

**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION
CITY COUNCIL CHAMBERS
August 26, 2015**



AGENDA

MEETING CALLED TO ORDER AT 5:30PM

ROLL CALL

ADOPTION OF MINUTES OF August 12, 2015

PUBLIC COMMUNICATIONS – *Items not scheduled on the regular agenda*

STAFF BOARD COMMUNICATIONS AND DISCLOSURES

CONTINUATIONS

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| 2001 Park Avenue – Pre-Master Planned Development review for an amendment to the Hotel Park City MPD (aka Island Outpost MPD)
<i>Public hearing and continuation to September 9, 2015</i> | PL-15-02681
<i>Planner</i>
<i>Whetstone</i> | 45

51 |
| <i>Land Management Code Amendments regarding vertical zoning storefront regulations in Chapter 15-2.5-2 Uses in Historic Recreation Commercial (HRC), Chapter 15-2.6-2 Uses in Historic Commercial Business (HCB), and associated Definitions in Chapter 15-15 Defined Terms.</i>
<i>Public hearing and continuation to October 15, 2015</i> | PL-15-02800
<i>Planner</i>
<i>Whetstone</i> | |

CONSENT AGENDA – *All items on the consent agenda shall be passed or denied by a single motion at the Commission meeting, unless a motion to remove a specific item is made. If a member of the public or a member of the Planning Commission requests a public hearing on a consent agenda item, then the item shall be removed from the consent agenda and acted on at the same meeting.*

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| 281 & 283 Deer Valley Drive – Plat Amendment to combine four lots into two single lots of record.
<i>Public hearing and possible recommendation to City Council on September 17, 2015</i> | PL-15-02808
<i>Planner</i>
<i>Turpen</i> | 53 |
| 415 Main Street Plat amendment to combine all of Lots 3 and 4, and a portion of Lot 5) into one (1) lot of record located in Block 10 of the Amended Plat of the Park City Survey
<i>Public hearing and possible recommendation to City Council on September 17, 2015</i> | PL-15-02851
<i>Planner</i>
<i>Grahn</i> | 77 |

REGULAR AGENDA – *Discussion, public hearing, and possible action as outlined below*

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| 900 Round Valley Drive-Pre-Master Planned Development review for an amendment to the IHC Master Planned Development.
<i>Public hearing and possible action regarding compliance with the Park City General Plan to allow submittal of the full MPD Amendment application.</i> | PL-15-02695
<i>Planner</i>
<i>Whetstone</i> | 95 |
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ADJOURN

A majority of Planning Commission members may meet socially after the meeting. If so, the location will be announced by the Chair person. City business will not be conducted.

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Park City Planning Department at (435) 615-5060 24 hours prior to the meeting.

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
AUGUST 12, 2015

COMMISSIONERS IN ATTENDANCE:

Chair Adam Strachan, Melissa Band, Preston Campbell, Steve Joyce, John Phillips, Doug Thimm,

EX OFFICIO:

Bruce Erickson, Interim Planning Director, Francisco Astorga, Planner; Christy Alexander, Planner; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

ROLL CALL

Chair Strachan called the meeting to order at 5:35 p.m. and noted that all Commissioners were present except Commissioner Worel who was excused.

ADOPTION OF MINUTES

July 22, 2015

Commissioner Joyce referred to page 3 of the Staff report, the motion to approve the minutes, and noted that the language, "Commissioner Campbell abstained since she was absent" should be corrected to "...since **he** was absent...."

Commissioner Joyce referred to page 36, bottom paragraph, and changed, "for all intense and purposes" to correctly read, "for all **intents** and purposes."

MOTION: Commissioner Phillips moved to APPROVE the minutes of July 22, 2015 as amended. Commissioner Joyce seconded the motion.

VOTE: The motion passed. Commissioner Thimm abstained since he was absent on July 22nd.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Interim Planning Director, Bruce Erickson, reported on changes to the Historic Preservation Board and pending changes to the LMC that addresses the protection of historic structures. Mr. Erickson commented on recent discussions regarding the precision required to do correct historic preservation, as well as precision in language.

Mr. Erickson reported that the City Council directed the Planning Department to prepare a pending ordinance that extends some of the protections to historic structures. Given the pending ordinance, the Historic Preservation Board would review each building when an application is submitted for repanelization, reconstruction or demolition. The HPB would review a building early in the process prior to an HDDR review. Mr. Erickson remarked that the pending ordinance includes items that were not previously included in demolition, which includes other structures as a defined term; such as decks, stairways, windows, and other items that fell between the cracks under the previous process.

Mr. Erickson stated that the City has scheduled special meetings and more frequent meetings with the Historic Preservation Board. He estimated that approximately 40 reviews need to be accomplished in the near term. The number is high because the City Council expanded the definition of historic. If a structure previously received a historic grant it is now covered under the historic protection regulations. If a structure was previously listed on a Historic Sites Inventory and was taken off through the normal process of the HPB, the structure would be considered historic again. The expanded definition also includes structures that were listed as significant or contributory on any other reconnaissance or historic survey. Lastly, a historic structure with non-significant historic modifications would fall under the set of protections in the pending ordinance.

Mr. Erickson stated that the City Council has cast a wide net and he believed it would go a long way towards preserving historic character. They were still working through the process and definition clauses. It was scheduled to come before the Planning Commission on September 9th as an LMC Amendment, and then forwarded to the City Council. Mr. Erickson anticipated significant discussion with the Planning Commission, as well as public comment.

Assistant City Attorney McLean clarified that the pending ordinance was an attempt to capture the structures that have dropped off the Inventory since 2009. It was not expanding the historic district or making it overly inclusive. She pointed out that the details would be refined when it becomes an actual ordinance.

Commissioner Joyce pointed out discrepancies in what was provided in the Staff report regarding age of structures and dates. Mr. Erickson explained that 50 years is what the National Parks Service and State Historic office uses as the definition of "Historic". The Staff was trying to give some flexibility for review within the 40 to 50 year time frame,

because other things may be contributory to the District and they want to look at those as well. In addition, there may be structures from the skiing era to consider in the future. Mr. Erickson stated that the intent is to make sure they maintain the integrity of the formal documents, which are the Landmark and Significant sites, and create a new pocket of items that are contributory to the District and should be protected. He pointed that they were trying to create a ten year window between the State and Federal regulations and the City's review. Mr. Erickson remarked that the original document did not have a 1975 clause in it. The City wants the ability to look at everything in the districts, including construction from the 1990's and 2000's.

Assistant City Attorney McLean preferred that the Commissioners hold their comments and questions until the September 9th meeting when it would be properly noticed to the public. Mr. Erickson remarked that early comments from the Planning Commission would be helpful to the Staff. Ms. McLean recommended that the Commissioners submit their comments to the Staff in writing prior to the September 9th meeting.

Assistant City Attorney McLean noted that the reason for special meetings is to give the HPB the opportunity to capture and review applications for demolition in a timely manner.

Commissioner Phillips asked if the Staff would be reaching out to the individual owners of the particular sites affected by the ordinance. Mr. Erickson stated that once the system is operational, each site that would be considered by the HPB would be part of the noticing. Commissioner Campbell believed Commissioner Phillips was talking about the people who purchased a house with the understanding that they have the right to tear it down. Assistant City Attorney McLean thought it was a good point. She would recommend that the Staff reach out to homes that they know would be caught in the expanded definition.

Chair Strachan stated that the Snyderville Basin Planning Commission has expressed interest in having a joint meeting with the Park City Planning Commission. He noted that a joint meeting was held in the past. He was on the Planning Commission at that time and he found the joint meeting to be helpful and enlightening. He understood that it creates a scheduling burden for the Staff, but he thought it would be worthwhile. If the other Commissioners were in agreement he would like Mr. Erickson to reach out to the Snyderville Basin Staff to schedule a joint meeting.

Commissioner Phillips disclosed that he would be recusing himself from the Alice Claim applications due to a previous working relationship with the applicant.

CONSENT AGENDA

1. 162 Ridge Avenue – Steep Slope Conditional Use Permit for a new single-family home on a vacant lot (Application PL-15-02761)

MOTION: Commissioner Phillips made a motion to remove 162 Ridge Avenue from the Consent Agenda and move it to the regular agenda for further discussion. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. 162 Ridge Avenue – Steep Slope Conditional Use Permit for a new single-family home on a vacant lot (Application PL-15-02761)

Planner Christy Alexander reviewed the application for a Steep Slope CUP at 162 Ridge Avenue. The Staff was in the process of the HDDR review and the applicant had submitted updated plans. The Staff found that the plans comply and they were ready to approve the HDDR.

Planner Alexander noted that 166 Ridge Avenue came in last year for the Steep Slope CUP and that application was approved. The structure at 162 Ridge Avenue is very similar and it meets all the requirements from the LMC.

The Staff recommended that the Planning Commission conduct a public hearing and approve the Steep Slope CUP.

Commissioner Phillips stated that he originally had two items of concern; however, he had spoken with Planner Alexander prior to the meeting about the portion of the roof that goes above the 27' height limit. When she explained that the purpose was for circulation, he recalled that they had that same discussion when 166 Ridge Avenue was approved. Planner Alexander noted that the Planning Director can grant an exception for height on a garage on a downhill lot.

Commissioner Phillips referred to page 94 of the Staff report and expressed a concern with the north elevation. He thought the existing grade line appeared to be more than 4' from existing grade to final grade. If that was the case, he wanted to know how that was allowed, since the LMC requires that the final grade be no more than 4' off of existing grade.

Jonathan DeGray, representing the applicant, stated that the other side was terraced as well and none of the walls exceed four feet in height. However, they do stair step up the hill. Commissioner Phillips clarified that the Code does not specify a four foot wall, but rather 4 feet from existing grade to final grade. In his opinion, from the existing line down looked like 6 feet or more. Mr. DeGray stated that there was room in the elevation to manipulate the wall if it was a problem. Commissioner Phillips asked if the window was critical for egress. Mr. DeGray replied that it was an egress window. Commissioner Phillips asked if the other Commissioners shared his concern.

Planner Alexander stated that the Planning Commission could add a condition of approval requiring the Board to meet the 4' requirement. If the Staff determines that it exceeds the requirement, Mr. DeGray could change the design to be in compliance. Mr. DeGray was comfortable with that approach. It was changed on the other side and he could easily do the same on the north side. Commissioner Phillips did not want to cause problems with egress, but they could not approve it if it did not meet Code. Mr. DeGray stated that there is a large side yard and it would be possible to do a light well if necessary.

Commissioner Phillips had reviewed the minutes from 166 Ridge Avenue where the Planning Commission added a condition of approval directing traffic for the excavation only to use King Road and to stay off Daly. He thought it was important to add the same condition for 162 Ridge Avenue. Planner Alexander stated that it was already added as Condition #16. "Access during construction shall be limited to one direction, up either Daly Avenue to Ridge Avenue and down King Road, or vice versa, so that one single road will not be impacted with access occurring in both directions." Commissioner Phillips pointed out that for 166 they specifically kept the truck traffic on King Road just for the excavation portion. Planner Alexander offered to change the condition.

Mr. DeGray was not opposed because the contractor for 166 Ridge had said the route was working fine. Commissioner Phillips had no other issues as long as the two conditions were added.

Mr. DeGray was comfortable with the conditions as discussed. If the Planning Commission was willing to approve this evening he would work with Planner Alexander to draft the language. Commissioner Phillips thought they could mirror the language from 166 Ridge Avenue.

Chair Strachan opened the public hearing. There were no comments. Chair Strachan closed the public hearing.

MOTION: Commissioner Phillips moved to APPROVE the 162 Ridge Avenue Steep Slope Conditional Use Permit with the Findings of Fact, Conclusions of Law and Conditions of Approval as amended with the two additional conditions of approval as discussed. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 162 Ridge Avenue

1. The property is located at 162 Ridge Avenue.
2. The property is described as a Lot 2, King Ridge Estates, a portion of Block 75, Millsite Reservation to Park City.
3. The lot is 131.07' in length on both sides, with a width of 45'; the lot contains 5,898 sf of area. The allowable building footprint is 2,117 sf for a lot of this size and the proposed building footprint is 1,460 sf.
4. The King Ridge Estates Subdivision plat states the maximum floor area cannot exceed 3,030 sf; the proposed home has a floor area of 3,030 sf (excluding a 324 sf garage as the Plat Notes state garages up to 600 sf are not included in the overall floor area).
5. The vacant site is not listed as historically significant on the Park City Historic Sites Inventory and there are no structures on the lot.
6. The property is located in the HRL zoning district and is subject to all requirements of the Park City Land Management Code (LMC) and the 2009 Design Guidelines for Historic Districts and Historic Sites.
7. Access to the property is from Ridge Avenue, an unbuilt right-of-way to be built by the applicant. The access drive is being built concurrently with development of each lot. Currently the drive is being constructed for Lot 1 as that home is under development and will continue to Lot 2 upon building permit approval for Lot 2. The lot is a downhill lot. Two parking spaces are proposed on site. One space is proposed within an attached garage and the second is on the driveway in a tandem configuration to the garage.
8. The neighborhood is characterized by primarily historic and non-historic single family houses and vacant lots.

9. A Historic District Design Review (HDDR) application was reviewed by staff for compliance with the Design Guidelines for Historic Districts and Historic Sites adopted in 2009. The design was found to comply with the Guidelines.

10. The lot is an undeveloped lot containing primarily grasses, weeds, and shrubs that are not classified as significant vegetation.

11. The driveway is proposed to be a maximum of 14 feet in width and 20 feet in length from the edge of the street to the garage in order to place the entire length of the second parking space entirely within the lot. The garage door complies with the maximum width and height of nine feet (9') and the grade of the driveway complies at 12.1% slope.

12. The garage does not exceed 18 feet in height above the garage floor.

13. The proposed structure complies with all setbacks.

14. The proposed structure complies with allowable height limits and height envelopes for the HR-L zoning district as the house measures less than 27 feet in height from existing grade, the structure is less than the maximum height of 35 feet measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters, and the design includes a 12 foot step back at a height slightly below 23 feet.

15. The proposal, as conditioned, complies with the Historic District Design Guidelines as well as the requirements of 15-5-5 of the LMC.

16. The proposed materials reflect the historic character of Park City's Historic Sites, incorporating simple forms, unadorned materials, and restrained ornamentation. The exterior elements are of human scale and the scale and height follows the predominant pattern of the neighborhood.

17. Lot coverage, site grading, and steep slope issues are also compatible with neighboring sites. The size and mass of the structure is compatible with surrounding sites, as are details such as the foundation, roofing, materials, as well as window and door openings. The single car attached garage and off-street parking area also comply with the Design Guidelines.

18. No lighting has been proposed at this time. Lighting will be reviewed by the Planning Department at the time of the building permit for compliance with the Land Management Code lighting standards.

19.The applicant submitted a visual analysis/ perspective, cross canyon view from the east, and a streetscape showing a contextual analysis of visual impacts on adjacent streetscape.

20.There will be no free-standing retaining walls that exceed four feet in height. The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography.

21.The site design, stepping of the building mass, articulation, and decrease in the allowed difference between the existing and final grade for much of the structure mitigates impacts of construction on the 30% or greater slope areas.

22.The plans include setback variations, increased setbacks, decreased building heights and an overall decrease in building volume and massing.

23. The proposed massing, articulation, and architectural design components are compatible with the massing of other single family dwellings in the area. No wall effect is created with adjacent structures due to the stepping, articulation, and placement of the house.

24.The garage height is 34 feet on a downhill lot; garage height may exceed up to 35' on a downhill lot subject to Planning Director approval.

25.The findings in the Analysis section of this report are incorporated herein.

26.The applicant stipulates to the conditions of approval.

27.The Planning Commission held a public hearing at the July 22, 2015 meeting for this item and continued the item to August 12, 2015 to allow the applicant to update the design of the home with revisions requested by staff.

Conclusions of Law – 162 Ridge Avenue

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.1-6(B).

2. The CUP, as conditioned, is consistent with the Park City General Plan.

3. The proposed use will be compatible with the surrounding structures in use, scale,

mass and circulation.

4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval – 162 Ridge Avenue

1. All Standard Project Conditions shall apply.

2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.

3. A final utility plan, including a drainage plan, for utility installation, public improvements, and storm drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers, including Snyderville Basin Water Reclamation District, prior to issuance of a building permit.

4. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.

5. A final Landscape Plan shall be submitted to the City for review prior to building permit issuance. Such plan will include water efficient landscaping and drip irrigation, and shall mitigate the visual effects of the retaining walls. Lawn area shall be limited in area.

6. If required by the Chief Building Official based on a review of the soils and geotechnical report submitted with the building permit, the applicant shall submit a detailed shoring plan prior to the issue of a building permit. If required by the Chief Building Official, the shoring plan shall include calculations that have been prepared, stamped, and signed by a licensed structural engineer.

7. This approval will expire on August 12, 2016, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and is granted by the Planning Director.

8. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission and the Final HDDR Design.

9. All retaining walls within any of the setback areas shall not exceed more than four feet (4') in height measured from final grade, unless an exception is granted by the City Engineer per the LMC, Chapter 4.

10. Modified 13-D residential fire sprinklers are required for all new construction on this lot.

11. All exterior lighting, on porches, decks, garage doors, entryways, etc. shall be shielded to prevent glare onto adjacent property and public rights-of-way and shall be subdued in nature. Light trespass into the night sky is prohibited. Final lighting details will be reviewed by the Planning Staff prior to installation.

12. Construction waste should be diverted from the landfill and recycled when possible.

13. All electrical service equipment and sub-panels and all mechanical equipment, except those owned and maintained by public utility companies and solar panels, shall be painted to match the surrounding wall color or painted and screened to blend with the surrounding natural terrain.

14. Parking is only allowed on the private driveway in front of the garage for 162 Ridge Avenue; parking is prohibited on the private drive (extending from Ridge Avenue).

15. The contractor shall provide and place signage such as Heavy Truck Traffic, etc. along access routes.

16. Truck access during construction shall be limited to King Road.

17. Final Grade must be within four vertical feet (4') of Existing Grade around the periphery of the Structure, except for the placement of approved window wells and emergency egress.

2. **1105 Lowell Avenue – Steep Slope Conditional Use Permit for construction of a new single family dwelling** (Application PL-15-02729)

3. **1103 Lowell Avenue – Steep Slope Conditional Use Permit for construction of a new single-family dwelling.** (Application PL-15-02728)

Planner Francisco Astorga requested that the Planning Commission discuss these two applications together and conduct a public hearing for both. Two separate actions were required. Planner Astorga noted that both properties are owned by the same entity and were designed by the same architect.

Planner Astorga stated that this was the Barbara subdivision which was approved by the City Council in October 2014. A duplex is on site. He noted that several years ago the Planning Commission had the opportunity to visit the property. At that time it was under a different owner and a different design and subdivision layout. The current property owner decided to keep the approved subdivision, and the plat would be recorded very soon. Planner Astorga noted that a condition of approval of the plat was that the duplex had to be removed. He pointed out that the property owner pulled a demolition permit in May of this year and, therefore, the duplex structure was not captured in the pending ordinance.

Planner Astorga presented the approved layout showing the smaller lot at 1105 Lowell, located towards the front half of the property. The second lot, 1103 Lowell, is located towards the back. Planner Astorga was hesitant to call these flag lots because it implies that the pole or the stem is thinner than standard, since most municipalities identify flag lots as having a 10 or 15 foot stem or pole. Planner Astorga remarked that the lot met the standard minimum lot width of 25 feet.

Planner Astorga reported that the owner would like to build one single-family dwelling on each lot. He thought the Exhibit on page 235 of the Staff report would help the Commissioners understand the context of compatibility with surrounding structures. Planner Astorga explained that the Planning Department thinks of Lowell Avenue as two separate neighborhoods; the North Star subdivision neighborhood versus Lowell Avenue West, due to the development pattern that has taken place in the last 25 years. The pattern of homes on Lowell Avenue west is larger homes, and most are duplex dwellings of a wider width. The exact opposite takes place on Lowell Avenue east, which follows a traditional 25'x 75' development pattern.

Planner Astorga introduced Jack Lopez, representing the LLC that owns the two sites; and James Carroll, the project architect.

Planner Astorga stated that the Staff and the project architect worked through various design scenarios to achieve a design for both lots that meets all parts of the Code, including side yard setbacks, footprint calculations, maximum building height and specific building height parameters such as the 35' rules, the 10' stepback at 23 feet, etc.

The Staff finds that all impacts have been properly mitigated. Once the duplex is removed, one building will essentially hide the other through the very long driveway that is approximately 70' from the front property line.

The Staff recommended that the Planning Commission conduct a public hearing and consider approving the Steep Slope Conditional Use permits for 1103 and 1105 Lowell Avenue based on the Findings of Fact, Conclusions of Law and Conditions of Approval outlined in the Staff report.

Jack Lopez, representing the applicant, believed that everyone in Park City would be pleased to see the duplex removed. The applicant was excited to begin the project and they looked forward to working with everyone in Park City.

Chair Strachan pointed out that per the application the driveway is a 13.9% grade, which is very close to the restricted 14% grade for a driveway. He asked how the applicant could guarantee that it would not go beyond 14% as built.

Mr. Lopez stated that they would be held to the 14% requirement and they would do what needed to be done to make sure they get the slope where it should be. Mr. Lopez remarked that they recently found out that the City plans to rebuild Lowell Avenue next year and it will be narrowed by 3.5 feet on the high side. That would mitigate the terrible drive approach that currently exists and provide another 3 feet of run to allow them to drop the uphill side and make it more of a gentle slope. Mr. Lopez noted that the existing drive approach is 37' wide and they can keep the width. The plan is to include a heated driveway in the entire drive system.

Mr. Erickson noted that the Planning Commission could add a condition of approval that requires a survey of the driveway before it is constructed. He stated that it was a two-part issue. One is the limits of accuracy of the topography that it is sited on. If it is on a one-foot interval it would be plus or minus a foot, which is inside the tolerance of the 13.9% grade. Another way it could vary is that if the floor plate of the building varied, the driveway slope would vary. Mr. Erickson remarked that the control mechanism would be to have a survey when the applicant was ready to build the driveway, and the Building Inspector could look at it and proceed.

Commissioner Campbell stated that the Engineering Department already does that prior to issuing a Certificate of Occupancy. Mr. Erickson replied that if the Engineering Department requires an actual survey, that would be satisfactory. Commissioner Campbell clarified that the Engineering Department reserves the right to request a survey if the slope is steep. He believed a survey would be requested in this case.

Commissioner Phillips was more comfortable adding language in the conditions to draw attention to the fact that a survey should probably be done. Commissioner Campbell was hesitant to add conditions that were already addressed in the Code.

Chair Strachan felt that this particular application was a problem because Lowell is already narrow and this driveway would be a straight shot down. If someone slides down it they could end up in the house across the street or at least into traffic.

Commissioner Thimm pointed out that the plans as drawn indicate 13.9% right on an arrow. James Carroll, the project architect, stated that 13.9% was a short portion of the driveway. Before that down the hill is 13.4% and it flattens off as it goes into the garage. Commissioner Thimm asked if the 13.9% grade was right at the arrow. Mr. Carroll stated that the dark solid line was a regrade line. Commissioner Thimm clarified that it would be absolutely perpendicular to that line. Mr. Carroll answered yes. Mr. Carroll indicated that it would gradually go from 13.2% to 13.4%, with one short section at 13.9% before it levels off into the garage turnaround. He believed they had some leeway to work with if necessary.

Commissioner Campbell shared Chair Strachan's concern about a car sliding down the driveway and into traffic. Mr. Carroll replied that they could add a curb on the other side of the driveway or add boulders to prevent people from sliding off. Chair Strachan questioned whether boulders would actually stop a car. He noted that his concern was one of the reasons why they established the 14% driveway restriction.

Planner Astorga drafted a condition to read, "The contractor shall work with the City Engineer and the Planning Department prior to construction of the driveway to ensure that the driveway will not exceed the maximum driveway grade of 14%."

Commissioner Strachan favored having a condition to require a survey to ensure that it would not exceed 14%. He was concerned that the as-built condition could put the driveway over the restriction. He thought it was a good idea to have another set of eyes look at it before the driveway is laid. Chair Strachan remarked that Lowell Avenue will be more heavily trafficked in the future and the stresses on it would be greater.

Commissioner Band asked if the Planning Commission would amend an as-built condition over 14%. Planner Astorga replied that it would have to be a variance approved by the Board of Adjustment. It would hold up the Certificate of Occupancy until there was a variance, and there was no guarantee that the variance would be granted.

Assistant City Attorney McLean remarked that there have been those issues in the past and it is difficult to rectify once something is built. She commented on one situation where

the driveway was too steep and the owner had to move the garage one floor up in order to meet grade.

Mr. Lopez suggested language for a condition of approval stating that the applicant will engage the services of a registered surveyor to verify the as-built elevations for compliance with the City Code. Chair Strachan was comfortable with that language.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

MOTION: Commissioner Band moved to APPROVE 1105 Lowell Avenue Steep Slope Conditional Use Permit based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the Staff report. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Joyce moved to APPROVE the 1103 Lowell Avenue Steep Slope Conditional Use Permit based on the Findings of Fact, Conclusions of Law and Conditions of Approval as amended. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1105 Lowell Avenue

1. The property is located at 1105 Lowell Avenue.
2. The property is located within the Historic Residential (HR-1) District.
3. A single-family dwelling is an allowed use in the Historic Residential (HR-1) District.
4. The property is described as Lot 1 of Barbara's Subdivision.
5. The lot area is 2,590 square feet.
6. The lot currently contains approximately one-half of a duplex.
7. A Historic District Design Review (HDDR) application is required and will be reviewed by staff for compliance with the Design Guidelines for Historic Districts and

Historic Sites adopted in 2009.

8. Access to the property is from Lowell Avenue, a public street.

9. Two (2) parking spaces are proposed on site. Both spaces are located inside a side-by-side two (2) car garage.

10. The neighborhood is characterized by a mix of non-historic residential structures, single-family homes and duplexes.

11. The proposal consists of a single-family dwelling of 3,136 square feet, including the basement area and a two car garage.

12. The proposed driveway has an overall slope of 11% as measured from the front of the garage to the edge of the paved street.

13. An overall building footprint of 1,118 square feet is proposed. The maximum allowed footprint for this lot is 1,119.6 square feet.

14. The proposed structure complies with the minimum front and rear setbacks of ten feet (10').

15. The proposed structure complies with the minimum side setbacks of three feet (3').

16. The proposed structure complies with the twenty-seven feet (27') maximum building height requirement measured from existing grade. Portions of the house are less than 27' in height.

17. The applicant submitted a visual analysis, cross valley views and a streetscape showing a contextual analysis of visual impacts of this house on the cross canyon views and the Lowell Avenue streetscape.

18. The proposed single-family dwelling is compatible with the surrounding structures as viewed from the submitted Streetscape consisting of the Lowell Avenue West area.

19. The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography.

20. The site design, stepping of the foundation and building mass, increased articulation, and decrease in the allowed difference between the existing and final grade mitigates impacts of construction on the 30% slope areas.

21.The design includes setback variations in the front and back and lower building heights for portions of the structure in both the front and back where facades are less than twenty-seven feet in height.

22.The proposed massing and architectural design components are compatible with both the volume and massing of other single-family dwellings in the area.

23.No wall effect is created with adjacent structures due to stepping, articulation, and placement of the house on the lot.

24.The proposed structure follows the predominant pattern of buildings along the street, maintaining traditional setbacks, orientation, and alignment.

25.Lot coverage, site grading, and steep slope issues are also compatible with neighboring sites.

26.No lighting has been proposed at this time. Lighting will be reviewed at the time of the HDDR and Building Permit application for compliance with the LMC lighting code standards.

27.The findings in the Analysis section of this report are incorporated herein.

Conclusions of Law – 1105 Lowell Avenue

1. The Steep Slope Conditional Use Permit application is consistent with requirements of the Park City Land Management Code, specifically Section 15-2.2 for the HR-1 zoning district.

2. The Steep Slope Conditional Use Permit application is consistent with the Park City General Plan.

3. The application is consistent with requirements of the Park City LMC, specifically Section 15-2.2-6 (B) (1-10) regarding development on Steep Slopes.

4. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.

5. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval – 1105 Lowell Avenue

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
3. A final utility plan, including a drainage plan, for utility installation, public improvements, and storm drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers, including Snyderville Basin Water Reclamation District, prior to issuance of a building permit.
4. Separate, individual utility service is required for 1105 Lowell Avenue.
5. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
6. A final landscape plan shall be submitted for review and approval by the City Planning Department, prior to building permit issuance.
7. No building permits shall be issued for this project unless and until the design is reviewed and approved by the Planning Department staff for compliance with this Conditional Use Permit, the 2009 Design Guidelines for Historic Districts and Historic Sites (Historic District Design Review) and the Land Management Code.
8. If required by the Chief Building official based on a review of the soils and geotechnical report submitted with the building permit, the applicant shall submit a detailed shoring plan prior to the issue of a building permit. If required by the Chief Building official, the shoring plan shall include calculations that have been prepared, stamped, and signed by a licensed structural engineer. The shoring plan shall take into consideration protection of the historic structure to the north and existing retaining wall on the south property line.
9. This approval will expire on August 12, 2016, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and the request is granted by the Planning Director.
10. Modified 13-D residential fire sprinklers are required for all new structures on the lot.

11. All exterior lighting, on porches, garage doors, entryways, etc. shall be shielded to prevent glare onto adjacent property and public rights-of-way. Light trespass into the night sky is prohibited.

Findings of Fact – 1103 Lowell Avenue

1. The property is located at 1103 Lowell Avenue.
2. The property is located within the Historic Residential (HR-1) District.
3. A single-family dwelling is an allowed use in the HR-1 District.
4. The property is described as Lot 2 of Barbara's Subdivision.
5. The lot area is 6,090 square feet.
6. The lot currently contains approximately one-half of a duplex.
7. A Historic District Design Review (HDDR) application is required and will be reviewed by staff for compliance with the Design Guidelines for Historic Districts and Historic Sites adopted in 2009.
8. Access to the property is from Lowell Avenue, a public street.
9. Two parking spaces are proposed on site. Both spaces are located inside a side-by-side two (2) car garage.
10. The neighborhood is characterized by a mix of historic and non-historic residential structures, single family homes and duplexes.
11. The proposed driveway has an overall slope of 13.9% as measured from the front of the garage to the edge of the paved street.
12. An overall building footprint of 2,161.33 square feet is proposed. The maximum allowed footprint for this lot is 2,162.6 square feet.
13. The proposed structure complies with all setbacks.
14. The proposed structure complies with the twenty-seven feet (27') maximum building height requirement measured from existing grade. Portions of the house are less

than 27' in height.

15.The applicant submitted a visual analysis, cross valley views and a streetscape showing a contextual analysis of visual impacts of this house on the cross canyon views and the Lowell Avenue streetscape. Staff finds that the proposed house is compatible with the surrounding structures.

16.The proposed single-family dwelling is compatible with the surrounding structures as viewed from the submitted Streetscape consisting of the Lowell Avenue West area.

17.The site design, stepping of the foundation and building mass, increased articulation, and decrease in the allowed difference between the existing and final grade mitigates impacts of construction on the 30% slope areas.

18.The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography.

19.The design includes setback variations in the front and back and lower building heights for portions of the structure in both the front and back where facades are less than twenty-seven feet in height.

20.The proposed massing and architectural design components are compatible with both the volume and massing of other single-family dwellings in the area. No wall effect is created with adjacent structures due to stepping, articulation, and placement of the house on the lot.

21.The proposed structure follows the predominant pattern of buildings along the street, maintaining traditional setbacks, orientation, and alignment. Lot coverage, site grading, and steep slope issues are also compatible with neighboring sites. The size and mass of the structure is compatible with surrounding sites.

22.This property is required to have independent utility services for water, sewer, power, etc. Stubbing of these utilities was completed during the Lowell Avenue reconstruction project.

23. No lighting has been proposed at this time. Lighting will be reviewed at the time of the HDDR and Building Permit application for compliance with the LMC lighting code standards.

24.The findings in the Analysis section of this report are incorporated herein.

Conclusions of Law – 1103 Lowell Avenue

1. The Steep Slope Conditional Use Permit application is consistent with requirements of the Park City Land Management Code, specifically Section 15-2.2 for the HR-1 zoning district.
2. The Steep Slope Conditional Use Permit application is consistent with the Park City General Plan.
3. The application is consistent with requirements of the Park City LMC, specifically Section 15-2.2-6 (B) (1-10) regarding development on Steep Slopes.
4. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.
5. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval – 1103 Lowell Avenue

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
3. A final utility plan, including a drainage plan, for utility installation, public improvements, and storm drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers, including Snyderville Basin Water Reclamation District, prior to issuance of a building permit.
4. Separate, individual utility service is required for 1103 Lowell Avenue.
5. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
6. A final landscape plan shall be submitted for review and approval by the City Planning Department, prior to building permit issuance.
7. No building permits shall be issued for this project unless and until the design is

reviewed and approved by the Planning Department staff for compliance with this Conditional Use Permit, the 2009 Design Guidelines for Historic Districts and Historic Sites (Historic District Design Review) and the Land Management Code.

8. If required by the Chief Building official based on a review of the soils and geotechnical report submitted with the building permit, the applicant shall submit a detailed shoring plan prior to the issue of a building permit. If required by the Chief Building official, the shoring plan shall include calculations that have been prepared, stamped, and signed by a licensed structural engineer.

9. This approval will expire on August 12, 2016, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and the request is granted by the Planning Director.

10. Modified 13-D residential fire sprinklers are required for all new structures on the lot.

11. All exterior lighting, on porches, garage doors, entryways, etc. shall be shielded to prevent glare onto adjacent property and public rights-of-way. Light trespass into the night sky is prohibited.

12. The applicant shall engage the services of a certified surveyor to confirm the as-built elevations of the driveway to ensure compliance with applicable City codes.

4. **Alice Claim south of intersection of King Road and Ridge Avenue – Alice Claim Subdivision and plat Amendment.** (Application PL-08-00371)

5. **Alice Claim south of intersection of King Road and Ridge Avenue – Conditional Use Permit for retaining walls up to 10' in height.** (Application PL-15-02669)

Commissioner Phillips recused himself and left the room.

Planner Alexander stated that after the meetings on June 10th and July 22nd, the Staff directed Staff to prepare findings for denial for a negative recommendation on the Subdivision and Plat Amendment and denial on the CUP. She had drafted Staff reports for the Subdivision and the CUP based on that direction.

Planner Alexander had forwarded to the Planning Commission the comments she received from Commissioner Joyce. She had also sent comments she received from Commissioner

Band clarifying some of her LMC references that were reflected in the minutes. In addition, the applicant had requested that Planner Alexander clarify language in the Staff Report and the Minutes of what he believed were incorrect LMC references. She handed out a list of what she had prepared based on the applicant's request.

Chair Strachan assumed that all of the Commissioners had received a letter from Heather Smith, who is Brad Cahoon's legal secretary at Snell and Wilmer. The letter was dated today, August 12, 2015.

Assistant City Attorney McLean clarified on the record that if there was a noticing failure that the State Code requires that a Staff report be provided at least three business days before the public hearing. She stated that if the City did fail to comply with the requirements, an applicant may waive the failure so the application may stay on the public hearing or public meeting agenda and be considered as if the requirements had been met.

Assistant City Attorney McLean explained that if the applicant chose to waive it, the Planning Commission could proceed this evening. If they did not wish to waive it, she recommended a continuance. Ms. McLean noted that the applicant had indicated to her earlier in the day that they wanted to proceed forward; however, she wanted a decision to be on the record in light of the letter that was sent to the Planning Commission.

Brad Cahoon, legal counsel for the applicant, waived in order to proceed.

Planner Alexander noted that a public hearing was scheduled this evening because the process is to consistently hold a public hearing until the Planning Commission makes a decision. She asked to go through the findings of fact and the conclusions of law with the Planning Commission in case they needed clarification or wanted to add additional language.

Planner Alexander stated that the last attachment she submitted were conditions of approval. In the event that the Planning Commission forwards a negative recommendation and the City Council chooses not to follow their recommendation, the attached conditions could be considered by the Council. Planner Alexander requested that the Planning Commission review the conditions of approval prior to voting this evening.

Since Chair Strachan was not present at the last meeting, Commissioner Joyce summarized that the Planning Commission heard comments from the applicant and all the Commissioners who were present. Commissioner Joyce stated that all the issues and comments were on the table and the only reason they continued a vote to this meeting was because they wanted to give the Staff time to prepare appropriate Findings and Conclusions for denial. He recalled that the discussions were completed and the intention

was to pull the notes and comments together. Commissioner Joyce was unsure whether a public hearing was necessary this evening.

Assistant City McLean pointed out that the item was noticed for public hearing. Chair Strachan agreed. However, he informed the public that the applicant has indicated that if the public comment is still open and new things are said at this meeting, they would not have enough time to respond and that would be unfair. Chair Strachan cautioned the public to think carefully before making new comments. For anyone who made comments at the previous public hearings, their comments were already on the record. Since it was noticed, he still intended to open the public hearing.

Chair Strachan opened the public hearing.

Brooke Hontz, a resident on Daly Avenue, stated that there was a third category that Chair Strachan had not mentioned that would not set back the process this evening. She noted that the record reflects her previous comments; however, she asked the Commissioners to consider incorporating some of the Findings of Fact that were in her letter that was submitted into the record at the last meeting and included in the minutes, into the Findings drafted by the Staff. Ms. Hontz noted that everyone, including the applicant, had received a copy of her letter. Ms. Hontz stated that two Conclusions of Law related to subdivision Code Section 15-7-3, Policy B and Policy C was not new information and should not be a surprise to anyone. She encouraged the Planning Commission to add those to the drafted Conclusions of Law as limitations and things that are not met by this application. Ms. Hontz referred to her letter submitted at the last meeting; specifically, Findings 6-17, related to streets; 18, 19, and 20, related to access and traffic; and 23, which was an expanded sewer discussion. She reiterated that all of the items were on the record but they were not addressed in the Findings of Fact drafted by Staff. She thought the Staff had had missed the public health, safety and welfare portion of the project that the public had participated in extensively. Ms. Hontz also encouraged the Staff to consider adding the items from her letter to conditions of approval because they were important issues to be addressed if the City Council did not follow the recommendation for denial.

Chair Strachan clarified that Ms. Hontz was asking the Planning Commission to consider adding Findings 6-17, 18-20 and 23 from her letter. Ms. Hontz stated that she would also like the Commissioners to consider adding the suggested Conclusions of Law outlined in her letter. Chair Strachan noted that the letter Ms. Hontz had submitted could be found beginning on page 54 of the July 22nd meeting minutes.

Chair Strachan asked if Mr. Cahoon had the opportunity to review the Findings Ms. Hontz was suggesting. Mr. Cahoon replied that he had read the minutes of July 22nd, and he

generally objected to what Mr. Hontz was requesting. Mr. Cahoon had nothing further to add on any issue.

Jess Walker, representing Lee Gurstein and Sherry Leviton, reiterated their opposition for the reasons previously stated by his clients and others, as well as the reasons stated in the Planning Commission Staff report.

Chair Strachan closed the public hearing.

Mr. Cahoon noted that page 169 of the Staff report for the Conditional Use Permit makes reference to the General Plan. He asked if the Staff was quoting from the 1997 General Plan. Planner Alexander answered yes. Mr. Cahoon had been unable to access the 1997 General Plan online and he requested that Planner Alexander provide him with an electronic copy.

Chair Strachan was not opposed to looking at the proposed findings that Ms. Hontz had specified in her letter. He suggested that the Planning Commission take a ten minute break to allow the Commissioners to read through her Findings. He did not want to include items that were not needed, but he also wanted to make sure they did not overlook something that should be included. The Board agreed. Chair Strachan reiterated that the suggested items were 6-17, 18-20 and 23, which were listed on pages 63 through 65 of the Staff report. Assistant City Attorney McLean pointed out that Ms. Hontz had also asked the Commissioners to consider Conclusions of Law 15-7-3B and 15-7-3C.

The meeting was briefly adjourned and re-opened.

Chair Strachan had a question regarding the citation to 15-7-3 Policy Statements B and C. If the Planning Commission decided to include those, he asked if they should be Conclusions of Law and phrased accordingly, or whether they should be Findings.

Assistant City Attorney McLean stated that if the Commissioners find that the policies are not met, it would be a Conclusion of Law. However, there should be Findings of Fact to support that conclusion.

Commissioner Joyce was comfortable with the Findings and Conclusions of Law drafted in the Staff report. He refuted all the points in Ms. Hontz's letter, particularly the Findings of Facts 16-20 and 23, which fell into two categories. The first was roads. Commissioner Joyce believed the Planning Commission had discussed road safety at length and the City Engineer had attended several meetings to answer their many questions and explain the road situation. Commissioner Joyce questioned whether the City Engineer would agree with a number of the items Ms. Hontz had mentioned because they were definitively

contradictory. He thought the comments about Ridge Avenue were irrelevant because nothing in the proposed plan touches Ridge Avenue. Commissioner Joyce did not agree with Ms. Hontz about the sewer district and the water pressure being missing pieces. He noted that representatives from the Water Department spoke to the Planning Commission and assured them that the water pressure meets the standards. A finding of fact indicates that the applicant had not updated the water model since the plan was changed; however, the lots were moved further down the hill, and in his opinion, that should make the pressure better. Commissioner Joyce remarked that regardless, it would have to be approved by the Sewer District and the Water District.

Commissioner Joyce pointed out that traffic studies were done on the roads and it was determined that the level of service would not change. He believed the road issues had been thoroughly discussed.

Commissioner Band was comfortable with the Staff report. She supported adding 15-7-3 B and C from Mr. Hontz's letter as Findings of Fact and Conclusions of Law.

Commissioner Thimm concurred with his fellow Commissioners. He stated that even though he was absent from the last meeting he had closely read the minutes and reviewed the Staff report and any new information. In reading through the items in the letter, he questioned whether they had a basis to even state some of them. He understood that a traffic analysis was submitted and reviewed by the City Engineer, and he thought it was well documented in the materials. Commissioner Thimm stated that Item 10 could be added, but he did not think it was needed because it was well-documented in other information and in the mapping itself. He agreed with Commissioner Joyce that Ridge Avenue was irrelevant to the proposed plan. Commissioner Thimm would be comfortable adding 15-7-3 B and C.

Planner Alexander noted that 15-7-C discussed public improvements. She reminded the Planning Commission that the proposed roads would be private roads within the development and not public roads.

Chair Strachan asked if the Commissioners wanted to forward their recommendation with or without conditions of approval.

Commissioner Thimm stated that if the Planning Commission makes a finding that recommends denial, he would like to stand on that recommendation.

Commissioner Band concurred. She understood the reason for sending conditions of approval with their recommendation, but she believed that many of the points in the drafted

conditions were already addressed in the denial. She did not think it needed to be restated.

Commissioner Campbell thought the conditions would weaken their position. It might misrepresent their position to the City Council and send the message that they were close to approving it. Commissioner Campbell remarked that what the applicant proposed was so far away from what is allowed in HR-1 that the only condition of approval he would add would be to rezone.

Commissioner Joyce concurred with his fellow Commissioners. Chair Strachan also agreed. He hoped that if the City Council disagreed with their position that they would remand it back to the Planning Commission.

Chair Strachan thought the Planning Commission would be well-served to include Finding #6 from Ms. Hontz letter, which states, "All roadways near the proposed subdivision are substandard streets." The streets master plan says that "Roadways which are severely substandard pose real life and safety hazards which should receive top priority. The most pressing problems exist in the old part of town. It may be appropriate in the most critical areas to prohibit additional development until roadway improvements are ensured." Chair Strachan believed they could say those things with confidence and there was evidence in the record to support it. It quotes public documents and it bolsters the findings.

Chair Strachan also thought they should include 15-7-3B as a Conclusion of Law, with added language that, "simply this application fails to satisfy this requirement."

Commissioner Joyce referred to Chair Strachan's comment about adding Finding #6. He did not disagree that the roadway is substandard, but in their discussions with Matt Cassel he could not recall that as one of the reasons why they were denying this application. He understood Mr. Cassel's comments to mean that the road was not perfect and it would not make it much worse. In fact, with the land around it they may be able to fix some of the problems that currently exist and the road might actually be better. Commissioner Joyce was hesitant to add Finding #6 if it could be construed as a reason for denying this project.

Commissioner Campbell agreed with Commissioner Joyce. In his opinion, the streets had no bearing on his decision.

Commissioner Band thought roads were a factor. The Planning Commission is charged with looking at positive benefits and mitigating negative impacts, and that includes looking at roads when approving a new subdivision. She noted that the City Engineer had said there were no fatal flaws. Commissioner Band believed that Mr. Cassel did not want to go on record saying that the roads would not work when they obviously could work. In her

opinion it was not even close to an ideal situation. Commissioner Band was willing to defer to what the other Commissioners decided, but she personally favored adding the language.

Commissioner Campbell thought the language would dilute their argument. The language “prohibit additional development until roadway improvements are assured” implies that the Planning Commission would give approval to everything else once the roadway is fixed. However, if the roadway was magically fixed tomorrow, he would still be opposed to this application based on all the other reasons. Commissioner Band understood, but she still thought roads were an element to be considered. Commissioner Campbell stated that it was a temporary element that the City could fix.

Chair Strachan explained that he liked Finding #6 because the Planning Commission is the most powerful when they are acting on the health, safety and welfare of the community at large. He believed that having a finding that their consideration was based in part on health, safety and welfare of the community would probably strengthen their position.

Commissioner Joyce reiterated that everything stated in Finding #6 was factual and he would not be opposed to adding it if that was what the Commissioners decided.

Chair Strachan stated that he looks to the Conclusions of Law as the basis for whether to approve or deny an application. He pointed out that the Findings of Fact are factual statements and not necessarily reasons. If the Planning Commission agrees on the Conclusions of Law, it was not uncommon to disagree on some of the Findings.

Chair Strachan asked if the Planning Commission had any comments or changes regarding the CUP. The Commissioners were comfortable with the Findings of Fact and Conclusions of Law for the CUP as drafted by Staff.

Mr. Cahoon had nothing further to add.

MOTION: Commissioner Joyce moved to forward a NEGATIVE Recommendation to the City Council for Alice Claim south of intersection King Road and Ridge Avenue, the Alice Claim subdivision Plat Amendment based on the Findings of Fact and Conclusions of Law as amended. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Joyce moved to DENY the conditional use permit for retaining walls at Alice Claim based on the Findings of Fact and Conclusions of Law found in the Staff report. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

It was noted that this item was scheduled to go to City Council on September 17th. It would be publicly noticed and letters would be sent to property owners. Assistant City Attorney McLean recommended that the Planning Commission have a representative at the City Council meeting to be available to answer questions the Council may have regarding their discussions.

Findings of Fact – Alice Claim Subdivision & Plat Amendment

1. The property is located at the intersection of King Road , Ridge Avenue, Woodside Gulch, and Sampson Avenue (approximately), within the Historic Residential (HR-1), Estate (E), and Sensitive Lands Overlay (SLO) Districts.
2. The proposal includes a subdivision of nine (9) lots on 8.65 acres.
3. The property is a "metes and bounds" parcel with contiguous platted lots.
4. A City water tank and land owned by the City is adjacent to the subject property on the south end, and a City-owned parcel bisects the subject property. The City water line runs within the City owned property.
5. The applicant previously undertook a voluntary remediation of the regulated soils on the site, which included soil remediation both in the Alice Claim 8.49 acre portion and within a 1.7 acre portion of the adjoining City property.
6. The property can only be accessed through the platted King Avenue right-of-way as the owner has not secured legal access through the Woodside Gulch water tank access easement used by the City. The new roadway would require significant excavation and retaining walls in three (3) locations up to and possibly in excess of ten feet (10') in height. The total excavation is proposed to be 30' in linear height and the total length of the longest wall is approximately 196' long. These retaining walls will be reviewed under a concurrent CUP.
7. The Woodside Gulch stream runs through the property and any changes to the stream will require a Stream Alteration Permit. The Applicant previously applied for this permit and will need to amend their existing Stream Alteration Permit from the Army Corp of Engineers. Any changes to the stream may also require an amendment to the Voluntary Clean-up Program remediation with the Utah Department of Environmental Quality.

