



**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
March 9, 2023**

The Council of Park City, Utah, will hold its regular meeting in person at the Marsac Municipal Building, City Council Chambers, at 445 Marsac Avenue, Park City, Utah 84060. Meetings will also be available online with options to listen, watch, or participate virtually. [Click here](#) for more information.

CLOSED SESSION - 2:45 p.m.

The Council may consider a motion to enter into a closed session for specific purposes allowed under the Open and Public Meetings Act (Utah Code § 52-4-205), including to discuss the purchase, exchange, lease, or sale of real property; litigation; the character, competence, or fitness of an individual; for attorney-client communications (Utah Code section 78B-1-137); or any other lawful purpose.

STUDY SESSION

3:45 p.m. - Community Waste Reduction Strategies Discussion
[Community Waste Reduction Strategies Staff Report](#)
[Exhibit A: Waste Reduction Concept Draft Code](#)
[Exhibit B: Park City Final Waste Report](#)

WORK SESSION

4:30 p.m. - Affordable Housing Development Update for 1875 Homestake Road
(A) Public Input
[Homestake Update Staff Report](#)
[Exhibit A: Homestake Affordable Master Planned Development Final Action Letter](#)
[Exhibit B: Homestake Housing Project Parking Management Plan](#)
[Exhibit C: Homestake EMF Report](#)
[Exhibit C-1: Synopsis of IEEE C95.1-2019](#)
[Exhibit C-2: Homestake Electric Field Survey 2022-8-23](#)
[Exhibit C-3: Homestake Magnetic Field Survey 2022-08-23](#)
[Exhibit C-4: Homestake Electric Field Survey 2022-11-11](#)
[Exhibit C-5: Homestake Magnetic Field Survey 2022-11-11](#)
[Exhibit C-6: Homestake Electric Field Survey 2022-12-13](#)
[Exhibit C-7: Park City Electric Field Survey 2023-02-24](#)
[Exhibit C-8: Park City Magnetic Field Survey 2023-02-24](#)
[Exhibit C-9: Email Communication with Mr. Ric Tell re: Homestake EMF Readings](#)

5:15 p.m. - Break

REGULAR MEETING - 5:30 p.m.

I. ROLL CALL

II. APPOINTMENT

1. Consideration to Approve the City Manager's Proposed Appointment of Nike Noack as

the City Treasurer of Park City Municipal Corporation
(A) Action
[Appointment of City Treasurer Staff Report](#)

III. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Council Questions and Comments

Staff Communications Report

1. SwiftComply Launch for City Cross-Connection Control and Backflow Prevention Program
[SwiftComply Launch Staff Report](#)

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

V. CONSIDERATION OF MINUTES

1. Consideration to Approve the City Council Meeting Minutes from February 2 and 16, 2023
[February 2, 2023 Minutes](#)
[February 16, 2023 Minutes](#)

VI. CONSENT AGENDA

1. Request to Approve the Professional Services Agreement for Historic District Design Guidelines Illustrations with lo LandArch, in a Form Approved by the City Attorney, in an Amount Not to Exceed \$40,000
[Design Guidelines Illustrations Staff Report](#)
[Exhibit A: Scope of Project](#)
[Exhibit B: Preliminary List of Terms](#)
[Exhibit C: lo LandArch Proposal](#)
2. Request to Authorize the City Manager to Execute a Professional Services Agreement, in a Form Approved by the City Attorney, with Bowen Collins and Associates Inc., to Provide Engineering Services for the 2023 Water Engineering Service Project, in an Amount Not to Exceed \$100,000.00
[2023 Water Engineering Services Staff Report](#)
3. Request to Authorize the City Manager to Execute a Contract for Environmental Regulatory Consultant Services, in a Form Approved by the City Attorney, with Terracon Consultants, Inc, in an Amount Not to Exceed \$44,000 Plus 10% Sampling Contingency Costs
[Gordo Site Characterization and Risk Assessment Contract Staff Report](#)
[Exhibit A: Terracon Consultants Scope of Services](#)

VII. OLD BUSINESS

1. Consideration to Approve Ordinance No. 2023-10, an Ordinance Amending Land Management Code Section 15-5-5(N) Landscaping and Section 15-15-1 Definitions
(A) Public Hearing (B) Action
[Landscaping LMC Amendments Staff Report](#)
[Exhibit A: Draft Ordinance No. 2023-10](#)
[Exhibit B: Survey Input and Public Comment](#)
[Exhibit C: Survey Results](#)
2. Consideration to Approve Three Easements to Rocky Mountain Power for Transmission

Lines and Underground Distribution Lines Across City Property

(A) Public Input (B) Action

[Utility Easements Staff Report](#)

[Exhibit A: Map](#)

[Exhibit B: Easement - SA-224-X](#)

[Exhibit C: Easement - PCA-110-X, SCCS-C-X, CRKSD-2-X, PACA-900-A-X](#)

[Exhibit D: Easement - PCA-110-G-1-X](#)

3. Consideration to Approve Resolution 03-2023, a Resolution Adopting Procurement Rules for Park City Municipal Corporation

(A) Public Input (B) Action

[Procurement Rules Staff Report](#)

[Exhibit A: Existing Contract Purchasing Policy](#)

[Exhibit B: Draft PCMC Procurement Rules](#)

[Exhibit C: Responses to Questions Raised During May 2022 Work Session](#)

[Exhibit D: Procurement Rules Resolution FY23](#)

[Exhibit E: Budget Policy Chapter 5 Repeal](#)

VIII. NEW BUSINESS

1. Consideration to Approve Ordinance 2023-11, an Ordinance Approving the 402 and 410 Ontario Avenue Plat Amendment, Located at 402 and 410 Ontario Avenue, Park City, Utah

(A) Public Hearing (B) Action

[Ontario Avenue Plat Amendment Staff Report](#)

[Exhibit A: Draft Ordinance](#)

[Exhibit B: Planning Director Determination of Status](#)

[Exhibit C: Ordinance 97-41](#)

[Exhibit D: Existing Conditions Survey](#)

[Exhibit E: Site Photos](#)

[Exhibit F: Encroachment Agreement](#)

2. Consideration to Approve Ordinance 2023-12, an Ordinance Approving the 1150 Park Avenue Plat Amendment, Located at 1150 Park Avenue, Park City, Utah

(A) Public Hearing (B) Action

[1150 Park Staff Report](#)

[Exhibit A: 1150 Park Avenue Plat Amendment Draft Ordinance](#)

[Exhibit B: Existing Conditions Survey](#)

[Exhibit C: Applicant Statement](#)

[Exhibit D: Property Photos](#)

3. Consideration to Continue an Ordinance Amending Land Management Code Section 15-2.13-2 to Prohibit Fractional Use and Private Residence Clubs in Bellevue Subdivision Phase 1 First Amendment and Bellevue Subdivision Phase 2.

(A) Public Hearing (B) Continue to April 27, 2023

[LMC Amendments Continuation Staff Report](#)

4. 2023 Legislative Session Update

*Each week during the 2023 Legislative Session, the City Manager will provide an update and synopsis of the session to date. The Legislative Bill Tracking List will be updated 24-48 hours prior to the City Council Meeting and available [here](#).

IX. 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.

***Parking is available at no charge for Council meeting attendees who park in the China Bridge parking structure.**

Council Agenda Item Report

Meeting Date: March 9, 2023

Submitted by: Michelle Kellogg

Submitting Department: Sustainability

Item Type: Work Session

Agenda Section: STUDY SESSION

Subject:

3:45 p.m. - Community Waste Reduction Strategies Discussion

Suggested Action:

Attachments:

[Community Waste Reduction Strategies Staff Report](#)

[Exhibit A: Waste Reduction Concept Draft Code](#)

[Exhibit B: Park City Final Waste Report](#)



City Council Staff Report

Subject: Community Waste Reduction Strategies
Author: Luke Cartin
Department: Sustainability
Date: March 9, 2023

Executive Summary

Household and commercial waste in Park City has historically been addressed with relatively standard waste management programs (hazardous waste days, partnerships with Recycle Utah, large employers, Summit County, etc.) with varied success. Unfortunately, the volume of waste hauled to the County landfills continues to increase, much of which originates from Park City Municipal boundaries.

Fortunately, a lot of the waste going to our landfills is easily divertible if additional waste management programs and diversion infrastructure is in place. This study session focuses on a conceptual Waste Reduction Ordinance requiring large waste generators over a certain size to recycle with certified waste haulers, register and report metrics, and increase required waste reduction and diversion strategies for special events.

Background

- In 2014, Park City hired Cascadia Consulting Group to produce the “Park City Solid Waste and Recycling Best Practices Inventory”;
- In 2017, Park City passed Utah’s first [plastic bag ban](#); and
- On September 30, 2021, MSW Consultants completed a waste characterization study for downtown businesses and residential waste in the hopes of understanding what is sent to the landfill and identifying pathways to reduce solid waste.

Discussion

What is the current state of local waste?

The General Plan, PC Vision 2030, and public feedback identified waste reduction as an area of opportunity to significantly reduce environmental community impact. In 2021, Environmental Sustainability hired MSW Consultants to produce a waste characterization study to investigate residential and business waste streams (Exhibit B). Food waste is the most significant residential and business waste stream.

Figure 7-2 Divertibility of Residential Waste

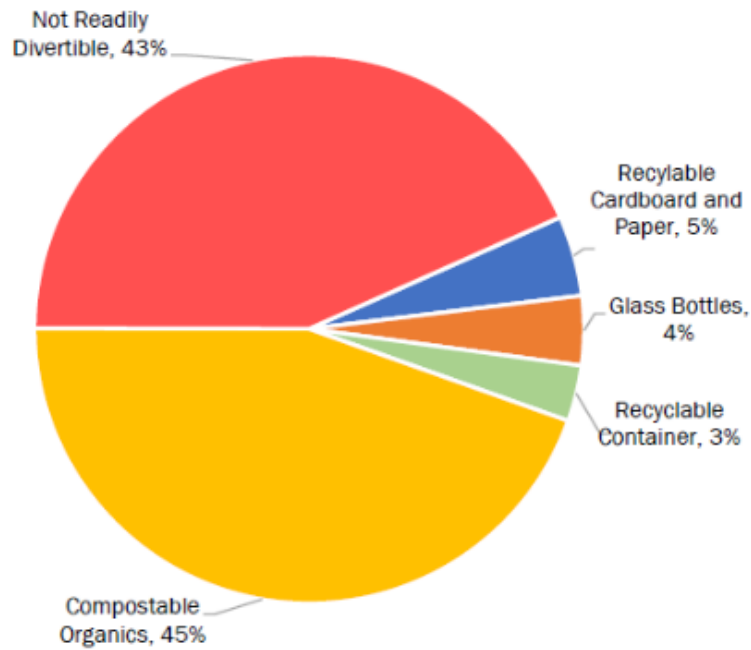
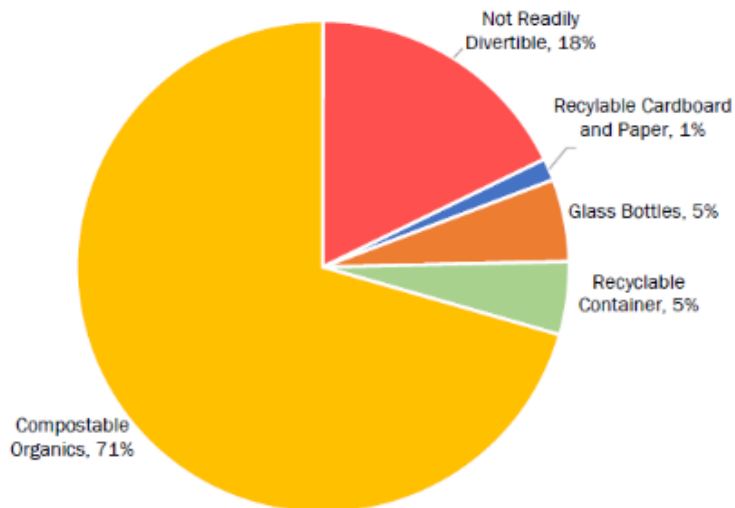


Figure 5-2 Divertibility of Restaurant & Bar Refuse



Summit County plays a major role in our community's overall waste diversion strategies. One example is the [Summit County Solid Waste Master Plan](#), completed in 2018, which identifies challenges and solutions. Summit County estimates that approximately 80% of what currently goes into the Three Mile Landfill is recyclable. Waste volumes continue

to grow year-over-year, and the current landfill cell is expected to fill within the next few years (several years before initially planned).

Expanding the Three Mile Landfill to accommodate additional waste is expensive, time-consuming, and somewhat avoidable. We have several opportunities to reduce the amount of waste going to County landfills via additional programming, regulation, and public-private collaboration.

Local Resources:

We have several examples of local and regional businesses that specialize in solutions to increase waste diversion, including [Republic Services](#) (trash, cardboard, recycling), [Ace Disposal](#) (trash, cardboard, recycling), [Wasatch Resource Recovery](#) (anaerobic digester for food waste), [Spoil to Soil](#) (curbside food waste collection), and [Momentum Recycling](#) (glass and food waste collection). In addition, Vail Resorts set a zero-waste goal by 2030, and Deer Valley implemented special event zero-waste strategies. Together, these local resources and commitments are important to reducing our short- and long-term impacts on our local landfills.

Conceptual Waste Reduction Ordinance:

The conceptual waste reduction ordinance is meant to begin a community dialogue and create an opportunity for City Council to understand and contemplate the potential impacts, benefits, flaws, and additional concepts. The draft ordinance builds off of Salt Lake City's [waste reduction ordinance](#), which was enacted in 2016. The draft ordinance has three main components: generators, haulers, and special events. The ordinance would exempt all Summit County residential contracted accounts.

Generators:

Generators are businesses, multifamily complexes, and waste-generating locations that create more than 95 gallons of waste per week. They must contract with an authorized hauler and provide adequately signed recycling, food waste, and/or glass recycling bins. Generators would have to complete a waste reduction plan that includes names of haulers, locations of bins, and any additional waste reduction strategies.

Haulers:

Haulers would have to register with the City, describe what they haul (trash, recycling, food waste, etc.), and where they haul materials. Haulers must provide annual reporting on waste, recyclables, green waste, food waste, and glass to the City. They must work with their customers to appropriately label containers and provide recycling service at least twice monthly. Businesses that self-haul will need to register as a hauler.

Special Events:

Special events regulated by the City must provide container capacity in aggregate of food waste, green waste, and recycling containers that are more than or equal to waste containers. Large events must have an approved waste reduction plan to divert at least 80% of waste, maintain copies of service providers, and report metrics back to the City.

Other considerations:

The draft ordinance could consider multiple implementation strategies, such as an education period, staged rollout, etc. to provide additional time to support voluntary compliance.

Questions for City Council

- Discuss overall waste diversion goals, and strategies.
- Discuss sectors: generators, haulers, and special events
 - Hardship: how do we reduce hardships created by this proposal?
 - How do we promote education?
- Discuss a potential implementation and communication strategy

Attachment

Exhibit A: Waste Reduction Concept Draft Code

Exhibit B: Park City Waste Characterization Study

Waste Reduction DRAFT Code

1. Generator: Any generator that generates more than 96 gallons of solid waste and/or recyclable items per week on average shall:
 - a. Contract with an authorized hauler to provide a recycling, green waste, and/or food waste service capable of diverting 50% of generated volume.
 - b. Self-hauled waste, recycling, food waste and green waste by the generator will require hauler.
 - c. Designate areas and provide appropriate recycling, green waste, and/or food waste containers for use by occupants, businesses, employees, or residents that are as convenient as waste containers.
 - d. Prominently post and maintain signage that specify material type, segregation, and collection.
 - e. Conform with **XXXXXXX** code for appearance of collection containers and area.
 - f. Not dispose of, or arrange for the disposal of, recyclable items by placement in a landfill except for an emergency situation.
 - g. Ensure that hauler service agreements and waste reduction plan are available for inspection by city staff during normal business hours.
 - h. Develop a waste reduction plan that includes:
 - i. Names of waste, recycling, green waste, and food waste hauler service providers
 - ii. Frequency of services
 - iii. Waste, green waste, recycling, and food waste facilities
 - iv. Location and size of bins on site
 - v. Methods used to promote waste reduction
2. Authorized Haulers: Only authorized haulers may provide waste hauling services within city boundaries. Authorized haulers must:
 - a. Pay the city an annual authorized hauler registration fee.
 - b. Deliver recyclables, green waste and food waste to a facility that diverts more than 50% of incoming material from landfill.
 - c. Not take customers' recyclables, green waste and food waste that have been separated for collection to a landfill.
 - d. Collect recyclables at least twice per month.
 - e. Provide appropriate signage for all containers that clearly identifies which containers to use that are serviced by the hauler.
 - f. Maintain a copy of service agreements or receipts that show proper delivery of diverted items to appropriate facilities
 - g. Report annually, by weight, the amount of: (i) waste, (ii) recyclables,(iii) green waste, and (iv) food waste hauled by month.
3. Special Events:

- a. All waste containers provided for special events need to have appropriate recycling and food waste containers adjacent to them.
- b. Capacity in aggregate of food waste, green waste, and recycling containers shall be more than or equal to waste containers.
- c. All containers must have signage and identify proper items to be deposited.
- d. Level 3-5 events, as defined in code **XXXXX**, must divert at least 80% of their event waste from the landfill. This includes pre-event setup and post event break down. These events shall:
 - i. Ensure that food waste, green waste, and recyclable materials are not delivered to a landfill.
 - ii. Submit a report that contains event diversion rate by weight, locations that received waste, recycling, food waste, and green waste.
 - iii. Maintain a copy of service agreement or receipts that show proper delivery of diverted items to appropriate facilities.

FINAL REPORT

Waste Characterization Study

PARK CITY

1884



September 30, 2021



800-679-9220



This report is being delivered electronically. If it is necessary to print a hard copy, please use recycled-content/FSC-certified paper and recycle when no longer needed.

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WASTE CHARACTERIZATION STUDY

1. INTRODUCTION

Park City, Utah is a world-renowned tourist destination cradled in the Wasatch Mountains about 32 miles from Salt Lake City. The surrounding area caters to outdoor adventurers of all stripes and is recognized as a world-class skiing and snowboarding destination in the winter. Park City also hosts many popular festivals and attractions, drawing visitors nationwide and internationally throughout the year. Park City's tourism industry has been crucial to the city's success since its days as a mining town. Today, only about 30 percent of all Park City residents reside in the city year-round, with seasonal residents making up the remaining population.

Park City is also internationally recognized as a leader in environmental sustainability. In its recent Vision 2020 process, which entailed extensive community engagement, environmental leadership with an emphasis on zero waste by 2030 was identified as a community priority.

To further its understanding of opportunities to divert incrementally more material from landfill disposal in the pursuit of its zero waste goals, the City retained MSW Consultants to perform a Waste Composition Study for both its residential waste routes, and also for the Downtown Park City Business Improvement District (BID), which is a central hub for shopping and dining throughout the year.

This report summarizes the methodology and sampling plan developed to guide the composition study and presents the results of the research in graphical and tabular format. The report also offers observations about opportunities to increase diversion within Park City.

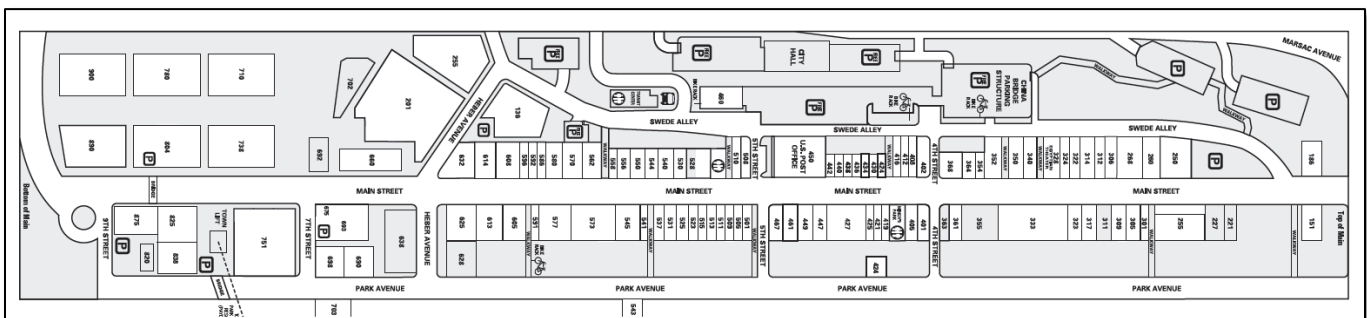
2. WASTE GENERATORS

The analysis of disposed waste streams focused on two generator groups within Park City:

- ♦ The Park City Downtown Business Improvement District (BID), and
- ♦ Residential households receiving contracted collection service.

Park City's downtown business district, shown in Figure 2-1, features a variety of restaurants, bars, retail stores, galleries, hotels, event venues, and professional services offices. In total, over 200 businesses make their home on or adjacent to Park City's Main Street.

Figure 2-1 Park City Downtown Business District Map



The City provides curbside refuse and recycling collection to households within its service area via a contract with Republic Services. Republic runs five refuse collection routes each week to provide refuse collection to Park City Residents. Table 2-1 lists all routes serviced for single-family residences in Park City each week.

WASTE CHARACTERIZATION STUDY

Table 2-1 Residential Refuse Collection Route Summary

Collection Day	Route #	Collection Area
Wednesday	273	Park Meadows West/Thaynes Canyon
Wednesday	274	Prospector Square/Three Kings
Wednesday	271	Park Meadows East
Friday	274	Old Town/Solamere
Friday	273	Deer Valley

This study obtained and sorted samples from both the BID and from the residential sector in Park City.

3. STUDY DESIGN

3.1 SAMPLING PLAN

The objective of the sampling plan for any waste characterization study is to obtain a representative distribution of samples from the targeted waste streams and generator sectors in the study.

For the BID waste stream composition analysis, MSW Consultants compiled information about the business types and associated square footage for all entities operating in the BID. Based on prior business classifications developed by the City, the following business types were identified as the primary groupings for the BID.

- ♦ **Retail:** Park City's BID features a wide variety of jewelry stores, athletic apparel shops, designer clothiers, and specialty stores focusing on the sale of consumer goods. Examples include Lululemon, Norsk Leather & Fur, Utah Ski & Golf, and Dolly's Books. While plenty of these stores can be found along the length of the BID, it was found during this study that these businesses contribute little to the overall waste stream.
- ♦ **Restaurant & Bar:** There is a significant dining scene in the BID, and consequently restaurants and bars were identified as the primary generator of wastes to landfill. Examples include Grappa Italian Café, Flying Sumo, Red Banjo Pizza, and No Name Saloon & Grill.
- ♦ **Lodging:** Businesses in the Lodging Sector are classified as short-term accommodations typically for tourists to the Park City Area. Sampling teams encountered little material from this sector, but it is expected that generation ramps up notably in the winter.
- ♦ **Services:** Businesses in the Services sector include a broad range of businesses from insurance offices to barber shops. Waste generation was found to be minimal from businesses within this sector.
- ♦ **Venues:** The BID has a few performance venues within its service area, such as the Egyptian Theatre. Waste generation is highly variable at these locations; therefore, the decision was made to avoid sampling from the venues.

Galleries: Park City's BID is home to several art galleries catering to appreciators of a wide variety of artistic tastes. Galleries impact on the waste stream is overall negligible, with occasional spikes in cardboard generation throughout the year.

At the outset of the planning process, it was determined that samples should be obtained from all six of the business groupings shown above. MSW Consultants accordingly developed a sampling plan that overweighted the restaurant businesses due to their known higher generation of wastes, but also attempting to capture wastes from all identified business types.

City Staff was responsible for contacting eligible businesses to recruit participants in the study. Through the use of emails, surveys, phone calls, and direct outreach from City staff, the City gathered information

from businesses to inform understanding of refuse generation behaviors and determine the time of day at which it would be possible to obtain refuse materials from the business prior to depositing wastes into one of the BID's central roll-off container. Based on responses from BID businesses, a sample retrieval plan was developed to visit participating businesses during various hours of operation to retrieve samples of wastes and recyclables for analysis. A total of 39 samples were allocated to BID businesses for field data collection.

Additionally, the study targeted grab samples from residential collection routes delivering wastes to the Summit County Landfill. These samples were obtained with the help of a loader when the Park City residential trucks tipped their full loads.

Table 2-2 summarizes the targeted number of samples for both the participating BID businesses, as well as for the residential refuse loads. Note that samples from the BID included materials sources from more than one business in most cases.

Table 3-1 Sampling Plan

Type	Targeted Samples	Actual Samples
Retail	1	0
Restaurants & Bars	18	13
Lodging	1	0
Services	3	0
Venues	0	0
Galleries	1	0
Residential	15	11
All	39	24

As shown in this table, the number of samples ultimately obtained fell short of the targets established jointly by MSW Consultants and the City. The reasons for this shortfall are itemized below:

- ♦ **Failure by Businesses to Deliver Sample Material.** Despite the efforts of the project team to recruit and alert businesses to participate in this study by accumulating wastes on the scheduled sampling day, there were meaningful shortfalls in the number of businesses that were actually able to follow through on this commitment.
- ♦ **Insufficient Business Refuse Generation.** Other than the restaurants, which were found to be generating significant wastes and were successfully sampled during the project, other business types defined in the study were found to be generating markedly less waste than anticipated. In some cases – especially galleries – little to no waste was available and several of these establishments reported as much to field data collection personnel during the scheduled pickup. Some of the lower than anticipated waste generation may have been attributable the summer being more off season, and/or due to lower than usual visitation due to nearby wildfires
- ♦ **Unscheduled Modification to a Residential Refuse Route.** On Friday, the final day allocated for sample collection, one of the residential collection trucks never arrived to dump at the landfill during business hours. It was assumed that the driver was unable to complete their shift in time to dump on Friday, with a plan to empty the truck first thing in the morning on the following Monday. Despite attempts by MSW Consultants as well as Summit County Landfill staff to reach

WASTE CHARACTERIZATION STUDY

multiple Republic Services contacts to rectify this matter, the undelivered load was ultimately not able to be sampled, resulting in a shortfall to the residential sampling targets.

It should be noted that very small quantities of wastes were obtained from other BID business types. Despite accumulating materials from more than one of each business type, not enough material was captured to make up a representative sample and consequently the results have been excluded from this report.

Data collected from the Residential Sector and the Restaurant & Bar commercial sector was found to be sufficient to draw meaningful conclusions from each of their respective result sets, however. Therefore, the remainder of this report focuses on the composition of wastes from the Restaurant & Bar businesses in the BID and on the Residential sector.

3.2 MATERIAL CATEGORIES

Each sample of refuse was sorted into 48 material categories. Table 2-5 shows the breakdown of the material categories within their respective material groups. Detailed definitions for each of these categories are contained in Appendix A.

One of the objectives of this study was to identify constituents in the waste stream that could be diverted from landfill through locally available means. Accordingly, each material was assigned a “recyclability class” which included:

1. **Recyclable Cardboard and Paper:** All cardboard and paper targeted in the curbside collection programs in the County, including aseptic boxes & gable top cartons.
2. **Recyclable Containers:** Metal cans and plastic bottles and other packaging targeted in the curbside collection programs in the County.
3. **Compostable Organics:** Food waste and compostable paper that could potentially be diverted via commercial composting or other organics management program.
4. **Not Readily Divertible:** Materials for which there are no readily available outlets for recycling, composting, or other diversion from landfill.

Table 3-2 Material Categories and Divertibility Class

Material Category	Divertibility Class	Material Category	Divertibility Class
Paper		Organics	
Corrugated Cardboard/Kraft Paper	1	Food Waste	3
Take Out Containers, Food, and Beverage	3	Yard Waste	3
Aseptic Boxes & Gable Top Cartons	2	Remainder/Composite Organics	4
Mixed Recyclable Paper	1	C&D	
Compostable Paper	3	Wood – Treated/Painted/Stained	4
Remainder/Composite Paper	4	Wood – Untreated/Clean	4
Plastic		Drywall/Gypsum Board	4
PET (#1) Bottles and Jars	2	Asphalt Roofing	4
PET (#1) Non-bottle Containers	2	Asphalt Paving, Brick, Concrete, and Rock	4
PET (#1) Containers - Contaminated	4	Carpet & Carpet Padding	4
HDPE (#2) Natural Containers	2	Remainder/Composite Construction & Demolition	4
HDPE (#2) Colored Containers	2	HHW	
HDPE (#2) Containers - Contaminated	4	Household Hazardous Waste or HHW	4
Rigid Plastic Containers #3-#7s	4	Batteries (All Types)	4
Rigid Plastic Containers #3-#7s - Contaminated	4	Medically-Related Waste	4
Expanded Polystyrene "Styrofoam"	4	Electronics	
Plastic Bags and Film	4	All Electronics	4
Durable/Bulky Rigid Plastics	4	Other	
Remainder/Composite Plastic	4	Recyclable Textiles and Clothing	4
Metal		Other Textiles and Leather	4
Aluminum Containers	2	Rubber Products	4
Aluminum Foils and Trays	4	Disposable Diapers & Sanitary Products	4
Other Non-Ferrous Metals	4	Supermix incl. Dirt & Fines	4
Steel Cans & Lids	2	Bulky Materials	4
Other Ferrous Metals	4	Other Materials Not Elsewhere Classified	4
Glass			
Glass Bottles, Jars & Containers	4		
Remainder/Composite Glass	4		

4. FIELD DATA COLLECTION METHODS

Field data collection involved two primary functions: (i) retrieval of sample materials from Downtown businesses and from inbound residential collection trucks, and (ii) sorting and weighing the samples at a central work area for use in developing composition estimates. These steps are described below.

4.1 RETRIEVAL OF DOWNTOWN SAMPLES

After receiving all questionnaire responses from the respondent businesses, City staff categorized eligible businesses by their ideal collection times and scheduled for pickup. Businesses were given their scheduled collection time and a set out location was communicated in advance.

At each of the business collection events, an MSW staff member driving a box truck went to each collection location, loaded all bagged refuse into the truck, and marked each bag with a tag identifying the business type. Each collection event took roughly two hours to complete. Upon completion of each collection route, the driver took all material back to the landfill for weighing and processing. Table 2-5 provides

WASTE CHARACTERIZATION STUDY

additional detail on each collection event. As shown, 41 businesses were targeted to supply samples of refuse.

Table 4-1 Commercial Sample Retrieval Schedule

Collection Event	Date	Time of Day	# of Businesses
Monday Evening	8/16/21	6:00PM - 8:00PM	8
Monday Night	8/16/21	11:00PM - 1:00AM	6
Tuesday Morning	8/17/21	11:00AM - 1:00PM	13
Tuesday Afternoon	8/17/21	3:00PM - 5:00PM	14
Total			41

Once at the landfill bags were unloaded and separated by generator sector, where 150 lb. samples were weighed from the available piles. These samples were then staged next to the sorting area.

Figure 4-1 Sampling Truck Arriving at the Landfill



4.2 DOWNTOWN CARDBOARD

In addition to the analysis of Park City's commercial and single-family residential refuse stream, the City also had an interest in evaluating the cleanliness of City's cardboard recycling. MSW Consultants provided an audit of one of Park City's Downtown Business District dumpsters to gain a better understanding of the level of contamination present in the cardboard stream. This was done by bringing one of the BID's common cardboard dumpsters to the sorting area where it was dumped of its contents by a loader and had non-cardboard materials removed and sorted as a sample.

4.3 SAMPLING OF RESIDENTIAL LOADS

Due to the limited number of routes run each week, the determination was made to collect samples from each route in the Park City collection area. Upon arrival, MSW Consultants interviewed the drivers of Park City trucks to confirm the geographic origin, as well as other pertinent data. This information was noted on a handheld tablet computer, along with a unique identifying number associated with that vehicle on that day.

Selected loads of waste designated for sorting were tipped in a designated area at the landfill. From each selected load, two to four samples of material were selected based on random “grabs” from the perimeter of the load. For example, if the tipped pile is viewed from the top as a clock face with 12:00 being the part of the load closest to the front of the truck, the first samples was taken from 3 o’clock, 6 o’clock, 9 o’clock, 12 o’clock, and then from 1, 4, 7, and 10 o’clock, and so-on.

Figure 4-2 Freshly Tipped Load from Park Meadows West and Thaynes Canyon



Once the area of the tipped load was selected, the Field Supervisor instructed a Summit County Landfill loader operator to take a “grab” sample or “scoop” of wastes from that point in the tipped load. The grab was then dropped into an arranged row of barrels at the direction of the Field Supervisor. The contents of these barrels were weighed to confirm the minimum sample weight of 200 lbs. had been reached, and each sample was given a unique identification code. Samples were then driven to the sorting area where they were staged for sorting.

4.4 MANUAL SORTING

Once each sample had been acquired, the material was manually sorted into the prescribed component categories. Plastic 18-gallon bins with sealed bottoms were used to contain the separated components. Sorters were asked to specialize in certain material groups, with someone handling the paper categories, another the plastics, another the glass and metals, and so on. In this way, sorters were able to become highly knowledgeable in a short period of time as to the definitions of individual material categories. The sorting protocol was the same for both the downtown commercial and single-family residential samples.

4.5 DATA RECORDING

The weigh-out and data recording process is the most critical process of the sort. The MSW Consultants’ Crew Chief oversaw all weighing and data recording of each sample. Once each sample was sorted, and fines swept from the table, the weigh-out was performed. Each bin containing sorted materials from the just-completed samples was carried over to the scale. The sorting crew assisted with carrying and weighing the bins of sorted material, and the Crew Chief recorded all data.

The Crew Chief used a rugged tablet computer to record the composition weights. The tablet allowed for samples to be tallied in real time so that field data collection could immediately identify and rectify errors


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associated with light sample weights. The tablet synchronizes with the cloud via internet, providing excellent data security. Each sample was cross-referenced against the Field Supervisor's sample sheet to assure accurate tracking of the samples each day. The real-time data entry offered several important advantages:

- ♦ The template contains built-in logic and error checking to prevent erroneous entries.
- ♦ The template sums sample weights in real time so the Crew Chief can confirm achievement of weight targets for each and every sample.

Figure 4-3 shows a screenshot of the tablet-based data entry screen. All data were synchronized to a *WasteInsight™*, a cloud-based data analytics system.

Figure 4-3 Fieldwork Data Entry Form



Downtown Park City Business Improvement District

Enter Sample Weights
Use this form to enter header information and sample weights by material categories for new samples. You may also update existing header and weight information for previously submitted samples.

Back

Sample ID:

0916-U3M-ICI-29

Update Sample

Sample Notes:

Enter any sample notes (separated with semi-colons) here...

Thursday, September 16, 2021 09:38 am

PRE-WEIGH (lbs): 0.0

SORTED (lbs): 0.0

Field ID:

SAMPLE

Generator:

Industrial, Commercial & In: ▾

Stream:

Refuse ▾

Facility:

Summit County 3 Mile LF

Origin:

select one ▾

Hauler:

Other (write-in): ▾

Truck Type:

select one ▾

Truck Number:

Ticket Number:

Load Weight (tons):

Barrel Weights				
1	Corrugated Cardboard/Kraft Paper	5.75		0.00
2	Take Out Containers, Food, and Beverage	2.60		0.00
3	Aseptic Boxes & Gable Top Cartons	5.45		0.00
4	Mixed Recyclable Paper	5.60		0.00
5	Compostable Paper	5.70		0.00
6	Remainder/Composite Paper	5.70		0.00
7	PET (#1) Bottles and Jars	3.90		0.00
8	PET (#1) Non-bottle Containers	3.90		0.00
9	PET (#1) Bottlers, Jars, and Containers - Contaminated	3.90		0.00
10	HDPE (#2) Natural Containers	3.90		0.00
11	HDPE (#2) Colored Containers	3.90		0.00
12	HDPE (#2) Containers - Contaminated	3.90		0.00
13	Rigid Plastic Containers #3-#7s	3.90		0.00

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MSW Main Site

4.6 DATA ANALYSIS

A statistical analysis was performed to calculate the mean composition for each of the material categories and for each material stream in this study. Samples were first normalized by converting the sample data from weight to percentage. Then, the sample mean was determined by averaging the percent composition of each material across all samples.

Confidence intervals are provided for each material category as well as for major material groups (e.g., "paper", "plastic", etc.). Confidence intervals have been calculated at a 90 percent level of confidence, meaning that we can be 90 percent sure that the upper and lower bounds of a confidence interval

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successfully capture its respective population mean. (The converse is also true: that there is a 10 percent chance that a confidence interval will fail to capture its population mean.) In general, as the number of samples increases, the width of the confidence intervals decreases, although the more variable the underlying waste stream composition, the less noticeable the improvement for adding incremental samples.

To supplement the analysis contained in this report, the City has also been provided with three months' of online access to the *WasteInsight* system, which performs similar analytics and generates bar charts and pie charts to illustrate results.

5. COMPOSITION OF DOWNTOWN BUSINESS DISTRICT MATERIALS

Based on the experiences in this study, a significant majority of the landfill-bound refuse originating from the Downtown Business District. The composition estimates provided herein are consequently focused the Restaurant and Bar generator sector.

Figure 5-1 shows the restaurant and bar waste composition by major material group. As shown, organic materials comprise the majority of this waste stream.

Figure 5-1 Restaurant & Bar Refuse Composition

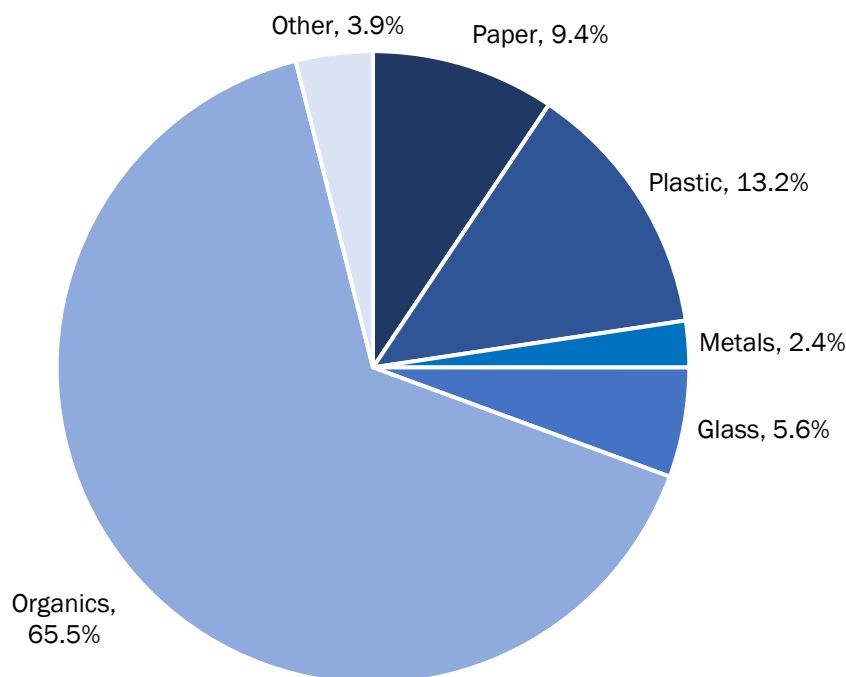


Figure 5-2 illustrates the percentage of material that could potentially be diverted from the restaurant and bar waste stream. As shown, 83 percent of all material disposed could either be diverted for conventional recycling (an be diverted at this time. Unsurprisingly, compostable organics (specifically from food waste) compose much of all landfill-bound material found in the Restaurant & Bar generator stream.

Figure 5-2 Divertibility of Restaurant & Bar Refuse

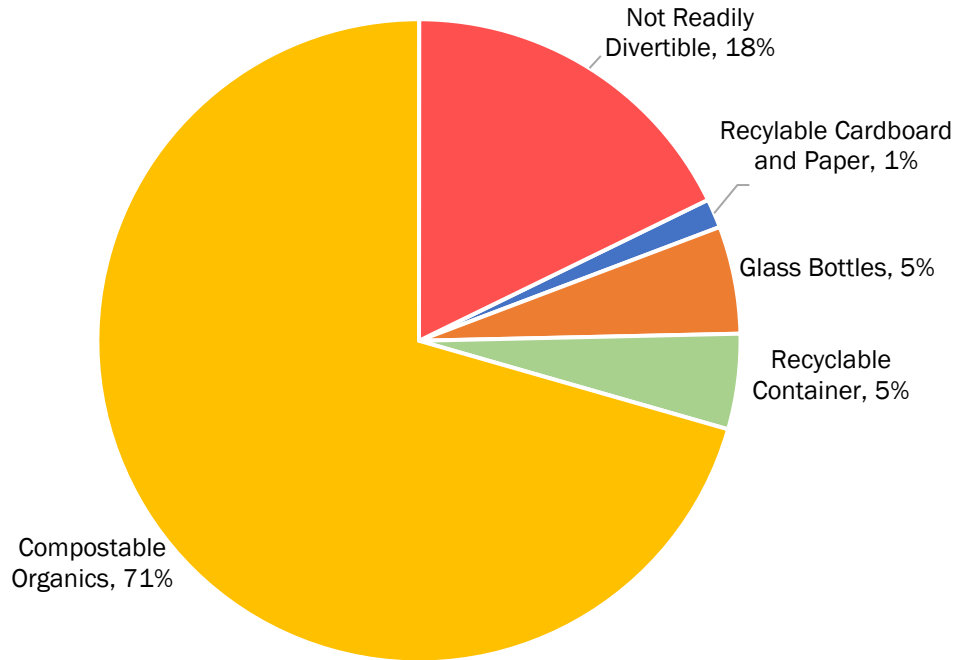


Table 5-1 provides the detailed tabular composition of the refuse collected from Park City restaurants and bars. This table shows the mean composition, and margin of error (+/-), calculated at a 90 percent level of confidence, for each of the constituents in the refuse stream.

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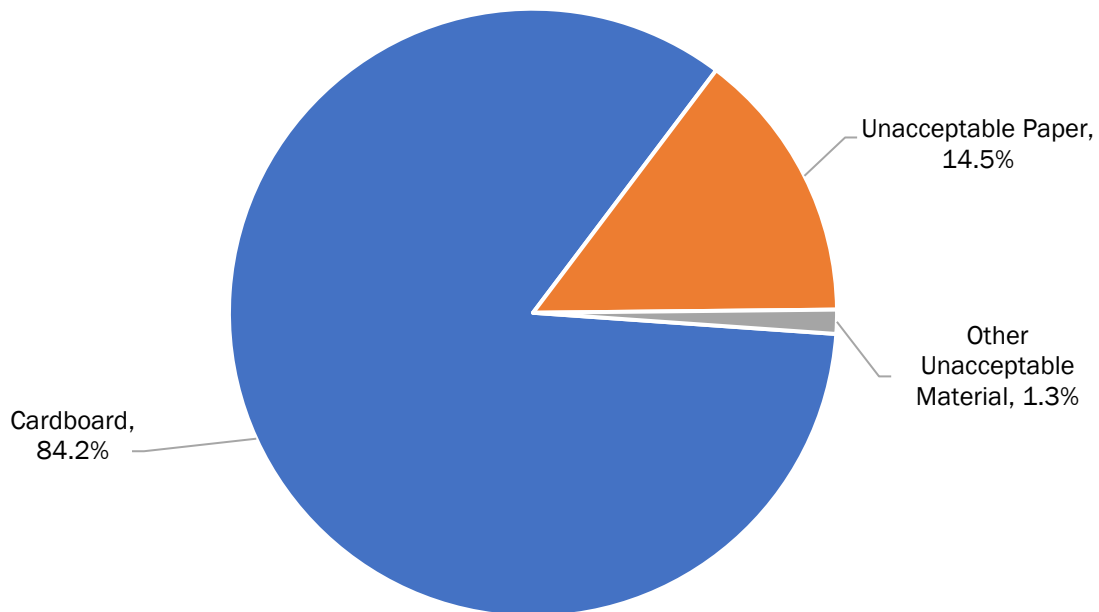
Table 5-1 Detailed Composition of Restaurant & Bar Refuse

Material Category	Mean	+/-	Material Category	Mean	+/-
Paper	9.4%	2.8%	Organics	65.5%	6.7%
Corrugated Cardboard/Kraft Paper	0.8%	0.4%	Food Waste	65.3%	6.7%
Take Out Containers, Food, and Beverage	0.3%	0.2%	Yard Waste	None Found	
Aseptic Boxes & Gable Top Cartons	0.8%	0.4%	Remainder/Composite Organics	0.1%	0.2%
Mixed Recyclable Paper	0.7%	0.3%	C&D	0.2%	0.2%
Compostable Paper	5.0%	1.9%	Wood - Treated/Painted/Stained	0.0%	0.0%
Remainder/Composite Paper	1.9%	1.6%	Wood - Untreated/Clean	None Found	
Plastic	13.2%	3.9%	Drywall/Gypsum Board	None Found	
PET (#1) Bottles and Jars	0.8%	0.3%	Asphalt Roofing	None Found	
PET (#1) Non-bottle Containers	0.4%	0.2%	Asphalt Paving, Brick, Concrete, Rock	None Found	
PET (#1) Containers - Contaminated	0.3%	0.1%	Carpet & Carpet Padding	None Found	
HDPE (#2) Natural Containers	0.9%	0.3%	Remainder/Composite C&D	0.1%	0.2%
HDPE (#2) Colored Containers	0.2%	0.2%	HHW	0.0%	0.0%
HDPE (#2) Containers - Contaminated	0.2%	0.2%	Household Hazardous Waste	None Found	
Rigid Plastic Containers #3-#7s	0.6%	0.3%	Batteries (All Types)	None Found	
Plastic Containers #3-#7s - Contaminated	0.4%	0.5%	Medically-Related Waste	None Found	
Expanded Polystyrene "Styrofoam"	0.1%	0.2%	Electronics	0.0%	0.0%
Plastic Bags and Film	5.8%	1.5%	All Electronics	None Found	
Durable/Bulky Rigid Plastics	0.0%	0.0%	Textiles	0.5%	0.3%
Remainder/Composite Plastic	3.4%	4.0%	Recyclable Textiles and Clothing	0.0%	0.1%
Metal	2.4%	1.1%	Other Textiles and Leather	0.5%	0.3%
Aluminum Containers	0.8%	0.4%	Other	3.2%	2.9%
Aluminum Foils and Trays	0.7%	0.3%	Rubber Products	0.8%	0.3%
Other Non-Ferrous Metals	0.0%	0.0%	Disposable Diapers & Sanitary Products	0.1%	0.2%
Steel Cans & Lids	0.9%	0.9%	Supermix incl. Dirt & Fines	2.0%	3.0%
Other Ferrous Metals	0.0%	0.0%	Bulky Materials	None Found	
Glass	5.6%	4.0%	Other Materials Not Elsewhere Classified	0.4%	0.2%
Glass Bottles, Jars & Containers	5.4%	3.9%			
Remainder/Composite Glass	0.2%	0.3%			
			Total	100%	
			Number of Samples	13	

6. COMPOSITION OF DOWNTOWN CARDBOARD

Figure 5-3 reflects the composition of the cardboard dumpster in the downtown area. As shown, almost 85 percent of the contents was in fact corrugated cardboard. The largest contributor to the cardboard dumpster's contamination was paperboard packaging, which is considered by Park City's processor to be a contaminant in their Cardboard stream.

Figure 6-1 Commercial Cardboard Dumpster Audit Results



It is worth noting that the unacceptable paperboard contamination appeared to originate from a variety of businesses. These results suggest that targeted education about limiting this container only to corrugated cardboard would improve material quality. Other recyclable paper and containers can be recycled at the City-provided mobile recycling center rather than the corrugated cardboard dumpster.

7. COMPOSITION OF RESIDENTIAL REFUSE

Figure 5-4 shows the residential waste composition by major material group. As shown, organics comprise over 36 percent of the refuse disposed at the County landfill.

Figure 7-1 Residential Refuse Composition

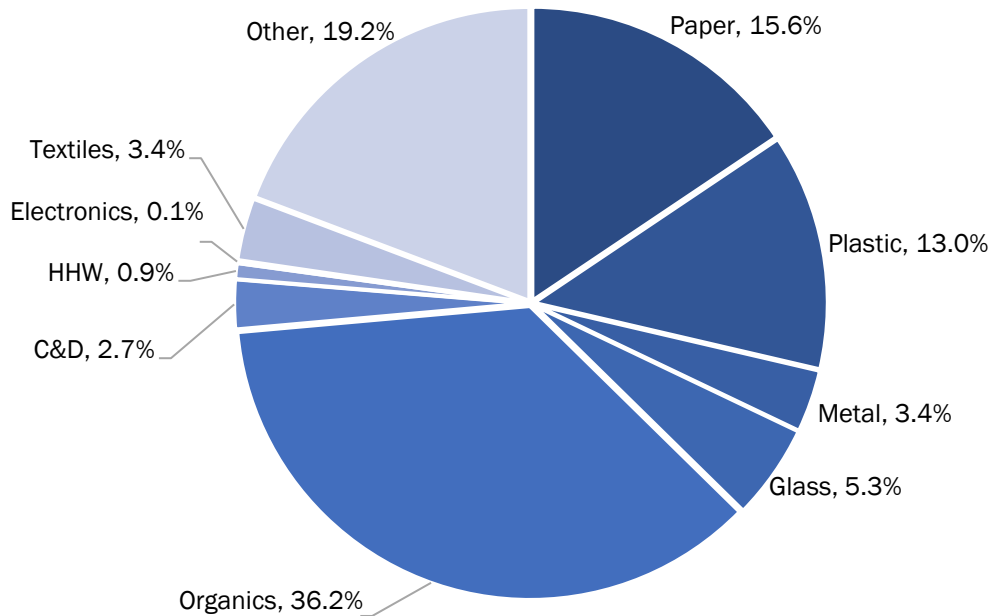
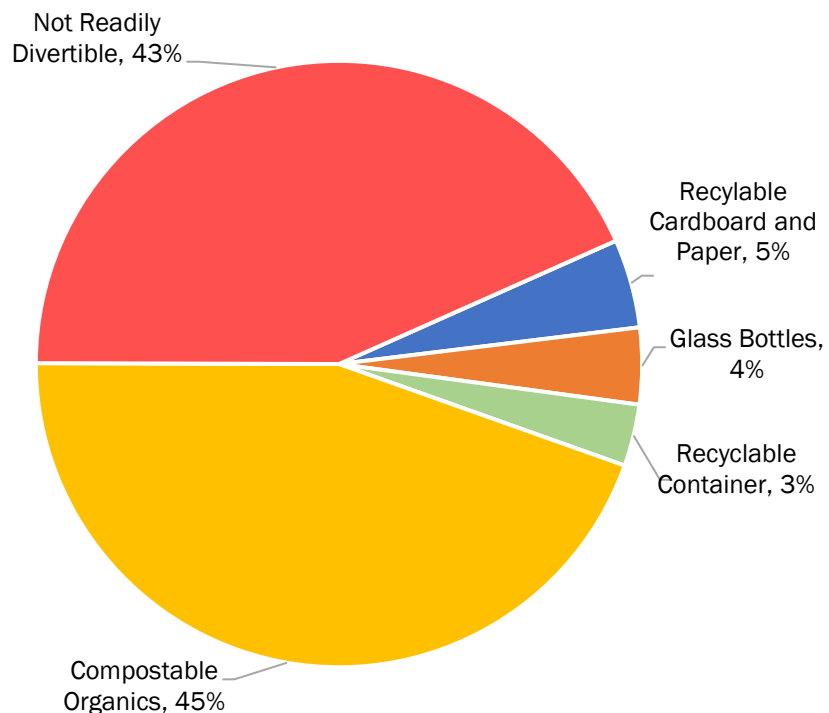


Figure 5-5 illustrates the percentage of material readily divertible from the refuse stream. Once again, compostable organics like paper to-go containers, compostable paper products, food waste, and yard waste, can represent meaningful areas for improvement in diverting material from the landfill.

Figure 7-2 Divertibility of Residential Waste



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Table 5-1 provides the detailed tabular composition of Park City's Single-family residential refuse. This table shows the mean composition and margin of error (+/-), calculated at a 90 percent level of confidence, for each of the constituents in the refuse stream.

Table 7-1 Detailed Composition of Residential Waste

Material Category	Mean	+/-	Material Category	Mean	+/-
Paper	15.6%	1.9%	Organics	36.2%	5.8%
Corrugated Cardboard/Kraft Paper	1.2%	0.4%	Food Waste	23.2%	3.5%
Take Out Containers, Food, and Beverage	0.5%	0.2%	Yard Waste	11.6%	6.2%
Aseptic Boxes & Gable Top Cartons	0.3%	0.1%	Remainder/Composite Organics	1.5%	1.2%
Mixed Recyclable Paper	3.5%	1.9%	C&D	2.7%	1.8%
Compostable Paper	9.3%	1.4%	Wood - Treated/Painted/Stained	1.7%	1.6%
Remainder/Composite Paper	0.7%	0.2%	Wood - Untreated/Clean	0.3%	0.2%
Plastic	13.0%	2.9%	Drywall/Gypsum Board	None Found	
PET (#1) Bottles and Jars	0.8%	0.3%	Asphalt Roofing	0.0%	0.0%
PET (#1) Non-bottle Containers	0.6%	0.2%	Asphalt Paving, Brick, Concrete, Rock	0.3%	0.5%
PET (#1) Containers - Contaminated	1.3%	0.6%	Carpet & Carpet Padding	0.0%	0.0%
HDPE (#2) Natural Containers	0.2%	0.1%	Remainder/Composite C&D	0.4%	0.5%
HDPE (#2) Colored Containers	0.4%	0.2%	HHW	0.9%	0.4%
HDPE (#2) Containers - Contaminated	0.1%	0.1%	Household Hazardous Waste or HHW	0.5%	0.2%
Rigid Plastic Containers #3-#7s	0.4%	0.1%	Batteries (All Types)	0.1%	0.1%
Plastic Containers #3-#7s - Contaminated	0.6%	0.3%	Medically-Related Waste	0.4%	0.4%
Expanded Polystyrene "Styrofoam"	0.4%	0.2%	Electronics	0.1%	0.2%
Plastic Bags and Film	6.4%	1.7%	All Electronics	0.1%	0.2%
Durable/Bulky Rigid Plastics	0.5%	0.6%	Textiles	3.4%	1.2%
Remainder/Composite Plastic	1.4%	0.4%	Recyclable Textiles and Clothing	1.4%	1.1%
Metal	3.4%	1.4%	Other Textiles and Leather	2.1%	0.9%
Aluminum Containers	0.5%	0.1%	Other	19.2%	5.4%
Aluminum Foils and Trays	0.4%	0.2%	Rubber Products	0.6%	0.6%
Other Non-Ferrous Metals	1.2%	1.0%	Disposable Diapers & Sanitary Products	4.0%	1.0%
Steel Cans & Lids	0.6%	0.5%	Supermix incl. Dirt & Fines	12.8%	5.2%
Other Ferrous Metals	0.8%	0.8%	Bulky Materials	0.9%	1.1%
Glass	5.3%	1.4%	Other Materials Not Elsewhere Classified	1.0%	0.5%
Glass Bottles, Jars & Containers	4.1%	1.3%			
Remainder/Composite Glass	1.2%	0.6%			
			Total	100%	
			Number of Samples	11	

8. CONCLUSIONS AND RECOMMENDATIONS

This study was successful at compiling a baseline understanding of the City's residential waste stream composition, and also provided excellent insight into the composition of restaurant and bar waste, which was the most prevalent generator at the time of year the data collection took place. Not surprisingly, diversion opportunities in the restaurant sector revolve around food wastes and compostable low-grade papers. Organic wastes are also prevalent in the residential waste stream, although to a lesser degree.

The study suggests that cardboard recycling in the downtown area is effective, although confusion exists about paperboard. The study also confirms that the mobile recycling drop-off recycling system, which provides an outlet for glass bottles, is a necessary component to divert glass which is otherwise not accepted in single stream recycling in the City.

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The following recommendations are offered for consideration by the City:

- ♦ **Refocus on Contamination in Cardboard Dumpsters:** Recycling education in the BID should refocus on the differences between actual corrugated cardboard and paperboard, with a focus on reducing the paperboard being placed in the OCC containers. Cardboard recycling containers should be visually assessed at routine intervals to validate that businesses are properly recycling this material.
- ♦ **Gradual Expansion of Commercial Organics Diversion:** The prevalence of food waste in the commercial refuse stream represents an opportunity to greatly reduce the amount of landfilled material originating from the Park City Downtown Business District. Many county and local governments facilitate food waste diversion by providing a simple composting operation on or adjacent to the landfill or yard waste management parcel. There can be no ideal “one size fits all” approach to reducing food waste in the many restaurants and bars in Park City, but working with businesses on a case-by-case level can make positive strides in organics diversion. Most businesses should be able to implement a diversion program targeting back-of-house food waste (kitchen waste, trimmings, etc.) as a solid first step in this process. Another opportunity, while often more challenging, is reducing the amount of front-of-house food waste disposed of by businesses. This often requires a degree customer participation and is therefore generally less reliable. It is recommended that the City coordinate with businesses to capture back-of-house organics as a first step, and potentially expanding to front-of-house food waste in the future.
- ♦ **Increase Capture of Glass from BID:** Glass bottles were found to be a meaningful remaining component of the restaurant waste stream. Given the availability of a glass drop-off with Park City’s Mobile Recycling Center, it may be worthwhile to refocus outreach to the restaurants and bars, and/or to modify access times for the Mobile Center, to increase glass diversion.
- ♦ **Consider Performing a Winter Season Study:** As mentioned in this report, several of the business groups targeted in the study did not generate enough materials to be captured in the research. Setting aside the increased logistical challenges of performing a winter season study with heightened downtown activity, the data obtained in the winter high season would flesh out a full understanding of other business sectors, including lodging and potentially the retail and service sectors. However, it is acknowledged that a winter study could be especially challenging as it would place additional burdens on businesses to set aside material during a busier time of year.

APPENDIX A

MATERIAL CATEGORY DEFINITIONS

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Group	Material Category	Category Definition
Paper	Corrugated Cardboard/Kraft Paper	Corrugated boxes or paper bags made from kraft paper. Wavy center layer sandwiched between two outer layers without wax coating on the inside or outside. Examples include cardboard shipping containers and moving boxes, computer packaging cartons, and sheets and pieces of boxes and cartons. Does not include chipboard. Examples of kraft paper include paper grocery bags, un-soiled fast food bags, department store bags, and heavyweight sheets of kraft packing paper. Relatively unsoiled pizza boxes acceptable.
	Take Out Containers, Food, and Beverage	Paper take out containers and cups used for food service.
	Aseptic Boxes & Gable Top Cartons	Aseptic containers (multi-layered packaging that contains shelf-stable food products such as apple juice, soup, soy/rice milk, etc.) and "gable top" cartons (non-refrigerated items such as granola and crackers; refrigerated items such as milk, juice, egg substitutes, etc.). Rigid food and beverage cartons are usually paper-based, may be any shape, and may include a plastic pour spout as part of the carton.
	Mixed Recyclable Paper	Recyclable paper other than the paper types mentioned above. Examples include white office paper, junk mail, manila folders, manila envelopes, index cards, white envelopes, white window envelopes, notebook paper, carbonless forms, groundwood paper, softcover books, chipboard and uncoated paperboard, and deep-toned or fluorescent dyed paper.
	Compostable Paper	Low-grade, biodegradable paper that cannot be recycled, as well as food contaminated paper. Examples include paper towels, napkins, paper plates, waxed papers and waxed cardboard, and tissues.
	Remainder/Composite Paper	Paper products made mostly of paper but combined with large amounts of other materials such as plastic, metal, glues, foil, and moisture. Examples include corrugated cardboard coated with plastic, cellulose insulation, blueprints, sepi, onion skin, foil-lined fast food wrappers, frozen juice containers, carbon paper, self-adhesive notes, hardcover books, and photographs.
Plastic	PET (#1) Bottles and Jars	Clear or colored PET bottles or jars. The plastic resin number "1" is visible in the center of the triangular recycling symbol and may also bear the letters "PETE" or "PET". A PET container usually has a small dot left from the manufacturing process, not a seam. It does not turn white when bent.
	PET (#1) Non-bottle Containers	Non-bottle containers such as rectangular PET clamshell or tray containers used for produce; etc. The plastic resin number "1" is visible in the center of the triangular recycling symbol and may also bear the letters "PETE" or "PET". The color is usually transparent, green, or clear. This category only includes PET non-bottle containers that did not previously contain hazardous materials.
	PET (#1) Bottles, Jars, and Containers - Contaminated	PET bottles, jars, and containers more than 25 percent full of food or liquid.
	HDPE (#2) Natural Containers	Natural colored HDPE bottles. This plastic is usually either cloudy white, allowing light to pass through it (natural). When marked for identification, it bears the number "2" in the triangular recycling symbol and may also bear the letters "HDPE". Also includes natural buckets, pails or paint cans made of HDPE and designed to hold 5 gallons or less of material. This category only includes colored HDPE containers that did not previously contain hazardous materials.
	HDPE (#2) Colored Containers	Colored HDPE bottles. In contrast with natural HDPE, the colored HDPE is usually a solid color and opaque. When marked for identification, it bears the number "2" in the triangular recycling symbol and may also bear the letters "HDPE". Also includes colored buckets, pails or paint cans made of HDPE and designed to hold 5 gallons or less of material. This category only includes colored HDPE containers that did not previously contain hazardous materials.
	HDPE (#2) Containers - Contaminated	HDPE bottles, jars, and containers more than 25 percent full of food or liquid.
	Rigid Plastic Containers #3-#7s	Bottles, jars, containers, lids, and other packaging that are made of types of plastic other than PET (1) or HDPE (2). Items may be made of vinyl, LDPE, PVC, PP, PS, or other plastic. They may bear the number 3, 4, 5, 6, or 7 in the triangular recycling symbol, or may bear no recycling symbol. Examples include clamshells, trays, tray lids, cups, bowls, plates, hardware and fastener packaging, detergent and cleaning products bottles, squeezable bottles, frozen food containers, microwave food trays, vitamin bottles, cookie trays found in cookie packages, small (less than 1 gallon) brittle (single-use) plant containers such as nursery pots and plant six-packs.
	Rigid Plastic Containers #3-#7s - Contaminated	Rigid plastic containers #3-#7s more than 25 percent full of food or liquid.
	Expanded Polystyrene "Styrofoam"	Food and non-food packaging. Includes clamshell "Styrofoam" food containers, as well as cups, plates, and bowls. Includes finished products made of expanded polystyrene such as block Styrofoam padding and packing peanuts.
	Plastic Bags and Film	Plastic retail bags used to contain merchandise to transport from the place of purchase, given out by the store with the purchase. Retail Film Bags sorted into this category will largely be clean: free of excessive debris or moisture.
	Durable/Bulky Rigid Plastics	Plastic items other than containers or film plastic, that are made to last for more than one use. These items may bear the numbers 1 through 7 in the triangular recycling symbol. Examples include crates, buckets (including 5-gallon buckets), baskets, totes, large plastic garbage cans, large tubs, large storage tubs/bins (usually with lids), flexible (non-brittle) and durable flower pots of 1 gallon size or larger, lawn furniture, large plastic toys, tool boxes, first aid boxes, and some sporting goods, CDs and their cases, plastic housewares such as durable (not single-use) dishes, cups, and cutlery.
	Remainder/Composite Plastic	Plastic that cannot be put in any other type or subtype. Includes items made mostly of plastic but combined with other materials. Examples include auto parts made of plastic attached to metal, plastic drinking straws, produce trays, foam packing blocks (not including expanded polystyrene blocks), plastic strapping, handles and knobs, plastic cup lids, some kitchenware, plastic toys, plastic string (as used for hay bales), and plastic rigid bubble/foil packaging (as for medications).
	Aluminum Containers	Aluminum containers for food or beverage. Also includes aluminum cat food containers.
Metals	Aluminum Foils and Trays	Non-container aluminum products such as aluminum foil or aluminum food trays. Does not include items significantly contaminated with food or other material.
	Other Non-Ferrous Metals	Any metal item, other than aluminum cans, foils or trays, that is not stainless steel and that is not magnetic. These items may be made of aluminum, copper, brass, bronze, lead, zinc, or other metals. Examples include copper wire, shell casings, and brass pipe. Also includes composite material that is mostly non-ferrous metal by weight.
	Steel Cans & Lids	Steel or tin food or other containers. Includes aerosol containers. If significant food or other product remains in the container (greater than the weight of the container), it shall instead be sorted in that product material category.

Group	Material Category	Category Definition
Metals	Other Ferrous Metals	Any iron or steel that is magnetic or any stainless steel item. This type does not include tin/steel cans. Examples include structural steel beams, metal clothes hangers, metal pipes, stainless steel cookware, security bars, and scrap ferrous items. Also includes composite material that is mostly ferrous metal by weight.
Glass	Glass Bottles, Jars & Containers	Includes all glass bottles and jars, regardless of color. Examples include beer and soft drink bottles, and jars for food or other materials. If significant food or other product remains in the container (greater than the weight of the container), it shall instead be sorted in that product material category.
	Remainder/Composite Glass	Non-container glass. This category includes items made mostly of glass but combined with other materials. Examples include Pyrex, Corningware, crystal and other glass tableware, mirrors, non-fluorescent light bulbs, auto windshields, laminated glass, or any curved glass. Uncoated plate glass - includes window and door glass, table-tops, and some auto glass (side windows).
Organics	Food Waste	Food wastes and scraps, including meat, bone, dairy, grains, rinds, teabags, coffee grounds with filters, etc. Excludes the weight of food containers, except when container weight is not appreciable compared to the food inside.
	Yard Waste	Plant material, including woody material, from any public or private landscapes. Examples include leaves, grass clippings, plants, brush and branch prunings and trimmings.
	Remainder/Composite Organics	Organic material that is not food or yard waste. Includes cork, popsicle sticks, hair, animal waste, cigarette butts, chopsticks, woven baskets, and small non-construction related wood products.
C&D	Wood - Treated/Painted/Stained	Wood that contains an adhesive, paint, stain, fire retardant, pesticide or preservative. Does not include wood furniture.
	Wood - Untreated/Clean	Any wood which does not contain an adhesive, paint, stain, fire retardant, pesticide or preservative; includes such items as bulky wood waste or scraps from newly built wood products. Does not including land clearing debris or yard waste prunings and trimmings. The presences of nails or screws are acceptable.
	Drywall/Gypsum Board	Interior wall covering made of a sheet of gypsum sandwiched between paper layers. Examples include used or unused, broken or whole sheets of sheetrock, drywall, gypsum board, plasterboard, gypsum board, gyproc, and wallboard.
	Asphalt Roofing	Composite shingles and other roofing material made with asphalt. Examples include asphalt shingles and attached roofing tar and tar paper.
	Asphalt Paving, Brick, Concrete, and Rock	Includes asphalt paving materials, set or unset, and all types of fire-clay bricks. Includes Portland cement mixtures (set or unset), with or without aggregate materials (gravel, etc.). Includes rock gravel larger than 2" in diameter.
	Carpet & Carpet Padding	Flooring applications consisting of various natural or synthetic fibers bonded to some type of backing material. Carpet padding may include plastic, foam, felt, or other material used under the carpet to provide insulation and padding.
	Remainder/Composite Construction & Demolition	Construction and demolition material that cannot be put in any other type or subtype. This type may include items from different types combined, which would be very hard to separate. Also includes fiberglass insulation, ceramic fixtures, and other miscellaneous C&D Materials not mentioned above.
HHW	Household Hazardous Waste or HHW	Hazardous household items containing paints, thinners, solvents, vehicle equipment fluids, cleaners, pesticides/herbicides and fertilizers. Includes fluorescent bulbs and CFLs, light ballasts, and mercury-containing devices.
	Batteries (All Types)	Dry batteries, rechargeable batteries and lead-acid batteries.
	Medically-Related Waste	Treated or untreated medical waste. Includes bandages, gauze, diabetic strips, syringes, needles, other sharps, and medical tubing. Includes similar items from veterinary usage, medical research, or industrial laboratories.
Electronics	All Electronics	Includes all electronic items with a circuit board, including CRTs or other video displays, plasma and LCD monitors, cell phones, personal computers, laptop computers, notebook computers, processors, keyboards, etc. Includes stereos, VCRs, DVD players, etc. This category does not include automated typewriters or typesetters.
Textiles	Recyclable Textiles and Clothing	Clothing, rags, and accessories made of natural and synthetic textiles such as cotton, wool, silk, woven nylon, rayon, polyester, and other materials. Examples include pants, shirts, fabric purses, bed sheets, and towels.
	Other Textiles and Leather	Clothing, rags, accessories, and other textiles that are soiled/contaminated or that do not fit into the Recyclable Textiles and Clothing category. Includes footwear and leather products.
Other	Rubber Products	Finished products and scrap materials made of natural and synthetic rubber, such as bathmats, inner tubes (not tires), rubber hoses, and foam rubber. Excludes footwear.
	Disposable Diapers & Sanitary Products	Adult and baby disposable diapers, and feminine hygiene products.
	Supermix incl. Dirt & Fines	Small mixed fragments 2" and smaller, and includes miscellaneous fines (paper, plastic, glass, etc.), sand, and dirt.
	Bulky Materials	Large, hard-to-handle items that are not defined separately. Examples include all sizes and types of furniture, mattresses, box springs, and base components.
	Other Materials Not Elsewhere Classified	Any other type of waste material not listed in any other sort category. Includes cosmetics, shampoos, lotions, etc.





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Council Agenda Item Report

Meeting Date: March 9, 2023

Submitted by: Michelle Kellogg

Submitting Department: Community Development

Item Type: Staff Report

Agenda Section: WORK SESSION

Subject:

4:30 p.m. - Affordable Housing Development Update for 1875 Homestake Road
(A) Public Input

Suggested Action:

Provide City Council with an informational update on the progress to create 99 units of affordable rental housing in Park City on the Homestake Parking Lot.

Attachments:

[Homestake Update Staff Report](#)

[Exhibit A: Homestake Affordable Master Planned Development Final Action Letter](#)

[Exhibit B: Homestake Housing Project Parking Management Plan](#)

[Exhibit C: Homestake EMF Report](#)

[Exhibit C-1: Synopsis of IEEE C95.1-2019](#)

[Exhibit C-2: Homestake Electric Field Survey 2022-8-23](#)

[Exhibit C-3: Homestake Magnetic Field Survey 2022-08-23](#)

[Exhibit C-4: Homestake Electric Field Survey 2022-11-11](#)

[Exhibit C-5: Homestake Magnetic Field Survey 2022-11-11](#)

[Exhibit C-6: Homestake Electric Field Survey 2022-12-13](#)

[Exhibit C-7: Park City Electric Field Survey 2023-02-24](#)

[Exhibit C-8: Park City Magnetic Field Survey 2023-02-24](#)

[Exhibit C-9: Email Communication with Mr. Ric Tell re: Homestake EMF Readings](#)



City Council Staff Report

Subject: Homestake Affordable Rental Housing Project
Progress Update
Author: Jason Glidden, Affordable Housing Manager
Department: Housing
Date: March 9, 2023
Type of Item: Administrative

Purpose

Provide City Council with an informational update on the progress to create 99 units of affordable rental housing in Park City on the 'Homestake parking lot', including:

- Project initial design concepts and renderings approved by the Park City Planning Commission on October 26, 2022;
- A Project site issues overview – EMF Plan and readings, Soils, and Construction Mitigation Plans;
- Project Parking and Security Operations Plan; and
- Initial Project Financials.

Executive Summary

The Homestake affordable rental housing project, a public-private partnership with J. Fisher Companies (JFCRM), proposes to create 99 permanently deed-restricted affordable housing units. If approved, the deed-restricted units will rent to community members earning not more than 60% of the Area Median Income (AMI). An additional 24 units are planned to rent at market rates to help subsidize and underwrite the project's overall affordability.

On October 26, 2022, after two lengthy work sessions and public hearings, the Planning Commission unanimously approved the Homestake AMPD [application](#). The proposal contemplates a four-story, 180,000 SF secure building with 128 underground and 12 surface parking stalls. Unlike many affordable housing developments, the proposal meets or exceeds the [AMPD code](#). In other words, the applicant requested no variances commonly sought and allowed for affordable housing developments (parking, setback, density, heights). (Final Action Letter is included as Exhibit A)

After Planning Commission approval, J. Fisher set to work and submitted a Development Agreement for Planning Commission consideration and ratification (scheduled March 22). In addition to Planning Commission approval, J. Fisher received their initial financing: Federal low-income tax credits, State of Utah Private Activity Bonds, and Olene Walker Housing Loan Funds.

During and after the Planning Commission's application review, several Commissioners expressed questions or concerns outside a specific Land Management review authority. These additional considerations are notable, important for Council and community consideration, and summarized accordingly below.



Historical Background

- 2016: City Council passes Resolution HA 01-2016, establishing a goal to create 800 new affordable units by 2026.
- 2017: PCMC buys land at 1875 Homestake Road to advance the City's housing and transportation needs.
- 2019: Council identifies public/private partnerships as a key strategy to help accelerate affordable housing progress.
- 2020: PCMC forms PPP Task Force to explore the components necessary to promote the creation of affordable housing by private developers.
- February 11, 2021: ([Staff Report](#), [Minutes](#)) City Council directs Requests for Qualifications from developers interested in developing affordable housing on the Homestake parking lot.
- December 9, 2021: ([Staff Report](#), [Minutes](#)) Council approves an MOU with JFCRM in response to RFQ.
- January 27, 2022: ([Staff Report](#), [Minutes](#)) PCMC executes a professional services contract with Specific Performance, Inc to structure and negotiate a PPP and to advance the affordable housing development.
- February 17, 2022: Update to Council.
- March 17, April 3, 2022: Housing Work Sessions.
- April 28, 2022: ([Staff Report](#), [Audio](#)) Council holds a Work Session to review proposed Homestake massing studies and project information.
- July 27, 2022: Planning Commission Work Session.
- August 24, 2022: Planning Commission site visit and public hearing.
- September 28, 2022: Planning Commission Public Hearing.
- October 26th, 2022: ([Staff Report](#), [Audio](#)) Planning Commission Public Hearing and Approval.

Project Development Updates

Approved Project Design

Housing Creation

The approved Project will deliver 123 total rental housing units, with 99 (80%) units achieving average affordability to those making 60% of AMI and the remaining 24 units at market rates. The 2021 Housing Needs Assessment supports the type and need of proposed housing:

Unit Mix	Count	SF
1 Bedroom	28	650
2 Bedroom	88	880
3 Bedroom	7	1,100
Total	123	103,340

Height and Open Space

The Project fully complies with the AMPD code, which sets a maximum height of 45 feet, with permitted exceptions for elevators and mechanical equipment. The Project includes a 10-foot step back from the face of the building, at the zone's maximum height allowance, to improve shadow lines and decrease visual massing. Also, by placing most of the parking underground, the project accommodates 29% open space, exceeding the 20% code requirement.

Project Parking

Much has been made and discussed about the Project's parking plan. The Project exceeds the LMC required parking ([15-3-6\(A\)](#)) and did not seek parking reductions encouraged in the AMPD code ([15-6.1-9\(E\)](#)) to maximize the number of affordability units produced. J. Fisher gained approval for 140 parking stalls – 128 underground and 12 surface. The AMPD code allows substantial parking reductions for affordable housing projects located close to transit, jobs, schools, services, and amenities. Under the AMPD Code, the Project could have requested as few as 77 parking spaces. Strategically, it did not because of public and neighborhood feedback.

Data collected from Mountainlands Community Housing Trust supports reduced parking in affordable/publicly subsidized housing developments. For example, Mountainlands reports that car ownership is a significant financial barrier to those seeking affordable housing. Mountainlands also provided local parking data from nearby affordable housing developments that place parking utilization ratios in Park City at less than 1:1 per unit.

Nonetheless, overflow and unregulated parking continue to raise neighborhood and Planning Commissioner concerns. J. Fisher proposed a comprehensive parking management system, including a secure underground facility, on-site property management and maintenance, and smart parking technology. For example, every affordable or market-rate unit will have one dedicated underground parking stall. Surface stalls will accommodate employee/on-site property management, visitor parking, and pick-up and drop-off.

The Project also provides indoor secured bike storage and bike and car share facilities located on multiple transit routes to encourage and support a less auto-dependent future resident. The LMC [15-3-11](#) requires conduit to install 20 electric vehicle charging stations and the immediate installation of two new electric vehicle charging stations. These first two stations will meet ADA standards.

Total Homestake Parking in Approved Plan	140
Homestake Underground Parking	128
Homestake Surface Parking	12
LMC Parking Requirement	127.5
<i>AMPD Parking Reduction not requested</i>	<i>77</i>

The secured underground parking garage will include a controlled-resident access system monitored by a 24/7 professional security management firm. J. Fisher's Parking Management Plan includes the following (Exhibit B):

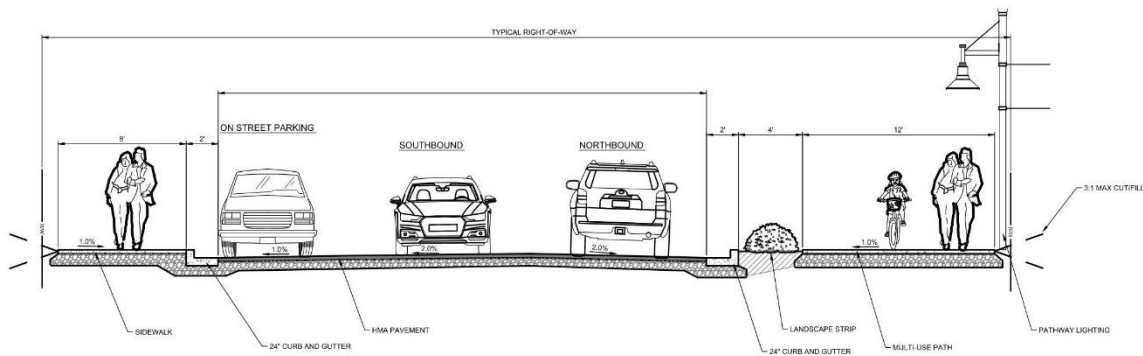
1. A high-speed remote-controlled security gate at the entrance to the parking structure;
2. Security camera installations in the parking structure for remote monitoring 24/7 by a property management company;
3. Regularly scheduled security patrol services to monitor the property and parking structure;
4. Residential parking permits for authorized vehicles;
5. Towing contract;
6. Numbered parking stalls – residents will be granted one dedicated underground parking stall;
7. Two parking spaces are reserved for property managers; and
8. Regular garage sweeping, cleaning, and maintenance.

In addition to the J. Fisher's Parking Plan, the City's Parking Services Division is creating a compatible and comprehensive on-street parking program for Homestake Road and the surrounding area. Like most of Park City, the historical ability to allow unregulated on-street parking near commercial and residential areas is likely no longer feasible. The new on-street parking program will be modeled after the balanced Old Town parking program, including:

- Resident and visitor permits;
- Handicap, free, timed, hourly, and 15-minute parking;
- Paid and timed on-street parking; and
- Regular patrols by the Parking Services Division.

The Parking Services Division plans to implement the program before the Homestake Road reconstruction project, scheduled for the summer of 2024. Like any new parking program, ongoing evaluation and adjustments will be necessary to balance the sometimes-competing interests for unregulated parking with neighborhood quality of life and small business compatibility. Area parking needs will also be included in the Bonanza Small Area planning process.





Additional Development Considerations

Project Site

The Project's proximity to the Rocky Mountain Power (RMP) Substation raised questions and concerns regarding electromagnetic fields (EMF). J. Fisher invested significant time and energy researching EMFs and has provided responsive design considerations. The EMFs generated from the RMP power lines are non-ionizing and classified as extremely low-frequency (ELF-EMFs). There is general scientific consensus that non-ionizing ELF-EMFs have not been shown to cause adverse human health outcomes.

Despite the non-ionizing classification, J. Fisher commissioned additional EMF readings to respond to Planning Commission and Council questions. The most recent report includes site-specific readings, proposed design considerations, and other information and research on EMFs (Exhibit C).

J. Fisher and the Housing Team hope the additional information and expert analysis is satisfactory and addresses the constructive questions and concerns regarding EMFs.

Soil Remediation

On August 22, 2022, Park City procured Stantec Consulting to sample 17 soil borings at the Homestake site. 7 of the 17 samples went to a depth of 20'. Samples were taken from various locations to represent potential building footings and parking structure. An XRF analyzer was used to take field screenings every 2.5'. In addition, the other ten samples were taken from various locations every 6" to a depth of 2'.

The XRF analyzer screened all soil samples for 11 Priority Metals (including lead and arsenic). Using the 25 XRF samples, a further 15 samples were selected for quantitative analysis at a certified lab. Seven samples exhibited a lead concentration above PCMC's "Landscaping and Maintenance of Soil Cover" ordinance. (See table 1 below, also figure 4 attached).

Table 1
Sample

<u>Sample</u>	<u>Depth (below asphalt)</u>	<u>XRF Lead (ppm*)</u>	<u>Lab Lead (ppm)</u>
HS-1-2.5	2.5 feet	592.28	531
HS-2-1	9-inches	541.15	193 (less than 200 ppm)
HS-3-2.5	2.5 feet	471.96	668
HS-5-2.5	2.5 feet	6,686.27	11,000
HS-6-1.5	15-inches	589.75	1,730
HS-16-1	9-inches	413.5	374
HS-17-1	9-inches	440.1	572

* ppm – milligrams per kilogram; aka, parts per million

As a result, Stantec deemed all other lab and XRF samples below 2.5' to represent typical background lead concentrations. Aside from lead and arsenic, no other metal concentration in any soil sample exceeded risk levels for residential land use. Using the sampling report, the City retained the services of an outside expert to propose a comprehensive Soil Mitigation Plan. Among other strategies, we plan to scrape 3' of soil from approximately 38,000 sqft of the property (see figure 4 below).

Figure 4



Once soil excavation is complete, 20 confirmation samples will be taken to verify that contaminated soils are removed. We estimate the total remediation cost at \$1.5-2.0M. Final costs depend on destination disposal costs, distance to disposal trucking costs, and oversight by a certified environmental professional. A complete soil mitigation plan should be developed by the end of March.

Construction and Temporary Parking Plan

As parking continues to raise concerns, we are proactively working on a Temporary and Construction parking plan to balance the sometimes-competing interests of existing parking habits in the area. One example is the plan to relocate 40 spaces leased to the Kimball Art Center to allow their occupancy permit. The spaces encumber a small portion of the Homestake lot, and the lease allows the City to relocate for construction or development.

The area just east of Munchkin Road, currently an unregulated City-owned surface parking lot, can accommodate the 40 KAC stalls and 80 additional stalls. We have planned to enable the KAC relocation, additional construction parking, and even some additional neighborhood parking if applicable. KAC is notified, and we continue collaborative discussions to mitigate operational impacts, support construction parking, and perhaps provide temporary overflow parking to area small businesses and residents if possible.

As part of the proposed Development Agreement, J. Fisher is drafting a comprehensive Construction Mitigation Plan that will be reviewed and approved by the City's Building Department. The Temporary Parking Plan will be included in the CMP and shared with City Council, nearby property owners, and small businesses.

Project Operations

Project Management & Security

Though outside the Planning Commission's code-specific authority, concerns were levied regarding Project occupancy, safety, and security. J. Fisher has extensive experience providing quality, safe, and secure affordable housing in other jurisdictions. [Other projects](#) include the Moda Union in Midvale (206 affordable units), Moda Glenwood in Millcreek (176 affordable units), and Moda Meadowbrook in Salt Lake City (145 affordable units).

This Project commits to a full-time on-site property manager for management/leasing operations and daily maintenance/facilities. J. Fisher manages its entire housing portfolio using professional property management firms. In addition to on-site management, the Project will utilize a 24/7 security monitoring system and on-call security for after-hours concerns. In addition, property access is controlled using electronic key fob systems and software, which track utilization and those coming and going.

Finally, long-term leases are required at the Project, and short-term or nightly rentals are prohibited. Unlike other market-rate and affordable housing developments in Park City, lease and occupancy provisions are monitored and managed by a professional property management firm and audited by various regulatory agencies (Utah Housing Corporation, capital partners, and Park City Municipal Corporation).

Project Occupancy

The Developer's mandate and fiduciary responsibility to PCMC is to maximize the community benefit and affordability. When PCMC solicited bids for a development partner, a key component was experience and the ability to maximize the number of affordable units. The Planning

Commission approved 99 deed-restricted affordable rental units and 24 market-rate units, serving a total of 123 households. This translates into 225 bedrooms.

While occupants per bedroom vary due to various factors, Federal regulations limit the number of residents that can occupy Homestake. The number can vary depending on household demographics but is ultimately regulated and capped. Under Federal regulation, the maximum number of residents is 2 per bedroom, with 1 permitted exception per unit (exceptions include foster children, in-house healthcare providers, etc.).

J. Fisher's affordable housing portfolio, which includes over 1,000 affordable units in other locations, averages 1.4 residents per bedroom. J. Fisher anticipates 300-350 residents. By comparison, Mountainlands data indicates that Park City experiences lower average occupancy, sometimes as low as 1 resident per bedroom.

Homestake	Unit Count	Bedroom Count	If Avg Occupancy in JF Portfolio (1.4 per bedroom)	If All Households Meet 2 per bedroom	If All Household Meeting 2 per bedroom and permitted exceptions	Occupants Allowable Per Building Code
1 bedroom	28	28	39.2	56	84	112
2 bedroom	88	176	246.4	352	440	440
3 bedroom	7	21	29.4	42	49	42
Total	123	225	315	450	573	594

Project Financials

Project Affordability

J. Fisher explored Council's request to pursue income-averaging with potential tax credit partners. The feedback is consistent, such that the tax credit industry perceives too much compliance risk when income-averaging is paired with mixed-income projects. Generally, the industry will finance either a mixed-income or income-averaging projects, but not a combined model.

As such, J. Fisher explored an alternative income distribution to achieve deeper affordability and maintains the previously discussed 58% AMI blend for Council consideration. The proposed mix achieves the blended 58%, utilizing 60% AMIs and below. The deeper blended affordability results in an approximately \$1.0M increase in the project's financing gap due to reduced revenue generation, which decreases the project's borrowing power.

Detailed Unit Mix & Rent			
Unit Type	Count	Avg. SF	AMI Rent
1 Bed (40%)	1	650	\$1,003
1 Bed (50%)	2	650	\$1,253
1 Bed (60%)	20	650	\$1,504
1 Bed Market	5	650	\$2,400
2 Bed (40%)	4	880	\$1,204
2 Bed (50%)	8	880	\$1,505

2 Bed (60%)	59	880	\$1,806
2 Bed Market	17	880	\$3,000
3 Bed (40%)	-	1,100	\$1,390
3 Bed (50%)	1	1,100	\$1,738
3 Bed (60%)	4	1,100	\$2,085
3 Bed Market	2	1,100	\$4,000
Total / Average	123	840	58.0%

Project Financing

Since June 9, 2022, J. Fisher has secured \$27M in Private Activities Bonds, \$970K from Utah's Olene Walker Housing Loan Fund, and preliminary approval from Utah Housing Corporation for Federal tax credits. J. Fisher continues to explore additional gap financing and plans to provide updates as funding sources are identified.

Since the Project's inception in 2021, the rise in interest rates has increased the complexity of the Project's borrowing capacity and soft costs from additional interest reserve requirements. The macroeconomic trend is an industry-wide phenomenon with broad-reaching impacts. J. Fisher continues to monitor the ongoing volatility of the capital markets and is exploring options to mitigate challenges.



Project Budget

As the Project progresses through design and engineering, the budget becomes more refined. Construction cost escalation continues to challenge local commercial building costs. In addition, interest rate increases have likely added over \$2.0M of soft costs through higher interest reserve requirements from lenders. The Project soft cost budget reflects the full burden of impact fees to the project, currently estimated at \$1.8M. J. Fisher anticipates seeking impact fee relief in exchange for creating the 99 affordable rental units.

Legal Updates

Ground Lease

The City retained outside counsel (Ballard & Spahr) to assist and represent the City in lease negotiations. Ballard & Spahr has experience negotiating hundreds of ground leases (PPP's, affordable housing, etc.) throughout the United States. In addition, the City reached out to several other municipalities that use ground leases to produce affordable housing development.

The City and J. Fisher are beginning the initial process to exchange Ground Lease terms.

General Terms of the Ground Lease between PCMC and Developer may include:

- The term is anticipated to be approximately 65 years, with the possibility of extensions up to 99 years.
- Deed restrictions on the affordable units will remain in place for the duration of the lease.
- The Developer is responsible for operations and maintenance for the lease term subject to Utah Housing Authority requirements and PCMC as landowner.
- All improvements upon the land (building etc.) revert to the City upon the expiration of the lease.

Planning Commission Update

Planning Commission Non-LMC Issues-

The Planning Commission expressed several concerns that are outside of their LMC authority yet warrant additional analysis, review, and Council consideration:

- Ground Lease Terms and Consideration: Once finalized, individual Commissioners may provide input to Council like any member of the public. The Planning Commission will also receive a draft of the proposed Ground Lease at the same time as City Council – once the public agenda is published. The Ground Lease is a critical tool to consider several of the Planning Commissioner's additional suggestions and concerns:
 - Affirmative EMF disclosures. An additional report on EMFs, measurements and proposed mitigation measures is addressed on page 6 and Exhibit C;
 - Range of AMI/Affordability: The chart on page 9 summarizes the issue and responds to concerns;
 - Parking and Occupancy: Pages 3 and 8 respond to the additional concerns raised by Planning Commissioners; and
 - Temporary Parking: A temporary plan under consideration by the Chief Building Official as part of the Construction Mitigation Plan – Page 7.

Development Agreement

The draft Development Agreement (DA) is scheduled to go to the Planning Commission on March 22nd for ratification. An executed DA contains the final conditions of approval. The DA includes the following:

1. A legal description of the land;
2. All relevant zoning and Land Management Code parameters, including all findings, conclusions, and conditions of approval, specifying any exceptions;
3. An express reservation of the future legislative power and zoning authority of the City;
4. A provision to allow for minor, administrative modifications without revision of the Agreement;
5. A copy of the approved Site plan, architectural plans, Landscaping plans, Grading plan, trails and Open Space plans, and other plans, which are a part of the Planning Commission approval;
6. A description of all Developer exactions or agreed-upon public dedications;
7. Developer agreement to pay all specified impact fees;
8. The Initial Rental Rates of the Affordable Units, as defined in the Housing Resolution in effect at the time of a Complete Application;
9. The form of ownership anticipated for the project;
10. A specific project phasing plan;
11. A list and map of all known Physical Mine Hazards on the Property, as determined through the exercise of reasonable due diligence by the Owner, as well as a

- description and GPS coordinates of those Physical Mine Hazards;
12. A map and inventory of all Historic Structures on the Property and a Historic Structures Report prepared by a qualified Historic Preservation Professional.

Project Schedule

AMPD/CUP Application Submittal – June 2022 – **COMPLETE**
Application for Low-Income Tax Credit – July 2022 – **COMPLETE**
Planning Commission Approval of AMPD – October 2022 – **COMPLETE**
Planning Commission Ratification of Development Agreement – March 2023
Finalize Ground Lease – May 2023
Site Remediation Commences – May 2023
Close on Financing – July 2023
Start Construction – July 2023
Complete Construction – December 2024

Exhibits

- A- Final Action Letter
- B- Parking Management Plan
- C- Electromagnetic Fields Report and Additional Information



Planning Department

December 23, 2022

Park City Municipal Corporation
J Fisher Companies
1875 Homestake Drive

CC: Peter Tomai and Rory Murphy

NOTICE OF PLANNING COMMISSION ACTION

Description

Address: 1875 Homestake Road

Zoning District: General Commercial

Application: Affordable Master Planned Development (AMPD)
Multi-Unit Dwelling Conditional Use Permit (CUP)

Project Number: PL-22-05288 and PL-22-05300

Action: APPROVED WITH CONDITIONS (See Below)

Date of Final Action: October 26, 2022

Project Summary: The Applicant proposes a 123-unit Affordable Master Planned Development (AMPD) and Multi-Unit Dwelling Conditional Use Permit (CUP) at 1875 Homestake Road on a 1.86-acre Lot in the General Commercial Zoning District and Bonanza Park Neighborhood on a 1.86-acre lot. 80% of the units are proposed to be deed restricted for affordable housing and 20% of the units are proposed to be market rate.

Action Taken

On October 26, 2022, the Planning Commission conducted a public hearing and approved the Homestake AMPD and CUP according to the following findings of fact, conclusions of law, and conditions of approval:

Findings of Fact

1. 1875 Homestake Road is the triangular-shaped Lot B of The Yard Subdivision – First Amended, a 1.86-acre Lot in the General Commercial Zoning District.



Planning Department

2. 1875 Homestake Road is in the Bonanza Park neighborhood, which the General Plan identifies as a mixed-use neighborhood where locals live and work. According to the General Plan, “[t]he overriding goal for this neighborhood is to create new housing opportunities while maintaining the existing affordable housing units.” The General Plan also encourages Multi-Unit Dwellings to direct higher density to this area to provide life-cycle housing opportunities, including starter and step-down housing.
3. The Applicant proposes a 123-unit Multi-Unit Dwelling with 80% deed-restricted affordable units and 20% market-rate units as follows:

Unit Type	Affordable	Market Rate	Total
One Bedroom	23	5	28
Two Bedroom	71	17	88
Three Bedroom	5	2	7
TOTAL	99	24	123

Affordable Master Planned Development

4. On February 25, 2021, the City Council adopted Ordinance No. 2021-10, enacting a new Land Management Code (LMC) Chapter to establish Affordable Master Planned Developments (AMPDs) to incentivize the development of affordable housing through increased height, and reduced setbacks, height, and parking.
5. The purpose of AMPDs is to:
 - a. Incentivize public, private, and public-private development of Affordable Units for the workforce of Park City;
 - b. Create developments that include market-rate and Affordable Units and increase housing opportunities that are affordable to a wide range of incomes;
 - c. Increase Building Height and Density and decrease parking requirements for Affordable Units if impacts to the community are mitigated;
 - d. Ensure neighborhood Compatibility; and
 - e. Encourage mixed-use, walkable, and sustainable development and redevelopment that provides innovative and energy-efficient design, including innovative alternatives to reduce impacts of the automobile on the community.



Planning Department

6. **Affordability** – AMPDs must contain at least ten Residential Unit Equivalents (RUEs) (20,000 square feet). AMPDs must contain at least 50% of the RUEs as deed-restricted affordable units. The Applicant proposes 80% affordable units and 20% market-rate units with 82,270 square feet (41.1 RUEs) for affordable units and 20,210 square feet (10.1 RUEs) for market rate.
7. **Interior Amenities** – Affordable units may differ from market-rate units with regard to interior amenities and Gross Floor Area provided that:
 - a. These differences, excluding differences related to size, are not apparent in the general exterior appearances of the market-rate units within the AMPD.
 - b. These differences do not include insulation, windows, heating systems, and other features related to the energy efficiency of the AMPD.
8. **Setbacks** – The LMC defines Setback as “[a] line parallel to a Property Line (or a Right-of-Way, platted Street, existing curb or edge of a Street, whichever line may extend furthest into the lot) at a distance established by the Zoning District. Between this line and the corresponding Property Line, no Structure or portion thereof shall be permitted, erected, constructed, or placed unless specifically allowed by the Zoning District”. For properties two acres or less, the minimum Setback around the exterior of an AMPD is the zone-required Setback. The Setback requirements for the General Commercial Zoning District are outlined in LMC § 15-2.18-3 as follows:
 - Front Setback: 20 feet minimum for all Buildings and Uses, Setback may be reduced to 10 feet, provided all on-Site parking is at the rear of the property or underground
 - Rear Setback: 10 feet minimum
 - Side Setback: 10 feet minimum
9. Because of the Lot’s unusual configuration, the Planning Director issued a determination for the Lot’s Setbacks on March 16, 2022, pursuant to LMC § 15-4-17 *Setback Requirements for Unusual Lot Configurations*. The determination letter states:
 - a. *The six unique property lines that make up Lot B of The Yard Subdivision – First Amended fronts both Homestake Road on the west and the platted Munchkin Road Right-of-Way dedication on the north creating an unusual triangular-shaped Lot configuration... “[d]evelopment on Corner Lots shall have two (2) front Setbacks, unless otherwise an exception by this Code. The Rear Yard will be the side of the Property opposite the driveway*



Planning Department

Access from the Street. If it is not clear which boundary should border the Rear Yard, the Planning Director may specify which is the Rear Yard.”

10. The Applicant is not requesting a reduction to the required Setbacks.
11. **Building Height** – AMPD Building Height must comply with the underlying Zoning District for the perimeter Building Façade planes. The Building Height for the General Commercial Zoning District is 35 feet from Existing Grade. LMC § 15-6.18(A) establishes a Building Height increase to 45 feet from Existing Grade for AMPDs when the following criteria are met:
 - a. **Stepback** – The Building includes a ten-foot stepback on all perimeter Building Façade planes from the underlying Zoning District Building Height to the 45-foot Building Height. The Applicant achieves the 10-foot stepback and proposes roof overhangs into this stepback.
 - b. **Infrastructure** – Infrastructure is in place or can be updated to meet the increased demand. The Park City Water Department verified infrastructure is planned to be updated to accommodate the 45-foot Building Height. The Water Department will be replacing and upsizing the line in Homestake Road to connect it to a higher-pressure zone near Kearns Boulevard, with construction beginning in 2023. On September 1, 2022, the Snyderville Basin Water Reclamation District (SBWRD) submitted a letter stating SBWRD can provide wastewater service to the project.
 - c. **Façade Variation** – The Building complies with the Building Façade variation requirements. LMC § 15-15-1 defines Building Façade as, “[t]he exterior of a Building located above ground and generally visible from public points-of-view.” AMPDs that exceed 120 feet in length on any Façade must provide a prominent shift in the mass of the Building at least for each 120-foot interval, resulting in a change in function or scale reflected through façade alignment of Building Height variation for at least 15 horizontal feet. The proposed Building Façades exceeds 120 feet in length and achieves variation in façade for at least 15 horizontal feet.
12. **Building Height Exceptions** – LMC § 15-6.1-8(B) outlines when AMPD Building Height may exceed 45 feet:
 - a. Antennas, chimneys, flues, vents, and similar Structures may extend up to five feet (5’) above the highest point of the Building to comply with International Building Code requirements.
 - b. Water towers, mechanical equipment, and Solar Energy Systems, when enclosed or Screened, may extend up to five feet above the 45-foot Building Height. The Applicant’s mechanical equipment is 45.5 feet above Final Grade.
 - c. Elevator Penthouses may extend up to eight feet above the 45-foot Building Height. The Elevator Penthouse is 51.5 feet above Final Grade.



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13. The Applicant's fog analysis and Roof Over Existing Topography exhibits dated September 2, 2022 and attached to the October 26, 2022 staff report as Exhibit F demonstrate compliance with Building Height regulations from Existing Grade. Final building plans shall substantially comply with the September 2, 2022 fog analysis and Roof Over Existing Topography exhibits.
14. **Site Planning** – The Homestake AMPD clusters the Multi-Unit Dwelling in a V shape that opens to Homestake Road. The Multi-Unit Dwelling is clustered along the Substation property line and the Ironhorse Commercial Park Subdivision. The current use is a paved parking lot. There is Significant Vegetation along Homestake Road, which is in the public right-of-way and will be removed with Homestake Road is extended with a 12-foot multi-use path for pedestrians and cyclists. The Applicant proposes new landscaping for the public plaza area.
15. **Grading** – The existing use is a paved parking area on a relatively flat lot. The proposed parking is in an underground parking area, which will require large retaining structures. However, the final project will achieve a similar Final Grade to Existing Grade.
16. **Open Space** – LMC § 15-6.1-10(A) requires 20% Open Space and "On-Site amenities, such as playgrounds, trails, recreation facilities, bus shelters, and significant landscaping are encouraged. Open Space may not be used for Streets, roads, or Parking Areas." LMC § 15-15-1 defines *Open Space, Landscaped* as "Landscaped Areas, which may include local government facilities, necessary public improvements, and playground equipment, recreation amenities, public landscaped and hard-scaped plazas, and public pedestrian amenities, but excluding Buildings or Structures."
The Homestake AMPD is on a 1.86-acre lot, totaling 80,846 square feet. The landscaped Open Space area includes maple, Colorado spruce, and spring snow crabapple trees with shrubs and a grass/play area. The Homestake AMPD also proposes a public hardscaped plaza area with raised planters, achieving 29.5% open space for the site.
17. **Trails and Multi-Modal Pathways** – Road, pathway, and sidewalk improvements and connectivity are budgeted and planned for the Bonanza Park area, including:
 - a. **Homestake Road** – Improvements to Homestake Road, including the addition of a 12-foot multi-use pedestrian and bike pathway, are budgeted and approved. Construction is planned to begin in the spring of 2024.



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- b. **Woodbine Way** – Improvements to Woodbine Way include converting it to a one-way southbound road and constructing sidewalks and on-street parking. Construction is budgeted and approved and is scheduled to begin in the spring of 2025.
- c. **Munchkin Road** – The expansion of Munchkin Road across what is now the Recycle Utah Center is budgeted and approved and is scheduled to begin in the spring of 2025, improving pedestrian and bicyclist east-west connectivity.
- d. **Snow Creek Tunnel** – The Walking and Biking Liaison Committee (WALC) recommended a grade-separated active transportation facility to accommodate pedestrian and bicyclist north-south crossing from the Snow Creek neighborhood across Kearns Boulevard into the Bonanza Park neighborhood. In 2021, the City Council directed staff to conduct a feasibility study of a potential project. On May 12, 2022, the City Council reviewed options that include an underpass or and favored an underpass. Funds for the project were allocated in FY23 and the project is slated to begin in the spring of 2025.

These improvements will enhance local access to the Rail Trail, Poison Creek Trail, and pathways and trails that run north of S.R. 248 alongside the east and west of S.R. 224.

- 18. **Internal Circulation** – In addition to pedestrian, bicyclist, and vehicle circulation improvements outlined above for the Bonanza Park neighborhood, the Homestake AMPD is centrally located in the Bonanza Park neighborhood and the project proposes enhanced pedestrian and bicyclist connectivity in an area with many transit options.
- 19. **Landscaping** – Because of the existing conditions of the property, there is very little Significant Vegetation. The LMC defines Significant Vegetation as “large trees six inches in diameter or greater measured four and one-half feet above the ground, groves of smaller trees, or clumps of oak and maple covering an Area 50 square feet or more measured at the drip line.” Currently, mature trees line the public Right-of-Way along Homestake Road. These trees will be removed when the City expands Homestake Road with a 12-foot multi-use pathway. The Applicant proposes to introduce new vegetation onto the site and provides open space beyond what is required in the code, achieving 29.6% open space.
- 20. **Lighting** – Outdoor lighting must be fully shielded with bulbs that are 3,000 degrees Kelvin or less.



