



**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
June 9, 2016**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, June 9, 2016.

CLOSED SESSION

1:00 p.m. To Discuss Property and Litigation

WORK SESSION

2:05 p.m. Discuss 2016 Budget Policy - General Contingency Policy and Reserves **PAGE 3**

2:30 p.m. Staffing Update – Pursuing Net Zero Goals through Support of the Georgetown University Energy Prize Competition **PAGE 14**

2:50 p.m. Recreation Advisory Board Interviews **PAGE 21**

CLOSED SESSION

3:35 p.m. To Discuss Personnel

WORK SESSION (CONTINUED)

3:45 p.m. Council Questions and Comments

3:55 p.m. Review Lower Park Avenue Housing Request for Proposals (RFP) Scope – 1364 Woodside Avenue **PAGE 22**

4:15 p.m. Review Main Street and Downtown Parking Management Study Results **PAGE 31**

5:15 p.m. Discuss Vail Resort's Pending Trademark Application for "Park City" **PAGE 54**
(A) Public Input

REGULAR MEETING

6:00 p.m.

I. ROLL CALL

II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

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

IV. CONSIDERATION OF MINUTES

Consideration of a Request to Approve the City Council Meeting Minutes from May 19, 2016
PAGE 61

V. NEW BUSINESS

1. Public Hearing to Receive Comment with Regard to the Fiscal Year 2016-2017 Tentative Budget **PAGE 75**

2. Consideration of Approval of Street Dining on Main Lease for Tupelo at 508 Main Street in a Form Approved by the City Attorney **PAGE 76**

3. Consideration of a Request to Continue a Public Hearing on an Ordinance for the 220 King Road, Second Amended Lot 2, Phase 1 Treasure Hill Subdivision, Located at 220 King Road, Park City, Utah **PAGE 93**

(A) Public Hearing (B) Continue to June 30, 2016

4. Consideration of an Ordinance Approving a Third Extension of the August 9, 2012, Approval of the Ontario Mine Bench Subdivision Located at 7700 Marsac Avenue, Park City, Utah Pursuant to Findings of Fact, Conclusions of Law, and Conditions of Approval in a Form Approved by the City Attorney **PAGE 94**

(A) Public Hearing (B) Action

5. Consideration of an Ordinance Approving a Third Extension of the August 9, 2012, Approval of the Ontario Mine Bench Condominium Plat Located at 7700 Marsac Avenue, Park City, Utah Pursuant to the Findings of Fact, Conclusions of Law, and Conditions of Approval in a Form Approved by the City Attorney **PAGE 133**

(A) Public Hearing (B) Action

6. Consideration of a Request to Continue a Public Hearing on Land Management Code Amendments **PAGE 144**

(A) Public Hearing (B) Continue to Date Uncertain

VI. ADJOURNMENT

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



DATE: June 9, 2016

TO HONORABLE MAYOR AND COUNCIL

The following staff report contains information regarding the following budget policies, (1) General Contingency Policy and (2) Reserves.

Respectfully:

Matt Dias, Asst City Manager



City Council Staff Report

Subject: City Manager's Recommended Budget
Authors: Nate Rockwood & Jed Briggs
Department: Budget, Debt, & Grants Department
Date: June 9, 2016
Type of Item: Informational/Legislative

Executive Summary: The following staff report contains information regarding the following budget policies: (1) General Contingency Policy; and (2) Reserves.

Acronyms:

BFO – Budgeting for Outcomes
FY- Fiscal Year
CIP – Capital Improvement Plan
RDA – Redevelopment Authority
FIAR - Financial Impact Assessment Report
MFL – Master Festival License

Background:

This budget season will be the first year of the budget biennium. Between now and June we will be working on adjusting the FY 2016 Budget as well as developing the FY 2017 Budget and FY 2018 Plan.

The City Manager's Recommended Budget is constructed drawing upon Council input and direction received during the Council Retreat in March, as well as Council input received during work sessions and study sessions throughout the year. During a Council work session (Mar. 3), Council was presented with the Financial Impact Assessment Report (FIAR) projection of the City's expenditures and revenues over the next ten years. In essence, the FY17 budget has to fit within the confines of the FIAR's projected expenditure increases (based off of a 10-year historical analysis of an average annual increase of Park City's expenditures), approved by Council.

The following timeline details the dates that various aspects of the recommended budget were presented to Council. June 8 has been reserved for outstanding budget issues.

On June 2, 2016 as part of the budget hearings, Council requested that staff return with a discussion of the following budget policies: General Contingency Policy and the Reserves Policy. Staff agreed to provide a verbal discussion of the policies, however staff put together this report over the weekend so that Council could have additional background. Staff has included copies of the two policies below for reference. As part of the Council presentation on June 9, staff will provide additional information regarding

the background of the current policies and relevant history. Staff will also provide a update of General Fund revenues.

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

Mar 3 – FIAR presentation budget kickoff (Biennial Strategic Plans update).

May 2 - Staff delivered the City Manager’s Recommended Budget (Tentative or Proposed Budget) to City Council. Discussion/action is slated for these dates as follows, barring changes as needed:

May 5 – Presentation of the Tentative Budget, Budget Overview & Timeline, Update of Financial Impact Assessment Report (FIAR), and Benefits (pay plan & health insurance). Presentation and adoption of the Tentative Budget.

May 12 – CIP & RDA Budgets

May 19 – Operating Expenditures - Biennial Plan Team Presentations and Fee Changes.

June 2 – Personnel Policies and Procedures (P&P) Manual, City Fee Resolution, Council Compensation, Outstanding Budget Issues, Adopt CEMP update by resolution, and Special Service Contracts.

June9 - Outstanding Budget Issues, Budget Policies

June 16 – Presentation & Adoption of Final Budget (if no property tax increase – staff is not recommending a property tax increase), Adoption of Provisional Budget (if property tax will be increased), Budget Policies

Analysis:

General Contingency Policy

In accordance with sound budgeting principles, a certain portion of the annual operating budget is set aside for contingency or unanticipated costs necessary to fulfill the objectives of Council and the City’s goals and mission. Budgeting for contingency reserves at the fund level is considered a best practice as it mitigates departments having their own large pool of money (for emergencies) every year that they could spend on whatever they want. Instead unanticipated or emergency expenses go through a vetting process with the City Manager and (in some cases) Council approval authority. Contingency accounts have existed in at the City for a long time, but it wasn’t until June 26, 2011 that a policy surrounding the General Contingency was formally adopted. The current budget is set at \$100,000 annually. The policy is summarized as follows:

- Access to contingency funding is limited to three purposes:
 - Ensure City satisfies state budget mandates
 - Overcome unforeseen fluctuations in cost of providing service
 - Facilitate Council-directed level of service increases and/or capital expenditures in the short-term
- The City Manager is authorized to approve requests for contingency funding under \$15,000. Any contingency expense exceeding \$15,000 requires Council approval, matching the Purchasing Policy.
- Total expenses in the General Contingency account may not exceed 50% of the budgeted contingency prior to June 30 without the approval of the City Manager.

By using the General Contingency over the last several years the City has been able to maintain flexibility in its budgeting capacity while being able to meet the needs of Council and departments for unanticipated needs that have arisen. Below is a list of all of the General Contingency expenses for FY2016:

1. Community Affairs Videos - \$7,000: Mid-year Council requested that City staff produce videos as part of our communications strategy. The funding was used to begin the process of building a robust public relations/community affairs video program that provides additional value to the many public affairs and communication programs already underway by City staff.
2. Alliance for Innovation's Innovation Academy - \$5,000: Innovation has been a focus of the City over the past 18 months. Eight Managers applied to participate in the Innovation Academy; our team was one of the twelve organizations nationwide to be accepted into this year long mentorship program that requires 1-2 hours a week from participants. Our group has developed a proposal to significantly reduce ewaste and save money. This project will also have a positive contribution to Council's Net Zero goal. http://transformgov.org/en/learning/innovation_academy
3. Courchevel - \$8,000: Additional and one-time resources to continue the existing efforts to reestablish the diplomatic relationship with our Sister City, Courchevel, France.
4. Effective Meetings Training - \$10,000: Managers at Park City Municipal spend a great deal of time in meetings, coordinating cross-department and with outside groups. This is true for Managers in the private sector as well, yet many people in the public and private sector never get training for how to run a more effective meeting. Eighteen Managers went through a 2-day training conducted by one of

the top training firms in the County. This class costs \$1,395 per attendee to attend a class, plus travel costs. We were able to save more than \$800 per attendee plus travel costs by hosting the class at PCMC. Follow up meetings have been held internally to reinforce concepts.

5. Special Event Staffing during Sundance - \$7,000: The Sundance Film Festival has been a growing success and this has resulted in increased impacts to the City. Additionally, due to personnel changes in Planning, Building, and Finance, the workload is being distributed differently than in previous years. In order to respond to this increase and realignment in workload, staff requested contingency funding. Staff's intent was to maintain the level of service to both the Sundance MFL, MFL sponsors, and the non-affiliated events.

In addition to these projects that were funded from the Contingency Budget, at the request of the Environmental Sustainability team, \$15,000 was allocated on December 1, 2015 to support either an audit of the municipal carbon footprint or reviewing the General Plan in support of Council's Energy Critical Priority, however to date that work has not been done.

The following policy outlines the parameters and circumstances under which contingency funding is to be administered:

Access to General Contingency Funds

Monies set aside in the general contingency account shall be accessible for the following purposes. In the event that there are insufficient contingency funds to satisfy all claims on the funding, the City shall strive to allocate funding according to priority order: Top Priority - Purpose #1; 2nd Priority - Purpose #2; Last Priority - Purpose #3.

1. Ensure that the City satisfies State mandated budget requirements
 - a) This purpose may include, but is not necessarily limited to, the following scenarios:
 - i) The City realizes less than the anticipated and budget personnel vacancy
 - ii) One or more budget functions (as recognized by the state auditor) exceed budgeted expenditure levels in a fiscal year
 - iii) Other non-compliances with state budget requirements which could be resolved through utilization of contingency budget
 - b) The City Manager is authorized to approve requests under this section for any expense under \$15,000. Any item over \$15,000 that is not anticipated in the current budget is subject to Council approval (see Purchasing Policy).
2. Enable the City to meet Council directed levels of service despite significant shifts in circumstances unforeseen when the budget was adopted

- a) These circumstances may include, but are not necessarily limited to, the following:
 - i) A significant increase in the cost of goods or contracted services
 - ii) Large fluctuations in customer or user demand
 - iii) Organizational changes requiring short-term or bridge solutions to meet existing LOS
 - iv) Large-scale mechanical or equipment failure requiring immediate replacement
 - v) Other unforeseen changes to the cost of providing City services
 - b) Requests for use of contingency funds under this section must be submitted in writing to the City Manager and the Budget Department with justification clearly detailed
 - c) The City Manager is authorized to approve requests under this section for any expense under \$15,000. Any item over \$15,000 that is not anticipated in the current budget is subject to Council approval (see Purchasing Policy).
- 3. Facilitate Council directed increases in level of service in the short term**
- a) Council may direct staff to use contingency funds for purposes of initiating an increased level of service in the middle of a budget year or for capital projects not previously funded in the 5-Year Capital Improvement Plan
 - b) Long term funding for increased levels of service should be identified in the budget process
 - c) All requests for ongoing level of service increases should pass through the Request for Elevated Level of Service (RELS) process and the Budgeting for Outcomes (BFO) framework, whether the funding source is contingency or another source
 - d) The City Manager is authorized to approve requests under this section for any expense under \$15,000, following direction from the City Council to expand levels of service. Any item over \$15,000 that is not anticipated in the current budget is subject to Council approval (see Purchasing Policy).

Monitoring

- 1) The Budget Department will monitor all expenditure from contingency accounts monthly, ensuring that access to the account is compliant with the above procedures.
- 2) Total expenses in the General Contingency account may not exceed 50% of the budgeted contingency prior to June 30 without the approval of the City Manager. On or after June 30, expenses may be coded to this account in excess of 50% of budgeted levels, but not to exceed 100% of the adjusted budget.

Reserves and Revenue in Excess of Expenditures

Utah State Code specifies the level of reserves in the General Fund (see attachment A). The City's reserves policy mimics the requirements outlined in state code. As part of the long range revenue forecast in the Financial Impact Assessment Report and as part of the budget process, staff has estimated revenues and expenditures to determine the amount which will likely be transferred to the capital fund to meet the requirements of the state code.

The Utah League of Cities & Towns' "Powers and Duties" handbook describes the process in the following way,

The budget for the general fund of the city must balance. If the previous fiscal year ran at a profit (revenue over expenditures), the city can keep the retained earnings. This can be kept for emergencies, to provide working capital for the new fiscal year before the revenue starts to come in, or to cover prior year deficits. There is a limitation on retained earnings of 25 percent of the total estimated revenue of the general fund. Any amount in excess of this must be included in the new budget for the general fund as revenue in the next fiscal year, which may reduce the need for taxes. A city may, however, take any excess fund balance and appropriate it to a capital improvements fund. This allows a city to save for future planned projects. This has led to the common practice of opening and amending a current year budget (when it becomes apparent that revenue is exceeding expenditures) to appropriate the excess money to a capital improvements fund and avoid the problem of having an excess fund balance. Very often this amendment occurs right at the end of the current fiscal year.

While staff does the best it can to forecast revenues and expenditures, the Final Budget (including the current FY final amended/adjusted budget) must be adopted by June 16. Revenue and expenditure continue to come in well after this date with and large amounts of the Building, Planning and Engineering fees being collected in June and final sales tax distributions being received two months after the collection month. Though the Budget is adopted in June, the final actuals showing revenues over expenditures is not known until late October or November. It is not possible to adjust the FY 16 budget after the Final Budget is adopted in June. The City deals with this by receiving sales tax directly into the capital fund (fund 031) after the budget is adopted therefore maximizing the ability to have the General Fund balance at 25% without the risk of violating State Law.

In past years, any funds in excess of expenditures were then allocated within the Capital Fund as part of the next year's budget process. State Code and City policy specifies that these funds be used or saved for projects identified and adopted by Council in the five-year capital plan. Council may therefore, as done in FY 14 with the

MARC Solar Project, specify a project need within the 5-year Capital Improvement Plan to be funded depending on the availability of additional funding received into the Capital Fund. The project was funded in the following FY. Likewise, in FY 15, the City went through an Innovation Challenge process which allocated funds, which had been received into the CIP, towards capital improvement projects (the Bus Stop Play Project & the LED Street Light Project).

On June 9, as part of the budget presentation, staff will detail the latest revenue forecast and expenditure needs in the FY 2016 budget. This will inform Council on the potential for additional available funding which may be received in the Capital Fund (Fund 031) when the fiscal year is closed in December 2016. Staff continues to stress that any additional funding be used, per the policy, for one time expenditures. This policy insures that the city does not increase ongoing programing expenditures with one time revenue.

The following policy outlines how reserves and year end revenue surplus is to be administered:

Budget Document Vol. I, Policies & Objectives, Part VI - Reserves

A. General Overview:

1. Over the next two years the City will do the following:
 - a. Maintain the General Fund Balance at approximately the legal maximum.
 - b. Continue to fund the Equipment Replacement Fund at 100%.
 - c. Strive to build a balance in the Enterprise Funds equal to at least 20% of operating expenditures.

This level is considered the minimum level necessary to maintain the City's credit worthiness and to adequately provide for the following:

- a. Economic uncertainties, local disasters, and other financial hardships or downturns in the local or national economy.
 - b. Contingencies for unseen operating or capital needs.
 - c. Cash flow requirements.
2. The Council may designate specific fund balance levels for future development of capital projects that it has determined to be in the best long-term interests of the City.
3. In addition to the designations noted above, fund balance levels will be sufficient to meet the following:
 - a. Funding requirements for projects approved in prior years that are carried forward into the new year.

- b. Debt service reserve requirements.
 - c. Reserves for encumbrances
 - d. Other reserves or designations required by contractual obligations or generally accepted accounting principles.
- 4. In the General Fund, any fund balance in excess of projected balance at year end will be appropriated to the current year budget as necessary. The money will be allocated to building the reserve for capital expenditures, including funding equipment replacement reserves and other capital projects determined to be in the best long-term interest of the City.

B. General Fund:

- 1. Section 10-6-116 of the Utah Code limits the accumulated balance or reserves that may be retained in the General Fund. The use of the balance is restricted as well. With the advent of Senate Bill 158 from the 2013 General Session, the maximum balance retained allowed increased from 18 percent to 25 percent of total, estimated, fund revenues and may be used for the following purposes only: (1) to provide working capital to finance expenditures from the beginning of the budget year until other revenue sources are collected; (2) to provide resources to meet emergency expenditures in the event of fire, flood, earthquake, etc.; and (3) to cover a pending year-end excess of expenditures over revenues from unavoidable shortfalls in revenues. For budget purposes, any balance that is greater than 5 percent of the total revenues of the General Fund may be used. The General Fund balance reserve is a very important factor in the City's ability to respond to emergencies and unavoidable revenue shortfalls. Alternative uses of the excess fund balance must be carefully weighed.

The City Council may appropriate fund balance as needed to balance the budget for the current fiscal year in compliance with State Law. Second, a provision will be made to transfer any remaining General Fund balance to the City's CIP Fund. These one-time revenues are designated to be used for one-time capital project needs in the City's Five Year CIP plan. Any amount above an anticipated surplus will be dedicated to completing current projects, ensuring the maintenance of existing infrastructure, or securing funding for previously-identified needs. The revenues should not be used for new capital projects or programming needs.

C. Capital Improvements Fund

- 1. The City may, in any budget year, appropriate from estimated revenues or fund balances to a reserve for capital improvements for the purpose of financing future specific capital improvements under a formal long-range capital plan adopted by the governing body. Thus the City will establish and maintain an Equipment Replacement Capital Improvement Fund to provide a means for timely replacement of vehicles and equipment. The amount added to this fund, by annual

appropriation, will be the amount required to maintain the fund at the approved level after credit for the sale of surplus equipment and interest earned by the fund.

2. As allowed by Utah State Code (§ 9-4-914) the City will retain at least \$5 million in the Five-Year CIP, ensuring the ability to repay bond obligations as well as maintain a high bond rating. The importance of reserves from a credit standpoint is essential, especially during times of economic uncertainty. Reserves will provide a measure of financial flexibility to react to budget shortfalls in a timely manner as well as an increased ability to issue debt without insurance.

D. Enterprise Funds

1. The City may accumulate funds as it deems appropriate.

Department Review:

This report has been reviewed by the Budget, Finance, City Attorney's Office, and City Manager departments.

Alternatives:

- A. City Council should do the following:** Give Direction to staff regarding the (1) General Contingency Policy and (2) Reserves policy.
- B. Continue the Item:** The Final Budget needs to be adopted on June 16. Any direction on changes to be made to the budget needs to be given by June 16, so that the budget can be adopted per State code.
- C. Do Nothing:** Same as alternative B
- D. Modify:** Council could give staff direction to modify the (1) General Contingency Policy and (2) Reserves Policy or the City Manager Recommended Budget.
- E. Deny:** The recommendations and revisions to the budget will not go into effect and may result in noncompliance with federal and/or state regulations.

Significant Impacts: The City is required to follow the Budget Policies and Procedures adopted by Council as part of the budget process.

Recommendation: Council should direct staff on any policy adjustments before adoption of the Final Budget on June 16.

Attachments:

A – Utah Code 10-6-116

Effective 5/13/2014

10-6-116 Accumulated fund balances -- Limitations -- Excess balances -- Unanticipated excess of revenues -- Reserves for capital improvements.

- (1)
 - (a) A city may accumulate retained earnings or fund balances, as appropriate, in any fund. With respect to the city general fund only, any accumulated fund balance is restricted to the following purposes:
 - (i) to provide working capital to finance expenditures from the beginning of the budget period until general property taxes, sales taxes, or other applicable revenues are collected, thereby reducing the amount the city must borrow during the period;
 - (ii) to provide a resource to meet emergency expenditures under Section 10-6-129; and
 - (iii) to cover a pending year-end excess of expenditures over revenues from an unavoidable shortfall in revenues.
 - (b) Notwithstanding Subsection (1)(a)(i), a city may not appropriate a fund balance for budgeting purposes except as provided in Subsection (4).
 - (c) Notwithstanding Subsection (1)(a)(iii), a city may not appropriate a fund balance to avoid an operating deficit during any budget period except as provided under Subsection (4), or for emergency purposes under Section 10-6-129.
- (2) The accumulation of a fund balance in the city general fund may not exceed 25% of the total revenue of the city general fund for the current fiscal period.
- (3) If the fund balance at the close of any fiscal period exceeds the amount permitted under Subsection (2), the excess shall be appropriated in the manner provided in Section 10-6-117.
- (4) Any fund balance in excess of 5% of the total revenues of the city general fund may be utilized for budget purposes.
- (5)
 - (a) Within a capital improvements fund, the governing body may, in any budget period, appropriate from estimated revenue or fund balance to a reserve for capital improvements for the purpose of financing future specific capital improvements, under a formal long-range capital plan adopted by the governing body.
 - (b) The reserves described in Subsection (5)(a) may accumulate from fiscal period to fiscal period until the accumulated total is sufficient to permit economical expenditure for the specified purposes.
 - (c) Disbursements from reserves described in Subsection (5)(a) shall be made only by transfer to a revenue or transfer account within the capital improvements fund, under a budget appropriation in a budget for the fund adopted in the manner provided by this chapter.
 - (d) Expenditures from the above appropriation budget accounts shall conform to all requirements of this chapter relating to execution and control of budgets.

Amended by Chapter 176, 2014 General Session



DATE: June 9, 2016

TO HONORABLE MAYOR AND COUNCIL

Park City Municipal staff has been supporting Summit Community Power Works as the lead organization in the Park City-Summit County entry into the Georgetown University Energy Prize through in-kind staff support.

The Environmental Sustainability Project Manager has been dedicating approximately two days a month of Park City Municipal time to SCPW – and the individual filling this role resigned at the end of May 2016. Staff believes it could be some months until this position is rehired and that it is unreasonable to assume that a new staff member could provide impactful support before the end of the competition.

Where the Georgetown University Energy Prize concludes in December 2016, staff is recommending that the City execute a contract with Summit Community Power Works for \$7,500 to offset the amount of time that staff would have spent supporting this effort between June and December 2016.

This amount, when added to the \$15,000 per year Special Services Contract that is expected to be approved as part of the 2017/2018 budget, will match Summit County's \$22,500 per year contract with Summit Community Power Works to provide anti-idling, air quality and energy conservation outreach.

Respectfully:

Michelle Kellogg, City Recorder



City Council Staff Report

Subject: Staffing Update – Pursuing Net Zero Goals through support of the Georgetown University Energy Prize Competition
Author: Diane Foster, City Manager
Department: Sustainability
Date: June 9, 2016
Type of Item: Work session

Summary Recommendation

Council should direct staff to execute the state-defined process for providing additional funding to nonprofit organizations where there is a municipal purpose that will be achieved and value will be realized. Council should direct staff to execute this process with the intent of providing \$7,500 to a third party organization to offset the June – December 2016 staff time the City will not be dedicating to the pursuit of the Georgetown University Energy Prize.

Executive Summary

Park City Municipal staff has been supporting Summit Community Power Works as the lead organization in the Park City-Summit County entry into the Georgetown University Energy Prize through in-kind staff support.

The Environmental Sustainability Project Manager has been dedicating approximately two days a month of Park City Municipal time to SCPW – and the individual filling this role resigned at the end of May 2016. Staff believes it could be some months until this position is rehired and that it is unreasonable to assume that a new staff member could provide impactful support before the end of the competition.

Where the Georgetown University Energy Prize concludes in December 2016, staff is recommending that the City undertake the state-defined process which allows the City to consider incremental funding to a nonprofit organization – that exceeds the state-defined limit of 1% of the City's annual budget – where there is a defined municipal need. Through this process Summit Community Power Works *could be* eligible to receive \$7,500 to offset the amount of time that staff would have spent supporting this effort between June and December 2016. However, as part of this process any other nonprofit or for profit organization that can show that it can achieve this same goal and provide similar value to the City may be eligible to bid for this contract.

If Summit Community Power Works is the successful bidder, the \$7,500, when added to the \$15,000 per year Special Services Contract with SCPW that is expected to be approved as part of the 2017/2018 budget, will match Summit County's \$22,500 per year contract with Summit Community Power Works, where SCPW has agreed to provide anti-idling, air quality and energy conservation outreach.

Acronyms

FTE	Full time equivalent (one FTE = 40 hours of work)
GUEP	Georgetown University Energy Prize
PCMC	Park City Municipal Corporation
SCPW	Summit Community Power Works

The Problem

- The City's Special Service Contract policy directs that up to one percent of the operating budget be dedicated to Special Service Contracts. This year that number totaled a full \$540,000 or \$1,080,000 over the FY2017/FY2018 budget. City received over \$2 million in Special Service Contract funding requests for the two year period and is able to provide about half of the requested dollars. The state law limit on this budget process for appropriations to non-profits is up to 1% of the City's Budget.
- SCPW requested \$148,400 for the two year period beginning July 2016. The City Council concurred with the recommendation of the Special Service Contract Committee to fund SCPW at \$30,000 for the two year period. During the June 2 meeting, City Council members expressed that they would have liked to have given additional funding to SCPW – and they wanted an opportunity to discuss if that could be considered in the future.
- SCPW is the lead organization in the Park City-Summit County entry into the GUEP Competition, and has been very successful at leading the charge in achieving measurable energy reductions across Summit County. Park City-Summit County is currently in 4th place in the competition and Park City School District's recent commitment to switch to LED light bulbs has the potential to improve that position.
- PCMC staff has been supporting SCPW as the lead organization in the Park City-Summit County entry into the GUEP through in-kind staff support. Specifically, the Environmental Sustainability Project Manager has been dedicating an estimated two days a month of PCMC staff time to SCPW – and the individual filling this role resigned at the end of May 2016. Staff believes it could be some months until this position is rehired and that it is unreasonable to assume that a new staff member, starting work in September or thereafter, could provide impactful support before the end of the competition.

Background

- **City's Environmental Work Plan:** The City's environmental work plan is focused on addressing the City Council's Critical Priority of Energy and achieving the City's Net Zero goals.
- **The Georgetown University Energy Prize:** The GUEP is a two year competition of 50 communities selected from across the US to see which community can achieve the greatest energy efficiency. At a high level, the winner, and the recipient of the \$5 million prize, will be the community that achieves the greatest energy savings performance in the period of January 2015 through December 2016. For more information: <https://guep.org/about-the-prize/>
All of the energy savings realized through the GUEP within Park City Municipal

boundaries can be counted towards the City's Net Zero community goal. Summit Community Power Works, a nonprofit organization, has been the lead organization in leading the charge towards meeting this goal. <http://scpw.org/>

- **City's Net Zero Goal vs. Goals of The Georgetown University Energy Prize:** The goals of the GUEP and the City's Net Zero goals are largely aligned, however the alignment is not 100%. For example, if the City was only interested in achieving the goals set out in the GUEP, staff would not have recommended buying 1.6 megawatts of electricity through Subscriber Solar program because buying renewable energy – while an excellent choice in support of the City's Net Zero goal – does not reduce energy use.
- **Staffing to Address the City's Net Zero Goal:** During FY2016 the City has a staffing budget of 1.33 Full Time Equivalents (FTE) for Environmental Sustainability. This means that the City has had approximately 53 hours of staff time each week dedicated to address the City's Net Zero goals.
 - *Staff recommends a new staff person in FY2017 budget:* While not yet approved, staff was hopeful that Council would concur with the recommendation to hire a new FTE in Environmental Sustainability and began recruitment in April 2016. The successful candidate from this recruitment indicated he could not afford to take the job and declined the offer. Last week staff issued a Request for Proposal to hire a recruiter to help with the next round of recruitment. Staff expects this process to take no more than three months, which would mean that we would have someone in place by September 1. The FY2017 & 2018 Proposed Budget recommends increasing the number of FTEs focused on the City's Net Zero goals from 1.33 to 2.33. This translates from 53 hours per week in FY16 to 93 hours per week in FY17.
 - *Environmental Project Manager Position Currently Open:* The Environmental Project Manager position has been vacant for two weeks. In discussions with the Sustainability Team and Human Resources, we all believe it is best if we allow the new Environmental Sustainability Manager hire the Environmental Project Manager. We believe that this means this particular position could be open until the end of October of this year.
 - *City staff spent time in support of the Georgetown University Energy Prize:* Many of the activities at the City, from the recent LED conversion to the energy conservation work done in the Water Department, contribute to the goals of both the GUEP AND the City's Net Zero goals. Looking exclusively to City staff time dedicated to pursuit of the GUEP, according to SCPW's Executive Director, Park City's former Environmental Project Manager spent approximately six hours a month in meetings with SCPW staff, board and volunteers – and we can reasonably expect that staff member would have spent a full day each month in additional PCMC time in pursuit of this goal. For the purposes of recommending a number to offset lost PCMC time, it is assumed that the former Environmental Project Manager dedicated two days a month of PCMC time to SCPW. Additionally, the former Environmental Project Manager is a volunteer with

SCPW and has been its Board Chair from October 2013 to present; while he has resigned from the City, he is still a SCPW volunteer.

- **Interim Staffing Plan:** Because we anticipate it will take a few months to hire for these environmental sustainability positions, staff has been in the process of pursuing temporary help. This effort began prior to the June 2 City Council meeting when the question about environmental sustainability staffing was raised. Staff believes that while we are in the hiring process we need someone experienced in environmental sustainability to be present in the City offices for at least 20 hours each week to ensure progress towards the City's Net Zero goals. While not ideal, staff believes that hiring someone on contract for 20 hours a week can keep us moving forward on our goals because many of the projects currently underway in environmental sustainability are projects with outside contractors, such as carbon footprint updating and hiring a firm to determine if the City's open space can be used as a carbon sink.
- **City Council Request to Discuss Potential for Additional Funding for Summit Community Power Works:** On June 2 City Council concurred with Council Member Andy Beerman's request to discuss if it is possible to provide additional funding to Summit Community Power Works through the end of the GUEP competition period, specifically to offset the staff time the City was dedicating to SCPW in pursuit of the GUEP. There was also an interest expressed in matching Summit County's funding.
- **Donating to nonprofits outside of the Special Service Contract process:** Although it is likely that not all of the Special Service Contracts count as a "donation" to a local non-profit under state law, the City wrote its policy based upon, and has consistently followed, the process specified by state code that includes a two week noticing period and a study for allocations outside the Special Service Contract process. The state code reads as follows:

A study shall be performed before notice of the public hearing is given and shall be made available at the municipality for review by interested parties at least 14 days immediately prior to the public hearing, setting forth an analysis and demonstrating the purpose for the appropriation. In making the study, the following factors shall be considered:

- (i) what identified benefit the municipality will receive in return for any money or resources appropriated;*
- (ii) the municipality's purpose for the appropriation, including an analysis of the way the appropriation will be used to enhance the safety, health, prosperity, moral well-being, peace, order, comfort, or convenience of the inhabitants of the municipality; and*
- (iii) Whether the appropriation is necessary and appropriate to accomplish the reasonable goals and objectives of the municipality in the area of economic development, job creation, affordable housing, blight elimination, job preservation, the preservation of historic structures and property, and any other public purpose.*

While it is likely too late in the year to complete the aforementioned process – and remaining FY2016 Environmental Sustainability contract dollars have been

allocated to the Council-approved Community Choice Aggregation agreement between Summit County, Salt Lake City and Park City – staff could undertake this process in the new fiscal year, beginning July 2016.

Alternatives for City Council to Consider

1. **Recommended Alternative:** Council should direct staff to execute the state-defined process for providing additional funding to nonprofit organizations where there is a municipal purpose that will be achieved and value will be realized. Council should direct staff to execute this process with the intent of providing \$7,500 to a non-profit organization to offset the June –December 2016 staff time the City will not be dedicating to the pursuit of the GUEP.

- Summit County has executed a two year contract with Summit Community Power Works to provide support in the areas of anti-idling, air quality and energy conservation outreach for \$22,500 per year. If SCPW is the successful bidder in this process, the City's funding would match the County's funding (\$15,000 from the new Special Service Contract and \$7,500 from Environmental Sustainability budget).
- Staff believes the \$7,500 can be justified as a supplement for PCMC staff time that will not exist in pursuit of the GUEP.
 - i. Where the two environmental staff positions could be open until September and November respectively, it is not reasonable to assume those future staff members could be of material support to the pursuit of the GUEP prior to December 2016, which is the end of the GUEP.
 - ii. Had the Environmental Sustainability Projects Manager not resigned, at two days per month, the City would have contributed \$6,353.85 in staff time between June 2016 and December 2016.
- Staff is recommending that these funds can be used by the successful bidder on their efforts throughout Summit County in pursuing the GUEP and is not recommending that these funds be limited to use within the municipality of Park City.