8. The property, which was once the site of the Alice Load Mine, was previously the site of mining activities, which have since undergone recent remediation.

9. Huge amounts of significant vegetation and at least 4 significant deciduous trees are proposed to be removed by the layout of the lots, drives, and retaining walls.

10. Most of the remainder of the site has stands of oak, maple and aspen trees in addition to areas of smaller shrubs and grasses.

11. Adequate Water Service and Pressure may not be available to most of the proposed development sites (proposed Lots) within the development as currently designed. The applicant has not submitted an updated final water model for the most recent site plan dated May 18, 2015. The applicant will be responsible to determine what portion of the property is serviceable by the current water system, or propose acceptable mitigation.

12. A culvert for the stream is proposed for Lot 1 primarily in order to meet the 50' setback regulations from streams within the Estate and SLO lot, otherwise the culvert would not be necessary.

13. This development is located upstream of the FEMA Flood Plain Studies. Lots 1, 5, 6, 7, 8, and 9 at a minimum appear to be in the stream's flood plain. Until further study is complete, none of the proposed lots can be reasonably developed. A flood plain study still needs to be completed.

14. The applicant requests a setback reduction from the Planning Commission for Lot 1 to a 10' rear setback from the required 30' rear setback for this Estate District lot in order to allow the buildable area to be lower on the hill side and off of the Very Steep Slopes.

15. The utility plan submitted on May 18, 2015 does not show how each of the wet and dry utilities will be able to be placed within the drives with required separations or with special conditions as approved by the proper regulatory agencies and approved by the City Engineer as a final engineered utility plan has not been submitted.

16. A Debris Flow Study has not been completed for the stream to determine if a debris basin is required.

17. All drives are proposed over 10% grades and will not be eligible to be converted to public ROWs in the future. All drives must meet the 14% maximum grade

requirement.

18. Public trails are shown on the proposed plat with a 15' public recreational trail easement.

19. The proposed lots range in size from 3.01 acres within the Estate District and .18 acres (7,714-7,910 square feet) within the HR-1 District.

20. A geotechnical report has been reviewed by the City Engineer for the overall site but individual geotechnical reports have not been submitted for each lot.

21. The applicant owns other adjoining properties within the Historic Residential Low-Density (HRL) District. Two of these contiguous properties are lots 1 and 2 of the Ridge Avenue Subdivision.

22. The Estate District lot (Lot 1) is within the Sensitive Lands Overlay (SLO) and is subject to the regulations of LMC 15-2.21.

23. The proposed building pad areas on proposed Lots 2, 3, 4, 5, 6, 7, and 8 are all on Very Steep Slopes (over 40%). Only the proposed building pad area on Lot 9 is on slopes less than 30%. Lot 1 is 31%, Lot 2 is 48%, Lot 3 is 50%, Lot 4 is 44%, Lot 5 is 48%, Lot 6 is 50%, Lot 7 is 43%, Lot 8 is 47%, and Lot 9 is 26%.

24. The existing encumbered Lots 1-7 and 36-40, Block 77 are proposed to be dedicated to the City as right-of-way if the plat is recorded as they currently have a road over them.

25. The proposed location of the building pad on Lot 1 is on Steep Slopes (15% - 40%) and not on Very Steep Slopes (greater than 40%), and also more than 50' away from Very Steep Slopes .

26. LMC 15-7-1-6(C) directs the Planning Commission to consider the topography and the location of streets along with lot size and lot placement and other items during review of Final Subdivision Plat which the Planning Commission has continually expressed concern over the steep slopes, extension of streets into very steep slopes, incompatible clustering and layout and size of the lots and not placing all of the lots on the lowest point of the slopes along the gulch.

27. The existing mine shaft on the property is currently filled but not capped as stated on the site plan dated May 18, 2015. Any structures on this site must be setback at least 10 feet from the mine shaft.

28. The Applicant has shown on the plat the limits of disturbance as the proposed lot lines but does not show limits of disturbance for the proposed retaining walls.

29. The lots are positioned as proposed to avoid development on the ridgelines and allow for drives that contour with the topography in order to meet the required grades. However, the proposed height of the homes on Lots 8 and 9 will be visible over the eastside of the ridgeline and the excavation of the lots will require large amounts of cut and fill.

30. Very few homes within the Historic Districts compare in size to the total square footage, footprint and lot size as is proposed by the Alice Claim Subdivision. The layout of the homes is not compatible to the historic density and clustering of homes within the nearby HR-1 and HR-L districts and could be designed to meet the smaller average footprint size of other nearby HR-1 districts.

31. The proposed subdivision, as designed, does not incorporate a design that reflects the established development pattern of the neighborhood and nearby HR-1 District which includes a clustering of smaller lots situated side-by-side down in valleys and have direct access to the primary roadway that services the development,

32. The proposed development layout does not comply with the purpose statement of the HR-1 District, specifically 15-2.2-1(A), (C), and (D).

33. The average lot size in the HR-1 District as a whole is 4,607 square feet and the average lot size in the closest HR-1 neighborhood to the proposed development is Daly Avenue which is 4,356 square feet. The Applicant proposes lot sizes ranging from 7,714-7,910 square feet within the HR-1 District.

34. The average footprint size in the HR-1 District as a whole is 1,482.24 square feet and the average footprint size in the closest HR-1 neighborhood to the proposed development is Daly Avenue which is 1,465.44 square feet. The Applicant proposes footprint sizes of 2,500 square feet within the HR-1 District.

35. In all of the past Planning Commission work session and regular meeting minutes from 2008 discussing this project, there has been continual discussion about the Commission's concern to move proposed homes off the very steep slopes and into the bottom of the canyon (gulch). The current Commission at the July 22, 2015 meeting reiterated that they would be supportive of a plan that is more compact and down in the flatter area of the canyon to reduce the amount of

disturbance to the hillside. Also, based on the LMC issues of compatibility, scale and massing, and concern about cut, fill and vegetative disturbance, the Commissioners stated it was interesting to see how consistent all of the Planning Commissions from 2008 to 2015 have been on these issues.

36.LMC 15-7.1-5(I), Zoning Regulations state, "Every plat shall conform to existing zone regulations and subdivision regulations applicable at the time of proposed final approval."

37.The purpose statement of the HR-1 District states, "Encourage construction of historically compatible structures that contribute to the character and scale and encourage single family development on combination lots of 25' x 75'".

38.The application for the Alice Claim subdivision was deemed "complete" by the Planning Department on May 23, 2005.

39.Between 2006 and 2009, the Planning Commission conducted three work sessions to discuss the project and visited the property during two site visits.

40.On November 20, 2012, the Planning Department notified the applicant that the application would be closed due to inactivity by the applicant.

41.On November 30, 2012, an appeal of the closing of the file for the Alice Claim Subdivision is filed by the applicant's attorney. The closing of the file was later rescinded by the Planning Director with the stipulation that the applicant either bring the last plan submitted forward to the Planning Commission for action, or redesign the project and submit it within thirty (30) days. The applicant chose to go forward with the last submitted plan.

42.On October 8, 2014 the Planning Commission conducted a site visit and work session to discuss the history and 2009 site plan proposed for this project.

43.The Applicant submitted a revised site plan, plat and all required submittals for the subdivision and plat amendment on January 23, 2015.

44.The Applicant submitted further revisions to the plat to address some of the City's concerns and deficiencies in their application on March 16, 2015.

45.On April 8, 2015 the Planning Commission held a public hearing for this project and continued the item to May 27, 2015 to give the applicant sufficient time to submit revisions to the layout and clarify the concerns brought up by the

Commissioners.

46.The Applicant submitted a revised site plan, plat and all required submittals for the subdivision and plat amendment on May 4, 2015.

47.The Applicant submitted further revisions to the plat to correct discrepancies in the May 4, 2015 submittal on May 18, 2015.

48.On May 27, 2015 the Planning Commission held a public hearing for this project and continued the item to June 10, 2015 in order to give staff sufficient time to review the changes submitted on May 18, 2015.

49.On June 10, 2015 the Planning Commission held a public hearing for this project and continued the item to the July 8, 2015 meeting in order to give the Applicant sufficient time to respond to the Commission and public's comments from that meeting. The Applicant did not submit any comments or changes to the site plan by the deadline given of June 24, 2015.

50.On July 8, 2015 the Planning Commission held a public hearing for this project and continued the item to the July 22, 2015 meeting in order to give the Applicant more time to respond to the June 10, 2015 meeting comments. The Applicant submitted a response on July 13, 2015.

51.On July 22, 2015 the Planning Commission held a public hearing for this project and continued the item to the August 12, 2015 meeting in order to allow Staff time to prepare the appropriate findings for a vote at that meeting.

52. All roadways near the proposed subdivision are substandard streets. The Streets master plan says that "Roadways which are severely substandard pose real life and safety hazards, which should receive top priority. The most pressing problems exist in the old part of town. It may be appropriate in the most critical areas to prohibit additional development until roadway improvements are assured".

Conclusions of Law – Alice Claim Subdivision & Plat Amendment

1. There is no good cause for this proposed subdivision plat given that the proposed development does not meet the purpose of the Historic Residential (HR-1) District, nor does it meet specific requirements of the Subdivision Ordinance, nor does preserve the character of the neighborhood or existing development patterns established within the neighborhood.

2. The proposal does not cluster the development to meet the general subdivision requirements in Section 15-7.3-2(E) wherein the language states that “units should be clustered in the most developable and least visually sensitive portions of the site.” This does not meet the good cause standard as it does not utilize best planning practices of clustering development.

3. The proposed subdivision plat is not consistent with the Park City Land Management Code and applicable State law regarding lot combinations.

4. The proposed subdivision does not meet Subdivision regulations 15-7.3-1(D) which states: “Restrictions Due to Character of the Land: Land which the Planning Commission finds to be unsuitable for Subdivision or Development due to flooding, improper drainage, Steep Slopes, rock formations, mine hazards, potentially toxic wastes, adverse earth formations or topography, wetlands, geologic hazards, utility easements, or other features, including ridgelines, which will be reasonably harmful to the safety, health and general welfare of the present or future inhabitants of the Subdivision and/or its surrounding Areas, shall not be subdivided or developed unless adequate methods are formulated by the Developer and approved by the Planning Commission, upon recommendation of a qualified engineer, to solve the problems created by unsuitable land conditions. The burden of the proof shall lie with the Developer. Such land shall be set aside or reserved for Uses as shall not involve such a danger”.

5. This application fails to meet [15-7-3.(B) Land to be subdivided or resubdivided, or Lot lines that shall be adjusted therein, shall be of such character that it can be used safely for Building purposes without danger to health or peril from fire, flood, landslide, mine subsidence, geologic hazards, or other menace, and land shall not be subdivided, re-subdivided, or adjusted until available public facilities and improvements exist and proper provision has been made for drainage, water, sewerage, and capital improvements such as schools, parks, recreation facilities, transportation facilities, and improvements.

Findings of Fact – Alice Claim, CUP for retaining walls

1. The property is located at the intersection of King Road, Ridge Avenue, Woodside Gulch and Sampson Avenue (approximately), within the Historic Residential (HR-1) and Estate (E) Districts and Sensitive Lands Overlay (SLO).

2. The proposal includes a subdivision of nine (9) lots on 8.65 acres.

3. The property is a "metes and bounds" parcel with contiguous platted lots.
4. A City water tank and land owned by the City is adjacent to the subject property on the south end, and a City-owned parcel bisects the subject property. The City water line runs within the City owned property.
5. The applicant previously undertook a voluntary remediation of the regulated soils on the site, which included soil remediation both in the Alice Claim 8.49 acre portion and within a 1.7 acre portion of the adjoining City property.
6. The property can only be accessed through the platted King Avenue right-of-way as the owner has not secured legal access through the Woodside Gulch water tank access easement used by the City.
7. The new roadway would require significant excavation and retaining walls in three (3) locations up to ten feet (10') in height which require Conditional Use Permit approval and Historic District Design Review approval.
8. The 3 retaining walls would consist of blonde sandstone veneer up to ten feet (10') in height with four feet (4') of horizontal terracing in between each wall and up to approximately 196' in length, placed at the entrance to Alice Court which will create significant visual and massing/scale and cut and fill and loss of vegetation impacts to the neighborhood.
9. 10 other retaining walls up to six feet (6') in height and one wall up to four (4') feet in height are proposed elsewhere within the development but would not require a Conditional Use Permit. Any retaining walls would still be subject to the Historic District Design Review process.
10. The retaining walls have not been engineered as of the date of this report and would require the City Engineer to approve the engineered plans. This is an unmitigated impact as staff can't analyze exactly how much excavation will occur, and the applicant has not shown the footing and foundation size, and how much separation between the walls will be possible to plant vegetation with any footings or tiebacks that may be required.
11. Historic District Design Review applications are required for any construction of retaining walls within the historic districts or any lots adjacent to the historic district.
12. Snow storage, guardrails and lighting are elements of the retaining walls that require City Engineer and Planning Department approval.

13. There are impacts created by the proposed retaining walls which include:

- a) Size and location of the Site; the applicant has determined the three 10' walls must be placed in this location due to the access they are providing and this will create a significant visual impact to the community with the mass, scale and incompatibility to surrounding Historic structures.
- b) Utility capacity within the roads adjacent to the proposed walls as the Applicant has not properly engineered the roads or retaining walls. The impact of this is that the weight of the walls and/or placement of the utilities near the walls could significantly damage and negatively impact the public utilities and infrastructure;
- c) Screening and landscaping to separate the walls from adjoining uses. This creates a negative visual impact upon the historic district and surrounding neighborhoods if it cannot be mitigated adequately with landscaping. The Applicant has not shown engineered drawings to show that adequate landscaping can possibly be planted between the terraced walls;
- d) Building mass, bulk and orientation as the walls are 10' in height and width are not exact, which is considered massive, mass and orientation within the Historic District and approximately 2 times the height of the majority of retaining walls within the District which are typically 4' to 6' in height. This creates a negative visual impact upon the historic district and surrounding neighborhoods;
- e) Physical design and compatibility with surrounding structures as the walls are not compatible in size to other residential homes and retaining walls within the HR-1 District. This creates a negative visual impact upon the historic district and surrounding neighborhoods;
- f) Environmentally sensitive lands, physical mine hazards, historic mine waste and steep slopes have not been properly addressed in these locations with final engineered plans. This presents a negative health, safety and welfare impact if not addressed. Significant excavation, cut and fill, and loss of significant vegetation along the steep slopes is a negative environmental impact.

14. The applicant submitted draft utility plans dated May 18, 2015 that have not received final approval by the Snyderville Basin Water Reclamation District, Water Department, and City Engineer. The applicant will be responsible to determine what portion of the property is serviceable by the current water system and proposed sewer and storm drainage systems or propose acceptable mitigation and if the proposed walls will negatively impact the utilities. Proposed roads with utilities that are not private driveways next to the retaining walls are required to be 20' wide and are shown as such on the site plan.

15.The applicant has submitted a geotechnical report for the overall site but not for the individual lots or retaining wall locations. Previous mining activities, strong ground motion, slope stability, debris flow and avalanche, shallow bedrock and perched groundwater are the most significant engineering geology and geotechnical aspects which could affect design and construction at the site.

16.A Debris Flow Study has not been submitted to the City Engineer and may affect the construction of the retaining walls.

17.Significant vegetation and at least 4 deciduous trees are proposed to be removed by the layout of the lots, drives, and retaining walls and due to the steepness and height of the hillside, any structures or 10 foot retaining walls will be visible at the entry to Alice Claim. The retaining walls were not included in the cross canyon views that the Applicant submitted.

18. Most of the remainder of the site has stands of oak, maple and aspen trees in addition to areas of smaller shrubs and grasses.

19.All drives next to retaining walls are proposed over 10% grades and will not be eligible to be converted to public ROWs in the future. All drives must meet the 14% maximum grade requirement. Adequate and safe snow storage has not yet been addressed by the Applicant when snow is pushed over the sides of these retaining walls.

20.The proposed building pad areas near proposed retaining walls on proposed Lots 2, 3, 4, 5, 6, 7, and 8 are all on Very Steep Slopes (over 40%). Only the proposed building pad area on Lot 9 is on slopes less than 30%. Lot 1 is 31%, Lot 2 is 48%, Lot 3 is 50%, Lot 4 is 44%, Lot 5 is 48%, Lot 6 is 50%, Lot 7 is 43%, Lot 8 is 47%, and Lot 9 is 26%. The excavation of the steep slopes for these homes next to the retaining wall has not been addressed to ensure debris flow and the soils surrounding the proposed walls will not be impacted.

21.The Applicant has shown on the plat the limits of disturbance as the proposed lot lines but does not show limits of disturbance for the proposed retaining walls.

22.Several of the retaining walls will be visible from various points within the Historic Districts and are proposed to be twice as high as other retaining walls for private residential development within the Historic Districts.

23.Very few large walls around town, if any, are in the HR-1 District. The walls

proposed for this development are not only tall but they are also very wide and carve up the hillside.

24.The walls were not incorporated into the cross-valley visual analysis that the Applicant provided for the subdivision.

25.Proposed tree heights will only screen approximately 50% of the walls vertically where located and proposed spacing of trees will only screen approximately 25% of the walls horizontally which creates a visual impact.

26.Any footings or foundations of the walls could impact what vegetation can be planted to screen the walls and without final engineered plans the Applicant can't prove that the walls will be adequately visually mitigated.

27.The retaining walls proposed do not comply with the General Plan in maintaining compatibility with surrounding historic districts. Specifically page 56 Historic District states "Building height and mass of new structures should be compatible with the historic structures. Consider further limiting building heights and floor area ratios." The three 10' walls up to 196' in length are not compatible in mass, scale and height to historic structures in the historic district as they are much larger than any other private residential development that is not part of an MPD and therefore does not comply with the General Plan. Page 34 Environmental and Open Space Policies also states "Direct development to the "toe" of slopes, preserving the ridge tops, meadows and visible hillsides. Open space foregrounds should be incorporated in development proposals to enhance the visual experience of open space." This development is proposed on visible hillsides and not directed to the toe of slopes and therefore does not comply with the General Plan.

28.In all of the past Planning Commission work session and regular meeting minutes from 2008 discussing this project, there has been continual discussion about the Commission's concern to move proposed homes off the very steep slopes and into the bottom of the canyon (gulch). The current Commission at the July 22, 2015 meeting reiterated that they would be supportive of a plan that is more compact and down in the flatter area of the canyon to reduce the amount of disturbance to the hillside and the need for these large retaining walls.. Also, based on the LMC issues of compatibility, scale and massing, and concern about cut, fill and vegetative disturbance, the Commissioners stated it was interesting to see how consistent all of the Planning Commissions from 2008 to 2015 have been on these issues.

29.Between 2006 and 2009, the Planning Commission conducted three work sessions to discuss the project and visited the property during two site visits.

30. On November 20, 2012, the Planning Department notified the applicant that the application would be closed due to inactivity by the applicant.

31. On November 30, 2012, an appeal of the closing of the file for the Alice Claim Subdivision is filed by the applicant's attorney. The closing of the file was later rescinded by the Planning Director with the stipulation that the applicant either bring the last plan submitted forward to the Planning Commission for action, or redesign the project and submit it within thirty (30) days. The applicant chose to go forward with the last submitted plan.

32. On October 8, 2014 the Planning Commission conducted a site visit and work session to discuss the history and 2009 site plan proposed for this project.

33. The Applicant submitted a revised site plan, plat and all required submittals for the subdivision and plat amendment on January 23, 2015 as well as a new application for a CUP for the proposed retaining walls.

34. The application for the Alice Claim CUP corresponds with the Alice Claim subdivision application that was presented to Past Planning Commissions between 2008-2014 was deemed "complete" by the Planning Department on January 23, 2015.

35. The Applicant submitted on March 16, 2015 further revisions to the plat, site plan and retaining walls to address some of the City's concerns and deficiencies in their application.

36. On April 8, 2015 the Planning Commission held a public hearing for this project and continued the item to May 27, 2015 to give the applicant sufficient time to submit revisions to the layout and clarify the concerns brought up by the Commissioners.

37. The Applicant submitted a revised site plan, plat and all required submittals for the subdivision, plat amendment and CUP on May 4, 2015.

38. The Applicant submitted further revisions to the plat, site plan, and retaining walls to correct discrepancies in the May 4, 2015 submittal on May 18, 2015.

39. On May 27, 2015 the Planning Commission held a public hearing for this project and continued the item to June 10, 2015 in order to give staff sufficient time to review the changes submitted on May 18, 2015.

40. On June 10, 2015 the Planning Commission held a public hearing for this project and continued the item to the July 8, 2015 meeting in order to give the Applicant sufficient time to respond to the Commission and public's comments from that meeting. The Applicant did not submit any comments or changes to the site plan by the deadline given of June 24, 2015.

41. On July 8, 2015 the Planning Commission held a public hearing for this project and continued the item to the July 22, 2015 meeting in order to give the Applicant more time to respond to the June 10, 2015 meeting comments. The Applicant submitted a response on July 13, 2015.

42. On July 22, 2015 the Planning Commission held a public hearing for this project and continued the item to the August 12, 2015 meeting in order to allow Staff time to prepare the appropriate findings for a vote at that meeting.

Conclusions of Law – Alice Claim, CUP for retaining walls

1. The CUP is not consistent with all requirements of the Park City Land Management Code in regards to restrictions due to character of land, steep slopes, mine hazards, safety, health and welfare of the community.
 2. The CUP is not consistent with the Park City General Plan in maintaining compatibility with surrounding historic districts as defined in the Historic District Design Guidelines for New Construction.
 3. The proposed walls are not compatible with the surrounding structures in use, material, scale, mass, circulation and mitigation with the slope of the landscape.
 4. The effects of any differences in Use, material, scale, mass and landscaping of the proposed walls have not been properly mitigated through careful planning and compatible layout of the subdivision to the nearby HR-1 districts.
 5. The reasonable anticipated detrimental effects of a proposed Conditional Use cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards, thus the Conditional Use is denied.
- Planning Commission

The Park City Planning Commission Meeting adjourned at 7:10 p.m.

Approved by Planning Commission: _____

Planning Commission Staff Report



Application #: PL-15-02681
Subject: Hotel Park City MPD
Author: Kirsten Whetstone, Sr. Planner
Date: August 26, 2015
Type of Item: Administrative – Master Planned Development Pre-application public hearing and discussion

Summary Recommendations

Staff recommends that the Planning Commission conduct a public hearing and continue this item to September 9, 2015, to allow Staff additional time to review previous development agreements and history of approvals of the existing Hotel Park City MPD (aka Island Outpost MPD). Staff has provided findings of fact and conclusions of law for the Commission's consideration.

Description

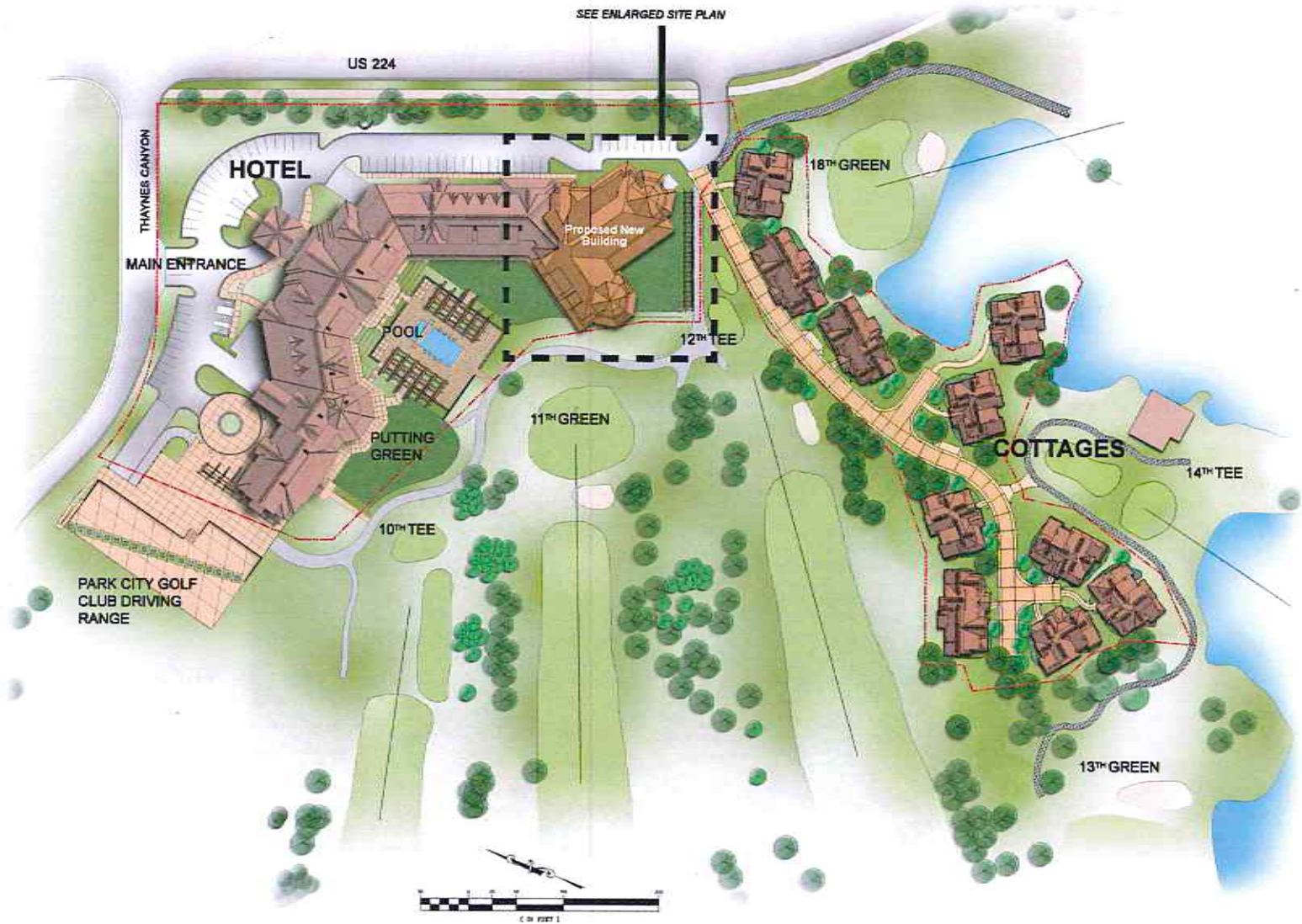
Applicant: HPC Development L.C. represented by Chris Jensen, architect (THNK Architecture)
Location: 2001 Park Avenue
Zoning District: Recreation Commercial (RC)
Adjacent Land Uses: Park City Municipal Golf Course, Thaynes Canyon residential neighborhood, Snow Creek Shopping Center, Park Avenue Condominiums
Reason for Review: Pre-Applications for MPDs and MPD amendments require Planning Commission review and a finding of compliance with the Park City General Plan prior to submittal of a full Master Planned Development application.

Proposal

On February 4, 2015, the Planning Department received an application for a Master Planned Development Pre-Application meeting for proposed amendments to the Hotel Park City Master Planned Development (aka Island Outpost MPD) located at 2001 Park Avenue (Exhibit A). The property is zoned Recreation Commercial (RC). Access to the property is from Park Avenue (aka State Highway 224) and Thaynes Canyon Drive (a public street). The applicant is requesting 28 additional residential hotel suites (56-60 additional keys), 4,500 to 5,000 square feet of additional meeting space, and extension of the existing underground parking structure to add 109 new underground parking stalls with improved internal circulation. The addition is proposed at the south end of the existing hotel to the north of the existing cottage units.

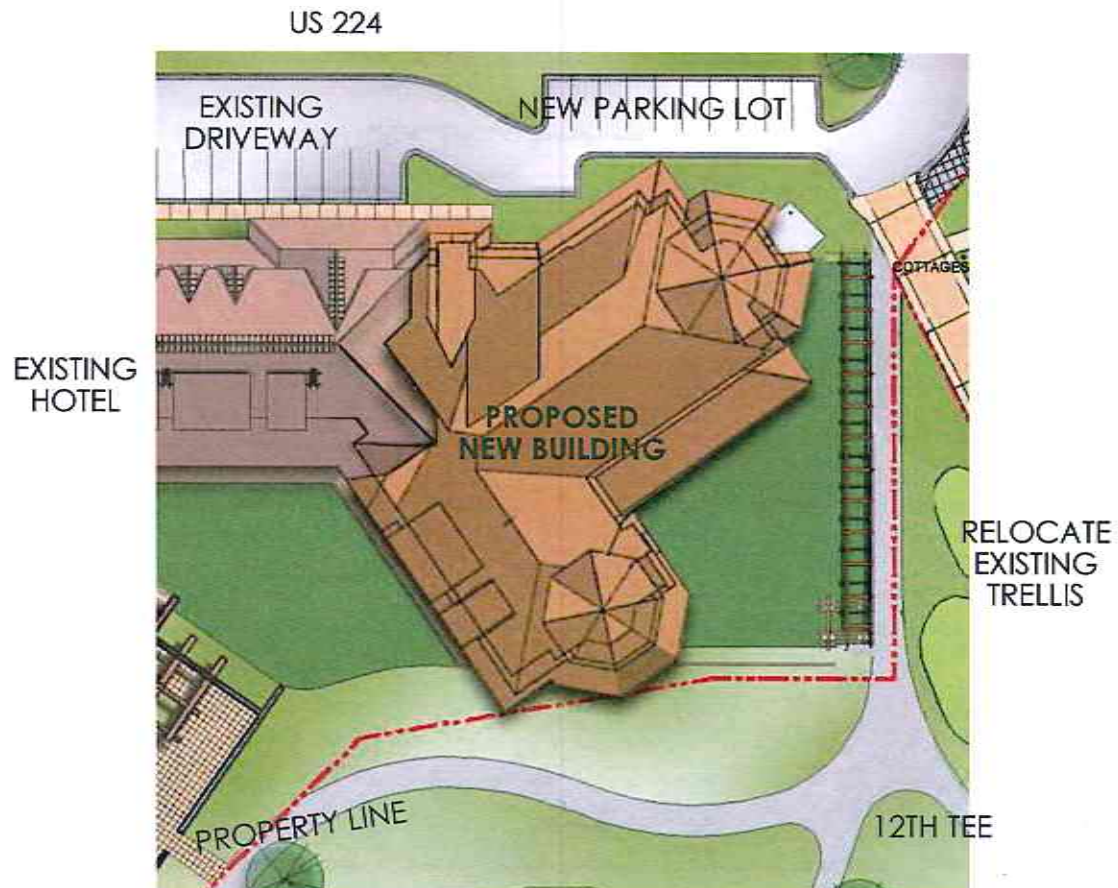
Exhibit A- Proposed Site Plan

EXHIBIT A



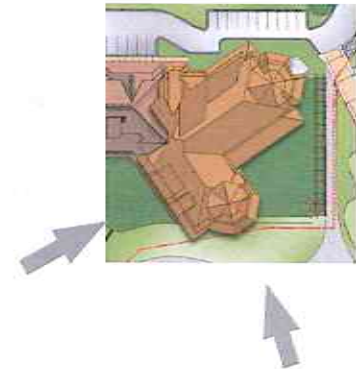
Overall Project Site Plan

HOTEL PARK CITY
Addition Remodel





From 11th Green



From Existing Pool

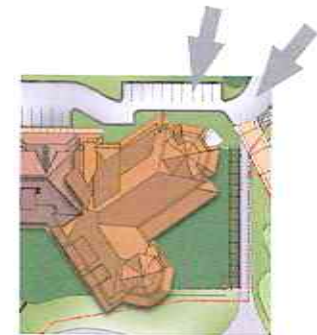


Concept Images

HOTEL PARK CITY
Addition Remodel



Looking North West



From US224 Entry



Concept Images

HOTEL PARK CITY
Addition Remodel

Planning Commission Staff Report

Subject: LMC Amendments
Author: Kirsten Whetstone, MS, AICP, Senior Planner
Date: August 26, 2015
Type of Item: Legislative – LMC Amendments

Summary Recommendations

Staff recommends that the Planning Commission conduct a public hearing and continue to October 15, 2015, the Land Management Code Amendments regarding vertical zoning regulations in Storefronts in the Historic Recreation Commercial (HRC) and Historic Commercial Business (HCB) Zoning Districts and for related Definitions in Chapter 15, to allow Staff time to conduct additional public outreach and research.

Description

Project Name: LMC Amendments related to Chapter 2.5 Historic Recreation Commercial (HRC), Chapter 2.6 Historic Commercial Business (HCB), and Chapter 15 Defined Terms related to vertical zoning requirements and definitions Chapter 6 Master Planned Developments.

Approximate Location: Historic Main Street and Lower Main Street business district

Proposal: Amendments to the Land Management Code (LMC) require Planning Commission review and recommendation with final action by the City Council.

Executive Summary

Staff proposes amendments to the Land Management Code revising Chapter 2.5 Historic Recreation Commercial (HRC) Zoning District, Chapter 2.6 Historic Commercial Business (HCB) Zoning District, and Chapter 15 Defined Terms regarding vertical zoning requirements and related definitions. The purpose of these amendments is to address and clarify existing language and definitions in the code that are not consistent with the intent of the original Ordinance 07-55 or that may need to be updated with the expansion commercial activity in the Main Street area.

Staff requests the Commission discuss and consider revising the LMC to include certain exempted lower Main Street Storefront Properties within the Vertical Zoning overlay and recommends the definition of Storefront be broadened to include property that fronts on public and private pedestrian plazas, ways, and alleys. Staff also recommends language be added to the Code to prohibit new construction that does not include Storefronts along streets and plazas.

An initial discussion and public hearing was conducted by the Planning Commission on June 24, 2015, and a pending Ordinance is in place.

Planning Commission Staff Report

Subject: Bee Plat Amendment, 281 & 283 Deer Valley Drive
Author: Hannah Turpen, Planner
Project Number: PL-15-02808
Date: August 26, 2015
Type of Item: Legislative – Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the Bee Plat Amendment located at 281 & 283 Deer Valley Drive and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Staff reports reflect the professional recommendation of the Planning Department. The Planning Commission, as an independent body, may consider the recommendation but should make its decisions independently.

Description

Applicant: George and Giovanna Bee (represented by Jonathan DeGray, Architect)
Location: 281 & 283 Deer Valley Drive
Zoning: Residential (R-1) District
Adjacent Land Uses: Residential
Reason for Review: Plat Amendments require Planning Commission review and City Council review and action

Proposal

Lots 3, 4, 26, and 27, Block 66, of the Amended Plat of Park City Survey are owned by the Bee's. The property owner intends to remove the lot line common to Lot 4 and Lot 26 to create one (1) lot of record (Lot 1 as proposed). The property owner intends to remove the lot line common to Lot 3 and Lot 27 to create one (1) lot of record (Lot 2 as proposed). As proposed, Lot 1 contains 3,295 SF and Lot 2 contains 3,425 SF. A Party Wall Agreement will be required.

Background

The property is located at 281 & 283 Deer Valley Drive. The property is in the Residential (R-1) District. The subject property consists of Lots 3, 4, 26, and 27, Block 66, of the Amended Plat of Park City Survey. Currently the site contains a duplex dwelling on Lots 3, 4, 26, and 27 which was constructed in 1981.

In July 2008, a Building Permit was approved for a deck repair and in July 2010 the deck was demolished. In August 2010, a Building Permit was approved for the construction of a new deck. On April 21, 2014, a Conditional Use Permit for an

accessory apartment was submitted to the Planning Department. On June 3, 2014, the Conditional Use Permit was withdrawn. In August 2014, a Building Permit for interior demolition was approved.

On October 9, 2014, an At-Risk Building Permit (BD-14-20000) was approved by the Planning Department and Building Department for the construction of an addition and remodel to the existing non-historic duplex dwelling. The existing non-historic duplex dwelling was constructed across the property lines of all four (4) lots of the existing parcel. The proposed construction would cause construction to occur across property lines which triggered the need for a plat amendment or condominium record of survey. However, an At-Risk Building Permit was needed because no construction on the property could occur until a plat amendment or condominium record of survey was recorded. Rather than waiting for the plat amendment or condominium record of survey process to be completed, construction was allowed to commence as a result of the At-Risk Building Permit approval. Condition of Approval #2 for the At-Risk Building Permit stated, "The Planning Department will not sign-off on a Certificate of Occupancy if the Condominium Record of Survey has not yet been approved". If the plat amendment or condominium record of survey were not recorded by Summit County, all work approved as a part of the At-Risk Building Permit would have to be returned to its original state.

On September 29, 2014, the City received a Condominium Record of Survey application (PL-14-02498) for 281 & 283 Deer Valley Drive. The application was never deemed complete. On March 19, 2015, the property owner stated via email that because there is a mortgage loan on the property, the property description of the subject property could not be changed without compromising the terms of the loan agreement. The issue with the property owner's financial institution could not be resolved; therefore, the Condominium Conversion application was withdrawn.

The property owner worked closely with the City to find a solution that would fulfill the requirements of Condition of Approval #2 for the At-Risk Building Permit. On April 28, 2015, the City determined that a Plat Amendment and a revised Common Wall Agreement would not fulfill the requirements of Condition of Approval #2 as outlined in the At-Risk Building Permit; however, this would satisfy the requirement of a plat amendment in order to allow construction across property lines. Per Land Management Code (LMC) § 15-2.12-3 (F)(2), the Residential (R-1) District does not require a side yard between connected structures where the structures are designed with a common wall on a Property Line and the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official.

On June 8, 2015, the City received a Plat Amendment application and revised Common Wall Agreement for 281 & 283 Deer Valley Drive. The application was deemed complete on June 18, 2015.

On July 16, 2015 the applicant submitted a Non-Complying Structure Determination application for the non-complying side yard setbacks and non-complying lot widths. The application was required because as proposed, the lot would not meet the Land

Management Code (LMC) § 15-2.12-3 requirements for lot width or side yard setbacks. Per Land Management Code (LMC) § 15-9-2(B) the Planning Director shall determine the Non-Complying status of Properties. The application was deemed complete on July 22, 2015. On July 23, 2015 the Planning Director determined that the existing duplex dwelling is a legal non-complying structure due to non-complying side yard setbacks, non-complying lot widths, and therefore, the existing structure and existing lot width may be maintained as a part of the proposed plat amendment (Exhibit G).

Purpose

The purpose of the Residential (R-1) District is to:

- (A) allow continuation of land Uses and architectural scale and styles of the original Park City residential Area,
- (B) encourage Densities that preserve the existing residential environment and that allow safe and convenient traffic circulation,
- (C) require Building and Streetscape design that minimizes impacts on existing residents and reduces architectural impacts of the automobile,
- (D) require Building design that is Compatible with the topographic terrain and steps with the hillsides to minimize Grading,
- (E) encourage Development that protects and enhances the entry corridor to the Deer Valley Resort Area,
- (F) provide a transition in Use and scale between the Historic Districts and the Deer Valley Resort; and
- (G) encourage designs that minimize the number of driveways accessing directly onto Deer Valley Drive.

Analysis

The proposed plat amendment creates two (2) lots of record from the existing four (4) lots. As proposed, Lot 1 contains 3,295 SF and Lot 2 contains 3,425 SF. A duplex dwelling is an allowed use in the Residential (R-1) District. The minimum lot area for a duplex dwelling is 3,750 square feet; as proposed, Lot 1 and Lot 2 combined will be a total of 6,720 square feet. The proposed lots meet the minimum lot area for a duplex dwelling. The minimum lot width allowed in the R-1 District is thirty-seven and one-half feet (37.5'). The proposed lots are each twenty-five feet (25') wide. The proposed lots do not meet the minimum lot width requirement for a duplex dwelling; however the Planning Director determined the Legal Non-Complying status of the lot width (Exhibit G).

Table 1 shows applicable development parameters for the combined lot in the Residential (R-1) District:

Table 1:

LMC Regulation	Requirements	Proposed
Minimum Lot Size	3,750 square feet (duplex dwelling)	6,720 square feet, <u>complies.</u>
Front Yard Setbacks	15 feet minimum. New Garages, 20 feet minimum.	See Table 2.

Rear Yard Setbacks	10 feet minimum.	See Table 2.
Side Yard Setbacks	5 feet minimum.	See Table 2.
Building (Zone) Height	No Structure shall be erected to a height greater than twenty-eight feet (28') from Existing Grade.	Thirty-one feet (31') with five foot (5') exception for gables, <u>complies</u> .
Minimum parking Requirements	2 per unit	2 per unit, <u>complies</u> .

Front and Side Yard Setbacks

Existing Lots 3, 4, 26, and 27 contain a duplex dwelling which was constructed in 1981. The minimum front yard setback for a lot in the R-1 District is fifteen feet (15'). When the duplex dwelling was built in 1981, it was constructed with a setback of fourteen feet (14'). The minimum side yard setbacks for a lot in the R-1 District are five feet (5'). When the duplex dwelling was built in 1981, it was constructed with a four and one-half foot (4.5') setback on the east side and a five and one-half (5.5') setback on the west side. There is a zero foot (0') side yard setback between each unit of the duplex dwelling. Per Land Management Code (LMC) § 15-2.12-3 (F)(2), the Residential (R-1) District does not require a side yard between connected structures where the structures are designed with a common wall on a Property Line and the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official. Table 2 below illustrates the discrepancy:

Table 2:

	Setback Requirements		
	Minimum Setbacks	Existing Setbacks (Lot 1)	Existing Setbacks (Lot 2)
Front (South)	15 ft. minimum, 20 ft. (new garages)	14 ft.	14 ft.
Rear (North)	10 ft.	52 ft.	52 ft.
Side (West)	5 ft.	5.5 ft.	0 ft.
Side (East)	5 ft.	0 ft.	4.5 ft.

On July 23, 2015 the Planning Director determined that the existing duplex dwelling is a legal non-complying structure due to non-complying side yard setbacks, non-complying lot widths, and therefore, the existing structure and existing lot width may be maintained as a part of the proposed plat amendment (Exhibit G).

Staff finds that the front and side yard setback discrepancies should not prevent the requested plat amendment as the existing duplex dwelling is a legal non-complying structure as determined by the Planning Director. The Building Department does not have a Building Permit record for the construction of the duplex dwelling. It is unknown whether or not a Building Permit was obtained to construct the duplex dwelling in 1981. See Exhibit E – LMC § 15-9-6 Non-Complying Structures. In addition, the duplex

dwelling complies with Land Management Code (LMC) § 15-2.12-3 (F)(2)), the Residential (R-1) District does not require a side yard between connected structures where the structures are designed with a common wall on a Property Line and the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official. See Exhibit F – (LMC) § 15-2.12-3 (F)(2) Lot and Site Requirements.

In terms of the existing structure, these are the only discrepancies found as other standards have been reviewed, and staff has not found any other issues with the built structures, including other minimum setbacks, building height, etc.

Good Cause

Planning Staff finds that there is good cause for this plat amendment as Staff finds that the plat amendment will not cause undo harm to adjacent property owners and all requirements of the Land Management Code for any future development can be met. The proposed lot areas of 3,295 square feet (Lot 1) and 3,425 square feet (Lot 2) are compatible lot combinations as the entire Residential-1 (R-1) District has abundant sites with the same lot dimensions.

Encroachments

There is an existing rock retaining wall on the east property line of Lot 3. The east rock retaining wall encroaches onto the property of 295 Deer Valley Drive and extends into the Public Right-of-Way. There is an existing rock retaining wall on the west property line of Lot 4. The west rock retaining wall encroaches onto the property of 267 Deer Valley Drive and extends into the Public Right-of-Way. The east rock retaining wall can either be removed, or the property owner must enter into an encroachment agreement with the owner(s) of 295 Deer Valley Drive and with the City for the Public Right-of-Way, as dictated by Condition of Approval #4. The west rock retaining wall can either be removed, or the property owner must enter into an encroachment agreement with the owner(s) of 267 Deer Valley Drive and with the City for the Public Right-of-Way, as dictated by Condition of Approval #5.

Process

The approval of this plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC § 1-18.

Department Review

This project has gone through an interdepartmental review. No further issues were brought up at that time.

Notice

On August 12, 2015 the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record on August 8, 2015 according to requirements of the Land Management Code.

Public Input

No public input has been received by the time of this report. A public hearing is noticed for both the Planning Commission and City Council meetings.

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council for the Bee Plat Amendment as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the Bee Plat Amendment and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on Bee Plat Amendment.
- There is not a null alternative for plat amendments.

Significant Impacts

There are no significant fiscal or environmental impacts from this application.

Consequences of not taking the Planning Department's Recommendation

The site would remain as is. The site would contain one (1) duplex dwelling on Lots 3, 4, 26, and 27.

Summary Recommendation

Staff recommends the Planning Commission hold a public hearing for the Bee Plat Amendment located at 281 & 283 Deer Valley Drive and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Exhibits

Exhibit A – Draft Ordinance with Proposed Plat

Exhibit B – Existing Survey

Exhibit C – Aerial Photograph

Exhibit D – Site Photograph

Exhibit E – LMC § 15-9-6 Non-Complying Structures.

Exhibit F – LMC § 15-2.12-3 (F)(2) Lot and Site Requirements.

Exhibit G – Planning Director Determination – Legal Non-Complying Structure

Exhibit A: Draft Ordinance

Ordinance No. 15-XX

AN ORDINANCE APPROVING THE BEE PLAT AMENDMENT LOCATED AT 281 & 283 DEER VALLEY DRIVE, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 281 & 283 Deer Valley Drive has petitioned the City Council for approval of the Plat Amendment; and

WHEREAS, on August 12, 2015, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on August 8, 2015, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on August 26, 2015, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on August 26, 2015, forwarded a recommendation to the City Council; and,

WHEREAS, on September 17, 2015, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, there is good cause and it is in the best interest of Park City, Utah to approve the 281 & 283 Deer Valley Drive Plat Amendment.

