

PARK CITY MUNICIPAL CODE
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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 11 - HISTORIC PRESERVATION

Chapter adopted by Ordinance No.

**CHAPTER 11 - HISTORIC
PRESERVATION BOARD.**

**15-11-1. ESTABLISHMENT OF
BOARD.**

Pursuant to the Historic District Act (Section 11-18-1, et seq. of the Utah Code, 1953) and other applicable power, there is hereby created a Park City Historic Preservation Board (HPB). The HPB shall be composed of five (5) members.

**15-11-2. TERMS AND
QUALIFICATIONS OF MEMBERS.**

Members of the HPB shall serve terms of three (3) years. No member may serve more than two (2) consecutive terms. The terms shall be staggered. Terms may expire on May 1, however, members of the HPB shall continue to serve until their successors are appointed and qualified.

(A) The Mayor shall appoint a new HPB member to fill vacancies that might arise and such appointments shall be to the end of the vacating member's term.

(B) It is the first priority of the City Council that the HPB have technical representation in Historic Preservation. Therefore, when vacancies occur and if appropriate, it shall be the first consideration of the City Council to ensure that there is a licensed architect (or other professional having substantial experience in rehabilitation-type construction) serving on the HPB, and secondly that there is representation from the Park City Historical Society. After being notified by the City of a vacancy, at least two (2) nominations shall be rendered to the City Council by the Park City Historical Society if it desires to participate in the Application process.

(C) In addition, the HPB should include members with the following qualifications, or representing the following interests:

(1) A member recommended by or associated with the Utah State Historical Society or Utah Heritage Foundation.

(2) A member living in the Historic District with demonstrated interest and knowledge of Historic

preservation.

(3) A member appointed at large from Park City with demonstrated interest and knowledge of Historic preservation.

(4) A member associated with Main Street business and commercial interests.

15-11-3. ORGANIZATION.

(A) **CHAIRMAN.** The HPB shall elect one of its members to serve as Chairman for a term of one (1) year at its first meeting in March. The Chairman may be elected to service for one (1) consecutive additional term, but not for more than two (2) successive terms.

(B) **QUORUM.** No Business shall be conducted without a quorum at the meeting. A quorum shall exist when the meeting is attended by three (3) of the appointed members, including the Chairman.

(C) **VOTING.** All actions of the HPB shall be represented by a vote of the membership. A simple majority of the members present at the meeting in which action is taken, shall approve any action taken. The Chairman may vote at the meetings.

15-11-4. ABSENCE DEEMED RESIGNATION OR GROUNDS FOR REMOVAL.

Any HPB member who is absent from two (2) consecutive regularly scheduled

Commission meetings, or a total of four (4) regularly scheduled meetings per calendar year may be called before the City Council and asked to resign or removed for cause by the Council. Members of the HPB are not required to reside within the City limits, however, the majority of the members shall reside in Park City.

15-11-5. PURPOSES.

The purposes of the HPB are:

(A) To preserve diverse and harmonious architectural styles and design preferences reflecting phrases of the City's history and to encourage complimentary, contemporary design and construction through the creation of comprehensive Historic District Design Guidelines (and update as necessary);

(B) To protect and enhance the City's historic appeal to tourists and visitors;

(C) To identify as early as possible and resolve conflicts between the preservation of cultural resources and alternative land Uses;

(D) To provide input to City Council towards safeguarding the heritage of the City in protecting Buildings of Significance and Contributing Buildings, Structures, Sites/Areas or Objects;

(E) To promote the private and public Use of Buildings of Significance and Contributing Buildings, Structures, Sites/Areas or Objects;

(F) To make recommendations to the City Council on policies and ordinances that may encourage historic preservation.