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21. **Sensitive Land Compliance** – 1875 Homestake Road is not in the Sensitive Land Overlay. The site is not on a steep slope, near a Ridge Line Area, near wetlands or streams, or within a wildlife protection area.
22. **Child Care** – The Homestake AMPD is in the General Commercial Zoning District and Child Care Centers, defined in LMC § 15-15-1 as a structure or building, including outside play areas, used for the provision of childcare for more than four children for less than 24 hours per day, meeting all State requirements for childcare that is not also the primary residence of the care provider, is an allowed use.
23. **Incorporates Best Planning Practices for Sustainable Development** – The City's adopted ambitious climate and energy targets are to be net-zero carbon and running on 100% renewable electricity by 2022 for municipal operations and by 2030 community-wide. As a result, the Applicant worked with the Sustainability Department regarding net-zero development standards. The Applicant proposes the strategies outlined in their September 6, 2022, Sustainability Report, including:
 - a. Walkability and multi-modal connectivity to basic life amenities supported through bike storage, electric bicycle stations
 - b. Electric Vehicle Charging Stations for residents
 - c. Building orientation to maximize passive solar strategies with the majority of units and building facades oriented primarily in the north-south direction with passive heating in the cooler months and shade in the warmer months
 - d. Building design that meets the International Energy Conservation Code (IECC) 2021 standards, which exceed adopted energy codes in Utah.
24. **Addresses and Mitigates Physical Mine Hazards** – LMC § 15-6.1-11(L) requires AMPD Applicants to submit a map and list of all known Physical Mine Hazards on the property and a Physical Mine Hazard mitigation plan. Municipal Code of Park City Section 11-20-2(G) defines Physical Mine Hazards as “any open mine shaft, mine tunnel, horizontal opening, adit, or other mine related opening that extends more than five feet into the ground. The following are not Physical Mine Hazards:
 - a. above ground structures;
 - b. vertical opening where the Chief Building Official has made a written determination that due to the physical characteristics of an opening it does not present a potential health or safety concern; or
 - c. sites previously the object of mitigation so long as mitigation has not failed.”



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On June 8, 2022, Blue Ledge Consulting, LLC completed the *Mine Hazards on Homestake Affordable Housing Site* report. The report concludes “there are no features which meet the definition of a mine hazard as per Section 11-20-2. However, the abundance of mill tailings in the Prospector subdivision do warrant further study of the Homestake parcel and mitigation if proven to be required. Lead and other metals can prove to be hazardous if exposures occur under the right circumstances.”

25. **Addresses and Mitigates Historic Mine Waste** – LMC § 15-6.1-11(M) requires AMPD Applicants with projects in the Park City Soils Ordinance Boundary to submit a soil remediation mitigation plan, indicating areas of hazardous soils and proposed methods of remediation and/or removal subject to the requirements and regulations of Municipal Code of Park City Chapter 11-15. Municipal Code of Park City Section 11-15-1 identifies the Soils Ordinance Boundary for Park City that establishes additional requirements for landscaping and topsoil. 1875 Homestake Drive is in the Soils Ordinance Boundary and the project includes construction of an underground parking garage. Municipal Code of Park City Chapter 11-15 outlines requirements regarding disposal or removal of area soil, dust control, topsoil coverage, and landscaping.

On September 13, 2022, Stantec completed a *Limited Soil Sampling Investigation Summary Report for Homestake Parcel*. The report found lead concentrations in excess of the City’s Soil Ordinance in seven of 17 testing sites, which will require management and disposal by a facility permitted by the Utah Department of Environmental Quality.

26. **Addresses Historic Structures and Sites on the Property** – During Park City’s mining era, 1875 Homestake Road was an old railroad yard and stockyard. On July 5, 2022, Commonwealth Heritage Group completed the *Above-Ground Historic Structures Review for the Property at 1875 Homestake Road in Park City, Summit County, Utah* report (Exhibit J). The report provides research and assessment within the project area regarding buildings, structures, objects, or sites designated or eligible for designation on the National Register of Historic Places, including review of literature at the Utah State Historic Preservation Office. The report concludes that historic aerial imagery indicates above-ground resources were constructed after 1975 and “[n]o effects on historic above-ground properties are anticipated as a result of the proposed Project activities.”
27. **Addresses and Mitigates Traffic** – On August 16, 2022, the Applicant submitted a Traffic Impact Study (TIS) prepared by Hales Engineering (“Hales



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Study"). The City hired Wall Consultant Group (WCG) to review and provide input to Hales on the study. Hales Engineering worked to update the TIS to address WCG and City input and submitted an updated TIS. WCG submitted a Technical Memorandum stating the updated TIS addressed WCG's comments ("WCG Memo"). The Hales Study recommends the following mitigations:

- **Munchkin Road Expansion** – extending Munchkin to connect Bonanza Drive and Homestake Road is budgeted and planned. This extension will mitigate significant queuing and delays.
- **Homestake Road/Park Avenue** – restrict to right-in right-out only and reroute traffic to new Munchkin Road connection between Homestake Road and Bonanza Drive.

28. The Hales Study recommends the following Transportation Management Strategies:

- a. Car-sharing program with two dedicated car share parking spaces
- b. 15 visitor bicycle stalls
- c. An additional 30 covered and secured parking for bikes beyond what is otherwise required
- d. Charging for e-bikes
- e. Bike maintenance room
- f. On-site e-bike station

29. **General Plan Review** – 1875 Homestake Road is in the Bonanza Park neighborhood, which the General Plan identifies as a mixed-use neighborhood where locals live and work. According to the General Plan, "[t]he overriding goal for this neighborhood is to create new housing opportunities while maintaining the existing affordable housing units." The General Plan also encourages multifamily residential uses to direct higher density to this area to provide life-cycle housing opportunities, including starter and step-down housing. The location of the mixed-income Multi-Unit Dwelling will provide long-term rental units in the Bonanza Park neighborhood with many amenities within walking and biking distance, including a grocery store, a pharmacy, and restaurants, cafes, and bars. The project is within ¼ mile of several transit stops that provide service to Old Town and the resort areas. Additionally, the Poison Creek Trail provides a paved pathway separated from vehicle traffic that connects the Bonanza Park neighborhood to Old Town.

Conditional Use Permit

30. **Size and location of the Site** – The Homestake AMPD is proposed to be located on a 1.86-acre site. This lot size is smaller than adjacent properties. The



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property to the north, 1251 Kearns Boulevard, is 2.31 acres. The Homestake Condos to the west are on a 3.2-acre lot. The Claimjumper Condos to the west are on a 3.2-acre lot. The Ironhorse Park Commercial Subdivision is 2.2 acres. The Substation parcel is 0.84 acres.

The General Plan encourages multifamily residential uses to the Bonanza Park neighborhood to direct higher density to this area to provide life-cycle housing opportunities, including starter and step-down housing. The location of the Homestake AMPD is within ¼ mile of several transit stops, and within walking distance to a grocery store, pharmacy, and restaurants and services.

Additionally, the site provides access to the nearby Rail Trail and Poison Creek Trail. Improvements to Homestake and Munchkin Roads will establish better connectivity in the area

31. **Location and amount of off-Street parking** – LMC § 15-6.1-9 requires an AMPD to comply with LMC Chapter 15-3, *Off-Street Parking*, unless the Planning Commission grants reduced parking based on a parking and traffic study and parking demand mitigation. The Applicant proposes satisfying parking demands on site and does not request reduced parking. LMC § 15-3-6(A) requires parking for Multi-Unit Dwellings based on unit square footage as follows:

Unit Size	Required Parking	Proposed Project	Project Requirement
Less than 1,000 SF	1 per Unit	116	116
1,000 SF – 2,000 SF	1.5 per Unit	7	11
2,000 SF or greater	2 per Unit	0	0
			TOTAL 127

32. The project proposes 140 parking spaces with 128 underground and 12 at grade. LMC § 15-3-11 requires conduit for future installation of 20 Electric Vehicle Charging Stations, and two Electric Vehicle Charging Station installations with the first being a dual-port that meets ADA standards.



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33. The Applicant submitted a Parking Management Plan for the Homestake AMPD and proposes the following:
 - a. A high-speed remote-controlled gate at the entrance to the parking structure
 - b. Camera installations in the parking structure for remote monitoring 24/7 by the management company
 - c. Security patrol service to patrol the property and parking structure
 - d. Use of parking permits/stickers for all vehicles authorized to park in the parking structure; cars without stickers will be towed at the owner's expense
 - e. Numbered parking stalls – residents will be granted at least one parking space in the parking structure
 - f. Two parking spaces will be reserved for property management
 - g. The annual operating budget will include an allowance to sweep and clean the parking area on a semi-annual basis
34. **Fencing, Screening, and landscaping to separate the Use from adjoining Uses** – The Applicant proposes installing an 8- to 10-foot-high wall and art installation to separate the AMPD and the Substation. No fencing is proposed on the southern property line or along Homestake Road. Screening is proposed for rooftop mechanical equipment.
35. **Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots** – AMPDs exceed the building mass and bulk of other properties to incentivize the development of affordable housing. The AMPD code requires a 10-foot setback on all building perimeters to decrease the impact of height on adjacent properties.
36. **Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing** – Bonanza Park area is in the General Commercial Zoning District, which allows for Building Height up to 35 feet from Existing Grade. To incentivize development of affordable units, the AMPD code allows Applicants to achieve a 45-foot Building Height if certain criteria are met. The adjacent properties are not built to the 35-foot allowance in the General Commercial Zoning District and most properties contain one to two-story developments. However, as the area is redeveloped and density and Building Height is maximized on adjacent properties, the Homestake AMPD, while achieving a total of 45 feet, will be more aligned with future developments that achieve the 35-foot height.
37. **Noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site** – The plans as submitted do not indicate issues of vibration, odors, steam, or other mechanical factors that might affect



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people and Property Off-site. Most mechanical equipment will be located on the rooftop. This equipment is required to be screened to avoid noise or vibration.

38. Expected Ownership and management of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of Ownership affects taxing entities –

No condominium plat for individual unit ownership is proposed for the AMPD and the units are planned to be long-term rentals. LMC § 15-6.1-2(D) prohibits Nightly Rentals and Timeshares for market-rate and affordable units within an AMPD.

Additional Considerations

- 39. Substation –** On August 23, 2022, EMF Utah, LLC, completed a Magnetic Field Survey completed by Brent Rotondi, EMF Specialist. EMF Utah, LLC took ground-level measurements for the locations indicated as A, B, and C, and then took ground-level measurements and measurements at ten, twenty, and thirty feet above ground for locations D, E, F, G, H, I, J, K, and L. The survey provides measurements in milligauss per location ranging from 13.1 to less than one, as well as readings in volts per meter, ranging from 6 to 449. The survey description notes that the survey readings are a snapshot in time and are not predictive of what the readings will be at any point in the future or indicative of what the readings were in the past, and also that they make no claims regarding the health and safety of a survey site based on EMF levels measured. They advise clients to read health and safety documentation provided by federal, state, county, and city environmental safety divisions, along with third-party environmental and technical organizations before making a determination regarding the health and safety risk of the survey site. In addition to the survey, the Applicant submitted a document from and the National Cancer Institute *Electromagnetic Fields and Cancer* and an Iowa State University *Electromagnetic Fields Factsheet*. The Applicant revised the survey and submitted a baseline summary showing electric and magnetic measurements for each identified point of measurement, including the distances on October 28, 2022. The Applicant submitted a revised and updated EMF survey on December 13, 2022.

The Applicant proposes modifications to the wall along the Substation property with the possibility of an art installation to separate the uses. The Applicant proposes a board-form concrete wall with a minimum height of 8 feet with a



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mural that could include painted scenes ranging from one with mountains and forests, to abstract art, to an interpretive industrial look, to a historical train.

Public Notice

40. The Applicant conduct outreach and that the Applicant host neighborhood meetings prior to applying for an Affordable Master Planned Development. Between February 2022 and June 2022, the Applicant held outreach meetings with public.
41. On August 8, 2022, staff mailed courtesy notices to property owners within 300 feet of the Site. On August 10, 2022, staff posted physical notice to the site. The *Park Record* published notice on August 10, 2022. Staff published notice to the City Website and the Utah Public Notice website on August 19, 2022.
42. Staff mailed additional courtesy notices to surrounding property owners on October 10, 2022 and posted updated notices to the property on October 11, 2022.

Public Meetings

43. On July 27, 2022, the Planning Commission held a work session for an initial, high-level review of the Applicant's project.
44. On August 24, 2022, the Planning Commission visited 1875 Homestake Drive to visualize the Homestake AMPD Building Footprint and Building Height, and to review future road improvements in the vicinity.
45. On September 28, 2022, the Planning Commission reviewed the project and conducted a public hearing.
46. On October 26, 2022, the Planning Commission reviewed the project and conducted a public hearing.

Conclusions of Law

Conditional Use Permit

1. The Conditional Use Permit complies with the requirements of the Land Management Code, as conditioned.
2. The use will be compatible with surrounding structures in use, scale, mass, and circulation.
3. The effects of any differences in use or scale have been mitigated through careful planning.



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Affordable Master Planned Development

4. Provides at least 50% Affordable Units;
5. Complies with requirements of the Land Management Code;
6. Meets the minimum requirements of this Chapter;
7. Provides meaningful Open Space for residents and the public;
8. Strengthens and enhances the resort character of Park City;
9. Compliments the natural features on the Site and preserves significant features or vegetation to the extent possible;
10. Meets the Sensitive Lands requirements of the Land Management Code and is designed to place Development on the most developable land and least visually obtrusive portions of the Site;
11. Promotes the Use of non-vehicular forms of transportation through design and by providing trail and pathway connections;
12. Was noticed and the Planning Commission held a public hearing in accordance with this Chapter;
13. Incorporates best planning practices for sustainable development, including water conservation measures and energy-efficient design and construction, per the Residential and Commercial Energy and Green Building program and codes adopted by the Park City Building Department in effect at the time of the Application, and includes Energy Star qualified products for appliances;
14. Addresses and mitigates Physical Mine Hazards according to accepted City regulations and policies;
15. Addresses and mitigates Historic Mine Waste and complies with the requirements of the Park City Soils Boundary Ordinance;
16. Addresses Historic Structures and Sites on the Property, according to accepted City regulations and policies, and any applicable Historic Preservation Plan;
17. Addresses and mitigates traffic;
18. Addresses and mitigates parking reductions and parking management.

Conditions of Approval

1. A Construction Mitigation Plan (CMP) shall be submitted and approved by the City for compliance with the Municipal Code, as a condition precedent to issuance of any grading or building permits. The CMP shall be updated as necessary to identify impacts and propose reasonable mitigation of these impacts on the site, neighborhood, and community due to construction of this project. The CMP shall include information about specific construction phasing, traffic, parking, service and delivery, stockpiling of materials and staging of work, work hours, noise control, temporary lighting, trash management and recycling,



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mud and dust control, construction signs, temporary road and/or trail closures, limits of disturbance, fencing, protection of existing vegetation, erosion control, storm-water management, and other items as may be required by the Building Department.

2. The immediate neighborhood and community at large shall be provided notice at least 24 hours in advance of construction work impacting private driveways, street closures, and interruption of utility service.
3. A storm-water run-off and drainage plan shall be submitted with the building plans and approved prior to issuance of any building permits. The plan shall follow Park City's Storm Water Management Plan and the project shall implement storm-water Best Management Practices. Post development drainage shall not exceed development drainage conditions and special consideration shall be made to protect any wetlands delineated on and adjacent to the site.
4. The project is over 1.0 acres and will be required to meet the requirements of Park City's municipal separate storm sewer system (MS4) storm-water program.
5. Final utility plans shall be submitted with the building permit.
6. Dry utility infrastructure must be located on the property and shown on the building plans prior to building permit issuance to ensure that utility companies verify the area provided for their facilities are viable and that exposed meters and boxes can be screened with landscaping.
7. Approval of this AMPD shall expire two years from the date of Development Agreement execution unless construction, as defined by the International Building Code, has commenced on the project.
8. The Park City Fire District requires the Applicant to install "no parking" signs for the fire line prior to issuance of any Certificate of Occupancy.
9. The final building plans shall comply with LMC § 15-5-5 *Architectural Design Guidelines*.
10. The Applicant shall submit roof overhang details showing compliance with the two-foot roof overhang within the 10-foot stepback for the project.
11. The applicant must submit a Line Extension Agreement (LEA) for the on-site and off-site sewer main line construction. All items required under the LEA must be completed prior to submitting a building permit. These include the following:
 - a. SBWRD approval of the LEA
 - b. Payment of required engineering services fees
 - c. Granting of required easements
 - d. SBWRD approval of on-site and off-site sewer main line construction drawings



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12. Building Façade Variation may not exceed 35 feet in Building Height and may not include architectural features or façade changes that encroach into the 10-foot setback.
13. The Applicant shall provide a minimum of 800 square feet for internal and secure bike storage for approximately 50 bikes on site in the underground parking area. The internal and secure bike storage area shall provide charging available for e-bikes. The Applicant shall also provide a bike repair amenity space for residents. The Applicant shall install 15 outdoor bike racks for residents and guests. The bike racks must be medium security racks in which both the bike frame and wheels may be locked by the user. The spaces must be designed to prevent damage to the bike and to facilitate easy and secure storage without interference from or to adjacent bikes. Bike racks or lockers must be anchored and of solid construction, resistant to rust, corrosion, hammers, and saws. Bike racks must be compatible in design and function with the surrounding building and street furniture. Bike facilities must be located in convenient, highly-visible, active, well-lit areas and shall not interfere with pedestrian movements and snow storage.
14. The Applicant agrees to allow a Summit County Bike Share location on the site, subject to Park City Transportation Department and Engineering Department and Summit County approval.
15. The Applicant shall install high-speed remote-controlled gate at the entrance to the parking structure prior to any unit Certificate of Occupancy issuance.
16. Prior to any unit Certificate of Occupancy issuance, the Applicant shall install sufficient cameras in the underground parking structure for remote monitoring 24/7 by the management company.
17. The Applicant shall ensure daily security patrol service to patrol the property and parking structure.
18. The Applicant shall ensure use of parking permits/stickers for all vehicles authorized to park in the parking structure; cars without stickers will be towed at the owner's expense.
19. The Applicant shall number parking stalls. Each unit will be designated one underground parking space. The total number of vehicles granted a parking permit/sticker authorization to park in the underground parking structure shall not exceed the available number of underground stalls. Upon termination of a rental lease, tenants must turn in their parking permit.
20. Two parking spaces shall be reserved for property management.



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21. The annual operating budget for the project shall include an allowance to sweep and clean the parking area on a semi-annual basis.
22. Conduit for a minimum of 40% of the underground parking spaces for the future installation Electric Vehicle Charging Stations that meet the requirements of LMC § 15-3-11 shall be completed prior to Certificate of Occupancy issuance. Two Electric Vehicle Charging Station installations with the first being a dual-port that meets ADA standards shall be provided in the underground parking area for use by tenants prior to Certificate of Occupancy issuance.
23. The Applicant shall comply with federal and state regulations, as well as with Municipal Code of Park City Chapter 11-15 *Park City Landscaping And Maintenance Of Soil Cover* and shall work with the City's Environmental Regulatory Program Manager to ensure compliance prior to building permit issuance.
24. If project Construction, as defined by the International Building Code, does not commence within two years of Development Agreement execution.
25. The Applicant shall submit a draft Development Agreement to the Planning Department by April 26, 2023. The Development Agreement shall meet the requirements of LMC § 15-6.1-5, be reviewed and ratified by the Planning Commission, and be recorded with the county prior to building permit issuance.
26. The deed restrictions shall conform with the deed restriction requirements outlined in the Park City Affordable Housing Resolution in effect at the time of a complete Affordable Master Planned Development Application submission, or as otherwise determined by the Park City Housing Authority.
27. The deed restriction shall continue in full force and effect for a period not less than forty (40) years. Upon expiration of the initial forty (40) year term, or any subsequent term, the City shall have six (6) months in which to determine, based on an independent market study, that the Affordable Units within the Affordable Master Planned Development are no longer necessary to satisfy the affordable or workforce housing needs of the City. The City Council or its successor shall make the final determination of such continuing need, and if the City makes no such determination, the deed restrictions shall automatically renew for one or more additional consecutive ten (10) year terms.
28. The property owner of an affordable unit within the Homestake AMPD shall submit to the City an annual compliance report verifying deed restriction compliance.



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29. The Applicant will make two surface parking spaces available as part of a Transportation Demand Management strategy for a car-sharing service should such service become available in the area or for limited timed use for ride-sharing service parking.
30. The Applicant committed to the following:
 - a. Walkability and multi-modal connectivity to basic life amenities supported through bike storage, electric bicycle stations
 - b. Electric Vehicle Charging Stations for residents
 - c. Building orientation to maximize passive solar strategies with the majority of units and building facades oriented primarily in the north-south direction with passive heating in the cooler months and shade in the warmer months
 - d. Building design that meets the International Energy Conservation Code (IECC) 2021 standards, which exceed adopted energy codes in Utah.
31. Trash and recycling facilities shall be enclosed and fully shielded and shall comply with the requirements of LMC § 15-5-5 and 15-6.1-11. At the building permit stage, the Site plan shall include adequate Areas for trash and recycling containers and shall include an adequate circulation area for pick-up vehicles. Convenient pedestrian Access shall be provided within the Affordable Master Planned Development to the trash and recycling containers. No Site plan with a Commercial Development or Multi-Unit Dwelling shall be approved unless there is a mandatory recycling program, which may include Recycling Facilities for the Site. The Recycling Facilities shall be identified on the Site plan to accommodate for materials generated by the tenants, residents, users, operators, or owners of such Master Planned Development. Such Recycling Facilities shall include, but are not limited to, glass, paper, plastic, cans, cardboard or other household or commercially generated recyclable and scrap materials. Centralized trash and recycling containers shall be located in a completely enclosed Structure with a pedestrian door and a truck door or gate. The enclosed Structure shall be designed with materials that are compatible with the principal Structures in the Affordable Master Planned Development and shall be constructed of masonry, steel, or other substantial materials. The Structure shall be large enough to accommodate a trash container and at least two recycling containers to provide for the option of dual-stream recycling.
32. Service and delivery areas shall be kept separate from pedestrian areas.
33. The Applicant shall install a minimum 8-foot-high wall along the Substation and



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an art mural. The project area between the building façade and the wall shall include outdoor lighting that complies with the City's Dark Sky Code in LMC § 15-5-5(J).

34. Nightly Rentals, Fractional Ownership, and Timeshares are prohibited for market-rate and affordable units within an AMPD.

If you have questions or concerns regarding this Final Action Letter, please call 435-615-5060 or email planning@parkcity.org.

Sincerely,

DocuSigned by:
Sarah Hall
D45DB479C2AA42D...

Sarah Hall, Planning Commission Chair Pro Tem

CC: Spencer Cawley and Rebecca Ward, project planners



PARKING MANAGEMENT PLAN HOMESTAKE – PARK CITY, UT

Based on the current concept plans for the Homestake property, we would propose implementing the following parking recommendations and management plan:

- Use of a high-speed remote-controlled gate at the entrance to the parking structure. This will control access to the parking garage and the property. This will also offer an additional level of security for residents and personal property.
 - We use a parking access control system that is Bluetooth enabled. This allows the residents to use their phone to open the garage door. This also allows management to grant and revoke parking privileges remotely.
- Use of strategically positioned cameras in the parking structure. This will allow for remote monitoring of the parking area 24/7 by the management company.
- Engagement of a courtesy / security patrol service to patrol the property and parking structure several times a night.
- Use of parking permits / stickers for all vehicles authorized to be parked in the parking structure. Cars without stickers will be towed at the owner's expense.
- All parking stalls will be numbered, and it is anticipated that all residents will be granted at least one parking space in the parking structure.
- It is also anticipated that the property management company will have two parking spaces dedicated for the property manager and staff.
- The annual operating budget will include an allowance to sweep and clean the parking area on a semi-annual basis.

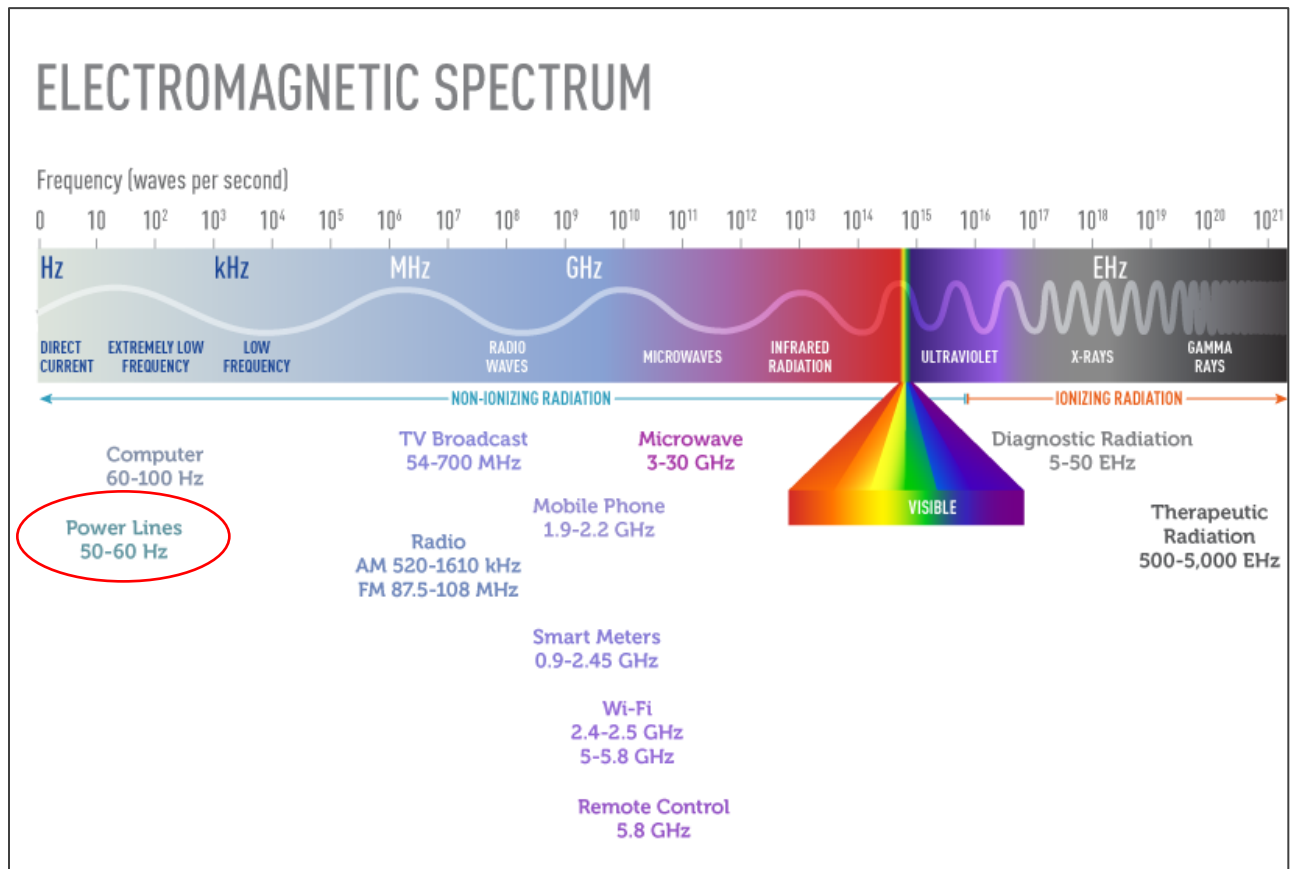
Electromagnetic Fields Report and Additional Information in relation to Homestake Affordable Housing Site

1875 Homestake Rd.
Park City, UT 84060

Prepared on March 1, 2023

What are EMFs?

Electromagnetic fields (“EMFs”) are a combination of invisible electric and magnetic fields of force that are omnipresent in the environment. They are generated by natural phenomena like the Earth’s magnetic field but also by human activities, mainly through the use of electricity.¹ EMFs generated from power lines are non-ionizing and classified as extremely low frequency EMFs (“ELF-EMFs”). The U.S. National Institute of Environmental Health Science categorizes ELF-EMFs as “low-level radiation which is generally perceived as harmless to humans.”²



Source: National Cancer Institute³

Health Consequences of EMF Exposure

The health consequences of EMF exposure have been debated and studied for several decades. The conclusions of leading authorities and regulators in relation to the presence and exposure to ELF-EMFs are summarized in this report and attached. The authorities consistently conclude that current evidence does not confirm any health consequences from exposure to low level electromagnetic fields, such as the ones produced at the Rocky Mountain Power substation adjacent to the Homestake lot. In evaluating the health consequences of EMF exposure at the Homestake site, three primary steps were taken:

¹ [European Union Directorate General Health and Consumer Protection](#)

² [US National Institute of Environmental Health Sciences](#)

³ [US National Cancer Institute](#)

- 1) Expert third-party readings of electromagnetic field readings;
- 2) Expert third-party readings of electromagnetic fields at other sites in Park City; and
- 3) An independent expert evaluated all the data and concluded that the readings were well below levels that could be considered to possibly present a health consequence.

Site Analysis

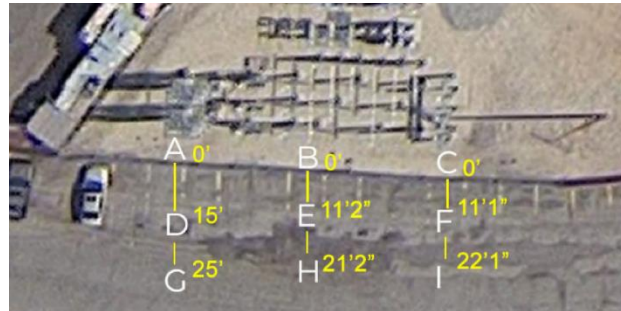
The recommended limits for exposure of the general public to 60 Hz electric and magnetic fields are as follows:

	<u>Electric field (V/m)</u>	<u>Magnetic field (mG)</u>
IEEE*	5,000 V/m	9,040 mG
ICNIRP**	5,000 V/m	2,000 mG

* Institute of Electrical and Electronic Engineers (IEEE). [IEEE Standard C95.1-2019](#).

** International Commission on Non-Ionizing Radiation Protection (ICNIRP). [2020 Guidelines](#).

The Developer hired Utah EMF to visit the site and perform a study of the EMF levels. The survey was performed with the Gigahertz Solutions - NFA1000 EMF meter. Readings were taken at various distances from the sub-station and at various heights. Below are the results of the readings on two separate dates. The point D, E, and F reflect the northwest wall of approved building footprint.



Electric Field Readings Table (V/m)

Location	Range	Median / Mean	Average as Percentage of Acceptable Level (Median / Mean)
D	16 - 348	100 / 130	2.0% / 2.6%
E	120 - 1,045	354 / 449	7.1% / 9.0%
F	114 - 418	263 / 258	5.3% / 5.1%

Magnetic Field Readings (mG)

Location	Range	Median / Mean	Average as Percentage of Acceptable Level (Median / Mean)
D	0.45 - 0.56	0.52 / 0.5	0.0% / 0.0%
E	0.56 - 3.82	1.73 / 2.0	0.1% / 0.1%
F	0.95 - 3.82	2.21 / 2.3	0.1% / 0.1%

The readings taken at the Homestake site are consistent with what is expected of ELF-EMFs, and are also well below any level identified by the IEEE ICES to present any potential health concerns. On average, the electric field readings are 91-98% and magnetic fields are 99.9% below the acceptable levels of exposure for 60 Hz ELF-EMFs per the IEEE ICES and ICNIRP guidelines. More detail on these readings can be found in Exhibits C-2 through C-6.

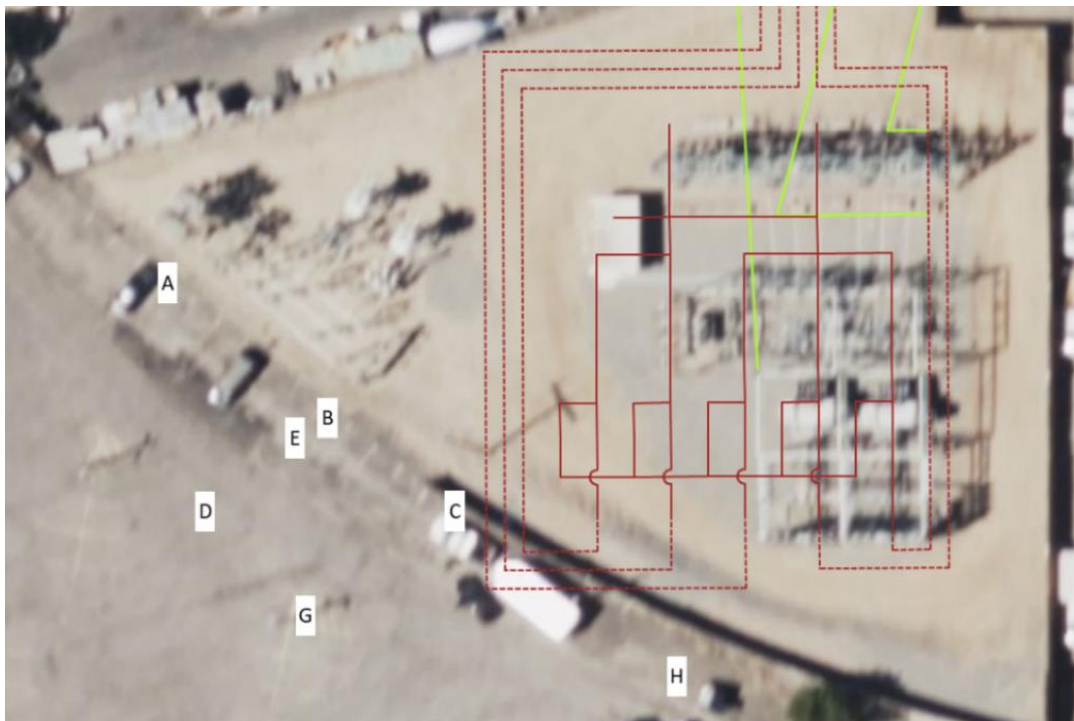
In addition, Utah EMF took readings at various locations in Park City to compare against levels at the Homestake site. The readings (provided below) are in some of the locations (Main Street).

Downtown Park City Electric and Magnetic Field Readings

Location	Electric, V/m (highest readings)	Magnetic, mG (highest readings)
Main St Near the TMI Hotel	1.3	1.9
Intersection of Main & Heber	0.6	19.9
Town Lift Plaza	1.4	0.7
9 th St & Park Ave	141.4	11.4
Lower Main	145.3	10.1
Bonanza Dr. Near Gallery	80.1	10.6

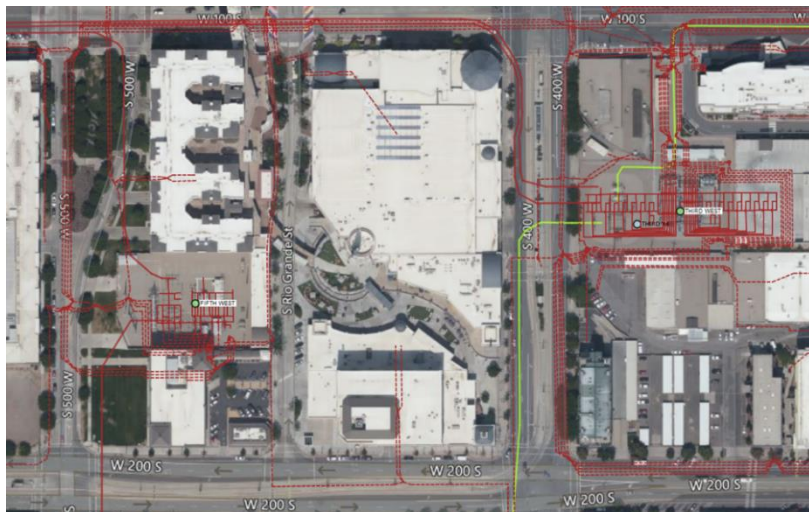
The readings taken around Park City are examples that show comparable electric field readings at Homestake, and many locations showed higher magnetic readings than those found at Homestake. More detail on these readings can be found in Exhibits C-7 & C-8.

At the request of the Developer and the City, Rocky Mountain Power also came out and took readings around the Homestake site. These readings are below.



Location	mG	Description	Time
A-Fence	4.9	mG magnitude at chest height of 5'11" person.	1:44 PM
A-10'	3.5	^	
A-15'	2.7	^	
B-Fence	15.6	mG magnitude at point closest between the fence line and the energized capacitor components	1:50 PM
B-10'	4.8	^	
B-15'	3.4	^	
C-F	3.8	mG magnitude near the overhead 46kV structure	1:55 PM
C-10'	2.6	^	
C-15'	2.1	^	2:00 PM
D-120V Line	0.7	Value of mG beneath the 120v supply for lights. Would be reduced from emission during the night.	
E-7mG	7	82" from the fence will meet a 7 mG magnitude	
E-3mG	3	183" from the fence will produce a 3mG magnitude	
G-Cam	0.5	mG beneath the camera.	
H-118"	2.2	2:15 PM at head hight	2:15 PM

Consistent with the EMF Utah measurements, all the readings were well within levels considered to not pose any adverse health concerns according to the IEEE ICES Standards.



The Homestake readings were comparable to a similar sub-station in downtown Salt Lake City at the 5th West Sub-station. The two sub-stations share similar transmission, distribution, and circuit values, and generate similar EMFs. The 5th West substation shares property boundaries with an apartment complex, office space, and entertainment areas.

All of the detailed Utah EMF readings can be found attached to this report.

EMF Expert Analysis

The Developer has reached out to subject matter expert Richard Tell of Richard Tell Associates, Inc. Mr. Tell is a Life Fellow of the Institute of Electrical and Electronics Engineers (IEEE) with over 55 years of experience working on radiofrequency hazards. Mr. Tell served as Chief of the Electromagnetics Branch

for the U.S. Environmental Protection Agency where he helped develop the agency's standards for determining safe public exposure standards for radiofrequency fields. Mr. Tell also served as an elected member of the National Council on Radiation Protection and Measurements (NCRP). A more detailed resume of Mr. Tell's background can be found [here](#).

Mr. Tell provided an analysis of the EMF readings at Homestake. The review found that the electric and magnetic field readings are far below what is widely considered as harmful levels. Further, Mr. Tell expects that the EMF readings will be "much weaker inside the structure than what they would be in the same spot in space absent the structure."

The full communication from Mr. Tell can be found attached in Exhibit C-9.

Design Considerations

The Developer proposes modifications to the wall along the Substation property with the possibility of an art installation to separate the uses. The Applicant proposes a board-form concrete wall with an expected height of 8-12 feet with a mural that could include painted scenes ranging from mountains and forests, to abstract art, to an interpretive industrial look, to a historical train.



Additionally, Developer is exploring build materials, wall thickness, insulation, paint, and other alternatives to improve the building envelope.

Opinions of Leading Authorities and Regulators Related to ELF-EMFs Exposure

World Health Organization (WHO):

"In the area of biological effects and medical applications of non-ionizing radiation approximately 25,000 articles have been published over the past 30 years... Based on a recent in-depth review of the scientific literature, the WHO concluded that current evidence does not confirm the existence of any health consequences from exposure to low level electromagnetic fields."⁴

⁴ [World Health Organization](#)

US National Cancer Institute:

“Numerous epidemiologic studies and comprehensive reviews of the scientific literature have evaluated possible associations between exposure to non-ionizing EMFs and risk of cancer in children. ... No consistent evidence for an association between any source of non-ionizing EMF and cancer has been found.”⁵

US Food & Drug Administration:

“Scientific consensus shows that non-ionizing radiation is not a carcinogen and, at or below the radio frequency exposure limits set by the FCC, non-ionizing radiation has not been shown to cause any harm to people.”⁶

US Environmental Protection Agency:

“In the United States, there are no federal standards limiting electromagnetic fields from power lines and other similar sources.”⁷

Utah Department of Environmental Quality Waste Management & Radiation Control:

“DWMRC has the responsibility and authority to control all sources of radiation, including non-ionizing sources. The Utah Radiation Control Board may adopt rules to control and protect the public from these sources if they constitute a significant health hazard. Currently, the Board has not written rules to limit exposure to the various types of non-ionizing radiation... Based on the Division’s review, the Board concluded that existing scientific evidence is not sufficient to warrant legislation or regulation at this time.”⁸

Rocky Mountain Power:

“Extensive research on EMF exposure and safety has been conducted by international and national scientists. The results from this research have been evaluated by reputable international and national scientific and public health organizations and agencies. The company relies on the evaluations from these organizations and agencies when assessing potential risks. All of our proposed transmission facilities follow the rules, regulations and standards for electromagnetic field exposure to provide safe and reliable electric service.”⁹

Further, the Institute of Electrical and Electronic Engineers (“IEEE”) International Committee on Electromagnetic Safety (“ICES”) is a leading scientific body on the study of EMFs. In their Standard for Safety Levels With Respect to Human Exposure to Electric, Magnetic, and Electromagnetic Fields, published in December 2019, they found:

“Examination of the literature on exposure to electromagnetic energy revealed no reproducible low-level (nonthermal) adverse health effects. Moreover, the scientific consensus is that there are no accepted theoretical mechanisms that would explain the existence of low-level adverse health effects.”

“The literature review also evaluated the possibility of adverse health effects associated with chronic low-level exposure. For exposures to electric, magnetic, and electromagnetic fields at frequencies between 0 Hz and 300 GHz, the following two conclusions were reached:

a) The weight-of-evidence provides no credible indication of adverse effects caused by

⁵ [US National Cancer Institute](#)

⁶ [US Food & Drug Administration](#)

⁷ [US Environmental Protection Agency](#)

⁸ [Utah Department of Environmental Quality Waste and Radiation Management](#)

⁹ [Rocky Mountain Power](#)

chronic exposures below levels specified in IEEE Std C95.1TM-2019.

b) No biophysical mechanisms have been scientifically validated that would link chronic exposures below levels specified in IEEE Std C95.1TM-2019 to adverse health effects.

Based on the collective findings of recent reviews, the weight of the evidence continues to indicate that chronic exposure at levels specified in this standard is unlikely to cause adverse health effects.”

The full IEEE ICES synopsis is included at the end of this report in Exhibit C-1.

Exhibits

- C-1 Synopsis of IEEE Std C95.1TM-2019 “IEEE Standard for Safety Levels With Respect to Human Exposure to Electric, Magnetic, and Electromagnetic Fields, 0 Hz to 300 GHz”
- C-2 Homestake Electric Field Study, 23 August 2022
- C-3 Homestake Magnetic Field Study, 23 August 2022
- C-4 Homestake Electric Field Study, 11 November 2022
- C-5 Homestake Magnetic Field Study, 11 November 2022
- C-6 Homestake Electric Field Study, 13 December 2022
- C-7 Downtown Park City Electric Field Study, 24 February 2023
- C-8 Downtown Park City Electric Field Study, 24 February 2023
- C-9 Email Communication with Mr. Ric Tell re: Homestake EMF Readings

Received November 11, 2019, accepted November 18, 2019, date of publication November 22, 2019, date of current version December 11, 2019.

Digital Object Identifier 10.1109/ACCESS.2019.2954823

Synopsis of IEEE Std C95.1TM-2019 “IEEE Standard for Safety Levels With Respect to Human Exposure to Electric, Magnetic, and Electromagnetic Fields, 0 Hz to 300 GHz”

IEEE International Committee on Electromagnetic Safety Technical Committee 95*

ABSTRACT The newly released IEEE Std C95.1TM-2019 defines exposure criteria and associated limits for the protection of persons against established adverse health effects from exposures to electric, magnetic, and electromagnetic fields, in the frequency range 0 Hz to 300 GHz. The exposure limits apply to persons permitted in restricted environments and to the general public in unrestricted environments. These limits are not intended to apply to the exposure of patients by or under the direction of physicians and care professionals, as well as to the exposure of informed volunteers in scientific research studies, or to the use of medical devices or implants. IEEE Std C95.1TM-2019 can be obtained at no cost from the IEEE Get Program <https://ieeexplore.ieee.org/document/8859679>.

INDEX TERMS Non-ionizing radiation protection, radio frequency (RF), RF exposure, RF safety, dosimetric reference limit (DRL), exposure reference level (ERL), induced and contact currents, specific absorption rate (SAR), electric fields, magnetic fields, electromagnetic fields, (epithelial) power density, electrostimulation, general public, restricted environment, unrestricted environment.

BACKGROUND


In 1960, the American Standards Association approved the initiation of the Radiation Hazards Standards Project under the co-sponsorship of the US Department of the Navy and the Institute of Electrical and Electronics Engineers, Incorporated (IEEE); (called the “Institute of Radio Engineers (IRE)” at the time). The first C95.1 standard was published in 1966. In 2001, the IEEE Standards Association Standards Board approved the name “International Committee on Electromagnetic Safety (ICES)” to better reflect its international membership as well as the scope of its Technical Committees (TC): TC34, addressing compliance assessment methods, and TC95, addressing exposure safety. The scope of IEEE ICES TC95, which developed IEEE Std C95.1TM-2019, is “*Development of standards for the safe use of electromagnetic energy in the range of 0 Hz to 300 GHz relative to the potential hazards of exposure of man, volatile materials, and explosive devices to such energy. It is not intended to include infrared, visible, ultraviolet, or*

ionizing radiation. The committee will coordinate with other committees whose scopes are contiguous with ICES.”

There are six TC95 Subcommittees, each of whose area of responsibility is described as follows in correspondence with its designated Subcommittee (SC) number:

- SC 1: Techniques, Procedures, Instrumentation, and Computation
- SC 2: Terminology, Units of Measurements, and Hazard Communication
- SC 3: Safety Levels with Respect to Human Exposure, 0 Hz to 3 kHz
- SC 4: Safety Levels with Respect to Human Exposure, 3 kHz to 300 GHz
- SC 5: Safety Levels with Respect to Electro-Explosive Devices
- SC 6: EMF Modeling and Dosimetry

IEEE Std C95.1TM-2019 [1] was prepared by SC 3 and SC 4. This synopsis is only a reference document and it is not designed to replace the standard. For a better understanding of the C95.1 standard, please download a free copy through the IEEE Get ProgramTM. (<https://ieeexplore.ieee.org/document/8859679>). Non-IEEE members will have to

The associate editor coordinating the review of this manuscript and approving it for publication was Jenny Mahoney .

set up a free account at the above link (top-right corner of the screen) to be able to download the standard. Information about the IEEE Get ProgramTM is available at: <https://standards.ieee.org/products-services/ieee-get-program.html>.

*Editorial Working Group; correspondence to IEEE ICES TC95 Chairman Dr. C-K Chou, ck.chou@ieee.org.

OVERVIEW

SCOPE

IEEE Std C95.1TM-2019 specifies exposure criteria and limits to protect against established adverse health effects in humans associated with exposure to electric, magnetic, and electromagnetic fields in the frequency range of 0 Hz to 300 GHz. The limits, incorporating safety margins, are defined in terms of dosimetric reference limits (DRL) and exposure reference levels (ERL). DRLs are expressed in terms of *in situ* (i.e., internal to the body of the exposed person) electric field strength, specific absorption rate (SAR), and epithelial power density. ERLs, which are more easily determined through measurements or computational analysis, are limits on external electric and magnetic fields, incident power density, induced and contact currents, and contact voltages that are intended to ensure that the DRLs are not exceeded. DRLs and ERLs protect against adverse health effects associated with electrostimulation of tissue and local and whole-body heating and are intended to apply to common situations where persons are exposed to electric, magnetic, and electromagnetic fields in the stated frequency range. However, the exposure limits are not intended to address exposures of patients or human research subjects under professional supervision, for which potential risks and recognized benefits might apply. Furthermore, these limits might not prevent interference with medical and implantable electronic devices that may be susceptible to electromagnetic interference (EMI).

GENERAL INTRODUCTION

The 2019 update of the C95.1 standard incorporates revisions of IEEE Std C95.1TM-2005 [2] and IEEE Std C95.6TM-2002 [3], further merging them into a single document, thus covering a large swath of the non-ionizing radiation spectrum. Updated information is also included from IEEE Std C95.1-2345TM-2014 [4] (addressing military workplaces and military personnel protection), which preceded this standard in combining and updating IEEE Std C95.1-2005 and IEEE Std C95.6-2002, introducing expanded, frequency-dependent exposure levels for contact currents, as well as new terminology such as “safety program initiation level,” “unrestricted environments” and “restricted environments.”

Recommendations to protect against established adverse health effects to humans from exposures to electric fields, magnetic fields, electromagnetic fields, and contact currents are defined on the basis of a comprehensive review of the scientific literature. The literature review performed for

IEEE Std C95.1-2005 constitutes a strong foundation for the 2019 edition (see C.2 to C.7 [1]). As discussed in A.1.7 [1], the ICES literature review working group (LRWG) found that many recent health agency and expert group reviews confirmed the protectiveness of the existing limits. The major changes in limits in the 2019 edition address DRLs and ERLs above 6 GHz as based on recent thermal modeling studies. Detailed reviews of scientific studies dealing with effects at frequencies above 6 GHz are included in C.8 [1]. Review of the extensive literature on electromagnetic field (EMF) biological effects, spanning seven decades, confirmed that electrostimulation remains the dominant effect at frequencies below 100 kHz (but possibly up to 5 MHz for pulsed fields) and that thermal effects dominate at frequencies above 5 MHz, while both require protective limits in the 0.1 MHz to 5 MHz range.

Examination of the literature on exposure to electromagnetic energy revealed no reproducible low-level (nonthermal) adverse health effects. Moreover, the scientific consensus is that there are no accepted theoretical mechanisms that would explain the existence of low-level adverse health effects. Since the publication of ANSI C95.1-1982 [5], advances have been made in the scientific knowledge of the biological effects of exposure to electromagnetic energy. This additional and cumulative knowledge helps strengthen the basis for and confidence in the assertion that the ERLs and DRLs in IEEE Std C95.1TM-2019 are protective against established adverse health effects.

The literature review also evaluated the possibility of adverse health effects associated with chronic low-level exposure. For exposures to electric, magnetic, and electromagnetic fields at frequencies between 0 Hz and 300 GHz, the following two conclusions were reached:

- a) The weight-of-evidence provides no credible indication of adverse effects caused by chronic exposures below levels specified in IEEE Std C95.1TM-2019.
- b) No biophysical mechanisms have been scientifically validated that would link chronic exposures below levels specified in IEEE Std C95.1TM-2019 to adverse health effects.

Based on the collective findings of recent reviews, the weight of the evidence continues to indicate that chronic exposure at levels specified in this standard is unlikely to cause adverse health effects. Nonetheless, ICES Subcommittees routinely evaluate new research and will, if appropriate, initiate revision of IEEE Std. C95.1-2019.

Various new definitions are introduced in IEEE Std C95.1TM-2019. The terms unrestricted tier (lower tier) and restricted tier (upper tier) refer to ranges of permissible exposure levels, with each tier having an upper limit. The lower tier limit is designated as the “safety program initiation level” (rather than the “action level” as designated in IEEE Std C95.1TM-2005) to emphasize that an EMF safety program is necessary if exposure levels exceed said limit and fall in the upper tier. It should be noted that the 2019 edition refers to the upper tier exposure limit as applicable to

“persons permitted in restricted environments,” to emphasize that individuals might occupy restricted environments, where the higher ERLs and DRLs are applicable, provided they follow applicable EMF safety program guidance and procedures. This standard specifically avoids the declaration that only individuals who are exposed because of their occupation may enter restricted environments. For portable devices, such as mobile phones and two-way radios, the lower tier DRL is applicable to devices available to the general public, while the higher tier DRL is applicable to professional use devices for which EMF exposure awareness information/training is provided.

PROTECTED POPULATION

IEEE Std C95.1TM-2019 is intended to apply to all people, regardless of age, with sufficient safety factors incorporated to accommodate variations in health, body size, shape and environment. Patients undergoing procedures for medical diagnosis or treatment that require exposure to fields or currents in excess of the DRLs and ERLs are exempted. The medical-applications exemption is provided under the expectation that medical staff are appropriately trained in minimizing the risk concomitant with the provision of a recognized benefit from the exposure.

Application of IEEE Std C95.1-2019 is intended to offer protection to all persons in unrestricted exposure environments such as living quarters, public areas, and workplaces (unrestricted/lower tier), as well as to persons permitted in restricted environments (restricted/upper tier). For the latter, information or training on EMF exposure awareness must be provided under an acceptable EMF safety program, which may include compulsory exposure mitigation measures. Examples of exposure mitigation include engineering controls (engineering controls are the preferred approach to exposure mitigation in most exposure scenarios), administrative controls, personal protective equipment (PPE) such as insulated gloves and/or protective clothing, awareness programs, and operator training documentation designed to alert personnel to the possibility of effects, or specific work practices that lessen the duration or intensity of exposure (e.g., per IEEE Std C95.7TM-2014 [6] for the RF frequency range).

SAFETY FACTORS

Safety factors and their rationales are different for frequencies below approximately 100 kHz (but possibly up to 5 MHz for pulsed fields), where the adverse effect concerns electrostimulation, and above 100 kHz where the adverse effects being protected against are related to tissue heating. In the transition region of 100 kHz to 5 MHz, both electrostimulation and heating can occur. For frequencies above 6 GHz, the effect being protected against is tissue surface heating. The three types of effects (i.e., electrostimulation, whole-body heating, and local heating) are protected against through three separate sets of DRLs and ERLs that are applicable within respective

frequency ranges. Safety factors are implemented considering the effects for each frequency band.

RISK ASSESSMENT AND SAFETY PROGRAMS

An EMF safety program, such as described for the RF range in IEEE Std C95.7, shall be implemented whenever the lower tier DRLs (or corresponding ERLs) can be exceeded (safety program initiation level). For persons in unrestricted environments, the lower tier DRLs shall not be exceeded. For persons permitted in restricted environments, the lower tier DRLs may be exceeded but the upper tier DRLs shall not be exceeded. The identification of restricted environments is accomplished via an EMF exposure assessment. Any consequent EMF safety program shall implement appropriate controls for access to the restricted environment. The purpose of the safety program is to prevent exposures that exceed the upper tier exposure limits. While safety programs are applied to fixed (or stationary) sources of electromagnetic fields, portable devices such as mobile phones or professional two-way radios are subject to separate requirements for limiting peak spatial average SAR in tissues. Procedures to assure compliance with respect to the DRLs for either lower or upper exposure tiers, as appropriate, are developed within IEEE ICES TC34, frequently in conjunction with the International Electrotechnical Commission (IEC) Technical Committee 106.

EXPOSURE LIMITS

DRLs and ERLs for exposure to electric, magnetic, or electromagnetic fields are defined to protect against painful electrostimulation in the frequency range of 0 Hz to 5 MHz and to protect against adverse heating in the frequency range of 100 kHz to 300 GHz. In the transition region of 100 kHz to 5 MHz, protection against both electrostimulation and thermal effects is provided through both sets of limits. Below 100 kHz, only the electrostimulation limits apply, while above 5 MHz, only the thermal limits apply, and both sets of limits apply in the transition region (100 kHz to 5 MHz). Within the transition region, the limits based on electrostimulation are generally more limiting for low-duty-factor exposures, while the thermal-based limits are more limiting for continuous-wave fields. ERLs also are defined for contact currents, induced currents, and contact voltages for the frequency range of 0 Hz to 110 MHz.

Evaluation of compliance with this standard ideally includes a determination that the DRLs are not exceeded. This determination is difficult in most cases because it can only be carried out using sophisticated analytical or measurement techniques, which are often limited to laboratory-type settings. ERLs are derived from the DRLs to provide a readily assessed quantity via measurements or computations. The value of an ERL is determined such that when the measured exposure complies with the ERL, it is also in compliance with the DRL. An ERL, however, may be exceeded if it can be demonstrated that the corresponding DRL is

not exceeded. Assessment of exposure to electric, magnetic, and electromagnetic fields may be accomplished by measurement and/or analysis, using appropriate instrumentation and measurement techniques or computational/analytical methods, as described in standards, such as IEEE Std C95.3 [7], IEEE Std C95.3.1 [8], and IEC 62232 [9].

In Clause 4 of IEEE Std C95.1TM-2019, a total of 14 tables specify DRLs and/or ERLs for exposure to electric, magnetic, and electromagnetic fields for persons in unrestricted environments and persons in restricted environments. Tables 12 through Table 14 specifically are on the induced and contact current limits.

Table 1—DRLs for electrostimulation mechanisms (0 Hz to 5 MHz)

Table 2—Magnetic field ERLs for exposure of head and torso (0 Hz to 5 MHz)

Table 3—Magnetic field ERLs for the limbs (0 Hz to 5 MHz)

Table 4—Electric field ERLs (0 Hz to 100 kHz)—Whole-body exposure

Table 5—DRLs (100 kHz to 6 GHz)

Table 6—Local exposure DRLs (6 GHz to 300 GHz)

Table 7—ERLs for whole-body exposure of persons in unrestricted environments (100 kHz to 300 GHz)

Table 8—ERLs for whole-body exposure of persons permitted in restricted environments (100 kHz to 300 GHz)

Table 9—Local exposure ERLs (100 kHz to 6 GHz)—Persons in unrestricted environments

Table 10—Local exposure ERLs (100 kHz to 6 GHz)—Persons permitted in restricted environments

Table 11—Local exposure ERLs (6 GHz to 300 GHz)

Table 12—RMS induced and contact current ERLs for continuous sinusoidal waveforms based on ES effects—Frequencies between 0 Hz and 3 kHz

Table 13—RMS induced and contact current ERLs for continuous sinusoidal waveforms based on ES effects—Frequencies between 3 kHz and 5 MHz

Table 14—RMS induced and contact current ERLs for continuous sinusoidal waveforms (100 kHz to 110 MHz)

DIFFERENCES BETWEEN THIS STANDARD AND IEEE STD C95.6-2002 AND IEEE STD C95.1-2005

As summarized in B.1.2, these are differences from the previous standards:

- a) IEEE Std C95.1-2005 [2] contains two tiers: an upper tier for “people in controlled environments” and a lower tier “action level” for implementing an RF safety program or MPE for the general public when an RF safety program is not available. In this standard, operational definitions are introduced. The terms “lower tier” (“unrestricted tier”) and “upper tier” (“restricted tier”) establish the maximum exposure limits for persons in unrestricted environments and for persons permitted in restricted environments, respectively.
- b) A DRL replaces basic restriction, and an ERL replaces MPE, the terms used in the previous standard. The intent is to make the terms more explicit and understandable.
- c) The safety program initiation level (previously “action level”) is clarified as the ERL marking the transition point between the lower (unrestricted) tier and the upper (restricted) tier.
- d) The upper frequency boundary for the whole-body-average specific absorption rate (WBA SAR) has been changed from 3 GHz to 6 GHz because of improved measurement capabilities and to harmonize with the anticipated revised ICNIRP guidelines [10].
- e) The averaging time is 30 min for whole-body RF exposure and 6 min for local exposure. It is scientifically more appropriate to select the averaging time according to the absorbing mass, not according to the exposure tier.
- f) The term “extremities” as used in IEEE Std C95.1-2005 is changed to “limbs” involving the whole arms and legs, instead of portions distal to the elbows and knees. This change is to harmonize with IEEE Std C95.6-2002 and the ICNIRP guidelines [11].
- g) After the publication of more recent dosimetry findings, the local exposure ERL factor is now frequency dependent, instead of being a fixed factor of 20 times the whole-body ERL over a frequency band.
- h) The upper tier whole-body exposure ERLs above 300 MHz are different from those in IEEE Std C95.1-2005 to maintain a consistent factor of 5 between tiers and to harmonize with ICNIRP guidelines.
- i) The local exposure DRL and ERL for frequencies between 6 GHz and 300 GHz have been changed. The DRL is the epithelial power density inside the body surface, and ERL is the incident power density outside the body. The power density area for spatial averaging is defined as 4 cm². For smaller areas, relaxed limits are allowed.
- j) Peak DRL and ERL limits for local exposures to pulsed RF fields are defined, and new fluence limits for single RF-modulated pulses above 30 GHz are introduced. The averaging area for single pulse fluence is 1 cm².
- k) The previous induced current limit for both feet is considered an unrealistic condition and is removed. The induced current limits for a single foot are retained.
- l) Root-mean-square (rms) induced and contact current limits for continuous sinusoidal waveforms (100 kHz to 110 MHz) are changed from those in Table 7 of IEEE Std C95.1-2005 to frequency-dependent values.

It should be noted that international harmonization of standards and guidelines is highly desirable. Much effort has been devoted to doing this for the IEEE Std C95.1-2019 standard and the current ICNIRP guidelines [10]. Yet, there remain differences. A description of the background and reasons for the differences is planned for a future paper.

INFORMATIVE ANNEXES A TO E

ANNEX A

Approach to revision of IEEE Std C95.1TM-2005 and IEEE Std C95.6TM-2002.

Subclause A.1 has subsections discussing: 1) Continuity of the IEEE standards revision process, 2) Open nature of the IEEE ICES standards development process, 3) Complete reassessment of the technical rationale, 4) Process clarifications, and appeals, 5) The literature surveillance effort, 6) Literature evaluation process, and 7) Identification of hazards and interaction mechanisms.

Subclause A.2 includes: 1) Basic concepts for developing the ERLs, 2) Publication of novel findings, supportive data, and general acceptance by the scientific community, 3) Assessing thresholds and dose-response relationships, and 4) Selection of safety factors and development of ERLs, and 4) Mechanisms of biophysical interaction for the three frequency bands (0-5 MHz, 100 kHz-300 GHz, 6 GHz - 300 GHz).

Subclause A.3 covers the adverse health effects of the three frequency bands.

ANNEX B

Rationale

Recent literature reviews by the ICES working groups and the literature review have not revealed reliable evidence that would change the scientific basis for the adverse effect levels. The adverse effect is electrostimulation at low frequency and heating at high frequency. The threshold for WBA SAR of 4 W/kg for established adverse effects remains the same as in the ANSI C95.1-1982 [5], and the IEEE Std C95.1-2005 [2]. Adoption was based on the decision that the threshold for disruption of ongoing behavior in laboratory animals including nonhuman primates can be extrapolated to potentially adverse effect in human beings. The peak spatial-average SAR (psSAR) values were changed in IEEE Std C95.1-2005 from 1.6 W/kg and 8 W/kg averaged over 1 g of tissue for exposure of the public and exposures in controlled environments to 2 W/kg and 10 W/kg averaged over 10 g of tissue, respectively. Modeling studies report the possibility of a 1 °C or greater rise in tissue temperature at 10 W/kg per 10 g. An increase of 1 °C had been suggested earlier as the upper temperature increase without detrimental health effects.

The rationale to set exposure limits for stimulatory effects at lower frequencies and temperature-related effects at higher frequencies has been explained thoroughly in this standard. Improved numerical and measurement methods in RF dosimetry have increased our understanding of the SAR-temperature relationship following RF energy deposition in human tissue, which is essential when assessing potential biological and health effects. In addition, to explain the rationale for adverse effect levels in the frequency range of 100 kHz to 300 GHz (see B.3), several special considerations have been reviewed and explained in detail in B.7

(for example, to cover extreme exposure situations of specific human subpopulations).

In summary, this standard incorporates a large margin of safety and a safety program is required to provide part of the margin of safety for those exposed above the lower tier level. This standard should also be considered especially conservative because the safety factors are applied against perception phenomena (electro-stimulation and behavioral disruption), which are far less serious effects than any permanent pathology or even reversible tissue damage that could occur at much higher exposure levels than those for perception phenomena.

In subsequent subclauses, rationales for the various frequency bands are explained in detail:

- B.2 Rationale for limits based on electrostimulation (0 Hz to 5 MHz)
- B.3 Rationale for limits based on heating (100 kHz to 300 GHz)
- B.4 DRL and ERL
- B.5 Adverse effect levels
- B.6 Averaging time
- B.7 Special considerations (Recognition of whole-body resonance; Nonuniform exposure fields; Near-field versus far-field exposures and SAR; Spatial considerations (peak versus whole-body average values); Tissue averaging mass considerations; Historical perspective on the evolution of the lower tier; Adverse environmental conditions and workloads; Presence of medical devices or metallic implants; Influences of medications; Pregnancy; Use of mobile telephones by children; and Macular degeneration).

ANNEX C

Identification of levels of exposure associated with adverse effects— summary of the literature

A review of the extensive literature on biological effects of electromagnetic fields reveals adverse health effects can occur as electrostimulation at low frequencies and thermal effects at high frequencies. This conclusion is consistent with those reached by other scientific expert groups and government agencies including many reviews or reports published up to the end of 2017, and also 2019 [12].

Further examination of the RF literature reveals no confirmed adverse health effects below current exposure limits that would occur even under unusually high heat loads from ambient thermal conditions and workload. The scientific consensus is that no accepted theoretical mechanisms exist that would suggest the existence of such effects. This consensus further supports the analysis presented in this annex that established harmful effects can occur due to excessive absorption of thermal energy from an RF field, leading to detrimentally elevated temperatures within tissue.

The accepted mechanism is RF energy absorbed by the biological system through interaction with polar molecules (dielectric relaxation) or interactions with ions (ohmic loss), which is rapidly dispersed to all modes of the system leading to an average energy rise or temperature elevation.

Since publication of ANSI C95.1-1982, significant advances have been made in our knowledge of the biological effects of exposure to RF energy. This increased knowledge strengthens the basis for and confidence in the statement that the ERLs and DRLs in this standard are broadly protective against established adverse health effects.

Since all expert reviews confirm the protectiveness of the current limits [12], and the fact that the only changes in limits in this standard are the dosimetric reference limits (DRL) and exposure reference levels (ERL) above 6 GHz, this annex includes reviews of scientific papers dealing with effects at frequencies higher than 6 GHz.

Subclauses C.2 to C.7 are essentially adapted from Annex B of IEEE Std C95.1-2005. Subclause C.8 contains review of literature above 6 GHz.

- C.2 Identification of levels of RF exposure responsible for adverse effects—Summary of the literature (IEEE Std C95.1-2005, Annex B)
- C.3 Role of mechanisms in determination of levels for adverse effects
- C.4 Improvements in dosimetry
- C.5 Established effects forming the basis of this standard
- C.6 Noncancer-related studies
- C.7 Cancer-related studies
- C.8 Reviews of the literature (frequencies between 6 GHz and 300 GHz)

ANNEX D

Practical examples for compliance determinations—Applications

Often there are situations where determining compliance with this standard may be difficult and not always straightforward. This annex focuses on those portions of the standard that have traditionally been problematic for interpretation and implementation. Examples are shown on applying the peak power density limits, heat sealing application at 27 MHz, and evaluating polarization-dependent exposures. Subclause D.2 explains how to deal with multifrequency exposures (exposures to multiple sources). Subclause D.3 deals with RF field exposures consisting of intense pulsed power densities shall comply not only with the WBA ERL and local ERL but also with a limit on the fluence of the pulses (J/m^2 or kJ/m^2). Subclause D.4 has requirements for measurements of electric field and magnetic fields, induced currents, and contact voltage (frequencies above 100 kHz).

ANNEX E

Bibliography

Annex E contains 1550 references.

ACKNOWLEDGMENT

The Editorial Working Group that prepared this synopsis recognizes the many contributions of ICES TC 95 members during the development of IEEE Std C95.1-2019, especially

Ron Petersen (deceased) who acted as secretary for many years.

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ANTONIO FARAONE (M'97-SM'05) was born in Rome, Italy, in 1966. He received the Research Doctorate (Ph.D.) degree in applied electromagnetics from the University of Rome "La Sapienza," in 1997. He joined the Motorola's (now Motorola Solutions, Inc.) Corporate Electromagnetic Energy (EME) Research Laboratory, Fort Lauderdale, FL, USA, involved in mobile antenna technology R&D, RF dosimetry research, and RF exposure safety and product comp-

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KEVIN GRAF received the B.S. degree (*summa cum laude*) in electrical and computer engineering from Cornell University, in 2007, and the M.S. and Ph.D. degrees in electrical engineering from Stanford University, in 2010 and 2014, respectively. He worked at Exponent, from 2014 to 2019, specializing in the analysis of electric and magnetic fields and waves, including analysis of consumer electronics, medical devices, high voltage transmission lines, and natural emissions,

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In addition, he has written widely about scientific issues related to possible health effects of electromagnetic fields. He has authored approximately 160 technical articles in peer-reviewed journals, numerous other articles, and two books related to technological risk and the law. He is a longtime member of TC 95 of the IEEE International Committee on Electromagnetic Safety and a member of the Physical Agents Committee of the American Conference of Governmental Industrial Hygienists, among many other professional activities. In 2016, he received the d'Arsonval Award from the Bioelectromagnetics Society for contributions to the field of bioelectromagnetics. He is a Co-Editor-in-Chief of *BioMedical Engineering OnLine*. He has been active for many years on the IEEE EMBS Committee of Man and Radiation, the IEEE Society on Social Implications of Technology, and the IEEE Engineering in Medicine and Biology Society.



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KENNETH E. GETTMAN received the B.S. degree in engineering (biomedical) from Northwestern University, in May 1975, and the M.B.A. degree in technology management from IIT, in June 1988. He retired as the Director of International Standards for the National Electrical Manufacturers Association. From 1975 to 1979, he was with the U.S. Navy, serving on the USS Wainwright and for COMDESRON 4, as an Engineering Electrical Officer, a Communications Officer, a Dry Dock

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BERTRAM JON KLAUENBERG (M'86–SM'17) was born in Baltimore, MD, USA, in August 1947. He received the dual B.S. degree in psychology anthropology from Towson University, Baltimore, in 1972, the M.A. degree in physiological psychology, in 1977, and the interdisciplinary Ph.D. degree in neuropsychology and human physiology from Wayne State University, Detroit, MI, USA, in 1980. He served as a Navigational Aids Electronics Technician in the U.S. Navy. He was a Postdoctoral Fellow, from 1980 to 1983, and a Research Associate of psychology–pharmacology with the University of Minnesota, Minneapolis, MN, USA, from 1983 to 1986, publishing research on behavioral toxicology, including the first report of thermal epileptic kindling.

He joined the Air Force at Brooks AFB, San Antonio, TX, USA, in 1986. He conducted research into the biological effects of high-power microwaves and was a Senior Research Physiologist with the Air Force Research Laboratory (AFRL), Radio Frequency Bioeffects Branch, until retirement on December 2018. He identified military operational impacts of EMF limits and with IEEE ICES developed alternatives. He engineered a NATO-IEEE Technical Cooperation Agreement, initiating the first civilian development of a military workplace EMF exposure standard. He led several NATO Research Technology Organization task groups on EMF bioeffects reaching consensus for eliminating High Peak Power Ultra-Short Electromagnetic Pulses (HPP-EMP) limits. Consequently, the IEEE C95.1–2345-2014 followed suit and dropped the restriction on HPP-EMP. He organized/directed NATO Advanced Research Workshops, RF Standards and RF Dosimetry. He was the USAF and NATO liaison to the International Advisory Committee of the World Health Organization EMF Project, coordinated AFRL as a WHO collaborating institution for EMF and led two re-designations establishing international collaborative research/development. He initiated/led for 21 years the DoD Defense Standardization Program Radiofrequency Exposure to Personnel Safety as the Lead Standardization Activity. He received the IEEE International Award, for 2011 and 2006, and the 2012 DOD Defense Standardization Program Office (DSPO) Award. In 2016, he also received the DSPO highest award for achievements in standardization.



ALEXANDRE LEGROS was born in Versailles, France, in 1976. He received the Ph.D. degree in human movement sciences, in 2004, and completed a first postdoctoral fellowship on electrical deep brain stimulation (DBS) in dystonic syndromes at the Neurosurgery, Guy de Chauliac Hospital, Montpellier, France. He also completed a second postdoctoral fellowship in the Bioelectromagnetics Group, Lawson, from 2005 to 2007, where he was a Scientist, in September 2007.

He is the Director of the Bioelectromagnetics and Human Threshold Research Group, Lawson Health Research Institute, London, ON, Canada, and an Associate Professor with the Departments of Medical Biophysics, Medical Imaging, and Kinesiology, Western University, Canada. He is also an Associate Scientist with the EuroStim/EuroMov, University of Montpellier, France, where he is duplicating his Canadian laboratory to develop new collaborative research projects involving human responses to high levels of ELF-MF. He has expertise in the fields of neurosciences, kinesiology, and biophysics applied to the study of neurostimulation and neuromodulation. His research interests mainly relate to the effects of specific electric and magnetic stimuli (DBS, transcranial magnetic stimulation, and time-varying magnetic fields) on human brain processing, motor control, and cognitive functions. He was a Board Member, from 2013 to 2015. He was the Chair of the Local Organising Committee for BioEM2019. He is currently a Secretary of the Board of Directors of the Bioelectromagnetics Society (BEMS) and is a Technical Program Committee Co-Chair for BioEM2020. He is the Canadian Chair for URSI commission K and the Chair of the Non-Ionizing Radiations Task Group, IRPA (International Radio Protection Association). He is also currently Co-Chairing a working group within the IEEE-ICES TC95 Subcommittee 6 and Chairing a task force on low frequencies recommendations.



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ous patents, including one on microwave oven door seal design. He was an Officer of the Electromagnetic Energy Association (EEA) and an early member of the Bioelectromagnetics Society. He continues to work to strengthen the world-wide influence of the International Committee on Electromagnetic Safety (ICES). He is a member of Phi Beta Kappa and Sigma Xi. He was a recipient of the 1998 IEEE Standards Medallion and the 2000 IEEE Millennium Medal. He has contributed to the founding and operating many IEEE activities, e.g., Life Member of COMAR and the Chairman IEEE MTT-S and SIT-S. He was the President of IMPI and an Editor of *Journal of Microwave Power*.



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his 50-year career at APL included electromagnetic interactions with the natural environment, signal processing, radar, underwater acoustics, human acoustic perception, infrared technology, and the transit navigation system, the precursor of modern satellite navigation. As the President of Metatec Associates, which he founded in 1986, he does research and consulting related to bioelectric phenomena, bioelectric devices, and electrical and electromagnetic safety. In this role, he consults with international federal, state, and private agencies concerning exposure to electric current and electromagnetic fields, including the analysis of bioelectric therapy and diagnosis, electrical safety, and forensic science. He is the author or coauthor of over 160 publications, including one book on radar and three on bioelectric phenomena and electrical safety. His book, *Applied Bioelectricity*, is a standard reference in the field of electrostimulation. In 2012, he published a memoir, *Snake Music*, through Lulu Press, Inc. In 2017, he received the prestigious D'Arsonval Award of the Bioelectromagnetics Society. The award was conferred in Montpellier, France, in 2019. He was a Principal Author of the IEEE Standard C95.6, published by the IEEE's International Committee on Electromagnetic Safety (ICES), in 2002.



RICHARD (RIC) A. TELL (M'70–SM'81–LSM'10–LF'12) was born in Roscoe, TX, USA, on January 25, 1944. He received the B.S. degree in physics from Midwestern State University, Wichita Falls, TX, USA, in 1966, and the M.S. degree in radiation sciences from Rutgers University, New Brunswick, NJ, USA, in 1967. He has 52 years of experience working on radio frequency safety issues, first at the U.S. Environmental Protection Agency for 20 years, where he served as the

Chief of the agency's Electromagnetics Branch, and since then in his own scientific consulting business. His specialty areas include RF safety, RF field exposure assessment, antenna analysis, and field measurements. Much of his work has been in helping clients to evaluate compliance with applicable standards and establish RF safety programs within their companies. He has been an elected member of the National Council on Radiation Protection and Measurements (NCRP) and serves as the Chairman of Subcommittee 2 of the IEEE International Committee on Electromagnetic Safety (ICES) TC95 that published the IEEE Std C95.7 Recommended Practice for RF Safety Programs and IEEE Std C95.2 on Radio Frequency Energy and Current-Flow Symbols. He is the Chairman of the IEEE/EMBS Committee on Man and Radiation (COMAR) and serves on the NCRP Advisory Panel on Nonionizing Radiation. He was a recipient of the 2019 Non-Ionizing Radiation Distinguished Service Award from the Health Physics Society.



ARTNARONG THANSANDOTE (S'75–M'81–SM'91–LSM'16) was born in Chumphon, Thailand. He received the B.Eng. (Hons.) degree in electrical engineering from Khon Kaen University, Thailand, in 1973, the M.Sc. degree in agricultural engineering from the University of Manitoba, Canada, in 1976, and the Ph.D. degree in electrical engineering from Carleton University, Canada, in 1982. From 1973 to 1988, he held teaching positions at Khon Kaen University as a Lecturer,

an Assistant Professor, and then as an Associate Professor in electrical engineering. From 1988 to 1991, he was a Research Associate and a part-time Lecturer in electrical engineering with the University of Ottawa, Canada. His research involved in the development of broadband electronic and fiber-optic sensors for the measurement of transient/pulsed electromagnetic fields (EMFs). In July 1991, he joined Health Canada as a Research Scientist and later served as a Chief of the Electromagnetics Division. He retired in September 2012 but still maintains a professional association with Health Canada as a Scientist Emeritus of the Consumer and Clinical Radiation Protection Bureau. During his tenure as a Division Chief, he was part of the team which carried out studies in the areas related to EMF bio-effects and exposure assessment, and developed guidelines, commonly known as Safety Code 6, for human exposure to radiofrequency (RF) electromagnetic energy. He was a member of the International Advisory Committee of the WHO International EMF Project, from 1996 to 2011, and a member of the Board of Directors of the Bioelectromagnetics Society, from 2008 to 2011, and has served the IEEE/ICES/TC95 as a Co-Chair of Subcommittee 4, which develops RF exposure standards, since 2005. He is currently a Technical Advisor with the Office of the National Broadcasting and Telecommunications Commission, Thailand, to provide advice concerning RF exposure assessment and possible health risks from RF exposure.



KENICHI YAMAZAKI (M'95–SM'06) was born in Yokohama, Japan, in February 1968. He received the B.S. degree in applied physics from the Tokyo University of Science, Tokyo, Japan, in 1990, and the M.S. and Ph.D. degrees in biomedical engineering from Hokkaido University, Sapporo, Japan, in 1992 and 2001, respectively. In 1992, he joined the Central Research Institute of Electric Power Industry (CRIEPI), Tokyo. In 2002 and 2003, he was a Visiting Scientist with the School of Electrical Engineering and Computer Science, Washington State University, Pullman, WA, USA. He is currently a Deputy Associate Vice-President and the Leader of the Surge and Electromagnetic Phenomena Research Section, CRIEPI, Yokosuka, Japan. His research interests include the characterization of human exposure to low-frequency electromagnetic fields and power line electromagnetic compatibility. He is a member of the Bioelectromagnetics Society.



MARVIN C. ZISKIN (M'69–SM'74–F'03–LSM'01–LF'03) received the A.B. and M.D. degrees from the Temple University School of Medicine, Philadelphia, and the M.S.Bm.E. degree in bioengineering from Drexel University. From 1965 to 1966, he was a Research Associate in diagnostic ultrasound with the Hahnemann Medical College. Following a two-year tour duty at the U.S. Air Force Aerospace Medical Research Laboratories, he returned to Temple University,

in 1968, where, for the past 23 years, he has served as the Director of the Center for Biomedical Physics. From 1982 to 1984, he was the President of the American Institute of Ultrasound in Medicine (AIUM), and from 2003 to 2006, he was the President of the World Federation of Ultrasound in Medicine and Biology (WFUMB). He is a Professor Emeritus of radiology and medical physics with the Temple University School of Medicine, Philadelphia. His interest in ultrasound, image processing, and non-ionizing electromagnetic radiation has resulted in seven books and over 275 scientific publications. His research interests include many areas within biomedical engineering with a special interest in ultrasound, millimeter waves, and other non-ionizing radiation. He received the 2011 D'Arsonval Award of the Bioelectromagnetics Society. He is currently the Co-Chair of the IEEE International Committee

for Electromagnetic Safety (ICES) TC95 Subcommittee SC4, which establishes safety standards for RF radiation. He has been on the Board of Directors of the Bioelectromagnetics Society and of the National Council for Radiation Protection and Measurements (NCRP). He has been active in a number of professional societies. He was the Chairman of the IEEE Committee on Radiation and Man (COMAR). He has served on the Editorial Boards of *Journal of Clinical Ultrasound*, *Clinical Diagnostic Ultrasound*, *Ultrasound in Medicine and Biology*, *Journal of Ultrasound in Medicine*, and *Bioelectromagnetics*.



PETER M. ZOLLMAN received the B.Sc. (Hons.) degree from the University College of North Wales, in 1979. He worked for Racal Communications, from 1979 to 1983. In 1983, he was a start-up employee with what is now Vodafone, developing drive-coverage measurement systems, systemizing RF coverage software, and developing on-frequency cellular repeaters and investigating interference issues. From 1990 to 1998, he worked on GSM handset type approval helping develop ETSI standards and certification of the interim and phase 1 type approval test systems. As a Project Manager, he managed GSM phase 2 type approval system development and certification at GSM Facilities Ltd. He Chaired the GSM Association Certification Task Force setting up the framework to evaluate new products on real networks. In 1998, he joined Vodafone U.K.'s Advanced Development Group (since 2001, Vodafone Group R&D), establishing the engineering and science aspects of the Vodafone Group RF safety policy. He helped to develop CENELEC EMF standards and was a Convener for IEC TC106 project team developing IEC 62232 Ed.1 and received the IEC 1906 Award, in 2011. He is a member of the Bioelectromagnetics Society, a Chartered Engineer, and a Fellow of the Institute of Engineering and Technology, in 2005. He Chaired the GSM Association EMF Expert Panel, from 2005 to 2013, initiating dosimetry research in support of standards. He Chaired the U.K. Mobile Operators' Association Science Working Group, from 2001 to 2013, liaising with the U.K. government to set up the Mobile Telecommunications and Health Research programs and with epidemiologists to identify the information needed from industry. Following his retirement from Vodafone, in 2013, he is currently providing consultancy on RF health and safety, remaining active on British Standard Institute GEL 106, and IEEE ICES and COMAR.

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EMF UTAH, LLC

AUGUST 23, 2022 - 1875 HOMESTAKE RD.

ELECTRIC FIELD SURVEY



SURVEY PERFORMED BY:

BRENT ROTONDI, EMF SPECIALIST (EMRS, BBEC)

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ABOUT EMF UTAH



ABOUT EMF UTAH

Established in 2018, EMF UTAH is dedicated to helping Utahns measure and understand the sources of EMFs in their homes and places of business.

While we primarily service the state of Utah, but have performed EMF surveys in Oregon, Idaho, and California, as well.

Learn more about us at emfutah.com

MEASURING EQUIPMENT

The survey was performed with the Gigahertz Solutions - NFA1000 EMF meter.

More information can be found at gigahertz-solutions.com

SURVEY DESCRIPTION

EMF UTAH was contacted by Rory Murphy to perform a electric field survey of the parking lot at 1875 Homestake Rd. The main concern of the client was the electrical power substation on the adjacent property to the parking lot.

EMF UTAH took electric field measurements at 12 locations of varying distance from the the fence line closest to the electrical substation.

In addition to ground level readings, with the assistance of a 30 foot vertical capacity

scissor lift, we took electric field readings from approximately 10', 20', and 30' heights at the nine locations representative of where the future structure will be.

These additional readings allowed us to survey what the electric field levels would look like for a building with multiple floors.

IMPORTANT

01 - These electric field survey readings are a snapshot in time and aren't predictive of what the readings will be at any point in the future or indicative of what the readings were in the past. These can and do change for a variety of reasons.

02 - EMF UTAH LLC and its employees make no claims regarding the health & safety (current, past or future) of a survey site based on EMF levels measured. Clients are advised to read the current health and safety documentation provided by federal, state, county and city environmental safety divisions, along with 3rd party environmental and technical organizations before making their own determination regarding the health and safety risk of the survey site.





ELECTRIC FIELD SURVEY LOCATIONS

THESE ARE THE APPROXIMATE LOCATIONS OF THE 12 POINTS WHERE READINGS WERE TAKEN ON THE PROPERTY

The white letters on the above image of the 1875 Homestake Rd. parking lot indicate the approximate locations of the 12 survey points.

Locations A, B and C along the fence had readings taken only at ground level due to safety considerations and lack of access due to parked vehicles.

The remaining locations D through L also had measurements taken at ground level along with having measurements taken at close approximations of the following:

- 10' above ground,
- 20' above ground
- 30' above ground

The heights of these additional measurements were achieved with the assistance of a scissor lift.

The following measurement data is presented for each survey location and for each available height.

The subsequent section presents the measurements in a manner that better visually represents how the electric fields decrease in intensity with distance from the source.

ELECTRIC FIELD MEASUREMENTS

ALL MEASUREMENTS IN VOLTS PER METER OR V/M

LOCATION A - FENCE

GROUND LEVEL
READINGS IN VOLTS PER METER

32

LOCATION B - FENCE

GROUND LEVEL
READINGS IN VOLTS PER METER

449

LOCATION C - FENCE

GROUND LEVEL
READINGS IN VOLTS PER METER

143

LOCATION D

GROUND

READINGS IN VOLTS PER METER

31

10' HIGH

READINGS IN VOLTS PER METER

64

20' HIGH

READINGS IN VOLTS PER METER

83

30' HIGH

READINGS IN VOLTS PER METER

96

LOCATION E

GROUND

READINGS IN VOLTS PER METER

120

10' HIGH

READINGS IN VOLTS PER METER

230

20' HIGH

READINGS IN VOLTS PER METER

306

30' HIGH

READINGS IN VOLTS PER METER

324

LOCATION F

GROUND

READINGS IN VOLTS PER METER

114

10' HIGH

READINGS IN VOLTS PER METER

158

20' HIGH

READINGS IN VOLTS PER METER

229

30' HIGH

READINGS IN VOLTS PER METER

198

LOCATION G

GROUND

READINGS IN VOLTS PER METER

14

10' HIGH

READINGS IN VOLTS PER METER

29

20' HIGH

READINGS IN VOLTS PER METER

36

30' HIGH

READINGS IN VOLTS PER METER

41

LOCATION H

GROUND

READINGS IN VOLTS PER METER

30

10' HIGH

READINGS IN VOLTS PER METER

79

20' HIGH

READINGS IN VOLTS PER METER

102

30' HIGH

READINGS IN VOLTS PER METER

107

LOCATION I

GROUND

READINGS IN VOLTS PER METER

33

10' HIGH

READINGS IN VOLTS PER METER

47

20' HIGH

READINGS IN VOLTS PER METER

88

30' HIGH

READINGS IN VOLTS PER METER

69

LOCATION J

GROUND

READINGS IN VOLTS PER METER

6

10' HIGH

READINGS IN VOLTS PER METER

7

20' HIGH

READINGS IN VOLTS PER METER

9

30' HIGH

READINGS IN VOLTS PER METER

14

LOCATION K

GROUND

READINGS IN VOLTS PER METER

7

10' HIGH

READINGS IN VOLTS PER METER

13

20' HIGH

READINGS IN VOLTS PER METER

16

30' HIGH

READINGS IN VOLTS PER METER

22

LOCATION L

GROUND

READINGS IN VOLTS PER METER

11

10' HIGH

READINGS IN VOLTS PER METER

8

20' HIGH

READINGS IN VOLTS PER METER

11

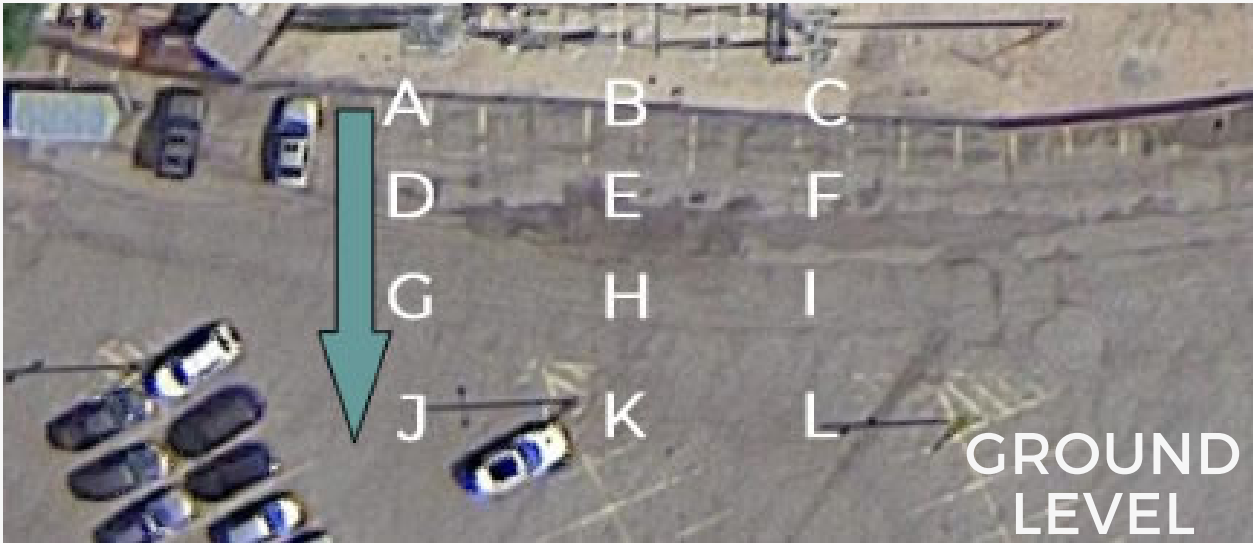
30' HIGH

READINGS IN VOLTS PER METER

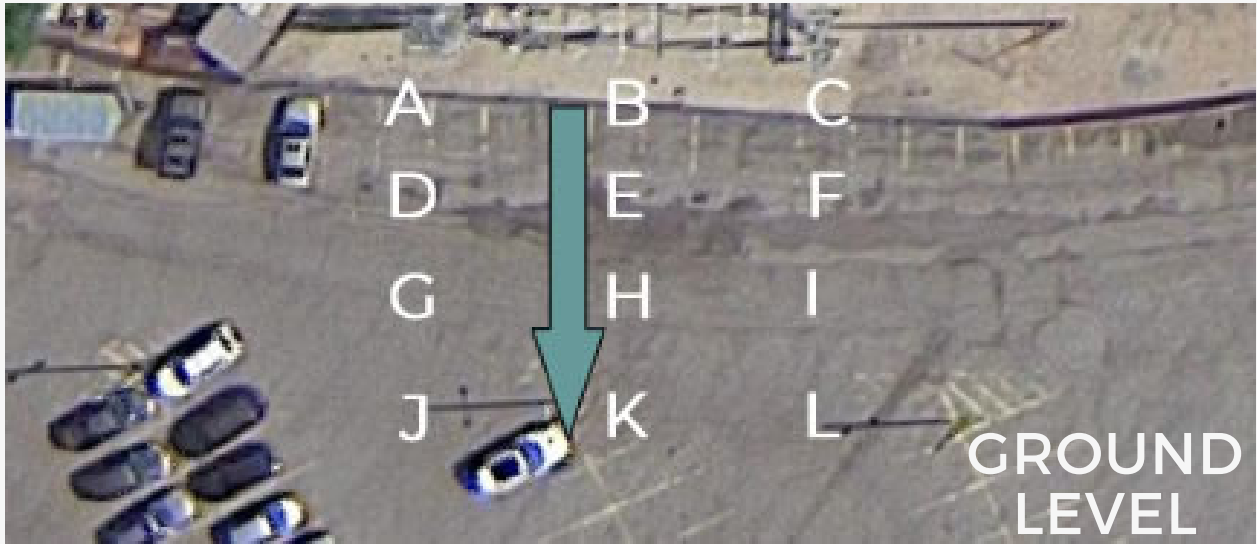
10

GROUPED MEASUREMENTS FROM GROUND LEVEL

TO HELP ILLUSTRATE THE EFFECT DISTANCE HAS
REDUCTION OF ELECTRIC FIELDS BY DISTANCE



GROUND LEVEL - LOCATIONS A-J		
LOCATION A		32
READINGS IN VOLTS PER METER		
LOCATION D		30
READINGS IN VOLTS PER METER		
LOCATION G		14
READINGS IN VOLTS PER METER		
LOCATION J		6
READINGS IN VOLTS PER METER		
		10



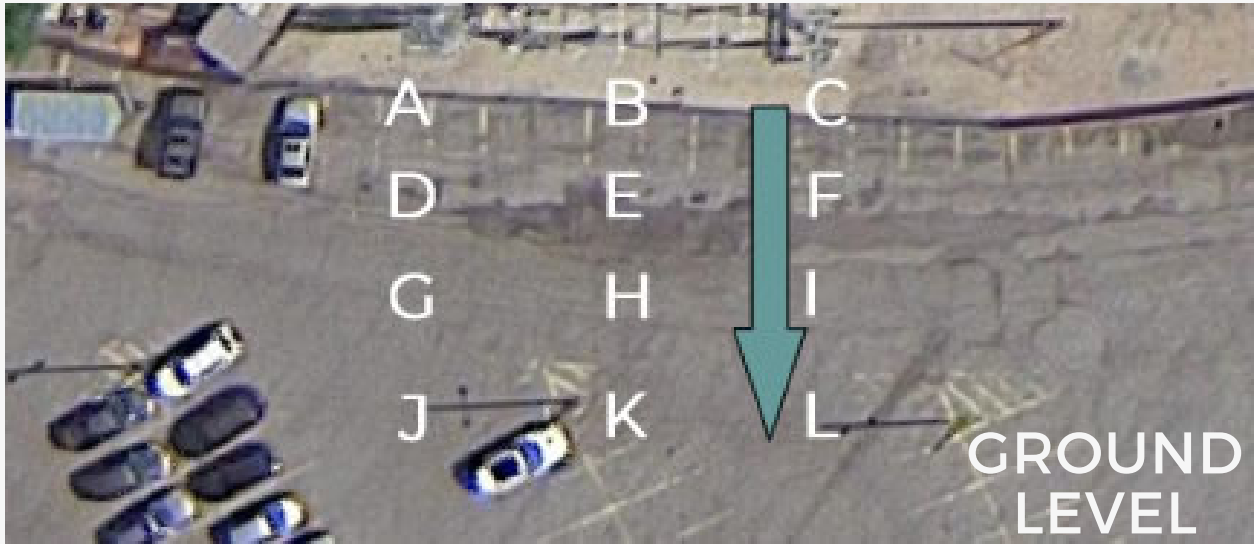
GROUND LEVEL - LOCATIONS B-K

LOCATION B	449
READINGS IN VOLTS PER METER	

LOCATION E	120
READINGS IN VOLTS PER METER	

LOCATION H	30
READINGS IN VOLTS PER METER	

LOCATION K	7
READINGS IN VOLTS PER METER	



GROUND LEVEL - LOCATIONS C-L

LOCATION C

READINGS IN VOLTS PER METER

143

LOCATION F

READINGS IN VOLTS PER METER

113

LOCATION I

READINGS IN VOLTS PER METER

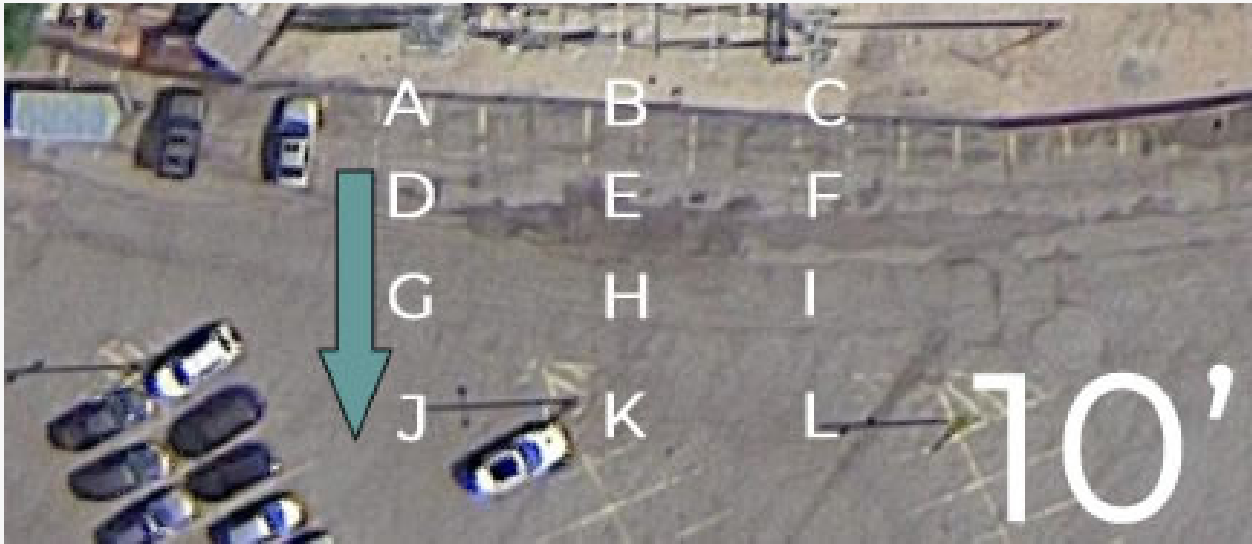
33

LOCATION L

READINGS IN VOLTS PER METER

11

GROUPED MEASUREMENTS BY 10' LIFT HEIGHT

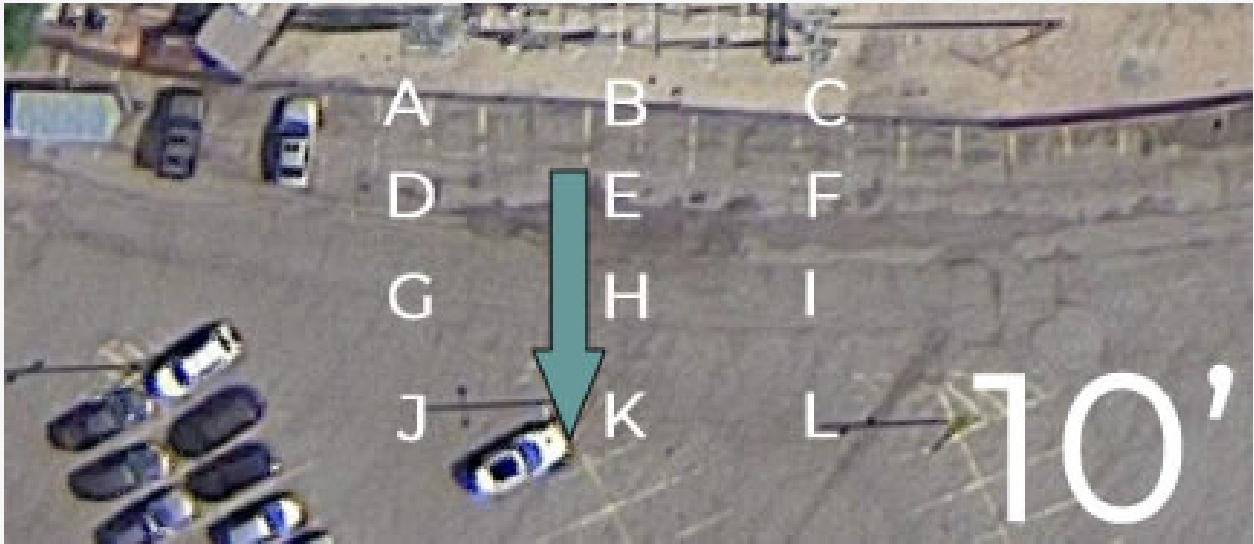


10' ABOVE GROUND - LOCATIONS D-J

LOCATION D
READINGS IN VOLTS PER METER **64**

LOCATION G
READINGS IN VOLTS PER METER **29**

LOCATION J
READINGS IN VOLTS PER METER **7**

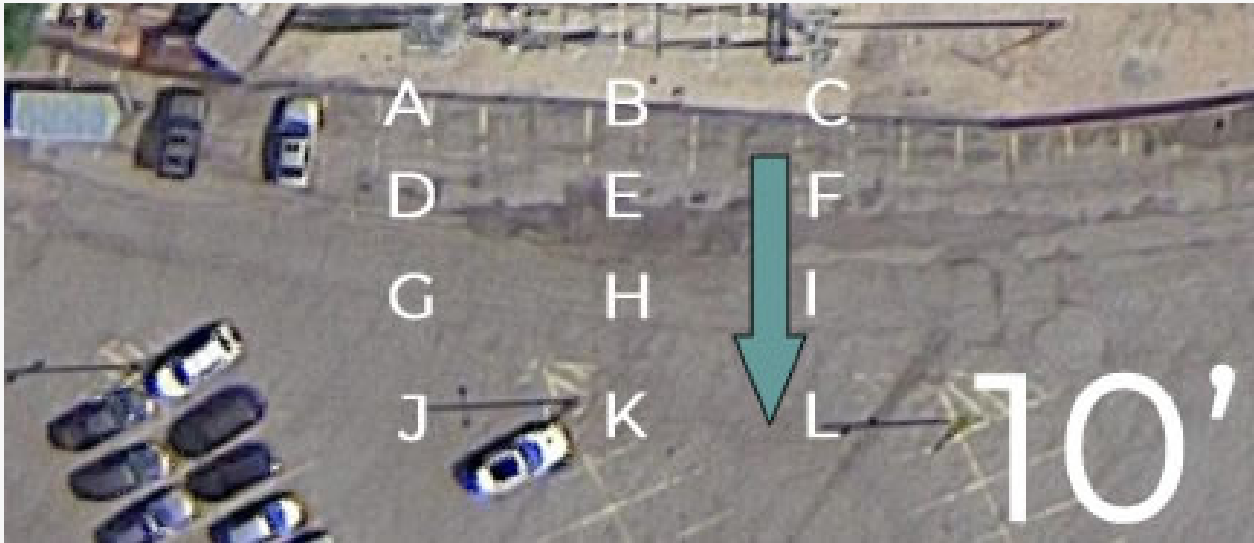


10' ABOVE GROUND - LOCATIONS E-K

LOCATION E	230
READINGS IN VOLTS PER METER	

LOCATION H	79
READINGS IN VOLTS PER METER	

LOCATION K	13
READINGS IN VOLTS PER METER	



10' ABOVE GROUND - LOCATIONS F-L

LOCATION F
READINGS IN VOLTS PER METER

158

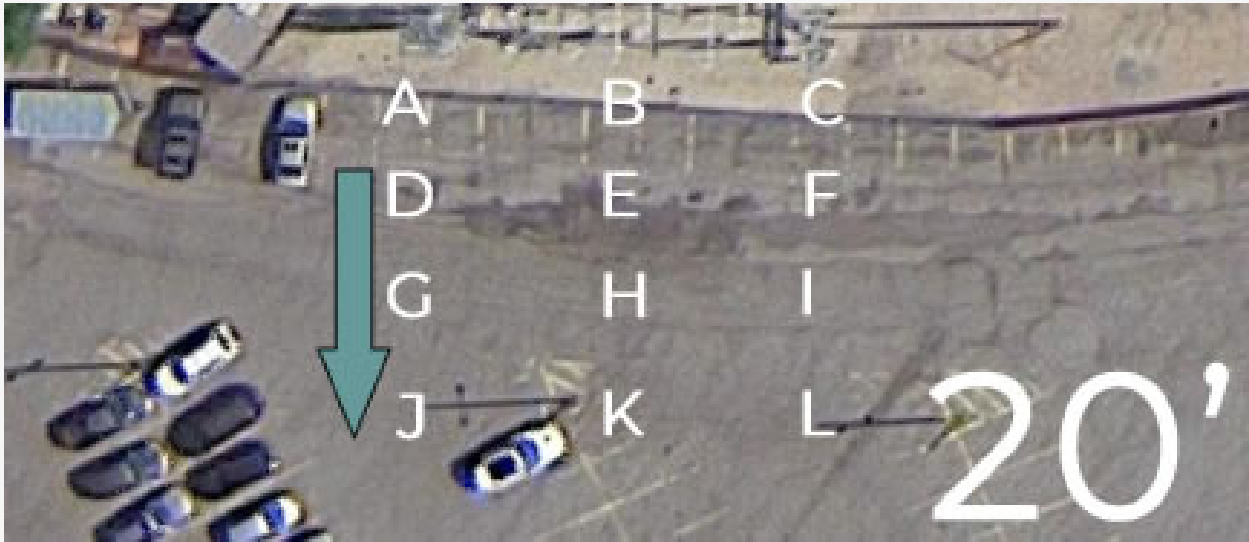
LOCATION I
READINGS IN VOLTS PER METER

47

LOCATION L
READINGS IN VOLTS PER METER

8

GROUPED MEASUREMENTS BY 20' LIFT HEIGHT

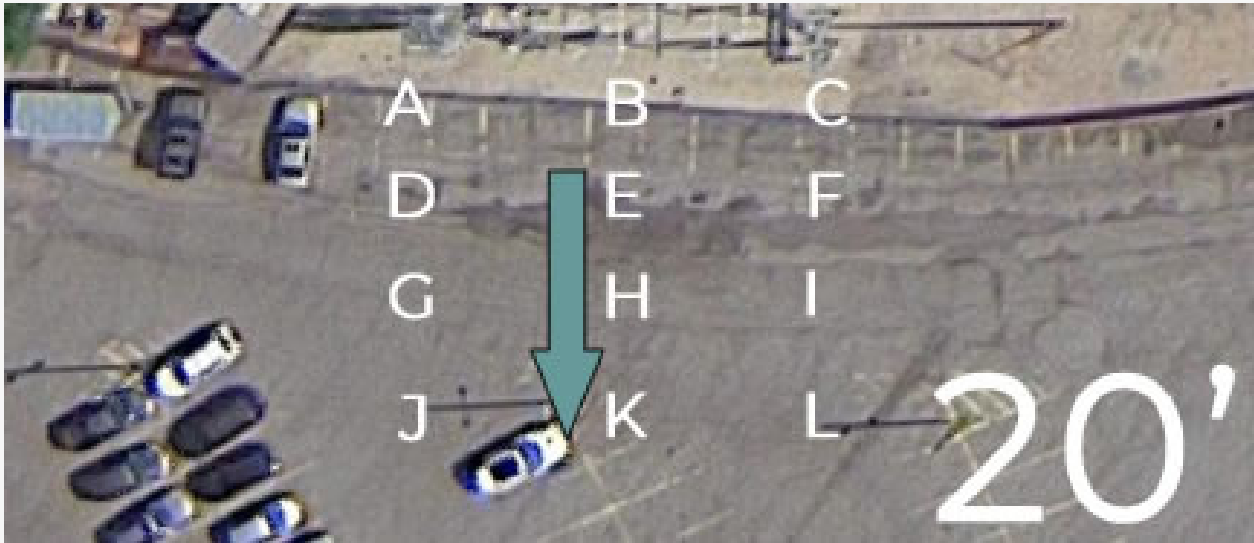


20' ABOVE GROUND - LOCATIONS D-J

LOCATION D READINGS IN VOLTS PER METER	88
--------------------------------------------------	-----------

LOCATION G READINGS IN VOLTS PER METER	36
--------------------------------------------------	-----------

LOCATION J READINGS IN VOLTS PER METER	9
--------------------------------------------------	----------

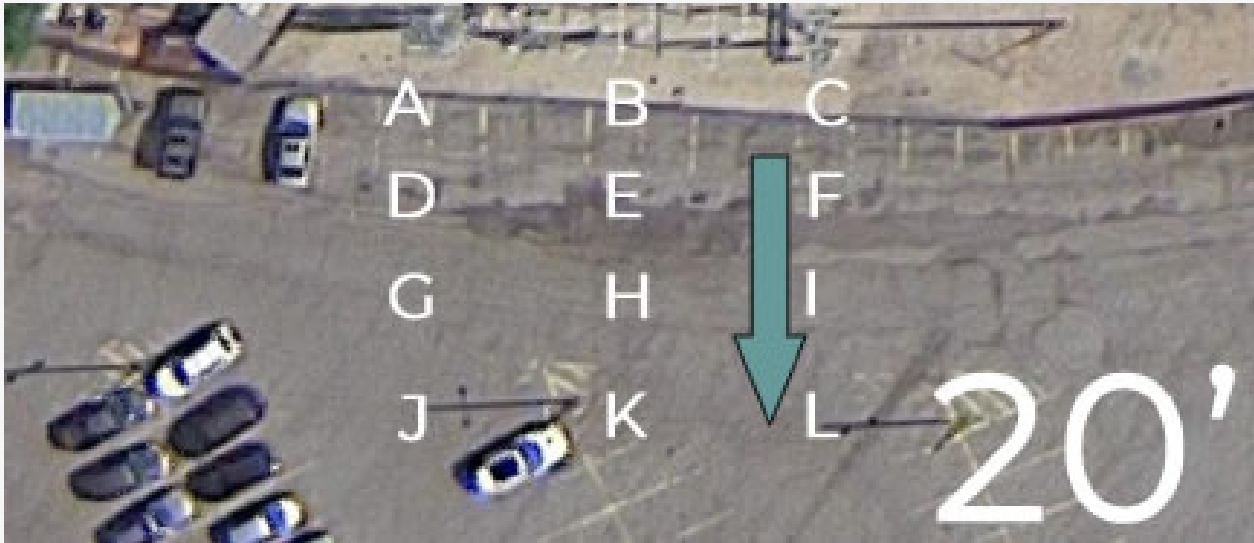


20' ABOVE GROUND - LOCATIONS E-K

LOCATION E	386
READINGS IN VOLTS PER METER	

LOCATION H	102
READINGS IN VOLTS PER METER	

LOCATION K	16
READINGS IN VOLTS PER METER	



20' ABOVE GROUND - LOCATIONS F-L

LOCATION F	229
READINGS IN VOLTS PER METER	

LOCATION I	87
READINGS IN VOLTS PER METER	

LOCATION L	11
READINGS IN VOLTS PER METER	

GROUPED MEASUREMENTS BY 30' LIFT HEIGHT

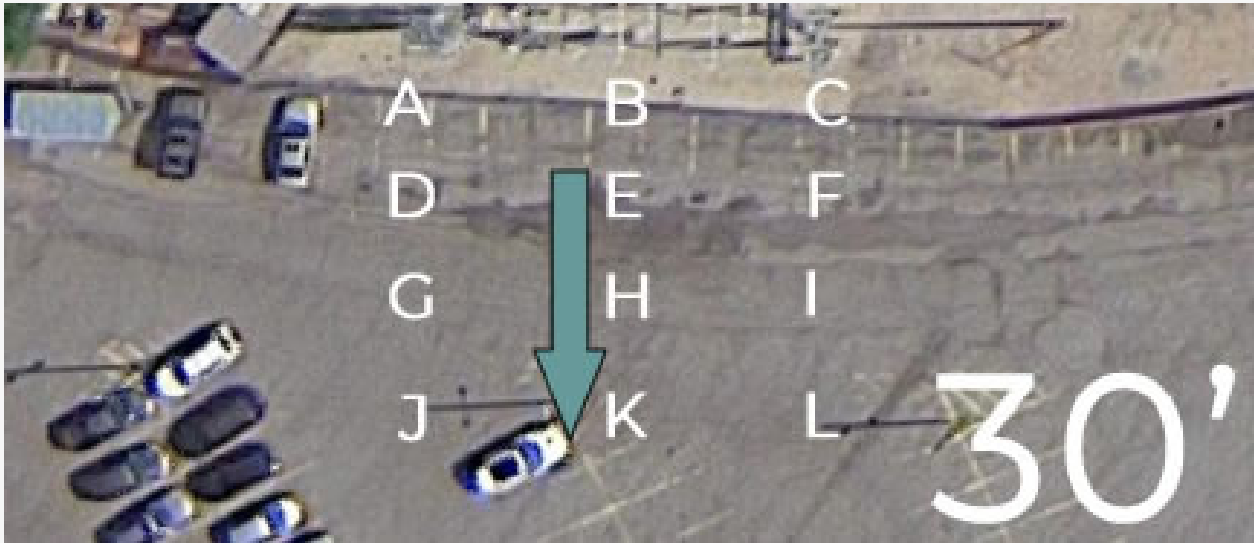


30' ABOVE GROUND - LOCATIONS D-J

LOCATION D READINGS IN VOLTS PER METER	96
--------------------------------------------------	-----------

LOCATION G READINGS IN VOLTS PER METER	40
--------------------------------------------------	-----------

LOCATION J READINGS IN VOLTS PER METER	14
--------------------------------------------------	-----------

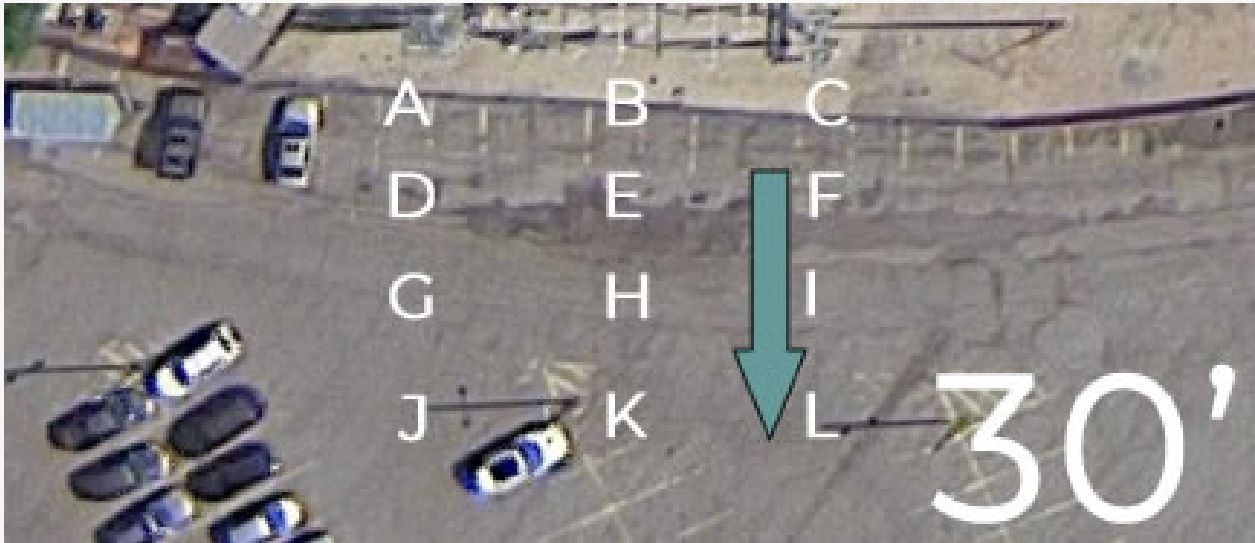


30' ABOVE GROUND - LOCATIONS E-K

LOCATION E	329
READINGS IN VOLTS PER METER	

LOCATION H	107
READINGS IN VOLTS PER METER	

LOCATION K	22
READINGS IN VOLTS PER METER	



30' ABOVE GROUND - LOCATIONS F-L

LOCATION F

READINGS IN VOLTS PER METER

198

LOCATION I

READINGS IN VOLTS PER METER

69

LOCATION L

READINGS IN VOLTS PER METER

11



EMF UTAH, LLC

AUGUST 23, 2022 - 1875 HOMESTAKE RD.