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

SECTION 1. APPROVAL. The Bee plat amendment located at 281 & 283 Deer Valley Drive as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 281 & 283 Deer Valley Drive.
2. The property is in the Residential (R-1) District.
3. The subject property consists of Lots 3, 4, 26, and 27, Block 66, of the Amended Plat of Park City Survey.
4. In 1981 a duplex dwelling was constructed on Lots 3, 4, 26, and 27.
5. The proposed plat amendment creates two (2) lots of record from the existing four (4) lots. As proposed, Lot 1 contains 3,295 SF and Lot 2 contains 3,425 SF.
6. A duplex dwelling is an allowed use in the Residential (R-1) District.
7. The minimum lot area for a duplex dwelling is 3,750 square feet; Lot 1 and Lot 2 at 281 & 283 Deer Valley Drive will be a total of 6,720 square feet. The proposed

- lots meet the minimum lot area for a duplex dwelling.
8. The minimum lot width for a duplex in the district is thirty-seven and one-half feet (37.5'). The proposed lots are each twenty-five feet (25') wide. The proposed lots do not meet the minimum lot width requirement for a duplex dwelling.
 9. The setback requirements for the lot are a minimum front yard setback of fifteen feet (15'), a minimum side yard setback of five feet (5'), and a minimum rear setback of fifteen feet (15').
 10. The existing duplex dwelling does not meet the current LMC setback requirements for the front and side yard setbacks. The existing front yard setback is fourteen feet (14') and the existing side yard setbacks are four and one-half foot (4.5') setback on the east side and a five and one-half (5.5') setback on the west side.
 11. There is a zero foot (0') side yard setback between each unit of the duplex dwelling. Per Land Management Code (LMC) § 15-2.12-3 (F)(2), the Residential (R-1) District does not require a side yard between connected structures where the structures are designed with a common wall on a Property Line and the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official.
 12. On July 16, 2015 the applicant submitted a Non-Complying Structure Determination application. The application was deemed complete on July 22, 2015.
 13. On July 23, 2015 the Planning Director determined that the existing duplex dwelling is a legal non-complying structure due to non-complying side yard setbacks, non-complying lot widths, and therefore, the existing structure and existing lot width may be maintained as a part of the proposed plat amendment.
 14. There is an existing rock retaining wall on the east property line of Lot 3. The rock retaining wall encroaches onto the property of 295 Deer Valley Drive. The rock retaining wall also extends into the Public Right-of-Way.
 15. There is an existing rock retaining wall on the west property line of Lot 4. The rock retaining wall encroaches onto the property of 267 Deer Valley Drive. The rock retaining wall also extends into the Public Right-of-Way.
 16. The proposed plat amendment will not cause undo harm to adjacent property owners.
 17. The proposed lot area of 3,295 square feet (Lot 1) and 3,425 square feet (Lot 2) are compatible lot combinations as the entire Residential-1 (R-1) District has abundant sites with the same dimensions.
 18. On October 9, 2014, an At-Risk Building Permit (BD-14-20000) was approved by the Planning Department and Building Department for the construction of an addition and remodel to the existing non-historic duplex dwelling.
 19. The applicant applied for a Plat Amendment application on June 8, 2015. The Plat Amendment application was deemed complete on June 18, 2015.
 20. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law:

1. The Plat Amendment is consistent with the Park City Land Management Code

- and applicable State law regarding lot combinations.
2. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
 3. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.
 4. There is good cause for this plat amendment in that it creates two legal lots of record and resolves existing non-complying issues.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A ten feet (10') wide public snow storage easement will be required along the Deer Valley Drive frontage of the property and shall be shown on the plat prior to recordation.
4. The east rock retaining wall can either be removed, or the property owner must enter into an encroachment agreement with the owner(s) of 295 Deer Valley Drive and with the City for the Public Right-of-Way.
5. The west rock retaining wall can either be removed, or the property owner must enter into an encroachment agreement with the owner(s) of 267 Deer Valley Drive and with the City for the Public Right-of-Way.
6. The structures must be designed with a party wall agreement in a form approved by the City Attorney and Chief Building Official.
7. 13-D sprinklers are required for any new construction or significant renovation of existing.
8. Separate utility meters must be installed for each unit.
9. Easements for utilities must be determined and established.

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

PASSED AND ADOPTED this 17th day of September, 2015.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

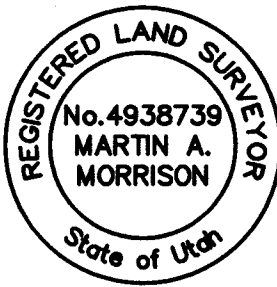
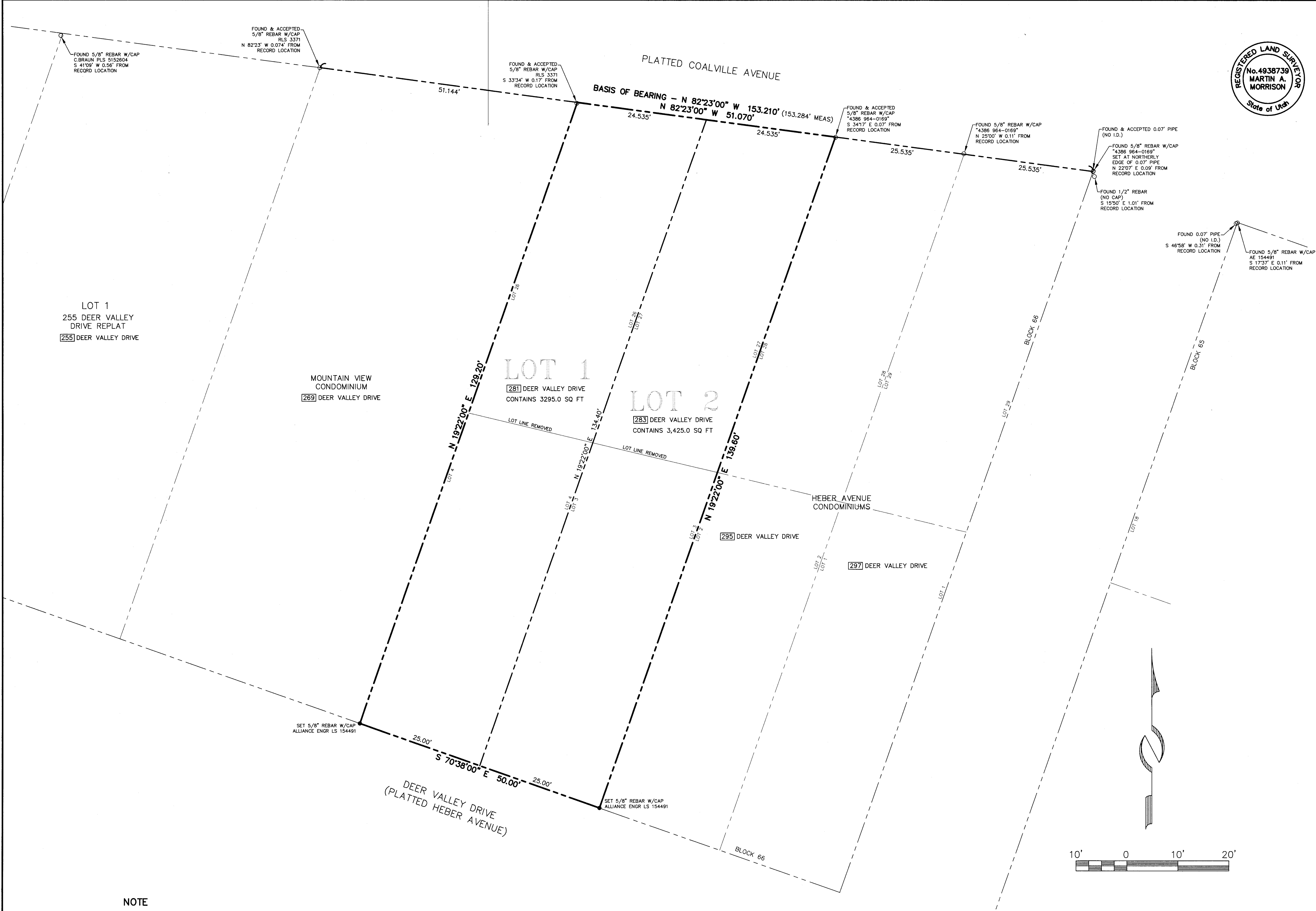
ATTEST:

Marci Heil, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment 1 – Proposed Plat



SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, certify that I am a Registered Land Surveyor and that I hold Certificate No. 4938739, as prescribed by the laws of the State of Utah, and that by authority of the owner, this Record of Survey map of the BEE SUBDIVISION has been prepared under my direction and that the same has been monumented on the ground as shown on this plat.

BOUNDARY DESCRIPTION

PARCEL 1:
Lot 4 and 26, Block 66, AMENDED PLAT OF PARK CITY SURVEY, according to the official plat thereof on file and of record in the Summit County Recorder's Office.

PARCEL 2:
Lot 3 and 27, Block 66, AMENDED PLAT OF PARK CITY SURVEY, according to the official plat thereof on file and of record in the Summit County Recorder's Office.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that Giovanna P. Bee, as to PARCEL 1, hereby certifies that she has caused this survey to be made and this amended Record of Survey Map to be prepared and hereby consents to the recordation of this amended Record of Survey Map.

Giovanna P. Bee

ACKNOWLEDGMENT

State of _____)
: ss.

County of _____)

On this _____ day of _____, 2015, Giovanna P. Bee personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Giovanna P. Bee acknowledged to me that she is the owner of PARCEL 1, and that she signed the above Owner's Dedication and Consent to Record freely and voluntarily.

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

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that George Michael Bee, Trustee of The George Michael Bee Revocable Children's Trust, as to PARCEL 2, hereby certifies that he has caused this survey to be made and this amended Record of Survey Map to be prepared and hereby consents to the recordation of this amended Record of Survey Map.

George Michael Bee, Trustee of The George Michael Bee Revocable Children's Trust

ACKNOWLEDGMENT

State of _____)
: ss.

County of _____)

On this _____ day of _____, 2015, George Michael Bee personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, George Michael Bee acknowledged to me that he is the Trustee of The George Michael Bee Revocable Children's Trust, the owner of PARCEL 2, and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

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

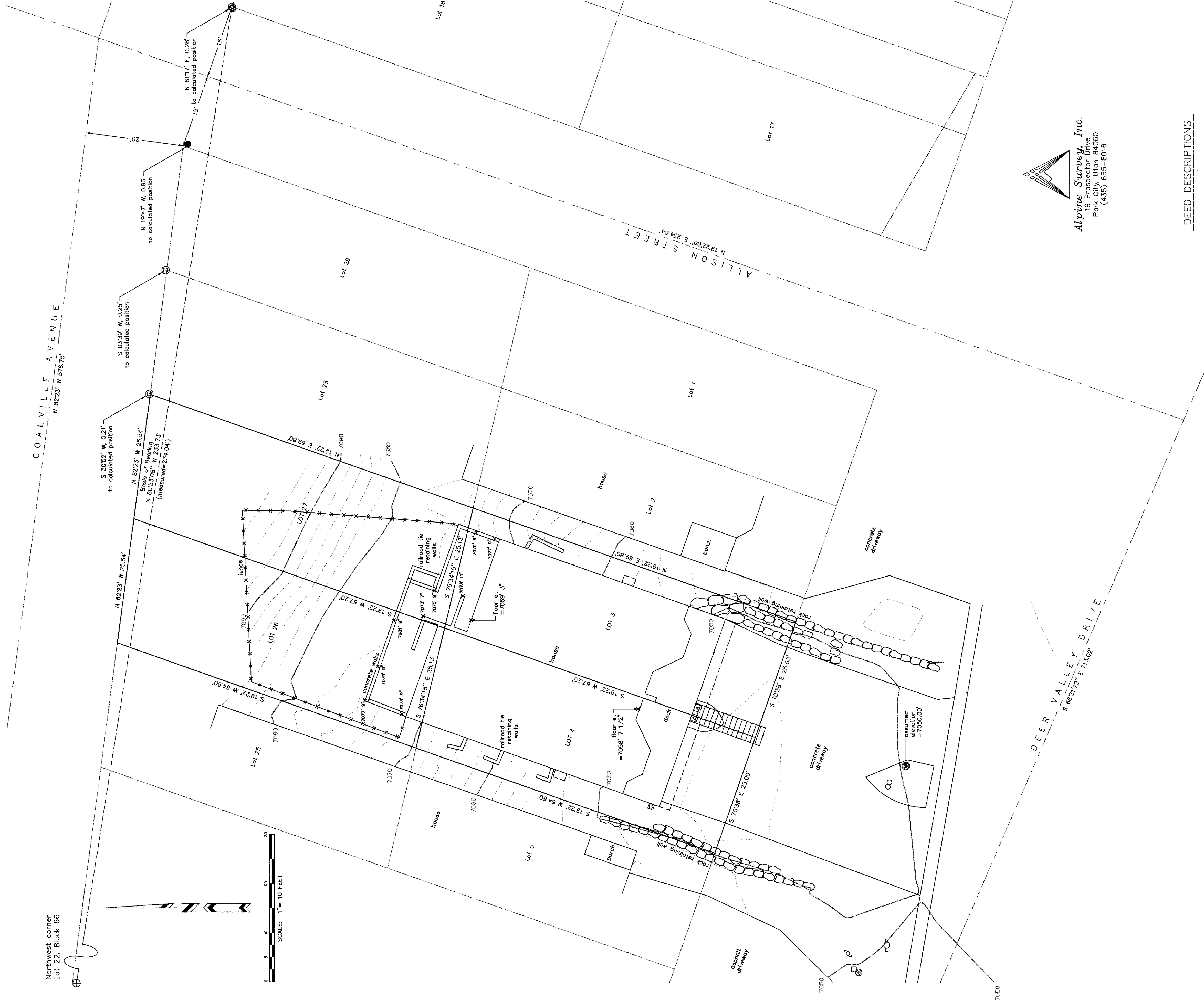
NOTE
This subdivision is subject to the Conditions of Approval in Ordinance 15-_____.

**RECORD OF SURVEY OF
BEE SUBDIVISION**

LOCATED IN BLOCK 66, PARK CITY SURVEY, WHICH IS IN THE SOUTHEAST QUARTER OF SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN PARK CITY, SUMMIT COUNTY, UTAH

 (435) 649-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664 Planning Commission Packet, August 26, 2015	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2015 BY _____ S.B.W.R.D.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2015 BY _____ CHAIR	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2015 BY _____ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2015 BY _____ PARK CITY ATTORNEY	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2015 BY _____ MAYOR	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2015 BY _____ PARK CITY RECORDER	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ ENTRY NO. _____ FEE _____ RECORDER _____
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Park City Survey Block 66, Lots 3, 4, 26, 27



Alpine Survey, Inc.
19 Prospector Drive
Park City, Utah 84060
(435) 655-8016

DEED DESCRIPTIONS

All of Lots 3, and 27, Block 66, Amended Plat of Park City Survey, according to the official plat thereof on file and of record in the office of the Summit County Recorder.
All of Lot 4 and 26, Block 66, Amended Plat of Park City Survey, according to the official plat thereof on file and of record in the Summit County Recorder's Office.

Legend

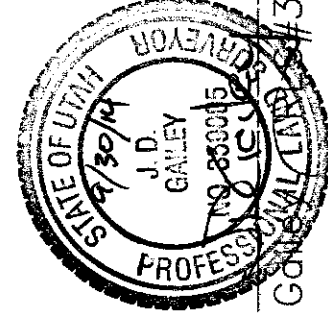
- ⊕ Found rebar & cap-LS 152604
- ⊗ Found rebar & cap-LS 6164
- ⊙ Found rebar & cap-LS 4386
- Found 1/2" rebar-no cap
- Found iron pipe
- ⊠ Electric meter
- ⊞ Telephone pedestal
- ⊟ Gas meter
- ⊠ Water meter
- 5" PVC
- ⊞ Fire hydrant
- ⊞ Utility pole
- ↑ Traffic sign

NARRATIVE

- Survey requested by: George M. Bee and Giovanna P. Bee.
- Purpose of survey: locate the improvements and the specified topographic relief.
- Basis of survey: found property monuments as shown.
- Date of survey: October 8, 2013.
- Property monuments found as shown.
- Located in the Southeast Quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian.
- See the official plats of The Park City Survey for other possible easements, restrictions or setbacks.
- The owner of the property should be aware of any items affecting the property that may appear in a title insurance report.
- An elevation of 7050.00 feet, from the U.S.G.S. Quad. Map 'Park City East', was assigned to the top of the water meter lid in front of the property, as shown.
- See the previous surveys recorded as Survey File No.'s S-876, S-4581 and S-6462 in the office of the Summit County Recorder.

SURVEYOR'S CERTIFICATE

I, J.D. Gailey, a Registered Land Surveyor as prescribed by the laws of the State of Utah and holding License No. 359005, do hereby certify that I have supervised a survey of the hereon described property and that this plat is a true representation of said survey.

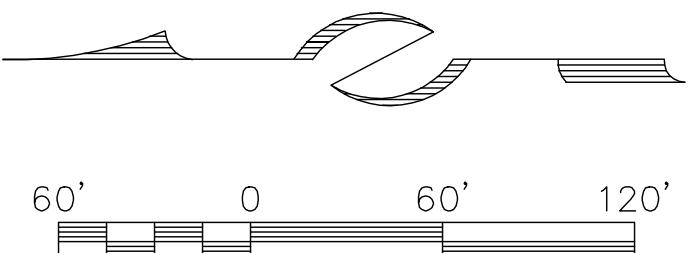


Date Sept. 20, 14
J.D. Gailey

Survey No. 359005



SUBJECT
PROPERTY



 (435) 649-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	STAFF: MARSHALL KING HARRISON HOLLEY DATE: 9/24/14	AERIAL PHOTOGRAPH BEE SUBDIVISION 281 & 283 DEER VALLEY DRIVE FOR: GEORGE BEE JOB NO.: 2-9-14 FILE: X:\ParkCitySurvey\dwg\Exhibits\281and283drive-ortho.dwg	SHEET 1 OF 1
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Exhibit D – Site Photograph



**PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 9 - Non-Conforming Uses
and Non-Conforming Structures**

15-9-5

15-9-6. NON-COMPLYING STRUCTURES.

No Non-Complying Structure may be moved, enlarged, or altered, except in the manner provided in this Section or unless required by law.

(A) REPAIR, MAINTENANCE, ALTERATION, AND ENLARGEMENT.

Any Non-Complying Structure may be repaired, maintained, altered, or enlarged, provided that such repair, maintenance, alteration, or enlargement shall neither create any new non-compliance nor shall increase the degree of the existing non-compliance of all or any part of such Structure.

(B) MOVING. A Non-Complying Structure shall not be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot unless the entire Structure shall thereafter conform to the regulations of the zone in which it will be located.

(C) DAMAGE OR DESTRUCTION OF NON-COMPLYING STRUCTURE.

If a Non-Complying Structure is allowed to deteriorate to a condition that the Structure is rendered uninhabitable and is not repaired or restored within six (6) months after written notice to the Property Owner that the Structure is uninhabitable and that the Non-Complying Structure or the Building that houses a Non-Complying Structure, is voluntarily razed or is required by law to be razed, the Structure shall not be restored unless it is restored to comply with the regulations of the zone in which it is located. If a Non-Complying Structure is

involuntarily destroyed in whole or in part due to fire or other calamity and the Structure or Use has not been abandoned, the Structure may be restored to its original condition, provided such work is started within six months of such calamity, completed within eighteen (18) months of work commencement, and the intensity of Use is not increased.

(Amended by Ord. No. 06-35)

15-9-7. ORDINARY REPAIR AND MAINTENANCE AND STRUCTURAL SAFETY.

The Owner may complete normal maintenance and incidental repair on a complying Structure that contains a Non-Conforming Use or on a Non-Complying Structure. This Section shall not be construed to authorize any violations of law nor to prevent the strengthening or restoration to a safe condition of a Structure in accordance with an order of the Building Official who declares a Structure to be unsafe and orders its restoration to a safe condition.

15-9-8. APPEALS.

Appeal from a Board of Adjustment decision made pursuant to this Chapter shall be made to the district court and not to City Council. Any Person applying to the district court for review of any decision made under the terms of this Chapter shall apply for review within thirty (30) days after the date the decision is filed with the City Recorder as prescribed by state statute.

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 2.12 - R-1 District

15-2.12-2

- (10) Child Care, Family Group⁴
- (11) Accessory Building and Use
- (12) Conservation Activity
- (13) Agriculture
- (14) Parking Area or Structure with four (4) or fewer spaces

(B) **CONDITIONAL USES.**

- (1) Triplex Dwelling⁵
- (2) Guest House, on Lots one (1) acre or larger
- (3) Group Care Facility
- (4) Child Care Center⁴
- (5) Public or Quasi-Public Institution, Church, and School
- (6) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (7) Telecommunication Antenna⁶
- (8) Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter⁷
- (9) Bed & Breakfast Inn
- (10) Temporary Improvement⁸
- (11) Ski tow rope, ski lift, ski run, and ski bridge⁹

⁵Must comply with special parking requirements, see Section 15-3.

⁶See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunications Facilities

⁷See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

⁸Subject to an administrative Conditional Use permit.

⁹As part of an approved Ski Area

- (12) Outdoor Event⁸
- (13) Master Planned Development with moderate income housing Density bonus¹⁰
- (14) Master Planned Development with residential and transient lodging Uses only¹⁰
- (15) Recreation Facility, Private
- (16) Fences and walls greater than six feet (6') in height from Final Grade⁸

(C) **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. No. 06-76)

15-2.12-3. LOT AND SITE REQUIREMENTS.

Except as may otherwise be provided in this Code, no Building Permit shall be issued for a Lot unless such Lot has Frontage on a Street shown as a private or Public Street on the Streets Master Plan, or on a private easement connecting the Lot to a Street shown on the Streets Master Plan. All Development must comply with the following:

Master Plan. See LMC Chapter 15-4-18, Passenger Tramways and Ski Base Facilities

¹⁰Subject to provisions of LMC Chapter 15-6, Master Planned Development

(A) **LOT SIZE.** The minimum Lot Area for a Single-Family Dwelling is 2,812 square feet; Duplex Dwelling is 3,750 square feet; and Triplex Dwelling is 5,625 square feet. The minimum width of a Lot must be thirty-seven and one-half feet (37.5') measured fifteen feet (15') back from Front Lot Line. In the case of unusual Lot configurations, Lot Width measurements shall be determined by the Planning Director.

(B) **FRONT YARD.**

(1) The minimum Front Yard is fifteen feet (15').

(2) New Front Facing Garages for Single Family and Duplex Dwellings must be at least twenty feet (20') from the Front Property Line.

(3) Parking Spaces are allowed within the required Front Yard, but not within five feet (5') of Side Lot Lines.

(C) **FRONT YARD EXCEPTIONS.**

The Front Yard must be open and free of any Structure except:

(1) Fences, walls, and retaining walls not more than four feet (4') in height, or as permitted in Section 15-4-2. On Corner Lots, Fences more than three feet (3') in height are prohibited within twenty-five feet (25') of the intersection at back of curb.

(2) Uncovered steps leading to the Main Building provided the steps are not more than four feet (4') in height from Final Grade, not including any required handrails, and do not cause any danger or hazard to traffic by obstructing the view of a Street or intersection.

(3) Decks, porches, and Bay Windows not more than ten feet (10') wide, projecting not more than five feet (5') into the Front Yard.

(4) Roof overhangs, eaves, and cornices projecting not more than two feet (2') into the Front Yard.

(5) Sidewalks, patios, and pathways.

(6) Driveways leading to a garage or Parking Area. No portion of a Front Yard, except for approved driveways, allowed Parking Areas, patios, and sidewalks may be Hard-Surfaced or graveled.

(7) Circular driveways meeting all requirements stated in Section 15-3-4 herein.

(D) **REAR YARD.** The minimum Rear Yard is ten feet (10').

(E) **REAR YARD EXCEPTIONS.** The Rear Yard must be open and free of any Structure except:

(1) Bay Windows not more than ten feet (10') wide projecting not

more than two feet (2') into the Rear Yard.

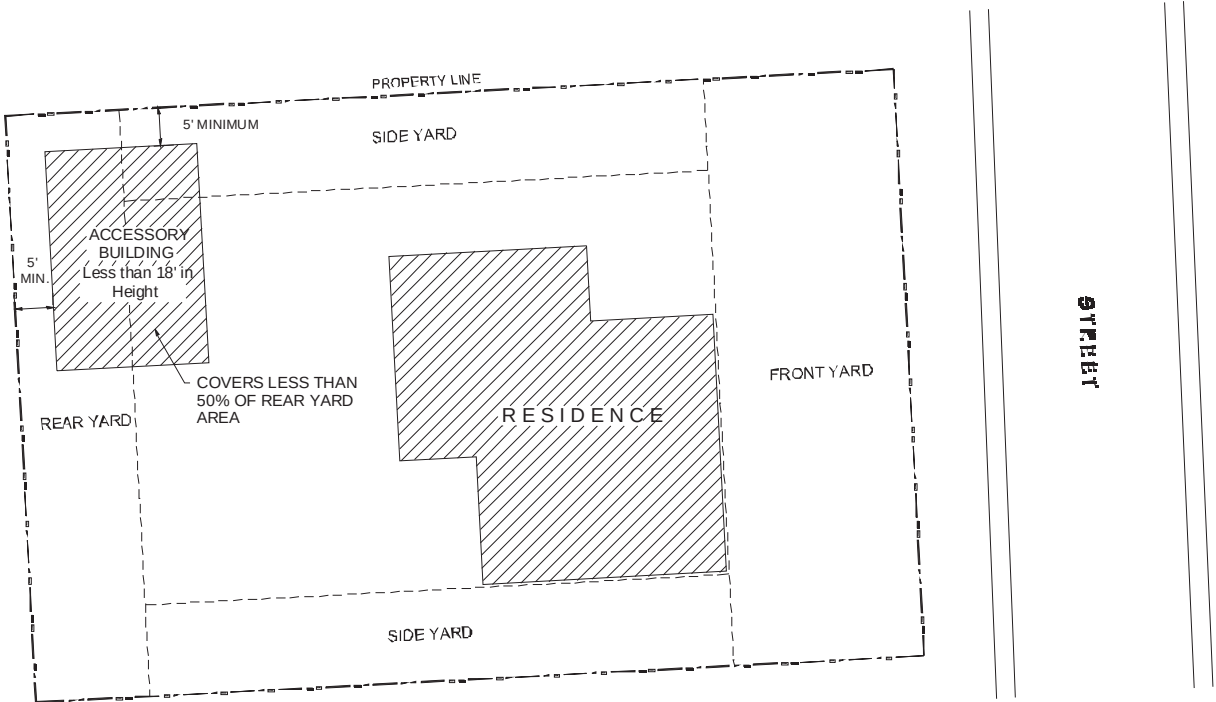
(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Rear Yard.

(3) Window wells and light wells projecting not more than four feet (4') into the Rear Yard.

(4) Roof overhangs and eaves projecting not more than two feet (2') into the Rear Yard.

(5) Window sills, belt courses, cornices, trim, and other ornamental features projecting not more than six inches (6") beyond the window or Structure to which it is attached.

(6) Detached Accessory Buildings, not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front façade of the Main Building and maintaining a minimum Rear Yard Setback of five feet (5'). Such Structure must not cover over fifty percent (50%) of the Rear Yard. See the following illustration:



equipment, not tubs, and similar

Structures located at least five feet (5') from the Rear Lot Line.

(9) Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2. Retaining walls may have multiple steps; however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Planning Director may approve minor deviations to the height and stepping requirements based on Site specific review.¹¹

(10) Patios, decks, pathways, steps and similar Structures not more than thirty inches (30") above Final Grade, located at least five feet (5') from the Rear Lot Line.

(F) **SIDE YARD.**

(1) The minimum Side Yard is five feet (5').

(2) A Side Yard between connected Structures is not required where the Structures are designed with a common wall on a Property Line and the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief

¹¹Fences and walls greater than six feet (6') in height require an administrative Conditional Use permit.

Building Official.

(3) The minimum Side Yard for a Detached Accessory Building not greater than eighteen feet (18') in height, located at least five feet (5') behind the front facade of the Main Building is one foot (1'), except when an opening is proposed on an exterior wall adjacent to the Property Line, at which time the minimum Side Yard must be three feet (3').

(4) On a Corner Lot, the minimum Side Yard that faces a Street is ten feet (10') for both the Main and Accessory Buildings.

(G) **SIDE YARD EXCEPTIONS.** The Side Yard must be open and free of any Structure except:

(1) Bay Windows not more than ten feet (10') wide, projecting not more than two feet (2') into the Side Yard.

(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Side Yard.

(3) Window wells and light wells projecting not more than four feet (4') into the Side Yard.

(4) Roof overhangs and eaves projecting not more than two feet (2') into the Side Yard.

(5) Window sills, belt courses, cornices, trim, and other ornamental features projecting not more than six inches (6") beyond the window or

main Structure to which it is attached.

(6) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") in height above Final Grade located at least a one foot (1') from the Side Lot Line.

(7) Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2. A retaining wall may have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Planning Director may approve minor deviations to the height and stepping requirements based on Site specific review.¹²

(8) Driveways leading to an approved garage or Parking Area, maintaining a three foot (3') landscaped Setback to the Side Lot Line. A paved turn out Area, to aid in backing a vehicle out of a garage or Parking Area, is allowed, but may not be used for parking and must maintain a one foot (1') landscaped Setback to the Side Lot Line.

¹²Fences and walls greater than six feet (6') in height require an administrative Conditional Use permit.

(9) Paths and steps connecting to a City stairway or path.

(10) Screened mechanical equipment, hot tubs, and similar Structures located a minimum of five feet (5') from the Side Lot Line.

(H) **SNOW RELEASE**. Site plans and Building design must resolve snow release issues to the satisfaction of the Chief Building Official.

(I) **CLEAR VIEW OF INTERSECTION**. No visual obstruction in excess of two feet (2') in height above Road Grade shall be placed on any Corner Lot within the Site Distance Triangle. A reasonable number of trees may be allowed, if pruned high enough to permit automobile drivers an unobstructed view. This provision must not require changes in the Natural Grade on the Site.

(Amended by Ord. No. 06-76)

15-2.12-4. SPECIAL SETBACK REQUIREMENTS FOR CONDITIONAL USES.

Conditional Uses in the R-1 District must maintain the following Setbacks:

(A) **SIDE YARD**. The minimum Side Yard is ten feet (10').

(B) **FRONT YARD**. The minimum Front Yard is twenty feet (20'). All yards of Structures fronting on any Streets must be considered Front Yards for the purposes of determining required Setbacks. Garages must be a minimum of five feet (5') behind



July 21, 2015

George and Giovanna Bee
P.O. Box 166
Park City, UT 84060

CC: Jonathan DeGray, Architect

NOTICE OF PLANNING DIRECTOR DETERMINATION

Project Address: 281 & 283 Deer Valley Drive
Project Description: Determination of Non-complying Structure Status for the existing duplex structure on a substandard lot(s).
Project Number: PL-15-02864
Date of Action: July 23, 2015

Action Taken by Planning Director:

The Planning Director has made a determination that the existing duplex located at 281 & 283 Deer Valley Drive is a legal non-complying structure due to non-complying side yard setbacks, non-complying lot width, and the evidence on record related to this property, and therefore, the existing structure and the existing lot width may be maintained as a part of the proposed plat amendment.

The Building and Planning Departments could not find a valid building permit on record that shows the existing home complied with the Code at time of building permit approval. According to LMC §15-9-2.(A) Burden on Owner to Establish Legality - *the Owner bears the burden of establishing that any Non-Conforming Use or Non-Complying Structure lawfully exists.* The applicant submitted floor plans of the original duplex dwelling which were dated May 24, 1980. There are no stamps on the plans submitted by the applicant that would reflect Building Department approval for a Building Permit.

According to LMC § 15-9-6. Non-Complying Structures - *a non-complying structure may be repaired, maintained, altered, or enlarged, provided that such repair, maintenance, alteration, or enlargement shall neither create any new non-compliance nor shall increase the degree of the existing non-compliance (setbacks and footprint) of all or any part of such structure.* If the applicant were to maintain the existing walls at the existing setbacks and not build any further into the setbacks, the applicant could maintain the

existing non-compliance. However, the remainder of the home must conform to current setback standards and not increase the degree of non-compliance.

The property consists of four (4) standard Old Town lots (25' x 75') which were part of the Historic Park City Survey. However, according to LMC § 15-2.13-3(A), the minimum lot width in the R-1 District is thirty-seven and one-half feet (37.5'). The proposed lots are each twenty-five feet (25') wide and a total of fifty feet (50') wide combined. If the lot line common to Lot 3 and Lot 27 and the lot line common to Lot 4 and Lot 26 are removed, the existing lot width may be maintained as a part of the proposed plat amendment.

The Planning Director has made this determination based on the following findings of fact:

Findings of Fact

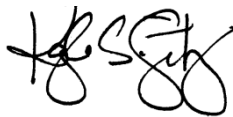
1. The property is located at 281 & 283 Deer Valley Drive.
2. The property is in the Residential (R-1) District and is subject to the LMC Section 15-2.13.
3. The subject property consists of Lots 3, 4, 26, and 27, Block 66, of the Amended Plat of Park City Survey. The property consists of four (4) standard Old Town lots (25' x 75') which were part of the Historic Park City Survey.
4. In 1981 a duplex dwelling was constructed on Lots 3, 4, 26, and 27.
5. On October 9, 2014, an At-Risk Building Permit (BD-14-20000) was approved by the Planning Department for the construction of an addition and remodel to the existing non-historic duplex dwelling.
6. The applicant applied for a Plat Amendment application on June 8, 2015. The Plat Amendment application was deemed complete on June 18, 2015.
7. The property owner intends to remove the lot line common to Lot 4 and Lot 26 to create one lot of record (Lot 1 as proposed). The property owner intends to remove the lot line common to Lot 3 and Lot 27 to create one lot of record (Lot 2 as proposed).
8. As proposed, Lot 1 contains 3,295 SF and Lot 2 contains 3,425 SF. A Common Wall Agreement will be required.
9. A duplex dwelling is an allowed use in the Residential (R-1) District.
10. The minimum lot area for a duplex dwelling is 3,750 square feet; Lot 1 and Lot 2 at 281 & 283 Deer Valley Drive will be a total of 6,720 square feet. The proposed lots meet the minimum lot area for a duplex dwelling.
11. The minimum lot width in the R-1 District is thirty-seven and one-half feet (37.5'). The proposed lots are each twenty-five feet (25') wide and a total of fifty feet (50') wide combined. The proposed lots do not meet the minimum lot width requirement for a duplex dwelling.
12. The setback requirements for the lot are a minimum front yard setback of fifteen feet (15'), a minimum side yard setback of five feet (5'), and a minimum rear setback of fifteen feet (15'). The existing duplex dwelling does not meet the current LMC setback requirements for the front and side yard setbacks. The

existing front yard setback is fourteen feet (14') and the existing side yard setbacks are four and one half foot (4.5') setback on the east side and a five and one half (5.5') setback on the west side.

13. There is a zero foot (0') side yard setback between each unit of the duplex dwelling. Per Land Management Code (LMC) § 15-2.12-3 (F)(2), the Residential (R-1) District does not require a side yard between connected structures where the structures are designed with a common wall on a Property Line and the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official.
14. No valid building permit could be found for the home that showed the non-conforming setbacks as legally approved.
15. On July 16, 2015, the applicant submitted floor plans of the original duplex dwelling which were dated May 24, 1980. There are no stamps on the plans submitted by the applicant that would reflect Building Department approval for a Building Permit.
16. The applicant proposes to maintain the existing structure and the existing lot width as a part of the proposed plat amendment.

If you have any questions regarding this determination, please don't hesitate to contact Hannah Turpen in the Planning Department at (435) 615-5059 or via email at hannah.turpen@parkcity.org.

Sincerely,



Kayla Sintz
Planning Director

CC: Hannah Turpen, Planner I

Planning Commission Staff Report

Subject: Miner's Plaza Plat Amendment;
415 Main Street
Author: Anya Grahn, Historic Preservation Planner
Project Number: PL-15-02851
Date: August 26, 2015
Type of Item: Legislative – Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing and consider forwarding a positive recommendation for the Miner's Plaza Plat Amendment at 415 Main Street, based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Staff reports reflect the professional recommendation of the Planning Department. The Planning Commission, as an independent body, may consider the recommendation but should make its decisions independently.

Description

Applicant: Park City Municipal Corporation, represented by Matt Twombly
Location: 415 Main Street
Zoning: Historic Commercial Business District (HCB)
Adjacent Land Uses: Commercial buildings, public plazas
Reason for Review: Plat amendments require Planning Commission review and City Council action

Proposal

The applicant is requesting a Plat Amendment for the purpose of combining all of Lots 3 and 4, and a portion of Lot 5 into one (1) lot of record located in Block 10 of the Amended Plat of the Park City Survey. The applicant currently owns the parcel and requests to combine the lots to create one (1) new larger lot of record. The applicant intends to renovate this public plaza in the future as part of the ongoing public improvements of Main Street.

Purpose

The purpose of the Historic Commercial Business (HCB) District:

- (A) preserve the cultural heritage of the City's original Business, governmental and residential center,
- (B) allow the Use of land for retail, commercial, residential, recreational, and institutional purposes to enhance and foster the economic and cultural vitality of the City,

- (C) facilitate the continuation of the visual character, scale, and Streetscape of the original Park City Historical District,
- (D) encourage the preservation of Historic Structures within the district,
- (E) encourage pedestrian-oriented, pedestrian-scale Development,
- (F) minimize the impacts of new Development on parking constraints of Old Town,
- (G) minimize the impacts of commercial Uses and business activities including parking, Access, deliveries, service, mechanical equipment, and traffic, on surrounding residential neighborhoods,
- (H) minimize visual impacts of automobiles and parking on Historic Buildings and Streetscapes, and
- (I) support Development on Swede Alley which maintains existing parking and service/delivery operations while providing Areas for public plazas and spaces.
- (J) maintain and enhance the long term viability of the downtown core as a destination for residents and tourists by ensuring a Business mix that encourages a high level of vitality, public Access, vibrancy, activity, and public/resort-related attractions.

Background

On July 8, 2015, the applicant submitted an application for the Miners' Plaza Plat Amendment, located at 415 Main Street. The application was deemed complete on July 15th. The parcel consists of Lots 3, 4, and a portion of Lot 5 of Block 10 of the Amended Plat of the Park City Survey. The parcel currently has improvements that extend beyond the interior property lines, including the existing public restrooms building, concrete pads, wood landing, retaining walls, planting beds, and other landscape features. The parcel is owned by Park City Municipal Corporation.

Going forward, the City will be renovating Miner's Plaza as part of the Main Street Improvements Plan. The renovation will include rebuilding the restrooms, plaza, and stage. The stage will likely be relocated to create a better connection between Main Street and the restrooms. This will also improve the programming of the stage area. The applicant hopes to start work on this plaza in 2016.

Analysis

The proposed plat amendment creates one (1) lot of record consisting of 4,500 square feet and is comprised of all of Lots 3 and 4, and a portion of Lot 5. The portion of Lot 5 measures approximately 10.13 feet on the west side and 9.87 feet wide on the east side; it is 75 feet in length on the north and south sides. The minimum lot size in the HCB District is 1,250 square feet. There is an existing restroom building that encroaches over the shared property line between Lots 3 and 4. Other landscape improvements extend over the two interior property lines dividing Lots 3, 4, and 5. The applicant has not yet submitted a Historic District Design Review (HDDR) application or plans for the renovation of the plaza.

There is also a historic house and wood deck constructed over the west property line in the northwest corner of the property. The house and deck encroaches about six inches (6") for a length of six feet six inches (6'6"). As indicated in Condition of Approval #5,

the property owner must enter into an encroachment agreement with the owner(s) of 416 Park Avenue for the existing historic house and deck located on the west property line of lot 5.

Any new improvements or structures proposed for this plaza will be required to meet the current LMC code requirements. The proposed lot combination meets the lot and site requirements of the HR-1 District described below:

Required	Existing	Permitted
Lot size	4,500 square feet	1,250 square feet minimum
Floor Area Ratio (FAR)	0.076 (based on building size of approximately 339.75 square feet); complies	4.0 FAR maximum
Front/rear yard setbacks	51 feet front yard setback and 9 feet rear yard setback; complies.	0 feet minimum
Side yard setbacks	30 feet northerly side setback and 0 feet southerly side setback (the building encroaches 5 feet over the interior lot line between Lots 3 and 4)	0 feet minimum
Building volume and height	Restroom building is 12.85' tall; complies with Criteria A, B, and D	(A) The maximum Building volume for each Lot is defined by a plane that rises vertically at the Front Lot Line to a height of thirty feet (30') measured above the average Natural Grade and then proceeds at a forty-five degree (45°) angle toward the rear of the Property until it intersects with a point forty-five feet (45') above the Natural Grade and connects with the rear portion of the bulk plane. (B) Wherever the HCB District abuts a residential Zoning District, the abutting portion of the bulk plane is defined by a plane that rises vertically at the abutting Lot Line to a height matching the maximum height of the abutting Zone (in this case 27' due to HR-2 District), measured from Existing Grade, and then proceeds at a forty-five degree (45°) angle toward

		the opposite Lot Line until it intersects with a point forty-five feet (45') above Existing Grade. (D) Wherever the HCB District abuts a residential Zoning District, the abutting portion of the bulk plane is defined by a plane that rises vertically at the abutting Lot Line to a height matching the maximum height of the abutting Zone, measured from Existing Grade, and then proceeds at a forty-five degree (45°) angle toward the opposite Lot Line until it intersects with a point forty-five feet (45') above Existing Grade.
Parking	0; complies.	Per LMC 15-2.6-9(B)Non-Residential Uses must provide parking at the rate of six (6) spaces per 1,000 square feet of Building Area, not including bathrooms, and mechanical and storage spaces.

The plat also contains an existing common private sewer lateral serving 416 and 424 Park Avenue as well as 419 Main Street. The Snyderville Basin Water Reclamation District has requested that the plat show the approximate location of this sewer lateral and Condition of Approval #4 be added stating that the applicant shall provide a private sewer lateral easement for the benefit of 416 Park Avenue, 424 Park Avenue, and 419 Main Street.

Good Cause

Planning Staff finds there is good cause for this plat amendment. Combining the lots will allow the City to renovate Miners' Plaza for the benefit of the public. The plat will incorporate a remnant lot (Lot 5) into a platted lot. The plat amendment will also utilize best planning and design practices, while preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City community.

Staff finds that the plat will not cause undo harm to adjacent property owners and all future development will be reviewed for compliance with requisite Building and Land Management Code, and applicable Historic District Design Guidelines requirements.

Department Review

This project has gone through an interdepartmental review. There were no issues raised by any of the departments or service providers regarding this proposal that have not been addressed by the conditions of approval.

Notice

The property was posted and notice was mailed to property owners within 300 feet in accordance with the requirements in the LMC on August 12, 2015. Legal notice was also published in the Park Record by August 8, 2015, and posted on the public notice website in accordance with the requirements of the LMC.

Public Input

Staff has not received public input on this application at the time of this report. Public input may be taken at the regularly scheduled City Council public hearing.

Process

Approval of this application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18. Any new structures and improvements will require a Historic District Design Review. A Building Permit is publicly noticed by posting of the permit.

Alternatives

- The Planning Commission may forward a positive recommendation for approval of the Miner's Plaza Plat Amendment at 415 Main Street as conditioned or amended; or
- The Planning Commission may forward a negative recommendation for the Miner's Plaza Plat Amendment at 415 Main Street and direct staff to make findings for this decision; or
- The Planning Commission may continue the discussion on the plat amendment to a date certain and provide direction to the applicant and/or staff to provide additional information necessary to make a decision on this item.

Significant Impacts

There are no significant fiscal or environmental impacts from this application.

Consequences of not taking the Suggested Recommendation

The proposed plat amendment would not be recorded and Lots 3, 4, and a portion of Lot 5 would not be adjoined and would remain as is. The lot at 415 Main Street would remain with the existing restroom building and landscape structures and any new construction would have to comply with the current LMC requirements for any new structures on typical "Old Town" single lots.

Recommendation

Staff recommends the Planning Commission hold a public hearing and consider forwarding a positive recommendation for the Miner's Plaza Plat Amendment at 415 Main Street, based on the findings of fact, conclusions of law and conditions of approval

as found in the draft ordinance.

Exhibits

Exhibit A –Draft Ordinance and Proposed Plat

Exhibit B – Existing Conditions Survey

Exhibit C – Vicinity Map/Aerial

Exhibit D – Photographs

**AN ORDINANCE APPROVING THE MINER'S PLAZA PLAT AMENDMENT,
LOCATED AT 415 MAIN STREET, PARK CITY, UTAH.**

WHEREAS, the owners of the property known as the Miner's Plaza Plat Amendment located at 415 Main Street, have petitioned the City Council for approval of the Miner's Plaza Plat Amendment; and

WHEREAS, on August 12, 2015, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on August 12, 2015, proper legal notice was sent to all affected property owners according to the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on August 26, 2015, to receive input on the proposed subdivision;

WHEREAS, on August 26, 2015, the Planning Commission forwarded a positive recommendation to the City Council; and,

WHEREAS, on September 17, 2015 the City Council held a public hearing on the proposed Miner's Plaza Plat Amendment at 415 Main Street and

WHEREAS, it is in the best interest of Park City, Utah, to approve the proposed Miner's Plaza Plat Amendment.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Miner's Plaza Plat Amendment at 415 Main Street, as shown in Exhibit A, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The Miner's Plaza Plat Amendment is located at 415 Main Street within the Historic Commercial Business (HCB) District.
2. The Miner's Plaza Plat Amendment at 415 Main Street consists of Lots 3, 4, and a portion of Lot 5 of Block 10 of the Amended Plat of the Park City Survey.
3. On July 8, 2015, the applicants submitted an application for a plat amendment to combine Lots 3, 4, and a portion of Lot 5 containing a total of 4,500 square feet into one (1) lot of record.
4. The application was deemed complete on July 15, 2015.
5. The lots at 415 Main Street currently contain an existing restroom building and landscaping improvements.

6. The HCB zone requires a minimum lot size of 1,250 square feet. The proposed lot size is 4,500 square feet.
7. The maximum floor area ratio (FAR) allowed in the HCB zone is 4.0. Currently, the site has an FAR of 0.076.
8. The HCB zone does not have a minimum front, rear and side yard setbacks. The existing restrooms building has a front yard setback of 51 feet, rear yard setback of 9 feet, north (side) yard setback of 30 feet and south (side) yard of 0 feet. These comply with the LMC.
9. The current restroom building is 12.85' in height, and complies with the height requirements of the HCB zone.
10. No parking is required as this is a public plaza.
11. The parcel currently has improvements that extend beyond the interior property lines, including the existing public restrooms building, concrete pads, wood landing, retaining walls, planting beds, and other landscape features.
12. The house and deck at 416 Park Avenue encroach about six inches (6") for a length of six feet six inches (6'6") along the west property line of Lot 5.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Recordation of this plat and completion and approval of a final Historic District Design Review (HDDR), applications are required prior to building permit issuance for any construction on the proposed lot.
4. The applicant shall provide a private sewer lateral easement for the benefit of 416 Park Avenue, 424 Park Avenue, and 419 Main Street.
5. The property owner must enter into an encroachment agreement with the owner(s) of 416 Park Avenue for the existing historic house and deck located on the west property line of lot 5.

6. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final mylar prior to recordation.

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

PASSED AND ADOPTED this ____ day of _____, 2015

PARK CITY MUNICIPAL CORPORATION

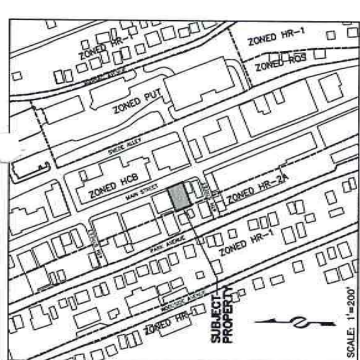
Jack Thomas, MAYOR

ATTEST:

Kristin Parker, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney



VICINITY MAP
SCALE: 1"=200'



LOT 1
CONTAINING 400.00 FT²

LOT 2
CONTAINING 400.00 FT²

LOT 3
CONTAINING 400.00 FT²

NOTES

- The survey monument shown on the Park City Monument Control Map (Recorded on December 30, 1982 as Entry No. 199887) was destroyed several years ago. A mag nail monument was installed at the intersection of the monument line and the monument line of the monument of Fourth Street and Sixth Street. The monument line of the monument of Fourth Street and Sixth Street is 1038.27 feet. The actual measured distance was 1037.96 feet. The position of the mag nail is consistent with the measured distance.
- This subdivision is subject to the Conditions of Approval in Ordinance 15-_____.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that Park City Municipal Corporation, the undersigned owner of the above described property, do hereby certify that it has caused this Plat to be prepared, and does hereby consent to the recordation of this Plat.

In witness whereof, the undersigned set his hand this _____ day of _____, 2015.

