

**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION
CITY COUNCIL CHAMBERS
August 12, 2015**



AGENDA

MEETING CALLED TO ORDER AT 5:30PM

ROLL CALL

ADOPTION OF MINUTES OF July 22, 2015

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

STAFF/BOARD COMMUNICATIONS AND DISCLOSURES

LMC Amendment – Park City Historic Sites Inventory Criteria & Demolition Permits	<i>Interim Planning Director Erickson</i>	69
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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.*

162 Ridge Avenue – Steep Slope Conditional Use Permit for a new single-family home on a vacant lot. <i>Public hearing and possible action</i>	PL-15-02761 <i>Planner Alexander</i>	75
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REGULAR AGENDA – *Discussion, public hearing, and possible action as outlined below*

Alice Claim south of intersection of King Road and Ridge Avenue – Alice Claim Subdivision and Plat Amendment <i>Public hearing and possible recommendation to City Council on September 17, 2015</i>	PL-08-00371 <i>Planner Alexander</i>	117
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Alice Claim south of intersection of King Road and Ridge Avenue – Conditional Use Permit for retaining walls up to 10' in height. <i>Public hearing and possible action</i>	PL-15-02669 <i>Planner Alexander</i>	171
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1105 Lowell Avenue – Steep Slope Conditional Use Permit for construction of a new single-family dwelling. <i>Public hearing and possible action</i>	PL-15-02729 <i>Planner Astorga</i>	221
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1103 Lowell Avenue – Steep Slope Conditional Use Permit for construction of a new single-family dwelling. <i>Public hearing and possible action</i>	PL-15-02728 <i>Planner Astorga</i>	251
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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
JULY 22, 2015

COMMISSIONERS IN ATTENDANCE:

Vice-Chair Steve Joyce, Melissa Band, Preston Campbell, John Phillips, Nann Worel

EX OFFICIO:

Bruce Erickson, Interim Planning Director; Kirsten Whetstone, Planner; Francisco Astorga, Planner; Christy Alexander, Planner; Polly Samuels McLean, Assistant City Attorney; Chad Root, Chief Building Official; Matt Cassel, City Engineer

REGULAR MEETING

ROLL CALL

Vice-Chair Joyce called the meeting to order at 5:40 p.m. and noted that all Commissioners were present except Commissioners Strachan and Thimm who were excused.

ADOPTION OF MINUTES

July 8, 2015

Commissioner Worel stated that she was present for the meeting on July 8, 2015; however, her name was not listed under the Commissioners in Attendance. She corrected the minutes to add her name to the list.

MOTION: Commissioner Phillips moved to APPROVE the minutes of July 8, 2015 as amended. Commissioner Worel seconded the motion.

VOTE: The motion passed. Commissioner Campbell abstained since she was absent on July 8th.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Bruce Erickson introduced himself to the Commissioners. Mr. Erickson is a professional planner and he was asked to be the Interim Planning Director until the City selects a new Community Development Director. Mr. Erickson stated that he and the Staff were working on larger items that would come before the Planning Commission in the future.

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

WORK SESSION

Construction Mitigation Plans – The Building Department recommends that the Planning Commission discuss the current process for addressing construction mitigation.

Chad Root, the Chief Building Official, provided an educational update on Construction Mitigation Plans, how they affect the City, and the role of the Planning Commission regarding the CMP.

Mr. Root stated that there are two types of Construction Mitigation plans. One is a residential construction mitigation plan, which is a basic plan that has a handout and packet. The primary revision was to add language, “subject to change at any time.” Mr. Root stated that the added language allows the City to be more restrictive in terms of hours of operation, types of tools, parking, etc., if they receive complaints from the neighbors.

Mr. Root noted that toilet screening was another change to the CMP. There were a lot of complaints from the neighbors regarding the habits of the construction workers. Therefore, regulations were set in place to screen the toilets or to place them on the back end of the job site to keep them from being as visible to the neighbors. He pointed out that in Old Town it is more difficult to place the toilets at the back of the site because of the limited building space. In those cases they would be placed towards the front and screened as best as possible.

Mr. Root stated that another change was the perimeter scrim. In most of the commercial areas they started requiring printed scrim, which usually has a Park City historic theme, instead of the basic green screen.

Mr. Root reported that they have started working on parking plans to address the issue of contractors using China Bridge and other parts of Old Town to park. There is a definite plan prohibiting contractors from parking on public streets or public parking lots. They need to contract with Deer Valley or possibly use Richardson Flats for parking.

Mr. Root remarked that requirements for the hours of operation on holidays or special event days are very stringent. The contractors might only be able to work until noon on those days.

Mr. Root commented on Construction Mitigation Plans for commercial projects. Instead of the standard handout the plan is drafted specifically to the site. Code Enforcement visits the site and considers the circumstances such as number of contractors on-site at one time, parking, whether shuttle vans are provided from off-site parking areas, and the use of cranes. He explained that in the case of one project a crane was parked on the street for a long period of time. The new requirement states that construction in historic Old Town must have on-site cranes if cranes are used.

Mr. Root summarized the list of basic issues that are addressed in a CMP, which include hours of operation, festivals, parking, deliveries, stockpile staging. He noted that currently staging is not allowed in the public right-of-ways unless the space is tight, and then it is allowed only for a certain amount of time. Other issues are construction phasing for larger projects, trash and recycling, control of dust and mud, a noise limit of 65 decibels, grading and excavating hours of operation, temporary lighting, construction signs, and erosion control. For larger projects these issues are addressed above and beyond the basic requirements.

Mr. Root stated that the Building Department is responsible for approving the Construction Mitigation Plan. If the Planning Commission reviews a project and wants to place additional criteria for the CMP, they could do it; however, it needs to be considered by the Building Department to make sure it can be enforced, and that the additional requirement is fair and consistent City-wide.

Commissioner Worel read from the basic criteria in the Staff report, Item 12, "Information shall be provided to neighboring property owners to help them be aware of the project and to keep the lines of communication open." She asked if the developer has the responsibility to communicate with the neighbors.

Mr. Root stated that the developer or the contractor usually has the open line of communication in terms of what is occurring and the contact information. He preferred to have the owners contact the contractor because they are usually quick to respond. It is a better process than contacting the City and waiting for the City to contact the contractor.

Mr. Erickson stated that going forward the Planning Commission should expect to hear from the neighbors about construction impacts. He explained that the Construction Mitigation Plan is part of the Conditional Use Permit standard approval. The Commissioners could speed up the approval process by referencing the CMP, and knowing that it will be there with every application. Rather than having to reconstruct the CMP with every motion, the Project Planner will include it in the Staff report. The Planning Commission could add criteria if needed and the Building Department will make sure it is carried out.

Vice-Chair Joyce thought the issue that was creating the most angst is when equipment or vehicles block a sidewalk or street. He believed there were several examples in recent projects on Main Street. Vice-Chair Joyce asked if it was possible to limit the duration of time for blocking sidewalks and roads. Mr. Root stated that if it is on public right-of-way he could work with the City Engineer and set a time frame for how long it could be blocked. He explained that they no longer allow cranes in Old Town or Historic Park City for that same reason. If cranes need to be brought in, but there is a very small window of time that it can be used.

Vice-Chair Joyce stated that he lives in April Mountain and a crane has been sitting on a property for four months. He personally was not affected, but it can be seen all over town and the residences directly behind it have a red crane as their view shed. Mr. Root replied that Utah is not a Home Rule state and they follow the State Code. Per State Code, the permit expires in 180 days if no work is down. However, if the City does one inspection and 165 days later they do another inspection it restarts the clock. Mr. Root clarified that there was no criteria for addressing that problem.

Vice-Chair Joyce asked if fines are applied to violations. Mr. Root stated that if the violation is erroneous he will issue a stop work order on the project. He has found that a stop work order is more effective than fines because it raises red flags and the owner typically gets involved.

Commissioner Phillips stated that the Planning Commission often talks about routes for construction traffic and which routes are preferred from a safety standpoint. He understood that if the Commissioners designated a preferred route, it would go to the Building Department and they would enforce it. Mr. Root answered yes. He used the Belle at the Ski Hut as an example of a designated construction route. He stated that typically they try to keep traffic on the State Highways as much as possible due to the impacts on City roads from heavy construction equipment. In addition, the State Highways are usually less residential. Commissioner Phillips asked if the Building Department considers the same for residential construction, because not all residential projects come before the Planning Commission. Mr. Root replied that for residential projects they look at the site because Historic Old Town is different than Park Meadows.

Commissioner Band asked if the Building Department modifies the standard residential agreement on a case by case basis. Mr. Root replied that they do when it becomes necessary for a specific situation.

Commissioner Worel thanked Mr. Root for his update because it was helpful for everyone to understand the rules. Mr. Root encouraged the Commissioners to call him if they had further questions.

Capital Improvement Projects – Yearly report given to the Planning Commission regarding the Capital Improvement Projects approved by City Council.

City Engineer Matt Cassel, noted that the list of CIP projects was provided to the Planning Commission at a previous meeting. He apologized for not being at that meeting. He understood that the Commissioners had some questions regarding the CIP list and he was prepared to answer them this evening.

Commissioner Worel wanted to know if the items on the list were prioritized and how the projects make it to the list. Mr. Cassel explained that the list was in numerical order, and they are prioritized from top to bottom through the evaluation process. He stated that the Budget Department determines the amount of available funding. There is a cut-off line and the items above the line are funded for this year and the ones below the line are not.

Vice-Chair Joyce asked Mr. Cassel to explain the different line items for affordable housing. Mr. Cassel stated that there was a huge request this year based on the City Council direction and goals for affordable housing. He recalled that most of the affordable housing requests were at the top of the priority list.

Commissioner Phillips referred to 1450-1460 Park Avenue and noted that a digit was missing in the development cost Item CP366. Mr. Cassel offered to look into it and insert the correct number.

Vice-Chair Joyce referred to CP318, which was the \$1.5 million for the power station. Since Form Based Code was currently off the table, he asked how that played out. Mr. Cassel stated that Nate Rockwood had kept that money aside. As they moved forward in the BOPA area there was a possibility of the City helping to support some of the construction of infrastructure, and Nate was hoping to earmark those funds for that purpose. With the new direction for BOPA, Mr. Cassel was unsure what Nate intended to do with the money. He assumed the City Council would decide how to spend the money.

CONTINUATIONS (Public Hearing and Continue to date specified.)

1. Land Management Code Amendments regarding vertical zoning storefront regulations in Chapter 15-2.5-2 Uses in Historic Recreation Commercial (HRC).

Chapter 15-3.6-2 Uses in Historic Commercial Business (HCB), and associated Definitions in Chapter 15-15 Defined Terms (Application PL-15-02810)

Planner Whetstone noted that the Staff was working on some of the language related to vertical zoning and she requested that this item be continued to August 26th.

Vice-Chair Joyce opened the public hearing.

Allison Butz with the Historic Park City Alliance Board, stated that Planner Whetstone had attended their Board meeting on Tuesday and provided a full overview of the zoning changes and amendments. Ms. Butz stated that the HPCA was pleased that both the Staff and the Planning Commission were looking at adding vibrancy and activity to Main Street, and encouraging tourism. With regards to the Staff report, the Board was comfortable with the revision of uses prohibited within the storefront properties in both the HCB and the HRC. They were also comfortable with the modifications to the definitions. She pointed out that there is a new definition for private plaza and because it is only a definition and does not have regulations within it, they were also comfortable with that definition. However, their concern is with the addition of public or private plazas within the definition of both property storefront and storefront property. They are two different definitions. Ms. Butz noted that it begins to add the Town Lift and the interior of Summit Watch into the understanding that only retail and restaurant type uses are allowed. Office and other accessory uses would then be prohibited. Ms. Butz understood that those areas are lacking activity and that it is difficult to draw people in, but they feel that the success that is seen by allowing those spaces within the interior spaces to remain office allows for use of those spaces. Ms. Butz remarked that restricting the spaces to restaurant and retail use within those plazas will not add activity. She believed additional things such as public amenities need to be included, which will take time to draw that in. She suggested that they come back in five years and look at restricting the type of uses. However, at this time the HPCA does not support the proposed restriction of uses.

Ms. Butz stated that in regards to vertical zoning the Board continues to support the location of sales tax generating businesses and storefronts along the public streets. They would like to explore with the City the opportunities to support the location of offices on second floors because they believe it could add additional vibrancy to the area, particularly during the daytime. Ms. Butz stated that the Board would also like to look at how to promote nightly rentals in the District because bed base and hot beds can draw more people to the area.

Ms. Butz remarked that the Board supports discussion regarding Special Event space on the street. She noted that a number of buildings are only occupied during the Sundance

Film Festival and they would like to see if those spaces could be activated during additional times of the year.

Mike Sweeney stated that he was speaking on behalf of the landowners on Lower Main Street, which included the Caldonian, the Sweeney Property, the owner of the Summit Watch commercial space, and the owner of the Sky Lodge. Mr. Sweeney pointed out that it included everything on Lower Main Street except for the Lift Lodge, which has two commercial spaces; a snowboard/ski shop and the Victory Ranch Clubhouse. Mr. Sweeney echoed the HPCA. He had concerns about the definition of public and about his private plaza, particularly given the easements that have been granted to the City for public use of his property, and how that may impact his ability to have a certain type of tenant. Mr. Sweeney stated that in 17 years the plaza has been available to the Town Lift and he worries about the kinds of business that could go into that particular location. He has already seen five or six businesses struggle to make it work. Mr. Sweeney stated that when they went through this process in 2006, the City Council agreed to exclude any kind of limitation on types of tenants. He did not want that to suddenly change because it was part of the conditional use permits and MPDs for all of these locations on lower Main Street. Mr. Sweeney believed the City was trying to cure the problem that occurred at 205 Main; however, the people on lower Main Street are the ones who will be affected.

Eric Nelson believed that this discussion over the LMC was absolutely triggered by what happened at 205 Main Street. Mr. Nelson commended Planner Whetstone for her work on the ordinance. However, in his view, the ordinance is not the problem. The process is the problem. When a project like 205 Main Street is not reviewed by the Planning Commission and the City Council, and there is no opportunity for public input, it is a real problem. Mr. Nelson stated that he was assured by a few Council members that the issue would be addressed; and he sincerely hoped that was true, because it is a real problem when one person on a planning staff can make that decision. Mr. Nelson was certain that 205 Main Street would have been dead on arrival if it had gone through the public review process.

Regarding the ordinance, Mr. Nelson remarked that currently there are owners on Main Street who make more money renting their property during Sundance than they do renting to a tenant all year. He believed that was a serious problem that needed to be addressed in the new ordinance. Mr. Nelson stated that it was becoming a trend and they would see more of it if they did nothing about it. Mr. Nelson commented on the Silver King, which is an iconic location, and noted that nothing has been done on the building for six months. He thought the public had a right to know what was going on and what the City was doing to move it forward.

Vice-Chair Joyce closed the public hearing.

MOTION: Commissioner Phillips moved to CONTINUE the LMC Amendments for vertical zoning and uses in the HRC and HCB to August 26, 2015. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

2. 281 & 283 Deer Valley Drive – Bee Plat Amendment to combine Lot 4 and Lot 26 and combine Lot 2 and Lot 27 to create two (2) lots of record in Block 66, of the Amended Plat of Park City Survey (Application PL-15-02808)

Vice-Chair Joyce opened the public hearing. There were no comments. Vice-Chair Joyce closed the public hearing.

MOTION: Commissioner Band moved to CONTINUE 281 and 283 Deer Valley Drive Bee Plat Amendment to a date uncertain. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

3. Land Management Code Amendment regarding Nightly Rentals use in the HR-L Chapter 2.1 and green roof definition and application in HR-L Chapter 2.1, HR-1, Chapter 2.2, HR-2 Chapter 2.3, RC Chapter 2.16, and Definitions of Chapter 15. (Application PL-15-02817)

Vice-Chair Joyce opened the public hearing. There were no comments. Chair Joyce closed the public hearing.

MOTION: Commissioner Phillips moved to CONTINUE the LMC Code Amendments regarding Nightly Rentals in the HRL and the green roof definition and the definitions in Chapter 15 to September 23rd. Commissioner Worel seconded the motion.

VOTE: The motion passed unanimously.

4. 162 Ridge Avenue – Steep Slope Conditional Use Permit for a new single-family home on a vacant lot. (Application PL-15-02761)

Vice Chair Joyce opened the public hearing. There were no comments. Chair Joyce closed the public hearing.

MOTION: Commissioner Band moved to CONTINUE 162 Ridge Avenue Steep Slope Conditional Use permit to August 12th, 2015. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

Interim Planning Director Erickson stated that if the Commissioners had comments regarding the LMC Amendment they should send their comments to the Staff as soon as possible to be considered in drafting the amendments. He felt it was particularly important relative to the discussion regarding public and private plazas. Mr. Erickson stated that policy discussions will be important moving forward. Legislative discussion is the place to make the decisions so everything is already in place when they review conditional use permits.

Commissioner Band requested a site tour for the public plazas. Mr. Erickson stated that the Commissioners could visit the plazas on their own, or they could ask a Staff person to accompany them.

CONSENT AGENDA

1. 279 Daly Avenue – Steep Slope Conditional Use Permit for renovation of a landmark historic house and construction of a new addition. (Application PL-15-02766)
2. 533-537 Woodside Avenue Mountain Spirits Condominium plat replacing Hunter Villa Condominiums plat. (Application PL-15-02740)
3. 147 Grant Avenue – Thomas Replat – Plat Amendment to combine portions of Lots 21, 22, 23 & 24, Block 72, of the Millsite Reservation to Park City into one (1) lot of record. (Application PL-15-02633)
4. 950 Empire Avenue – 950 Empire Avenue Plat Amendment combining one and a half lots in order to remove the lot line under an existing non-historic home. (Application PL-15-02785)

Commissioner Worel noted that the City previously talked about making A-frame houses historic. Planner Alexander replied that the City Council decided against it.

Vice-Chair Joyce opened the public hearing for the Consent Agenda items.

There were no comments.

Vice-Chair Joyce closed the public hearing.

MOTION: Commissioner Phillips moved to APPROVE the Consent Agenda. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 279 Day Avenue

1. The property is located at 279 Daly Avenue.
2. The property is located within the Historic Residential (HR-1) District and meets the purpose of the zone.
3. The property is described as Lot A of the 279 Daly Avenue Plat Subdivision. The lot area is 8,346.73 square feet.
4. 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.
5. Access to the property is from Daly Avenue, a public street.
6. The neighborhood is characterized primarily by non-historic and historic residential structures, single family homes and duplexes.
7. The proposal consists of a total of 2,641 total square feet, including the garage.
8. The applicant is proposing a footprint of 1,812 square feet, about 69% of the total allowed footprint of 2,610 square feet.
9. The minimum side yard setback is 5 feet. The applicant is providing 6.5 feet on the north and 10.5 feet on the south side yard setbacks.
10. The proposed driveway has a maximum width of ten feet (10') and is approximately 84 feet in length from the garage to the existing edge of street. The driveway is located on the north side of the property. The garage door complies with the maximum height and width of nine feet by nine feet (9'x9').

11. The proposed driveway has an overall slope of 14% as measured from the front of the garage to the edge of the paved street.

12. An overall combined building footprint with the existing Landmark historic house and new addition of 1,812 square feet is proposed. The maximum allowed footprint for this lot is 2,610.9 square feet. The proposed structure complies with all setbacks of 5 feet side yards (14 feet total) and 12 feet front and rear yards (25 feet total). The historic house and new addition will have a 24 feet setback on the front (west), 20.95 feet setback on the rear (east), 6.5 feet (north) and 10.5 feet (south) side yard setbacks.

13. The proposed structure complies with the twenty-seven feet (27') maximum building height requirement measured from existing grade.

14. The proposed structure complies with the LMC required total building height of 35 feet from the lowest floor plane to the highest wall plate and is in compliance with the LMC required step back of 10 feet at the building height of 23 feet at the front façade of the existing historic home.

15. The applicant submitted a visual analysis, cross valley views and a streetscape showing a contextual analysis of visual impacts of this home on the cross canyon views and the Daly Avenue streetscape.

16. Retaining walls will be constructed on the north, east, and south elevations of the house. The retaining walls have been incorporated into the design of the house to blend into the walls of the new addition and the hillside. The tallest of these retaining walls is seven feet (7'), and the wall acts as both a retaining wall and railing for the patio area above the garage on the north side. The north wall of the garage is only four feet (4') above final grade. All of these retaining walls are located within the necessary side yard setbacks. There will be no free-standing retaining walls.

17. 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.

18. 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% or greater slope areas at the rear half of the property, which requires the Steep Slope CUP.

19. Much of the bulk of the new addition will be located on the steep slope.

Nevertheless, much of this bulk is buried below ground so that only the wall of the garage will be exposed. The building steps with the natural grade, creating outdoor patio areas. The long west-facing shed roof also helps diminish the overall mass of the structure. The addition will measure approximately 18.5 feet or less above existing grade as it rises above the steep wall of the canyon. The low form of the addition allows it to be largely shielded by the historic house when viewed from the public right-of-way. The proposed massing and architectural design components are compatible with both the volume and massing of other buildings in the area. No wall effect is created with adjacent structures due to stepping, articulation, and placement of the house on the lot.

20. 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, as are details such as foundation, roofing, materials, window and door openings, and single car garages.

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

22. The applicant submitted a visual analysis, cross canyon view, and streetscape showing a contextual analysis of visual impacts of the proposed structure on the adjacent streetscape.

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

24. The applicant stipulates to the conditions of approval.

25. The property is located in a FEMA Flood Zone A.

Conclusions of Law 279 Daly Avenue

1. The Steep Slope CUP application is consistent with the Park City General Plan.
2. 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.
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 – 279 Daly 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 for review and approval by the City Planning Department, prior to building permit issuance.
6. 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.
7. 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 issuance 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.
8. This approval will expire on July 22, 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.
9. Modified 13-D residential fire sprinklers are required for all new structures on the lot.
10. 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. Any new lighting shall be approved by the Planning

Department prior to installation.

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

12. 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 surroundings.

13. Any significant vegetation that needs to be removed shall be replaced in-kind or a multiple of trees of the same caliper shall be provided to match the diameter of the existing tree

Findings of Fact – 533-537 Woodside Avenue

1. The property is located at 533-537 Woodside Avenue.

2. The property is in the Historic Residential (HR-1) Zoning District.

3. There is an existing non-historic 3 unit building located on the property that is an on-going remodel of a non-historic 4-plex condominium building, known as Hunter Villa Condominiums.

4. Hunter Villa Condominiums record of survey plat was recorded at Summit County on February 14, 1983.

5. The property consists of three (3) standard “Old Town” lots and a total of 5,625 square feet of lot area. The underlying lots are Lots 8, 9, and 10, Block 28, of the Park City Survey.

6. On June 28, 1979, a CUP application was submitted for a four unit building on the subject property. According to the CUP application and subsequent building permit the building complied with the Land Management Code in effect at that time (June 1978) for height, setbacks, minimum lot size and minimum lot width, building coverage, and parking.

7. In the June 1978 Land Management Code, four-plex buildings required a CUP and required a minimum lot area of 5,625 square feet. Minimum side setbacks of five feet (5’), front setbacks of fifteen feet (15’) and rear setbacks of ten feet (10’) were required. Maximum building height was 28’ measured from the mid-point of the gable roof to natural grade. Minimum lot width of 75’ was required.

8. Construction of the building started in 1980 with a building permit (#213-80) approved by Park City Building Department on October 29, 1980.
9. On October 2, 1986, upon completion of construction of the four-plex, a Certificate of Occupancy was issued by the Park City Building Department.
10. According to documents on file at the Planning and Building Departments, the building complied with the LMC at the time of the CUP, the Building Permit application, and Certificate of Occupancy.
11. According to the existing conditions survey submitted with this application, the actual front setback of the existing foundation is 15.33' at the northeast corner and 14.74' at the southeast corner. The current LMC requires a front setback of ten feet (10') based on the lot depth of seventy-five feet (75').
12. According to the existing conditions survey the actual rear setback for the existing foundation is 14.43' at the northwest corner and 15.01' at the southwest corner. The current LMC requires a rear setback of ten feet (10') based on the lot depth of seventy-five feet (75').
13. According to the existing conditions survey, the actual side setbacks of the existing foundation range from 3.92' to 4.72' along the south property line and 4.77' to 5.58' along the north property line. The current LMC requires side setbacks of 5' minimum (18') based on the combined lot width of 75'.
14. The building was approved with a 28' building height to the midpoint of the gable roof in compliance with the LMC at the time of construction. Prior to the remodel and modification of the roof the highest ridgeline was noted on the recorded plat at USGS elevation of 7142.5. The current highest roofline, as depicted on the proposed plat is at USGS elevation of 7132.4. The overall height of the building was reduced by ten feet.
15. The remodel did not increase the degree of non-compliance with the LMC in effect at the time of construction in terms of building height. The building permit was issued prior to the latest LMC amendments to Section 15-2.2-5 that require horizontal stepping and maximum overall building height. The building is noncomplying with regards to the current LMC Section 15- 2.2-5 (building height) because it was constructed prior to adoption of the current language.
16. The remodel did not increase the building footprint from what was approved with

the original building permit. No maximum building footprint was required at the time of construction. According to the CUP the building was approved with a maximum building coverage of 3,250 sf. The existing building footprint, according to the current survey is 2,999 sf.

17. According to the current LMC, the maximum allowed building footprint for the property is 2,050 sf based on the lot size.

18. The existing building continues to be a non-complying building according to the current Land Management Code in terms of side setbacks, building height, and building footprint and lot size and non-conforming in terms of use.

19. The existing building provided eight parking spaces for four units in compliance with the LMC at the time of construction. The remodel reduced the parking to six parking spaces for three units in compliance with the current LMC.

20. The proposed condominium Record of Survey plat memorializes each dwelling unit within the multi-unit dwelling as a separate unit that can be leased or owned separately.

21. A condominium is not a type of use but a form or ownership.

22. The current lot is 5,625 square feet. In the HR-1 Zoning District the minimum lot size for a single family house is 1,875 square feet and the minimum lot size for a duplex is 3,750 square feet. At the time of construction the minimum lot size for both a tri-plex and a four-plex was 5,625 square feet. The building complied with the LMC in effect at the time of construction and is currently non-complying with the current LMC in terms of minimum lot size.

23. The current lot width is 75' and complies with the minimum lot width of 25 feet in the Historic Residential Zoning District.

24. The requested form of ownership is not detrimental to the overall character of the neighborhood.

25. This application allows the following units to be platted as private ownership:

- a. Unit A – 1,763.9 sf
- b. Unit B – 1,691.2 sf
- c. Unit C – 4,320.9 sf

26. Common space is platted for the parking garage, common rear stairs,

mechanical room, roof, foundation, exterior walls, etc.

27.Limited common spaces include the storage areas specific to individual units, entrance stairs and landing for specific units, balconies, patios, etc.

28.On September 20, 2011, an application for a Historic District Design Review for a remodel of the building was submitted to the Planning Department.

29.The Historic District Design Review was approved on September 4, 2012, and included removing the steep pitched roof/chimney elements, replacing the fifth floor with an open roof top garden and deck, replacing all exterior siding and insulation, re-designed fenestration and glazing, providing new garage door, relandscaping of the front and rear yard areas, removing the asphalt parking in the front yard and City ROW area, adding an elevator, modifying the interior unit spaces, and modifying the unit entrances and circulation areas.

30.Due to surveying methods there is a discrepancy between the new existing conditions survey and the recorded Hunter Villas plat in terms of foundation dimensions and setbacks. The proposed record of survey plat is based on a current survey of existing conditions and is not based on the Hunter Villas record of survey plat.

31.The number of units was reduced from four units to three units and parking within the garage was reduced from eight spaces to six spaces. The building requires five parking spaces and six spaces are provided in compliance with the current LMC Chapter 3 Off-Street Parking requirements.

32.A building permit for the remodel was issued on March 5, 2013. Construction is underway and the building permit is current.

33.All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law – 533-537 Woodside Avenue

1. The Condominium Plat is consistent with the Park City Land Management Code and applicable State law regarding condominium record of survey plats.
2. Neither the public nor any person will be materially injured by the proposed Condominium Plat.
3. Approval of the Condominium Plat, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

4. The Condominium plat does not create any new non-compliance with the HR-1 requirements and the building remains a legal non-conforming building as a triplex and a legal non-complying structure with regards to side setbacks, building height, and building footprint according to the Land Management Code in effect at the time of construction, Building Permit #213-80, and the Certificate of Occupancy issued on October 2nd, 1986.

Conditions of Approval – 533-537 Woodside Avenue

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 or submit a written request for an extension, prior to expiration.
3. Prior to recordation of the proposed Mountain Spirits Condominiums record of survey plat, to replace the existing Hunter Villa Condominiums record of survey plat, the Planning and Building Departments shall verify that the structure complies with the current Building code and all required public improvements and landscaping are complete, or a financial security for completion of all requirements is in place.
4. The Hunter Villa Condominiums record of survey plat shall be retired prior to recordation of the Mountain Spirits Condominiums record of survey plat.
5. A ten foot (10') public snow storage easement across the lot frontage along Woodside Avenue shall be shown on the plat.
6. All recorded easements of record for utilities, access, encroachments, etc. associated with the property shall be noted on the plat.

Findings of Fact -147 Grant Avenue

1. The property is located at 147 Grant Avenue.
2. The property is in the Historic Residential-2 District.
3. The subject property consists of a portion of Lots 21, 22, 23, and 24, Block 72, Millisite Reservation to Park City Plat.

4. The site is currently vacant.
5. The proposed plat amendment creates one (1) lot of record from the existing lot portions consisting of 3,634 square feet.
6. A single-family dwelling is an allowed use in the Historic Residential-2 District.
7. The minimum lot area for a single-family dwelling is 1,875 square feet.
8. The proposed lot meets the minimum lot area for a single-family dwelling.
9. A duplex dwelling is a conditional use in the Historic Residential-2 District.
10. The minimum lot area for a duplex dwelling is 3,750 square feet.
11. The proposed lot does not meet the minimum lot area requirements for a duplex dwelling.
12. The minimum lot width allowed in the Historic Residential-2 District is twenty-five feet (25'), measured fifteen feet (15') back from the front lot line.
13. The proposed lot is approximately forty five feet (45') wide measured fifteen feet (15') back from the front lot line.
14. The proposed lot meets the minimum lot width requirement.
15. The maximum building footprint for a lot this size, 3,634 square feet, is 1,481.4 square feet.
16. The legal description as indicated on the survey, title report, and proposed plat, has specific language tied to two (2) fence lines.
17. In order to ensure appropriate property boundaries, Staff has been advised by the City Engineer to add a Condition of Approval that would have a Utah licensed surveyor address and resolve any possible discrepancies.
18. The site is located adjacent to City stairs to the North.
19. As indicated on the certified survey, these City stairs are not on the subject site.

20. The site is located within the Park City Landscaping and Maintenance of Soil Cover Ordinance, and is required to meet to Soils Ordinance capping requirements.

21. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law – 147 Grant Avenue

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 – 147 Grant Avenue

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 foot (10') wide public snow storage easement will be required along the front of the property.
4. The Applicant shall submit appropriate documentation prepared by a Utah licensed Surveyor regarding property boundary to ensure that no discrepancies exist on the proposed Plat Amendment. The documentation may include reconciling quit claim deeds, warranty deeds, adjacent recorded Plat Amendments, etc. The 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.

Findings of Fact – 950 Empire Avenue

1. The plat amendment is located at 950 Empire Avenue within the Historic Residential (HR-1) District.
2. The 950 Empire Avenue plat amendment consists of Lots 21 & northerly $\frac{1}{2}$ remnant lot of 22 of Block 15 of the Snyder's Addition to the Park City Survey.
3. On May 22, 2015, the applicants submitted an application for a plat amendment to combine one and a half (1.5) lots containing a total of 2,812.5 square feet into one (1) lot of record.
4. The application was deemed complete on May 22, 2015.
5. The lots at 950 Empire Avenue currently contain an existing A-frame single family home.
6. The HR-1 zone requires a minimum lot area of 1,875 square feet for a single family dwelling.
7. The maximum footprint allowed in the HR-1 zone is 1,201 square feet for the proposed lot based on the lot area of the lot.
8. The existing side yard setbacks to the north are 3.75 feet and 4.38 feet to the south which complies with the LMC.
9. The front yard setback is 30.63 feet which complies with the LMC but the rear yard setback is only 6.25 feet which makes this structure legal, non-conforming.
10. The plat amendment secures public snow storage easements of ten (10') feet across the frontage of the lot.

Conclusions of Law – 950 Empire Avenue

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 – 950 Empire Avenue

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 amendment.
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 amendment 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 amendment and completion and approval of a final Historic District Design Review (HDDR) and Steep Slope CUP, if required, applications are required prior to building permit issuance for any construction on the proposed lot.
4. 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.
5. All new construction shall meet the site and lot requirements in the Land Management Code current at the time of building permit application.
6. A ten foot (10') wide public snow storage easement is required along the frontage of the lots with Lowell Avenue and shall be shown on the plat amendment.
7. Snowshed agreements from each neighbor are required prior to building permit approval.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. **Alice Claim south of intersection of King Road and Ridge Avenue – Alice Claim Subdivision and Plat Amendment.** (Application PL-08-00371)
2. **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 Christy Alexander requested that the Planning Commission discuss the two Alice Claim items and open the public hearing on both items together. However, a separate action should be taken for each item.

Planner Alexander reported that the Planning Commission last heard this item on July 8th, at which time it was continued from the June 10th meeting where there were discussions regarding the subdivision and plat amendment and the CUP for retaining walls. On June 10th the applicant had requested time to submit a response to the comments and concerns expressed that evening. Planner Alexander stated that the applicant did not submit materials for the July 8th meeting. However, they submitted a letter on June 30th requesting a continuance from July 8th to this meeting on July 22nd. Planner Alexander stated that the applicant was granted the continuance with a deadline of July 13th to submit their responses to the Staff for this meeting. The applicant had met the July 13th deadline. Those were included in the Staff report as Exhibits B and C.

Planner Alexander recommended that the Planning Commission conduct a public hearing on the two items, and discuss the applicant's response, as well as the Staff analysis. She recalled from the June 10th meeting that some of the Commissioners decided to hold their comments until after hearing the applicant's response. She requested that the Commissioners provide all of their comments for the record this evening and direct the Staff to make findings for either approval or denial or both. Planner Alexander recommended that the Planning Commission continue the item to August 12th to allow time for the Staff to prepare the findings as directed for action at the next meeting.

Planner Alexander referred to the analysis section and noted that she had provided the definition of good cause from the LMC, and what the Planning Commission should consider when finding good cause: 1) does it meet or address the issues related to density; 2) does it preserve the character of the neighbor or resolve existing issues; 3) does it promote excellent design and utilize best planning practices. Planner Alexander stated that her analysis also discussed clustering, home size and compatibility with the HR-1 Zone. She had also prepared new tables and did some analysis from the County Assessor's website, as well as from the City GIS data. The table shows the average lot sizes, the average total building sizes, and average footprint sizes for Daly Avenue, King Road, Sampson Avenue, Ridge Avenue, as well as the HR-1, HR-L and Estate zones overall; and compares them with the Alice Claim proposal for the HR-1 lots. Planner Alexander noted that the comparison shows that the Alice Claim lots are much larger than the average lot sizes on the roads and in the zones mentioned. In addition, the total building size is much larger than the average building sizes, and the footprint is much larger as well.

Based upon further analysis, the Staff did not find compatibility. Planner Alexander stated that the Planning Commission could discuss the compatibility issue and make findings. If the Commissioners decided to forward a positive recommendation, she recommended that they place conditions to lower the lot size, building size, and footprint size.

Planner Alexander stated that the Staff report clarified some of the questions previously raised by the Planning Commission as to why it was zoned HR-1 instead of HR-L. The Staff report also outlined some of the subdivision procedures, as well as safety of the roads and access.

Planner Alexander noted that on June 10th the applicant had stated that additional time was needed to negotiate the access point and they would come back with an update. She pointed out that the access negotiation was not listed in the response letter. In discussing it with the applicant she was told that they were still in negotiations and that it may not go through for a few months.

Planner Alexander stated that the Staff report also clarified other items from the applicant's response letter regarding the retaining walls, concerns with the conditions of approval, and sensitive lands overlay.

Planner Alexander stated that the applicant had a presentation for the Planning Commission and that both the Staff and the applicant were prepared to answer questions.

Brad Cahoon, legal counsel representing the applicant, provided handouts to the Commissioners and had prepared a power point presentation. Assistant City Attorney McLean requested that Mr. Cahoon provide the Planning Department with a copy of his power point presentation in addition to the handouts.

Mr. Cahoon commented on the recommendation from Staff to conduct a public hearing this evening. He noted that page 209 of the Staff report confirms in the minutes that Chair Strachan closed the public hearing. Mr. Cahoon explained that it was difficult to respond when there is a continuing supply of comments. He remarked that the typical approach is for the applicant to present and then for the public and Staff to respond. The applicant is then given the opportunity to rebut the comments. When there is a continuing supply of comments there is no end to the discussion. Mr. Cahoon was not opposed if the Commissioners chose to move forward with a public hearing this evening, but he requested that the Planning Commission decide at which point they should bring it up for a vote.

Mr. Cahoon addressed the conditional use permit application for the entry wall. He presented photographs of several walls throughout the City that range from 30 to 50 feet high in some places. Many have attractive stone and are screened and landscaped.

However, many of the walls, including recent walls, are unsightly and out of character with Old Town and Park City. Mr. Cahoon explained that showing the walls was in response to comments on June 10th regarding their proposed wall and comparing it to existing walls around the City.

Mr. Cahoon stated that the main idea of this application is to have the walls be partially hidden through mitigation, design, stone veneer and landscaping. He noted that the June 10th Staff report recommended approval of the walls with minor adjustments for landscaping. Mr. Cahoon stated that both the LMC and the State Code require that the Planning Commission approve a conditional use permit when reasonable conditions in accordance with the Code mitigate anticipated detrimental effects from the walls. He believed the applicant had satisfied that requirement, particularly given the walls that were already approved and in place. The applicant was proposing a less intrusive wall that was more in keeping with the character of Old Town, and consistent with the walls they had previously built.

Mr. Cahoon addressed the subdivision application. Mr. Cahoon stated that the Staff report, under the section addressing the Sensitive Land Ordinance, mentions an official zoning map from 2005. For the record, he indicated that the applicant had requested a copy of that zoning map but they had not received it. The only map they were aware of that was in effect at the time of the application was the map that was provided with their materials. Mr. Cahoon noted that the applicant was accused of not submitting a Sensitive Lands analysis; however, that was not the case. It was submitted and the Staff has confirmed their compliance with that requirement. Mr. Cahoon pointed out that HR-1 zoning does not required SLO at all. It only applies to the Estate lot; however, for their Estate Lot it is considered an allowed use for this particular home. He also noted that the Estate lot home was moved down from the hill. Mr. Cahoon remarked that there was a legal contention that they were not subject to Sensitive Lands given the timing of the application and the map that was in effect that did not impose an SLO District over this property at that time. Mr. Cahoon wanted it clear that they had submitted the Sensitive Lands analysis and satisfied the requirements.

Mr. Cahoon referred to page 204 of the Staff report and the discussion regarding limit of disturbance, and the suggestion to limit the LOD to half the size of the lots or to the footprint of the homes. He found that suggestion to be unreasonable and unrealistic; and he did not believe that has been imposed on other developers. Mr. Cahoon stated that vegetation would be disturbed beyond the edge of the homes during construction and that could not be avoided. In considering patios, decks, driveways and walkways, Mr. Cahoon did not believe it was a realistic requirement.

Jerry Fiat, representing the applicant, commented on a current development on Ridge Avenue. He stated that typically in Old Town the lots are relatively small and the disturbance is typically lot line to lot line. By the time they complete the excavation and dig for walkways, stairways, etc., there is no way to limit it to footprint size. It would be impossible to build. Mr. Cahoon requested that the limit of disturbance remain as set forth on the proposed plat.

Mr. Cahoon referred to page 203 of the Staff report and noted that the first paragraph references a statement from the City Engineer that a couple of dump trucks in the past have fallen over on the roads as they came down King Road turning left on to Lower King Road below Ridge Avenue; and that it concerned him. Mr. Cahoon wanted it clear that the City Engineer's actual statement was that they had a couple of dump trucks tip over at that intersection as they go from King and then come down and take that corner. He pointed out that it was actually looking at the whole intersection and trying to make it better. He thought the key language was, "...and right now there are not any fatal flaws." Mr. Cahoon stated that the City Engineer goes on to state, "I don't see any fatal flaws in any of the alternatives right now. They will all work". Mr. Cahoon asked Mr. Fiat to address the truck tipping since he had personal knowledge of the incident.

Mr. Fiat stated that it was only one truck and it was not a dump truck. It was a semi-trailer that was overloaded with dirt. Mr. Fiat pointed out that careless driving cannot be stopped and it can happen anywhere. The driver clipped the corner, got stuck, tried to move himself out and in the process he dumped his load. Mr. Fiat clarified that they were cleaning the Alice Lode at that time and over a thousand trucks came out of Alice Lode without a single complaint or problem. He believed the incident with the semi-trailer resulted from a lack of common sense, and fortunately no one was hurt.

Mr. Cahoon remarked that Tom Gadek had submitted public comment and in his comment he treats Ridge Avenue as the only egress for this project. Mr. Cahoon stated that Mr. Gadek was incorrect. He noted that the first paragraph on page 203 of the Staff report states that "As proposed, Ridge Avenue would be the only exit to the subdivision". He believed that should be corrected to insert the word "not", to read, "As proposed, Ridge Avenue would not be the only exit to the subdivision". Mr. Cahoon remarked that Ridge Avenue was not planned as an exit for the subdivision. There is a stop for the trail but that is all. He noted that both King Road and Sampson were both egress options for this development. They have never been required to connect to Ridge Avenue.

Planner Alexander referred to the sentence Mr. Cahoon had read and thought it should say that Alice Court would be the only exit. Mr. Cahoon clarified that instead of Ridge Avenue, the sentence should state that Alice Court would be the only exit. Planner Alexander answered yes.

Mr. Cahoon stated that page 202 of the Staff report identifies the issue of HR-1 zoning and why it was not zoned HRL. However, he did not believe the Staff report attempts to answer that question. He thought it was important to note because Alice Claim HR-1 is floating within an area of much lower density and much more organically organized homes that respond more to the topography than it does to a grid layout. Whether it was a mistake or an oversight, he thought it should be taken into account when reviewing this application, particularly in terms of compatibility with the neighborhood and how that plays out.

Regarding compatibility, Mr. Cahoon addressed some of the points in the Analysis on page 199 of the Staff report. The first was compatibility. Mr. Cahoon stated that in the record there is data that 30 Sampson was recently approved for 5,013 gross square feet. It was identified as Exhibit D in the materials submitted by the applicant. Mr. Cahoon remarked that data on 50 Sampson also shows a gross square footage of 5,000 square feet. He noted that these home sizes have already been determined to be compatible with the neighborhood. He believes it confirms that the house size proposed in their project is compatible with the surrounding neighborhood.

Mr. Cahoon stated that the general purpose of HR-1 is to encourage building of homes that contribute to and maintain the Old Town neighborhood. There is no definition of "preserving the character of the neighborhood" or "preserving the character of Park City". These are standards, and as written they are subjective and not mandatory. Mr. Cahoon thought it was difficult to define "neighborhood" other than by looking at what is already built or approved. He encouraged the Planning Commission to consider compatibility in that realm rather than just saying that the neighborhood is HR-1. Mr. Cahoon remarked that the nearest HR-1 neighborhood is Daly Avenue, which cannot be seen because it is blocked by the hill. What appears to be the neighborhood surrounding their project are the areas identified on Exhibit D.

Mr. Cahoon remarked that Park City is a variety of building shapes, looks, locations and sizes that constitute the look and feel of Park City. He believed their nine lot plan meets all of the objective criteria and that should be the focus. Alice Claim was a historic mining site and there are no historic structures to preserve. Homes at 123 and 135 Ridge Avenue are non-historic modern houses. Mr. Cahoon stated that another purpose of the HR-1 zone set out in the Code is to encourage single-family development on combinations of 25' x 75' historic lots. The pattern of development and the lot combinations that have already taken place have led to a reduction in density and larger homes, which is the standard purpose for HR-1.

Mr. Cahoon presented a slide that reflected the lot combinations and the expanded size from the 25' x 75' grid to the expanded lot sizes. He believed the three and four lot combinations were consistent with their proposal.

Mr. Cahoon noted that page 200 of the Staff report provided new data regarding lot, building and footprint sizes. However, he believed there were flaws in the data and it was important for the Commissioners to understand their position because the data was being used against them to support incompatibility. Mr. Cahoon referred to page 201 of the Staff report and the top three rows of the table, and pointed out that the footprint size was shown to be larger than the building size. He could not understand how that was possible. Mr. Cahoon stated that the assessor records do not always include the non-livable space in the calculation such as mechanical, garage, basement space, etc. He asked Mr. Fiat to provide comments based on his experience.

Mr. Fiat asked to go back to an earlier point regarding the homes on Sampson Avenue. It was stated that 50 Sampson Avenue was 5,000 square feet, and Mr. Fiat thought that was incorrect. He explained that 50 Sampson is the same subdivision as 30 Sampson and 40 Sampson, and the current approval on 30 Sampson is for a 5,000 square foot house. Mr. Fiat clarified that they did not know the actual size of the house built on 30 Sampson. The plat restriction limits it to 3,000 square feet of living space, and 50 Sampson has the same plat restriction. Mr. Fiat clarified that 30, 40 and 50 Sampson have the same plat restriction. He pointed out that 30 Sampson is 5,000 square feet, which means that there is 3,000 square feet of living space and 2,000 square feet of non-living space. Mr. Fiat had done a GRAMA request with the City and actually measured the plans for 50 Sampson. The actual correct square footage was shown on the Exhibits. Mr. Fiat emphasized that it was not 5,000 square feet.

Mr. Cahoon understood that the 5,000 square feet which was noted in Exhibit D for 50 Sampson was based on Mr. Fiat's estimate. Mr. Fiat replied that it was more of a statement. He explained that they were looking at a subdivision and what it allows them to build on their land. He clarified that they were not talking about the actual houses because the houses would have to go through a CUP and specific restrictions would apply. He believed the most apples to apples comparison is what can be built on the lot. Mr. Fiat clarified that he did not know the actual square footage for 50 Sampson when he made his statement, but after measuring the plans the actual dimension is 4,386 gross square feet. Mr. Cahoon stated that Exhibit D would be adjusted to reflect the correct square footage.

Mr. Cahoon stated that when they looked at the chart and the averages and noticed the discrepancy on the second page of the chart where the average footprint was larger than the building square footage, it caused them to question the data. He provided a handout of a slide showing the assessors total building size versus the actual building size for 50 and

60 Sampson, 147 Ridge, and 325 Daly. Mr. Cahoon asked Mr. Fiat to talk about his background on 325 Daly Avenue.

Mr. Fiat stated that in the past he was considering buying 325 Daly. At that time, both the City and County records showed 325 Daly as being 2,792 square feet; however, it was marketed as being 4,970+ livable, usable square feet. Mr. Fiat questioned the numbers and he had an appraiser measure the structure. The house measured more than 5,000 square feet. Mr. noted that the City and County number reflected the livable/usable square footage and not the gross building size. Mr. Fiat remarked that in all cases the sizes of the homes shown were significantly different than what actually exists.

Mr. Fiat reviewed copies of the County Assessor measurements, as well as a copy of the MLS listing they were referencing. He pointed out that the applicant was proposing a 5,000 square foot gross building square footage of the homes. However, the City made them commit that they would include all of the non-livable area inside of that 5,000 square feet, including the garage, basement and mechanical space. Mr. Cahoon stated that prior to the meeting he confirmed with Planner Alexander that the numbers she had listed was the living area from the Assessor's information. Her data did not include the basement area or the attached built-in garage area. Mr. Cahoon thought that was an important fact, because when all of those areas are included it shows that what they are proposing is compatible with the surrounding structures. It is even compatible with Daly Avenue, which they do not consider a comparison neighborhood.

Mr. Cahoon presented data regarding eight homes on Sampson Avenue. It showed the actual lots size, the maximum allowed footprint, and actual footprint, the actual gross building size, and the allowable building size per Code. Mr. Fiat explained that one of the reasons that the actual footprint size was missing in some cases was because some of the homes date back to when the City used an FAR rather than footprint. Therefore, the footprint was never identified or listed. Mr. Fiat noted that the current Code only talks about footprint. He remarked that a general rule of thumb is that it is somewhere between 2.5 to 2.75 of the footprint. He clarified that they used a 2.5 multiplier to calculate what they could put on the lot based on the existing Code and the allowable footprint.

Mr. Cahoon referred to the table on page 200 of the Staff report and noted that the average total building size for Sampson Avenue was shown as 1805 square feet. He believed that number only included the livable space in the calculation and not the entire size of the home which includes the non-livable area. Mr. Cahoon reiterated that the data was flawed and could not be used in generating a compatibility analysis.

Mr. Fiat thought it was physically impossible to get an 1800 square foot calculation out of what actually exists on Sampson. He pointed out that 115 Sampson was technically a

vacant lot. He estimated the homes at 121 Sampson and 99 Sampson to be approximately 2,500 square feet each. Mr. Fiat stated that if the numbers were averaged out and the basement and garage square footage were removed from the calculation, he thought it would still be over 3,000 square feet. He agreed that the numbers were flawed and they were not even close to the true numbers. Mr. Fiat explained that they used Sampson in their examples because Sampson represented a limited number of homes. One architect had designed four of the homes and it was easy to obtain the data.

Mr. Cahoon asked Mr. Fiat to compare the 5,000 square foot homes he was proposing. Mr. Fiat stated that it would be reasonable to expect that the actual living space is between 3,500 and 4,000 square feet. Mr. Fiat pointed out that the assessor does not count basements in the square footage, even though most basements are livable space. He felt that supported his reason for wanting to introduce a gross square foot number. Mr. Fiat stated that the intent is to create houses that have more articulation and better living areas that attract families. Using a gross square foot number would eliminate the argument of how to measure and what should be included. Gross is a multiplier and it would be a consistent measurement for everyone.

Mr. Cahoon noted that the past Staff reports addressed density; however, it was not addressed in the current Staff report. He stated that the maximum permitted density in HR-1 is 41 lots. Combined with the entire 8.2 acres, the entire maximum permitted density would be 56 lots. He pointed out that this applicant was proposing 8 lots in the HR-1 zone and one lot in the Estate Zone, which results in an 84% density reduction.

Mr. Fiat referred to the Code section that addresses lot combinations. He pointed out that all of Old Town was platted as 25' x 75' lots except for the Alice Lode. In his opinion, the intent of the Code was not to repeat the grid pattern of 25' x 75'. He believed the intent of the Code was to combine the lots to reduce density for the limited infrastructure that exists in town. From a design point of view, Mr. Fiat believed this proposal was a better design and transition into the open zone than towering it down in the gully. He noted that the homes would be subject to a conditional use permit and specific changes could be made during that process.

Mr. Fiat stated that the homes that were built as three and four stories on smaller footprints end up breaking up the bedrooms and sometimes living space on multiple levels. These homes by design are not always a good fit for families or elderly people or people with disabilities. Mr. Fiat remarked that the goal is to build sensible homes to attract full-time residents who live in Park City year around; yet they do not design structures for that purpose. Mr. Fiat pointed out that the single family home on the Estate lot is a permitted use and does not require an SLO submittal, even if it was in the SLO District.

Mr. Cahoon addressed good cause, since he did not have the opportunity to address it at the June 10th meeting. He stated that there was a requirement for finding of good cause; however, they have a legal argument that it is inconsistent with the State Code. His understanding of good cause is that they only have to satisfy the requirements of the subdivision ordinance and have it supported by substantial evidence. In this case, if they are required to demonstrate good cause, he believed there was significant evidence to support good cause. Mr. Cahoon noted that the general statement is, "Providing positive benefits and mitigating impacts". The Code then lists examples. He stated that materials in the Staff report and materials submitted by the applicant attempt to address good cause.

Mr. Cahoon emphasized that you cannot separate what happened with the Alice Lode property regarding the cleanup and the fact that it was a barren, polluted wasteland that the City did not want as open space but wanted it cleaned up. Now that it has been cleaned up and it is ready for residential use, the public suddenly cares about it. He felt that was an important consideration, as well as all of the facts leading up to the cleanup and all of the history.

Mr. Fiat stated that he knew about the Alice Lode and he lived nearby on Norfolk. The City owns the gully, which was the most contaminated portion of the land. The rest of the land has some contamination but it was a lower level contamination. Mr. Fiat noted that the City had applied for a Brownsfield grant and it was on the EPA radar. If it was not cleaned up the EPA would step in, but there was no funding for the cleanup. Mr. Fiat stated that it was the most visually polluted site in Park City. Mr. Fiat noted that he had not yet purchased the property, but he went to the City and asked if they could develop it if they cleaned it up. After several discussions with the City, he believed that they had a working plan. They anticipated minor changes and understood that it needed to go through the Planning Commission and the City Council. Mr. Fiat explained that they ran into a deadline because of the access. They were asked to try and get the existing access working, but being unable to reach a deal with the property owner put them against a deadline.

Mr. Fiat stated that most of the waste that left the property was from the City property in the gully. The deal that was made regarding Richardson Flat was arranged by the City before the land was purchased. Richardson Flat was closing, and if it closed the Alice Lode would be capped and left as a contaminated site. Mr. Fiat remarked that the cleanup of the Alice Lode not only cleaned up the visual blight and took out the contamination; but it helped the water quality problem and it helped the City with the EPA and potential grants. If they had waited to come before the Planning Commission before doing the cleanup, Richardson Flat would have been closed.

Mr. Cahoon presented before and after pictures of the cleanup.

Mr. Cahoon summarized that the cleanup was tied to the nine lot subdivision. The City entered into a Memorandum of Agreement to provide for the disposal of the contaminated soils at Richardson Flat. The City entered into a voluntary agreement with the developer, and the cleanup plan was attached as part of the plan. Mr. Cahoon stated that after going through initial reviews with the Planning Department and Building Department, this plan was ultimately used as a guide for the cleanup. Mr. Cahoon noted that there needed to be a plan for the future use, and since the property was zoned residential it was cleaned to a residential level to provide for the contemplated development.

Mr. Fiat noted that the cleanup efforts forced United Park City Mines to clean upstream. The Silver King was cleaned and UPCM rebuilt the stream above the Alice Lode. He pointed out that their cleanup efforts started a chain reaction that would never have happened otherwise. United Park City Mines would not want the risk of re-contaminating the land once the Alice Lode was cleaned up. Therefore, it ended up being a full upstream cleanup.

Mr. Cahoon presented the proposed plat that was the same version from May, which reflected the nine lot configuration that resulted from the cleanup.

Mr. Cahoon summarized key items that he believed supported a finding of good cause. He noted that the mine shaft located near the trail was filled in and the trail was moved. Other items included matching the cleanup to the zoning, the City's land being the most contaminated, the revegetation, the improvements to the water shed downstream, the reduction in density, a 73% commitment for open space that would be covered by a conservation easement, and hiking and biking trail easements. Mr. Cahoon disputed the assertions made at the last meeting about prescriptive right because permission has always been given for using the trails. He pointed out that putting them on the plat and dedicating the easements would resolve the question and show that it is a public benefit. Mr. Cahoon mentioned the donation of land as part of the plat amendment, the improved access, relocation of the water line wholly within the City's property, and the road connection.

Mr. Cahoon stated that in their materials the applicant provided a summary of the different work sessions this plan has gone through, as well as multiple iterations and fine tuning responses to multiple comments. He noted that the more recent public hearings have led to additional responses, such as moving two of the lots further down into the current configuration. They have submitted multiple studies and have multiple experts dealing with the City's experts on engineering, building, water, fire, sewer, etc.

Mr. Cahoon did not believe there were any outstanding material issues that would prevent an approval of this subdivision plat. He did not believe it made sense to treat this as if they were going to record a plat right now and go through the effort and expense of designing the sewer and other things at this stage in the process. He vigorously opposed any notion that the applicant needed to do all of that at this stage in the process. The focus should be on the design, factoring in the good cause he outlined, and understanding that they have used Best Planning and Design Practices. He thought DHM had done a phenomenal job in designing this subdivision around saving major vegetation, avoiding sensitive areas and providing vast open spaces and trails. Mr. Cahoon believed this plan preserves the character of the neighborhood. It is compatible and they have the evidence to support it.

Mr. Cahoon requested that the Planning Commission approve the CUP application for the entry wall. He also requested positive recommendations to the City Council on the subdivision and plat amendment applications. As requested, they needed the 10' setback adjustment for the Estate lot. He was comfortable with the preference for the historic access, and they were still in good faith negotiations with the property owner. Mr. Cahoon believed they were getting closer to reaching an agreement. Negotiations have been difficult but he felt it was still possible.

Mr. Cahoon commented on the need to move forward and he requested a vote by the Planning Commission that is supported by the evidence that was provided in the record.

Mr. Fiat stated that before they did the cleanup they were told that they would receive a permit for grading the roads. However, when they started the cleanup and went to pick up the permit, they were told that a permit was not needed and they could proceed without it. Mr. Fiat noted that throughout the process they have done studies for water, sewer, fire, etc.; and a significant amount of money has been spent on other requests for details. He thought it was clear that the subdivision would be approved with conditions and they would not be spending the money if they did not believe they could meet those conditions.

Mr. Fiat used the water model as an example. He noted that the City had them jump hoops to prove that the water would work. They did a water model and proved that it would work. They then lowered the houses further down because that seemed to be what everyone wanted. However, once they lowered the houses they were told that they needed to have a water model. Mr. Fiat pointed out that lowering the houses meant the water model would work better. Mr. Fiat remarked that they agreed to a condition that they would make it work, and he was beginning to feel it was bad faith because they are continually being asked to do the same things over or for things that were not asked of other developers. He felt they were being held to a different standard.

Mr. Cahoon commented on the unsigned statement that was submitted by the City Attorney's Office regarding the former Chief Building Official, Ron Ivie's, statements in response to Jerry Fiat's affidavit. Mr. Cahoon reiterated that it was prepared by Counsel but it was not signed. He pointed out that throughout the statement, it is repeated that the Planning Commission and City Council would still have to approve the subdivision. Mr. Cahoon emphasized that those statements in no way detract from the reasonableness of the reliance on what was said. Mr. Cahoon explained that Counsel only stated what the law requires. The City Council ultimately approves the plat. The applicant never took the statements to mean that there was no chance that the nine lot development could ever be approved. That was never said. And in his statement, Mr. Ivie had no objections to the plan. He pointed out that Mr. Ivie was tied to what was happening both before the applicant purchased the property, and then after the purchase and leading up to the cleanup. When the Planning Commission ordered the cleanup and the work to stop, Mr. Ivie disagreed with the Commission and said the work needed to proceed. Based on Mr. Ivie's statements the applicant finished the cleanup.

Mr. Cahoon stated that there were also written documents such as the Memorandum of Understanding and the joint cleanup plan that had the nine lot subdivision attached that went beyond verbal statements. He noted that the City Manager had signed the agreement to participate on the cleanup. Mr. Cahoon stated that in light of the cleanup of Alice Claim, their reliance on numerous representations, and the joint agreement with the City, it was unfair to deny the applicant this nine lot subdivision. In addition, they have demonstrated that they meet all of the objective requirements for a subdivision approval.

Planner Alexander noted that the City Engineer was present to answer questions.

Commissioner Worel asked City Engineer, Matt Cassel, to clarify his opinion regarding the roads. Mr. Cassel stated that in considering the location of the driveway access the applicant was asked to look at improving the intersection. He recalled his previous statement about trucks tipping over and that Mr. Fiat had further detailed once of the instances. Mr. Cassel explained that when he said there are no fatal flaws, it means that for all intense and purpose the intersection works right now. He stated that the goal has always been to try and improve the intersection. If this development moves forward and there is a possibility to make the intersection better, they need to do it. Mr. Cassel remarked that the developer has land on both sides of the road and they have been asked to look at any possible opportunity for improvement. Mr. Cassel noted that the intersection functions in its current condition. Even though it is not the best, there is nothing to indicate that there is a fatal flaw. The intersection does not work to the level he would like it to, but it works. The goal is to mitigate it as best as possible.

Vice-Chair Joyce stated when the Planning Commission looks at a subdivision approval they need to evaluate the safety issues. People continually talk about the road system up there being substandard. When Mr. Cassel previously talked about trucks rolling over, Vice-Chair Joyce took that to mean that there were already safety issues. His concern from a safety standpoint is making a new entry on to the road and basically making it more complex. Vice-Chair Joyce stated that the Planning Commission has an obligation from a safety aspect not to exacerbate a problem. If it was already at a low level with significant issues, he was concerned about adding traffic to that flow. Vice-Chair Joyce did not believe the Commissioners had voiced a concern about traffic from the standpoint of quantity, other than during construction. He felt the issue was more about having very narrow roads all come together.

Mr. Cassel stated that there are two parts to traffic. One is the construction traffic, which is controlled by the construction mitigation plan. The second part is the permanent traffic being created by development. Mr. Cassel noted that as part of the evaluation of the intersection, the developers had Fehr and Peers look at the impacts of the additional traffic from the development. It took it from Level Service A to Level Service A, which reflects an inconsequential difference to the traffic. Mr. Cassel stated that he wasn't looking at that specifically. As they look at putting an additional drive in this "funky" intersection, they need to make sure that the sightlines and the ability to see other traffic coming is as clear as possible. The sightlines on the King Road are not great and if it can be improved they would like to do so. In addition, as the applicant puts their drive and access into that intersection, they need to make sure their sightlines are clear and meet the Code to avoid creating new safety hazards or lowering the level of safety of the intersection.

Vice-Chair Joyce asked if Mr. Cassel was confident that it was achievable. In looking at the two alternatives for access to the development, Mr. Cassel thought they could keep the impacts to a negligible amount, particularly for sight distances and the ability to see uphill and downhill traffic. He would make sure that the driveways would not impact the ability of that intersection to work. Mr. Cassel pointed out that he was looking even deeper by asking the applicant to explore the possibility of improving the intersection as a whole and not just for their driveways.

Mr. Fiat clarified that they own the land in that location, as well as both sides of the road. They intend to deed that land to the City so the road could be significantly improved. He believed that one of the advantages of the non-preferred access is that they could widen the view corridor and the turning radius. Mr. Fiat remarked that the issue of the intersection was primarily the construction traffic going up to the Resort Center; and not the residential traffic on Sampson.

Commissioner Band referred to LMC 15-7.1(5)(d) Site Plan, which states that the Planning Commission shall study the preliminary plat, the report by Staff, and take into consideration the requirements of the LMC, master plan, sensitive lands, width of streets, etc. She asked how the Planning Commission could approve this application when they were still working on improvements. She did not have a sense that Mr. Cassel was confident about the intersection, but it could work and he was hoping to make it better. Commissioner Band stated that if the Commissioners were not looking at the actual improvements, she questioned whether they were looking at the preliminary plat approval properly.

Assistant City Attorney McLean remarked that it goes to the City Engineer's analysis of the intersection and what he means by making it better. Mr. Cassel replied that improving sightlines would make it better. Ms. McLean asked if the intersection would change. Mr. Cassel stated that it was addressed as part of the conditions. He explained that he appeared to be "wishy-washy" because currently there were two different accesses on the table and the applicant needed to decide where the access would be. One access is where they can continue down the road and the other is still in negotiations. Mr. Cassel stated that the access needed to be finalized before he could finish his evaluation.

Commissioner Band understood that the access they were looking at today was the one with the retaining wall that requires the CUP. Mr. Cassel answered yes. Commissioner Band clarified that since it was the only access on the table at this point, she wanted to know how Mr. Cassel felt about that access in terms of improvements. Mr. Cassel replied that it was the best secondary alternative. He still preferred the access to be straight on King Road, but he thought the secondary alternative would work, particularly since the applicants pushed the access further up the hillside and away from the intersection.

Mr. Cassel clarified that he was comfortable with the access proposed and that the proposed modifications would help the sightlines so everyone could see the traffic coming and going as they go through the intersection.

Commissioner Band asked Mr. Cassel to provide some history on the trucks that have tipped over in that area, and whether it was due to careless driving or a greater concern. Mr. Cassel stated that two vehicles had tipped over. Mr. Fiat mentioned one, and the other one was a dump truck. He could not recall the exact details, other than the trucks had tipped over and some cleanup was required.

Commissioner Band asked if there was a time when the City was not able to improve or mitigate roads or intersections. Mr. Cassel could not recall a time in the last eight years.

Commissioner Worel referred to a letter the Commissioners received from a member of the public who was concerned about inadequate roads in the event of a wildfire and the need

to evacuate, and the ability for emergency vehicles to access. She asked Mr. Cassel for his thoughts on this concern. Mr. Cassel stated that it was a difficult question and a battle that took place seven years ago. Hillside Avenue was built at substandard levels and they had to live with it. When people talk about emergency vehicles getting up and residents not being able to get out, it is more widespread than just the Alice Claim site. It also includes Daly, Empire Pass, Deer Valley and the City in general. Mr. Cassel agreed that it was a major issue the City deals with and it needs to be resolved. He did not believe nine homes at Alice Claim would tip the level and exacerbate the problem.

Vice-Chair Joyce opened the public hearing.

Planner Alexander stated for the record that she had received emails and letters of public comment from Brian Barrett, Carol Sletta, Tom Gadek, Brooke Hontz, and Jim Doilney. The written comments were provided to the Planning Commission.

Charlie Wintzer, a Park City resident, stated that the intent of the first part of the subdivision approval is the preliminary plat approval. He did not think the Planning Commission needed to get involved with the details of house size, etc. at this time. The focus should be on the number of lots, where they should be located and how they fit on the site. Mr. Wintzer remarked that the more they get involved in the details the further away they get from the questions related to the preliminary plat approval process. Mr. Wintzer commented on the HRL and the HR-1. He stated that when Park City was platted and zoned it was all HR-1. The HRL zone was created on Rossi Hill and the neighborhood asked to be changed to HRL. The same thing occurred on that side of the mountain when the neighbors together decided they wanted to be HRL. Mr. Wintzer did not believe the way the lines were drawn was a mistake. It was a result of those who asked to be downzoned. The City did not have the right to downzone private land, which is why this property was never changed. Mr. Wintzer was unsure why they were looking at a retaining wall CUP for a subdivision that may or may not be approved. He thought the CUP request was out of sequence and they should be focusing on the subdivision. If the subdivision is approved, that would be the time to approve the CUP for the retaining wall. Mr. Wintzer referred to the comment from the applicant about how this project has gone on for eight work session in ten years. He pointed out that it was the applicant's choice and not the choice of the Planning Commission. The Planning Commission did not ask the applicant to come back every year for ten years and to submit another application.

Carol Sletta thanked the Planning Commission and the City Staff for their thoughtful work on this project. She has lived at 135 Sampson since 1980 and having lived in the area next to the proposed subdivision and reading all the information, she could not see good cause for allowing this project. Mr. Sletta did not believe it would preserve the character of this historic residential area. She was very familiar with the streets of Anchor, King,

Sampson and Ridge, and calculated that she has driven through that area a minimum of 15,000 times. Over the years she has seen trucks tip over and many other things happen. A lot inexperienced drivers block the intersection in the winter and during a bad winter the roads are nearly impassable. Ms. Sletta stated that she loves that corner because it makes Old Town Park City, Old Town Park City. When the City Engineer mentioned significantly improving the road, she thought it would be terrible because it is not what Old Town Park City is about. Ms. Sletta stated that if another road comes into that intersection she could see it becoming more unsafe. It is a fun, funky road and she would hate to lose that part of Old Town Park City.

Lee Gerstein, a resident adjacent to the proposed project, commented on the construction traffic going to PCMR and watching the vehicles do three, five, and seven point turns. He pointed out that two known accidents over the course of many years did not include the near misses. He watches the trucks get perilously close to the edge of Sampson. They do not always know what is behind them. Mr. Gerstein shared the concern of a five-way intersection with an emergency crew trying to get up as people are trying to flee houses during a fire. He was unsure how they could take what exists and add something to it that makes reasonable turns and angles and egress from there. Retaining walls are very pretty, but currently they have a forested, vegetated natural hillside that would be chopped down for this project. Mr. Gerstein keeps hearing the word construction mitigation but he questioned its actual meaning, because in looking around he does not see any construction mitigation. It is a great word to use during a meeting, but there is no mitigation for those with children and pets, and those who like to cycle or walk. He has seen several near misses between people and vehicles. Mr. Gerstein stated that the cleanup that was done on the site was laudible and tremendous. He hoped there was no quid pro quo from the town, because it was done with the expectation of building something. He suggested that in a different venue and under different circumstances the applicant should receive some recognition from the town for the cleanup effort.

Sherrie Levington Gerstein stated that she and her husband, Lee Gerstein, own 135 Ridge Avenue, the property that has been in negotiations. Ms. Gerstein opposed this project for all the reasons everyone else had stated. She also respectfully disagreed with the comments that they and the applicant have been in tough negotiations because she did not recall any tough negotiations in the last several months. Mr. Gerstein stated that negotiations went on six years ago, but she wanted it clear for the record that there have been no serious negotiations since that time.

Kathryn Deckert, a resident at 102 Daly Avenue, referenced one of the applicant's good cause for this project being approved in his letter dated July 13th. It talks about good cause being the relocation of water lines into the Park City parcel from the development within the Alice Claim, and also connection of a road into the Park City parcel. Ms. Deckert did not

see this as being good cause. It is about another parcel that has nothing to do with the Alice Claim. It is 20 lots and to think of having this approved in order to annex or develop another parcel in Old Town is not good for the current residents because it introduces more residential traffic and construction traffic. Ms. Deckert commented on the number of trucks going up Daly in the last month that create safety hazards for hikers, bikers, pedestrians, pets, and children. She was concerned that further development would continue these unsafe conditions for an unlimited time. Ms. Deckert also had issues with nine 5,000 square foot homes that do not reflect the character and scale of the historic district. In her opinion, character means diversity and over the last 30 years Old Town has evolved into a package of different sized homes. Some are still the small mining homes that were there 45 years ago. Having 5,000 square foot homes in one subdivision does not add to the diversity and it creates a disconnect between Old Town and this onclave of 5,000 square foot homes. Ms. Deckert did not believe the proposed project provided the most beneficial relationship for the use of land and circulation of traffic, and for the benefit of the people who live in Old Town.

Brooke Hontz had submitted a lengthy letter prior to the meeting. She did not intend to read the letter into the record but asked that it be incorporated into the minutes in its entirety. The letter can be found at the end of the Alice Claim discussion in the minutes.

Mr. Hontz, a resident on Daly Avenue, asked the Planning Commission to consider forwarding a negative recommendation to the City Council on the Alice Claim application citing substantial credible evidence against the project, and well-articulated reasons for denial. Ms. Hontz stated that in the first part of her letter she requested that the Planning Commission consider safeguarding the official record for this application. There is a lot of information that she had never heard before that is important. She also asked if there was a way to better share the information with the public, as well as for the sake of the applicant. Ms. Hontz stated that the letter from Snell and Wilmer, dated July 13th, 2015 references different visions of a plan, and possibly different applications, and multiple different Planning Commissions who have served. Throughout the letter it clearly demonstrates that over ten years the applicant has gone back and forth on a plan and not made substantial progress with the legislative process based on their volition. Ms. Hontz believed a historic timeline prepared by Staff of the applications would show large periods of inactivity by the applicant with an occasional update where no new information is provided to the Planning Commission, and no action was required to be requested of the Planning Commission. Ms. Hontz believed that issue was important. As a Planning Commission member for four and a half years she could speak to that with some authority that she never had the opportunity to provide a recommendation that would have been forwarded to the City Council. It was never asked the entire four and half years that she sat on the Planning Commission. Ms. Hontz noted that the public testimony that has been provided thus far has been educated, thoughtful and related to the requirements of the LMC and the

General Plan. The public has provided considerable evidence and anecdotal experience that the Planning Commission can use for their findings of denial. The input provided from the public can substantiate that the application does not meet the subdivision standards of the Land Management Code. The evidence provided is relevant and measureable. Ms. Hontz noted that on page 2 of her letter she talks about how the Snell Wilmer letter references that nine lots or the density had not been an issue for the Planning Commission. However, as a former Planning Commission she could say that it was patently untrue, and the entire record should reflect that fact. As indicated in her letter, Ms. Hontz thought it was unclear whether the current application was the same application. She suggested that the City Legal Staff should review the entire file and make a determination on the date this application was made, and which General Plan and LMC was applicable to this application. She thought it was important for the Planning Commission to have that specific General Plan and LMC in hand in order to make an accurate denial statement. Based on some of the information mentioned this evening or written in the Snell and Wilmer letter that has never been heard before, Ms. Hontz did not believe they could have it both ways. She did not believe the applicant could want to have the lots larger like the Estate or HRL lots, but then say they were reducing the density by 87% because they were HR-1. It has to be one or the other. Ms. Hontz believed that concept was argued both ways throughout the July 13th letter and also this evening. Ms. Hontz stated that an argument is made in the Snell and Wilmer letter talks about the authority of the City Council. In order for a subdivision to be approved by the City Council, acting under their authority as a land use authority, it must meet the legal standard established in the LMC for subdivisions. No density can be assigned to a parcel until it is subdivided and every box is checked in the checklist of the subdivision ordinance. Ms. Hontz referred to the last page of her letter and noted that one of the arguments made this evening was that the rectangular two-part area that would be dedicated to the City is a benefit to the City. She assumed that there may be a minor benefit in getting the roadway under City ownership. However, it additionally makes representation that a small home could be built within that area that is located under the current Sampson Avenue. Ms. Hontz did not believe that was possible based on current codes. Mr. Hontz stated that she personally met with the Sewer District and the Fire Chief to discuss this project. At the time of those meetings she found that there had been no face to face meetings from the applicant with those entities. Both entities have specific concerns about meeting the subdivision ordinance and being able to provide adequate service. Regarding traffic, Ms. Hontz thought they were wrong in saying that the amount of traffic did not matter. She was pleased to see that her calculation of 90 trips was less than the 114 trips calculated by the Traffic Engineer. She had contacted a traffic engineering firm and discussed all of the issues. She was told that total trips per day is a relevant and important way of looking at traffic for road and traffic engineers when they are trying to understand how to size a roadway. She thought it was ridiculous to say that it does not matter that there will 114 additional trips up that road every day. Based on the size of the road, the steepness,

the sightlines, and the construction that will continue to occur on the Mountain for the rest of their lifetime, it is impossible to think it was not an issue. Ms. Hontz stated that on pages 4, 5 and 6 of her letter she had provide the key elements of the Code that were applicable. Those elements were cited on pages 7, 8, 9 and 10, where she had created draft denial Findings of Fact and Conclusions of Law. She took the time to go through public record from many years on this project, including the most recent iteration, as well as Planning Commission comments, and put them into Findings. She also added which part of the Subdivision Code it supports. Ms. Hontz reiterated that she had done a lot of work to substantiate that the application did not meet the subdivision standards. She asked the Commissioners to take the time to review at least a portion of what she had done.

Mary Wintzer, a resident at 320 McHenry, recalled from the last meeting what she had heard on KPCW, which was Chair Strachan telling the applicant that he was facing a unanimous denial of the subdivision. The applicant was given a certain date that he could come back with a significant change in the subdivision applicant. Ms. Wintzer could not see a significant change this evening. She understood that the applicant wants to move forward, but she also believed the citizens of Old Town also deserved to move forward. Ms. Wintzer believed the applicant had been given more time than was permitted at the last meeting, and she asked the Planning Commission to vote for denial this evening.

Jim Doilney, a resident at 50 Sampson Avenue, asked the Planning Commission to consider whether their votes and comments would be consistent with the Park City Vision Statement which states that there should be no increase in density unless it is for Affordable Housing or in the context of TDRs. Mr. Doilney remarked that it was not happening in this process and the vision statement was not being met. Relative to density, he noted that the changes and subdivided density were discretionary matters. They are not a right. Alice Claim has the density for two lots, not nine lots. To justify the applicant's nine lot goal, Mr. Cahoon stated that there were 13 lots of record. The implied assertion is that King Development was asking for a four lot reduction. Mr. Doilney believed this assertion misrepresents the situation. He pointed out that King Development could demonstrate that it has 13 usable lots which could be serviced using those lots, boundary lines and adjacent platted streets. However, they have not done this because the existing lots are probably not buildable under those standards. Changes to lot lines are not a right, but rather occasionally like subdivisions granted by the City as a discretionary matter. King Development has no right to expect lot line changes incompatible with the City vision. Mr. Doilney stated that in addition, the underlying square footage rights of these 13 lots are likely much less than the square footages proposed in the nine lot application. Mr. Doilney stated that Mr. Cahoon offers that the developer's permitted density is 56 lots, which is only a mathematical equation of dividing the gross footage of the acreage by the minimum lot size. He did not believe that was a fair assertion. Regarding home size and compatibility, Mr. Doilney found it interesting to hear that the applicant and his consultant had calculated

his house at 4,300 square feet, and that the issue was confusion between gross and net square footage. He stated that he lives in an approved subdivision that is limited to 3,000 square feet, which is the size of his house according to the City building officials who looked at the plans. Given the fact that prior assertions did not prove to be true, he questions whether assertions by the developer's engineers should be accepted as fact. Mr. Doilney thanked the Commissioners for their time and consideration.

Anita Baer, a resident at 345 McHenry, stated that she has wonderful neighbors and she did not want the town to change that much anymore.

Vice-Chair Joyce closed the public hearing.

Commissioner Band stated that she sympathized with the amount of time and money the applicant had spent; however, it did not mitigate the obligation of the Planning Commission to look at this application solely on its merits. Commissioner Band pointed out that a lot of things have been compared to HRL zone, but it is in the HR-1 zone. Even though it is adjacent to HRL and the proposed homes feel like HRL does not change the fact that the property is zoned HR-1. She agreed that tax assessor data is often inaccurate because she sees the inaccuracies as a real estate agent. She appreciated the comments made by Charlie Wintzer about not getting into the details of lot and home sizes in this subdivision process; but she thought it was important to do it anyway because those details matter. Commissioner Band agreed that the Planning Commission did not have the authority to reduce lot sizes. However, the Staff has recommended that it be more in line with the HR-1 zoning and the Planning Commission can only approve or deny. Commissioner Band remarked that in walking around the HR-1 zone it is visually different from the HRL zone and from Sampson Avenue. That is also evidenced by looking at the plat and the numbers.

Commissioner Band read from LMC 15-7.1(5)(i), zoning regulations, "Every plat shall conform to existing zone regulations and subdivision regulations applicable at the time of proposed final approval." The purpose statement of HR-1 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'". Commissioner Band believed they were seeing less density because more people are requesting to combine lots. She believed that double lots were probably the largest they would see, which is still substantially less than what this applicant was requesting. Commissioner Band noted that the applicant appears to take issue on this point and several others, and that the Planning Commission took into account what it calls "public clamor". She agreed that in some cases the input was public clamor, but there were also many excellent well-thought out and well-researched comments, including those by previous Planning Commissioners who provided information on previous history and issues that need to be

considered. She recalled from the October Staff report that the former Planning Commissioners consistently wanted the lots to be small and as low as possible.

Commissioner Band felt good cause was the most important issue. Regarding good cause versus substantial evidence, LMC 15-7.1-7C states that, "The Planning Commission shall make a finding as to good cause prior to making a positive recommendation to the City Council". She found that statement to be the overriding command to the Planning Commission. The LMC requires them to look at every aspect of a project coming up for approval and to make a finding as to good cause prior to making a positive recommendation.

Commissioner Band thought the term "blind right turn" was frightening. Regarding the comment about "no fatal flaws" she asked if they needed a fatality to have a fatal flaw. In driving up and down the roads she questioned whether they were doing justice to the public and their health, safety and welfare. If they did not take this into consideration the Planning Commission would not be doing everything they are asked to do as part of a subdivision approval.

Commissioner Band asked for clarification on whether the mine shaft was capped. Vice-Chair Joyce stated that the mine shaft has been filled but not capped. Commissioner Band pointed out that no studies have been done and she thought that was an important factor. She asked if anyone knew the closest a home has ever been built to a mine shaft. She had Googled the question but could not find an answer. She also wanted to know the difference between capping versus filling. Commissioner Band noted that they recently had a collapse in town and there is evidence of settling. They have also had sink holes in town. She thought this issue at least bears studying when they are looking at putting a home that close to a mine shaft since it has never been done in Park City.

Per the LMC, Commissioner Band did not believe the proposed subdivision substantially provided positive benefits and mitigated negative impacts for the zone or for health, safety and welfare. In looking at the pros and cons and looking to mitigate the negative impact of the large homes, the retaining walls, site disturbance and the frightening condition of the roads, she was unable to see adequate mitigation for good cause. She believed the cleanup and the tax revenue were the only benefits.

Commissioner Band stated that at the last meeting all the Commissioners indicated that they would deny this application if the proposal had not changed. She acknowledged that the applicant presented arguments responding to their comments; however, in her opinion, the Commissioner had been given more relevant information since the last meeting to support a denial.

Commissioner Campbell stated that his comments were the same as he expressed at the last meeting.

Commissioner Worel agreed with Commissioner Band's comments. Her concern with this project has always been about health and safety and the ability to navigate the roads. She was disappointed to hear from the neighbor that the negotiations regarding a different access were not occurring. She had asked for the status of the negotiations at a previous meeting and the applicant told her that they were in progress. After hearing from the neighbor this evening that was apparently not the case.

Commissioner Worel had tried to contact the Fire Chief earlier today without success. She wanted to hear his comments regarding the ability to get emergency vehicles to the area if an evacuation was ever necessary. She realized that this was a problem all over town, but that was not a reason to approve another project with the same implications. Commissioner Worel wanted the opportunity to review the letter from Brooke Hontz that was given to the Commissioners just before the meeting.

At the request of the interim Planning Director, Commissioner Campbell summarized his comments from the previous meeting for the record. Commissioner Campbell understood the applicant's position and he was sensitive to the rights they have and the time and energy they have expended. Based on their previous work in town he believes the applicant does good work and he was certain that the same quality and design would also be present in this project. Commissioner Campbell did not favor a denial of their right to build; however, his comments at the last meeting were that the proposal was not compatible with what exists in the HR-1. He believed the applicant would see a different outcome if their proposal was laid out to look more like HR-1. Commissioner Campbell believed in the vested rights that the applicant has and he suggested that the applicant look at the possibility of applying for a rezone to achieve what they were trying to build. Based on the sections shown he believed it was compatible with the hillside and he was not opposed to development in that area. He agreed with the comment that there is a need for diverse housing and not just three or four story structures that are not physically conducive for multi-generational families. Commissioner Campbell favored what the applicant was proposing; however, he could not support it based on his reading of the LMC.

Vice-Chair Joyce referred to the comment from Mary Wintzer about not seeing any changes to the plan. He pointed out that the applicant had made it clear in the June meeting that they had no intentions of revising the plan; and that they only intended to respond to the comments from both the Planning Commission and the public. In fairness to the applicant, Vice-Chair Joyce did not believe the Planning Commission had expected to see a revised plan.

Vice-Chair Joyce stated that in reading the July 13th letter from King Development, one of the items was that they had spent 10 years presenting a nine-lot plan with no objections. He researched past materials and found a number of places in past minutes, including his own comments in April, where he had asked the question about where nine lots came from. At that time there was a response about it being one less than what would be required for an MPD. Vice-Chair Joyce stated that the research shows that nine lots were consistently brought forward by King Development. He noted that page 239 of the Staff report includes a 2008 letter from Joe Tesch defending eight HR-1 lots and one Estate lot and why they could not reasonably ask for less density. Vice-Chair Joyce believed that the letter from 2008 clearly demonstrates that it has been an issue for quite a while. Vice-Chair Joyce clarified that 9 lots was neither the right nor wrong answer. His issue was having nine lots of that size in HR-1 on very steep slopes with the extensive retaining wall. He recognized that ten or 12 units might fit based on size and position on the lots. Vice-Chair Joyce disputed the claim that in ten years no one had disputed the nine lot plan because there was significant evidence showing otherwise.

Vice-Chair Joyce noted that the July 13th letter indicates that the applicant was asked to make several specific changes to the nine lot plan and that the changes were made. Vice-Chair Joyce appreciated that lot 7 was moved off the hillside, but over and over he has made reference to the very steep lots, with the worst being Lot 7. He did not believe there had ever been an agreement that everything else would be acceptable if Lot 7 was moved. However, he did recall a long list of discussions about cut and fill and the position of the lots on the hills.

Vice-Chair Joyce referred to the August 27, 2008 Planning Commission meeting minutes which stated, "During the meeting the Planning Commissioners expressed their satisfaction with the quality and results of the cleanup. At the same time the Commissioners expressed concerns that the future home sites were being cleaned up prior to the final approval of the development plan. They also insisted all proposed development should be close to the access road along the bottom of the valley." He pointed out that the same sentiment was expressed at several other Planning Commission meetings moving forward. Each time it was about smaller homes down at the base of the canyon. Commissioner Joyce did not believe the portrayal in the July 13th letter from King Development that there was suddenly a change of opinion from the Commissioners was accurate, because documentation from many work sessions and meetings document the fact that the Planning Commission had concerns. He understood that it was never brought to a vote, but the comments are consistent.

Vice-Chair Joyce pointed out that there has been a lot of discussion about how the applicant thinks they should be HRL. Commissioner Joyce emphasized that the property is

in the HR-1 zone and the Planning Commission has consistently held to that fact throughout the process. During the March 11, 2009 work session three alternatives were brought forth by the Planning Department; and one alternative referred to changing to HRL. In that same meeting Joe Tesch read from the HRL purpose and stated that, "He believed the development was more in the spirit with the HRL zone". He emphasized that contrary to what was stated in the July 13th letter from King Development, the suggestion of rezoning to HRL was not a new concept and it has been discussed repeatedly over the years.

Vice-Chair Joyce commented on the reference that the Planning Commission was trying to apply steep slope to structures rather than lots. He clarified that they were not trying to apply the Steep Slope Cup. They were actually trying to apply LMC 15-7-1.6C and 15-7-31, which directs them to consider the topography and the slopes along with lot size and lot placement.

Vice-Chair Joyce commented on the reference to density and the discussion that it should remain open space. He agreed that it was private property and not public open space. He recalled that the statement came out of public comment and it was not accurate. Vice-Chair Joyce stated that the applicant has the right to develop their land, but it needs to be appropriate development. Vice-Chair Joyce referred to the discussion regarding the 2500 square foot footprint, and the statement in the applicant's letter that it was disappointing that the Commissioners were unwilling to honor their agreement just one meeting later. He pointed out that it had been a Staff recommendation. He did not believe that the Planning Commission at any time gave the impression that they were committing to the Staff recommendation.

Vice-Chair Joyce read the statement from the applicant's letter stating, "It did not matter where we put the houses, the Commission was not going to give a positive recommendation." He had two issues with that statement. The first is that location of houses does matter. In all of the documents there has been continual discussion in either work session or regular meetings about moving houses off the very steep slopes and into the canyon. Despite the number of times those comments were made the applicant chose not to adopt that type of plan. He liked what they did in moving Lot 7 and the Estate lot, but there is still a hillside with 100% limit of disturbance on approximately two-thirds of the hill.

Vice-Chair Joyce referred to the 2009 meeting and the discussion that was brought forward by the Planning Department with three alternatives. One alternative pushed the lots to the bottom. When they asked the Planning Commission which of the alternatives they preferred, there was overwhelming support for Alternative B. He believed this current Planning Commission appeared to be going in the same direction as the Planning

Commissions of 2005-2011. They would like to see a plan that is more compact and down in the flatter area to reduce the amount of disturbance to the hillside.

Vice-Chair Joyce appreciated the work that was done on the environmental cleanup. He gave the applicant more credit for cleaning up their portion of the land for development; but less credit for cleaning up the City piece because the trade-off was the ability to use Richardson Flat.

Vice-Chair Joyce commented on the photos of walls around town that the applicant showed in their presentation. He agreed that there are large walls around town, but very few, if any, are in the HR-1 District. He pointed out that the walls proposed for this development are not only tall but they are also very wide and carve up the hillside.

Vice-Chair Joyce referred to the concern raised in the applicant's letter about the amount of time spent on the mine. He noted that the geo-tech report states that, "typically mines are closed by backfilling and capped with concrete. However, in the mine assessment it states that they can build within ten feet and the mine was filled with dirt. He explained that the statement in the geo-tech report was the reason why the Commissioners kept asking questions about the cap.

Vice-Chair Joyce noted the comment by the applicant about the Planning Commission listening to public clamor. However, based on the LMC issues of compatibility, scale and massing, and concern about cut, fill and vegetative disturbance, he thought it was interesting to see how consistent all of the Planning Commissions have been on these issues. Vice-Chair Joyce stated that the Commissioners listen to public input and they appreciate comments that point specifically to LMC issues, but in the end they are tasked with simply applying the LMC.

Vice-Chair Joyce was prepared to comment on some of the points that were held over from the June 10th meeting.

Interim Planning Director Erickson stated that the Staff would have to reset the Findings of Fact. If the main points were on the table, the Planning Commission would have the opportunity before the next meeting to review the Staff report to make sure it was what they wanted.

Assistant City Attorney McLean remarked that the Commissioners could submit their comments to the Staff to be incorporated into the Staff report. Mr. Erickson stated that the primary goal is to make sure that the Findings of Fact and Conclusions of Law were consistent with the LMC and with the comments and opinions of the Planning Commission.

Vice-Chair Joyce stated that he would submit his comments to Staff. He assumed the Staff would make it available to the applicant and the other Commissioners.

Vice-Chair Joyce referred to the information the applicant submitted regarding house sizes and compatibility. In what he has looked at so far, the most reliable aspects are lot size and footprint size. He noted that the larger homes in the comparison provided by the applicant were in the HRL zone. He questioned the accuracy of the calculations and he believed the applicants were very selective in the houses they chose when preparing their comparison. Vice-Chair Joyce could find no reason to move away from what the Planning Staff provided for footprint because it was the most consistent. Vice-Chair Joyce stated that personally he would feel more comfortable if the Planning Commission was looking at a plan that was down in the valley and off the hillside and was more compatible with HR1 in lot size and house size. He was not opposed to development but it has to be the right fit. His primary focus was on disturbance, cut and fill, very steep slopes, and the size and layout of the lots.

Mr. Erickson stated that it was more precise for the Staff to deal with building pad size, limits of disturbance and building height in calculating the house, as opposed to regulating the internal volumes of the house. He offered to look at building pad size and limits of disturbance to help regulate these issues in the future. Mr. Erickson asked if the Planning Commission wanted further analysis from the City Engineer on the intersection. He explained that engineering and traffic analyses work in ranges and bands. He clarified that what Mr. Cassel was trying to describe was that the density being proposed did not change the effective band of Level of Service A. That was the why Mr. Cassel said there is no fatal flaw. The intersection does not fail, but adding an additional 100 trips to the model may be significant. Mr. Erickson offered to work with the City Engineer to make sure his recommendations are clear to the Planning Commission, the public and the applicant. The Staff could also look at other mechanisms for regulating house sizes if this moves forward; however, if the Commissioners intend to forward a recommendation for denial the Staff would not spend the time on it.

Commissioner Worel stated that she would also like to hear from the Fire Chief. Mr. Erickson would make sure that the Staff gets an opinion from the Fire Chief.

Jerry Fiat asked to respond to some of the comments. He stated that they obtained two designs for the mine shaft. One was to fill it with soil and the other was to fill it and cap it. They were also given distances that they would have to setback. Mr. Fiat pointed out that it was not a matter of following the recommendation. They made a decision that the setback would be based on the engineer. In response to the question asked by Commissioner Band, Mr. Fiat stated that both the St. Regis and the Montage were built on top of mine shafts. One advantage of the Alice Lode is that they know exactly what mine

shafts are there. There are mine shafts throughout town and he has built homes where they ran into mine shafts because no one knew they were there. Mr. Fiat remarked that the debate about filling it or capping it is a minor issue. If pulling out dirt and capping it with concrete is required they would do it, but he felt the issue was blown out of proportion.

Mr. Fiat referred to the statement by Commissioner Worel indicating that he had said that negotiations regarding the access were progressing. He clarified that it was actually Lee Gerstein who made that statement during a previous public hearing. Mr. Fiat stated that negotiations were still going on, but there is a difference of opinion as to what they were willing to pay for the easement.

Mr. Fiat addressed the comment about the City doing them a favor by letting them put the contaminated soil on Richardson Flats. He stated that very little soil from their property went to Richardson Flats. It was used exclusively for cleaning up the City property.

Mr. Fiat explained that the nine-lot plan started with a conversation he had with Ron Ivie about what they could put on the property and have a dead-end road. He pointed out that the discussions have always been about nine lots because they did not want to go through a major subdivision or MPD. In looking at options A, B and C that were previously presented by Staff and referenced by Vice-Chair Joyce, Mr. Fiat noted that at that time the Planning Director recommended that they look at more lots. Mr. Fiat stated that they were asked to do specific studies and those studies were done and presented. He clarified that he had not drafted the letter submitted on July 13th; however, he had approved all of the work that was done at the request of the Planning Department over the years. He felt like they were always being asked for something and then when they give it they are asked for something else. They have complied with all the requests with no guarantee that it would be approved. Mr. Fiat stated that he was reluctant to make any changes to the plans when there is no guarantee that the changes would lead to an approval. They have already spent a significant amount of money on the plans and the cleanup.

Mr. Fiat clarified that they did not terrace the wall to avoid the CUP. They actually lowered the road and lowered the lots which allowed them to reduce the size of the walls significantly. He noted that all the remaining walls are typical of all the construction in Old Town. Mr. Fiat agreed that the entry wall was very large and not typical.

Mr. Cahoon noted that Vice-Chair Joyce had quoted from the geo-tech letter of 2006, which said that the typical approach for filling the mine shaft was to fill it and cap it with cement. He pointed out that the follow up letter confirmed that it was filled and that the 10' setback would be appropriate. Mr. Cahoon remarked that because the original guide was "typical" did not mean that filling was "atypical".

Mr. Cahoon commented on compatibility and noted that the Code says compatibility with the neighborhood. It does not say compatibility with HR-1. He thought it was incorrect to say that they have to ignore the neighborhood below them because it is HRL. Instead, they have been asked to drop all the way down to Daly Avenue for compatibility. Mr. Cahoon had driven down Woodside Avenue where there are very large homes in the HR-1 district that were not mentioned. There are also massive buildings that were recently approved on the other side of the City in the HR-1 zone. He believed that was an important clarification on what the Code required.

Mr. Fiat referred to the comment about how they were selective in the houses they showed in their comparison. He explained that the houses selected were the adjoining houses to their property. Mr. Fiat stated that because the Staff report had calculated numbers for Sampson Avenue and because he was familiar with a number of houses on Sampson, he had provided a complete list of Sampson. He did not include anything he could not substantiate, which is why some of the properties were missing from the list. Mr. Fiat stated that he could state as fact that 40 and 50 Sampson Avenue were 7,500 square foot lots. He recalled that 121 Sampson was a 6,000 square foot lot. Mr. Fiat emphasized that the list was not selective. It was meant to be complete.

Vice-Chair Joyce believed there was consensus among the Planning Commission to direct the Staff to prepare findings and conclusions for denial. Assistant City Attorney McLean clarified that the Planning Commission would be making a recommendation to the City Council. She suggested that it would be appropriate for them to provide input on the conditions of approval in the event that the City Council would not follow their recommendation and approve the application. Another alternative would be to submit their suggested changes to Planner Alexander and she could summarize them for the City Council.

Commissioner Band referred to Mr. Cahoon's comment about the Code referencing neighborhood compatibility and not zoning. She cited several places in the LMC that references zoning for new subdivisions.

Mr. Erickson stated that the Staff would focus on the subdivision characteristics; however, they would consider compatibility in a relative sense based on the comments from the Planning Commission.

Commissioner Worel felt her concerns had been adequately summarized and addressed in the direction to Staff.

Vice-Chair Joyce reiterated that his primary issues were compatibility of layout, moving off the steep slopes and down into the valley, and size more compatible with the HR-1 zone,

which was more in the realm of 4,000 to 5,000 square feet lots and 1,500 to 2,000 square feet footprints.

Vice-Chair Joyce noted that the Staff had requested that the Planning Commission continue these items to allow Staff time to prepare the appropriate findings for a vote at the next meeting.

MOTION: Commissioner Worel moved to CONTINUE Alice Claim South of intersection of King Road and Ridge Avenue - Alice Claim Subdivision and plat amendment to August 12, 2015. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Worel moved to CONTINUE Alice Claim South of intersection of King Road and Ridge Avenue – Conditional Use Permit for retaining walls up to 10 feet in height to August 12, 2015. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

Commissioner Cahoon asked if the Planning Commission intended to direct Staff to prepare findings and conclusions for the CUP application. Mr. Erickson explained that the CUP for the retaining wall is tied to the subdivision approval. If the Commissioners forward a negative recommendation for the subdivision approval they could not approve the CUP.

Assistant City Attorney McLean stated that she would advise the Staff on whether it was better to prepare findings for the CUP now or continue it to a date uncertain pending the City Council decision on the subdivision. She could discuss the options with Mr. Cahoon.

Mr. Cahoon asked if a decision was made not to provide conditions of approval in the event the City Council overturns the negative recommendation. Vice-Chair Joyce stated that the Planning Commission had provided guidance to the Staff and they would have the opportunity to review it prior to the next meeting. He personally intended to submit detailed comments from the June meeting to be incorporated.

Mr. Cahoon stated that the applicant has spent a lot of time with the Planning Commission and they were obviously going before the City Council. If an issue arises the Council could send them back to the Planning Commission. He thought it would be prudent to address the conditions as part of the recommendation. If the City Council had all the information and input from both sides, it could possibly avoid having to come back to the Planning Commission. Mr. Cahoon recommended that the Planning Commission forward that input with their recommendation.

Planner Alexander believed the Planning Commission had already stated what they would like to see changed before they could even consider an approval. She could base the conditions of approval on those comments.

Mr. Cahoon responded to the discussion about the length of time their application has been pending. He noted that the cleanup was conducted in the middle of the Great Recession of 2008. The real estate recovery was very slow and that was a big factor in the timing and the lapse between the time of the cleanup and when they came back to the Planning Department to move forward. Mr. Cahoon thought that was an important consideration in terms of economic history.

Letter submitted by Brooke Hontz

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7/22/2015

RE: "Alice Claim" aka "Alice Load" Subdivision and Plat Amendment Applications and CUP Application Arguments for a Recommendation of Denial and Rebuttal of Snell and Wilmer July 13, 2015 Letter to the Commission

Dear Planning Commission:

Please consider forwarding a negative recommendation to the City Council on the Alice Claim Applications citing substantial credible evidence against the projects and well-articulated reasons for denial.

Thank you for your thoughtful comments on the Applications during the June 10, 2015 meeting. The clear direction that the Applications did not meet the standards of our Land Management Code was delivered. I believe from your input on this iteration of the Application that began in the fall of 2014, a strong case can be made regarding a denial.

Additionally, in the interest of safeguarding the official record for this Application; I request that you create a file that the public can also access that contains all of the meetings (work session and public hearings) beginning with the first application (estimated in 2005 as Alice

Load) with all of the testimony provided (letters from the public, emails, submittal info, etc.) through the meeting minutes generated from today. Based on my knowledge of the time I served on the Planning Commission from July 2009 – December 2013, the Planning Commission did not review any application on Alice Claim at a Public Hearing where a decision could be made to forward a recommendation. The Applicant's own attorney references 8 Planning Commission work sessions and 2 public meetings over a 10 year period and provides evidence with two attachments that show the Planning Commission was not to provide direction or input at a minimum of two of those meetings. The July 13, 2015 letter from Snell and Wilmer references different versions of a Plan, possibly different applications, and multiple different Planning Commissions throughout the letter and clearly demonstrates that over 10 years, the Applicant has gone back and forth on a plan and not made substantial progress with the legislative process based on their own volition. I believe a historical timeline of the Applications will show large periods of inactivity by the applicant with an occasional "update" where no new information is provided to the Planning Commission and no action is required of the Commission.

I reject the statements and discussion in the July 13 S&W letter regarding "Public clamor". Utah case law, Federal case law and the Utah Office of the Property Ombudsman have provided some background for you on this matter. The public testimony provided thus far has been educated, thoughtful, and related to the requirements of the Land Management Code and General Plan. The public has provided considerable evidence that the Planning Commission can use for their findings for denial. The input provided from the public can substantiate that the Application does not meet the Subdivision Standards of the LMC. The evidence provided is relevant and measurable. Please see the Findings and Conclusions of Law below for a summary of some of the substantial evidence provided thus far by the public.

Here is a list of some of my additional concerns with the July 13 S&W submittal.

HR-1 Zone:

- a. The statement about nine lots or the density NOT being an issue for the Planning Commission over the past 10 years is patently untrue. I was on the Planning Commission for 4.5 years during that period and spoke about my concerns regarding this property and potential applications for the property during the TDR ordinance creation which affects this property, the update of the General Plan, and the one work session we had on the Alice Claim where we were told not to provide too much input as they were not there for a recommendation.
- b. The Application does not meet the standards in the Land Management Code HR-1 zone regardless of the year they chose to say it was active. If the Applicant would like to keep their design, which does not meet the standards of the zone it is in, they can rezone, and that has always been an option.

- c. It is unclear if this Application IS the same Application that was originally made in 2004. The legal staff for the City should review the entire file and make a determination on the date this Application was made and what LMC and General Plan, along with other codes are applicable. If it is true that this Application is still active since 2004 there are other ramifications that are not mentioned in the S&W letter that further restricting this Application.
- 2) Density:
 - a. In order for a Subdivision to be approved by the City Council acting under their authority as the Land Use Authority, it MUST meet the legal standard established in our Land Management Code for Subdivisions. No “density” can be assigned to a parcel until it is Subdivided and every single requirement in the checklist of the Subdivision Ordinance must be met.
 - b. On page 6 of Exhibit B to the July 13 S&W letter - from a 2008 legal memo to the applicant from his attorney the two issues with the Alice Claim Applications are well defined in the second paragraph and support a recommendation for denial. First, (referencing the 1980 legal case Western Land Equities, Inc. v City of Logan) “an applicant is entitled to a building permit or subdivision approval if his proposed development meets the zoning requirements in existence at the time of his application...”. The Alice Claim Applications do NOT meet the Subdivision Ordinance requirements as the public and Planning Commission has stated and is stated below in the summary. Second, (referencing the latter part of the sentence of the same 1980 legal case Western Land Equities, Inc v City of Logan) “...and if he proceeds with reasonable diligence, absent a compelling countervailing public interest”. Other evidence supplied by the public and Planning Commission has demonstrated that the Application is a harmful force on the public interest.
- 3) Lot Locations: The July 13 S&W letter references “The Commission always wanted the houses to be lower down on the hill.” Not indicating what year, what plan and what Commission they are referring to. Due to the fact the Application never was Agenized for a Planning Commission to move forward with a recommendation because of the way the Applicant wanted to move through the Legislative process; the Applicant could not have been told if the houses could have been located anywhere on the site.
- 4) Good Cause:
 - a. Good Cause is one of the standards the Planning Commission MUST find as part of the Subdivision and Platting Ordinances. After a decision is made, the record will reflect if “substantial evidence” was used to make the case. I believe this is one of

- the many arguments made in the letter that glosses over the matter of law and I understand the Utah statute differently than stated in the July 13 S&W letter.
- b. The environmental clean-up was required by the State and Federal governments for the site to even be considered for use as a residential development. Moving the contaminated material to a local site just a few miles from the Property to be reburied saved the Applicant significant funds and allowed them to participate in removing waste they might not have been able to afford. Good Cause is not removing the toxic remnants of the mining industry on the property so you can develop.
 - c. Land donation – Please see Image1 below. It would be extremely difficult, perhaps impossible if it had to meet Code, to build a house on the land the Applicant suggests is a portion of their good cause argument. The property proposed for a donation to the city for road r-o-w only makes their property better by cleaning up an issue related to the roads not being in platted locations.
 - d. The S&W letter mentions “innumerable meetings” with many departments and service providers including Sewer and Fire. It is impossible to count the meetings with those two entities because there have not been any with the Applicant. I personally met with the Sewer District and the Fire District Chief and discussed this project. At the time of my meetings in 2015, no face-to-face and little to no other contact has been made by the Applicant or his representatives with these service providers who MUST SIGN OFF ON THE SUBDIVISION PLAT.
 - e. The City does not have to approve a CUP for a retaining wall that is unnecessary because full mitigation of the impacts occurs with the alternative access solution. Additionally, since the Application does not meet the Subdivision Ordinance, a retaining wall and access to nowhere does not need an approval.
- 5) Mine Shaft and Geo Technical:
- a. The letter from the professional engineer with AGECEC on July 8, 2015 indicates in their findings that “geotechnical investigations be performed for each of the proposed residences. Foundation excavations should also be observed at the time of construction.” This Engineer has not been asked by a homebuilder/owner if they should use a 10 foot standard or the at least 10 feet and study the site. I do not believe a professional engineer will stamp plans for the home locations near the mine until actual site work studying the stability of the soils and mine is confirmed. The Commission in the past has believed a higher standard was warranted for this site because it had at least one open mine and a long mining history and this standard was supported by the Utah office of the Ombudsman.
 - b. Recently, a historic mine structure over the top of a mine in Empire Canyon collapsed on itself, even though it had been in that location for over 100 years. It would seem based on the LMC’s mention of mine hazards and the existence of a

mine on the site, and the recent collapse; additional focus and study is warranted here.

- 6) Traffic:
- a. My last letter and presentation using traffic engineers' traffic generator numbers from ITE trip generation manual 9th edition, had a calculation of 9 lots with one single-family residential home per lot generating 10 trips per day with 90 more vehicle trips per day. In the letter provided by Fehr and Peers transportation planner on July 7, 2015 to the Applicant, Fehr and Peers indicate there will be an additional 114 trips per day from the 9 lot development. My 90 vehicle trips per day figure obviously did not exaggerate the impact as it is LESS than 114 trips per day.
 - b. The Fehr and Peers transportation planner on July 7, 2015 letter does not indicate when the traffic counts were taken which is an important factor in determining if the figures are realistic to conditions in Park City.
 - c. Total trips per day IS a relevant way of looking at traffic for a road and traffic engineers are required to understand that element of the development in order to size a roadway appropriately. Peak hour counts are typically used when discussing intersections. While the intersections at the top and bottom of King and Hillside and Main are all important in this discussion; the roadway widths of King and Ridge and all of the roads to get to those substandard roads are the issue. I stand by my statement that 90 or 114 vehicle trips is an unacceptable amount of traffic for these roads. No additional traffic generation is safe in this area.
 - d. Typical roadway conditions used by the ITE and typical TIS utilize clear conditions with warm dry weather – think Phoenix AZ. They do not, unless stated in the assumptions of the report use cold, icy, snowy conditions which affect the report findings.
 - e. The snow, steep grades, length of steep grades, short sight lines/distance and narrowness of the road (which gets narrower in the winter) are all key elements that must be taken into account in a traffic impact study and reasonable analysis.
 - f. The clear issue with traffic remains as I previously stated that there is a lot of traffic generated by this Application for a one and a half lane sub-standard road with a long steep grade and no outlet. This traffic has to go to the end of a dead end and add additional traffic to our roads which residents of Park City found to have unsatisfactory levels of service this winter. Assuming this subdivision would open the door and access to other lots in the area; it is feasible to assume 390 additional vehicle trips a day up and down King, Ridge and Daly.

Key Portions of the Code to Utilize:

PARK CITY MUNICIPAL CODE - TITLE 15 LMC

TITLE 15 - LAND MANAGEMENT CODE (LMC) CHAPTER 1 - GENERAL PROVISIONS AND PROCEDURES Chapter adopted by Ordinance No. 00-25 CHAPTER 1 - GENERAL PROVISIONS AND PROCEDURES.

15-1 -2. STATEMENT OF PURPOSE. The LMC is designed, enacted, restated and reorganized to implement the goals and policies of the Park City General Plan, and for the following purposes:

- (A) To promote the general health, safety and welfare of the present and future inhabitants, Businesses, and visitors of the City,**
- (B) To protect and enhance the vitality of the City's resort-based economy, the overall quality of life, the Historic character, and unique mountain town community,**
- (C) To protect and preserve peace and good order, comfort, convenience, and aesthetics of the City,**
- (D) To protect the tax base and to secure economy in governmental expenditures,
- (E) To allow Development in a manner that encourages the preservation of scenic vistas, environmentally sensitive lands, Historic Structures, the integrity of Historic Districts, and the unique urban scale of original Park City,
- (F) To provide for well-planned commercial and residential centers, safe and efficient traffic and pedestrian circulation, preservation of night skies and efficient delivery of municipal services,
- (G) To prevent Development that adds to existing Geologic Hazards, erosion, flooding, degradation of air quality, wildfire danger or other conditions that create potential dangers to life and safety in the community or that detracts from the quality of life in the community,
- (H) To protect and ensure access to sunlight for solar energy devices, and
- (I) To protect or promote moderate income housing.

Chapter 7.1 - Subdivision Procedures

(D) PLANNING COMMISSION REVIEW OF PRELIMINARY PLAT. The Planning Commission shall study the Preliminary Plat and the report of the Staff, taking into consideration requirements of Land Management Code, any Master Plan, site plan, or Sensitive Land Analysis approved or pending approval on the subject Property. Particular attention will be to the arrangement, location and width of Streets, their relation to sewerage disposal, drainage, erosion, topography and natural features of the Property, location of Physical Mine Hazards and geologic hazards, Lot sizes and arrangement, the further Development of adjoining lands as yet un-subdivided, and the requirements of the Official Zoning Map, General Plan, and Streets Master Plan, as adopted by the Planning Commission and City Council. The Planning Commission shall make a finding as to whether there is Good Cause in approving the preliminary plat.

Chapter 7-3. POLICY. (A) It is hereby declared to be the policy of Park City to consider the Subdivision of land and the subsequent Development or amendment of the Subdivision plat, or the adjustment of Lot lines therein, as subject to the control of Park City pursuant to the official General Plan of Park City for the orderly, planned, efficient, and economical Development of Park City. (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. (C) The existing and proposed public improvements shall conform and be properly related to the proposals shown in the General Plan, Streets Master Plan, Official Zoning Map, and the capital budget and program of Park City, and it is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in the adopted Uniform Building and Housing Codes, the Land Management Code, General Plan, Official Zoning Map, and capital budget and program of Park City.

1.112 GOOD CAUSE. Providing positive benefits and mitigating negative impacts, determined on a case by case basis to include such things as: providing public amenities and benefits, resolving existing issues and non-conformities, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City community.

The Subdivision Plat does not meet the purpose statements of the Subdivision regulations, as described below:

(A) To protect and provide for the public health, safety, and general welfare of Park City.

(B) To guide the future growth and Development of Park City, in accordance with the General Plan.

(C) To provide for adequate light, air, and privacy, to secure safety from fire, flood, landslides and other geologic hazards, mine subsidence, mine tunnels, shafts, adits and dump Areas, and other danger, and to prevent overcrowding of the land and undue congestion of population.

(D) To protect the character and the social and economic stability of all parts of Park City and to encourage the orderly and beneficial Development of all parts of the municipality.

(E) To protect and conserve the value of land throughout the municipality and the value of Buildings and improvements upon the land, and to minimize the conflicts among the Uses of land and Buildings.

(F) To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities.

(G) To provide the most beneficial relationship between the Uses of land and Buildings and the circulation of traffic, throughout the municipality, having particular regard to the avoidance of congestion in the Streets and highways, and the pedestrian traffic movements appropriate to the various Uses of land and Buildings, and to provide for the proper location and width of Streets and Building lines.

(H) To establish reasonable standards of design and procedures for Subdivisions, Resubdivisions, and Lot Line Adjustments, in order to further the orderly layout and Use of land; and to insure proper legal descriptions and monumenting of subdivided land.

(I) To insure that public facilities are available and will have a sufficient capacity to serve the proposed Subdivision, Resubdivision, or Lot Line Adjustment,

(J) To prevent the pollution or degradation of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; to minimize Site disturbance, removal of native vegetation, and soil erosion; and to encourage the wise Use and management of natural resources throughout the municipality in order to preserve the integrity, stability, and beauty of the community and the value of the land,

(K) To preserve the natural beauty and topography of Park City and to insure appropriate Development with regard to these natural features, and

(L) To provide for open spaces through the most efficient design and layout of the land, including the Use of flexible Density or cluster-type zoning in providing for minimum width and Area of Lots, while preserving the Density of land as established in the Land Management Code of Park City.

Draft Action Letter Denying the Alice Claim aka Alice Lode Subdivision and Plat Amendment

FINAL ACTION DENYING THE ALICE CLAIM AKA ALICE LODE SUBDIVISION PLAT AMENDMENT

SECTION 1. DENIAL. The Alice Claim aka Alice Lode Subdivision Plat Amendment as shown in Exhibit ____ is denied subject to the following Findings of Facts and Conclusions of Law:

Findings of Fact

1. The property is located south of the intersection of King Road, Ridge Avenue and Sampson Ave in the Historic Residential (HR-1) and Estate (E) Zoning Districts with Sensitive Lands Overlay (SLO).

2. The proposal includes one metes and bounds parcel containing x acres, creating nine (9) new platted lots of record.

For Findings 3-5: See Subdivision Ordinance Purpose: (C) To provide for adequate light, air, and privacy, to secure safety from fire, flood, landslides and other geologic hazards, mine subsidence, mine tunnels, shafts, adits and dump Areas, and other danger, and to prevent overcrowding of the land and undue congestion of population. (D) To protect the character and the social and economic stability of all parts of Park City and to encourage the orderly and beneficial Development of all parts of the municipality. (E) To protect and conserve the value of land throughout the municipality and the value of Buildings and improvements upon the land, and to minimize the conflicts among the Uses of land and Buildings.

3. No platted lots within this application meet the HR-1 zone or E zone standards and therefore none of the lots or metes and bounds parcel can be developed without a Plat or Plat Amendment. The x platted lots that do exist are all partial lots and/or located under the existing Ridge Ave built road. See Image 1 below.

4. The slope of the access road, the driveways and most of each of the proposed nine (9) lots is very steep and will require significant cuts and fills to complete the development.

5. Development of the nine (9) lots on the property may require future variances to the Land Management Code due to the difficulty of development on the proposed lots and the steep to very steep slopes.

For Findings 6-19: See Subdivision Ordinance Purpose: (I) To insure that public facilities are available and will have a sufficient capacity to serve the proposed Subdivision, Resubdivision, or Lot Line Adjustment. AND Land Management Code purpose: (G) To prevent Development that adds to existing Geologic Hazards, erosion, flooding, degradation of air quality, wildfire danger or other conditions that create potential dangers to life and safety in the community or that detracts from the quality of life in the community.

6. 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”.

7. King Road is the proposed main access to the nine lots (9). King Road is a steep and narrow street (x feet wide to x feet wide at the widest portion) that is mostly built outside its platted location.

8. To make King Road safe, the road would need to be widened. Widening King Road may not be possible due to required eminent domain procedure and the cost of the buyout of the land holders.

9. Ridge Avenue is the “secondary access” named in the staff report, and will be needed by all residents of the area during certain periods of the year for egress.

10. Ridge Avenue is a road built outside its platted location.

11. Ridge Avenue currently has one home that uses the road for primary access and is a substandard street that is extremely narrow and acts currently as a secondary access to King Road.

12. Ridge Avenue is a narrow street that is often covered by debris and mud during the year, especially during runoff in the winter and spring.

13. Snow removal on both King Road and Ridge Avenue may be difficult or delayed during winter months.

14. Hazardous vehicle and pedestrian conditions exist on King Road and Ridge Ave when snow and/or slippery conditions are present.

15. The Streets Master Plan indicates that Ridge Avenue, in the section where the proposed subdivision is located, should be widened by 7.5 feet; however the City does not own the land on either side of the road to enlarge it and would need to spend taxpayer money to support the private developers need to widen the road.

16. Ridge Avenue should remain narrow to protect the pattern of development in Old Town while also protecting public health, safety and welfare by keeping traffic limited and speed low and as specified in the Streets Master Plan.

17. Built Ridge Avenue is adjacent to a very steep cliff and the reasonably anticipated detrimental effects of more traffic on the road cannot be substantially mitigated by the application to achieve compliance with Public Safety and Welfare standards.

18. The desire for a second ingress and egress into this site; while important for life, health, safety and welfare, also demonstrate the unsuitable nature of development in the area where the home sites are placed. The creation of another access in and out add a new access for other adjacent lots to potentially develop, further increasing the fuel level and the number of homes in a substandard location.

19. The proposed Sampson Ave/King Road right of way versus the existing private driveway is not an acceptable solution to provide access to the site. The proposed layout creates a 5th point of convergence of four existing non-standard streets and creates the need for significant excavation, vegetation removal and a large retaining wall. Also see: Subdivision Purpose (G) To provide the most beneficial relationship between the Uses of land and Buildings and the circulation of traffic, throughout the municipality, having particular regard to the avoidance of congestion in the Streets and highways, and the pedestrian traffic movements appropriate to the various Uses of land and Buildings, and to provide for the proper location and width of Streets and Building lines.

20. The Traffic Impact Study and Traffic Considerations Letter dated July 7, 2015 from Fehr and Peers do not discuss how the total day trips will affect the width and safety of King Road and Ridge Ave. Peak travel is not the only, or the most important, factor for a development located at the end of a very steep dead end street with icy and slippery hazardous conditions during the winter months.

For Findings 21-23: See Subdivision Ordinance Purpose: (A) To protect and provide for the public health, safety, and general welfare of Park City. (B) To guide the future growth and Development of Park City, in accordance with the General Plan. (F) To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities. (H) To establish reasonable standards of design and procedures for Subdivisions, Resubdivisions, and Lot Line Adjustments, in order to further the orderly layout and Use of land; and to insure proper legal descriptions and monumenting of subdivided land.

21. The City recently imposed an additional fee for water users located at _____ (7,000?) feet or higher in elevation. The stress and cost on the existing water delivery system is not covered by the current impact fees or usage fees charged. Adding more users at higher elevations where not already permitted causes undue additional strain.

22. The City (also via the State Standards and Fire Flow requirements) determined that the low water pressure to service these nine (9) lots as designed is unacceptable for the users, to meet the state drinking water standards and for fire flow.

23. The Sewer District has concerns regarding the placement of the sewer in relation to the retaining walls and in relation to other utilities. The sewer design could affect the entire layout of the subdivision and if any changes are made to the layout of the subdivision upon SBWRD's approval. The Application cannot be supported with its current sewer solution.

For Findings 24-25: See Subdivision Ordinance Purpose: (L) To provide for open spaces through the most efficient design and layout of the land, including the Use of flexible Density or cluster-type zoning in providing for minimum width and Area of Lots, while preserving the Density of land as established in the Land Management Code of Park City. AND GOOD CAUSE. Providing positive benefits and mitigating negative impacts, determined on a case by case basis to include such things as: providing public amenities and benefits, resolving existing issues and non-conformities, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City community.

24. The Application shows a lack of clustering and the nine lot layout does not echo the surroundings nor the HR-1 purpose requirements.

25. Land Management Code Section 15-7.3-1(D) shall apply, and states: "Land which the Planning Commission finds to be unsuitable for Subdivision or Development due to flooding, improper drainage, Steep Slopes, rock formations, Physical Mine Hazards, potentially toxic wastes, adverse earth formations or topography, wetlands, geologic hazards, utility easements, or other features, including ridge lines, which will reasonably be 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 the 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." See also: Subdivision Ordinance Purpose (J) To prevent the pollution or degradation of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; to minimize Site disturbance, removal of native vegetation, and soil erosion; and to encourage the wise Use and management of natural resources throughout the municipality in order to preserve the integrity, stability, and beauty of the community and the value of the land. (K) To preserve the natural beauty and topography of Park City and to insure appropriate Development with regard to these natural features.

Conclusions of Law

1. There is no good cause for this plat amendment given the arguments raised and discussed above including that it does not meet the Subdivision Code 15-7-3 Policy (b) as discussed above. Policy B states: 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.
2. It is unknown at this time whether appropriate sewer service or adequate water service can be provided to the proposed lots.
3. Per specific reasons stated above, the plat amendment is not consistent with the Park City Land Management Code, the General Plan, and the Streets Master Plan. See LMC 15-7-3. Policy (c) the proposed public improvements shall conform and be properly related to the proposals shown in the General Plan, Streets Master Plan, Official Zoning Map, and the capital budget and program of Park City.



The Park City Planning Commission Meeting adjourned at 9:15 p.m.

Approved by Planning Commission: _____

Planning Commission Staff Report



PLANNING DEPARTMENT

Subject: LMC Amendment
Author: Bruce Erickson, AICP, Interim Planning Director
Date: August 12, 2015
Type of Item: Staff Communication Update – LMC Amendment
Park City Historic Sites Inventory Criteria & Demolition Permits

Summary Recommendations

On August 6, 2015, the City Council directed the Planning Department to move forward with a pending ordinance. The purpose of the pending ordinance is to expand the Historic Sites Inventory criteria to include the following terms:

- any structure that has received a historic grant from the City;
- has previously been on the Historic Site Inventory or listed as significant or contributory on any recognizant or other historic survey;
- or despite non-historic additions retain its historic scale, context, materials in a manner and degree which can reasonably be restored to historic form.

In addition, the pending ordinance is to also amend Land Management Code to include demolition permits for all structures in a Historic District to be reviewed by the Historic Preservation Board.

Description

Project Name: LMC Amendment regarding Historic Sites Inventory criteria and demolition permits in the Historic District
Applicant: Planning Department
Proposal: Revisions to the Land Management Code

The Planning Department will request to have the Planning Commission review the possible Land Management Code amendments on September 9, 2015. The current pending ordinance went into effect on August 7, 2015, See Exhibit A.

Exhibits

Exhibit A - Pending Ordinance

Ordinance No. _____

**AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE
SECTION 15, CHAPTER 11 AND ALL HISTORIC ZONES TO EXPAND THE
HISTORIC SITES INVENTORY AND REQUIRE REVIEW BY THE HISTORIC
PRESERVATION BOARD OF ANY DEMOLITION PERMIT IN A HISTORIC DISTRICT**

WHEREAS, the Land Management Code was adopted by the City Council of Park City, Utah to promote the health, safety and welfare of the residents of Park City; and

WHEREAS, it is in the best interest of the community to periodically amend the Land Management Code to reflect the goals and objectives of the City Council and to align the Code with the Park City General Plan; and

WHEREAS, the City Council finds that the proposed changes to the Land Management Code are necessary to supplement existing zoning regulations to protect Historic structures and the economic investment by owners of similarly situated property (currently Historic);

WHEREAS, Park City was originally developed as a mining community and much of the City's unique cultural identity is based on the historic character of its mining era buildings;

WHEREAS, these buildings are among the City's most important cultural, educational, and economic assets;

WHEREAS, the demolition of potentially historic buildings would permanently alter the character of a neighborhood, community and City;

WHEREAS, individual members of the Historic Preservation Board, ("HPB") the official body to review matters concerning the historical designation and design of buildings within the City, and several members of the public have requested that the Council reconsider the sufficiency of the Historic Building Inventory;

WHEREAS, the pending amendments to the Land Management Code ("LMC") and the Historic District Guidelines and any revisions to the Historic Building Inventory are expected to be completed within the next six months;

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

SECTION 1. AMENDMENTS. The recitals above are incorporated herein as findings of fact. The Land Management Code, Title 15 of the Municipal Code of Park City, is hereby amended as follows:

- A. Amendment to Section 15-11-10(A) (2): **SIGNIFICANT SITE.** Any Buildings (main, attached, detached or public), Accessory Buildings and/or Structures

may be designated to the Historic Sites Inventory as a Significant Site if the Planning Department finds it meets all the criteria listed below:

- (a) It is at least fifty (50) years old or has achieved Significance in the past fifty (50) years if the Site is of exceptional importance to the community; and
- (b) It retains its ~~Essential~~ Historical Form, ~~meaning there are no major alterations that have destroyed the Essential Historical Form~~as demonstrated by any of the following: it previously received a historic grant from the City; or it has previously been listed on the Historic Site Inventory; or it was listed as Significant or Contributory on any reconnaissance or other historic survey; or despite non-historic additions it retains its historic scale, context, materials in a manner and degree which can reasonably be restored to Essential Historical Form. ~~Major alterations that destroy the Essential Historical Form include:~~
 - (i) ~~Changes in pitch of the main roof of the primary façade if 1) the change was made after the Period of Historic Significance; 2) the change is not due to any structural failure; or 3) the change is not due to collapse as a result of inadequate maintenance on the part of the Applicant or a previous Owner, or~~
 - (ii) ~~Addition of upper stories or the removal of original upper stories occurred after the Period of Historic Significance, or~~
 - (iii) ~~Moving it from its original location to a Dissimilar Location, or~~
 - (iv) ~~Addition(s) that significantly obscures the Essential Historical Form when viewed from the primary public Right of Way.~~
- (c) It is important in local or regional history, architecture, engineering, or culture associated with at least one (1) of the following:
 - (i) An era of Historic importance to the community, or
 - (ii) Lives of Persons who were of Historic importance to the community, or
 - (iii) Noteworthy methods of construction, materials, or craftsmanship used during the Historic period.
- (3) Any Development involving the Reconstruction of a Landmark Site or a Significant Site that is executed pursuant to Section 15-11-15 of this code shall remain on the Park City Historic Sites Inventory and shall be listed as a Significant Site.

B. New Section. The following section shall be added to Land Management

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Code Title 15, all Historic Zoning Districts Chapters 2.1, 2.2, 2.3, 2.4, 2.5, 2.6 and Chapter 11:

Final Review by Historic Preservation Board. Any application for any demolition permit as defined by the IBC, which includes reconstruction, disassembly, and panelization for demolition of any Building (main, attached, detached, or public), Accessory Building, and/or Structure in which any part of the structure was constructed before 1975 in a Historic District zone must be reviewed by the Historic Preservation Board. Nothing in this section adds any additional criteria or standards to existing Land Management Code or International Building Code sections governing the issuance of such permit. Review by the Board is limited to determination that demolition of such Building (main, attached, detached, or public), Accessory Building, and/or Structure is in conformance with applicable code. If non-compliance is determined, the application shall be remanded to the applicable authority. Planning staff shall review demolition applications of interior elements that (1) have no impact on the exterior of the structure; or (2) are not structural in nature; or (3) the scope of work is limited to exploratory demolition.

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

SECTION 3. EFFECT ON EXISTING APPLICATIONS/PERMITS. Any Complete Application for any demolition permit or CAD received prior to Friday, August 7, 2015, shall not be affected by this amendment. Any currently valid permits or CAD which have been issued by the Building and Planning Departments prior to the adoption of this Ordinance shall not be affected by this amendment.

PASSED AND ADOPTED this ____ day of September, 2015.

PARK CITY MUNICIPAL CORPORATION

Mayor Jack Thomas

Attest:

City Recorder's Office

Approved as to form:

Mark D. Harrington, City Attorney

Planning Commission Staff Report



Subject: 162 Ridge Avenue
Project #: PL-15-02761
Authors: Christy Alexander, AICP, Planner II
Date: August 12, 2015
Type of Item: Administrative – Steep Slope Conditional Use Permit

Summary Recommendations

Staff recommends the Planning Commission review the application for a Steep Slope Conditional Use Permit for 162 Ridge Avenue, open a public hearing, and consider approving the CUP application that includes the Planning Director's approval of the garage on a downhill lot height exception in accordance with the findings of fact, conclusions of law, and conditions of approval.

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

Owner/ Applicant: Thaynes Capital Park City LLC – Damon Navarro
Architect: Jonathan DeGray
Location: 162 Ridge Avenue
Zoning: Historic Residential Low Density (HRL)
Adjacent Land Uses: Vacant lots and residential
Reason for Review: Construction of structures with greater than 1,000 square feet of floor area and located on a steep slope (30% or greater) requires a Conditional Use Permit

Proposal

This application is a request for a Steep Slope Conditional Use Permit (CUP) for a new single family home with a proposed square footage of 3,030 square feet (sf) on a vacant 5,898 sf lot located at 162 Ridge Avenue. The total floor area exceeds 1,000 sf and the construction is proposed on a slope of 30% or greater.

Background

On May 6, 2015, the City received an application for a Conditional Use Permit (CUP) for "Construction on a Steep Slope" at 162 Ridge Avenue. The application was deemed complete on May 6, 2015. The design of the home has gone through different iterations in order to comply with the Historic District Design Guidelines and LMC requirements. The property is located in the Historic Residential (HRL) District. This application was received prior to approval of the recent Land Management Code amendments regarding applicability of the Steep Slope CUP criteria in the HRL Zoning District.

Because the total proposed structure is greater than 1,000 sf, (3,030 sf) and construction is proposed on an area of the lot that has a thirty percent (30%) or greater slope (59.6%), the applicant is required to file a Conditional Use Permit (CUP) application. The CUP is required to be reviewed by the Planning Commission, pursuant to LMC § 15-2.3-7, prior to issuance of a building permit.

The lot is a vacant, platted lot with existing grasses and little other vegetation. The lot is the middle lot of the King Ridge Estates Subdivision (Lot 2) located between a vacant platted lot to the north and a lot with new construction occurring to the south, with access off of a public right-of-way (Ridge Avenue) that is currently being constructed for Lots 1, 2, & 3 of the King Ridge Estates Subdivision. There are no existing structures or foundations on the lot. This lot is subject to the plat notes on the King Ridge Estates Subdivision as well as the Conditions of Approval in Ordinance 07-74 which staff has reviewed and find it meets all requirements (Exhibit D). The access drive over Ridge Avenue to access Lots 1, 2, and 3 is currently being constructed as the home on Lot 1 is being constructed. The drive will continue to be constructed with approval of the homes on each lot until it is finished for Lot 3.

A Historic District Design Review (HDDR) application was reviewed concurrently with this application and found to be in compliance with the Design Guidelines for Historic Districts and Historic Sites adopted in 2009. Staff reviewed the final design, included as Exhibit A.

Purpose

The purpose of the Historic Residential Low Density (HRL) District is to:

- A. reduce density that is accessible only by substandard Streets so these Streets are not impacted beyond their reasonable carrying capacity,
- B. provide an Area of lower density Residential Use within the old portion of Park City,
- C. preserve the character of Historic residential Development in Park City,
- D. encourage the preservation of Historic Structures,
- E. encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District, and maintain existing residential neighborhoods.
- F. establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment, and
- G. define Development parameters that are consistent with the General Plan policies for the Historic core.

Analysis

According to the King Ridge Estates Plat, the maximum floor area for the entire structure cannot exceed 3,030 square feet; the proposed house contains a total of 3,030 sf of floor area. The proposed building footprint is 1,460 sf and the 5,898 sf lot size allows a building footprint of 2,117 sf per the LMC building footprint calculator and as required on the Plat. The house complies with all setbacks, building footprint, and building height requirements of the HRL zone as well as all Plat Notes. The Plat notes

do not include anything else that concerns planning staff (see Exhibit D). Staff reviewed the plans and made the following LMC related findings:

Requirement	LMC Requirement and Plat Requirement	Proposed
Lot Size	LMC: Minimum of 3,750 sf	5,898 sf, <u>complies.</u>
Building Footprint	LMC: 2,117 square feet (based on lot area) <u>maximum</u> Plat: <u>2,117 square feet</u>	1,460 square feet, <u>complies.</u>
Maximum Floor Area	LMC: N/A Plat: 3,030 sf	3,030 square feet, <u>complies.</u>
Front and Rear Yard	LMC: 15 feet minimum (30 feet total) Plat: 15 feet	18 feet (front) to garage and 20 feet (front) to entry, <u>complies.</u> 21 feet to 30 feet non-disturb area (rear), <u>complies.</u>
Side Yard	LMC: 5 feet minimum Plat: 5 feet	5 feet on each side, <u>complies.</u>
Height	LMC: 27 feet above existing grade, <u>maximum.</u> 35 feet above existing grade is permitted for a the home and a single car garage on a downhill lot upon Planning Director approval. Plat: cannot exceed eighteen feet (18') in height above the garage floor (not meaning 18' total for the house, just 18' from garage floor to roof) with an appropriate pitched roof (8:12 or greater). A Height exception for the home with a garage on a downhill lot may be granted if it meets the preceding criteria.	25-27 feet, <u>complies.</u> 34 feet for the home and single car garage area (approved by Planning Director), <u>complies.</u> Garage height does not exceed 18 feet in height above the garage floor to roof, <u>complies.</u> Pitch of roof is 8:12, <u>complies.</u>
Height (continued)	LMC: A Structure shall have a maximum height of thirty five feet (35') measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters. Plat: N/A	31 feet, <u>complies.</u>
Final grade	LMC: Final grade must be within four (4) vertical feet of existing grade around the periphery of the structure. Plat: N/A	Maximum difference is 48" (4 feet) with most of the difference much less than 48", <u>complies.</u>

Vertical articulation	LMC: A ten foot (10') minimum horizontal step in the downhill façade is required unless the First Story is located completely under the finish Grade on all sides of the Structure. The horizontal step shall take place at a maximum height of twenty three feet (23') from where Building Footprint meets the lowest point of existing Grade. Plat: N/A	Horizontal step occurs slightly below 23 feet, <u>complies.</u>
Roof Pitch	LMC: Between 7:12 and 12:12. A roof that is not part of the primary roof design may be below the required 7:12 roof pitch. Plat: N/A	The main roofs have 8:12 pitches with secondary roof pitches at 4:12, <u>complies.</u>
Parking	LMC: Two (2) off-street parking spaces required. Plat: driveways into the garages cannot exceed the minimum slope necessary for drainage away from the garages.	One (1) space within a single car garage and one uncovered space on the driveway, within the lot area, compliant with required dimensions, <u>complies.</u> Driveway slopes and drainage away from garage has been addressed, <u>complies.</u>

LMC § 15-2.1-7(B) requires a Conditional Use permit for development on steep sloping lots (30% or greater) if the structure contains more than one thousand square feet (1,000 sf) of floor area, including the garage, and stipulates that the Conditional Use permit can be granted provided the proposed application and design comply with the following criteria and impacts of the construction on the steep slope can be mitigated:

Criteria 1: Location of Development.

Development is located and designed to reduce visual and environmental impacts of the Structure. **No unmitigated impacts.**

The proposed single family house is located in an existing platted residential subdivision, and although situated on a spur of Ridge Avenue, the home size can be characterized as Old Town infill development in a residentially zoned district. The development does not contain or abut any dedicated open space, forest, conservation easement, water body, wetland, floodplain, recreation area, or commercial establishment. The foundation is stepped with the grade and the amount of excavation is reduced. The single car garage will provide elevation proportions more in keeping with existing homes on that side of the street. The proposed footprint is less than that

allowed for the lot area, setbacks are complied with, and overall height is less than allowable.

Criteria 2: Visual Analysis.

The Applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points to determine potential impacts of the project and identify potential for screening, slope stabilization, erosion mitigation, vegetation protection, and other items. **No unmitigated impacts.**

The applicant submitted a photographic visual analysis, including street views, to show the proposed streetscape and how the proposed house fits within the context of the slope, neighboring structures, and existing vegetation.

(a) A 3D visual analysis is included with the application. The analysis includes the proposed dwelling on Lot 2, as well as conceptual dwellings on lots 1 and 3 for added context. The visual analysis shows that the proposed infill development will blend with the already developed lots that exist in the area. See (6) below for more detail.

(b) As the proposed home is in keeping with the neighborhood, screening will not be necessary. That said, existing vegetation will be preserved throughout the platted 30-foot-deep No-Disturb Area stretching across 86% of the rear boundary of the subdivision as noted on the plat. The remainder of the rear lot will consist of native vegetation and trees which have been approved with the landscape plan. Vegetation here is well developed, providing an appreciable natural buffer. Temporary and permanent erosion mitigation and slope stabilization will be accomplished through best management practices as follows:

Temporary measures: fabric fence sediment barriers at down gradient limits of disturbance; strategically located soil and materials stockpiles; limit work area to that which can be temporarily stabilized / controlled at the end of each work day; utilize terracing during excavation to limit stockpile height / slope length; erosion control blankets over disturbed areas where slopes are steeper than 3H:1V. East side of access at Lot 3 - grade break will be supported with a temporary soil slope at 1.5H:1V, and stabilized with seed and erosion control blanket. This slope will remain in place until work begins on Lot 3;

Permanent measures: West side of access - grade break will be permanently stabilized via construction of a concrete retaining wall having an exposed-face height of 2 to 7 feet. Disturbed area west of the wall will be contained within the Ridge Avenue right-of-way, and will be re-vegetated with dense plantings, mulch, and riprap; East side of access at Lot 2- grade break will be permanently stabilized via construction of the home itself. The building floor grades have been selected to create a code-compliant driveway while meshing with existing ground in the rear yard; North side of site (utilities to King Road) - grade break will be permanently stabilized via construction of terraced retaining structures having exposed-face heights ranging from 2 to 6 feet. Intervening terraces and transition areas will be re-vegetated with dense plantings, mulch, and riprap.

The visual analysis and streetscape demonstrate that the proposed design is visually compatible with the neighborhood, smaller in scale and mass than surrounding structures, and visual impacts are mitigated. Potential impacts of the design are mitigated with minimized excavation and the lower profile of the roof height. Additionally, the garage door is located approximately 18 feet back from the edge of the property.

Criteria 3: Access.

Access points and driveways must be designed to minimize Grading of the natural topography and to reduce overall Building scale. Common driveways and Parking Areas, and side Access to garages are strongly encouraged; however a side access garage is not possible on this site. **No unmitigated impacts.**

All three subdivision lots front on a dedicated but unconstructed ROW, Ridge Avenue. To serve these lots, the developer will construct a private access driveway within the Ridge Avenue public right-of-way in keeping with the existing Encroachment Agreement recorded 6.13.2008, instrument no. 847042.

The proposed design incorporates a single car driveway on the property with a 12.1% slope from Ridge Avenue to the single car garage. Grading is minimized for both the driveway and the stepped foundation. Due to the greater than 30% slope and lot width a side access garage would not minimize grading and would require a massive retaining wall. The driveway is designed to minimize Grading of the natural topography and to reduce overall Building scale.

Criteria 4: Terracing.

The project may include terraced retaining Structures if necessary to regain Natural Grade. **No unmitigated impacts.**

The project includes terraced retaining structures to regain natural grade. The lot has a steeper grade towards the front of the property with a slope of 59.6%. The average slope is 41.5% across the entire length of the developable lot. The foundation is terraced to regain Natural Grade without exceeding the allowed four (4') foot of difference between final and existing grade. Stepped low retaining walls are proposed on the sides at the front portion of the lot to regain Natural Grade and to create the driveway. New retaining walls will not exceed four feet (4') in height.

Criteria 5: Building Location.

Buildings, access, and infrastructure must be located to minimize cut and fill that would alter the perceived natural topography of the Site. The Site design and Building Footprint must coordinate with adjacent properties to maximize opportunities for open Areas and preservation of natural vegetation, to minimize driveway and Parking Areas, and provide variation of the Front Yard. **No unmitigated impacts.**

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. Both project access and the proposed home have been designed to follow the lay of the land, and the location of the ridgeline within the context of the neighborhood will not change. The

more mature, dense vegetation within the dedicated no-disturb area along the rear boundary is to be preserved. Proposed driveway length from back of gutter to the face of Lot 2 garage is approximately 20 feet.

Criteria 6: Building Form and Scale.

Where Building masses orient against the Lot's existing contours, the Structures must be stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District. Low profile Buildings that orient with existing contours are strongly encouraged. The garage must be subordinate in design to the main Building. In order to decrease the perceived bulk of the Main Building, the Planning Commission may require a garage separate from the main Structure or no garage. **No unmitigated impacts.**

The proposed residence exhibits a low-profile design with only a single level presented to the access drive. The building will orient / step with the contour of the land, dropping to a private rear yard. The garage as designed is subordinate to the main building. Horizontal stepping, as required by the LMC, also decreases the perceived bulk as viewed from the street.

Staff finds that the structure complies with the Design Guidelines for Historic Districts and Historic Sites. The structure reflects the historic character of Park City's Historic Sites such as simple building forms, unadorned materials, and restrained ornamentation. The style of architecture should be selected and all elevations of the building are designed in a manner consistent with a contemporary interpretation of the chosen style. Exterior elements of the new development—roofs, entrances, eaves, chimneys, porches, windows, doors, steps, retaining walls, garages, etc—are of human scale and are compatible with the neighborhood and even traditional architecture. The scale and height of the new structure follows the predominant pattern of the neighborhood.

Criteria 7: Setbacks.

The Planning Commission may require an increase in one or more Setbacks to minimize the creation of a "wall effect" along the Street front and/or the Rear Lot Line. The Setback variation will be a function of the Site constraints, proposed Building scale, and Setbacks on adjacent Structures. **No unmitigated impacts.**

The proposed building will meet required setbacks. The building facade is stepped, while the access to lots 1-3 is quite short, thereby rendering any potential "wall effect" imperceptible.

Criteria 8: Dwelling Volume.

The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in this Chapter. The Planning Commission may further limit the volume of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing Structures. **No unmitigated impacts.**

The proposed massing and architectural design components are compatible with both the volume and massing of existing structures. The design minimizes the visual mass and mitigates the differences in scale between the proposed house and existing historic structures. The building volume is not maxed out in terms of footprint and most of the heights of the structure are lower than the maximum height of 27', with some portions exactly at a height of 27'. The majority of the mass and volume of the proposed house is located behind the front façade and below Ridge Avenue. The rear of the house backs to a non-disturbed area and vacant lots.

Criteria 9: Building Height (Steep Slope).

The maximum Building Height in the HR-L District is twenty-seven feet (27') (and up to a maximum of thirty-five feet for a single car garage on a downhill lot per Planning Director approval). The Planning Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing residential Structures. **No unmitigated impacts.**

The proposed structure complies with the 27 feet maximum building height requirement measured from existing grade. Overall the proposed height is less than the allowed height. A 35 foot height exception is allowed for a garage on a downhill lot per Planning Director approval and this design proposes a maximum of 34 feet height for the entire home and garage area. To minimize the amount of roof that is over the 27' height limit, a single car garage is proposed rather than a tandem car garage allowed by code. A plat note requires the garage height from floor to roof be no more than 18' which this proposal meets. A ten foot (10') minimum horizontal step in the downhill façade is required below 23 feet and the proposed horizontal step takes place slightly below 23 feet and steps back 12 feet. The proposed height measurement from the lowest finish floor plane to the point of the highest wall top plate is 31 feet in height, slightly lower than the allowable maximum of 35 feet.

Process

Approval of this application constitutes Final Action that may be appealed to the City Council following appeal procedures found in LMC § 15-1-18. Approval of the Historic District Design Review application was noticed separately.

Department Review

This project has gone through an interdepartmental review. No further issues were brought up at that time. A final utility plan, including storm water plan, will be required to be reviewed with the building permit and which shall have been approved by the City Engineer prior to issuance of a building permit.

A final Historic District Design review and approval and Steep Slope CUPs are required for each lot prior to issuance of a building permit. The landscape plan shall be reviewed with the HDDR. No further issues were brought up other than standards items that have been addressed by revisions and/or conditions of approval.

Notice

On July 8, 2015, the property was posted and notice was mailed to affected property owners within 300 feet. Legal notice was also published in the Park Record by July 5, 2015. The project was continued at the July 22, 2015 meeting to the August 12, 2015 meeting.

Public Input

No input has been received regarding the Steep Slope CUP at the time of this report and any received will be forwarded to the Planning Commission.

Alternatives

- The Planning Commission may approve the Steep Slope Conditional Use Permit for 162 Ridge Avenue and garage height exception as conditioned or amended, or
- The Planning Commission may deny the Steep Slope Conditional Use Permit and provide staff with Findings for this decision, or
- The Planning Commission may request specific additional information and may continue the discussion to a date certain.

Significant Impacts

As conditioned, there are no significant fiscal or environmental impacts from this application. The lot is an existing platted residential lot that contains native grasses and shrubs. A storm water management plan will be required to handle storm water run-off at historic release rates.

Consequences of not taking the Suggested Recommendation

The construction as proposed could not occur and the applicant would have to revise the plans.

Recommendation

Staff recommends the Planning Commission review the application for a Steep Slope Conditional Use Permit at 162 Ridge Avenue, open a public hearing, and consider approving the CUP application that includes the Planning Director's approval of the garage on a downhill lot height exception in accordance with the findings of fact, conclusions of law, and conditions of approval.

Findings of Fact

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

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

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. 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 both directions.

Exhibits

Exhibit A- Plans (existing conditions, plat, survey, site plan, elevations, floor plans, sections)

Exhibit B- Visual Analysis/ Streetscape

Exhibit C- Existing Photographs

Exhibit D - Plat with Ordinance # 07-74

Exhibit E – Planning Director approval of height exception for home and garage on a downhill lot

EXHIBIT A

162 RIDGE AVENUE

PARK CITY, UT 84060

HISTORIC DISTRICT DESIGN REVIEW SET

CONSULTANTS

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LEGEND

	BRICK & STONE		OFFICE		ROOM NAME & NUMBER
	EARTH		FLOOR, POINT ELEV.		CENTER LINE
	CONCRETE		ROUND, DIA.		CHANNEL
	CONCRETE MASONRY UNIT		ANGLE		DETAIL
	STEEL (LARGE SCALE)		SECTION CUT, DETAIL		BUILDING SECTION
	RIGID INSULATION		KEYED NOTES		WINDOW TYPE
	ROUGH WOOD		DOOR NUMBER		REVISION
	BLOCKING		INTERIOR WALL ELEV.		WALL TYPE
	ALUMINUM (LARGE SCALE)				
	GRAVEL				
	FINISHED WOOD				
	BATT OR BLOWN INSULATION				
	PLASTER, SAND, GROUT, MORTAR				
	STEEL (SMALL SCALE)				
	BITUMINOUS PAVING				
	PLYWOOD				
	GYPSUM BOARD				

CODE ANALYSIS

APPLICABLE CODES
2012 IRC 2012 IBC
2012 IPC 2012 IMC
2011 NEC 2012 IFGC
2009 IECC 2012 IFC

OCCUPANCY: R3

CONSTRUCTION TYPE: VB
BUILDING TO BE FIRE SPRINKLED:
CONTRACTOR TO PROVIDE APPROVALS
PRIOR TO INSTALLATION.

BACKFLOW PREVENTERS (3 TOTAL)
1. LAWN SPRINKLER SYSTEM
2. BOILER
3. FIRE SPRINKLER SYSTEM

AREA SQUARE FOOT CALCULATIONS				
	EXISTING	NEW	TOTAL	REMODEL
LOWER LEVEL	-	1398	1398	-
MAIN LEVEL	-	1423	1423	-
UPPER LEVEL	-	214	214	-
TOTAL LIVING SPACE	-	3035	3035	-
ALLOWABLE LIVING SPACE	-	-	-	-
GARAGE	-	324	324	-
FOOTPRINT	-	1460	1460	-
ALLOWABLE FOOTPRINT	-	-	-	-
LOT AREA	5895			
LOD FENCE	4548			
DISTURBED AREA	2161			

INDEX TO DRAWINGS

#	SHEET #	SHEET DESCRIPTION
1	Aa	COVER SHEET
SURVEY		
2	1 OF 1	RECORD OF SURVEY AND TOPOGRAPHIC MAP
ARCHITECTURAL		
3	A0.1	PROPOSED SITE PLAN
4	A0.2	LANDSCAPE PLAN
5	A1.1	LOWER LEVEL & MAIN LEVEL FLOOR PLANS
6	A1.2	ENTRY LEVEL FLOOR PLAN & ROOF LEVEL PLAN
7	A2.0	EXTERIOR ELEVATIONS - WEST & NORTH
8	A2.1	EXTERIOR ELEVATIONS - EAST & SOUTH
9	A3.0	BUILDING SECTIONS
10	A3.1	BUILDING SECTIONS
11	A5.1	ARCHITECTURAL DETAILS
12	A5.1	ARCHITECTURAL DETAILS
13	A6.1	DOOR, WINDOW, AND ROOM SCHEDULES

ABBREVIATIONS

A.C.	AIR CONDITIONING	F.D.	FLOOR DRAIN	P.R.	PAIR
ACoust.	ACOUSTICAL	FND	FOUNDATION	R.D.	ROOF DRAIN
ADD.	ADDENDUM	FIN.	FINISH	REG.	REGULAR
ADJ.	ADJUSTABLE	FLR.	FLOOR	R.S.	ROUGH-SAWN
ALLOW.	ALLOWANCE	F.R.	FIRE RATED	RAD.	RADIUS
ALUM.	ALUMINUM	FTG.	FOOTING	REINF.	REINFORCING
APPROX.	APPROXIMATE	G.	GAS	REQ'D.	REQUIRED
B.D.	BOARD	G.I.	GALVANIZED IRON	REV.	REVISED
B.U.	BUILT-UP	GA.	GAUGE	RM.	ROOM
B.W.	BOTH WAYS	GALV.	GALVANIZED	R.O.	ROUGH OPENING
BLDG.	BUILDING	GRD.	GRADE	S & R	SHIELF AND ROD
BLK.	BLOCK	G.W.B.	GYPSUM WALL BOARD	S.C.	SOLID CORE
BRK.	BRICK	G.L.B.	GLU-LAM BEAM	SCHED.	SCHEDULE
C.I.	CAST IRON	H.B.	HOSE BIBB	SHT.	SHEET
C.J.	CONTROL JOINT	HD.	HEAD	SIM.	SIMILAR
C.M.U.	CONCRETE MASONRY UNIT	H.M.	HOLLOW METAL	SPEC.	SPECIFICATION
CLG.	CEILING	HOR.	HORIZONTAL	STD.	STANDARD
COL.	COLUMN	I.D.	INSIDE DIAMETER	STL.	STEEL
COMP.	COMPOSITE	INT.	INTERIOR	STRUC.	STRUCTURAL
CONC.	CONCRETE	IRRIG.	IRRIGATION	SYS.	SYSTEM
CONSTR.	CONSTRUCTION	INSUL.	INSULATION	T & B	TOP AND BOTTOM
CONTR.	CONTRACTOR	JB.	JAMB	T & G	TONGUE AND GROOVE
CONT.	CONTINUOUS	JNT.	JOINT	T.O.	TOP OF
D.F.	DRINKING FOUNTAIN DOUGLAS FIR	M.R.	MOISTURE RESISTANT	T.O.F.	TOP OF FOOTING
DIA.	DIAMETER	MANFR.	MANUFACTURER	T.O.W.	TOP OF WALL
DM.	DIMENSION	MAX.	MAXIMUM	TYP.	TYPICAL
DN.	DOWN	MECH.	MECHANICAL	T.S.	STEEL TUBE COLUMN
DWG.	DRAWING	MIN.	MINIMUM	UN.O.	UNLESS NOTED OTHERWISE
DTL.	DETAIL	(N)	NEW	VERT.	VERTICAL
EA.	EACH	N.C.	NOT IN CONTRACT	V.T.R.	VENT THRU ROOF
E.F.	EXHAUST FAN	N.T.S.	NOT TO SCALE	W.	WATER
E.I.F.S.	EXT. INSUL. FINISH SYSTEM	NO.	NUMBER	WD.	WOOD
EJ.	EXPANSION JOINT	O.C.	ON CENTER	W.	WITH
ELEC.	ELECTRIC/ELECTRICAL	O.D.	OUTSIDE DIAMETER	WP.	WATERPROOF
ELEV.	ELEVATION	OF.D.	OVERFLOW DRAIN	W.R.	WATER RESISTANT
EQ.	EQUAL	OPNG.	OPENING	W.H.	WATER HEATER
E.T.	EXPANSION TANK	PLYWD.	PLYWOOD	W.S.	WATER SOFTENER
EXIST. (E)	EXISTING	PNT.	PAINT	W.W.F.	WELDED WIRE FABRIC
EXT.	EXTERIOR	PNTD.	PAINTED	W.W.M.	WOVEN WIRE MESH

GENERAL NOTES

1. THIS DESIGN IS AN ORIGINAL UNPUBLISHED WORK AND MAY NOT BE DUPLICATED, PUBLISHED AND/OR USED WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT/ENGINEER.
2. THESE SHEETS - LISTED BY DRAWING INDEX, ALL ACCOMPANYING SPECIFICATIONS FOR MATERIALS, WORKMANSHIP QUALITY, AND NOTES HAVE BEEN PREPARED SOLELY FOR THE CONSTRUCTION AND FINISH OF PROJECT IMPROVEMENTS, COMPLETE AND READY FOR OCCUPANCY AND USE.
3. ALL WORK IS TO BE PERFORMED IN ACCORDANCE WITH PERTINENT JURISDICTIONAL CODES, RESTRICTIONS, COVENANTS, AND/OR ORDINANCES. ANY CONFLICT BETWEEN DESIGN AND REQUIREMENT SHALL BE REPORTED TO THE ARCHITECT/ENGINEER BEFORE PROCEEDING.
4. ANY AND ALL PROPOSED CHANGE, MODIFICATIONS AND/OR SUBSTITUTION SHALL BE REPORTED TO THE ARCHITECT/ENGINEER BEFORE PROCEEDING.
5. IN THE EVENT OF CONFLICT BETWEEN THE DESIGN DOCUMENTS AND/OR JURISDICTIONAL REQUIREMENTS, THE MORE RESTRICTIVE FROM THE STANDPOINT OF SAFETY AND PHYSICAL SECURITY SHALL APPLY.
6. ANY INSTALLATION, FINISH, OR COMPONENT INTENDED TO PROVIDE ENCLOSURE, WEATHER ABILITY OR APPEARANCE QUALITY SHALL BE PRODUCED AS A REPRESENTATIVE SAMPLE PRIOR TO PROCEEDING WITH COMPLETION. WORK PERFORMED WITHOUT WRITTEN APPROVAL OF SUCH SAMPLE BY THE ARCHITECT/ENGINEER SHALL BE DONE AT THE RISK OF THE CONTRACTOR. A MINIMUM OF TWO (2) WORKING DAYS NOTICE SHALL BE GIVEN.
7. ALL WORK SHALL BE INSPECTED BY GOVERNING AGENCIES IN ACCORDANCE WITH THEIR REQUIREMENTS. JURISDICTIONAL APPROVAL SHALL BE SECURED BEFORE PROCEEDING WITH WORK.
8. BUILDING DESIGN IS GENERALLY PREDICATED UPON PROVISIONS OF THE 2012 IRC AND AMENDMENTS AS MAY HAVE BEEN LOCALLY ENACTED. ALL REQUIREMENTS OF THE JURISDICTIONAL FIRE SAFETY/PREVENTION DISTRICT SHALL BE ACCOMMODATED BY THIS DESIGN AND ANY CONSEQUENT CONSTRUCTION.
9. ALL 2 1/2" GAS PIPE SYSTEM METER SETS REQUIRES PRIOR APPROVAL FROM QUESTAR GAS COMPANY. PROVIDE A LETTER FROM QUESTAR APPROVING SYSTEM.
10. ALL FIELD WELDING OR TORCH WORK, WILL REQUIRE A SEPARATE "HOT WORK" PERMIT PRIOR TO BEGINNING WORK. IFC 105.6.11

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162 RIDGE AVENUE
PARK CITY, UT 84060

COVER SHEET

DATE: 04/22/15
SHEET NUMBER: Aa

KING RIDGE ESTATES

A PORTION OF BLOCK 75, MILLSITE RESERVATION TO PARK CITY,
LYING WITHIN THE NORTHEAST QUARTER OF
SECTION 21, TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE & MERIDIAN
SUMMIT COUNTY, UTAH

PLAT NOTES:

1. ALL LOTS WITHIN THIS SUBDIVISION ARE BUILDABLE. ANY FURTHER SUBDIVISION OF SUCH LOTS, WHETHER BY DEED REQUEST, DIVORCE DECREE, OR OTHER RECORDED INSTRUMENT SHALL NOT RESULT IN A BUILDABLE LOT UNTIL THE SAME HAS BEEN APPROVED IN ACCORDANCE WITH THE PARK CITY LAND USE ORDINANCE.
2. UTILITIES SHALL HAVE THE RIGHT TO INSTALL, MAINTAIN, AND OPERATE THEIR EQUIPMENT ABOVE AND BELOW GROUND AND ALL OTHER RELATED FACILITIES WITHIN THE PUBLIC UTILITY EASEMENTS (PUE) IDENTIFIED ON THIS PLAT AS MAY BE NECESSARY OR DESIRABLE IN PROVIDING UTILITY SERVICE WITHIN AND WITHOUT THE LOTS IDENTIFIED HEREON. SAID RIGHTS INCLUDES THE RIGHT OF ACCESS TO SUCH FACILITIES AND THE RIGHT TO REQUIRE REMOVAL OF ANY OBSTRUCTIONS INCLUDING STRUCTURES, TREES, AND VEGETATION THAT MAY HAVE BEEN PLACED WITHIN THE PUE. THE UTILITY MAY REQUIRE THE LOT OWNER TO REMOVE ALL STRUCTURES WITHIN THE PUE AT THE LOT OWNERS EXPENSE, OR THE UTILITY MAY REMOVE SUCH STRUCTURES AT THE LOT OWNERS EXPENSE. AT NO TIME MAY ANY PERMANENT STRUCTURES OR ANY OTHER OBSTRUCTION WHICH INTERFERES WITH THE USE OF THE PUE BE PLACED WITHIN THE PUE WITHOUT PRIOR WRITTEN APPROVAL OF ALL THE UTILITIES WITH FACILITIES WITHIN THE AFFECTED PUE.
3. DESIGN OF ACCESS TO AND FIRE PROTECTION FOR ALL PROPOSED BUILDINGS MUST MEET THE REQUIREMENTS OF THE PARK CITY FIRE SERVICE DISTRICT. MODIFIED 13-0 SPRINKLERS ARE REQUIRED IN EACH HOUSE.
4. LOTS ARE NUMBERED 1-3.
5. PARCEL A IS HEREBY DEDICATED TO PARK CITY AS A PUBLIC STREET AND RIGHT-OF-WAY.
6. NO REMNANT PARCEL CREATED HEREBY IS SEPARATELY DEVELOPABLE.
7. THE 30-FOOT WIDE NO-DISTURB AREA ALONG THE REAR OF LOTS 1-3 IS INTENDED TO PRESERVE EXISTING VEGETATION BOTH DURING AND AFTER CONSTRUCTION. DISTURBANCE WITHIN 30 FEET OF THE REAR LINE WILL BE REQUIRED ONLY IN THE VICINITY OF POWER AND STORM DRAIN CONSTRUCTION.
8. THE MAXIMUM FLOOR AREA, AS DEFINED BY THE PARK CITY LAND MANAGEMENT CODE, CANNOT EXCEED 3,030 SQUARE FEET FOR ANY STRUCTURE ON LOT 1, 2, OR 3.
9. CONSTRUCTION ON LOTS 1, 2, AND 3 IS RESTRICTED BY SPECIFIC CONDITIONS OF THE SUBDIVISION APPROVAL, ORDINANCE 07-74.
10. LOTS DESIGNATED AS LOW PRESSURE SEWER SYSTEM LOTS SHALL BE REQUIRED TO INSTALL A LOW PRESSURE GRINDER PUMP STATION AND APPURTENANCES CONSISTENT WITH THE SUDWR PUBLIC LOW PRESSURE SEWER SYSTEM INSTALLED FOR THE DEVELOPMENT. THE KING RIDGE HOMEOWNERS ASSOCIATION SHALL BE RESPONSIBLE FOR OPERATION, MAINTENANCE AND REPAIR OF THE LOW PRESSURE GRINDER PUMP STATION AND APPURTENANCES.

LEGAL DESCRIPTION:

ALL OF LOTS 35 TO 40, INCLUSIVE; LOTS 66 TO 71, INCLUSIVE, AND THE WESTERLY ONE-HALF OF LOTS 33 AND 34, BLOCK 75, MILLSITE RESERVATION TO PARK CITY, ACCORDING TO THE OFFICIAL PLAT THEREOF, ON FILE AND OF RECORD IN SUMMIT COUNTY RECORDER'S OFFICE.

TOGETHER WITH ONE-HALF OF THE VACATED ANCHOR AVENUE ABUTTING SAID LOTS 66 THOUGH 71, INCLUSIVE ON THE EAST.

LESS AND EXCEPTING THEREFROM THE WESTERLY ONE-HALF OF LOT 34 ANY PORTION LYING EASTERLY OF RIDGE AVENUE WITHIN THE BOUNDS OF THE FOLLOWING DESCRIBED PARCEL:

BEGINNING AT A POINT ON THE PLATTED CENTERLINE OF ANCHOR AVENUE, SAID POINT BEING SOUTH 68°27'00" EAST 10.77 FEET FROM THE NORTHEAST CORNER OF LOT 72, BLOCK 75 OF THE MILLSITE RESERVATION TO PARK CITY, ACCORDING TO THE OFFICIAL PLAT THEREOF, ON FILE AND OF RECORD IN THE SUMMIT COUNTY RECORDER'S OFFICE; THENCE ALONG SAID PLATTED CENTERLINE SOUTH 21°33'00" WEST 37.50 FEET; THENCE LEAVING SAID CENTERLINE NORTH 68°27'00" WEST 95.31 FEET TO THE EASTERLY EDGE OF ASPHALT OF THE EXISTING PAVED RIDGE AVENUE; THENCE ALONG SAID EASTERLY ASPHALT EDGE THE FOLLOWING FIVE CALLS: 1) NORTH 11°25'02" EAST 0.44 FEET; 2) NORTH 02°58'22" EAST 5.47 FEET; 3) NORTH 05°21'47" EAST 16.77 FEET; 4) NORTH 02°58'22" EAST 7.94 FEET; 5) NORTH 02°58'22" WEST 5.46 FEET TO A POINT ON THE NORTHEASTERLY LINE OF LOT 34 OF SAID MILLSITE RESERVATION; THENCE LEAVING SAID EASTERLY EDGE OF ASPHALT AND ALONG THE NORTHERLY LINE OF LOT 34 AND 72 OF SAID MILLSITE RESERVATION SOUTH 68°27'00" EAST 106.02 FEET TO THE POINT OF BEGINNING.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, THE UNDERSIGNED OWNER(S) OF THE HEREIN DESCRIBED TRACT OF LAND, TO BE KNOWN HEREINAFTER AS THE KING RIDGE ESTATES, DO HEREBY CERTIFY THAT I HAVE CAUSED THIS PLAT TO BE PREPARED, AND I/WE, Wesley Lee Scott OF KING RIDGE RESOURCES, LLC, HEREBY CONSENT(S) TO THE RECORDATION OF THIS PLAT.

ALSO, THE OWNER(S), OR HIS/HER REPRESENTATIVES, HEREBY IRREVOCABLY OFFERS FOR DEDICATION TO THE CITY OF PARK CITY ALL THE STREETS, LAND FOR LOCAL GOVERNMENT USES, EASEMENTS, PARKS, AND REQUIRED UTILITIES AND EASEMENTS SHOWN ON THE PLAT AND CONSTRUCTION DRAWINGS IN ACCORDANCE WITH AN IRREVOCABLE OFFER OF DEDICATION.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS 12th DAY OF May, 2008.

Wesley Lee Scott
KING RIDGE RESOURCES, LLC

ACKNOWLEDGEMENT

STATE OF UTAH,
COUNTY OF SUMMIT,

ON THIS 12th DAY OF May, 2008, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY OF SUMMIT, IN SAID STATE OF UTAH, KING RIDGE RESOURCES, LLC, THE PERSON THAT EXECUTED THE WITHIN INSTRUMENT AND KNOWN TO ME TO BE (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) THE PERSON WHO EXECUTED THE WITHIN INSTRUMENT ON BEHALF OF SAID PERSON, BEING FULLY KNOWN AND ACKNOWLEDGED TO ME THAT THEY ARE THE OWNER OF THE HEREIN DESCRIBED TRACT OF LAND AND THEY SIGNED THE ABOVE OWNER'S DEDICATION AND CONSENT TO RECORD FREELY AND VOLUNTARILY.

C. J. M.
NOTARY PUBLIC

W. L. S.
MY COMMISSION EXPIRES



SURVEYOR'S CERTIFICATE

I, CHRISTOPHER R. BRAUN, CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO. 5152604, AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, AND THIS PLAT WAS PREPARED UNDER MY DIRECTION IN ACCORDANCE WITH THE REQUIREMENTS OF PARK CITY MUNICIPAL CORPORATION. I FURTHER CERTIFY THAT THE PROPERTY BOUNDARIES AS SHOWN ARE CORRECT.

Christopher R. Braun
CHRISTOPHER R. BRAUN
PLS 5152604
5/9/08

5/9/08
DATE

Park City
Surveying

Box 682991
Park City, UT 84306
(435) 649-2018
(435) 649-1617 fax

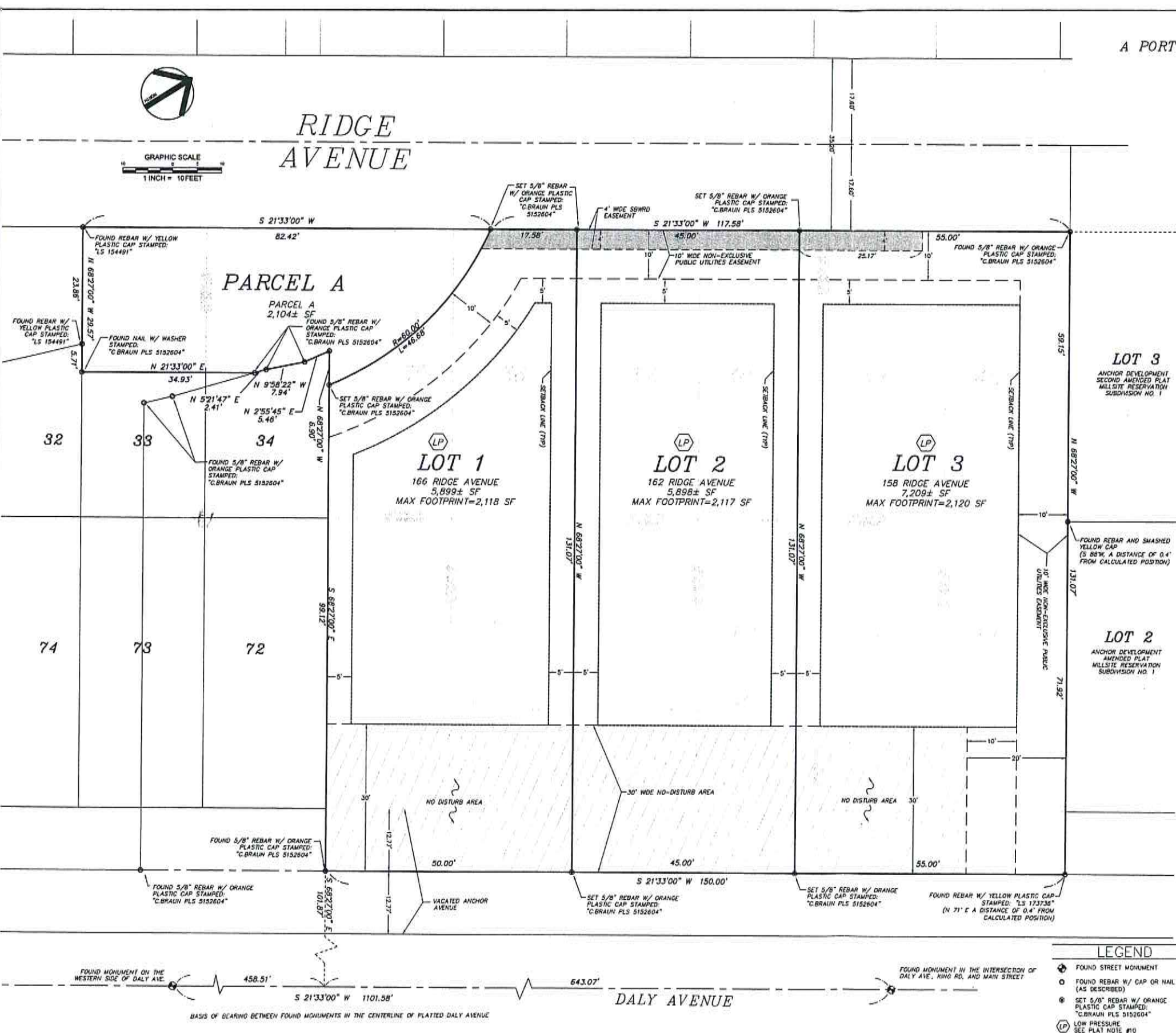
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MAY 2008 PAGE 1 of 1

RECORDED # 847041

STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE
REQUEST OF U.S. Title
DATE 6-13-08 TIME 2:20pm
BOOK 22 PAGE 2
FEE \$24.00
RECORDER Deborah Brown, Deputy

Page 89 of 280



LEGEND

- FOUND STREET MONUMENT
- FOUND REBAR W/ CAP OR NAIL (AS DESCRIBED)
- SET 5/8" REBAR W/ ORANGE PLASTIC CAP STAMPED: "C.BRAUN PLS 5152604"
- LOW PRESSURE SEE PLAT NOTE #10

PARK CITY PLANNING COMMISSION
REVIEWED BY THE PARK CITY PLANNING COMMISSION ON THIS 12th DAY OF SEPTEMBER, 2007 A.D.
Planning Commission Packet August 12 2015

CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 25TH DAY OF OCTOBER, 2007 A.D.
BY John Scott
PARK CITY RECORDER

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS 14th DAY OF May, 2008 A.D.
BY B. D. G.
S.B.W.R.D.

ENGINEERS CERTIFICATE
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 21st DAY OF May, 2008 A.D.
BY Christopher R. Braun
PARK CITY ENGINEER

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS 6 DAY OF June, 2008.
BY Christopher R. Braun
PARK CITY ATTORNEY

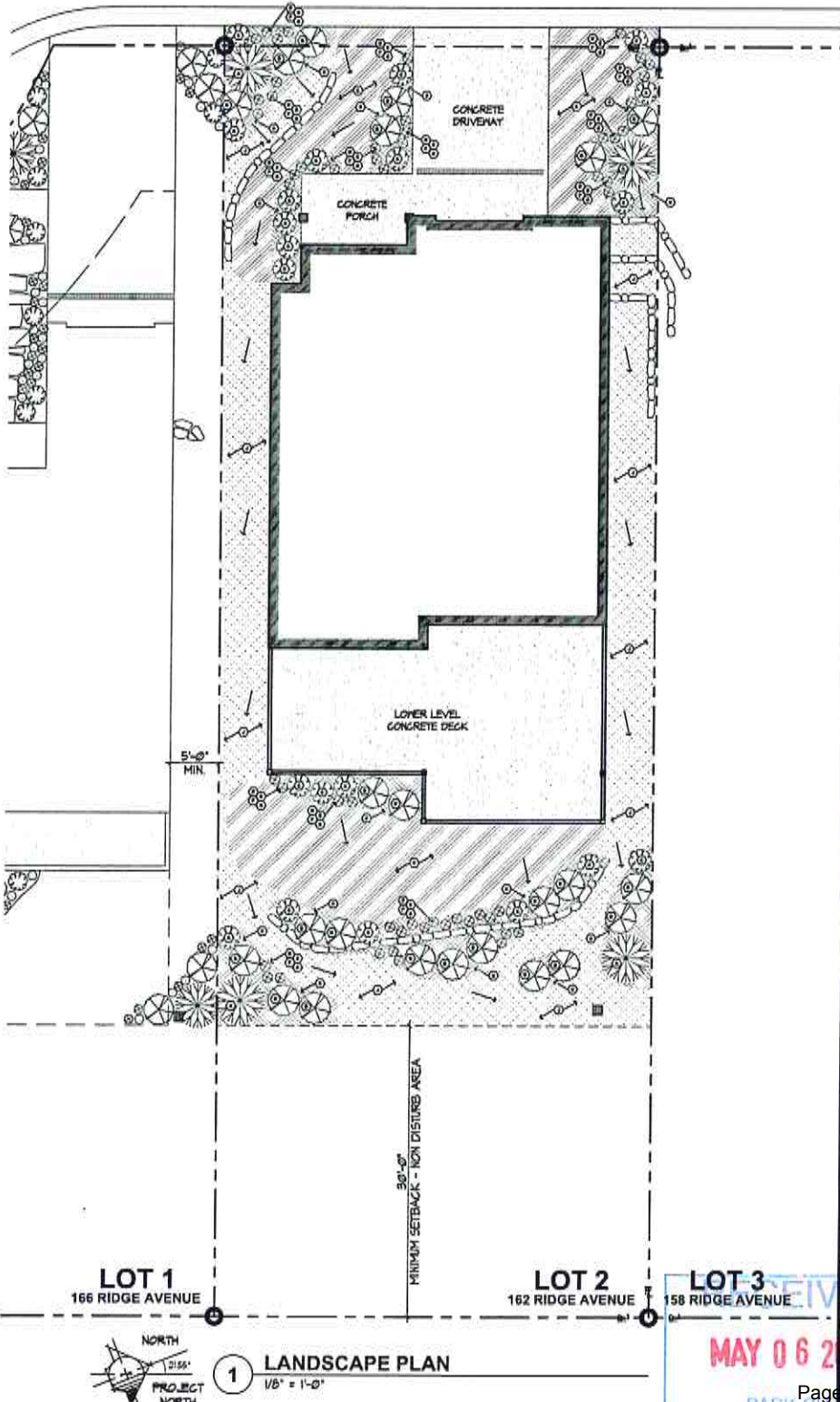
COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 12 DAY OF May, 2007 A.D.
BY Dana Williams
MAYOR

PLANTING NOTES

- 1. CONTRACTOR TO VERIFY LOCATION OF ALL UTILITIES PRIOR TO INITIATION OF EXCAVATION OR PLANTING OPERATIONS. ANY DAMAGE TO EXISTING UTILITIES ON SITE OR ADJACENT PROPERTY SHALL BE CONTRACTORS RESPONSIBILITY.
- 2. AUTOMATIC IRRIGATION IS REQUIRED, PROVIDE SHOP DRAWINGS FOR APPROVAL.
- 3. ALL PLANT MATERIAL SHALL CONFORM TO CURRENT AMERICAN ASSOCIATION OF NURSERYMAN'S STANDARD SPECIFICATIONS.
- 4. ALL PLANT MATERIAL SHALL BE INSTALLED AS PER DRAWINGS, DETAILS, AND SPECIFICATIONS.
- 5. CONTRACTOR SHALL VERIFY ALL QUANTITIES. IN CASE OF A DISCREPANCY, THE ILLUSTRATED LOCATIONS SHALL DICTATE COUNT.
- 6. CONTRACTOR SHALL COORDINATE ALL PLANTING WITH IRRIGATION CONTRACTOR, AS NEEDED.
- 7. IN THE EVENT OF A DISCREPANCY NOTIFY THE ARCHITECT OR OWNER IMMEDIATELY.
- 8. NO SUBSTITUTIONS SHALL BE ALLOWED WITHOUT WRITTEN PERMISSION OF THE ARCHITECT OR OWNER.
- 9. SHRUB BEDS SHALL RECEIVE 6" OF TOPSOIL.
- 10. ALL SHRUB BEDS SHALL HAVE 3" OF DECOMPOSED BARK MULCH INSTALLED.
- 11. SHRUB BED EDGINGS SHALL BE PRESSURE TREATED WOOD OR "TREX" EDGINGS. IT SHALL SEPARATE ALL SHRUB BEDS/ NATIVE GRASS LOCATIONS.
- 12. ALL PLANTS AND ALL PLANT STAKES SHALL BE SET PLUMB.
- 13. ALL ROOT WRAPPING MATERIAL MADE OF SYNTHETICS OR PLASTICS SHALL BE REMOVED AT TIME OF PLANTING AND PROPERLY DISCARDED.
- 14. NO BARE ROOT STOCK SHALL BE USED.
- 15. FOR PLANTING BACK FILL SOIL MIX, SEE SPECIFICATIONS.

PLANT SCHEDULE						
SYMBOL	KEY	QUANTITY	COMMON NAME	SCIENTIFIC NAME	SIZE	SPACING COMMENTS
DECIDUOUS TREES						
	A	4	Colorado Blue Spruce	Picea pungens	3" Dia.	6'-10" 6' x 8' tall
	B	23	Aspen	Populus tremuloides	3" Dia.	6'-10"
SHRUBS						
	C	21	Red twig dogwood	Cornus sericea "halleyi"	5 Gal.	Spacing as noted on plan
PERENNIAL PLANTS						
	D	13	Bluebells	Campanula	1 Gal.	12"-18" Distribute Equally
	E	13	Columbine	Aquilegia Caerulea	1 Gal.	12"-18" Distribute Equally
	F	13	Trailing Daisy	Erigeron Flagellaris	1 Gal.	12"-18" Distribute Equally
	G	13	Blanket Flower	Gaillardia Aristata	1 Gal.	12"-18" Distribute Equally
OTHER						
	H	620 S.F.	Wood Chips		Small	3" Thick Layer
	J	592 S.F.	Native Grass Seed Mix		1 lb/1500	Hydroseed See seed mix below
	K	923 S.F.	Drought Tolerant Fescue	Sheep Fescue		

NATIVE GRASS SEED MIX
The seed mix shall be utilized in areas specified for native grasses. This mixture shall be applied at a sufficient rate so that germination and subsequent coverage reaches 80% in a representative 10'x10' area. If coverage does not reach 80% reseeding must occur. Apply at a rate of 80 lbs/ acre on the following percentages:
20% Crested Wheatgrass, 10% Streambank Wheatgrass, 20% Ribescent Wheatgrass, 15% Perennial Ryegrass, 15% Mountain Bromegrass, 10% Indian Ryegrass, 10% Alpha Bluegrass.
* In addition, add 10 lbs/ acre each of Lithum lenisii and Penstemon Ectorii with native grass seed mixture.



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LANDSCAPE PLAN

DATE: 04/22/15

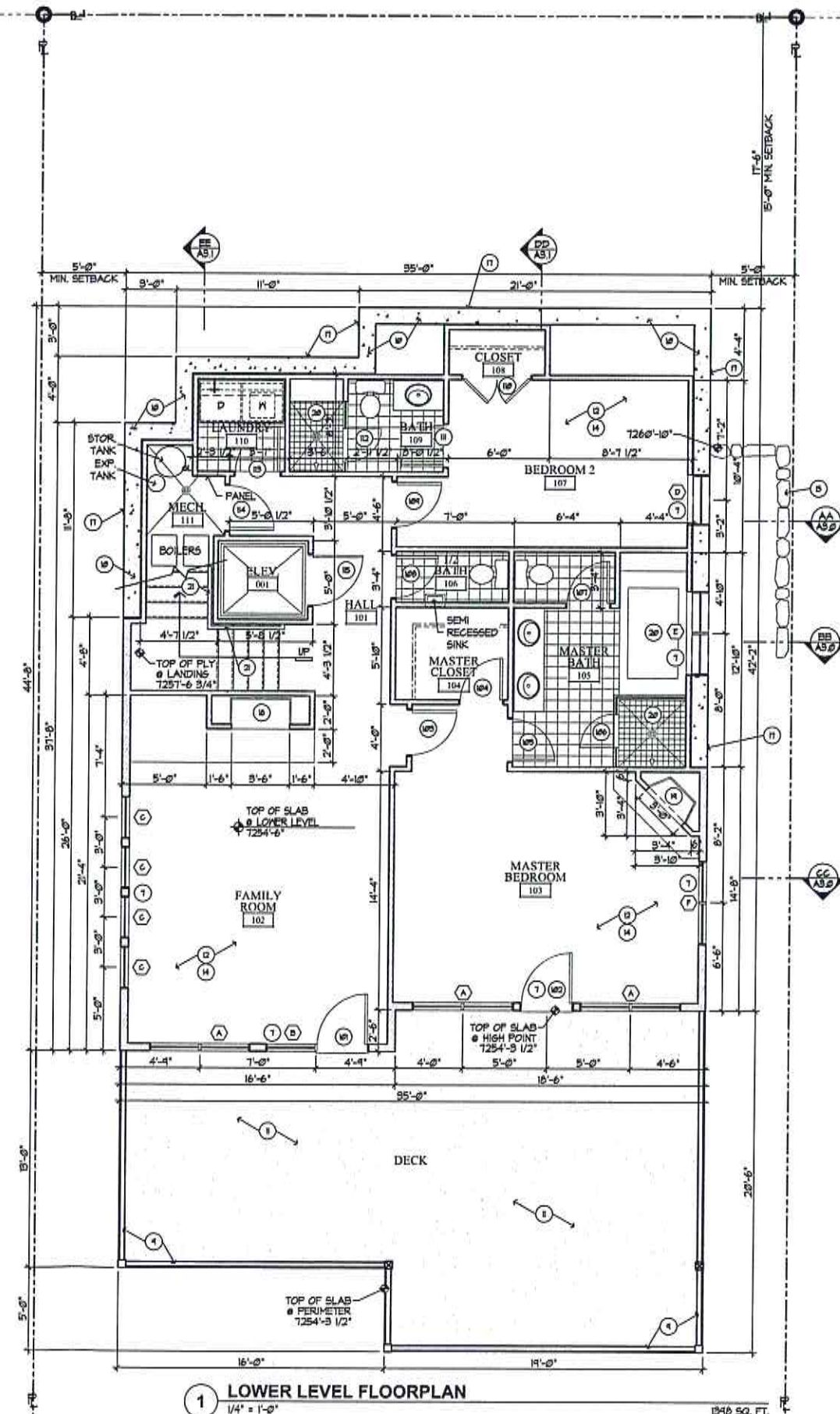
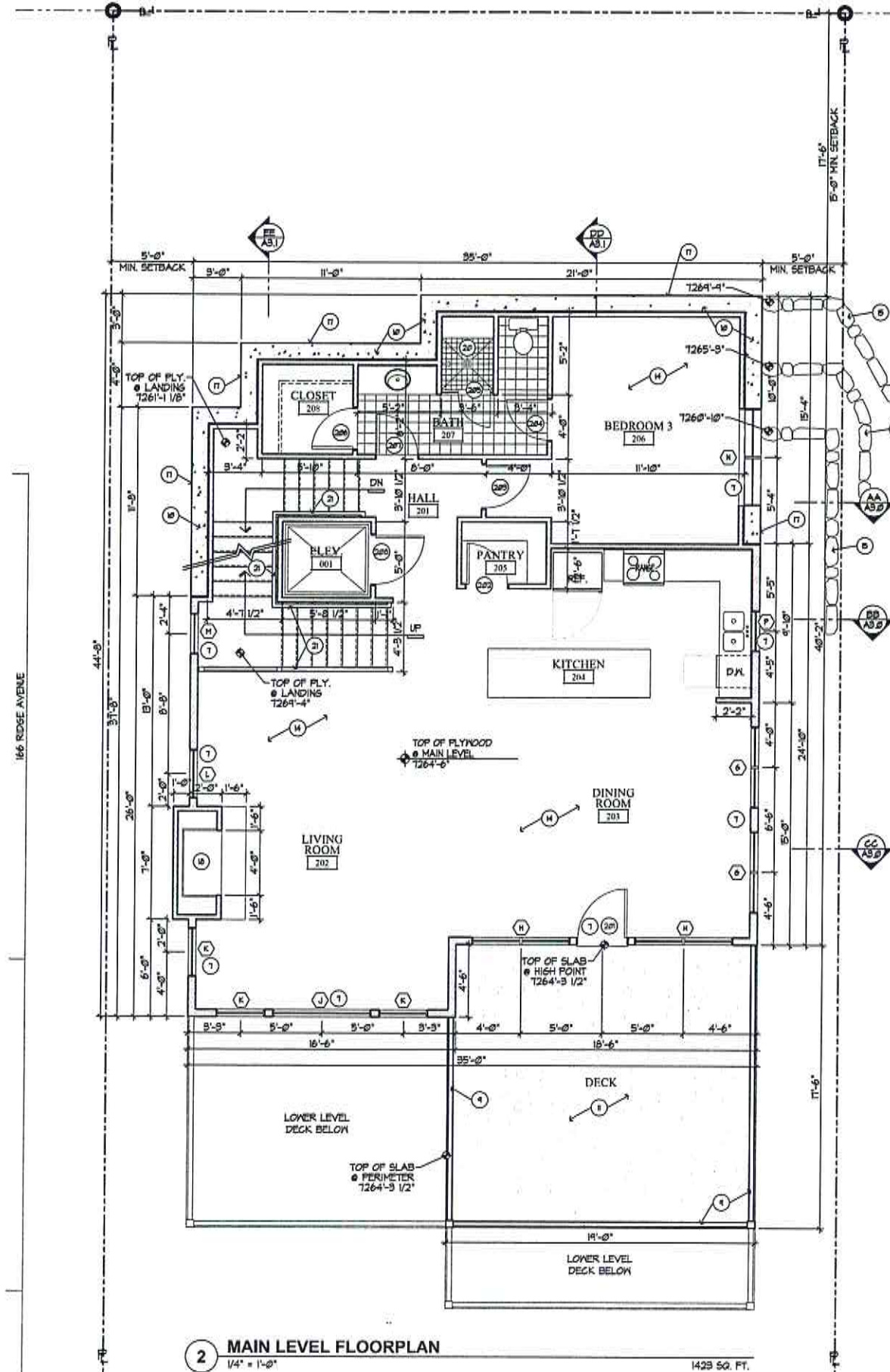
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SHEET NUMBER: 1

REVISIONS:

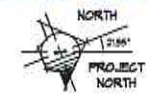
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Page 91 of 280



- KEYED NOTES**
- 1) ALUMINUM GLAD WOOD WINDOWS AND DOORS W/ INSULATED GLASS - SEE SCHEDULE AND RESCHECK REPORT.
 - 2) 36" HIGH RAILINGS, CONTINUOUS METAL TOP & BOTTOM RAILS W/ SEGMENTED, TEMPERED GLASS PANEL PER ELEV.
 - 3) CONCRETE FOUNDATION - SEE STRUCTURAL FOR SIZE AND REINFORCING.
 - 4) HEATED CONCRETE PORCH/ PATIO/ DRIVEWAY, BROOM FINISHED NATURAL COLOR. 6x6 M.A. X M.A. W/F, TYP.
 - 5) 4" CONCRETE FLOOR SLAB, REINFORCED PER ENGINEER, OVER 6 MIL VAPOR BARRIER WITH JOINTS LAPPED NOT LESS THAN 6" OVER 6" GRANULAR FILL. (R306.2.3) ANY EDGE OF SLAB LESS THAN 12" BELOW GRADE SHALL BE INSULATED - R10 @ 4 FEET OR R15 @ 4 FEET FOR HEATED SLABS (IECC, SECTION 402.2.6)
 - 6) 1 1/2" CONCRETE TOPPING WITH RADIANT HEAT COILS PER CONTRACTOR SPECS, CONCRETE FINISH T.B.D.
 - 7) STACKED STONE RETAINING WALL - SEE DETAIL A/A2.0
 - 8) TIGHTENED VERTICAL DRAIN BOARD OR SPRAY APPLIED FOUNDATION DAMP PROOFING TO DRAIN TO 4" CONTINUOUS FOUNDATION DRAIN, SET IN GRAVEL, DRAIN TO SUMP. ALL SIDES OF FOUNDATION BACKFILL FOUNDATION WITH GRANULAR FILL @ 95% COMPACTION.
 - 9) ENCLOSED GAS FIREPLACE OPENINGS FRAMED ON 10" PLATFORM, SIZE PER PLAN.
 - 10) SEALED GAS APPLIANCE FIREPLACE APPROVED FOR SLEEPING ROOM USE. OPENING FRAMED ON 10" PLATFORM, SIZE PER PLAN.
 - 11) TUBS AND SHOWERS WITH TILED WALLS REQUIRE A PORTLAND CEMENT APPLICATION, FIBER-CEMENT OR GLASS MAT GYPSUM BACKER, GREEN BOARD IS NO LONGER ALLOWED IN THIS APPLICATION.
 - 12) WOOD HANDRAIL OR GUARDRAIL - SEE STAIRWAY/HANDRAILS/GUARDRAILS NOTES ON A5.1 FOR REQUIREMENTS.

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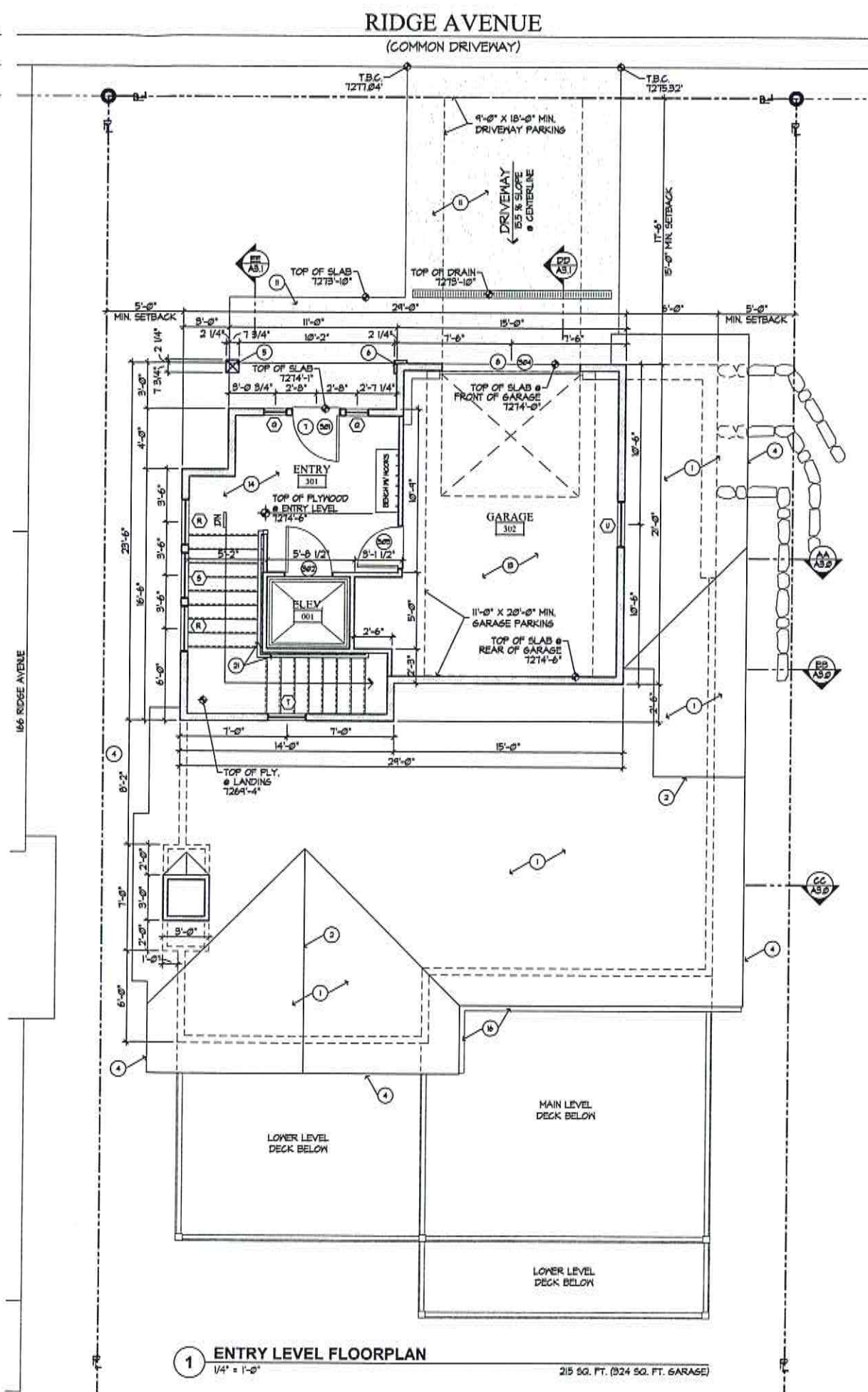
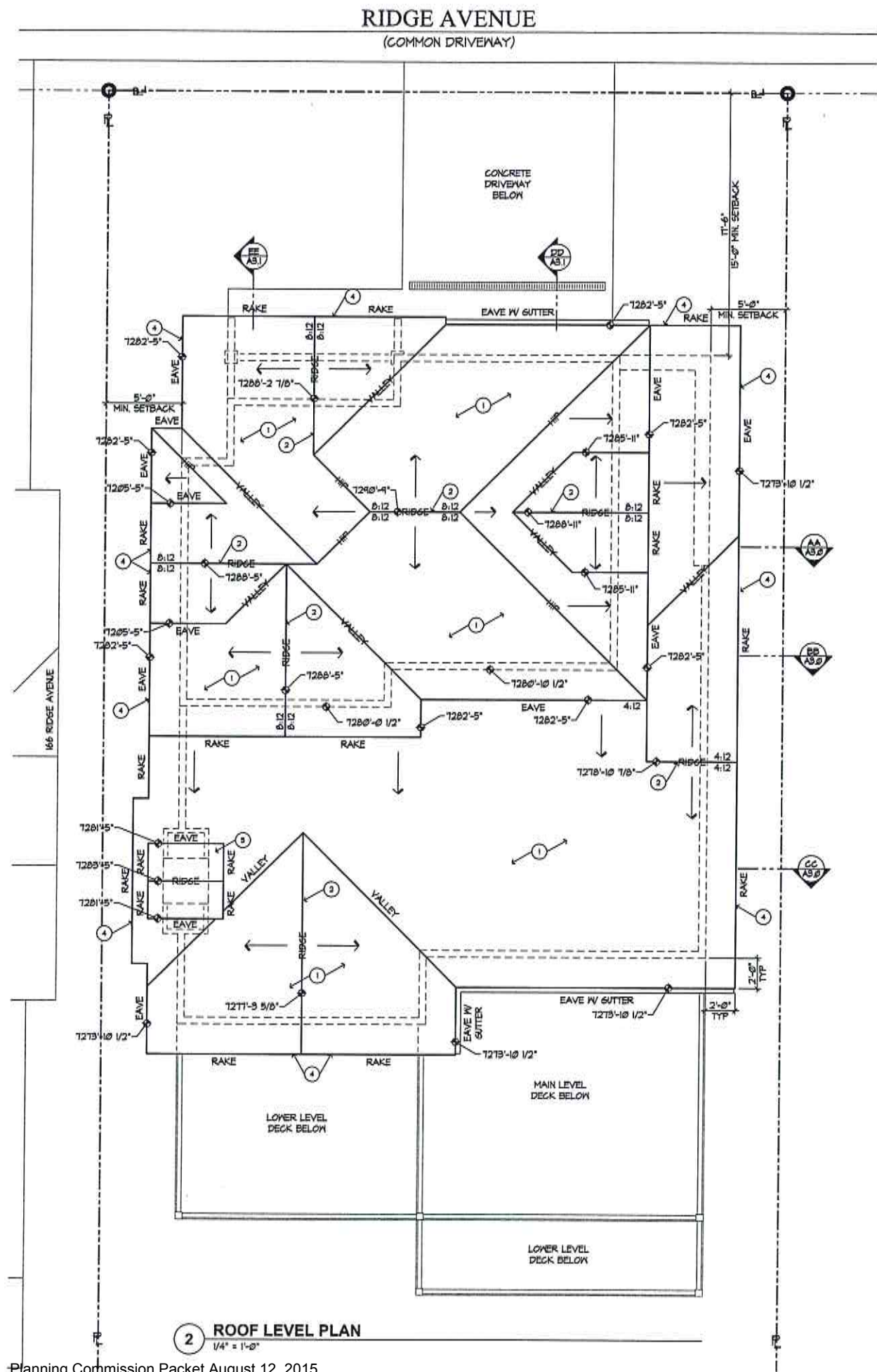
LOWER & MAIN LEVEL FLOOR PLANS

REVISIONS

NO.	DATE	DESCRIPTION
1	04/22/15	PROJECT NUMBER
2		SHEET NUMBER

A1.1

Page 92 of 280



- KEYED NOTES**
- (1) ALUMINUM CLAD HOOD WINDOWS AND DOORS W/ INSULATED GLASS - SEE SCHEDULE AND RESCHECK REPORT.
 - (2) 36" HIGH RAILING, CONTINUOUS METAL TOP & BOTTOM RAILS W/ SEGMENTED, TEMPERED GLASS PANEL PER ELEV.
 - (3) CONCRETE FOUNDATION - SEE STRUCTURAL FOR SIZE AND REINFORCING.
 - (4) HEATED CONCRETE PORCH/ PATIO/ DRIVEWAY, BROOM FINISHED NATURAL COLOR. 6x6 #4 @ 14" W/F, TYP.
 - (5) 4" CONCRETE FLOOR SLAB, REINFORCED PER ENGINEER. OVER 6 MIL VAPOR BARRIER WITH JOINTS LAPPED NOT LESS THAN 6" OVER 6" GRANULAR FILL (R506.2.3) ANY EDGE OF SLAB LESS THAN 12" BELOW GRADE SHALL BE INSULATED - R10 @ 4 FEET OR R15 @ 4 FEET FOR HEATED SLABS (IECC, SECTION 402.2.2)
 - (6) 1 1/2" CONCRETE TOPPING WITH RADIANT HEAT COILS PER CONTRACTOR SPECS. CONCRETE FINISH T.B.D.
 - (7) STACKED STONE RETAINING WALL - SEE DETAIL A/A2.0
 - (8) TOWNSHENDRY VERTICAL DRAIN BOARD OR SPRAY APPLIED FOUNDATION DAMP PROOFING TO DRAIN TO 4" CONTINUOUS FOUNDATION DRAIN, SET IN GRAVEL, DRAIN TO SUMP. ALL SIDES OF FOUNDATION, BACKFILL FOUNDATION WITH GRANULAR FILL @ 95% COMPACTION.
 - (9) ENCLOSED GAS FIREPLACE, OPENING FRAMED ON 10" PLATFORM, SIZE PER PLAN.
 - (10) SEALED GAS APPLIANCE FIREPLACE APPROVED FOR SLEEPING ROOM USE, OPENING FRAMED ON 10" PLATFORM, SIZE PER PLAN.
 - (11) TUBS AND SHOWERS WITH TILED WALLS REQUIRE A PORTLAND CEMENT APPLICATION, FIBER-CEMENT OR GLASS MAT GYPSUM BACKER, GREEN BOARD IS NO LONGER ALLOWED IN THIS APPLICATION.
 - (12) WOOD HANDRAIL OR GUARDRAIL - SEE STAIRWAY/HANDRAILS/GUARDRAILS NOTES ON A5.1 FOR REQUIREMENTS.

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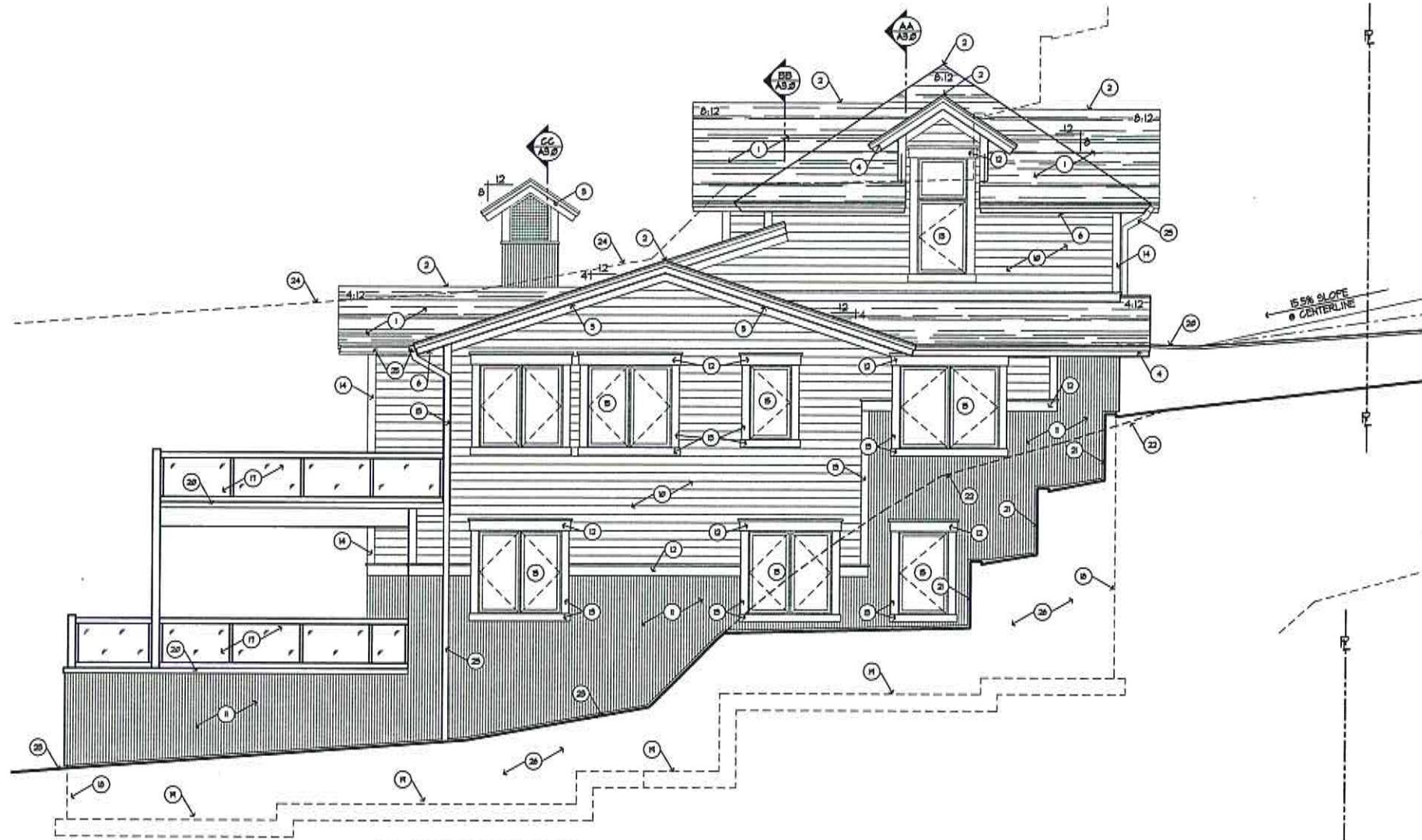
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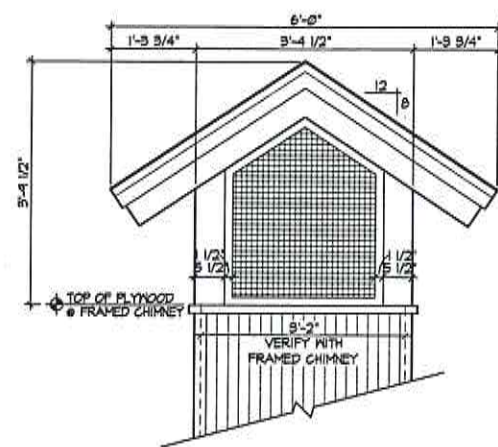
ENTRY LEVEL FLOORPLAN
& ROOF LEVEL PLAN

A1.2

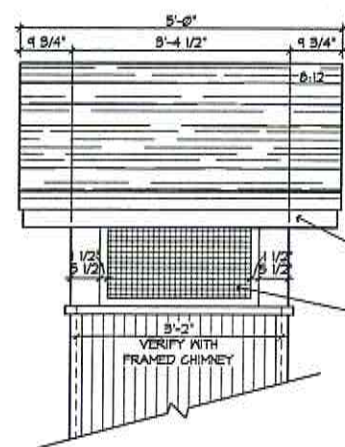
Page 93 of 280



2 NORTH ELEVATION
1/4" = 1'-0"



B RATED CHIMNEY CAP DETAILS
3/4" = 1'-0"



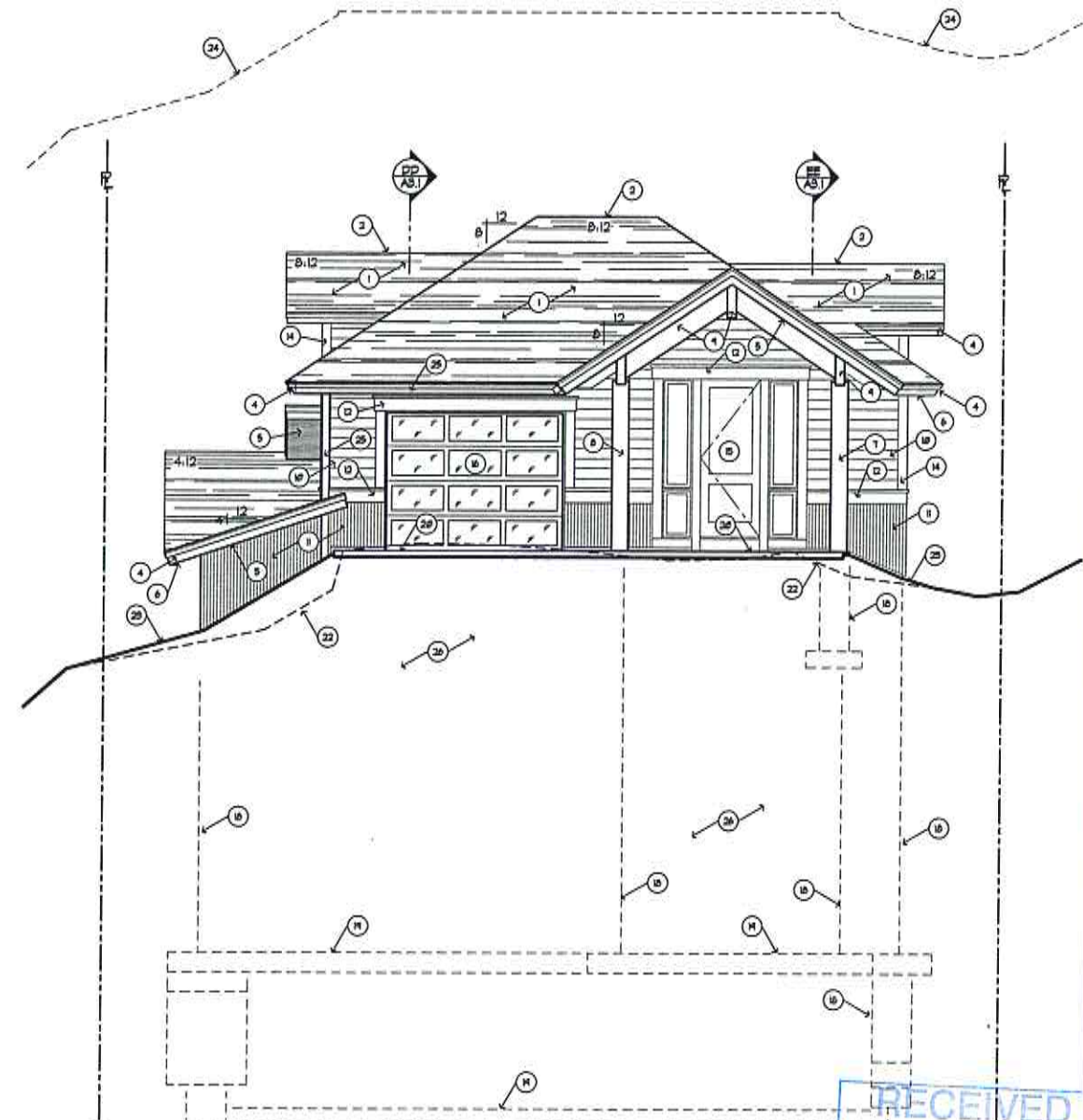
FACIA OF RATED ASSEMBLY TO MATCH DIMENSIONS OF FASCIA ON HOME
1" X 1" WIRE MESH FINISH T.B.D.



Squared Rubble
A rubble wall built of squared stones of varying sizes and coursed at every third or fourth stone.

TO BE NO GREATER THAN 4'-0" TALL

A STACKED STONE RETAINING WALL
NO SCALE



1 WEST ELEVATION
1/4" = 1'-0"

KEYED NOTES

- 1 ARCHITECTURAL GRADE COMPOSITION SHINGLE 50 YEAR PRESIDENTIAL TL (355) PER SQUARE, MIN) ON ICE AND WATER MEMBRANE OVER ENTIRE ROOF SURFACE UP TO 24" DOWN FROM RIDGE TYP.
- 2 CONTINUOUS RIDGE VENT.
- 3 CHIMNEY CAP. SEE B/A2.0 FOR DETAILS.
- 4 1x4 ON 1x6 BUILT UP CEDAR FASCIA - STAINED.
- 5 T&G CEDAR SOFFIT - STAINED.
- 6 T&G CEDAR SOFFIT W/ CONTINUOUS SOFFIT VENT - STAINED.
- 7 10" X 10" ROUGH SAWN STRUCTURAL TIMBER COLUMN - STAINED.
- 8 10" X 10" ROUGH SAWN FAUX TIMBER COLUMN @ CORNER - STAINED.
- 9 EXPOSED BEAM PER ROOF FRAMING PLAN - STAINED.
- 10 6" HORIZONTAL CEDAR LAP SIDING ON TYVEK HOMEWRAP ON 1/2" EXT. SHEATHING ON 2x6 STUDS @ 16" O.C.
- 11 VERTICAL COR-TEN CORRUGATED SIDING ON TYVEK HOMEWRAP ON 1/2" EXT. SHEATHING ON 2x6 STUDS @ 16" O.C.
- 12 1 1/2" X 7 1/4" CEDAR TRIM W/ 1 1/2" X 2 1/2" CEDAR CAP TRIM - STAINED.
- 13 1 1/2" X 5 1/2" CEDAR TRIM - STAINED.
- 14 1 1/2" X 5 1/2" CEDAR OUTSIDE CORNER BOARD, 1 1/2" X 1 1/2" CEDAR INSIDE CORNER BOARD - STAINED.
- 15 ALUMINUM CLAD WOOD WINDOWS AND DOORS W/ INSULATED GLASS - SEE SCHEDULE AND RESCHECK REPORT.
- 16 CARRIAGE STYLE OVERHEAD GARAGE DOOR WITH TEMPERED GLASS PER ELEV.
- 17 36" HIGH RAILING, CONTINUOUS METAL TOP & BOTTOM RAILS W/ SEGMENTED, TEMPERED GLASS PANEL PER ELEV.
- 18 FOUNDATION LINE SHOWN HIDDEN - SEE STRUCTURAL FOR SIZE AND REINFORCING.
- 19 FOOTING LINE SHOWN HIDDEN - SEE STRUCTURAL FOR SIZE AND REINFORCING.
- 20 HEATED CONCRETE PORCH/ PATIO/ DRIVEWAY, BROOM FINISHED NATURAL COLOR, 6x6 IN. 4 X IN. 4 W/P, TYP.
- 21 STACKED STONE RETAINING WALL - SEE DETAIL A/A2.0
- 22 NATURAL GRADE
- 23 PROPOSED FINAL GRADE
- 24 21"-0" ABOVE PROPOSED FINAL GRADE
- 25 METAL GUTTER & DOWNSPOUT TO DRAIN TO SUB-TERRANIAN FOUNDATION DRAIN.
- 26 TOWNSHENDRY VERTICAL DRAIN BOARD OR SPRAY APPLIED FOUNDATION DAMP PROOFING TO DRAIN TO 4" CONTINUOUS FOUNDATION DRAIN, SET IN GRAVEL, DRAIN TO SUMP. ALL SIDES OF FOUNDATION BACKFILL FOUNDATION WITH GRANULAR FILL @ 95% COMPACTION.

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Architect

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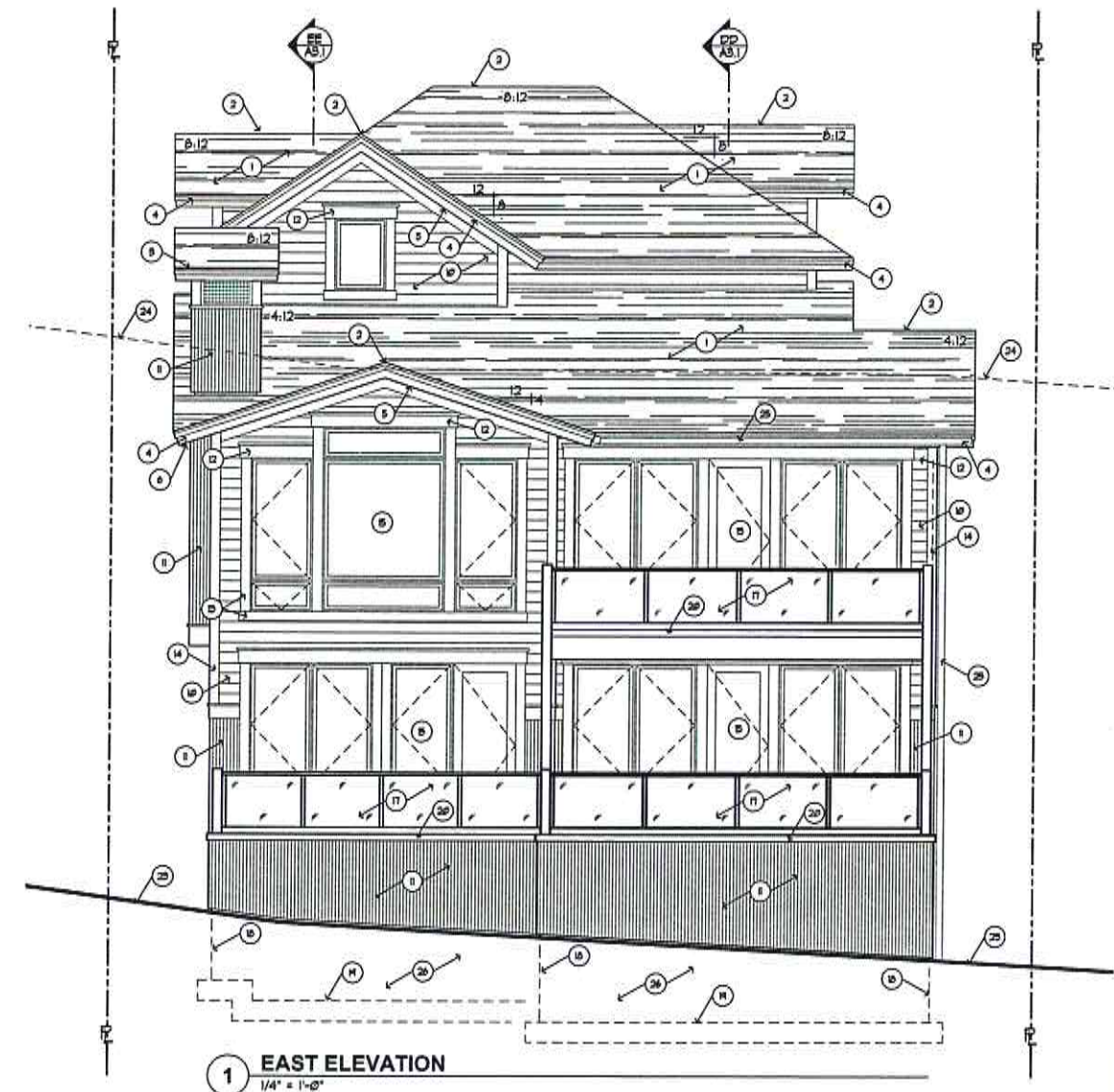
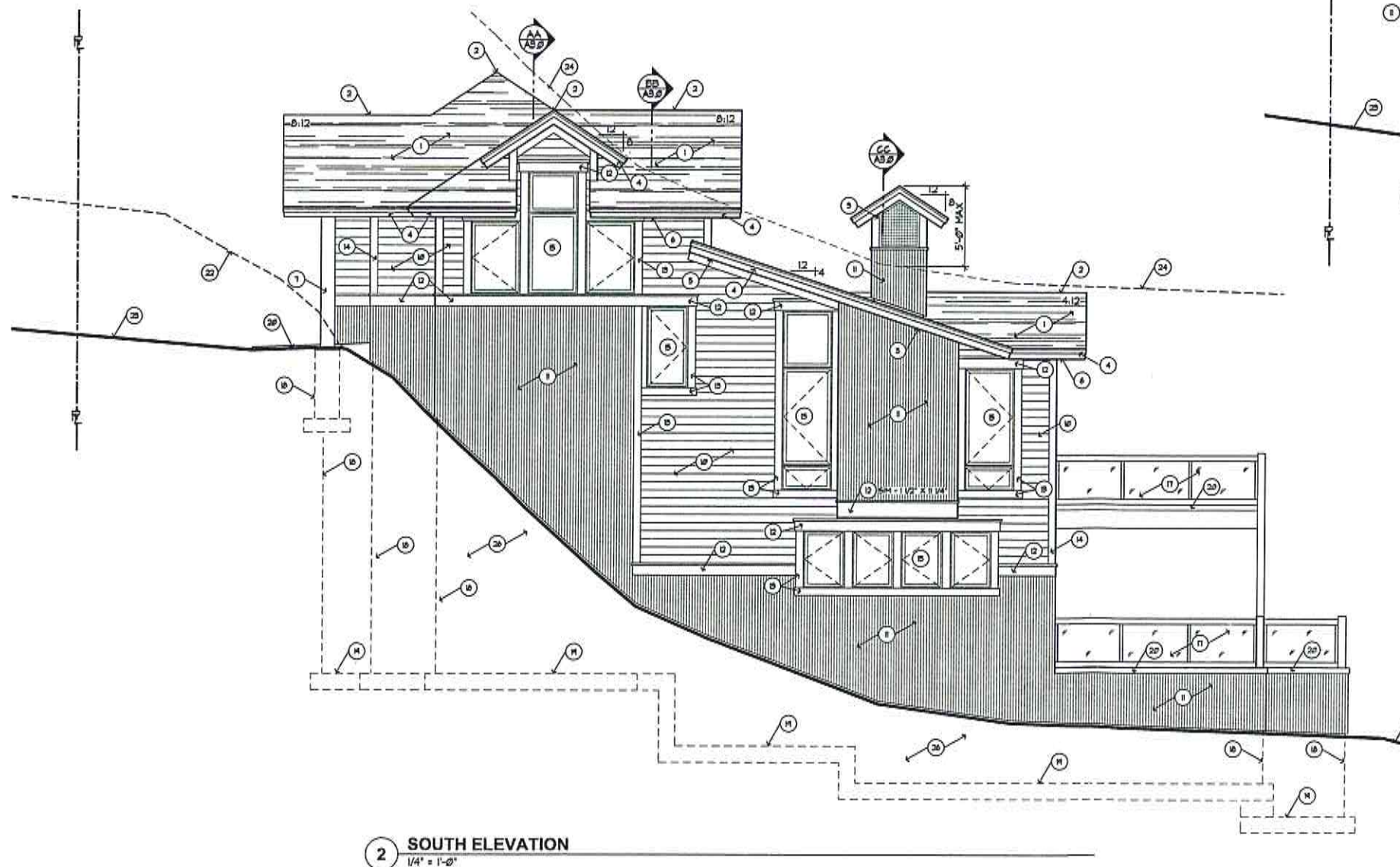
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EXTERIOR ELEVATIONS

DATE: 04/22/15
PROJECT NUMBER:
SHEET NUMBER:

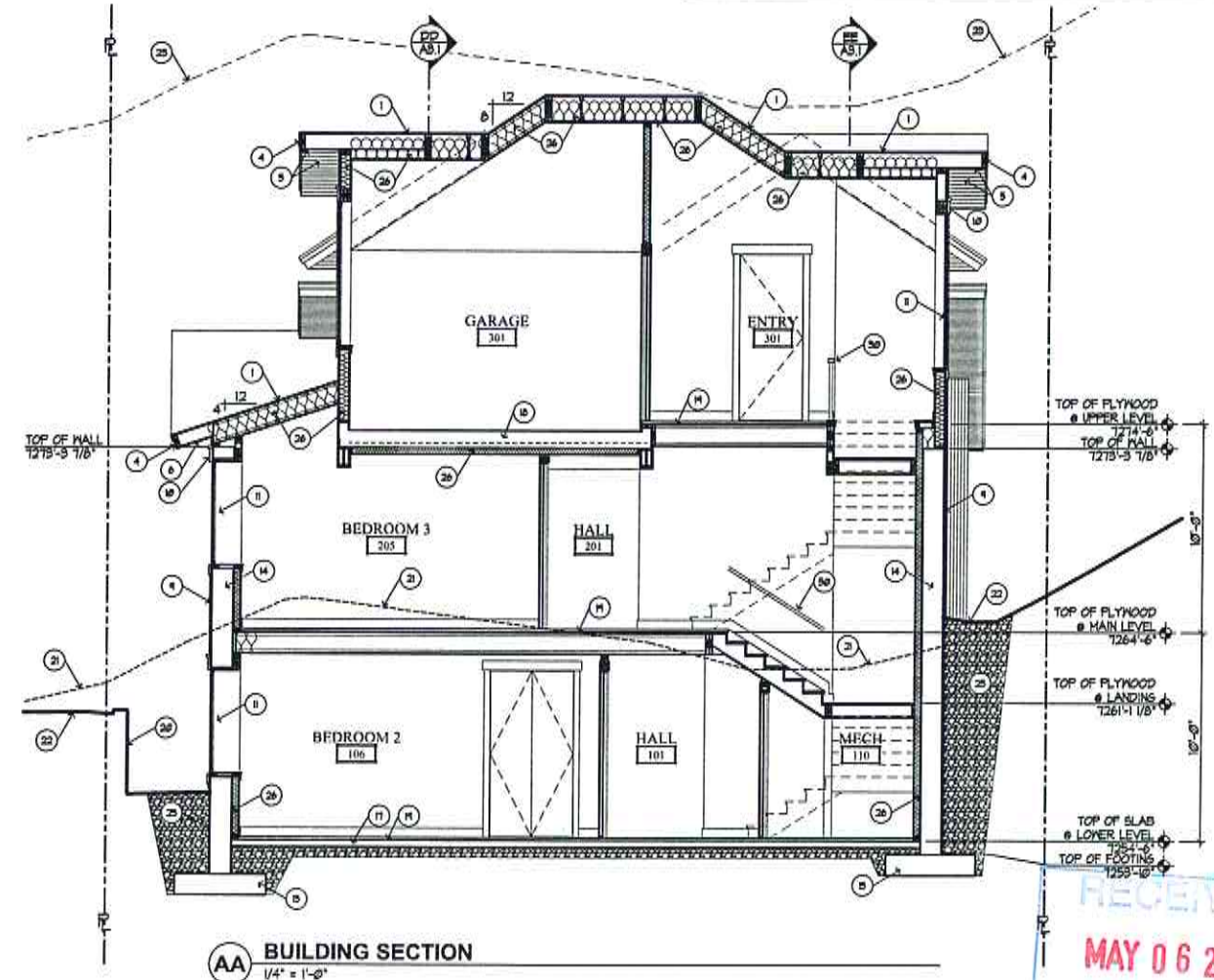
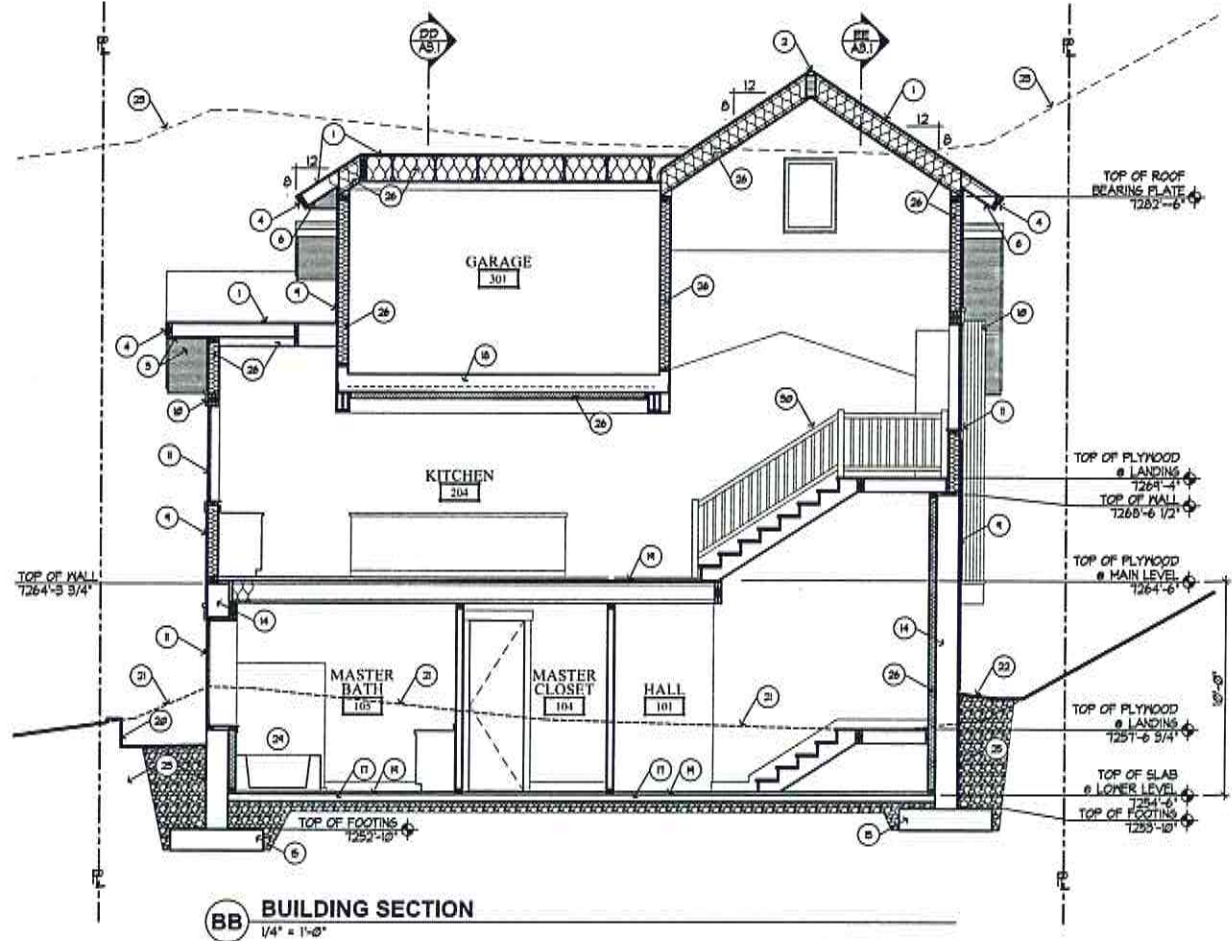
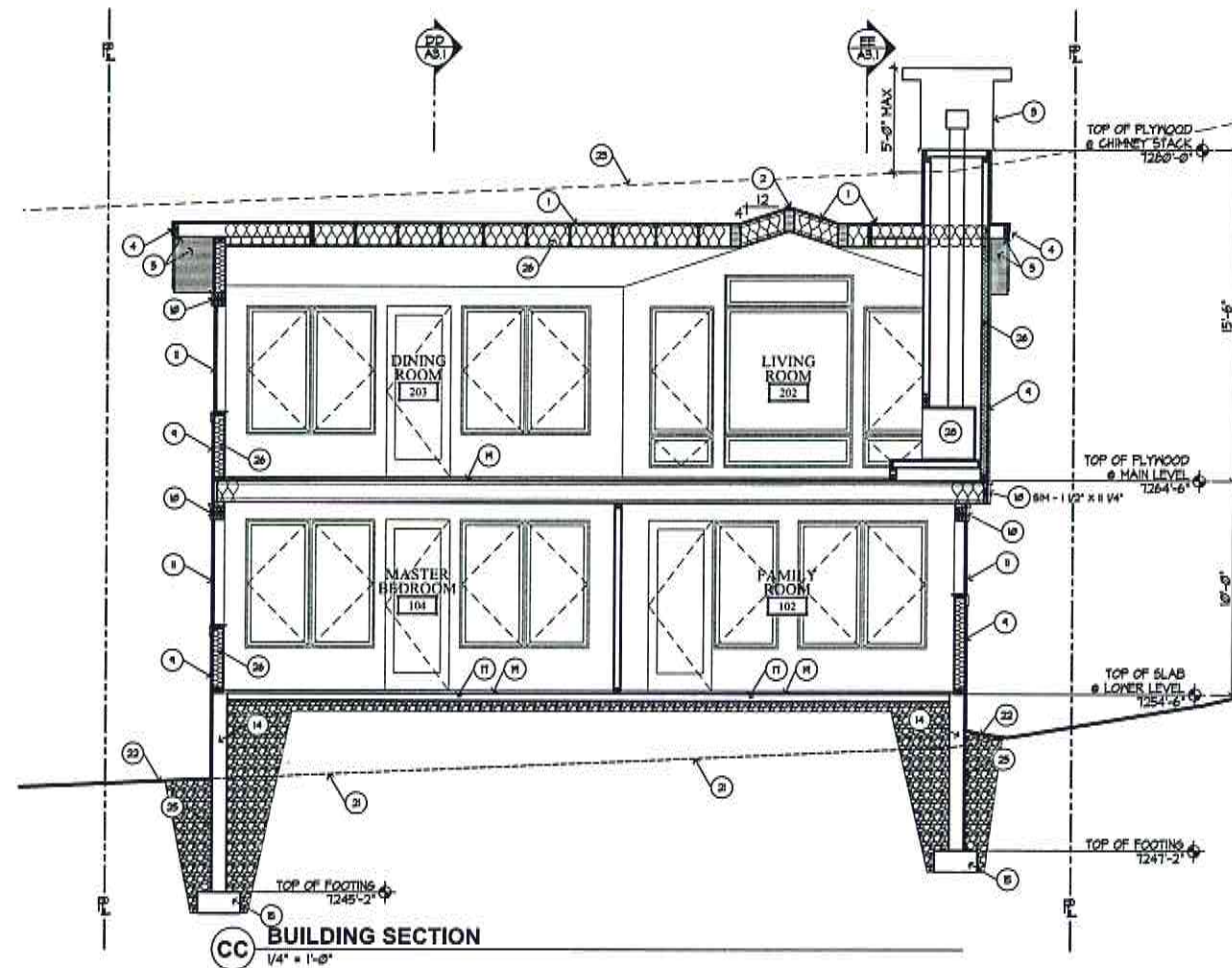
A2.0





- ## KEYED NOTES

- 1 ARCHITECTURAL GRADE COMPOSITION SHINGLE 50 YEAR PRESIDENTIAL TL (B554 PER SQUARE, MIN) ON ICE AND WATER MEMBRANE OVER ENTIRE ROOF SURFACE UP TO 24" DOWN FROM RIDGE TYP.
- 2 CONTINUOUS RIDGE VENT.
- 3 CHIMNEY CAP. SEE B/A2.0 FOR DETAILS.
- 4 1x4 ON 1x8 BUILT UP CEDAR FASCIA - STAINED
- 5 T16 CEDAR SOFFIT - STAINED.
- 6 T16 CEDAR SOFFIT PL. CONTINUOUS SOFFIT VENT - STAINED.
- 7 10" X 10" ROUGH SAWN STRUCTURAL TIMBER COLUMN - STAINED
- 8 10" X 10" ROUGH SAWN FAUX TIMBER COLUMN @ CORNER - STAINED
- 9 EXPOSED BEAM PER ROOF FRAMING PLAN - STAINED
- 10 6" HORIZONTAL CEDAR LAP SIDING ON TYVEK HOMEWRAP ON 1/2" EXT. SHEATHING ON 2x6 STUDS @ 16" O.C.
- 11 VERTICAL COR-TEN CORRUGATED SIDING ON TYVEK HOMEWRAP ON 1/2" EXT. SHEATHING ON 2x6 STUDS @ 16" O.C.
- 12 1 1/2" X 7 1/4" CEDAR TRIM HV 1 1/2" X 2 1/2" CEDAR GAF TRIM - STAINED
- 13 1 1/2" X 5 1/2" CEDAR TRIM - STAINED
- 14 1 1/2" X 5 1/2" CEDAR OUTSIDE CORNER BOARD, 1 1/2" X 1 1/2" CEDAR INSIDE CORNER BOARD - STAINED
- 15 ALUMINUM GLAD NOOD WINDOWS AND DOORS W/ INSULATED GLASS - SEE SCHEDULE AND RESUBJECT REPORT.
- 16 GARRIAGE STYLE OVERHEAD GARAGE DOOR WITH TEMPERED GLASS PER ELEV.
- 17 36" HIGH RAILING, CONTINGUOUS METAL TOP & BOTTOM RAILS W/ SEGMENTED, TEMPERED GLASS PANEL PER ELEV.
- 18 FOUNDATION LINE SHOWN HIDDEN - SEE STRUCTURAL FOR SIZE AND REINFORCING.
- 19 FOOTING LINE SHOWN HIDDEN - SEE STRUCTURAL FOR SIZE AND REINFORCING.
- 20 HEATED CONCRETE PORCH/ PATIO/ DRIVEWAY, BROOM FINISHED NATURAL COLOR. 6x6 W/ 4" X 1/4" WVF, TYP.
- 21 STACKED STONE RETAINING WALL - SEE DETAIL A/A2.0
- 22 NATURAL GRADE
- 23 PROPOSED FINAL GRADE
- 24 21'-0" ABOVE PROPOSED FINAL GRADE
- 25 METAL GUTTER & DOWNSPOUT TO DRAIN TO SUB-TERRANIAN FOUNDATION DRAIN.
- 26 TOUNDRY- VERTICAL DRAIN BOARD OR SPRAY APPLIED FOUNDATION DAMP PROOFING TO DRAIN TO 4"O CONTINUOUS FOUNDATION DRAIN, SET IN GRAVEL, DRAIN TO SUMP. ALL SIDES OF FOUNDATION BACKFILL FOUNDATION WITH GRANULAR FILL @ 95% COMPACTION.



KEYED NOTES

- 1 ARCHITECTURAL GRADE COMPOSITION SHINGLE 50 YEAR PRESIDENTIAL TL (555# PER SQUARE, MIN) ON ICE AND WATER MEMBRANE OVER ENTIRE ROOF SURFACE UP TO 24" DOWN FROM RIDGE TYP.
- 2 CONTINUOUS RIDGE VENT.
- 3 CHIMNEY CAP. SEE B/A2.0 FOR DETAILS.
- 4 1x4 ON 1x6 BUILT UP CEDAR FASCIA - STAINED.
- 5 T&G CEDAR SOFFIT - STAINED.
- 6 T&G CEDAR SOFFIT W/ CONTINUOUS SOFFIT VENT - STAINED.
- 7 10' X 10' ROUGH SAWN STRUCTURAL TIMBER COLUMN - STAINED.
- 8 EXPOSED BEAM PER ROOF FRAMING PLAN - STAINED.
- 9 6" HORIZONTAL CEDAR LAP SIDING OR VERTICAL COR-TEN CORRUGATED SIDING (SEE EXTERIOR ELEVATIONS FOR LAYOUT) ON TYVEK HOMERAP ON 1/2" EXT. SHEATHING ON 2x6 STUDS @ 16" O.C.
- 10 1 1/2" X 1 1/4" CEDAR HEADER TRIM WITH 1/2" X 2 1/2" CEDAR CAP TRIM - STAINED.
- 11 ALUMINUM GLAD WOOD WINDOWS AND DOORS W/ INSULATED GLASS - SEE SCHEDULE AND RESCHECK REPORT.
- 12 CARRIAGE STYLE OVERHEAD GARAGE DOOR WITH TEMPERED GLASS PER ELEV.
- 13 36" HIGH RAILINGS, CONTINUOUS METAL TOP & BOTTOM RAILS W/ SEGMENTED, TEMPERED GLASS PANEL PER ELEV.
- 14 CONCRETE FOUNDATION - SEE STRUCTURAL FOR SIZE AND REINFORCING.
- 15 CONCRETE FOOTING - SEE STRUCTURAL FOR SIZE AND REINFORCING.
- 16 HEATED CONCRETE PORCH/ PATIO/ DRIVENWAY, BROOM FINISHED NATURAL COLOR. 6x6 IN. 4 X IN. 4 W/ 1/2" TYP.
- 17 4" CONCRETE FLOOR SLAB, REINFORCED PER ENGINEER. OVER 6 MIL VAPOR BARRIER WITH JOINTS LAPPED NOT LESS THAN 6" OVER 6" GRANULAR FILL. (R506.2.5) ANY EDGE OF SLAB LESS THAN 12" BELOW GRADE SHALL BE INSULATED - R10 @ 4 FEET OR R15 @ 4 FEET FOR HEATED SLABS (IECC, SECTION 402.2.5)
- 18 CONCRETE DECK @ GARAGE FLOOR TO BE 18 FORM-LOCK X 18 6A, IV 6" X 12" CONCRETE - SHORING REQUIRED. EXTEND STEEL ANGLE FOUR STOP AS REQUIRED FOR SLAB THICKNESS USING GALVANIZED SHEET METAL - SEE DETAILS T&R/55.1
- 19 1 1/2" CONCRETE TOPPING WITH RADIANT HEAT COILS PER CONTRACTOR SPECS. CONCRETE FINISH T.B.D.
- 20 STACKED STONE RETAINING WALL - SEE DETAIL A/A2.0
- 21 NATURAL GRADE
- 22 PROPOSED FINAL GRADE
- 23 27'-0" ABOVE PROPOSED FINAL GRADE
- 24 METAL GUTTER & DOWNSPOUT TO DRAIN TO SUB-TERRANEAN FOUNDATION DRAIN.
- 25 TOWNSHENDRY VERTICAL DRAIN BOARD OR SPRAY APPLIED FOUNDATION DAMP PROOFING TO DRAIN TO 4" CONTINUOUS FOUNDATION DRAIN, SET IN GRAVEL, DRAIN TO SUMP. ALL SIDES OF FOUNDATION, BACKFILL FOUNDATION WITH GRANULAR FILL @ 95% COMPACTION.
- 26 BLOWN-IN FIBERGLASS BIB INSULATION ENTIRE CAVITY, R-15 @ 2X4 WALLS, R-25 @ 2X6 WALLS, AND R-41 AT ROOFS, FLOORS AND CEILING. INSTALL MINIMUM 4-MIL POLYETHYLENE VAPOR RETARDER OVER THE INSULATION ON THE INSIDE (WARM SIDE) OF ALL EXTERIOR WALLS AND ROOF CEILING. IRC R102.1
- 27 NON-VENTED ROOF - 9" CLOSED CELL FOAM INSULATION AT OUTER FACE OF CAVITY (R-20). FILL REMAINDER OF CAVITY WITH FIBERGLASS BIBS. OVERALL R-45.
- 28 ENCLOSED GAS FIREPLACE, OPENING FRAMED ON 10" PLATFORM. SIZE PER PLAN.
- 29 TUBS AND SHOWERS WITH TILED WALLS REQUIRE A PORTLAND CEMENT APPLICATION, FIBER-CEMENT OR GLASS MAT GYPSUM BACKER, GREEN BOARD IS NO LONGER ALLOWED IN THIS APPLICATION.
- 30 WOOD HANDRAIL OR GUARDRAIL - SEE STAIRWAY/HANDRAILS/GUARDRAILS NOTES ON A5.1 FOR REQUIREMENTS.

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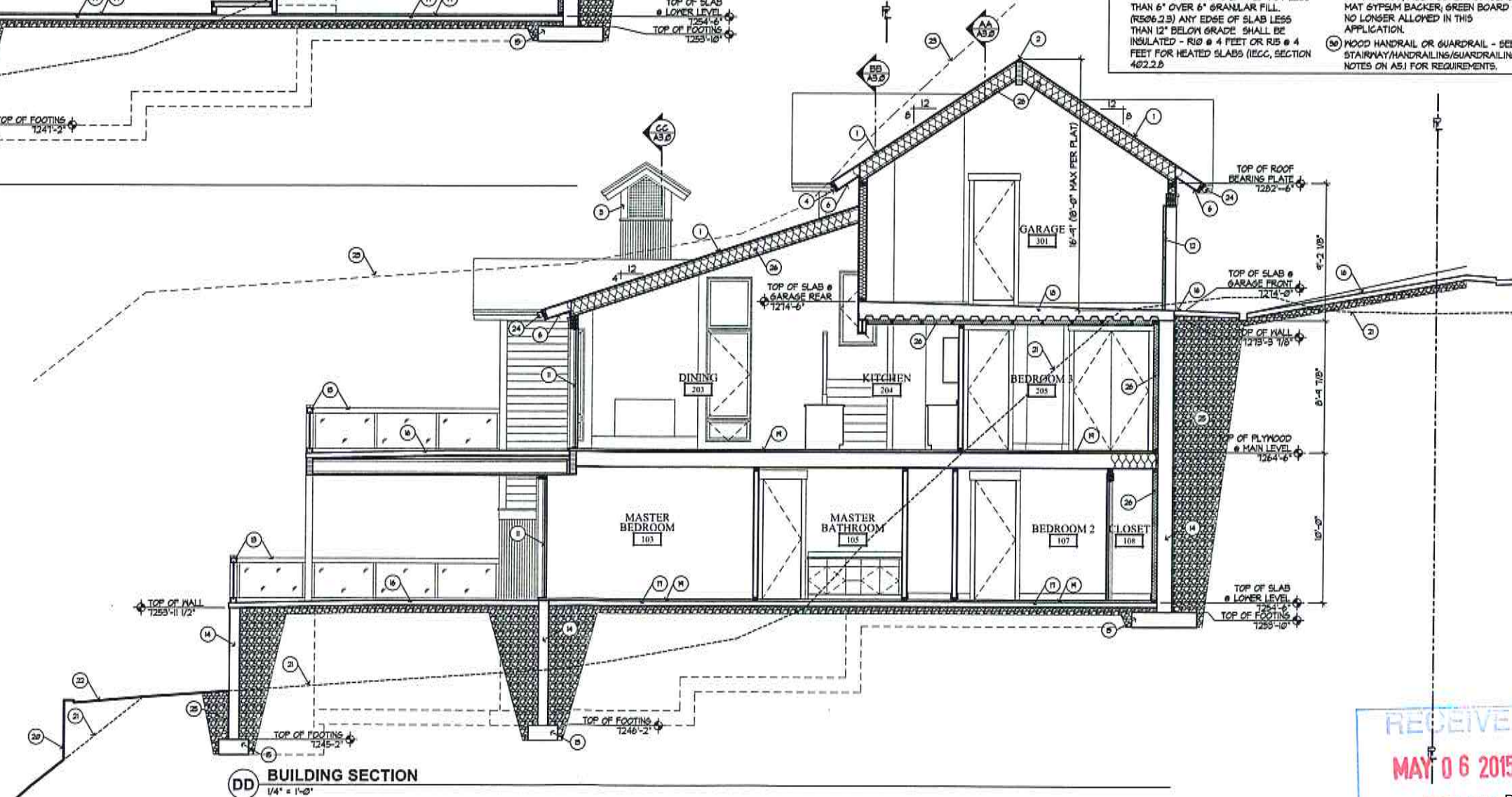
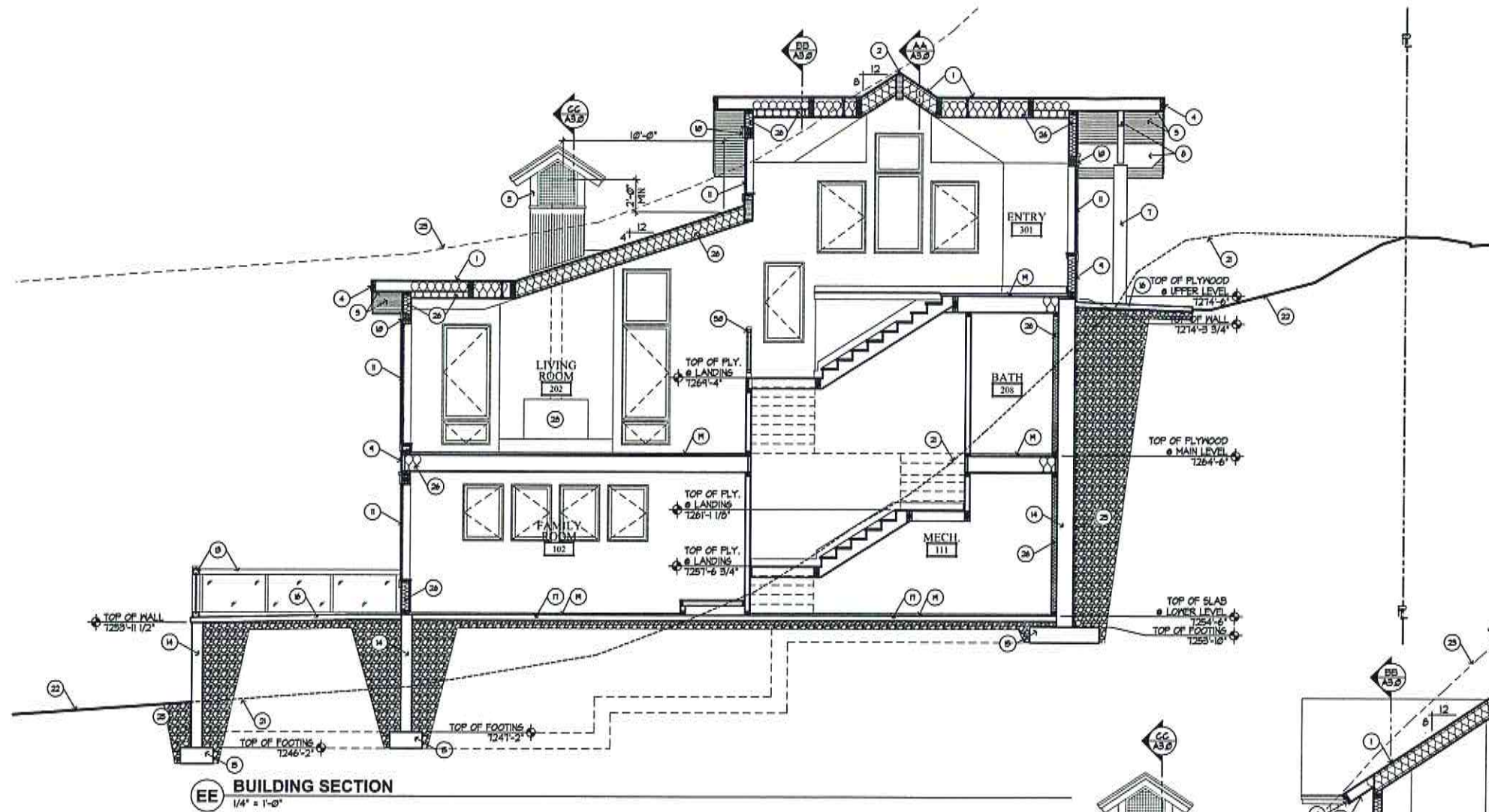
BUILDING SECTIONS

REVISIONS

DATE: 04/22/15
PROJECT NUMBER:
SHEET NUMBER:

A3.0

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- 2 CONTINUOUS RIDGE VENT.
- 3 CHIMNEY CAP. SEE B/A2.0 FOR DETAILS.
- 4 1x4 ON 1x6 BUILT UP CEDAR FASCIA - STAINED.
- 5 T46 CEDAR SOFFIT - STAINED.
- 6 T46 CEDAR SOFFIT PL CONTINUOUS SOFFIT VENT - STAINED.
- 7 10" X 10" ROUGH BAWN STRUCTURAL TIMBER COLUMN - STAINED.
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- 27 NON-VENTED ROOF - 3" CLOSED CELL FOAM INSULATION AT OUTER FACE OF CAVITY (R-21). FILL REMAINDER OF CAVITY WITH FIBERGLASS BIBS, OVERALL R-48.
- 28 ENCLOSED GAS FIREPLACE. OPENING FRAMED ON 10" PLATFORM. SIZE PER PLAN.
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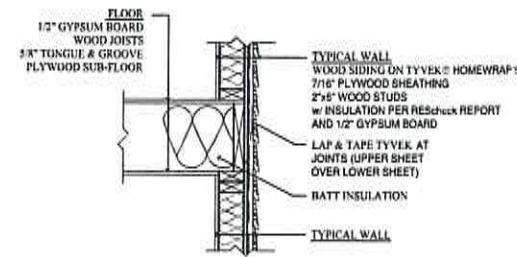
BUILDING SECTIONS

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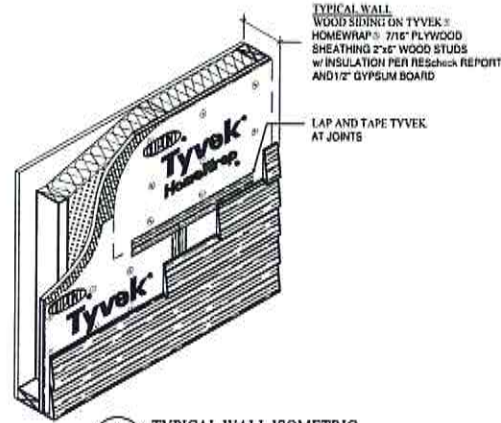
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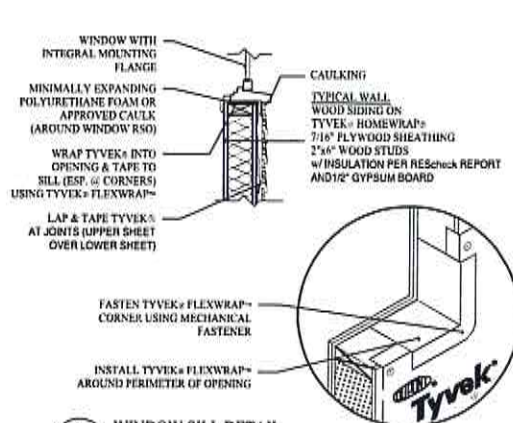
GENERAL NOTES
*SEAL ALL TYVEK® JOINTS AND PENETRATIONS WITH APPROVED TAPE.
(ex. DUPONT CONTRACTOR TAPE).
*FASTEN TYVEK® TO SHEATHING WITH LARGE HEAD NAILS
OR USE NAILS WITH LARGE PLASTIC WASHER HEADS. (ex. DUPONT WRAP-APS)
*LOCAL LAWS, ZONING, AND BUILDING CODES VARY AND
THEREFORE GOVERNS OVER MATERIAL SELECTION AND DETAILING SHOWN BELOW.



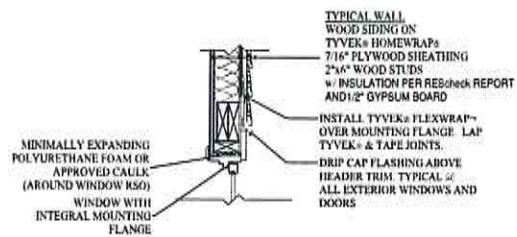
1 FLOOR/WALL INTERFACE DETAIL
A5.1 NO SCALE



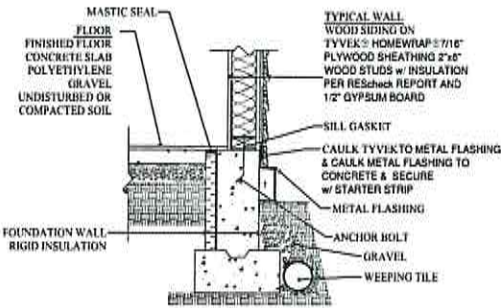
2 TYPICAL WALL ISOMETRIC
A5.1 NO SCALE



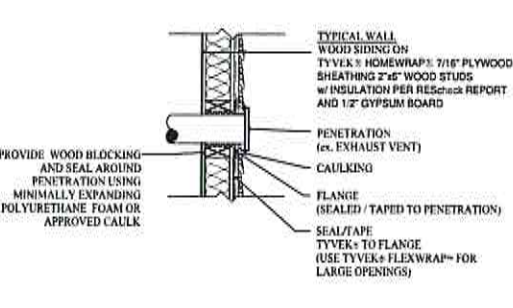
3 WINDOW SILL DETAIL
A5.1 NO SCALE



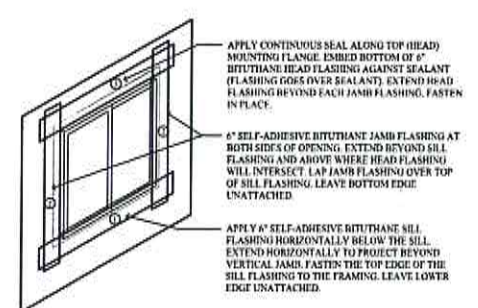
4 WINDOW HEAD DETAIL
A5.1 NO SCALE



5 BASE OF WALL DETAIL
A5.1 NO SCALE



6 WALL PENETRATION DETAIL
A5.1 NO SCALE



7 SILL JAMB AND HEAD FLASHING
A5.1 NO SCALE

STAIRWAY/HANDRAILING/GUARDRAILING NOTES:

- STAIRWAYS SHALL NOT BE LESS THAN 36 INCHES IN CLEAR WIDTH AT ALL POINTS ABOVE THE PERMITTED HANDRAIL HEIGHT AND BELOW THE REQUIRED HEADROOM HEIGHT. HANDRAILS SHALL NOT PROJECT MORE THAN 4.5 INCHES ON EITHER SIDE OF STAIRWAY AND THE MINIMUM CLEAR WIDTH OF THE STAIRWAY AT AND BELOW THE HANDRAIL HEIGHT, INCLUDING TREADS AND LANDINGS, SHALL NOT BE LESS THAN 31 1/4 INCHES WHERE A HANDRAIL IS INSTALLED ON ONE SIDE AND 27 INCHES WHERE HANDRAILS ARE PROVIDED ON BOTH SIDES. -IRC R311.7.1
- THE MINIMUM HEADROOM IN ALL PARTS OF THE STAIRWAY SHALL NOT BE LESS THAN 6 FEET 8 INCHES MEASURED VERTICALLY FROM THE SLOPED LINE ADJOINING THE TREAD NOSING OR FROM THE FLOOR SURFACE OF THE LANDING OR PLATFORM ON THAT PORTION OF THE STAIRWAY. -IRC R311.7.2
- THE MAXIMUM RISER HEIGHT SHALL BE 7 1/4 INCHES. THE RISER SHALL BE MEASURED VERTICALLY BETWEEN LEADING EDGES OF THE ADJACENT TREADS. THE GREATEST RISER HEIGHT WITHIN ANY FLIGHT OF STAIRS SHALL NOT EXCEED THE SMALLEST BY MORE THAN 1/8 INCH. -IRC R311.7.3
- THE MINIMUM TREAD DEPTH SHALL BE 10 INCHES. THE TREAD DEPTH SHALL BE MEASURED HORIZONTALLY BETWEEN THE VERTICAL PLANES OF THE FOREMOST PROJECTION OF ADJACENT TREADS AND AT A RIGHT ANGLE TO THE TREADS LEADING EDGE. THE GREATEST TREAD DEPTH WITHIN ANY FLIGHT OF STAIRS SHALL NOT EXCEED THE SMALLEST BY MORE THAN 1/8 INCH. CONSISTENTLY SHAPED WINDERS AT THE WALKLINE SHALL BE ALLOWED WITHIN THE SAME FLIGHT OF STAIRS AS RECTANGULAR TREADS AND DO NOT HAVE TO BE WITHIN 1/8 INCH OF THE RECTANGULAR TREAD DEPTH. WINDER TREADS SHALL HAVE MINIMUM TREAD DEPTH OF 10 INCHES MEASURED BETWEEN THE VERTICAL PLANES OF THE FOREMOST PROJECTION OF ADJACENT TREADS AT THE INTERSECTIONS WITH THE WALKLINE. WINDER TREADS SHALL HAVE MINIMUM TREAD DEPTH OF 6 INCHES AT ANY POINT WITHIN THE CLEAR WIDTH OF STAIR. WITHIN ANY FLIGHT OF STAIRS, THE LARGEST WINDER TREAD DEPTH AT THE WALKLINE SHALL NOT EXCEED THE SMALLEST WINDER TREAD BY MORE THAN 1/8 INCH. -IRC R311.7.4
- THE WIDTH OF EACH LANDING SHALL NOT BE LESS THAN THE WIDTH OF THE STAIRWAY SERVED. LANDINGS SHALL HAVE A MINIMUM DIMENSION OF 36 INCHES MEASURED IN THE DIRECTION OF TRAVEL. -IRC R311.7.5
- HANDRAIL HEIGHT, MEASURED VERTICALLY FROM THE SLOPED PLANE ADJOINING THE TREAD NOSING, OR FINISH SURFACE OF THE RAMP SLOPE, SHALL BE NOT LESS THAN 34 INCHES AND NOT MORE THAN 38 INCHES. -IRC R311.7.7
- HANDRAILS FOR STAIRWAYS SHALL BE CONTINUOUS FOR THE FULL LENGTH OF THE FLIGHT, FROM A POINT DIRECTLY ABOVE THE TOP RISER OF THE FLIGHT TO A POINT DIRECTLY ABOVE THE LOWEST RISER OF THE FLIGHT. HANDRAIL ENDS SHALL BE RETURNED OR SHALL TERMINATE IN NEWL POSTS OR SAFETY TERMINALS. HANDRAILS ADJACENT TO A WALL SHALL HAVE A SPACE OF NOT LESS THAN 1 1/4 INCH BETWEEN THE WALL AND THE HANDRAILS.
EXCEPTIONS:
1. HANDRAILS SHALL BE PERMITTED TO BE INTERRUPTED BY A NEWL POST AT THE TURN.
2. THE USE OF A VOLUTE, TURNOUT, STARTING EASING OR STARTING NEWL SHALL BE ALLOWED OVER THE LOWEST TREAD. -IRC R311.7.7.2
- ALL REQUIRED HANDRAILS SHALL BE ONE OF THE FOLLOWING TYPES OR PROVIDE EQUIVALENT GRASPABILITY.
TYPE I: HANDRAILS WITH CIRCULAR CROSS SECTION SHALL HAVE AN OUTSIDE DIAMETER OF 1 1/4 INCHES AND NOT GREATER THAN 2 INCHES. IF THE HANDRAIL IS NOT CIRCULAR, IT SHALL HAVE A PERIMETER DIMENSION OF AT LEAST 4 INCHES AND NOT GREATER THAN 6 1/4 INCHES WITH A MAXIMUM CROSS SECTION OF DIMENSION OF 2 1/4 INCHES. EDGES SHALL HAVE A MINIMUM RADIUS OF 0.01 INCH.
TYPE II: HANDRAILS WITH A PERIMETER GREATER THAN 6 1/4 INCHES SHALL HAVE A GRASPABLE FINGER RECESS AREA ON BOTH SIDES OF THE PROFILE. THE FINGER RECESS SHALL BEGIN WITHIN A DISTANCE OF 1/4 INCH MEASURED VERTICALLY FROM THE TALLEST PORTION OF THE PROFILE AND ACHIEVE A DEPTH OF AT LEAST 1/4 INCH WITHIN 1/4 INCH BELOW THE WIDEST PORTION OF THE PROFILE. THE REQUIRED DEPTH SHALL CONTINUE FOR AT LEAST 1/4 INCH TO A LEVEL THAT IS NOT LESS THAN 1 1/4 INCHES BELOW THE TALLEST PORTION OF THE PROFILE. THE MINIMUM WIDTH OF THE HANDRAIL ABOVE THE RECESS SHALL BE 1 1/4 INCHES TO MAXIMUM OF 2 1/4 INCHES. EDGES SHALL HAVE A MINIMUM RADIUS OF 0.10 INCH. -IRC R311.7.7.3
- GUARDS SHALL BE LOCATED ALONG OPEN-SIDED WALKING SURFACES, INCLUDING STAIRS, RAMPS AND LANDINGS, THAT ARE LOCATED MORE THAN 30 INCHES MEASURED VERTICALLY TO THE FLOOR OR GRADE BELOW AT ANY POINT WITHIN 36 INCHES HORIZONTALLY TO THE EDGE OF THE OPEN SIDE. -IRC R312.1
- GUARDS SHALL NOT BE LESS THAN 36 INCHES HIGH MEASURED VERTICALLY ABOVE THE ADJACENT WALKING SURFACE, ADJACENT FIXED SEATING OR THE LINE CONNECTING THE LEADING EDGES OF THE TREADS. -IRC R312.2
- GUARDS SHALL NOT HAVE OPENINGS FROM THE WALKING SURFACE TO THE REQUIRED GUARD HEIGHT WHICH ALLOW PASSAGE OF A SPHERE 4 INCHES IN DIAMETER. -IRC R312.3
- STAIR TREAD NOSING: THE RADIUS OF CURVATURE AT THE LEADING EDGE OF THE TREAD SHALL BE NO GREATER THAN 9/16 INCH. A NOSING NOT LESS THAN 3/4 INCH BUT NOT MORE THAN 1 1/4 INCHES SHALL BE PROVIDED ON STAIRWAYS WITH SOLID RISERS. THE GREATEST NOSING PROJECTION SHALL NOT EXCEED THE SMALLEST NOSING PROJECTION BY MORE THAN 1/8 INCH WITHIN TWO STORES, INCLUDING THE NOSING AT THE LEVEL OF FLOORS AND LANDINGS. BUVELING OF NOSING SHALL NOT EXCEED 1/8 INCH. RISERS SHALL BE VERTICAL OR SLOPED FROM THE UNDERSIDE OF THE LEADING EDGE OF THE TREAD ABOVE AT AN ANGLE NOT MORE THAN 30 DEGREES (0.51 RAD) FROM THE VERTICAL. OPEN RISERS ARE PERMITTED, PROVIDED THAT THE OPENING BETWEEN TREADS DOES NOT PERMIT THE PASSAGE OF A 4 INCH DIAMETER SPHERE. (UTAH STATE AMENDMENT) EXCEPTIONS:
A. A NOSING IS NOT REQUIRED WHERE THE TREAD DEPTH IS A MINIMUM OF 10 INCHES.
B. THE OPENING BETWEEN ADJACENT TREADS IS NOT LIMITED ON STAIRS WITH A TOTAL RISE OF 30 INCHES OR LESS. NOTE: THIS MEANS THAT CONCRETE STAIRS, WITHOUT NOSINGS, MUST HAVE A TREAD DEPTH OF 10 INCHES.

ARCHITECTURAL NOTES:

- ALL WORKS SHALL COMPLY WITH THE 2012 INTERNATIONAL RESIDENTIAL CODE. STRUCTURAL SHALL COMPLY WITH THE 2012 INTERNATIONAL BUILDING CODE.
- ALL SUBMITTALS AND CHANGES TO PLANS SHALL BE APPROVED BY THE ARCHITECT PRIOR TO BEING SUBMITTED TO THE BUILDING OFFICIAL FOR APPROVAL. ENGINEER TO APPROVE ALL STRUCTURAL CHANGES.
- HABITABLE ROOMS, HALLWAYS, CORRIDORS, LAUNDRY ROOMS AND BASEMENTS SHALL HAVE A CEILING HEIGHT NOT LESS THAN 7 FEET MEASURED FROM THE FINISHED FLOOR TO THE FINISHED CEILING. BATHROOMS CAN BE AT 6'-8\"/>
- ASPHALT SHINGLES SHALL NOT BE INSTALLED ON ROOFS HAVING A SLOPE LESS THAN 4 TO 12 UNLESS DOUBLE UNDERPAYMENT IS INSTALLED IN ACCORDANCE WITH IRC SECTION R905.2.7.1
- ICE BARRIER THAT CONSISTS OF TWO LAYERS OF UNDERLAYMENT CEMENTED TOGETHER OR OF A SELF-ADHESING POLYMER MODIFIED BITUMEN SHEET, SHALL BE USED IN LIEU OF NORMAL UNDERLAYMENT AND EXTEND FROM THE LOWEST EDGES OF ALL ROOF SURFACES TO A POINT AT LEAST 24 INCHES INSIDE THE EXTERIOR WALL LINE OF THE BUILDING. -IRC R905.2.7.1
- EXTERIOR WALLS SHALL PROVIDE THE BUILDING WITH A WEATHER-RESISTANT EXTERIOR WALL ENVELOPE. THE EXTERIOR WALL ENVELOPE SHALL INCLUDE FLASHING. R701.1
- APPROVED CORROSION-RESISTANT FLASHING SHALL BE APPLIED SINGLE-FASHION IN A MANNER TO PREVENT ENTRY OF WATER INTO THE WALL CAVITY OR PENETRATION OF WATER TO THE BUILDING STRUCTURAL FRAMING COMPONENTS. SELF-ADHERED MEMBRANES USED AS FLASHING SHALL COMPLY WITH ASTM F11. THE FLASHING SHALL EXTEND TO THE SURFACE OF THE EXTERIOR WALL FINISH. APPROVED CORROSION-RESISTANT FLASHING AT ALL OF THE:
A. EXTERIOR WINDOW AND DOOR OPENINGS. FLASHING AT EXTERIOR WINDOW AND DOOR OPENINGS SHALL EXTEND TO THE SURFACE OF THE EXTERIOR WALL FINISH OR TO THE WATER-RESISTIVE BARRIER FOR SUBSEQUENT DRAINAGE.
B. AT THE INTERSECTION OF CHIMNEYS OR OTHER MASONRY CONSTRUCTION WITH FRAME OR STUCCO WALLS, WITH PROJECTING LIPS ON BOTH SIDES UNDER STUCCO COPINGS AND SILLS.
C. UNDER AND AT THE ENDS OF MASONRY, WOOD OR METAL COPINGS AND SILLS.
D. CONTINUOUSLY ABOVE ALL PROJECTING WOOD TRIM.
E. WHERE EXTERIOR PORCHES, DECKS OR STAIRS ATTACH TO A WALL OR FLOOR ASSEMBLY OF WOOD-FRAME CONSTRUCTION.
F. AT WALL AND ROOF INTERSECTIONS.
G. AT BUILT-IN GUTTERS. IRC R701.8
- ELEVATORS, WHERE PROVIDED, PASSENGER ELEVATORS, LIMITED USE OR LIMITED APPLICATION ELEVATORS OR PRIVATE RESIDENTIAL ELEVATORS SHALL COMPLY WITH ASME A17.1. IRC R312.1

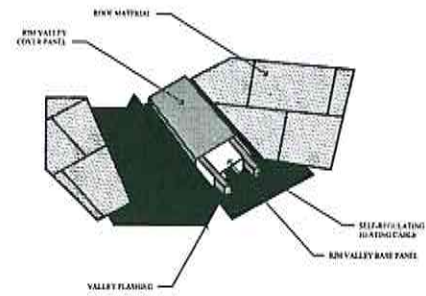
FRAMING NOTES:

- PROTECTION OF WOOD AND WOOD BASED PRODUCTS FROM DECAY SHALL BE PROVIDED IN THE FOLLOWING LOCATIONS THE USE OF NATURALLY DURABLE WOOD OR WOOD THAT IS PRESERVATIVE-TREATED IN ACCORDANCE WITH AWA U1 FOR THE SPECIES, PRODUCT, PRESERVATIVE AND END USE.
A. WOOD JOISTS OR THE BOTTOM OF A WOOD STRUCTURAL FLOOR WHEN CLOSER THAN 18 INCHES OR WOOD GIRDERS WHEN CLOSER THAN 12 INCHES TO THE EXPOSED GROUND IN CRAWL SPACES OR UNEXCAVATED AREA LOCATED WITHIN THE PERIPHERY OF THE BUILDING FOUNDATION.
B. ALL WOOD FRAMING MEMBERS THAT REST ON CONCRETE OR MASONRY EXTERIOR FOUNDATION WALLS AND ARE LESS THAN 4 INCHES FROM THE EXPOSED GROUND.
C. SILLS AND SLEEPERS ON A CONCRETE OR MASONRY SLAB THAT IS IN DIRECT CONTACT WITH THE GROUND UNLESS SEPARATED FROM SUCH SLAB BY AN IMPERVIOUS MOISTURE BARRIER.
D. THE END OF WOOD GIRDERS ENTERING EXTERIOR MASONRY OR CONCRETE WALLS HAVING CLEARANCES OF LESS THAN 1/4 INCH ON TOP, SIDES AND ENDS.
E. WOOD SIDING, SHEATHING AND WALL FRAMING ON THE EXTERIOR OF A BUILDING HAVING A CLEARANCE OF LESS THAN 6 INCHES FROM THE GROUND OR LESS THAN 2 INCHES MEASURED VERTICALLY FROM CONCRETE STEPS, PORCH SLABS, PATIO SLABS, AND SIMILAR HORIZONTAL SURFACES EXPOSED TO THE WEATHER.
F. WOOD STRUCTURAL MEMBERS SUPPORTING MOISTURE-PERMEABLE FLOORS OR ROOFS THAT ARE EXPOSED TO THE WEATHER, SUCH AS CONCRETE OR MASONRY SLABS, UNLESS SEPARATED FROM SUCH FLOORS OR ROOFS BY AN IMPERVIOUS MOISTURE BARRIER.
G. WOOD FLOORING STRIPS OR OTHER WOOD FRAMING MEMBERS ATTACHED DIRECTLY TO THE INTERIOR OF EXTERIOR MASONRY WALLS OR CONCRETE WALLS BELOW GRADE EXCEPT WHERE AN APPROVED VAPOR RETARDER IS APPLIED BETWEEN THE WALL AND THE FLOORING STRIPS OR FRAMING MEMBERS. -IRC R317.1
- ACCESSIBLE BELOW-FLOOR AREAS SHALL BE PROVIDED WITH A MINIMUM 18\"/>
- PROVIDE A MINIMUM 22\"/>
- PROVIDE 24\"/>
- PROVIDE ROOF SHEATHING RATING AND NAILING SCHEDULE AS PER ENGINEERING DESIGN, OR MINIMUM 5/8\", 4070 RATING IF NO PROFESSIONAL DESIGN IS PROVIDED.

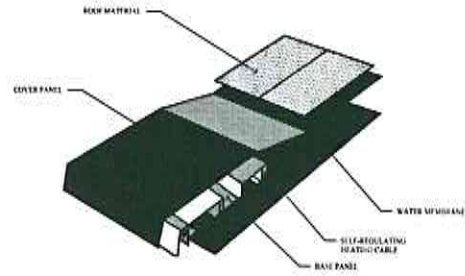
FIREPLACE NOTES:

- MASONRY OR CONCRETE CHIMNEYS SHALL BE ANCHORED AT EACH FLOOR, CEILING OR ROOF LINE MORE THAN 6 FEET ABOVE GRADE, EXCEPT WHERE CONSTRUCTED COMPLETELY WITHIN THE EXTERIOR WALLS. -IRC R1001.4
- TWO 1/4 INCH BY 1 INCH STRAPS SHALL BE EMBEDDED A MINIMUM OF 12 INCHES INTO THE CHIMNEY. STRAPS SHALL BE HOOKED AROUND THE OUTER BARS AND EXTEND 4 INCHES BEYOND THE BIND. EACH STRAP SHALL BE FASTENED TO A MINIMUM OF FOUR FLOOR CEILING OR FLOOR JOIST OR RAFTERS WITH TWO 1/4 INCH BOLTS. -IRC R1004.4
- ALL WOOD BEAMS, JOIST, STUDS AND OTHER COMBUSTIBLE MATERIAL SHALL HAVE A CLEARANCE OF NOT LESS THAN 2 INCHES FROM THE FRONT FACES AND SIDES OF MASONRY FIREPLACES AND NOT LESS THAN 4 INCHES FROM THE BACK FACES OF MASONRY FIREPLACES. THE AIR SPACE SHALL NOT BE FILLED, EXCEPT TO PROVIDE FIRE BLOCKING IN ACCORDANCE WITH SECTION R1001.12.
EXCEPTIONS:
A. MASONRY FIREPLACES LISTED AND LABELED FOR USE IN CONTACT WITH COMBUSTIBLES IN ACCORDANCE WITH UL 127 AND INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTALLATION INSTRUCTIONS ARE PERMITTED TO HAVE COMBUSTIBLE MATERIAL IN CONTACT WITH THEIR EXTERIOR SURFACES.
B. WHEN MASONRY FIREPLACES ARE PART OF MASONRY OR CONCRETE WALLS, COMBUSTIBLE MATERIALS SHALL NOT BE IN CONTACT WITH THE MASONRY OR CONCRETE WALLS LESS THAN 1/2 INCHES FROM THE INSIDE SURFACE OF THE NEAREST FIREBOX LINING.
C. EXPOSED COMBUSTIBLE TRIM AND THE EDGES OF SHEATHING MATERIALS SUCH AS WOOD SIDING, FLOORING AND DRY WALL SHALL BE PERMITTED TO ABUT THE MASONRY FIREPLACE SIDE WALLS AND PARTI EXTENSION, PROVIDED SUCH COMBUSTIBLE TRIM OR SHEATHING IS A MINIMUM OF 12 INCHES FROM THE INSIDE SURFACE OF THE NEAREST FIREBOX LINING.
D. EXPOSED COMBUSTIBLE MANTELS OR TRIM MAY BE PLACED DIRECTLY ON THE MASONRY FIREPLACE FRONT SURROUNDING THE FIREPLACE OPENING PROVIDING SUCH COMBUSTIBLE MATERIALS ARE NOT PLACED WITHIN 6 INCHES OF A FIREPLACE OPENING. COMBUSTIBLE MATERIAL WITHIN 12 INCHES OF THE FIREPLACE OPENING SHALL NOT PROJECT MORE THAN 1/4 INCH FOR EACH 1 INCH DISTANCE FROM SUCH AN OPENING. -IRC R1001.11
- CHIMNEYS SHALL EXTEND AT LEAST 2 FEET HIGHER THAN ANY PORTION OF A BUILDING WITHIN 10 FEET, BUT SHALL NOT BE LESS THAN 3 FEET ABOVE THE HIGHEST POINT WHERE THE CHIMNEY PASSES THROUGH THE ROOF. -IRC R1003.9

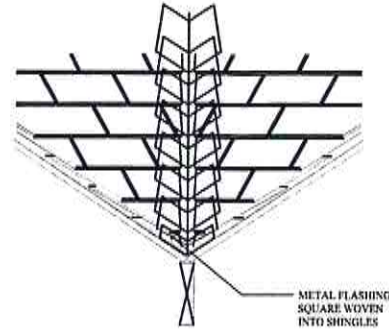




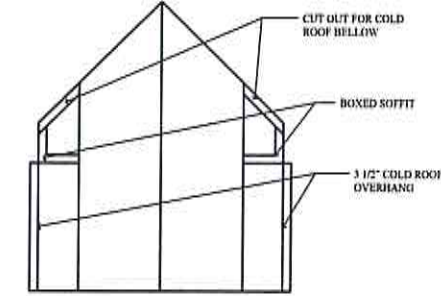
1 VALLEY SNOW MELT DETAIL
A5.2 NO SCALE



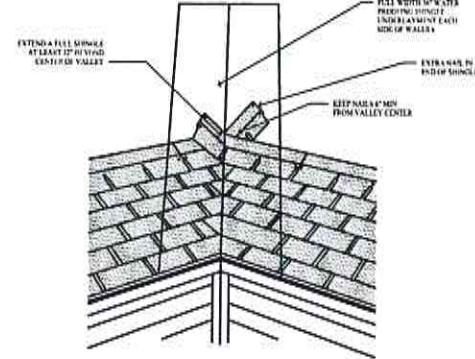
2 EAVE SNOW MELT DETAIL
A5.2 NO SCALE



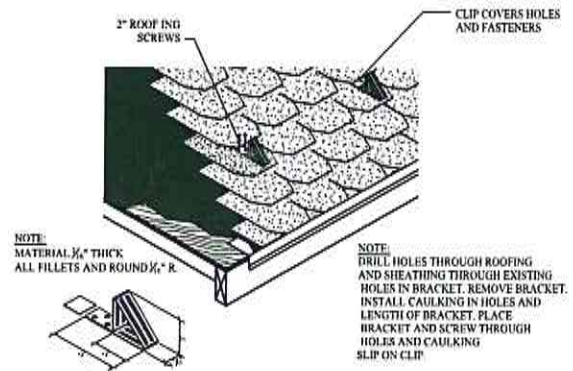
3 CLOSED VALLEY FLASHING
A5.2 NO SCALE



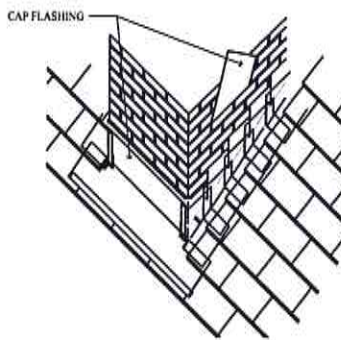
4 DORMER ROOF
A5.2 NO SCALE



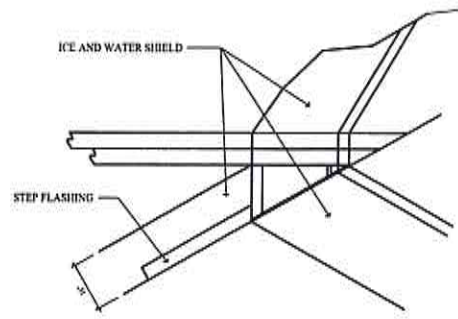
5 WOVEN VALLEY DETAIL
A5.2 NO SCALE



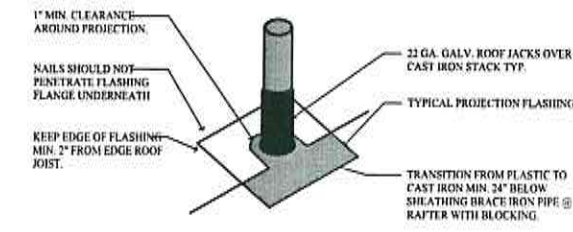
6 SNOW BRACKET DETAIL
A5.2 NO SCALE



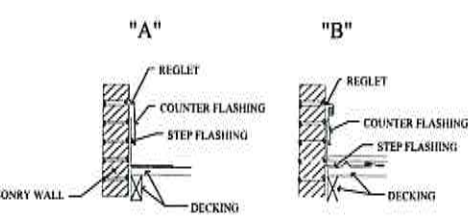
7 CHIMNEY FLASHING
A5.2 NO SCALE



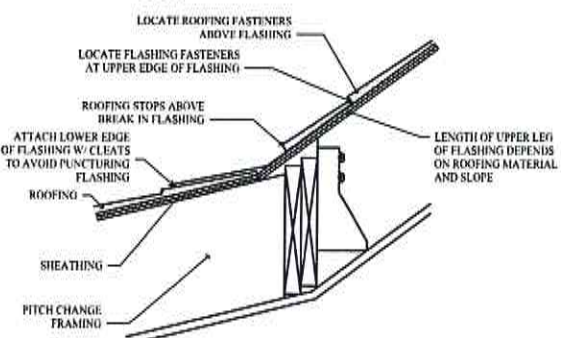
8 DORMER FLASHING DETAIL
A5.2 NO SCALE



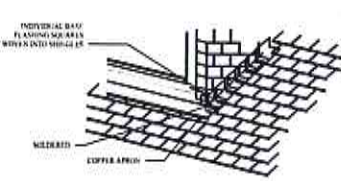
9 VENT FLASHING DETAIL
A5.2 NO SCALE



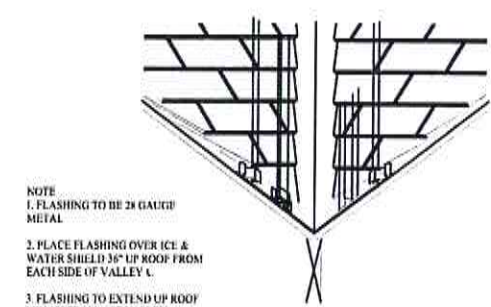
10 RAKE WALL FLASHING DETAIL
A5.2 NO SCALE



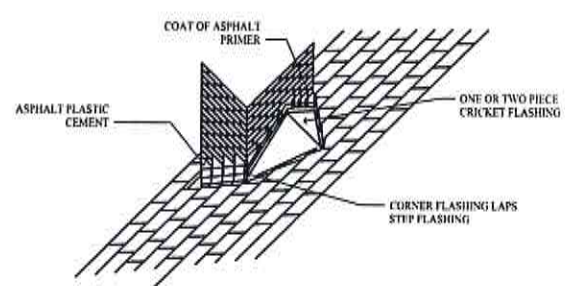
11 ROOF PITCH TRANSACTION DETAIL
A5.2 NO SCALE



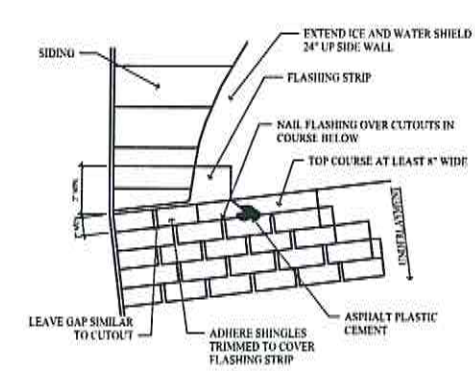
12 FLASHING DETAIL
A5.2 NO SCALE



13 OPEN VALLEY DETAIL
A5.2 NO SCALE



14 CHIMNEY CRICKET FLASHING
A5.2 NO SCALE



15 ROOF/WALL FLASHING DETAIL
A5.2 NO SCALE



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162 RIDGE AVENUE
PARK CITY, UT 84060

DETAILS

DESCRIPTION

REVISIONS

DATE

04/22/15

PROJECT NUMBER

SHEET NUMBER

A5.2

ROOM FINISH SCHEDULE										
ROOM		FLOOR		WALLS				CEILING		REMARKS
NO.	NAME	MATERIAL	BASE	NORTH	EAST	SOUTH	WEST	HEIGHT	MATERIAL	
ELEVATOR										
001	ELEVATOR	CONCRETE	-	GYP	GYP	GYP	GYP	VARIES	GYP	-
LOWER LEVEL										
101	HALL	WOOD	WOOD	GYP	GYP	GYP	GYP	VARIES	GYP	-
102	FAMILY ROOM	WOOD	WOOD	GYP	GYP	GYP	GYP	8'-4 1/4"	GYP	-
103	MASTER BEDROOM	WOOD	WOOD	GYP	GYP	GYP	GYP	8'-4 1/4"	GYP	-
104	MASTER CLOSET	WOOD	WOOD	GYP	GYP	GYP	GYP	8'-4 1/4"	GYP	-
105	MASTER BATH	TILE	TILE	GYP	GYP	GYP	GYP	8'-4 1/4"	GYP	-
106	1/2 BATH	TILE	TILE	GYP	GYP	GYP	GYP	8'-4 1/4"	GYP	-
107	BEDROOM 2	WOOD	WOOD	GYP	GYP	GYP	GYP	8'-4 1/4"	GYP	-
108	CLOSET	WOOD	WOOD	GYP	GYP	GYP	GYP	8'-4 1/4"	GYP	-
109	BATH	TILE	TILE	GYP	GYP	GYP	GYP	8'-4 1/4"	GYP	-
110	LAUNDRY	TILE	TILE	GYP	GYP	GYP	GYP	8'-4 1/4"	GYP	-
111	MECHANICAL	CONCRETE	-	GYP	GYP	GYP	GYP	VARIES	GYP	-
MAIN LEVEL										
201	HALL	WOOD	WOOD	GYP	GYP	GYP	GYP	8'-4 1/4"	GYP	-
202	LIVING ROOM	WOOD	WOOD	GYP	GYP	GYP	GYP	VARIES	GYP	-
203	DINING ROOM	WOOD	WOOD	GYP	GYP	GYP	GYP	VARIES	GYP	-
204	KITCHEN	WOOD	WOOD	GYP	GYP	GYP	GYP	VARIES	GYP	-
205	PANTRY	WOOD	WOOD	GYP	GYP	GYP	GYP	8'-4 1/4"	GYP	-
206	BEDROOM 3	WOOD	WOOD	GYP	GYP	GYP	GYP	8'-4 1/4"	GYP	-
207	BATHROOM	TILE	TILE	GYP	GYP	GYP	GYP	8'-4 1/4"	GYP	-
208	CLOSET	WOOD	WOOD	GYP	GYP	GYP	GYP	8'-4 1/4"	GYP	-
UPPER LEVEL										
301	ENTRY	WOOD	WOOD	GYP	GYP	GYP	GYP	VARIES	GYP	-
302	GARAGE	CONCRETE	-	GYP	GYP	GYP	GYP	VARIES	GYP	5/8" GYP @ WALLS SHARED W/ LIVING SPACE

WINDOW NOTES

1- GLAZING IN HAZARDOUS LOCATION IS REQUIRED TO BE GLAZED WITH SAFETY MATERIAL. IRC SECTION R308.3 AND R308.4
2- ALL WINDOWS IN BATHROOMS MUST BE TEMPERED GLASS.
3- TEMPERED GLASS SHALL BE PROVIDED IN: FRAMELESS GLASS DOORS, GLASS IN DOORS, GLASS WITHIN A 24" ARC OF DOORS, GLAZING LESS THAN 60" ABOVE A WALKING SURFACE THAT IS WITHIN 5 FEET OF STAIRS, OR GLAZING WITHIN 5 FEET OF SPAS OR POOLS, CERTAIN FIXED PANELS AND SIMILAR GLAZED OPENINGS SUBJECT TO HUMAN IMPACT. IRC R308.4
4- EGRESS WINDOWS. FINISH SILL HEIGHT MAX 44" FROM FLOOR MAX. CLEAR OPENING OF 5.7 5/8" MIN NET CLEAR OPENING 20" WIDTH AND 24" HEIGHT. PROVIDE EGRESS ESCAPE HARDWARE ON ALL CASEMENT WINDOWS USED FOR EMERGENCY ESCAPE.
5- ALL EXTERIOR GLAZING ASSEMBLIES TO HAVE A U-FACTOR OF 0.28 OR LOWER. SEE RESCHECK REPORT.
6- SEE EXTERIOR ELEVATIONS FOR ALL HANDING OF CASEMENT WINDOWS.
7- SEE FLOOR PLANS AND EXTERIOR ELEVATIONS FOR MORE DETAIL ON CUSTOM WINDOW ASSEMBLIES.

DOOR NOTES

1- ALL DOORS TO BE 1 3/4" SOLID CORE UNLESS NOTED OTHERWISE.
2- ALL SHOWER DOORS AND GLASS SHOWER ENCLOSURES SHALL BE TEMPERED GLASS. IRC TABLE R308.3
3- FRENCH DOORS TO BE SUPPLIED BY WINDOW MANUFACTURER.
4- AUTOMATIC GARAGE DOOR OPENERS SHALL BE TESTED IN ACCORDANCE WITH UL325 - IRC 310.1
5- ALL EXTERIOR DOORS TO HAVE A U-FACTOR OF 0.28 OR LOWER. SEE RESCHECK REPORT.
6- SEE FLOOR PLANS AND EXTERIOR ELEVATIONS FOR ALL HANDING OF DOORS.
7- SEE FLOOR PLANS AND EXTERIOR ELEVATIONS FOR MORE DETAIL OF CUSTOM DOOR ASSEMBLIES.
8- SEE FLOOR PLANS FOR ALL HANDING DOORS. SEE FLOOR PLANS AND EXTERIOR ELEVATIONS FOR MORE DETAIL ON CUSTOM DOOR ASSEMBLIES.

WINDOW SCHEDULE

WIDTH	HEIGHT	HEADER HT.	TYPE	FRAME MATERIAL	EXT. FINISH	INT. FINISH	GLAZING	REMARKS
LOWER LEVEL								
(A) 6'-0"	6'-0"	8'-0"	CASEMENTS	WOOD ALUM. GLAD	MANUFACTURER	STAIN & VARNISH	INSULATED - LOW E	MILLED; (2) 3'-0" X 6'-0" CASEMENTS
(B) 3'-0"	6'-0"	8'-0"	CASEMENT	WOOD ALUM. GLAD	MANUFACTURER	STAIN & VARNISH	INSULATED - LOW E	-
(C) 2'-6"	3'-6"	8'-0"	CASEMENT	WOOD ALUM. GLAD	MANUFACTURER	STAIN & VARNISH	INSULATED - LOW E	-
(D) 3'-0"	5'-0"	8'-0"	CASEMENT	WOOD ALUM. GLAD	MANUFACTURER	STAIN & VARNISH	INSULATED - LOW E	-
(E) 5'-0"	5'-0"	8'-0"	CASEMENTS	WOOD ALUM. GLAD	MANUFACTURER	STAIN & VARNISH	INSULATED - LOW E	MILLED; (2) 2'-6" X 5'-0" CASEMENTS - TEMPERED GLASS
(F) 5'-0"	5'-0"	8'-0"	CASEMENTS	WOOD ALUM. GLAD	MANUFACTURER	STAIN & VARNISH	INSULATED - LOW E	MILLED; (2) 2'-6" X 5'-0" CASEMENTS
MAIN LEVEL								
(G) 2'-6"	3'-0"	8'-0"	CASEMENTS	WOOD ALUM. GLAD	MANUFACTURER	STAIN & VARNISH	INSULATED - LOW E	MILLED; (2) 2'-6" X 5'-0" CASEMENTS
(H) 3'-0"	8'-0"	8'-0"	CASEMENTS	WOOD ALUM. GLAD	MANUFACTURER	STAIN & VARNISH	INSULATED - LOW E	MILLED; (2) 3'-0" X 6'-0" CASEMENTS
(J) 6'-0"	4'-0"	8'-0"	PICTURES	WOOD ALUM. GLAD	MANUFACTURER	STAIN & VARNISH	INSULATED - LOW E	MILLED; 6'-0" X 6'-0" PICT. + 6'-0" X 1'-6" PICT. TRANS + 6'-0" X 1'-6" PICT. BELOW
(K) 3'-0"	7'-6"	8'-0"	CASEMENT + ANNINS	WOOD ALUM. GLAD	MANUFACTURER	STAIN & VARNISH	INSULATED - LOW E	MILLED; 3'-0" X 6'-0" PICT. + 3'-0" X 1'-6" ANNINS
(L) 3'-0"	11'-0"	8'-0"	CASEMENT + TRANS + ANN	WOOD ALUM. GLAD	MANUFACTURER	STAIN & VARNISH	INSULATED - LOW E	MILLED; 3'-0" X 6'-0" PICT. + 3'-0" X 3'-6" PICT. TRANS + 3'-0" X 1'-6" ANNINS
(M) 2'-6"	5'-0"	7'-2 1/2"	CASEMENT	WOOD ALUM. GLAD	MANUFACTURER	STAIN & VARNISH	INSULATED - LOW E	TEMPERED GLASS
(N) 6'-0"	5'-0"	8'-0"	CASEMENTS	WOOD ALUM. GLAD	MANUFACTURER	STAIN & VARNISH	INSULATED - LOW E	MILLED; (2) 3'-0" X 5'-0" CASEMENTS
(P) 2'-6"	4'-6"	8'-0"	CASEMENT	WOOD ALUM. GLAD	MANUFACTURER	STAIN & VARNISH	INSULATED - LOW E	-
ENTRY LEVEL								
(Q) 1'-6"	8'-0"	8'-0"	PICTURES	WOOD ALUM. GLAD	MANUFACTURER	STAIN & VARNISH	INSULATED - LOW E	MILLED; 1'-6" X 5'-6" PICT. + 1'-6" X 2'-6" PICT. BELOW - TEMPERED GLASS
(R) 3'-0"	4'-6"	7'-0"	CASEMENT	WOOD ALUM. GLAD	MANUFACTURER	STAIN & VARNISH	INSULATED - LOW E	-
(S) 3'-0"	7'-6"	10'-0"	PICTURE + TRANSOM	WOOD ALUM. GLAD	MANUFACTURER	STAIN & VARNISH	INSULATED - LOW E	MILLED; 3'-0" X 5'-0" PICT. + 3'-0" X 2'-6" PICT. TRANS
(T) 2'-6"	3'-6"	4'-0"	PICTURE	WOOD ALUM. GLAD	MANUFACTURER	STAIN & VARNISH	INSULATED - LOW E	-
(U) 3'-0"	7'-0"	10'-6"	CASEMENT + TRANSOM	WOOD ALUM. GLAD	MANUFACTURER	STAIN & VARNISH	INSULATED - LOW E	MILLED; 3'-0" X 4'-6" PICT. + 3'-0" X 2'-6" PICT. TRANS

DOOR SCHEDULE

WIDTH	HEIGHT	THICK	TYPE	DOOR MATL	DOOR FINISH	FRAME MATERIAL	FRAME FINISH	HWYR. TYPE	REMARKS
LOWER LEVEL									
(W) 3'-0"	8'-0"	1 3/4"	STYLE+RAIL	WOOD / ALUM	STAIN & VARNISH	WOOD	STAIN & VARNISH	LOCKSET	FULL LITE. INSULATED, LOW E, WEATHER STRIP, THRESHOLD
(X) 3'-0"	8'-0"	1 3/4"	STYLE+RAIL	WOOD / ALUM	STAIN & VARNISH	WOOD	STAIN & VARNISH	LOCKSET	FULL LITE. INSULATED, LOW E, WEATHER STRIP, THRESHOLD
(Y) 2'-8"	8'-0"	1 3/4"	STYLE+RAIL	WOOD	STAIN & VARNISH	WOOD	STAIN & VARNISH	PRIVACY	2'-0" X 6'-0" PAIR
(Z) 2'-6"	8'-0"	1 3/4"	STYLE+RAIL	WOOD	STAIN & VARNISH	WOOD	STAIN & VARNISH	PASSAGE	3'-0" X 6'-0" OPENING WITH OVERSIZED BARN DOOR
(AA) 2'-6"	8'-0"	1 3/4"	STYLE+RAIL	WOOD	STAIN & VARNISH	WOOD	STAIN & VARNISH	PRIVACY	-
(AB) 2'-0"	6'-0"	1/2"		GLASS				SHOWER	-
(AC) 2'-6"	8'-0"	1 3/4"	STYLE+RAIL	WOOD	STAIN & VARNISH	WOOD	STAIN & VARNISH	PRIVACY	-
(AD) 3'-6"	8'-0"	1 3/4"	STYLE+RAIL	WOOD	STAIN & VARNISH	WOOD	STAIN & VARNISH	PRIVACY	-
(AE) 2'-8"	8'-0"	1 3/4"	STYLE+RAIL	WOOD	STAIN & VARNISH	WOOD	STAIN & VARNISH	PRIVACY	-
(AF) 4'-0"	8'-0"	1 3/4"	STYLE+RAIL	WOOD	STAIN & VARNISH	WOOD	STAIN & VARNISH	PASSAGE - PAIR	-
(AG) 2'-6"	8'-0"	1 3/4"	STYLE+RAIL	WOOD	STAIN & VARNISH	WOOD	STAIN & VARNISH	PRIVACY	-
(AH) 2'-0"	6'-0"	1/2"		GLASS				SHOWER	-
(AI) 2'-8"	8'-0"	1 3/4"	STYLE+RAIL	WOOD	STAIN & VARNISH	WOOD	STAIN & VARNISH	PASSAGE	-
(AJ) 2'-8"	8'-0"	1 3/4"	STYLE+RAIL	WOOD	STAIN & VARNISH	WOOD	STAIN & VARNISH	PASSAGE	-
(AK) 3'-0"	8'-0"	1 3/4"	STYLE+RAIL	WOOD	STAIN & VARNISH	WOOD	STAIN & VARNISH	ELEVATOR	COORDINATE WITH ELEVATOR MANUFACTURER
MAIN LEVEL									
(AL) 3'-0"	8'-0"	1 3/4"	STYLE+RAIL	WOOD / ALUM	STAIN & VARNISH	WOOD	STAIN & VARNISH	LOCKSET	FULL LITE. INSULATED, LOW E, WEATHER STRIP, THRESHOLD
(AM) 2'-6"	8'-0"	1 3/4"	STYLE+RAIL	WOOD	STAIN & VARNISH	WOOD	STAIN & VARNISH	PASSAGE	-
(AN) 2'-8"	8'-0"	1 3/4"	STYLE+RAIL	WOOD	STAIN & VARNISH	WOOD	STAIN & VARNISH	PRIVACY	-
(AO) 2'-6"	8'-0"	1 3/4"	STYLE+RAIL	WOOD	STAIN & VARNISH	WOOD	STAIN & VARNISH	PRIVACY	-
(AP) 2'-0"	6'-0"	1/2"		GLASS				SHOWER	-
(AQ) 2'-6"	8'-0"	1 3/4"	STYLE+RAIL	WOOD	STAIN & VARNISH	WOOD	STAIN & VARNISH	PASSAGE	-
(AR) 2'-6"	8'-0"	1 3/4"	STYLE+RAIL	WOOD	STAIN & VARNISH	WOOD	STAIN & VARNISH	PRIVACY	-
(AS) 3'-0"	8'-0"	1 3/4"	STYLE+RAIL	WOOD	STAIN & VARNISH	WOOD	STAIN & VARNISH	ELEVATOR	COORDINATE WITH ELEVATOR MANUFACTURER
ENTRY LEVEL									
(AT) 3'-0"	8'-0"	1 3/4"	STYLE+RAIL	WOOD / ALUM	STAIN & VARNISH	WOOD	STAIN & VARNISH	LOCKSET	HALL LITE. INSULATED, LOW E, WEATHER STRIP, THRESHOLD
(AU) 3'-0"	8'-0"	1 3/4"	STYLE+RAIL	WOOD	STAIN & VARNISH	WOOD	STAIN & VARNISH	ELEVATOR	COORDINATE WITH ELEVATOR MANUFACTURER
(AV) 2'-8"	8'-0"	1 3/4"	STYLE+RAIL	WOOD	STAIN & VARNISH	WOOD	STAIN & VARNISH	LOCKSET	20" MIN. - SELF CLOSER - SMOKE SEAL - THRESHOLD
(AW) 4'-0"	7'-0"	1 3/4"	PANEL	WOOD/ALUM/GLASS	STAIN & VARNISH	WOOD	STAIN & VARNISH	GARAGE	AUTOMATIC DOOR OPENER, INSULATED, WEATHERSTRIP - LOW SHEEN FINISH

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162 RIDGE AVENUE
PARK CITY, UT 84060

DOOR, WINDOW AND ROOM
SCHEDULES

RECEIVED
MAY 06 2015
PARK CITY
PLANNING DEPT.

DATE: 04/22/15
PROJECT NUMBER:
SHEET NUMBER: A6.1

EXHIBIT B





RECEIVED
MAY 06 2015
PARK CITY
PLANNING DEPT.



EXHIBIT C



APPROX.
SITE

162 RIDGE - CROSS CANYON



RECEIVED
MAY 06 2015
PLANNING DEPT.

147 RIDGE



RIDGE # 166 RIDGE



RECEIVED
05/13/2015
MAY 06 2015
PARK CITY
SIG DEPT.

167 RIDGE @ TOP OF SITE



162 RIDGE - VIEW TO WEST



162 RIDGE - VIEW TO NORTH

PLANNING
COMMISSION



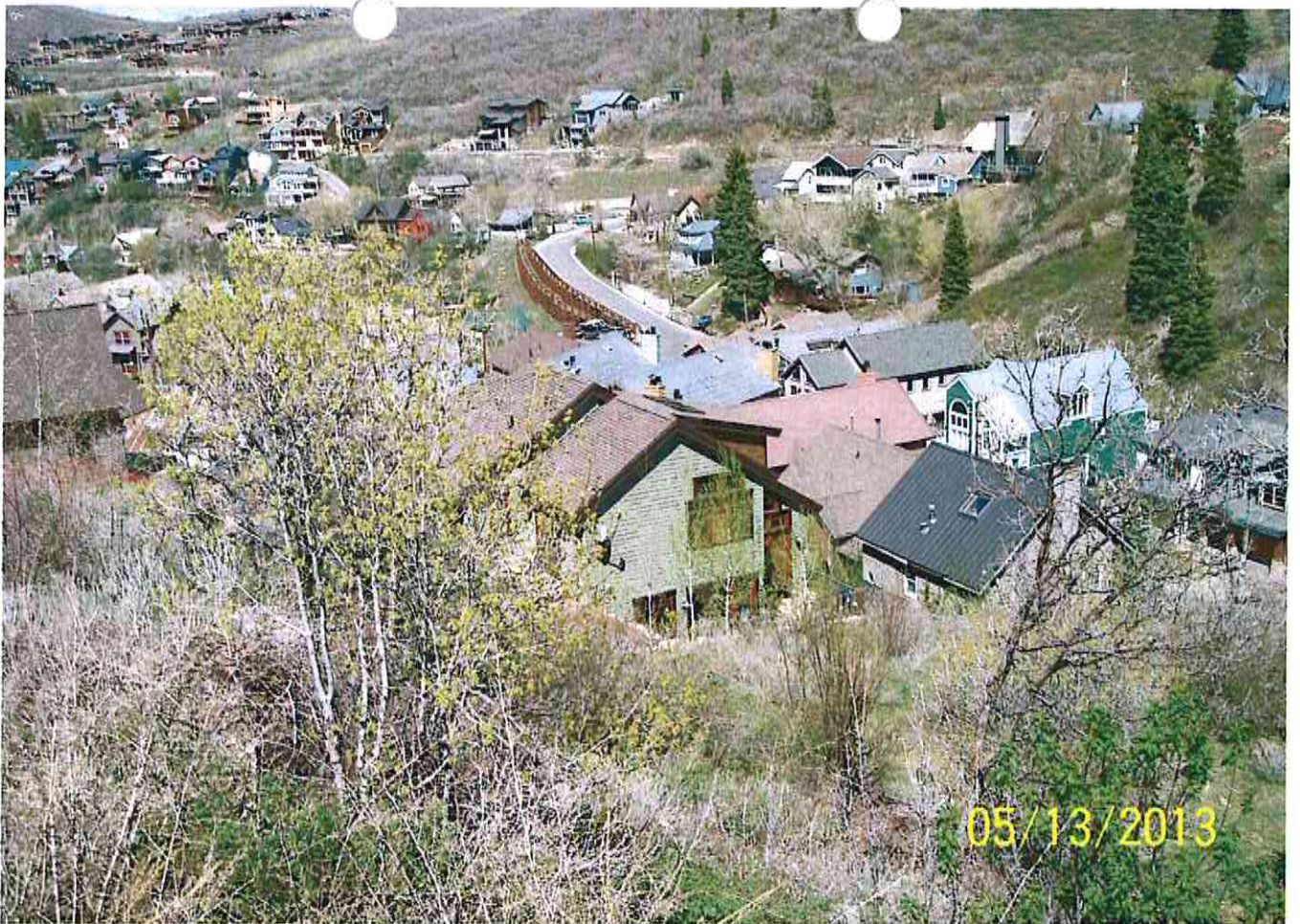
05/13/2013

VIEW DOWN - RIDGE

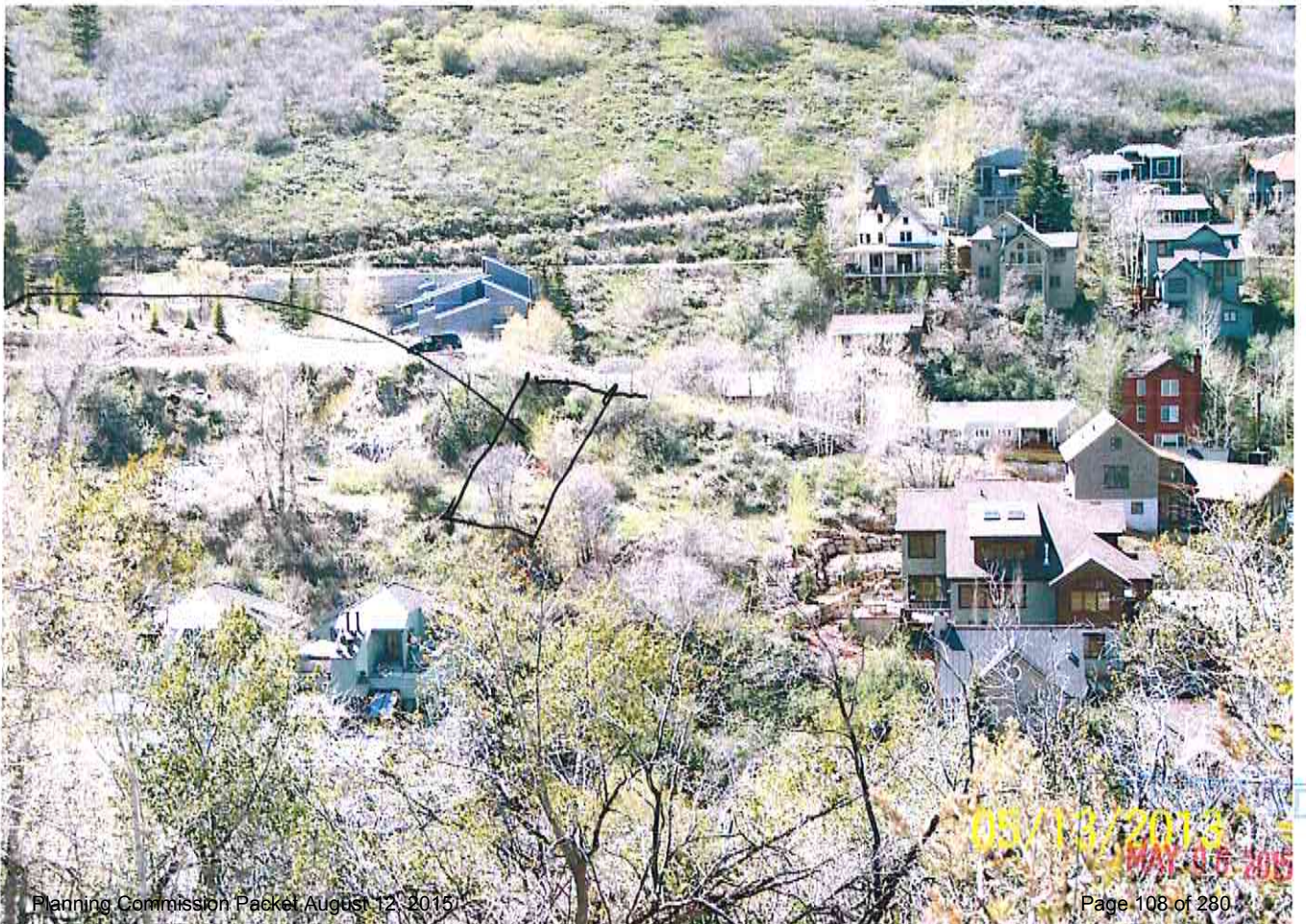


05/13/2013

VIEW FROM RIDGE TO KING

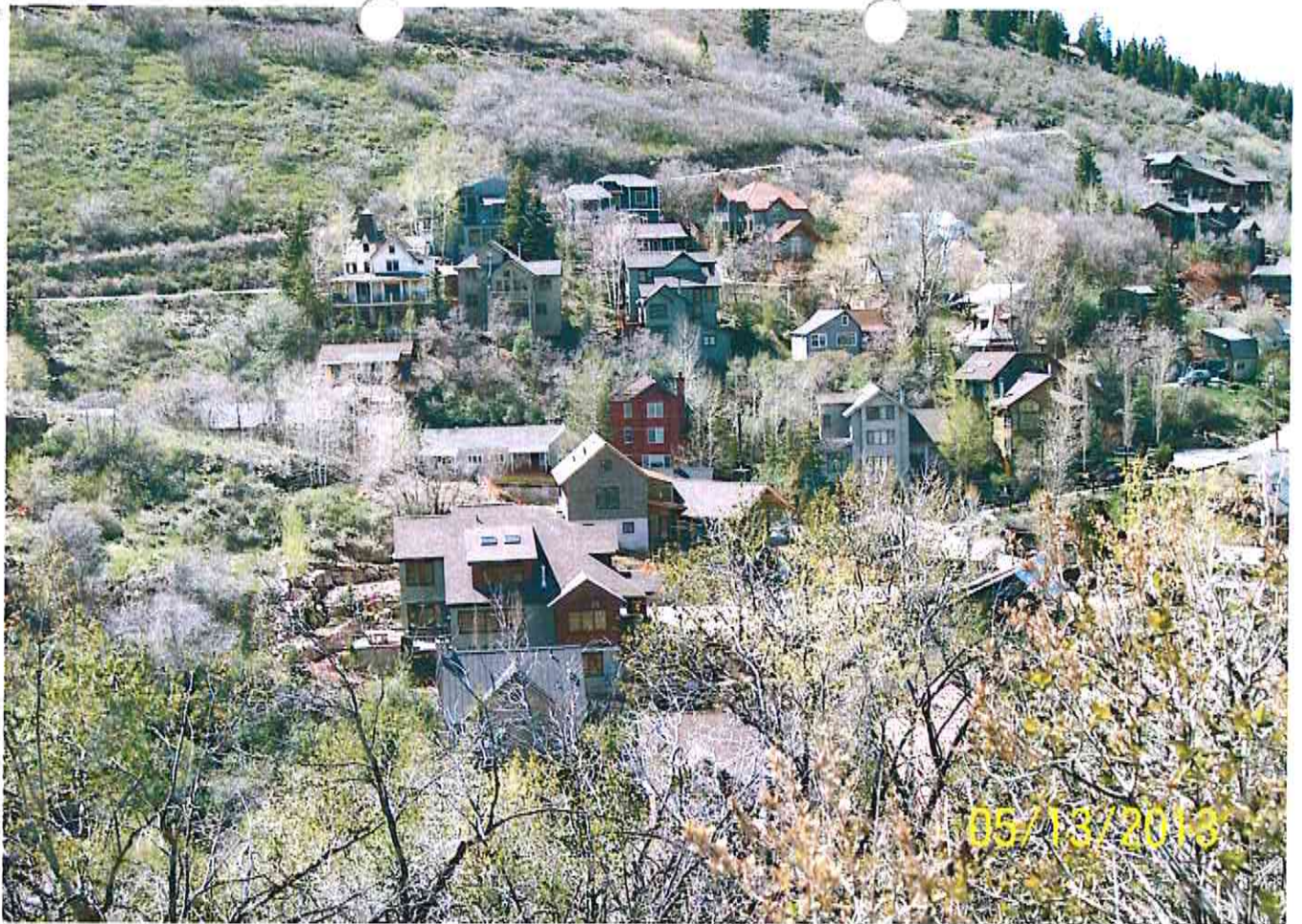


VIEW, RIDGE TO DALY



*112
RIDGE,
APPROX*

CROSS COUNTRY VIBIN



CROSS CANYON VIEW



CROSS CANYON VIEW

Ordinance No. 07-74

AN ORDINANCE APPROVING THE SUBDIVISION NO. 1 MILLSITE RESERVATION PLAT AMENDMENT LOCATED AT 255 RIDGE AVENUE, PARK CITY, UTAH

WHEREAS, the owners of the property located at 255 Ridge Avenue have petitioned the City Council for approval of the Subdivision No. 1 Millsite Reservation plat amendment; and

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

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held public hearings on February 14, March 14, April 25, July 11 and July 25, 2007, and conducted a site visit on February 28, 2007, to receive input on the Subdivision No. 1 Millsite Reservation plat amendment;

WHEREAS, on September 12, 2007, the Planning Commission forwarded a negative recommendation for Subdivision No. 1 Millsite Reservation plat amendment; and

WHEREAS, on September 20, October 11 and October 25, 2007, the City Council held public hearings, scheduled a site visit for October 4, and directed staff to return with additional information; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Subdivision No. 1 Millsite Reservation 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 Subdivision No. 1 Millsite Reservation plat amendment as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 255 Ridge Avenue.
2. The zoning is Historic Residential Low density (HRL).
3. The proposed plat combines lots 35-40 and 66-71, portions of lots 33 and 34 Block 75 of the Millsite Reservation to Park City, and the vacated half of Anchor Avenue adjacent to these lots into three lots of record and a parcel dedicated to Park City.
4. The three lots will be 5,902 square feet, 5,898 square feet, and 7,208 square feet in area. The parcel will be 2,110 sf in area.

5. The lot sizes are consistent with lot sizes in the neighboring HRL zone.
6. Code maximum footprints for the proposed lots are 2,118 square feet, 2,117 square feet and 2,404 square feet.
7. The average lot size in the HRL zone in the area is 5,677 square feet. The average footprint in the HRL zone around the property is 1,917 square feet with an average house size, excluding basements and garages, 2,748 square feet.
8. The lot 3 footprint at 2,404 at square feet is not compatible with neighboring HRL zone properties because the footprint is 25% larger than the average for the area.
9. Built houses sizes in the HRL district around the subject property have an average square footage of 143% of the footprint.
10. Existing Ridge Avenue crosses the property and will be dedicated to the City in the parcel as Parcel A. Ridge Avenue is a substandard street that generally does not exist within its platted right of way.
11. The lots have slopes greater than 30% and a Steep Slope Conditional Use Permit will be required for each of the proposed homes.
12. All homes within the HRL zoning district require Historic District Design Review.
13. A 30-foot no-disturb area is proposed on the eastern property line of the three lots.
14. The applicant proposes houses set 37, 55, and 58 feet from the eastern property line.
15. The maximum grade of the driveway in platted Ridge Avenue is 10%. Due to the unique nature and the fact that the City has vacated Anchor to the north of the subject property, the City supports a variance or special exception to a maximum driveway grade of 14%.
16. Adequate snow storage is provided along the east, west and north sides of the driveway.
17. A two tiered retaining wall along the west and north sides will be a maximum of eight feet high (total). A Variance or Special Exception to a maximum of 14% would lower the wall another 4 feet over the 100 foot length.
18. The closest house to the west, 85 King Road, has a setback of ten feet to its rear property line. This house has a +/- 8 foot rock retaining wall being constructed at the rear property line. The proposed wall for the 255 Ridge driveway would step from this wall with a horizontal distance of 4 feet before the first 3 to 4 foot high poured concrete wall. Another four foot horizontal landscaping area separates the two walls within the right of way.
19. The right-of-way is 35 feet wide with 14 feet from the edge of curb to the west edge of the right-of-way, adjacent to 85 King Road.
20. Utilities will be in the Ridge Avenue right of way.
21. The Ridge Avenue right of way has been vacated both to the immediate north and south of the site, but the right of way is the legal access for 255 Ridge. This configuration is unique in the Park City Survey and the Snyder's Addition to the Park City Survey.
22. Walls, driveways, stairs, a tunnel and other structures are found in existing rights of way in the Historic District.

Conclusions of Law:

1. There is good cause for this plat amendment because, as conditioned, twelve lots will be combined to create three lots of record and a parcel consisting of a portion of Ridge Avenue will be dedicated to the public.
2. The plat amendment, as conditioned, is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.
3. Neither the public interest 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:

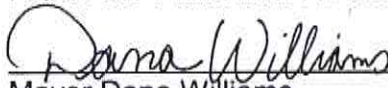
1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within 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.
3. A final utility plan is required to be approved by the City Engineer prior to plat recordation.
4. A financial security for public improvements, in an amount approved by the City Engineer and in a form approved by the City Attorney, is required prior to plat recordation.
5. An Encroachment Agreement with the City, for the private driveway within the platted Ridge Avenue, is a condition precedent to plat recordation. Said Agreement shall be approved by the City Engineer as to content and by the City Attorney as to form.
6. The driveway construction requires a Conditional Use Permit that may be reviewed concurrent with a Steep Slope Conditional Use Permit. The current application shall be amended to incorporate the grade change to existing Ridge Avenue to be approved by the City Engineer, in such case the retaining wall will not exceed eight feet (8') in total height at the northwest corner.
7. A snow shed easement or roof design acceptable to the Chief Building Official will be required at the time of a Steep Slope CUP.
8. A note will be added to the plat that requires the installation of Modified 13-D sprinklers in each house.
9. A note will be added requiring 30 feet non-disturbance zone in the rear (east) of the three lots. In addition, the east side of any future houses must substantially conform to the exhibit shown to the City that placed the houses 37, 55, and 58 feet from the eastern property line.
10. Construction mitigation plan, which will include controlling loose rocks, must be approved prior to granting building permits.
11. A plat note will be added to restrict Lot 3 to a footprint of 2,120 square feet. Lots 1 and 2 footprints are to be noted as 2,117 and 2,118 square feet.

12. A plat note will limit the maximum house Floor Area, as defined by the Land Management Code, to approximately 143% of the maximum footprint area or 3,030 square feet on Lots 1, 2, and 3.
13. The garage element must be at the front setback, cannot exceed the minimum depth as allowed by Code, and cannot exceed eighteen feet (18') in height above the garage floor with an appropriate pitched roof (8:12 or greater). A height exception for the garage only may be granted if it meets the preceding criteria.
14. No other portion of the house is eligible for a height exception.
15. Except for Condition of Approval #14, nothing herein limits the scope of review by the Planning Commission during their review of a Steep Slope Conditional Use Permit and the Driveway Conditional Use Permit.
16. Applicant will seek a Variance or Special Exception for driveway grade in a platted unbuilt City Right of Way prior to proceeding with the Conditional Use Permit for driveway use of the right of way.
17. Driveways into the garages cannot exceed the minimum slope necessary for drainage away from the garages.

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

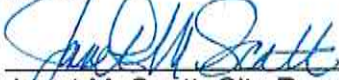
PASSED AND ADOPTED this 25th day of October, 2007.

PARK CITY MUNICIPAL CORPORATION



Mayor Dana Williams

Attest:



Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney



ABBREVIATIONS [List of abbreviations and symbols]		PLAT NOTES 1. THIS PLAT IS A PRELIMINARY PLAT FOR THE AMENDMENT OF THE PLAT OF THE SALT LAKE BASIN & MENDOTA RESERVATION, SECTION 21, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN & MENDOTA RESERVATION.	
PLAT AMENDMENT - SUB NO. 1 MILLSITE RESERVATION LOCATED IN SECTION 21, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN & MENDOTA RESERVATION.		CONSENT TO RECORD I, the undersigned, do hereby consent to the recording of this plat in the public records of the County of Salt Lake, State of Utah.	
ENGINEER'S CERTIFICATE I, the undersigned, a duly licensed Professional Engineer in the State of Utah, do hereby certify that the foregoing is a true and correct copy of the original plat as filed in my office.		APPROVAL AS TO FORM I, the undersigned, do hereby certify that the foregoing is a true and correct copy of the original plat as filed in my office.	
PARK CITY PLANNING COMMISSION I, the undersigned, do hereby certify that the foregoing is a true and correct copy of the original plat as filed in my office.		ROCKY MOUNTAIN POWER I, the undersigned, do hereby certify that the foregoing is a true and correct copy of the original plat as filed in my office.	
ENGINEER'S CERTIFICATE I, the undersigned, a duly licensed Professional Engineer in the State of Utah, do hereby certify that the foregoing is a true and correct copy of the original plat as filed in my office.		APPROVAL AS TO FORM I, the undersigned, do hereby certify that the foregoing is a true and correct copy of the original plat as filed in my office.	
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PARK CITY PLANNING COMMISSION I, the undersigned, do hereby certify that the foregoing is a true and correct copy of the original plat as filed in my office.		ROCKY MOUNTAIN POWER I, the undersigned, do hereby certify that the foregoing is a true and correct copy of the original plat as filed in my office.	

EXHIBIT E



July 21, 2015

Thaynes Capital Park City LLC
Attn: Damon Navarro
PO Box 681849
Park City, UT 84068

NOTICE OF PLANNING DIRECTOR DETERMINATION

Project Address:	162 Ridge Avenue
Project Description:	Planning Director Determination for garage height exception above 27 feet
Project Number:	HDDR: PL-15-02760 and SS CUP: PL-15-02761
Date of Action:	July 21, 2015

Action Taken by Planning Director:

Per Land Management Code (LMC) 15-2.3-6 Building Height, no structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade. This is the Zone Height; however, the following Building Height exception applies:

4. Garage on a Downhill Lot. The Planning Director may allow additional height on a downhill Lot to accommodate a single car garage in a tandem configuration. The depth of the garage may not exceed the minimum depth for an internal Parking Space as dimensioned within this Code, Section 15-3. Additional width may be utilized only to accommodate circulation and an ADA elevator. The additional height may not exceed thirty-five (35') from existing grade.

The Planning Director finds that the garage on the downhill lot located at 162 Ridge Avenue may exceed the twenty-seven feet (27') height limit with a proposed height of 34 feet due to

the following Findings of Fact:

Findings of Fact:

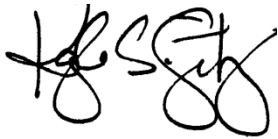
1. The intent of this regulation is to accommodate a single car garage in a tandem configuration and to avoid garages wider than single-car width.
2. The proposed garage height is 34 feet, 1 foot under the allowable 35 feet height exception subject to approval by the Planning Director.
3. The garage is a single car garage in a tandem configuration with single-car width driveway.
4. The Lot slopes downhill on the east elevation.

Conditions of Approval

1. All standard conditions of approval shall apply.

If you have any questions regarding this determination, please don't hesitate to contact the Planning Department at 435-615-5060.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Sintz', with a stylized, cursive script.

Kayla Sintz
Planning Director

CC: Christy Alexander, Planner II

Planning Commission Staff Report

Subject: Alice Claim aka Alice Lode
Subdivision & Plat Amendment
Project #: PL-08-00371
Author: Christy Alexander, AICP, Planner II
Date: August 12, 2015
Type of Item: Legislative – Subdivision & Plat Amendment

Summary Recommendations

Staff recommends that the Planning Commission hold a public hearing for the Alice Claim Subdivision and Plat Amendment located at approximately Alice Claim south of intersection of King Road, Ridge Avenue, Woodside Gulch and Sampson Avenue and consider taking a vote based on the proceedings of the June 10, 2015 and July 22, 2015 meetings and forward a negative recommendation to the City Council based on the findings of fact and conclusions of law.

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: King Development Group, LLC (“Applicant” or “King Development”)
Location: Alice Claim south of intersection of King Road, Ridge Avenue, Woodside Gulch and Sampson Avenue
Zoning: Historic Residential (HR-1) and Estate (E) Districts with Sensitive Lands Overlay (SLO)
Adjacent Land Uses: Open Space and Residential (developed and undeveloped)
Reason for Review: Planning Commission review and recommendation to City Council

Proposal

The Applicant is proposing that the Planning Commission consider the application of a nine (9) lot Preliminary and Final subdivision on 8.65 acres and a Plat Amendment on 0.38 acres, located at approximately the intersection King Road and Sampson Avenue within the City’s Historic Residential (HR-1) and Estate (E) Districts with Sensitive Lands Overlay (SLO). One lot is within the Estate (E) District and is 3.01 acres in size. The other eight (8) lots are within the Historic Residential (HR-1) District and range in size from 7,714 square feet to 7,910 square feet.

The current plan also includes a plat amendment that will remove existing lot lines on contiguous platted lots encumbered by the existing King Road and Sampson Avenue. If approved, the property would be dedicated to the City as right-of-way.

Background

Please reference prior staff reports for the history of this application, most recently being:

- October 8, 2014 Planning Commission Work Session
- April 8, 2015 Planning Commission Meeting
- June 10, 2015 Planning Commission Meeting
- July 8, 2015 Planning Commission Meeting
- July 22, 2015 Planning Commission Meeting

At the July 22, 2015 meeting the Commission focused on the following concerns:

- Primary issues were compatibility of layout, moving off the steep slopes and down into the valley, and size more compatible with the HR-1 zone, which was more in the realm of 4,000 to 5,000 square feet lots and 1,500 to 2,000 square feet footprints.
- Clarification that 9 lots was neither the right nor wrong answer. Issue was having nine lots of that size in HR-1 on very steep slopes with the extensive retaining wall. 10 or 12 units might fit based on size and position on the lots. Disputing the applicant's claim that in ten years no one had disputed the nine lot plan because there was significant evidence showing otherwise.
- Statements that there was never an agreement that everything else would be acceptable if Lot 7 was moved. Instead, a long list of discussions about the massive amount of cut and fill on the hillside with the proposed plan and the non-clustered layout of the lots on the steep slopes was reiterated.
- Reference to the August 27, 2008 Planning Commission meeting minutes which stated, "During the meeting the Planning Commissioners expressed their satisfaction with the quality and results of the cleanup. At the same time the Commissioners expressed concerns that the future home sites were being cleaned up prior to the final approval of the development plan. They also insisted all proposed development should be close to the access road along the bottom of the valley." Pointing out that the same sentiment was expressed at several other Planning Commission meetings moving forward. Each time the Commission recommended smaller homes down at the base of the canyon. Documentation from many work sessions and meetings document the fact that the Planning Commission had concerns and expressed them throughout the process. The project was never brought to a vote in the past, but the current comments are consistent with the prior comments,
- LMC 15-7-1.6C and 15-7-31, which directs the Commission to consider the topography and the slopes along with lot size and lot placement.
- In all of the documents there has been continual discussion in either work session or regular meetings about moving houses off the very steep slopes and

into the canyon. Despite the number of times those comments were made the applicant chose not to adopt that type of plan. Commission liked what the Applicant did in moving Lot 7 and the Estate lot, but there is still a hillside with 100% limit of disturbance on approximately two-thirds of the hill.

- Reference to the 2009 meeting and the discussion that was brought forward by the Planning Department with three alternatives. One alternative pushed the lots to the bottom. When they asked the Planning Commission which of the alternatives they preferred, there was overwhelming support for Alternative B. Current Planning Commission expressed similar issues as the Planning Commissions of 2005-2011. They would like to see a plan that is more compact and down in the flatter area to reduce the amount of disturbance to the hillside.
- Based on the LMC issues of compatibility, scale and massing, and concern about cut, fill and vegetative disturbance, it was interesting to see how consistent all of the Planning Commissions have been on these issues.
- 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."
- The purpose statement of HR-1 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'".
- A lengthy discussion was had on existing footprint, lot size and house sizes within the surrounding HR-1 and HRL neighborhoods and the HR-1 and HRL Districts as a whole through the City and how the proposed footprints were almost twice the size of the average footprints in the nearest HR-1 District neighborhood along Daly Avenue. The proposed lot sizes were shown to be almost twice the size of the average lot sizes in the nearest HR-1 District neighborhood along Daly Avenue. The Commissioners unanimously agreed that the proposed footprints and lot sizes were not compatible with the nearest HR-1 Districts and that total floor area of the houses was difficult to adequately measure.
- The former Planning Commissioners consistently wanted the lots to be small and as low as possible.
- Per the LMC, the proposed subdivision did not substantially provide positive benefits and mitigate negative impacts for the zone or for health, safety and welfare. In looking at the pros and cons and looking to mitigate the negative impact of the large homes, the enormous retaining walls, site disturbance and the frightening condition of the roads, Commissioners were unable to see adequate mitigation for good cause.
- 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.
- Rather than deny the application the Commission preferred a continuance at the June 10, 2015 meeting in order to give the applicants the opportunity to come back with a more acceptable plan which the Applicant did not do.

In addition to staff's concerns over inappropriate clustering of homes, lot sizes, footprint sizes, and compatibility within the HR-1 district and visual impacts of such tall retaining walls, cut and fill and significant vegetation disturbance in a historic residential district, the corresponding CUP has brought up concerns over the impacts and how they reflect how the topography isn't appropriate for this development. Here is an example of the impacts:

In addition to the 3 walls proposed for this CUP, the Applicant is proposing 11 other walls which do not require a CUP. It is important to note that although the individual walls may only be 6' each, the visual impact of 5 walls that terrace creates the visual image of a broken up 30' wall. The applicant is proposing 6' walls in 4 different locations. Near Lots 7 and 6 there are four 6' walls proposed (total 24'), near Lot 2 there are two 6' walls proposed (12'), near Lot 3 there are three 6' walls proposed (18'), and near Lot 4 there are two 6' walls proposed (12'), all of blonde sandstone veneer. Each wall will need to be setback 4' horizontally from each other to provide the proper planting strip and terracing requirements as found in the LMC. The amount of excavation, cut, and fill to the steep slopes and disturbance to the significant vegetation has not been shown to be adequately mitigated as no final engineered plans have been submitted for those walls as well as the three 10' walls which will reflect the amount of excavation which will be required. Also, not all of the walls have shown their exact width, just that the longest wall may be approximately 196' long, therefore staff cannot analyze the amount of large amount of excavation needed to adequately retain the project.

Based on the discussions of the June 10, 2015 and July 22, 2015 meetings, staff has thus prepared findings for denial and as such, staff recommends that the Commission take a vote based on the proceedings of the June 10, 2015 and July 22, 2105 meetings to forward a negative recommendation to the City Council.

Purpose of "HR-1" and "E" Zoning Districts

The purpose of the Historic Residential HR-I District is to:

- (A) Preserve present land Uses and character of the Historic residential Areas of Park City,
- (B) Encourage the preservation of Historic Structures,
- (C) Encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,
- (D) Encourage single family Development on combinations of 25' x 75' Historic Lots,
- (E) Define Development parameters that are consistent with the General Plan policies for the Historic core, and
- (F) Establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

The purpose of the Estate (E) District is to:

- (A) Allow very low density, environmentally sensitive residential Development which:

- (1) Preserves ridge tops, meadows, and visible hillsides,
 - (2) Preserves large, cohesive, unbroken Areas of Open Space and undeveloped land,
 - (3) Preserves and incorporates wetlands, drainage ways, and intermittent streams as amenities of Development,
 - (4) Mitigates geologic and flood hazards,
 - (5) Protects views along the City's entry corridors, and
 - (6) Decreases fire risk by keeping Development out of sensitive wild land interface Areas.
- (B) Incorporate pedestrian trail linkages between and through neighborhoods; and
- (C) Encourage comprehensive, efficient, Compatible Development which results in distinct and cohesive neighborhoods through application of the Sensitive Lands Ordinance.

Good Cause

Planning Staff recommends finding there is not good cause for this subdivision as discussed at the June 10, 2015 and July 22, 2015 Planning Commission meetings

Department Review

This project has gone through an interdepartmental review. Staff took the project back before the Development Review Committee on September 9, 2014, February 10, 2015, March 24, 2015, and May 12, 2015. Engineering continues to express concerns with the site access and lack of final utility engineering design, flood plain, debris flow, SBWRD continues to express concern with lack of sewer lateral design, and the Water Department continues to express concern with the low water pressures available and lack of an updated final water model. Planning's concerns are appropriate clustering of homes, lot sizes, footprint sizes, and compatibility within the HR-1 district and visual impacts of such tall retaining walls, cut and fill and significant vegetation disturbance in a historic residential district.

Notice

The property was posted on February 11, 2015 and notice was mailed to property owners within 300 feet in accordance with requirements of the LMC on February 11, 2015. Legal notice was also published in the Park Record on February 6, 2015 and on the public notice website in accordance with the requirements of the LMC on February 9, 2015. The property has been posted to notice the continuations to this date.

Public Input

Public comment was taken during the various past meetings held to discuss the project. The various Planning Commission meeting minutes will reflect that public input. Any public comment received prior to the meeting will be forwarded to the Planning Commission.

Process

This application is for a major subdivision and plat amendment as defined in 15-7.1-3(A) (2). A major subdivision requires a Preliminary Plat and a Final Plat although the Planning Commission may, at its sole discretion, combine the required hearings for both preliminary and final Subdivision Plat approval. Staff is recommending the hearings be combined and a final Subdivision Plat is considered. The approval or denial of this subdivision and plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC Section 1-18. Any retaining walls over 6 feet require a CUP. Any new structures may require a Steep Slope CUP and all 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 negative recommendation to the City Council for the Alice Claim Subdivision and Plat Amendment; or
- The Planning Commission may forward a positive recommendation to the City Council for the Alice Claim Subdivision and Plat Amendment as conditioned on the June 10, 2015 draft ordinance or as amended; or
- The Planning Commission may continue the discussion on the subdivision and plat amendment to a date certain and provide specific direction to the applicant and/or staff to provide additional information necessary to make a recommendation on this item.

Significant Impacts

There are no immediate significant fiscal impacts to the City from this application. If construction on the site were permitted, it will require a detailed Construction Mitigation Plan (CMP) to protect existing development located near the proposed subdivision. Site stabilization might also be an important consideration depending upon the amounts of vegetation proposed to be removed as a result of the proposed development. A geotechnical report has been previously submitted and reviewed for the parcel but not for individual lots. 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. Most, if not all of the lots in the HR-1 zone will require Steep Slope Conditional Use Permits. Each home, including the home within the "Estate" zoning designation, as well as retaining walls will require a Historic District Design Review prior to home design and construction.

Recommendation

Staff recommends that the Planning Commission hold a public hearing for the Alice Claim Subdivision and Plat Amendment located at approximately Alice Claim south of intersection of King Road, Ridge Avenue, Woodside Gulch and Sampson Avenue and consider taking a vote based on the proceedings of the June 10, 2015 and July 22, 2015 and forward a negative recommendation to the City Council.

Exhibits

Exhibit A – Draft Action Letter Denying the Alice Claim Subdivision and Plat

Amendment

- Exhibit B – The proposed Alice Claim Subdivision and Plat Amendment
- Exhibit C – Minutes from the July 22, 2015 Planning Commission meeting
- Exhibit D – Submitted Comments by Commissioner Steve Joyce on August 6, 2015
- Exhibit E – Conditions of Approval to be forwarded to the City Council in case the Council decide not to follow the Planning Commission's recommendation.

EXHIBIT A

Draft Action Letter Denying the Alice Claim Subdivision and Plat Amendment

FINAL ACTION DENYING THE ALICE CLAIM SUBDIVISION AND PLAT AMENDMENT LOCATED AT THE INTERSECTION OF KING ROAD, RIDGE AVENUE, WOODSIDE GULCH, AND SAMPSON AVENUE, PARK CITY, UTAH

WHEREAS, the owner of the property located at the intersection of King Road, Ridge Avenue, Woodside Gulch, and Sampson Avenue has petitioned the Planning Commission for a recommendation of approval for preliminary and final plat approval of the Alice Claim subdivision and plat amendment; and

WHEREAS, the property was properly noticed and posted on February 11, 2015 according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners on February 11, 2015 and published in the Park Record on February 6, 2015 and on the public notice website on February 9, 2015; and

WHEREAS, the Planning Commission held a public hearing on March 13, 2013, April 8, 2015, June 10, 2015, July 8, 2015, and July 22, 2015 to receive input on the proposed subdivision and plat amendment; and

WHEREAS, the Planning Commission, on August 12, 2015, forwarded a negative recommendation to the City Council; and,

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

WHEREAS, it is in the best interest of Park City, Utah to deny the Alice Claim Subdivision.

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

SECTION 1. DENIAL. The Alice Claim Subdivision and Plat Amendment as shown in Exhibit "A" is denied subject to the following Findings of Facts and Conclusions of Law:

Findings of Fact:

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.

Conclusions of Law:

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”.

Dated this ____ day of _____, 2015.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

ATTEST:

City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

EXHIBIT B

ALICE CLAIM

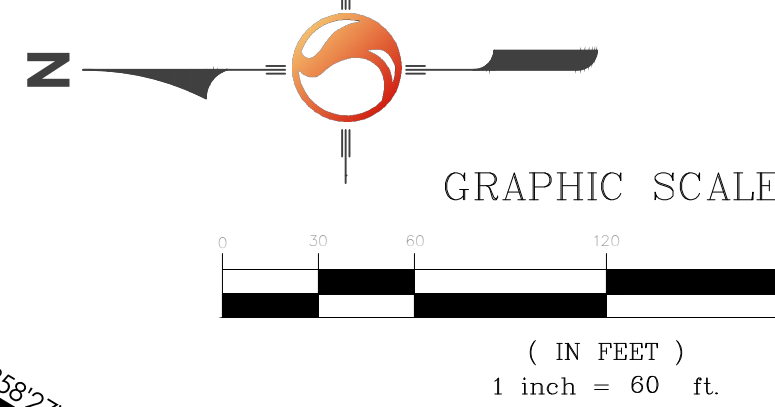
LOCATED IN THE NORTHEAST QUARTER OF SECTION 21,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN
SUMMIT COUNTY, UTAH

ROAD / LOT TABLE			
LOT #	SQ FT	ACRES	
LOT A	2,663	0.06	
LOT B	14,095	0.32	
LOT C	1,261	0.03	

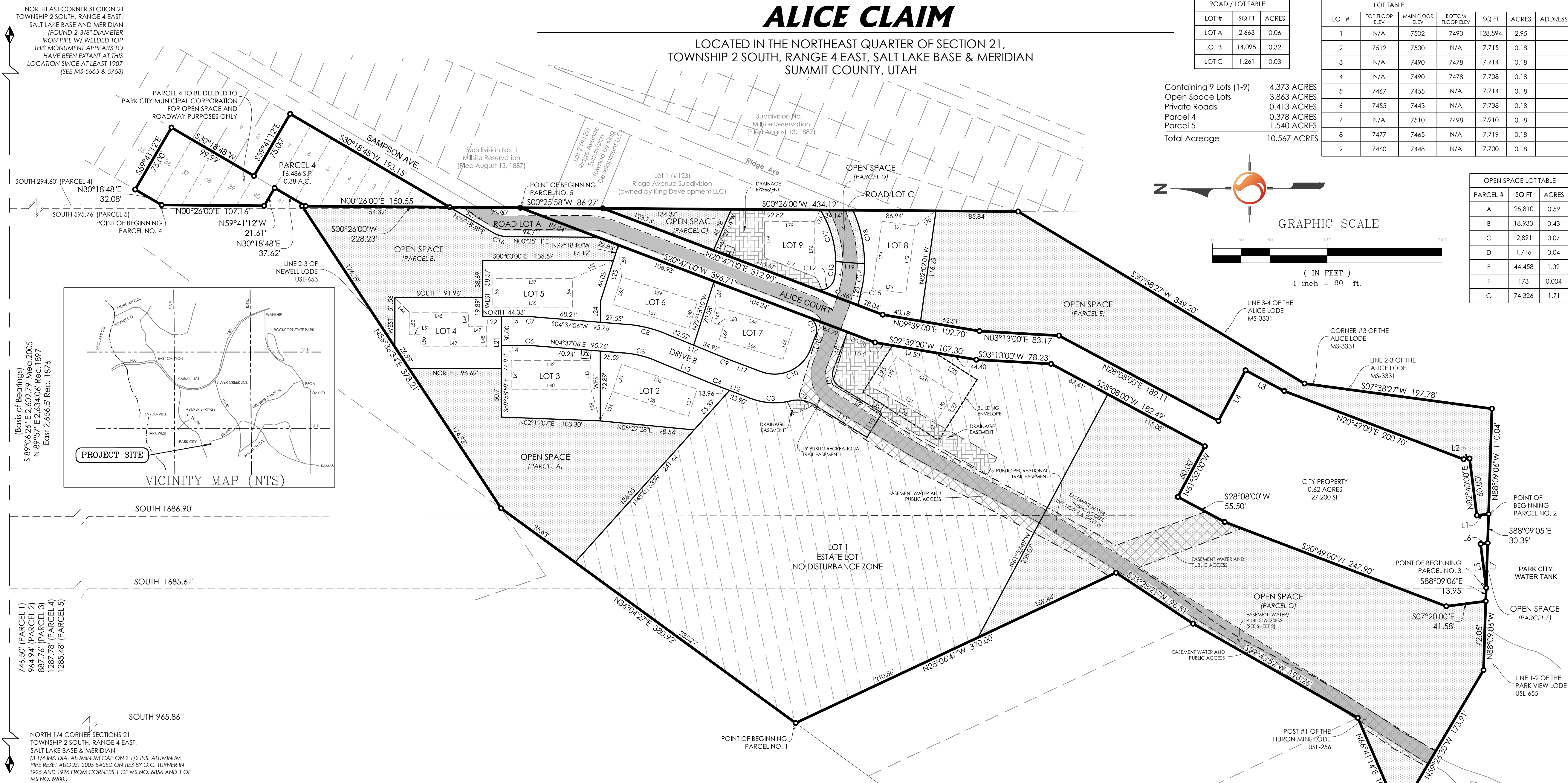
LOT #	TOP FLOOR ELEV	MAIN FLOOR ELEV	BOTTOM FLOOR ELEV	SQ FT	ACRES	ADDRESS
1	N/A	7502	7490	128,594	2.95	
2	7512	7500	N/A	7,715	0.18	
3	N/A	7490	7478	7,714	0.18	
4	N/A	7490	7478	7,708	0.18	
5	7467	7455	N/A	7,714	0.18	
6	7455	7443	N/A	7,738	0.18	
7	N/A	7510	7498	7,910	0.18	
8	7477	7465	N/A	7,719	0.18	
9	7460	7448	N/A	7,700	0.18	

Containing 9 Lots (1-9)
Open Space Lots
Private Roads
Parcel 4
Parcel 5
Total Acreage

4.373 ACRES
3.863 ACRES
0.413 ACRES
0.378 ACRES
1.540 ACRES
10.567 ACRES



OPEN SPACE LOT TABLE			
PARCEL #	SQ FT	ACRES	
A	25,810	0.59	
B	18,933	0.43	
C	2,891	0.07	
D	1,716	0.04	
E	44,458	1.02	
F	173	0.004	
G	74,326	1.71	



PLAT NOTES:

- THE MAXIMUM GROSS BUILDING SQUARE FOOTAGE IN THE HR-1 ZONE IS RESTRICTED TO 5,000 SQUARE FEET, INCLUDING GARAGE SPACE.
- THE MAXIMUM SQUARE FOOTAGE OF A BUILDING FOOTPRINT IN THE ESTATE ZONE AND HR-1 ZONE IS 2,500 SQUARE FEET.
- LOTS A, B AND C CONTAIN A PUBLIC / PRIVATE EASEMENT ACROSS THE ENTIRE LOT FOR ACCESS AND THE INSTALLATION, OPERATION, & MAINTENANCE OF UTILITIES.
- THE PUBLIC RECREATIONAL TRAIL EASEMENT SHOWN HEREON IS 15 FEET WIDE AND IS FOR PUBLIC, NON-MOTORIZED ACCESS.
- THE HOMEOWNER'S ASSOCIATION WILL OWN AND MAINTAIN LOTS A, B AND C INCLUDING ASSOCIATED STORM DRAINAGE SYSTEMS. LOTS A, B AND C ARE FOR ROADWAY ACCESS AND THE PUBLIC SHALL HAVE THE ABILITY TO USE THESE LETTERED LOTS FOR PEDESTRIAN NON-MOTORIZED ACCESS.
- THE WATER/PUBLIC ACCESS EASEMENT ALLOWS FOR PUBLIC ACCESS THRU THE ALICE CLAIM SUBDIVISION AS WELL AS INSTALLATION, OPERATION, & MAINTENANCE OF THE PUBLIC WATER SYSTEM.
- HOA WILL MAINTAIN ALL STORM WATER DETENTION FACILITIES.
- COMPLIANCE WITH RESTRICTIONS OF THE STATE VOLUNTARY CLEANUP CERTIFICATE OF COMPLETION IS REQUIRED, AND NO DEVELOPMENT IS ALLOWED IN OPEN SPACE PARCELS OR NON-DISTURBANCE AREAS.

WATER SYSTEM NOTES:

- A fire flow of 1,500 gpm has been approved for the project.
- Water Service Laterals shall be 2" diameter for all lots with 1.5" meters.
- Lots 1, 2, 3, 4, & 7 require special fire sprinkler design to be approved by the City.
- Dead end water lines serving fire hydrants shall be 10" diameter.
- Water system pressures within the development are at the lower limit of acceptability. Building plumbing and fire sprinkler systems shall be designed accordingly. Individual water booster or fire sprinkler system pumps to increase water pressure will not be allowed.
- All landscaping shall be comprised of native plants, trees, and shrubs that do not require irrigation.
- Relocation of existing City infrastructure, if required, is subject to review and approval of the City. No relocations that adversely affect City systems will be approved.

CORPORATE ACKNOWLEDGMENT

STATE OF UTAH
COUNTY OF UTAH } S.S.

On the _____ day of _____, A.D., 20____, personally appeared before me, _____, who being duly sworn or affirmed, did say that he/she is the _____ of _____, and that the within owner's dedication was signed by him/her in behalf of the said corporation by authority of its bylaws, or Board of Directors, and that said corporation executed the same.

My commission number: _____

My commission expires: _____

Name _____ Notary Public commissioned in Utah

My commission expires: _____

Name _____ Notary Public commissioned in Utah

My commission expires: _____

Name _____ Notary Public commissioned in Utah

My commission expires: _____

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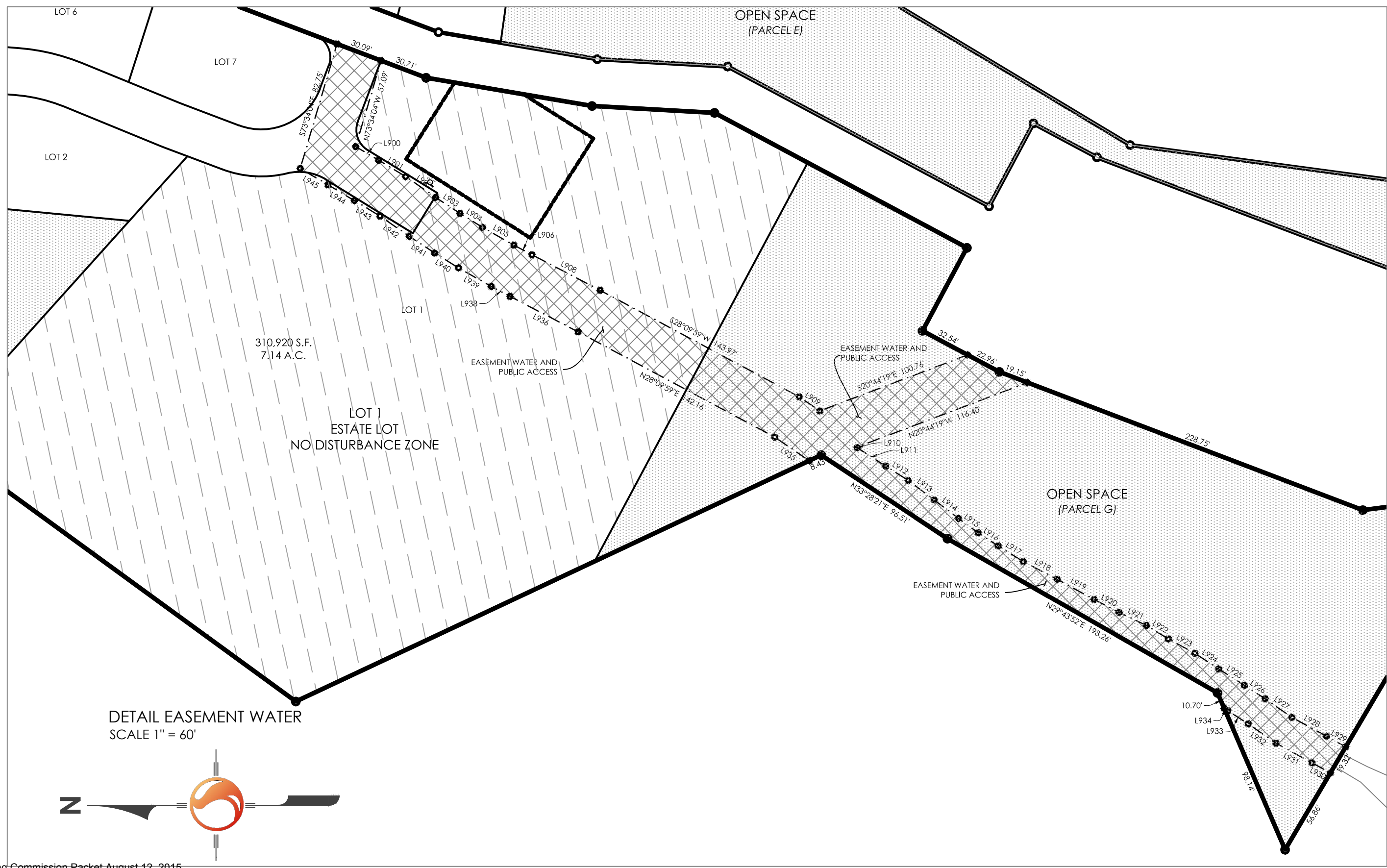
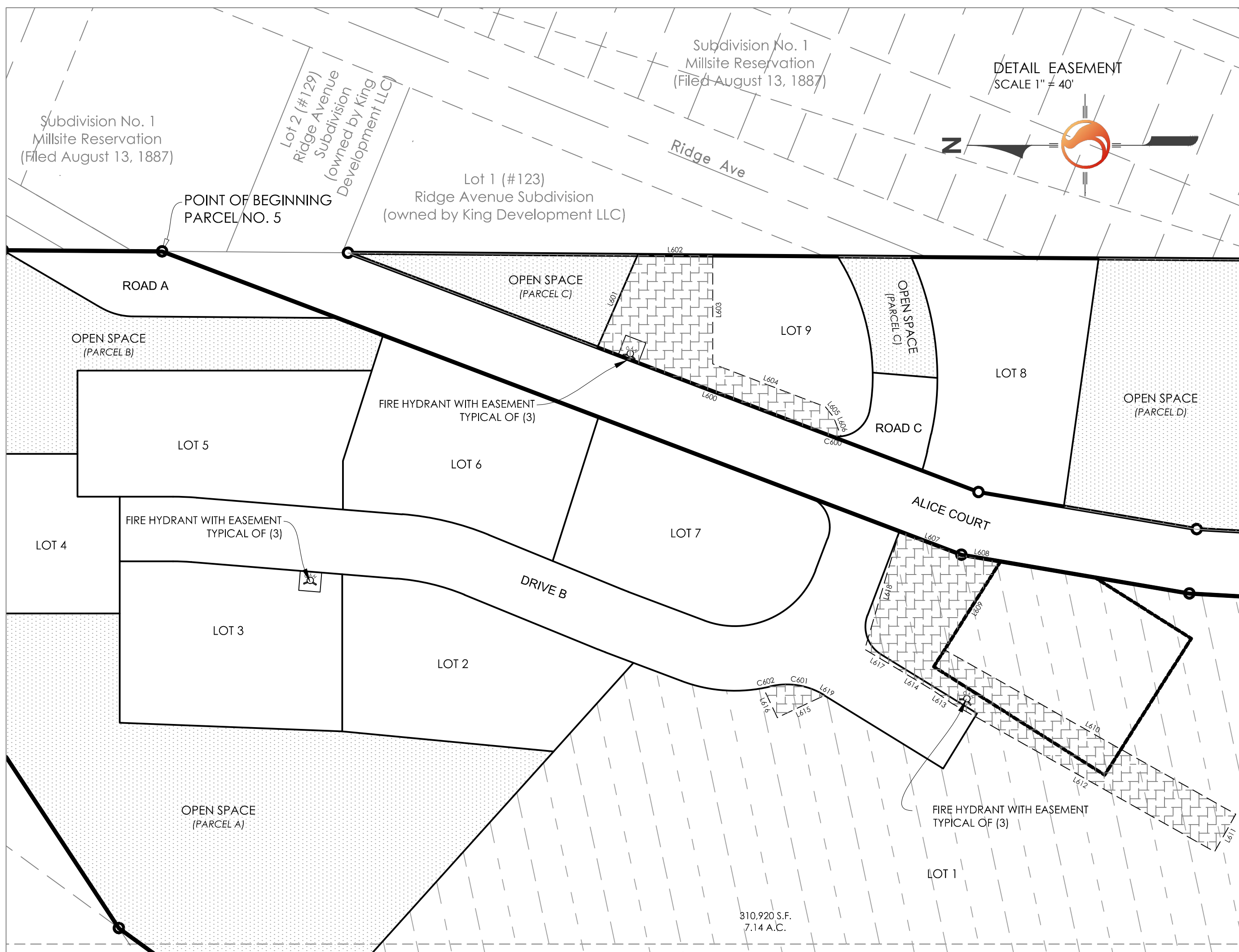
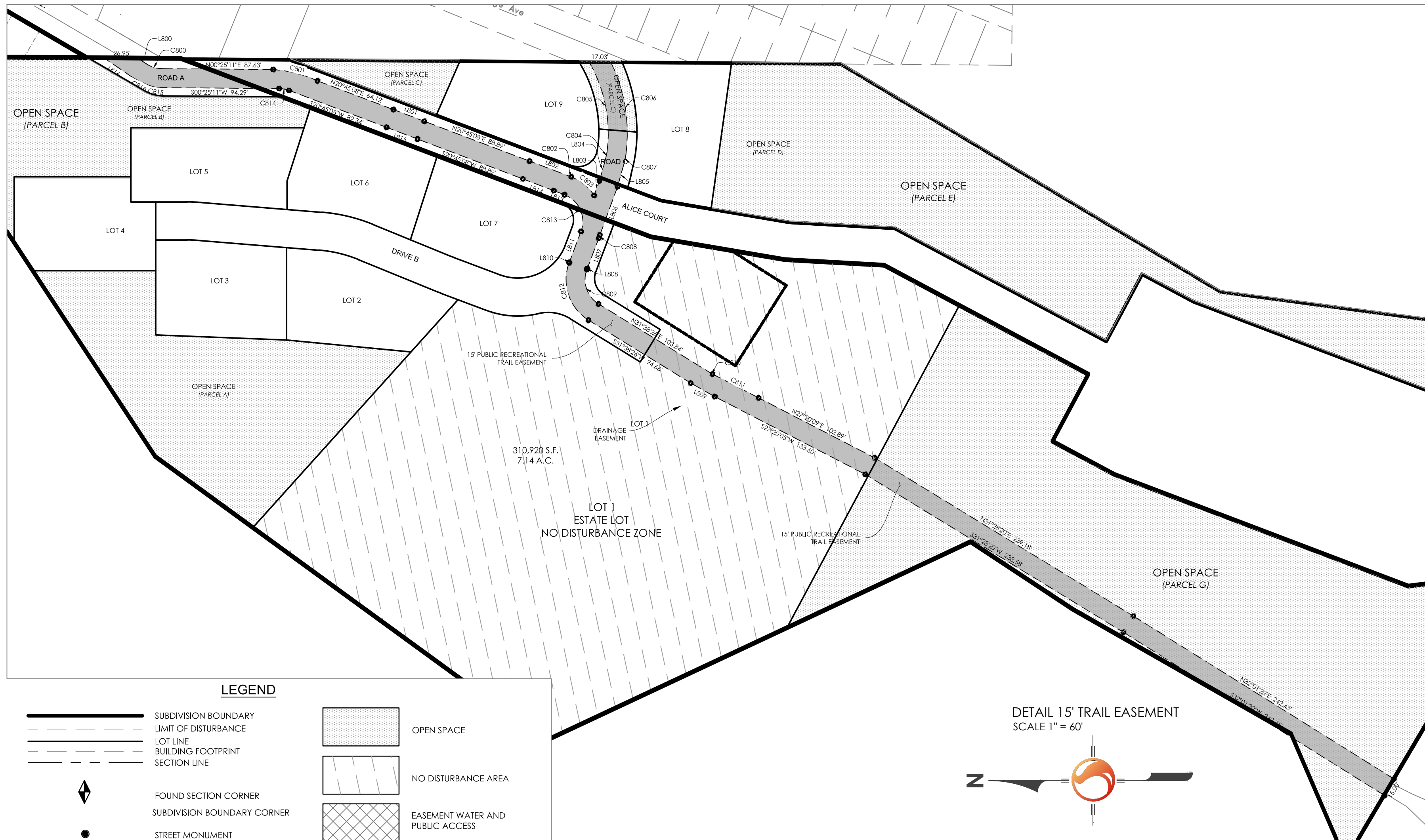
Name _____ Notary Public commissioned in Utah

My commission expires: _____

Name _____ Notary Public commissioned in Utah

ALICE CLAIM

LOCATED IN THE NORTHEAST QUARTER OF SECTION 21,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN
SUMMIT COUNTY, UTAH



TRAIL EASEMENT CURVE TABLE				
CURVE #	RADIUS	LENGTH	DELTA	CHORD BEARING
C800	22.50	13.29	33°49'54"	N17°20'08"E
C801	99.91	36.18	20°44'58"	N14°21'23"E
C802	22.50	0.19	0°58'18"	N20°53'34"E
C803	37.51	23.65	36°07'54"	N08°47'23"E
C804	34.50	4.81	7°59'35"	N08°47'23"E
C805	112.94	73.83	37°21'17"	S78°53'55"W
C806	127.94	75.04	33°36'29"	N80°49'20"E
C807	49.50	6.91	7°59'35"	S78°22'39"E
C808	37.50	2.72	4°09'47"	S71°11'46"E
C809	22.50	31.07	79°06'42"	N7°11'14"E
C810	22.50	1.69	4°17'29"	N29°29'41"E
C811	71281.01	40.97	0°01'59"	N27°19'55"E
C812	37.50	51.78	79°06'42"	S71°11'47"W
C813	22.50	35.34	90°00'00"	S65°45'08"W
C814	22.50	7.98	20°19'31"	S10°35'09"W
C815	17.50	4.99	16°20'50"	S08°35'36"W
C816	68.50	20.90	17°29'04"	S25°30'33"W

TRAIL EASEMENT LINE TABLE	
LINE #	DIRECTION
L800	N34°15'55"E
L801	N20°45'08"E
L802	N20°45'08"E
L803	N69°52'36"W
L804	N74°22'51"W
L805	S74°22'51"E
L806	S69°52'36"E
L807	S69°14'52"E
L808	S69°14'52"E
L809	S27°26'10"W
L810	N69°14'52"W
L811	N69°14'52"W
L812	S25°45'08"W
L813	S25°45'08"W
L814	S25°45'08"W
L815	S25°45'08"W
L816	S34°15'55"W

WATER / PUBLIC EASEMENT ACCESS LINE TABLE	
LINE #	DIRECTION
L900	S30°45'53"W
L901	S31°08'34"W
L902	S31°08'34"W
L903	S31°18'11"W
L904	S31°18'11"W
L905	S29°32'43"W
L906	S27°58'15"W
L907	S27°29'25"W
L908	S34°23'17"W
L909	S35°10'15"W
L910	S32°46'57"W
L911	S32°46'57"W
L912	S32°46'57"W
L913	S32°46'57"W
L914	S37°13'23"W
L915	S36°13'23"W
L916	S37°13'23"W
L917	S37°13'23"W
L918	S37°13'23"W
L919	S37°13'23"W
L920	S37°13'23"W
L921	S37°13'23"W
L922	S37°13'23"W

WATER / PUBLIC EASEMENT ACCESS LINE TABLE	
LINE #	DIRECTION
L923	S28°47'00"E
L924	S33°14'48"W
L925	S32°29'59"W
L926	S32°54'57"W
L927	S34°51'19"W
L928	S28°43'47"W
L929	S28°43'47"E
L930	N28°43'47"E
L931	N28°43'47"E
L932	N34°51'18"E
L933	N34°51'18"E
L934	N34°51'18"E
L935	N34°51'18"E
L936	N34°51'18"E
L937	N34°51'18"E
L938	N34°51'18"E
L939	N34°51'18"E
L940	N34°51'18"E
L941	N34°51'18"E
L942	N34°51'18"E
L943	N34°51'18"E
L944	N34°51'18"E
L945	N34°51'18"E

DRAINAGE EASEMENT LINE TABLE	
LINE #	DIRECTION
L400	N20°47'00"E
L401	S66°27'14"E
L402	S00°26'00"W
L403	N89°56'42"W
L404	S20°53'48"W
L405	S51°44'23"W
L406	S68°14'55"W
L407	S20°47'00"W
L408	S09°39'00"W
L409	N57°36'57"W
L410	S59°33'03"W
L411	N69°33'03"W
L412	N09°33'03"E
L413	N84°45'48"E
L414	N31°08'34"E
L415	N29°11'59"W
L416	N64°48'01"E
L417	N30°45'53"E
L418	S73°34'04"E
L419	S31°38'26"W

DRAINAGE EASEMENT CURVE TABLE				
CURVE #	RADIUS	LENGTH	DELTA	CHORD BEARING
C400	15.00	6.98	26°40'12"	N07°56'54"E
C401	33.00	26.00	45°08'32"	S09°04'10"W
C402	70.00	3.17	2°33'35"	S12°12'19"E

SHEET
2 OF 2

ALICE CLAIM

LOCATED IN THE NORTHEAST QUARTER OF SECTION 21,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN
SUMMIT COUNTY, UTAH

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No.	Revisions	By	Date	Project Number	PM
				205303057	JRJ
				03057v_1b.dwg	Plot Date
				01/22/15	Drawn By
				JRJ	SRV
				Checked By	Date
				GAC	01/22/15
				Scale	Date Issued
				1"= 60'	Date

EXHIBIT C

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
JULY 22, 2015

COMMISSIONERS IN ATTENDANCE:

Vice-Chair Steve Joyce, Melissa Band, Preston Campbell, John Phillips, Nann Worel

EX OFFICIO:

Bruce Erickson, Interim Planning Director; Kirsten Whetstone, Planner; Francisco Astorga, Planner; Christy Alexander, Planner; Polly Samuels McLean, Assistant City Attorney; Char Root, Chief Building Official; Matt Cassel, City Engineer

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REGULAR MEETING

ROLL CALL

Vice-Chair Joyce called the meeting to order at 5:40 p.m. and noted that all Commissioners were present except Commissioners Strachan and Thimm who were excused.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. **Alice Claim south of intersection of King Road and Ridge Avenue – Alice Claim Subdivision and Plat Amendment.** (Application PL-08-00371)
2. **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 Christy Alexander requested that the Planning Commission discuss the two Alice Claim items and open the public hearing on both items together. However, a separate action should be taken for each item.

Planner Alexander reported that the Planning Commission last heard this item on July 8th, at which time it was continued from the June 10th meeting where there were discussions regarding the subdivision and plat amendment and the CUP for retaining walls. On June 10th the applicant had requested time to submit a response to the comments and concerns expressed that evening. Planner Alexander stated that the applicant did not submit materials for the July 8th meeting. However, they submitted a letter on June 30th requesting a continuance from July 8th to this meeting on July 22nd. Planner Alexander stated that the

applicant was granted the continuance with a deadline of July 13th to submit their responses to the Staff for this meeting. The applicant had met the July 13th deadline. Those were included in the Staff report as Exhibits B and C.

Planner Alexander recommended that the Planning Commission conduct a public hearing on the two items, and discuss the applicant's response, as well as the Staff analysis. She recalled from the June 10th meeting that some of the Commissioners decided to hold their comments until after hearing the applicant's response. She requested that the Commissioners provide all of their comments for the record this evening and direct the Staff to make findings for either approval or denial or both. Planner Alexander recommended that the Planning Commission continue the item to August 12th to allow time for the Staff to prepare the findings as directed for action at the next meeting.

Planner Alexander referred to the analysis section and noted that she had provided the definition of good cause from the LMC, and what the Planning Commission should consider when finding good cause: 1) does it meet or address the issues related to density; 2) does it preserve the character of the neighbor or resolve existing issues; 3) does it promote excellent design and utilize best planning practices. Planner Alexander stated that her analysis also discussed clustering, home size and compatibility with the HR-1 Zone. She had also prepared new tables and did some analysis from the County Assessor's website, as well as from the City GIS data. The table shows the average lot sizes, the average total building sizes, and average footprint sizes for Daly Avenue, King Road, Sampson Avenue, Ridge Avenue, as well as the HR-1, HR-L and Estate zones overall; and compares them with the Alice Claim proposal for the HR-1 lots. Planner Alexander noted that the comparison shows that the Alice Claim lots are much larger than the average lot sizes on the roads and in the zones mentioned. In addition, the total building size is much larger than the average building sizes, and the footprint is much larger as well.

Based upon further analysis, the Staff did not find compatibility. Planner Alexander stated that the Planning Commission could discuss the compatibility issue and make findings. If the Commissioners decided to forward a positive recommendation, she recommended that they place conditions to lower the lot size, building size, and footprint size.

Planner Alexander stated that the Staff report clarified some of the questions previously raised by the Planning Commission as to why it was zoned HR-1 instead of HR-L. The Staff report also outlined some of the subdivision procedures, as well as safety of the roads and access.

Planner Alexander noted that on June 10th the applicant had stated that additional time was needed to negotiate the access point and they would come back with an update. She

pointed out that the access negotiation was not listed in the response letter. In discussing it with the applicant she was told that they were still in negotiations and that it may not go through for a few months.

Planner Alexander stated that the Staff report also clarified other items from the applicant's response letter regarding the retaining walls, concerns with the conditions of approval, and sensitive lands overlay.

Planner Alexander stated that the applicant had a presentation for the Planning Commission and that both the Staff and the applicant were prepared to answer questions.

Brad Cahoon, legal counsel representing the applicant, provided handouts to the Commissioners and had prepared a power point presentation. Assistant City Attorney McLean requested that Mr. Cahoon provide the Planning Department with a copy of his power point presentation in addition to the handouts.

Mr. Cahoon commented on the recommendation from Staff to conduct a public hearing this evening. He noted that page 209 of the Staff report confirms in the minutes that Chair Strachan closed the public hearing. Mr. Cahoon explained that it was difficult to respond when there is a continuing supply of comments. He remarked that the typical approach is for the applicant to present and then for the public and Staff to respond. The applicant is then given the opportunity to rebut the comments. When there is a continuing supply of comments there is no end to the discussion. Mr. Cahoon was not opposed if the Commissioners chose to move forward with a public hearing this evening, but he requested that the Planning Commission decide at which point they should bring it up for a vote.

Mr. Cahoon addressed the conditional use permit application for the entry wall. He presented photographs of several walls throughout the City that range from 30 to 50 feet high in some places. Many have attractive stone and are screened and landscaped. However, many of the walls, including recent walls, are unsightly and out of character with Old Town and Park City. Mr. Cahoon explained that showing the walls was in response to comments on June 10th regarding their proposed wall and comparing it to existing walls around the City.

Mr. Cahoon stated that the main idea of this application is to have the walls be partially hidden through mitigation, design, stone veneer and landscaping. He noted that the June 10th Staff report recommended approval of the walls with minor adjustments for landscaping. Mr. Cahoon stated that both the LMC and the State Code require that the Planning Commission approve a conditional use permit when reasonable conditions in accordance with the Code mitigate anticipated detrimental effects from the walls. He believed the applicant had satisfied that requirement, particularly given the walls that were

already approved and in place. The applicant was proposing a less intrusive wall that was more in keeping with the character of Old Town, and consistent with the walls they had previously built.

Mr. Cahoon addressed the subdivision application. Mr. Cahoon stated that the Staff report, under the section addressing the Sensitive Land Ordinance, mentions an official zoning map from 2005. For the record, he indicated that the applicant had requested a copy of that zoning map but they had not received it. The only map they were aware of that was in effect at the time of the application was the map that was provided with their materials. Mr. Cahoon noted that the applicant was accused of not submitting a Sensitive Lands analysis; however, that was not the case. It was submitted and the Staff has confirmed their compliance with that requirement. Mr. Cahoon pointed out that HR-1 zoning does not require SLO at all. It only applies to the Estate lot; however, for their Estate Lot it is considered an allowed use for this particular home. He also noted that the Estate lot home was moved down from the hill. Mr. Cahoon remarked that there was a legal contention that they were not subject to Sensitive Lands given the timing of the application and the map that was in effect that did not impose an SLO District over this property at that time. Mr. Cahoon wanted it clear that they had submitted the Sensitive Lands analysis and satisfied the requirements.

Mr. Cahoon referred to page 204 of the Staff report and the discussion regarding limit of disturbance, and the suggestion to limit the LOD to half the size of the lots or to the footprint of the homes. He found that suggestion to be unreasonable and unrealistic; and he did not believe that has been imposed on other developers. Mr. Cahoon stated that vegetation would be disturbed beyond the edge of the homes during construction and that could not be avoided. In considering patios, decks, driveways and walkways, Mr. Cahoon did not believe it was a realistic requirement.

Jerry Fiat, representing the applicant, commented on a current development on Ridge Avenue. He stated that typically in Old Town the lots are relatively small and the disturbance is typically lot line to lot line. By the time they complete the excavation and dig for walkways, stairways, etc., there is no way to limit it to footprint size. It would be impossible to build. Mr. Cahoon requested that the limit of disturbance remain as set forth on the proposed plat.

Mr. Cahoon referred to page 203 of the Staff report and noted that the first paragraph references a statement from the City Engineer that a couple of dump trucks in the past have fallen over on the roads as they came down King Road turning left on to Lower King Road below Ridge Avenue; and that it concerned him. Mr. Cahoon wanted it clear that the City Engineer's actual statement was that they had a couple of dump trucks tip over at that intersection as they go from King and then come down and take that corner. He pointed

out that it was actually looking at the whole intersection and trying to make it better. He thought the key language was, "...and right now there are not any fatal flaws." Mr. Cahoon stated that the City Engineer goes on to state, "I don't see any fatal flaws in any of the alternatives right now. They will all work". Mr. Cahoon asked Mr. Fiat to address the truck tipping since he had personal knowledge of the incident.

Mr. Fiat stated that it was only one truck and it was not a dump truck. It was a semi-trailer that was overloaded with dirt. Mr. Fiat pointed out that careless driving cannot be stopped and it can happen anywhere. The driver clipped the corner, got stuck, tried to move himself out and in the process he dumped his load. Mr. Fiat clarified that they were cleaning the Alice Lode at that time and over a thousand trucks came out of Alice Lode without a single complaint or problem. He believed the incident with the semi-trailer resulted from a lack of common sense, and fortunately no one was hurt.

Mr. Cahoon remarked that Tom Gadek had submitted public comment and in his comment he treats Ridge Avenue as the only egress for this project. Mr. Cahoon stated that Mr. Gadek was incorrect. He noted that the first paragraph on page 203 of the Staff report states that "As proposed, Ridge Avenue would be the only exit to the subdivision". He believed that should be corrected to insert the word "not", to read, "As proposed, Ridge Avenue would not be the only exit to the subdivision". Mr. Cahoon remarked that Ridge Avenue was not planned as an exit for the subdivision. There is a stop for the trail but that is all. He noted that both King Road and Sampson were both egress options for this development. They have never been required to connect to Ridge Avenue.

Planner Alexander referred to the sentence Mr. Cahoon had read and thought it should say that Alice Court would be the only exit. Mr. Cahoon clarified that instead of Ridge Avenue, the sentence should state that Alice Court would be the only exit. Planner Alexander answered yes.

Mr. Cahoon stated that page 202 of the Staff report identifies the issue of HR-1 zoning and why it was not zoned HRL. However, he did not believe the Staff report attempts to answer that question. He thought it was important to note because Alice Claim HR-1 is floating within an area of much lower density and much more organically organized homes that respond more to the topography than it does to a grid layout. Whether it was a mistake or an oversight, he thought it should be taken into account when reviewing this application, particularly in terms of compatibility with the neighborhood and how that plays out.

Regarding compatibility, Mr. Cahoon addressed some of the points in the Analysis on page 199 of the Staff report. The first was compatibility. Mr. Cahoon stated that in the record there is data that 30 Sampson was recently approved for 5,013 gross square feet. It was identified as Exhibit D in the materials submitted by the applicant. Mr. Cahoon remarked

that data on 50 Sampson also shows a gross square footage of 5,000 square feet. He noted that these home sizes have already been determined to be compatible with the neighborhood. He believes it confirms that the house size proposed in their project is compatible with the surrounding neighborhood.

Mr. Cahoon stated that the general purpose of HR-1 is to encourage building of homes that contribute to and maintain the Old Town neighborhood. There is no definition of “preserving the character of the neighborhood” or “preserving the character of Park City”. These are standards, and as written they are subjective and not mandatory. Mr. Cahoon thought it was difficult to define “neighborhood” other than by looking at what is already built or approved. He encouraged the Planning Commission to consider compatibility in that realm rather than just saying that the neighborhood is HR-1. Mr. Cahoon remarked that the nearest HR-1 neighborhood is Daly Avenue, which cannot be seen because it is blocked by the hill. What appears to be the neighborhood surrounding their project are the areas identified on Exhibit D.

Mr. Cahoon remarked that Park City is a variety of building shapes, looks, locations and sizes that constitute the look and feel of Park City. He believed their nine lot plan meets all of the objective criteria and that should be the focus. Alice Claim was a historic mining site and there are no historic structures to preserve. Homes at 123 and 135 Ridge Avenue are non-historic modern houses. Mr. Cahoon stated that another purpose of the HR-1 zone set out in the Code is to encourage single-family development on combinations of 25' x 75' historic lots. The pattern of development and the lot combinations that have already taken place have led to a reduction in density and larger homes, which is the standard purpose for HR-1.

Mr. Cahoon presented a slide that reflected the lot combinations and the expanded size from the 25' x 75' grid to the expanded lot sizes. He believed the three and four lot combinations were consistent with their proposal.

Mr. Cahoon noted that page 200 of the Staff report provided new data regarding lot, building and footprint sizes. However, he believed there were flaws in the data and it was important for the Commissioners to understand their position because the data was being used against them to support incompatibility. Mr. Cahoon referred to page 201 of the Staff report and the top three rows of the table, and pointed out that the footprint size was shown to be larger than the building size. He could not understand how that was possible. Mr. Cahoon stated that the assessor records do not always include the non-livable space in the calculation such as mechanical, garage, basement space, etc. He asked Mr. Fiat to provide comments based on his experience.

Mr. Fiat asked to go back to an earlier point regarding the homes on Sampson Avenue. It was stated that 50 Sampson Avenue was 5,000 square feet, and Mr. Fiat thought that was incorrect. He explained that 50 Sampson is the same subdivision as 30 Sampson and 40 Sampson, and the current approval on 30 Sampson is for a 5,000 square foot house. Mr. Fiat clarified that they did not know the actual size of the house built on 30 Sampson. The plat restriction limits it to 3,000 square feet of living space, and 50 Sampson has the same plat restriction. Mr. Fiat clarified that 30, 40 and 50 Sampson have the same plat restriction. He pointed out that 30 Sampson is 5,000 square feet, which means that there is 3,000 square feet of living space and 2,000 square feet of non-living space. Mr. Fiat had done a GRAMA request with the City and actually measured the plans for 50 Sampson. The actual correct square footage was shown on the Exhibits. Mr. Fiat emphasized that it was not 5,000 square feet.

Mr. Cahoon understood that the 5,000 square feet which was noted in Exhibit D for 50 Sampson was based on Mr. Fiat's estimate. Mr. Fiat replied that it was more of a statement. He explained that they were looking at a subdivision and what it allows them to build on their land. He clarified that they were not talking about the actual houses because the houses would have to go through a CUP and specific restrictions would apply. He believed the most apples to apples comparison is what can be built on the lot. Mr. Fiat clarified that he did not know the actual square footage for 50 Sampson when he made his statement, but after measuring the plans the actual dimension is 4,386 gross square feet. Mr. Cahoon stated that Exhibit D would be adjusted to reflect the correct square footage.

Mr. Cahoon stated that when they looked at the chart and the averages and noticed the discrepancy on the second page of the chart where the average footprint was larger than the building square footage, it caused them to question the data. He provided a handout of a slide showing the assessors total building size versus the actual building size for 50 and 60 Sampson, 147 Ridge, and 325 Daly. Mr. Cahoon asked Mr. Fiat to talk about his background on 325 Daly Avenue.

Mr. Fiat stated that in the past he was considering buying 325 Daly. At that time, both the City and County records showed 325 Daly as being 2,792 square feet; however, it was marketed as being 4,970+ livable, usable square feet. Mr. Fiat questioned the numbers and he had an appraiser measure the structure. The house measured more than 5,000 square feet. Mr. Fiat noted that the City and County number reflected the livable/usable square footage and not the gross building size. Mr. Fiat remarked that in all cases the sizes of the homes shown were significantly different than what actually exists.

Mr. Fiat reviewed copies of the County Assessor measurements, as well as a copy of the MLS listing they were referencing. He pointed out that the applicant was proposing a 5,000 square foot gross building square footage of the homes. However, the City made them

commit that they would include all of the non-livable area inside of that 5,000 square feet, including the garage, basement and mechanical space. Mr. Cahoon stated that prior to the meeting he confirmed with Planner Alexander that the numbers she had listed was the living area from the Assessor's information. Her data did not include the basement area or the attached built-in garage area. Mr. Cahoon thought that was an important fact, because when all of those areas are included it shows that what they are proposing is compatible with the surrounding structures. It is even compatible with Daly Avenue, which they do not consider a comparison neighborhood.

Mr. Cahoon presented data regarding eight homes on Sampson Avenue. It showed the actual lots size, the maximum allowed footprint, and actual footprint, the actual gross building size, and the allowable building size per Code. Mr. Fiat explained that one of the reasons that the actual footprint size was missing in some cases was because some of the homes date back to when the City used an FAR rather than footprint. Therefore, the footprint was never identified or listed. Mr. Fiat noted that the current Code only talks about footprint. He remarked that a general rule of thumb is that it is somewhere between 2.5 to 2.75 of the footprint. He clarified that they used a 2.5 multiplier to calculate what they could put on the lot based on the existing Code and the allowable footprint.

Mr. Cahoon referred to the table on page 200 of the Staff report and noted that the average total building size for Sampson Avenue was shown as 1805 square feet. He believed that number only included the livable space in the calculation and not the entire size of the home which includes the non-livable area. Mr. Cahoon reiterated that the data was flawed and could not be used in generating a compatibility analysis.

Mr. Fiat thought it was physically impossible to get an 1800 square foot calculation out of what actually exists on Sampson. He pointed out that 115 Sampson was technically a vacant lot. He estimated the homes at 121 Sampson and 99 Sampson to be approximately 2,500 square feet each. Mr. Fiat stated that if the numbers were averaged out and the basement and garage square footage were removed from the calculation, he thought it would still be over 3,000 square feet. He agreed that the numbers were flawed and they were not even close to the true numbers. Mr. Fiat explained that they used Sampson in their examples because Sampson represented a limited number of homes. One architect had designed four of the homes and it was easy to obtain the data.

Mr. Cahoon asked Mr. Fiat to compare the 5,000 square feet homes he was proposing. Mr. Fiat stated that it would be reasonable to expect that the actual living space is between 3,500 and 4,000 square feet. Mr. Fiat pointed out that the assessor does not count basements in the square footage, even though most basements are livable space. He felt that supported his reason for wanting to introduce a gross square foot number. Mr. Fiat stated that the intent is to create houses that have more articulation and better living areas

that attract families. Using a gross square foot number would eliminate the argument of how to measure and what should be included. Gross is a multiplier and it would be a consistent measurement for everyone.

Mr. Cahoon noted that the past Staff reports addressed density; however, it was not addressed in the current Staff report. He stated that the maximum permitted density in HR-1 is 41 lots. Combined with the entire 8.2 acres, the entire maximum permitted density would be 56 lots. He pointed out that this applicant was proposing 8 lots in the HR-1 zone and one lot in the Estate Zone, which results in an 84% density reduction.

Mr. Fiat referred to the Code section that addresses lot combinations. He pointed out that all of Old Town was platted as 25' x 75' lots except for the Alice Lode. In his opinion, the intent of the Code was not to repeat the grid pattern of 25' x 75'. He believed the intent of the Code was to combine the lots to reduce density for the limited infrastructure that exists in town. From a design point of view, Mr. Fiat believed this proposal was a better design and transition into the open zone than towering it down in the gully. He noted that the homes would be subject to a conditional use permit and specific changes could be made during that process.

Mr. Fiat stated that the homes that were built as three and four stories on smaller footprints end up breaking up the bedrooms and sometimes living space on multiple levels. These homes by design are not always a good fit for families or elderly people or people with disabilities. Mr. Fiat remarked that the goal is to build sensible homes to attract full-time residents who live in Park City year around; yet they do not design structures for that purpose. Mr. Fiat pointed out that the single family home on the Estate lot is a permitted use and does not require an SLO submittal, even if it was in the SLO District.

Mr. Cahoon addressed good cause, since he did not have the opportunity to address it at the June 10th meeting. He stated that there was a requirement for finding of good cause; however, they have a legal argument that it is inconsistent with the State Code. His understanding of good cause is that they only have to satisfy the requirements of the subdivision ordinance and have it supported by substantial evidence. In this case, if they are required to demonstrate good cause, he believed there was significant evidence to support good cause. Mr. Cahoon noted that the general statement is, "Providing positive benefits and mitigating impacts". The Code then lists examples. He stated that materials in the Staff report and materials submitted by the applicant attempt to address good cause.

Mr. Cahoon emphasized that you cannot separate what happened with the Alice Lode property regarding the cleanup and the fact that it was a barren, polluted wasteland that the City did not want as open space but wanted it cleaned up. Now that it has been cleaned up and it is ready for residential use, the public suddenly cares about it. He felt that was an

important consideration, as well as all of the facts leading up to the cleanup and all of the history.

Mr. Fiat stated that he knew about the Alice Lode and he lived nearby on Norfolk. The City owns the gully, which was the most contaminated portion of the land. The rest of the land has some contamination but it was a lower level contamination. Mr. Fiat noted that the City had applied for a Brownsfield grant and it was on the EPA radar. If it was not cleaned up the EPA would step in, but there was no funding for the cleanup. Mr. Fiat stated that it was the most visually polluted site in Park City. Mr. Fiat noted that he had not yet purchased the property, but he went to the City and asked if they could develop it if they cleaned it up. After several discussions with the City, he believed that they had a working plan. They anticipated minor changes and understood that it needed to go through the Planning Commission and the City Council. Mr. Fiat explained that they ran into a deadline because of the access. They were asked to try and get the existing access working, but being unable to reach a deal with the property owner put them against a deadline.

Mr. Fiat stated that most of the waste that left the property was from the City property in the gully. The deal that was made regarding Richardson Flat was arranged by the City before the land was purchased. Richardson Flat was closing, and if it closed the Alice Lode would be capped and left as a contaminated site. Mr. Fiat remarked that the cleanup of the Alice Lode not only cleaned up the visual blight and took out the contamination; but it helped the water quality problem and it helped the City with the EPA and potential grants. If they had waited to come before the Planning Commission before doing the cleanup, Richardson Flat would have been closed.

Mr. Cahoon presented before and after pictures of the cleanup.

Mr. Cahoon summarized that the cleanup was tied to the nine lot subdivision. The City entered into a Memorandum of Agreement to provide for the disposal of the contaminated soils at Richardson Flat. The City entered into a voluntary agreement with the developer, and the cleanup plan was attached as part of the plan. Mr. Cahoon stated that after going through initial reviews with the Planning Department and Building Department, this plan was ultimately used as a guide for the cleanup. Mr. Cahoon noted that there needed to be a plan for the future use, and since the property was zoned residential it was cleaned to a residential level to provide for the contemplated development.

Mr. Fiat noted that the cleanup efforts forced United Park City Mines to clean upstream. The Silver King was cleaned and UPCM rebuilt the stream above the Alice Lode. He pointed out that their cleanup efforts started a chain reaction that would never have happened otherwise. United Park City Mines would not want the risk of re-contaminating

the land once the Alice Lode was cleaned up. Therefore, it ended up being a full upstream cleanup.

Mr. Cahoon presented the proposed plat that was the same version from May, which reflected the nine lot configuration that resulted from the cleanup.

Mr. Cahoon summarized key items that he believed supported a finding of good cause. He noted that the mine shaft located near the trail was filled in and the trail was moved. Other items included matching the cleanup to the zoning, the City's land being the most contaminated, the revegetation, the improvements to the water shed downstream, the reduction in density, a 73% commitment for open space that would be covered by a conservation easement, and hiking and biking trail easements. Mr. Cahoon disputed the assertions made at the last meeting about prescriptive right because permission has always been given for using the trails. He pointed out that putting them on the plat and dedicating the easements would resolve the question and show that it is a public benefit. Mr. Cahoon mentioned the donation of land as part of the plat amendment, the improved access, relocation of the water line wholly within the City's property, and the road connection.

Mr. Cahoon stated that in their materials the applicant provided a summary of the different work sessions this plan has gone through, as well as multiple iterations and fine tuning responses to multiple comments. He noted that the more recent public hearings have led to additional responses, such as moving two of the lots further down into the current configuration. They have submitted multiple studies and have multiple experts dealing with the City's experts on engineering, building, water, fire, sewer, etc.

Mr. Cahoon did not believe there were any outstanding material issues that would prevent an approval of this subdivision plat. He did not believe it made sense to treat this as if they were going to record a plat right now and go through the effort and expense of designing the sewer and other things at this stage in the process. He vigorously opposed any notion that the applicant needed to do all of that at this stage in the process. The focus should be on the design, factoring in the good cause he outlined, and understanding that they have used Best Planning and Design Practices. He thought DHM had done a phenomenal job in designing this subdivision around saving major vegetation, avoiding sensitive areas and providing vast open spaces and trails. Mr. Cahoon believed this plan preserves the character of the neighborhood. It is compatible and they have the evidence to support it.

Mr. Cahoon requested that the Planning Commission approve the CUP application for the entry wall. He also requested positive recommendations to the City Council on the subdivision and plat amendment applications. As requested, they need the 10' setback adjustment for the Estate lot. He was comfortable with the preference for the historic

access, and they were still in good faith negotiations with the property owner. Mr. Cahoon believed they were getting closer to reaching an agreement. Negotiations have been difficult but he felt it was still possible.

Mr. Cahoon commented on the need to move forward and he requested a vote by the Planning Commission that is supported by the evidence that was provided in the record.

Mr. Fiat stated that before they did the cleanup they were told that they would receive a permit for grading the roads. However, when they started the cleanup and went to pick up the permit, but they were told that a permit was not needed and they could proceed without it. Mr. Fiat noted that throughout the process they have done studies for water, sewer, fire, etc.; and a significant amount of money has been spent on other requests for details. He thought it was clear that the subdivision would be approved with conditions and they would not be spending the money if they did not believe they could meet those conditions.

Mr. Fiat used the water model as an example. He noted that the City had them jump hoops to prove that the water would work. They did a water model and proved that it would work. They then lowered the houses further down because that seemed to be what everyone wanted. However, once they lowered the houses they were told that they needed to have a water model. Mr. Fiat pointed out that lowering the houses meant the water model would work better. Mr. Fiat remarked that they agreed to a condition that they would make it work, and he was beginning to feel it was bad faith because they are continually being asked to do the same things over or to for things that were not asked of other developers. He felt they were being held to a different standard.

Mr. Cahoon commented on the unsigned statement that was submitted by the City Attorney's Office regarding the former Chief Building Official, Ron Ivie's, statements in response to Jerry Fiat's affidavit. Mr. Cahoon reiterated that it was prepared by Counsel but it was not signed. He pointed out that throughout the statement, it is repeated that the Planning Commission and City Council would still have to approve the subdivision. Mr. Cahoon emphasized that those statements in no way detract from the reasonableness of the reliance on what was said. Mr. Cahoon explained that counsel only stated what the law requires. The City Council ultimately approves the plat. The applicant never took the statements to mean that there was no chance that the nine lot development could ever be approved. That was never said. And in his statement, Mr. Ivie had no objections to the plan. He pointed out that Mr. Ivie was tied to what was happening both before the applicant purchased the property, and then after the purchase and leading up to the cleanup. When the Planning Commission ordered the cleanup and the work to stop, Mr. Ivie disagreed with the Commission and said the work needed to proceed. Based on Mr. Ivie's statements the applicant finished the cleanup.

Mr. Cahoon stated that there were also written documents such as the Memorandum of Understanding and the joint cleanup plan that had the nine lot subdivision attached that went beyond verbal statements. He noted that the City Manager had signed the agreement to participate on the cleanup. Mr. Cahoon stated that in light of the cleanup of Alice Claim, their reliance on numerous representations, and the joint agreement with the City, was unfair to deny the applicant this nine lot subdivision. In addition, they have demonstrated that they meet all of the objective requirements for a subdivision approval.

Planner Alexander noted that the City Engineer was present to answer questions.

Commissioner Worel asked City Engineer, Matt Cassel, to clarify his opinion regarding the roads. Mr. Cassel stated that in considering the location of the driveway access the applicant was asked to look at improving the intersection. He recalled his previous statement about trucks tipping over and that Mr. Fiat had further detailed once of the instances. Mr. Cassel explained that when he said there are no fatal flaws, it means that for all intense and purpose the intersection works right now. He stated that the goal has always been to try and improve the intersection. If this development moves forward and there is a possibility to make the intersection better, they need to do it. Mr. Cassel remarked that the developer has land on both sides of the road and they have been asked to look at any possible opportunity for improvement. Mr. Cassel noted that the intersection functions in its current condition. Even though it is not the best, there is nothing to indicate that there is a fatal flaw. The intersection does not work to the level he would like it to, but it works. The goal is to mitigate it as best as possible.

Vice-Chair Joyce stated when the Planning Commission looks at a subdivision approval they need to evaluate the safety issues. People continually talk about the road system up there being substandard. When Mr. Cassel previously talked about trucks rolling over, Vice-Chair Joyce took that to mean that there were already safety issues. His concern from a safety standpoint is making a new entry on to the road and basically making it more complex. Vice-Chair Joyce stated that the Planning Commission has an obligation from a safety aspect not to exacerbate a problem. If it was already at a low level with significant issues, he was concerned about adding traffic to that flow. Vice-Chair Joyce did not believe the Commissioners had voiced a concern about traffic from the standpoint of quantity, other than during construction. He felt the issue was more about having very narrow roads all come together.

Mr. Cassel stated that there are two parts to traffic. One is the construction traffic, which is controlled by the construction mitigation plan. The second part is the permanent traffic being created by development. Mr. Cassel noted that as part of the evaluation of the intersection, the developers had Fehr and Peers look at the impacts of the additional traffic from the development. It took it from Level Service A to Level Service A, which reflects an

inconsequential difference to the traffic. Mr. Cassel stated that he wasn't looking at that specifically. As they look at putting an additional drive in this "funky" intersection, they need to make sure that the sight lines and the ability to see other traffic coming is as clear as possible. The sightlines on the King Road are not great and if it can be improved they would like to do so. In addition, as the applicant puts their drive and access into that intersection, they need to make sure their sightlines are clear and meet the Code to avoid creating new safety hazards or lowering the level of safety of the intersection.

Vice-Chair Joyce asked if Mr. Cassel was confident that it was achievable. In looking at the two alternatives for access to the development, Mr. Cassel thought they could keep the impacts to a negligible amount, particularly for sight distances and the ability to see uphill and downhill traffic. He would make sure that the driveways would not impact the ability of that intersection to work. Mr. Cassel pointed out that he was looking even deeper by asking the applicant to explore the possibility of improving the intersection as a whole and not just for their driveways.

Mr. Fiat clarified that they own the land that the road in that location, as well as both sides of the road. They intend to deed that land to City so the road could be significantly improved. He believed that one of the advantages of the non-preferred access is that they would widen the view corridor and the turning radius. Mr. Fiat remarked that the issue of the intersection was primarily the construction traffic going up to the Resort Center; and not the residential traffic on Sampson.

Commissioner Band referred to LMC 15-7.1(5)(d) Site Plan, which states that the Planning Commission shall study the preliminary plat, the report by Staff, taking into consideration the requirements of the LMC, master plan, sensitive lands, width of streets, etc. She asked how the Planning Commission could approve this application when they were still working on improvements. She did not have a sense that Mr. Cassel was confident about the intersection, but it could work and he was hoping to make it better. Commissioner Band stated that if the Commissioners were not looking at the actual improvements, she questioned whether they were looking at the preliminary plat approval properly.

Assistant City Attorney McLean remarked that it goes to the City Engineer's analysis of the intersection and what he means by making it better. Mr. Cassel replied that improving sightlines would make it better. Ms. McLean asked if the intersection would change. Mr. Cassel stated that it was addressed as part of the conditions. He explained that he appeared to be "wishy-washy" because currently there were two different accesses on the table and the applicant needed to decide where the access would be. One access is where they can continue down the road and the other is still in negotiations. Mr. Cassel stated that the access needs to be finalized before he can finish his evaluation.

Commissioner Band understood that the access they were looking at today was the one with the retaining wall that requires the CUP. Mr. Cassel answered yes. Commissioner Band clarified that since it was the only access on the table at this point, she wanted to know how Mr. Cassel felt about that access in terms of improvements. Mr. Cassel replied that it was the best secondary alternative. He still preferred the access to be straight on King Road, but he thought the secondary alternative would work, particularly now that the applicants pushed the access further up the hillside and away from the intersection.

Mr. Cassel clarified that he was comfortable with the access proposed and that the proposed modifications would help the sightlines so everyone could see the traffic coming and going as they go through the intersection.

Commissioner Band asked Mr. Cassel to provide some history on the trucks that have tipped over in that area, and whether it was due to careless driving or a greater concern. Mr. Cassel stated that two vehicles tipped over. Mr. Fiat mentioned one, and the other one was a dump truck. He could not recall the exact details, other than the trucks had tipped over and some cleanup was required.

Commissioner Band asked if there was a time when the City was not able to improve or mitigate roads or intersections. Mr. Cassel could not recall a time in the last eight years.

Commissioner Nann referred to a letter the Commissioners received from a member of the public concerned about inadequate roads in the event of a wildfire and the need to evacuate, and the ability for emergency vehicles to access. She asked Mr. Cassel for his thoughts on this concern. Mr. Cassel stated that it was a difficult question and a battle that took place seven years ago. Hillside Avenue was built at substandard levels and they had to live with it. When people talk about emergency vehicles getting up and residents not being able to get out, it is more widespread than just the Alice Claim site. It also includes Daly, Empire Pass, Deer Valley and the City in general. Mr. Cassel agreed that it was a major issue the City deals with and it needs to be resolved. He did not believe nine homes at Alice Claim would tip the level and exacerbate the problem.

Vice-Chair Joyce opened the public hearing.

Planner Alexander stated for the record that she had received emails and letters of public comment from Brian Barrett, Carol Sletta, Tom Gadek, Brooke Hontz, and Jim Doilney. The written comments were provided to the Planning Commission.

Charlie Wintzer, a Park City resident, stated that the intent of the first part of the subdivision approval is the preliminary plat approval. He did not think the Planning Commission needed to get involved with the deals of house size, etc. at this time. The

focus should be on the number of lots, where they should be located and how they fit on the site. Mr. Wintzer remarked that the more they get involved in the details the further away they get from the questions related to the preliminary plat approval process. Mr. Wintzer commented on the HRL and the HR-1. He stated that when Park City was platted and zoned it was all HR-1. The HRL zone was created on Rossi Hill and the neighborhood asked to be changed to HRL. The same thing occurred on that side of the mountain when the neighbors together decided they wanted to be HRL. Mr. Wintzer did not believe the way the lines were drawn was a mistake. It was a result of those who asked to be downzoned. The City did not have the right to downzone private land, which is why this property was never changed. Mr. Wintzer was unsure why they were looking at a retaining wall CUP for a subdivision that may or may not be approved. He thought the CUP request was out of sequence and they should be focusing on the subdivision. If the subdivision is approved, that would be the time to approve the CUP for the retaining wall. Mr. Wintzer referred to the comment from the applicant about how this project has gone on for eight work session in ten years. He pointed out that it was the applicant's choice and not the choice of the Planning Commission. The Planning Commission did not ask the applicant to come back every year for ten years and to submit another application.

Carol Sletta thanked the Planning Commission and the City Staff for their thoughtful work on this project. She has lived at 135 Sampson since 1980 and having lived in the area next to the proposed subdivision and reading all the information, she could not see good cause for allowing this project. Mr. Sletta did not believe it would preserve the character of this historic residential area. She was very familiar with the streets of Anchor, King, Sampson and Ridge, and calculated that she has driven through that area a minimum of 15,000 times. Over the years she has seen trucks tip over and many other things happen. A lot inexperienced drivers block the intersection in the winter and during a bad winter the roads are nearly impassable. Ms. Sletta stated that she loves that corner because it makes Old Town Park City, Old Town Park City. When the City Engineer mentioned significantly improving the road, she thought it would be terrible because it is not what Old Town Park City is about. Ms. Sletta stated that if another road comes into that intersection she could see it becoming more unsafe. It is a fun, funky road and she would hate to lose that part of Old Town Park City.

Lee Gerstein, a resident adjacent to the proposed project, commented on the construction traffic going to PCMR and watching the vehicles do three, five, and seven point turns. He pointed out that two known accidents over the course of many years did not include the near misses. He watches the trucks get perilously close to the edge of Sampson. They do not always know what is behind them. Mr. Gerstein shared the concern of a five-way intersection with an emergency crew trying to get up as people are trying to flee houses during a fire. He was unsure how they could take what exists and add something to it that makes reasonable turns and angles and egress from there. Retaining walls are very pretty,

but currently they have a forested, vegetated natural hillside that would be chopped down for this project. Mr. Gerstein keeps hearing the word construction mitigation but he questioned its actual meaning, because in looking around he does not see any construction mitigation. It is a great word to use during a meeting, but there is no mitigation for those with children and pets, and those who like to cycle or walk. He has seen several near misses between people and vehicles. Mr. Gerstein stated that the cleanup that was done on the site was laudible and tremendous. He hoped there was no quid pro quo from the town, because it was done with the expectation of building something. He suggested that in a different venue and under different circumstances the applicant should receive some recognition from the town for the cleanup effort.

Sherrie Levington Gerstein stated that she and her husband, Lee Gerstein, own 135 Ridge Avenue, the property that has been in negotiations. Ms. Gerstein opposed this project for all the reasons everyone else had stated. She also respectfully disagreed with the comments that they and the applicant have been in tough negotiations because she did not recall any tough negotiations in the last several months. Mr. Gerstein stated that negotiations went on six years ago, but she wanted it clear for the record that there have been no serious negotiations since that time.

Kathryn Deckert, a resident at 102 Daly Avenue, referenced one of the applicant's good cause for this project being approved in his letter dated July 13th. It talks about good cause being the relocation of water lines into the Park City parcel from the development within the Alice Claim, and also connection of a road into the Park City parcel. Ms. Deckert did not see this as being good cause. It is about another parcel that has nothing to do with the Alice Claim. It is 20 lots and to think of having this approved in order to annex or develop another parcel in Old Town is not good for the current residents because it introduces more residential traffic and construction traffic. Ms. Deckert commented on the number of trucks going up Daly in the last month that create safety hazards for hikers, bikers, pedestrians, pets, and children. She was concerned that further development would continue these unsafe conditions for an unlimited time. Ms. Deckert also had issues with nine 5,000 square foot homes that do not reflect the character and scale of the historic district. In her opinion, character means diversity and over the last 30 years Old Town has evolved into a package of different sized homes. Some are still the small mining homes that were there 45 years ago. Having 5,000 square foot homes in one subdivision does not add to the diversity and it creates a disconnect between Old Town and this onclave of 5,000 square foot homes. Ms. Deckert did not believe the proposed project provided the most beneficial relationship for the use of land and circulation of traffic, and for the benefit of the people who live in Old Town.

Brooke Hontz had submitted a lengthy letter prior to the meeting. She did not intend to read the letter into the record but asked that it be incorporated into the minutes in its entirety. The letter can be found at the end of the Alice Claim discussion in the minutes.

Mr. Hontz, a resident on Daly Avenue, asked the Planning Commission to consider forwarding a negative recommendation to the City Council on the Alice Claim application citing substantial credible evidence against the project, and well-articulated reasons for denial. Ms. Hontz stated that in the first part of her letter she requested that the Planning Commission consider safeguarding the official record for this application. There is a lot of information that she had never heard before that is important. She also asked if there was a way to better share the information with the public, as well as for the sake of the applicant. Ms. Hontz stated that the letter from Snell and Wilmer, dated July 13th, 2015 references different visions of a plan, and possibly different applications, and multiple different Planning Commissions who have served. Throughout the letter it clearly demonstrates that over ten years the applicant has gone back and forth on a plan and not made substantial progress with the legislative process based on their volition. Ms. Hontz believed a historic timeline prepared by Staff of the applications would show large periods of inactivity by the applicant with an occasional update where no new information is provided to the Planning Commission, and no action was required to be requested of the Planning Commission. Ms. Hontz believed that issue was important. As a Planning Commission member for four and a half years she could speak to that with some authority that she never had the opportunity to provide a recommendation that would have been forwarded to the City Council. It was never asked the entire four and half years that she sat on the Planning Commission. Ms. Hontz noted that the public testimony that has been provided thus far has been educated, thoughtful and related to the requirements of the LMC and the General Plan. The public has provided considerable evidence and anecdotal experience that the Planning Commission can use for their findings of denial. The input provided from the public can substantiate that the application does not meet the subdivision standards of the Land Management Code. The evidence provided is relevant and measurable. Ms. Hontz noted that on page 2 of her letter she talks about how the Snell Wilmer letter references that nine lots or the density had not been an issue for the Planning Commission. However, as a former Planning Commission member she could say that it was patently untrue, and the entire record should reflect that fact. As indicated in her letter, Ms. Hontz thought it was unclear whether the current application was the same application. She suggested that the City Legal Staff should review the entire file and make a determination on the date this application was made, and which General Plan and LMC was applicable to this application. She thought it was important for the Planning Commission to have that specific General Plan and LMC in hand in order to make an accurate denial statement. Based on some of the information mentioned this evening or written in the Snell and Wilmer letter that has never been heard before, Ms. Hontz did not believe they could have it both ways. She did not believe the applicant could want to have

the lots larger like the Estate or HRL lots, but then say they were reducing the density by 87% because they were HR-1. It has to be one or the other. Ms. Hontz believed that concept was argued both ways throughout the July 13th letter and also this evening. Ms. Hontz stated that an argument is made in the Snell and Wilmer letter talks about the authority of the City Council. In order for a subdivision to be approved by the City Council, acting under their authority as a land use authority, it must meet the legal standard established in the LMC for subdivisions. No density can be assigned to a parcel until it is subdivided and every box is checked in the checklist of the subdivision ordinance. Ms. Hontz referred to the last page of her letter and noted that one of the arguments made this evening was that the rectangular two-part area that would be dedicated to the City is a benefit to the City. She assumed that there may be a minor benefit in getting the roadway under City ownership. However, it additionally makes representation that a small home could be built within that area that is located under the current Sampson Avenue. Ms. Hontz did not believe that was possible based on current codes. Mr. Hontz stated that she personally met with the Sewer District and the Fire Chief to discuss this project. At the time of those meetings she found that there had been no face to face meetings from the applicant with those entities. Both entities have specific concerns about meeting the subdivision ordinance and being able to provide adequate service. Regarding traffic, Ms. Hontz thought they were wrong in saying that the amount of traffic did not matter. She was pleased to see that her calculation of 90 trips was less than the 114 trips calculated by the Traffic Engineer. She had contacted a traffic engineering firm and discussed all of the issues. She was told that total trips per day is a relevant and important way of looking at traffic for road and traffic engineers when they are trying to understand how to size a roadway. She thought it was ridiculous to say that it does not matter that there will 114 additional trips up that road every day. Based on the size of the road, the steepness, the sightlines, and the construction that will continue to occur on the Mountain for the rest of their lifetime, it is impossible to think it was not an issue. Ms. Hontz stated that on pages 4, 5 and 6 of her letter she had provide the key elements of the Code that were applicable. Those elements were cited on pages 7, 8, 9 and 10, where she had created draft denial Findings of Fact and Conclusions of Law. She took the time to go through public record from many years on this project, including the most recent iteration, as well as Planning Commission comments, and put them into Findings. She also added which part of the Subdivision Code it supports. Ms. Hontz reiterated that she had done a lot of work to substantiate that the application did not meet the subdivision standards. She asked the Commissioners to take the time to review at least a portion of what she had done.

Mary Wintzer, a resident at 320 McHenry, recalled from the last meeting what she had heard on KPCW, which was Chair Strachan telling the applicant that he was facing a unanimous denial of the subdivision. The applicant was given a certain date that he could come back with a significant change in the subdivision applicant. Ms. Wintzer could not see a significant change this evening. She understood that the applicant wants to move

forward, but she also believed the citizens of Old Town also deserved to move forward. Ms. Wintzer believed the applicant had been given more time than was permitted at the last meeting, and she asked the Planning Commission to vote for denial this evening.

Jim Doilney, a resident at 50 Sampson Avenue, asked the Planning Commission to consider whether their votes and comments would be consistent with the Park City Vision Statement which states that there should be no increase in density unless it is for Affordable Housing or in the context of TDRs. Mr. Doilney remarked that it was not happening in this process and the vision statement was not being met. Relative to density, he noted that the changes and subdivided density were discretionary matters. They are not a right. Alice Claim has the density for two lots, not nine lots. To justify the applicant's nine lot goal, Mr. Cahoon stated that there were 13 lots of record. The implied assertion is that King Development was asking for a four lot reduction. Mr. Doilney believed this assertion misrepresents the situation. He pointed out that King Development could demonstrate that it has 13 usable lots which could be serviced using those lots, boundary lines and adjacent platted streets. However, they have not done this because the existing lots are probably not buildable under those standards. Changes to lot lines are not a right, but rather occasionally like subdivisions granted by the City as a discretionary matter. King Development has no right to expect lot line changes incompatible with the City vision. Mr. Doilney stated that in addition, the underlying square footage rights of these 13 lots are likely much less than the square footages proposed in the nine lot application. Mr. Doilney stated that Mr. Cahoon offers that the developer's permitted density is 56 lots, which is only a mathematical equation of dividing the gross footage of the acreage by the minimum lot size. He did not believe that was a fair assertion. Regarding home size and compatibility, Mr. Doilney found it interesting to hear that the applicant and his consultant had calculated his house at 4,300 square feet, and that the issue was confusion between gross and net square footage. He stated that he lives in an approved subdivision that is limited to 3,000 square feet, which is the size of his house according to the City building officials who looked at the plans. Given the fact that prior assertions did not prove to be true, he questions whether assertions by the developer's engineers should be accepted as fact. Mr. Doilney thanked the Commissioners for their time and consideration.

Anita Baer, a resident at 345 McHenry, stated that she has wonderful neighbors and she did not want the town to change that much anymore.

Vice-Chair Joyce closed the public hearing.

Commissioner Band stated that she sympathized with the amount of time and money the applicant had spent; however, it did not mitigate the obligation of the Planning Commission to look at this application solely on its merits. Commissioner Band pointed out that a lot of things have been compared to HRL zone, but it is in the HR-1 zone. Even though it is

adjacent to HRL and the proposed homes feel like HRL does not change the fact that the property is zoned HR-1. She agreed that tax assessor data is often inaccurate because she sees the inaccuracies as a real estate agent. She appreciated the comments made by Charlie Wintzer about not getting into the details of lot and home sizes in this subdivision process; but she thought it was important to do it anyway because those details matter. Commissioner Band agreed that the Planning Commission did not have the authority to reduce lot sizes. However, the Staff has recommended that it be more in line with the HR-1 zoning and the Planning Commission can only approve or deny. Commissioner Band remarked that in walking around the HR-1 zone it is visually different from the HRL zone and from Sampson Avenue. That is also evidenced by looking at the plat and the numbers.

Commissioner Band read from LMC 15-7.1(5)(i), zoning regulations, "Every plat shall conform to existing zone regulations and subdivision regulations applicable at the time of proposed final approval." The purpose statement of HR-1 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'". Commissioner Band believed they were seeing less density because more people are requesting to combine lots. She believed that double lots were probably the largest they would see, which is still substantially less than what this applicant was requesting. Commissioner Band noted that the applicant appears to take issue on this point and several others that the Planning Commission Staff took into account what it calls "public clamor". She agreed that in some cases the input was public clamor, but there were also many excellent well-thought out and well-researched comments, including those by previous Planning Commissioners who provided information on previous history and issues that need to be considered. She recalled from the October Staff report that the former Planning Commissioners consistently wanted the lots to be small and as low as possible.

Commissioner Band felt good cause was the most important issue. Regarding good cause versus substantial evidence, LMC 15-7.1-7C states that, "The Planning Commission shall make a finding as to good cause prior to making a positive recommendation to the City Council". She found that statement to be the overriding command to the Planning Commission. The LMC requires them to look at every aspect of a project coming up for approval and to make a finding as to good cause prior to making a positive recommendation.

Commissioner Band thought the term "blind right turn" was frightening. Regarding the comment about "no fatal flaws" she asked if they needed a fatality to have a fatal flaw. In driving up and down the roads she questioned whether they were doing justice to the public and their health, safety and welfare. If they did not take this into consideration the Planning Commission would not be doing everything they are asked to do as part of a subdivision approval.

Commissioner Band asked for clarification on whether the mine shaft was capped. Vice-Chair Joyce stated that the mine shaft has been filled but not capped. Commissioner Band pointed out that no studies have been done and she thought that was an important factor. She asked if anyone knew the closest a home has ever been built to a mine shaft. She had Googled the question but could not find an answer. She also wanted to know the difference between capping versus filling. Commissioner Band noted that they recently had a collapse in town and there is evidence of settling. They have also had sink holes in town. She thought this issue at least bears studying when they are looking at putting a home that close to a mine shaft since it has never been done in Park City.

Per the LMC, Commissioner Band did not believe the proposed subdivision substantially provided positive benefits and mitigated negative impacts for the zone or for health, safety and welfare. In looking at the pros and cons and looking to mitigate the negative impact of the large homes, the retaining walls, site disturbance and the frightening condition of the roads, she was unable to see adequate mitigation for good cause. She believed the cleanup and the tax revenue were the only benefits.

Commissioner Band stated that at the last meeting all the Commissioners indicated that they would deny this application if the proposal had not changed. She acknowledged that the applicant presented arguments responding to their comments. In her opinion, the Commissioner had been given more relevant information since the last meeting to support a denial.

Commissioner Campbell stated that his comments were the same as the last meeting.

Commissioner Worel agreed with Commissioner Band's comments. Her concern with this project has always been about health and safety and the ability to navigate the roads. She was disappointed to hear from the neighbor that the negotiations regarding a different access were not occurring. She had asked for the status of the negotiations at a previous meeting and the applicant told her that they were in progress. After hearing from the neighbor this evening that is apparently not the case.

Commissioner Worel had tried to contact the Fire Chief earlier today without success. She wanted to hear his comments regarding the ability to get emergency vehicles to the area if an evacuation was ever necessary. She realized that this was a problem all over town, but that was not a reason to approve another project with the same implications. Commissioner Worel wanted the opportunity to review the letter from Brooke Hontz that was given to the Commissioners just before the meeting.

At the request of the interim Planning Director, Commissioner Campbell summarized his comments from the previous meeting for the record. Commissioner Campbell understood the applicant's position and he was sensitive to the rights they have and the time and energy they have expended. Based on their previous work in town he believes the applicant does good work and he was certain that the same quality and design would also be present in the project. Commissioner Campbell did not favor a denial of their right to build; however, his comments at the last meeting were that the proposal was not compatible with what exists in the HR-1. He believed the applicant would see a different outcome if their proposal was laid out to look more like HR-1. Commissioner Campbell believed in the vested rights that the applicant has and he suggested that the applicant look at the possibility of applying for a rezone to achieve what they were trying to build. Based on the sections shown he believed it was compatible with the hillside and he was not opposed to development in that area. He agreed with the comment that there is a need for diverse housing and not just three or four story structures that are not physically conducive for multi-generational families. Commissioner Campbell favored what the applicant was proposing; however, he could not support it based on his reading of the LMC.

Vice-Chair Joyce referred to the comment from Mary Wintzer about not seeing any changes to the plan. He pointed out that the applicant had made it clear in the June meeting that they had no intentions of revising the plan; and that they only intended to respond to the comments from both the Planning Commission and the public. In fairness to the applicant, Vice-Chair Joyce did not believe the Planning Commission had expected to see a revised plan.

Vice-Chair Joyce stated that in reading the July 13th letter from King Development, one of the items was that they had spent 10 years presenting a nine-lot plan with no objections. He researched past materials and found a number of places in past minutes, including his own comments in April, where he had asked the question about where nine lots came from. At that time there was a response about it being one less than what would be required for an MPD. Vice-Chair Joyce stated that the research shows that nine lots were consistently brought forward by King Development. He noted that page 239 the Staff report includes a 2008 letter from Joe Tesch defending eight HR-1 lots and one Estate lot and why they could not reasonably ask for less density. Vice-Chair Joyce believed that the letter from 2008 clearly demonstrates that it has been an issue for quite a while. Vice-Chair Joyce clarified that 9 lots was neither the right nor wrong answer. His issue was having nine lots of that size in HR-1 on very steep slopes with the extensive retaining wall. He recognized that ten or 12 units might fit based on size and position on the lots. Vice-Chair Joyce disputed the claim that in ten years no one had disputed the nine lot plan because there was significant evidence showing otherwise.

Vice-Chair Joyce noted that the July 13th letter indicates that the applicant was asked to make several specific changes to the nine lot plan and that the changes were made. Vice-Chair Joyce appreciated that lot 7 was moved off the hillside, but over and over he has made reference to the very steep lots, with the worst being Lot 7. He did not believe there had ever been an agreement that everything else would be acceptable if Lot 7 was moved. However, he did recall a long list of discussions about cut and fill and the position of the lots on the hills.

Vice-Chair Joyce referred to the August 27, 2008 Planning Commission meeting minutes which stated, "During the meeting the Planning Commissioners expressed their satisfaction with the quality and results of the cleanup. At the same time the Commissioners expressed concerns that the future home sites were being cleaned up prior to the final approval of the development plan. They also insisted all proposed development should be close to the access road along the bottom of the valley." He pointed out that the same sentiment was expressed at several other Planning Commission meetings moving forward. Each time it was about smaller homes down at the base of the canyon. Commissioner Joyce did not believe the portrayal in the July 13th letter from King Development that there was suddenly a change of opinion from the Commissioners was accurate, because documentation from many work sessions and meetings document the fact that the Planning Commission had concerns. He understood that it was never brought to a vote, but the comments are consistent.

Vice-Chair Joyce pointed out that there has been a lot of discussion about how the applicant thinks they should be HRL. Commissioner Joyce emphasized that the property is in the HR-1 zone and the Planning Commission has consistently held to that fact throughout the process. During the March 11, 2009 work session three alternatives were brought forth by the Planning Department; and one alternative referred to changing to HRL. In that same meeting Joe Tesch read from the HRL purpose and stated that, "He believed the development was more in the spirit with the HRL zone". He emphasized that contrary to what was stated in the July 13th letter from King Development, the suggestion of rezoning to HRL was not a new concept and it has been discussed repeatedly over the years.

Vice-Chair Joyce commented on the reference that the Planning Commission was trying to apply steep slope to structures rather than lots. He clarified that they were not trying to apply the Steep Slope Cup. They were actually trying to apply LMC 15-7-1.6C and 15-7-31, which directs them to consider the topography and the slopes along with lot size and lot placement.

Vice-Chair Joyce commented on the reference to density and the discussion that it should remain open space. He agreed that it was private property and not public open space. He

recalled that it came out of public comment and it was not accurate. Vice-Chair Joyce stated that the applicant has the right to develop their land, but it needs to be appropriate development. Vice-Chair Joyce referred to the discussion regarding the 2500 square foot footprint, and the statement in the applicant's letter that it was disappointing that the Commissioners were unwilling to honor their agreement just one meeting later. He pointed out that it had been a Staff recommendation. He did not believe that the Planning Commission at any time gave the impression that they were committing to the Staff recommendation.

Vice-Chair Joyce read the statement from the applicant's letter stating, "It did not matter where we put the houses, the Commission was not going to give a positive recommendation." He had two issues with that statement. The first is that location of houses does matter. In all of the documents there has been continual discussion in either work session or regular meetings about moving houses off the very steep slopes and into the canyon. Despite the number of times those comments were made the applicant chose not to adopt that type of plan. He liked what they did in moving Lot 7 and the Estate lot, but there is still a hillside with 100% limit of disturbance on approximately two-thirds of the hill.

Vice-Chair Joyce referred to the 2009 meeting and the discussion that was brought forward by the Planning Department with three alternatives. One alternative pushed the lots to the bottom. When they asked the Planning Commission which of the alternatives they preferred, there was overwhelming support for Alternative B. He believed this current Planning Commission appeared to be going in the same direction as the Planning Commissions of 2005-2011. They would like to see a plan that is more compact and down in the flatter area to reduce the amount of disturbance to the hillside.

Vice-Chair Joyce appreciated the work that was done on the environmental cleanup. He gave the applicant more credit for cleaning up their portion of the land for development; but less credit for cleaning up the City piece because the trade-off was the ability to use Richardson Flat.

Vice-Chair Joyce commented on the photos of walls around town that the applicant showed in their presentation. He agreed that there are large walls around town, but very few, if any, are in the HR-1 District. He pointed out that the walls proposed for this development are not only tall but they are also very wide and carve up the hillside.

Vice-Chair Joyce referred to the concern raised in the applicant's letter about the amount of time spent on the mine. He noted that the geo-tech report states that, "typically mines are closed by backfilling and capped with concrete. However, in the mine assessment it states that they can build within ten feet and the mine was filled with dirt. He explained that

the statement in the geo-tech report was the reason why the Commissioners kept asking questions about the cap.

Vice-Chair Joyce noted the comment by the applicant about the Planning Commission listening to public clamor. However, based on the LMC issues of compatibility, scale and massing, and concern about cut, fill and vegetative disturbance, he thought it was interesting to see how consistent all of the Planning Commissions have been on these issues. Vice-Chair Joyce stated that the Commissioners listen to public input and they appreciate comments that point specifically to LMC issues, but in the end they are tasked with simply applying the LMC.

Vice-Chair Joyce was prepared to comment on some of the points that were held over from the June 10th meeting.

Interim Planning Director Erickson stated that the Staff would have to reset the Findings of Fact. If the main points were on the table, the Planning Commission would have the opportunity before the next meeting to review the Staff report to make sure it was what they wanted.

Assistant City Attorney McLean remarked that the Commissioners could submit their comments to the Staff to be incorporated into the Staff report. Mr. Erickson stated that the primary goal is to make sure that the Findings of Fact and Conclusions of Law were consistent with the LMC and with the comments and opinions of the Planning Commission.

Vice-Chair Joyce stated that he would submit his comments to Staff. He assumed the Staff would make it available to the applicant and the other Commissioners.

Vice-Chair Joyce referred to the information the applicant submitted regarding house sizes and compatibility. In what he has looked at so far, the most reliable aspects are lot size and footprint size. He noted that the larger homes in the comparison provided by the applicant were in the HRL zone. He questioned the accuracy of the calculations and he believed the applicants were very selective in the houses they chose when preparing their comparison. Vice-Chair Joyce could find no reason to move away from what the Planning Staff provided for footprint because it was the most consistent. Vice-Chair Joyce stated that personally he would feel more comfortable if the Planning Commission was looking at a plan that was down in the valley and off the hillside and was more compatible with HR1 in lot size and house size. He was not opposed to development but it has to be the right fit. His primary focus was on disturbance, cut and fill, very steep slopes, and the size and layout of the lots.

Mr. Erickson stated that it was more precise for the Staff to deal with building pad size, limits of disturbance and building height in calculating the house, as opposed to regulating the internal volumes of the house. He offered to look at building pad size and limits of disturbance to help regulate these issues in the future. Mr. Erickson asked if the Planning Commission wanted further analysis from the City Engineer on the intersection. He explained that engineering and traffic analyses work in ranges and bands. He clarified that what Mr. Cassel was trying to describe was that the density being proposed did not change the effective band of Level of Service A. That was the why Mr. Cassel said there is no fatal flaw. The intersection does not fail, but adding an additional 100 trips to the model may be significant. Mr. Erickson offered to work with the City Engineer to make sure his recommendations are clear to the Planning Commission, the public and the applicant. The Staff could also look at other mechanisms for regulating house sizes if this moves forward. If the Commissioners intend to forward a recommendation for denial the Staff would not spend the time on it.

Commissioner Worel stated that she would also like to hear from the Fire Chief. Mr. Erickson would make sure that the Staff gets an opinion from the Fire Chief.

Jerry Fiat asked to respond to some of the comments. He stated that they obtain two designs for the mine shaft. One was to fill it with soil and the other was to fill it and cap it. They were also given distances that they would have to setback. Mr. Fiat pointed out that it was not a matter of following the recommendation. They made a decision that the setback would be based on the engineer. In response to the question asked by Commissioner Band, Mr. Fiat stated that both the St. Regis and the Montage were built on top of mine shafts. One advantage of the Alice Lode is that they know exactly what mine shafts are there. There are mine shaft throughout town and he has built homes where they ran into mine shafts because no one knew they were there. Mr. Fiat remarked that the debate about filling it or capping it is a minor issue. If pulling out dirt and capping it with concrete is required they would do it, but he felt the issues was blown out of proportion.

Mr. Fiat referred to the statement by Commissioner Worel indicating that he had said that negotiations regarding the access were progressing. He clarified that it was actually Lee Gerstein who made that statement during a previous public hearing. Mr. Fiat stated that negotiations were still going on, but there is a difference of opinion as to what they were willing to pay for the easement.

Mr. Fiat addressed the comment about the City doing them a favor by letting them put the contaminated soil on Richardson Flat. He stated that very little soil from their property went to Richardson Flat. It was used exclusively for cleaning up the City property.

Mr. Fiat explained that the nine-lot plan started with a conversation he had with Ron Ivie about what they could put on the property and have a dead-end road. He pointed out that the discussions have always been about nine lots because they did not want to go through a major subdivision or MPD. In looking at options A, B and C that were previously presented by Staff and referenced by Vice-Chair Joyce, Mr. Fiat noted that at that time the Planning Director recommended that they look at more lots. Mr. Fiat stated that they were asked to do specific studies and those studies were done and presented. He clarified that he had not drafted the letter submitted on July 13th; however, he had approved all of the work that was done at the request of the Planning Department over the years. He felt like they were always being asked for something and then when they give it they are asked for something else. They have complied with all the requests with no guarantee that it would be approved. Mr. Fiat stated that he was reluctant to make any changes to the plans when there is no guarantee that the changes would lead to an approval. They have already spent a significant amount of money on the plans and the cleanup.

Mr. Fiat clarified that they did not terrace the wall to avoid the CUP. They actually lowered the road and lowered the lots which allowed them to reduce the size of the walls significantly. He noted that all the remaining walls are typical of all the construction in Old Town. Mr. Fiat agreed that the entry wall was very large and not typical.

Mr. Cahoon noted that Vice-Chair Joyce had quoted from the geo-tech letter of 2006, which said that the typical approach for filling the mine shaft was to fill it and cap it with cement. He pointed out that the follow up letter confirmed that it was filled and that the 10' setback would be appropriate. Mr. Cahoon remarked that because the original guide was "typical" did not mean that filling was "atypical".

Mr. Cahoon commented on compatibility and noted that the Code says compatibility with the neighborhood. It does not say compatibility with HR-1. He thought it was incorrect to say that they have to ignore the neighborhood below them because it is HRL. Instead, they have been asked to drop all the way down to Daly Avenue for compatibility. Mr. Cahoon had driven down Woodside Avenue where there are very large homes in the HR-1 district that were not mentioned. There are also massive buildings that were recently approved on the other side of the City in the HR-1 zone. He believed that was an important clarification on what the Code required.

Mr. Fiat referred to the comment about how they were selective in the houses they showed in their comparison. He explained that the houses selected were the adjoining houses to their property. Mr. Fiat stated that because the Staff report had calculated numbers for Sampson Avenue and because he was familiar with a number of houses on Sampson, he had provided a complete list of Sampson. He did not include anything he could not substantiate, which is why some of the properties were missing from the list. Mr. Fiat

stated that he could state as fact that 40 and 50 Sampson Avenue were 7,500 square foot lots. He recalled that 121 Sampson was a 6,000 square foot lot. Mr. Fiat emphasized that the list was not selective. It was meant to be complete.

Vice-Chair Joyce believed there was consensus among the Planning Commission to direct the Staff to prepare findings and conclusions for denial. Assistant City Attorney McLean clarified that the Planning Commission would be making a recommendation to the City Council. She suggested that it would be appropriate for them to provide input on the conditions of approval in the event that the City Council would not follow their recommendation and approve the application. Another alternative would be to submit their suggested changes to Planner Alexander and she could summarize them for the City Council.

Commissioner Band referred to Mr. Cahoon's comment about the Code referencing neighborhood compatibility and not zoning. She cited several places in the LMC that references zoning for new subdivisions.

Mr. Erickson stated that the Staff would focus on the subdivision characteristics; however, they would consider compatibility in a relative sense based on the comments from the Planning Commission.

Commissioner Worel felt her concerns had been adequately summarized and addressed in the direction to Staff.

Vice-Chair Joyce reiterated that his primary issues were compatibility of layout, moving off the steep slopes and down into the valley, and size more compatible with the HR-1 zone, which was more in the realm of 4,000 to 5,000 square foot lots and 1,500 to 2,000 square foot footprints.

Vice-Chair Joyce noted that the Staff had requested that the Planning Commission continue these items to allow Staff time to prepare the appropriate findings for a vote at the next meeting.

MOTION: Commissioner Worel moved to CONTINUE Alice Claim South of intersection of King Road and Ridge Avenue - Alice Claim Subdivision and plat amendment to August 12, 2015. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Worel moved to CONTINUE Alice Claim South of intersection of King Road and Ridge Avenue – Conditional Use Permit for retaining walls up to 10 feet in height to August 12, 2015. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

Commissioner Cahoon asked if the Planning Commission intended to direct Staff to prepare findings and conclusions for the CUP application. Mr. Erickson explained that the CUP for the retaining wall is tied to the subdivision approval. If the Commissioners forward a negative recommendation for the subdivision approval they could not approve the CUP.

Assistant City Attorney McLean stated that she would advise the Staff on whether it was better to prepare findings for the CUP now or continue it to a date uncertain pending the City Council decision on the subdivision. She could discuss the options with Mr. Cahoon.

Mr. Cahoon asked if a decision was made not to provide conditions of approval in the event the City Council overturns the negative recommendation. Vice-Chair Joyce stated that the Planning Commission had provided guidance to the Staff and they would have the opportunity to review it prior to the next meeting. He personally intended to submit detailed comments from the June meeting to be incorporated.

Mr. Cahoon stated that the applicant has spent a lot of time with the Planning Commission and they were obviously going before the City Council. If an issue arises and the Council sends them back to the Planning Commission, he thought it would be prudent to address the conditions as part of the recommendation. If the City Council had all the information and input from both sides, it could possibly avoid having to come back to the Planning Commission. Mr. Cahoon recommended that the Planning Commission forward that input with their recommendation.

Planner Alexander believed the Planning Commission had already stated what they would like to see changed before they could even consider an approval. She could base the conditions of approval on those comments.

Mr. Cahoon responded to the discussion about the length of time their application has been pending. He noted that the cleanup was conducted in the middle of the Great Recession of 2008. The real estate recovery was very slow and that was a big factor in the timing and the lapse between the time of the cleanup and when they came back to the Planning Department to move forward. Mr. Cahoon thought that was an important consideration in terms of economic history.

The Park City Planning Commission Meeting adjourned at 9:15 p.m.

Approved by Planning Commission: _____

EXHIBIT D

From: [Steve Joyce](#)
To: [Christy Alexander](#)
Subject: Notes about Alice Claim
Date: Thursday, August 06, 2015 2:42:36 PM

A few little notes, some of which may be irrelevant since we are voting “no”. Then down below I included my notes to their July letter. That may be irrelevant but I thought you might find something useful there.

- They continue to talk about a conservation easement being given to a 3rd party. That should not be a part of any plan. The land should be marked on the plat so that it can’t be developed, but we shouldn’t care whether a 3rd party decides to take the easement or not.
- I have never agreed with the 25’ height limitation being an acceptable limitation to compensate for house size. I believe that everyone else would agree.
- The 100% disturbance areas will result in the bulk of the hillside being disturbed for roads, retaining walls, houses and driveways. Completely counter to our “limit disturbance”.
- I believe that ALL of their existing plots (not the metes and bounds) are under the streets and are not developable.
- There is a finding of fact that says “The property can only be accessed through the platted king Ave right of way as the owner CANNOT secure legal access...” I have issues with the word CANNOT and would like it changed to HAS NOT secured. My point is that if they simply aren’t willing to pay the requested price for an easement, that is a choice they made, versus a true inability.

Steve Joyce
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<http://sjoyce.blogspot.com/>
Mobile: 919-539-4401
Home: 435-608-1376

July Response to Their letter

1. Page 211 - They “spent ten years presenting nine lot plans with no objection.”
 - a. Page 231 include a 2008 letter from Joe Tesch to the Park City Attorney going to great lengths defending 9 lots
 - b. At the April 8 planning commission meeting I asked “where did 9 lots come from?” Other than someone’s joke about it being one less than an MPD, the answer was that 9 was always what the applicant had proposed.
 - c. The problem is not with 9 lots. It is with 9 lots, in HR1, spread out on very steep slopes, on 7700 sq foot lots, with 100% limits of disturbance, with 2500 sq foot footprints, and substantial retaining walls.
2. Page 211 – “we were asked to make several specific changes to the nine lot plan”. While I appreciate the dramatic changes the applicant made to lot 7, that was simply the most egregious of the problems. By no means did we hold that out as the only Lot or issue that needed to be fixed.
 - a. Oct 8 doc, page 21 – From the August 27, 2008 planning commission meeting:

- “During that meeting, the Planning Commissioners expressed their satisfaction with the quality and results of the cleanup. At the same time, the commissioners expressed concerns that the future home sites were being cleaned up prior to final approval of King Development’s development plan. They also insisted that all proposed development should be close to the access road along the bottom of the valley.
- b. Oct 8 doc, page 25 – From the Jan 28, 2009 work session – During that meeting, the Commissioners suggested that all proposed home lots should be along the access road along the valley bottom.
 - c. Oct 8 doc, page 26 – March 11, 2009 work session – The Planning Commission informed King Development that they prefer the home lots along the access road in a more historic pattern. Thereafter, the planning department staff prepared three options for King Development’s review that included small home lots along the access road.
3. Page 212, top, rezoning. That comment was a response to the applicant’s comments that they should have been HR-L, not HR-1.
 - a. In March 11, 2009 work session, Mr. Brown explained a “Plan C” that would require rezoning the property to HR-L. Plan C showed 10 lots that meet the minimum criteria for HR-L. The units were moved down the slope and on to the bottom of the valley at the edge of the remediation area. (Oct 8 package, page 136).
 - b. In the same meeting, Joe Tesch Read from the HRL purpose statement and stated, “he believed the development was more in spirit with the HRL zone.”
 4. Page 212 - Appears commission is trying to apply steep slope to structures, not lots. Correct, but LMC 15-7.1-6.(C) and 15-7.3-1 both require us to consider topology and slopes along with lot size and placement.
 5. Page 212, bottom – feel and look are improper. Poor choice of wording, but we are referring to clustering, mass and scale, compared to surrounding homes in the zone. We can get to the details later, but I stand by the analysis done by the planning department staff.
 6. Page 213 – Density. “Should remain open space” is wrong. The applicant has the right to develop the land. The existing lots under the platted roadways aren’t interesting in the calculation. The maximum density for HR-1 is exactly that, a mathematical maximum. You’ll notice that would ignore things like entry ways, roads, and such. The question is what will this land, with it’s features, support.
 7. Page 213, home size – “So, it was disappointing that the Commissioners were unwilling to honor their agreement just one meeting later.” That was a staff recommendation. At no point did the commission make an agreement, even with any form of informal straw poll.
 8. Page 213, bottom - The Planning Department concurs with...” Please remember that every Planning Commission document starts with “The staff report reflects the professional recommendation of the Planning Department. The Planning Commission, as an independent body, may consider the recommendation but should make its decisions independently”
 9. Page 214, bottom – Therefore it did not matter where we put the houses, the commission just was not going to give us a positive recommendation”. The applicant still has a plan that will develop a large section of the hillside with retaining walls, roads and houses. They have proposed the limits of disturbance to match the lot lines. Yes, they have moved the houses some, but have never approached what was suggested as early as 2008. We have not voted at any time, and won’t make that vote based solely on one parameter, such as lot location.
 10. Page 215 – Good cause – The environmental cleanup that was done for both the applicant’s property and the city’s adjacent piece was a necessary task and was very positive. There seems to be considerable disagreement between the applicant and members of the city

staff about the nature of the agreement. It appears that cleaning up the city's property was key to having the city get agreement to use Richardson Flats.

11. 217, bottom, open space – Property was characterized as public open space. This is quite wrong. The land clearly belongs to the applicant
12. 218, Walls – 30, 40, and 50 feet. Our discussion was focused on the HR-1 district, not all of Park City.
13. 218 – Walls – to eliminate the need for any CUP approval. Completely true, but this does not eliminate our responsibility for assessing disturbance, cut and fill in both HR-1 and the estate-SLO zone.
14. 218 – Walls – the 30 foot wall is right at the entrance and is very visible. It is also right at a fairly dangerous set of intersections on substandard roads. It is in HR-1. We have heard that the city engineer and fire chief still have concerns. The city engineer explained that having utility lines close to retaining walls has a substantial effect, and the utility plan is not complete.
15. Page 218 – bottom,
 - a. One concern/confusion about the mine was your Geotech report, page 384 of the 6/10 meeting package, says "Typically mines are closed by backfilling and capped with concrete." This one isn't.
 - b. The City Engineer and Fire Chief continue to express concerns with the site and emergency access, road safety and lack of final utility engineering design, SBWRD continues to express concern with lack of sewer lateral design, and the Water Department continues to express concern with the low water pressures available even if the Applicant can demonstrate that it meets the minimum requirements
16. Page 220 – SLO, as explained by staff, the map the applicant is referring to is not signed and states on the map that the information may not be up to date. The lot is subject to SLO zoning.
17. Page 220 – July 8 staff report. The setbacks were definitely wrong in the June 10 package
18. Page 220 – Estoppel, there seems to be considerable disagreement about who did what regarding the environmental cleanup. Ron Ivie has testified that he repeatedly made clear that the building department had no approval rights for a subdivision and that he could not short cut the standard process. It appears the applicant assumed a risk by performing a cleanup before having anything approved by the planning commission or the city council. The obvious reward was that by cooperating with the city on the cleanup, they could use Richardson Flats.
19. Page 223 – "the commission appears to have been swayed by public clamor." Actually, the issues of compatibility of scale and massing, as well as a serious concern about the amount of cut, fill and vegetative disturbance consistently go back through multiple planning commissions. We are simply applying the LMC.

EXHIBIT E

(June 10th COA as amended)

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. If the plat is not recorded within this time period, it shall be null and void and any resubmittal shall be a new application which is subject to all review requirements, zoning restrictions and subdivision regulations at the time of the submittal.
3. Recordation of this plat and completion and approval of final Historic District Design Review (HDDR) and Steep Slope CUP, if required, applications are required prior to building permit issuance for any construction of buildings ~~or retaining walls~~ within this subdivision. Completion and approval of final HDDR applications are required prior to building permit issuance for any construction of retaining walls.
4. The architectural detail, height, building materials, and other design features of the development of the Estate Lot must show compatibility with adjacent properties when reviewed under the HDDR application process and will need to be part of the CC&Rs for the HOA. The applicant must adopt appropriate mitigation measures such as landscaping, screening, illumination standards, and other design features to buffer the adjacent properties from the developable land of the Estate Lot when reviewed under the HDDR application process and will need to be part of the CC&Rs for the HOA.
5. 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.
6. Snow storage of roads and private drives must be addressed and approved by the City Engineer throughout the development prior to plat recordation. Snow storage sites cannot discharge immediately into the stream.
7. Sewer lateral design and service will need to meet Snyderville Basin's requirements and receive written approval by SBWRD before the proposed plat can be signed by SBWRD. If the sewer lateral design requires a substantial change, as determined by the Planning Director, to the layout of this subdivision plat, this approval shall be null and void and a an application to amend the Ordinance and plat shall need to be submitted and be reviewed and go through the entire process including internal review, planning commission and city council review.
8. The submitted water model will need to be revised with the submitted updates to the layout and receive written approval from the Water, Building, Engineering and Fire Departments in order for the subdivision to meet water requirements prior to plat recordation. If the water system requires a substantial change, as determined by the Planning Director, to the layout of this subdivision plat, this approval shall be null and void and an application to amend the Ordinance and plat shall need to be submitted

and be reviewed and go through the entire process including internal review, planning commission and city council review.

9. There shall not be any further subdivision of any additional lots in this subdivision. A plat note shall reflect this condition.
10. All state requirements must be met, state permits must be obtained and the culvert must be fully installed prior to plat recordation and owned and maintained by the HOA.
11. This development is located upstream of the FEMA Flood Plain Studies. Lots 1, 5, 6, 8, and 9 at a minimum appear to be in the streams flood plain. A study shall be completed extending the FEMA Flood Plains through this development prior to plat recordation. Any lots located in a FEMA Zone A will require an Elevation Certificate showing the lowest occupied floor is at or above base flood elevation prior to building permit approval.
12. A Stream Alteration Permit from the State will be required for the culvert along with the Flood Plain Study to identify the culverts upstream and downstream impacts prior to plat recordation. The Stream Alteration Permit and Flood Plain Study must be completed and approved prior to Planning and Engineering approval.
13. The culvert inlet shall be at least 50' away from any structure on Lot 1 and the culvert shall be owned and maintained by the HOA.
14. A Debris Flow Study must be completed prior to plat recordation for the stream to determine if a debris basin is required.
15. All homes within ~~this the HR-1 District in this~~ subdivision shall be limited to the LMC required footprint maximums or 2,500~~1,466~~ sf, whichever is lower and building pads shall be as shown ~~on the plat in Exhibit A. The home on the Estate lot shall be limited to 2,500 sf maximum.~~
16. Limits of disturbance ~~as shown on Exhibit A shall be clarified on the plat prior to plat recordation to be able to quantify the square footage upon which shall remain in place and no changes shall be made~~shall be shown within the lot lines on the plat. All other property shall be restricted as open space and/or protected by 3rd party conservation easement.
17. All homes within the HR-1 District in this subdivision shall be limited to a building height maximum of 25 feet from existing grade, two stories, and an interior height maximum of 30 feet from lowest finished floor plane to top wall plate, and all other building height exceptions found within the LMC continue to apply.
18. The maximum total floor area of all homes within the HR-1 District in this subdivision shall be limited to 5,000~~4,356~~ sf, including basement and garages.
19. The utility plan will need to be revised to 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 prior to plat recordation.
20. Any roads over 10% grade will not be eligible to be converted to public ROWs in the future.
21. Drives must provide 20 feet wide of clear space to meet Fire Code. If parking impacts this 20 feet wide clear space, it will not be allowed and shall be signed No Parking.
22. Roads less than 26 feet wide shall be marked NO Parking on both sides of the road.

23. The Applicant will need to receive City Council's approval to give them an access over the City's property for Alice Court and where they may cross water lines, storm drainage, sewer, etc. This will need to occur prior to plat recordation.
24. Applicant must still provide recommendations to the City Engineer for which scenario most satisfies turning movements and minimizes conflicts and implement the recommendations prior to plat recordation.
25. The Applicant will need to receive, from the Utah Department of Environmental Quality ("UDEQ") under the UDEQ Voluntary Cleanup Program, a final Certificate of Completion for remediated soils within the Applicant's property prior to building permit approval.
26. If a Site Management Plan is required for the UDEQ Certificate of Completion for Alice Claim, the UDEQ approved Site Management Plan must be submitted to the Building Department prior to building permit approval.
27. The applicant will need to receive CUP approval for the proposed retaining walls over 6' prior to plat recordation.
28. The applicant shall obtain an easement for use of city property for Alice Court drive prior to plat recordation.
29. Public trails are shown on Exhibit A with a 15' public recreational trail easement.
30. Any structures built near the existing mine shaft shall be setback at least 10' if the shaft is filled up to the ground surface with soil and/or gravel and 40' setback if the shaft is not filled. The mine shaft shall be shown on the plat and the setback noted.
31. If the site plan is substantially altered, as determined by the Planning Director, due to any utility redesign or retaining wall redesign or other unforeseen issues, this approval shall be null and void and an application to amend the Ordinance and plat shall need to be submitted and be reviewed and go through the entire process including internal review, planning commission and city council review.
32. All Site and Public Improvements shall be completed prior to plat recordation or if the Applicant submits a finalized and engineered design the Applicant may petition the Planning Commission to allow the Applicant to submit an adequate financial Guarantee for all Site and Public Improvements prior to the expiration of the plat approval. Building permits for grading and retaining walls will be permitted prior to the plat recordation so long as a bond for site restoration/re-vegetation is put in place when the building permits are pulled.
33. City utility maintenance access is required across the drives for Lots A & C.
34. Individual water booster or fire sprinkler system pumps to increase water pressure will not be allowed.
35. Individual geotechnical reports will be required for each lot prior to issuance of a building permit.
36. All mature trees that will be lost due to the subdivision, retaining walls, addition of drives and building pads, shall be approved by the Planning Department and be replaced in kind or with three smaller trees as close to the original location as possible within 1 year of tree removal.

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:

Marci Heil, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Planning Commission Staff Report

Subject: Alice Claim - Conditional Use Permit for Retaining Walls up to 10' in Height
Project #: PL-15-02669
Author: Christy Alexander, AICP, Planner II
Date: August 12, 2015
Type of Item: Administrative – Conditional Use Permit

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the proposed CUP for 3 retaining walls up to 10' in height associated with the proposed Alice Claim Subdivision and Plat Amendment, and consider taking a vote based on the proceedings of the June 10, 2015 and July 22, 2015 meetings and deny the Conditional Use Permit based on the findings of fact and conclusions of law.

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: King Development Group, LLC ("Applicant" or "King Development")
Location: Alice Claim south of intersection of King Road, Ridge Avenue, Woodside Gulch and Sampson Avenue
Zoning: Historic Residential (HR-1) and Estate (E) Districts with Sensitive Lands Overlay (SLO)
Adjacent Land Uses: Open Space and Residential (developed and undeveloped)
Reason for Review: Conditional Use Permits require Planning Commission review and approval

Proposal

The Applicant is requesting approval of a Conditional Use Permit (CUP) for retaining walls up to 10' in height to stabilize cut and fill slopes for drives and house construction. The walls are proposed to be real blonde sandstone veneer. The wall at the entry of the proposed Alice Claim Subdivision will be the most visible to surrounding neighborhoods and are proposed to be screened with landscaping that is proposed to soften the visual impacts of the stone walls.

Background

Please reference prior staff reports for the history of this application, most recently being:

- October 8, 2014 Planning Commission Work Session
- April 8, 2015 Planning Commission Meeting
- June 10, 2015 Planning Commission Meeting
- July 8, 2015 Planning Commission Meeting
- July 22, 2015 Planning Commission Meeting

Please reference the August 12, 2105 Subdivision and Plat Amendment staff report for more detailed comments from the Planning Commission at the July 22, 2015 meeting. This CUP is being heard contemporaneously with that application.

Based on the discussions of the June 10, 2015 and July 22, 2015 meetings, staff has thus prepared findings for denial and as such, staff recommends that the Commission take a vote based on the proceedings of the June 10, 2015 and July 22, 2105 meetings to deny the Conditional Use Permit.

Analysis

The LMC 15-1-10. Conditional Use Review Process sets the following standards for review of Conditional Use Permits:

There are certain Uses that, because of the unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent land Uses, may not be Compatible in Some Areas or may be Compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

If 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, the Conditional Use may be denied. A Conditional Use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed Use in accordance with applicable standards.

(D) Standards for Review. The City shall not issue a Conditional Use permit unless the Planning Commission concludes that:

(1) the Application complies with all requirements of this LMC; **does not comply; there is no recorded plat for this subdivision and the proposal does not adequately mitigate all aspects of the CUP in regards to restrictions due to character of land, steep slopes, mine hazards, safety, health and welfare of the community.**

(2) the Use will be Compatible with surrounding Structures in Use, scale, mass and circulations; **does not comply with the Historic District Design Guidelines as to mass and scale, and compatibility with surrounding neighborhood. See also Design Guidelines for New Construction in Historic Districts A.4 Site Grading & Steep Slope Issues and B.1 Mass, Scale and Height.**

(3) the Use is consistent with the Park City General Plan adopted March 20, 1997, as amended; and; **does not comply with the General Plan in maintaining compatibility with surrounding historic districts. Specifically pg. 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 3 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. Page 34 Environmental and Open Space Policies also state “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.

(4) the effects of any differences in Use or scale have been mitigated through careful planning.; **does not comply- no engineered drawings have been submitted to show that adequate mitigation can be achieved and does not comply with use, material, scale, mass, circulation and mitigation with the slope of the landscape.**

Staff finds that the application **does not comply** with the four standards above (See paragraphs (1), (3), (7), (8), and (11) below for detailed facts relating to these 4 items) and how the Applicant has not adequately mitigated the negative impacts as detailed below:

The LMC 15-1-10. (E) Review. sets forth the review process as follows: The Planning Department and/or Planning Commission must review each of the following items when considering whether or not the proposed Conditional Use mitigates impacts of and addresses the following items:

- (1) **Size and location of the Site;**
- (2) Traffic considerations including capacity of the existing Streets in the Area; n/a
- (3) **Utility capacity, including Storm Water run-off;**
- (4) Emergency vehicle Access; n/a
- (5) Location and amount of off-street parking; n/a
- (6) Internal vehicular and pedestrian circulation system; n/a
- (7) **Fencing, screening, and landscaping to separate the Use from adjoining Uses;**

- (8) **Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots;**
- (9) Usable open space; n/a
- (10) Signs and lighting; n/a
- (11) **Physical design and compatibility with surrounding structures in mass, scale, style, design and architectural detailing;**
- (12) Noise, vibration, odors, steam, or other mechanical factors that might affect people and Property off-site; n/a
- (13) Control of delivery and service vehicles, loading and unloading zones, and screening of trash and recycling pickup Areas; n/a
- (14) Expected ownership and management of the project as primary residences, condominiums, time interval ownership, nightly rental, or commercial tenancies, how the form of ownership affects taxing entities, n/a
- (15) **Within and adjoining the Site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste and Park City Soils Ordinance, Steep Slopes and appropriateness of the proposed Structure to the existing topography of the Site.**

Staff finds that the proposed application does not properly mitigate the impacts of:

(1) **Size and location of the Site;** the applicant is applying for three 10' walls located at the entrance to the subdivision and visible from the ROW due to the access they are proposing. The walls will be the first thing seen as people enter the subdivision. Should the applicant work through the access issues with the adjacent neighbor, less retaining would be needed and that could be a significant factor to mitigating the visual impact of large massing on the hillside to the community. If the applicant were to shorten the height of the walls and further terrace the walls, the visual impact would be the same; however the 30 linear feet of the overall visual image of the retaining would actually be higher. This CUP would remove an inordinate amount of significant vegetation including at least 4 significant deciduous trees as well as excavate the entire hillside. The location of this subdivision consists of steep and very steep slopes and currently has significant vegetation consisting of stands of oak, maple and aspen trees in addition to areas of smaller shrubs and grasses. There is currently a negative recommendation by Staff for the subdivision that will be voted on by the Planning Commission on August 12, 2015 and forwarded to the City Council for final decision. If the subdivision is not approved, there is no need for the CUP.

Engineering, Building, Water and Sewer Departments have concerns that the drive width available to install utilities might be too narrow to fit all the utilities in correctly (using the standard spacing requirements between utilities) as well as the weight of the retaining walls could impact the adjacent roads, thus impacting the utility lines. No engineering of the walls or final utility plans have been completed to date to mitigate these concerns. The walls also raise issues with snow storage as the Applicant has not shown how snow will be plowed and

stored from these drives. Any snow falling off such high walls creates a health and safety hazard. The walls were also not incorporated into the cross-valley visual analysis that the Applicant provided for the subdivision to demonstrate the visual impact.

(3) Utility capacity, including Storm Water run-off The impacts of the Utility capacity within the roads adjacent to the proposed walls have not been mitigated 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. No final engineered plans have been submitted by the Applicant to show footings and foundation and the proximity to the utilities. The utilities need to be far enough away from the walls to be adequately maintained and serviceable and the walls need to be far enough away and adequately engineered to not be too heavy on the drives which could result in potential collapse of the utilities.

(7) Fencing, screening, and landscaping to separate the Use from adjoining Uses The three 10' walls create a negative visual impact upon the historic district and surrounding neighborhoods. This has not been properly mitigated as Staff can't determine whether there is enough room to properly plant vegetation to adequately screen the walls. This can only be determined once the final engineered plans are submitted and show that the footings and foundations do not negatively impact the planting space available where the walls terrace and the plans would need to show adequate space to plant and sustain significant vegetation including trees that are 10' tall.

(8) Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots; The impacts of the walls' building mass, bulk and orientation have not been adequately mitigated as the walls are each 10' in height which is considered massive and a 30 foot linear height visual of the walls would be higher than the proposed 25 foot height of the homes. The walls' mass and non-organic orientation within the Historic District are approximately twice 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. The walls are straight and lengthy and do not contour with the land.

(11) Physical design and compatibility with surrounding structures in mass, scale, style, design and architectural detailing Physical design and compatibility with surrounding structures as the walls are not compatible in size. This creates a negative visual impact upon the historic district and surrounding neighborhoods. This can't be properly mitigated unless the heights of the walls are half the size proposed, which would negate the need for a CUP; Also, none of the proposed walls have shown an exact width of the wall except the longest wall proposed is approximately 196' long, and therefore staff cannot analyze the

amount of excavation needed to adequately retain the project. The plans submitted also don't show any slope which would be required for footings and foundation and could significantly impact the amount of excavation required.

(15) Within and adjoining the Site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste and Park City Soils Ordinance, Steep Slopes and appropriateness of the proposed Structure to the existing topography of the Site The impacts of the retaining walls on the 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 as the slopes are steep and very steep and contain portions of soils still needing remediation from the historic Alice Claim site. The applicant has not received a Certificate of Completion for the VCP from UDEQ and Steep Slope CUPs for the adjacent homes to ensure the walls are stepping to the contours of the land and will not negatively impact any future homes in that area. No geotechnical reports have been submitted for the retaining wall locations and the massive amount of cut and fill required for the retaining walls will displace significant vegetation. Also no structure may be built within 10 feet of the mine shaft on the property. The applicant is currently not proposing the walls within 10 feet of the mineshaft.

Other large retaining walls within or nearby the historic districts can be found along Hillside Dr., around the north side of City Hall and near the Echo Spur subdivision but do not compare in size to the proposed height of the Alice Claim retaining walls and none of these walls were for private development. They were completed for Public ROW improvements. Those walls were mitigated through multiple terracing, adequate landscaping or homes that completely hide the height of the walls. Any of the proposed walls at the entrance to the Alice Claim Subdivision will be visible from the ROW and visible from the streets outside of the subdivision. Staff finds that the walls as proposed at ten feet are twice in excess to those four to six feet heights typically found within the residential historic districts, there is some but not adequate mitigation to the adverse visual impacts upon the adjacent and neighboring community. The landscape screen of Aspen trees and columnar evergreens as proposed will not appropriately screen the heights of the walls.

In addition to the 3 walls proposed for this CUP, the Applicant is proposing 11 other walls which do not require a CUP. An example of these 6' terraced walls have been shown in Exhibit A. It is important to note that although the individual walls may only be 6' each, the visual impact of 5 walls that terrace creates the visual image of a broken up 30' wall. The applicant is proposing 6' walls in 4 different locations. Near Lots 7 and 6 there are four 6' walls proposed (total 24'), near Lot 2 there are two 6' walls proposed (12'), near Lot 3 there are three 6' walls proposed (18'), and near Lot 4 there are two 6' walls proposed (12'), all of blonde sandstone veneer. Each wall will need to be setback

4' horizontally from each other to provide the proper planting strip and terracing requirements as found in the LMC. The amount of excavation, cut, and fill to the steep slopes and disturbance to the significant vegetation has not been shown to be adequately mitigated as no final engineered plans have been submitted for those walls as well as the three 10' walls which will reflect the amount of excavation which will be required. Also, not all of the walls have shown their exact width, just that the longest wall may be approximately 196' long, therefore staff cannot analyze the amount of excavation needed to adequately retain the project.

Any approval or denial of the CUP should be concurrent with recommending approval or denial of the proposed subdivision and plat amendment, meaning one cannot be approved or denied without the Planning Commission finding the other acceptable for approval or denial. The reason being that if the CUP is not approved or needs modification then it may change the site plan of the subdivision layout regarding house or road placements. The subdivision will not be approved until City Council review. No building permit can be issued until the subdivision plat is recorded.

Department Review

This project has gone through an interdepartmental review. Staff took the CUP application before the Development Review Committee on February 10, 2015, March 24, 2015, and May 12, 2015. Issues were brought up at that time by Snyderville Basin Water Reclamation District, Water Department, City Engineer, Building Official, and the Planning Department. A final utility plan has not been submitted, including storm water plan, sewer, water, dry utilities, and would be required to be reviewed by each respective utility to mitigate their concerns with how the utilities within the roadways will be impacted with the location and weight of the retaining walls. Final engineering of the retaining walls would be required to show how the walls will impact the excavation of the site and cut and fill as well as show how much vegetation can be planted in between the wall terracing to mitigate the visual impacts. Snow shedding and storage would need to be addressed as well as the width of the roads adjacent to the retaining walls.

A final Historic District Design Review (HDDR) is required for each wall in the historic district prior to issuance of a building permit. The landscape plan shall also be reviewed with the HDDR.

Notice

The property was posted on February 11, 2015 and notice was mailed to property owners within 300 feet in accordance with requirements of the LMC on February 11, 2015. Legal notice was also published in the Park Record on February 6, 2015 and on the public notice website in accordance with the requirements of the LMC on February 9, 2015. The property has been posted to notice the continuations to this date.

Public Input

Public comment was taken during the various past meetings held to discuss the project. The various Planning Commission meeting minutes will reflect that public input. Any

public comment received prior to the meeting will be forwarded to the Planning Commission.

Process

The Planning Commission takes final action on Conditional Use permit applications. Approval or denial of a conditional use permit may be appealed to the City Council according to LMC Section 1-18. Prior to building permit issuance, approval of a Historic District Design Review application is required and any conditions of approval of the CUP, if approval is granted, must be met.

Alternatives

- The Planning Commission may deny the Conditional Use Permit based upon the finding of fact and conclusions of law, or
- The Planning Commission may approve the Conditional Use Permit as conditioned in the June 10, 2015 staff report or amended, or
- The Planning Commission may continue the discussion on the Conditional Use Permit 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 immediate significant fiscal impacts to the City from this application. If construction on the site were permitted, it will require a detailed Construction Mitigation Plan (CMP) to protect existing development located near the proposed subdivision. Site stabilization might also be an important consideration depending upon the amounts of vegetation proposed to be removed as a result of the proposed development. A draft geotechnical report has been previously submitted and reviewed for overall site but not for 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. Many of the retaining walls will be visible from Old Town and be two times as high as any other residential retaining walls within the Historic District as proposed. If the walls are further tiered, some of the mature trees will be impacted. Utility services have expressed detrimental impacts to the roads and underground utilities contained therein with the weight that such high walls impact the roads if not tied back properly. Any footings for tie backs may impede in adequate vegetation in the setback and tiering of the walls. The walls may not be on top of any utility lines so that the lines may be properly maintained. The walls may also raise issues with snow storage and were not incorporated into the cross-valley visual analysis that the Applicant provided for the subdivision.

Recommendation

Staff recommends the Planning Commission hold a public hearing for the proposed CUP for 3 retaining walls up to 10' in height associated with the proposed Alice Claim Subdivision and Plat Amendment, and consider taking a vote based on the proceedings of the June 10, 2015 and July 22, 2015 meetings and deny the Conditional Use Permit based on the findings of fact and conclusions of law.

Exhibits

Exhibit A – The proposed Alice Claim site plan and submittals dated May 18, 2015

Exhibit B – Minutes from the July 22, 2015 Planning Commission meeting

Findings of Fact

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

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.

EXHIBIT A

LEGEND

- LOT BOUNDARY
- LIMIT OF DISTURBANCE/ BUILDING ENVELOPE (ESTATE LOT ONLY)
- BUILDING FOOTPRINT
- PROPOSED CONTOUR
- PROPOSED RETAINING WALL (INCLUDED IN C.U.P. APPLICATION)
- LANDSCAPE RETAINING WALL (DO NOT REQUIRE C.U.P)
- TRAIL EASEMENT

LOT TABLE

ZONE	LOT NO	TOTAL (SF)	TOTAL (ACRE)	ALLOWABLE BUILDING FOOTPRINT(SF)	BUILDING FOOTPRINT (SF)	ZONE ACREAGE	TOTAL UNDISTURBED AREA(ACRE)	% UNDISTURBED
ESTATE	1	131080	3.01	N/A	2500	5.18	4.93	95.1%
	2	7714	0.18	2500	2500			
HR-1	3	7714	0.18	2500	2500			
	4	7714	0.18	2500	2500			
	5	7714	0.18	2500	2500			
	6	7738	0.18	2505	2500			
	7	7910	0.18	2536	2500			
	8	7714	0.18	2500	2500			
	9	7714	0.18	2500	2500	3.47	1.93	55.6%

OPEN SPACE PARCEL

PARCEL NO	AREA (SF)	AREA (ACRE)
A	25810	0.59
B	18926	0.43
C	2876	0.07
D	1716	0.04
E	44458	1.02
F	173	0.004
G	71841	1.65

SUBDIVISION

- 8 LOTS IN HR-1 ZONE DISTRICT
 - MAXIMUM 0.18 ACRE LOTS
 - MAXIMUM 2500 SF FOOTPRINT
- DEFINED DISTURBANCE ENVELOPES
- 1 LOT IN ESTATE ZONE DISTRICT
 - DEVELOPED PER L.M.C.
- EVERGREEN TREES ARE PRESERVED AND SCREEN VIEWS OF HOME SITES

PLAT AMENDMENT

- 0.38 ACRE HRL ZONE
- LOTS DEDICATED TO CITY

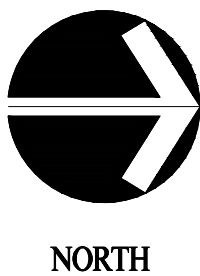
NOTE:

- LOTS #123 AND 129 OF ADJACENT RIDGE AVENUE SUBDIVISION ARE OWNED BY KING DEVELOPMENT GROUP, LLC
- ROADS LESS THAN 26' WIDE SHALL BE MARKED NO PARKING ON BOTH SIDES OF THE ROAD

ALICE CLAIM

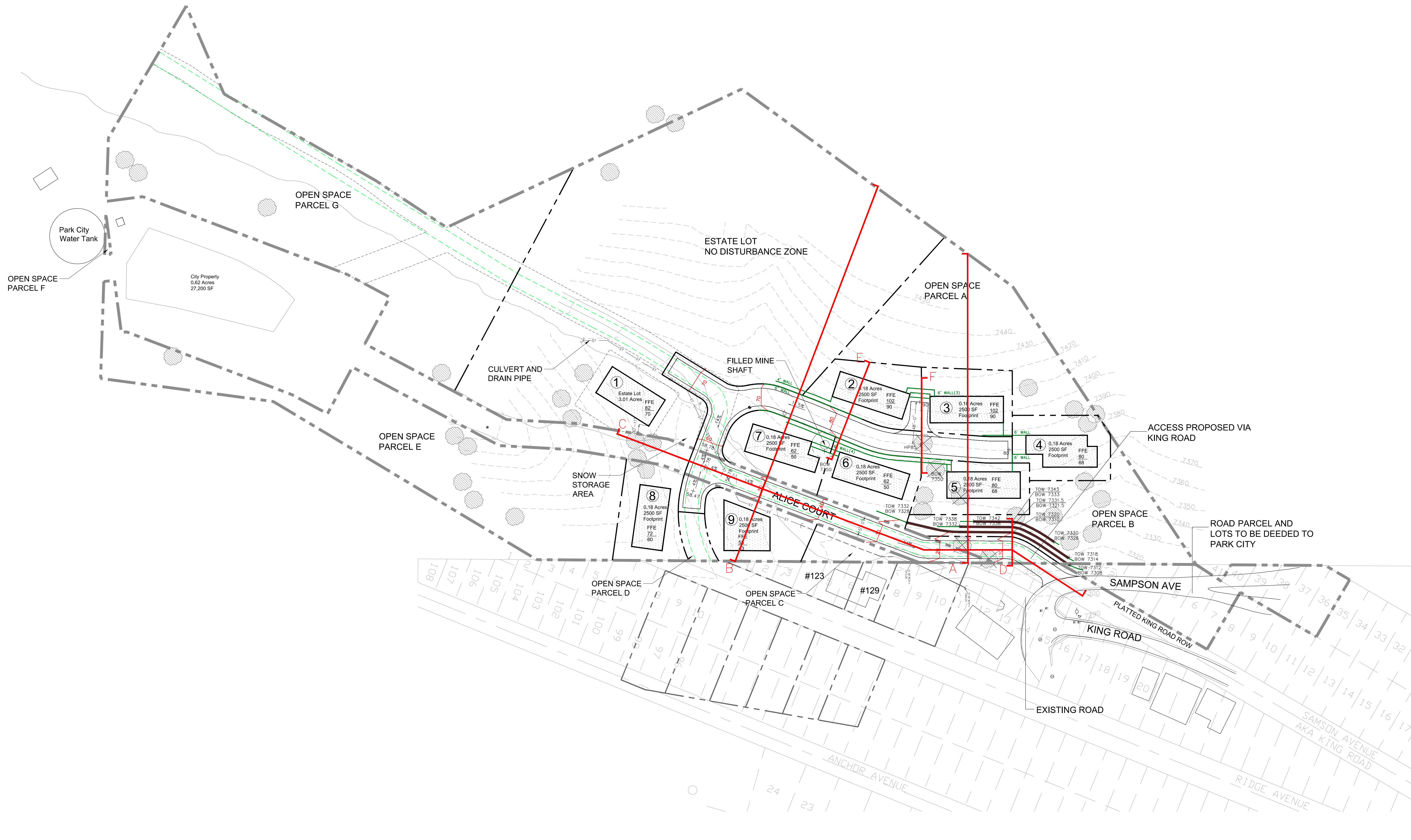
SITE PLAN

KING DEVELOPMENT GROUP, LLC
P.O. BOX 244
PARK CITY, UTAH 84060



0 10 50 100
5 30
SCALE: 1"=50'-0"
DATE: MAY 18 2015

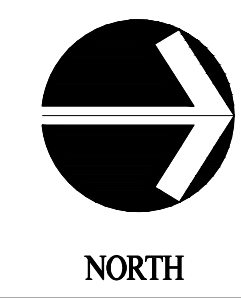




ALICE CLAIM

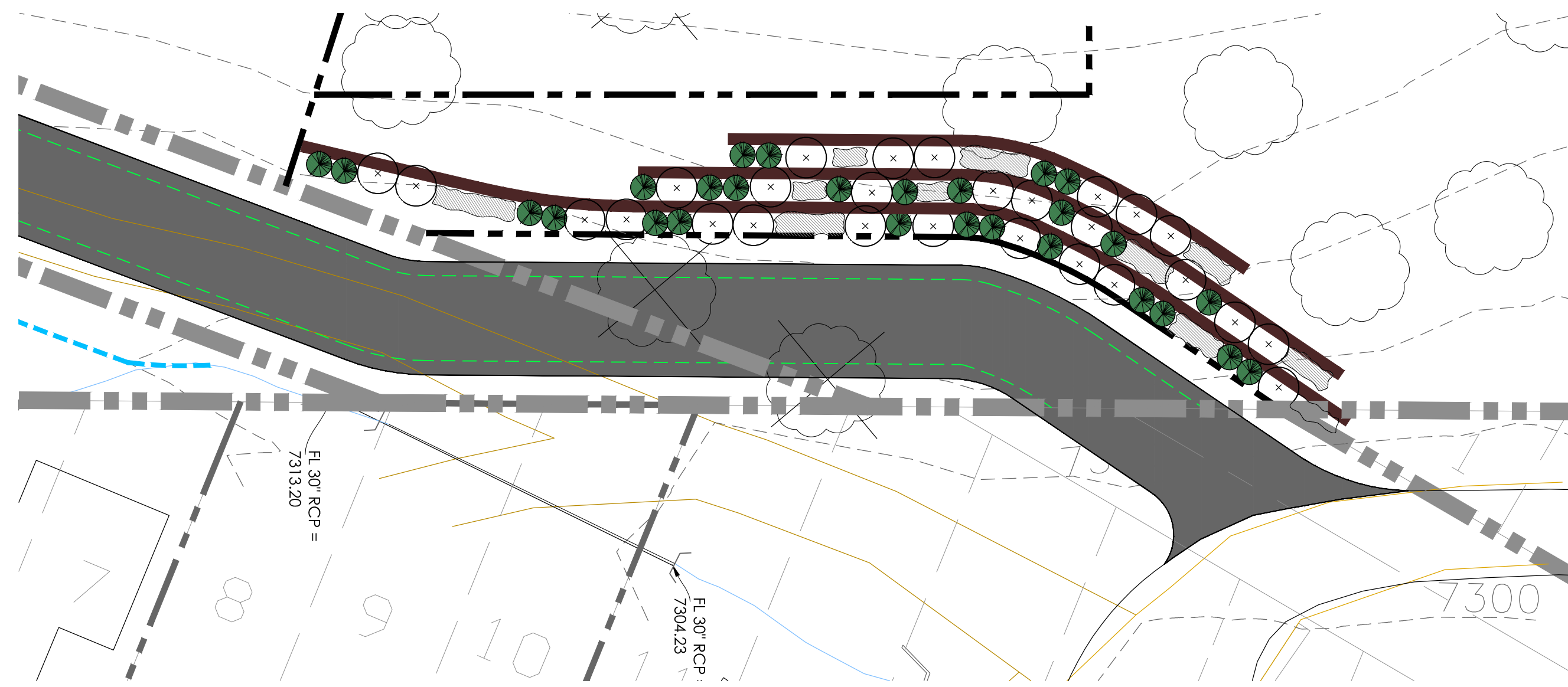
SITE SECTIONS KEY MAP

KING DEVELOPMENT GROUP, LLC
P.O. BOX 244
PARK CITY, UTAH 84060



0 10 50 100
5 30
SCALE: 1"=50'-0"
DATE: MAY 4 2015



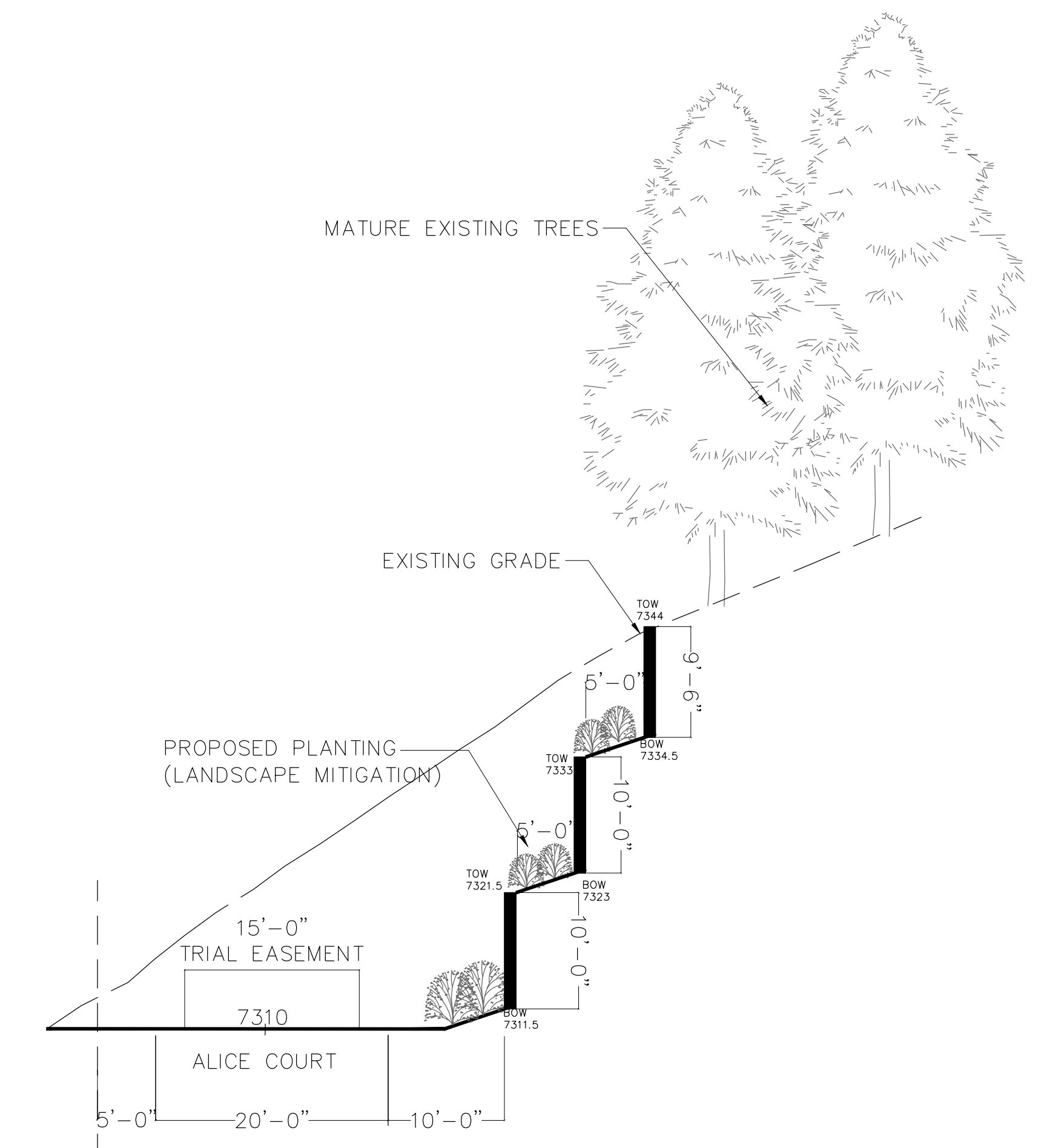


ENTRY WALL LANDSCAPE MITIGATION PLAN

SCALE: 1"=30'

LEGEND

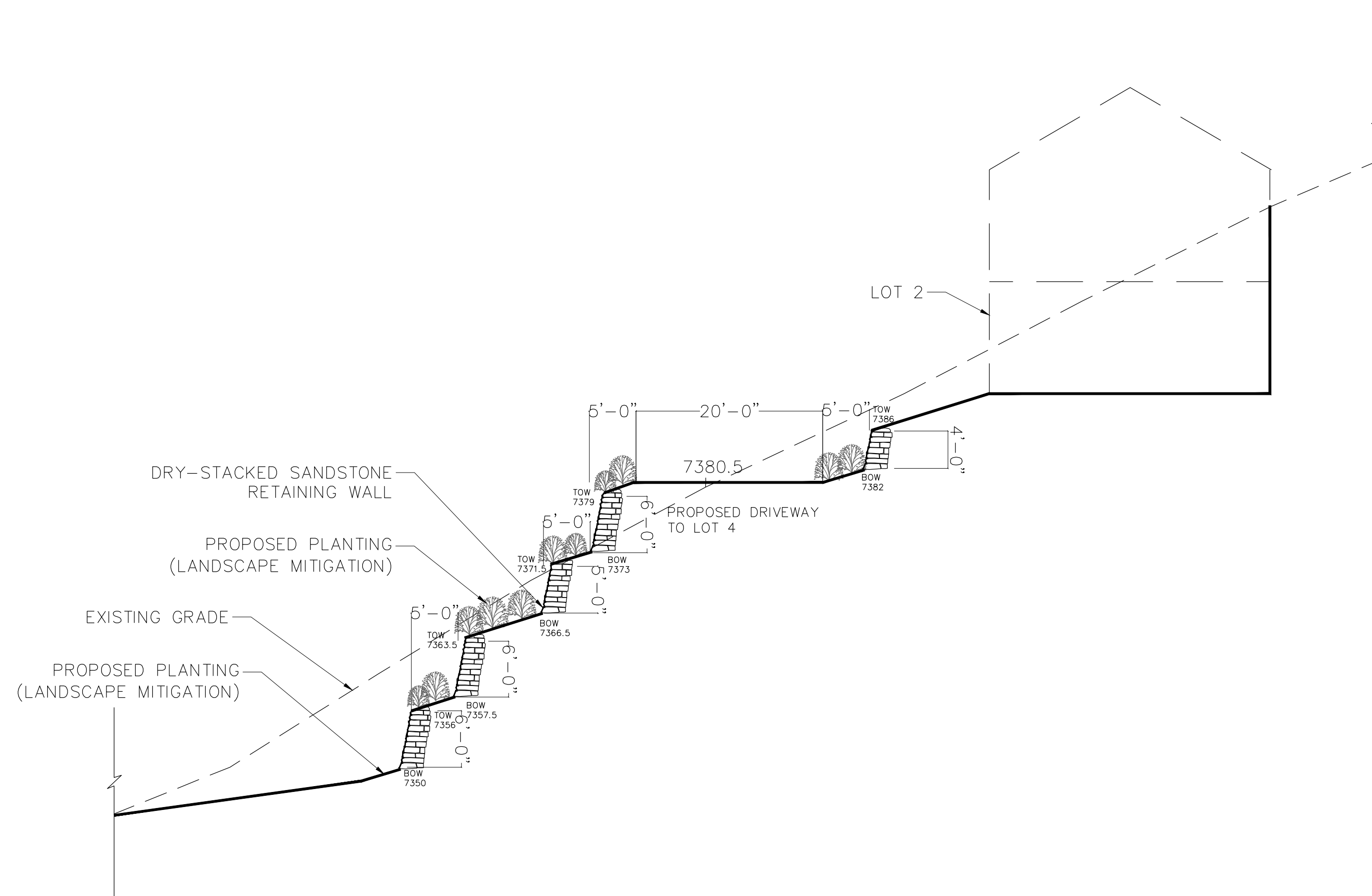
- EXISTING CONIFEROUS TREE TO BE REMOVED
- EXISTING CONIFEROUS TREE TO REMAIN
- PROPOSED DECIDUOUS TREE
- PROPOSED CONIFEROUS TREE
- PROPOSED SHRUB



NOTE: CUP APPLICATION WALLS

SECTION D (ENTRY WALL)

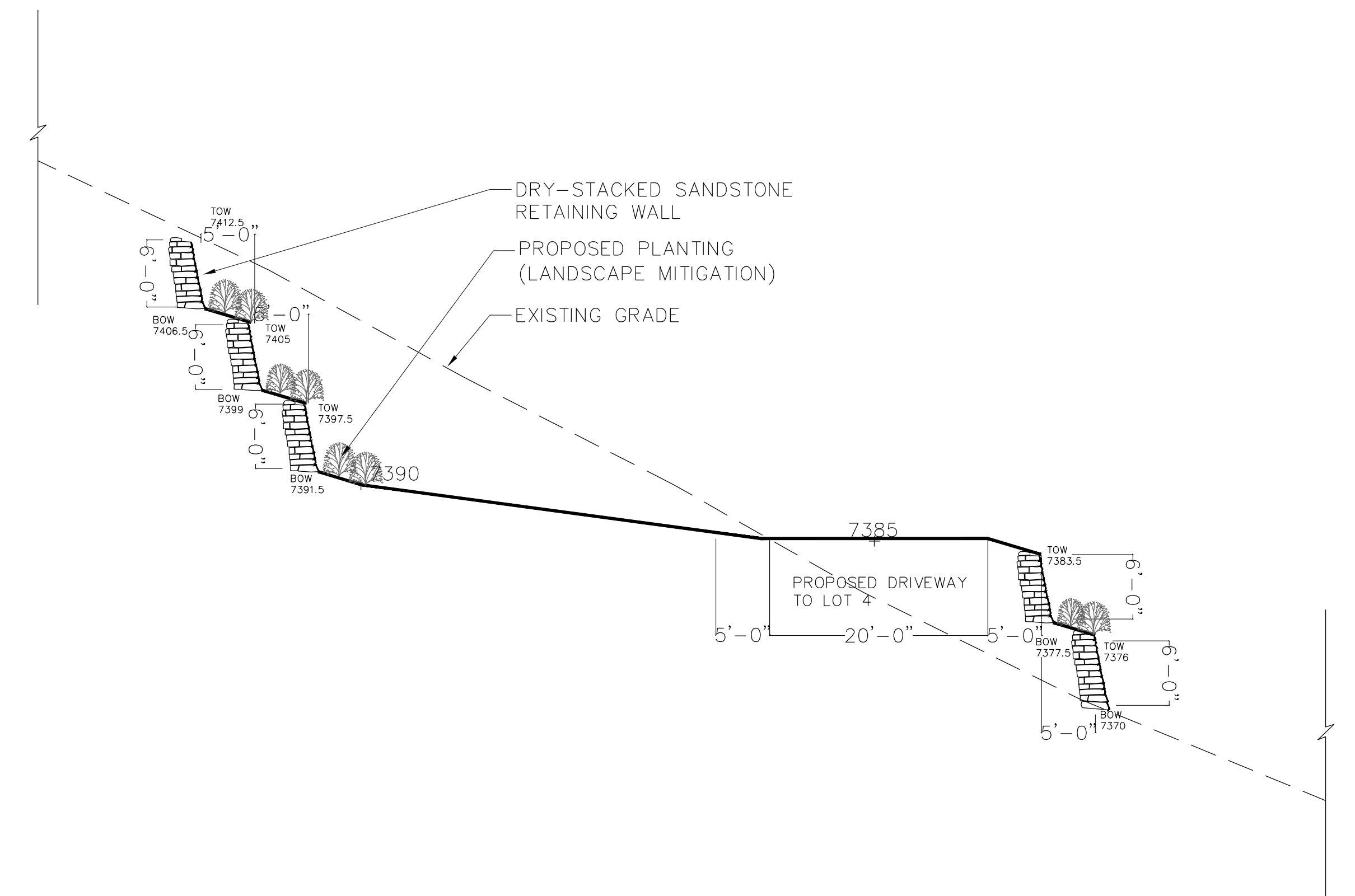
SCALE: 1"=10'



NOTE: LANDSCAPE RETAINING WALLS NOT PART OF C.U.P APPLICATION

SECTION E

SCALE: 1"=10'



NOTE: LANDSCAPE RETAINING WALLS NOT PART OF C.U.P APPLICATION

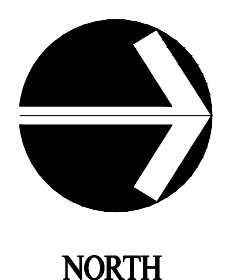
SECTION F

SCALE: 1"=10'

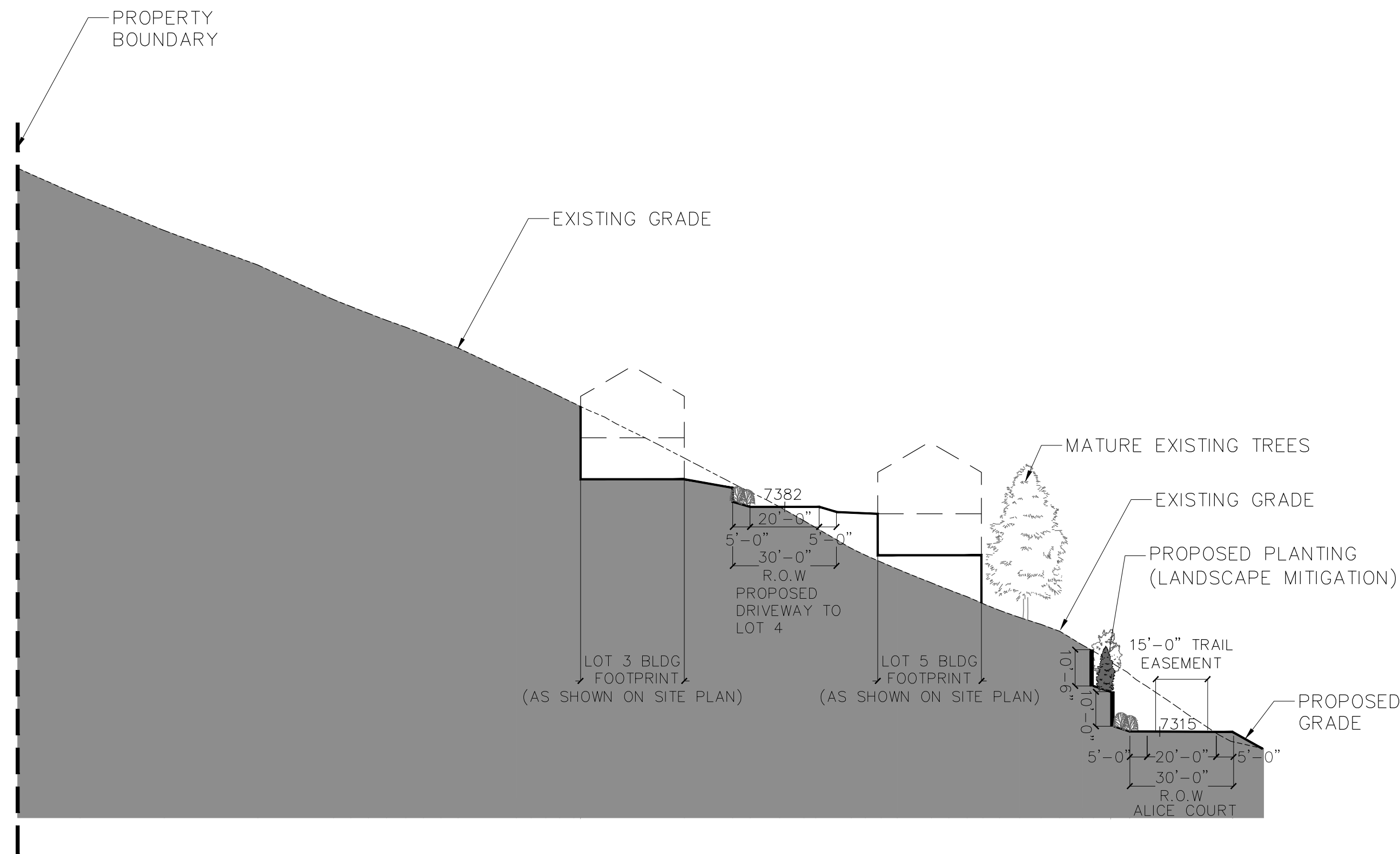
ALICE CLAIM

RETAINING WALL SECTIONS AND LANDSCAPE MITIGATION PLAN

KING DEVELOPMENT GROUP, LLC
P.O. BOX 244
PARK CITY, UTAH 84060

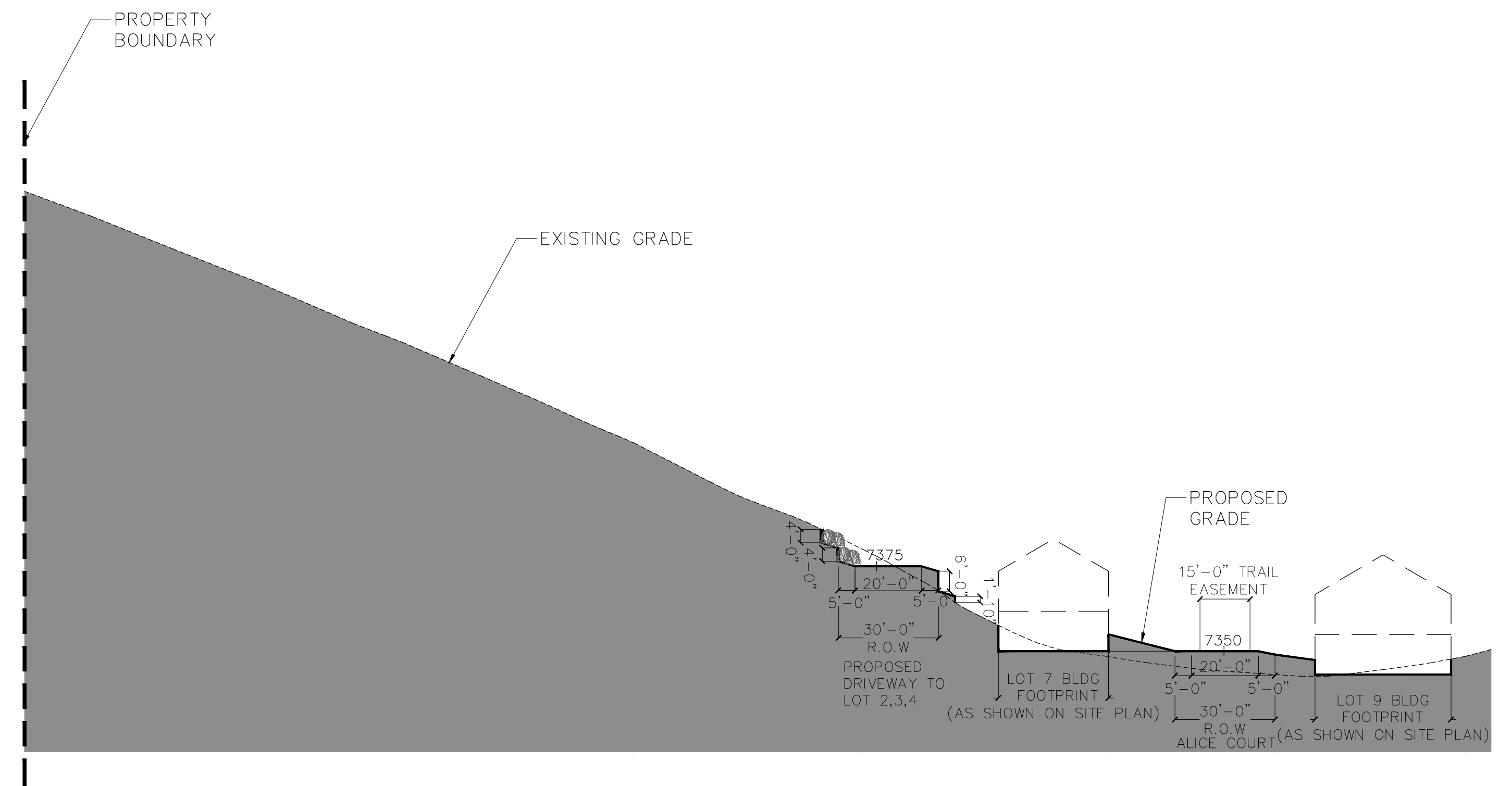


DHM DESIGN
DATE: MAY 18 2015



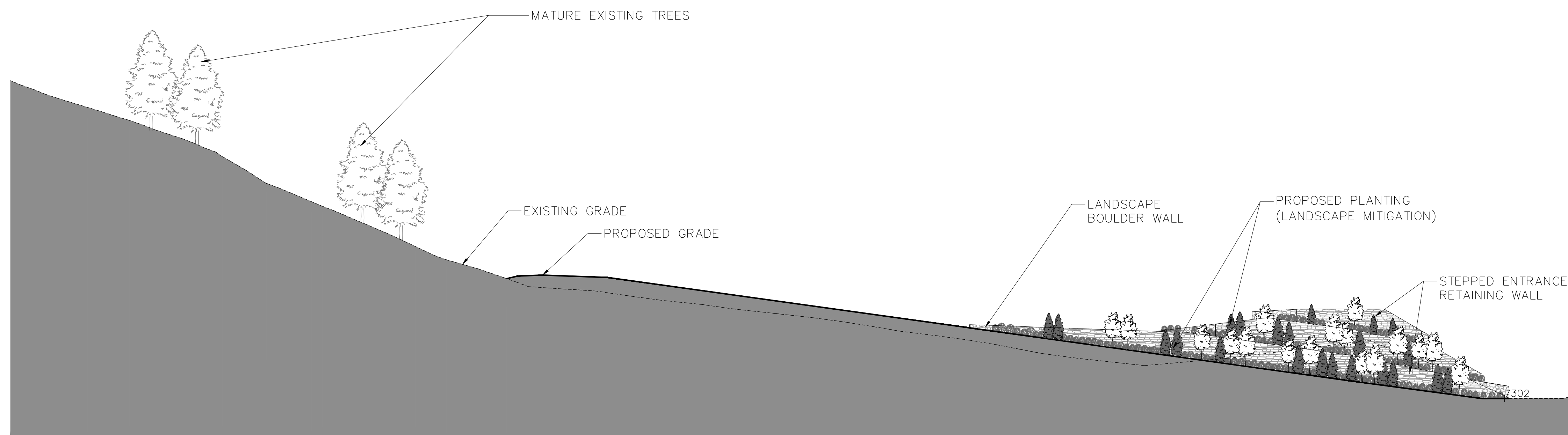
SECTION A

SCALE: 1"=30'



SECTION B

SCALE: 1"=30'



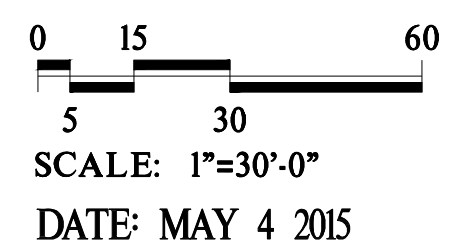
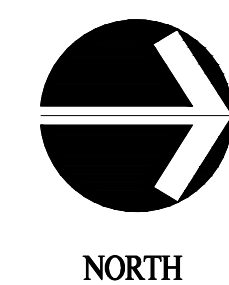
SECTION C

SCALE: 1"=30'

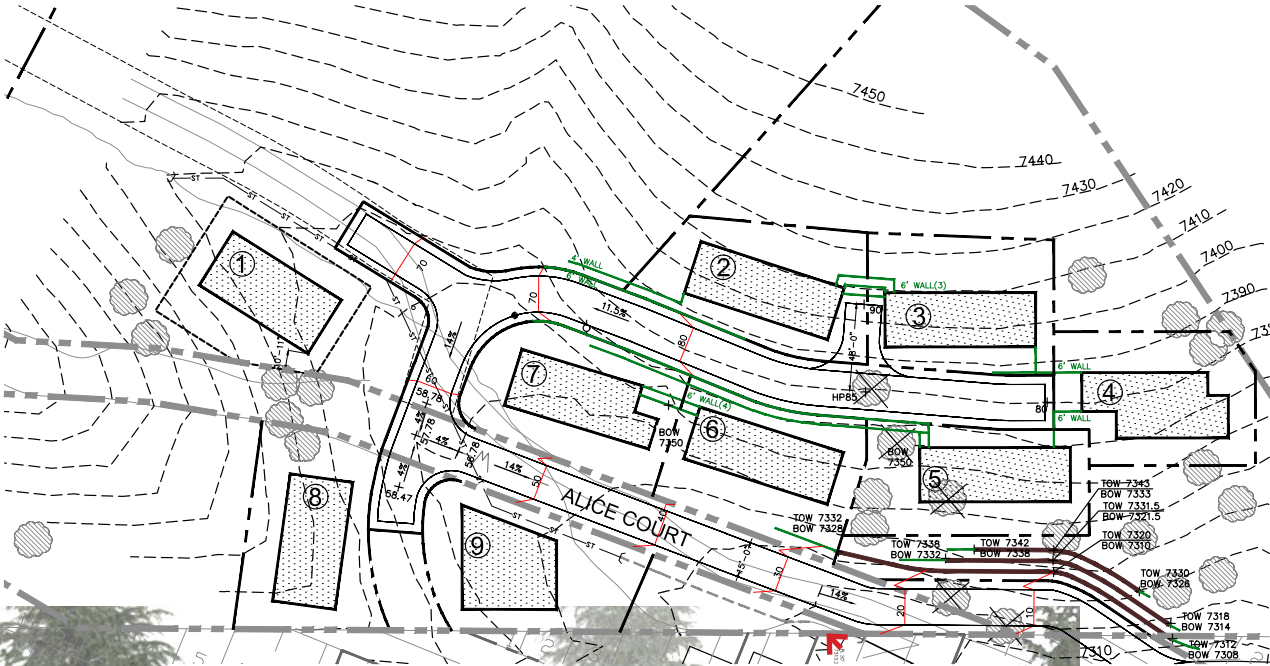
ALICE CLAIM

SITE SECTIONS

KING DEVELOPMENT GROUP, LLC
P.O. BOX 244
PARK CITY, UTAH 84060



ENTRY WALL KEY MAP



PROPOSED DRIVEWAY TO LOT 4

LANDSCAPE ENHANCEMENT

FACE OF BUILDING (LOT 7)

LANDSCAPE RETAINING WALL

TW 7386

4 FT

BW 7382

TW 7379

6 FT

BW 7373

TW 7371.5

5 FT

BW 7366.5

TW 7363.5

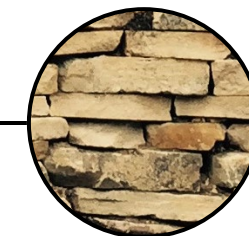
6 FT

BW 7357.5

TW 7356

6 FT

BW 7350



DRY-STACKED
SANDSTONE WALLS

FACE OF BUILDING (LOT 6)

30'-0"

EXHIBIT B

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
JULY 22, 2015

COMMISSIONERS IN ATTENDANCE:

Vice-Chair Steve Joyce, Melissa Band, Preston Campbell, John Phillips, Nann Worel

EX OFFICIO:

Bruce Erickson, Interim Planning Director; Kirsten Whetstone, Planner; Francisco Astorga, Planner; Christy Alexander, Planner; Polly Samuels McLean, Assistant City Attorney; Char Root, Chief Building Official; Matt Cassel, City Engineer

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REGULAR MEETING

ROLL CALL

Vice-Chair Joyce called the meeting to order at 5:40 p.m. and noted that all Commissioners were present except Commissioners Strachan and Thimm who were excused.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. **Alice Claim south of intersection of King Road and Ridge Avenue – Alice Claim Subdivision and Plat Amendment.** (Application PL-08-00371)
2. **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 Christy Alexander requested that the Planning Commission discuss the two Alice Claim items and open the public hearing on both items together. However, a separate action should be taken for each item.

Planner Alexander reported that the Planning Commission last heard this item on July 8th, at which time it was continued from the June 10th meeting where there were discussions regarding the subdivision and plat amendment and the CUP for retaining walls. On June 10th the applicant had requested time to submit a response to the comments and concerns expressed that evening. Planner Alexander stated that the applicant did not submit materials for the July 8th meeting. However, they submitted a letter on June 30th requesting a continuance from July 8th to this meeting on July 22nd. Planner Alexander stated that the

applicant was granted the continuance with a deadline of July 13th to submit their responses to the Staff for this meeting. The applicant had met the July 13th deadline. Those were included in the Staff report as Exhibits B and C.

Planner Alexander recommended that the Planning Commission conduct a public hearing on the two items, and discuss the applicant's response, as well as the Staff analysis. She recalled from the June 10th meeting that some of the Commissioners decided to hold their comments until after hearing the applicant's response. She requested that the Commissioners provide all of their comments for the record this evening and direct the Staff to make findings for either approval or denial or both. Planner Alexander recommended that the Planning Commission continue the item to August 12th to allow time for the Staff to prepare the findings as directed for action at the next meeting.

Planner Alexander referred to the analysis section and noted that she had provided the definition of good cause from the LMC, and what the Planning Commission should consider when finding good cause: 1) does it meet or address the issues related to density; 2) does it preserve the character of the neighbor or resolve existing issues; 3) does it promote excellent design and utilize best planning practices. Planner Alexander stated that her analysis also discussed clustering, home size and compatibility with the HR-1 Zone. She had also prepared new tables and did some analysis from the County Assessor's website, as well as from the City GIS data. The table shows the average lot sizes, the average total building sizes, and average footprint sizes for Daly Avenue, King Road, Sampson Avenue, Ridge Avenue, as well as the HR-1, HR-L and Estate zones overall; and compares them with the Alice Claim proposal for the HR-1 lots. Planner Alexander noted that the comparison shows that the Alice Claim lots are much larger than the average lot sizes on the roads and in the zones mentioned. In addition, the total building size is much larger than the average building sizes, and the footprint is much larger as well.

Based upon further analysis, the Staff did not find compatibility. Planner Alexander stated that the Planning Commission could discuss the compatibility issue and make findings. If the Commissioners decided to forward a positive recommendation, she recommended that they place conditions to lower the lot size, building size, and footprint size.

Planner Alexander stated that the Staff report clarified some of the questions previously raised by the Planning Commission as to why it was zoned HR-1 instead of HR-L. The Staff report also outlined some of the subdivision procedures, as well as safety of the roads and access.

Planner Alexander noted that on June 10th the applicant had stated that additional time was needed to negotiate the access point and they would come back with an update. She

pointed out that the access negotiation was not listed in the response letter. In discussing it with the applicant she was told that they were still in negotiations and that it may not go through for a few months.

Planner Alexander stated that the Staff report also clarified other items from the applicant's response letter regarding the retaining walls, concerns with the conditions of approval, and sensitive lands overlay.

Planner Alexander stated that the applicant had a presentation for the Planning Commission and that both the Staff and the applicant were prepared to answer questions.

Brad Cahoon, legal counsel representing the applicant, provided handouts to the Commissioners and had prepared a power point presentation. Assistant City Attorney McLean requested that Mr. Cahoon provide the Planning Department with a copy of his power point presentation in addition to the handouts.

Mr. Cahoon commented on the recommendation from Staff to conduct a public hearing this evening. He noted that page 209 of the Staff report confirms in the minutes that Chair Strachan closed the public hearing. Mr. Cahoon explained that it was difficult to respond when there is a continuing supply of comments. He remarked that the typical approach is for the applicant to present and then for the public and Staff to respond. The applicant is then given the opportunity to rebut the comments. When there is a continuing supply of comments there is no end to the discussion. Mr. Cahoon was not opposed if the Commissioners chose to move forward with a public hearing this evening, but he requested that the Planning Commission decide at which point they should bring it up for a vote.

Mr. Cahoon addressed the conditional use permit application for the entry wall. He presented photographs of several walls throughout the City that range from 30 to 50 feet high in some places. Many have attractive stone and are screened and landscaped. However, many of the walls, including recent walls, are unsightly and out of character with Old Town and Park City. Mr. Cahoon explained that showing the walls was in response to comments on June 10th regarding their proposed wall and comparing it to existing walls around the City.

Mr. Cahoon stated that the main idea of this application is to have the walls be partially hidden through mitigation, design, stone veneer and landscaping. He noted that the June 10th Staff report recommended approval of the walls with minor adjustments for landscaping. Mr. Cahoon stated that both the LMC and the State Code require that the Planning Commission approve a conditional use permit when reasonable conditions in accordance with the Code mitigate anticipated detrimental effects from the walls. He believed the applicant had satisfied that requirement, particularly given the walls that were

already approved and in place. The applicant was proposing a less intrusive wall that was more in keeping with the character of Old Town, and consistent with the walls they had previously built.

Mr. Cahoon addressed the subdivision application. Mr. Cahoon stated that the Staff report, under the section addressing the Sensitive Land Ordinance, mentions an official zoning map from 2005. For the record, he indicated that the applicant had requested a copy of that zoning map but they had not received it. The only map they were aware of that was in effect at the time of the application was the map that was provided with their materials. Mr. Cahoon noted that the applicant was accused of not submitting a Sensitive Lands analysis; however, that was not the case. It was submitted and the Staff has confirmed their compliance with that requirement. Mr. Cahoon pointed out that HR-1 zoning does not required SLO at all. It only applies to the Estate lot; however, for their Estate Lot it is considered an allowed use for this particular home. He also noted that the Estate lot home was moved down from the hill. Mr. Cahoon remarked that there was a legal contention that they were not subject to Sensitive Lands given the timing of the application and the map that was in effect that did not impose an SLO District over this property at that time. Mr. Cahoon wanted it clear that they had submitted the Sensitive Lands analysis and satisfied the requirements.

Mr. Cahoon referred to page 204 of the Staff report and the discussion regarding limit of disturbance, and the suggestion to limit the LOD to half the size of the lots or to the footprint of the homes. He found that suggestion to be unreasonable and unrealistic; and he did not believe that has been imposed on other developers. Mr. Cahoon stated that vegetation would be disturbed beyond the edge of the homes during construction and that could not be avoided. In considering patios, decks, driveways and walkways, Mr. Cahoon did not believe it was a realistic requirement.

Jerry Fiat, representing the applicant, commented on a current development on Ridge Avenue. He stated that typically in Old Town the lots are relatively small and the disturbance is typically lot line to lot line. By the time they complete the excavation and dig for walkways, stairways, etc., there is no way to limit it to footprint size. It would be impossible to build. Mr. Cahoon requested that the limit of disturbance remain as set forth on the proposed plat.

Mr. Cahoon referred to page 203 of the Staff report and noted that the first paragraph references a statement from the City Engineer that a couple of dump trucks in the past have fallen over on the roads as they came down King Road turning left on to Lower King Road below Ridge Avenue; and that it concerned him. Mr. Cahoon wanted it clear that the City Engineer's actual statement was that they had a couple of dump trucks tip over at that intersection as they go from King and then come down and take that corner. He pointed

out that it was actually looking at the whole intersection and trying to make it better. He thought the key language was, "...and right now there are not any fatal flaws." Mr. Cahoon stated that the City Engineer goes on to state, "I don't see any fatal flaws in any of the alternatives right now. They will all work". Mr. Cahoon asked Mr. Fiat to address the truck tipping since he had personal knowledge of the incident.

Mr. Fiat stated that it was only one truck and it was not a dump truck. It was a semi-trailer that was overloaded with dirt. Mr. Fiat pointed out that careless driving cannot be stopped and it can happen anywhere. The driver clipped the corner, got stuck, tried to move himself out and in the process he dumped his load. Mr. Fiat clarified that they were cleaning the Alice Lode at that time and over a thousand trucks came out of Alice Lode without a single complaint or problem. He believed the incident with the semi-trailer resulted from a lack of common sense, and fortunately no one was hurt.

Mr. Cahoon remarked that Tom Gadek had submitted public comment and in his comment he treats Ridge Avenue as the only egress for this project. Mr. Cahoon stated that Mr. Gadek was incorrect. He noted that the first paragraph on page 203 of the Staff report states that "As proposed, Ridge Avenue would be the only exit to the subdivision". He believed that should be corrected to insert the word "not", to read, "As proposed, Ridge Avenue would not be the only exit to the subdivision". Mr. Cahoon remarked that Ridge Avenue was not planned as an exit for the subdivision. There is a stop for the trail but that is all. He noted that both King Road and Sampson were both egress options for this development. They have never been required to connect to Ridge Avenue.

Planner Alexander referred to the sentence Mr. Cahoon had read and thought it should say that Alice Court would be the only exit. Mr. Cahoon clarified that instead of Ridge Avenue, the sentence should state that Alice Court would be the only exit. Planner Alexander answered yes.

Mr. Cahoon stated that page 202 of the Staff report identifies the issue of HR-1 zoning and why it was not zoned HRL. However, he did not believe the Staff report attempts to answer that question. He thought it was important to note because Alice Claim HR-1 is floating within an area of much lower density and much more organically organized homes that respond more to the topography than it does to a grid layout. Whether it was a mistake or an oversight, he thought it should be taken into account when reviewing this application, particularly in terms of compatibility with the neighborhood and how that plays out.

Regarding compatibility, Mr. Cahoon addressed some of the points in the Analysis on page 199 of the Staff report. The first was compatibility. Mr. Cahoon stated that in the record there is data that 30 Sampson was recently approved for 5,013 gross square feet. It was identified as Exhibit D in the materials submitted by the applicant. Mr. Cahoon remarked

that data on 50 Sampson also shows a gross square footage of 5,000 square feet. He noted that these home sizes have already been determined to be compatible with the neighborhood. He believes it confirms that the house size proposed in their project is compatible with the surrounding neighborhood.

Mr. Cahoon stated that the general purpose of HR-1 is to encourage building of homes that contribute to and maintain the Old Town neighborhood. There is no definition of “preserving the character of the neighborhood” or “preserving the character of Park City”. These are standards, and as written they are subjective and not mandatory. Mr. Cahoon thought it was difficult to define “neighborhood” other than by looking at what is already built or approved. He encouraged the Planning Commission to consider compatibility in that realm rather than just saying that the neighborhood is HR-1. Mr. Cahoon remarked that the nearest HR-1 neighborhood is Daly Avenue, which cannot be seen because it is blocked by the hill. What appears to be the neighborhood surrounding their project are the areas identified on Exhibit D.

Mr. Cahoon remarked that Park City is a variety of building shapes, looks, locations and sizes that constitute the look and feel of Park City. He believed their nine lot plan meets all of the objective criteria and that should be the focus. Alice Claim was a historic mining site and there are no historic structures to preserve. Homes at 123 and 135 Ridge Avenue are non-historic modern houses. Mr. Cahoon stated that another purpose of the HR-1 zone set out in the Code is to encourage single-family development on combinations of 25' x 75' historic lots. The pattern of development and the lot combinations that have already taken place have led to a reduction in density and larger homes, which is the standard purpose for HR-1.

Mr. Cahoon presented a slide that reflected the lot combinations and the expanded size from the 25' x 75' grid to the expanded lot sizes. He believed the three and four lot combinations were consistent with their proposal.

Mr. Cahoon noted that page 200 of the Staff report provided new data regarding lot, building and footprint sizes. However, he believed there were flaws in the data and it was important for the Commissioners to understand their position because the data was being used against them to support incompatibility. Mr. Cahoon referred to page 201 of the Staff report and the top three rows of the table, and pointed out that the footprint size was shown to be larger than the building size. He could not understand how that was possible. Mr. Cahoon stated that the assessor records do not always include the non-livable space in the calculation such as mechanical, garage, basement space, etc. He asked Mr. Fiat to provide comments based on his experience.

Mr. Fiat asked to go back to an earlier point regarding the homes on Sampson Avenue. It was stated that 50 Sampson Avenue was 5,000 square feet, and Mr. Fiat thought that was incorrect. He explained that 50 Sampson is the same subdivision as 30 Sampson and 40 Sampson, and the current approval on 30 Sampson is for a 5,000 square foot house. Mr. Fiat clarified that they did not know the actual size of the house built on 30 Sampson. The plat restriction limits it to 3,000 square feet of living space, and 50 Sampson has the same plat restriction. Mr. Fiat clarified that 30, 40 and 50 Sampson have the same plat restriction. He pointed out that 30 Sampson is 5,000 square feet, which means that there is 3,000 square feet of living space and 2,000 square feet of non-living space. Mr. Fiat had done a GRAMA request with the City and actually measured the plans for 50 Sampson. The actual correct square footage was shown on the Exhibits. Mr. Fiat emphasized that it was not 5,000 square feet.

Mr. Cahoon understood that the 5,000 square feet which was noted in Exhibit D for 50 Sampson was based on Mr. Fiat's estimate. Mr. Fiat replied that it was more of a statement. He explained that they were looking at a subdivision and what it allows them to build on their land. He clarified that they were not talking about the actual houses because the houses would have to go through a CUP and specific restrictions would apply. He believed the most apples to apples comparison is what can be built on the lot. Mr. Fiat clarified that he did not know the actual square footage for 50 Sampson when he made his statement, but after measuring the plans the actual dimension is 4,386 gross square feet. Mr. Cahoon stated that Exhibit D would be adjusted to reflect the correct square footage.

Mr. Cahoon stated that when they looked at the chart and the averages and noticed the discrepancy on the second page of the chart where the average footprint was larger than the building square footage, it caused them to question the data. He provided a handout of a slide showing the assessors total building size versus the actual building size for 50 and 60 Sampson, 147 Ridge, and 325 Daly. Mr. Cahoon asked Mr. Fiat to talk about his background on 325 Daly Avenue.

Mr. Fiat stated that in the past he was considering buying 325 Daly. At that time, both the City and County records showed 325 Daly as being 2,792 square feet; however, it was marketed as being 4,970+ livable, usable square feet. Mr. Fiat questioned the numbers and he had an appraiser measure the structure. The house measured more than 5,000 square feet. Mr. Fiat noted that the City and County number reflected the livable/usable square footage and not the gross building size. Mr. Fiat remarked that in all cases the sizes of the homes shown were significantly different than what actually exists.

Mr. Fiat reviewed copies of the County Assessor measurements, as well as a copy of the MLS listing they were referencing. He pointed out that the applicant was proposing a 5,000 square foot gross building square footage of the homes. However, the City made them

commit that they would include all of the non-livable area inside of that 5,000 square feet, including the garage, basement and mechanical space. Mr. Cahoon stated that prior to the meeting he confirmed with Planner Alexander that the numbers she had listed was the living area from the Assessor's information. Her data did not include the basement area or the attached built-in garage area. Mr. Cahoon thought that was an important fact, because when all of those areas are included it shows that what they are proposing is compatible with the surrounding structures. It is even compatible with Daly Avenue, which they do not consider a comparison neighborhood.

Mr. Cahoon presented data regarding eight homes on Sampson Avenue. It showed the actual lots size, the maximum allowed footprint, and actual footprint, the actual gross building size, and the allowable building size per Code. Mr. Fiat explained that one of the reasons that the actual footprint size was missing in some cases was because some of the homes date back to when the City used an FAR rather than footprint. Therefore, the footprint was never identified or listed. Mr. Fiat noted that the current Code only talks about footprint. He remarked that a general rule of thumb is that it is somewhere between 2.5 to 2.75 of the footprint. He clarified that they used a 2.5 multiplier to calculate what they could put on the lot based on the existing Code and the allowable footprint.

Mr. Cahoon referred to the table on page 200 of the Staff report and noted that the average total building size for Sampson Avenue was shown as 1805 square feet. He believed that number only included the livable space in the calculation and not the entire size of the home which includes the non-livable area. Mr. Cahoon reiterated that the data was flawed and could not be used in generating a compatibility analysis.

Mr. Fiat thought it was physically impossible to get an 1800 square foot calculation out of what actually exists on Sampson. He pointed out that 115 Sampson was technically a vacant lot. He estimated the homes at 121 Sampson and 99 Sampson to be approximately 2,500 square feet each. Mr. Fiat stated that if the numbers were averaged out and the basement and garage square footage were removed from the calculation, he thought it would still be over 3,000 square feet. He agreed that the numbers were flawed and they were not even close to the true numbers. Mr. Fiat explained that they used Sampson in their examples because Sampson represented a limited number of homes. One architect had designed four of the homes and it was easy to obtain the data.

Mr. Cahoon asked Mr. Fiat to compare the 5,000 square feet homes he was proposing. Mr. Fiat stated that it would be reasonable to expect that the actual living space is between 3,500 and 4,000 square feet. Mr. Fiat pointed out that the assessor does not count basements in the square footage, even though most basements are livable space. He felt that supported his reason for wanting to introduce a gross square foot number. Mr. Fiat stated that the intent is to create houses that have more articulation and better living areas

that attract families. Using a gross square foot number would eliminate the argument of how to measure and what should be included. Gross is a multiplier and it would be a consistent measurement for everyone.

Mr. Cahoon noted that the past Staff reports addressed density; however, it was not addressed in the current Staff report. He stated that the maximum permitted density in HR-1 is 41 lots. Combined with the entire 8.2 acres, the entire maximum permitted density would be 56 lots. He pointed out that this applicant was proposing 8 lots in the HR-1 zone and one lot in the Estate Zone, which results in an 84% density reduction.

Mr. Fiat referred to the Code section that addresses lot combinations. He pointed out that all of Old Town was platted as 25' x 75' lots except for the Alice Lode. In his opinion, the intent of the Code was not to repeat the grid pattern of 25' x 75'. He believed the intent of the Code was to combine the lots to reduce density for the limited infrastructure that exists in town. From a design point of view, Mr. Fiat believed this proposal was a better design and transition into the open zone than towering it down in the gully. He noted that the homes would be subject to a conditional use permit and specific changes could be made during that process.

Mr. Fiat stated that the homes that were built as three and four stories on smaller footprints end up breaking up the bedrooms and sometimes living space on multiple levels. These homes by design are not always a good fit for families or elderly people or people with disabilities. Mr. Fiat remarked that the goal is to build sensible homes to attract full-time residents who live in Park City year around; yet they do not design structures for that purpose. Mr. Fiat pointed out that the single family home on the Estate lot is a permitted use and does not require an SLO submittal, even if it was in the SLO District.

Mr. Cahoon addressed good cause, since he did not have the opportunity to address it at the June 10th meeting. He stated that there was a requirement for finding of good cause; however, they have a legal argument that it is inconsistent with the State Code. His understanding of good cause is that they only have to satisfy the requirements of the subdivision ordinance and have it supported by substantial evidence. In this case, if they are required to demonstrate good cause, he believed there was significant evidence to support good cause. Mr. Cahoon noted that the general statement is, "Providing positive benefits and mitigating impacts". The Code then lists examples. He stated that materials in the Staff report and materials submitted by the applicant attempt to address good cause.

Mr. Cahoon emphasized that you cannot separate what happened with the Alice Lode property regarding the cleanup and the fact that it was a barren, polluted wasteland that the City did not want as open space but wanted it cleaned up. Now that it has been cleaned up and it is ready for residential use, the public suddenly cares about it. He felt that was an

important consideration, as well as all of the facts leading up to the cleanup and all of the history.

Mr. Fiat stated that he knew about the Alice Lode and he lived nearby on Norfolk. The City owns the gully, which was the most contaminated portion of the land. The rest of the land has some contamination but it was a lower level contamination. Mr. Fiat noted that the City had applied for a Brownsfield grant and it was on the EPA radar. If it was not cleaned up the EPA would step in, but there was no funding for the cleanup. Mr. Fiat stated that it was the most visually polluted site in Park City. Mr. Fiat noted that he had not yet purchased the property, but he went to the City and asked if they could develop it if they cleaned it up. After several discussions with the City, he believed that they had a working plan. They anticipated minor changes and understood that it needed to go through the Planning Commission and the City Council. Mr. Fiat explained that they ran into a deadline because of the access. They were asked to try and get the existing access working, but being unable to reach a deal with the property owner put them against a deadline.

Mr. Fiat stated that most of the waste that left the property was from the City property in the gully. The deal that was made regarding Richardson Flat was arranged by the City before the land was purchased. Richardson Flat was closing, and if it closed the Alice Lode would be capped and left as a contaminated site. Mr. Fiat remarked that the cleanup of the Alice Lode not only cleaned up the visual blight and took out the contamination; but it helped the water quality problem and it helped the City with the EPA and potential grants. If they had waited to come before the Planning Commission before doing the cleanup, Richardson Flat would have been closed.

Mr. Cahoon presented before and after pictures of the cleanup.

Mr. Cahoon summarized that the cleanup was tied to the nine lot subdivision. The City entered into a Memorandum of Agreement to provide for the disposal of the contaminated soils at Richardson Flat. The City entered into a voluntary agreement with the developer, and the cleanup plan was attached as part of the plan. Mr. Cahoon stated that after going through initial reviews with the Planning Department and Building Department, this plan was ultimately used as a guide for the cleanup. Mr. Cahoon noted that there needed to be a plan for the future use, and since the property was zoned residential it was cleaned to a residential level to provide for the contemplated development.

Mr. Fiat noted that the cleanup efforts forced United Park City Mines to clean upstream. The Silver King was cleaned and UPCM rebuilt the stream above the Alice Lode. He pointed out that their cleanup efforts started a chain reaction that would never have happened otherwise. United Park City Mines would not want the risk of re-contaminating

the land once the Alice Lode was cleaned up. Therefore, it ended up being a full upstream cleanup.

Mr. Cahoon presented the proposed plat that was the same version from May, which reflected the nine lot configuration that resulted from the cleanup.

Mr. Cahoon summarized key items that he believed supported a finding of good cause. He noted that the mine shaft located near the trail was filled in and the trail was moved. Other items included matching the cleanup to the zoning, the City's land being the most contaminated, the revegetation, the improvements to the water shed downstream, the reduction in density, a 73% commitment for open space that would be covered by a conservation easement, and hiking and biking trail easements. Mr. Cahoon disputed the assertions made at the last meeting about prescriptive right because permission has always been given for using the trails. He pointed out that putting them on the plat and dedicating the easements would resolve the question and show that it is a public benefit. Mr. Cahoon mentioned the donation of land as part of the plat amendment, the improved access, relocation of the water line wholly within the City's property, and the road connection.

Mr. Cahoon stated that in their materials the applicant provided a summary of the different work sessions this plan has gone through, as well as multiple iterations and fine tuning responses to multiple comments. He noted that the more recent public hearings have led to additional responses, such as moving two of the lots further down into the current configuration. They have submitted multiple studies and have multiple experts dealing with the City's experts on engineering, building, water, fire, sewer, etc.

Mr. Cahoon did not believe there were any outstanding material issues that would prevent an approval of this subdivision plat. He did not believe it made sense to treat this as if they were going to record a plat right now and go through the effort and expense of designing the sewer and other things at this stage in the process. He vigorously opposed any notion that the applicant needed to do all of that at this stage in the process. The focus should be on the design, factoring in the good cause he outlined, and understanding that they have used Best Planning and Design Practices. He thought DHM had done a phenomenal job in designing this subdivision around saving major vegetation, avoiding sensitive areas and providing vast open spaces and trails. Mr. Cahoon believed this plan preserves the character of the neighborhood. It is compatible and they have the evidence to support it.

Mr. Cahoon requested that the Planning Commission approve the CUP application for the entry wall. He also requested positive recommendations to the City Council on the subdivision and plat amendment applications. As requested, they need the 10' setback adjustment for the Estate lot. He was comfortable with the preference for the historic

access, and they were still in good faith negotiations with the property owner. Mr. Cahoon believed they were getting closer to reaching an agreement. Negotiations have been difficult but he felt it was still possible.

Mr. Cahoon commented on the need to move forward and he requested a vote by the Planning Commission that is supported by the evidence that was provided in the record.

Mr. Fiat stated that before they did the cleanup they were told that they would receive a permit for grading the roads. However, when they started the cleanup and went to pick up the permit, but they were told that a permit was not needed and they could proceed without it. Mr. Fiat noted that throughout the process they have done studies for water, sewer, fire, etc.; and a significant amount of money has been spent on other requests for details. He thought it was clear that the subdivision would be approved with conditions and they would not be spending the money if they did not believe they could meet those conditions.

Mr. Fiat used the water model as an example. He noted that the City had them jump hoops to prove that the water would work. They did a water model and proved that it would work. They then lowered the houses further down because that seemed to be what everyone wanted. However, once they lowered the houses they were told that they needed to have a water model. Mr. Fiat pointed out that lowering the houses meant the water model would work better. Mr. Fiat remarked that they agreed to a condition that they would make it work, and he was beginning to feel it was bad faith because they are continually being asked to do the same things over or to for things that were not asked of other developers. He felt they were being held to a different standard.

Mr. Cahoon commented on the unsigned statement that was submitted by the City Attorney's Office regarding the former Chief Building Official, Ron Ivie's, statements in response to Jerry Fiat's affidavit. Mr. Cahoon reiterated that it was prepared by Counsel but it was not signed. He pointed out that throughout the statement, it is repeated that the Planning Commission and City Council would still have to approve the subdivision. Mr. Cahoon emphasized that those statements in no way detract from the reasonableness of the reliance on what was said. Mr. Cahoon explained that counsel only stated what the law requires. The City Council ultimately approves the plat. The applicant never took the statements to mean that there was no chance that the nine lot development could ever be approved. That was never said. And in his statement, Mr. Ivie had no objections to the plan. He pointed out that Mr. Ivie was tied to what was happening both before the applicant purchased the property, and then after the purchase and leading up to the cleanup. When the Planning Commission ordered the cleanup and the work to stop, Mr. Ivie disagreed with the Commission and said the work needed to proceed. Based on Mr. Ivie's statements the applicant finished the cleanup.

Mr. Cahoon stated that there were also written documents such as the Memorandum of Understanding and the joint cleanup plan that had the nine lot subdivision attached that went beyond verbal statements. He noted that the City Manager had signed the agreement to participate on the cleanup. Mr. Cahoon stated that in light of the cleanup of Alice Claim, their reliance on numerous representations, and the joint agreement with the City, was unfair to deny the applicant this nine lot subdivision. In addition, they have demonstrated that they meet all of the objective requirements for a subdivision approval.

Planner Alexander noted that the City Engineer was present to answer questions.

Commissioner Worel asked City Engineer, Matt Cassel, to clarify his opinion regarding the roads. Mr. Cassel stated that in considering the location of the driveway access the applicant was asked to look at improving the intersection. He recalled his previous statement about trucks tipping over and that Mr. Fiat had further detailed once of the instances. Mr. Cassel explained that when he said there are no fatal flaws, it means that for all intense and purpose the intersection works right now. He stated that the goal has always been to try and improve the intersection. If this development moves forward and there is a possibility to make the intersection better, they need to do it. Mr. Cassel remarked that the developer has land on both sides of the road and they have been asked to look at any possible opportunity for improvement. Mr. Cassel noted that the intersection functions in its current condition. Even though it is not the best, there is nothing to indicate that there is a fatal flaw. The intersection does not work to the level he would like it to, but it works. The goal is to mitigate it as best as possible.

Vice-Chair Joyce stated when the Planning Commission looks at a subdivision approval they need to evaluate the safety issues. People continually talk about the road system up there being substandard. When Mr. Cassel previously talked about trucks rolling over, Vice-Chair Joyce took that to mean that there were already safety issues. His concern from a safety standpoint is making a new entry on to the road and basically making it more complex. Vice-Chair Joyce stated that the Planning Commission has an obligation from a safety aspect not to exacerbate a problem. If it was already at a low level with significant issues, he was concerned about adding traffic to that flow. Vice-Chair Joyce did not believe the Commissioners had voiced a concern about traffic from the standpoint of quantity, other than during construction. He felt the issue was more about having very narrow roads all come together.

Mr. Cassel stated that there are two parts to traffic. One is the construction traffic, which is controlled by the construction mitigation plan. The second part is the permanent traffic being created by development. Mr. Cassel noted that as part of the evaluation of the intersection, the developers had Fehr and Peers look at the impacts of the additional traffic from the development. It took it from Level Service A to Level Service A, which reflects an

inconsequential difference to the traffic. Mr. Cassel stated that he wasn't looking at that specifically. As they look at putting an additional drive in this "funky" intersection, they need to make sure that the sight lines and the ability to see other traffic coming is as clear as possible. The sightlines on the King Road are not great and if it can be improved they would like to do so. In addition, as the applicant puts their drive and access into that intersection, they need to make sure their sightlines are clear and meet the Code to avoid creating new safety hazards or lowering the level of safety of the intersection.

Vice-Chair Joyce asked if Mr. Cassel was confident that it was achievable. In looking at the two alternatives for access to the development, Mr. Cassel thought they could keep the impacts to a negligible amount, particularly for sight distances and the ability to see uphill and downhill traffic. He would make sure that the driveways would not impact the ability of that intersection to work. Mr. Cassel pointed out that he was looking even deeper by asking the applicant to explore the possibility of improving the intersection as a whole and not just for their driveways.

Mr. Fiat clarified that they own the land that the road in that location, as well as both sides of the road. They intend to deed that land to City so the road could be significantly improved. He believed that one of the advantages of the non-preferred access is that they would widen the view corridor and the turning radius. Mr. Fiat remarked that the issue of the intersection was primarily the construction traffic going up to the Resort Center; and not the residential traffic on Sampson.

Commissioner Band referred to LMC 15-7.1(5)(d) Site Plan, which states that the Planning Commission shall study the preliminary plat, the report by Staff, taking into consideration the requirements of the LMC, master plan, sensitive lands, width of streets, etc. She asked how the Planning Commission could approve this application when they were still working on improvements. She did not have a sense that Mr. Cassel was confident about the intersection, but it could work and he was hoping to make it better. Commissioner Band stated that if the Commissioners were not looking at the actual improvements, she questioned whether they were looking at the preliminary plat approval properly.

Assistant City Attorney McLean remarked that it goes to the City Engineer's analysis of the intersection and what he means by making it better. Mr. Cassel replied that improving sightlines would make it better. Ms. McLean asked if the intersection would change. Mr. Cassel stated that it was addressed as part of the conditions. He explained that he appeared to be "wishy-washy" because currently there were two different accesses on the table and the applicant needed to decide where the access would be. One access is where they can continue down the road and the other is still in negotiations. Mr. Cassel stated that the access needs to be finalized before he can finish his evaluation.

Commissioner Band understood that the access they were looking at today was the one with the retaining wall that requires the CUP. Mr. Cassel answered yes. Commissioner Band clarified that since it was the only access on the table at this point, she wanted to know how Mr. Cassel felt about that access in terms of improvements. Mr. Cassel replied that it was the best secondary alternative. He still preferred the access to be straight on King Road, but he thought the secondary alternative would work, particularly now that the applicants pushed the access further up the hillside and away from the intersection.

Mr. Cassel clarified that he was comfortable with the access proposed and that the proposed modifications would help the sightlines so everyone could see the traffic coming and going as they go through the intersection.

Commissioner Band asked Mr. Cassel to provide some history on the trucks that have tipped over in that area, and whether it was due to careless driving or a greater concern. Mr. Cassel stated that two vehicles tipped over. Mr. Fiat mentioned one, and the other one was a dump truck. He could not recall the exact details, other than the trucks had tipped over and some cleanup was required.

Commissioner Band asked if there was a time when the City was not able to improve or mitigate roads or intersections. Mr. Cassel could not recall a time in the last eight years.

Commissioner Nann referred to a letter the Commissioners received from a member of the public concerned about inadequate roads in the event of a wildfire and the need to evacuate, and the ability for emergency vehicles to access. She asked Mr. Cassel for his thoughts on this concern. Mr. Cassel stated that it was a difficult question and a battle that took place seven years ago. Hillside Avenue was built at substandard levels and they had to live with it. When people talk about emergency vehicles getting up and residents not being able to get out, it is more widespread than just the Alice Claim site. It also includes Daly, Empire Pass, Deer Valley and the City in general. Mr. Cassel agreed that it was a major issue the City deals with and it needs to be resolved. He did not believe nine homes at Alice Claim would tip the level and exacerbate the problem.

Vice-Chair Joyce opened the public hearing.

Planner Alexander stated for the record that she had received emails and letters of public comment from Brian Barrett, Carol Sletta, Tom Gadek, Brooke Hontz, and Jim Doilney. The written comments were provided to the Planning Commission.

Charlie Wintzer, a Park City resident, stated that the intent of the first part of the subdivision approval is the preliminary plat approval. He did not think the Planning Commission needed to get involved with the deals of house size, etc. at this time. The

focus should be on the number of lots, where they should be located and how they fit on the site. Mr. Wintzer remarked that the more they get involved in the details the further away they get from the questions related to the preliminary plat approval process. Mr. Wintzer commented on the HRL and the HR-1. He stated that when Park City was platted and zoned it was all HR-1. The HRL zone was created on Rossi Hill and the neighborhood asked to be changed to HRL. The same thing occurred on that side of the mountain when the neighbors together decided they wanted to be HRL. Mr. Wintzer did not believe the way the lines were drawn was a mistake. It was a result of those who asked to be downzoned. The City did not have the right to downzone private land, which is why this property was never changed. Mr. Wintzer was unsure why they were looking at a retaining wall CUP for a subdivision that may or may not be approved. He thought the CUP request was out of sequence and they should be focusing on the subdivision. If the subdivision is approved, that would be the time to approve the CUP for the retaining wall. Mr. Wintzer referred to the comment from the applicant about how this project has gone on for eight work session in ten years. He pointed out that it was the applicant's choice and not the choice of the Planning Commission. The Planning Commission did not ask the applicant to come back every year for ten years and to submit another application.

Carol Sletta thanked the Planning Commission and the City Staff for their thoughtful work on this project. She has lived at 135 Sampson since 1980 and having lived in the area next to the proposed subdivision and reading all the information, she could not see good cause for allowing this project. Mr. Sletta did not believe it would preserve the character of this historic residential area. She was very familiar with the streets of Anchor, King, Sampson and Ridge, and calculated that she has driven through that area a minimum of 15,000 times. Over the years she has seen trucks tip over and many other things happen. A lot inexperienced drivers block the intersection in the winter and during a bad winter the roads are nearly impassable. Ms. Sletta stated that she loves that corner because it makes Old Town Park City, Old Town Park City. When the City Engineer mentioned significantly improving the road, she thought it would be terrible because it is not what Old Town Park City is about. Ms. Sletta stated that if another road comes into that intersection she could see it becoming more unsafe. It is a fun, funky road and she would hate to lose that part of Old Town Park City.

Lee Gerstein, a resident adjacent to the proposed project, commented on the construction traffic going to PCMR and watching the vehicles do three, five, and seven point turns. He pointed out that two known accidents over the course of many years did not include the near misses. He watches the trucks get perilously close to the edge of Sampson. They do not always know what is behind them. Mr. Gerstein shared the concern of a five-way intersection with an emergency crew trying to get up as people are trying to flee houses during a fire. He was unsure how they could take what exists and add something to it that makes reasonable turns and angles and egress from there. Retaining walls are very pretty,

but currently they have a forested, vegetated natural hillside that would be chopped down for this project. Mr. Gerstein keeps hearing the word construction mitigation but he questioned its actual meaning, because in looking around he does not see any construction mitigation. It is a great word to use during a meeting, but there is no mitigation for those with children and pets, and those who like to cycle or walk. He has seen several near misses between people and vehicles. Mr. Gerstein stated that the cleanup that was done on the site was laudible and tremendous. He hoped there was no quid pro quo from the town, because it was done with the expectation of building something. He suggested that in a different venue and under different circumstances the applicant should receive some recognition from the town for the cleanup effort.

Sherrie Levington Gerstein stated that she and her husband, Lee Gerstein, own 135 Ridge Avenue, the property that has been in negotiations. Ms. Gerstein opposed this project for all the reasons everyone else had stated. She also respectfully disagreed with the comments that they and the applicant have been in tough negotiations because she did not recall any tough negotiations in the last several months. Mr. Gerstein stated that negotiations went on six years ago, but she wanted it clear for the record that there have been no serious negotiations since that time.

Kathryn Deckert, a resident at 102 Daly Avenue, referenced one of the applicant's good cause for this project being approved in his letter dated July 13th. It talks about good cause being the relocation of water lines into the Park City parcel from the development within the Alice Claim, and also connection of a road into the Park City parcel. Ms. Deckert did not see this as being good cause. It is about another parcel that has nothing to do with the Alice Claim. It is 20 lots and to think of having this approved in order to annex or develop another parcel in Old Town is not good for the current residents because it introduces more residential traffic and construction traffic. Ms. Deckert commented on the number of trucks going up Daly in the last month that create safety hazards for hikers, bikers, pedestrians, pets, and children. She was concerned that further development would continue these unsafe conditions for an unlimited time. Ms. Deckert also had issues with nine 5,000 square foot homes that do not reflect the character and scale of the historic district. In her opinion, character means diversity and over the last 30 years Old Town has evolved into a package of different sized homes. Some are still the small mining homes that were there 45 years ago. Having 5,000 square foot homes in one subdivision does not add to the diversity and it creates a disconnect between Old Town and this onclave of 5,000 square foot homes. Ms. Deckert did not believe the proposed project provided the most beneficial relationship for the use of land and circulation of traffic, and for the benefit of the people who live in Old Town.

Brooke Hontz had submitted a lengthy letter prior to the meeting. She did not intend to read the letter into the record but asked that it be incorporated into the minutes in its entirety. The letter can be found at the end of the Alice Claim discussion in the minutes.

Mr. Hontz, a resident on Daly Avenue, asked the Planning Commission to consider forwarding a negative recommendation to the City Council on the Alice Claim application citing substantial credible evidence against the project, and well-articulated reasons for denial. Ms. Hontz stated that in the first part of her letter she requested that the Planning Commission consider safeguarding the official record for this application. There is a lot of information that she had never heard before that is important. She also asked if there was a way to better share the information with the public, as well as for the sake of the applicant. Ms. Hontz stated that the letter from Snell and Wilmer, dated July 13th, 2015 references different visions of a plan, and possibly different applications, and multiple different Planning Commissions who have served. Throughout the letter it clearly demonstrates that over ten years the applicant has gone back and forth on a plan and not made substantial progress with the legislative process based on their volition. Ms. Hontz believed a historic timeline prepared by Staff of the applications would show large periods of inactivity by the applicant with an occasional update where no new information is provided to the Planning Commission, and no action was required to be requested of the Planning Commission. Ms. Hontz believed that issue was important. As a Planning Commission member for four and a half years she could speak to that with some authority that she never had the opportunity to provide a recommendation that would have been forwarded to the City Council. It was never asked the entire four and half years that she sat on the Planning Commission. Ms. Hontz noted that the public testimony that has been provided thus far has been educated, thoughtful and related to the requirements of the LMC and the General Plan. The public has provided considerable evidence and anecdotal experience that the Planning Commission can use for their findings of denial. The input provided from the public can substantiate that the application does not meet the subdivision standards of the Land Management Code. The evidence provided is relevant and measurable. Ms. Hontz noted that on page 2 of her letter she talks about how the Snell Wilmer letter references that nine lots or the density had not been an issue for the Planning Commission. However, as a former Planning Commission member she could say that it was patently untrue, and the entire record should reflect that fact. As indicated in her letter, Ms. Hontz thought it was unclear whether the current application was the same application. She suggested that the City Legal Staff should review the entire file and make a determination on the date this application was made, and which General Plan and LMC was applicable to this application. She thought it was important for the Planning Commission to have that specific General Plan and LMC in hand in order to make an accurate denial statement. Based on some of the information mentioned this evening or written in the Snell and Wilmer letter that has never been heard before, Ms. Hontz did not believe they could have it both ways. She did not believe the applicant could want to have

the lots larger like the Estate or HRL lots, but then say they were reducing the density by 87% because they were HR-1. It has to be one or the other. Ms. Hontz believed that concept was argued both ways throughout the July 13th letter and also this evening. Ms. Hontz stated that an argument is made in the Snell and Wilmer letter talks about the authority of the City Council. In order for a subdivision to be approved by the City Council, acting under their authority as a land use authority, it must meet the legal standard established in the LMC for subdivisions. No density can be assigned to a parcel until it is subdivided and every box is checked in the checklist of the subdivision ordinance. Ms. Hontz referred to the last page of her letter and noted that one of the arguments made this evening was that the rectangular two-part area that would be dedicated to the City is a benefit to the City. She assumed that there may be a minor benefit in getting the roadway under City ownership. However, it additionally makes representation that a small home could be built within that area that is located under the current Sampson Avenue. Ms. Hontz did not believe that was possible based on current codes. Mr. Hontz stated that she personally met with the Sewer District and the Fire Chief to discuss this project. At the time of those meetings she found that there had been no face to face meetings from the applicant with those entities. Both entities have specific concerns about meeting the subdivision ordinance and being able to provide adequate service. Regarding traffic, Ms. Hontz thought they were wrong in saying that the amount of traffic did not matter. She was pleased to see that her calculation of 90 trips was less than the 114 trips calculated by the Traffic Engineer. She had contacted a traffic engineering firm and discussed all of the issues. She was told that total trips per day is a relevant and important way of looking at traffic for road and traffic engineers when they are trying to understand how to size a roadway. She thought it was ridiculous to say that it does not matter that there will 114 additional trips up that road every day. Based on the size of the road, the steepness, the sightlines, and the construction that will continue to occur on the Mountain for the rest of their lifetime, it is impossible to think it was not an issue. Ms. Hontz stated that on pages 4, 5 and 6 of her letter she had provide the key elements of the Code that were applicable. Those elements were cited on pages 7, 8, 9 and 10, where she had created draft denial Findings of Fact and Conclusions of Law. She took the time to go through public record from many years on this project, including the most recent iteration, as well as Planning Commission comments, and put them into Findings. She also added which part of the Subdivision Code it supports. Ms. Hontz reiterated that she had done a lot of work to substantiate that the application did not meet the subdivision standards. She asked the Commissioners to take the time to review at least a portion of what she had done.

Mary Wintzer, a resident at 320 McHenry, recalled from the last meeting what she had heard on KPCW, which was Chair Strachan telling the applicant that he was facing a unanimous denial of the subdivision. The applicant was given a certain date that he could come back with a significant change in the subdivision applicant. Ms. Wintzer could not see a significant change this evening. She understood that the applicant wants to move

forward, but she also believed the citizens of Old Town also deserved to move forward. Ms. Wintzer believed the applicant had been given more time than was permitted at the last meeting, and she asked the Planning Commission to vote for denial this evening.

Jim Doilney, a resident at 50 Sampson Avenue, asked the Planning Commission to consider whether their votes and comments would be consistent with the Park City Vision Statement which states that there should be no increase in density unless it is for Affordable Housing or in the context of TDRs. Mr. Doilney remarked that it was not happening in this process and the vision statement was not being met. Relative to density, he noted that the changes and subdivided density were discretionary matters. They are not a right. Alice Claim has the density for two lots, not nine lots. To justify the applicant's nine lot goal, Mr. Cahoon stated that there were 13 lots of record. The implied assertion is that King Development was asking for a four lot reduction. Mr. Doilney believed this assertion misrepresents the situation. He pointed out that King Development could demonstrate that it has 13 usable lots which could be serviced using those lots, boundary lines and adjacent platted streets. However, they have not done this because the existing lots are probably not buildable under those standards. Changes to lot lines are not a right, but rather occasionally like subdivisions granted by the City as a discretionary matter. King Development has no right to expect lot line changes incompatible with the City vision. Mr. Doilney stated that in addition, the underlying square footage rights of these 13 lots are likely much less than the square footages proposed in the nine lot application. Mr. Doilney stated that Mr. Cahoon offers that the developer's permitted density is 56 lots, which is only a mathematical equation of dividing the gross footage of the acreage by the minimum lot size. He did not believe that was a fair assertion. Regarding home size and compatibility, Mr. Doilney found it interesting to hear that the applicant and his consultant had calculated his house at 4,300 square feet, and that the issue was confusion between gross and net square footage. He stated that he lives in an approved subdivision that is limited to 3,000 square feet, which is the size of his house according to the City building officials who looked at the plans. Given the fact that prior assertions did not prove to be true, he questions whether assertions by the developer's engineers should be accepted as fact. Mr. Doilney thanked the Commissioners for their time and consideration.

Anita Baer, a resident at 345 McHenry, stated that she has wonderful neighbors and she did not want the town to change that much anymore.

Vice-Chair Joyce closed the public hearing.

Commissioner Band stated that she sympathized with the amount of time and money the applicant had spent; however, it did not mitigate the obligation of the Planning Commission to look at this application solely on its merits. Commissioner Band pointed out that a lot of things have been compared to HRL zone, but it is in the HR-1 zone. Even though it is

adjacent to HRL and the proposed homes feel like HRL does not change the fact that the property is zoned HR-1. She agreed that tax assessor data is often inaccurate because she sees the inaccuracies as a real estate agent. She appreciated the comments made by Charlie Wintzer about not getting into the details of lot and home sizes in this subdivision process; but she thought it was important to do it anyway because those details matter. Commissioner Band agreed that the Planning Commission did not have the authority to reduce lot sizes. However, the Staff has recommended that it be more in line with the HR-1 zoning and the Planning Commission can only approve or deny. Commissioner Band remarked that in walking around the HR-1 zone it is visually different from the HRL zone and from Sampson Avenue. That is also evidenced by looking at the plat and the numbers.

Commissioner Band read from LMC 15-7.1(5)(i), zoning regulations, "Every plat shall conform to existing zone regulations and subdivision regulations applicable at the time of proposed final approval." The purpose statement of HR-1 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'". Commissioner Band believed they were seeing less density because more people are requesting to combine lots. She believed that double lots were probably the largest they would see, which is still substantially less than what this applicant was requesting. Commissioner Band noted that the applicant appears to take issue on this point and several others that the Planning Commission Staff took into account what it calls "public clamor". She agreed that in some cases the input was public clamor, but there were also many excellent well-thought out and well-researched comments, including those by previous Planning Commissioners who provided information on previous history and issues that need to be considered. She recalled from the October Staff report that the former Planning Commissioners consistently wanted the lots to be small and as low as possible.

Commissioner Band felt good cause was the most important issue. Regarding good cause versus substantial evidence, LMC 15-7.1-7C states that, "The Planning Commission shall make a finding as to good cause prior to making a positive recommendation to the City Council". She found that statement to be the overriding command to the Planning Commission. The LMC requires them to look at every aspect of a project coming up for approval and to make a finding as to good cause prior to making a positive recommendation.

Commissioner Band thought the term "blind right turn" was frightening. Regarding the comment about "no fatal flaws" she asked if they needed a fatality to have a fatal flaw. In driving up and down the roads she questioned whether they were doing justice to the public and their health, safety and welfare. If they did not take this into consideration the Planning Commission would not be doing everything they are asked to do as part of a subdivision approval.

Commissioner Band asked for clarification on whether the mine shaft was capped. Vice-Chair Joyce stated that the mine shaft has been filled but not capped. Commissioner Band pointed out that no studies have been done and she thought that was an important factor. She asked if anyone knew the closest a home has ever been built to a mine shaft. She had Googled the question but could not find an answer. She also wanted to know the difference between capping versus filling. Commissioner Band noted that they recently had a collapse in town and there is evidence of settling. They have also had sink holes in town. She thought this issue at least bears studying when they are looking at putting a home that close to a mine shaft since it has never been done in Park City.

Per the LMC, Commissioner Band did not believe the proposed subdivision substantially provided positive benefits and mitigated negative impacts for the zone or for health, safety and welfare. In looking at the pros and cons and looking to mitigate the negative impact of the large homes, the retaining walls, site disturbance and the frightening condition of the roads, she was unable to see adequate mitigation for good cause. She believed the cleanup and the tax revenue were the only benefits.

Commissioner Band stated that at the last meeting all the Commissioners indicated that they would deny this application if the proposal had not changed. She acknowledged that the applicant presented arguments responding to their comments. In her opinion, the Commissioner had been given more relevant information since the last meeting to support a denial.

Commissioner Campbell stated that his comments were the same as the last meeting.

Commissioner Worel agreed with Commissioner Band's comments. Her concern with this project has always been about health and safety and the ability to navigate the roads. She was disappointed to hear from the neighbor that the negotiations regarding a different access were not occurring. She had asked for the status of the negotiations at a previous meeting and the applicant told her that they were in progress. After hearing from the neighbor this evening that is apparently not the case.

Commissioner Worel had tried to contact the Fire Chief earlier today without success. She wanted to hear his comments regarding the ability to get emergency vehicles to the area if an evacuation was ever necessary. She realized that this was a problem all over town, but that was not a reason to approve another project with the same implications. Commissioner Worel wanted the opportunity to review the letter from Brooke Hontz that was given to the Commissioners just before the meeting.

At the request of the interim Planning Director, Commissioner Campbell summarized his comments from the previous meeting for the record. Commissioner Campbell understood the applicant's position and he was sensitive to the rights they have and the time and energy they have expended. Based on their previous work in town he believes the applicant does good work and he was certain that the same quality and design would also be present in the project. Commissioner Campbell did not favor a denial of their right to build; however, his comments at the last meeting were that the proposal was not compatible with what exists in the HR-1. He believed the applicant would see a different outcome if their proposal was laid out to look more like HR-1. Commissioner Campbell believed in the vested rights that the applicant has and he suggested that the applicant look at the possibility of applying for a rezone to achieve what they were trying to build. Based on the sections shown he believed it was compatible with the hillside and he was not opposed to development in that area. He agreed with the comment that there is a need for diverse housing and not just three or four story structures that are not physically conducive for multi-generational families. Commissioner Campbell favored what the applicant was proposing; however, he could not support it based on his reading of the LMC.

Vice-Chair Joyce referred to the comment from Mary Wintzer about not seeing any changes to the plan. He pointed out that the applicant had made it clear in the June meeting that they had no intentions of revising the plan; and that they only intended to respond to the comments from both the Planning Commission and the public. In fairness to the applicant, Vice-Chair Joyce did not believe the Planning Commission had expected to see a revised plan.

Vice-Chair Joyce stated that in reading the July 13th letter from King Development, one of the items was that they had spent 10 years presenting a nine-lot plan with no objections. He researched past materials and found a number of places in past minutes, including his own comments in April, where he had asked the question about where nine lots came from. At that time there was a response about it being one less than what would be required for an MPD. Vice-Chair Joyce stated that the research shows that nine lots were consistently brought forward by King Development. He noted that page 239 the Staff report includes a 2008 letter from Joe Tesch defending eight HR-1 lots and one Estate lot and why they could not reasonably ask for less density. Vice-Chair Joyce believed that the letter from 2008 clearly demonstrates that it has been an issue for quite a while. Vice-Chair Joyce clarified that 9 lots was neither the right nor wrong answer. His issue was having nine lots of that size in HR-1 on very steep slopes with the extensive retaining wall. He recognized that ten or 12 units might fit based on size and position on the lots. Vice-Chair Joyce disputed the claim that in ten years no one had disputed the nine lot plan because there was significant evidence showing otherwise.

Vice-Chair Joyce noted that the July 13th letter indicates that the applicant was asked to make several specific changes to the nine lot plan and that the changes were made. Vice-Chair Joyce appreciated that lot 7 was moved off the hillside, but over and over he has made reference to the very steep lots, with the worst being Lot 7. He did not believe there had ever been an agreement that everything else would be acceptable if Lot 7 was moved. However, he did recall a long list of discussions about cut and fill and the position of the lots on the hills.

Vice-Chair Joyce referred to the August 27, 2008 Planning Commission meeting minutes which stated, "During the meeting the Planning Commissioners expressed their satisfaction with the quality and results of the cleanup. At the same time the Commissioners expressed concerns that the future home sites were being cleaned up prior to the final approval of the development plan. They also insisted all proposed development should be close to the access road along the bottom of the valley." He pointed out that the same sentiment was expressed at several other Planning Commission meetings moving forward. Each time it was about smaller homes down at the base of the canyon. Commissioner Joyce did not believe the portrayal in the July 13th letter from King Development that there was suddenly a change of opinion from the Commissioners was accurate, because documentation from many work sessions and meetings document the fact that the Planning Commission had concerns. He understood that it was never brought to a vote, but the comments are consistent.

Vice-Chair Joyce pointed out that there has been a lot of discussion about how the applicant thinks they should be HRL. Commissioner Joyce emphasized that the property is in the HR-1 zone and the Planning Commission has consistently held to that fact throughout the process. During the March 11, 2009 work session three alternatives were brought forth by the Planning Department; and one alternative referred to changing to HRL. In that same meeting Joe Tesch read from the HRL purpose and stated that, "He believed the development was more in the spirit with the HRL zone". He emphasized that contrary to what was stated in the July 13th letter from King Development, the suggestion of rezoning to HRL was not a new concept and it has been discussed repeatedly over the years.

Vice-Chair Joyce commented on the reference that the Planning Commission was trying to apply steep slope to structures rather than lots. He clarified that they were not trying to apply the Steep Slope Cup. They were actually trying to apply LMC 15-7-1.6C and 15-7-31, which directs them to consider the topography and the slopes along with lot size and lot placement.

Vice-Chair Joyce commented on the reference to density and the discussion that it should remain open space. He agreed that it was private property and not public open space. He

recalled that it came out of public comment and it was not accurate. Vice-Chair Joyce stated that the applicant has the right to develop their land, but it needs to be appropriate development. Vice-Chair Joyce referred to the discussion regarding the 2500 square foot footprint, and the statement in the applicant's letter that it was disappointing that the Commissioners were unwilling to honor their agreement just one meeting later. He pointed out that it had been a Staff recommendation. He did not believe that the Planning Commission at any time gave the impression that they were committing to the Staff recommendation.

Vice-Chair Joyce read the statement from the applicant's letter stating, "It did not matter where we put the houses, the Commission was not going to give a positive recommendation." He had two issues with that statement. The first is that location of houses does matter. In all of the documents there has been continual discussion in either work session or regular meetings about moving houses off the very steep slopes and into the canyon. Despite the number of times those comments were made the applicant chose not to adopt that type of plan. He liked what they did in moving Lot 7 and the Estate lot, but there is still a hillside with 100% limit of disturbance on approximately two-thirds of the hill.

Vice-Chair Joyce referred to the 2009 meeting and the discussion that was brought forward by the Planning Department with three alternatives. One alternative pushed the lots to the bottom. When they asked the Planning Commission which of the alternatives they preferred, there was overwhelming support for Alternative B. He believed this current Planning Commission appeared to be going in the same direction as the Planning Commissions of 2005-2011. They would like to see a plan that is more compact and down in the flatter area to reduce the amount of disturbance to the hillside.

Vice-Chair Joyce appreciated the work that was done on the environmental cleanup. He gave the applicant more credit for cleaning up their portion of the land for development; but less credit for cleaning up the City piece because the trade-off was the ability to use Richardson Flat.

Vice-Chair Joyce commented on the photos of walls around town that the applicant showed in their presentation. He agreed that there are large walls around town, but very few, if any, are in the HR-1 District. He pointed out that the walls proposed for this development are not only tall but they are also very wide and carve up the hillside.

Vice-Chair Joyce referred to the concern raised in the applicant's letter about the amount of time spent on the mine. He noted that the geo-tech report states that, "typically mines are closed by backfilling and capped with concrete. However, in the mine assessment it states that they can build within ten feet and the mine was filled with dirt. He explained that

the statement in the geo-tech report was the reason why the Commissioners kept asking questions about the cap.

Vice-Chair Joyce noted the comment by the applicant about the Planning Commission listening to public clamor. However, based on the LMC issues of compatibility, scale and massing, and concern about cut, fill and vegetative disturbance, he thought it was interesting to see how consistent all of the Planning Commissions have been on these issues. Vice-Chair Joyce stated that the Commissioners listen to public input and they appreciate comments that point specifically to LMC issues, but in the end they are tasked with simply applying the LMC.

Vice-Chair Joyce was prepared to comment on some of the points that were held over from the June 10th meeting.

Interim Planning Director Erickson stated that the Staff would have to reset the Findings of Fact. If the main points were on the table, the Planning Commission would have the opportunity before the next meeting to review the Staff report to make sure it was what they wanted.

Assistant City Attorney McLean remarked that the Commissioners could submit their comments to the Staff to be incorporated into the Staff report. Mr. Erickson stated that the primary goal is to make sure that the Findings of Fact and Conclusions of Law were consistent with the LMC and with the comments and opinions of the Planning Commission.

Vice-Chair Joyce stated that he would submit his comments to Staff. He assumed the Staff would make it available to the applicant and the other Commissioners.

Vice-Chair Joyce referred to the information the applicant submitted regarding house sizes and compatibility. In what he has looked at so far, the most reliable aspects are lot size and footprint size. He noted that the larger homes in the comparison provided by the applicant were in the HRL zone. He questioned the accuracy of the calculations and he believed the applicants were very selective in the houses they chose when preparing their comparison. Vice-Chair Joyce could find no reason to move away from what the Planning Staff provided for footprint because it was the most consistent. Vice-Chair Joyce stated that personally he would feel more comfortable if the Planning Commission was looking at a plan that was down in the valley and off the hillside and was more compatible with HR1 in lot size and house size. He was not opposed to development but it has to be the right fit. His primary focus was on disturbance, cut and fill, very steep slopes, and the size and layout of the lots.

Mr. Erickson stated that it was more precise for the Staff to deal with building pad size, limits of disturbance and building height in calculating the house, as opposed to regulating the internal volumes of the house. He offered to look at building pad size and limits of disturbance to help regulate these issues in the future. Mr. Erickson asked if the Planning Commission wanted further analysis from the City Engineer on the intersection. He explained that engineering and traffic analyses work in ranges and bands. He clarified that what Mr. Cassel was trying to describe was that the density being proposed did not change the effective band of Level of Service A. That was the why Mr. Cassel said there is no fatal flaw. The intersection does not fail, but adding an additional 100 trips to the model may be significant. Mr. Erickson offered to work with the City Engineer to make sure his recommendations are clear to the Planning Commission, the public and the applicant. The Staff could also look at other mechanisms for regulating house sizes if this moves forward. If the Commissioners intend to forward a recommendation for denial the Staff would not spend the time on it.

Commissioner Worel stated that she would also like to hear from the Fire Chief. Mr. Erickson would make sure that the Staff gets an opinion from the Fire Chief.

Jerry Fiat asked to respond to some of the comments. He stated that they obtain two designs for the mine shaft. One was to fill it with soil and the other was to fill it and cap it. They were also given distances that they would have to setback. Mr. Fiat pointed out that it was not a matter of following the recommendation. They made a decision that the setback would be based on the engineer. In response to the question asked by Commissioner Band, Mr. Fiat stated that both the St. Regis and the Montage were built on top of mine shafts. One advantage of the Alice Lode is that they know exactly what mine shafts are there. There are mine shaft throughout town and he has built homes where they ran into mine shafts because no one knew they were there. Mr. Fiat remarked that the debate about filling it or capping it is a minor issue. If pulling out dirt and capping it with concrete is required they would do it, but he felt the issues was blown out of proportion.

Mr. Fiat referred to the statement by Commissioner Worel indicating that he had said that negotiations regarding the access were progressing. He clarified that it was actually Lee Gerstein who made that statement during a previous public hearing. Mr. Fiat stated that negotiations were still going on, but there is a difference of opinion as to what they were willing to pay for the easement.

Mr. Fiat addressed the comment about the City doing them a favor by letting them put the contaminated soil on Richardson Flat. He stated that very little soil from their property went to Richardson Flat. It was used exclusively for cleaning up the City property.

Mr. Fiat explained that the nine-lot plan started with a conversation he had with Ron Ivie about what they could put on the property and have a dead-end road. He pointed out that the discussions have always been about nine lots because they did not want to go through a major subdivision or MPD. In looking at options A, B and C that were previously presented by Staff and referenced by Vice-Chair Joyce, Mr. Fiat noted that at that time the Planning Director recommended that they look at more lots. Mr. Fiat stated that they were asked to do specific studies and those studies were done and presented. He clarified that he had not drafted the letter submitted on July 13th; however, he had approved all of the work that was done at the request of the Planning Department over the years. He felt like they were always being asked for something and then when they give it they are asked for something else. They have complied with all the requests with no guarantee that it would be approved. Mr. Fiat stated that he was reluctant to make any changes to the plans when there is no guarantee that the changes would lead to an approval. They have already spent a significant amount of money on the plans and the cleanup.

Mr. Fiat clarified that they did not terrace the wall to avoid the CUP. They actually lowered the road and lowered the lots which allowed them to reduce the size of the walls significantly. He noted that all the remaining walls are typical of all the construction in Old Town. Mr. Fiat agreed that the entry wall was very large and not typical.

Mr. Cahoon noted that Vice-Chair Joyce had quoted from the geo-tech letter of 2006, which said that the typical approach for filling the mine shaft was to fill it and cap it with cement. He pointed out that the follow up letter confirmed that it was filled and that the 10' setback would be appropriate. Mr. Cahoon remarked that because the original guide was "typical" did not mean that filling was "atypical".

Mr. Cahoon commented on compatibility and noted that the Code says compatibility with the neighborhood. It does not say compatibility with HR-1. He thought it was incorrect to say that they have to ignore the neighborhood below them because it is HRL. Instead, they have been asked to drop all the way down to Daly Avenue for compatibility. Mr. Cahoon had driven down Woodside Avenue where there are very large homes in the HR-1 district that were not mentioned. There are also massive buildings that were recently approved on the other side of the City in the HR-1 zone. He believed that was an important clarification on what the Code required.

Mr. Fiat referred to the comment about how they were selective in the houses they showed in their comparison. He explained that the houses selected were the adjoining houses to their property. Mr. Fiat stated that because the Staff report had calculated numbers for Sampson Avenue and because he was familiar with a number of houses on Sampson, he had provided a complete list of Sampson. He did not include anything he could not substantiate, which is why some of the properties were missing from the list. Mr. Fiat

stated that he could state as fact that 40 and 50 Sampson Avenue were 7,500 square foot lots. He recalled that 121 Sampson was a 6,000 square foot lot. Mr. Fiat emphasized that the list was not selective. It was meant to be complete.

Vice-Chair Joyce believed there was consensus among the Planning Commission to direct the Staff to prepare findings and conclusions for denial. Assistant City Attorney McLean clarified that the Planning Commission would be making a recommendation to the City Council. She suggested that it would be appropriate for them to provide input on the conditions of approval in the event that the City Council would not follow their recommendation and approve the application. Another alternative would be to submit their suggested changes to Planner Alexander and she could summarize them for the City Council.

Commissioner Band referred to Mr. Cahoon's comment about the Code referencing neighborhood compatibility and not zoning. She cited several places in the LMC that references zoning for new subdivisions.

Mr. Erickson stated that the Staff would focus on the subdivision characteristics; however, they would consider compatibility in a relative sense based on the comments from the Planning Commission.

Commissioner Worel felt her concerns had been adequately summarized and addressed in the direction to Staff.

Vice-Chair Joyce reiterated that his primary issues were compatibility of layout, moving off the steep slopes and down into the valley, and size more compatible with the HR-1 zone, which was more in the realm of 4,000 to 5,000 square foot lots and 1,500 to 2,000 square foot footprints.

Vice-Chair Joyce noted that the Staff had requested that the Planning Commission continue these items to allow Staff time to prepare the appropriate findings for a vote at the next meeting.

MOTION: Commissioner Worel moved to CONTINUE Alice Claim South of intersection of King Road and Ridge Avenue - Alice Claim Subdivision and plat amendment to August 12, 2015. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Worel moved to CONTINUE Alice Claim South of intersection of King Road and Ridge Avenue – Conditional Use Permit for retaining walls up to 10 feet in height to August 12, 2015. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

Commissioner Cahoon asked if the Planning Commission intended to direct Staff to prepare findings and conclusions for the CUP application. Mr. Erickson explained that the CUP for the retaining wall is tied to the subdivision approval. If the Commissioners forward a negative recommendation for the subdivision approval they could not approve the CUP.

Assistant City Attorney McLean stated that she would advise the Staff on whether it was better to prepare findings for the CUP now or continue it to a date uncertain pending the City Council decision on the subdivision. She could discuss the options with Mr. Cahoon.

Mr. Cahoon asked if a decision was made not to provide conditions of approval in the event the City Council overturns the negative recommendation. Vice-Chair Joyce stated that the Planning Commission had provided guidance to the Staff and they would have the opportunity to review it prior to the next meeting. He personally intended to submit detailed comments from the June meeting to be incorporated.

Mr. Cahoon stated that the applicant has spent a lot of time with the Planning Commission and they were obviously going before the City Council. If an issue arises and the Council sends them back to the Planning Commission, he thought it would be prudent to address the conditions as part of the recommendation. If the City Council had all the information and input from both sides, it could possibly avoid having to come back to the Planning Commission. Mr. Cahoon recommended that the Planning Commission forward that input with their recommendation.

Planner Alexander believed the Planning Commission had already stated what they would like to see changed before they could even consider an approval. She could base the conditions of approval on those comments.

Mr. Cahoon responded to the discussion about the length of time their application has been pending. He noted that the cleanup was conducted in the middle of the Great Recession of 2008. The real estate recovery was very slow and that was a big factor in the timing and the lapse between the time of the cleanup and when they came back to the Planning Department to move forward. Mr. Cahoon thought that was an important consideration in terms of economic history.

The Park City Planning Commission Meeting adjourned at 9:15 p.m.

Approved by Planning Commission: _____

Planning Commission Staff Report



PLANNING DEPARTMENT

Subject: 1105 Lowell Avenue
Project #: PL-15-02729
Author: Francisco J. Astorga, Senior Planner
Date: August 12, 2015
Type of Item: Administrative – Steep Slope Conditional Use Permit

Summary Recommendations

Staff recommends the Planning Commission review the application for a Steep Slope Conditional Use Permit (CUP) at 1105 Lowell Avenue, conduct a public hearing, and consider approving the Steep Slope CUP for 1105 Lowell Avenue. Staff has prepared Findings of Fact, Conclusions of Law, and Conditions of Approval for the Commission's 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

Owner/ Applicant: Utah KAT LLC, represented by Jack Lopez
Architect: James Carroll
Location: 1105 Lowell Avenue
Zoning: Historic Residential (HR-1)
Adjacent Land Uses: Residential single family
Reason for Review: Construction of structures with greater than 1,000 square feet of floor area and located on a steep slope (30% or greater) requires a Conditional Use Permit

Proposal

This application is a request for a Steep Slope CUP for a new single-family dwelling containing 3,136 square feet on a 2,590 square foot lot located at 1105 Lowell Avenue. The lot currently contains approximately half of an existing structure, a duplex, which is located at 1103 and 1105 Lowell Ave. The duplex is to be demolished prior to the proposed construction. The total floor area exceeds 1,000 square feet and the construction is proposed on a slope of 30%. The recently platted lot is Lot 1 of Barbara's Subdivision, approved by the City in October 2014. The plat has not yet been recorded.

Purpose

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

- A. preserve present land Uses and character of the Historic residential Areas of Park City,
- B. encourage the preservation of Historic Structures,

- C. encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,
- D. encourage single family Development on combinations of 25' x 75' Historic Lots,
- E. define Development parameters that are consistent with the General Plan policies for the Historic core, and
- F. establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

Background

On March 27, 2015, the City received an application for a Steep Slope CUP for "Construction on a Steep Slope" at 1105 Lowell Avenue. The property is located in the HR-1 District. The application was deemed complete on July 16, 2015 as plans were updated on that date.

Analysis

This application is a request for a Steep Slope CUP for construction of a new single-family dwelling on a single lot containing 2,587.10 square feet. The property is described as Lot 1 of the Barbara's Subdivision approved by the Park City Council in October 2014, but not yet recorded. Because the total proposed structure is greater than 1,000 square feet and the lot has slopes where the house is proposed of 30% or greater, the applicant is required to file a CUP application for review by the Planning Commission, pursuant to LMC § 15-2.2-6 and prior to issuance of a building permit. There is an existing structure currently on the lot. The existing structure is to be demolished as a condition of approval of the plat, Barbara's Subdivision. The applicant filed a demolition permit for the duplex in May 2015 but has not yet demolished the duplex.

The proposed structure contains a total of 3,136 square feet, including the basement level and a double car garage. The proposed building footprint is approximately 1,118 square feet. The house complies with all setbacks, building footprint, and building height requirements of the HR-1 District. The table below contains a breakdown of the proposed dwelling by floor:

Floor	Proposed Sq. Ft.
Main floor	917 square feet
Lower floor	1,101 square feet
Garage floor	1,118 square feet
Total	3,136 square feet

Staff reviewed the plans and made the following LMC related findings:

Requirement	LMC Requirement	Proposed
Building Footprint	1,119.6 square feet (based on lot area), <u>maximum</u>	1,118 square feet, <u>complies.</u>
Front/Rear Yard Setbacks	10 feet, minimum	Front: ranges from 14' to 18', <u>complies.</u> Rear: 10', <u>complies.</u>

Side Yard Setbacks	3 feet minimum (6 feet total)	3' on each side, <u>complies.</u>
Building Height: Zone Height	27 feet above existing grade, <u>maximum.</u>	Various heights all at or less than 27 feet, <u>complies.</u>
Building Height: Internal Massing Height	35 feet from lowest floor plane to highest wall plate	35 feet, <u>complies.</u>
Building Height: Final grade	Final grade must be within four (4) vertical feet of existing grade around the periphery of the structure.	(4 feet) or less, <u>complies.</u>
Building Height: Vertical articulation	A ten foot (10') minimum horizontal step in the downhill façade is required.	A 10' horizontal step is located in the downhill façade, <u>complies.</u>
Building Height: Roof Pitch	Roof pitch must be between 7:12 and 12:12 for primary roofs. Non-primary roofs may be less than 7:12.	7:12 for all primary roofs, <u>complies.</u>
Parking	Two (2) off-street parking spaces required.	Two (2) spaces within a double (side to side) car garage, <u>complies.</u>

A separate Historic District Design Review (HDDR) application was submitted to the Planning Department for the proposed single-family dwelling. This application will be reviewed for compliance with the Design Guidelines for Historic Districts and Historic Sites that were adopted in 2009. Issuance of a building permit for the proposed house is dependent on approval of the Historic District Design Review.

Steep Slope Review Criteria

LMC § 15-2.2-6 provides for development on steep sloping lots in excess of one thousand square feet (1,000 sq. ft.) within the HR-1 District, subject to the following Steep Slope Conditional Use Permit criteria:

1. Location of Development. Development is located and designed to reduce visual and environmental impacts of the Structure. **No unmitigated impacts.**

The proposed single family-dwelling is located on the lot in a manner that reduces the visual and impacts of the Structure. The proposed landscape plan maintains existing vegetation in this lot, and the footprint complies with that allowed for the lot area. The front setbacks are increased for portions of the structure. The driveway is located at the front of the property (east section), directly accessible from Lowell Avenue.

2. Visual Analysis. The Applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points to determine potential impacts of the project and identify potential for screening, slope stabilization, erosion mitigation, vegetation protection, and other items. **No unmitigated impacts.**

The applicant submitted a visual analysis, including a cross canyon view, streetscape and photographs showing a contextual analysis of the proposed single-family dwelling related to visual impacts.

The proposed structure cannot be seen from the key vantage points as indicated in LMC § 15-15-1.283, with the exception of a cross canyon view. The cross canyon view contains a back drop of three (3) story houses. The visual analysis and streetscape demonstrate that the proposed design is visually compatible with the neighborhood, similar in scale and mass to surrounding structures, and visual impacts are mitigated. Potential impacts of the design are mitigated by setting the house lower on the lot and a stepped foundation.

3. Access. Access points and driveways must be designed to minimize Grading of the natural topography and to reduce overall Building scale. Common driveways and Parking Areas, and side Access to garages are strongly encouraged, where feasible. **No unmitigated impacts.**

The proposed design incorporates a driveway from Lowell Avenue, with front access to a two (2) car garage. Approximate slope is 11% as measured from the front of the garage to the edge of the paved street. The driveway is designed to minimize grading of the natural topography and to reduce overall building scale.

4. Terracing. The project may include terraced retaining Structures if necessary to regain Natural Grade. **No unmitigated impacts.**

Minor retaining is necessary to regain natural grade around the proposed structure to provide for egress at the rear patio. This area will meet the LMC development standards of retaining walls in setback areas which range from four feet (4') to the maximum height of six feet (6') above final grade. The slope of the property increases from the front to the back of the property.

5. Building Location. Buildings, access, and infrastructure must be located to minimize cut and fill that would alter the perceived natural topography of the Site. The Site design and Building Footprint must coordinate with adjacent properties to maximize opportunities for open Areas and preservation of natural vegetation, to minimize driveway and Parking Areas, and provide variation of the Front Yard. **No unmitigated impacts.**

The proposed structure is centered on the site, with extended front setbacks which maximize the visible open area on the lot. The proposed landscape plan incorporates and preserves existing vegetation.

6. Building Form and Scale. Where Building masses orient against the Lot's existing contours, the Structures must be stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District. Low profile Buildings that orient with existing contours are strongly encouraged. The garage must be subordinate in design to the main Building. In order to decrease the perceived bulk of the Main Building, the Planning Commission may

require a garage separate from the main Structure or no garage. **No unmitigated impacts.**

The main ridge orients with the contours. The size of the lot allows the design to not offend the natural character of the site as seen on the submitted model. The house is set lower in the ground as to reduce the visible impact of the garage and garage level floor.

7. Setbacks. The Planning Commission may require an increase in one or more Setbacks to minimize the creation of a “wall effect” along the Street front and/or the Rear Lot Line. The Setback variation will be a function of the Site constraints, proposed Building scale, and Setbacks on adjacent Structures. **Unmitigated impacts.**

The proposed structure meets the standard LMC setbacks for a lot this size consisting of a minimum of ten feet (10') front/rear yard setbacks. Front setbacks are increased as the garage is setback twenty-four feet (24') from the front property line, to accommodate the code required parking space entirely on the lot. The articulation in the front and rear facades reduces the over mass of the structure does not create a wall effect along the street front or rear lot line.

The proposed structure meets the minimum side yard setbacks of three feet (3') minimum, and six (6') total. Side setbacks are consistent with the pattern of development and separation in the District.

8. Dwelling Volume. The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in this Chapter. The Planning Commission may further limit the volume of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing Structures. **No unmitigated impacts.**

The proposed structure is articulated and broken into compatible massing components. The design includes setback variations and lower building heights for portions of the structure. The proposed massing and architectural design components are compatible with both the volume and massing of single-family dwellings in the area, which consists of bigger units on the Lowell Avenue West. The design minimizes the visual mass and mitigates the differences in scale between the proposed house and surrounding structures.

9. Building Height (Steep Slope). The maximum Building Height in the HR-1 District is twenty-seven feet (27'). The Planning Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing residential Structures. **No unmitigated impacts.**

The proposed structure meets the twenty-seven feet (27') maximum building height requirement measured from existing grade at the highest point. The heights of the main ridges range from 20 to 27 feet above the existing grade.

Portions of the house are less than 27' in height. The tallest ridge (27') is midway back from the front and the roof height at this location is not visually apparent from the front, back, or sides of the house.

Process

Approval of this application constitutes Final Action that may be appealed to the City Council following appeal procedures found in LMC § 15-1-18. Approval of the Historic District Design Review application is noticed separately and is a condition of building permit issuance.

Department Review

This project has gone through an interdepartmental review. No further issues were brought up at that time other than standards items that have to be addressed by revisions and conditions of approval.

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was published in the Park Record in accordance with requirements of the Land Management Code.

Public Input

No public input has been received on this application at the time of this report.

Alternatives

- The Planning Commission may approve the Steep Slope Conditional Use Permit for 1105 Lowell Avenue, or
- The Planning Commission may deny the Steep Slope CUP Permit for 1105 Lowell Avenue and direct staff to make Findings for this decision, or
- The Planning Commission may request the applicant provide revisions or provide other specific items and continue the discussion to a date certain.

Significant Impacts

There are no significant fiscal or environmental impacts from this application. The lot currently contains approximately one-half of a duplex which is also on 1103 Lowell Avenue.

Recommendation

Staff recommends the Planning Commission review the application for a Steep Slope Conditional Use Permit at 1105 Lowell Avenue, conduct a public hearing, and consider approving the Steep Slope CUP for 1105 Lowell Avenue. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

Findings of Fact:

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:

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.

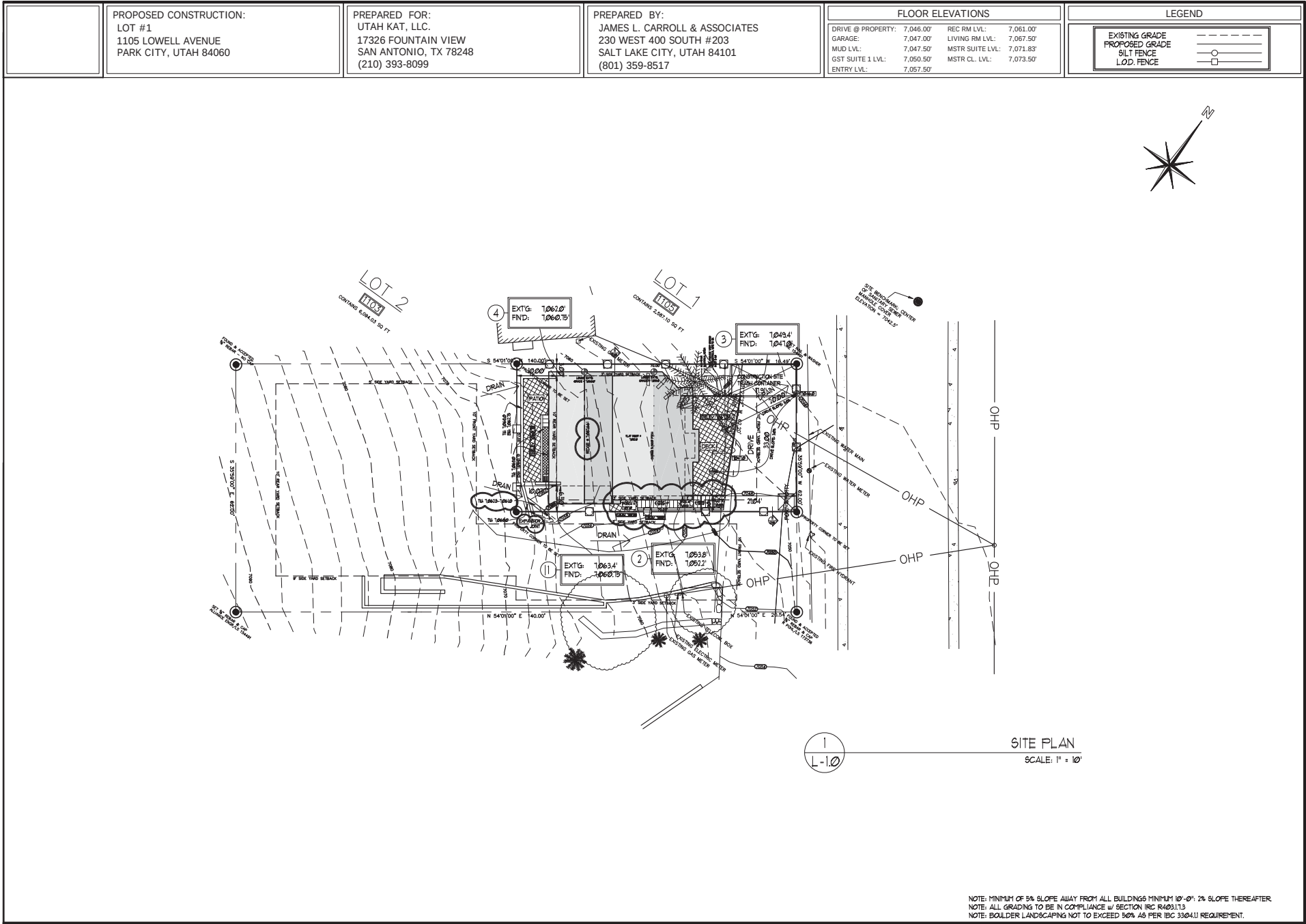
Conditions of Approval:

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.

Exhibits

Exhibit A – Site Plan
Exhibit B – Landscape Plan
Exhibit C – Aerial Site View 1103 & 1105
Exhibit D – Aerial Site View 1105
Exhibit E – Cross Canyon View 1103 & 1105
Exhibit F – Cross Canyon View 1105
Exhibit G – Streetscape View 1103 & 1105
Exhibit H – Streetscape View 1105
Exhibit I – Footprint Calculation
Exhibit J – Elevations, South & East
Exhibit K – Elevations, North & West
Exhibit L – Axonometric views
Exhibit M – Combined Axonometric Views
Exhibit N – Garage Floor Plan
Exhibit O – Lower Floor Plan
Exhibit P – Main Floor Plan
Exhibit Q – Master Suite Plan
Exhibit R – Cross Section
Exhibit S – Roof Plan

Exhibit A – Site Plan



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SALT LAKE CITY, UTAH 84101 (801) 359-8517
www.jamescarrollassociates.com

UTAH KAT 1105
LOT #1
1105 LOWELL AVENUE
PARK CITY, UTAH 84060

PROJECT: UTAH KAT 1105
PLAN DATE: 04-28-2015
DRAWN BY: DANIEL BURROUGHS
REVIEWED BY: DANIEL BURROUGHS
REVISED DATE: 07-13-2015
NOT DATE: 07-13-2015
DESIGN: SITE PLAN

SHEET #
L-1.0

Exhibit A – Site Plan

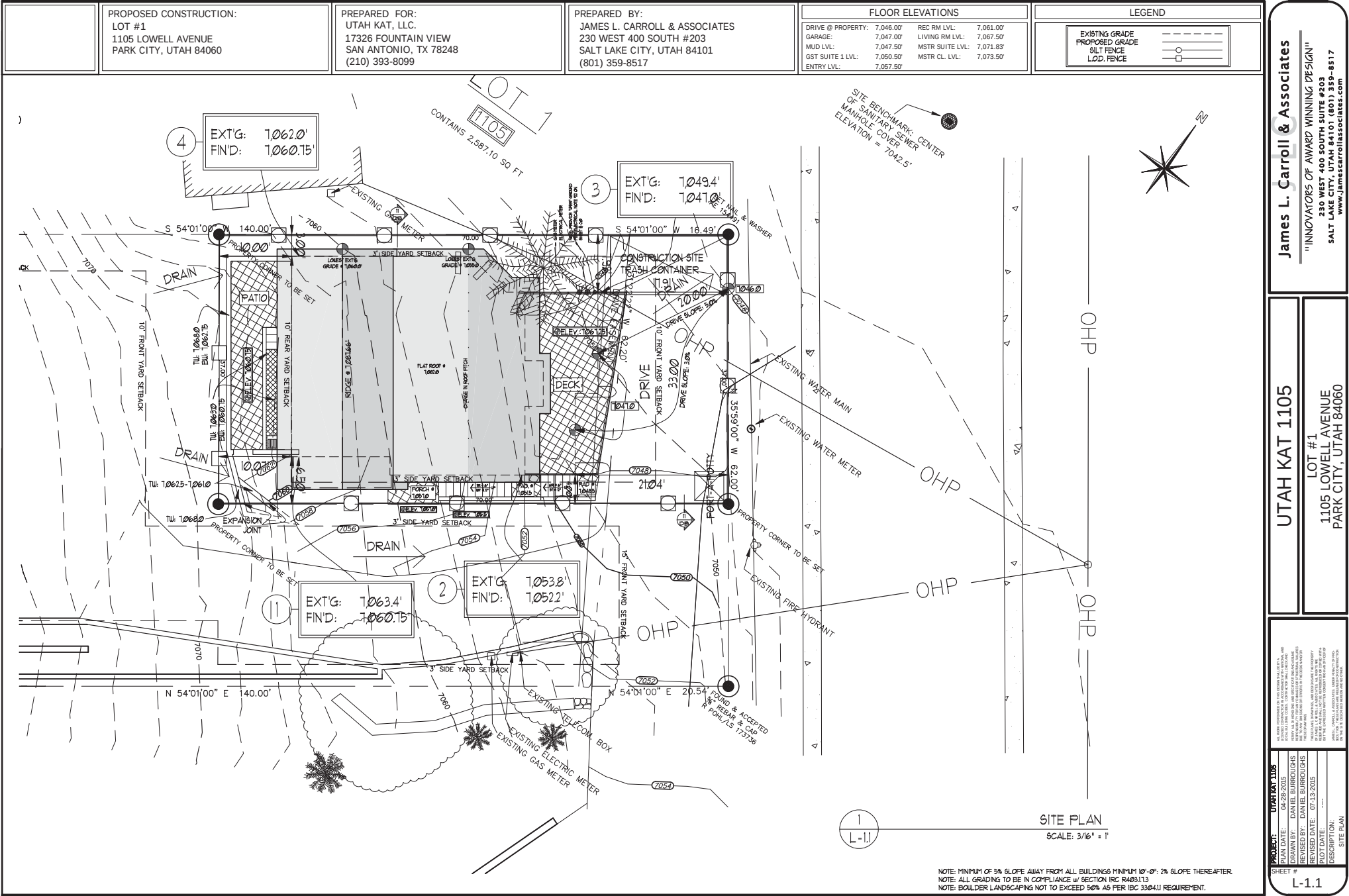


Exhibit C – Aerial Site View 1103 & 1105

PROPOSED CONSTRUCTION: LOT #1 1105 LOWELL AVENUE PARK CITY, UTAH 84060	PREPARED FOR: UTAH KAT, LLC. 17326 FOUNTAIN VIEW SAN ANTONIO, TX 78248 (210) 393-8099	PREPARED BY: JAMES L. CARROLL & ASSOCIATES 230 WEST 400 SOUTH #203 SALT LAKE CITY, UTAH 84101 (801) 359-8517	FLOOR ELEVATIONS DRIVE @ STREET: 7,044.00' REC RM LVL: 7,061.00' GARAGE: 7,047.00' LIVING RM LVL: 7,067.50' MUD LVL: 7,047.50' MSTR SUITE LVL: 7,071.83' GST SUITE 1 LVL: 7,050.50' MSTR CL. LVL: 7,073.50' ENTRY LVL: 7,057.50'	LEGEND
---	---	--	---	--------

1
L-1.3a

Aerial Site View - 1103 & 1105
SCALE: NOT TO SCALE

UTAH KAT 1105
LOT #1
1105 LOWELL AVENUE
PARK CITY, UTAH 84060

James L. Carroll & Associates
"INNOVATORS OF AWARD WINNING DESIGN"
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PROJECT: UTAH KAT 1105
DRAWN BY: DANIEL BURROUGHS
REVIEWED BY: DANIEL BURROUGHS
REVISED DATE: 06-18-2015
PLOT DATE: 06-18-2015
DESCRIPTION: AERIAL VIEWS

SHEET #
L-1.3a

Exhibit D – Aerial Site View 1105

PROPOSED CONSTRUCTION:
LOT #1
1105 LOWELL AVENUE
PARK CITY, UTAH 84060

PREPARED FOR:
UTAH KAT, LLC.
17326 FOUNTAIN VIEW
SAN ANTONIO, TX 78248
(210) 393-8099

PREPARED BY:
JAMES L. CARROLL & ASSOCIATES
230 WEST 400 SOUTH #203
SALT LAKE CITY, UTAH 84101
(801) 359-8517

FLOOR ELEVATIONS

DRIVE @ STREET:	7,044.00'	REC RM LVL:	7,061.00'
GARAGE:	7,047.00'	LIVING RM LVL:	7,067.50'
MUD LVL:	7,047.50'	MSTR SUITE LVL:	7,071.83'
GST SUITE 1 LVL:	7,050.50'	MSTR CL LVL:	7,073.50'
ENTRY LVL:	7,057.50'		

LEGEND



1
L-1.3b

Aerial Site View - 1105
SCALE: NOT TO SCALE

James L. Carroll & Associates

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SALT LAKE CITY, UTAH 84101 (801) 359-8517
www.jamescarrollassociates.com

UTAH KAT 1105

LOT #1
1105 LOWELL AVENUE
PARK CITY, UTAH 84060

PROJECT: UTAH KAT 1105

PLAN DATE: 04-28-2015

DRAWN BY: DANIEL BURROUGHS

REVISED BY: DANIEL BURROUGHS

REVISED DATE: 06-18-2015

LOT DATE: 06-18-2015

DESIGNER: JLC

SCALE: 1"=40'

SHEET #

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AERIAL VIEWS

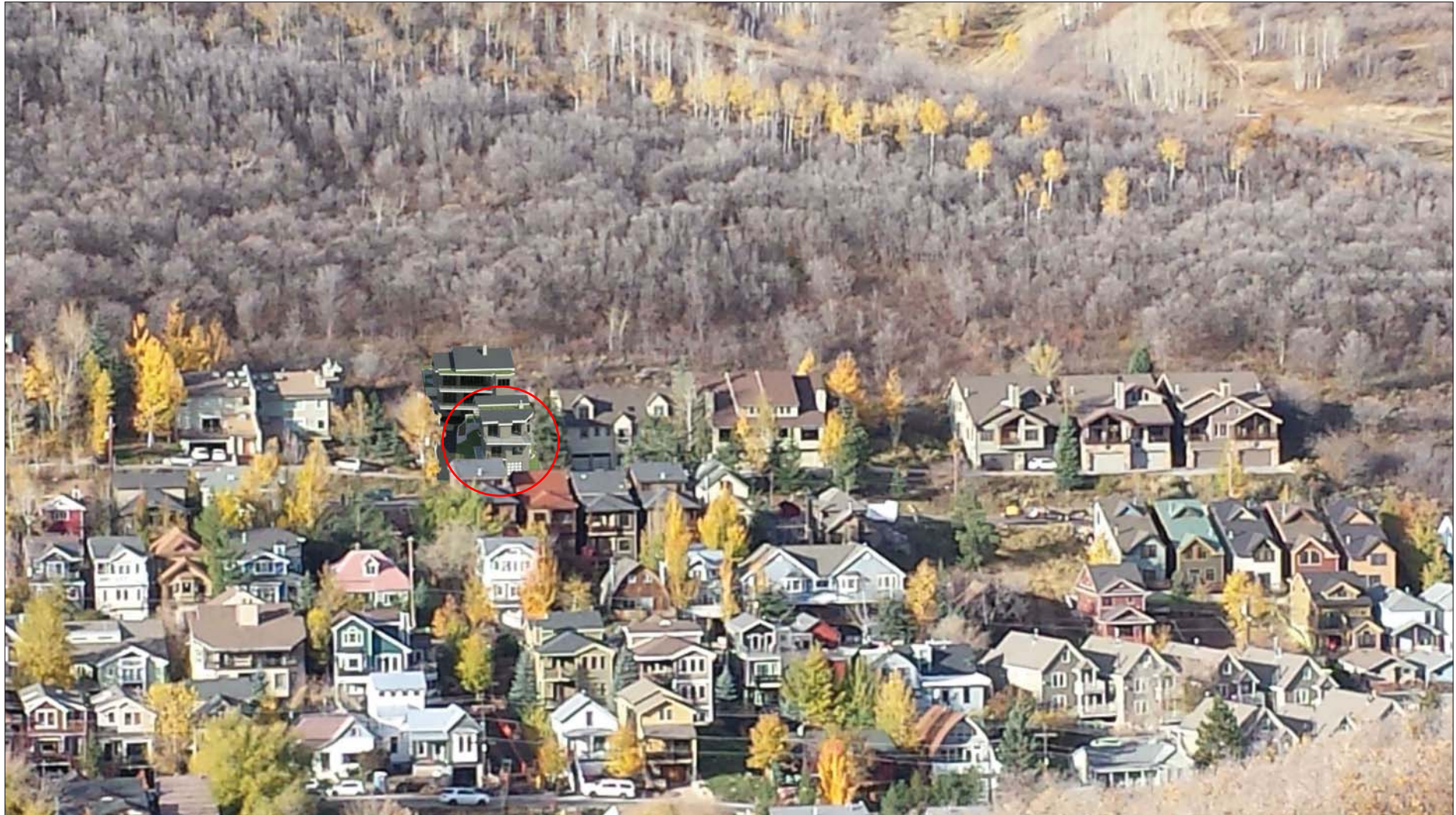
L-1.3b

Planning Commission Packet August 12, 2015

Page 234 of 280

Exhibit E – Cross Canyon View 1103 & 1105

	PROPOSED CONSTRUCTION: LOT #1 1105 LOWELL AVENUE PARK CITY, UTAH 84060	PREPARED FOR: UTAH KAT, LLC. 17326 FOUNTAIN VIEW SAN ANTONIO, TX 78248 (210) 393-8099	PREPARED BY: JAMES L. CARROLL & ASSOCIATES 230 WEST 400 SOUTH #203 SALT LAKE CITY, UTAH 84101 (801) 359-8517	<table><tr><th colspan="2">FLOOR ELEVATIONS</th></tr><tr><td>DRIVE @ STREET:</td><td>7,044.00'</td><td>REC RM LVL:</td><td>7,061.00'</td></tr><tr><td>GARAGE:</td><td>7,047.00'</td><td>LIVING RM LVL:</td><td>7,067.50'</td></tr><tr><td>MUD LVL:</td><td>7,047.50'</td><td>MSTR SUITE LVL:</td><td>7,071.83'</td></tr><tr><td>GST SUITE 1 LVL:</td><td>7,050.50'</td><td>MSTR CL. LVL:</td><td>7,073.50'</td></tr><tr><td>ENTRY LVL:</td><td>7,057.50'</td><td></td><td></td></tr></table>	FLOOR ELEVATIONS		DRIVE @ STREET:	7,044.00'	REC RM LVL:	7,061.00'	GARAGE:	7,047.00'	LIVING RM LVL:	7,067.50'	MUD LVL:	7,047.50'	MSTR SUITE LVL:	7,071.83'	GST SUITE 1 LVL:	7,050.50'	MSTR CL. LVL:	7,073.50'	ENTRY LVL:	7,057.50'			<table><tr><th>LEGEND</th></tr><tr><td></td></tr></table>	LEGEND	
FLOOR ELEVATIONS																													
DRIVE @ STREET:	7,044.00'	REC RM LVL:	7,061.00'																										
GARAGE:	7,047.00'	LIVING RM LVL:	7,067.50'																										
MUD LVL:	7,047.50'	MSTR SUITE LVL:	7,071.83'																										
GST SUITE 1 LVL:	7,050.50'	MSTR CL. LVL:	7,073.50'																										
ENTRY LVL:	7,057.50'																												
LEGEND																													


$$\frac{1}{L-1.4a}$$

Cross-Canyon View - 1103 & 1105
SCALE: NOT TO SCALE

SCALE: NOT TO SCALE

James L. Carroll & Associates

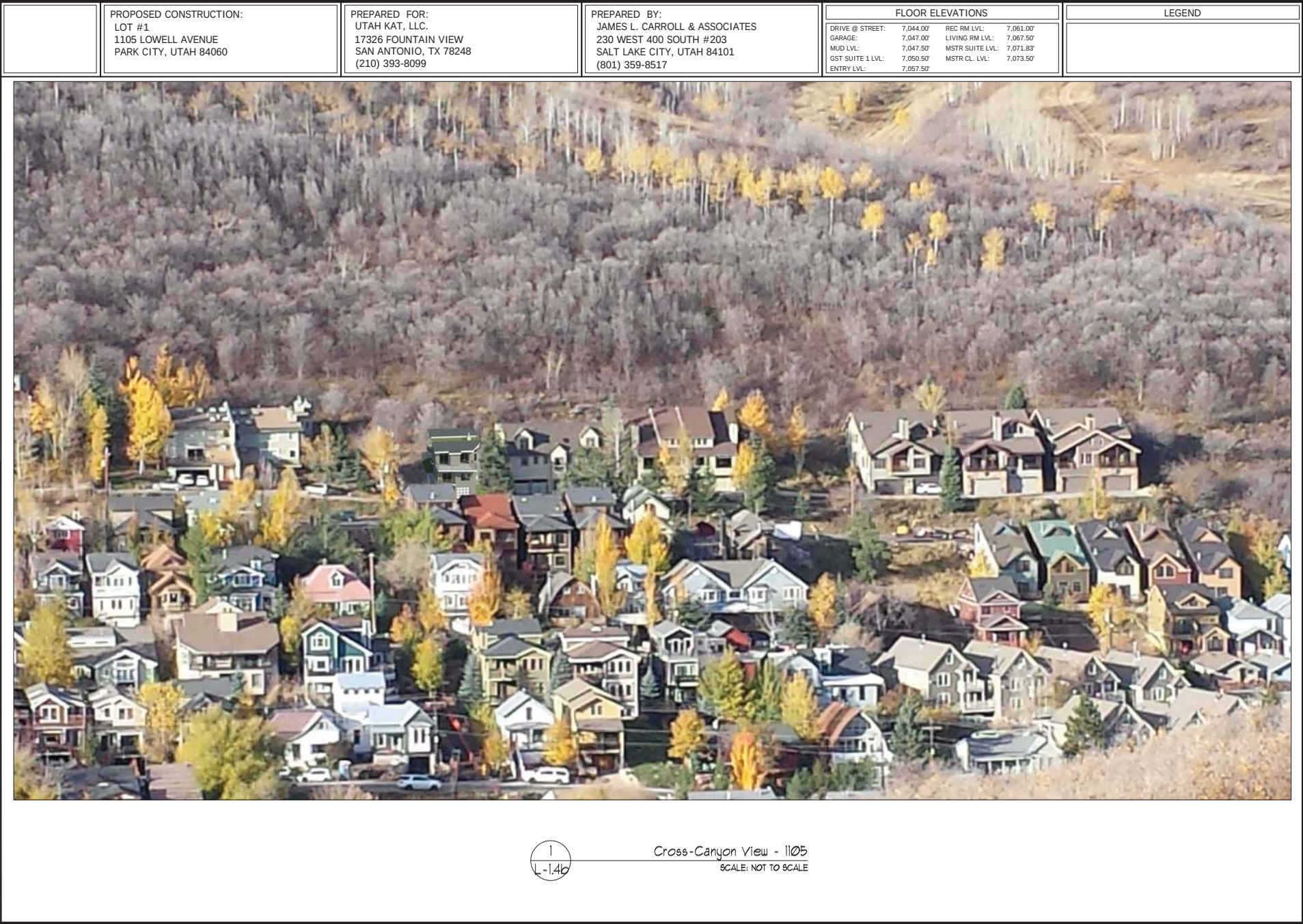
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www.jamescarrollassociates.com

UTAH KAT 1105

LOT #1
1105 LOWELL AVENUE
PARK CITY, UTAH 84060

[illegible]

Exhibit F – Cross Canyon View 1105



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www.jamescarrollassociates.com

UTAH KAT 1105

LOT #1

1105 LOWELL AVENUE
PARK CITY, UTAH 84060

PROJECT: UTAH KAT 1105

PLAN DATE: 04-28-2015

DRAWN BY: DANIEL BURROUGHS

REVISED BY: DANIEL BURROUGHS

REVISED DATE: 06-18-2015

LOT DATE: 06-18-2015

DISTRICT: CROSS-CANYON VIEWS

SHEET #

L-1.4b

Exhibit G – Streetscape View 1103 & 1105



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UTAH KAT 1105

LOT #1

1105 LOWELL AVENUE
PARK CITY, UTAH 84060

PROJECT: **UTAH KAT 1105**

PLAN DATE: 04-28-2015

DRAWN BY: DANIEL BURROUGHS

DESIGNED BY: DANIEL BURROUGHS

REVISED DATE: 06-18-2015

LOT DATE: 06-18-2015

DESIGN: DANIEL BURROUGHS

SCALE: 1/8"=1'-0"

SHEET #

L-1.5a

STREETSCAPE VIEWS

Exhibit H – Streetscape View 1105

PROPOSED CONSTRUCTION: LOT #1 1105 LOWELL AVENUE PARK CITY, UTAH 84060		PREPARED FOR: UTAH KAT, LLC. 17326 FOUNTAIN VIEW SAN ANTONIO, TX 78248 (210) 393-8099	PREPARED BY: JAMES L. CARROLL & ASSOCIATES 230 WEST 400 SOUTH #203 SALT LAKE CITY, UTAH 84101 (801) 359-8517	FLOOR ELEVATIONS	LEGEND
				DRIVE @ STREET: 7,044.00' REC RM LVL: 7,061.00' GARAGE: 7,047.50' LIVING RM LVL: 7,067.50' MUD LVL: 7,047.50' MSTR SUITE LVL: 7,071.83' GST SUITE 1 LVL: 7,050.50' MSTR CL LVL: 7,073.50' ENTRY LVL: 7,057.50'	



1
L-1.5b

Streetscape View - 1105
SCALE: NOT TO SCALE

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www.jamescarrollassociates.com

UTAH KAT 1105
LOT #1
1105 LOWELL AVENUE
PARK CITY, UTAH 84060

PROJECT: **UTAH KAT 1105**

PLAN DATE: 04-28-2015

DRAWN BY: DANIEL BURROUGHS

DESIGNED BY: DANIEL BURROUGHS

REVISED DATE: 06-18-2015

LOT DATE: 06-18-2015

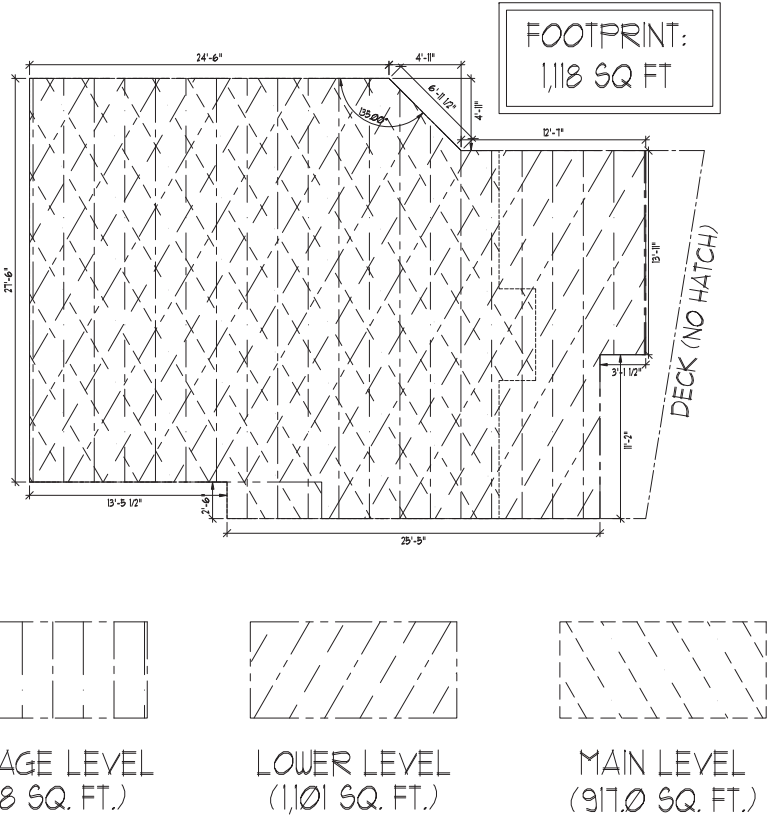
DESIGN SCALE: 1"=20'

STREETScape VIEWS

SHEET #

L-1.5b

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1
A-01

FOOTPRINT CALCS
SCALE: 1/4" = 1'-0"

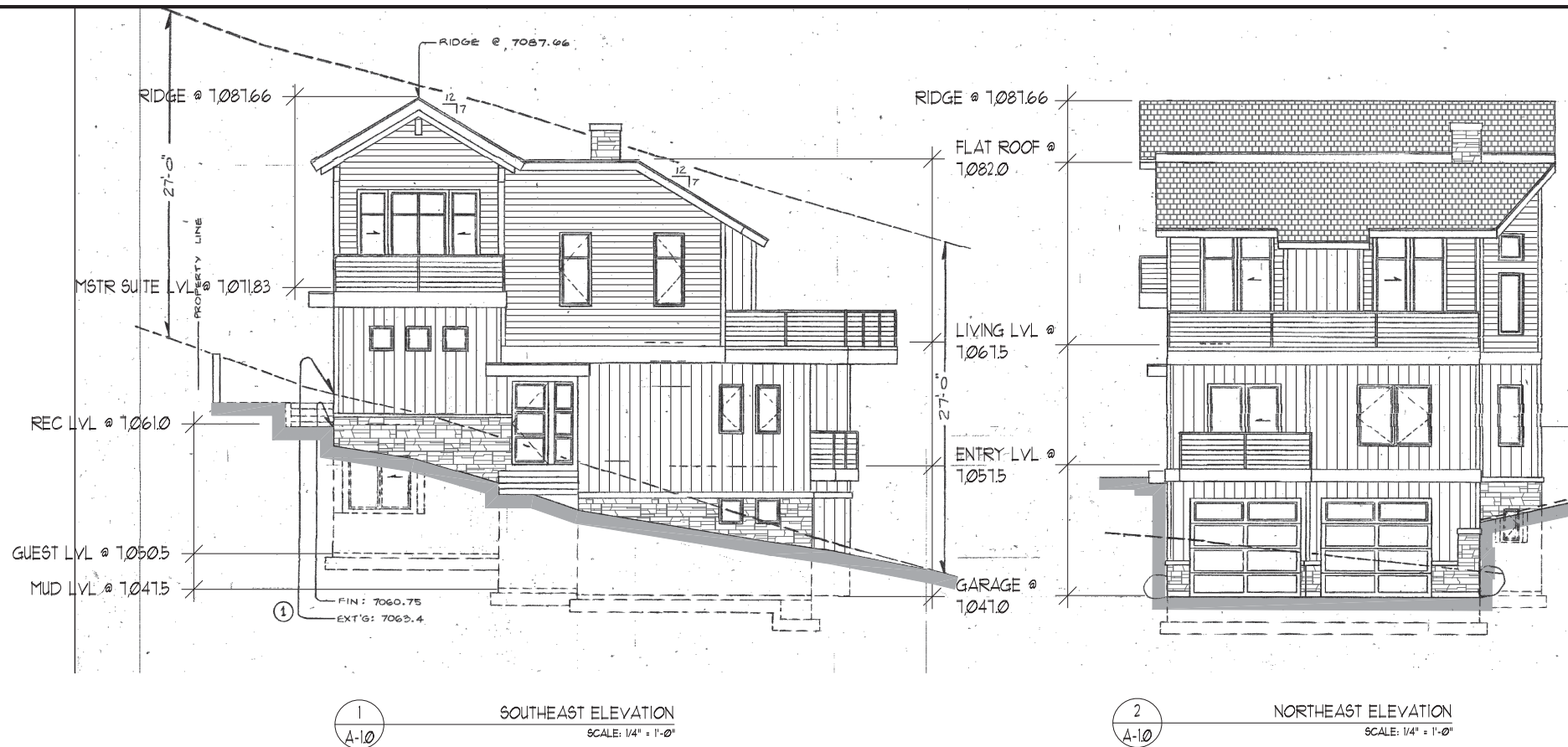
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www.jamescarrollassociates.com

UTAH KAT 1105
LOT #1
1105 LOWELL AVENUE
PARK CITY, UTAH 84060

PROJECT:	UTAH KAT 1105
PLAN DATE:	04-28-2015
DRAWN BY:	DANIEL BURROUGHS
REVISED BY:	DANIEL BURROUGHS
REVISED DATE:	06-18-2015
LOT DATE:	06-18-2015
DESCRIPTION:	FOOTPRINT CALCS
SHEET #	A-01

A-01

Exhibit J – Elevations, South & East



PROPOSED EXTERIOR MATERIALS	
SIDING	HARDIE, MONTERREY TAUPE JH40-20
FASCIA / SOFFIT / TRIM BOARD	HARDIE, ARCTIC WHITE JH10-20
CONCRETE WALLS	NATURAL GREY CONC.
GARAGE / WINDOW / DOOR TRIM	DARK BRONZE / GLASS
EXT. METAL RAILINGS	DARK BRONZE
ROOF	CERTAINTED, PRESIDENTIAL SHINGLE - SHADOW GRAY or CHARCOAL BLACK

- [illegible]

[illegible]

Exhibit K – Elevations, North & West

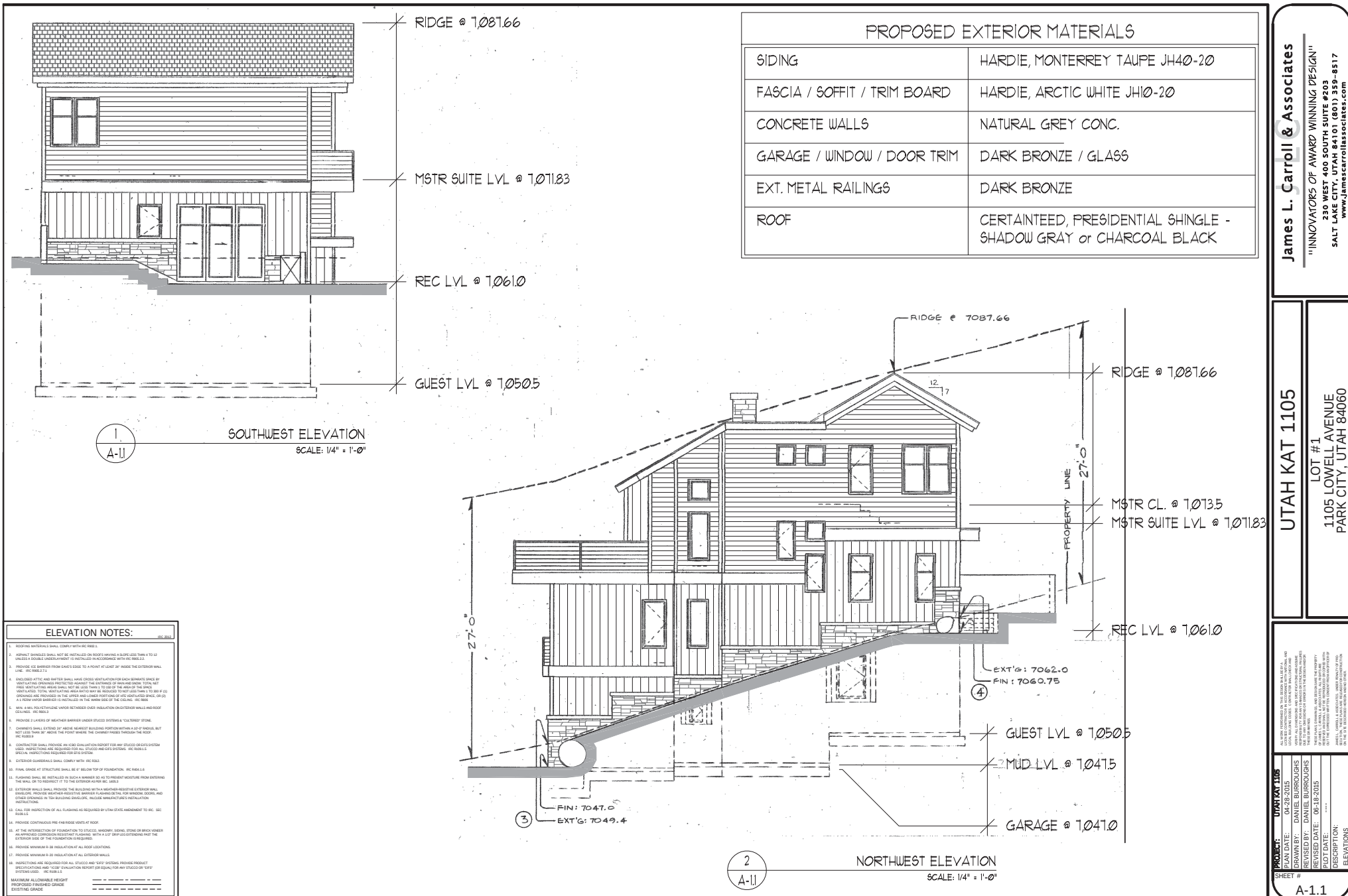
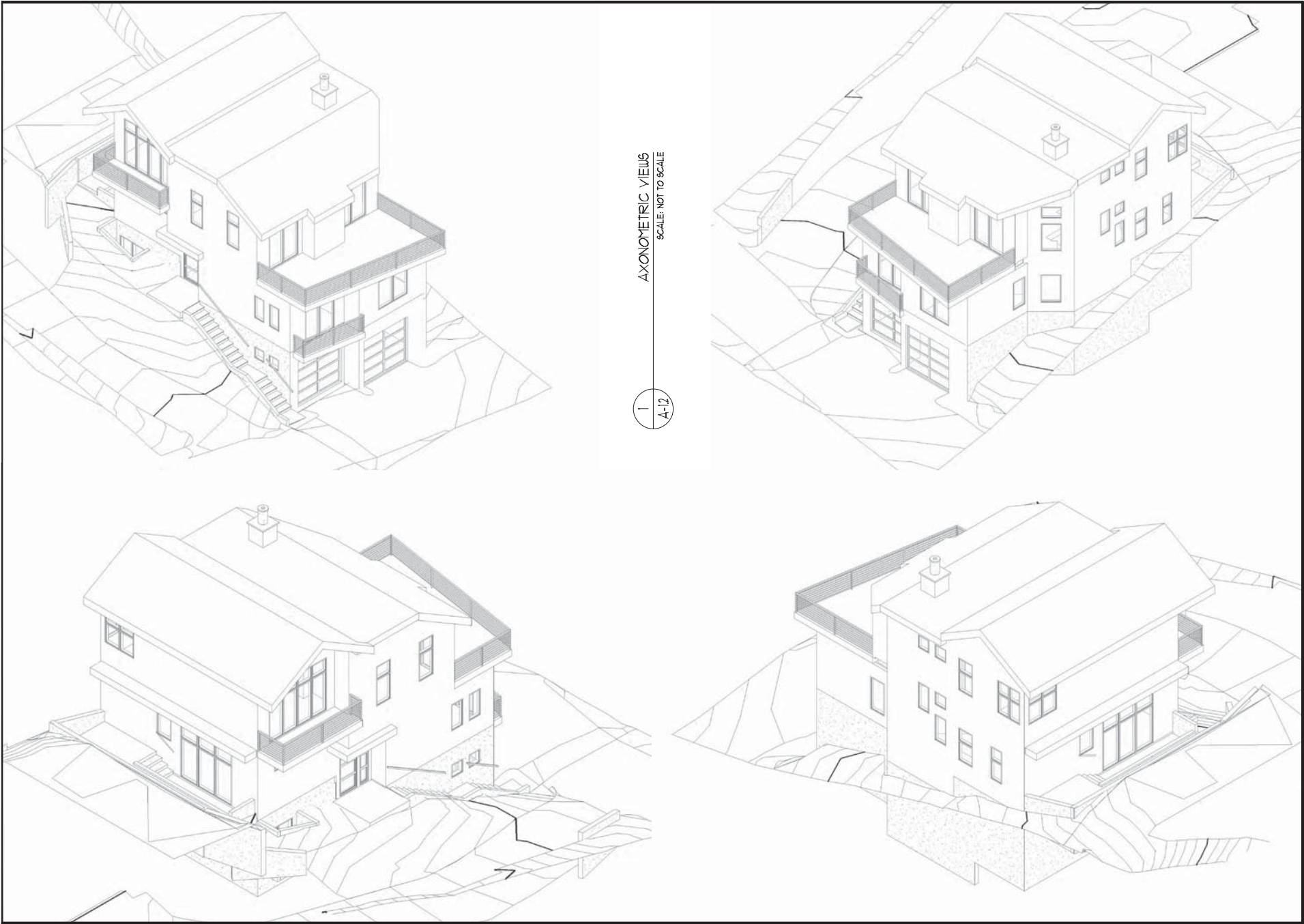


Exhibit L – Axonometric views

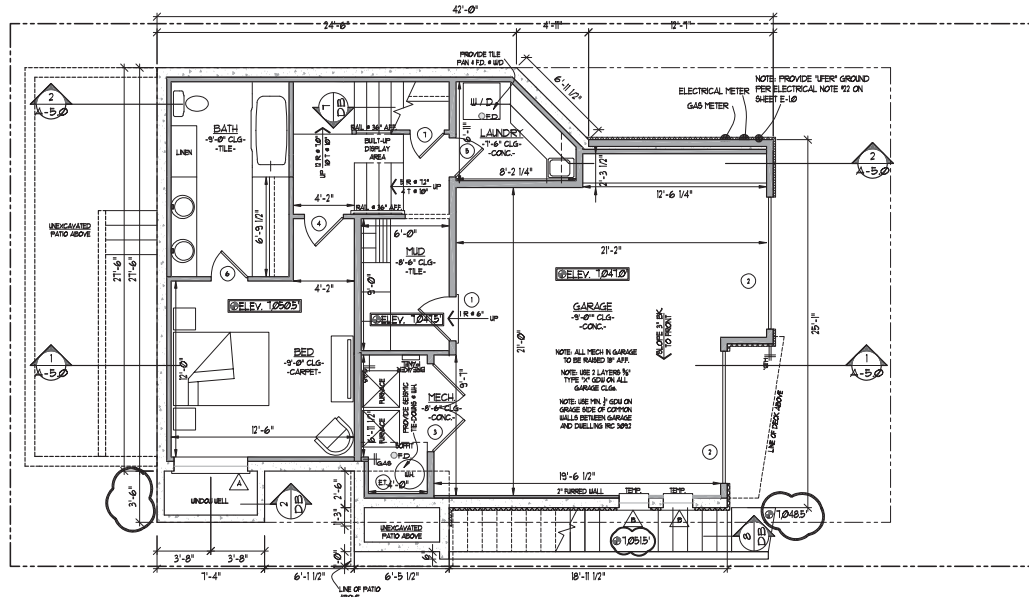


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UTAH KAT 1105 LOT #1 1105 LOWELL AVENUE PARK CITY, UTAH 84060	
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PROJECT: UTAH KAT 1105 PLAN DATE: 04-28-2015 DRAWN BY: DANIEL BURROUGHS REVISED BY: DANIEL BURROUGHS REVISED DATE: 07-13-2015 LOT DATE: 07-13-2015 AXONOMETRIC VIEWS	SHEET # A-1.2

1
A-13

COMBINED AXONOMETRIC VIEWS
SCALE: NOT TO SCALE

Exhibit N – Garage Floor Plan



1
A-20

GARAGE FLOOR PLAN

SCALE: 1/4" = 1'-0"

PLUMBING NOTES:

- [illegible]

FLOOR PLAN NOTES:

- [illegible]

MECHANICAL NOTES:

- [illegible]

SQUARE FOOTAGES:

MAIN FLOOR:	917 SQ FT
LOWER FLOOR:	1,101 SQ FT
SUBTOTAL	2,018 SQ FT
GARAGE FLOOR:	570 SQ FT
STORAGE / MECHANICAL:	53 SQ FT
GARAGE:	495 SQ FT
TOTAL:	3,136 SQ FT

James L. Carroll & Associates

"INNOVATORS OF AWARD WINNING DESIGN"

230 WEST 400 SOUTH SUITE #203
SALT LAKE CITY, UTAH 84101 (801) 359-8517

UTAH KAT 1105

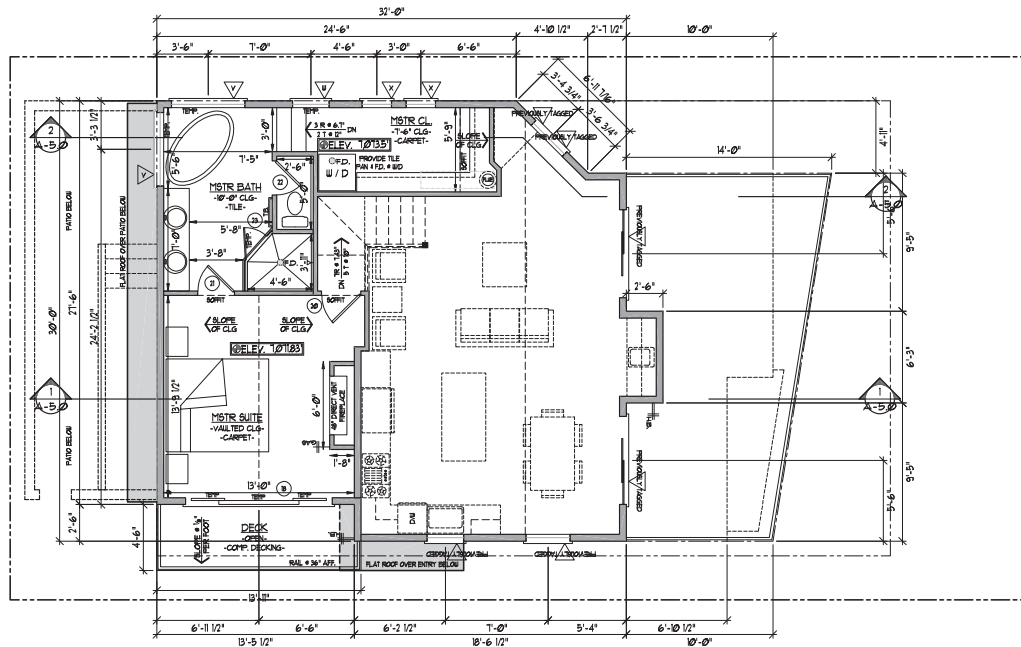
LOT #1

1105 LOWELL AVENUE
BARK CITY, UT 84060

ALL WORK PERFORMED ON THIS DESIGN SHALL BE IN ACCORDANCE WITH THE CONTRACT DOCUMENTS, CONDITIONS AND SPECIAL ALLOWANCES. CONTRACTOR SHALL OBTAIN NECESSARY ALL DIMENSIONS AND SPECIFICATIONS AND ASSUME RESPONSIBILITY FOR ANY DIMENSIONAL OR STRUCTURAL VARIANCES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DIMENSIONAL OR STRUCTURAL VARIANCES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DIMENSIONAL OR STRUCTURAL VARIANCES.

PROJECT:	UTAH NATIONAL MONUMENT
PLAN DATE:	04-28-2015
DRAWN BY:	DANIEL BURROUGHS
REVISED BY:	DANIEL BURROUGHS
REVISED DATE:	07-13-2015
PLOT DATE:	
DESCRIPTION:	

Exhibit Q – Master Suite Plan



MSTR SUITE PLAN
SCALE: 1/4" = 1'-0"

PLUMBING NOTES:

- [illegible]

FLOOR PLAN NOTES:

- [illegible]

MECHANICAL NOTES:

- [illegible]

SQUARE FOOTAGES:

MAIN FLOOR:	917 SQ FT
LOWER FLOOR:	1,101 SQ FT
SUBTOTAL	2,018 SQ FT
GARAGE FLOOR:	570 SQ FT
STORAGE / MECHANICAL:	53 SQ FT
GARAGE:	495 SQ FT
TOTAL:	3,136 SQ FT

James L. Carroll & Associates

INNOVATORS OF AWARD WINNING DESIGN"
230 WEST 400 SOUTH SUITE #203
SALT LAKE CITY, UTAH 84101 (801) 359-8517
www.jamescarrollassociates.com

UTAH KAT 1105

LOT #1
1105 LOWELL AVENUE
PARK CITY, UTAH 84060

ACT: UTAH KAT II OS

DATE: 04-28-2015
BY: DANIEL BURBROUGH

ED BY: DANIEL BURROUGH

ED DATE: 06-18-2015

DATE: ---	DESCRIPTION:
-----------	--------------

MSTR SUITE

1

1

A-4

4.1

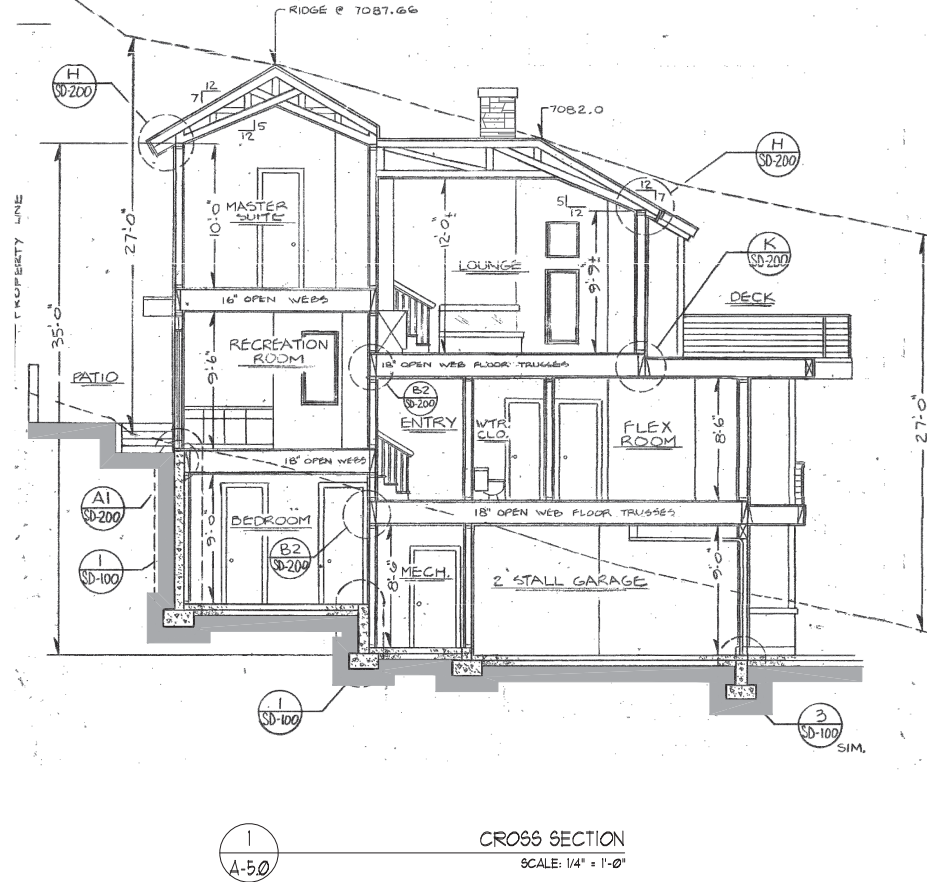
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1

Exhibit R – Cross Section

NOTE: SLAB ON GRADE FLOORS AT
EXTERIOR PERIMETER FOUNDATION WALLS
THAT ARE ABOVE GRADE ARE REQUIRED
TO BE INSULATED



James L. Carroll & Associates

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UTAH KAT 1105

LOT #1
1105 LOWELL AVENUE
PARK CITY, UTAH 84060

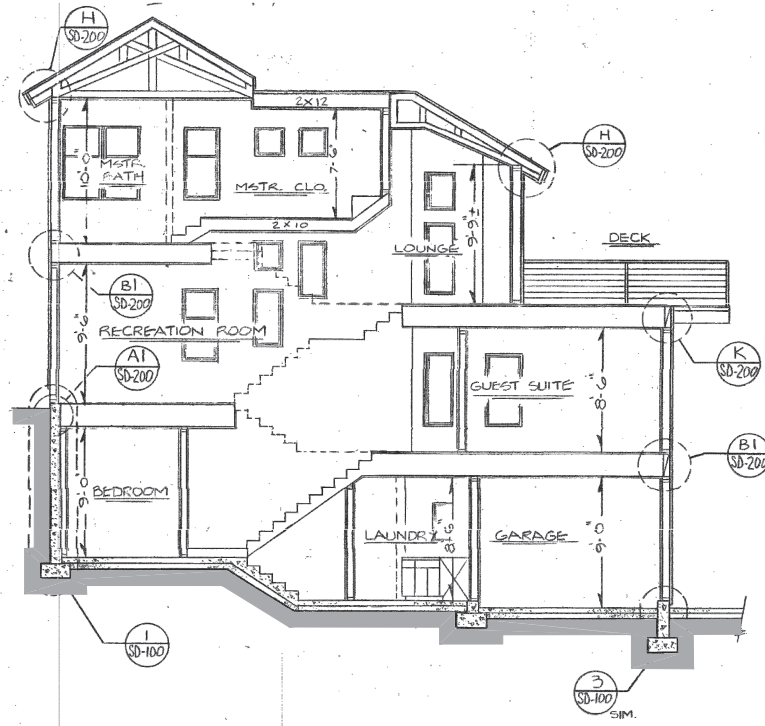
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PROJECT: UTAH KAT 1105
PLAN DATE: 04-28-2015
DRAWN BY: DANIEL BURROUGHS
REVIEWED BY: DANIEL BURROUGHS
REVISED DATE: 06-18-2015
CROSS SECTIONS
SHEET #

A-5.0

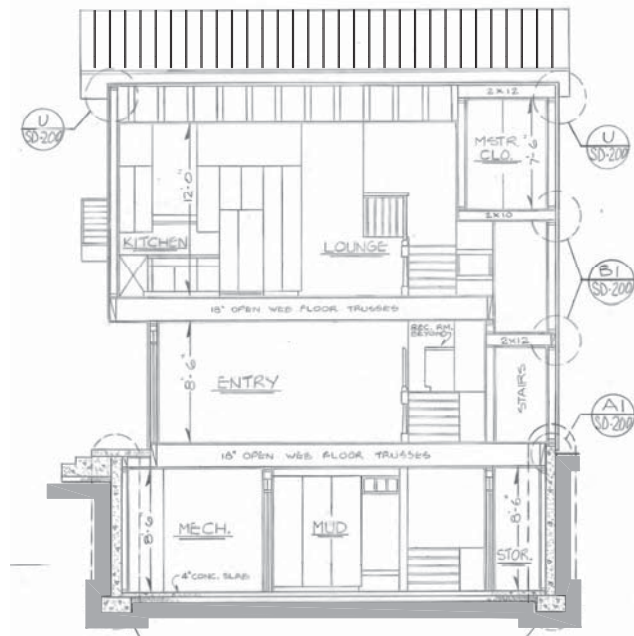
Exhibit R – Cross Section

NOTE: SLAB ON GRADE FLOORS AT
EXTERIOR PERIMETER FOUNDATION WALLS
THAT ARE ABOVE GRADE ARE REQUIRED
TO BE INSULATED



1
A-5.1

CROSS SECTION
SCALE: 1/4" = 1'-0"



2
A-5.1

CROSS SECTION
SCALE: 1/4" = 1'-0"

James L. Carroll & Associates

"INNOVATORS OF AWARD WINNING DESIGN"
330 WEST 400 SOUTH SUITE #203
SALT LAKE CITY, UTAH 84101 (801) 359-8517
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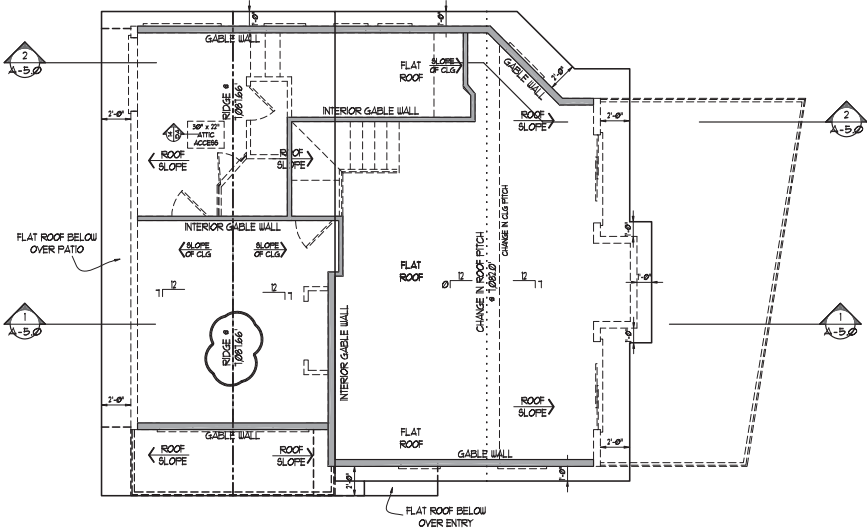
UTAH KAT 1105

LOT #1
1105 LOWELL AVENUE
PARK CITY, UTAH 84060

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PROJECT: UTAH KAT 1105
SHEET #
DATE: 04-28-2015
DRAWN BY: DANIEL BURROUGHS
REVIEWED BY: DANIEL BURROUGHS
REVISED DATE: 06-18-2015
LOT DATE: 06-18-2015
DESIGN: JCA
CROSS SECTIONS

A-5.1



1
S-40

ROOF PLAN
SCALE: 1/4" = 1'-0"

James L. Carroll & Associates
"INNOVATORS OF AWARD WINNING DESIGN"
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SALT LAKE CITY, UTAH 84101 (801) 358-8517
www.jamescarrollassociates.com

UTAH KAT 1105
LOT #1
1105 LOWELL AVENUE
PARK CITY, UTAH 84060

PROJECT: **UTAH KAT 1105**

PLAN DATE: 04-28-2015

DRAWN BY: DANIE BURROUGHS

REVISOR: DANIE BURROUGHS

REVISOR DATE: 07-13-2015

LOT DIST: 1105

DIST: 1105

ROOF PLAN

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SHEET #

S-4.0

Planning Commission Staff Report



Subject: 1103 Lowell Avenue
Project #: PL-15-02728
Author: Francisco J. Astorga, Senior Planner
Date: August 12, 2015
Type of Item: Administrative – Steep Slope Conditional Use Permit

Summary Recommendations

Staff recommends the Planning Commission review the application for a Steep Slope Conditional Use Permit (CUP) at 1103 Lowell Avenue, conduct a public hearing, and consider approving the Steep Slope CUP for 1103 Lowell Avenue. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's 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

Owner/ Applicant: Utah KAT LLC, represented by Jack Lopez
Architect: James Carroll
Location: 1103 Lowell Avenue
Zoning: Historic Residential (HR-1)
Adjacent Land Uses: Residential single family
Reason for Review: Construction of structures with greater than 1,000 square feet of floor area and located on a steep slope (30% or greater) requires a Conditional Use Permit

Proposal

This application is a request for a Steep Slope CUP for a new single-family dwelling containing 5,763 square feet on a 6,090 square foot lot located at 1103 Lowell Avenue. The lot currently contains approximately half of an existing structure, a duplex, which is located at 1103 and 1105 Lowell Ave. The duplex is to be demolished prior to the proposed construction. The total floor area exceeds 1,000 square feet and the construction is proposed on a slope of 30%. The recently platted lot is Lot 1 of Barbara's Subdivision, approved by the City in October 2014. The plat has not yet been recorded.

Purpose

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

- A. preserve present land Uses and character of the Historic residential Areas of Park City,

- B. encourage the preservation of Historic Structures,
- C. encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,
- D. encourage single family Development on combinations of 25' x 75' Historic Lots,
- E. define Development parameters that are consistent with the General Plan policies for the Historic core, and
- F. establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

Background

On March 27, 2015, the City received an application for a Steep Slope CUP for "Construction on a Steep Slope" at 1103 Lowell Avenue. The property is located in the HR-1 District. The application was deemed complete on July 16, 2015 as plans were updated on that date.

Analysis

This application is a request for a Steep Slope CUP for construction of a new single-family dwelling on a single lot containing 6,090 square feet. The property is described as Lot 2 of the Barbara's Subdivision approved by the Park City Council in October 2014, but not yet recorded. Because the total proposed structure is greater than 1,000 square feet and the lot has slopes where the house is proposed of 30% or greater, the applicant is required to file a CUP application for review by the Planning Commission, pursuant to LMC § 15-2.2-6 and prior to issuance of a building permit. There is an existing structure currently on the lot. The existing structure is to be demolished as a condition of approval of the plat, Barbara's Subdivision. The applicant filed a demolition permit for the duplex in May 2015 but has not yet demolished the duplex.

The proposed house contains a total of 5,763 square feet, including the basement level and a double car garage. The proposed building footprint is approximately 2,161.33 square feet. The house complies with all setbacks, building footprint, and building height requirements of the HR-1 District. The table below contains a breakdown of the proposed dwelling by floor:

Floor	Proposed Sq. Ft.
Main floor	2,036 square feet
Lower floor	1,937 square feet
Garage floor	1,790 square feet
Total	5,763 square feet

Staff reviewed the plans and made the following LMC related findings:

Requirement	LMC Requirement	Proposed
Building Footprint	2,162.6 square feet (based on lot area), <u>maximum</u>	2,161.33 square feet, <u>complies.</u>
Front/Rear Yard Setbacks	10 feet, <u>minimum</u>	10 feet, <u>complies.</u>

Side Yard Setbacks	5 feet, minimum, 14 feet total	North: 5 feet, <u>complies</u> . South: 9 feet, <u>complies</u> .
Building Height: Zone Height	27 feet above existing grade, <u>maximum</u> .	Various heights all at or less than 27 feet - <u>complies</u> .
Building Height: Internal Massing Height	35 feet from lowest floor plane to highest wall plate	35 feet- <u>complies</u> .
Building Height: Final grade	Final grade must be within four (4) vertical feet of existing grade around the periphery of the structure.	(4 feet) or less- <u>complies</u> .
Building Height: Vertical articulation	A ten foot (10') minimum horizontal step in the downhill façade is required.	A 10' horizontal step is located in the downhill façade, <u>complies</u> .
Building Height: Roof Pitch	Roof pitch must be between 7:12 and 12:12 for primary roofs. Non-primary roofs may be less than 7:12.	7:12 for all primary roofs - <u>complies</u> .
Parking	Two (2) off-street parking spaces required	Two (2) spaces within a double (side to side) car garage, <u>complies</u> .

A separate Historic District Design Review (HDDR) application was submitted to the Planning Department for the proposed single-family dwelling. This application will be reviewed for compliance with the Design Guidelines for Historic Districts and Historic Sites that were adopted in 2009. Issuance of a building permit for the proposed house is dependent on approval of the Historic District Design Review.

Steep Slope Review Criteria

LMC § 15-2.2-6 provides for development on steep sloping lots in excess of one thousand square feet (1,000 sq. ft.) within the HR-1 District, subject to the following Steep Slope CUP criteria:

1. Location of Development. Development is located and designed to reduce visual and environmental impacts of the Structure. **No unmitigated impacts.**

The proposed single-family dwelling is located on the lot in a manner that reduces the visual impacts as the Plat Amendment places the bulk of this lot behind another lot. The proposed landscape plan maintains existing vegetation in this lot. The proposed footprint complies with that allowed for the lot area. The driveway is located on the southeast section of the lot, the only logical place due to the location of 1105 Lowell.

2. Visual Analysis. The Applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points to determine potential impacts of the project and identify potential for screening, slope stabilization, erosion mitigation, vegetation protection, and other items. **No unmitigated impacts.**

The applicant submitted a visual analysis, including a cross canyon view, streetscape and photographs showing a contextual analysis of proposed house related to visual impacts.

The proposed structure cannot be seen from the key vantage points as indicated in the LMC Section 15-15-1.283, with the exception of a cross canyon view. The cross canyon view contains a back drop of three (3) story houses. The visual analysis and streetscape demonstrate that the proposed design is visually compatible with the neighborhood, similar in scale and mass to surrounding structures, and visual impacts are mitigated. Potential impacts of the design are mitigated by setting the house lower on the lot and a stepped foundation. Additionally, the garage door is located over 70 feet back from the edge of Lowell Avenue as a side entry.

3. Access. Access points and driveways must be designed to minimize Grading of the natural topography and to reduce overall Building scale. Common driveways and Parking Areas, and side Access to garages are strongly encouraged, where feasible. **No unmitigated impacts.**

The proposed design incorporates a driveway from Lowell Avenue, with direct side access to a side entry double garage. Overall slope is 13.9% as measured from the front of the garage to the edge of the paved street. This slope is due to setting the house further back in the lot. The driveway is designed to minimize grading of the natural topography and to reduce overall building scale.

4. Terracing. The project may include terraced retaining Structures if necessary to regain Natural Grade. **No unmitigated impacts.**

Minor retaining is necessary to regain natural grade around the proposed structure to provide for egress at the rear patio. Minor and limited retaining is also being requested around the driveway located in the front yard area. Both of these areas will meet the LMC development standards of retaining walls in setback areas which range from four feet (4') to the maximum height of six feet (6') above final grade.

5. Building Location. Buildings, access, and infrastructure must be located to minimize cut and fill that would alter the perceived natural topography of the Site. The Site design and Building Footprint must coordinate with adjacent properties to maximize opportunities for open Areas and preservation of natural vegetation, to minimize driveway and Parking Areas, and provide variation of the Front Yard. **No unmitigated impacts.**

The proposed structure is located towards the rear of the site. The driveway access was designed to come right off the built road leading towards the two car garage.

6. Building Form and Scale. Where Building masses orient against the Lot's existing contours, the Structures must be stepped with the Grade and broken into

a series of individual smaller components that are Compatible with the District. Low profile Buildings that orient with existing contours are strongly encouraged. The garage must be subordinate in design to the main Building. In order to decrease the perceived bulk of the Main Building, the Planning Commission may require a garage separate from the main Structure or no garage. **No unmitigated impacts.**

The main ridge orients with the contours. The size of the lot allows the design to not offend the natural character of the site as seen on the submitted model. The house is set lower in the ground as to reduce the visibility of the garage and garage level floor.

7. Setbacks. The Planning Commission may require an increase in one or more Setbacks to minimize the creation of a “wall effect” along the Street front and/or the Rear Lot Line. The Setback variation will be a function of the Site constraints, proposed Building scale, and Setbacks on adjacent Structures. **Unmitigated impacts.**

The proposed structure meets the standard LMC setbacks for a lot this size consisting of a minimum of ten feet front/rear yard setbacks. The minimum side yard setbacks are five feet (5') minimum and fourteen feet (14') total. No wall effect is created with the proposed design. Side setbacks are consistent with the pattern of development and separation in the neighborhood. The articulation in the front and rear facades reduce the overall mass of the structure and does not create a wall effect along the street front or rear lot line.

8. Dwelling Volume. The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in this Chapter. The Planning Commission may further limit the volume of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing Structures. **No unmitigated impacts.**

The proposed structure is articulated and broken into compatible massing components. The design includes setback variations and lower building heights for portions of the structure. The proposed massing and architectural design components are compatible with both the volume and massing of single-family dwellings in the area. The design minimizes the visual mass and mitigates the differences in scale between the proposed house and surrounding structures.

9. Building Height (Steep Slope). The maximum Building Height in the HR-1 District is twenty-seven feet (27'). The Planning Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing residential Structures. **No unmitigated impacts.**

The proposed structure meets the twenty-seven feet (27') maximum building height requirement measured from existing grade at the highest point. The heights of the main ridges range from 22 to 26 feet above the existing grade.

Portions of the house are less than 27' in height. The tallest ridge (26') is midway back from the front and the roof height at this location is not visually apparent from the front, back, or sides of the house.

Process

Approval of this application constitutes Final Action that may be appealed to the City Council following appeal procedures found in LMC § 15-1-18. Approval of the Historic District Design Review application is noticed separately and is a condition of building permit issuance.

Department Review

This project has gone through an interdepartmental review. No further issues were brought up at that time other than standards items that have to be addressed by revisions and conditions of approval.

Notice

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

Public Input

No public input has received on this application.

Alternatives

- The Planning Commission may approve the Steep Slope Conditional Use Permit for 1103 Lowell Avenue, or
- The Planning Commission may deny the Steep Slope CUP Permit for 1103 Lowell Avenue and direct staff to make Findings for this decision, or
- The Planning Commission may request the applicant provide revisions or provide other specific items and continue the discussion to a date certain.

Significant Impacts

There are no significant fiscal or environmental impacts from this application. The lot currently contains one-half of a duplex which is also on 1105 Lowell Ave, and contains some existing vegetation.

Recommendation

Staff recommends the Planning Commission review the application for a Steep Slope Conditional Use Permit at 1103 Lowell Avenue, conduct a public hearing, and consider approving the Steep Slope CUP for 1103 Lowell Avenue. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

Findings of Fact:

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:

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:

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.

Exhibits

Exhibit A – Site Plan

Exhibit B – Landscape Plan

Exhibit C – Aerial Site View 1103 & 1105
Exhibit D – Aerial Site View 1103
Exhibit E – Cross Canyon View 1103 & 1105
Exhibit F – Cross Canyon View 1103
Exhibit G – Streetscape View 1103 & 1105
Exhibit H – Proof of Natural Grade
Exhibit I – Footprint Calculation
Exhibit J – Elevations, South & East
Exhibit K – Elevations, North & West
Exhibit L – Axonometric views
Exhibit M – Combined Axonometric Views
Exhibit N – Garage Floor Plan
Exhibit O – Lower Floor Plan
Exhibit P – Main Floor Plan
Exhibit Q – Cross Section
Exhibit S – Roof Plan

Exhibit A – Site Plan

	PROPOSED DEVELOPMENT: LOT #2 1103 LOWELL AVENUE PARK CITY, UTAH 84060	PREPARED FOR: UTAH KAT, LLC. 17326 FOUNTAIN VIEW SAN ANTONIO, TX 78248 (210) 393-8099	PREPARED BY: JAMES L. CARROLL & ASSOCIATES 230 WEST 400 SOUTH #203 SALT LAKE CITY, UTAH 84101 (801) 359-8517	<table><tr><th colspan="2">FLOOR ELEVATIONS</th></tr><tr><td>DRIVE @ ENTRANCE:</td><td>7,050.25'</td></tr><tr><td>GARAGE:</td><td>7,062.00'</td></tr><tr><td>GARAGE LVL:</td><td>7,062.50'</td></tr><tr><td>LOWER LVL:</td><td>7,073.00'</td></tr><tr><td colspan="2">MAIN LVL: 7,084.50'</td></tr></table>	FLOOR ELEVATIONS		DRIVE @ ENTRANCE:	7,050.25'	GARAGE:	7,062.00'	GARAGE LVL:	7,062.50'	LOWER LVL:	7,073.00'	MAIN LVL: 7,084.50'		<table><tr><th colspan="2">LEGEND</th></tr><tr><td>EXISTING GRADE</td><td>---</td></tr><tr><td>PROPOSED GRADE</td><td>- - - -</td></tr><tr><td>SILT FENCE</td><td>○</td></tr><tr><td>LOD, FENCE</td><td>□</td></tr></table>	LEGEND		EXISTING GRADE	---	PROPOSED GRADE	- - - -	SILT FENCE	○	LOD, FENCE	□
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UTAH KAT 1103

LOT #2

1103 LOWELL AVENUE

PARK CITY, UTAH 84060

PROJECT: UTAH KAT 1103

DATE: 04-28-2015

DRAWN BY: DANIEL BURROUGHS

REVIEWED BY: DANIEL BURROUGHS

REVISID DATE: 07-14-2015

PLOT DATE: 07-14-2015

DESCRIPTION: SITE PLAN

SHEET 1

L-10

NOTE: MINIMUM OF 5% SLOPE AWAY FROM ALL BUILDINGS MINIMUM 10'-0". 2% SLOPE THEREAFTER.
NOTE: ALL GRADING TO BE IN COMPLIANCE W/ SECTION IRC R403.1.13
NOTE: BOULDER LANDSCAPING NOT TO EXCEED 50% AS PER IRC 330.4.11 REQUIREMENT.

Exhibit A – Site Plan

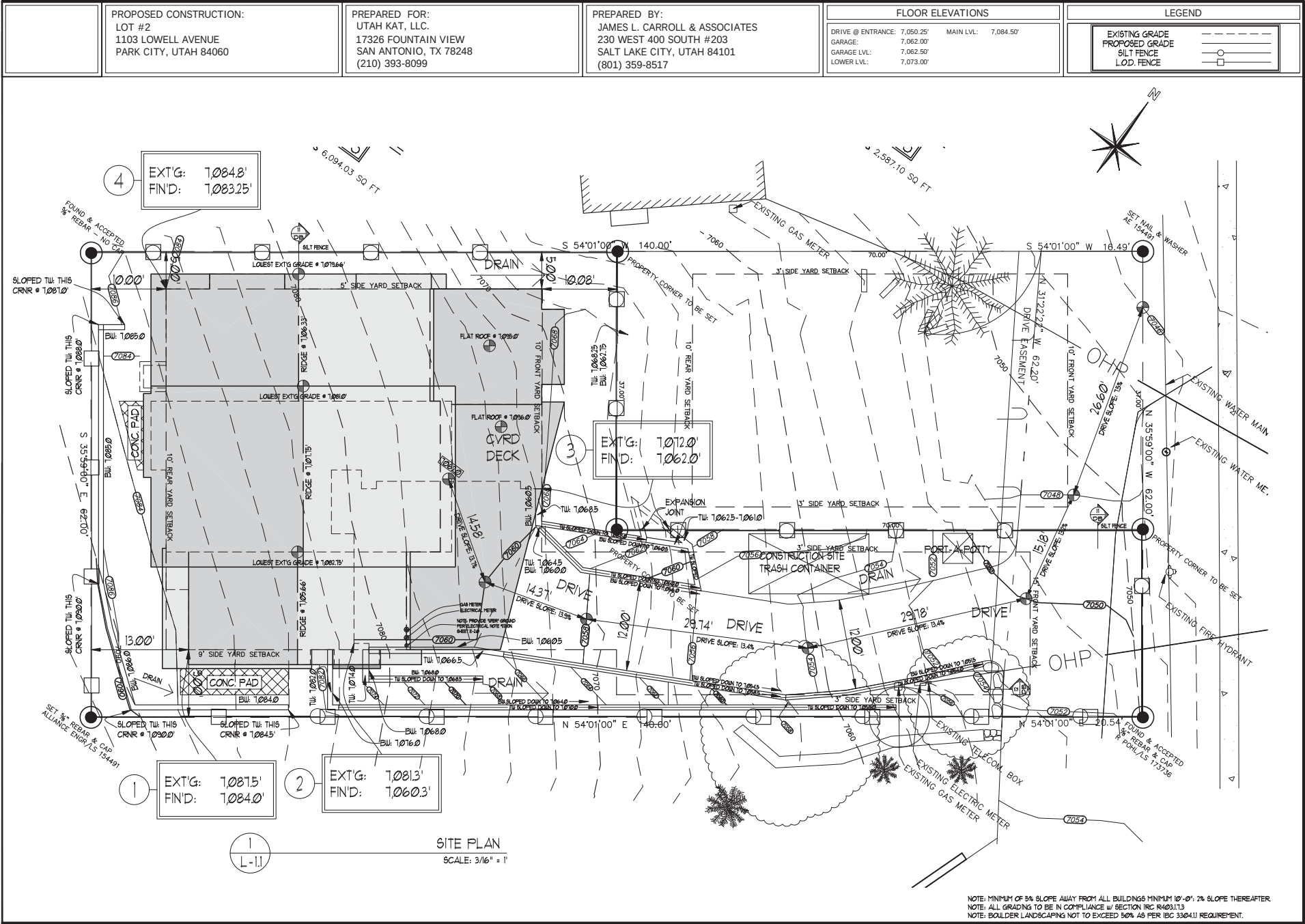


Exhibit B – Landscape Plan

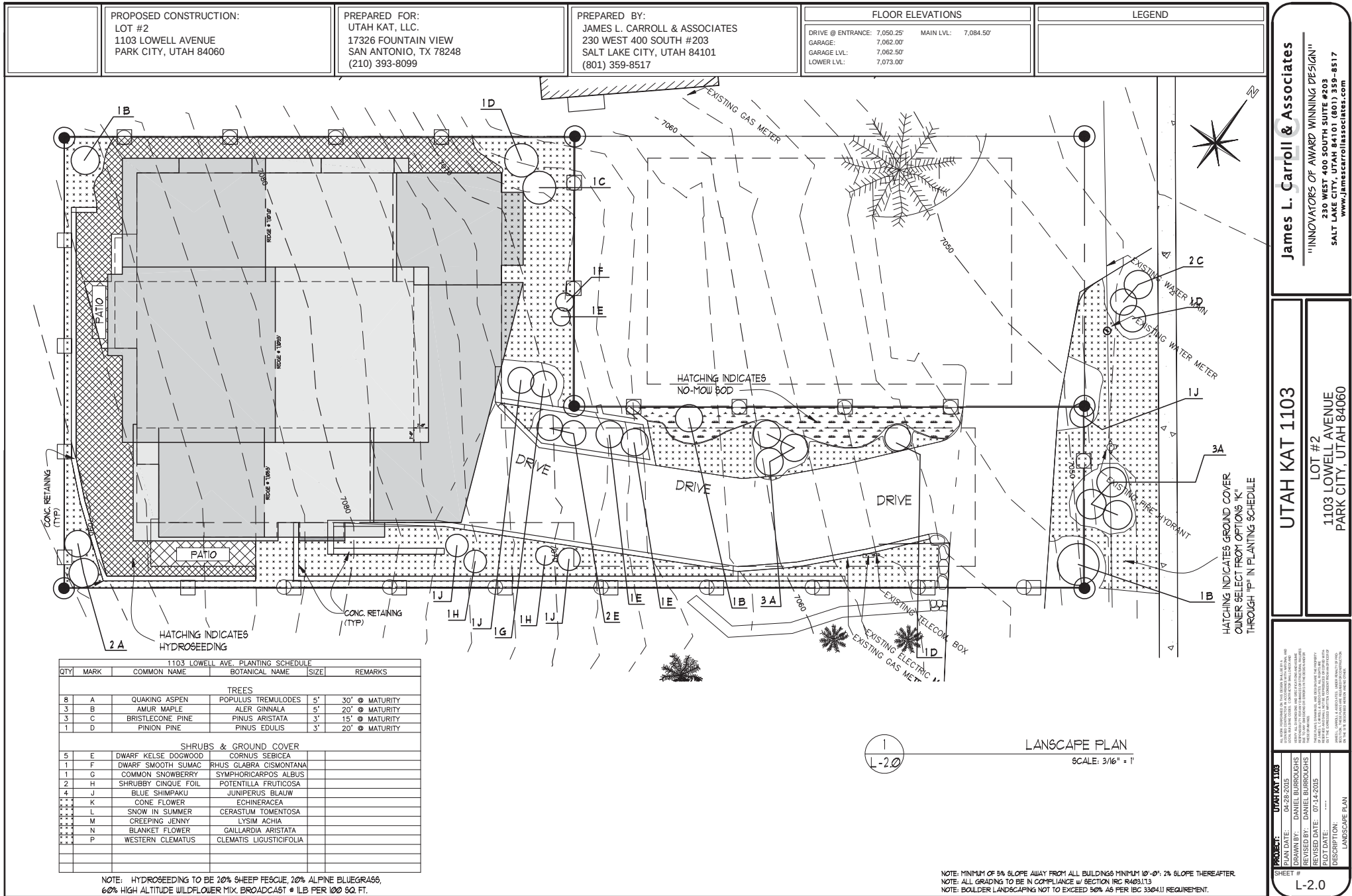


Exhibit C – Aerial Site View 1103 & 1105



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UTAH KAT 1103
LOT #2
1103 LOWELL AVENUE
PARK CITY, UTAH 84060

PROJECT: **UTAH KAT 1103**

PLAN DATE: 04-06-2015
DRAWN BY: DANIEL BURROUGHS
REVISED BY: DANIEL BURROUGHS
REVISED DATE: 04-28-2015
LOT DATE: 04-28-2015
DISC DATE: 04-28-2015
BY: DANIEL BURROUGHS
FOR: JAMES L. CARROLL & ASSOCIATES
SCALE: AS SHOWN
DESCRIPTION: AERIAL VIEWS

SHEET #
L-1.3a

Exhibit D – Aerial Site View 1103

PROPOSED CONSTRUCTION: LOT #2 1103 LOWELL AVENUE PARK CITY, UTAH 84060	PREPARED BY: UTAH KAT, LLC. 17326 FOUNTAIN VIEW SAN ANTONIO, TX 78248 (210) 393-8099	PREPARED FOR: JAMES L. CARROLL & ASSOCIATES 230 WEST 400 SOUTH #203 SALT LAKE CITY, UTAH 84101 (801) 359-8517	FLOOR ELEVATIONS DRIVE @ ENTRANCE: 7,050.10' MAIN LVL: 7,084.50' GARAGE: 7,062.00' GARAGE LVL: 7,062.50' LOWER LVL: 7,073.00'	LEGEND
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1
L-1.3b

Aerial Site View - 1103

SCALE: NOT TO SCALE

PROJECT: UTAH KAT 1103

PLAN DATE: 04-06-2015

DRAWN BY: DANIEL BURROUGHS

REVIEWED BY: DANIEL BURROUGHS

DATE: 04-28-2015

PLOT DATE: 04-28-2015

DESCRIPTION: AERIAL VIEWS

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L-1.3b

Exhibit E – Cross Canyon View 1103 & 1105

	PROPOSED CONSTRUCTION: LOT #2 1103 LOWELL AVENUE PARK CITY, UTAH 84060	PREPARED FOR: UTAH KAT, LLC. 17326 FOUNTAIN VIEW SAN ANTONIO, TX 78248 (210) 393-8099	PREPARED BY: JAMES L. CARROLL & ASSOCIATES 230 WEST 400 SOUTH #203 SALT LAKE CITY, UTAH 84101 (801) 359-8517	FLOOR ELEVATIONS DRIVE @ ENTRANCE: 7,050.16' MAIN LVL: 7,084.50' GARAGE: 7,062.00' GARAGE LVL: 7,062.50' LOWER LVL: 7,073.00'	LEGEND
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L-1.4a

Cross-Canyon View - 1103 & 1105
SCALE: NOT TO SCALE

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LOT #2
1103 LOWELL AVENUE
PARK CITY, UTAH 84060

PROJECT: UTAH KAT 1103
SHEET: L-1.4a

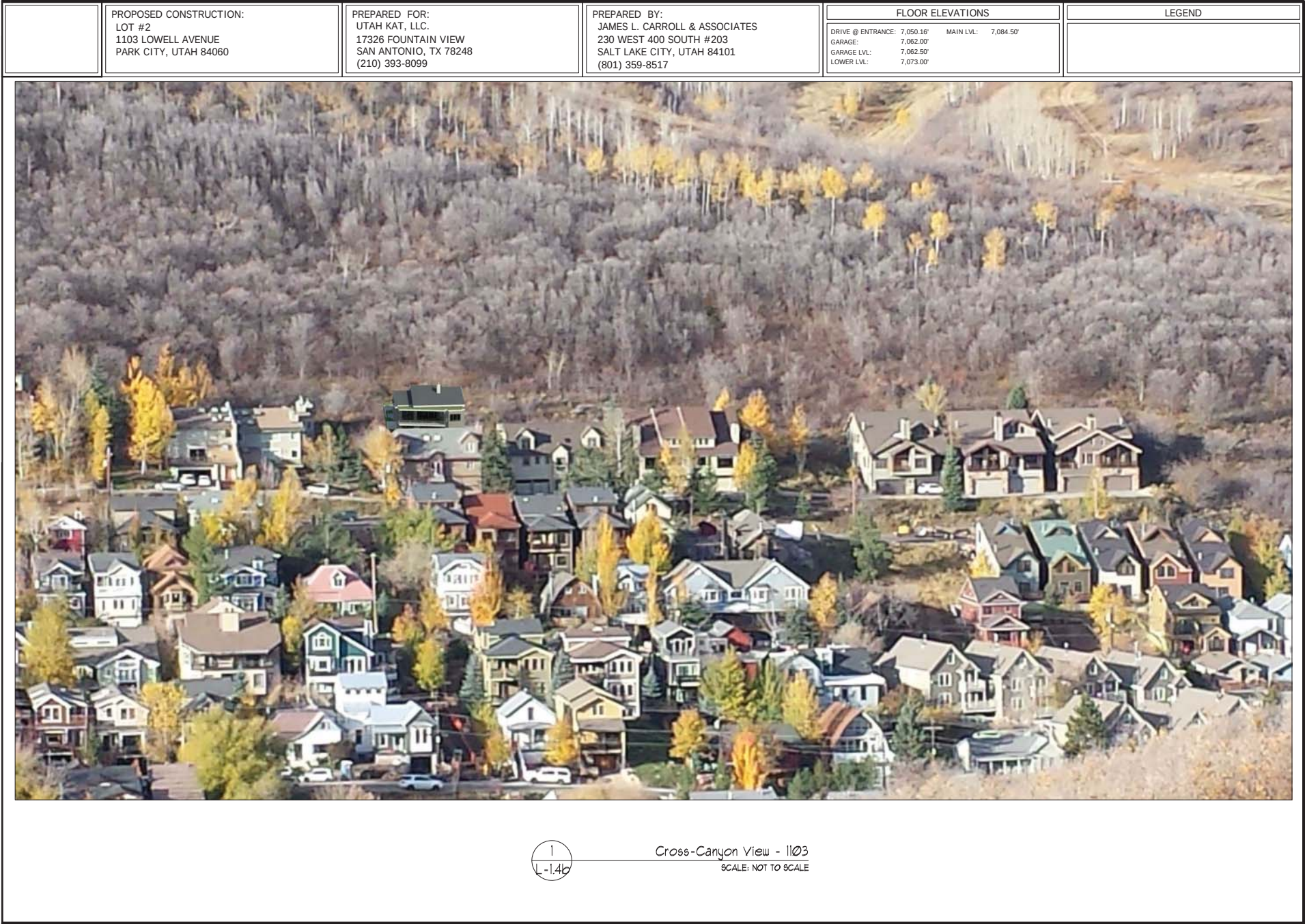
PLAN DATE: 04-09-2015
DRAWN BY: DANIEL BURROUGHS
REVISED BY: DANIEL BURROUGHS
REVISED DATE: 04-29-2015
LOT DATE: 04-09-2015
DIST: 1103
CROSS-CANYON VIEWS

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Planning Commission Packet August 12, 2015

Page 265 of 280

Exhibit F – Cross Canyon View 1103



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1103 LOWELL AVENUE
PARK CITY, UTAH 84060

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PROJECT: UTAH KAT 1103
PLAN DATE: 04-06-2015
DRAWN BY: DANIEL BURROUGHS
REVISED BY: DANIEL BURROUGHS
REVISED DATE: 04-28-2015
LOT DATE: 04-28-2015
DISCUSS DATE: 04-28-2015
DESIGNER: JAMES L. CARROLL & ASSOCIATES
SCALE: CROSS-CANYON VIEWS
SHEET #
L-1.4b

Exhibit G – Streetscape View 1103 & 1105

	PROPOSED CONSTRUCTION: LOT #2 1103 LOWELL AVENUE PARK CITY, UTAH 84060	PREPARED FOR: UTAH KAT, LLC. 17326 FOUNTAIN VIEW SAN ANTONIO, TX 78248 (210) 393-8099	PREPARED BY: JAMES L. CARROLL & ASSOCIATES 230 WEST 400 SOUTH #203 SALT LAKE CITY, UTAH 84101 (801) 359-8517	FLOOR ELEVATIONS		LEGEND	
				DRIVE @ ENTRANCE: 7,050.16'	MAIN LVL: 7,084.50'		
				GARAGE: 7,062.00'			
				GARAGE LVL: 7,062.50'			
				LOWER LVL: 7,073.00'			



1
L-15

Streetscape View - 1103 & 1105
SCALE: NOT TO SCALE

James L. Carroll & Associates
"INNOVATORS OF AWARD WINNING DESIGN"
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SALT LAKE CITY, UTAH 84101 (801) 359-8517
www.jamescarrollassociates.com

UTAH KAT 1103
LOT #2
1103 LOWELL AVENUE
PARK CITY, UTAH 84060

PROJECT: UTAH KAT 1103
SHEET # L-15

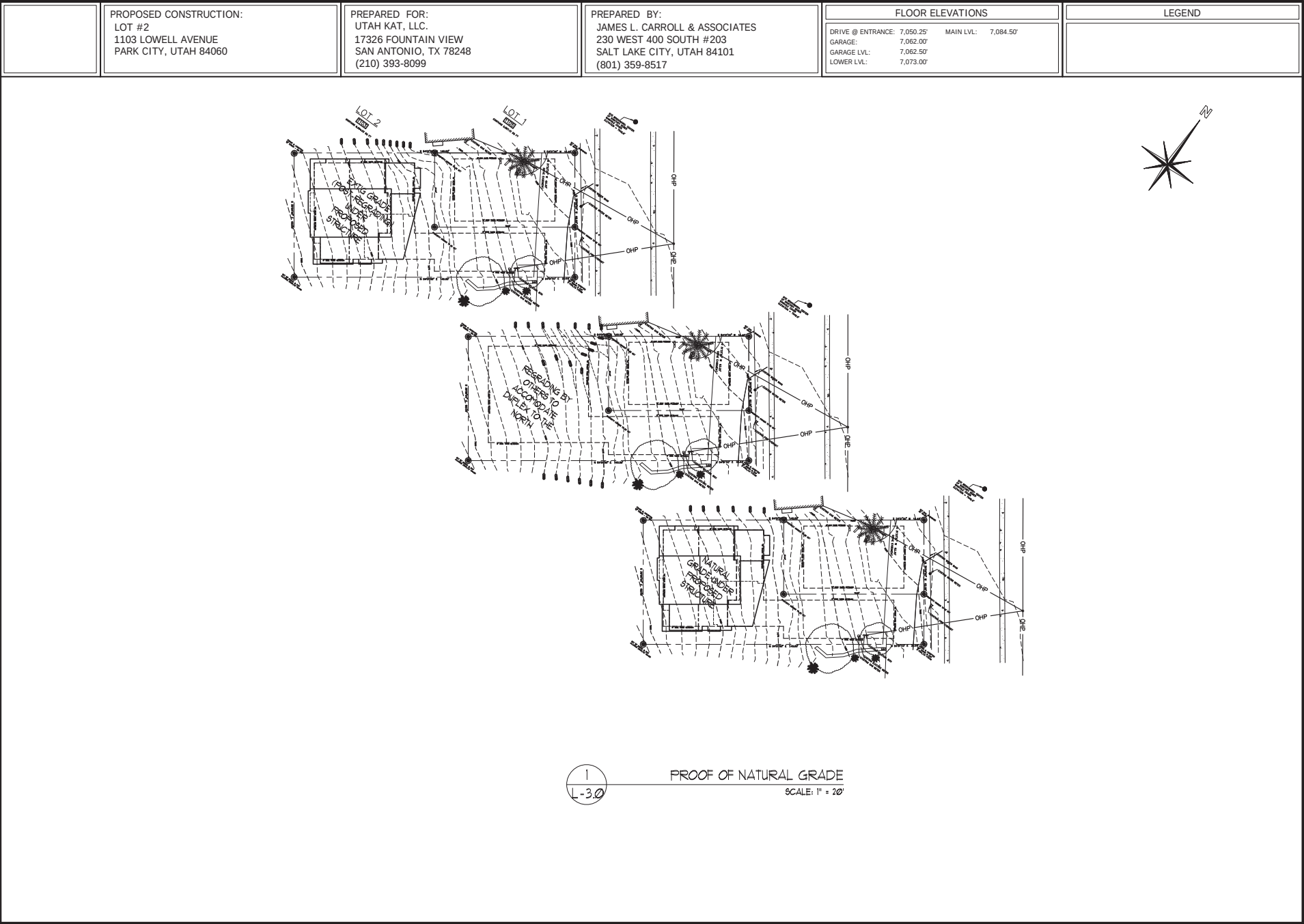
PLAN DATE: 04-06-2015
DRAWN BY: DANIEL BURROUGHS
REVISED BY: DANIEL BURROUGHS
REVISED DATE: 04-28-2015
LOT DATE: 04-28-2015
DISC: 1103
DRAWN BY: DANIEL BURROUGHS
STREETScape VIEWS

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PROJECT: UTAH KAT 1103
SHEET # L-15
PLAN DATE: 04-06-2015
DRAWN BY: DANIEL BURROUGHS
REVISED BY: DANIEL BURROUGHS
REVISED DATE: 04-28-2015
LOT DATE: 04-28-2015
DISC: 1103
DRAWN BY: DANIEL BURROUGHS
STREETScape VIEWS

L-15

Exhibit H – Proof of Natural Grade



James L. Carroll & Associates "INNOVATORS OF AWARD WINNING DESIGN" 230 WEST 400 SOUTH SUITE #203 SALT LAKE CITY, UTAH 84101 (801) 359-8517 www.jamescarrollassociates.com	UTAH KAT 1103 LOT #2 1103 LOWELL AVENUE PARK CITY, UTAH 84060	ALL RIGHTS RESERVED BY THE DESIGNER. NO PART OF THIS DESIGN MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE DESIGNER. THE DESIGNER ASSUMES NO LIABILITY FOR ANY DAMAGE, LOSS, OR INJURY, INCLUDING CONSEQUENTIAL DAMAGES, ARISING FROM THE USE OF THIS DESIGN. THE DESIGNER'S LIABILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE PROJECT. THE DESIGNER'S LIABILITY DOES NOT EXTEND TO ANY OTHER PROJECTS OR TO ANY OTHER DESIGNER'S WORK. THE DESIGNER'S LIABILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE PROJECT. THE DESIGNER'S LIABILITY DOES NOT EXTEND TO ANY OTHER PROJECTS OR TO ANY OTHER DESIGNER'S WORK. PROJECT: UTAH KAT 1103 PLAN DATE: 04-28-2015 DRAWN BY: DANIEL BURROUGHS REVIEWED BY: DANIEL BURROUGHS DESIGN DATE: 07-14-2015 LOT DATE: 07-14-2015 DESCRIPTION: NATURAL GRADE SHEET # L-3.0
--	--	--

Exhibit H – Proof of Natural Grade

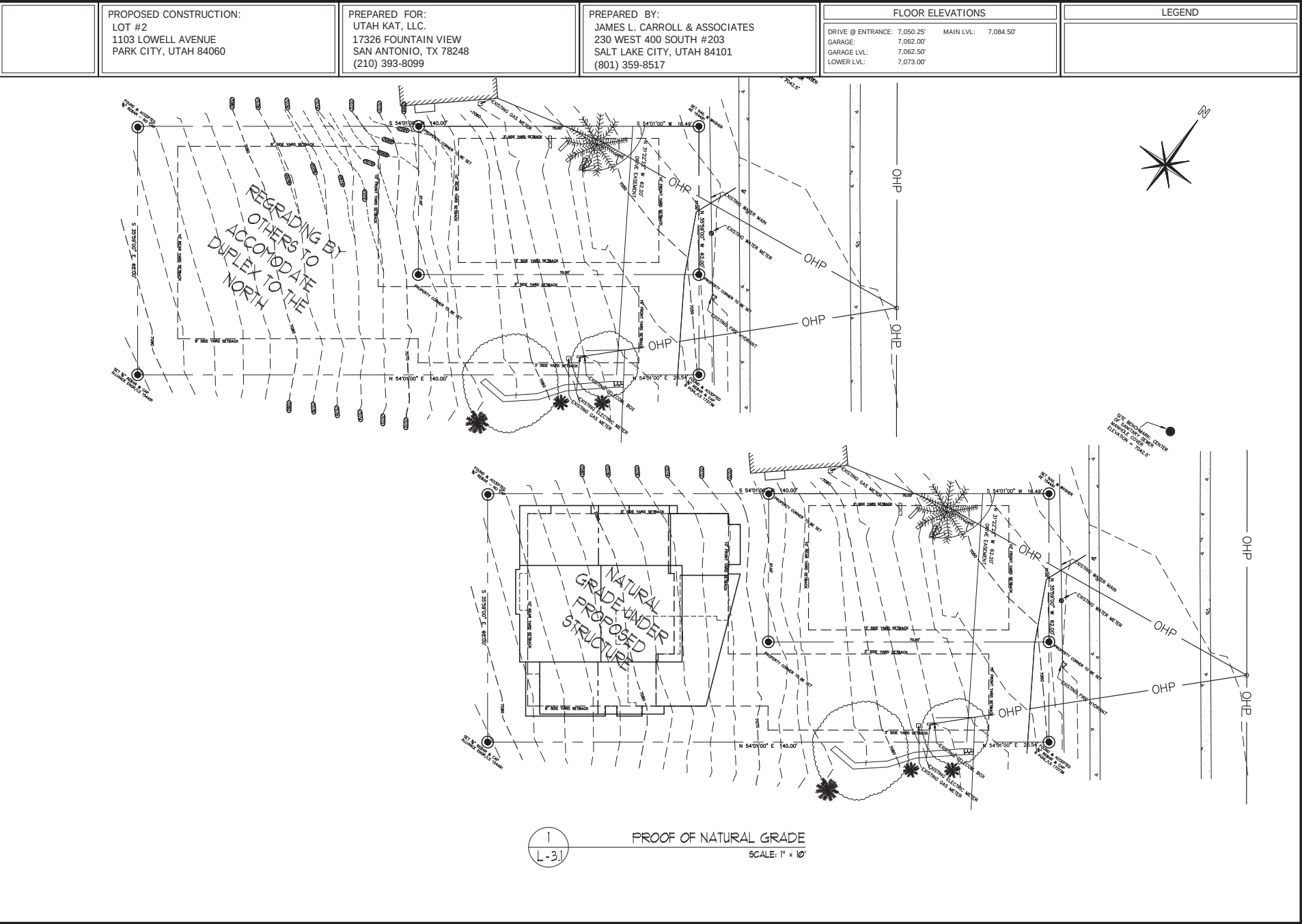
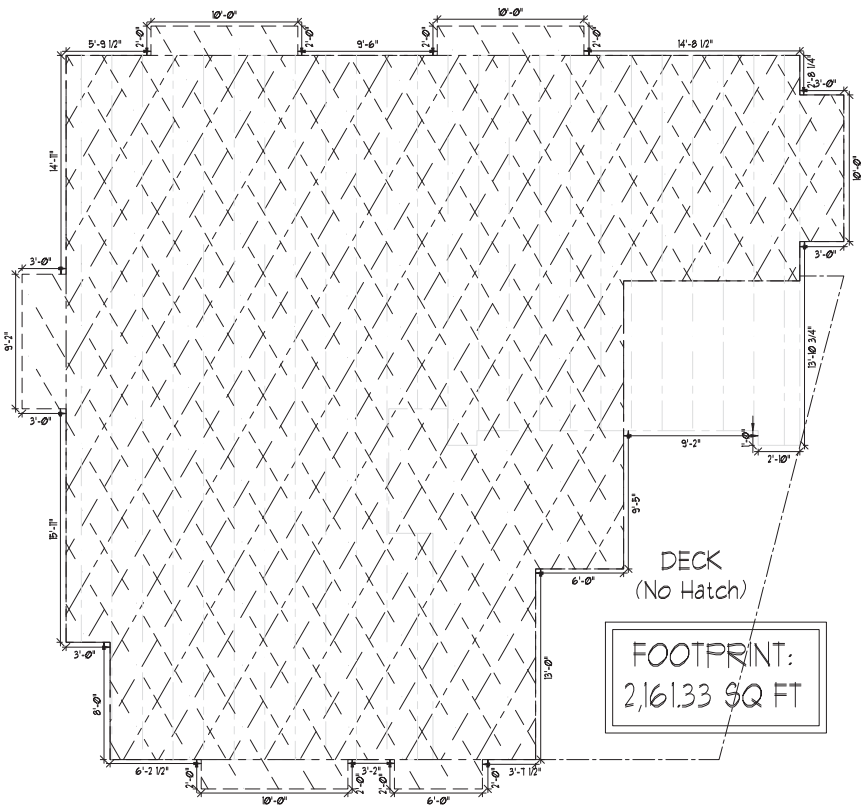


Exhibit I – Footprint Calculation





 GARAGE LEVEL
 (1,793.5 SQ. FT.)



LOWER LEVEL
(1,936.5 SQ. FT.)

MAIN LEVEL
(2,036.0 SQ. FT.)



FOOTPRINT CALCS

SCALE: 1/4" = 1'-0"

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UTAH KAT 1103

LOT #2
1103 LOWELL AVENUE
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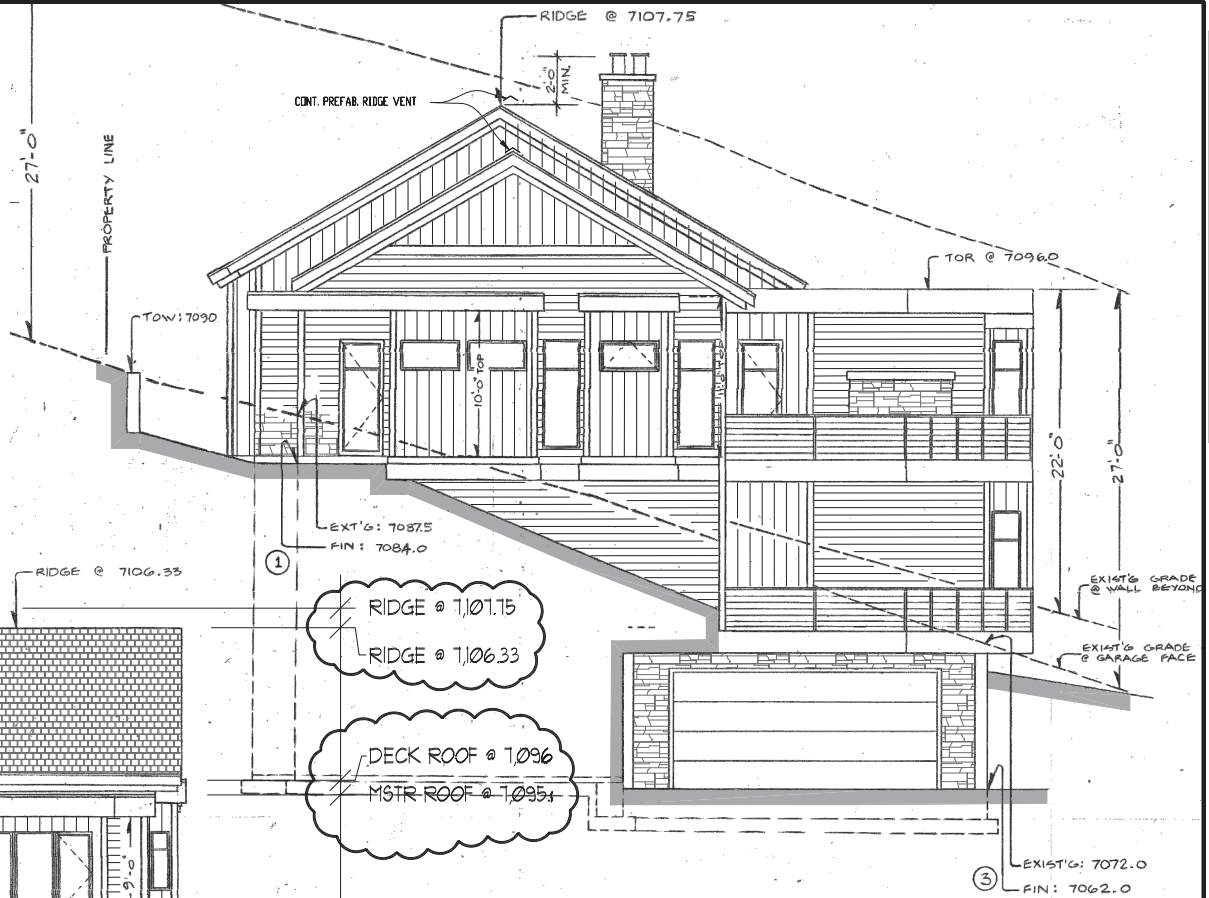
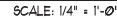
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PROJECT:	UTAH KAT 1103
PLAN DATE:	04-06-2015
DRAWN BY:	DANIEL BURROUGHS
REVISED BY:	DANIEL BURROUGHS
REVISED DATE:	04-28-2015
PLOT DATE:	04-28-2015
DESCRIPTION:	FOOTPRINT CALCS

A-0.1

Exhibit J – Elevations, South & East

PROPOSED EXTERIOR MATERIALS	
SIDING	HARDIE, MONTERREY TAUPÉ JH40-20
FASCIA / SOFFIT / TRIM BOARD	HARDIE, ARCTIC WHITE JH10-20
CONCRETE WALLS	NATURAL GREY CONC.
GARAGE / WINDOW / DOOR TRIM	DARK BRONZE / GLASS
EXT. METAL RAILINGS	DARK BRONZE
ROOF	CERTAINTÉED, PRESIDENTIAL SHINGLE - SHADOW GRAY or CHARCOAL BLACK



- MAIN LVL @ 7,084.5

NORTHEAST ELEVATION

SCALE: 1/4" = 1'-0"

LOWER LVL @ 1,073.6

- GARAGE @ 7,062.0

NOTE: PROVIDE AUTOMATED FIRE SPRINKLING SYSTEM IN ACCORDANCE WITH NFPA B30.

NOTE: UNVENTED CONDITIONED ATTIC ASSEMBLIES SHALL COMPLY WITH IRC R-806.4.

NOTE: PROVIDE EXTERIOR GRADE PLYWOOD OR OTHER APPROVED EXTERIOR MATERIALS FOR SOFFITS. IRC R-303.1. ICS 1305.14

NOTE: SILLS OF EXTERIOR WINDOWS WHICH ARE LOCATED MORE THAN 6" ABOVE GRADE, AND LESS THAN 24" ABOVE THE EXTERIOR FLOOR SURFACE MUST MEET NEW REQUIREMENTS. THE AREA OF THE WINDOW LESS THAN 24" HIGH, MUST BE SEAL HAVE AN OPENING OR A SQUARE WHICH DOES NOT ALLOW THE PASSAGE OF A 4" DIAMETER SPHERE. IRC R-612.

NOTE: PROVIDE NATURALLY DURABLE WOOD OR WOOD THAT IS PRESERVATIVE-TREATED FOR THE STRUCTURAL MEMBERS OF THE EXTERIOR DECKS. IRC R-317.13

[illegible]

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UTAH KAT 1103

LOT #2
1103 LOWELL AVENUE
PARK CITY, UTAH 84060

PROJECT:	04-28-2015
DRAWN BY:	DANIEL BURROUGHS
REVISED BY:	DANIEL BURROUGHS
REVISED DATE:	07-14-2015
PLOT DATE:	07-14-2015
DESCRIPTION:	ELEVATIONS

A-1.0

Exhibit K – Elevations, North & West

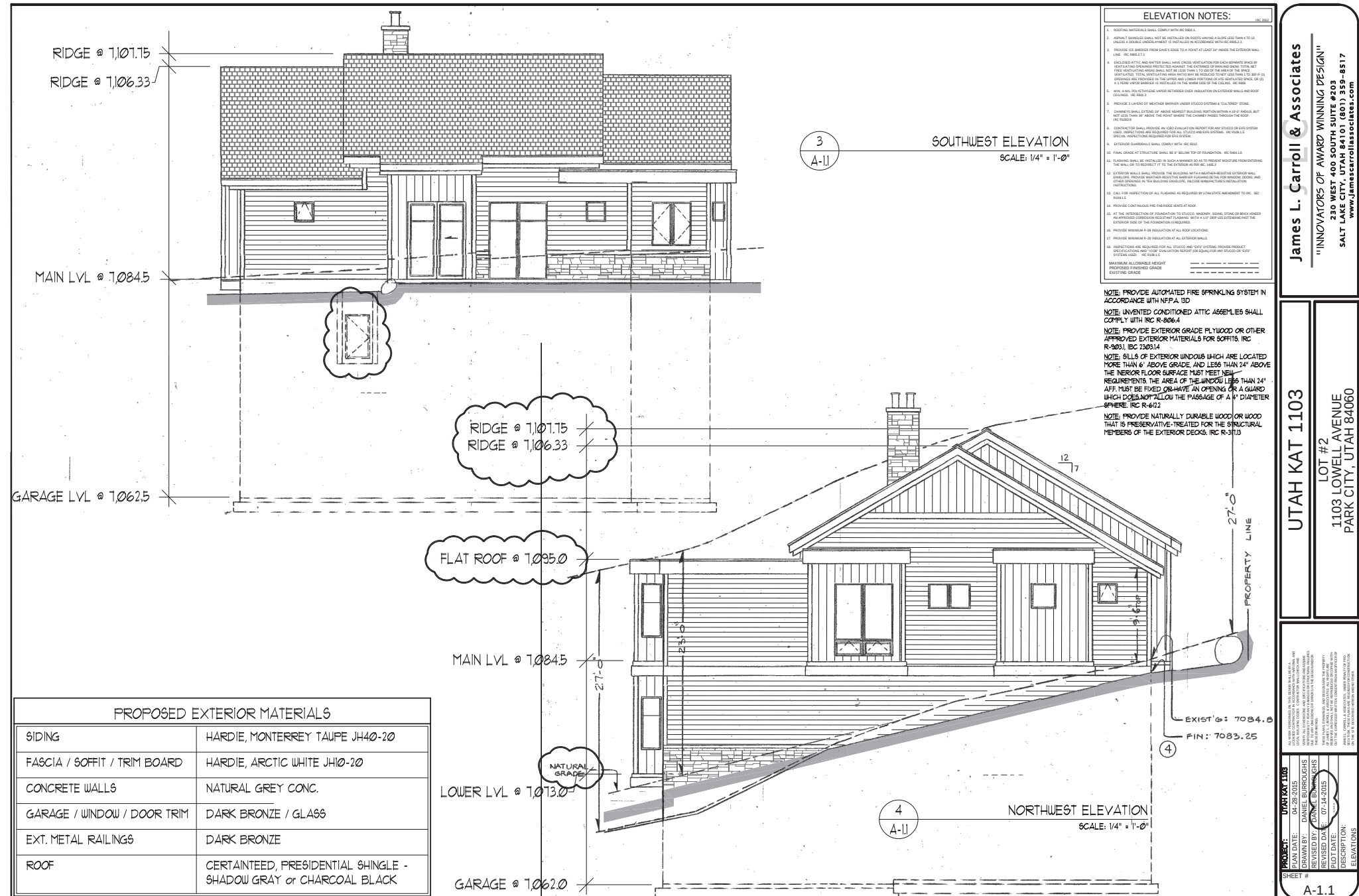
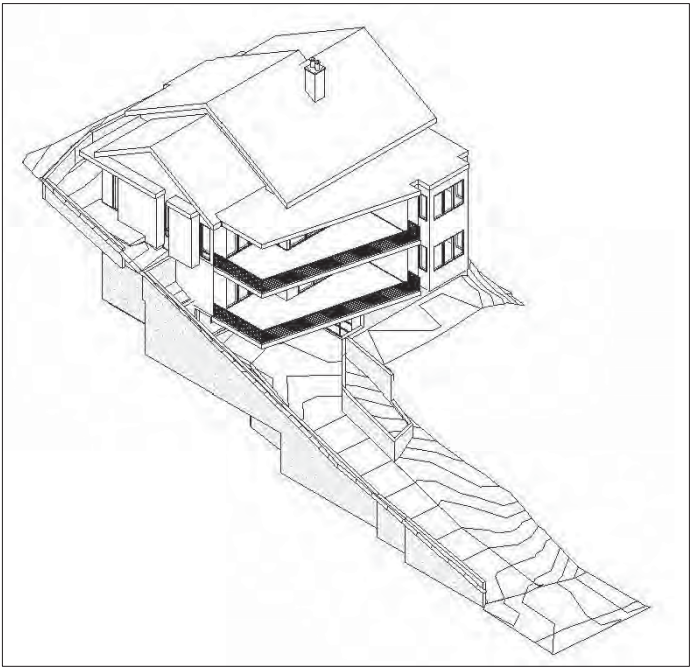
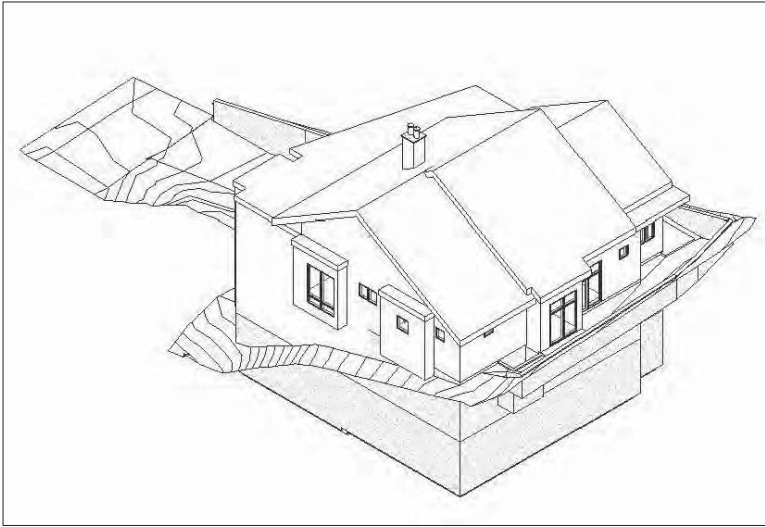
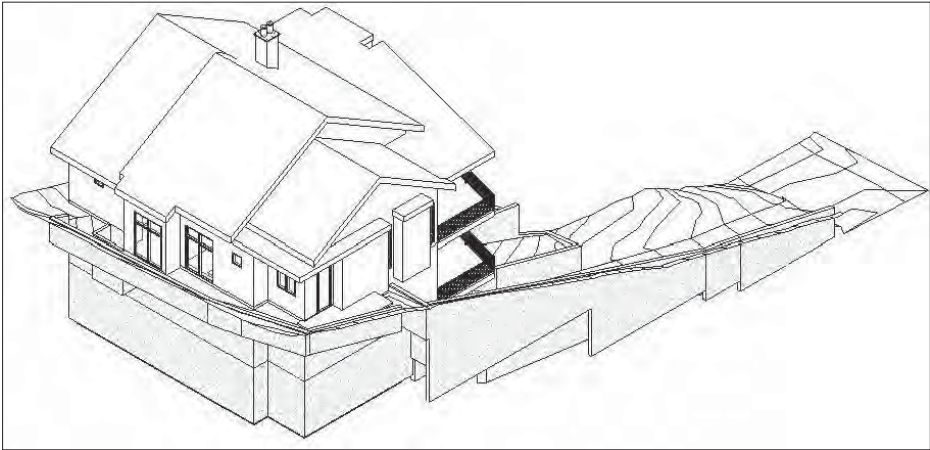
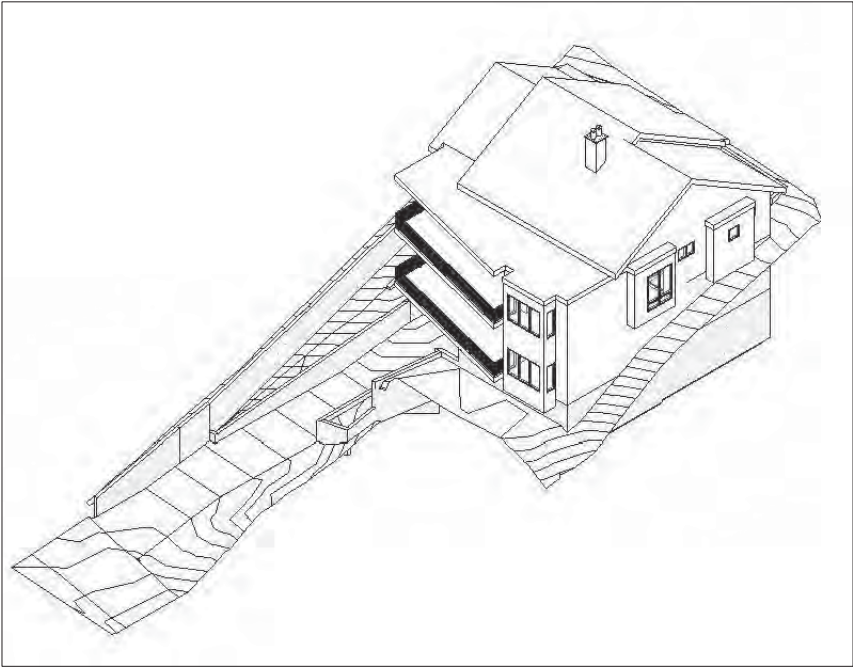


Exhibit L – Axonometric views



AXONOMETRIC VIEWS
SCALE: NOT TO SCALE



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PROJECT: UTAH KAT 1103
DATE: 04-09-2015
DRAWN BY: DANIEL BURROUGHS
REVISED BY: DANIEL BURROUGHS
REVISED DATE: 04-28-2015
LOT DATE: 04-28-2015
DATE: 04-28-2015
AXONOMETRIC VIEWS

A-1.2

Exhibit M – Combined Axonometric Views



1
A-13

COMBINED AXONOMETRIC VIEWS

SCALE: NOT TO SCALE

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UTAH KAT 1103

LOT #2
1103 LOWELL AVENUE
PARK CITY, UTAH 84060

[illegible]

PROJECT:	UTAH NAT. LABS
PLAN DATE:	04-06-2015
DRAWN BY:	DANIEL BURROUGHS
REVISED BY:	DANIEL BURROUGHS
REVISED DATE:	04-28-2015
PLOT DATE:	
DESCRIPTION:	AXONOMETRIC VIEWS

A-1.3

Exhibit N – Garage Floor Plan

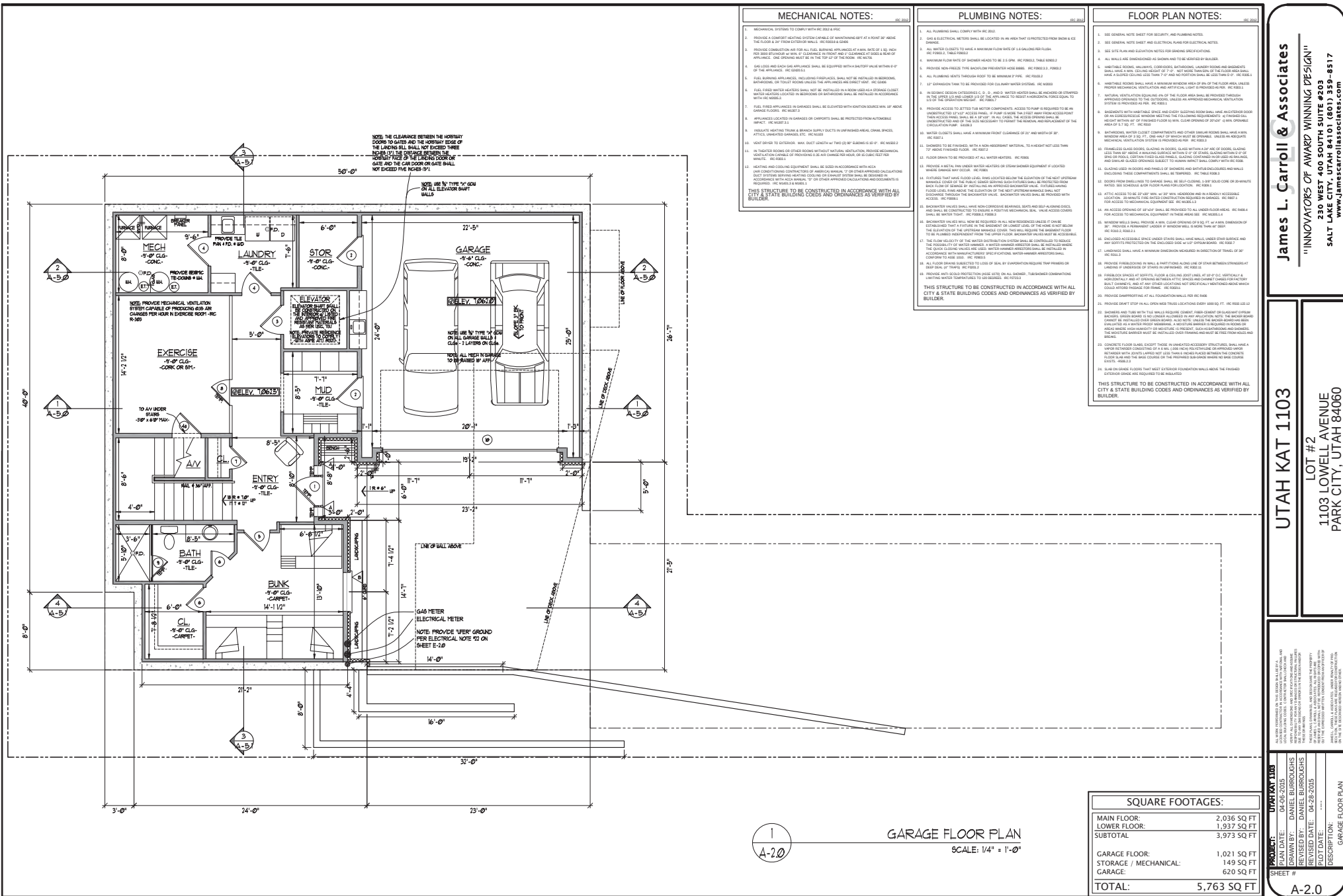
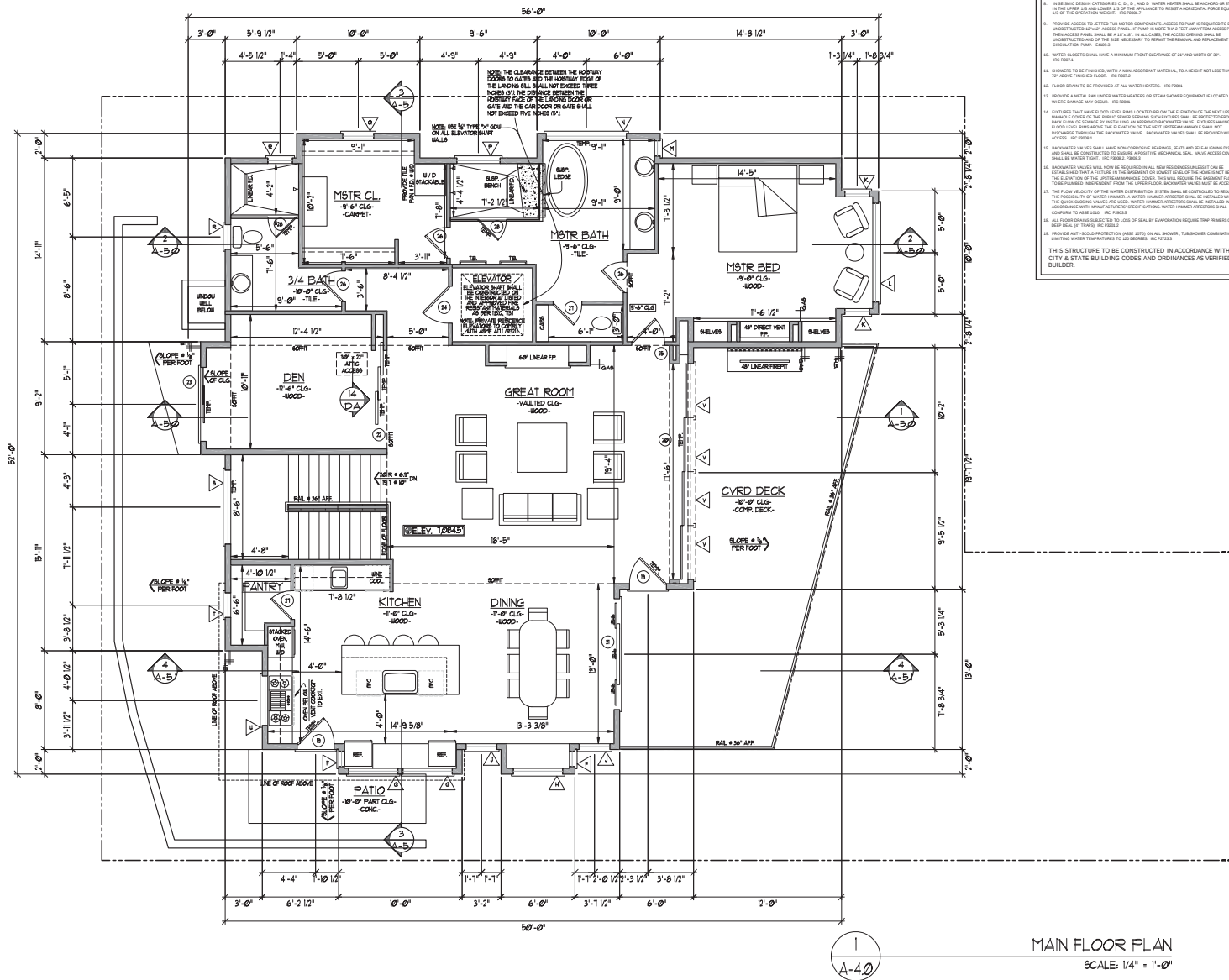


Exhibit P – Main Floor Plan



PLUMBING NOTES:

- [illegible]

FLOOR PLAN NOTES:

- [illegible]

MECHANICAL NOTES:

- [illegible]

SQUARE FOOTAGES:

MAIN FLOOR:	2,036 SQ FT
LOWER FLOOR:	1,937 SQ FT
SUBTOTAL	3,973 SQ FT
GARAGE FLOOR:	1,021 SQ FT
STORAGE / MECHANICAL:	149 SQ FT
GARAGE:	620 SQ FT
TOTAL:	5,763 SQ FT

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LOT #2

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PARK CITY UTAH 84060

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LICENSED CONTRACTOR IN ACCORDANCE WITH NATIONAL AND
LOCAL BUILDING CODES. CONSULTING BUILDING CODES.

PLAN DATE:	04-28-2015
PROJECT:	QUINTANA ROO

DRAWN BY: DANIEL BURROUGHS

REVISOR BY: DANIEL BURROUGHS
REVISOR DATE: 07-14-2015

PLOT DATE: 01-24-2020

DESCRIPTION:

MAIN FLOOR PLAN

Exhibit Q – Cross Section

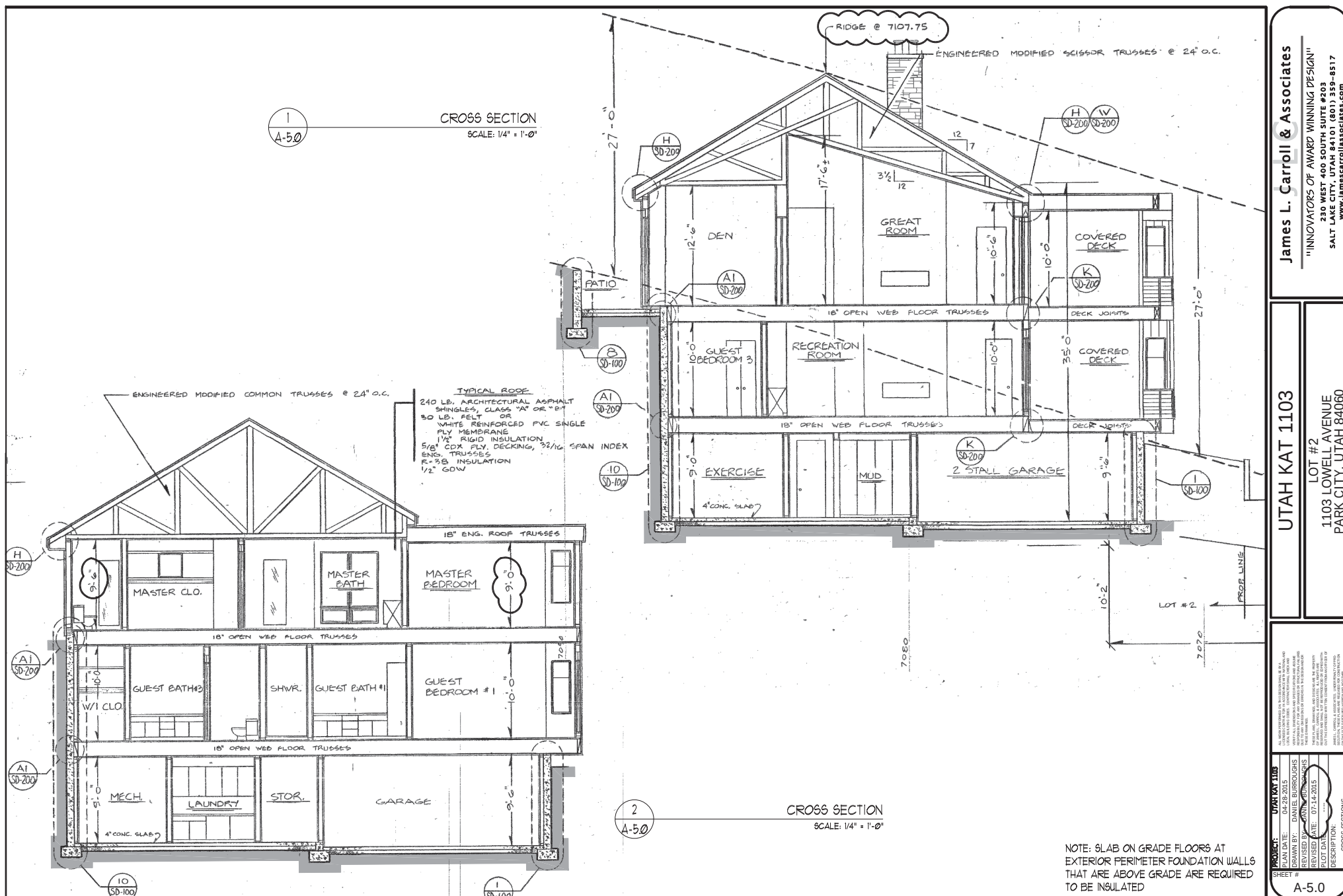
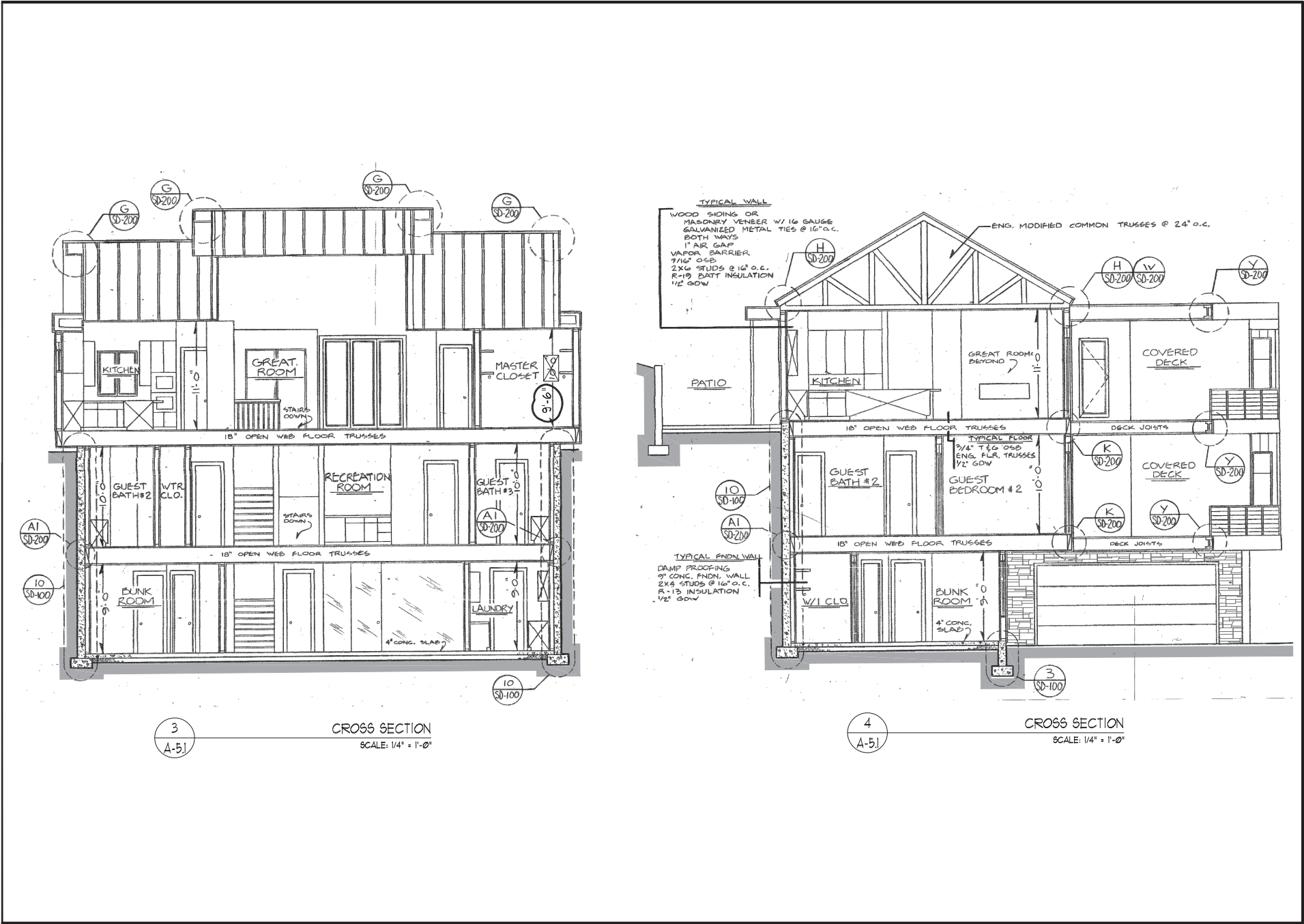
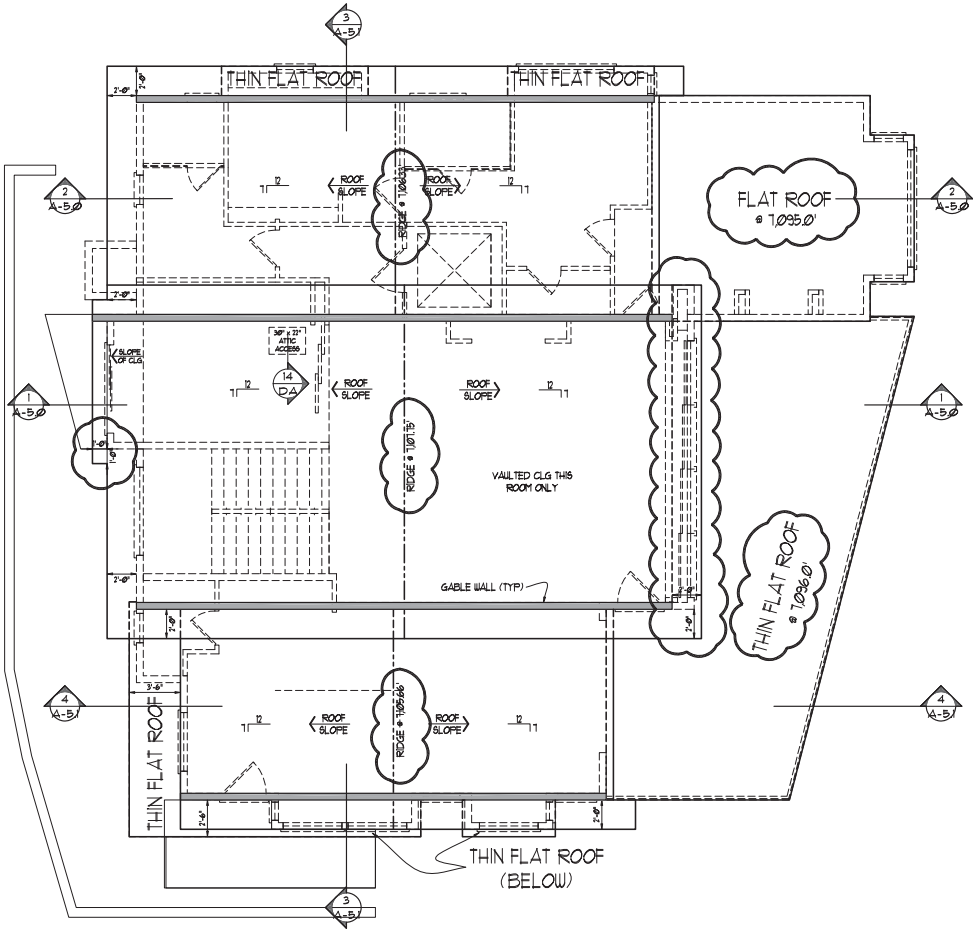


Exhibit Q – Cross Section





1
S-4.0

ROOF PLAN
SCALE: 1/4" = 1'-0"

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UTAH KAT 1103
LOT #2
1103 LOWELL AVENUE
PARK CITY, UT 84060

PROJECT: UTAH KAT 1103
PLAN DATE: 04-28-2015
DRAWN BY: DANIEL BURROUGHS
REVIEWED BY: JAMES CARROLL
REVISED DATE: 07-14-2015
DESIGN DATE: 07-14-2015
SHEET #
ROOF PLAN

S-4.0