MAGNETIC FIELD SURVEY



SURVEY PERFORMED BY:

BRENT ROTONDI, EMF SPECIALIST (EMRS, BBEC)

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ABOUT EMF UTAH



ABOUT EMF UTAH

Established in 2018, EMF UTAH is dedicated to helping Utahns measure and understand the sources of EMFs in their homes and places of business.

While we primarily service the state of Utah, but have performed EMF surveys in Oregon, Idaho, and California, as well.

Learn more about us at emfutah.com

MEASURING EQUIPMENT

The survey was performed with the Gigahertz Solutions - NFA1000 EMF meter utilizing its gaussmeter function.

More information can be found at gigahertz-solutions.com

SURVEY DESCRIPTION

EMF UTAH was contacted by Rory Murphy to perform a magnetic field survey of the parking lot at 1875 Homestake Rd. The main concern of the client was the electrical power substation on the adjacent property to the parking lot.

EMF UTAH took magnetic field measurements at 12 locations of varying distance from the fence line closest to the electrical substation.

In addition to ground level readings, with the assistance of a 30 foot vertical capacity

scissor lift, we took magnetic field readings from approximately 10', 20', and 30' heights at the nine locations representative of where the future structure will be.

These additional readings allowed us to survey what the magnetic field levels would look like for a building with multiple floors.

IMPORTANT

01 - These magnetic field survey readings are a snapshot in time and aren't predictive of what the readings will be at any point in the future or indicative of what the readings were in the past. These can and do change for a variety of reasons.

02 - EMF UTAH LLC and its employees make no claims regarding the health & safety (current, past or future) of a survey site based on EMF levels measured. Clients are advised to read the current health and safety documentation provided by federal, state, county and city environmental safety divisions, along with 3rd party environmental and technical organizations before making their own determination regarding the health and safety risk of the survey site.





MAGNETIC FIELD SURVEY LOCATIONS

THESE ARE THE APPROXIMATE LOCATIONS OF THE 12 POINTS WHERE READINGS WERE TAKEN ON THE PROPERTY

The white letters on the above image of the 1875 Homestake Rd. parking lot indicate the approximate locations of the 12 survey points.

Locations A, B and C along the fence had readings taken only at ground level due to safety considerations and lack of access due to parked vehicles.

The remaining locations D through L also had measurements taken at ground level along with having measurements taken at close approximations of the following:

- 10' above ground,
- 20' above ground
- 30' above ground

The heights of these additional measurements were achieved with the assistance of a scissor lift.

The following measurement data is presented for each survey location and for each available height.

The subsequent section presents the measurements in a manner that better visually represents how the magnetic fields decrease in intensity with distance from the source.

MAGNETIC FIELD MEASUREMENTS

ALL MEASUREMENTS IN MILLIGAUSS OR MG

LOCATION A - FENCE

GROUND LEVEL
READINGS IN MILLIGAUSS

.74

LOCATION B - FENCE

GROUND LEVEL
READINGS IN MILLIGAUSS

4.4

LOCATION C - FENCE

GROUND LEVEL
READINGS IN MILLIGAUSS

13.1

LOCATION D

GROUND READINGS IN MILLIGAUSS	.56
-----------------------------------------	------------

10' HIGH READINGS IN MILLIGAUSS	.56
-------------------------------------------	------------

20' HIGH READINGS IN MILLIGAUSS	.55
-------------------------------------------	------------

30' HIGH READINGS IN MILLIGAUSS	.54
-------------------------------------------	------------

LOCATION E

GROUND READINGS IN MILLIGAUSS	1.45
-----------------------------------------	-------------

10' HIGH READINGS IN MILLIGAUSS	1.57
-------------------------------------------	-------------

20' HIGH READINGS IN MILLIGAUSS	.89
-------------------------------------------	------------

30' HIGH READINGS IN MILLIGAUSS	.56
-------------------------------------------	------------

LOCATION F

GROUND

READINGS IN MILLIGAUSS

2.7

10' HIGH

READINGS IN MILLIGAUSS

1.65

20' HIGH

READINGS IN MILLIGAUSS

1.2

30' HIGH

READINGS IN MILLIGAUSS

.95

LOCATION G

GROUND

READINGS IN MILLIGAUSS

.49

10' HIGH

READINGS IN MILLIGAUSS

.48

20' HIGH

READINGS IN MILLIGAUSS

.47

30' HIGH

READINGS IN MILLIGAUSS

.45

LOCATION H

GROUND READINGS IN MILLIGAUSS	.61
-----------------------------------------	------------

10' HIGH READINGS IN MILLIGAUSS	.69
-------------------------------------------	------------

20' HIGH READINGS IN MILLIGAUSS	.52
-------------------------------------------	------------

30' HIGH READINGS IN MILLIGAUSS	.47
-------------------------------------------	------------

LOCATION I

GROUND READINGS IN MILLIGAUSS	.77
-----------------------------------------	------------

10' HIGH READINGS IN MILLIGAUSS	.52
-------------------------------------------	------------

20' HIGH READINGS IN MILLIGAUSS	.48
-------------------------------------------	------------

30' HIGH READINGS IN MILLIGAUSS	.44
-------------------------------------------	------------

LOCATION J

GROUND READINGS IN MILLIGAUSS	.42
-----------------------------------------	------------

10' HIGH READINGS IN MILLIGAUSS	.38
-------------------------------------------	------------

20' HIGH READINGS IN MILLIGAUSS	.38
-------------------------------------------	------------

30' HIGH READINGS IN MILLIGAUSS	.37
-------------------------------------------	------------

LOCATION K

GROUND READINGS IN MILLIGAUSS	.45
-----------------------------------------	------------

10' HIGH READINGS IN MILLIGAUSS	.39
-------------------------------------------	------------

20' HIGH READINGS IN MILLIGAUSS	.37
-------------------------------------------	------------

30' HIGH READINGS IN MILLIGAUSS	.37
-------------------------------------------	------------

LOCATION L

GROUND

READINGS IN MILLIGAUSS

.50

10' HIGH

READINGS IN MILLIGAUSS

.39

20' HIGH

READINGS IN MILLIGAUSS

.33

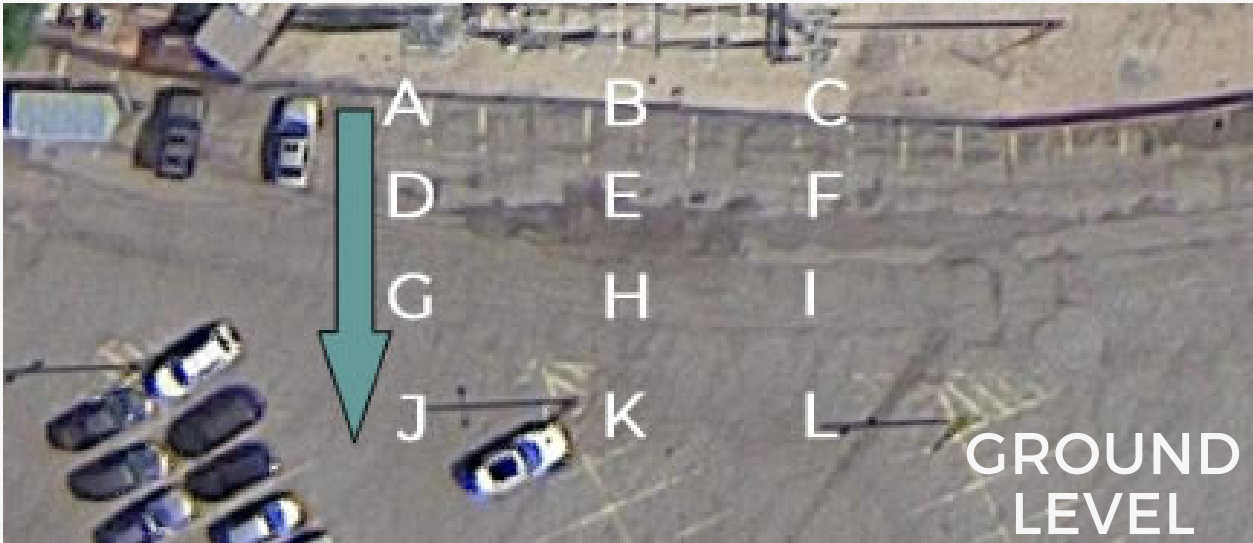
30' HIGH

READINGS IN MILLIGAUSS

.32

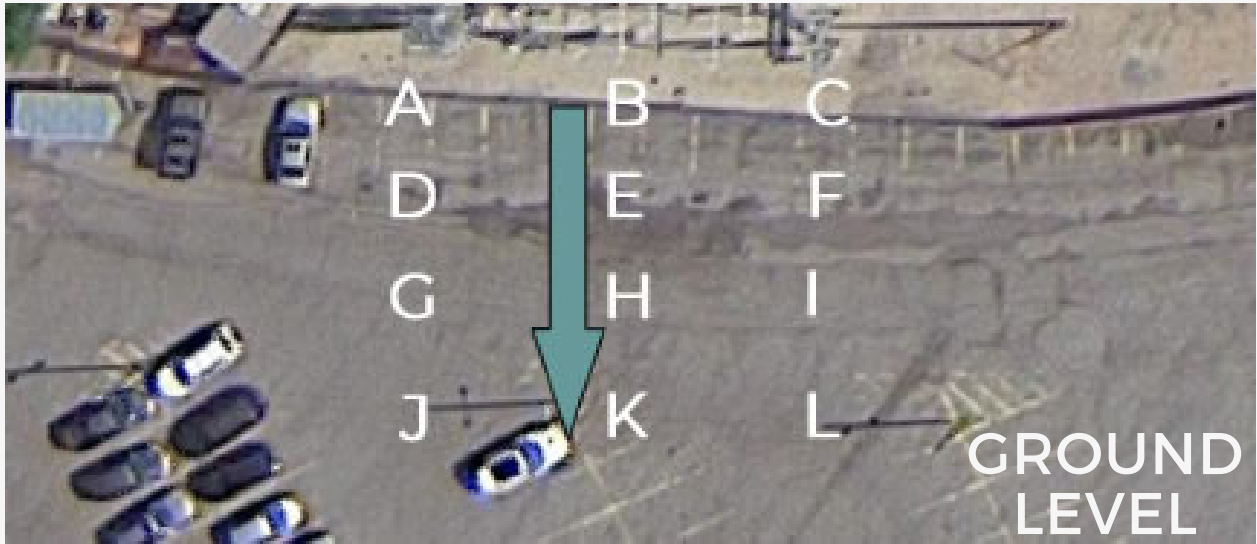
GROUPED MEASUREMENTS FROM GROUND LEVEL

TO HELP ILLUSTRATE THE EFFECT DISTANCE HAS
REDUCTION OF MAGNETIC FIELDS BY DISTANCE



GROUND LEVEL - LOCATIONS A-J

LOCATION A READINGS IN MILLIGAUSS	.74
LOCATION D READINGS IN MILLIGAUSS	.56
LOCATION G READINGS IN MILLIGAUSS	.49
LOCATION J READINGS IN MILLIGAUSS	.42



GROUND LEVEL - LOCATIONS B-K

LOCATION B

READINGS IN MILLIGAUSS

4.4

LOCATION E

READINGS IN MILLIGAUSS

1.45

LOCATION H

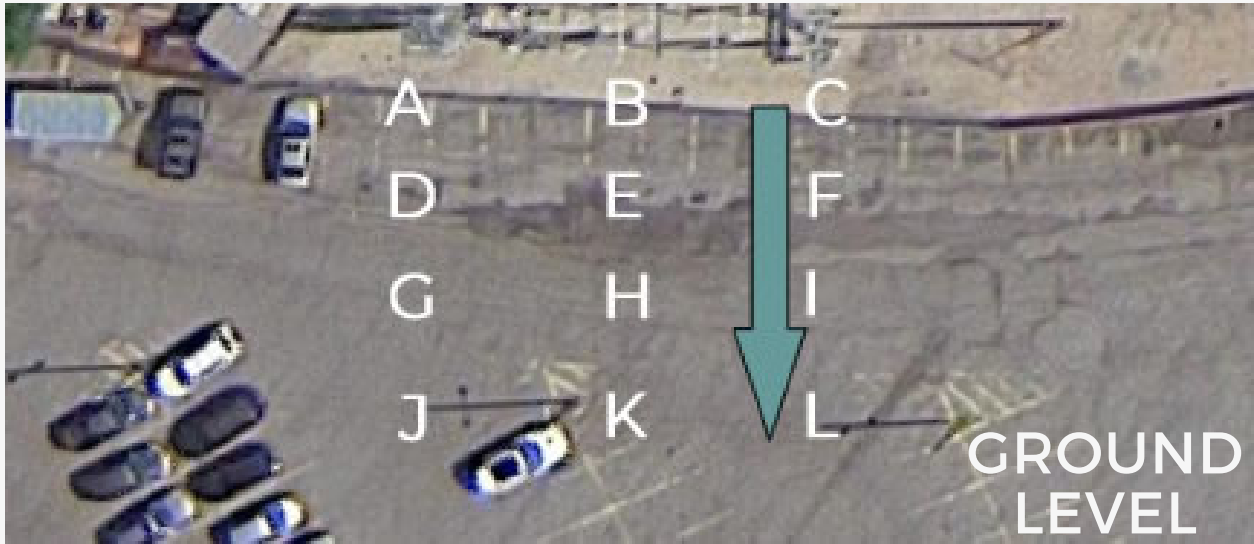
READINGS IN MILLIGAUSS

.61

LOCATION K

READINGS IN MILLIGAUSS

.45



GROUND LEVEL - LOCATIONS C-L

LOCATION C

READINGS IN MILLIGAUSS

13.1

LOCATION F

READINGS IN MILLIGAUSS

2.7

LOCATION I

READINGS IN MILLIGAUSS

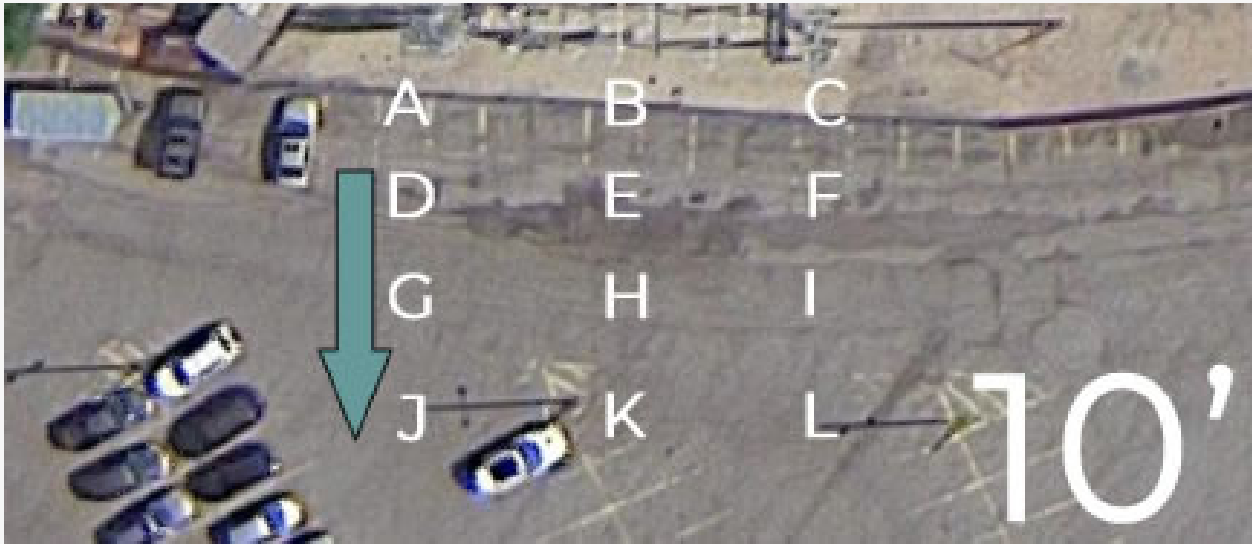
.77

LOCATION L

READINGS IN MILLIGAUSS

.50

GROUPED MEASUREMENTS BY 10' LIFT HEIGHT

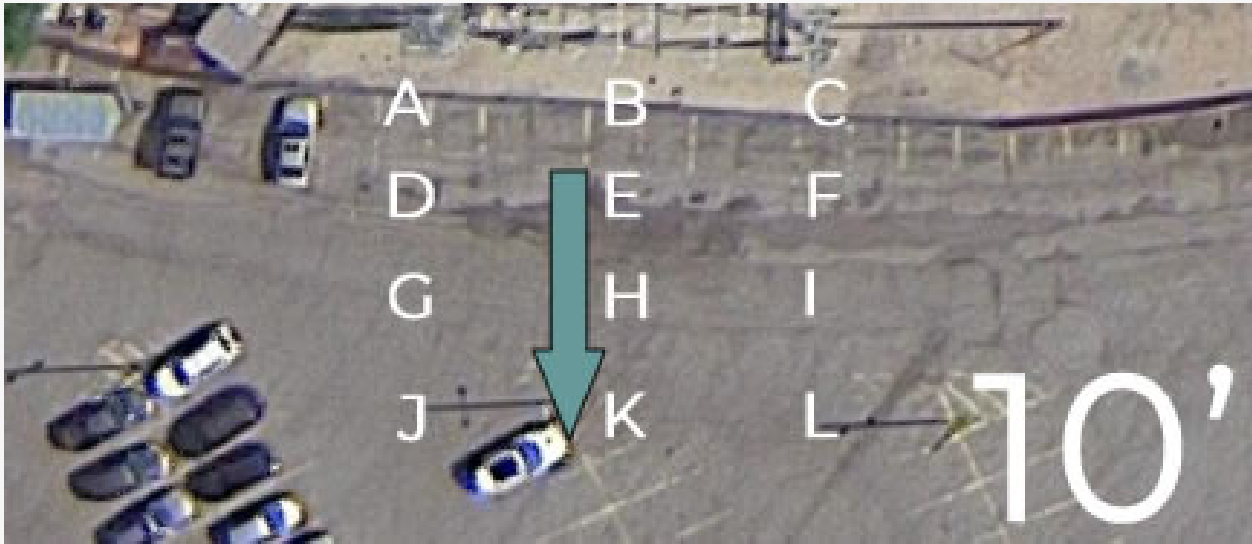


10' ABOVE GROUND - LOCATIONS D-J

LOCATION D READINGS IN MILLIGAUSS	.56
---------------------------------------------	------------

LOCATION G READINGS IN MILLIGAUSS	.48
---------------------------------------------	------------

LOCATION J READINGS IN MILLIGAUSS	.38
---------------------------------------------	------------

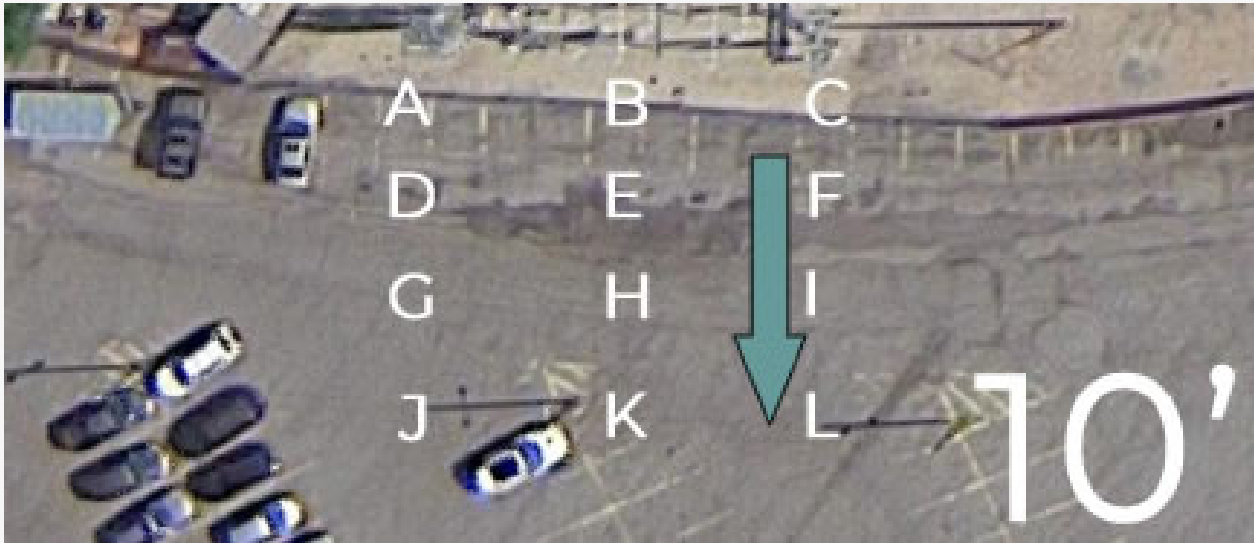


10' ABOVE GROUND - LOCATIONS E-K

LOCATION E READINGS IN MILLIGAUSS	1.57
---------------------------------------------	-------------

LOCATION H READINGS IN MILLIGAUSS	.69
---------------------------------------------	------------

LOCATION K READINGS IN MILLIGAUSS	.39
---------------------------------------------	------------



10' ABOVE GROUND - LOCATIONS F-L

LOCATION F

READINGS IN MILLIGAUSS

1.65

LOCATION I

READINGS IN MILLIGAUSS

.52

LOCATION L

READINGS IN MILLIGAUSS

.39

GROUPED MEASUREMENTS BY 20' LIFT HEIGHT



20' ABOVE GROUND - LOCATIONS D-J

LOCATION D READINGS IN MILLIGAUSS	.55
---------------------------------------------	------------

LOCATION G READINGS IN MILLIGAUSS	.47
---------------------------------------------	------------

LOCATION J READINGS IN MILLIGAUSS	.38
---------------------------------------------	------------

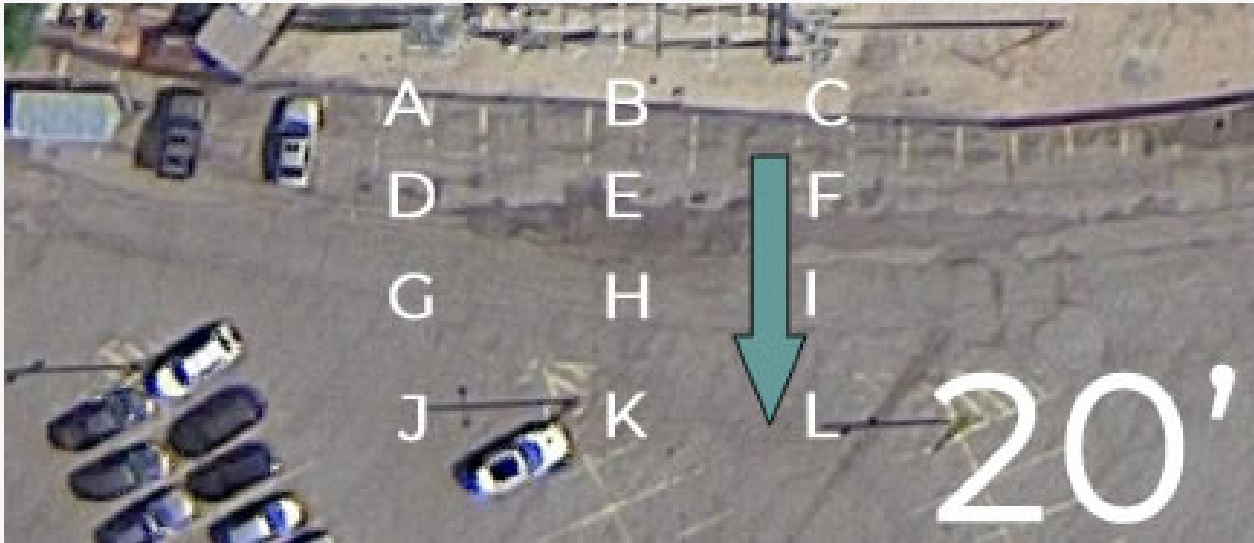


20' ABOVE GROUND - LOCATIONS E-K

LOCATION E
READINGS IN MILLIGAUSS .89

LOCATION H
READINGS IN MILLIGAUSS .52

LOCATION K
READINGS IN MILLIGAUSS .37



20' ABOVE GROUND - LOCATIONS F-L

LOCATION F

READINGS IN MILLIGAUSS

1.20

LOCATION I

READINGS IN MILLIGAUSS

.48

LOCATION L

READINGS IN MILLIGAUSS

.33

GROUPED MEASUREMENTS BY 30' LIFT HEIGHT

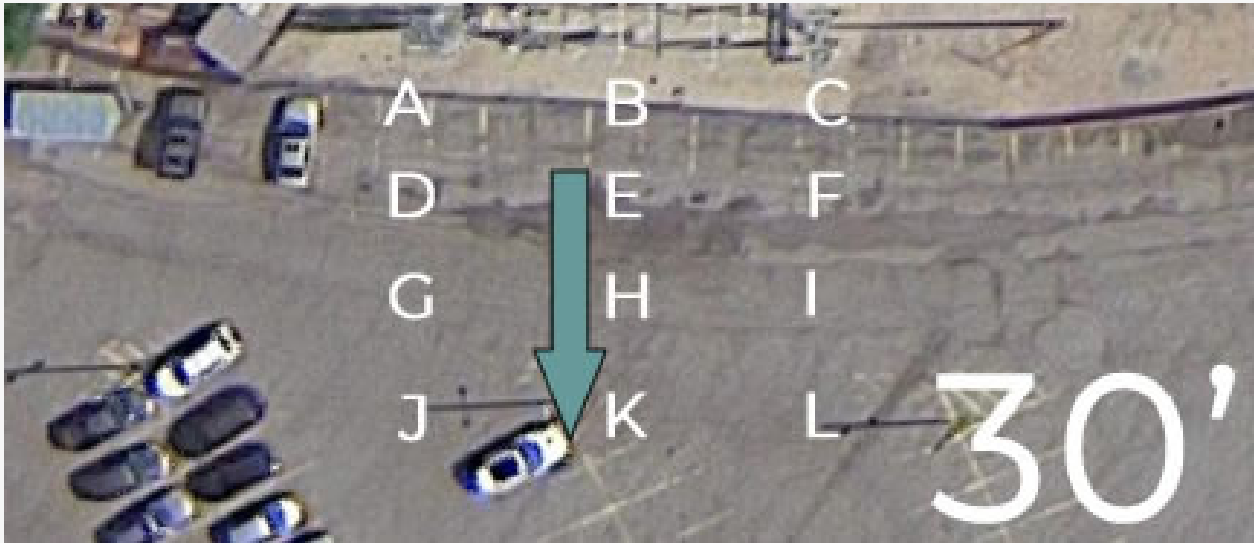


30' ABOVE GROUND - LOCATIONS D-J

LOCATION D READINGS IN MILLIGAUSS	.54
---------------------------------------------	------------

LOCATION G READINGS IN MILLIGAUSS	.45
---------------------------------------------	------------

LOCATION J READINGS IN MILLIGAUSS	.37
---------------------------------------------	------------



30' ABOVE GROUND - LOCATIONS E-K

LOCATION E

READINGS IN MILLIGAUSS

.56

LOCATION H

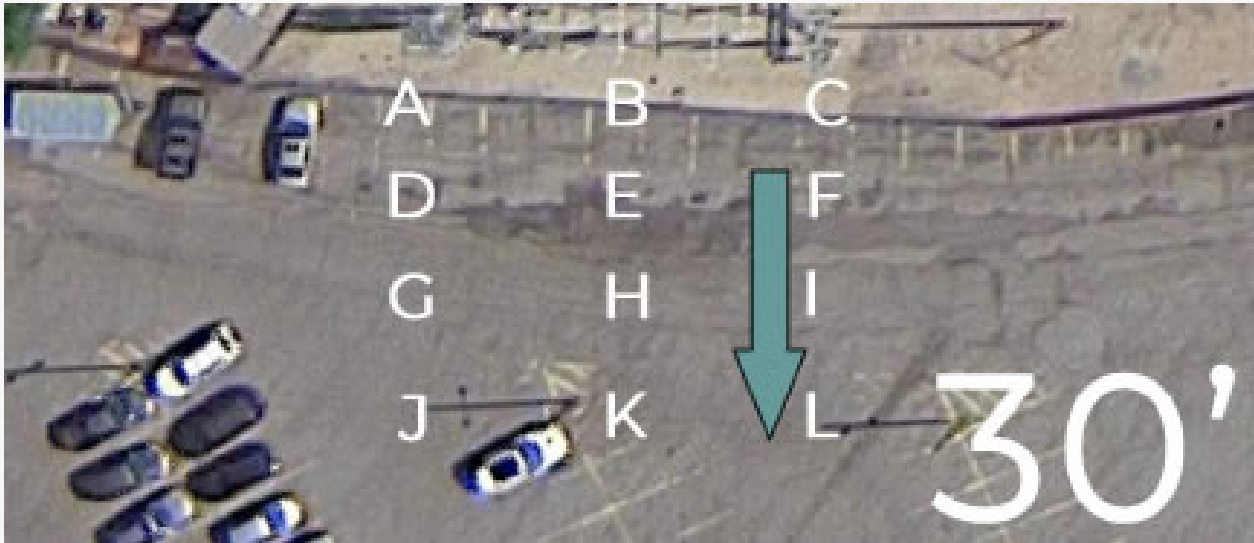
READINGS IN MILLIGAUSS

.47

LOCATION K

READINGS IN MILLIGAUSS

.37



30' ABOVE GROUND - LOCATIONS F-L

LOCATION F

READINGS IN MILLIGAUSS

.95

LOCATION I

READINGS IN MILLIGAUSS

.44

LOCATION L

READINGS IN MILLIGAUSS

.32



EMF UTAH, LLC

NOVEMBER 11, 2022 - 1875 HOMESTAKE RD.

ELECTRIC FIELD SURVEY

PREPARED FOR RORY MURPHY



SURVEY PERFORMED BY:

BRENT ROTONDI, EMRS./BBEC

THIS SURVEY IS FURNISHED SOLELY FOR THE BENEFIT OF RORY MURPHY, THE PURCHASER OF THIS ELECTRIC FIELD SURVEY. THE REPRESENTATIONS AND RESULTS HEREIN MAY NOT BE USED OR RELIED UPON FOR ANY OTHER PURPOSE OR BY ANY OTHER PARTY.

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ABOUT EMF UTAH



ABOUT EMF UTAH

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While we primarily service the state of Utah, we have performed EMF surveys in Oregon, Idaho, and California, as well.

Learn more about us at emfutah.com

MEASURING EQUIPMENT

The survey was performed with the Gigahertz Solutions - NFA1000 EMF meter.

More information can be found at gigahertz-solutions.com

SURVEY DESCRIPTION

EMF UTAH was contacted by Rory Murphy to perform a follow-up electric field survey of three specific points in the parking lot at 1875 Homestake Rd. The main concern of the client was the electrical power substation adjacent to the property's parking lot.

EMF UTAH took electric field measurements at the three indicated distances from the fence line closest to the electrical substation. These distances were measured and marked on the ground by a third party provided by the client.

In addition to ground level readings (with the assistance of an articulating boom lift), we took electric field readings from close approximations of 10', 20', and 30' heights above the three marked locations.

These heights were measured by two third party representatives working together from the ground and the boom lift.

IMPORTANT

01 - These electric field survey readings are a snapshot in time and aren't predictive of what the readings will be at any point in the future or indicative of what the readings were in the past. These can and do change for a variety of reasons.

02 - EMF UTAH LLC and its employees make no claims regarding the health & safety (current, past or future) of a survey site based on EMF levels measured. Clients are advised to read the current health and safety documentation provided by federal, state, county and city environmental safety divisions, along with third party environmental and technical organizations before making their own determination regarding the health and safety risk of the survey site.





ELECTRIC FIELD SURVEY LOCATIONS

THESE ARE THE APPROXIMATE LOCATIONS OF THE 3 POINTS WHERE READINGS WERE TAKEN ON THE PROPERTY

The white letters on the above image of the 1875 Homestake Rd. parking lot indicate the approximate locations of the 3 survey points.

Locations A, B and C were marked on the ground at specific distances and the electric field readings were taken in relation to those points.

As mentioned above, readings were taken at the closest approximations possible of the following:

- Ground level.
- 10' above ground.
- 20' above ground
- 30' above ground

The heights of these additional measurements were achieved with the assistance of an articulating boom lift.

The following measurement data is presented for each survey location and for each available height.

ELECTRIC FIELD MEASUREMENTS

ALL MEASUREMENTS IN VOLTS PER METER OR V/M

LOCATION A

GROUND LEVEL

READINGS IN VOLTS PER METER

16

10' HIGH

READINGS IN VOLTS PER METER

40

20' HIGH

READINGS IN VOLTS PER METER

103

30' HIGH

READINGS IN VOLTS PER METER

135

LOCATION B

GROUND

READINGS IN VOLTS PER METER

299

10' HIGH

READINGS IN VOLTS PER METER

384

20' HIGH

READINGS IN VOLTS PER METER

553

30' HIGH

READINGS IN VOLTS PER METER

433

LOCATION C

GROUND

READINGS IN VOLTS PER METER

162

10' HIGH

READINGS IN VOLTS PER METER

345

20' HIGH

READINGS IN VOLTS PER METER

339

30' HIGH

READINGS IN VOLTS PER METER

298



EMF UTAH, LLC

NOVEMBER 11, 2022 - 1875 HOMESTAKE RD.

MAGNETIC FIELD SURVEY

PREPARED FOR RORY MURPHY



SURVEY PERFORMED BY:

BRENT ROTONDI, EMRS./BBEC

THIS SURVEY IS FURNISHED SOLELY FOR THE BENEFIT OF RORY MURPHY, THE PURCHASER OF THIS MAGNETIC FIELD SURVEY. THE REPRESENTATIONS AND RESULTS HEREIN MAY NOT BE USED OR RELIED UPON FOR ANY OTHER PURPOSE OR BY ANY OTHER PARTY.

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ABOUT EMF UTAH



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MEASURING EQUIPMENT

The survey was performed with the Gigahertz Solutions - NFA1000 EMF meter utilizing its gaussmeter function.

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SURVEY DESCRIPTION

EMF UTAH was contacted by Rory Murphy to perform a follow-up magnetic field survey of three specific points in the parking lot at 1875 Homestake Rd. The main concern of the client was the electrical power substation adjacent to the property's parking lot.

EMF UTAH took magnetic field measurements at the three indicated distances from the the fence line closest to the electrical substation. These distances were measured and marked on the ground by a third party provided by the client.

In addition to ground level readings (with the assistance of an articulating boom lift), we took magnetic field readings from close approximations of 10', 20', and 30' heights above the three marked locations.

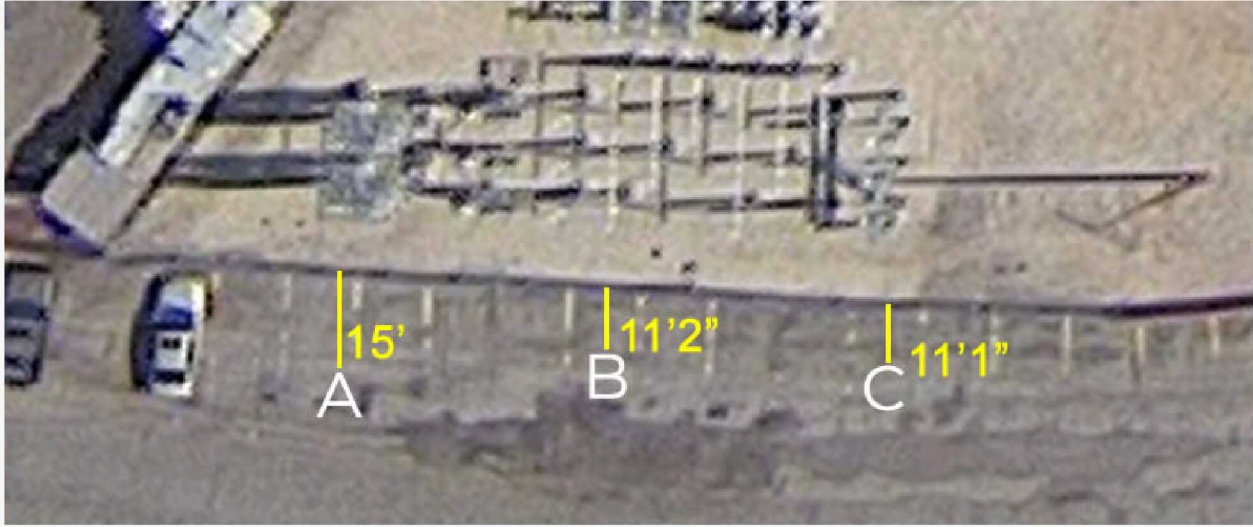
These heights were measured by two third party representatives working together from the ground and the boom lift.

IMPORTANT

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MAGNETIC FIELD SURVEY LOCATIONS

THESE ARE THE APPROXIMATE LOCATIONS OF THE 3 POINTS WHERE READINGS WERE TAKEN ON THE PROPERTY

The white letters on the above image of the 1875 Homestake Rd. parking lot indicate the approximate locations of the 3 survey points.

Locations A, B and C were marked on the ground at specific distances and the magnetic field readings were taken in relation to those points. The yellow numbers indicate the distance from the fence.

The distances measured by the 3rd party from the fence for each location are as follows:

Location A - 15'

Location B - 11' 2"

Location C - 11' 1"

As mentioned above, readings were taken at the closest approximations possible of the following:

- Ground level.
- 10' above ground,
- 20' above ground
- 30' above ground

The heights of these additional measurements were achieved with the assistance of an articulating boom lift.

The following measurement data is presented for each survey location and for each available height.

MAGNETIC FIELD MEASUREMENTS

ALL MEASUREMENTS IN MILLIGAUSS OR MG

LOCATION A

GROUND LEVEL

READINGS IN MILLIGAUSS

.50

10' HIGH

READINGS IN MILLIGAUSS

.46

20' HIGH

READINGS IN MILLIGAUSS

.45

30' HIGH

READINGS IN MILLIGAUSS

.48

LOCATION B

GROUND LEVEL
READINGS IN MILLIGAUSS

1.65

10' HIGH
READINGS IN MILLIGAUSS

1.35

20' HIGH
READINGS IN MILLIGAUSS

1.20

30' HIGH
READINGS IN MILLIGAUSS

.95

LOCATION C

GROUND
READINGS IN MILLIGAUSS

3.82

10' HIGH
READINGS IN MILLIGAUSS

3.68

20' HIGH
READINGS IN MILLIGAUSS

2.54

30' HIGH
READINGS IN MILLIGAUSS

1.88



EMF UTAH, LLC

DECEMBER 13, 2022 - 1875 HOMESTAKE RD.

ELECTRIC FIELD SURVEY



SURVEY PERFORMED BY:

BRENT ROTONDI, EMRS./BBEC

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ABOUT EMF UTAH



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MEASURING EQUIPMENT

The survey was performed with the Gigahertz Solutions - NFA1000 EMF meter.

More information can be found at gigahertz-solutions.com

SURVEY DESCRIPTION

EMF UTAH was contacted by Rory Murphy to perform a follow-up electric field survey of 48 specific points in the parking lot at 1875 Homestake Rd. The main concern of the client was the electrical power substation adjacent to the property's parking lot.

EMF UTAH took electric field measurements at twelve indicated distances from the the fence line closest to the electrical substation. These distances were measured and marked on the ground by the client.

In addition to ground level readings (with the assistance of an articulating boom lift), we took electric field readings from close approximations of 10', 20', and 30' heights above the twelve marked locations.

These heights were measured by a client representative assisting from the boom lift.

IMPORTANT

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02 - EMF UTAH LLC and its employees make no claims regarding the health & safety (current, past or future) of a survey site based on EMF levels measured. Clients are advised to read the current health and safety documentation provided by federal, state, county and city environmental safety divisions, along with 3rd party environmental and technical organizations before making their own determination regarding the health and safety risk of the survey site.





ELECTRIC FIELD SURVEY OVERVIEW

The yellow numbers above indicate the two approximate areas where electric field testing occurred.

On pages 4 & 8 are two images that have letters in white and numbers marked in yellow.

The white markings indicate the approximate survey sites where measurements were taken. The yellow markings indicate the approximate distance from the fence line for each survey site.

As mentioned, the survey measurements were taken at close approximations of the following:

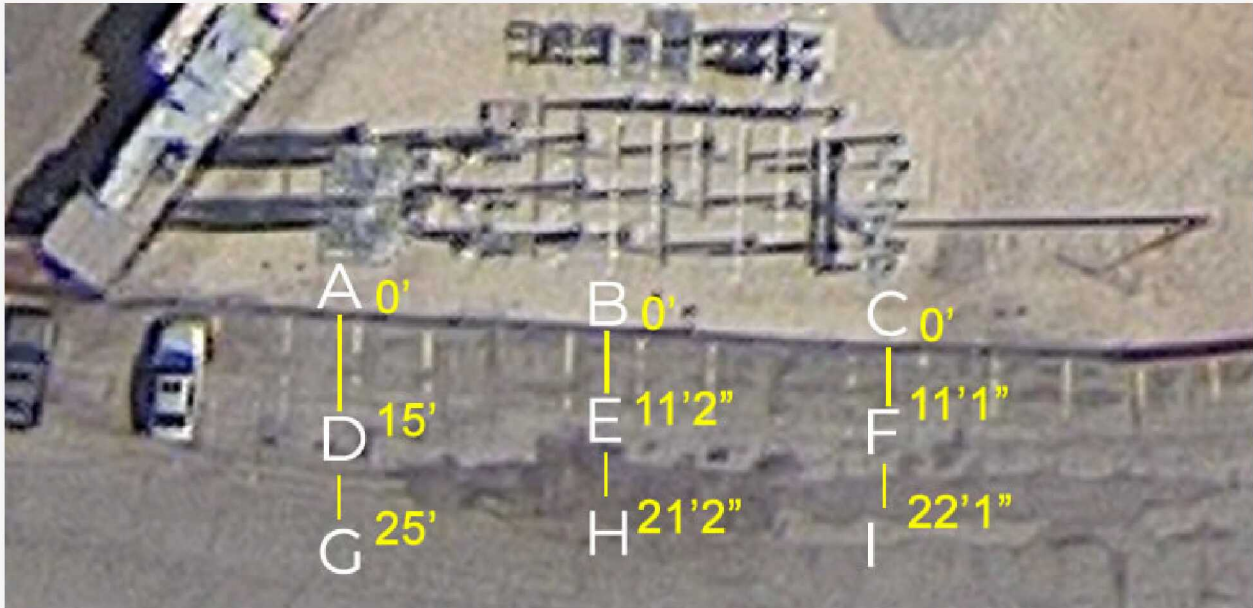
- Ground level
- 10' above ground
- 20' above ground
- 30' above ground

Locations J, K, and L had snow pack due to recent heavy snow and plowing. We did our best to estimate the elevations at these survey spots.

The heights of these elevated measurements were achieved with the assistance of a boom lift.

The following measurement data is presented for each survey location and for each available height.

All measurements are in volts per meter or v/m.



ELECTRIC FIELD SURVEY LOCATION #1

THESE ARE THE APPROXIMATE LOCATIONS OF THE FIRST 9 POINTS WHERE READINGS WERE TAKEN ON THE PROPERTY

LOCATION A	
GROUND READINGS IN VOLTS PER METER	47.2
10' HIGH READINGS IN VOLTS PER METER	414
20' HIGH READINGS IN VOLTS PER METER	531.7
30' HIGH READINGS IN VOLTS PER METER	267.1
04	

LOCATION B

GROUND

READINGS IN VOLTS PER METER

175.6

10' HIGH

READINGS IN VOLTS PER METER

1999 + METER LIMIT REACHED

20' HIGH

READINGS IN VOLTS PER METER

1999 + METER LIMIT REACHED

30' HIGH

READINGS IN VOLTS PER METER

1084

LOCATION C

GROUND

READINGS IN VOLTS PER METER

87.3

10' HIGH

READINGS IN VOLTS PER METER

1007

20' HIGH

READINGS IN VOLTS PER METER

1468

30' HIGH

READINGS IN VOLTS PER METER

662

LOCATION D

GROUND

READINGS IN VOLTS PER METER

130.6

10' HIGH

READINGS IN VOLTS PER METER

249.1

20' HIGH

READINGS IN VOLTS PER METER

348.3

30' HIGH

READINGS IN VOLTS PER METER

259.4

LOCATION E

GROUND

READINGS IN VOLTS PER METER

323.1

10' HIGH

READINGS IN VOLTS PER METER

519

20' HIGH

READINGS IN VOLTS PER METER

1045

30' HIGH

READINGS IN VOLTS PER METER

849.2

LOCATION F

GROUND

READINGS IN VOLTS PER METER

197.6

10' HIGH

READINGS IN VOLTS PER METER

296.5

20' HIGH

READINGS IN VOLTS PER METER

418.2

30' HIGH

READINGS IN VOLTS PER METER

337.3

LOCATION G

GROUND

READINGS IN VOLTS PER METER

81.2

10' HIGH

READINGS IN VOLTS PER METER

85.6

20' HIGH

READINGS IN VOLTS PER METER

107.3

30' HIGH

READINGS IN VOLTS PER METER

58.3

LOCATION H

GROUND

READINGS IN VOLTS PER METER

173.5

10' HIGH

READINGS IN VOLTS PER METER

246.1

20' HIGH

READINGS IN VOLTS PER METER

413.4

30' HIGH

READINGS IN VOLTS PER METER

308.2

LOCATION I

GROUND

READINGS IN VOLTS PER METER

117.3

10' HIGH

READINGS IN VOLTS PER METER

204.3

20' HIGH

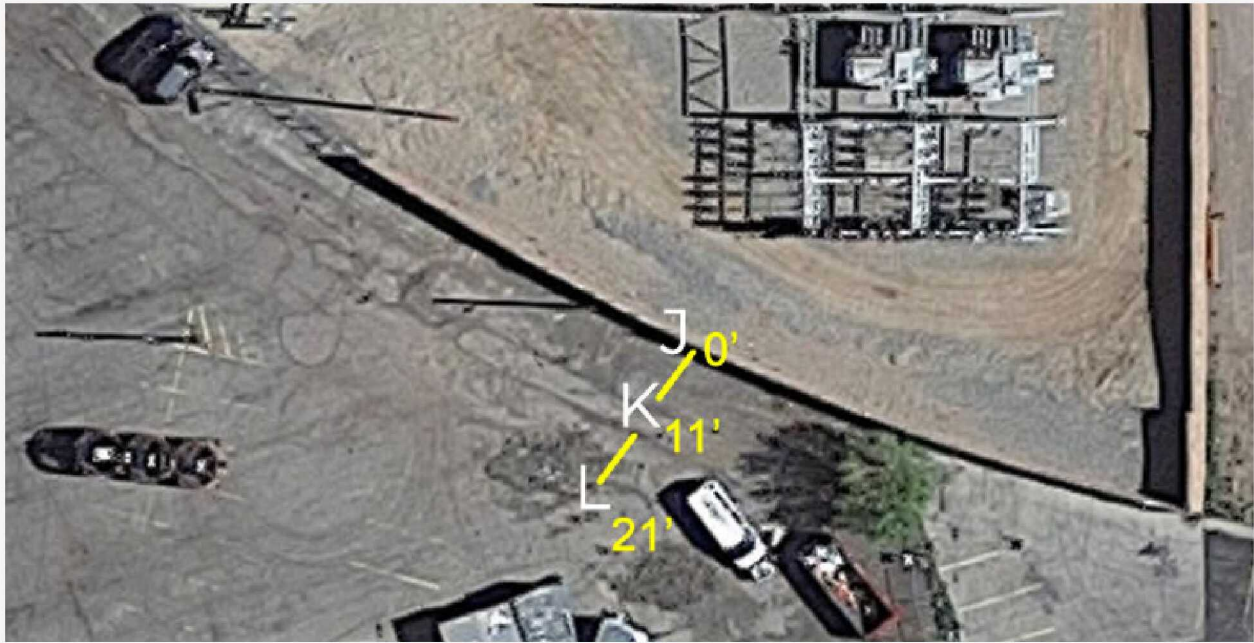
READINGS IN VOLTS PER METER

419.7

30' HIGH

READINGS IN VOLTS PER METER

76.2



ELECTRIC FIELD SURVEY LOCATION #2

THESE ARE THE APPROXIMATE LOCATIONS OF THE FINAL 3 POINTS WHERE READINGS WERE TAKEN ON THE PROPERTY

LOCATION J	
GROUND READINGS IN VOLTS PER METER	1.5
10' HIGH READINGS IN VOLTS PER METER	49.6
20' HIGH READINGS IN VOLTS PER METER	50.5
30' HIGH READINGS IN VOLTS PER METER	64.7
09	

LOCATION K

GROUND

READINGS IN VOLTS PER METER

11.3

10' HIGH

READINGS IN VOLTS PER METER

27.2

20' HIGH

READINGS IN VOLTS PER METER

39.3

30' HIGH

READINGS IN VOLTS PER METER

42.1

LOCATION L

GROUND

READINGS IN VOLTS PER METER

9.7

10' HIGH

READINGS IN VOLTS PER METER

24.2

20' HIGH

READINGS IN VOLTS PER METER

33.2

30' HIGH

READINGS IN VOLTS PER METER

43.6



EMF UTAH, LLC

FEBRUARY 24, 2023 - PARK CITY

ELECTRIC FIELD SURVEY



SURVEY PERFORMED BY:

BRENT ROTONDI, EMRS./BBEC

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ABOUT EMF UTAH



ABOUT EMF UTAH

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MEASURING EQUIPMENT

The survey was performed with the Gigahertz Solutions - NFA1000 EMF meter.

More information can be found at gigahertz-solutions.com

SURVEY DESCRIPTION

EMF UTAH was contacted by Rory Murphy to perform an electric field survey of six specific locations within Park City to get a sense of what the general EMF exposure levels are within the city.

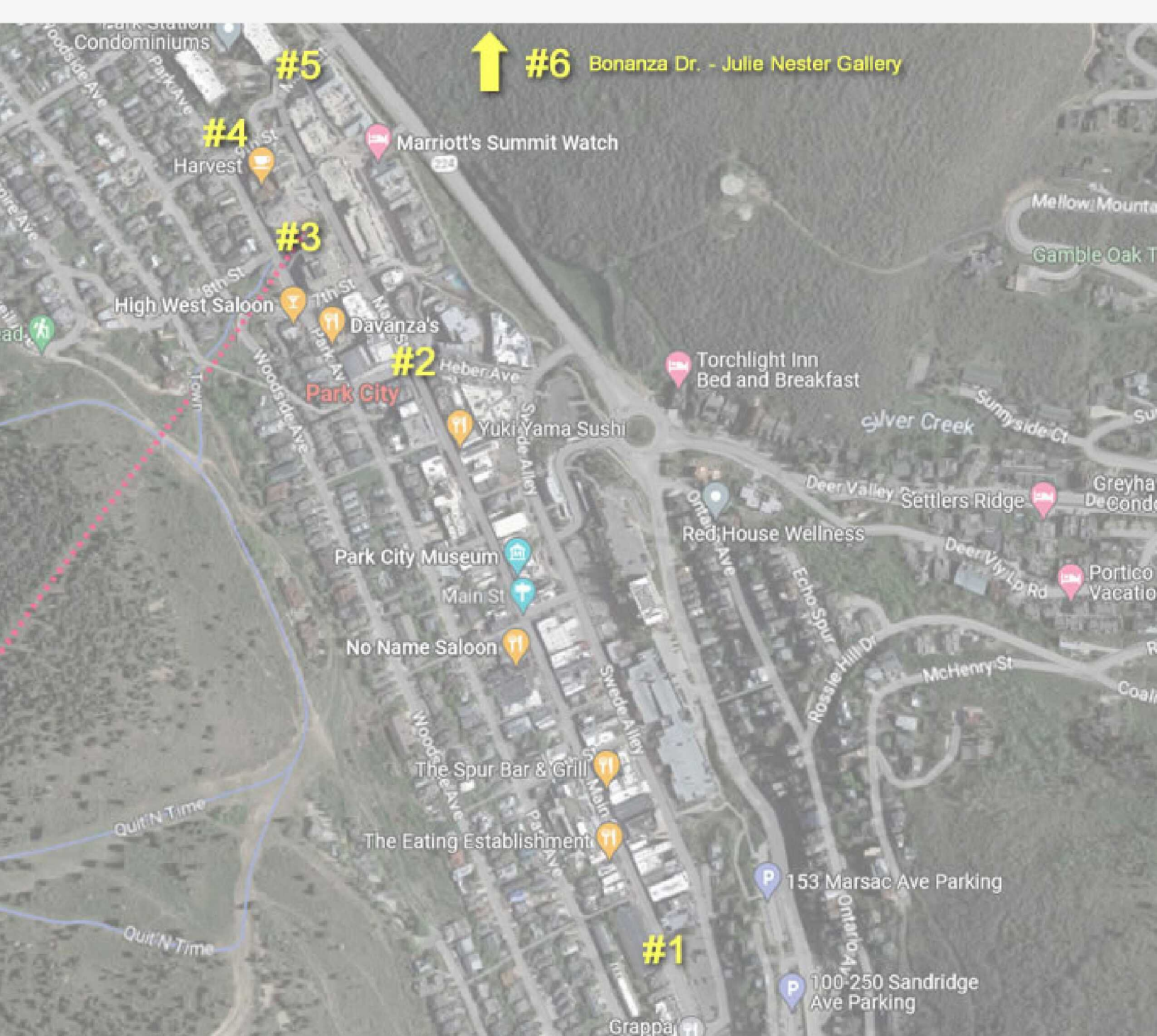
The readings were taken at an approximate average height of 5' off the ground.

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ELECTRIC FIELD SURVEY OVERVIEW

The yellow numbers above indicate the approximate locations in Park City of where the electric field testing took place..

As mentioned, the survey measurements were taken at an average approximate height of 5' above ground level:

All measurements are in volts per meter or v/m.



LOCATION #1 - MAIN ST. NEAR THE TMI HOTEL

THESE ARE THE APPROXIMATE LOCATIONS OF THE READINGS TAKEN ON MAIN ST. NEAR THE TREASURE MOUNTAIN INN HOTEL

MAIN ST. NEAR THE TREASURE MOUNTAIN INN

LOCATION A

READINGS IN VOLTS PER METER

.3

LOCATION B

READINGS IN VOLTS PER METER

.1

LOCATION C

READINGS IN VOLTS PER METER

.4

LOCATION D

READINGS IN VOLTS PER METER

.1

LOCATION E

READINGS IN VOLTS PER METER

.1

LOCATION F

READINGS IN VOLTS PER METER

1.2

LOCATION G

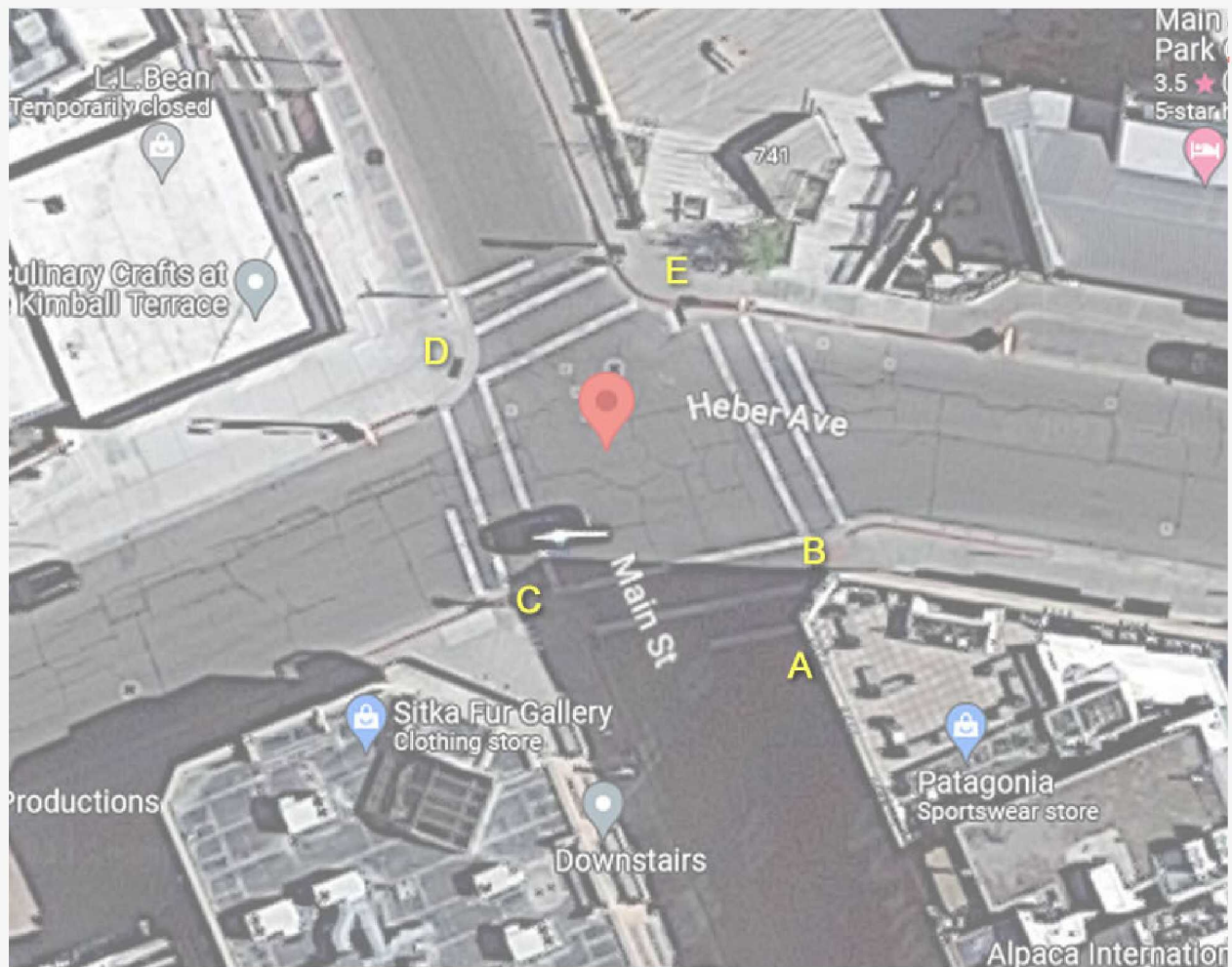
READINGS IN VOLTS PER METER

.3

LOCATION H

READINGS IN VOLTS PER METER

1.3



LOCATION #2 - INTERSECTION OF MAIN & HEBER

THESE ARE THE APPROXIMATE LOCATIONS OF THE READINGS TAKEN AT THE INTERSECTION OF MAIN ST. AND HEBER AVE.

INTERSECTION OF MAIN ST. & HEBER AVE.

LOCATION A

READINGS IN VOLTS PER METER

.5

LOCATION B

READINGS IN VOLTS PER METER

.3

LOCATION C

READINGS IN VOLTS PER METER

.6

LOCATION D

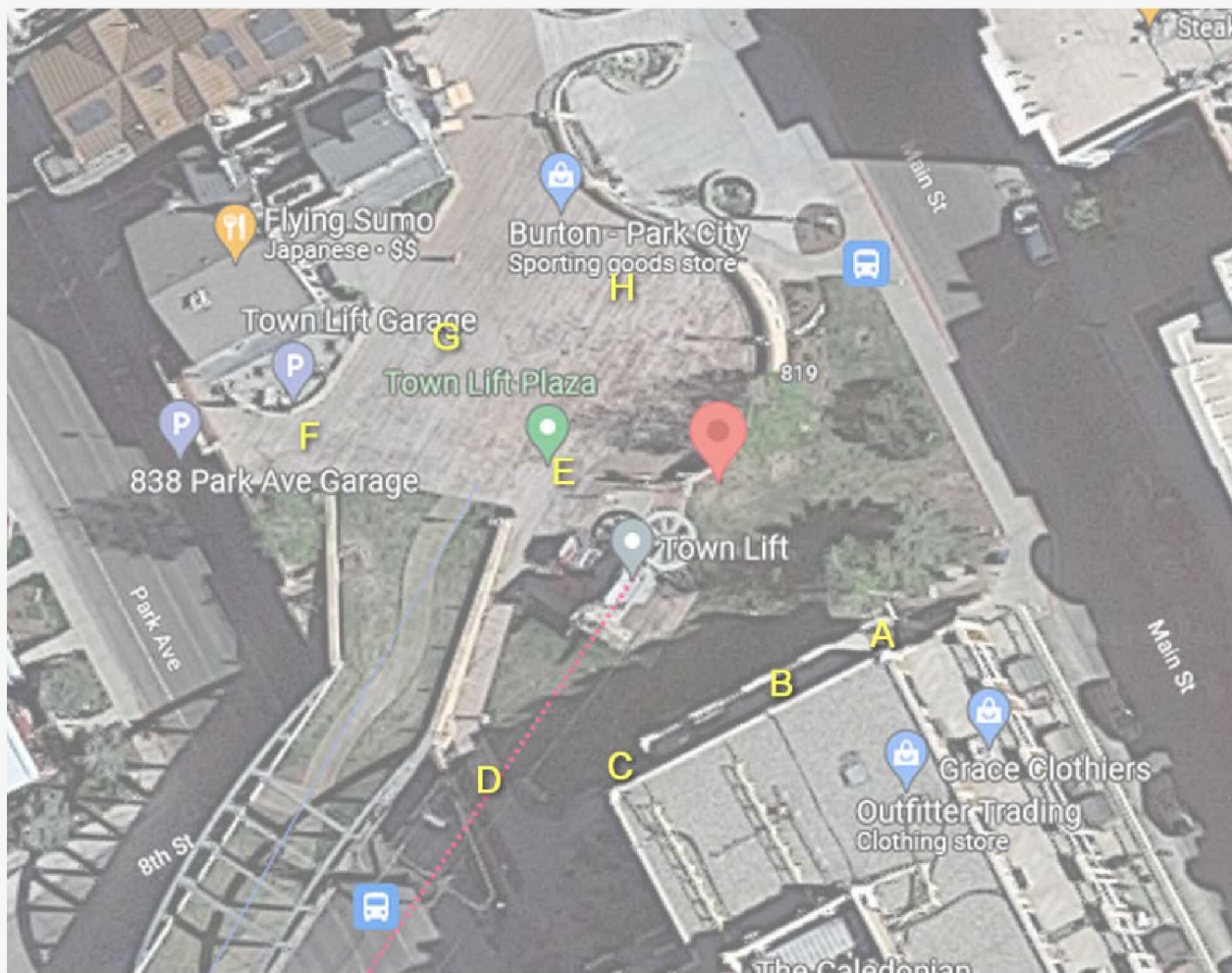
READINGS IN VOLTS PER METER

.5

LOCATION E

READINGS IN VOLTS PER METER

.3



LOCATION #3 - TOWN LIFT PLAZA

THESE ARE THE APPROXIMATE LOCATIONS OF THE READINGS TAKEN AT THE TOWN LIFT PLAZA

TOWN LIFT PLAZA

LOCATION A

READINGS IN VOLTS PER METER

.1

LOCATION B

READINGS IN VOLTS PER METER

.9

LOCATION C

READINGS IN VOLTS PER METER

.3

LOCATION D

READINGS IN VOLTS PER METER

1.1

LOCATION E

READINGS IN VOLTS PER METER

1.2

LOCATION F

READINGS IN VOLTS PER METER

1.4

LOCATION G

READINGS IN VOLTS PER METER

1.3

LOCATION H

READINGS IN VOLTS PER METER

1.3



LOCATION #4 - 9TH ST. & PARK AVE PARK

THESE ARE THE APPROXIMATE LOCATIONS OF THE READINGS TAKEN AT THE 9TH ST. AND PARK AVE. PARK

9TH ST. & PARK AVE. PARK

LOCATION A

READINGS IN VOLTS PER METER

1.2

LOCATION B

READINGS IN VOLTS PER METER

141.4

LOCATION C

READINGS IN VOLTS PER METER

25.6

LOCATION D

READINGS IN VOLTS PER METER

3.2

LOCATION E

READINGS IN VOLTS PER METER

1.3

LOCATION F

READINGS IN VOLTS PER METER

2.8

LOCATION G

READINGS IN VOLTS PER METER

.8

LOCATION H

READINGS IN VOLTS PER METER

4.1



LOCATION #5 - LOWER MAIN ST.

THESE ARE THE APPROXIMATE LOCATIONS OF THE READINGS TAKEN AROUND LOWER MAIN ST. NEAR DEER VALLEY RD.

LOWER MAIN ST.

LOCATION A

READINGS IN VOLTS PER METER

10.7

LOCATION B

READINGS IN VOLTS PER METER

6.2

LOCATION C

READINGS IN VOLTS PER METER

145.3

LOCATION D

READINGS IN VOLTS PER METER

11.2

LOCATION E

READINGS IN VOLTS PER METER

3.8

LOCATION F

READINGS IN VOLTS PER METER

9.4

LOCATION G

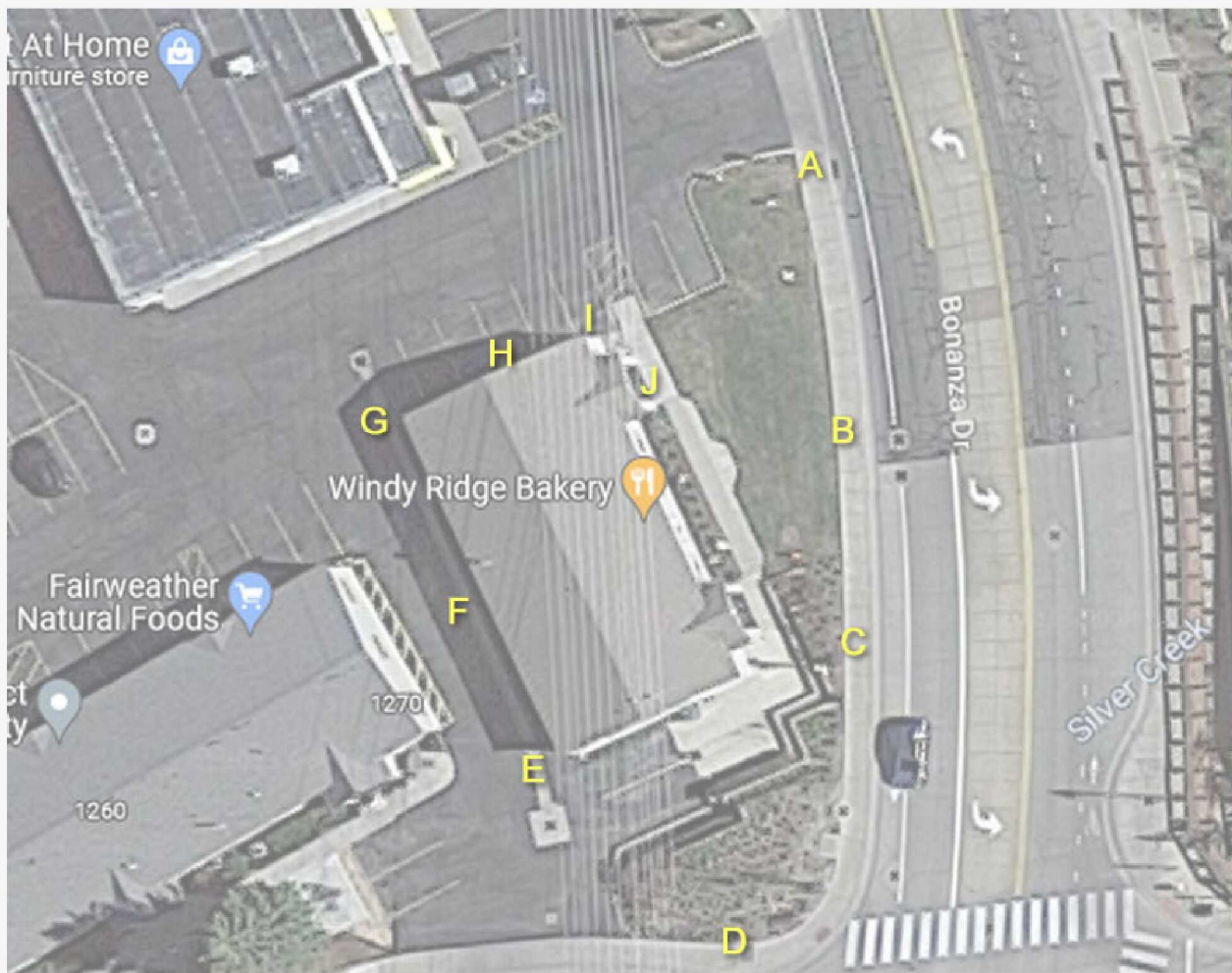
READINGS IN VOLTS PER METER

7.3

LOCATION H

READINGS IN VOLTS PER METER

12.5



LOCATION #6 - BONANZA DR. NEAR GALLERY

THESE ARE THE APPROXIMATE LOCATIONS OF THE READINGS TAKEN ON BONANZA DR. ADJACENT TO THE JULIE NESTER GALLERY

BONANZA DR. NEAR GALLERY

LOCATION A

READINGS IN VOLTS PER METER

40.5

LOCATION B

READINGS IN VOLTS PER METER

36.2

LOCATION C

READINGS IN VOLTS PER METER

32.4

LOCATION D

READINGS IN VOLTS PER METER

80.1

LOCATION E

READINGS IN VOLTS PER METER

23.4

LOCATION F

READINGS IN VOLTS PER METER

4.9

LOCATION G

READINGS IN VOLTS PER METER

12.8

LOCATION H

READINGS IN VOLTS PER METER

10.5

BONANZA DR. NEAR GALLERY

LOCATION I

READINGS IN VOLTS PER METER

41.4

LOCATION J

READINGS IN VOLTS PER METER

45.4



EMF UTAH, LLC

FEBRUARY 24, 2023 - PARK CITY

MAGNETIC FIELD SURVEY



SURVEY PERFORMED BY:

BRENT ROTONDI, EMRS./BBEC

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SURVEY DESCRIPTION

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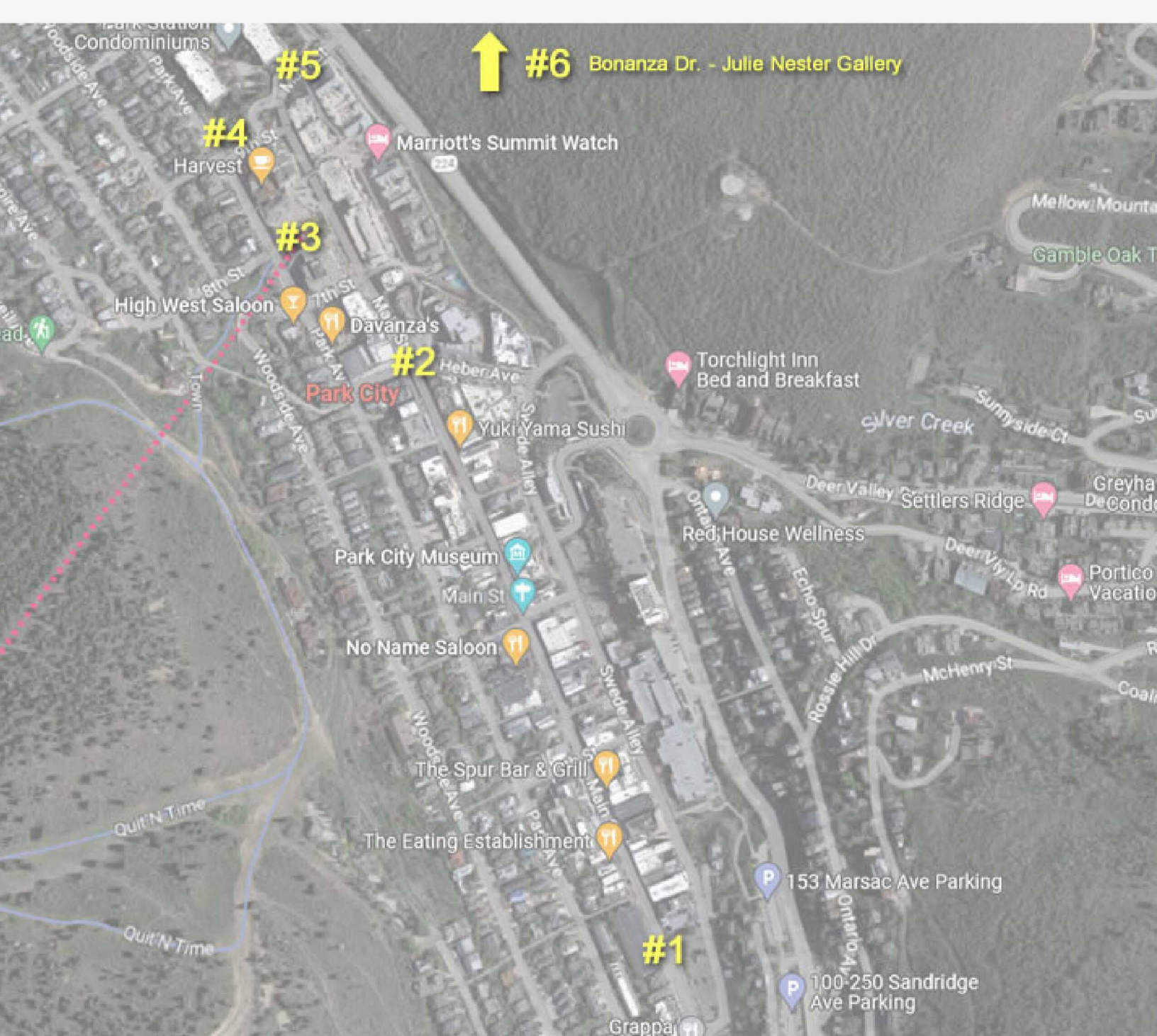
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IMPORTANT

01 - These magnetic field survey readings are a snapshot in time and aren't predictive of what the readings will be at any point in the future or indicative of what the readings were in the past. These can and do change for a variety of reasons.

02 - EMF UTAH LLC and its employees make no claims regarding the health & safety (current, past or future) of a survey site based on EMF levels measured. Clients are advised to read the current health and safety documentation provided by federal, state, county and city environmental safety divisions, along with 3rd party environmental and technical organizations before making their own determination regarding the health and safety risk of the survey sites.





MAGNETIC FIELD SURVEY OVERVIEW

The yellow numbers above indicate the approximate locations in Park City of where the magnetic field testing took place..

As mentioned, the survey measurements were taken at an average approximate height of 5' above ground level:

All measurements are in milligauss or MG.



LOCATION #1 - MAIN ST. NEAR THE TMI HOTEL

THESE ARE THE APPROXIMATE LOCATIONS OF THE READINGS TAKEN ON MAIN ST. NEAR THE TREASURE MOUNTAIN INN HOTEL

MAIN ST. NEAR THE TREASURE MOUNTAIN INN

LOCATION A

READINGS IN MILLIGAUSS

1.65

LOCATION B

READINGS IN MILLIGAUSS

1.46

LOCATION C

READINGS IN MILLIGAUSS

1.89

LOCATION D

READINGS IN MILLIGAUSS

1.72

LOCATION E

READINGS IN MILLIGAUSS

1.74

LOCATION F

READINGS IN MILLIGAUSS

1.46

LOCATION G

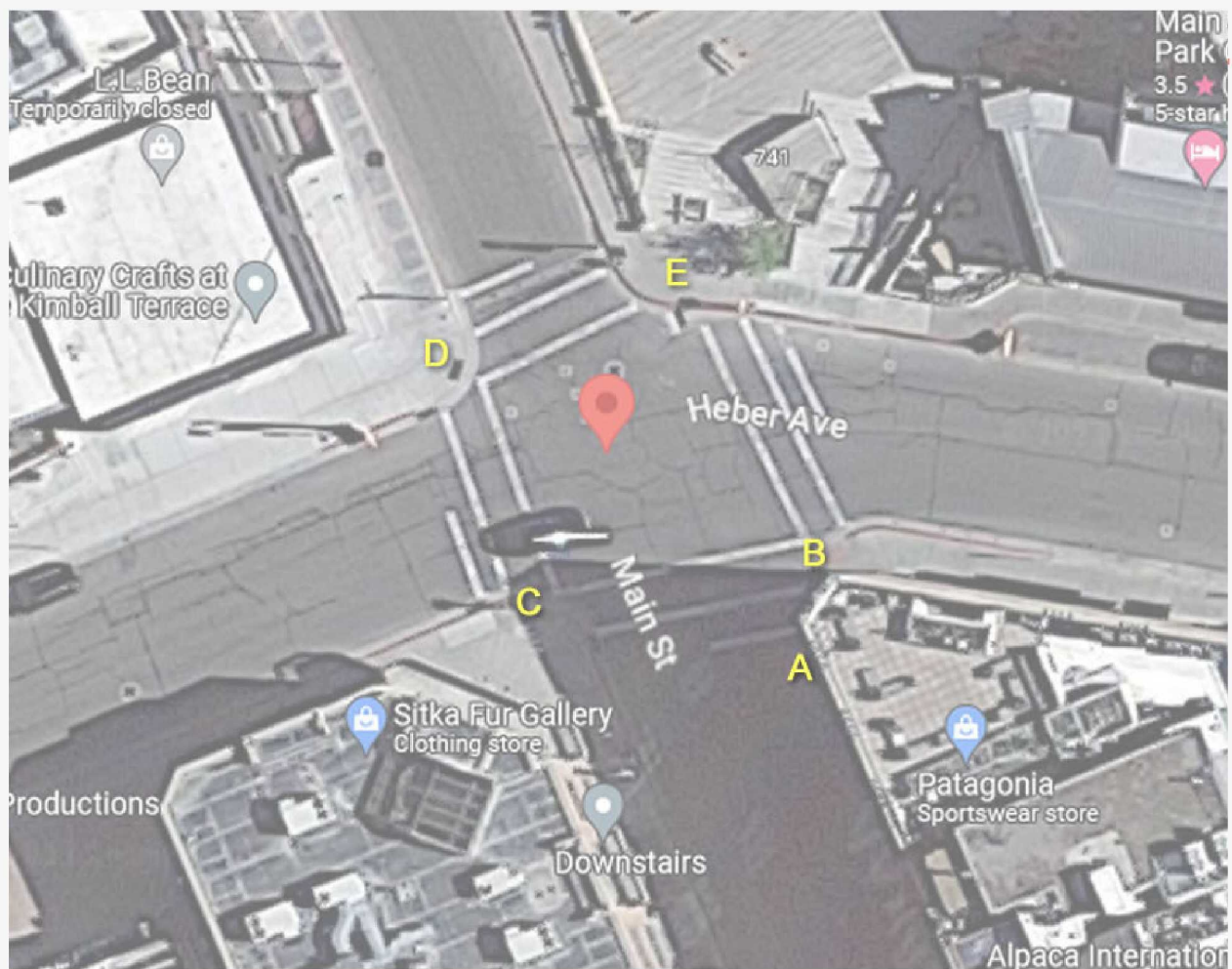
READINGS IN MILLIGAUSS

1.43

LOCATION H

READINGS IN MILLIGAUSS

1.39



LOCATION #2 - INTERSECTION OF MAIN & HEBER

THESE ARE THE APPROXIMATE LOCATIONS OF THE READINGS TAKEN AT THE INTERSECTION OF MAIN ST. AND HEBER AVE.

INTERSECTION OF MAIN ST. & HEBER AVE.

LOCATION A

READINGS IN MILLIGAUSS

5.3

LOCATION B

READINGS IN MILLIGAUSS

19.9

LOCATION C

READINGS IN MILLIGAUSS

17.3

LOCATION D

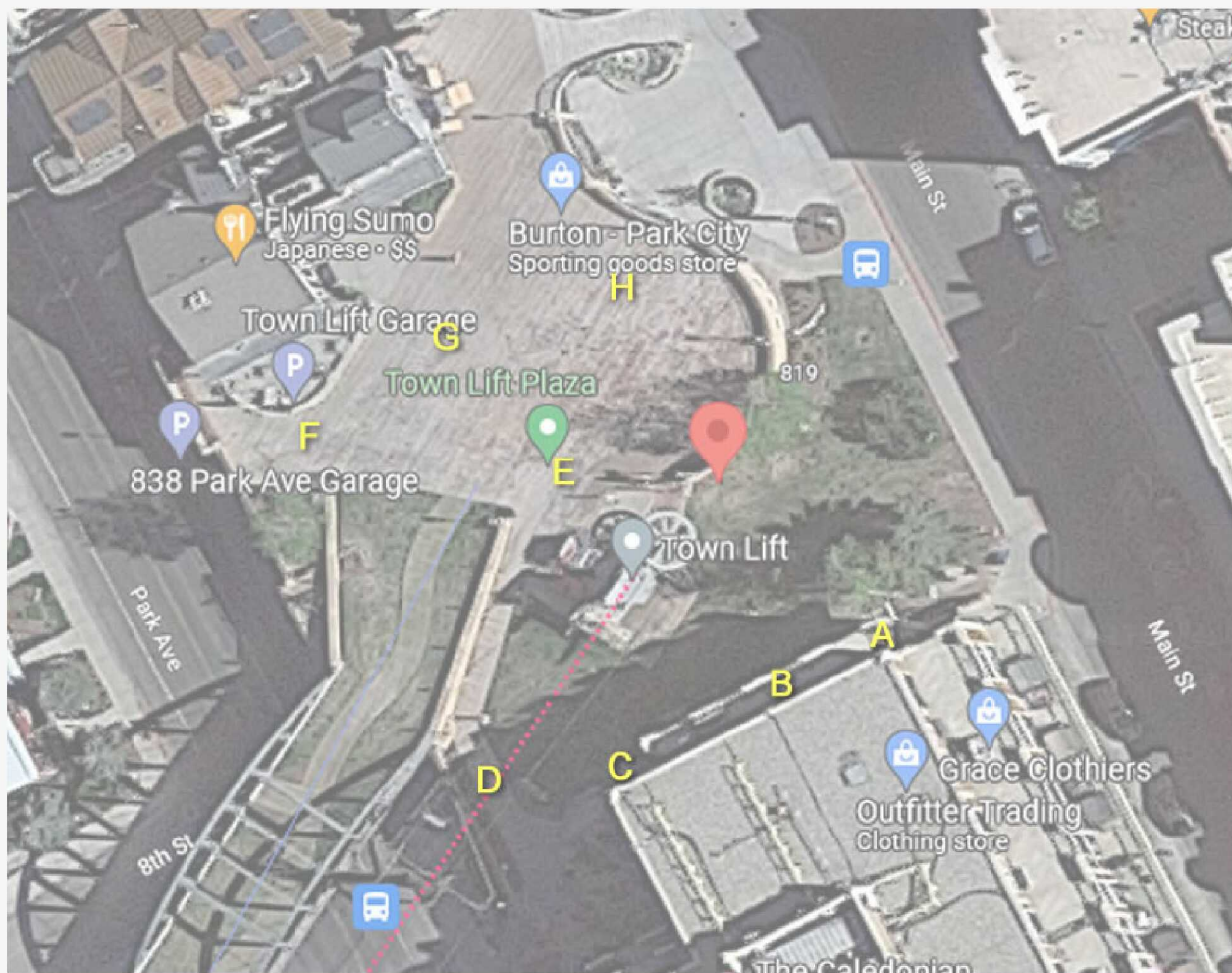
READINGS IN MILLIGAUSS

2.4

LOCATION E

READINGS IN MILLIGAUSS

2.7



LOCATION #3 - TOWN LIFT PLAZA

THESE ARE THE APPROXIMATE LOCATIONS OF THE READINGS TAKEN AT THE TOWN LIFT PLAZA

TOWN LIFT PLAZA

LOCATION A

READINGS IN MILLIGAUSS

.32

LOCATION B

READINGS IN MILLIGAUSS

.51

LOCATION C

READINGS IN MILLIGAUSS

.58

LOCATION D

READINGS IN MILLIGAUSS

.66

LOCATION E

READINGS IN MILLIGAUSS

.36

LOCATION F

READINGS IN MILLIGAUSS

.62

LOCATION G

READINGS IN MILLIGAUSS

.38

LOCATION H

READINGS IN MILLIGAUSS

.31



LOCATION #4 - 9TH ST. & PARK AVE PARK

THESE ARE THE APPROXIMATE LOCATIONS OF THE READINGS TAKEN AT THE 9TH ST. AND PARK AVE. PARK

9TH ST. & PARK AVE. PARK

LOCATION A

READINGS IN MILLIGAUSS

5.1

LOCATION B

READINGS IN MILLIGAUSS

11.4

LOCATION C

READINGS IN MILLIGAUSS

5.2

LOCATION D

READINGS IN MILLIGAUSS

3.4

LOCATION E

READINGS IN MILLIGAUSS

4.8

LOCATION F

READINGS IN MILLIGAUSS

3.3

LOCATION G

READINGS IN MILLIGAUSS

3.5

LOCATION H

READINGS IN MILLIGAUSS

6.1



LOCATION #5 - LOWER MAIN ST.

THESE ARE THE APPROXIMATE LOCATIONS OF THE READINGS TAKEN AROUND LOWER MAIN ST. NEAR DEER VALLEY RD.

LOWER MAIN ST.

LOCATION A

READINGS IN MILLIGAUSS

10.1

LOCATION B

READINGS IN MILLIGAUSS

4.8

LOCATION C

READINGS IN MILLIGAUSS

7.6

LOCATION D

READINGS IN MILLIGAUSS

6

LOCATION E

READINGS IN MILLIGAUSS

2.3

LOCATION F

READINGS IN MILLIGAUSS

1.96

LOCATION G

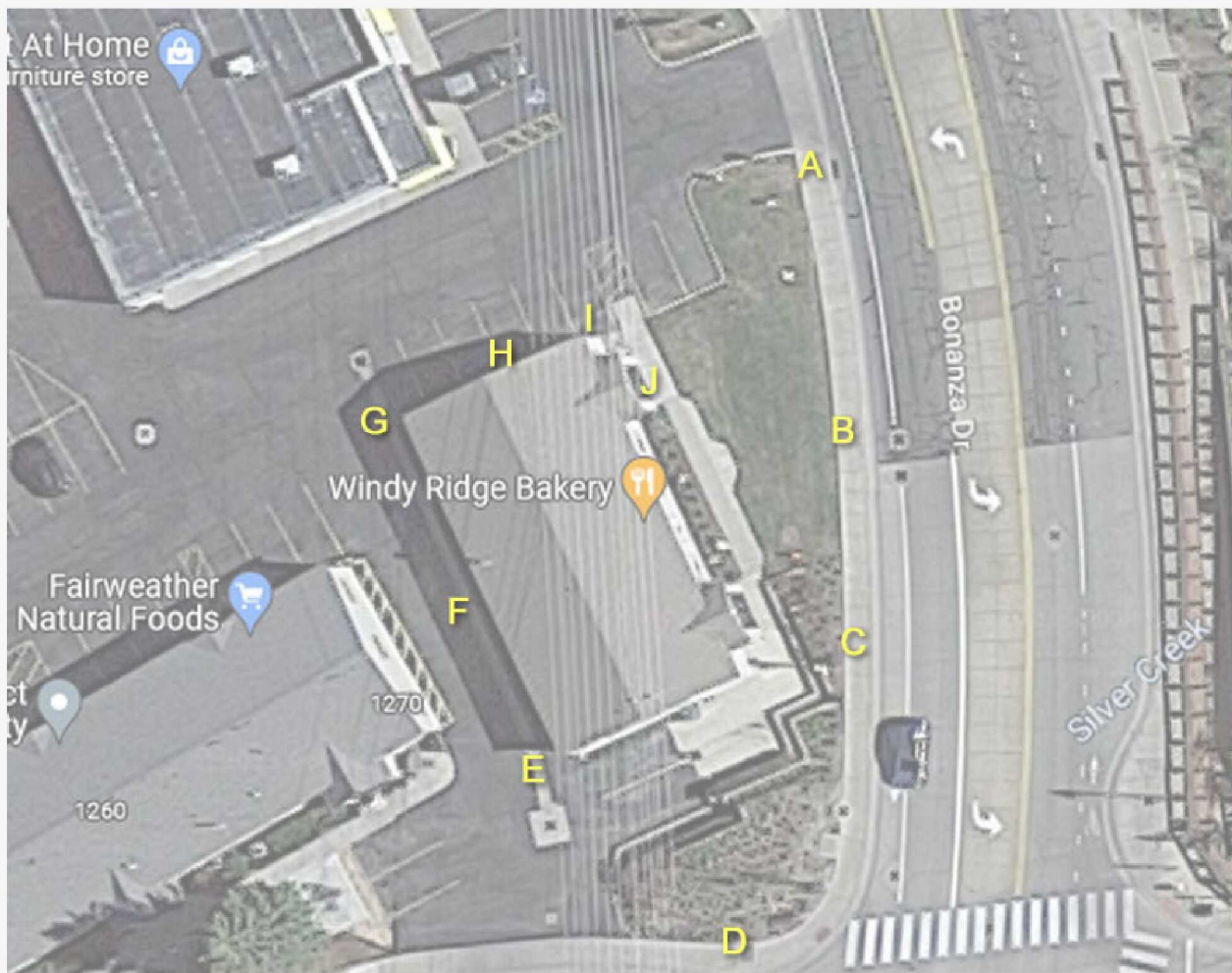
READINGS IN MILLIGAUSS

.70

LOCATION H

READINGS IN MILLIGAUSS

1.9



LOCATION #6 - BONANZA DR. NEAR GALLERY

THESE ARE THE APPROXIMATE LOCATIONS OF THE READINGS TAKEN ON BONANZA DR. ADJACENT TO THE JULIE NESTER GALLERY

BONANZA DR. NEAR GALLERY

LOCATION A

READINGS IN MILLIGAUSS

10.4

LOCATION B

READINGS IN MILLIGAUSS

10.6

LOCATION C

READINGS IN MILLIGAUSS

9.8

LOCATION D

READINGS IN MILLIGAUSS

7.9

LOCATION E

READINGS IN MILLIGAUSS

6.1

LOCATION F

READINGS IN MILLIGAUSS

6.3

LOCATION G

READINGS IN MILLIGAUSS

4.4

LOCATION H

READINGS IN MILLIGAUSS

5.8

BONANZA DR. NEAR GALLERY

LOCATION I

READINGS IN MILLIGAUSS

7.8

LOCATION J

READINGS IN MILLIGAUSS

8.7

From: Richard Tell <rtell@radhaz.com>
Sent: Tuesday, February 28, 2023 8:32 AM
To: paladinparkcity@aol.com
Cc: Ryan Davis
Subject: Re: EMF Consulting

Rory,

I have no idea of what your project will consist of in terms of what you are planning to build. For instance, how close to the substation fence are intending to build? Will it be multi-story and, if so, how high?