Park City Municipal Corporation

By: _____ Mayor

ACKNOWLEDGMENT

State of Utah
County of Summit

On this _____ day of _____, 2015, Jack Thomas personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Jack Thomas acknowledged to me that he was the owner of the above described property, and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in Utah

Printed Name: _____
Reading in: _____
My commission expires: _____

BOUNDARY DESCRIPTION

All of Lots 3 and 4, and the following described portion of Lot 5, Block 10, Amended Plat of the Park City Survey:

The southeast corner of said Lot 5, and running thence North 23°30' West 9.7 feet, more or less, to a point on the front lot line of said Lot 5, and the line which is the extension of the south line of the southerly most wall of the building located on the south line of said Lot 5, and running thence North 23°30' East 9.7 feet, more or less, to the south line of said Lot 5, and running thence South 23°30' East 9.7 feet, more or less, to the southwest corner of Lot 5, running thence North 12°42' East 75 feet to the point of beginning.

SURVEYOR'S CERTIFICATE

I, Martin A. Mendenhall, certify that I am a Registered Land Surveyor and that I hold Certificate No. 4330723 as evidence of my registration. I have prepared this Record of Survey map of MINER'S PLAZA SUBDIVISION and that the same has been examined and found to be correct and true to the ground as shown on this plat. I further certify that the information on this plat is accurate.

RECEIVED
JUL 08 2015
PARK CITY PLANNING DEPT.

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS _____ DAY OF _____, 2015
BY: _____ PARK CITY ATTORNEY

ENGINEER'S CERTIFICATE
I, _____, do hereby certify that I am a Licensed Professional Engineer in the State of Utah, and that I have examined the above described plat and find it to be in accordance with the provisions of the Utah Subdivision Map Act, and that the same has been examined and found to be correct and true to the ground as shown on this plat. I further certify that the information on this plat is accurate.

FILED IN MY OFFICE THIS _____ DAY OF _____, 2015
BY: _____ PARK CITY ENGINEER

PLANNING COMMISSION
APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2015
BY: _____ CHAIR

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2015
BY: _____ S.B.W.R.D.

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2015
BY: _____ MAYOR

CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY MAP WAS FILED BY _____ DAY OF _____, 2015
BY: _____ PARK CITY RECORDER

RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ ENTRY NO. _____ FEE _____

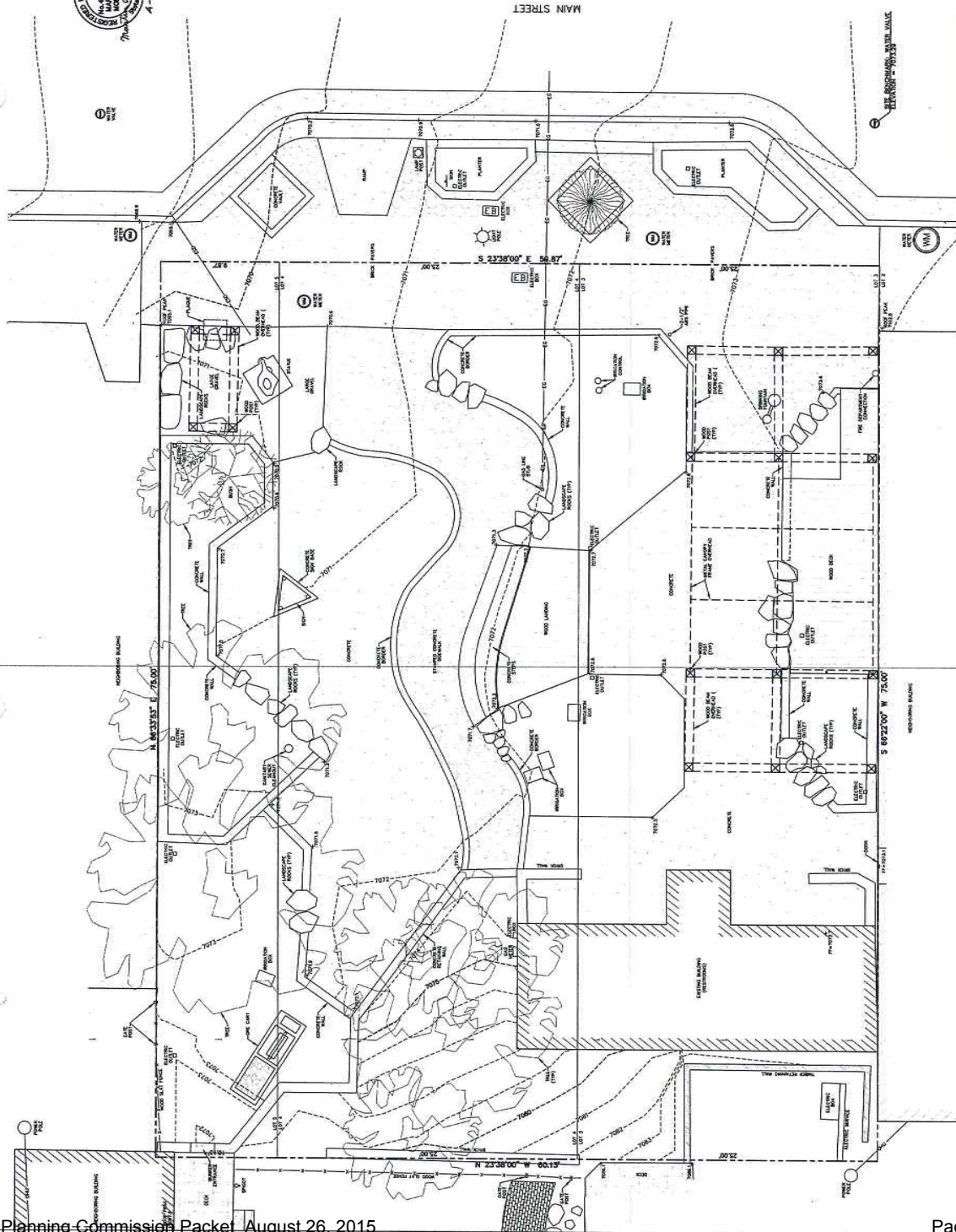
SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, do hereby certify that I am a registered land surveyor and that I hold certificate no. 432528 as prescribed under the laws of the State of Utah. I further certify that a topographic survey of the above described property has been made and that the same is a true and correct copy of the original survey. I further certify that this topographic survey is a true and correct copy of the original survey. I further certify that this topographic survey is a true and correct copy of the original survey. I further certify that this topographic survey is a true and correct copy of the original survey.



NOTES

1. Site Benchmarks: Water valve
Elevation=7072.29
2. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
3. This topographic map is based on a field survey performed on March 23, 2015.
4. Property corners were set.
5. Snow coverage at the time of the survey was approximately 6" to 8". As a result, actual elevations may vary slightly from those shown on this map. Measurements, improvements and/or conditions may exist which are not shown on this survey.

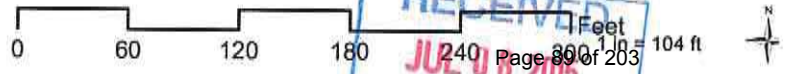


STAFF: LAND PLANNING DIRECTOR MARTY MORRISON JEFF HATCH	DATE: 4/9/15	(435) 442-1447 227 Main Street, P.O. Box 2644, Park City, UT 84302-2644	EXISTING CONDITIONS & TOPOGRAPHIC MAP MINER'S PLAZA (415 MAIN STREET) BLOCK 10, PARK CITY SURVEY FOR: PARK CITY MUNICIPAL CORPORATION JOB NO.: 7-3-15 FILE: X:\ParkCitySurvey\log\m\topo2015\070315.dwg	SHEET 1 OF 1



Miner's Plaza

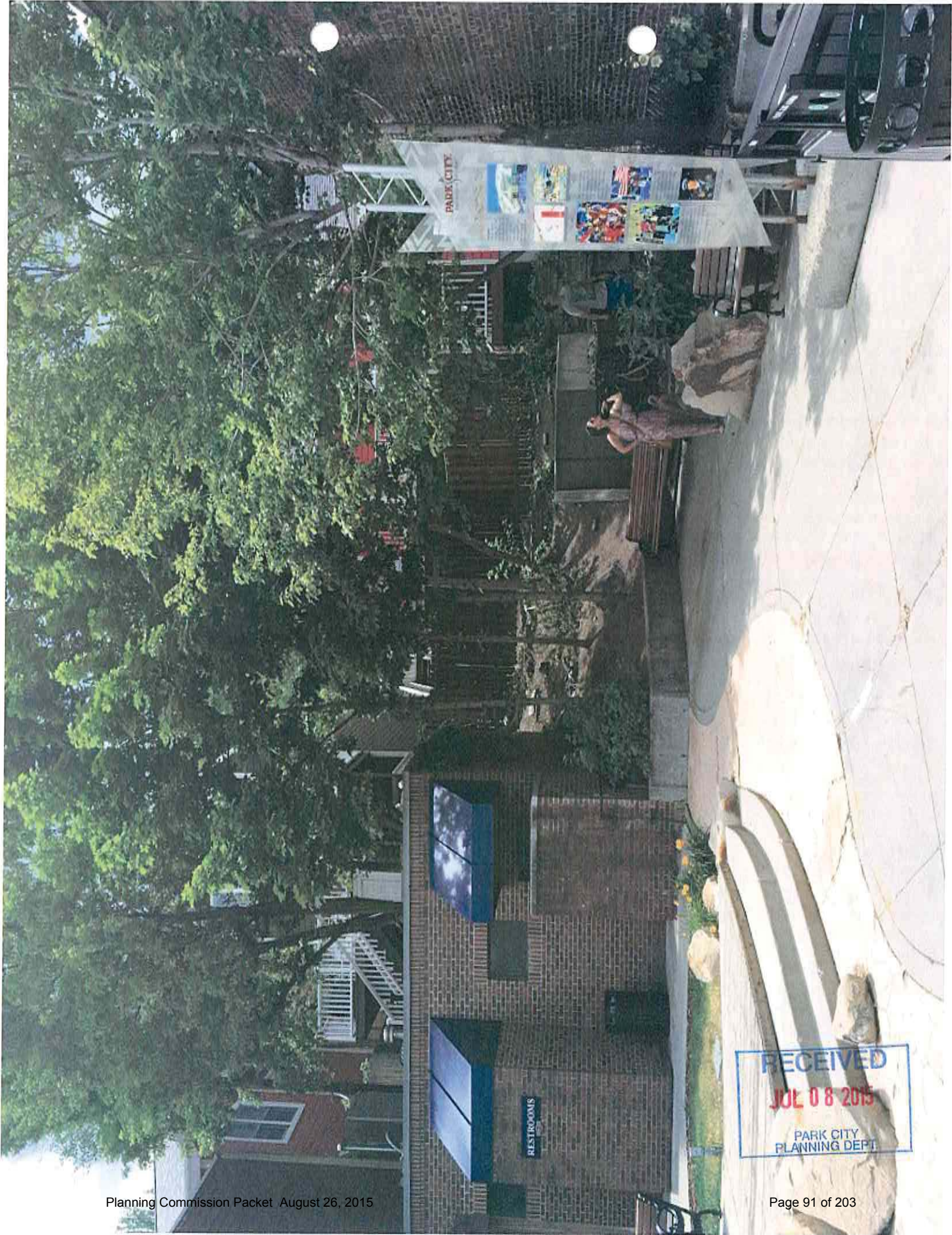
Planning Commission Packet August 26, 2015



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PARK CITY
PLANNING DEPT.



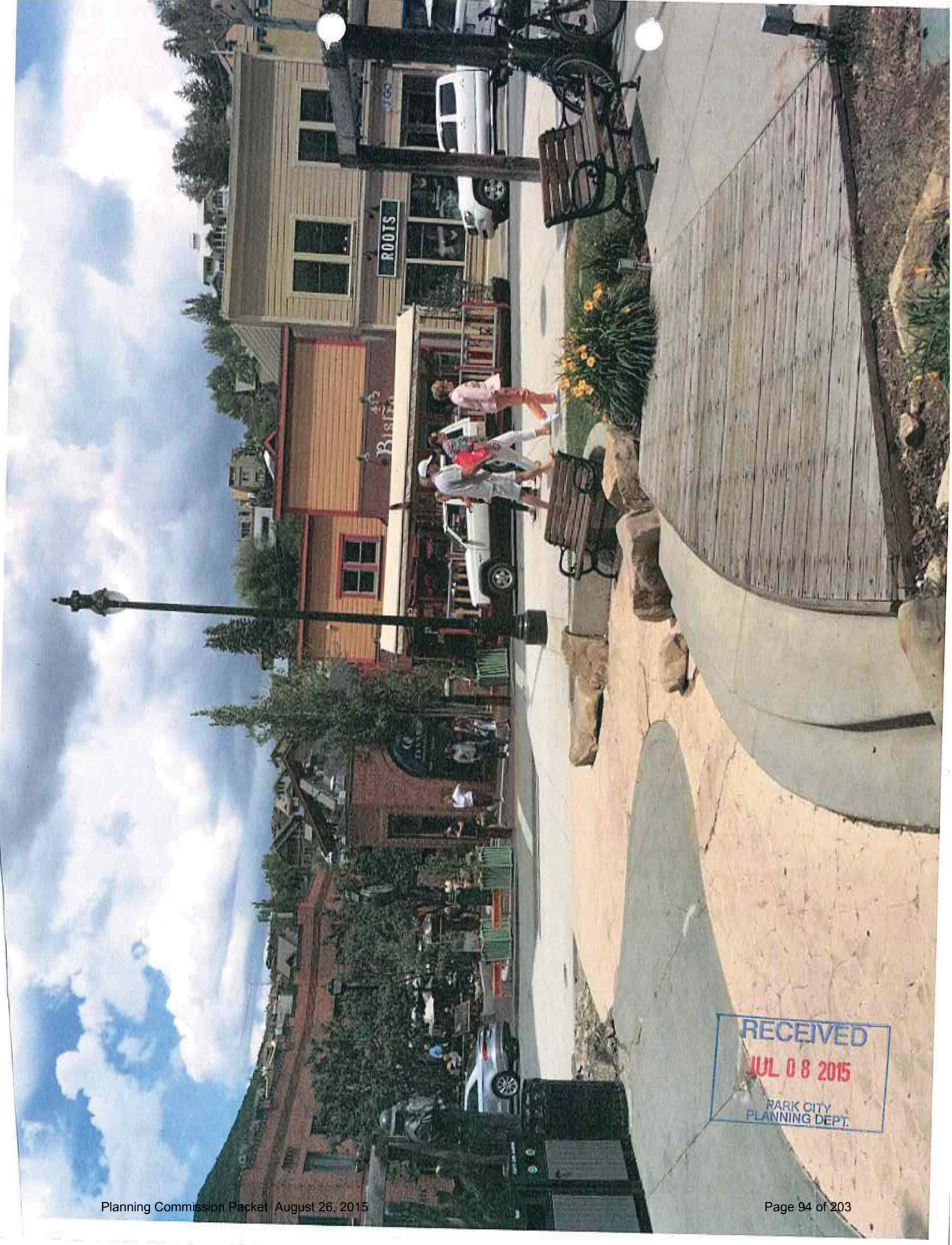


RECEIVED

JUL 08 2015

PARK CITY
PLANNING DEPT.





Planning Commission Staff Report



PLANNING DEPARTMENT

Application #s: PL-15-02695
Subject: Intermountain Healthcare Hospital
Author: Kirsten Whetstone, Sr. Planner
Date: August 26, 2015
Type of Item: Administrative –Master Planned Development Pre-application public hearing and discussion

Summary Recommendations

Staff recommends the Planning Commission discuss and provide input regarding the Pre-Master Planned Development application for proposed amendments to the IHC Master Planned Development (MPD) and conduct a public hearing. Staff has provided findings of fact and conclusions of law for the Commission's consideration of items 1, 2, and 4 and requests continuation to September 9th for items 3 and 5. Finding a Pre-MPD application consistent with the General Plan and general purposes of the LMC, does not indicate approval of the MPD Amendment application. It allows an MPD Amendment application to be filed for further consideration.

Staff reports reflect the professional recommendation of the planning department. The Planning Commission, as an independent body, may consider the recommendation but should make its decisions independently.

Description

Applicant: IHC Hospital, Inc. represented by Morgan D. Busch
Location: 900 Round Valley Drive
Zoning District: Community Transition (CT)
Adjacent Land Uses: Park City Recreation Complex, USSA training facility, US 40, and Round Valley open space
Reason for Review: Pre-Applications for MPDs and MPD amendments require Planning Commission review and a finding of compliance with the Park City General Plan prior to submittal of a full Master Planned Development application.

Proposal

This is a request for review of a pre-MPD application for five amendments to the Intermountain Health Care Master Planned Development (aka Park City Medical Center) located at 900 Round Valley Drive. On June 18, 2015, the applicant submitted a revised application requesting pre-MPD review of the following amendments (Exhibit A):

1. Affordable Housing Plan and locating Peace House on Lot 8.
2. Subdivision of Lot 8 into two lots.
3. Additional density for support medical uses (**continue action to Sept 9th**).
4. Administrative adjustments to conditions and Development Agreement.
5. Park City Fire District station within the MPD (**continue action to Sept 9th**)

Background

On February 18, 2015, the Planning Department received a Master Planned Development pre-Application meeting application and letter from the applicant describing the MPD Amendments contemplated by IHC (Exhibit A). The application was considered complete on February 18, 2015, and scheduled for a Planning Commission meeting on April 8, 2015. At the April 8, 2015 Planning Commission meeting a public hearing was held and the item was continued to a date uncertain to allow Staff additional time to address the requested amendments in more detail. No staff report was provided for the April 8th meeting and there was no discussion or public input.

Following the June 4, 2015 Housing Authority Meeting (Exhibit B), where staff received direction regarding the Peace House as fulfillment of a portion of the remaining affordable housing obligation, the application was amended and found complete on June 18, 2015..

The property is part of the 157 acre IHC/USSA/Burbidge Annexation approved by the City Council in 2006. The property is subject to the IHC/USSA/Burbidge Annexation plat and Annexation (Development) Agreement recorded at Summit County on January 23, 2007 (Exhibit C). The Agreement describes conditions and parameters of the annexation and future development of the property.

On May 23, 2007, the Planning Commission approved an application for the Intermountain Healthcare Hospital MPD (aka Park City Medical Center) as well as a Conditional Use Permit for Phase One construction. Phase One included a 122,000 square foot hospital building (with an additional 13,000 square feet of constructed, unfinished shell space) with 50,000 square feet of medical offices (see Table 1 below). Phase one was constructed and certificates of occupancy were issued. The final unfinished shell space is currently being finished with an active building permit.

Two separate medical support buildings were proposed in the initial phase of development, including the Physician's Holding building on Lot 7 and the People's Health Center/ Summit County Health offices building on Lot 10 (approximately 25,000 sf each). These buildings have their own CUPs. The buildings are constructed and certificates of occupancy were issued.

On November 25, 2008, a final subdivision plat known as the Subdivision Plat (Amended) for the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility was approved and recorded at Summit County (Exhibit D).

On October 8, 2014, the Planning Commission approved a request for MPD amendments for Phase 2 construction. The 2014 MPD Amendments transferred a total of 50,000 sf of Support Medical Offices to Lot 1 from Lots 6 and 8 (25,000 sf each) to be incorporated within the Hospital Building. A Conditional Use Permit for the Phase 2 addition to the Hospital building on Lot 1 was also approved on October 8, 2014. The Phase 2 addition consists of 82,000 square feet of Support Medical Offices, a health education center, an expanded wellness center, additional administrative space for the

hospital, and shell space for future short term needs. In addition, 3,800 square feet of new hospital space for a procedure center was approved (1,000 square feet of new hospital uses and 2,800 sf of existing shell space). Minutes of this meeting are attached as Exhibit E.

Density calculations

Completion of all on-going construction will yield a total of 137,800 sf of hospital uses with 162,200 sf of hospital uses remaining to be constructed in future phases. The IHC MPD allows a total of 300,000 sf of hospital uses on Lot 1. Total approved density is 535,000 SF gross floor area which equates to 415 UE.

In addition to hospital uses, construction is underway for the remaining support medical offices allowed on Lot 1, including the 50,000 sf transferred from Lots 6 and 8, per the current MPD approvals. Upon completion of this construction a total of 150,000 sf of support medical offices will be finished on Lot 1. This is the total amount of support medical offices permitted by the current IHC MPD.

Construction of approximately 25,000 sf on each of Lots 7 and 10 is complete and no changes are proposed.

The final building included in the IHC Annexation Density and Affordable Housing calculations is the 85,000 sf USSA Center of Excellence constructed on the 5 acre Lot 3. This building was approved with a separate MPD and CUP and no changes are proposed.

The remaining lots were not allocated specific density in terms of Unit Equivalents through the Annexation Development Agreement. Lot 2 (8.492 acres) is identified on the plat as an open space lot. Lot 4 (5 acres) was identified as the location of 28 townhouse units to satisfy a portion of the affordable housing obligation.

These units were transferred to the Park City Heights Master Planned Development and the PC Heights development agreement identified Lot 4 as an open space lot. Lot 9 is the location of a Questar Gas regulating station on 0.174 acres. Lot 11 contains 0.951 acres and wraps the gas regulating station lot. These lots are located adjacent to the Quinn's Recreation complex.

The following table (Table 1) indicates the remaining areas to be built and the proposed MPD Amendments:

Table 1.

Density of IHC MPD	Approved per IHC MPD and 1 st Amendment	Approved and built/ under construction	Proposed 50,000 SF Support Medical Uses	Remaining to be built
Hospital Uses On Lot 1	300,000 SF (180 UE)*	137,800 SF (82.68 UE) (122,000 SF built prior to 2014 CUP + 13,000 SF shell space currently being finished + 2,800 sf of newly constructed hospital uses per 2014 CUP).	no change	<u>162,200 SF (97.32 UE)</u>
Total Support Medical Offices on Lots 1, 6, 7, 8, and 10	150,000 SF (150 UE)**	150,000 SF (150 UE) (68,000 SF existing with 82,000 SF under construction.)	200,000 SF (200 UE)	<u>0 SF to 50,000 SF (50 UE)***</u>
Total SF (includes Hospital Uses and Support Medical Offices) on Lots 1, 6, 7, 8 and 10	450,000 SF (330 UE)*****	287,800 SF (232.88 UE)	500,000 SF (380 UE total) (180 UE Hospital Uses plus 200 UE Support Medical Offices)	<u>212,200 SF (97.32 UE Hospital Uses and 50 UE Support Medical Offices)***</u>
Medical Support Offices on Lot 1	100,000 SF (100 UE)	150,000 SF (150 UE)	<u>0 SF to 50,000 SF (50 UE)***</u>	<u>0 SF to 50,000 SF (50 UE)***</u>
Support Medical office Lots 7 and 10	50,000 SF (50 UE)	50,000 SF (50 UE)	No change (50,000 SF) (50 UE)	<u>0</u>
Support Medical office Lots 6 and 8	50,000 SF approved - transferred to Lot 1 with 1 st MPD Amendment)	0 SF	Subject to approval of 2 nd Amendment	Subject to approval of 2 nd Amendment

*1 UE= 1666.67 sf of hospital use per the annexation agreement.

**1 UE= 1,000 sf of Support Medical Offices.

*** Subject to approval of up to 50,000 sf of support medical office uses.

****Includes the 50,000 SF transferred from Lots 6 and 8 with 1st MPD Amendment.

*****Total approved density is 535,000 SF gross floor area and 415 UE, including the 85,000 SF (85 UE) USSA training facility (which was not included in the Hospital MPD).

The Annexation Agreement states that the approved density is 2.64 UE per acre. There are a total of 415 UE on the 157.243 acres of the entire Annexation area. If an additional 50,000 sf of medical office uses are approved as requested (50 UE) the density would be 2.957 UE per acre (465 UE on 157.243 acres). Density is discussed in greater detail below.

Pre-Application process

A requirement for any Master Planned Development (MPD) (or amendment to an MPD) is a pre-application public meeting and determination of initial compliance with the Park City General Plan and the general purposes of the Zoning District (CT zone in this case). The Land Management Code (LMC 15-6-4(B)) describes the pre-Application process as follows:

At the pre-Application public meeting, the Applicant will have an opportunity to present the preliminary concepts for the proposed Master Planned Development. This preliminary review will focus on identifying issues of compliance with the General Plan and zoning compliance for the proposed MPD. The public will be given an opportunity to comment on the preliminary concepts so that the Applicant can address neighborhood concerns in preparation of an Application for an MPD.

The Planning Commission shall review the preliminary information to identify issues on compliance with the General Plan and will make a finding that the project initially complies with the General Plan. Such finding is to be made prior to the Applicant filing a formal MPD Application. If no such finding can be made, the applicant must submit a modified Application or the General Plan would have to be modified prior to formal acceptance and processing of the Application. For larger MPDs, it is recommended that the Applicant host additional neighborhood meetings in preparation of filing of a formal Application for an MPD.

For MPDs that are vested as part of Large Scale MPDs the Planning Director may waive the requirement for a pre-Application meeting. Prior to final approval of an MPD that is subject to an Annexation Agreement or a Large Scale MPD; the Commission shall make findings that the project is consistent with the Annexation Agreement or Large Scale MPD and the General Plan.

A full MPD application may be submitted if the Pre-MPD application conceptual plan is found to be consistent with the General Plan and general purposes of the zone. The full MPD application as well as a Conditional Use Permit application for construction, includes typical MPD studies (traffic, utilities, phasing, affordable housing plan and phasing, topography, soils and mine hazards, density, view sheds, open space, sensitive lands and wildlife, etc.) and typical CUP requirements (site plan, landscaping plan, phasing of construction, utility and grading plans, parking and circulation plans,

open space calculations, architectural elevations, specific geotechnical studies, etc.).

The full MPD is reviewed for compliance with the MPD requirements as outlined in LMC Chapter 6, the Annexation Agreement, the CT zone requirements, as well as any additional items requested by the Planning Commission at the pre-MPD meeting.

Finding that a Pre-MPD is consistent with the General Plan and the general purposes of the zone does not indicate approval of the full MPD. If the pre-MPD is found to not comply with these requirements and criteria, the applicant can amend the MPD, request an amendment to the LMC or General Plan, or abandon the request.

Proposed MPD Amendments

The applicant requests the following items as a second amendment to the IHC MPD:

1. Fulfillment and phasing of the IHC MPD Affordable Housing Obligation and consideration to approve the location of the Peace House on a portion of Lot 8.
2. Subdivision of Lot 8 into two lots allocating 3.6 acres to Peace House and creating a Lot 12 from the remaining lot 6.33 acres.
3. Request to pursue additional density up to the maximum allowed in the CT Zoning District of up to 3.0 units per acre (+50,000 sf Support Medical Offices).
4. Administrative corrections to the October 8, 2014, Conditions of Approval and an amended Development Agreement
5. Initiate discussion regarding locating a Park City Fire District fire station within the IHC MPD.

1. Fulfillment and phasing of the remaining Affordable Housing Obligation

The MPD amendment requests construction of the Peace House facility and transitional housing to a 3.6 acre portion of Lot 8 in partial fulfillment of the remaining housing obligation.

Based on the Annexation Agreement, the Applicant incurred a housing obligation totaling 90.47 AUEs (Affordable Unit Equivalents). To date, no units have been completed; however all 44.78 AUEs will be fulfilled in the on-going construction of 28 townhomes in the Park City Heights Development.

Through agreements with other entities, and transfer of development on certain parcels of the IHC MPD, the overall housing obligation was reduced by 22.37 AUEs resulting in the current balance owed of 23.32 AUEs (see Exhibit B June 4, 2015 Park City Housing Authority Staff Report). USSA had a separate housing obligation of 10.71 AUE which was deferred by the terms of the Annexation Agreement, and is subject to change if the building changes ownership or use.

The following table identifies the affordable housing obligations as stated in the Development Agreement.

Table 2

Uses/SF	Hospital Uses (300,000 sf)	Medical Offices (150,000 sf)	USSA –non profit (85,000 sf)	Total
Affordable Housing Unit obligation (AUE)	44.78	34.98	10.71	90.47
Affordable Housing satisfied (AUE)	44.78 Park City Heights as 28 townhouses per PC Heights Affordable Housing Plan.	11.66 deferred/under agreement for Health Building and Physicians Holding	10.71 deferred by Annexation Agreement- subject to change with use/ownership	44.78
Affordable Housing still required	0	23.32	0 (10.71 if ownership or use changes)	23.32
Peace House affordable on Lot 8	n/a	12.5	n/a	10.82 remaining obligation (after completion of Peace House)

Any additional density allowed through an amendment to the MPD would have an additional affordable housing obligation. For example an additional 50,000 sf of medical offices would trigger an additional 11.66 AUE based on the 17-99 Resolution which defines an AUE as a two-bedroom unit of 800 square feet (and allows for equivalent housing types and sizes based on the 800 square feet). The current Resolution 02-15 defines an AUE as a two bedroom unit of 900 square feet with similar allowance for a variety of housing types, including transitional housing.

The full MPD amendment application should identify phasing for the remaining affordable housing obligation, including a plan for any additional density that may be granted during the MPD process.

IHC offers the lot for Peace House use at a nominal cost of \$1 per year as a “ground” lease. A housing plan indicating how the housing obligation will be fulfilled would be submitted with the full MPD application for full review and analysis by the Commission. Final approval of the housing plan is made by the Housing Authority.

Part of the funding for construction of a new Peace House facility is coming from Summit County from affordable housing fees collected to satisfy a housing obligation from the Factory Store expansion project. The Peace House has an agreement with Summit County to start construction by March 1, 2017. IHC’s portion is separate from

the County portion. Details of the agreement and uses are included in the June 4, 2015 Housing Authority Report (Exhibit B).

If approved and constructed the Peace House would meet IHC's entire affordable housing obligation for the next anticipated phase of development (9.5 AUE) which is currently planned for 2019 to 2025. The additional 3 AUEs could be applied toward a portion of future full build out. The full MPD application will include details regarding phasing of construction and phasing of the affordable housing obligation. The Annexation Agreement (Exhibit D) includes an extensive section on Affordable Housing requirements.

Subsection "c" is the section that pertains to the provision of 34.98 UE of affordable housing for the medical office uses (150,000 sf). This section indicates that "this requirement shall be satisfied with either on-site or off-site units as determined in connection with the development of the Property to which such area relates and, in any case, shall not reduce the square footage available for the support medical office area. The units shall be sold or rented at deed restricted prices or otherwise financed consistent with the City's affordable housing guidelines." It indicates that construction of the units may be phased with construction of the support medical office area. The footnote number 4 below subsection "c" pertains to the fact that the City accepted a financial guarantee for the units to address the timing of issuance of certificates of occupancy in relationship to construction of affordable units.

The City's affordable housing resolutions 17-99 (applicable resolution for the Annexation Agreement) and 02-15 (current resolution) (Exhibits B and H) provide for alternative housing types, including transitional housing, to fulfill affordable housing obligations.

Staff requests discussion of the proposed amendment regarding construction of the Peace House facility on a portion of Lot 8 as fulfillment of a portion of the IHC MPD affordable housing obligation.

Does the Commission find that the location of the Peace House on a portion of Lot 8 is consistent with the Annexation Agreement in terms of fulfilling affordable housing requirements?

Is the use of the Peace House (as described in the June 4th report (Exhibit B)) in this location consistent with the General Plan and general purposes of the CT Zone?

Is there additional information or special considerations the Commission would request as part of the MPD application?

2. Subdivision of Lot 8

The applicant is requesting an MPD amendment to allow a subdivision of the existing 9.934 Lot 8 into two lots. Lot 8 is located directly north of the Summit County Health Department Building. The 3.6 acre eastern portion of Lot 8 would remain as Lot 8 and a

new Lot 12 would be created from the remaining 6.334 acres. IHC would retain ownership of Lot 12 and Lot 8 would be encumbered with a ground lease for the Peace House. The western portion (Lot 12) is primarily wetlands and wetlands buffer. There is no minimum lot size in the CT zone and setback requirements of the zone could be met. A formal plat amendment application would be necessary to split the existing lot into 2 lots, with review and recommendation by Planning Commission and final action by the City Council.

Staff requests discussion of the request to subdivide Lot 8 into two separate lots to allow IHC to provide a ground lease of a lot of record for the Peace House.

Is this subdivision of Lot 8 consistent with the General Plan and general purposes of the CT Zone?

Are there additional items that the Commission would like to include in the MPD application in order to review this amendment in more depth?

3. Request to pursue additional density for Medical Support Uses (continue to Sept 9th)

The applicant is requesting consideration of an MPD amendment to allow an additional 50,000 sf (50 UEs) of density to be identified for the Medical Campus. The applicant is requesting consideration of this additional density for Lots 1, 6, and/or Lot 12 depending on future needs of the hospital. Final allocation could be determined at the time of a Conditional Use Permit for the support medical office as a future phase of construction or spelled out in the amended Development Agreement.

The Annexation Agreement states that the approved density is 2.64 UE per acre. There are a total of 415 UE approved on the 157.243 acres of the entire Annexation area (see Density and Square footage Table 1 above). If an additional 50,000 sf of medical office uses are approved (50 UE) the density would be 2.957 UE per acre (465 UE on 157.243 acres).

Maximum base density allowed in the Community Transition (CT) Zoning District is 1 UE per 20 acre. A bonus density up to a maximum of 3 UE per acre may be approved provided that all Density bonus requirements set forth in LMC Section 15-2.23A (Exhibit G) are met and the additional standards are incorporated into the Master Planned Development. Those standards include:

- 1) Minimum of 80% Open Space
- 2) 300' Frontage Protection Zone (FPZ) no-build Setback
- 3) Minimum of 60% of the required parking located in structured or tiered parking
- 4) Additional Enhanced Public Benefit Dedication
- 5) 5% additional Affordable Housing commitment

A detailed density analysis is required with the full MPD application to identify open space calculations, setbacks, parking plan layout and phasing, to describe the enhanced public benefit dedication, and to identify how the affordable housing

obligations will be met and phased. Additionally the full MPD application would need to include updated traffic and utility capacity studies.

During the Annexation discussion the intent was to include in the 3 units/acre ratio density all of the medical support uses. Also, there was a preference for institutional uses (i.e. Hospital, County Health, and USSA) focusing on support for the hospital and not for more private clinics and offices.

An issue the Commission should address with this request for additional density is the question regarding density for Lot 5. Lot 5 was dedicated to the City for recreational uses; however the Annexation Agreement does not allocate density, in terms of square feet to this lot. **Staff requests discussion of this item and continuation of action on this item to September 9th to allow Staff time to prepare specific findings.**

Staff requests discussion regarding the request for an additional 50,000 sf of Support Medical Offices for the IHC Medical Campus.

Does the Commission find that this additional density is consistent with the intent of the Annexation Agreement and the CT Zone?

If approved, should the uses for this density be spelled out in detail at the time of the MPD to ensure that it is support for the Hospital?

If approved, should the location of these uses be identified with the Second Amended MPD to specific lots (Lots 1, 6, or 12)? Or should the location of the additional Support Medical Offices be left flexible to be determined during the CUP process prior to permit issuance?

Staff also requests discussion related to density for public recreation facilities and essential public facilities, e.g. whether public ice rinks, public indoor fields and recreation facilities, fire stations, police stations, etc. along with support administrative uses, locker rooms, maintenance and storage facilities, etc. should be required to utilize density?

4. Conditions of the October 8, 2014 approvals (MPD Amendment) and Development Agreement

The Applicant also requests MPD amendments for clarification and correction of Conditions of Approval #16, #17, and #18 of the October 8, 2014 MPD Amendment approval (Exhibit E).

Condition #16 states:

Prior to issuance of a building permit for any future phases of construction, the applicant and Staff shall verify that all items agreed to by the applicant listed in Findings of Fact #21, as mitigation for the loss of the use of a planned ball field at the Park City Recreation Complex, have been completed.

Condition #17 states:

One year after issuance of a certificate of occupancy for the next phase of construction the Applicant shall conduct and present to the Planning Commission, a parking study of the Medical Center site (parking utilization for various uses, parking utilization for various lots, use of alternative modes of transportation, etc.). The study shall include professional recommendations addressing the potential impact of reduced parking ratios in future phases and a comprehensive program to increase utilization of any underutilized parking areas.

Condition #18 states:

A Development Agreement specifically for the IHC Master Planned Development, as amended, shall be ratified by the Planning Commission prior to issuance of a building permit for the next phase of development. The Agreement shall reiterate all applicable requirements of the Annexation Agreement, as well as zoning requirements related to findings, conclusions, and conditions of approval of the MPD. The Development Agreement shall include the revised phasing plan for all future construction and uses, parking, affordable housing, landscaping, and public improvements. The Development Agreement shall include an express reservation of the future legislative power and zoning authority of the City, a copy of the approved MPD plans and any other plans that are a part of the Planning Commission approval, a description of all Developer exactions or agreed upon public dedications, an agreement to pay all specified impact fees; a description of the form of ownership anticipated for the project; and a list and map of all known Physical Mine Hazards on the property.

Condition #16 was left over from the original MPD approval. The applicant has satisfied the items as stated in Finding of Fact #21 of the 2014 MPD Amendment approval. Therefore this condition is not necessary and should be corrected in the amended Development Agreement.

Condition #17 was discussed by the Commission and some Commissioners did not believe a parking study was necessary; however the condition was left in the final approval as reflected in the meeting minutes. This condition regarding parking can be addressed in more detail at the full MPD application for the proposed MPD amendments. Parking and phasing of parking, whether surface parking, tiered parking or structured parking is an important element of this MPD as construction is phased.

Staff supports leaving this condition in place and will expect to see a parking study done one year following certificate of occupancy of the current phase (Phase 2) of construction. This study will assist in the understanding of parking in an existing condition to allow for planning of parking for future phases.

Regarding Condition #18, the applicant indicates that they would like to see the Development Agreement address the affordable housing plan as well as the first amended MPD and any amendments approved with the second amended MPD to memorialize both the original approval and all approved amendments.

The Amended Development Agreement should address the following:

1. Density allocation for each lot, and addressing the split of Lot 8 into two lots.
2. Whether density is required for public recreation uses, essential public facilities, public emergency uses such as fire stations, etc.
3. Affordable housing obligations.
4. Future parking plan and accomplishment of CT Zoning District requirements for structured and tiered parking to meet purposes of the Zone.
5. Phasing of future development with revisions to each section of the Agreement to be updated as needed with regards to phasing, trails, fire prevention, sewer, water, affordable housing, open space, and traffic mitigation, as well as others deemed necessary to update to current conditions, or as conditioned by the Planning Commission. These revisions would be spelled out during review of updated studies during the full MPD application review.

Staff requests discussion regarding the request for these amendments to the conditions of approval as well as the request to memorialize the approved and any future amendments in an amended Development Agreement.

5. Initiate discussion regarding locating a Park City Fire District fire station within the IHC MPD (continue to September 9th).

The Applicant and the City have been approached by the Park City Fire District to consider including a Fire Station within the IHC MPD. The Fire District believes that a Fire Station can be designed to comply with all of the CT Zone requirements on a portion (approximately 1.5 acres) of the 5 acre, Lot 4 which is owned by the City. IHC is supportive of including a Fire Station within the IHC MPD.

Lot 4 is identified in the Park City Heights MPD Development Agreement as an open space parcel, vacated when the IHC affordable housing units (28 townhomes) were incorporated into the Park City Heights Development. Further discussions with the City Council, as property owner, are required prior to inclusion of any uses on Lot 4. The southern portion of Lot 1 is also a possible location. Or a land trade between Lots 1 (IHC) and 4 (Park City) to allow 1.5 acres of Lot 4 to be developed with a Fire Station and an equal portion of Lot 1 to being combined with the remaining 3.5 acres of Lot 4 and dedicating a revised 5 acres open space parcel.

The Peace House has indicated that they believe a Fire Station would be a beneficial use across the street and generally located within the Medical Campus. IHC also supports a Fire Station as an essential public use as contemplated by the CT Zone, consistent with the General Plan, and consistent with legislative intent of the IHC MPD.

Staff requests discussion of this item and continuation of action on this item to September 9th to allow Staff time to prepare specific findings.

Staff requests discussion as to whether the Commission finds that a Fire Station is an appropriate use in the IHC MPD and whether the use is in compliance with the CT Zone and General Plan. Does the Commission find that this type of use should not be counted in the overall density calculations of the MPD?

Analysis

The purpose of the MPD pre-application public meeting is to have the applicant present preliminary concepts and give the public an opportunity to respond to those concepts prior to submittal of the complete MPD amendment application. Staff provided the Community Transition (CT) Zoning district Chapter from the Land Management Code (Exhibit G) as well as relevant Goals and Strategies, and the Quinn's Neighborhood Section, of the General Plan (Exhibit F- [link to City Website for the General Plan](#)).

The CT zone per LMC Section 15-2.23-2 allows for a variety of uses including conservation and agriculture activities; different types of housing and alternative living situations and quarters; trails and trailhead improvements; recreation and outdoor related uses; public, quasi public, civic, municipal and institutional uses; hospital and other health related services; athlete training, testing, and related programs; group care facilities, ancillary support commercial uses; transit facilities and park and ride lots; small wind energy systems; etc. It was determined at the time of the annexation and approval of the MPD that the Intermountain Healthcare Hospital (aka Park City Medical Center) was consistent with the purpose and uses of the zone.

Does the Planning Commission find the proposed MPD amendments are consistent with the CT Zone in terms of purpose and uses?

General Plan Review

The IHC MPD (aka Park City Medical Center Campus) is located in the Quinn's Junction neighborhood, as described in the new Park City General Plan. Specific elements of the General Plan (Exhibit K) that apply to this project include the following: (*Staff analysis and comments in italics*)

Quinn's Junction Neighborhood- Park City Medical Center is listed as a neighborhood icon in the Quinn's Junction Neighborhood section of the General Plan. The Joint Planning Principles for the Quinn's Junction area recommend development patterns of clustered development balanced with preservation of open space. Public preserved open space and recreation is the predominant existing land use.

Development should be designed to enhance public access through interconnection of trails, preserve public use and enjoyment of these areas, and continue to advance these goals along with the preservation of identified view sheds and passive open space areas. New development should be set back in compliance with the Entry Corridor Protection Overlay. Sensitive Lands should be considered in

design and protected.

Uses contemplated for this neighborhood include institutional development limited to hospital, educational facilities, recreation, sports training, arts, cultural heritage, etc.

The proposed amendment to the IHC MPD includes construction of transitional housing as well as an emergency shelter. The proposed uses are considered critical enhancements for the program and key to success of the Peace House as it serves this population. Development location is setback from the Entry Corridor and building placement and architecture would be similar to the Medical Office Building to the north and to the Summit County Health Building to the south. Views from Highway 248 would be studied and presented with the full MPD. Sensitive wetland areas should be protected and taken into consideration in design of driveways, parking lots, and buildings, as well as protected from impacts of proposed uses.

The proposed amendment to include up to 50,000 sf of additional support medical office uses could enable the Medical Center to address short term growth for support medical uses in Summit and Wasatch Counties. There is already a significant amount of projected growth that the Medical Center has become aware of from recent presentations from Envision Utah and the State. IHC sees the additional 50,000 sf as a short term (5-10 years out) as opposed to a long term future. For long term future needs IHC already anticipates the need to become part of a TDR program due to constraints of the allowed density in the CT Zoning District.

Staff recommends that transit options be studied and presented with a full MPD application. If the request for an additional 50 UE is approved most of the UE would be dedicated to support medical offices. A small percent of the 50,000 may be constructed as Hospital uses. The Commission can request an analysis of uses (support medical and hospital) at the time of the MPD application, as well as a growth study analysis, transportation study, utility capacity study, etc.

Maximum base density allowed in the Community Transition (CT) Zoning District is 1 UE per 20 acres. A bonus density up to a maximum of 3 UE per acre (maximum of 1 UE per acre for residential uses) may be approved provided that all Density bonus requirements set forth in LMC Section 15-2.23A (Exhibit G) are met and the additional standards are incorporated into the Master Planned Development. Those standards include:

- Minimum of 80% Open Space*
- 300' Frontage Protection Zone (FPZ) no-build Setback*
- Minimum of 60% of the required parking located in structured or tiered parking*
- Additional Enhanced Public Benefit Dedication*
- 5% additional Affordable Housing commitment*

Staff needs to do additional research into the approved MPD before making a recommendation on the request for additional density.

Small Town- Goals include protect undeveloped land; discourage sprawl, and direct growth inward to strengthen existing neighborhoods. Goals also include encourage alternative modes of transportation.

Quinn's Junction is identified as a Development Node. The proposed MPD amendments include uses to support the existing Peace House uses and mission. By relocated the facility to a public location the Peace House believes they will be more successful in raising awareness of the mission and will be able to provide public education and assistance to at risk populations before issues raise to emergency levels. Housing proposed is support to the shelter as well as transitional housing needs, to meet short term housing needs. There is existing City bus service to the area on an as needed basis. Additional uses will help to validate additional services. The IHC MPD is located on the City's trail system and adjacent to Round Valley open space and Quinn's Recreation Complex. The location is convenient to medical services and recreation. The location is not convenient to shopping or schools.

Natural Setting- Goals include conserve a healthy network of open space for continued access to and respect for the natural setting. Goals also include energy efficiency and conservation of natural resources.

The proposed MPD amendments include expansions of existing uses by requesting additional density for future hospital expansion and by relocating the existing Peace House to a location where their mission can be expanded. The MPD application will need to analyze open space requirements taking into consideration building footprint, parking, and driveways for the proposed uses. Green building requirements are part of the existing Annexation Agreement and would continue to apply to any future hospital expansion and construction of the Peace House facility.

Staff requests discussion regarding the location of any additional hospital density and whether that should be restricted to Lot 1 as opposed to the options of Lot 6 or Lot 12 and continue discussion of the hospital density issue to September 9th to allow staff to draft specific findings.

Sense of Community- Goals include creation of diversity of housing, including affordable housing; provision of parks and recreation opportunities; and provision of world class recreation and infrastructure to host local, regional, national, and international events while maintaining a balance with the sense of community.

A primary reason for the proposed MPD amendments is to provide improvements and enhancements to allow the Peace House to relocate to a public location to continue to be successful and to carry out their mission. The proposed short term transitional housing will compliment the emergency shelter. The proposed housing is not intended as long term or permanent housing in this location.

Does the Planning Commission find the proposed MPD amendments for the Peace House are consistent with the Goals of the Park City General Plan?

Are there additional items that the applicant should submit with the MPD application or that should be included in the amended Development Agreement to clarify any specific issues or concerns?

Notice

A legal notice of the public hearing was published in the Park Record on March 21, 2015. The property was posted and notice letters were mailed out on March 24, 2015. The property was re-noticed on August 12, 2015^h with letters mailed out to neighboring property owners and re-posted according to requirement of the LMC. A legal notice was published in the Park Record on August 8, 2015.

Public Input

No public input has been received by the time of this report.

Alternatives

- The Planning Commission may find that all or some of the proposed MPD amendments presented in the Pre-MPD application are consistent with the Park City General Plan and general purposes of the CT Zone; or
- The Planning Commission may find that all or some of the proposed MPD amendments are not consistent with the Park City General Plan and may provide direction to the applicant to make modifications to render the MPD application consistent with the General Plan and general purposes of the CT Zone; or
- The Planning Commission may continue the discussion on all or portions of the MPD amendments and request additional information on specific items.

Future Process

If the pre-MPD application is found to be consistent with the General Plan and purposes of the CT Zone the applicant may submit a full and complete MPD Application for review by the Staff and Planning Commission. The Planning Commission takes final action of the full MPD application and that would constitute Final Action that may be appealed to the City Council following appeal procedures found in LMC § 15-1-18. Review and approval of a Conditional Use Permit application by the Planning Commission would be required prior to building permit issuance for construction of future phases of development within the MPD, including the Peace House facility.

Summary Recommendations

Staff recommends the Planning Commission discuss and provide input regarding the Pre-Master Planned Development application regarding proposed amendments to the IHC Master Planned Development (MPD) and conduct a public hearing. Staff has provided findings of fact and conclusions of law for the Commission's consideration.