(H) To provide input to staff, Planning Commission, and City Council on matters concerning the overall development of the City's historic preservation program;

(I) To make recommendations to the City Council on the development of, and to administer, all City-sponsored preservation incentive programs;

(J) To review all appeals on action taken by the Planning Department regarding compliance with the Historic District Design Guidelines; and

(K) To review and take action on all Determination of Historic Significance applications submitted to the City;

15-11-6. ADDITIONAL DUTIES.

In addition to the powers set forth in Section 15-11-5, the HPB may at the direction of City Council:

(A) Participate in the design review of any City-owned projects located within the designated Historic District.

(B) Recommend to the City Council the purchase of interests in Property for purposes of preserving the City's cultural resources.

(C) Investigate and report to the City Council on the Use of Federal, State, local,

(G) To communicate and promote the benefits of historic preservation for the education, prosperity, and general welfare of the people;
or private funding sources and mechanisms available to promote the preservation of the City's cultural resources.

(D) Recommend to the Planning Commission and the City Council zoning boundary changes for the district to preserve the historical integrity of the Area. Subdivision, Conditional Uses and planned unit Development Applications must continue to be acted upon by the Planning Commission.

(E) Recommend to the Planning Commission and the City Council changes to the Park City Land Management Code to reinforce the purpose of Historic Preservation.

(F) Provide advice and guidance on request of the Property Owner or occupant on the construction, restoration, alteration, decoration, landscaping, or maintenance of any cultural resource, and Property within the Historic District, or neighboring Property within a two block radius of the Historic District.

15-11-7. LIMITATIONS.

The HPB has no authority to waive or increase any requirement of any ordinance of the City.

15-11-8. STAFF ASSISTANCE.

The City may, subject to the approval of the City Manager, provide staff and/or the HPB with such assistance from:

(A) Utah Heritage Foundation.

15-11-9. PRESERVATION POLICY.

It is deemed to be in the interest of the citizens of Park City, as well as the State of Utah, to encourage the preservation of Buildings, Structures, and Sites of Historic Significance in Park City. These Buildings, Structures and Sites are among the City's most important cultural, educational, and economic assets. In order that they are not lost through neglect, Demolition, expansion or change within the City, the preservation of the remaining Buildings, Structures and Site of Historic or community Significance is required based on the level of Significance. This section is intended to provide an incentive for identification and preservation of Historic Buildings, Structures or Sites that may occur within the Park City Historic District, as well as those that may be located outside the Historic District.

15-11-10. HISTORIC DISTRICT DESIGN GUIDELINES.

The HPB shall promulgate and update as necessary Historic District Design Guidelines for Use in the Historic District zones. These guidelines shall, upon adoption by resolution or ordinance by the City Council, be used by the Planning Department staff in reviewing Historic

(B) National Trust for Historic Preservation.

(C) Utah State Division of History.

(D) Park City Historical Society. District Design Review Applications. The Historic District Design Guidelines shall address rehabilitation of existing Structures, additions to existing Structures, and the construction of new Structures. From time to time, the HPB may recommend changes in the Historic District Design Guidelines to the Council, provided that no changes in the Guidelines shall take effect until adopted by a resolution of the Council.

The Historic District Design Guidelines shall apply in all zones within the Historic District, which are designated throughout this Code by the Use of the word "Historic" in the Zoning District name, or the letter "H" in the abbreviation of that name.

15-11-11. HISTORIC DISTRICT DESIGN REVIEW.

The Planning Department shall review and approve, or deny, all Historic District Design Review Applications associated with a Building Permit to build, locate, construct, remodel, alter or modify any Building, Structure, Site, or other visible element including but not limited to signs, lighting fixtures, and Fences located with the Park City Historic District.

(1) The Owner and/or Applicant for any Property shall be required to submit an Historic District

Design Review Application for proposed work requiring a Building Permit in order to complete the work.

(2) Planning Department staff shall review all Historic District Design Review Applications (including those associated with an

Prior to taking action on any Historic District Design Review application, the planning staff shall provide notice pursuant to Section 15-1-20 of this Code.

(C) **DECISION.**

Upon taking action on the Application, the Planning Department staff shall make written findings, conclusions of law, and conditions of approval (if any) supporting the decision, and shall provide the Owner and/or Applicant with a copy.

(D) **APPEALS.**

The Owner, Applicant, or any Person with standing as defined in Section 15-1-18(D) of this Code may appeal any Planning Department staff decision made on a Historic District Design Review Application to the Planning Director. All appeal requests shall be submitted to the Planning Department within ten (10) days of the decision. Notice of all pending appeals shall be made by staff pursuant to Section 15-1-20 of this Code. The scope of review by the Director shall be the same as the scope of review at the staff level.

(1) In those cases, the Director shall either approve, approve with conditions, or

Allowed or Conditional Use) which, upon determining compliance with the Guidelines, shall be approved by the department staff without HPB review or hearing.

(B) **NOTICE.**

disapprove the proposal based on written findings, conclusions of law, and conditions of approval (if any) supporting the decision, and shall provide the Owner and/or Applicant with a copy.

(2) Any Director decision may be appealed to the HPB. Appeal requests shall be submitted to the Planning Department within ten (10) days of the Director's decision. Notice of all pending appeals shall be made by staff pursuant to Section 15-1-20 of this Code. The scope of review by the HPB shall be the same as the scope of review by the Director.

(3) Any HPB decision may be appealed to the Board of Adjustment pursuant to Section 15-10-7 of this Code. Appeal requests shall be submitted to the Planning Department within ten (10) days of the HPB decision. Notice of all pending appeals shall be made by staff pursuant to Section 15-1-20 of this Code. Appeals shall be considered only on the record made before the HPB.

15-11-12. DETERMINATION OF HISTORICAL SIGNIFICANCE.

The HPB is the official body to review matters concerning the historical designation of Buildings, Structures and Sites within Park City, and to make this information available to all interested citizens. It is hereby declared that all Buildings, Structures and Sites within Park City which substantially comply with the Standards of Review found in Section 15-11-13(A), are determined to be Significant for the purposes of this Chapter.

The Planning Department shall maintain a list of such Significant Properties. Any Owner of a Building, Structure or Site may apply for a hearing before the HPB to ascertain significance of said property. The Application shall be on forms as prescribed by the City and shall be filed with the Planning Department. Upon receiving an Application for a determination of historical Significance, the Planning staff shall schedule a hearing on the HPB agenda within thirty (30) days. Notice of the hearing shall be posted on the Property and published at least once prior to the hearing. At the hearing, the Applicant shall have an opportunity to present testimony and evidence to demonstrate the historical significance, or insignificance of the Building, Structure or Site.

(A) **STANDARDS OF REVIEW.** In determining the Historic Significance of the Property at the hearing, the HPB shall evaluate whether the Building, Structure or Site demonstrates a quality of Significance in local, regional, state or national history, architecture, archaeology, engineering or culture, and integrity of location, design, setting, materials, and workmanship according to the following criteria:

(1) The Building, Structure or

Site is associated with events or lives of Persons Significant to our past; and/or

(2) The Building, Structure or Site embodies the distinctive characteristics of a type, period or method of construction or that represent the work of a master; and/or

(3) The architectural or historical value or Significance of the Building, Structure or Site contributes to the Historic value of the Property and surrounding Area; and/or

(4) The Building, Structure or Site is at least fifty (50) years old, or has achieved Significance within the past fifty (50) years if the Property is of exceptional importance to the community; and/or

(5) The relation of Historic or architectural features found on the Building, Structure or Site to other such features within the surrounding Area; and/or

(6) Any other factors, including aesthetic, which may be relevant to

the Historical or architectural aspects of the Building, Structure or Site.

(B) **NOTICE.**

Prior to taking action on any Determination of Historical Significance application, the Planning Staff shall provide public notice pursuant to Section 15-1-20 of this Code.