Regardless, however, in looking over the two reports, I don't see anything that really stood out to me other than the authors don't address relevant standards for human exposure or discuss possible perturbation of the electric field when used with the aerial lift.

The reported ambient electric and magnetic field values are not particularly elevated when compared to many environments. Relative to electric fields, these are very much subject to shielding effect introduced by building materials, even wood frame structures. My thinking is that I would be surprised if the electric field values would be even close to what is reported in the reports after you have built a structure there. They will likely be a little bit of nothing, so to speak, since the building will tend to shield the electric fields. Basically, this means that the electric fields will tend to be "attracted" toward anything conductive in their environment (and even wood used in frame construction along with plywood/OSB roof decking is conductive enough at 60 Hz to cause noticeable shielding). This will result in the electric fields being much weaker inside the structure than what they would be in the same spot in space absent the structure. And, the values are not that high to start with.

Comment on the electric field measurements: The authors do not comment on any attempt to quantify any effect of using the aerial lift to perform measurements above ground. You should be aware that any object that is conductive, i.e., made from metal, will tend to attract electric field lines to its surface. This means that when the lift is elevated above ground, any ambient electric field that was initially present at a given height, will tend to concentrate at the surface of the lift. This will intensify the strength of the electric field at the top of the lift and when making measurements on top of the lift, such as someone standing in a bucket and holding the electric field instrument, they are likely to measure a stronger electric field strength than normally exists at that point minus the aerial lift. This is similar to how I was explaining that any structure that you build near the substation will also act as an apparent ground point that the electric fields want to terminate on. Bottom line is that there is a good chance that the measurements reported by the author at elevated points are to some degree erroneously over estimates. The author also does not describe how the instrument was used during the electric field strength measurements. When performing electric field measurements, it is very important to keep the instrument a reasonably large distance from the body. Again, this is because of the field distortion effect described above. Since the presence of the body tends to intensify the field near the surface of the body, holding the instrument directly in the hand will usually result in erroneously high field measurements. Good practice is to keep the instrument, maybe, 10 feet or so from the body during the measurements of electric fields. The reason that this is important is that our exposure limits are based on unperturbed electric field strength values, i.e., the value of the field BEFORE being distorted by the presence of the human body or other conductive objects.

For the magnetic field measurements, the field distortion effect described above for electric fields does not occur. This is because body tissue as well as anything that is non-ferrous will not interact with 60 Hz magnetic fields. This means that a given magnetic field value will not be expected to change inside a structure that you plan to build unless there is a lot of metal in its construction. If there is a lot of metal such as steel framing, then this could change.

In looking at the magnetic field report, the values reported are not very large. In fact, in a 1000 home study performed by the Electric Power Research Institute (EPRI), they found that typical magnetic field values found in the homes ranged between 0.1 and about 3 mG (milligauss - the unit used in the report) with a few measurements up to a few tens of

milligauss. Except for two locations found in the report immediately adjacent to the fence of the substation, all reported values of magnetic field are LESS than 3 mG, these being at ground level. This suggests that inside a structure built near the substation in the vicinity of where the measurements are reported, only relatively weak magnetic fields would exist inside the structure. In fact, I would not be surprised if the magnetic fields associated with the wiring in the structure you build might be greater just due to normal electrical energy usage by residents.

Comment on magnetic field measurement values reported: Magnetic fields are produced by current flowing in electrical conductors. The current loading will vary in accordance with the electrical load on the system. This means that depending on how much electrical load was on the system at the time of the measurements, the value of magnetic field measured can change. A heavier load will tend to result in greater magnetic fields while a lesser load will result in lower magnetic fields. The local electric utility might be able to provide you with an estimate of the loading when the measurements were taken, assuming you can find that out from the author. The voltage on the power system does not change with electrical loading, only the current. Hence, the electric field strength, which is related directly to the voltage on the power lines, will not change over time.

Rather importantly, none of the reported values of electric or magnetic fields exceed exposure limit values in the two primary international safety standards, that is the Institute of Electrical and Electronic Engineers (IEEE) in IEEE standard C95.1-2019 (most recently published in 2019) or the International Commission on Non-ionizing Radiation Protection (ICNIRP) in their Guidelines most recently published in 2020.

For instance: The recommended limits for exposure of the general public to 60 Hz electric and magnetic fields are as follows:

	<u>Electric field (V/m)</u>	<u>Magnetic field (mG)</u>
<u>IEEE</u>	5000	9040
<u>ICNIRP</u>	5000	2000

As you can see, the measured values in the two reports, assuming that they are accurate, are tiny in comparison to the established exposure limits.

One final comment so you have some background on the issue of magnetic field exposure and public concerns. Historically, in 1979, an epidemiological research study was conducted that presumably showed that children who lived in homes "close" to some power lines exhibited a higher incident of leukemia than those living a longer distance from the lines. No measure of magnetic field was made in the early study. Eventually, it was surmised that the magnetic fields in homes "close" to power lines could exhibit magnetic fields of as much as 3 mG or greater. Following this observation, despite the fact that the magnetic fields were no where near any recommended limits for safety, it was not uncommon to hear people say that magnetic fields exceeding about 3 mG caused cancer in kids! Subsequent studies have not been able to verify the original report and this presumption that power lines cause cancer in kids has tended to lessen over the years. Nonetheless, there remains a certain level of concern among some who worry about such an association. I mention this to you since you might encounter push back from some in the public who have this concern. It is a complication that we have had to live with over the years; magnetic fields are more than a thousand times LESS than any safety limits...but, some concern still exists that very weak magnetic fields could somehow lead to leukemia.

I hope that this is informative for you and helps you better understand a perspective that the two reports might support.

...Ric

At 04:16 PM 2/27/2023, paladinparkcity@aol.com wrote:

Thank you, Ric!!!

Attached are the two studies, electric and magnetic. They are fairly self-explanatory but feel free to call me with any questions or comments. I have included my partner, Ryan Davis, on this email. We have met with Rocky Mountain Power, the owner of the substation and they believe some of the Electrical readings may be from other sources. They are carrying out their own study as well on our behalf. I will forward it to you as soon as I receive it.

Thanks again! Truly appreciate your involvement.

Rory Murphy
435-640-5068

-----Original Message-----

From: Richard Tell <rtell@radhaz.com>
To: paladinparkcity@aol.com
Sent: Mon, Feb 27, 2023 2:47 pm
Subject: Re: EMF Consulting

Rory,

I would be happy to assist if I can. If this is acceptable to you, if you would forward the EMF studies that you refer to, I will look them over and tell you what I think. If it seems like I can provide you with something useful, then we can discuss my involvement in the project. There would be no cost for me looking over what you have been given.

...Ric

At 03:44 PM 2/27/2023, you wrote:

>Dear Mr. Tell,
>
>I was forwarded your contact information from your colleague, Mr.
>Patrick Reilly. He suggested I contact you for some EMF consulting
>work that I have. My short story is that I am a developer that is
>proposing to build an affordable housing project adjacent to a
>substation. The issue of EMFs has been raised and I frankly cannot
>find any real information on the subject. I obviously have no desire
>to create a harmful situation. I have commissioned no less than
>three EMF studies and have loads of data, but no one that truly
>knows how to interpret it. Is this something I can hire you to
>do? I would be grateful for any guidance or help you can provide.
>
>Thank you Mr. Tell,
>
>Rory Murphy
>435-640-5068

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Council Agenda Item Report

Meeting Date: March 9, 2023

Submitted by: Michelle Kellogg

Submitting Department: Executive

Item Type: Information

Agenda Section: WORK SESSION

Subject:

5:15 p.m. - Break

Suggested Action:**Attachments:**

Council Agenda Item Report

Meeting Date: March 9, 2023

Submitted by: Michelle Kellogg

Submitting Department: Finance & Accounting

Item Type: Staff Report

Agenda Section: APPOINTMENT

Subject:

Consideration to Approve the City Manager's Proposed Appointment of Nike Noack as the City Treasurer of Park City Municipal Corporation

(A) Action

Suggested Action:

Attachments:

[Appointment of City Treasurer Staff Report](#)



City Council Staff Report

Subject: Appointment of City Treasurer
Author: Mindy Finlinson, Finance Manager
Department: Finance Department
Date: March 9, 2023
Type of Item: Administrative

Recommendation

Consider approval of the City Manager's proposed appointment of Nike Noack as the City Treasurer of Park City Municipal Corporation.

Executive Summary and Analysis

In January 2023, Sara Nagel gave notice that she was leaving the City's employment and we initiated the recruitment for the vacancy. We would like to take this opportunity to thank Sara for her service over the past 3½ years. Sara has been an integral part of the Finance Department's success and while we are sad to see her go, we are excited for her next appointment as Finance Director of Heber City.

[Park City's Municipal Code, Section 2-4-7](#), prescribes the approval process for the City Treasurer position. Section 2-4-7 authorizes the City Manager to appoint a City Treasurer with the approval of the City Council. Nike will train under Mindy Finlinson who was the City Treasurer from December 2016 through May 2019. Nike received her Masters of Business Administration from California State University and comes to the City with a combined 9+ years of experience in local and county government and higher education.

Municipal Code requires the Mayor and City Council to approve the City Manager's appointment of the City Treasurer, who will serve at the pleasure of the City Manager. By appointing Nike, the Finance Department will continue to ensure the effective and efficient operations of cash/debt management and various other requirements of state law and the [Money Management Act](#). Upon approval, the City will secure the necessary bond for Nike, as required by state law.

Department Review

The Finance, City Attorney, and Executive Departments have reviewed this report.

Council Agenda Item Report

Meeting Date: March 9, 2023

Submitted by: Michelle Kellogg

Submitting Department: Public Utilities

Item Type: Staff Report

Agenda Section: COMMUNICATIONS AND DISCLOSURES FROM
COUNCIL AND STAFF

Subject:

SwiftComply Launch for City Cross-Connection Control and Backflow Prevention Program

Suggested Action:

Attachments:

[SwiftComply Launch Staff Report](#)



City Council Staff Communications Report

Subject: SwiftComply Launch for Backflow Prevention Program
Author: Liz Lagoy
Department: Public Utilities
Date: March 9, 2023
Type of Item: Informational

Summary

Public Utilities will begin using a new online platform [SwiftComply](#) to accept and track backflow device reports. Our use will begin in the next few months, and will be used for the City's Cross Connection Control and Backflow Prevention [Program](#). This software will further protect drinking water quality in Park City and enhance compliance with State law.

SwiftComply is a web-based platform where State certified backflow testers will submit device tests to the City. This platform will track all devices located in Park City that are connected to our water system. It will also automatically send out reminder emails and letters to Park City water customers that have backflow devices to remind them of upcoming and overdue tests.

Background

Federal and State laws require public water utilities to protect their systems from cross connections and backflow. A cross connection is any physical connection between a potable water supply and any potential hazardous material. Backflow is an undesirable reversal of flow of non-potable water through a cross connection into the piping of a public water system. A backflow prevention device is used to keep unsafe water from mixing with the public water supply. These devices are required by Federal and State regulations. These connections include irrigation systems, fire suppression systems, and other systems that could cause contamination of our drinking water. To ensure these devices are working properly, annual testing by a certified backflow tester is required for each device. These tests are currently required to be submitted to the City via Municipal Code [13-1-29](#) and are currently submitted to the Water Department by email.

SwiftComply will help streamline the program by tracking devices, test dates, and assist in annual report submittals to State agencies. Certified testers will submit tests performed on devices in the City to SwiftComply. The system will track devices and test dates, and then send reminders out to customers with backflow devices. Tests should be performed by a certified tester, and certified tester contacts can be found [here](#).

Council Agenda Item Report

Meeting Date: March 9, 2023

Submitted by: Michelle Kellogg

Submitting Department: Executive

Item Type: Staff Report

Agenda Section: CONSIDERATION OF MINUTES

Subject:

Consideration to Approve the City Council Meeting Minutes from February 2 and 16, 2023

Suggested Action:

Attachments:

[February 2, 2023 Minutes](#)

[February 16, 2023 Minutes](#)



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

February 2, 2023

The Council of Park City, Summit County, Utah, met in open meeting on February 2, 2023, at 3:00 p.m. in the City Council Chambers.

Council Member Gerber moved to close the meeting to discuss property at 3:03 p.m. Council Member Doilney seconded the motion.

RESULT: APPROVED

AYES: Council Members Dickey, Doilney, Gerber, Rubell, and Toly

CLOSED SESSION

Council Member Rubell moved to adjourn from Closed Meeting at 4:15 p.m. Council Member Gerber seconded the motion.

RESULT: APPROVED

AYES: Council Members Dickey, Doilney, Gerber, Rubell, and Toly

WORK SESSION

Transportation Planning Update:

Julia Collins, Transportation Planning Manager, Robert Stewart UDOT Region Two Director via Zoom, Carl Miller, Summit County Regional Transportation Director, and Gabe Shields, Matt Neeley, John Robertson, Alex Roy, Hannah Pack, and Franklin Williams, Engineering and Transit Departments, were present for this item. Shields discussed the Snow Creek Walkability Feasibility Study, which studied a graded pedestrian crossing in the Snow Creek vicinity of SR248. He reviewed when this was presented last May, Council favored a tunnel somewhere in that area as well as at-grade improvements to the SR248/SR224 intersection. His team met with UDOT and they weren't interested in helping with the intersection project. Staff also pursued a public/private partnership to construct a tunnel with a development at the DoubleTree Hotel site and through discussions, staff determined they did not want to place a tunnel there and be connected to that project. They were currently putting out an RFP for a designer to put together designs and cost estimates. He proposed returning in the fall with the designs and cost estimates and getting Council direction.

1 Collins referred to the list of disruptive transportation ideas. She noted the ideas were
2 futuristic and they gave the City tools for planning. She and her team grouped the list
3 into five categories: Existing City Policy, Regional Support, Special Projects, Not
4 Currently Pursuing, and Grant Projects. She noted UDOT would give the City and
5 Summit County a grant to study the disruptors to see which would be best for the City. It
6 would also study parking, identify park and ride locations, look at future transit needs,
7 traffic, access, parking policies and parking technologies. Following the evaluation,
8 recommendations would be made on parking solutions, along with implementation and
9 funding strategies. They would then present performance recommendations and a
10 marketing plan. The grant would be awarded in the spring and Summit County would be
11 the lead.

12
13 Collins stated SR248 was a UDOT corridor and it was a priority for the City. She
14 reviewed in 2009, \$10 million was provided by UDOT to the Statewide Transportation
15 Improvement Program. They started an environmental analysis in 2018, but in July of
16 2019, the project stopped because the City determined the preferred alternative of a
17 widening project didn't fit with the vision of the community. In 2021, UDOT approved a
18 rehabilitation project including an upgraded westbound shoulder lane, crosswalks, and
19 the Richardson Flat traffic signal. She recommended advancing two potential paths.
20 First was a short-term approach of building up the eastbound shoulder of SR248 for bus
21 usage. They would take space from the median and shift it to the shoulder. They would
22 also look at ways to advance the shoulder for bus usage from the SR224/SR248
23 intersection to Wyatt Earp. The other concept was exploring all transit possibilities with
24 a long-term corridor plan. Collins noted staff needed to act now since these projects
25 would take many years.

26
27 Council Member Dickey asked how they would annualize the disruptive ideas. Collins
28 stated the list was the foundation. Pack stated they would explore all the options to
29 make sure any technology presented to the City would provide a benefit to the City and
30 to those who lived here. Council Member Dickey asked if there was a five-year
31 implementation plan for the disruptor ideas. Roy indicated Council Members Dickey and
32 Rubell, along with the stakeholder group, could look at some things outside the box, and
33 advance those ideas or technologies to an analysis level. Council Member Dickey
34 asked if those ideas could be looked at independently and if staff could get them to an
35 implementation plan. Roy agreed five or six ideas could be moved along for viability.

36
37 Council Member Toly asked if reverse signaling on SR248 could be considered. Collins
38 indicated that was good for a long-term solution and it would be evaluated. They would
39 look at one-way, reversible lanes. Council Member Toly thought the light at McPolin
40 needed an arrow and thought it could be fixed relatively easily. She also thought it was
41 important to understand the intersections and see what could be done to improve them.
42 She noted the buses in Wasatch County were successful, but the ones from Salt Lake
43 were not as successful, and asked what could be done to get those folks on the bus.
44 Mayor Worel stated that was being looked at on a regional level.

1 Council Member Gerber asked if the parking assessment would look at existing parking
2 in the City and County to see how it was currently used and how to use it more
3 efficiently. Collins stated the goal was to look at the regional parking lots. She heard
4 there was a local need for a parking assessment for street parking and commercial
5 parking as well. She preferred to keep the studies separate. Council Member Gerber
6 stated a park and ride study was done and it was decided Quinn's Junction was the
7 best location. She asked if the study would start over again. Collins stated only three
8 parcels were considered in the previous study because those parcels were owned by
9 the City or UDOT. She thought the SR248 corridor had potential for remote parking
10 solutions. The new study would look at what available parcels the City owned, the
11 access, the needs of the City, etc.

12
13 Council Member Rubell referred to the proposed Snow Creek Tunnel and asked why
14 the City was moving forward with the design since staff was currently working on the
15 Bonanza Park Small Area Plan, which should inform where connections would make
16 the most sense. The development on the corner of SR248/SR224 was being discussed
17 as well. He asked if it would make sense to delay the project until the strategic plan was
18 put in place. Shields indicated that if they waited, costs would increase. Council Member
19 Rubell asserted a strategic plan was in the works and the project should see the optimal
20 location determined by the plan. Robertson stated they were finalizing the costs in this
21 phase and wouldn't be looking at full development with plans and specs. Staff would
22 come back to Council to present options and get direction after the design was
23 completed. This process would take six months and the Walkability Committee and
24 Council supported this step.

25
26 Council Member Toly stated many new residents would be in the Homestake area, and
27 she asked that the whole area needed to be evaluated. Robertson indicated a light
28 would be placed at the Homestake intersection. The problem with the tunnel being
29 located there was that half of the block was the cemetery, so in that sense the Snow
30 Creek area was the best fit for the tunnel. Council Member Toly noted the traffic light
31 would give people the opportunity to cross the street at that location.

32
33 Council Member Rubell didn't want to move forward on the tunnel design if we planned
34 to use the strategic plan. He also thought the Transportation Demand Management
35 (TDM) and Kearns strategies needed to be revisited by Council. He indicated the
36 Richardson Flat and Silver bus lines had good numbers and looked forward to a Transit
37 update. He supported the eastbound bus lane. He felt the microtransit numbers didn't
38 look so good. He also asked to discuss the Parking strategy further. Neeley indicated
39 that would all be discussed at the next meeting. Council Member Rubell favored the
40 approach to the disruptive ideas list.

41
42 Council Member Gerber supported the eastbound shoulder project. She also supported
43 the disruptive list and grants.

1 Council Member Dickey agreed with Council Members Gerber and Rubell. He asked
2 what the objectives were for traffic and transportation. Park and ride lots were a trip
3 capture strategy, and there were success factors like reducing traffic. He hoped to
4 discuss it holistically to build a strategy before moving to projects. He thought Council
5 could have a facilitated discussion with an expert to guide them. Council Member Toly
6 agreed, and she hoped the facilitator would have a base guideline to define what they
7 were doing. She supported the eastbound lane. She thought one-way streets would
8 have to come all the way into Old Town. In looking at disruptors, it was important to
9 know where the people were coming from. She wanted to know how many guests were
10 driving to Park City and then they could think of solutions so visitors didn't get cars at
11 the airport. Neeley asked what Council Member Toly wanted to see with the baseline.
12 Council Member Toly stated it could be different times of the year, but Council received
13 conflicting reports on traffic. Council Member Dickey stated the regional group had great
14 numbers and Daenitz could present that at the retreat.

15
16 Council Member Doilney supported the eastbound shoulder and studying solutions for
17 the long-term. He liked the proposal from the disruptor list and wanted the Council to
18 come together and understand what the goal would be. He also heard walkability was a
19 priority for the community. Studies had been performed and he supported planning the
20 tunnel while the strategic plan was being completed. He noted bikes and ebikes were
21 popular and he didn't think the tunnel project should be put on hold. He felt the small
22 area plan would validate that decision.

23
24 Council Member Rubell stated it was risky to continue with the project because the
25 longer the project was planned, the more it would be locked in. There was no
26 information to determine how big of a risk we were taking. He hoped Council could get
27 more detailed information before decisions were made. Council Member Doilney
28 indicated information had been collected since 2006 that informed this decision. He felt
29 there was a very low risk that a better location for the tunnel would be found. Council
30 Member Toly asked what the difference in the timeline would be. McGrath stated she
31 would discuss the small area plan at the next meeting, but the plan would not be
32 completed for 10-12 months. She indicated there was a lot of previous work on the
33 tunnel, which lowered the risk. Although it was optimal to do all projects at the same
34 time, it was not realistic and the small area plan would assume the tunnel would be at
35 this location. Collins added the community supported the project which lowered the risk
36 as well. The Walkability Committee indicated the tunnel was their top priority. The
37 majority of the Council members supported moving forward with the tunnel design.
38 Council Member Rubell stated he was not opposed to moving forward with the project,
39 only the timing of moving forward.

40 41 **REGULAR MEETING**

42 43 **I. ROLL CALL**

44

Attendee Name	Status
Mayor Nann Worel Council Member Ryan Dickey Council Member Max Doilney Council Member Becca Gerber Council Member Jeremy Rubell Council Member Tana Toly Matt Dias, City Manager Margaret Plane, City Attorney Michelle Kellogg, City Recorder	Present
None	Excused

COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Council Questions and Comments:

Council Member Doilney stated he went to the Colorado Association of Ski Towns (CAST) meeting at Steamboat Springs. Council Member Toly announced upcoming events in town. Council Member Gerber thanked staff for their hard work to keep the town running during Sundance.

Council Member Rubell noted the last audit stated the City needed a Standards of Ethical Behavior Agreement for staff, City boards and commissions, and City programs. He indicated having that agreement would help the audit score and he requested a discussion on that. All the Council members agreed to have that discussion. Council Member Rubell also requested a discussion for Council's role in upholding the local and state code regarding people interfering with government administration. He stated there was state code concerning interfering with the administration of government and there had been behavior by some who were interfering. If that behavior was happening, he wanted it corrected before it undermined the function of government. All the Council members agreed to have that discussion.

Staff Communications Reports:

1. IT Overview in Response to Decentralized versus Centralized Concept:

2. Community Engagement 2022 Fourth Quarter Update:

Council Member Dickey wanted to target and reach different segments of the community in an efficient way. He asked to discuss that at a future meeting. All the Council members agreed to have that discussion.

3. 2022-23 Snow Removal Operational and Financial Update:

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

Mayor Worel opened the meeting for any who wished to speak or submit comments on items not on the agenda.

Deb Rentfrow referred to the discussion on the Snow Creek Tunnel. She hoped there was something that could be done while the tunnel was being constructed. She suggested a HAWK signal at that location might help and it would be an opportunity to collect data from the signal. She noted there was a tunnel by Fresh Market, but skiers didn't use that tunnel and ran across the street. She looked forward to hearing the report on the Richardson Flat Park and Ride. She sent an email to Council on the parking situation and indicated the resorts needed to build more parking. She asked Council to listen to the special Planning Commission meeting on the last week of January regarding the Snow Park project at Alterra.

Mayor Worel closed the public input portion of the meeting.

IV. CONSIDERATION OF MINUTES

1. Consideration to Approve the City Council Meeting Minutes from January 5 and 17, 2023:

Council Member Gerber moved to approve the City Council meeting minutes from January 5 and 17, 2023. Council Member Doilney seconded the motion.

RESULT: APPROVED

AYES: Council Members Dickey, Doilney, Gerber, Rubell and Toly

V. CONSENT AGENDA

1. Request to Approve the First Addendum to Avail Technologies Professional Services Agreement for Additional Support to Replace and Upgrade Transit Bus Stop Digital Signs in an Amount not to Exceed \$14,328 for a New Total Amount of \$394,744:

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

RESULT: APPROVED

AYES: Council Members Dickey, Doilney, Gerber, Rubell and Toly

VI. OLD BUSINESS

1. Discuss the Potential Expansion of Recreational Capital Facilities Including the Summer Camp Building, Aquatics Facilities at PC MARC, and New Facilities at the Park City Sports Complex:

1 Ken Fisher and Tate Shaw, Recreation Department, and Erik Daenitz, Assistant Budget
2 Director, presented this item. Fisher reviewed the history of the recreation facilities. He
3 indicated the Recreation Advisory Board (RAB), staff, and community members made
4 up a steering committee to work on the master planning process and they focused on
5 asset management, supporting community needs, and building new infrastructure. They
6 proposed to expand and renovate the summer camp building and aquatics center as
7 well as construct a sports complex at Quinn's Junction. A survey was distributed, and
8 1,134 responses were received. The construction of additional pickleball courts was a
9 priority. He stated the sports complex would include indoor and outdoor pickleball
10 courts, indoor space for trail users, parking stalls, a Nordic training area, a new ice
11 sheet, improved trailhead access, and more. He also noted Council's highest priority
12 from the mid-year retreat was to renovate the summer camp building. The board
13 recommended the following priority if the projects could not be completed
14 simultaneously: aquatics, summer camp building, and sports complex construction.

15
16 Fisher stated the summer camp building was in an ideal location since it was close to
17 the fields, playground, and the library. He estimated the cost to renovate it would be \$13
18 million. The MARC pool needed to be replaced. When he looked at pickleball courts at
19 the MARC, the space was too constrained, so they looked at a new facility at Quinn's
20 Junction. There was a lot of property there and regional partnerships could be
21 considered for different amenities. He recommended keeping the bubble at the MARC
22 for the courts in the winter. The RAB recommended replacing both pools with one pool
23 that would include lap lanes, zero entry water features, and youth features. He stated an
24 additional fitness area could go where the current lap pool was. The aquatics project
25 was estimated to cost \$6 million and the fitness expansion was estimated at \$8 million.

26
27 Regarding the sports complex, the proposed project cost for the first phase was \$9
28 million. A future phase would include a covered outdoor ice sheet, a bicycle pump track,
29 the expansion of the existing maintenance building, and field lights on the stadium field,
30 for a cost of \$7 million. The total for all the projects would be \$43 million.

31
32 Daenitz stated the City had funds to approve the full project list. He reviewed Council
33 was supportive of potentially expanding the uses of the Additional Resort Sales Tax
34 (ARST) revenue. He noted the project could also be funded with a General Obligation
35 (GO) bond that would go to voters for approval. He indicated the current GO bond debt
36 limit was 2% of the assessed value of the City and currently the City was at 1%. He did
37 calculations of the tax increase for median priced homes. A \$35 million bond would
38 equal a tax increase of \$148.88 per year for 20 years. A \$50 million bond would equal a
39 tax increase of 212.69. For secondary homes, the tax increase would be \$270.69 and
40 \$386.70 respectively. He reviewed the history of the City's GO debt service and stated
41 the first bond was for walkability and the rest were for open space.

42
43 Council Member Gerber liked the concepts presented and asked if RAB could explore
44 the use of aquatics and how it could be used year-round. Regarding the summer camp

1 building, she asked what opportunities there were to use it year-round. Fisher stated the
2 summer camp building could also be used for childcare. Council Member Gerber asked
3 that RAB study the specifications required for childcare. Fisher stated he was looking for
4 direction so they could proceed with looking at design options to meet licensing
5 requirements. He noted the summer camp was licensed by Utah Child Care Licensing.
6 Council Member Rubell asked if the list was broken down into immediate requirements
7 versus other wants.
8

9 Council Member Doilney asked if there were other existing recreation facilities that
10 weren't included in the plan. Fisher stated a group came to a RAB meeting petitioning
11 upgrades to the skate park. Council Member Rubell asked who would operate the
12 facilities, to which Fisher stated City staff should operate the facilities to ensure the
13 quality of the programs. Council Member Rubell asked if the City could staff the
14 facilities, to which Fisher affirmed. Council Member Doilney thought the sports complex
15 would be user friendly and low maintenance.
16

17 Council Member Toly requested winter aquatics. She asked if the seniors wanted to
18 share half of the summer camp building and how it could be configured to scale down
19 the project. Fisher stated the project would need to be opened and reexamined. Part of
20 the project cost was a new playground, a splash pad, and the relocation of the
21 basketball and volleyball courts. Council Member Toly asked if aquatics could be
22 considered for the sports complex. Fisher stated the committee discussed expanding a
23 playground, but they decided the focus would be on only a few features. Council
24 Member Toly asked if the park bathrooms would be remodeled. Fisher stated the
25 building would be leveled. Council Member Toly asked if there would be a coffee
26 shop/snack bar with the MARC expansion. Fisher stated that was discussed, but the
27 responsibility of a restaurant was a burden. Council Member Toly thought a coffee shop
28 like the one at the library would be nice.
29

30 Council Member Dickey asked if other regional entities could contribute to the funding of
31 the project. Fisher stated Basin Rec built trails and never asked the City for
32 contributions. He would welcome contributions but hesitated to ask. Council Member
33 Dickey thought there were entities that didn't have reciprocity that could be asked. He
34 asked why some GO Bonds didn't pass. Fisher speculated why a previous GO bond
35 didn't pass but noted times had changed. Council Member Dickey referred to the sports
36 complex and asked if the drawings were detailed or could configurations be changed, to
37 which Fisher affirmed they could change. The National Ability Center (NAC) had
38 concerns with the noise from outdoor pickleball courts because half of their patrons
39 suffered from Post-Traumatic Stress Disorder (PTSD). Council Member Dickey asked if
40 usage was high at the Creekside bicycle pump track that necessitated an additional
41 one. Shaw stated they were trying to show what could be placed at the complex
42 because of how the pump track scored on the survey.
43

1 Council Member Dickey asked if the ice condition on the outdoor ice sheet could be
2 maintained. Angevine stated the current outdoor sheets were well used. The problem
3 was constant snow removal. Although the sheets were being used, it didn't meet the
4 needs of the skaters and staff couldn't program classes because it wasn't covered and
5 climate controlled. The proposal included a covered refrigerated ice sheet. She also
6 noted it could be used in the summer for various activities. Council Member Dickey
7 asked if the permanent structure at the MARC bubble would be for view obstruction.
8 Fisher stated the property line was close to the neighbors and it would need a high wall.
9

10 Council Member Rubell asked if thought had been given to building a satellite gym at
11 the sports complex. Fisher knew there was demand for it. As they got to the next level
12 of the project, they could assess that. Council Member Rubell asked about expected
13 revenue that would result from the project. Fisher stated historically the City didn't try to
14 recover the cost from capital projects but tried to get 70% cost recovery for operating
15 expenses. He expected pickleball would be at least as profitable as tennis and tennis
16 recovery was 120%. Fitness had \$800,000 in revenue last year.
17

18 Mayor Worel opened the item for public input.
19

20 Luca Mishurda asked for an additional ice sheet. Park City was known for developing
21 world class athletes. There were 70+ skaters on one ice sheet so safety was a concern.
22 She hoped the City could help the skaters' dreams come true.
23

24 Michael Kaplan was with Shellene Vetterli and reviewed that 20 years ago, he sat on an
25 ice rink committee. The facility was well used with many groups using it. It was a key
26 amenity for the community. He requested a second outdoor rink that included a roof and
27 that was attached to the current facility.
28

29 Tracy Meier, NAC Program Director, stated she worked there for 20 years. They loved
30 recreation and thought it was life changing. She reviewed the potential new sports
31 complex. She hoped thought would be given for safety for walkers and bikers, more
32 restrooms, and noise considerations. She wanted the entire community to have a voice
33 in the development.
34

35 Dr. Steve Allen, Veterans' Administration PTSD Coordinator, stated NAC was a partner
36 with the VA and provided many services for veterans. Many PTSD individuals used the
37 facilities and had sensitivities to repetitive noise. He asked to consider veterans when
38 the outdoor courts were considered.
39

40 Miche White via Zoom stated NAC had been a peaceful facility for the last 20 years.
41 She supported the indoor pickleball courts but the outdoor courts would disturb the
42 patrons of NAC.
43

1 Ed Parigian, RAB Chairman via Zoom, stated RAB put a lot of work into the master
2 plan. He thought the proposal aligned with the City's vision. He emphasized the need
3 for the aquatics replacement. He thought the summer camp building was also needed.
4 He spent a lot of time working on the sports complex and asserted that would be a great
5 community asset. He appreciated the concerns from the NAC and noted there were
6 some noise mitigations for the outdoor pickleball courts.

7
8 Joe Plomin, Pickleball Club President, indicated he was part of the master planning
9 committee. He thought the plan was well thought out. He noted the survey results
10 showed pickleball was the top priority for Park City recreation. He submitted a petition
11 from the Pickleball Club members in support of pickleball facilities. He requested the
12 master plan be approved. He also submitted an eComment which is attached to this
13 document.

14
15 Gene DeSantis commended everyone for the work done on the sports complex. He
16 indicated this facility wouldn't be available for several years. He thought something
17 needed to be done to mitigate the deficiency in the meantime. Mayor Worel asked
18 DeSantis to keep his remarks to the facility discussion. DeSantis also submitted an
19 eComment which is attached to this document.

20
21 Elaine Murray stated she was on the subcommittee for court expansion and was part of
22 the Pickleball Club. In the last year, she met more people playing pickleball than she did
23 from having her kids in the school district. She recommended growing the sports
24 complex because the sport was growing. They were losing people who went to the
25 valley to play the sport. The bond would take too long. She thought if the City had the
26 money, the facility could be built quicker.

27
28 Danny Glasser expressed concern for the noise element of the outdoor courts when
29 that distressed the PTSD and neurodiverse community. He advocated to protect their
30 interests.

31
32 Kathy was part of the Pickleball Club and she worked at the NAC. She thought the City
33 was behind in pickleball facility development. She agreed pickleball courts could be a
34 hazard for some at NAC, but it would be a benefit to others there. She started a
35 wheelchair tennis program in California. She thought the community needed the sports
36 complex.

37
38 Scott Schulman, Bridge 21, stated Bridge 21 was for the neurodiverse population. Many
39 participants were involved in NAC programs. He was not opposed to the pickleball
40 courts but requested an environmental impact study to make sure it wouldn't adversely
41 affect the NAC participants.

1 Larry Cohen stated pickleball was huge but the City needed to catch up. He stated
2 pickleball did well when there were many courts put together. Indoor pickleball was for
3 kids to seniors and he requested to build it right and big enough.

4
5 Ian Hartley via Zoom stated he worked for Mountain Trails Foundation and supported
6 trails at the sports complex. He stated if the complex was built, they wouldn't be able to
7 drive the Snowcat to Round Valley. He requested that be taken into consideration when
8 planning the facility.

9
10 Liz Stephen, Park City Ski and Snowboard team, via Zoom, stated they would love to
11 have a warming facility and supported that recommendation.

12
13 Tuck Lowe proposed a dedicated space for curling. There were 50 in the Curling Club
14 who competed with each other. They also hosted Learn to Curl events. He stated if he
15 had dedicated ice, they could increase their events for corporate events, school groups,
16 etc.

17
18 Susan Deniero via Zoom proposed Park City build year-round indoor aquatics at
19 Quinn's and put the pickleball courts at the MARC.

20
21 Tim LePage shared his hope to achieve the sports complex alongside the NAC where
22 both parties would be happy. He noted with increased pickleball, there would be
23 increased revenue. He requested the master plan be approved.

24
25 Emma Garrard RAB member via Zoom, stated Park City Ski and Snowboard gave a lot
26 of support for a warming hut at the trailhead. There was great success getting kids on
27 skis at Round Valley and it would be a great benefit to have that warming facility.

28
29 Lita Hoffmann appreciated the work going into this plan. She noted pickleball was one
30 of the fastest growing sports in the nation. She thought the City had to catch up in
31 offering facilities for the sport. She hoped to have a plan that the NAC could support.

32
33 Mayor Worel closed the public input.

34
35 Council Member Doilney supported the plan. He thought the existing infrastructure
36 needed to be addressed soon. He stated there were perspectives regarding the NAC
37 that needed to be considered. The summer camp building could be a multipurpose
38 facility and he wanted to move forward with the next step.

39
40 Council Member Toly stated there was a great potential to help families over the
41 summer with the expansion of this building. She was in favor of the project but didn't
42 want to use the full ARST funds on this.

1 Council Member Dickey supported the project but wanted the NAC concerns
2 addressed. He also wanted to look at the Quinn's property for affordable housing. He
3 preferred putting a GO Bond on the ballot for approval. He agreed with the prioritization.
4

5 Council Member Gerber indicated the City needed recreation, affordable housing, arts
6 and culture and many other things. The City had a lot of issues and tradeoffs needed to
7 be made. It would be great to have the facilities, but she wanted the community to
8 remember housing and affordability were crises. She wanted to look at all the needs at
9 once during the budget process. She supported the aquatics and summer camp
10 building. When ice sheets and the sports complex were discussed, she didn't know if a
11 bond made sense, since the residents would carry the burden that people in other areas
12 would use.
13

14 Council Member Rubell was concerned about maintaining high quality facilities after
15 they were built. The NAC concern was valid and the City needed to make sure this was
16 done right. There were many solutions and he knew it could be worked out. He didn't
17 support expanding the MARC for traffic reasons. He liked dedicated ice for curling. He
18 wanted the committee to look at the entire recreation portfolio to see about staffing
19 versus contracting and to be consistent. He would prioritize the summer camp building
20 and then have a GO bond for the other projects as well as trying to capture regional
21 funding.
22

23 Mayor Worel commended staff for the inclusivity of the committee and community
24 outreach. Fisher stated an RFP needed to be issued for design through construction
25 and stated that was the most efficient way to move the project along. At any point, they
26 would be able to stop if directed by Council and they wouldn't have to pay for the
27 remainder of the project.
28

29 Council Member Doilney thought there might be a way to expedite one of the three
30 projects and he supported the RFP. Council Member Toly supported the RFP. Council
31 Member Dickey supported it as well and asked how realistic it would be to have a GO
32 Bond on the ballot in November. Council Member Gerber favored moving forward but
33 asked if a GO bond could go for other needs beyond recreation. Council Member Rubell
34 supported moving forward as long as the bond was on the November ballot. Council
35 Member Dickey noted there was a nominal fund balance for the park building but \$4
36 million allocated in a future budget, although the funds were not existing.
37

38 Fisher read a prepared statement regarding pickleball user complaints on the lack of
39 court time. He reviewed the direction given the Recreation Department by the Council
40 and the adjustments made to accommodate the sport. He asked Council if they wanted
41 to give more pickleball time in the bubble and noted it would impact tennis. Council
42 Member Rubell supported switching hours around one or two days a week to give
43 pickleball more prime time. Council Member Gerber supported the professional
44 decisions made by staff and RAB. Council Member Dickey agreed with Council Member

Rubell on giving pickleball some prime time, but he wanted staff to look at that. He thought the two sports could coexist in the bubble but wanted to meet with Fisher. Council Member Toly preferred having this as an agenda item at the next meeting. Council Member Doilney stated pickleball court time was not an equality issue as reported in the newspaper. He supported staff recommendations. Matt Dias, City Manager, stated he and other staff members met with pickleball supporters to address concerns. He heard the adjustments being made and he advised staff to continue looking at adjustments to accommodate pickleball play time until new courts could be constructed.

2. Review the Lower Park Avenue Improvement Project Public Engagement Process:

Gabe Shields, Transportation Engineer, indicated this project would go along Park Avenue from Empire to Heber. He indicated mobility had changed over the years and he wanted to look at what would work best for the neighborhood and community.

Duke Richardson, Avenue Consultants, reviewed the outreach goals: provide broad outreach to engage as many stakeholders as possible; check in on the community's opinion of the previous pilot program; determine priorities of the community for this part of Park Avenue; develop the ideal vision and goals based on public feedback; and provide the future design team direction on the desired roadway configuration. They had already distributed a survey, had open houses, held a stakeholder workshop and organized a technical advisory committee. He reviewed the survey responses. The community valued access and amenities. The conclusions from the survey were that buses, vehicles and bicycles consistently used the street, the pilot program was a success, the planter boxes were liked, and parking was not the priority for the community, but it was important for the stakeholder group.

Alex Roy, Senior Transportation Planner, stated the takeaways from the outreach were the vision and goals for the street. They heard they wanted pedestrian and cyclist safety. Parking would still be an element but not a priority. Shields stated final design would be worked on and then construction would begin next year.

Council Member Rubell thought it would be interesting to see the chart from Park Avenue residents from the other demographics, such as the workforce. He thought parking might be more of a concern. Council Member Gerber thought it was great to see the community adjust as the pilot program was implemented. She thanked them for the work done to get input from the community. Mayor Worel indicated the senior center project would be simultaneous with the Park Avenue construction. Shields stated there would be coordination to ensure no conflicts arose.

Mayor Worel opened the public input.

1 Bill Ciraco stated people who didn't live on that street often used the street to go to Main
2 Street. Many parked at the library or City Park, and he asked that attention be given to
3 walkability.

4
5 Ed Parigian via Zoom asked staff to consider making the speed limit 20 mph from the
6 library to Heber.

7
8 Mayor Worel closed the public input.

9
10 **VII. NEW BUSINESS**

11
12 **1. Consideration to Approve Three Easements to Rocky Mountain Power for**
13 **Transmission Lines and Underground Distribution Lines Across City Property:**

14 Luke Henry, Assistant City Attorney, and Dave Gustafson, Project Manager, presented
15 this item. Gustafson reviewed the proposed changes in the transmission line alignment.
16 One change would be on Holiday Ranch Loop Road and he indicated the change was
17 needed to keep the distribution line appropriately distanced from the well head at
18 Creekside Park. Another change was moving the line to go from the substation to the
19 back of Munchkin. The other line would go over the cemetery to the bottom of Boot Hill
20 and join the transmission line. This configuration would replace five poles, including one
21 in the cemetery. Gustafson noted they could not get an easement for a line on
22 Woodbine, which affected the Yard and the Emporium, because the owner would not
23 allow the lines overhead.

24
25 Council Member Rubell asked if the City got an estimate to put the lines underground.
26 Gustafson stated the transmission lines were not underground but the distribution lines
27 were being put underground. Council Member Rubell asked if there was an incremental
28 cost option to underground the transmission lines. Gustafson stated he received a quote
29 some time ago, but it was cost prohibitive. The current substation only accepted
30 overhead lines, so a new substation would have to be built for underground
31 transmission lines. Council Member Rubell noted the substation would be discussed as
32 part of the small area plan.

33
34 Mayor Worel opened the public input.

35
36 Chris Wilder, Rocky Mountain Power (RMP) Project Manager, stated he was online to
37 answer any questions.

38
39 Mark Fisher stated he was the property owner that would potentially be affected by this
40 issue. He thought his property would be devalued by \$2 million-\$4 million if this
41 easement was approved, and he was only offered \$46,000 by RMP. He thought RMP
42 would save \$18 million by cutting across the corner with the lines and the City's property
43 would double in value once those lines were moved. He would like to enter into

1 mediation to work through the issue. He asked to work with the City and RMP to come
2 to a resolution.

3
4 Mayor Worel closed the public input.

5
6 Council Member Rubell had an issue with sandwiching a property owner without the
7 property owner working out their own deal. He also wanted to address the substation
8 issue before a decision was made.

9
10 Council Member Rubell moved to continue the item to a date uncertain to figure out the
11 big picture, and if this was the right answer in the interim or permanently.

12
13 Council Member Doilney asked if RMP installation was imminent because continuing
14 the item to a date uncertain might be a problem. He asked if this item could be
15 continued without affecting the current work. Gustafson stated they stopped work on the
16 transmission line poles but continued the underground distribution line work. There
17 would be a cost associated with this late decision. Council Member Doilney asked if
18 there was a cost associated with continuing this item for one month. He wanted to verify
19 this would affect Fisher in the amount of \$4 million. Wilder stated he had another project
20 starting now, so this project could not restart until April 15th at the earliest. He also
21 needed to wait until then so the ski resorts weren't impacted. The project would be six to
22 eight weeks of work. Dias recommended continuing the item to March 9th.

23
24 Council Member Rubell withdrew his motion.

25
26 Council Member Rubell moved to continue the approval of three easements to Rocky
27 Mountain Power for transmission lines and underground distribution lines across City
28 Property to March 9, 2023. Council Member Doilney seconded the motion.

29
30 Council Member Dickey asked to bring back a cost estimate to bury the distribution lines
31 and build a new substation. Luke Cartin stated the lines were already going
32 underground. Council Member Rubell asked for an estimate to underground the
33 transmission lines from Pole Two going left and turn on the dirt road on the other side of
34 the cemetery. Cartin stated he would get the price for underground transmission lines
35 and the associated problems with the new route.

36
37 **RESULT: CONTINUED TO MARCH 9, 2023**

38 **AYES:** Council Members Dickey, Doilney, Gerber, Rubell and Toly

39
40 Dias noted Mr. Fisher requested a meeting with someone from Council and RMP.
41 Council Member Rubell indicated he would be the representative.

42
43 **2. 2023 Legislative Session Update:**

Matt Dias, City Manager, summarized the Legislative Session to this point. Many bills had been watered down. He distributed a tracking sheet and noted Michelle Downard updated the sheet regularly and it could be found online. He reviewed some bills of interest. The Legislature was trying to regulate sidewalk and road width to make subdivision approvals faster. There were many modifications for xeriscaping, including driplines. There was a target on cities holding a landscape bond. Golf course regulations had been proposed. There were many bills on noticing public meetings as well as bid noticing. He indicated a lot of work continued to be done on the Housing and Transit Reinvestment Zone (HTRZ) in Kimball Junction and the City was trying to help Summit County with that. Short-term rentals continued to be a topic, but Dias didn't think the proposed legislation would be effective for the City. It included language for jurisdictions to give amnesty to short-term rentals. Dias stated the City was taking a neutral position since it didn't move the City backwards. He did not know if the law would work for Park City.

Regarding the short-term rental bill, Council Member Doilney stated the amnesty pilot program could build and then it could become standard language, and he thought future councils should be cautious. He asked them to define 80% of residential areas. Dias expected additional discussion with regard to working on the language.

Council Member Toly asked about the Wildland Fire bill. Dias didn't know much about the bill, but he expected the Legislature to allocate surplus funds for wildfire mitigation.

Council Member Rubell asked for more info on SB 105 Traffic Enforcement, SB125 Electrification of Transportation Infrastructure, and HB136 Safe School Routes. Dias discussed fractional ownership and stated there would be some type of legislation on this, but he didn't have the details.

VIII. ADJOURNMENT

PARK CITY WATER SERVICE DISTRICT MEETING

I. ROLL CALL

Attendee Name	Status
Chair Nann Mayor Worel Board Member Ryan Dickey Board Member Max Doilney Board Member Becca Gerber Board Member Jeremy Rubell Board Member Tana Toly Matt Dias, Executive Director Margaret Plane, City Attorney Michelle Kellogg, Secretary	Present

None	Excused
------	---------

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

Chair Worel opened the meeting for any who wished to speak or submit comments on items not on the agenda. No comments were given. Chair Worel closed the public input portion of the meeting.

III. NEW BUSINESS

1. Consideration to Authorize the Mayor to Execute a Memorandum of Agreement, in a Form Approved by the City Attorney, to Continue Leasing Surplus Water to Weber Basin Concurrent with the Western Summit County Project Master Agreement:

Clint McAfee, Utilities Manager, reviewed the history of the water sharing project and noted Park City provided all the surplus water for the deficiencies in this region. He stated the revenue gained from leasing surplus water was 20% of the City's total water revenue. He asked Council to approve an extension of the agreement for an additional year for a total of a five-year lease.

Board Member Rubell asked if the projections included future development, to which McAfee affirmed. He noted they were updating the master plan now. When they looked at the demands, they did not consider future annexations, so that could be in addition to what was estimated.

Chair Worel opened the public input. No comments were given. Chair Worel closed the public input.

Board Member Gerber moved to authorize the Mayor to execute a memorandum of agreement, in a form approved by the City Attorney, to continue leasing surplus water to Weber Basin concurrent with the Western Summit County Project Master Agreement. Board Member Toly seconded the motion.

RESULT: APPROVED

AYES: Board Members Dickey, Doilney, Gerber, Rubell, and Toly

IV. ADJOURNMENT

With no further business, the meeting was adjourned.

Michelle Kellogg, City Recorder



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

February 16, 2023

The Council of Park City, Summit County, Utah, met in open meeting on February 16, 2023, at 2:00 p.m. in the City Council Chambers.

Council Member Doilney moved to close the meeting to discuss property at 2:00 p.m. Council Member Gerber seconded the motion.

RESULT: APPROVED

AYES: Council Members Dickey, Doilney, Gerber, Rubell, and Toly

CLOSED SESSION

Council Member Toly moved to adjourn from Closed Meeting at 3:00 p.m. Council Member Rubell seconded the motion.

RESULT: APPROVED

AYES: Council Members Dickey, Doilney, Gerber, Rubell, and Toly

WORK SESSION

Council Member Rubell was temporarily excused at 3:00 p.m.

Discuss Trails & Open Space 2023/24 Department Plan:

Heinrich Deters, Trails and Open Space Manager, presented this item and indicated this year his team was implementing several projects. The Rail Trail improvements would consist of replacing the bridge, adding information kiosks, wayfinding, and benches. The design contract had been awarded. There was a sewer line installed parallel to the Rail Trail and the trail surface was damaged during construction. The construction company would be resurfacing that area at no cost to the City.

Deters stated the trailheads at Mead Drive and McLeod Creek would be hard surfaced with asphalt. There would also be improvements to drainage, kiosks, wayfinding and trashcans.

Council Member Toly asked if there would be striping on the road, to which Deters affirmed. Mayor Worel asked if the snow had to be gone before improvements began on Rossie Hill, to which Deters affirmed.

Council Member Rubell joined the meeting at 3:10 p.m.

Deters stated the Federal Government and states were putting a lot of money into wildfire mitigation efforts. His team applied for a grant to access those funds. He was also working on a Treasure Hill conservation easement, other trails around the City, and Bonanza Flat.

Deters reviewed that Transit to Trails was successful in the summer and winter. He noted a few days were cancelled due to the weather in December, but 1,672 people used the program.

Winter Operations Mid-Season Update and Annual Transit Performance Statistics and 2022-2023 Winter Parking Program Update

Matt Neeley, Johnny Wasden, Kim Fjeldsted, Andrew Leatham, Andy Stevenson, and Scott Burningham, Transportation Department, and Caroline Rodriguez, High Valley Transit Executive Director via Zoom, were present for this item. Neeley noted the City had several partners that helped make Transit successful this winter.

Fjeldsted reviewed ridership was up 57% over 2021 and she was optimistic that next year the number would exceed the pre-pandemic ridership numbers. She displayed Transit statistics and indicated buses had 86% reliability. Paratransit ridership decreased by 6%, but she thought that was due to the transit separation with Summit County. Accidents were reduced from 2018 and stayed the same as 2021. Fjeldsted noted the feedback from the Silver route was users wanted a direct route to the resorts.

Stevenson explained Transit outreach and events held to promote transit use. There was a "Try Transit" week and it was a great success. Fjeldsted reported transit use increased this winter. She noted that it decreased during Sundance from last year, but that could be because part of Sundance was virtual so fewer people were in town. Neeley stated the Silver route was used by Park City Heights as well as other users. This was a pilot program and he asked Council if they wanted to continue the service year-round to help the workforce and neighborhood. He presented four options for continued service: Option A was 20 minute service, Option B was 40 minute service, Option C was 20 minute service with extended hours and Option D was 40 minute service with extended hours.

Mayor Worel asked if the hours for Options C and D were based on hours needed from the workforce. She heard feedback that those extended hours weren't long enough. Neeley stated those hours could be flexible.

Council Member Toly suggested looking at who was using the transit route to figure out which hours to service. Neeley stated he could get a better handle on who was using it and adjust the times. Council Member Rubell favored continuing the service. He

1 preferred having a fixed route with consistent hours as the other bus lines. Burningham
2 stated continuing the same service as was currently used would be \$650,000.

3
4 Mayor Worel asked if it would be difficult to find the staff to make the route a fixed route.
5 Fjeldsted stated they were short staffed so it was important to know now so they could
6 start recruiting drivers. Many drivers were seasonal and had summer jobs lined up after
7 the ski season ended. Council Member Rubell asked for more information on staffing
8 and ridership hourly distribution. He asked Transit to look at numbers for all the stops to
9 collect data, and noted the route served the Kearns and Bonanza area which contained
10 a lot of affordable housing.

11
12 Council Member Gerber favored continuing the route in spring and summer. She didn't
13 know if the route had to run all day because some people would ride bikes. She favored
14 Option C. Council Member Dickey asked if the Silver route ran before the ski season
15 started, to which it was indicated the service started December 11. He wondered if there
16 was data on skiers who used it versus workforce. Based on that information, he thought
17 they should start small and look at the numbers. Neeley stated he would work on that
18 and bring back a recommendation.

19
20 Mayor Worel asked if Transit housing was available. Fjeldsted stated there were 40
21 housing units and only two were available. She noted it was harder to recruit drivers
22 when housing was not available.

23
24 Council Member Toly referred to Exhibit E and noted there was high feedback on driver
25 complaints, technology issues, and missed stops, and she asked what was being done
26 to correct that. Fjeldsted stated staff educated users on how to use the technology.
27 They investigated all driver and missed stops complaints and took appropriate action if
28 needed. Council Member Toly stated she received feedback that there were out of
29 service buses going around town. Fjeldsted indicated a bus could be out of service for
30 many reasons, including the end of the shift, mechanical problems, or the bus was full
31 and the driver was only dropping off riders.

32
33 Council Member Rubell asked if the paratransit service had been integrated with
34 Summit County. Fjeldsted stated it was not integrated, but users were now
35 understanding that they should call the entity where the ride was starting, even if it
36 ended in another jurisdiction. Council Member Rubell asked Fjeldsted to look at
37 combining that service.

38 39 **2022-2023 Winter Parking Program Update**

40 Johnny Wasden, Parking Manager, presented this item and reported on the peak day
41 parking plan. Andrew Leatham indicated Sundance traffic was seamless because of the
42 planning. Wasden reviewed the residential parking plan and stated the incidents had
43 declined, and parking citations had significantly increased. He thought the increased
44 regulation helped the parking problem.

1 Regarding paid parking, Wasden met with stakeholders, visitors and employees. Some
2 concerns were that people would stay all day or that the parking garage would be
3 empty. The data showed parking transactions increased by 50%, but overall parking
4 increased by 5%. This showed that the daytime paid parking had the desired outcome.
5 He also noted the Old Town employee parking permits increased by 219%, which gave
6 a metric on how many employees used China Bridge during the day. He noted free
7 transit was an option for employees who chose not to buy a parking permit.

8
9 Wasden reviewed park and ride data. The Richardson Flat Park and Ride increased
10 usage during Sundance which showed skier and event parking was funneled to the
11 appropriate places. He planned to continue the daytime paid parking plan until mid-April
12 and then go back to the shoulder season parking plan.

13
14 Council Member Doilney was excused at 4:00 p.m.

15
16 Leatham reviewed the peak day traffic plan was successful between departments as
17 well as with the resorts and UDOT. The coordination between the City and Park City
18 Mountain Resort (PCMR) during the summer resulted in a great improvement. The
19 resort paid parking helped with traffic flow and there were positive results with protecting
20 the neighborhoods. The variable message signs (VMS) were more responsive, and it
21 worked in getting people to the right parking lots. Some challenges were Deer Valley
22 Drive and Bonanza Drive for egress in the afternoons. This summer he would be
23 working with Engineering and UDOT to help with this congestion. He thought buses
24 were delayed because of the traffic backup in these locations.

25
26 Caroline Rodriguez gave an overview of microtransit and noted there were three zones
27 of service that went 6:00 a.m.-Midnight daily. She felt the limited areas of service were
28 limiting the rides and the City would see the same success as Wasatch and Summit
29 Counties if the area was expanded. People wanted to use the service but they were
30 outside the zones. She understood the City didn't want people to use microtransit over
31 the fixed routes, but she thought microtransit increased ridership at the fixed routes.
32 She recommended expanding the service Citywide and thought there would be 400-600
33 rides per week with that scenario.

34
35 Council Member Dickey thought the data should be considered in relation to Transit
36 objectives. He asked if there was ridership composition data, such as who used
37 microtransit and where they were going. Rodriguez stated they knew every destination.
38 She related the old Royal Street fixed route had 10 transit rides per day, but in January
39 microtransit on that street had 16.1 rides per day and in February it had 27.2 rides per
40 day.

41
42 Council Member Gerber asked if people could get a ride to a service area. Rodriguez
43 stated for all origins and destinations, the app would tell them how to get there, whether
44 it was with microtransit or not.

1 Council Member Toly asked to review the slides, and she wanted to know the costs of
2 expansion. Rodriguez stated it would be the same pricing as now, hourly pricing. Neeley
3 stated they had spent \$300,000 up to this point. Based on forecasting revenue for the
4 season, the cost was estimated at \$700,000.

6 Council Member Rubell clarified the City should expand the zones but not increase the
7 drivers or hours, to which Rodriguez affirmed. Council Member Rubell asked how
8 quickly the expanded zones could be implemented. Rodriguez stated the changes could
9 be implemented in late March since it took time to reconfigure the zones on the app.
10 Council Member Rubell noted the program ended mid-April. He favored cutting back on
11 hours and vehicles for the rest of the season and then work on it for next season.

13 Mayor Worel asked that this conversation continue at the retreat. Council Member
14 Rubell asked if Council wanted to reduce the service now. Council Member Toly stated
15 March was the busiest month for the City, so it wasn't good to cut service now. Council
16 Member Rubell thought 90% of the same service could be performed with one vehicle
17 instead of two.

19 Council Member Dickey asked if there was something that could be done to drive more
20 ridership. He didn't think people knew about microtransit. Stevenson stated they had
21 been mailing out postcards to the zones, putting out ads on KPCW, and ads with The
22 Park Record. A video had also been made. Council Member Dickey requested
23 information be sent to areas where a lot of visitors stayed and to the associated
24 property managers, to which Stevenson affirmed and added the HOAs had been
25 notified too.

27 Rodriguez stated upper Park Meadows would not use the zones and so they needed to
28 be expanded. Neeley stated this program was being evaluated as a pilot. There was a
29 slow start, but now they were seeing a significant increase. March was a busy month
30 and he wanted to see how it continued. He thought Council could revisit this in March.
31 Good things came out of Transit this winter, including the microtransit pilot. Rodriguez
32 stated she would look to see if vehicles could be reduced as well as if the app could be
33 expanded to Citywide service within a week.

35 Council Member Rubell summarized Transit would run status quo for the moment while
36 Rodriguez collected data on two options. Option One would be keep the service areas
37 as is and optimize the hours and drivers to meet the current demand. Option Two would
38 be to see how quickly they could get to a Citywide service to implement it this season.
39 Mayor Worel asked for a further discussion at the retreat.

41 **Proposed Water Rate Discussion:**

42 Clint McAfee, Public Utilities Director, Erik Daenitz, Assistant Budget Director, and
43 Brian Baker, Zions Bank Public Finance, were present for this item. It was indicated
44 Baker did a check on the proposed rates to ensure they in line with industry standards.

1 McAfee stated the purpose of increasing water rates was to promote water
2 conservation. He also wanted to make sure it was fair and equitable across the
3 classifications. The Water Department had significant debt for the next 19 years and
4 there were cash balances that needed to be maintained. He proposed a 10% revenue
5 increase to offset inflation. He proposed maintaining 50% of total revenue from base
6 fees in case of a wet season. Then the system was set so revenue was relative to water
7 consumption.

8
9 McAfee summarized the base rate for residential users would not increase. For
10 commercial zones, there would be a 20% base rate increase and a 39% base rate
11 increase for irrigation. The consumption fees for all zones would increase. He noted the
12 tiers were designed based on summer water usage. Another concept being introduced
13 was offering a user the option to change their meter size to lower their base rate. If they
14 could show that the meter was oversized for their unit, their base rate would be reduced
15 to a smaller meter size rate. He gave examples of users and water usage.

16
17 McAfee stated commercial zones had the biggest impact from the rate changes
18 because they weren't on a tiered system before and they hadn't been paying their share
19 as a customer class. Multifamily would also feel an impact, but not as much. The
20 residential class would not feel much impact.

21
22 Council Member Toly asked McAfee how each commercial class could jump from 21%-
23 71%. McAfee stated the existing consumption fee was currently not tiered. The new fee
24 was tiered. Council Member Gerber asserted the school district would have a significant
25 increase. She understood it was a big water user, but she wanted to make sure they
26 weren't double hit because of irrigating the big fields. McAfee stated it covered
27 irrigation, but he would make sure they didn't have an irrigation account in addition to
28 the water account.

29
30 Council Member Rubell asked if the math on the residential accounts excluded the zero
31 usage, to which McAfee affirmed. Council Member Rubell asked if the water meter
32 concept was in the financial model, or if it would cause problems if everyone used it.
33 McAfee stated if everyone used it, it would cause problems. He indicated the biggest
34 con to this program would be the potential to upsetting the fund in the short-term. As
35 customers moved around, he would redistribute the revenue compared to the water
36 usage. If commercial consumed 33% of the water, but paid 28% of the revenue, the
37 rates would be redistributed to ensure each class paid their ratio of usage.

38
39 Council Member Dickey liked the meter size resolution and he thought that was fair. He
40 asked if the customers would understand what this would mean and what tools could be
41 given to help customers optimize their usage. McAfee stated 85% were residential so
42 no changes were needed there. Only 15% of the connections were in this category and
43 a lot of the meters were consistently sized. Council Member Dickey suggested
44 contacting only the users that had the biggest increases in fees.

1 Mayor Worel visited the water treatment plant and she was told there was a supply
2 chain issue with water lines. McAfee stated that was the case, but when his team saw
3 them in supply, they stocked up. Council Member Gerber asked if there was
4 coordination with Business Licensing, Planning, and Building with regard to reducing or
5 enlarging the meter size. She wanted to make sure that each time there was a business
6 change, they would self-select into the correct meter size. McAfee indicated there
7 would be a check every three years.

8
9 Baker stated his role was to look at the mechanisms used to evaluate the data. The
10 process was looked at and it was compared to other comparable entities. He provided a
11 memo that stated the Public Utilities Department was excellent and their principles were
12 sound and consistent.

13
14 McAfee asked for Council approval for the cost-based water rate structure. Council
15 Members Dickey and Gerber approved. Council Member Toly stated businesses were
16 just notified about this proposal and she asked for more time for them to review them. A
17 lot of businesses on Main Street offered free water and let guests use their restrooms
18 and they needed to review the proposed rates. Mayor Worel noted this was a work
19 session and this would come back for a public hearing.

20
21 Council Member Rubell asked for programs so people could fix their consumption
22 problem. The residential user rate was adjusted six or seven years ago and now the
23 other class rates needed to be adjusted as well. Commercial was paying less than their
24 consumption so the increased rate would bring them up to their actual consumption. He
25 thought the meter change idea was complicated but he wasn't opposed to it. He thought
26 the program should be implemented. He wanted the increase to happen before
27 summer.

28
29 McAfee asked if the increases for the highest user fees should be capped. Council
30 Member Dickey thought it should be phased in for the highest users. It took time to
31 make investments to lower consumption. McAfee stated phasing would be difficult and
32 complicated. Council Member Dickey didn't think the City should send out a bill that was
33 80% higher and it should be mitigated.

34
35 Council Member Gerber thought education would be helpful, especially for the highest
36 users. The multifamily units might be affordable housing and she wanted water usage
37 reduction education for those users. People didn't like surprises and offering support
38 would help.

39
40 Council Member Toly asked if high users could cap and switch meter size. McAfee
41 thought if the meter size was reduced, the increase would not be as significant. Council
42 Member Toly asked to understand an account with a meter size reduction versus a cap.
43 She could not answer the question on capping costs.

1 Daenitz stated he studied historical behavior to rate increases. When there were slower
2 rate changes, behavior did not change. Behavioral change only occurred with dramatic
3 rate changes.

4
5 Council Member Rubell thought the proposal worked. He indicated most users' bills
6 would decrease. Rather than seeing a phased approach, he suggested offering a bill
7 credit to those who had a capital project that would reduce water usage.

8
9 Mayor Worel asked Council to give McAfee direction on things to discuss when this
10 item returned for a public hearing. Council Member Gerber asked to see an outreach
11 plan. Council Member Toly stated this could be a health factor to businesses that had to
12 wash a lot. She asked for other rate mitigation efforts.

13
14 Council Member Dickey agreed with other mitigation ideas. He liked Council Member
15 Rubell's idea of bill credits for water reducing capital projects. He was concerned about
16 the customers paying for multifamily and irrigation.

17
18 Council Member Rubell thought washing hands and flushing toilets would not be
19 significant to rate increases, since most water usage was outdoors. He asked to see
20 impact data that affected the monthly bill.

21
22 McAfee asked if customers should be allowed to self-select into the optimal meter rate
23 as recommended. Council Member Rubell didn't prefer it but was fine if that's what
24 McAfee wanted. Council Member Toly asked if this was only related to the fire
25 suppression system, to which McAfee stated they were opening it to what size
26 customers wanted. Council Member Toly wanted to weigh meter size with capping.
27 Council Member Dickey thought it should be simpler. McAfee stated there was a high
28 debt burden, but that would change in the future as reserves were built up. Right now
29 they needed that stability.

30
31 McAfee asked if the new rate structure should be delayed until after peak irrigation
32 season, or if there should be a different implementation date. He thought rate changes
33 typically began July 1st. Dias suggested scheduling a public hearing at the next meeting
34 so commercial users could have a chance to speak. Council Member Rubell thought a
35 town hall format might be better so the water staff could interact with people and ease
36 their concerns. Council Member Toly thought McAfee could speak at the Lodging
37 organization meetings to relate the information. Dias stated there could be an open
38 house here with it broadcasted. Council Member Dickey stated July was too early if it
39 wasn't phased. Council Member Gerber thought it should be implemented sooner than
40 later. She thought it could be voted on in June and enacted in September or October so
41 people would have time to react to it. Council Member Rubell did not want to increase
42 rates twice in one year. He thought it was better to increase the rates and then have
43 programs on the back side. McAfee summarized staff would organize a town hall and
44 then hold a public hearing.

REGULAR MEETING

I. ROLL CALL

Attendee Name	Status
Mayor Nann Worel Council Member Ryan Dickey Council Member Max Doilney Council Member Becca Gerber Council Member Jeremy Rubell Council Member Tana Toly Matt Dias, City Manager Margaret Plane, City Attorney Michelle Kellogg, City Recorder	Present
None	Excused

COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Council Questions and Comments:

Council Member Toly noted this was a peak weekend and advised listeners to plan accordingly. She also indicated Leadership 101 would be held tomorrow. Council Member Rubell reported on the most recent Fire District meeting. Mayor Worel stated Parley's Park Elementary invited her to visit and she took a snowplow with her, which the children liked.

Staff Communications Reports:

1. Monthly Budget Monitoring Report and Sales Tax Report:

Council Member Rubell stated this was the first report he saw where the year-over-year revenue was down.

2. Gillig Electric Bus Purchase Update:

3. Land Management Code Amendments Prioritized by the Planning Commission for 2023:

Council Member Rubell asked for a timeline, and noted he didn't see any dates for the items prioritized. Rebecca Ward, Assistant Planning Director, stated the items scheduled through March were in the report. Once the consultant was involved, a schedule would be reviewed. She anticipated completion for those amendments in November.

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

1 Mayor Worel opened the meeting for any who wished to speak or submit comments on
2 items not on the agenda.

3
4 Michael Kaplan stated there were inequalities with the J1 and guest workers. He helped
5 many and they worked at Fresh Market. Fresh Market offered them a higher wage and
6 housing and then when they came, Fresh Market didn't pay the offered amount and
7 offered no housing. Kaplan offered housing to them, but he had to pay non-resident
8 taxes on his house. This disincentivized landlords from renting to J1s. One possible
9 solution would be to require employers to provide housing for the workers. He asked
10 who he should talk to for help. He also asked if the City would pay the extra taxes that
11 landlords paid.

12
13 Aldy Milliken, Kimball Arts Center (KAC) Executive Director, reviewed the history of the
14 arts and culture district and asked Council to respect the 2017 Letter of Intent (LOI). The
15 KAC had the resources to pay their portion of the property for their building. The
16 pandemic was over and the KAC was thriving. It was almost 50 years old. The building
17 they rented was not meant for kilns and other art features. He wanted to remind
18 everyone of the City's commitment to arts and culture. He asked Council and the
19 community to secure a home for art in the community.

20
21 Bob Theobald stated his concern was with public officials and their entitlements.
22 Planning Commissioner Hall was building a pool but he didn't apply for a conditional use
23 permit (CUP) and the Planning Department didn't require one. Four people filed a
24 complaint about this project. At a Planning Commission meeting in 2022 where
25 pickleball courts were being discussed, Commissioner Hall changed the topic and
26 asked to delete pools and spas from the definition. Neither Planning Director Milliken
27 nor Commissioner Hall disclosed to the Commission that Commissioner Hall was
28 actively constructing a pool without a CUP. The second report he wanted to discuss
29 concerned the Planning Director and the Building Official. There were Planning and
30 Building process violations. Theobald noted Council Member Rubell expressed
31 concerns at the December 15th Council meeting regarding Theobald's report. The
32 incidents were documented in case studies. The Planning Department needed to be
33 reviewed. He submitted documents to the City Recorder for the public record.

34
35 Heather Peteroy indicated she really liked the arts and culture aspects of the City. She
36 was excited about the arts and culture district, but saw it wasn't progressing. She was
37 now on the KAC Board and she wanted to make sure the community was well rounded.

38
39 Shirin Spangenberg eComment: "I own Escape Room Park City. There are a couple of
40 items on this agenda that I would like to comment on. First off, paid parking during the
41 day has hurt my daytime business. We are down by a considerable amount and our
42 customers are commenting on the expense when the parking is not full. I feel like this
43 can be changed by have 3 free hours but after 3 hours it will be \$30 or whatever the
44 rate is after so many hours. After seeing the numbers provided by the parking

department, I do not think there is justification for paid parking during the day. Secondly, I understand that you are voting on a survey of the Bonanza Park area. It's concerning to me that you are only looking at a very small area of establishments for advice as to what will go at Bonanza Park. The top of Main Street is less than 2 miles away and should have some consideration in this study. I think a 3 mile radius is more reasonable so that most of Park City is represented."

Jason Sanders eComment: "Bus Route to/from Park City Heights - Service to/from Transit Center on weekends at a minimum to run until 11:00PM. We use it extensively to visit Main Street restaurants in the evening. Please do not reduce the schedule in the evenings. Ski Season - If you change the stop from High School directly to PCMR, I am fine with removing the High School stop. Transit Center for ski access is not a great option as Town Lift is already overloaded in the mornings and programs for kids require meeting at the base."

Megan McKenna eComment: "I am writing today to express my support for maintaining the current Silver route to Richardson Flat/ Park City Heights. I am a Park City Heights resident and can tell you the bus has been a game changer for our neighborhood. I ride it to and from work every day. I usually get off at the PCHS stop but occasionally ride it to the transit center when I need to go downtown or transfer. I don't have an epic pass but talking to neighbors and folks in town, I do think skier ridership would have been higher if it made a direct stop at PCMR. I understand budgets and staffing concerns but fear that limiting the route to only peak hours will lower ridership and mean more cars to and from our neighborhood. Traffic is not the primary reason I ride the bus. I also ride the bus to reduce my carbon footprint. I hope we can invest more in our climate goals and continue to work on increasing ridership, not decreasing it."

Mayor Worel closed the public input portion of the meeting.

IV. CONSIDERATION OF MINUTES

1. Consideration to Approve the City Council Meeting Minutes from January 12 and 24, 2023, and the Joint City Council and County Council Meeting Minutes from January 24, 2023:

Council Member Gerber moved to approve the City Council meeting minutes from January 12 and 24, 2023, and the Joint City Council and County Council meeting minutes from January 24, 2023. Council Member Doilney seconded the motion.

RESULT: APPROVED

AYES: Council Members Dickey, Doilney, Gerber, Rubell, and Toly

V. CONSENT AGENDA

1 **1. Request to Authorize the City Manager to Execute a Design Professional**
2 **Services Agreement with Kimley-Horn in a Form Approved by the City Attorney,**
3 **to Develop a Plan to Support "The Future of Transportation Technologies:**
4 **Emerging Disruptors," in an Amount Not to Exceed \$130,000:**
5

6 **2. Request to Authorize the City Manager to Execute a Design Professional**
7 **Services Agreement with Horrocks Engineers Inc, in a Form Approved by the City**
8 **Attorney, to Provide Complete Engineering Services for Short-Term SR-248**
9 **Transit Solutions, in an Amount Not to Exceed \$239,280:**
10

11 **3. Consideration of Approval of Settlement and Acquisition of Façade**
12 **Preservation Easement for 569 Park Avenue in the Amount of \$250,000, Resolving**
13 **Prior Appeal of Demolition Denial/Determination of Significance:**
14

15 Council Member Dickey moved to approve the Consent Agenda. Council Member
16 Gerber seconded the motion.

17 **RESULT: APPROVED**

18 **AYES:** Council Members Dickey, Doilney, Gerber, and Toly

19 **NAY:** Council Member Rubell

20
21 **VI. OLD BUSINESS**
22

23 **1. Consideration to Approve a New Letter of Consent for the Interlocal Agreement**
24 **with Snyderville Basin Recreation District that Outlines the Operation and**
25 **Funding of the Park City Ice Arena:**

26 Amanda Angevine, Ice Arena Manager, reviewed the ice arena was built jointly by Park
27 City and Snyderville Basin. Park City operated the facility and the Basin donated
28 \$50,000 annually. The document outlined the parties would review the agreement every
29 three years. The most recent Letter of Consent (LOC) was signed in 2018, and both
30 entities had been working to update that since 2021. The City estimated there was a
31 funding gap of \$550,000 for future repairs and large capital replacements that would be
32 divided equally between the two entities. It was also proposed each entity would
33 increase its annual donation from \$50,000 to \$66,000 annually. Initially, the Basin
34 resisted, but in December they provided the letter included in the packet that supported
35 the annual amount but not the lump sum amount.
36

37 Council Member Rubell stated this item was not noticed for action. Angevine stated
38 there would be no impact to delaying the vote. Council Member Rubell asked when the
39 asset study would be available. Angevine stated an agreement was being worked out
40 with the vendor, but it would be finished in the next six months.
41

42 Council Member Dickey asked about the language to renegotiate the contract at any
43 time. Angevine stated that language was added to the 2018 LOC to notify people that it

1 was possible to revisit items off of the three-year schedule. Because the study results
2 would be coming back, they might want to revisit the discussion then. Council Member
3 Dickey asked if the members of the district would retain the right to use the facility with
4 the annual contribution. Angevine stated the district could use the facility based on the
5 2004 interlocal agreement and joint use agreement.

6
7 Mayor Worel opened the public input. No comments were given. Mayor Worel closed
8 the public input.

9
10 Council Member Rubell asked if this would be discussed after the cost study results
11 came back. Angevine stated they wanted to make sure everything was considered and
12 the study would assess that. They would have a more accurate funding level at that
13 point. Council Member Rubell asked if accepting this letter would put the City in a box
14 regarding negotiations. He suggested user fees could be assessed. Angevine indicated
15 the interlocal agreement and joint use agreement were the foundation of the agreement
16 and it laid out that there would be no price differentiation between the City users and the
17 Basin users. The LOC would only affirm that the City would take the additional annual
18 funding from the Basin while it was being offered. Council Member Rubell asked if
19 signing the LOC now would preclude the City from asking for the \$275,000 in six
20 months, to which Angevine indicated it would not.

21
22 Council Member Gerber asked if the funding was retroactive for 2022, to which
23 Angevine stated it was not retroactive. Council Member Dickey asked what would drive
24 our obligations regarding fees and each party's right to use the facility. He didn't want to
25 do anything that would limit what actions could be taken. He suggested continuing the
26 item in order to get public input. Mayor Worel asked if approving the LOC could wait
27 until the study came back, to which Angevine affirmed. Council Member Gerber
28 reviewed a cost study was done in 2017 and the Basin was asked at that time to
29 contribute \$275,000. It hadn't paid the one-time money since 2017, and now the City
30 was doing another cost study. Angevine stated the study was needed whether the Basin
31 contributed or not.

32
33 Council Member Doilney didn't think the Basin would contribute no matter what the cost
34 was. He thought it would be beneficial to continue the conversation over a longer course
35 of time. He requested this be discussed in the budget process, and to also have a
36 holistic conversation regarding recreation with our regional partners.

37
38 Margaret Plane, City Attorney, stated no action was necessary but this could be on the
39 Consent Agenda on March 2nd. Council Member Rubell wanted to defer action until
40 Council could see the study results.

41
42 **2. Consideration to Authorize the City Manager to Enter into a Contract with**
43 **MKSK, in a Form Approved by the City Attorney, for Consultant Services for a**
44 **Feasibility Study for the Community Property at Bonanza and Kearns and for a**

Small Area Plan for the Bonanza/Snow Creek Neighborhood, in an Amount Not to Exceed \$389,100:

Jen McGrath, Deputy City Manager, presented this item and reviewed two RFPs were issued for the Bonanza area and the arts and culture district within the area. The selection committee chose MKSK Consultants for both projects. She indicated within the scope of work, there were phases to the study and tasks for the small area plan. She stressed that the plan's goal was to compliment Main Street and not compete with it. They would also be looking at the substation as part of the process. McGrath stated they were ready to advertise for volunteers to serve on the advisory committee for this plan. They hoped these volunteers would have expertise in fields related to the study.

Council Member Rubell asked if the partners were paying for any of the feasibility study, to which McGrath stated it would be funded by the City. Council Member Rubell asked which staff was on the selection committee and McGrath provided a count of the staff involved. Council Member Rubell stated at the last retreat, Council discussed the need to see if the community wanted an arts and culture district. He looked at the timeline for public outreach and noted the decision would not be made for 10 months. McGrath indicated they would engage with the community early on and then take the information through the planning process. Council Member Rubell asked how we could proceed with the small area plan before the decision was made to have the district or not. McGrath stated understanding what the community wanted would be assessed early.

Luis Cabo, MKSK project manager, echoed McGrath's comments. He stated the project consisted of three phases and each phase would have a community engagement process. Then they would come to Council to share the results and confirm the path forward. He stated the first three months would establish the process. The feasibility stage wouldn't come until the ninth month. Council Member Rubell asked in what month of the process we would know if the community wanted an arts and culture district, to which Cabo stated in the third month. They would come to Council in the fourth month to share the feedback. Council Member Rubell asked if the rest of the contract would be used to plan a function for the district if the community didn't want an arts and culture district. Andy Knight, MKSK, stated if the feedback was not for an arts and culture district, they would assess what the community wanted and how it could fit in the area.

Council Member Rubell asked Knight to talk about his resort experience. Knight stated his team had a good portfolio of working with resort areas. One study was for Hilton Head, South Carolina. He also worked on quite a few entertainment districts such as Tulsa, Oklahoma, Chattanooga, Tennessee, and Columbus, Ohio. Council Member Rubell asked what the outlook for other projects was in the area plan area. McGrath stated projects like the Snow Creek Tunnel had already gone through extensive research and staff felt comfortable moving forward with it during this area plan study. The same was true for the Homestake housing development. Council Member Rubell asked if there were concerns about Planning applications coming in during this process, to which McGrath stated she didn't have concerns and noted work went on.

1 Council Member Doilney asked if the partner parcels would be on hold until the area
2 plan/feasibility study was concluded. He also asked what could be done to maintain
3 positive relationships. McGrath stated this was why the public engagement process was
4 at the beginning of Phase One. What they heard from the community would direct the
5 process, and she wanted to remain authentic to the process. Council Member Dickey
6 commented the idea of the feasibility study was driven by the partners.

7
8 Council Member Toly was glad to see this study happening. She asked if the advisory
9 group would work with other stakeholder groups. McGrath stated they wanted to work
10 with as many in the community as possible. She reviewed members on the selection
11 committee were from many perspectives of the community and they would continue with
12 that through the entire process. Council Member Toly asked how extensive the study
13 would be and if they would look to the surrounding areas as part of the strategy. Cabo
14 stated their partner would do a market analysis in the region to find gaps in retail and
15 other areas. He also noted the stakeholder engagement process would be themed
16 based on interest. Council Member Toly asked if other areas could be looked at that
17 might accommodate Sundance and the Kimball Art Center (KAC). McGrath stated that
18 was not part of the scope. Knight stated as the small area was studied, there would be
19 information that would be beneficial to other areas, but the feasibility study focused only
20 on the specific site.

21
22 Council Member Gerber noted it wouldn't be fair to ask the partners to help pay for the
23 feasibility study if they concluded the arts and culture district was not wanted. She was
24 excited to see what came from the study.

25
26 Mayor Worel asked if there were Spanish speakers on the project. Cabo indicated he
27 was from Columbia, South America, and could speak Spanish. Mayor Worel asked if
28 meetings could be held in Spanish, to which Cabo affirmed they could do that if it was
29 requested.

30
31 Mayor Worel opened the public input.

32
33 Jocelyn Scudder, Park City and Summit County Arts Council, via Zoom was excited to
34 see what came from the study. In 2017, the Council prioritized Transient Room Tax
35 (TRT) revenue for arts and culture and she felt that was a big win for the arts. She
36 asserted there was a need for space for artists.

37
38 Mayor Worel closed the public input.

39
40 Council Member Rubell disagreed with not having the partners contribute to the cost of
41 the study and he thought it was important that the partners were invested in the
42 process. He had concern with the subcontractors involved because they worked with
43 both resorts in town and they were coming to the City with applications. He thought that

took away from having an independent view. He also struggled with not having a moratorium on Planning applications during the study.

Matt Dias stated this would go on the March 2nd Consent Agenda. In the meantime, he asked that the advisory committee selection process begin. Council agreed staff could solicit applications to serve on the advisory committee.

VII. NEW BUSINESS

1. Consideration to Continue an Ordinance Approving Water Wise Landscaping Land Management Code Amendments to March 9, 2023:

Spencer Cawley, Planner II, stated the amendments went to Planning Commission and they made a positive recommendation.

Mayor Worel opened the public hearing. No comments were given. Mayor Worel closed the public hearing.

Council Member Gerber moved to continue an ordinance approving water wise landscaping Land Management Code amendments to March 9, 2023. Council Member Toly seconded the motion.

RESULT: CONTINUED TO MARCH 9, 2023

AYES: Council Members Dickey, Doilney, Gerber, Rubell, and Toly

2. Consideration to Approve Ordinance No. 2023-05, an Ordinance Approving the Ridgeview Townhouse Condominiums First Amendment - Amending Unit 3-B, Located at 3045 Ridgeview Drive, Park City, Utah:

Jaron Ehlers, Planning Technician, with applicant Andy Wyatt, presented this item. Ehlers stated the plat for this condo was approved in 1982. This unit was not built as specified on the plat and had expansions into the common area. The applicant requested a building permit, and it was decided the plat needed to be amended. This amendment would correct some non-conformities. The amendment would convert common space to private space. The public utilities were fine with the change to the utility easement.

Wyatt stated he bought the property a year ago and submitted the plans. The work he was doing was not outside the current building footprint. The HOA and other owners supported his project.

Mayor Worel opened the public hearing. No comments were given. Mayor Worel closed the public hearing.

Council Member Rubell moved to approve Ordinance No. 2023-05, an ordinance approving the Ridgeview Townhouse Condominiums First Amendment - amending Unit

3-B, located at 3045 Ridgeview Drive, Park City, Utah. Council Member Gerber seconded the motion.

RESULT: APPROVED

AYES: Council Members Dickey, Doilney, Gerber, Rubell, and Toly

3. Consideration to Approve Ordinance 2023-06, an Ordinance Amending the Land Management Code Section 15-2.13-2 to Prohibit Nightly Rentals and Fractional Use in the Chatham Crossing Subdivision, the West Ridge Subdivision, and the West Ridge Subdivision Phase 2, and Prohibit Fractional Use in the Solamere Subdivisions No. 1 and No. 2A:

Spencer Cawley, Planner II, presented this item and stated the proposal to prohibit nightly rentals and fractional use in Chatham Crossing and West Ridge and Fractional Ownership in Solamere were allowed per the Land Management Code (LMC). He noted the other subdivisions that had prohibited nightly rentals since 2014. Cawley stated there was a recital in the ordinance that would correct a typo.

Mayor Worel opened the public hearing.

Carol Dalton stated the CCRs were just modified to address fractional ownership and there was good support from the community. She had lived in Chatham Hills since 2003.

Mayor Worel closed the public hearing.

Council Member Gerber asked what the benefit was of having nightly rentals and fractional ownership prohibited in the code versus in the CCRs. Cawley stated the City didn't enforce CCRs but the LMC was reviewed as the Business Licensing Department reviewed applications for nightly rentals or fractional ownerships.

Council Member Rubell asked when the zoning study would be done in relation to fractional ownership. Rebecca Ward, Assistant Planning Director, stated the Planning Commission had a work session in January and it would come for Planning Commission recommendation this Wednesday. It would then come to Council for consideration on March 23rd. Council Member Rubell asked how a Planning Commission decision to carve out an area would affect this item. Ward stated some HOAs requested nightly rentals be prohibited and that was not within the scope of what Council directed Planning to study.

Council Member Dickey asked if West Ridge and Solamere CCRs already prohibited fractional ownership. Cawley indicated Solamere CCRs had 92% owner approval and they amended their CCRs. West Ridge updated their CCRs to restrict fractional use.

1 Council Member Toly asked if West Ridge and Solamere had existing nightly rentals.
2 Cawley stated if they were existing nightly rentals and maintained their business
3 licenses, they would be retained, but Solamere didn't restrict nightly rentals because
4 their definition of nightly rentals was less restrictive than the City's definition.

5
6 Mayor Worel opened the public hearing.

7
8 Maverick Bolger via Zoom stated it was not in the municipality's best interest to prohibit
9 these because it only benefitted the business licensing component. He suggested the
10 Business Licensing Department have a contract that the HOA had to sign off on the
11 business license.

12
13 Joe Tesch, Attorney representing Solamere 1 and 2A, stated Solamere amended their
14 CCRs to prohibit fractional ownership. They also didn't have nightly rentals, but only
15 allowed rentals one night a month.

16
17 Megan McKenna via Zoom, Housing Resource Center, offered support to the LMC
18 Amendment.

19
20 Mayor Worel closed the public hearing.

21
22 Council Member Toly stated HOAs had the ability to prohibit nightly rentals and
23 fractional ownerships. She felt a ripple effect was that these rentals and fractional
24 ownerships would move to the areas of town that didn't have HOAs

25
26 Council Member Dickey supported the application to amend the LMC, but he didn't
27 favor the practice generally. He viewed the authority to plan zones and these
28 restrictions were for micro areas within zones. He thought it shifted private enforcement
29 to the City. He thought there were enforcement avenues with CCRs. He didn't want to
30 encourage HOAs to bring amendments to Council. Council Member Doilney agreed with
31 Council Member Dickey's comment.

32
33 Council Member Gerber stated Council had encouraged neighborhoods to request LMC
34 amendments and she supported it. She would encourage discussion on zoning. The
35 hard part was precedence had been set, so the door could not be closed. But hopefully,
36 other avenues could be considered in dealing with prohibiting these uses.

37
38 Council Member Rubell needed more information on this but referred to the pending
39 study. He asked to wait four to five weeks to see the recommendation of the Planning
40 Commission. He thought it should be more universal, uniform, and at the City level.
41 Cawley indicated the HOAs went through the application process and they were at this
42 point. Council Member Rubell reviewed Council would get the results of the Planning
43 Commission study in a few weeks. Council Member Dickey thought it was logical to wait
44 to see the study of the RD zone. Council Member Doilney was conflicted. He agreed

Council encouraged subdivisions to bring LMC amendments, but he favored waiting to see the study results. He felt this was legislative overreach to a certain extent. Cawley suggested continuing the item until April 27th and noted the HOAs were covered with the pending ordinance.

Council Member Doilney moved to continue Ordinance 2023-06, an ordinance amending the Land Management Code Section 15-2.13-2 to prohibit nightly rentals and fractional use in the Chatham Crossing Subdivision, the West Ridge Subdivision, and the West Ridge Subdivision Phase 2, and prohibit fractional use in the Solamere Subdivisions No. 1 and No. 2A to April 27, 2023. Council Member Toly seconded the motion.

RESULT: CONTINUED TO APRIL 27, 2023

AYES: Council Members Dickey, Doilney, Gerber, Rubell, and Toly

4. Consideration to Approve Ordinance 2023-07, an Ordinance Approving the Vacation of a Portion of the Platted 13th Street Right-of-Way and the 1301 Park Avenue Subdivision, Located at 1301 Park Avenue, Park City, Utah:

Spencer Cawley, Planner II, presented with the applicant. He stated this was currently a meets and bounds structure. The request would have two lots of record and vacate part of the 13th Street right-of-way. There was a noncomplying unit consisting of two dwelling units and was technically a duplex. In 1961, a duplex was a complying use. He reviewed some of the Planning Commission thought there were other ways to get the required square footage to make the duplex conforming. The majority of the Planning Commission approved the application.

Council Member Toly asked why the duplex couldn't be smaller instead of vacating the road. Cawley stated that could be done but it would have to go to the Board of Adjustments for a variance to the LMC.

Council Member Gerber asked if accepting the dedication was tied to future improvements. Cawley indicated there weren't future improvements but there could be, and Condition of Approval 11 covered that. Council Member Gerber asked if the owner would pay for the improvements, to which Cawley indicated it referred to City improvements such as a sidewalk or bike lane. John Robertson, City Engineer, stated the City currently did not have plans for improvements in the area, but the City requested a dedication so it would have an easement to build a sidewalk in the future if it became feasible.

Council Member Dickey asked why some of the Planning Commissioners were against the approval. Cawley stated they wanted the applicant to adjust the lot line so the right-of-way would not be needed. He noted adjusting the lot line might affect setbacks.

Mayor Worel opened the public hearing.

1 Gary Knudson reviewed the history of the project. He moved to Park City in 1961 and
2 mined. In another land transaction with the City, he had a handshake agreement with
3 the City Manager that he could acquire this piece of right-of-way. He hoped the City
4 would honor that agreement.

5
6 Amy Knudson stated her dad did a lot for the City. He was the high school football
7 coach and sold land to the City for affordable housing. She hoped the Council would
8 honor what was shared with him.

9
10 Mayor Worel closed the public hearing.

11
12 Council Member Doilney was glad the majority of the Planning Commission approved
13 this vacation and plat amendment. He acknowledged not everything was done on paper
14 historically, and he wanted to honor that commitment. Council Member Rubell asked if a
15 new duplex would be created. Cawley stated the duplex already existed and this would
16 make it a conforming unit.

17
18 Council Member Dickey moved to approve Ordinance 2023-07, an ordinance approving
19 the vacation of a portion of the platted 13th Street right-of-way and the 1301 Park
20 Avenue Subdivision, located at 1301 Park Avenue, Park City, Utah. Council Member
21 Doilney seconded the motion.

22 **RESULT: APPROVED**

23 **AYES:** Council Members Dickey, Doilney, Gerber, Rubell, and Toly

24
25 **5. Consideration to Approve Ordinance No. 2023-08, an Ordinance Approving The**
26 **Bald Eagle Club at Deer Valley, Amending Unit 9 Plat Amendment, Located at**
27 **7979 Roamer Court, Park City, Utah:**

28 Spencer Cawley, Planner II, presented this item and stated the property owner
29 requested the plat amendment to add another garage and an office above the garage.
30 The amendment would adjust the building pad and revise it for a future addition. The
31 application complied with the zoning requirements. The Planning Commission
32 requested the applicant submit all the information for the sensitive land overlay to the
33 Planning Department to review. He reviewed some Conditions of Approval to correct
34 encroachments.

35
36 Mayor Worel opened the public hearing. No comments were given. Mayor Worel closed
37 the public hearing.

38
39 Council Member Gerber moved to approve Ordinance No. 2023-08, an ordinance
40 approving The Bald Eagle Club at Deer Valley, Amending Unit 9 Plat Amendment,
41 located at 7979 Roamer Court, Park City, Utah. Council Member Doilney seconded the
42 motion.

RESULT: APPROVED

AYES: Council Members Dickey, Doilney, Gerber, Rubell, and Toly

6. Consideration to Authorize the City Manager to Enter into a Contract with Stereotomic, PLLC, in a Form Approved by the City Attorney, for Land Surveying and Consultant Services, in an Amount Not to Exceed \$88,450:

Browne Sebright, Affordable Housing Program Manager, stated the Clark Ranch property was owned by the City. The western portion, which consisted of 10-15 acres next to Park City Heights, was the parcel being studied. The majority of the land was in a conservation easement. He displayed the 2016 map outlining the recommended area for housing. Sebright noted the land was annexed into the City recently, but it was zoned Recreation Open Space with the Sensitive Lands Overlay. The City completed a Conservation Resources Inventory to evaluate the geological and ecological characteristics of the site. This consultant contract would help inform how the City should manage that entire property and help Council determine if affordable housing or other City services should be placed on that site. Because of the sensitive land overlay, staff wanted a firm that would analyze view corridors, ridgelines, soils, steep slopes, mining hazards and environmental conditions. Sebright stated Stereotomic was a local company who understood Park City's unique features. They would come back in June with the findings.

Mayor Worel asked if the site analysis would help the City determine the best location for housing or if the location had to be within the triangle on the map. Sebright stated they were told 10 acres, the map was 11 acres, and staff expanded the proposed area to 15 acres to study for suitability.

Council Member Gerber remembered the former Council wanted an analysis done to determine the best location for housing and that the area should not be confined strictly to a certain boundary.

Council Member Toly asked who the stakeholders were. Glidden stated the City was a stakeholder, as well as the neighboring community of Park City Heights. Sebright added the firm would also analyze what density would be appropriate for the area.

Mayor Worel opened the public hearing.

Megan McKenna, Housing Resource Center, supported this study for affordable housing.

Mayor Worel closed the public hearing.

Council Member Gerber moved to authorize the City Manager to enter into a contract with Stereotomic, PLLC, in a form approved by the City Attorney, for land surveying and

consultant services, in an amount not to exceed \$88,450. Council Member Toly seconded the motion.

RESULT: APPROVED

AYES: Council Members Dickey, Doilney, Gerber, Rubell, and Toly

7. Consideration to Approve Ordinance 2023-09, an Ordinance Amending Section 13-1-28, Drinking Water Source Protection, of the Municipal Code of Park City:

Michelle DeHaan, Water Program Manager, presented this item and stated the Utah Division of Drinking Water required ordinances to control or prohibit potential contamination sources from contaminating groundwater drinking water sources. The original ordinance was adopted in 2006 and amended in 2008. The ordinance listed known contaminants. This proposed ordinance would add to the list and include borings, wells, or excavations more than 10 feet deep; open-loop ground source heat pumps and Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS). She noted ski wax contained this contaminant and it could get into the water system. This ordinance would prohibit all skiers from using this ski wax. There would be education out there for residents and guests, and they would go to the ski shops and educate them as well. They talked to Jans and White Pines ski shops and the employees found some wax in their inventory. DeHaan indicated her team discussed offering a buyback program for the wax and she didn't think it would be a costly program.

DeHaan and Caroline Wawra with Recycle Utah set up a program for ski shops to drop off the wax at Recycle Utah. Wawra stated Recycle Utah had three bins of the wax so far and it was great getting the message out to get the wax out of people's hand.

Mayor Worel noted if the ordinance passed, the wax would be illegal in ski shops. DeHaan stated it would be illegal, but the City wanted to be a good neighbor. She felt the cost of buying the wax was less than having to treat the water.

Council Member Toly asked if DeHaan was working with Utah Olympic Park and Soldier Hollow. DeHaan stated when they discovered the wax was in the water system, they included many entities in the disclosure and Mountain Regional was very receptive. They were also in dialog with the State of Utah. They engaged with Summit County Health and thought skiing areas should be targeted. Council Member Toly suggested finding out how much wax was on the ski shop shelves before offering the shops money. Council Member Gerber asked how often the wells were checked for PFAS levels. DeHaan stated four sample sets were taken, usually one per season. In the last 18 months, the levels hadn't changed.

Council Member Rubell inquired if the shops were selling the wax. DeHaan stated she reached out to two shops and they were surprised they still had that wax in their inventory. They were willing to participate with the City. Council Member Rubell hoped the shops would do the right thing for the community instead of waiting for the check.

Council Member Doilney asked when producing wax with PFAS was prohibited. DeHaan didn't know the actual date of the ban for companies, but the ban for skiers was 2020-21. Council Member Doilney stated there were environmental concerns around ski wax for a decade. He hoped ski shops would pull the wax off their shelves. Council Member Dickey stated PFAS was in cookware and flooring and there were a lot of people looking at the issue.

Mayor Worel opened the public hearing. No comments were given. Mayor Worel closed the public hearing.

Council Member Doilney moved to approve Ordinance 2023-09, an ordinance amending Section 13-1-28, Drinking Water Source Protection, of the Municipal Code of Park City. Council Member Toly seconded the motion.

RESULT: APPROVED

AYES: Council Members Dickey, Doilney, Gerber, Rubell, and Toly

8. 2023 Legislative Session Update:

Matt Dias stated there were two weeks left to the Legislative Session. He was following the short-term rental bill, but the City maintained neutrality. There was a bill for cities with sand and gravel pits who wanted to keep the revenue local to deal with the associated impacts. This bill would amend the 50%-50% sales tax formula. Fifty percent of the revenue was currently based on population and 50% was based on point of sale. The City was against this because it could mean a reduction in sales tax revenue. Dias discussed the Summit County spot zoning bill and indicated the Utah League of Cities and Towns (ULCT) opposed the bill. A fractional ownership bill was proposed that would eliminate cities from zoning or prohibiting fractional ownership in residential zoning areas. Another bill consuming staff's time was getting ahead of language regarding a city's ability to have CUPs in residential areas and eliminating subterranean square footage from overall housing square footage so bigger homes could be built. Dias indicated he would have more details at the next meeting.

He briefly noted other bills, such as a MIDA bill, landscaping funds, business license, and solar panel tax credits.

Council Member Doilney asked for more information on the sales tax revenue bill and stated the City was a point of sale and an impact point area. Dias explained cities that didn't have a gravel pit would lose the amount that was normally redistributed because the revenue would stay in the sand and gravel pit cities.

Council Member Rubell wanted to know about bills that were positive to the community. Dias stated he would look for those and report on them next time.

VIII. ADJOURNMENT

1 With no further business, the meeting was adjourned.
2
3
4

Michelle Kellogg, City Recorder

City Council Staff Report



Subject: Professional Service Agreement –
lo LandArch – Historic District Design
Guideline Illustrations

Author: Caitlyn Tubbs, AICP
Senior Historic Preservation Planner

Date: March 9, 2023

Type of Item: Consent – Award of Contract

Recommendation

Consider approving a contract with [lo LandArch](#), in a form approved by the City Attorney, to create a series of complex physical illustrations to support a customer service/users guide for the Historic District Design Guidelines (Guidelines) (Exhibit A: Scope of Services), not to exceed \$40,000.

Background

The City first published the Guidelines for Historic Districts on June 16, 1983. The Guidelines were recently updated on May 16, 2019, when City Council adopted [Ordinance No. 2019-06](#). The Guidelines outline required standards during the review of proposed modifications to any of the 400+ designated Landmark and Significant Historic Sites on Park City's Historic Sites Inventory and for new construction within the City's Historic Zoning Districts. These Guidelines are codified in Land Management Code [Chapter 15-13](#), and provide a critical component to ensuring the historical aspects of Old Town and compatible infill development in our National Historic Districts.

In June 2022, the City Council approved the FY23 budget. Within the approval, the Planning Department planned to update the Historic District Design Guidelines with illustrations. Illustrations are important because they provide concise examples of appropriate or inappropriate modifications, best practices case studies, and clarification of some formula-based standards within the Guidelines. This is common practice in municipal planning departments with historic districts, including Salt Lake City, Utah, Murray, Utah, and San Antonio, Texas, to name a few.

On November 4, 2022, the Planning Department advertised a Request for Proposals (RFP) to provide professional services and create illustrations of the Guidelines. The RFP closed on January 13, 2023, and the City received ten (10) responses. Following interviews, the review committee recommends lo LandArch as the preferred provider as a result of their prior experience in documenting historic structures, partnership with a historic preservation specialist, and their availability to meet with City Leadership, Staff, and Parkites during the update process.

Analysis

The proposed illustrations are necessary to support the existing Guidelines with visual examples of how the regulations are administered in real life and physical context. The RFP included a preliminary list of terms the City has asked the provider to illustrate. The preliminary list has been included as Exhibit B of this report.

As part of the project, we plan to coordinate an advisory committee with local residents, stakeholders and design professionals to provide input and feedback and inform the creation of the requested illustrations.

The final product will be presented to the Historic Preservation Board, Planning Commission, and City Council for adoption of these illustrations as part of the Guidelines. In addition, the provider will design a user-friendly illustrated standards book, which will be made available on the City's Official Website.

Department Review

The City Manager, City Attorney's Office, and Planning Department reviewed this report.

Funding Source

The funding for this project was approved for FY23 as part of the Planning Department consultant budget.

Exhibits

Exhibit A: Scope of Services

Exhibit B: Preliminary List of Terms

Exhibit C: Io LandArch Proposal

Exhibit A: Draft Scope of the Project

- a. Review staff's preliminary List of Terms (see Exhibit B) for Guidelines. Once reviewed, meet with City Staff to finalize a List of Terms to be illustrated.
- b. Create illustrations or diagrams for finalized List of Terms and compile photographs of "compliant" and "non-compliant" examples within various Park City Historic Districts.
- c. Meet with City Staff to review proposed graphics, illustrations, diagrams, and/or photographs within thirty (30) calendar days of receipt of final List of Terms.
- d. Compile various graphics and/or illustrations within the Guidelines.
- e. Attend and present at one (1) advisory committee meeting with City Staff to gather feedback on proposed illustrations. City Staff shall be responsible for scheduling and publicly noticing this meeting.
- f. Attend and present at two (2) public meetings with the Historic Preservation Board to receive a recommendation on proposed revisions to Guidelines. City Staff shall be responsible for scheduling and publicly noticing these meetings.
- g. Attend and present at two (2) public meetings with the Planning Commission to receive a recommendation on proposed revisions to Guidelines. City Staff shall be responsible for scheduling and publicly noticing these meetings.
- h. Attend and present at two (2) public meetings with the City Council for final action on revisions to Guidelines. City Staff shall be responsible for scheduling and publicly noticing these meetings.
- i. Within two (2) calendar days of receiving an approval from City Council provide a digital copy of all individual graphics.
- j. Create a user-friendly illustrated historic districts standards book, provide digital copy upon project completion.

