



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

March 9, 2023

The Council of Park City, Summit County, Utah, met in open meeting on March 9, 2023, at 2:45 p.m. in the City Council Chambers.

Council Member Gerber moved to close the meeting to discuss property at 2:45 p.m. Council Member Toly seconded the motion.

RESULT: APPROVED

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

EXCUSED: Council Member Dickey

CLOSED SESSION

Council Member Dickey arrived at 2:50 p.m.

Council Member Toly moved to adjourn from Closed Meeting at 3:50 p.m. Council Member Doilney seconded the motion.

RESULT: APPROVED

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

STUDY SESSION

Community Waste Reduction Strategies Discussion:

Luke Cartin, Environmental Sustainability Manager, presented this item and noted this was a continuation of the waste reduction discussion from the March 3rd Council retreat. He stated he looked at Salt Lake City's ordinance for multifamily and nonresidential solid waste and recycling services, and indicated it was broken down into generator, hauler, and special event regulations. The requirements for waste generators who generated more than 96 gallons of solid waste or recyclable items per week would be to contract with a recycle company. Waste haulers would have to be authorized to haul within the City boundaries. There would be regulations set up for haulers. He noted part of the waste plan would include having rules for large special events.

Cartin stated some feedback on the plan included a suggestion to designate a shared area for food waste or glass for self-haulers. He noted if this was approved, a timeline needed to be set up. He thought it would be important to notify haulers to see if and/or when they could handle the increased capacity. Mayor Worel asked if there was something written in the Salt Lake City ordinance to share space for small generators. Cartin stated a business district could have one designated space for all the small businesses in that area. He thought the districts were already headed in that direction.

Council Member Rubell didn't want to create a financial hardship on the commercial sector. Cartin indicated there wouldn't be a big threshold to come into compliance for most businesses. Council Member Dickey clarified it would not affect the residential areas. He asked if the 96-gallon regulation applied to all multifamily residences or to each residence, to which Cartin stated it would apply to the entire property. Council Member Dickey asked if there were times when more than 50% threshold went to the landfill. Cartin indicated the intent of the recovery facility was to keep things out of the landfill. Council Member Dickey indicated he did not want waste to be a burden.

Council Member Gerber agreed with Mayor Worel that there needed to be some area coordination plans in order to help with traffic. Council Member Doilney thought food waste was the largest piece of the plan. He wanted to figure out who the haulers would be and coordinate the service. He stated some aspects, such as the odor of food waste, should be considered. Overall, he thought people were ready to implement this plan.

Council Member Toly had some concerns with space and gave examples of multiple bins in different rooms of a business. She noted the health department would not allow food to sit in a restaurant overnight, so there needed to be designated areas for the waste. In general, she was a proponent of the plan, but didn't want it to be a cost burden. Cartin indicated there were tight spaces on Main Street, but some restaurants were making the effort and succeeding. He wanted people to think of ways to reduce the quantity of waste that went to the landfill. He asserted compactors were needed and the bins needed to be hauled daily to eliminate odor.

Council Member Toly requested having a campaign on reducing consumption so there wouldn't be as much waste. Council Member Dickey asked if Salt Lake City required businesses to separate the waste, to which Cartin stated they did not open bags to verify waste from recyclable trash. Council Member Toly wanted to discuss the concept with stakeholders. Council Member Gerber felt the process might take a while and suggested the discussions with haulers should begin now. She also suggested starting on other parts of the plan as we are able to. She encouraged groups to work together. Cartin stated the Special Event code could be updated to include this plan and an

implementation deadline set. Council Member Doilney liked the code suggestion and felt the City should get started as soon as possible.

WORK SESSION

Affordable Housing Development Update for 1875 Homestake Road:

Jason Glidden, Housing Manager, and Rory Murphy, Ryan Davis, and Chimso Onwuegbu, J Fisher Companies, were present for this item. Murphy stated the development would be called the Engine House. Onwuegbu reviewed that he delved into the history of the area and wanted to tie the development into the mining history and railroad. The creative strategy for the project revolved around the dare devil and the mindful millennial. There would be amenities such as dog washing areas and shared spaces. They were also working to make the building energy efficient and sustainable.

Murphy noted the project received a unanimous recommendation from the Planning Commission. They overparked the area in response to neighbor requests. He also researched electric and magnetic fields (EMF) in response to concerns and reported there was no danger from the nearby substation per several emission readings.

Murphy stated there was concern about overcrowded units. He talked with Mountainlands Community Housing Trust and they related the norm for their developments held one person per room. He also indicated they received low-income tax credits, although the higher interest rates had created problems. He also indicated there was some contaminated soil that would be removed before construction began.

Mayor Worel asked if the plaza would cut through or if it was contained. Murphy stated it was contained and would be a play area for children. Council Member Doilney referred to the development agreement and noted there were some provisions that would probably be modified in the Planning Commission discussion.

Council Member Toly thanked them for their diligent research on EMFs. She stated additional power would go into the substation and wondered how that would affect the readings. Murphy indicated Pacificorp could present to Council and could answer those questions. Council asked for Pacificorp to come to a future meeting. Council Member Toly asked for information on the lobby as a gathering space. Onwuegbu stated the lobby would be about 2,000 square feet and it was still being planned. Council Member Toly asked how the parking would work. Davis stated each unit would be assigned one parking stall. There were five extra stalls underground that could be used as needed. There would also be 12 surface stalls for employees, visitors and rideshare. Council Member Toly asked if there was a plan once the streets were completed to prevent an overflow of second cars. Glidden indicated he was working with Parking Services and

they suggested creating an overlay similar to the Old Town area, where there would be resident permits allowing people to park there for no longer than 72 hours. It would allow short-term parking for visitors. He hoped to test the program this summer. Council Member Toly asked if bus stops would be added to Homestake, to which Glidden indicated he was not aware of any plans to put buses on that street.

Council Member Rubell referred to the substation and asked if the units near the substation would be mixed or only affordable, to which Davis stated it would be mixed affordable and market rate units. Council Member Rubell asked for more information on the development's sustainable efforts. He also asked for concrete parking information. Davis stated the sustainable features could be added as an amendment to the ground lease and they would take out the word "anticipated" from the document. Council Member Rubell asked about the City's contribution to the project and wanted a deeper conversation on the cost. Glidden asked if Council Member Rubell was including the cost of the land, to which Council Member Rubell stated he wasn't including that.

Council Member Dickey indicated he was a liaison on this project. He thought the developer did great work on the EMF issue and he was satisfied with the data. Council Member Gerber thanked the developer as well. She was surprised to know that parking was not reduced, especially since the development was close to transit and a grocery store. She asked for a future discussion for parking in an affordable master planned development (AMPD). She also noted parking would increase the cost of the project.

Mayor Worel opened the public input.

John Greenfield stated this project needed to be done right. If the substation needed to be moved, then it should be moved. He indicated 107 units were 60% area median income (AMI) or above. Only four percent of the units were 40%-50% AMI. Twenty percent of the units were market rate. He hoped Council could contribute more to the project to bring down the rent.

Megan McKenna, Mountainlands Community Housing Resource Center, stated they were very supportive of the development. She noted homeless employees from the community came to Mountainlands frequently to look for housing. Their affordable rentals had a two-year waitlist. This was an example that there was a serious need for affordable housing.

Peter Tomai commended the Council for embarking on this public/private partnership. He felt in the end, the City's contribution to the development would be a huge win. He encouraged everyone to keep moving forward.

Hailee Hernandez, Christian Center Basic Assistance Needs Coordinator, stated she collected data on homelessness across Summit and Wasatch County and the average time of being homeless was over three months. Personally, she loved working in the community, but she couldn't afford to live here.

Carolyn Wawra, Recycle Utah, indicated she worked in the Homestake area and thought it was a great area for this development.

John Kenworthy eComment: "So that the record is clear, I also have a hard time understanding why the EMF study has not had more testing and data recorded alongside each recording's specific date and time. Has this testing and documentation satisfied the code... I really don't know. Has it satisfied a single expert? As stated on the record - I think not. And now that these reports are coming together I want it clear that it is my opinion that this is to be a policy decision made by our city council. We should also acknowledge that the current surrounding/abutting land uses are not as vulnerable as an apartment building will be. Personally, I doubt this surrounding land use was granted by accident. I am not even sure who is the lead on EMF testing, documentation and analysis. I have and continue to agree with Bill that we need a reliable base line. Obviously if an independent city consultant on this project cannot sign off on the health and safety of this site or define what it would take to get someone to do, then we have to be transparent that safety concerns are "unknown". In this scenario, I would suggest at a minimum, that legal should be preparing documentation that tenants will be required to sign off on prior to occupancy. Again, something that city council signs off on. Painfully, the health and safety conclusion we all desire may only be achieved by moving the proposed apartment building away from its current proximity to these power lines. We have all been told repeatedly that electromagnetic fields like those from power lines decrease dramatically as you move or live farther away from them. So, my remaining questions are still quite simple. How far away from "these abutting power lines" are we comfortable with for both current and future EMF levels? And who is willing to sign off on the distance that the applicant is requesting when the experts are not willing to do so? Commissioner Johnson your extended efforts do not go unappreciated."

Mayor Worel closed the public input.

REGULAR MEETING

I. ROLL CALL

Attendee Name	Status
Mayor Nann Worel	Present

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	
None	Excused

II. APPOINTMENT

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

Mindy Finlinson, Finance Manager, stated the Treasurer was an appointed position and she proposed Nike Noack to fill the position. She noted Noack would be moving here from California.

Council Member Gerber moved to approve the City Manager's proposed appointment of Nike Noack as the City Treasurer of Park City Municipal Corporation. Council Member Doilney seconded the motion.

RESULT: APPROVED

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

III. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Council Questions and Comments:

Council Member Gerber thanked everyone for the great Council Retreat. She noted Council received an email on the Childcare Stabilization Act. She requested a discussion on childcare with Kristin Schultz with Early Childhood Alliance. The Council members agreed and Council Member Rubell asked that a staff member issue an opinion on the data.

Council Member Rubell reviewed the Sled Derby was a success, and he hoped it would become an annual tradition. There was a Fire District Board meeting, and the Fire Chief expressed gratitude that he could present to Council at the retreat.

Council Member Doilney also thanked everyone for the retreat discussions and thought they were very impactful. He requested a study session to discuss the Ranked Choice Voting (RCV) process. He thought it would eliminate primaries and shorten the process. He asked for information regarding who would do the work and how it would impact

Summit County. The Council members agreed to discuss it. Matt Dias suggested having cities that used RCV come for that discussion, as well as the County Clerk and City Recorder.

Council Member Toly thanked Mayor Worel for the State of the City event. She announced microtransit service was available throughout 84060. She thanked Public Works for keeping the roads plowed. She asked for an update on the snowmelt.

Mayor Worel stated yesterday there was an employee appreciation lunch for Public Works and Emergency Management and they discussed plans being made for the thaw. She thanked the Communications team for helping with the State of the City event.

Staff Communications Report:

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

IV. 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.

Bob Theobald stated the State of the City report was good. He complained at the December 9th meeting and to date he hadn't heard anything. On February 16th, he submitted reports on various issues and he wanted to know if Council was going to respond.

Alex Butwinski stated Council had two critical priorities: Housing and Transportation. He complained about the inconsistencies in Transit and asserted dependability was important to users. The Info Point app was off too. He also noted all the buses went to Park City Mountain and he didn't think that was the most effective system. It took 45 minutes to get to Deer Valley Resort. He knew there was a bus driver shortage and suggested paying them more.

Rachelle Flinn indicated she worked at People's Health Clinic and her daughter went to PC Tots. She needed the roads plowed and she needed to have a safe place for her daughter. She requested affordable childcare for the community.

John Greenfield supported affordable childcare. He talked about Richardson Flat Park and Ride, and thought there seemed to be joy over its use. Council wanted to pursue the Gordo site for a park and ride as well. He reminded Council that Richardson Flat was the worst option for a park and ride and hoped Council would consider the success that a Quinn's Park and Ride would generate. He liked digital signs at bus stops. He also suggested housing transit drivers at the Gordo site.

Aldy Milliken, Kimball Art Center Executive Director, noted Betsy Wallace with Sundance Institute announced her retirement this week. He honored her work with Sundance and her partnership in the efforts to promote the arts and culture district.

Karen Riley eComment: "Thanks for taking the time to hear our family's story about childcare... There is a serious childcare crisis in Park City, both in capacity and affordability. We have been so unbelievably fortunate to have depended on PC Tots for the last 5.5 years. We are two full-time working parents who work in Park City. We got on the waitlist for our first child at 8 weeks pregnant. We were accepted 11 months after being on the waitlist...this was in 2017. It all worked out but it was stressful at that time with only a few weeks left of maternity leave and no definitive childcare in sight. Fast forward to 2019, our second child was on the way and we got on the waitlist at 4 weeks pregnant. We were finally accepted after 12 months on the waitlist, solely because there was a sibling enrolled at the same school (school policy to give priority). During the first week of childcare and Mom's first day back at work, the world shut down. PC Tots closed for 4 months and we were forced to find alternate childcare during that time while we attempted to work full-time. At the end of the day, one parent's take-home pay was \$1/hour after paying a babysitter to continue to work to maintain insurance benefits for the whole family. PC Tots has been an unbelievable resource for our community. Had we not been so fortunate, back in 2017 when we started at PC Tots, one parent would have been forced to leave the workforce. This is unacceptable in a community where we seem to have solutions to almost every problem, though this continues to persist. The dream would be for every single child in Park City to access childcare at an affordable cost. If the community can raise \$5.2 million in one single day (Live PC Give PC, 2022), we can accomplish anything...what better place to start than with kids, the future of our community?"

Mayor Worel closed the public input.

V. CONSIDERATION OF MINUTES

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

Council Member Doilney moved to approve the City Council meeting minutes from February 2 and 16, 2023. Council Member Gerber seconded the motion.

RESULT: APPROVED

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

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:

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:

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:

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

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:

Spencer Cawley and Lillian Zollinger, Planning Department, presented this item. Cawley reviewed the current code was difficult to read and interpret so staff was given direction to identify opportunities to improve water conservation. The Water Department offered incentives and there were updated state regulations. He noted that currently when a landscape plan was submitted to the Planning Department, plant materials needed to be clarified. Staff reorganized the code and coordinated it with the Wildland Urban Interface. A website page would be created that would list water-wise plants.

Mayor Worel asked if most of the plants were available locally. Cawley indicated he was trying to have a lot of local plants available. Council Member Rubell liked the website idea and asked if it would include fire wise practices. Cawley indicated he could include the recommended distance vegetation should be from a residence on the webpage. Council Member Rubell asked if this would be for a landscape overhaul. Zollinger stated small projects would not require an overhaul, but this was required for any project that had grading/excavation. Council Member Rubell asked if the code could capture major landscaping. Zollinger stated the code included provisions for construction and development activity, but she could clarify the language. Council Member Rubell stated this should apply when someone was pulling up landscape to put in something new. He also asked about artificial turf. Zollinger stated it was allowed in the code as an option, but it was discouraged. She stated the artificial turf didn't require water, but water was used to make it and water could not soak into the ground when it was used.

Council Member Dickey asked about the invasive species language. Zollinger indicated the recommendation was to encourage residents to remove noxious weeds. Under the current code noxious weeds didn't have to be mitigated on empty lots. Council Member Toly asked how much of the yard could be used as a garden and if vegetables could be part of this code. Zollinger stated the code required 50% of the yard to be water wise so a garden could take the other 50%. Council Member Toly asked if landscapers could be certified for Park City water-wise. Zollinger stated that was something that could be put on the website. Margaret Plane, City Attorney, indicated the City tried to avoid recommending some services over others, but there could be a public service campaign for what to look for in a landscaper.

Mayor Worel opened the public hearing.

Bob Theobald commended staff and the Planning Commission for looking into this. He asked what would trigger the landscape plan. He thought the language for the trigger was removed.

Sean Kelleher hoped the website would quantify how much would be saved by utilizing the water-wise plants. He was surprised that cisterns weren't mentioned in the code. He noted his water was reduced because he had one and thought they made financial sense.

Mayor Worel closed the public hearing.

Council Member Rubell moved to approve Ordinance No. 2023-10, an Ordinance Amending Land Management Code Section 15-5-5(N) Landscaping and Section 15-15-1 Definitions with amendments to add language that major landscape remodels would

be required to utilize the plans, and to keep metrics during this landscape season to understand how many requested artificial turf and how much grass was used. The motion failed for lack of a second.

Council Member Rubell moved to approve Ordinance No. 2023-10, an Ordinance Amending Land Management Code Section 15-5-5(N) Landscaping and Section 15-15-1 Definitions with an amendment to add or clarify language that major landscape remodels would be required to comply with this ordinance as well. Council Member Gerber seconded the motion.

RESULT: APPROVED

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

Council Member Rubell requested that staff keep metrics this landscape season to understand the number of requests for artificial turf and the approvals of natural turf and return to Council next winter for further discussion. The Council agreed to that request. Council Member Toly asked if cisterns were included in the code. Zollinger stated it wasn't but it could be on the website.

2. Consideration to Approve Three Easements to Rocky Mountain Power for Transmission Lines and Underground Distribution Lines Across City Property:

Dave Gustafson, Project Manager, with Luke Henry and Luke Cartin presented this item. Gustafson noted Mayor Worel met with Mark Fisher regarding his property. He stated the distribution lines were being put underground to the substation. For one segment of the route, he would need to get approval.

Council Member Rubell asked if there was urgency to get the transmission lines in place. Gustafson stated Rocky Mountain Power (RMP) had a lot of projects, so if this project wasn't able to move forward, they wouldn't get back to it for a long time. Council Member Toly asked if the underground lines would go through the cemetery, to which Gustafson stated they would not.

Council Member Doilney asked about visual impacts when the lines went in and out of the ground. Gustafson indicated there was a large pole where the lines would come from the ground to the substation.

Council Member Gerber indicated this item was continued so Mayor Worel and Council Member Rubell could talk to Mark Fisher. Mayor Worel stated they met with Fisher, but this was not discussed. Fisher submitted a letter that was included in the public record. Council Member Doilney asked for information on when RMP could get back to the project if it was delayed now. Council Member Rubell related he heard Fisher's

concerns, but he didn't meet with RMP. He recommended having a discussion as part of the Bonanza Park Small Area Plan and collaborate with RMP on good solutions. He asked if this item could be continued until late June. Council Member Gerber felt June was late. She understood RMP had a timeline and didn't want this to drag on. She wanted information on how much it would cost to underground the substation and she also asked if Council could only approve Exhibit D, and then Council Member Rubell could meet with RMP. Gustafson stated they would be undergrounding this summer. He asked what questions Council had for RMP. He noted undergrounding would be costly. It might cost \$25,000 just to do the study on undergrounding the substation. The undergrounded lines would have to come up at some point.

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

Council Member Doilney wanted to move forward with the project because three years of work had been put into this, but he understood it was a good time to request this from RMP. He asked if this could be brought back for approval on May 11. Gustafson stated he would ask, but RMP had other related projects in the area too. He would contact RMP to get a project timeline.

Council Member Dickey thought it would benefit the Council to have answers to the question of undergrounding the substation. He hoped it would only take a couple months. Cartin indicated it would be hard to get strong pricing on the underground project within two months, but they might give a ballpark figure by then. Council Member Doilney stated the price given a while ago was \$60 million and he didn't think it would drop. He wanted to see the cost to underground the distribution lines, and asserted if we couldn't get it, he was ready to move forward. Council Member Gerber stated this was important to Council Member Rubell and she thought waiting would be worth it. She hoped for a price range within two months. If there were better options, she was willing to continue the item while more information was gathered. If those options did not look attainable or affordable, she favored moving forward with the project as presented.

Cartin stated there were two easements in the Bonanza area and another one that was outside the water protection area. Cartin stated he would come back to Council with a clean easement to adopt. Council Member Dickey favored trying to negotiate a different deal that included moving the substation and undergrounding the lines. Council Member Doilney didn't support restudying things the City already knew was a waste.

Mayor Worel summarized there was consensus for her and Council Member Rubell to meet with RMP. There was also urgency to approve one of the easements.

Council Member Gerber moved to approve Easement PCA-110-G-1-X to Rocky Mountain Power for transmission lines and underground distribution lines across City property. Council Member Dickey seconded the motion.

RESULT: APPROVED

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

Matt Dias, City Manager, outlined the next steps would be to negotiate with RMP as soon as possible. Based on the outcome, a report would be given to Council and a determination would be made on whether to bring this item back to Council.

Council Member Rubell moved to continue Easements SA-224-X, PCA-110-X, SCCS-C-X, CRKSD-2-X, and PACA-900-A-X to Rocky Mountain Power for transmission lines and underground distribution lines across City property to a date uncertain. Council Member Gerber seconded the motion.

RESULT: CONTINUED TO A DATE UNCERTAIN

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

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

Sarah Pearce, Jed Briggs, Cate Brabson, and Kirsten Darrington presented this item. Pearce indicated the current procurement policy was 20 years old. She proposed three main areas for amendments: increase the City Manager's approval authority over most contracts to \$100,000, establish a \$30,000 small purchase threshold, and adopt protest and appeal rules. Briggs stated the Summit County manager had approval authority for purchases up to \$500,000. Part of this request was for efficiency reasons. Other reasons included inflation, the City had a bigger operating budget now, and there were more contracts in general.

Brabson stated the new procurement policy would set forth the City Manager as the overall procurement official, but each department would have a procurement coordinator. She noted the proposed process came from the state code, but they added additional rule making. She reviewed the small purchase rules for purchases up to \$30,000. She noted the exemptions, exceptions, and waivers in the policy were also taken from state code. Brabson explained that the City would opt-in to the state process when there were incidents of protests and appeals.

Darrington provided the administrative process based on the information they gathered from the state and staff. They updated purchase guidelines, procedures, and training. Briggs stated there would be a budget request this year for a procurement manager.

This position would be a guide for the City departments, and the manager would train, have oversight, give support and guidance, and track the contracts for budgeting.

Mayor Worel asked if the procurement manager would track when contracts expired. Briggs stated there would be a complete contract tracking list. Council Member Dickey asked if the manager would become the procurement official, or if that title would remain with the City Manager. Brabson stated the procurement manager would make decisions on individual procurements and the City Manager would be over procurement in general. Council Member Dickey thought it would be awkward having the same person being the procurement official and the protest officer. Brabson gave an example of a potential protest and stated the state code allowed this provision. Council Member Dickey asked for a regular staff communication report so Council could see the contracts up to \$100,000. Margaret Plane, City Attorney, stated the contracts would be on Laserfiche, but they could come to Council quarterly too.

Council Member Toly asked for detail on when the City would use a request for qualifications (RFQ) versus a request for proposals (RFP). Brabson stated staff could choose which one to issue in some cases. But for some contracts, the RFQ was required before the RFP. Council Member Toly clarified stakeholder groups would be formed by the City Manager and not the procurement manager. Plane stated the procurement official would select the selection committee. Pearce indicated the manager could not sit on every selection committee, but they managed the process. Council Member Toly asked what the term "local" meant when giving a five percent discount, to which Brabson stated it meant businesses located in Summit County.

Council Member Rubell didn't think the procurement official versus the procurement manager made sense. He didn't want the perception of bias in the contract management process. But if the official delegated to others, who in turn chose the selection committees, there was no independence. Brabson stated they were following state code. The proposal was common to other agencies. A selection committee had to have a minimum of three people. It could include people outside the city, but the City had the final decision. Council Member Rubell wanted language to ensure steps were in place so the process would work as it should.

Council Member Rubell asked how often vendors would have to requalify to be on the approved vendor list. Brabson stated there was a closed list with a maximum term of 18 months. An open list of vendors could be added at any time but they had to requalify every 18 months. Council Member Rubell asked how long RFPs had to be advertised. Brabson stated it depended on the project, but most RFPs were out for three weeks. Council Member Rubell asked why the City didn't mandate the 21 day posting. Plane stated they didn't want to bind the City to a bigger posting period in case there was an

instance where a contract was needed sooner. The proposed policy met the state requirement and allowed for City best practices. Council Member Rubell suggested giving a bigger discount to local bidders. He discussed concerns with cooperative purchasing and stated the City could use a procurement from another entity as long as it followed their procurement rules. He suggested adding language it had to follow the City's rules. Brabson stated that language was used for the UDOT qualified consultant pool. Plane stated the state was the guardrail for this.

Council Member Rubell asked if there could be an approved vendor dollar cap. Brabson stated it would be approved by Council if it was over \$100,000. Council Member Rubell asked if there was a cap on exemptions. Brabson stated there wasn't a cap, but they were mostly for real property and grants. Council Member Rubell referred to contract modifications. Brabson stated if a contract changed more than 10% or \$100,000, it would come back to Council for consideration. Council Member Rubell asked about the waiver of process. Brabson stated "convenience of the public" would be a reason to waive a particular type of item. Council Member Rubell was not comfortable raising the approval authority of the City Manager to \$100,000. He thought the policy was too loose and the control was being taken from the policy making body. It also did not implement enough independence measures.

Council Member Gerber asked Council Member Rubell what he thought the role of the policy making body would be. She was concerned with the work of the procurement official and asked what additional workload would be added to the City Manager. Plane stated many managers ran procurements. The City Manager would delegate to the managers seeking procurements and noted it was being done informally now. Council Member Gerber asked how many hours of review a typical Council packet required. Plane stated staff reports went through multiple levels of review. Council Member Gerber asked if Summit County had a similar operating budget as the City, to which Briggs affirmed.

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

Council Member Dickey stated there were tradeoffs with procurement. Overall the policy approach made sense. He wanted a way to evaluate how the policy was going, such as giving reports on contracts and coming back in six months to review how things were going. He asked if staff had considered a notice provision for protests. Plane stated when Council was the appeal body, other problems would arise. Staff could insert a provision that Council would be notified when there was a protest. Council Member Dickey thought protests would be rare, but a notice would inject some oversight. The

Council might have the authority to create a protest official. Otherwise, he favored approving the policy as-is and review it in six months.

Council Members Toly and Doilney agreed with the recommendation to review this in six months. Council Member Rubell stated the policy lacked independence, there would be real or perceived bias between procurement activities and the people running them, the advertising time period was too short, the local business match should be higher, and the cooperative purchasing could be tighter. Council Member Gerber stated the intent of this was to have a policy where all departments followed procedure. She was happy this would help the City align with state code and allow a higher degree of professionalism. She felt it was a big step in the right direction. Council Member Doilney agreed it made things fast and flexible in terms of the size of the contract. This would improve the process and add transparency. He thought Council Member Rubell showed a lack of trust for staff. Council Member Gerber favored the six-month review. Council Member Rubell stated good policy allowed good people to do their job but prevented bad actors from succeeding. Checks and balances were good practice.

Council Member Doilney moved to approve Resolution 03-2023, a resolution adopting procurement rules for Park City Municipal Corporation with the amendment to have a six-month review. Council Member Toly seconded the motion.

RESULT: APPROVED

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

NAY: Council Member Rubell

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:

Alex Ananth, Senior Planner, with Sean Kelleher and Cameron Stacy, presented this item. Ananth stated the proposed plat amendment would remove interior lot lines from three lots to make two lots of record. Both lots complied with the requirements of the HR-1 Zone.

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

Council Member Dickey moved 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. Council Member Doilney seconded the motion.

RESULT: APPROVED

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

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

Virgil Lund, Planner, stated this was a Landmark historic structure and it was on the Historic Sites Inventory. This plat amendment would remove an interior lot line and add an accessory apartment. He noted nightly rentals were prohibited in this area.

Mayor Worel asked if the historic structure being moved in 1947 affected its status on the Historic Sites Inventory, to which Lund stated it did not.

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

Council Member Dickey moved to approve Ordinance 2023-12, an ordinance approving the 1150 Park Avenue Plat Amendment, located at 1150 Park Avenue, Park City, Utah. Council Member Toly seconded the motion.

RESULT: APPROVED

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

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:

Spencer Cawley, Planner II, stated this item would be continued to April 27th to coincide with the study results. They would come back with additional changes in light of the state legislation.

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

Council Member Doilney moved 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 to April 27, 2023. Council Member Gerber seconded the motion.

RESULT: CONTINUED TO APRIL 27, 2023

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

4. 2023 Legislative Session Update:

Michelle Downard, Resident Advocate, stated there were 867 House Bills during the Legislative Session. She tracked the status of the bills. There were many associations and stakeholder groups that were helping throughout the session. She highlighted a few bills that had direct local impacts. HB406: Land Use Development. Park City used development agreements frequently and this bill prohibited requiring those or requiring landscaping bonds. Council Member Doilney asked if the bill had implications on Richardson Flat. Dias indicated he worked with the Utah League of Cities and Towns (ULCT) to ensure it didn't have anything like the situation in Summit County. He stated this was just for municipalities and targeted small cities that required development agreements for all building.

HB 408: Food Truck regulations and all mobile services. These vendors had reciprocal business licenses that could be used throughout the state. SB174 amended subdivision processes and put regulations on subdivision approvals. SB271 - Fractional ownership passed and the City reached out to HOAs and asked them to consider CCR regulations on this use. Council Member Dickey stated Mayor Worel, Margaret Plane, and other staff did incredible work on this.

Council Member Rubell wanted to know how the following bills would affect the City: HB364 Increasing Low Income Tax Credits, HB224 and HB384 Interlocal Recreation Agreements, SB118 Water Efficient Landscaping Incentives, and SB 250 Public Surveillance (scanning license plates). It was indicated this would come back as a written report.

Council Member Dickey moved to close the meeting to discuss property at 8:49 p.m. Council Member Rubell 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 9:10 p.m. Council Member Rubell seconded the motion.

RESULT: APPROVED

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

IX. ADJOURNMENT

With no further business, the meeting was adjourned.

Michelle Kellogg, City Recorder

An aerial photograph of a mountain town, likely Park City, Utah, covered in snow. The town's buildings are densely packed in the lower half of the frame, while the upper half shows the rugged, snow-covered slopes of the surrounding mountains. A semi-transparent dark blue rectangular box is centered over the image, containing the title and date in white text.

Waste Reduction Concept Ordinance

City Council
March 9, 2023



Summit County



SUMMIT COUNTY INTEGRATED SOLID WASTE MANAGEMENT



APRIL 2018

Master Plan Update

As a result, the existing working cell at Three Mile Landfill has run out of space and will be closed/capped toward the end of 2018. Efforts are underway to expand the landfill through the construction of six new lined cells; however, even with these expansions, the County estimates it has approximately 35 years left of landfill space if nothing is done to change the way the County manages solid waste. County staff estimate that around 80% of what currently goes into the landfill is recyclable materials primarily from the commercial sector. This presents an opportunity to implement programs to divert these materials from the landfill, thereby extending the life of the landfill beyond 35 years (i.e. well into the 2050's).

Summit County

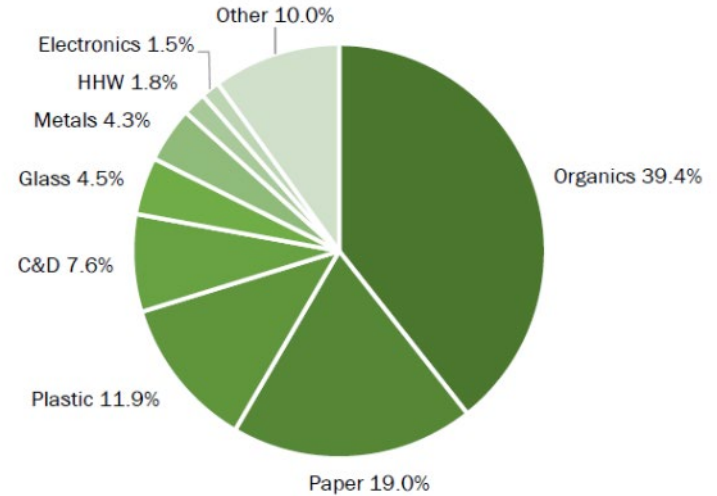
WASTE CHARACTERIZATION STUDY

Table 4-1 provides the detailed tabular composition of the aggregated disposed wastes. This table shows the mean composition, margin of error (at a 90 percent level of confidence) and the estimated tonnage of each of the constituents in the refuse stream.

Table 4-1 Detailed Composition of Aggregated Disposed Wastes

Material Category	Est. Percent	Conf. Int (+/-)	Est. Tons	Material Category	Est. Percent	Conf. Int (+/-)	Est. Tons
Paper	19.0%	2.1%	7,417	Glass	4.5%	4.0%	1,746
OCC/Kraft Paper (Uncoated)	4.1%	1.0%	1,589	Glass Bottles, Jars & Containers	3.8%	0.8%	1,495
Newspaper	0.4%	0.2%	163	Remainder/Composite Glass	0.6%	0.3%	251
Office Paper (High Grade)	0.3%	0.1%	127	Organics	39.4%	4.5%	15,329
Magazines, Catalogs & Brochures	0.8%	0.2%	322	Food Waste	23.2%	4.3%	9,018
Phone Books & Directories	0.2%	0.1%	75	Yard Waste	10.8%	2.7%	4,209
Chipboard/Paperboard	1.1%	0.2%	426	Remainder/Composite Organics	5.4%	1.9%	2,102
Aseptic Boxes & Gable Top Cartons	0.3%	0.1%	132	C&D	7.6%	4.0%	2,967
Mixed Recyclable Paper (Low Grade)	0.7%	0.2%	266	Wood - Treated/Painted/Stained	2.6%	1.4%	1,009
Compostable Paper	10.2%	1.6%	3,977	Wood - Untreated/Clean	1.1%	0.6%	418
Remainder/Composite Paper	0.9%	0.2%	340	Drywall/Gypsum Board	0.6%	0.5%	234
Plastic	11.9%	1.3%	4,619	Asphalt Roofing	0.0%	0.0%	14
PET (#1) Bottles and Jars	1.4%	0.3%	548	Asphalt Paving, Brick, Concrete, & Rock	1.1%	0.8%	441
PET (#1) Non-bottle Containers	0.3%	0.1%	134	Carpet & Carpet Padding	0.4%	0.4%	157
HDPE (#2) Natural Containers	0.3%	0.1%	120	Remainder/Composite C & D	1.8%	0.9%	694
HDPE (#2) Colored Containers	0.2%	0.1%	90	HHW	1.8%	2.1%	718
Rigid Plastic Containers #3, through #7	1.3%	0.2%	495	HHW	0.3%	0.2%	104
Expanded Polystyrene "Styrofoam"	0.2%	0.0%	92	Batteries (All Types)	0.6%	0.6%	226
Clean Retail Film Bags	0.1%	0.0%	23	Medically-Related Waste	1.0%	1.1%	387
Clean Commercial/Consumer Film	0.1%	0.1%	52	Electronics	1.5%	1.5%	573
All Other Film	5.1%	0.9%	1,972	All Electronics	1.5%	0.8%	573
Durable/Bulky Rigid Plastics	1.4%	0.5%	555	Other	10.0%	1.5%	3,895
Remainder/Composite Plastic	1.4%	0.3%	537	Textiles & Leather Products	2.6%	0.6%	1,025
Metals	4.3%	1.1%	1,684	Rubber Products	1.1%	0.5%	420
Aluminum Containers	0.6%	0.1%	217	Disposable Diapers & Sanitary Products	2.2%	0.5%	841
Aluminum Foils and Trays	0.3%	0.1%	102	Dirt & Fines	3.0%	0.6%	1,151
Other Non-Ferrous Metals	0.3%	0.1%	110	Bulky Materials	0.6%	0.4%	241
Steel Cans & Lids	0.6%	0.1%	247	Other Materials Not Elsewhere Classified	0.6%	0.2%	217
Other Ferrous Metals	2.6%	0.9%	1,008				
				Grand Total	100%		38,947
				No. of Samples	40		

Figure 4-1 Aggregate Disposed Waste Composition



HPCA Waste Characterization

Figure 5-2 Divertibility of Restaurant & Bar Refuse

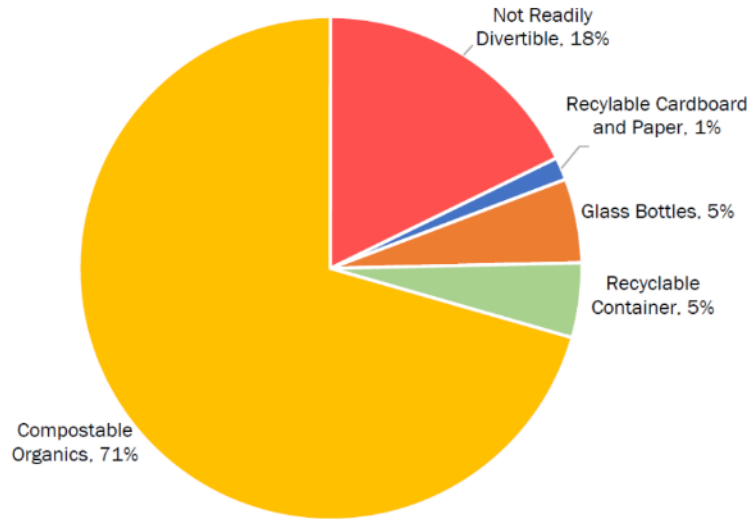


Table 5-1 Detailed Composition of Restaurant & Bar Refuse

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%	

Residential Waste

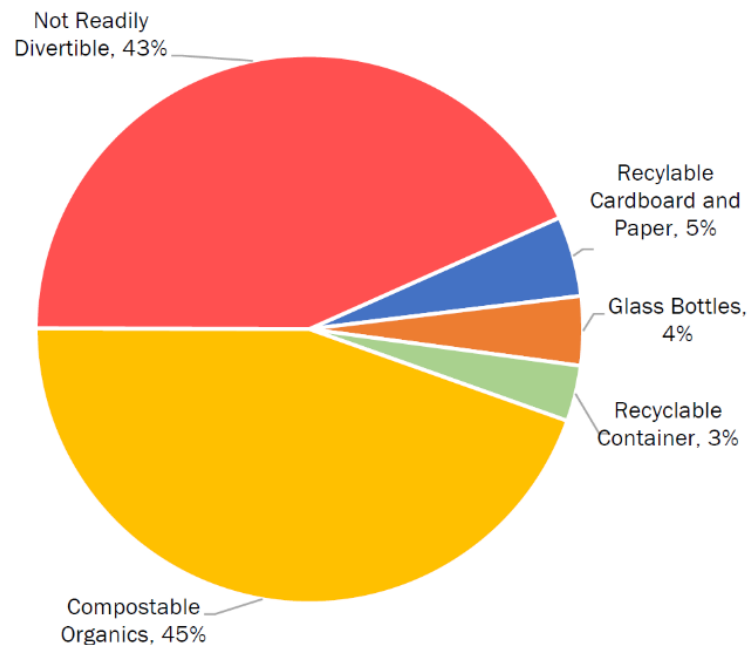
WASTE CHARACTERIZATION STUDY

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	

Figure 7-2 Divertibility of Residential Waste



4.1.2 KEY ACTION AREAS

The Key Actions identified during the visioning process, focus on bold actions that can help drive forward Park City's innovative environmental leadership approach. The actions lay out a path to a zero waste and carbon future, and also highlight an important focus on environmental protection. This leadership will continue to set Park City apart, and ahead, as recreation tourism destinations seek to manage their resources and impact. In particular, focusing on a reduction in the consumption culture will make resource management more viable and achievable.