(D) **APPEAL.** The Applicant or any party participating in the hearing may appeal the HPB decision to the Board of Adjustment pursuant to Section 15-10-7 of this Code. Appeal requests shall be submitted to the Planning Department within ten (10) days of the HPB decision. Notice of all pending appeals shall be made by staff pursuant to Section 15-1-20 of this Code. Appeals shall be considered only on the record made before the HPB.

15-11-13. DEMOLITION AND REMOVAL OF HISTORIC BUILDINGS, STRUCTURES AND SITES.

It is the intent of this and succeeding sections to preserve the Historic and architectural resources of Park City, through limitations on Demolition and removal of Historic Buildings, Structures and Sites to the extent it is economically feasible, practical and necessary. The Demolition or removal of Historic Buildings, Structures and Sites in Park City diminishes the character of the City's Historic District and it is strongly discouraged. Instead, the City recommends and supports preservation, renovation, adaptive reuse and relocation within the Historic District. It is

(C) **DECISION.** If the HPB finds that the Building, Structure or Site is insignificant pursuant to Section 15-11-13(A), it shall immediately be removed from the list, if any, of historically Significant Properties. The HPB shall forward a copy of its written findings to the Owner and/or Applicant.

recognized, however, that Structural deterioration, economic hardship and other factors not entirely within the control of a Property Owner may result in the necessary Demolition or removal of a Historic Building, Structure or Site.

All applications for Demolition of any Building, Structure, or Site within the City shall be initially reviewed by the Planning staff for Significance pursuant to Section 15-11-13(A) herein, and forwarded with a recommendation for action to the HPB.

(A) **DETERMINATION OF INSIGNIFICANCE.** If upon review, the HPB concludes that the Building, Structure or Site sought to be Demolished or removed is insignificant, the planning staff may sign-off on the issuance of a demolition permit.

(B) **DETERMINATION OF SIGNIFICANCE.** If upon review, the HPB concludes that the Building, Structure or Site sought to be Demolished or removed does possess Significance, the Applicant shall be required to submit a CAD Application pursuant to Sections 15-11-15 through 15-11-17 as appropriate.

(C) **REMOVAL OR REPAIR OF HAZARDOUS BUILDINGS.** If, upon review, the Chief Building Official determines the subject Building, Structure or Site to be structurally unsound, and a hazardous or dangerous Building (pursuant to Section 115.1 of the International Building Code), the Chief Building Official may order its removal or repair.

(D) **REQUIREMENT FOR STAY OF DEMOLITION.** In the absence of a finding either of insignificance or of public With the exception of any Building or Structure falling under the purview of Section 115.1 of the International Building Code or undergoing complete renovation/ reconstruction in compliance with this Chapter, no Building, other Structure or Site deemed to be Significant (pursuant to the Standards of Review set forth in Section 15-11-13 (A) herein), may be Demolished or removed without the issuance of a Certificate of Appropriateness (CAD) by an independent CAD Hearing Board appointed by the City. Application for a CAD shall be made on forms prescribed by the City and shall be submitted to the Planning Department.

15-11-15. PRE-HEARING CAD APPLICATION REQUIREMENTS.

Upon submittal of a CAD application to the Planning Department, a pre-hearing period of forty-five (45) days shall commence, during which time the Owner shall allow the City to post and sustain a visible sign stating that the Property is “threatened.” Said sign shall be at least 3’x2’, readable from a point

hazard, the Application for Demolition or removal shall be stayed for 180 days.

15-11-14. CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION (CAD).

of public Access and state that more information may be obtained from the Planning Department for the duration of the stay. In addition, the Owner shall conduct negotiations with the City for the sale or lease of the Property or take action to facilitate proceedings for the City to acquire the Property under its power of eminent domain, if appropriate and financially possible.

At the end of the forty-five (45) days, the Application will be schedule for a hearing before the CAD Hearing Board. upon showing that the above requirements have been met and all economic hardship information required has been submitted. The Applicant must also submit fees in accordance with the Park City Municipal fee schedule. The Planning Department staff shall, notify the Owner if any additional information is needed to complete the Application.

(A) **CAD HEARING BOARD.**

Upon confirmation of receipt of a complete CAD Application, the City shall appoint an

independent CAD Hearing Board (consisting of three (3) members) for the purpose of reviewing and taking action upon the Application. The City Manager shall appoint the CAD Board as the need might arise, solely for the purpose of reviewing and taking final action on all CAD applications.

It is the first priority of the City that the CAD Board have substantial experience in finance, real estate, and commercial business interests. Hence, the Board should possess the following qualifications, or represent the following interests:

(1) A member appointed at large from Park City with demonstrated knowledge of economics, accounting and finance;

(2) A member appointed at large
(A) **ECONOMIC HARDSHIP CRITERIA.** In order to sustain a claim of unreasonable Economic Hardship, the Owner shall provide information pertaining to whether the Property is capable of producing a reasonable rate of return for the Owner or incapable of beneficial Use. The City shall adopt by resolution separate standards for investment or income producing and non-income producing Properties (as recommended by the HPB). Non-income Properties shall consist of Owner occupied Single-Family Dwellings and non-income producing institutional Properties. The information required by the City may include, but not be limited to the following: Purchase date, price and financing arrangements; current market

from Park City who is an attorney at law; and

(3) A member appointed from the Board of Adjustment.

15-11-16. CAD HEARING.

At the hearing, the CAD Hearing Board will review the Application (pursuant to the Economic Hardship Criteria set forth in Section 15-11-17(A) herein), and consider public input. The CAD Hearing Board may only approve Demolition or removal of a Significant Building, Structure or Site if the Owner has presented substantial evidence that demonstrates that unreasonable Economic Hardship will result from denial of the CAD Application.

value; form of ownership; type of occupancy; cost estimates of Demolition and post-Demolition plans; maintenance and operating costs; costs and engineering feasibility of rehabilitation; property tax information; rental rates and gross income from the Property. The CAD Hearing Board, upon review of the CAD Application, may request additional information as deemed appropriate.

(B) **CONDUCT OF OWNER EXCLUDED.** Demonstration of Economic Hardship by the Owner shall not be based on conditions resulting from:

(1) Willful or negligent acts by the Owner; or

(2) Purchasing the Property for substantially more than market value at the time of purchase; or

(3) Failure to perform normal maintenance and repairs; or

(4) Failure to diligently solicit and retain tenants; or

(5) Failure to provide normal tenant improvements.

(C) **DECISION.** The CAD Hearing Board shall make written findings supporting the decision made. The CAD Hearing Board may determine that unreasonable Economic Hardship exists and approve the issuance of a CAD if one of the following conditions exists:

(1) For income producing Properties, the Building, Structure or Site. If the CAD Hearing Board approves the Application, the Owner may apply for a Demolition permit with the building department and proceed to Demolish the Building, Structure or Site in compliance with other regulations as they may apply. The City may, as a condition of approval, require the Owner to provide documentation of the Demolished Building, Structure or Site according to the standards of the Historic American Building Survey (HABS). Such documentation may include photographs, floor plans, measured drawings, an archeological survey or other information as specified. The City may also require the Owner to incorporate an appropriate memorialization of the Building,

Site cannot be feasible used or rented at a reasonable rate of return in its present condition or if rehabilitated and denial of the Application would deprive the Owner of all reasonable Use of the Property; or

For non-income producing Properties, the Building, Structure or Site has no beneficial Use as a residential dwelling or for an institutional Use in its present condition or if rehabilitated, and denial of the Application would deprive the Owner of all reasonable Use of the Property; and

(2) The Building, Structure or Site cannot be feasibly moved or relocated.

(D) **APPROVAL.**

Structure or Site, such as a photo display or plaque, into the proposed replacement project of the Property. Approval of a CAD shall be valid for one (1) year.

(E) **DENIAL.**

If the CAD Hearing Board denies the Application, the Owner shall not Demolish the Building, Structure or Site, and may not re-apply for a CAD for a period of three (3) years from the date of the CAD Hearing Board's final decision unless substantial changes in circumstances have occurred other than the re-sale of the property or those caused by the negligence or intentional acts of the Owner. It shall be the responsibility of the Owner to stabilize and

maintain the property so as not to create a structurally unsound, hazardous, or dangerous Building, as identified in Section 115.1 of the International Building Code. The City may provide the Owner with information regarding financial assistance for the necessary rehab or repair work, as it becomes available.

(F) **APPEAL**. The City or any Persons adversely affected by any decision of the CAD Hearing Board may petition the District Court in Summit County for a review of the decision. In the petition, the plaintiff may only allege that the Officer's decision was arbitrary, capricious, or illegal. the petition is barred unless it is filed within thirty (30) days after the date of the CAD Hearing Board's decision.

Planning Commission meeting, the adjacent property owners believed that they could veto the approval by not signing the agreements.

With no further comments or questions, the public hearing was closed.

3. Amendment to Chapter 11, Historic Preservation, of the Land Management Code - Pat Putt explained that amendments relate to direction from Council to improve the planning process within the Historic District, because it is important to the entire community. Public input on the amendment addressed responsibilities of the Historic Preservation Board as well as reasonable time frames for processing applications. The amendments clarify the roles of staff and balances the need for timely reviews and public involvement. The amendment shifts the emphasis of the HRB being a design review board to being proactive in formulating design guidelines and strategic plans for City owned buildings. Main changes include:

- Change the name of the HDC;
- HDC retained having 3 new or re-appointed members, or with fewer members;
- Planning Staff takes action on all design review applications with appeals of staff action going to HDC;
- HDC reviews grant program, establishes preservation policy, and oversees program development;
- Member of Planning Commission serves as a voting member of HDC (term rotates with office of Chair or Vice Chair of Planning Commission) ;
- Certificate of Appropriateness of Demolition (CAD) applications go to appointed CAD hearing Officer; and
- Improve communication with public and HDC on pending administrative action on projects via website, KPCW interviews, etc.

The Planning and Zoning Administrator added that input has been solicited from the Council, HDC, local and state preservation organizations, and two public hearings with the Planning Commission. The Mayor opened the public hearing.

Gary Knudson, resident, didn't believe that the Recreation Commercial area should be required to meet strict Historic District guidelines which is a financial burden. This area was created to support the resort and his property is surrounded by condominiums. Owners should have the right to protect their investment and property values. Derek Satchell explained that the RC chapter in the Code specifies that all construction within a two block radius of the Historic District is subject to review with the Historic District design guidelines. Those properties are required to submit an Historic District design review application and staff holds them to some degree of compliance so that the transition from one zone to another is not drastic.

Tom Hurd, Chair of the HDC, stated that he looks forward to the new duties of the board and supports the new Code amendments. It is clearer and takes the members

out of the design review process and charges them with broader issues. He urged approval.

Peter Barnes, designer, referred to Section 15-11(a)(c), decision on significance, where the language attempts to prove a negative which is impossible. He suggested striking the first half of the paragraph and replace with "*if HPB, based on the standards of review do not find that it is significant. . .*".

Steve Stanton, referred to Dale Nelson's negative comments about the process which should be a collaborative and rewarding experience.

Gary Knudson, stated that his house on Empire would have to blend with condominiums to be consistent.

In response to a question from Mr. Stanton, Mr. Putt explained staff review for compliance with design guidelines. Appeals of planners go to the Planning and Zoning Administrator and that decision is appealable to the HPB. Jim Hier explained that the prior process required a public hearing before the Historic District Commission which now is a staff function to streamline and expedite project reviews. With regard to appeal rights of adjacent neighbors, Derek Satchell explained that the appeal must have merit, i.e., error in applying standards and/or guidelines. Mark Harrington explained the minimum appeal requirements including name, address, standing and a comprehensive statement including reference to code or guideline sections alleged to be violated.

With no further comments or questions, Mayor Williams closed the public hearing. Peg Bodell suggested that terms begin May 1 rather than February 1 and the Planning and Zoning Administrator agreed that that timing may be better. She stated that she is open to increasing the membership of the Board in consideration of the amount of work. There was discussion about the placement of the provision regarding preserving City-owned historic stock, and it was agreed to support the draft language. Council confirmed that length of terms should be changed from two to three years. With regard to Section 15-11-11, Council member Bodell felt that the statement "*historic or community significance should be encouraged*" should be stronger by reading "*. . .significance should be required*" based on its level of significance. Fred Jones clarified some language.

VI CONSENT AGENDA

Jim Hier, "I move that we remove Items 2 and 6 from the Consent Agenda and move them to New Business and continue Item 2 to next week, and approve Items 1, 3, 4, and 7 on the Consent Agenda". Candace Erickson seconded, stating that she hoped there would be resolution on the Stanton plat. Council member Hier continued that approval of the plat approves a non-conforming deck and perhaps the retaining wall and he would like to have an opportunity to have those issues worked out. Motion defeated.

Peg Bodell	Nay
Kay Calvert	Nay
Candace Erickson	Aye
Jim Hier	Aye
Fred Jones	Nay

Fred Jones, "I move to move Item 6 to New Business". Peg Bodell seconded.
Motion carried unanimously. Fred Jones, "I move to approve Consent Agenda Items 1, 2, 3, 4, 5 and 7, as modified". Motion carried.

Peg Bodell	Aye
Kay Calvert	Aye
Candace Erickson	Nay
Jim Hier	Nay
Fred Jones	Aye

1. Ordinance approving the M. R. Brugge plat amendment to combine the southerly five feet of Lot 23, and all of Lots 24 and 25 in Block 10 of the Snyder's Addition to the Park City Survey, into two lots of record located at 932 and 936 Norfolk Avenue, Park City, Utah - See staff report and public hearing.

2. Ordinance approving the Stanton Plat Amendment to combine all of Lots 2, 3, 4, 16, 17 & 18 in Block 19 of the Amended Park City Survey, into one lot of record located at 9 Hillside Avenue, Park City, Utah - See staff report and public hearing.

3. Lease with Soaring Wings Montessori for space located in the Library and Education Center, 1255 Park Avenue - See staff report.

4. Lease with Park City Cooperative Pre-School for space located in the Library and Education Center, 1255 Park Avenue - See staff report.

5. Lease with University of Utah for space located in the Library and Education Center, 1255 Park Avenue - See staff report.

6. Approval of fee waiver for 12 affordable housing units located at 555 - 557 Deer Valley Drive Subdivision - Mountainlands Community Housing Trust - See staff report and New Business.

7. Approval of leases for sidewalk dining for:

- Morning Ray Café, 255 Main Street
- Main Street Pizza, 630 Main Street
- No Name Saloon, 447 Main Street

- Main Street Deli, 525 Main Street
- Bistro 412, 412 Main Street
- Eating Establishment, 317 Main Street

See staff report and work session comments.

VII NEW BUSINESS

1. Amendment to Chapter 11, Historic Preservation of the Land Management Code - Peg Bodell, "I move approval of the Amendment to Chapter 11, Historic Preservation of the Land Management Code, as modified". Kay Calvert seconded. Motion carried unanimously

2. Professional services agreements with Montgomery Watson Harza in an amount not to exceed \$137,000 for Spiro project construction management and with Remote Control Systems in an amount not to exceed ~~\$40,000~~ \$65,000 for the telemetry system upgrade - Kathy Gammel explained that the amount for Remote Control Systems has increased and requested that Council consider a not to exceed amount of \$65,000. Fred Jones, "I so move". Candace Erickson seconded. Motion unanimously carried.

3. Approval of fee waiver for 12 affordable housing units located at 555 - 557 Deer Valley Drive Subdivision - Mountainlands Community Housing Trust - See staff report and work session notes. Tom Bakaly explained that the Code specifies that Council can waive up to \$5,000 per unit which amounts to \$110,000; another section provides for waivers of other fees which amount to \$22,000. The staff recommendation is to waive impact and building fees, with the exception of water impact fees, for a total of approximately \$180,000. In response to a question from Mayor Williams, the City Manager stated that Council could waive water impact fees, but it is not recommended since this is the fifth year of a drought and the water enterprise fund would have to be reimbursed because of the terms of the water bond.

Scott Loomis, Director of Mountainlands, explained that in order to accommodate affordable housing, there has to be support from the City. There are a number of provisions in the Municipal Code allowing the waiver of building fees, plan check fees and the staff report is in error. Additionally, according to resolution, Council can waive impact fees up to \$5,000 per unit and there is a CIP account consisting of about \$500,000. These funds have been used in the past for the purchase of the Silver Meadows units. More recently, the housing element of the General Plan encourages that the \$5,000 figure be increased. Mr. Loomis emphasized that imposing these fees makes housing less affordable. He asked that not only the building and plan check fees be waived, but also water impact fees, to be reimbursed by the CIP fund. In response to a question from Council member Jones, Mr. Loomis believed water impact fees amount to about \$2,500 per unit and Mr. Bakaly concurred. Chief Building Official Ron Ivie pointed out that the two

existing historic buildings will not incur water impact fees and the total fees on the project are about \$115,248; \$57,000 are fees other than water. Irrigation fees have been prorated for the disturbed area per unit, but are minimal. Scott Loomis distinguished that former contributions to affordable housing went to private developers and this is the first time a non-profit has requested fee waivers. Tom Bakaly pointed out the loan with Mountainlands which Mr. Loomis acknowledged and noted that it has been paid off.

Candace Erickson expressed her difficulty with waiving water impact fees but can support waiver of other fees. She had hoped there was more open space on the project and less density. The purpose of street impact fees was discussed. Peg Bodell stated that the bottom line for her is what the citizens will be paying for this particular project and asked if the pricing of the units assumed waiving all fees. Mr. Loomis stated that it did. She felt it would be short-sided to expend all available funds to support one project. He added that costs must be kept close to \$100 per square foot to keep it affordable and is not aware of any other pending affordable housing projects. The CIP fund is generated by in-lieu-of fees paid by developers specifically for affordable housing. The City Manager believed that the most recent appropriations are from Redevelopment Agency monies and from 1990 to about 1995, the City has contributed about \$2 million in affordable housing efforts. Mr. Loomis recalled that most of the money was spent for the purchase of Silver Meadows units which really don't contribute to affordable housing stock. There was discussion about regional workforce housing.

Jim Hier stated that the staff report is not consistent with recently discussed numbers and a recommendation for a waiver should be clear together as well as funding sources. The City Attorney advised that the Code provides for a petition for waivers, and if Mountainlands can coordinate with the Building Department with an exact list of requests and perhaps an alternative, Council can respond to a specific proposal. Kay Calvert requested clarification on RDA and affordable housing appropriations. Peg Bodell, "I move to continue this item to a date uncertain". Jim Hier seconded. Motion carried unanimously.

VIII ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned.

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 3 p.m. Members in attendance were Mayor Dana Williams, Peg Bodell, Kay Calvert, Candace Erickson, Jim Hier, and Fred Jones. Staff present were Tom Bakaly, City Manager; Mark Harrington, City Attorney. Peg Bodell, "I move to close the meeting to discuss litigation and property". Kay Calvert seconded. Motion carried unanimously.

The meeting opened at approximately 4 p.m.

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

Prepared by Janet M. Scott, City Recorder