Preliminary List of Terms to Illustrate

[primarily formula-based]

1. Scale
2. Proportion
3. Massing
4. Visually Subordinate
5. Façade, Primary
6. Façade, Secondary
7. Façade, Tertiary
8. Transitional Element
 - a. In-Line Addition
 - b. A transitional element shall be required for any addition to a historic structure where the footprint of the addition is 50% or greater than the footprint of the historic structure. The historic structure's footprint may include additions to the historic structure made within the historic period that have gained historic significance in their own right.
 - c. When an addition to a historic structure is less than 50% of the historic structure's footprint but exceeds the height of the historic structure due to either the greater height of the addition, site topography (e.g. an uphill addition), or both, a transitional element shall be required.
 - d. On a rear addition, the width of the transitional element shall not exceed two-thirds ($\frac{2}{3}$) the width of the elevation to which the transitional element is connected. The transitional element shall be set in from the corners of the affected historic elevation by a minimum of two feet (2').
 - e. In the case of additions to the secondary façade, visible from the primary public right-of-way, the transitional element shall be setback a minimum of five feet (5') from the primary façade. All other previous guidelines apply.
 - f. The depth of the transitional element (i.e., the distance between the affected historic elevation and the addition) shall be a minimum of one-third ($\frac{1}{3}$) the length of the least wide historic elevation adjacent to the impacted historic elevation.
 - g. The highest point of the transitional element shall be a minimum of two feet (2') lower than the highest ridgeline of the historic structure.
9. Where the height of a new addition, site topography (e.g. an uphill addition), or both, the addition shall be set away from the historic structure by a minimum of one-half ($\frac{1}{2}$) the length of the least-wide historic elevation adjacent to the historic elevation to which the transitional element is attached.
10. Original grade
11. Final grade
12. Allowed roof pitch
13. Building height calculations within Historic Districts.
14. Garages featuring a side-by-side parking configuration, at a minimum, shall maintain a two foot (2') offset in the wall plane.

15. The rooftop addition shall be recessed from the façade to a distance that is at least equal to the height of the historic façade or beyond the midpoint of the structure to ensure that the rooftop addition is minimally visible from the primary public right-of-way.

[primarily pictorial]

1. Fencing, Split or Horizontal Rail
2. Fencing, Railroad Tie
3. Fencing, Timber
4. Gazebo
5. Pergola
6. Shade Structure
7. Shingles
8. Moldings
9. Plinth
10. Trim Board
11. Half Round Gutters
12. Corbelling
13. Brick Patterning
14. Posts
15. Railing
16. Decking
17. Balustrades
18. Eaves
19. Brackets
20. Trim Work
21. Decorative Shingles
22. Decks
23. Balconies
24. Parapet Walls
25. Cornice
26. Portico
27. Partition
28. Roof plate
29. Awnings
30. Roof Decks
31. Porches
32. Patio
33. Decks
34. Recesses
1. Wood siding
 - a. Drop siding

- b. Clapboard
 - c. Board and Batten
 - d. Frieze Boards
- 2. Window Components
 - a. Moldings
 - b. Lights
 - c. Glazing
 - d. Muntins
 - e. Jamb
 - f. Etc.
- 3. Window styles
 - a. Operable
 - b. 2:1 ratio
 - c. Double hung
 - d. Single hung
 - e. Fixed
 - f. Storm
 - g. Bay
 - h. Dormer
 - i. Gable
 - ii. Hipped
 - iii. Shed
 - i. Etc.
- 4. Door Components
 - a. Surrounds
 - b. Frame
 - c. Jamb
 - d. Etc.
- 5. Door Styles
 - a. Paneled
 - b. Scalloped
 - c. Dutch
 - d. Colonial
- 6. Storefront
 - a. Kick Plates
 - b. Bulkheads
 - c. Transoms
 - d. Pillars
 - e. Pilasters
 - f. Etc.
- 7. Traditional Building Forms
 - a. Rectangular
 - b. Cross-wing
 - c. Pyramid-roof

- d. Etc.
- 8. Roof Forms
 - a. Flat
 - b. Sloping
 - c. Hipped
 - d. Gable
 - e. Etc.
 - f. Primary vs secondary roof pitch
 - g. Contributing vs non-contributing roof pitch

PROPOSAL

PARK CITY, UTAH

GRAPHIC DESIGN & ILLUSTRATIONS FOR GUIDELINES FOR
HISTORIC DISTRICTS & HISTORIC SITES

JANUARY 13, 2023



in collaboration with
Kirk Huffaker Preservation Strategies

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Proposed Cost

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Ogden, UT 84401

801.505.6601

iolandarch.com

January 2023

io landarch

PROJECT UNDERSTANDING

Largely due to its historic character, Park City represents a unique and special place in the state and region. The City's numerous historic districts and individual landmarks form a cohesive collection of mining era and ski era architectural resources. Park City has equally unique challenges in preserving these historic places due to development pressures. Design Guidelines for Historic District and Historic Sites have been used to promote the preservation, rehabilitation and restoration of its historic structures and guide new construction. These Guidelines were last updated in 2019 and codified in Park City's LMC in Chapter 15-13. The City desires to now enhance them through graphics including photographs, diagrams, and illustrations. The benefit of this project will be to create a consistent baseline of understanding of historic preservation and architectural design principles. The resulting document will promote predictability and ensure that change occurs in a manner that respects the existing historic character.

SCOPE OF WORK

TASK 1: ADMINISTRATION & MEETINGS

Consultant will meet with the Client as needed to exchange ideas during the design process and to present work to the client as described below. Consultant will provide frequent updates via email and will be available to communicate by phone and email throughout the design process.

The consultant will attend and present at the following meetings, including 2 in-person meetings of the city's choosing. The remaining meetings will be virtual. The city will schedule and notice public meetings.

- Project kick-off meeting with city staff including driving or walking tour to highlight local precedents
- Advisory committee meeting with city staff (including review of terms to be illustrated)
- Public meetings with the Historic Preservation Board to receive a recommendation on proposed revisions to Guidelines
- 2 public meetings with the Planning Commission to receive a recommendation on proposed revisions to Guidelines
- 2 public meetings with the City Council for final action on revisions to Guidelines

TASK 1 DELIVERABLES

- Meeting agendas and notes
- Slideshow presentations in PDF format

TASK 2 PHOTO EXHIBITS & ILLUSTRATIONS

The consultant will review staff's preliminary List of Terms for Guidelines. Once reviewed, meet with city staff (meeting included in Task 1) to finalize a List of Terms to be illustrated.

- Review preliminary List of Terms
- Up to 2 days of fieldwork to complete photography (81 terms, 162 potential photos) of "compliant" and "non-compliant" examples within various Park City Historic Districts
- Processing of photographs to optimize legibility of architectural features and annotations where appropriate
- Draft sketches (22 terms requiring illustrations) provided as digitally hand-drawn sketches consistent with illustration style in current design standards
- Draft illustrations and exhibits to be provided within 30 days of approval of List of Terms
- Revisions/updates per staff feedback
- Revisions/updates per Historic Preservation Committee feedback
- Revisions/updates per Planning Commission and City Council feedback

TASK 2 DELIVERABLES

- Finalized List of Terms
- Draft illustrations and exhibits
- Final digital copy of approved illustrations and exhibits

TASK 3 PRESENTATION DOCUMENT

Create a user-friendly historic districts and sites standards document compiling all of the illustrations and exhibits previously provided. This document will be intended as a visual glossary meant to accompany the codifying design standards language developed by the City. Document will be developed in Adobe InDesign and exported in a PDF format for public use.

TASK 3 DELIVERABLES

- Draft PDF copy of design standards document
- Final PDF copy of design standards document
- Final document in Adobe InDesign original file

TIMELINE

Based on our staff resources, current workload, and familiarity with the project, we will require approximately 4 weeks for exhibit production, and another 2 weeks for compilation of the final document. City review and lead time for public meetings will require additional time. We anticipate the project beginning in February of 2023 and being substantially completed by the end of April 2023, but will work closely with the city to finalize the schedule for the project prior to beginning work. Note that this schedule will require use of photos taken during the winter months.

PROPOSED COST

Io is proposing to complete the previously described scope of work for a total fixed fee of \$34,800 broken down as follows:

Task 1 - Administration & Meetings	\$10,400
Task 2 - Photo Exhibits & Illustrations	\$17,000
Task 3 - Presentation Document	\$6,800
Direct Costs Mileage*	\$600
Direct Costs Printing**	\$0
TOTAL	\$34,800

**Includes up to 7 in-person meetings and up to 4 site visits*

***City responsible for any required document printing*

Our billing rates are as follows: Principal \$125/hr, Architectural Historian/Project Coordinator \$120/hr, Project Staff: \$95/hr.



*rooted in landscape
we weave culture, nature, place
design is our seed*

FIRM PROFILE

Io LandArch is a professional consulting firm specializing in historic preservation, architectural design, landscape architecture, planning and urban design. Our work is focused on the continuation of regional narratives - weaving together history, ecology, culture and meaning for projects that evolve from and advance the spirit of the Intermountain West. At Io, we understand that our work has the potential to affect people and places far beyond the physical and temporal boundaries of our projects. Because of this, we approach our projects by looking at the big picture, considering prospective impacts on ecology, economy, history and culture. We work to implement functional solution-based designs, documents and master plans that preserve and reinforce the unique identity of a place.

Io is experienced at historical documentation such as Historic American Landscape Surveys, National Register of Historic Places nominations and other historical research and report writing. Through these projects we've worked closely with the Utah State Historic Preservation Office. We have an extensive portfolio of urban design and urban infill master planning within the context of larger historic sites and districts, as well as site-specific adaptive re-use and historically-appropriate site and landscape design work.

Our team has worked on a number of design guidelines, including the update of Logan's Center Street Historic District Design Standards, an update of South Salt Lake's Residential and Commercial Guidelines, as well as Ogden's Nine Rails Creative District Master Plan. A selection of our projects are featured in detail later in this proposal.

Io is prepared to work closely with Park City to produce a clean, user-friendly document that will assist property and business owners, residents, developers and city officials.

PROJECT EXPERIENCE

RELATED PLANNING WORK

- Center Street Historic District Design Standards Logan, UT
- Residential and Commercial Design Standards South Salt Lake City, UT
- Nine Rails Creative District Master Plan, Ogden, UT
- Logan Arts Master Plan, Logan, UT
- Urban Design Guidelines for the Central Bench National Historic District, Ogden, UT
- Small Area Plan & Design Guidelines for 3300 South Corridor, South Salt Lake, UT

DOCUMENTATION WORK

- Pioneer Park Cultural Landscape Report (CLR) & Treatment Guidelines, Salt Lake City, UT
- Allen Park CLR, Structures Inventory & Treatment Guidelines, Salt Lake City, UT
- Union Stockyards Historic American Landscape Survey (HALS) & Adaptive Re-use Master Plan, Ogden, UT
- Stilwell Field, Fort Douglas, University of Utah HALS & design recommendations
- Relief Society Granary NRHP, Ephraim, UT
- J.M. Wilbur & Son Blacksmith Shop NRHP, Eden, UT
- The Kirk Hotel NRHP, Tooele, UT
- Leavitt's Aultorest Memorial Park Historic District NRHP nomination (pending), Ogden, UT

PRESERVATION-RELATED DESIGN CONSULTATION

- The Peery Apartments Rehabilitation, Ogden, UT
- The Argo House Rehabilitation, Ogden, UT
- The Carr House Restoration, Ogden, UT
- The McNutt House Restoration, Ogden, UT
- Madsen House Landscape, Traditional Building Skills Institute, Snow College, Ephraim, UT
- Historic Scott School, Master Planning & Adaptive Re-use, South Salt Lake City, UT

CENTER STREET HISTORIC DISTRICT DESIGN STANDARDS

lo LandArch worked with Logan City to develop design standards and guidelines for residential and commercial buildings, and other sites located within the Center Street Historic District. These standards function as a benchmark for the preservation and treatment of historic properties and new construction within the district. Based on the Secretary of the Interior's Standards for Preservation, this document includes clear, written standards relevant to Logan, along with helpful exhibits and illustrations. The completed document is codifying for the city's planning staff and Historic Preservation Committee, as well as user friendly and full of helpful information for property owners.



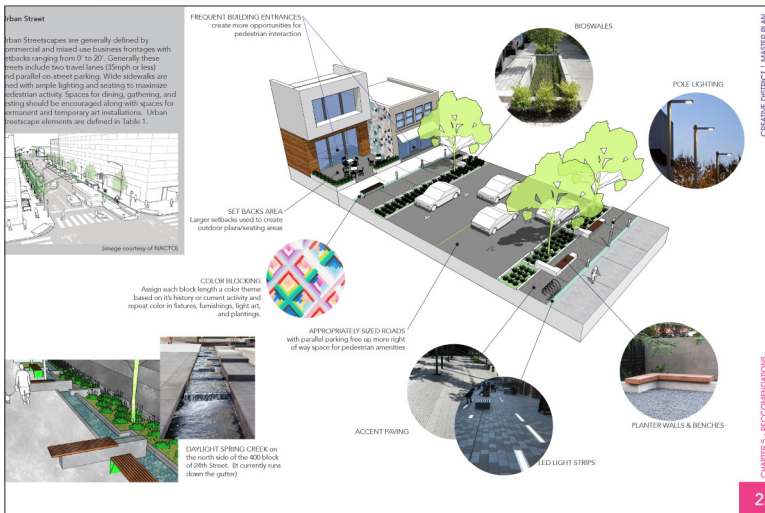
NINE RAILS CREATIVE DISTRICT MASTER PLAN

lo completed the master plan for the implementation of Ogden's new Nine Rails Creative District which was created to form an epicenter for art and culture and provide opportunities for the creative community to live, develop, share and teach their diverse skills for the benefit of Ogden's artists, citizens, and visitors.

Our team worked closely with Ogden City and the project steering committee to complete public scoping and worked through a series of proposals for phased improvements throughout the district. The master plan identified the official boundaries of the district, established guidelines for streetscape improvements and development patterns and identified priorities for phased improvements, public art and tactical urbanism.



Exhibit B - Opportunities
CREATIVE DISTRICT | MASTER PLAN
5



CHAPTER 5 - RECOMMENDATIONS
CREATIVE DISTRICT | MASTER PLAN
22

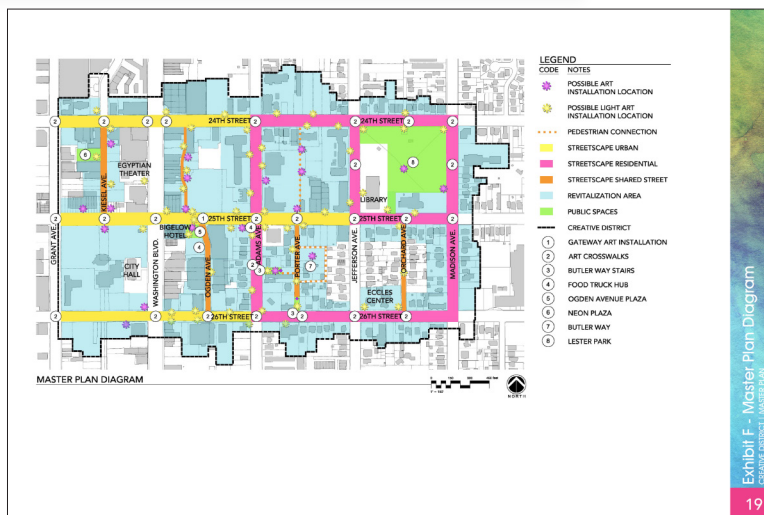
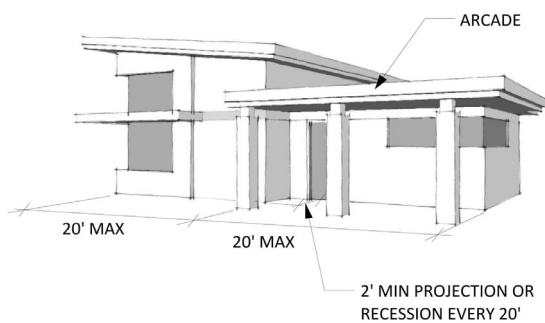
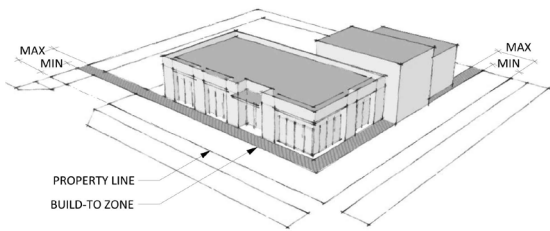


Exhibit F - Master Plan Diagram
CREATIVE DISTRICT | MASTER PLAN
19



SOUTH SALT LAKE RESIDENTIAL & COMMERCIAL GUIDELINES

South Salt Lake has been significantly impacted by rapid growth, annexation and cross-jurisdictional incompatibility, combined with a lack of sound planning. Centrally located in the Wasatch Front, South Salt Lake has minimal land to develop, creating an urgent need to revitalize existing neighborhoods.

Io worked as a consultant to create illustrations for a new set of guidelines that would establish minimum requirements to ensure compatibility with new buildings in existing neighborhoods. The guidelines would also support and enhance the walkability within commercial and residential districts, cultivate desirable developments, facilitate innovation in building design and promote clarity, transparency and flexibility in the design review process. This project incorporated a series of workshops with local developers, realtors, brokers and architects in a streamlined and agreeable adoption process.



PIONEER PARK CLR

Io LandArch completed a Cultural Landscape Report (CLR) for Pioneer Park in Salt Lake City. We identified five periods of significance which all have some remnant influences in the landscape of Pioneer Park today.

Pioneer Park was historically the site of a fort and temporary housing for pioneers when they first arrived in the Salt Lake Valley in the 1840s. The block was one of only three public squares designated in the original plat of the city.

Today, the park serves as important green space for the surrounding community. The CLR report works towards preserving the park as public open space, guiding future improvements that will honor the history of the space, and preserving the park's historically significant and character defining features.

ALLEN PARK CLR

Allen Park is an urban oasis in Salt Lake City developed by a local physician and bird enthusiast, Dr. George Allen, and his wife Ruth, a trained artist.

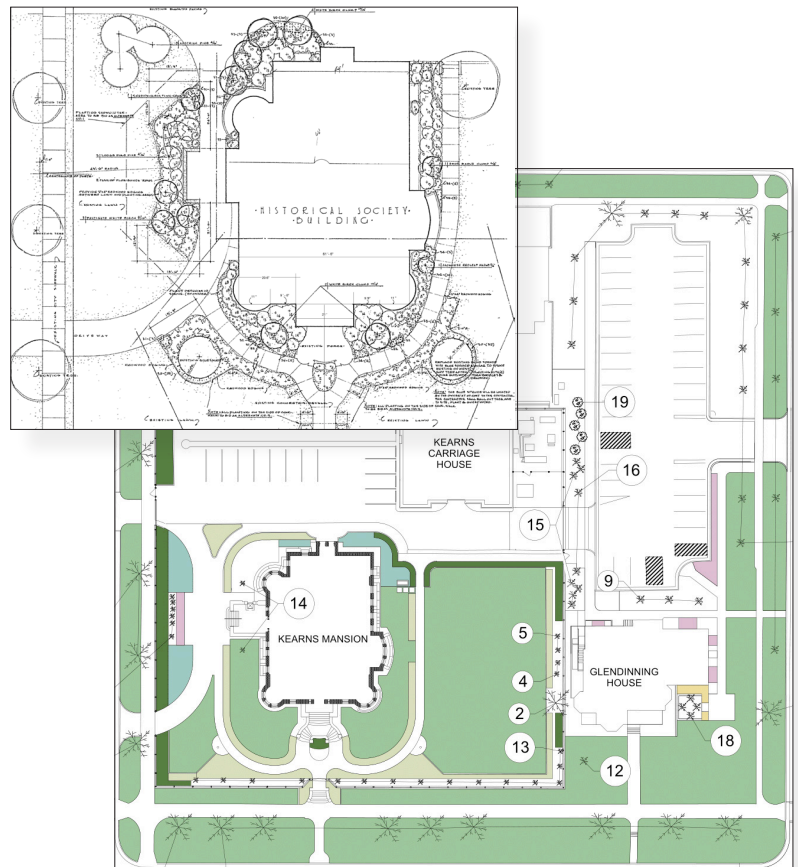
The site includes an eclectic mix of historic cabins and unique artworks woven throughout the site. Io LandArch completed a Cultural Landscape Report documenting the history, existing conditions, and integrity of the site. Additionally, Io made treatment recommendations for the preservation and adaptive re-use of the landscape as a public park and possible home for arts-related programming and activities.



BLOCK 407 CLR

Block 407 in Salt Lake City is home to a handful of historical structures including the Kearns Mansion, first owned by The Salt Lake Tribune publisher and senator Thomas Kearns. It became the Governor's Mansion in the late 1930s.

A cultural landscape report was commissioned to help guide future design decisions for the block with regard to its history. As part of the consulting team, Io LandArch inventoried existing conditions, contributed to the analysis and evaluation of the site, recommended treatments, and created period plans based on historical planting plans and research by Kirk Huffaker and Sheri Ellis.



PROJECT TEAM



Shalae A. Larsen, ASLA, PLA
Principal
Project Advisor

Shalae will act as an advisor on the project, guiding the overall development, overseeing the review of existing standards, production of exhibits and compilation of the new document to ensure high quality and visual clarity. Shalae is a historical landscape architect and also has a master's degree in architecture and a historic preservation certificate from the University of Utah. Shalae completed design guidelines for Ogden's Central Bench National Historic District as an honors thesis project for her landscape architecture degree from Utah State University. She has served on the Ogden City Planning Commission and on the board of the Weber County Heritage Foundation. She is currently on a board that oversees the stewardship of the historic Kearns Mansion in Salt Lake City. Additionally, Shalae has been involved with the design of urban infill and adaptive re-use projects from multi-block master plans to historically appropriate design of small scale sites.



Kirk Huffaker
Architectural Historian
Project Coordinator

Kirk will be the primary point of contact between the Io team and the city. Kirk will be responsible to ensure consistent clear communication throughout the project, ensure that project timelines are being met, and will be primarily responsible to present and receive feedback on the progress of the work. More of Kirk's qualifications are discussed in the subsequent "Third Parties" section on page 11. Kirk has worked closely with the Io team on a number of other preservation-related projects including the Allen Park and Pioneer Park Cultural Landscape Reports, led by Io, and the Block 407 Cultural Landscape Report, led by Kirk Huffaker Preservation Strategies.



Braden Miskin
Photography & Graphic Design

An experienced photographer and graphic designer, Braden will be primarily responsible for photographic exhibits as well as the InDesign production of the final standards document. Braden will also likely assist in other illustration production. Braden has dual bachelor's degrees in landscape architecture and communications and has worked professionally and independently on historical research and preservation projects including the Allen Park CLR and, more recently, analysis and treatment recommendations for historic Fort Deseret.



Lindsay Lloyd
Illustrations

With a master's degree in building conservation from the University of Edinburgh, Lindsay has an eye for architectural details, and a talented hand at creating beautiful illustrations. Lindsay will be primarily responsible for any illustrations developed as part of the proposed scope of work. Lindsay was extensively involved in the Pioneer Park, Allen Park and Block 407 Cultural Landscape Reports, and has also worked on a number of other documentation and preservation projects during her tenure at Io.

THIRD PARTIES



Kirk Huffaker

Kirk Huffaker Preservation Strategies

Kirk Huffaker, principal of Kirk Huffaker Preservation Strategies, will be engaged with the Io team as a subconsultant. Kirk has more than 30 years of professional experience in historic preservation. After 22 years in the non-profit preservation field in Utah, he founded a consulting business in November 2019 that is based in Salt Lake City. His consulting focuses on working with people, organizations and communities toward the goals of saving historic places and increasing appreciation and knowledge about the full American experience.

Kirk's professional experience and background meets all standards and requirements as set forth in the Code of Federal Regulations Procedures for State, Tribal and Local Government Preservation Programs (36 CFR 61) and the Professional Qualifications Standards in the Secretary of Interior's Standards and Guidelines for Archaeology and Historic Preservation for Architectural History, History and Historic Architecture. As an architectural historian, he has recently completed surveys, preservation plans, rehabilitation specifications, National Register nominations, historic tax credit applications, context studies and organizational strategic plans working in Utah, Idaho, North Carolina and Florida. He retains a strong collaborative working relationship with the Utah State Historic Preservation Office (SHPO) and many municipalities.

Together KHPS and Io have successfully completed a number of other historic preservation related projects including the Allen Park and Pioneer Park CLRs, led by Io, and the Block 407 CLR, led by KHPS.

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we weave nature, culture, place
design is our seed*

Council Agenda Item Report

Meeting Date: March 9, 2023

Submitted by: Michelle Kellogg

Submitting Department: Public Utilities

Item Type: Staff Report

Agenda Section: CONSENT AGENDA

Subject:

Request to Authorize the City Manager to Execute a Professional Services Agreement, in a Form Approved by the City Attorney, with Bowen Collins and Associates Inc., to Provide Engineering Services for the 2023 Water Engineering Service Project, in an Amount Not to Exceed \$100,000.00

Suggested Action:

Attachments:

[2023 Water Engineering Services Staff Report](#)

City Council Staff Report

Subject: 2023 Water Engineering Services

Bowen Collins & Associates - Design Professional Services Agreement

Author: Griffin Lloyd, Public Utilities Engineer

Department: Public Utilities

Date: March 9, 2023

Type of Item: Administrative

Recommendation

Consider authorizing the City Manager to execute a Professional Services Agreement, in a form approved by the City Attorney, with Bowen Collins and Associates Inc., to provide engineering services for the 2023 Water Engineering Service Project, in an amount not to exceed \$100,000.

Background

- Park City Public Utilities maintains records of its underground piping network water and storm drain conditions. Based on these records and physical condition assessments, staff evaluates the need to replace assets yearly. Multiple locations have shown a dire need for replacements and/or have had multiple emergency incidents in the past several years. For example, the east half of Heber Avenue, Thaynes Canyon/Three Kings Drive storm drain, Pearl West Subdivision, and a water line to complete a loop near Coalition Drive for water quality have been chosen as the most critical projects.
- We determined that the pipelines in these areas are of the highest priority for replacement based on age, break history, the likelihood of failure, and potential property damage. Bowen Collins and Associates will design the replacement of these assets, aid with construction services and traffic control, and provide technical expertise.
- A publicly advertised Request for Qualifications was issued in September 2020 for engineering services supporting the Park City Public Utilities Department through June 2023. Fourteen engineering firms submitted responses for a broad range of project types. Based on those responses, which included prior experience, qualifications, and rate structure, Bowen Collins and Associates was selected to provide engineering services for this project.

Funding

The funding for design services is from water service fees and is included in the adopted FY 2023 and FY 2024 Water CIP budget.

Exhibits

A Bowen Collins and Associates Fee and Scope Proposal

Exhibit A

Bowen Collins and Associates Fee and Scope Proposal

Park City
Waterline Replacement 2023
Engineering Man-Hour and Fee Estimate
Last Updated 1/25/23

		Labor						Expenses				Subtotal Expenses	Total Cost
		Office /Support	Technicians	Engineers			Subtotal Hours	Subtotal Labor	Mileage	Civil Survey Engr			
	Labor Category	Clerical	Editor	Tech 5	Tech 8	Eng. 4	PM/Engr 8		\$0.75	Cost plus			
	Staff	Rasmussen	Hilbert	Riggs	Garcia	McFadden	Oldham		per mile	10%			
	Labor Rate	\$94	\$106	\$133	\$194	\$153	\$194						
Task No.	Task Description												
1.1	Project Management	1				4	8	13	\$ 2,258			\$ -	\$ 2,258
1.2	Site Visit					6	6	12	\$ 2,082	\$ 90		\$ 90	\$ 2,172
1.3	Collect and Review Existing Information	1		8	1	8	4	22	\$ 3,352			\$ -	\$ 3,352
1.4	Progress Review Meetings, Design Coordination					8	8	16	\$ 2,776			\$ -	\$ 2,776
1.5	Survey and Mapping	1		2	1	6	2	12	\$ 1,860	\$ 90	\$ 12,870	\$ 12,960	\$ 14,820
1.6	Design Drawings			90	2	40	16	148	\$21,582			\$ -	\$ 21,582
1.7	Contract Documents	1	4			16	8	29	\$ 4,518			\$ -	\$ 4,518
1.8	Construction Cost Estimates					4	2	6	\$ 1,000			\$ -	\$ 1,000
1.9	Record Drawings	1		13		8	4	26	\$ 3,823			\$ -	\$ 3,823
1.10	Evaluate Future Connection Options for Heber Ave to Deer Valley Drive Waterlines.	1	2			24	8	35	\$ 5,530			\$ -	\$ 5,530
	Subtotal Cost	\$564	\$636	\$15,029	\$776	\$18,972	\$12,804		\$48,781	\$ 180	\$ 12,870	\$ 13,050	\$ 61,831
	TOTAL	6	6	113	4	124	66	319	\$48,781	\$ 180	\$ 12,870	\$ 13,050	\$ 61,831

Park City
Thayne's Canyon Drive Storm Drain
Engineering Man-Hour and Fee Estimate
Last Updated 1/25/23

		Labor						Expenses				Subtotal Expenses	Total Cost
		Office /Support	Technicians	Engineers			Subtotal Hours	Subtotal Labor	Mileage	Civil Survey Engr			
	Labor Category	Clerical	Editor	Tech 5	Tech 8	Eng. 4	PM/Engr 8		\$0.75	Cost plus			
	Staff	Rasmussen	Hilbert	Riggs	Garcia	McFadden	Oldham		per mile	10%			
	Labor Rate	\$94	\$106	\$133	\$194	\$153	\$194						
Task No.	Task Description												
1.1	Project Management	1				2	2	5	\$ 788			\$ -	\$ 788
1.2	Site Visit					3		3	\$ 459	\$ 90		\$ 90	\$ 549
1.3	Collect and Review Existing Information	1		3	1	4	2	11	\$ 1,687			\$ -	\$ 1,687
1.4	Progress Review Meetings, Design Coordination					4	3	7	\$ 1,194			\$ -	\$ 1,194
1.5	Survey and Mapping			1	1	3	1	6	\$ 980	\$ 90	\$ 3,190	\$ 3,280	\$ 4,260
1.6	Design Drawings			40	2	20	10	72	\$10,708			\$ -	\$ 10,708
1.7	Contract Documents	1	1			8	4	14	\$ 2,200			\$ -	\$ 2,200
1.8	Construction Cost Estimates					3	1	4	\$ 653			\$ -	\$ 653
1.9	Record Drawings			6		3	1	10	\$ 1,451			\$ -	\$ 1,451
	Subtotal Cost	\$282	\$106	\$6,650	\$776	\$7,650	\$4,656		\$20,120	\$ 180	\$ 3,190	\$ 3,370	\$ 23,490
	TOTAL	3	1	50	4	50	24	132	\$20,120	\$ 180	\$ 3,190	\$ 3,370	\$ 23,490

Owners Contingency: \$14,679

Council Agenda Item Report

Meeting Date: March 9, 2023

Submitted by: Michelle Kellogg

Submitting Department: Sustainability

Item Type: Staff Report

Agenda Section: CONSENT AGENDA

Subject:

Request to Authorize the City Manager to Execute a Contract for Environmental Regulatory Consultant Services, in a Form Approved by the City Attorney, with Terracon Consultants, Inc, in an Amount Not to Exceed \$44,000 Plus 10% Sampling Contingency Costs

Suggested Action:

Attachments:

[Gordo Site Characterization and Risk Assessment Contract Staff Report](#)

[Exhibit A: Terracon Consultants Scope of Services](#)



City Council Staff Report

Subject: Gordo Cleanup Consultant Services Contract Award
Author: Ryan Blair, Environmental Regulatory Program Manager
Department: Sustainability
Date: March 09, 2023
Type of Item: Administrative

Recommendation

Consider authorizing the City Manager to execute a contract for environmental regulatory consulting services, in a form approved by the City Attorney, with Terracon Consultants Inc, not to exceed \$44,000 + 10% sampling contingency costs.

Summary

On September 15, 2022, the Environmental Regulatory Program Manager conducted a City Council work session to review remediation options at the land parcel known as “Gordo.” The Council discussed several initiatives, including entering the Environmental Clean-Up program with the Utah Department of Environmental Quality ([DEQ](#)).

In November 2022, the City applied and was accepted into the Environmental Cleanup Program (EC) administered by the Division of Waste Management and Radiation Control (DWMRC) with the Utah Department of Environmental Quality. After subsequent meetings between Park City and DWMRC, additional site sampling was required and necessary to complete an accurate risk assessment.

In December 2022, an RFP was posted to Park City’s website and the Utah Public Procurement Platform. The RFP was designed to solicit expertise to guide the City through the EC program and provide environmental sampling and risk assessment technical and logistical services.

The RFP closed January 30th, 2023, and the selection committee recommends Terracon Consultants, Inc. due to their familiarity with Park City geography, past external project oversight, and ability to complete objectives in a timely and cost-effective manner. Due to uncertainty surrounding DEQ requirements on the number and type of soil samples, a 10% sampling cost contingency was requested and proactively negotiated into the project budget. DEQ is supportive of this contractual tool given the conditions of the Gordo site, and it will only be authorized and used with prior approvals from the Environmental Regulatory Program, in close coordination with DEQ.

Summary

In FY23, the program proactively budgeted for environmental clean-up on Gordo (\$60,000) within the operational budget for the Environmental Regulatory Program. No additional funding is necessary currently.

Awarding this contract will result in a comprehensive understanding of the soil conditions onsite. And how those soil conditions will help determine future development.

Exhibit

A Gordo Site Characterization and Risk Assessment Terracon Consultants, Inc,
Scope of Services

Revised January 31, 2023

Park City Municipal Corporation
PO Box 1480
445 Marsac Avenue
Park City, UT 84060

Attn: Mr. Ryan Blair
P: (385) 290-7703
E: ryan.blair@parkcity.org

RE: Revised Proposal for Site Characterization Assessment
Gordo Property
Kearns Boulevard and Richardson Flat Road, Park City, Utah
Terracon Proposal No. P61227505

Dear Mr. Blair:

Terracon Consultants, Inc. (Terracon) appreciates the opportunity to submit this revised proposal to Park City Municipal Corporation (client) to conduct a site characterization assessment at the Gordo Property.

Scope of Services (see Section 3.0 of Proposal)	Review and compile existing Gordo property soil data, develop and implement a comprehensive soil sampling plan, conduct a risk assessment, coordinate with DWMRC, and prepare a Final Summary Report.
Schedule (see Section 3.0 of Proposal)	Delivery of Final Summary Report within 20 weeks of receipt of Notice to Proceed.
Compensation (see Section 3.0 of Proposal)	Lump sum fee of \$44,000 .

We appreciate the opportunity to provide this proposal and look forward to working with you on this project. If you should have any questions or comments regarding this proposal, please contact Daniel Dean at (385) 337-5971.

Sincerely,

Daniel Dean, P.G.
Senior Project Manager
Environmental Services

Amy Austin
Environmental Department Manager

1.0 COMPANY OVERVIEW AND EXPERIENCE

Terracon is a full-service environmental firm with 175 offices in all 50 states. Our local Midvale, Utah office was established in 1980 and has extensive experience working on site investigations and soil remediation projects for Park City Municipal Corporation (PCMC) and private entities located within the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) area, and within other areas of Park City impacted by historical mining activities. Specific relevant projects conducted for PCMC and private entities include, but are not limited to, the following:

PCMC Projects

- **South Yard Property LSI:** Terracon conducted a Limited Site Investigation (LSI) at the South Yard Property located at 1251 Kearns Boulevard. The LSI was conducted to investigate potential heavy metals impacts in soil and groundwater from historical mining and ore processing that occurred in the vicinity of the 2.5-acre site.
- **Proposed Arts & Culture Center Property LSI:** Terracon conducted an LSI at the proposed Arts & Culture Center Property located at multiple addresses on Bonanza Drive, Kearns Boulevard, and Munchkin Road. The LSI was conducted to investigate potential heavy metals impacts in soil and groundwater from historical mining and ore processing that occurred on and in the vicinity of the 5.3-acre site.
- **Phase I Environmental Site Assessments (Multiple Sites):** Terracon has conducted multiple Phase I Environmental Site Assessments for PCMC that identified Recognized Environmental Conditions (RECs) related to historical mining and ore processing activities within Park City.

Private Projects

- **Dominion Energy FL54 Pipeline Extension Project:** Terracon oversaw the installation of a natural gas pipeline extension through areas in and around Park City that contained historical mining impacts. Our services included soil assessment, guidance on the proper handling of impacted soils, and disposal requirements for impacted soils. Terracon developed a soils management plan to provide worker protections and guidelines on how to handle impacted soils encountered within the Soil Ordinance boundaries.
- **Park City Heights Voluntary Cleanup Program Site:** A Terracon subsidiary provided investigation, remedial design, remedial oversight, and reporting services for the Park City Heights development in Park City, which was impacted by contaminated tailings from historical mining operations. Approximately 89,000 cubic yards of contaminated tailings and soil were excavated, placed in an engineered repository, and the repository is being managed under a long-term Operations and Maintenance Plan. The site was issued a Certificate of Completion by the Utah Department of Environmental Quality, Division of Environmental Response and Remediation's (DERR) Voluntary Cleanup Program (VCP).

UDEQ Investigation and Remediation Experience

Terracon also has extensive experience investigating, managing, and remediating sites within the Utah Department of Environmental Quality, Division of Waste Management and Radiation Control (DWMRC) Corrective Action Program. Terracon is currently managing seven sites that are enrolled in the DWMRC Corrective Action Program.

In addition to the Park City Heights project, Terracon has extensive experience with UDEQ VCP sites. Terracon has directly managed sixteen VCP sites and completed a majority of the site characterization work at eight additional VCP sites. Of the sites that Terracon has directly managed, seven have received Certificates of Completion and six are currently in the application review, site characterization, and/or remedial action phases. Contaminants and impacted media addressed by Terracon under the DWMRC Corrective Action Program and DERR VCP include petroleum hydrocarbons, polycyclic aromatic hydrocarbons (PAHs), chlorinated solvents, polychlorinated biphenyls, and heavy metals in soil, groundwater, surface water, and soil vapor.

2.0 TERRACON PROJECT PERSONNEL

Terracon's Midvale office offers one of the largest and most experienced teams of environmental consulting professionals in Utah, with over 20 in-house environmental staff in diverse roles ranging from Department Managers, Project Managers, Senior Staff Scientists/Geologists, Field Scientists, and Environmental Technicians. In addition to our local office staffing, we are backed by Terracon's national pool of over 800 environmental experts. Key personnel who will lead and implement the Gordo Project include, but will not be limited to, the following:

- **Amy Austin, M.S.: Environmental Department Manager:** Amy is an Environmental Scientist and Environmental Department Manager with over 18 years of experience. Her project experience includes conducting Phase I Environmental Site Assessments (ESAs), Phase II Limited Site Investigations (LSIs), and implementing Remedial Action Plans (RAPs) in both the DERR VCP and DWMRC Corrective Action Program.
- **Daniel Dean, P.G.: Senior Project Manager:** Daniel is a Professional Geologist with over 17 years of experience in environmental assessment, environmental remediation, and environmental compliance. Daniel has extensive experience at mining-impacted sites in multiple states and within the Park City Mining District specifically. Daniel is currently managing multiple sites enrolled in the DWMRC Corrective Action Program and DERR VCP.
- **Emma Rodgers, P.G.: Senior Staff Scientist:** Emma is a Professional Geologist with five years of experience in the environmental and geotechnical industries. Her experience includes geotechnical exploration projects, subsurface soil and groundwater sampling, landfill monitoring, air quality analysis, and Phase I Environmental Site Assessments (ESAs) on sites ranging from active and former industrial sites, landfills, dry cleaners, underground storage tanks, solar farms, open-pit mines, fault trenching exploration, and roadway projects.
- **Sarah Hamilton, GIT: Field Geologist:** Sarah is a Geologist-in-Training with one year of experience with environmental sampling at a variety of impacted sites.

3.0 PROJECT TASKS, FEES, AND SCHEDULE

The following project tasks, fees, and schedule has been developed based on information provided in PCMC's Request For Proposals and additional information provided by PCMC personnel via email. The goal of the project is to characterize impacts to the Gordo property (site) stemming from use of the property to store heavy-metals contaminated soils from development projects throughout the Park City area, determine the risk level present at the site, and determine potential options for remediation and redevelopment of the site. This proposal assumes that required meetings with PCMC, other professionals employed by PCMC, and other local and regional agencies will be performed primarily via video conference.

3.1 Task 1: Review and Compile Existing Data

Terracon will compile data from previous investigations conducted at the site. Per PCMC, the existing data consists of hundreds of X-ray fluorescence (XRF) sampling points in PDF format that will require manual data entry.

Cost: \$3,000 **Schedule:** 2 weeks from receipt of Notice to Proceed

3.2 Task 2: Develop and Implement a Comprehensive Soil Sampling Plan

Terracon will develop a comprehensive soil sampling plan to assess heavy metals impacts in stockpiled soils, surface soils, and subsurface soils at the site based on input from DWMRC and PCMC and the results from Task 1. The soil sampling plan will focus on the soil storage area but will include sampling locations throughout the site. 40 soil samples will be collected from 20 sampling locations. Ten samples will be collected from the soil storage pile and 10 from co-located native soils beneath the pile. Outside of the soil storage area, 10 surface soil samples and 10 co-located subsurface soil samples will be collected. Collecting 10 samples from each sampling area and depth interval will allow for calculation of 95% Upper Confidence Limits (UCL95) for each sampling area and depth interval. Collection of native soil samples from beneath the soil storage pile will be conducted using a track-mounted direct-push drill rig. Analytes will include arsenic and lead. TCLP analysis has not been proposed since Terracon assumes that stockpiled soil can be disposed of as Bevill-exempt waste per PCMC's existing agreement with Clean Harbors. Proposed costs will need to be revised if TCLP analysis is required. The sampling scope and costs proposed herein may need to be revised following input from DWMRC.

Cost: \$22,000 **Schedule:** 12 weeks from completion of Task 1

3.3 Task 3: Risk Assessment

Following implementation of the comprehensive soil sampling plan and receipt of analytical data, a risk assessment will be performed that conforms to DWMRC requirements per UAC R315-101-5, including calculation of target cancer risk, hazard quotients, and UCL95s. The risk assessment will be prepared as a standalone document that will be an appendix to the Final Summary Report (**Task 5**).

Cost: \$6,000 **Schedule:** 4 weeks from completion of Task 2

3.4 Task 4: Coordinate with DWMRC

Terracon will engage with DWMRC during development of the comprehensive soil sampling plan regarding sampling locations, analytes, sampling methodology, and risk assessment requirements. This will ensure that the existing data gaps are fully assessed by the proposed investigation, that the data collected is sufficient to complete the risk assessment, and that the agency will consider the site to be fully characterized without further sampling.

Cost: \$3,000 **Schedule:** Concurrent with Task 2

3.5 Task 5: Final Summary Report

Following receipt of laboratory analytical results, a Final Summary Report will be prepared which documents the results of the current and previous investigations, summarizes the calculated site risk level, and summarizes potential options for remediation and redevelopment of the site.

Cost: \$10,000 **Schedule:** 6 weeks from completion of Task 2

City Council Staff Report



Subject: Water Wise Landscaping
Application: PL-21-05064
Authors: Spencer Cawley
Lillian Zollinger
Date: March 9, 2023
Type of Item: Land Management Code Amendments

Recommendation

(I) Review the proposed Land Management Code amendments to improve and clarify current Water Wise Landscaping regulations, (II) hold a public hearing, and (III) consider approving Ordinance No. 2023-10 (Exhibit A).

Description

Applicant:	Planning Department
Zoning District:	All Zoning Districts
Land Management Code Sections Amended:	§ 15-5-5(N) <i>Landscaping</i> § 15-15-1 <i>Definitions</i>
Reason for Review:	The Planning Commission reviews Land Management Code amendments and forwards a recommendation for City Council's consideration. The City Council conducts a public hearing and takes Final Action. ¹

Background

On May 30, 2019, the City Council adopted [Ordinance No. 2019-30](#), amending the Land Management Code to implement Water Wise Landscaping to reduce the need for supplemental irrigation. The Water Department is preparing to implement a landscape rebate pilot program (Landscaping Incentive Program) this spring (2023) to incentivize residents to replace lawn with Water Wise Landscaping.

On September 23, 2021, City Council directed the Planning team to evaluate the landscaping regulations to identify opportunities to improve water conservation in preparation for the Landscaping Incentive Program and to further conserve water use for new construction landscaping moving forward ([Staff Report](#); [Land Management Code Exhibit](#); [Minutes](#), p. 4).

¹ LMC [§ 15-1-7](#)

On April 27, 2022 ([Staff Report](#); [Minutes, p. 2](#)) and October 12, 2022 ([Staff Report](#); [Minutes, p. 12](#)), the Planning Commission conducted work sessions and directed the Planning team to implement changes regarding Water Wise definitions, investigate graywater use/regulations, and create a user-friendly website for residents to find information regarding water conservation.

The Planning Department reviewed the Planning Commission's input and developed proposed amendments to Land Management Code [Sections 15-5-5\(N\) Landscaping](#) and [15-15-1 Definitions](#). The Planning Team released a survey open from October 1, 2023, through October 21, 2022. The survey results (Exhibit B and C) showed that 66% residents are willing to replace law with Water Wise landscaping. Additionally, the Planning Team met with the Water and Environmental Sustainability Departments, local architects, developers, ecological experts, and landscape architects to review the proposed code for clarity and best practices.

On October 26, 2022, due to a full agenda, the Planning Commission continued the item to January 11, 2023. During the January meeting, the Planning Commission directed staff to make several changes meeting ([Staff Report](#); [Minutes](#)). On February 8, 2023, with minor modifications, the Planning Commission unanimously forwarded a positive recommendation to Council ([Staff Report](#); [Audio](#)).

Additionally, Municipal Code of Park City [Section 14-1-5](#) includes a plant species list that identifies vegetation allowed in the City's Rights-of-Way. Residents are recommended to plant, but are not limited to, the plants listed. The current list identifies Fire Wise Plants. The Planning Team proposed to update the plant list to identify Water Wise Plants as part of this LMC amendment. However, the Team now proposes to create and maintain a "living list" on the Park City Website, to avoid amending the Park City Municipal Code (PCMC) every time a plant is added or removed.

The Planning Team has included updates from [Utah House Bill 282 Water Wise Landscaping Amendments](#), which prohibits Homeowner Associations and municipalities from prohibiting Water Wise landscaping. Additionally, the team has been monitoring the pending water wise legislation, including [Utah House Bill 272 Water Efficient Landscaping Amendments](#) which recommends lawn/turf restrictions for front and side yards. The Team has updated the amendments to reflect the pending legislation and have highlighted the changes in the redlines below.

Analysis

Natural Setting is one of the core values in the Park City General Plan and Goal 5 is to implement mitigation for environmental impacts. Objective 5.3 is to adopt new landscaping requirements to decrease water utilization and preserve native landscape.

The Land Management Code (LMC) implements the goals and policies of the General Plan in part to promote the general health, safety, and welfare of the present and future inhabitants, businesses, and visitors of the City, and to protect and enhance the overall

quality of life.²

The current Water Wise Landscaping regulations are outlined in LMC [Section 15-5-5\(N\)](#) as follows:

N. **LANDSCAPING.** A complete landscape plan must be prepared for the limits of disturbance area for all Development activity. The landscape plan shall utilize the concept of Water Wise Landscaping for plant selection and location, irrigation, and mulching of all landscaped areas. The plan shall include foundation plantings and ground cover, in addition to landscaping for the remainder of the lot. The plan shall indicate the percentage of the lot that is landscaped, the percentage of the landscaping that is irrigated, the type of irrigation to be used, and Hydrozones. The plan shall identify all existing Significant Vegetation. The plan shall also identify the 50 percent (50%) of any Water Wise Landscaped area comprised of appropriate plants, trees, and shrubs. Any proposed boulders or rocks greater than two inches (2") in diameter and Gravel must be identified. Materials proposed for driveways, parking areas, patios, decks, and other hard-scaped areas shall be identified on the plan. A list of plant materials indicating the botanical name, the common name, quantity, and container or caliper size and/or height shall be provided on the plan. Refer to the Municipal Code of Park City Section 14-1-5 for a City approved Plant List. A diverse selection of plantings is suggested to provide plantings appropriate to the Park City climate and growing season, to provide aesthetic variety and to prevent the spread of disease between the same species. Artificial turf is allowed to be used in limited quantities on decks, pathways, recreation and play areas, or as a limited landscaping material on areas in which vegetation may be unsuccessful. Artificial turf's installation shall not pool water and be installed to allow for drainage. Areas of mulch shall be identified on the plan. Approved mulches include natural organic plant based or recycled materials. Gravel is only allowed in the following applications: as an approved walkway, patio, drainage plan, and/or defensible space. The Planning Director or designee may determine if proposed defensible space areas are not required to include plantings. Any Gravel or stone within the HRL, HR-1, HR-2, HRM, HRC, or HCB Zoning Districts must meet the requirements of the Design Guidelines for Historic District and Historic Sites. Gravel is not an allowed surface for parking, ground cover on berms or finished grade with a ratio greater than 3:1, within platted or zoned open space, or as a material in parking strips or City rights-of-way. To the extent possible, existing Significant Vegetation shall be maintained on Site and protected during construction. When approved to be removed, based on a Site Specific plan, Conditional Use, Master Planned Development, or Historic District Design Review approval, the Significant Vegetation shall be replaced with equivalent landscaping in type and size. The Forestry Manager or Planning Director may grant exceptions to this if upon their review it is found that equivalent replacement is impossible or would be detrimental to the site's existing and/or proposed vegetation. Multiple trees equivalent in caliper to the size of the removed Significant Vegetation may be considered instead of replacement in kind and size. Where landscaping does occur, it should consist primarily of native and drought tolerant species, drip irrigation, and all plantings shall be adequately mulched. Significant Vegetation preservation and/or replacement shall be prioritized, but where applicable, Firewise Landscaping and/or Defensible Space landscaping plans for Property within the Wildland-Urban Interface area that include Significant Vegetation removal shall be in accordance with Municipal Code Chapter 11-21. A detailed irrigation plan shall be drawn at the same scale as the landscape plan including, but not limited to: a layout of the heads, lines, valves, controller, backflow preventer, and a corresponding legend and key. Landscaped areas shall be provided with a WaterSense labeled smart irrigation controller which automatically adjusts the frequency and/or duration of irrigation events in response to changing weather conditions. All controllers shall be equipped with automatic rain delay or rain shut-off capabilities. Irrigated lawn and turf areas are limited to a maximum percentage of the allowed Limits of Disturbance Area of a Lot or Property that is not covered by Buildings, Structures, or other Impervious paving, based on the size of the Lot or Property according to the following table:

Lot Size	Maximum Turf or Lawn Area as a percentage of the allowed Limits of Disturbance Area of the Lot that is not covered by Buildings, Structures, or other Impervious paving
Greater than one (1) acre	25%
0.50 acres to one (1) acre	35%
0.10 acres to 0.49 acres	45%
Less than 0.10 acres	No limitation

Where rock and boulders are allowed and identified on the Landscape Plan, these shall be from local sources. All noxious weeds, as identified by Summit County, shall be removed from the Property in a manner acceptable to the City and Summit County, prior to issuance of Certificates of Occupancy.

The proposed amendments:

- Reorganizes and formats the Water Wise Landscaping regulations to simplify and clarify standards
- Coordinates the Wildland Urban Interface (WUI) landscaping requirements outlined in Municipal Code of Park City [Chapter 11-21](#) and the Water Wise Landscaping regulations
- Incorporates updates from HB282 and recommendations from HB727.
- Incorporates Water Wise terms defined in the Utah Code for alignment
- Provides information on simple Water Wise landscaping practices.

The Section has been reorganized and the proposed amendments are shown in **red**:

N. **LANDSCAPING.**

1. **PURPOSE.** Park City is in a mountainous, semi-desert environment where much of the precipitation occurs as snow during the winter months and the highest demand for water occurs during the summer months, **creating a significant risk of wildland fire**. The largest single water demand is for irrigation of landscaping. Water Wise Landscaping incorporates **non-**

² LMC [§ 15-1-2](#)

invasive, drought-tolerant plants that require little or no supplemental irrigation **once established**, includes water conserving irrigation, and **uses** Hydrozoning in which plants with similar water needs are planted in the same area with mulches that prevent water evaporation. Water Wise Landscaping protects the health, safety, and welfare of the community from impacts of water shortages likely to occur during cycles of drought.

2. **WATER WISE LANDSCAPING.** At least fifty percent (50%) of the landscaped area shall be Water Wise Landscaping containing approved non-invasive drought tolerant plants, and/or minimal irrigation. Water Wise Landscaping may be satisfied through approved vegetation, location of planting methods such as Xeriscaping or Hydrozoning, using healthy soil practices that promote soil moisture retention such as compost, biochar, and/or biodiverse plantings, or approved based on a site-specific Planning Department review.
3. **HOMEOWNER ASSOCIATION LANDSCAPING REGULATIONS.** Homeowner Associations may not prohibit a property owner from installing Water Wise Landscaping.
4. **LANDSCAPE PLAN.** A complete landscape plan is required for (I) new Development and/or Construction Activity proposed for an unimproved Lot or property and/or undisturbed natural Lots or property; and (II) renovations or Construction Activity that modifies the Building Footprint. Landscape plans shall incorporate best practices for water conservation.
 - a. The landscape plan shall:
 - i. Identify **the intended** plant materials indicating the botanical name **and** the common name for:
 - (A) Plants (**includes, but is not limited to trees and shrubs**),
 - (B) Grasses,
 - (C) Mulches,
 - (D) Rocks (**greater than 3"**) and Gravel (**less than 3"**)
 - a. Gravel is only allowed in the following applications:
 - i. as an approved walkway;
 - ii. patio;
 - iii. drainage plan; and/or
 - iv. defensible space
 - b. Gravel is prohibited in areas adjacent to the Right-of-Way.
 - c. Any Gravel, rocks, or stone within the HRL, HR-1, HR-2, HRM, HRC, or HCB Zoning Districts must meet the requirements of the Design Guidelines for Historic District and Historic Sites in Chapter 15-13.
 - d. Gravel and rocks are not an allowed surface for parking, ground cover on berms, or finished grade with a ratio greater than 3:1, within platted or zoned open space. **Rock-cover should be no more than 20% of the new ground cover. Wood chip mulch is encouraged for water retention on the landscape.**

Refer to the Planning Department for a City-approved Plant List. A diverse selection of plantings, and the use of clumping and clustering, is suggested to provide plantings appropriate to the Park City climate and growing season, to provide aesthetic variety, and to prevent the spread of wildfire.

- ii. Utilize the concept of Water Wise Landscaping for selecting plants, plant location, irrigation methods, and mulching of all landscaped areas.
- iii. For properties not included in a Historic District and for properties listed Landmark or Significant on Park City's Historic Sites Inventory, include plantings and ground cover in the Wildland Urban Interface Immediate Ignition Zone 0-5 feet and the Wildland Urban Interface Intermediate Ignition Zone 5-30 feet (Park City Municipal Code § 11-21-1(I) The 2006 Utah Wildland-Urban Interface Code).
- iv. Indicate the percentage of the lot that is landscaped.
- v. Indicate the percentage of the lot containing Impervious Surfaces, including driveways, parking areas, patios, and decks.
- vi. Indicate the percentage of the landscaping that is irrigated.
- vii. Identify the 50 percent (50%) of any Water Wise Landscaped area comprised of appropriate approved non-invasive drought-tolerant plants.
- viii. Identify Hydrozoning (grouping of plants based on irrigation needs) or Xeriscaping (sustainable, low-water landscaping) locations.
- ix. Identify all existing Significant Vegetation, which shall remain and be maintained on Site and protected during construction.
 - (A) If the Significant Vegetation is determined to be unhealthy and/or unsafe under a Site-Specific review conducted by the Forestry Board and Planning Director in conjunction with a Conditional Use, Master Planned Development, Historic District Design Review approval, or building permit review, it may be replaced with equivalent landscaping in type and size.
 - (B) The Forestry Board and Planning Director may grant exceptions if upon their review it is found that equivalent replacement is impossible, would be detrimental to the site's existing and/or proposed vegetation, or violates Chapter 11-21 *Utah Wildland-Urban Interface Code*.
 - (C) Multiple trees from the City's approved Wildland Urban Interface Planting List, clumped and grouped together with canopies of the clusters being no closer than 18 feet to the next closest cluster within the Intermediate Zone, no cluster exceeding (5) five trees or cover more than 15% of the Intermediate Ignition Zone, whichever is lesser, and with vegetation not closer than 10 feet to any portion of a structure with vegetation at full grown height and size, equivalent in caliper to the size of the removed Significant

Vegetation in the Intermediate Ignition Zone may be considered instead of replacement in kind and size.

(D) Significant Vegetation preservation shall be prioritized. When applicable, Significant Vegetation may be removed or replaced to comply with Firewise Landscaping and/or Defensible Space regulations in Chapter 11-21 *Utah Wildland-Urban Interface Code* as approved by the Planning Director and Forestry Board.

- x. Identify Artificial turf, which is recommended to be non-toxic synthetic, plant based, and/or made of recycled materials with reduced petroleum-based polymers. Artificial turf is allowed to be used in limited quantities on decks, pathways, recreation and play areas. Installation of artificial turf shall not pool water and be installed to allow for drainage.
- xi. Comply with Park City Municipal Code Chapter 11-21 *Utah Wildland-Urban Interface Code*.
- b. The Planning Director or designee may determine if proposed defensible space areas outlined in Chapter 11-21 *Utah Wildland-Urban Interface Code* may be exempt from 50% Water Wise landscaping requirements.
- c. All noxious weeds, as identified by the State of Utah or Summit County, shall be continually removed from the Property in a manner acceptable to the City and Summit County regardless of development stage. All noxious weeds shall be removed prior to issuance of Certificate of Occupancy.

5. **IRRIGATION PLAN.** A detailed irrigation plan shall be drawn at the same scale as the landscape plan and shall include:

- a. The layout of the heads, lines, valves, controller, backflow preventer, and drip irrigation;
- b. A WaterSense labeled irrigation controller which automatically adjusts the frequency and/or duration of irrigation events in response to changing weather conditions. All controllers shall be equipped with automatic rain delay or rain shut-off capabilities;
 - i. Overhead Spray Irrigation shall be no greater than 12" above ground. Overhead irrigation is not permitted within 18" of any non-permeable surface. Overhead Spray Irrigation may be used for Lawn/Turf, but does not constitute a Water Wise landscaping method when used with other vegetation.
- c. Greywater System locations.

6. **LAWN/TURF.**

- a. Lawn/Turf is prohibited on slopes with a ratio greater than 3:1.
- b. Irrigated Lawn/Turf areas are limited to a maximum percentage of the allowed Limits of Disturbance Area of a Lot or Property that is not covered by Buildings, Structures, or Impervious Surfaces, based on the size of the Lot or Property according to the following table:

Lot Size	Maximum Lawn/Turf as a percentage of the allowed Limits of Disturbance Area of the Lot that is not covered by
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	Buildings, Structures, or Impervious Surfaces
Greater than one (1) acre	25% <u>20%</u>
0.50 acres to one (1) acre	35% <u>30%</u>
0.10 acres to 0.49 acres	45% <u>40%</u>
Less than 0.10 acres	No limitation

- c. Lawn/Turf is prohibited on parking strips or areas less than eight feet (8') in width in new Residential Development.
- d. No more than 35% of the Front and Side Yard Landscaped Area in new Residential Development is lawn/turf. If there is an Active Recreation Area on the lot, then no more than 20% total Landscaped Area in new Residential Development is lawn/turf.
- e. Lawn/Turf limitations do not apply to small Residential Lots with less than 250 square feet in Landscaped Area.
- f. Lawn/Turf area limitations apply to all city-owned property with the exception of an Active Recreation Area or as determined by the Planning Commission under a Conditional Use Permit review.

Encouraged Lawn/Turf practices include:

- 1. Only using Lawn/Turf in areas where it is functional, such as play areas, and areas needing temperature, noise, or dust mitigation;
- 2. Choosing non-irrigated Lawn/Turf or Lawn/Turf species with lower water requirements;
- 3. Not planting Lawn/Turf in narrow, small, or oddly shaped areas that are difficult to efficiently irrigate;
- 4. Mowing Lawn/Turf at a height of four inches (4");
- 5. Planting Lawn/Turf in shaded areas on the lot;
- 6. Planting deep-rooted turfgrass on slopes;
- 7. Using healthy soil practices, such as biochar and/or compost;
- 8. Artificial turf is not recommended in any landscaping due to its impact on the Urban Heat Island Effect;
- 9. Per PCMC Title 13 Section 1-21(A): Areas using City water will be restricted to every other day from May 1 to September 30. Outside watering at even-numbered street addresses shall be limited to even-numbered days of the month and outside watering at odd-numbered addresses shall be limited to odd-numbered days of the month. Hours of outside watering shall be restricted to between 7:00 p.m. and 10:00 a.m.

LMC Section 15-15-1

DEFINITIONS

ACTIVE RECREATION AREA. An area of a lot or parcel that is: not in low density residential development, comprised of lawn or turf dedicated to active use; installed or maintained on areas with a slope of not more than 25%. Active use means regular use for playing, exercise, recreation, or regular outdoor, activities that are ordinarily associated with lawn or turf, such as: a sports field, a social gathering area, an amphitheater, a public or private park, the playing area, including rough, driving ranges, and chipping and putting greens, of a golf course.

ARTIFICIAL TURF. Simulated or artificially created life-like individual blades of Lawn/Turf that emulate natural Lawn/Turf in look and color.

GRAVEL. Round rock or crushed stone less than **three inches (3")** in diameter.

GRAYWATER. Wastewater from bathtubs, showers, bathroom washbasins, clothes washing machines, or laundry tubs used for landscaping as approved by the Summit County Health Department.

IMPERVIOUS SURFACES. Any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas, sidewalks, patios, and paved recreation areas.

LAWN/TURF. Nonagricultural land planted in closely mowed, managed grasses.

MULCH. Organic and inorganic material such as rock, bark, wood chips, or other materials left loose and spread over an area of landscape.

Organic mulches. Wood, bark chips, pole peelings, wood grindings, shredded bark, nut shells, pine needles, discarded plant parts.

Rock mulches. Crushed rock, stone, lava, pea gravel or other small stones or inorganic material.

OVERHEAD SPRAY IRRIGATION. Above ground irrigation heads that spray water through a nozzle.

ROCKS. Stones greater than three inches (3").

SIGNIFICANT VEGETATION. Includes all large trees six inches (6") in diameter or greater measured four and one-half feet (4.5') above the ground, all groves of small trees, and all clumps of oak or maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

1. **HISTORIC SIGNIFICANT VEGETATION.** Includes vegetation identified as part of the Historic Site Form or Historic District Design Review Application and compliant with Chapter 15-13.

VEGETATIVE COVER. Ground level surface area covered by the exposed leaf area of a plant or group of plants at full maturity, excluding trees.

WATER WISE LANDSCAPING. A landscaping method developed especially for arid and semiarid climates utilizing water-conserving techniques such as the use of **non-invasive** drought-tolerant plants, mulch, and efficient irrigation that reduces the need for supplemental irrigation. ~~Xeriscape" is a form of Water Wise Landscaping. Plants, trees, and shrubs that are appropriate to the local climate are used, and care is taken to avoid losing water to evaporation and run-off.~~ Installation of plant materials suited to the microclimate and soil conditions that can remain healthy with minimal drip irrigation once established, be maintained without the use of overhead spray irrigation, use water for outdoor irrigation through proper and efficient irrigation design and water application such as Hydrozoning, use of other landscape design features that minimize the need of the landscape for supplemental water from irrigation, or reduce the landscape area dedicated to Lawn/Turf.

~~Water Wise Landscaping is a mix of plantings, rocks, and other landscaping materials with at least fifty percent (50%) of the landscaped area containing plants, trees, and shrubs. The use of mulch coverings, organic or stone-based, without fifty percent (50%) plantings does not constitute Water Wise Landscaping.~~

Hydrozones/Hydrozoning. Plant grouping according to water needs, allowing for more efficient irrigation. Plants, trees, and shrubs that are appropriate to the local climate are used, and care is taken to avoid losing water to evaporation and run-off.

Xeriscaping. Sustainable landscape that conserves water and is based on sound horticultural practice designs that incorporate low-water-use plants planted in Hydrozones.

WILDLAND URBAN INTERFACE IMMEDIATE IGNITION ZONE. The area extending from zero (0) to five (5) feet from any Structure, any overhang, or deck attached to a Structure.

WILDLAND URBAN INTERFACE INTERMEDIATE IGNITION ZONE. The area extending from the edge of the Immediate Ignition Zone to a distance not to exceed 30 feet.

Exhibits

Exhibit A: Draft Ordinance 2023-10
Exhibit B: Survey Input and Public Comment
Exhibit C: Survey Results

Ordinance No. 2023-10

AN ORDINANCE AMENDING LAND MANAGEMENT CODE SECTION 15-5-5 ARCHITECTURAL DESIGN GUIDELINES, AND 15-15-1 DEFINITIONS TO UPDATE WATER WISE LANDSCAPING REGULATIONS, TO REDEFINE “WATER WISE LANDSCAPE/LANDSCAPING”, AND TO DEFINE, “LAWN/TURF”, MULCH”, “HARDSCAPE”, “IRRIGATION PLAN”, AND “ROCKS”

WHEREAS, Water Wise is a landscape planning technique to reduce water usage;

WHEREAS, *Natural Setting* is one of the core values in the Park City General Plan, Goal 5 of the General Plan is to implement mitigation for environmental impacts and Goal 6 is to adapt for climate change;

WHEREAS, Objective 5.3 of the General Plan is to “adopt new landscaping requirements to decrease water utilization and preserve the native landscape. Encourage the use and protection of landscaping requirements to enable the continued utilization of renewable energy sources”;

WHEREAS, the Land Management Code implements the goals and policies of the General Plan in part to promote the health of both the residents and the City and to encourage responsible environmental stewardship;

WHEREAS, to protect, preserve, and conserve water, and to educate residents on Water Wise landscaping techniques;

WHEREAS, the Planning Commission conducted duly noticed work sessions on April 27, 2022, and October 12, 2022, and a duly noticed public hearing on October 26, 2022, January 11, 2023, and February 8, 2023, and forwarded a _____ recommendation, to the City Council;

WHEREAS, the City Council conducted a duly noticed public hearing on March 9, 2023.

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

SECTION 1. AMEND MUNICIPAL CODE OF PARK CITY LAND MANAGEMENT CODE TITLE 15. The recitals are incorporated herein as findings of fact. Municipal Code of Park City Title 15 Land Management Code § 15-5-5 *Architectural Design Guidelines* and § 15-15-1 *Definitions* are hereby amended as outlined in Attachment 1.

SECTION 3. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED THIS 9th DAY OF MARCH 2023.

PARK CITY MUNICIPAL CORPORATION

Nann Worel, Mayor

Attest:

City Recorder

Approved as to form:

City Attorney's Office

Attachment 1

15-5-5 Architectural Design Guidelines

~~LANDSCAPING. A complete landscape plan must be prepared for the limits of disturbance area for all Development activity. The landscape plan shall utilize the concept of Water Wise Landscaping for plant selection and location, irrigation, and mulching of all landscaped areas. The plan shall include foundation plantings and ground cover, in addition to landscaping for the remainder of the lot. The plan shall indicate the percentage of the lot that is landscaped, the percentage of the landscaping that is irrigated, the type of irrigation to be used, and Hydrozones. The plan shall identify all existing Significant Vegetation. The plan shall also identify the 50 percent (50%) of any Water Wise Landscaped area comprised of appropriate plants, trees, and shrubs. Any proposed boulders or rocks greater than two inches (2") in diameter and Gravel must be identified. Materials proposed for driveways, parking areas, patios, decks, and other hard-scaped areas shall be identified on the plan. A list of plant materials indicating the botanical name, the common name, quantity, and container or caliper size and/or height shall be provided on the plan. Refer to the Municipal Code of Park City Title 14-1-5 for a City approved Plant List. A diverse selection of plantings is suggested to provide plantings appropriate to the Park City climate and growing season, to provide aesthetic variety and to prevent the spread of disease between the same species. Artificial turf is allowed to be used in limited quantities on decks, pathways, recreation and play areas, or as a limited landscaping material on areas in which vegetation may be unsuccessful. Artificial turf's installation shall not pool water and be installed to allow for drainage. Areas of mulch shall be identified on the plan. Approved mulches include~~

~~natural organic plant based or recycled materials. Gravel is only allowed in the following applications: as an approved walkway, patio, drainage plan, and/or defensible space. The Planning Director or his/her designee may determine if proposed defensible space areas are not required to include plantings. Any Gravel or stone within the HRL, HR-1, HR-2, HRM, HRC, or HCB Zoning Districts must meet the requirements of Park City's Design Guidelines for Historic District and Historic Sites. Gravel is not an allowed surface for parking, ground cover on berms or finished grade with a ratio greater than 3:1, within platted or zoned open space, or as a material in parking strips or City rights-of-way. To the extent possible, existing Significant Vegetation shall be maintained on Site and protected during construction. When approved to be removed, based on a Site Specific plan, Conditional Use, Master Planned Development, or Historic District Design Review approval, the Significant Vegetation shall be replaced with equivalent landscaping in type and size. The Forestry Manager or Planning Director may grant exceptions to this if upon their review it is found that equivalent replacement is impossible or would be detrimental to the site's existing and/or proposed vegetation. Multiple trees equivalent in caliper to the size of the removed Significant Vegetation may be considered instead of replacement in kind and size. Where landscaping does occur, it should consist primarily of native and drought tolerant species, drip irrigation, and all plantings shall be adequately mulched. Significant Vegetation preservation and/or replacement shall be prioritized, but where applicable, Firewise Landscaping and/or Defensible Space landscaping plans for Property within the Wildland-Urban Interface area that include Significant Vegetation removal shall be in accordance with Municipal Code Chapter 11-21. A detailed irrigation plan shall be drawn at the same scale as the~~

~~landscape plan including, but not limited to: a layout of the heads, lines, valves, controller, backflow preventer, and a corresponding legend and key. Landscaped areas shall be provided with a WaterSense labeled smart irrigation controller which automatically adjusts the frequency and/or duration of irrigation events in response to changing weather conditions. All controllers shall be equipped with automatic rain delay or rain shut-off capabilities. Irrigated lawn and turf areas are limited to a maximum percentage of the allowed Limits of Disturbance Area of a Lot or Property that is not covered by Buildings, Structures, or other Impervious paving, based on the size of the Lot or Property according to the following table:~~

Lot Size	Maximum Turf or Lawn Area as a percentage of the allowed Limits of Disturbance Area of the Lot that is not covered by Buildings, Structures, or other Impervious paving
Greater than one (1) acre	25%
0.50 acres to one (1) acre	35%
0.10 acres to 0.49 acres	45%
Less than 0.10 acres	No limitation

~~Where rock and boulders are allowed and identified on the Landscape Plan, these shall be from local sources. All noxious weeds, as identified by Summit County, shall be removed from the Property in a manner acceptable to the City and Summit County, prior to issuance of Certificates of Occupancy.~~

N. **LANDSCAPING.**

- PURPOSE.** Park City is in a mountainous, semi-desert environment where much of the precipitation occurs as snow during the winter months and the highest demand for water occurs during the summer months, ~~creating a significant risk of~~

wildland fire. The largest single water demand is for irrigation of landscaping. Water Wise Landscaping incorporates non-invasive, drought-tolerant plants that require little or no supplemental irrigation once established, includes water conserving irrigation, and uses Hydrozoning in which plants with similar water needs are planted in the same area with mulches that prevent water evaporation. Water Wise Landscaping protects the health, safety, and welfare of the community from impacts of water shortages likely to occur during cycles of drought.

2. **WATER WISE LANDSCAPING.** At least fifty percent (50%) of the landscaped area shall be Water Wise Landscaping containing approved non-invasive drought tolerant plants, and/or minimal irrigation. Water Wise Landscaping may be satisfied through approved vegetation, location of planting methods such as Xeriscaping or Hydrozoning, using healthy soil practices (that promotes soil moisture retention), such as compost, or biochar, and/or biodiverse plantings, or approved based on a site-specific Planning Department review.

3. **HOMEOWNER ASSOCIATION LANDSCAPING REGULATIONS.** Homeowner Associations may not prohibit a property owner from installing Water Wise Landscaping.

4. **LANDSCAPE PLAN.** A complete landscape plan is required for (I) new Development and/or Construction Activity proposed for an unimproved Lot or property and/or undisturbed natural Lots or property; and (II) renovations or Construction Activity that modifies the Building Footprint. Landscape plans shall incorporate best practices for water conservation. The landscape plan shall:

- i. Identify the intended plant materials indicating the botanical name and the common name for:

(A) Plants (includes, but is not limited to trees and shrubs),

(B) Grasses,

(C) Mulches

(D) Rocks (greater than 3") and Gravel (less than 3")

a. Gravel is only allowed in the following applications:

i. as an approved walkway;

ii. patio;

iii. drainage plan; and/or

iv. defensible space

b. Gravel is prohibited in areas adjacent to the Right-of-Way.

c. Any Gravel, rocks, or stone within the HRL, HR-1, HR-2, HRM, HRC, or HCB Zoning Districts must meet the requirements of the Design Guidelines for Historic District and Historic Sites in Chapter 15-13.

d. Gravel and rocks are not an allowed surface for parking, ground cover on berms, or finished grade with a ratio greater than 3:1, within platted or zoned open space. Rock-cover should be no more than 20% of the new ground cover. Wood chip mulch is encouraged for water retention on the landscape.

Refer to the Planning Department for a City-approved Plant List. A diverse selection of plantings, and the use of clumping and clustering, is suggested to provide plantings appropriate to the Park City climate and growing season, to provide aesthetic variety, and to prevent the spread of wildfire.

ii. Utilize the concept of Water Wise Landscaping for selecting plants, plant location, irrigation methods, and mulching of all landscaped areas.

iii. For properties not included in a Historic District and for properties listed Landmark or Significant on Park City's Historic Sites Inventory, include plantings and ground cover in the Wildland Urban Interface Immediate Ignition Zone 0-5 feet and the Wildland Urban Interface Intermediate Ignition Zone 5-30 feet (Park City Municipal Code § 11-21-1(I) The 2006 Utah Wildland-Urban Interface Code).

iv. Indicate the percentage of the lot that is landscaped.

v. Indicate the percentage of the lot containing Impervious Surfaces, including driveways, parking areas, patios, and decks.

vi. Indicate the percentage of the landscaping that is irrigated.

vii. Identify the 50 percent (50%) of any Water Wise Landscaped area comprised of appropriate approved non-invasive drought-tolerant plants.

viii. Identify Hydrozoning (grouping of plants based on irrigation needs) or Xeriscaping (sustainable, low-water landscaping) locations.

ix. Identify all existing Significant Vegetation, which shall remain and be maintained on Site and protected during construction.

(A) If the Significant Vegetation is determined to be unhealthy and/or unsafe, under a Site-Specific review conducted by the Forestry Board and Planning Director in conjunction with a Conditional Use, Master Planned Development, Historic District Design Review approval, or building permit review, it may be replaced with equivalent landscaping in type and size.

(B) The Forestry Board and Planning Director may grant exceptions if upon their review it is found that equivalent replacement is impossible, would be detrimental to the site's existing and/or proposed vegetation, or violates Chapter 11-21 *Utah Wildland-Urban Interface Code*.

(C) Multiple trees from the City's approved Wildland-Urban Interface Planting List, clumped and grouped together with canopies of the clusters being no closer than 18 feet to the next closest cluster within the Intermediate Zone, no cluster exceeding (5) five trees or cover more than 15% of the Intermediate Ignition Zone, whichever is lesser, and with vegetation not closer than 10 feet to any portion of a structure with vegetation at full grown height and size, equivalent in caliper to the size of the removed Significant

Vegetation in the Intermediate Ignition Zone may be considered instead of replacement in kind and size.

(D) Significant Vegetation preservation shall be prioritized, but where applicable, Significant Vegetation may be removed or replaced to comply with Firewise Landscaping and/or Defensible Space regulations in Chapter 11-21 *Utah Wildland-Urban Interface Code* as approved by the Planning Director and Forestry Board.

x. Identify Artificial turf, which is recommended to be non-toxic synthetic, plant based, and/or made of recycled materials with reduced petroleum-based polymers. Artificial turf is allowed to be used in limited quantities on decks, pathways, recreation and play areas. Installation of artificial turf shall not pool water and be installed to allow for drainage.

xi. Comply with Park City Municipal Code Chapter 11-21, *Utah Wildland-Urban Interface Code*.

b. The Planning Director or designee may determine if proposed defensible space areas outlined in Chapter 11-21 *Utah Wildland-Urban Interface Code* may be exempt from 50% Water Wise landscaping requirements.

c. All noxious weeds, as identified by the State of Utah or Summit County, shall be removed from the Property in a manner acceptable to the City and Summit County regardless of development state. All noxious weeds shall be removed prior to issuance of Certificates of Occupancy.

179 **5. IRRIGATION PLAN.** A detailed irrigation plan shall be drawn at the same scale
180 as the landscape plan and shall include:

181 a. The layout of the heads, lines, valves, controller, backflow preventer, and
182 drip irrigation;

183 b. A WaterSense labeled irrigation controller which automatically adjusts the
184 frequency and/or duration of irrigation events in response to changing
185 weather conditions. All controllers shall be equipped with automatic rain
186 delay or rain shut-off capabilities;

187 i. Overhead Spray Irrigation shall be no greater than 12" above ground.
188 Overhead irrigation is not permitted within 18" of any non-permeable
189 surface. Overhead Spray Irrigation may be used for Lawn/Turf, but
190 does not constitute a Water Wise landscaping method when used
191 with other vegetation.

192 c. Greywater System locations.

193 **6. LAWN/TURF.**

194 a. Lawn/Turf is prohibited on slopes with a ratio greater than 3:1.

195 b. Irrigated Lawn/Turf areas are limited to a maximum percentage of the
196 allowed Limits of Disturbance Area of a Lot or Property that is not covered
197 by Buildings, Structures, or Impervious Surfaces, based on the size of the
198 Lot or Property according to the following table:

Lot Size	Maximum Lawn/Turf as a percentage of the allowed Limits of Disturbance Area of the Lot that is not covered by Buildings, Structures, or Impervious Surfaces
Greater than one (1) acre	20%
0.50 acres to one (1) acre	30%
0.10 acres to 0.49 acres	40%
Less than 0.10 acres	No limitation

- c. Lawn/Turf is prohibited on parking strips or areas less than eight feet (8') in width in new Residential Development.
- d. No more than 35% of the Front and Side Yard Landscaped Area in new residential development is lawn/turf. If there is an Active Recreation Area on the lot, then no more than 20% total Landscaped Area in new Residential Development is lawn/turf.
- e. Lawn/Turf limitations do not apply to small Residential Lots with less than 250 square feet in Landscaped Area.
- f. Lawn/Turf area limitations apply to all city-owned property with the exception of an Active Recreation Area or as determined by the Planning Commission under a Conditional Use Permit review.

Encouraged Lawn/Turf practices include:

1. Only using Lawn/Turf in areas where it is functional, such as play areas, and areas needing temperature, noise, or dust mitigation;
2. Choosing non-irrigated Lawn/Turf or Lawn/Turf species with lower water requirements;
3. Not planting Lawn/Turf in narrow, small, or oddly shaped areas that are difficult to efficiently irrigate;
4. Mowing Lawn/Turf at a height of four inches (4");
5. Planting Lawn/Turf in shaded areas on the lot;
6. Planting deep-rooted turfgrass on slopes;
7. Using healthy soil practices, such as biochar and/or compost;
8. Artificial turf is not recommended in any landscaping due to its impact on the Urban Heat Island Effect;
9. Per PCMC Title 13 Section 1-21(A): Areas using City water will be restricted to every other day from May 1 to September 30. Outside watering at even-numbered street addresses shall be limited to even-numbered days of the month and outside watering at odd-numbered addresses shall be limited to odd-numbered days of the month. Hours of outside watering shall be restricted to between 7:00 p.m. and 10:00 a.m.

HISTORY

Adopted by Ord. 02-07 on 5/23/2002

Amended by Ord. 06-56 on 7/27/2006

Amended by Ord. 11-05 on 1/27/2011

237 Amended by Ord. 12-37 on 12/20/2012
238 Amended by Ord. 2018-27 on 5/31/2018
239 Amended by Ord. 2019-30 on 5/30/2019
240 Amended by Ord. 2020-19 on 4/16/2020
241 Amended by Ord. 2020-35 on 7/9/2020
242 Amended by Ord. 2020-42 on 9/17/2020
243 Amended by Ord. 2021-05 on 1/21/2021

244

245 **Section 15-15-1 Definitions**

246 . . .

247 **ACTIVE RECREATION AREA.** An area of a lot or parcel that is: not in low density
248 residential development, comprised of lawn or turf dedicated to active use; installed or
249 maintained on areas with a slope of not more than 25%. Active use means regular use
250 for playing, exercise, recreation, or regular outdoor, activities that are ordinarily
251 associated with lawn or turf, such as: a sports field, a social gathering area, an
252 amphitheater, a public or private park, the playing area, including rough, driving ranges,
253 and chipping and putting greens, of a golf course.

254

255 **ARTIFICIAL TURF.** Simulated or artificially created life-like individual blades of
256 Lawn/Turf that emulate natural Lawn/Turf in look and color.

257

258 **GRAVEL.** Round rock or crushed stone less than **three inches (3")** in diameter.

259

GRAYWATER. Wastewater from bathtubs, showers, bathroom washbasins, clothes washing machines, or laundry tubs used for landscaping as approved by the Summit County Health Department.

LAWN/TURF. Nonagricultural land planted in closely mowed, managed grasses.

MULCH. Organic and inorganic material such as rock, bark, wood chips, or other materials left loose and spread over an area of landscape.

Organic mulches. Wood, bark chips, pole peelings, wood grindings, shredded bark, nut shells, pine needles, discarded plant parts.

Rock mulches. Crushed rock, stone, lava, pea gravel or other small stones or inorganic material.

OVERHEAD SPRAY IRRIGATION. Above ground irrigation heads that spray water through a nozzle.

ROCKS. Stones greater than three inches (3").

SIGNIFICANT VEGETATION. Includes all large trees six inches (6") in diameter or greater measured four and one-half feet (4.5') above the ground, all groves of small trees, and all clumps of oak or maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

1. **HISTORIC SIGNIFICANT VEGETATION.** Includes vegetation identified as part

of the Historic Site Form or Historic District Design Review Application and
compliant with Chapter 15-13.

VEGETATIVE COVER. Ground level surface area covered by the exposed leaf area of
a plant or group of plants at full maturity, excluding trees.

WATER WISE LANDSCAPING. A landscaping method developed especially for arid
and semiarid climates utilizing water-conserving techniques such as the use of **non-**
invasive drought-tolerant plants, mulch, and efficient irrigation that reduces the need for
supplemental irrigation. **Installation of plant materials suited to the microclimate and soil**
conditions that can remain healthy with minimal drip irrigation once established, be
maintained without the use of overhead spray irrigation, use water for outdoor irrigation
through proper and efficient irrigation design and water application such as
Hydrozoning, use of other landscape design features that minimize the need of the
landscape for supplemental water from irrigation, or reduce the landscape area
dedicated to Lawn/Turf.

Hydrozones/Hydrozoning. Plant grouping according to water needs, allowing for
more efficient irrigation. Plants, trees, and shrubs that are appropriate to the local
climate are used, and care is taken to avoid losing water to evaporation and run-off.

Xeriscaping. Sustainable landscape that conserves water and is based on sound
horticultural practice designs that incorporate low-water-use plants planted in
Hydrozones.

306 **WILDLAND URBAN INTERFACE IMMEDIATE IGNITION ZONE.** The area extending
307 from zero (0) to five (5) feet from any Structure, any overhang, or deck attached to a
308 Structure.

309

310 **WILDLAND URBAN INTERFACE INTERMEDIATE IGNITION ZONE.** The area
311 extending from the edge of the Immediate Ignition Zone to a distance not to exceed 30
312 feet.

DRAFT

Survey Input

As of October 20, 2022

No new sod. Many new homes and remodels near me are putting down sod.

Focus first on properties that will save water. Don't waist effort on "1-size fits all" solutions that don't have a proportionate yield for the effort. Don't make me subsidize others aethhetics

water wise first

Allowing a property to keep its existing grass without allowing watering unless a drought condition no longer exists.

Less water on the municipal golf course !

Have to give people plans (native plants) so they do not have to spend time on research
Make it simple Show cost savings of no water landscape with no grass Significant
Additional saving ... don't need to cut grass!

As a city resident for the last 25 years, I am aware that the cost of water for PC city residents is significantly over and above any other locations is Utah. Whether you compare Park City to Jeremy Ranch or Park City to Salt Lake City or any other location, PC residents are paying an extremely high price. It would be wise for the City's decision makers to make themselves aware of just how bad this disparity is.

We live in a desert in Utah and we should stop wasting water

Imposing grossly different restrictions on new builds from existing homes is unfair and leads to un-cohesive neighborhoods - and resentment

I definitely believe that the City should give monetary incentives for creating water wise landscaping instead of whacking us with enormous impact fees.

Stop it with all the regulations! Everywhere I go now, there are more signs, more gates, more liberal Bull shit. Put a bounty \$\$ out for us to turn in the businesses that water during daylight hours. Set an example and stop watering the goat trail muni golf course. My Yard is my business and not Park City

Restrict water use on golf courses and residential landscaping

Realize that this is an issue that needs to be urgently addressed. The Water shortage is only going

severely fining non compliance. There needs to be consequence.

Defense strategies against wildfire.

Notify the residents that water their massive lawns excessively EVERY afternoon! (Our sprinkler system was unavailable

until early August and the lawn recovered nicely in 6 weeks with a short once a morning watering on even days.)

Provide some financial incentive for landscapers to do Xeriscapes, maybe some sort of tax break that will make it more

profitable for them to do them?

Instead of charging fees for folks to change out their landscaping you should be providing fee wauivers and paying people

as incentives to reduce landscaped areas and you should on new construction really limit areas of disturbance to keep

native palnts and weeds/grasses in place.

Increase water usage rates. The only way to change the majority of peoples behaviors is by impacting them financially. Might not be as effective in this town full of people that are richer than god, but worth a shot

Green grass lawns should not exist in Park city. There are many wonderful alternatives that are far more water wise and conducive to the area.

STOP issuing building permits. Park city is built out y'all. WAKE UP

No lawns, just keep trees alive....and no Christmas lights after 10: wildlife and birds and humans need darkness. Make us a dark skies community like Heber.

The City should consider subsidizing projects completed over the past 5-10 years where they REQUIRED lawn to be installed (historic district).

Commercial landscaping should be limited to water wise plants. Planting aspen in areas where sage brush is growing is too common. This type of bad landscape management should be stopped.

The City's bureaucrats should avoid regulation whenever possible. Let citizens decide for themselves what is best for them and their community.

The City needs a policy which is not punitive to current homeowners. The cost the City currently charges is ridiculously high and a rebate might spur a change in behavior. New construction might have water wise regulations. I have lived in Park City 25 years and feel older residents and retirees didn't create the problem. The City approved all those building permits

Providing contact information for landscaping companies Cost incentives

How can we prioritise water use for important trees (eg spruce etc) and divert water from non native plants and lawns. Trees remain important.

The PC Golf Course wastes more water than the whole surrounding Thaynes neighborhood combined. They are still watering every day, and it is Oct 13 as I type this. If the City can't set the example, no one should be encouraged to follow.

All irrigation systems should have a water sensor that turns off irrigation if it is raining or has rained within a certain timeframe

City property, including golf course must reduce water usage also

Impact of new building on water use.

Careful on mandates. People will find ways to work around them. Focus on communication and education. How about having someone go to HOA's to work with them to understand the challenges and provide recommendations? The cost to change landscaping can be large. Need to think about time to transition.

Working with local landscape designers, native plants that benefit our environment. Educating HOA's to not require sod. We live in a high alpine desert, keep it native and add things that help our soil and help our wildlife.

No new lawns over 20% of lot size

I did look into xeriscaping a few years ago. It was very expensive - more than 10 years of my water bill. I would be happy to see water-wise landscaping being adopted, but the City needs to lead the way, adopting better practices itself and helping with the costs.

rules should be consistent - suggestions on how to maintain the natural landscape - and make it more a common practice to keep in place.

Irrigation installers should have to have take educational classes to receive certifications in order to install. There are so many new landscapes put in with horrible irrigation designs. There really is no code. And point source drip irrigation should be mandated where possible instead of all this drip tubing being placed everywhere that actually wastes water.

Get rid of the ridiculous bonding requirements and provide incentives for those who do change over from irrigated lawns to water wise landscaping.

Go slow. It will take time to convert people's perception of what is beautiful and attractive. It can be done if care is taken and people aren't "forced" to do something due to government mandate.

Replace ALL curb-side and public facility (including schools) grass areas that are not specifically athletic-activity-related with true native and xeriscape plantings. Allow specific fields such as library field to remain as grass but ... convert ALL city-based grounds maintenance equipment with NON-GAS-POWERED equipment, prohibit use of leaf blowers by city and landscaping companies (yes, good old-fashioned raking should be used!), prohibit ALL landscaping companies within city limits from using GAS-POWERED equipment. The amount of noise and air pollution generated by landscaping contractors for maintaining private properties is insane. Provide incentives for households to reduce/replace lawn areas with native plants (limit hardscapes, too), impose PENALTIES for households that have more than some determined square footage of lawn, require HOA's to install water meters on irrigation pumps from creeks and other HOA-maintained water sources and determine an equitable use-based sliding scale for individual properties' use of such water sources.

Stop building to decrease water need. Charge Vail, Alterra, and other businesses such as hotels, condos, and Airbnb a surcharge for their water usage for guests and snow making.

Encourage non water use landscaping such as wood chips, rock, etc.

Regulate Catholic church water usage on their land where horses graze in Summer (across from Aspen Springs). They run water 24/7 for Summer mos. Total waste! They also overgraze the land. Also, do NOT allow Bill White to graze his cows on open space at McPolin Farm. The cows are major consumers of water and trash the land plus they STINK. I much prefer seeing the open space with occasional Elk, Great Blue Herring, and other wild life than a bunch of obese, stinky cows adding methane gas to the environment further adding to Global Warming

Reduce the permit cost for water usage

Clear and consistent communication with residents and visitors about the need to reduce water usage, including reminders that we live in what is effectively a high desert environment.

I live in aspen springs across from catholic church property. There is an excess of horses living there all summer overgrazing. Their water is on almost 24h 7 days a week which is such a waste. Notice the difference on the two sides of the street w natural landscape which is not watered and has sand hill cranes and beautiful grasses vs churches property... I also notice that the lower meadows below the barn on 224 and above contender bike shop have water running non stop. The presence of cows in Mcpolin barn open space disgusts and disappoints me. They are frequently in the creek which is unbelievable and they are disturbing local wildlife. If we are a town trying to encourage steps to curb global warming and conserving water the cows must go.

Giving residents the option to make their own choices

Tightening regulations to force HOAs to adopt water wise landscaping.

I think full time residents should receive a discount on City water rates. Let the visitors (including commercial owners) and part-timers (short term rental owners) incur the current City water rates. We have some of the original signage ('We water every 3 days') as we have been residents for 20+ years. We have not increased our watering, but the City rates have made it nearly prohibitively expensive, despite our goal of keeping our trees from dying. Park City would lose a lot of appeal, without its trees in our neighborhoods..

the HOA's are an issue for changing any landscaping.

Feasibility - especially for those with lower income levels and inability to hire out.

There are a number of things: 1.) Before beginning to update landscaping regulations, the city would benefit by knowing who the largest water users are. Landscaping may in itself not be the culprit. What percentage of water usage is now being attributed to landscaping? We need to be looking ahead at water requirements for all new housing

and business developments. Some of this may be happening now, but most likely not enough information is available. The city could benefit by knowing who the largest water users are and making an effort to prioritize their usage habits. 2.) All new developments should be asked to adopt some sort of water wise landscaping. 3.) Older properties need help in transitioning to water wise landscaping - with incentives to both reduce water use and in the transition to water wise landscaping. 4.) This is a longterm problem for our community as well as all western states that can be solved or least mitigated with thoughtful and careful input from all water users - let's think about it thoroughly before jumping into more regulations. More rules and regulations don't always solve the problems we face, sometimes we need to look at the problems with a new and different prospective.

Educate landscape companies from outside Summit County as to what type of plant material is needed / accepted in Park City. Create ordinance to match expectations. Planting lawns or importing sod can only be on 10% of your total property. (That's when you have kids or dogs!)

Allow for retroactive rebate for removing grass. We re-landscaped our property this summer and removed all grass in our front and back yards. We are also in the process of removing sprinklers/rain birds and installing a drip system. It was expensive and currently there is no incentive of any kind to become more water conservative. We felt it was something we needed to be proactive about and just do it. It is difficult to watch all the new hotels and residential construction being built (with landscaping and many toilets, tubs, and pools) and we as long time residents are being asked to cut back and conserve.

Future building and growth that is not tied to water use is not wise. Even with water wise landscaping there are more and more bathrooms, showers, tubs and toilets, kitchens, etc. I have lived here for 48 years and when we landscaped water was not an issue. I realize that things have changed, climate, snow pack, etc., but the City keeps allowing more and more building of residential and commercial without having the builders and developers show where they will get the water from. I am fortunate to have use of irrigation ditch water for several summer months, but not everyone does. More and more development means less water for everyone. We have discussed removing some of our lawn and upgrading our landscape but the cost is very expensive and with the new property tax rates, we personally will not be able to afford it. Thank you for your time and consideration.

Golf course chemicals and water use

city needs to make it easier for people to make changes, and less costly. And they should not allow anyone to just put grass in for landscaping anywhere and they should

follow what Nevada did and get rid of all the grass between the sidewalks and the curbs...Embrace the use of rock instead of mulch

Educate as much as you can. When we have new residents from other parts of the country that have no water issues sometimes they just don't understand why we have such a need to conserve water.

Show public that beautiful landscaping is possible with native plants and a minimum of water usage

The expense to homeowners to make the switch

Insist the farm on 224 curtail their watering which is more than excessive and incredibly frequent. It is absurd and embarrassing when you're asking homeowners to curtail their usage. Similarly, the golf courses need to curtail their watering.

Allow grey water systems and other water or snow-melt capture for use in landscaping or other uses. Like using gray water to flush toilets, etc.

Fire risk, such as trees and other tall vegetation too close to structures.

COST! You come up with all these ideas but few of you actually live here. Where are we going to get the money to do your latest project?

Enforce compliance.

I don't think money is really the object to getting owners to update as there are enough wealthy homeowners who want to have the yard they want and don't care about paying for it so I think it's updating our code and then if someone doesn't follow it and goes way over on water, cut them off..

The state needs to regulate also. Salt Lake City also.

January 20, 2023 – 1:17 PM

Spenser,

Thanks for the help with Solamere. Although not involved in the plant/fire/water discussion last night I had two thoughts after the agenda item was over.

1. Several neighbors in Solamere have installed artificial brooks or water features on the past few years. Should these be allowed?
2. For years I have been involved with the Solamere Oaks Swim and Tennis Club. Water is a major expense. The bill is more than 80% based on a flat charge for service and less than 20% for water. We should be paying more for the amount of water and less for the service to force conservation.

Thanks, Bill Watson

January 11, 2023 – 12:58 PM

Dear Planning Commission,

I am the owner and operator of Nourish Landscaping and Ecology Bridge, a member of the Summit County Weed Board and Project Manager for the Summit Cooperative Weed Management Area, as well as, a lead on bringing the Trout Friendly Landscaping program to Summit County. I reviewed your Landscaping Ordinance changes and have a few comments. I hope to making the Planning Commission meeting tonight but am at a water conservation conference in Ogden until 4 today.

I will keep my comments brief, but am happy to make myself available to staff to further discuss comments.

Landscaping Plan

- I wonder how closely the final planting will be expected to be relative to the submitted plan. My concern is that plant availability is challenging and the quality/health of plants at planting may be more important than the species (replacement species should be a similar species) or size. I have seen plenty of near dead trees planted to meet plan requirements. Planting method is also equally important.

Noxious Weeds: as the ordinance reads now., it fails to recognize that noxious weeds are first determined by the state of Utah and additional species can be added by counties and cities.

In addition, I am concerned that the wordage requiring removal of noxious weed as a requirement to obtain Certificate of occupancy sends the message that they can be ignored before and during projects and fails to recognize that weeds can be persistent if a seed bank develops or complex root systems form. Weed control should be a pre, during and after project activity.

Lawn/Turf

I am in complete support of the turf reduction and use of grasses with low water requirements. I am surprised that the mow height recommendation is 2-3 inches rather than the research supported 4inch optimal height. Mowing at a height of 4in overtime leads to a 1% increase in soil carbon which equates to a capacity to absorb a 1 in rain event. Not to mention reduced evaporation with taller grass.

Given more time, I know I would have more comments but unfortunately my schedule is tight this week. I am happy to talk with staff further if that would be appreciated.

Thank you
Sara Jo Dickens

October 27, 2022 – 1:28 PM

We plan to continue to work with the city on best practices for nze. We broke ground a couple of weeks ago and our footers were poured just in time. Next step is to form the walls and complete insulated slab. You are welcome to stop by the site anytime.

WRT permit incentives. The easiest way would be to subtract the cost of the added measures that allow us to achieve nze. For example: insulated crawl, double wall system, 2-3x insulation in the envelope and triple glaze windows. It's a similar concept to the renewable energy rebate.

With that said, I told Celia that I felt the permit fee was reasonable even before rebates. Ours was roughly 15k. Whereas our water fees were over 60k (this includes 22k to Summit for sewer) which is absurd. I'm aware of the rebate upon completion of the drip system as an optional measure (in place since early 2000s). In addition, fixtures today are far more water wise than what the indoor impact calculation are based. Finally, I have been discussing the calculation for exterior water impact fee with Brenda Turnblom. The LMC is vague for new builds. My main point is I think the city needs to update the water calculations and include In the package to Counsel.

Sally Wilson, LEED Fellow

October 15, 2022 – 8:00 PM

Hi. Just wanted to suggest that in addition to encouraging water wise plants the information include asking homeowners/businesses plant native species (which will also be water wise) that benefit various wildlife - especially pollinators! Utah is home to about 1100 native bee species!

Also, I don't think the information should be too preachy. It does not take too many Google searches to conclude that residential water use in Utah pales in comparison percentage wise to the amount used to grow alfalfa - a huge water hog.

Thanks!

Sybil Burrus
Park Meadows

October 20, 2022 – 10:54 AM

It would be important for the City to demand the farm on 224 curtail their watering, which is excessive and way too frequent. You can't ask homeowners to cut back when we see the farm watering so much. Similarly, you need to insist the golf courses cut back. I'm willing to do my part, but unless these major players change, you'll get limited buy in from individuals.

Thanks for listening

Mark Goldfarb
full time Park Meadows

Landscaping and Water Conservation Survey

SURVEY RESPONSE REPORT

21 September 2022 - 20 October 2022

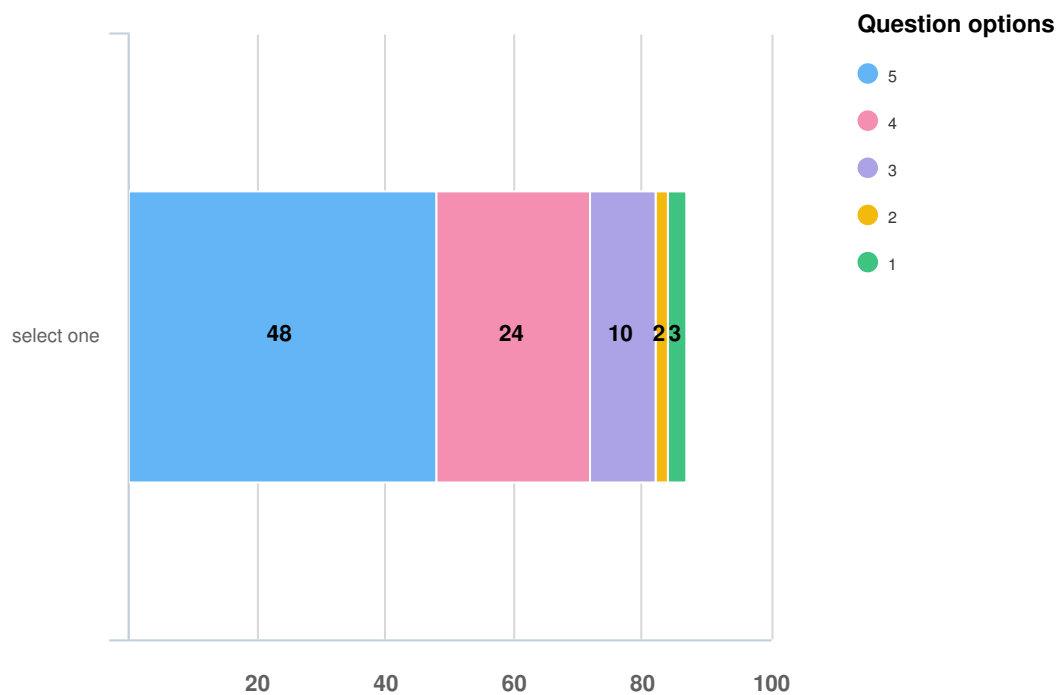
PROJECT NAME:

Landscaping and Water Conservation



SURVEY QUESTIONS

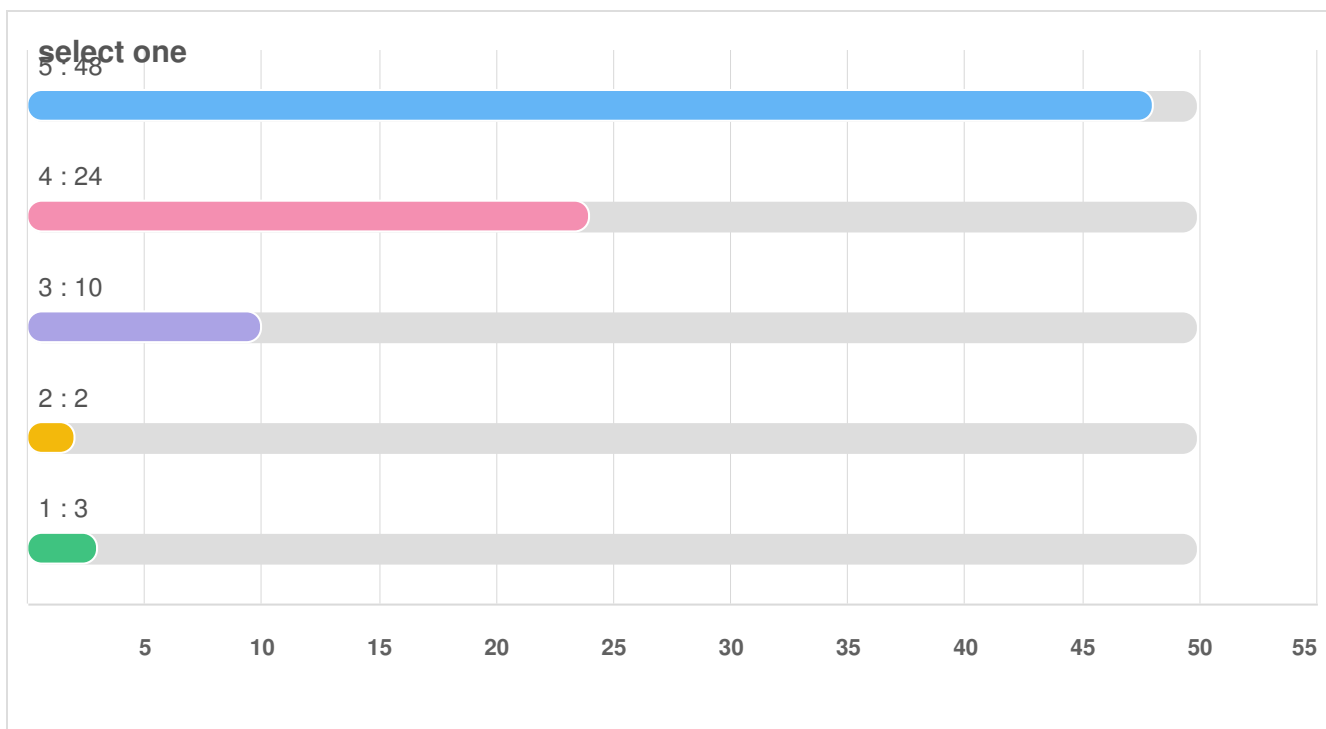
Q1 On a scale of one to five, one being the lowest, how concerned are you about the future of water availability in Park City?