- **Net-zero Carbon** - Support net-zero carbon goal through conservation, renewable energy, fleet electrification and sequestration.
- **Community Education** - Embed educational initiatives into the local school systems, community at large and visitor interface locations; in order to serve as an example of an ambitious environmental 'living laboratory' for other communities.
- **Zero Waste Economy** - Pursue zero waste by 2030 by embracing a circular economy, where we reduce the consumption culture, design out waste and pollution; keep products and materials in use; and regenerate our natural systems.
- **Natural Environment** - Sustain healthy and regenerative ecosystems with a protection plan, that creates safe corridors and habitat that negates the impact of roads, trails and development on the natural systems and wildlife.

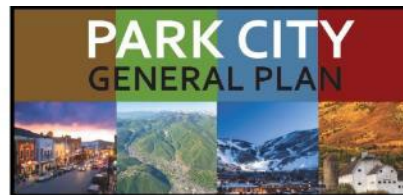


FutureInsight

FUTURE INSIGHTS:

- Park City has been inspirational regarding its ambitious environmental initiatives, however, there needs to be a focus on improving recycling, composting, single use plastic and protection of wildlife. This will enhance the lives of the Park City residents.

The Coronavirus (COVID-19) crisis could result in overall less pollution and waste, as less people travel. However, as travel recovers, focusing on reducing impact will be critical to avoid reversing gains.



appropriate location for a new recycling center.
Consider a partnership with the County for a regional facility.



WASTE DIVERSION

Deer Valley is committed to resort wide recycling, which has been in place for years. Our partnership with Wild Harvest Farm in Summit County has increased composting efforts dramatically. Single-use wares are sourced to be compostable and the majority of wares used at resort restaurants are reusable.



Ask DV



COMMITMENT TO
ZERO



ZERO
WASTE TO LANDFILL BY 2030

Ordinance

Salt Lake City Code 9.08.200: Multi-Family and
Nonresidential Solid Waste and Recycling
Services

9.08.200: MULTI-FAMILY AND NONRESIDENTIAL SOLID WASTE AND RECYCLING SERVICES:



A. Generator:

1. Any generator that generates an average of four (4) or more cubic yards of solid waste or recyclable items per week shall:

- a. (1) Subscribe to recycling service or green waste service with an authorized hauler capable of diverting fifty percent (50%) of the solid waste and recyclable items generated, by volume, and use an authorized hauler to provide solid waste and recycling collection service; or

(2) Complete and retain on site a self-hauling form certifying that all self-hauling activities will be completed in accordance with this chapter or any other applicable law or regulation. A copy of such form shall be available to the director of sustainability or designee upon request.
 - b. Designate area(s) for recycling container(s) accessible by an authorized hauler.
 - c. Designate areas and provide recycling containers for use by occupants, employees or residents that are as convenient to use as refuse containers.
 - d. Prominently post and maintain one or more signs in maintenance or work areas or common areas where recyclable items are collected or stored that specify the materials to be source separated and the collection procedures for such materials.
 - e. Distribute recycling information to each person occupying, attending, or working on the property within fourteen (14) days after commencement of recycling service and annually thereafter.
 - f. Ensure that all recyclable items are placed for collection in covered collection containers conforming to the requirements in section [9.08.080](#) of this chapter.
 - g. Ensure that recyclable items generated and separated at the generator's site for collection will be taken only to a recycling facility that recycles fifty percent (50%) or more of incoming material, by weight, or make other arrangements to ensure that fifty percent (50%) or more of recyclable items generated on site, by weight, are recycled and not delivered to a landfill for disposal. Generator shall not dispose of, or arrange for disposal of, recyclable items by placement in a landfill except in an emergency situation.
 - h. Ensure that the waste and recycling service agreements and a recycling plan are available for inspection by the director of sustainability or designee, at the principal location of the generator's business, facility, special event or nonresidential property, as applicable, during normal business hours. The recycling plan shall include: names of all waste and recycling service providers; frequency of services; waste disposal and recycling facilities used; location, types, and sizes of waste and recycling containers; methods used to promote recycling, including labels, signs and other educational materials.
2. An authorized hauler shall not be held liable for the failure of its customers to comply with such regulations, unless specified in the contract or permit issued by the city.

B. Authorized Hauler:

1. Only authorized haulers may provide waste hauling services within the boundaries of the city.
2. Authorized haulers shall offer collection service sufficient to accommodate the quantity and types of recyclable items to all of their customers that generate an average of four (4) or more cubic yards of waste per week.
3. An authorized hauler shall pay the city an annual registration fee as outlined in the consolidated fee schedule.
4. Authorized haulers shall deliver recyclable items to a recycling facility that recycles more than fifty percent (50%), by weight, of incoming material.

Conceptual Ordinance

Three sections:

Generator

Hauler

Special Events

Generator

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

Hauler

1. 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.

Special Events

1. 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 **XXXXXX**, 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.

Outreach

Historic Park City Alliance
Prospector Square Property Owners Assoc.
Deer Valley
Park City Mountain
Restaurant Association
Republic Services
Momentum Recycling
City Staff
Summit County
Recycle Utah
Park City Community Foundation

Feedback

All special events need to have a waste diversion plan

Ensure that haulers can meet expected ramp up in demand

Shared food waste and glass areas for small self-haulers

Resources for small generators

Discussion

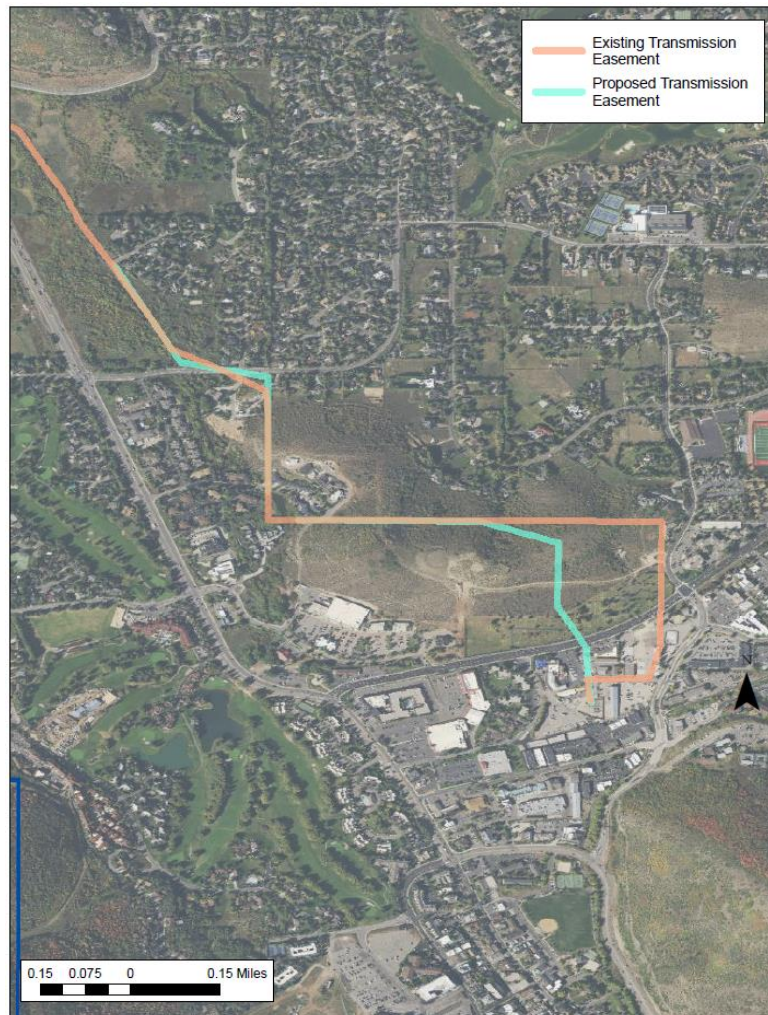
Thoughts on concept?

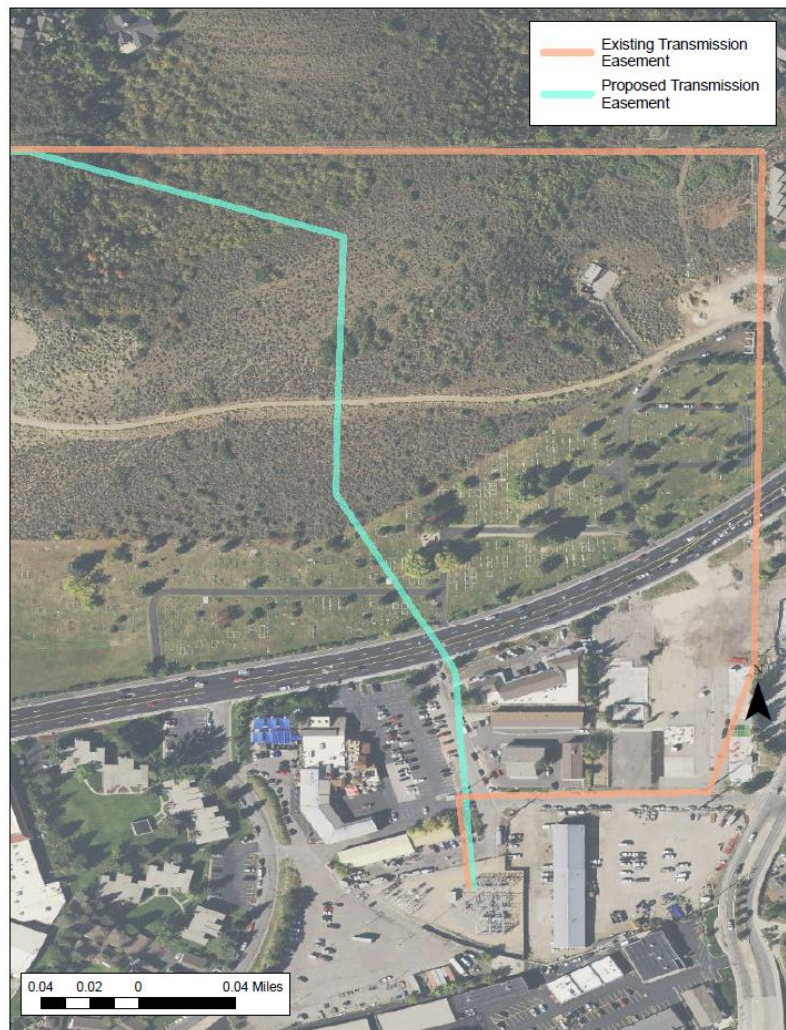
Timeline of implementation: Hauler/SE/Generator

When to return?

Easements for Rocky Mountain Power Transmission Lines and Underground Distribution Lines Across City Property



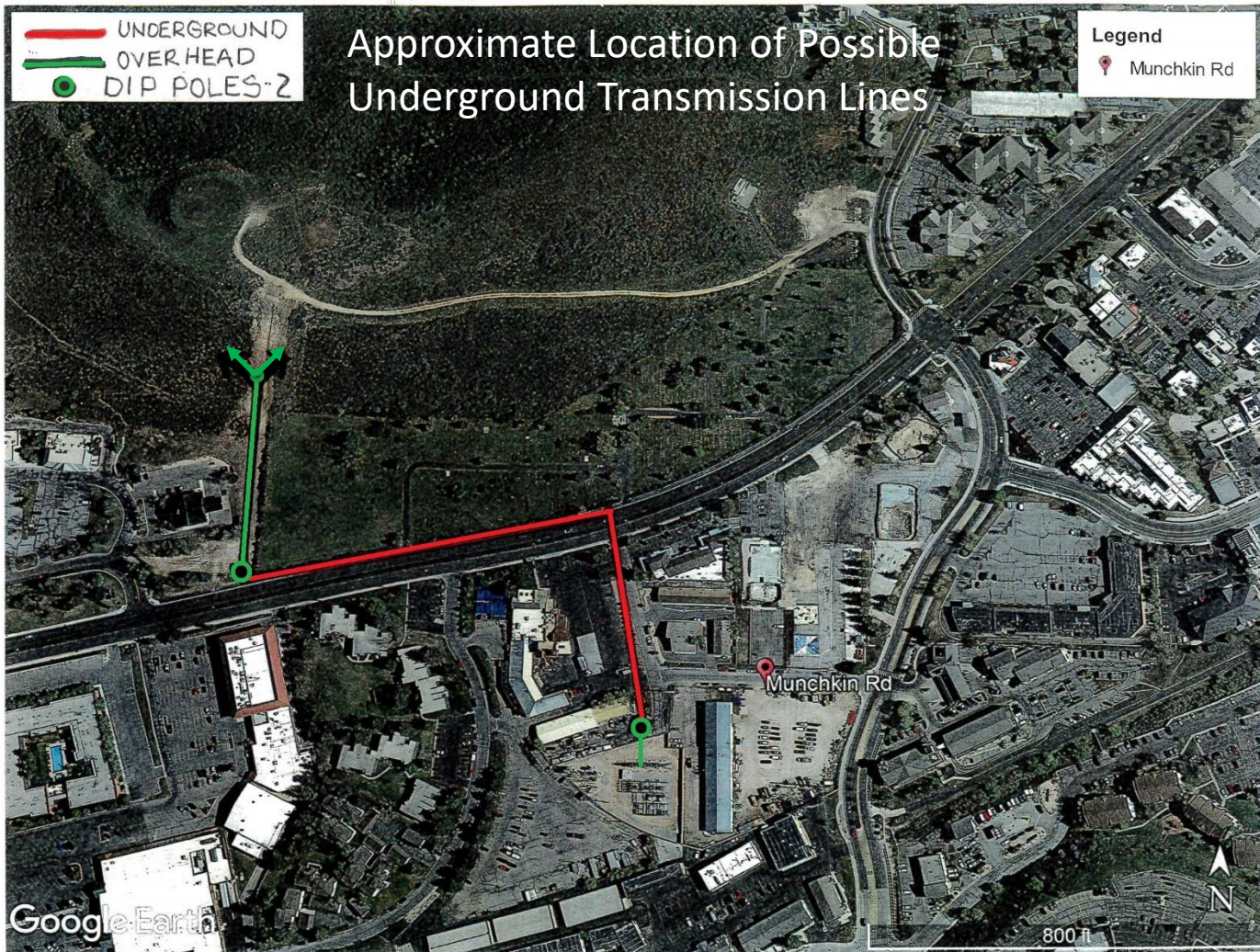


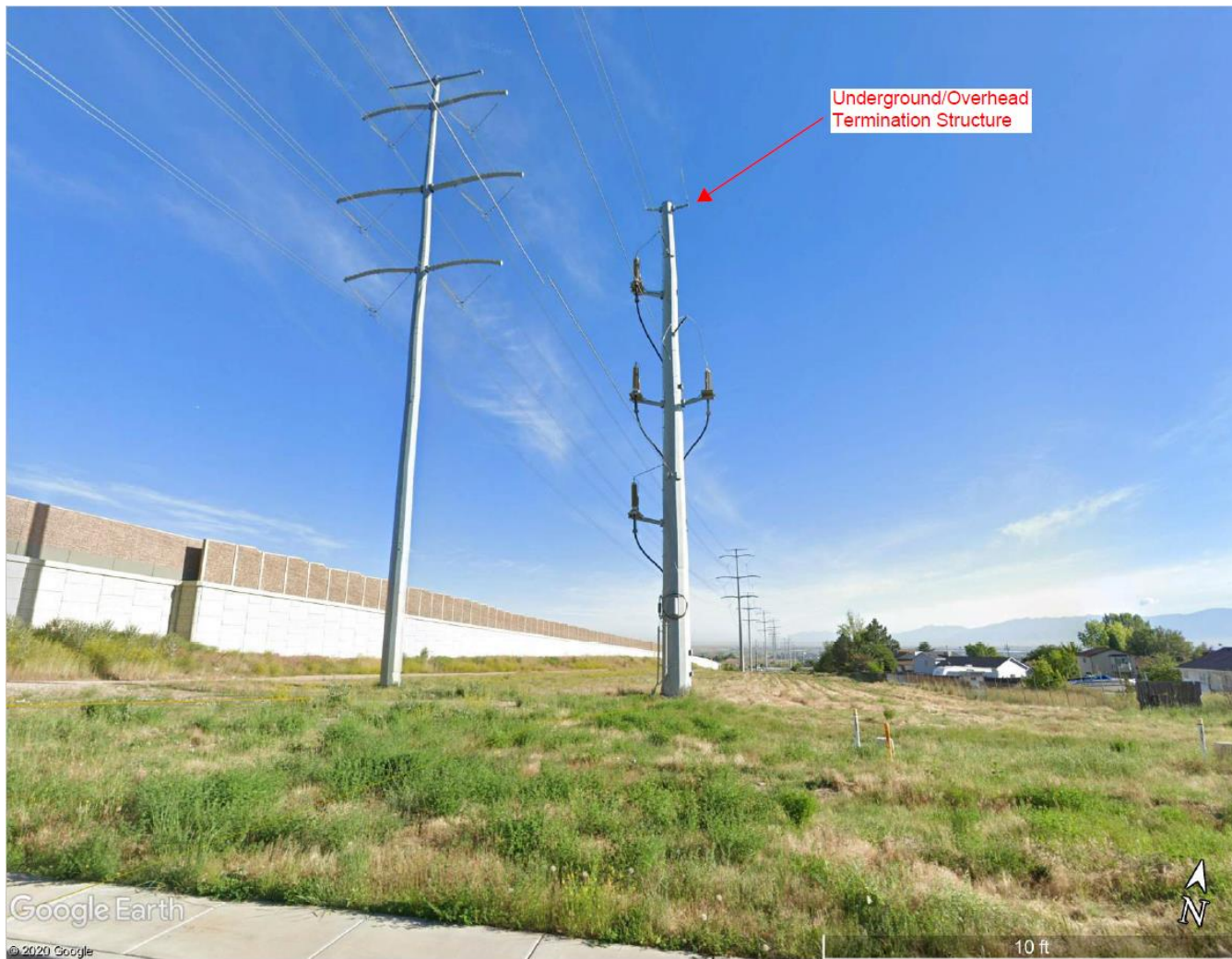


UNDERGROUND
OVER HEAD
DIP POLES-2

Approximate Location of Possible Underground Transmission Lines

Legend
Munchkin Rd





Underground/Overhead
Termination Structure

Google Earth

© 2020 Google

10 ft



Procurement Rules & Administrative Protocols



Procurement

Discuss and consider adopting the proposed Park City Municipal Corporation Procurement Rules and repealing the current PCMC procurement policy

- Formalizing current practices
- Recommending policy changes
- Improving internal process

Update Needed

The current policy document is more than 20 years old

- Amended piecemeal over time
- Not user-friendly
- Does not reflect changes in Utah code
- Revised rules will better meet City's needs
 - further promote transparency,
 - fairness,
 - free-market competition,
 - economical, efficient purchasing

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
- Ensure compliance with Utah law

Proposed Policy Changes

Creating Efficiency, Clarity and Consistency

- Increase the City Manager's approval authority over most contracts to \$100,000
- Establish a \$30,000 small purchase threshold
- Adopt the Protest and Appeal rules



Policy Highlights

City Manager Approval Authority

- The City Manager's approval authority over most contracts is increased from \$25,000 to \$100,000.
- Contracts costing more than \$100,000 would require City Council approval.
- This proposed change is consistent with the growth of PCMC's procurement activity and the rapidly-changing economy.
- By comparison, the Summit County Manager has authority up to \$500,000.

COMPREHENSIVE USER-FRIENDLY COMPILATION

- STATE PROCUREMENT CODE
- OPT-IN: PROTESTS AND APPEALS
- BUILDING IMPROVEMENTS AND PUBLIC WORKS
- CLASS C ROADS

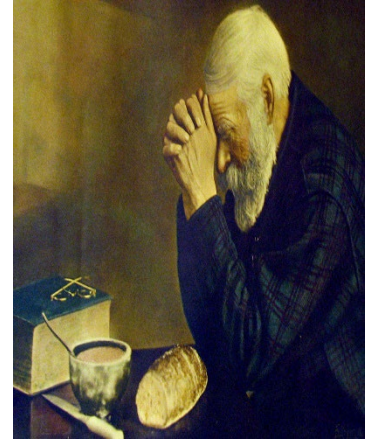


RULEMAKING AUTHORITY

- DETAILED RULES (*WHERE CODE ALLOWS OR REQUIRES*)
- THRESHOLDS
- PROCESS

PROCUREMENT OFFICIAL

- FORMALIZES AND DEFINES EXISTING PRACTICE
- DECISIONMAKER
- ENSURES APPROPRIATE PROCESS: CONTENT, NOTICE, EVALUATION
- REJECTS NON-RESPONSIVE PROPOSALS
- APPROVES EXCEPTIONS AND WAIVERS
- SETTLES AND RESOLVES QUESTIONS AND DISPUTES



STANDARD PROCUREMENT PROCESS

- SMALL PURCHASE (*RULES OPTIONAL*)
- BIDDING
- REQUEST FOR PROPOSALS (RFP)
- REQUEST FOR STATEMENT OF QUALIFICATIONS (RSOQ)
- DESIGN PROFESSIONALS (*RULES REQUIRED*)
- APPROVED VENDOR LISTS (*RULES REQUIRED*)



WHEN TO USE
HOW TO USE, CONTENT, NOTICE,
EVALUATION
ROLE OF PROCUREMENT OFFICIAL

EXAMPLE: SMALL PURCHASE PROCESS RULES

PROCUREMENT CODE

- RULEMAKING AUTHORITY MAY MAKE RULES GOVERNING SMALL PURCHASES OF ANY PROCUREMENT ITEM
- MANIPULATION PROHIBITED



PCMC PROCUREMENT RULES

- \$30,000 THRESHOLD
- THREE WRITTEN QUOTATIONS
- QUALIFICATIONS OF THREE DESIGN PROFESSIONALS
- USE OF SINGLE QUOTE
- BEST INTEREST OF CITY IN LIGHT OF NEEDS, COST AND AVAILABILITY
- APPROVED VENDOR LIST – REASONABLE EFFORTS TO ROTATE

SUPPLEMENTAL PROCUREMENT PROCESS

FORMALIZES EXISTING PRACTICE

- STATE COOPERATIVE CONTRACTS
- OTHER UTAH GOVERNMENT ENTITIES



WHEN TO USE

HOW TO USE, CONTENT, NOTICE,
EVALUATION

ROLE OF PROCUREMENT OFFICIAL

EXEMPTIONS, EXCEPTIONS AND WAIVER

EXEMPTIONS

- REAL PROPERTY
- GRANTS
- EXISTING SOFTWARE SYSTEMS
- INCIDENTAL ITEMS: OFFICE SUPPLIES, TOOLS, PROFESSIONAL DEVELOPMENT, TRAINING, TRAVEL EXPENSES

EXCEPTIONS

- TRIAL-USE CONTRACTS
- EXTENSIONS/MODIFICATIONS
- EMERGENCY PROCUREMENTS

WAIVER

- TRANSITIONAL COSTS UNREASONABLE OR COST-PROHIBITIVE
- IMPRACTICAL AND NOT IN BEST INTEREST OF CITY
- SOLE SOURCE
- RFP UNLIKELY TO PRODUCE COMPETITION
- SPECIALIZED OR CONFIDENTIAL SERVICES

PROTESTS & APPEALS



- OPT-IN REQUIRED FOR STATE PROCESS
- PROCUREMENT OFFICIAL DESIGNATED AS PROTEST OFFICER
- DEADLINES, STANDARDS FOR EVALUATION, HEARING, REMEDIES
- WRITTEN DECISION
- APPEALABLE TO UTAH COURT OF APPEALS – ARBITRARY, CAPRICIOUS, OR ILLEGAL

Administrative Process

Administrative Process Improvements

- To successfully implement the new Rules, internal processes must be updated.
- We have engaged with the State of Utah procurement office and peer entities (Salt Lake County and Summit County) to share best practices.
- We also gathered feedback from City Departments and employees who are tasked with conducting procurements.



Administrative Process

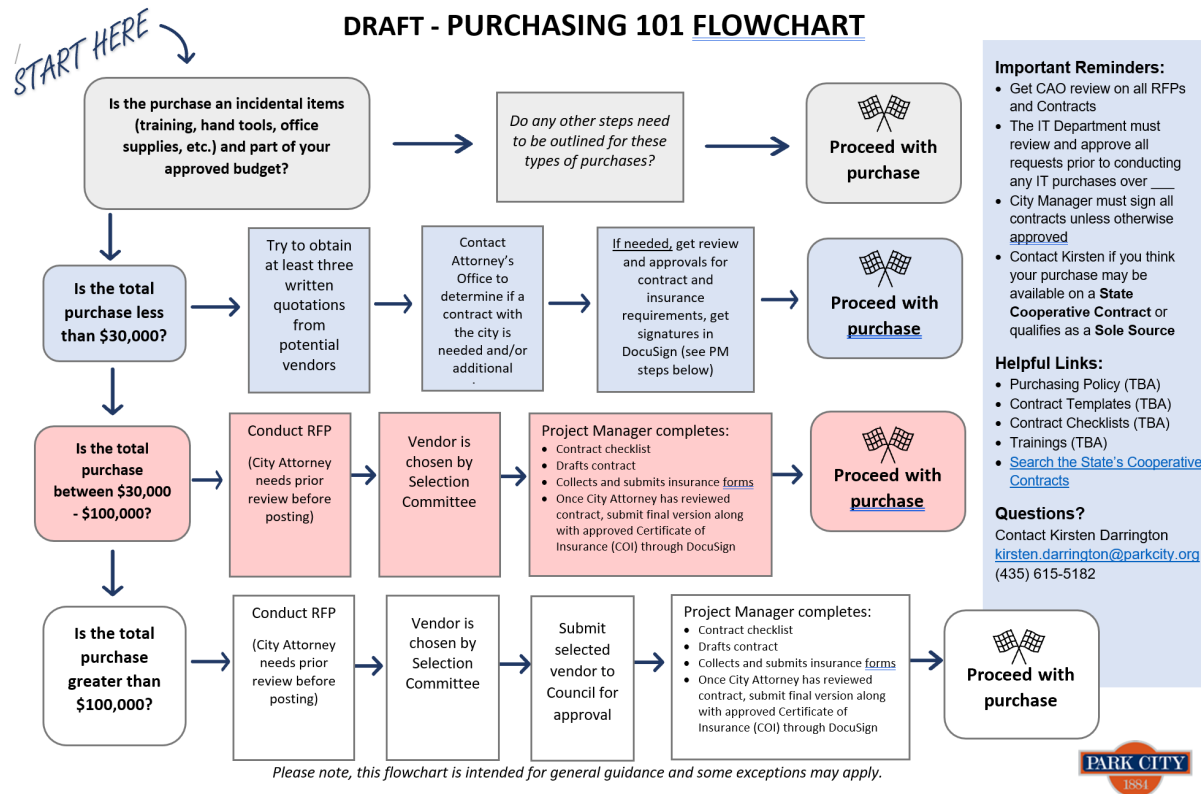
Based on the information-gathering sessions, enhancements are in the works

- Updating purchasing guidelines, procedures, and training.
- Implementing the use of the State of Utah's website—Utah Public Procurement Place (U3P)—for procurement postings.



New Training Materials

- Flowcharts
- FAQ sheets
- 101 Trainings
- Updated Checklists
- And more...



FY24 Budget Request

Procurement Manager

Training

Oversight

Support

Guidance

Compliance

New position for the FY24 budget



WATER WISE LANDSCAPING

LMC UPDATES

City Council

PL-21-05064 | March 9, 2023



WATER WISE LANDSCAPING LMC AMENDMENTS

LMC § 15-5-5(N)

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 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.

DIRECTION AND INPUT

- City Council
- Water Department
- Sustainability
- State Legislation (HB ~~272~~ & 282)
- Industry Experts
- Public Survey



Source: extension.usu.edu/cwel/principles

OBJECTIVES

Identify opportunities to
improve water conservation

Water Department
incentives

Updated state regulations
and definitions

Simplify/Clarify existing code



PLANNING COMMISSION DIRECTION

- “Non-invasive, drought-tolerant”
- Landscape Plan
 - Clarify when required
 - “Intended” plant material
- Significant Vegetation (e.g., Historic)
- Noxious Weeds
- Lawn/Turf
 - State requirements for incentive qualifications
 - HB 282 and ~~HB 272 (pending)~~
- Active Recreation Area
- Historic Significant Vegetation



WATER WISE LANDSCAPING LMC AMENDMENTS



- Reorganize existing code
- Coordination with the Wildland Urban Interface
- Incorporates terms defined by Utah Code
- Simple Water Wise landscaping practices
- Create website for resident use

Review the proposed LMC amendments, hold a public hearing, and consider approving Ordinance 2023-10

An aerial photograph of a mountain town covered in snow. The town features numerous buildings with snow-laden roofs, interspersed with evergreen trees. In the background, a winding road or path is visible on a snowy slope. The overall scene is serene and wintry.

Ordinance 2023-11

402 and 410 Ontario Avenue Plat

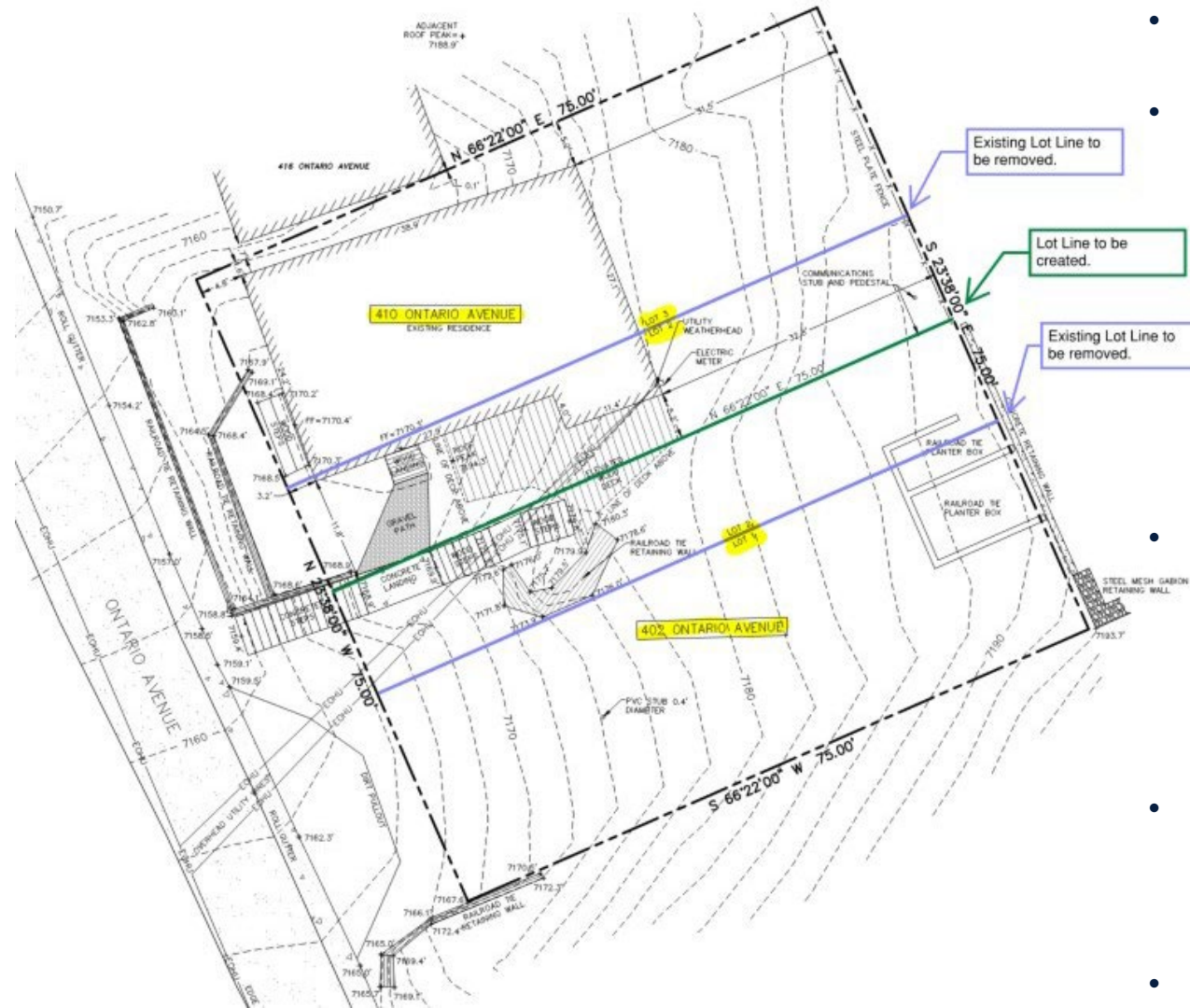
Amendment

City Council Public Hearing
March 9, 2023





402 and 410 Ontario - front - looking northeasterly



- 402 Ontario - Lot 1 and ½ Lot 2. Currently vacant.
- 410 Ontario – ½ Lot 2 and Lot 3. Improved with non-conforming duplex (NCF Use and Structure). Deck and stairs cross property lines – has encroachment agreement with abutter. Stairs and retaining wall also encroach into City ROW – has encroachment agreement with City.
- 410 received approval for Plat Amendment to combine lots in 1997 (Ordinance 97-41) – Plat was not recorded and has since expired.
- Proposal is to create 2 Lots of Record from 3 Lots by removing the internal lot lines. Each lot will be 2,812.5 SF.
- Located in HR-1 Zoning District.

Analysis

The proposed Plat Amendment complies with the Historic Residential (HR-1) Zoning District requirements.

Any structure proposed for 402 Ontario must comply with the HR-1 Lot and Site Requirements and will be subject to the HDDR review process.

Good Cause

No public input received to date.

**Plat Amendment unanimously recommended to Council
by Planning Commission on January 25, 2023**

**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.**



Recommendation

Hold a public hearing

Consider approving Ordinance 2023-11 based on the Findings of Fact, Conclusions of Law, and Conditions of Approval in the Ordinance



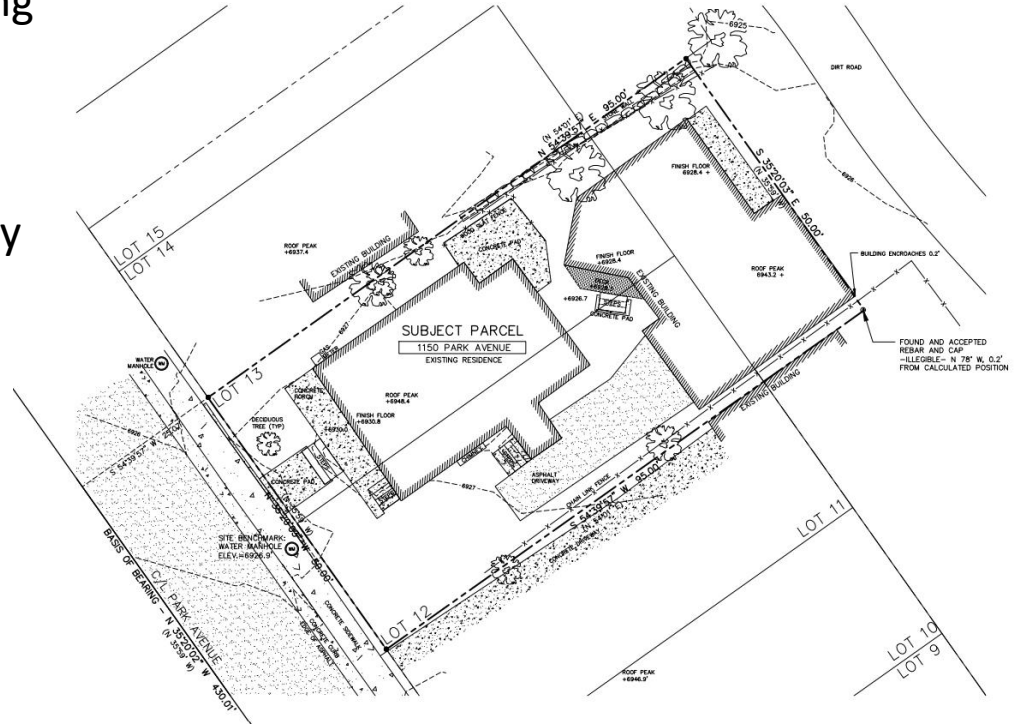
1150 Park Avenue

PLAT AMENDMENT



BACKGROUND

- 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
- Landmark Historic Structure – Historic Sites Inventory
- Built circa 1895, the Historic Structure was moved from 663 Woodside in 1947
- Sits on the Lot Line Common to Lots 12 and 13



ANALYSIS

- I. **The proposed Plat Amendment complies with the Historic Residential-Medium Density (HRM) Zoning District requirements.**
 - Condition of Approval 7 – The Applicant shall enter into an encroachment agreement with the City to correct the portion of the Accessory Building that encroaches 0.2 feet into City-Owned property and record the agreement with Summit County prior to recordation of the Plat.
 - 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.

ANALYSIS

II. The Planning Commission Recommends Conditions of Approval to Comply with Accessory Apartment, Nightly Rental, and Parking Requirements.

- Condition of Approval 9 – Nightly rentals are prohibited in the Accessory Apartment and only allowed in the Landmark Historic Structure. A deed restriction shall be recorded for the Accessory Apartment requiring long-term rental of at least 90 days.
- 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.

ANALYSIS

III. Staff finds Good Cause for removing the Lot line common to Lots 12 and 13 and the block line because:

- A. The HRM Zoning Character is retained.
- B. No Public Street or Right-of-Way is vacated or amended.
- C. No easement is vacated or amended.

ANALYSIS

IV. The Development Review Committee met on January 3, 2023, reviewed the proposal, and did not identify any issues.

NOTICE

January 3, 2023

City's Website

Utah Public Notice Website

Property Notice

Courtesy Notice to Neighboring Properties (300 feet)

Park Record Legal Notice



PUBLIC INPUT

No public input has been received at this time.



RECOMMENDATION

(I) Review the proposed 1150 Park Avenue Plat Amendment, (II) hold a public hearing, and (III) consider adopting Ordinance No. 2023-12, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval in the Draft Ordinance.



2023 LEGISLATIVE BILL TRACKER							
Category & Impacted PCMC Dept	Bill #	Elec	Bill Sponsor	Floor Sponsor	Bill Summary	Status if Known	Stance
Budget/Finance							
Taxes	HB76	Tourism Fund Amendments	Rep. Jimenez, Tim	Sen. Thatcher, Daniel	Allows 3rd class counties to use a portion of TRT project dollars for tourism and recreation impacts. Tooele Co requested this bill to address medical service needs in remote areas for recreationalists.	1/17/23- House 1st Reading; 3/3/23- Failed	
Food Taxes	HB101	Food Sales Tax Amendments	Rep. Rohner, Judy	Sen. Johnson, John	Eliminated taxes on food and food ingredients. (not including alcohol, tobacco, or prepared food). This would be 3-4% of PCMC's sales tax revenue.	1/17/23- House 1st Reading; 2/22/23- LFA/Fiscal Note Sent to Sponsor; 2/28/23- Senate to Committee; 3/3/23- Failed	
Transparency Budget	HB294	Governmental Entity Budget Transparency	Rep. Abbott, Nelson	Sen. Grover, Keith	Requires disclosure of local government budgets including total FY budget, proposed budget, % difference, and census population. Utah League of Cities and Towns opposes this bill. First, this is an oversimplification of the budgeting process. Local governments, like the state, have a general fund as well as specific-purpose funds. Some of these specific purpose funds pay for ongoing services. Others may finance capital facilities projects. Year-over-year percentage changes are more appropriate for some funds than others. Impact fee funds, for example, may vary with development patterns and needs. Secondly, the budget-to-population percentage reporting requirement misleads the public. HB 259 requires local governments to publish year to year budget changes as a percentage of population change. Population is a problematic metric to reference because it only represent the long-term resident and population growth ends to be liner but the cost of providing services is not necessarily linear. ULCT Strongly opposes this bill.	2/2/23- House to Committee; 2/9/23- Senate 1st Reading; 2/28/23- Senate to Committee; 3/3/23- Failed	
Taxes	HB301	Transportation Tax Amendments	Rep. Schultz, Mike	Sen. Harper, Wayne	Increases vehicle registration fees \$5, reduces tax on motor fuel and imposes a 8% tax on the sale of electricity at charging stations.	1/20/23- LFA/Fiscal Note Publicly Available; 2/15/23- Senate 1st Reading; 3/3/23- Enrolling	
Taxes Budget	SB75	Sand and Gravel Sales Tax Amendments	Sen. Sandall, Scott	Rep. Bolinder, Bridger	The “50/50” sales tax distribution system distributes half of the sales tax collected within a given jurisdiction remains in that jurisdiction. The other 50% is redistributed between all municipalities based on population. SB 75 contemplates removing the Sand and Gravel products from that distribution system. This would be the only taxable product with this exception. SB 75 opens the door to other industries that can demonstrate acute impacts on certain community roads (e.g., heavy petroleum or construction trucks) and de-emphasizes the population component of the 50/50 distribution formula. It also shrinks the pool of sales tax dollars for all local governments in the state without an active gravel pit and reallocates them to certain communities. ULCT strongly opposes this bill.	2/15/23- House 2nd Reading; 2/19/23- Enrolling	
Taxes	SB153	Governor's Office of Economic Opportunity Amendments	Sen. Winterton, Ronald	Rep. Stenquist, Jeffrey	This bill modifies the Motion Picture Initiative to allow 2nd class counties adjacent to National Parks to qualify (i.e. Washington County)	2/14/23- Senate to House; 2/21/23- House Committee Favorable; 3/3/23- Enrolling	
Food Taxes	SB164	Food Tax Amendments	Sen. Escamilla, Luz		Tax exempts food purchases made under the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC).	2/3/23- Senate received Fiscal Note; 3/3/23- Failed	

2023 LEGISLATIVE BILL TRACKER							
Category & Impacted PCMC Dept	Bill #	Elec	Bill Sponsor	Floor Sponsor	Bill Summary	Status if Known	Stance
Transportation Funding	SB260	Transportation Funding Requirements	Sen. Cullimore, Kirk	Rep. Peterson, Val	AKA the '5th 5th' Bill. The bill modifies the current 0.20% county-imposed sales tax for transit and would dedicate a portion of the funds to cities and towns. Every city and town in the state could have access to dedicated sales tax for transportation. Allows counties with transit service to impose the 0.20% to go entirely to transit or to divide the funds between transit, cities, and counties. The transit/transportation distribution varies based on whether the locality is entirely or partially within a public transit district. Allows counties without transit to impose the 0.20% and divide the funds between cities and counties for transportation purposes. Removes the sunset for the imposition deadline, allowing counties to implement the 5th 5th if or when it makes sense for their communities. ULCT supports additional transportation revenue for cities and towns.	3/2/23- House Circled; 3/6/23- Enrolling	
Equity Health							
Education	HB16	Bock Grant Funding for Prevention Programs in Public Education	Rep. Pulsipher, Susan	Sen. Millner, Ann	Established block grant funding for prevention programs in local education regarding substance abuse, suicide prevention, and gangs.	1/30/23- House 2nd Reading; 2/2/23- Senate 1st Reading; 2/16/23- Senate to Committee; 3/6/23- Enrolling	
Medicaid	HB84	Postpartum Medicaid Coverage Amendments	Rep. Lesser, Rosemary	Sen. Harper, Wayne	This bill extends Medicaid to postpartum care. Supported by Utah Behavioral Health Commission. Also see HB287 & SB133.	1/17/23- House 1st Reading; 2/6/23- House to Committee; 3/3/23- Failed	
Medicaid	HB85	Pregnancy Medicaid Coverage Amendments	Rep. Lesser, Rosemary		This bill extends Medicaid to pregnant women with household income less than or equal to 100% of the federal poverty level. Supported by Utah Behavioral Health Commission.	1/17/23- House 1st Reading; 2/6/23- House to Committee; 3/3/23- Failed	
Vaccines	HB131	Vaccine Passport Prohibition	Rep. Brooks, Walt	Sen. Kennedy, Michael	Makes it unlawful to require vaccine cards at a public location or by government entities. Employers can not require vaccines or proof of vaccination.	1/30/23- House to Senate; 1/31/23- Senate to Committee; 2/15/23- Senate 3rd Reading Calendar; 3/2/23- Enrolling	
Equity	HB132	Prohibiting Sex Transitioning Procedures on Minors	Rep. Shipp, Rex	Sen. Harper, Wayne	Requires physicians to obtain professional licensing for hormonal transgender treatments. Prohibits a health care provider from providing a hormonal transgender treatment to patients who have not previously received a hormonal transgender treatment (i.e. no new patients). Prohibits performing gender reassignment surgery on a minor. Exposes health care professionals to malpractice litigation for providing treatment in violation of this bill. Minors may continue treatment if it began and has been continuous prior to May 3, 2021, but treatment must end by November 3, 2023. See SB16	1/25/23- LFA/Fiscal Note Publicly Available; 3/1/23- House Sent to Rules; 3/3/23- Failed	Oppose
Mental Health	HB177	State Hospital Amendments	Rep. Hawkins, Jon	Sen. Bramble, Curtis	This bill creates an Advisory State Hospital Relocation Commission to discuss current levels of service, effectiveness, security, and alternative locations of the State Hospital. The Utah Behavioral Health Commission strongly opposes this bill due to concerns about a predetermined relocation agenda and the amount of time needed for a full relocation while no upgrades or expansion would be considered in the current facility.	1/26/23- LFA/Fiscal Note Publicly Available; 2/9/23- House to Comm- Held; 2/28/23- Senate Sent to Rules; 3/3/23- Failed	

2023 LEGISLATIVE BILL TRACKER							
Category & Impacted PCMC Dept	Bill #	Elec	Bill Sponsor	Floor Sponsor	Bill Summary	Status if Known	Stance
Equity	HB228	Unprofessional Conduct Amendments	Rep. Petersen, Michael	Sen. Bramble, Curtis	This bill continues to maintain the conversion therapy ban for minors. The originally proposed exemption for verbal or written communication by itself has been removed in the substitute language. The new language allows therapy for minors that is neutral on sexual orientation and gender identity, including providing acceptance, support, and understanding; discussing moral, philosophical, or religious beliefs; stages and timing of identity development.	1/27/23- House to Committee; 2/15/23- Senate Circled; 2/21/23- Enrolling	Oppose
Mental Health	HB250	Social Worker Licensing Amendments	Rep. Judkins, Marsha	Sen. Bramble, Curtis	This bill allows the Department of Professional Licensing to create a path for social worker licensure for non-native English speakers who have met all of the eligibility criteria except passing the exam. There is a 30% pass rate for non-native English speakers. Supported by the Utah Behavioral Health Commission.	2/1/23- House Committee- Favorable Recommendation; 2/16/23- Senate 2nd Reading Calendar; 2/25/23- Enrolling	
	HB550	School Curriculum Requirements	Rep. Stenquist, Jeffrey		Prohibits discussions that include adults regarding sexuality, sexual orientation, or gender identity in k-3rd grade classrooms	2/24/23- House Received Fiscal Note; 3/1/23- House Sent to Rules; 3/3/23- Failed	
Equity	SB16	Transgender Medical Treatments and Procedures	Sen. Kennedy, Michael	Rep. Hall, Katy	Restricts medical treatment (including surgery and hormone therapy) for gender reassignment. Creates a new certification requirement for healthcare providers. This bill criminalizes providing prohibited medical care and exposes healthcare professionals to malpractice litigation. Minors who were diagnosed with gender dysphoria before Jan 28, 2023 may continue treatment. See HB132	1/27/23- Senate to Governor; 2/1/23- Lieutenant Gov's office for filing	Oppose
Equity	SB93	Vital Records Modifications	Sen. McCay, Daniel	Rep. Brammer, Brady	Bans amending the gender on birth certificates for minors.	1/21/23- House to Rules; 3/3/23- Enrolling	Oppose
Equity	SB100	School District Gender Identity Policies	Sen. Weiler, Todd	Rep. Gricius, Stephanie	Requires schools to provide parents access to their children's records and other information regarding a student's gender identify that does not conform with the student's gender.	1/24/23- House Committee- Not Considered; 2/1/23- House to Senate; 2/16/23- Governor Signed	Oppose
Housing, Building, Land Use, and Licensing							
Alcohol Finance, Economic Dev.	HB117	Occupational Restriction Amendments	Rep. Thurston, Norman	Sen. Bramble, Curtis	Allows restaurant employees who are 18 yrs. old and older to inform patrons and take orders for alcoholic products.	1/17/23- House 1st Reading; 3/3/23- Failed	
Transportation	HB136	Safe School Route Evaluations	Rep. Ballard, Melissa	Sen. Weiler, Todd	Requires a school traffic safety committee to make bus route recommendations and submit child access route plans including infrastructure improvement recommendations to DOT, municipal and county highway authorities. The highway authority must provide time and cost estimates and identify the project priority.	2/1/23- LFA/Fiscal Note Publicly Available; 2/8/23- Senate to Rules; 2/28/23- Senate to Rules; 3/3/23- Failed	
Eminent Domain	HB196	Eminent Domain Revisions	Rep. Petersen, Michael		Removes the ability to exercise eminent domain for the purpose of creating a public park. This is unlikely to impact PCMC due to the lack of known history of using this authority, but this does eliminate the possibility of creating parks for broader public use. Opposed by Utah League of Cities and Towns.	1/17/23- House 1st Reading; 2/9/23- House to Committee; 3/1/23- House to Rules; 3/3/23- Failed	
Housing & Transit Transportation Planning	HB233	County Land Use Amendments	Rep. Burkeland, Kera	Sen. Winterton, Ron	This bill repeals the Summit County specific provisions in HB 462 from the 2022 session which required the County to include a Housing and Transit Reinvestment Zone as a strategy in their Moderate Income Housing Plan and then provide a plan for creating an HTRZ to the Governor's Office of Economic Opportunity. This bill may not have a high likelihood of success, but is important to watch for local impacts. Supported by Summit County. Opposed by the Utah Homebuilders Association.	1/23/23- House Received Fiscal Note; 2/17/23- House to Committee; 3/1/23- House to Rules; 3/3/23- Failed	

2023 LEGISLATIVE BILL TRACKER							
Category & Impacted PCMC Dept	Bill #	Elec	Bill Sponsor	Floor Sponsor	Bill Summary	Status if Known	Stance
Wildland Fire	HB261	Fire Related Amendments	Rep. Snider, Casey	Sen. Vickers, Evan	Addresses prescribed burns, pile burns, and suppression events on private land; addresses when burning is allowed and when permits are required, notice requirements, criminal penalties for violations, and liabilities.	1/31/23- House 2nd Reding; 2/16/23- Senate Committee-Favorable; 3/2/23- Enrolling	
Land Use	HB265	Sentinel Landscape Amendments	Rep. Peterson, Val	Sen. Bramble, Curtis	The first draft of this bill restricted municipalities from annexing land within 5,000 feet of a military boundary, including MIDA project areas. The bill has been significantly amended to now require municipalities to adopt compatible land use plans within a certain distance of defined military areas.	2/10/23- Senate 1st Reading; 2/15/23- Senate 2nd Reading Calendar; 2/16/23- Senate Circled; 3/2/23- Enrolling	
Water Landscaping	HB272	Water Efficient Landscaping Amendments	Rep. Owens, Doug	Sen. Harper, Wayne	Modifies an incentive program for waterwise efficient landscaping including eligibility criteria, requires implementation of water use efficiency standards.	1/27/23- House Received Fiscal Note; 2/21/23- House to Committee; 3/3/23- Failed	
Short Term Rentals	HB291	Short Term Rental Amendments	Rep. Musselman, Calvin	Sen. Cullimore, Kirk	Includes a Utah sales tax identification number requirement - but only for STRs that do not exclusively use a Marketplace Facilitator (i.e., Airbnb, VRBO, etc.); Modifying language restricting local governments from using online listings as a form of discovery to notify non-compliant STRs; --Creates a Short-term Rentals Municipal Pilot Program + Amnesty: Allows municipalities to participate in a pilot program that would, in turn, allow them to unwind the Knotwell language (language restricting enforcement from solely using an online advertisement/listing as evidence) and collect up to 1.5% municipal TRT. --In order to receive these options, the municipality would need to: • Allow STRs in at least 80% of areas zoned for residential use. • Require all owners of STRs to maintain a municipal business license, a state sales and use tax license, and a federal tax identification number • Pass an ordinance that allows an STR who has complied with the above requirements to continue to operate, regardless of zoning, until sale. Sub 2- changes the thresholds in the municipal voluntary program from 80% of residential land area to 20% of the total residential units for resort communities and 5% of total residential units in other communities.	1/27/23- LFA/Fiscal Note Sent to Sponsor; 1/31/23- House to Committee; 2/16/23- House 2nd Reading; 2/21/23- LFA/Fiscal Note Publicly Available; 2/28/23- Senate Sent to Rules; 3/3/23- Failed	
Special Events	HB329	Event Permit Notification Amendments	Rep. Jack, Colin	Sen. Vickers, Evan	Requires public entities who permit events with adult themes to provide notice at the entrances to the event.	2/21/23- House 2nd Reading; 2/28/23- Senate 2nd Reading Calendar; 3/3/23- Failed	
Housing	HB364	Housing Affordability Amendments	Rep. Whyte, Stephen	Sen. Fillmore, Lincoln	Modifies moderate income housing reporting requirements for cities and counties; established a board to hear city or county appeals to the Housing and Community Development Division's determination of non compliance on reports; increases the amount of low-income tax credits	2/7/23- LFA/Fiscal Note publicly available; 2/8/23- House to Committee; 2/22/23- LFA/Fiscal Note Publicly Available; 3/3/23- Enrolling	

2023 LEGISLATIVE BILL TRACKER							
Category & Impacted PCMC Dept	Bill #	Elec	Bill Sponsor	Floor Sponsor	Bill Summary	Status if Known	Stance
Land Use	HB406	Land Use, Development, and Management Act Modifications	Rep. Whyte, Stephen	Sen. Fillmore, Lincoln	This bill addresses annexations; the TZO is mutually negotiated and prevents stacking of TZO with a pending ordinance. The broad prohibition for municipalities to require development agreements is aimed at a couple of local jurisdictions that required a DA for everything, including permitted uses. Prohibits local governments from requiring landscape bonds on private property. The Land Use Task Force suggested tailoring the language to prohibit DAs for allowed/permitted uses or specify only allowed for performance/flexible zoning/subdivisions, MPDs and annexations. This bill was strongly negotiated and ULCT supports this bill's substitute language.	2/13/23- House 2nd Reading; 2/21/23- LFA/Fiscal Note Publicly Available; 3/3/23- Senate to House with Amendments; 3/6/23- Enrolling	
Licensing	HB408	Mobile Business Licensing Amendments	Rep. Spendlove, Robert	Sen. Cullimore, Kirk	This bill expands the scope of food truck regulations to include all 'Mobile Businesses' including goods and services. It would extend reciprocal licenses across jurisdictions. Generally, inspection requirements would not change. However, expanding the regulations to a much broader set of businesses than food trucks is potentially a big change. PCMC doesn't have regulations for the vast majority of mobile businesses other than food trucks and this gives them more authority to come in and operate. If approved, several PCMC code amendments would be required or amended.	2/7/23- House 1st Reading; 2/14/23- House Circled; 3/3/23- Senate 2nd Reading Calendar; 3/6/23- Enrolling	
Building & Fire Codes	HB409	State Construction and Fire Codes Amendments	Rep. Peterson, Thomas	Sen. Bramble, Curtis	Updates the adopted version of the International Fire Code and National Fire Protection Association standards to newer versions.	2/7/23- House 1st Reading; 2/15/23- Senate 1st Reading; 2/28/23- Enrolling	
Land Use	HB446	Housing and Transit Reinvestment Zone Modifications	Rep. Snider, Casey		"Spot Zoning Bill" This bill provides development rights within 1/3 mile of public transit hub in a county if the county fails to submit an application for a housing and transit reinvestment zone before Dec 31, 2022. Development rights include- mixed-uses and 39-50 dwelling units per acre on average with 10% affordable deed restricted. This limits Summit County's regulatory oversight of the Dakota Pacific Development (Kimball Junction). See SB84	2/13/23- House 1st Reading; 2/16/23- House Received Fiscal Note; 2/19/23- LFA/Fiscal Note Sent to Sponsor; 3/1/23- House Sent to Rules; 3/3/23- Failed	
	HB564	Limited-Use Infrastructure District Amendments	Rep. Dunnigan, James		AKA the 'LIDs' Bill would create a limited-use district with the authority to assess taxes, fees, and assessments for the purpose of infrastructure and amenities. This bill is not likely to be successful. See SB295.	2/24/23- House to Committee; 3/1/23- House Sent to Rules; 3/3/23- Failed	
Building & Fire Codes	HB532	Building Code Revisions	Rep. Musselman, Calvin	Sen. Bramble, Curtis	Amends statewide amendments to the adopted building, plumbing, mechanical, fuel gas codes.	2/21/23- House 1st Reading; 3/3/23- Enrolling	
Land Use	SB20	Military Installation Development Authority Amendments	Sen. Stevenson, Jerry	Rep. Peterson, Val	This bill is limited to MIDA/Mayflower, where there is a VCUP action and a UPDES (Clean Water Act) discharge permit for draining the Mayflower Mine. The mine draining will require a water treatment plant, which will be expensive. This bill looks like their attempt to stem disputes about ongoing liability for mine water treatment.	1/25/23- House 2nd Reading; 2/1/23- Signed by Senate President; sent for enrolling; 2/9/23- Senate to Governor; 2/16/23- Governor Signed	
	SB28	Radon Related Amendments	Sen. Sandall, Scott	Rep. Stratton, Keven	The bill establishes data collection, an online, public map, encourages testing for state-owned public buildings, and public schools.	1/19/23- Senate Committee-Held; 3/1/23- Senate Sent to Rules; 3/3/23- Failed	

2023 LEGISLATIVE BILL TRACKER							
Category & Impacted PCMC Dept	Bill #	Elec	Bill Sponsor	Floor Sponsor	Bill Summary	Status if Known	Stance
Land Use	SB84	Housing and Transit Reinvestment Zone Amendments	Sen. Harper, Wayne	Rep. Snider, Casey	"Spot Zoning Bill" This bill provides development rights within 1/3 mile of public transit hub in a county if the county fails to submit an application for a housing and transit reinvestment zone before Dec 31. 2022. Development rights include- mixed-uses and 39-50 dwelling units per acre on average with 10% affordable deed restricted. This limits Summit County's regulatory oversight of the Dakota Pacific Development (Kimball Junction).	2/17/23- Signed by Senate President; 3/2/23- Enrolling	
Education Entities, Building Code, and Land Use	SB166	Education Entity Amendments	Sen. Fillmore, Lincoln	Rep. Maloy, Cory	Required counties to consider micro-education and home-based education entities as a permitted use in all zoning districts within a county; restricts occupancy requirements beyond a primary dwelling; exempts food preparation, immunization standards, occupancy standards, fire sprinklers, restrooms, egress, and parking.	2/13/23- Senate Circled; 2/21/23- Senate Failed; 3/3/23- Failed	
Alcohol Finance, Economic Dev.	SB173	Alcohol Beverage Control Act Amendments	Sen. Stevenson, Jerry	Rep. Burton, Jefferson	Restaurant Banquet Catering - this includes two provisions: 1) A restaurant licensee (full-service, limited, and beer only) can receive a banquet catering license if the area reserved is 1,000 or more square feet and can accommodate 50 or more people. 2) For small unincorporated areas, restaurants only need to have adequate space to allow banquet reservations Airport Lounges - These licenses allow for alcohol to be sold and consumed on-site in the designated area. Increases the number of international airport lounge licenses to 26 from 13. Allows for three domestic airport lounge licenses; this is likely for the St. George Airport. Extends the alcohol service by one hour, ending service a 1:00 AM instead of midnight Bar Licenses - Currently, due to the population formula there are limited to no bar licenses available. This bill will exempt fraternal and equity bar licenses from the overall bar quota and will open up additional bar licenses. Originally 40 licenses were anticipated, now hearing this change may only result in 20 bar licenses. Room Service - A clean up in the proposed bill would insure that a statutory technicality would not prevent room service delivery of alcohol. Hard Seltzer, Beer and Heavy Beer definitions - would allow a small amount of ethyl alcohol-based flavorings to be in beer and flavored malt beverages (seltzers). This would allow a number of beverages to again be sold in grocery and convenience stores.	2/3/23- Senate 1st Reading; 2/9/23- Senate Received Fiscal Note; 2/21/23- Senate Circled; 3/3/23- Senate to House; 3/6/23- Enrolling	
Land Use	SB174	Local Land Use and Development Revisions	Sen. Fillmore, Lincoln	Rep. Whyte, Stephen	Requires municipalities to submit moderate income housing report; amends allowed parking requirements; restricts municipalities from prohibiting accessory dwelling units on plat; amends the subdivision process- it puts all the teeth in the preliminary subdivision approval and limits it to one public hearing; but then limited to "shall" administratively approve final unless changes after prelim approval. This bill was strongly negotiated with the Utah League of Cities and Towns to counter more negatively impactful legislation regarding streamlining housing approvals consistent with local zoning. This bill is likely to pass and will require significant changes to the LMC and PCMC's process. ULCT supports the bill with the substitute language.	2/6/23- Senate to Committee; 2/13/23- Senate 2nd Reading; 2/17/23- House to Committee; 3/2/23- Enrolling	

2023 LEGISLATIVE BILL TRACKER							
Category & Impacted PCMC Dept	Bill #	Elec	Bill Sponsor	Floor Sponsor	Bill Summary	Status if Known	Stance
Fractional Ownership	SB271	Home Ownership Requirements	Sen. McKell, Michael	Rep. Peterson, Val	Prohibits counties and cities from enacting or enforcing a land use regulation that regulates co-owned homes differently than other residential properties. A Substitute version that directly impacted a home development was added and then removed. ULCT opposes this bill.	2/21/23- Senate to Committee; 3/3/23- Enrolling	Oppose
Land Use	SB295	Dedicated Infrastructure District Act	Sen. McCay, Daniel		AKA the 'DIDs' Bill - authorizes the creation of new political subdivisions called Dedicated Infrastructure Districts (DIDs). DIDs are created without municipal/county approval. SB 295 gives taxing authority to an unelected board. The District is governed by a board of property owners who are not initially elected, and if certain circumstances are met, do not need to live in the district. The districts share local government power, including eminent domain, the power to issue bonds, and the power to impose property taxes. Infrastructure is not required to be turned over to a municipality and in that case, the DID may charge fees, assessment, and taxes to pay for the operation and maintenance of the infrastructure. ULCT strongly opposes this bill.	2/27/23- Senate Committee Favorable; 3/1/23- Senate Received Fiscal Note; 3/3/23- Failed	
Water Management & Environmental Sustainability							
Golf & Public Utilities	HB188	Golf Related Water Modifications	Rep. Welton, Douglas	Rep. Moss, Jefferson	Requires golf courses and driving ranges to report water use on websites. While this is not a particular concern for PCMC. There is a small administrative impact. However, consistent reporting criteria for all golf courses would be ideal.	1/25/23- House Committee- Held; 2/1/23- Senate Committee- Held; 2/21- House to Committee; 3/1/23- House Sent to Rules; 3/3/23- Failed	
Air Quality	HB220	Emissions Reduction Amendments	Rep. Stoddard, Andrew	Sen. Cullimore, Kirk	This bill seeks to reduce air pollutants from a variety of sources including vehicles, buildings, and industry	1/23/23- House Received Fiscal Note; 3/3/23- Fiscal Note Publicly Available; 3/6/23- Enrolling	
Trails	HB224	Outdoor Recreation Initiative	Rep. Stenquist, Jeffrey	Sen. Anderegg, Jacob	Creates the Recreation Coordination Investment Initiative which supports agreements between the State Division of Recreation, BLM, Forest Service, County, SITLA, etc. to co-manage, co-fund, and have shared stewardship over recreation assets by pooling funds and managing them as a single asset utilizing the Outdoor Recreation Infrastructure Account (generates approx. \$36M annually). Funding would consider costs for capital, operation, and maintenance.	2/1/23- Senate to Committee; 2/12/23- Senate to House; 2/14/23- Enrolling	
Water	HB276	Water Supply Amendments	Rep. Lyman, Phil		Describes how a municipality provides water to a customer; addresses providing water to subdivisions; requires the State Engineer to post maps. Limits flexibility for municipalities that are supplying contract water. No direct impacts to PCMC. Opposed by Utah League of Cities and Towns and the Rural Water Association of Utah.	1/27/23- House to Standing Committee; 2/2/23- House to Committee- Held; 3/3/23- Failed	
Trails	HB384	Outdoor Recreation Infrastructure Amendments	Rep. Stenquist, Jeffrey	Sen. Anderegg, Jacob	This bill outlines the use of dollars in the Outdoor Adventure Infrastructure Restricted Account (\$36M annual funding). Defines outdoor infrastructure to include: unpaved trail, trailhead, signage, crossing signs, etc.	2/12/23- House to Committee; 2/15/23- House 2nd Reading; 2/20/23- LFA/Fiscal Note Publicly Available; 3/3/23- Enrolling	

2023 LEGISLATIVE BILL TRACKER							
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Renewable Energy	HB407	Incentives Amendments	Rep. Christofferson, Kay	Sen. Fillmore, Lincoln	This bill seeks to eliminate tax credits for solar and wind projects. It wouldn't affect PCMCs current solar project, but it could reduce the potential investment by the joint Utah 100-communities in Utah-based renewable electricity (contract for more Wyoming wind resources instead of Utah solar). This would also make Utah less competitive with other states incentive programs. Utah Clean Energy is strongly opposed.	2/10/23- House to Committee; 2/21/23- LFA/Fiscal Note Publicly Available; 2/28/23- Senate Sent to Rules; 3/3/23- Failed	
Water General Plans	SB76	Water Amendments	Sen. Sandall, Scott	Rep. Snider, Casey	Requires municipalities and counties to consult with the Division of Water Resources in developing general plans; notify public water systems.	2/1/23- House 1st Reading; 2/8/23- House to Rules due to Fiscal Impact; 3/2/23- Enrolling	
Water Landscaping	SB118	Water Efficient Landscaping Incentives	Sen. Sandall, Scott	Rep. Owens, Doug	Authorizes water conservancy districts to receive grants to provide water efficient landscaping incentives; provides conditions for receiving incentives; provides for liens for removal of water efficient landscaping	1/25/23- LFA/Fiscal Note Publicly Available; 2/14/23- House Return to Rules; 3/3/23- Enrolling	
Electricity Powered Transportation	SB125	Transportation Infrastructure Amendments	Sen. Wilson, Chris	Rep. Moss, Jefferson	Designates the U of U in charge of drafting an action plan for the electrification of transportation infrastructure, establishes a steering committee and industry advisory board who will consider charging stations, electricity providers, and vehicle manufacturers	1/26/23- Senate Received Fiscal Note; 2/1/23- Senate Committee- Held; 2/21/23- House to Committee; 3/2/23- Enrolling	
Water Development	SB158	Water Use Exactions	Sen. McKell, Michael	Rep. Whyte, Stephen	This bill modifies the basis for determining exaction for water use based on consumption. Unfortunately, delivery demand is greater than consumption and it would therefore artificially create a lower requirement for development.	1/31/23- Senate to Committee; 2/1/23- LFA/Fiscal Note Publicly Available; 2/28/23- House Sent to Rules; 3/9/23- Enrolling	
Trails	SB185	Transportation Amendments	Sen. Harper, Wayne	Rep. Christofferson, Kay	Creates the Active Transportation Investment Fund for infrastructure to maintain the Utah Trail Network. This may be something that we can consider for a Snow Creek tunnel or Munchkin/Woodbine/Homestake paths. Alternatively, if the funding is recommended to go through the ATIF UDOT process, we have projects in the cue too.	2/12/23- LFA/Fiscal Note Sent to Sponsor; 2/15/23- LFA/Fiscal Note Publicly Available; 3/2/23- Enrolling	
Environmental Sustainability	SB211	Net Metering Energy Amendments	Sen. Harper, Wayne		This bill required utility providers to provide credit to customers for customer-generated electricity. This provides community benefit and incentive for solar on every home, business, etc.	2/15/23- Senate Received Fiscal Note; 3/1/23- Senate Sent to Rules; 2/11/23- Failed	
Environmental Sustainability	HJR25	Joint Resolution Highlighting the Hazards of Net-Zero Energy	Rep. Ivory, Ken	Sen. Owens, Derrin	This bill highlights the negatives of net-zero energy including increased costs, environmental damage, intermittent availability, reliance on foreign governments.	2/22/23- LFA/Fiscal Note Publicly Available; 3/3/23- Failed	
Public Records, Open Meetings & Elections							
OPMA	HB21	Open and Public Meetings Act Amendments	Rep. Briscoe, Joe	Sen. Anderegg, Jacob	Requires local school boards to allow for public comment at public meetings.	1/17/23- House 1st Reading; 3/3/23- Enrolling	
Elections	HB176	Municipal Voting Methods Amendments	Rep. Stenquist, Jeffrey		This bills gives participating municipalities the option to select different election methods as part of a pilot project.	1/25/23- House to Committee; 3/1/23- House Sent to Rules; 3/3/23- Failed	
Bid Notice	HB280	Local Government Construction Project Bid	Rep. Owens, Doug	Sen. Weiler, Todd	Simplified public noticing for bids; Eliminates the requirement for local governments to post notices of bids in 5 public places and requires the notice to be posted on the state procurement website	1/27/23- House to Committee; 2/9/23- House 2nd Reading; 2/16/23- Senate 1st Reading; 2/22/23- Senate Committee; 3/1/23- Enrolling	

2023 LEGISLATIVE BILL TRACKER							
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Public Notice	SB43	Public Notice Requirements	Sen. Pitcher, Stephanie	Rep. Thurston, Norman	This bill creates classifications for the types of public notices for public meetings and specific requirements for those classifications including where notice should be posted (Utah Public Notice Website, Official Website, city hall + other options) This allows alternative options for posting the notice in 10 locations including social media, newspaper, utility bill, etc.	1/27/23- House 2nd Reading; 2/16/23- Senate Circled; 2/26/23- Enrolled	
	SB250	Public Surveillance Amendments	Sen. McCay, Daniel	Rep. Wilcox, Ryan	Allows law enforcement to use vehicle license plate readers for certain purposes with a program management policy and a state permit. The collected information must be destroyed as soon as reasonably possible.	2/21/23- Senate Received Fiscal Note; 3/6/23- Enrolling	
Public Safety							
Mental Health	HB29	Mental Health Support and Law Enforcement Co-response	Rep. Stoddard, Andrew	Sen. Pitcher, Stephanie	Establishes a grant program, administered by the Division of Integrated Healthcare, to fund responses to an individual experiencing a mental health crisis through new or expanded crisis intervention or mobile crisis outreach teams. Supported by Utah Chiefs of Police Association.	1/26/23- Senate 1st Reading; 2/1/23- Senate Committee- Not considered; 3/3/23- Failed	
Domestic Violence	HB43	Domestic Violence Modifications	Rep. Pierucci, Candice	Sen. Escamilla, Luz	Creates the Domestic Violence Data Task Force; requires the Department of Public Safety to: develop and distribute a form to collect data on lethality assessments used in domestic violence cases from law enforcement agencies; and staff the task force; removes provisions requiring the DPS and CCJJ to collect certain domestic violence data; directs the Administrative Office of the Courts to consider certain domestic violence training for judges, commissioners, and court staff. Supported by Utah Chiefs of Police Association.	1/20/23- Senate to Committee; 2/1/23- Senate Committee- Favorable Recommendation; 2/8/23- Senate 3rd Reading Calendar; 3/2/23- Enrolling	
Traffic Enforcement Police	HB55	Off-Highway Vehicle Registration Requirements	Rep. Albrecht, Carl	Sen. Bramble, Curtis	Exempts snowmobiles from license plate requirements and requires safety training courses for minors and renters of off-highway vehicles on public lands.	1/25/23- Senate Second Reading Calendar; 2/1/23- Senate 2nd Reading; 2/16/23-Governor Signed	
Investigations	HB57	Law Enforcement Investigation Amendments	Rep. Wilcox, Ryan	Sen. Weiler, Todd	This bill concerns procedures and requirements related to law enforcement investigations. This bill establishes law enforcement reporting requirements for (geolocation) reverse-location warrants which broadly search which mobile phone users were in a specific area at a specific time (not specific to an individual suspect), established reporting requirements, places restrictions on and establishes procedures for law enforcement access to reverse-location information; requires, with a sunset provision, a specified notice for certain warrant applications. This bill has been amended in response to concerns and is therefore supported by the Utah Chiefs of Police Association.	1/27/23- House to Senate; 2/1/23- Senate Committee- Favorable Recommendation; 2/8/23- Senate Circled; 2/15/23- Senate 3rd Reading Calendar; 3/1/23- Enrolled	
Mental Health	HB59	First Responder Mental Health Amendments	Rep. Wilcox, Ryan	Sen. Ipson, Don	Adds spouses of retired first responders to the list of those who qualify for mental health services; and provides that mental health services shall be provided on a regular and continuing basis.	House 3rd Reading Calendar; 2/1/23- Senate to Committee; 2/9/23- Senate 2nd Reading Calendar; 2/21/23- Senate to House; 3/1/23- Governor Signed	
School Safety	HB61	School Safety Requirements	Rep. Wilcox, Ryan	Sen. Ipson, Don	Creates a school security task force; required the state board of education to provide disciplinary reports; requires schools to conduct a threat assessment; modifies school resource officer contracts and requires SRO policies.	1/27/23- House to Committee; 2/7/23- LFA/Fiscal Note Publicly Available; 2/13/23- Senate to Committee; 3/3/23- Enrolled	

2023 LEGISLATIVE BILL TRACKER							
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Retirement	HB104	Modifications to Public Safety Retirement	Rep. Gwynn, Matthew	Sen. Bramble, Curtis	1- Reduces the separation period for post-retirement reemployment of a public safety or firefighter retiree from 1 year to 183 days. 2- Reduces the years of service from 25 to 22 years. 3- Increases the multiplier to 2.27% in the New Public Safety and Firefighter Tier II hybrid retirement system starting July 2024. Supported by the Utah Chiefs of Police Association. However, the fiscal note has raised some concerns at the Legislature. Estimated cost is \$23 M + 4% of salaries. The Utah League of Cities and Towns supports item #1.	1/17/23- House 1st Reading; 3/3/23- Failed	
Traffic Enforcement Police	HB168	License Plate Reader Systems Amendments	Rep. Burton, Jefferson	Sen. Weiler, Todd	Allows a law enforcement agency to use license plate reading technology gathered by a private entity in certain circumstances; allows the DOT to issue a permit for the use of license plate reading technology on a state highway in certain circumstances; requires a law enforcement agency participating in a license plate reading technology program to publicly post policies related to license plate reading technology and special use permits the law enforcement agency has received; defines parameters for the collection and retention of information for investigative searches and for audit purposes gathered through license plate reading technology by a law enforcement agency. Supported by the Utah Chiefs of Police Association.	1/17/23- House 1st Reading; 3/3/23- Failed	
Firearms	HB199	Voluntary Firearm Safekeeping Amendments	Rep. Cutler, Paul	Sen. Weiler, Todd	Prohibits a law enforcement agency that receives a firearm from the owner or the owner's cohabitant for safekeeping from returning the firearm to the owner if the owner: is a restricted person; or is alleged to have committed a domestic violence offense and is subject to a jail release agreement or a jail release court order. Supported by the Utah Chiefs of Police Association.	1/25/23- House to Committee; 1/30/23- House Committee- Held; 2/15/23- House- Circled; 2/21/23- Senate Committee- Favorable; 2/26/23- Enrolled	
Drug and Alcohol	HB223	Drug and Alcohol Enforcement Amendments	Rep. Burton, Jefferson	Sen. Stevenson, Jerry	Requires the Department of Public Safety to use the Alcoholic Beverage Control Act Enforcement Fund to maintain a certain number of drug enforcement officers; increases the deposits made into the Alcoholic Beverage Control Act Enforcement Fund and the Alcoholic Beverage Enforcement and Treatment Restricted Account	1/26/23- House 2nd Reading; 2/1/23- Senate to Committee; 2/15/23- Senate- Circled; 3/3/23- Enrolled	
Traffic Enforcement Police	HB255	Vehicle Accident Reports Amendments	Rep. Stoddard, Andrew	Sen. Weiler, Todd	This bill requires the Department of Public Safety or the investigating peace officer's law enforcement agency to provide an unredacted accident report to certain persons and provides that the unredacted accident report shall contain, among other items, the name, phone number, and address of each driver and person involved in the accident.	1/24/23- House to Committee; 1/31/23- House 2nd Reading; 2/10/23- Senate to House; 2/14/23- Enrolling	
	HB266	Amber Alert Amendments	Rep. Wilcox, Ryan	Sen. Bramble, Curtis	Specifies criteria to issue an Amber Alert and gives the Department of Public Safety the authority to activate an alert.	1/25/23- House to Committee; 1/31/23- House 2nd Reading; 2/21/23- Enrolling	
Investigations	SB49	Juvenile Custodial Interrogation Amendments	Sen. Riebe, Kathleen	Rep. Judkins, Marsha	Provides an exception to the two-hour requirement for the custodial interrogation of a child; addresses disclosures made to a child before the custodial interrogation of the child.	1/20/23- Senate 2nd Reading Calendar; 2/1/23- Senate to House; 2/17/23- Enrolling	

2023 LEGISLATIVE BILL TRACKER							
Category & Impacted PCMC Dept	Bill #	Elec	Bill Sponsor	Floor Sponsor	Bill Summary	Status if Known	Stance
Criminal Law	SB87 (SJR 6)	Criminal Prosecution Modifications	Sen. Weiler, Todd	Rep. Abbott, Nelson	Provides a defendant with a right to depose a witness in a criminal prosecution if the defendant is charged by information with a class A misdemeanor or a felony; grants a defendant with a right to subpoena a witness to testify at a hearing in certain circumstances. The Summit County Attorney has expressed concerns regarding constitutional implications and increased costs. The Utah Chiefs of Police Association strongly opposes this bill largely due to the negative impacts to victims. The Substitute bill language eliminated the language allowing a defendant to dispose a witness.	1/20/23- Senate 2nd Reading Calendar; 1/31/23- Senate- Circled; 3/3/23- Enrolled	
Training Equity	SB101	Peace Officer Training Modifications	Sen. Kwan, Karen	Rep. Clancy, Tyler	This bill requires a portion of a peace officer's basic training to include certain subjects involving victim targeting. This bill requires under certain conditions a peace officer's basic training to include training on identifying, responding to, and reporting a criminal offense that is motivated by certain personal attributes; and makes technical and conforming changes. Supported by the Utah Chiefs of Police Association.	1/27/23- Senate Committee; 1/30/23- Senate 2nd Reading; 2/14/23- Enrolling	
Traffic Enforcement Police	SB105	Traffic Enforcement Amendments	Sen. Stevenson, Jerry	Rep. Garner, Brett	This bill amends restrictions on the use of photo radar for traffic enforcement. Allowing the use of photo radar for traffic enforcement in specific areas like construction zones). Recognizes Zero Fatalities Initiative and allocates some photo radar citation fines go to the Zero Fatalities Initiative. Supported by the Utah Chiefs of Police Association.	1/23/23- Senate Received Fiscal Note; 2/17/23- LFA/Fiscal Note Sent Publicly Available; 3/3/23- Failed	
Domestic Violence	SB117	Domestic Violence Amendments	Sen. Weiler, Todd	Rep. Wilcox, Ryan	Requires law enforcement officers to conduct lethality assessment in domestic disputes and include findings within incident reports, maintain a reporting mechanist to submit and maintain lethality assessments in a State managed database. Strongly supported by the Utah Chiefs of Police Association.	1/25/23- Senate Special Orders Calendar; 1/31/23- House 1st Reading; 2/8/23- House Returned to Rules due to fiscal impact; 3/2/23- Enrolled	
Misconduct	SB124	Law Enforcement Officer Amendments	Sen. Escamilla, Luz	Rep. Wilcox, Ryan	This bill authorizes the Peace Officer Standards and Training Division to discipline a chief executive who fails to report misconduct; requires a law enforcement agency to use an early intervention system to determine law enforcement officer performance under certain circumstances and creates the Early Intervention System Grant Program.	1/26/23- LFA/Fiscal Note Sent to Sponsor; 2/1/23- Senate Committee- Favorable Recommendation; 2/17/23- House Returned to Rules; 3/2/23- Enrolled	
Criminal Law	SB219	Criminal Trespass and Privacy Amendments	Sen. Winterton, Ronald	Rep. Chew, Scott	Prohibits using technology to capture info about a private property where there is an expectation of privacy.	2/13/23- Senate 1st Reading; 2/22/23- House Received from Senate; 3/3/23- Enrolling	

2023 LEGISLATIVE BILL TRACKER							
Category & Impacted PCMC Dept	Bill #	Elec	Bill Sponsor	Floor Sponsor	Bill Summary	Status if Known	Stance
Investigations	SJR6	Joint Resolution Amending Rules of Procedure and Evidence Regarding Criminal Prosecutions	Sen. Weiler, Todd	Rep. Abbott, Nelson	Amends Rule 7B of the Utah Rules of Criminal Procedure to address the use of reliable hearsay and the admission of evidence in preliminary hearings; amends Rule 14 of the Utah Rules of Criminal Procedure to address a defendant's right to a discovery deposition in a criminal prosecution; amends Rule 16 of the Utah Rules of Criminal Procedure to allow for depositions for the purpose of discovery in a criminal prosecution; amends Rule 22 of the Utah Rules of Juvenile Procedure to address the use of reliable hearsay in preliminary hearings; amends Rule 1102 of the Utah Rules of Evidence to address the admission of reliable hearsay statements in preliminary hearings. The Utah Chiefs of Police Association strongly opposes this bill.	1/20/23- Senate 2nd Reading Calendar; 1/31/23- Senate- Circled; 2/21/23- LFA/Fiscal Note Publicly Available; 3/3/23- Enrolling	
	SCR3	Concurrent Resolution Encouraging Support for the Listen and Explain, Cooperate and Communicate Campaign	Sen. Harper, Wayne	Rep. Ivory, Ken	This resolution highlights the importance of a relationship of trust between law enforcement and the community members they serve; details what elements must be in place to strengthen the relationship between law enforcement and community members; and supports the creation of the Listen and Explain, Cooperate and Communicate Campaign. Supported by the Utah Chiefs of Police Association.	1/23/23- Senate 2nd Reading Calendar; 2/15/23- House 2nd Reading; 3/1/23- Governor Signed	
Other							
	HB173	Government Attorney Fees Amendments	Rep. Birkeland, Kera	Sen. McCay, Daniel	This bill directs courts to award both attorney fees and expert witness fees to private parties that prevail against government entities. Even if parties don't prevail, the possibility of collecting attorney and witness fees invites unnecessary litigation against government entities. ULCT opposes this legislation because it creates potentially unnecessary and baseless litigation, and more expenses for local governments which are ultimately passed on to taxpayers. Even though the second substitute would allow a city to collect attorney fees, we feel like it is unlikely that courts would award attorney fees to government entities even if the government entity prevails. Currently, the fiscal note is a cost of \$10 million to the State and \$6 million to local governments. 2nd Substitute- Creates a Citizen Empowerment Task Force to study removing barriers for a citizens' due process right in noncriminal action taken against a citizen by a government entity.	2/22/23- House Committee - Favorable Recommendation; 2/25/23- Fiscal Note Publicly Available; 3/3/23- Failed	Oppose
Education	HB215	Funding for Teacher Salaries and Optional Education Opportunities	Rep. Pierucci, Candice	Sen. Cullimore, Kirk	Increases teacher pay and establishes a \$42M school voucher program for private and home schools.	1/27/23- House to Governor; 1/28/23- Governor Signed	
Olympics	HB430	State Olympics Coordination Amendments	Rep. Hawkins, Jon	Sen. McKell, Michael	Creates a new legislative committee to oversee the Olympic Games and to review agreements prior to being signed by the Governor.	2/14/23- House 2nd Reading; 2/21/23- Governor Signed	
Olympics	HCR8	Concurrent Resolution Addressing the Olympic and Paralympic Winter Games	Rep. Hawkins, Jon	Sen. McKell, Michael	This describes previous legislation supporting Utah's hosting of a future Olympics and the success of the 2002 Olympics.	2/16/23- LFA/Fiscal Note Sent to Sponsor; 2/21/23- Governor Signed	
Cyber Security	HB470	Government Record Amendments	Rep. Cutler, Paul	Sen. Cullimore, Kirk	Creates the Government Digital Verifiable Electronic Records Act and creates a pilot program for digital verifiable credentials to enhance security.	2/21/23- House to Committee; 3/2/23- Enrolled	
Cyber Security	SB127	Cybersecurity Amendments	Sen. Harper, Wayne	Rep. Burton, Jefferson	Requires public entities to move their URL to '.gov' by Jan 1, 2025. This would require the PCMC website to change, emails, business cards, etc.	2/22/23- House- Returned to Rules; 3/3/23- Enrolled	

2023 LEGISLATIVE BILL TRACKER							
Category & Impacted PCMC Dept	Bill #	Elec	Bill Sponsor	Floor Sponsor	Bill Summary	Status if Known	Stance
State Flag	SB31	State Flag Amendments	Sen. McCay, Daniel	Rep. Schultz, Mike	Adopts a new state flag and allows for the current state flag to continue to be used as a ceremonial state flag.	1/30/23- House received from Senate; 1/31/23- LFA/Fiscal Note Sent to Sponsor 3/3/23- Enrolled	
Social Media	SB152	Social Media Regulation Amendments	Sen. McKell, Michael	Rep. Teuscher, Jordan	Requires social media companies to obtain parental consent for minors to open or maintain accounts; prohibits direct messaging with certain accounts; may not show a minor's account in search results; may not advertise or suggest accounts or content; shall limit hours of access subject to parental discretion; allow the parent access to content/interactions	1/31/23- Senate Business & Labor Committee- Favorable Recommendation; 2/1/23- Placed on Senate 2nd Reading Calendar; 2/21/23- House Returned to Rules; 3/2/23- Enrolled	
Meals on Wheels	Appropriations	Home Delivered Meals on Wheels Program			The Statewide Area Agencies on Aging (AAAs) has a funding request for \$2,178,500 at the State Legislature for the Home Delivered Meals on Wheels Program. The request is sponsored by Senator Jacob Anderegg to cover ongoing funding to address inflationary operational costs and extensive program growth statewide.		
Roadways	Appropriations	Regional Roadway Grid Network Study	Rep. Christofferson, Kay		The \$1M request for a "Regional Roadway Grid Network Study" is currently being recommended and would include "criteria to determine practical ownership for corridors and make ownership UDOT/local recommendations." As it stands right now, it does not impact Summit County/Park City. It only applies to roadways within MPO's.		
Wildlife Crossings	Appropriations				\$20M for wildlife bridges, crossings, and fencing. Save People Save Wildlife supports this bill.		

Date: February 27, 2023
TO: Mayor Nann Worel, City Council, Planning Commission, and City Officials
FROM: Bob Theobald
RE: Pending LMC Amendments

This information is believed to constitute sufficient grounds for the City Council to modify the Recommendations or remand back to the Planning Commission two proposed LMC amendments scheduled for the Council's consideration. Or, perhaps, the Commission Chair would prefer to recall the Recommendation on its own volition.

It is deemed appropriate for **Commissioners and Staff** to disclose all known relevant circumstances, pending or otherwise, which may affect **or** be affected by the amendments.

It is an indisputable fact that Commissioner Hall actively participated in Commission discussions on 2/23/22 and 3/23/22 related to LMC amendments to change the definition of a Recreation Facility, without disclosure she was constructing a "pool" without a CUP. The improper amendments resulted in significant changes favorably affecting her project and personal interests.

Recently, Commissioner Hall participated in two additional LMC Amendment processes without **full** disclosure of her remodel project and the potential personal interest and benefits that may be gained from the resulting Amendments.

The Planning Director and staff appears to have assisted in this process by drafting favorable provisions, while having full knowledge without disclosure of the Complaint filed on 12/9/2022. The Complaint details the deficiencies of the incomplete and invalid Allowed Use Permit, the status of which may be significantly affected by the amendments.

LMC Amendment - 15-5-5 Architectural Design Guidelines – Landscaping.

The Minutes of the meeting on 1/11/23 state:

"Commissioner Hall disclosed that she has an active Building Permit but these amendments would in no way impact it because it has already been submitted."

However, the Minutes do not appear to accurately reflect the actual discussion that is interpreted to be a “disclosure”. After listening to the video/audio recording, the “disclosure” is at best barely discernable and part of a rambling debate, as opposed to an intended “statement” at the appropriate time when the Chair asks for Disclosure at beginning of each meeting. [Video - PC Landscaping Amendment 1-11-2023 \(See 1:29:00 - 1:47:00 minutes\)](#)

In any event, the Commissioner did not disclose and the Commission may not have been aware of the **material facts** that her (invalid) Allowed Use Permit (October 27, 2021) for a remodel project exceeding \$1,000,000, including a “pool”, “spa”, or “similar facility” did not include a Landscape Plan **nor** a SLO analysis. The indisputable facts are:

1) In 2020, Commissioner Hall purchased a 7 +/- acre property with existing extensive landscaping consisting of waterfalls, ponds, berms, retaining walls, and other features, which are located outside the surveyed, Plat restricted, 17,000 sq. ft. LODA. (A Landscape Permit for this activity has not been found in City records.) Dead or dying trees and high grasses are located within 30 feet of another structure.

2) In the fall of 2022, the Commissioner excavated, filled, and planted trees outside the LODA in the northeast section of Lot 2 (potential wetlands) without any permits. According to neighbors, she intends to continue “landscaping” to block the neighbors’ **View Corridors** with a yet to be submitted/approved Plan.

3) On 12/05/2022, the Utah Division of Water Rights approved a change application to facilitate a well to be drilled for irrigation purposes.

[UDWR - Change Application](#)

“This application proposes irrigation from March 1 - November 1 of each year on 2.933 acres of Summit County parcels WLR-1 and WLR-2-AM, located on Meadow Creek Drive in Park City, Utah.”

Do the amendments apply retroactively or going forward to an Owner in current violation of the LMC? What circumstances require a Landscape Plan for an existing residence? Is there a distinction due to the size of Lot or property? Does a well require a City permit and must it be located within the LODA? Has a Landscape or Irrigation Plan been submitted to the City? Is a CUP or SLO

analysis required? Is the Owner ever required to file a Landscape Plan? Do the LMC amendments conflict with Building Codes and other provisions?

Current Code

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.*

Proposed Code Amendment

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....*

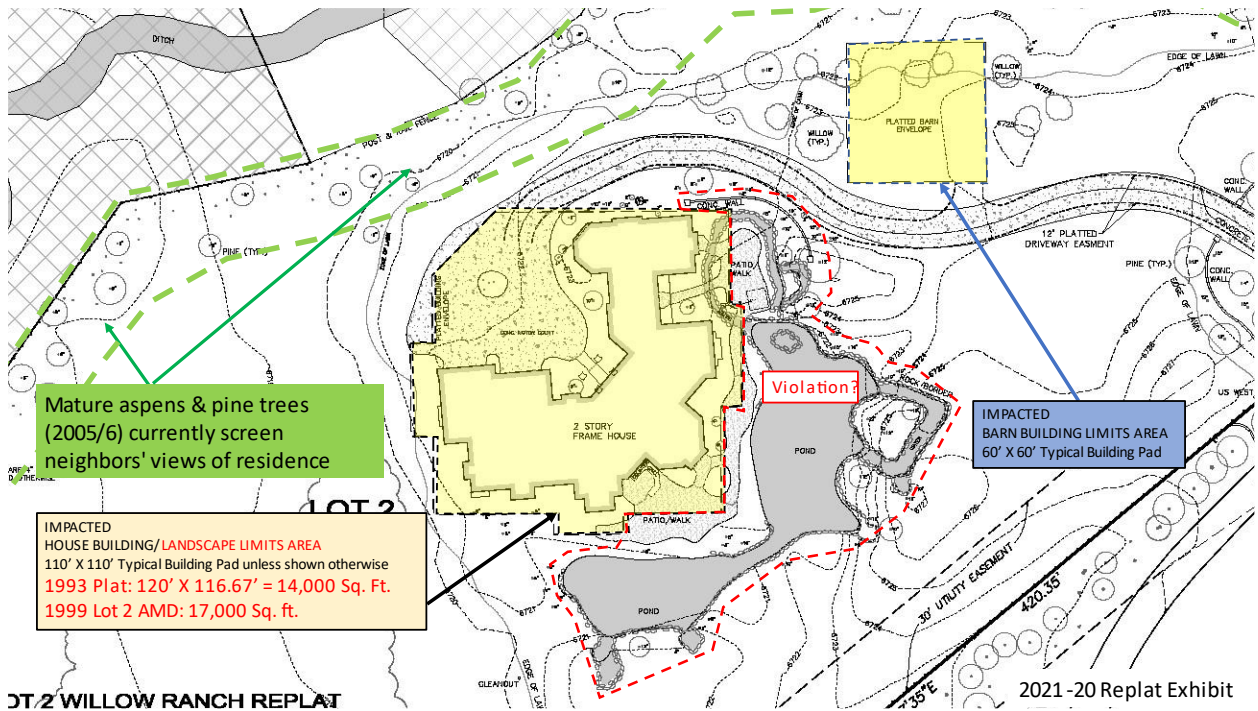
The Amendments are scheduled for consideration and adoption by the Council in early March. They should be reconsidered by the Planning Commission.

[Video - PC Landscaping Amendment 1-11-2023 \(See 1:29:00 - 1:47:00 minutes\)](#)

[Minutes - PC Landscape Amendment 1-11-2023 \(See page 14\)](#)

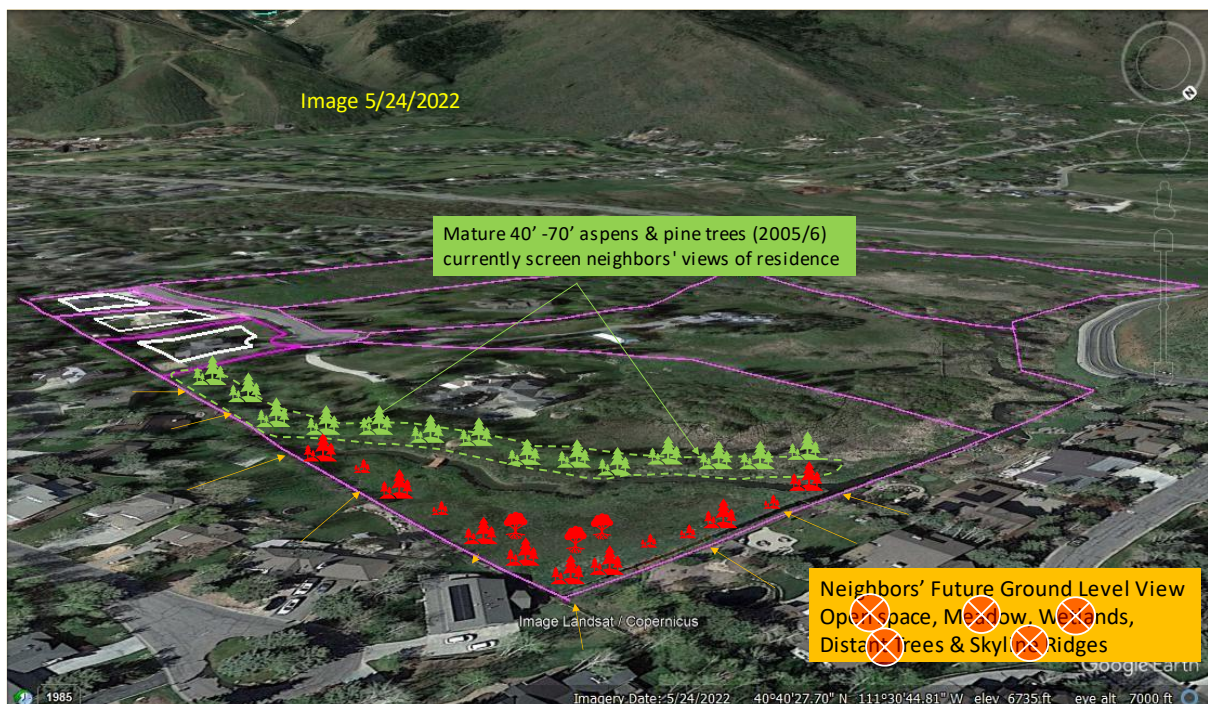
[Staff Report 2-8-2023 Page 3 N Landscaping - 4 Landscape Plan](#)

See following exhibits.



Above: Exhibit to Ordinance 2021-20 Replat Amendment - Existing conditions including extensive landscaping outside the surveyed Limits of Disturbance Area "LODA" shown on the Plat. (Notes & Emphasis Added)

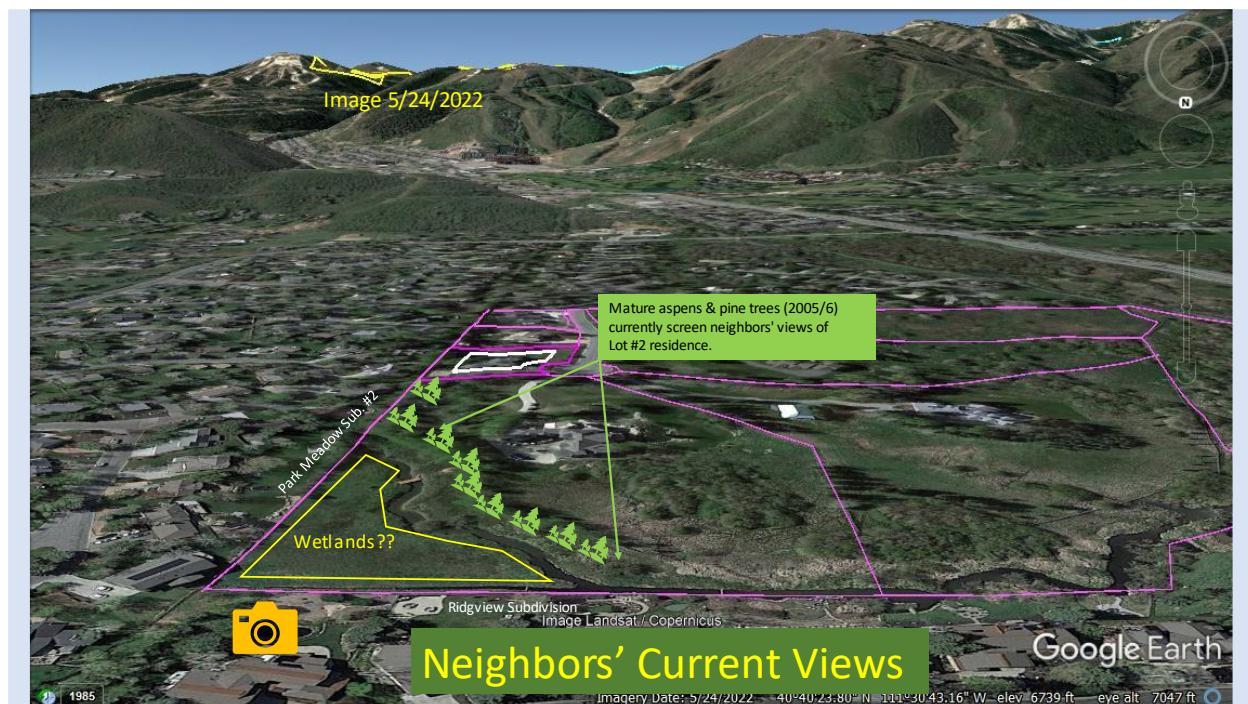
Below: The figures in **GREEN** depict existing trees and landscaping outside LODA. **RED** figures indicate recent and intended landscaping activities, without an approved Landscape Plan, SLO analysis or MS4 permit.





Above: View of Lot 2 Willow Ranch - Recent landscape activities outside of the LODA including excavation, fill, tree planting in potential wetlands without a SLO analysis or MS4 Permit in violation of the Plat and other City laws.

Below: Potential wetlands as delineated by Developer in 1992/93. A CUP requires an SLO analysis. An approved Landscape Plan should have been completed prior to issuance of the permit in October, 2021.



Neighbor Objections –

Neighbor # 1 - 10/10/2022:

“A couple days ago, I spoke with the Halls where our properties meet. They had a number of trees laying about ready to be planted. I "begged" them not to plant the trees.

When asked their intention with all the tree planting, Sarah said there were many weeds and they didn't want to spray anymore. Jerry said they live in a fishbowl and wanted privacy to their bedroom that looks onto the driveway. My suggestion to plant something near the window was dismissed. I cannot see into their house regardless of the season.

They planted three trees directly behind my house.

Definitely not their true motivation.

More was discussed; it was not a hopeful or neighborly experience.”

Neighbor #2 - 11-22-22 (On behalf of 5 neighboring homeowners – Executed letter to follow)

"My neighbors and I, who are all residents adjacent to Lot 2 of Willow Ranch, have been frustrated by the lack of clarity in the construction process for Lot 2 of Willow Ranch. We believe that the trees and related landscaping and proposed irrigation systems on Lot 2 Willow Ranch likely violate Limits of Disturbance, Open Space, Natural Area, Wetlands, Wildlife Habitat and Corridor, Landscaping and View Corridor restrictions applicable to the lot and the subdivision under the Land Management Code (LMC) and as incorporated in the Subdivision Plat.

We understand that a goal of the owners of Lot 2 of Willow Ranch is to provide added privacy, but we are confident, given their house is hundreds of feet from neighbors, that planting additional trees within their Limits of Disturbance or along the existing line of mature aspen trees would provide the privacy the owners desire. Various neighbors have discussed our perspectives with the Lot 2 Willow Ranch owners and their landscaper, but we have not been able to come to an agreement, so the construction has continued.”

LMC Amendment -- Sensitive Land Overlay

The Peterson Annexation and the Willow Ranch Subdivision MPD approval in 1992/93 is unique. It was the first project subjected to the Sensitive Lands Overlay and an imposed/accepted conservations easement. One comment expressed that the Willow Ranch property is precisely the type of land the SLO is meant to protect. 1992/93 Planning Staff, Commission/Council and neighboring citizen:

In this case, we are asking the applicants to comply with the spirit and intent of the ordinance, rather than strictly applying the Sensitive Lands provisions. We hope we will be able to achieve compliance with the intent, but if we are unable to, we do have the option of requiring strict compliance.

The reason we are doing this is that we wish to work with the developers to obtain open space of high visual and environmental value for the citizenry while achieving the best development for them.

A quick analysis by the staff has shown the only area which would be allowed to be developed under the Ordinance is located in the southeast corner of the site and could accommodate perhaps 5-6 small single family lots, or 3-4 larger lots if the wetlands were included in the lot area but left untouched.

I would like to go on record as opposing this development. This is THE LAST large contiguous open wetlands in the Park City area. It seems to me that this type of parcel is exactly what the sensitive lands ordinance was adopted for and strict compliance with the ordinance should be applied.

Willow Ranch Subdivision is or should be subjected to the Sensitive Land Overlay with all applicable provisions and restrictions. Commissioner Hall owns or controls Lot 1 and Lot 2 in Willow Ranch subdivision which is in the Estate District. A project that requires a CUP also requires an SLO analysis.

Although **specific elements** proposed in these SLO amendments may or may not affect Commissioner Hall, there have been “off-topic” discussions, without disclosure, where the amendments significantly affected Commissioner Hall’s project.

Prior to discussions, Commissioner Sigg disclosed that he owned property in a SLO designated area. Please advise where in the record Commissioner Hall made any disclosures.

A video link is provided to the 1/25/23 meeting. Minutes are not available.

[Video - PC LMC Amendment SLO - 1-25-23 \(see 1:57:00 min.\)](#)

Letter Report #1: *Public Officials - Facts, Concerns, and Questions Relating to “Perceived” Entitlements, Authority and Compliance with Laws and Protocols - pages 4-5*

Excerpt:

The Sauna Complaint - 2704 Meadow Creek Drive - Lot 4

The “Sauna” complaint filed on 12/30/2021, was about the Applicant’s non-compliance with the LMC and Plat, the Director’s failure to correctly interpret the Plat and the City’s failure to enforce violations related to the illegally permitted and illegally constructed sauna building outside the prescribed “Limits of Disturbance Area” (LODA).

In the “Sauna” Complaint, the Board of Adjustment found on March 1, 2022, that the Director and the Chief Building Official misinterpreted the boundary indicators of the “Limits of Disturbance Area” (LODA) as shown on the Plat (an Ordinance) and defined in the CC&Rs which resulted in an improper building permit and construction.

Although the Director’s and City’s failures were the focus of the violations in the “Sauna” Complaint, Commissioner Hall played a significant role in the causal events.

In a personal conversation, the president of the Willow Ranch Subdivision HOA stated to me that in the spring of 2021, all six members of the HOA, including Sarah Hall, voted by email or proxy to approve the following:

- Lot 4 - a sauna building constructed outside the LODA - BOA Finding: illegally permitted by the City, although fully constructed,
- Lot 3 - a pickleball court outside the “LODA” - 90% constructed, never permitted by the City,
- Lot 2 – a Plat Note amendment allowing a flexible ratio of square footage between home and barn, not to exceed a combined maximum of 9,800 sq. ft., with a maximum of 9,300 sq. ft. allocated to the home. Commissioner Hall appropriately disclosed that she was the Owner and recused herself

from discussions. Christopher Hall, as the Applicant, appeared and spoke at Commission and Council meetings.

However, Commissioner Hall, a sitting planning commissioner and attorney, knew or should have known that both projects on Lot 3 and Lot 4 were in violation of the “Limits of Disturbance Area”. In fact, the HOA president intimated that, as an attorney, she offered to rewrite and amend the CC&Rs because Lot owners did not like the restrictions imposed in 1992 by the developer **and the City**, e.g., Article 3.3. Variances.

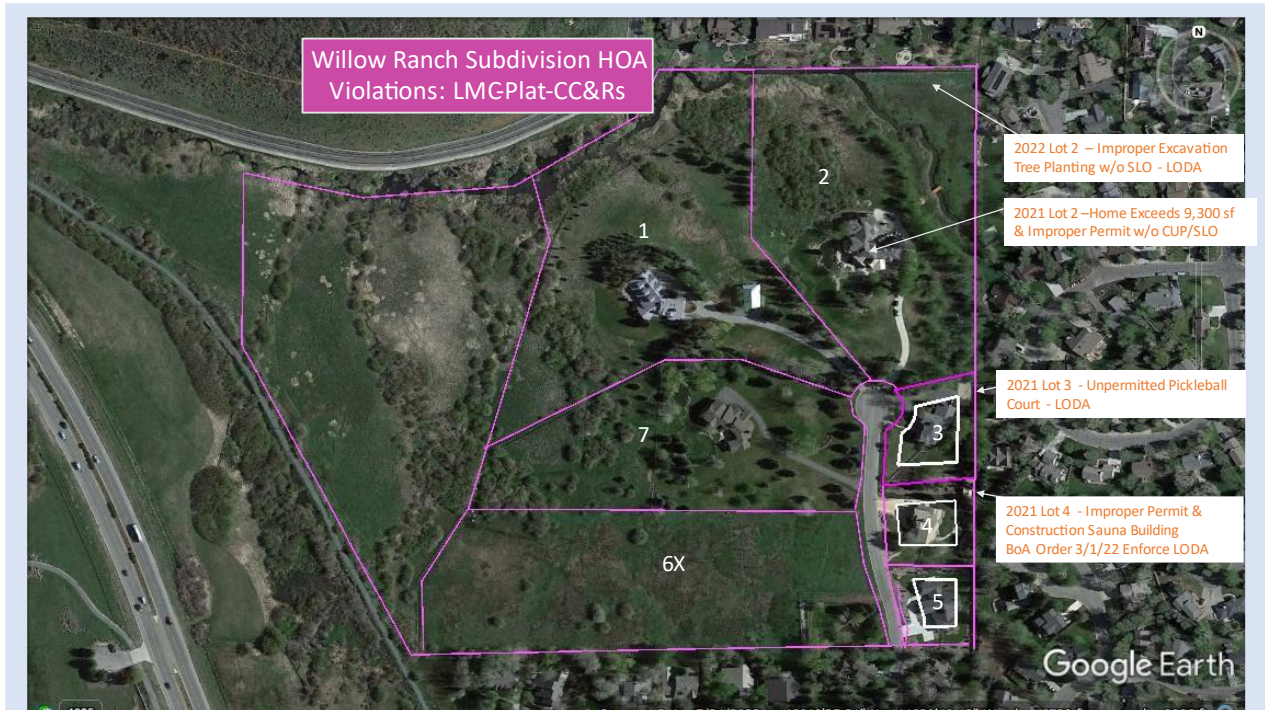
3.3. Variances. Variances to the Architectural Design Standards contained in this Declaration, or modifications to the size or shape or location of the Limits of Disturbance Area on any Lot, may be granted when strict application would create an unforeseen or unreasonable hardship to the Owner of any Lot. No such variance may be granted without the unanimous consent of the Committee and City approval.

Notwithstanding constructive notice, the Owners and agents disregarded the restrictions that are clearly shown on the subdivision Plat (an Ordinance) and defined in Article 3.3 of the CC&Rs. Apparently, Commissioner Hall did not advise the owners of Lot 3 and Lot 4 of the restriction. Commissioner Hall did not oppose the projects that were in clear violation. Instead, the Commissioner voted in favor, and voiced continued support of both projects at subsequent City meetings.

In a personal conversation, Commissioner Hall confirmed to me that she voted for approval and admitted she did not remember reviewing site-plans and did not conduct site visits.

At the Board of Adjustment hearing in March 2022, Commissioner Hall testified in support of the illegally permitted and completed construction of the sauna building.

- [BOA Appeal Hearing 2-8-2022 See page 99](#)
- [BOA Findings and Ruling 3-1-2022](#)
- [BOA Minutes](#)



End of Excerpt

Commissioner Hall admitted to voting, as an HOA member, to approve the (illegal) sauna building on Lot 4 and the (illegal) pickleball court on Lot 3 without reviewing a site plan or conducting a site visit. Both projects are outside of the platted “Limits of Disturbance Area”