Finding a Pre-MPD application consistent with the General Plan and general

purposes of the LMC, does not indicate approval of the MPD Amendment application. It allows an MPD Amendment application to be filed for further consideration.

The following Findings of Fact and Conclusions of Law are for items 1, 2, and 4 of the pre-MPD application, as discussed above.

Findings of Fact

1. On September 2, 2014, the City received a completed application for a pre- Application for a Master Planned Development amendment located at 1000 Ability Way.
2. The proposed MPD Amendment includes the following main items:
 - Fulfillment and phasing of the IHC MPD Affordable Housing Obligation
 - Subdivision of Lot 8 into two lots
 - Additional 50 units of density to bring total density to 3 units/acre from the existing density of 2.64 units/acre (continue to Sept 9)
 - Corrections to conditions of the October 8, 2014 approvals (MPD Amendment)
 - Amendment to the Development Agreement
 - Consideration of inclusion of a Fire Station within the MPD (Continue to September 9)
3. A full MPD application, and a Conditional Use Permit for construction of the Peace House, will be required to include a site plan, landscaping plan, a phasing plan, utility and grading plans, traffic and parking study updates, open space calculations, architectural elevations, view shed studies, sensitive lands analysis, affordable housing mitigation plan, soils/mine hazard studies as applicable, density analysis, and other MPD requirements as outlined in LMC Chapter 6, including any additional items requested by the Planning Commission at the pre-MPD meeting.
4. The property is zoned Community Transition (CT).
5. There is no minimum lot size in the CT zone.
6. The base density in the CT Zone is 1 unit per 20 acres. Maximum density allowed in the Community Transition (CT) Zoning District for non-residential projects is 3 units per acre provided that all Density bonus requirements set forth in LMC Section 15-2.23A are met and the additional standards are incorporated into the amended Master Planned Development.
7. The MPD Amendment includes a proposal to locate the Peace house, with transitional housing, shelter housing and support services, to the eastern 3.6 acres of Lot 8 to satisfy 12.5 AUEs of remaining 23.32 AUEs of housing obligation (not including any additional requirements associated with any approved additional density). IHC offers the lot for Peace House use at a nominal cost of \$1 per year as a “ground” lease.
8. The above affordable housing strategy for the Peace House was approved by the Park City Housing Authority on June 4, 2015.
9. Access to the property is from Round Valley Drive, a public street.
10. The property is subject to the IHC/USSA/Burbidge Annexation plat and

- Annexation Agreement recorded at Summit County on January 23, 2007.
11. On May 23, 2007, the Planning Commission approved a Master Planned Development for the IHC aka Park City Medical Center as well as a Conditional Use Permit for Phase One. Phase One included a 122,000 square foot hospital building (with an additional 13,000 square feet of constructed, unfinished shell space) with 50,000 square feet of medical offices. Two separate medical support buildings were proposed in the initial phase of development, including the Physician's Holding building on Lot 7 and the People's Health Center/ Summit County Health offices building on Lot 10 (25,000 sf each).
 12. On November 25, 2008, a final subdivision plat known as the Subdivision Plat (Amended) for the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility was approved and recorded at Summit County
 13. On October 8, 2014 the Planning Commission approved MPD amendments for Phase 2 construction. These MPD Amendments transferred 50,000 sf of support medical clinic uses to Lot 1 from Lots 6 and 8 (25,000 sf each).
 14. A requirement for any Master Planned Development (MPD) (or amendment to an MPD) is a pre-application public meeting and determination of compliance with the Park City General Plan and the purpose and uses of the zoning district (CT) in this case.
 15. The CT zone per LMC Section 15-2.23-2 allows for a variety of uses including conservation and agriculture activities; different types of housing and alternative living situations and quarters; trails and trailhead improvements; recreation and outdoor related uses; public, quasi public, civic, municipal and institutional uses; hospital and other health related services; athlete training, testing, and related programs; group care facilities, ancillary support commercial uses; transit facilities and park and ride lots; small wind energy systems; etc.
 16. It was determined at the time of the annexation and approval of the MPD that the Intermountain Healthcare Hospital (aka Park City Medical Center) and associated support medical offices are consistent with the purpose and uses of the zone.
 17. The proposed Peace House use is consistent with existing uses and is consistent with the CT Zone and Goals of the General Plan for the Quinn's Junction Neighborhood.
 18. The Land Management Code (LMC 15-6-4(B)) describes the pre-Application process for MPDs and MPD amendments.
 19. The purpose of the pre-application public meeting is to have the applicant present preliminary concepts and give the public an opportunity to respond to those concepts prior to submittal of the MPD amendment application.
 20. IHC is located in the Quinn's Junction neighborhood, as described in the new Park City General Plan.
 21. The Joint Planning Principles for the Quinn's Junction area recommend development patterns of clustered development balanced with preservation of open space. Public preserved open space and recreation

is the predominant existing land use. Clustered development should be designed to enhance public access through interconnection of trails, preserve public use and enjoyment of these areas, and continue to advance these goals along with the preservation of identified view sheds and passive open space areas. New development should be set back in compliance with the Entry Corridor Protection Overlay. Sensitive Lands should be considered in design and protected. Uses contemplated for this neighborhood include institutional development limited to hospital, educational facilities, recreation, sports training, arts, cultural heritage, etc.

22. The proposed MPD amendments are consistent with the intent of the Joint Planning Principles for the Quinn's Junction area.
23. Amendments to the IHC MPD are a compatible use in this neighborhood. Development is setback from the Entry Corridor to preserve the open view from SR 248. Sensitive wetland areas should be protected and taken into consideration in design of driveways, parking lots, and buildings, as well as protected from impacts of proposed uses.
24. Small Town Goals of the General Plan include protection of undeveloped land; discourage sprawl, and direct growth inward to strengthen existing neighborhoods. Alternative modes of transportation are encouraged and the MPD/CUP for the Peace House will need to describe alternative transportation related to the Peace House operations and residents.
25. Quinn's Junction is identified as a Development Node. The proposed MPD amendments include uses to provide a public location for the Peace House and support the existing IHC uses and mission. The housing proposed is short term transitional housing and emergency shelter housing in support of the Peace House mission.
26. There is existing City bus service to the area on an as needed basis and additional uses will help to validate additional services. Studies of transit and transportation in the Quinn's area will be important in evaluating the merits of the MPD amendments and considerations for permanent bus routes in the area.
27. The IHC and proposed Peace House Lot 8 are located on the City's trail system and adjacent to Round Valley open space and medical services.
28. Natural Setting Goals of the General Plan include conserve a healthy network of open space for continued access to and respect for the natural setting. Goals also include energy efficiency and conservation of natural resources.
29. With the proposed changes the MPD would require a minimum of 80% open space, excluding all hard surface areas, parking, driveways, and buildings.
30. The proposed MPD amendments include relocating the existing Peace House to a location where the mission can be expanded and enhanced.
31. Green building requirements are part of the existing Annexation Agreement and would continue to apply to the Peace House facility.
32. Sense of Community Goals of the General Plan include creation of diversity of housing, including affordable housing; provision of parks and recreation

opportunities; and provision of world class recreation and infrastructure to host local, regional, national, and international events while maintaining a balance with the sense of community.

33. A primary reason for the proposed MPD amendments is to provide improvements and enhancements to allow the Peace House to relocate to a public location to continue to be successful and to carry out their mission. The proposed transitional housing will compliment the shelter.
34. On April 8, 2015, the Planning Commission opened a public hearing and continued the item to a date uncertain to allow City Staff to work out issues related to the affordable housing obligation. No public input was provided at the meeting.
35. On August 12, 2015 the property was re-posted and letters were mailed to neighboring property owners per requirements of the Land Management Code.
36. On August 8, 2015 a legal notice of the public hearing was published in the Park Record and placed on the Utah public meeting website.
37. On August 26, 2015, the Planning Commission conducted a public hearing and discussed the pre-MPD for the IHC MPD amendment.
38. At the pre-Application public meeting, the Applicant presented the preliminary concepts for the proposed Master Planned Development. This preliminary review focused on identifying issues of compliance with the General Plan and zoning compliance for the proposed MPD.

Conclusions of Law

1. The proposed MPD Amendments to the Intermountain Healthcare Hospital MPD initially comply with the intent of the Park City General Plan and general purposes of the Community Transition (CT) zone.
2. A full MPD application is required to be submitted and reviewed by City Staff with a recommendation provided to the Planning Commission prior to issuance of any building permits for construction related to these amendments.
3. The full MPD application will include typical MPD studies such as an updated traffic/intersection study, updated utility capacity study (including water, sewer, gas/electric, communications, etc.), a revised phasing plan, an affordable housing plan for remaining and new obligation, reports on any additional mine hazard or soils issues for revised building footprints, open space calculations, updated sensitive lands and wildlife reports, Frontage Protection Zone setback exhibit, parking analysis, and public benefits analysis.
4. A Conditional Use Permit application for construction of any phase of development within the MPD will be required prior to issuance of a building permit.
5. Typical CUP requirements include site plan, landscaping plan, phasing of construction, utility and grading plans, storm water plans, parking and circulation plans, open space calculations, architectural elevations and visual studies, materials and colors, specific geotechnical studies, etc.).
6. The MPD will be reviewed for compliance with the MPD requirements as outlined in LMC Chapter 6, the Annexation Agreement, the CT zone requirements, as well as any additional items requested by the Planning Commission at the pre-MPD

meeting.

7. Finding a Pre-MPD application consistent with the General Plan and general purposes of the zone, does not indicate approval of the full MPD or subsequent Conditional Use Permits.
8. These findings are made prior to the Applicant filing a formal MPD Application

Exhibits

Exhibit A-- Applicant's revised MPD Amendment request (June 18, 2015)

Exhibit B-- Housing Authority meeting Staff report and minutes (June 4, 2015)

Exhibit C-- IHC Annexation Agreement (not exhibits) (January 23, 2007)

Exhibit D --Second Amended IHC/USSA Subdivision recorded plat (November 25, 2008)

Exhibit E-- October 8, 2014 Planning Commission meeting minutes

Exhibit F-- General Plan (not attached- see following link to General Plan)

Exhibit G-- Community Transition (CT) Zoning District language from the LMC

Exhibit H-- Housing Resolution 02-15

<http://www.parkcity.org/index.aspx?page=771>

**PARK CITY MEDICAL CENTER
MEDICAL CAMPUS
MASTER PLAN DEVELOPMENT CHANGES
PARK CITY PLANNING COMMISSION
WITH ADDITIONAL REQUEST
JUNE 18, 2015**

Background

The Park City Planning Commission approved an MPD amendment for the Park City Medical Center on October 8, 2014. This MPD amendment was made to facilitate the building of the Medical Support Building attached to the hospital. One of the conditions of approval was for Intermountain Healthcare to return to the Planning Commission within 6 months with a revised affordable housing phasing plan to address options for the location of the remaining approximately 23.3 affordable housing units associated with the MPD.

This MPD amendment will address the affordable housing phasing plan, as well as other issues; lot subdivision, density, and conditions of approval from October 8th.

Affordable Housing

Intermountain Healthcare is working with Peace House to develop a new shelter. Intermountain is providing the location for the shelter on part of lot 8 of the subdivision at a cost of \$1 per year. Peace House is planning to build a facility with transitional housing, shelter housing and support services. The total project would be about 25,000 square feet. Part of the funding for the Peace House project is coming from Summit County to fulfill other affordable housing requirements. Peace House's agreement with Summit County requires them to start construction by March 1, 2017.

Since Peace House is proposed as an affordable housing project, the density needed for Peace House should be granted as additional density above the already approved density granted to Intermountain Healthcare in the annexation agreement, and in addition to the permitted density in the CT zone.

The remainder of transitional housing, the shelter housing, and employee housing components of the Peace House project would qualify as affordable housing for Intermountain Healthcare future phases on the Medical Campus. It is estimated that the Intermountain portion of the transitional housing is 2 affordable housing units, the shelter housing is 8.75 affordable housing units, and the employee housing is 1 affordable housing unit. So Peace House would meet all of Intermountain's affordable housing for the next phase of campus development (9.5 affordable housing units), currently planned for 2019 to 2025, and part of the full build out phase as well.

The remaining affordable housing obligation of 11.3 affordable housing units is tied to the full build out phase of the campus development after 2025. Intermountain's plan for any remaining affordable housing AUEs would be to have these units developed off-campus. One option under consideration is to participate with Park City Municipal Corporation if the city develops a shared equity program or other affordable housing assistance program for employees. The other option would be to participate with a private housing development off campus.

Intermountain is requesting approval of the Peace House project on Lot 8 as fulfillment of the affordable housing requirement for the next phase of development.

Intermountain is offering to Peace House 3.6 acres of buildable land on the eastern portion of lot 8, immediately north of the Summit County Public Health Building. Therefore, lot 8 will need to be subdivided so that the remainder of lot 8 (the wetlands and the portion of the lot west of the trail become a new lot 12) can be retained by Intermountain Healthcare.

The attached exhibit from Great Basin Engineering shows the current Lot 8 with the proposed new lots described as parcels. Parcel 1 on the exhibit is the land that would be named Lot 8 and used by Peace Lot. Parcel 2 on the exhibit is the new lot, to be named Lot 12 and retained by Intermountain Healthcare.

Intermountain is requesting approval of subdividing lot 8 into an eastern portion to be ground leased to Peace House, and a western portion to be retained by Intermountain.

Density

The current approved density for Intermountain Healthcare is 330 units. This represents 2.64 units per acre of density. This is the total amount approved in the annexation agreement. The CT zone has a maximum density bonus of 3 to 1, if all the conditions of the CT zone are met.

Intermountain is requesting approval of 50 additional units of density for the campus. This would bring Intermountain to the maximum density bonus of 3 to 1.

- ***These units could be either medical support (ie. 50,000 square feet) or hospital density (83,350 square feet) or a mixed, based on future needs of the hospital.***
- ***These units would be built on Lot 1, Lot 6, or the new Lot 12 depending on the future needs of the hospital.***

October 8th, 2014 Conditions of Approval

In the published conditions of approval there were a few items that Intermountain Healthcare feels were inaccurate and would like the Planning Commission to correct as part of this application.

Condition #16 – This condition states that staff and the applicant shall verify that all items agreed to by the applicant listed in Findings of Fact #21, as mitigation for the loss of the use of a planned ball field have been completed.

During the hearing, staff acknowledged that Intermountain had completed all the items. This condition was part of the original staff report and not corrected in the final report.

Condition #17 – This condition states that the applicant shall conduct and present to the Planning Commission, a parking study of the Medical Center site.

During the hearing, the Planning Commission stated that such a parking study was not needed. This condition was part of the original staff report and not corrected in the final report.

Intermountain requests that conditions 16 and 17 be corrected in the final approval of this MPD amendment.

Condition #18 – This condition states that a development agreement specifically for the IHC Master Planned Development, as amended, shall be ratified by the Planning Commission prior to the issuance of a building permit for the next phase of development.

Intermountain requests that the proposed Development Agreement also cover the items raised by this MPD amendment request, so there is one document for both the city and Intermountain to manage going forward.

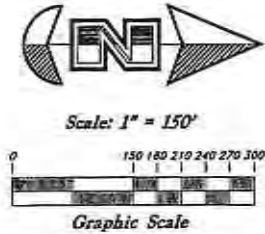
Additional Request

On June 17th, representatives of Intermountain Healthcare met with Park City Planning Department Staff and representatives of the Park City Fire District. The Fire District has been interested in locating a fire station in the Quinn's Junction area. The Fire District has been discussing the potential of using part of Lot 4 (city owned) as the site of the new fire station.

Intermountain Healthcare supports the Fire District's proposal to place a fire station on the campus. It is clearly a public and civic use contemplated by the CT Zone and is the consistent with the intents of the existing MPD. Since this is a public and civic use, Intermountain believes the Planning Commission should not count the building for purposes of density on the campus.

The Fire District's proposed location on the south end of Lot 4 clusters the public use buildings on the campus and preserves the rest of the Lot 4 as open space adjacent to Intermountain's open space on Lot 1 next to Highway 40.

Intermountain requests that the Fire District's proposed use of part of Lot 4 be approved part of the amended MPD.



LINE DATA		
Line	Bearing	Length
L1	N 4°45'05" W	76.55
L2	N 21°59'07" E	102.66
L3	N 41°50'31" E	118.44
L4	N 62°24'38" E	125.65
L5	N 60°04'52" E	225.33
L6	S 13°49'00" E	25.92
L7	S 13°49'00" E	61.37



Job Name: Lot 8, Intermountain Healthcare Park City Medical Campus /
USSA Headquarters and Training Facility

GREAT BASIN ENGINEERING, INC.
3540 SOUTH 450 EAST GREEN, UTAH 84403
PH: (801) 225-1000 FAX: (801) 225-1004
WWW.GREATBASINENGINEERING.COM



Park City Housing Authority Staff Report

Subject: Approval of Amended Affordable Housing Mitigation Plan for The Medical Campus at Park City Medical Center
Author: Rhoda Stauffer
Department: Sustainability
Date: June 4, 2015
Type of Item: Administrative

SUMMARY RECOMMENDATION: Staff recommends that the Housing Authority conduct a public hearing, discuss and approve the IHC Affordable Housing Mitigation Plan Approval – Exhibit B.

EXECUTIVE SUMMARY: Intermountain Healthcare (IHC) has a housing obligation balance of 23.32 Affordable Unit Equivalents (AUEs) from the original Annexation Agreement and are proposing that up to 12.5 of them be fulfilled through a land-lease agreement with Peace House for a new multi-purpose housing and shelter campus. Council in its role as Park City Housing Authority has the authority to approve Housing Mitigation Plans for housing obligations resulting from MPDs and Annexation Agreements.

Definitions of Acronyms used in this Report:

AUE = Affordable Unit Equivalent
 IHC = Intermountain Healthcare
 MPD = Master Planned Development
 SF = Square Feet

BACKGROUND:

As a result of an Annexation Agreement recorded on January 23, 2007, the Applicant incurred a housing obligation totaling to 90.47 AUEs. To date, no units have been completed; however 44.78 AUEs will be fulfilled in the construction of 28 townhomes in the Park City Heights development which is scheduled to break ground in the next month. Through agreements with other entities, and transfer of development on certain parcels, the housing obligation was also reduced by 22.37 AUEs resulting in the current balance owed of 23.32 AUEs.

A partial plan for the balance– 23.32 AUEs – is in the attached Affordable Housing Mitigation Plan (Exhibit “A”). To date, all the build-out on the Medical Campus incurs a housing obligation of 43.7 AUEs which means that the 44.78 AUEs included in the Park City Heights project fulfills all existing IHC development. Approvals here are sought for future development.

IHC Housing Obligation numbers		Annexation Agreement
	1. Hospital (300,000 sf)	44.78
	2. USSA (85,000 sf)	10.71
	3. Support Medical (150,000 sf)	34.98
		90.47
Reductions/Waivers/Deferrals		
	Deferral of USSA obligation	10.71
	Transfer to SC for Health Building	5.83
	Transfer to Physician's Holding	5.83
		22.37
Balance of IHC Housing Obligation		68.1
Fulfillment Strategies		
	Park City Heights (28 townhomes -1600 to 2000 sf)	44.78
	Total proposed	44.78
Balance owed		23.32

The Applicant's Housing Obligation is based in Housing Resolution 17-99 which defines an AUE as a two-bedroom unit of 800 square feet.

The Applicant has signed a 40-year lease (with two possible 5-year extensions) with Peace House at the cost of one dollar annually, for just over three buildable acres in Lot 8 of their campus. Lot 8 was originally designated for construction of a medical support building. Peace House is planning to build a campus that includes 12 transitional housing units, 7,200 s.f. of shelter space, one 800 s.f. employee apartment and 7,000 s.f. of office and administrative space. Peace House is also scheduled to be the beneficiary of a Summit County-based housing and community amenity obligation in the form of an in-lieu fee. An expansion of retail space at the Tanger Outlet Center resulted in a Housing Obligation that is equal to 10 AUEs along with obligations for trails and transportation amenities which totals to \$960,000. The 10 AUEs will not be counted as part of IHC's fulfillment of City housing obligations.

ANALYSIS:

Several policy issues are associated with the Applicant's proposal as outlined below. :

1. Housing Resolution 17-99

Although established in more recent Housing Resolutions, Resolution 17-99 (attached as Exhibit "D") does not address the option of constructing transitional housing or emergency shelters in fulfillment of affordable housing obligations. In order to assist organizations such as Peace House, the option was added to subsequent Housing Resolutions beginning in 2007. In the spirit of the intent of later Housing Resolutions establishing support of the concept, Staff recommends that this be approved. ***Is the***

Housing Authority in support of utilizing the provision from later Housing Resolutions to consider transitional housing and emergency shelter construction a viable option for fulfillment of housing obligations?

2. Term of Affordability and Term of Land Lease

Housing Resolution 17-99 requires a minimum of 40 years for the term of affordability with the preference for program existence and/or affordability in perpetuity. The current Housing Resolution (02-15) requires an initial 40 year term with consecutive ten (10) year terms unless the City determines, based on independent housing needs assessment, that the unit/program is no longer needed. The Applicant has signed a 40-year lease with the option for two five-year extensions. Staff recommends approval since the lease term meets the 17-99 Housing Resolution and is only slightly different from the current Housing Resolution. ***Does the Housing Authority accept the Applicant's request to limit the term of affordability to the terms established in the lease agreement? If not, what term would be acceptable to the Housing Authority?***

3. Density Calculations

In accordance with Housing Resolution 17-99, the units that fulfill the Applicant's housing obligation do not count towards density. However, the Peace House campus will benefit from a housing obligation incurred by the expansion of the Tanger Outlets in 2014. In an agreement with Summit County, the new campus planned by Peace House will fulfill the Tanger Outlet housing obligation (10 units) if the following occurs:

- a.** Secure property by 2015 (fulfilled by a lease agreement with IHC signed in February of this year);
- b.** Entitlements for construction by March of 2016; and
- c.** Construction begun by March of 2017.

In exchange, Peace House will receive the in-lieu fee of \$960,000 (combination of 10 AUEs and other community amenity obligations from Tanger Outlet Center) to build their campus. In a recent revision to the MPD for the Medical Campus, IHC moved all density off Lot 8. The Applicant is now requesting that Council grant an exemption for the County housing density in consideration of the higher community purpose addressed by a new Peace House campus. The Applicant has also indicated that they will be returning to the Planning Commission with another request to amend the MPD and request maximum density be assigned to IHC for potential future development. Staff is concerned about the precedent this may establish of eroding density guidelines allowing not only affordable housing waivers and then layering density from other jurisdictions as well. Staff recommends that in future considerations, if additional density is granted, the total be reduced by the density required for the Summit County units (10 AUEs equaling 8,000 square feet). Staff does not recommend that the administrative and support space be counted in density due to the need for it in support of the overall program. ***Is the Housing Authority supportive of granting the exemption of density for the Summit County units with the understanding that any future density granted will be reduced by these units?***

IHC will return with a plan for fulfillment of the remaining balance of AUEs – 11.82 AUEs – at a future date. Discussions have begun on the potential for partnering with the City to establish a loan pool for down-payment assistance or partnership with other local developers for construction of units. Staff is recommending that these discussions continue in order to bring a more refined proposal to the Housing Authority at a future time.

Department Review:

This report was reviewed by the Community Affairs Manager, the City Attorney and the City Manager.

Alternatives:

A. Approve Staff's Recommendation: The IHC Affordable Housing Mitigation Plan Approval – Exhibit B – is approved including Staff's recommended conditions of approval and plans for the new Peace House campus can move forward. This is **Staff's Recommendation**.

B. Deny: Denying the proposal and requesting that the agreement be revised will add time to the process that may jeopardize the Peace House project due to time constraints placed by the County in order to release the in-lieu fees to the project.

C. Modify: Modification could add time to the process and could jeopardize the Peace House project due to time constraints placed by the County in order to release the in-lieu fees to the project.

D. Continue the Item: Modification could add time to the process and could jeopardize the Peace House project due to time constraints placed by the County in order to release the in-lieu fees to the project.

E. Do Nothing: Same result as B above – denial of the request.

Significant Impacts:

	World Class Multi-Seasonal Resort Destination (Economic Impact)	Preserving & Enhancing the Natural Environment (Environmental Impact)	An Inclusive Community of Diverse Economic & Cultural Opportunities (Social Equity Impact)	Responsive, Cutting-Edge & Effective Government
Which Desired Outcomes might the Recommended Action Impact?	+ Balance between tourism and local quality of life (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome)	+ Reduced municipal, business and community carbon footprints (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome)	+ Residents live and work locally (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome)	+ Streamlined and flexible operating processes (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome)
Assessment of Overall Impact on Council Priority (Quality of Life Impact)	Very Positive 	Positive 	Very Positive 	Positive 

Comments: Allowing the Applicant to work with the Peace House provides a highly valuable resource to the community.

Funding Source: There is no funding source needed for this item.

Consequences of not taking the recommended action: The Applicant won't be able to fulfill their affordable housing obligation and the Peace House could lose a valuable resource in the development of a new campus for their program.

SUMMARY RECOMMENDATION: Staff recommends that the Housing Authority conduct a public hearing, discuss and approve the attached IHC Affordable Housing Mitigation Plan approval – Exhibit B.

Attachments:

- Exhibit A:** Affordable Housing Mitigation Plan submitted by IHC
- Exhibit B:** Draft Housing Plan Approval
- Exhibit C:** Excerpt from Annexation Agreement for IHC's PC Medical Campus
- Exhibit D:** Housing Resolution 17-99

EXHIBIT A

**PARK CITY MEDICAL CENTER
MEDICAL CAMPUS**

**HOUSING MITIGATION PLAN
PARK CITY HOUSING AUTHORITY**

MAY 13, 2015

Background

The annexation agreement between Park City and Intermountain Healthcare included the elements of affordable housing that needed to be provided as part of the development of the annexation area. The base employee affordable housing associated with the hospital at full build out was 44.78 units. This part of the affordable housing obligation was to be satisfied by the donation of Lot 4 of the subdivision to Park City, and the construction of the units. These units were eventually relocated from Lot 4 and included in the Park City Heights project.

The affordable housing obligation for Lot 7 was assumed by Physician Holdings when they purchased that lot from Intermountain. The affordable housing obligation for Lot 10 was assumed by Summit County when Lot 10 and its density were ground leased to Summit County for the Public Health/People's Health Building.

The Planning Commission approved an MPD amendment for the Park City Medical Center on October 8, 2014. This MPD amendment was made to facilitate the building of a Medical Support Building attached to the hospital. This project brought the affordable housing of all construction on campus to 43.7 affordable housing units, nearly matching the Park City Heights units.

There is an additional 23.3 units of affordable housing, part of the annexation agreement. Additional affordable housing needs to be provided before the occupancy of unbuilt density on the campus. One of the conditions of approval by the Planning Commission was for Intermountain Healthcare to return to the Planning Commission with a revised affordable housing phasing plan to address options for the location of the remaining approximately 23.3 affordable housing units associated with the MPD.

Current Proposal

Intermountain Healthcare is working with Peace House to develop a new shelter. Intermountain has entered into a ground lease with Peace House to provide the location for the shelter on part of lot 8 of the subdivision at a cost of \$1 per year. Peace House is planning to build a facility with transitional housing, shelter housing and support services. The total project would be about 25,000 square feet. Part of the funding for the Peace House project is coming from Summit County to fulfill other affordable housing

requirements. Peace House's agreement with Summit County requires them to start construction by March 1, 2017.

The remainder of transitional housing, the shelter housing, and employee housing components of the Peace House project would qualify as affordable housing for Intermountain Healthcare future phases on the Medical Campus. It is estimated that the Intermountain portion of the transitional housing is 2 affordable housing units, the shelter housing is 8.75 affordable housing units, and the employee housing is 1 affordable housing unit. The Peace House project would meet all of Intermountain's affordable housing for the next phase of campus development (9.5 affordable housing units), currently planned for 2019 to 2025. The project also would provide 2.3 affordable housing units to address the obligation of the full build out phase of density approved in the annexation agreement.

Intermountain Healthcare and Peace House are proposing that the new shelter be considered as an affordable housing project. However, before the project can move forward there are some policy issues that the Housing Authority needs to provide direction.

Issue 1

The annexation agreement was written under the 17-99 affordable housing resolution. That version of the resolution did not specifically include transitional housing as a permitted type of affordable housing. In later versions of the affordable housing resolution the Housing Authority did include transitional housing projects as permitted uses. Intermountain Healthcare and Peace House recommend that the Housing Authority approve this project as a permitted use under the 17-99 resolution.

Issue 2

The ground lease between Intermountain Healthcare and Peace House has an initial term of 40 years. In addition, Peace House has 2 extensions of 5 years each at their discretion. Intermountain and Peace House recommend that the Housing Authority approve the term of the ground lease as acceptable for affordable housing purposes.

Issue 3

The annexation agreement states that affordable housing to mitigate the development on the hospital campus may be located there without additional density being required. Therefore the portion of the Peace House project associated with the Intermountain Healthcare affordable housing requirement is exempt from density requirements for the CT zone. The issue relates to the portion of Peace House that is associated with Summit County affordable housing. Is the Housing Authority willing to grant an exemption from density for the county portion of the project? Intermountain Healthcare and Peace House are recommending that this exemption be granted.

Issue 4

There is an administrative space component to the project. This space is support for the Peace House's mission. Since support space is space that does not exist independent of the primary purpose, Intermountain and Peace House recommend that the administrative space be considered as support to affordable housing and therefore exempt for density purposes.

Future Affordable Housing

The remaining affordable housing obligation of 11.5 affordable housing units is tied to the full build out phase of the campus development after 2025. Intermountain's plan for any remaining affordable housing AUEs would be to have these units developed off-campus. One option under consideration is to participate with Park City Municipal Corporation if the city develops a shared equity program or other affordable housing assistance program for employees. The second option would be to participate with a private housing development off campus.

Exhibit B

Draft Approval for Affordable Housing Mitigation Plan The Medical Campus at Park City Medical Center

FINDINGS, CONCLUSIONS OF LAW AND CONDITIONS OF APPROVAL FOR AN AMENDED AFFORDABLE HOUSING MITIGATION PLAN FOR THE MEDICAL CAMPUS AT PARK CITY MEDICAL CENTER

WHEREAS, the owners of the Medical Campus at Park City Medical Center located on Round Valley Drive have a total housing obligation of 90.47 AUEs established within the Annexation Agreement recorded January 23, 2007;

WHEREAS, 44.78 AUEs are fulfilled through development of 28 townhomes within the Park City Heights development and 22.37 AUEs are deferred or transferred through land deals, a total of 23.32 AUEs remain to be fulfilled; and

WHEREAS, the owner submitted a proposed updated housing mitigation plan on May 13, 2015 requesting that a land lease with Peace House be considered as fulfillment of 12.5 AUEs;

NOW, THEREFORE, the Housing Authority of Park City, Utah hereby approves the Housing Mitigation Plan as follows:

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Housing Mitigation Plan submitted by the Owner is approved subject to the following Findings of Fact, Conclusions of Law, and Conditions of Approval.

Findings of Fact:

1. The original Annexation Agreement was recorded January 23, 2007.
2. The Housing Authority approved an overall housing obligation equal to 90.47 AUEs in accordance with Housing Resolution 17-99.
3. Construction of 28 affordable townhomes within the Park City Heights development will fulfill 44.78 AUEs.
4. Deferral of units resulting from the construction of the USSA facility equals 10.47 AUEs.
5. Transfer of development rights for one 25,000 square foot medical support building to Summit County for the Health Department and People's Health Clinic equals 5.83 AUEs.
6. Transfer of development rights for one 25,000 square foot medical support building to Physicians Holdings, LLC equals 5.83 AUEs.
7. To date, a balance of 23.32 AUEs remains to be fulfilled.
8. The Owner proposes to lease land to the Peace House for a campus that includes a minimum of the following: 12 transitional housing units of 800 square

feet or larger, 7,200 square feet or more of shelter space, and one employee apartment of a minimum of 800 square feet.

9. The Peace House campus equals a total of 22.5 AUEs of which 10 are in fulfillment of a Summit County housing obligation and therefore removed from the calculation resulting in 12.5 AUEs to count towards the balance remaining in the Owner's housing obligation.
10. The provision of shelter and transitional housing is not offered as an option for fulfillment in Housing Resolution 17-99.
11. The Owner's lease agreement with Peace House is a slight deviation from the current requirements for terms of affordability however they meet the terms required in Housing Resolution 17-99.
12. Lot 8 on which the Peace House campus will be constructed retains no density.

Conclusions of Law:

1. IHC's updated Housing Mitigation Plan requests several exceptions to Housing Resolution 17-99.
2. The Owner will fulfill 12.5 AUEs with this Approval.
3. The Owner will have a balance of 11.82 AUEs still to be fulfilled following the completion of this plan.

Conditions of Approval:

1. Future density increases for the IHC Medical Campus at Park City Medical Center will be reduced by 10 AUEs or 8,000 square feet.

SECTION 2. EFFECTIVE DATE. This approval shall take effect upon adoption and execution.

PASSED AND ADOPTED this ____ day of _____ 20__.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

Attest:

Marci Heil, City Recorder

Approved as to Form:

Mark Harrington, City Attorney

EXHIBIT C

In connection with the MPD and the Subdivision² review and approval processes, on-site storm runoff detention facilities, or approved alternatives, as approved by the City Engineer, may be required. The timing for the construction of such storm run-off improvements shall be determined during the MPD review and approval process (the "Storm Detention Facilities"). The City shall be responsible for the cost of any over-sized on-site Storm Detention Facilities required as determined as part of the MPD (as sized and located to the reasonable satisfaction of Intermountain Healthcare and USSA), and, as and to the extent the Petitioner (or its assigns) shall pay or be liable for any such costs, the Petitioner (or, as applicable, Intermountain Healthcare or USSA) shall receive an appropriate credit or contribution from the City (as determined by the Petitioner and the City during the MPD review and approval process) for any such facilities designed, constructed or configured for the benefit of or to accommodate the needs of the City or any other person or entity.

As part of the MPD review and approval process, the Petitioner (or, as specified in connection with any such assignment, its assigns), the City and the affected parties shall determine and agree on the proportionate costs and/or appropriate credits or contributions from the City for the installation, construction, repair, and maintenance of any excess length, size or capacity storm sewer and/or sanitary sewer lines, power, sewer, and other utility line extensions and related facilities (including without limitation the Storm Retention Facilities and the Water Facilities and Systems, the "Sewer and Related Facilities"), which may be required for the use and development of the Property, or any part thereof, and the provision of municipal services related thereto (with the understanding that the Petitioner (or, as applicable, the respective owners of the Intermountain Healthcare Property or the USSA Property) shall receive an appropriate credit or contribution from the City for the cost of any Sewer and Related Facilities designed, constructed or configured for the benefit of or to accommodate the needs of the City or any other person or entity. The extent to which such Sewer and Related Facilities shall be dedicated to the City, and the required granting of easements therefor, shall also be determined, and agreed to, by the Petitioner (or, as specified in connection with any such assignment, its assigns), the affected parties and the City during the MPD review and approval process.

11. **Affordable Housing Requirement.** Affordable/employee housing shall be provided in a manner consistent with the Findings and Conditions (the "Employee/Affordable Housing"), with the understanding and agreement of the parties that:

a. The Employee/Affordable Housing requirement for development associated with the Intermountain Healthcare hospital (300,000 square feet) is 44.78 "Affordable Unit Equivalents" (as defined in the City's Land Management Code) (the "Units"). Petitioner previously notified the City that it desires to and will donate five (5) acres of the Property (the "City Donated Parcel") to the City. Intermountain Healthcare, the City and the Petitioner have agreed that the foregoing Employee/Affordable Housing requirement shall be satisfied by the Petitioner's donation of the City Donated Parcel to the City as previously committed to by Petitioner, and the other terms and conditions of this Section 11. Within twelve (12) months of the effective date of this Agreement, the City shall determine if the Units are to be located on the City Donated Parcel or at some alternate location within the City, as agreed to by Petitioner (or its assignees), which agreement shall not be unreasonably withheld, conditioned or delayed, (an "Alternate Affordable Housing Location"); provided that, in the event of an Alternate Affordable Housing Location, the Petitioner (and any assignee thereof) shall not have any obligation, cost or otherwise, for the acquisition of any such Alternate Affordable Housing Location; and provided that, in the event the Units are located on any Alternate Affordable Housing Location, the Petitioner (or any assignee thereof) shall not

² The Subdivision review and approval process will be a two-part process. The first part of the Subdivision review and approval process will establish the lot lines of the Intermountain Healthcare Property, the USSA Property, the City Donated Parcel, and the City Recreation/Open Space Parcel and, in that connection, allow for the recording of the Subdivision Plat in the official real estate records of Summit County, Utah. The second part of the Subdivision review and approval process will include an amendment to the Subdivision Plat, which will be processed during the MPD review and approval process and, to the extent appropriate, will incorporate any necessary requirements of this Section 10.

incur, or be obligated for, any costs or expenses in excess of those that would be incurred if the Units were located and constructed on the City Donated Parcel. Subject to the foregoing, within twenty-four (24) months of the effective date of this Agreement, the Petitioner (or any assignee thereof) shall either (i) begin construction of the Units on the City Donated Parcel or at the Alternate Affordable Housing Location or (ii) post a financial guarantee in favor of the City in a form, on terms and in the amount set forth in attached Exhibit "F" (the "Financial Guarantee").³

The City shall not issue building permits for development of the Intermountain Healthcare hospital in excess of 149,000 square feet until (A) the commencement of construction of the Units on the City Donated Parcel or an Alternate Affordable Housing Location within twenty-four (24) months following the Annexation, (B) a decision is made to locate the Units on property other than the City Donated Parcel, (C) the satisfaction of the Employee/Affordable Housing requirement for development associated with the Intermountain Healthcare hospital by financing or some other arrangement, or (D) the delivery by Petitioner (or its assigns) and acceptance by the City of the Financial Guarantee.⁴ Any such Units constructed shall be sold or rented by the Petitioner (or any assignee thereof) at deed restricted prices or otherwise financed consistent with the City affordable housing guidelines.

b. The Employee/Affordable Housing requirement for development associated with the a proposed United States Ski and Snowboard Association, a Utah nonprofit organization ("USSA") facility (85,000 square feet) is 10.71 Affordable Unit Equivalents. The Petitioner previously notified USSA that it desires to and will donate the USSA Property, upon which USSA intends to construct its facilities, to USSA. A total deferral of the required 10.71 Affordable Unit Equivalents will be granted by the City upon, and in exchange for, the donation of the USSA Property by the Petitioner to USSA as previously committed to by Petitioner. The deferral is contingent upon continued ownership and occupancy by the facility by USSA or another community-based nonprofit organization. Any change in use to a non-community-based nonprofit organization may require that the deferred Employee/Affordable Housing requirements be met by the owner of the USSA Property as contemplated under the Affordable Housing Guidelines and Standards Resolution 10-06.

c. The Employee/Affordable Housing requirement for development associated with the Support Medical Office area (150,000 square feet) is 34.98 Affordable Unit Equivalents. This requirement shall be satisfied with either on-site or off-site units as determined in connection with the development of the Property to which such area relates and, in any case, shall not reduce the square footage available for the Support Medical Office area. The units shall be sold or rented at deed restricted prices or otherwise financed consistent with the City's affordable housing guidelines. Construction of the affordable units may be phased with the construction of the Support Medical Office area; provided that no certificate of occupancy for the Support Medical Office area in excess of 25,000 square feet shall be issued unless construction has commenced on the required Affordable Unit Equivalents hereunder or a financial guarantee (see footnote no. 2, above) has been posted therefor in a form and in an amount acceptable to the City.

³ The form and amount of any bond or other financial assurance required by the City hereunder shall be determined by reasonably estimating (the City's administrative costs (which are estimated to be ten percent (10%) of the total cost of construction of the Units), if the City were required to proceed with construction of the Units or any other affordable housing units/equivalents hereunder, and no more.

⁴ By the execution hereof, the City hereby acknowledges and confirms, as of the Effective Date, the delivery by the Petitioner and the acceptance by the City of the Financial Guarantee for the Units, which is in the form, on terms and in an amount required by the City. With the Financial Guarantee, the Employee/Affordable Housing requirement for development associated with the Intermountain Healthcare hospital has been satisfied in its entirety and, as such, is not a condition precedent to the issuance of building permits for development of the Intermountain Healthcare hospital in excess of 149,000 square feet.

d. If the "Units" (as defined in subsection 11(a), above), in fact, are located on the City Donated Parcel, the "Units" will be situated, designed and constructed on the City Donated Parcel in a manner approved, in writing and in advance, by Intermountain Healthcare, in Intermountain Healthcare's reasonable discretion. Any proceeds from the sale or lease of the "Units" on the City Donated Parcel or any Alternate Affordable Housing Location, following their design and construction, shall be retained by and constitute the exclusive property of the entity which constructs the "Units," being either the Petitioner, or any assignee thereof, as the case may be. All utilities shall be stubbed to the City Donated Parcel or any Alternate Affordable Housing Location, on which the Units may be constructed, at no cost to Petitioner (or its assigns) or any other party hereto. Further, neither the Petitioner (and its assigns) nor any other party hereto shall have any obligation, cost or otherwise, for any water rights or interests, nor for any other public fees, except for standard planning review and building permit fees necessary for construction of the Units on the City Donated Parcel (or any Alternate Affordable Housing Location).

12. **Planning Review Fees.** Except as otherwise agreed by the City, otherwise specified in a Development Agreement or in this Annexation Agreement, or as part of the MPD review and approval process (including without limitation any applicable credits and/or "in lieu of tax payments"), the Petitioner (or its assigns) shall be responsible for all standard and customary, and generally-applicable planning, building, subdivision and construction inspection fees imposed by the City from time to time.

13. **Impact and Building Fees.** Except as otherwise agreed by the City, otherwise specified in a Development Agreement or in Sections 8, 9 and 10 of this Annexation Agreement, or as part of the MPD review and approval process (including any applicable credits and/or "in lieu of tax payments"), the Petitioner (or its assigns) shall be responsible for all standard and customary, and generally-applicable, fees, such as development, impact, park and recreation land acquisition, building permit and plan check fees due and payable for construction on the Intermountain Healthcare Property, the USSA Property or the remainder of the Property at the time of application for any building permits.

14. **Acceptance of Public Improvements.** Subject to fulfillment of all the conditions of the applicable City ordinances and, further, the City's final approval of the construction of any such public improvements, those roads, streets, water facilities, utilities, and easements as may be agreed by the City, Intermountain Healthcare and/or USSA in connection with the MPD review and approval process (the "Public Improvements"), shall be conveyed and dedicated to the City, for public purposes. Following any such dedication, the City shall be responsible for the maintenance, repair and replacement of any and all such Public Improvements.

15. **Snow Removal and Storage.** Other than as the City may determine necessary or appropriate for the Trails, the City shall not be obligated to remove snow from roads, streets or similar improvements within the Property, until acceptance of the dedication thereof pursuant to the applicable City ordinances or this Annexation Agreement.

16. **Fiscal Impact Analysis.** The fiscal impact analysis prepared by the City Budget, Debt and Grants Department was reviewed, accepted and approved by the City Planning Commission on November 10, 2005. The analysis includes revenue and cost assumptions related to the Annexation and development of the Property and it is hereby accepted and approved by the City as part of this Annexation Agreement.

17. **Traffic Mitigation.** A comprehensive traffic review and analysis of the surrounding properties and jurisdictions was performed by a traffic consultant, Horrocks Engineers, and additional analysis was performed by the City's consultant, Rosenthal and Associates (together referred to herein as the "Traffic Studies"). Any such mitigation measures (inclusive of the "Roadway Access Costs" (as defined below and contemplated under the Findings and Conditions, the "Traffic Mitigation Measures")) shall be implemented in a manner consistent with the Findings and Conditions; provided that any costs or expenses shall be proportionately allocated among all affected persons and entities, including without limitation the City; and provided that neither the Petitioner nor its assigns shall be obligated to take or

EXHIBIT D



Resolution 17-99

RESOLUTION ADOPTING AFFORDABLE HOUSING GUIDELINES AND STANDARDS FOR PARK CITY, UTAH

WHEREAS, the City Council adopted Resolution No. 37-91 on December 5, 1991 which establishes policies to support and increase affordable housing in Park City; and

WHEREAS, in 1994 the City Council convened a Housing Advisory Task Force to review and make recommendations on the City's housing strategies due to the dramatic increase in land costs and a concomitant rise in the cost of all housing in the community; and

WHEREAS, The Housing Advisory Task Force and annual housing studies conducted by the City concluded that the rise of housing costs has outpaced the increase in wages in the service sector areas of the resort based economy and has resulted in making housing unaffordable to working residents of the City; and

WHEREAS, the Task Force and Council targeted the population to be served by these efforts as essential services workers such as police, teachers, firemen, service workers and long time community residents; and

WHEREAS, the out-migration of service and community based workers has resulted in a deterioration of community character and threatens the city's economic success; and

WHEREAS, it is in the best interest of the community to formulate guidelines and standards to establish consistent criteria for review of project applications, annexation petitions, resort or ski area expansions, and other development actions where affordable housing is needed to mitigate the impact of the project on the community; and

WHEREAS, the Council has considered standards in other resort communities, and those implemented by State and Federal Housing and Community Development Departments and has conducted local rental and residential market studies for Park City, and solicited input from the Affordable Housing Task Force; and

WHEREAS, the cost of providing affordable housing should not be disproportionately borne by any single sector of the community and any solutions should equitably apportion the costs based on impact generation, growth inducement and the underlying goal to

provide a cross section of units in our community in order to maintain a healthy economy and diverse population; and

WHEREAS, the City Council supports at this time the creation of for-sale properties versus rental properties because of the overwhelming demand for affordable residential homes.

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

SECTION 1. ADOPTED HOUSING STANDARDS AND GUIDELINES. The following housing standards and guidelines are hereby adopted:

SECTION 2. DEFINITIONS/APPLICABILITY.

A. Application: These standards shall apply to all new housing obligations as noticed in Resolution No. 6-94. Prior agreements on density or configuration shall take precedence over these standards. However, all rental and for-sale guidelines and time limitations as described below shall apply.

B. Purpose: The purpose of this Resolution is to ensure that new development does not adversely affect the supply of affordable housing in the City and to maintain the social, economic and political fabric of its community character. The purpose is also to ensure that the affordable housing requirement is satisfied in direct proportion to the original sale of lots or square footage within the project.

C. Review: This ordinance shall be reviewed by the Housing Authority every two years to ensure that these standards are meeting the housing goals and objectives as determined by the City Council.

D. Definition of Affordability: Housing that is deed restricted in perpetuity to limit its end-user costs (rent or mortgage plus taxes and utility allowance) to 30 percent or less of the gross household income. (Household means one or more persons living together as a single housekeeping unit.)

E. Housing Authority: The Housing Authority is composed of the Park City Municipal City Council members and meets according to Utah State statute.

F. Single Room Occupancy - SRO. A single room with shared kitchen and/or living room facilities. Congregate type living for groups of unrelated individuals.

SECTION 3. CITY ASSISTED PROJECTS

Minimum Unit Size Standards for City Assisted Projects

SRO	200 square feet
Studio	400 square feet
1 bedroom	600 square feet
2 bedroom	800 square feet
3 bedroom	1,200 square feet

4 bedroom 1,400 square feet

Modifications to the minimum unit standards may be made by the Housing Authority based upon such factors as housing configuration (detached vs. attached), provisions of public benefits, such as shared common living areas, or additional project amenities such as communal facilities and/or open space areas.