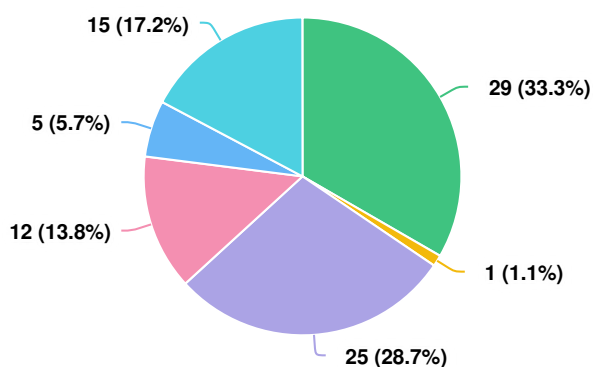
Optional question (87 response(s), 0 skipped)

Question type: Likert Question

Q1 On a scale of one to five, one being the lowest, how concerned are you about the future of water availability in Park City?



Q2 What do you consider to be the biggest obstacle to improve water conservation for landscaping?



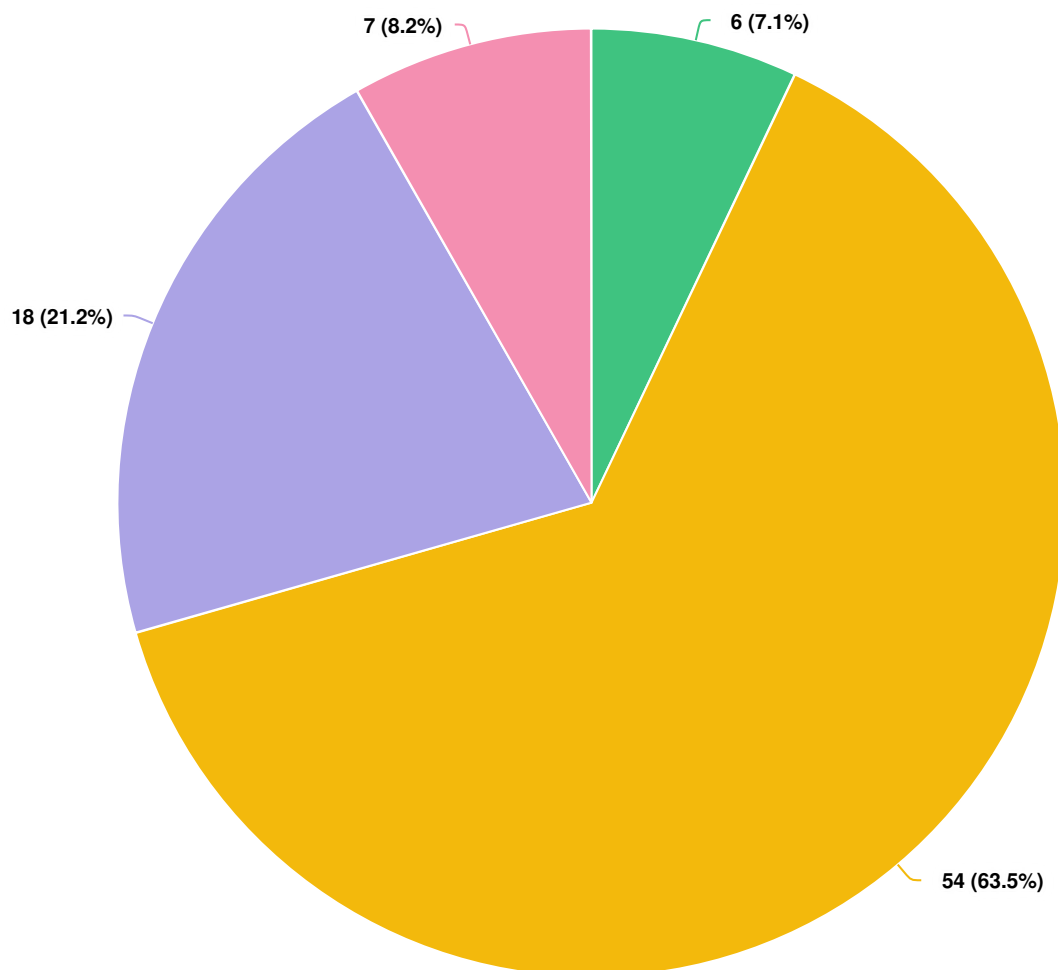
Question options

● Other (please specify)
 ● Local Regulations
 ● Homeowner Association Regulations
 ● Aesthetics
 ● Time
 ● Cost

Optional question (87 response(s), 0 skipped)

Question type: Dropdown Question

Q3 What should be prioritized when considering landscaping and water conservation?

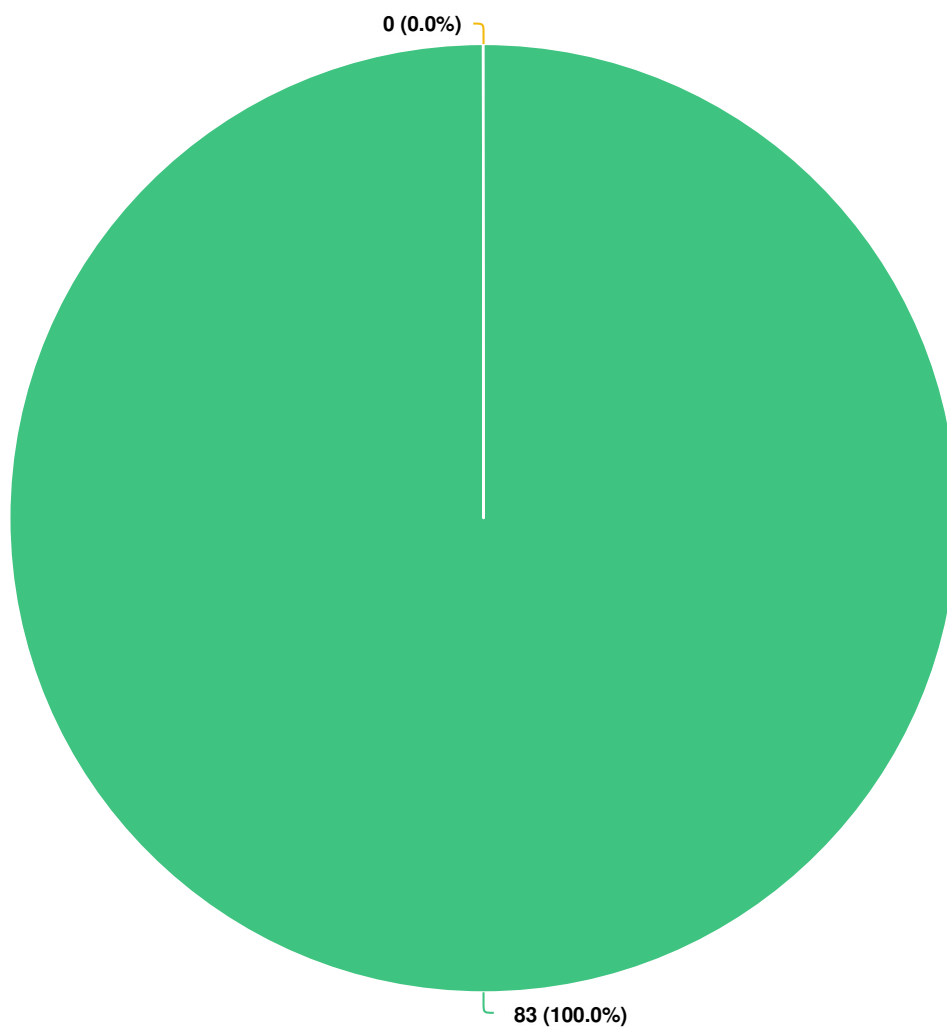


Question options

- Other (please specify)
- Improving ecological health and diversity
- Reducing water use
- Saving Park City water customers money

Optional question (85 response(s), 2 skipped)
Question type: Dropdown Question

Q4 Do you rent or own your property?

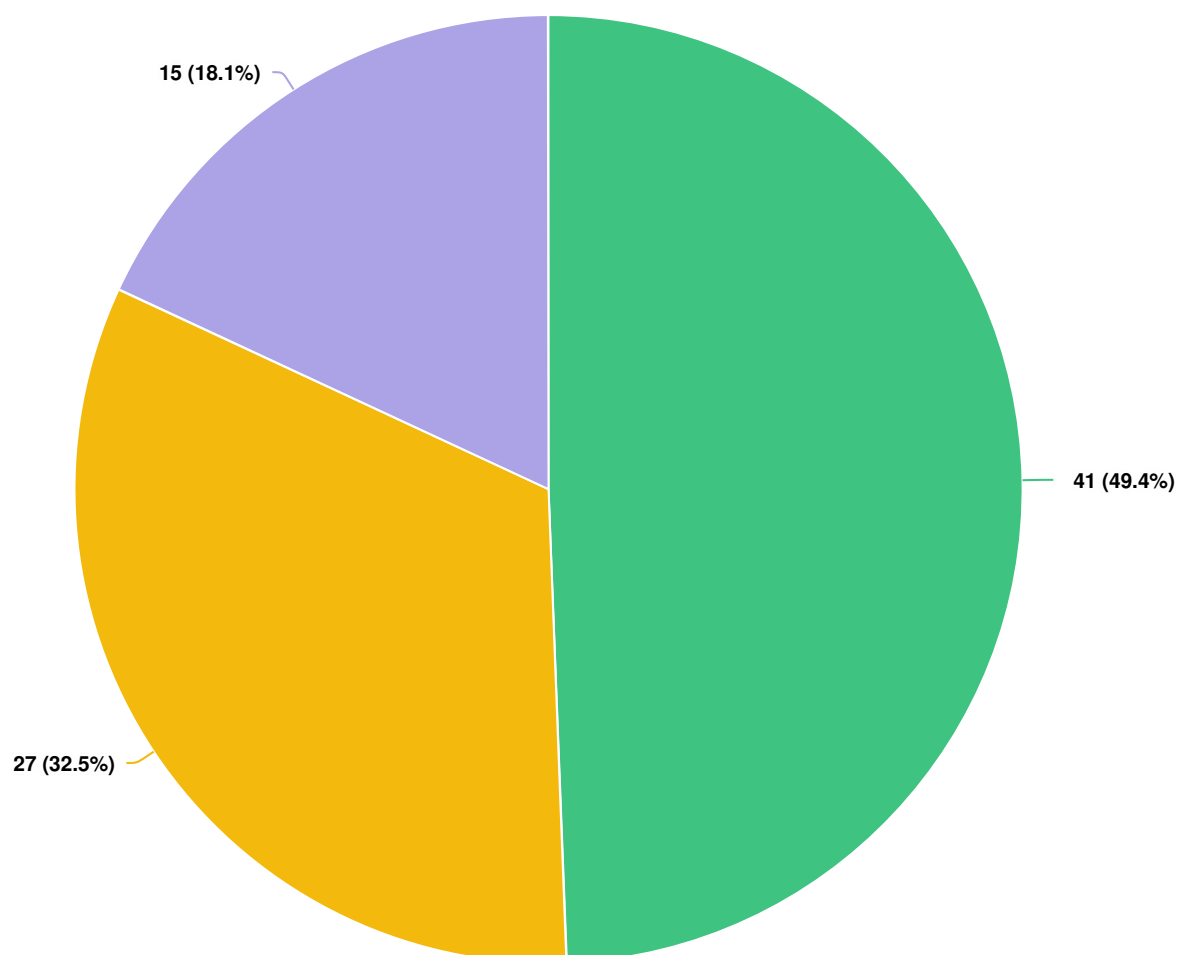


Question options

● Rent ● Own

Optional question (83 response(s), 4 skipped)
Question type: Dropdown Question

Q6 Do you maintain your landscaping or hire someone?



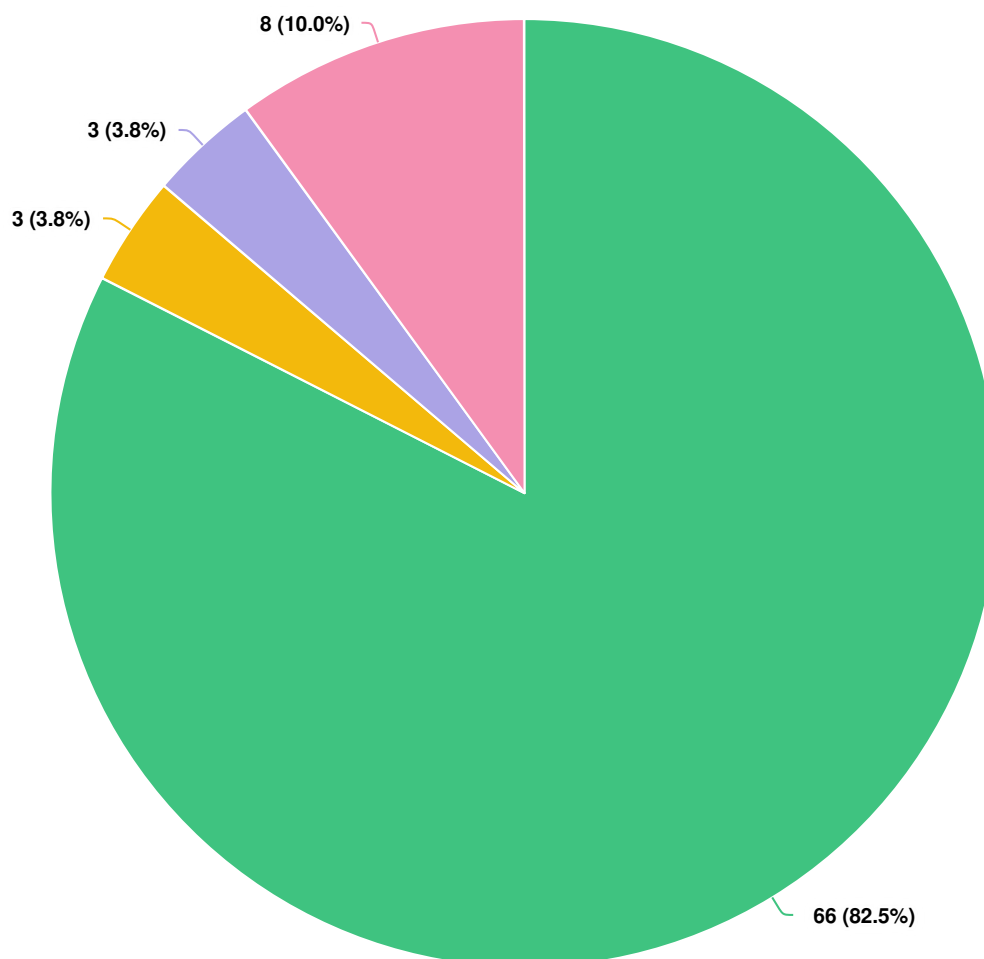
Question options

Other (please specify) Hire someone Maintain landscaping

Optional question (83 response(s), 4 skipped)

Question type: Dropdown Question

Q7 Do you change your outdoor irrigation habits during times of drought?



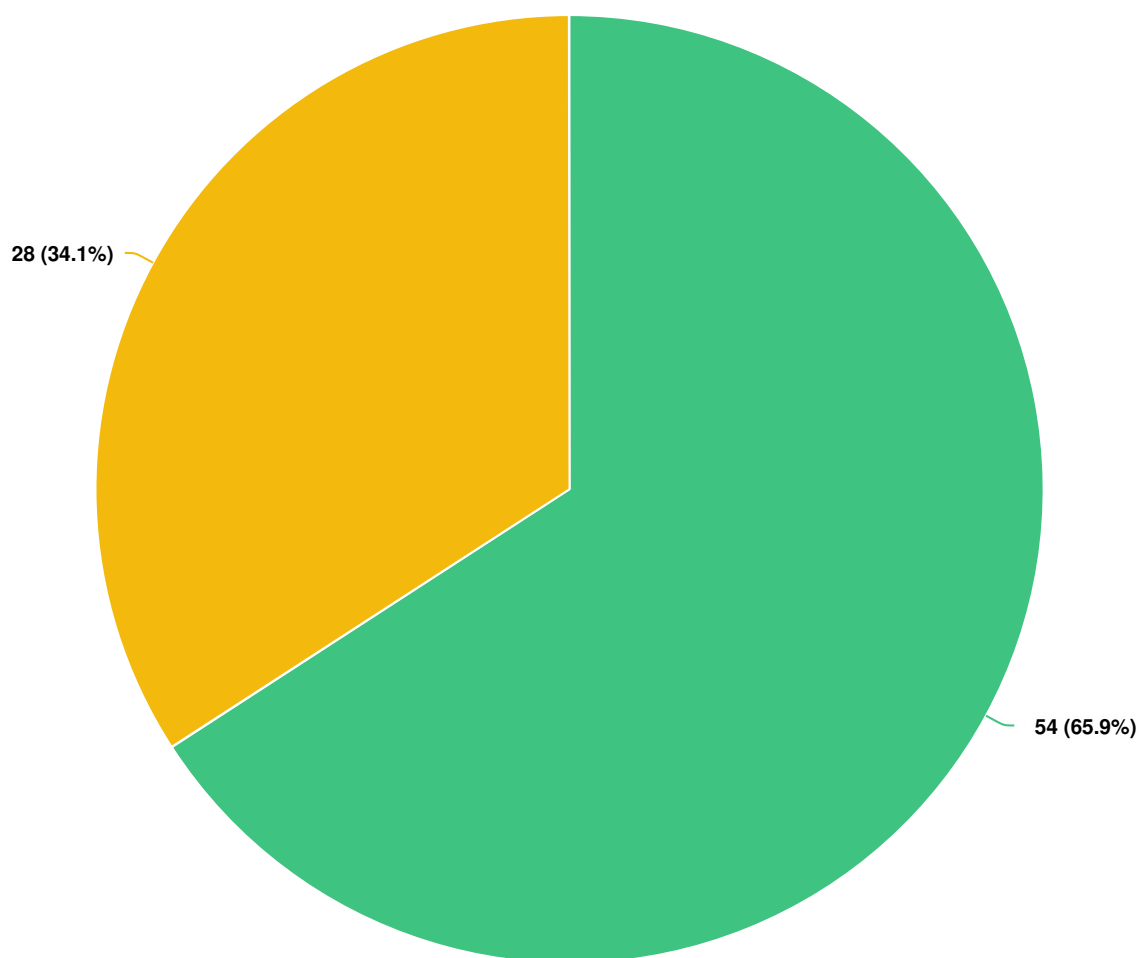
Question options

Other (please specify) I would, but am unsure of what to do No Yes

Optional question (80 response(s), 7 skipped)

Question type: Dropdown Question

Q8 Is your property part of a homeowner association?

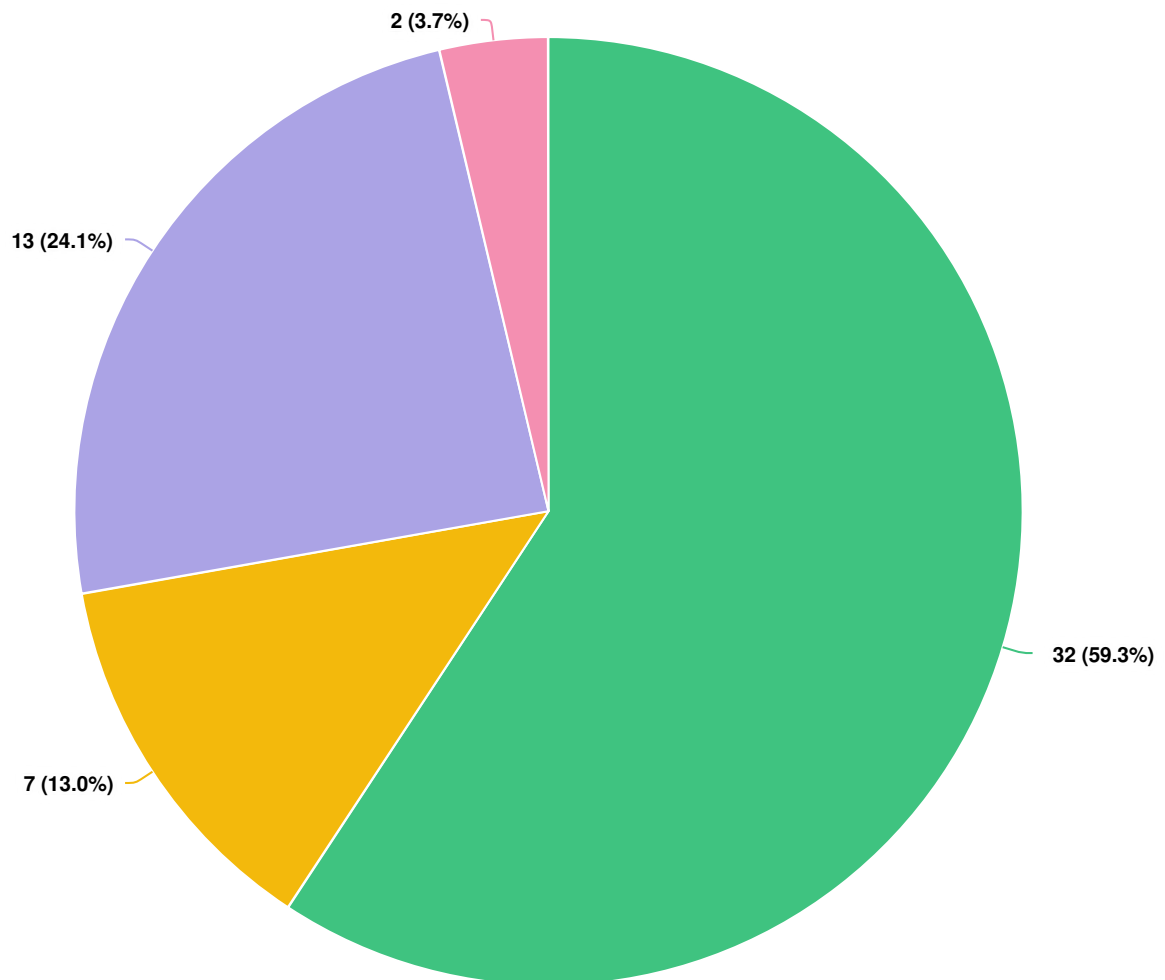


Question options

● No ● Yes

Optional question (82 response(s), 5 skipped)
Question type: Dropdown Question

Q9 Do your CCandRs regulate landscaping?



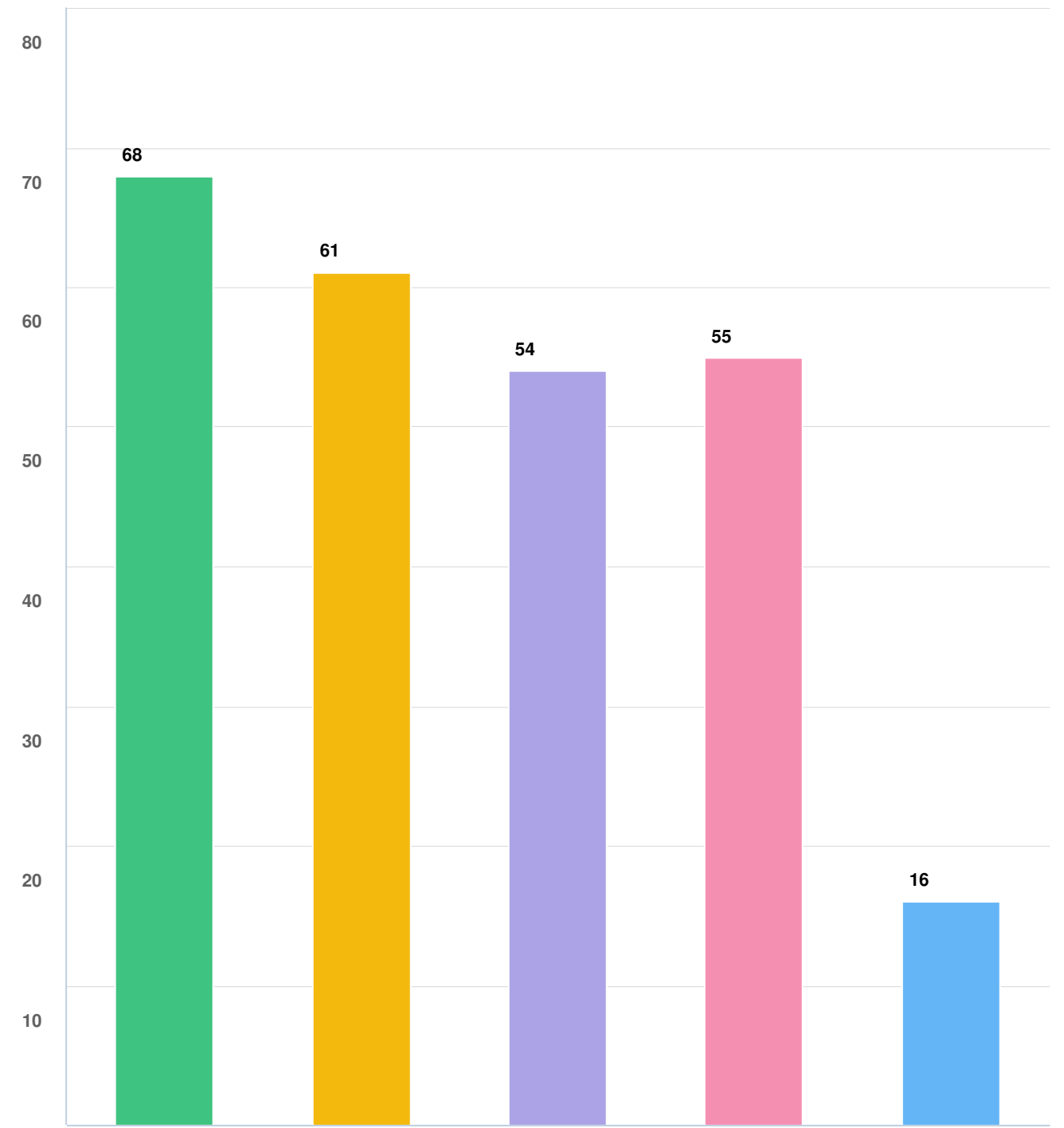
Question options

Other (please specify) Unsure No Yes

Optional question (54 response(s), 33 skipped)

Question type: Dropdown Question

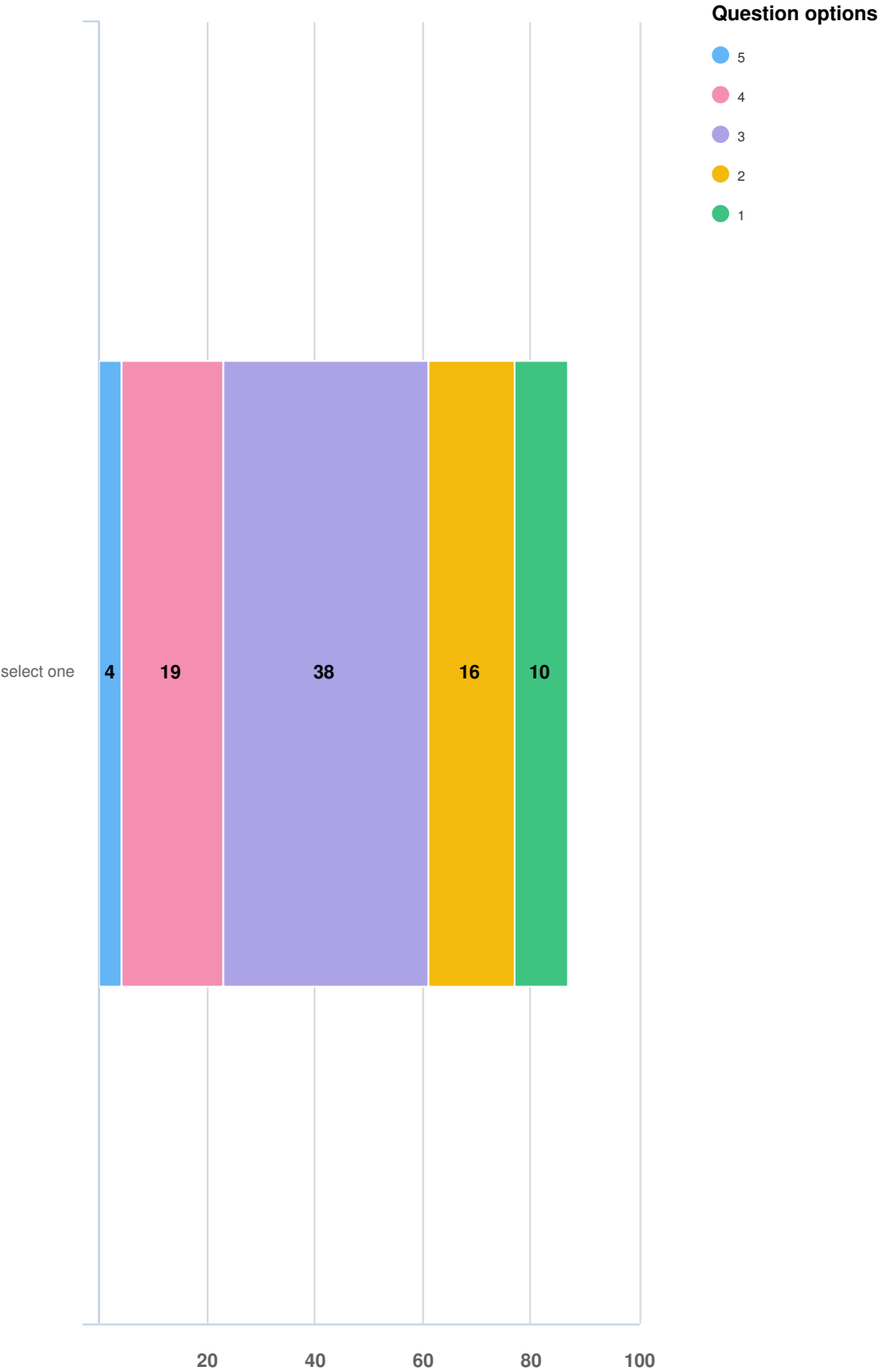
Q10 Would you be willing to make any of the following changes to your landscaping? (select all that apply)



- Question options**
- Other (please specify)
 - Replace lawn with water wise landscaping
 - Install water wise irrigation
 - Replace non-native vegetation with native water wise vegetation
 - Reduce outdoor water usage

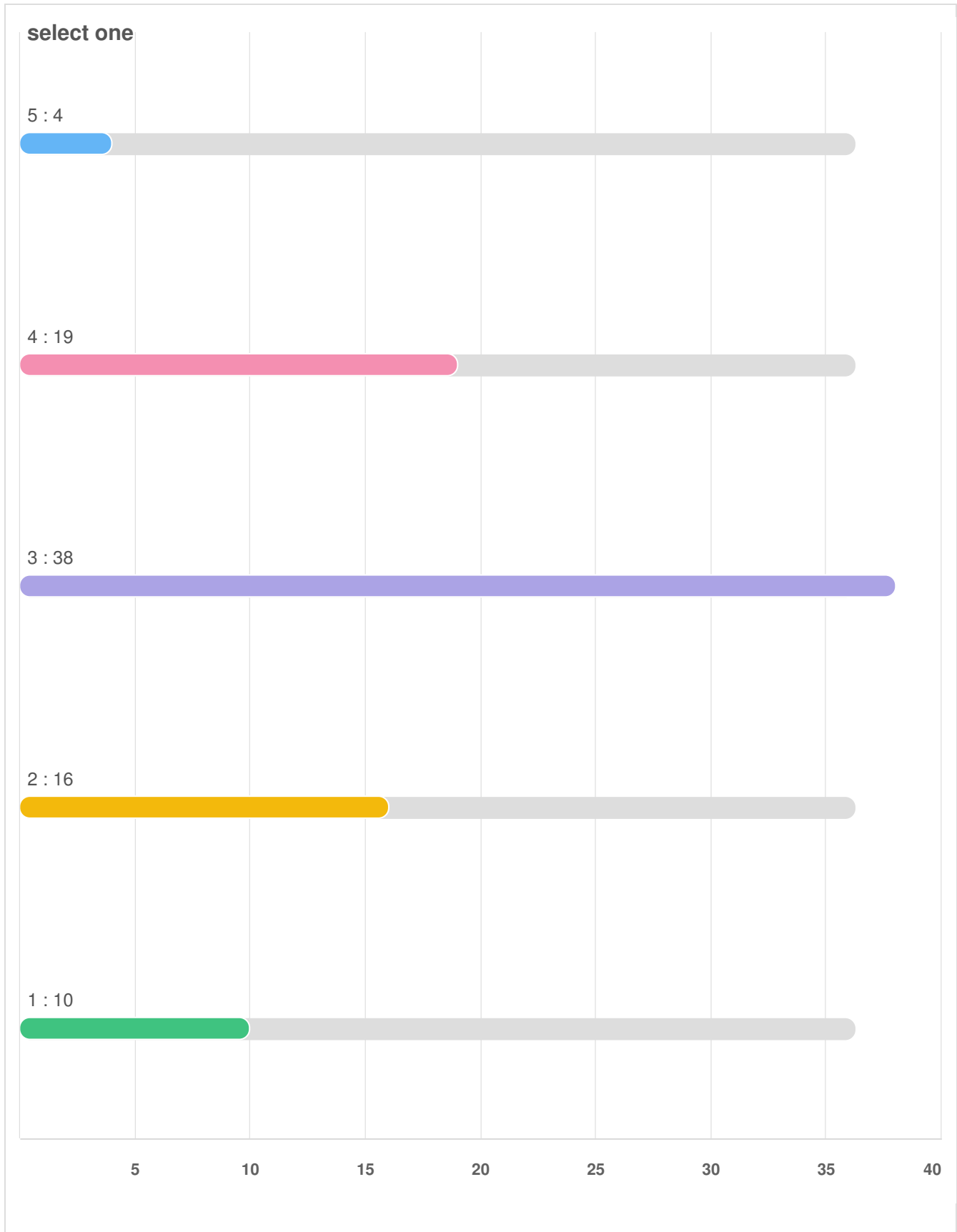
Optional question (83 response(s), 4 skipped)
Question type: Checkbox Question

Q13 Which of the following landscapes do you most prefer:

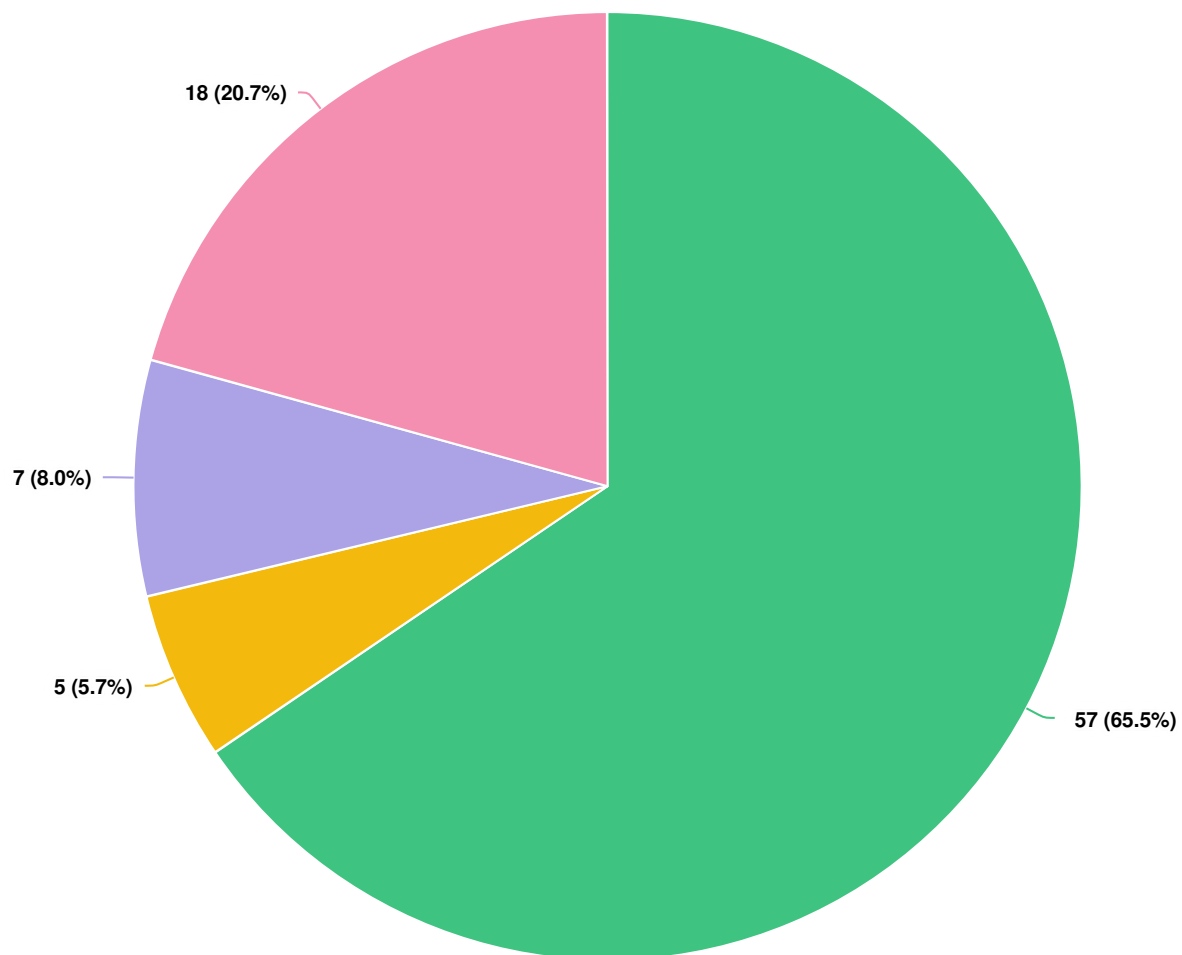


Optional question (87 response(s), 0 skipped)
Question type: Likert Question

Q13 Which of the following landscapes do you most prefer:



Q14 Are you willing to replace lawn with water wise landscaping?



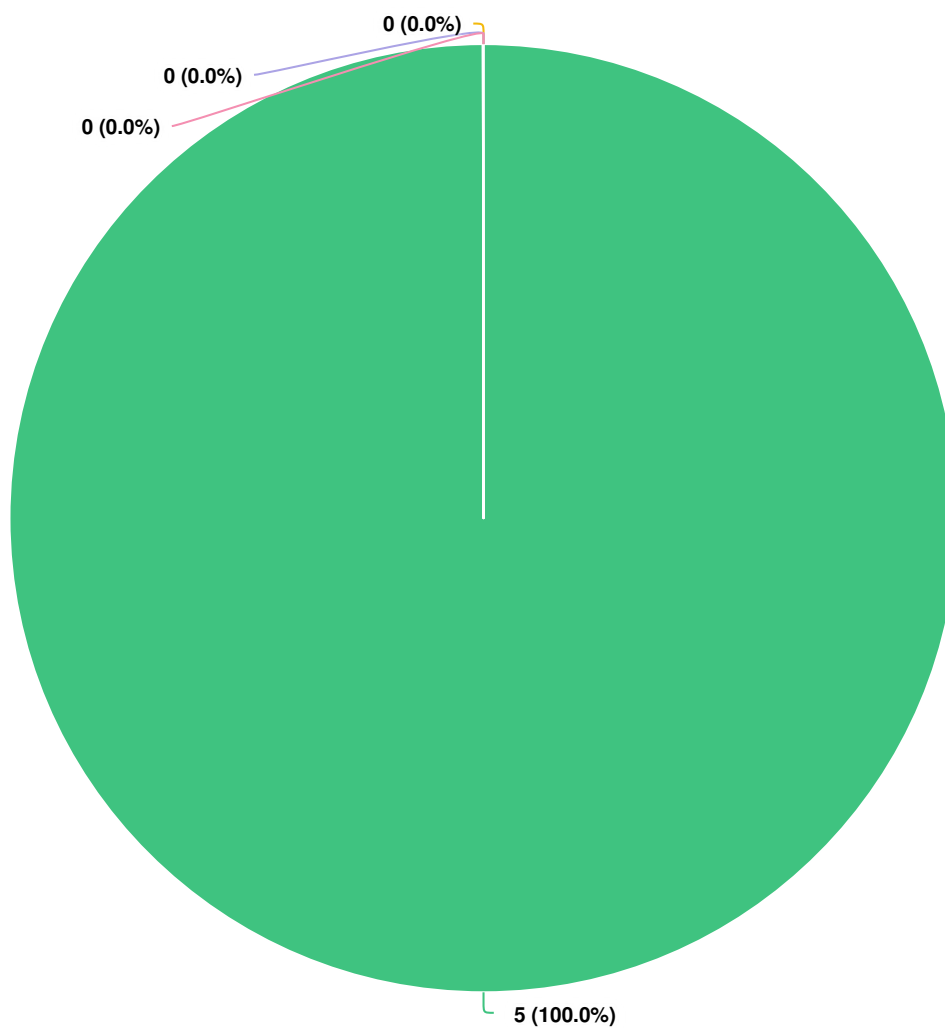
Question options

Other (please specify) Unsure No Yes

Optional question (87 response(s), 0 skipped)

Question type: Dropdown Question

Q15 Are you willing to replace lawn with water wise landscaping for a rebate?



Question options

Other (please specify) Unsure Yes No

Optional question (5 response(s), 82 skipped)

Question type: Dropdown Question

Council Agenda Item Report

Meeting Date: March 9, 2023

Submitted by: Michelle Kellogg

Submitting Department: Legal

Item Type: Staff Report

Agenda Section: OLD BUSINESS

Subject:

Consideration to Approve Three Easements to Rocky Mountain Power for Transmission Lines and Underground Distribution Lines Across City Property

(A) Public Input (B) Action

Suggested Action:

Attachments:

[Utility Easements Staff Report](#)

[Exhibit A: Map](#)

[Exhibit B: Easement - SA-224-X](#)

[Exhibit C: Easement - PCA-110-X, SCCS-C-X, CRKSD-2-X, PACA-900-A-X](#)

[Exhibit D: Easement - PCA-110-G-1-X](#)

City Council Staff Report



Subject: Right-of-Way Easements for Transmission Lines
Author: Dave Gustafson, Project Manager
Luke Henry, Assistant City Attorney
Department: Engineering
Date: February 2, 2023
Type of Item: Administrative

Recommendation

Review and consider approving three easement agreements with Rocky Mountain Power (RMP) for the ability to relocate transmission lines over several City-owned parcels. The agreements cover the following:

1. A surface and aerial easement over parcel SA-224-X, the City's Recycle Utah property;
2. A surface and aerial easement over parcel PCA-110-X, the City's Cemetery on Kearns Drive and the property north of the Cemetery;
3. A surface and aerial easement over parcels SCCS-C-X, CRKSD-2-X, PCA-900-A-X, and PCA-104-1-X, the City-owned property west of the Cemetery parcel as well as the City-owned property containing Creekside Park and the property north of Holiday Ranch Loop Road, adjacent to U.S. Route 224; and
4. An underground easement through parcel PCA-110-G-1-X, the City's Bonanza District property.

A map is attached (Exhibit A) to denote the route of the proposed surface and aerial easements. Several existing easements already occur along portions of this route, including the Cemetery and Creekside Park, but the new easement would alter those slightly to account for necessary changes, like avoiding our water wells and taking advantage of public rights of way. The City and RMP are committed to working together to release sections of existing easements and removing utility poles no longer needed.

Executive Summary

In January 2018, Park City acquired approximately five acres of property in the Bonanza District, located between Kearns Boulevard, Bonanza Drive, and Munchkin Road (Arts and Culture District). The Mayor and Council implemented the Transient Room Tax (predominantly a tourism tax) to support the acquisition and prevent additional private sector/market-rate redevelopment in favor of community-driven development.

RMP and PCMC already have several utility easements, including transmission and distribution lines and wooden utility poles, that run through the Bonanza District property and eastern portions of the City's Cemetery. PCMC and RMP have collaborated on the potential realignment.

Concurrently, RMP began a significant infrastructure upgrade in Summit County and Park City to replace wooden utility transmission poles and lines with metal poles to

harden the community's electricity "grid" for wildfire mitigation. After considerable review, relocating RMP's easements over the Bonanza District and City Cemetery will:

- 1) Reduce the overall number of utility poles cutting through Park City;
- 2) Underground visual impacts of aerial utility wires and lines where and when possible;
- 3) Better protect the electricity grid from wildfire;
- 4) Move easements over large swaths of public roads and streets instead of occupying community land in the District; and
- 5) The realignment will also impact two private parcels.

Specifically, the new PCMC-RMP alignment would pass over Woodbine Way and City-owned parcels, depicted in exhibits B and C. The first parcel is the site of the Recycle Utah facility. The second easement covers parcels at the Park City Cemetery and land out to Park Meadows below "Boot Hill." Recycle Utah and the Cemetery Sexton were consulted about the realignment.

The distribution utility lines on the existing wooden poles are proposed to move underground with the relocation. This is accomplished through the third easement, shown in exhibit D. Along with moving distribution lines underground, they would be moved closer to the western edge of parcel PCA-110-G-1-X, which also aids the community's ability to shape a future community redevelopment vision.

Analysis

Relocation of the existing Cemetery easement is a sensitive consideration. After consulting with the Cemetery Sexton, the relocation was designed to:

- Avoid the Cemetery's large mature trees;
- Allow RMP to remove the pole that exists today in the northeast section of the Cemetery;
- Locate above approximately the same number of plots impacted by the existing utility easement;
- Raise the height of the lines up away from the ground (proposed poles will be 80 feet tall to comply with new RMPs standards);
- Reduce the total number of utility lines as distribution moves underground (around the Cemetery); and
- Potentially remove additional communication lines hosted on RMPs pole through the Cemetery.

Additionally, the City's Cemetery is nearing capacity, with limited alternatives. Removing the existing utility pole in the Cemetery and releasing the existing Cemetery easement provides a potential opportunity to expand and create additional burial opportunities.

Like most public utility easements, there are associated restrictions in the future uses of the impacted property. The restrictions can be found in exhibits B, C, and D. For example, future landscaping would have to be designed to remain consistent with the height restrictions found in the easements.

Importantly, the realignment also impacts two privately owned parcels, YARD-A-1AM and PCA-110-G-5-A, containing the Yard and Emporium properties. Park City's Project Manager proactively worked with the property owner to share information and attempt to coordinate future easements. In addition, we obtained a Certified Right-Of-Way Agent to quantify the potential value of RMPs impingement on the two private parcels, an industry-standard.

The estimate was shared with the property owner, who objects to the valuation and need for a realignment. The property owner's contention is that the new realignment is unnecessary if the City does not grant a new easement to RMP, and associated impacts to property values.

Despite the complexity and the concern expressed by the private property owner, we believe there is good cause for City Council to review, discuss, and consider the realignment due to its overall potential for future community benefit.

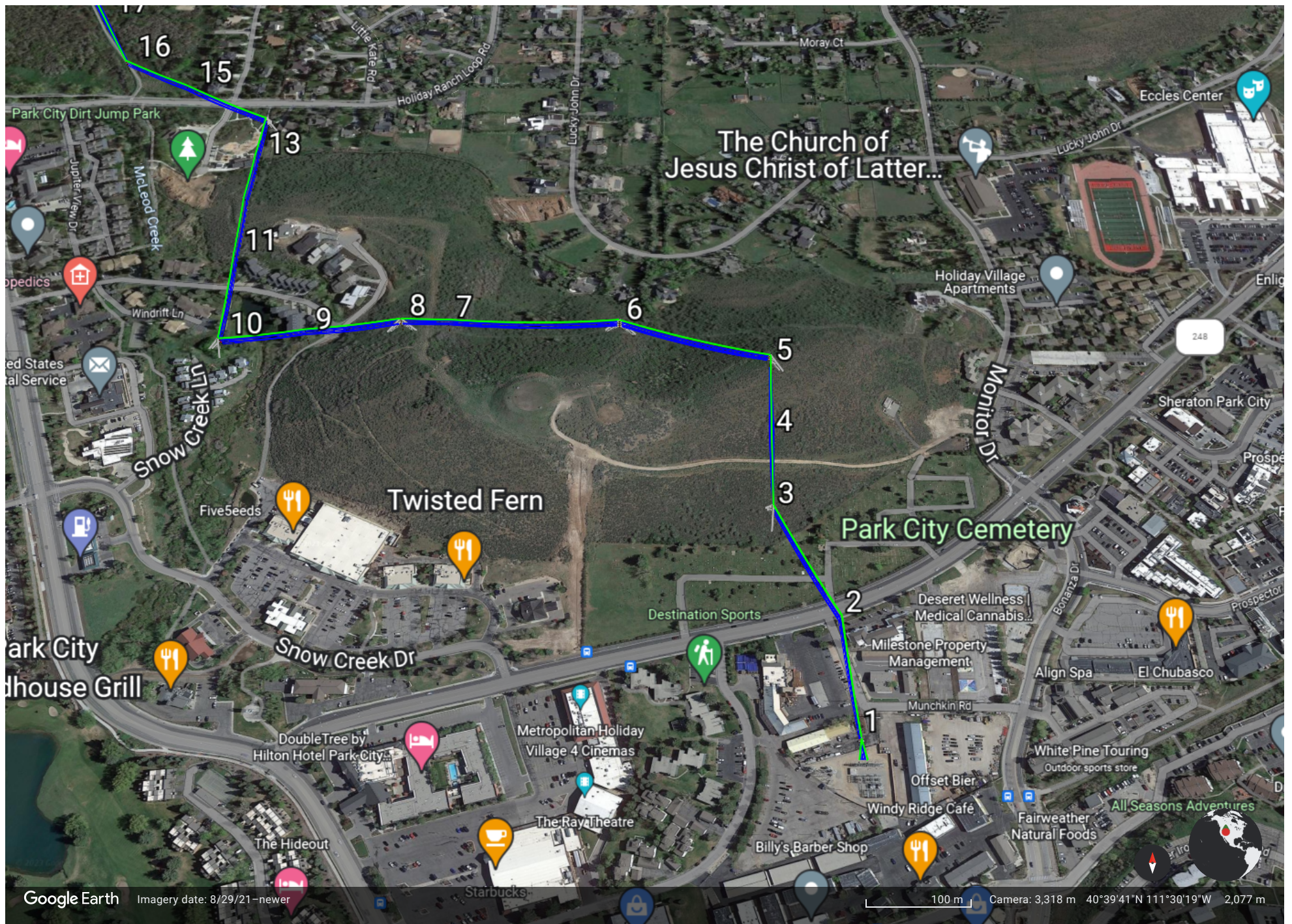
Funding

Because RMP is replacing the wooden poles with metal poles for fire mitigation, the City is not responsible for paying the entire realignment cost. However, RMP will ask the City to contribute to the realignment, as a mutual benefit exists.

Funding is identified and set aside in the Transient Room Tax budget.

Exhibits

- A Map showing path of surface and aerial easements
- B Right of Way Easement Agreement for PCA-110-X
- C Right of Way Easement Agreement for SA-224-X
- D Underground Right of Way Easement Agreement for PCA-110-G-1-X



REV05042015

Return to:

Rocky Mountain Power

Lisa Louder/Brian Bridge

1407 West North Temple Suite 110

Salt Lake City, UT 84116

Project Name: Snyderville to Park City Rebuild 138kV - Fire Prevention

WO#: 10072183

RW#: 2021LBB010

RIGHT OF WAY EASEMENT

For value received, Park City Municipal Corporation, (“Grantor”), hereby grants Rocky Mountain Power, an unincorporated division of PacifiCorp its successors, and assigns (“Grantee”), a non-exclusive easement for a right of way 52 feet in width and 109 feet in length, more or less, for the construction, reconstruction, operation, maintenance, repair, replacement, and removal of electric power transmission and communication lines, including poles, wires, fibers, cables, and other conductors (collectively “**Facilities**”) on or over the real property of Grantor in **Summit** County, State of **Utah** more particularly described as follows and as more particularly described and/or shown on Exhibit “**A**” attached hereto (the “**Easement Area**”) and by this reference made a part hereof:

Legal Description: THE BASIS OF BEARING FOR THIS EASEMENT IS NORTH 0°40’20” EAST 2640.95 FEET MEASURED BETWEEN THE FOUND MONUMENTS AT THE SOUTHWEST CORNER AND WEST QUARTER OF SECTION 9, TOWNSHIP 2 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN. THIS BEARING WAS MEASURED IN UTM 12 NORTH, NAD83 ZONE, U.S. SURVEY FEET.

BEGINNING AT A POINT WHICH IS ON THE NORTHERN PARCEL LINE OF THE GRANTORS LAND, SAID POINT BEING SOUTH 89°18’47” EAST 2139.47 FEET ALONG THE CALCULATED QUARTER SECTION LINE, AND SOUTH 0°41’13” WEST 131.97 FEET, FROM THE FOUND MONUMENT AT THE WEST QUARTER CORNER OF SECTION 9, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE NORTH 71°10’53” EAST 51.88 ALONG SAID NORTHERN LINE; THENCE SOUTH 3°21’41” EAST 108.38 FEET TO THE SOUTHERN LINE OF SAID PARCEL; THENCE SOUTH 72°55’53” WEST 51.47 FEET; THENCE NORTH 3°21’41” WEST 106.75 FEET TO THE POINT OF BEGINNING.

LOCATED IN THE SOUTHWEST QUARTER OF SAID SECTION 9

CONTAINING 5378 S.F OR 0.148 ACRES

Assessor Parcel No. SA-224-X

Together with the right of access to the right of way from adjacent lands of Grantor for all activities in connection with the purposes for which this easement has been granted; and together with the present and (without payment therefore) the future right to keep the right of way and adjacent lands clear of all brush, trees, timber, structures, buildings and other hazards which might endanger Grantee's facilities or impede Grantee's activities.

At no time shall Grantor place, use, or permit any equipment or material of any kind that exceeds twelve (12) feet in height under the lines or place, use, or permit any equipment or material of any kind to be placed or operated within fifteen (15) feet of the lines. Any structures existing as of the date of this agreement may remain in place, even if they do not conform to these requirements, but may not be expanded in a way that does not conform to these requirements. Equipment exceeding the twelve (12) foot height restriction may pass under the lines if it can be accomplished safely. Grantor shall not light any fires nor place or store any flammable materials on or within the boundaries of the right of way. For the purposes of this easement, flammable materials do not include agricultural crops or recycled materials. Subject to the foregoing limitations, the surface of the right of way may be used for agricultural crops and other purposes not inconsistent, as determined by Grantee, with the purposes for which this easement has been granted. The easement is granted subject to the following terms and conditions:

1. Non-Exclusive Easement. The rights granted herein are non-exclusive and Grantor may grant additional easements and permit use of the Easement Area for utilities or other purposes that do not interfere with this easement. Grantee shall not disturb any existing sewer, water, or other utility lines within the boundaries of the Easement Area without written approval from the owner of the disturbed utility.
2. Restoration Obligation. Grantee will, at its sole expense, restore the surface of any land and landscaping disturbed by Grantee within the Easement Area and on the Grantor's property as nearly as possible to its original condition, after construction, reconstruction, operation, maintenance, repair, replacement, and removal activities. If damage is not properly repaired or restored to as near as practical original condition and Grantee fails to effect said restoration within a reasonable period of time, after receipt of written notice from Grantor, Grantor may restore or have the surface and/or damage repaired, or require removal of Facilities, at Grantee's entire expense.
3. Indemnity. No supervision or advisory control, if any, exercised by Grantor or on its behalf, will relieve Grantee of any duty or responsibility to the general public nor relieve Grantee from any liability for loss, damage, or injury to persons

or property sustained by reason of Grantee's use of this easement nor the Grantee's liability for damage to Grantor's property, including the Easement Area.

4. Removal; Relocation. Grantor shall have the right at such times and in such a manner as it deems necessary to carry out other purposes over, across, under, and through the Easement Area and when Grantee's use interferes with any Grantor's use of Grantor's Property, upon receipt of written notice from Grantor, Grantee will, if requested, remove, relocate, or adjust Grantee's Facilities in the Easement Area within a reasonable time after such notice at Grantor's expense and provided Grantor and Grantee have agreed upon a location for Grantee's facilities that is acceptable to Grantee. Any such removal, relocation, or adjustment of the Facilities made on Grantee's own initiative and without Grantor's request, shall be done at Grantee's sole expense.

5. Termination. In the event Grantee ceases to use any of this easement for the purpose herein described for a period of more than 12 calendar months, then this easement will automatically cease and terminate, and Grantee shall remove the Facilities upon written request from Grantor.

6. Assignment. The rights and obligations of the parties to this easement agreement will be binding upon and will benefit their respective heirs, successors, and assigns; provided, however, Grantee shall not assign any of its rights hereunder, except to an affiliate, without the prior written consent of the Grantor.

7. Improvements. The Facilities shall be installed and maintained at Grantee's sole cost and expense, unless otherwise agreed to in writing by Grantor.

8. Notices. All notices, requests, demands, and other communications hereunder must be in writing and must be given by: (a) established express delivery service which maintains delivery records; (b) hand delivery; or (c) certified or registered mail, postage prepaid, return receipt requested, to the parties at the following addresses, or at such other address as a party may designate by written notice in the above manner:

If to Grantee:	Rocky Mountain Power Right of Way Manager 1407 West North Temple, Suite 110 Salt Lake City, Utah 84116
----------------	-----------------------------------------------------------------------------------------------------------------

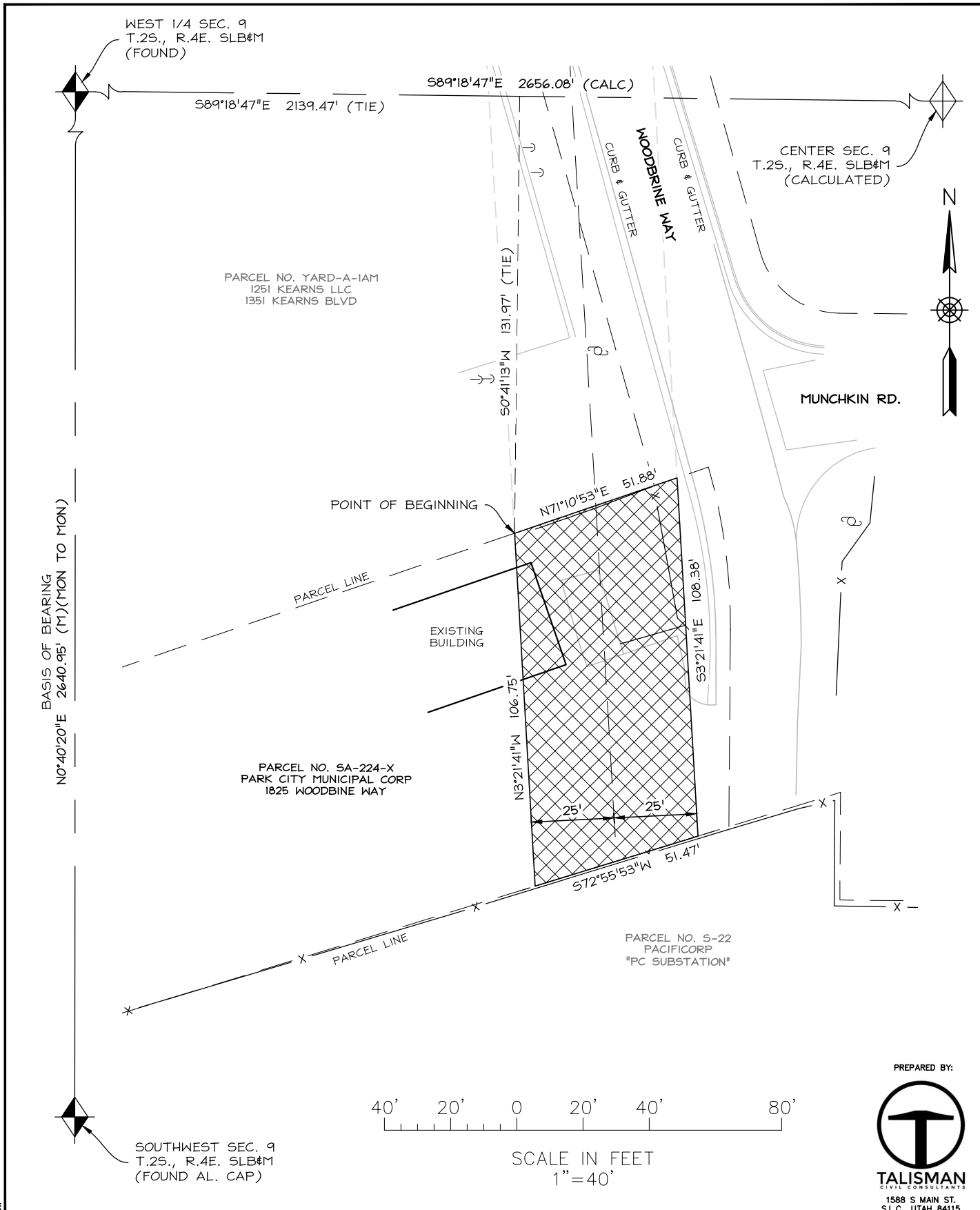
If to the Grantor:	Park City Municipal Corporation 445 Marsac Avenue PO Box 1480 Park City, Utah 84060
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10. Governing Law. This agreement will be construed according to and governed by the laws of the State of Utah.

Park City Municipal Corporation - GRANTOR

On this ____ day of _____, 20____, before me, the undersigned Notary Public in and for said State, personally appeared _____, known or identified to me to be the _____ of the limited liability company, or a partner of the partnership that executed the instrument or the person who executed the instrument on behalf of PARK CITY MUNICIPAL CORPORATION and acknowledged to me that said entity executed the same.

(Notary Signature)



PREPARED BY:



REVISED 11.01.06 D. HURLEY CAD NO.:

NO.

DATE

REVISIONS

ENGINEER

DES./ DR.

CHECKED

APPROVED

EASEMENT EXHIBIT

DISCIPLINE ENG.

PROJ/ER#

PL#

DATE: 2022-08-11

ENG:

DES:

APPROVAL ENG.

DR:

CH:

SCALE: 1"=40'

PC TO SNYDERVILLE

PARCEL NO. SA-224-X

PARK CITY, SUMMIT CO., UT

SW 1/4 SEC. 9. T.2S., R.4W., SLB&M

SHEET 1 OF 1

REVISION

PACIFICORP

A BUNGHIRE HATHAWAY ENERGY COMPANY

REV05042015

Return to:

Rocky Mountain Power

Lisa Louder/Brian Bridge

1407 West North Temple Suite 110

Salt Lake City, UT 84116

Project Name: Snyderville to Park City Rebuild 138kV - Fire Prevention

WO#: 10072183

RW#: 2021LBB010

RIGHT OF WAY EASEMENT

For value received, Park City Municipal Corporation AND Park City Corporation, (“**Grantor**”) hereby grants Rocky Mountain Power, an unincorporated division of PacifiCorp, its successors, and assigns (“**Grantee**”) a non-exclusive easement for a right of way 60 feet in width, more or less, for the construction, reconstruction, operation, maintenance, repair, replacement, and removal of electric power transmission and communication lines, including poles, wires, fibers, cables, and conductors (collectively “**Facilities**”) on or over the real property of Grantor in **Summit** County, State of **Utah** more particularly described as follows and as more particularly described and/or shown on Exhibit “**A**” attached hereto (the “**Easement Area**”) and by this reference made a part hereof:

Legal Description:

EASEMENT DESCRIPTION 1:

THE BASIS OF BEARING FOR THIS EASEMENT IS NORTH 0°40’20” EAST 2640.95 FEET MEASURED BETWEEN THE FOUND MONUMENTS AT THE SOUTHWEST CORNER AND WEST QUARTER CORNER OF SECTION 9, TOWNSHIP 2 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN. THIS BEARING WAS MEASURED IN UTM 12 NORTH, U.S. SURVEY FEET.

BEGINNING AT A POINT WHICH IS ON THE SOUTHERN PARCEL LINE OF THE GRANTORS LAND AND THE NORTHERN ROW LINE OF KEARNS BLVD., SAID POINT BEING SOUTH 89°18’47” EAST 2053.25 FEET ALONG THE CALCULATED QUARTER SECTION LINE, AND NORTH 0°41’13” EAST 293.54 FEET, FROM THE FOUND MONUMENT AT THE WEST QUARTER CORNER OF SECTION 9, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE NORTH 26°33’29” WEST 305.92 FEET; THENCE NORTH 1°32’04” EAST 537.81 FEET; THENCE NORTH 69°57’54” WEST 470.47 FEET; THENCE NORTH 89°31’20” WEST 151.94 FEET TO THE WESTERN LINE OF SAID PARCEL; THENCE ALONG SAID WESTERN PARCEL LINE

NORTH 0°40'40" EAST 60.00 FEET TO THE NORTHERN LINE OF SAID PARCEL; THENCE ALONG SAID NORTHERN PARCEL LINE SOUTH 89°31'20" EAST 161.98 FEET; THENCE SOUTH 69°58'06" EAST 524.09 FEET; THENCE SOUTH 1°32'04" WEST 565.99 FEET; THENCE SOUTH 26°33'29" EAST 302.09 FEET TO THE NORTHERN LINE OF KEARNS BLVD.; THENCE ALONG SAID NORTHERN LINE, AND ALONG A NON-TANGENT 1382.26 FOOT RADIUS CURVE TO THE RIGHT, (CHORD BEARS SOUTH 74°00'02" WEST 61.03 FEET), THROUGH A CENTRAL ANGLE OF 2°31'48", FOR AN ARC LENGTH OF 61.04 FEET AND THE POINT OF BEGINNING.

LOCATED IN THE NORTHWEST QUARTER OF SAID SECTION 9

CONTAINING 90,615 S.F OR 2.0802 ACRES

EASEMENT DESCRIPTION 2:

THE BASIS OF BEARING FOR THIS EASEMENT IS NORTH 0°40'20" EAST 2640.95 FEET MEASURED BETWEEN THE FOUND MONUMENTS AT THE SOUTHWEST CORNER AND WEST QUARTER CORNER OF SECTION 9, TOWNSHIP 2 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN. THIS BEARING WAS MEASURED IN UTM 12 NORTH, U.S. SURVEY FEET.

BEGINNING AT A POINT WHICH IS ON THE EASTERN PARCEL LINE OF THE GRANTORS LAND, SAID POINT BEING SOUTH 89°18'47" EAST 1325.32 FEET ALONG THE CALCULATED QUARTER SECTION LINE, AND NORTH 0°41'13" EAST 1258.59 FEET, FROM THE FOUND MONUMENT AT THE WEST QUARTER CORNER OF SECTION 9, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE NORTH 89°31'20" WEST 1121.63 FEET TO THE WESTERN LINE OF SAID PARCEL; THENCE ALONG SAID WESTERN LINE NORTH 1°04'08" EAST 60.00 FEET, TO THE NORTHERN LINE OF SAID PARCEL; THENCE ALONG SAID NORTHERN LINE SOUTH 89°31'20" EAST 1121.22 FEET TO THE EASTERN LINE OF SAID PARCEL; THENCE ALONG SAID EASTERN LINE SOUTH 0°40'40" WEST 60.00 FEET TO THE POINT OF BEGINNING.

LOCATED IN THE NORTHWEST QUARTER OF SAID SECTION 9

CONTAINING 67,286 S.F OR 1.5447 ACRES

EASEMENT DESCRIPTION 3

THE BASIS OF BEARING FOR THIS EASEMENT IS SOUTH 0°41'46" WEST 2627.13 FEET

MEASURED BETWEEN THE FOUND MONUMENTS AT THE EAST QUARTER CORNER AND NORTHEAST CORNER OF SECTION 8, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN. THIS BEARING WAS MEASURED IN UTM 12 NORTH, U.S. SURVEY FEET.

BEGINNING AT A FOUND REBAR AND CAP SAID POINT BEING THE SOUTHEASTERLY CORNER OF THE GRANTORS PARCEL CRKSD-1-X, WHICH IS SOUTH 0°41'46" WEST 849.50 FEET ALONG THE SECTION LINE FROM THE NORTHEAST CORNER OF SECTION 8, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE NORTH 89°34'53" WEST 28.13 FEET; THENCE NORTH 0°32'00" EAST 181.24 FEET; THENCE NORTH 0°09'12" WEST 257.46 FEET; THENCE NORTH 0°08'23" EAST 324.02 FEET; THENCE NORTH 76°46'31" WEST 160.85 FEET; THENCE NORTH 10°25'07" EAST 1.67 FEET TO THE SOUTHERLY ROW LINE OF HOLIDAY RANCH LOOP RD.; THENCE ALONG SAID ROW LINE SOUTH 89°34'53" EAST 192.35 FEET, TO THE NORTHEASTERLY CORNER OF SAID PARCEL CRKSD-1-X; THENCE ALONG THE EASTERLY LINE OF SAID PARCEL SOUTH 0°41'48" WEST 800.00 FEET TO THE POINT OF BEGINNING.

LOCATED IN THE NORTHEAST QUARTER OF SAID SECTION 8, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.

CONTAINING 28,426 SQ. FT. OR 0.653 ACRES

EASEMENT DESCRIPTION 4:

THE BASIS OF BEARING FOR THIS EASEMENT IS NORTH 0°41'46" EAST 2627.13 FEET
MEASURED BETWEEN THE FOUND MONUMENTS AT THE WEST QUARTER CORNER OF SECTION 9, AND SOUTHEAST CORNER OF SECTION 5, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN. THIS BEARING WAS MEASURED IN UTM 12 NORTH, U.S. SURVEY FEET.

AN EASEMENT 60 FEET IN WIDTH, BEING 30 FEET PARALLEL AND PERPENDICULAR TO THE FOLLOW DESCRIBED CENTERLINE:

BEGINNING AT A POINT WHICH IS ON THE SOUTHERN PARCEL LINE OF THE GRANTORS LAND, AND THE NORTHERN LINE OF HOLIDAY RANCH LOOP ROAD, SAID POINT BEING WEST 356.15 FEET AND NORTH 19.11 FEET FROM THE SOUTHEAST CORNER OF SECTION 5, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE NORTH 78°21'03" WEST 236.58 FEET; THENCE NORTH 27°06'24" WEST 950.32 FEET, TO THE SOUTHERN LINE OF CREEK DRIVE AND THE POINT OF TERMINUS.

LOCATED IN THE SOUTHEAST QUARTER OF SAID SECTION 5, TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN.

CONTAINING 69,474 SQ. FT. OR 1.5882 ACRES

Assessor Parcel No. PCA-110-X, SCCS-C-X, CRKSD-2-X, PCA-900-A-X,
PCA-104-1-X

The easement includes the right of access to the Easement Area from adjacent lands of Grantor for all activities in connection with the purposes for which this easement has been granted; and the right to keep the Easement Area clear of all brush, trees, timber, structures, buildings, and other hazards which might endanger Grantee's facilities or impede Grantee's use of this easement.

At no time shall Grantor place, use, or permit any equipment or material of any kind that exceeds twelve (12) feet in height under the lines or place, use, or permit any equipment or material of any kind that exceeds twelve (12) feet in height to be placed or operated within fifteen (15) feet of the lines. Equipment exceeding the twelve (12) foot height restriction may pass under the lines if it can be accomplished safely. Grantor shall not light any fires nor place or store any flammable materials on or within the boundaries of the right of way. Subject to the foregoing limitations, the surface of the right of way may be used for agricultural crops and other purposes not inconsistent, as determined by Grantee, with the purposes for which this easement has been granted. The easement is granted subject to the following terms and conditions:

1. Non-Exclusive Easement. The rights granted herein are non-exclusive and Grantor may grant additional easements and permit use of the Easement Area for utilities or other purposes that do not interfere with this easement. Grantee shall not disturb any existing sewer, water, or other utility lines within the boundaries of the Easement Area without written approval from the owner of the disturbed utility.
2. Restoration Obligation. Grantee will, at its sole expense, restore the surface of any land and landscaping disturbed by Grantee within the Easement Area and on the Grantor's property as nearly as possible to its original condition, after construction, reconstruction, operation, maintenance, repair, replacement, and removal activities. If damage is not properly repaired or restored to as near as practical original condition and Grantee fails to effect said restoration within a reasonable period of time, after receipt of written notice from Grantor, Grantor may restore or have the surface and/or damage repaired, or require removal of Facilities, at Grantee's entire expense.
3. Indemnity. No supervision or advisory control, if any, exercised by Grantor or on its behalf, will relieve Grantee of any duty or responsibility to the general public nor relieve Grantee from any liability for loss, damage, or injury to persons

or property sustained by reason of Grantee's use of this easement nor the Grantee's liability for damage to Grantor's property, including the Easement Area.

4. Removal; Relocation. Grantor shall have the right at such times and in such a manner as it deems necessary to carry out other purposes over, across, under, and through the Easement Area and when Grantee's use interferes with any Grantor's use of Grantor's Property, upon receipt of written notice from Grantor, Grantee will, if requested, remove, relocate, or adjust Grantee's Facilities in the Easement Area within a reasonable time after such notice at Grantor's expense and provided Grantor and Grantee have agreed upon a location for Grantee's facilities that is acceptable to Grantee. Any such removal, relocation, or adjustment of the Facilities made on Grantee's own initiative and without Grantor's request, shall be done at Grantee's sole expense.

5. Termination. In the event Grantee ceases to use any of this easement for the purpose herein described for a period of more than 12 calendar months, then this easement will automatically cease and terminate, and Grantee shall remove the Facilities upon written request from Grantor.

6. Assignment. The rights and obligations of the parties to this easement agreement will be binding upon and will benefit their respective heirs, successors, and assigns; provided, however, Grantee shall not assign any of its rights hereunder, except to an affiliate, without the prior written consent of the Grantor.

7. Improvements. The Facilities shall be installed and maintained at Grantee's sole cost and expense, unless otherwise agreed to in writing by Grantor.

8. Notices. All notices, requests, demands, and other communications hereunder must be in writing and must be given by: (a) established express delivery service which maintains delivery records; (b) hand delivery; or (c) certified or registered mail, postage prepaid, return receipt requested, to the parties at the following addresses, or at such other address as a party may designate by written notice in the above manner:

If to Grantee:	Rocky Mountain Power Right of Way Manager 1407 West North Temple, Suite 110 Salt Lake City, Utah 84116
----------------	-----------------------------------------------------------------------------------------------------------------

If to the Grantor:	Park City Municipal Corporation 445 Marsac Avenue PO Box 1480 Park City, Utah 84060
--------------------	----------------------------------------------------------------------------------------------

9. Severability. Any provision of this agreement determined to be in violation of any law will be void but will not affect the validity and enforceability and all other provisions hereof.

10. Governing Law. This agreement will be construed according to and governed by the laws of the State of Utah.

Dated this _____ day of _____, 20____.

Park City Municipal Corporation - GRANTOR

Park City Corporation - GRANTOR

STATE OF UTAH)
) ss.
County of Summit)

On this ____ day of _____, 20____, before me, the undersigned Notary Public in and for said State, personally appeared _____, known or identified to me to be the _____ of the limited liability company, or a partner of the partnership that executed the instrument or the person who executed the instrument on behalf of PARK CITY MUNICIPAL CORPORATION and acknowledged to me that said entity executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

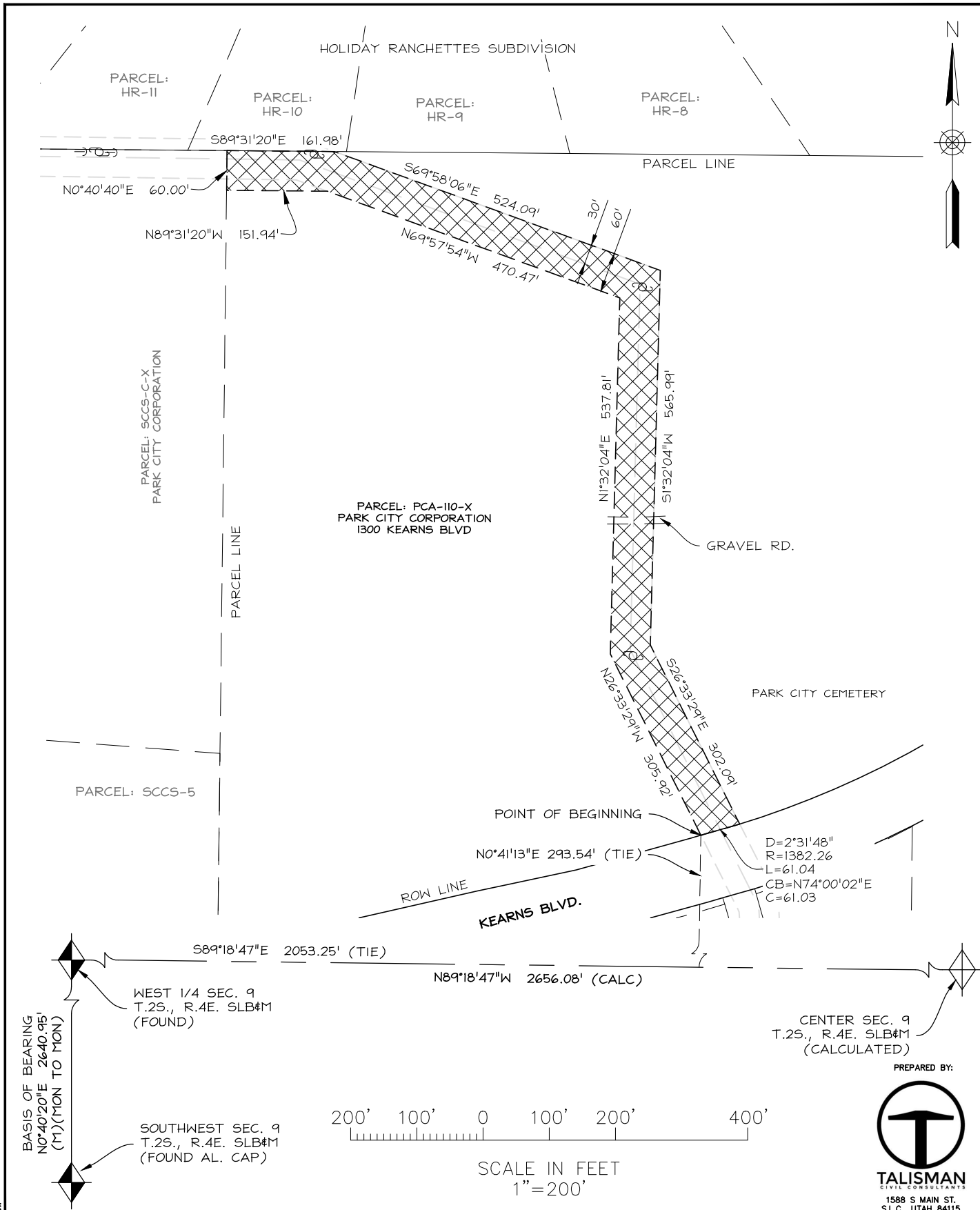
(Notary Signature)

STATE OF UTAH)
) ss.
County of Summit)


On this ____ day of _____, 20____, before me, the undersigned Notary Public in and for said State, personally appeared _____, known or identified to me to be the _____ of the limited liability company, or a partner of the partnership that executed the instrument or the person who executed the instrument on behalf of PARK CITY CORPORATION and acknowledged to me that said entity executed the same.

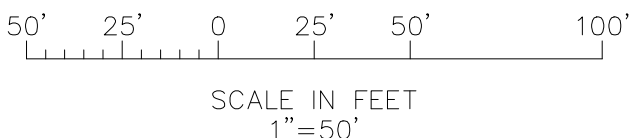
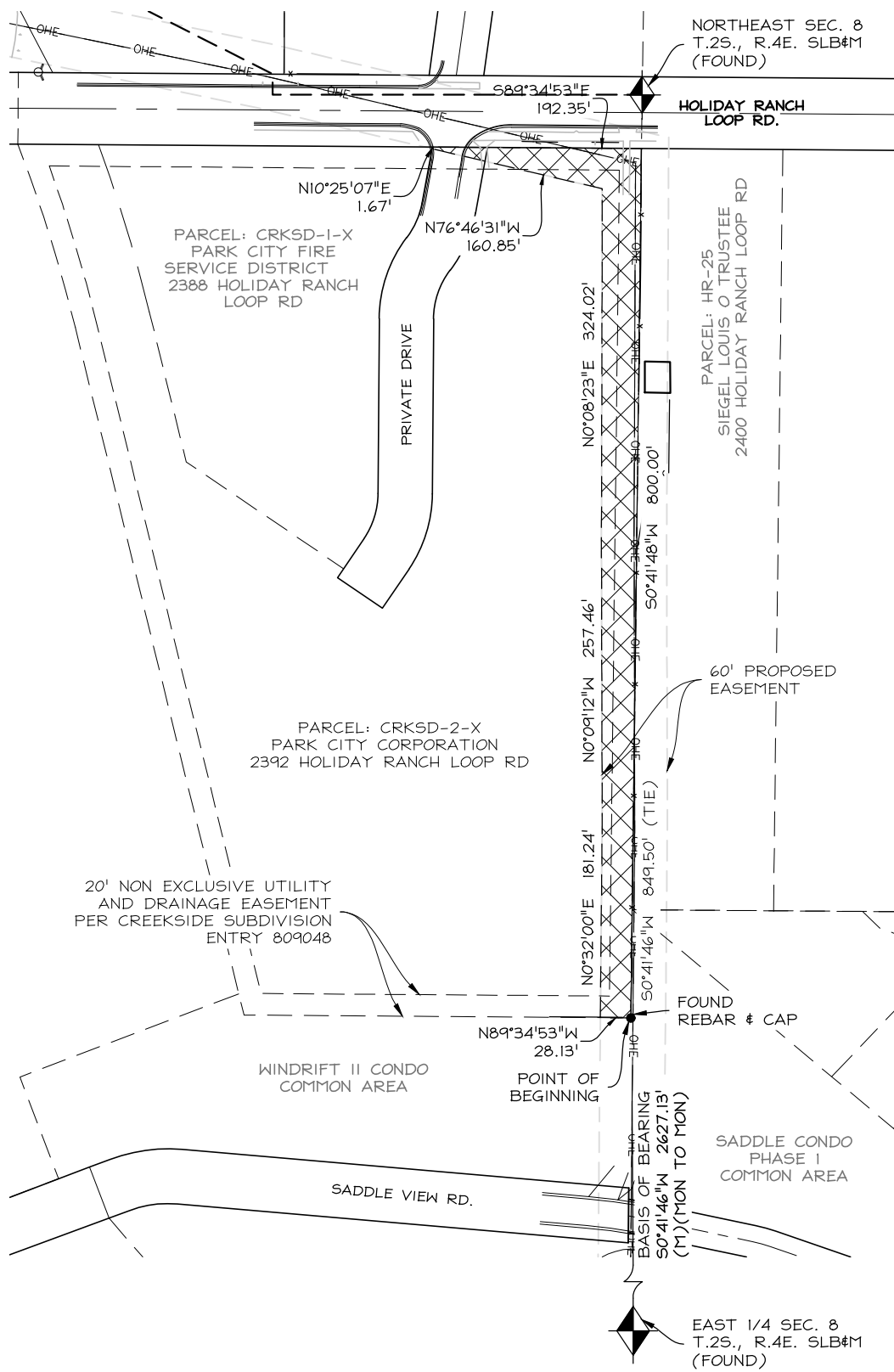
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(Notary Signature)



REVISED 11.01.06 D. HURLEY CAD NO.:

NO.	DATE	REVISIONS			ENGINEER	DES./ DR.	CHECKED	APPROVED
EASEMENT EXHIBIT				PC TO SNYDERVILLE PARCEL NO. PCA-110-X PARK CITY, SUMMIT CO., UT NW 1/4 SEC. 9. T.2S., R.4W., SLB&M			 A BENCHMARK PATHWAY ENERGY COMPANY	
DISCIPLINE ENG.	PROJ/ER#							
	PL#							
PROJECT ENG.	DATE: 2022-06-20							
	ENG:	DES:						
APPROVAL ENG.	DR:	CH:		SHEET 1 OF 1	REVISION			
	SCALE: 1"=200'							



PREPARED BY:

TALISMAN
CIVIL CONSULTANTS
1588 S MAIN ST.
S.L.C., UTAH 84115

REVISED 11.01.06 D. HURLEY CAD NO.:

NO.

DATE

REVISIONS

ENGINEER

DES./ DR.

CHECKED

APPROVED

EASEMENT EXHIBIT

DISCIPLINE ENG.

PROJ/ER#

PL#

DATE: 2022-11-22

ENG: DES:

PROJECT ENG.

DATE: 2022-11-22

ENG: DES:

APPROVAL ENG.

DR: CH:

SCALE: 1"=50'

PC TO SNYDERVILLE

PARCEL: CRKSD-2-X PARK CITY CORPORATION

PARK CITY, SUMMIT CO., UT

NE 1/4 SECTION 8, T2S R4E, SLBM

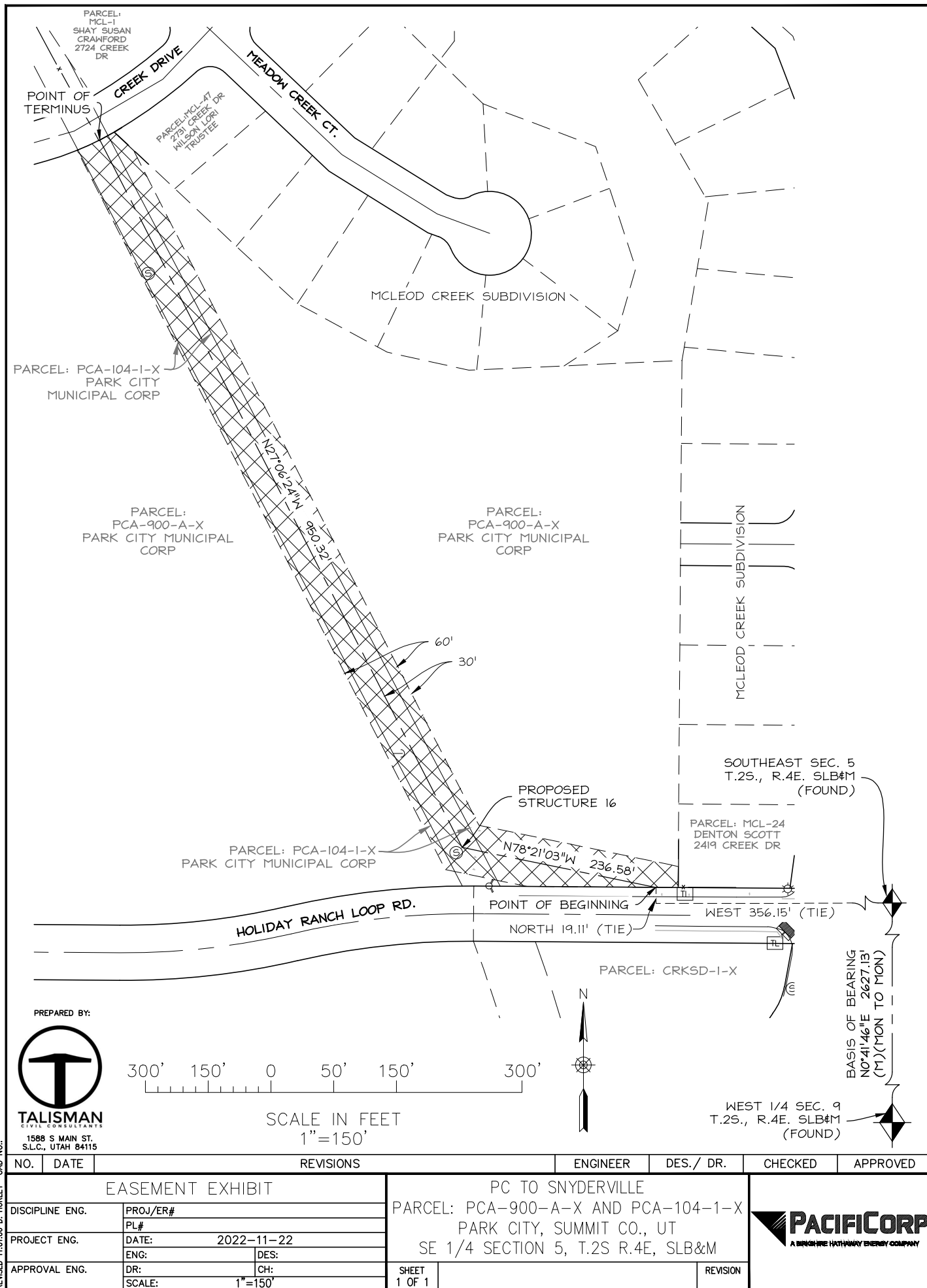
SHEET 1 OF 1

REVISION

PACIFICORP

A BRIGHTLINE HIGHWAY ENERGY COMPANY





REV05042015

Return to:

Rocky Mountain Power

Lisa Louder/Brian Bridge

1407 West North Temple Suite 110

Salt Lake City, UT 84116

Project Name: Snyderville - Park City 138kV FHCA

WO#: 10072183

RW#: 2021LBB010

UNDERGROUND RIGHT OF WAY EASEMENT

For value received, Park City Municipal Corporation (“**Grantor**”) hereby grants Rocky Mountain Power, an unincorporated division of PacifiCorp, its successors, and assigns (“**Grantee**”), a non-exclusive easement for a right of way 10 feet in width and 378 feet in length, more or less, for the construction, reconstruction, operation, maintenance, repair, replacement, and removal of underground electric power transmission, distribution, and communication lines, including wires, fibers, cables, conductors, and conduits (collectively “**Facilities**”) on, across, or under the surface of the real property of Grantor in **Summit** County, State of **Utah**, more particularly described as follows and as more particularly described and/or shown on Exhibit “**A**” attached hereto (the “**Easement Area**”) and by this reference made a part hereof:

Legal Description: THE BASIS OF BEARING FOR THIS EASEMENT IS NORTH 0°40’20” EAST 2640.95 FEET MEASURED BETWEEN THE FOUND MONUMENTS AT THE SOUTHWEST CORNER AND WEST QUARTER CORNER OF SECTION 9, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN. THIS BEARING WAS MEASURED IN UTM 12 NORTH, NAD83 ZONE, U.S. SURVEY FEET.

BEGINNING AT A POINT WHICH IS ON THE SOUTHERLY PARCEL LINE OF THE GRANTORS LAND AND THE NORTHERLY ROW LINE OF WOODBRINE WAY., SAID POINT BEING SOUTH 89°18’47” EAST 2372.65 FEET ALONG THE CALCULATED QUARTER SECTION LINE, AND SOUTH 0°39’33” WEST 63.76 FEET, FROM THE FOUND MONUMENT AT THE WEST QUARTER CORNER OF SECTION 9, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE NORTH 0°39’33” EAST 375.29 FEET TO A POINT ON THE SOUTHERLY ROW OF KEARNS BLVD.; THENCE ALONG THE SAID SOUTHERLY ROW LINE AND A 1482.26 FOOT RADIUS CURVE TO THE LEFT, (CHORD BEARS NORTH 63°04’46” EAST 11.28 FEET), THROUGH A CENTRAL ANGLE OF 0°26’10”, FOR AN ARC DISTANCE OF 11.28 FEET;

THENCE SOUTH 0°39'33" WEST 380.47 FEET TO THE NORTHERLY LINE OF SAID WOODBRINE WAY; THENCE ALONG NORTHERLY ROW LINE NORTH 89°34'07" WEST 10.00 FEET, TO THE POINT OF BEGINNING.

LOCATED IN THE SOUTHWEST QUARTER OF SAID SECTION 9 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN

CONTAINING 3779 SQ. FT. OR 0.0868 ACRES

Assessor Parcel No.

PCA-110-G-1-X

The easement includes the right of access to the Easement Area from adjacent lands of Grantor for all activities in connection with the purposes for which this easement has been granted; and the right to keep the Easement Area clear of all brush, trees, timber, structures, buildings, and other hazards which might endanger Grantee's facilities or impede Grantee's use of this easement.

At no time shall Grantor place or store any flammable material (other than agricultural crops), or light any fires, on or within the Easement Area. Subject to the foregoing limitations, the surface of the right of way may be used for agricultural crops and other purposes not inconsistent, as determined by Grantee, with the purposes for which this easement has been granted. The easement is granted subject to the following terms and conditions:

1. Non-Exclusive Easement. The rights granted herein are non-exclusive and Grantor may grant additional easements and permit use of the Easement Area for utilities or other purposes that do not interfere with this easement. Grantee shall not disturb any existing sewer, water, or other utility lines within the boundaries of the Easement Area without written approval from the owner of the disturbed utility.
2. Restoration Obligation. Grantee will, at its sole expense, restore the surface of any land and landscaping disturbed by Grantee within the Easement Area and on the Grantor's property as nearly as possible to its original condition, after construction, reconstruction, operation, maintenance, repair, replacement, and removal activities. If damage is not properly repaired or restored to as near as practical original condition and Grantee fails to effect said restoration within a reasonable period of time after receipt of written notice from Grantor, Grantor may restore or have the surface and/or damage repaired, or require removal of Facilities, at Grantee's entire expense.
3. Indemnity. No supervision or advisory control, if any, exercised by Grantor or on its behalf, will relieve Grantee of any duty or responsibility to the general public nor relieve Grantee from any liability for loss, damage, or injury to persons or property sustained by reason of Grantee's use of this easement nor the Grantee's liability for damage to Grantor's property, including the Easement Area.

4. Removal; Relocation. Grantor shall have the right at such times and in such a manner as it deems necessary to carry out other purposes over, across, under, and through the Easement Area and when Grantee's use interferes with any Grantor's use of Grantor's Property, upon receipt of written notice from Grantor, Grantee will, if requested, remove, relocate, or adjust Grantee's Facilities in the Easement Area within a reasonable time after such notice at Grantor's expense and provided Grantor and Grantee have agreed upon a location for Grantee's facilities that is acceptable to Grantee. Any such removal, relocation, or adjustment of the Facilities made on Grantee's own initiative and without Grantor's request, shall be done at Grantee's sole expense.

5. Termination. In the event Grantee ceases to use any of this easement for the purpose herein described for a period of more than 12 calendar months, then this easement will automatically cease and terminate, and Grantee shall remove the Facilities upon written request from Grantor.

6. Assignment. The rights and obligations of the parties to this easement agreement will be binding upon and will benefit their respective heirs, successors, and assigns; provided, however, Grantee shall not assign any of its rights hereunder, except to an affiliate, without the prior written consent of the Grantor.

7. Improvements. The Facilities shall be installed and maintained at Grantee's sole cost and expense, unless otherwise agreed to in writing by Grantor.

8. Notices. All notices, requests, demands, and other communications hereunder must be in writing and must be given by: (a) established express delivery service which maintains delivery records; (b) hand delivery; or (c) certified or registered mail, postage prepaid, return receipt requested, to the parties at the following addresses, or at such other address as a party may designate by written notice in the above manner:

If to Grantee:	Rocky Mountain Power Right of Way Manager 1407 West North Temple, Suite 110 Salt Lake City, Utah 84116
----------------	-----------------------------------------------------------------------------------------------------------------

If to the Grantor:	Park City Municipal Corporation 445 Marsac Avenue PO Box 1480 Park City, Utah 84060
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9. Severability. Any provision of this agreement determined to be in violation of any law will be void but will not affect the validity and enforceability and all other provisions hereof.

10. Governing Law. This agreement will be construed according to and governed by the laws of the State of Utah.

Dated this _____ day of _____, 20____.

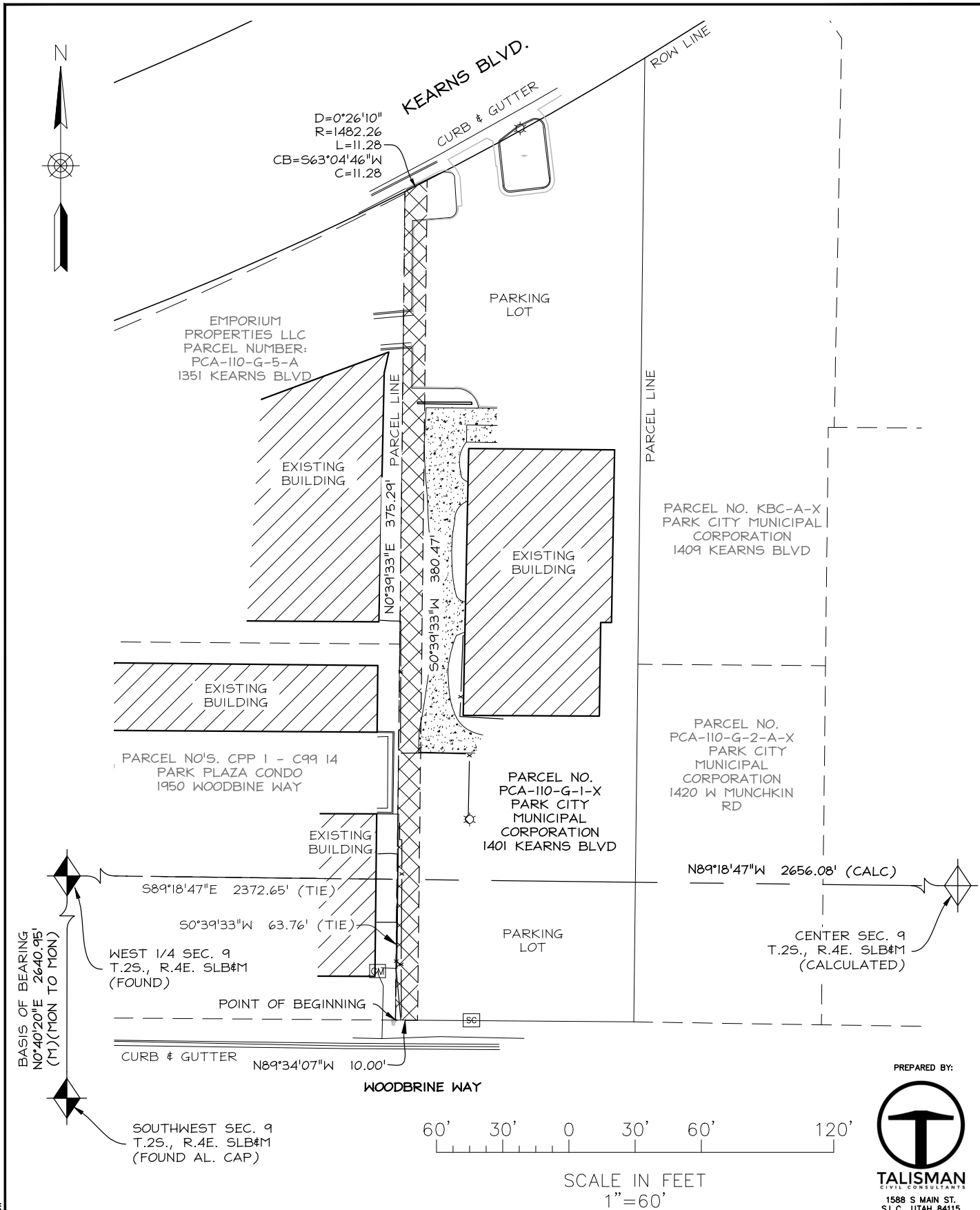
Park City Municipal Corporation - GRANTOR

STATE OF UTAH)
) ss.
County of Summit)


On this ____ day of _____, 20____, before me, the undersigned Notary Public in and for said State, personally appeared _____, known or identified to me to be the _____ of the limited liability company, or a partner of the partnership that executed the instrument or the person who executed the instrument on behalf of PARK CITY MUNICIPAL CORPORATION and acknowledged to me that said entity executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(Notary Signature)



REVISED 11.01.06 D. HURLEY CAD NO.:

NO.	DATE	REVISIONS	ENGINEER	DES./ DR.	CHECKED	APPROVED
EASEMENT EXHIBIT			PC TO SNYDERVILLE PARCEL NO. PCA-110-G-1-X 1401 KEARNS BLVD. PARK CITY, UT NW 1/4 SEC. 9. T.2S., R.4E., SLB&M			
DISCIPLINE ENG.	PROJ/ER#	PL#				
PROJECT ENG.	DATE: 2022-11-22	ENG: DES:				
APPROVAL ENG.	DR: CH:	SCALE: 1"=60'				
SHEET 1 OF 1			REVISION			

PREPARED BY:

TALISMAN
 CIVIL CONSULTANTS
 1588 S MAIN ST.
 S.L.C., UTAH 84115

Council Agenda Item Report

Meeting Date: March 9, 2023

Submitted by: Michelle Kellogg

Submitting Department: Executive

Item Type: Staff Report

Agenda Section: OLD BUSINESS

Subject:

Consideration to Approve Resolution 03-2023, a Resolution Adopting Procurement Rules for Park City Municipal Corporation

(A) Public Input (B) Action

Suggested Action:

Attachments:

[Procurement Rules Staff Report](#)

[Exhibit A: Existing Contract Purchasing Policy](#)

[Exhibit B: Draft PCMC Procurement Rules](#)

[Exhibit C: Responses to Questions Raised During May 2022 Work Session](#)

[Exhibit D: Procurement Rules Resolution FY23](#)

[Exhibit E: Budget Policy Chapter 5 Repeal](#)

City Council Staff Report

Subject: Procurement Rules and Administrative Protocols
Authors: Sarah Pearce, Kirsten Darrington
Margaret Plane, Cate Brabson, Lisa Roadfuss
Department: Executive, Budget, City Attorney's Office
Date: March 9, 2023
Type of Item: Legislative

Recommendation

Discuss and consider adopting the proposed Park City Municipal Corporation Procurement Rules and repealing the current PCMC procurement policy. This internal initiative is another example of renovating and modernizing municipal policies and procedures.