Pros

- Allows another organization to hire someone to support efforts in pursuit of the GEUP – or to use those dollars in the manner they believe will be most effective in winning the prize
- Park City Municipal is still supporting GUEP even with staff vacancies
- Many of the results of activities of in pursuit of the GUEP contribute to the City's Net Zero goals

Cons

- Reduces the overall funds that the City has to spend on achieving Net Zero goals.
- If funding is spent on efforts outside of municipal boundaries, it does not directly help the City achieve Net Zero goals.

2. **Alternative Recommendation:** Provide additional incremental funding from the environmental sustainability budget in pursuit of the GUEP.

Pros

- The more dollars that are to put towards achieving the GUEP, the more energy is saved.

Cons

- Could hurt the City's own efforts to achieve our Net Zero goals, depending on how much of the Environmental Sustainability budget is dedicated to pursuit of the GUEP by a third party.

3. Null Alternative: No incremental funding to pursue the Georgetown Prize outside of the new \$15,000 per year Special Service Contract with Summit Community Power Works for FY2017 & FY2018.

Pros

- More dollars available to new Environmental Sustainability staff to address the City's Net Zero goals.

Cons

- SCPW will experience a reduction in in-kind support from PCMC and no mechanism provided by PCMC to potentially offset incremental funding to offset that in-kind support.

Department Review

Budget, Sustainability, Legal, Executive.

Funding Source

FY2017 funding currently proposed for the Environmental Sustainability operating budget.



DATE: June 9, 2016

TO HONORABLE MAYOR AND COUNCIL

There are currently two (2) Recreation Advisory seat's available for appointment. Current board members Cynthia Sandoval and Meisha Ross's first terms have expired. Both are eligible to reapply. Notifications of openings were posted onsite at the Park City Athletic & Recreation Center and on the recreation web page and the City webpage, applications were due May 26th. The Recreation Department Staff received a total of three (3) applications for the two Recreation Advisory Board openings. All of the applicants meet the residency requirements set forth in the Ordinance No. 03-06.

Respectfully:

Michelle Kellogg, City Recorder



DATE: June 9, 2016

TO HONORABLE MAYOR AND COUNCIL

On March 18, 2016 staff released an RFP ([RFP](#)) for planning and design for housing on City owned property in the Lower Park Avenue Redevelopment Authority (RDA). The scope included:

- Delivering housing on the fire station parcel as the most important priority;
 - Creating a master plan and subsequent RFP to secure a team to develop housing on the remaining land from Woodside to Empire;
- Conducting a feasibility exercise on the program and location for senior needs;
- Examining proximate, existing city facilities for highest and best use.

A staff committee reviewed the RFP scope and participated in the selection of the highest ranked consulting team that could be recommended to the City Council for consideration of award of contract. Seven firms submitted proposals. Three were shortlisted and interviewed by the Committee.

Staff was in the process of negotiating final approach and timeline with the top ranked consulting team when the City purchased 1364 Woodside Avenue (.12 ac) directly adjacent to the north of the fire station parcel (.49 ac).

The addition of more land into the project scope should be considered a substantive change in scope to the RFP. Staff recommends Council include 1364 Woodside in the planning and development of the neighborhood. If Council agrees, staff would advertise a new RFP that would include the expanded scope. Alternatives Council could consider include:

- Proceed as is – consider awarding a contract to the recommended consulting team based on the existing RFP process; this award would not include 1364 Woodside Avenue;
- Awarding only portions of the scope in the existing RFP and advertising subsequent RFP for items such as:
 - Housing at the fire station parcel (not including 1364 Woodside); or
 - Developing a master plan for the neighborhood housing projects (Park Ave, west to Empire Ave) and feasibility work for the senior program and city-owned facilities.

Advertising a second, expanded RFP that includes 1364 Woodside would almost certainly preclude construction from starting next spring on the fire station parcel. However, foregoing an award of contract under the existing RFP and advertising a new RFP the scope of which might elicit an increased number of proposals which could result in a more highly qualified consulting team, in that it could be more financially

attractive project. Awarding just a portion of the existing scope, likely the fire station parcel, would allow continued progress in fulfilling the housing pipeline, but would diminish the value of our recent purchase of 1364 Woodside Avenue.

Respectfully:

Michelle Kellogg, City Recorder

City Council Staff Report



Subject: Lower Park Avenue Housing RFP Scope – 1364 Woodside Ave.
Author: Jonathan Weidenhamer
Department: Sustainability
Date: June 9, 2016
Type of Item: Administrative

Summary Recommendation

City Council should direct staff to issue a new, expanded Request for Proposals (RFP) for, “*Architectural, Engineering, Planning, Design and Financial Analysis Services for City Owned Property within the Lower Park Avenue Redevelopment Area*” in order to include the recently purchased 1364 Woodside Avenue into the project.

Executive Summary

On March 18, 2016 staff released an RFP ([RFP](#)) for planning and design for housing on City owned property in the Lower Park Avenue Redevelopment Authority (RDA). The scope included:

- Delivering housing on the fire station parcel as the most important priority;
- Creating a master plan and subsequent RFP to secure a team to develop housing on the remaining land from Woodside to Empire;
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Staff was in the process of negotiating final approach and timeline with the top ranked consulting team when the City purchased 1364 Woodside Avenue (.12 ac) directly adjacent to the north of the fire station parcel (.49 ac).

The addition of more land into the project scope should be considered a substantive change in scope to the RFP. Staff recommends Council include 1364 Woodside in the planning and development of the neighborhood. If Council agrees, staff would advertise a new RFP that would include the expanded scope. Alternatives Council could consider include:

- Proceed as is – consider awarding a contract to the recommended consulting team based on the existing RFP process; this award would not include 1364 Woodside Avenue;

- Awarding only portions of the scope in the existing RFP and advertising subsequent RFP for items such as:
 - Housing at the fire station parcel (not including 1364 Woodside); or
 - Developing a master plan for the neighborhood housing projects (Park Ave, west to Empire Ave) and feasibility work for the senior program and city-owned facilities.

Advertising a second, expanded RFP that includes 1364 Woodside would almost certainly preclude construction from starting next spring on the fire station parcel. However, foregoing an award of contract under the existing RFP and advertising a new RFP the scope of which might elicit an increased number of proposals which could result in a more highly qualified consulting team, in that it could be more financially attractive project. Awarding just a portion of the existing scope, likely the fire station parcel, would allow continued progress in fulfilling the housing pipeline, but would diminish the value of our recent purchase of 1364 Woodside Avenue.

Acronyms

RFP	Request for Proposals
RDA	Lower Park Avenue Redevelopment Authority
PCMC	Park City Municipal Corporation

The Problem

City Council identified delivery of housing at the fire station parcel as its highest priority of the RDA, which is articulated in the current RFP. The recent acquisition of 1364 Woodside Avenue, adjacent to the fire station, is an opportunity to expand the scope of the project. Doing so, however, may delay the timeline depending on how we proceed.

Background

- Council provided input on scope of the RFP on January 28 2016. At that time Council prioritized delivery of housing on the fire station parcel and agreed isolating the fire station parcel was a strategy to deliver housing quickly:
 - January 28, 2016 Meeting (p.33) ([meeting packet](#))
 - January 28, 2016 Minutes/audio(p.5) ([minutes](#))([audio](#))
- Staff believed at that time that two separate RFP's would be developed, one for the fire station and a second for the remainder of the project;
- An internal committee of Community Affairs, Economic Development, Community Development, Transit and Budget met prior to release of the RFP and agreed that the benefits of one RFP for one consulting team (continuity in planning and design) outweighed the benefit of having two consulting teams, so long as development of housing at the fire station parcel was clearly prioritized, which staff believes was articulated clearly in the RFP.
- The RFP was released on March 18, 2016. Seven firms/teams issued proposals. Three were shortlisted and interviewed (4/27/16). One was interviewed a second time (4/28/16) to address specific questions, and an additional meeting was scheduled with the principle of that firm to further refine scope, timeline and

specific deliverables (5/2/16). The last meeting was put on hold pending the outcome this discussion.

- The selection criteria and corresponding point valuation included:
 - Letter of Introduction (0)
 - Section I General Information (5)
 - Section II Team Make up and organization (5)
 - Section III Experience and References (35)
 - Section IV Project Approach (35)
 - Section V Summary (0)
 - Section VI Additional Proposal Requirements (5)
 - Section VII Cost Estimate & Schedule (15)
- The Selection Criteria and outline of the Selection Process are included as Exhibit B, and is an excerpt from the RFP.
- The City Council agreed to a purchase agreement of 1364 Woodside on May 5, 2016.

Alternatives for City Council to Consider

Staff recommends that City Council expand the scope of the project to include the recently purchased 1364 Woodside. Based on an assumption that Council agrees, Council should consider the following alternatives:

1. **Recommended Alternative:** Council should include 1364 Woodside Avenue in the project scope which necessitates issue of a new, expanded RFP.

Pros

- a. Reinforces the value of purchasing 1364 Woodside including enabling additional housing units to be built within a comprehensive master plan.
- b. With additional land, there may be other opportunities for Council to consider such as neighborhood commercial or civic uses such as a community center that could be reconsidered.
- c. Could refocus or reprioritize Council goals.
- d. Could expand the selection committee to better represent different community aspects such as Mountainlands Community Housing, the Recreation Department or other community members.
- e. Could allow for a new project management approach, led by Community Development (and the Housing staff).

Cons

- a. Would almost certainly preclude starting construction on the fire station parcel in spring 2017.

Consequences of Selecting This Alternative

If the Council's top priority continues to be building housing on the fire station parcel as soon as possible, this alternative likely conflicts with that goal.

2. Null Alternative - PCMC reserves the right to award the contract through the existing RFP process - which doesn't include 1364 Woodside Avenue:

Pros

- a. Wouldn't affect the existing RFP and timeline;
- b. We could easily develop housing on this property as a stand-alone project.

Cons

- a. Would forfeit some advantages of developing 1364 Woodside Avenue with the fire station parcel including planning and design and in particular the financial and construction benefits of developing together.

3. **Award only portions of the scope of the existing RFP.** Council could award any amount of the scope of the current RFP process, limited to:
 - i. Housing on the fire station parcel;
 - ii. Creating a master plan and subsequent RFP to secure a team to develop housing on the remaining land from Woodside to Empire;
 - iii. Conducting a feasibility exercise on the program and location for senior needs;
 - iv. Examining proximate, existing city facilities for highest and best use.

Pros

- a. Could highlight or refocus Council's priorities
- b. Allows some portion of the design and development project to move forward and make progress, though likely not the fire station parcel – the highest priority portion of the project time wise to complete

Cons

- c. Could delay implementation of currently stated Council goals.
- d. Could lead to inefficiencies having two separate projects and potentially two separate consultants to manage.

Analysis

- The timeline presented to Council in January 2016 considered award of contract in April 2016 to ensure start of housing on the fire station parcel by spring 2017;
- The January 28, 2016 report also stated, *“Throughout the recent process we’ve stressed the desire to put together a broad approach to balancing goals and parking the project. If Council desires to begin housing immediately, staff recommends considering the fire station site as an isolated project, and keeping the Woodside housing, senior and community center program planned holistically. If Council does desire to do so, staff will most likely pursue one of the following two options: 1) Continue with the above forementioned approach, but modify the goal and process to realize housing as the top priority. Compared to the next option we believe this will still allow holistic planning but may slow implementation down; or 2) Procure separately a team to design and develop housing on the fire station site independent of the broader process. This will likely be quicker than option one, but staff still believes Spring of 2017 to start will be an aggressive timeframe.”*

- We believe delaying award of contract to reissue the RFP will delay our ability to start housing next spring.
- There are currently housing projects coming on line. Park City Heights is moving forward and we anticipate 1450 and 1460 Park Ave project to start this construction this season.

Department Review

Legal, Community Development, Budget, Community Affairs.

Funding Source

RDA

Attachments

- A March 18, 2016 RFP ([RFP](#))
- B RFP Excerpt – Selection Criteria and Process

Exhibit B – RFP Excerpt – Selection Criteria and Process

Selection Criteria

Proposals will be evaluated on the factors listed in Content of Proposal, above.

- The selection process will proceed on the following schedule:
 - Proposals will be received by Stephen Brown, Project Manager via email prior to **4:00 p.m., April 7, 2016.**
 - A selection committee made up of Park City Municipal Corporation staff will review the submitted Statements of Qualifications/Proposals the week of April 11, 2016 and select a proposer. A short list interview may be required if two or three proposers are closely ranked. If short list interviews are required, they would occur during the week of **April 11, or April 18, 2016.**
 - Staff anticipates presenting recommendation to City Council to enter into an agreement with selected firm by May 5, 2016.
- The factors that will be the basis for evaluation as outlined in the Proposal Content Section include:
 - Letter of Introduction (0)
 - Section I General Information (5)
 - Section II Team Make up and organization (5)
 - Section III Experience and References (35)
 - Section IV Project Approach (35)
 - Section V Summary (0)
 - Section VI Additional Proposal Requirements (5)
 - Section VII Cost Estimate & Schedule (15)
- Proposals lacking required information will not be considered.
- Park City will negotiate a final scope and fee with the top ranked proposer and recommend to City Council for final approval and contract. Award of the contract is subject to approval by City Council.
- The nature and extent of requested changes to our standard contract (i.e. unwillingness to comply with our insurance/indemnity provision counts against a bidder.)
- Park City Municipal Corporation reserves the right to cancel or modify the terms of this RFP and /or project at any time and for any reason preceding contract award and reserves the right to accept or reject any or all proposals submitted pursuant to this request for proposals. Park City will provide respondents written notice of any cancellation and /or modification. Furthermore, the City shall have the right to waive any informality or technicality in proposals received when in the best interest of the City.
- All submittals shall be public records in accordance with government records regulations (“GRAMA”) unless otherwise designated by the applicant pursuant to UCA §63G-2-309, as amended.
- Proposals shall be good for 60 days from the April 7, 2015 submittal deadline.
- **Price will not be the sole deciding factor.**

Selection Process

All respondents must address submittal requirements outlined in **Submittal Requirements**. Non-responsive submittals (those not conforming to the RFP requirements) will be disqualified and will not be considered further. Each respondent bears the sole responsibility for the items included or

not included in its submittal. Deviations from or exceptions to the terms and specifications contained within this RFP, if stipulated in a submittal, while possibly necessary in the view of the submitting respondent, may result in disqualification.

After evaluation of the complete proposals received in response to this RFP, City Staff and other community representatives may conduct interviews with one or more of the Applicants. The evaluation team will comprise of staff from the Sustainability Team and Community Development Department, including but not limited to:

Jonathan Weidenhamer - Economic Development Manager
Anne Laurent – Community Development Director
Steve Brown – Project Manager
Matthew Twombly – Project Manager
Rhoda Stauffer – Housing Specialist
Jason Glidden – Economic Development Programs Manager
Nate Rockwood – Capital Budget, Debt and Grants Manager
Alfred Knotts – Transportation Planning Manager
Park City Council Member

During any interview, Applicants will be encouraged to elaborate on why they are the best choice for this work and provide their vision and philosophy. Interview questions may include additional information about prior projects and experience as well as performance data, project approach, and staff expertise relevant to the project. PCMC expects the key personnel proposed for the project to be present at the interviews including:

- Lead Architect
- Project Manager
- Lead Planner or Landscape Architect
- Lead Housing Expert
- Economic Lead

At the conclusion of the interviews, but by no later than April 15, 2016, the Selection Committee shall rank, in the order of preference, the Applicants whose professional qualifications and proposed services are deemed most meritorious.

Negotiations, including the final scope of work, shall then be conducted with the Applicant ranked first. If a contract satisfactory to PCMC can be negotiated at a fee considered fair and reasonable, the award shall be made to that Applicant. Otherwise, negotiations with the Applicant shall be formally terminated and the City will move on to the next Applicant.

PCMC reserves the right to complete the selection process without proceeding to an interview process, and may choose to select based on the information supplied in the Statement of Qualifications. PCMC reserves the right to select the Applicant(s) whose qualifications, in the City's sole judgment best meet the needs of the City. Price may not be the sole deciding factor. PCMC reserves the right to reject any and all applications. Award of contract will be subject to approval by the City Council of Park City.



DATE: June 9, 2016

TO HONORABLE MAYOR AND COUNCIL

Summary Recommendation

The parking consultant, Nelson/Nygaard, and staff are presenting the findings from the parking management study. Staff is seeking direction to begin moving forward with implementation based on the recommendations from this study. As recommended by the study, Staff specifically seeks direction on: 1) implementing additional pay parking areas within the Main Street area with employee alternatives and incentives, 2) implementing a demand based pricing model, and 3) implementing real-time wayfinding signs and information.

Executive Summary

Council directed staff on June 25, 2015 to contract with Nelson/Nygaard to conduct a parking study. The study looked at existing conditions and makes several recommendations based on the findings to improve the customer experience, enhance administration and operations, and address policy and zoning needs to ensure optimal parking management.

Key recommendations from the study's executive summary include:

1. demand based pricing model
2. employee alternatives and incentives
3. real-time wayfinding
4. additional pay parking within the Main Street core.

The entire executive summary of the study is included as Attachment A, "Downtown and Main Street Parking Management Plan: Executive Summary". The consultant will make a presentation of the findings and provide detail on the recommendations to Council. Staff will seek input from Council during the Work Session.

Respectfully:

Brian Andersen,



City Council Staff Report

Subject: Main Street & Downtown Parking Management Study Results

Author: Brian Andersen, Parking & Fleet Manager

Department: Public Works

Date: June 9, 2014

Type of Item: Informational

Summary Recommendation

The parking consultant, Nelson/Nygaard, and staff are presenting the findings from the parking management study. Staff is seeking direction to begin moving forward with implementation based on the recommendations from this study. As recommended by the study, staff specifically seeks direction on implementing: 1) additional pay parking areas within the Main Street area with employee alternatives and incentives, 2) a demand based pricing model, and 3) real-time wayfinding signs and information.

Executive Summary

Council directed staff on June 25, 2015 to contract with Nelson/Nygaard to conduct a parking study. The study looked at existing conditions and makes several recommendations based on the findings to improve the customer experience, enhance administration and operations, and address policy and zoning needs to ensure optimal parking management.

Key recommendations from the study's executive summary include:

1. demand based pricing model
2. employee alternatives and incentives
3. real time wayfinding
4. additional pay parking within the Main Street core.

The entire executive summary of the study is included as Attachment A, "*Downtown and Main Street Parking Management Plan: Executive Summary*". The consultant will make a presentation of the findings and provide detail on the recommendations to Council. Staff will seek input from Council during the Work Session.

Acronyms

HPCA	Historic Park City Alliance
TAC	Technical Advisory Committee for the parking study
SOV	Single Occupant Vehicle
PCSD	Park City School District

The Problem

Parking is at high demand during peak times in the Main Street core. Building more parking is not a solution to the multi-faceted transportation problem because it increases vehicles and comes at a high price environmentally with more traffic and pollution.

Parking management is a key element of any transportation management plan. During the peak hours it has been estimated that employee vehicles (mostly SOVs) take up to 70% of the existing downtown parking resource. This equates to employees getting a seat on the front row while the customer is forced to take a back seat. This does not diminish the need for employees to be able to commute to work, but this study encourages alternative mode choice via creative solutions.

Background

The history of parking management goes back to the late 1970s when Main Street parking regulations changed to facilitate snow removal, eliminating parking on one side of the street and limited parking on the other to 2 hours. In 1998 metered parking began. More recently working closely with the HPCA, garage time limits were changed and a pilot program employed to encourage employees to shuttle in from the PCSD in-town lots. These lots were deemed a failure due to the enticement to employees of free parking in the downtown core. Staff and the HPCA recognize employee incentives and alternatives are critical to the success of any future parking management program.

<u>Date</u>	<u>Item</u>
March 5, 2015	Main Street Employee Peak Parking Demand Program Update Staff Report pp 13-17 Meeting Minutes
June 25, 2015	Contract Authorization for Parking Management Study Staff Report and Meeting Minutes

Alternatives for City Council to Consider

1. Recommended Alternative: Move forward with key recommendations from the parking study.

Pros

- a. The implementation of parking management elements from the study supports Council's Critical Priority of congestion reduction. Managing parking will be a key element of this effort to reduce traffic by affecting individuals' mode choices.
- b. Reduced traffic and congestion are a positive result of this management plan.
- c. Improved customer information regarding parking availability would improve the Main Street customer experience.

Cons

- a. The feedback for parking changes historically has been consistently less than positive. Initially there may be some resistance from employees until a consistent message can be delivered over time and incentives realized.
 - b. This program will take time to implement and change driving habits and behaviors.
- 2. Null Alternative:** Staff would continue to manage parking under the current methodology and customers would continue to be inconvenienced or avoid Main Street altogether during very busy times.

Analysis

The consultant will be providing additional detail during an audio visual presentation.

Department Review

- Public Works
- Transportation
- Planning
- Sustainability
- Legal
- Executive

Funding Source

The funding for the changes in this program will come from existing CIP projects and from increased meter and garage revenues.

Attachments

A Downtown and Main Street Parking Management Plan: Executive Summary



DOWNTOWN AND MAIN STREET PARKING MANAGEMENT PLAN

Executive Summary

May 2016



In association with:
Fehr & Peers
Carl Walker Inc.

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1 EXECUTIVE SUMMARY

INTRODUCTION

Park City is a vibrant community known for its natural beauty and recreational opportunities. Park City also prides itself on maintaining its small town and historic character while supporting thriving recreation, arts, and tourist industries.

Given its unique character and popularity, demand for parking in downtown has been an ongoing issue, highlighting existing inefficiencies with the parking system and its management. Of particular concern has been high demand during peak periods, employee parking, and limited information for users.

To address these issues, the City prioritized a detailed and focused study of parking issues in the downtown. Previous ad hoc initiatives have tackled parking challenges, but failed to create a unified vision or path to success. **This study represents the first comprehensive approach to rethinking parking management.**

It is important to emphasize that there is no “silver bullet” solution. A plan that simply “builds more parking” is limited in effectiveness and feasibility due to availability of land, the cost of parking construction, and the impacts of additional vehicle trips to downtown. Simply put, Park City cannot build enough parking to accommodate all of the people that would like to park a vehicle in downtown.

This Plan prioritizes a comprehensive approach that seeks to *better manage existing supply*, while creating a package of recommendations that can support broader transportation solutions being developed as part of other city studies. The primary recommendation is to adjust pricing and regulations throughout the year to better respond to the downtown’s significant seasonal and daily variations in parking demand. At its simplest, it is proposed that Park City raise prices when parking is in high demand and lower prices when parking is in low demand to achieve **a goal of consistent parking availability**.

In addition to pricing changes, the plan seeks to manage employee demand during peak periods through significant investments that make it easier, and financially beneficial, for employees to get downtown without a car. Recommendations that improve the management policies and procedures and provide better information to users are also crucial to supporting the demand-based approach.

A solution that simply “builds more parking” is limited in effectiveness and feasibility... This Plan prioritizes a comprehensive approach that seeks to better manage existing supply.

SUMMARY OF EXISTING CONDITIONS

Customer Experience	Administration and Operations	Policy and Zoning
Data shows that parking is available across most of downtown for most of day/most of year, but is severely constrained during peak periods.	Lack of access controls at most parking facilities limits options for management/price parking.	Park City lacks specific goals for the availability of public on-street or off-street parking.
<p>Parking availability varies by:</p> <ul style="list-style-type: none"> ▪ <i>Location:</i> Lowest on Main Street ▪ <i>Time of day:</i> Lowest in afternoon/evening ▪ <i>Day of week:</i> Lowest on weekends ▪ <i>Season:</i> Lowest in winter (10–20% more vehicles park in Feb. than Aug.) ▪ <i>Event schedule:</i> Heavy impact during major events (e.g. Sundance) ▪ <i>Public vs. private lots:</i> Public lots have lower prices and less availability 	<p>Parking revenue exceeds expenditures, presenting an opportunity to fund enhanced parking management and multimodal access options.</p>	<p>Off-street parking requirements are high. Municipal code requires more off-street parking for new development than similar mixed-use downtowns.</p>
	<p>Utilization reporting is limited. Reporting on meter revenues, paid occupancy, and/or citations can be expanded and better utilized to inform decision making.</p>	<p>Bike parking requirements are flawed. Bike parking demand patterns differ substantially from auto parking demand, yet code requirements for bike parking are dictated by auto parking requirements.</p>
Parking rates, time limits, and permit policies are uniform; not reflective of differences in demand by location, time of day, day of week, or season.	<p>Use of new payment technologies is limited. Opportunities include enhanced pay-by-phone, and pay-and-display systems, pre-paid reserved parking options, and incentives for credit card payment.</p>	<p>Parking in-lieu fee has had limited use. Little funding has been generated to add supply or options.</p>
Parking can be hard to find even at times when it is widely available due to uncoordinated wayfinding/signage and limited information.	<p>Staffing resources are limited. Parking services staff are skilled and knowledgeable but have limited time. Event staffing can be inconsistent. Additional staff resources will be necessary for plan implementation.</p>	<p>Shared parking is not required by code, and there are few incentives to share existing or new supply.</p>
Users value convenience/ease of access more than price. Poor pedestrian connectivity limits use of remote facilities.	<p>The City’s existing License Plate Recognition (LPR) units get limited use. New tools are available to enhance parking management and enforcement.</p>	<p>Limited employer support for employee travel options. Few Main Street businesses formally incentivize biking, walking, or transit for employees.</p>

DOWNTOWN AND MAIN STREET PARKING MANAGEMENT PLAN | EXECUTIVE SUMMARY

Park City Municipal Corporation

Customer Experience	Administration and Operations	Policy and Zoning
<p>Parking needs and rates vary by user group:</p> <ul style="list-style-type: none"> ▪ Employee parking demand often conflicts with that of visitors and residents ▪ Effective daily/hourly rates for public parking (including permit programs) are different for employees, residents, and visitors. 	<p>Web services are limited. Parking permits cannot be purchased or renewed online; existing online citation payment option can be improved, and existing maps on Parking Services website are outdated.</p>	
<p>Informal loading creates on-street conflicts. Without active management, passenger/commercial loading can block and slow traffic/limit circulation.</p>	<p>Enforcement is done to educate, not collect revenue. At current fine rates, citations may not effectively deter violation of regulations/pricing.</p>	
<p>Event parking management practices are inconsistent for different events and facilities, which may confuse visitors, employees, and residents.</p>		
<p>Time limits restrict access for people wishing to stay longer. This is especially true for 3-hour zones.</p>		
<p>Transit service and commute hours are mismatched. Bus service does not run late enough to meet the needs of the many employees who work nights and weekends.</p>		
<p>Previous remote parking programs were flawed, with limited shuttle service, low-amenity vehicles, inadequate marketing, and few (dis)incentives to use the service.</p>		
<p>Illegal private signs reduce availability. Private signs indicating that selected curb space is dedicated to “residents only” reduce the perceived supply and availability of on-street parking.</p>		

COMMUNITY OUTREACH

The outreach process included three major components: a Technical Advisory Committee (TAC), a parking survey, and community workshops. The primary goals of the community outreach were to better understand existing parking issues and challenges, and develop and refine recommendations to ensure they support the needs of all users.

As with any study, it is difficult to give everyone exactly what they want. This is especially true in downtown Park City, where residents, employees, and visitors all have different needs, and there is simply no way to easily accommodate everyone that would like to drive. The outreach effort helped prioritize the recommendations and—to the extent possible—strike an equal balance amongst groups.

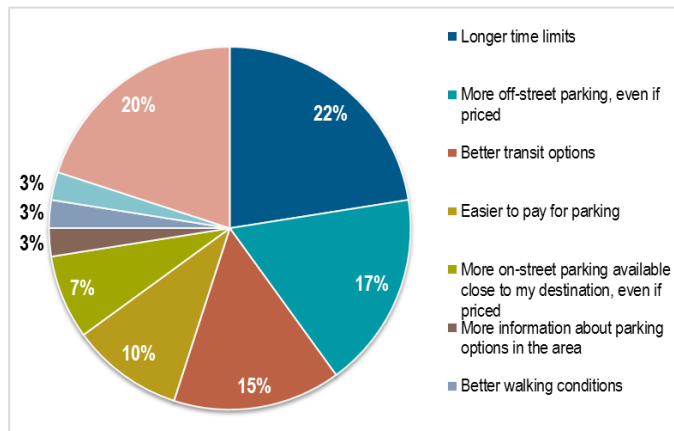
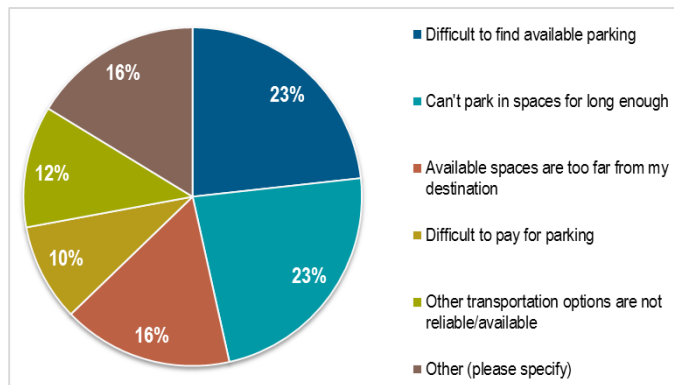
Technical Advisory Committee

To ensure that the parking plan was developed with adequate input from key stakeholders, a Technical Advisory Committee (TAC) was formed to help guide City and consultant staff throughout the project. The TAC was strictly an advisory body and had no final approval of any project recommendations.

The TAC allowed for more detailed input and feedback from key downtown stakeholders. The TAC met three times during the project, corresponding to major project milestones. Members of the TAC included City staff, Historic Park City Alliance (HPCA) staff, downtown business owners, and Park City residents.

Parking Survey

While conducting occupancy counts in downtown Park City in August and September of 2015, an intercept survey was conducted to better understand the parking user experience. An online version of the survey was also available on the City’s website from the end of August to the beginning of October 2015. A total of 790 responses were received.



Survey respondents were asked about their biggest parking challenges (top) and most desired solutions (bottom).

Community Workshops

On November 11, 2015, a community open house was held at the Treasure Mountain Inn. Jointly facilitated by City and consultant staff, the meeting consisted of a presentation followed by open discussion around several stations with different interactive exercises. Approximately 30–35 members of the public attended. Many of them were business owners or residents, with more than a quarter of them identifying as downtown employees.

On April 6, 2016, a second community workshop for the Park City Main Street and Downtown Parking Study was held at the Treasure Mountain Inn. Approximately 20 people attended the meeting. A presentation by the consultant staff included a summary of the previous work to date and key findings, but primarily focused on the draft project recommendations. A Q-and-A session followed.



Workshop participants utilized interactive exercises to identify parking issues, opportunities, and priorities.

PEER REVIEW

A peer review for Park City was conducted as part of this study. The case studies include Newport Beach, CA; Manitou Springs, CO; Breckenridge, CO; and Nantucket, MA. These cities present similar economic and demographic profiles, with strong downtown cores, seasonal/tourist peak demand, and diverse parking needs across multiple user groups. Much like Park City, each of these peer communities faces increased parking demand from seasonal visitors and special events. No community is directly analogous to one another, but their experiences offer potential options for Park City.

These cities have addressed their parking issues through multiple strategies, including seasonal pricing, location- and time-based fee structures, permit parking programs for residents, employees, and other designated uses, and remote parking supported by transit service.

RECOMMENDATIONS

The recommendations in this plan were developed in collaboration with city staff and the Technical Advisory Committee, while informed by parking data, best practices in peer communities, and input from the community. It is important to emphasize a number of key points.

First, parking behavior and demand is influenced by a number of factors. Parking is not solely about the number of spaces or the regulations, but also about how people can access downtown by biking, walking, or transit. The City must continue to think about how parking is intimately connected to the larger transportation network.

Second, there is no single solution to downtown's parking challenges. Simply adding more parking or changing the price of parking will not result in success. Therefore, any approach to downtown parking must be a package of recommendations designed to support one another.

Third, expectations must also be realistic, as progress will be incremental. It will not only take time for the city and stakeholders to plan and implement the recommendations in this chapter, but also to realize their benefits and adjust as conditions change over time. A phased action plan (Chapter 6) will help the City navigate implementation.

Fourth, the recommendations describe an approach that seeks to *better manage existing supply* and ensure that the City's parking assets are better utilized in the most cost-efficient manner possible.

Finally, the plan includes 18 parking recommendations, but three of the recommendations are particularly important, as they will redefine the City's overall approach to parking management in downtown. The other 15 recommendations are also crucial, but ultimately support the new demand-based management framework.

- Recommendation #9 proposes a new program, **Access Park City**, designed to make significant investments in downtown and employee travel options, making it as easy as possible to get to downtown without a vehicle.
- Recommendation #10 proposes **demand-based management** for downtown, adjusting pricing and regulations throughout the year to better respond to the downtown's significant seasonal and daily variations in parking demand. At its simplest, Park City will raise prices when it is busy and lower prices when activity is low to achieve *a goal of consistent parking availability*.
- Recommendation #11 proposes that **employees be charged on a daily basis** rather than by annual permit. Employee rates would be significantly discounted and managed via enhanced payment technology. Daily pricing is designed to incentivize fewer drive-alone trips to downtown, supported by new employee travel programs via Access Park City.

The recommendations were developed in collaboration with city staff and the Technical Advisory Committee, while informed by parking data, best practices in peer communities, and input from the community.

Downtown Parking Recommendations

Customer Experience	Administration and Operations	Policy and Zoning
#3. Create a communications and outreach plan for downtown parking.	#1. Create an internal implementation task force.	#12. Modify Residential Permit Parking program.
#4. Upgrade parking signage and wayfinding.	#2. Hire additional parking staff. Conduct long-term staffing plan.	#16. Improve downtown parking governance.
#5. Upgrade online parking services and information.	#13. Make strategic improvements to event management.	#17. Study and reform parking code requirements.
#6. Secure additional parking for use by employees and the general public.	#14. Adopt formal procedures for program monitoring and parking enforcement. Measure and report system performance via an annual State of Downtown Parking Report.	#18. Monitor and evaluate need for additional parking construction.
#7. Install new parking payment and access control infrastructure in public lots/garages and on certain streets. Plan for upgrade and replacement of existing parking meters.		
#8. Continue to improve pedestrian and bicycle access.		
#9. Create <i>Access Park City</i> mobility program to improve downtown travel options.		
#10. Implement demand-based parking management for all public on-and off-street parking. Manage parking to ensure adequate availability at all times.		
#11. Shift to discount daily parking for employees.		
#15. Create peak-period passenger loading and universal valet programs.		

Summary of Recommendations

#1. Create an Internal Implementation Task Force

The city should create an internal task force upon plan adoption to ensure timely and effective implementation of the recommendations. The task force should be managed by the Parking team, but should include members from Transportation, Planning, Transit, Finance, Economic Development, and other city departments as appropriate. Inclusion of downtown stakeholders, such as the Historic Park City Alliance, should also be considered.

#2. Hire Additional Parking Staff. Conduct Long-term Staffing Plan.

The city should hire additional staff to support the implementation of the plan recommendations and ongoing program management. It is recommended that one or two new planning staff be hired upon plan adoption. The hiring of another enforcement officer should also be evaluated. The Parking department should also conduct an audit of existing staffing resources and skills to identify any skill gaps and long-term staffing needs.

#3. Create a Communications and Outreach Plan for Downtown Parking

The city should develop and implement a communications and outreach plan that clearly articulates the goals, objectives, benefits, and details of the proposed recommendations in this plan. In particular, the demand-based management program, *Access Park City*, employee pricing, and residential parking recommendations will require clear, consistent, and ongoing communications to ensure successful implementation.

#4. Upgrade Parking Signage and Wayfinding

The city should prioritize a system wide upgrade of parking signage and wayfinding. Signage is crucial to clearly communicating parking locations and regulations, as well as making sure that parking is visible, accessible, and effectively utilized. With the proposed demand-based approach (Recommendation #10), signage and wayfinding will be especially important to communicating pricing, regulations, and parking availability.

#5. Upgrade Online Parking Services and Information

The City should upgrade its online services and improve the parking experience by providing substantially more information to customers. Clear, consistent, and readily accessible information is essential to communicate how the parking management system works and where motorists can easily find parking. Improved and frequently updated information is also fundamental to demand-based parking management.

#6. Secure Additional Parking for Use by Employees and the General Public.

It is recommended that the city secure additional existing parking supply for use by employees and/or the general public. Additional supply is essential to the effective implementation of any remote parking strategy, especially given the proposed financial incentives for employees (Recommendation #9) and new employee pricing structure (Recommendation #11). There are several options:

- City-managed parking in “remote” locations, such as the Library lot, the Sullivan Road lot, the Richardson Flat lot, or other
- City-affiliated lots, such as the high school and middle school
- Private parking, such as surface lots in Bonanza Park

#7. Install New Parking Payment and Access Control Infrastructure in Public Lots/Garages

To support implementation of demand-based parking pricing (Recommendation #10), daily discounted employee parking pricing (Recommendation #11), and the associated *Access Park City* incentives program (Recommendation #9), the City will need to install new systems for parking payment, access control, and vehicle/user identification. Key infrastructure upgrades include:

- Gated access control
- Vehicle Identification Systems
- Multi-space Meters in Selected Off-street Facilities
- On-street meter replacement

#8. Continue to Improve Pedestrian and Bicycle Access

Recent efforts have been made to improve pedestrian access within downtown, notably on connections to parking lots/garages. It is recommended that Park City continue to fund these projects, with the goal of making it as easy to find and access the parking garages and “remote” lots, thereby better distributing parking demand to all of the downtown parking supply.

#9. Create Access Park City Mobility Program to Improve Downtown Travel Options.

It is recommended that the City create a comprehensive program to improve travel options to downtown. The program would initially be focused on employees, but certain elements could be made available to the general public.

The proposed program, *Access Park City*, would complement the demand-based management program (Recommendation #10) and the shift to daily pricing for employees (Recommendation #11). The integration of all these strategies will enable the City to more effectively manage employee parking demand, while providing substantial benefits to those who work in downtown.

The goal is not to get every employee out of their car for every trip. Some employees have to drive and will continue to do so. If the City can incentivize 5–15% of employees to change behavior for a few trips, parking in downtown will become easier and more convenient for all users.

Potential elements of the *Access Park City* program include:

- Park-and-ride shuttle service
- Financial incentives
- Car sharing
- Bike sharing/loaner program
- Commuter portal

#10. Implement Demand-Based Parking Management For All Public On-And Off-Street Parking. Manage Parking To Ensure Adequate Availability At All Times.

To address clear differences in parking demand by location, time of day, day of week, and season, this plan recommends that Park City shift to a dynamic, demand-based approach to parking management.

The demand-based approach represents a shift in parking management for Park City, including charging for parking in public off-street lots/garages during peak periods. By setting specific targets and adjusting pricing / regulations, the primary goal of demand-based management is to make it easier to find a parking space and reduce the time searching for parking.

The “right price” is the lowest price that will achieve the availability target. By adjusting rates periodically – up when and where demand is high and down when and where demand is low – the city can better distribute demand and maximize use of its parking facilities.

Figure 4 provides a recommended framework for differentiating parking rates and regulations by facility type, defining the specific lots and on-street areas as either “Premium,” “Value,” or “Free/Remote.”

Figure 1, Figure 2, and Figure 3 below propose an **initial** set of rates and regulations by tier. It is important to emphasize that these are the first version of hourly prices, and will likely not achieve the target availability rates. The annual monitoring effort is essential to ensuring that the rates are adjusted based on demand. It will likely take several rate adjustments, as well as implementation of the other recommendations, before the City is able to effectively meet the target rates.

Demand-Based Parking Management in 5 Steps

1. Adopt a **formal policy target for the availability of parking** on-street and off-street parking. A recommended target for on-street spaces is 85% occupied and for off-street spaces 90-95% occupied. At this level of occupancy, one to two spaces should be available at all times on each block face and within each parking facility.
2. Establish **different rates and regulations** by location and time, reflecting patterns of demand.
3. **Communicate the program** through effective signage, wayfinding, and real-time information.
4. **Monitor and evaluate** parking availability on a regular basis.
5. Adjust rates and regulations **on a periodic basis** to meet adopted parking availability goals/targets.

DOWNTOWN AND MAIN STREET PARKING MANAGEMENT PLAN | EXECUTIVE SUMMARY
Park City Municipal Corporation

Figure 1 Tier 1 – Proposed Initial Rates and Regulations

Location	Premium	Value	Remote
On-street	0-2 hours: \$1.00 /hr. 2-6 hours: \$1.50/hr. 6-hour limit**	0-4 hours: \$0.50/hr.* 4-hour limit**	N/A
Off-street	Free No time limit	Free No time limit	Free

* No charge or time limit for A, B, or C zone permit holders

** Time limits enforced daily from 8:00 a.m. - 11:00 p.m.

Figure 2 Tier 2 – Proposed Initial Rates and Regulations

Location	Premium	Value	Remote
On-street	0-2 hours: \$1.50 /hr. 2-6 hours: \$2.50/hr. 6-hour limit**	0-4 hours: \$1.00/hr.* 4-hour limit**	N/A
Off-street	0-2 hours: \$0.50 /hr. 2-6 hours: \$1.50/hr. No time limit	0-2 hours: Free 2+ hours: \$1.00/hr. No time limit	Free

* No charge or time limit for A, B, or C zone permit holders

** Time limits enforced daily from 8:00 a.m. - 11:00 p.m.

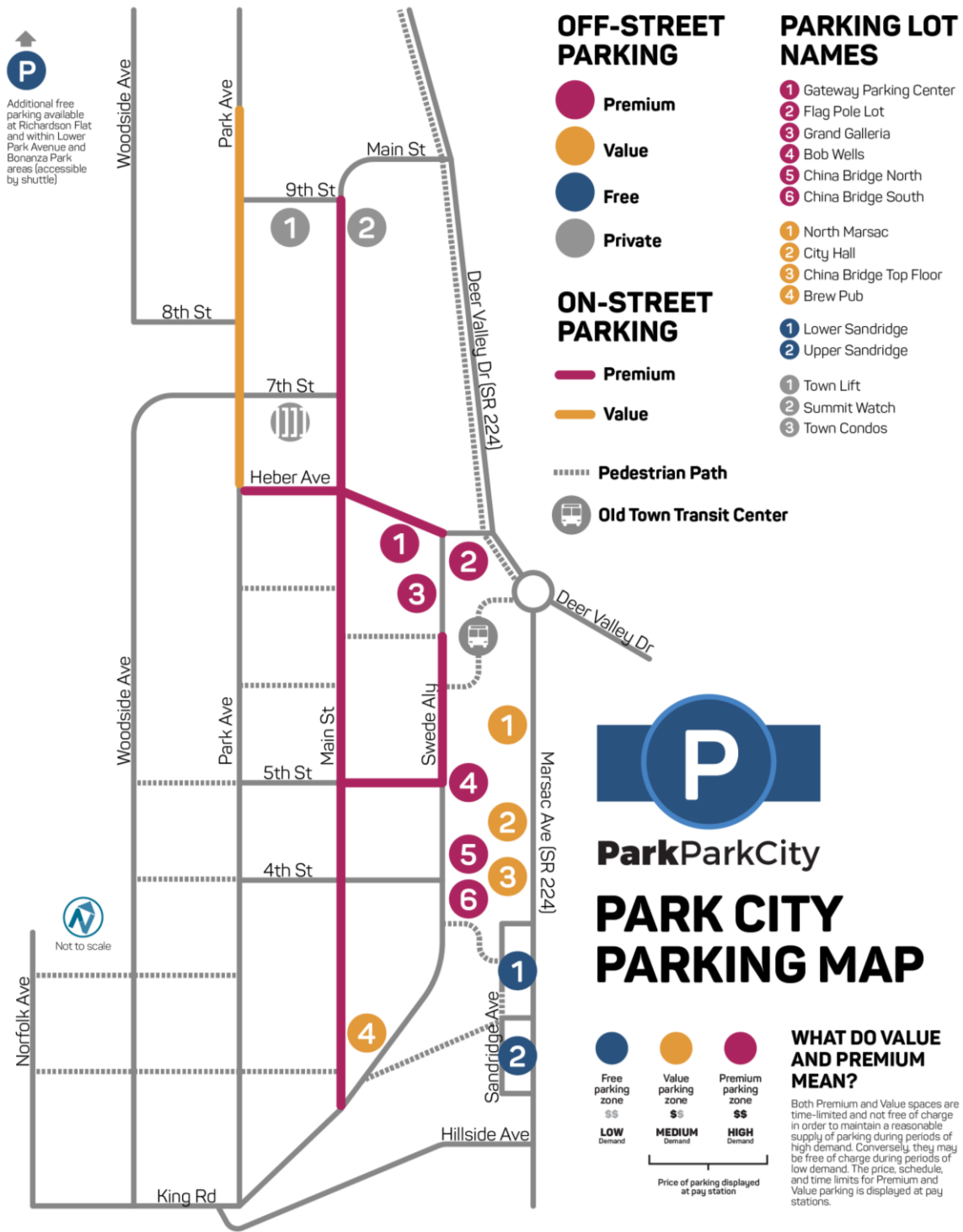
Figure 3 Tier 3 – Proposed Initial Rates and Regulations

Location	Premium	Value	Remote
On-street	0-2 hours: \$2.50 /hr. 2-6 hours: \$3.50/hr. 6-hour limit**	0-2 hours: \$1.50/hr.* 2-4 hours: \$2.50/hr. 4-hour limit**	N/A
Off-street	0-2 hours: \$1.00 /hr. 2-6 hours: \$2.50/hr. 10-hour time limit	0-2 hours: \$.50/hr. 2+ hours: \$1.50/hr. 10-hour time limit	Free or “pay-not-to-drive” reward

* No charge or time limit for A, B, or C zone permit holders

** Time limits enforced daily from 8:00 a.m. - 11:00 p.m.

Figure 4 Proposed Premium, Value, and Remote Areas



#11. Shift to Discount Daily Parking for Employees

To align employee parking with the demand-based management approach described in Recommendation #10, the City should transition from annual employee permits to discount daily paid parking for employees.

The discount would only apply to public off-street parking. If an employee chose to park on the street, they would pay the applicable hourly rate.

Under a daily fee system, the motorist makes a conscious decision each day about whether it is worth paying the daily parking fee or whether a non-driving alternative might be a better option. In short, switching to daily fees allows individual to save money every time they use an alternative to driving.

Under a daily system, downtown employees would be able to park in any public parking facility with space available, provided that they pay applicable parking fees from a pre-paid account. The pre-paid account would be linked to a “smart” card and reader system that would identify registered employees upon entering and existing a lot/garage. Employees would load a certain dollar amount to their account and would be deducted the appropriate fees.

With enrollment in the *Access Park City* program (Recommendation #9) and use of the smart card system, parking fees would be withdrawn at a rate discounted from that charged to the general public. This discount should vary by facility to encourage auto commuters to park for longer stays at “value” lots and free/remote parking facilities.

It is important to emphasize the role of the *Access Park City* program in supporting daily pricing. If the City wishes to incentivize employees to not drive to downtown, the biking, walking, transit, and incentive programs must be in place.



Figure 5 shows the proposed discounted employee hourly rates. It is important to emphasize that these are initial rates, and should be adjusted over time to respond to employee parking demand, Under the proposed prices, **employees would park off-street for free during Tier 1 times, approximately one-third of the year.** Figure 6 shows a comparison of the employee rate with the “public” rate.

Figure 5 Proposed Employee Daily Rates

Tier	Off-street Facilities		
	Premium	Value	Remote
1	Free	Free	Free
2	0-3 hours: \$0.20/hr. 3+ hours: \$0.40/hr. [8 hours: \$2.60]	0-3 hours: \$0.20/hr. 3+ hours: \$0.40/hr. [8 hours: \$1.00]	Free or “pay-not-to-drive” reward
3	\$0.75/hr. [8 hours: \$6.00]	\$0.30/hr. [8 hours: \$2.40]	Free or “pay-not-to-drive” reward

Figure 6 Public vs. Employee Rates – Relative Cost of Off-street Parking

Tier	Premium		Value		Remote	
	Public (4 hrs.)	Employee (8 hrs.)	Public (4 hrs.)	Employee (8 hrs.)	Public (4 hrs.)	Employee (8 hrs.)
1	Free	Free	Free	Free	Free	Free
2	\$4.00	\$2.60	\$2.00	\$1.00	Free	Free / Pay-not-to-drive
3	\$7.00	\$6.00	\$4.00	\$2.40	Free	Free / Pay-not-to-drive

#12. Modify Residential Parking Permit Program

The city should revise the existing residential permit program to better maintain the availability of parking within the residential neighborhoods surrounding downtown. Proposed changes to the program include:

- Revise the number of permits sold to 4 per address.
- Implement a progressive pricing structure for permits to ensure the administrative costs of the program are covered and people only purchase the permits they actually need. Adjust prices as necessary on an annual basis. An initial pricing structure could be: 1st and 2nd permits: \$30 each, 3rd permit: \$40, and 4th permit: \$60.
- Utilize License Plate Recognition (LPR) technology to allow for “virtual” permits. Residents would provide their license plate(s) upon purchase or renewal.
- Provide one free guest permit per address. Permit should be transferable.
- Continue to require proof of residence (owner or rental) per the current guidelines.
- Allow for online purchase and renewal of permits.
- Evaluate the creation of a Residential Parking Benefit District (RPBD) for the downtown area permit zones.
- Work with code enforcement staff to address the non-City “No Parking” signs in permit zones.

#13. Make Strategic Improvements to Event Management

Park City should formalize and enhance its current approach to event parking management—incorporating major event rates and regulations into its program of demand-based parking management. To integrate event management into the recommended demand-based parking management program, Park City should extend event pricing to all premium off-street parking facilities, create new daily and hourly event parking options, and formalize loading zone practices.

#14. Adopt Formal Procedures for Program Monitoring and Parking Enforcement. Measure and Report System Performance via an Annual State of Downtown Parking Report.

To facilitate the effective operation of the proposed demand-based management program, it is recommended that new procedures and policies be adopted for monitoring, enforcement, and reporting. Clear and consistent policies are essential to understanding and communicating the impacts of demand-based management on parking availability. Specific recommendations include:

- Develop and adopt specific benchmarks/metrics for system performance under the demand-based management program.
- Develop and implement specific methodologies for tracking benchmarks.
- Document any additions or loss of public and private parking within the downtown
- Adopt specific guidelines for downtown parking enforcement.
- Update and/or adopt specific guidelines and policies for enforcement officers that continue to emphasize an “Ambassador” approach.
- Review citation data and identify common infractions and citations. Define new metrics and benchmarks for enforcement.
- Create and issue quarterly reports on system performance for circulation among parking/city staff and Advisory Committee.
- Issue an annual State of Downtown Parking Report for review by City Council and post to the parking website.

#15. Create Peak-Period Passenger Loading and Universal Valet Programs

Establish a formal passenger loading program during peak periods to reduce double parking and congestion on Main Street. The city would establish five to six locations on Main Street, comprising 10–12 parking spaces, specifically dedicated to passenger loading (drop off or pick up). In addition, the city should designate a certain number of spaces within the Flag Pole lot as a formal “pick up” zone during peak periods for Uber/Lyft/taxi.

Park City should further evaluate and implement a universal valet parking program to facilitate convenient drop-off/pick-up and offer a high-quality amenity for visitors. The program would run during weekend evenings and/or other peak periods. Universal, district-wide valet services allow motorists to drop their vehicle off at one valet stand and pick up at any other valet stand in the area.

#16. Improve Downtown Parking Governance

Effective governance—with meaningful integration of stakeholders—is necessary to ensure the effective design, implementation, and management of the programs recommended in this plan. Park City can integrate stakeholder interests and facilitate plan implementation by:

- Formalizing the Technical Advisory Committee (TAC) created for this study into a standing Downtown Parking and Access Advisory Committee.
- Formally integrating downtown employers into the larger, citywide Transportation Management Association (TMA).
- Creating a Parking Benefit District (PBD) to ensure that net parking revenue generated in downtown is allocated in a manner that supports downtown parking management and mobility/access improvements.

#17. Study and Reform Parking Code Requirements

It is recommended that the city further evaluate revisions to the municipal code, specifically as it relates to parking in the Historic Commercial Business (HCB) district. This study primarily focuses on the on-the-ground management of downtown parking, but key provisions within the code are particularly relevant to system performance and long-term outcomes. Additional evaluation and consensus building with other city departments and the community is needed before code language is changed.

#18. Monitor and Evaluate Need for Additional Parking Construction

The primary goal of this study was to better manage the existing supply of parking in downtown, recognizing that there are substantial opportunities to improve how parking is used. Recommendations #1–17 offer a roadmap for how to improve existing management practices. Building additional parking in downtown at this time is not recommended.

However, additional parking supply should remain a potential option in the future. It is recommended that, as part of the demand-based management approach, Park City should evaluate parking utilization in relation to existing and prospective new development and establish performance related guidance for when and where it would be appropriate and necessary to add to the public parking supply. Such guidance would include thresholds or triggers related to both:

- Performance of the existing parking system, including the availability of on-street and off-street parking during peak and off-peak periods;
- Amount of recent and prospective development in downtown and Park city as a whole; and
- Amount of public parking constructed in other areas in Park City.

FINANCIAL SUMMARY

The financial analysis represents a **planning-level estimate** based on existing costs and revenues, and general assumptions based on industry standards. Additional detailed financial analysis and revision of costs and revenue estimates is strongly recommended for each recommendations as the city moves forward with implementation.

Outlined below is a summary of both **one-time expenditures** for capital improvement projects and **ongoing annual costs** for operations, maintenance, and operations of programs, such as the provision of new shuttle services and incentives for parking in remote facilities.

It is important to emphasize that not all one-time expenditures will happen immediately. It is more likely that the capital expenses will be distributed over one to three years, depending on the pace of implementation and prioritization of investment.

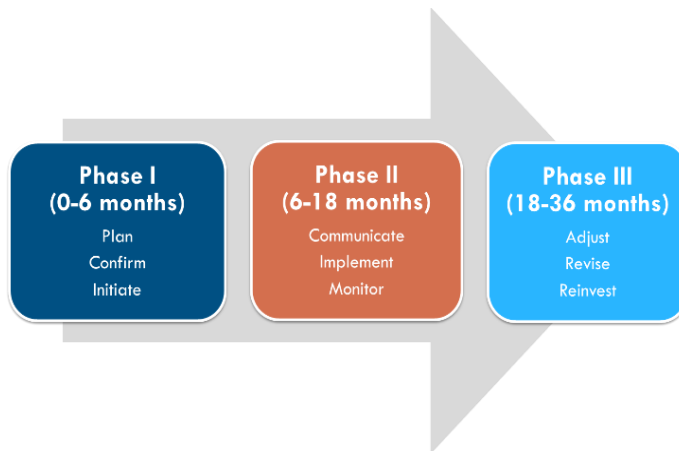
Revenue is estimated for both new and proposed on- and off-street parking meters, as well as citation payments.

Figure 7 Financial Summary

Item	\$ Amount
Parking Pay Station Revenue	\$2,045,100
Citation Revenue	\$190,900
Gross Annual Parking Revenue	\$2,236,100
Annual Operating Costs	(\$1,602,000)
Net Annual Revenue	\$634,100
Estimated Capital Costs (One-time)	\$3,023,000

IMPLEMENTATION PROGRAM

Chapter 6 of the full report includes an implementation matrix, designed to provide City staff with specific actions steps to guide them through the implementation of the recommendations. The implementation effort is organized into three phases. Phase I would occur after plan adoption and cover approximately six months. Phase II would cover the time frame of 6-18 months after plan adoption. Phase III would cover the time frame of 18-36 months after plan adoption. The phases and action steps in the matrix offer a general roadmap to implementation. Some processes and actions will take longer than expected, other shorter. The matrix is a living document that should be updated, edited, and referred to regularly.





DATE: June 9, 2016

TO HONORABLE MAYOR AND COUNCIL

The City Council should conduct a work session regarding Vail's pending application to register a trademark for "Park City" and provide the public with an opportunity to give public input. Representatives from Vail will be available to provide their perspective and answer questions. No direction is requested at this time.

Respectfully:

Matt Dias, Asst City Manager



City Council Staff Report

Subject: Vail's Pending Trademark Application for "Park City"
Author: Mark Harrington, City Attorney
Department: City Attorney's Office
Date: 6/9/16
Type of Item: Work Session- Informational

Summary Recommendation

The City Council should conduct a work session regarding Vail's pending application to register a trademark for "Park City" and provide the public with an opportunity to give public input. Representatives from Vail will be available to provide their perspective and answer City Council questions. No direction is requested at this time.

Executive Summary

- Last summer, the City Council asked the Executive staff to coordinate with the City Attorney to monitor brand and trademark matters when Vail began re-branding the newly-connected Park City Mountain Resort and Canyons ski areas. City staff communicated frequently with Vail, Chamber staff, and other stakeholders as the ski area's new campaign and associated signage progressed.
- The City Attorney utilized existing outside counsel (Parr Brown) and consulted other resort-specific trademark attorneys in Colorado to monitor Vail's pending applications. Last November, Vail's application received a preliminary rejection from the USPTO on the basis that "Park City" is a geographic term and does not function as a service mark. Under USPTO procedural rules, Vail had six months to respond to the USPTO's preliminary rejection.
- When community and Council interest started to renew after some inaccuracies were posted on some local websites late in 2015 and earlier this year, the City increased its interaction with Vail on the matter. Following the 2016 City Council Retreat where the matter was again raised, City Council members, staff and Vail representatives met with several community groups and the Chamber.
- In a meeting on March 17, 2016 Vail represented to two City Council members and staff that it planned to use "Park City Mountain" in local press releases, and branding campaigns, as well as their website. See: <http://www.parkcitymountain.com>
- Vail explained their primary purposed in continuing with the application as originally filed by their predecessor was to prevent another ski area from being called "Park City." Vail also responded that they were amending their application to limit their service description as explained further in the report below. Vail also responded to the USPTO's preliminary rejection of its application by claiming that "Park City" was not merely a geographical reference but had gained brand significance through use. As a result, the USPTO approved the application for publication on May 10, 2016. The publication provides for a thirty (30) day

deadline to file any opposition. Oppositions are heard by the Trademark Trial and Appeal Board.

- The City Council requested a thirty day extension to the thirty (30) day period to file an opposition to enable this public work session. **Others must request their own extension and may request an extension by following this link:** <http://esta.uspto.gov/filing-type.jsp>. The deadline is June 9, 2016.
- The City has not decided whether to file an opposition to Vail’s application. The USPTO’s grant of an extension to the City was done administratively and without cause. This type of an extension is readily available to others. **The extension granted to the City applies only to the City (not other parties/businesses who may wish to oppose the application).** The City’s new deadline is July 9, 2016, but additional extensions can be obtained for good cause. See Notice of Approval attached as Exhibit A.

Acronyms/Abbreviations

City	Park City Municipal Corporation
PCMR	Park City Mountain Resort
TTAB	Trademark Trial and Appeal Board
USPTO	United States Patent and Trademark Office
Vail	VR CPC HOLDINGS, INC.

The Problems

- Lack of understanding: The City Council wants to facilitate transparency and getting the facts out regarding Vail’s trademark application to counter misinformation generally within the community and on several popular blogs.
- Determine whether there is a need and, if so, an effective strategy for the City to protect the community and Park City brand: If needed, is the City best positioned to protect the public brand/community interest in “Park City” to avoid confusion, preserve the use of “Park City” as a geographic reference for as many local businesses as possible, and facilitate factual information that best enables local businesses to make their own informed decisions? Alternatively, should the City partner or defer to the Chamber and individual businesses which also have standing to file an opposition? Finally, should the City continue to negotiate proactively with Vail?
- How to enable quality public input and business decisions?: Residents and businesses who do not understand the facts and basic meaning of the trademark rules and process governing the pending application may not give meaningful public input regarding the appropriate role of the City.

Background

- The terms trademark and service mark (or simply “mark” for short) are nouns not verbs. A mark is a brand. A trademark or service mark includes any word, name, symbol, device, or any combination, used or intended to be used to identify and distinguish the goods/services of one seller or provider from those of others, and

to indicate the source of the goods/services. To be eligible for registration, a mark either must be “inherently distinctive” and therefore able to function as a brand on its own from its first use in commerce or have “acquired distinctiveness” through longevity of use or sales and advertising efforts. The key is that members of the public must perceive the mark as a brand or source of goods and services and not merely a description of them. While registration bestows certain benefits and presumptions in securing the use and defense of the mark, the underlying legal rights are still determined by actual use. For more information, see:

<http://www.uspto.gov/trademarks-getting-started/trademark-basics>

- The application (No. 86-331507) to register “Park City” was originally filed by Greater Park City Company for the prior resort owners in 2014, in conjunction with three other renewals/applications for the Park City Mountain Resort. **Vail was assigned the applications in conjunction with its acquisition of the PCMR ski area.** Those applications include the following: “Park City Ski Area,” registered since 1993 (No. 1804854); “Park City Mountain Resort,” registered since 1999 (No. 2290449); and Park City Mountain Resort logo, registered since 2012 (No. 4236079).

Analysis

To date, stakeholder reaction to Vail’s application and overall branding strategy, launched at the end of July 2015, has been mixed to say the least. Many have a strong negative reaction to Vail’s inaugural campaign entitled “There is only one. Park City.” See:

<http://www.parkcitymountain.com/mountain/videos.aspx>

Trademark litigation is a full-contact endeavor. Sometimes the legal foundation for disputes doesn’t matter as much as the parties’ resources, as the side with the most resources and stomach for contentious and protracted litigation often prevails. One of the fears is the fear of the unknown – how will Vail act in a community that to date has been tolerant and business friendly to competing commercial uses of “Park City”? Unlike other ski towns which share the exact same name as their ski area, Park City’s existence as a mining town, and its non-skiing industry and use of “Park City” in business names, long pre-date the advent of ski business. These extensive prior uses of “Park City” should make it harder for Vail to try to claim exclusive use of “Park City” outside the on-mountain services claimed. However, it is also probably safe to assume that Vail will be more diligent in protecting their brand than the prior owner, but how much so is unclear. On the other hand, Vail has worked with objections that have come up in this process to try and delineate agreements.

Conversely, some see all publicity as good publicity. Therefore, there is a perspective within parts of the business community that the joint marketing of the town’s name with the ski area that has long used “Park City” as part of its mark benefits all businesses by

the resulting multiplayer effect. These stakeholders point out that registering a city name as a mark for a particular service class is not that uncommon.

If Vail obtains final approval and is granted registration of “Park City” as a stand-alone, standard character mark, it does not mean that any and all other businesses using Park City within their title will necessarily be prohibited. **Local businesses should consult with a trademark attorney to determine if they already may be at risk by virtue of the ski area’s prior use of “Park City” as part of its mark.** Whether registration of the mark expands Vail’s rights to the name or merely confirms existing rights and provides additional benefits and penalties for violation of their trademark is subject to debate. In any event, application of existing common law rules of prior use, distinctiveness, and likelihood of confusion will still apply to determine conflicts.

To date, Vail has worked with community representatives and the City to limit the reach of its application. The original PCMR application contained the following description of services:

Providing facilities for skiing, snowboarding, mountain biking, hiking, alpine slide, mini-golf and horseback riding, and conducting classes and instruction in skiing and snowboarding and providing rental of skiing and snowboarding equipment; *Providing facilities for skiing and snowboarding, and conducting classes and instruction in skiing and snowboarding*; resort services, namely, entertainment in the nature of ski and snowboard races and conducting entertainment exhibitions in the nature of sporting events and musical concerts; resort lodging services (Emphasis added)

On March 16, 2016, Vail, at least partially in response to concerns voiced by community members and the City, amended its application to read as follows (matching the phrase in italics above):

Providing facilities for skiing and snowboarding, and conducting classes and instruction in skiing and snowboarding

Another reason why Vail amended its description of services in this manner was to respond to issues raised by the USPTO about Vail’s prior description. The current description is consistent with description of services in the existing 1993 registration for “Park City Ski Area”:

“resort services; namely, providing facilities for skiing and conducting classes in skiing.”

In discussions with trademark attorneys active in the ski resort field, all agree the edit substantially narrows the class of services applicable to the claimed mark as it relates to the operation of the Park City Mountain ski area. The City continues to question the use of the term “facilities” as being vague and over broad. At the writing of this report, staff

was still in discussions with Vail to determine if further edits or limitations on claimed distinctiveness and terms of existing local business use could be mutually agreed to.

Vail Resorts' executive team has committed, verbally, to offer to enter into agreements with any local business who is concerned that Vail's trademark application may negatively impact their business, like Vail is already doing with several local business owners. Vail has also agreed to work out a potential memorandum of understanding with the City to clarify any part of its trademark application and how it would be applied. Vail Resorts also offered to work with the City to address any local confusion caused by Vail's branding to make clear the distinction between the ski resort and the community.

Alternatives for City Council to Consider

No action is requested at this time. The City Council should hear input from both Vail and the public.

Alternatively, a majority of Council may direct staff to: 1) take no further action; 2) take formal steps to prepare an opposition to the pending application and/or negotiate directly with Vail regarding further changes to their application; or 3) continue to proactively negotiate with Vail regarding clarifying mutual terms of use or other matters pertaining to limiting the reach of the trademark registration by separate agreement.

Department Review

The Executive department reviewed this report. Summit County Council also asked their staff for an update on Vail's application. To encourage the exchange of information, representatives of the County were invited to attend this work session.

Funding Source

No funding is requested at this time. The Risk Management fund would fund the cost of filing any formal opposition.

Attachments

A Notice from USPTO granting 30-day Extension

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

Gregory M. Hess
Parr Brown Gee & Loveless, P.C.
101 S. 200 E., Suite 700
Salt Lake City, UT 84111

Mailed: June 1, 2016

Serial No.: 86331507
ESTTA TRACKING NO: ESTTA749705

The request to extend time to oppose is granted until **7/9/2016** on behalf of potential opposer **Park City Municipal Corporation**

Please do not hesitate to contact the Trademark Trial and Appeal Board at (571)272-8500 if you have any questions relating to this extension.

Note from the Trademark Trial and Appeal Board

TTAB forms for electronic filing of extensions of time to oppose, notices of opposition, petition for cancellation, notice of ex parte appeal, and inter partes filings are now available at <http://estta.uspto.gov>. Images of TTAB proceeding files can be viewed using TTABVue at <http://ttabvue.uspto.gov>.



DATE: June 9, 2016

TO HONORABLE MAYOR AND COUNCIL

Attached for your approval, please find the minutes for May 19, 2016. Thank you for your consideration.

Respectfully:

Michelle Kellogg, City Recorder



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

May 19, 2016

The Council of Park City, Summit County, Utah, met in open meeting on May 19, 2016, at 2:00 p.m. in the City Council Chambers.

Council Member Beerman moved to close the meeting to discuss property and litigation at 2:01 p.m. Council Member Worel seconded the motion. Voting Aye: Council Members Beerman, Gerber, Matsumoto and Worel.

CLOSED SESSION

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

WORK SESSION

Council Questions and Comments:

Council Member Matsumoto indicated she attended the Synderville Basin Water Reclamation District Board meeting, and noted ground was broken for the new building. She also went to the multi-district council dinner and found it interesting.

Council Member Beerman thought the multi-district council dinner was good. He indicated that he and Mayor Thomas met with the president of Rocky Mountain Power (RMP) to discuss the City's energy goals and how RMP could be a partner. He also went with Council Member Gerber to a meeting with a startup company called Utility. This company created an app that would monitor water, gas and electricity usage that are reported via radio waves. They can monitor neighborhoods and facilities. He attended a Summit Lands meeting as well. He wanted to follow up with recent public comment on stop sign removals on Park Avenue. He noticed confusion in that intersection and recommended that the stop sign be put back if there was a possibility of one being there in the future. He stated he would be recusing himself from the Brew Pub Plaza discussion today, but he heard comments from the public about traffic issues along Upper Main and Daley Avenue and requested that this issue be discussed at a future meeting.

1 Council Member Worel stated she and Council Member Henney met with Bill Malone
2 and talked about the Chamber and its relationship with the City. She also attended a
3 Library Board meeting, noting that there was proposed legislation to limit pornography in
4 libraries. She indicated that the Park City Library already had filters on its computers.
5

6 Council Member Gerber indicated that with regard to the Utility meeting she and Council
7 Member Beerman attended, there would be a \$1 cost to download the app, but the
8 average utility savings per household was \$40 per month. She attended the Historic
9 Park City Alliance (HPCA) meeting where the Brew Pub Plaza design was discussed.
10 She also attended the Dog Task Force meeting, where they were defining what would
11 be presented to Council on June 16th.
12

13 Mayor Thomas stated the multi-district council dinner was interesting, and he enjoyed
14 connecting with those folks and listening to a presentation from Wasatch County. He
15 also attended a Council of Governments meeting, where they previewed tax options
16 that would support transit and transportation projects. He attended the RMP meeting,
17 and met with the Utah Postmasters, where he spoke about the history of Park City.
18

19 **Tentative 2016-2017 Budget Review – Fee Schedule and Operating Budget:**

20 Jed Briggs and Kory Kersavage, Budget, presented this item. Briggs reviewed how the
21 budget committee prioritized the budget requests in order to link the requests to the
22 Council's desired outcomes.
23

24 Environmental and Sustainability requested a part-time contract position for carbon
25 footprinting support and an ecosystem services study.
26

27 Storm Water requested funds to be more proactive with drain cleaning and inspections.
28 They requested \$836,614 for seven new positions, materials and supplies for a vehicle,
29 public notices and contract services.
30

31 Street Maintenance requested \$208,000 to partially fund five positions, materials and a
32 vehicle.
33

34 Water Fund requested \$368,000 for six positions, materials and supplies, and software.
35

36 Transportation Operating Fund requested \$372,000 for five bus drivers and \$20,000 for
37 materials.
38

39 Transportation Planning requested \$288,000 for implementing the Transportation
40 Demand Management Plan.
41

42 Economy requested \$12,000 for the Trails and Open Space Manager position and
43 \$20,000 in special event personnel and materials.
44

1 Ice Facility requested \$20,000 for part-time personnel.

2
3 Recreation requested \$164,000 for two recreation coordinators. That amount is offset
4 from revenue so the actual request is \$0.

5
6 Tennis requested \$21,000 for inventory materials and the total amount is offset with
7 revenue so the actual request is \$0.

8
9 Golf Fund requested \$57,000 for part-time personnel.

10
11 Police requested \$124,000 for a sergeant and a vehicle, and \$15,000 in pay increases
12 for senior dispatchers.

13
14 Building requested \$130,000 for a code enforcement officer, vehicle and overtime pay.
15 This total amount would be offset by revenue so the actual request is \$0.

16
17 Library requested \$15,000 for a part-time library assistant.

18
19 Finance requested \$30,000 for a part-time accounting manager and \$130,000 for a
20 contract finance manager in FY2018.

21
22 City Attorney requested \$20,000 for part-time legal assistants and materials.

23
24 IT requested \$21,000 for inflationary utility increases such as servers and protocols and
25 security.

26
27 Building Maintenance requested \$25,000 for boiler and elevator maintenance.

28
29 Community Affairs requested \$10,000 for video production.

30
31 Kersavage reviewed the fee schedule and noted that water and storm water fees were
32 not included in this schedule, but those fees would be reviewed at the June 2nd meeting.
33 He indicated most of the recreation increases were to keep up with inflation. He stated
34 that with the Building Department's recommended fee changes, staff would also be
35 amending the City Code to reflect those changes. The library was also making fee
36 changes with regard to room rentals, and would now be charging fees for using
37 technology in the Santy Auditorium.

38
39 Nate Rockwood discussed a gradual storm water fee increase over a five-year period.
40 He displayed a chart showing a 12% rate increase per year until the City would not have
41 to subsidize this fee in year six. He indicated the City would need to use \$3.2 million in
42 additional Resort Community Sales Tax to subsidize the cost. Council Member
43 Beerman stated last week when this was discussed, it was requested that the projects
44 be spread out as well so the City would not be as impacted from the loss of the sales

1 tax revenue. Rockwood stated the projects could not be spread out further, but the rates
2 could increase at an accelerated pace. Council Member Beerman asked to discuss the
3 projects in more detail at the next meeting. He also requested that the fee start at \$3 for
4 the first two years and then increase to \$6 in the third year. Rockwood stated the City
5 would have to adjust the operating budget with that scenario. Council Member Worel
6 hoped to make the fee as affordable as possible. Council Member Gerber stated that
7 the resort sales tax was earmarked for other projects and she felt this five-year fee
8 proposal was reasonable. Council Member Beerman asked what projects were being
9 delayed. Rockwood stated the OTIS projects were being stretched significantly. Council
10 Member Matsumoto stated she was comfortable with the schedule as presented tonight,
11 and didn't think \$3.75 per month would be a burden on community members. Council
12 Member Gerber hoped people could mitigate the costs by their efforts to reduce the
13 impervious surfaces or by other means. McAfee stated if the Park Avenue project was
14 delayed, the Storm Water portion of that project would be delayed as well. Further
15 discussion ensued on information that Rockwood would bring back to the Council in two
16 weeks, and Rockwood stated he would bring back a three year storm water rate model
17 for the Council to compare to the five year model that was presented tonight.

18
19 Mayor Thomas opened the meeting for public input.

20
21 Alex Butwinski stated there were many fees assessed to the public. Storm Water was a
22 need and the City had a responsibility to fund the needs. He hoped the Council would
23 fund the needs before the wants. He had a rain barrel and was doing his part, but he
24 suggested that Council reevaluate the Capital Improvement Projects (CIP).

25
26 Doug Stephens indicated he was confused about the Storm Water fee because he had
27 always been required to keep the storm water onsite with his building projects. Mayor
28 Thomas stated water from the roof and driveway runs into the streets. Council Member
29 Matsumoto stated this was a Citywide storm water effort, and the community was
30 sharing the cost.

31
32 **2. Main Street Downtown (Brew Pub) Plaza and Miners' Plaza Project Updates:**

33 Jonathan Weidenhamer, Economic Development Manager, and his team presented this
34 item. He stated the Miner's Plaza budget was \$1.25 million and the Brew Pub Plaza was
35 budgeted at \$6.6 million. The HPCA hoped the City would increase the Brew Pub Plaza
36 budget to \$8.2 million and had sent a letter to Council with their reasons for the request.

37
38 Cory Shupe, BluDesign, displayed images of the design for the Miner's Plaza. He
39 reported on the progress his team had made with regard to this project. The cost
40 estimate for this project was run and was very close to the original estimate for the
41 plaza. The Public Art Advisory Board (PAAB) requested that art be placed in this plaza
42 and he was waiting for an estimate on that piece of art.

43

1 Council Member Matsumoto asked about the code with regard to rooftop decks for
2 residential and commercial areas. Bruce Erickson, Planning Director, stated in the
3 Historic Commercial area, rooftop decks would be allowed but rooftop decks were not
4 allowed in residential areas. Council Member Matsumoto stated the rooftop deck on this
5 plaza would be at the same level as the residential units on Park Avenue, which were
6 behind the plaza, and that issue concerned those residents. She did not feel the deck
7 was necessary.

8
9 Council Member Worel asked if the consultants had an idea of the cost of the art for this
10 site. They responded that it was thought that the art would cost \$65,000-\$75,000, which
11 was similar in cost to the waterfall feature. Council Member Gerber indicated she only
12 supported remodeling the bathrooms for now, and then in the future other features
13 could be added. Council Member Beerman was not in favor of the waterfall, as it used
14 energy, so he felt the art feature might be preferable. Mayor Thomas stated this was a
15 lovely design, but the Council needed to do what was best for the community. He didn't
16 want the timbers because snow would be on them for six months per year. He thought a
17 small plaza without water or timber would be more favorable considering the storm
18 water costs the City was facing.

19
20 Twombly stated this project was within budget. Mayor Thomas noted the plaza was only
21 used six months of the year. Council Member Matsumoto stated she would be fine if
22 there was no water wall, but she liked the mining timber structure. Council Member
23 Beerman agreed that the plaza could be scaled back, giving the space more flexibility.
24 Council Member Gerber was in favor of scaling back the project and noted the main
25 draw was the bathrooms. Council Member Worel indicated she would like to see the
26 timbers disappear and see another model of the plaza without that feature. In response
27 to Weidenhamer's question, the Council agreed the net zero budget should remain.

28
29 Council Member Beerman recused himself for the Brew Pub Plaza discussion.
30 Weidenhamer stated a traffic study was being performed for this area, and noted this
31 was a focused study on just the traffic effects on the proposed plaza. He then read the
32 HPCA's position on the Brew Pub design. David Brems and Clio Rayner, GSBS
33 Architects, presented this item. Brems stated they had updated the design and cost
34 estimate for the plaza. Various videos of the site were shown and estimates were given
35 for different alternatives for amenities on the plaza. Rayner also recommended that
36 parking be included on the plaza site, and indicated the soils mitigation cost would have
37 to be part of the plaza cost whether parking was constructed or not.

38
39 Council Member Worel asked what the maintenance cost would be for the plaza.
40 Weidenhamer stated a full time employee would be needed to run the space as well as
41 the costs of maintenance. Council Member Worel thought the circulation studies were
42 critical and asked when they would be finished. Rayner indicated the studies would be
43 completed in a couple of months. Council Member Matsumoto liked this project and felt
44 it could be programmed throughout the winter for year round use. She also liked the cut

1 through. Matt Cassel stated the traffic study was looking at some alternatives, including
 2 reducing traffic on Hillside Avenue. Council Member Matsumoto favored the onsite
 3 parking and the trash, but didn't like the higher level walkway.
 4

5 Council Member Gerber hoped that traffic could be looked at for the entire downtown
 6 area. She thought having the retail space behind the stage was not wise because of
 7 isolation issues. Mayor Thomas stated he liked the connector road because it alleviated
 8 the traffic impacts to the neighbors, and he was in favor of having an elevator onsite. He
 9 also liked that the cost of parking was practical to facilitate parking at the location. He
 10 stated the project could be phased, but thought the stage/north retail space should
 11 definitely be part of the basic package. It was noted the multipurpose building could be
 12 used for weddings, art shows, nonprofit event space, and more. Council Member
 13 Gerber suggested that the north retail building could have bathrooms and a multi-
 14 purpose space, and then a larger multipurpose building could be built at a future time.

15 **REGULAR MEETING**

16 **I. Roll Call**

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

17
 18 **II. Communications and Disclosures from Council and Staff:**

19 Stuart Johnson, Trails Coordinator, stated next week would be "Bike to Work Week".
 20 Next Friday the Park City Chamber would be hosting a breakfast and that would be
 21 "Bike to School Day" as well. He indicated the week of events would be a kick off to
 22 encourage people to use bikes not only for recreation but for transportation as well.
 23

24 **1. Video Program Update:**

25 No comments were given with regard to this report.
 26

27 **2. Affordable Housing Information:**

28 No comments were given with regard to this report.

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

1 Mayor Thomas asked for public comments with regard to the Brew Pub Plaza.

2
3 Clive Bush stated that as a full time resident he had reservations about the concept,
4 especially with concerts and other large scale events that would be held there. He didn't
5 mind the other events, but was not in favor of concerts since noise traveled upwards
6 toward his home. He was very interested to hear the results of the traffic study. He did
7 not support having onsite parking since the City goal was to be a more walkable
8 community. He thought Council should consider these factors.

9
10 John Gizzo stated he was a full time resident. He knew space was at a premium and
11 future generations needed to be considered. He thought this space should be
12 developed for the long term so future councils wouldn't have to go back and change the
13 use. He felt the Miner's Plaza and Brew Pub Plaza were redundant because they both
14 had stages and lent themselves to commercial entities. He hoped that mobile food
15 vendors would be allowed to access these plazas to jumpstart their businesses.

16
17 Carole Fontan indicated her first impressions for the design was that there were too
18 many structures for a space that was intended as open space, and asked how the
19 elevated walkway would be lit up at night since her home was across from that area.

20
21 Mike Sweeney stated his comments were about the functionality of the space. He felt
22 the more open the space, the more flexible space there would be. He thought the
23 restrooms should be out front. He also stated this was a space for the community to use
24 and not a space for business people. He recommended that the facility needed to be
25 functional and parking was a must.

26
27 Meg Ryan asked who the plaza would be serving. There was Miner's Hospital that was
28 under-used and she recommended some housing units combined with this concept.

29
30 Thea Leonard stated the north retail space should go and the elevator could open up to
31 the multipurpose building. She felt the objective was to create open space. She liked the
32 planned graded space and parking, and supported impromptu programming for that
33 location. She thought this plaza could be a test area for the complete street concept.
34 She also asked if a green roof could be put on the Miner's Plaza roof instead of
35 pedestrians.

36
37 Doug Stephens stated this location was a natural drop off point for shuttles and
38 suggested some type of shelter or respite for those waiting for a shuttle.

39
40 Council Member Gerber stated that from the comments given, parking was in, but there
41 was concern on the buildings. She recommended a placeholder of a little over \$7 million
42 would cover the basic package plus some extra to complete another building. Council
43 Members Worel and Matsumoto were comfortable approving \$7 million. Council
44 Member Matsumoto favored the multipurpose building. They agreed to \$7 million for

1 budget purposes. Council Member Matsumoto also wanted further discussions on
2 limiting events over a certain size on that plaza so the neighborhood would not be too
3 impacted.

4
5 Mayor Thomas asked for public comments on issues that would not be addressed as
6 part of the agenda.

7
8 Bea Mayes stated she was concerned about the future of the depot building that was
9 part of the senior citizen building. She gave the history of the depot and stated that
10 Union Pacific gave it to the City. She felt this building should be declared historic. She
11 asked the Council to recognize this building as historic and commit to saving the
12 building.

13
14 John Gizzo stated that taxis tended to congregate around the No Name Saloon and
15 they looped the area, so a staging area might be wise. He also stated Miner's Plaza has
16 events and then the people shop at the adjacent businesses. He felt having cheap food
17 there would attract people and then they would patronize the other businesses.

18
19 **IV. Consideration of Minutes**

20
21 **1. Consideration of a Request to Approve the City Council Meeting Minutes**
22 **from May 5, 2016, and May 9, 2016:**

23 Council Member Gerber moved to approve the City Council Meeting minutes from May
24 5, 2016, and May 9, 2016. Council Member Beerman seconded the motion.

25 **RESULT: APPROVED**

26 **AYES:** Council Members Beerman, Gerber, Matsumoto and Worel

27 **EXCUSED:** Council Member Henney

28
29 **V. Consent Agenda**

30
31 **1. Consideration of the Alice Claim, Located South of Intersection of King**
32 **Road, Ridge Avenue and Sampson Avenue, Remand of Appeal of Conditional Use**
33 **Permit Denial for Retaining Walls Over Six Feet in Height Back to the Planning**
34 **Commission for Their Reconsideration:**

35
36 **2. Request to Authorize an Agreement Between Park City Municipal**
37 **Corporation and Snyderville Basin Water Reclamation District, for the Thaynes**
38 **Canyon Subdivision Improvements Project in an Amount Not to Exceed**
39 **\$328,856.30:**

40
41 Council Member Beerman moved to approve the Consent Agenda. Council Member
42 Gerber seconded the motion.

1 **RESULT: APPROVED**

2 **AYES:** Council Members Beerman, Gerber, Matsumoto and Worel

3 **EXCUSED:** Council Member Henney

4
5 **VI. New Business**

6
7 **1. Consideration of a Request to Approve a Youth City Council for Park City,**
8 **Utah:**

9 Michelle Kellogg indicated that staff supported a Park City Youth City Council. Upon
10 approval from the Council, the youth and leaders would be working on a final charter
11 and rules to bring back to the Council for formal approval. She also noted a Council
12 liaison would need to be identified for this group.

13
14 Meg Ryan explained the next steps involved in organizing the youth city council. Council
15 Member Gerber volunteered to be the liaison and Council Member Worel volunteered to
16 be the alternate liaison.

17
18 Council Member Matsumoto moved to approve a Youth City Council for Park City, Utah.
19 Council Member Beerman seconded the motion.

20 **RESULT: APPROVED**

21 **AYES:** Council Members Beerman, Gerber, Matsumoto and Worel

22 **EXCUSED:** Council Member Henney

23
24 **2. Public Hearing to Receive Comment with Regard to the Fiscal Year 2016-**
25 **2017 Tentative Budget:**

26 Mayor Thomas opened the public hearing for comments related to the budget. No
27 comments were given. Mayor Thomas closed the public hearing.

28
29 **3. Request to Authorize the Mayor to Execute a Letter Formally Asking the**
30 **Utah Congressional Delegation for Their Leadership in Advancing the “Central**
31 **Wasatch National Conservation and Recreation Area Act,” Federal Legislation**
32 **Proposed by and a Key Component to the Mountain Accord Process:**

33 Mayor Thomas asked if U.S. Representative Chaffetz would be sponsoring the bill. Ann
34 Ober stated he had been working with the team on this legislation for the past eight
35 months. She added the County also supported signing the letter. Council Member
36 Beerman stated this was a landmark moment. So many jurisdictions and the public
37 supported this and it was not easy to ask for additional land protections in this political
38 climate.

1 Council Member Beerman moved to authorize the Mayor to execute a letter formally
2 asking the Utah Congressional Delegation for their leadership in advancing the “Central
3 Wasatch National Conservation and Recreation Area Act,” federal legislation proposed
4 by and a key component to the Mountain Accord Process. Council Member Worel
5 seconded the motion.

6 **RESULT: APPROVED**

7 **AYES:** Council Members Beerman, Gerber, Matsumoto and Worel

8 **EXCUSED:** Council Member Henney

9
10 **4. Consideration to Approve Level Three Special Event Permit - Wasatch Back**
11 **Ragnar Relay to be Held Saturday, June 18, 2016.**

12 Jenny Diersen, Special Events, presented this item. She stated there were some major
13 changes to this event including: Ragnar reduced the number of teams and vans allowed
14 to race, this year the City would only host two minor exchanges which would impact
15 crowd control, Ragnar was working to separate the vans from the runners, the runners
16 would run up the trails and not be running on the road, and there was a new rule that if
17 vans supported runners in the Thaynes Canyon area, the team would be disqualified.

18
19 Council Member Matsumoto stated these changes would make neighborhoods happy
20 and the runners would still be able to enjoy Park City. Council Member Gerber asked if
21 emergency services would be able to support runners that might have an emergency.
22 Diersen stated they did their best to ensure the runners' safety. Council Member
23 Beerman asked if the Special Events Advisory Committee (SEAC) had discussed this.
24 Diersen stated the group had the event calendar and certain items had been discussed.
25 It was noted that the need for police would be minimal.

26
27 Mayor Thomas opened the public hearing portion of the meeting. No comments were
28 given. Mayor Thomas closed the public hearing.

29
30 Council Member Beerman stated the community had pushed back on the overload of
31 events. He thought these adjustments would help, but encouraged Diersen to enforce
32 these changes. Council Member Matsumoto stated the changes were good and
33 thanked Diersen for supporting the Park City Education Foundation.

34
35 Council Member Worel moved to approve a Level Three Special Event Permit -
36 Wasatch Back Ragnar Relay to be held Saturday, June 18, 2016. Council Member
37 Matsumoto seconded the motion.

1 **RESULT: APPROVED**
2 **AYES:** Council Members Beerman, Gerber, Matsumoto and Worel
3 **EXCUSED:** Council Member Henney

4
5 **5. Request to Authorize the City Manager to Execute a Professional Services**
6 **Agreement, in a Form Approved by the City Attorney, with Bowen Collins &**
7 **Associates, Inc., for the Public Utilities Facility Engineering Services in an**
8 **Amount Not to Exceed \$180,000:**

9 Roger McClain, Public Utilities, stated this contract would be for some engineering
10 services that would look at soil strategies and optimal storage basin areas.

11
12 Council Member Beerman moved to authorize the City Manager to execute a
13 Professional Services Agreement, in a form approved by the City Attorney, with Bowen
14 Collins & Associates, Inc., for the Public Utilities Facility Engineering Services in an
15 amount not to exceed \$180,000. Council Member Gerber seconded the motion.

16 **RESULT: APPROVED**
17 **AYES:** Council Members Beerman, Gerber, Matsumoto and Worel
18 **EXCUSED:** Council Member Henney

19
20 **6. Consideration of Ordinance 2016-21, an Ordinance Approving the Kimball**
21 **on Main Plat Amendment Located at 638 Park Avenue, Park City, UT Pursuant to**
22 **Findings of Fact, Conclusions of Law, and Conditions of Approval in a Form**
23 **Approved by the City Attorney:**

24 Anya Grahn, Planning, presented this item. She indicated the amendment would
25 remove a block line from the plat.

26
27 Mayor Thomas opened the public hearing portion of the meeting. No comments were
28 given. Mayor Thomas closed the public hearing.

29
30 It was noted that the public hearing date within the ordinance should read May 19th.

31
32 Council Member Worel moved to approve Ordinance 2016-21, an ordinance approving
33 the Kimball on Main Plat Amendment located at 638 Park Avenue, Park City, UT
34 pursuant to findings of fact, conclusions of law, and conditions of approval in a form
35 approved by the City Attorney as amended. Council Member Matsumoto seconded the
36 motion.

1 **RESULT: APPROVED**

2 **AYES:** Council Members Beerman, Gerber, Matsumoto and Worel

3 **EXCUSED:** Council Member Henney

4
5 The Council requested that the depot building come back to a work session for further
6 discussion with regard to applying for recognition on the historic register.

7
8 **7. Consideration of Ordinance 2016-22, an Ordinance Approving the 803**
9 **Norfolk Avenue Plat Amendment Located at 803 Norfolk Avenue, Park City, UT**
10 **Pursuant to Findings of Fact, Conclusions of Law, and Conditions of Approval in**
11 **a Form Approved by the City Attorney:**

12 Anya Grahn, Planning, presented this item. It was noted that the title of the ordinance
13 contained an error in the address and should be 803 Norfolk Avenue, not 823 Norfolk
14 Avenue. The petition for the amendment to the plat would remove an interior lot line.
15 Grahn apologized for a change in Condition of Approval Number Nine. This amended
16 language was discussed during the Planning Commission meeting, but did not make it
17 into the Council packet. She then read the amended language for that condition.
18 Council Member Matsumoto asked if the driveway would stay in the same place, to
19 which Grahn responded in the affirmative.

20
21 Mayor Thomas opened the public hearing portion of the meeting. No comments were
22 given. Mayor Thomas closed the public hearing.

23
24 Council Member Matsumoto moved to approve Ordinance 2016-22, an ordinance
25 approving the 803 Norfolk Avenue Plat Amendment located at 803 Norfolk Avenue,
26 Park City, UT pursuant to findings of fact, conclusions of law, and conditions of approval
27 in a form approved by the City Attorney, including the modification read by Grahn.
28 Council Member Worel seconded the motion.

29 **RESULT: APPROVED**

30 **AYES:** Council Members Beerman, Gerber, Matsumoto and Worel

31 **EXCUSED:** Council Member Henney

32
33 **8. Request to Authorize the City Manager to Execute a Professional Service**
34 **Agreement, in a Form Approved by the City Attorney, with Superfly Solutions**
35 **LLC, for Project Management Services Related to the Design, Construction**
36 **Management and Policy Administration Associated with Trail Related Projects in**
37 **an Amount Not to Exceed \$25,000:**

38 Heinrich Deters, Trails and Open Space Manager, presented this item. Council Member
39 Worel asked what it would take to make this contracted position into a staff position.

1 Deters stated his workload was full and a project needed to be implemented. Foster
2 stated in the future this could be a seasonal job.

3
4 Council Member Gerber moved to authorize the City Manager to execute a Professional
5 Service Agreement, in a form approved by the City Attorney, with Superfly Solutions
6 LLC, for project management services related to the design, construction management
7 and policy administration associated with trail related projects in an amount not to
8 exceed \$25,000. Council Member Beerman seconded the motion.

9 **RESULT: APPROVED**

10 **AYES:** Council Members Beerman, Gerber, Matsumoto and Worel

11 **EXCUSED:** Council Member Henney

12
13 **VII. Adjournment**

14 With no further business, the meeting was adjourned.

15
16
17 _____
Michelle Kellogg, City Recorder



DATE: June 9, 2016

TO HONORABLE MAYOR AND COUNCIL

Staff recommends that Council hold a public hearing for those in attendance wishing to address items in the Tentative Budget.

Respectfully:

Michelle Kellogg, City Recorder



DATE: June 9, 2016

TO HONORABLE MAYOR AND COUNCIL

Staff recommends that the City Council consider including Tupelo, located at 508 Main Street, in the Street Dining within the Main Street Right-of-Way (ROW) Program during the 2016 term, which began on May 1st and runs through October 30th, with the rental rates, leases, and conditions approved for the other participating restaurants at the April 28, 2016, meeting.

Respectfully:

Ashley Scarff,



City Council Staff Report

Subject: 2016 Street Dining Program – Inclusion of Tupelo at 508 Main
Author: Ashley Scarff, Planning Technician
Louis Rodriguez, Planning Analyst II
Department: Planning
Date: 09 June 2016
Type of Item: Administrative

Executive Summary

Staff recommends that the City Council consider including Tupelo, located at 508 Main Street, in the Street Dining within the Main Street Right-of-Way (ROW) Program during the 2016 term, which began on May 1st and runs through October 30th, with the rental rates, leases, and conditions approved for the other participating restaurants at the April 28, 2016, meeting.

Topic/Description

On April 28, 2016, the City Council approved requests made by Cisero's Ristorante, Bistro 412, 501 on Main, Main Street Pizza & Noodle, Bandits Grill & Bar, The Eating Establishment, Shabu, and Flanagan's on Main to continue leasing the City ROW to place temporary street dining decks on Main Street in the summer of 2016. Click [here](#) to view the staff report (page 172) and [here](#) to view the minutes (page 6) from the April 28, 2016, City Council meeting. After these approvals were granted, Tupelo submitted a request to be included in the Street Dining within the Main Street ROW Program for the 2016 season in the form of the required Administrative Conditional Use Permit (CUP). Staff requests that the City Council consider the inclusion of Tupelo in the Street Dining within the Main Street ROW Program with the rental rates, leases, and conditions approved for the other eight (8) participating restaurants at the April 28, 2016, City Council meeting.

Background

Land Management Code (LMC) § 15-2.6-12 allows Outdoor Dining on "leased public property" as an Administrative Conditional Use Permit (CUP). Administrative CUPs do not have an expiration date and run with the land until City Council provides direction to not allow use of City streets for outdoor dining. Street Dining was first explored and used the summer of 2010 when three (3) restaurants on Main Street participated. In 2011, six (6) more restaurants were added, for a total of nine (9) restaurants. These restaurants participated through 2014. In 2015, only seven (7) restaurants participated as neither Bangkok Thai on Main or Cisero's Ristorante placed a street dining deck on Main Street.

At the April 28, 2016, City Council meeting, eight (8) restaurants with existing Administrative CUPs for Outdoor Dining received approval to lease the City ROW for the 2016 season; therefore, in order to continue with the program, they only needed to

enter into a lease agreement with the City for use of the ROW. Tupelo, or predecessors at 508 Main Street, have never participated in the Program before, thus, owners were required to apply for an administrative CUP, which was issued June 3, 2016. Staff does not find any issues that cannot be properly mitigated with the submitted Administrative CUP for Outdoor Dining, other than having the business owner secure the lease agreement with the City.

A maximum of twelve (12) street dining decks can be accommodated on Main Street based on the layout of the proposed decks based on the pilot program started in 2010. Any new applications are evaluated on a first-come first-served basis, both for the maximum number accommodated and where they are placed on the street. The leases are for the use of Main Street in front of the property from potentially May 1st to October 30th.

Analysis

The City is currently planning Main Street improvements this year consisting of major improvements to Miner's Park on Main Street. After coordinating with the Sustainability Department project managers, it has been determined that none of the proposed decks will be affected by the construction on Main Street.

The Transportation Planning Department has indicated that it is unlikely that it will recommend that the lease will remain as is for next year, 2017, as both a Parking Management and Traffic Demand Management (TDM) Plan will be in place. These plans will be presented to the City Council in the next month or so. Implementation will not be immediate with details and infrastructure to be further defined through 2016. Combined, these plans may place additional restrictions and/or costs on business owners wishing to utilize the dining decks. Staff will have to determine what impact the Parking and TDM changes will have on the dining decks prior to 2017.

The Street Dining on Main season commenced May 1, 2016, after receiving City Council's support to continue on April 28th. As part of the program, the City has given each deck owner the ability to choose when to place their deck after the start date. Because Tupelo submitted a request to participate in the program after the April 28th City Council meeting and needed to secure an Administrative CUP as well as City Council approval to participate, they will not be able to place their deck until June 2016, at the earliest.

Rental Rate

During the initial 2010 pilot program the City did not charge any rent for the three (3) requested decks. In 2011 the City charged \$300 per parking space of twenty feet (20') for the nine (9) requested decks. In 2012, staff presented to City Council an analysis of the Street Dining program fee based on a two (2) year average parking meter collection (actual revenue). In 2012 the City increased the fee to \$550 per parking space (of 20') for the nine (9) requested decks, which also remained the same in 2013 and 2014.

Last year, 2015, the City charged \$915 per parking space (of 20'). The 2015 parking fee was a discounted rate at 60% from what the Parking Department estimated, based on actual calculations from Fiscal Year (FY) 2014, as they considered the lost revenue to be \$1,525 per space. Based on the direction provided by City Council in April 2015, the City is to charge in 2016 \$1,067.50 (70% of the estimated lost revenue of \$1,525) per parking space of twenty feet (20') to each restaurant. The table below shows the breakdown for each deck with the addition of Tupelo. It should be noted that fees were calculated with the assumption that the dining decks would be placed for the entire season. Parking fees are prorated for decks that are in place for a shorter period of time, thus, Tupelo will not be charged the full \$1,387.75.

Restaurant / Linear parking space	2010 \$0	2011 \$300	2012 2013 2014 \$550	2015 \$915 (60% of \$1,525)	2016 \$1,067.50 (70% of \$1,525)
Cisero's Ristorante 1.55	\$0	\$465	\$852.50	-	\$1,654.63
Bistro 412 1.0	\$0	\$300	\$550	\$915	\$1,067.50
501 on Main 1.0	\$0	\$300	\$550	\$915	\$1,067.50
Main St. Pizza & Noodle 1.56	-	\$468	\$858	\$1,427.40	\$1,665.30
Bandits Grill & bar 1.15	-	\$345	\$632.50	\$1,052.25	\$1,227.63
The Eating Establishment 1.09	-	\$327	\$599.50	\$997.35	\$1,163.58
Shabu 1.15	-	\$345	\$632.50	\$1,052.25	\$1,227.63
Flanagan's on Main 1.13	-	\$339	\$621.50	\$1,033.95	\$1,206.28
Tupelo 1.3	-	-	-	-	\$1,387.75
Totals	\$0	\$3,459	\$6,341.50	\$7,393.20	\$11,667.80

From the direction received on April 23, 2015, the City is to continue on this parking fee schedule until 2019 at the following rate below based on the analysis conducted by the Parking Department in 2015:

Year	Parking Fee	Percent of \$1,525.00
2015	\$915.00	60%
2016	\$1,067.50	70%
2017	\$1,220.00	80%
2018	\$1,372.50	90%
2019	\$1,525.00	100%

Kimball Art Center

The City has a commitment with the Kimball Art Center (KAC) during the annual Arts Festival and writes the Street Dining within the Main Street ROW program leases to indicate that all decks must be removed each year **unless** KAC indicates that they may stay during the festival. Seven (7) of the eight (8) restaurants that received approval to participate in the Program in the summer of 2016 can leave their decks installed during the 2016 Kimball Arts Festival. KAC representatives have indicated that the space approved for lease to Cisero’s Ristorante is viable booth space for the artists, and they do not want Cisero’s deck to remain in place during the festival. In more recent discussions with the KAC, staff has learned that if City Council approves Tupelo’s participation in the Program, they would not approve their dining deck to remain in place during the Arts Festival, as it would impact traffic flow and emergency access.

Lunch Service

In 2014, staff received a letter from Historic Park City Alliance (HPCA) regarding their concern with lunch service. The intent of the provision, which indicates that the deck shall be used seven (7) days week for lunch and dinner, was always meant to have the deck occupied whenever possible weather permitting. Staff agrees with the HPCA and finds that lunch service is a requirement as well as that starting a late lunch, e.g., at 3 p.m., does not comply with the original intent of the regulation.

Staff recognizes the need to have each deck occupied when possible and finds that a solution for each restaurant business owner would be to have them decide a later date in the season to place their deck as Park City summers are better served by visitors in July and August. Staff finds that lunch should start no later than twelve o’clock, noon, (12 p.m.) and not in the mid-afternoon. Tupelo has indicated that they will serve lunch daily.

Department Review

The Building, Planning, Engineering, Legal, and Executive Departments have reviewed this staff report.

Alternatives

A. Approve:

The City Council may approve Tupelo's participation in the 2016 Street Dining on Main Program; or

B. Deny:

The City Council may deny Tupelo's participation in the 2016 Street Dining on Main Program; or

C. Modify:

The City Council may provide direction to City staff regarding Tupelo's participation in the 2016 Street Dining on Main Program to modify the proposed language; or

D. Continue the item:

The City Council may continue the item to another date to allow City Staff to return with additional information and discussion.

E. Do Nothing:

The City Council may do nothing which would be the same as alternative B. Denial.

Funding Source

Not applicable.

Consequences of not taking the recommended action

The City Council may deny Tupelo's participation in the 2016 Street Dining on Main Program, which would prohibit the City from leasing the Main Street ROW to the restaurant owner for the installation of a dining deck. The City Council may continue this item to another date for more information and/or discussion

Recommendation

Staff recommends that the City Council consider including Tupelo, located at 508 Main Street, in the Street Dining within the Main Street Right-of-Way (ROW) Program during the 2016 term, which began on May 1st and runs through October 30th, with the rental rates, leases, and conditions approved for the other participating restaurants at the April 28, 2016, meeting.

Exhibits

Exhibit A – 2016 Street Dining on Main Outdoor Dining Lease Agreement

Exhibit B – Street Dining Operational Restrictions

Exhibit C – January 2014 HPCA Letter

Exhibit D – Submitted Plans

Exhibit A

**STREET DINING ON MAIN
OUTDOOR DINING LEASE 2016**

This LEASE AGREEMENT is made and executed this ____ day of _____, 2016, by and between Park City Municipal Corporation, a municipal corporation and political subdivision of the state of Utah ("Park City") and _____, located at _____, Park City, Utah ("Tenant").

RECITALS

WHEREAS, the City wishes to enable opportunities for restaurants on Main Street to be able to provide additional outdoor dining opportunities; and

WHEREAS, the City's goals include the establishment of new and creative opportunities to facilitate the Main Street experience for residents and visitors alike during the shoulder and summer seasons; and

WHEREAS, the City's goals include the preservation and enhancement of Park City's character regarding Old Town and the desire to strengthen the pedestrian experience along Main Street; and

WHEREAS, the City recognizes the desire of many visitors and residents to dine outdoors along historic Main Street; and

WHEREAS, the City's General Plan recommends utilizing street design techniques to encourage slower traffic speeds and a more intimate pedestrian-oriented scale; and

WHEREAS, the City's goals include maintaining and furthering the resort community's economic opportunities, as well as enhancing the economic viability of Park City's Main Street Business District;

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

TERMS & CONDITIONS OF LEASE

Based upon good and valuable mutual consideration, the Parties agree as follows:

1. **PROPERTY.** The property affected by this lease is generally described as the street area directly fronting Tenant's building located at _____ Main Street which has a length of _____ feet, and more specifically described in site plan Exhibit A, attached hereto and incorporated herein by this reference (hereinafter referred to as the "Premises"). The length of the outdoor dining deck per restaurant may not exceed forty (40) feet.
2. **RENT.** Annual rent is for the use of the street for the deck is _____ dollars (\$1,067.50 per parking space of a linear length of twenty feet (20')). This rent may be prorated based upon initial installation and final removal dates; however the rent reduction shall not exceed one (1) month. If deck must be removed for construction related to Main Street Improvements, the period of time the deck is removed shall also

be prorated. Payment is due prior to installation and any prorated amount due upon removal shall be refunded by the City. If a deck covers a fraction of a parking space (20') the rent will be calculated by the percentage of the deck on the parking space. Tenant shall be solely responsible for payment of any and all costs associated with Tenant's performance under this lease, including but not limited to City rent, additional business licensing fees, insurance, sales taxes and other expenses.

3. TERM. The term of this Agreement shall commence on May 1, 2016 and shall terminate on October 30, 2016 unless terminated earlier as provided herein. The Premises may only be utilized for a six (6) month period commencing on May 1st and terminating on October 30, 2016 except the Premises may not be used for the period of the Arts Fest (in 2016 the second Friday, Saturday and Sunday of August) unless Kimball Art Center consents in writing to allow Tenant to use the Premises. Additional term restrictions are attached hereto and incorporated herein by this reference in Exhibit B (Street Dining Operation Restrictions). This Agreement may be terminated by Park City upon a finding of non-compliance of this lease or the attached operational restrictions.

The use of the Premises shall not conflict with any previously existing Master Festival License (MFL) recipients on Main Street, specifically the Arts Fest (Kimball Art Center). The Kimball Art Center has been leased exclusive use of Main Street during the second Friday, Saturday and Sunday of August. The Premises must be vacated (i.e. removal of decks) no later than 10 a.m. MT of the second Thursday of August for the duration of Arts Fest (including set-up and breakdown) unless the Kimball Art Center consents in writing to allow Tenant's use of the Premises. If the outdoor dining structure is not removed as required, the Landlord will remove the structure at Tenant's cost.

4. MAIN STREET IMPROVEMENTS. If at any time the street dining deck needs to be removed due to construction related to Main Street improvements the City will give each affected street dining business owner a minimum of 72 hours to have their decks removed. The City will not be responsible for any associated costs involving deck removal/placement or potential lost revenue.
5. USE OF PREMISES. Tenant may use the Premises only for outdoor dining services in a manner consistent with Section 15-2.6-12(B)(1) of the Park City Land Management Code and the terms of this Agreement. From installation until removed, the street dining decks shall be utilized for street dining that will serve lunch and dinner seven (7) days a week. Additional operational restrictions which must be complied with as part of the conditions of this lease are attached hereto and incorporated herein in Exhibit B. Park City makes no representations regarding the premises and Tenant accepts the premises "as is."
6. IMPROVEMENTS TO THE PREMISES. Tenant shall not make any improvements to the Premises without first obtaining Park City's written consent. Any improvements approved by Park City shall be completed at Tenant's sole expense and removed at Tenant's sole expense upon expiration of this Agreement. No permanent alterations to the City's property are permitted.
7. SIGNS. No signs shall be permitted on the Premises except as specifically approved by the Park City Municipal Corporation Planning Department pursuant to the Park City Sign Code and/or Tenant's Master Sign Plan.

8. **INSURANCE.** Tenant shall, at Tenant's sole expense, carry a policy of general liability insurance in an amount of at least Two Million Dollars (\$2,000,000) per combined single limit per occurrence and Three Million Dollars (\$3,000,000) per aggregate for personal injury, bodily injury and property damage. Park City shall be named as an additional insured by endorsement on each policy. Tenant's insurance is to be primary to Park City's and Park City's insurance shall be noncontributory. A certificate of insurance with a thirty (30) day cancellation notice provision shall be provided to Park City on or before the lease commencement date, and maintained continuously during the term of the lease. Tenant may carry whatever other insurance Tenant deems appropriate. The parties agree that Tenant's sole remedy in the event of business interruptions, fire, windstorm, or other loss from hazard shall be its own insurance and Tenant will have no action against Park City. Park City is protected by the Utah Governmental Immunity Act, and nothing herein is intended to waive or limit the protection of the Act in behalf of either entity, but to the extent it is consistent with this intent, it is the purpose of this provision to protect Park City for liability or allegations arising out of the Tenant's use of the Premises.
9. **HOLD HARMLESS.** Tenant covenants and agrees to defend, indemnify, hold Park City harmless from all claims, loss damage, injury or liability (hereafter "Liability") resulting from Tenant' use and occupancy of the Premises to the full extent permitted by law and/or the Utah Governmental Immunity Act, including reasonable attorney's fees, but excluding any Liability resulting from acts or omissions of Park City, its officers, employees or agents. Nothing herein shall be construed as a waiver of any of the rights or defenses under the Utah Governmental Immunity Act (Utah Code Ann. Sections 63-30-1, et seq.), as amended. The obligations hereunder shall be determined under principles of tort law including, but not limited to, the Governmental Immunity Act. In case of an emergency including but not limited to a flood, storm drain, utility, the structure may be removed or damaged by response teams at the cost of the owner.

Tenant shall indemnify, protect and hold the Landlord harmless from and defend (by counsel reasonably acceptable to Landlord) the Landlord against any and all claims, causes of action, liability, damage, loss or expense (including reasonable attorneys' fees and costs and court costs), statutory or otherwise arising out of or incurred in connection with (i) the use, operation, occupancy or existence of the Premises or the presence of visitors, or any other person, at the Premises during the Term or the Renewal Term, (ii) any activity, work or thing done or permitted or suffered by Tenant in or about the Premises, (iii) any acts, omissions or negligence of Tenant, any person claiming through Tenant, or the contractors, agents, employees, members of the public, invitees, or visitors of Tenant or any other such person ("Tenant Party" or "Tenant Parties"), (iv) any breach, violation or nonperformance by any Tenant Party of any provision of this Lease or of any law of any kind, or (v) except to the extent resulting from any negligence or intentional torts of Landlord.

10. **ASSIGNABILITY.** Tenant shall not assign or transfer any interest in this Agreement without the prior written consent of Park City. Any assignment or transfer without written approval is void.
11. **PROFESSIONAL PERFORMANCE.** Tenant agrees to perform services under this contract at the highest professional standards, and to the satisfaction of Park City.
12. **APPLICABLE LAW.** This Agreement shall be governed by the laws of the state of Utah.

13. ENTIRE AGREEMENT. This Agreement constitutes the entire and only agreement between parties and it cannot be altered or amended except by written instrument, signed by both parties.

Executed the day and year first above written.

Tenant:

By:

Its:

ACKNOWLEDGMENT

STATE OF UTAH)
) ss.
COUNTY OF SUMMIT)

On this _____ day of _____, 20____, personally appeared before me _____, who being duly sworn, did say that he is the Owner of _____, and acknowledged to me that the preceding Agreement was signed on behalf of _____, and he acknowledged that the company did execute the same for its stated purpose.

Notary Public

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, Mayor

Attest:

Approved as to form:

Michelle Kellogg, City Recorder

City Attorney's Office

Exhibit B

Street Dining Operational Restrictions

Street dining may be allowed by the Planning Department upon issuance of an Outdoor Dining Administrative Conditional Use Permit. Street dining is permitted from May 1st, and shall terminate on October 30th of each year. A total of twelve (12) street dining decks will be accommodated on Main Street based on the layout of the proposed decks. The Applicant must submit an application, pay an application fee, and provide all required materials and plans. Ongoing monitoring will be provided to ensure compliance with these parameters. The Administrative Conditional Use Permit or the Lease may be revoked for failure to comply with these restrictions.

Required Submittals:

- Dining Site Plan – This plan shall be to scale and indicate: the Applicant’s building as it relates to the exact proximity of the street dining deck. The plan shall include accurate locations of proposed chairs, tables, umbrellas, planters, and any other existing public improvements (light fixtures, fire department connections, parking meters, etc.).
- Details/specifications sheets – Shall be submitted for each piece of equipment proposed with the street dining is application. This will include all tables, chairs, umbrellas, etc.

Design Standards:

1. Size. Street dining area shall be limited to the linear frontage a building has on Main Street and shall not exceed nine feet (9') in width. The encroachment of the proposed decks into street will not exceed seven feet, nine inches (7'-9") in width from the curb, as the encroachment of the proposed decks into the sidewalk will not exceed one foot three inches (1'-3"), unless approved by City Council. With the written permission of the adjacent property owner submitted to the City, they may extend into the neighbor’s street frontage. Forty-four inches (44") of clear sidewalk width shall be available at all times where the street dining deck is being constructed. Each outdoor dining deck shall not exceed forty (40') feet in length.
2. Location/Proximity/Spacing. The City reserves the right to reject an application for an outdoor dining deck:
 - If the proposed deck is too close to a previously existing deck and would eliminate needed parallel parking along Main Street thus creating a concentrated parking issue.
 - If the proposed deck is for a restaurant that does not have direct access at street level.
 - If the proposed deck is for a business with existing outdoor dining space and the expansion of such is deemed excessive.
 - If the proposed deck creates too much private use of the public right-of-way that may be deemed detrimental to the health, safety, welfare of the area.
 - The Building, Planning, and Engineering Departments will review the location, proximity, and spacing of each street dining deck as well as impacts of traffic and

public safety concerns. A recommendation will be given to the City Council for final review and approval.

3. Hours of Operation. The street dining decks shall be utilized for street dining and shall serve lunch and dinner seven (7) days a week for the duration that the decks are in the Right of Way. Lunch service shall start no later than 12 p.m. (noon).
4. Material. Street dining decks may be built of wood platforms and shall have a solid base. The design of the base shall complement the style of the building. The railing shall be painted solid to also complement the building. While outdoor dining deck is not subject to a complete Historic District Design Review (HDDR), the guidelines are applicable to the project.
5. Height. The maximum height of the deck shall not exceed thirty-six inches (36") measured from existing grade to the base/floor of the deck at any given point. The layout of the deck may include a step to meet the maximum height allowed.
6. Advertising. Additional signing or advertising beyond what is allowed by the Park City Sign Code is prohibited.
7. Furniture. All tables and chairs shall be metal, wood, or other comparable material. Plastic furniture shall not be allowed. All furniture must be approved by the Planning Department per the historic district design review.
8. Umbrellas. Umbrellas must be free standing and are prohibited from extending beyond the dining area. Any umbrellas shall be affixed permanently to the deck as required by the International Building Code requirements (including fire standards) and shall not create any public hazard.
9. Lighting. No additional electric lighting is permitted, including exterior building lighting.
10. Planters. Any proposed landscaping or atmosphere pieces shall be reviewed at the time of initial application, and shall not create any public hazard or unnecessary clutter. All plant material must be maintained in a manner that ensures their viability throughout the summer outdoor dining season.
11. Use. The terms and scheduling of the use of the outdoor dining decks must not conflict with any previously existing Master Festival License (MFL) recipients on Main Street, specifically the Arts Fest (Kimball Arts Center), held in 2016 the second Friday, Saturday and Sunday of August. Existing MFL recipients must be consulted with if the outdoor dining decks are to remain during their event. If no agreement is reached, the outdoor dining structure must be removed in full for the duration (including set-up and breakdown) of the MFL event. If the outdoor dining structure is not removed as required, PCMC will remove the structure at cost to compensate for the employees and equipment needed to complete the task.
12. Licensing. The additional square footage of the dining area must be added to the existing licensed area for the restaurant. The Applicant shall also adhere to other applicable City and State licensing ordinances, including the Department of Alcoholic Beverage Control. It is the responsibility of the Applicant to ensure that all licenses are properly obtained and adhered to.

13. Duration. Street dining is permitted from May 1st, and shall terminate on October 30th, each year.
14. Health & Safety. The Use shall not violate the Summit County Health Code, the Fire Code, or International Building Code.
15. Music. The use of outdoor speakers and music is prohibited.
16. Maintenance. The dining area shall be clean and maintained in a neat and orderly fashion.
17. Storage. All equipment and other associated materials must be removed and stored on private property during prohibited times (off season). No material associated with the outdoor dining decks may be stored outdoors on-site during the off-season.
18. Removal. Decks must be completely removed from the Right-of-Way prior to the end of business day October 30. If the outdoor dining structure is not removed as required, the City will remove the structure at cost to compensate for the employees and equipment needed to complete the task.
19. Drainage. Design of the deck and its skirting shall not interfere with the existing street drainage. Deck plans shall be reviewed by the City for drainage and may be modified so as to not interfere with the existing drainage patterns of the street.
20. Utilities. Access to utilities shall not be hindered by the structures. No outdoor dining decks will be approved if located in an area that blocks access to fire hydrants, etc. No new utility lines shall be installed as a result of the proposed outdoor dining.
21. Insurance Requirement. The tenant shall carry a policy of liability insurance in an amount of at least \$2 million per combined single limit per occurrence and \$3 million per aggregate for personal injury, bodily injury and property damage. Park City Municipal Corporation shall be named as additional insured by endorsement of each policy.
22. Main Street Improvements. Due to the possible conflicts with scheduled Main Street improvements the City may postpone approving leases until the construction schedule is finalized to be able to determine appropriate dates.

If at any time the street dining deck needs to be removed the City will give each affected street dining business owner a minimum of 72 hours to have their decks removed. The City will not be responsible for any associated costs involving deck removal/placement or potential lost revenue.
23. Aesthetics. Due to the Park City environment and storage of the decks over the years, the decks shall be maintained in a safe and high quality manner. Prior to final installation and occupancy of each deck, the applicant shall make sure that the structural members can adequately meet their original design and each deck shall look aesthetically pleasing.
24. Violations. The decks shall be in compliance with Municipal Code § 11-19-3(H) regarding Prohibition Against Issuance of Municipal Permits. From the time that any

Notice of Violation is given, the City may withhold permits for any alteration, repair or construction, which pertains to any existing or new structures or signs on the property or any permits pertaining to the use and development of the real property or the structure where a violation is located. The City may withhold permits until a Notice of Compliance has been issued by the enforcement official. The City may not withhold permits that are necessary to obtain a Notice of Compliance or that are necessary to correct serious health and safety violations.



January 7, 2014

Francisco Astorga
Planning Department
Park City Municipal Corporation
PO Box 1480
Park City, UT 84060

Dear Francisco:

This letter is being sent as an update on the Historic Park City Alliance's (HPCA) recommendations regarding the street dining deck program implemented in 2010. The HPCA uses vision statements as a way to set goals and policies for activities and uses that assist us in making decisions about the future of the district. The HPCA reviewed the dining deck uses at our November and December Board Meetings.

The HPCA discussed the street dining deck program at both our November and December Board Meetings. The HPCA continues to support the dining deck program and feels it adds vibrancy to the street during the summer months. As part of this review the Board discussed the difficulties some restaurants voiced about lunch service. The Board entertained thoughts of reducing the number of days lunch service is required as well as changes to the definition of lunch service. The Board ultimately kept with the original requirement of lunch service seven days a week. During the Board discussion, the definition of lunch service was addressed and the Board felt lunch service should begin by 11:30am.

The HPCA continues to believe the outdoor dining decks, located in public parking spaces, bring a vibrancy and positive atmosphere to the District. In order for the decks to be placed on the street, parking must be removed. The HPCA feels that participation in the dining deck program is voluntary and if a restaurant does not feel they would benefit from serving lunch, they should reconsider their use of public parking. The HPCA is more than willing to see the decks placed later in the spring/summer so that the restaurants can utilize them in the high season. When the service of lunch and dinner no longer benefit them in the fall season, the decks should be removed.

The HPCA desires to see the dining deck program continue and wants to see success for our restaurants who take advantage of this opportunity.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Alison Butz".

Alison Butz
Executive Director

Attachment: HPCA Outdoor Dining Deck Vision Statement

Historic Park City Alliance
PO Box 1348 Park City, UT 84060
www.historicparkcityutah.com

Outdoor Dining Decks located in Public Parking

It is the objective of the HPCA to promote Historic Park City as a fun, friendly and vibrant destination. We wish to foster an atmosphere that encourages longer stays and gives pedestrians time to circulate throughout the District. We believe that prolonged exposure to our businesses will increase sales and diversify revenues.

The HPCA agrees upon the following:

- The outdoor dining decks in the public way is a continuing program that started in 2010.
- The outdoor dining decks, located in public parking spaces, bring a vibrancy and positive atmosphere to the District.
- The outdoor dining decks, located in public parking spaces, may not have measurably increased traffic to the District, but continuing the program will help to maintain HPC's vibrancy, competitiveness, and overall economic health.
- The outdoor dining program should be managed in a proactive manner to insure that it is consistent with all of our efforts to improve the district and serve our membership. The HPCA believes that the decks are a positive addition and supports their continuation.

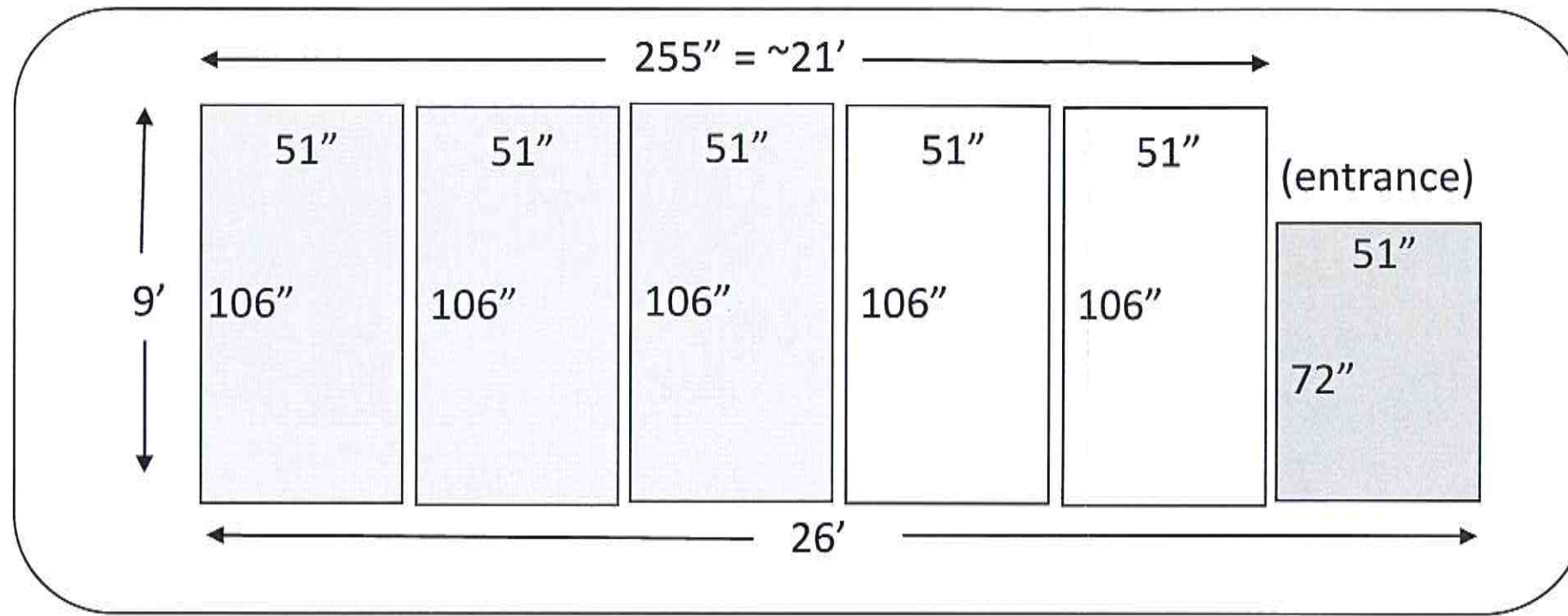
Recommendations:

- There shall be no more than 9 outdoor dining decks, to be reviewed biennially by the HPCA.
- Participating restaurants must be located at street level, or receive annual permission from the street level business owners if the business is located on an upper or lower floor of the building.
- Maximum length of any deck is 40', but in no case can the deck be longer than the width of the building.
- Decks should have consistency in construction, but be decorated to match the building.
- Restaurants must have full lunch and dinner service 7 days a week. Lunch service must begin by 11:30am.
- Decks cannot be enclosed in any sort of way, including a tent.
- Height of the deck above the ground, should be limited to maintain visual corridors.
- Restaurants should be assessed a user fee for use of public parking spaces. The user fee should be similar to the business license and take into account the 6 months use of this space. The fees collected should go back to the ongoing promotion and marketing of the District.

In no case should the decks be removed for more than 3 events per season.

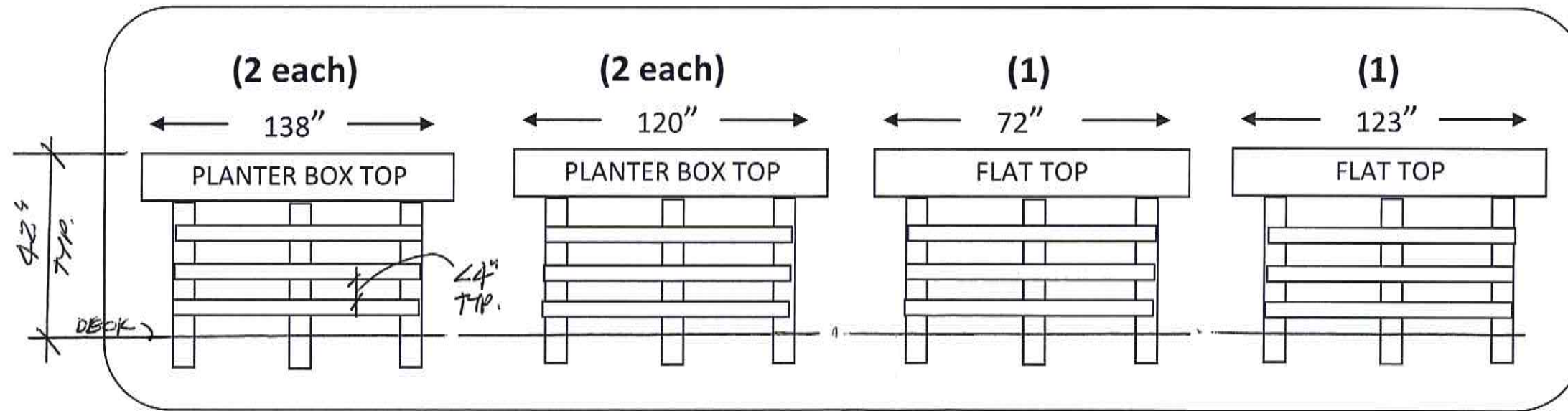
Actions: The HPCA will continue to present their position to Park City Municipal Corporation as part of City Council discussions. If a retailer is interested in using a deck, the HPCA Events Committee will review their request, and if deemed suitable, make a formal recommendation to the City.

(tupelo restaurant)



FLOOR PIECES
- TOP VIEW
(6 total;
5 same size,
1 different;
9' x 26' when
assembled):

SIDE RAIL PIECES; ALL 48" TALL (6 total; 4 different sizes):



WOOD BEAMS (2 total): 5.5" square x 145"





DATE: June 9, 2016

TO HONORABLE MAYOR AND COUNCIL

Staff recommends the City Council hold a public hearing for the 220 King Road, Second Amended Lot 2, Phase 1, Treasure Hill Subdivision located at 220 King Road and continue the item to the June 30, 2016 City Council meeting as the applicant's attorney, representative, was not able to make the May 11, 2016 Planning Commission meeting, which subsequently delayed the originally scheduled City Council public hearing. Staff allows a one (1) time courtesy continuation due to scheduling conflicts.

Respectfully:

Francisco Astorga, Senior Planner



DATE: June 9, 2016

TO HONORABLE MAYOR AND COUNCIL

This is a request for a third extension of the August 9, 2012, approval of the Ontario Mine Bench Subdivision plat, to allow the applicant additional time to satisfy conditions of approval prior to recordation of the plat. The applicant requests a one year extension to October 30, 2016.

The subdivision plat establishes two lots of record from a 30.56 acre metes and bounds described property. Lot 1 is 2.01 acres and Lot 2 is 28.55 acres. Lot 1 encompasses an existing structure, a portion of which is owned and operated by the Jordanelle Special Service District (JSSD), which is the Number 3 shaft site of the Ontario Mine, with the remaining portion owned by United Park City Mines. Lot 2 encompasses the balance of the Mine Bench property, owned by the United Park City Mines Company and currently utilized for general offices as well as for equipment and salt storage. The previous bakery on the property has not operated for more than two years. The applicants are not proposing new development on the lots at this time.

There have been no changes of circumstance of either the property, the Land Management Code, or the zoning map, since the date of the original approval, that create a need to make further changes to the proposed plat. Staff recommends the following condition of approval:

The applicant will record the subdivision plat at Summit County by October 30, 2016. If recordation has not occurred by this date, the plat approval will expire and a new application will be required before any further action is taken on this subdivision plat.

Respectfully:

Kirsten Whetstone, Senior Planner

City Council Staff Report



Subject: Ontario Mine Bench Subdivision
Author: Kirsten A Whetstone, MS, AICP- Senior Planner
Date: June 9, 2016
Type of Item: Extension of Subdivision Approval
Project Numbers: PL-10-01070, PL-13-02013, PL-14-02456, PL-15-02987

Summary Recommendations

Staff recommends the City Council holds a public hearing and considers approving a request for a third extension of the Ontario Mine Bench Subdivision approval, based on the findings of fact, conclusions of law, and conditions of approval as found in the attached Ordinance.

Description

Applicant: United Park City Mines on behalf of itself and the Jordanelle Special Service District (JSSD)
Location: 7700 Marsac Avenue
Zoning: Recreation Open Space (ROS)
Adjacent Land Uses: Open Space and Residential/Resort
Reason for Review: Extensions of subdivision plat approvals require review and final action by the City Council

Acronyms

DRC- Development Review Committee
JSSD- Jordanelle Special Service District
LMC- Land Management Code
ROS- Recreation Open Space Zoning District

Proposal

This is a request for a third extension of the August 9, 2012, approval of the Ontario Mine Bench Subdivision plat, to allow the applicant additional time to satisfy conditions of approval prior to recordation of the plat. On October 30, 2015, the applicant requested a one year extension to October 30, 2016.

The subdivision plat establishes two lots of record from a 30.56 acre metes and bounds described property (Exhibit A). Lot 1 is 2.01 acres and Lot 2 is 28.55 acres. Lot 1 encompasses an existing structure, a portion of which is owned and operated by the Jordanelle Special Service District (JSSD), which is the Number 3 shaft site of the Ontario Mine, with the remaining portion owned by United Park City Mines. Lot 2 encompasses the balance of the Mine Bench property, owned by the United Park City Mines Company and currently utilized for general offices as well as for equipment and salt storage. The previous bakery on the property has

not operated for more than two years. The applicants are not proposing any new development on the lots at this time.

There have been no changes of circumstance of either the property, the Land Management Code, or the zoning map, since the date of the original approval, that create a need to make further changes to the proposed plat. Staff recommends the following condition of approval:

The applicant will record the subdivision plat at Summit County by October 30, 2016. If recordation has not occurred by this date, the plat approval will expire and a new application will be required before any further action is taken on this subdivision plat.

Background

On June 24, 1999, the City Council adopted Ordinance 99-30 and Resolution 20-99 approving the annexation and development agreement for the 1,655 acre Flagstaff Mountain area. Resolution 20-99 granted the equivalent of a “large-scale” master planned development (MPD) and set forth the types and locations of land use, maximum densities, timing, development approval process, as well as development conditions and amenities for each parcel. The Mine Bench property was included in this annexation, and was given the Zone Designation of Recreation Open Space (ROS).

The property has three permanent buildings and one temporary structure (yurt for salt storage) currently, houses two buildings that are used by United Park City Mines/Talisker, and the old Ontario Mine Building, which has an existing kitchen, previously used for a bakery for the Talisker Resorts and restaurants. The bakery has not been in operation for over two years. Prior to these uses, the old mine building was used for the “Silver Mine Adventure Tour” that included a gift shop and a kitchen for preparation of food as well as an informal dining area associated with the now closed Mine Adventure.

In August of 2002, a portion of the Mine Bench property was conveyed to JSSD by deed. However a subdivision was not applied for. The proposed subdivision and concurrently approved condominium plat will memorialize this land conveyance.

The original application for the proposed subdivision was received on September 27, 2010. Staff and the applicants had several conversations about application items that needed to be provided before the plats could be brought to the Planning Commission and City Council. On March 13, 2012, the application lacked a copy of the Covenants, Conditions and Restrictions (CC&R's) to be complete. As a courtesy, Staff scheduled the public hearings on the applications pending receipt of the CC&Rs. In drafting the CC&R's the applicants ran into an issue that required they amend the drawings and the plat one additional time. On April 17, 2012 staff received a complete and updated application.

On June 13, 2012, the Planning Commission conducted a public hearing and forwarded a positive recommendation to City Council. On August 9, 2012, the City Council conducted a public hearing and approved the subdivision plat with conditions, as reflected in the attached Ordinance (Exhibit C).

On August 1, 2013, the applicant submitted a written request for an extension of the subdivision plat approval to allow additional time to address the conditions of approval required to be complied with prior to plat recordation, including resolution of the property tax assessment and water impact fees and completion of improvements as required consistent with the Flagstaff Master Trail Plan.

On October 17, 2013, City Council conducted a public hearing and voted to approve the extension request to August 9, 2014.

On August 8, 2014, the applicant submitted a written request for a second extension of the August 9, 2012 approval. The applicant indicated that they have accomplished most of the outstanding items but have run into delays in resolving issues with JSSD and needed additional time to get required signatures from JSSD, as well as time to complete trailheads at Guardsman Pass and Daly Canyon and time to finalize the water impact fee issue with the Water Department.

On October 30, 2014, the City Council approved a second request for extension of the plat approval, granting the applicant an extension until October 30, 2015 to resolve the remaining issues and record the plat at Summit County (see Exhibits D and E).

During review of the subdivision plat application it was determined by the Water Department that water impact fees paid in 2003, for the water line that services the property, may not be reflective of the actual uses and that resolution of the impact fee was required prior to plat recordation. A letter from the water department was sent on July 11, 2014 outlining an impact fee calculation using actual water use (Exhibit F). During the analysis of actual use on the property, a major leak was discovered and further complications delayed calculation of the a revised impact fee amount.

The applicant was unable to resolve these issues prior to the October 30, 2015 deadline and submitted a request for an extension. Additionally, the City's revised water impact fee analysis was not complete prior to the October deadline.

On October 30, 2015, the applicant submitted a written request for a third extension to allow time to resolve the water impact fee issue and provide additional time to work with JSSD on obtaining necessary approvals and signatures on the plats and the Condominium declaration documents.

A revised water impact fee analysis was completed and a letter from the City Water Department was sent to the applicant on May 6, 2016 outlining an impact fee calculation of \$168,908.96 (Exhibit G).

Analysis

City Staff from Planning, Water, Sustainability, Legal, Building, and Engineering have been working together to assist the Applicant to resolve outstanding issues that have held up recordation of the plat. During the subdivision approval process the City became aware that the property was taxed as State assessed "mining claims." As a Condition of Approval, Staff recommended the Applicant meet with the County Assessor to review the current use of the property in order to correctly assess property taxes. The applicant met with the County Assessor and provided the current uses. This issue was resolved as documented in 2014 when the Council reviewed the second extension request.

Building plans have been submitted to address building code issues. Required plat notes are reflected on the revised plat. Required trail construction was completed in 2015. Installation of trailhead improvements (kiosks and parking) for two trailheads is scheduled for early summer.

Water

During the initial review of the subdivision application the City Water Department informed the Planning Department that the original water impact fees paid for by United Park City Mines may not have included commercial uses at the 7700 Marsac Avenue location. As a Condition of Approval, Staff recommended the applicant, prior to the recording of the plat, resolve this issue with the Water and Building Departments and reconcile any errors in the impact fee assessment for the Mine Bench properties. If payment of back fees is required, such must be paid prior to recordation of the plat.

City Planning, Legal, and Water Department Staff have been working to resolve this issue. Because the buildings were not constructed in Park City, the typical scenario for assessing water impact fees at the time of Building Permit issuance did not happen. In order to determine fees the Water Department used actual usage figures and provided the applicant with a summary of the amount owed (Exhibit F). In reviewing the usage figures the applicant discovered a massive water leak on the property. After the leak was repaired the Water Department reviewed the actual water use and recalculated the impact fees (Exhibit G). The applicant and Water Department are continuing to resolve this issue as further discrepancies were noted by the applicant.

The applicant was unable to resolve these issues prior to the October 30, 2015 deadline and submitted a request for an extension. The applicant continues to work with the City to resolve these issues.

Good cause

Good cause was established for approval of this subdivision plat as well as for approval of this extension request. The subdivision plat meets the lot requirements as outlined in the ROS Zone designation and memorializes a previous deed transfer through the subdivision process. The subdivision plat creates no situations of noncompliance with respect to existing setbacks and it resolves issues of interest to the City. Any future development of the property requires proper planning applications, building permits, payment of all applicable fees, as well as compliance with the ROS District

requirements.

Access and Utility Easements

The property, which has frontage onto Marsac Avenue, has two access points. The first is the primary shared access for Lots 1 and 2 that will continue to function as a common driveway. The second access is for a separate parking lot and trailhead located on the property. The existing driveway is the location of several easements, including a right-of-way easement for Mountain Fuel, Snyderville Basin Water Reclamation District, JSSD, and once the subdivision is recorded, Park City Municipal Corp for access to the Judge Tunnel water source.

SBWRD required the following condition of approval to address concerns regarding the configuration of sewer service on the property:

“At the time Lot 2 is redeveloped or (a) new structure(s) are constructed on the lot a reconfiguration of the private sewer lateral, or an extension of the Public Wastewater System to allow any new structures to be connected separately and directly to the Public Wastewater System, shall be required.”

The applicant granted to Park City Municipal Corporation a twenty-foot wide access easement atop of an existing Snyderville Basin Water Reclamation District access easement, for the purpose of gaining access to the Judge Tunnel water facility. The common driveway off of Marsac Avenue is currently used by the City to gain access to the water source that is inspected regularly. Although the City has access to the site from Daly Avenue, the current means of access to the Judge Tunnel water source from Marsac Avenue is the easiest and safest access. The easement is granted within the “Owners Dedication” language on the plat which reads:

“The owners also hereby grant to Park City Municipal Corporation (‘Grantee’) a non-exclusive, twenty-foot wide easement for Grantees own use and not as a public dedication, for the purpose of vehicular travel by the Grantee across the Surface of the Land (the ‘City Easement’), said City easement being in the same location as that certain access easement granted by the Owner to the Snyderville Basin Water Reclamation District by easement instrument recorded on March 3, 2008, as entry number 839515, in the offices of the Summit County Recorder, Summit County Utah, as depicted on this plat and being over the existing roadway on the Land.”

Mine Bench Condominium plat

The applicant also requested an extension of the approved Mine Bench Condominium plat (see separate report). The purpose of the condominium plat is to memorialize JSSD’s and United Park City Mines’ existing ownership of the land as well as improvements on proposed Lot 1 which includes the original Mine Bench building. This building is split by ownership and therefore a condominium plat is required to create two condominium units that can be legally owned separately.

Process

Approval of this extension application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18. The extension provides an additional year for the applicant to record the subdivision plat at Summit County.

Department Review

This application went through an interdepartmental review. Issues raised by the Development Review Committee (DRC) have been addressed by conditions of approval. The Snyderville Basin Water Reclamation District (SBWRD) will require a reconfiguration of the private sewer lateral or an extension of the Public Wastewater system at the time of redevelopment of the site or a new structure on Lot 2. Any public trail will need to be indicated on the plat as a public access trail.

Notice

The property was posted and notice was mailed to property owners within 300 feet in accordance with the requirements in the LMC. Legal notice was also published in the Park Record and on the Public Notice website, in accordance with requirements of the LMC.

Public Input

Staff received public comment by phone requesting information about future development on the site and also a comment that the site is not very attractive from the Outlook at Deer Valley residences. Public input will be considered at the regularly scheduled Council meeting on June 9, 2016.

Alternatives

- The City Council may approve the request for an extension of approval for the Ontario Mine Bench Subdivision as conditioned or amended; or
- The City Council may deny the request for an extension of approval and direct staff to make findings for this decision; or
- The City Council may continue discussion on the extension of approval Ontario Mine Bench Subdivision to a date certain and request additional information.

Significant Impacts

There are no significant fiscal or environmental impacts from this application which is an extension of approval of a subdivision plat creating two lots of record for existing buildings and uses.

Consequences of not taking the Suggested Recommendation

The proposed subdivision plat would not be recorded and two lots of record for two individual property owners would not be created. The applicants would not be able to proceed with the proposed condominium plat, and thus the nonconformance of both parcels would continue until such time that a subdivision plat and a condominium plat to resolve the issue are approved and recorded. New applications would be required.

Recommendation

Staff recommends the City Council holds a public hearing and considers approving a request for a third extension of the Ontario Mine Bench Subdivision approval, based on the findings of fact, conclusions of law and conditions of approval as found in the attached ordinance.

Exhibits

Ordinance

Exhibit A- Proposed Plat and Aerial photo of site

Exhibit B- Applicants October 30, 2015 request for extension

Exhibit C- August 9, 2012 original approval - Ordinance 12-23

Exhibit D- October 30, 2014 City Council minutes of 2nd extension

Exhibit E- Action letter of October 30, 2014 City Council approval

Exhibit F- Water impact fee letter of July 11, 2014

Exhibit G- Revised water impact fees letter of May 6, 2016

Ordinance No. 16-

AN ORDINANCE APPROVING A THIRD EXTENSION OF THE AUGUST 9, 2012 APPROVAL OF THE ONTARIO MINE BENCH SUBDIVISION LOCATED AT 7700 MARSAC AVENUE, PARK CITY, UTAH.

WHEREAS, the owners of property located at 7700 Marsac Avenue have petitioned the City Council for approval of an extension of the Ontario Mine Bench Subdivision approval; 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 June 13, 2012 to receive input on the proposed two-lot subdivision located at the aforementioned address; and,

WHEREAS, the Planning Commission, on the aforementioned date, forwarded a recommendation to the City Council and recommended that the City Council approve the subdivision plat; and,

WHEREAS; the City Council, held a public hearing on August 9, 2012; and approved the subdivision plat; and,

WHEREAS; on August 1, 2013 the applicant submitted a written request for a one year extension to August 9, 2014; and,

WHEREAS; the City Council, held a public hearing on October 17, 2013 and approved an extension of the subdivision approval to August 9, 2014; and,

WHEREAS; on August 8, 2014, the applicant submitted a written request for a one year extension to August 9, 2015; and,

WHEREAS; the City Council held a public hearing on October 30, 2014 and approved a second extension of the subdivision plat approval to October 30, 2015, as reflected in the meeting minutes; and,

WHEREAS, on October 30, 2015, the applicant submitted a written request for a one year extension in order to resolve the water impact fee issue and address other items required prior to plat recordation; and,

WHEREAS; on June 9, 2016, the City Council conducted a public hearing on the extension request; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the 3rd

extension of the Ontario Mine Bench Subdivision plat approval to allow time to resolve issues of interest to the City that are also required to be completed prior to plat recordation at Summit County.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Ontario Mine Bench Subdivision plat extension 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 7700 Marsac Avenue within the Recreation Open Space (ROS) District.
2. The property was annexed into the City in 1999 under the June 24, 1999 Flagstaff Mountain Area Annexation, which was subject to 14 technical reports and the Flagstaff Development Agreement, as amended.
3. The approved plat created two lots of record to memorialize a prior conveyance to the JSSD which previously split through the recording of a deed. The subdivision allows the applicant to proceed with a condominium plat that memorializes the transfer/conveyance of property to the Jordanelle Special Services District of a portion of an existing building on Lot 1.
4. The subdivision plat is necessary to correct the noncompliant issue with the previous deed.
5. The subdivision plat splits the existing 30.56 acre metes and bounds parcel into two-lots of record, namely, Lot 1 consisting of 2.01 acres, and Lot 2 consisting of 28.55 acres.
6. There are three (3) existing structures on the property including the original mine- shaft building (a portion of which is now the Jordanelle Special Services District Hoist and Office Building), maintenance and storage building, and a general office building. The JSSD portion of the hoist and mine-shaft building is located on Lot 1, while the other buildings are located on Lot 2.
7. Both lots have frontage onto Marsac Avenue, but share a common driveway for access. Said driveway is also the location of several existing utility and access and access easements.
8. The approved plat grants a twenty-foot (20') wide access easement to Park City Municipal Corporation for the purpose of memorializing the access road used by the Water Department to gain access to our existing water source located on an adjacent parcel of property.
9. No development proposals are under review at this time. Any future development is subject to the allowed or conditional uses listed in the ROS zone under Section 15-2.7 of the LMC in effect at the time of permit application.
10. The applicants also proposed a Condominium Plat to reflect the split of the ownership of the existing mine bench building on Lot 1, which is subject to a separate application. The Condominium Plat was also approved on August

- 9, 2012 and was granted two previous extensions, the last one to October 30, 2015. An extension request was submitted for the Condominium plat as well.
11. The approved subdivision plat did not cause any nonconformity with respect to lot size or setbacks.
 12. Current uses of the property are consistent with the allowed and conditional uses section of the ROS zone designation, and such uses were acknowledged during the original annexation of the property in 1999, with the exception of the kitchen/bakery that was determined by the Planning Director to be a legal non-conforming use as it was currently used for as a resort support function. The bakery has not been in operation for over two years.
 13. Good cause was established for approval of this subdivision plat and extension of approval in that the proposed Subdivision meets the lot requirements as outlined in the ROS Zone designation, memorializes a previous deed transfer through the subdivision process, creates no situation of nonconformity with respect to existing setbacks, and resolves issues of interest to the City.
 14. The approved subdivision plat did not result in new development and thus required no removal of vegetation or grading of the site. There is no anticipated increased level of intensity of uses on the site, and thus there is no additional mitigation measures necessary at this time. Any future development of the property will require proper planning applications, building permits, payment of all applicable fees, as well as compliance with the ROS District requirements.
 15. A public trail was constructed on the property from the parking lot trailhead to the main Deer Valley/Flagstaff trail system in compliance with the Development Agreement.
 16. Property tax assessment for this property was reviewed by Summit County and determined to be correct. .
 17. The Ontario Mine Bench Subdivision plat was approved by the City Council on August 9, 2012. The applicant was given a one year time frame, until August 9, 2013, to record the plat at Summit County. A one year extension to August 9, 2014, was granted by the City Council on October 17, 2013. A second one year extension, to October 30, 2015, was granted by the City Council on October 30, 2014. This third extension request would allow an additional year, until October 30, 2016, for the plat to be recorded at Summit County.
 18. During review of the subdivision plat application it was determined by the Water Department that water impact fees paid in 2003, for the water line that services the property, may not be reflective of the actual uses and that resolution of the impact fee was required prior to plat recordation. During the analysis of actual use on the property, a major leak was discovered and further complications delayed resolution of the impact fee issue.
 19. On October 30, 2015, the applicant submitted a written request for a third extension to allow time to resolve the water impact fee issue and provide additional time to work with JSSD on obtaining necessary approvals and signatures on the plats and the Condominium declaration documents.
 20. A letter regarding revised impact fees was sent to the applicant on May 6, 2016.
 21. There have been no changes of circumstance of either the property, the Land Management Code, or the zoning map, since the date of approval, that create

the need to make additional changes to the proposed application or plat prior to action on the extension request.

22. The Land Management Code allows for the City Council to approve extensions of plat approvals provided the request is made in writing prior to the expiration.
23. The Structures located on Lot 2 at the time of this plat recording are connected to a Common Private Lateral Wastewater Line that services both Lots 1 and 2.

Conclusions of Law

1. There is good cause for the extension of the subdivision plat approval.
2. The plat is consistent with the Park City Land Management Code and applicable State laws regarding subdivisions and extensions of subdivision plat approvals.
3. Neither the public nor any person will be materially injured by the proposed extension of the subdivision plat approval.
4. Extension of the subdivision plat approval, 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 subdivision plat for compliance with State law, the Land Management Code, and conditions of approval, prior to recordation of the plat.
2. The applicant will record the subdivision plat at Summit County by October 30, 2016. If recordation has not occurred by this date, the plat approval will expire and a new application will be required before any further action is taken on this subdivision plat.
3. A note shall be included on the plat that Modified 13-D sprinklers are required for any future renovation of the existing structures located on the property.
4. Satisfaction of the Snyderville Basin Water Reclamation District (SBWRD) requirements is required prior to the recordation of the plat and a note shall be added to the plat stating that at the time Lot 2 is redeveloped or (a) new structure(s) are constructed on the lot a reconfiguration of the private sewer lateral or an extension of the Public Wastewater System to allow any new structures to be connected separately and directly to the Public Wastewater System shall be required.
5. Resolution of applicable water impact fees for the property is required to the satisfaction of the Water Department, prior to plat recordation.
6. The plat shall dedicate a twenty-foot (20') wide access easement to Park City Municipal Corporation as contained in the "Owners Dedication" language on the plat.
7. Improvements as required consistent with the Flagstaff Master Trail Plan shall be completed prior to plat recordation.

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

PASSED AND ADOPTED this 9th day of June, 2016.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

ATTEST:

Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

NOTES:

- Modified 13-D fire sprinklers are required for new construction and any future renovation of existing structures on the property. The type of fire sprinklers shall be determined by the Chief Building Official.
- At the time Lot 2 is redeveloped or (a) new structure(s) are constructed on the lot, a reconfiguration of the private sewer lateral or an extension of the Public Wastewater System to allow any new structures to be connected separately and directly to the Public Wastewater System shall be required.
- This plat is subject to Park City Ordinances 12-23 and 13-43.
- Public water service to individual buildings must be provided by owners as the existing water service on site is private and cannot be used to service additional buildings. Water meters, service lines, or other public improvements or easements will be located at Park City Municipal Corporation's discretion. Any new service off of a private lateral, will require impact fees to be paid prior to hooking up the system.
- A public trail system, trailhead and parking area are shown in their approximate locations. This plat shall provide for public and maintenance access to these trail facilities and an easement is granted for this purpose with recordation of this plat.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that the undersigned ("Owner") is an owner of the herein described tract of land (the "Land") and hereby causes the same to be divided into lots, subject to easements as set forth and as referenced on the Plat, hereafter to be known as ONTARIO MINE BENCH SUBDIVISION.

In witness whereof the undersigned has executed this certificate dedication and consent this _____ day of _____, 2014.

JORDANELLE SPECIAL SERVICE DISTRICT

By: _____
Title: _____

ACKNOWLEDGMENT

State of _____
County of _____
This instrument was acknowledged before me this _____ day of _____, 2014 by _____ the _____ of JORDANELLE SPECIAL SERVICE DISTRICT and that he signed the foregoing Owner's Consent to Record on behalf of the corporation with full authority of its Bylaws.

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

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that the undersigned ("Owner") is an owner of the herein described tract of land (the "Land") and hereby causes the same to be divided into lots, subject to easements as set forth and as referenced on the Plat, hereafter to be known as ONTARIO MINE BENCH SUBDIVISION. The Owner also hereby grants to Park City Municipal Corporation ("Grantee") a non-exclusive, twenty-foot wide easement for Grantee's own use, and not as a public dedication, for the purpose of vehicular travel by Grantee across the surface of the Land (the "City Easement"), said City Easement being in the same location as that certain access easement granted by the Owner to the Snyderville Basin Water Reclamation District by easement instrument recorded on March 3, 2008, as entry number 835616, in the office of the Summit County Recorder, Summit County, Utah, as depicted on this plat, and being over the existing roadway on the Land. The Owner shall have the right to relocate the City Easement to the extent necessary to accommodate any of Owner's uses of the Mine Bench, provided that any relocation does not materially impair such purpose.

In witness whereof the undersigned has executed this certificate dedication and consent this _____ day of _____, 2014.

UNITED PARK CITY MINES COMPANY
a Delaware Limited Liability Company

By: _____
Title: _____

ACKNOWLEDGMENT

STATE OF UTAH)
COUNTY OF _____) ss.
On this _____ day of _____, 2014, personally appeared before me Kerry C. Gee, whose identity is personally known to me, or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, did say this he is the Vice President of United Park City Mines Company and that said document was executed by him in behalf of said Corporation, and said Kerry C. Gee acknowledged to me that said Corporation executed the same.

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

SURVEYOR'S CERTIFICATE

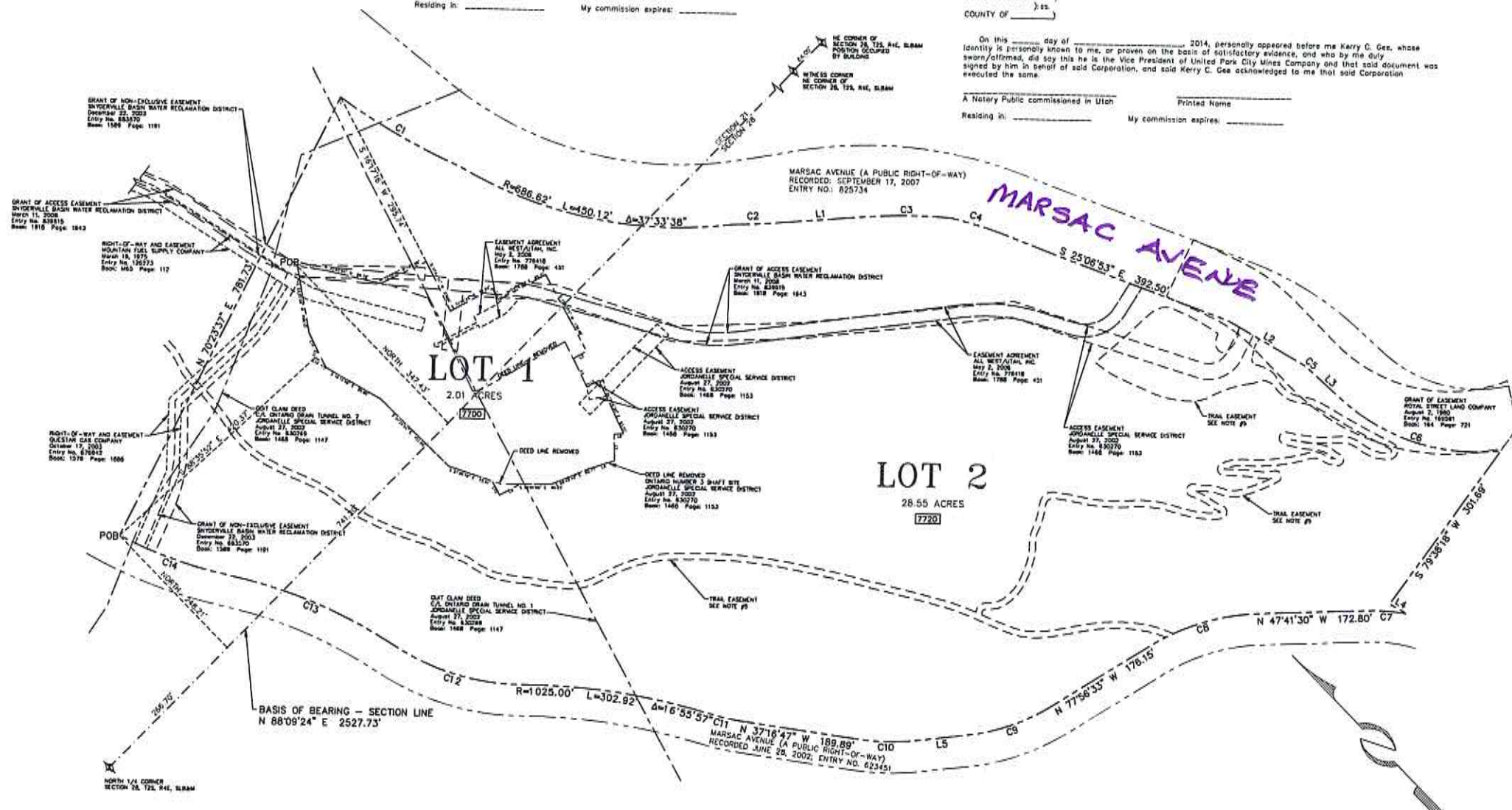
I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 154491, as prescribed by the laws of the State of Utah, and that by authority of the owners, I have prepared this Record of Survey map of the ONTARIO MINE BENCH SUBDIVISION. I further certify that the information on this plat is accurate.



BOUNDARY DESCRIPTION

A parcel of land located in the southeast quarter of Section 21 and the northeast quarter of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian.

Beginning at a point that is North 88°09'24" East 266.70 feet along section line and North 248.21 feet from the north quarter corner of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence North 70°23'37" East 781.73 feet to a point on a non tangent curve to the left having a radius of 1050.77 feet, of which the radius point bears North 80°4'40" East, said point also being on the westerly boundary of the Marsac Avenue Right-of-Way, recorded September 17, 2007 as Entry No. 825734 in the office of the Summit County Recorder; thence along the westerly boundary of the Marsac Avenue Right-of-Way the following eleven (11) courses: 1) southerly along the arc of said curve 221.81 feet through a central angle of 12°05'40" to a point on a non tangent curve to the left having a radius of 686.62 feet, of which the radius point bears North 74°37'10" East; thence 2) southeasterly along the arc of said curve 450.12 feet through a central angle of 37°33'38" to a point on a non tangent curve to the left having a radius of 1050.77 feet, of which the radius point bears North 43°14'43" East; thence 3) southeasterly along the arc of said curve 68.58 feet through a central angle of 03°44'21"; thence 4) South 50°02'39" East 142.82 feet to a point on a curve to the right having a radius of 586.62 feet, of which the radius point bears South 39°57'21" West; thence 5) along the arc of said curve 136.47 feet through a central angle of 09°05'32" to a point on a non tangent curve to the right having a radius of 586.62 feet, of which the radius point bears South 57°10'28" West; thence 6) southeasterly along the arc of said curve 68.58 feet through a central angle of 07°42'26"; thence 7) South 25°06'53" East 392.50 feet to a point on a curve to the right having a radius of 320.00 feet, of which the radius point bears South 15°46'27" East 141.56 feet to a point on a non tangent curve to the right having a radius of 408.37 feet, of which the radius point bears South 84°11'45" West; thence 8) southerly along the arc of said curve 16.42 feet through a central angle of 02°18'15"; thence 9) South 03°30'00" East 63.08 feet to a point on a non tangent curve to the left having a radius of 320.00 feet, of which the radius point bears North 85°29'59" East; thence 10) southeasterly along the arc of said curve 276.53 feet through a central angle of 49°30'45"; thence 11) southeasterly along the arc of said curve 48.46 feet through a central angle of 08°32'36"; thence South 79°38'18" West 301.69 feet (deed South 78°38'18" West); thence South 17°09'46" East 32.98 feet to a point on a non tangent curve to the left having a radius of 275.00 feet, of which the radius point bears South 52°22'52" West, said point also being on the easterly boundary of the Marsac Avenue Right-of-Way, recorded June 28, 2002, as Entry No. 623451 in the office of the Summit County Recorder; thence along the easterly boundary of the Marsac Avenue Right-of-Way the following thirteen (13) courses: 1) northwesterly along the arc of said curve 62.75 feet through a central angle of 13°04'22"; thence 2) North 47°41'30" West 172.80 feet to a point on a curve to the left having a radius of 351.56 feet, of which the radius point bears South 42°18'30" West; thence 3) along the arc of said curve 185.62 feet through a central angle of 30°15'03"; thence 4) North 77°56'33" West 176.15 feet to a point on a curve to the right having a radius of 340.00 feet, of which the radius point bears North 12°03'27" East; thence 5) along the arc of said curve 152.67 feet through a central angle of 25°43'36"; thence 6) North 52°12'57" West 74.75 feet to a point on a curve to the right having a radius of 375.00 feet, of which the radius point bears North 37°47'03" East; thence 7) along the arc of said curve 97.76 feet through a central angle of 14°56'10"; thence 8) North 37°16'47" West 189.89 feet to a point on a curve to the right having a radius of 325.00 feet, of which the radius point bears North 52°43'13" East; thence 9) along the arc of said curve 48.46 feet through a central angle of 08°32'36" to a point of reverse curve to the left having a radius of 1025.00 feet, of which the radius point bears South 61°15'49" West; thence 10) northwesterly along the arc of said curve 302.92 feet through a central angle of 16°55'57" to a point of reverse curve to the right having a radius of 375.00 feet, of which the radius point bears North 44°19'52" East; thence 11) northwesterly along the arc of said curve 216.83 feet through a central angle of 33°07'47" to a point of reverse curve to the left having a radius of 775.00 feet, of which the radius point bears South 77°27'40" West; thence 12) northwesterly along the arc of said curve 285.77 feet through a central angle of 21°07'36" to a point of reverse curve to the right having a radius of 725.00 feet, of which the radius point bears North 56°20'03" East; thence 13) northwesterly along the arc of said curve 187.79 feet through a central angle of 14°50'26" to the point of beginning.



BOUNDARY TABLE

LINE	BEARING	DISTANCE
L1	S 50°02'39" E	142.82
L2	S 15°46'27" E	141.56
L3	S 03°30'00" E	63.08
L4	S 17°09'46" E	32.98
L5	N 52°12'57" W	74.75

BOUNDARY TABLE

CURVE	RADIUS	LENGTH	DELTA
C1	1050.77	221.81	12°05'40"
C2	1050.77	68.58	03°44'21"
C3	860.00	136.47	09°05'32"
C4	586.62	78.91	07°42'26"
C5	408.37	16.42	02°18'15"
C6	320.00	276.53	49°30'45"
C7	275.00	62.75	13°04'22"
C8	351.56	185.62	30°15'03"
C9	340.00	152.67	25°43'36"
C10	375.00	97.76	14°56'10"
C11	325.00	48.46	08°32'36"
C12	375.00	216.83	33°07'47"
C13	775.00	285.77	21°07'36"
C14	725.00	187.79	14°50'26"

LOT 1 TABLE

LINE	BEARING	DISTANCE
L1	N 37°07'41" W	46.21
L2	N 15°43'15" E	20.66
L3	S 74°16'45" E	24.29
L4	N 17°56'16" E	50.76
L5	N 74°22'06" W	21.74
L6	S 46°15'46" E	15.23
L7	N 42°51'43" E	42.86
L8	S 64°09'40" E	45.23
L9	S 74°33'01" E	37.21
L10	S 15°26'59" W	25.84
L11	S 17°51'26" W	7.97
L12	S 14°44'26" E	16.25
L13	S 72°09'10" W	10.78
L14	S 17°51'26" W	34.01

LEGEND

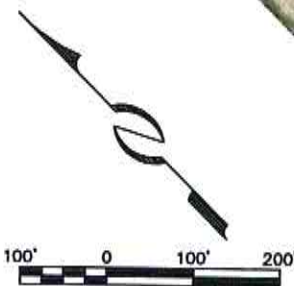
Property corner to be set
7720 Address on Marsac Ave.

ONTARIO MINE BENCH SUBDIVISION

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 21 AND THE NORTHEAST QUARTER OF SECTION 28 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN PARK CITY, SUMMIT COUNTY, UTAH



<p>CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84302-2664</p>	<p>(435) 648-8487</p> <p>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT</p> <p>REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2014 A.D.</p> <p>BY _____ S.B.W.R.D.</p>	<p>PLANNING COMMISSION</p> <p>APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 13th DAY OF JUNE, 2013 A.D.</p> <p>BY _____ CHAIRMAN</p>	<p>ENGINEER'S CERTIFICATE</p> <p>I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2014 A.D.</p> <p>BY _____ PARK CITY ENGINEER</p>	<p>APPROVAL AS TO FORM</p> <p>APPROVED AS TO FORM THIS _____ DAY OF _____, 2014 A.D.</p> <p>BY _____ PARK CITY ATTORNEY</p>	<p>CERTIFICATE OF ATTEST</p> <p>I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2014 A.D.</p> <p>BY _____ PARK CITY RECORDER</p>	<p>COUNCIL APPROVAL AND ACCEPTANCE</p> <p>APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 17th DAY OF OCTOBER, 2013 A.D.</p> <p>BY _____ MAYOR</p>	<p>RECORDED</p> <p>STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ ENTRY NO. _____ DATE _____ TIME _____</p> <p>FEE _____ RECORDER _____</p>
	<p>4/29/14 JOB NO.: 1-5-10 FILE: X:\Empire\dwg\sr\plot2010\010510-subdivision.dwg</p> <p>SHEET 1 OF 1</p>						



RECEIVED
 SEP 24 2010
 PARK CITY
 PLANNING DEPT.

 <small>CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 333 Main Street P.O. Box 2054 Park City, Utah 84000-2054</small>	<small>(435) 648-8487</small> STAFF: MARSHALL KING	AERIAL PHOTOGRAPH ONTARIO MINE BENCH CONDOMINIUMS	SHEET 1 OF 1
	DATE: 9/15/10	FOR: TALISKER JOB NO.s: 1-5-10 FILE: X:\Empire\dwg\Talisker\ontario mine bench-ortho.dwg	



October 30, 2015

Ms. Kirsten Whetstone
Planning Department
Park City Municipal Corporation
445 Marsac Avenue
P. O. Box 1480
Park City, UT 84060

RE: Request for Extension of Approval for the Ontario Mine Bench Subdivision Plan (Ordinance No. 13-43) and the Related Ontario Mine Bench Condominium Plat (Ordinance 13-33)

Dear Kirsten:

On October 17, 2013; and, subsequently in 2014, the City Council approved the extension for the above referenced Subdivision Plat and Condominium Plat. On August 9, 2012, the City Council approved the Subdivision Plat (Ordinance 12-23) and Condominium Plat (Ordinance No. 12-22). Attached for processing is a Request for Extension, together with the appropriate supporting materials, for both of those Plat approvals and extensions.

United Park has been working with City Departments and our consultants to address the Conditions of Approval, but we have not yet satisfied all Conditions. The requested extension will provide the Applicant additional time to work through the remaining Conditions of Approval that must be satisfied prior to the recordation of the Plats. Specifically, the applicant is requiring additional time to resolve the applicable water impact fees and to work with Jordanelle Special Services District (JSSD). JSSD needs more time to adhere to its legal requirements as a public utility, prior to signing and recordation of the plats.

We appreciate the City's consideration of this Request for Extension.

Sincerely,

Douglas Ogilvy
Chief Development Officer

DO:lh
attachments

RECEIVED
OCT 30 2015
PARK CITY
PLANNING DEPT.

Ordinance No. 12-23**ORDINANCE APPROVING THE ONTARIO MINE BENCH SUBDIVISION
LOCATED AT 7700 MARSAC AVENUE, PARK CITY, UTAH**

WHEREAS, the owners of property located at 7700 Marsac Avenue have petitioned the City Council for approval of the Ontario Mine Bench Subdivision; 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 June 13, 2012, to receive input on the proposed two-lot subdivision located at the aforementioned address; and,

WHEREAS, the Planning Commission, on the aforementioned date, forwarded a recommendation to the City Council and recommended that the City Council approve the same based on the Findings of Fact, Conclusions of Law and Conditions of Approval as stated herein; and,

WHEREAS; the City Council, held a public hearing on August 9, 2012; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the Ontario Mine Bench Subdivision as proposed.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Ontario Mine Bench Subdivision as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 7700 Marsac Avenue within the Recreation Open Space (ROS) Zoning District.
2. The property was annexed into the City in 1999 under the June 24, 1999 Flagstaff Mountain area annexation, which was subject to 14 technical reports.
3. The applicants are proposing to create two new lots which were previously split through the recording of a deed. The subdivision will allow the applicant to proceed with a condominium plat that will memorialize the transfer/conveyance of property to the Jordanelle Special Services District.
4. The subdivision is necessary to correct the noncompliant issue with the previous deed.
5. The subdivision will split the existing 30.56 acre parcel into two-lots, Lot 1 being 2.01 acres, and Lot 2 being the balance of the property at 28.55 acres.
6. There are three (3) existing structures on the property including the original mine-shaft building which is now the Jordanelle Special Services District Hoist and Office Building, a maintenance building and additional offices. The hoist building will be located on Lot 1, the other two buildings on Lot 2.
7. Both proposed lots have frontage onto Marsac Avenue, but share a common driveway to access each. Said driveway is also the location of several existing utility and access and cross access easements.

8. The proposed plat will grant a twenty-foot (20') wide access easement to Park City Municipal Corporation for the purpose of memorializing the access road used by the Water Department to gain access to our existing water source located on an adjacent parcel of property.
9. The property is not proposed for further development at this time. Any future development will be subject to the allowed or conditional uses listed in the ROS zone under Section 15-2.7 of the LMC.
10. The applicants are also proposing a Condominium Plat to split the ownership of the existing mine bench building, which is a separate application.
11. The proposed subdivision will not cause any nonconformity with respect to lot size or setbacks.
12. Current uses of the property are consistent with the allowed and conditional uses section of the ROS zone designation, and such uses were acknowledged during the original annexation of the property in 1999, with the exception of the kitchen/bakery that was determined by the Planning Director to be a legal non-conforming use as it is currently used for as a resort support function.
13. There is good cause for the approval of this subdivision plat in that the proposed Subdivision will meet the lot requirements as outlined in the ROS Zone designation, the subdivision will correct a previous deed transfer that was not recognized by the City, and that the subdivision will not cause nonconformity with respect to existing setbacks, etc.
14. The proposal does not result in new development and thus requires no removal of vegetation or grading of the site. There is no anticipated increased level of intensity of uses on the site, and thus there is no additional mitigation measures necessary at this time. Any future development of the property will require property permits and compliance with the ROS Zone.
15. There are no public trails located on the site.
16. Water impact fees originally collected for the water line that services the property and the Mine Bench building may need to be adjusted to reflect current uses within the Mine Bench Building and the general water usage of the property and other properties owned by the applicant that are served by the same water line.
17. Property tax assessment for this property may be incorrect based on old mining claims designation, and not based on current use. This issue must be resolved prior to the recording of the plat.

Conclusions of Law:

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

Conditions of Approval:


1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.


3. Modified 13-D sprinklers will be required for any future renovation of the existing structures located on the property.
4. Satisfaction of the Snyderville Basin Reclamation District requirements will be required prior to the recordation of the plat. The Structures located on Lot 2 at the time of this plat recording are connected to a Common Private Lateral Wastewater Line that services both Lots 1 and 2. At the time Lot 2 is redeveloped or (a) new structure(s) are constructed on the lot a reconfiguration of the private sewer lateral or an extension of the Public Wastewater System to allow any new structures to be connected separately and directly to the Public Wastewater System shall be required.
5. Additional water impact fees to reflect current uses of the property and general water usage on the property may be required. The plat cannot be recorded unless the required impact fees imposed by the Building and Water Departments have been met.
6. Prior to the recording of the subdivision plat, the applicant shall resolve the property tax assessment issues related to the property and shall accurately reflect the current uses of the property.
7. The plat will dedicate a twenty-foot (20') wide access easement to Park City Municipal Corporation for the purpose of memorializing the access road used by the Water Department to gain access to our existing water source located on an adjacent parcel of property.
8. Improvements as required consistent with the Flagstaff Master Trails Plan shall be completed prior to plat recordation.

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

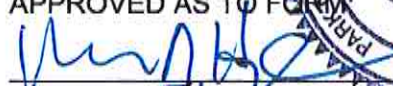
PASSED AND ADOPTED this 9th day of August, 2012.

PARK CITY MUNICIPAL CORPORATION


Dana Williams, MAYOR

ATTEST:

Jan Scott, City Recorder



APPROVED AS TO FORM:

Mark Harrington, City Attorney

**PARK CITY COUNCIL MEETING MINUTES
SUMMIT COUNTY, UTAH,
October 30, 2014**

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4. Consideration of the Park Silly Sunday Market contract extension

Tommy Youngblood, Special Events, Jason Glidden, Economic Development Project Manager, and Silly Market Representatives Kate Boyd and Michelle McDonald discussed the successful season Park Silly Sunday Market had. Youngblood thanked the working group for all their hard work. Stated that the market growth is consistently growing 10% per year and even though the Silly Market is very successful with the new measures this year there are some parking issues that have surfaced again this year. Staff will bring a parking plan back to Council by March 2015 to mitigate these impacts. Boyd thanked the Working Group who participated this year, it was a great asset to the Market.

Council member Beerman thanked Silly Market for the hard work they have put in to move merchants off Park Ave.

Council member Simpson also thanked Silly Market staff and was very impressed with the report card.

Mayor Thomas opened the floor for public input.

Mike Sweeny stated that the Silly Market is near and dear to his heart as he helped start the market. Feels the event is growing and is a great event. He has partnered with PSSM to provide parking and restrooms. He would love to see the numbers continue to grow stating he would love to see new people discovering Main Street every day.

Mayor Thomas closed the public input portion.

**Council member Matsumoto moved to accept the finding that they
are in compliance for an automatic renewal.**

**Council member Simpson second
Approved unanimously**

5. Consideration of the Subdivision Plat Thayne's Creek Ranch Estates Phase II located at 510 Payday Drive, Park City, Utah, pursuant to findings of fact, conclusions of law and conditions of approval in a form approved by the City Attorney.

Mayor Thomas opened the public hearing. No comments were made. Mayor Thomas closed the public hearing.

Council member Peek moved to Continue to November 20, 2014

**Council member Simpson seconded
Approved unanimously**

6. Consideration of an Ordinance approving a second one year extension of the August 9, 2012 approval of the Ontario Mine Bench Subdivision located at 7700 Marsac Avenue in Park City, Utah, pursuant to findings of fact, conclusions of law and conditions of approval in a form approved by the City Attorney

**PARK CITY COUNCIL MEETING MINUTES
SUMMIT COUNTY, UTAH,
October 30, 2014**

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Planner Whetstone stated that this is a request for a second extension to August 9, 2015. Whetstone stated that the applicant has been working with staff on a number of issues to finalize this plat. There are final trail head improvements that have not been completed and the biggest issue is with the water impact fees. This building was brought into the City on an annexation and the water impact fees were not paid at the time. With the change in use of the building the Water Department suggested using the Water Smart Portal to determine water usage and the proper fees. When the usage was evaluated it was found that there was a leak on the property, the leak has been fixed but the water department and the applicant concur that they would like to see the water usage for May, June, and July before the impact fees are assessed.

Council member Peek inquired if this individualized water usage is acceptable, Harrington stated that it is currently in the code to allow the applicant to gather information from an agreed upon source to determine water usage and impact fees.

Harrington suggested Council move the expiration date to one year from tonight's meeting in order to give the applicant the summer months to determine water usage.

Mayor Thomas opened the public hearing. No comments were made. Mayor Thomas closed the public hearing.



**Council member Simpson moved to approve a second
one year extension expiring October 30, 2015
Council member Beerman seconded
Approved unanimously**

- 7. Consideration of an Ordinance approving a second one year extension of the August 9, 2012 approval of the Ontario Mine Bench Condominiums located at 7700 Marsac Avenue in Park City, Utah, pursuant to findings of fact, conclusions of law and conditions of approval in a form approved by the City Attorney

Mayor Thomas opened the public hearing. No comments were made. Mayor Thomas closed the public hearing.



**Council member Matsumoto moved to approve a second one year
extension expiring October 30, 2015
Council member Simpson seconded
Approved unanimously**

VII. ADJOURNMENT

**Council member Peek moved to adjourn the meeting
Council member Beerman seconded
Approved unanimously**

CLOSED SESSION MEMORANDUM

The City Council met in a closed session at approximately 3:30 p.m. Members in attendance were Mayor Jack Thomas, Andy Beerman, Dick Peek, Cindy Matsumoto and Tim Henney. Staff members present were: Diane Foster, City Manager; Mark Harrington, City Attorney; Matt Dias,



November 7, 2014

United Park City Mines Company
 Attn: Brianne Kelsey
 P.O. Box 1450
 Park City, Utah 84060

NOTICE OF CITY COUNCIL ACTION

Project Description: Ontario Mine Bench Subdivision Plat
Project Numbers: PL-14-02456
Project Address: 7700 Marsac Avenue
Date of Final Action: October 30, 2014

Action Taken: The City Council conducted a public hearing and adopted an ordinance approving an extension to the approved Ontario Mine Bench Subdivision Plat to October 30, 2015, with the following findings of fact, conclusions of law and conditions of approval:

Findings of Fact:

1. The property is located at 7700 Marsac Avenue within the Recreation Open Space (ROS) Zoning District.
2. The property was annexed into the City in 1999 under the June 24, 1999 Flagstaff Mountain area annexation, which was subject to 14 technical reports.
3. The applicants are proposing to create two new lots to memorialize a prior conveyance to the JSSD which previously split through the recording of a deed. The subdivision will allow the applicant to proceed with a condominium plat that will also memorialize the transfer/conveyance of property to the Jordanelle Special Services District.
4. The subdivision is necessary to correct the noncompliant issue with the previous deed.
5. The subdivision will split the existing 30.56 acre parcel into two-lots, Lot 1 being 2.01 acres, and Lot 2 being the balance of the property at 28.55 acres.
6. There are three (3) existing structures on the property including the original mine-shaft building (a portion of which is now the Jordanelle Special Services District Hoist and Office Building), a maintenance building, storage, and additional offices. The JSSD portion of the hoist building will be located on Lot 1, the other buildings on Lot 2.
7. Both proposed lots have frontage onto Marsac Avenue, but share a common driveway to access each. Said driveway is also the location of several existing utility and access and access easements.
8. The proposed plat will grant a twenty-foot (20') wide access easement to Park City Municipal Corporation for the purpose of memorializing the access road used by the Water Department to gain access to our existing water source located on an adjacent parcel of property.
9. The property is not proposed for further development at this time. Any future development will be subject to the allowed or conditional uses listed in the ROS zone under Section 15-2.7 of the LMC in effect at the time of permit application.
10. The applicants are proposing a Condominium Plat to reflect the split of the ownership of the existing mine bench building, which is a separate application.
11. The proposed plat will not cause any nonconformity with respect to lot size or setbacks.
12. Current uses of the property are consistent with the allowed and conditional uses section of the ROS zone designation, and such uses were acknowledged during the original annexation of the property in 1999, with the exception of the kitchen/bakery that was

- determined by the Planning Director to be a legal non-conforming use as it is currently used for as a resort support function. The bakery has not been in operation for over a year.
13. There is good cause for approval of this subdivision plat in that the proposed Subdivision will meet the lot requirements as outlined in the ROS Zone designation, will properly memorialize a previous deed transfer through the subdivision process, will not cause nonconformity with respect to existing setbacks, and resolves issues of interest to the City.
 14. The proposal does not result in new development and thus requires no removal of vegetation or grading of the site. There is no anticipated increased level of intensity of uses on the site, and thus there is no additional mitigation measures necessary at this time. Any future development of the property will require proper planning applications, permits and compliance with the ROS Zone.
 15. A public trail was constructed on the property from the parking lot trailhead to the main Deer Valley/Flagstaff trail system.
 16. Water impact fees originally collected for the water line that services the property and the Mine Bench building need to be adjusted to reflect current uses within the Mine Bench Building and the general water usage of the property and other facilities owned by the applicant that are served by the same water line.
 17. Property tax assessment for this property may be incorrect based on state assessment as mining claims, and not based on current use. This issue must be resolved prior to the recording of the plat.
 18. The Ontario Mine Bench Subdivision plat was approved by the City Council on August 9, 2012 and given a one year time frame, until August 9, 2013, to record the plat at Summit County. A one year extension was granted by the City Council on October 17, 2013. This current extension would allow an additional year, until August 9, 2015, for the plat to be recorded at Summit County.
 19. On August 8, 2014, the applicant submitted a written request for an extension to the approval to allow additional time to address the required conditions of approval that have to be completed prior to plat recordation, including completion of the trailhead improvements for Guardsman Pass and Daly Canyon and resolution and payment of water impact fees.
 20. There have been no changes of circumstance of either the property, the Land Management Code, or the zoning map, since the date of approval, that create the need to make additional changes to the proposed plat prior to action on the extension request.
 21. The Land Management Code allows for the City Council to approve extensions of plat approvals.

Conclusions of Law:

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

Conditions of Approval:

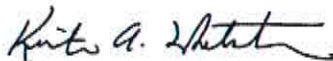
1. The City Attorney and City Engineer will review and approve the final form and content of the subdivision plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the subdivision plat at the County by October 30, 2015. If recordation has not occurred by this time, the plat approval will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A note shall be included on the plat that Modified 13-D sprinklers are required for any future renovation of the existing structures located on the property.
4. Satisfaction of the Snyderville Basin Reclamation District requirements will be required prior to the recordation of the plat. The Structures located on Lot 2 at the time of this plat

recording are connected to a Common Private Lateral Wastewater Line that services both Lots 1 and 2.

5. A note shall be added to the plat stating that at the time Lot 2 is redeveloped or (a) new structure(s) are constructed on the lot a reconfiguration of the private sewer lateral or an extension of the Public Wastewater System to allow any new structures to be connected separately and directly to the Public Wastewater System shall be required.
6. Resolution of water impact fees to reflect current uses of the property and general water usage on the property may be required. The plat cannot be recorded unless all applicable impact fees imposed by the Building and Water Departments have been met.
7. Prior to the recording of the subdivision plat, the applicant shall resolve the property tax assessment issues related to the property and shall accurately reflect the current uses on the property.
8. The plat shall dedicate a twenty-foot (20') wide access easement to Park City Municipal Corporation as contained in the "Owners Dedication" language on the draft plats.
9. Improvements as required consistent with the Flagstaff Master Trail Plan shall be completed prior to plat recordation.

If you have any questions or concerns regarding this letter, please do not hesitate to contact me. I can be reached at 435-615-5066 or via e-mail me at: kirsten@parkcity.org.

Sincerely,



Kirsten A. Whetstone, MS, AICP
Senior Planner



WATER

EXHIBIT F

July 11, 2014

Brianne Kelsey
Talisker Mountain Inc.
P.O. Box 4349
Park City, UT 84060

Dear Ms. Kelsey:

This letter responds to your question regarding water impact fees for the property located on the Ontario Mine Bench (OMB). Condition of Approval 6 in Section 1 of Park City Ordinance No. 13-43 requires that impact fees be adjusted to reflect the *current use* and impact of the property on the Park City water system.

The ordinance also includes the following Finding of Fact:
Water impact fees originally collected for the water line that services the property and the Mine Bench building may need to be adjusted to reflect current uses within the Mine Bench Building and the general water usage of the property and other facilities owned by the applicant that are served by the same water line. (Ordinance No. 13-43, Finding of Fact 16).

Talisker was required to pay impact fees in 2003 along with acquiring a building permit for expanded uses on the OMB. Talisker did so and in January 2004 paid impact fees in the amount of \$31,347.46 for the OMB property. This fee calculation is outlined in a letter from Park City to United Park City Mines Company dated December 15, 2003. Based on information Talisker provided, the estimated uses and area yielded an impact of 2.2848 EDU's. The fee per EDU at the time was \$13,720.

It is now clear that the impact fee imposed in 2003 was based on inaccurate or misstated proposed uses. Accordingly, Park City is imposing an amended impact fee for "Industrial" uses which is based on the actual (metered) consumption between 2004 and today. Based on the peak month in 2013, the average daily water consumption was 17,867 gallons per day, which is equal to 11.1669 EDU's. The difference between the present day impact and what was paid for in 2003 is 8.8821 EDU's.

The total impact fee due based on this analysis is \$195,435.83. This figure is derived by assessing an impact fee of \$13,720 per EDU and then adjusting that amount to reflect the present value of the impact fee had it been calculated correctly in 2003.

Please contact me if you have any questions or concerns. I can be reached at clint.mcafee@parkcity.org or at 435-615-5339.

Sincerely,

PARK CITY MUNICIPAL CORPORATION



Clint McAfee, P.E.
Water and Streets Director

Cc: Thomas Daley, Park City Municipal Corporation



WATER

May 6, 2016

Dave Smith
Talisker Mountain Inc.
P.O. Box 4349
Park City, UT 84060

Dear Mr. Smith:

This letter is a follow up and continuation of the issue described in my letter dated July 11, 2014 (letter) and a meeting between Brianne Kelsey, me, and Kirsten Whetstone on October 30, 2014 regarding the water impact fees for the property located on the Ontario Mine Bench (OMB). I have attached the letter for your reference.

In the October meeting, we discussed the fee that was calculated and included in the July 11, 2014 letter. We looked at the data and agreed that there could have been a leak in your system and that it was not appropriate to charge an amended impact fee based on a leak. We agreed to give you time to find and fix the leak and then look at the peak consumption during the summer of 2015 and calculate the amended impact fee based on the 2015 peak usage.

We have reviewed the metered water use data for the OMB for the approximate period of July and August 2015. The peak day usage for the OMB was 15,170 gallons per day which is equal to 9.48125 EDU's. The difference between the present day impact and what was paid for in 2003 is 7.19645 EDU's.

The total impact fee due based on this analysis is \$168,908.96. This figure is derived by assessing an impact fee of \$13,720 per EDU and then adjusting that amount to reflect the present value of the impact fee had it been calculated correctly in 2003.

The additional impact fee of \$168,908.96 has not been paid and therefore the Condition of Approval 6 in Section 1 of Park City Ordinance No. 13-43 has not been satisfied. Your request for an extension in order to record the subdivision and condominium plats will be going before Park City Council on June 9, 2016. Park City staff cannot make a positive recommendation on the extension requested if the conditions of approval are not met and the fees have not been paid. In order for staff to consider the payment in their written recommendation, the fees would need to be paid by May 27, 2016.

Please contact me if you have any questions or concerns. I can be reached at clint.mcaffee@parkcity.org or at 435-615-5339.

Sincerely,

PARK CITY MUNICIPAL CORPORATION



Clint McAfee, P.E.
Public Utilities Director

Attachments: July 11, 2014 letter

Cc: Polly Samuels McLean, Park City Municipal Corporation
Thomas Daley, Park City Municipal Corporation
Kerry Gee, UPCMC
Jack Bistricher, Talisker
Wade Budge, Snell & Wilmer



DATE: June 9, 2016

TO HONORABLE MAYOR AND COUNCIL

This is a request for a third extension of the August 9, 2012, approval of the Ontario Mine Bench Condominium plat, to allow the applicant additional time to satisfy conditions of approval prior to recordation of the plat. The applicant requests a one year extension to October 30, 2016.

The condominium plat created three (3) commercial condominium units (Units 1, 2A and 2B) within an existing building located on Lot 1 of the Ontario Mine Bench Subdivision. The purpose of the condominium plat was to memorialize the Jordanelle Special Service District (JSSD) and the United Park City Mines existing ownership of land and improvements on Lot 1. The applicants are not proposing new development on the lots at this time.

There have been no changes of circumstance of either the property, the Land Management Code, or the zoning map, since the date of the original approval, that create a need to make further changes to the proposed plat. Staff recommends the following condition of approval:

The applicant will record the condominium plat at Summit County by October 30, 2016. If recordation has not occurred by this date, the plat approval will expire and a new application will be required before any further action is taken on this condominium plat.

Respectfully:

Kirsten Whetstone, Senior Planner



City Council Staff Report

Subject: Ontario Mine Bench Condominium plat
Author: Kirsten Whetstone, MS, AICP- Senior Planner
Date: June 9, 2016
Type of Item: Extension of Condominium plat approval
Project Numbers: PL-10-01071, PL-13-02014, PL-14-02457, PL-15-02988

Summary Recommendation

Staff recommends the City Council holds a public hearing and considers approving a request for a third extension for the Ontario Mine Bench Condominium plat approval, based on the findings of fact, conclusions of law, and conditions of approval as found in the Ordinance.

Description

Applicant: United Park City Mines on behalf of itself and the Jordanelle Special Service District (JSSD)
Location: 7700 Marsac Avenue
Zoning: Recreation Open Space (ROS)
Adjacent Land Uses: Open Space and Residential/Resort
Reason for Review: Extensions of condominium plats require review and final action by the City Council.

Acronyms

DRC- Development Review Committee
JSSD- Jordanelle Special Service District
LMC- Land Management Code
ROS- Recreation Open Space Zoning District

Proposal

This is a request for a third extension of the August 9, 2012, approval of the Ontario Mine Bench Condominium plat (Exhibit A), to allow the applicant additional time to satisfy conditions of approval prior to recordation of the plat. On October 30, 2015, the applicant requested a one year extension to October 30, 2016 (Exhibit B).

The condominium plat created three (3) commercial condominium units (Units 1, 2A and 2B) within an existing building located on Lot 1 of the Ontario Mine Bench Subdivision. The purpose of the condominium plat is to memorialize the Jordanelle Special Service District (JSSD) and the United Park City Mines existing ownership of land and improvements on Lot 1. The applicants are not proposing any new development on the lots at this time.

There have been no changes of circumstance of either the property, the Land Management Code, or the zoning map, since the date of the original approval, that create a need to make further changes to the proposed plat. Staff recommends the following condition of approval:

The applicant will record the condominium plat at Summit County by October 30, 2016. If recordation has not occurred by this date, the plat approval will expire and a new application will be required before any further action is taken on this condominium plat.

Background

The Mine Bench building ceased mining operations in 1982 and eventually the building became a tourist attraction with the “Silver Mine Adventure Tour”. In 1999, the property and building were annexed into Park City as part of the Flagstaff Mountain Annexation. In 2001, the owners of the Mine Adventure Tour ceased its operation, and in August of 2002, a portion of the Silver Mine Bench property was conveyed to JSSD by deed. JSSD uses their portion of the building for support uses to maintain the mine. United Park City Mines owns the remainder of the property and buildings and maintains a small general office on the property.

On September 27, 2010, an application for a two-lot subdivision (Ontario Mine Bench Subdivision) and this condominium plat of the existing Mine Bench building was received by the Planning Department. On May 23, 2012, the applicant was deemed “complete”, as there were several iterations of revisions requested to complete the application.

On June 13, 2012, the Planning Commission conducted a public hearing and forwarded a positive recommendation to City Council. On August 9, 2012, the City Council conducted a public hearing and approved the requested condominium plat with conditions as reflected in the attached Ordinance (Exhibit C).

On August 1, 2013, the applicant submitted a written request for an extension of the condominium plat approval that was granted by the City Council on October 17, 2013 to August 9, 2014. The basis of the extension was to allow additional time to resolve issues related to the Ontario Mine Bench Subdivision plat because the subdivision plat needs to be recorded prior to recordation of the condominium plat.

On August 6, 2014, the applicant submitted a written request for a second extension due to unresolved issues with the subdivision plat. The second extension request was granted by the City Council on October 30, 2014 (Exhibits D and E) to October 30, 2015.

On October 30, 2015, the applicant submitted a written request for a third extension (Exhibit B). The condominium plat has been redlined to be consistent with the proposed subdivision plat and conditions of approval; however it cannot be recorded until the subdivision plat is recorded. Additionally, one of the conditions of the condominium plat was to obtain a building permit to make necessary improvements to the existing building

required to separate the ownership of each unit and meet applicable codes. The applicant submitted a building permit application that has been reviewed by Building, Planning, and Engineering but the permit cannot be issued until the associated subdivision plat is recorded.

Analysis

The proposed condominium plat (Exhibit A) splits ownership of the Mine Bench building, also known as the Number 3 shaft site of the Ontario Mine and the Silver Mine Adventure Tour building, into three units. The units are described as follows: Unit 1, which encompasses a majority of the building, Unit 2A, and Unit 2B which are connected by internal infrastructure, but not attached to one-another via a common wall. Only Units 1 and 2A are attached by a common wall.

Aside from any work required by the Building Department to ensure that the structures are separated by a fire-rated wall that meets current Building Code requirements, there are no other proposed developments, either internally or externally. The previous use of a bakery within the building, which was a non-conforming use, has been abandoned for more than 2 years. Future uses are required to comply with allowed and conditional uses of the ROS Zone. Any future expansion of the building requires a condominium plat amendment to show any additional private ownership areas.

City Staff from Planning, Water, Sustainability, Legal, and Building, met on numerous occasions to assist the Applicant in resolving the outstanding issues. The following issues remain to be resolved:

- A building permit for work to separate the building into three units cannot be issued until the subdivision plat is recorded.
- Water impact fees per the condition of recordation of the subdivision plat (as described in the related Ontario Mine Bench Subdivision report).
- Recordation of the subdivision plat is required prior to recordation of this condominium plat.

Planning Staff finds there is good cause for the extension of approval in that the plat memorializes a previous deed transfer and creates separate units within the building that can be legally owned. The applicant timely submitted a written request for an extension of the approval.

There have been no changes of circumstance of either the property, the Land Management Code, or the zoning map, since the date of approval, that create the need to make additional changes to the proposed plat prior to action on the extension request. The Land Management Code allows for the City Council to approve extensions of plat approvals.

Process

Approval of the extension 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. Issues raised by the Development Review Committee (DRC) have been addressed by conditions of approval and revisions to the plat.

Notice

The property was posted and notice was mailed to property owners within 300 feet in accordance with the requirements in the LMC. Legal notice was also published in the Park Record and on the Public Notice website, in accordance with the requirements of the LMC.

Public Input

Staff received public comment by phone requesting information about future development on the site and also a comment that the site is not very attractive from the Outlook at Deer Valley residences. Public input will be considered at the regularly scheduled Council meeting on June 9, 2016.

Alternatives

- The City Council may approve the request for an extension of approval for the Ontario Mine Bench Condominium Plat as conditioned or amended; or
- The City Council may deny the request for an extension of approval and direct staff to make findings for this decision; or
- The City Council may continue discussion on the extension request to a date certain and request additional information.

Significant Impacts

There are no significant fiscal or environmental impacts from this application which is an extension of approval of the condominium plat.

Consequences of not taking the Suggested Recommendation

The proposed condominium plat would expire and ownership of the building would still be split by recorded deed, but would not be in compliance requirements of the Utah Condominium law.

Recommendation

Staff recommends the City Council holds a public hearing and considers approving a request for a third extension of the Ontario Mine Bench Condominium plat approval, based on the findings of fact, conclusions of law and conditions of approval as found in the attached ordinance.

Exhibits

Ordinance
Exhibit A- Proposed Condominium Plat

Exhibit B- Written request for extension

Exhibit C- August 9, 2012 approved Ordinance 12- 22

Exhibit D- October 30, 2014 City Council minutes

Exhibit E- Action letter from October 30, 2014 City Council approval

Ordinance No. 16-

AN ORDINANCE APPROVING A THIRD EXTENSION OF THE AUGUST 9, 2012 APPROVAL OF THE ONTARIO MINE BENCH CONDOMINIUM PLAT LOCATED AT 7700 MARSAC AVENUE, PARK CITY, UTAH.

WHEREAS, the owners of property located at 7700 Marsac Avenue have petitioned the City Council for approval of an extension of the Ontario Mine Bench Condominiums approval; 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 June 13, 2012, to receive input on the proposed three-unit condominium plat located at the aforementioned address; and

WHEREAS, the Planning Commission, on the aforementioned date, forwarded a recommendation to the City Council to approve the proposed condominium plat; and

WHEREAS; the City Council, held a public hearing on August 9, 2012, and approved the Ontario Mine Bench Condominium plat; and

WHEREAS; on August 1, 2013 the applicant submitted a written request for a one year extension and on October 17, 2013 the City Council, held a public hearing and approved the extension of the condominium plat approval to August 9, 2014; and

WHEREAS; on August 8, 2014, the applicant submitted a written request for a second extension and the City Council held a public hearing on October 30, 2014 and approved the second extension to October 30, 2015; and,

WHEREAS; on October 30, 2015, the applicant submitted a written request for a third extension and the City Council held a public hearing on June 9, 2016; and,

WHEREAS, it is in the best interest of Park City, Utah to approve an extension of the Ontario Mine Bench Condominium plat approval to allow time to resolve issues of interest to the City that are also required to be completed prior to plat recordation.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Ontario Mine Bench Condominium plat extension 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 7700 Marsac Avenue within the Recreation Open Space (ROS) Zoning District.
2. The property was annexed into the City in 1999 under the June 24, 1999 Flagstaff Mountain Area Annexation, which was subject to 14 technical reports and the Flagstaff Development Agreement, as amended.
3. The approved plat created a three-unit condominium that separates ownership of the existing Mine Bench (Number 3 shaft) building.
4. The condominium plat is necessary to correct the noncompliant issue with the previous deed that was recorded to split the ownership of the building.
5. The condominium plat consists of one 2.01 acre parcel (Lot 1 of the Ontario Mine Bench Subdivision plat) which includes one building connected by common walls and infrastructure and surrounding open space to be held in common for the use of all property owners.
6. Any expansion of the existing building will require an amendment to the condominium plat.
7. The building is accessed through an existing recorded access easement and common use driveway that traverses Lot 2 of the Ontario Mine Bench Subdivision which leads to Marsac Avenue. The driveway is also the location of an easement for several utilities including water and sewer.
8. The condominium plat consists of one building with 3 units, one of which is attached by infrastructure, and there is no further development proposed at this time. Any future development will be subject to the allowed or conditional uses listed in the ROS zone under Section 15-2.7 of the LMC in effect at the time of permit application.
9. The condominium plat did not create any nonconformity with respect to unit size or setbacks permitted by the ROS zone.
10. Current uses of each unit are consistent with the allowed and conditional uses section of the ROS zone designation, and such uses were acknowledged during the original annexation of the property in 1999.
11. There is good-cause for the approval of this condominium plat extension in that the approved condominium plat meets the requirements of the ROS Zone designation and memorializes a previous deed transfer that was not recognized by the City.
12. The plat did not result in new development and thus requires no removal of vegetation or grading of the site. There is no anticipated increased level of intensity of uses within the building, and thus there is no additional mitigation measures necessary at this time.
13. The Ontario Mine Bench Condominium plat was approved by the City Council on August 9, 2012 and a one year time frame was given, until August 9, 2013, to record the plat at Summit County.
14. On August 1, 2013, the applicant submitted a written request for an extension of the approval to allow additional time to address the required conditions of approval that have to be completed prior to plat recordation. The first extension was granted by the City Council until August 9, 2014.
15. On August 8, 2014, the applicant submitted a written request for a second extension of the approval to August 9, 2015. On October 30, 2014, the City Council granted a second extension to October 30, 2015.

16. There have been no changes of circumstance of either the property, the Land Management Code, or the zoning map, since the date of approval, that create the need to make additional changes to the proposed plat prior to action on the extension request.
17. The Land Management Code allows for the City Council to approve extensions of plat approvals.
18. The previous non-conforming bakery has not been in use for over two years and is now considered an abandoned use.

Conclusions of Law:

1. There is good cause for the extension of the condominium plat approval.
2. The condominium plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed extension of the condominium plat approval.
4. Extension of the condominium plat, 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 condominium plat for compliance with State law, the Land Management Code, and conditions of approval, prior to recordation of the plat.
2. The applicant will record the condominium plat at Summit County by October 30, 2016. If recordation has not occurred by this date, the plat approval will expire and a new application will be required before any further action is taken on this condominium plat.
3. A note shall be included on the plat stating that Modified 13-D sprinklers are required for any future renovation or new construction on the property.
4. Prior to plat recordation the applicant will need obtain a building permit from the Park City Building Department to make necessary improvements to the existing building as required to separate ownership of each unit.
5. The building permit cannot be issued until the associated subdivision plat is recorded.
6. The units of the Ontario Mine Bench Condominiums are served by a Common Private Lateral Wastewater Line. The Ontario Mine Bench Condominium Association shall be responsible for ownership, operation and maintenance of the Common Private Lateral Wastewater Line.

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

PASSED AND ADOPTED this 9th day of June, 2016.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, Mayor

ATTEST:

Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

EXHIBIT A



SURVEYOR'S CERTIFICATE

I, John Demkowicz, do hereby certify that I am a Registered Land Surveyor and that I hold Certificate No. 154491 as prescribed by the laws of the State of Utah, and that I have caused to be made under my direction and by the authority of the owners, this Condominium Plot of the ONTARIO MINE BENCH CONDOMINIUMS, a Utah Condominium Project, in accordance with the provisions of the Utah Condominium Ownership Act. I further certify that the information shown herein is correct.

JOHN DEMKOWICZ, L.S. #154491

DATE

BOUNDARY DESCRIPTION

Lot 1, Ontario Mine Bench Subdivision, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, the undersigned is the owner of the Ontario Mine Bench Condominiums and as owner of the Common Areas described herein does hereby certify that it has caused this survey to be made and this Condominium Plot of Ontario Mine Bench to be prepared and hereby consents to the recording of this Condominium Plot and submit to the Utah Condominium Ownership Act.

In witness whereof the undersigned has executed this certificate and dedication this ____ day of _____, 2014.

UNITED PARK CITY MINES
A Delaware Limited Liability Company
By: _____
Title: _____

CORPORATE ACKNOWLEDGMENT

State of Utah)
County of _____)
On this _____ day of _____, 2014, personally appeared before me _____ of whose identity is personally known to me (or proven on the basis of satisfactory evidence) and who by me duly sworn/offered, did say that he/she is the _____ and that said Document was signed by him/her in behalf of said Corporation by Authority of its Bylaws, or (Resolution of its Board of Directors), and said _____ Acknowledged to me that said Corporation executed the same.

Notary Public: _____

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS: that the undersigned is the Owner of the herein described tract of land, and hereby causes the same to be divided into lots together with easements and public rights-of-way as set forth on the plat, hereafter to be known as LOT 1 ONTARIO MINE BENCH CONDOMINIUMS.

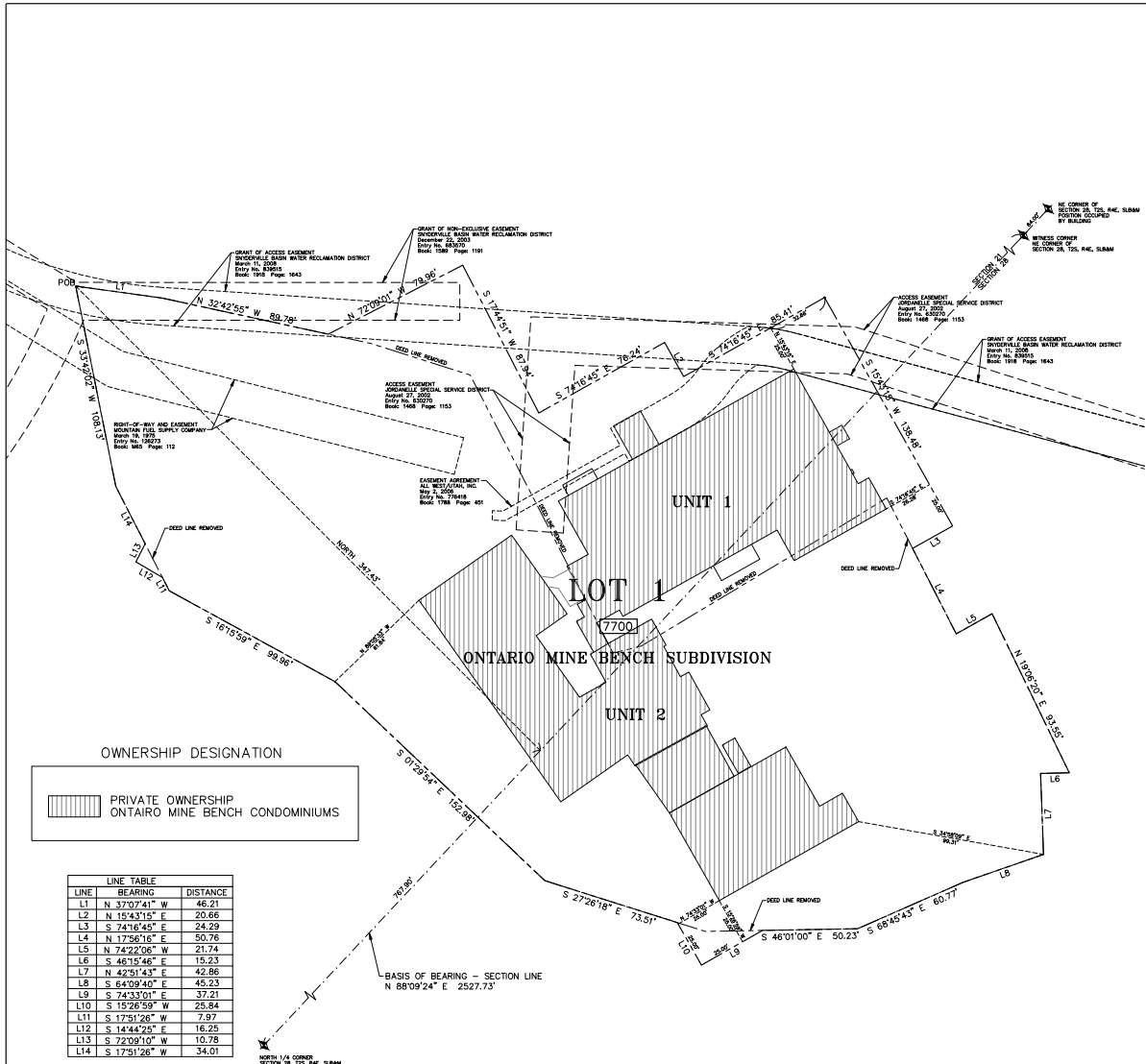
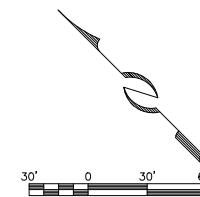
In witness whereof the undersigned has executed this certificate and dedication this ____ day of _____, 2014.

JORDANELLE SPECIAL SERVICE DISTRICT
By: _____

ACKNOWLEDGMENT

State of _____)
County of _____)
This instrument was acknowledged before me this ____ day of _____, 2012 by _____ the _____ of JORDANELLE SPECIAL SERVICE DISTRICT and that he signed the foregoing Owner's Consent to Record on behalf of the corporation with full authority of its bylaws.

A Notary Public commissioned in Utah _____
Residing in: _____ My commission expires: _____



NOTES:

- See the plat of ONTARIO MINE BENCH SUBDIVISION for easements and other information.
- Modified 13-D fire sprinklers are required for new construction and any future renovation of existing structures.
- This plat is subject to Park City Ordinances 12-22 and 13-44.
- Compliance with the applicable conditions of approval for the Ontario Mine Bench Subdivision shall also apply. The units of the Ontario Mine Bench Condominiums are served by a Common Private Lateral Wastewater Line. The Ontario Mine Bench Condominium Association shall be responsible for ownership, operation, and maintenance of the Common Private Lateral Wastewater Line.
- Public water service to individual buildings must be provided by owner as the existing water service on site is private and cannot be used to service additional buildings. Water meters, service lines, or other public improvements or easements will be located at Park City Municipal Corporation's discretion.

OWNERSHIP DESIGNATION



LINE	BEARING	DISTANCE
L1	N 37°07'41" W	46.21
L2	N 15°43'15" E	29.66
L3	S 74°16'45" E	24.29
L4	N 17°56'16" E	50.76
L5	N 74°22'08" W	21.74
L6	S 46°15'44" E	15.23
L7	N 42°51'43" E	42.86
L8	S 64°09'40" E	45.23
L9	S 74°33'01" E	37.21
L10	S 15°26'59" W	25.84
L11	S 17°51'26" W	7.97
L12	S 14°44'25" E	16.25
L13	S 72°09'10" W	10.78
L14	S 17°51'26" W	34.01

ONTARIO MINE BENCH CONDOMINIUMS

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 21 AND THE NORTHEAST QUARTER OF SECTION 28 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN PARK CITY, SUMMIT COUNTY, UTAH



SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2014 A.D.
BY _____ S.B.W.R.D.

PLANNING COMMISSION
APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 13th DAY OF JUNE, 2012 A.D.
BY _____ CHAIRMAN

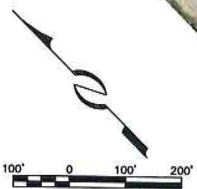
ENGINEER'S CERTIFICATE
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION FILED IN MY OFFICE THIS _____ DAY OF _____, 2014 A.D.
BY _____ PARK CITY ENGINEER

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS _____ DAY OF _____, 2012 A.D.
BY _____ PARK CITY ATTORNEY

CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2014 A.D.
BY _____ PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 17th DAY OF OCTOBER, 2013 A.D.
BY _____ MAYOR

RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DAY OF _____, 2013 A.D.
DATE _____ TIME _____ BOOK _____ PAGE _____
FEE _____ RECORDER _____



RECEIVED
SEP 24 2010
 PARK CITY
 PLANNING DEPT.

Alliance
Engineering Inc.
(435) 646-8487
 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
 323 Main Street, P.O. Box 2044, Park City, Utah 84002-2044

STAFF:
 MARSHALL KING

AERIAL PHOTOGRAPH
ONTARIO MINE BENCH CONDOMINIUMS

FOR: TALISKEE
JOB NO.: 1-5-10
FILE: A:\Empire\dwg\tollata\ontario mine bench-ortho.dwg

DATE: 9/15/10

SHEET
1
OF
1



October 30, 2015

Ms. Kirsten Whetstone
Planning Department
Park City Municipal Corporation
445 Marsac Avenue
P. O. Box 1480
Park City, UT 84060

**RE: Request for Extension of Approval for the Ontario Mine
Bench Subdivision Plan (Ordinance No. 13-43) and the
Related Ontario Mine Bench Condominium Plat (Ordinance 13-33)**

Dear Kirsten:

On October 17, 2013; and, subsequently in 2014, the City Council approved the extension for the above referenced Subdivision Plat and Condominium Plat. On August 9, 2012, the City Council approved the Subdivision Plat (Ordinance 12-23) and Condominium Plat (Ordinance No. 12-22). Attached for processing is a Request for Extension, together with the appropriate supporting materials, for both of those Plat approvals and extensions.

United Park has been working with City Departments and our consultants to address the Conditions of Approval, but we have not yet satisfied all Conditions. The requested extension will provide the Applicant additional time to work through the remaining Conditions of Approval that must be satisfied prior to the recordation of the Plats. Specifically, the applicant is requiring additional time to resolve the applicable water impact fees and to work with Jordanelle Special Services District (JSSD). JSSD needs more time to adhere to its legal requirements as a public utility, prior to signing and recordation of the plats.

We appreciate the City's consideration of this Request for Extension.

Sincerely,


Douglas Ogilvy
Chief Development Officer

DO:lh
attachments



Ordinance No. 12-22**AN ORDINANCE APPROVING THE ONTARIO MINE BENCH CONDOMINIUMS
LOCATED AT 7700 MARSAC AVENUE, PARK CITY, UTAH.**

WHEREAS, the owners of property located at 7700 Marsac Avenue have petitioned the City Council for approval of the Ontario Mine Bench Condominiums; 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 June 13, 2012, to receive input on the proposed three-unit condominium plat located at the aforementioned address; and,

WHEREAS, the Planning Commission, on the aforementioned date, forwarded a recommendation to the City Council to approve the proposed condominium plat according to the Findings of Fact, Conclusions of Law and Conditions of approval as stated herein; and,

WHEREAS; the City Council, held a public hearing on August 9, 2012; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the Ontario Mine Bench Condominium plat as proposed.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Ontario Mine Bench Condominium plat as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 7700 Marsac Avenue within the Recreation Open Space (ROS) Zoning District.
2. The property was annexed into the City in 1999 under the June 24, 1999 Flagstaff Mountain area annexation.
3. The applicants are proposing to create a three-unit condominium plat that will separate the ownership of the existing Mine Bench (number 3 shaft) building.
4. The condominium plat is necessary to correct the noncompliant issue with the previous deed to split the ownership of the building.

5. The condominium plat consists of one parcel of 2.01 acres which has one building connected by common walls and infrastructure and surrounding open space that will be held in common for the use of all property owners.
6. Any expansion of the existing building will require an amendment to the condominium plat.
7. The building is accessed through an existing recorded access easement and common use driveway that traverses Lot 2 of the Ontario Mine Bench Subdivision which leads to Marsac Avenue. The driveway is also the location of an easement for several utilities including water and sewer.
8. The condominium plat consists of one building with 3 units, one of which is attached by infrastructure, and there is no further development proposed at this time. Any future development will be subject to the allowed or conditional uses listed in the ROS zone under Section 15-2.7 of the LMC.
9. The proposed condominium plat will not create any nonconformity with respect to unit size or setbacks permitted by the ROS zone.
10. Current uses of each unit is consistent with the allowed and conditional uses section of the ROS zone designation, and such uses were acknowledged during the original annexation of the property in 1999.
11. There is good-cause for the approval of this condominium plat in that the proposed plat will meet the requirements as outlined in the ROS Zone designation, the plat will memorialize a previous deed transfer that was not recognized by the City, and that the condominiums will not cause nonconformity with respect to existing setbacks, etc.
12. The proposal does not result in new development and thus requires no removal of vegetation or grading of the site. There is no anticipated increased level of intensity of uses within the building, and thus there is no additional mitigation measures necessary at this time.

Conclusions of Law:

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

Conditions of Approval:

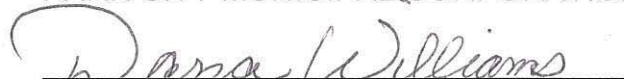
1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the condominium plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. Modified 13-D sprinklers will be required for any future renovation of the existing structures located on the property.
4. The applicant will need obtain a building permit from the Park City Building Department to make necessary improvements to the existing building required to separate the ownership of each unit, prior to the recordation of the condominium plat.
5. Compliance with applicable conditions of approval for the Ontario Mine Bench Subdivision shall also apply. The units of the Ontario Mine Bench Condominiums are served by a Common Private Lateral Wastewater Line. The Ontario Mine Bench Condominium Association shall be responsible for ownership, operation and maintenance of the Common Private Lateral Wastewater Line.

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

PASSED AND ADOPTED this 9th day of August, 2012.

PARK CITY MUNICIPAL CORPORATION



Mayor Dana Williams

Attest:

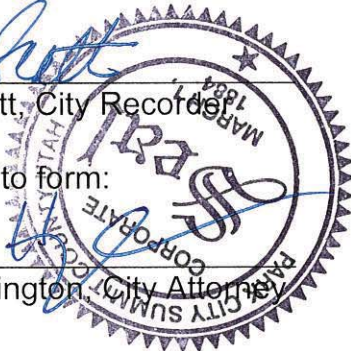


Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney



**PARK CITY COUNCIL MEETING MINUTES
SUMMIT COUNTY, UTAH,
October 30, 2014**

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4. Consideration of the Park Silly Sunday Market contract extension

Tommy Youngblood, Special Events, Jason Glidden, Economic Development Project Manager, and Silly Market Representatives Kate Boyd and Michelle McDonald discussed the successful season Park Silly Sunday Market had. Youngblood thanked the working group for all their hard work. Stated that the market growth is consistently growing 10% per year and even though the Silly Market is very successful with the new measures this year there are some parking issues that have surfaced again this year. Staff will bring a parking plan back to Council by March 2015 to mitigate these impacts. Boyd thanked the Working Group who participated this year, it was a great asset to the Market.

Council member Beerman thanked Silly Market for the hard work they have put in to move merchants off Park Ave.

Council member Simpson also thanked Silly Market staff and was very impressed with the report card.

Mayor Thomas opened the floor for public input.

Mike Sweeny stated that the Silly Market is near and dear to his heart as he helped start the market. Feels the event is growing and is a great event. He has partnered with PSSM to provide parking and restrooms. He would love to see the numbers continue to grow stating he would love to see new people discovering Main Street every day.

Mayor Thomas closed the public input portion.

**Council member Matsumoto moved to accept the finding that they
are in compliance for an automatic renewal.**

**Council member Simpson second
Approved unanimously**

5. Consideration of the Subdivision Plat Thayne's Creek Ranch Estates Phase II located at 510 Payday Drive, Park City, Utah, pursuant to findings of fact, conclusions of law and conditions of approval in a form approved by the City Attorney.

Mayor Thomas opened the public hearing. No comments were made. Mayor Thomas closed the public hearing.

Council member Peek moved to Continue to November 20, 2014

**Council member Simpson seconded
Approved unanimously**

6. Consideration of an Ordinance approving a second one year extension of the August 9, 2012 approval of the Ontario Mine Bench Subdivision located at 7700 Marsac Avenue in Park City, Utah, pursuant to findings of fact, conclusions of law and conditions of approval in a form approved by the City Attorney

**PARK CITY COUNCIL MEETING MINUTES
SUMMIT COUNTY, UTAH,
October 30, 2014**


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Planner Whetstone stated that this is a request for a second extension to August 9, 2015. Whetstone stated that the applicant has been working with staff on a number of issues to finalize this plat. There are final trail head improvements that have not been completed and the biggest issue is with the water impact fees. This building was brought into the City on an annexation and the water impact fees were not paid at the time. With the change in use of the building the Water Department suggested using the Water Smart Portal to determine water usage and the proper fees. When the usage was evaluated it was found that there was a leak on the property, the leak has been fixed but the water department and the applicant concur that they would like to see the water usage for May, June, and July before the impact fees are assessed.

Council member Peek inquired if this individualized water usage is acceptable, Harrington stated that it is currently in the code to allow the applicant to gather information from an agreed upon source to determine water usage and impact fees.

Harrington suggested Council move the expiration date to one year from tonight's meeting in order to give the applicant the summer months to determine water usage.

Mayor Thomas opened the public hearing. No comments were made. Mayor Thomas closed the public hearing.


**Council member Simpson moved to approve a second
one year extension expiring October 30, 2015
Council member Beerman seconded
Approved unanimously**

7. Consideration of an Ordinance approving a second one year extension of the August 9, 2012 approval of the Ontario Mine Bench Condominiums located at 7700 Marsac Avenue in Park City, Utah, pursuant to findings of fact, conclusions of law and conditions of approval in a form approved by the City Attorney

Mayor Thomas opened the public hearing. No comments were made. Mayor Thomas closed the public hearing.


**Council member Matsumoto moved to approve a second one year
extension expiring October 30, 2015
Council member Simpson seconded
Approved unanimously**

VII. ADJOURNMENT

**Council member Peek moved to adjourn the meeting
Council member Beerman seconded
Approved unanimously**

CLOSED SESSION MEMORANDUM

The City Council met in a closed session at approximately 3:30 p.m. Members in attendance were Mayor Jack Thomas, Andy Beerman, Dick Peek, Cindy Matsumoto and Tim Henney. Staff members present were: Diane Foster, City Manager; Mark Harrington, City Attorney; Matt Dias,



November 7, 2014

United Park City Mines Company
 Attn: Brianne Kelsey
 P.O. Box 1450
 Park City, Utah 84060

NOTICE OF CITY COUNCIL ACTION

<u>Project Description:</u>	Ontario Mine Bench Condominium Plat
<u>Project Numbers:</u>	PL-14-02457
<u>Project Address:</u>	7700 Marsac Avenue
<u>Date of Final Action:</u>	October 30, 2014

Action Taken: The City Council conducted a public hearing and adopted an ordinance approving an extension to the approved Ontario Mine Bench Condominium Plat to October 30, 2015, with the following findings of fact, conclusions of law and conditions of approval:

Findings of Fact:

1. The property is located at 7700 Marsac Avenue within the Recreation Open Space (ROS) Zoning District.
2. The property was annexed into the City in 1999 under the June 24, 1999 Flagstaff Mountain area annexation.
3. The applicants are proposing to create a three-unit condominium plat that will separate the ownership of the existing Mine Bench (Number 3 shaft) building.
4. The condominium plat is necessary to correct the noncompliant issue with the previous deed to split the ownership of the building.
5. The condominium plat consists of one parcel of 2.01 acres which has one building connected by common walls and infrastructure and surrounding open space that will be held in common for the use of all property owners.
6. Any expansion of the existing building will require an amendment to the condominium plat.
7. The building is accessed through an existing recorded access easement and common use driveway that traverses Lot 2 of the Ontario Mine Bench Subdivision which leads to Marsac Avenue. The driveway is also the location of an easement for several utilities including water and sewer.
8. The condominium plat consists of one building with 3 units, one of which is attached by infrastructure, and there is no further development proposed at this time. Any future development will be subject to the allowed or conditional uses listed in the ROS zone under Section 15-2.7 of the LMC in effect at the time of permit application.
9. The proposed condominium plat will not create any nonconformity with respect to unit size or setbacks permitted by the ROS zone.
10. Current uses of each unit are consistent with the allowed and conditional uses section of the ROS zone designation, and such uses were acknowledged during the original annexation of the property in 1999.
11. There is good-cause for the approval of this condominium plat extension in that the proposed plat will meet the requirements as outlined in the ROS Zone designation, the plat will memorialize a previous deed transfer that was not recognized by the City, and that the condominiums will not cause nonconformity with respect to existing setbacks, etc.
12. The proposal does not result in new development and thus requires no removal of vegetation or grading of the site. There is no anticipated increased level of intensity of uses within the building, and thus there is no additional mitigation measures necessary at this time.

13. The Ontario Mine Bench Condominium plat was approved by the City Council on August 9, 2012 and a one year time frame was given, until August 9, 2013, to record the plat at Summit County.
14. On August 1, 2013, the applicant submitted a written request for an extension of the approval to allow additional time to address the required conditions of approval that have to be completed prior to plat recordation. The first extension was granted by the City Council until August 9, 2014.
15. On August 8, 2014, the applicant submitted a written request for a second extension of the approval to August 9, 2015.
16. There have been no changes of circumstance of either the property, the Land Management Code, or the zoning map, since the date of approval, that create the need to make additional changes to the proposed plat prior to action on the extension request.
17. The Land Management Code allows for the City Council to approve extensions of plat approvals.
18. The previous non-conforming bakery use hasn't been in use for over one (1) year and has been abandoned.

Conclusions of Law:

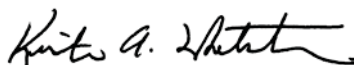
1. There is good cause for this condominium plat application and for the extension of the plat approval.
2. The condominium plat is consistent with the Park City Land Management Code and applicable State law regarding condominium record of survey plats.
3. Neither the public nor any person will be materially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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the condominium plat at the County by October 30, 2015. If recordation has not occurred by this time, the plat approval will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A note shall be included on the plat stating that Modified 13-D sprinklers will be required for new construction and any future renovation of the existing structures located on the property.
4. The applicant will need obtain a building permit from the Park City Building Department to make necessary improvements to the existing building required to separate the ownership of each unit, prior to the recordation of the condominium plat. The building permit cannot be issued until the associated subdivision plat is recorded.
5. Compliance with applicable conditions of approval for the Ontario Mine Bench Subdivision shall also apply. The units of the Ontario Mine Bench Condominiums are served by a Common Private Lateral Wastewater Line. The Ontario Mine Bench Condominium Association shall be responsible for ownership, operation and maintenance of the Common Private Lateral Wastewater Line.

If you have any questions or concerns regarding this letter, please do not hesitate to contact me. I can be reached at 435-615-5066 or via e-mail me at: kirsten@parkcity.org.

Sincerely,



Kirsten A. Whetstone, MS, AICP
Senior Planner



DATE: June 9, 2016

TO HONORABLE MAYOR AND COUNCIL

Planning Staff is in the process of reviewing the Land Management Code (LMC). The review includes various administrative and substantive items to align the LMC with the adopted General Plan and to address issues and inconsistencies that have come up over the past year. Staff is also preparing amendments to align the LMC with changes made to the State Code over the past several years which will be provided at a future meeting. Amendments to the Land Management Code (LMC) require Planning Commission review and recommendation with final action by the City Council. This item was noticed for Planning Commission on May 25th and City Council on June 9th. On May 25, 2016 the Planning Commission continued the public hearing and discussion to June 22, 2016. Staff requests Council continue this item to a date uncertain.

Respectfully:

Kirsten Whetstone, Senior Planner

City Council Staff Report



Application: PL-16-03115
Subject: LMC Amendments
Author: Kirsten Whetstone, MS, AICP
Date: June 9, 2016
Type of Item: Legislative- Land Management Code (LMC) Amendments

PLANNING DEPARTMENT

Recommendation

Staff recommends the City Council conducts a public hearing and continue the proposed amendments to the Land Management Code (LMC), to a date uncertain.

Description

Project Name: LMC Amendments
Approximate Location: Citywide
Proposal: Land Management Code (LMC) amendments- various administrative and substantive amendments to the Park City Development Code regarding 1) standard of review for appeals and noticing,; 2) standard of review for applications with regard to the General Plan; 3) Steep Slope CUP applicability; 4) common wall development (in HR-1, HR-2, and CT Districts); 5) exceptions to building height and footprint for Historic Sites as valid Complying Structures in HRL, HR-1, HR2 and RC; 6) mechanical service, delivery, and loading areas (GC, LI Districts); 7) lighting requirements for reducing glare and landscape mulch materials; 8) specifications for barrel roofs; 9) require historic site information in MPD applications and review; 10) other administrative corrections for consistency and clarity between Chapters such as noticing requirements; and 11) definitions for barrel roof, billboard, glare, and intensive office.

Executive Summary

Planning Staff is in the process of reviewing the Land Management Code (LMC). The review includes various administrative and substantive items to align the LMC with the adopted General Plan and to address issues and inconsistencies that have come up over the past year. Staff is also preparing amendments to align the LMC with changes made to the State Code over the past several years which will be provided at a future meeting. Amendments to the Land Management Code (LMC) require Planning Commission review and recommendation with final action by the City Council. This item was noticed for Planning Commission on May 25th and City Council on June 9th. On May 25, 2016 the Planning Commission continued the public hearing and discussion to June 22, 2016. Staff requests Council continue this item to a date uncertain.