Unit Types for City Assisted Projects

Specific product types shall be determined by the Park City Housing Authority with advice from Mountainlands Community Housing in accordance with site constraints, the market need as outlined in the annual Housing Affordability update published by the City, and the procedures and standards in this resolution. The following are provided as guidelines on appropriate housing types:

Types of Units to serve seasonal employees:

Rental:

Dormitories
Efficiency Apts.
Single Room Occupancy (SRO)
Studios
Accessory Apartments
2/3 bedrooms

Types of Units to serve long - term employees:

For Sale:

Duplex/Triplex
Twinhomes
Detached units
Condominium units
Mixed bedroom size
Assisted/Independent living units

Maximum Rent Guidelines:

The housing units shall be provided for persons in Park City at or below 100% of the Summit County median income.

The maximum rent guidelines will be annually adjusted administratively by using Housing and Urban Development (HUD) Annual Adjustment Factors and the annual Park City Municipal Housing Affordability Update.

For Sale Guidelines:

The housing units shall be provided for persons in Park City at or below 100% of the Summit County median income.

City Assistance Standard.

The Housing Authority may provide financial assistance up to \$5,000 per unit regardless of unit size or configuration. Land lease or land acquisition is also negotiable.

Target Groups

Policies and programs should be developed for those who live and work in the Park City area. The Park City area is defined as the Park City School District limits which includes Snyderville Basin. While it is recognized that different solutions will be necessary for different groups and that some individuals may fit several groups, the following target groups should be given priority in any city assisted project.

- A. "Essential" public and private service workers: Park City School District, Park City Fire District, Park City Municipal Corporation, Snyderville Basin Sewer Improvement District.
- B. Full time (30 hours of employment per week) employees of businesses located in the City limits.
- C. A resident of the City for the prior 24 months.
- D. An owner or owner's representative of a business within City limits.
- E. Senior citizens
- F. Physically and/or mentally challenged individuals.

Limitation Period.

Limitations shall remain in effect for a minimum of 21 years. First right of refusal and/or option to purchase shall be granted to the Housing Authority. The Authority shall have 90 days to respond or assign the above-described rights. Longer terms of limitation may be negotiated on individual projects as directed by the Housing Authority. This limitation period may also be reduced based upon the provision of additional public benefits such as preservation of historic structures or other community benefits as negotiated by the Housing Authority.

Review

The Housing Authority shall review and approve the housing plan if it complies with these standards, addresses the need for affordable housing, and is consistent with the General Plan and Land Management Code. The Housing Authority may require a bond or other security approved by the City Attorney guaranteeing compliance with the Plan. The Housing Authority shall invite Mountainlands Community Housing to make a formal recommendation to the Housing Authority prior to adoption of the plan. Specific unit types, mix and targeted incomes shall be determined through this process.

a) Criteria for Review

1. Define the need for units at the time the project is proposed.
2. Define the population served.
3. Define how the plan integrates, not segregates, various product types and income levels.
4. How do Mountainlands Community Housing recommendations relate to the plan?

5. Is the developer's participation at least of equal value to the financial commitment made by the Housing Authority?

SECTION 4. ANNEXATIONS AND MASTER PLANNED DEVELOPEMENTS.

Applicability

This section shall apply to:

1. Annexations; and,
2. Master Planned Developments,(MPD), of 50 residential units or more and/or commercial mixed use projects of 5,000 square feet of space (gross).

Mitigation Required

Any development subject to this section shall mitigate for impacts to affordable housing by satisfying the requirements set forth below.

Housing Mitigation Plan

A Housing Mitigation Plan shall be submitted to the Housing Authority for review. The Housing Mitigation plan shall be evaluated based on the following:

1. compliance with the standards set forth below;
2. ability to address the need for affordable housing; and,
3. consistency with the General Plan and Land Management Code.

Implementation

The strategy for meeting the housing obligation must be specified in the annexation or MPD agreement. Phasing and satisfaction of this obligation shall be described in the annexation agreement for each project and/or further described under the Housing Mitigation Plan. Construction of the restricted units shall be concurrent with the development of market rate units unless other alternatives are specifically agreed upon by the City Council during the annexation process.

Standards:

The following standards shall be met when developing and implementing a Housing Mitigation Plan:

1. Mitigation Requirements

Fifteen percent (15%) of the total residential units constructed shall be provided for affordable housing. Housing shall also be provided for twenty percent (20%) of employees generated by the retail, restaurant, hotel, and office components of the project.

The Housing Authority reserves the right to increase or decrease the mitigation percentages (by amending this resolution) based on the Annual Housing Affordability Update conducted by City and other compelling market data as presented by the staff and community.

2. Unit equivalents, type and size and Maximum rent and for sale restrictions of affordable units

The following table outlines the unit type and maximum rent and sale price for the residential and commercial component of a project. Projects may construct any combination of affordable unit types contained in Table 1 provided that the total required affordable housing unit equivalent is met. The housing unit types, and sizes shall be delineated through the Planning Commission process with advice from Mountainlands Community Housing.

Option A. Average generation and Median Wage Income for project.

The following average project generations are made by the City and may be selected by the developer for satisfaction of the rental/for sale maximums.

Table 1. 1999 Affordable Housing Unit Standards
Average generation and Median wage/income for Projects

<u>Unit Type</u>	<u>Unit Equivalent</u>	<u>Square Footage</u> Note 4	<u>Rent Calculation</u> Note 1 & Note 2	<u>Employee Equivalent</u>	<u>Max. rent monthly</u> Note 3	<u>Purchase Price</u> Note 3
SRO	.25	200	17680 x .30/12 x .57	1	\$252	\$38,329
Studio	.50	400	17680 x .30/12 x .91	1	\$402	\$59,781
1 BR	.75	600	17680 x .30/12 x 1.24	1	\$548	\$80,662
2 BR	1	800	17680 x .30/12 x 1.49	2	\$658	\$96,394
3 BR	1.25	1200	17680 x .30/12 x 1.74	3	\$769	\$112,269
4BR	1.50	1400	17680 x .30/12 x 2.07	4	\$915	\$133,150

Note 1. Employment Factor = 2.9 employees per thousand sf of commercial space is an average of data produced by Rosenthal & Associates after an employee generation study was commissioned by Park City Municipal in 1997. Median Wage \$8.50 - annualized wage is \$17,680 (8.50 x 2080(hours)). The data are based on survey information, interviews with local businesses, Chamber/Bureau data, and State Labor information. Supporting data and assumptions are included in the Park City Housing Data Handbook 1999.

Note 2. Rent calculations assumptions are explained in the Park City Housing Data Handbook 1999. Income adjustments for households are made by adjusting the same factors that the Department of Housing and Urban Development uses for local market conditions.

Note 3. Rent/mortgage will be no more than 30% of the resident's income as defined in Section 2 (D). Purchase price is maximum mortgage for unit type. The maximum rent and purchase price guidelines will be adjusted administratively, annually, using Housing and Urban Development (HUD) Annual Adjustment Factors and the annual Park City Municipal Housing Affordability Update.

Note 4. In order to meet the unit obligation common area and common facility configuration must accommodate unrelated individuals and be according to City health and safety standards.

Example:

A mixed use project with 184 residential unit equivalents (UE's) and 90,000 square feet of commercial space.

The Residential Requirement:

184 UE's X 10%=18.4 units which could be satisfied with a variety of unit configurations (see examples below).

<u>SRO</u>	<u>Studio</u>	<u>1 Bedroom</u>	<u>2 Bedroom</u>	<u>3 Bedroom</u>	<u>4 Bedroom</u>	<u>Total UE's</u>
	1		18			18.5
10	6	4	3	3	2	18.5
		1	1	10	3	18.75

The Commercial Requirement:

90,000 sf X 20% X 2.9 = 52.2 =53 employees which could be satisfied with a variety of unit configurations (see examples below).

<u>SRO</u>	<u>Studio</u>	<u>1 Bedroom</u>	<u>2 Bedroom</u>	<u>3 Bedroom</u>	<u>4 Bedroom</u>	<u>Total E.E.'s</u>
	1		26			53
10	6	4	8	3	2	53
		5	1	10	4	53

Option B - Median Wage for Project

This alternative would calculate the actual median wage for the project and direct 100% of the required mitigation to this target group. An employee generation study would be calculated and then the median wage would be determined based on the number of employees generated. The data provided in the Park City Housing Data Handbook 1999 allows the developer and staff to calculate the employee generation numbers and the estimated annual average earnings for workers.

The housing unit type, and sizes shall be delineated through the Planning Commission process with direction from Mountainlands Community Housing. Projects may construct any combination of affordable unit types contained in Table 1 provided that the total required affordable housing unit equivalent is met.

Example: See Table 1 and adjust as noted below

Employment factor - calculate employee generation for specific project (see Park City Housing Data Handbook 1999 for numbers)	Median Wage - calculate from handbook once employees types and numbers are known
---	--

Decrease in Required units

If the developer elects to provide units below 45% of the Summit County Median Income (SCMI), and the rental or purchase price is below the average wage assumption alternative or independent

calculation, then the Housing Authority may reduce the total obligation of units required by the developer based on the following table:

<i>Median Income Summit County 1999 \$64,260</i>	<i>Rent calculation (2 bed standard)*</i>	<i>Maximum Mortgage (2 bed standard)*</i>	<i>Unit reduction per unit equivalent or employee equivalent</i>
45% \$28,890	\$577	\$84,929	.25
40% \$25,680	\$513	\$75,513	.50
35% \$22,470	\$449	\$66,092	.75
30% \$19,260	\$385	\$56,671	1
Median Income data can be found at http://www.huduser.org	* Income adjustments for households are made by adjusting the same factors that the Department of Housing and Urban Development.	*Calculation methodologies are detailed in the Park City Housing Data Handbook 1999	

Suggested Unit Types

The following are provided as guidelines on appropriate housing types:

Types of Units for seasonal employees:

Rental:

Dormitories
Efficiency Apts.
Single Room Occupancy (SRO)
Studios
Accessory Apartments
2/3 bedrooms

Types of Units for long-term employees:

For Sale:

Duplex/Triplex
Twinhomes
Detached units
Condominium units
Mixed bedroom size

3. Location/Development alternatives.

Affordable Housing units shall be constructed on the project site, unless the developer can demonstrate to the Housing Authority compelling evidence (density or design) that the project should not accommodate on-site units. Subject to Housing Authority approval, the following location alternatives, in order of preference, are available:

1. Construction of affordable units within the Park City limits;
2. Construction of affordable units within the School District boundaries;
3. Land donation;
4. Acquisition of off-site units within Park City limits subject to Housing Authority approval; and,
5. Payment of in lieu fees. The fee is structured on the subsidy gap that is required to construct rental and for-sale units, not on the actual cost of construction. For 1999 the figure is \$59,828 per unit.

These figures are based on 1999 costs and will need to be administratively adjusted to reflect market costs at the time of project approval. The in-lieu fee figure can be reduced by the Housing Authority if the payment occurs in the first two years of the development process and results in a partnership that leverages the immediate production or purchase of units. Methodology for the in lieu fee calculation can be found in the Park City Housing Data Handbook 1999.

4. Design/Site criteria

Projects shall be integrated in design and in income. Large scale projects that provide the same unit type at the same price or rent and that are isolated from community services and public transportation are discouraged. Smaller projects located near community services that provide for mixed income levels are mixed unit types are preferred.

5. Limitation Period.

Rental rates and resale price limitations shall remain in place for a minimum of 40 years, with perpetuity being the preferred alternative. First right of refusal and/or option to purchase shall be granted to the Housing Authority. The Authority shall have 90 days to respond or assign the above-described rights. Longer terms of limitation may be negotiated on individual projects as directed by the Housing Authority. This limitation period may also be reduced based upon the provision of additional public benefits such as preservation of historic structures or other community benefits as negotiated by the Housing Authority.

SECTION 5. INDEPENDENT CALCULATION

An applicant may submit an application for independent calculation requesting modification to the following:

- a) Unit Standards;
- b) Limitation Standards;
- c) Unit Equivalents; and,
- d) In Lieu Guidelines cost calculations.

The application for independent calculation shall be reviewed by the Housing Authority. If the material in the application demonstrates by substantial competent evidence that there is reasonable basis to modify the standards listed above because of unique circumstances related to the proposed

development, the Housing Authority shall approve the independent calculation and make the relevant modification.

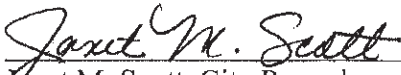
SECTION 7. EFFECTIVE DATE. This Resolution shall take effect upon adoption by the City Council.

PASSED AND ADOPTED this 17th day of June, 1999.

PARK CITY MUNICIPAL CORPORATION


Mayor Bradley A. Orch.

Attest:


Janet M. Scott, City Recorder

Approved as to form:


Josh Hoffman, City Attorney



**conclusions of law,
and conditions of approval in a form approved by
the city attorney to June 18, 2015
Council member Simpson seconded
Approved unanimously**

8. Consideration of the 327 Woodside Amended Subdivision Pursuant to Findings of Fact, Conclusions of Law and Conditions of Approval in a Form Approved by the City Attorney.

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

**Council member Simpson moved to continue consideration of the 327 Woodside amended subdivision pursuant to findings of fact, conclusions of law and conditions of approval in a form approved by the city attorney
Council member Henney seconded
Approved unanimously**

VI. ADJOURNMENT INTO HOUSING AUTHORITY MEETING

**Council member Simpson moved to adjourn
Council member Henney seconded
Approved unanimously**

VII. HOUSING AUTHORITY MEETING

1. Roll Call - Mayor Jack Thomas called the meeting of the Housing Authority to order at approximately 6:57 p.m. at the Marsac Municipal Building on Thursday, June 4, 2015. Members in attendance were Jack Thomas, Andy Beerman, Dick Peek, Liza Simpson, Tim Henney and Cindy Matsumoto. Staff members present were Diane Foster, City Manager; Matt Dias, Assistant City Manager; Mark Harrington, City Attorney; Marci Heil, City Recorder; Karen Anderson; Rhoda Stauffer, Sustainability
2. Consideration of the IHC Housing Plan

Rhoda Stauffer, Sustainability; Morgan Bush, IHC; Doug Clyde, Peace House; and Cy Hut, Park City Medical Center, joined Council to discuss the IHC Housing plan policy decisions to include: term of land lease, density considerations and shelter and transitional housing fulfillments to meet the housing obligation.

The land lease for Peace House is for 40 years at \$1 per year with 5 year extensions. Stauffer outlined that there was a change to findings of fact number 8 to read "totaling to 9,600 square feet or more." Council member Matsumoto asked, when the lease is up, does the hospital still fulfill the housing requirement. Morgan states yes, it's an ongoing requirement. Council member Simpson asked why have two 5-year leases instead of one 10-year lease. Bush explains this is a standard IHC lease agreement but the option lies with Peace House, not IHC.

Regarding the density calculation, Stauffer explains Staff recommends that if future density is granted to the hospital for future development, we deduct the Summit County units from that density calculation.

Lastly, if Council approves the plat of approval, Staff recommends changes Item 8 to "the owner proposes to lease land to the Peace House for a campus that includes a minimum of 12 transitional housing units totaling to 9,600 square feet or more, 7200 square feet or more of shelter space and one employee apartment of a minimum of 800 square feet" to allow Peace House more flexibility with the size of their units. Council member Beerman asks if Summit County is on board with the transaction, to which Stauffer explains they have already worked everything out on their end.

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SUMMIT COUNTY, UTAH

June 4, 2015

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

**Board member Peek moved to approve the IHC
Housing Plan with amended language
Board member Beerman seconded
Approved unanimously**

Simpson moved to adjourn. Beerman seconded. Approved.

Approved unanimously as amended to include the change to findings of fact number 8

3. Adjournment

**Board member Simpson moved to adjourn
Board member Beerman seconded
Approved unanimously**

CLOSED SESSION MEMORANDUM

The City Council met in a closed session at approximately 1:00 p.m. Members in attendance were Mayor Jack Thomas, Andy Beerman, Dick Peek, Cindy Matsumoto and Tim Henney. Staff members present were; Diane Foster, City Manager; Mark Harrington, City Attorney; Matt Dias, Assistant City Manager. **Council member Henney moved to close the meeting to discuss Property, Litigation and Personnel. Council member Simpson seconded. Motion carried.**

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

Prepared by Karen Anderson, Deputy City Recorder

When recorded, please return to:

PARK CITY MUNICIPAL CORPORATION
City Recorder
P O Box 1480
Park City UT 84060

and to:

Guy P. Kroesche, Esq.
STOEL RIVES LLP
201 South Main Street, Suite 1100
Salt Lake City, Utah 84111

and to:

Charles R. Brown, Esq.
CLYDE SNOW SESSIONS & SWENSON
201 South Main Street, Suite 1300
Salt Lake City, Utah 84111

and to:

Ira B. Rubinfeld, Esq.
RAY QUINNEY & NEBEKER
36 South State Street, Suite 1400
Salt Lake City, Utah 84145

ENTRY NO. 00802747

01/23/2007 04:38:10 PM B: 1843 P: 0308

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ALAN SPRIGGS, SUMMIT COUNTY RECORDER

FEE \$ 0.00 BY PARK CITY MUNICIPAL CORPORATION



ANNEXATION AGREEMENT

This ANNEXATION AGREEMENT (this "Annexation Agreement") is made by and between Park City Municipal Corporation (hereinafter, the "City") and Burbs, L.L.C., a Utah limited liability company (hereafter, the "Petitioner") to set forth the terms and conditions under which the City will annex certain land owned by the Petitioner, consisting of approximately 157 acres and located in unincorporated Summit County, Utah, at the northwest corner of State Road 248 and Highway 40 (as further defined below, the "Property"), into the corporate limits of the City and extend municipal services to the Property. This Annexation Agreement is made under authority of §§ 10-2-401 et. seq. of the Utah Code, Annotated 1953, as amended, and shall serve as a supplemental annexation policy declaration when executed by all parties.

WHEREAS, the Petitioner entered into that certain Real Estate Acquisition Agreement, dated as of October 21, 2004, as amended by that certain Amendment to Real Estate Acquisition Agreement, dated as of October 21, 2005, as further amended by that certain Second Amendment to Real Estate Acquisition Agreement, dated as of October 27, 2005, as amended by that certain Third Amendment to Real Estate Acquisition Agreement, dated as of April 27, 2006, as amended by that certain Fourth Amendment to Real Estate Acquisition Agreement, dated as of August 11, 2006, as amended by that certain Fifth Amendment to Real Estate Acquisition Agreement, dated as of August 25, 2006, as amended by that certain Sixth Amendment to Real Estate Acquisition Agreement, dated as of September 27, 2006, as amended by that certain Seventh Amendment to Real Estate Acquisition Agreement, dated as of October 27, 2006, and as amended by that certain Eighth Amendment to Real Estate Acquisition Agreement, dated as of November 30, 2006, (collectively, the "Real Estate Acquisition Agreement"), for the sale of a portion of the Property (the "Intermountain Healthcare Property") to IHC Health Services, Inc., a Utah nonprofit corporation ("Intermountain Healthcare");

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WHEREAS, the Petitioner has previously notified to the United States Ski and Snowboard Association, a Utah nonprofit organization (the "USSA"), that the Petitioner desires to donate five (5) acres of the Property (the "USSA Property") to USSA, and USSA is willing to accept such donation;

WHEREAS, in furtherance of the foregoing, the Petitioner desires to annex the Property into the corporate limits of the City and, to that end, an annexation petition (the "Annexation Petition") for the Property was filed with the City on November 3, 2004, and accepted by the City on November 18, 2004;

WHEREAS, in connection with any such annexation (the "Annexation"), the Property is proposed to be zoned Community Transition District - Master Planned Development ("CT-MPD"), a new City zoning district that allows for a community hospital/medical facility, support medical offices, public/quasi-public institutional uses, United States Ski and Snowboard headquarters and a sports training complex, public recreation uses, affordable/employee housing, and open space land uses on the Property;

WHEREAS, to these ends, the City has issued certain Findings and Conditions with respect to the Property, which are attached as Exhibit "A" (the "Findings and Conditions");

WHEREAS, the parties understand, acknowledge and agree that the Annexation of the Property is conditioned upon, among other matters, the satisfaction of the terms and conditions set forth in the Findings and Conditions and this Annexation Agreement, as well as the completion of the master plan development for the Intermountain Healthcare Property or the USSA Property, as the case may be (in either case an "MPD") and subdivision (the "Subdivision") of the Property, all to the satisfaction, in their respective discretion, of the Petitioner, Intermountain Healthcare, USSA, and the City, as applicable, and as evidenced by the Subdivision plat for the Property (as accepted by the City and filed in the official real estate records of Summit County, Utah, the "Subdivision Plat"); and

WHEREAS, except as otherwise defined herein, capitalized terms shall be as defined in the Findings and Conditions;

NOW, THEREFORE, in furtherance of the Annexation Petition, in consideration of the City's agreement to annex the Property and in consideration of the mutual promises contained herein, as well as the mutual benefits to be derived herefrom, the parties agree that the terms and conditions of Annexation shall be as follows:

1. **Property.** The Property to be annexed is approximately 157 acres in size, as depicted on the annexation plat attached as Exhibit "B" (the "Annexation Plat") and as more fully described in the legal description attached as Exhibit "C."

2. **Zoning.** Upon Annexation, the Property will be zoned CT-MPD, as shown on Exhibit "B."

3. **Master Plan Approval; Phasing.** Pursuant to Land Management Code Section 15-8-3 (D), an application for a Master Planned Development of the Property (as submitted, the "MPD"), a copy of which is attached as Exhibit "D," was filed with the City on November 3, 2004, and accepted by the City on November 18, 2004. This Annexation Agreement does not represent approval or vesting of the MPD. Rather, the MPD and the use and development of the Intermountain Healthcare Property and the USSA Property shall be governed by the zoning designations provided herein and, consistent with this Annexation Agreement and the Findings and Conditions, shall be finalized (and, as necessary, amended) as soon as reasonably practicable following completion of the Annexation pursuant to Utah Code Annotated § 10-2-425(5) (as applicable to the Intermountain Healthcare Property, the USSA Property or the remainder of the Property, the "Final MPD").

Any substantive amendments to the MPD or this Annexation Agreement shall be processed in accordance with the Park City Land Management Code. Further, as part of the MPD review and approval process, again consistent with this Annexation Agreement and the Findings and Conditions, the phasing of the development of the Intermountain Healthcare Property or the USSA Property, as the case may be, shall be determined, to ensure the adequacy of public facilities that may be required to support any such development.

4. **Trails.** A condition precedent to the Annexation and the Final MPD for the Intermountain Healthcare Property or the USSA Property, as the case may be, is the grant to the City of public easements (collectively, the "Trail Easements") for the construction of non-vehicular pedestrian trails (collectively, the "Trails"), the location, width and use of which shall be determined during the MPD review and approval process, and which shall be documented in one or more development agreements for the Intermountain Healthcare Property the USSA Property, as the case may be, or any portions thereof (in any case, a "Development Agreement"). The Trail Easements shall include, but are not limited to, those easements necessary to extend and/or relocate certain of the existing non-vehicular pedestrian trails to connect to other public trail easements existing on adjacent properties. Any obligations with respect to the construction of any such trails shall be governed by the terms and conditions of the Development Agreement for the USSA Property, the Intermountain Healthcare Property or any other part of the Property, as the case may be, and, further, unless otherwise provided in any such Development Agreement, shall be the responsibility of the owner of the USSA Property, the Intermountain Healthcare Property, or any other part of the Property, as the case may be.

5. **Fire Prevention Measures.** Because of significant wild land interface issues on the Property, the Petitioner (or, as specified in connection with any such assignment, its assigns) agrees to implement a fire protection and emergency access plan, to be submitted prior to the issuance of any building permits, and to be reviewed and approved by the Fire Marshall and Chief Building Official for compliance with applicable building and fire codes.

6. **Roads, Road Design and Access.** All streets and roads within the Property shall be designed according to the City's road design standards and, as soon as reasonably practicable following the construction thereof (to the extent, as determined during the MPD review and approval process, to be dedicated to the City), shall be dedicated to the City for purposes of public thoroughfares and, upon acceptance thereof by the City, the maintenance and repair thereof by the City. Until such time as any such streets and roads shall be dedicated to, and accepted by, the City pursuant to the City's applicable ordinances governing any such dedication, maintenance and repair of all such streets and roads shall remain with the Petitioner (or, as specified in connection with any such assignment, its assigns). All roads and streets within the Property shall be not less than thirty feet (30') wide, back of curb to back of curb, unless, consistent with this Annexation Agreement, applicable City ordinances and the Findings and Conditions, otherwise reduced by the City for pedestrian traffic calming or other public purposes. The terms and conditions of grading and constructing access roads and streets across any City property shall be agreed to as part of the MPD review and approval process.

Notwithstanding any other term or condition of this Annexation Agreement and as and to the extent reasonably necessary or appropriate for, consistent with this Annexation Agreement and the Findings and Conditions, use of the Intermountain Healthcare Property, the City, without additional consideration therefor, agrees to (a) by means of (i) a publicly-dedicated roadway and/or (ii) a nonexclusive, perpetual easement and right of way for the benefit of the Intermountain Healthcare Property, provide access to and from the Intermountain Healthcare Property to State Road 248 in Summit County, Utah (all as shown on attached Exhibit "E" road design plan, prepared by Horrocks Engineers on November 6, 2005, and approved by the City Engineer), for main and primary vehicular and pedestrian access (the "Main Access Roadway"), and (b) by means of a nonexclusive, perpetual easement and right of way for the benefit of the Intermountain Healthcare Property, provide access to and from the Intermountain Healthcare Property for emergency and secondary vehicular and pedestrian access (the "Secondary Access

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Easement"). The Main Access Roadway and the Secondary Access Easement each shall be not less than thirty feet (30') wide, back of curb to back of curb, exclusive of any sidewalks or other improvements and, further, shall be in such locations as shall be mutually acceptable to the City and Intermountain Healthcare. Except as and to the extent consistent with the use of the Intermountain Healthcare Property (and as, to the extent practicable, confirmed in connection with the sale and acquisition of the Intermountain Healthcare Property), neither the Main Access Roadway nor the Secondary Access Easement shall be subject to any use restrictions, conditions, limitations, or encumbrances (other than, to the extent the Secondary Access Easement shall not be on the City's property, general property taxes or assessments not yet due and payable) and, in addition, shall provide insurable access to and from the Intermountain Healthcare Property; provided, however, that, as specified during the MPD review and approval process, a locked gate may restrict use of the Secondary Access Easement to emergency and fire use only.

The Petitioner (or, except as otherwise may be agreed in writing in connection with any such assignment, its assigns) shall not have any obligation or liability for the Main Access Roadway or the Secondary Access Easement until review and approval by the City of the Final MPD. The City further agrees that roadway and street construction costs and expenses incurred by the Petitioner (or its assigns) shall be credited against any other impact or other development fees and costs for which the Petitioner (or its assigns) may be liable by reason of this Annexation Agreement or, consistent with the Findings and Conditions, otherwise with respect to the Intermountain Healthcare Property, the improvement of State Road 248, or the USSA Property, including without limitation any costs or expenses incurred in connection with the obligations under Section 17, below. The Petitioner (or, as specified in connection with any such assignment, its assigns) may require other or third parties to enter into a latecomer's agreement to reimburse the Petitioner for a portion of its costs in extending roads, traffic infrastructure and access to the Property.

7. **Sanitary Sewer, Line Extensions and Related Matters.** Construction and alignment of the sanitary sewer shall be determined as part of the MPD review and approval process. The preferred alignment of the sanitary sewer shall be that which results in the least visual impact and site disturbance while meeting the site design and construction requirements of the Snyderville Basin Water Reclamation District. Further, as part of a Development Agreement, the Petitioner (or, as specified in connection with any such assignment, its assigns) shall enter into a latecomer's agreement to reimburse the City for a portion of its costs in extending sewer facilities adjacent to the Intermountain Healthcare Property or the USSA Property, as the case may be.

8. **Water Rights and Water Source Capacity.** The Petitioner (or, as specified in connection with any such assignment, its assigns) hereby agrees to purchase culinary water and, as appropriate, irrigation water from the City, subject to the provisions of this Section 8. The City shall and hereby agrees, upon payment therefor as specified in and contemplated under this Section 8, to provide such culinary water and, as appropriate, irrigation water, as shall be sufficient to meet the projected peak daily water demand for (a) the Intermountain Healthcare Property, which the parties understand, acknowledge and agree is 101,528 gallons per day at full build-out (the "Intermountain Healthcare Peak Water Demand") and (b) the USSA Property, which the parties understand, acknowledge and agree is 8,759 gallons per day at full build-out (the "USSA Peak Water Demand"). The Petitioner (or, as specified in connection with any such assignment, its assigns) agrees to pay the City for such water in the amount of SIXTEEN THOUSAND AND NO/100 DOLLARS (\$16,000) per Equivalent Residential Unit ("ERU"), inclusive of (i) a proportionate share of any capital costs incurred by the City through the Snyderville Importation Project, (ii) any water share acquisition costs for water from the Weber Basin Water Conservancy District, (iii) a proportionate share of any water treatment costs based on the Intermountain Healthcare Peak Water Demand and the USSA Peak Water Demand, (iv) any City water impact fees therefor, and (v) any City water connection impact fees (collectively, the "Water Cost").¹ Such Water Cost, respectively, shall be paid to the City within ten (10) business days following the Final MPD. Based

¹ The Water Cost was calculated by the City, as shown on attached Exhibit "G."
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upon the peak water demand figures submitted to the City by Intermountain Healthcare and the USSA, at the City's request, the City calculated and hereby confirms that, the number of ERUs respectively, is equivalent to 63.455 ERUs and 5.47 ERUs.

The City shall not be obligated to provide any water in excess of (A) the Intermountain Healthcare Peak Water Demand for the Intermountain Healthcare Property and (B) the USSA Peak Water Demand for the USSA Property and, notwithstanding any other term or condition hereof, the Petitioner (or, as specified in connection with any such assignment, its assigns) shall not be obligated to pay any amounts in excess of SIXTEEN THOUSAND AND NO/100 DOLLARS (\$16,000) per ERU. Further, the Petitioner (or, except as otherwise may be agreed in writing in connection with any such assignment, its assigns) and the City agree to enter into a separate agreement, mutually acceptable to the parties thereto, which shall document and provide for the implementation of the material terms of Sections 8, 9, and 10 of this Annexation Agreement, before the Final MPD; provided, however, that the Petitioner (or its assigns) shall not have any obligation or liability to purchase any water from the City until after the Final MPD. The Petitioner (or, as specified in connection with any such assignment, its assigns) is separately responsible for any redundant water rights, source capacity and/or systems as may be required in connection with the use and development of the Intermountain Healthcare Property or the USSA Property, as the case may be, and as required by applicable laws, rules or regulations relating thereto.

In conjunction with the construction of the Units by Petitioner on the City Donated Parcel or the Alternative Affordable Housing Location, as further described in Section 11, the City agrees that it will provide culinary water and, as appropriate, irrigation water, as shall be sufficient to meet the projected peak daily water demand for the Units, as ultimately determined by Petitioner and the City and approved for construction by the City. Petitioner agrees to pay to the City normal and customary charges for such water, which Water Cost shall not be in excess of the Water Cost to be paid the City for water to the Intermountain Healthcare Property and USSA Property, as set forth above in this Section 8.

9. **Water Impact Fees and Credits.** The City confirms that the total water impact fee was calculated by the City in the same manner and in the same comparative amount as with other developments within municipal boundaries. Any applicable credits that the Petitioner (or its assigns) may be eligible for will be determined by the City in the same manner and in the same comparative amount as with other developments within the City.

10. **Other Water Facilities, Infrastructure and Systems Costs.** As a condition precedent to the effectiveness of this Annexation Agreement, certain water facilities and systems, including an upgrade to the Fairway Hills pump station, shall be required to be constructed to service the Intermountain Healthcare Property and the USSA Property, and, to the extent to be dedicated to the City, easements therefor granted to the City, all of which shall be determined, and agreed to, by the affected parties and the City during the MPD review and approval process (the "Water Facilities and Systems"). Any and all such Water Facilities and Systems shall be constructed in accordance with specifications reasonably required by the City Engineer. Notwithstanding any term or condition of this Annexation Agreement, the City shall be responsible for the cost of any over-sizing of any Water Facilities and Systems, and, as and to the extent the Petitioner (or its assigns) shall pay or be liable for any such costs, the Petitioner (or, as applicable, Intermountain Healthcare or USSA) shall receive an appropriate credit or contribution from the City (as determined during the MPD review and approval process) for any over-sized Water Facilities and Systems designed, constructed or configured for the benefit of or to accommodate the needs of the City or any other person or entity.

In connection with the MPD and the Subdivision² review and approval processes, on-site storm runoff detention facilities, or approved alternatives, as approved by the City Engineer, may be required. The timing for the construction of such storm run-off improvements shall be determined during the MPD review and approval process (the "Storm Detention Facilities"). The City shall be responsible for the cost of any over-sized on-site Storm Detention Facilities required as determined as part of the MPD (as sized and located to the reasonable satisfaction of Intermountain Healthcare and USSA), and, as and to the extent the Petitioner (or its assigns) shall pay or be liable for any such costs, the Petitioner (or, as applicable, Intermountain Healthcare or USSA) shall receive an appropriate credit or contribution from the City (as determined by the Petitioner and the City during the MPD review and approval process) for any such facilities designed, constructed or configured for the benefit of or to accommodate the needs of the City or any other person or entity.

As part of the MPD review and approval process, the Petitioner (or, as specified in connection with any such assignment, its assigns), the City and the affected parties shall determine and agree on the proportionate costs and/or appropriate credits or contributions from the City for the installation, construction, repair, and maintenance of any excess length, size or capacity storm sewer and/or sanitary sewer lines, power, sewer, and other utility line extensions and related facilities (including without limitation the Storm Retention Facilities and the Water Facilities and Systems, the "Sewer and Related Facilities"), which may be required for the use and development of the Property, or any part thereof, and the provision of municipal services related thereto (with the understanding that the Petitioner (or, as applicable, the respective owners of the Intermountain Healthcare Property or the USSA Property) shall receive an appropriate credit or contribution from the City for the cost of any Sewer and Related Facilities designed, constructed or configured for the benefit of or to accommodate the needs of the City or any other person or entity. The extent to which such Sewer and Related Facilities shall be dedicated to the City, and the required granting of easements therefor, shall also be determined, and agreed to, by the Petitioner (or, as specified in connection with any such assignment, its assigns), the affected parties and the City during the MPD review and approval process.

11. **Affordable Housing Requirement.** Affordable/employee housing shall be provided in a manner consistent with the Findings and Conditions (the "Employee/Affordable Housing"), with the understanding and agreement of the parties that:

a. The Employee/Affordable Housing requirement for development associated with the Intermountain Healthcare hospital (300,000 square feet) is 44.78 "Affordable Unit Equivalents" (as defined in the City's Land Management Code) (the "Units"). Petitioner previously notified the City that it desires to and will donate five (5) acres of the Property (the "City Donated Parcel") to the City. Intermountain Healthcare, the City and the Petitioner have agreed that the foregoing Employee/Affordable Housing requirement shall be satisfied by the Petitioner's donation of the City Donated Parcel to the City as previously committed to by Petitioner, and the other terms and conditions of this Section 11. Within twelve (12) months of the effective date of this Agreement, the City shall determine if the Units are to be located on the City Donated Parcel or at some alternate location within the City, as agreed to by Petitioner (or its assignees), which agreement shall not be unreasonably withheld, conditioned or delayed, (an "Alternate Affordable Housing Location"); provided that, in the event of an Alternate Affordable Housing Location, the Petitioner (and any assignee thereof) shall not have any obligation, cost or otherwise, for the acquisition of any such Alternate Affordable Housing Location; and provided that, in the event the Units are located on any Alternate Affordable Housing Location, the Petitioner (or any assignee thereof) shall not

² The Subdivision review and approval process will be a two-part process. The first part of the Subdivision review and approval process will establish the lot lines of the Intermountain Healthcare Property, the USSA Property, the City Donated Parcel, and the City Recreation/Open Space Parcel and, in that connection, allow for the recording of the Subdivision Plat in the official real estate records of Summit County, Utah. The second part of the Subdivision review and approval process will include an amendment to the Subdivision Plat, which will be processed during the MPD review and approval process and, to the extent appropriate, will incorporate any necessary requirements of this Section 10.

incur, or be obligated for, any costs or expenses in excess of those that would be incurred if the Units were located and constructed on the City Donated Parcel. Subject to the foregoing, within twenty-four (24) months of the effective date of this Agreement, the Petitioner (or any assignee thereof) shall either (i) begin construction of the Units on the City Donated Parcel or at the Alternate Affordable Housing Location or (ii) post a financial guarantee in favor of the City in a form, on terms and in the amount set forth in attached Exhibit "F" (the "Financial Guarantee").³

The City shall not issue building permits for development of the Intermountain Healthcare hospital in excess of 149,000 square feet until (A) the commencement of construction of the Units on the City Donated Parcel or an Alternate Affordable Housing Location within twenty-four (24) months following the Annexation, (B) a decision is made to locate the Units on property other than the City Donated Parcel, (C) the satisfaction of the Employee/Affordable Housing requirement for development associated with the Intermountain Healthcare hospital by financing or some other arrangement, or (D) the delivery by Petitioner (or its assigns) and acceptance by the City of the Financial Guarantee.⁴ Any such Units constructed shall be sold or rented by the Petitioner (or any assignee thereof) at deed restricted prices or otherwise financed consistent with the City affordable housing guidelines.

b. The Employee/Affordable Housing requirement for development associated with the a proposed United States Ski and Snowboard Association, a Utah nonprofit organization ("USSA") facility (85,000 square feet) is 10.71 Affordable Unit Equivalents. The Petitioner previously notified USSA that it desires to and will donate the USSA Property, upon which USSA intends to construct its facilities, to USSA. A total deferral of the required 10.71 Affordable Unit Equivalents will be granted by the City upon, and in exchange for, the donation of the USSA Property by the Petitioner to USSA as previously committed to by Petitioner. The deferral is contingent upon continued ownership and occupancy by the facility by USSA or another community-based nonprofit organization. Any change in use to a non-community-based nonprofit organization may require that the deferred Employee/Affordable Housing requirements be met by the owner of the USSA Property as contemplated under the Affordable Housing Guidelines and Standards Resolution 10-06.

c. The Employee/Affordable Housing requirement for development associated with the Support Medical Office area (150,000 square feet) is 34.98 Affordable Unit Equivalents. This requirement shall be satisfied with either on-site or off-site units as determined in connection with the development of the Property to which such area relates and, in any case, shall not reduce the square footage available for the Support Medical Office area. The units shall be sold or rented at deed restricted prices or otherwise financed consistent with the City's affordable housing guidelines. Construction of the affordable units may be phased with the construction of the Support Medical Office area; provided that no certificate of occupancy for the Support Medical Office area in excess of 25,000 square feet shall be issued unless construction has commenced on the required Affordable Unit Equivalents hereunder or a financial guarantee (see footnote no. 2, above) has been posted therefor in a form and in an amount acceptable to the City.

³ The form and amount of any bond or other financial assurance required by the City hereunder shall be determined by reasonably estimating the City's administrative costs (which are estimated to be ten percent (10%) of the total cost of construction of the Units), if the City were required to proceed with construction of the Units or any other affordable housing units/equivalents hereunder, and no more.

⁴ By the execution hereof, the City hereby acknowledges and confirms, as of the Effective Date, the delivery by the Petitioner and the acceptance by the City of the Financial Guarantee for the Units, which is in the form, on terms and in an amount required by the City. With the Financial Guarantee, the Employee/Affordable Housing requirement for development associated with the Intermountain Healthcare hospital has been satisfied in its entirety and, as such, is not a condition precedent to the issuance of building permits for development of the Intermountain Healthcare hospital in excess of 149,000 square feet.

d. If the "Units" (as defined in subsection 11(a), above), in fact, are located on the City Donated Parcel, the "Units" will be situated, designed and constructed on the City Donated Parcel in a manner approved, in writing and in advance, by Intermountain Healthcare, in Intermountain Healthcare's reasonable discretion. Any proceeds from the sale or lease of the "Units" on the City Donated Parcel or any Alternate Affordable Housing Location, following their design and construction, shall be retained by and constitute the exclusive property of the entity which constructs the "Units," being either the Petitioner, or any assignee thereof, as the case may be. All utilities shall be stubbed to the City Donated Parcel or any Alternate Affordable Housing Location, on which the Units may be constructed, at no cost to Petitioner (or its assigns) or any other party hereto. Further, neither the Petitioner (and its assigns) nor any other party hereto shall have any obligation, cost or otherwise, for any water rights or interests, nor for any other public fees, except for standard planning review and building permit fees necessary for construction of the Units on the City Donated Parcel (or any Alternate Affordable Housing Location).

12. **Planning Review Fees.** Except as otherwise agreed by the City, otherwise specified in a Development Agreement or in this Annexation Agreement, or as part of the MPD review and approval process (including without limitation any applicable credits and/or "in lieu of tax payments"), the Petitioner (or its assigns) shall be responsible for all standard and customary, and generally-applicable planning, building, subdivision and construction inspection fees imposed by the City from time to time.

13. **Impact and Building Fees.** Except as otherwise agreed by the City, otherwise specified in a Development Agreement or in Sections 8, 9 and 10 of this Annexation Agreement, or as part of the MPD review and approval process (including any applicable credits and/or "in lieu of tax payments"), the Petitioner (or its assigns) shall be responsible for all standard and customary, and generally-applicable, fees, such as development, impact, park and recreation land acquisition, building permit and plan check fees due and payable for construction on the Intermountain Healthcare Property, the USSA Property or the remainder of the Property at the time of application for any building permits.

14. **Acceptance of Public Improvements.** Subject to fulfillment of all the conditions of the applicable City ordinances and, further, the City's final approval of the construction of any such public improvements, those roads, streets, water facilities, utilities, and easements as may be agreed by the City, Intermountain Healthcare and/or USSA in connection with the MPD review and approval process (the "Public Improvements"), shall be conveyed and dedicated to the City, for public purposes. Following any such dedication, the City shall be responsible for the maintenance, repair and replacement of any and all such Public Improvements.

15. **Snow Removal and Storage.** Other than as the City may determine necessary or appropriate for the Trails, the City shall not be obligated to remove snow from roads, streets or similar improvements within the Property, until acceptance of the dedication thereof pursuant to the applicable City ordinances or this Annexation Agreement.

16. **Fiscal Impact Analysis.** The fiscal impact analysis prepared by the City Budget, Debt and Grants Department was reviewed, accepted and approved by the City Planning Commission on November 10, 2005. The analysis includes revenue and cost assumptions related to the Annexation and development of the Property and it is hereby accepted and approved by the City as part of this Annexation Agreement.

17. **Traffic Mitigation.** A comprehensive traffic review and analysis of the surrounding properties and jurisdictions was performed by a traffic consultant, Horrocks Engineers, and additional analysis was performed by the City's consultant, Rosenthal and Associates (together referred to herein as the "Traffic Studies"). Any such mitigation measures (inclusive of the "Roadway Access Costs" (as defined below and contemplated under the Findings and Conditions, the "Traffic Mitigation Measures")) shall be implemented in a manner consistent with the Findings and Conditions; provided that any costs or expenses shall be proportionately allocated among all affected persons and entities, including without limitation the City; and provided that neither the Petitioner nor its assigns shall be obligated to take or

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cause to be taken any such measures until such time as they shall be satisfied that the measures shall have been adequately specified, the costs (and the allocation) thereof determined, the persons and entities participating therein identified, and the payment of any such costs assured to the reasonable satisfaction of the City and the Petitioner (and, as specified in connection with any such assignment, its assigns). Subject to the Findings and Conditions, the parties anticipate that the Petitioner (or, as specified in connection with any such assignment, its assigns) shall incur the financial costs, except land acquisition costs, for the construction of a signalized intersection on State Road 248 and the connection of that intersection with a roadway to the Property, all as shown in the analysis of Horrocks Engineers. The total cost of any and all Traffic Mitigation Measures shall not exceed TEN MILLION AND NO/100 DOLLARS (\$10,000,000), and the Petitioner's (or, as specified in connection with any such assignment, its assigns') proportionate share of the Traffic Mitigation Measures shall be between eleven percent (11%) and twenty-one percent (21%) and, further, shall be determined and documented as part of the MPD review and approval process.

18. **Effective Date.** This Annexation Agreement is effective as of the date the City Council adopts a resolution authorizing the execution of this Annexation Agreement and, further, the City provides notice of the adoption of such resolution to the parties to this Annexation Agreement.

19. **Governing Law; Jurisdiction and Venue.** The laws of the State of Utah shall govern this Annexation Agreement. Jurisdiction and venue are proper in Summit County.

20. **Real Covenant, Equitable Servitude.** This Annexation Agreement constitutes a real covenant and an equitable servitude on the Property. The terms of this Annexation Agreement touch and concern and both benefit and burden the Property. The benefits and burdens of this Annexation Agreement run with the land, and are intended to bind all successors in interest to any portion of the Property. This Annexation Agreement, a certified copy of the ordinance approving the Annexation (the "Annexation Ordinance"), and the Annexation Plat shall be recorded in the official real estate records of Summit County, Utah.

21. **Assignment.** Neither this Annexation Agreement nor any of the provisions, terms or conditions hereof may be assigned to any other party, individual or entity without assigning the rights as well as the responsibilities under this Annexation Agreement and without the prior written consent of the City, which consent shall not be unreasonably withheld, conditioned or delayed. Any such request for assignment may be made by letter addressed to the City and the prior written consent of the City may also be evidenced by letter from the City to the Petitioner or its successors or assigns; provided that, notwithstanding the foregoing, the City hereby consents to the assignment of the rights and responsibilities, and the benefits, of this Annexation Agreement, in whole or in part, to Intermountain Healthcare (or any affiliate thereof) or to USSA, upon written notice to the City; and provided that, in connection with and to the extent specified in any such assignment, the Petitioner shall not have any further rights or responsibilities under this Annexation Agreement as and to the extent accruing from and after the date of any such assignment.

22. **Compliance with the City Code.** Notwithstanding Section 18 of this Annexation Agreement, from the time of the City Council (the "City Council") approves of this Annexation Agreement and upon completion of the Annexation, the Property shall be subject to compliance with any and all of the City's Codes and Regulations pertaining to the Property.

23. **Full Agreement.** This Annexation Agreement, together with the recitals and exhibits attached to this Annexation Agreement (which are incorporated in and made a part of this Annexation Agreement by this reference), contains the full and complete agreement of the City and the Petitioner regarding the Annexation of the Property into the City. Only a written instrument signed by all parties hereto, or their successors or assigns, may amend this Annexation Agreement.

24. **No Joint Venture, Partnership or Third Party Rights.** This Annexation Agreement does not create any joint venture, partnership, undertaking or business arrangement between the parties hereto. Except as otherwise specified herein, this Annexation Agreement, the rights and benefits under this Annexation Agreement, and the terms or conditions hereof, shall not inure to the benefit of any third party.

25. **Vested Rights.** Subject to the provisions of this Annexation Agreement, the Petitioner (or its assigns) shall have the right to use and develop the Intermountain Healthcare Property, the USSA Property or the remainder of the Property, as the case may be, in accordance with the uses, densities, intensities, and general configuration of development approved by these Findings and Conditions and, subject to the Findings and Conditions unless otherwise agreed by any affected parties, the Final MPD, subject to and in compliance with other applicable ordinances and regulations of the City.

26. **Reserved Legislative Powers.** The Petitioner acknowledges that the City is restricted in its authority to limit its police power by contract and that the limitations, reservations and exceptions set forth herein are intended to reserve to the City all of its police power that cannot be so limited, and the Petitioner shall ensure that each of its assigns is aware of such restriction in connection with any assignment of any rights or obligations hereunder. Notwithstanding the retained power of the City to enact such legislation under the police powers, such legislation shall only be applied to modify the Land Management Code and zoning Map of the City, as in existence on the date hereof, copies of which have been provided or otherwise made available by the City to the Petitioner, Intermountain Healthcare and USSA on or before the date hereof, and which are applicable to the Property under the terms of this Annexation Agreement based upon policies, facts and circumstances meeting the compelling, countervailing public interest exception to the vested rights doctrine in the State of Utah. Any such proposed legislative changes affecting the Property and terms and conditions of this Annexation Agreement applicable to the Property shall be of general application to all development activity in the City; and, unless the City declares an emergency, the Petitioner, Intermountain Healthcare and USSA (and their respective assigns) shall be entitled to the required notice and an opportunity to be heard with respect to the proposed change and its applicability to the Property under the compelling, countervailing public interest exception to the vested rights doctrine.

27. **Severability.** If any part or provision of this Annexation Agreement shall be determined to be unconstitutional, invalid or unenforceable by a court of competent jurisdiction, then such a decision shall not affect any other part or provision of this Annexation Agreement except that specific provision determined to be unconstitutional, invalid or unenforceable. If any condition, covenant or other provision of this Annexation Agreement shall be deemed invalid due its scope or breadth, such provision shall be deemed valid to the extent of the scope or breadth permitted by law. Notwithstanding the foregoing, given the interdependence of many of the provisions of this Annexation Agreement, this Section 26 shall only be applied to the extent the purpose and intent of this Annexation Agreement is not frustrated.

28. **Quinn's Junction Area Study.** The City hereby confirms that the Property is located within the Quinn's Junction Area Study ("QJAS") and the findings and conclusions of the QJAS are consistent with the provisions of this Annexation Agreement and the Findings and Conditions.

1st IN WITNESS WHEREOF, the parties hereto have executed this Annexation Agreement as of the
day of JANUARY, 2006. 7

[signature pages follow]

PARK CITY MUNICIPAL CORPORATION

By: Dana Williams
Dana Williams, Mayor

DATED this 1st day of January, 2007

ATTEST: City Clerk

By: Janet Scott
Janet Scott, City Recorder

DATED this 1st day of January, 2007

APPROVED AS TO FORM:

Mark Harrington
Mark Harrington, City Attorney

DATED this 1st day of January, 2007

PETITIONER:

Burbs, L.L.C., a Utah limited liability company

Vaughn Burbidge
By: Vaughn Burbidge
Title: Manager

DATED this 1 day of January, 2007

David Burbidge
By: David Burbidge
Title: Manager

DATED this 1 day of January, 2007



Intermountain Healthcare/USSA/Burbs Annexation Agreement

Findings/Annexation Agreement Points⁴

1. Burbs, L.L.C. (the "Petitioner"), IHC Health Services, Inc. ("Intermountain Healthcare"), and the United States Ski and Snowboard Association ("USSA") filed an Annexation Petition on November 3, 2004.
2. The City Council of Park City Municipal Corporation (the "City Council") accepted the Annexation Petition on November 18, 2004.
3. The City Council established the Intermountain Healthcare/USSA/Petitioner Annexation Task Force on July 14, 2005 (Resolution No. 21-05) for purposes of formulating specific recommendations relating to the annexation's proposed zoning, land uses, affordable housing, transportation, and community economics/fiscal impacts.
4. On October 27, 2005, the Task Force forwarded a unanimous positive recommendation to the Planning Commission on a new zoning district to apply to the annexation area, the Community Transition District - Master Planned Development ("CT-MPD"), which includes specific provisions addressing affordable housing.
5. On November 10, 2005, the Task Force forwarded a unanimous positive recommendation to the Planning Commission on the economic impact/fiscal analysis relating to the Annexation.
6. On December 8, 2005, the Task Force forwarded a unanimous positive recommendation to the Planning Commission on traffic and transportation impacts and mitigation.
7. The Property subject to the Annexation Petition (the "Annexation Property") is currently vacant, 157 acres in size, and located in unincorporated Summit County, Utah, at the northwest corner of the State Road 248/Highway 40 interchange.
8. The Annexation Property currently is zoned in Summit County Developable Lands (DL), with a base density of 1 unit/20 acres and 1 unit/40 acres (depending on the extent of any environmentally sensitive lands, which need to be managed or preserved in compliance with any applicable laws, rules and regulations, including without limitation the City's Sensitive Lands Overlay code.
9. The Annexation Property is to be zoned, as shown on the attached Annexation Plat, Community Transition District-Master Planned Development ("CT-MPD"). The CT-MPD has a base density of 1 unit/20 acres. The Community Transition District permits density bonuses up to a maximum of 3 units/acre provided specific standards are met relating to open space, Frontage Protection Zone (FPZ) setbacks, parking, affordable housing, and public land/facilities.
10. The land uses proposed on the Annexation Property include a community hospital/medical facility; support medical offices; public/quasi-public and institutional uses; United States Ski and Snowboard (USSA) headquarters and sports training complex; public recreation uses; affordable/employee housing; and open space.
11. The MPD shall substantially comply with the Annexation Plat. The proposed total density at build-out for the Annexation area is 535,000 square feet (gross), equates to 2.64 units/acre and consists of the following:

<u>Intermountain Healthcare Hospital:</u>	<u>300,000 square feet (180 Unit Equivalents)</u>
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⁴ Except as otherwise defined herein, capitalized terms shall be as defined in the Annexation Agreement.

United States Ski and Snowboard Offices
and Training Center:

85,000 square feet (85 Unit Equivalents)

Support Medical Office:

150,000 square feet (150 Unit Equivalents)

12. The City has agreed that up to 50,000 square feet of the total Support Medical Office area may be developed within, and in addition to, the 300,000 square foot hospital. The City identified a public policy preference that up to 50,000 square feet of the Support Medical Office area should primarily be utilized for public/quasi-public and other institutional uses reasonably related to the Support Medical Office area, including without limitation, athletic national governing body offices, non-profit community wellness facilities, and/or education uses. A specific allocation of such uses shall be determined and agreed to by the Petitioner (or its assigns) and the City as part of the MPD review and approval process.

13. The Petitioner has previously notified the United States Ski and Snowboard Association (USSA) that the Petitioner desires to donate five (5) acres of the Property (the "USSA Property") to USSA for the purposes of developing an 85,000 square foot athletic national governing body (NGB) and training complex. Land uses within the USSA Property are limited to USSA administrative, athlete training, and/or other national governing body uses, with deed restrictions to that effect to be recorded against such property. Subject to any such deed restrictions, the City shall have the right of first refusal to purchase the USSA Property and facilities in the event that, as an authorized assignee of the Petitioner, USSA sells and/or relocates from such property. In addition to the deed restrictions, any change of use will require approval of an amended Master Planned Development and Conditional Use Permit. Further, any uses other than athletic national governing body office/training facilities, public/quasi-public, institutional, and/or recreation uses will require employee/affordable housing mitigation conforming to the Affordable Housing Guidelines and Standards Resolution in effect at the time of application.

14. The Property is subject to the Employee/Affordable Housing requirements of the Affordable Housing Guidelines and Standards Resolution 17-99, as amended. The base employee/affordable housing requirement for development associated with the Intermountain Healthcare hospital (300,000 square feet) is 44.78 Affordable Unit Equivalents. The base employee/affordable housing requirement for development associated with USSA (85,000 square feet) is 10.71 Affordable Unit Equivalents. The base employee/affordable housing requirement for development associated with the Support Medical Office (150,000 square feet) is 34.98 Affordable Unit Equivalents. The total Affordable Unit Equivalents required for the Property is 90.47. Intermountain Healthcare, as an authorized assignee of the Petitioner, shall be entitled to, and has received, a reduction of 27.49 Affordable Unit Equivalents for the hospital portion of the development of the Intermountain Healthcare Property, in recognition of the non-commercial, non-residential nature of the hospital portion of the development. One Affordable Unit Equivalent equals 800 square feet.

15. The City agrees that a deferral of the required 10.71 Affordable Unit Equivalents of employee/affordable housing for the USSA Property will be granted to USSA in consideration of, as previously agreed to by the Petitioner, the donation by the Petitioner of five (5) acres of the Property to USSA, as a community-based nonprofit organization, upon which USSA intends to construct its facilities. This deferral is contingent upon the continued ownership and occupancy of the facility by USSA or another community-based nonprofit organization approved by the City. Any change in use to a non-community-based nonprofit organization may require USSA to meet the deferred employee/affordable housing requirements. In addition, any change in use or redevelopment of the USSA Property that creates additional presumed "employee generation" on the USSA Property (as contemplated under the Affordable Housing Guidelines and Resolution 10-06) may require an employee/affordable housing contribution to address that increment of presumed employee generation.

16. The City agrees that the 44.78 Affordable Unit Equivalent requirement associated with the Intermountain Healthcare hospital (300,000 square feet) shall be satisfied by, as previously agreed to by the Petitioner, the donation by the Petitioner of a five (5) acre parcel of the Property to the City and the other terms and conditions of Section 11 of the Annexation Agreement, in any case, shall conform to the Affordable Housing Guidelines and Standards Resolution 17-99, as amended. Further, with the City's approval, as part of the MPD review process or otherwise, additional Affordable Unit Equivalents may be included in the five (5) acre parcel and shall be applied toward the 34.98 Affordable Unit Equivalents associated with the Support Medical Office.

17. In addition to the five (5) acre donation referenced in Section 11 of the Annexation Agreement and Section 16 herein above, the Petitioner has previously notified the City that the Petitioner desires to and will donate a separate, additional fifteen (15) acres of the Annexation Property to the City for public recreation and open spaces purposes (the "City Recreation/Open Space Parcel").

18. On December 8, 2005, the Task Force forwarded a unanimous recommendation to the Planning Commission on traffic and transportation mitigation. The Task Force recommendation is based, in part, on an access study provided by the Petitioner's traffic consultants--Horrocks Engineers (dated November 6, 2005) and additional analysis prepared by the City consultant, Rosenthal and Associates (dated November 7, 2005). It was the Task Force recommendation that it is reasonable for all developers within the City Annexation boundary to pay for or otherwise offset their share of costs (to the City) of all roadway and other necessary traffic mitigation improvements. The Task Force determined that the proposed medical campus, offices, and athletic training complex require access to SR248 intersection improvements. The current design and anticipated traffic generation from the City recreation and ice rink complex does not warrant a signalized intersection.

19. Except as otherwise specified in the Annexation Agreement, the Petitioner (or, as specified in connection with any such assignment, its assigns) will be responsible for providing all necessary access to the property from SR 248 and all necessary intersection improvements including, but not limited to, one (1) signalized intersection at SR 248. The Petitioner (or, as specified in connection with any such assignment, its assigns) will be responsible for all coordination and costs associated with providing access to the Property, other than land acquisition costs for the Main Access Roadway and Secondary Access Easement (the "Roadway Access Costs"), as required in the Subdivision Chapter of the LMC Sections 15-7.2 & 15-7.3, including the Traffic Mitigation Measures, all of which shall be determined and agreed to as part of the MPD review and approval process. The total cost of the Traffic Mitigation Measures shall not exceed TEN MILLION AND NO/100 DOLLARS (\$10,000,000) and the Petitioner's (or, as specified in connection with any such assignment, its assigns) proportionate share shall be between eleven percent (11%) and twenty-one percent (21%). To the extent the Property is adjacent to a frontage road to Silver Summit, the Petitioner (or, as specified in connection with any such assignment, its assigns) shall cooperate with the City in the dedication of a nonexclusive right-of-way over and across the Property to access such frontage road.

20. The Petitioner (or, as specified in connection with any such assignment, its assigns) will proportionally share in the cost for future necessary road improvements to SR 248, as and to the extent specified and agreed by the Petitioner or any affected parties from time to time. In addition to the cost of any Traffic Mitigation Measures, the City agrees to apply the costs associated with installing the traffic signal at the future Annexation Property access/SR 248 intersection towards the proportional share of future overall SR 248 improvements.

21. The Petitioner (or, as specified in connection with any such assignment, its assigns), in addition to the other reimbursement, credit or contribution rights, reserves the right to develop a latecomers agreement or take or cause to be taken such other actions as may be necessary or appropriate to recover and/or ensure reimbursement for any costs incurred by in connection with the Traffic Mitigation Measures, the Main Access Roadway, the Secondary Access Easement, the Roadway Access Costs, as well as the cost of any

water impact fees and any water connection fees, and, further (as confirmed by the City's execution of the Annexation Agreement), any obligation of the Petitioner (or, as specified in connection with any such assignment, its assigns) in this regard shall be subject thereto.

22. The City has agreed to consider other potential cost-sharing traffic and transportation mitigation strategies which may include, but are not limited to the development of additional employee/affordable housing linked to the community transit system; physical improvements such as, but not limited to a transit hub, park and ride lot, and van/shuttle programs; and/or employee traffic/transit programs, adjusted shift times and ridesharing incentives, without any obligation, cost or otherwise, to the Petitioner (or its assigns).

23. The Petitioner, Intermountain Healthcare, USSA, and the City have agreed that, as contemplated hereunder, final approval of detailed traffic and transportation mitigation and any cost sharing for road/highway improvements shall be agreed to by the affected parties and approved through a technical report approved by the Planning Commission and the City Council as a part of the MPD review and approval process.

24. The Planning Commission held a public hearing on the Annexation Agreement on May 10, 2006.

25. The City, the Petitioner and any affected parties, including Intermountain Healthcare and USSA, shall and hereby acknowledge and agree that, except as may be otherwise specified in the Annexation Agreement with respect to the Annexation, the vested uses, densities, intensities, and general configuration of development approved in the Annexation, the Annexation Agreement and these Findings and Conditions, the Water Rights, the Main Access Roadway and the Secondary Access Easement, the Annexation, the Annexation Agreement and the obligations of the Petitioner (and its successors or assigns) hereunder are subject to, all as acceptable to the parties in their respective, reasonable discretion, confirmation, determination and agreement of the parties with respect to the Final MPD and Subdivision Plat; any necessary Development Agreements for each parcel of the Property; Construction Mitigation; Landscaping Plans; Lighting; and Related Access, Development and Use Matters.

Planning Commission Meeting
October 8, 2014
Page 3

The Planning Commission moved out of work session and resumed the regular meeting.
Commissioner Phillips returned to the meeting.

REGULAR AGENDA – Discussion, public hearing, action.

1. 900 Round Valley Drive – Park City Medical Center/IHC MPD
(Application PL-13-01932)

Planner Kirsten Whetstone reviewed the request to amend the master planned development for the IHC Park City Medical Center at 900 Round Valley Drive. The application was submitted in June for the MPD amendment as well as a conditional use permit for the next phase of development at the Park City medical center. It was consistent with one of the three options that the Planning Commission had discussed at a previous work session.

Planner Whetstone reported that on August 27th the Planning Commission discussed the proposed amendment and the conditional use permit application during a work session. Based on their comments the Staff and applicant reworked some of the items and were back before the Planning Commission. The Staff report contained the Staff analysis for the MPD and the CUP.

Planner Whetstone requested that the Planning Commission discuss the MPD and the CUP as two separate items with separate public hearings and separate actions.

The items discussed at the August 27th meeting were outlined on page 170 of the Staff report. Planner Whetstone stated that the Planning Commission was generally supportive of moving 50,000 square feet of support medical offices from Lots 6 and 8 at 25,000 square feet each, to Lot 1; and incorporating the support medical offices and density within the expanded hospital building. The amendment would change Phase 2 from being more hospital uses and instead increase the medical support offices to 82,000 square feet.

Planner Whetstone noted that affordable housing in the original phasing plan that was tied to hospital uses needed to be clarified. The parking plan would be changed to phase the parking more to accommodate the different uses as they come in. The Staff requested that the Planning Commission discuss the phasing plan, as well as tiered versus structured parking.

Planner Whetstone stated that during the August work session the Planning Commission also discussed a request for a height exception similar to the first phase to accommodate

the clerestory and the over the zone height with the chimney. She clarified that 15' over the zone height was for the chimney and mechanical screening. Part of the height issue was due to the taller ceilings that are required for a hospital.

Planner Whetstone noted that another discussion related to the trails. After the August meeting she spoke with Heinrich Deters. Mr. Deters said that the trails that were required with the MPD have been satisfied. He had sent her a copy of the agreement of completion.

Planner Whetstone stated that at the last meeting the Planning Commission was also supportive of a below grade storage area that would not count against the unit equivalents.

Planner Whetstone referred to the table on page 173 of the Staff report regarding affordable housing. She clarified that the zero obligation that was showing for People's Health and Summit County should actually be 5.83. The County has an affordable housing obligation in the lease but it was waived. If that building were to ever change hands or become private, the obligation would have to be met.

The Staff conducted a full analysis against the MPD criteria, the General Plan and the CT. The results of the analysis were identified in the Staff report.

The Staff recommended that the Planning Commission conduct a public hearing and consider approving the Master Planned Development Amendment in accordance with the Findings of Fact, Conclusions of Law and Conditions of approval as outlined in the Staff report.

Morgan Bush, with Intermountain Health Care introduced Cy Hut, the Hospital Administrator; Dan Kohler, IHC Director of Facility Development; and Steve Kelly, the project manager.

Mr. Bush stated that the team had prepared a presentation that highlighted the proposed changes associated with the project. They were also available to answer questions that came up during the August work session.

Mr. Bush reviewed the density. He explained that in the original master plan there were four medical support developments of 25,000 each on Lots 6, 7 8 and 10 of the subdivision. Lot 7 was the Physicians Holdings Building that was built. Lot 10 was the Summit County People's Health Building that was built. Lots 6 and 8 had future medical support buildings proposed. The applicant was proposing to shift that density on to lot one and combine it with the 32,000 square feet of medical support that was still unbuilt from the initial construction on Lot 1. That is how they reach the 82,000 square feet. Mr. Bush

clarified that they were not proposing to change the total density or the use. They were only asking to change the location of the density, along with changing the timing of the medical support from Lot A, and moving it up to the current phase.

Mr. Bush reviewed the currently proposed amended parking plan. He presented a color coded site plan to show the amended phasing plan. The blue color represented the existing hospital and the existing parking. He indicated a circular ramp in the back and noted that it represented the 92 stall structured parking in the back. The remaining blue color represented surface lots. Mr. Bush stated that there is also an existing 68 stall lot that sits under the medical support building. Mr. Bush stated that the parking shown in light green had already been approved in the back, as well as the third ring below the blue in the front, which brought the parking up to the approved stalls through the initial and first phase of the addition. It also included the 68 stalls that would be replaced by this project.

Mr. Bush stated that during the August work session, IHC proposed adding approximately 120 stalls in the back. After discussions with the Planning Commission proposal was modified. He noted that the shaded area had been removed from the amended proposal. The number of requested net new stalls was reduced from 4 per 1,000 to 3.45 per 1,000 in the modified proposal for the site plan. Mr. Bush clarified that 41 stalls would not be built, per the modified plan.

Mr. Bush presented a chart to show what would occur, as well as the percentages. The blue represented were the existing parking stalls, unscreened surface parking, structured spaces, and parking that is screened by the building from the entry corridor. He noted that 21% of the total was structured, 30% or 133 spaces were hidden behind the building. Mr. Bush stated that the proposal is to build 351 parking spaces, which includes the 151 spaces that are currently approved and have a building permit. The additional 200 parking spaces were shown in dark green. However, taking out the 68 spaces that would be lost leaves an net new of 283 parking spaces. If the project is built as proposed, there would be 761 total parking spaces on the site; 304 would be surface spaces in front of the building, 92 are structured spaces behind the building, 270 spaces that are screened by the building and 132 spaces in front of the building. Because of the way it steps down, those parking spaces would be less visible from the front.

Mr. Bush stated that as they build future hospital phases, they estimated the parking for 2019, 2020, 2021 timeframe and they would need to build some structured parking in the back that would located where they currently have surface parking. The surface parking would be replaced with additional structured parking. At full build-out additional surface parking would be built next to the parking structure if needed.

Mr. Bush reviewed the pedestrian walkways. The existing pedestrian walkways on the campus were shown in yellow. He noted that the Planning Commission had requested that they consider adding more pedestrian walkways as parking is added to make the parking more walking friendly. Mr. Bush stated that the orange represented walkways that were proposed with the parking plan that was presented in August. The purple color identified the walkways that were added to meet the Planning Commission's request.

Mr. Bush commented on affordable housing and noted that the 44.78 affordable housing units being provided in Park City Heights meets all of the requirements for the existing Hospital, as well as the affordable housing for this proposed addition. As they build hospital units in the future, IHC would be required to provide additional affordable housing. Mr. Bush estimated the number of future affordable housing units based on the potential size of the future hospital additions. In the next hospital phase, which should occur within the next five years, he estimated that they would have to provide at least 9.5 additional affordable housing units. At full building they would have to provide an additional 13.8 units in addition to the 9.5 units. Mr. Bush recognized the Staff recommendation that the certificate of occupancy for any future hospital additions be conditioned upon the affordable housing being built and in service. He pointed out that the condition would apply to Phases 2 and 3 of the hospital, and not to this project.

In terms of height, Mr. Bush explained that they were asking for the same height exception that was granted for the original hospital in order to maintain the floor plates and align the addition with the existing building.

Mr. Bush commented on the subgrade storage. He stated that the original plan showed the basement where the Education Center is located in the proposed buildings. They were proposing to add a subgrade storage in some of the unexcavated area under the floor plate of the building. The space would not be visible and it would not be occupied.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Joyce thought the amended parking plan was a major deviation from the original plan of 60% structured parking. From what he could tell from the previous plan, it was introducing a lot more screened parking. Mr. Bush noted that 137 parking spaces were screened by a building going into this phase. He asked the applicant to identify the 137 spaces on the site map. Tanya Davis, the project architect, reviewed the color coded site map to show the parking that is screened by the building from Kearns Boulevard. She

noted that Kearns Boulevard was defined in MPD as the entry way corridor that needed screening. Mr. Bush clarified that the 137 spaces is the lot next to the structured parking, the ED parking, and the 68 spaces by the MOB.

Commissioner Joyce thought there appeared to be 137 new screened spaces for a total of 270 parking spaces. Mr. Bush explained that the new parking spaces were shown in green behind the building and to the north. Ms. Davis pointed out that the green represented the parking that is currently being built. The yellow color represented a potential location for a parking structure in Phase 3 at the hospital build-out. However, it was currently identified to be included as a surface parking lot in the current proposal.

Commissioner Joyce remarked that a significant portion of the parking would be very visible from Highway 40. He agreed that the berm helped with screening for those traveling east, but because the berm is angled, all the parking would be seen coming west on Highway 40. Dan Kohler stated that the view from the west was the reason for removing the 41 stalls from that area after the discussion in August. Mr. Bush pointed out that once the new building is built, it will screen more of the parking stalls from either Highway 40 or from Kearns Boulevard.

Commissioner Joyce reiterated that it was clear from the original MPD that 60% of the parking would be structured parking. He believed they were introducing the concept of screened parking that he was unable to find in the original MPD. Planner Whetstone noted that the requirement was for structured or tiered parking. The existing MPD talks about tiered parking rather than surface parking. The language in the CT zones states that 60% of the parking must be structured or tiered.

Commissioner Phillips stated that regardless, the parking was reduced 20% from the original MPD. Mr. Bush stated that the 60% was at full build-out with all the hospital additions. In looking at the amended phasing plan, they were always proposing to add structured parking with the hospital additions. The medical support space was envisioned as being service parking, because people coming in and out of a clinic typically want to park close to the front door. Another issue was that they did not want to put parking structures in front of the building. Mr. Bush stated that for hospital patients and employees, the idea of directing them around the building to park is more doable.

Commissioner Thimm asked if they were substituting terms in this process, by interchanging tiered with screened. Mr. Bush answered no. He explained that the CT zone says "60% structured or tiered". The CT zone also says that the Planning Commission can replace some of that with screened surface parking at its discretion. Commissioner Thimm clarified that the answer to his question was yes, they were substituting terms. Mr. Bush replied that he was correct. Mr. Bush stated that they know

they will need more structured parking over time. There is no way to achieve 1300 spaces on the campus and keep 80% open space with continued surface parking. The intent from the beginning was to tie the structured parking additions to the hospital additions and not to the medical support.

Commissioner Joyce thought they should have tied the parking to Lot 1 rather than to the Hospital. He felt they were changing the rules because Lot 1 was no longer just a hospital because it would have 50,000 square feet that was not part of the original MPD. He believed that falling back on the phasing and tying things to hospital versus office use was deceiving when you see a much larger building and a parking lot driving up to the building. Commissioner Joyce believed the applicant broke the rules with the phasing when they put in 82,000 square feet that was either not in the original plan or out of order from the original plan. He was still uncomfortable with the parking lot sprawl and the view that people see driving down Highway 40 as they enter Park City. Commissioner Joyce could not understand why they were more concerned with blocking the view from Kearns Boulevard and less about the view from Highway 40.

Commissioner Joyce struggled with the concept of delaying all the structured parking until build-out. He wanted his fellow Planning Commissioners to understand that they were deviating from the original plan by putting off all the structured parking to the end, and he wanted to make sure they were all comfortable with it.

Chair Worel understood that the area that was currently graded to add parking in the front was approved in Phase I but it was never built. Mr. Bush replied that this was correct.

Planner Whetstone noted that the Staff had this same discussion and they added a condition of approval in the CUP application indicating that the 58 spaces on the north side of the entrance drive should be delayed until there is a parking study that looks at the utilization of the existing structured parking and the location of some of the entrances where parking could be located for better utilization. Planner Whetstone remarked that the phasing of parking and the uses are part of this MPD amendment.

Commissioner Thimm asked when the square footage transfers from Lots 6 and 8 to Lot 1, whether it falls within the ratios of structured, tiered and/or screened parking, adding up to 60% or more at full build-out. Planner Whetstone answered yes. Mr. Bush referred to the chart and noted that the different levels of parking in the front were being counted, but it was not counted before. He explained that they were keeping the same percentage of structured and screened by building as they move forward with this project. The parking would not increase until they do the next hospital addition, which is Phase 2 Hospital shown in yellow.

Planner Whetstone clarified that the Staff report recommended a condition of approval with a list of items A through H that the MPD had to satisfy. After adding it as a condition of approval, the Staff received verification that all of those had been satisfied. Therefore, the list was moved to a Finding because they had been satisfied. It was shown on page 188 of the Staff report as Finding #22.

Commissioner Strachan shared the same concerns expressed by Commissioner Joyce. However, after researching the actual number in the CT zone he clarified that it was 40% and not 60%. Mr. Bush explained that in order to do full build-out IHC needs the full 3 to 1 density bonus; and the 60% requirement applies at full build-out. Commissioner Strachan believed it would all come down to the condition of approval in the CUP about when the last phase of the parking gets built and where the parking study puts it. Commissioner Strachan was comfortable with the phasing structure as it is now, but he did not think a study saying that they were under parked and they needed more parking was sufficient. They needed a study showing some type of hardship with the site that makes structured parking impossible to accomplish as opposed to surface parking. Commissioner Strachan stated that the applicant should bring that study to the Planning Commission in Phase 3. He pointed out that the purpose statement in the CT zone is to reduce visually offensive surface parking.

Commissioner Strachan thought affordable housing was a bigger issue. In their last discussion, the Planning Commission directed the applicant to figure out where the affordable units would go before they allow them to build whatever would trigger the need for the affordable units. He noted that in Mr. Bush's presentation, the 23 affordable units were shown as TBD. Commissioner Strachan was concerned that at some point the hospital would be built, no affordable housing would be built, the need in the community would be greater for affordable housing and the applicant would do a fee-in-lieu to buy off the affordable housing obligation. Commissioner Strachan preferred to have a commitment showing that the applicant looked at sites and have or have not found a site where these 23 affordable housing units might be built. He was uncomfortable with a TBD determination because the City has been down that road so many times and it usually ends up with the developer paying a fee-in-lieu.

Mr. Bush understood the concern. He explained that in the short time frame they have not been able to identify the locations. Mr. Bush stated that as a condition of this MPD, the Staff has recommended tying the two future hospital addition phases to the certificate of Occupancy. The CO would not be issued until the affordable housing units are in service. IHC agreed with the Staff recommendation to address the issues raised by the Planning Commission. Mr. Bush stated that he has been working on the commitment Commission Strachan requested, but he had nothing definitive to bring to the Planning Commission at this point. Mr. Bush clarified that the plan is to work on this, as well as other potential

issues, and bring back another MPD amendment within the next few months so they could have that conversation long before 2019 to resolve the issue.

Commissioner Strachan asked if IHC would agree to a condition of approval stating that they return in 6 months with assigned affordable housing locations for those 23 units. Mr. Bush was amenable to that type of condition because the intention is to come back and work through the details.

Commissioner Phillips concurred with Commissioner Strachan regarding the affordable housing. He also agreed with the comments regarding the parking. Commissioner Phillips liked the idea of having lots 6 and 8 vacant creating open space. He was comfortable with the parking plan because it is the most user friendly to the proposed addition. Commissioner Phillips was not bothered by the height exception because it was in keeping with the existing structure. He had no issues with the below grade storage.

Chair Worel stated that her questions had already been asked by the other Commissioners. She asked if the Commissioners were open to the condition of approval suggested by Commissioner Strachan.

Commissioner Band did not believe the condition was necessary since the applicant had met the obligation for this building. However, she was not opposed to the condition if the other Commissioners preferred to include it.

Commissioner Thimm thought the condition was a good strategy. The applicants were not opposed to it and it was a reasonable approach. Despite the fact that there is diminishing availability at some point, he believed that identifying the location now rather than later was important to the City.

Commissioner Joyce concurred. He also favored the Staff recommendation to tie the certificate of occupancy to the affordable housing obligation.

Planner Whetstone reported that Rhoda Stauffer, the City Housing Specialist, was in attendance to explain why there needed to be consistency with the existing annexation agreement, since other agreements have occurred and Park City Heights was building the affordable housing rather than IHC. Planner Whetstone stated that the first phase of Park City Heights contains all 44.78 affordable housing units and 28 townhouses. Those will be the first building permits, along with some of the attainable units. She commented on the difficulty of adding a condition on the 44.78 units, other than to say that it will be consistent with the conditions of the annexation agreement.

Rhoda Stauffer explained that the 44.78 units are fulfilled in the Park City Heights development, and that the delay was only due to the environmental cleanup on the site. The Park City Heights project is proceeding and those affordable units will be built within the next couple of years; satisfying the obligation through Phase 2 of the IHC development.

Planner Whetstone had drafted language for Condition #19, "The applicant agrees to return to the Planning Commission within six months of this approval with a revised affordable housing phasing plan to address options for location of the remaining 23.3 affordable housing AUEs." Commissioner Strachan was comfortable with the language.

Commissioner Thimm asked about a condition to address the parking analysis suggested by Commissioner Strachan. Planner Whetstone believed that the general phasing of the parking ultimately complies with the 60% requirement for structured or tiered parking. However, the Staff was interested in seeing a parking analysis to understand how the parking achieves the 60%, and where it is located and how it is used. Planner Whetstone remarked that the condition in the CUP would address that concern.

MOTION: Commissioner Phillips moved to APPROVE the master planned development amendments of the Park City Medical Center, based on the Findings of Fact, Conclusions of Law and Conditions of Approval in the Staff report as amended with the addition of Condition #19 as read by Planner Whetstone. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 900 Round Valley Drive - MPD

1. The Intermountain Healthcare Master Planned Development is located on Lots 1, 2, 6, 7, 8, and 10 of the Subdivision Plat for the Intermountain Healthcare Park City Medical Campus / USSA Headquarters and Training Facility and includes 127 acres. Lot 2 (8.492 acres) is dedicated as open space.
2. The Annexation Agreement and proposed Master Planned Development for IHC includes a Intermountain Healthcare Hospital of 300,000 square feet (180 Unit Equivalents) and Support Medical Office space of 150,000 square feet (150 Unit Equivalents).
3. The City agreed that up to 50,000 square feet of the total Support Medical Office area may be developed within, and in addition to, the 300,000 square foot hospital. The City also agreed that up to 50,000 square feet may be utilized for public/quasi-public and other institutional uses reasonably related to the Support Medical Office area.

4. The applicant requests that the 50,000 square feet of Support Medical Office uses identified for Lots 6 and 8 be incorporated within the Medical Center building on Lot 1.

5. The applicant requests that a revised phasing plan be approved for the amended MPD. The amended phasing plan includes phasing of uses (Hospital Uses and

Support Medical Office uses, parking, and affordable housing). The amended phasing plan was reviewed by the Planning Commission on October 8, 2014.

6. The property is located in the Community Transition (CT) zoning district.

7. The MPD is being processed concurrent with a Conditional Use Permit for the Second Phase of construction.

8. This property is subject to the IHC/USSA/Burbidge Annexation plat approved by the Park City Council on December 7, 2006, with an effective date of January 1, 2007. An Annexation Agreement for this property was recorded on January 23, 2007.

9. The Annexation Agreement is the Development Agreement for the MPD and sets forth maximum building floor areas, development location, and conditions related to developer-provided amenities on the various lots of the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility amended subdivision plat, such as roads, utilities, and trails.

10. A final subdivision plat known as the Subdivision Plat (Amended) for the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility was approved and recorded at Summit County on November 25, 2008.

11. The Master Planned Development and Conditional Use Permit for Phase Two were submitted for concurrent review and approval.

12. The maximum Building Height in the CT District is 28 feet (33 feet with a pitched roof).

13. Additional Building Height is requested as part of this MPD amendment to allow the same height exceptions as were previously approved with the original MPD for Phase 2 construction. The main entry/clerestory is proposed at 15'-4" over the zone height with a chimney at 19'-9" over height. No floor area is increased by these architectural elements. A lobby clerestory (+10'-3") and pitched mechanical

screening roof (+16'-7") also are not adding floor area. The two wings that house inpatient care and medical offices are 12'-9" and 10'-3", respectively, over zone height at the highest point. The building could meet zone height if spread out further on the site. Because of the need in a hospital for exceptional mechanical systems, particularly air handling, the floor to floor height is 14 feet, as compared to a usual 9-10 feet floor to floor construction in residential and commercial construction. Phase 2 heights are similar to those granted with the original MPD.

14. Additional building height, as reviewed by the Planning Commission on August 27, 2014 and October 8, 2014, complies with the criteria for additional building height per LMC Section 15-6-5 (F).

15. The proposed Phase 2 addition is in compliance with the LMC criteria in Chapter 6 regarding additional height that can be granted for a Master Planned Development, specifically, the façade shifts and building articulation, materials, and details create architectural interest and break the building into areas of varying height and mass. Landscaping and setbacks provide mitigation of visual impacts from adjacent properties.

16. The CT zoning district requires a minimum of 60% of the parking for an MPD to be provided in a structured or tiered parking configuration. A parking structure is proposed in the rear of the hospital and the applicant is requesting the phased approach for compliance at full build-out continue to apply to this MPD amendment. The initial phase is for 92 structured spaces and 327 surface spaces (419 total). The 92 structured is only 22 percent of the total in the first phase. Following the second phase there would be 304 structured or screened spaces (35.2%) and 863 total spaces. Following the third phase there would be 460 (45%) structured or screened spaces and 1019 total spaces. At final build-out the phasing calls for 855 (60.5 %) structured or screened spaces and a total of 1,414 spaces. The Planning Commission discussed the phase request at the October 8, 2014 meeting. The MPD amendment changes the phasing of the final structured parking due to construction phasing of the of the hospital uses to the final phases.

17. The setbacks within the CT zone are twenty five feet (25') in the front, rear, and sides. The building complies with these setback requirements.

18. Construction is subject to plat notes and all conditions of approval of the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility amended subdivision plat recorded at Summit County on November 25, 2008 regarding trails, access, and utility easements and

19. Trails and linkages to trails shown on the City's Master Trail Plan shall be maintained in accordance with the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility amended plat and conditions of the Annexation Agreement.

20.A redundant water system is necessary for the health, safety and welfare of the development. IHC paid \$16,000 per ERU to the City for water within 10 business days of the original MPD approval in accordance with Section 8 of the Annexation Agreement. In addition, IHC contributed \$800,000 for development of a second, redundant, source of water as provided in the amended water agreement pursuant to Section 8 of the Annexation Agreement.

21.A signalized intersection with location and associated improvements to State Route 248 approved by the Utah Department of Transportation was finalized with the amended subdivision plat. Other traffic mitigation measures and costs associated with those measures were approved by agreement between parties in accordance with the annexation agreement and have been completed.

22.As part of the initial IHC MPD the following items were agreed to by the applicant as mitigation for the loss of the use of a planned ball field at the Park City Recreation Complex for the access road. These items have been satisfied by the applicant:

a) IHC was required to pay Park City Municipal Corporation \$50,000 to compensate the city for actual costs the city incurred to prepare the ground for the future ball field.

b) IHC was required to pay Park City Municipal Corporation the actual costs incurred by the city for a way finding sign at the junction of Round Valley Drive and the road leading to the recreation complex and the National Ability Center (F. Gillmor Drive).

c) IHC was required to pay for and construct an 8' wide paved trail connection on the recreation complex property. This trail connection will connect: the paved trail at the south west corner of the recreation complex with the paved trail to be built by Intermountain on our property, adjacent to both USSA and the hospital.

d) IHC was required to enter into a shared parking agreement with Park City. The hospital will share up to 300 parking spaces at full build-out on weekends for park and ride lots for city events. IHC and the City will work together to establish a Parking Management and Phasing Plan to manage

the use of these 300 spaces and establish a phasing plan for use of fewer spaces prior to full build-out. Intermountain would have the ability to reduce this number through the Management Plan or if both parties agree in writing based on lack of availability through normal use or ultimate build out of the Medical Campus. The Plan would include anticipate use schedule to allow notification of employees when certain lots would not be available for employee use on weekends.

e) IHC will replace the storm water detention basin that will be removed through the construction of the road.

f) IHC will construct a temporary, paved driveway from SR 248 to existing Gillmor Drive, as it runs east to west at the south west corner of the recreation parcel, just south of the proposed signalized intersection. This will facilitate temporary access for the NAC and recreation complex while the road improvements and infrastructure are being built. Exact location and design are subject to UDOT and Park City approvals.

g) It is likely that due to the new road alignment, the City will have to modify the Recreation Subdivision to locate the new Round Valley Drive road within a platted right-of-way. Should this be necessary, the City will coordinate necessary drawings and approvals, but Intermountain will be responsible for the cost of all necessary submittal documents and plats. The amended subdivision, if necessary, would be required prior to issuance of full permits for either USSA or the Hospital.

h) IHC will design and construct 30 trailhead parking spaces to the reasonable satisfaction of the City Engineer on the Park City Recreation Complex. The exact location will be determined by Park City, but will be in the general vicinity of the approved plan, adjacent to the new road.

23. The Analysis section of this staff report is incorporated herein.

Conclusions of Law – 900 Round Valley Drive - MPD

1. The MPD amendment, as conditioned, complies with all the requirements of the Land Management Code.

2. The MPD amendment, as conditioned, meets the minimum requirements of Section 15-6-5 of the LMC Code.

3. The MPD amendment, as conditioned, is consistent with the Park City General Plan.
4. The MPD amendment, as conditioned, provides the highest value of open space, as determined by the Planning Commission.
5. The MPD amendment, as conditioned, strengthens and enhances the resort character of Park City.
6. The MPD amendment, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible.
7. The MPD amendment, as conditioned, is Compatible in Use, scale and mass with adjacent Properties, and promotes neighborhood Compatibility.
8. The MPD amendment provides amenities to the community so that there is no net loss of community amenities.
9. The MPD amendment, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.
10. The MPD amendment, as conditioned, meets the provisions of the Sensitive Lands provisions of the Land Management Code. The project has been designed to place Development on the most Developable Land and least visually obtrusive portions of the Site.
11. The MPD amendment, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections.
12. The MPD amendment has been noticed and public hearing held in accordance with this Code.

Conditions of Approval – 900 Round Valley Drive - MPD

1. All standard conditions of approval apply to this MPD amendment.
2. All applicable conditions of approval of the IHC/USSA Annexation Agreement shall apply to this MPD amendment.
3. All applicable conditions of approval of the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility amended subdivision

plat shall apply.

4. A final water efficient landscape and irrigation plan that indicates snow storage areas is required prior to building permit issuance for all construction phases subject to the MPD amendment.

5. Where landscaping does occur, it should consist primarily of appropriate drought tolerant species. Lawn or turf will be limited to a maximum of fifty percent (50%) of the Area not covered by Buildings and other hard surfaces and no more than seventy-five percent (75%) of the above Area may be irrigated. Landscape and Streetscape will use native rock and boulders. Plantings will not be mulched with rock. Lighting must meet the requirements of LMC Chapter 15-5, Architectural Review.

6. All exterior lights must conform to the City lighting ordinance and shall be submitted for review and approval with Building Permit plans for construction subject to this MPD amendment. Parking lot lighting shall be on a timing system to allow for minimal lighting when the facility is not open. The timing system and building security lighting shall be indicated on the Building Permit plans and inspected and approved by staff prior to issuance of a certificate of occupancy.

7. All exterior signs require a separate sign permit. Application for a sign permit shall be made to the Planning Department prior to installation of any temporary or permanent signs.

8. Exterior building materials and colors and final design details must be in substantial compliance with the elevations, color and material details exhibits and photos reviewed by the Planning Commission on October 8, 2014, match and/or complement the existing building, and shall be approved by staff prior to building permit issuance.

9. The final building plans, parking lot details and landscaping, and construction details for the project shall meet substantial compliance with the drawings reviewed by the Planning Commission on October 8, 2014. The Planning Department shall review and approve the final Landscape Plan.

10. Utility and grading plans, including all public improvements, must be approved by the City Engineer prior to Building Permit issuance. A guarantee for all public improvements, to be determined by the City Engineer, is required prior to issuance of a full building permit.

11. A Construction Mitigation Plan must be approved by staff as a condition precedent to issuance of any building permits.

12. A storm water run-off and drainage plan shall be submitted with the building plans and approved by the City Engineer prior to issuance of any building permits, to mitigate impacts on adjacent property. The plan shall follow Park City's Storm Water Management Plan and the project shall implement storm water Best Management Practices.

13. Approval of a fire protection plan for the building shall have been made by the Building Official prior to any full building permit being issued. The fire protection component of the plan shall ensure that Park City's ISO rating is not negatively affected by construction of the building.

14. A detailed review against the Uniform Building and Fire Codes in use at the time of building permit submittal is a condition precedent to issuance of full building permit.

15. Trail access shall be maintained to the greatest extent possible during construction of future phases of the MPD. Any damage to existing paved trails shall be repaired prior to issuance of a certificate of occupancy for each phase of development.

16. Prior to issuance of a building permit for any future phases of construction, the applicant and Staff shall verify that all items agreed to by the applicant listed in Findings of Fact # 21, as mitigation for the loss of the use of a planned ball field at the Park City Recreation Complex, have been completed.

17. One year after issuance of a certificate of occupancy for the next phase of construction the Applicant shall conduct and present to the Planning Commission, a parking study of the Medical Center site (parking utilization for various uses, parking utilization of various lots, use of alternative modes of transportation, etc.). The study shall include professional recommendations addressing the potential impact of reduced parking ratios for in future phases and a comprehensive program to increase utilization of any underutilized parking areas.

18. A Development Agreement specifically for the IHC Master Planned Development, as amended, shall be ratified by the Planning Commission prior to issuance of a building permit for the next phase of development. The Agreement shall reiterate all applicable requirements of the Annexation Agreement, as well as zoning requirements related to findings, conclusions, and conditions of approval of the MPD. The Development Agreement shall include the revised phasing plan for all future construction and uses, parking, affordable housing, landscaping, and public

improvements. The Development Agreement shall include an express reservation of the future legislative power and zoning authority of the City, a copy of the approved MPD plans and any other plans that are a part of the Planning Commission approval, a description of all Developer exactions or agreed upon public dedications, an agreement to pay all specified impact fees; a description of the form of ownership anticipated for the project; and a list and map of all known Physical Mine Hazards on the property.

19. The applicant agrees to return to the Planning Commission within six months of this approval with a revised affordable housing phasing plan to address options for location of the remaining 23.3 affordable housing AUEs.

2. 900 Round Valley – Park City Medical Center – Conditional Use Permit for Phase 2. (Application PL-14-02424)

Planner Whetstone reviewed the request for a conditional use permit for the next phase of the Park City Medical Center, consisting of 82,000 of new building for a medical support physician's offices, an education center, a wellness center, administrative space for the hospital and shell space for further needs. In addition, 3800 square feet of new hospital space for a procedure center was being proposed, of which 2800 square feet already exists. With the additional 1,000 square feet, the total was 83,000 square feet of new structure to be located on Lot 1 of the Second Amended Intermountain Healthcare Medical Campus, subject to the IHC MPD.

Dan Simpson, the project architect, had worked with Tanya Davis to prepare a presentation walking through the proposed design of the new clinic expansion. Mr. Simpson stated that the building was designed to be aesthetically consistent with the existing hospital building. The blue area identified hospital uses. The first areas of purple and yellow represented existing structures. Mr. Simpson identified the line between the new and the old. The site plan showed that the primary public points of access and the internal circulation flow consistently from the existing building to the new addition. Mr. Simpson reviewed the circulation in terms of the grades and the entrances.

Mr. Simpson presented the existing building and the new proposal at the same scale and in combination. He reviewed the existing features and the proposed new features and pointed out the compatibility of architectural features, modulation and materials. Mr. Simpson presented a rendering of the new proposed addition. He stated that the same combination of materials in the existing building would be used for the addition, with the exception of a few adjustments. He stated that they tried to take hues from the original architecture to make it similar in terms of detailing and material, as well as for building organization. Mr. Simpson pointed out that the existing entrance has a gable that reaches

out towards the front. It is larger and more robust and it is backed up by a tower. The intent is to create a smaller version of that entrance. The extension of the building was broken by a setback, which provided the opportunity to project the gable.

Mr. Simpson presented a view of the proposed addition where the same materials and sloping roofs mimicked the existing building. They elected to propose a flat roof at the lobby zone to the left of the gable entrance. The same stone would be used. The roof pitches in general would also match. Mr. Simpson believed they had designed a very consistent extension. He showed how they had incorporated some of the colored metal siding that was used on the existing building. He commented on the amount of articulation throughout the design.

Mr. Simpson stated that the main materials are wood, stone, glass and roof. The idea to bring the natural materials to the inside to give a sense of light and openness works well.

Mr. Simpson stated that in talking with IHC, there was a strong interest in keeping the scale and the family of the metal panels, but changing the color. He presented a sample showing the color of the existing panel, as well as a panel shown in a deeper colored taupe proposed for the addition. It is the same hue but deeper in tone. Mr. Simpson stated that the stone, the color of the wood and the wood timbers were consistent with the existing building.

Ms. Davis presented a series of slides showing the pedestrian pathways and the site design. She noted that landscape treatment was an issue raised at the last meeting. She showed a preliminary landscape plan that uses similar plant materials as the existing landscaping; however, attention was given to the tree species that survived and the ones that did not do as well so they would not repeat that pattern. Ms. Davis provided a series of detailed sections to give an idea of how the grade works on the site and how the landscape helps to screen. She indicated the added berm which was partially underway and would be finished when the building itself is excavated. The berm would be seeded with the same seed mixture that was used on everything outside of the ring road. Ms. Davis reviewed a section and elevation through the east parking lot which showed how everything tiers down. She indicated a terrace and plaza on grade at the education center, which provides a landscape amenity.

Commissioner Thimm stated that in looking at the mass and articulation of the building, and carrying the refinement of the existing buildings to the future phases appeared to be well-done. He thought it was important to keep the same materials so in future years it will feel like all the pieces were built at once. Commissioner Thimm was concerned about changing the color of the metal because of the strong elements and pieces of the building

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.23 – COMMUNITY TRANSITION (CT) DISTRICT

Chapter created by Ordinance No. 06-48

15-2.23-1. PURPOSE.