Executive Summary

This is a follow-up from a May 2022 presentation of proposed revisions to the City's procurement rules. We are also presenting upgrades to the City's internal administrative process.

The current "Contracting and Purchasing Policy" (**Exhibit A**) is over 20 years old and has been amended piecemeal over time. It is no longer user-friendly and does not reflect changes in Utah code. The revised Rules will better meet the City's needs and further promote transparency, fairness, free-market competition, and economical, efficient purchasing. The revised rules can be viewed in **Exhibit B**. The May 5, 2022, staff report can be viewed [here](#).

Analysis

An internal committee comprised of representatives from the City Attorney's Office, Budget, and Executive departments has spent months reviewing our rules, policies, and procedures with the following goals:

- Provide a competitive and transparent process for procuring PCMC goods and services;
- Establish a clear, user-friendly set of rules and procedures;
- Formalize administrative support of managers, enabling efficiency and consistency; and
- Ensure compliance with Utah law.

Overview of the Material Changes

During the May 2022 Work Session, the City Council requested an overview of material changes. The draft Rules presented in May 2022 were fundamentally similar to the City's current "Contracts & Purchasing Policy." Since then, we have gathered additional feedback from City Departments and employees tasked with conducting procurements, to create a much more robust set of proposed Rules. These will be a better resource for employees working to acquire goods, technology, services, and construction projects on

behalf of the City. It will also better guide those interested in providing goods and services. The new definitions and additional detail provide process clarification and transparency.

The Utah Procurement Code has been amended and reorganized substantially in recent years. By design, the Utah Code allows a governmental entity to adopt detailed rules, thresholds, and administrative processes within state law's high-level framework. The proposed Rules compile the various requirements from Utah Code into a single reference document and provide additional procedures and guidelines specific to the City.

For example, the Utah Code allows the adoption of rules governing "small purchases" of any items or services. The proposed Rules adopt a small purchase cost threshold (\$30,000) and a process using three quotes, consistent with the options in state law. The current policy does not use the terminology of "small purchase" but requires three quotes for purchases over \$15,000; professional services over \$25,000 must go through the RFP or RSOQ process. In another example, the proposed Rules allow more City-wide standardization to meet the Code-required publication for procurement processes, including bids, RFPs, and RFQs, by permitting publishing on the PCMC website or the state's procurement system (UP3) to alert qualified parties. In contrast, the current policy only requires "reasonable attempts to publicize," which may not comply with the Utah Code. The proposed Rules also incorporate and address the relevant parts of the Building Improvements/Public Works Code and the Transportation Code for Class C roads, creating a single guidance document.

During the May 2022 Work Session, the City Council raised several questions. Responses to those questions are attached to this report as **Exhibit C**.

City Manager Approval Authority

The proposed Rules increase the City Manager's approval authority over most contracts from \$25,000 to \$100,000. This change only applies to contracts for which funds are already allocated in a budget approved by the City Council. Contracts over \$100,000 would still require City Council approval. The City Manager's authority threshold has not been adjusted for 19 years.

This change in approval authority is proposed to increase the efficiency of municipal administration and operations; provide more consistent internal processes; and align more closely with other Utah cities, towns, and counties. This proposed change is also consistent with the growth of the City's procurement activity and the changing economy. The Council previously asked about the annual dollar value of all PCMC procurements and the number of procurements that fall within the \$25,000 to \$100,000 range.

	<u>Total Amount Paid to Vendors (by fiscal year)</u>	<u># of Vendors paid between \$25K and \$100K</u>
2022	\$112,835,195.76	136
2021	\$118,437,622.94	127
2020	\$105,396,351.03	135
2019	\$139,887,871.95	135
2018	\$115,710,989.26	127
2017	\$122,191,453.55	129

By comparison, the Summit County Manager has approval authority up to \$500,000. In Tooele County (a Council-Manager form of government), authority to approve contracts rests with the manager and the auditor, so long as there is an approved budget. In Heber City (Council-Manager form of government) and the City of Springdale (Mayor-Council form of government)—both cities with smaller budgets—the manager has approval authority up to \$50,000.

The updated policy not only streamlines an antiquated policy to reflect 19 years of organizational evolution, it also provides additional internal controls and checks and balances, as demonstrated below.

Designated Procurement Official

A procurement official has the authority set forth in the Utah Procurement Code and is generally responsible for overseeing all purchases and contract management, including selection of procurement methods, administration of contracts, and resolution of controversies related to procedure and contract disputes. The proposed Rules designate the City Manager as the Procurement Official and allows delegation of some or all of these duties to an appropriate City employee.

Currently, most department managers act as their division procurement official, with considerable support from the Attorney's Office and, more recently, Budget. The proposed Rules and the contemplated administrative protocols will not only create a consistent training program, but they will also clarify expectations and implement guardrails for delegation of authority.

Expanded Definitions

The current policy has only nine defined terms. The proposed Rules include 42 defined terms. This is one of the many ways the proposed Rules are more transparent, easier to use, and a better reflection of state law.

Competitive Bidding Provisions

The current policy from 2004 has a single subsection covering the "formal or competitive bidding provisions." In contrast, the proposed Rules are much more informative and reflect the comprehensive bidding provisions of the Utah Procurement Code. The Rules delineate the "standard procurement procedures" by identifying

procedures for invitation for bids, request for proposals (RFP), and request for statement of qualifications (RSOQ).

The proposed Rules also go beyond the standard procurement procedures with provisions for “best and final offers,” the use of “approved vendor lists,” a process for small purchases, and a complete description of the process used to take advantage of state cooperative contracts. Further, the proposed Rules expressly set forth the steps for procuring “design professional services,” which is not covered in the 2004 policy.

Finally, the 2004 policy has an incomplete list of “exceptions,” while the proposed Rules include “exceptions” and “exemptions” to better track the Utah Procurement Code. The Rules will be available to the public online.

Emergency Contracts, Trial Use Contracts, and Protests & Appeals

Unfortunately, the current policy either briefly mentions these areas or omits them entirely. The Utah Code provision for emergency contracts was substantially revised in 2021 in the aftermath of the pandemic response. The proposed Rules incorporate these changes. The proposed Rules also include Trial-Use contracts which are expressly permitted and can, when used appropriately, save taxpayer time and money.

In addition, the proposed Rules expressly adopt the Utah Code provisions relating to protests and appeals, which only apply if Council adopts them. The proposed Rules also incorporate the administrative provisions from the state “rules” for protests and appeals, which are more robust and specific than the 2004 policy. In the unlikely event that a protest is filed, detailed guidance will be in place and improve public accountability and transparency.

Administrative Process Improvements

To successfully implement the proposed Rules, internal processes must be updated. PCMC’s procurement process is basically decentralized—the City Attorney’s Office is the default accountability, liability, and risk assessment hub, but additional resources and improvements are needed. We have engaged with the State of Utah procurement office and peer entities (Salt Lake County and Summit County) to update the internal processes to share best practices. We also gathered feedback from City Departments and employees tasked with conducting procurements.

Based on the information-gathering sessions, the following internal process enhancements are already being implemented:

- Updating purchasing guidelines, procedures, and required trainings. We are revamping the City’s current RFP posting webpage to include these materials, creating a one-stop-shop for employees and transparency for our vendors and community members.
- Implementing the use of the State of Utah’s website—[Utah Public Procurement Place \(U3P\)](#)—for procurement postings. There is no charge for Utah

municipalities to use UP3. Posting on UP3 provides access to a broader range of vendors and ensures a competitive process.

- Through the FY24 budget process, we are requesting a new full-time position, Procurement Manager, to work in partnership with the City Attorney's Office to provide training, oversight, support, and guidance.

As discussed during the budget process, PCMC's current financial system software is sunseting in March 2027. The City is in the process of finding a replacement system. One of the many benefits of upgrading our financial software will be the addition of an automated procurement tracking system. The new software will provide many checks and balances and a higher level of centralization for contract management, ensuring greater transparency and compliance.

Funding

There is no funding associated with adopting the PCMC Procurement Rules by resolution or repealing the existing 2004 procurement policy. We recommend adding a new FTE in the Budget Department to implement new administrative processes. This request and the corresponding financial impact will be brought to the City Council through the FY24 City Manager's Budget request.

Exhibits

- Exhibit A: Existing Procurement Policy
- Exhibit B: Draft PCMC Procurement Rules
- Exhibit C: Responses to Council Questions from May 5, 2022
- Exhibit D: Procurement Rules Resolution FY23
- Exhibit E: Budget Policy Chapter 5, Part II Repeal

CONTRACTS & PURCHASING POLICY

PART I - PUBLIC SERVICE CONTRACTS (AMENDED JUNE 2004)

As part of the budget process, the City Council appropriates funds to contract with organizations offering services consistent with the needs and goals of the City. Depending upon the type of service category, payment terms of the contracts may take the form of cash payment and/or offset fees or rent relating to City property in exchange for value-in-kind services. The use of the public service contracts will typically be for specific services rendered in an amount consistent with the current fair market value of said services.

A. Public Service Fund Distribution Criteria

In order to be eligible for a public service contract in Fund Categories 1-3, organizations must meet the following criteria:

1. **Criterion 1: Accountability and Sustainability of Organization** - The organization must have the following:
 - a. Quantifiable goals and objectives.
 - b. Non-discrimination in providing programs or services.
 - c. Cooperation with existing related programs and community service.
 - d. Compliance with the City contract.
 - e. Federally recognized not-for-profit status.
2. **Criterion 2: Program Need and Specific City Benefit** - The organization must have the following:
 - a. A clear demonstration of public benefit and provision of direct services to City residents.
 - b. A demonstrated need for the program or activity. Special Service Funds may not be used for one-time events, scholarship-type activities or the purchase of equipment.
3. **Criterion 3: Fiscal Stability and Other Financial Support** - The organization must have the following:
 - a. A clear description of how public funds will be used and accounted for
 - b. Other funding sources that can be used to leverage resources.
 - c. A sound financial plan that demonstrates managerial and fiscal competence.
 - d. A history of performing in a financially competent manner.
4. **Criterion 4: Fair Market Value of the Services** - The fair market value of services included in the public service contract should equal or exceed the total amount of compensation from the City unless outweighed by demonstrated intangible benefits.

B. Total Public Service Fund Appropriations

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The City may appropriate up to 1 percent of the City's total budget for public service contracts for the Special Service Contract and Rent Contribution Categories described below. In addition, the City appropriates specific dollar amounts from other funds specifically related to Historic Preservation as described below.

C. Fund Categories and Percentage Allocations

For the purpose of distributing Public Service Funds, public service contracts are placed into the following categories:

- 1. Special Service Contracts**
 - a. Youth Programming
 - b. Victim Advocacy/Legal Services
 - c. Arts
 - d. Health
 - e. Affordable Housing/Community Services
 - f. Recycling
 - g. History/Heritage
 - h. Information and Tourist Services
- 2. Rent Contribution**
- 3. Historic Preservation**

A percentage of the total budget (which shall not exceed 1 percent) is allocated for contracts in the Special Service Contract and Rent Contribution categories by the City Council. A specific dollar amount is allocated to Historic Preservation based on funds available from the various Redevelopment Agencies.

The category percentage allocation does not vary from year-to-year. However, as the City's budget fluctuates (up or down) due to economic conditions, the dollar amounts applied to each category may fluctuate proportionally. Unspent fund balances at the end of a year will not be carried forward to future years. It is the intent of the City Council to appropriate funds for specific ongoing community services and not fund one-time projects or programs.

D. Special Service Contracts

A portion of the budget will be designated for service contracts relating to services that would otherwise be provided by the City. Special services that fall into this category would include, but not be limited to the following: youth programming, victim advocacy/legal services, arts, health, affordable housing/community services, recycling, history/heritage, information and tourist services, and minority affairs. To the extent possible, individual special services will be delineated in the budget.

Service providers are eligible to apply for a special service contract every biennial budget process. The City will award special service contracts through a competitive bid process administered by the Service Contract Subcommittee and City Staff. The City reserves the right to accept, reject, or rebid any service contracts that are not deemed to meet the needs of the community or the contractual goals of the service contract.

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Each special service provider will have a special service contract with a term of two years. Half of the total contract amount will be available each year. Eighty percent of each annual appropriation will be available at the beginning of the fiscal year, with the remaining 20 percent to be distributed upon demonstration through measures (quality and quantity) that the program has provided public services meeting its goals as delineated in the public service contract. The disbursement of all appropriations will be contingent upon council approval. Special service providers will be required to submit current budgets and evidence of contract compliance (as determined by the contract) by March 31 of the first contract year.

The City reserves the right to appoint a citizen's task force to assist in the competitive selection process. The task force will be selected on an ad hoc basis by the Service Contract Subcommittee.

All special service contract proposals must be consistent with the criteria listed in this policy, in particular criterion 1-4.

Youth Contracts: In addition to the above listed criteria, proposals for Youth Programming must meet the following requirements: (1) Provide a service to or enhancement of youth programs in the Park City community; and (2) Constitute a benefit to Park City area youth, community interests, and needs. Youth Programming funds must be used to benefit Park City area youth Citywide; this may be accomplished through one service contract or by dividing the funds between several contracts.

Deadlines: All proposals for Special Service Contracts must be received no later than March 31. A competitive bidding process conducted according to the bidding guidelines of the City may set forth additional application requirements. If there are unallocated funds, extraordinary requests may be considered every six months during the two-year budget cycle, unless otherwise directed by Council.

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

1. The request must meet all of the normal Public Service Fund Distribution Criteria and qualify under one of the existing Special Service Contract categories;
2. The applicant must show that the requested funds represent an unexpected fiscal need that could not have been anticipated before the deadline; and
3. The applicant must demonstrate that other possible funding sources have been exhausted.

E. Rent Contribution

A portion of the Special Service Contract funds will be used as a rent contribution for organizations occupying City-owned property and providing services consistent with

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criterion 1-4 pursuant to the needs and goals of the City. To the extent possible, individual rent contributions will be delineated in the budget. Rent contributions will usually be memorialized by a lease agreement with a term of five years or less, unless otherwise approved by City Council.

The City is required to make rent contributions to the Park City Building Authority for buildings that it occupies. Qualified Organizations may enter into a lease with the City to occupy City space at a reduced rental rate pursuant to criterion 1-4. The difference between the reduced rental rate and the rate paid to the Park City Building Authority will be funded by the rent contribution amount. Rent Contribution lease agreements will not exceed five years in length unless otherwise directed by the City Council. Please note that this policy only applies when a reduced rental rate is being offered. This policy does not apply to lease arrangements at "market" rates.

F. Historic Preservation

Each year, the City Council may appropriate a specific dollar amount relating to historic preservation. The City Council will appropriate the funding for these expenditures during the annual budget process. The funding source for this category is the Lower Park Avenue and Main Street RDA. The disbursement of the funds shall be administered pursuant to applications and criteria established by the Planning Department, and awarded by the City Council consistent with UCA § 17A-3-1303, as amended. In instances where another organization is involved, a contract delineating the services will be required.

G. Exceptions

Rent Contribution and Historic Preservation funds will be appropriated through processes separate from the biennial Special Service Contract process and when deemed necessary by City Council or its designee.

The Service Contract Sub-Committee has the discretion as to which categories individual organizations or endeavors are placed. Any percentage changes to the General Fund categories described above must be approved by the City Council. All final decisions relating to public service funding are at the discretion of the City Council.

Nothing in this policy shall create a binding contract or obligation of the City. Individual Service Contracts may vary from contract to contract at the discretion of the City Council. Any award of a service contract is valid only for the term specified therein and shall not constitute a promise of future award. The City Council reserves the right to reject any and all proposals, and to waive any technical deficiency at its sole discretion. Members of the City Council, the Service Contract Sub-Committee, and any Advisory Board, Commission or special committee with the power to make recommendations regarding Public Service Contracts are ineligible to apply for such Public Service Contracts, including historic preservation funds. City Departments are also ineligible to apply for Public Service Contracts. The ineligibility of Advisory Board, Commission and special committee members shall only apply to the category of Public Service Contracts that such advisory Board, Commission and special committee provides recommendations

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to the City Council. All submittals shall be public records in accordance with government records regulations (“GRAMA”) unless otherwise designated by the applicant pursuant to UCA Section 63-2-308, as amended.

PART II - CONTRACTING AND PURCHASING POLICY

A. Purpose

These rules are intended to provide a systematic and uniform method of purchasing goods and services for the City. The purpose of these rules is to ensure that purchases made and services contracted are in the best interest of the public and acquired in a cost-effective manner.

Authority of Manager: The City Manager or designate shall be responsible for the following:

1. Ensure all purchases for services comply with these rules;
2. Review and approve all purchases of the City;
3. Establish and amend procedures for the efficient and economical management of the contracting and purchasing functions authorized by these rules. Such procedures shall be in writing and on file in the office of the manager as a public record;
4. Maintain accurate and sufficient records concerning all City purchases and contracts for services;
5. Maintain a list of contractors for public improvements and personal services who have made themselves known to the City and are interested in soliciting City business;
6. Make recommendations to the City Council concerning amendments to these rules.

B. Definitions

Building Improvement: The construction or repair of a public building or structure (Utah Code 11-39-101).

City: Park City Municipal Corporation and all other reporting entities controlled by or dependent upon the City's governing body, the City Council.

Contract: An agreement for the continuous delivery of goods and/or services over a period of time greater than 15 days.

CPI: The Consumer Price Index for All Urban Consumers as published by the Bureau of Labor Statistics of the United States Department of Labor.

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Local Business: a business having:

- a. A commercial office, store, distribution center or other place of business located within the boundaries of Summit County, with an intent to remain on a permanent basis;
- b. A current County or City business license; and
- c. At least one employee physically present at the local business outlet.

Local Bidder: A Local Business submitting a bid on a Park City Public Works Project or Building Improvement

Manager: City Manager or designee.

Public Works Project: The construction of a park, recreational facility, pipeline, culvert, dam, canal, or other system for water, sewage, storm water, or flood control (Utah Code 11-39-101). “Public Works Project” does not include the replacement or repair of existing infrastructure on private property (Utah Code 11-39-101), or emergency work, minor alteration, ordinary repair, or maintenance necessary to preserve a public improvement (such as lowering or repairing water mains; making connections with water mains; grading, repairing, or maintaining streets, sidewalks, bridges, culverts or conduits).

Purchase: The acquisition of goods (supplies, equipment, etc.) in a single transaction such that payment is made prior to receiving or upon receipt of the goods.

C. General Policy

1. All City purchases for goods and services and contracts for goods and services shall be subject to these rules.
2. No contract or purchase shall be so arranged, fragmented, or divided with the purpose or intent to circumvent these rules. All thresholds specified in this policy are to be applied to the total cost of a contract over the entire term of the contract, as opposed to annualized amounts.
3. City departments shall not engage in any manner of barter or trade when procuring goods and services from entities both public and private.
4. No purchase shall be contracted for, or made, unless sufficient funds have been budgeted in the year in which funds have been appropriated.
5. Subject to federal, state, and local procurement laws when applicable, reasonable attempts should be made to support Park City businesses by purchasing goods and services through local vendors and service providers.
6. All reasonable attempts shall be made to publicize anticipated purchases or contracts in excess of \$15,000 to known vendors, contractors, and suppliers.
7. All reasonable attempts shall be made to obtain at least three written quotations on all purchases of capital assets and services in excess of \$15,000.
8. When it is advantageous to the City, annual contracts for services and supplies regularly purchased should be initiated.

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- 9.** All purchases and contracts must be approved by the manager or their designee unless otherwise specified in these rules.
- 10.** All contracts for services shall be approved as to form by the city attorney.
- 11.** The following items require City Council approval unless otherwise exempted in these following rules:
 - a.** All contracts (as defined) with cumulative total over \$25,000
 - b.** All contracts and purchases awarded through the formal bidding process.
 - c.** Any item over \$15,000 that is not anticipated in the current budget.
 - d.** Accumulated "Change Orders" which would overall increase a previously council approved contract by:
 - i.** the lesser of 20% or \$25,000 for contracts of \$250,000 or less
 - ii.** more than 10% for contracts over \$250,000.
 - iii.** any change order that causes the contract to exceed the above amounts, must go to council for approval.
- 12.** Acquisition of the following Items must be awarded through the formal bidding process:
 - a.** All contracts for building improvements over the amount specified by state code, specifically:
 - i.** for the year 2003, \$40,000
 - ii.** for each year after 2003, the amount of the bid limit for the previous year, plus an amount calculated by multiplying the amount of the bid limit for the previous year by the lesser of 3% or the actual percent change in the CPI during the previous calendar year.
 - b.** All contracts for public works projects over the amount specified by state code, specifically:
 - i.** for the year 2003, \$125,000 (\$176,559 for FY15)
 - ii.** for each year after 2003, the amount of the bid limit for the previous year, plus an amount calculated by multiplying the amount of the bid limit for the previous year by the lesser of 3% or the actual percent change in the CPI during the previous calendar year.
 - c.** Contracts for grading, clearing, demolition or construction in excess of \$2,500 undertaken by the Community Redevelopment Agency.
- 13.** The following items require a cost benefit analysis where there is a quantifiable return on investment as defined by the Budget, Debt, and Grants Department before approved:
 - a.** All contracts, projects and purchases over \$25,000
 - b.** All contracts and purchases awarded through the formal bidding process.
 - c.** Any item over \$15,000 that is not anticipated in the current budget process.
- 14.** City Employees or anyone acting on behalf of the City may not receive or accept any gift or loan if the gift or loan could influence a reasonable person in the discharge of the person's official duties including but not limited to the granting of City contracts. This prohibition does not apply to any occasional non-

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pecuniary (non-cash equivalent) gifts with a value less than \$50. Employees must abide by PCMC 3-1-4.

15. All RFPs must be advertised on the Park City website.

D. Exceptions

Certain contracts for goods and services shall be exempt from bidding provisions. The manager shall determine whether or not a particular contract or purchase is exempt as set forth herein.

1. Emergency contracts which require prompt execution of the contract because of an imminent threat to the safety or welfare of the public, of public property, or of private property; circumstances which place the City or its officers and agents in a position of serious legal liability; or circumstances which are likely to cause the City to suffer financial harm or loss, the gravity of which clearly outweighs the benefits of competitive bidding in the usual manner. The City Council shall be notified of any emergency contract which would have normally required their approval as soon as reasonably possible. Consult the Emergency Manager regarding purchases for disaster events.
2. Projects that are acquired, expanded, or improved under the "Municipal Building Authority Act" are not subject to competitive bidding requirements.
3. Purchases made from grant funds must comply with all provisions of the grant.
4. Purchases from companies approved to participate in Utah State Division of Purchasing and General Services agreements and contracts are not subject to competitive bidding requirements.
5. Purchases made via public auction.
6. Purchases from local government purchasing pools in which the City is a participant as approved by a resolution of the City Council.

E. General Rules

1. **Purchases of Materials, Supplies and Services** are those items regularly purchased and consumed by the City. These items include, but are not limited to, office supplies, janitorial supplies, and maintenance contracts for repairs to equipment, asphalt, printing services, postage, fertilizers, pipes, fittings, and uniforms. These items are normally budgeted within the operating budgets. Purchases of this type do not require "formal" competitive quotations or bids. However, for purchases in excess of \$15,000 all reasonable attempts shall be made to obtain at least three written quotations and to notify via the City website any local businesses that, in the normal course of business, provide the materials, supplies or services required by the City. A written record of the source and the amount of the quotations must be kept.
2. **Purchases of Capital Assets** are "equipment type" items which would be included in a fixed asset accounting system having a material life of three years or more and costing in excess of \$5,000. These items are normally budgeted within the normal operating budgets. Purchases of this type do not require "formal" bids. All reasonable attempts shall be made to obtain at least three written quotations

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on all purchases of this type in excess of \$15,000. A written record of the source and the amount of the quotations must be kept. A reasonable attempt will be made to notify via the City website any local businesses that, in the normal course of business, sells the equipment required by the City.

3. **Contracts for Professional Services** are usually contracts for services performed by an independent contractor, in a professional capacity, who produces a service predominately of an intangible nature. These include, but are not limited to, the services of an attorney, physician, engineer, accountant, architectural consultant, dentist, artist, appraiser or photographer. Professional service contracts are exempt from competitive bidding. All reasonable attempts shall be made to obtain at least three written quotations on all contracts exceeding \$15,000 and to notify via the City website any local businesses that, in the normal course of business, provide the service required by the City. A written record of the source and the amount of the quotations must be kept.

The selection of professional service contracts in an amount exceeding \$25,000 shall be based on a formal documented evaluation process such as Request for Proposals (RFP), Statement of Qualifications (SOQ), Qualification Based Selection (QBS), etc. The evaluation process should include an objective assessment, preferably by multiple reviewers, of the services needed, the abilities of the contractors, the uniqueness of the service, the cost of the service, and the general performance of the contractor. Special consideration may also be given to local businesses during the evaluation in instances where knowledge of local issues, geography, statutes, etc., may enhance the quality of service rendered. The lowest quote need not necessarily be the successful contractor. Usually, emphasis will be placed on quality, with cost being the deciding factor when everything else is equal. The manager shall determine which contracts are professional service contracts. Major professional service contracts (\$25,000 and over) must be approved by the City Council.

4. **Contracts for Public Improvements** are usually those contracts for the construction or major repair of roads, highways, parks, water lines and systems (i.e., Public Works Projects); and buildings and building additions (i.e. Building Improvements). Where a question arises as to whether or not a contract is for public improvement, the manager shall make the determination.

Minor public improvements (less than the amount specified by state code.):

The department shall make a reasonable attempt to obtain at least three written competitive quotations for contracts in excess of \$15,000. A written record of the source and the amount of the quotations must be kept. Procurement for all minor public improvements in excess \$25,000 shall be based on a formal documented evaluation process. The evaluation process should include, at minimum, an objective assessment of the services needed, the abilities of the contractors to perform the service and the cost of the service. A reasonable attempt will be made to notify via the City website any local businesses that, in the normal course of business, provide the public improvements required by the City. The manager may require formal bidding if it is deemed to be in the best interest of the City. Local bidder preference applies.

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Major public improvements (greater than or equal to the amount specified by state code): Unless otherwise exempted, all contracts of this type require competitive bidding. Local bidder preference does not apply.

5. **Contracts for Professional Services, where the Service Provider is responsible for Building Improvements/Public Works Project (Construction Manager / General Contractor "CMGC" Method)** are contracts where the City contracts with a "Construction Manager/General Contractor" which is a contractor who enters into a contract for the management of a construction project when that contract allows the contractor to subcontract for additional labor and materials that were not included in the contractor's cost proposal submitted at the time of the procurement of the Construction Manager/General Contractor's services. It excludes a contractor whose only subcontract work not included in the contractor's cost proposal submitted as part of the procurement of construction is to meet subcontracted portions of change orders approved within the scope of the project. The CMGC contract is exempt from competitive bidding. The selection of CMGC contracts shall be based on a documented evaluation process such as a Request for Proposals (RFP), Statement of Qualifications (SOQ), Qualification Based Selection (QBS), etc. The evaluation process should include an objective assessment, preferably by multiple reviewers, of the services needed, the abilities of the contractors, the uniqueness of the service, the cost of the service, and the general performance of the contractor. Special consideration may also be given to local businesses during the evaluation in instances where knowledge of local issues, geography, statutes, etc., may enhance the quality of service rendered. The lowest quote need not necessarily be the successful contractor. Usually, emphasis will be placed on quality, with cost being the deciding factor when everything else is equal. The manager shall determine which contracts are CMGC contracts. Major CMGC contracts (over \$25,000) must be approved by the City Council. The selected CMGC will then implement all bid packages and subcontractors under a competitive bid requirement as required herein. The Project Manager will attend the award of all subcontracts which meet the threshold requirements of General Policy 12 (a) or (b) above.
6. **Ongoing Service Contracts are contracts that renew annually for services such as: cleaning services, alarm systems, and elevator maintenance etc.** Ongoing service contract renewals will not last more than a five-year span. Following the conclusion of a five-year term, contracts exceeding a total of \$25,000 will again undergo the process described in the section: E. General Rules, Subsection: 3. Contracts for Professional Services.

F. Formal or Competitive Bidding Provisions

1. **Bid Specifications:** Specifications for public contracts shall not expressly or implicitly require any product by any brand name or make, nor the product of any particular manufacturer or seller, unless the product is exempt by these regulations or the City Council.

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2. **Advertising Requirements:** An advertisement for bids is to be published at least twice in a newspaper of general circulation, printed and published in the city and in as many additional issues and publications as the manager may determine, at least five days prior to the opening of bids. The advertisement shall also be posted on the Park City website and the Utah public legal notice website established by the combined efforts of Utah's newspapers. Advertising for bids relating to Class B and C road improvement projects shall be published in a newspaper of general circulation in the county at least once a week for three consecutive weeks as well as be posted on the Park City website and the Utah public legal notice website established by the combined efforts of Utah's newspapers.

All advertisements for bids shall state the following:

- a. The date and time after which bids will not be accepted;
 - b. The date that pre-qualification applications must be filed, and the class or classes of work for which bidders must be pre-qualified if pre-qualification is a requirement;
 - c. The character of the work to be done or the materials or things to be purchased;
 - d. The office where the specifications for the work, material or things may be seen;
 - e. The name and title of the person designated for receipt of bids;
 - f. The type and amount of bid security if required;
 - g. The date, time, and place that the bids will be publicly opened.
3. **Requirements for Bids:** All bids made to the city shall comply with the following requirements:
- a. In writing or electronically sealed;
 - b. Filed with the manager;
 - c. Opened publicly by the manager at the time designated in the advertisement and filed for public inspection;
 - d. Have the appropriate bid security attached, if required.
4. **Award of Contract:** After bids are opened, and a determination made that a contract be awarded, the award shall be made to the lowest responsible bidder. "Lowest responsible bidder" shall mean the lowest bidder who has substantially complied with all prescribed requirements and who has not been disqualified as set forth herein. The successful bidder shall promptly execute a formal contract and, if required, deliver a bond, cashier's check, or certified check to the manager in a sum equal to the contract price, together with proof of appropriate insurance. Upon execution of the contract, bond, and insurance, the bid security shall be returned. Failure to execute the contract, bond, or insurance shall result in forfeit of the bid security.
- a. **Local Bidder Preference:** If the bid of a nonlocal bidder is lowest and there was a local bidder who also submitted a bid which was within five percent (5%) of the low bid, then the contract shall be awarded to the local bidder if the bidder agrees in writing within forty-eight (48) hours after being notified of the low bid, that the bidder will meet the bid price while the bidder meets all the prescribed requirements set forth in the bid

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documents. If there are more than two local bidders who are within 5% then the contract shall be awarded to the local bidder which had the lowest original bid according to the procedure above.

5. **Rejection of Bids:** The manager or the City Council may reject any bid not in compliance with all prescribed requirements and reject all bids if it is determined to be in the best interest of the City.
6. **Disqualification of Bidders:** The manager, upon investigation, may disqualify a bidder if he or she does not comply with any of the following:
 - a. The bidder does not have sufficient financial ability to perform the contract;
 - b. The bidder does not have equipment available to perform the contract;
 - c. The bidder does not have key personnel available, of sufficient experience, to perform the contract;
 - d. The person has repeatedly breached contractual obligations with public and private agencies;
 - e. The bidder fails to comply with the requests of an investigation by the manager.
7. **Pre-qualification of Bidders:** The City may require pre-qualification of bidders. Upon establishment of the applicant's qualifications, the manager shall issue a qualification statement. The statement shall inform the applicant of the project for which the qualification is valid, as well as any other conditions that may be imposed on the qualification. It shall advise the applicant to notify the manager promptly if there has been any substantial change of conditions or circumstances which would make any statement contained in the pre-qualification application no longer applicable or untrue. If the manager does not qualify an applicant, written notice to the applicant is required, stating the reasons the pre-qualification was denied, and informing the applicant of his right to appeal the decision within five business days after receipt of the notice. Appeals shall be made to the City Council. The manager may, upon discovering that a pre-qualified person is no longer qualified, revoke pre-qualification by sending notification to the person. The notice shall state the reason for revocation and inform the person that revocation will be effective immediately.
8. **Appeals Procedure:** Any supplier, vendor, or contractor who determines that a decision has been made adversely to him, by the City, in violation of these regulations, may appeal that decision to the City Council. The complainant contractor shall promptly file a written appeal letter with the manager, within five working days from the time the alleged incident occurred. The letter of appeal shall state all relevant facts of the matter and the remedy sought. Upon receipt of the notice of appeal, the manager shall forward the appeal notice, his investigation of the matter, and any other relevant information to the City Council. The City Council shall conduct a hearing on the matter and provide the complainant an opportunity to be heard. A written decision shall be sent to the complainant.

Park City Municipal Corporation (PCMC) Procurement Rules

Article I – General Provisions

Article II – Authority

Article III – Standard Procurement Processes

Article IV – Supplementary Procurement Processes

Article V – Exemptions, Exceptions and Waivers

Article VI – Protests and Appeals

Article I – General Provisions

The Park City Council has adopted the following Procurement Rules (Rules):

1-1. Purpose.

The purpose of these Rules is to provide processes for Procurement that are transparent, fair, and equitable to PCMC and other persons, that allow PCMC to meet Procurement needs in a flexible, cost-effective and efficient manner, and that foster effective broad-based competition. These Rules are intended to be consistent with PCMC’s rulemaking authority¹ as a local government Procurement unit as set forth in the Utah Procurement Code.²

1-2. Application and Scope.

These Rules apply to all expenditures of public funds used to acquire all Procurement Items, including equipment, supplies, personal property, technology, services, and construction projects, initiated after **April 1, 2023**. These Rules do not apply to the acquisition of real property or an interest in real property, or to the acquisition of items from other public entities.

1-3. Definitions.

The following definitions apply to these Rules:

“Approved Vendor List” means Vendors approved by PCMC for inclusion on a published list through the RSOQ Process. Any Standard Procurement Process, including Small Purchase, Invitation for Bids, RFP, or Design Professional Services Process, may be limited to the pre-qualified Vendors on an Approved Vendor List.³

“Bid” means an offer to perform submitted in response to an Invitation for Bids. A Bid should include a price quote and be responsive to the evaluation criteria described in the Invitation for Bids.

¹ PCMC’s rulemaking authority is the City Council. Utah Code § 63G-6a-103(77)(d). All references to the Utah Code and Utah Administrative Rules mean the provision referenced or any successor provision.

² The Utah Procurement Code is set forth at Utah Code § 63G-6a-101, et seq.

³ Utah Code § 63G-6a-507.

“Bid Limit” means the estimated dollar cost of a Building Improvement, Public Works Project, or a Class C Road Construction/Maintenance Project, which, if exceeded, require an Invitation for Bids Process to be used for the project. The 2023 Bid Limits (applicable through 2023) set by state law are:

Building Improvement: \$58,736

Public Works Projects: \$185,550

Class C Roads Construction/Maintenance Project: \$185,550

Each Bid Limit will increase yearly by the lesser of 3% or the actual percent change in the CPI during the previous year.⁴

“Bid Security” means the deposit of cash, certified check, money order or a bid bond provided by a surety company authorized to do business in Utah or any other form satisfactory to the Procurement Official, in an amount equal to at least 5% of the amount of the bid, or other amount as determined by the Procurement Official.⁵

“Building Improvement” means the construction or repair of a public building or structure.⁶

"Change Order" means a written alteration in specifications, delivery point, rate of delivery, period of performance, price, quantity, or other provisions of a contract, upon mutual agreement of the parties to the contract.⁷

“City Manager” means the City Manager of Park City Municipal Corporation.

“Class C Road Construction/Maintenance Project” means an improvement project on a PCMC road involving construction or maintenance as defined in the Transportation Code.⁸

“Construction Manager/General Contractor (CM/GC)” means a contractor who enters into a contract: (a) for the management of a construction project; and (b) that allows the contractor to subcontract for additional labor and materials that are not included in the contractor’s cost proposal submitted at the time of the Procurement of the contractor’s services. It does not include a contractor whose only subcontract work not included in the contractor’s cost proposal submitted as part of the Procurement of the contractor’s services is to meet subcontracted portions of Change Orders approved within the scope of the project.⁹

“Contract Amendment” means a written addition, change, correction, clarification or deletion to language in an existing contract.

⁴ Utah Code §§ 11-39-101(1), 103; 72-6-108(2), 109(1).

⁵ Utah Code § 63G-6a-1102.

⁶ Utah Code § 11-39-101(2).

⁷ Utah Code § 63G-6a-103(8).

⁸ Utah Code § 72-6-109 (excluding road maintenance, emergency repairs, repair of less than the entire road surface (i.e., crack sealing or patching), and road repairs incidental to the installation, replacement or repair of water mains, sewers, drainage pipes, culverts, or curbs and gutters).

⁹ Utah Code § 63G-6a-103(13).

“Contract Extension” means a written Contract Amendment modifying the term of an existing contract.

“CPI” means the Consumer Price Index for All Urban Consumers as published by the Bureau of Labor Statistics of the United States Department of Labor.¹⁰

“Design-Build Contract” means the Procurement of design professional services and construction by the use of a single contract with a contractor capable of providing both design professional services and construction.¹¹

“Design-Build Project” means a construction project procured by use of a Design-Build Contract.¹²

“Design Professional Services” means professional services within the scope of the practice of architecture, professional engineering, master planning and programming, or services within the scope of the practice of interior design.¹³

(a) The “practice of architecture” means rendering or offering to render the following services in connection with the design, construction, enlargement, or alteration of a building or group of buildings, and the space within and surrounding such buildings: planning; facility programming; preliminary studies; preparation of designs, drawings, and specifications; preparation of technical submissions and coordination of any element of technical submissions prepared by others including, as appropriate and without limitation, professional engineers, and landscape architects; and administration of construction contracts.¹⁴

(b) “Professional engineering” means a service or creative work, the adequate performance of which requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences to the service or creative work as consultation, investigation, evaluation, planning, design, and design coordination of engineering works and systems, planning the use of land and water, facility programming, performing engineering surveys and studies, and the review of construction for the purpose of monitoring compliance with drawings and specifications; any of which embraces these services or work, either public or private, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, projects, and industrial or consumer products or equipment of a mechanical, electrical, hydraulic, pneumatic, or thermal nature, and including other professional services as may be necessary to the planning, progress, and completion of any engineering services.¹⁵

¹⁰ Utah Code § 11-39-101(3).

¹¹ Utah Code § 11-39-101(4)(a).

¹² Utah Code § 11-39-101(4)(a).

¹³ Utah Code § 63G-6a-103(26).

¹⁴ Utah Code § 58-3a-102(6)(a).

¹⁵ Utah Code § 58-22-102(9)(a).

- (c) The “practice of commercial interior design” means, in relation to obtaining a building permit independent of a licensed architect, the preparation of a plan or specification for, or the supervision of new construction, alteration, or repair of, an interior space within a newly constructed or existing building when the core and shell structural elements are not going to be changed, solely for the following occupancy groups as described in the International Building Code: B and M.¹⁶

“Information Technology” means all computerized and auxiliary automated information handling, including systems design and analysis; acquisition, storage, and conversion of data; computer programming; software; information storage and retrieval; voice, video, and data communications; requisite systems controls; simulation; and all related interactions between people and machines. It does not include Professional Services.¹⁷

“Invitation for Bids” means a document used to solicit bids to provide a Procurement Item or price quotes for a Procurement Item.¹⁸

“Local Business” means a business having: (a) a commercial office, store, distribution center, or other place of business located within the boundaries of Summit County, with an intent to remain therein on a permanent basis; (b) a current business license issued by either Summit County or PCMC; and (c) at least one employee physically present at the local place of business.

“PCMC” means Park City Municipal Corporation, including its agents, employees, and designees. For the purposes of these Rules, PCMC includes all Park City Municipal Corporation affiliated entities, including the Park City Municipal Building Authority, Park City Water Service District, Park City Housing Authority, and the Redevelopment Agency of Park City.

“Person” means an individual, group of individuals, business organization, agency, club, committee, union, or other organization or legal entity.

“Procurement” means the acquisition of a Procurement Item through an expenditure of public funds, or an agreement to expend public funds, including an acquisition through a public-private partnership.¹⁹

“Procurement Item” means an item of personal property, a technology, an Information Technology, a service, or a construction project.²⁰

“Procurement Official” means the individual authorized to undertake the duties and responsibilities of PCMC’s officer for all Procurement as set forth in these Rules.

¹⁶ Utah Code § 58-86-102(3).

¹⁷ Utah Code § 63A-16-102(8).

¹⁸ Utah Code § 63G-6a-103(39).

¹⁹ Utah Code § 63G-6a-103(54).

²⁰ Utah Code § 63G-6a-103(55).

“Professional Services” means labor, effort, or work that requires specialized knowledge, expertise, and discretion in any of the following fields: accounting; administrative law judge service; architecture; construction management; engineering studies, oversight or reviews which do not produce design deliverables; financial services; Information Technology; the law; medicine; psychiatry; or underwriting.²¹ It does not mean Design Professional Services.

“Proposal” means a set of documents submitted by a Person in response to a Request for Proposals. The Proposal may include a price quote, statement of qualifications, and scope of work offered.

“Public-private partnership” means an arrangement or agreement between PCMC and one or more contractors to provide for a public need through the development or operation of a project in which the contractor or contractors share the responsibility or risk of developing, owning, maintaining, financing, or operating the project.²²

“Public Works Project” means the construction of a park, recreational facility, pipeline, culvert, dam, canal, or other system for water, sewage, storm water, or flood control. It does not include the replacement or repair of existing public infrastructure on private property not within a public easement.²³

“Qualified Committee Member” means an evaluation committee member having at least a general familiarity with or basic understanding of the technical requirements relating to the type of Procurement Item that is the subject of the Procurement, or the need that the Procurement Item is intended to address. In addition, the evaluation committee member: (a) does not have a conflict of interest with any of the proposers; (b) can fairly evaluate each Proposal or SOQ; (c) does not contact or communicate with a proposer concerning the Procurement outside the official evaluation committee process; and (d) conducts or participates in the evaluation in a manner that ensures a fair and competitive process and avoids the appearance of impropriety.²⁴

“Request for Proposals (RFP)” means a document used to solicit proposals to provide a Procurement Item.²⁵

“Request for Statement of Qualifications (RSOQ)” means soliciting to receive statements describing the qualifications of bidders or proposers with respect to specified criteria or performance measures for a Procurement Item.²⁶

“Responsible” means capable, in all respects, of: (a) meeting all the requirements of a solicitation; and (b) fully performing all the requirements of the contract resulting from the solicitation, including demonstrated financial ability to perform the contract; and (c) has the integrity, capacity and reliability which will assure good faith performance.²⁷

²¹ Utah Code § 63G-6a-103(58).

²² Utah Code § 63G-6a-103(66).

²³ Utah Code § 11-39-101(12).

²⁴ Utah Code §§ 63G-6a-410(9), 707(5).

²⁵ Utah Code § 63G-6a-103(70).

²⁶ Utah Code § 63G-6a-103(72).

²⁷ Utah Code § 63G-6a-103(74).

“Responsive” means a Solicitation Response that conforms in all material respects to the requirements of the Solicitation and all applicable specifications and Vendor meets the technical requirements to provide the Procurement Item.²⁸

“Small Purchase Process” means the process that may be used to acquire Procurement Items with an aggregate cost limit that does not exceed the Small Purchase Threshold.

“Small Purchase Threshold” means the aggregate cost limit for use of the Small Purchase Process for Procurement.

“Solicitation” means an Invitation for Bids, Request for Proposals, or Request for Statement of Qualifications.²⁹

“Solicitation Response” means a Statement of Qualifications, Proposal, or Bid submitted in response to a Solicitation.³⁰

“Standard Procurement Process” means the Small Purchase Process, the Invitation for Bids Process, the RFP Process, the Approved Vendor List Process, or the Design Professional Services Process.³¹

“State Cooperative Contract” means a contract awarded by the Utah Division of Purchasing and General Services for and on behalf of all public entities in Utah.³²

“Statement of Qualifications (SOQ)” means a document submitted to PCMC in response to a RSOQ.³³

“Unsolicited Proposal” means a written Proposal for a public-private partnership for: (a) an infrastructure project; or (b) a project to collect, analyze, and distribute health data to improve health and health care and to facilitate interaction regarding health and health care issues, that is not submitted in response to a Solicitation.³⁴

“Vendor” means a Person seeking to enter into a contract to provide a Procurement Item, and includes: a bidder, an offeror, a proposer, a design professional, and a Person who submits an “Unsolicited Proposal.”³⁵

²⁸ Utah Code § 63G-6a-103(75).

²⁹ Utah Code § 63G-6a-103(82).

³⁰ Utah Code § 63G-6a-103(83).

³¹ Utah Code § 63G-6a-103(86).

³² Utah Code § 63G-6a-103(87).

³³ Utah Code § 63G-6a-103(88).

³⁴ Utah Code § 63G-6a-712(1).

³⁵ Utah Code § 63G-6a-103(94).

Article II – Authority

2-1. Procurement Official.

The City Manager is designated as the Procurement Official to serve as PCMC's officer for all Procurement conducted under these Rules. The Procurement Official selects the manner of procuring supplies and services and may choose the appropriate method for a particular Procurement, consistent with these Rules, to serve the best interests of PCMC. The Procurement Official also has authority to settle and resolve controversies related to Procurement processes and contracts. The Procurement Official has the authority and duties described in these Rules and in the Utah Procurement Code,³⁶ any of which may be delegated in writing to a PCMC employee, as appropriate. Such delegation will remain in effect until modified or revoked in writing.

2-2. Contract Authority Threshold.

The Procurement Official may approve all purchases and enter into contracts up to and including an aggregate cost over the term of the contract of \$100,000. All purchases and contracts with an aggregate cost over the term of the contract that exceeds \$100,000 require approval of the Park City Council. Accumulated Change Orders or Contract Amendments to an existing contract require approval of the Park City Council if the cost increase is: (1) more than \$100,000 for contracts of \$1,000,000 or less, or (2) more than 10% of the contract amount for contracts over \$1,000,000.

2-3. Small Purchase Threshold.

The Small Purchase Threshold for use of the Small Purchase Process is set at an aggregate cost of \$30,000 for a Procurement Item.³⁷

Article III – Standard Procurement Processes

3-1. Small Purchase Process.

- A. When to Use. Small purchases of supplies and services are most effectively made using minimal procurement processes.** With approval of the Procurement Official, all Procurement Items (including supplies, equipment, general services, general construction, technology, Information Technology, Professional Services, Design Professional Services, and Building Improvements, Public Works Projects, or Class C Construction/Maintenance Projects) having an aggregate cost that does not exceed the Small Purchase Threshold may be procured by the Small Purchase Process.³⁸

³⁶ Utah Code § 63G-6a-106(3).

³⁷ Utah Code § 63G-6a-506(2).

³⁸ Utah Code § 63G-6a-506(2).

- B. Method.** With the exception of Professional Services and Design Professional Services, a Person with authority to acquire a Procurement Item must make reasonable efforts to obtain at least three written quotations that meet minimum specifications. Professional Services and Design Professional Services may be procured by direct negotiation after reviewing the qualifications of three or more Vendors. Small purchases may also be made using a Vendor on an Approved Vendor List for the Procurement Item. Small Purchases shall be made based on the best interest of PCMC in light of needs, cost, and availability.³⁹
- C. Record of Quotations.** A record of written or electronic quotations must be maintained for at least 12 months and may be used to facilitate future purchases.
- D. Manipulation Prohibited.** Purchases must not be manipulated to fall within the Small Purchase Threshold. Contracts must not be artificially divided, such as by dividing a single Procurement into multiple, smaller Procurements, or by dividing the work required for a single project solely to make use of this section. Violations of this prohibition may result in criminal penalties.⁴⁰
- E. Single Quote.** If only a single quote can be obtained, the Procurement Official may accept the quote after considering: (1) whether pricing is fair and reasonable; (2) canceling the Procurement; and (3) a Bid Security requirement.⁴¹
- F. Use with Approved Vendor List – Rotation of Vendors.** Small Purchases may be made from a Vendor on an Approved Vendor List without any additional competitive-pricing process, provided that reasonable efforts are made to rotate between Vendors to ensure the fair and equitable treatment of all listed Vendors and promote competition. When practicable, quotes may be obtained from all listed Vendors.⁴²

3-2. Invitation for Bids Process.

- A. When to Use.** An Invitation for Bids is typically used to acquire Procurement Items with easily definable characteristics where price is the determinative element. The Procurement Official may direct use of either an Invitation for Bids Process or an RFP Process to procure supplies, equipment, general services, general construction, technology or Information Technology having an aggregate cost that exceeds the Small Purchase Threshold.⁴³ An Invitation for Bids Process in compliance with Section 3-7 must be used for Building Improvements, Public Works Projects, or Class C Road Construction/Maintenance Projects that exceed their respective Bid Limits.

³⁹ Utah Code § 63G-6a-506(2).

⁴⁰ Utah Code §§ 63G-6a-506(8), 2404.3

⁴¹ Adapted from Utah Admin Code R33-4-109.

⁴² Utah Code § 63G -6a-507.

⁴³ Utah Code § 63G-6a-602.

- B. Content.** An Invitation for Bids must include the following: (1) a description or specification of the Procurement Item; (2) deadline and instructions for submission; (3) objective evaluation criteria; (4) the time and place of any bid opening; (5) intended contract terms and conditions; and (6) any other information relevant to the Procurement.⁴⁴
- C. Notice.** An Invitation for Bids must be published either on PCMC's website or the Utah Division of Purchasing and General Services website (UP3) at least seven calendar days prior to the deadline date for submission. The seven-day period may be reduced with approval of the Procurement Official.⁴⁵
- D. Opening.** Bids must be opened consistent with the time and manner set forth in the Invitation for Bids. Bids may not be opened until after the submission deadline. A Bid may not be changed after the deadline if the change is prejudicial to the interest of PCMC or fair competition.⁴⁶
- E. Rejection of Bids.** The Procurement Official must reject a Bid that is not Responsive or the bidder is determined to be not Responsible. A Bid may be rejected in whole or in part when it is determined by the Procurement Official to be in the best interest of PCMC.⁴⁷
- F. Evaluation.** Bids must be evaluated using the specified objective criteria and to achieve the greatest long-term value to PCMC. Criteria not described in the Invitation for Bids may not be used to evaluate a Bid.⁴⁸
- G. Award of Contract.** After evaluating the Bids, PCMC must: (1) award a contract to a Responsible bidder who submits the lowest Responsive Bid and publish on PCMC's website the name and bid amount of the bidder to whom the contract is awarded; or (2) cancel the Invitation for Bids and publish on PCMC's website notice of the cancellation that includes an explanation of the reasons for cancellation.⁴⁹

⁴⁴ Utah Code § 63G-6a-603(2).

⁴⁵ Utah Code §§ 63G-6a-603(3), 112.

⁴⁶ Utah Code § 63G-6a-604(1).

⁴⁷ Utah Code § 63G-6a-902.

⁴⁸ Utah Code § 63G-6a-606.

⁴⁹ Utah Code § 63G-6a-606(3).

- H. Local Business Match.** If the Responsible bidder who submits the lowest Responsive Bid is not a Local Business, and a Responsible Local Business submits a Responsive Bid that is within 5% of such lowest bid, PCMC may offer such Local Business an opportunity to match the lowest bid. If the Local Business agrees to match the lowest bid, PCMC must award the contract to the Local Business at that price. If more than one Responsible Local Business submits a Responsive Bid within 5% of the lowest Bid under this paragraph, the opportunity to match the lowest bid must first be given to the Local Business with the lowest Bid, and next to the Local Business with the second-lowest Bid, and so forth.
- I. Single Bid.** If only a single Bid is received, the Procurement Official may accept the Bid after considering: (1) whether pricing is fair and reasonable; (2) canceling the Procurement, and (3) a Bid Security requirement.⁵⁰
- J. Tie Bids.** In the event of tie Bids, the Procurement Official may award the contract in accordance with the methods provided in Utah Administrative Code R33-6-111, or successor provision.⁵¹

3-3. Request for Proposals (RFP) Process.

- A. When to Use.** An RFP is typically used to acquire Procurement Items (except for Design Professional Services which must use the RSOQ-Negotiation Process in Section 3-6) when needs are difficult to specify and where price is not the determinative element, or where qualifications will be an important element of the performance, such as with Professional Services. The Procurement Official may direct use of either an Invitation for Bids Process or an RFP Process to procure supplies, equipment, general services or Information Technology having an aggregate cost in excess of the Small Purchase Threshold or to procure Building Improvements and Public Works Projects that do not exceed the statutory Bid Limits. Professional Services having an aggregate cost in excess of the Small Purchase Threshold must be procured by an RFP Process where PCMC must make reasonable efforts to deliver the RFP to at least three Responsible parties.⁵²
- B. Content.** An RFP must include the following: (1) a description or specification of the Procurement Item; (2) deadline and instructions for submission; (3) objective evaluation criteria, and if applicable, cost, and subjective evaluation criteria; (4) the time and manner for opening proposals; (5) intended contract terms and conditions; and (6) any other information relevant to the Procurement.⁵³

⁵⁰ Adapted from Utah Admin Code R33-4-109.

⁵¹ Utah Code § 63G-6a-608.

⁵² Utah Code § 63G-6a-702(1).

⁵³ Utah Code § 63G-6a-703(2).

- C. Notice.** An RFP must be published either on PCMC's website or the Utah Division of Purchasing and General Services website (UP3) at least seven calendar days prior to the deadline date for submission. The seven-day period may be reduced with approval of the Procurement Official. In addition to these notice requirements, PCMC must make reasonable efforts to deliver an RFP for Professional Services to at least three Responsible parties.⁵⁴
- D. Addendum.** An RFP addendum that only applies to offerors that have timely submitted proposals may be issued after the submission deadline if, in the opinion of the Procurement Official, the addendum does not change the RFP in a way that would likely have affected the number of Proposals submitted had the addendum been included in the original RFP.⁵⁵
- E. Opening.** Proposals may not be opened or reviewed until after the submission deadline. Contents of a Proposal may not be disclosed to the public or to other proposers, except as provided by law.⁵⁶
- F. Changes Prohibited.** A proposer may not, after the deadline, make a change to a Proposal if the Procurement Official determines that such a change would be prejudicial to PCMC's interests or fair competition.⁵⁷
- G. Discussions with Proposer.** PCMC may have limited discussions with a proposer to obtain a more complete understanding of whether the proposer is Responsible, or the proposer's Proposal is Responsive. A Proposal may be rejected following such discussions if the proposer is determined to be not Responsible or the Proposal is not Responsive.⁵⁸
- H. Rejection of Proposals.** The Procurement Official must reject a Proposal that is not Responsive or where the proposer is not Responsible. A Proposal may be rejected in whole or in part when it is determined to be in the best interest of PCMC.⁵⁹
- I. Evaluation.** Proposals must be evaluated as follows:⁶⁰
- a. An evaluation committee of at least three Qualified Committee Members must be appointed to evaluate Proposals in accordance with the criteria described in the RFP. Criteria not described in the RFP may not be used.
 - b. The Procurement Official may authorize an evaluation committee to receive assistance from an expert or consultant to better understand a technical issue involved in the Procurement.

⁵⁴ Utah Code §§ 63G-6a-703(3), 112.

⁵⁵ Utah Code § 63G-6a-704.4

⁵⁶ Utah Code § 63G-6a-704(1).

⁵⁷ Utah Code § 63G-6a-704(2).

⁵⁸ Utah Code § 63G-6a-704.6(1)

⁵⁹ Utah Code §§ 63G-6a-704.6(2), 902.

⁶⁰ Utah Code § 63G-6a-707.

- c. Unless waived by the Procurement Official in the best interests of PCMC, the evaluation committee is prohibited from knowing or having access to the cost of a Proposal until after the committee submits its recommendation based on scores of all criteria other than cost.
- d. The evaluation committee may not change its final recommended scores once they are submitted to PCMC.
- e. The evaluation committee may deliberate in private.
- f. At the conclusion of the evaluation process, the evaluation committee shall prepare and submit to the Procurement Official a written statement that: recommends a Proposal for an award of a contract, if the evaluation committee decides to recommend a Proposal; and contains the score awarded to the recommended Proposal based on the criteria stated in the RFP; and explains how the recommended Proposal provides the best value to PCMC. This step is **not required** for a contract with a Construction Manager/General Contractor if the contract is awarded based solely on the Vendor's qualifications and the management fee to be paid.

J. Best and Final Offers. If an RFP Process does not result in a clear recommendation, PCMC may, with the approval of the Procurement Official, request best and final offers from Responsible proposers in accordance with the provisions of Utah Code section 63G-6a-707.5 or successor provision. The best-and-final-offer process may only be used when: (1) no single Proposal adequately addresses all the specifications stated in the RFP; (2) all Proposals are unclear or deficient in one or more respects; (3) all cost proposals exceed the identified budget or PCMC's available funding; or (4) two or more Proposals receive an identical evaluation score that is the highest score.⁶¹

K. Award of Contract. Upon receiving a recommendation from the evaluation committee, PCMC may award a contract to the recommended proposer based on the Proposal, and in appropriate circumstances, after negotiation of further details.

L. Single Proposal. If only a single Proposal is received, the Procurement Official may accept the Proposal after considering: (1) whether pricing is fair and reasonable; (2) canceling the Procurement; and (3) a Bid Security requirement.⁶²

⁶¹ Utah Code § 63G-6a-707.5.

⁶² Adapted from Utah Admin Code R33-4-109.

M. Negotiation. In appropriate circumstances, PCMC may negotiate the details of the Procurement with a potential Vendor before a contract is awarded in order to obtain an offer that is most advantageous to PCMC in light of price and the evaluation criteria set forth in the Solicitation materials. PCMC may enter negotiations with the top-ranked proposer to obtain a favorable price or other terms, and may reject that offer if not satisfactory. If PCMC rejects an offer, it may proceed with negotiations with the next subsequently-ranked proposer in a similar manner to obtain an acceptable offer, or may reject all offers.⁶³

3-4. Request for Statement of Qualifications (RSOQ) Process.

A. When to Use. The Procurement Official may direct use of an RSOQ Process to identify qualified Vendors to participate in a subsequent Standard Procurement Process (Invitation for Bids Process or RFP Process). The RSOQ Process must be used to create an Approved Vendor List. No contract may be awarded based solely on the RSOQ Process.⁶⁴

B. Content -Invitation for Bids or RFP. An RSOQ issued in advance of an Invitation for Bids or RFP must include: (1) a statement that participation in the Invitation for Bids Process or RFP Process is limited to qualified Vendors; and (2) the minimum mandatory requirements, evaluation criteria, and applicable score thresholds that will be used to identify qualified Vendors. Examples of selection criteria include experience and work history; management and staff requirements or standards; licenses; certifications and other qualifications; performance ratings or references; financial stability; and other information pertaining to Vendor qualifications that are considered relevant.⁶⁵

C. Content – Approved Vendor List. An RSOQ issued for the purpose of creating an Approved Vendor List must include: (1) a general description of the Procurement Item, type of project or service, acquisition process, and desired type of Vendor; (2) the minimum mandatory requirements, evaluation criteria, and applicable score thresholds that Vendors are required to meet; (3) a statement that only Responsive, Responsible Vendors which meet the stated score thresholds will be included on the Approved Vendor List; (4) a statement that only approved Vendors will be able to participate in the Procurements described in the RSOQ; (5) a statement indicating whether PCMC will use a performance rating system for evaluating Vendors on the Approved Vendor List; (6) a deadline for submission of a Statement of Qualifications; and (7) a requirement that Vendors must submit updated qualifications at least every 18 months from publication of the Approved Vendor List to be retained on the list.⁶⁶

⁶³ Adapted from Utah Admin Code R33-7-104.

⁶⁴ Utah Code §§ 63G-6a-410(1), 410(2), 410(3).

⁶⁵ Utah Code § 63G-6a-410(4).

⁶⁶ Utah Code § 63G-6a-410(5).

- D. Notice.** An RSOQ must be published either on PCMC's website or on the Utah Division of Purchasing and General Services website (UP3) at least seven calendar days prior to the deadline date for submission. The seven-day period may be reduced with approval of the Procurement Official.⁶⁷
- E. Rejection of SOQ.** The Procurement Official may reject a SOQ that is not Responsive or where the proposer is determined to be not Responsible. A Proposal may be rejected in whole or in part when it is determined by the Procurement Official to be in the best interest of PCMC.⁶⁸
- F. Evaluation Process.** An evaluation committee consisting of at least three Qualified Committee Members must be appointed to score each SOQ that meets the minimum mandatory requirements using evaluation criteria and applicable score thresholds published in the RSOQ. Criteria not included in the RSOQ may not be used. The evaluation committee may, with approval of the Procurement Official, enter into discussions or conduct interviews with or attend presentations by Vendors, for the purpose of clarifying information in the SOQ. The committee's deliberations may be conducted in private. The Procurement Official may appoint fewer than three Qualified Committee Members if the evaluation criteria are objective, and do not include any criteria that require analysis, assessment, or deliberation. Based on the scores determined by the evaluation committee, the Procurement Official must make a final determination of the Vendors to include in a subsequent Invitation for Bids Process or RFP Process, or Vendors to be included on an Approved Vendor List.⁶⁹
- G. Single SOQ.** If only a single SOQ is received that meets the minimum qualifications, evaluation criteria and applicable score thresholds set forth in the RSOQ, the Procurement Official may cancel the RSOQ or establish an Approved Vendor List that includes the one Vendor if PCMC either: (1) continues to try to identify more Vendors to be included; or (2) immediately reissues the RSOQ and repeats the process.⁷⁰

3-5. Use of Approved Vendor Lists.⁷¹

- A. When to Use.** Approved Vendor Lists may be created and maintained for specific Procurement Items or for a future Procurement Item if the RSOQ includes a general description and the type of Vendor sought to provide the Procurement Item.
1. Any Standard Procurement Process, including Small Purchase, Invitation for Bids, RFP, or Design Professional Services, may be limited to the pre-qualified Vendors on an Approved Vendor List.

⁶⁷ Utah Code §§ 63G-6a-112, 410(6).

⁶⁸ Utah Code §§ 63G-6a-410(8a), 902.

⁶⁹ Utah Code § 63G-6a-410(9).

⁷⁰ Utah Code § 63G-6a-410(12).

⁷¹ Utah Code § 63G-6a-507.

2. Procurement Items may also be acquired directly from a listed Vendor at a pre-established price based on a price list, rate schedule, or price catalog submitted by a Vendor and accepted by PCMC.
3. Small Purchases may be made from a Vendor on an Approved Vendor List without any additional competitive-pricing process, provided that reasonable efforts are made to rotate between Vendors to ensure the fair and equitable treatment of all listed Vendors and promote competition.⁷²

B. RSOQ Process – Selection. Vendors must be selected for an Approved Vendor List using the RSOQ Process set forth in section 3-4.

C. Adding Vendors - Maintenance. Approved vendors may be included on a closed-ended Approved Vendor List or an open-ended Approved Vendor List.

1. A closed-ended Approved Vendor List is subject to a short period of time during which Vendors may be added to the list and must expire no later than 18 months after its creation.
2. An open-ended Approved Vendor List allows Vendors to be added throughout the term of the list. No less frequently than every 18 months, PCMC must verify that each Vendor continues to meet the minimum mandatory requirements stated in the RSOQ.⁷³

D. Publication. After its creation, an Approved Vendor List must be made available to the public.⁷⁴

3-6. Design Professional Services / Design-Build Project – RSOQ and Negotiation Process.⁷⁵

A. When to Use. As required by Utah Procurement Code, Design Professional Services having an aggregate cost that exceeds the Small Purchase Threshold must be procured by the Design Professional Services RSOQ and Negotiation Process set forth herein.⁷⁶ Design Professional Services may also use an Approved Vendor List. The RSOQ-Negotiation Process may be used to procure other Professional Services or to procure a Design-Build Contract.

⁷² Utah Code § 63G-6a-507.

⁷³ Utah Code § 63G-6a-507.

⁷⁴ Utah Code § 63G-6a-507(7)(b).

⁷⁵ PCMC must adopt rules relating to procurement of Design Professional Services. Utah Code § 63G-6a-118,

⁷⁶ Utah Code § 63G-6a-1502(1).

- B. Content.** The RSOQ must include criteria by which the qualifications of a design professional will be evaluated. Examples of such criteria include: (1) the design professional's work history and experience; (2) performance ratings earned by the design professional or references for similar work; (3) a quality assurance or quality control plan; (4) the quality of the design professional's past work product; (5) the time, manner of delivery, and schedule of delivery of the Design Professional Services; (6) the design professional's demonstrated financial ability; (7) a management plan, including key personnel and subconsultants for the project; and (8) other project specific criteria. A RSOQ issued for Design Professional Services may not require a price or cost component.⁷⁷
- C. Notice.** Notice of an RSOQ for Design Professional Services must be published either on PCMC's website or on the Utah Division of Purchasing and General Services website (UP3) at least seven calendar days prior to the deadline date for submission. The seven-day period may be reduced with approval of the Procurement Official. The Procurement Official must encourage licensed design professionals engaged in the lawful practice of their profession to submit an SOQ.⁷⁸
- D. Evaluation Committee.** An evaluation committee of at least three Qualified Committee Members must be appointed to evaluate the SOQs received.⁷⁹
- E. Evaluation of SOQs.** The evaluation committee must consider at least three SOQs, either received in response to the RSOQ or already on file as part of an Approved Vendor List. The committee must evaluate and score each Responsive SOQ based solely on the criteria published in the RSOQ. The committee may conduct discussions or interviews with, or attend presentations by, any design professional under consideration. The committee must then rank in order the top three highest scoring design professionals. The committee's deliberations may be held in private.⁸⁰
- F. Negotiation of Compensation.** The Procurement Official must negotiate a contract with the highest ranked design professional, as determined by the evaluation committee, for the required services at compensation determined to be fair and reasonable. If no fair and reasonable compensation and satisfactory contract documents can be negotiated, the Procurement Official must formally terminate negotiations, and undertake negotiations with the next-highest scoring design professional, repeating this process as necessary until an agreement is reached.⁸¹

⁷⁷ Utah Code § 63G-6a-1502.5.

⁷⁸ Utah Code § 63G-6a-112, 1503(1).

⁷⁹ Utah Code § 63G-6a-1503(3).

⁸⁰ Utah Code § 63G-6a-1503(4).

⁸¹ Utah Code § 63G-6a-1505.

G. Receipt of Fewer Than Three SOQs. If fewer than three Responsible design professionals submit SOQs that are determined to be Responsive, the Procurement Official shall issue a written determination explaining why it is in the best interest of PCMC to continue the fee negotiation and the contracting process with less than three design professionals.⁸²

3-7. Building Improvements, Public Works Projects, and Class C Road Construction/Maintenance Projects Process.

A. When to Use. Building Improvements, Public Works Projects, and Class C Road Construction/Maintenance Projects having an aggregate cost that exceeds the Small Purchase Threshold must be procured by the Building Improvements, Public Works, and Class C Construction/Maintenance Projects Process set forth in this section.⁸³

B. Estimate Required. In coordination with the Procurement Official, any department intending to undertake a Building Improvement, Public Works Project or Class C Road Construction/Maintenance Project must prepare plans, specifications, and an estimate of the project cost.⁸⁴ The cost of the Building Improvement, Public Works Project or Class C Road Construction/Maintenance Project may not be divided to avoid Bid Limit or other thresholds.⁸⁵

C. Procurement Process – Not Exceeding Bid Limits. The Procurement Official may direct use of either an Invitation for Bids Process or an RFP Process to procure Building Improvement, Public Works Projects or Class C Road Construction/Maintenance Projects having an estimated cost that does not exceed the respective Bid Limit.⁸⁶

D. Procurement Process – Exceeding Bid Limit. If the estimated cost of the Building Improvement, Public Works Projects or Class C Road Construction/Maintenance Project exceeds the respective Bid Limit, then the Invitation to Bid Process must be used consistent with the modifications in Sections E-J below.⁸⁷

⁸² Utah Code § 63G-6a-1503.5(5)

⁸³ Utah Code § 11-39-103, 72-6-108.

⁸⁴ Utah Code § 11-39-102, 72-6-108(1).

⁸⁵ Utah Code § 11-39-103(2)(b), 72-6-108(2).

⁸⁶ Utah Code § 11-39-104(1)(b).

⁸⁷ Utah Code § 11-39-103(1)(b), 72-6-108(2).

- E. Notice – Exceeding Bid Limit.** An Invitation to Bid for Building Improvements or Public Works Projects exceeding the Bid Limit must be published either on PCMC’s website or on the Utah Division of Purchasing and General Services website (UP3), and five public places in the City, at least five days before opening of bids. Notice must also be published on the Utah Public Notice website (www.utah.gov/pmn) at least five days before opening of bids.⁸⁸ An Invitation to Bid for a Class C Road Construction/Maintenance Project must be published on the Utah Public Notice website (www.utah.gov/pmn) for three weeks, and for at least 20 days in at least five public places in the county.⁸⁹
- F. Award of Contract.** After evaluating the Bids, PCMC must either: (1) award a contract to the Responsible bidder who submits the lowest Responsive Bid; or (2) for a Design-Build Project, enter into a contract with a Responsible bidder that satisfies the criteria relating to financial strength, past performance, integrity, reliability, and other factors that the local entity uses to assess the ability of a bidder to perform fully and in good faith the contract requirements for a Design-Build Project.⁹⁰
- G. Local Business Match.** If the Responsible bidder who submits the lowest Responsive Bid is not a Local Business, and a Responsible Local Business submits a Responsive Bid that is within 5% of such lowest bid, PCMC may offer such Local Business an opportunity to match the lowest bid. If the Local Business agrees to match the lowest bid, PCMC must award the contract to the Local Business at that price. If more than one Responsible Local Business submits a Responsive Bid within 5% of the lowest Bid under this paragraph, the opportunity to match the lowest bid must first be given to the Local Business with the lowest Bid, and next to the Local Business with the second-lowest Bid, and so forth.
- H. Single Bid.** If only a single Bid is received, the Procurement Official may accept the Bid after considering: (1) whether pricing is fair and reasonable; (2) canceling the Procurement; and (3) a Bid Security requirement.⁹¹
- I. Rejection of Bids.** The Procurement Official may reject any or all Bids submitted and again request bids by the Invitation to Bid Process.⁹²
- J. Contracting Method.** The Procurement Official may select the appropriate contracting method for construction contracts to serve the best interest of PCMC, including: (1) Construction Manager/General Contractor; (2) Design-Build Contract; or (3) any form of contract permitted under state law.⁹³

⁸⁸ Utah Code § 11-39-103(1)(a).

⁸⁹ Utah Code § 72-6-108(3).

⁹⁰ Utah Code § 11-39-103(1)(b), 72-6-108(2)(a).

⁹¹ Adapted from Utah Admin Code R33-4-109.

⁹² Utah Code § 11-39-103(3), 72-6-108(4).

⁹³ Utah Code § 63G-6a-1205, 72-6-108(5).

3-8. Public-Private Partnerships.

The Procurement Official may direct that a contract for a Public-Private Partnership having an aggregate cost to PCMC in excess of the Small Purchase Threshold be procured using the RFP process in Section 3-3.⁹⁴

Article IV – Supplementary Procurement Processes

4-1. State Cooperative Contracts.

The Utah Division of Purchasing and General Services ("Division") has executed State Cooperative Contracts with certain Vendors of commonly used Procurement Items which can be found on the Division website. The Division maintains such contracts for and on behalf of all public entities within the state. By negotiating certain contracts at the state level, the Division seeks to leverage the potential buying power of all state entities and to streamline the Procurement process. PCMC may, but is not required to, use State Cooperative Contracts.

- A. When to Use.** When in the best interest of PCMC, Procurement Items may be directly acquired at a fixed cost under a State Cooperative Contract without conducting a Standard Procurement Process, consistent with the Contract Authority Threshold set forth in Section 2.2, after entering into an agreement or participating addendum describing the rights and duties of each party.⁹⁵
- B. Contract Review.** Before acquiring a Procurement Item under a State Cooperative Contract, the Procurement Official must review the Division's contract with the Vendor to ensure that it: (1) satisfies statutory requirements of a State Cooperative Contract; and (2) extends to PCMC all necessary contractual protections, such as indemnification and insurance.
- C. Competition.** The Procurement Official may direct use of additional competitive pricing or Procurement procedures before utilizing a State Cooperative Contract.
- D. Additional Quotations.** In cases where a Procurement Item may be acquired under multiple State Cooperative Contracts with different Vendors, or where Vendors offer bulk discounts, the Procurement Official should obtain one (1) or more written quotes before acquiring a Procurement Item under a State Cooperative Contract.

4-2. Other Cooperative Purchasing.

- A. When to Use.** When in the best interest of PCMC, the Procurement Official may join with other units of Utah government in cooperative purchasing for Procurement Items, consistent with the Contract Authority Threshold set forth in Section 2.2.

⁹⁴ Utah Administrative Code R33-7-900.

⁹⁵ Adapted from Utah Code § 63G-6a-2105(4)(c).

1. PCMC may contract to purchase Procurement Items under contract terms previously negotiated by another Utah governmental entity if the contract terms negotiated by the other governmental entity were entered into in compliance with the solicitation procedures of that governmental entity.
 2. In lieu of a PCMC-sponsored RSOQ, PCMC may contract to purchase Procurement Items from one or more qualified vendors from an approved vendor list that was created and maintained by another Utah governmental entity in accordance with Utah Code §§ 63G-6a-410(5), -507 (e.g. UDOT Consultant Qualified Pools).
- B. **Contract Review.** Before acquiring a Procurement Item under this section, the Procurement Official must ensure the contract terms extend to PCMC all necessary contractual protections, such as indemnification, liability, and insurance.
- C. **Competition.** The Procurement Official may direct use of additional competitive pricing or Procurement procedures before purchasing Procurement Items under this section.

Article V – Exemptions, Exceptions and Waiver

5-1. Exemptions.⁹⁶

The following Procurements are exempt from the requirements of these Rules:

- A. Any matter that is exempt from Procurement requirements under state or federal law;
- B. Acquisitions of a Procurement Item from another public entity;
- C. Acquisition or disposal of real property or an interest in real property;
- D. Grants;
- E. Supplies purchased for resale to the public;
- F. Hiring of a mediator, arbitrator, or arbitration panel member to participate in dispute resolution efforts;
- G. Retaining outside counsel or acquiring litigation support services, including expert witnesses;
- H. Contracts for governmental relations consulting and lobbyist services;
- I. Contracts for executive search services;

⁹⁶ Utah Code § 63G-6a-107.6 (A – F).

- J.** Contracts to maintain existing software systems in use by PCMC, including upgrades, license renewals and subscription renewals necessary for continued and ongoing use of existing systems; and
- K.** Purchase of minimal, insignificant, or incidental items in the course of daily, ongoing departmental operations that are identified in an approved department budget. Examples of items exempt under this subsection include professional development and training, hand tools, office supplies, and miscellaneous travel expenses.

5-2. Exceptions.

The following exceptions to the requirements of these Rules may be granted with approval of the Procurement Official:

A. Trial-Use Contracts.⁹⁷

- 1. Requirements.** Subject to the approval of the City Manager, PCMC may award a trial-use contract without engaging in a Standard Procurement Process if the purpose of the contract is to determine whether the Procurement item will benefit PCMC; assess the feasibility of a Procurement Item that is new or innovative or has a proposed use or application that is novel or unproven; or evaluate whether to conduct a Standard Procurement Process for the Procurement Item being tested. Further, the contract must be: awarded for a Procurement Item not already available to PCMC under an existing contract; restricted to the Procurement of a Procurement Item in the minimum quantity and for the minimum period of time necessary to test it; PCMC's only trial-use contract for that Procurement Item; and not used to circumvent the purposes and policies of these Rules or the Utah Procurement Code.
- 2. Term.** The period of trial use or testing of a Procurement Item under a trial-use contract may not exceed 24 months unless the Procurement Official provides a written exception documenting the reason for a longer period.
- 3. Content.** A trial-use contract must:
 - a.** State that the contract is strictly for the trial use or testing of a Procurement Item;
 - b.** State that the contract terminates upon completion of the trial-use or testing period;
 - c.** State that PCMC is not obligated to purchase or enter into a contract for the Procurement Item, regardless of the trial-use or testing result;

⁹⁷ Utah Code § 63G-6a-802.3.

- d. State that any purchase of the Procurement Item that is the subject of the trial-use contract will be made in accordance with these Rules and the Utah Procurement code; and
- e. include, as applicable, any additional requirements related to the trial use or testing of the Procurement Item.

4. Publication. Publication of notice is not required for a trial-use contract.

B. Contract Extensions.⁹⁸

- 1. Extension up to 120 Days.** The Procurement Official may enter into a Contract Extension to extend the term of a contract up to 120 days if: it is necessary to avoid a lapse in critical government service or to mitigate a circumstance that is likely to have a negative impact on public health, safety or welfare or property, and,
 - a. PCMC is engaged in a Standard Procurement Process for that Procurement Item and the Standard Procurement Process is delayed due to an unintentional error; or
 - b. A change in an industry standard requires one or more significant changes to specifications for the Procurement Item; or
 - c. An extension is necessary: to prevent the loss of federal funds, to mitigate the effects of a delay of a state or federal appropriation, to enable PCMC to continue to receive a Procurement Item during a delay in the implementation of a contract awarded pursuant to a Procurement that has already been conducted; or to enable PCMC to continue to receive a Procurement Item during a period of time in which negotiations with a Vendor under a new contract for the Procurement Item are being conducted.
- 2. Extension Exceeding 120 Days.** The Procurement Official may enter into a Contract Extension to extend the term of a contract for a period of time exceeding 120 days without engaging in a Procurement process if, after consulting with the City Attorney's Office, the Procurement Official determines in writing that the Contract Extension does not violate state or federal antitrust laws and is consistent with the purpose of ensuring the fair and equitable treatment of all persons who deal with the Procurement process. For example, the term of a contract may be extended in circumstances where the scope and cost are not materially changed, and it would be impractical to award a contract through a Procurement process.

⁹⁸ Utah Code § 63G-6a-802.7.

C. Contract Modifications.

1. The Procurement Official may modify contracts by appropriate Change Order or Contract Amendment without engaging in a Procurement process, consistent with the Contract Authority Threshold set forth in Section 2-2, if:
 - a. The modifications do not affect the scope, price, or term of the contract; or
 - b. The modifications increase the scope of work or cost, the modifications are reasonably related to the original solicitation, and the increase in cost appears reasonable; or
 - c. The modifications reflect a decrease in the scope of work in PCMC's interest.
2. The cost or price of contracts solicited using the Small Purchase Process may not be modified in excess of the Small Purchase Threshold.

D. Emergency Procurements.⁹⁹ The Procurement Official may waive any requirement of these Rules if such waiver is necessary to: (1) avoid a lapse in a critical government service; (2) mitigate a circumstance that is likely to have a negative impact on public health, safety, welfare, or property, including a natural disaster; or (3) protect the legal interests of a public entity.

Any Procurement made pursuant to this provision must be made with as much competition as reasonably practicable. Within 14 days of such Procurement, PCMC must publish on its website a description of the emergency necessitating the Procurement, the name of the highest-ranking government official who approved the Procurement, and each written contract related to the Procurement. The term of a contract executed under this provision may be no more than 30 days, except that a contract related to a "natural disaster" as defined under state law may be up to 60 days. These term limits do not apply to an emergency Procurement for legal services.

5-3. Waiver of Standard Procurement Process.¹⁰⁰

A. Requirements. The Procurement Official may waive the requirements of these Rules when the Procurement Official determines in writing that:

1. Transitional costs are a significant consideration in selecting a Procurement Item, a cost-benefit analysis demonstrates that transitional costs are unreasonable or cost-prohibitive, and award of a contract without engaging in a Standard Procurement Process is in the best interest of PCMC; or

⁹⁹ Utah Code § 63G-6a-803.

¹⁰⁰ Utah Code § 63G-6a-802.

2. The award of a contract is under circumstances that make awarding the contract through a Standard Procurement Process impractical and not in the best interest of PCMC. Such circumstances include, but are not limited to, the following:
 - a. The Procurement Item is available from a sole source or a Procurement procedure would be unlikely to produce competition.
 - b. A particular Procurement Item is of particular benefit to PCMC in order to match existing equipment or facilities.
 - c. PCMC needs specialized or confidential services, and a Procurement procedure would undermine that confidentiality or not be beneficial in obtaining the services.
 - d. Waiver of any requirements of these Rules would convenience the public.

B. Notice. If requirements of these Rules are waived, PCMC must publish notice of the Procurement on the PCMC website at least seven days before the Procurement is finalized if the aggregate cost of the Procurement exceeds \$50,000. Such notice is not required if the Procurement is for public utility services pursuant to a sole source contract.¹⁰¹

C. Best Interest. If requirements of these Rules are waived, the Procurement Official must nonetheless negotiate with the Vendor to ensure that the terms of the Procurement are in the best interest of PCMC.¹⁰²

Article VI – Protests and Appeals

6-1. Protests and Appeals.

A. Procedure. The provisions set forth in Part 16 Protests, Part 18 Appeals to Court and Court Proceedings, and Part 19 General Provisions Related to Protest or Appeal of the Utah Procurement Code,¹⁰³ or their successor provisions, govern any protest or appeal arising from a PCMC Procurement.

B. Protest Officer. The Procurement Official is designated as PCMC’s protest officer.

C. Intervention. As required by Utah Code § 63G-6a-1603(4)(c), PCMC directs that intervention in a protest is governed by the provisions of Utah Administrative Code R33-16-301 - Intervention in a Protest, or its successor provision.

D. Appeals to Court and Court Proceedings. Appeals to Court are governed by the provisions of Utah Administrative Rule R33-18 - Appeals to Court and Court Proceedings, or its successor provision.

¹⁰¹ Utah Code § 63G-6a-802(3).

¹⁰² Utah Code § 63G-6a-802(4).

¹⁰³ Utah Code § 63G-6a-1601 et seq., 1801 et seq., 1901 et seq.

Exhibit C
Responses to Questions Raised During May 2022 Work Session

Is an emergency declaration needed for an emergency procurement?

No. Under state code, a “natural disaster” is a fire, flood, earthquake, etc., which has caused widespread damage and the president of the United States or the governor has declared a state of emergency. The procurement official is authorized to conduct a procurement without using a standard procurement procedure if such procurement is necessary to:

- a. Avoid a lapse in critical government service;
- b. Mitigate a circumstance that is likely to have a negative impact on public health, safety, welfare, or property, including a natural disaster; or
- c. Protect the legal interests of a public entity.

Contracts under an emergency procurement may not exceed 30 days (60 days for a natural disaster). The procurement official must ensure that there is as much competition as practicable in an emergency procurement. Information about the procurement must be posted on the City’s website: a description of the specific emergency; the name of the highest-ranking government official who approved the emergency procurement; and each contract related to the emergency procurement.

The proposed Procurement Rules allow PCMC to award a bid to a “Local Business” bidder who is within 5% of the lowest bid if the Local Business bidder matches the low bid. Can PCMC increase that percentage allowance?

The City could increase the percentage. Because the Local Business bidder would have to match the non-local bid, competition is still fostered. The state code does provide for preferences for products originating in Utah and Utah resident-contractors, but those percentage limits are based on the preferences given to contractors outside of Utah. There is no direct applicability of this state code provision to what PCMC may do with procurements involving “Local Businesses” based in Summit County.

Is there a conflict of interest inherent in the Procurement Official also acting as PCMC’s “Protest Officer” under the proposed Rules?

No. The Procurement Official is authorized to select the manner of procuring supplies and services and must be knowledgeable about the rules. Settling and resolving controversies related to the procurement process requires knowledge of the rules and the ability to apply the facts to the rules without bias. In the unusual case where the Procurement Official made a substantive decision that is also at issue in an appeal, the Official would designate another employee to serve as the Protest Officer.

Is there a “forced rotation” of service providers, vendors, or contractors in the proposed Rules?

When using the Small Purchase Process with an Approved Vendor List, the vendors must be rotated to ensure fair and equitable treatment of all listed vendors and promote competition. Further, the Rules create a *de facto* forced rotation in other types of procurement. For example, vendors on an Approved Vendor List must be reviewed at least every 18 months. This allows the City to remove vendors from that list, to choose a different vendor from the list, or to conduct a full RFP for a different vendor. A “forced” selection may run counter to the intent of the state procurement code, for example where a specific vendor continues to outperform other vendors.

Can members of the community participate as on a proposal/SOQ evaluation committee?

Yes, if the community members have a general familiarity with the procurement item and do not have a conflict of interest.

Is there a price cap on a contract award to a vendor on an approved vendor list?

Not as currently proposed, although a cap is not prohibited.

Resolution 03-2023

**A RESOLUTION ADOPTING PROCUREMENT RULES
FOR PARK CITY MUNICIPAL CORPORATION**

WHEREAS, the City Council of Park City, Utah, supports procurement rules that are transparent, fair, and equitable to Park City Municipal Corporation (PCMC) and those seeking to provide goods and services to PCMC;

WHEREAS, these procurement rules foster effective broad-based competition and allow PCMC to meet procurement needs in a cost-effective and efficient manner; and,

WHEREAS, pursuant to Utah Code Title 63G, Chapter 6a, the “Utah Procurement Code,” the City Council hereby exercises its rulemaking authority;

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

SECTION 1. ADOPTION. The Park City Council hereby adopts the attached Procurement Rules which govern all expenditures of public funds used to acquire items including equipment, supplies, personal property, technology, services, and construction projects. These rules do not apply to the acquisition of real property or an interest in real property, or to the acquisition of items from other public entities.

SECTION 2. REPEAL. The attached Contracts and Purchasing Policy in the Budget Policy, Part II Contracting and Purchasing Policy (last Amended 2004), is hereby repealed.

SECTION 3. EFFECTIVE DATE. This Resolution shall take effect and apply to projects initiated after April 1, 2023.

This resolution is passed and adopted this _____ day of March, 2023.

PARK CITY MUNICIPAL CORPORATION

Mayor Nann Worel

Attest:

Michelle Kellogg, City Recorder

Approved as to form:

Margaret Plane, City Attorney

CHAPTER 5 – **PUBLIC SERVICE CONTRACTS & PURCHASING POLICY-SETTLEMENT AUTHORITY**

PART I - PUBLIC SERVICE CONTRACTS (AMENDED ~~MAY 2020~~ 2023)

As part of the budget process, the City Council appropriates funds to contract with organizations offering services consistent with the needs and goals of the City. Depending upon the type of service category, payment terms of the contracts may take the form of cash payment and/or offset fees or rent relating to City property in exchange for value-in-kind services. The use of the public service contracts will typically be for specific services rendered in an amount consistent with the current fair market value of said services.

A. Public Service Fund Distribution Criteria

In order to be eligible for a public service contract in Fund Categories 1-3, organizations must meet the following criteria:

1. **Criterion 1:** Accountability and Sustainability of Organization - The organization must have the following:
 - Quantifiable goals and objectives.
 - Non-discrimination in providing programs or services.
 - Cooperation with existing related programs and community service.
 - Compliance with the City contract.
 - Federally recognized not-for-profit status.
2. **Criterion 2:** Program Need and Specific City Benefit - The organization must have the following:
 - A clear demonstration of public benefit and provision of direct services to City residents.
 - A demonstrated need for the program or activity. Special Service Funds may not be used for one-time events, scholarship-type activities or the purchase of equipment.
3. **Criterion 3:** Fiscal Stability and Other Financial Support - The organization must have the following:
 - A clear description of how public funds will be used and accounted for
 - Other funding sources that can be used to leverage resources.
 - A sound financial plan that demonstrates managerial and fiscal competence.
 - A history of performing in a financially competent manner.
4. **Criterion 4:** Fair Market Value of the Services - The fair market value of services included in the public service contract should equal or exceed the total amount of compensation from the City unless outweighed by demonstrated intangible

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benefits.

B. Total Public Service Fund Appropriations

The City may appropriate up to 1 percent of the City's total budget for public service contracts for the Special Service Contract and Rent Contribution Categories described below. In addition, the City appropriates specific dollar amounts from other funds specifically related to Historic Preservation as described below.

C. Fund Categories and Percentage Allocations

For the purpose of distributing Public Service Funds, public service contracts are placed into the following categories:

- 1. Special Service Contracts**

- a) Regular Services – To be determined by Council discretion

- 2. Rent Contribution**

- 3. Historic Preservation**

A percentage of the total budget (which shall not exceed 1 percent) is allocated for contracts in the Special Service Contract and Rent Contribution categories by the City Council. A specific dollar amount is allocated to Historic Preservation and the Historic Preservation Grant Program based up on funds available from the various Redevelopment Agencies and the General Fund.

The category percentage allocation could vary from year-to-year, depending on Council discretion. In addition, as the City's budget fluctuates (up or down) due to economic conditions, the dollar amounts applied to each category may fluctuate proportionally. Unspent fund balances at the end of a year will not be carried forward to future years. It is the intent of the City Council to appropriate funds for specific ongoing community services and not fund one-time projects or programs.

D. Special Service Contracts

A portion of the budget will be designated for service contracts relating to services that would otherwise be provided by the City. Special services that fall into this category would include, but not be limited to the following: community art & culture, childhood education, medical treatment, emergency assistance, food pantry, housing outreach & education, and safe haven. To the extent possible, individual special services will be delineated in the budget.

The City will award special service contracts through a competitive bid process administered by the Service Contract Subcommittee and City Staff. The City reserves the right to accept, reject, or rebid any service contracts that are not deemed to meet the needs of the community or the contractual goals of the service contract.

Each special service provider will have a special service contract with a term of one to four years, depending on the type of contract. Eighty percent of each annual appropriation will

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be available at the beginning of the fiscal year, with the remaining 20 percent to be distributed upon demonstration through performance measures (quality and quantity) that the program has provided public services meeting its goals as delineated in the special service contract. The disbursement of all appropriations will be contingent upon council approval. Special service providers will be required to submit current budgets and evidence of contract compliance (as determined by the contract) by the given deadline of the first contract year.

The City reserves the right to appoint a citizen's task force to assist in the competitive selection process. The task force will be selected on an ad hoc basis by the Service Contract Subcommittee.

All special service contract proposals must be consistent with the criteria listed in this policy, in particular criterion 1-4.

Innovation Grants: City council intends to provide the community with a meaningful venue to deliver unique and innovative ideas focused on tackling the City's challenges. These solutions may focus on the Community Critical Priorities of energy, housing, transportation, and social equity, but may be related to any initiative the City deems worthwhile. Grants would provide an organization with seed money to create programs or start initiatives, but would not serve as a long-term funding solution for non-profits. Innovation grants will typically have distributions ranging from 1-3 years.

Deadlines: All proposals for Special Service Contracts must be received no later than the given deadline. A competitive bidding process conducted according to the bidding guidelines of the City may set forth additional application requirements. If there are unallocated funds, extraordinary requests may be considered every six months unless otherwise directed by Council.

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

1. The request must meet all of the normal Public Service Fund Distribution Criteria and qualify under one of the existing Special Service Contract categories;
2. The applicant must show that the requested funds represent an unexpected fiscal need that could not have been anticipated before the deadline; and
3. The applicant must demonstrate that other possible funding sources have been exhausted.

E. Rent Contribution

A portion of the Special Service Contract funds will be used as a rent contribution for organizations occupying City-owned property and providing services consistent with

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criterion 1-4 pursuant to the needs and goals of the City. To the extent possible, individual rent contributions will be delineated in the budget. Rent contributions will usually be memorialized by a lease agreement with a term of five years or less, unless otherwise approved by City Council.

The City is required to make rent contributions to the Park City Building Authority for buildings that it occupies. Qualified Organizations may enter into a lease with the City to occupy City space at a reduced rental rate pursuant to criterion 1-4. The difference between the reduced rental rate and the rate paid to the Park City Building Authority will be funded by the rent contribution amount. Rent Contribution lease agreements will not exceed five years in length unless otherwise directed by the City Council. Please note that this policy only applies when a reduced rental rate is being offered. This policy does not apply to lease arrangements at "market" rates.

F. Historic Preservation

Each year, the City Council may appropriate a specific dollar amount relating to historic preservation. The City Council will appropriate the funding for these expenditures during the annual budget process. The funding source for this category is the Lower Park Avenue, the Main Street RDA, and the General Fund. The City Council hereby authorizes the Historic District Grant Program. The disbursement of the funds shall be administered pursuant to the Historic District Grant Program pursuant to applications and criteria established by the Planning Department, and awarded by the Planning Department except that City Council approval shall be required for disbursement amounts greater than \$25,000. In instances where another organization is involved, a contract delineating the services will be required. Projects involving city property or partnerships shall be limited to Category A. Repair funds, remaining end of fiscal year funds, or funds allocated via the General Fund through the separate Budgeting for Outcomes (BFO) annual process.

G. Exceptions

Rent Contribution and Historic Preservation funds will be appropriated through processes separate from the biennial Special Service Contract process and when deemed necessary by City Council or its designee.

The Service Contract Sub-Committee has the discretion as to which categories individual organizations or endeavors are placed. Any percentage changes to the General Fund categories described above must be approved by the City Council. All final decisions relating to public service funding are at the discretion of the City Council.

Nothing in this policy shall create a binding contract or obligation of the City. Individual Service Contracts may vary from contract to contract at the discretion of the City Council. Any award of a service contract is valid only for the term specified therein and shall not constitute a promise of future award. The City Council reserves the right to reject any and all proposals, and to waive any technical deficiency at its sole discretion. Members of the City Council, the Service Contract Sub-Committee, and any Advisory Board, Commission or special committee with the power to make recommendations regarding Public Service

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Contracts are ineligible to apply for such Public Service Contracts, including historic preservation funds. City Departments are also ineligible to apply for Public Service Contracts. The ineligibility of Advisory Board, Commission and special committee members shall only apply to the category of Public Service Contracts that such advisory Board, Commission and special committee provides recommendations to the City Council. All submittals shall be public records in accordance with government records regulations (“GRAMA”) unless otherwise designated by the applicant pursuant to UCA Section 63-2-308, as amended.

~~PART II CONTRACTING AND PURCHASING POLICY SETTLEMENT AUTHORITY~~

~~A. Purpose~~

~~These rules are intended to provide a systematic and uniform method of purchasing goods and services for the City. The purpose of these rules is to ensure that purchases made and services contracted are in the best interest of the public and acquired in a cost-effective manner.~~

~~**Authority of Manager:** The City Manager or designate shall be responsible for the following:~~

- ~~1. Ensure all purchases for services comply with these rules;~~
- ~~2. Review and approve all purchases of the City;~~
- ~~3. Establish and amend procedures for the efficient and economical management of the contracting and purchasing functions authorized by these rules. Such procedures shall be in writing and on file in the office of the manager as a public record;~~
- ~~4. Maintain accurate and sufficient records concerning all City purchases and contracts for services;~~
- ~~5. Maintain a list of contractors for public improvements and personal services who have made themselves known to the City and are interested in soliciting City business;~~
- ~~6. Make recommendations to the City Council concerning amendments to these rules.~~

~~B. Definitions~~

~~**Building Improvement:** The construction or repair of a public building or structure (Utah Code 11-39-101).~~

~~**City:** Park City Municipal Corporation and all other reporting entities controlled by or dependent upon the City's governing body, the City Council.~~

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Contract: ~~An agreement for the continuous delivery of goods and/or services over a period of time greater than 15 days.~~

CPI: ~~The Consumer Price Index for All Urban Consumers as published by the Bureau of Labor Statistics of the United States Department of Labor.~~

Local Business: ~~a business having:~~

- ~~a. A commercial office, store, distribution center or other place of business located within the boundaries of Summit County, with an intent to remain on a permanent basis;~~
- ~~b. A current County or City business license; and~~
- ~~c. At least one employee physically present at the local business outlet.~~

Local Bidder: ~~A Local Business submitting a bid on a Park City Public Works Project or Building Improvement~~

Manager: ~~City Manager or designee.~~

Public Works Project: ~~The construction of a park, recreational facility, pipeline, culvert, dam, canal, or other system for water, sewage, storm water, or flood control (Utah Code 11-39-101). “Public Works Project” does not include the replacement or repair of existing infrastructure on private property (Utah Code 11-39-101), or emergency work, minor alteration, ordinary repair, or maintenance necessary to preserve a public improvement (such as lowering or repairing water mains; making connections with water mains; grading, repairing, or maintaining streets, sidewalks, bridges, culverts or conduits).~~

Purchase: ~~The acquisition of goods (supplies, equipment, etc.) in a single transaction such that payment is made prior to receiving or upon receipt of the goods.~~

~~C.~~ General Policy

- ~~1. All City purchases for goods and services and contracts for goods and services shall be subject to these rules.~~
- ~~2. No contract or purchase shall be so arranged, fragmented, or divided with the purpose or intent to circumvent these rules. All thresholds specified in this policy are to be applied to the total cost of a contract over the entire term of the contract, as opposed to annualized amounts.~~
- ~~3. City departments shall not engage in any manner of barter or trade when procuring goods and services from entities both public and private.~~
- ~~4. No purchase shall be contracted for, or made, unless sufficient funds have been budgeted in the year in which funds have been appropriated.~~
- ~~5. Subject to federal, state, and local procurement laws when applicable, reasonable attempts should be made to~~

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~~support Park City businesses by purchasing goods and services through local vendors and service providers.~~

- ~~6. All reasonable attempts shall be made to publicize anticipated purchases or contracts in excess of \$15,000 to known vendors, contractors, and suppliers.~~
- ~~7. All reasonable attempts shall be made to obtain at least three written quotations on all purchases of capital assets and services in excess of \$15,000.~~
- ~~8. When it is advantageous to the City, annual contracts for services and supplies regularly purchased should be initiated.~~
- ~~9. All purchases and contracts must be approved by the manager or their designee unless otherwise specified in these rules.~~
- ~~10. All contracts for services shall be approved as to form by the city attorney.~~
- ~~11. The following items require City Council approval unless otherwise exempted in these following rules:~~
 - ~~a. All contracts (as defined) with cumulative total over \$25,000~~
 - ~~b. All contracts and purchases awarded through the formal bidding process.~~
 - ~~c. Any item over \$15,000 that is not anticipated in the current budget.~~
 - ~~d. Accumulated "Change Orders" which would overall increase a previously council approved contract by:~~
 - ~~i. the lesser of 20% or \$25,000 for contracts of \$250,000 or less~~
 - ~~ii. more than 10% for contracts over \$250,000.~~
 - ~~iii. any change order that causes the contract to exceed the above amounts, must go to council for approval.~~
- ~~12. Acquisition of the following Items must be awarded through the formal bidding process:~~
 - ~~a. All contracts for building improvements over the amount specified by state code, specifically:~~
 - ~~i. for the year 2003, \$40,000~~
 - ~~ii. for each year after 2003, the amount of the bid limit for the previous year, plus an amount calculated by multiplying the amount of the bid limit for the previous year by the lesser of 3% or the actual percent change in the CPI during the previous calendar year.~~
 - ~~b. All contracts for public works projects over the amount specified by state code, specifically:~~
 - ~~i. for the year 2003, \$125,000 (\$176,559 for FY15)~~
 - ~~ii. for each year after 2003, the amount of the bid limit for the~~

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previous year, plus an amount calculated by multiplying the amount of the bid limit for the previous year by the lesser of 3% or the actual percent change in the CPI during the previous calendar year.

- ~~c. Contracts for grading, clearing, demolition or construction in excess of \$2,500 undertaken by the Community Redevelopment Agency.~~
- ~~13. The following items require a cost benefit analysis where there is a quantifiable return on investment as defined by the Budget, Debt, and Grants Department before approved:
 - ~~a. All contracts, projects and purchases over \$25,000~~
 - ~~b. All contracts and purchases awarded through the formal bidding process.~~
 - ~~c. Any item over \$15,000 that is not anticipated in the current budget process.~~~~
- ~~14. City Employees or anyone acting on behalf of the City may not receive or accept any gift or loan if the gift or loan could influence a reasonable person in the discharge of the person's official duties including but not limited to the granting of City contracts. This prohibition does not apply to any occasional non-pecuniary (non-cash equivalent) gifts with a value less than \$50. Employees must abide by PCMC 3-1-4.~~
- ~~15. All RFPs must be advertised on the Park City website.~~

~~D. Exceptions~~

~~Certain contracts for goods and services shall be exempt from bidding provisions. The manager shall determine whether or not a particular contract or purchase is exempt as set forth herein.~~

- ~~1. Emergency contracts which require prompt execution of the contract because of an imminent threat to the safety or welfare of the public, of public property, or of private property; circumstances which place the City or its officers and agents in a position of serious legal liability; or circumstances which are likely to cause the City to suffer financial harm or loss, the gravity of which clearly outweighs the benefits of competitive bidding in the usual manner. The City Council shall be notified of any emergency contract which would have normally required their approval as soon as reasonably possible. Consult the Emergency Manager regarding purchases for disaster events.~~
- ~~2. Projects that are acquired, expanded, or improved under the "Municipal Building Authority Act" are not subject to competitive bidding requirements.~~
- ~~3. Purchases made from grant funds must comply with all provisions of the grant.~~

- ~~4. Purchases from companies approved to participate in Utah State Division of Purchasing and General Services agreements and contracts are not subject to competitive bidding requirements.~~
- ~~5. Purchases made via public auction.~~
- ~~6. Purchases from local government purchasing pools in which the City is a participant as approved by a resolution of the City Council.~~

~~E. General Rules~~

- ~~1. **Purchases of Materials, Supplies and Services** are those items regularly purchased and consumed by the City. These items include, but are not limited to, office supplies, janitorial supplies, and maintenance contracts for repairs to equipment, asphalt, printing services, postage, fertilizers, pipes, fittings, and uniforms. These items are normally budgeted within the operating budgets. Purchases of this type do not require "formal" competitive quotations or bids. However, for purchases in excess of \$15,000 all reasonable attempts shall be made to obtain at least three written quotations and to notify via the City website any local businesses that, in the normal course of business, provide the materials, supplies or services required by the City. A written record of the source and the amount of the quotations must be kept.~~
- ~~2. **Purchases of Capital Assets** are "equipment type" items which would be included in a fixed asset accounting system having a material life of three years or more and costing in excess of \$5,000. These items are normally budgeted within the normal operating budgets. Purchases of this type do not require "formal" bids. All reasonable attempts shall be made to obtain at least three written quotations on all purchases of this type in excess of \$15,000. A written record of the source and the amount of the quotations must be kept. A reasonable attempt will be made to notify via the City website any local businesses that, in the normal course of business, sells the equipment required by the City.~~
- ~~3. **Contracts for Professional Services** are usually contracts for services performed by an independent contractor, in a professional capacity, who produces a service predominately of an intangible nature. These include, but are not limited to, the services of an attorney, physician, engineer, accountant, architectural consultant, dentist, artist, appraiser or photographer. Professional service contracts are exempt from competitive bidding. All reasonable attempts shall be made to obtain at least three written quotations on all contracts exceeding \$15,000 and to notify via the City website any local businesses that, in the normal course of business, provide the service required by the City. A written record of the source and the amount of the quotations must be kept.~~

~~The selection of professional service contracts in an amount exceeding \$25,000 shall be based on a formal documented evaluation process such as Request for Proposals (RFP), Statement of Qualifications (SOQ), Qualification Based Selection (QBS), etc. The evaluation process should include an objective assessment, preferably by multiple reviewers, of the services needed, the abilities of the contractors, the uniqueness of the service, the cost of the service, and the general performance of the contractor. Special consideration may also be given to local businesses during the evaluation in instances where knowledge of local issues, geography, statutes, etc., may enhance the quality of service rendered.~~

~~The lowest quote need not necessarily be the successful contractor. Usually, emphasis will be placed on quality, with cost being the deciding factor when everything else is equal. The manager shall determine which contracts are professional service contracts. Major professional service contracts (\$25,000 and over) must be approved by the City Council.~~

- ~~4. **Contracts for Public Improvements** are usually those contracts for the construction or major repair of roads, highways, parks, water lines and systems (i.e., Public Works Projects); and buildings and building additions (i.e. Building Improvements). Where a question arises as to whether or not a contract is for public improvement, the manager shall make the determination.~~

~~**Minor public improvements (less than the amount specified by state code):** The department shall make a reasonable attempt to obtain at least three written competitive quotations for contracts in excess of \$15,000. A written record of the source and the amount of the quotations must be kept. Procurement for all minor public improvements in excess \$25,000 shall be based on a formal documented evaluation process. The evaluation process should include, at minimum, an objective assessment of the services needed, the abilities of the contractors to perform the service and the cost of the service. A reasonable attempt will be made to notify via the City website any local businesses that, in the normal course of business, provide the public improvements required by the City. The manager may require formal bidding if it is deemed to be in the best interest of the City. Local bidder preference applies.~~

~~**Major public improvements (greater than or equal to the amount specified by state code):** Unless otherwise exempted, all contracts of this type require competitive bidding. Local bidder preference does not apply.~~

- ~~5. **Contracts for Professional Services, where the Service Provider is responsible for Building Improvements/Public Works Project**~~

~~(Construction Manager / General Contractor “CMGC” Method)~~ are contracts where the City contracts with a "Construction Manager/General Contractor" which is a contractor who enters into a contract for the management of a construction project when that contract allows the contractor to subcontract for additional labor and materials that were not included in the contractor's cost proposal submitted at the time of the procurement of the Construction Manager/General Contractor's services. It excludes a contractor whose only subcontract work not included in the contractor's cost proposal submitted as part of the procurement of construction is to meet subcontracted portions of change orders approved within the scope of the project. The CMGC contract is exempt from competitive bidding. The selection of CMGC contracts shall be based on a documented evaluation process such as a Request for Proposals (RFP), Statement of Qualifications (SOQ), Qualification Based Selection (QBS), etc. The evaluation process should include an objective assessment, preferably by multiple reviewers, of the services needed, the abilities of the contractors, the uniqueness of the service, the cost of the service, and the general performance of the contractor. Special consideration may also be given to local businesses during the evaluation in instances where knowledge of local issues, geography, statutes, etc., may enhance the quality of service rendered. The lowest quote need not necessarily be the successful contractor. Usually, emphasis will be placed on quality, with cost being the deciding factor when everything else is equal. The manager shall determine which contracts are CMGC contracts. Major CMGC contracts (over \$25,000) must be approved by the City Council. The selected CMGC will then implement all bid packages and subcontractors under a competitive bid requirement as required herein. The Project Manager will attend the award of all subcontracts which meet the threshold requirements of General Policy 12 (a) or (b) above.

- ~~6. — Ongoing Service Contracts are contracts that renew annually for services such as: cleaning services, alarm systems, and elevator maintenance etc. Ongoing service contract renewals will not last more than a five-year span. Following the conclusion of a five-year term, contracts exceeding a total of \$25,000 will again undergo the process described in the section: E. General Rules, Subsection: 3. Contracts for Professional Services.~~

~~F. — Formal or Competitive Bidding Provisions~~

- ~~1. — Bid Specifications: Specifications for public contracts shall not expressly or implicitly require any product by any brand name or make, nor the product of any particular manufacturer or seller, unless the product is exempt by these regulations or the City Council.~~

- ~~2. — **Advertising Requirements:** An advertisement for bids is to be published at least twice in a newspaper of general circulation, printed and published in the city and in as many additional issues and publications as the manager may determine, at least five days prior to the opening of bids. The advertisement shall also be posted on the Park City website and the Utah public legal notice website established by the combined efforts of Utah's newspapers. Advertising for bids relating to Class B and C road improvement projects shall be published in a newspaper of general circulation in the county at least once a week for three consecutive weeks as well as be posted on the Park City website and the Utah public legal notice website established by the combined efforts of Utah's newspapers.~~

~~All advertisements for bids shall state the following:~~

- ~~a. — The date and time after which bids will not be accepted;~~
- ~~b. — The date that pre-qualification applications must be filed, and the class or classes of work for which bidders must be pre-qualified if pre-qualification is a requirement;~~
- ~~c. — The character of the work to be done or the materials or things to be purchased;~~
- ~~d. — The office where the specifications for the work, material or things may be seen;~~
- ~~e. — The name and title of the person designated for receipt of bids;~~
- ~~f. — The type and amount of bid security if required;~~
- ~~g. — The date, time, and place that the bids will be publicly opened.~~

- ~~3. — **Requirements for Bids:** All bids made to the city shall comply with the following requirements:~~

- ~~a. — In writing or electronically sealed;~~
- ~~b. — Filed with the manager;~~
- ~~c. — Opened publicly by the manager at the time designated in the advertisement and filed for public inspection;~~
- ~~d. — Have the appropriate bid security attached, if required.~~

- ~~4. — **Award of Contract:** After bids are opened, and a determination made that a contract be awarded, the award shall be made to the lowest responsible bidder. "Lowest responsible bidder" shall mean the lowest bidder who has substantially complied with all prescribed requirements and who has not been disqualified as set forth herein. The successful bidder shall promptly execute a formal contract and, if required, deliver a bond, cashier's check, or certified check to the manager in a sum equal to the contract price, together with proof of appropriate insurance. Upon execution of the contract, bond, and insurance, the bid security shall be returned. Failure to execute the contract, bond, or insurance shall result in forfeit of the bid security.~~

- ~~a. — **Local Bidder Preference:** If the bid of a nonlocal bidder is lowest and there was a local bidder who also submitted a bid which was within five percent (5%) of the low bid, then the contract shall be awarded to the local bidder if the bidder agrees in writing within forty-eight (48) hours after being notified of the low bid, that the bidder will meet the bid price while the bidder meets all the prescribed requirements set forth in the bid documents. If there are more than two local bidders who are within 5% then the contract shall be awarded to the local bidder which had the lowest original bid according to the procedure above.~~
- ~~5. — **Rejection of Bids:** The manager or the City Council may reject any bid not in compliance with all prescribed requirements and reject all bids if it is determined to be in the best interest of the City.~~
- ~~6. — **Disqualification of Bidders:** The manager, upon investigation, may disqualify a bidder if he or she does not comply with any of the following:~~
 - ~~a. — The bidder does not have sufficient financial ability to perform the contract;~~
 - ~~b. — The bidder does not have equipment available to perform the contract;~~
 - ~~c. — The bidder does not have key personnel available, of sufficient experience, to perform the contract;~~
 - ~~d. — The person has repeatedly breached contractual obligations with public and private agencies;~~
 - ~~e. — The bidder fails to comply with the requests of an investigation by the manager.~~
- ~~7. — **Pre-qualification of Bidders:** The City may require pre-qualification of bidders. Upon establishment of the applicant's qualifications, the manager shall issue a qualification statement. The statement shall inform the applicant of the project for which the qualification is valid, as well as any other conditions that may be imposed on the qualification. It shall advise the applicant to notify the manager promptly if there has been any substantial change of conditions or circumstances which would make any statement contained in the pre-qualification application no longer applicable or untrue. If the manager does not qualify an applicant, written notice to the applicant is required, stating the reasons the pre-qualification was denied, and informing the applicant of his right to appeal the decision within five business days after receipt of the notice. Appeals shall be made to the City Council. The manager may, upon discovering that a pre-qualified person is no longer qualified, revoke pre-qualification by sending notification to the person. The notice shall state the reason for revocation and inform the person that~~

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~~revocation will be effective immediately.~~

~~**8. Appeals Procedure:** Any supplier, vendor, or contractor who determines that a decision has been made adversely to him, by the City, in violation of these regulations, may appeal that decision to the City Council. The complainant contractor shall promptly file a written appeal letter with the manager, within five working days from the time the alleged incident occurred. The letter of appeal shall state all relevant facts of the matter and the remedy sought. Upon receipt of the notice of appeal, the manager shall forward the appeal notice, his investigation of the matter, and any other relevant information to the City Council. The City Council shall conduct a hearing on the matter and provide the complainant an opportunity to be heard. A written decision shall be sent to the complainant.~~

- G.** From time to time claims are made against the City based on contract, tort, or other state and federal laws. It is in the best interest of the City to efficiently investigate, evaluate, negotiate, and process such claims. It is not efficient or prudent to involve the Council in every decision to settle small, routine, claims made against the City.

Therefore, to effect the efficient evaluation, negotiation, and processing of such claims, it is in the best interest of the City to authorize the City Manager to process and settle certain claims as he/she deems prudent. The City Manager is authorized to settle crop loss claims made against the City in an amount not to exceed \$25,000, and all other claims in an amount not to exceed \$50,000.

City Council Staff Report



Subject: 402 and 410 Ontario Avenue Plat
Amendment
Application: PL-22-05331
Author: Alexandra Ananth, Sr. Planner
Date: March 9, 2023
Type of Item: Administrative – Plat Amendment

Recommendation

(1) Review Ordinance 2023-11, an Ordinance Approving the 402 & 410 Ontario Avenue Plat Amendment; (2) hold a public hearing; and (3) consider approving the Plat Amendment based on the Findings of Fact, Conclusions of Law, and Conditions of Approval in the Draft Ordinance 2023-11 (Exhibit A).

Description

Applicant: Green Monster, LLC (402 Ontario) & Cameron Stacy (410 Ontario)
Location: 402 and 410 Ontario Avenue
Zoning District: Historic Residential -1
Adjacent Land Uses: Single Family Dwellings
Reason for Review: Plat Amendments require Planning Commission recommendation and City Council action¹

HDDR Historic District Design Review
HR – 1 Historic Residential – 1
LMC Land Management Code
ROW Right-of-Way
SFD Single Family Dwelling

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § [15-15-1](#).

Summary

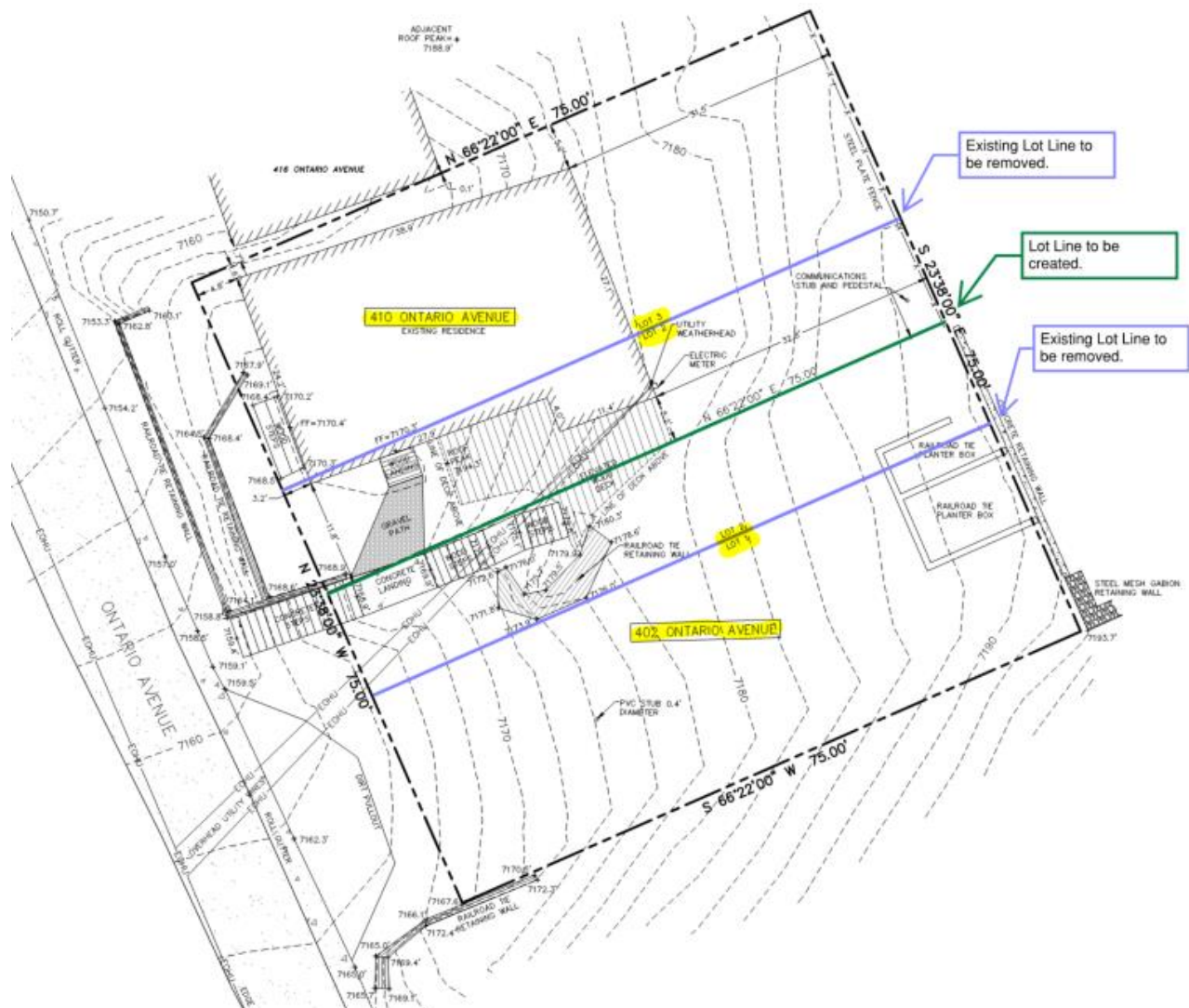
402 and 410 Ontario Avenue are neighboring properties with two different owners occupying Lots 1, 2, and 3 in Block 58 of the Park City Survey. 402 Ontario consists of Lot 1 and the southerly half of Lot 2 and is currently vacant. 410 Ontario consists of the northerly half of Lot 2 and Lot 3, and is improved with a non-conforming duplex, with one unit on the upper floor and one unit on the lower floor. The Planning Director issued a letter on January 6, 2023, determining the duplex is a non-conforming Use and Structure (Exhibit B).

¹ LMC [§ 15-7.1-2\(B\)](#).

410 Ontario received approval in 1997 for a Plat Amendment to combine 1.5 Old Town Lots into one 2,805 square foot Lot (the same proposal as the current application), but the Plat was not recorded and has since expired (Exhibit C Ordinance 97-41).

The owners would like to create two Lots, removing the internal Lot lines existing on the properties currently. This would allow 402 Ontario to utilize their one and a half Lots to propose a new Single-Family Dwelling. 410 Ontario currently has no plans for construction or remodeling but is built over a lot line that is proposed to be removed.

On January 25, 2023, the Planning Commission held a public hearing, reviewed, and approved the Plat Amendment. No public input was received. The Commission made minor amendments to the Conditions of Approval (adding these lots will require Steep Slope CUPs) and unanimously voted to forward the project for Council Consideration on March 9, 2023 ([Staff Report](#); [Minutes](#), p. 3).



Existing Conditions (Exhibit D):



Aerial View

Background

402 Ontario Avenue – The Lot previously had a non-historic structure on it that was approved for demolition on April 8, 2020. Since then, the natural grade has been restored and it is currently a vacant Lot. The current owner is in the process of seeking HDDR approval for a new Single-Family Dwelling which will meet all HR-1 Lot and Site Requirements including Building Height and Parking.

410 Ontario Avenue – The existing non-historic structure was built in 1970.

On August 18, 1997, the Historic District Commission approved a Design Review of the non-historic duplex to replace failing foundation and re-construct the rear of the structure. The following relevant Conditions of Approval were applied:

1. The final building plans shall reflect substantial compliance with the elevations submitted and reviewed by the Historic District Commission on August 18, 1997.
2. The applicant shall obtain a Plat Amendment of the property to accommodate the development of the proposed addition. Execution and recordation of the Plat Amendment is a condition precedent to the issuance of a building permit for the proposed structure.
3. All new improvements, including but not limited to the proposed additional shall comply with all HR-1 District setback requirements.

On September 18, 1997, the City Council approved a Plat Amendment to combine 1.5

Old Town Lots into one 2,805 square foot Lot (the same proposal as the current application). The Plat was never recorded but was approved with the following relevant Conditions of Approval (Exhibit C):

1. Realignment of the staircase that currently crosses property line is required on the south side of the structure to comply with the Uniform Building Code.
2. Any remnant portion of Lot 2 is not separately developable unless combined with another piece of property to create a lot conforming to minimum lot size.
3. 10' non-exclusive snow storage easement along Ontario Ave shall be dedicated to the city.

For unknown reasons, despite City Council approval, the Plat was not recorded by the prior owner.

On November 7, 1997, despite lack of plat recordation, a Building Permit was approved for the structure with the following relevant Conditions of Approval:

1. This building is non-conforming. It is a duplex on a parcel less than 3,750 square feet. No expansion or additions may be made under this permit, only improvements of a structural or cosmetic nature.

From the Conditions of Approval previously agreed upon with the 1997 Plat Amendment, Staff has added the 10-foot snow storage Easement as **Condition of Approval 4**. The property owner of 410 Ontario Avenue has an Encroachment Agreement with the property owner of 402 Ontario Avenue for the existing deck and staircase which crosses the proposed property line. The Building Department has determined that the staircase may remain with the Encroachment Agreement. The encroaching stairs into City ROW are addressed with Encroachment Agreement: [Entry No. 01198229](#) (with the City).

(I) The proposed Plat Amendment complies with the Historic Residential (HR-1) Zoning District requirements.

The following table outlines the HR-1 Zoning District Lot requirements.²

HR-1 Zoning Requirement	410 Ontario Avenue (Lot B)	402 Ontario Avenue (Lot A)
Min. Lot Area for a Single-Family Dwelling: 1,875 sf	Lot contains 2,812.5 sf (0.065 acres).	Lot contains 2,812.5 sf (0.065 acres).
Min. Lot Area for a Duplex: 3,750 sf	Existing Non-Conforming Use/ Non-Compliant structure	Condition of Approval 5:
	Conditional of Approval 6:	Any new development on Lot A must comply with the Land Management Code in place at the time of building permit

² LMC [§ 15-2.2-3](#)

	<p>The Applicant may repair or maintain the existing Structure provided that such repair or maintenance shall neither create any new non-compliance nor shall increase the degree of the existing non-compliances with the LMC. The applicant may maintain and remodel the existing Duplex Dwelling. Should more than 50% of the Gross Floor Area of the Structure be demolished, the Structure shall be brought into compliance with the Land Management Code at the time of application. As this site does not meet the minimum Lot Size requirements or parking requirements for a Duplex Dwelling, the Use will also need to be brought into compliance with the LMC at the time of application. The applicant may maintain the existing Use of the site as a Duplex, but any deviation, expansion, or demolition of the existing Structure from this Use will need to come into compliance with the requirements of the HR-1 Zoning District at the time of application.</p>	<p>application and requires Historic District Design Review and Approval.</p>
Min. Lot Width: 25 feet	<p>Complies</p> <p>The frontmost section of the proposed lot is 37.5 feet wide.</p>	<p>Complies</p> <p>The frontmost section of the proposed lot is 37.5 feet wide.</p>
<p>Maximum Building Footprint $= (\text{Lot Area}/2) \times 0.9$ Lot Area/1875</p>	<p>Complies Condition of Approval 6</p> <p>The maximum Building</p>	<p>Conditional of Approval 5</p> <p>The maximum Building Footprint for this Lot is 1,200</p>

	<p>Footprint for this Lot is 1,200 sf.</p> <p>Existing Footprint: 968.05 sf</p>	<p>sf.</p> <p>Future development of this Lot must comply with LMC Maximum Building Footprint requirements.</p>
<p>Setbacks:</p> <p>Front: Ten feet (10')</p> <p>Rear: Ten feet (10')</p> <p>Side: Minimum three feet (3')</p>	<p><u>Front:</u> 3.2 feet to structure Less than a foot to existing wood steps.</p> <p>Two (2) railroad tie retaining walls and concrete steps to 410 Ontario Avenue encroach into the Public Right of Way (ROW) that the Applicant has recorded Entry No. 01198229 with Summit County.</p> <p><u>Rear:</u> 32.8 feet</p> <p><u>Side:</u> North side: 1.6 feet minimum</p> <p>South side: 5.2 feet minimum to structure.</p> <p>Existing Non-Conforming Use/ Non-Compliant Structure</p> <p>Condition of Approval 6</p>	<p>Conditional of Approval 5</p> <p>Future development of this Lot must comply with LMC setback requirements.</p>
<p>Building Height: 27 feet</p>	<p>Existing Non-Conforming Use/ Non-Compliant structure</p> <p>Condition of Approval 6</p> <p>Existing Maximum Height: 28 ft on the northwest corner.</p>	<p>Condition of Approval 5</p> <p>Future development of this Lot must comply with LMC Building Height Requirements.</p>
<p>Development on Steep Slopes</p>	<p>Existing Non-Conforming Use/ Non-Compliant Structure</p>	<p>Condition of Approval 5</p> <p>Average slope of Lot A is</p>

	Condition of Approval 6	36% which will require a Steep Slope CUP prior to Building Permit submittal. Future development of this Lot must comply with LMC Steep Slope Development requirements.
Parking LMC §15-3-6 Single Family Dwelling: 2 spaces required Duplex: 4 spaces required	The existing Duplex does not maintain any parking spaces. Existing Non-Conforming Use/ Non-Compliant Structure Condition of Approval 7	Condition of Approval 5 Future development of this Lot shall comply with LMC Parking requirements.

As noted above, 410 Ontario is a nonconforming Use and Structure. The applicant is not proposing any alterations at the current time but Condition of Approval 6 reads:

“The Owner of 410 Ontario Avenue may repair or maintain the existing Structure provided that such repair or maintenance shall neither create any new non-compliance nor shall increase the degree of the existing non-compliances with the LMC. The Owner may maintain and remodel the existing Duplex Dwelling. Should more than 50% of the Gross Floor Area of the Structure be demolished, the Structure shall be brought into compliance with the Land Management Code at the time of application. As this site does not meet the minimum Lot Size requirements or parking requirements for a Duplex Dwelling, the Use will also need to be brought into compliance with the LMC at the time of application. The Owner may maintain the existing Use of the site as a Duplex, but any deviation, expansion, or demolition of the existing Structure from this Use will need to come into compliance with the requirements of the HR-1 Zoning District at the time of application.”

410 Ontario also has no parking for the two units and there does not appear to be room for parking under the existing conditions. Staff recommends **Condition of Approval 7**, which requires that if 410 Ontario remodels more than 50% of the existing structure or redevelops the site as a SFD, parking requirements in place at the time of building permit application shall be met.

Architectural Review LMC [§ 15.2.2-9](#)

Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department shall review the proposed plans for compliance. Any proposed structure or future development will require the Applicant to submit a Historic District Design Review

Application to the Planning Department for review and approval for compliance with LMC [Chapter 15-11](#), *Historic Preservation*, and LMC [Chapter 15-13](#), *Design Guidelines for Historic Districts and Historic Sites*.

(II) Staff finds Good Cause for the proposed Plat Amendment.

Plat Amendments shall be reviewed according to LMC [§ 15-7.1-6](#), *Final Subdivision Plat*, and approval shall require a finding of Good Cause and a finding that no Public Street Right-of-Way, or easement is vacated or amended.

LMC [§ 15-15-1](#) defines Good Cause as “[p]roviding positive benefits and mitigating negative impacts, determined on a case-by-case basis to include such things as: providing public amenities and benefits, resolving existing issues and non-conformities, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City Community.”

Two of the purposes of the HR-1 Zoning District is to preserve present land Uses and the character of the Historic residential Areas of Park City, and to encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods.³ Lots surrounding 402 and 410 Ontario Avenue range from 25’ lot frontage to 75’, with Single-Family, Duplex, and Multi-Unit Dwellings in the area. There are several Lots with 37.5’ frontage along Ontario which allows the proposal for 402 and 410 Ontario to be compatible with the character of the streetscape. This proposal is consistent with the HR – 1 Zoning District by preserving the character of residential development that is consistent with the Design Guidelines for Historic Districts. The Plat Amendment removes the Lot Line under the 410 Ontario Avenue structure, and allows for Historically Compatible development on 402 Ontario Avenue. Furthermore, 410 Ontario has previously received approval for the Lot configuration the applicant is currently proposing.

The Plat Amendment does not vacate or amend any portion of the platted ROW and no easements are vacated or amended.

Department Review

The Development Review Committee met on September 20, 2022. The Engineering Department noted that a geotechnical report and storm drain analysis would be required at Building Permit stage. Additionally, a 10’ snow storage easement on Ontario Avenue shall be dedicated on the plat (**Condition of Approval 4**). The Public Works Department noted that at HDDR and Building Permit stage to be aware of a water line running up 4th Street that may require additional attention from the owner planning to build at 402 Ontario.

³ LMC [§ 15-2.2-1\(A\)](#)

The Engineering Department required an Encroachment Agreement to review the retaining walls and existing stairs that encroach into the Public ROW. This has been recorded as Encroachment Agreement [Entry No. 01198229](#) (Exhibit F).

Notice

Staff published notice on the City's website and the Utah Public Notice website, and posted notice to the property on January 11, 2023. Staff mailed courtesy notice to property owners within 300 feet also on January 11, 2023. The *Park Record* published notice on January 11, 2023. LMC [§ 15-1-21](#).

Public Input

Staff did not receive any public input prior to the time this report was published.

Alternatives

- The Council may approve the 402 and 410 Ontario Avenue Plat Amendment as conditioned or amended; or
- The Council may deny the 402 and 410 Ontario Avenue Plat Amendment and direct staff to make Findings for this decision; or
- The Council may continue the discussion on the 402 and 410 Ontario Avenue Plat Amendment to a date certain.

Exhibits

Exhibit A: Draft Ordinance and Proposed Plat
Exhibit B: Planning Director Determination of Status
Exhibit C: Ordinance 97-41
Exhibit D: Existing Conditions Survey
Exhibit E: Site Photos
Exhibit F: Encroachment Agreement

Ordinance No. 2023-11

AN ORDINANCE APPROVING THE 402 AND 410 ONTARIO AVENUE PLAT AMENDMENT, LOCATED AT 402 AND 410 ONTARIO AVENUE, PARK CITY, UTAH

WHEREAS, the owners of the property located at 402 and 410 Ontario Avenue petitioned the City Council for approval of the 402 and 410 Ontario Avenue Plat Amendment; and

WHEREAS, on January 11, 2023, notice was published in the *Park Record* and on the City and Utah Public Notice websites; and

WHEREAS, on January 11, 2023, courtesy notice was mailed to property owners within 300 feet of 402-410 Ontario Avenue and

WHEREAS, on January 25, 2023, the Planning Commission reviewed the application and held a public hearing; and

WHEREAS, on January 25, 2023, the Planning Commission forwarded a positive recommendation for City Council's consideration on March 9, 2023; and

WHEREAS, on March 9, 2023, the City Council reviewed the proposed plat amendment and held a public hearing; and

WHEREAS, the plat is consistent with the Park City Land Management code including § 15-7.1-3(B), § 15-12-15(B)(9), and Chapters 15-2.2 and 15-7.

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

SECTION 1. APPROVAL. The 402 and 410 Ontario Avenue Plat Amendment, located at 402 and 410 Ontario Avenue, as shown in Attachment 1, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. The properties are located at 402 and 410 Ontario Avenue.
2. The property is listed with Summit County as Lots 1, 2, and 3 of Block 58 of the Park City Survey.
3. 402 Ontario consists of Lot 1 and the southerly half of Lot 2 of Block 58 of the Park City Survey and is currently vacant.
4. 410 Ontario consists of the northerly half of Lot 2 and Lot 3 of Block 58 of the Park City Survey and is occupied with a non-conforming and non-complying duplex, with one unit on the upper floor and one unit on the lower floor.
5. The property is in the Historic Residential (HR-1) Zoning District.
6. The owners would like to create two Lots of record, removing the internal Lot lines existing on the total of three (3) Lots.
7. The existing non-historic structure at 410 Ontario Avenue was built in 1970.

8. On August 18, 1997, the Historic District Commission approved a Design Review of the non-historic structure at 410 Ontario Avenue to replace failing foundation and re-construct the rear of the structure.
9. On September 18, 1997, the City Council approved a plat amendment for 410 Ontario Avenue to combine 1.5 Old Town Lots into one 2,805 square foot Lot. The plat was never recorded for unknown reasons.
10. On November 7, 1997, despite lack of plat recordation, a Building Permit was approved for the structure with the following relevant Condition of Approval:
 - a. This building is non-conforming. It is a duplex on a parcel less than 3,750 square feet. No expansion or additions may be made under this permit, only improvements of a structural or cosmetic nature.
11. In 1997, the City made a determination that the 1970 structure is non-conforming/non-complying and allowed the property owner to maintain the structure and duplex use over the years.
12. Two (2) railroad tie retaining walls and concrete steps to 410 Ontario Avenue encroach into the Public Right of Way (ROW) that the Applicant has recorded Encroachment Agreement # [Entry No. 01198229](#) with Summit County.
13. The property owner of 410 Ontario Avenue has an Encroachment Agreement with the property owner of 402 Ontario Avenue for the encroachment of the existing deck and staircase.
14. The proposed Plat Amendment removes the internal Lot lines existing on the Lots currently to create two (2) Lots of record from three (3) Lots.
15. Both Lots will contain 2,815.5 square feet or 0.065 acres, respectively.
16. No easement is vacated or amended as a result of the plat amendment.
17. The LMC regulates Lot and Site Requirements for the HR – 1 Zoning District per LMC [§ 15-2.2-3](#).
18. A Single-Family Dwelling is an Allowed Use in the HR-1 Zoning District and requires a minimum Lot size of 1,875 square feet. The proposed Lot size for Lot A is 2,812.5 square feet.
19. A Duplex Dwelling is a Conditional Use in the HR-1 Zoning District and requires a minimum Lot size of 3,750 square feet. The proposed Lot size for Lot B is 2,812.5 square feet. The existing Duplex is a non-conforming Use and Structure.
20. The minimum Lot width in the HR-1 Zoning District is 25 feet. The proposed width of both Lots is 37.5 feet.
21. The required front Setback for Lot depths of 75 feet is ten feet (10').
22. The required Side Setback is three feet (3').
23. In the HR-1 Zoning District, the Maximum Building Footprint = $(\text{Lot Area}/2) \times 0.9^{\text{Lot Area}/1875}$. The Maximum Building Footprint for both Lots is 1,200 square feet.
24. Building Height in the HR-1 Zoning District is 27 feet. The existing non-complying structure is 28 feet.
25. The average slope on Lot A, 402 Ontario Avenue, is 36% and will require a Steep Slope Conditional Use Permit prior to Building Permit submittal.

26. Duplex Dwellings require four (4) parking spaces. No parking exists for the existing non-complying/non-conforming Duplex at 410 Ontario Avenue.
27. The findings in the Analysis section of the Staff Report are incorporated herein.

Conclusions of Law

1. The Plat Amendment is consistent with the Park City Land Management Code, including LMC Chapter 15-2.2, *Historic Residential (HR-1) Zoning District*, and LMC § 15-7.1-6, *Final Subdivision Plat*.
2. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
3. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval

1. The Planning Department, City Attorney, and City Engineer will review and approve the final form and content of the Plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The Applicant shall record the plat at the County within one (1) year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this Plat approval will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The plat shall note that fire sprinklers are required for all new construction on Lot A (402 Ontario) to be approved by the Chief Building Official.
4. A non-exclusive ten foot (10') public snow storage easement on Ontario Avenue shall be dedicated on the Plat.
5. Any new development on Lot A, 402 Ontario, must comply with the Land Management Code, requires Historic District Design Review, and requires a Steep Slope CUP.
6. The Owner of 410 Ontario Avenue may repair or maintain the existing Structure provided that such repair or maintenance shall neither create any new non-compliance nor shall increase the degree of the existing non-compliances with the LMC. The Owner may maintain and remodel the existing Duplex Dwelling. Should more than 50% of the Gross Floor Area of the Structure be demolished, the Structure shall be brought into compliance with the Land Management Code at the time of application. As this site does not meet the minimum Lot Size requirements or Parking requirements for a Duplex Dwelling, the Use will also need to be brought into compliance with the LMC at the time of application. The Owner may maintain the existing Use of the site as a Duplex, but any deviation, expansion, or demolition of the existing Structure from this Use will need to come into compliance with the requirements of the HR-1 Zoning District at the time of the application. Redevelopment of this lot will require a Steep Slope CUP.

7. If 410 Ontario remodels more than 50% of the existing structure or redevelops the site as a SFD, parking requirements in place at the time of building permit application shall be met.
8. The City Engineer shall review and approve all Lot grading, utility installation, public improvement, and drainage plans for compliance with City standards prior to issuance of any building permits. A geotechnical report and storm drain analysis will be required at Building Permit.
9. The Plat shall note that these Lots are subject to Ordinance 2023-11.

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

PASSED AND ADOPTED this 9th Day of March 2023.

PARK CITY MUNICIPAL CORPORATION

Nann Worel, MAYOR

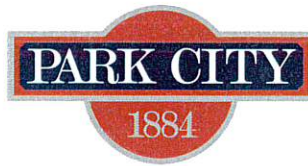
ATTEST:

City Recorder

APPROVED AS TO FORM:

City Attorney

Attachment 1 – Proposed Plat



Planning Department

January 6, 2023

Cameron Stacy
cstacy@mlsmanagementgroup.com
410 Ontario Avenue
Park City, UT 84060

Re: Determination Of Status, in conjunction with the requirements of Land Management Code [15-9](#) for 410 Ontario Avenue

Dear Cameron,

It is the Planning Director's determination that the Use and Structure at 410 Ontario Ave is Non-Conforming. Per LMC § 15-9-6(A) this building may be "repaired, maintained, altered, or enlarged, provided that such repair, maintenance, alteration, or enlargement shall neither create any new non-compliance nor shall increase the degree of the existing non-compliance of all or any part of such Structure."¹

In 1997 the then homeowners received an HDDR for structural modifications to existing square footage at the back of the house, including a new foundation and retaining walls. Building Permit BP97-02968 was approved and issued for the remodel (See Exhibit A). Building Permit Condition of Approval # 2 states:

1. "This building is non-conforming. It is a duplex on a parcel less than 3,750 square feet. No expansion or additions may be made under this permit, only improvements of a structural or cosmetic nature."

Authority to make this determination is given under the Park City Municipal Code Land Management Code 15-9-2:

[15-9-2\(B\) Determination Of Status](#) *The Planning Director shall determine the Non-Conforming or Non-Complying status of Properties. Any decision of the Planning Director may be appealed within ten (10) calendar days of the decision to the Board of Adjustment. Upon appeal, the Board of Adjustment shall conduct a hearing and shall review the matter under de novo standard of review.*

Please include this Determination of Status with any future construction plans/drawings for the site and keep it in your records for this property.

Should you have any questions, please do not hesitate to contact us.

¹ LMC § [15-9-6\(A\)](#)



Planning Department

Thank you,

A handwritten signature in blue ink, appearing to read "Gretchen Milliken".

Gretchen Milliken

Planning Director

435-615-5008

Gretchen.milliken@parkcity.org

CC: Alexandra Ananth, Sr. Planner

Exhibit A: Building Permit BD97-02968

Ordinance No. 97-41

**AN ORDINANCE APPROVING AN AMENDMENT TO THE PARK CITY
SURVEY FOR THE NORTH HALF OF LOT 2 AND LOT 3 IN BLOCK 58
LOCATED AT 410 ONTARIO AVENUE, PARK CITY, UTAH**

WHEREAS, the owners, Gary & Sandra Wohlfarth, of the property known as the north half of Lot 2 and 3 of Block 58, Park City Survey, has petitioned the City Council for approval of an amendment to the amended Park City Survey; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and state law; and

WHEREAS, on August 13, 1997 the Planning Commission held a public hearing to receive public input on the proposed plat amendment forwarded a positive recommendation of approval to the City Council; and

WHEREAS, a financial guarantee for all public improvements is necessary to ensure completion of these improvements and to protect the public from liability and physical harm if these improvements are not completed by the developer or owner.

WHEREAS, the proposed plat amendment combines the north half of Lot 2 and Lot 3 into one parcel of record;

WHEREAS, it is in the best interest of Park City, Utah to approve the Plat Amendment;

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

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact.

1. The plat amendment combines 1-1/2 lots into one 2,812 square foot lot.
2. The total square footage of the home, including the proposed addition will be approximately 1,950 square feet.
3. The addition to the non-historic structure does not exceed the floor area ratio.
4. The proposed lot size, 2,812 square feet, is consistent with the existing lot sizes in the surrounding area.

5. The project is on Ontario Avenue with dense residential uses. Minimal construction staging area is available along Ontario Avenue.
6. Dedication of a ten foot (10'-0") nonexclusive snow storage easement, along Ontario Avenue, is necessary to provide adequate snow removal services.
7. The property is in the HR-1 District.
8. The applicant stipulates to all conditions of approval.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby concludes that there is good cause for the above-mentioned subdivision plat and that neither the public nor any person will be materially injured by the proposed subdivision plat.

1. There is good cause for the amendment.
2. Neither the public nor any person will be materially injured by the proposed plat amendment.
3. The proposal is consistent with both the Park City Land Management Code Chapter 7 and Chapter 15 and State subdivision requirements.

SECTION 3. PLAT APPROVAL. The plat amendment for the north half of Lot 2 and Lot 3 , Block 58, Park City Survey, is hereby approved as shown on Exhibit A, with the following conditions:

1. City Attorney and City Engineer review and approval of the plat amendment, for compliance with the Land Management Code and these conditions of approval, is a condition precedent to plat recordation.
2. All Standard Project Conditions and Land Management Codes shall apply.
3. The final plat shall be recorded at Summit County within one year from the date of City Council approval. If recordation has not occurred within the one year time frame, this approval and the plat shall be considered null and void.
4. A ten foot (10'-0") non-exclusive snow storage easement along Ontario Avenue shall be dedicated to the City on the amended plat.
5. Receipt and approval of a construction mitigation plan (CMP) by the Community Development Department is a condition precedent to the issuance of a building permit. The plan shall

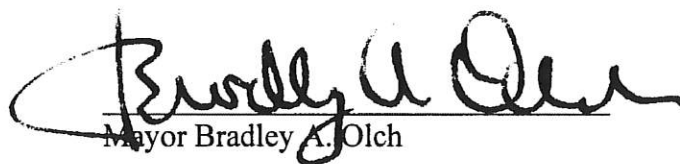
address staging, material storage, construction time lines, special signs, parking, fencing, and any other construction-related details to the satisfaction of the Community Development Department.

6. Any remnant portion of Lot 2 is not separately developable unless combined with another piece of property to create a lot conforming to minimum lot size.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 18th day of September, 1997.

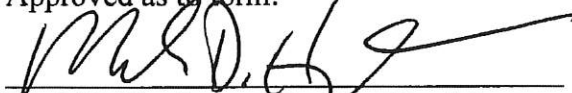
PARK CITY MUNICIPAL CORPORATION

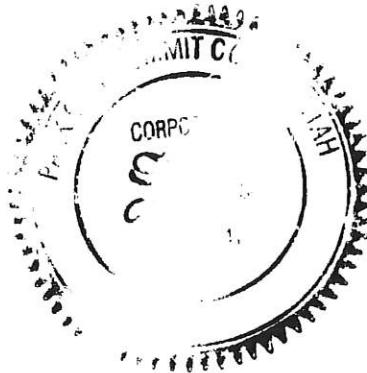

Mayor Bradley A. Olch

Attest:


Janet M. Scott, City Recorder

Approved as to form:


Mark D. Harrington, Deputy City Attorney



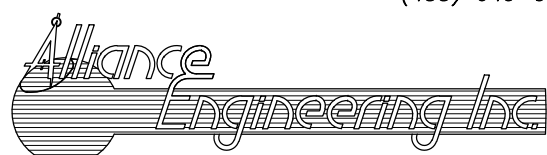
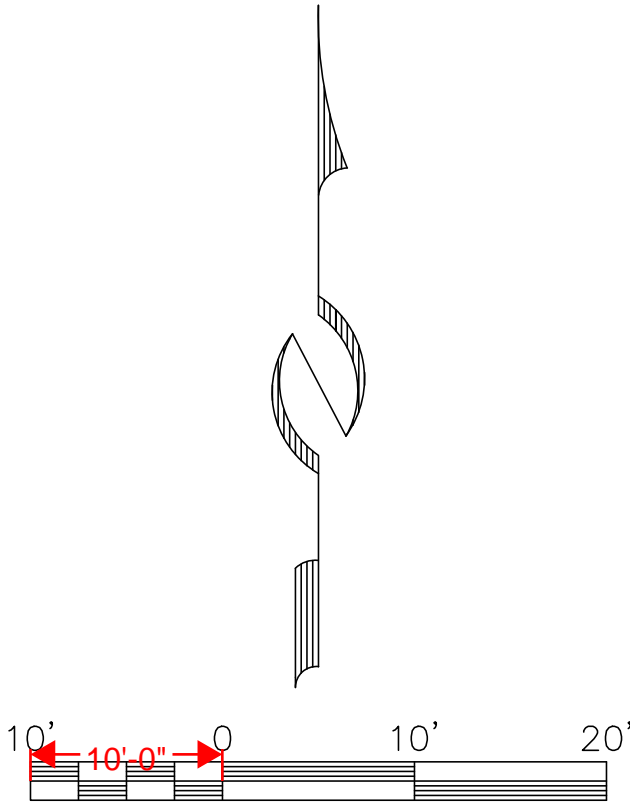
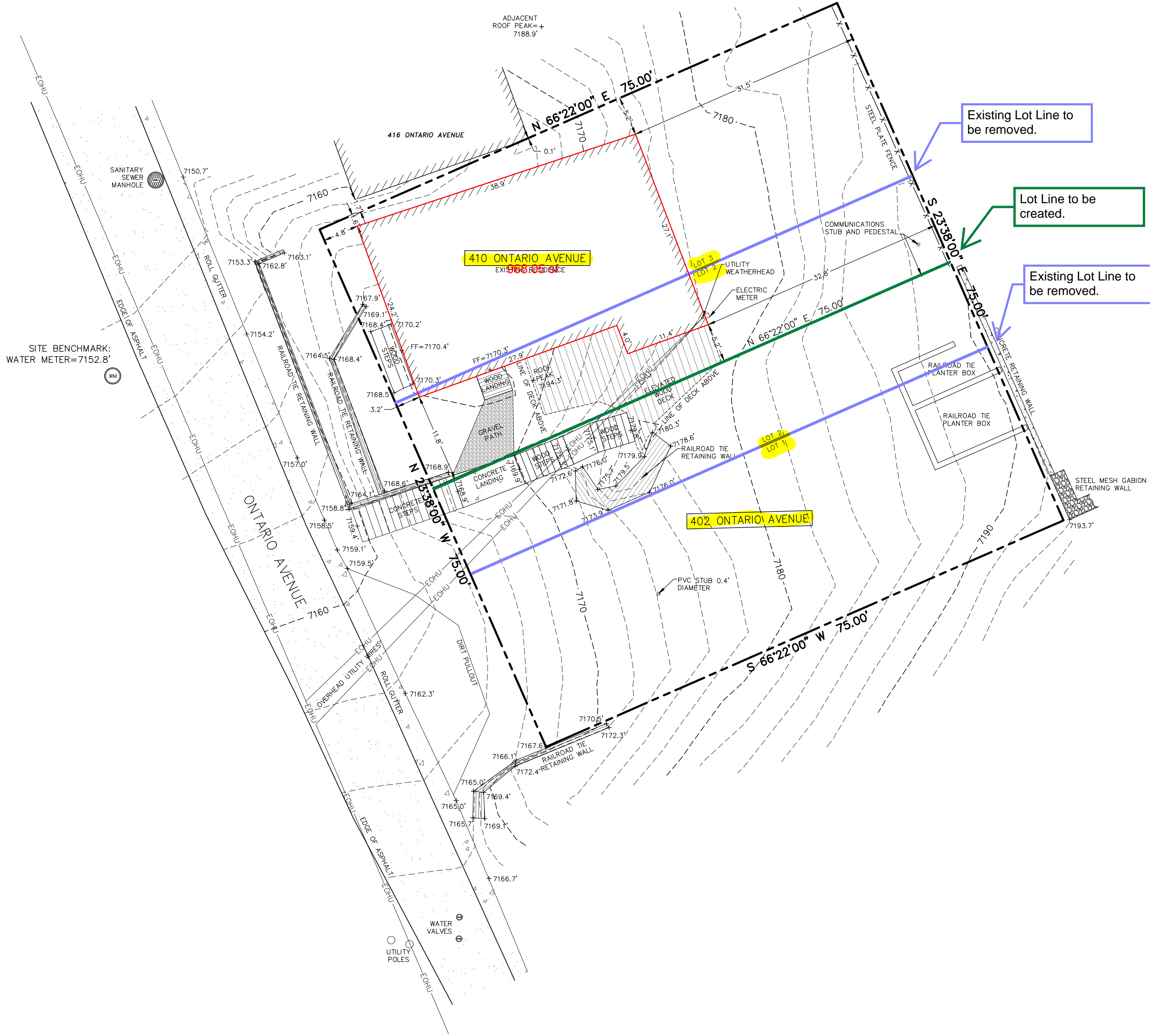


SURVEYOR'S CERTIFICATE

I, Michael Demkowicz, do hereby certify that I am a Professional Land Surveyor and that I hold License No. 4857264 as prescribed under the laws of the State of Utah. I further certify that under my direct supervision a survey has been performed on the hereon described property and that to the best of my knowledge this plat is a correct representation of said survey.

NOTES

- 1. Site Benchmark: Water Meter = 7152.8'.
- 2. Field work for this survey was completed on May 31, 2022.
- 3. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
- 4. This survey was prepared for a plat amendment application.



CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

(435) 649-9467

STAFF:
MARSHALL KING
CHIP TOMSUDEN
TYLER LEPORE
NICK BENTLEY

DATE: 6/17/22

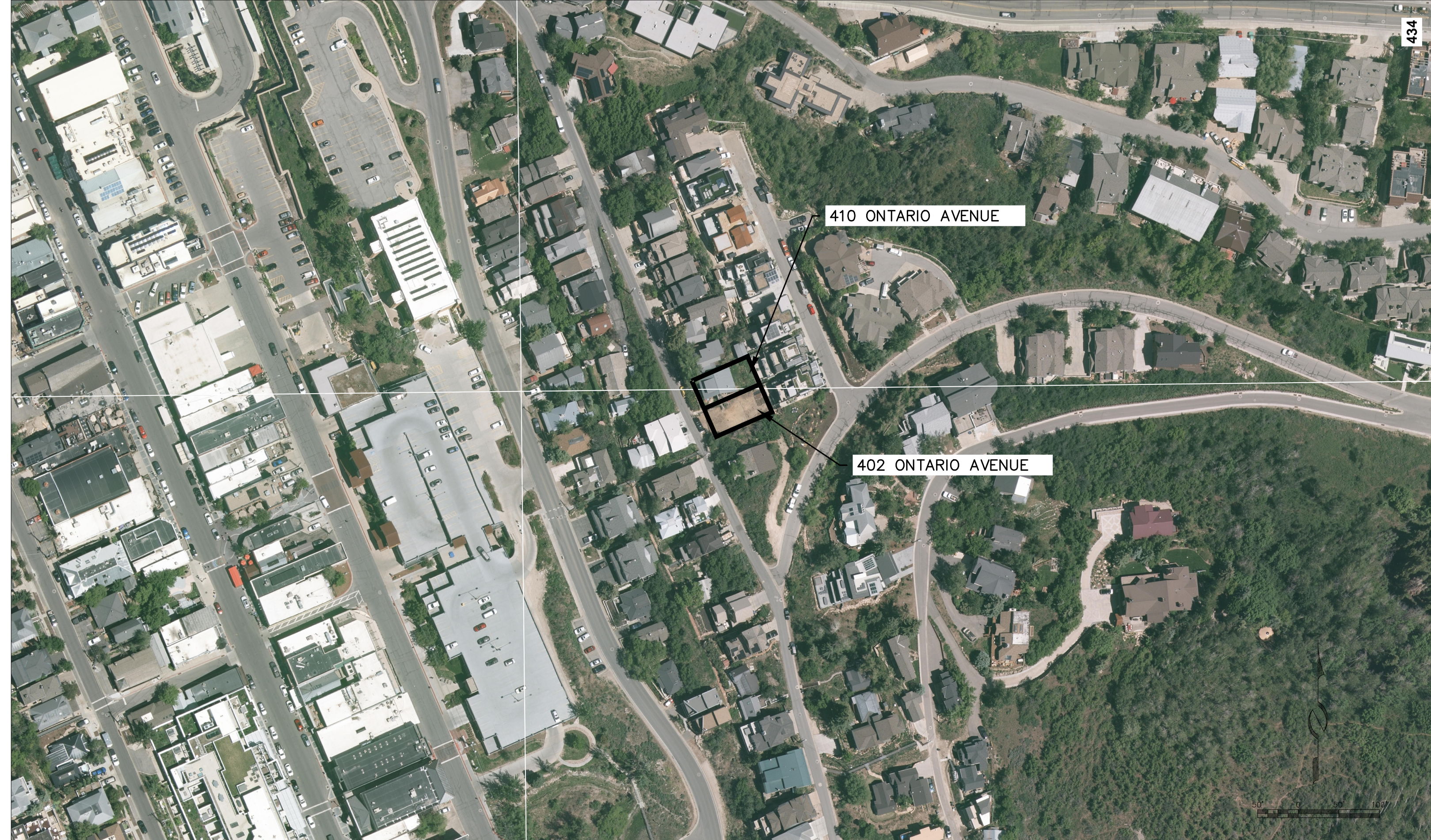
EXISTING CONDITIONS & TOPOGRAPHIC MAP
410 & 402 ONTARIO AVENUE
PARK CITY SURVEY, BLOCK 58, LOTS 1-3

FOR: CAMERON STACY & SEAN KELLEHER

JOB NO.: 12-3-22 & 11-3-22

FILE: X:\ParkCitySurvey\dwg\srv\topo2022\120322.dwg

SHEET
1
OF
1



410 ONTARIO AVENUE

402 ONTARIO AVENUE

50' 0 50' 100'



402 and 410 Ontario - front - looking northeasterly



402 and 410 Ontario - front - looking easterly



402 and 410 Ontario - rear - looking westerly



402 and 410 Ontario - rear - looking southerly

WHEN RECORDED RETURN TO:

Cameron M. Stacy
136 Heber Avenue, Suite 205
Park City, Utah 84060

Parcel Nos.: PC-477; PC-478

AMENDMENT TO AGREEMENT

THIS AMENDMENT TO AGREEMENT (this "**Amendment**") is made this 2nd day of Nov., 2022, by and between CAMERON M. STACY ("**410 Owner**") and GREEN MONSTER, LLC, a Utah limited liability company ("**402 Owner**"), and amends that certain December 3, 1976 Agreement recorded in the office of the Summit County Recorder as Entry No. 135043 in Book 87 at Page 506 (the "**1976 Agreement**") between Robert L. Berry and Diana Jo Berry, on the one hand, and Paul C. Harrold on the other.

RECITALS

A. WHEREAS, 410 Owner is the record title owner of that certain real property formerly owned by Robert L. Berry and Diana Jo Berry and located in Park City, Summit County, Utah commonly known as 410 Ontario Avenue, Park City, Utah 84060 (the "**410 Parcel**"), which parcel is more particularly described as follows:

LOT 3 AND THE NORTH ONE HALF OF LOT 2, BLOCK 48, PARK CITY SURVEY, TOGETHER WITH ALL IMPROVEMENTS AND APPURTENANCES THEREON.

Tax ID: PC-478

B. WHEREAS, 402 Owner is the current record title owner of that certain real property formerly owned by Paul C. Harrold located in Park City, Summit County, Utah commonly known as 402 Ontario Avenue, Park City, Utah 84060 (the "**402 Parcel**"), which parcel is particularly described as follows:

LOT 1 AND THE SOUTHERLY ONE-HALF OF LOT 2, BLOCK 58, AMENDED PLAT OF THE PARK CITY SURVEY, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE SUMMIT COUNTY RECORDER'S OFFICE.

Tax ID: PC-477

C. WHEREAS, the 410 Parcel and the 402 Parcel share a common boundary;

D. WHEREAS, for a period of at least 45 years, the residential building situated on the 410 Parcel has been served by deck improvements located on the south side of the common boundary on the 402 Parcel (the "Encroachments"), as well as a subsequent wood staircase that encroaches on the 402 Parcel but is not identified by the 1976 Agreement (together with the

Encroachments, the "Existing Encroachments"), in approximately the area identified on Exhibit A the drawing as the "Existing Encroachment Area" attached hereto (the "**Improvements**"); and

E. WHEREAS, the 1976 Agreement allows the 402 Owner to demand at any time the removal of the Encroachments) by the 410 Owner onto 402 Parcel; and that the 410 Owner affirms the right of the 402 Owner to remove and replace the Existing Encroachments; and

F. WHEREAS, 402 Owner has agreed to amend the 1976 Agreement to allow encroachments of a portion of the top of a concrete staircase located in the northwest corner of the 402 Parcel as shown in Exhibit A on the terms and conditions set forth herein (the "Revised Encroachment Area).

NOW THEREFORE and in consideration of the terms, conditions and covenants hereafter set forth, the parties agree as follows:

AGREEMENT

1. **Affirmation of Agreement for Improvements.** Until such time as each of the conditions set forth in Section 3 below have been met by the 402 Owner, and any notice periods set forth therein have expired, the 402 Owner hereby affirms the effectiveness of the encroachment granted to the 410 Owner under the 1976 Agreement for the Improvements to remain in their present location subject to the right of the 402 Owner to demand at any time the removal of the Existing Encroachments, which will likely occur when 402 Owner commences development of the 402 Parcel

2. **Maintenance of Improvements.**

- a. 410 Owner shall be responsible for all construction and all maintenance responsibilities of the Improvements, and when applicable, the Replacement Improvements, subject to the terms of this Agreement, including any that remain inside the Encroachment Area, and when applicable, the Revised Encroachment Area, which shall include, in 410 Owner's sole discretion and determination, snow removal and any repairs required to maintain the safety of 410 Owner and the 402 Owner and their respective invitees, tenants and guests. 410 Owner shall also be responsible for maintaining the Improvements in a manner that complies with all government ordinances and laws.

3. **Indemnity.**

- a. In the event 402 Owner does not utilize the Improvements in any capacity, 410 Owner shall bear all risk of personal injury and property loss arising from the use of the Improvements and shall indemnify and hold harmless 402 Owner from any and all claims and liability for injury and loss arising from the existence and use of the Improvements, including but not limited to personal injury to 410 Owner, his successors, assigns, or tenants, or any of their respective guests and invitees, as well as to the public at large, and including any attorney fees incurred by 402 Owner in connection with defending any claim arising from injuries sustained upon or on account of the Improvements.

- b. In the event 402 Owner does utilize the Improvements in any capacity, the 402 Owner and the 410 Owner shall each bear the risk of personal injury and property loss arising from the use of the Improvements for itself, its guests, tenants, and invitees and shall indemnify and hold harmless the other owner ("Defending Owner") from any and all claims and liability for injury and loss, including but not limited to personal injury, arising from the existence and use of the Improvements, by itself, its guests, invitees, and tenants, and including any attorney fees incurred by the Defending Owner in connection with defending any claim arising from injuries sustained upon or on account of the Improvements.
- c. In the event that 402 Owner installs the Replacement Improvements, consistent with the terms of this Amendment, the indemnification references and obligations set forth in this Amendment shall apply solely to the improvements installed in the Revised Encroachment Area

4. **Conditions to Removal and Relocation of Improvements.** Notwithstanding the legal rights which would otherwise be available to the 410 Owner, the 410 Owner hereby agrees that the 402 Owner shall be entitled to demolish the Improvements and build a replacement staircase, deck and railing on the 410 Parcel at 402 Owner's expense, at (but not before) such time as the 402 Owner has satisfied each of the following conditions:

- a. Submit for 410 Owner's written approval (which approval shall not be unreasonably withheld, conditioned, or delayed) for plans that have received all required permits from the Park City Municipal Corporation for a replacement staircase, deck and railing which will provide pedestrian access to and from Ontario Avenue to the top-floor deck of the residence on the 410 Parcel (the "**Replacement Improvements**");
- b. Provide 410 Owner with no fewer than thirty (30) days' prior written notice before the planned demolition of the Improvements (a "**Demolition Notice**"), and specifying the date on which such demolition will commence; and
- c. Take all steps required to ensure that the Replacement Improvements will be completed within sixty (60) days after the date specified in the Demolition Notice, while providing temporary access to the 410 Parcel during this period
- d. Upon the completion of the installation of the Replacement Improvements, the 410 Owner shall indemnify and hold harmless the 402 Owner from any and all claims and liability for injury and loss arising from the existence and use of the Replacement Improvements by tenants, guests and invitees of the 410 Owner.

5. **Amended Agreement.** In the event the Replacement Improvements are approved and installed, consistent with the terms of this Amendment, the Encroachment Area shall be abandoned and replaced in their entirety with the Revised Encroachment Area, as set forth on **Exhibit A**, in which case, all references to the Encroachment Area in the 1976 Agreement and this Amendment, where applicable, shall apply equally to the Revised Encroachment Area.

6. **Any disputes arising under this Agreement shall first be submitted to Mediation under the Utah Uniform Mediation Act.**

7. **Attorneys' Fees.** In the event either party incurs attorney fees or court costs in order to enforce the 1976 Agreement or this Amendment, with or without judicial intervention, the prevailing party in such adjudication shall be awarded its reasonable costs and attorney fees, including those incurred on appeal.

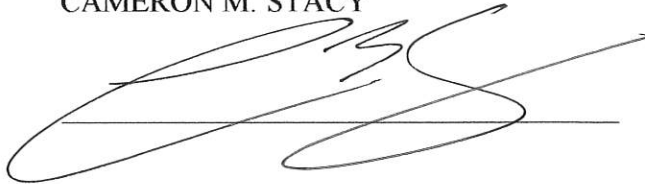
8. **Recordation.** Within 60 days after the Effective Date, but not before, 410 Owner shall cause this Amendment to be recorded with the Summit County Recorder's Office on the records of both the 402 Property and the 410 Property. In the event the 410 Owner does not so record this Amendment, the 402 Owner may, as its option, cause this Amendment to be recorded.

9. **Covenants to Run with the Land.** All of the provisions of the 1976 Agreement, as the same was modified by this Amendment, shall continue to be binding upon the 410 Owner and the 402 Owner and their respective successors-in-interest in and to the 410 Parcel and the 402 Parcel until termination occurs as set forth in Paragraph 10 hereto.

10. **Termination of Agreement.** At any time the 410 Owner is no longer utilizing the Improvements and Revised Encroachment Area in any capacity, the 410 Owner may request that 402 Owner execute and deliver an instrument terminating the 1976 Agreement and this Amendment, and 410 Owner shall promptly execute and deliver the same. Upon recordation with the office of the Summit County Recorder, the 1976 Agreement and this Amendment shall be terminated and the Encroachment set forth herein abandoned. Thereafter, the 402 Owner shall be free of any and all encroachments from 410 Owner.

IN WITNESS WHEREOF, 410 Owner has executed this Agreement and made it effective as of the first date written above.

CAMERON M. STACY



newyork

Acknowledgement

STATE OF ~~UTAH~~)
newyork :ss
COUNTY OF ~~SUMMIT~~)

On this 27 day of October, 2022, personally appeared before me Cameron M. Stacy who is personally known to me or proven on the basis of satisfactory evidence and duly acknowledge that he signed the foregoing on behalf for its stated purpose.


NOTARY PUBLIC

IVONNE CRUZ
Notary Public, State of New York
No. 01CR6013365
Qualified in New York County
Commission Expires October 25, 2026

IN WITNESS WHEREOF, 402 Owner has executed this Agreement and made it effective as of the first date written above.

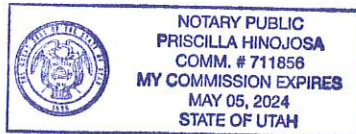
GREEN MONSTER, LLC, a Utah limited liability company


By: S. Sean Kelleher
Its: Managing Member

Acknowledgement

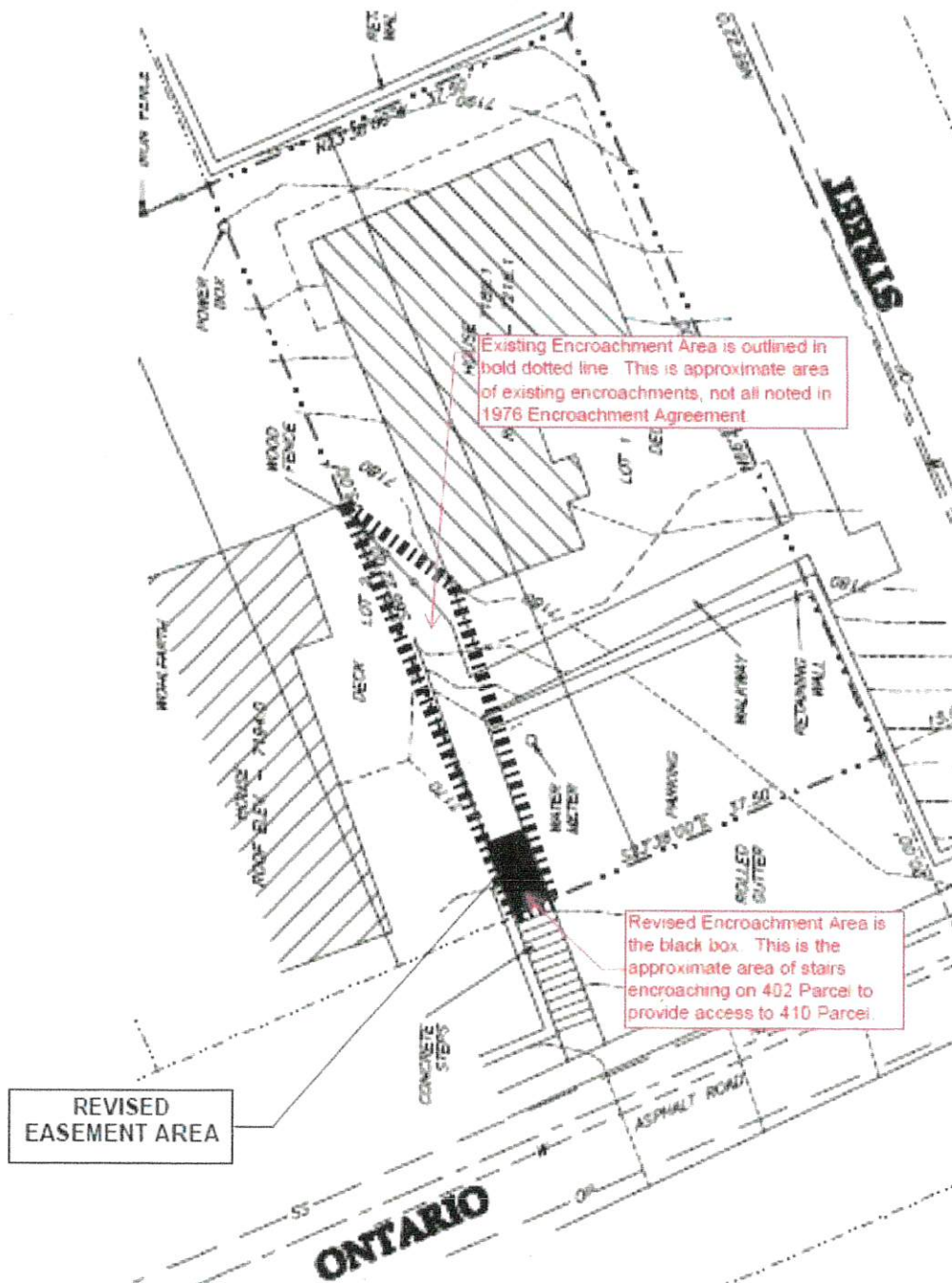
STATE OF Utah
COUNTY OF Summit :SS

On this 2 day of Nov, 2022, personally appeared before me S. Sean Kelleher who is personally known to me or proven on the basis of satisfactory evidence to be the person whose name is subscribed to this document and duly acknowledge that he executed the same in his capacity as the Manager of Green Monster, LLC, a Utah limited liability company.




NOTARY PUBLIC

EXHIBIT B
(Revised Easement Area)



City Council Staff Report



Subject: 1150 Park Avenue
Application: PL-22-05472
Authors: Virgil Lund, Planner I
Date: March 9, 2023
Type of Item: Administrative – Plat Amendment

Recommendation

(I) Review the 1150 Park Avenue Plat Amendment, (II) hold a public hearing, and (III) consider approving Ordinance No. 2023-12, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Ordinance (Exhibit A).

Description

Applicant: Mary Kallaher, Mateo Perale
Applicant Representative: Alliance Engineering
Location: 1150 Park Avenue
Zoning District: Historic Residential – Medium Density (HRM)
Adjacent Land Uses: Single-Family Dwellings, Park
Reason for Review: Plat Amendments require Planning Commission recommendation and City Council Final Action¹

HDDR Historic District Design Review
HRM Historic Residential – Medium Density
LMC Land Management Code
ROW Right-of-Way

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § [15-15-1](#).

Summary

The Applicant proposes removing two Lot lines common to Lots 12 and 13, Block 65, Snyder's Addition to Park City, and the block line common to an additional parcel at the rear of the property, to create one Lot for the Landmark Historic Site on Park City's Historic Sites Inventory at 1150 Park Avenue.

On February 8, 2023, the Planning Commission reviewed the proposal, held a public hearing, and unanimously forwarded a positive recommendation for City Council's consideration ([Staff Report](#); [Audio Recording](#)).

Background

1150 Park Avenue is in the Historic Residential – Medium Density (HRM) Zoning District. The site is identified by Summit County as parcel number SA-363, all of Lots 12 and 13, Block 65, Snyder's Additions to Park City Amended. 1150 Park Avenue is

¹ LMC [§ 15-7.1-2](#)

designated a [Landmark Historic Structure](#)² on the City's Historic Sites Inventory. The Landmark Historic Structure was built circa 1895 across both Lots 12 and 13. The Applicant proposes removing two Lot lines common to Lots 12 and 13 and the block line common to an additional parcel at the rear of the property to create one Lot.

The Landmark Historic Structure at 1150 Park Avenue was located at 663 Woodside Avenue until 1947. The structure was moved from 663 Woodside to its current address at 1150 Park in 1947.

On December 6, 2022, the Applicant submitted a plat amendment application. On December 19, 2022, staff determined the application was complete.



Figure 1: View of Property from Park Avenue

Analysis

A Plat Amendment includes the combining of existing Lots into one or more Lots.³ Plat Amendments require Planning Commission review and recommendation to City Council for Final Action.⁴

(I) The proposed Plat Amendment complies with the Historic Residential – Medium Density (HRM) Zoning District Requirements.

² LMC [§ 15-11-10\(D\)\(1\)\(dk\)](#)

³ LMC [§ 15-7.1-3\(B\)](#)

⁴ LMC [§ 15-12-15\(B\)\(9\)](#)

The purposes of the HRM Zoning District are to:

1. allow continuation of permanent residential and transient housing in original residential Areas of Park City;
2. encourage new Development along an important corridor that is Compatible with Historic Buildings and/or Structures in the surrounding Area;
3. encourage the rehabilitation of existing Historic Buildings and/or Structures;
4. encourage Development that provides a transition in Use and scale between the Historic District and the resort Developments;
5. encourage Affordable Housing;
6. encourage Development which minimizes the number of new driveways Accessing existing thoroughfares and minimizes the visibility of Parking Areas; and
7. establish specific criteria for the review of Neighborhood Commercial Uses in Historic Buildings and/or Structures along Park Avenue.

This application is consistent with the purpose of the HRM Zoning District because it creates one lot, allowing the Property Owner to preserve the Landmark Historic Structure, while allowing for opportunities for an addition or Accessory Building that is compliant with code.

Single-Family Dwellings are an Allowed Use in the HRM Zoning District.⁵

The table below outlines the HRM Zoning District Lot and Site Requirements established in LMC [§ 15-2.4-3](#):

HRM Zoning District Requirement	Analysis of Proposal
Min. Lot Size: 1,875 sq ft for a Single-Family Dwelling	Complies: Total Lot area of proposed plat is 4,750 square feet.
Min. Lot Width: 37.50 feet	Complies – The width of the combined Lots is 50 feet.
Setbacks for the Primary Structure: Front: 15 feet Rear: 10 feet Side: 5 feet	Complies LMC Section 15-2.4-4 establishes Historic Buildings as valid Non-Complying Structures and creates exceptions for Setbacks. The Landmark Historic Structure is set back 11 feet from the front property line. LMC Section 15-2.43(E)(3) outlines Front Setback exceptions, which include porches no more than 10 feet in length that project no

⁵ LMC [§ 15-2.4-2\(A\)](#)

	<p>more than three feet in width into the Front Setback. The Landmark Historic Structure has a porch that is 26-feet long and 5-feet in width.</p> <p>The Rear Setback is 40 feet</p> <p>The north Side Setback is 6 feet The south Side Setback is 11 feet</p>
<p>Setbacks for the Accessory Building:</p> <p>Front: 15 feet Rear: 1 foot Side: 3 feet</p>	<p>Condition of Approval</p> <p>An Accessory Building is an Allowed Use in the HRM Zoning District. The site conditions survey shows that an Accessory Building is on the property (Exhibit B).</p> <p>According to the Summit County Assessor's website, the Accessory Building was constructed in 1977. The 1976 LMC required a one-foot Side and Rear Setback for Accessory Buildings (Exhibit E). The Accessory Building complies with the 1976 LMC Side Setback requirements because it meets a one-foot Setback, but the Structure does not comply with the Rear Setback requirements because it is built along the rear property line and encroaches 0.2 feet onto City-owned property (see Figure 2 below).</p> <p>Conditions of Approval 5 & 6 Any development on the Lot including additions to existing Structures shall comply with the LMC in effect at the time an application is submitted and cannot increase the non-conformity of the Accessory Building.</p> <p>Condition of Approval 7 The Applicant shall enter into an encroachment agreement with the City and record the agreement with Summit County prior to recordation of the Plat.</p> <p>See Analysis below regarding the detached Accessory Apartment contained within the Accessory Building below.</p>
<p>Building Height: 27 feet</p>	<p>Future development must comply with the Building Height regulations in effect at the time of a complete application submittal.</p>

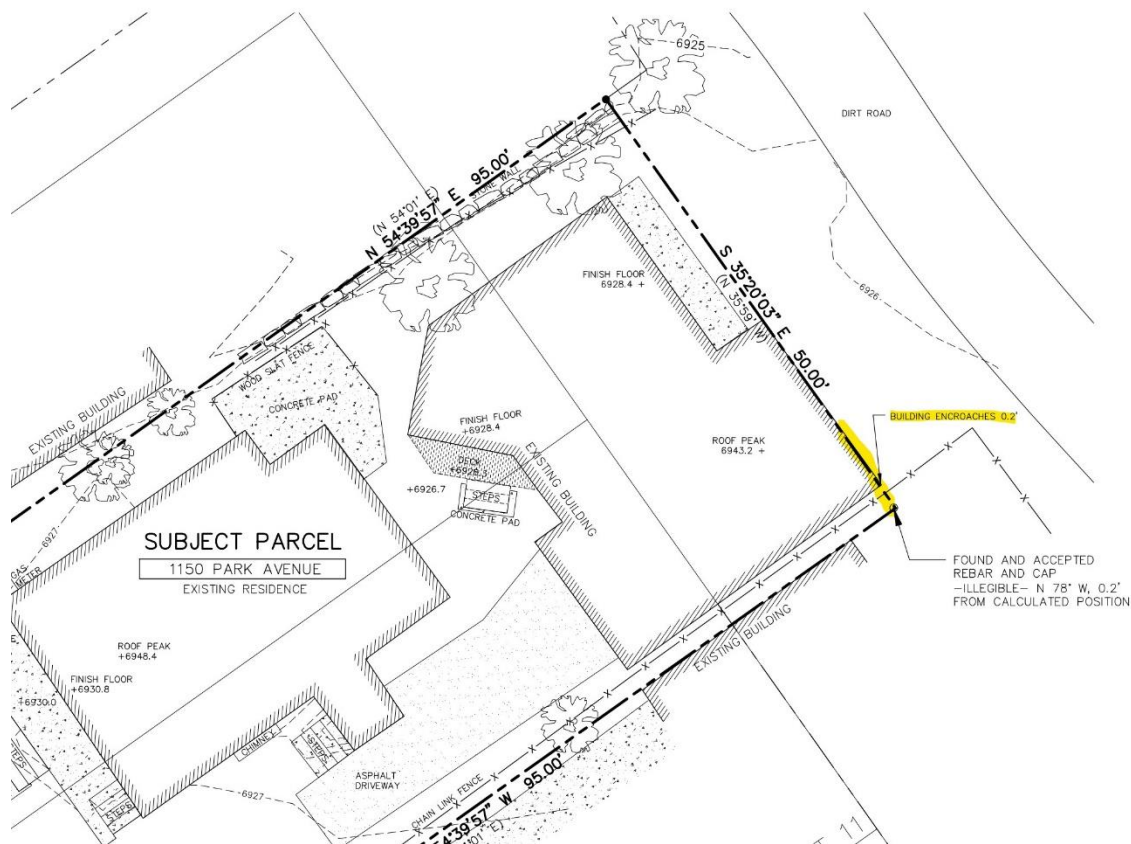


Figure 2: Area of Encroachment onto City owned property.

Architectural Review LMC [§ 15-2.4-12](#)

Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department shall review the proposed plans for compliance with LMC [Chapter 15-5 Architectural Review](#). Any proposed structure or future development will require the Applicant to submit a Historic District Design Review Application to the Planning Department for review and compliance with LMC [Chapter 15-11](#), *Historic Preservation*, and LMC [Chapter 15-13](#), *Design Guidelines for Historic Districts and Historic Sites*.

(II) The Planning Commission Recommends Conditions of Approval to Comply with Accessory Apartment, Nightly Rental, and Parking Requirements.

Accessory Apartment and Nightly Rentals

According to the Summit County Accessor's website, the Accessory Building was constructed in 1977. Building Permit Number 32-77 shows that the Accessory Building was constructed to include a garage and an Accessory Apartment (Exhibit F). The 1976 LMC in effect at the time of the Building Permit issuance allowed for a single unit detached dwelling. However, the 1976 LMC required a Conditional Use Permit for Nightly Rentals.

Planning was unable to find a Nightly Rental Conditional Use Permit approval for 1150 Park Avenue, however, today's LMC allows for Nightly Rentals in the HRM Zoning District for the primary dwelling but prohibits Nightly Rental of the Accessory Apartment. There is a valid Nightly Rental business license for 1150 Park Avenue. As a result, staff recommends **Condition of Approval 9**, prohibiting Nightly Rentals in the Accessory Apartment and restricting Nightly Rentals to the Landmark Historic Structure. On February 7, 2023, the property owner and the applicant representative agreed to this Condition of Approval. On February 8, 2023, The Planning Commission added the code reference for a deed restriction to Condition of Approval #9.

Parking

There is currently parking on site in the Accessory Building garage. LMC [Section 15-3-6](#) requires two parking spaces for Single-Family Dwellings. However, LMC [Section 15-2.4-4](#) states that Historic Structures are exempt from parking regulations, "provided the addition does not create a Lockout Unit or an Accessory Apartment." LMC [Section 15-47\(A\)\(2\)](#) requires one parking space per Accessory Apartment Bedroom. Because there is an Accessory Apartment on the site, staff recommends **Condition of Approval 10**: The Property Owner shall retain one code-compliant parking space per Accessory Apartment Bedroom on the site for as long as the Accessory Apartment is retained on the property.

(II) The Planning Commission finds Good Cause for Removing Two Lot Lines Common to Lots 12 and 13 and the Block Line Common to the Additional Rear Parcel to Create One Lot Because (A) Present Land Uses and the Character of the HRM Zoning District Are Retained, (B) No Public Street or Right-of-Way is Vacated or Amended, and (C) No Easement is Vacated or Amended.

Plat amendments shall be reviewed according to LMC [§ 15-7.1-6 Final Subdivision Plat](#), and approval shall require a finding of Good Cause and a finding that no Public Street Right-of-Way, or easement is vacated or amended.

LMC [§ 15-15-1](#) defines Good Cause as "[p]roviding positive benefits and mitigating negative impacts, determined on a case-by-case basis to include such things as: providing public amenities and benefits, resolving existing issues and non-conformities, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City Community."

A. The Historic Residential – Medium Density (HRM) Zoning character is retained.

The purposes of the HRM Zoning District include encouraging the rehabilitation of existing Historic Buildings.⁶ This proposal is consistent with the Zoning District because it creates one Lot, allowing the Property Owner to preserve the Landmark Historic

⁶ LMC [§ 15-2.4-1](#)

Structure, while allowing for opportunities for an addition or Accessory Building that is compliant with code.

B. No Public Street or Right-of-Way is vacated or amended.

Access to the Lot is from Park Avenue. The Applicant's proposal does not vacate or amend any portion of the platted Right-of-Way.

C. No easement is vacated or amended.

(III) The Development Review Committee reviewed the proposal on January 3, 2023, and did not identify any issues.⁷

Department Review

The Planning Department, Engineering Department, and City Attorney's Office reviewed this staff report.

Notice

Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on January 25, 2023. Staff mailed courtesy notice to property owners within 300 feet on January 25, 2023. The *Park Record* published notice on January 25, 2023. LMC [§ 15-1-21](#).

Public Input

Staff did not receive any public input related to this application, and no public comments were made at the Planning Commission's public hearing.

Alternatives

- The City Council may adopt Ordinance No. 2023-12; or
- The City Council may deny Ordinance No. 2023-12 and direct staff to make Findings for this decision; or
- The City Council may continue the discussion to a date certain.

Exhibits

Exhibit A: Draft Ordinance No. 2023-12 and Proposed Plat
Exhibit B: Existing Conditions Survey
Exhibit C: Applicant Statement

⁷ The Development Review Committee meets the first and third Tuesday of each month to review and provide comments on Planning Applications, including review by the Building Department, Engineering Department, Sustainability Department, Transportation Planning Department, Code Enforcement, the City Attorney's Office, Local Utilities including Rocky Mountain Power and Dominion Energy, the Park City Fire District, Public Works, Public Utilities, and the Snyderville Basin Water Reclamation District (SBWRD).

Exhibit D: Property Photos
Exhibit E: 1976 LMC

Ordinance No. 2023-12

AN ORDINANCE APPROVING THE 1150 PARK AVENUE PLAT AMENDMENT, LOCATED AT 1150 PARK AVENUE, PARK CITY, UTAH

WHEREAS, the owner of the property located at 1150 Park Avenue petitioned the City Council for approval of the 1150 Park Avenue Plat Amendment; and

WHEREAS, on January 25, 2023, notice was published in the *Park Record* and on the City and Utah Public Notice websites; and

WHEREAS, on January 25, 2023, courtesy notice was mailed to property owners within 300 feet of 1150 Park Avenue; and

WHEREAS, on February 8, 2023, the Planning Commission reviewed the application and held a public hearing; and

WHEREAS, on February 8, 2023, the Planning Commission forwarded a positive recommendation for City Council's consideration on March 9, 2023; and

WHEREAS, on March 9, 2023, the City Council reviewed the proposed plat amendment and held a public hearing; and

WHEREAS, the plat is consistent with the Park City Land Management Code including § 15-7.1-3(B), § 15-12-15(B)(9), and Chapters 15-2.4 and 15-7.

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

SECTION 1. APPROVAL. The 1150 Park Avenue Plat Amendment, located at 1150 Park Avenue, as shown in Attachment 1, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact

Background:

1. The property is located at 1150 Park Avenue.
2. The property is listed with Summit County as Parcel Number SA-363 and consists of all of Lots 12 and 13, Block 65, Snyder's Additions to Park City Amended.
3. The Applicant owns all of Lot 12 and 13, plus an additional 1,000 square feet of land to the east.
4. The property is in the Historic Residential – Medium Density (HRM) Zoning District.
5. The Site contains a Historic Structure constructed circa 1895 and is on Park City's Historic Sites Inventory.
6. The Historic Structure straddles the Lot Line common to Lot 12 and Lot 13.
7. A portion of the existing Accessory Building at the rear of the property encroaches into City-owned property.
8. No easement is vacated or amended as a result of the plat amendment.

9. The LMC regulates Lot and Site Requirements for the HRM Zoning District per LMC § 15-2.4-3.
10. Single-Family Dwellings are an Allowed Use in the HRM Zoning District.
11. The minimum Lot size in the HRM Zoning District is 1,875 square feet. The combined Lot size complies and is 4,750 square feet.
12. The HRM Zoning District requires a minimum Lot width of 37.50 feet. The width of the Lot is 50 feet.
13. The required Front Setback is ten feet. The Landmark Historic Structure is set back 11 feet from the front property line. LMC Section 15-2.4-3(C)(3) outlines Front Setback Exceptions, which include porches no more than 10 feet in length that project into the Front Setback no more than three feet in width. The Landmark Historic Structure has a porch that is 26-feet long and 5-feet in width. However, LMC Section 15-2.4-4 establishes Historic Buildings as valid Non-Complying Structures and creates exceptions for Setbacks.
14. The required Rear Setback is 10 feet. The Rear Setback of the Landmark Historic Structure is 40 feet.
15. The required Side Setback is 5 feet. The north Side Setback is 6 feet; the south Side Setback is 11 feet.
16. An Accessory Building is an Allowed Use in the HRM Zoning District. The existing site conditions survey shows that an Accessory Building is on the property.
17. According to the Summit County Assessor's website, the Accessory Building was constructed in 1977. The 1976 LMC required a one-foot Side and Rear Setback for Accessory Buildings. The Accessory Building complies with the 1976 LMC Side Setback requirements because it meets a one-foot Setback, but the Structure does not comply with the Rear Setback requirements because it is built along the rear property line and encroaches 0.2 feet into City-owned property.
18. Building Height in the HRM Zoning District is 27 feet.
19. Staff finds good cause for removing two Lot lines common to Lots 12 and 13 and the block line common to the additional parcel to create one Lot because (A) present land Uses and the Character of the HRM Zoning District are retained, (B) no Public Street or Right-of-Way is vacated or amended, and (C) no easement is vacated or amended.

Conclusions of Law

1. The Plat Amendment is consistent with the Park City Land Management Code, including LMC Chapter 15-2.4 *Historic Residential – Medium Density (HRM) Zoning District*, and LMC § 15-7.1-6 *Final Subdivision Plat*.
2. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
3. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the Plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The Applicant shall record the plat at the County within one (1) year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this Plat approval will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The plat shall note that fire sprinklers are required for all new construction.
4. Any additions or modifications to the Historic Structure must comply with the Land Management Code and requires Historic District Design Review.
5. Any development on the Lot including additions to existing Structures shall comply with the LMC in effect at the time an application is submitted.
6. The non-conforming Accessory Building shall not be increased.
7. To address the existing Accessory Building that encroaches into City-Owned property, the Applicant shall remove the encroachment or enter into an Encroachment Agreement with the City and record the agreement with Summit County prior to recordation of the Plat.
8. City Engineer reviews and approves all Lot grading, utility installation, public improvement, and drainage plans for compliance with City standards prior to issuance of any building permits.
9. Nightly rentals are restricted to the primary Landmark Historic Structure and require an active Business License. Nightly rentals are prohibited in the Detached Accessory Apartment in the Accessory Building.
10. The property owner shall retain one code-compliant parking space per Accessory Apartment Bedroom on the site for as long as the Accessory Apartment is retained on the property.

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

PASSED AND ADOPTED this 9th Day of March 2023.

PARK CITY MUNICIPAL CORPORATION

Nann Worel, MAYOR

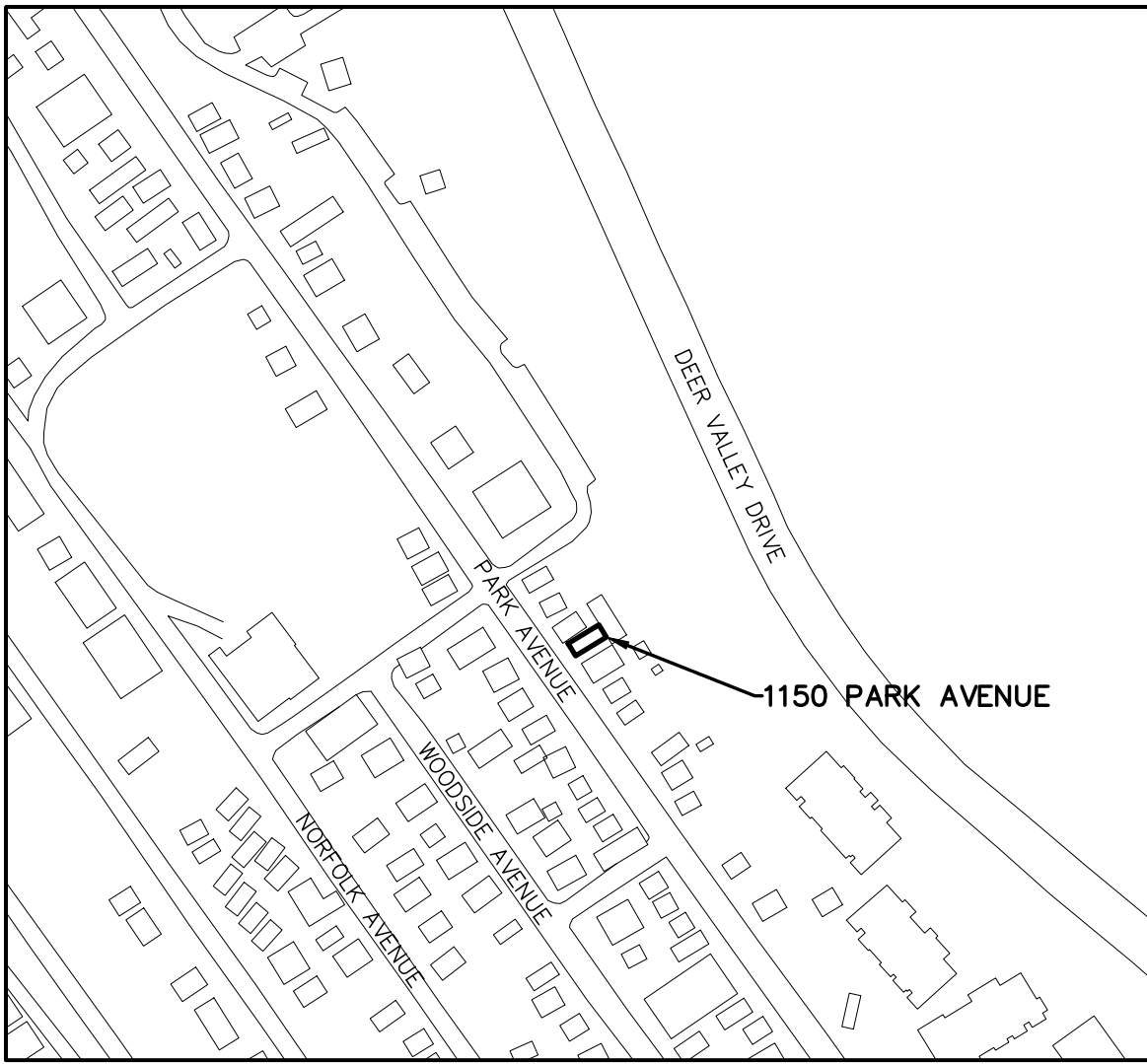
ATTEST:

City Recorder

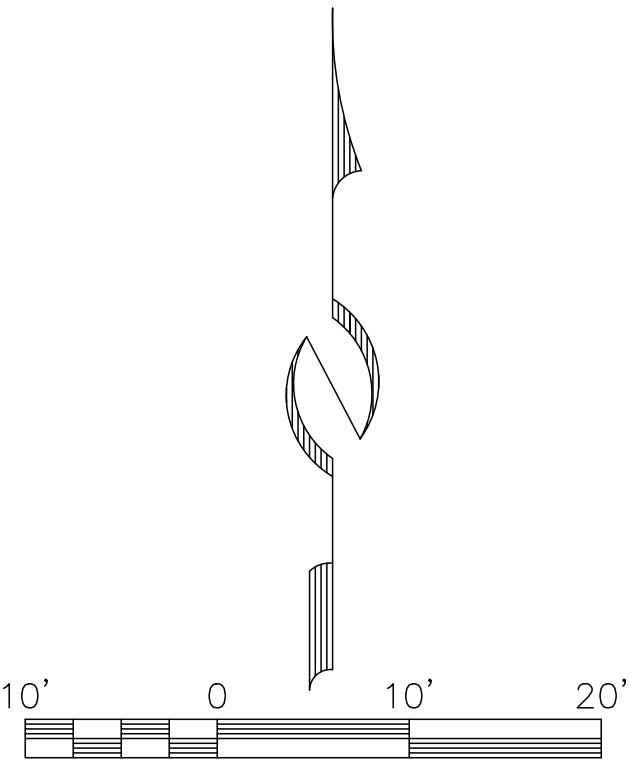
APPROVED AS TO FORM:

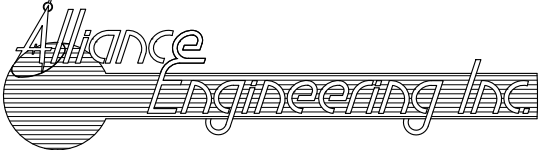
City Attorney

Attachment 1 – Proposed Plat



VICINITY MAP





(435) 649-9467

CONSULTING ENGINEERS LAND PLANNERS SURVEYORS

323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

1150 PARK AVENUE PLAT AMENDMENT

LOCATED IN THE NORTH HALF OF SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH



SURVEYOR'S CERTIFICATE

I, Michael Demkowicz, do hereby certify that I am a Professional Land Surveyor and that I hold License No. 4857264 as prescribed under the laws of the State of Utah. I further certify that by authority of the owner, I have made a survey of the land shown on this plat and described hereon, and have combined said land into one (1) lot, hereafter to be known as 1150 PARK AVENUE PLAT AMENDMENT and that the same has been correctly surveyed and monumented on the ground as shown on this plat.

LEGAL DESCRIPTION

All of Lots 12 and 13, Block 56, Snyders Addition to Park City Amended, according to the official plat thereof on file and of record in the Office of the Summit County Recorder.

Also

Beginning at the northernmost corner of Lot 13, Block 56, Snyders Addition to Park City and running thence North 54°01' East 20.00 feet to a point on the westerly line of an unimproved road; thence South 35°59' East along said westerly line 50.00 feet; thence South 54°01' West 20.00 feet to the easternmost corner of Lot 12 of said Block 56; thence North 35°59' West along the easterly line of said Block 56, 50.00 feet to the point of beginning.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL BY THESE PRESENTS that the undersigned are the owners of the above described tract of land, and hereby cause the same to be unified into one lot of record, together with easements as set forth to be hereafter known as 1150 PARK AVENUE PLAT AMENDMENT and do hereby dedicate for the perpetual use of the public all areas shown on this plat as intended for public use. The undersigned owners also hereby convey any other easements as shown on this plat to the parties indicated and for the purposes shown hereon.

In witness whereof, the undersigned set her hand
this ____ day of _____, 2023.

In witness whereof, the undersigned set his hand
this ____ day of _____, 2023.

By: _____
Mary Kallaher

By: _____
Matteo Perale

ACKNOWLEDGMENT

STATE OF _____)
: ss.
COUNTY OF _____)

On this ____ day of _____, 2023, Mary Kallaher personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, that she acknowledged to me that she executed 1150 PARK AVENUE PLAT AMENDMENT.

By: _____
Notary Public

Printed Name _____

Residing in: _____

My commission expires: _____

ACKNOWLEDGMENT

STATE OF _____)
: ss.
COUNTY OF _____)

On this ____ day of _____, 2023, Matteo Perale personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, that he acknowledged to me that he executed 1150 PARK AVENUE PLAT AMENDMENT.

By: _____
Notary Public

Printed Name _____

Residing in: _____

My commission expires: _____

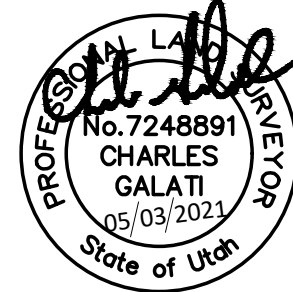
NOTE

This plat amendment is subject to the Conditions of Approval in Ordinance 2023-_____.

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ____ DAY OF _____, 2023 BY _____ ENGINEERING DEPARTMENT	PLANNING COMMISSION RECOMMENDED BY THE PARK CITY PLANNING COMMISSION THE ____ DAY OF _____, 2023 BY _____ CHAIR	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ____ DAY OF _____, 2023 BY _____ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS ____ DAY OF _____, 2023 BY _____ PARK CITY ATTORNEY	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ____ DAY OF _____, 2023 BY _____ MAYOR	CERTIFICATE OF ATTEST I CERTIFY THIS PLAT WAS APPROVED BY PARK CITY COUNCIL THE ____ DAY OF _____, 2023 BY _____ PARK CITY RECORDER	PUBLIC SAFETY ANSWERING POINT APPROVAL APPROVED THIS ____ DAY OF _____, 2023 BY _____ SUMMIT COUNTY GIS COORDINATOR	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ FEE _____ RECORDER _____ TIME _____ DATE _____ ENTRY NO. _____
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1150 PARK AVENUE

LOCATED IN THE NORTHEAST QUARTER
AND NORTHWEST QUARTER OF SECTION 16,
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN
LOTS 12 & 13, BLOCK 56,
SNYDER'S ADDITION TO PARK CITY AMENDED
RECORD OF SURVEY
SUMMIT COUNTY, UTAH



SURVEYOR'S CERTIFICATE

I, Charles Galati, certify that I am a Professional Land Surveyor and that I hold License No. 7248891, as prescribed by the laws of the State of Utah. I further certify that under my direct supervision a survey has been performed on the hereon described property and that to the best of my knowledge this plat is a correct representation of said survey.

LEGAL DESCRIPTION

ALL OF LOTS 12 AND 13, BLOCK 56, SNYDERS ADDITION TO PARK CITY AMENDED, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE SUMMIT COUNTY RECORDER'S OFFICE.

ALSO

BEGINNING AT THE NORTHERNMOST CORNER OF LOT 13, BLOCK 56, SNYDERS ADDITION TO PARK CITY AND RUNNING THENCE NORTH 54°01' EAST 20.00 FEET TO A POINT ON THE WESTERLY LINE OF AN UNIMPROVED ROAD; THENCE SOUTH 35°59' EAST ALONG SAID WESTERLY LINE 50.00 FEET; THENCE SOUTH 54°01' WEST 20.00 FEET TO THE EASTERNMOST CORNER OF LOT 12, OF SAID BLOCK 56; THENCE NORTH 35°59' WEST ALONG THE EASTERLY LINE OF SAID BLOCK 56, 50.00 FEET TO THE POINT OF BEGINNING.

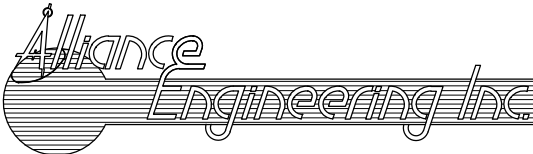
NARRATIVE/NOTES

1. Basis of Bearing for this survey is between the found street monuments as shown on this plat.
2. Field work for this survey was performed April 4, 2021 and is in compliance with generally accepted industry standards for accuracy.
3. The purpose of this survey was to perform a Boundary, Existing Conditions and Topography survey for the possibility of future improvements to the property.
4. A Title Report was not provided to the surveyor and only easements and setbacks per subdivision plat were located as part of this survey. This owner of the property should be aware of any items affecting the property that may appear in a title insurance report. The surveyor found no obvious evidence of easements, encroachments or encumbrances on the property surveyed except as shown hereon.
5. County tax maps, recorded deeds, SNYDER'S ADDITION TO PARK CITY PLAT, Record of Survey S-6450 (all aforementioned documents on file and of record in the Summit County Recorder's Office), and physical evidence found in the field were all considered when determining the boundary as shown on this plat.
6. Site Benchmark: Water manhole, Elevation=6926.9' as shown.
7. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
8. Property corners were found or set as shown.
9. Snow coverage at the time of the survey was approximately 0-12". As a result, monuments, improvements, and/or conditions may exist which are not shown on this survey.
10. Record bearings and distances, when different than measured, are in parenthesis. ()

LEGEND

- Set 5/8" rebar w/cap "ALLIANCE ENGINEERING" (Unless noted otherwise)
- Found Monument (As-Noted)
- Found Street Monument (As-Noted)



 (435) 649-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	STAFF: CHARLES GALATI CHIP TOMSUDAN TOM LUND TIM WILSON JASON WYNNE DATE: 5/3/21	EXISTING CONDITIONS & TOPOGRAPHIC MAP 1150 PARK AVENUE PARK CITY, UTAH FOR: LYN PUSKUS JOB NO.: 24-3-21 FILE: X:\SnydersAddition\dwg\sr\svy2021\240321-1150 Park Ave\240321-1 50 Park Ave.svg	SHEET 1 OF 1

SNYDER'S ADDITION TO PARK CITY SURVEY
BLOCK 56
LOTS 12 & 13 PLUS ADDITIONAL LAND

(1150 Park Avenue)

December 6, 2022

PROJECT INTENT

The property at 1150 Park Avenue is in Block 56, Snyder's Addition to Park City Survey and consists of Lots 12 and 13 plus an additional 1,000 square feet of land to the east. The property is currently occupied by a single family residence and is designated as a Landmark site in the Historic Sites Inventory. The owner is submitting this plat amendment application with the goal of removing the internal lot line common to Lots 12 and 13 and the block line common to the additional parcel to create a single lot of record. The existing single family residence is currently used as a nightly rental. The owner is proposing to renovate the existing residence with an addition at the rear of the residence.



1150 Park Ave - looking easterly



1150 Park Ave - looking northeasterly



1150 Park Ave - looking northwesterly



1150 Park Ave - looking southwesterly



1150 Park Ave - looking westerly

City Council Staff Report



Subject: Fractional Use and Private Residence Clubs in Bellevue Subdivision Phase 1 First Amendment and Bellevue Subdivision Phase 2 (The Bellevue at Deer Valley Homeowners Association)
Application: PL-23-05509
Author: Spencer Cawley, Planner II
Date: March 9, 2023
Type of Item: Legislative – Land Management Code Amendment

Recommendation

(I) Open a public hearing and (II) continue the public hearing and proposed Land Management Code amendment to prohibit Fractional Use and Private Residence Clubs in Bellevue Subdivision Phase 1 First Amendment and Bellevue Subdivision Phase 2 to April 27, 2023.

Description

Applicant: Bob Sertner, HOA Vice President, representing The Bellevue at Deer Valley Homeowners Association

Amended LMC Section § 15-2.13-2 *Residential Development – Uses*

Zoning District: Residential Development

Reason for Review: Land Management Code amendments require Planning Commission review and recommendation to the City Council for Final Action¹

Summary

On February 8, 2023, the Planning Commission reviewed the proposed Land Management Code (LMC) amendments to prohibit Fractional Use and Private Residence Clubs in Bellevue Subdivision Phase 1 First Amendment and Bellevue Subdivision Phase 2, held a public hearing, and forwarded a unanimous positive recommendation for City Council's consideration ([Staff Report](#); [Meeting Audio](#)).

On October 27, 2022, the City Council directed Planning Staff to evaluate Timeshares, Private Residence Clubs, and Fractional Use in three Zoning Districts. One of those zones is the Residential Development Zoning District. On October 28, 2022, at the direction of the City Council, a pending ordinance was issued prohibiting Fractional Use of Dwelling Units and Private Residence Clubs in the Residential Development Zoning

¹ LMC [§ 15-1-7\(B\)\(1\)](#)

District for a six-month period while additional amendments for these Uses are considered ([Minutes](#), p. 10-13).

On February 16, 2023, City Council reviewed LMC amendments to restrict similar Uses in Chatham Crossing Subdivision, Solamere Subdivision No. 1 & No. 2A, West Ridge Subdivision, and West Ridge Subdivision Phase 2. At this meeting, the Council requested to continue the discussion to April 27, 2023, to allow the City Council to complete a review of these regulations associated with the pending ordinance issued in October ([Staff Report](#); [Meeting Audio](#)).

Planning Staff recommends City Council continue the review of the Bellevue at Deer Valley HOA application to April 27, 2023, to allow the City Council to review the amendments together with the Chatham Hills HOA, Solamere HOA, and West Ridge HOA applications.

Council Agenda Item Report

Meeting Date: March 9, 2023

Submitted by: Michelle Kellogg

Submitting Department: Executive

Item Type: Information

Agenda Section: NEW BUSINESS

Subject:

2023 Legislative Session Update

*Each week during the 2023 Legislative Session, the City Manager will provide an update and synopsis of the session to date. The Legislative Bill Tracking List will be updated 24-48 hours prior to the City Council Meeting and available [here](#).

Suggested Action:

*Each week during the 2023 Legislative Session, the City Manager will provide an update and synopsis of the session to date. The Legislative Bill Tracking List will be updated 24-48 hours prior to the City Council Meeting and available [here](#).

Attachments: