfee estimates we pump 700 million gallons of water a year just for snowmaking and golf course upkeep. Because of this, we have the responsibility to use our water and energy resources in the most efficient way we can. His goal is to develop a program that has internal leadership and expertise that changes the way we work and think and provide services rather than someone else telling us what we should be doing. McAfee outlines the next steps for the program and mentions that on November 12th, Staff will come back before Council to continue this discussion on how to fund this program.

Skordas states they've been successful in their goals to create an energy team in the water department. They've created energy and hydraulic models, and have created tools to better understand their system so they can better prioritize future projects. Tomorrow they'll go over proposals they've received and will be picking a candidate this week.

Council member Henney asks what amount of savings they've achieved thus far. Skordas says it's 1.2 million kilowatt hours of savings, which is about 9% of total usage.

Abbott spoke to the five goals they are focusing on. The first is to reduce peak demand of water and energy. Peak demand is the most expensive to use or deliver. Number two is to reduce dollars spent on energy and that's addressing efficiency and utilization. Number three is to reduce energy consumption per gallon. Number four is to produce local renewable energy. Number five is to make sure we're delivering water and delivering water no matter what and that these efficiency programs don't get in the way of that. He concluded that they're trying to move away from energy sources that are subject to political whims.

Mayor Thomas points out that we often talk about changing fixtures or doing other things to reduce our energy consumption, but we don't often talk about having fewer lights. He thinks there's overkill in lighting in a lot of things we do. We need to start thinking about minimizing and essentials only.

Christensen spoke to the program's assumptions. Council member Beerman suggested we experiment with current technologies instead of waiting for the perfect solution. Christensen says there are existing technologies out there that can be immediately put to use.

McAfee mentioned the steps already in motion include how to pay for this through water rates as well as incentives for energy conservation. He then explains what this program is not. It's not a program to reduce customers' bills. There's an efficiency and an environmental goal, and some of those environmental goals may result in projects that don't have a good return on investment. Our

understanding of Council's goals is that's all right. We want to do a mix of both projects—those that pay for themselves quickly and those that have an environmental benefit to the community and globally as well. We don't think this program is a carbon tax or a carbon offset. There's two reasons we feel this way: we want to apply this program to many different projects and the goals aren't specific to carbon, the secondly, we realize there's some negative political implications to using the word "carbon" and we're not interested in creating that issue; we're more interested in fulfilling these goals.

Council member Henney asked if they will come back with a closer look at the rate structure. MacAfee says they hope to come back before Council in a work session. Abbott states Staff recommends Council's approval for the water and energy resiliency program. Council unanimously agrees it's outstanding.

REGULAR MEETING

I. ROLL CALL - Mayor Jack Thomas called the regular meeting of the City Council to order at approximately 6:00 pm at the Marsac Building on Thursday, October 22, 2015. Members in attendance were Andy Beerman, Dick Peek, Liza Simpson, Tim Henney and Cindy Matsumoto. Staff members present were Diane Foster, City Manager; Matt Dias, Assistant City Manager; Phyllis Robinson, Community & Public Affairs Manager; Korey Kersavage, Budget; Jason Christensen, Water; and Karen Anderson, Deputy City Recorder.

II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

1. Manager's Report – Lower Park Avenue/Bonanza Park Public Meetings on Redevelopment and Transportation

2. Manager's Report – Sister City Courchevel Update

3. Manager's Report – Quarterly Budget Monitoring Update

   Council member Simpson asked a question about what SP meant in the quarterly budget report. Council member Matsumoto asks if there were any alarming or wonderful incidents with the budget. Korey Kersavage, Budget, said he's not sure what SP means but that the budget balanced with nothing of particular concern.

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

Ed Parisian states they are going through the process of preserving Library Field and asks Council to think long and hard and listen to the people on this issue.

IV. CONSENT AGENDA

1. Authorize the City Manager to Enter into a Contract, in a Form Approved by the City Attorney, for Online/On Demand Safety Training and Recordkeeping in an Amount Not To Exceed $33,460.00.

2. Authorize the City Manager to Enter into a Contract, in a Form Approved by the City

Attorney, for Closed Circuit Video (CCV) upgrades to the Park City Public Safety Building in an Amount Not to exceed $35,155.00.

Council member Peek moved to approve the consent agenda
Council member Simpson seconded
Approved unanimously

V. NEW BUSINESS

1. Consideration of a Request to appoint the Blue Ribbon Housing Commission.

Phyllis Robinson spoke to the seven-member Blue Ribbon Housing Commission that will provide community perspectives on current housing-related issues. The commission's term would run from October 26, 2015 through March 31, 2016. The selection committee is made up of a four-person committee including Staff, Scott Loomis, and Shellie Barrus. Applicants were ranked and names were forwarded to Council for approval. Their first meeting will be October 26th.

Council member Simpson asked if the meetings are opened to the public, to which Robinson says yes and that they will publish the meeting schedule.

Council member Simpson moved to approve the request
to appoint the Blue Ribbon Housing Commission
Council member Matsumoto seconded
Approved unanimously

2. Consideration of a Request to Authorize the City Manager to Enter into a Contract, in a Form Approved by the City Attorney, to:

A. Execute a Special Services Contract with J.U.B Engineers, Inc. for Engineering Services Related to the Creation of a Storm Water Management Plan and investigation of the Creation of Storm Water Utility; in an Amount Not To Exceed $88,380.

B. Execute a Provider Special Services Minor Contract with Zion's Public Finance, Inc. for Financial Services Related to the Investigating the Creation of a Storm Water Utility; in an Amount Not to Exceed $29,225.

Jason Christensen spoke to the storm water contract award Staff is asking Council to enter in to. Objectives are to intertwine a storm water management plan and proposal for storm water utility. The management plan will improve storm water quality leaving Park City. Christensen discussed the controls that will be implemented to improve the water quality.

Council member Matsumoto asked if there will be a utility user fee attached to this. Christensen says most likely. Council member Simpson feels we at least need to do a study in order to know the pros and cons of this utility before making a decision on the contract.

Public Hearing
Mayor Thomas opened the public hearing. No comments were heard. Mayor Thomas closed the public hearing.

Council member Matsumoto moved to approve authorization to enter into a contract with J.U.B Engineers, Inc. for engineering services related to the creation of a Storm Water Management Plan and investigation of the creation of Storm Water Utility, in an amount not to exceed $88,380; and a contract with Zion's Public Finance, Inc. for Financial Services related to investigating the creation of a storm water utility, in an amount not to exceed $29,225, in a form approved by the City Attorney
Council member Henney seconded
Approved unanimously

VI. ADJOURNMENT

Council member Simpson moved to adjourn
Council member Peek seconded
Approved unanimously

CLOSED SESSION MEMORANDUM

The City Council met in a closed session at approximately 12:00 pm. Members in attendance were Andy Beerman, Dick Peek, Cindy Matsumoto, Liza Simpson and Tim Henney. Staff members present were Diane Foster, City Manager; Mark Harrington, City Attorney; Tom Daley, Deputy City Attorney; Matt Dias, Assistant City Manager; Jason Christensen, Water; Clint McAfee, Water Manager; Jim Blankenau; Sustainability; Lori Collett, Finance Manager; Phyllis Robinson, Public Affairs Manager; Heinrich Dieters and Rhoda Stauffer, Sustainability; and Nate Rockwood, Budget Director. **Council member Henney moved to close the meeting to discuss Property and Litigation. Council member Simpson seconded. Motion carried.**

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

Prepared by Katie Madsen.

DATE: December 3, 2015

TO HONORABLE MAYOR AND COUNCIL

Attached for your approval, please find the City Council meeting minutes for October 29, 2015. Thank you for your consideration.

Respectfully:

Michelle Kellogg, City Recorder

PARK CITY COUNCIL MEETING MINUTES – DRAFT
SUMMIT COUNTY, UTAH
October 29, 2015

CLOSED SESSION
To discuss Property, Personnel and Litigation

WORK SESSION
Council Questions and Comments:
Council Member Matsumoto attended the Chamber Board meeting yesterday where they looked at their decimetrics, which look good, but there is concern about the winter and holiday numbers being down. Says a recent article about Aspen reported their Christmas would be a bust and they blame Park City. The Board also discussed their new ad campaign, which they hope will have a positive impact. This morning Matsumoto attended a Special Events Advisory Committee where there was a good discussion on what makes a good event for the city. The matrix they use is hard to quantitate everything, so they are taking another look at that, and they will have a subcommittee working on that to discuss at their next meeting in February.

Council Member Beerman attended two Mountain Accord meetings. The first reviewed proposals for a new program facilitator, whom they will choose within the next two weeks. The second meeting approved the environmental scorecard that evaluates the health of the ecosystems around the Wasatch. This is a big deal and something people have been asking for, for a long time. This scorecard will create a baseline of environmental health that can be measured every year that will guide decision making. He thanks Ann for her work on this particular issue. Council Member Beerman asked Heinrich Dieters, Sustainability, if the bike racks on Main would stay through the winter. Dieters stated they will be pulled out Nov 8th. Council Member Beerman asked if Council could review the new locations before the bike racks are put back in the spring, to which Dieters responded in the affirmative. Council Member Beerman also asked what the timeline was for Park Avenue. Dieters indicated the contractor provided a substantial completion date of November 13th.

Council Member Henney related a transit story. Since bus drivers are frequently our guests' first interaction, it's desirable that they are great ambassadors for the City. Henney says he was on the bus last week when a group of adorable preschoolers got on the bus. The bus driver invited the kids to sing "The Wheels on the Bus," which

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they sang all the way to the Transit Center. Henney sang along too! He wishes Mayor Thomas a happy birthday.

Council Member Simpson attended Planning Commission last night and made it through half of their first agenda item; reports they had a heated discussion about parking on the alley by April Inn. Attended the Prospector Square Property Owners meeting, where they are excited they'll have a City Council liaison, who will be Council Member Henney. Simpson says the county bus shelters have a QR code that can be scanned to let them know if the shelters are dirty or need attention. She asked Blake Fonnesbeck if the City had that type of technology, to which Fonnesbeck stated they are looking into it. Simpson feels it would be nice if the City had that technology too, since we're all one system.

Mayor Thomas attended a meeting of a group that is addressing the issue of poverty in the community. Says they have some short-term goals on creating more computer and English classes; intermediate goals of a network guide ramp; and a long-range goal of creating a community center for that segment of the population. Today he attended a meeting at the Capitol with staff members for the State Historic Preservation Office (SHPO), and reports the SHPO voted unanimously to put the new library on the state listing and recommend it for the national listing. They were very complimentary of our work to recapture the original facade. Thomas thanks Jonathan Weidenhamer, Economic Development Manager, for his hard work on this project, as it has been accepted with open arms as an overwhelming success.

Anya Grahn, Planning, addressed questions about 923 Park Avenue. She reported the Building Department is working with the applicant to bring a crane out next week to lift the house out of the foundation it fell in to. Says she will let Council know when that happens so they can go watch. Bruce Erickson, Planning Director, will bring in a manager's report next week to summarize the events. Council Member Peek asked if the house was on the cribbing when it fell. Grahn states it was on the curbing, which gave way, resulting in the fall. Matsumoto asked about the type of cribbing that was used and if it was inferior. Mayor Thomas says bringing in a special engineer who's responsible for shoring would be helpful. Grahn says another house will be lifted and they added conditions of approval for a structural engineer to evaluate the stabilization of the house.

Transportation 2015 Monthly Update:

Alfred Knotts, Transportation Planning Manager, spoke to the monthly transportation update, along with Caroline Ferris, regional transportation director for Summit County, and Blake Fonnesbeck, Public Works Director.Knotts reported on winter traffic management, saying they've met with private and public stakeholders to address the issue. They held a focus meeting on October 8th where they reviewed what has been implemented to address what happened with the December 29th traffic nightmare last year. They laid out a Communications Plan which they hope to roll into the Transportation Management Association as a standing agenda topic. Knotts explained

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this association is a public-private partnership that will work collaboratively on transportation issues, co-chaired by himself and Ferris, and meeting monthly throughout the winter. They will come back before Council to address the topic of a Council liaison. Diane Foster congratulated Knotts for pulling this together, stating those at the meeting were decision makers who are committed to being there and it's very impressive.

Next, Knotts spoke to the 248 corridor plan done in 2009, which he recalibrated the counts and growth patterns on and submitted to UDOT. The good news is the projections are not hitting like they thought they would in 2009. The recommendation that came from the re-evaluation was regarding the four lanes within the existing right-of-way footprint having two dedicated HOV lanes. UDOT will review the modeling and making sure it's up to standard.

Council Member Simpson inquired how much it would cost to activate the traffic signal at Richardson Flat before it's warranted by UDOT. Knotts and Brooks Robinson, Transportation, states it would be $250,000. Council Member Beerman asks if roundabouts have been considered at Richardson Flat. Knotts states they have not at Richardson Flat, but are looking at one at Bonanza Drive. Robinson states traffic patterns do not necessarily warrant a traffic signal there. Mayor Thomas suggests they should keep a discussion open regarding traffic circles, as once a signal has been put in, it's very difficult to reverse direction and go to a round-about. Regarding SR-224, Knotts says they are keeping this intersection on their radar to see if there are other improvements that can be made. Regarding the Transportation and Traffic master plan, Knotts says the annual report card will be coming to Council in November to give them a baseline on how we're performing overall.

Fonnesbeck reported on the short-range transit development plan. They've recommended changes on the draft memo and are waiting for that to come back next week. Reports that last week they held three open houses and a Technical Advisory Committee made up of people from businesses, resorts and lodging where they discussed bus schedules. Public open houses generated a good response where the theme was demand for extended hours and new routes. Fonnesbeck says the Main Street parking study has collected all the data they need and have an open house November 11th at Treasure Mountain Inn from 4:00-6:00 p.m.

Ferris says the city and county have worked hard and have some measurable goals with their new marketing program. She thanked the Mayor and Council for co-sponsoring the Citizens Advisory Committee on remote parking and says the County Council will sign this resolution November 4th. County Manager Fischer will appoint six members from the city and six from the county for this committee. Reports the County is working on the design for the new Transit center, trying to get to the point where they're comfortable with the drawings that have come back, which are 90% complete. Lastly, Ferris reports they are expecting a nearly final report on November 6th regarding the Canyons Spa Transportation Master plan.

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Knotts spoke to the Transportation Demand Management Study Existing Conditions, introducing Preston Stinger, Robert Eckols and Richard Brockmyer from Fehr & Peers. Stinger summarized the key findings from the study by discussing traffic data for SR-224 collected in January and again in July. He discussed traffic patterns and what they mean. Stinger also discussed weekday vs. weekend traffic for January and July. Comparing SR-248 with SR-224, SR-248 has lower volume and commuter patterns; SR-248 has higher percentage of heavy trucks. SR-228 has higher commercial vehicle traffic. Brockmyer next discussed data they collected regarding origins and destinations travel patterns. He further clarified the various methods of how the data is collected in response to Council's questions.

Housing 2015 Monthly Update - 1450/1460 Project Planning:
Phyllis Robinson and Rhoda Stauffer, Sustainability, along with Hans Cerny and Matthew Schexnyder with Caddis Architectural; Joe Crilly with CTS Engineering; Steve Brown, development consultant; and Anya Grahn, planning, discussed 1450-1460 Park Avenue, stating they're seeking from Council a choice of a site plan and preservation options. Stauffer thanked Grahn for helping her understand the process for this project.

Cerny discussed three schemes they've developed for this site with a focus on more shared communal areas as a focus rather than things like parking. All options include a mix of one- and two-bedroom single-family units. Cerny also discussed site elevations by saying they're not trying to match the historic homes but rather accentuate them by creating something on the contemporary side.

Council Members Matsumoto and Beerman say they don't agree with having one-bedroom residences but feel two-bedroom homes fit their target audience better. Council Member Simpson says she likes the one-bedroom homes. Council gave feedback on the site plans. There was concern voiced about parking, driveways, home placement in regards to setbacks, and home sizes being too small.

Foster clarified there is no requirement for parking to be provided for the historic homes, but all of the plans require a minimum of 12 parking spaces, with two for each new housing unit. Council prefers one dedicated space per unit, with two floater spaces. Council also discussed their preferences on parking solutions. Council Member Simpson says she doesn't remember this being a family friendly project but is OK with adding two-bedroom units and is in support of moving the historic houses forward to fit in to the community better. Council Member Beerman asked if it would be possible to do some units that are mobility friendly for seniors. Cerny reports the historic units are already that way.

Council agreed to move the historic buildings forward, to take a deeper look at the parking design, and agreed on the cottage design and having single-family units.

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Stauffer spoke to the treatment of the historic structures and says staff feels the safest way to deal with these units is with panelization. Peek discussed historic structures he's familiar with and says he thinks there are other options for these historic structures other than panelization, such as augmenting a sub-structure within the original structure. Foster says we have time on next week's agenda for a study session to have a more robust discussion on this topic. In response to Peek's opinion, Crilly says there's no successful way to "simply pick these homes up," as they will crumble in upon themselves.

Council Member Simpson asks for the architects to come back in a study session next week with dollar amounts on panelization vs. non-panelization. Robinson says the study session will need to take place on November 19th as several Staff members are not available next week.

Avatech - Economic Development Grant:

Jason Glidden, Special Events Manager, along with Thomas Lasko and Brint Markle from Avatech, presented the application for an economic development grant. Lasko began by discussing the background and history of Avatech, an outdoor technology company that relocated to Park City in 2014. They relocated to the Prospector Square area from Jeremy Ranch. The founders are from MIT and the company has 50+ years of engineering experience. They have grown from 5 to 15 employees in the last year and anticipate growing to 30 employees in the next three years. Lasko highlighted recent global awards they've won.

Markle thanks Council for welcoming them to Park City, saying they're very excited to be here. Last year they launched a snow pack instrument that downloads information to phones. Their products allow users to share real-time conditions in mountain communities in order to better plan their own outdoor experiences. He went on to detail the three platform technologies they will be rolling out next month, including terrain visualization, route planning and route tracking and an entire suite of GIS services available via mobile phone.

Mayor Thomas and Council thanked Avatech for coming to Park City and helping to grow our economy. Glidden says there will be future opportunities for the City to partner with Avatech on various projects.

Proposed Changes to Title 4 of PC Muni Code, Chapter 8 – Event Licensing

Mountain Accord Interlocal Agreement - Phase II:

Ober says there was concern from several communities about UTA continuing to house the Mountain Accord process. Therefore, it will now be housed under Wasatch Front Regional Council. This change makes Andrew Gruber, who is the head of Wasatch Front Regional Council, a member of the management team, and signs us up for Phase II.

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Carbon Reduction & Energy Conservation 2015 Monthly Update:
Ann Ober, Senior Policy Advisor, and Matt Abbott, Sustainability, say they are looking for feedback from Council in order to come back in December with programming goals. Ober outlined their energy resiliency timeline and says in December they will come back with a roadmap for the next six months.

Abbott defined net-zero energy as fuels like gas and diesel, as well as electricity and natural gas. Next, he explained the three paths they have outlined for Council to choose from. Path One includes an internal energy goal of city services reaching net-zero by 2040. Path Two incorporates a 40% reduction of carbon-based energy both internally and community wide by 2040. Ober states the 40% goal is part of the Georgetown Energy Prize Path specific to residential requirements, which staff has expanded to commercial. Path Three is reaching 100% reduction of carbon-based energy by 2050, both internally and community wide.

Council Member Simpson would like to strive for Path Two with an eye to Path Three, and states Path Three will only happen with incredible partnerships with business owners. Ober reminds Council this is a substantial goal and that no other community has gotten this far with such a goal. Council Member Beerman is in favor of Path Three, but would like to adjust the target date to be 2020 internally and 2030 for the community, as this is supposed to be a critical priority. He stated there will be technological and cultural shifts that will help us as we go along. He agrees with Simpson in that we have to have the community with us and get their buy-in to reach these goals. Council Member Matsumoto agrees with a more aggressive plan for Path Two, like maybe shooting for 2025; and Path Three by 2040. Council Member Peek likes Path Two. He touched on what changes in our community behavior will bring us to net-zero, such as purchasing more open space, and asked if that is accounted for in reaching this goal. Abbott says open space in regards to this priority is called ecosystem services and our current status on that is around 60%. Peek states other actions, such as heated driveways or accounting techniques on how net-zero is calculated, should not be weighted the same as actual actions. Ober states reducing our footprint before replacing it with other alternative sources will always be our first focus.

Council Member Henney indicated he is leaning more towards Path Three but with an adjusted target date of 2040. Mayor Thomas prefers Path Two, not because he doesn't agree with lofty goals, but feels there will be tough decisions to be made and wonders if we will have the courage to make those decisions. Council Member Matsumoto says we could set a goal of banning gas-powered cars by 2050. Council Member Beerman reiterates we need to aim higher with our goals and be serious about it. Simpson says she can't agree with Path Three yet and prefers Path Two.

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Public Hearing

Mayor Thomas opened the public hearing.

Katie Wright talked about a community group facilitated by Diane Foster in 2010 where they came up with a top priority of creating our own clean energy with an $8 million price tag, so she believes people will support a net-zero goal.

Jackie Carey says we are a gutsy community and believes we can meet Path Three goals by 2030.

Brynn Carey says he thinks about climate change every day and that Aspen, CO, just became 100% renewable. He stated other cities and countries have set similar aggressive goals and gave statistics for our state if we get to net-zero energy. He gave an analogy of how cell phone ownership exploded because the cost became affordable and likened that to energy being cheaper in the years to come, making these goals reachable.

Connor Quinn, founder Alpine Collective, states his group sent a letter to Council, signed by all 20 of their members, saying they support Path Three. Says they are leaders in helping cities reach their environmental goals and feels we should move the timeline up from 2050.

Matt Omenhamer [sic] says he endorses Path Three, we have a huge opportunity here to make a difference and hopes we will seize upon it.

Michael Dalling, local business owner, asks Council to lead on this issue and that companies, jobs and wealth will follow as we work towards this goal.

Ed Lewis, says if we continue at the rate we're going, there will be no snow by 2050. Says we need to aim high and not worry about not achieving our goals. We have a young, passionate community who will make this work.

Tina Smith is proud the community is coming together to reach this goal. Doesn't feel we should tell people how big they can build their houses, but just make them pay the costs for their own energy consumption. She urges Council to be aggressive on their timeline goals as technology progresses very quickly.

Becca Gerber is in favor of Path Three as it is a huge opportunity for us to be leaders in climate change and bring our community together.

Caroline Glick, professional skier representing a non-profit group called Protect Our Winters, says we have a powerful opportunity to establish a precedent that we can be proud of. In traveling to other states, she gets tired of defending her decision to live in Utah, as we have a bad reputation for our dirty air. A more aggressive plan shows we're brave and we're glad to be Utahns.

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James O'Reilly, agrees with Path Three, but feels 2050 just seems so far out. We're at 7% non-zero right now and our conversation should be focused on how soon we can get to a more achievable goal, such as 20%.

Glen Wright also agrees with Path Three, and feels we need to look at the bigger picture as there will be parts of the earth that will be underwater if we don't make changes now.

Lauren Lockey with Sage Mountain, a farm animal advocate, is in favor of Path Three and urges Council to focus on our footprint as well, stating methane traps heat much more so than carbon and have a huge effect on greenhouse gas emissions. She believes that if we can push people to drive electric cars, we can push people to eat less meat.

Mike Deady supports Path Three, and feels it's not ambitious at all since he grew up in a California communtiy similar to Park City where he sees people have already made substantial changes to renewable lifestyles. He also believes we need more measurable, realistic goals on our way to 2050.

Adam Cole says we're all creatures of habit and we can change our habits. Feels others will follow our example if we set the trend.

Mayor Thomas closed the public hearing. Council Member Matsumoto says she's in favor of Path Three with a condensed timeline with goals in between. Council Member Peek is in favor of Path Three. Council Members Beerman and Henney favor Path Three with more aggressive timelines. Council Member Simpson says Council raised affordable housing to a critical priority a year ago, but has yet to build one unit. Says there's no way we will meet these goals unless the public ensures it gets done. Mayor Thomas says he's been involved in the energy discussion since the 70s. People were behind the movement but it didn't take off. He feels that after 30 years, he sees a critical mass of people who can make it take off.

Ober asks Council their preference on what to call this – energy, energy resiliency, or environment. Abbott says the focus is currently on energy resiliency. Council majority was for calling it Energy.

REGULAR MEETING

I. ROLL CALL – Mayor Jack Thomas called the regular meeting of the City Council of Park City to order at 6:00 p.m. at the Marsac Municipal Building on Thursday, October 29, 2015. Council Members in attendance were Andy Beerman, Liza Simpson, Cindy Matsumoto, Dick Peek and Tim Henney. Staff members

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present were Diane Foster, City Manager; Matt Dias, Assistant City Manager; Rhoda Stauffer, Sustainability; Jenny Diersen, Special Events; and Karen Anderson, Deputy City Recorder.

II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

1. Manager's Report – Recent Increase in Film Permit Activity:

MaryAnne Sorvino, business owner, says the filming situation in town has gotten out of control. She asked the City to be discretionary in granting permits and make day-to-day activities easier so lives are not disrupted. As far as Utahns in the industry, Sorvino says they are paid much below the industry standard.

Joe Thornhill, general manager Riverhorse, says filming has been disruptive but that they are in full support of filming and expansion of filming as it provides jobs, and most of the people in the Utah film industry are from Utah. Feels filming has many positive impacts and enhances Park City in general.

Council Member Beerman, speaking as a business owner, has seen positive impacts from film crews, but says they need to be managed better, follow our own rules and not alienate the community.

2. Manager's Report – Park City Cemetery Plot Availability Update:

3. Manager's Report – Halloween Traffic and Circulation Plan:

Council Member Simpson asked about manning all exits and entrances at China Bridge for the load in and load out. Jenny Diersen, Special Events, says they have signage and volunteers, and the police planned to be on site. Can't promise every single outlet will be manned but they have amped it up.

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

IV. CONSIDERATION OF MINUTES

1. Consideration of a Request to Approve the City Council Meeting Minutes from October 8, 2015.

2. Consideration of a Request to Approve the City Council Meeting Minutes from September 24, 2015.

Council Members Henney and Beerman requested minor edits.

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Council Member Simpson moved to approve the above listed minutes with said changes. Council Member Henney seconded the motion.

Voting Aye: Council Members Simpson, Matsumoto, Beerman, and Henney. Council Member Peek recused himself. Minutes were approved as amended.

V. CONSENT AGENDA

1. Consideration of a Request to Establish a Blue Ribbon Citizen's Advisory Committee on Remote Parking Jointly with Summit County:

2. Consideration of a Resolution Authorizing the City Manager to Enter into a two-year Cooperative Agreement, in a Form Approved by the City Attorney, with Summit County, Utah, in an Amount Not to Exceed a Total of $301,615 to Create an Alternative Transportation Trip Marketing Program; the City Would be Responsible for 50% of the $301,615, or not more than $150,807.50:

3. Consideration of a Request to Remand the Alice Claim Subdivision and Plat Amendment back to the Planning Commission:

Council Member Simpson moved to approve the Consent Agenda. Council Member Beerman seconded the motion.

Voting Aye: Council Members Simpson, Matsumoto, Beerman, Peek and Henney.

VI. NEW BUSINESS

1. Authorize the City Manager to Execute a Professional Services Agreement, in a Form Approved by the City Attorney, with CH2M Hill Engineers, Inc., for Quinn's Junction Water Treatment Plant Process, Capacity, and Energy Management Upgrades Engineering Services in an Amount of $499,500:

Roger McClain, Michelle DeHaan, Kyle MacArthur and Chad Busch, Water Department, along with Bina Skordis, and Brock Emersons with CH2 spoke to the Quinns Junction WTP to improve reliability and energy efficiency.

McClain reports Quinn's Junction recognizes 30% of the city's drinking water. They've been looking at impacts on their treatment reliability at that plant since it handles such a high volume of water.

DeHaan spoke to the challenges they had this year at Quinn's. She says they're very proud of this facility. She discussed Weber River water quality and how it impacts the Quinn's plant. They need to improve the reliability of this facility to be able to run on a 24/7 basis and provide water during high demand periods. DeHaan says there was untreatable river water from the spring runoff this past year that contained manganese

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and organics, and states pre-treatment may be necessary. Council Member Matsumoto asked why there was manganese in the water. DeHaan states she doesn't know as it has never been tracked in the Weber River before. Council Member Beerman wonders if the runoff from fires in the Rockport area was responsible.

DeHaan continued by discussing frazzle ice, which shut down the plant on New Year's Day 2015, resulting in the City being unable to help two ski resorts make snow. Says their solid handling facilities are substandard and we may potentially need to add future treatment facilities that were identified during the original design.

McClain continued by speaking to the RFQ the Water Department is seeking for engineering services for the water treatment plant upgrades. He states the main focus is water quality in relation to energy usage.

Public Hearing

Mayor Thomas opened the public hearing. No public comment. Mayor Thomas closed the public hearing.

Council Member Simpson moved to approve the City Manager to execute a Professional Services Agreement, in a form approved by the City Attorney, with CH2M Hill Engineers, Inc., for Quinn's Junction Water Treatment Plant Process, Capacity, and Energy Management Upgrades Engineering Services in an amount of $499,500. Council Member Beerman seconded the motion.

Voting Aye: Council Members Simpson, Matsumoto, Beerman, Peek and Henney.

VII. ADJOURNMENT INTO HOUSING AUTHORITY MEETING

Council Member Beerman moved to adjourn from the regular City Council Meeting. Council Member Simpson seconded the motion.

Voting Aye: Council Members Simpson, Matsumoto, Beerman, Peek and Henney.

VIII. HOUSING AUTHORITY MEETING

Roll Call – Mayor Jack Thomas called the regular meeting of the Housing Authority to order at 7:00 p.m. at the Marsac Municipal Building on Thursday, October 29, 2015. Board members in attendance were Andy Beerman, Liza Simpson, Cindy Matsumoto, Dick Peek and Tim Henney. Staff members present were Diane Foster, City Manager; Matt Dias, Assistant City Manager; Rhoda Stauffer, Sustainability; and Karen Anderson, Deputy City Recorder.

1. Consideration of the Housing Mitigation Plan for Central Park Condominiums:

Rhoda Stauffer, Sustainability, along with Hank Lewis, representing the applicant, states they are seeking approval of the housing mitigation plan for the Central Park City

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condominiums. Stauffer says this was a 10-unit building that became an 11-unit building to accommodate an additional unit on-site. One of the market units is being converted into a deed-restricted unit, with the additional unit being a studio. Lewis says he agrees with staff's report.

Public Hearing

Mayor Thomas opened the public hearing. There were no comments. Mayor Thomas closed the public hearing.

Council Member Beerman moved to approve the Housing Mitigation Plan for Central Park Condominiums. Council Member Matsumoto seconded the motion.

Voting Aye: Council Members Simpson, Matsumoto, Beerman, Peek and Henney.

With no further business, the meeting was adjourned.

CLOSED SESSION MEMORANDUM

The City Council met in a closed session at approximately 1:30 pm. Council Members in attendance were Mayor Jack Thomas, Andy Beerman, Dick Peek, Cindy Matsumoto, Liza Simpson and Tim Henney. Staff members present were Diane Foster, City Manager; Mark Harrington, City Attorney; Jason Glidden, Special Events Manager; Bob Kollar; Phyllis Robinson, Communications & Public Affairs Manager; Polly Samuels McLean, Legal; Heinrich Dieters, Sustainability; and Jonathan Weidenhammer, Economic Development Manager.

Council Member Beerman moved to close the meeting to discuss Property and Litigation. Council Member Simpson seconded the motion. Motion carried.

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

Prepared by Karen Anderson, Deputy City Recorder

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DATE: December 3, 2015

TO HONORABLE MAYOR AND COUNCIL

Attached for your approval, please find the City Council meeting minutes for November 5, 2015. Thank you for your consideration.

Respectfully:

Michelle Kellogg, City Recorder

PARK CITY COUNCIL MEETING MINUTES- DRAFT
445 MARSAC AVENUE
PARK CITY, UT 84060
SUMMIT COUNTY, UTAH
November 5, 2015

CLOSED SESSION

The City Council met in Closed Session at approximately 3:10 p.m. Council Members in attendance: Mayor Jack Thomas, Andy Beerman, Dick Peek, Cindy Matsumoto, Liza Simpson and Tim Henney. Staff Members Present: Diane Foster, City Manager; Mark Harrington, City Attorney; Matt Dias, Assistant City Manager; Jason Glidden, Special Events Manager; Ann Ober and Heinrich Dieters, Sustainability; Ken Fisher, Recreation; and Jonathan Weidenhammer, Economic Development Manager.

Council Member Henney moved to close the meeting to discuss personnel. Council Member Beerman seconded the motion. Motion carried.

Council Member Beerman moved to adjourn from closed meeting. Council Member Henney seconded the motion. Motion carried.

WORK SESSION

Council Questions and Comments:

Council Member Beerman stated that Mountain Accord met, and there was nothing new to report. He attended Lower Park workshop last night, noting it was very well attended, and gave kudos to Phyllis Robinson, Alfred Knotts, and staff for putting that on. He indicated there was no contact information for the City Council members on the new City website, and requested that the oversight be rectified. He also noted that he attended the Chamber forum this afternoon. At TMI, Eric Corey Freeh, Living Future Institute, spoke about green architecture, which Council Member Beerman felt tied in well with the City's new critical energy priority and green building standards. He suggested staff reach out to Freeh to present a workshop and invite architects and builders from town, so they might help the City reach its energy goals. Council Member Henney concurred, and indicated he was a little disappointed that more stakeholders weren't at the event this morning. Council Member Beerman stated he would send out a link of Freeh to Council and staff to see if he would be a good fit. Also, he noted that CAST's next meeting would be in Whistler, British Columbia, the third week in January, and invited the Council to attend; however, that would be the opening weekend of the Sundance Film Festival. Council Member Beerman indicated he would send an itinerary and information on the CAST meeting to the Council.

Council Member Matsumoto attended the Historic Preservation Board meeting, where they talked about 923 Park Avenue. She noted that Bruce Erickson stated Planning had

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instituted a few changes requiring an engineer approval stamp for cribbing, time period restrictions for cribbing, etc. She asked Erickson when the crane would be coming, to which Erickson replied that staff would look into it, as they were promised the crane would be here Monday of this week. She inquired about cribbing for the yellow house. Council Member Peek reported that this house had increased structural report compared with the one at 923 Park Avenue. Erickson stated that staff's concern with the yellow house was with the garage, as it was the least stable part of that building. Council Member Beerman reported the neighbors saying that they were concerned about settling, as the dirt and foundation seemed to be shifting. Council Member Matsumoto also reminded everyone that tomorrow is Live PC Give PC.

Council Member Simpson stated she attended Wildland Fire Policy work group meeting, and they were in the process of drafting legislation. She asked Council if they would like her to draft a report on that for the next meeting. The biggest change, in addition to the legislation of having cities and counties pay into the wildfire fund, they would also be including fire districts. She attended a Summit County Board of Health meeting, which would be inviting state legislators to come to its December meeting. She also noted that November is Diabetes Awareness month. She indicated the budget for EMT classes was presented to the Fire Board, and it would now go to the county for approval. The Fire Board had already put 120 students from Park City High through the EMT class. She attended the Park City Area Lodging Association meeting. She also commented that she liked the new way for citizens to pay their parking tickets by phone. Council Member Simpson asked if this program could be used for China Bridge, as she reported several Main Street merchants would be happy to pay this way since they get to work too early in the morning to pay via kiosk. Brooks Robinson stated he didn't think the system could be used to pay for China Bridge parking.

Council Member Henney indicated that he attended a Recreation Advisory Board meeting where in-town dog parks were discussed, as well as speeds on Poison Creek bike trail. He reported that the Board was aware of the problem and would address it. He also saw an ice proposal and thought the $2.5 million allocated by the Basin would not be enough. He stated the Council would be seeing the proposal in the near future. He also attended the Chamber Bureau lunch today, and noted the speaker addressed digital communication channels that could be utilized to better engage the public. He felt if the City utilized this technology, it would have more response and better participation from citizens. He suggested that staff give workshops in the future in a more snackable form instead of meal form, which is what was currently being done. Phyllis Robinson stated she would submit a budget option for technology.

Council Member Peek congratulated Council Member Beerman on being re-elected to the Council. Mayor Thomas also congratulated Council Member Beerman, as well as the other candidates who stepped forward to run. Mayor Thomas noted that he attended a Historical Society meeting and the Chamber tourism luncheon, as well as an event where Ted Koppel discussed his new book about cyber-attacks, called "Lights Out."

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1. Proposed Changes to Title 4 of PC Municipal Code, Chapter 8 - Event Licensing:

Jason Glidden, Jenny Dierson, and Minda Stockdale, special events intern, spoke to the proposed changes to Title 4 of The Municipal Code. Glidden requested that this item be discussed at the November 19th meeting. Council Member Matsumoto asked about fee waivers during certain times of the year, to which Glidden stated the fee waiver application rules had been changed. The applications were now received on a bi-annual basis instead of an ongoing basis. She asked how the new guidelines would affect the Historic Home Tour event. Glidden replied that staff was trying to make the application process easier and less restrictive. Council Member Henney asked how the City would assess when two events competed for the same date, to which Glidden stated he looked at event applications to make sure there was a good mix of cultural, entertainment, etc., when deciding. Glidden also spoke about the grading sheet that they're still working on, which would be brought before Council in the future.

REGULAR MEETING

ROLL CALL

Attendee Name	Title	Status	Arrived
Andy Beerman	Council Member	Present	
Tim Henney	Council Member	Present	
Dick Peek	Council Member	Present	
Cindy Matsumoto	Council Member	Present	
Liza Simpson	Council Member	Present	
Diane Foster	City Manager	Present	
Mark Harrington	City Attorney	Present	
Matt Dias	Assistant City Manager	Present	
Karen Anderson	Deputy City Recorder	Present	
Michelle Kellogg	City Recorder	Present	

II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

1. Manager's Report - 923 Park Avenue Historic House Update:

This item was discussed earlier in the meeting.

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

No comments were given.

IV. CONSIDERATION OF MINUTES

1. Consideration of City Council Meeting Minutes from September 17, 2015.

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Council Member Beerman requested that the minutes be amended on Page 50 of the packet materials, indicating that CAS should be CAST (Colorado Association of Cities and Towns).

RESULT:	**APPROVED WITH ABOVE MENTIONED AMENDMENT**
MOVER:	Council Member Liza Simpson
SECONDER:	Council Member Tim Henney
AYES:	Council Members Beerman, Henney, Matsumoto, Peek, Simpson

V. CONSENT AGENDA

1. Consideration of a Request to Authorize the City Manager to Enter into a Professional Service Provider Agreement, in a Form Approved by the City Attorney, with Blu Line Designs Co., in the Amount of One Hundred Sixteen Thousand Seven Hundred Fifty Five Dollars ($116,755):

2. Consideration of a Request to Approve the Interlocal Program and Funding Agreement — Mountain Accord Phase II:

3. Award of Construction Contract for the Sandridge Stairs:

RESULT:	**APPROVED**
MOVER:	Council Member Liza Simpson
SECONDER:	Council Member Andy Beerman
AYES:	Council Members Beerman, Henney, Matsumoto, Peek, Simpson

VI. NEW BUSINESS

1. Swearing in Ceremony - Police Officers Clint Johnson, Clint Parker, and Sergeant Corey Allinson:

Chief Wade Carpenter presented the new Police Officers, Clint Johnson and Clint Parker, and the promotion of Officer Corey Allinson to the rank of Sergeant. Mayor Thomas then performed the swearing-in ceremony.

2. Park Silly Sunday Market 2015 End of Season Review:

Jenny Diersen introduced two of the Park Silly organizers, Kate Boyd and Michelle McDonald. Staff determined that this event met the measures of success, was compliant with the City's service agreement, and qualified for continued participation next year. Diersen estimated 13,000 people attended weekly and police services were reduced from

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2014. Boyd and McDonald thanked the Council for their support, and indicated that having Council members walking with them through the market on various days throughout the season helped show the community their support. They noted that they had received lots of positive feedback regarding Park Silly.

It was indicated that nonprofits and farmers were able to reserve booths for free at this event. Council Member Simpson was pleased to see that waste was reduced, but wondered why the bike valet service was not used as much as previous years. The Council was pleased with this event. Council Member Beerman congratulated staff and the organizers on another great summer, and stated the Market just kept getting smoother even though it had grown every year. Council Member Matsumoto indicated she enjoyed being on the ground, walking with staff, listening to feedback and being involved.

Mayor Thomas opened the meeting for public comments. No comments were heard.

3. Consideration of an Ordinance of the First Amendment to the Parkite Commercial Condominium Record of Survey Plat at 333 Main Street, Pursuant to Findings of Fact, Conclusions of Law, and Conditions of Approval in a Form Approved by the City Attorney:

Kiersten Whetstone, Planning, and Marshall King with Alliance Engineering, stated the request for the amendment was for the purpose of making Units D and E from a portion of the private commercial space, which would allow them to be sold separately. She added the amendment also memorialized a recorded easement which was on the residential plat, but was beneficial on the commercial plat.

Mayor Thomas opened the public hearing for comments from the audience. No comments were given. Mayor Thomas closed the public hearing.

RESULT:	**APPROVED**
MOVER:	Council Member Tim Henney
SECONDER:	Council Member Liza Simpson
AYES:	Council Members Beerman, Henney, Matsumoto, Peek, Simpson

4. Consideration of the Cardinal Park Avenue Plat Amendment Pursuant to Findings of Fact, Conclusions of Law and Conditions of Approval in a Form Approved by the City Attorney:

Francisco Astorga, Planning, along with Marshall King, representing Alliance Engineering, Billy Reed, representing the property owner and Paul Colton, attorney for the property owner, were present for this item. Astorga stated the site was divided into two different zoning districts: HR2 and HCB, which was Main Street Historic Commercial. There were currently four lots on Park Avenue and one lot on Main Street. The applicant requested

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condensing the four lots into three lots at the Park Avenue site, which was allowed in the HR2 District. He noted that Planning Commission forwarded a positive recommendation to Council.

Mayor Thomas opened the public hearing for comments from the audience. No comments were given. Mayor Thomas closed the public hearing. Council Member Matsumoto asked why Lot 1 was combined. Astorga indicated that this amendment was to obtain a conditional use permit, and noted the structure would be a single family dwelling and a parking structure. Council Member Henney asked if the plat was being combined in order to combine the parking spaces. Astorga reported the reason the owner wanted to combine Lot 1 was to allow for five parking spaces for the April Inn. Council Member Matsumoto asked if the lot would be a parking lot instead of residential space. Astorga stated the bottom level was a parking structure, and the top level was for residential parking.

Council Member Simpson clarified the parking spaces and adjacent areas for those not aware of the details of this item. Council Member Peek asked if Main Street emergency egress would occur into the current zone, to which Astorga stated the door opening to the rear would be eliminated to meet the criteria.

RESULT:	**APPROVED**
MOVER:	Council Member Liza Simpson
SECONDER:	Council Member Dick Peek
AYES:	Council Members Beerman, Henney, Matsumoto, Peek, Simpson

5. Consideration of an Ordinance of the 134 Main Street Plat Amendment Pursuant to Findings of Fact, Conclusions of Law, and Conditions of Approval, in a Form Approved by the City Attorney:

Bruce Erickson, Planning Director, stated that one of the City Planners, John Boehm, was moving to Australia and would be greatly missed. He thanked Boehm for the great job he performed at the City. Boehm, along with Marshall King of Alliance Engineering, stated the purpose of this amendment was to combine Lot 13, a portion of Lot 14, and an unplatted parcel into one lot of record on Upper Main Street in order to build a single family home. He indicated that combining the lots would create a lot that would meet the lot size requirements. He noted that the Planning Commission forwarded this item with a positive recommendation.

Council Member Matsumoto asked about the frontage distance on the lot. Boehm stated the new lot would meet the 25 foot frontage requirement.

Mayor Thomas opened the public hearing for comments from the audience. No comments were given. Mayor Thomas closed the public hearing. Council Member Simpson asked if the lot combination would include the house to the south, to which Boehm responded that

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the combined lots were contained in one area. Council Member Peek asked if the proposed structure would be contained outside the sewer easement. King explained a new easement would be created for the sewer, and the setback and sewer would be in the same place.

RESULT:	**APPROVED**
MOVER:	Council Member Cindy Matsumoto
SECONDER:	Council Member Liza Simpson
AYES:	Council Members Beerman, Henney, Peek, Matsumoto, Simpson

6. Consideration of an Ordinance of the 1055 Norfolk Avenue Plat Amendment Pursuant to Findings of Fact, Conclusions of Law, and Conditions of Approval, in a Form Approved by the City Attorney:

Boehm and Marshall King of Alliance Engineering were present for this item. Boehm stated the amendment would combine one and a half lots into a single lot of record in order to renovate the existing historic single family home. It was noted that the Planning Commission forwarded a positive recommendation.

Mayor Thomas opened the public hearing. No comments were heard from the audience. Mayor Thomas closed the public hearing.

RESULT:	**APPROVED**
MOVER:	Council Member Dick Peek
SECONDER:	Council Member Andy Beerman
AYES:	Council Members Beerman, Henney, Peek, Matsumoto, Simpson

7. Consideration of an Ordinance of the 812 Norfolk Avenue Plat Amendment Pursuant to Findings of Fact, Conclusions of Law, and Conditions of Approval, in a Form Approved by the City Attorney:

Boehm stated this amendment would combine one and a half lots into a single lot of record in order to demolish the existing non-historic structure and build a new single family home. The amendment would also resolve the noncompliant setback issues. It was noted the Planning Commission forwarded a positive recommendation.

Marshall King stated the Council may have received comments from the neighbor to the rear of the lot in question, but the surveyor used different monuments to measure from than were originally used. He appreciated that the City budgeted for engineers like him to replace the missing survey monuments within the City. Council Member Matsumoto asked about the structure fitting within the lot that the neighbor had complained about. It was indicated the stamped and signed survey showed that the building was within the lot boundaries by 1/100th of a foot.

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Mayor Thomas opened the public hearing to those in the audience. No comments were heard. Mayor Thomas closed the public hearing, and wished Boehm well as he leaves for Australia.

RESULT:	**APPROVED**
MOVER:	Council Member Dick Peek
SECONDER:	Council Member Liza Simpson
AYES:	Council Members Beerman, Henney, Peek, Matsumoto, Simpson

8. Consideration of an Ordinance Amending the Land Management Code of Park City, Utah, Amending Section 15-2.1-2 Uses in the Historic Residential-Low Density (HR-L) District in a Form Approved by the City Attorney:

Astorga, Senior Planner, stated this amendment would prohibit property owners from applying for a conditional use permit for a nightly rental in the HR-L District, and indicated this would only apply to the HR-L East District. He explained that of 24 properties in this neighborhood, 14 were identified as primary residences, seven were secondary residences, and three were vacant lots. He noted the definite trend in this neighborhood for primary residences. Astorga indicated a public hearing on this item was held at the October 14th Planning Commission meeting, to which many residents came out in favor of this amendment. He noted there was only one comment against the proposed amendment. Letters were then sent to each property owner, and Planning received one response in favor of the change, one against the change, one letter from a resident from the other side of the District, and one from a Park Meadows resident - not for or against, but which addressed enforcement issues by the City. He noted the Planning Commission forwarded a positive recommendation where the Park Meadows letter was acknowledged.

Astorga stated in 2012, there were about 4,000 nightly rental businesses in the City with Old Town having 25% of the rentals. The General Plan stated there should be a balance between resort-oriented neighborhoods and primary residences for the entire City. Astorga indicated the HR-L made it appropriate to remove this category from the code.

Council Member Simpson asked why Planning was not addressing HR-L East and West Districts together. Astorga indicated Planning would address the west neighborhood if Council requested them to do so.

Mayor Thomas opened the public hearing to receive comments from the audience.

Mary Wintzer indicated there were some neighbors who couldn't attend tonight's meeting who had spoken in favor of this consideration. She asked that Council would support the Planning Commission's recommendation, and noted their neighborhood had never had a nightly rental application on McHenry in over 30 years. This neighborhood was not a ski-in, ski-out neighborhood, but was a unique neighborhood, and it would mean a lot to these

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residents to see their area remain free of nightly rentals.

David C. stated he was in favor of removing the nightly rental designation in this zone. From his experience, the rentals had been disruptive to residents, with regard to noise levels and traffic, and he would like to see this be a full-time neighborhood.

Mayor Thomas closed the public hearing.

Council Member Simpson urged Council to ask for an analysis of the HR-L West District in order to give them this same nightly rental protection. Council Member Henney stated the residents from the west area had not come forward with any requests for a zone change and wondered if the City should wait for them to come forward before doing the analysis. Astorga asserted the analysis for the HR-L East District was Planning Commission initiated, and indicated they've had some discussions with Carol Slettom, an HR-L West District resident, about doing an analysis for that neighborhood as well. Council Member Beerman noted he was in favor of this change to support the uniqueness of the neighborhood, but felt Council should have a conversation with the West residents to see what they would prefer for their area.

RESULT:	**APPROVED**
MOVER:	Council Member Cindy Matsumoto
SECONDER:	Council Member Liza Simpson
AYES:	Council Members Beerman, Henney, Matsumoto, Peek, Simpson

ADJOURNMENT

With no further business, the meeting was adjourned.

_____
Michelle Kellogg, City Recorder

DRAFT

DATE: December 3, 2015

TO HONORABLE MAYOR AND COUNCIL

Attached for your approval, please find the City Council meeting minutes for November 16, 2015. Thank you for your consideration.

Respectfully:

Michelle Kellogg, City Recorder

PARK CITY COUNCIL SPECIAL MEETING MINUTES - DRAFT
445 MARSAC AVENUE
PARK CITY, UT 84060
SUMMIT COUNTY, UTAH
November 16, 2015

I. ROLL CALL

Attendee Name	Title	Status	Arrived
Jack Thomas	Mayor	Present	
Andy Beerman	Council Member	Excused	
Tim Henney	Council Member	Present	
Cindy Matsumoto	Council Member	Excused	
Dick Peek	Council Member	Present	
Liza Simpson	Council Member	Present	
Diane Foster	City Manager	Present	
Matt Dias	Assistant City Manager	Present	
Kristin Parker	Executive Assistant	Present	
Michelle Kellogg	City Recorder	Present	
Karen Anderson	Deputy City Recorder	Present	

II. NEW BUSINESS

1. Certification of Official Canvassers' Report and Adoption of Resolution Certifying the November 3, 2015, Municipal Election:

Matt Dias, Assistant City Manager, thanked Kristin Parker for her efforts in running the election. He distributed a handout with the official election results and noted this was a supplement to the staff report that was in the Council packet materials.

Council Member Simpson asked what the voter turnout percentage was. Dias thought it was close to a 45% turnout, which was an indication of a strong voter turnout this year.

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RESULT:	**APPROVED**
MOVER:	Council Member Liza Simpson
SECONDER:	Council Member Dick Peek
AYES:	Council Members Henney, Peek, Simpson
EXCUSED:	Council Members Beerman, Matsumoto

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

No comments were given.

IV. ADJOURNMENT

With no further business, the meeting was adjourned.

_____
Michelle Kellogg, City Recorder

DRAFT

DATE: December 3, 2015

TO HONORABLE MAYOR AND COUNCIL

Avatech is a recreation technology business headquartered in the Prospector area of Park City. Staff recommends a grant in the 2016 Fiscal year in the amount of $10,000, and an additional $10,000 per year over the next two years. Staff believes this level of commitment and support for a local startup company fulfills the City's Economic Development Grant Criteria.

Respectfully:

Jason Glidden, Economic Development Program Manager

City Council Staff Report

Subject: Economic Development Grant Application – Avatech
Author: Jason Glidden, Economic Development Project Manager
Department: Sustainability
Date: December 3, 2015
Type of Item: Administrative – Application for Economic Development Grant

Summary Recommendations:
Approve an Economic Development Grant Contract in the amount of $30,000 for Avatech for business expansion costs, in a form approved by the City Attorney.

Executive Summary:
Avatech is a recreation technology business headquartered in the Prospector area of Park City. They have requested a Business Expansion Grant in the amount of $60,000 over 5 years; $20,000 in year one, and $10,000 annually over the next four years.

After careful consideration, staff recommends a three year commitment in the amount of $30,000; a 2016 Fiscal year grant for $10,000, and grants of $10,000 each year over the next two years. Staff believes this level of commitment to local startup company with great potential is consistent with the City's Economic Development Grant Criteria.

Background:
As part of the 2016 Fiscal Year budget, Council approved an increase in the funding for the Economic Development Grant Program to $50,000 annually. The funding comes from three sources: General Fund ($10,000), Lower Park Redevelopment Agency ($20,000), and the Main Street Redevelopment Agency ($20,000). The funding from the two redevelopment agencies must be spent within the funding districts. Since Avatech is located outside of both districts, it is therefore not eligible for Lower Park Ave RDA or Main Street RDA funds, yet eligible for the General Fund allocation.

On August 13, 2015, staff received a grant proposal from Thomas Laakso, Brand President of Avatech, to help fund business expansion plans at 1105 Prospector Avenue. A panel of staff and Economic Development Council Liaison's, Tim Henney and Andy Beerman, reviewed and recommended the application.

<u>Company Background</u>
Avatech started out of the Massachusetts Institute of Technology (MIT) with the vision to create the largest and most intelligent platform of mountain safety information in the world and powered by connected hardware and software. After just one year of commercial production, their products are used in over 30 countries by 500 elite snow safety organizations around the world. While the company has global reach, they are most proud of their local roots here in Park City, and in only a few months have over 150 professional customers in Utah, such as the Utah Avalanche Center, UDOT, Park City Mountain Resort (including the resort formerly known as Canyons), Park City

Powder Cats, Snowbird, Alta and more. They believe they can benefit Park City in many unique and exciting ways. By developing innovative, industry leading hardware and software technologies in the heart of Park City, Avatech can contribute to a growing culture of innovation and entrepreneurship, attract highly skilled, diversified talent (already, recruiting employees that hail from institutions such as MIT, Stanford, Dartmouth, and Duke, Black Diamond, Visa, web developers, mechanical and electrical engineers, and GIS experts), and solve important mountain safety problems that relate directly to the needs of the local Park City community.

Avatech Grant Application

This application was reviewed by the Economic Development Program Committee, which consists of representatives of the Economic Development Department, Budget & Grants Manager, as well as City Council Liaisons, Beerman and Henney. The application was further vetted by the Operational and Capital Manager, and the Debt and Grants Budget Manager. Although the application was submitted under the old criteria, the applicant agreed for consideration using the new criteria.

The proposal is to expand business operations over the next five years. Their proposal is found as Exhibit B. In summary, Avatech seeks:

- **Year 1 - $20,000** – $10,000 will be used to assist in offsetting rental costs; $5,000 for office space build out, and $5,000 to purchase tools for the proto lab;
- **Year 2-5 - $10,000** - $5,000 for space expansion, and $5,000 for expansion of the proto lab.

Analysis

On July 10, 2014, the City Council adopted updated Grant Criteria (Exhibit C). The former criteria did not provide the flexibility that previous Councils were looking for when reviewing grant applications. The new criteria will allow Council to balance their economic development priorities using other stated community goals.

Avatech Grant Application – Staff analysis according to criteria is included in *italics*.

Criteria #1 – The organization must demonstrate a sound business plan that strongly supports prioritized Goals of the current City Economic Development Plan. *Avatech exhibits a sound business plan in line with Council goals. They will contribute to creating "A Community of Diverse Economic & Cultural Opportunities". Specifically, Avatech will help to create jobs with very competitive and competitive wages. Full-time employees will make between $75,000 - $150,000, per year. The people that fill these jobs are well educated and highly skilled. Avatech has been able to recruit some of the top computer programmers and engineers in the country. They have been able to attract talent away from other major technology companies due to their mission, growth potential, and being located in Park City. Even though Avatech is only three years old, they have showed tremendous growth over the last year and have forged strategic partners in the industry. Avatech has been able to*

raise a large amount of investment capital (over $3M) and these factors will hopefully lead to continued growth and expansion, including more high paying jobs in the Park City area.

Criteria #2 – Organizations must commit to and demonstrate the ability to do business in the City limits no less than three years. Funding cannot be used for one-time events. *Avatech signed a three lease and made a large investment in tenant improvements to the space including a state of the art proto lab, design and electronics studio and software development lab as part of their global headquarters. They also have the ability/first right to further expand into adjacent space within their current location. The company also plans to continue to add more staff over the next year as the company grows. Avatech expects to increase its revenue through extensive growth in worldwide sales through both their hardware and software product lines over the next few years.*

Criteria #3 — The organization must produce items or provide services that are consistent with the Economic Development Work Plan and be consistent with the City's General Plan and enhance the safety, health, prosperity, moral well-being, peace, order, comfort, or convenience of the inhabitants of the City. The organization must demonstrate there is more identifiable benefits than detriment when weighed against the balanced goals of the General Plan through the attached score sheet, as well as identify areas where the proposal is consistent or inconsistent with the City's biennial strategic plans. *The proposal is consistent with the World Class, Multi-Seasonal Resort Destination Biennial Strategic Plan Key Strategy of Pursuing Development and Redevelopment Consistent with the General Plan and specific Area Plans as well as the Desired Outcome of providing unique and diverse businesses. Avatech will help to reach two of the key strategies identified within the 2015-2016 Economic Development Plan, "Provide Sustainable Business Environment" and "Enhance the Local Economy". The proposal provided by Avatech indicates creation of a business that will further Park City as an innovation hub for technology businesses within the recreation industry. While they will help to diversify the local business mix in town, due to the nature of their business (recreational technology), they will not hurt or conflict with the existing resort economy. Their business plan also promotes an emphasis upon high paying jobs that allow employees to live, work, and play in Park City. This will help to enhance the local economy.*

Criteria #4 – Fiscal Stability and Other Financial Support: The organization must have the following: (1) A clear description of how public funds will be used and accounted for; (2) Other funding sources that can be used to leverage resources; (3) A sound financial plan that demonstrates managerial and fiscal competence. *The use of the ED grant funds has been well outlined in detail in the application. They will be used to offset rent cost, retrofit the building that will be rented, and to offset the cost of tools needed for their proto lab.*

Criteria #5 – Can forecast at the time of application an ability to achieve direct or indirect economic/tax benefits equal to or greater than the City's contribution.

Avatech has provided the following estimates on what their employee's economic benefit are to the local economy.

Avatech Summer 2015 PC Economic Benefit Analysis

Food		
Avg lunch	$	10
Days eating out		50
Employees		12
Total	**$**	**6,000**
Avg. dinner	$	25
Days eating out		30
Employees		12
Total	**$**	**9,000**
Visits from out of town		
Family visits		5
Local spend per family per visit	$	2,500
Total	**$**	**12,500**
Housing		
Employees renting		12
Average rent	$	900
Months		3
Total	**$**	**32,400**
Local gear purchases		
Per person	$	400
Employees		12
Total	**$**	**4,800**

Gym memberships		
Per person	$	150
Employees		12
Total	**$**	**1,800**
Local lift passes for upcoming season		
Employees		12
Cost per pass	$	700
Total	**$**	**8,400**
Local events		
New office open house	$	500
Wasatch powder keg sponsorship	$	500
Total	**$**	**1,000**
Healthcare		
Months		3
Monthly cost		3857
Total	**$**	**11,571**
Research & devepment		
Local prototyping	$	2,000
Local hardware purchases	$	3,000
Total	**$**	**5,000**
Total estimated summer economic contribution	**$**	**92,471**
Benefit per employee per summer	*$*	*7,705.92*
Annualized benefit per employee (x4)	*$*	*30,823.67*

Additional direct benefits would come from the sales tax collected through the sales of their products locally. Due to the large amount of recreational enthusiasts located in Park City that would find value in Avatech's services, staff believes that the direct economic impacts would cover the grant amount. Staff feels that there are indirect economic benefits as well with having this type of company located within city limits as it will attract other similar recreational technology companies to the area and provide fantastic marketing for Park City through the press Avatech continues to receive in the media.

Criteria #6 – The organization should show a positive contribution to diversifying the local economy by increasing year-round business opportunities, creating new jobs, and increasing the local tax base. *The year-round economy will be bolstered by Avatech as it will provide opportunity of high paying jobs in the local community. While the current products and services provided are geared towards winter use, the company operates year round to enhance current product lines and creating new opportunities through research and development. In addition, Avatech sells worldwide which provides sales throughout as the winter season shifts from the northern hemisphere to the southern hemisphere. These sales coupled with the spending from employees will create an increase in local sales tax.*

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?	+ Multi-seasonal destination for recreational opportunities + Accessible and world-class recreational facilities, parks and programs + Balance between tourism and local quality of life + Unique and diverse businesses + Multi-seasonal destination for recreational opportunities	+ Reduced municipal, business and community carbon footprints + Managed natural resources balancing ecosystem needs	+ Residents live and work locally + Physically and socially connected neighborhoods + Skilled, educated workforce + Jobs paying a living wage	+ Engaged, capable workforce
Assessment of Overall Impact on Council Priority *(Quality of Life Impact)*	Positive ⇧	Positive ⇧	Very Positive ↑	Positive ⇧
Comments:				

Funding

The current Economic Development Policy has a budget of $50,000 annually. The funding comes from the general fund ($10,000), Main Street RDA ($20,000), and the Lower Park RDA ($20,000)

Department Review:

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

Alternatives:

A. **Approve:** Award the ED grant to Avatech.
B. **Deny:** Deny the recommendation of the ED Grant Committee and do not award the grant to Avatech.
C. **Modify:** Modify the grant award amount or the terms of the grant agreement. This could include:
    a. Extend the grant to $10,000 annually over 3-5 years
    b. Direct staff to find an additional $10,000 out of General Fund to allow for the grant total for the first year to be increased to $20,000.
    c. Both a. & b.
D. **Continue the Item:** Continue the item and direct staff to return with additional information if they more information is necessary to approve, deny, or modify.
E. **Do Nothing:** Council could choose to take no action.

Recommendation:

Approve an Economic Development Grant Contract in the amount of $30,000 for Avatech for business expansion costs, in a form approved by the City Attorney.

Exhibits

Exhibit A	Draft Grant Contract
Exhibit B	Avatech Grant Application and Proposed use of Funds
Exhibit C	Economic Development Grant Criteria

Exhibit A – Draft Grant Contract

Economic Development Grant Contract

ECONOMIC DEVELOPMENT GRANT CONTRACT BETWEEN
AVATECH AND PARK CITY MUNICIPAL CORPORATION FOR BUSINESS EXPANSION.

THIS AGREEMENT is made and entered into this 3rd day of December, 2015, by and between **Avatech** and **PARK CITY MUNICIPAL CORPORATION** (hereinafter "City").

WITNESSETH:

WHEREAS, as part of the budget process, the City Council appropriates Economic Development funds to contract with organizations who meet the economic development grant program requirements outlined by the City's Budget Policy; and

WHEREAS, organizations must meet certain criteria in order to be eligible for an Economic Development Grant Contract; and

WHEREAS, applicants are eligible to apply for an Economic Development Grant Contract year round, the City will award Contracts through an application process administered by the Economic Development Grant Program Committee; and

WHEREAS, pursuant to Sections 10-8-2 and 10-2-84 of the Utah Code Annotated, the City Council hereby finds that the provision of City funds herein is consistent with the Park City General Plan, and provides for the safety, health, prosperity, moral well-being, peace, order, comfort, or convenience of the inhabitants of the City; and

WHEREAS, notwithstanding the recitals above, the City desires to provide grant funds in exchange for positive economic impact benefit at least equal to the current fair market value to the City's contribution; and

WHEREAS, the Economic Development Grant program committee evaluated and approved the Economic Development grant request by Avatech for assistance towards rent subsidy, office space build out, and the purchase of tools for a proto lab.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein set forth, the sufficiency of which is hereby acknowledged, that parties agree as follows:

ARTICLE I
TERM AND ALLOCATION

Avatech shall have an Economic Development Grant contract with a term of three years. The City will allocate the full grant amount upon execution by both parties.

TOTAL amount available for allocation: **$30,000**
Year 1 - $10,000 - $5,000 in office build out, and $5,000 in tools for proto lab.
Year 2 - $10,000 - $5,000 in space expansion, and $5,000 in purchase of tools for proto lab.
Year 3 - $10,000 - $5,000 in space expansion, and $5,000 in purchase of tools for proto lab.

ARTICLE II
SERVICES TO THE COMMUNITY

In exchange for the City's contribution, Avatech agrees to:

- Operate the Business in Park City for a minimum of three (3) years after the final grant payment is made.

Both parties agree that the above service provided to the community represents a good faith exchange of current fair market value for the City's contribution.

ARTICLE III
HOLD HARMLESS/NO AGENCY

Avatech agrees to defend, indemnify, and hold harmless City, its officers, agents, and employees from and against all losses and expenses, including costs and attorney's fees, resulting from any injury, including death, to any person or damages to property of others arising out of the acts or omissions of Avatech in the performance of work under this agreement. Avatech is an independent entity and nothing herein shall be construed to create any agency, nor employee relationship with the City.

ARTICLE IV
DISSOLUTION

On dissolution of the organization or project prior to three years after final grant payment shall result in any remaining funds attributable to the City shall revert to the City in a prorated amount.

ARTICLE V
RECORD KEEPING/AUDIT

Avatech agrees to keep accurate books and records of expenditures related to its operation. The City or its independent auditor reserves the right to conduct its own audit of books and records at reasonable times and places during ordinary business hours. If the grant money has not been used as agreed herein, the City shall be entitled to a full or partial refund of the grant.

ARTICLE VI
AMENDMENT

This Agreement may be amended with the approval of the City Council and Avatech. This Agreement may not be amended, except by an instrument in writing signed on behalf of each of the parties hereto.

ARTICLE VII
EFFECTIVE DATE

The effective date of this Agreement is the date first written above.

PARK CITY MUNICIPAL CORPORATION

_____
Diane Foster, City Manager

Attest:

_____
City Recorder

Approved as to form:

_____
City Attorney's Office

Avatech

_____
Thomas Laakso, Brand President

STATE OF UTAH)
) ss.
COUNTY OF SUMMIT)

On this ___th day of December, 2015 before me, the undersigned notary, personally appeared Thomas Laakso, personally known to me/proved to me through identification documents allowed by law, to be the person whose name is signed on the preceding or attached document, and acknowledged that he signed it voluntarily for its stated purpose as Manager of Local Tourist.

_____
Notary Public

Exhibit B – Avatech Grant Application

Exhibit C –Grant Criteria

PART II - ECONOMIC DEVELOPMENT GRANT POLICY (ADOPTED JULY 10, 2014)

Annually, the City will allocate $50,000 to be used towards retaining and growing existing businesses and attracting and promoting new organizations that will fulfill key priority goals of the City's Biennial Strategic Plans and General Plan. Funding will be available for relocation and/or expansion of current businesses, and new business start-up costs only.

A. ED Grant Distribution Criteria

Applications will be evaluated on the following criteria in order to be eligible for an ED Grant:

1. **Criteria #1:** The organization must demonstrate a sound business plan that strongly supports prioritized Goals of the current City Economic Development Plan.
2. **Criteria # 2:** Organizations must commit to and demonstrate the ability to do business in the City limits no less than three years. Funding cannot be used for one-time events.
3. **Criteria #3:** The organization must produce items or provide services that are consistent with Economic Development Work Plan and be with ~~of~~ the City's General Plan enhances the safety, health, prosperity, moral well-being, peace, order, comfort, or convenience of the inhabitants of the City. The organization must demonstrate there is more identifiable benefits than detriment when weighed against the balanced goals of the General Plan through the attached score sheet as well as identify areas where the proposal is consistent or inconsistent with the City's biennial strategic plans.
4. **Criteria #4:** Fiscal Stability and Other Financial Support: The organization must have the following: (1) A clear description of how public funds will be used and accounted for; (2) Other funding sources that can be used to leverage resources; (3) A sound financial plan that demonstrates managerial and fiscal competence.
5. **Criteria #5:** Can forecast at the time of application an ability to achieve direct or indirect economic/tax benefits equals to or greater than the City's contribution.
6. **Criteria #6** – The organization should show a positive contribution to diversifying the local economy by increasing year-round business opportunities, creating new jobs, and increasing the local tax base.

The City's Economic Development Program Committee will review all applications and submit a recommendation to City Council, who will have final authority in judging whether an applicant meets these criteria.

B. Economic Development Grant Fund Appropriations

The City currently allocates economic development funds from the Lower Park RDA ($20,000), the General Fund ($10,000), and the Main Street RDA ($20,000). Of these funds, no more than $50,000 per annum will be available for ED Grants. Unspent fund balances at the end of a year will not be carried forward to future years.

C. ED Grant Categories

ED Grants will be placed in two potential categories:

1. **Business Relocation Assistance:** This category of grants will be available for assisting an organization with relocation and new office set-up costs. Expenses that could be covered through

an ED Grant include but are not limited to moving costs, leased space costs, and fixtures/furnishings/ and equipment related to setting up office space within the City limits.

2. **New Business Start-up Assistance:** This category of grants will be available for assisting a new organization or business with new office set-up costs. Expenses that could be covered through an ED Grant include but are not limited to leased office space costs and fixtures/furnishings/ and equipment related to setting up office space within the City limits.
3. **Business Expansion Assistance:** This category of grants will be available for assisting an organization or business with expansion costs. These expansions should increase square footage, increase year-round jobs in city limits and/or increase tax revenue; or demonstrate a venture into an area considered a diversification of our economic base.

D. Application Process

Application forms may be downloaded from the City's www.parkcity.org website or available for pick-up within the Economic Development Office of City Hall. Funds are available throughout the City's fiscal year on a budget available basis.

E. Award Process

The disbursement of the ED Grants shall be administered pursuant to applications and criteria established by the Economic Development Department, and awarded by the City Council consistent with this policy and upon the determination that the appropriation is necessary and appropriate to accomplish the economic goals of the City.

ED Grants funds will be appropriated through processes separate from the biennial Special Service Contract and ongoing Rent Contribution and Historic Preservation process.

The Economic Development Program Committee will review all applications and forward a recommendation to City Council for authorization. All potential awards of grants will be publicly noticed 14 days ahead of a City Council action.

Nothing in this policy shall create a binding contract or obligation of the City. Individual ED Grant Contracts may vary from contract to contract at the discretion of the City Council. Any award of a contract is valid only for the term specified therein and shall not constitute a promise of future award. The City reserves the right to reject any and all proposals, and to waive any technical deficiency at its sole discretion. Members of the City Council, the Economic Development Program Committee, and any advisory board, Task Force or special committee with the power to make recommendations regarding ED Contracts are ineligible to apply for such Contracts. City Departments are also ineligible to apply for ED Contracts. All submittals shall be public records in accordance with government records regulations ("GRAMA") unless otherwise designated by the applicant pursuant to UCA Section 63-2-308, as amended.

Biennial Plan

The Biennial Strategic Plan draws on Park City 2030, the Business Plans, and the Budget Document to give a summary of the City's approach over the next two years to pursue Council Priorities and the Community Vision. This document is used to report highlights of the Strategic Planning Process to Council during their annual Visioning Session, and it is updated every two years.

The current Biennial Plan to be provided by the Economic Development Department along with application forms at the request of the applicant. The 2015 – 2016 Plan can be found at:

http://www.parkcity.org/Modules/ShowDocument.aspx?documentid=10646

Avatech: Park City Municipal Corporation Grant Application

June 23, 2014
Jonathan Weidenhamer
Economic Development Manager
Park City Municipal Corporation

Dear Mr. Weidenhamer,

I am pleased to submit the enclosed grant proposal to the Park City Municipal Corporation (PCMC). We chose Park City for our global headquarters because we believe that Park City shares our strong sense of mountain community and concern for those who work and play in the mountains. And we hope the city embraces new technology and an understanding of the importance of year round economic diversity. We want to do our part to help move the city forward with these simple goals not just today, but for generations to come. We are requesting $20,000 in Business Relocation and Expansion Assistance to cover the cost of moving Avatech's headquarters from Cambridge, Massachusetts to within Park City limits and establishing a true technology hub in Park City. We are also requesting $10,000 of annual business expansion assistance over the subsequent four years to support rapid growth and scalable benefit to the Park City community.

The team started Avatech out of MIT with the vision to create the largest and most intelligent platform of mountain safety information in the world, powered by connected hardware and software. After just one year of commercial production, our products are used in over 30 countries by 500 elite snow safety organizations around the world. While our company has global reach, we are most proud of our local roots in Park City and in just only a few months have over 150 professional customers in Utah such as the Utah Avalanche Center, UDOT, Park City Mountain Resort, Canyons, Park City Powder Cats, Snowbird, Alta and more. We believe we can benefit our home town in many unique and exciting ways. By developing innovative, industry leading hardware and software technologies in the heart of Park City, we can contribute to a growing culture of innovation and entrepreneurship, attract highly skilled, diversified talent (already, our employees hail from institutions such as MIT, Stanford, Dartmouth, and Duke, Black Diamond, Visa, and Palantir spanning mobile and web developers, mechanical and electrical engineers, embedded system engineers, industrial designers, and machine learning and GIS experts), and solve important mountain safety problems that relate directly to the needs of our community. In June, we signed a three year lease on a building in Prospector where we are building a state-of-the art prototyping, design and electronics studio and software development lab as part of our global headquarters. We are not a service oriented business that ebbs and flows with the seasons or weather patterns. We hire year round high salaried employees and are developing new technologies for both winter and summer seasons. We also recently closed our Series A round from industry leading investors such as KarpReilly, AC & Friends, and Kickstart Seed Fund (Utah). Saving lives is one critical goal for us, but we also have ambitious environmental goals of addressing water conservation issues that our state and overall humanity faces.

We understand that PCMC intends to allocate $20,000 towards the relocation and expansion of locally-owned businesses producing items or providing services consistent with the Park City Economic Development Work Plan, Biennial Plan, and General Plan, and potentially recurring grants as well. We hope you will help us successfully establish our business in Park City, create a community focused and technology driven company the town can be proud of, promote the Park City brand, and diversify Park City's year-round employment opportunities.

Please visit our website at www.avatech.com or call me at (435) 655-5363 if you have any questions. If you'd like to visit our new office, we'd love to host you anytime.

Sincerely,

Thomas Laakso
Brand President

Avatech Introduction

Avatech is an outdoor technology company developing the world's first crowdsourced platform of mountain safety information, integrating hardware and software innovations. Avatech's first products, the SP1 and Avanet, help mountain travelers instantly record and share critical snowpack information in real-time, ultimately improving decision making and saving lives. The team aims to create the largest crowdsourced network of mountain safety inform in the world, ushering in a new era of big data in the outdoor industry. Avatech's proprietary global data platform also will have significant implications on water flow prediction, with potential to serve large end markets spanning hydroelectric energy, agriculture, water management and more. Avatech has received broad media coverage both inside and outside the industry including Financial Times, Outside, Powder, Freeskier, Teton Gravity Research, Mountain, among others and recently won Gear of the Year awards from both Popular Science and National Geographic. Additionally, Avatech has been covered in several local Park City outlets including the Park Record and KPCW.

Avatech originated out of MIT in September of 2012 and has built a broad network of support including an advisory board of the leading professionals in the industry. Avatech launched the SP1 and Avanet to the professional community this winter and today has over 500 elite organization customers spanning 30+ countries around the world. The team of six has raised over $3M in funding to date to scale their global web and mobile platform, development and manufacture a new consumer product, and further expand into the sizeable European market.

SP Smartprobes Avanet Mobile Avanet

A CONNECTED SYSTEM

Avanet Web & Mobile

Highlights

- Breakthrough mountain safety technology hardware/software platform with a **mission to build a safer mountain community and save lives**
- A unique focus on **outdoor sports, mountain safety, consumer products and software**, all key industry priorities of Park City
- **>500 professional organizations** on platform, including major ski resorts, guiding companies, forecast centers, departments of transportation, mines and military
- **>150 professional customers in Utah from 40+ organizations**
- Strategic partnerships with key industry leaders and world renowned advisory board
- Elite global ambassadors including **world renowned athletes Chris Davenport, Jeremy Jones, and Hilaree O'Neill**
- Exceptional team with **world-class technology and business talent** spanning institutions such as MIT, Stanford, Dartmouth, Duke, Black Diamond, Visa, Bain and others.

The problem

Gathering, sharing, and analyzing mountain safety data today is incredibly difficult and time consuming. Many industries spanning recreation, transportation, public safety, real-estate, mining, agriculture, water management, and others rely on manually collected data to forecast all kinds of mountain conditions. But data is sparse and often inaccurate which can lead to lives lost and billions of dollars wasted.

A global, data-driven and networked solution

Avatech has created the first global snowpack data platform that crowdsources snowpack and other mountain safety data from the global mountain community through a geo-enabled snowpack measurement device, connected mobile app, and web app platform. The SP1 hardware device enables users to gather objective information about the snowpack instantly. Manual assessments that gather the same data can take upwards of 15-20 minutes and are also subjective. The Avanet mobile and web app aggregate and analyze snowpack, weather, avalanche, snow condition, and other rapid observations from the SP1, Avanet mobile, and Avanet web. In this way, Avanet serves effectively as a 'Waze' of the mountain community, a digital field book of every mountain traveler in the world. Underlying data gathered by the

mountain community, eager to reinforce its own safety, can also be used to more accurately forecast one of the world's most precious resources: water.

Team
Avatech was founded in 2012 by graduate business and engineering students at MIT. The team has since attracted exceptional talent, including the former Director of the Ski Business at Black Diamond and Senior Director of Mobile from Visa. The team combines over 80 years of engineering and 50 years of direct outdoor industry experience. Additionally, the management team has surrounded themselves with renowned experts in mountain safety, connected devices and scalable web/mobile platforms.

Recent press
Popular Science, National Geographic, Financial Times, Backcountry Magazine, Powder Magazine, Freeskier Magazine, Unofficial Network, Outdoor Industry Association, Wildsnow, Backcountry Skiing Canada, Teton Gravity Research, Snow Brains, Mountain

Proposal Summary

Avatech moved headquarters from Cambridge, MA to Park City, UT in the fall of 2015. Since moving to Park City, the team has already grown over 100% from 5 to 12 full time employees, partnered with numerous local companies and begun to make strong contributions to the local community. Avatech's mission is to build a safer mountain community and save lives. The company founders have direct experience in avalanches and/or losing friends in the mountains, so this mission is one of true purpose and authenticity. Our goal to serve the global mountain community begins in our own Park City Community. Beyond our important missions of savings lives, we have already begun to integrate locally owned businesses in our marketing and messaging. Avatech can contribute to Park City in several critical ways:

1. **Diversify jobs & provide greater economic stability**
   Avatech recruits hardware and software engineers from some of the top institutions in the world. The type of talent that Avatech has been able to bring onto the team has their choice of renowned technology jobs spanning Google, Facebook, Apple and others. Avatech is able to recruit this level of talent because of its powerful community focused mission, the unparalleled work-life balance afforded by an incredible mountain town like Park City, and the opportunity to innovate and do things that no one has done before. Attracting this level of talent brings far more than just year-round employment opportunities. Avatech employees are the type of people that are leaders in their community and eager contributors. For example, this summer alone Avatech employees have been involved in volunteer soccer coaching, recreational sports leagues spanning kickball, volleyball, soccer, ultimate Frisbee, numerous entrepreneurial mentor talks, and collaborations with University of Utah professors and students. Avatech also has launched a world-class internship program that brings in top engineering talent from all over the country. Infusion of this type of talent throughout the year brings new ideas, passionate people, and introduces Park City to highly talented interns that could eventually move here full-time. These interns also introduce their friends and families to Park City – broadening the social and economic impact of the program. Furthermore, Avatech employees spend money on other local businesses which has a significant financial benefit to Park City:

Avatech Summer 2015 PC Economic Benefit Analysis

Food		
Avg lunch	$	10
Days eating out		50
Employees		12
Total	**$**	**6,000**
Avg. dinner	$	25
Days eating out		30
Employees		12
Total	**$**	**9,000**

Visits from out of town		
Family visits		5
Local spend per family per visit	$	2,500
Total	**$**	**12,500**

Housing		
Employees renting		12
Average rent	$	900
Months		3
Total	**$**	**32,400**

Local gear purchases		
Per person	$	400
Employees		12
Total	**$**	**4,800**

Gym memberships		
Per person	$	150
Employees		12
Total	**$**	**1,800**

Local lift passes for upcoming season		
Employees		12
Cost per pass	$	700
Total	**$**	**8,400**

Local events		
New office open house	$	500
Wasatch powder keg sponsorship	$	500
Total	**$**	**1,000**

Healthcare		
Months		3
Monthly cost		3857
Total	**$**	**11,571**

Research & devepment		
Local prototyping	$	2,000
Local hardware purchases	$	3,000
Total	**$**	**5,000**

Total estimated summer economic contribution	**$**	**92,471**
Benefit per employee per summer	*$*	*7,705.92*
Annualized benefit per employee (x4)	*$*	*30,823.67*

Annual estimated benefit

	2015-2016	2016-2017	2017-2018	2018-2019	2018-2019
Employees	12	18	25	50	100
PC contribution per employee	$ 30,824	$ 30,824	$ 30,824	$ 30,824	$ 30,824
Annual Avatech economic benefit to PC	**$ 369,884**	**$ 554,826**	**$ 770,592**	**$ 1,541,183**	**$ 3,082,367**

2. **Contribute to the development of world-class recreation and public infrastructure while maintaining a balance with sense of community**
   Avatech is fundamentally a mountain community company. In creating the global platform for mountain safety, Avatech encourages and inspires mountain communities all over the world to work together to improve their own mountain experience in a safe way. This type of collaborative mission and messaging is something that the Park City community can believe in and build a powerful movement behind. By supporting Avatech, Park City can continue to build its exceptional reputation, not only as a world class resort town but as a town that supports high innovation businesses that have scalable impact on the broader global mountain community. The Biennial Park City plan also outlines a host of priority industries including consumer products, sports and outdoors, recreation, software & IT, and web apps. Park City lies at the very intersection of these business priorities.

3. **Support Park City's efforts in environmental mitigation & climate adaptation**
   Avatech's business plan takes a phased approach to growth:

   - **Phase I (next 12 months)**: Build first crowd sourced platform of mountain safety information powered by hardware and software for winter and summer activities
   - **Phase II (next 24 months)**: Deepen mountain safety network penetration across the globe, integrate 3rd party data where appropriate, and expand connected hardware

- **Phase III (2-5 years)**: Leverage data network for societal and environmental benefits beyond mountain safety such as water management

One of the most exciting future growth opportunities for Avatech is the water management and prediction market. Avatech's proprietary global data platform will have significant implications on water flow prediction, with potential to serve large end markets spanning hydroelectric energy, agriculture, water management and more. Today, water managers around the world rely on limited data sets to predict downstream water flows. For example, in the US there are only 858 SnowTel stations and 1,185 manual snow course assessments. Limited data from these sites and assessments means that downstream water forecasts must extrapolate information over huge amounts of mountain terrain. Current water flow models typically use 30 year regression models based on historic water flows, but with climate change and increased volatility, these models can be very inaccurate. Poor downstream forecasts can cost downstream stakeholders >$1M a day. Improved forecasts can impact the $5.3B in annual flood damage in the US, inform production decisions of millions of acres of irrigated agricultural lands, and reduce millions of gallons of dump water. Avatech's snowpack data from its SP technology can gather real-time information from the global mountain community. Rather than collect 2,000 data points across the entire US, Avatech will be able to collect the same number of data points on a single mountain in a single season. More data means less extrapolation, improved forecast models and ultimately improved decision making for downstream stakeholders.

4. **Build an innovation and technology hub in down town Park City**
   Avatech hopes to be the first of several high-tech start-up companies that move to Park City in the coming years. Having spun out of MIT, Avatech understands what it takes to build a robust ecosystem for entrepreneurship and innovation. In the coming months and years, Avatech will host numerous events that bring in technology and mountain industry leaders from around the world. Avatech is also building a state-of-the-art prototyping and electronics lab which can be shared with other high innovation companies in the area. If awarded the economic assistance grant, Avatech will commit to developing its headquarters into a symbol of pride for an innovative and sustainable Park City. Avatech will also use its headquarters as a gathering space where people of Park City can come to learn about new technology and share ideas. Avatech will host technology meetups for the community and even workshop events for those interested in rapid prototyping, machine learning, and other interesting technology disciplines.

Project budget

Avatech believes it has the potential to positively impact the Park City community not only this year but for many years to come. As such, we are proposing an initial one year grant to offset increased rent expense from our move to Park City as well as support the development of our prototype lab and general office build out. Over the coming 5 years, Avatech anticipates substantial growth from 12 employees today to upwards of 50 employees. This will require additional space as well as further investment in our hardware and software prototyping facilities. To support this level of growth, we are requesting an annual $10,000 in business expansion assistance which will help us maintain our headquarters within Park City limits.

	Year 1	Year 2	Year 3	Year 4	Year 5
Business relocation assistance					
Rent offset	$ 10,000				
New business start up assistance					
Proto lab tools	$ 5,000				
Office build out	$ 5,000				
Business expansion assistance					
Space expansion		$ 5,000	$ 5,000	$ 5,000	$ 5,000
Proto lab expansion		$ 5,000	$ 5,000	$ 5,000	$ 5,000
Total	**$ 20,000**	**$ 10,000**	**$ 10,000**	**$ 10,000**	**$ 10,000**

**Total new office build out budget is $45,000, we are requestion $10,000 in year one to help offset.*

Project Evaluation

If awarded the grant, Avatech will document all expenses associated with rent offset, prototype lab tools, office build out, and space and prototype lab expansion within one year of the annual grant's exhaustion.

Relocation: Avatech will submit a balance sheet within one year of the grant's exhaustion showing the company's ability to afford the new space. Avatech will also prepare a presentation showing improvements to the space made throughout the relocation effort.

New business start-up assistance: Avatech will share a detailed expense report for the prototype lab tools acquired and general office build out. Avatech will also conduct a survey of local community members after one year to evaluate Avatech's impact on the local community.

Business expansion assistance: Each year, Avatech will submit an abbreviated grant proposal detailing needs for expansion assistance.

November 30, 2015

Dear Applicant,

Park City is now accepting applications for Economic Development Grants for the next fiscal quarter (Oct 2015 – Dec 2015). Enclosed with this letter is an application. Also enclosed is a copy of the City's policy governing Economic Development Grants, which includes the criteria that organizations must meet in order to qualify for these grants.

The current policy states that applications must be submitted by **September 30, 2015.** Please submit six copies of the application along with all other requested information to the Economic Development Department (445 Marsac Ave.) **by 5:00 p.m. on September 30, 2015**. The selection process for a special service contract is competitive and not all submissions may be funded or fully funded.

If you have any questions regarding the process or the application, please contact Jonathan Weidenhamer at (435) 615-5069 or jweidenhamer@parkcity.org. Thank you for your interest in serving Park City.

Sincerely,

Jonathan Weidenhamer
Economic Development Manager
Park City Municipal Corporation
Tel 435.615.5069

Economic Development

Application Form

Park City Municipal Corporation

Please provide six **(6)** copies of this application and all other requested information to the Economic Development Office by **5:00 pm on September 30, 2015.**

(1) Organization Contact Information

Name _____

Address _____

_____

Phone _____ Fax _____

E-mail _____

(2) Indicate the applicable Special Service Contract category for this proposal:

☐ Business Relocation ☐ New Business Start Up

☐ Business Expansion

☐ Other Assistance (please specify) _____

(3) Requested Grant Amount: $_____

(4) In addition to the above requested information, applications must address the following components:

1. Specific detail of how the requested funds will be used (attach summary - *one page maximum*);

2. Quantitative and/or qualitative goals (with specific targets) that can be used to measure the degree to which the funds were used for their intended purpose (attach summary - *half page maximum*); and

4. Specifically address how your proposal meets the criteria described in the City's Economic Development Grant Policy (specific criteria components are outlined below, please attach no more than one page for each criterion):

Criterion 1: The organization must demonstrate a sound business plan that strongly supports prioritized Goals of the current City Economic Development Plan.

Criterion 2: Organizations must commit to and demonstrate the ability to do business in the City limits no less than three years. Funding cannot be used for one-time events.

Criterion 3: The organization must produce items or provide services that are consistent with Economic Development Work Plan and be with of the City's General Plan enhances the safety, health, prosperity, moral well-being, peace, order, comfort, or convenience of the inhabitants of the City. The organization must demonstrate there is more identifiable benefits than detriment when weighed against the balanced goals of the General Plan through the attached score sheet as well as identify areas where the proposal is consistent or inconsistent with the City's biennial strategic plans.

Criterion 4: Fiscal Stability and Other Financial Support: The organization must have the following: (1) A clear description of how public funds will be used and accounted for; (2) Other funding sources that can be used to leverage resources; (3) A sound financial plan that demonstrates managerial and fiscal competence.

Criterion 5: Can forecast at the time of application an ability to achieve direct or indirect economic/tax benefits equals to or greater than the City's contribution.

Criterion 6: The organization should show a positive contribution to diversifying the local economy by increasing year-round business opportunities, creating new jobs, and increasing the local tax base.

Signed: _____ **Date:** _____

Chapter 5 - Contracts & Purchasing Policy

Part II - Economic Development Grant Policy (adopted July 10, 2014)

Annually, the City will allocate up to $50,000 to be used towards retaining and growing existing businesses and attracting and promoting new organizations that will fulfill key priority goals of the City's Biennial Strategic Plans and General Plan. Funding will be available for relocation and/or expansion of current businesses, and new business start-up costs only.

A. ED Grant Distribution Criteria

Applications will be evaluated on the following criteria in order to be eligible for an ED Grant:

1. **Criteria #1:** The organization must demonstrate a sound business plan that strongly supports prioritized Goals of the current City Economic Development Plan.
2. **Criteria # 2:** Organizations must commit to and demonstrate the ability to do business in the City limits no less than three years. Funding cannot be used for one-time events.
3. **Criteria #3:** The organization must produce items or provide services that are consistent with Economic Development Work Plan and be with ~~of~~ the City's General Plan enhances the safety, health, prosperity, moral well-being, peace, order, comfort, or convenience of the inhabitants of the City. The organization must demonstrate there is more identifiable benefits than detriment when weighed against the balanced goals of the General Plan through the attached score sheet as well as identify areas where the proposal is consistent or inconsistent with the City's biennial strategic plans.
4. **Criteria #4:** Fiscal Stability and Other Financial Support: The organization must have the following: (1) A clear description of how public funds will be used and accounted for; (2) Other funding sources that can be used to leverage resources; (3) A sound financial plan that demonstrates managerial and fiscal competence.
5. **Criteria #5:** Can forecast at the time of application an ability to achieve direct or indirect economic/tax benefits equals to or greater than the City's contribution.
6. **Criteria #6** – The organization should show a positive contribution to diversifying the local economy by increasing year-round business opportunities, creating new jobs, and increasing the local tax base.

The City's Economic Development Program Committee will review all applications and submit a recommendation to City Council, who will have final authority in judging whether an applicant meets these criteria.

B. Economic Development Grant Fund Appropriations

The City currently allocates economic development funds from the Lower Park RDA ($20,000), the General Fund ($10,000), and the Main Street RDA ($20,000). Of these funds, no more than $50,000 per annum will be available for ED Grants. Unspent fund balances at the end of a year will not be carried forward to future years.

C. ED Grant Categories

ED Grants will be placed in two potential categories:

1. **Business Relocation Assistance:** This category of grants will be available for assisting an organization with relocation and new office set-up costs. Expenses that could be covered through an ED Grant include but are not limited to moving costs, leased space costs, and fixtures/furnishings/ and equipment related to setting up office space within the City limits.
2. **New Business Start-up Assistance:** This category of grants will be available for assisting a new organization or business with new office set-up costs. Expenses that could be covered through an ED Grant include but are not limited to leased office space costs and fixtures/furnishings/ and equipment related to setting up office space within the City limits.
3. **Business Expansion Assistance:** This category of grants will be available for assisting an organization or business with expansion costs. These expansions should increase square footage, increase year-round jobs in city limits and/or increase tax revenue; or demonstrate a venture into an area considered a diversification of our economic base.

D. Application Process

Application forms may be downloaded from the City's www.parkcity.org website, available via email from the Economic Development Manager, or within the Economic Development Office of City Hall. Applications will be evaluated and awarded on a quarterly basis.

E. Deadlines

All applications for Economic Development Grants must be received no later than the following dates each year to be eligible for quarterly consideration; March 31th, June 30th, September 30th, and December 31st. The City Council will consider in a public meeting any application within 30 calendar days of each of the quarterly deadlines. Extraordinary requests outside the scheduled application process may be considered, unless otherwise directed by Council.

Extraordinary requests received must meet all of the following criteria to be considered:

1. The request must meet all of the normal Public Service Fund Distribution Criteria and qualify under the Economic Development Grant criteria;

2. The applicant must show that the requested funds represent an immediate fiscal need that could not have been anticipated before the deadline; and

3. The applicant must demonstrate significant consequences of not being able to wait for the next quarterly review.

F. Award Process

The disbursement of the ED Grants shall be administered pursuant to applications and criteria established by the Economic Development Department, and awarded by the City Council consistent with this policy and upon the determination that the appropriation is necessary and appropriate to accomplish the economic goals of the City.

ED Grants funds will be appropriated through processes separate from the biennial Special Service Contract and ongoing Rent Contribution and Historic Preservation process.

The Economic Development Program Committee will review all applications on a quarterly basis, and forward a recommendation to City Council for authorization. All potential awards of grants will be publicly noticed 14 days ahead of a City Council action.

Nothing in this policy shall create a binding contract or obligation of the City. Individual ED Grant Contracts may vary from contract to contract at the discretion of the City Council. Any award of a contract is valid only for the term specified therein and shall not constitute a promise of future award. The City reserves the right to reject any and all proposals, and to waive any technical deficiency at its sole discretion. Members of the City Council, the Economic Development Program Committee, and any advisory board, Task Force or special committee with the power to make recommendations regarding ED Contracts are ineligible to apply for such Contracts. City Departments are also ineligible to apply for ED Contracts. All submittals shall be public records in accordance with government records regulations ("GRAMA") unless otherwise designated by the applicant pursuant to UCA Section 63-2-308, as amended.

DATE: December 3, 2015

TO HONORABLE MAYOR AND COUNCIL

As part of the Water Department's ongoing asset management program, the Upper Swede Alley Utility Replacement Project addresses prioritized water main replacements and deficient fire flows to critical areas of old town. The project consists of replacement and upgrade of waterlines and sanitary sewer mains within the Upper Swede Alley corridor. The project has been planned in anticipation of the redevelopment of the brew pub parking lot and addresses any future impacts to the newly installed Main Street granite sidewalks.

Respectfully:

Nicholas Graue, Water Project Engineer

City Council Staff Report

Subject:	**Upper Swede Alley Utility Replacement Project, Professional Services Agreement**
	Bowen Collins & Associates, Inc.
Author:	**Nick Graue, Water Project Engineer**
Department:	**Public Utilities**
Date:	**December 3, 2015**
Type of Item:	**Administrative**

Summary Recommendations:
Staff recommends Council authorize the City Manager to execute a Professional Services Agreement, in a form approved by the City Attorney, with Bowen Collins & Associates for engineering services for the Upper Swede Alley Utility Replacement Project for an amount not to exceed **$37,900**.

Executive Summary:
As part of the Water Department's ongoing asset management program, the Upper Swede Alley Utility Replacement Project addresses prioritized water main replacements and deficient fire flows to critical areas of old town. The project consists of replacement and upgrade of waterlines and sanitary sewer mains within the Upper Swede Alley corridor. The project has been planned in anticipation of the redevelopment of the brew pub parking lot and addresses any future impacts to the newly installed Main Street granite sidewalks.

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

City	Park City Municipal Corporation
FY	Fiscal Year
RFQ	Request for Qualifications
SOQ	Statement of Qualifications
SBWRD	Snyderville Basin Water Reclamation District

Background:
In anticipation of the Main Street Sidewalks project, Public Utilities identified a critical water line in 4th Street between Main Street and Swede Alley in need of replacement due to a recorded history of leaks and repairs, the waterline upgrade would also address deficient fire flows in the vicinity of Main Street and Swede Alley. In an effort to avoid tearing up the newly installed granite sidewalks, Public Utilities determined that the 4th Street waterline must be replaced prior to the installation of the new sidewalks.

During the sidewalks project, it was revealed that the 4th Street waterline was installed under the footings and foundations of 4th Street businesses. Rather than undergoing a

costly upgrade of the 4th street waterline due to its close proximity to Main Street businesses, Public Utilities determined that the same outcomes could be achieved through abandonment of the 4th street waterline coupled with the replacement and upgrade of the Swede Alley water main.

This alternative plan integrates well with not only the Main Street improvements project, but also with the redevelopment of the parking lot adjacent to the Wasatch Brew Pub.

The existing upper Swede Alley water main was constructed in 1965 and is currently undersized and does not provide adequate fire flow to the surrounding area. This replacement project addresses the deficient fire flows by upsizing and looping the dated water main while also facilitating the abandonment of the troubled 4th street water line. The project will also allow for the redeveloped brew pub parking lot to be serviced from Swede Alley rather than Main Street thereby avoiding additional costs due to installing the new water service under the Main Street granite sidewalks.

Public Utilities has coordinated this project with Park City's Engineering Department and determined that no surface improvements in the area are needed. Therefore Public Utilities will be leading this project strictly as a utility replacement project. This project has also been planned with close coordination with Synderville Basin Water Reclamation District (SBWRD). SBWRD has determined that it will replace its sanitary sewer main in conjunction with the replacement of the water main, this partnership allows for project costs to be shared between the City and SBWRD. The design and construction administration for the sanitary sewer will be contracted directly with SBWRD.

Tentative Project Schedule:
The following tentative project schedule has been established for the project period. The project schedule is subject to change based on contract negotiations and City Council review of the project.

Project Period	
City Council Contract Authorization	December 3, 2015
Notice to Proceed	December 11, 2015
Design Complete	April 1, 2016
Bidding for Construction	April 1 - May 1, 2016
Construction Period	August 8 – October 14, 2016

It is important to note that although construction is anticipated to take place in late summer of 2016; bidding for construction will take place during the spring season to take advantage of the favorable bidding climate.

Analysis:
The Request for Qualifications (RFQ) for the Upper Swede Alley Utility Replacement Project was advertised in the Park Record on 10/03, 10/07, 10/10, 10/14, 10/17 and 10/21, 2015, and on the Park City Website beginning October 3, 2015. Four

Statements of Qualifications (SOQ) were received and opened on October 23, 2015. Request for Qualifications were chosen versus proposals to verify the engineers experience with drainage, waterline and sanitary sewer design.

SOQs were evaluated on specific factors listed in the RFQ. Bowen Collins & Associates is the highest ranking responsive proposer.

Griffin Lloyd and Nick Graue will be coordinating the work, and will be working under the guidance of the Water Engineer and the Public Utilities Director.

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

Alternatives:

A. Approve:
Council could approve staff's recommendation. This would provide much-needed upgrades to the system as well as provide adequate fire flows to portions of Old Town.

B. Deny:
Council could deny staff's recommendation. The existing fire flow deficiencies would remain and potential utility repair needs may arise at a later time requiring the removal of newly installed granite sidewalks and/or portions of the brew pub plaza in order to complete the necessary repairs.

C. Modify:
Council could modify the request for the agreement. Modifying the request could result in a delay to the project as the impacts of the requested modifications on construction and/or management elements are evaluated.

D. Continue the Item:
Council could continue the request for the agreement. Continuing the request could result in a delay to the project until key elements can be addressed.

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:

	World Class Multi-Seasonal Resort Destination (Economic Impact)	Preserving & Enhancing the Natural Environment (Environmental Impact)	Responsive, Cutting-Edge & Effective Government
Which Desired Outcomes might the Recommended Action Impact?	+ Safe community that is walkable and bike-able	+ Managed natural resources balancing ecosystem needs + Enhanced water quality and high customer confidence + Adequate and reliable water supply	+ Well-maintained assets and infrastructure
Assessment of Overall Impact on Council Priority *(Quality of Life Impact)*	Positive ⇧	Very Positive ↑	Positive ⇧
Comments:			

Funding Source:
The funding for the project is from water service fees, the design portion of the project is part of the approved FY16 budget, and the construction portion of the project is planned as part of the FY17 budget.

Consequences of not taking the recommended action:
Council could deny staff's recommendation. The existing fire flow deficiencies would remain and potential utility repair needs may arise at a later time requiring the removal of newly installed granite sidewalks and/or portions of the brew pub plaza in order to complete the necessary repairs.

Recommendation:
Staff recommends Council authorize the City Manager to execute a Professional Services Agreement, in a form approved by the City Attorney, with Bowen Collins & Associates for engineering services for the Upper Swede Alley Utility Replacement Project for an amount not to exceed **$37,900.**

Attachments:
Bowen Collins & Associates Scope of Work and Fee

UPPER SWEDE ALLEY UTILITY REPLACEMENT – SCOPE OF WORK

Park City Public Utilities wants to replace existing utilities in Upper Swede Alley between 4th Street and Main Street. The utilities to be replaced include waterline with hydrants and services on the south end, some storm drain catch basins, clean out manholes, and possible drains from Main Street structures to be tied in, and the sewer line with manholes and service laterals. The road surface including the crosswalks will be replaced due to the extensive trench impacts during construction. There may be a concrete dumpster station installed along the alignment with storm drainage improvements, and there may be some sidewalk modifications depending on future development. Coordination with dry utilities will be required to include determination of any desired replacements or upgrades. It is understood that Grant Avenue will not be included in the improvements. It is desired that construction would begin after August 7, 2016 to take advantage of the shoulder season when the City is less crowded with travelers and events, however, the City would like to bid the project in the spring to secure a contractor for the project. Staging will be important and the City will check into options for using a portion of the Brew Pub parking lot.

Task 1.0 – Design

Task 1.1: Kick-Off Meeting. BC&A will attend the project kick-off meeting with personnel from Park City to discuss the project elements.

Task 1.2: Collect and Review Existing Information. BC&A will meet with personnel from Park City to collect existing information pertinent to the project including previous studies, roadway information, storm drain information, water information, house sheets for water services, GIS information, and other information pertinent to the project. Field investigations will be completed to gather data pertinent to the project.

Task 1.3: Utility Investigation. BC&A will research existing utility records and record drawings for sewer, water, power (underground and overhead), telephone (underground and overhead), fiber optic lines, gas, cable TV (underground and overhead), storm water, drainage improvements and irrigation to determine existing conditions that may impact the design of the project. We will also gather utility location data from the various utility companies and locate all known utilities on the design drawings. We will coordinate with Park City to perform potholing as necessary. Based on the topographic survey of the project alignment provided by Stanley Survey, BC&A will prepare a utility map showing the existing utilities. We will work with the utility companies such as Rocky Mountain Power, Questar, Comcast, Century Link, All West Communications, etc. to provide copies of the design packages for review and inclusion of any project elements necessary to accommodate, relocate or replace existing dry utilities within the corridor.

Task 1.4: Field Survey. BC&A will coordinate with Stanley Surveying who will perform topography survey for the alignments along Upper Swede Alley from 4th Street to Main Street. All surface utilities will be located and inverts for storm drain and sewer will be collected. The extent of the existing road right-of-way from the parcel mapping will be shown on the utility plans.

Task 1.5: Design Drawings. BC&A will prepare final utility design drawings for the project. Stanley Survey will furnish the survey and Park City will furnish existing aerial photography for use as base mapping for the project. Utility plan and profile drawings will be prepared at a scale of approximately 1-inch equals 20 feet (half size sheets). A water bypass plan will be prepared for the water service on the east side of the road. Other details and drawings will be prepared as required. All construction drawings will be generated in AutoCAD format. Final construction drawings shall be submitted to the City in electronic format (pdf). An estimated sheet count is presented below:

Sheet	No.	Description
1-2	2	Title Sheet, Legends, Symbols, Notes
3-4	2	Utility Plan and Profile Sheets
5	1	Water Bypass Plan
6-7	2	Civil Details (typical trench sections, surface restoration, buried valves, etc)

For 60%, 90%, and 100% review, electronic pdf review documents will be prepared.

Task 1.6: Contract Documents. BC&A will prepare supplemental technical specifications to be used in conjunction with Park City's latest standards and specifications. Park City will provide their EJCDC front end bid specifications to be used for the project. Specifications will be provided electronically (pdf) for use in bidding.

Task 1.7: Cost Estimate. BC&A will prepare a construction cost estimate for the project. Cost estimates will be prepared and coordinated with Park City.

Task 1.8: Permitting. It is assumed that Park City personnel will apply for and obtain the needed utility and road permits for the project as required.

Task 1.9: Design for Dumpster Pad with Storm Drain. An allowance will be assigned for BC&A will prepare final design drawings for the dumpster pad and storm drain improvement for the pad to discharge to the adjacent open channel creek. Plan and profile drawings will be prepared at a scale of approximately 1-inch equals 20 feet (half size sheets). Other details will be prepared as required. Technical specifications will be provided along with a cost estimate for this work.

Task 1.10: Stream Alteration Permitting. An allowance will be assigned for BC&A to prepare the permit application for the stream alteration joint permit between the State Engineer and the US Army Corps of Engineers for the storm drain from the dumpster pad. There may be a fee for the permit of up to $2,000 that is not included the fee estimate.

Task 1.11: Design for Sidewalk Modifications. An allowance will be assigned for BC&A to prepare final design drawings for modifying the sidewalk as determined by Park City's Sustainability Office. Plan and profile drawings will be prepared at a scale of approximately 1-inch equals 20 feet (half size sheets). Other details will be prepared as required. Technical specifications will be provided along with a cost estimate for this work.

Phase 2.0 – Bidding and Construction Management

Task 2.1: Bid Period Services. BC&A will be available to answer questions from prospective contractors during the bid period. It is assumed that Park City will handle all bidding service in house.

Task 2.2: Construction Engineering Support Services. An allowance will be assigned for BC&A to provide engineering support services to the City to include attending the pre-construction meeting, review of any requests for clarification/information, shop drawings, samples, or other submittals. BC&A will provide detailed sketches clarifying construction conflicts and/or design changes as requested by City. It is assumed that Park City will furnish field inspectors for the project.

Task 2.3: Record Drawings. BC&A will work with Stanley Survey will provide as-built survey for the waterline and storm drain improvements when construction is completed. We will review redlined drawings from contractor and the City Inspector, which identify any changes in work for preparation of Record Drawings. BC&A will prepare record drawings using information provided by Contractor, the as-built survey, and the City Inspector's redlines. These will be delivered in electronic PDF format, and City-designated GIS format upon completion of the project.

SCHEDULE

BC&A understands that the project Construction Contract would begin after August 7, 2016 but the City would like to bid the project in the spring. Our proposed schedule is:

Design	December - March, 2015
Permit Approval	March 2016 – April 2016
Bidding	April 2016
Construction (60 days active)	August 2016 – October 2016

FEE SUMMARY BY TASK

Table 1 outlines our estimate of personnel hours by task and by individual for each work item. The table also includes an estimate of direct expenses.

TABLE 1
Park City Municipal Corporation
Upper Swede Alley Utility Replacement
ENGINEERING FEE ESTIMATE
11/12/2015

		OFFICE STAFF		TECHS		ENGINEERS			SUBTOTAL	SUBTOTAL	SUBTOTAL	TOTAL
TASK	**LABOR**	**OFFICE**	**EDITOR**	**CAD**	**SRDES**	**PE**	**QA/QC**	**PM**	**HOURS**	**LABOR**	**EXPENSES**	**COST**
		Loveridge	Hilbert	Abel	Baucom	J Thompson	Oldham	Campbell				
	Raw Rate	$54.00	$64.00	$93.00	$110.00	$98.00	$124.00	$143.00				
1.0	**Design**											
1.1	Kick-Off Meeting							4	4	$572	$103	$675
1.2	Collect and Review Existing Information					8		2	10	$1,070	$70	$1,140
1.3	Utility Investigation			12		6		2	20	$1,990	$215	$2,205
1.4	Field Survey					4		4	8	$964	$5,106	$6,070
1.5	Design Drawings				28	14	4	2	48	$5,234	$377	$5,611
1.6	Contract Documents					4		1	5	$535	$35	$570
1.7	Cost Estimate					4		1	5	$535	$35	$570
1.8	Permitting											$0
1.9	Design for Dumpster Pad with Storm Drain (Allowance)										$3,900	$3,900
1.10	Stream Alteration Permitting (Allowance)										$2,500	$2,500
1.11	Design for Sidewalk Modifications (Allowance)										$4,500	$4,500
	Subtotal Design	**0**	**0**	**12**	**28**	**40**	**4**	**16**	**100**	**$10,900**	**$16,841**	**$27,741**
2.0	**Bidding and Construction Management**											
2.1	Bid Period Service							2	2	$286	$14	$300
2.2	Construction Engineering Support Services (Allowance)										$5,000	$5,000
2.3	Record Drawings				12	6		2	20	$2,194	$2,665	$4,859
	Subtotal Bidding and Construction Management	**0**	**0**	**0**	**12**	**6**	**0**	**4**	**22**	**$2,480**	**$7,679**	**$10,159**
	TOTAL LABOR	**0**	**0**	**12**	**40**	**46**	**4**	**20**	**122**	**$13,380**	**$24,520**	**$37,900**
		$0	$0	$1,116	$4,400	$4,508	$496	$2,860				

EXPENSES

Item	Unit	Rate	Cost
COMMUNICATION/COMPUTER/MISC EXPENSES	122	$7.00	$854
MISC/SUPPLIES			$41
AUTO MILEAGE	300	$0.75	$225
DESIGN SURVEY			$5,050
AS-BUILT SURVEY			$2,450
ALLOWANCE ITEMS			$15,900
TOTAL EXPENSES			$24,520

TOTAL LABOR COST	$13,380
EXPENSES	$24,520
TOTAL COST	$37,900

DATE: December 3, 2015

TO HONORABLE MAYOR AND COUNCIL

The attached Exhibit A lists all License applicants to date pending approval. These applicants have completed all requirements for application, including background checks, insurance requirements and paid the applicable license fee. Staff is requesting approval of the attached applicants to conduct business during the 2016 Festival.

Respectfully:

Beth Roberts, Business License Specialist

City Council
Staff Report

Subject:	**Local Consent for Special Event Temporary Alcoholic Beverage Licenses during the 2016 Sundance Film Festival**
Author:	**Beth Roberts, Business License Specialist**
Department:	**Finance**
Date:	**December 3, 2015**
Type of Item:	**Legislative**

Recommendation:
Approval of the Special Event Temporary Alcoholic Beverage License (License) applications listed in Exhibit A for operation during the 2016 Sundance Film Festival (Festival).

Executive Summary:
The attached Exhibit A lists all License applicants to date pending approval. These applicants have completed all requirements for application, including background checks, insurance requirements and paid the applicable license fee. Staff is requesting approval of the attached applicants to conduct business during the 2016 Festival.

Acronyms:
City – Park City Municipal Corporation
DABC - Utah Department of Alcoholic Beverage Control
License – Special Event Temporary Alcoholic Beverage License
Festival – Sundance Film Festival
MFL – Master Festival License

Topic/Description:
To request approval of Licenses listed in Exhibit A during the Festival.

Background:
On June 6, 2013, Council passed amendments to the requirement for a License during the time period of the Festival. One of those amendments requires City Council approval of all applications no later than the last regularly scheduled meeting in the preceding month of December. This is consistent with the Utah Department of Alcoholic Beverage Control (DABC) process. The last meeting with the DABC prior to the Festival will be on December 15, 2015. Any Licenses approved by City Council after December 10, 2015 will be up to DABC discretion for State approval. However, there are instances in which the Park City Municipal (City) requires a License and the DABC does not (i.e. private parties). Under City Municipal Code 4-4-2(B)(2) Council may hold an emergency meeting to hear no more than twelve (12) applications for late approval. All applications must be complete and submitted no later than the first Friday in January (January 8, 2016) to be heard no later than the second Thursday in January (January 14, 2016). No more than the first twelve complete applications to be submitted will be heard. A higher

fee, pursuant to the fee schedule, may be required due to the expedited nature of the emergency meeting.

Analysis:
The changes to the City's Municipal Code for the Licenses allows the City to address issues related to adverse impacts or carrying capacity issues due to licensed activity and volume as well as coordinating with a DABC hearing as necessary. It also allows service departments, event staff, and public safety to obtain a more accurate picture of the total public service demands for the Festival and respond as necessary. State Code gives the City discretion on whether to provide Local Consent for Licenses. As a benefit to applicants it provides them enough time to address issues that may otherwise delay or result in denial of their event. Staff has reviewed all nine (9) applicants listed on Exhibit A for nine (9) separate locations and recommends that Council reviews and approves the Licenses for the listed applicants.

Department Review:
Finance, Legal, Police, Planning, Building, Special Events, and Executive have reviewed this report

Alternatives:

A. Approve:
The recommended action would be to approve all applicants for the Licenses. This is staff's recommendation

B. Deny:
Council could deny all License applicants listed. This would require applicants to reapply or disallow them from serving alcoholic beverages at their event during the Festival.

C. Modify:
Council could deny some of the License applicants listed. This would require applicants to reapply or disallow them from serving alcoholic beverages at their event during the Festival.

D. Continue the Item:
Council could ask for a continuation of these License applicants listed. The applicants may not make deadlines for the Festival.

E. Do Nothing:
Council could do nothing on this request. This may have the same effect as denying or continuing the item. Staff does not recommend.

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?	(+/-) Unique and diverse businesses (+/-) Balance between tourism and local quality of life (+/-) Varied and extensive event offerings		(+/-) Shared use of Main Street by locals and visitors (+/-) Vibrant arts and culture offerings	(+/-) Fiscally and legally sound (+/-) Engaged and informed citizenry (+/-) Ease of access to desired information for citizens and visitors
Assessment of Overall Impact on Council Priority *(Quality of Life Impact)*	Very Positive ↑	Neutral	Positive ⇧	Very Positive ↑
Comments:				

Funding Source:
N/A

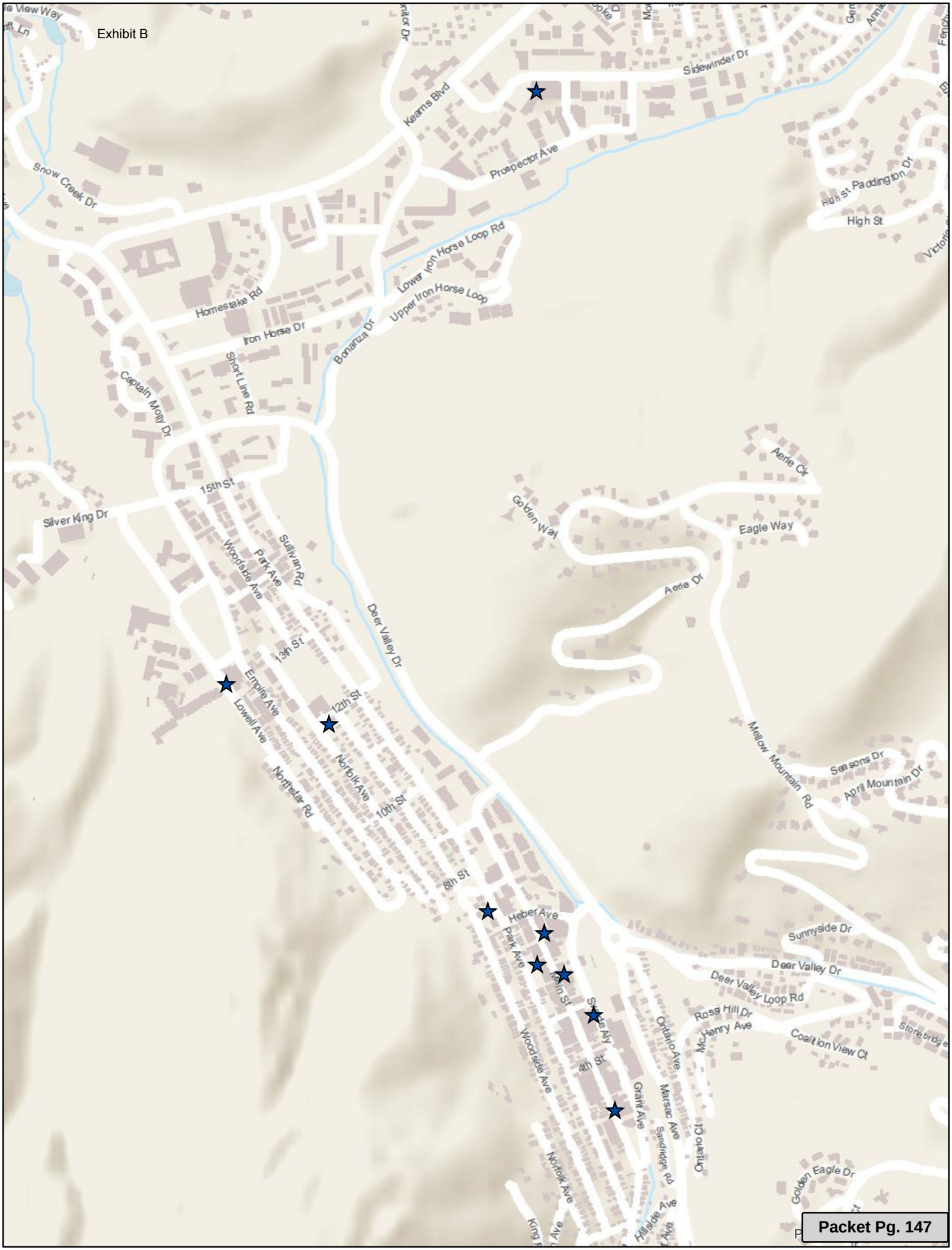
Consequences of not taking the recommended action:
If no action is taken at this time applicants will not be allowed to hold a Special Event Temporary Alcoholic Beverage License. Applicants will be unable to serve alcohol at their event during the Festival.

Recommendation:
Approval of the License applications listed in Exhibit A for operation during the 2016 Festival.

Exhibit A – List of applicants
Exhibit B – Map of applicant locations

Applicant Name	Location Address
Errol Roussel (MFL)	573 Main Street
Miriam Benezra (Sundance Institute)	308 Main Street
Miriam Benezra (Sundance Institute)	1310 Lowell Avenue
Miriam Benezra (Sundance Institute)	608 Main Street
Miriam Benezra (Sundance Institute)	1895 Sidewinder Drive
Miriam Benezra (Sundance Institute)	1167 Woodside Avenue
Miriam Benezra (Sundance Institute)	550 Main Street
Miriam Benezra (Sundance Institute)	475 Swede Alley
Pamela Alford	657 Park Avenue

Exhibit B


Sidewinder Dr
Kearns Blvd
Prospector Ave
Snow Creek Dr
High St Paddington Dr
High St
Lower Iron Horse Loop Rd
Upper Iron Horse Loop
Homestake Rd
Iron Horse Dr
Bonanza Dr
Short Line Rd
Captain Molly Dr
Silver King Dr
15th St
Woodside Ave
Park Ave
Sullivan Rd
Deer Valley Dr
Aerie Ct
Golden Way
Eagle Way
Aerie Dr
13th St
Empire Ave
Lowell Ave
12th St
Norfolk Ave
10th St
Northstar Rd
Mellow Mountain Rd
Seasons Dr
April Mountain Dr
8th St
Heber Ave
Park Ave
Main St
State Aly
Woodside Ave
4th St
Ontario Ave
Grant Ave
Marsac Ave
Sandridge Rd
Ontario Ct
Norfolk Ave
Hillside Ave
Sunnyside Dr
Deer Valley Dr
Deer Valley Loop Rd
Rossi Hill Dr
McHenry Ave
Coalition View Ct
Golden Eagle Dr

DATE: December 3, 2015

TO HONORABLE MAYOR AND COUNCIL

The single Type 2 Convention Sales License applicant to date pending approval is Pamela Alford for a location at 657 Park Avenue. The applicant has obtained a pre-inspection prior to application (PIPA), provided a site/floor plan stamped by a design professional with occupant load and paid the applicable license fee. Staff is requesting approval of the applicant to conduct business during the 2016 Sundance Film Festival (Festival).

Respectfully:

Rebecca Gillis, Accounting Manager

City Council
Staff Report

Subject: **Council Approval of Type 2 Convention Sales Licenses**
Author: **Beth Roberts, Business License Specialist**
Department: **Finance**
Date: **December 3, 2015**
Type of Item: **Legislative**

Recommendations:
Approval of the Type 2 CSL applicant subject to FIPA.

Executive Summary:
The single Type 2 Convention Sales License applicant to date pending approval is Pamela Alford for a location at 657 Park Avenue. The applicant has obtained a pre-inspection prior to application (PIPA), provided a site/floor plan stamped by a design professional with occupant load and paid the applicable license fee. Staff is requesting approval of the applicant to conduct business during the 2016 Sundance Film Festival (Festival).

Acronyms:
City – Park City
CSL – Convention Sales License
Festival – Sundance Film Festival
FIPA – Final inspection post application
MFL – Master Festival License
PIPA – Pre-inspection prior to application
Type 2 – A type of CSL for operation during the Festival

Topic/Description:
To approve the Type 2 CSL application during the Festival.

Background:
The Sundance Film Festival brings with it an increasing number of non-Master Festival License (MFL) affiliated businesses to conduct business within the Park City (City) limits on a short-term basis. The increase has created health, safety and wellness concerns for the City and its residents, including the City's ability to provide basic Police, safety and emergency services. The numbers of various non-MFL affiliated licenses being applied for inundates the Finance Department with license applications in the final days just before the Festival starts.

Municipal Code 4-3-9(D)(2) retains Council authority to approve Type 2 CSL licenses. Prior to Council's consideration of the Type 2 CSL license application, the applicant must have a pre-inspection prior to application (PIPA). This inspection will highlight any issues related to the space prior to their final inspection. The inspection must

accompany the license application along with accurate floor plans stamped by a design professional including the occupant load.

The process for a Type 2 CLS is as follows:

1. Obtain floor plans stamped by a design professional
2. Obtain a PIPA
3. Make application with site plan, PIPA, and pay the appropriate fee
4. Finance requests approval from City Council
5. Obtain Council approval
6. Obtain a FIPA
7. Issue license

Analysis:
The Municipal Code for Type 2 CSL's allows the City to address issues related to adverse impacts or carrying capacity issues related to the licensed activity and volume. It also allows service departments, event staff and public safety to obtain a more adequate picture of the total public service demands for the Festival in a timeframe that provides for service level and cost adjustments. Staff has reviewed the application for accuracy and completeness. Staff recommends that Council reviews and approves the applicant Pamela Alford for a location at 657 Park Avenue. The applicant listed has received a PIPA and if approved by Council, must receive a FIPA prior to the license being issued.

Department Review:
Finance, Legal, Police, Planning, Building, Special Events, and Executive have reviewed this report

Alternatives:

A. Approve:
This is the recommended action and would approve the applicant listed for Type 2 CSL licenses subject to a FIPA.

B. Deny:
Council could deny the Type 2 CSL applicant listed. This would require the applicants to reapply or disallow them from conducting business during the Festival.

C. Modify:
Same as deny.

D. Continue the Item:
Council could ask for a continuation of the Type 2 CSL applicant. The applicant may not make the deadlines for the Festival.

E. Do Nothing:
Council could do nothing on this request. This may have the same effect as denying or continuing the item. Staff does not recommend.

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?	(+/-) Unique and diverse businesses (+/-) Balance between tourism and local quality of life (+/-) Varied and extensive event offerings		(+/-) Shared use of Main Street by locals and visitors (+/-) Vibrant arts and culture offerings	(+/-) Fiscally and legally sound (+/-) Engaged and informed citizenry (+/-) Streamlined and flexible operating processes (+/-) Ease of access to desired information for citizens and visitors
Assessment of Overall Impact on Council Priority *(Quality of Life Impact)*	Very Positive ↑	Neutral ⇔	Positive ⇧	Very Positive ↑
Comments:				

Funding Source:
N/A

Consequences of not taking the recommended action:
If no action is taken at this time the applicant will not be allowed to hold a Type 2 CSL and will be unable to conduct business during the Festival

Recommendation:
Approval of the Type 2 CSL applicant subject to FIPA.

DATE: December 3, 2015

TO HONORABLE MAYOR AND COUNCIL

The applicant intends to combine three (3) existing parcels into one (1) lot of record by removing the existing interior lot lines. As proposed, Lot 1 contains 3,615.23 SF. The three (3) parcels include: parcel #1, the northerly half of Lot 3 and all of Lot 4, Block 56, Snyder's Addition; remnant parcels #2 and #3 include the parcels that abut the easterly line of Block 56 extending approximately twenty feet (20') east towards the western flank of Park City Municipal Corporation property (Parcel No. SA-360-A-X).

Respectfully:

Hannah Turpen, Planner I

City Council
Staff Report

PLANNING DEPARTMENT

Subject: **1114 Park Avenue Plat Amendment**
Author: **Hannah Turpen, Planner**
Project Number: **PL-15-02950**
Date: **November 11, 2015**
Type of Item: **Legislative - Plat Amendment**

Summary Recommendations

Staff recommends the City Council hold a public hearing for the 1114 Park Avenue Plat Amendment located at 1114 Park Avenue and consider approving the plat amendment based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Executive Summary

The applicant intends to combine three (3) existing parcels into one (1) lot of record by removing the existing interior lot lines. As proposed, Lot 1 contains 3,615.23 SF.
The three (3) parcels include: parcel #1, the northerly half of Lot 3 and all of Lot 4, Block 56, Snyder's Addition; remnant parcels #2 and #3 include the parcels that abut the easterly line of Block 56 extending approximately twenty feet (20') east towards the western flank of Park City Municipal Corporation property (Parcel No. SA-360-A-X).

Description

Applicant:	Joseph Kelley (represented by Greg Wolbach, PLS, Evergreen Engineering, Inc.)
Location:	1114 Park Avenue
Zoning:	Historic Residential Medium-Density (HR-M)
Adjacent Land Uses:	Residential
Reason for Review:	Plat Amendments require Planning Commission review and City Council review and action

Acronyms in this Report

HR-M District	Historic Residential-Medium Density District
HDDR	Historic District Design Review
HIS	Historic Sites Inventory
LMC	Land Management Code
FEMA	Federal Emergency Management Agency
SF	Square Feet

Background

On October 1, 2015, the City received a Plat Amendment application for 1114 Park Avenue; the application was deemed complete on October 13, 2015. The property is located at 1114 Park Avenue. The property is in the Historic Residential Medium-Density (HR-M) District. The subject property consists of the northerly half of Lot 3 and all of Lot 4, Block 56, Snyder's Addition, and the two (2) remnant parcels that abut the

easterly line of Block 56 extending approximately twenty feet (20') east towards the western flank of Park City Municipal Corporation property (Parcel No. SA-360-A-X).

The site currently contains a house, which was constructed c.1901. The house is listed as "Significant" on the Historic Sites Inventory (HSI). A detached single-car garage accessory structure was added sometime after 1929. The current accessory structure is not visible on the 1929 Sanborn Map or the 1978 Historic Site Survey. Accessory structures were not always documented as a part of the 1978 Historic Site Survey. It is not clear exactly when the garage was added, although staff has concluded that it was likely constructed in the 1940's or 1950's based on its materials and simple form. The single-car garage accessory structure is associated with the "Significant" site and is also considered historic ("Significant") as it contributes to the historic context of the house and site as a whole.

On July 2, 2015, the Planning Department received a Historic District Design Review (HDDR) Application. The application was deemed complete on August 21, 2015. On October 21, 2015 the Historic Preservation Board reviewed and approved the removal of existing material from the historic house and existing material from the historic single-car garage accessory structure as a part of the HDDR application. The application was approved on October 30, 2015.

The Planning Commission reviewed the plat amendment on November 11, 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 Historic Residential Medium Density (HRM) District is to:

(A) allow continuation of permanent residential and transient housing in original residential Areas of Park City,
(B) encourage new Development along an important corridor that is Compatible with Historic Structures in the surrounding Area,
(C) encourage the rehabilitation of existing Historic Structures,
(D) encourage Development that provides a transition in Use and scale between the Historic District and the resort Developments,
(E) encourage Affordable Housing,
(F) encourage Development which minimizes the number of new driveways Accessing existing thoroughfares and minimizes the visibility of Parking Areas, and
(G) establish specific criteria for the review of Neighborhood Commercial Uses in Historic Structures along Park Avenue.

Analysis

The proposed plat amendment creates one (1) lot of record from the existing three (3) parcels equaling 3,615.23 square feet. A single-family dwelling is an allowed use in the Historic Residential Medium-Density (HR-M) District. The minimum lot area for a single-family dwelling is 1,875 square feet. The combined lot does not meet the requirements

for a duplex (minimum lot size of 3,750 square feet), which is a Conditional Use in the HR-M zone. The minimum lot width allowed in the HR-M District is thirty-seven and one-half feet (37.5'). The proposed lot is thirty-seven and one-half feet (37.5') wide. The proposed lot meets the minimum lot width requirement. There is no maximum footprint in the HR-M District. Table 1 shows applicable development parameters for the combined lot in the Historic Residential Medium-Density (HR-M) District:

Table 1:

LMC Regulation	**Requirements**
Front Yard Setbacks	15 feet minimum.
Rear Yard Setbacks	10 feet minimum.
Side Yard Setbacks	5 feet minimum.
Building (Zone) Height	No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade.

In accordance with the Land Management Code (LMC) 15-2.2-4, Historic Structures that do not comply with Building Setbacks are valid Complying Structures. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height. Table 2 shows the current setbacks for the existing historic structures located on the site.

Table 2:

	Minimum Requirements	**Existing Historic Single-Family Dwelling Conditions**	**Exiting Historic Single-Car Garage Accessory Structure**
Setbacks			
Front (west)	15 ft.	17 ft. to 16 ft. 7.2 in. (from north to south)	79 ft. to 78 ft. (from north to south)
Rear (east)	15 ft.	22 ft. 9.6 in. to 23 ft. (from north to south)	0 ft. (encroaches) *Valid Non-Complying*
Side (north)	5 ft.	0 ft. 7.2 in. to 1 ft. 2.4 in. (from east to west) *Valid Non-complying*	24 ft. 4.8 in. to 24 ft. (from east to west)
Side (south)	5 ft.	11 ft. to 11 ft. 7.2 in. (from east to west)	0 ft. to 1 ft. 2.4 in. (from east to west) *Valid Non-complying*

Staff finds good cause for this plat amendment as it will eliminate the existing interior lot line and create one (1) new legal lot of record from three (3) existing parcels. The existing historic house straddles the lot line between the northerly half of Lot 3 and Lot 4; therefore, this plat amendment would allow the structure to be on one (1) lot of record. The existing historic single-car garage accessory structure encroaches into Park

City Municipal Corporation property (Parcel No. SA-360-A-X). Without a plat amendment, new development would not be permitted because development may not occur across property lines. In addition, development would be limited to Parcel #1 as Parcel #2 and Parcel #3 do not meet the minimum lot size required in the HR-M zone. This plat amendment allows the parcel (Parcel #1) containing northerly half of Lot 3 to be combined with Lot 4 and the two (2) remnant parcels (Parcel #2 and Parcel #3) that abut the easterly line of Block 56 extending approximately twenty feet (20') east towards the western flank of Park City Municipal Corporation property (Parcel No. SA-360-A-X).

This property is located within the Park City Soils Ordinance. A Certificate of Compliance has not been issued for the property. A Certificate of Compliance will be required prior to the issuance of a Building Permit. The property is located in a Federal Emergency Management Agency (FEMA) Flood Zone A which requires the lowest occupied floor to be equal to or above the base flood elevation. An elevation certificate will be required.

To redeveloping the lot, a Historic District Design Review (HDDR) application shall be reviewed and approved by the Planning Staff.

Good Cause

Planning Staff finds there is good cause for this plat amendment. Combining the lots will allow the historic house to be renovated and will remove the existing interior lot lines. 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, including any additions to the historic structure, will be reviewed for compliance with requisite Building and Land Management Code, and applicable Historic District Design Guidelines requirements. The proposed lot area of 3,615.23 square feet is a compatible lot combination as the entire Historic Residential Medium-Density District has abundant sites with similar dimensions.

Encroachments

The historic house located at 1108 Park Avenue encroaches on the south property line of the subject property. An Encroachment Agreement for the encroaching historic house located at 1108 Park Avenue was recorded by Summit County (Entry No. 01002021) on September 3, 2014.

The historic single-car garage accessory structure encroaches into Park City Municipal Corporation property. The historic single-car garage accessory structure cannot be removed; therefore, the property owner must enter into an encroachment agreement with the City, as dictated by Condition of Approval #4, prior to recordation of the plat.

The existing vertical wood slat fence located on the east side of the property encroaches into the Park City Municipal Corporation property (Parcel No. SA-360-A-X)

and into the property of 1108 Park Avenue. The vertical wood slat fence located on the east side of the property can either be removed, or the applicant must enter into an encroachment agreement with the City and the property owner of 1108 Park Avenue, as dictated by Condition of Approval #5, prior to recordation of the plat.

A vertical wood slat fence located on the south side of the property encroaches into the property of 1108 Park Avenue. The applicant can either remove the vertical wood slat fence located on the south side of the property or enter into an encroachment agreement with the property owner of 1108 Park Avenue, as dictated by Condition of Approval #6, prior to recordation of the plat.

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 October 28, 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 October 24, 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 1114 Park Avenue Plat Amendment as conditioned or amended; or
- The City Council may deny the 1114 Park Avenue Plat Amendment and direct staff to make Findings for this decision; or
- The City Council may continue the discussion on 1114 Park Avenue Plat Amendment.
- There is not a null alternative for plat amendments.

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) single-family dwelling on the northerly half Lot 3 and Lot 4. A historic single-car garage accessory structure would be located on the parcel that abuts the easterly line of Block 56 extending approximately twenty feet (20') east towards the western flank of Park City Municipal Corporation property (Parcel No. SA-360-A-X). The property owner would not be able to

renovate and construct additional floor area the existing historic structure or historic single-car garage accessory structure.

Summary Recommendation

Staff recommends the City Council hold a public hearing for the 1114 Park Avenue Plat Amendment located at 1114 Park Avenue and consider approving the 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 Photographs
Exhibit E – LMC § 15-2.2-4 Existing Historic Structures
Exhibit E – DRAFT Planning Commission Minutes - November 11, 2015

Exhibit A: Draft Ordinance

Ordinance No. 15-XX

AN ORDINANCE APPROVING THE 1114 PARK AVENUE PLAT AMENDMENT LOCATED AT 1114 PARK AVENUE, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 1114 Park Avenue has petitioned the City Council for approval of the Plat Amendment; and

WHEREAS, on October 28, 2015 the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on October 24, 2015 proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on November 11, 2015, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on November 11, 2015, forwarded a positive recommendation to the City Council; and,

WHEREAS, on December 3, 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 1114 Park Avenue Plat Amendment.

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

SECTION 1. APPROVAL. 1114 Park Avenue Plat Amendment 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 1114 Park Avenue.
2. The property is in the Historic Residential Medium-Density (HR-M) District.
3. The subject property consists of three (3) parcels which include: parcel #1, the northerly half of Lot 3 and all of Lot 4, Block 56, Snyder's Addition; remnant parcels #2 and #3 including the parcels that abut the easterly line of Block 56 extending approximately twenty feet (20') east towards the western flank of Park City Municipal Corporation property (Parcel No. SA-360-A-X).
4. Parcel #1 (the northerly half of Lot 3 and all of Lot 4) contains a historic house, built in 1901. The existing historic house straddles the lot line between the northerly half of Lot 3 and Lot 4, Block 56, Snyder's Addition.

5. The building footprint of the historic house is approximately 1,318 square feet.
6. The historic house is listed as “Significant” on the Historic Sites Inventory (HSI).
7. A historic single-car garage accessory structure is located on Parcel #2. The historic single-car garage accessory structure encroaches into Park City Municipal Sullivan Corporation property.
8. The building footprint of the historic single-car garage accessory structure is approximately 312 square feet.
9. The single-car garage accessory structure is associated with the “Significant” site and is also considered historic (“Significant”) as it contributes to the historic context of the house and site as a whole.
10. The proposed plat amendment creates one (1) lot of record from the existing three (3) parcels equaling 3,615.23 square feet.
11. A single-family dwelling is an allowed use in the Historic Residential Medium-Density (HR-M) District.
12. The minimum lot area for a single-family dwelling is 1,875 square feet; the lot at 1114 Park Avenue will be 3,615.23 square feet. The proposed lot meets the minimum lot area for a single-family dwelling.
13. The combined lot does not meet the requirements for a duplex (minimum lot size of 3,750 square feet), which is a Conditional Use in the HR-M zone.
14. The minimum lot width allowed in the HR-M District is thirty-seven and one-half feet (37.5’). The proposed lot is thirty-seven and one-half feet (37.5’) wide.
15. The historic single-car garage accessory structure cannot be removed; therefore, the property owner must enter into an encroachment agreement with the City as approved by City Council for the encroachment into Park City Municipal Corporation property.
16. The vertical wood slat fence located on the east side of the property can either be removed, or the applicant must enter into an encroachment agreement with the City, as approved by City Council, and the property owner of 1108 Park Avenue.
17. The applicant can either remove the vertical wood slat fence located on the south side of the property or enter into an encroachment agreement with the property owner of 1108 Park Avenue.
18. The existing historic house does not meet the required side yard setback on the north. The side yard setback on the north side is 0 ft. 7.2 in. to 1 ft. 2.4 in. (from east to west). The existing historic house meets all requirements for front and rear setbacks and the south side yard setback. The front yard setback is 17 ft. to 16 ft. 7.2 in. (from north to south). The rear yard setback is 22 ft. 9.6 in. to 23 ft. (from north to south).
19. The existing historic single-car garage accessory structure does not meet the required side yard setback on the south or the rear yard setback. The side yard setback on the south side is 0 ft. The rear yard setback is 0 ft. (the historic single-car garage accessory structure encroaches into Park City Municipal Corporation property). The existing historic single-car garage accessory structure meets all requirements for front and north side yard setbacks. The front yard setback is 79 ft. to 78 ft (from north to south). The north side yard setback is 24 ft. 4.8 in. to 24 ft. (from east to west).

20. In accordance with the Land Management Code (LMC) 15-2.2-4, Historic Structures that do not comply with Building Setbacks are valid Complying Structures. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height.
21. The property is located in a FEMA Flood Zone A which requires the lowest occupied floor to be equal to or above the base flood elevation. An elevation certificate will be required.
22. The property is located within the Park City Soils Ordinance. A Certificate of Compliance will be required.
23. The proposed plat amendment will not cause undo harm to adjacent property owners.
24. The proposed lot area of 3,615.23 square feet is a compatible lot combination as the entire Historic Residential Medium-Density (HR-M) District has abundant sites with similar dimensions.
25. On July 2, 2015, the Planning Department received a Historic District Design Review (HDDR) Application. The application was deemed complete on August 21, 2015. The application was approved on October 30, 2015.
26. On October 1, 2015, the applicant applied for a Plat Amendment application for 1114 Park Avenue; the application was deemed complete on October 13, 2015.
27. On October 21, 2015 the Historic Preservation Board reviewed and approved the removal of existing material from the historic house and existing material from the historic single-car garage accessory structure as a part of the HDDR application.
28. The Planning Commission reviewed the plat amendment on November 11, 2015, and forwarded a positive recommendation to City Council with a unanimous vote of 6-0 in favor of the plat amendment.
29. 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.

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

Park Avenue frontage of the property and shall be shown on the plat prior to recordation.

4. The historic single-car garage accessory structure cannot be removed; therefore, the property owner must enter into an encroachment agreement with the City, as approved by City Council, for the encroachment into Park City Municipal Corporation Property prior to recordation of the plat.
5. The vertical wood slat fence located on the east side of the property can either be removed, or the applicant must enter into an encroachment agreement with the City and the property owner of 1108 Park Avenue prior to recordation of the plat.
6. The applicant can either remove the vertical wood slat fence located on the south side of the property or enter into an encroachment agreement with the property owner of 1108 Park Avenue prior to recordation of the plat.
7. 13-D sprinklers are required for any new construction or significant renovation of existing and this shall be noted on the final plat.

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

PASSED AND ADOPTED this 3rd day of December, 2015.

PARK CITY MUNICIPAL CORPORATION

_____
Jack Thomas, MAYOR

ATTEST:

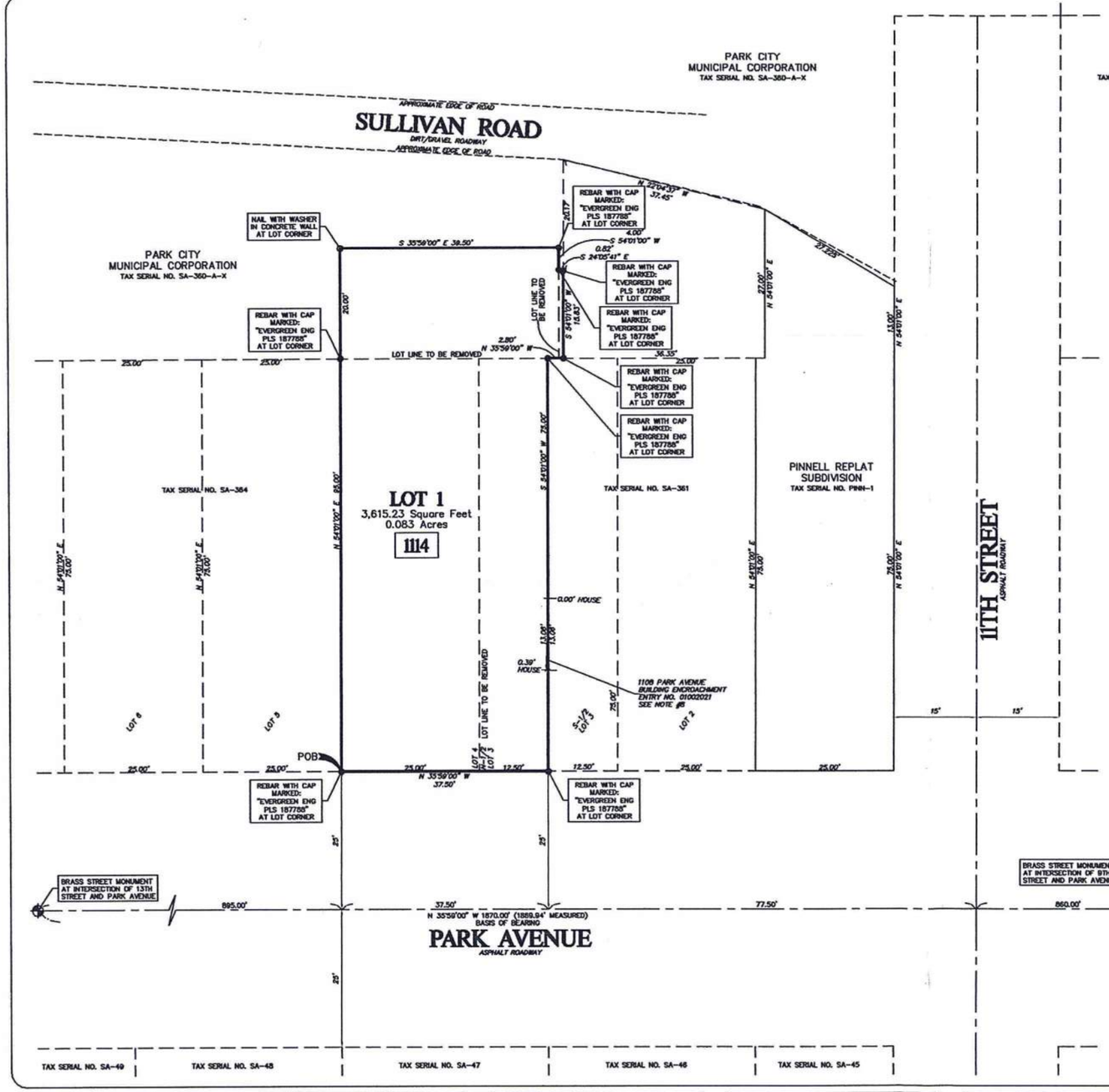
_____
City Recorder

APPROVED AS TO FORM:

_____
Mark Harrington, City Attorney

Attachment 1 – Proposed Plat

Exhibit A: Proposed Plat



TAX SERIAL NO. SA-360

LOT LINE ADJUSTMENT PLAT

1114 PARK AVENUE

– A SINGLE LOT SUBDIVISION –

PARCLE NO. SA-362, BLOCK 56

SNYDERS ADDITION TO THE PARK CITY SURVEY

LOCATED WITHIN THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

BOUNDARY DESCRIPTION

BEGINNING AT THE SOUTHWEST CORNER OF LOT 5, BLOCK 56, SNYDERS ADDITION TO THE PARK CITY SURVEY (SAID POINT ALSO BEING THE NORTHWEST CORNER OF LOT 4, OF SAID BLOCK 56 AND LYING ON THE EASTERLY RIGHT OF WAY LINE OF PARK AVENUE); THENCE ALONG THE SOUTHERLY LINE OF SAID LOT 5, NORTH 54°01'00" EAST A DISTANCE OF 75.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 5, SAID POINT ALSO BEING ON THE WESTERLY BOUNDARY LINE OF PARCEL SA-360-A-X; THENCE LEAVING SAID SOUTHERLY BOUNDARY LINE OF LOT 5 AND CONTINUING ALONG SAID BOUNDARY LINE OF PARCEL SA-360-A-X THE FOLLOWING FOUR (4) CALLS; (1) NORTH 54°01'00" EAST A DISTANCE OF 20.00 FEET; (2) SOUTH 35°59'00" EAST A DISTANCE OF 39.50 FEET; (3) SOUTH 54°01'00" WEST A DISTANCE OF 4.00 FEET; (4) SOUTH 24°05'41" EAST A DISTANCE OF 0.82 FEET TO A POINT ON THE NORTHERLY BOUNDARY LINE OF PARCEL SA-361; THENCE LEAVING SAID BOUNDARY LINE OF PARCEL SA-360-A-X AND CONTINUING ALONG SAID BOUNDARY LINE OF PARCEL SA-361, THE FOLLOWING THREE (3) CALLS; (1) SOUTH 54°01'00" WEST A DISTANCE OF 15.83 FEET TO A POINT ON THE EASTERLY LINE OF LOT 3, BLOCK 56, SNYDERS ADDITION TO THE PARK CITY SURVEY; (2) NORTH 35°59'00" WEST, ALONG SAID EASTERLY LINE OF LOT 3, A DISTANCE OF 2.80 FEET TO THE NORTHEAST CORNER OF THE SOUTH HALF OF SAID LOT 3; (3) SOUTH 54°01'00" WEST, ALONG THE NORTHERLY LINE OF THE SOUTH HALF OF SAID LOT 3, A DISTANCE OF 75.00 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF PARK AVENUE, SAID POINT ALSO BEING THE NORTHWEST CORNER OF THE SOUTH HALF OF SAID LOT 3, THENCE LEAVING SAID NORTHERLY BOUNDARY LINE OF PARCEL SA-361 AND CONTINUING ALONG SAID EASTERLY RIGHT OF WAY LINE OF PARK AVENUE, NORTH 35°59'00" WEST A DISTANCE OF 37.50 FEET TO THE POINT OF BEGINNING.
CONTAINS: 3,615.23 SQUARE FEET (0.083 ACRES) MORE OR LESS.

DEED DESCRIPTION

PARCEL 1
THE NORTHERLY 1/2 OF LOT 3, AND ALL OF LOT 4, BLOCK 56, SNYDERS ADDITION TO THE PARK CITY SURVEY, ACCORDING TO THE OFFICIAL PLAT THEREOF, ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER.

PARCEL 2
BEGINNING AT THE NORTHERNMOST CORNER OF LOT 4, OF SAID BLOCK 56; AND RUNNING THENCE NORTH 54°01' EAST 20.0 FEET TO A POINT ON THE WESTERLY LINE OF AN UNIMPROVED ROAD; THENCE SOUTH 35°59' EAST 39.50 FEET; THENCE SOUTH 54°01' WEST 20.00 FEET TO A POINT ON THE EASTERLY LINE OF BLOCK 58 SAID POINT BEING SOUTH 35°59' EAST 14.50 FEET FROM THE EASTERNMOST CORNER OF LOT 4; THENCE NORTH 35°59' WEST ALONG THE EASTERLY LINE OF SAID BLOCK 56, 39.50 FEET TO THE POINT OF BEGINNING.

PARCEL 3
BEGINNING AT A POINT ON THE EASTERLY LINE OF BLOCK 56, SNYDER'S ADDITION TO PARK CITY, UTAH, SAID POINT BEING SOUTH 35°59' EAST 15.30 FEET FROM THE NORTHERNMOST CORNER OF LOT 3 OF SAID BLOCK 56; AND RUNNING THENCE NORTH 54°01' EAST 15.83 FEET; THENCE NORTH 24°05'41" WEST 0.82 FEET; THENCE SOUTH 54°01' WEST 16.00 FEET; THENCE SOUTH 35°59' EAST 0.80 FEET TO THE POINT OF BEGINNING.

CONTAINS: 3,615.23 SQUARE FEET (0.083 ACRES) MORE OR LESS.

NOTES

1. LOCATED WITHIN: THE NORTHEAST QUARTER OF SECTION 16, T.2S., R.4E., S.L.B.&M., PARK CITY, SUMMIT COUNTY, UTAH. BLOCK 56, SNYDER'S ADDITION TO THE PARK CITY SURVEY.
2. THIS PLAT HEREBY COMBINES EXISTING LOTS, PORTIONS OF LOTS AND PARCELS, INTO A SINGLE LOT SUBDIVISION.
3. TITLE INSURANCE REPORT: (PARK CITY TITLE) FIRST AMERICAN TITLE INSURANCE CO; FILE 209656; EFFECTIVE SEPTEMBER 16, 2015.
4. A FIELD SURVEY OF THE HEREON DESCRIBED AND SHOWN PROPERTY WAS MADE ON THE GROUND, AUGUST 18, 2014, BY EVERGREEN ENGINEERING, INC., GREGORY R. WOLBACH, PLS 187788.
5. PROPERTY CORNERS: SURVEY MONUMENTS AT BOUNDARY CORNERS, AS SHOWN HEREON.
6. BASIS OF BEARING: NORTH 35°59'00" WEST ALONG THE CENTERLINE OF PARK AVENUE FROM A BRASS STREET MONUMENT AT 9TH STREET TO A BRASS STREET MONUMENT AT 13TH STREET, AS SHOWN HEREON.
7. ALL BEARINGS AND DISTANCES SHOWN ARE THE EQUIVALENT OF RECORD, EXCEPT AS DRAWN OR NOTED HEREON.
8. NEIGHBORING HOUSE (1108 PARK AVENUE, TAX I.D. NO. SA-361) ENCROACHMENT: "ACKNOWLEDGEMENT OF EXISTING STRUCTURE ENCROACHMENT" IS ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, ENTRY NO. 01002021.
9. THIS LOT LINE ADJUSTMENT PLAT IS SUBJECT TO ORDINANCE ___.

1114 STREET ADDRESS

GRAPHIC SCALE
(IN FEET)
1 inch = 10 ft.

SURVEYOR'S CERTIFICATE

I, GREGORY R. WOLBACH, OF PARK CITY, UTAH, CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NO. 187788, AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS, I HAVE PERFORMED A SURVEY OF THE TRACTS OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND HAVE COMBINED SAID TRACTS OF LAND INTO A SINGLE LOT, HEREAFTER TO BE KNOWN AS 1114 PARK AVENUE, AND THAT THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND.
I FURTHER CERTIFY THAT THIS LOT LINE ADJUSTMENT PLAT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REGULATIONS OF THE LAW.

STATE OF UTAH · GREGORY R. WOLBACH · NO. 187788 · PROFESSIONAL LAND SURVEYOR

GREGORY R. WOLBACH DATE:

OWNERS DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS, THAT THE UNDERSIGNED ARE THE OWNERS OF THE HEREON DESCRIBED TRACT OF LAND, AND HEREBY CAUSE THE SAME TO BE COMBINED INTO A SINGLE LOT AS SET FORTH AND SHOWN HEREON, HEREAFTER TO BE KNOWN AS "1114 PARK AVENUE". I FURTHER DEDICATE THE EASEMENTS SHOWN HEREON IN ACCORDANCE WITH AN IRREVOCABLE OFFER OF DEDICATION TO PARK CITY MUNICIPAL CORPORATION.

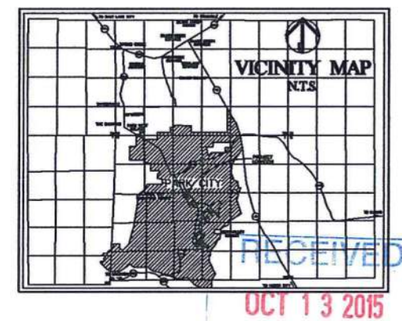
BY: _____
JOSEPH KELLEY DATE

ACKNOWLEDGMENT

STATE OF _____)
COUNTY OF _____) JOSEPH KELLEY

ON THE _____ DAY OF _____, 201_, PERSONALLY APPEARED
BEFORE ME JOSEPH KELLEY, WHOSE IDENTITY IS PERSONALLY KNOWN TO ME
(name of document signer)
(or proven on the basis of satisfactory evidence) AND WHO BY ME DULY SWORN/AFFIRMED, DID SAY THAT HE IS THE OWNER OF "1114 PARK AVENUE" AND THAT THE WITHIN AND FOREGOING OWNER'S DEDICATION AND CONSENT TO RECORD WAS SIGNED FREELY AND VOLUNTARILY.

NOTARY PUBLIC _____
MY COMMISSION EXPIRES: _____
RESIDING IN _____
COUNTY, STATE



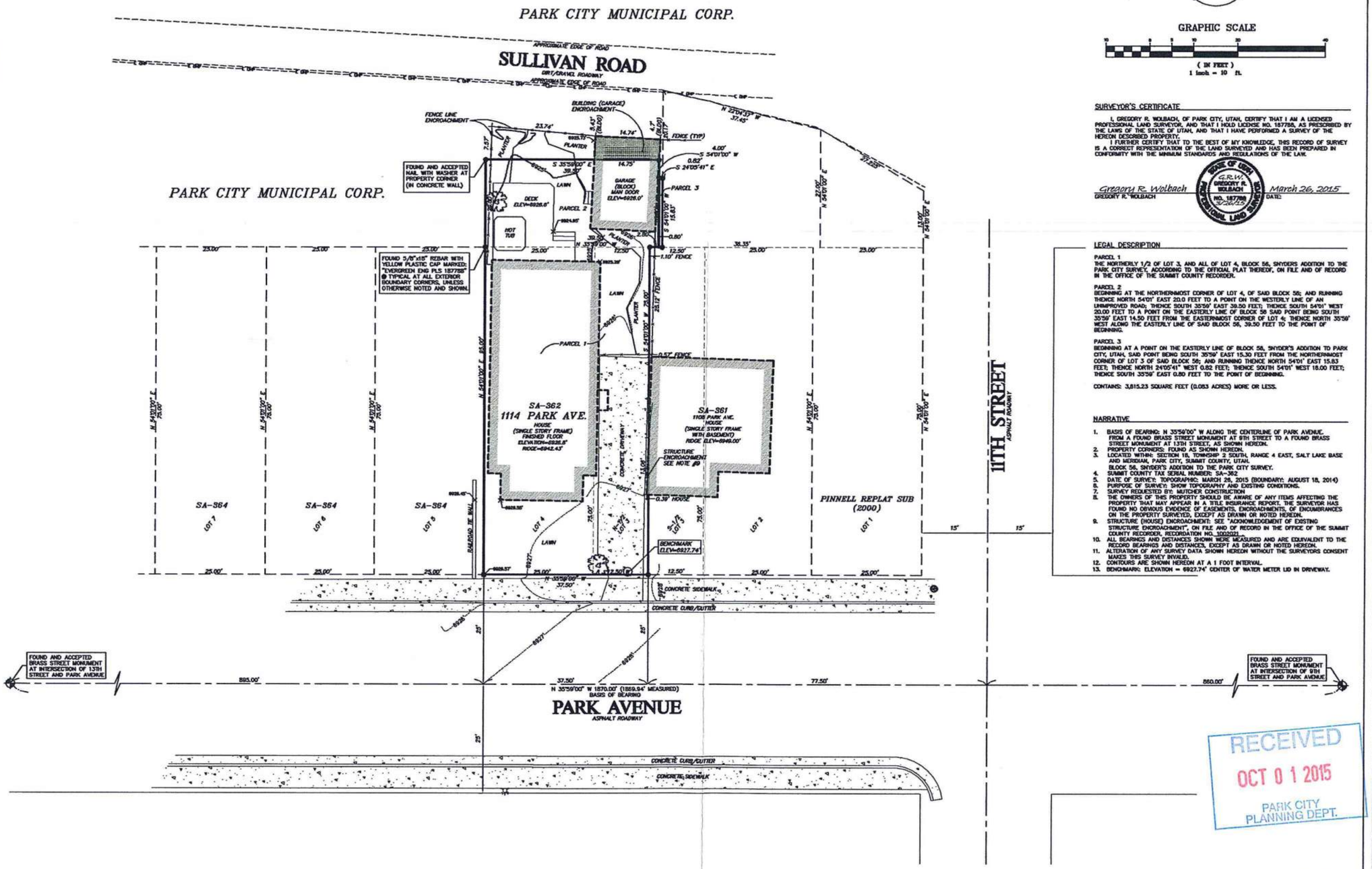
RECEIVED
OCT 13 2015
PARK CITY PLANNING DEPT.

PLOT DATED: SEPTEMBER 25, 2015
DRAWING: 1114_PARK_AVE_PLAT.DWG

Evergreen Engineering, Inc.
Civil Engineering * Land Surveying * Land Planning
1670 Bonanza Drive * Suite 104
P.O. Box 2551 * Park City * Utah * 84060
Phone: 435.649.4687 * Fax: 435.649.9219
E-mail: office@evergreen-eng.com

CITY ENGINEER	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT	CITY PLANNING COMMISSION	APPROVAL AS TO FORM	COUNCIL APPROVAL & ACCEPTANCE	CERTIFICATE OF ATTEST	RECORDED
THIS PLAT IS IN CONFORMANCE WITH INFORMATION ON FILE IN THE OFFICE OF THE PARK CITY ENGINEERING DEPARTMENT ON THIS ____ DAY OF ____ A.D. 201_	REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ____ DAY OF ____ AD 201_ BY:	APPROVED BY THE PARK CITY PLANNING COMMISSION ON THIS ____ DAY OF ____ A.D. 201_	APPROVED AS TO FORM ON THIS ____ DAY OF ____ A.D. 201_	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ____ DAY OF ____ A.D. 201_	I CERTIFY THIS WAS APPROVED BY PARK CITY COUNCIL THIS ____ DAY OF ____ A.D. 201_	Nº. ____. STATE OF ____. COUNTY OF ____. RECORDED AND FILED AT THE REQUEST OF:
CITY ENGINEER	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT	CHAIRMAN	CITY ATTORNEY	MAYOR	CITY RECORDER	COUNTY RECORDER

Exhibit B: Existing Survey



SURVEYOR'S CERTIFICATE

I, GREGORY R. WOLBACH, OF PARK CITY, UTAH, CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NO. 187788, AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, AND THAT I HAVE PERFORMED A SURVEY OF THE HEREON DESCRIBED PROPERTY.

I FURTHER CERTIFY THAT TO THE BEST OF MY KNOWLEDGE, THIS RECORD OF SURVEY IS A CORRECT REPRESENTATION OF THE LAND SURVEYED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REGULATIONS OF THE LAW.

Gregory R. Wolbach — March 26, 2015
GREGORY R. WOLBACH — DATE:

STATE OF UTAH — G.R.W. — GREGORY R. WOLBACH — NO. 187788 — PROFESSIONAL LAND SURVEYOR

LEGAL DESCRIPTION

PARCEL 1
THE NORTHERLY 1/2 OF LOT 3, AND ALL OF LOT 4, BLOCK 56, SNYDERS ADDITION TO THE PARK CITY SURVEY, ACCORDING TO THE OFFICIAL PLAT THEREOF, ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER.

PARCEL 2
BEGINNING AT THE NORTHERNMOST CORNER OF LOT 4, OF SAID BLOCK 56; AND RUNNING THENCE NORTH 54°01' EAST 20.0 FEET TO A POINT ON THE WESTERLY LINE OF AN UNIMPROVED ROAD; THENCE SOUTH 35°59' EAST 39.50 FEET; THENCE SOUTH 54°01' WEST 20.00 FEET TO A POINT ON THE EASTERLY LINE OF BLOCK 56 SAID POINT BEING SOUTH 35°59' EAST 14.50 FEET FROM THE EASTERNMOST CORNER OF LOT 4; THENCE NORTH 35°59' WEST ALONG THE EASTERLY LINE OF SAID BLOCK 56, 39.50 FEET TO THE POINT OF BEGINNING.

PARCEL 3
BEGINNING AT A POINT ON THE EASTERLY LINE OF BLOCK 56, SNYDER'S ADDITION TO PARK CITY, UTAH, SAID POINT BEING SOUTH 35°59' EAST 15.30 FEET FROM THE NORTHERNMOST CORNER OF LOT 3 OF SAID BLOCK 56; AND RUNNING THENCE NORTH 54°01' EAST 15.83 FEET; THENCE NORTH 24°05'41" WEST 0.82 FEET; THENCE SOUTH 54°01' WEST 18.00 FEET; THENCE SOUTH 35°59' EAST 0.80 FEET TO THE POINT OF BEGINNING.

CONTAINS: 3,815.23 SQUARE FEET (0.083 ACRES) MORE OR LESS.

NARRATIVE

1. BASIS OF BEARING: N 35°59'00" W ALONG THE CENTERLINE OF PARK AVENUE. FROM A FOUND BRASS STREET MONUMENT AT 9TH STREET TO A FOUND BRASS STREET MONUMENT AT 13TH STREET, AS SHOWN HEREON.
2. PROPERTY CORNERS: FOUND AS SHOWN HEREON.
3. LOCATED WITHIN: SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH.
   BLOCK 56, SNYDER'S ADDITION TO THE PARK CITY SURVEY.
4. SUMMIT COUNTY TAX SERIAL NUMBER: SA-362
5. DATE OF SURVEY: TOPOGRAPHY: MARCH 26, 2015 (BOUNDARY: AUGUST 18, 2014)
6. PURPOSE OF SURVEY: SHOW TOPOGRAPHY AND EXISTING CONDITIONS.
7. SURVEY REQUESTED BY: MUTCHER CONSTRUCTION
8. THE OWNERS OF THIS PROPERTY SHOULD BE AWARE OF ANY ITEMS AFFECTING THE PROPERTY THAT MAY APPEAR IN A TITLE INSURANCE REPORT. THE SURVEYOR HAS FOUND NO OBVIOUS EVIDENCE OF EASEMENTS, ENCROACHMENTS, OF ENCUMBRANCES ON THE PROPERTY SURVEYED, EXCEPT AS DRAWN OR NOTED HEREON.
9. STRUCTURE (HOUSE) ENCROACHMENT: SEE "ACKNOWLEDGEMENT OF EXISTING STRUCTURE ENCROACHMENT", ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, RECORDATION NO. 1002021.
10. ALL BEARINGS AND DISTANCES SHOWN WERE MEASURED AND ARE EQUIVALENT TO THE RECORD BEARINGS AND DISTANCES, EXCEPT AS DRAWN OR NOTED HEREON.
11. ALTERATION OF ANY SURVEY DATA SHOWN HEREON WITHOUT THE SURVEYORS CONSENT MAKES THIS SURVEY INVALID.
12. CONTOURS ARE SHOWN HEREON AT A 1 FOOT INTERVAL.
13. BENCHMARK: ELEVATION = 6927.74' CENTER OF WATER METER LID IN DRIVEWAY.

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PLOTTED: MARCH 26, 2015

Evergreen Engineering, Inc.
Civil Engineering * Land Surveying * Land Planning
1970 Bonanza Drive * Suite 104
P.O. Box 3390 * Park City, UT * 84060
Phone: 435.649.4687 * Fax: 435.649.9219
E-mail: office@evergreen-eng.com

DATE	BY	REVISIONS COMMENTS

© 2015 Evergreen Engineering, Inc.

SURVEYED BY: GRW/ADM
DRAWN BY: GRW
CHECKED BY: GRW

TOPOGRAPHIC SURVEY - PARCEL SA-362
1114 PARK AVENUE, PARK CITY, UTAH

FOR: MUTCHER CONSTRUCTION
FILE: SA-362_TOPO.DWG
JOB NO.: 1511

SHEET 1 OF 1

Exhibit C: Aerial Photograph

SUMMIT COUNTY

Map Title

1 in = 101 feet

Summit County Online Parcel Reference Map

Printed on: 9/25/2015

N W E S

This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information and data obtained from various sources, including Summit County which is not responsible for its accuracy or timeliness.

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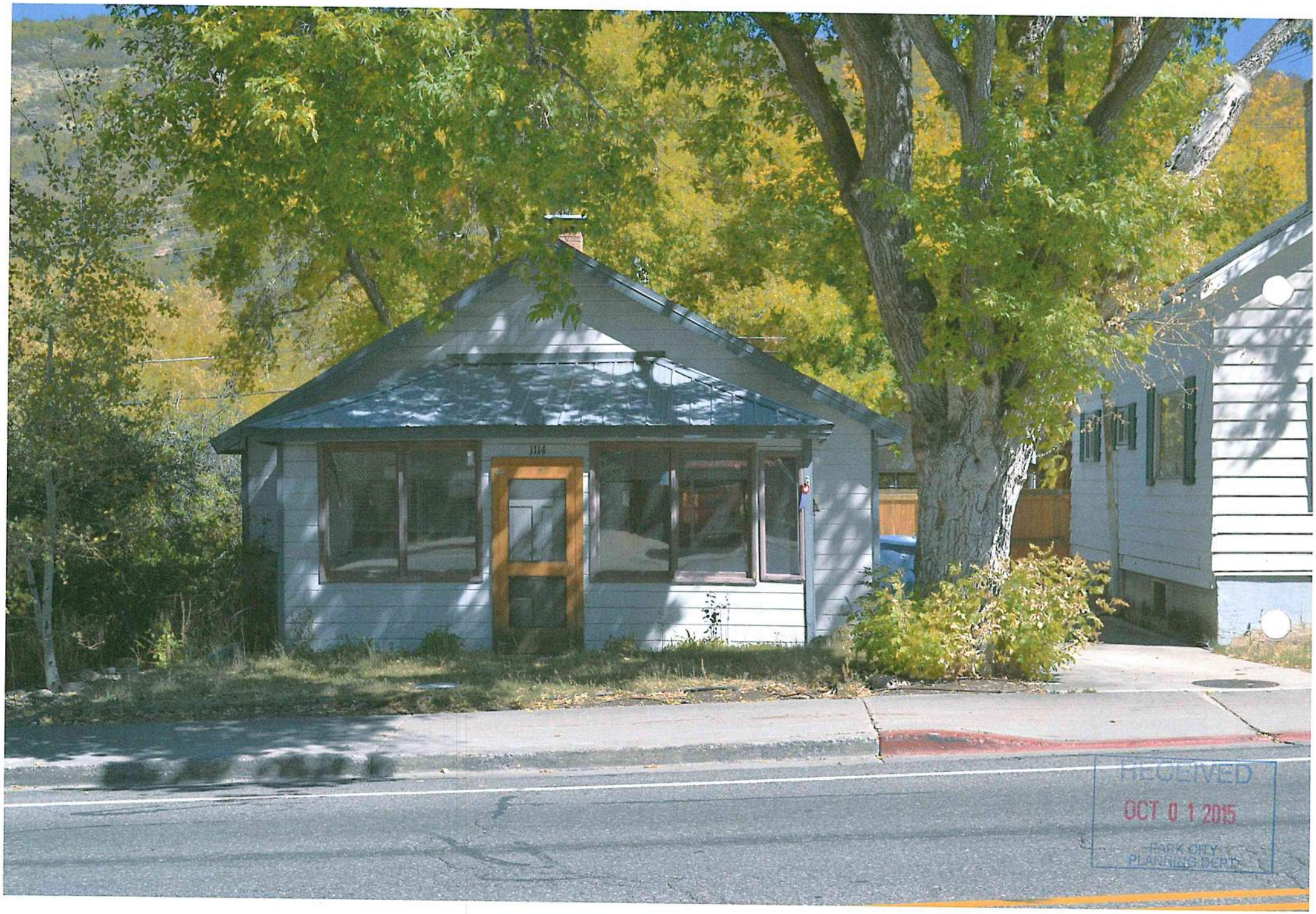
Exhibit D: Site Photographs



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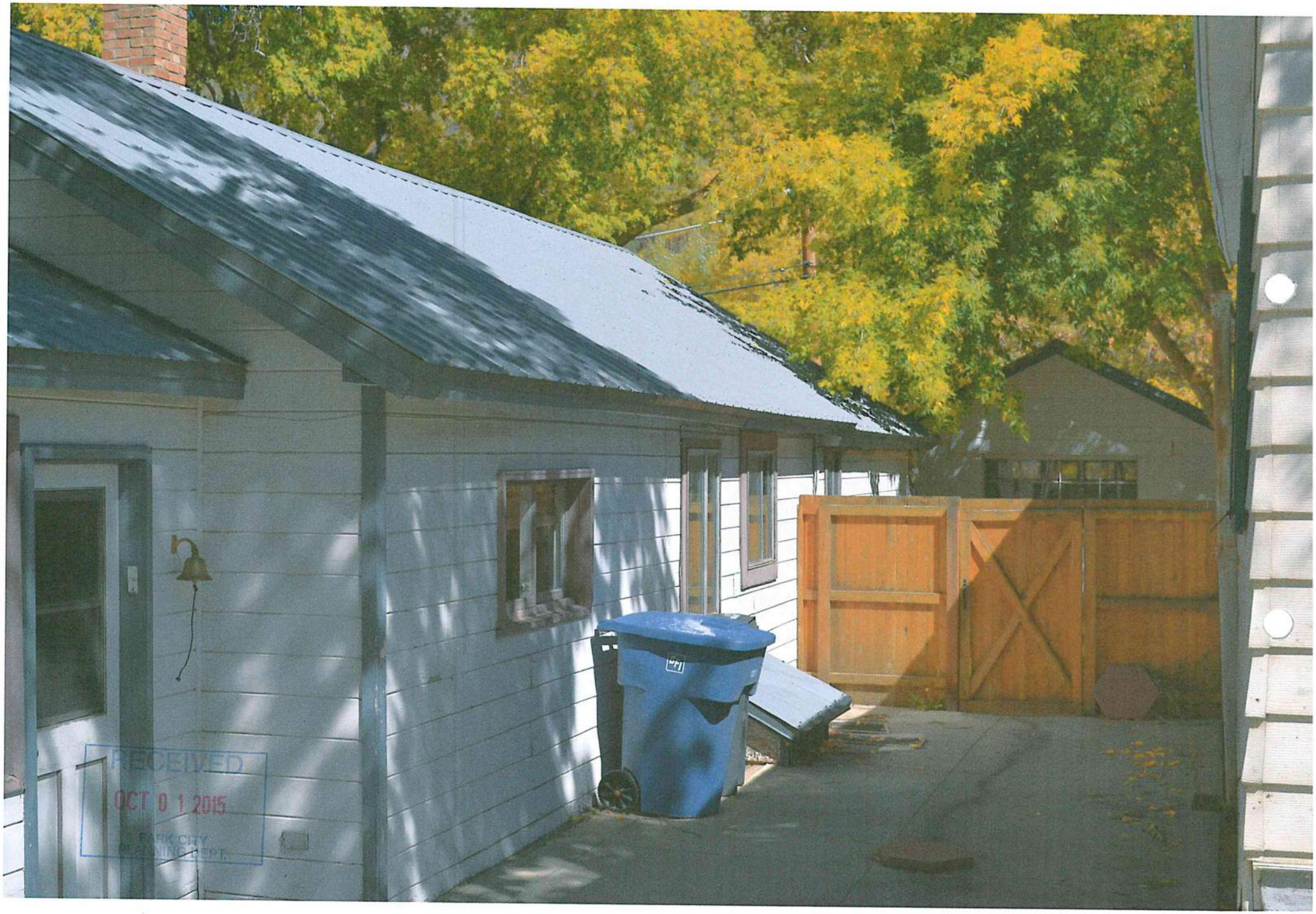
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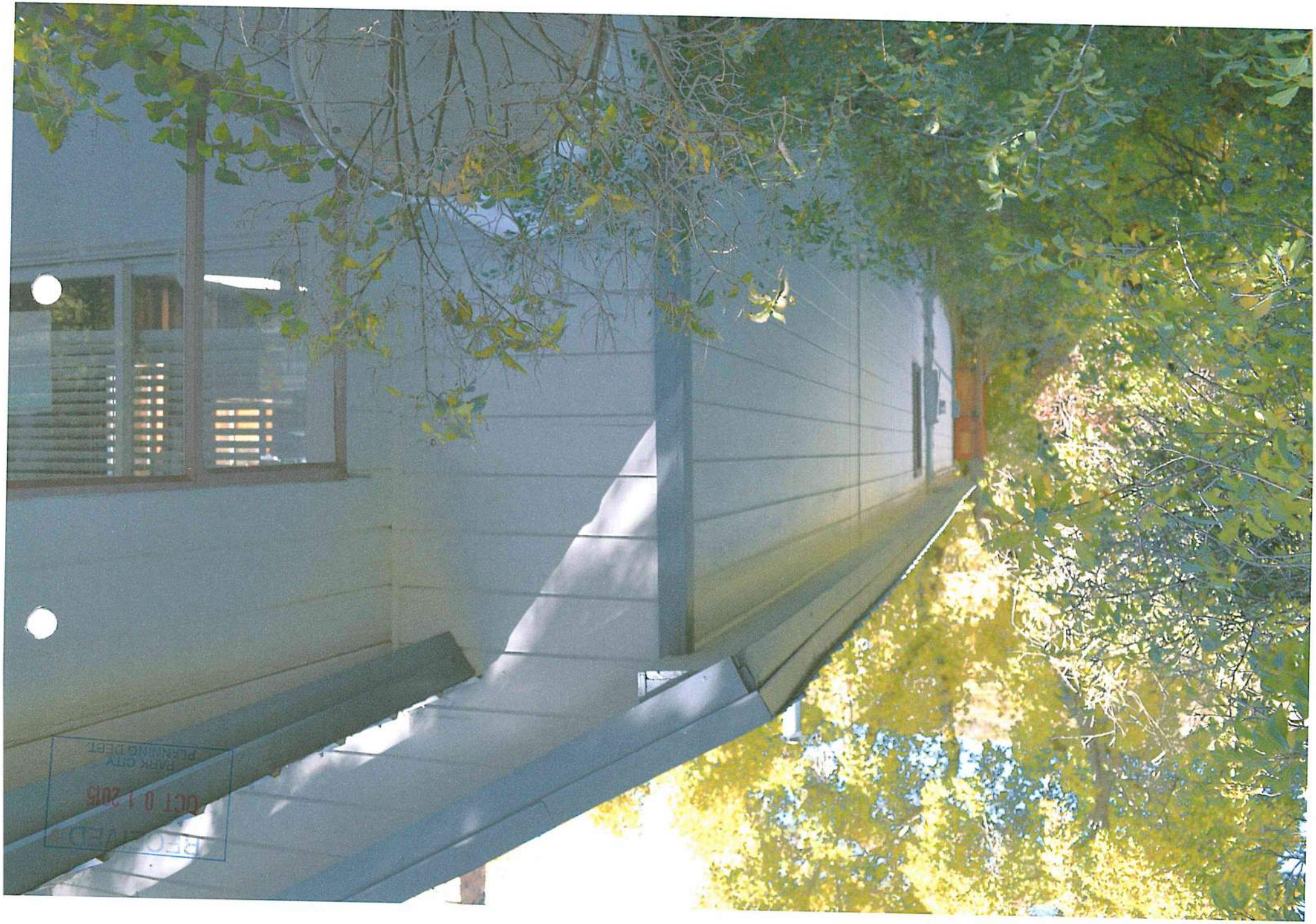
PARK CITY
PLANNING DEPT.



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PLANNING DEPT.

(10) Detached Accessory Buildings not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the Front facade of the Main Building, maintaining a minimum Side Yard Setback of three feet (3').

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

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

(K) **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. Nos. 06-56; 09-10)

15-2.2-4. EXISTING HISTORIC STRUCTURES.

Historic Structures that do not comply with Building Setbacks, Off-Street parking, and driveway location standards are valid Complying Structures. Additions to Historic Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or an Accessory Apartment. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height. All Conditional Uses shall comply with parking requirements of Chapter 15-3.

(A) **EXCEPTION**. In order to achieve new construction consistent with the Historic District Design Guidelines, the Planning Commission may grant an exception to the Building Setback and driveway location standards for additions to Historic Buildings:

(1) Upon approval of a Conditional Use permit,

(2) When the scale of the addition or driveway is Compatible with the Historic Structure,

(3) When the addition complies with all other provisions of this Chapter, and

(4) When the addition complies with the International Building and Fire Codes.

(Amended by Ord. Nos. 06-56; 07-25)

15-2.2-5. BUILDING HEIGHT.

No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade. This is the Zone Height. Final Grade must be within four vertical feet (4’) of Existing Grade around the periphery of the Structure, except for the placement of approved window wells, emergency egress, and a garage entrance. The following height requirements must be met:

Planning Department was comfortable with the structures at this point. He noted that the EPA is in Park City remediating soil. Every mine site had a remediation plan going on at the same time and they did not want to waste money starting remediation on mine structures in the event that it would have to be started over again. Mr. Erickson stated that the City has the money in escrow and they only pay for the work that is accomplished.

CONTINUATIONS (Public Hearing and Continue to date specified.)

1. Land Management Code Amendments regarding vertical zoning storefront regulations in Chapter 15-2.5-2 Uses in Historic Recreation Commercial (HRC), Chapter 15-2.6-2 Uses in Historic Commercial Business (HCB), and associated definitions in Chapter 15-15, Defined Terms. (Application PL-15-02810)

Planner Whetstone requested that the Planning Commission continue this item to December 9, 2015 and not November 17th as shown on the agenda.

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

MOTION: Commissioner Worel moved to CONTINUE the LMC Amendments regarding vertical zoning regulations in storefronts in the HRC and HCB zoning districts to December 9, 2015. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. 1114 Park Avenue – 1114 Park Avenue Plat Amendment – proposal to remove interior lot lines to combine three (3) existing parcels into one (1) legal lot of record. (Application PL-15-02950)

Planner Turpen reviewed the application for a plat amendment at 1114 Park Avenue. The applicant intends to combine one parcel with two remnant parcels to create one legal lot of record. As proposed, Lot 1 would contain 3,615 square feet. A historic single-family home and a historic garage are located on the property and listed as Significant on the Historic Sites Inventory.

The Staff found good cause for this plat amendment as it would allow eliminate existing interior lot lines and create one legal lot of record. The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive

recommendation to the City Council based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

MOTION: Commissioner Joyce moved to forward a POSITIVE recommendation to the City Council for the 1114 Park Avenue plat amendment based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact -1114 Park Avenue

1. The property is located at 1114 Park Avenue.

2. The property is in the Historic Residential Medium-Density (HR-M) District.

3. The subject property consists of three (3) parcels which include: parcel #1, the northerly half of Lot 3 and all of Lot 4, Block 56, Snyder's Addition; remnant parcels #2 and #3 including the parcels that abut the easterly line of Block 56 extending approximately twenty feet (20') east towards the western flank of Park City Municipal Corporation property (Parcel No. SA-360-A-X).

4. Parcel #1 (the northerly half of Lot 3 and all of Lot 4) contains a historic house, built in 1901. The existing historic house straddles the lot line between the northerly half of Lot 3 and Lot 4, Block 56, Snyder's Addition.

5. The building footprint of the historic house is approximately 1,318 square feet.

6. The historic house is listed as "Significant" on the Historic Sites Inventory (HSI).

7. A historic single-car garage accessory structure is located on Parcel #2. The historic single-car garage accessory structure encroaches into Park City Municipal Sullivan Corporation property.

8. The building footprint of the historic single-car garage accessory structure is

approximately 312 square feet.

9. The single-car garage accessory structure is associated with the “Significant” site and is also considered historic (“Significant”) as it contributes to the historic context of the house and site as a whole.

10. The proposed plat amendment creates one (1) lot of record from the existing three (3) parcels equaling 3,615.23 square feet.

11. A single-family dwelling is an allowed use in the Historic Residential Medium-Density (HR-M) District.

12. The minimum lot area for a single-family dwelling is 1,875 square feet; the lot at 1114 Park Avenue will be 3,615.23 square feet. The proposed lot meets the minimum lot area for a single-family dwelling.

13. The combined lot does not meet the requirements for a duplex (minimum lot size of 3,750 square feet), which is a Conditional Use in the HR-M zone.

14. The minimum lot width allowed in the HR-M District is thirty-seven and one-half feet (37.5’). The proposed lot is thirty-seven and one-half feet (37.5’) wide.

15. The historic single-car garage accessory structure cannot be removed; therefore, the property owner must enter into an encroachment agreement with the City as approved by City Council for the encroachment into Park City Municipal Corporation property.

16. The vertical wood slat fence located on the east side of the property can either be removed, or the applicant must enter into an encroachment agreement with the City, as approved by City Council, and the property owner of 1108 Park Avenue.

17. The applicant can either remove the vertical wood slat fence located on the south side of the property or enter into an encroachment agreement with the property owner of 1108 Park Avenue.

18. The existing historic house does not meet the required side yard setback on the north. The side yard setback on the north side is 0 ft. 7.2 in. to 1 ft. 2.4 in. (from east to west). The existing historic house meets all requirements for front and rear setbacks and the south side yard setback. The front yard setback is 17 ft. to 16 ft. 7.2 in. (from north to south). The rear yard setback is 22 ft. 9.6 in. to 23 ft.

(from north to south).

19. The existing historic single-car garage accessory structure does not meet the required side yard setback on the south or the rear yard setback. The side yard setback on the south side is 0 ft. The rear yard setback is 0 ft. (the historic single-car garage accessory structure encroaches into Park City Municipal Corporation property). The existing historic single-car garage accessory structure meets all requirements for front and north side yard setbacks. The front yard setback is 79 ft. to 78 ft (from north to south). The north side yard setback is 24 ft. 4.8 in. to 24 ft. (from east to west).

20. In accordance with the Land Management Code (LMC) 15-2.2-4, Historic Structures that do not comply with Building Setbacks are valid Complying Structures. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height.

21. The property is located in a FEMA Flood Zone A which requires the lowest occupied floor to be equal to or above the base flood elevation. An elevation certificate will be required.

22. The property is located within the Park City Soils Ordinance. A Certificate of Compliance will be required.

23. The proposed plat amendment will not cause undo harm to adjacent property owners.

24. The proposed lot area of 3,615.23 square feet is a compatible lot combination as the entire Historic Residential Medium-Density (HR-M) District has abundant sites with similar dimensions.

25. On July 2, 2015, the Planning Department received a Historic District Design Review (HDDR) Application. The application was deemed complete on August 21, 2015. The application was approved on October 30, 2015.

26. On October 1, 2015, the applicant applied for a Plat Amendment application for 1114 Park Avenue; the application was deemed complete on October 13, 2015.

27. On October 21, 2015 the Historic Preservation Board reviewed and approved the removal of existing material from the historic house and existing material from the historic single-car garage accessory structure as a part of the HDDR application.

28. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law – 1114 Park Avenue

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.

Conditions of Approval – 1114 Park Avenue

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 Park Avenue frontage of the property and shall be shown on the plat prior to recordation.

4. The historic single-car garage accessory structure cannot be removed; therefore, the property owner must enter into an encroachment agreement with the City, as approved by City Council, for the encroachment into Park City Municipal Corporation Property prior to recordation of the plat.

5. The vertical wood slat fence located on the east side of the property can either be removed, or the applicant must enter into an encroachment agreement with the City and the property owner of 1108 Park Avenue prior to recordation of the plat.

6. The applicant can either remove the vertical wood slat fence located on the south side of the property or enter into an encroachment agreement with the property owner of 1108 Park Avenue prior to recordation of the plat.

7. 13-D sprinklers are required for any new construction or significant renovation of existing and this shall be noted on the final plat.

2. <u>217-221 Park Avenue – 217-221 Park Avenue Plat Amendment – proposal to adjust existing interior lot line. Two (2) legal lots of record will remain</u> (Application PL-15-02949)

Planner Turpen reviewed the application for 217 and 221 Park Avenue. The applicant intends to adjust the lot line common to Lot 5 and Lot 6 in Block 2 of the amended plat of Park City by moving it .17 feet to the south. The purpose of moving the common lot line is because Lot 6 is a substandard lot and moving the lot line will bring it into compliance with the minimum lot area for the HR-1 zone. As proposed, Lot 5R would contain 2,044 square feet and Lot 6R would contain 1,875 square feet.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance.

Chair Worel asked if both lots were owned by the same owner. Planner Turpen answered yes, and noted that both lots were vacant.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

Commissioner Joyce thought it was absurd that an owner is required to come before the Planning Commission and then to the City Council to obtain approval to adjust a lot line by two inches. It was a waste of time and money for the applicant and he found the process distasteful. Commissioner Joyce was dismayed that there was not an administrative process for this type of application.

Assistant City Attorney McLean was unsure of the specifics regarding this application, but she noted that there is an administrative process for lot line adjustments that is outlined in both the LMC and State Code. However, sometimes it is easier to go through this process because the administrative lot line process requires the consent of all the neighbors.

Commissioner Worel recalled in past applications the term “diminimus”. She asked what would constitute something being diminimus if it was not something as minor as this.

DATE: December 3, 2015

TO HONORABLE MAYOR AND COUNCIL

The applicant intends to adjust the lot line common to Lot 5 and Lot 6, Block 2, Amended Plat of the Park City Survey. The lot line adjustment will modify the area of the existing two (2) lots (Lot 5R and Lot 6R as proposed). The lot line common to Lot 5 and Lot 6 will be adjusted 0.17 feet (0.17') south of the existing common lot line location. Existing Lot 6 is a substandard lot; therefore, by adjusting the common lot line, both lots will maintain at least the minimum lot size required for the HR-1 District. Lot 5 and Lot 6 are owned by the applicant. As proposed, Lot 5R contains 2,044.8 SF. As proposed, Lot 6R contains 1,875 SF.

Respectfully:

Hannah Turpen, Planner I

City Council
Staff Report

PLANNING DEPARTMENT

Subject: 217 & 221 Park Avenue Plat Amendment
Author: Hannah Turpen, Planner
Project Number: PL-15-02949
Date: November 11, 2015
Type of Item: Legislative – Plat Amendment

Summary Recommendations

Staff recommends the City Council hold a public hearing for the 217 & 221 Park Avenue Plat Amendment located at 217 & 221 Park Avenue and consider approving the plat amendment based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Executive Summary

The applicant intends to adjust the lot line common to Lot 5 and Lot 6, Block 2, Amended Plat of the Park City Survey. The lot line adjustment will modify the area of the existing two (2) lots (Lot 5R and Lot 6R as proposed). The lot line common to Lot 5 and Lot 6 will be adjusted 0.17 feet (0.17') south of the existing common lot line location. Existing Lot 6 is a substandard lot; therefore, by adjusting the common lot line, both lots will maintain at least the minimum lot size required for the HR-1 District. Lot 5 and Lot 6 are owned by the applicant. As proposed, Lot 5R contains 2,044.8 SF. As proposed, Lot 6R contains 1,875 SF.

Description

Applicant:	David J. Houston (represented by Marshall King, Alliance Engineering, Inc.)
Location:	217 & 221 Park Avenue
Zoning:	Historic Residential-1 (HR-1)
Adjacent Land Uses:	Residential
Reason for Review:	Plat Amendments require Planning Commission review and City Council review and action

Acronyms in this Report

HR-1 District	Historic Residential District
HDDR	Historic District Design Review
LMC	Land Management Code
SF	Square Feet

Background

On September 28, 2015, the City received a Plat Amendment application for 217 & 221 Park Avenue; the application was deemed complete on October 13, 2015. The property is located at 217 & 221 Park Avenue. The property is in the Historic Residential (HR-1) District. The subject property consists of Lot 5 and Lot 6, Block 2, Amended Plat of the Park City Survey. Lot 6 is vacant. Lot 5 contains a concrete stair case along the east

property line.

No other applications have been processed for the two (2) existing lots.

The Planning Commission reviewed the plat amendment on November 11, 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 Historic Residential (HR-1) District is to:

(A) preserve present land Uses and character of the Historic residential Areas of Park City,
(B) encourage the preservation of Historic Structures,
(C) encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,
(D) encourage single family Development on combinations of 25' x 75' Historic Lots,
(E) define Development parameters that are consistent with the General Plan policies for the Historic core, and
(F) establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

Analysis

The proposed plat amendment creates two (2) legal lots of record containing the minimum lot area required in the HR-1 zone. Existing Lot 6 is a substandard lot; therefore, by adjusting the common lot line, both lots will maintain at least the minimum lot size required for the HR-1 District. As proposed, Lot 5R contains 2,044.8 SF. As proposed, Lot 6R contains 1,875 SF.

A single-family dwelling is an allowed use in the Historic Residential 1 (HR-1) District. The minimum lot area for a single-family dwelling is 1,875 square feet. The lots do not meet the requirements for a duplex (minimum lot size of 3,750 square feet), which is a Conditional Use in the HR-1 zone. The minimum lot width allowed in the HR-1 District is twenty-five feet (25'). As proposed Lot 5R is 27.47 feet (27.47') wide and Lot 6R is 25.17 feet (25.17') wide. The proposed lots meet the minimum lot width requirement. Table 1 shows applicable development parameters for the lots in the Historic Residential (HR-1) District:

Table 1:

LMC Regulation	Lot 5R Requirements	Lot 6R Requirements
Building Footprint	911.4 square feet, maximum based on lot size.	844 square feet, maximum based on lot size.
Front/Rear Yard Setbacks	10 feet minimum, 20 feet total.	10 feet minimum, 20 feet total.
Side Yard Setbacks	3 feet minimum, 6 feet total.	3 feet minimum, 6 feet total.

Building (Zone) Height	No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade.	No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade.
Final Grade	Final Grade must be within four vertical feet (4') of Existing Grade around the periphery […].	Final Grade must be within four vertical feet (4') of Existing Grade around the periphery […].
Lowest Finish Floor Plane to Highest Wall Top Plate	A Structure shall have a maximum height of thirty five feet (35') measured from the lowest finish floor plane to the point of the highest wall top plate […].	A Structure shall have a maximum height of thirty five feet (35') measured from the lowest finish floor plane to the point of the highest wall top plate […].
Vertical Articulation	A ten foot (10') minimum horizontal step in the downhill façade is required […].	A ten foot (10') minimum horizontal step in the downhill façade is required […].
Roof Pitch	Roof pitch must be between 7:12 and 12:12 for primary roofs. Non-primary roofs may be less than 7:12.	Roof pitch must be between 7:12 and 12:12 for primary roofs. Non-primary roofs may be less than 7:12.

Staff finds good cause for this plat amendment as it will create two (2) legal lots of record containing the minimum lot area required in the HR-1 zone. Currently, development would be limited to existing Lot 5 as existing Lot 6 is a substandard lot. This plat amendment adjusts the lot line common to Lot 5 and Lot 6 0.17 feet (0.17') south of the existing common lot line location. The proposed lot areas of 2,044.8 square feet (Lot 5R) and 1,875 square feet (Lot 6R) are compatible lot combinations as the entire Historic Residential (HR-1) District has abundant sites with the similar dimensions. In addition, another alternative would be that the lots could be combined, resulting in a lot combination that would meet the requirements of a duplex dwelling in the HR-1 District. Staff finds that two (2) single-family dwellings are more compatible with the neighborhood than one (1) duplex dwelling.

To redevelop the lots, a Historic District Design Review (HDDR) application shall be reviewed and approved by the Planning Staff.

Good Cause

Planning Staff finds there is good cause for this plat amendment. This plat amendment will 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.

The proposed lot areas of 2,044.8 square feet and 1,875 square feet are compatible lot dimensions as the entire Historic Residential (HR-1) District has abundant sites with similar dimensions.

Encroachments

The eave of the non-historic house located at 213 Park Avenue encroaches over the south property line of Lot 5. The eave of the non-historic house located at 213 Park Avenue which encroaches over the south property line of Lot 5 can either be removed or the applicant will have to enter into an encroachment agreement with the property owner of 213 Park Avenue, as dictated by Condition of Approval #4.

A rock retaining wall associated with the non-historic house located at 213 Park Avenue encroaches over the south property line of Lot 5. The rock retaining wall associated with the non-historic house located at 213 Park Avenue can either be removed or the applicant will have to enter into an encroachment agreement with the property owner of 213 Park Avenue, as dictated by Condition of Approval #5.

A set of concrete stairs associated with the Park Palace Condominiums located at 225-235 Park Avenue encroaches on the north property line of Lot 6 near the northwest corner of the Lot. The concrete stairs located on the north property line of Lot 6 near the northwest corner of the Lot can either be removed or the applicant will have to enter into an encroachment agreement with the property owner(s) of 225-235 Park Avenue, as dictated by Condition of Approval #6.

A concrete retaining wall is located on Lot 6, parallels Park Avenue, and encroaches over the north property line onto the property of the Park Palace Condominiums located at 225-235 Park Avenue. The concrete retaining wall located on Lot 6 that parallels Park Avenue and extends over the north property line onto the property of the Park Palace Condominiums located at 225-235 Park Avenue can either be removed or the applicant will have to enter into an encroachment agreement with the property owner(s) of 225-235 Park Avenue, as dictated by Condition of Approval #7.

A wood retaining wall is located on the west property line of Lot 5 and encroaches onto the properties of 220 Woodside Avenue, 214 Woodside Avenue, and 213 Park Avenue. The wood retaining wall located on the west property line of Lot 5 that encroaches onto the properties of 220 Woodside Avenue, 214 Woodside Avenue, and 213 Park Avenue can either be removed or the applicant will have to enter into an encroachment agreement with the respective property owners, as dictated by Condition of Approval #8.

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 October 28, 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 October 24, 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 217 & 221 Park Avenue Plat Amendment as conditioned or amended; or
- The City Council may deny the 217 & 221 Park Avenue Plat Amendment and direct staff to make Findings for this decision; or
- The City Council may continue the discussion on 217 & 221 Park Avenue Plat Amendment.
- There is not a null alternative for plat amendments.

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 two (2) lots. Lot 5 would remain a substandard lot (vacant), and all development would be limited to Lot 6.

Summary Recommendation
Staff recommends the City Council hold a public hearing for the 217 & 221 Park Avenue Plat Amendment located at 217 & 221 Park Avenue and consider approving the 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 Photographs
Exhibit E – DRAFT Planning Commission Minutes – November 11, 2015

Exhibit A: Draft Ordinance

Ordinance No. 15-51

AN ORDINANCE APPROVING THE 217 & 221 PARK AVENUE PLAT AMENDMENT LOCATED AT 217 & 221 PARK AVENUE, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 217 & 221 Park Avenue has petitioned the City Council for approval of the Plat Amendment; and

WHEREAS, on October 28, 2015 the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on October 24, 2015 proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on November 11, 2015, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on November 11, 2015, forwarded a recommendation to the City Council; and,

WHEREAS, on December 3, 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 217 & 221 Park Avenue Plat Amendment.

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

SECTION 1. APPROVAL. 217 & 221 Park Avenue Plat Amendment 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 217 & 221 Park Avenue.
2. The property is in the Historic Residential (HR-1) District.
3. The subject property consists of Lot 5 and Lot 6, Block 2, Amended Plat of the Park City Survey.
4. The lot line adjustment will modify the area of the existing two (2) lots (Lot 5R and Lot 6R as proposed). The lot line common to Lot 5 and Lot 6 will be adjusted 0.17 feet (0.17') south of the existing common lot line location.
5. Existing Lot 6 is a substandard lot; therefore, by adjusting the common lot line, both lots will maintain at least the minimum lot size required for the HR-1 District.
6. Lot 5 and Lot 6 are owned by the applicant.

7. The proposed plat amendment creates two (2) legal lots of record containing the minimum lot area required in the HR-1 zone.
8. As proposed, Lot 5R contains 2,044.8 SF. As proposed, Lot 6R contains 1,875 SF.
9. A single-family dwelling is an allowed use in the Historic Residential 1 (HR-1) District.
10. The minimum lot area for a single-family dwelling is 1,875 square feet.
11. The lots do not meet the requirements for a duplex (minimum lot size of 3,750 square feet), which is a Conditional Use in the HR-1 zone.
12. The minimum lot width allowed in the HR-1 District is twenty-five feet (25'). As proposed Lot 5R is 27.47 feet (27.47') wide and Lot 6R is 25.17 feet (25.17') wide. The proposed lots meet the minimum lot width requirement.
13. The minimum side yard setbacks for a twenty-five foot (25') wide lot are three feet (3'), six feet (6') total.
14. The eave of the non-historic house located at 213 Park Avenue which encroaches over the south property line of Lot 5 can either be removed or the applicant will have to enter into an encroachment agreement will the property owner of 213 Park Avenue, as dictated by Condition of Approval #4.
15. The rock retaining wall associated with the non-historic house located at 213 Park Avenue can either be removed or the applicant will have to enter into an encroachment agreement with the property owner of 213 Park Avenue, as dictated by Condition of Approval #5.
16. The concrete stairs located on the north property line of Lot 6 near the northwest corner of the Lot can either be removed or the applicant will have to enter into an encroachment agreement with the property owner(s) of 225-235 Park Avenue, as dictated by Condition of Approval #6.
17. The concrete retaining wall located on Lot 6 that parallels Park Avenue and extends over the north property line onto the property of the Park Palace Condominiums located at 225-235 Park Avenue can either be removed or the applicant will have to enter into an encroachment agreement with the property owner(s) of 225-235 Park Avenue, as dictated by Condition of Approval #7.
18. The wood retaining wall located on the west property line of Lot 5 that encroaches onto the properties of 220 Woodside Avenue, 214 Woodside Avenue, and 213 Park Avenue can either be removed or the applicant will have to enter into an encroachment agreement with the respective property owners, as dictated by Condition of Approval #8.
19. The proposed plat amendment will not cause undo harm to adjacent property owners.
20. The proposed lot areas of 2,044.8 square feet (Lot 5R) and 1,875 square feet (Lot 6R) are compatible lot dimensions as the entire Historic Residential-1 District has abundant sites with the similar dimensions.
21. Lot 5R will have a maximum building footprint of 911.4 square feet. Lot 6R will have a maximum footprint of 844 square feet.
22. To redeveloping the lots, a Historic District Design Review (HDDR) application shall be reviewed and approved by the Planning Staff.
23. On September 28, 2015, the applicant applied for a Plat Amendment application

for 217 & 221 Park Avenue; the application was deemed complete on October 13, 2015.

24. The Planning Commission reviewed the plat amendment on November 11, 2015, and forwarded a positive recommendation to City Council with a unanimous vote of 6-0 in favor of the plat amendment.
25. 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.

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 Park Avenue frontage of the property and shall be shown on the plat prior to recordation.
4. The eave of the non-historic house located at 213 Park Avenue which encroaches over the south property line of Lot 5 can either be removed or the applicant will have to enter into an encroachment agreement will the property owner of 213 Park Avenue.
5. The rock retaining wall associated with the non-historic house located at 213 Park Avenue can either be removed or the applicant will have to enter into an encroachment agreement with the property owner of 213 Park Avenue
6. The concrete stairs located on the north property line of Lot 6 near the northwest corner of the Lot can either be removed or the applicant will have to enter into an encroachment agreement with the property owner of 225-235 Park Avenue.
7. The concrete retaining wall located on Lot 6 that parallels Park Avenue and extends over the north property line onto the property of the Park Palace Condominiums located at 225-235 Park Avenue can either be removed or the applicant will have to enter into an encroachment agreement with the property owner(s) of 225-235 Park Avenue.
8. The wood retaining wall located on the west property line of Lot 5 that encroaches onto the properties of 220 Woodside Avenue, 214 Woodside

Avenue, and 213 Park Avenue can either be removed or the applicant will have to enter into an encroachment agreement with the respective property owners.

9. 13-D sprinklers are required for any new construction or significant renovation of existing.

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

PASSED AND ADOPTED this 3rd day of December, 2015.

PARK CITY MUNICIPAL CORPORATION

_____
Jack Thomas, MAYOR

ATTEST:

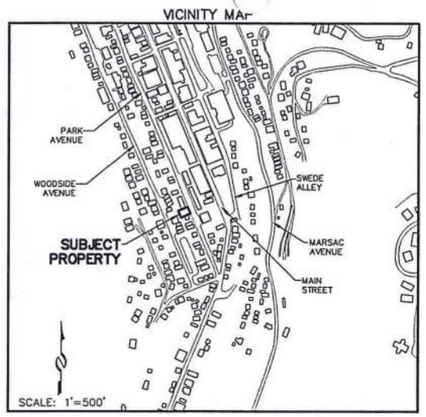
_____
Michelle Kellogg, City Recorder

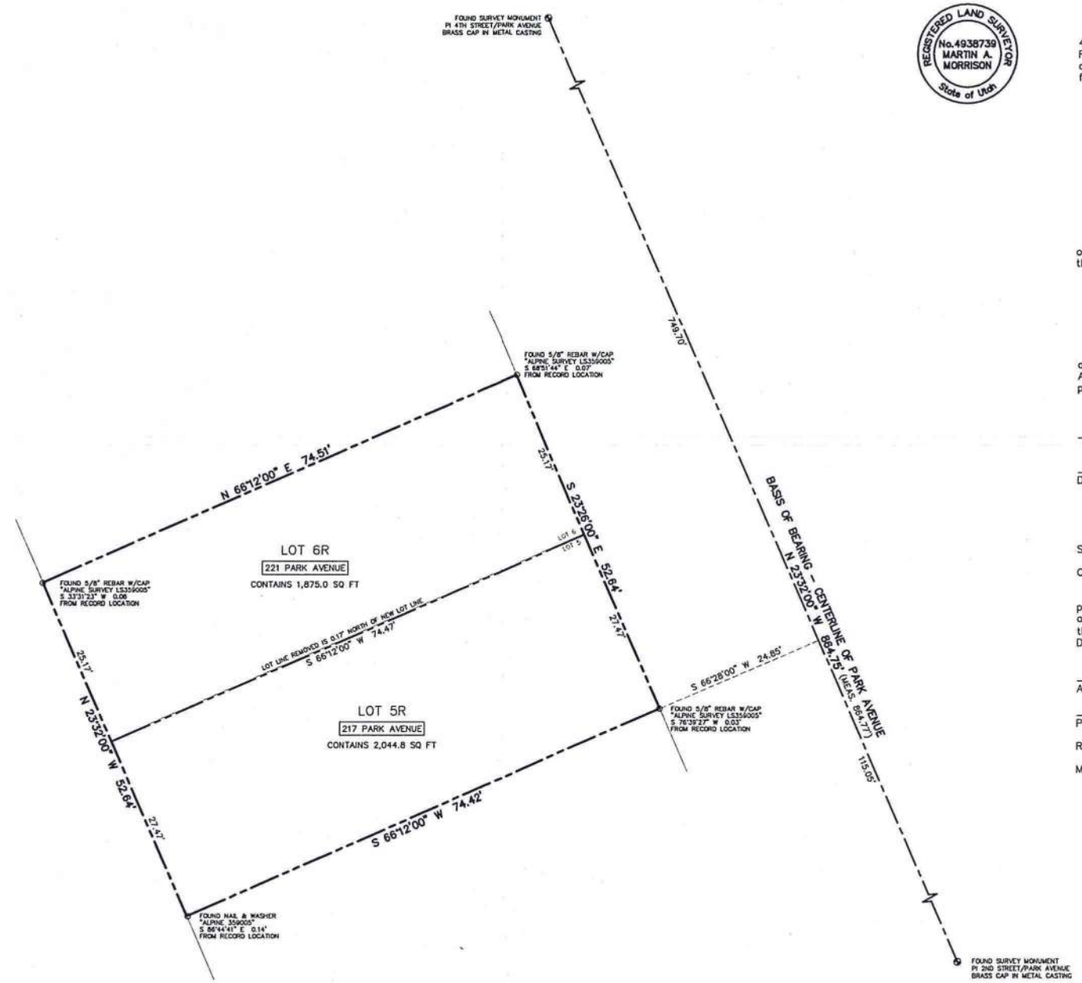
APPROVED AS TO FORM:

_____
Mark Harrington, City Attorney

Attachment 1 – Proposed Plat

Exhibit A: Proposed Plat





REGISTERED LAND SURVEYOR No.4938739 MARTIN A. MORRISON State of Utah

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 owners, this Record of Survey map of 217 & 221 PARK AVENUE PLAT AMENDMENT has been prepared under my direction and that the same has been or will be monumented on the ground as shown on this plat. I further certify that the information on this plat is accurate.

BOUNDARY DESCRIPTION

All of Lots 5 and 6, Block 2, Amended Plat of Park city Survey, according to the official plat thereof, recorded April 23, 1979 as Entry No. 155234 of the official records in the office of the Summit County Recorder.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that David J. Houston, the undersigned owner of the herein described tract of land, to be known hereafter as 217 & 221 PARK AVENUE PLAT AMENDMENT, does hereby certify that he has caused this Plat to be prepared, and does hereby consent to the recordation of this Plat.

In witness whereof, the undersigned set his hand this _____ day of

_____, 2016.

_____
David J. Houston

State of _____:
ss:
County of _____:

ACKNOWLEDGMENT

On this _____ day of _____, 2016, _____ personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, David J. Houston acknowledged to me that he is the owner of the herein described tract of land, and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

_____
A Notary Public commissioned in Utah

_____
Printed Name

Residing in: _____

My commission expires: _____

AN AMENDMENT OF PLATTED LOTS
LOTS 5 & 6 IN BLOCK 2, PARK CITY SURVEY

217 & 221 PARK AVENUE PLAT AMENDMENT

LOCATED IN SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

10' 0 10' 20'

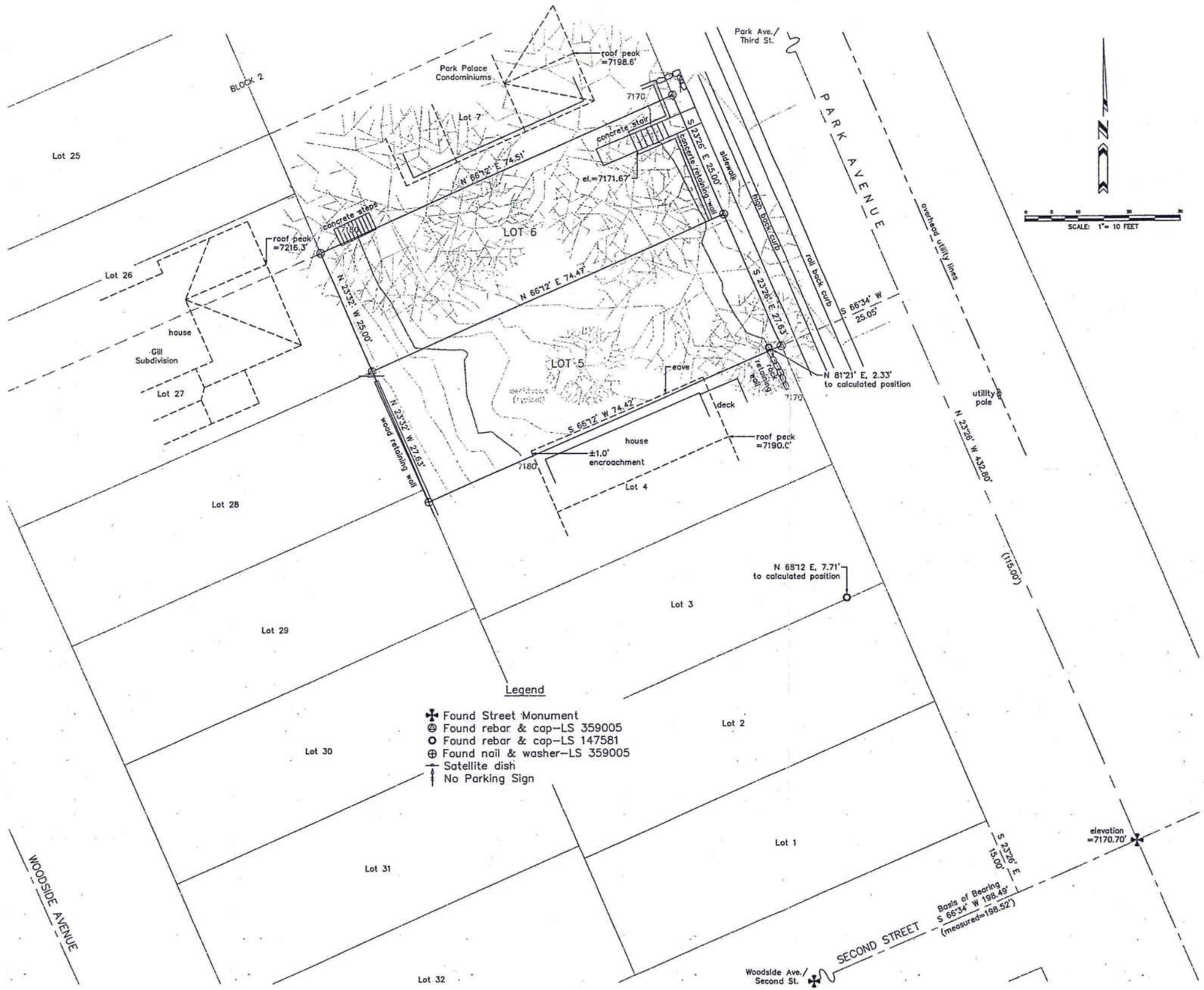
SHEET 1 OF 1

9/18/15 JOB NO.: 5-8-15 FILE: X:\ParkCitySurvey\dwg\srv\plat2015\050815.dwg

(435) 649-9467 Alliance Engineering Inc 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 _____, 2016 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 _____, 2016 BY _____ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2016 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 _____, 2016 BY _____ PARK CITY RECORDER	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ ENTRY NO. _____ FEE _____ RECORDER _____

Exhibit B: Existing Survey

Park City Survey
Block 2, Lots 5 & 6



NARRATIVE

1. Survey requested by: David Houston.
2. Purpose of the survey: locate the improvements and the topographic relief.
3. Basis of the survey: found street monuments as shown.
4. See the official plats for the Park City Survey and the Monument Control Map of Park City Recorded as Entry No. 199887 in the office of the Summit County Recorder.
5. Date of the survey: July 10, 2015; additions Oct. 8, 2015.
6. Located in the Southeast Quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian.
7. The owner of the property should be aware of any items affecting the property that may appear in a title insurance report.
8. See the previous survey of the property, by Alpine Survey, Inc., recorded in the office of the Summit County Recorder.
9. Elevations are based on an elevation of 7170.70 feet at the Street Monument found at the intersection of 2nd Street and Park Avenue, from the Park City Monument Control Map.

DEED DESCRIPTION

All of Lots 5 & 6, Block 2, Park City Survey, according to the official plat thereof, on file and of record in the office of the Summit County Recorder.

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.

Oct. 12, '15
Date

STATE OF UTAH 10/12/15 J.D. GAILEY 359005 PROFESSIONAL LAND SURVEYOR

J.D. Gailey #359005

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

RECEIVED
OCT 12 2015
PARK CITY PLANNING DEPT.

Exhibit C: Aerial Photograph

(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
JESSE MORENO

DATE: 8/11/15

AERIAL PHOTOGRAPH
217 & 221 PARK AVENUE
BLOCK 2, PARK CITY SURVEY

FOR: PARK CITY MUNICIPAL CORPORATION
JOB NO.: 5-8-15
FILE: X:\ParkCitySurvey\dwg\Exhibits\215 park ave-ortho.dwg

SHEET 1 OF 1

Exhibit D: Site Photographs

217 and 221 Park Avenue – Looking southwesterly

RECEIVED
SEP 28 2015
PARK CITY
PLANNING DEPT.

217 and 221 Park Avenue – Looking northwesterly

RECEIVED
SEP 28 2015
PARK CITY
PLANNING DEPT.

217 and 221 Park Avenue – Looking easterly

RECEIVED
SEP 28 2015
PARK CITY
PLANNING DEPT.

217 and 221 Park Avenue – Looking easterly

RECEIVED
SEP 28 2015
PARK CITY
PLANNING DEPT.

7. 13-D sprinklers are required for any new construction or significant renovation of existing and this shall be noted on the final plat.

2. 217-221 Park Avenue – 217-221 Park Avenue Plat Amendment – proposal to adjust existing interior lot line. Two (2) legal lots of record will remain (Application PL-15-02949)

Planner Turpen reviewed the application for 217 and 221 Park Avenue. The applicant intends to adjust the lot line common to Lot 5 and Lot 6 in Block 2 of the amended plat of Park City by moving it .17 feet to the south. The purpose of moving the common lot line is because Lot 6 is a substandard lot and moving the lot line will bring it into compliance with the minimum lot area for the HR-1 zone. As proposed, Lot 5R would contain 2,044 square feet and Lot 6R would contain 1,875 square feet.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance.

Chair Worel asked if both lots were owned by the same owner. Planner Turpen answered yes, and noted that both lots were vacant.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

Commissioner Joyce thought it was absurd that an owner is required to come before the Planning Commission and then to the City Council to obtain approval to adjust a lot line by two inches. It was a waste of time and money for the applicant and he found the process distasteful. Commissioner Joyce was dismayed that there was not an administrative process for this type of application.

Assistant City Attorney McLean was unsure of the specifics regarding this application, but she noted that there is an administrative process for lot line adjustments that is outlined in both the LMC and State Code. However, sometimes it is easier to go through this process because the administrative lot line process requires the consent of all the neighbors.

Commissioner Worel recalled in past applications the term “diminimus”. She asked what would constitute something being diminimus if it was not something as minor as this.

Director Erickson stated that the Staff was currently looking at three applications that were down to a hundredth of an inch of a fence encroaching on neighbors. He clarified that in the planning world two-tenths is a large number. Director Erickson noted that the applicant requested this process to avoid having to getting neighbor approval.

Planner Turpen stated that because typically it is second home ownership the applicants find that it is faster to go through this process instead of having to find all of the owners and get their signatures.

Commissioner Joyce acknowledged that he has not looked at the details of the administrative process. However, if one owner wants to shift a lot line within his own lot by two inches with no one else involved, and he chooses to go before the Planning Commission and the City Council because it is easier than the administrative process, that is a clear indication that something is wrong with the process. Commissioner Joyce offered to look into the process to see if there was a way to make it easier. Director Erickson offered to help him.

MOTION: Commissioner Phillips moved to forward a POSITIVE recommendation to the City Council for the 217 & 221 Park Avenue plat amendment based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance. Commissioner Worel seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 217 & 212 Park Avenue

1. The property is located at 217 & 221 Park Avenue.

2. The property is in the Historic Residential (HR-1) District.

3. The subject property consists of Lot 5 and Lot 6, Block 2, Amended Plat of the Park City Survey.

4. The lot line adjustment will modify the area of the existing two (2) lots (Lot 5R and Lot 6R as proposed). The lot line common to Lot 5 and Lot 6 will be adjusted 0.17 feet (0.17') south of the existing common lot line location.

5. Existing Lot 6 is a substandard lot; therefore, by adjusting the common lot line, both lots will maintain at least the minimum lot size required for the HR-1 District.

6. Lot 5 and Lot 6 are owned by the applicant and are vacant lots.

7. The proposed plat amendment creates two (2) legal lots of record containing the minimum lot area required in the HR-1 zone.

8. As proposed, Lot 5R contains 2,044.8 SF. As proposed, Lot 6R contains 1,875 SF.

9. A single-family dwelling is an allowed use in the Historic Residential 1 (HR-1) District.

10. The minimum lot area for a single-family dwelling is 1,875 square feet.

11. The lots alone do not meet the requirements for a duplex (minimum lot size of 3,750 square feet), which is a Conditional Use in the HR-1 zone.

12. The minimum lot width allowed in the HR-1 District is twenty-five feet (25'). As proposed Lot 5R is 27.47 feet (27.47') wide and Lot 6R is 25.17 feet (25.17') wide. The proposed lots meet the minimum lot width requirement.

13. The minimum side yard setbacks for a twenty-five foot (25') wide lot are three feet (3'), six feet (6') total.

14. The eave of the non-historic house located at 213 Park Avenue which encroaches over the south property line of Lot 5 can either be removed or the applicant will have to enter into an encroachment agreement will the property owner of 213 Park Avenue, as dictated by Condition of Approval #4.

15. The rock retaining wall associated with the non-historic house located at 213 Park Avenue can either be removed or the applicant will have to enter into an encroachment agreement with the property owner of 213 Park Avenue, as dictated by Condition of Approval #5.

16. The concrete stairs located on the north property line of Lot 6 near the northwest corner of the Lot can either be removed or the applicant will have to enter into an encroachment agreement with the property owner(s) of 225-235 Park Avenue, as dictated by Condition of Approval #6.

17. The concrete retaining wall located on Lot 6 that parallels Park Avenue and extends over the north property line onto the property of the Park Palace Condominiums located at 225-235 Park Avenue can either be removed or the applicant will have to enter into an encroachment agreement with the property

owner(s) of 225-235 Park Avenue, as dictated by Condition of Approval #7.

18. The wood retaining wall located on the west property line of Lot 5 that encroaches onto the properties of 220 Woodside Avenue, 214 Woodside Avenue, and 213 Park Avenue can either be removed or the applicant will have to enter into an encroachment agreement with the respective property owners, as dictated by Condition of Approval #8.

19. The proposed plat amendment will not cause undo harm to adjacent property owners.

20. The proposed lot areas of 2,044.8 square feet (Lot 5R) and 1,875 square feet (Lot 6R) are compatible lot dimensions as the entire Historic Residential-1 District has abundant sites with the similar dimensions.

21. Lot 5R will have a maximum building footprint of 911.4 square feet. Lot 6R will have a maximum footprint of 844 square feet.

22. Prior to redeveloping the lots, a Historic District Design Review (HDDR) application for each lot shall be reviewed and approved by the Planning Staff.

23. On September 28, 2015, the applicant applied for a Plat Amendment application for 217 & 221 Park Avenue; the application was deemed complete on October 13, 2015.

24. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

<u>Conclusions of Law – 217 & 221 Park Avenue</u>

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.

<u>Conditions of Approval – 217 & 2212 Park Avenue</u>

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 Park Avenue frontage of the property and shall be shown on the plat prior to recordation.

4. The eave of the non-historic house located at 213 Park Avenue which encroaches over the south property line of Lot 5 can either be removed or the applicant will have to enter into an encroachment agreement will the property owner of 213 Park Avenue, prior to plat recordation.

5. The rock retaining wall associated with the non-historic house located at 213 Park Avenue can either be removed or the applicant will have to enter into an encroachment agreement with the property owner of 213 Park Avenue, prior to plat recordation.

6. The concrete stairs located on the north property line of Lot 6 near the northwest corner of the Lot can either be removed or the applicant will have to enter into an encroachment agreement with the property owner of 225-235 Park Avenue, prior to plat recordation.

7. The concrete retaining wall located on Lot 6 that parallels Park Avenue and extends over the north property line onto the property of the Park Palace Condominiums located at 225-235 Park Avenue can either be removed or the applicant will have to enter into an encroachment agreement with the property owner(s) of 225-235 Park Avenue, prior to plat recordation.

8. The wood retaining wall located on the west property line of Lot 5 that encroaches onto the properties of 220 Woodside Avenue, 214 Woodside Avenue, and 213 Park Avenue can either be removed or the applicant will have to enter into an encroachment agreement with the respective property owners, prior to plat recordation.

9. 13-D sprinklers are required for any new construction or significant renovation of

existing. This shall be noted on the plat prior to recordation.

3. <u>422 Ontario Avenue – Ratification of a Development Agreement for the Central Park City Condominiums Master Planned Development</u>
(Application PL-15-02920)

Planner Francisco Astorga reviewed the application for a plat amendment at 422 Ontario, known as the Sorensen Plat Amendment. He referred to the survey on page 102 of the Staff report. Planner Astorga reported that the site consists of one full lot of record and five remnant substandard lots with three separate tax ID numbers. A historic site on the structure was built over the two property lines. There is common ownership of the three remnant parcels along the back.

The Staff requested that the Planning Commission conduct a public hearing and forward a positive recommendation to the City Council for the requested plat amendment at 422 Ontario Avenue.

Chair Strachan noted that Finding of Fact #11 talks about a duplex. Planner Astorga stated that the lot would qualify for a duplex and require a conditional use permit; however, he did not believe that was the owner's intent. Planner Astorga understood that the owner intends to build an addition towards the back of the existing structure. The owner was present and confirmed that they were not planning to build a duplex. Chair Strachan recommended striking Finding #11 since it was irrelevant.

Chair Strachan asked if the applicants would have to apply for a Steep Slope CUP for the addition. Planner Astorga stated that based on a very detailed slope analysis the applicants would have to come back for a Steep Slope CUP.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

Commissioner Phillips referred to the aerial view on page 105 of the Staff report. He thought the four houses shown all have a 10' feet setback that created a nice line. He noted that the setbacks for this project would set it further back from the neighboring homes. Planner Astorga noted that the current standard for a standard lot of record in Old Town is 10 feet front and back. If the lot is deeper than 75' the setback changes to 12' minimum on the front and rear with a 15' total setback. Planner Astorga stated that the existing house is historic and it currently does not meet the setbacks. Per the LMC it is

DATE: December 3, 2015

TO HONORABLE MAYOR AND COUNCIL

The site known as 422 Ontario Avenue consists of one (1) Old Town lot and five (5) remnant parcels. The property owner requests to combine their property into one (1) lot of record. A historic structure sits over two (2) lot lines. The entire site contains a total area of 4,464 square feet.

Respectfully:

Francisco Astorga, Senior Planner

City Council
Staff Report

PLANNING DEPARTMENT

Subject: Sorensen Plat Amendment
Author: Francisco Astorga, AICP, Senior Planner
Project Number: PL-15-02920
Date: December 3, 2015
Type of Item: Legislative – Plat Amendment

Summary Recommendations

Staff recommends that the City Council hold a public hearing for the Sorensen Plat Amendment located at 422 Ontario Avenue and consider approving it based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Description

Applicants:	James H. Easter represented by Bill Mammen
Location:	422 Ontario Avenue
Zoning:	Historic Residential-1
Adjacent Land Uses:	Residential
Reason for Review:	Plat Amendments require Planning Commission review and City Council review and action

Acronyms found in the Report

HR-1	Historic Residential-1
HSI	Historic Sites Inventory
CUP	Conditional Use Permit
LMC	Land Management Code
HDDR	Historic District Design Review
ROW	Right-of-Way

Executive Summary / Proposal

The site known as 422 Ontario Avenue consists of one (1) Old Town lot and five (5) remnant parcels. The property owner requests to combine their property into one (1) lot of record. Currently the property is divided into three (3) tax parcels. A historic structure sits over two (2) lot lines. Tax parcel # PC-480, is the north one-half of Lot 5 and all of Lot 6, containing 2,812.5 square feet. Tax parcel # PC-485-1, is the south one-half (approx.) of Lot 7 containing, 843.75 square feet, approximately. Tax parcel # PC-485-JKL, is a portion of Lots 26, 27, and 28, containing 807.75 square feet, approx. The entire site is found in Block 58 of the Park City Survey and contains a total area of 4,464 square feet.

Background

On October 16, 2015, the City received a completed Plat Amendment application for the Sorensen Plat Amendment. The property is located at 422 Ontario Avenue. The

property is in the Historic Residential (HR-1) District. The subject property consists of the north one-half of Lot 5, all of Lot 6, the south one-half (approx.) of Lot 7, and a portion of Lots 26, 27, and 28, Block 58 of the Park City Survey.

This site is listed on Park City's Historic Sites Inventory (HSI) and is recognized as historically Significant. The property was built circa 1904 during the Mature Mining Historic Era (1894-1930). The historic structure was built over two (2) property lines. According to Summit County records the structure is 840 square feet (Living Area).

The Planning Commission held a public hearing and reviewed this Plat Amendment request during their November 11, 2015 meeting. The Planning Commission forwarded a positive recommendation with a unanimous (6-0) vote.

Purpose

The purpose of the HR-1 District is to:

A. preserve present land Uses and character of the Historic residential Areas of Park City,
B. encourage the preservation of Historic Structures,
C. encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,
D. encourage single family Development on combinations of 25' x 75' Historic Lots,
E. define Development parameters that are consistent with the General Plan policies for the Historic core, and
F. establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

Analysis

The proposed Plat Amendment creates one (1) lot of record from the existing three (3) tax parcels. The Plat Amendment removes two (2) lot lines going through the historic structure as well as one lot line towards the back of the property. The proposed Plat Amendment combines the property into one (1) lot measuring 4,464 square feet. The site contains one (1) Old Town lot, identified as lot 6 of Block 58, and five (5) remnant parcels: the north one-half of Lot 5, the south one-half (approx.) of Lot 7, and portions of Lots 26, 27, and 28.

A single-family dwelling is an allowed use in the HR-1 District. The minimum lot area for a single-family dwelling is 1,875 square feet. The proposed lot meets the minimum lot area for single-family dwellings. The minimum lot area for a duplex dwelling is 3,750 square feet subject to Conditional Use Permit (CUP) approval by the Planning Commission. The proposed lot width is fifty feet (50'). The minimum lot width required in the HR-1 District is twenty-five feet (25'). The proposed lot meets the minimum lot width requirement. The following table shows applicable Land Management Code (LMC) development parameters in the HR-1 District:

LMC Requirements	Standard
Building Footprint (based on lot size)	1,736 square feet, maximum.
Front/Rear Yard Setbacks	Twelve feet (12'), minimum. Twenty-five feet (25'), total
Side Yard Setbacks	Five feet (5'), minimum
Building (Zone) Height	No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade.
Final Grade	Final Grade must be within four vertical feet (4') of Existing Grade around the periphery […].
Lowest Finish Floor Plane to Highest Wall Top Plate	A Structure shall have a maximum height of thirty five feet (35') measured from the lowest finish floor plane to the point of the highest wall top plate […].
Vertical Articulation	A ten foot (10') minimum horizontal step in the downhill façade is required […].
Roof Pitch	Roof pitch must be between 7:12 and 12:12 for primary roofs. Non-primary roofs may be less than 7:12.

Staff has identified that the existing historic structure does not meet the front yard setback as the structure was built 8.7 feet from that property line. Also the existing historic structure does not meet the south side yard setback as the structure was built 2.9 feet from that property line. LMC § 15-2.2-4 indicates that historic structures that do not comply with building setbacks are valid complying structures.

The maximum building footprint of structures located on a lot is regulated by the footprint formula found in the LMC. The formula is determined by the size of the lot. The current building footprint is approximately 823.5 square feet. The proposed lot area of 4,464 square feet yields a maximum building footprint of 1,736 square feet. Given the existing location of the historic structure and the new setbacks established with the proposed Plat Amendment application, Staff finds that it will be somewhat of a challenge to place a significant addition to the existing historic dwelling in the future. Accordingly, staff does not a find a basis in the record for imposing additional size limitations in this instance. All historic structures within the historic districts have to comply with the Design Guidelines for Historic Sites adopted 2009. There are specific guidelines dealing with additions to historic structures as well as universal guidelines.

The submitted survey reveals that the site contains a shed on the rear setback area which does not meet the minimum rear setback requirement of one foot (1'), per LMC § 15-2.2-3(G)(6), as the shed goes over that rear property line. Staff recommends that the property owner shall resolve this rear property line shed encroachment by either removing/relocating the shed or working out an easement agreement with the rear property owner prior to Plat recordation. Staff has made the applicant aware of this encroachment and aware of applicable applications that would have to be resolved prior to any physical work involving the shed, i.e., a Historic District Design Review (HDDR) application.

The site has a planter, retaining walls, and stairs located in the City Right-of-Way

(ROW) along Ontario Avenue. The applicant has the option of removing such improvements or working with the City Engineer to assure that these improvements are authorized in the form of a ROW encroachment agreement. The survey also shows an asphalt area used for parking. This Plat Amendment does not grant or dedicate this area for parking for exclusive use of the subject site but rather for public general use per current parking policy. The applicant is to also understand that any improvements in the public ROW are subject to be removed for possible expansion of public improvements per applicable policy in the adopted Traffic and Transportation Master Plan maintained by the City Engineer.

Good Cause
Staff finds good cause for this Plat Amendment as the two (2) lot lines going through the historic structure are proposed to be removed. Also, the proposed Plat Amendment consolidates five (5) remnant parcels, plus the Old Town lot, into the requested lot of record. Public snow storage and utility easements are provided on the lots.

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

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

Notice
The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record according to requirements of the Land Management Code.

Public Input
No public input has been received by the time of this report.

Alternatives
- The City Council may approve the Sorensen Plat Amendment as conditioned or amended; or
- The City Council may deny the Sorensen Plat Amendment and direct staff to make Findings for this decision; or
- The City Council may continue the discussion on Sorensen Plat Amendment.
- The City Council may remand the item back to the Planning Commission for specific discussion on topics and/or findings.

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 historic structure would sit over two (2) lot lines. The

site would continue to have five (5) remnant parcels.

Summary Recommendation

Staff recommends that the City Council hold a public hearing for the Sorensen Plat Amendment located at 422 Ontario Avenue and consider approving it 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 (Attachment 1)
Exhibit B – Applicant's Project Intent
Exhibit C – Survey
Exhibit D – County Tax Map
Exhibit E – Vicinity Map
Exhibit F – Aerial Photographs with 500' Radius
Exhibit G – Site Photographs
Exhibit H – 11 November 2015 Planning Commission Draft Minutes

Exhibit A – Draft Ordinance

Ordinance No. 15-52

AN ORDINANCE APPROVING THE SORENSEN PLAT AMENDMENT LOCATED AT 422 ONTARIO AVENUE, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 422 Ontario Avenue have petitioned the City Council for approval of the Plat Amendment; and

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

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on November 11, 2015, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on November 11, 2015, forwarded a positive recommendation to the City Council; and,

WHEREAS, on December 3, 2015, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Sorensen Plat Amendment.

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

SECTION 1. APPROVAL. Sorensen Plat Amendment 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 422 Ontario Avenue.
2. The property is in the Historic Residential-1 District.
3. The subject property consists of the north one-half of Lot 5, all of Lot 6, the south one-half (approx.) of Lot 7, and a portion of Lots 26, 27, and 28, Block 58 of the Park City Survey.
4. This site is listed on Park City's Historic Sites Inventory and is recognized as historically Significant.
5. The proposed Plat Amendment creates one (1) lot of record from the existing three (3) tax parcels.
6. The Plat Amendment removes two (2) lot lines going through the historic structure

as well as one lot line towards the back of the property.

7. The proposed Plat Amendment combines the property into one (1) lot measuring 4,464 square feet.
8. A single-family dwelling is an allowed use in the District.
9. The minimum lot area for a single-family dwelling is 1,875 square feet.
10. The proposed lots meet the minimum lot area for single-family dwellings.
11. The proposed lot width is fifty feet (50').
12. The minimum lot width required is twenty-five feet (25').
13. The proposed lot meets the minimum lot width requirement.
14. The maximum building footprint allowed based on proposed lot size is 1,736 square feet.
15. The minimum front/rear yard setbacks are twelve feet (12').
16. The minimum total front/rear yard setbacks are twenty-five feet (25').
17. The minimum side yard setbacks are five feet (5').
18. The existing historic structure does not meet front yard setbacks as the structure was built 8.7 feet from that property line.
19. The existing historic structure does not meet the south side yard setback as the structure was built 2.9 feet from that property line.
20. LMC § 15-2.2-4 indicates that historic structures that do not comply with building setbacks are valid complying structures.
21. The submitted survey reveals that the site contains a shed on the rear setback area which does not meet the minimum rear setback requirement of one foot (1'), per LMC § 15-2.2-3(G)(6), as the shed goes over that rear property line.
22. The property owner shall resolve the rear property line shed encroachment by either removing relocating the shed or working out an easement agreement with the rear property owner prior to Plat recordation.
23. The proposed Plat Amendment consolidates five (5) remnant parcels, plus the Old Town Lot, into the requested lot of record and public snow storage and utility easements are provided on the lot.
24. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

<u>Conclusions of Law:</u>

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 lot combinations.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

<u>Conditions of Approval:</u>

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City

Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. A ten feet (10') wide public snow storage easement will be required along the Ontario Avenue frontage of the property.
4. The property owner shall resolve the shed encroachment over the rear property line by either removing/relocating the shed or working out an easement agreement with the rear property owner prior to Plat recordation.
5. The site has a planter, retaining walls, and stairs located in the City Right-of-Way (ROW) along Ontario Avenue. The applicant shall either remove the planter, retaining walls, and stairs located on the City ROW along Ontario Avenue or work with the City Engineer to assure that these improvements are authorized in the form of an ROW encroachment agreement. g
6. This Plat Amendment does not grant or dedicate this area for parking for exclusive use of the subject site but rather for public general use.
7. 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 3rd day of December, 2015.

PARK CITY MUNICIPAL CORPORATION

_____
Jack Thomas, MAYOR

ATTEST:

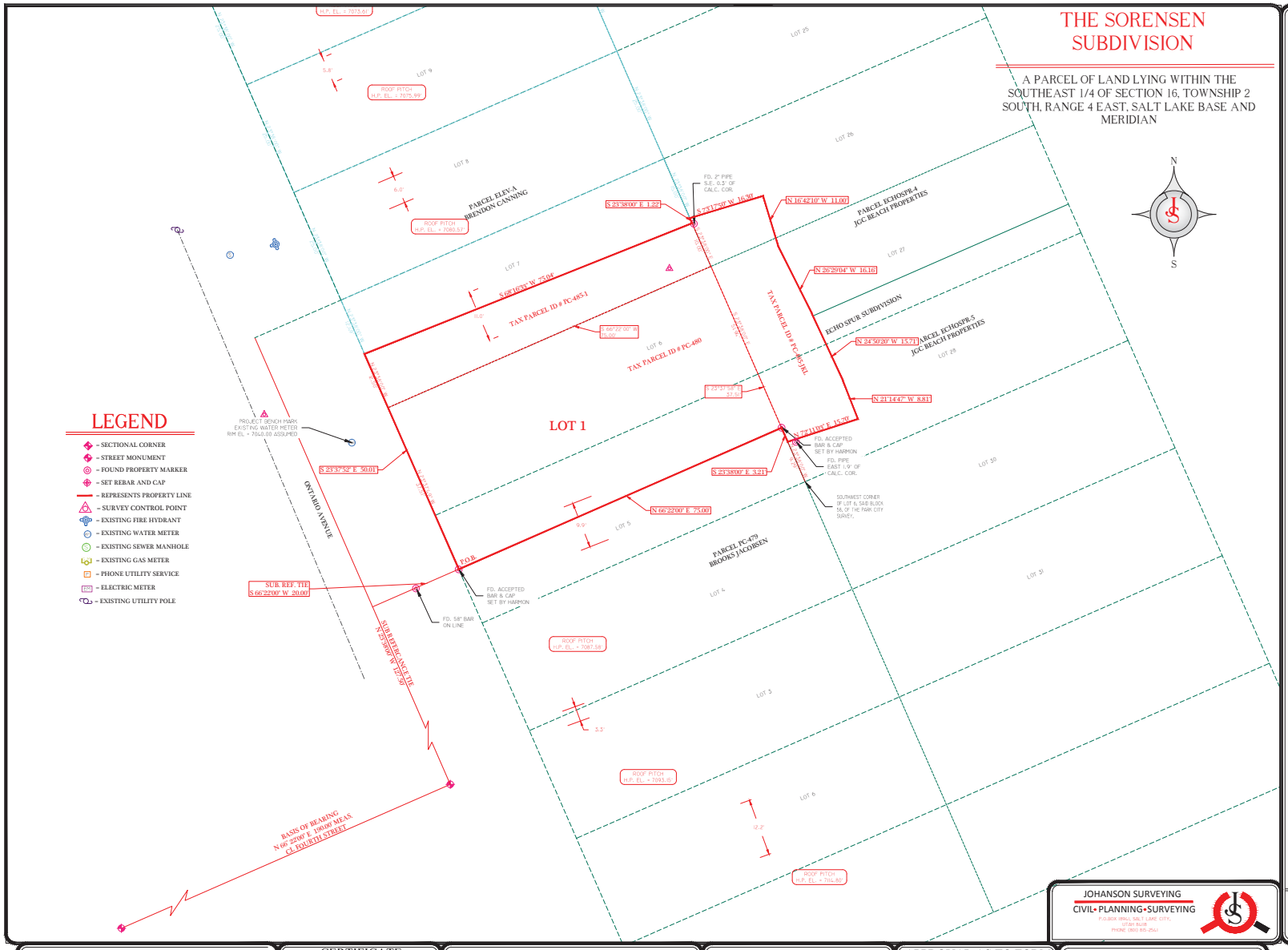
_____
Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

_____
Mark Harrington, City Attorney

Attachment 1 – Proposed Plat

Exhibit A – Attachment 1 Proposed Plat Amendment



LEGEND

- SECTIONAL CORNER
- STREET MONUMENT
- FOUND PROPERTY MARKER
- SET REBAR AND CAP
- REPRESENTS PROPERTY LINE
- SURVEY CONTROL POINT
- EXISTING FIRE HYDRANT
- EXISTING WATER METER
- EXISTING SEWER MANHOLE
- EXISTING GAS METER
- PHONE UTILITY SERVICE
- ELECTRIC METER
- EXISTING UTILITY POLE

SURVEYOR'S CERTIFICATE

I, Shane Johanson do hereby certify that I am a Land Surveyor, and that I hold certificate No.7075114, as prescribed under the laws of the State of Utah. I further certify that by authority of the Owners, I have made a survey of the tract of land shown on this plat and described below, hereafter to be known as THE SORENSEN SUBDIVISION and that same has been surveyed and shown on this plat. This survey was performed within the accordance of the minimum accuracy of an urban survey, Class "A", or a linear closure of 1:15,000'.

The purpose of this survey is to locate the boundaries of the described lots and to combine these lots into one single lot, for the eventual purpose of constructing and building future development.

LEGAL DESCRIPTION

A parcel of land located within Block 58, Park City Survey more particularly described as follows:

Beginning at a point that is 12.50 feet South 23°38' 00" East from the Southwest corner of Lot 6, Said Block 58, of the Park City Survey, on file within the official records of Summit Counties Recorder's office;

thence North 23°37'52" West, a distance of 50.01 feet; thence North 68°16'33" East, a distance of 75.04 feet; thence North 23°38'00" West, a distance of 1.22 feet; thence North 73°17'50" East, a distance of 16.30 feet; thence South 16°42'10" East, a distance of 11.00 feet; thence South 26°29'04" East, a distance of 16.16 feet; thence South 24°50'20" East, a distance of 15.71 feet; thence South 21°14'47" East, a distance of 8.81 feet; thence South 72°11'03" West, a distance of 15.70 feet; thence North 23°38'00" West, a distance of 3.21 feet; thence South 66°22'00" West, a distance of 75.00 feet to the point of beginning.

Containing 4,464 square feet or 0.10 acres, more or less

OWNER'S DEDICATION

Know all men by these presents that_____, the undersigned owner(s) of the above described tract of land having caused same to be subdivided into lots and streets to be hereafter known as

THE SORENSEN SUBDIVISION

do hereby dedicate for perpetual use of the public all parcels of land shown on this plat as intended for public use.

In witness whereof _____ have hereunto set this _____ day of _____ A.D., 20 ___.

ACKNOWLEDGMENT

STATE OF UTAH } S.S.
County of SUMMIT

On the _____ day of _____ A.D., 20 ____, personally appeared before me _____, who being by me duly sworn did say the he/she is the _____ of _____, and that the within and foregoing instrument was signed voluntarily for said corporation and for the uses and purposes herein mentioned.

My commission expires:_____

_____
Notary Public

residing in:_____

THE SORENSEN SUBDIVISION

A PARCEL OF LAND LYING WITHIN THE SOUTHEAST 1/4 OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN

JOHANSON SURVEYING
CIVIL•PLANNING•SURVEYING
P.O.BOX 1994 L.S.L.T. LAKE CITY, UTAH 84108
PHONE (801) 915-2541

GRAPHIC SCALE
10 0 5 10 20 40
(IN FEET)
1 inch = 10 ft.

PARK CITY PLANNING COMMISSION

APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISION ON THIS ____ DAY OF _____, 20___.

BY _____
Chairman date

CERTIFICATE OF ATTEST

I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS ___ DAY OF _____, 20___.

BY _____
PARK CITY RECORDER

SNYDERVILLE BASIN WATER RECLIMATION DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ____DAY OF _____, 20___.

BY _____
S.B.W.R.D.

ENGINEERS CERTIFICATE

I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE ON THIS ____ DAY OF _____, 20___.

BY _____
PARK CITY ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS ___ DAY OF _____, 20___.

_____
PARK CITY ATTORNEY

COUNCIL APPROVAL AND ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL ON THIS ___ DAY OF _____, 20___.

_____
PARK CITY ATTORNEY

COUNTY RECORDER# _____

State of Utah, County of Summit, recorded and filed at the request of STAMP

_____

Date _____ Time _____ Book _____ Page _____

_____ _____
Fee $ County Recorder

NUMBER_____
ACCOUNT_____
SHEET 1
OF 1 SHEETS

Exhibit B – Applicant's Project Intent

Applicant's Written Statement:

We want to combine 2½ lots of irregular description into one lot. The exist. house straddles property lines. We intend to restore the historic residence and make an addition.

Exhibit C – Survey

DRAWING TITLE

SITE SURVEY

CLIENT CONTACT

WILLIAM MAMMEN
1-435-649-8868

A PARCEL OF LAND LYING WITHIN THE SOUTHEAST 1/4 OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN

PROPERTY DESCRIPTION

A parcel of land located within Block 58, Park City Survey more particularly described as follows:

Beginning at a point that is 12.50 feet South 23°38' 00" East from the Southwest corner of Lot 6, Said Block 58, of the Park City Survey, on file within the official records of Summit Counties Recorder's office;

thence North 23°37'52" West, a distance of 50.01 feet; thence North 68°16'33" East, a distance of 75.04 feet; thence North 23°38'00" West, a distance of 1.22 feet; thence North 73°17'50" East, a distance of 16.30 feet; thence South 16°42'10" East, a distance of 11.00 feet; thence South 26°29'04" East, a distance of 16.16 feet; thence South 24°50'20" East, a distance of 15.71 feet; thence South 21°14'47" East, a distance of 8.81 feet; thence South 72°11'03" West, a distance of 15.70 feet; thence North 23°38'00" West, a distance of 3.21 feet; thence South 66°22'00" West, a distance of 75.00 feet to the point of beginning.

Containing 4,464 square feet or 0.10 acres, more or less

NOTE:

1. Surveyor has made no investigation or independent search for easements of record encumbrances restrictive covenants ownership title evidence, or any other facts, conflicts, or discrepancies which may be disclosed by the details of a currant title insurance policy.

2. See city and county planning, and zoning maps for information regarding setback, side yard, and rear yard instances as well as other building, use restrictions, and requirements.

3. Utility pipes, wires etc. may not be shown on this map, contractors builders and excavators shall verify the location of all existing utilities prior to construction, and/or excavation. Contact blue stakes and refer to utility maps for additional information.

4. This is not a boundary survey, no corners have been set, this plat is intended for design review and approval purposes.

5. Subdivision plat notes, pertaining to this lot and other restrictions obligations, convents etc., that may effect the design and use of this lot, see subdivision.

6. Views to landmarks are for reference only and should not be relied upon as exact sums, all views are effected form position of view, and eye of the beholder. All intents to align view corridors must be staked out on site for field review, prior to any construction.

SURVEYOR'S CERTIFICATE

I, R. Shane Johanson, Do hereby certify that I am a Professional Land Surveyor, holding certificate No. 7075114, as prescribed under the laws of the State of Utah, and that I have made a survey of the described tract of land as shown on this plat and that this survey retraces lot lines and may have adjusted said lot lines to coincide with found evidence and other interpolations based from ground measurements and found records. Furthermore I recognize that other unwritten rights of ownership or lines of possession may exist, I do not imply to certify any of those rights, unless agreed upon by the appropriate parties.

REVISIONS:

REV #	DESCRIPTION	DATE

JOHANSON SURVEYING
SURVEYING • SEPTIC • PLANNING
P.O. BOX 18941
SALT LAKE CITY, UTAH 84118
Shane Johanson P.L.S. 801-815-2541

COPYRIGHT
This drawing is and at all times remains the exclusive property of Johanson Surveying shall not be used with out complete authorization and written support.

STAMP

STATE OF UTAH
No. 7075114
R. SHANE JOHANSON
PROFESSIONAL LAND SURVEYOR

PROJECT NO. S-15-065
DATE 8-12-2015
DRAWN BY: SHANE R. JOHANSON P.L.S.
CKHD BY: SHANE R. JOHANSON P.L.S.
SHEET NUMBER SURVEY-001

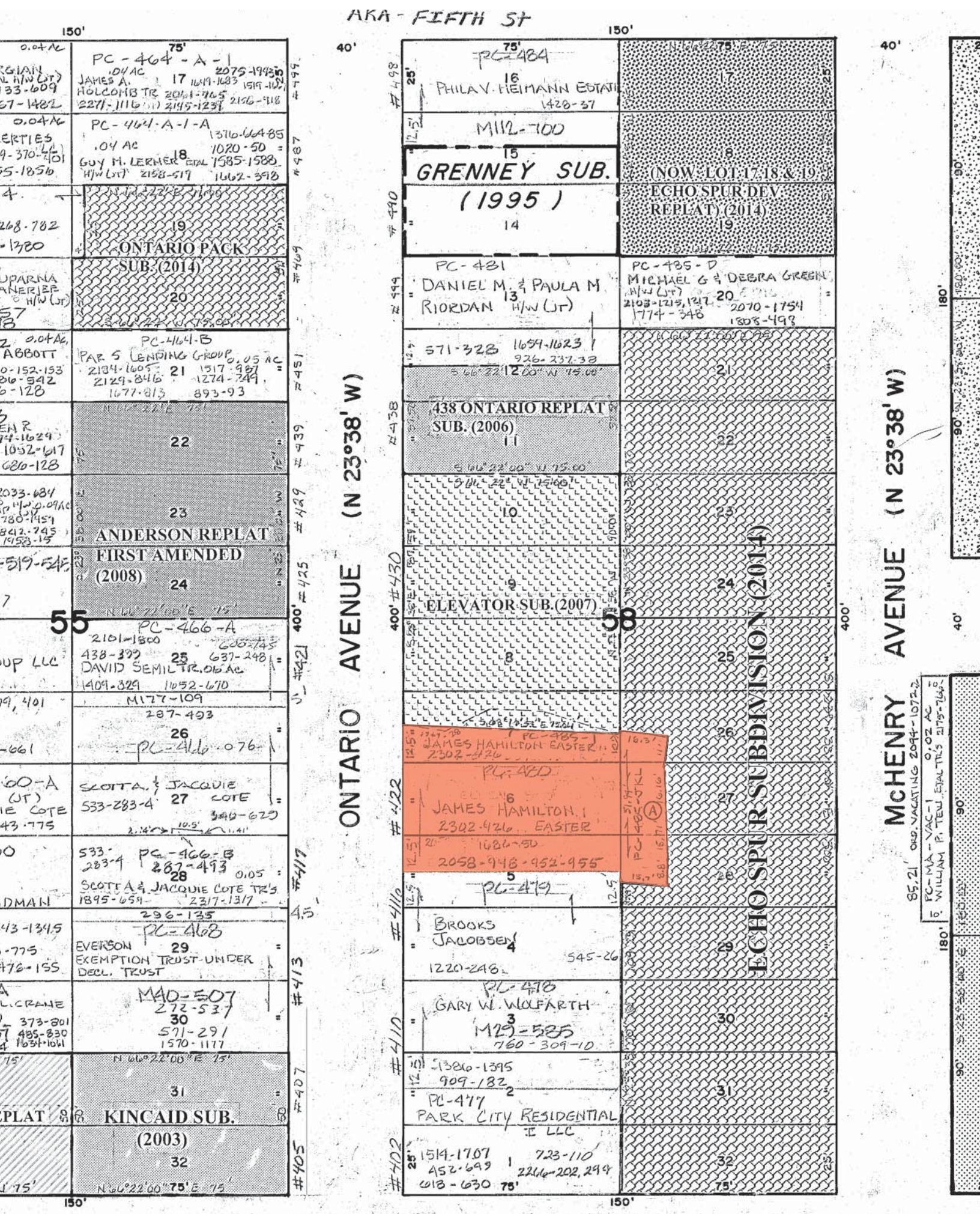


Exhibit D – County Tax Map

Exhibit E - Vicinity Map
422 Ontario Avenue
Sorensen Plat Amendment
Ontario Ave
0
20
40
60
80
Feet
N

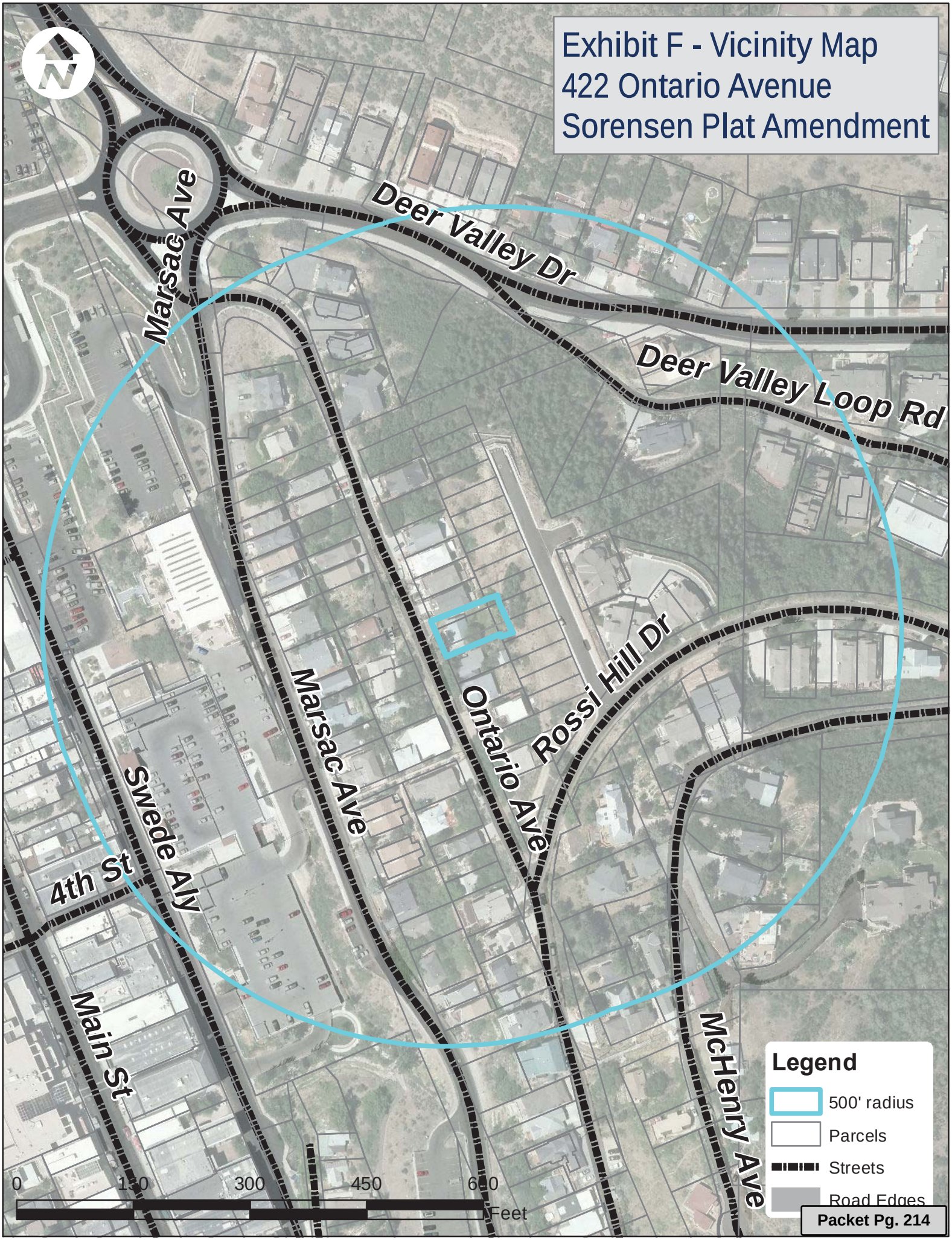
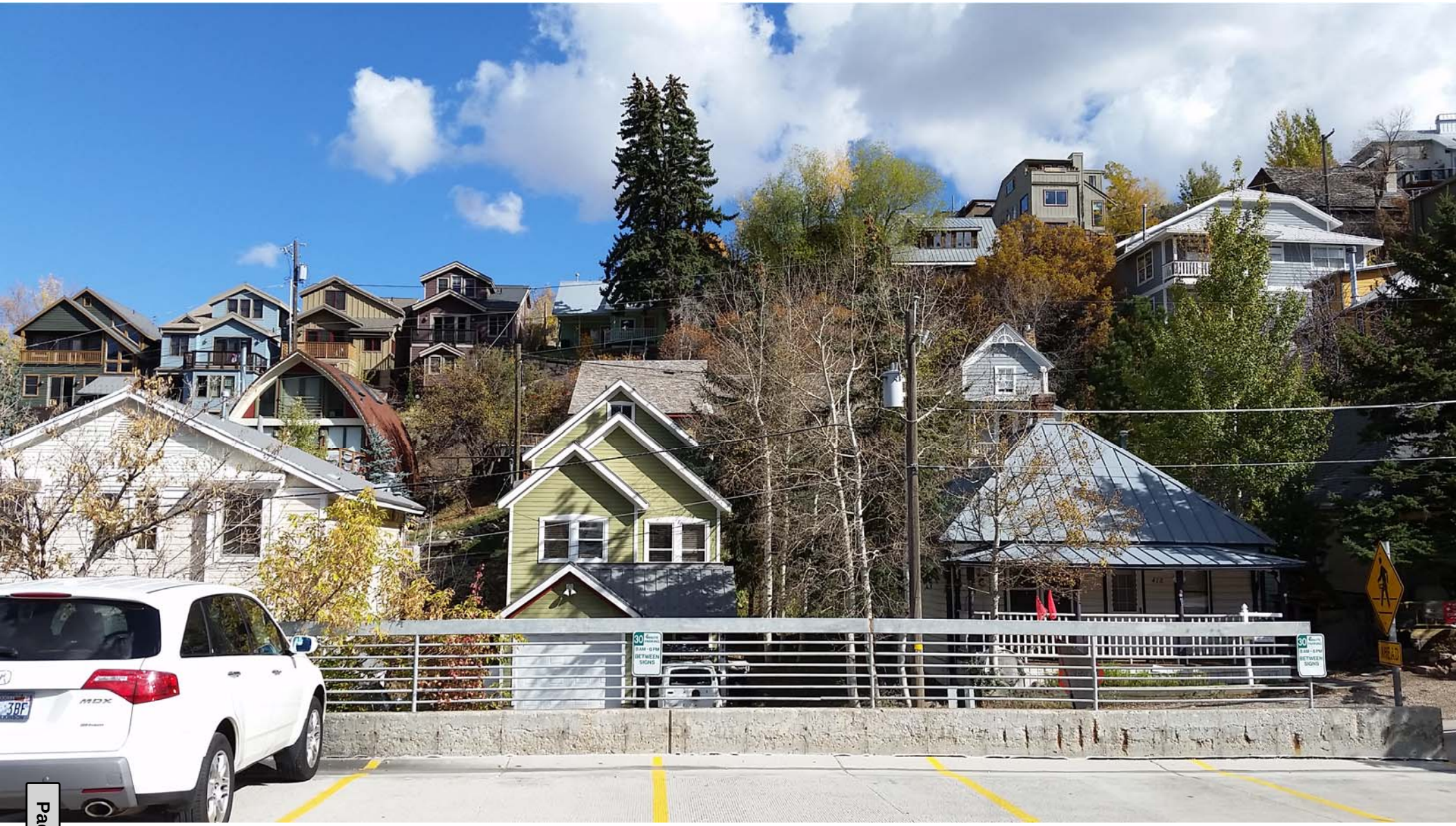


Exhibit F - Vicinity Map
422 Ontario Avenue
Sorensen Plat Amendment
Deer Valley Dr
Deer Valley Loop Rd
Marsac Ave
Rossi Hill Dr
Ontario Ave
Marsac Ave
Swede Aly
4th St
Main St
McHenry Ave
Legend
500' radius
Parcels
Streets
Road Edges
0
150
300
450
600
Feet


30
8AM - 6PM
BETWEEN
SIGNS
30
8AM - 6PM
BETWEEN
SIGNS
AHEAD
MDX

Planning Commission Meeting
DRAFT - November 11, 2015

3. 422 Ontario Avenue – Sorensen Plat Amendment (Application PL-15-02920)

Planner Francisco Astorga reviewed the application for a plat amendment at 422 Ontario, known as the Sorensen Plat Amendment. He referred to the survey on page 102 of the Staff report. Planner Astorga reported that the site consists of one full lot of record and five remnant substandard lots with three separate tax ID numbers. A historic site on the structure was built over the two property lines. There is common ownership of the three remnant parcels along the back.

The Staff requested that the Planning Commission conduct a public hearing and forward a positive recommendation to the City Council for the requested plat amendment at 422 Ontario Avenue.

Chair Strachan noted that Finding of Fact #11 talks about a duplex. Planner Astorga stated that the lot would qualify for a duplex and require a conditional use permit; however, he did not believe that was the owner's intent. Planner Astorga understood that the owner intends to build an addition towards the back of the existing structure. The owner was present and confirmed that they were not planning to build a duplex. Chair Strachan recommended striking Finding #11 since it was irrelevant.

Chair Strachan asked if the applicants would have to apply for a Steep Slope CUP for the addition. Planner Astorga stated that based on a very detailed slope analysis the applicants would have to come back for a Steep Slope CUP.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

Commissioner Phillips referred to the aerial view on page 105 of the Staff report. He thought the four houses shown all have a 10' feet setback that created a nice line. He noted that the setbacks for this project would set it further back from the neighboring homes. Planner Astorga noted that the current standard for a standard lot of record in Old Town is 10 feet front and back. If the lot is deeper than 75' the setback changes to 12' minimum on the front and rear with a 15' total setback. Planner Astorga stated that the existing house is historic and it currently does not meet the setbacks. Per the LMC it is considered a legal complying structure. Therefore, the setback on the rear property line would be increased from 10' to 13'. Planner Astorga agreed that the setback would change the neighborhood pattern; but it would still be restricted by the maximum building footprint

which does not allow maximizing the entire building pad. The owner would also have to meet the Design Guidelines for the addition. Planner Astorga was unclear whether a setback on the rear property line that did not follow the predominant pattern of the road would create a detrimental impact. He thought the Planning Commission could have that discussion when the applicant comes back for a Steep Slope CUP.

Chair Strachan stated that the large tree in front of the lot would definitely qualify as significant vegetation because its diameter is more than six inches at the trunk. If the setbacks would not allow preserving the tree the setbacks would have to be adjusted. The owner pointed out that the tree is in the City right-of-way and not on their property.

MOTION: Commissioner Worel moved to forward a POSITIVE recommendation to the for the Sorensen Plat Amendment located at 422 Ontario Avenue, based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the draft ordinance and as amended to remove Finding of Fact #11. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 422 Ontario Avenue

1. The property is located at 422 Ontario Avenue.

2. The property is in the Historic Residential District.

3. The subject property consists of the north one-half of Lot 5, all of Lot 6, the south one-half (approx.) of Lot 7, and a portion of Lots 26, 27, and 28, Block 58 of the Park City Survey.

4. This site is listed on Park City's Historic Sites Inventory and is recognized as historically Significant.

5. The proposed Plat Amendment creates one (1) lot of record from the existing three (3) tax parcels.

6. The Plat Amendment removes two (2) lot lines going through the historic structure as well as one lot line towards the back of the property.

7. The proposed Plat Amendment combines the property into one (1) lot measuring 4,464 square feet.

8. A single-family dwelling is an allowed use in the District.

9. The minimum lot area for a single-family dwelling is 1,875 square feet.

10.The proposed lots meet the minimum lot area for single-family dwellings.

11.The proposed lot width is width is fifty feet (50').

12.The minimum lot width required is twenty-five feet (25').

13.The proposed lot meets the minimum lot width requirement.

14. The maximum building footprint allowed based on proposed lot size is 1,736 square feet.

15.The minimum front/rear yard setbacks are twelve feet (12').

16.The minimum total front/rear yard setbacks are twenty-five feet (25').

17.The minimum side yard setbacks are five feet (5').

18.The existing historic structure does not meet front yard setbacks as the structure was built 8.7 feet from that property line.

19. The existing historic structure does not meet the south side yard setback as the structure was built 2.9 feet from that property line.

20. LMC § 15-2.2-4 indicates that historic structures that do not comply with building setbacks are valid complying structures.

21.The submitted survey reveals that the site contains a shed on the rear setback area which does not meet the minimum rear setback requirement of one foot (1'), per LMC § 15-2.2-3(G)(6), as the shed goes over that rear property line.

22.Staff recommends that the property owner shall resolve the rear property line shed encroachment by either removing relocating the shed or working out an easement agreement with the rear property owner prior to Plat recordation.

23.The proposed Plat Amendment consolidates five (5) remnant parcels into the requested lot of record and public snow storage and utility easements are provided on the lot.

24.All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law – 422 Ontario Avenue

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 lot combinations.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 422 Ontario Avenue

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

Code, and the conditions of approval, prior to recordation of the plat.

2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. A ten feet (10') wide public snow storage easement will be required along the Ontario Avenue frontage of the property.

4. The property owner shall resolve the shed encroachment over the rear property line by either removing/relocating the shed or working out an easement agreement with the rear property owner prior to Plat recordation.

5. The site has a planter, retaining walls, and stairs located in the City Right-of-Way (ROW) along Ontario Avenue. The applicant shall either remove the planter, retaining walls, and stairs located on the City ROW along Ontario Avenue or work with the City Engineer to assure that these improvements are authorized in the form of an ROW encroachment agreement.

6. This Plat Amendment does not grant or dedicate this area for parking for exclusive use of the subject site but rather for public general use.

7. 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.

DATE: December 3, 2015

TO HONORABLE MAYOR AND COUNCIL

Park City is a self-insured municipality and required to renew its insurance coverage annually. Park City's exposures and risks are somewhat unique due to its world-class resort environment and extensive offering of public services. City staff continues to promote and implement safety policies, procedures, prevention methodologies, and provides regular training so that risks are mitigated; this training has translated into cost savings for the City. Risk Management procedures also ensure that the city's assets, facilities and public property are protected, and that the employees, local residents, and tourists and visitors are provided a safe and enjoyable place to live, work and play.

In 2014, Council approved a new professional service agreement with Moreton & Company (Moreton) Insurance Brokerages Services for broker, and risk management, and consulting services. Since then, Staff and Moreton representatives meet quarterly in an effort to evaluate and assess the City's annual liabilities and ongoing exposure. Staff has been very pleased, to date, with the proactive nature of the Moreton representatives and their working relationship with the internal team assigned to review and assess Park City risk management practices.

This report recommends approval of Park City's annual insurance placements for calendar year 2016.

Respectfully:

Matt Dias, Asst City Manager

City Council
Staff Report

Subject: **2016 Annual Insurance Placements**
Author: **Matthew Dias, Michelle Kellogg, Lisa Roadfuss**
Department: **Executive and Legal Departments**
Date: **December 3, 2015**
Type of Item: **Administrative**

Summary Recommendations:
Staff recommends City Council authorize the following annual insurance premiums to fund the City's insurance placements for calendar year 2016:

1. **Public Entity Liability Insurance:** $148,026.00 to fund the annual premium to States Self-Insurers Risk Retention Group, Inc. ("States") for General Liability, Employment Practices Liability, Automobile Liability, Law Enforcement Liability, Public Officials Errors and Omissions Liability, and Potable Water Treatment Operations;

2. **Property and Boiler and Machinery Insurance:** $183,613.00 to fund the annual premium to Affiliated FM ("Affiliated");

3. **Workers Compensation Insurance:** $212,375.06 to fund the annual premium for our Workers Compensation Fund ("WCF"); and

4. **Cyber Liability Insurances:** $41,238.00 to fund the annual premium to Beazley Insurance Co.

In addition, the City entered into a three-year (3) policy for Crime Insurance (Public Officials Employee Dishonesty), which is valid until January 1, 2017, and therefore not part of this year's renewal. The annual sum is $3,600.00.

Topic/Description:
Renewing Park City's annual insurance placements for calendar year 2016.

Background:
Park City is a self-insured municipality and required to renew its insurance coverage annually. Park City's exposures and risks are somewhat unique due to its world-class resort environment and extensive offering of public services. City staff continues to promote and implement safety policies, procedures, prevention methodologies, and provide regular training so that risks are mitigated; this training has translated into cost savings for the City. Risk Management procedures also ensure that the city's assets, facilities and public property are protected, and that the employees, local residents, and tourists and visitors are provided a safe and enjoyable place to live, work and play.

In 2014, Council approved a new professional service agreement with Moreton & Company (Moreton) Insurance Brokerages Services for broker, risk management, and consulting services. Since then, Staff and Moreton representatives have met quarterly in an effort to evaluate and assess the City's annual liabilities and ongoing exposure. Moreton has also conducted a training session on insurance certificates for relevant Park City staff and will be conducting one in the near future on the evaluation of risk exposure in a given contract or event. Staff has been very pleased, to date, with the proactive nature of the Moreton representatives and their working relationship with the internal team assigned to review and assess Park City risk management practices.

Analysis:
Consistent with past practice, Moreton placed the city's Property, Boiler and Machinery, Workers Compensation Fund, and Cyber insurance needs out to bid. The following quotes and coverage limits were selected and deemed most beneficial to the City:

1. <u>Public Entity Liability Insurance</u>
Staff recommends renewing with States Self-Insurance Risk Retention Group with a premium of $148,026.00 occurrence/aggregate policy, which includes renewing the Potable Water Treatment Operations that addressees the increased scope of the City's water operations and covers bodily injury, personal injury, or property damage arising directly or indirectly out of the sale and distribution of potable water by the insured to others.

States Insurance Group is a member-owned company with policies written to address the unique exposures and operations of municipalities and related public entities. Park City has been a member of States for the past ten years.

$148,026.00 reflects an increase of $9,415.00 over last year's premium. The majority of the increase is attributed to inflationary increases in the States Insurance program across the board, while the scope of our coverage remains the same as the previous year. It should be noted that staff attends two cost-free annual conferences and maintains a membership with States that result in discounts to our annual premium.

2. <u>Property, Boiler, and Machinery Insurance</u>
Staff recommends renewing with Affiliated FM at a premium of <u>$183,613.00</u> resulting in a $131,650,000 policy limit. This reflects a premium increase of $9,415 over the previous year.

Though the actual rate (cost per $100 in value) was slightly reduced, the increase in premium comes from increases in insurable values (new buildings, additions and inflation – Library, MARC, etc.).

Affiliated FM is a "best-in-class" property insurer that distributes property insurance and engineering solutions through a network of partners. They value long-term partnerships that provide the realization of greater value by leveraging the skills of highly trained account engineers and production underwriters.

3. <u>Workers Compensation Fund (WCF)</u>

Staff recommends renewing our Worker Compensation Insurance at an annual premium of $212,375.06. This reflects an increase of $5,912.87 from the previous year.

Though the increase is unfortunate, staff has little control over the annual increase this year. As a City, we have seen the Workers Compensation costs ebb and flow over time given a variety of factors. One way staff has attempted to control these costs is the relatively new internal safety committee and risk management team, which are employee-driven efforts to better educate staff on workplace safety, training, and prevention methods. Members of the committee include Water, Public Works, Transit, HR, Recreation, Engineering, and Executive, among others.

In addition to the establishment of these committees, the City, under the guidance of Emergency, Safety & Security Manager Hugh Daniels, has established new protocols and rules regarding safety ranging from personal protective equipment to the handling of chemicals. The City has also invested in software to track everything from completion of required training for each employee, specific to his or her role, to a system that provides data sheets to users of the variety of materials and chemicals, ranging from cleaning products to fertilizers, used by the City.

Though the actual rate (cost per $100 in payroll) is down about 6%, the increase in premium is due to the large increase in the experience modification factor (e-MOD), which went from 1.04 to 1.18. This factor is a result of our past losses averaged over the last three years, excluding the most recent year. With our current trend of improving losses, we expect our e-MOD to reduce next year. We hope the City's additional focus on safety and training, and the work of our workplace safety committee, will reduce our premium in future years.

4. <u>Cyber Liability</u>

Staff recommends once again purchasing Cyber Liability insurance from Beazley Cyber for the annual premium of $41,238.00. This represents an increase of $1,566.00 from the previous year.

Cyber Liability insurance is becoming more relevant for organizations with sensitive information storage. The Beazley liability premium provides the City with $5,000,000 worth of coverage against Cyber Extortion; $5,000,000 for Website Media; $1,000,000 for Regulatory Action; $500,000 for Crises Event Management; $50,000 for PCI Fines and Cost. The IT Department confirmed the City should secure cyber insurance protection again.

Beazley is the parent company of specialist insurance businesses with operations in Europe, the US, Asia and Australia.

Department Review:

Staff and Moreton representatives reviewed the City's exposure and various options to protect the City in a responsible and appropriate manner. The Risk Management Team

and the Legal Department consulted with various departments in order to obtain the most current, comprehensive city data (financial, payroll, fleet, transit, water, recreation, and safety programs), and discussed workers compensation insurance requirements with Human Resources, safety and training issues with the Emergency/Safety Manager, and Cyber with IT, in particular.

Alternatives:

Approve:
Approve the 2016 insurance placement premiums as presented.

Deny:
Not recommended; excluding the Crime Insurance, all other current insurance policies will expire on December 31, 2015.

Continue the Item:
Continue the item and provide additional direction to staff. This alternative could, if prolonged, result in temporary lapses in the City's insurance coverage.

Do Nothing:
This is not recommended as stated under Deny Alternative.

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?				+ Fiscally and legally sound + Well-maintained assets and infrastructure + Streamlined and flexible operating processes
Assessment of Overall Impact on Council Priority *(Quality of Life Impact)*	Neutral ⇔	Neutral ⇔	Neutral ⇔	Very Positive ↑
Comments:				

Funding Source:
Sufficient funding exists for the 2016 insurance premiums.

Consequences of not taking the recommended action:
All current insurance policies for the City (except one - Crime) will expire on December 31, 2015. A prolonged delay could result in a lapse in our insurance coverage.

Recommendation:
Staff recommends Council authorize the following insurance premiums for the 2016 City insurance placements, including Public Entity, Property, Boiler and Machinery, Worker's Compensation, and Cyber that covers a one-year time period of January 1, 2016, to December 31, 2017.

DATE: December 3, 2015

TO HONORABLE MAYOR AND COUNCIL

Staff recommends that City Council approve an amendment to the 2007 Master Festival License and Park City Services Agreement and aLetter of Intent between the Kimball Art Center (KAC) and Park City Municipal Corporation (PCMC), as approved by the City Attorney.

Respectfully:

Matt Dias, Asst City Manager

City Council
Staff Report

Subject:	**Kimball Art Center – First Addendum of City Service Contract & Letter of Intent**
Author:	**Jason Glidden**
Department:	**Sustainability – Economic Development**
Date:	**December 3, 2015**
Type of Item:	**Administrative**

Summary Recommendations:
Staff recommends that City Council approve an amendment to the 2007 Master Festival License and Park City Services Agreement and a Letter of Intent between the Kimball Art Center (KAC) and Park City Municipal Corporation (PCMC), as approved by the City Attorney.

Topic/Description:
Addendum to the 2007 Master Festival License and Park City Services Agreement and a new Letter of Intent between PCMC and Kimball.

Background:
Kimball Art Center – Art Festival
The Park City Kimball Arts Festival serves as the primary fundraiser for the Kimball Art Center each year. Over the last 46 years, proceeds from the Festival enable the Kimball Art Center to provide, free of charge, year around art exhibitions, gallery tours, monthly "Art Talks" and to offer art education outreach to teachers, students and our community.

2007 Master Festival License and Park City Services Agreement
PCMC entered into an agreement with the Kimball Art Center in 2007. The agreement is a five year agreement with an automatic five year renewal which was executed in 2011, thus covering the Kimball Arts Festival through and including the 2016 festival. The terms of the agreement include:

- 67 Hours per day for police services;
- 73 hours per day for extended transit services;
- Additional trash can placement on Main Street;
- Pressure washing sidewalks and streets post events;
- Installation of street banners on the City's light standards for the festival;
- Enhanced Main Street bathroom cleanings; and
- Two (2) electronic signs for the duration of the festival.

With their lease – which is provided for in the 2007 agreement - ending in August 2016, the Kimball Art Center requested a letter of intent with PCMC in order to enable them to communicate and plan with some degree of comfort a long term partnership with PCMC and a future city service agreement with PCMC.

2016 Event Date Conflicts

While putting together the 2016 forecasted summer event schedule, staff realized that both the Kimball Art Festival and the Tour of Utah had requested overlapping dates for their respective events. It would be difficult if not impossible for PCMC to permit both events simultaneously on Main Street.

Analysis:
The purpose of the amendment to the 2007 Master Festival License and Park City Services Agreement and the new letter of intent is to clarify the understanding of Kimball Art Center and the PCMC regarding our mutual interest in continuing a productive partnership now and in the future.

Amendment to the 2007 Master Festival License and Park City Services Agreement
The amendment to the 2007 agreement (Exhibit A) provides clarity on the terms related to the partnership between the KAC and the City for the 2016 Art Festival. The amendment contains the following terms:

a. **MITIGATION PAYMENT**. As a community partner and in an effort to offer a broad event offering to the Park City community, the KAC agrees to shift the dates of the 47th Annual Kimball Art Festival to August 12-14, 2016. To assist in mitigating the impacts on the KAC caused by this date change, the City and the Park City Chamber agree to pay a total of seventy five thousand dollars ($75,000) to the KAC.
b. **CITY SERVICES**. The term of the 2007 agreement shall be extended to allow for additional PCMC services for the 2016 festival. PCMC will cover the costs of these additional city services at no cost to the KAC beyond what is provided for in the 2007 agreement as basic city services
c. **CASH PAYMENT TO KIMBALL ART CENTER**. In 2016, the KAC will not invoice PCMC for payment for the Friday Free Local Night ($10,000) and the extended security costs ($5,000).
d. **FUTURE ART FESTIVAL DATES**. PCMC and the KAC agree to work on a new long term master festival license and city service contract that will reserve the following dates for future festivals:
    i. August 4-6, 2017
    ii. August 3-5, 2018
    iii. August 2-4, 2019
    iv. July 31 – August 2, 2020

Letter of Intent
The Letter of Intent (Exhibit B) serves as documentation of the plans between the KAC and PCMC to continue negotiations on a new long term city service agreement and master festival license. It states that the two parties will work to draft an agreement that will ensure that the festival will continue to be located on Park City's Historic Main Street while in turn providing the necessary city services needed by the KAC to continue to host a successful event.

Staff believes that it is in the interest of both the community and the City to secure both the Kimball Arts Festival and the Tour of Utah for 2016. Should City Council decide to

approve this amendment, the final stage of the Tour of Utah will take place in Park City on August 8 & 9, 2016 and the Kimball Arts Festival will take place the following weekend on August 12-14, 2016.

Additionally, staff has confirmed that the dates that KAC has proposed for future Arts Festivals through 2020 do not conflict with the Tour of Utah.

Department Review:
Economic Development, Budget, City Manager, Legal and Special Events departments have reviewed this report.

Alternatives:

A. Approve:
Approve the First Amendment to the Master Festival License and City Services Agreement and Letter of Intent as proposed with the Kimball Art Center. This is staffs' recommendation. Approval of the First Addendum and Letter of Intent would allow both the Kimball Arts Festival and the Tour of Utah to take place in Park City in 2016.

B. Deny:
Deny the approval of the First Amendment and Letter of Intent as proposed with the Kimball Art Center. This would not resolve the scheduling conflict between the Kimball Arts Festival and Tour of Utah and would leave open the possibility of the Tour of Utah relocating its Park City stage.

C. Modify:
Direct staff to modify the First Amendment and/or Letter of Intent with the Kimball Art Center before signing. This would require staff to reach agreement with KAC on the modified terms.

D. Continue the Item:
Council could continue the item and have staff return at a later date. This could decrease the likelihood of the Kimball Art Center and PCMC reaching agreement on dates for future art festivals on Main Street.

E. Do Nothing:
Council could take no action on this item. This would leave the 2016 Kimball Arts Festival in conflict with the Tour of Utah.

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?	+ Unique and diverse businesses + Balance between tourism and local quality of life + Varied and extensive event offerings		+ Shared use of Main Street by locals and visitors + Vibrant arts and culture offerings + Entire population utilizes community amenities	+ Fiscally and legally sound
Assessment of Overall Impact on Council Priority *(Quality of Life Impact)*	Very Positive	Neutral	Very Positive	Positive
Comments:				

Funding Source:
The General Fund would cover the additional costs associated with the City services provided during the 2016 Kimball Art Festival.

Consequences of not taking the recommended action:
City Council could vote to not approve the First Amendment and Letter of Intent with the Kimball Art Center. This would result in a lack of direction to both staff and the Kimball Art Center on how to move forward on a long term contract between the parties. Also, it would not resolve the scheduling conflict between the arts festival and the Tour of Utah in summer of 2016.

Recommendation:
Staff recommends that City Council approve the First Amendment to the Master Festival License and City Services Agreement and Letter of Intent with the Kimball Art Center as approved by the City Attorney.

EXHIBITS

Exhibit A – Draft First Addendum to the Kimball Art Festival City Service Contract
Exhibit B – Draft Letter of Intent between Park City Municipal and the Kimball Art Center

FIRST AMENDMENTTO KIMBALL ART CENTER MASTER FESTIVAL LICENSE AND PARK CITY SERVICES AGREEMENT

THIS FIRST AMENDMENT TO THE **MASTER FESTIVAL LICENSE AND PARK CITY SERVICES AGREEMENT** (hereinafter the "Agreement") is made and entered into in duplicate this _____ day of December, 2015, by and between PARK CITY MUNICIPAL CORPORATION, a Utah municipal corporation and political subdivision of the State of Utah ("Park City"); Kimball Art Center, a Utah Non-Profit Organization ("Kimball"); and the Park City Chamber of Commerce, a Utah non-profit organization (the "Chamber") to amend the Agreement, which was entered into by Park City and Kimball on June 11, 2007. Hereinafter Park City and Kimball may be referred to individually as a "Party" or collectively as "Parties."

WITNESSETH;

WHEREAS, the parties entered into the Agreement on June 7, 2011; and

WHEREAS, pursuant to its terms the Parties extended the Agreement through the 2015 Kimball Arts Festival (hereinafter "Festival); and

WHEREAS, the Parties now wish to extend the Agreement to cover the 2016 Festival with specific amendments to the Agreement as provided herein;

NOW, THEREFORE, in consideration of the mutual promises made herein and other valuable consideration, the Parties hereto now amend the Agreement as follows:

1. <u>AMENDMENTS:</u>

a. All terms of the 2007 Agreement, as extended through the 2015 Festival, shall remain in full force and effect except as specifically amended herein.

b. **<u>MITIGATION PAYMENT</u>**. In the spirit of community partnership and in an effort to offer an event of the highest quality and broadest diversity to the Park City community, Paragraph 2.1 of the Agreement is hereby amended and Kimball agrees to hold the 2016 festival on August 12-14, 2016. To mitigate the impacts of this date change on Kimball, Park City and the Chamber agree to pay to Kimball on or before DATE seventy-five thousand dollars ($75,000). KIMBALL.

c. **<u>PARK CITY SERVICES</u>**.

i. Paragraph 11(a) is hereby amended to state that for the 2016 Festival Park City is not obligated to pay to Kimball $10,000 cash for the Free Friday Locals Event.

ii. Paragraph 11(b) is hereby amended to state that for the 2016 Festival Park City is not obligated to pay to Kimball $5000 cash for Enhanced Perimeter Security.

DRAFT

d. **CITY SERVICES**
Kimball and Park City acknowledge and agree that the costs to Park City of providing city services as provided in Paragraphs 6.1 and 6.2 of the Agreement significantly exceeded the costs contemplated by the Parties when executing the Agreement in 2007 and extending it in 2011. The Parties anticipate that costs will again exceed contemplated amounts in 2016. The Parties hereby agree that, for the 2016 Festival, Kimball will pay Park City for costs of city services as provided in the Agreement and that any changes to the calculation of and payment for city services for Festivals subsequent to the 2016 Festival will be the subject of future negotiations between the Parties.

e. **FUTURE ART FESTIVAL DATES**. Park City and Kimball agree to negotiate in good faith a long-term agreement that will reserve the following dates for future Arts Festival dates;
   i. August 4-6, 2017
   ii. August 3-5, 2018
   iii. August 2-4, 2019
   iv. July 31 – August 2, 2020

IN WITNESS WHEREOF the Parties hereto have caused this First Addendum to be executed the day and year first herein above written.

PARK CITY MUNICIPAL CORPORATION
445 Marsac Avenue
P.O. Box 1480
Park City, UT 84060-1480

_____
Diane Foster, Park City Manager

Attest:

_____
Michelle Kellogg, City Recorder

Approved as to form:

_____
Park City Attorney's Office

KIMBALL ART CENTER
1401 Kearns Blvd
PO Box 1478
Park City, UT 84060

_____
Robin Marrouche, Director

STATE OF UTAH)
) ss.
COUNTY OF SUMMIT)

On this day of , 20__, before me, the undersigned notary, personally appeared_____, personally known to me/proved to me through identification documents allowed by law, to be the person whose name is signed on the preceding or attached document, and acknowledged that he/she signed it voluntarily for

its stated purpose as _____ *(title)* for _____, a limited liability corporation

_____
Notary Public

Kimball Art Center and Park City Municipal Corporation
Letter of Intent

This Letter of Intent is made and entered into this ____ day of _____ 2015, by and between the Kimball Art Center (KAC) and Park City Municipal Corporation (PCMC). Hereinafter KAC and Park City may be referred to individually as a "Party" and collectively as the "Parties."

Purpose. The purpose of this Letter of Intent (LOI) is to clarify the understanding of KAC and PCMC regarding their respective interests in continuing a productive partnership. KAC and PCMC agree to proceed in good faith and use best efforts to adhere to the following:

Whereas, The Parties understand the importance of providing cultural events to the Park City community; and

Whereas, The Parties desire to establish a diverse event calendar that allows all events in Park City to be successful, especially events that benefit local non-profit organizations; and

Whereas, regional collaboration and community partnerships are high priorities for both Parties;

NOW, wherefore, the Parties agree to the following:

1. City Service Contract
    a. The Parties agree and understand that the current agreement between the parties will expire prior to the August, 2016, Kimball Arts Festival.
    b. While this LOI is non-binding, as PCMC can only approve terms of an agreement of the type contemplated in an open, public meeting, the Parties agree to work cooperatively and develop a new long term (4 year) agreement which will include most if not all of the material terms of the 2007 agreement in addition to terms addressing changes in conditions since the Parties first entered into the agreement..
    c. The Parties intend that the terms of the agreement will identify a cost of city services that is more in line with the actual costs of operating the Kimball Arts Festival. In addition, the agreement will include a cash payment from PCMC to KAC to help offset the cost of the "Friday Free Local Night."

2. Future Festival Dates
    a. PCMC and KAC will work to secure the following dates for future festivals:
        - 2017: Aug. 4-6
        - 2018: Aug. 3-5
        - 2019: Aug. 2-4
        - 2020: July 31-Aug. 2

IN WITNESS WHEREOF, the Parties have duly executed this Letter of Intent the day and year written above.

Kimball Art Center

_____
Robin Marrouche, Director

PARK CITY MUNICIPAL CORPORATION

_____
Diane Foster, City Manager

Attest:

_____
Michelle Kellogg, City Recorder

Approved as to form:

_____
Mark Harrington, City Attorney

DATE: December 3, 2015

TO HONORABLE MAYOR AND COUNCIL

The Water & Energy Conservation Program has finalized a request for proposals process (RFP) and selected a contractor to assist in determining the most effective approach to becoming a more energy optimized water system through data collection, audits, operations, infrastructure, and renewable energy projects.

This request is to authorize the City Manager to enter into an agreement in a form approved by the City Attorney's Office with the Brendle Group for consulting services for the Water and Energy Program, for an amount not to exceed $37,175 (thirty-seven thousand one hundred seventy-five dollar).

Respectfully:

Matthew Abbott, Enviromental Program Manager

City Council
Staff Report

Subject: Contract Approval: Water & Energy Conservation
Author: Bina Skordas
Department: Sustainability & Water
Date: December 3, 2015
Type of Item: Administrative

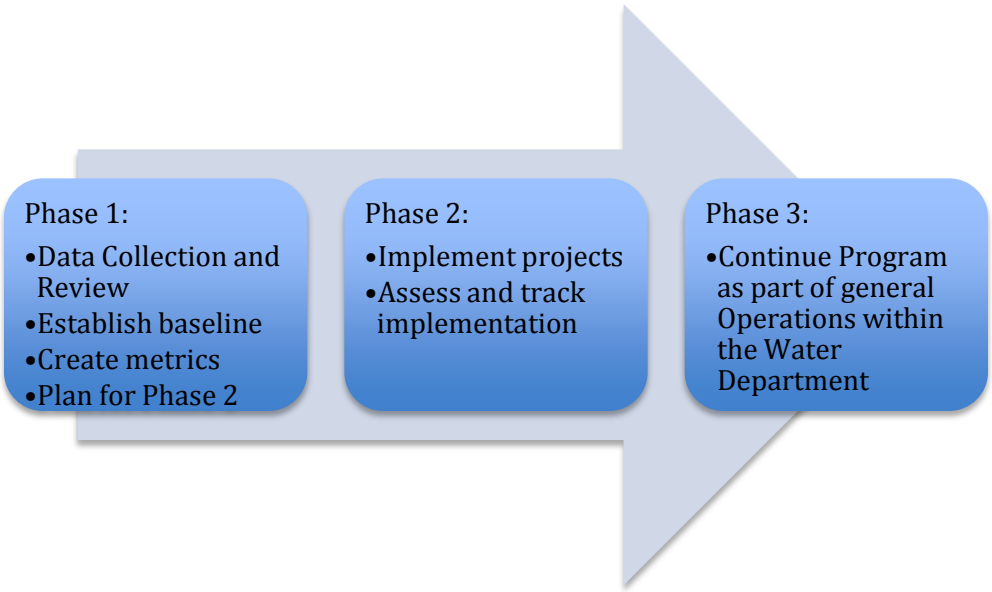
Summary Recommendations:
Authorize the City Manager to enter into an agreement in a form approved by the City Attorney's Office with the Brendle Group for consulting services for the Water and Energy Program, for an amount not to exceed $37,175 (thirty-seven thousand one hundred seventy-five dollar).

Executive Summary:
The Water & Energy Conservation Program has finalized a request for proposals process (RFP) and selected a contractor to assist in determining the most effective approach to becoming a more energy optimized water system through data collection, audits, operations, infrastructure, and renewable energy projects.

Background:
As part of Council's request for the Water Department to implement a surcharge that captures the carbon cost of our water delivery system, staff has created the outline and goals of the Water & Energy Conservation Program. Staff now needs assistance from the selected contractor to flush out the details and ensure that we can implement this program in the most holistic way while considering water quality, current operations, and planned projects.

Project Approach:
This project will have complex challenges and will have to comply with a variety of goals, parameters, and constraints. The selected contractor understands the need to be methodical in the approach in order to ensure that this program will have lasting positive impacts on the City both internally and to the end user, the public.

Staff is coming to council today to discuss Phase 1 of the Water and Energy Conservation program. Part of Phase 1 will include information gathering and determining the ability to implement projects in terms of staff time and money needed. Staff will be assessing the best approach to subsequent phases after Phase I is complete.



Analysis:
The Request for Proposals was advertised on September 8, 2015 through our typical channels.

A selection committee included the following participants:

Bina Skordas, Sustainability
Carly Castle, Salt Lake City Utilities Department
Clint McAffee, Water
Jason Christensen, Water
Kyle MacArthur, Water
Matt Abbott, Sustainability
Roger McClain, Water

Five firms responded:

- Brendle Group with Hansen, Allen & Luce
- Bowen Collins with Abraxis
- TetraTech
- Heggen Nelson
- West Monroe

Selection of the firm was based on the following criteria:

- Ability to be responsive and available to City staff
- Overall quality of the firm's RFP response
- Firm history and qualifications
- Proof of Insurance and Rate Structure
- Other factors deemed relevant by the selection committee

Park City's purchasing policy states that Professional Service Contracts are exempt from competitive bidding, where the lowest quote need not necessarily

be awarded the contract. Furthermore, the policy states that emphasis will be placed on quality, with cost being the deciding factor when everything else is equal.

The selection committee met on October 23, 2015 and selected Brendle Group. Hansen, Allen & Luce will be serving as a technical subcontractor contracted by Brendle Group. The selection was based on overall experience and success with projects for PCMC in the past with each firm independently. Their proposal addressed:

1. The ability to get the job done in a timely, effective manner
2. A clear understanding of staff's requests
3. A history of effective communication across multiple stakeholders

Staff has developed and negotiated the Phase 1 scope of services and associated fees with Brendle Group. The scope of services and fee summary are to be included in the Professional Services Agreement, as Addendum A, in the amount not-to-exceed of $37,175 (thirty-seven thousand one hundred seventy-five dollar) staff feels that these fees are usual and customary with projects of this type, scope, and complexity.

Brendle Group will be expected to stay on track with the project and report to the City's project manager, Bina Skordas who will be working under the guidance of Matt Abbott and the Public Utilities Department.

Department Review:
The report has been reviewed by the Office of Sustainability, Water Department, Legal, and Executive. Their comments have been integrated into this report.

Alternatives:

A. Approve:
Council could authorize the City Manager to execute a Professional Services Agreement, in a form approved by the City Attorney, with The Brendle Group for Phase I engineering services on the Water & Energy Resiliency Program in an amount of $37,175 (thirty-seven thousand one hundred seventy-five dollar) **[Staff Recommendation]**

B. Deny:
Council could deny the request for the agreement. Denying the request delays or eliminates the enhanced efficiency and operation of the water system. Denying the request would delay the development of the program.

C. Modify:
Council could modify the request for the agreement. Modifying the request delays or eliminates the enhanced efficiency and operation of the water system.

D. Continue the Item:
Council could continue the request for the agreement. Continuing the request delays or eliminates the enhanced efficiency and operation of the water system.

E. Do Nothing:
Staff does not recommend this alternative. Doing nothing would delay or eliminate the enhanced efficiency and operation of the water system.

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 + Effective water conservation program + Reduced municipal, business and community carbon footprints	+ Entire population utilizes community amenities + Primarily locally owned businesses ~ Skilled, educated workforce	+ Fiscally and legally sound + Well-maintained assets and infrastructure
Assessment of Overall Impact on Council Priority *(Quality of Life Impact)*	Positive ⇧	Very Positive ↑	Positive ⇧	Very Positive ↑
Comments:				

Impacts on City Council's Critical Priority of Energy:
This contract enables third party professionals to further staff's Water & Energy Conservation Program. This work directly advances City Council's Critical Priority of Energy.

Funding Source:
This work will be done under the approved FY16 water budget.

Consequences of not taking the recommended action:
The Water & Energy Conservation Program would move at a slower rate.

Recommendation:
Authorize the City Manager to enter into an agreement in a form approved by the City Attorney's Office with the Brendle Group for consulting services for the Water and Energy Program, for an amount not to exceed $37,175 (thirty-seven thousand one hundred seventy-five dollar).

Attachments:
Brendle Group Scope of work and fees

WATER & ENERGY RESILIENCY PROGRAM SCOPING
PHASE 1 SCOPE OF WORK

Scope of Work Objectives:

- Build on the Water & Energy Resiliency Program (W&ERP) charter to develop the scope of work, timeline and cost estimate for creating the W&ERP program (i.e., Phase 2)
- Coordinate with the rate study to align program cost-estimating with the revenue impacts from the surcharge to support council decision-making
- Characterize high-level economic performance (costs-benefits) of the program as well as the policy benefits (carbon, etc.)

Task A—Information and Data Collection and Review

Objective:

- Gather and review readily available information and data.

Statement of Work:

- Work with City personnel to obtain information and data (e.g., water quality, energy use, water use, operations). Data from previous and current efforts (e.g., rate study, Rocky Mountain Power, Park City culinary report) will be included.
- Review the current master plan, hydraulic model, mass balance, and other data. Determine if any additional data are needed and work with City personnel to obtain any additional data.

Task B—Approach Development and Associated Meetings

Objective:

- Building on input and information collected, establish definitions, parameters, requirements (e.g., personnel, software, etc.), baseline, metrics, etc. that will position future efforts
- Propose overall development framework to incorporate input and information, as well as other considerations related to identified goals (e.g., financial), policies, etc.
- Conduct additional meetings to inform related development

Statement of Work:

- Conduct an internal consulting team development workshop to review Task A information and prepare for the City workshop
- In a 2-3 hour workshop with the City:
    - Receive preferences related to Task B scope and determine how to best pursue the study goals and maintain defined information
    - Discuss the goals and scope of future phases in the optimization study
    - Preview Task C technical scope and project scoring process/matrix
- Meet with CH2M to introduce the project, discuss its objectives, and understand the goals and align with the Park Meadows Well and Quinn's Junction projects. Identify opportunities common to both teams' efforts. Communicate regularly with CH2M to ensure that the study recommendations will be compatible with the designs and vice-versa
- Allowance for 1 additional meeting

Task C—Scoping and Cost Estimation Written Deliverable

Objective:

- Based on Task B outcomes, scope and estimate costs for immediate next phase organized according to three areas:
- Overall framework
- Technical scope
    - System optimization and energy efficiency audits
    - Rate change analysis coordination
    - End user program (e.g., demand side)
- Project scoring process structure

Statement of Work:

- Press kit: one page document with content development (e.g., what is done, what is planned, deliverables, timeline, etc.) and potential graphic inclusion
- Prepare scope, schedules and cost estimates focused on the immediate next phase.
- Prepare written deliverable and justification (including discussion of related decisions, rationale, etc.) with proposed outlined as follows:
    - Phase 1 definitions, parameters, requirements, metrics, etc. outcomes
    - Phase 2 approach for framework, technical scope, project scoring process, including any related tool development, and level of engagement (e.g., meetings with City staff, Council, major end users, etc.)
    - Phase 2 budget
    - High-level program benefits related to economic performance, carbon, etc.

Schedule and Budget

This scope of work will be completed by January 31, 2016. The budget for this scope of work is outlined by tasks as follows. Please note that other direct costs (e.g., travel expenses) are included in Task B.

Task	Hours	Cost
A	50	$6,547
B*	125	$19,054
C	98	$10,054
Total	**273**	**$37,175**

DATE: December 3, 2015

TO HONORABLE MAYOR AND COUNCIL

DATE: December 3, 2015

TO HONORABLE MAYOR AND COUNCIL

Staff recommends City Council review and discuss the following proposed amendments to the Sign Code (Title 12 of the Municipal Code):

- Amendments throughout Title 12 in order to bring it into compliance with a recent U.S. Supreme Court decision, *Reed v. Gilbert*;
- Amendments to Chapters 2 and 9 creating special regulations for free-standing signs in developed recreation areas; and
- Amendments throughout Title 12 in order to make minor changes for clarity and style.

Staff recommends City Council adopt the proposed ordinance.

Respectfully:
Tricia S. Lake, Assistant City Attorney
Aaron Benson, Law Clerk

Respectfully:

Tricia Lake, Assistant City Attorney/Prosecutor

City Council
Staff Report

Subject: **An Ordinance of Park City, Utah Amending Title 12 of the Municipal Code of Park City**
Author: **Tricia S. Lake – Assistant City Attorney**
Aaron Benson – Law Clerk
Department: **City Attorney's Office**
Date: **December 3, 2015**
Type of Item: **Legislative**

Summary Recommendation:
Staff recommends City Council review and discuss the following proposed amendments to the Sign Code (Title 12 of the Municipal Code):

- Amendments throughout Title 12 in order to bring it into compliance with a recent U.S. Supreme Court decision, *Reed v. Gilbert*;
- Amendments to Chapters 2 and 9 creating special regulations for free-standing signs in developed recreation areas; and
- Amendments throughout Title 12 in order to make minor changes for clarity and style.

Staff recommends City Council adopt the proposed ordinance.

Executive Summary:
A recent decision by the U.S. Supreme Court disallows content based distinctions in local sign codes. Because the Park City Sign Code treats some signs differently than others because of the content or purpose of the sign, it must be revised to bring it into compliance with the Court's decision.

Background/Analysis:

1. U.S. Supreme Court Decision in *Reed v. Gilbert*
City sign codes such as Park City's generally seek to limit the number or size of signs within city limits or otherwise regulate signs' size, materials, height, etc. In addition to general specifications, these sign codes may draw various categories of signs and:

- **place special requirements** on some categories,
- **exempt** certain categories from permit requirements, or
- **prohibit** certain categories.

For example, the Park City Sign Code places special requirements on "free-standing signs" (Municipal Code (MC) § 12-9-1(G)), exempts "vacancy signs" (MC § 12-8-1(N)), and prohibits "roof signs" (MC § 12-7-1(L)).

These categories are most often drawn along lines such as location, land use, size, and

other physical characteristics. However, some categories are drawn by reference to the signs' message or purpose. For example, the Park City Sign Code exempts "real estate signs" from the permitting requirements. (MC § 12-8-1(I)). Real estate signs are defined as those which advertise the sale of a property. (MC § 12-12-1(U)(30)). So the category of "real estate signs" is tied to the signs' purpose – to the message they share.

Pursuant to the First Amendment of the U.S. Constitution and U.S. Supreme Court case law, if a governmental regulation openly restricts speech by individuals or organizations based on the content of the speech, the Court applies a test called "strict scrutiny." Such regulations are very rarely able to pass this level of scrutiny, which requires that (1) the government have a very strong interest in some permissible and achievable aim, and (2) the regulation be narrowly tailored to achieve that interest. If there is another conceivable means of achieving the regulation's aims that would restrict less speech, then the regulation is overturned. Therefore, the deciding question in many cases is whether the regulation at issue is content-based or content-neutral.

City sign codes have long toed the line between being content-based and content-neutral. Many have argued that purpose-based distinctions like "real estate signs" are not content-based because they restrict or permit speech in reference to broad, readily definable categories as opposed to specific viewpoints. However, a recent case arising in Arizona challenged that argument.

The town of Gilbert, Arizona, requires a permit for any sign erected within the city, unless specifically exempted. The town's sign code exempts 23 categories of signs, as long as they comply with certain size, location, and timing requirements. One of those categories allows temporary signs directing people to certain religious or civic gatherings. Such signs are limited to six square feet in size, and they may only be displayed for up to 12 hours before and one hour after the event they advertise.

Because of its limited means, a small community church in Gilbert was holding its weekly worship services at different locations. In order to let people know where that week's services would be held, the pastor and members of his congregation would place temporary signs around town the day before the service. Pastor Reed and his church were cited by the town for violating the timing requirements of the ordinance. Reed sued the town in federal court, arguing that the town's sign code violated his church's First Amendment free-speech rights.

The case made its way to the U.S. Supreme Court, and the Court issued a decision in June striking down the town's sign code. (*Reed v. Gilbert*, 135 S.Ct. 2218 (2015)). The Court's reasoning and decision put sign codes like Park City's in peril.

The Court in *Reed v. Gilbert* found that the town of Gilbert's sign code was content-based because it treats signs differently based on the sign's message or purpose. The Court looked at three different categories of signs exempted from the town's permit requirements: ideological signs, campaign signs, and temporary directional signs like the ones Reed and his congregation used. The town's code treated each category

differently, allowing bigger signs and longer postings for ideological and campaign signs than it did for the directional signs.

The town tried to defend its sign code by noting that the regulations do not distinguish between signs because of the ideas they express, but rather, because of the general topics discussed. Because the exemptions at issue in the case acted to increase the total amount of speech allowed and did not discriminate among signs based on the viewpoint or political leanings of its message, the town argued that it was not actually "content-based" as that term had been defined by the Court.

However, the Court rejected the town's arguments and clarified that a regulation is content-based if it applies to particular speech because of the topic discussed or the idea expressed. Therefore, even function-based regulations like city sign codes which are concerned not with the actual message, but with its purpose, are content-based. It does not matter how noble the government's motives or how non-discriminatory the categories; the government simply cannot regulate speech based on its content.

The decision in *Reed v. Gilbert* has upset the balance that many cities have struck between individual rights and the good of the community with regard to signage in the city. However, when read in light of the Court's other First Amendment cases, the decision arguably has some limits. Most importantly, the decision arguably does not apply to "commercial speech," which the Court has treated differently than non-commercial speech for First Amendment purposes. In general, "commercial speech" gets somewhat lesser protection than does non-commercial speech. Additionally, some signage categories can be saved because they deal with "government speech," meaning speech that is made by the government.

The proposed Sign Code amendments take full advantage of these limits on the *Reed v. Gilbert* decision. Categories which fit within the Court's loose definition of "commercial speech" or which can fairly be deemed "government speech" have been preserved. Revision is only recommended for non-commercial, non-government speech.

This approach assumes the City is willing to tolerate some degree of legal risk in order to preserve the aesthetic character of the community and to further the safety interests of community members. Conversely, if the City is unwilling to accept the risks associated with this more rigorous regulation of signs, it would be advisable to adopt a more strictly content neutral—if less aesthetically effective—approach.

2. Free-standing Signs in Developed Recreation Areas

The Deer Valley Resort has approached City staff regarding the possibility of installing a large free-standing sign near the resort's entrance in order to help people find the resort and to distinguish the resort from surrounding development. Deer Valley is proposing a sign similar in size and effect to the entrance sign for the Canyons resort along Highway 224, where Canyons Resort Drive intersects with the highway.

The current regulations do not permit a sign of the size proposed by Deer Valley. Free-

standing signs are limited to 20 square feet in size and 7 feet in height. (MC § 12-9-1(G)(1), (2)). Properties are limited to one free-standing sign, though Master Planned Developments are allowed up to five additional free-standing signs within the development, the total number depending on the size of the development. (MC § 12-9-1(G)(3)). Free-standing signs are allowed in commercial districts, including the Recreation Commercial (RC) district, Regional Commercial Overlay (RCO) district, Residential Development (RD) district, and Residential Development – Medium Density (RDM) district. Deer Valley Resort is a Master Planned Development in the Residential Development (RD) district.

In order to accommodate a way-finding sign for a large resort development like the sign proposed by Deer Valley, staff recommends that the Sign Code be modified to create a definition for "Developed Recreation Area" which includes the major resorts within the City, and allow one larger free-standing sign for way-finding purposes for such areas. Deer Valley is proposing a 50 square foot sign addition similar in size to the Canyons resort signage in the County. This allowance will facilitate better resort signage creating a more comprehensive environment, better way-finding and an overall more positive experience for visitors to Park City.

3. Minor Fixes Throughout for Clarity and Style
Like other parts of the Municipal Code, the Sign Code has evolved over time in response to the City's changing needs and priorities. This piecemeal process can often result in ordinances that are difficult to understand or are inconsistent in style. Review and revision of a whole chapter such as the one necessitated by the Supreme Court's decision in *Reed v. Gilbert* provides an opportunity to resolve those problems.

During its review pursuant to *Reed v. Gilbert*, Staff identified various fixes to promote clarity and consistency of the Sign Code, without changing its substantive effect.

Department Review:
The City Attorney's office has reviewed and analyzed Park City's current Sign Code and recent case law regarding regulation of signs in Utah by local governmental entities, and has consulted with the Planning Department, Sustainability Department, Police Department, Streets Department and the Historic Park City Alliance. This report was also reviewed by the City Manager's office.

Planning Commission:
On November 11, 2015, this matter came before the Planning Commission who made the following recommendations for City Council:

- Amendments throughout Title 12 in order to bring it into compliance with a recent U.S. Supreme Court decision, *Reed v. Gilbert*—**Favorable Recommendation**;
- Amendments to Chapters 2 and 9 creating special regulations for free-standing signs in developed recreation areas—**Negative Recommendation**; and

- Amendments throughout Title 12 in order to make minor changes for clarity and style—**Favorable Recommendation**.

Planning Commission also recommended capitalization of all defined terms in the Sign Code.

Alternatives:

A. **Approve:** This is the recommended action.

B. **Deny:** Denying the proposed amendments would increase the risk of costly litigation seeking to invalidate the Sign Code.

C. **Continue the item:** Continuing the item to a date certain and providing direction to Staff regarding additional information, revisions, or analysis needed in order to take final action is an acceptable option, as long as the item could quickly be brought back before City Council.

Significant Impacts:
Approving the ordinance as proposed will reduce the risk of costly litigation seeking to invalidate the Sign Code and promote the economic vitality of recreational resorts within the City.

Funding Source:
No funding is required for this action.

Consequences of not taking the recommended action:
Denying the request would amount to direct contravention of recent U.S. Supreme Court direction and subject Park City to litigation.

Continuing the item and providing direction to staff on revisiting the proposed amendments is an acceptable option, as long as the item could quickly be brought back before City Council.

Recommendation:
Staff recommends City Council adopt the proposed ordinance.

Exhibits:
Exhibit A – Revised Sign Code (with redlines)
Exhibit B – An Ordinance of Park City, Utah Amending Title 12 of the Municipal Code of Park City
Exhibit C – Free-standing Sign for the Canyons
Exhibit D – Sign Size Graphic

TITLE 12 - SIGN CODE
PARK CITY, UTAH

CHAPTER 1 - PURPOSE AND SCOPE

12-1-1. PURPOSE AND SCOPE.

The purpose of the Sign Code is to:

(A) Reduce potential hazards to motorists and pedestrians;

(B) Encourage signs which, by their good design, are integrated with and harmonious to the buildings and sites which they occupy;

(C) Encourage sign legibility through the elimination of excessive and confusing sign displays;

(D) Prevent confusion of ~~business~~ signs with traffic regulations;

(E) Preserve and improve the appearance of the City as an historic mountain and resort community in which to live and work;

(F) Create a unique environment to attract visitors;

(G) Allow each individual business to clearly identify itself and the goods and services which it offers in a clear and distinctive manner;

(H) Safeguard and enhance property values;

(I) Protect public and private investment in buildings and open space;

(J) Supplement and be part of the zoning regulations imposed by Park City; and

(K) Promote the public health, safety, and general welfare of the citizens of Park City.

12-1-2. INTERPRETATION.

The Planning Commission shall have the authority and duty to interpret the provisions of this Title at the request of the Planning Director or when a written appeal of a Planning Department decision is filed with the Planning Commission. In interpreting and applying the provisions of this Title, the sign requirements contained herein are declared to be the maximum allowable ~~for the purpose set forth~~. The Planning Department and/or the Planning Commission may determine that a smaller sign is more appropriate based on the size ~~and scale~~ of ~~the~~ structures~~(s)~~, pedestrian traffic, safety issues, orientation, and neighborhood compatibility. ~~The types of signs allowed by this Title shall be plenary and sign types not specifically allowed as set forth within this Title, shall be prohibited.~~Signs which are not specifically allowed as set forth in this Title are prohibited.

CHAPTER 2 - DEFINITIONS

12-2-1. DEFINITIONS.

For purposes of this Title, the following abbreviations, terms, phrases, and words shall be defined as specified in this section:

(A) **ALTERATION~~S~~**. ~~Alterations as applied to a sign means~~ A change or rearrangement in the structural parts or ~~its~~ design of a sign, whether by extending on a side, by increasing in area or height, or in moving from one location or position to another.

(B) **AREA OF SIGN**. The area of a sign is measured ~~by~~ as the smallest square, circle, rectangle, triangle, or combination thereof that encompasses the extreme limits of the writing, representation, emblem, or other display~~.~~, ~~Including~~ including materials or colors of the background used to differentiate the sign from the structure against which it is placed. Sign area does not include structural supporting framework, bracing, or wall to which the sign is attached. If individual letters are mounted directly on a wall or canopy, the sign area shall be the area in square feet of the smallest rectangle which encloses the sign, message, or logo.

~~(C) **BALCONY**. A platform that projects from the wall of a building and is surrounded by a railing or balustrade.~~

(C) **BANNER**. A strip of cloth, plastic, paper, or ~~other~~ similar material on which letters or logos are painted or written and which is ~~,~~ hung up or carried on a crossbar, staff, or string, or between two (2) poles.

(D) **BILLBOARD**. A permanent outdoor ~~advertising~~ sign that ~~advertises goods, products, or services not necessarily sold on the premises on which said sign~~ is located off-premises.

(E) **BUILDING DIRECTORY**. A sign that directs vehicle or pedestrian traffic, is visible from outside the building, and contains (a) the name of a building, complex, or center, and (b) the name

and address of two (2) or more businesses which are located in the building, complex, or center.

(F) **BUILDING FACE OR WALL**. All window and wall area of a building on one (1) plane or elevation.

(G) **CANOPY**. A roofed structure constructed of fabric or other material that extends outward from a building, generally providing a protective shield for doors, windows, and other openings, supported by the building and supports extended to the ground directly under the canopy or cantilevered from the building.

(H) **COMMERCIAL SIGN**. A sign which advertises a product or service, or which refers to a business or individual that is commonly known to provide a product or service, with the intent of proposing, discouraging, facilitating, or otherwise affecting a commercial transaction. Includes, but is not limited to the following signs as defined or treated in this Title: for-sale signs, real-estate signs, commercial nameplates, building directories, hours-of-operation signs, business identification signs, special-sale signs, theater marquees, display boxes, name-change signs, temporary portable signs, construction identification signs, home-occupation signs, vacancy signs, entrance/exit signs, construction marketing signs, master-festival signs and special-event signs under Chapter 12, garage-sale signs, and outdoor vehicle displays under Chapter 14. Does not include: campaign signs, public-necessity signs, addressing numbers, residential nameplates, no-trespassing signs, no-soliciting signs, yard signs.

(I) **DEVELOPED RECREATION AREA**. An area within the RC or RD districts that is part of a Master Planned Development of at least 2,500 acres and in which the primary use is outdoor recreation with constructed facilities, and may include summer facilities and lodging.

~~(H) **COMMUNITY OR CIVIC EVENT**. A public event not intended for the promotion of any product, political candidate, religious leader or commercial goods or services.~~

(J) **DISPLAY BOX.** A freestanding or wall sign faced with glass or other similar material~~ designed for the express purpose of displaying menus, current entertainment or other like items~~.

(K) **ELECTRONIC DISPLAY TERMINAL**. An electronic terminal, screen, or monitor~~ used to receive or provide information, advertise a good or service or promote an event~~.

(L) **FLAG**. A piece of cloth, plastic, or similar material, usually rectangular or triangular, attached by one (1) edge to a staff~~,~~ or pole~~ as a distinctive symbol of a country, government, organization or other entity or cause~~.

(M) **GRADE**. The ground surface elevation of a site or parcel of land.

~~(1) **Grade, Existing**. The grade of a property prior to any proposed development or construction activity.~~

(1) **Grade, Natural**. The grade of land prior to any development activity or any other man-made disturbance or grading. The Planning Department shall estimate the natural grade, if not readily apparent, by reference elevations at points where the disturbed area appears to meet the undisturbed portions of the property. The estimated natural grade shall tie into the elevation and slopes of adjoining properties without creating a need for new retaining walls, abrupt differences in the visual slope and elevation of the land, or redirecting the flow of run-off water.

(2) **Grade, Final**. The finished or resulting grade where earth meets the building or sign after completion of the proposed development activity.

(N) **HANDBILL**. A paper, sticker, flyer, poster, pamphlet, or other type of medium distributed by hand~~ for identification, advertisement, or promotion of the interest of any person, entity, product, event, or service~~.

(1) **Handbill, Special-Events**. A handbill which advertises a special event which is commercial in nature, or which proposes or facilitates a commercial transaction.

(O) **HEIGHT OF SIGN**. The height of a sign is the vertical distance measured from natural grade to the top of the sign, including the air space between the ground and the bottom of the sign face. Only when the topography is altered to adjust the ground height to the level of the public right of way shall the sign height be measured from final grade.

(P) **MASTER SIGN PLAN**. A plan designed to show the relationship of signs for any cluster of buildings or any single building housing a number of users or in any arrangement of buildings or shops which constitute a visual entity as a whole.

~~(P) **NAME PLATE**. A sign that identifies the name, occupation, and/or professions of the occupants of a premises.~~

(Q) **PREMISES**. Land and the buildings, owned or rented, upon it.

(R) **PRIVATE PLAZA**. Private property in excess of ~~1,000~~one-thousand square feet (1,000 sq. ft.) that generally serves as common area to adjoining commercial development, is free of structures, and is ~~hard surfaced and/~~paved or landscaped. Private plazas generally provide an area for pedestrian circulation and common amenities, and act as a gathering space for private or public purposes.

(S) **PUBLIC PROPERTY**. Any property owned by a governmental entity.

(T) **REPRODUCTION**. An object that has been designed and built to resemble a product or service.

(U) **SIGN**. ~~Sign shall mean and include a display of an advertising message, usually written, including an announcement, declaration, demonstration, product reproduction, illustration, insignia, surface or space erected or maintained in view of the observer thereof primarily for identification, advertisement, or promotion of the interest of any person, entity, product, or service, and visible from outdoors. The definition of a sign shall also include the sign structure, supports, lighting system, and any attachments, flags, ornaments or other features used to draw the attention of observers.~~An object, device, or structure, or part thereof, situated outdoors or indoors which is used to advertise, identify, display, or attract attention to an object, person, institution, organization, business, product, service, event, idea, or location. Includes the sign structure, supports, lighting system, and any attachments, ornaments, or other features used to attract attention. Includes banners, billboards, building directories, display boxes, electronic display terminals, flags, reproductions, theater marquees. Also includes but is in no way limited to the following categories:

(1) **Sign, Abandoned**. Any sign applicable to a use which has been discontinued for a period of at least three (3) months.

(2) **Sign, Animated**. A rotating or revolving sign, or a sign in which all or a portion of the sign moves in some manner.

(3) **Sign, Awning**. Any sign painted on or attached to an awning ~~or canopy~~.

(4) **Sign, Bench**. A sign placed in any manner on an outdoor bench or other outdoor furniture.

(5) **Sign, Business Identification**. A sign which identifies only the name, logo, and/or address of a commercial use.

(6) **Sign, Cabinet**. A sign that consists of a frame covered by translucent material. The entire structure is one (1) unit. ~~and the copy is not intended to include the individual letters.~~ Does not include changeable-copy signs.

~~(4) **SIGN, CAMPAIGN**. A temporary sign on or off premises, announcing, promoting, or drawing attention to a candidate seeking public office; or announcing political issues.~~

(7) **Sign, Canopy**. Any sign painted or attached to a canopy.

(8) **Sign, Changeable-Copy**. A manually operated sign that displays graphics or a message that can be easily changed or altered.

(9) **Sign**, **Construction**. A temporary sign placed on a construction site ~~identifying a new development~~.

(a) ~~**Project**~~ **Construction Marketing Sign**. A construction sign identifying the financial institution of a development; may include a plat map and real-estate information for purposes of marketing units within the development.

(b) **Construction Identification Sign**. A sign identifying the ~~contractor and or builder~~contractors and builders responsible for a project or development.

(c) ~~**Construction/Project Marketing**~~**Combined Construction Sign**. A combination of a construction identification sign and ~~project~~ construction marketing sign.

~~(8) **SIGN, DIRECTIONAL (GUIDE SIGN)**. Signs which serve as directional guides to recognized areas of regional importance and patronage, including:~~

~~(a) Recreational and entertainment centers of recognized regional significance.~~

~~(b) Major sports stadiums, entertainment centers or convention centers having a seating capacity in excess of 1,000 persons.~~

~~(c) Historic landmarks, churches, schools, community centers, hospitals and parks.~~

~~(d) Public safety, municipal directional, parking and essential services.~~

~~(9) **SIGN, DIRECTORY**. A sign located on the premise to direct traffic, that contains the name of a building, complex or center and name and address of two (2) or more businesses being part of the same sign structure or interior to the building which can be seen from the outdoors.~~

(10) **Sign, Electronic Message**. A ~~window, wall, or other~~ permanent sign that changes ~~messages~~ copy electronically using switches and electric lamps.~~through a marquee, reader board, electronic message center, or other replaceable copy area.~~

(11) **Sign, Entrance/Exit**. A sign that facilitates vehicle traffic into and out of a site by designating the entrance or exit to the premises.

(12) **Sign, Flashing**. A sign that contains an intermittent or flashing light source, or a sign that includes the illusion of intermittent or flashing light by means of animation or an externally mounted intermittent light source.

(13) **Sign, Freestanding**. A sign that is supported by one (1) or more uprights or braces which are fastened to or embedded in the ground or a foundation in the ground and not attached to any building ~~or wall~~.

(14) **Sign, Garage-Sale**. A temporary sign that announces a garage sale, yard sale, or similar event.

~~(12) **SIGN, GHOST**. A sign on an exterior building wall, which has been weathered and faded to the extent that it has lost its original brightness of color and visibility.~~

(15) **Sign, Hanging**. A sign attached underneath a canopy, awning, or colonnade.

(16) **Sign, Historic**. A sign that by its construction materials, age, prominent location, unique design, or craftsmanship, provides historic character, individuality, and a sense of place or orientation regarding clues to a building's history.

(17) **Sign, Historic Replication**. A sign which is an exact replication, including materials and size, of a historic sign which once existed in the same location.

(18) **Sign, Home-Occupation**. A sign that identifies a home occupation, as that term is defined in the Land Management Code.

(19) **Sign, Hours-of-Operation**. A sign that displays the hours during which the building's ~~tenant~~ commercial occupant serves the public; ~~this~~ includes "open" and "closed" signs.

~~(17) **SIGN, IDENTIFICATION**. A sign which identifies only the name and/or logo and/or address of a commercial, industrial, or condominium complex the owner and tenants thereof.~~

(20) **Sign, Inflatable**. Any inflatable object used as a sign or for promotional purposes.

(21) **Sign, Internally Illuminated**. A sign with a face ~~which~~ that is lit or outlined by a light source located within the sign.

(22) **Sign, Luminous-Tube~~(NEON)~~**. A sign that is outlined by~~,~~ or which has characters, letters, figures, or designs that are illuminated by gas-filled luminous tubes, such as neon, argon, etc.~~or fluorescent.~~

(23) **Sign, Municipal Identification**. A sign designed specifically for the purpose of notifying motorists of Park City's municipal boundary and welcoming them to Park City.

~~(21) **SIGN, NEIGHBORHOOD INFORMATION SIGN**. A sign located entirely on private property, designed to provide information or notifications to local residents regarding neighborhood events or issues.~~

(24) **Sign, Name-Change**. A temporary sign that informs the public about a change in a business name or commercial building tenant. Includes temporary occupancy of an existing business by a convention-sales license-holder pursuant to Section 4-3-9 of this Code.

(25) **Sign, Non-Conforming (Legal)**. Any advertising structure or sign which was lawfully erected and maintained prior to such time as it came within the purview of the Code and any amendments thereto, and which now fails to conform to all applicable regulations and restrictions of this Code.

(26) **Sign, Off-Premises**. ~~A sign identifying a business, commodity, service, or industry, which is not conducted upon the premises on which the sign is placed.~~ A sign which directs attention to a business, commodity, service, or attraction at a location other than the premises on which the sign is located.

(27) **Sign, On-Premises**. ~~A sign that identifies the name, occupation, and/or professions of the occupants of the premises.~~A sign which directs attention to a business, commodity, service, or attraction on the premises on which the sign is located.

(28) **Sign, Pole**. A freestanding sign that is supported by one (1) upright of not greater than twelve inches (12") in diameter and is not attached or braced by any other structure.

(29) **Sign, Portable**. A sign that can be moved from place to place and is not permanently affixed to the ground or a building.

(30) **Sign, Projecting**. A sign which is attached to a building or other structure, oriented perpendicular to the street, and extending in whole or in part more than six inches (6") beyond any wall of the building or structure.

(31) **Sign, Projection**. A sign that ~~utilizes~~ uses a beam of light to project a visual image or message onto a surface.

~~(29) **SIGN, PUBLIC NECESSITY**. A sign that informs the public of danger or a hazard.~~

(32) **Sign, Real-Estate**. A temporary sign advertising the sale, rental, or lease of the premises or part of the premises on which the sign is displayed.

(33) **Sign, Roof**. A sign erected or painted upon or above the roof or parapet of a building, including ground signs that rest on or overlap a roof. Includes signs mounted on a mansard-style roof.

~~(32) **SIGN, SOLICITATION**. Sign used to communicate with solicitors.~~

~~(33) **SIGN, SPECIAL PURPOSE**. A sign advertising a special event pertaining to drives or events of a civic, philanthropic, educational, or religious organization.~~

(34) **Sign, Special-Sale**. A temporary sign used to advertise a special sale.

(35) **Sign, Temporary**. A sign which is intended for use during a ~~specified~~ limited time of six months or less.

(36) **Sign, Umbrella**. A sign painted on or attached to an umbrella, including name brands and symbols.

(37) **Sign, Vacancy**. A sign which advertises the current availability for occupation of a nightly rental.

(38) **Sign, Vehicle**. Any sign, logo, or advertisement placed, painted, attached, or displayed on a vehicle.

(39) **Sign, Video**. A sign that involves animated visual messages which are projected on a screen.

(40) **Sign, Wall**. A sign with messages or copy erected parallel to and attached to or painted on the outside wall of a building.

(41) **Sign, Wind**. Any propeller, whirling, or similar device that is designed to flutter, rotate, or display other movement under the influence of the wind. Includes "gasoline flags," and may include certain banners.

(42) **Sign, Window**. A sign installed upon or within three feet (3') ~~from the~~ of a window, visible from the street, and ~~exceeds~~larger than two square feet (2 sq. ft.) in area~~, for the purpose of viewing from outside of the premises~~. ~~This term d~~Does not include merchandise displays.

(43) **Sign, Yard**. A temporary non-commercial sign ~~that announces a garage sale, open house or similar event~~.

(V) **THEATER MARQUEE**. A permanent sign with changeable copy that is used to advertise theater events.

~~(W) **UMBRELLA**. A collapsible shade for protection against weather consisting of metal or fabric stretched over hinged ribs radiating from a central pole.~~

~~(X) **WALL MURAL**. A work of art, such as a painting applied directly to a wall, fence, pavement, or similar surface that is purely decorative in nature and content, and does not include advertising by picture or verbal message.~~

(W) **ZONE DISTRICT**. ~~Refers to land use regulatory zones under the zoning ordinances of Park City.~~The applicable land-use district under the Land Management Code (Title 15).

CHAPTER 3 - PERMITS

12-3-1. PERMITS REQUIRED.

No person shall erect, install, alter, or relocate any permanent or temporary sign within Park City without first submitting a sign application and receiving approval of the sign permit from the

City, unless the sign is exempt pursuant to Section 12-8-1. Any person who ~~hangs, posts, or installs~~erects, installs, alters, or relocates a sign that requires a permit under this Code and who fails to obtain an approved permit before installing the sign shall be guilty of a Class C misdemeanor.

12-3-2. PRE-APPLICATION CONFERENCE.

Prior to the submittal of a sign permit application, a pre-application conference with the Planning Department is encouraged to acquaint the applicant with Sign Code procedures, design standards, and related City ordinances.

12-3-3. MASTER SIGN PLANS.

Buildings or clusters of buildings within a project or premises having more than one (1) tenant or use shall submit a Master Sign Plan application for the entire structure or project prior to any sign permit approval by the Planning Department. In addition to all other applicable regulations in this Title, the following requirements apply to Master Sign Plans. Unless expressly stated otherwise, these regulations regarding Master Sign Plans are not intended to annul, abrogate, or otherwise remove any restrictions or regulations of this Title or any other title in the Park City Municipal Code.

(A) **DESIGN**. The Master Sign Plan shall be designed to establish a common theme or design for the entire building or project, using similar construction methods, compatible colors and scale, and identical backgrounds. ~~All regulations as stated in this Title shall apply.~~

(B) **MASTER SIGN PLANS FOR OFFICE BUILDINGS**. Master Sign Plans for office buildings ~~must focus primarily~~are for the purpose of ~~on the identification of~~identifying the building. Individual tenants may be identified with lettering on exterior windows, doors, or a building directory.

(C) **SIGN AREA**. Total sign area within the Master Sign Plan is subject to the size limitations of Chapter 12-4-1 of this Title. Sign area cannot be transferred to a single building or façade from other buildings in the project.

(D) **HEIGHT**. All Master Sign Plans shall be designed so that signs are placed below the finished floor elevation of the second floor or a maximum of twenty feet (20') above adjacent finished grade, whichever is lower. Signs may be located on walls, within windows, or on sign bands above windows. For buildings with approved or existing conflicts with this requirement, the Planning Director may grant exceptions to the ~~second floor level sign~~height restriction.

(E) **LIGHTING**. Master Sign Plans shall include the location and fixture type of all exterior lighting of the proposed signs. The lighting plan shall specify wattage and bulb type to ensure compatibility with the lighting standards as stated in ~~Chapters 15-3-3(A)(1) and~~Section 15-5-5(I) of the Land Management Code. Lighting fixtures shall be similar in style and should direct all light onto the sign surface. Spot lights and flood lights are prohibited.

12-3-4. APPLICATION REQUIREMENTS.

All sign applications shall be submitted to the Planning Department to be reviewed for compliance with the requirements set forth in this title. A complete sign application must include the following:

(A) **BUILDING ELEVATION~~S/~~ OR SITE PLAN**. Signs proposed to be mounted on a building require a building elevation drawn to scale that specifies the location of the sign, and drawings or photographs which show the scale of the sign in context with the building. Freestanding signs require a site plan indicating the proposed sign location as it relates to property lines, adjacent streets, and adjacent buildings.

(B) **SCALED DESIGN DRAWING**. A colored rendering or scaled drawing including dimensions of all sign faces, descriptions of materials to be used, ~~including~~ and color samples.

(C) **SCALED INSTALLATION DRAWING**. A scaled drawing that includes the sign description, proposed materials, size, weight, manner of construction, and method of attachment, including all hardware necessary for proper sign installation.

(D) **LIGHTING**. A drawing indicating the location and fixture type of all exterior lighting for the proposed signs. The drawing shall specify wattage and bulb type to ensure compatibility with the lighting standards as stated in ~~Chapters 15-3-3(A)(1) and~~Section 15-5-5(I) of the Land Management Code.

(E) **APPLICATION FORMS**. A completed sign permit application and building permit application. Both applications are available through the Planning Department.

(F) **FEES**. Payment of the appropriate fees to the Park City Municipal Corporation.

12-3-5. PERMIT FEES.

Sign permit applicants shall pay fees as adopted in the fee schedule established by resolution.

12-3-6. REVIEW PROCEDURES.

Complete sign permit applications will be reviewed by the Planning and Building Departments within fifteen (15) working days upon receipt of a complete application. The application will be approved, denied, or returned to the applicant with requested modifications. Both the Planning and Building Departments must review and approve the application prior to ~~the issue of~~issuing a permit. Either department may return the application for modification or clarification.

The Building Department shall inspect signs regulated by this Code to determine if they have been suitably installed and maintained per the requirements of the International Sign Code.

If the sign uses electrical wiring and connections, a licensed electrician must submit an electrical permit application to the Building Department. This application is separate from the sign permit application, and shall be reviewed for compliance with the International Building Code.

CHAPTER 4 - SIGN STANDARDS

12-4-1. TOTAL SIGN AREA REQUIREMENTS.

The sign area, per building façade, may not exceed thirty-six square feet (36 sq. ft.). Historic signs are exempted from ~~these~~ the sign-area requirements.

Subject to the criteria below, the Planning Director may grant additional sign area, provided the total area requested does not exceed five percent (5%) of the building face to which the signs are attached. The Planning Director must make findings based on the following criteria:

(A) **LOCATION**. Signs must be designed to fit within and not detract from or obscure architectural elements of the building's façade.

(B) **COMPATIBILITY**. Signs must establish a visual continuity with adjacent building façades and be oriented to emphasize pedestrian or vehicle visibility.

(C) **MULTIPLE TENANT BUILDINGS**. The building must have more than one (1) tenant in more than one (1) space.

(D) **STREET FRONTAGE**. The building must have more than fifty feet (50') of street frontage.

12-4-2. AREA OF INDIVIDUAL SIGNS.

The area of a sign shall include the entire area within any type of perimeter or border that may enclose the outer limits of any writing, representation, emblem, figure, or character, exclusive of the supporting framework.

When the sign face of a backed sign is parallel or within thirty degrees (30°) of parallel, one (1) sign face is counted into the total sign area. If the sign faces are not parallel or within thirty degrees (30°) of parallel, each sign face is counted into the total sign area.

12-4-3. INDIVIDUAL LETTER HEIGHT.

Signs shall be limited to a maximum letter height of one foot (1'). The applicant may request that the Planning Director grant an exception, provided the request is for an increase of no more than six inches (6") for a maximum height of eighteen inches (18"). The applicant must demonstrate that the requested exception would be compatible with the letter's font, the building's architecture, and the placement of the sign upon the building.

For buildings located along the Frontage Protection Zone, the Planning Director may grant a letter height exception for buildings farther than one-hundred fifty feet (150') from the right-of-way ~~of~~ by which the building has vehicular access. The maximum letter height in ~~these~~ such cases shall be no greater than thirty inches (30").

12-4-4. LOCATION ON BUILDING.

The location of a sign on a structure or building has a major impact on the overall architecture of the building. To ensure that signs enhance ~~this~~ building architecture, the following criteria must be met:

(A) **HEIGHT**. Signs shall be located below the finished floor of the second level of a building or twenty feet (20') above final grade, whichever is lower. For buildings with approved or existing conflicts with this requirement, the Planning Director may grant an exception to the ~~second floor level sign~~ height restriction.

Signs located above the finished floor elevation of the second floor shall be restricted to window signs.

Within the RC (Recreation Commercial) and RD (Residential Development) zoning districts only, the Planning Director may grant an exception to the height limits set forth herein, as long as it is found that:

(1) The height limitations of this Subsection (A) would result in the effective visibility of a sign being materially impaired by existing

topography, other buildings or signs, landscaping, or other visual impairment;

(2) The proposed location and design of the sign satisfies ~~the~~ all other requirements of this section ~~Subsections 12-4-4 (B) (D).~~; and

(3) The proposed sign shall be for a building~~/~~ or site that is a hotel or resort commercial structure.

In the event that the Planning Director grants such an exception, the above provision restricting signs above the second-floor finished elevation to window signs only would not be applicable. The decision of the Planning Director to deny a requested exception to the height limitations, as provided herein, may be appealed to the Planning Commission within ten (10) business days following the issuance of a written decision by the Planning Director, in accordance with the provisions of Section 12-15-1.

(B) **LOCATION**. Architectural details of a building often provide an obvious location, size, or shape for a sign. Wherever possible, applicants should utilize these features in the placement of signs. Signs should complement the visual continuity of adjacent building façades and relate directly to the entrance. Signs shall not obstruct views of nearby intersections and driveways.

(C) **ORIENTATION**. Signs must be oriented toward pedestrians or vehicles in the adjacent street right-of-way.

(D) **COMPATIBILITY**. A sign, including its supporting structure and components, shall be designed as an integral design element of a building and shall be architecturally compatible, including color, with the building to which it is attached. Signs must not obscure architectural details of the building; nor cover doors, windows, or other integral elements of the façade.

12-4-5. SETBACK REQUIREMENTS.

Permanent signs shall not be placed in the setback area as defined for the zone district in which the sign is located, except in the General Commercial (GC) District and the Residential Development (RD) District. Signs in the GC zone may be set back ten feet (10') from the property line, ~~with the exception of those~~ unless the property is also located in the Frontage Protection Zone. The Planning Director and the City Engineer may decrease the setback if it is determined that the public will benefit from ~~a sign located otherwise~~such an exception, due to site-specific conditions such as steep terrain, integration of signs on retaining walls, heavy vegetation, or existing structures on the site or adjoining properties.

12-4-6. PROJECTION AND CLEARANCE.

No portion of a sign may project more than thirty-six inches (36") from the face of a building or pole.

Awning, canopy, projecting, and hanging signs must maintain at least eight feet (8') of clearance from ground level. Signs may not extend over the applicant's property line, except those allowed over the Main Street sidewalk. Signs may extend over City property only after review and written approval by the City Engineer and recordation of an encroachment agreement acceptable to the City Attorney ~~is recorded~~.

12-4-7. SIGN MATERIALS.

Exposed surfaces of signs may be constructed of metal, glass, stone, concrete, high-density foam board, brick, solid wood, or cloth. Other materials may be used in the following applications:

(A) **FACE**. The face or background of a sign may be constructed of exterior-grade, manufactured composite board or plywood if the face of the sign is painted and the edges of the sign are framed and sealed with silicone.

(B) **LETTERS**. Synthetic or manufactured materials may be used for individual cut-out or cast letters in particular applications where the synthetic or manufactured nature of the material would not be obvious due to its location on the building and/or its finish. Letters shall be raised, routed into the sign face or designed to give the sign variety and depth.

Ivory-colored plastic shall be used for internally illuminated letters.

Other materials may be approved by the Planning Commission at its discretion, but are otherwise prohibited. The sign materials should be compatible with the face of the building and should be colorfast and resistant to corrosion.

12-4-8. COLOR.

Fluorescent colors are prohibited. Reflective surfaces and reflective colored materials that give the appearance of changing color are prohibited.

12-4-9. ILLUMINATION.

The purpose of regulating sign illumination is to prevent light trespass and provide clear illumination of signs without causing potential hazards to pedestrians and vehicles.

(A) **EXTERNALLY ILLUMINATED SIGNS**. Externally lit signs shall be illuminated only with steady, stationary, shielded light sources directed solely onto the sign without causing glare. Light bulbs ~~or~~ and lighting tubes used for illuminating a sign shall be simple in form and should not clutter the building or structure. Light bulbs ~~or~~ and lighting tubes should be shielded so as to not be physically visible from adjacent public right-of-ways or residential properties.

The intensity of sign lighting shall not exceed that necessary to illuminate and make legible a sign from the adjacent travel way or closest right-of-way; and the illumination of a sign shall not be obtrusive to the surrounding area as directed in Chapter 15-5 of the Land Management Code.

(1) **FIXTURES**. Lighting fixtures shall be simple in form and should not clutter the building or structure. The fixtures must be directed only at the sign and comply with Chapter ~~15~~ 5 of the Land Management Code (Title 15).

(2) **COMPONENT PAINTING**. All light fixtures, conduit, and shielding shall be painted to match either the building or the supporting structure that serves as the background of the sign.

(B) **INTERNALLY ILLUMINATED SIGNS**. Internally illuminated signs include any sign face that is lit or outlined by a light source located within the sign.

(1) **LETTERS**. Individual pan-channel letters with a plastic face ~~or~~, individual cutout letters, and letters routed out of the face of an opaque cabinet sign~~, are permitted~~. Cutout letters shall consist of a single line with a maximum stroke width of one and one-half inch (1 ½"). Variations in stroke width may be reviewed and approved by the Planning Director. The plastic face or backing of the letters must be ivory-colored.

Reversed pan-channel letters with an internal light source reflecting off of the building face may also be used for "halo" or "silhouette" lighting.

Internally illuminated pan-channel letters are prohibited on free-standing signs.

(2) **LIGHT SOURCE**. The light source for internally illuminated signs must be white.

(3) **WATTAGE**. Wattage for internally illuminated signs shall be specified on the sign application.

(4) **ZONING RESTRICTIONS**. Individual pan-channel letters and individual reversed pan-channel letters are prohibited within the Historic District.

(C) **SEASONAL**. Strings of lights that outline buildings, building architectural features, and surrounding trees, shall be allowed from the 1st of November through the 15th of April only. These lights shall not flash, blink, or simulate motion. These restrictions apply to all zones except residential uses within the HR-1, HR-2, HRL, SF, RM, R-1, RDM, and RD Districts.

(D) **PROHIBITED LIGHTING**. Lights that flash or move in any manner are prohibited.

CHAPTER 5 - UNSAFE AND UNLAWFUL SIGNS

12-5-1. ABATEMENT OR REMOVAL OF UNSAFE, ~~DANGEROUS~~ NON-MAINTAINED, ~~OR~~ AND ABANDONED SIGNS.

If, upon inspection, the Building Official determines that a sign or awning permitted by the Park City Sign Code ~~to be~~is unsafe, not maintained, or abandoned, the Building Official may issue a written order to the owner of the sign and occupant of the premises stating the nature of the violation and requiring them to repair or remove the sign within ten (10) working days after receipt of notice from the City. In cases of emergency, meaning cases where a sign presents an imminent hazard to public safety, the Building Official may cause the immediate removal of a dangerous or defective sign. ~~Signs removed in this manner must present an imminent hazard to the public safety.~~

CHAPTER 6 - NON-CONFORMING SIGNS

12-6-1. CONFORMANCE CRITERIA FOR NON-CONFORMING SIGNS.

All non-conforming signs, except billboards, see Section 12-6-4 below, that have been lawfully erected shall be deemed to be legal and lawful signs and may be maintained subject to the provisions of this Chapter.

(A) When a non-conforming sign becomes deteriorated or dilapidated to the extent of over fifty percent (50%) of the physical value it would have if it had been maintained in good repair, it must be removed within sixty (60) days after receiving notice from the Chief Building Official. Non-conforming signs that are damaged, other than by vandalism, to the extent of over fifty percent (50%) of their physical value must be removed within sixty (60) days of receiving such

damage or brought into compliance with the provisions of this Ordinance. Non-conforming signs that are damaged by vandalism to the extent of over fifty percent (50%) of their physical value must be restored within sixty (60) days or be removed or brought into compliance with the provisions of this Ordinance.

(B) A non-conforming sign may not be relocated except when such relocation brings the sign into compliance with this Ordinance or does not increase the degree of the non-compliance of the sign. The City Engineer may approve the alteration of a non-conforming sign from its original location provided such alteration does not increase the degree of non-conformity. Once a non-conforming sign is removed from the premises or otherwise taken down or moved, without City Engineer approval, said sign may only be replaced with a sign which is in conformance with the terms of this Ordinance.

(C) The face of a non-conforming sign may be altered if the sign face is not thereby enlarged. The message of a non-conforming sign may be changed so long as this does not create any new non-conformity.

(D) Minor repairs and maintenance of non-conforming signs necessary to keep a non-conforming sign for a particular use in sound condition are permitted so long as the non-conformity is not in any means increased.

12-6-2. ALTERATION OF NON-CONFORMING SIGNS.

Non-conforming signs may be maintained and repaired in accordance with Section 12-6 -3 of this Title, provided that the alterations and repairs are for the purpose of maintaining the sign in its original condition. Alterations to a non-conforming sign that change the size, use, color, lighting, or appearance of a non-conforming sign are considered structural alterations and shall be brought into full compliance with the standards of this Code. Freestanding non-conforming signs in the Frontage Protection Zone (FPZ) that were built prior to the enactment of the Frontage Protection Zone (FPZ) may be reconstructed at the sign's existing location so long as said sign complies with all other regulations of the Sign Code.

12-6-3. REPAIR OF DAMAGED NON-CONFORMING SIGNS.

No sign that is not in conformance with this Code shall be repaired or restored after having been damaged to the extent of more than fifty percent (50%) of its value immediately prior to the event causing the damage or destruction. The owner of the sign or owner of the property shall have the obligation to properly remove the sign.

12-6-4. NON-CONFORMING BILLBOARDS.

(A) TERMINATING A BILLBOARD. Acquiring a billboard and associated property rights through gift, purchase, agreement, exchange, or eminent domain will terminate the non-conforming status of said billboard.

(B) EXCEPTIONS TO JUST COMPENSATION. A legislative body may also remove a billboard without providing compensation if, after providing the owner with reasonable notice or proceedings and an opportunity for a hearing, the legislative body finds that:

(~~A~~1) The applicant for a permit intentionally made a false or misleading statement in his application;

(~~B~~2) The billboard is unsafe;

(~~C~~3) The billboard is in unreasonable state of repair; or

(~~D~~4) The billboard has been abandoned for at least twelve (12) months.

12-6-5. REMOVAL OF SIGNS BY THE BUILDING OFFICIAL AND COST ASSESSED AGAINST OWNERS.

The Building Official may cause the removal of an illegal sign in cases of emergency or for an owner's failure to comply with the written orders of removal or repair under the procedures and authority of the ~~Municipal Code of Park City~~ Section 6-1-5 of this Code~~, as amended~~.

CHAPTER 7 - PROHIBITED SIGNS

12-7-1. PROHIBITED SIGNS.

~~No person shall erect, alter, maintain, or relocate any sign as specified in this Chapter in any district~~

(A) CATEGORIES OF PROHIBITED SIGNS. The following signs, defined in Chapter 2 of this Title, are expressly prohibited in Park City except as provided in this section.

(1) ~~**ANIMATED SIGNS**. A rotating or revolving sign, or signs where all or a portion of the sign moves in some manner.~~ **Animated signs**, ~~Except~~ except for historic signs and historic replica signs where the applicant is able to prove through documentation or other evidence that the original historic sign produced the same

motion~~/movement~~ and is proposed in the same location.

(2) ~~**BANNERS.**~~ **Banners**, ~~Except~~ except as approved in conjunction with a Master Festival license issued pursuant to Title 4 of this Code or approved ~~as a banner~~for display on a City light standard pursuant to ~~Title 12-11 of this Code~~Chapter 11 of this Title.

(3) ~~**BENCH SIGNS.**~~ **Bench signs**.~~Any outdoor bench or furniture with any signs.~~

(4) ~~**ELECTRONIC MESSAGE SIGNS.**~~ **Electronic message signs**, except for signs owned or operated by the City for public safety purposes.~~A permanent free-standing roof, wall, or other sign which changes copy electronically using switches and electric lamps. Automatic changing signs, such as announcements, time, temperature and date signs are prohibited. Governmental public safety, municipal directional and information signs are exempt.~~

(5) ~~**FLASHING SIGNS OR LIGHTS.**~~ **Flashing signs.** ~~A sign that contains an intermittent or flashing light source, or a sign that includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source. Flashing~~ Any flashing light source~~s~~ of any kind is ~~are~~ prohibited.

(6) ~~**HOME OCCUPATION SIGNS.**~~ ~~Business identification sign for a home occupation~~**Home occupation signs**.

(7) ~~**INFLATABLE SIGNS OR DISPLAYS.**~~ ~~Any inflatable object used for signs or promotional purposes~~**Inflatable signs**.

(8) ~~**OFF-PREMISE SIGNS.**~~ ~~No person shall erect a sign identifying a business, commodity, service, or industry, which is not conducted upon the premises on which the sign is placed~~**Off-premises signs**.

(9) ~~**PORTABLE SIGNS.**~~ ~~Any sign that can be moved from place to place, is not permanently affixed to the ground or building, and is for the purpose of display only, is prohibited. Temporary open house signs for real estate are permitted but must comply with the regulations as stated in Section 12-10 (F). Temporary portable signs for advertising or identifying a business or other type of entity must comply with the regulations as stated in Section 12-10 (I). Government public safety, municipal directional, and informational signs are exempt.~~**Portable signs**, except for those allowed in private plazas pursuant to Section 12-10-2, and except for signs owned and operated by the City for public safety purposes.

(10) ~~**PROJECTION SIGNS.**~~ ~~A sign which projects a visual image or message onto a surface is prohibited.~~ **Projection signs**, ~~T~~except that temporary projection signs that are part of an approved master festival license may be allowed for the duration of the festival permit, provided they are directed so the light source is shielded from any view but that of the intended ~~mark~~ audience of the sign.

(11) ~~**REPRODUCTION.**~~ ~~The use of an inanimate object that has been constructed to look like a product or service for the purpose of advertisement or display is prohibited~~**Reproductions**.

(12) ~~**ROOF SIGNS.**~~ ~~Any signs erected partly or wholly on or over the roof of a building, including ground signs that rest on or overlap a roof. Signs mounted anywhere on a mansard roof are not allowed~~**Roof signs**.

~~(M) **SIGNS IN PUBLIC PLACES.** No person shall paint, mark, or write on, staple, tape, paste, post, or otherwise affix, any handbill, sticker, poster, or sign to any public building, structure, or other property, including but not limited to a work of art, sidewalk, crosswalk, curb, curbstone, parking meter, park strip, street lamp post, hydrant, tree, shrub, tree stake or guard, electric light or power or telephone wire or pole, or wire appurtenance thereof, or any lighting system, public bridge, drinking fountain, life saving equipment, street sign, street furniture, trash can, or traffic sign.~~

~~Violators of this Title shall be held liable and subject to the penalties as stated in Section 12-16-1.~~

(13) ~~**WIND SIGNS.**~~ ~~Any propeller, whirling, or similar device, that is designed to flutter, rotate, or display other movement under the influence of the wind. This shall include "gasoline flags", or banners~~**Wind signs**.

(14) ~~**VIDEO SIGNS.**~~ ~~Animated visual messages that are projected on a screen~~**Video signs**.

(B) **SIGNS IN PUBLIC PLACES**. No person shall staple, tape, paste, post, or otherwise affix any handbill, sticker, poster, or sign to, or otherwise paint, mark, or write on any public building, structure, or other property, including but not limited to: a work of art, sidewalk, crosswalk, curb, curbstone, parking meter, park-strip, street lamp post, hydrant, tree, shrub, tree stake or guard, electric light or power or telephone wire or pole, or wire appurtenance thereof, or any lighting system, public bridge, drinking fountain, life saving equipment, street sign, street furniture, trash can, or traffic sign.

CHAPTER 8 - ~~NON-REGULATED~~ EXEMPT SIGNS

12-8-1. SIGNS EXEMPT FROM PERMIT REQUIREMENT.

The following signs are exempt from the permit requirements ~~as provided in~~ of Chapter 3 ~~herein~~. They shall be regulated by the following size and placement standards and, except as otherwise provided herein, shall not be included when calculating permitted sign area for any parcel, use, or development. Building permits may be required for the installation of these signs even though they are exempt from design review and regulation.

~~(A) **ADDRESSING NUMBERS**. Addressing numbers may be no higher than twelve inches (12"). When placed on commercial buildings, they may be taken into account in the review of the sign plan, and counted as sign area if part of the overall sign area for the building.~~

~~(B) **CAMPAIGN SIGNS**. Campaign signs are exempt from obtaining permits as long as the sign is in compliance with the regulations as stated in Section 12-10-2(B).~~

(A) **CITY SIGNS**. Signs erected by or at the direction of the Park City Municipal Corporation are exempt from the requirements of this Title.

(B) **GARAGE-SALE SIGNS**. Garage-sale signs are exempt from permit requirements as long as they comply with the requirements of Section 12-10-2(E).

(C) **HISTORIC SIGNS AND PLAQUES**. Locations and size shall be reviewed by the Planning Department.

(D) **HOURS-OF-OPERATION SIGNS**. One (1) hours-of-operation sign is allowed per entrance. Each sign may not exceed one square foot (1 sq. ft.) in area. ~~The~~ Hours-of-operation signs may not be illuminated.

~~(E) **NAMEPLATES (RESIDENTIAL)**. One (1) nameplate sign for each single family residence, that shall not exceed one square foot (1 sq. ft.) in area. If lighted, a building permit is required.~~

(E) **PRIVATE PLAZAS**. Signs may be installed in private plazas without obtaining individual sign permits, provided that such signs conform to an approved Master Sign Plan. However, building permits shall be required for installation and any necessary electrical service and lighting. ~~Existing signs in private plazas approved prior to March 19, 1998, do not need to come into conformance with the Sign Code and Master Sign Plan requirements, but all new signs must be either individually approved or approved as an amendment to the Master Sign Plan.~~ Signs oriented internally to the plaza and not to the public street or right-of-way shall not be subject to the sign-area limitations ~~in~~ of Section 12-3-3(C). Temporary portable signs in private plazas must conform to the requirements of Section 12-10-2(G).

~~(G) **PUBLIC NECESSITY SIGNS**. Public necessity signs such as safety/ instructional, for public facilities and parks, warnings, information kiosks at trail heads, bus stop, no parking, and street name Signs installed by or with permission of Park City Municipal Corporation are exempt from permit requirements. Approval of the Public Works Director is required in order to insure safe placement and prevent unsightly or distracting sign placement.~~

(F) **RECREATIONAL FACILITIES**. Signs located inside open-air recreational facilities that are not oriented to public streets, ~~e.g.~~such as signs in ski resorts, ~~public property,~~ skateboard parks, and golf courses, are ~~not regulated~~exempt from the requirements of this Title.

(G) **REAL-ESTATE SIGNS**. Real-estate signs are exempt from obtaining permits as long as the sign ~~is in compliance with the regulations as stated in~~complies with the requirements of Section 12-10-2(F).

~~(J) **SOLICITATION SIGNS**. One (1) solicitor's sign, not to exceed one square foot (1 sq. ft.), is allowed per major entrance to any building or apartment complex.~~

(H) **SPECIAL-EVENTS ~~FLIERS~~HANDBILLS**. ~~Fliers or posters advertising special events m~~May be displayed on the inside of windows of businesses in commercial zones, provided that all ~~window~~ signs in a window do not exceed thirty percent (30%) of the window area and the owner of the business approves of the placement.

Posters ~~or~~ and fliers may not be ~~tacked up~~affixed to the exterior of any building nor upon any sidewalk, crosswalk, curb, curbstone, street light post, hydrant, tree, shrub, parking meter, garbage

can or dumpster, automobile, electric light, power or telephone wire pole, or wire appurtenance thereof, fire alarm or hydrant, street furniture, park benches or landscaping, any lighting system, public bridge, drinking fountain, statue, life saving equipment, street sign or traffic sign or on door steps.

(I) **SPECIAL-SALE SIGNS**. Merchants may advertise special sales with temporary paper signs on the inside of windows, provided that all window signs do not cover more than thirty percent (30%) of the window area.

~~(M) **TRESPASSING SIGNS**. "No trespassing" signs may be posted on doors, windows or other property entrances, or on fence or property lines. They may not exceed one square foot (1 sq. ft.) in area, and may not be illuminated.~~

(J) **VACANCY SIGNS**. Vacancy signs are allowed only for those buildings that are permitted and licensed for nightly rentals. Vacancy signs may be a maximum of two square feet (2 sq. ft.). If illuminated, approval from the Planning Department and a building permit are required. Luminous-tube signs are prohibited.

(K) **VEHICLE SIGNS**. Painted, vinyl~~ed~~, or magnetic signs attached to the sides or window of ~~vehicles~~ a vehicle ~~or the vehicle=s window~~ are allowed, as long as the vehicle is in use or lawfully parked in a bona fide parking space.

(L) **YARD SIGNS**. Yard signs are exempt from obtaining permits as long as ~~the sign is~~they comply with the requirements of ~~in compliance with the regulations as stated in~~ Section 12-10-2(~~F) and (~~H).

CHAPTER 9 - ~~PERMITTED SIGN~~SPECIFIC REGULATIONS

12-9-1. TYPES OF SIGNS ALLOWED.

~~In addition to the following regulations, all signs must be in compliance with all other provisions of this Title.~~ The following categories of signs are subject to additional requirements, which supersede any conflicting less-specific requirements of this Title. Where a sign fits more than one category below, the more-restrictive regulations apply. Unless otherwise stated, a sign permit must be acquired as provided in Chapter 3, and the signs are subject to all other provisions of this Title.

For the purposes of this Title, signs for commercial uses within an approved Master Planned Development (MPD) shall be permitted under sign criteria set forth in the Recreation Commercial (RC) ~~Zoning~~ District.

(A) **AWNING AND CANOPY SIGNS**.

(1) **SIZE**. A maximum of twenty percent (20%) of the canvas area on each face of an awning or canopy may be used for sign area. Awnings and canopy signs are ~~calculated~~ included as part of the total sign area for the building under Section 12-4-1.

(2) **HEIGHT LIMIT**. Awning and canopy signs must have a minimum clearance from the ground of eight feet (8') to the awning or canopy frame and seven feet (7') to the bottom of the valance.

(3) **NUMBER OF SIGNS**. Not applicable.

(4) **SETBACK AND ORIENTATION**. Awning and canopy signs must be located in a traditional manner above doors, windows, or walkways, provided said walkways lead to a bona fide entrance, if they are compatible with the architecture of the building, and follow relevant design guideline criteria. All other locations are prohibited. Freestanding awning and canopy signs are prohibited.

Awnings and canopy signs may project a maximum of thirty-six inches (36") from the face of the building except when used as entrance canopies, in which case awnings may extend to the setback lines. The design must blend with the architecture of the building and should not obscure details of the building. Awning and canopy signs should serve as an accent to the building's design but should not be the dominant architectural feature. Awnings and canopies are counted as sign area if they have lettering or other graphics conveying a commercial message or name of a business or product sold in the building to which the awning or canopy is attached.

(5) **ZONING RESTRICTIONS**. Awning and canopy signs are permitted in all commercial zoning districts.

(6) **DESIGN**. Awning and canopy signs in the Historic District are encouraged to resemble the typical awning found during the mining era. Only fire-resistant Nylon, canvas or other similar material ~~will be~~is permitted. Material should be high-quality, color-fast and ~~sun~~fade-resistant. Vinyl or plastic materials are not permitted. ~~Awning and canopy sign c~~Colors are limited to a single field color with a single contrasting color for lettering and logos. However, if the awning or canopy is striped in a traditional manner, either with vertical stripes along the entire

awning or canopy, or horizontal stripes along the valance, two field colors may be used.

(7) **ILLUMINATION**. Illuminated~~/back lit~~ translucent awnings and canopies, ~~or~~ including translucent letters on opaque backgrounds, are prohibited. Canvas awnings and canopies illuminated in the traditional manner with high-pressure sodium or fluorescent lighting are permitted.

(B) **CHANGEABLE-COPY SIGNS**. ~~Changeable copy signs are permitted, provided they comply with the following regulations.~~

(1) **SIZE**. Freestanding changeable-copy signs shall be limited to a maximum of twenty square feet (20 sq. ft.) in area.

(2) **NUMBER OF SIGNS**. The maximum number of changeable-copy signs for a ~~commercial or non-profit~~ business is one (1).

(3) **SETBACK AND ORIENTATION**. Changeable-copy signs must maintain a setback of at least twenty-five feet (25') from the curb or edge of pavement, ~~Changeable copy signs~~ and shall not be placed in the setback area as defined for the zone in which the sign is located. However, in the General Commercial (GC) ~~Zone~~District, freestanding changeable-copy signs must be set back ten feet (10') from the property line.

~~Free standing changeable copy signs must be finished on both sides. Signs must maintain a setback of at least twenty-five feet (25') from the curb or edge of pavement. With the exception of those in the Frontage Protection Zone, the Planning Director may decrease the setback if it is determined that a unique road alignment or traffic conditions would impair visibility of the sign for street or pedestrian traffic.~~With the exception of those in the Frontage Protection Zone (FPZ), the Planning Director may decrease this setback if it is determined that a particular road alignment or traffic conditions necessitate a decrease in order to ensure adequate visibility of the sign for vehicle and pedestrian traffic.

(4) **ZONING RESTRICTIONS**. Changeable copy signs are allowed in all commercial zoning districts.

(5) **DESIGN**. Freestanding changeable-copy signs must be finished on both sides. The sign materials should be compatible with the face of the building and should be color-fast and resistant to ~~erosion~~weathering. The individual letters shall be uniform in size and color. Letters shall be enclosed within an opaque case with a transparent face. The individual letters shall not exceed eight inches (8") in height.

(6) **ILLUMINATION**. Illumination of changeable-copy signs shall be enclosed in the case.

(C) **DISPLAY BOXES**. Display boxes will be included in the total sign area for a building façade. Display boxes may contain ~~an establishment=s current menu,~~ current entertainment information~~, and~~ or merchandise, and must be compatible with the architectural features of the building.

(1) **SIZE**. The maximum size shall be six square feet (6 sq. ft.).

(2) **NUMBER OF SIGNS**. Not applicable.

(3) **SETBACK AND ORIENTATION**. Display boxes shall be oriented towards pedestrian viewers. Wall-mounted display boxes shall not extend from the building over public property.

(4) **ZONING RESTRICTIONS**. Display boxes are allowed in all commercial zoning districts.

(5) **DESIGN**. Display boxes must be constructed to coordinate with the building design, ~~and~~ must contain a clear face ~~which would~~to protect the ~~menu/event display from the weather~~content, and must not extend over public property. Display boxes will be reviewed within the context of the building architecture.

(6) **ILLUMINATION**. Lighting of the display box is permitted within the display case. Lighting shall be ~~down~~ directed downward towards the items displayed.

(D) **ELECTRONIC DISPLAY TERMINALS**. ~~Electronic display terminals are prohibited u~~Unless within a completely enclosed building and set back at least three feet (3') from any window.~~. Exterior~~ electronic display terminals are a conditional use subject to the following criteria.

(1) **SIZE**. Electronic display terminals shall be limited to a maximum of three square feet (3 sq. ft.) in area~~ if viewed through a window and placed within three feet (3') of a window, or placed on the exterior of a building~~.

(2) **HEIGHT LIMIT**. No electronic display terminal may exceed a height of four feet (4') measured from finished grade.

(3) **NUMBER OF TERMINALS**. No more than one (1) electronic display terminal ~~may be~~ is permitted ~~within the premises of a business~~.

(4) **SETBACK AND ORIENTATION**. Electronic display terminals shall not be allowed within the public right-of-way. They must be ~~accessed~~ viewable by pedestrians only and obscured from vehicles. If located near an entrance or exit of a building, terminals must meet all ingress and egress requirements established by the International Building Code.

(5) **ZONING RESTRICTIONS**. Electronic display terminals are allowed in the HCB, HRC, GC, LI, RC, RCO, and RD Districts.

(6) **DESIGN**. Electronic display terminals must complement the architecture of the structure to which they are associated, and must be finished on all visible sides.

(7) **ILLUMINATION**. Lighting of electronic display terminals is prohibited.

(E) **ENTRANCE/EXIT SIGNS**. Entrance/exit signs are not included into the total sign area allowed for a structure. Entrance/exit signs are for the facilitation of vehicle traffic ~~onto~~ into and ~~off~~ out of a site.

(1) **SIZE**. Entrance/exit signs shall be limited to a maximum of three square feet (3 sq. ft.) per side.

(2) **HEIGHT LIMIT**. Entrance/exit signs shall be no higher than five feet (5') above the ground at the top of the sign.

(3) **NUMBER OF SIGNS**. Two (2) entrance/exit signs are allowed at each approved driveway opening for commercial uses and multi-tenant dwellings.

(4) **SETBACK AND ORIENTATION**. Entrance/exit signs shall not be placed in the City right-of-way.

(5) **ZONING RESTRICTIONS**. Entrance/exit signs are permitted in all commercial and multi-~~family~~ unit residential zoning districts.

(6) **DESIGN**. Entrance/exit signs shall be simple in form and shall be compatible with the architectural elements of the ~~commercial or multi-family~~building or project.

(7) **ILLUMINATION**. Illumination of entrance/exit signs is permitted, provided that the lighting complies with ~~Chapter~~ Section 15-5-5 of the Land Management Code.

(F) **FLAGS**. Flags and flag poles are prohibited when they are the only man-made structure on the premises ~~where it is placed~~.

(1) **SIZE**. The maximum size of any one (1) flag shall be twenty-four square feet (24 sq. ft.) if visible from a public right-of-way.

(2) **HEIGHT LIMIT**. Flag poles may not exceed twenty-eight feet (28') in height measured from final grade.

(3) **NUMBER OF FLAGS**. No more than three (3) freestanding flag poles per property ~~may be shown at any time if these flags are~~are allowed if visible from a public right-of-way. Properties with right-of-way frontage greater than ~~one hundred yards (100 yds.)~~three-hundred feet (300') may be allowed an additional three (3) flags per additional ~~one hundred yards (100 yds.)~~three-hundred feet (300') of street frontage. Flag poles ~~are restricted to only flying~~may only contain one (1) flag per pole.

No more than eight (8) building-mounted flags per property may be shown at any time if these flags are visible from a public right-of-way.

~~Flag poles and flags approved by City Council as Olympic Legacy displays for permanent installation on City property, public rights-of-way and/or within Olympic venue areas at Park City Mountain Resort and Deer Valley Resort may exceed the allowed number of flags and flag poles permitted in this section.~~

(4) **SETBACK AND ORIENTATION**. Freestanding flag poles shall not be placed in the setback area as ~~designed for the zone in which the flags are located~~defined for the zone district in which they are placed.

(5) **ZONING RESTRICTIONS**. Flags are allowed in all zoning districts.

(6) **TYPES OF FLAGS**. ~~All flags which contain the name or logo of an establishment or advertising copy shall be considered signs for purposes of this Chapter.~~ The flag of the United States, the flag of the State of Utah, other flags or insignias of governmental entities, ~~or~~ and decorative flags are not considered signs for purposes of calculating total sign area, but are subject to the

restrictions of this section. All other flags are considered signs for purposes of this Title.

(7) **DESIGN**. It is recommended that the flag poles be black, brown, dark green, or bronze. Flags shall be kept in good repair. Design and lighting of the U.S. flag should be consistent with ~~the Federal Flag Code, 36 U.S.C. Section 173-8 as amended~~Title 4, Chapter 1 of the United States Code.

(8) **ILLUMINATION**. Uplighting of all flags, except as necessary to properly illuminate the flag of the United States of America pursuant to 4 U.S.C. § 6(a), is prohibited.

(G) **FREESTANDING SIGNS**.

(1) **SIZE**. Freestanding signs shall be limited to a maximum of twenty square feet (20 sq. ft.) in area.

(2) **HEIGHT LIMIT**. Freestanding signs may not exceed a height of seven feet (7') measured from final grade.

(3) **NUMBER OF SIGNS**. Buildings, projects, ~~parcels~~ or Master Planned Developments of less than 100,000 square feet of building space are limited to one (1) freestanding sign. If the property has more than one (1) entrance and frontage on more than one (1) street, one (1) additional sign may be permitted ~~for directional purposes only~~. The combined square footage of all freestanding signs shall not exceed the maximum square footage allowed.

Master Planned Developments of greater than 100,000 square feet of building space are allowed one (1) additional freestanding sign per additional 100,000 square feet of building area to a maximum of five (5) freestanding signs within the development ~~provided they are used specifically to identify the development, provide way finding within the development and to identify an amenity within the development~~. All other requirements of this Code shall apply.

(4) **SETBACK AND ORIENTATION**. Freestanding signs shall not be placed in the setback area as defined for the zone in which the sign is located. However, in the General Commercial (GC) District, signs must be set back ten feet (10') from the property line.

Freestanding signs may be aligned either perpendicular or parallel to the road, provided that signs perpendicular to the road are finished on both sides. With the exception of those in the Frontage Protection Zone (FPZ), the Planning Director may decrease this setback if it is determined that a particular road alignment or traffic conditions ~~would facilitate inadequate~~necessitate a decrease in order to ensure adequate visibility of the sign for ~~street~~ vehicle ~~or~~ and pedestrian traffic.

(5) **ZONING RESTRICTIONS**. Freestanding signs are allowed in the ~~commercial districts~~ GC, RM, RDM, RC, RCO, LI, HRC, HCB, and RD Districts. Freestanding signs located in the Frontage Protection Zone require a Conditional Use Permit (CUP).

(6) **DESIGN**. Freestanding signs with a solid or enclosed base are permitted. Signs must be compatible with the architecture of the building with~~to~~ which they are associated. Signs supported by at least two (2) poles without enclosed bases are also permitted, provided that the exposed pole's height does not constitute more than fifty percent (50%) of the sign's overall height; ~~i.e.~~ stated differently, the height of the open area beneath a sign cannot exceed fifty percent (50%) of the sign's total height.

(7) **ILLUMINATION**. Lighting of freestanding signs is permitted, provided that the lighting complies with Section 12-4-9. However, internally illuminated pan-channel letters are not permitted on freestanding signs. Any exterior lighting proposed for the signs shall be included in the sign application.

(8) **DEVELOPED RECREATION AREAS**. Notwithstanding Subsections (1) through (3), "developed recreation areas," as that term is defined in Section 12-2-1(I), may contain one (1) freestanding entry sign. Such sign shall:

(a) not exceed fifty square feet (50 sq. ft.) in area;

(b) not exceed ten feet (10 ft.) in height;

(c) contain lettering, if any, not to exceed 18 inches in height for any letter;

(d) be included in and conform to the applicable Master Sign Plan;

(e) be located within the boundaries of the Master Planned Development or, if authorized by the City, on City property;

(f) conform to all other applicable regulations of this Section and Title; and

(g) benefit the public by denoting the entry area for the recreational use that it serves.

Such freestanding entry sign may be in addition to other freestanding signs allowed under this Section, provided that under no circumstances may the sign deviate from the approved Master Sign Plan for the development.

(H) **HANGING AND PROJECTING SIGNS**. Hanging and projecting signs are included as part of the total sign area for a building under Section 12-4-1.

(1) **SIZE**. No single hanging or projecting sign may exceed twelve square feet (12 sq. ft.) in area. Sign brackets incorporating design elements that are descriptive or informative of the business use shall be included as part of the sign area.

(2) **HEIGHT LIMIT**. Hanging and projecting signs must have at least eight feet (8') of ~~ground~~ clearance from the ground.

(3) **NUMBER OF SIGNS**. ~~There is no number of maximum hanging or projecting signs per building face. The total square footage of sign area shall not exceed the maximum square footage allowed per building face. Signs must have~~ There must be a minimum of six feet (6') of separation between each ~~sign similar in nature~~hanging or projecting sign.

(4) **SETBACK AND ORIENTATION**. Hanging and projecting signs may not project more than thirty-six inches (36") from the face of the building to which they are attached. They may not extend beyond the applicant's property, except those ~~proposed~~ allowed over the Main Street sidewalks. Hanging and projecting signs may extend over City property only after review and written approval by the City Engineer and ~~an executed~~recordation of an encroachment agreement ~~with the City has been recorded at the County Recorder's office~~acceptable to the City Attorney.

(5) **ZONING RESTRICTIONS**. Hanging and projecting signs are permitted within all commercial zoning districts.

(6) **DESIGN**. Exposed surfaces of hanging and projecting signs may be constructed of metal, high-density foam board, or solid wood. The sign materials should be compatible with the face of the building and should be color-fast and resistant to corrosion.

(7) **ILLUMINATION**. Lighting of hanging and projecting signs is permitted, provided that the lighting complies with Section 12-4-9.

(I) **LUMINOUS-TUBE SIGNS** ~~(NEON)~~. Luminous tubes ~~(LT)~~ used to draw attention in any manner are considered signs and shall be regulated according to the provisions of this ~~Code~~ Title, ~~as follows~~including the following requirements:

(1) **SIZE**. All ~~LT~~ luminous-tube signs are limited to six square feet (6 sq. ft.) or less.

(2) **HEIGHT LIMIT**. ~~LT~~ Luminous-tube signs shall be limited to the ground-floor elevation.

(3) **NUMBER OF SIGNS**. One (1) ~~LT~~ luminous-tube sign is allowed for every twenty five feet (25') of building façade width. One (1) ~~LT~~ luminous-tube sign of less than two square feet (2 sq. ft.) in size is allowed per building or commercial tenant space without a permit.

(4) **SETBACK AND ORIENTATION**. ~~LT~~Luminous-tube signs must be located within a building and displayed through a window, rather than being attached to the exterior of the building. If ~~LT~~ luminous-tube signs which are located within ten feet (10') of the front window are visible from the street, they ~~are considered as sign area and~~ must have a permit and will be included in the total sign area for the building under Section 12-4-1. ~~LT~~Luminous-tube signs located ten feet (10') or more back from the window are considered interior lighting and are not regulated.

(5) **ZONING RESTRICTIONS**. ~~LT~~Luminous-tube signs are permitted in the HCB, HRC, LI, RC, RCO, and GC districts. ~~LT~~Luminous-tube signs are prohibited in all other zoning districts.

(6) **DESIGN**. ~~LT~~Luminous-tube signs may not flash, move, alternate, or show animation. The outlining of a building's architectural features is prohibited.

(7) **ILLUMINATION**. No additional illumination is permitted.

(J) **MENU SIGNS**.

(1) **SIZE**. The maximum size shall be two square feet (2 sq. ft.) unless enclosed in a display box.

(2) **HEIGHT LIMIT**. Height of a menu sign shall be a maximum height of six feet (6').

(3) **NUMBER OF SIGNS**. One (1) menu display sign is permitted per restaurant.

(4) **SETBACK AND ORIENTATION**. Displays for menus may be located on the inside of a window for a restaurant or inside a wall mounted or free-standing display box.

(5) **ZONING RESTRICTIONS**. Menu signs are allowed in all commercial zoning districts.

(6) **DESIGN**. All wall mounted or free-standing menu boxes will be reviewed within the context of the building architecture.

(7) **ILLUMINATION**. Lighting of the menu or event display is permitted within the display. Lighting shall be down directed towards the text.

~~(K) **MUNICIPAL IDENTIFICATION SIGNS**. Municipal identification signs are a conditional use subject to review pursuant to Land Management Code Section 15-1-10, in addition to the following criteria:~~

~~(1) **SIZE**. Municipal identification signs shall be limited to a maximum of forty square feet (40 sq. ft.) in area.~~

~~(2) **HEIGHT LIMIT**. No municipal identification sign may exceed a height of eight feet (8') measured from finished grade.~~

~~(3) **NUMBER OF SIGNS**. No more than two (2) municipal identification signs are permitted in Park City.~~

~~(4) **SETBACK AND ORIENTATION**. Municipal identification signs shall be set back no less than fifteen feet (15') from the right-of-way line or edge of asphalt, whichever is greater. No municipal identification sign is permitted within twenty feet (20') of an ROS or POS designated zone.~~

~~(5) **LOCATION/ZONING**. No more than one (1) municipal identification sign shall be permitted along the entry corridor to Park City on Highway 224 and no more than one (1) municipal identification sign shall be permitted along the entry corridor on Highway 248. Any existing municipal identification signs on the approved site must be removed if municipal identification signs are approved by the Planning Commission.~~

~~(6) **DESIGN**. Municipal identification signs must comply with the design guidelines as established in Chapter 4 of this Title. Municipal identification signs shall not be changeable copy signs.~~

~~(7) **ILLUMINATION**. Lighting of municipal identification signs is permitted provided the lighting complies with the City's lighting ordinance.~~

(K) **UMBRELLA SIGNS**. ~~Umbrellas shall meet the following requirements:~~

(1) **SIZE**. Only the area of the umbrella containing the signs, as opposed to the entire area of the umbrella, shall be considered for purposes of calculating total sign area under Section 12-4-1.

(2) **HEIGHT LIMIT**. Not applicable.

(3) **NUMBER OF SIGNS**. Not applicable.

(4) **SETBACK AND ORIENTATION**. Not applicable.

(5) **ZONING RESTRICTIONS**. Umbrella signs are permitted in all commercial zoning districts.

(6) **DESIGN**. Materials should be high-quality vinyl, nylon, canvas, or other similar material ~~in order to~~ that can withstand the weather and climate changes.

(7) **ILLUMINATION**. Illumination of umbrella signs is prohibited.

(L) **WALL SIGNS**. Wall signs may be placed upon a building, provided that they meet the following ~~conditions of approval~~criteria.

(1) **SIZE**. The size of a wall sign shall not exceed the maximum square footage allowed per building façade.

(2) **HEIGHT LIMIT**. Wall signs shall be confined to the building surface below the finished floor elevation of the second floor or twenty feet (20') above finished grade, whichever is lower.

(3) **NUMBER OF SIGNS**. ~~There is no maximum number of wall signs specified per building face. The total sign area shall not exceed the maximum square footage allowed per building face.~~ Not applicable.

(4) **SETBACK AND ORIENTATION**. ~~Wall signs shall be designed to complement existing architectural features of a building without obscuring them.~~ Wall signs shall be oriented toward pedestrians or vehicles within close proximity.

(5) **ZONING RESTRICTIONS**. Wall signs are permitted in all zones.

(6) **DESIGN**. Wall signs shall be designed to complement existing architectural features of a building without obscuring them. The sign materials shall be consistent with Chapter 4 of this ~~Code~~Title, compatible with the building face, color-fast, and resistant to ~~erosion~~weathering.

(7) **ILLUMINATION**. Lighting of wall signs is permitted, provided that the lighting complies with Section 12-4-9. Any exterior lighting proposed for the signs shall be included in the sign application.

(L) **WINDOW SIGNS**. Window signs are permitted, provided they meet the following criteria:

(1) **SIZE**. Permanent window signs shall occupy no more than thirty percent (30%) of the total transparent area of the window.

(2) **HEIGHT LIMIT**. Window signs are limited to the main-floor level of the building. Window signs are permitted ~~upon~~ in second story windows only within the Historic District.

(3) **NUMBER OF SIGNS**. Not applicable.

(4) **SETBACK AND ORIENTATION**. Window signs may be placed in ~~or upon~~ any window below the elevation of the second-floor level, provided that the total square footage of sign area does not exceed thirty percent (30%) of the total transparent area of the window. Window signs include any signs within three feet (3') of the front window, visible from the street, and ~~exceeds~~ exceeding two square feet (2 sq. ft.) in area.

(5) **ZONING RESTRICTIONS**. Window signs are permitted in all zoning districts.

(6) **DESIGN**. The window sign must be permanently attached to the window face by ~~either~~ using vinyl, etching, or other similar attachment method. The vinyl color should be compatible with the building face.

(7) **ILLUMINATION**. Illumination of window signs is prohibited.

CHAPTER 10 - TEMPORARY SIGNS

12-10-1. POLICY.

It is the policy of the City as outlined in this section to restrict the use of temporary signs. Temporary signs are often poorly constructed, poorly maintained, and located in a manner that obscures traffic signs, impairs views of intersections of public and private streets and driveways, and tends to depreciate the scenic beauty and quality of life of the community by creating visual clutter. The City finds that in some limited instances, as reflected in Section 12-10-2 below, the compelling public interests protected by restrictions on temporary signs may be overridden by public and private interests in certain forms of commercial speech. ~~Temporary signs have a place in the community for specialized purposes, such as announcing properties for sale or lease, construction activities, temporary sales, or making political or ideological statements. Temporary signs are permitted for those and similar purposes subject to the regulations of this Chapter.~~

12-10-2. TYPES OF TEMPORARY SIGNS.

Temporary signs ~~are installed on a property with the intent of displaying them continuously for more than twenty-four (24) hours. They~~ are not a part of a permanent land use, and shall not be displayed for more than six (6) months.

(A) **~~BUSINESS~~ NAME- ~~OR TENANT~~ CHANGE SIGNS**. Due to a change in business name or tenant, including temporary occupancy of an existing business by a convention-sales license-holder pursuant to Section 4-3-9 of this Code, a temporary sign is permitted ~~as per~~subject to the following regulations.

(1) **SIZE**. ~~Business name or tenant change signs m~~MName-change signs may occupy the same amount of area previously approved on a building or façade, provided that said area is consistent with this Title and the Master Sign Plan for the property. In no case shall ~~business name or tenant~~ name-change signs exceed the sign area per building face when included within the sign area calculation for all permanent signs.

(2) **HEIGHT LIMIT**. All requirements as stated in this Title shall apply.

(3) **NUMBER OF SIGNS**. Persons seeking approval for ~~business name or temporary~~name-change signs are allowed the same number of signs previously approved on

a building façade or through the Master Sign Plan. Additional window sign area may be used, but may not exceed the total sign area allowed per building face.

(4) **SETBACK AND ORIENTATION**. ~~Temporary business name or tenant~~ Name-change signs ~~are permitted in any district, provided that they~~must comply with all size and setback requirements for ~~the~~ permanent signs of a similar nature in the applicable zone district.

(5) **ZONING RESTRICTIONS**. Temporary ~~business identification~~name-change signs are allowed in all zoning districts.

(6) **DESIGN**. ~~Temporary business identification sign m~~Materials shall be consistent with the requirements of ~~Chapter~~ Section 12-4-7~~ of this Title~~. Sign mounting shall comply with the Uniform Sign Code's standards for installation.

(7) **ILLUMINATION**. Illumination of ~~temporary business~~name-change signs is prohibited.

~~(B) **CAMPAIGN SIGNS**. Campaign signs do not require a sign permit, as issued by the Planning Department, but shall comply with the following regulations:~~

~~(1) **SIZE**. Campaign signs shall not exceed three square feet (3 sq. ft.) of area on the exposed sign face.~~

~~(2) **HEIGHT LIMIT**. The maximum height of a campaign sign is four feet (4') above finished grade.~~

~~(3) **SETBACK AND ORIENTATION**. Campaign signs are permitted in any zone, provided that they are located a minimum of ten feet (10') back from the edge of the curb, or edge of pavement where there is no curb, of the street on which the sign fronts. If this ten foot (10') distance would be within a structure, the sign may be within three feet (3') of the front of the structure. Signs may not be positioned in the side yard. Signs may be displayed through windows or other glass areas subject to the restrictions of Section 12-8-1(K) and 12-8-1(L).~~

~~(4) **ZONING RESTRICTIONS**. Campaign signs are allowed in all zoning districts.~~

~~(5) **ILLUMINATION**. Illumination of campaign signs is prohibited.~~

(B) **CONSTRUCTION IDENTIFICATION SIGNS**. For projects requiring a building permit, a construction mitigation plan is required. Pursuant to this plan, the Chief Building Inspector may require a construction sign. These signs are permitted, provided they meet the following criteria.

(1) **SIZE**. The construction sign shall not exceed twelve square feet (12 sq. ft.) in size.

(2) **HEIGHT**. Construction signs shall not exceed six feet (6') in height above finished grade.

(3) **LOCATION**. The construction sign shall be posted in a location on the premises where it is readable from the street or driveway. In no case shall the construction sign be placed in the public right-of-way. The exact location of the sign shall be identified in the approved Construction Mitigation Plan. Construction signs shall not be located in the side- or rear-yard setbacks.

(4) **INFORMATION**. Information on the construction sign shall include: the name, address, and phone number of the contractor; the name, address, and phone number of the person responsible for the project; and the name and phone number of the party to call in an emergency.

(5) **NUMBER OF SIGNS**. One (1) construction sign is permitted per project.

(6) **ZONING RESTRICTIONS**. Construction signs are permitted in all zoning districts.

(7) **DURATION**. Construction signs shall be removed from the premises upon issuance of a certificate of occupancy for the project from the Building Department.

(C) **~~PROJECT~~CONSTRUCTION MARKETING SIGNS**. To allow for initial marketing of projects containing four (4) or more dwelling units~~ or more~~, ~~and/~~or at least four thousand square feet (4,000 sq. ft.) ~~or more~~ of commercial floor area, a ~~project~~ construction marketing sign is allowed on the property during the construction phase of the building or project.

(1) **SIZE**. The total sign area of the ~~project~~ construction marketing sign shall not exceed twenty-four square feet (24 sq. ft.) in area.

(2) **HEIGHT**. ~~Project~~ Construction marketing signs may not exceed seven feet (7') above finished grade. Signs mounted on a construction barricade or fence may not extend above the height of the barricade or fence.

~~Project marketing Signs must be located in a manner that does not obstruct the view of normal passenger vehicles of adjoining streets from the driveway of the site to the adjoining street.~~

(3) **LOCATION**. ~~The project~~ A construction marketing sign ~~on construction sites~~ may not be closer than twenty feet (20') to the curb line, or edge of pavement if there is no curb. If that twenty foot (20') setback places the sign within the construction limits of disturbance, the sign may be placed closer to the street, but no more than ten feet (10') outside of the construction limits of disturbance.

Construction-marketing signs must be located in a manner that does not obstruct the view for normal passenger vehicles of adjoining streets from the driveway of the site.

~~Project~~ Construction marketing signs shall not be located in the side or rear-yard setbacks. In the HCB District, Prospector Commercial Subdivision, and other areas that have been approved or zoned with no setback or side-yard requirements, the sign may be located on the construction barricade or fence surrounding the site, even if that places the sign within the public right-of-way.

Where there are conditions such as heavy vegetation on the property or extremely steep terrain that make the sign-placement standards of this Title impractical because ~~the sign is not visible from the street~~of their effect on the sign's visibility, the Planning Director may grant an exception to the sign setback standards. ~~, but not the size or street orientation standards~~ However, the Planning Director is not authorized to grant any exception to the size or street-orientation standards of this Title.

(4) **INFORMATION**. Information on the ~~project~~ construction marketing sign may include a plat map and real-estate information for the project.

(5) **NUMBER OF SIGNS**. One (1) ~~project~~ construction marketing sign is permitted per project.

(6) **ZONING RESTRICTIONS**. ~~Project~~ Construction marketing signs are permitted in all zoning districts.

(7) **DURATION**. ~~Project~~ Construction marketing signs shall be removed from the premises upon issuance of the last temporary certificate of occupancy for the project from the Building Department.

The Planning Director or his/her designee may issue a six (6) month extension for the display of the ~~project~~ construction marketing sign after the last temporary certificate of occupancy has been issued upon the applicant's payment of a forfeitable deposit of $5,000. Such deposit shall be forfeited to the City if the ~~project~~ construction marketing sign remains beyond the six (6) months allowed by the extension ~~beyond the date of the last temporary certificate of occupancy~~.

(D) **~~CONSTRUCTION/PROJECT MARKETING~~COMBINED CONSTRUCTION SIGNS**. Residential projects containing four (4) or more dwelling units and~~/or~~ commercial projects containing at least four thousand square feet (4,000 sq. ft.) ~~or more~~ of commercial floor area are allowed one (1) combined construction~~/project marketing~~ sign, provided it meets the following criteria:

(1) **SIZE**. The total sign area of the combined construction~~/project marketing~~ sign shall not exceed thirty-two square feet (32 sq. ft.), and shall be divided to allow sign area for construction and real-estate information. The sign area identifying real-estate information may not exceed twenty square feet (20 sq. ft.). The construction information is limited to twelve square feet (12 sq. ft.).

(2) **HEIGHT LIMIT**. Combined construction~~/project marketing~~ signs may not exceed seven feet (7') ~~above~~ in height measured from finished grade. Signs mounted on a construction barricade or fence may not extend above the height of the barricade or fence.

(3) **NUMBER OF SIGNS**. One (1) combined construction~~/project marketing~~ sign is permitted per project. In no case will a combined construction~~/project marketing~~ sign be allowed if a ~~project~~ construction marketing sign or construction identification sign already exists on the premises.

(4) **SETBACK AND ORIENTATION**. The combined construction~~/project marketing~~ sign ~~on construction sites~~ may not

be closer than twenty feet (20') to the curb line, or edge of pavement if there is no curb. Combined construction~~/ project marketing~~ signs shall not be located in the side- or rear-yard setbacks.

In the HCB district, Prospector Commercial Subdivision, and other areas that have been approved or zoned with no setback or side-yard requirements, the sign may be located on the construction barricade or fence surrounding the site, even if that places the sign within the public right-of-way.

Combined construction~~/ project marketing~~ signs must be located in a manner that does not obstruct the view for normal passenger vehicles of adjoining streets from the driveway of the site~~ to the adjoining street~~.

~~Where there are conditions such as heavy vegetation on the property, or extremely steep terrain that make the sign placement standards of this Title impractical because the sign is not visible from the street, the Planning Director may grant an exception to the sign setback standards, but not the size or street orientation standards~~Where there are conditions such as heavy vegetation on the property or extremely steep terrain that make the sign-placement standards of this Title impractical because of their effect on the combined construction sign's visibility, the Planning Director may grant an exception to the sign setback standards. However, the Planning Director is not authorized to grant any exception to the size or street-orientation standards of this Title. In no event may combined construction~~/ project marketing~~ signs subject to the setback requirements be placed within the public right-of-way.

(5) **ZONING RESTRICTIONS**. Combined construction~~/ project marketing~~ signs are permitted in all zoning districts.

Combined construction~~/ project marketing~~ signs shall be removed from the premises upon issuance of the last temporary certificate of occupancy for the project from the Building Department.

(6) **INFORMATION**. Information on the construction area of the sign shall include: the name, address, and phone number of the contractor; the name, address, and phone number of the person responsible for the project; and the name and phone number of the party to call in an emergency. The marketing section of the sign may include a plat map and real-estate information.

(7) **DESIGN**. Combined construction~~/ project marketing~~ signs shall comply with the Uniform Sign Code's standards for installation.

(8) **ILLUMINATION**. Illumination of combined construction~~/ project marketing~~ signs is prohibited.

(E) **GARAGE-SALE SIGNS**. Garage-sale signs may not be displayed for more than 48 hours continuously. Signs not removed after 48 hours are deemed refuse, and the property owner will be charged a sign removal fee in an amount set forth by resolution and shall be guilty of littering, a Class C misdemeanor. Garage-sale signs do not require a sign permit but must comply with the following regulations, as well as the general size, color, and placement standards of Chapter 4, where applicable.

(1) **SIZE**. Garage-sale signs shall not exceed three square feet (3 sq. ft.) of area on the exposed sign face.

(2) **HEIGHT LIMIT**. No portion of any garage-sale sign shall extend more than six feet (6 ft.) above the natural grade or the finished grade, whichever measurement yields the lower sign.

(3) **NUMBER OF SIGNS**. Only one (1) garage-sale sign is permitted at any time on any one (1) parcel of property.

(4) **SETBACK AND ORIENTATION**. Garage-sale signs may be displayed through windows or other glass surfaces.

(5) **ZONING RESTRICTIONS**. Garage-sale signs are allowed in all zoning districts.

(6) **ILLUMINATION**. Garage-sale signs may not be illuminated.

~~(F) **NEIGHBORHOOD INFORMATION SIGNS**.~~

~~(1) **SIZE**. Neighborhood information signs shall not exceed three square feet (3 sq. ft.) of area on the exposed sign face.~~

~~(2) **HEIGHT LIMIT**. No portion of the Sign shall extend more than six feet (6') above natural grade or finished grade, whichever yield the lower sign.~~

~~(3) **NUMBER OF SIGNS**. Only one (1) neighborhood information sign is permitted on any one (1) parcel of property.~~

~~(4) **SETBACK AND ORIENTATION**. Neighborhood information signs are permitted in any zone. Signs may be displayed through windows or other glass areas subject to the restrictions of Section 12-8-1(K) and 12-8-1(L).~~

(F) **REAL-ESTATE SIGNS**. Real-estate signs do not require a sign permit~~, as issued by the Planning Department~~, ~~but shall~~as long as they comply with the following restrictions:

(1) **SIZE**. Real-estate signs shall not exceed three square feet (3 sq. ft.) of area on the exposed sign face.

(2) **HEIGHT LIMIT**. No portion of the sign shall extend more than six feet (6') above finished grade.

(3) **NUMBER OF SIGNS**. Except ~~as outlined below~~as allowed for open houses pursuant to subsections (a) and (b) below, only one (1) real-estate sign is permitted on any one (1) parcel of property.

(a) ~~**Open House Exception**~~**On-Site**. During the hours of an open house, one (1) additional sign that complies with the requirements of this ~~Code~~ Title will be permitted. Thus, for the duration of an open house, two (2) compliant real-estate signs may be displayed on the premises of a ~~parcel of~~ property for sale. The additional sign must be removed at the conclusion of the open house and may not remain posted overnight. All real-estate signs must comply with the size, color, and placement standards of this ~~Code~~Title.

(b) ~~**Off Premise**~~**Off-Site**. In addition to the one (1) additional sign outlined in subsection (a) above, five (5) additional signs that comply with the requirements of this ~~Code~~ Title are permitted off-premises. These additional five (5) signs may be displayed thirty (30) minutes prior to the commencement of an open house and must be removed within thirty (30) minutes after the conclusion of the open house. Off-premises open-house signs may be displayed within the City right-of-way, but in no case will off-premises open-house signs be ~~placed~~ allowed on the paved street or on a sidewalk. ~~Under no circumstances will o~~Off-premises open-house signs may not be displayed overnight.

(4) **SETBACK AND ORIENTATION**. Real-estate signs are permitted in any district, provided that they are parallel to the street and located a minimum of ten feet (10') back from the edge of the curb, or edge of pavement if there is no curb, of the street on which the sign fronts. If this ten-foot (10') distance would ~~be~~ put the sign within a structure, the sign may instead be placed within three feet (3') of the front of the structure. Signs may not be ~~positioned~~ displayed in the side yard. Signs may be displayed through windows or other glass areas subject to the restrictions of Section ~~12-8-1(K) and 12-8-1(L)~~12-9-2(L).

(5) **ZONING RESTRICTIONS**. Real-estate signs are allowed in all zoning districts.

(6) **ILLUMINATION**. Illumination of real-estate signs is prohibited.

~~(H) **SPECIAL PURPOSE SIGNS**. Signs promoting events for the benefit of civic, charitable, educational, or other non-profit organizations may be erected on private property up to two (2) weeks in advance of the event being promoted. These signs shall be removed within three (3) days following the conclusion of the event.~~

~~(1) **SIZE**. Special purpose signs shall not exceed three square feet (3 sq. ft.) of area on the exposed sign face.~~

~~(2) **HEIGHT LIMIT**. No portion of the special purpose sign shall extend more than six feet (6') above finished grade.~~

~~(3) **NUMBER OF SIGNS**. A maximum of three (3) special purpose signs is permitted on any one (1) parcel of property and must comply with the size, color, and placement standards of this Code.~~

~~(4) **SETBACK AND ORIENTATION**. Special purpose signs are permitted in any zone, provided that they are located a minimum of twenty feet (20') back from the edge of the curb, or edge of pavement where there is no curb, of the street on which the Sign fronts. If this twenty foot (20') distance would be within a structure, the sign may be within three feet (3') of the front of the structure. Signs may not be positioned in the side yard. Signs may be displayed through windows or other glass areas subject to the restrictions of Chapters 12-8-1(K) and 12-8-1(L).~~

~~(5) **ZONING RESTRICTIONS**. Special purpose signs are allowed in all zoning districts.~~

~~(6) **ILLUMINATION**. Illumination of special purpose signs is prohibited.~~

(G) **TEMPORARY PORTABLE SIGNS**. Businesses located in a private plaza may display temporary portable signs to advertise or identify their businesses. Such temporary portable signs must be placed within the boundaries of the private plaza and are subject to the following criteria:

(1) **SIZE**. No temporary portable sign may exceed twelve square feet (12 sq. ft.).

(2) **NUMBER OF SIGNS**. Only one (1) temporary portable sign is allowed per business.

(3) **ORIENTATION**. Temporary portable signs are allowed only on private property, and must not impede pedestrian circulation or ADA or fire access. No temporary portable signs will be permitted on City-owned property, including any City-owned right-of-way~~s~~.

(4) **ZONING RESTRICTIONS**. Temporary portable signs are allowed only within the HCB, HRC, GC, LI, RD and RC zoning districts.

(5) **DESIGN**. Fluorescent colors and reflective surfaces are prohibited on portable signs. Reflective colored materials that give the appearance of changing color are also prohibited.

(6) **ILLUMINATION**. Illumination of temporary portable signs is prohibited.

~~(J) **YARD SIGNS**. Yard signs shall be displayed only immediately prior to and during the yard sale or garage sale. Yard signs may not be displayed for more than forty eight (48) hours continuously. Signs not removed after forty eight (48) hours of display are deemed refuse. The owner or erector of the sign is subject to a fee per sign removal charge in an amount set forth by resolution if the sign is removed by the City as refuse. In addition, the owner or erector shall be guilty of a Class "C" misdemeanor of littering. Yard Signs do not require a sign permit as issued by the Planning Department, but shall comply with the following regulations.~~

~~(1) **SIZE**. Yard signs shall not exceed three square feet (3 sq. ft.) of area on the exposed sign face.~~

~~(2) **HEIGHT LIMIT**. No portion of the yard sign shall extend more than six feet (6') above natural grade or finished grade, whichever yields the lower sign.~~

~~(3) **NUMBER OF SIGNS**. Only one (1) yard sign is permitted on any one (1) parcel of property and must comply with the size, color, and placement standards of this Code.~~

~~(4) **SETBACK AND ORIENTATION**. Yard signs are permitted in any zone. Signs may be displayed through windows or other glass areas subject to the restrictions of Section 12-8-1(K) and 12-8-1(L).~~

~~(5) **ZONING RESTRICTIONS**. Yard signs are allowed in all zoning districts.~~

~~(6) **ILLUMINATION**. Illumination of yard signs is prohibited.~~

(H) **YARD SIGNS**. Any property owner can display three (3) yard signs on each parcel of property belonging to such owner. No yard sign may be displayed for more than six (6) months. Signs not removed after six (6) months are deemed refuse, and the property owner will be charged a sign removal fee in an amount set forth by resolution, and shall be guilty of littering, a Class C misdemeanor. Yard signs do not require a sign permit but must comply with the following regulations, as well as the general size, color, and placement standards of Chapter 4, where applicable.

(1) **SIZE**. Yard signs shall not exceed three square feet (3 sq. ft.) of area on the exposed sign face.

(2) **HEIGHT LIMIT**. No portion of any yard sign shall extend more than six feet (6') above the natural grade or the finished grade, whichever measurement yields the lower sign.

(3) **NUMBER OF SIGNS**. Only three (3) yard signs are permitted at any time on any one (1) parcel of property.

(4) **SETBACK AND ORIENTATION**. Yard signs must be located a minimum of ten feet (10') back from the edge of the street curb, or edge of the street pavement where there is no curb. Yard signs are only allowed in the front yard. The front yard is the area between the front of the closest building and the front lot line or right-of-way, whichever is closer, extending the full length of the lot. If the location of a building prevents complying with the ten-foot (10') setback, the sign may instead be placed anywhere within three feet (3') in front of the building, including on the building itself, provided that it still complies

with all other applicable restrictions of this Title. Yard signs may be displayed through windows or other glass surfaces subject to the provisions of Section 12-9-2(L).

(5) **ZONING RESTRICTIONS**. Yard signs are allowed in all zoning districts.

(6) **ILLUMINATION**. Yard signs may not be illuminated.

CHAPTER 11 - BANNERS ON CITY LIGHT STANDARDS

12-11-1. PURPOSE STATEMENT.

~~Park City makes certain City light standards for this display of banners in order to promote the visual interest and economic vitality of Park City=s historic resort based community; to promote aesthetic enhancement through artistic expression; and to contribute to the festive nature of Park City=s world class resort atmosphere.~~ Pursuant to its substantial governmental interests in protecting property values, promoting the economic vitality and historic character of the City, and contributing to the City's world-class resort atmosphere, Park City finds it advisable to allow from time to time the display of certain banners on City light standards for the purpose of promoting certain events and messages that the City, on behalf of its citizens, deems to be in the public interest. It is not the purpose of the City by so doing to designate its light standards as a public forum of any degree or type.

12-11-2. ADMINISTRATION.

Banners on City light standards shall be reviewed and administered by the Special Events Department, Planning Department, and Parks Department pursuant to the criteria set forth in this Chapter.

12-11-3. ELIGIBILITY.

Persons eligible to apply ~~for and display banners~~to have their banners displayed on City light standards shall be limited to Park City Municipal Corporation and duly licensed Master Festivals ~~license holders~~.

12-11-4. DISPLAY LOCATIONS~~, BANNER ALLOTMENT~~.

City light standards eligible to display banners are those along Main Street, Kearns Boulevard, Park Avenue, and Empire Avenue. The maximum number of banners ~~to be hung~~allowed shall be sixty-three (63) along Main Street, eighteen (18) along Kearns Boulevard, thirty (30) along Park Avenue, and thirty (30) along Empire Avenue.

12-11-5. APPLICATIONS.

Applications for banners on City light standards shall be submitted to the Special Events Department and shall be approved only if the interdepartmental review team finds compliance with all criteria set forth in this Chapter. Applications shall be submitted no later than ninety (90) days prior to the first date of the proposed display period. Applications shall at a minimum contain the following information:

(A) Proof of eligibility ~~per~~ under Section 12-11-3;

(B) Requested display locations and dates, not to exceed a period of three (3) weeks; and

(C) A colored rendering or scaled drawing of the proposed banner, including façade dimensions and descriptions of materials and colors to be used.

If more than one (1) application for banners on City light standards is received for the same time period, the Special Events Director will determine which applicant receives priority status, based on the public interest stated in Section 12-11-1. ~~Priority shall be determined on a first-come, first-served basis, based on the date a completed application is received. Where competing applications are submitted by Master Festival license holders, display periods shall be limited to the actual event dates.~~

12-11-6. DESIGN.

Banners for display on City light standards must satisfy the following design criteria:

(A) **SIZE**. Unless otherwise approved by the Parks Department, banners shall be twenty-nine inches by seventy-two inches (29" x 72") along Main Street, twenty-four inches by thirty-six inches (24" x 36") along Empire Avenue, and twenty-six inches by ninety-six inches (26" x 96") along Kearns Boulevard~~,~~ and ~~twenty-six inches by ninety-six inches (26" x 96") along~~ Park Avenue.

(B) **FABRICATION**. Fabric must be of a durable material able to withstand the elements, including snow and heavy winds~~, with one and one half inch (1-2") brass grommets installed on both bottom corners. Additionally, banners must be sewn for mounting on existing brackets. A three and one half to four inch by twenty-nine inch (3-2" to 4" x 29") wide sleeve for Main Street, Kearns Boulevard and Park Avenue, or twenty-four inch (24") sleeve for Empire Avenue banners, at the top of the banner is required to hang the banners on brackets~~. Banners must have 1.5-inch brass grommets installed on both bottom corners. Banners must be sewn for mounting on existing

brackets, with sleeves along the top edge of the banners. Sleeves must be 3.5 to 4 inches tall and either 29 inches wide (for Main Street, Kearns Boulevard, and Park Avenue) or 24 inches wide (for Empire Avenue). Samples are available through the Parks Department. Applicants are encouraged to contact the Parks Department prior to submitting an application in order to ensure compliance with actual specifications.

(C) **SPONSORS**. ~~Duly licensed Master Festival license holders~~Banners may include the name, logo, or imagery of a sponsor, as defined at Section 4-1-1.52 of ~~the Municipal~~this Code, ~~on the banner,~~ subject to the following criteria:

(1) The sponsor's name, logo, or imagery shall occupy no more than five percent (5%) of the total banner area and must be within the bottom ten percent (10%) of the banner area.

(2) The ~~font and scale of the~~ sponsor's name, logo, or imagery must be either white or black in color; secondary in scale to the Master Festival's name, logo, and imagery; and ~~must be~~ smaller than ~~the font and scale of~~ the Master Festival's name, logo, and imagery.

(3) Multiple sponsors are allowed for a single Master Festival, but only one sponsor's name may be displayed on any banner.

(4) If a corporate sponsor, as defined in Section 4-1-1.14 of ~~the Municipal~~this Code, is part of the official Master Festival's name, and that corporate sponsor's name, logo, or imagery is featured on the banners, no additional sponsors shall be displayed on the banners.

(5) The sponsor's name, logo, or imagery shall occupy no more space on the banner than the City logo required by subsection (F) below.

(D) **ARTWORK**. Fluorescent colors and reflective surfaces are prohibited on banners. Reflective colored materials that give the appearance of changing color are also prohibited.

Artwork should be approved at least two (2) months prior to the proposed hanging date. The design must be on both sides of the banners, unless otherwise approved by the Parks Department.

(E) **TEXT**. Banner text shall be limited to the name of the permitted Master Festival, a festival sponsor, ~~and~~ the dates of the event, and the City name.

(F) **CITY LOGO**. All banners must include, on both sides of the banner, the official Park City logo.

12-11-7. PERIOD OF DISPLAY.

Banners may be displayed for no more than three (3) weeks at a time. Applicants shall accept that the display period is contingent upon a workable arrangement within the overall schedule of other City banners, as well as prior commitments to other outside sponsors. Prior commitments may preclude the desired display period of an otherwise acceptable applicant's banner. The City has complete discretion to decide when and for how long the banners may hang. ~~Where competing applications are submitted by Master Festival license holders, display periods shall be limited to the actual event dates.~~

12-11-8. INSTALLATION AND REMOVAL.

Banners must be received by the Parks Department no later than one (1) week prior to the first date of scheduled display. All banners on City light standards shall be installed by City personnel. Installation and removal dates will be arranged by the applicant and the Parks staff. If the banners are not retrieved from the Parks Department by the applicant within ten (10) days after removal, the banners shall become the property of the City and will be disposed of.

12-11-9. LIABILITY.

The applicant shall agree to assume full liability and indemnify the City for any damage to persons or property arising from the display of the banners by the City. The City is not responsible for any damage that may occur to the banners from any cause.

12-11-10. FEES.

(A) **APPLICATION FEE**. Banner applications shall be assessed a temporary sign fee, the amount of which shall be set by resolution. All application fees are due and payable upon submission of a completed application.

(B) **INSTALLATION AND REMOVAL FEES**. Upon receipt of a completed application, the Parks Department will provide the applicant with an estimate of fees based on estimated costs for City services arising from the installation and removal of the banners, including but not limited to the use of City personnel and~~/or~~ equipment. A final assessment of City costs will occur upon completion of the ~~Special Event~~Master Festival, and installation and removal fees will be adjudged to reflect actual cost.

Installation and removal fees must be paid in full within thirty (30) days of the final assessment of City costs for the Master Festival~~ or Special Event~~.

CHAPTER 12 - MASTER FESTIVAL AND SPECIAL EVENT SIGN PLAN

12-12-1. SIGN PLAN REQUIRED.

All Master Festival and Special Event licensees desiring permission to display temporary signs ~~related to~~as an approved Master Festival shall submit a Master Festival Sign Plan as part of the application for a Master Festival license. The Planning and Special Events and Facilities Departments shall review Master Festival Sign Plans for compliance with the standards below prior to permit issuance.

12-12-2. MASTER FESTIVAL BANNERS.

The use of banners ~~identifying an event and/or sponsor~~ is allowed within the boundaries of the approved Master Festival venue, subject to the following criteria:

(A) **SIZE**. No individual Master Festival banner may exceed thirty-six square feet (36 sq. ft.) in size.

(B) **NUMBER OF SIGNS**. One (1) banner is allowed per venue. Additionally, one (1) banner is allowed on the external façade of any building or structure within a venue, including temporary structures. Staff may approve additional banners within a venue upon finding that: the banners contribute to the overall festival atmosphere or theme of the event consistent with the purpose and scope of Section 12-1-1; the design is consistent with Section 12-3-3(A) as applied to the event; and that any commercial advertising message is secondary to such look-and-feel design elements for the event. There is no limit on banners within a fully enclosed structure.

(C) **SETBACK AND ORIENTATION**. Master Festival banners are allowed only on or within approved venues.

(D) **ZONING RESTRICTIONS**. Master Festival banners are allowed ~~within~~ in all zoning districts.

(E) **DESIGN**. Fluorescent colors and reflective surfaces are prohibited on banners. Reflective colored materials that give the appearance of changing color are also prohibited. A matte or flat finish is required for all surfaces.

(F) **PERIOD OF DISPLAY**. Master Festival banners may be displayed only during the approved time of the Master Festival.

(G) **ILLUMINATION**. ~~Illumination of temporary business signs is prohibited.~~No lighting other than pre-existing light sources may be used to illuminate Master Festival banners.

12-12-3. SPECIAL EVENT BANNERS.

The use of banners is allowed within the boundaries of the approved Special Event venue, subject to the following criteria:

(A) **SIZE**. No individual Special Event banner may exceed thirty-six square feet (36 sq. ft.) in size.

(B) **NUMBER OF SIGNS**. One (1) banner is allowed per venue. Additionally, one (1) banner is allowed on the external façade of any building or structure within a venue, including temporary structures. Each banner shall be consistent with Section 12-3-3(A) as applied to the event, and any commercial advertising message must be secondary to such look-and-feel design elements for the event.

(C) **SETBACK AND ORIENTATION**. Special Event banners are allowed ~~to be oriented~~ only within approved venues.

(D) **ZONING RESTRICTIONS**. Special Event banners are allowed ~~within~~ in all zoning districts.

(E) **DESIGN**. Fluorescent colors and reflective surfaces are prohibited on banners. Reflective colored materials that give the appearance of changing color are also prohibited. A matte or flat finish is required for all surfaces.

(F) **PERIOD OF DISPLAY**. Special Event banners may be displayed only during the approved time of the Special Event.

(G) **ILLUMINATION**. ~~Illumination of temporary business signs is prohibited.~~No lighting other than pre-existing light sources may be used to illuminate Master Festival banners.

12-12-4. MASTER FESTIVAL DIRECTIONAL SIGNS.

Municipal ~~and/~~or event-owned directional signs in the form of electronic message signs and portable signs are allowed for the purpose of identifying and~~/or~~ directing vehicular or pedestrian traffic to parking areas, transportation centers, and venues.

12-12-5. MASTER FESTIVAL PROJECTION SIGNS.

~~Temporary projection signs that are part of an approved Master Festival license may be allowed for the duration of the Master Festival permit, provided they are directed downward and the light~~

~~source is shielded from any view but the intended mark of the sign.~~Subject to approval by the Planning Department, temporary projection signs that are part of an approved Master Festival license may be allowed for the duration of the Master Festival permit, provided the light source is shielded from any view but the intended audience of the sign.

12-12-6. TEMPORARY SIGNS.

Staff may approve temporary signs within a Master Festival or Special Event venue upon finding that: the signs contribute to the overall resort atmosphere or theme of the event consistent with the purpose and scope of Section 12-1-1; the design is consistent with Section 12-3-3(A) as applied to the event; and that any commercial advertising message is secondary to such look-and-feel design elements for the event. There is no limit on signs within a fully enclosed structure.

CHAPTER 13 - HISTORIC SIGNS

12-13-1. HISTORIC SIGNS EXEMPT.

Other than safety and structural requirements, the provisions of the Sign Code may be exempted by the Planning Commission for historic signs upon application for designation by the sign owner and consent from the building owner.

12-13-2. HISTORIC SIGN REVIEW PROCEDURE.

Upon filing an application, the Planning Director may determine that a sign is historic based on the guidelines below. Notwithstanding safety, maintenance, or structural regulations, a sign so designated by the Planning Director shall be deemed to conform with this Chapter.

12-13-3. HISTORIC SIGN CRITERIA.

To designate a sign as historic, the Planning Director must make findings based on the following criteria:

(A) The sign is at least fifty (50) years old.

(B) The sign possesses unique physical design characteristics, such as configuration, color, texture, or other unique characteristics.

(C) The sign is of significance to the City and makes a contribution to the cultural, historic, or aesthetic quality of the City, or otherwise contributes to the City's streetscape.

(D) The sign is integrated into the architecture of the building or the site.

(E) The sign ~~is~~ involves exemplary technology, craftsmanship, or design of the period in which it was constructed; uses historic sign materials such as wood, metal, or paint directly applied to buildings, and means of illumination such as ~~neon~~ luminous-tube or incandescent fixtures; and is not significantly altered from its historic period. If the sign has been altered, it must be restorable to its historic function and appearance.

(F) The sign is structurally safe, or is capable of being made so without substantially altering its historical significance.

12-13-4. REMOVAL OF HISTORIC SIGNS.

Once a sign is designated a historic sign and defined as an important characteristic of Park City's history, the building owner must receive Historic Preservation Board approval to remove the sign.

CHAPTER 14 – OUTDOOR VEHICLE DISPLAYS

12-14-1. PURPOSE AND SCOPE.

The City Council ~~of Park City, Utah~~ hereby finds that there is a substantial and compelling need to allow limited outdoor display of vehicles due to the unique relationship between vehicle sponsors of Master Festivals and the City's ski resorts. Such a need must be balanced with the City's aesthetic concerns as stated in Section 12-1-1. Accordingly, the City shall only permit outdoor vehicle displays pursuant to the regulations stated herein. Such displays are not signs and shall not count towards sign ~~square footage~~ area limitations nor receive the benefit of sign exemptions.

12-14-2. DISPLAY.

Sponsor vehicles may be displayed subject to the following criteria:

(A) The display is within a Master Festival venue or a ski base facility in the RC, RC-MPD or RD-MPD zones.

(B) The display is consistent with the purpose and scope of Section 12-1-1, the design is consistent with Section 12-3-3(A) as applied to the orientation of the display (which shall be generally to the interior of the venue or ski base facility), and that any commercial advertising message is secondary to such look-and-feel design elements for the event.

(C) The display is only for the display of the vehicle; no additional solicitation or advertising is allowed as a consequence of the vehicle other than a sign identifying the sponsor not to exceed three

square feet (3 sq. ft.). The vehicle may be wrapped in additional design elements, such as ski-team or athlete images, so long as the wrap contributes to the overall resort atmosphere or theme of the ski area or event consistent with the purpose and scope of Section 12-1-1, the design is consistent with Section 12-3-3(A) as applied to the area or event, and that any commercial advertising message is secondary to such look-and-feel design elements.

(D) The proposed vehicle display does not impede vehicular or pedestrian circulation.

(E) The proposed vehicle display does not impede emergency access or services.

CHAPTER 15 - APPEALS

12-15-1. APPEALS.

Any applicant who believes a denial is not justified has the right to appeal to the Planning Commission and to appear at the next regularly scheduled meeting for which proper notice can be given and agenda time is available. Intention to take an appeal to the Commission shall be filed with the Planning Director in writing within ten (10) business days following the denial of the permit by the Planning Department.

Applicants may have any action of the Planning Commission reviewed by the City Council by petitioning in writing within ten (10) business days following Planning Commission action on the sign permit. Actions of the Commission are subject to appeal and review according to the procedures set forth in Chapter 1 of the Land Management Code (Title 15)~~, Section 15-1~~.

CHAPTER 16 - VIOLATION OF TITLE

12-16-1. PENALTY.

~~Violation~~ Each violation of this Title is a Class "C" misdemeanor.

12-16-2. PENALTY FOR PLACEMENT OF HANDBILLS OR SIGNS ON PUBLIC PROPERTY.

Handbills or signs found posted upon any public property ~~contrary to~~in violation of the provisions of this ~~section~~Title may be removed by ~~the Police Department, Public Works Department, Parks and Recreation Department, or the Planning Department~~any City department. The person responsible for ~~any~~ such illegal posting shall be liable for triple the cost incurred in the removal thereof, and the City is authorized to effect the collection of said cost, in addition to any criminal fine collected under Section 12-~~15~~16-1.

Ordinance No. 15-48

AN ORDINANCE OF PARK CITY, UTAH AMENDING TITLE 12 OF THE MUNICIPAL CODE OF PARK CITY

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

WHEREAS, Park City's interests in ensuring traffic safety and preventing visual blight are compelling governmental interests due to the history and terrain of Park City and its status as a mountain resort community; and

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

WHEREAS, the City reviews the Sign Code on a regular basis and identifies necessary amendments to address issues that have come up in the community, to address specific issues raised within the City government, to align the Code with the Council's goals, and to ensure compliance with State and Federal laws; and

WHEREAS, temporary signs are often poorly constructed, poorly maintained, and located in places that tend to adversely affect the safety and scenic beauty of Park City and otherwise decrease the quality of life for its residents; and

WHEREAS, in some limited instances the public interests that support restrictions on signs in Park City may be overridden by public and private interests in certain forms of commercial speech; and

WHEREAS, Park City has an interest in promoting the City's status as a popular resort town offering a variety of recreational and cultural opportunities and finds this status to be essential to the City's long term economic and financial well-being; and

WHEREAS, these proposed Sign Code amendments have been reviewed for consistency with recent developments in Federal law; and

WHEREAS, the long-term economic sustainability of Park City depends upon the continued aesthetic attractiveness of its historic areas; and

WHEREAS, it is in the best interest of the residents of Park City, Utah to amend the Sign Code to be consistent with the values and goals of the Park City General Plan and the Park City Council; to protect health and safety and maintain the quality of life for its residents and visitors; to preserve and protect the vitality, attractiveness, activity and success of the City; and to preserve the community's unique character; and

WHEREAS, the Planning Commission duly noticed and conducted a public hearing at the regularly scheduled meeting on November 11th, 2015, and forwarded a recommendation to City Council.

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

Section I. Amendment. Title 12 of the Municipal Code of Park City is hereby amended as redlined in Exhibit A.

Section II. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

Section III. Conflict with Existing Ordinances, Resolutions, or Policies. To the extent that any ordinances, resolutions, or policies of Park City Municipal Corporation conflict with the provisions of this ordinance, this ordinance shall prevail.

Section IV. Effective Date. This Ordinance shall become effective upon publication.

PASSED AND ADOPTED BY THE PARK CITY COUNCIL this _____ day of _____, 2015.

PARK CITY MUNICIPAL CORPORATION

_____
Mayor Jack Thomas

Attest:

_____
Michelle Kellogg, City Recorder

Approved as to form:

_____
Tricia S. Lake
Assistant City Attorney/Prosecutor

Exhibit

Exhibit A – Revised Sign Code (with redlines)

CANYONS

Park City Proposal 50 sq. ft

Municipal Sign and façade allowance 36 sq. ft.

Summit County Allowance 45 sq. ft

Park City Mountain Resort 30 sq. ft.

Park City Free Standing Sign Allowance 20 sq. ft.

DATE: December 3, 2015

TO HONORABLE MAYOR AND COUNCIL

DATE: December 3, 2015

TO HONORABLE MAYOR AND COUNCIL

Staff recommends that City Council review and discuss the following proposed repeal of Section 4-3-7 of the Municipal Code of Park City. Staff recommends City Council adopt the proposed ordinance.

Respectfully:
Tricia S. Lake, Assistant City Attorney
Aaron Benson, Law Clerk

Respectfully:

Tricia Lake, Assistant City Attorney/Prosecutor

City Council
Staff Report

Subject: **An Ordinance of Park City, Utah Repealing Section 4-3-7 of the Municipal Code of Park City**
Author: **Tricia S. Lake – Assistant City Attorney**
Aaron Benson – Law Clerk
Department: **City Attorney's Office**
Date: **December 3, 2015**
Type of Item: **Legislative**

Summary Recommendation:
Staff recommends that City Council review and discuss the following proposed repeal of Section 4-3-7 of the Municipal Code of Park City. Staff recommends City Council adopt the proposed ordinance.

Executive Summary:
The First Amendment of the U.S. Constitution governs the extent to which municipal regulations can infringe on individuals' right to express themselves. One's right to free speech extends not only to spoken words but to other expressive behavior such as playing an instrument. Park City currently requires street performers to apply for a license before they can perform on the street, but recent decisions in Federal courts suggest that such a requirement violates the First Amendment.

Background/Analysis:
Section 4-3-7 of the Municipal Code of Park City states that:

> Persons playing acoustic and non-amplified musical instruments, performing pantomime, magic, dancing, or any other visual or audible performances with the intent or expectation to receive valuable consideration therefore shall be licensed by the City as street musicians before any such performance. The Finance Department may issue such a license upon payment of the license fee set forth in the Fee Resolution and no license shall be granted for more than ten (10) consecutive days at a time.

In July, the City received several challenges to the ordinance. In response, staff reviewed this licensing requirement for street performers in light of recent decisions by Federal courts. One decision in particular, from the 9th Circuit Court of Appeals, puts the City's licensing requirement in peril.

In *Berger v. City of Seattle*, the 9th Circuit reviewed Seattle's licensing requirement for performers in Seattle Center park (where the Space Needle and other civic attractions are located). The city put in place various restrictions:

- Performers were required to obtain a license from the city to perform in the park;

- No performers were allowed to focus their performance on “captive audiences” which were waiting in line at one of the park’s attractions;
- Performers were not allowed to directly ask for payment; and
- Only certain locations were open for performers, and each performer was assigned a spot on a first-come first-served basis.

Expressive activity such as playing an instrument is considered “speech” for purposes of the First Amendment protections. Cities are allowed under the First Amendment to implement and enforce what are called “time/place/manner” restrictions on speech, as long as the restriction is not based on the content of the speech. In order to survive judicial scrutiny, such content-neutral time/place/manner restrictions must (1) serve a significant governmental interest, (2) be narrowly tailored to further that interest, and (3) leave open alternative channels for an individual to adequately express his or her message.

The City of Seattle justified its restrictions on street performers in the Seattle Center by asserting the following interests:

- Protecting the safety of the public by ensuring that unruly performers could be identified and banned from the park, and by preventing congestion in the public thoroughfares;
- Cultivating the convenience of the public by keeping the public from unwanted and aggressive behavior by performers; and
- Regulating the competing uses of public spaces.

The court found that however significant these interest may be, the restrictions that the city had put in place were not narrowly tailored to serve those interests. The court did not find narrow tailoring because the regulations did not directly prevent the behavior that the city was worried about – aggressive solicitation by performers and conflicts among performers and between performers and the public. By putting in place the regulations, the city had burdened far more speech than it needed to deal with the problems that it claimed to have. Therefore, the regulations were struck down.

Other Federal courts have followed the same reasoning in curtailing or striking down cities’ restrictions on street performers.

In light of these developments and the significant threat of litigation they bring, and considering the minimal requirements and effect of the current Section 4-3-7, it is advisable to repeal Section 4-3-7 of the Municipal Code of Park City.

Department Review:
The City Attorney’s Office has reviewed and analyzed Park City’s current Licensing Code, including Section 4-3-7, and recent case law regarding restrictions on street performers, and has discussed this with the Police Department, Building Department and Finance Department. The City Manager’s office has also reviewed this report.

Alternatives:

A. **Approve:** This is the recommended action.

B. **Deny:** Denying the proposed ordinance would increase the risk of costly litigation seeking to invalidate the licensing requirements for street performers.

C. **Continue the item:** Continuing the item to a date certain and providing direction to Staff regarding additional information, revisions, or analysis needed in order to take final action is an acceptable option, as long as the item could quickly be brought back before City Council.

Significant Impacts:
Approving the ordinance as proposed will reduce the risk of costly litigation seeking to invalidate the licensing requirements for street performers and will have no significant impact on the City budget.

Funding Source:
No funding is required for this action.

Consequences of not taking the recommended action:
Denying the request would put the City's licensing regulations as they apply to street performers at risk of being challenged in court and struck down.

Continuing the item and providing direction to staff on revisiting the proposed ordinance is an acceptable option, as long as the item could quickly be brought back before City Council.

Recommendation:
Staff recommends City Council adopt the proposed ordinance.

Exhibits:
Exhibit A – An Ordinance of Park City, Utah Repealing Section 4-3-7 of the Municipal Code of Park City

Ordinance No. 15-49

AN ORDINANCE OF PARK CITY, UTAH REPEALING SECTION 4-3-7 OF THE MUNICIPAL CODE OF PARK CITY

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

WHEREAS, Park City has a significant interest in promoting the free expression of ideas within City limits; and

WHEREAS, Park City also has significant interests in protecting the health and safety and maintaining the quality of life for its residents and visitors, in preserving and protecting the vitality, attractiveness, activity and success of the City, and in preserving the community's unique character; and

WHEREAS, from time to time as these interests interact and circumstances change, it is in the City's best interest to revise its Municipal Code as necessary to balance the foregoing interests.

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

Section I. Repealer. Municipal Code of Park City Section 4-3-7 is hereby repealed in its entirety.

Section II. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

Section III. Conflict with Existing Ordinances, Resolutions, or Policies. To the extent that any ordinances, resolutions, or policies of Park City Municipal Corporation conflict with the provisions of this ordinance, this ordinance shall prevail.

Section IV. Effective Date. This Ordinance shall become effective upon publication.

PASSED AND ADOPTED BY THE PARK CITY COUNCIL this _____ day of _____, 2015.

PARK CITY MUNICIPAL CORPORATION

_____

Mayor Jack Thomas

Attest:

_____
Michelle Kellogg, City Recorder

Approved as to form:

_____
Tricia S. Lake
Assistant City Attorney/Prosecutor