The purpose of the Community Transition (CT) District is to:

- (A) Encourage low-Density public, quasi-public, and/or institutional Uses relating to community open space, recreation, sports training and Development, tourism, and community health;
- (B) Encourage low Density Development designed in a manner so as to cluster Uses in the least visually sensitive Areas and maximizes open space;
- (C) Enhance and expand public open space and recreation Uses Compatible with the adjacent public deed-restricted open space;
- (D) Prohibit highway service commercial, regional-commercial, and limit residential land Uses;
- (E) Require Building and Site design solutions that minimize the visual impacts of parking and parking lot lighting from the

entry corridor and adjacent neighborhoods and land Uses;

- (F) Preserve and enhance environmentally Sensitive Lands such as wetlands, Steep Slopes, ridgelines, wooded Areas, and Stream Corridors;
- (G) Preserve Park City's scenic entry corridor by providing significant open space and landscape buffers between Development and the highway corridor;
- (H) Encourage transit-oriented Development and Uses;
- (I) Promote significant linkages to the broader community open space and trail network;
- (J) Encourage the Development of high quality public places such as parks, trails, and recreation facilities;
- (K) Encourage Development which preserves the natural setting to the greatest extent possible; and
- (L) Minimize curb cuts, driveways, and Access points to the highway.

- (M) Encourage sustainability, conservation, and renewable energy.

(Amended by Ord. No. 09-10)

15-2.23-2. USES.

Uses in the Community Transition District are limited to the following:

(A) **ALLOWED USES.**

- (1) Conservation Activities
- (2) Home Occupation
- (3) In-home Babysitting
- (4) Family Child Care
- (5) Secondary Living Quarters
- (6) Agriculture

(B) **ADMINISTRATIVE
CONDITIONAL USES.**

- (1) Trails and Trailhead Improvements
- (2) Outdoor Recreation Equipment
- (3) Essential Public Utility Use, Service or Structure less than 600 sf
- (4) Accessory Buildings less than 600 sf
- (5) Parking Areas with 4 or fewer spaces
- (6) Outdoor Events and Outdoor Music, see Section 15-4
- (7) Temporary Improvement
- (8) Outdoor Dining and support retail associated with support Uses with an MPD
- (9) Special Events

- (10) Fences and Walls, see Section 15-4
- (11) Anemometer and Anemometer Towers

(C) **CONDITIONAL USES.**

- (1) Master Planned Developments (MPDs)
- (2) Public, Quasi-Public, Civic, Municipal Uses
- (3) General Acute Hospital
- (4) Alternative Professional Health-related Services
- (5) Athletic Training and Testing Offices and Facilities
- (6) Athletic Program Administrative Offices
- (7) Support Short-Term Athlete Housing or lodging associated with an approved recreation facility (within an approved MPD)
- (8) Accredited Physician Office Space
- (9) Accredited Medical & Dental Clinics
- (10) Medical Heliport
- (11) Group Care Facility
- (12) Ancillary Support Commercial (within an approved MPD)
 - (a) Gift Shop
 - (b) Dispensing pharmacy
 - (c) Medical supply
 - (d) Restaurant
 - (e) Deli
 - (f) Outdoor Grills/ Beverage Service Stations
 - (g) Child Care Center

- (13) Recreation Facility, Public and Private
- (14) Recreation Facility, Commercial
- (15) Park and Ride Lot
- (16) Municipal/Institutional Accessory Building and Use
- (17) Parking Lot, Public or
- (18) Public Utility or Essential Services
- (19) Single Family Dwelling (with an approved MPD¹)
- (20) Duplex Dwelling (with an approved MPD¹)
- (21) Multi-Unit Dwelling (with an approved MPD¹)
- (22) Telecommunication Antenna
- (23) Transit Facilities
- (24) Parking Areas, Lots, and Structures with more than five (5) Parking Spaces
- (25) Raising and Grazing of Horses
- (26) Commercial Riding Stables
- (27) Small Energy Wind Systems

(C) **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. Nos. 07-25; 09-10)

15-2.23-3. LOT AND SITE REQUIREMENTS.

Except as may otherwise be provided in this Code, no Building Permit will be issued for a Lot unless such Lot has the Area, width, and depth as required, and Frontage on a

Street shown as a private or Public Street on the Streets Master Plan, or on private easement connecting the Lot to a Street shown on the Streets Master Plan. All Development must comply with the following:

(A) **LOT SIZE.** There is no minimum Lot size in the CT District.

(B) **FRONT, REAR AND SIDE YARDS.** The minimum Front, Side, and Rear Yards for all Structures is twenty-five feet (25'). The Planning Commission may vary required yards in Subdivisions and Master Planned Developments. In no case shall the Planning Commission reduce Side Yards to allow less than ten feet (10') between Structures. Setbacks may be further restricted by Frontage Protection Overlay (FPZ) standards and/or Master Planned Development conditions of approval.

(C) **FRONT, SIDE, AND REAR YARD EXCEPTIONS.** Fences, walls, stairs, paths, trails, sidewalks, patios, driveways, Ancillary Structures, and approved Parking Areas are allowed as exceptions in the Front, Side, and Rear Yards. Screened mechanical and utility equipment, hot tubs, and decks are allowed as exceptions in the Side and Rear Yards provided that a minimum five feet (5') Setback is maintained.

(D) **CLEAR VIEW OF INTERSECTION.** No visual obstruction in excess of two feet (2') in height above Road Grade shall be placed on any Corner Lot within the Site Distance Triangle. A

¹ Residential Uses cannot exceed 1 unit/acre

reasonable number of trees may be allowed, if pruned high enough to permit automobile drivers an unobstructed view. This provision must not require changes in the Natural Grade on the Site.

(Amended by Ord. No. 09-10)

15-2.23-4. DENSITY.

The base Density of the CT District is one (1) unit per twenty (20) acres. Residential Uses cannot exceed one (1) unit/acre.

(A) **DENSITY BONUS – ONE (1) UNIT/ACRE.** The base Density of the CT District may increase up to one (1) unit per acre provided the following standards are incorporated through a Master Planned Development:

(1) **OPEN SPACE.** The Master Planned Development shall provide seventy percent (70%) open space on the project Site.

(2) **FRONTAGE PROTECTION ZONE NO-BUILD SETBACK.** The Master Planned Development shall include a two hundred foot (200') Frontage Protection Zone no-build Setback measured from the closest edge of the highway Right-of-Way.

(3) **PARKING.** Parking for the Master Planned Development is subject to the requirements set forth in Section 15-3. A minimum of forty percent (40%) of the Master Planned Development's required project

parking shall be in structured/tiered parking so as to limit the visibility of Parking Areas and parking lot lighting. The Planning Commission may consider reducing the forty percent (40%) minimum structured/tiered parking requirement based on existing Site topography in locating exterior surface parking to achieve maximum screening of parking from entry corridor Areas and/or to achieve optimum Site circulation and/or shared parking.

(4) **PUBLIC TRANSIT FACILITIES.** The Master Planned Development shall include the Development of a public transit hub facility within the Development Area. The Planning Commission may consider waiving this requirement if a Developer/Applicant contributes funding for an existing or proposed transit hub that is located within a close walking distance from a proposed Development.

(5) **ENHANCED PUBLIC BENEFIT DEDICATION.** The Master Planned Development shall provide the inclusion of public recreation facilities and/or land for public and/or quasi-public institutional Uses reasonably related to the General Plan goals for the Area, and impacts of the Development activity.

(6) **PUBLIC TRAILS AND PEDESTRIAN**

IMPROVEMENTS. The Master Planned Development shall provide public dedicated pedestrian improvements and enhanced trail connections to adjacent open space and/or public ways.

(7) **SENSITIVE LANDS OVERLAY STANDARDS.** The Master Planned Development shall comply with the Development standards set forth in Section 15-2.21 Sensitive Lands Overlay. Density is determined by compliance with the criteria in Section 15-2.23-4.

(8) **AFFORDABLE HOUSING.** The Master Planned Development shall provide an additional five percent (5%) Affordable Housing commitment beyond that required by the City's Affordable Housing Resolution in effect at the time of Application. The Planning Commission may consider alternative housing Uses for the additional five percent (5%) Affordable Housing commitment.

(9) **SUSTAINABLE-GREEN DEVELOPMENT DESIGN.** All Development within the proposed Master Planned Development shall implement City-approved sustainable green Building practices and Site design practices in effect at the time of Application.

(B) **DENSITY BONUS – THREE (3) UNITS/ACRE.** The base Density of the CT District may increase up to three (3) units

per acre for non-residential Uses provided that all Density bonus requirements set forth in Section 15-2.23-4(A) Density Bonus – One (1) Unit/Acre are met and the following additional standards are incorporated into the Master Planned Development.

(1) **OPEN SPACE.** The Master Planned Development shall provide eighty percent (80%) open space on the project Site.

(2) **FRONTAGE PROTECTION ZONE NO-BUILD SETBACK.** The Master Planned Development shall include a three hundred foot (300') Frontage Protection Zone no-build Setback measured from the closest edge of the highway Right-of-Way. The Planning Commission may consider allowing encroachments into the three hundred foot (300') Frontage Protection Zone requirement based on existing Site topography in locating roads and other infrastructure in order to achieve optimum Site circulation.

(3) **PARKING.** Parking for the Master Planned Development is subject to the requirements set forth in Section 15-3. A minimum of sixty percent (60%) of the Master Planned Development's required project parking shall in structured/tiered parking so as to limit the visibility of Parking Areas and parking lot lighting. The Planning Commission may consider reducing the sixty percent (60%) minimum structured/

tiered parking requirement based on existing Site topography in locating exterior surface parking to achieve maximum screening of parking from entry corridor Areas and/or to achieve optimum Site circulation and/or shared parking.

(4) **ADDITIONAL ENHANCED PUBLIC BENEFIT DEDICATION.** The Master Planned Development shall provide the inclusion of public recreation facilities and/or land for public and/or quasi-public institutional Uses reasonably related to the General Plan goals for the Area, and impacts of the Development beyond that provided to achieve a project Density of up to one (1) unit per acre by a factor reasonably related to the Density increase sought.

(5) **AFFORDABLE HOUSING.** The Master Planned Development shall provide an additional five percent (5%) Affordable Housing commitment beyond that required by the City's Affordable Housing Resolution in effect at the time of Application. This is in addition to that provided in Section 15-2.23-4(A)(8). Total is 110% of base requirement.

15-2.23-5. MAXIMUM BUILDING HEIGHT.

The maximum zone Building height is twenty eight feet (28') from Existing Grade.

(A) **MAXIMUM BUILDING HEIGHT EXCEPTIONS.** The following exceptions apply:

(1) Gable, hip, or similar pitched roofs may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater.

(2) Antennas, chimneys, flues, vents, or similar Structures may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.

(3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.

(4) An Elevator Penthouse may extend up to eight feet (8') above the Zone Height.

(5) Anemometers and Anemometer Towers used to measure wind energy potential may extend above the maximum Zone Height subject to a visual analysis and Conditional Use approval by the Planning Commission.

(6) Wind turbines may extend above the maximum Zone Height subject to a visual analysis and Conditional Use approval by the Planning Commission of a Small Wind Energy System. Height is measured from Natural Grade to the

tip of the rotor blade at its highest point or top of tower, whichever is greater.

(Amended by Ord. Nos. 07-25; 09-10)

15-2.23-6. ARCHITECTURAL REVIEW.

(A) **REVIEW.** Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department must review the proposed plans for compliance with the Architectural Review standards, Chapter 15-5 and compliance with any additional architectural design guidelines approved by the Planning Commission as part of the Master Planned Development.

15-2.23-7. PARKING REGULATIONS.

Off-Street parking shall be provided per the LMC parking standards set forth in Chapter 15-3.

15-2.23-8. MECHANICAL SERVICE.

All exterior mechanical equipment must be Screened to minimize noise infiltration to adjoining Properties and to eliminate visual impacts on nearby Properties, including those Properties located above the roof tops of Structures in the adjacent district.

All mechanical equipment must be shown on the plans prepared for architectural review by the Planning and Building Departments. The Planning Department will approve or reject the location, Screening and

painting of such equipment as part of the architectural review process.

15-2.23-9. ACCESS, SERVICE AND DELIVERY.

All Structures must provide a means of storing refuse generated by the Structure's occupants. The refuse storage must be on-Site and accessible from a Public Street. Refuse storage must be fully enclosed and properly ventilated. Public trash receptacles set in the Right-of-Way by the City for Use by the public are exempt from this regulation.

15-2.23-10. GOODS AND USES TO BE WITHIN ENCLOSED BUILDING.

(A) **OUTDOOR DISPLAY OF GOODS PROHIBITED.** Unless expressly allowed as an Allowed or Conditional Use, or allowed with an Administrative Permit, all goods including food, beverage and cigarette vending machines must be within a completely enclosed Structure. New construction of enclosures for the storage of goods shall not have windows and/or other fenestration, which exceeds a wall-to-window ratio of thirty percent (30%). See Section 15-2.6-12(B)(3) for outdoor display of bicycles, kayaks and canoes.

(B) **OUTDOOR USES PROHIBITED/ EXCEPTIONS.** The following outdoor Uses may be allowed by the Planning Department upon the issuance of an Administrative Conditional Use permit or an Administrative Permit as described herein. The Applicant must submit the required Application, pay all applicable fees, and

provide all required materials and plans.
Appeals of departmental actions are heard
by the Planning Commission.

(1) OUTDOOR DINING.

Outdoor dining requires an
Administrative Conditional Use
permit and is subject to the following
criteria:

- (a) The proposed seating
Area is located on private
Property or leased public
Property and does not
diminish parking or
landscaping.
- (b) The proposed seating
Area does not impede
pedestrian circulation.
- (c) The proposed seating
Area does not impede
emergency Access or
circulation.
- (d) The proposed
furniture is Compatible with
the Streetscape.
- (e) No music or noise is
in excess of the City Noise
Ordinance.
- (f) No Use after 10:00
p.m.
- (g) Review of the
Restaurant's seating capacity
to determine appropriate
mitigation measures in the

event of increased parking
demand.

**(2) OUTDOOR GRILLS/
BEVERAGE SERVICE**

STATIONS. Outdoor grills and/or
beverage service stations require an
Administrative Permit and are
subject to the following criteria:

- (a) The Use is on private
Property or leased public
Property, and does not
diminish parking or
landscaping.
- (b) The Use is only for
the sale of food or beverages
in a form suited for
immediate consumption.
- (c) The Use is
Compatible with the
neighborhood.
- (d) The proposed service
station does not impede
pedestrian circulation.
- (e) The proposed service
station does not impede
emergency Access or
circulation.
- (f) Design of the service
station is Compatible with
the adjacent Buildings and
Streetscape.
- (g) No violation of the
City Noise Ordinance.

(h) Compliance with the City Sign Code, Title 12.

(3) **OUTDOOR EVENTS AND MUSIC.** Outdoor events and music require an Administrative Use permit. The Use must also comply with Section 15-1-10, Conditional Use review. The Applicant must submit a Site plan and written description of the event, addressing the following:

- (a) Notification of adjacent Property Owners.
- (b) No violation of the City noise ordinance.
- (c) Impacts on adjacent residential Uses.
- (d) Proposed plans for music, lighting, Structures, electrical signs, etc.
- (e) Parking demand and impacts on neighboring Properties.
- (f) Duration and hours of operation.
- (g) Impacts on emergency Access and circulation.

15-2.23-11. ANEMOMETERS AND ANEMOMETER TOWERS.

(Created by Ord. No. 09-10)

Anemometers and Anemometer Towers require an Administrative Conditional Use permit for temporary installation, for up to three (3) years, to measure wind energy potential for a Site. The Use must comply with Section 15-1-10, Conditional Use Review. The Applicant must submit a Site plan, Limits of Disturbance plan for all construction, including Access roads, a description and photos of the tower, manufacturers cut sheet and certification information for the Anemometer, an Application for and all other submittal requirements for Administrative Conditional Use permits and a narrative addressing the following:

- (A) No violation of the City noise ordinance.
- (B) Notification of adjacent Property Owners.
- (C) Compliance with Setbacks and height requirements, see Height Exceptions. Setbacks may be decreased if a signed encroachment agreement with the affected Property Owner is provided, and public Rights-of-Way and power lines are not impacted by the location.
- (D) Compliance with FAA regulations.
- (E) Compliance with the International Building Code.
- (F) At the time of Application for an Administrative Conditional Use permit, standard engineering drawings for the tower, base, and footings shall be submitted.

(G) **BUILDING PERMIT.** Prior to issuance of a Building Permit, the plans shall comply with all applicable sections of the International Building Code, including electric codes and all requirements and criteria of this section.

(H) Requests for temporary Anemometer Towers that exceed the Zone Height by more than five feet (5') shall provide a visual analysis from all applicable LMC Vantage Points described in Section 15-15.1 to determine visual impacts on Ridge Line Areas and entry corridors.

(I) **REMOVAL AND DECOMMISSIONING.** Anemometers and Anemometer Towers shall be removed after the temporary period has expired or if the Use is abandoned. A Use shall be considered abandoned when it fails to operate for a period of one (1) year or more.

In no case shall the temporary Use continue beyond the permitted time frame to be identified during review of the Administrative CUP, unless an extension is requested. Upon a notice of abandonment from the Building Department, the system Owner shall have sixty (60) days to provide sufficient evidence that the system has not been abandoned, or the City shall have the authority to enter the Property and remove the system at the Owner's expense.

The Owner is responsible for reclaiming the land using natural vegetation. To the greatest extent possible, the land shall be fully returned to its natural state within three (3) years of the removal of the installation.

15-2.23-12. SMALL WIND ENERGY SYSTEMS.

(Created by Ord. No. 09-10)

Small Wind Energy Systems (system) require a Conditional Use Permit. The Use must comply with Section 15-1-10, Conditional Use Review, and the following review criteria. The Applicant must submit a Site plan; Limits of Disturbance plan for all construction, including all Access roads and installation details, such as Grading and erosion control; a description and photos of the tower and turbine; manufacturers cut sheets and certification information for the tower and turbines; Property survey showing size of Property and location of Structures, utilities, easements, Streets and Rights-of-Way on the Property and on adjacent Properties within a horizontal distance equivalent to 110% of the proposed height; an Application for and all other submittal requirements for Conditional Use Permits; and a narrative addressing the following review criteria:

(A) **LOCATION.** Location on the Property and associated wind data shall indicate the optimum citing location for highest wind energy potential and lowest air turbulence from the ground and surrounding objects; measured distances to adjacent habitable Structures, Property lines, power lines, and public and private Streets and Right-of-Ways; and trails. Systems shall not be installed in known migratory bird flyways, unless a wildlife study indicates that the proposed system due to the configuration, location, height, and other

characteristics, will not negatively impact the flyway.

(B) **SETBACKS AND HEIGHT.** See Section 15-2.23-5, Height Exceptions. Small Wind Energy Systems shall not exceed the Setback requirements of the zone and shall be set back a minimum distance equal to 110% of the total height of the system. **EXCEPTION:** Setbacks may be decreased if a signed encroachment agreement with the affected Property Owner is provided, and the public Rights-of-Way and power lines are not impacted by the location.

(C) **LOT SIZE.** Small Wind Energy Systems that are greater than eighty feet (80') in height shall be located on a Lot size of one (1) acre or more.

(D) **DESIGN.** Wind Energy Systems shall be a neutral color that blends with the environment. Gray, beige, and white are recommended and all paint and finishes shall be non-reflective.

(E) **LIGHTING.** Small Wind Energy Systems shall be lighted only if required by the FAA and shall comply with all applicable FAA regulations.

(F) **NOISE.** No violation of the City noise ordinance.

(G) **SIGNS.** Signs shall be restricted to reasonable identification of the manufacturer, operator of the system, utility, and safety signs. All signs shall comply with the Park City Sign Code.

(H) **BUILDING PERMIT.** Prior to issuance of a Building Permit the system shall comply with all applicable sections of the International Building Code, including electric codes and all requirements and criteria of this section.

(I) **VISUAL ANALYSIS.** A visual analysis from all applicable LMC Vantage Points as described in Section 15-15.1 for all Small Wind Energy Systems is required to determine visual impacts on Ridge Line Areas and entry corridors.

(J) **SYSTEM CONDITIONS.** The Applicant/system Owner shall maintain the system in good condition. Maintenance shall include, but not be limited to, painting, mechanical and electrical repairs, structural repairs, and security measures.

(K) **REMOVAL AND DECOMMISSIONING.** Any Small Wind Energy System, that has reached the end of its useful life or has been abandoned, shall be removed. A system shall be considered abandoned when it fails to operate for a period of one (1) year or more.

Upon a notice of abandonment from the Building Department, the system Owner shall have sixty (60) days to provide sufficient evidence that the system has not been abandoned and request an extension, or the City shall have the authority to enter the Property and remove the system at the Owner's expense.

The Owner is responsible for reclaiming the land using natural vegetation and to the greatest extent possible the land shall be

fully returned to its natural state within five (5) years of the removal and decommissioning of the system.

(L) **REPLACEMENT.** Replacement of an already permitted turbine with a similar size and height will not require a permit modification.

15-2.23-13. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4 ½') above the ground, groves of small trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Planning, Building, and Engineering Departments shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with landscape criteria in LMC Chapter 15-3-3(D) and Title 14.

15-2.23-14. CRITERIA FOR RAISING AND GRAZING OF HORSES.

(Created by Ord. No. 09-10)

The raising and grazing of horses may be approved as a Conditional Use by the Planning Department. In making a determination whether the raising and grazing of horses is appropriate, the Planning Commission shall consider the following criteria:

(A) Any barn must be located a minimum of seventy-five feet (75') from the nearest Dwelling Unit.

(B) There shall be a maximum of two (2) horses per acre.

(C) Terrain and Slope of the Property must be suitable for horses.

(D) The Applicant must submit an Animal Management Plan outlining the following:

- (1) waste removal/odors;
- (2) drainage and runoff;
- (3) bedding materials;
- (4) flies; and
- (5) feed/hay.

15-2.23-15. SIGNS.

Signs are allowed in the CT District as provided in the Park City Sign Code, Title 12.

(Renumbered by Ord. No. 09-10)

15-2.22-16. RELATED PROVISIONS.

- Fences and Walls. LMC Chapter 15-4-2.
- Accessory Apartment. LMC Chapter 15-4-7.
- Satellite Receiving Antenna. LMC Chapter 15-4-13.
- Parking. LMC Chapter 15-3.
- Landscaping. Title 14; LMC Chapter 15-3-3(D).
- Lighting. LMC Chapters 15-3-3(C), 15-5-5(I).
- Park City Sign Code. Title 12.
- Architectural Design. LMC Chapter 15-5.
- Snow Storage. LMC Chapter 15-3-3(E).
- Parking Ratio Requirements. LMC Chapter 15-3-6.

(Renumbered by Ord. No. 09-10)

Resolution 25-12**RESOLUTION ADOPTING AFFORDABLE HOUSING GUIDELINES AND STANDARDS FOR PARK CITY, UTAH**

WHEREAS, the livability and viability of Park City is directly affected by the availability of a sufficient amount of housing affordable to all residents; and

WHEREAS, the City Council desires to establish policies to ensure a reasonable opportunity for a variety of housing and which bears an essential nexus to maintaining the social, economic and political fabric of the community; and

WHEREAS, the 2012 Park City Housing Assessment and Plan concluded that housing costs continue to outpace wages in the service sector areas of the resort-based economy and has resulted in making housing unaffordable to working residents of the City; and

WHEREAS, the 2012 Park City Housing Assessment and Plan projects that the Leisure and Hospitality employment sector will continue to drive the demand for additional workforce housing in Park City; and

WHEREAS, it is in the best interest of the community and a legitimate government interest to formulate guidelines and standards to establish a consistent criteria for review of Master Planned Development applications and annexation petitions and other development actions where affordable housing is needed to mitigate the impact of the project on the community; and

WHEREAS, the cost of providing affordable housing and any solutions should equitably apportion the cost based on impact generation, growth inducement and the underlying goal to provide a diversity of housing types and prices in our community in order to maintain a healthy economy and diverse population.

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

SECTION 1. ADOPTED HOUSING STANDARDS AND GUIDELINES. The following housing standards and guidelines are hereby adopted. Unless otherwise defined separately herein, all words and terms shall have the same meaning as defined in the Land Management Code, as amended.

SECTION 2. APPLICABILITY. These standards shall apply to all new Housing and Commercial Development created under Title 15, Chapter 6 Master Planned Developments and Title 15, Chapter 8 Annexations of the Park City Land Management Code. These standards shall apply to prior agreements on density or configuration unless specifically addressed within Development Agreements.

SECTION 3. PURPOSE. The purpose of this Resolution is to ensure that new development does not adversely affect the supply of affordable housing in the City and to maintain the social, economic and political fabric of Park City's community character. It is intended that the requirements imposed herein are roughly proportionate and reasonably related to the impacts of the Development.

SECTION 4. REVIEW. This Resolution shall be reviewed by the City Council at least biennially to ensure that these standards are meeting the housing goals and objectives.

SECTION 5. DEFINITIONS.

- **Affordable Housing:** Housing costs – rent plus basic utilities or mortgage, tax, insurance and/or Homeowners Association payments – that consume no more than 30 percent of a household's income.
- **Affordable Housing Unit:** Dwelling units that are deed restricted to the housing size and type for individuals meeting occupancy guidelines approved by the Park City Council.
- **Affordable Unit Equivalent:** A two-bedroom unit with 900 square feet of Net Livable Space shall be considered one Affordable Unit Equivalent.
- **Bedroom:** Designed to be used for sleeping purposes and which contains closets and meets all applicable City Building Code requirements for light, ventilation, sanitation and egress.
- **Deed Restriction:** A contract entered into between Park City Municipal Corporation and the owner or purchaser of real property identifying the conditions for occupancy and resale.
- **Household:** All related and unrelated individuals occupying a unit.
- **Household Income:** Combined gross income of all individuals who will be occupying the unit regardless of legal status. Adjustments to the gross for business expenses can be made for persons who are self-employed.
- **Net Livable Square Footage:** Is calculated on interior living area and is measured interior wall to interior wall, including all interior partitions. Also included, but not limited to, habitable basements and interior storage areas, closets and laundry areas. Exclusions include, but are not limited to, uninhabitable basements, mechanical areas, exterior storage, stairwells, garages (either attached or detached), patios, decks and porches.
- **Park City Workforce Wage:** The median wage of the core Park City workforce as determined annually by the City Council. See Section 17.G. for calculation method.
- **Studio Unit:** Living quarters designed around a relatively large single room incorporating the features of a living room, bedroom, dining room/kitchen and bathroom.

SECTION 6. EXEMPTIONS. The development of affordable housing units as defined by the Land Management Code is exempt from the requirements of this Resolution. This may include projects developed by or sponsored by nonprofit organizations and projects for which agreements have been executed that provided affordable housing or land for said purpose.

SECTION 7. FEE WAIVERS. Title 11, Chapter 12-13 of the Municipal Code provides that "any part of the fees included in this Title may be waived by the City Council upon recommendation of the City Manager, for those projects which are deemed to serve a beneficial public purpose that would be harmed by the City requiring the payment of such fees, such as low income housing projects." Pursuant to Title 11, Chapter 13-4(A) of the Municipal Code, the City Council can waive impact fees for construction of affordable housing up to \$5,000 per unit.

SECTION 8. CALCULATION OF MINIMUM AFFORDABLE HOUSING REQUIREMENTS

A. Residential Development.

For projects where units are offered for sale or rent, the Developer shall provide affordable housing units in an amount equal to fifteen percent (15%) of the total residential units constructed. Affordable units developed on-site in fulfillment of this requirement are not included in the density calculation for the project.

RESIDENTIAL GENERATION CALCULATION EXAMPLE

An Applicant has received approval for a 128 unit Master Planned Development.

1. 128 units (total units approved) multiplied by .15 (residential mitigation rate) equals 19.2 Affordable Unit Equivalents.
2. One Affordable Unit Equivalent equals 900 square feet of net livable space.
3. The total approved units for this MPD is 128 market rate units plus 19.2 affordable unit equivalents which equals 17,280 total net square feet of additional livable space.

B. Commercial Development

The Developer shall be required to mitigate 20 percent of the employees generated. For projects with a commercial component, the minimum affordable housing requirements shall be determined according to the following formulas:

Table 1: Employee Generation by Type of Use.

Type of Use	Full Time Equivalents (2080 hours) per 1,000 net leasable square feet
Restaurant/Bar	6.5
Education	2.3
Finance/Banking	3.3
Medical Profession	2.9
Other professional services	3.7
Personal services	1.3
Real Estate/Property management	5.9
Commercial/Retail	3.3
Recreation/amusements	5.3
Utilities	2.9
Lodging/hotel	0.6/room
Condominium Hotel	Greater of lodging/hotel calculation or residential mitigation rate
Overall/General	4.4

The Overall/General Type of Use shall apply to any use not listed in the Employee Generation Table if an Independent Calculation is not performed.

EMPLOYEE GENERATION CALCULATION EXAMPLE

An application for a Master Planned Development of 20,000 square feet of commercial space and 100 hotel rooms has been submitted. The commercial uses include:

- o 10,000 square feet of retail space
- o 5,000 square feet of restaurant/bar space
- o 5,000 square feet of professional services

1. Using the above Employee Generation Table, the project will generate 144 employees.
 - *Retail* at 3.3 employees per 1,000 square feet equals 33 employees
 - *Restaurant/Bar* at 6.5 employees per 1,000 square feet equals 32.5 employees
 - *Professional Services* at 3.7 employees per 1,000 square feet equals 18.5 employees
 - *Hotel* at .6 employees per unit equals 60 employees.
2. 144 (total number of employees) multiplied by .20 (mitigation rate) equals 28.8 employees.

3. 28.8 employees divided by 1.5 (workers per household) equals 19.2 employee unit equivalents required.

4. The Developer is required to provide 19.2 Affordable Unit Equivalents or a total of 17,280 net square footage of additional living space in addition to approved commercial and hotel density.

C. Reduction of Employee Generation for Institutional/Nonprofit Use. The City Council may reduce the base employee generation rate by up to fifty percent for uses that are “non-commercial or non-residential in nature, which provide educational, social or related services to the community and which are proposed by public agencies, nonprofit agencies, foundations and other similar organizations” upon finding that the benefits/impacts of such Development as they relate to other general plan goals and/or action items outweigh the housing impacts.

D. Independent Calculation. An applicant may submit an independent calculation of the number of employees to be generated by a proposed development, to be used in place of the Employee Generation Table. The independent calculation shall be accepted by the City Council if the Council determines the calculation constitutes compelling evidence of a more accurate calculation of employee generation than Table 1: Employee Generation Table. Should the independent calculation not be accepted, then the applicable employee generation factor from the Employee Generation Table shall be applied to the proposed Development. Any acceptance of an Independent Calculation shall be site and use specific, non-transferable and be memorialized in a Development Agreement between the property owner and the City. Such Agreement shall be executed prior to the issuance of any building permit.

E. Redevelopment: Additions and Conversions of Use. Redevelopment or remodeling in an existing use or the change in use from one use to another is exempt from the requirements of this Resolution, provided such activity does not create additional employment generation as determined in *Table 1: Employee Generation by Type of Use*. Only the uses and areas that existed prior to the redevelopment or remodeling shall be exempt from the requirements of this Resolution. Any new area or unit or any change in use which creates additional Employee Generation as determined in *Table 1: Employee Generation by Type of Use* shall be subject to this provisions of this Resolution. Mitigation shall be required for the employees generated by the proposed total square footage (including addition) minus the employment generation of the total structure. If the developer converts one land use to another with higher employment generation rates, the mitigation will be based on the increase in FTEs. For example, a conversion of a 1,000 sq. ft. retail establishment with an employee generation rate of 3.3 FTEs per 1,000 square feet to a private club with a generation rate of 6.5 FTEs per 1,000 square feet results in a net increase in 3.2 FTE and would require additional mitigation.

F. Final Unit Requirement Calculations. The final calculations for the number of inclusionary units and the rental or sales price for these units shall be made prior to the issuance of building permits for the covered project.

SECTION 9. METHODS OF HOUSING REQUIREMENT COMPLIANCE

A. Size and Design Standards for Affordable Housing Units

1. Unit Types: The distribution of dwelling unit types that meet the deed restricted affordable unit requirements of this section shall be as follows:

- **Single Family:** In single family detached dwelling unit developments, the required on-site permanently affordable units shall also be single family detached units.
- **Mixed Unit Type:** In developments where there is a mix of two or more unit types: single-family detached units, attached units, multi-family apartment units, or other dwelling unit types, the required on-site deed restricted units shall be comprised of the different unit types in the same proportion as the market rate dwelling units within the development.
- **Alternative Distribution Ratios:** Different unit distribution among the deed restricted affordable unit types may be permitted if doing so would accomplish additional benefits or result in a better design than not using the distribution of units provided for in this section.

2. Minimum Sizes for Deed Restricted Units: In order to assure livability, the net livable square footage for affordable units shall be as follows:

Dormitory	150 square feet
Single Room Occupancy	275 square feet
Studio	400 square feet
One Bedroom	650 square feet
Two Bedroom	900 square feet
Three Bedroom	1,150 square feet
Four Bedroom	1,400 square feet

The Planning Department prior to the issuance of any building permits for either the free market or employee housing component of the project must verify square footage. The Building Department may check the actual construction of the employee housing units for compliance with the approved building permit plans.

3. Winter Seasonal Units. Pursuant to the applicable City codes, an applicant for a development may, at the sole discretion of the City and subject to certain requirements, satisfy the employee housing requirements by provision of dormitory/lodge units designed for occupancy by seasonal employees. The dormitory/lodge units must satisfy all requirements of the applicable Guidelines and shall be required to meet the following minimum standards:

- Occupancy of a dormitory unit shall be limited to no more than 8 persons.
- There shall be at least 150 square feet of net livable square footage per person, including sleeping and bathroom uses.
- At least one bathroom shall be provided for shared use by no more than four persons. The bathroom shall contain at least one toilet, one wash basin, one bathtub with a shower and a total area of at least 60 net livable square feet.
- A kitchen facility or access to a common kitchen or common eating facility shall be provided subject to the Building Department's approval and determination that the facilities are adequate in size to service the number of people using the facility.
- Use of 20 net leasable square feet per person of enclosed storage area located within, or adjacent to, the unit.
- Rents for dormitory units will be set by Special Review on a case-by-case basis, given the unique and varying characteristics of dormitory units, with affordability as the key issue.
- Seasonal Lodge Developments may be required to house qualified employees of the community at large.

4. Special Needs Emergency/Transitional Housing. Pursuant to the applicable City codes, an applicant for a development may, at the sole discretion of the City and subject to certain requirements, satisfy a portion of its employee housing requirements by provision of special needs emergency/ transitional housing units through either direct construction, land donation or the donation of existing units. There must be a quantified, demonstrated need for the emergency/transitional housing within the Park City boundaries. The housing must be developed in collaboration with a federally recognized, 501(c)(3) nonprofit organization. The housing must satisfy all requirements of the applicable Housing Guidelines and Standards as well as comply with all applicable local, state and federal requirements. Given the unique and varying characteristics of the population to be served, the rents for emergency/transitional housing must be approved in advance by the City Council.

5. Minimum Green Building Requirements. All new construction or substantial rehabilitation projects developed in fulfillment of the affordable housing obligation must demonstrate that it meets, the NAHB Green Standards or a LEED Certification level. All appliances and products including light bulbs shall be Energy Star qualified products for all new construction or substantial rehabilitation.

6. Affordable Unit Amenities. Inclusionary units may differ from the market units with regard to interior amenities and gross floor area provided that:

- These differences, excluding differences related to size differentials are not apparent in the general exterior appearances of the project's units; and
- These differences do not include insulation, windows, heating systems and other improvements related to the energy efficiency of the project's units.
- The gross floor area of the inclusionary units is not less than the following minimum requirements, unless waived by the City.

B. Methods of Meeting Minimum Requirements.

The following methods, in order of priority, may be used to meet the minimum affordable housing mitigation requirements.

- 1. Construction of unit(s) on the site on which the development is proposed.**
Affordable housing units shall be constructed on the project site, unless the developer can demonstrate compelling evidence that an alternative method would result in a better design, enhanced level of affordability or that the construction on-site would adversely affect the design of the project.
- 2. Construction of the unit(s) within the Park City corporate limits provided such land, site or structure had not been previously deed-restricted to affordable housing by Park City or Summit County.**
- 3. Dedication of existing units provided such units have not been previously restricted to employee or affordable housing by Park City or Summit County.** Units shall be located within the City limits unless otherwise approved by the City. Units must be of equivalent value, quality and size of the deed restricted units that would have been constructed on-site. Existing units must be in move-in condition with appliances, windows, heating, plumbing, electrical systems, fixtures and equipment in good working condition. The value of dedicated existing units will be determined, at the expense of the developer, by an appraiser selected by the developer from a list of certified appraisers provide by the City of by such alternative means of valuation as to which a developer

and the City may agree. All units shall be inspected and shall meet applicable Park City building codes. Applicant shall bear the costs and expenses of any required upgrades to meet the above standards as well as any reports required to assess the suitability for occupancy and compliance with the standards of the proposed units. All appliances and products including light bulbs shall be Energy Star qualified products.

4. ***Construction of units outside Park City, but within the Park City School District boundary and/or the boundaries of the free transit system.***
5. ***Conveyance of land within the Park City School District boundary and/or the boundaries of the free transit system provided such land has not been previously restricted to employee or affordable housing by Park City or Summit County.*** The developer may elect to (a) convey land to the City or its designee that is of equivalent value to the cash in lieu contributions that would be required under this Resolution, plus an additional 25 percent to cover costs associated with holding, developing, improving or conveying such land; or (b) convey land to the City or its designee that is of equivalent value (as of the date of conveyance) to that land upon which required units would otherwise have been constructed and properly zoned such as to allow construction of at least that number of units for which the obligation of construction is being satisfied by the dedication of the land. Land conveyance shall occur prior to the issuance of any building permit for the free market portion of the development. Should the City Council later elect to sell the land, all proceeds from the sale of the land shall be placed in a dedicated housing fund.
6. ***Payment of Fees in Lieu of Development.*** If the City determines that (1) no other alternative is feasible, or (2) such a payment would result in more immediate development of housing or (3) such a payment would leverage additional resources, then a Payment of Fees in Lieu of Development may be accepted. The Payment in Lieu Fee shall be calculated and published annually in April on the City's affordable housing webpage. Updates may occur more frequently at the request of the City Council to reflect changing real estate conditions. Any Fees in Lieu collected and any interest accrued, shall be used only for the purpose of planning for, subsidizing or developing affordable and employee housing.

The Payment in Lieu Fee is calculated as follows:

- Median market value per square foot for 600 to 1,600 square foot properties sold in prior year (Summit County Assessor's Office provides the data sets);
- Multiply by 900 square feet (AHU equivalent); and
- Subtract out the affordable home sale price for a household earning Park City Workforce Wage (See calculation in Section 17.C);

One-half of the in-lieu fee shall be paid (or a letter of credit posted) prior to issuance of a building permit for all or any part of the MPD. The remainder of the fee shall be paid before a certificate of occupancy (temporary or permanent) is issued for any unit in the Residential Development. The remaining fee will be calculated at the in lieu fee rate in effect at the time of payment. The Developer retains the option of paying the fees in full at time of building permit to avoid any increase in fees.

SECTION 10. DEED RESTRICTION. Prior to the plat recordation provisions to ensure continued affordability of inclusionary units shall be embodied in legally binding agreements and/or deed restrictions, which shall be prepared by the developer, but which shall not be

recorded or filed until reviewed and approved by the City Attorney with such modifications as it may deem necessary to carryout the purpose of this Resolution. No building permit application shall be accepted in the absence of proof of the execution of requirement agreements and covenants. In the event such restrictions are voided by bankruptcy or other legal action, the City may revoke the Certificate(s) of Occupancy until such time as subsequent owner complies with the standards herein.

SECTION 11. TIMING OF OCCUPANCY. The affordable units shall be ready for occupancy no later than the date of the initial or temporary occupancy of the free market portion of the project. If the free market units are to be developed in phases, then the affordable housing can be developed in proportion to the phasing of the free market units as approved in the Housing Mitigation plan.

SECTION 12. APPLICABILITY OF RESOLUTION TO PRIOR APPROVALS OR PENDING APPLICATIONS.

A. Prior Development Agreements. Developments, which received development plan approvals prior to the adoption of this housing resolution, shall conform to the provisions of the resolution in place at the time of applicable complete application. Any modifications to an existing Development Agreement that results in an increase in housing units or employee generation shall be subject to the provisions of this Resolution.

B. Prior Annexation. Unless otherwise provided in Conditions of Approval or a Development Agreement, Developments subject to affordable housing requirements imposed by annexation agreements entered into prior to the effective date of this Resolution may develop in conformity with the Resolution in place at the time the Annexation Agreement was approved.

C. Pending Project Approval Actions. Developments for which complete applications were filed prior to the effective date of this Resolution, but have not been reviewed by the appropriate body, must conform to the Resolution in place at time of application.

SECTION 13. HOUSING MITIGATION PLAN. The Applicant shall submit a Housing Mitigation Plan. The Housing Mitigation Plan shall be reviewed by the Planning Commission as part of the application to the City for the Annexations or Master Planned Development with a recommendation forwarded to the City Council. The Housing Mitigation Plan shall include the following:

A. Calculation and Method. The calculation of, and method by which housing is to be provided, in compliance with Section 6 "Calculation of Minimum Affordable Housing Requirement" and Section 7 "Method for Providing Housing"

B. Unit Descriptions. If affordable housing units are to be developed, a site plan and building floor plans (if applicable), illustrating the number of units proposed, their location, the number of bedrooms in and square foot of each unit, and the rental/sale mix of the development. The proposed sale prices and rent levels shall also be included.

SECTION 14. CONSTRUCTION TIMING. Affordable units shall be made available for occupancy on approximately the same schedule as a project's market units; except that Certificates of Occupancy (temporary or permanent) for the last ten percent of the market units shall be withheld until Certificates of Occupancy have been issued for all of the inclusionary

units. Other phasing agreements may be accepted, if doing so would accomplish additional benefits from the City consistent with the purposes of this Resolution. A schedule setting forth the phasing of the total number of units in a covered project, along with a schedule setting forth the phasing of the required inclusionary units shall be approved prior to the issuance of a building permit.

SECTION 15. GOOD FAITH MARKETING REQUIRED. All sellers or owners of deed restricted affordable units shall engage in good faith marketing efforts each time a deed restricted unit is rented or sold such that members of the public who are qualified to rent or purchase such units have a fair chance of becoming informed of the availability of such units. A public marketing plan shall be submitted by the developer for the initial sale or lease of the units.

SECTION 16. LOCAL PREFERENCE OPTION. In order to address the City's local preference options, any deed restricted affordable housing project shall give preference to full-time employees (a minimum of 30 hours per week) of businesses within the Park City School District boundaries. Preference is also given to Senior Citizens (62 & older) and persons who are physically and/or mentally challenged.

SECTION 17. MAXIMUM RENTS AND SALES PRICES. The following provision shall apply to the calculation of rents, selling prices and/or carrying charges of deed restricted affordable units.

A. Occupancy. In calculating the rents or carrying charges of inclusionary units, the following relationship between unit size and household size shall apply:

Dormitory/Single Room Occupancy:	1 person per 150 net livable square feet.
Studio/Efficiency:	1 person per household
One-bedroom:	1.5 person household
Two-bedrooms:	2.5 person household
Three-bedroom:	4 person household
Four-bedroom:	6 person household.

B. Rental Units. Inclusionary rental units in any one development shall be rented at a price, which, on average, is affordable to a household with an annual income of 100% of the Park City Workforce Wage.

C. For Sale Units. The initial sales price for an affordable unit in any one development shall average a price affordable to a household earning 150 percent of Park City Workforce Wage ("Target Household Income"). Sale Price shall be calculated according to the following guidelines: utilities plus mortgage payment for the Owner Occupied Unit, including principal, interest, taxes and insurance ("PITI"), shall not exceed 30% of the Target Household Income. The assumptions used to calculate the sales price shall be: (i) a 5% down payment; (ii) a 30-year term; and (iii) an interest rate equal to the prevailing FirstHome rate, or its program equivalent, of the Utah Housing Corporation (www.utahhousingcorp.org) at the time of the offer.

D. Appreciation Limits. Provisions to ensure continued affordability of inclusionary units offered for sale shall include a formula limiting equity appreciation to either a shared percentage of the equity appreciation or a cap on the equity appreciation, with such adjustments for improvements made by the seller and necessary costs of sale as may be approved by the City. The form of the resale restriction shall be determined by the City at the time of approval of the Housing Mitigation Plan.

E. Limitation on Rental Rates and Terms. The rate at which an Owner shall rent the Units shall not exceed the Maximum Rent as established by the City. The Maximum Rent shall be set as affordable to households earning 100% of Park City Workforce Wage and adjusted annually by the percentage increase in the Consumer Price Index for the western region. Allowable increase will be published in April of each year on the City's affordable housing webpage. Unless otherwise approved, the minimum lease term shall be six months.

F. Income Limits. The City reserves the right to place an income/asset limitation for prospective owners or renters as needed to further the goals of this Resolution.

G. Park City Workforce Wage. Park City Workforce Wage for a family of three shall be calculated in April of each year and published on the City's affordable housing webpage. It is based on the prior year's wages as reported by the Utah Division of Workforce Services. Workforce Wage is calculated as follows:

- Summit County median wage for prior year;
- Add six percent for additional earnings such as tips, incentives, bonuses, and overtime as well as other income such as investments and non-cash benefits; and
- Multiply total by 1.5 to account for the average household in Park City having 1.5 workers.

SECTION 18. TERM OF AFFORDABILITY. The Term of Affordability shall be for a period of not less than forty (40) years. At the expiration of the initial forty (40) year term, this Agreement shall be reviewed for additional consecutive ten (10) year terms, unless the City shall determine, based on an independent housing needs assessment, that the Unit is no longer necessary to satisfy the affordable/employee housing needs in Park City.

SECTION 19. WAIVERS. The City Council may waive all or part of the requirements of this Resolution in exchange for enhanced project affordability or livability including but not limited to the incorporation of sustainable building practices and systems in the unit design and development.

SECTION 20. ADMINISTRATIVE RELIEF. The City Council may waive all or part of the requirements of this Resolution where the applicant can establish by clear and convincing financial data and other evidence relating to the character of the development or surroundings that the imposition of the requirements set forth in this article shall create an economic hardship. The Council shall use the same standards that it applies to historic properties in making a determination of economic hardship. A waiver under this section shall be granted only to the extent necessary to relieve the hardship or difficulty that serves as the basis for the requested waiver and shall not be considered precedent for future requests for administrative relief.

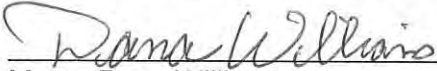
SECTION 21. SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate distinct and independent provision and such holding shall not affect the validity of the remaining portions of the Resolution.

SECTION 22. EFFECTIVE DATE. This Resolution shall take effect upon adoption by the City Council. All prior Housing Resolutions and parts of Resolutions in conflict with the provisions of

this Resolution are hereby repealed. This Resolution repeals and replaces all prior housing resolutions including Resolution s 37-91, 8-93, 6-94, 7-95, 17-99, 10-2006, and 20-07.

PASSED AND ADOPTED this 27th day of, September, 2012.

PARK CITY MUNICIPAL CORPORATION



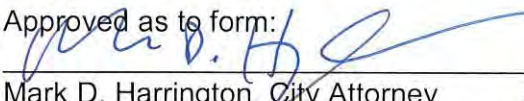
Mayor Dana Williams

Attest:



Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney

