

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
AUGUST 7, 2008**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Library and Education Center, Room 205, 1255 Park Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, August 7, 2008.

Closed session

2:00 Property and Personnel

Work Session

3:30 p.m. Council questions and comments

3:45 p.m. Quarterly goal update pg 4

4:00 p.m. Joint Planning Commission/Historic Preservation Board work session –
Historic District Guidelines pg 18

5:50 p.m. Break

Regular Meeting

6:00 p.m.

I ROLL CALL

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

III PUBLIC INPUT (*Any matter of City business not scheduled on agenda*)

IV NEW BUSINESS (*New items with presentations and/or anticipated detailed discussions*)

1. Consideration of a Temporary Land Use regulation pursuant to U.C.A. Section 10-9A-504 prohibiting the demolition of any building more than 50 years old for a period not to exceed six months, pending the completion of Land Management Code and Historic District Guidelines amendments regarding the regulation of buildings of historic significance and potential amendments to the Historic Building Inventory pg 30

(a) Public hearing

(b) Action

2. Consideration of an Ordinance approving 460 Swede Alley condominium conversion

(a) Public hearing

(b) Motion to Continue to August 28, 2008

3. Consideration of an Ordinance to approve the Amended Gateway Estates Replat Subdivision located at 408 and 412 Deer Valley Loop Road pg 44

(a) Public hearing

(b) Action

4. Consideration of a consultant lobbying services contract in the amount of \$84,000 in a form approved by the City Attorney pg 72

V OLD BUSINESS (*Continued public hearing*)

VI APPEAL

Consideration of an appeal of the Planning Commission's approval of a Master Plan Development application on July 9, 2008 for the Snow Creek Cottages, located at 2060 Park Avenue - Appellants Carole Casten, Lisa Rudy, Randi Tonessen, Nancy Solomon, Conrad Elliott, Howard Anderson, Lori Clark, and Marcia Griffiths pg 90

- (a) Introduction by Planning Staff
- (b) Presentation by appellants
- (c) Presentation by applicant
- (d) Deliberation - possible action

VII ADDITIONAL DISCUSSION – AGENDA ITEMS

VIII ADJOURNMENT

A majority of City Council members may meet socially after the meeting. If so, the location will be announced by the Mayor. City business will not be conducted. Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the City Recorder at 435-615-5007 at least 24 hours prior to the meeting.

Posted: 08/03/08

See: www.parkcity.org

Note: This future meeting schedule is TENTATIVE and subject to change.
PARK CITY COUNCIL TENTATIVE MEETING SCHEDULE

August 2008

14-15 Management Team meeting – Zermatt, Midway

14 No meeting

- 21 Conceptual Plan - Creekside Park - work - KF
Municipal carbon footprint report – work - DF
Environmental Sustainability Plan Update - DF
Snow removal discussion - PE
Water supply/demand update
Bio-cell award of contract - JS
7447 Royal Street #351 amendment to record of survey plat - BR
Appeal of denial for steep slope CUPs - King Ridge Estates, Lots 1 – 3, 158, 162,
and 166 Ridge Avenue
Park City Heights Annexation - KW
Professional Services Contract for Richardson Flats Road Construction - KC
- 28 RAB interviews
Holiday event - HMBA
State of the Sundance Film Festival at Silver Star
Deed restrictions for Snow Creek affordable housing project – PR
Affordable housing resolution
460 Swede Alley Condominium Record of Survey Plat - KW
460 Swede Alley - Amendment to Marsac Parking Structure Subdivision - KW
Community Carbon Footprint Contract - DF

September 2008

1 Labor Day

3-7 City Tour

4 No meeting

11 Farm - ADA/Fire access, ADA Pathway (20 min)

18 Summit County Solid Waste Master Plan - JG

25

Pending Items:

Resolution - Trails Master Plan

Carrying capacity/market analysis survey

Wild land interface issues

MEMO



Executive Department

To: City Council
From: Tom Bakaly, City Manager
Subject: 2nd Quarter (April - June)
Date: August 7, 2008

445 Marsac Avenue
P.O. Box 1470
Park City, UT 84060
Tel 435.615.5180
Fax 435.615.4901
www.parkcity.org

On August 7, 2008, we have scheduled a short amount of time in work session for City Council to review goals and action items.

We continue to tentatively add (in bold) new action items to your goal status report based upon individual input from Council members, the Mayor and staff.

The report also includes quarterly summaries related to traffic calming and neighborhood service requests. This work session will provide an opportunity to for departments to provide operational updates on Council goals if requested.

2008 Park City Goals and Targets for Action – 2nd Quarter Report (April - June)

TOP PRIORITY

Goal 1 Quality and Quantity of Water - Dana Williams and Candace Erickson; Alternate, Jim Hier					
Target for Action Staff Coordinator	Actions	Initial Target Date	Revised Target Date	Status	
1. Pipeline/Preferred Project Agreements Kathy Lundborg	Determine a preferred project with Weber Basin and Bureau of Reclamation 1. Design of Pipeline Improvements 2. Pipeline Construction Begins	01/07 04/09	12/08 04/09	Pending Pending	
2. Judge Water Treatment Plants Kathy Lundborg/Jerry Gibbs	1. Judge: JSSD Engineering Design for delivery 2. Judge: Determine Scope and Timing for Plant Design and Construction 3. Judge: NPDES Permit 4. Judge: Resolve Pump Station Location and Land Transfer with Talisker 5. Judge: JSSD Delivery System Construction 6. Judge Portal to JSSD Plant Design & Construction	08/04 09/05 12/05 04/06 12/09	07/08 09/08 12/08 12/08 03/09 12/09	Pending Pending Pending Pending Pending Pending	
3. Other Water Solutions – Supply Options/Conservation Jerry Gibbs/Kathy Lundborg	1. Summit County, Snyderville Basin Water Reclamation District Cooperation Discussions / Stream Flow Enhancements 2. JSSD Water Discussions 3. Water Rate Methodology Discussions 4. Water Demand Reduction Plan 5. Supply/Demand Update 6. Water Demand Reduction Plan - Review landscaping Requirements/Limits	Annual Annual 03/08 12/07	 07/08 08/08 07/09	Ongoing Ongoing Complete Complete Pending Pending	
4. Water Funding Strategy Jerry Gibbs	1. Pursue future appropriations and authorizations	Annual		Ongoing	

TOP PRIORITY					
Goal 2 Preservation of Park City Character – Liza Simpson and Dana Williams; Alternate, Candace Erickson					
Target for Action Staff Coordinator	Actions	Initial Target Date	Revised Target Date	Status	
1. Old Town Improvements Jonathan Weidenhamer and Dave Gustafson	1. Downtown Projects - Town Plaza/Swede Alley - USPS Talks concluded - Small Plaza/Historic Wall - Concept Plan - Shell space - Construction Complete - Execute tenant contracts / sale - Marsac Building move to temp locations complete - Construction begins - Construction end	06/07 09/07 04/07 10/07 10/08	06/08 02/09 10/08 07/08 11/09	Complete Pending In Progress Complete In Progress	
2. Affordable Housing Phyllis Robinson	1. Snow Creek Affordable Housing - Pre MPD application for Snow Creek parcel - Subdivision/MPD application - Groundbreaking - Completion in 2009 2. Quarterly Housing Status Report – Set 2008 in lieu fees 3. Monitor Developer Obligations 4. Analysis of deed restrictions and selection criteria 5. Housing General Plan Element Review & Update 6. Seasonal Housing Needs Assessment - Overcrowding Issues 7. Seasonal Housing Workgroup	06/07 07/07 06/08 Ongoing 10/07 08/08 Ongoing	01/08 08/08 09/08 08/08 08/08 09/08 TBD 08/08	Complete In Progress Pending Pending In Progress Ongoing In Progress Pending Pending Ongoing Pending In Progress	
3. Trash and Recycling Jerry Gibbs	1. Decision on recycling facility relocation 2. Joint County Trash and Recycling Study		TBD 08/08	Pending In Progress	
4. Environmental Initiatives Diane Foster	1. Implement Strategic Plan 2. Wasatch Back Environmental Alliance 3. Rocky Mountain Energy Grant Use 4. Internal recycling program (City Operations) 5. Inventory CO2 emissions from City Operations 6. Develop employee carpool campaign	Ongoing Ongoing 06/07 06/08 10/07 04/08	TBD 08/08 08/08 08/08 08/08 08/08	Ongoing Ongoing In Progress In Progress In Progress In Progress	

TOP PRIORITY

Goal 3 Effective Transportation and Parking System – Jim Hier and Roger Harlan; Alternate, Liza Simpson					
Target for Action Staff Coordinator	Actions	Initial Target Date	Revised Target Date	Status	
1. Neighborhood Traffic Management Kent Cashel	See attached Neighborhood Traffic Management Summary Report				
2. Regional Transportation Kent Cashel	1. Review Neighborhood Traffic Management Policy 1. Enhance Transit Marketing 2. Implement employee carpool incentive program 3. Secure land for future satellite transit maintenance storage facility 4. Complete Environmental Assessment work on Ironhorse Site for expanded Transit Facility	01/08 Annual Annual 09/09 06/08	03/08	Complete Ongoing Ongoing In Progress Complete	
3. Transportation Strategic Plan Kent Cashel	1. Alternative Transportation/Walkability Study 2. Annual Progress Report to City Council 3. Implement Transportation Plan Strategies 4. Implement Task Force Recommendations 5. Increase Bio-Fuel Mix - Explore 6. Update Strategic Plan to Include Pedestrian-Bicycle and Transit Modes	06/06 Annual Ongoing 09/07 12/08	03/07 09/08	Complete Annual Ongoing Ongoing In Progress Pending	
4. Public Parking Brian Andersen, Kent Cashel	1. Winter Usage Report and Review Paid Parking Hours 2. Discussion with HMBA re: drop off zones	03/08 04/08	05/08 08/08	Complete In Progress In Progress Ongoing	
5. Community Transportation Plan Kent Cashel, J Weidenhamer	1. Park and Ride 2. Entry Corridor				
6. Hwy 248 Kent Cashel	1. Short Term Assessment and Options (Phase I) 2. Long Term Assessment and Options (Phase II)	04/08 04/08	05/08 11/08	Complete In Progress	
7. Snow Removal Pace Erickson	1. Assess, compile and address small action items 2. Update on timeliness, cost, storage and hauling tradeoffs 3. Plan for future enhancements including walkability policy implications 4. Snow Removal Sidewalk Ordinance Discussion	06/08 06/08 06/08	09/08 09/08 09/08	In Progress In Progress In Progress In Progress In Progress In Progress	

TOP PRIORITY

Goal 4 World Class, Multi-Seasonal/Resort Community – Jim Hier and Liza Simpson; Alternate, Joe Kernan					
Target for Action Staff Coordinator	Actions	Initial Target Date	Revised Target Date	Status	
1. Economic Development Jonathan Weidenhamer	1. Implementation of 2008-10 Economic Development Plan 2. City-wide market analysis & carrying capacity study 3. ED Grant Follow-up Oquirrh Institute 4. ED Grant Follow-up Park City Silly Market 5. Develop Event Calendar 6. Tents and Temporary Structures 7. Event Fees, Revenues & Enforcement	06/08 09/08 09/08 12/08	07/08 08/08	Ongoing Pending Pending Complete In Progress In Progress In Progress	
2. Support for Arts Gary Hill, Sharon Bauman 9	1. Art in Public Places Implementation 2. Poison Creek Fish Sculpture Installation 3. Bus Shelter Implementation - Completion of 8 th Shelter - Arts Kids - Release RFP for new shelters (Phase II) 4. Police Facility Lobby Art - installation	Ongoing	08/08 0808 09/08 09/08	Ongoing In Progress In Progress In Progress In Progress	
3. Community Amenities and Events: Evaluation, Future Direction Sustainability - Economy Team	1. Museum Expansion 2. Destination Events/Activities Joint Venture 3. Strategic Plan for Farm - fire access, trail, and display of artifacts	In Progress Ongoing 08/08	09/08	In Progress Ongoing In Progress	

HIGH PRIORITY

Goal 5 Recreation, Open Space and Trails – Candace Erickson and Liza Simpson; Alternate, Joe Kernan					
Target for Action Staff Coordinator	Actions	Initial Target Date	Revised Target Date	Status	
1. Ongoing Open Space Acquisition Diane Foster, Matt Twombly	1. Flagstaff - Distribution of open space contribution 2. Gambel Oak - Legislation 3. Red Maple/Air Force 4. Other Properties	03/04 10/04 10/04 Ongoing	11/08 12/08	Ongoing Ongoing Ongoing Ongoing	
2. Conservation Easements Myles Rademan/Diane Foster	1. Additional easement monitoring on new acquisitions 2. Conservation Easement on Clissold	08/05 06/08	10/08	Pending Pending	
3. Trails Matt Twombly	1. Round Valley Trails - Friends of Trails - Quinn's Loop trails 2. Trailhead Parking Phase II - as sites are available - Cove 3. WALC Recommendations 4. Review funding level required for trail maintenance standards in trails master plan and present during budget 5. Investigate maintenance standards compared to Basin Recreation for trails 6. Inventory to Develop Maintenance Plan and Budget for FY 2010	09/07 03/08 05/08 03/09	09/08 09/08	In Progress In Progress Complete Complete In Progress In Progress	
4. Neighborhood Parks/City Park Ken Fisher/Matt Twombly	1. Lights on Basketball Court & Volleyball Court 2 Old Town Park (Wisniewski) - Construction Contract 3. Dog Park – Formation of friends group - Complete Dog Park 4. Neighborhood Park on Holiday Ranch Loop - Present conceptual design to City Council - Cup for development of park	06/07 02/08 01/08	06/08 08/08 08/08 08/08 08/08 08/08 08/08 10/08	Complete Pending Pending In Progress Pending Pending	

HIGH PRIORITY

Goal 5 Recreation, Open Space and Trails – Candace Erickson and Liza Simpson; Alternate, Joe Kernan

Target for Action Staff Coordinator	Actions	Initial Target Date	Revised Target Date	Status
5. Ice Rink Stacey Noonan	1. Upgrade Sound System 2. Redesign Ice Arena Website 3. Install exterior lighting from overflow parking lot 4. Ice Fundraising & Naming Rights Campaign 5. Ice Arena Completion – final punch list 6. Install Natural Gas Line for Facility 7. Purchase and Install Video Display System for Lobby 8. Work with PAAB to install art murals	04/08 04/08 04/08 08/06 11/08 12/08 12/08	 08/08 08/08 	In Progress In Progress In Progress In Progress In Progress In Progress In Progress In Progress
6. Recreation and Racquet Club: Next Steps Ken Fisher	1. Dirt Jump Park - See Holiday Ranch park 2. Racquet Club/recreation - Recommendation – future capital improvements - Recommendation to City Council for funding 3. Racquet Club Renovation - Issue RFP for Design Services - Selection of Design Firm & Contract for approval to City Council - Development of schematic design	 07/08 09/08 12/08	 01/08 06/08	 Complete Complete In Progress Pending Pending
7. Outdoor Recreation Complex Matt Twombly	1. Phase II Improvements	FY'10		Pending
8. Walkability Implementation Phase I Matt Twombly	1. Bond & Walkable Advisory Liaison Committee prioritization 2. Projects to be approved during budget process 3. Implementation	03/08 03/08 2009/10	 05/08 06/08	 Complete Pending Ongoing

HIGH PRIORITY

Goal 6 Regional Collaboration and Partnerships

Target for Action Staff Coordinator	Actions	Initial Target Date	Revised Target Date	Status
1. Transportation Kent Cashel	See Goal #3			
2. Flagstaff-Wasatch County Tom Bakaly	1. Work with Wasatch County re SR-224 and public versus private access	09/04	04/08	Ongoing
3. Recreation Ken Fisher	See Goal #5			
4. Health Pace Erickson	1. Noxious weed coordination 2. Enforcement on private property	08/04 Ongoing		Ongoing Ongoing
5. Water Jerry Gibbs	See Goal #1			
6. Solid Waste Jerry Gibbs & Joe Kernan	1. Implementation of Solid Waste Alternatives	11/05	08/08	Pending
7. Mosquito Abatement Pace Erickson	1. Continued coordination with Summit County	Ongoing		Ongoing
8. Wasatch Back Alliance Diane Foster	1. Restart group and ongoing participation	Ongoing		Restarted
9. Library Linda Tillson	1. Library Reciprocal Borrowing for Summit County Students	Ongoing		Ongoing
10. Inter-Agency Task Force	1. Continued Participation	Ongoing		Ongoing

OTHER PRIORITIES

Goal 7 Open and Responsive Government to the Community – Roger Harlan and Joe Kernan; Alternate, Jim Hier

Target for Action Staff Coordinator	Actions	Initial Target Date	Revised Target Date	Status
1. Community Vision 2015 and Beyond Phyllis Robinson Craig Sanchez	1. Community Visioning Plan a. Council Direction on RFP b. Facilitator Proposals Due c. Project Deliverables (9 months) 1. Implement Community Dialogues (1-4 mos) 2. Develop Core Values & Community Ideals (5-6 mos) 3. Vision Action Plan (6-9 mos) 2. Update Material for Vision Presentations Annually following Council Visioning Sessions 3. Review 2 nd Homeowners Social	07/08 09/08 01/09 03/09 07/09 Annual Annual	 09/08	Complete Pending Pending Pending Pending Annual
2. Budget Review & Benchmark Gary Hill	1. Bi-weekly budget review meetings 2. Phase II Benchmarks determined with CAST 3. Finance/Citywide Software System Conversion a. Planning and permits b. Position Budgeting - pending Budget Module c. Budget	Ongoing	07/08 04/08 10/08 10/08	Ongoing In Progress Complete Postponed Postponed
3. Customer Service: Evaluation & Action Plan Myles Rademan	1. Accountability/responsibility training for Staff 2. Volunteer Bank – review program 3. City “Fam” Tour 4. Employee Survey & Training - communication of results	Monthly Annual Ongoing	04/08	Ongoing Pending Annual Ongoing
4. Public Safety Wade Carpenter	1. Emergency Response Plan Updated - Staff Training 2. Community Oriented Program – Citizens Academy 3. Develop Policy & Implement Tasers 4. Lexipol Service Evaluation (Comprehensive Police Policy Manual Program based on model policies developed by a national board)	08/07 12/07 12/06 11/07 12/08	07/08 09/08 09/08 09/08	In Progress Pending Pending In Progress In Progress

OTHER PRIORITIES

Goal 7 Open and Responsive Government to the Community – Roger Harlan and Joe Kernan; Alternate, Jim Hier

Target for Action Staff Coordinator	Actions	Initial Target Date	Revised Target Date	Status
5. Communications Phyllis Robinson Scott Robertson	1. Leadership 101 2. Media Seminars 3. Sustainability Promotion 4. Park City University 5. Communications Strategic Plan & Website Upgrade	Ongoing Ongoing Ongoing Ongoing 04/08	09/08	Ongoing Ongoing Ongoing Ongoing In Progress

Neighborhood Traffic Management Summary Report
 ATTACHMENT "A" TO QUARTERLY STATUS REPORT

Location	Date Recd	Phase 1 Meeting	Citizen Concerns	Phase 1 Follow-up	Date Completed
Comstock Drive	Revised petition 06/07	07/10/07	Traffic speed and high traffic volumes	- Improve visibility of 25 MPH signs - Enforcement - Permanent driver feedback signs installed - Narrow travel lanes (repainted) - Install "residential area" signs - Painted intersection sight lines - Installed No parking 7-9am on east side - Commercial traffic study Petitioners request no further actions until WALC process is completed	July 07 Ongoing Sept 07 Sept 07 Sept 07 Aug 07 In Process
Woodside Avenue	03/08	04/08	Wintertime traffic flow (request for one-way)	- Meet with Neighborhood to understand request - Develop initial response and timeline to process request - Gather and analyze data on request - Final response to request	June 07 Aug 07 Jan 08 Mar 08

Neighborhood & Business District Needs Assessment <i>Request for Elevated Levels of Service Request (RELS) - ATTACHMENT "B" TO QUARTERLY STATUS REPORT</i>					
Deer Valley Drive and Sunnyside Drive Neighborhood Weidenhamer					
<u>Status Report</u> Staff met with neighborhood and prioritized requests – Project 1sidewalk on Deer Valley Drive completed. City bus stop installed. School bus stop pending completion by private developer.					
Target for Action	Responsible	Actions	Target Date	Status	Budget
1. Pedestrian Lighting	Twombly (PCMC)	Install street and pedestrian lights from Stonebridge condos to roundabout	12/07	Cost identified (\$250k) not in CIP budget	No City funding Private funds: Deer Valley Resort; Neighborhood SID
2. Bus Stop	Cashel	1. Construction of permanent school bus stop as a public improvement associated with construction of 601 & 605 Deer Valley Drive (NE corner of DV Dr. & Sunnyside) 2. Concrete pad installed. Shelter to be installed winter 08-09. Concrete pad was installed too close to fire hydrant. Bus shelter redesigned and reordered to accommodate concrete pad and fire hydrant.	10/08 08/07	Pending 08/08	Private Existing PW

Neighborhood & Business District Needs Assessment <i>Request for Elevated Levels of Service Request (RELS) - ATTACHMENT "B" TO QUARTERLY STATUS REPORT</i>	<i>Little Kate Road, Holiday Ranch Loop Road, Lucky John Drive</i>
<u>Status Report</u> Traffic Calming process evolved into Walkability Study / Bond process to address capital projects requested. Walkable Implementation - Approved with 2008 budget Formation of Walkability Advisory Liaison Committee (WALC) - contingent on bond passing 10/07 Approval of Walkability Bond - 11/07 WALC recommendations finalized and adopted by City Council during FY2009 budget Implementation Plan & Schedule assigned to staff project managers	

City Council Staff Report



Author: Dina Blaes, Consultant
Gary Hill, Interim Planning Director
Subject: Historic Preservation Update & Issues
Date: August 7, 2008
Type of Item: Legislative

Summary Recommendation: City Council should provide direction on the various issues listed below and take public comment.

Staff will have a presentation with illustrations and photographic examples at the meeting on Thursday. Because of the extent of this staff report, the following outline is provided. The full staff report follows this outline:

I. Draft Design Guidelines

Staff is not seeking direction from City Council at this time.

A. Public Meetings held to date

No direction or action sought.

B. Summary of Planning Commission direction received to date

No specific direction or action sought.

II. Historic Preservation Policy Issues

A. Historic Building Inventory - Landmark and Contributing buildings

Staff is seeking discussion on this matter.

B. Reconstruction of existing Historically Significant Buildings

Staff is seeking discussion and direction on this matter.

C. Building Height/Average Wall Height

Staff is seeking discussion and direction on this matter.

D. Parking in the Historic Districts

Staff is seeking discussion and direction, no action is proposed at this time. .

E. Volunteer Peer Review Process

Staff is seeking discussion and direction on this matter

F. Historic District Design Review Process

Staff is seeking discussion and direction on this matter.

III. Timeline and Next Steps

I. Draft Design Guidelines

Recommendation: Staff is not seeking direction from City Council at this time. This information is provided as an update for the City Council.

The most recent draft (July 30, 2008) is included as a separate attachment to this staff report (and is also available on the City website) for review. Please note, all of the changes shown in the attached draft are the result of comments and suggestions received during public meetings, public open houses and from written public comments. Some of those comments are still being reviewed and developed for inclusion in the next draft.

Also note, the layout of the attached draft is quite different from previous drafts and represents the direction staff is taking to create a final document. Proposed changes to the text are noted as strikethrough (to be omitted) and underline (to be added). Boxes with "FPO" indicate "For Placement Only" and serve as placeholders for illustrations being developed. Finally, some of the captions may appear to be a jumble of letters; again, these are placeholders for captions that have not yet been written.

Background:

A. Public Meetings held to date:

1) June 2 HPB Meeting - no public comments were received.

2) June 16 HPB Meeting - eight individuals provided public comments at this meeting. Comments included concerns that the public has not been involved until now, the guidelines should be more objective while still giving the applicant latitude and options, the design review process be streamlined and more predictable and consistent, the guidelines should be more detailed, and that more illustrations are needed. In addition, concerns were raised about the current LMC.

3) June 26 City Council/Planning Commission meeting - The Council discussed the Design Guidelines and several other policy issues related to Historic Preservation. Those items not discussed due to time constraints were continued to a meeting scheduled for August 7. The Council took public comment from seven individuals who requested more meaningful dialog between staff and the public on the further development of the Design Guidelines, greater clarity and specific changes to the language in certain areas of the document, the Historic District Commission be reinstated and a preservation planner be hired, and voiced general concerns about the process to date.

A request was made from a member of the public and supported by the Council to provide a comparison (matrix) between the current (1983) guidelines and the proposed guidelines. This comparison is being developed.

4) July 7 HPB Meeting - fifteen individuals made public comments at this meeting. Comments were similar to those received on June 16.

5) July 14 Open House for Old Town residents - Nearly 45 individuals attended the meeting and engaged in a dialog with staff and HPB members on a range of issues. It was stated at the meeting that the public comments would be organized by topic and follow up would occur with the appropriate body--City Council, Planning

Commission and/or Historic Preservation Board. The comments were recorded and are attached to this report. They can also be viewed online at www.parkcity.org

6) July 16 Open House for architects and designers working in Old Town - 7-10 architects or designers, nearly 25 residents/owners, several HPB members, and two Planning Commissioners attended this open house which focused on developing solutions for some of the greatest design challenges in Old Town; specifically, off-street parking, additions to Historically Significant buildings, and infill construction. Comments were not limited to the Design Guidelines, but included concerns about the LMC, which will be addressed primarily with the Planning Commission. The comments were recorded and are attached to this report. They can also be viewed online at www.parkcity.org. along with several drawings and sketches provided by some of the architects (staff is in the process of incorporating these concepts into the Guidelines illustrations).

The attached draft of the Guidelines incorporates issues identified at the meeting including

- o Acknowledgment of the difficulties of providing parking in the Historic Districts (due to issues such as uphill and downhill lots),
- o More examples of recommended parking solutions,
- o Pictures and illustrations of preferred addition solutions, etc
- o Acknowledgement that modifications to site and structure can be accommodated depending upon the situation and design solution.

7) July 23 Planning Commission Work Session - Though the discussion with the Commission covered LMC amendments, the Planning Commission took public comments on the Design Guidelines during the public hearing portion of the meeting as well. Comments were generally restatements of those received at the June 16 meeting.

B. Summary of Planning Commission Direction Received to Date

On July 23, 2008 at a Planning Commission work session, staff received comments and direction regarding proposed changes to the LMC.

Staff identified sections of the LMC where the provisions of the LMC either conflict with the proposed Design Guidelines or may need to be clarified or expanded to support the intent of the Design Guidelines. What follows is an outline of the sections of the Design Guidelines and associated sections of the LMC that may need to be modified in order to effectively implement the Design Guidelines. Relevant sections of the LMC are provided for reference.

1. Scope of the Design Guidelines

- a) The proposed Design Guidelines call for all Historically Significant buildings in Park City to be subject to the guidelines, not simply those located within one of the Historic zones. Fourteen (14) Historically Significant buildings are located outside the Historic zones. Several sections of the LMC address this issue and

need to be amended for consistency. (Title 15-1-8, Title15-11-10 and Title 15-11-11)

Planning Commission provided direction on this matter on February 27, 2008 and July 23, 2008 to make these LMC amendments as part of a comprehensive package of proposed amendments associated with the Design Guidelines. Staff will return with specific language to be reviewed by the Planning Commission prior to taking action.

2. Design Review Process

a) Public Comment Period.

The proposed Design Guidelines call for the public to have input on a complete application prior to staff making a determination--preliminary or otherwise--of compliance with the Design Guidelines. Currently, however, Notice is posted after staff makes a preliminary determination of compliance. (Title 15-11-11, Title 15-2.1-8, Title15-2.2-8, Title 15-2.3-11, Title 15-2.4-10, Title 15-2.5-7, Title 15-2.6-6, Title 15-1-9, and Title 15-1-21).

Planning Commission supported the idea of taking public comment on a design review application prior to Planning Staff making any determination of compliance with the Design Guidelines. Planning Commission also requested that staff schedule a future discussion on whether or not to expand who is notified (currently only adjacent property owners receive a courtesy notice). Staff will return with specific language to be reviewed by the Planning Commission prior to taking action.

b) Appeals.

The draft design guidelines call for two possible appeals of a design review application; a Planning Department decision can be appealed to the HPB and, in turn, the HPB decision can be appealed to the Board of Adjustment. This proposed change is also in keeping with the language already in place under the ARCHITECTURAL REVIEW sections of the H Districts, which, in all but Chapter 2.1 HRL, state, "the Planning Department shall review the proposed plans for compliance..."

Currently the LMC reflects a three-step appeal process of staff determination; Planning Director - HPB - Board of Adjustment. (Title 15-11-11 and Title 15-1-21)

The Planning Commission supported eliminating the appeal to the Planning Director in Title 15-11-11, thereby reducing the number of appeals to two and bringing the section into agreement with the Architectural Review sections of the H Districts. Staff will return with specific language to be reviewed by the Planning Commission prior to taking action.

3. Guidelines for Historically Significant Buildings

Issues surrounding Historically Significant buildings can be broken into three areas: Accessory Structures, Additions to Historically Significant buildings, and changes to the Historically Significant buildings to accommodate the automobile, specifically off-street parking.

a) Accessory Structures.

The LMC does not currently address Historically Significant accessory structures, yet they can be important to understanding the history and development of an individual property and a neighborhood. Staff recommends including the term *Historically Significant Accessory Structure* in Title 15-15-Definitions, Title 15-11-12 Determination of Historical Significance, and other relevant sections of the LMC.

Planning Commission concurred with staff regarding Historically Significant Accessory Structures. Staff will return with specific language to be reviewed by the Planning Commission prior to taking action.

b) Relocation and/or Reorientation of Intact Buildings.

The LMC does not currently address relocation or reorientation of Historically Significant Buildings. Staff recommends including a section within *Chapter 11- Historic Preservation* to define the circumstances under which this approach may be considered and the process for approval. Staff would work with the Building Department to draft language for the H zones.

Planning Commission supported adding a section to Title 15-11-11 to guide applications involving relocation and/or reorientation of Historically Significant buildings. Staff will return with specific language to be reviewed by the Planning Commission prior to taking action.

c) Disassembly/Reassembly of a Historically Significant Building.

The LMC does not currently address disassembly/reassembly of Historically Significant Buildings. Staff recommends including a section within *Chapter 11- Historic Preservation* to define the circumstances under which this approach may be considered and the process for approval. Staff would work with the Building Department to draft language for the H zones.

Planning Commission supported adding a section to Title 15-11-11 to guide applications involving disassembly/reassembly of Historically Significant buildings. Staff will return with specific language to be reviewed by the Planning Commission prior to taking action.

d) Sustainability

The H zones currently do not include language regarding sustainability. Staff recommends drafting language, in conjunction with members of the City's Sustainability Team that could be included in the "purpose statements" of the H Zones.

Planning Commission supported the Planning staff in working with members of the Sustainability Team to add language to the Purpose Statement sections of the H Zones to address sustainability. Staff will return with specific language to be reviewed by the Planning Commission prior to taking action.

II. Historic Preservation Policy Issues

At the June 26, 2008 City Council meeting, several Historic Preservation-related issues were discussed. Because of time constraints some agenda items were continued to this meeting; those items are listed below.

A. Historic Building Inventory - Landmark and Contributing buildings

At the May 5, 2008 HPB meeting the idea of categorizing buildings on the Historic Building Inventory into Landmark buildings and Contributing buildings was briefly discussed. At a subsequent City Council meeting, staff was asked to develop the idea further and bring it back to the Council for discussion.

In looking at what would be required to achieve this, staff is providing the following for discussion and comment by the City Council. Ideally, intensive data on the buildings would be gathered concurrently with a comprehensive re-write of the LMC section 15-11-12 Determination of Historical Significance. In addition, minor changes to the design guidelines would be required.

Data Gathering: Staff would recommend gathering data on the buildings using the State Historic Preservation Office's Standard Operating Procedures for the completion of Intensive Level Surveys on all buildings in Park City built prior to 1962. Intensive Level Surveys involve research on the property and its owners, documentation of the property's physical appearance (including changes over time that can be substantiated by primary and secondary research sources), and completion of a Historic Site Form and copies of supporting documents. Intensive Level Surveys generally cost \$600 per property. Currently, the Historic Building Inventory includes 358 buildings, which would require \$214,800 to complete the surveys. An additional 40-50 buildings that were built before 1962, but did not comply with the standards of review for determination of Historical Significance would increase the total cost to approximately \$244,800. The time frame for completion would be twelve to fourteen months.

Re-write of the LMC: LMC Section 15-11-12 Determination of Historical Significance would require modifications to accommodate two different designations within the broader definition of Historically Significant buildings. This process could occur concurrently with the Intensive Level Surveys.

Design Guidelines: The Design Guidelines would require modifications to accommodate two designations. At a minimum, modifications to sections of the

Introduction and Design Review Process chapters would be required. Again, this process could occur concurrently with the Intensive Level Surveys.

Staff sought comment from Council on this issue, but recommended considering this approach more fully in 2011 as part of the regular course of updating the current survey. It is generally accepted that surveys should be updated every 6-10 years.

City Council expressed concern with waiting until 2011 to prepare a bifurcated list of Historically Significant buildings. Council requested further discussion on the matter and that the issue be continued to the August 7 meeting.

- **Does Council want to pursue creating an inventory for "contributing" and "landmark" buildings (and associated guidelines and LMC amendments)?**
- **If yes, when does Council want the process to start?**
- **Does Council support amending the LMC--until the bifurcated list can be completed--in order to limit the demolition of buildings?**

B. Reconstruction of existing Historically Significant buildings

In recent years, some projects involving Historically Significant homes have been delayed or anticipated outcomes altered due to insufficient information about the structure at the start of the application review process. New information on the condition of materials is often gained mid-project that results in necessary modifications to the preservation plan. The effect is increased costs to the applicant, frustration and anger on the part of the public and significant difficulty for the planning and building department staff to ensure that the project complies with the intent of the approved preservation plan. In an effort to eliminate this problem staff is recommending:

- 1) The information required from the applicant on the existing condition of the Historically Significant building (see current draft of the design guidelines) be increased and formatted for consistency; and
- 2) The Design Review Team approach noted in section I.C.2.b) of this staff report be implemented.

The information gleaned from some of these recent projects has lead to discussions among staff about creating a standard that would allow substantially deteriorated buildings to be removed and reconstructed.

On June 16, staff sought comment and from the HPB and the public on the following proposal.

If the documentation of existing conditions shows that 70% or more of the existing materials (combined structural and nonstructural) of a Historically Significant building cannot be made safe and serviceable through repair (as certified by a licensed structural or materials engineer), then the building may be removed and reconstructed on site. "Reconstruction" would be a defined term in the LMC as "the act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving building for the purpose of replicating its appearance at a specific period of time and in its historic location."

The reconstructed building would remain on the inventory of Historically Significant buildings; any additions or modifications to the reconstructed structure would be required to comply with the design guidelines; and the structure would still benefit from the exceptions to the LMC afforded other Historically Significant buildings.

By providing a standard, the applicant, the city and the public will benefit from knowing “up front” what is going to happen to the structure. In addition, costs to both the applicant/owner and the city would likely be reduced because changes mid-project would be eliminated.

The HPB, in general, supported the concept of allowing the reconstruction of existing Historically Significant buildings that are substantially deteriorated, but did not want to tie it to a percentage of failed materials. After lengthy discussion, the HPB advised staff to talk with the Building Department to develop a standard by which these decisions could be made and to bring that standard back to the HPB for consideration. This could include:

- Standards for foundation and structural materials;
- Standards for exterior materials;
- Standards for ornamental and façade materials

Staff is seeking discussion on this concept from the City Council and Planning Commission.

- **Is Council supportive of allowing reconstruction of Historically Significant buildings as a means of preservation?**
- **Does Council concur with Staff's and HPB's recommendation to develop standards with which a building must comply before being eligible for reconstruction?**

C. Building Height/Average Wall Height

The issue of building wall height, first raised at the February 27 joint Planning Commission, City Council, and HPB work session, was intended to provide a new way to determine building height in the Historic Districts. The concept was discussed at some length, and the Planning Commission and City Council directed staff to return for a future discussion. Since that time, staff has received numerous comments from residents and the design community through the public hearings and open houses that suggest that building height continues to be of concern. It has also become apparent that “building height” as used conversationally means different things to different individuals:

- The LMC definition of “the vertical distance under any roof or roof element to Existing Grade.” In the historic residential districts this is 27 feet;
- The distance between the road and the top of the roof (existing grade is ignored);
- On a “stepped” building located on an uphill lot, the diagonal distance from the road to the top of the structure (grade and vertical distance are not applied);
- Wall height; or

- Height relative to adjacent buildings and structures (actual height is ignored).

Understanding what individuals mean by “height” is crucial to drafting a solution to address the concerns expressed by elected officials and the public.

Staff would like to discuss the concept of “height” with the Planning Commission, HPB, and City Council to develop a better understanding of what issues (if any) relative to building height need to be addressed:

- Vertical height from grade?
- Vertical height from the road?
- “Diagonal” height between road and top of building?
- Height relative to neighboring structures?
- Wall height?
- Roof pitch (as a function of height)?
- Other?

Pending the outcome of this discussion, would City Council like staff to address changes to the LMC regulations on height with the Planning Commission?

D. Parking in the Historic Districts

Over the course of the public input meetings residents and design professionals have raised concerns over parking requirements in the historic districts. The LMC currently requires all new residential construction to provide two (2) off-street parking spaces per dwelling unit, even if the owner would like a smaller garage or parking area, or in the case of a demolition, even if the old structure had no off street parking (there is no off-street parking requirement for historic structures in the Historic Districts). With the challenging topography of Old Town, this requirement can be a significant burden to homeowners and design professionals and drives much of the design of the structure. In addition, setback requirements for new construction also impact garage and driveway location and ultimately the design of the associated structure.

At the July 16th Open House for Design Professionals there was a general consensus that the group would like City Council to discuss amending the requirement for two parking spaces in the historic districts and to consider changing setback requirements.

Parking in Old Town is a tricky topic and multiple issues must be considered before making changes. In addition to the impacts on the design of new buildings and renovations, other significant issues include:

- Snow removal and snow storage
- Road width and public safety access
- Traffic circulation and convenience for residents and visitors
- Desirable streetscape and landscaping
- Building use in Old Town (such as nightly rentals).

As vacant lots are built upon and footprints are maximized, there will be increased pressure to “resolve” some of these issues. It is of course apparent that none of these topics are mutually exclusive and any solution will likely favor one issue over another.

One possible approach to looking at solutions would be to create a prioritization of issues to inform decision making prior to an ordinance amendment.

Staff recommends that the City Council, Planning Commission, and HPB discuss the issues associated with on and off-street parking in the Historic Districts and direct staff to return at a future meeting with discussion of priorities and possible solutions.

E. Volunteer Peer Review Process

On February 27, 2008 at a joint Planning Commission, City Council and HPB work session, proposed amendments to the HR1 zone were presented that included a Volunteer Peer Review Process. The relevant section from the February 27 staff report follows:

Voluntary Peer Review Process: The current draft [of the design guidelines] establishes a Voluntary Peer Review process intended to allow applicants the opportunity to present preliminary project concepts to [a] group of peers for input and possible problem solving. This is a non-mandatory pre-application process aimed at looking at development projects holistically prior to application. Suggestions provided by the VPR committee are not binding on subsequent decision-making bodies, but can [be] used as guidance in the event a formal application is filed. Staff seeks Council, Planning Commission and HPB feedback as to whether or not to formally implement the VPR process through the proposed code amendments.

Proposed HR-1 Amendments accompanying the staff report read as follows:
15-2.2-8. Architectural Review (B) VOLUNTEER PRE-APPLICATION PEER REVIEW. An applicant may elect to participate in a voluntary pre-Application peer review. The purpose of the voluntary pre-Application peer review is to encourage Applicants to approach project Development from an early and comprehensive perspective incorporating all potential issues and regulatory processes. The objective of the voluntary pre-Application peer review process is to foster a collaborative discussion on the project context and to provide preliminary peer and staff input regarding strategies to best achieve project code compliance, neighborhood architectural Compatibility, and construction impact mitigation.

The Volunteer Pre-Application Peer Review (VPR) Committee shall consist of three (3) professional architects and a representative from the Planning Department. The VPR Committee may request additional participation from the Building and Engineering Departments when necessary. The Planning Department representative shall keep a written report of all VPR Committee recommendations and forward said report to any future administrative review body.

The Planning Commission requested public input on the VPR concept. Neither the City Council nor the HPB voiced consensus on this issue at the February 27th meeting.

The current draft of the Design Guidelines do not contain an optional Volunteer Peer Review meeting as part of the Historic District Design Review Application process because a number of issues surrounding its implementation have not been resolved. Including:

- 1) Criteria, scope, and authority.
 - a) Eligibility: Who would be eligible to serve on the VPR? Licensed architects only? At least one licensed architect? Engineers? Park City residents or not? How would they be chosen?
 - b) PCMC Staff: How would staff participate? Who would manage the process? How often would the group meet? How or would this meeting impact the weekly staff design review meeting? Will legal department have a role?
 - c) Conflicts/Problems: If the recommendations or direction given by the VPR is contrary to the LMC, Design Guidelines, and/or established policy, how will the issue be resolved?
- 2) Cost & time to manage the process.
 - a) Does the city currently have the staff needed to manage the process? What is the additional cost to the planning department? Do staff's current work plans have the flexibility to manage the process?

Staff believes that many of the issues that were intended to be resolved by the VPR process are now addressed by the recommendation to 1) create a Design Review Team to provide better communication with the applicant, and 2) the recommendation to require greater documentation of existing conditions at the beginning of the process.

Staff recommends not instituting a Volunteer Peer Review Process at this time, but implementing the Design Review Team and Existing Conditions requirements. Does Council concur with this approach?

F. Historic District Design Review Process.

City Council discussed the idea of increasing the HPB's design review role in February 2007, April 2007, May 2007, and December 2007, and February 2008. At these meetings, the Council did not express majority support to empower the HPB with design review authority. On February 7, 2008, the Council instead directed the HPB to conduct the additional duties outlined in the LMC Section 15-11-6.

At a joint Planning Commission, City Council and HPB work session held February 27, 2008 to discuss proposed amendments to the HR1 zone that pertained to issues other than the Steep Slope CUP process or standards, the Planning Commission asked the staff to investigate the possibility of the HPB having a role in the review of applications for Steep Slope CUP. Neither HPB, nor City Council voiced support or opposition to this request during the meeting.

Current Land Management Code already allows the Planning Commission to refer a proposal to the body that oversees the City's Historic Preservation issues for a recommendation.

15-2.2-6 Development on Steep Slopes (10) Height Exceptions (Steep Slopes)(c) The proposed Building includes horizontal and vertical step backs to achieve increased Building articulation and Compatibility. The Planning Commission may refer the proposal to the Historic District Commission, prior to taking action, for a recommendation on the extent to which the proposed articulation and design are consistent with the Historic District Design Guidelines.

This language is repeated verbatim in Title 15-2.1 Historic Residential Low Density, Section 6 Development on Steep Slopes (10)(c) and in Title 15-2.3 Historic Residential (HR-2), Section 7 Development on Steep Slopes (10)(c).

Staff recommends:

- 1) The existing language in the Title 15, Chapter 2.1-6(10)(c), Chapter 2.2-6(10)(c), and Chapter 2.3-7(10)(c) be amended to reflect the *Historic Preservation Board* rather than the *Historic District Commission*; and**
- 2) The LMC requirement that Steep Slope CUPs be considered as consent agenda items be removed, and**
- 3) The Planning Commission exercise its discretion on a case-by-case basis to refer Steep Slope CUP applications to the Historic Preservation Board for a recommendation as currently outlined in the LMC.**
 - Does City Council agree with the recommendation of staff to encourage the Planning Commission to refer Steep Slope CUP applications to the HPB as currently contemplated?
 - Is there a policy need to vest the HPB with additional design review authority in addition to Steep Slope CUP review (if referred by Planning Commission)?
 - If so, would City Council like to amend the LMC to provide the HPB with additional design review authority. What would the scope of that design review authority be?

Recommendation: City Council should provide direction on the various issues listed above and take public comment.

II. Timeline & Next Steps

Monday, August 18, 2008 @ 6:00 p.m. - Public Hearing and possible recommendation to City Council on Amendments to Design Guidelines

Wednesday, August 13, 2008 (time TBD; likely 5:30) – Planning Commission discussion on Land Management Code amendments related to the Historic Districts and Guidelines

Monday, August 25, 2008 @ 6:00 p.m. – Open House for Design Professionals (continuation of the meeting on July 14). Interested residents and the general public are welcome.

Wednesday, September 10, 2008 (time TBD; likely 5:30 pm) – Planning Commission discussion on Land Management Code amendments related to the Historic Districts and Guidelines.

Attachments:

- 1) *Comments from Public Open Houses of July 14th and July 16th*
- 2) *Design Guidelines for Park City's Historic Districts and Historically Significant Buildings* (draft dated July 30, 2008). Under separate cover. Also available on the City website at www.parkcity.org
- 3) *Written Comments received from the Public to date.* Under separate cover. Available on the City website at www.parkcity.org
- 4) *Public Input to Design Guidelines dated July 5, 2008* Under separate cover.

Written comments submitted by Public (on handout), July 14, 2008

1. These are improperly noticed public input meetings. Min 14 day required for official meetings.
2. What efforts were made to notify (verify) that out of town owners know and have opportunity for input.
3. Do you honestly think that you have made the process easier?
4. Why are we throwing out the existing guidelines?
5. Design Guidelines oversight has been brought up again tonight. The more I hear from the public the more I think we need it.
6. I hate what has happened, but I also want to make enough money to retire when I sell my house with 2 lots.
7. I don't think guidelines work for the whole historic area. Neighborhoods are totally different. My neighborhood is already full of huge houses where as Sandridge has none.
8. I would rather see new construction looking like old houses than sticking old boards on the front. I don't see a point of having to remodel.
9. Go green!
10. Enforcement of building plans. Why are they not enforced? What steps must be taken to insure property application of building plans?
11. How do we effect change on the Planning Commission?
12. Page 45, A.2: Lot coverage: If there is an empty 2 lot property, and surrounding are single lot miner shacks, does the new house on 2 lots have to be 800 square feet?
13. Why is there no licensed architect on the Planning Department staff to oversee Planning Department interpretation and decision making?
14. Will a document be generated from the comments and questions submitted? How will it be made available?
15. Who is the dedicated City staff person to interact with interested residents?
16. Replication makes sense.
17. I think replication of historical buildings is the only way to go!
18. What historic district? None really were and ½ of that 100 shacks are already gone.
19. Like it or not, the historic district is now a caricature of what it was.
20. The tourists don't look at miner's shacks. They gawk at the tall, skinny Park City homes.
21. Biggest mistake I ever made was taking the aluminum siding off the house and tried to go historic, you sold me out.
22. Further restrictions on the district only penalize people who tried to play it straight.

23. I support preservation efforts on historic buildings and keeping the charming character of these Old Town properties.
24. I don't support efforts to require new construction to replicate the look and feel of Old Town's original historic buildings. Design variety and architectural diversification adds to the character, desirability and value of a community.
25. I do not support this much proposed government regulation – let the free market rule.
26. I believe it to be a foolish mistake to believe that the visitor coming to Park City will be drawn to an artificial "Historic Disneyland" replication of original historic designs. All I can say about that is "Oh for cute!"
27. General concern with addition to an Old Town home; scale of addition.
28. Diversity in Old Town. Mix it up.
29. Don't replicate. Just keep scale down.
30. Please keep me informed!
31. Concern that lot size requirements will not be reduced for in-building.
32. Treasure Hill Project within the Historic District: size, style, density, environmental impact, historic compatibility, traffic, noise, construction, height
33. Size and number of homes in Old Town: view shed laws, height, one neighbor's house should not block or inhibit the view of another.
34. Would like to see citizens, neighbors, residents of historic district given better tools and help to understand process. In past, residents have been ping-ponged between departments. Citizens trying to participate in process, make PC better, retain PC's history and charm – caring-ultimately swept under carpet.
35. Would like ideas behind current historic district guidelines regarding massing, scale, size & compatibility to actually be used! Huge new buildings/remodels out of scale with neighborhood ruin entire historic district.
36. I would like to see specific incentives for green building, including solar panels, solar film, grey water collection and snow melt collection for landscaping water.

Comments from Public Input Meeting July 14, 2008

1. Vacant lot inventory? Do we have one? How many lots are left?
2. What's the difference between old and new proposed guidelines? Can a matrix be done?
3. How do height limits effect building footprint?
4. How does this process work? Are these new guidelines restricting? What will I be able to do?
5. We need to review new homes and their sizes.
6. How is this compatible with the General Plan goals? We need a balance between scale and height.

7. How do you retain historic character while making modifications? Cars, snow removal, exemption for historically significant buildings not required to have off-street parking?
8. How can we provide flexibility for options?
9. Garages in past were built within walking distance of houses.
10. How is this different from the LMC? How can the LMC be changed?
11. Owners are upset on late noticing.
12. Small houses on million dollar lots will increase costs significantly versus being able to maximize out a lot.
13. What happened to survey process from last fall? How does that affect current draft Guidelines?
14. Inaccuracies in buildings deemed significant?
15. Who's list is it?
16. Vacant lot database? Context, density?
17. What areas are on the National Historic Register?
18. Happy you are redoing Guidelines. Previous Guidelines allowed too large homes, not enough open space.
19. Worried about restricting property with changes in Guidelines versus what someone did under old Guidelines. Evil Empire. Too many attorneys involved.
20. Don't restrict color. Don't limit size. Adjacent homes have been demolished and rebuilt so why can't I?
21. Duplicate and replicate best option.
22. Concerned about development rights. Guidelines for sustainable materials addressed? Solar panels allowed? Grey water potential incentives? Need variety. Be honest with Guidelines.
23. 12:12 roof pitch? Arbitrary roofs.
24. Look for a pattern of roof heights, variety.
25. How do little people get power back? Obligation for noticing to adjacent property owners is very important.
26. Why was a house on the previous list removed? Once removed, how does that effect adjacent property owners?
27. Impact of modern codes for modestly renovating an historic structure?
28. Change noticing process.
29. Concerned about remodeling. New construction is horrible. Adjacent structures should reflect this. Where is the enforcement and regulation?
30. Make sure Preservation Plans are precise and complete.
31. The maximum height may be 27', but nobody has to do a 4:12 roof pitch. There are many compatible roof forms.
32. When buildings aren't on the historic inventory, but seem similar to others that are, what is the criteria of why they aren't on the list?
33. Keep the design character of Old Town. Make it compatible. Make it look ok. This isn't happening.
34. No issues with stringent Guidelines.
35. Concerned about new construction. Against replication; want a variety in what buildings may look like. Do not restrict color.

36. There are more opportunities to replace than reproduce.
37. Provide reasonableness of replication and reconstruction.
38. We need new materials to maintain the historic footprint.
39. Homes built after 1999 changed and got worse. What changed then?
Massing used to be right, but buildings have gotten bigger and bigger and higher and higher. Massing now isn't compatible with adjacent older structures. What is being built today is out of scale.
40. Historic District Commission disbanded. Why? That process took away the only public input with the HDC. HPB today only has approval for grants. Items now go to the Planning Department or a staff member for review. Staff members aren't qualified. People are held to different standards.
41. Why aren't 'view sheds' protected? Napa has a great View Shed Code in place. Can this be considered?
42. Switzerland puts up massing on site for public input before anything is approved. Why was public input process taken away?
43. HPB is rendered useless. Will Guidelines even be implemented?
Complaints from neighbors are always dismissed. What stops Planning Department from demolishing a house? Guidelines/Code/General Plan not enforced. How can staff pass these items? Policies aren't being followed.
44. Are there fines in place to enforce plans that are approved? What about bonds?
45. Planning Department needs to learn how to say 'no'.
46. There need to be financial penalties in place or ramifications. How about requiring tear down for items not in compliance? Require jail time?
47. The current process seems to give incentives for tear down.
48. Under the proposed Guidelines would you be able to build a steel/glass structure?
49. There was a situation in the past with a beautiful historic stone wall. How could this wall be saved with a remodel occurring? Adjacent property owner came to Planning Department to discuss options. There wasn't an Historic Expert on staff and the builder wasn't following the plans as submitted. There wasn't anyone to complain to or anyone to enforce.
50. Two different sides here; one wants prescriptive Guidelines and the other wants loose Guidelines.
51. During three different applications three different title companies produced three different property owners within 300 feet. Why is there three different lists? Owners on the list weren't complete and some were totally wrong with incorrect addresses. Can the City take over noticing?
52. Is noticing required for Design Review?
53. There is too much pavement and not enough landscaping.
54. Staff should be made to walk around Old Town weekly.
55. Reconstruction process? Repair versus replace in kind.
56. Citizens and residents should be given better tools.

57. Planning and Building need to coordinate with applicant at beginning and ending of process.
58. Can a pamphlet be put together that describes who does what at the city and a flow chart of the process? Can these be at the front counter?
59. Sustainability (solar) broader issues. How does this relate to Guidelines? How can this be included?
60. Where is the enforcement of building plans?
61. This meeting wasn't properly noticed. This process is a dog & pony show and the entities have already decided this document will pass and be used.
62. Property rights aren't being respected. This is a taking.
63. Code enforcement and demolition? Who monitors junk on porches like old couches and other unsafe sanitary conditions?
64. Get the garbage and recycling containers off the street.

Comments from Design Professionals Input Meeting July 16, 2008 (by category)

GENERAL:

1. How is this document different from the 1983 Guidelines and why are we changing it?
2. Is there a rating system? How many criteria will have to be met in order to 'pass'? How do you 'substantially' comply?
3. Why isn't there a Vacant Lot Inventory?
4. Why aren't any elected officials here at this meeting?
5. How do we apply this info to the Historic District Guideline issues?
Process will take us through a series of changes and eventually end up in LMC. Items discussed tonight will go on and help to affect change later.
6. Will this document become law?
7. How do we get simple solutions? We won't be able to solve all of the issues tonight.
8. We really need to change the LMC. These Guidelines aren't the problem.
9. Guidelines try to solve 'general' problems. They should give room to work within context.
10. We need more black/white instead of grey area. What about Peter's logarithmic formula? We need system of points.
11. Let's focus on basic standards; 1 car garage, panelization, 100% or a % for a max additions, auto appeal process?
12. This should be a flexible process.
13. We need dialogue and discussion.
14. Make everything a C.U.P. (all applications)
15. This is a prescriptive process. Don't take the design out of process.
Does the solution stand alone? You can't design in a vacuum. This isn't a paint-by-numbers.

16. The Legal Department can't accommodate 'subjective' criticisms. Jury review could occur at a schematic phase.
17. Avoid prescriptive elements because what about x-1 or x+1?
18. Why isn't Council here to tell us what they don't like?
19. Root pitches: why aren't we measuring from midpoint of ridge or top of wall plate?
20. All decisions that occur come from the Legal Department, not the Planning Department. What does legal know about design and planning?
21. Is it important to maintain the National Historic Register? Could we provide our own Criteria?
22. Do we want to revisit floor/area ratio? No.
23. The number one complaint in Old Town is 'height'. We need a consistent way of measuring height. All jurisdictions measure it differently. What about measuring it the way the building code does? Let's adopt that definition.
24. Everything built before had no rules. What if we got rid of them now?
25. Roof height: cold roofs add height. What about adjoining roofs on close proximity properties? This has been done before.
26. Snow shed creates its own set of problems. This should be looked at early on in the planning process instead of being figured out later on when the building permit is pulled.
27. In modifying existing language, how does this affect the L.M.C.?
28. How does/will Council use this info? Will there be a policy discussion with Council?
29. Provide specific critique about Guidelines instead of rephrasing philosophy.
30. The photographs on the wall today are the best input yet.
31. What is it about height that people don't like? Blank walls without fenestration or actual height?
32. A client may ask, "why is it too high?" Ask client back, "Why do you want this?" Figure out what they really want.
33. Designers should have been involved earlier. A lot of questions should have been asked. How baked is this cake (the draft Guidelines). Is it still in the mixing bowl? Can changes still be made?
34. City Council are all policy makers. They will be to prioritize what is important to them. Public may not get what they want. Designers may not get what they want.
35. Choose priorities now.
36. Council doesn't understand how architects work in elevation. Difficult to modify site plans to respond to real issues.

PARKING:

1. New construction per code requires 2 parking spaces. Should this be changed?
2. What about paying into a parking fund? Only allow 1 parking space? Alternative ideas?
3. Push building back farther and farther to bring garage higher and higher (sometimes this occurs 18' above natural grade)
4. Consider zero setbacks.
5. Consider max setbacks but not minimums.
6. Consider three separate parking solutions per situation; one for uphill lots, one for downhill lots and one for flat lots.
7. Delete 2 required parking spaces. Parking isn't for Old Town.
8. Move parking to separate co-op structure
9. Reduce front yard setbacks
10. Cars should be subordinate to people
11. Increased depth of driveway isn't helpful
12. 2 car format is problem
13. How many homes are nightly rentals or boarding houses? Focus on alternatives
14. Balance snow management (storage) with construction
15. Plan better for snow storage
16. Old Town is a 'walkable' community
17. Consider valet parking service in Historic Districts
18. Be bold, take a chance, make a statement now about no cars in Old Town
19. Make it difficult and hard to get parking in
20. Work on possible criteria for eliminating one parking space (bonuses for footprint?)
21. Less cars = more green space and less impact on historic structures
22. urban environment versus non-historic suburban environment
23. What are impacts of reducing to one car? What about homes that already have two parking stalls? How are home values affected?
24. A street full of cars is more obtrusive than garage doors
25. Different parking requirements should correspond to different lot widths

ADDITIONS TO HISTORIC STRUCTURES

1. Consider a land bank to store historic structures as some areas cannot accommodate additions.
2. If you move a historic structure it can often ruin its historic fabric.
3. 90% of houses in old town haven't been built within their own property lines.
4. Market values are pushing problems and increasing sizes of additions.
5. 'Cancerous' additions are being added to small historic structures.

6. What about a structure on large lot versus a separate structure on a different part of the lot? Being able to do this would require an L.M.C. change.
7. What about sensitive 'linking' elements? How would these connectors work?
8. Focus on primary and secondary facades first.
9. Bungalows (lowest roof form) are the most difficult to modify because of horizontality.
10. Possible trade-off of larger volume footprint to maintain horizontality? What is more like how additions were done in the past? Larger footprint would be more than what current Code allows. Consider change.
11. How important is new context with the street because existing context is totally lost.
12. On 25'x75' lots lifting may be only option and then make it 'not all about the garage'

NEW CONSTRUCTION

1. Discourage lot combinations.
2. New construction is affected by all of the other items already talked about: parking, height, footprints (trade-offs with height, placement), context of street, walkability of street.

City Council Staff Report



Author: Thomas Eddington, Planning Director
Gary Hill (former interim Director)
Subject: Temporary Zoning Regulation Prohibiting Demolition of
Buildings Over 50 Years Old
Date: August 4, 2008
Type of Item: Legislative

Summary Recommendations:

1. Consider an Ordinance adopting a Temporary Zoning regulation ("TZO") which will prohibit the demolition of any Building over 50 years old for a period not to exceed six months, pending the outcome of amendment to the design guidelines (historic and general) and Land Management Code, as well as revisions to the Historic Building Inventory.
2. Direct Planning Staff to include Steep Slope review sections in the Historic (H) zones in the pending LMC amendments with direction to eliminate the height exception, institute a Floor Area Ratio maximum, and eliminate the basement exception. Such amendments should be noticed for public hearing at the first available Planning Commission meeting to invoke the pending ordinance doctrine.

DESCRIPTION

Topic:

Demolition or Certificate of Appropriateness for Demolition ("CAD") of Buildings over 50 years old and Steep Slope CUP review.

Background:

As a result of comments and testimony received during the pending amendments to the Design Guidelines for Historic Districts and Historically Significant Buildings, Council members Simpson and Erickson requested that staff return to Council with a TZO for full Council consideration that would prohibit demolition of buildings over 50 years old (1958) pending the completion of the amendment process, including adding the expansion of the Historic Building Inventory ("HBI") or adding an additional classification of properties to the HBI. The primary purpose of TZO is to prevent the loss of additional buildings while the Council re-considers the sufficiency of the HBI and the outcome of the pending LMC and design guideline amendments.

Additionally, the two Council members requested further discussion regarding the impacts and compatibility of buildings approved in accordance with the Steep Slope Conditional Use review process on the historic districts and adjacent Design Guidelines for Historic Districts and Historically Significant Buildings

Analysis:

In order to adopt a valid TZO, a majority of Council must find that there is a compelling, countervailing public interest to support the action. Staff has drafted

potential findings based upon the prior record and individual Council comments. If Council agrees, the Council should adopt the draft ordinance or otherwise modify if the Ordinance accordingly. Just to be clear, several buildings up to 1962 (less than 50 years) were listed as part of the HBI due to the inclusion of the early ski era, and such buildings would remain regulated under Chapter 11 of the LMC (the TZO doesn't itself alter the existing HBI).

Additionally, more in response to concerns from the Planning Commission, Council member Simpson also requested the Council re-consider their prior direction not to invoke the pending ordinance doctrine (requires applicants after initiation of proposed code changes to comply with the more restrictive of current code or the pending amendment) to the amendments. See LMC 15-1-17. Specifically, there has been a request to include the LMC Steep Slope review criteria with the LMC revisions that are being processed concurrently with the historic design guideline. The areas of primary concern include the height exception, FARs or calculation of total building area and basements. If Council agrees, Council should direct staff to formally initiate such amendments and process applications accordingly.

Department Review:

The Legal, Planning, and Building Departments and City Manager have reviewed this matter.

ALTERNATIVES

- A. Approve the Ordinance and direct staff to include This is the recommended action.
- B. Modify the Ordinance to apply to Buildings built in 1962 or before to better match the inclusion of the beginning of ski era in the HBI.
- C. If after public input and discussion the City Council desires further changes, it should direct staff accordingly.
- D. Continue the item and provide direction to staff. This may result in an increase in filings of CADs as owners may attempt to vest prior to the adoption of the TZO.
- E. Deny or take no action on the Ordinance.

RECOMMENDATIONS

1. Consider an Ordinance adopting a Temporary Zoning regulation ("TZO") which will prohibit the demolition of any Building over 50 years old for a period not to exceed six months, pending the outcome of amendment to the design guidelines (historic and general) and Land Management Code, as well as revisions to the Historic Building Inventory.
2. Direct Planning Staff to include Steep Slope review sections in the Historic (H) zones in the pending LMC amendments with direction to eliminate the height exception, institute a Floor Area Ratio maximum, and eliminate the basement exception. Such amendments should be noticed for public hearing at the first available Planning Commission meeting to invoke the pending ordinance doctrine.

ORDINANCE No. 08-__

A TEMPORARY LAND USE REGULATION PURSUANT TO U.C.A. SECTION 10-9A-504 PROHIBITING THE DEMOLITION OF ANY BUILDING MORE THAN 50 YEARS OLD FOR A PERIOD NOT TO EXCEED SIX MONTHS, PENDING THE COMPLETION OF LAND MANAGEMENT CODE AND HISTORIC DISTRICT GUIDELINE AMENDMENTS REGARDING THE REGULATION OF BUILDINGS OF HISTORIC SIGNIFICANCE AND POTENTIAL AMENDMENTS TO THE HISTORIC BUILDING INVENTORY

WHEREAS, U.C.A. § 10-9a-504 allows a city, without prior consideration of or recommendation from the Planning Commission, to enact an ordinance establishing a temporary land use regulation for any part or all of the area within the municipality if the legislative body makes a finding of compelling, countervailing public interest;

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 re-consider 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;

WHEREAS, the City Council hereby determines that enacting a temporary moratorium on the demolition of certain structures in the City is in the best interest of the City and necessary for the protection of health, safety and the general welfare of its citizens.

NOW THEREFORE, be it ordained by the City Council of the City of Park City, Utah, as follows:

SECTION 1. FINDING OF COMPELLING, COUNTERVAILING PUBLIC INTEREST. The City Council hereby finds that there is a compelling, countervailing public interest in temporarily preventing the loss of Buildings over fifty years old in order to consider pending LMC and design guideline amendments, and further determine whether to require

additional LMC amendments and/or expansion of the Historic Building Inventory in order to better regulate alterations to and prevent demolition of Historically Significant Buildings. Without such temporary prevention of demolition, Historically Significant Buildings will be forever lost, thereby causing irreparable harm to the community and City. The recitals above and the public record, including packet reports, testimony and minutes, of all hearings before the HPB, Planning Commission and City Council and public information meetings regarding the pending amendments to the Historic Design Guidelines and LMC are hereby incorporated herein (June 2 HPB, June 16 HPB, June 26 Joint CC/PC, July 7 HPB, July 7 Open House, July 16 Open House, July 23 PC).

SECTION 2. TEMPORARY ZONING REGULATION. There shall be a temporary moratorium on all demolition permits or Certificates of Appropriateness For Demolition (“CAD”) for all Buildings more than 50 years old in Park City. During the duration of this Ordinance, no such demolition permit or CAD shall be approved or issued by any department, agency, employee, or agent of Park City. An Application for a demolition permit or CAD may be filed during the moratorium. However, no permit or CAD shall be issued until the moratorium has expired, and the permit or CAD may not be issued if it is inconsistent with any amendments to the LMC, Historic Building Inventory, applicable Design Guidelines or any other ordinance adoption that occur during the moratorium. The burden of demonstrating the age of a Building rests with the applicant and shall be determined by the Planning Director in conjunction with advice of the Chief Building Official.

SECTION 3. DURATION. This temporary moratorium shall terminate upon the earlier of: a) six months from the effective date of this Ordinance; or b) the date upon which the aforementioned amendments have been completed and, in adopting the amendments, the Council terminates this regulation.

SECTION 4. EFFECT ON EXISTING APPLICATIONS/PERMITS. Any Complete Application for any demolition permit or CAD received prior to Wednesday, August 6, 2008, shall not be affected by this temporary moratorium. 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 temporary moratorium.

SECTION 5. RELIEF/ECONOMIC HARDSHIP. Any person who has applied for a demolition permit which would be affected by this moratorium, and who contends that the moratorium as applied to him or her would be an unlawful Economic Hardship under Federal, State, or local law may submit a written application to the CAD Hearing Board pursuant to LMC § 15-11-15. The process and standards set out in LMC § 15-11-16 shall be applied to the application for relief.

SECTION 6. DEFINITION. For the purposes of this Ordinance, “Building” shall be defined as set forth in the Land Management Code § 15-15-1.29.

SECTION 7. CONFLICT. For the duration of this Ordinance, as set forth in Section 3 hereof, the provisions of this Ordinance shall govern to the extent there is any conflict between

the provisions of this Ordinance and the provisions of the Municipal Code, LMC, or any other ordinance, resolution, guideline or policy, and all such conflicting provisions shall be suspended. However, nothing herein shall suspend the authority of the Chief Building Official pursuant to Section 115.1 of the International Building Code regarding a hazardous or dangerous Building.

SECTION 8. EFFECTIVE DATE. This Ordinance shall become effective upon adoption.

Dated this ___ day of August, 2008.

PARK CITY MUNICIPAL CORPORATION

Mayor Dana Williams

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney

City Council Staff Report



Subject: Gateway Estates Replat Subdivision
Author: Francisco Astorga
Date: August 7, 2008
Type of Item: Administrative – Plat Amendment

Summary Recommendations

Staff recommends the City Council hold a public hearing and consider approving the Amended Gateway Estates Replat Subdivision based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Description

Applicant: Mark Beesley & Robert Long
Location: 408/412 Deer Valley Loop Road
Zoning: Historic Residential (HR-1)
Adjacent Land Uses: Residential to the north, historic residential to the west and south, and multi-family residential to the east
Reason for Review: Plat amendments require Planning Commission review and City Council approval

Background

On April 21, 2008 the City received a completed application for the Gateway Estates Replat Subdivision (Amended). The property is located at 408/412 Deer Valley Loop Road in the Historic Residential (HR-1) zoning district. The proposed plat combines Lots 1 and 2 of the Gateway Estates Replat Subdivision to create three lots of record. The lots are currently vacant. The applicant wishes to combine the two lots into three lots of record to facilitate construction of three single family houses.

The Gateway Estates Replat Subdivision was approved by the City Council on March 30, 2000. The application combined 18 lots in Block 63 of the Park City Survey into two separate lots of record. The plat was recorded on June 1, 2000.

This application was reviewed at the June 11, 2008, Planning Commission Meeting. A public hearing was opened and continued during this meeting. The staff report for that meeting requested that the Planning Commission give staff direction about increase in density in this part of town. The plans that were submitted by the applicant contained incorrect information about the maximum footprint allowed in each proposed lot. This discrepancy was discovered by the applicant a few days before the initial public hearing. During that hearing the application was reviewed and the motioned was passed to continue this item to the next meeting and to direct Staff to develop findings of fact, conclusions of law, and conditions of approval. The motion specified that a condition of approval was to include a vegetation survey and to take another look at road cuts and

driveway access to move the structures further down the hill to minimize the grading effects on the site.

This application was also reviewed at the July 9, 2008, Planning Commission Meeting. The public hearing was re-opened and then closed. During this meeting, a motion was passed to continue this item to allow for a cultural inventory to be submitted and for the applicant to identify a specific access easement location on the plat.

During the July 23, 2008, Planning Commission meeting the Commission received a Cultural Inventory and Assessment Report prepared by Jim Darling, Project Architect. The report indicates four cultural features located on the property including two unmarked unmapped prospect shafts, a rockwork wall and a trail. The report indicates that these existing structures are minor and are associated with the exploratory mineshafts located on the property. Based on the findings of their investigations and the input received by the Park City Historical Society they found no historical significance.

The applicant also submitted an updated plat indicating a specific access easement. The plat amendment was reviewed once again and the public hearing was re-opened and closed. The neighbor's concerns dealt with the development on steep slopes which would be taken care of during the steep Slope CUP review by the Planning Commission. During this meeting, a motion was passed to forward a positive recommendation to the City Council for the approval of this plat amendment.

Analysis

The proposed plat amendment would create a three lot subdivision within the HR-1 zoning district. Staff has reviewed the proposed plat amendment and found compliance with the following LMC requirements for lot size:

	LMC Requirement	Proposed
<u>Area</u>		
Lot 1	1,875 square feet, <u>minimum</u>	12,521 square feet, <u>complies</u>
Lot 2	1,875 square feet, <u>minimum</u>	9,706 square feet, <u>complies</u>
Lot 3	1,875 square feet, <u>minimum</u>	9,843 square feet, <u>complies</u>
<u>Width</u>		
Lot 1	25 feet, <u>minimum</u>	58 feet, <u>complies</u>
Lot 2	25 feet, <u>minimum</u>	59 feet, <u>complies</u>
Lot 3	25 feet, <u>minimum</u>	110 feet, <u>complies</u>

All future construction must comply with the LMC requirements for the HR-1 zone. Under the current LMC the following site requirements would be allowed on the proposed new lots:

	Permitted
Height	27' maximum from existing grade

<u>Front & Rear Setbacks</u>	
Lot 1 & 2	15' minimum / 30' total
Lot 3	10' minimum / 20' total
<u>Side Setbacks</u>	
Lot 1 & 2	5' minimum / 14' total
Lot 3	10' minimum / 30' total
<u>Footprint</u>	
Lot 1	3,097.7 square feet maximum
Lot 2	2,812.9 square feet maximum
Lot 3	2,830.4 square feet maximum
<u>Parking</u>	2 parking spaces per dwelling unit

Development on the proposed lots will require a Steep Slope CUP. A CUP is required for any structure in excess of 1,000 sq. ft. if said structure and/or access is located upon any existing slope of 30% or greater. A Steep Slope CUP review is subject to the following criteria: location of development, visual analysis, access, terracing, building location, building form and scale, setbacks, dwelling volume, building height, and height exception.

Duplexes in the HR-1 zone require a minimum lot size and approval by the Planning Commission of a Conditional Use Permit. The required minimum lot size for a duplex is 3,750 square feet. The applicant has volunteered to put a note on the plat indicating that the development will not allow any duplexes; otherwise the duplexes could potentially be built on each of these lots with a Conditional Use Permit.

The original Gateway Estates Plat (Exhibit C) has a plat note limiting the maximum square footage of the building for Lot 1 to 3,150 square feet and Lot 2 to 2,593 square feet. Lot 2 also has a crosshatched area indicating access and non-exclusive utility easement over Lot 2 for the benefit of Lot 1. This was a condition of approval given by the City Engineer. The number assigned to each unit as maximum footprint allowed was calculated by the footprint formula as found in the LMC.

The proposed plat has footprint envelopes limiting Lot 1 to 2,243 square feet, and Lots 2 and 3 at 1,750 square feet each. This restriction limits the amount of footprint coverage to the same amount allowed in the previous approval. The table below further explains the applicant's proposal:

	Gateway Estates Replat		Proposed Plat Amendment		
	Lot 1	Lot 2	Lot 1	Lot 2	Lot 3
Size	23,086.8 SF (0.53 acres)	8,712 SF (0.20 acres)	12,520.8 SF (0.29 acres)	9,706.6 SF (0.22 acres)	9,840.8 SF (0.23 acres)
Max. footprint allowed per plat note	3,150 SF	2,593 SF	2,243 SF	1,750 SF	1,750 SF

Total footprint allowed per plat note	5,753 SF	5,753 SF		
Max. footprint allowed per LMC	n/a	3,097.7 SF	2,812.9 SF	2,830.4 SF
		8,741 SF total		
Number of units allowed	2 Single family dwellings or 4 Duplexes (potentially with CUP approval)	3 Single-family dwellings, no duplexes allowed.		

Process

Prior to the receipt of a building permit for construction on these lots, the applicant will need to submit applications for Historic District Design Review for review and approval by the Planning Department for compliance with applicable Historic District Design Guidelines. The applicant will also need to apply for Steep Slope CUP to be reviewed by the Planning Commission. The City Council approval of this subdivision application constitutes Final Action that may be appealed following the procedures found in LMC 1-18. Staff review of a Building Permit is not publicly noticed nor subject to review by the Planning Commission unless appealed.

Department Review

This project has gone through an interdepartmental review. The Building Department requested to meet with the applicant to discuss accessibility to a fire hydrant and other fire safety issues. The applicant has met with the Park City Fire Marshal to mitigate these fire safety requirements. A fire plan will be required to be signed off by the City Fire Marshal before building permits can be issued. No other further issues were brought up at that time.

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also put in the Park Record.

Public Input

Public input was received during the public hearings held on June 11, 2008, July 9, 2008, and July 23, 2008.

Alternatives

- The City Council may approve the Gateway Estates Replat Subdivision plat amendment as conditioned or amended; or
- The City Council may deny the Gateway Estates Replat Subdivision plat amendment and direct staff to make Findings for this decision; or
- The City Council may continue the discussion on Gateway Estates Replat Subdivision plat amendment.

- The City Council may remand the item back to the Planning Commission for specific discussion on topics and/or findings.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The subdivision would remain as is.

Recommendation

Staff recommends the City Council hold a public hearing and consider approving the Amended Gateway Estates Replat Subdivision based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Exhibits

Exhibit A – Draft Ordinance with Proposed Plat

Exhibit B – Gateway Estates Replat

Exhibit C – Conceptual Rendering

Exhibit D – City Council Minutes & Staff Report (Gateway Estates Replat)

Draft Ordinance No. 08-

AN ORDINANCE APPROVING THE AMENDED GATEWAY ESTATES REPLAT SUBDIVISION LOCATED AT 408 & 412 DEER VALLEY LOOP ROAD, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 408 & 412 Deer Valley Loop Road have petitioned the City Council for approval of the Amended Gateway Estates Replat Subdivision; 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 June 11, July 09, and July 23, 2008, to receive input on the Amended Gateway Estates Replat Subdivision;

WHEREAS, the Planning Commission, on July 23, 2008, forwarded a positive recommendation to the City Council; and,

WHEREAS, it is in the best interest of Park City, Utah, to approve the Amended Gateway Estates Replat Subdivision.

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 Amended Gateway Estates Replat Subdivision as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 408/412 Deer Valley Loop Road.
2. The zoning is Historic Residential (HR-1)
3. The proposed plat amendment converts a two lot subdivision into a three lot subdivision.
4. The Land Management Code requires a minimum lot width in the HR-1 District of 25 feet. The lot widths of the Amended Gateway Estates Replat Subdivision are 58 feet for Lot 1, 59 feet for Lot 2, and 110 feet for Lot 3.
5. The Land Management Code requires a minimum lot area in the HR-1 District of 1,875 square feet. The lot areas of the Amended Gateway Estates Replat Subdivision are 12,520.8 square feet for Lot 1, 9,706.6 square feet for Lot 2, and 9,840.8 square feet for Lot 3.

6. To limit the potential of increased density the applicant has volunteered to exclude duplexes from the subdivision.
7. The proposed plat has footprint envelopes limiting Lot 1 to 2,243 square feet, and Lots 2 and 3 at 1,750 square feet each. This restriction limits the amount of footprint coverage to the same amount allowed in the previous approval to a total of 5,743 square feet maximum.
8. The proposed plat amendment preserves the 10 feet wide non-exclusive utility and snow storage easement along the front property lines.
9. There are two mine shafts indicated by the survey.
10. The applicant has met with the Chief Building Official/Fire Marshall to discuss accessibility to a fire hydrant and other fire safety issues.
11. There will be an access easement over Lot 1 and 2 for the benefit of Lot 2 and 3 as indicated on the proposed plat.
12. A remnant parcel of land will not be created by this plat amendment.
13. A Cultural Inventory and Assessment was submitted to the City and presented to the Planning Commission as requested.
14. All findings within the Analysis section are incorporate within.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. The plat will note that duplexes are not allowed in the subdivision.
4. The plat will note a maximum footprint for Lot 1 as 2,243 square feet and Lots 2 and 3 as 1,750 square feet.
5. A letter shall be provided to the City by a registered Professional Engineer certifying that the mines shafts have properly been closed and that they can adequately support any proposed construction if applicable prior to building permit issuance.
6. A fire plan will be required to be approved by the City Fire Marshal before building permits can be issued.
7. There will be a 10 foot wide non-exclusive utility and snow storage easement along the front property lines as indicated on the plat.
8. There will be an access easement over Lot 1 and Lot 2 for the benefit of Lot 2 and Lot 3 as indicated on the plat.

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

PASSED AND ADOPTED this ____ day of August, 2008.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, MAYOR

ATTEST:

Jan Scott, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment 1 – Proposed Plat

GATEWAY ESTATES REPLAT SUBDIVISION (AMENDED)

LOT LINE ADJUSTMENT
AMENDING LOT 1 & 2
LOCATED IN THE SOUTHEAST 1/4 OF SECTION 16,
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE & MERIDIAN
SUMMIT COUNTY, UTAH

SURVEYOR'S CERTIFICATE

I, TIMOTHY R. JOHANSON, DO HEREBY CERTIFY THAT I AM A REGISTERED
LAND SURVEYOR HOLDING CERTIFICATE NO. 5164660 AS PRESCRIBED UNDER
THE LAND SURVEYING ACT, CHAPTER 10, PART 1, UTAH CODE ANNOTATED
THE OWNERS I HAVE SURVEYED THE TRACT OF LAND SHOWN ON THIS PLAT,
OF BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PRELIMINARY

TIMOTHY R. JOHANSON
DATE:

BOUNDARY DESCRIPTION
AMENDING LOT 1 & 2 OF THE ESTATES REPLAT SUBDIVISION
(FILE# 566533) FORWENTED BY SUMMIT COUNTY, UTAH
SALT LAKE BASE & MERIDIAN, SUMMIT COUNTY, UTAH

ALSO, DESCRIBED AS:
ALL THAT PART OF THE ESTATES REPLAT SUBDIVISION
ACCORDING TO THE OFFICIAL PLAT THEREOF, RECORDED
IN THE PUBLIC RECORDS OF SUMMIT COUNTY, UTAH,
COUNTY, UTAH, BEGINNING THEREFROM LOTS 16, 15, AND 17.

OWNERS CERTIFICATE OF
CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT
THE UNDERSIGNED OWNERS OF THE HEREON DESCRIBED
TRACT OF LAND TO BE KNOWN HEREAFTER AS GATEWAY
ESTATES REPLAT SUBDIVISION, HAVE CONSENTED TO THE
LINE ADJUSTMENT PLAT TO BE MADE AND CONSENT TO THE
RECORDATION AT THIS LOT LINE ADJUSTMENT PLAT. ALSO,
THE UNDERSIGNED OWNERS HAVE CONSENTED TO THE
IRREVOCABLE ORDER FOR DEDICATION TO THE CITY OF PARK
UTAH, FOR THE STREETS, LAND FOR LOCAL GOVERNMENT USES,
EASEMENTS, PARKS, AND REQUIRED UTILITIES, AND
DRAWINGS IN ACCORDANCE WITH AN IRREVOCABLE ORDER OF
DEDICATION.

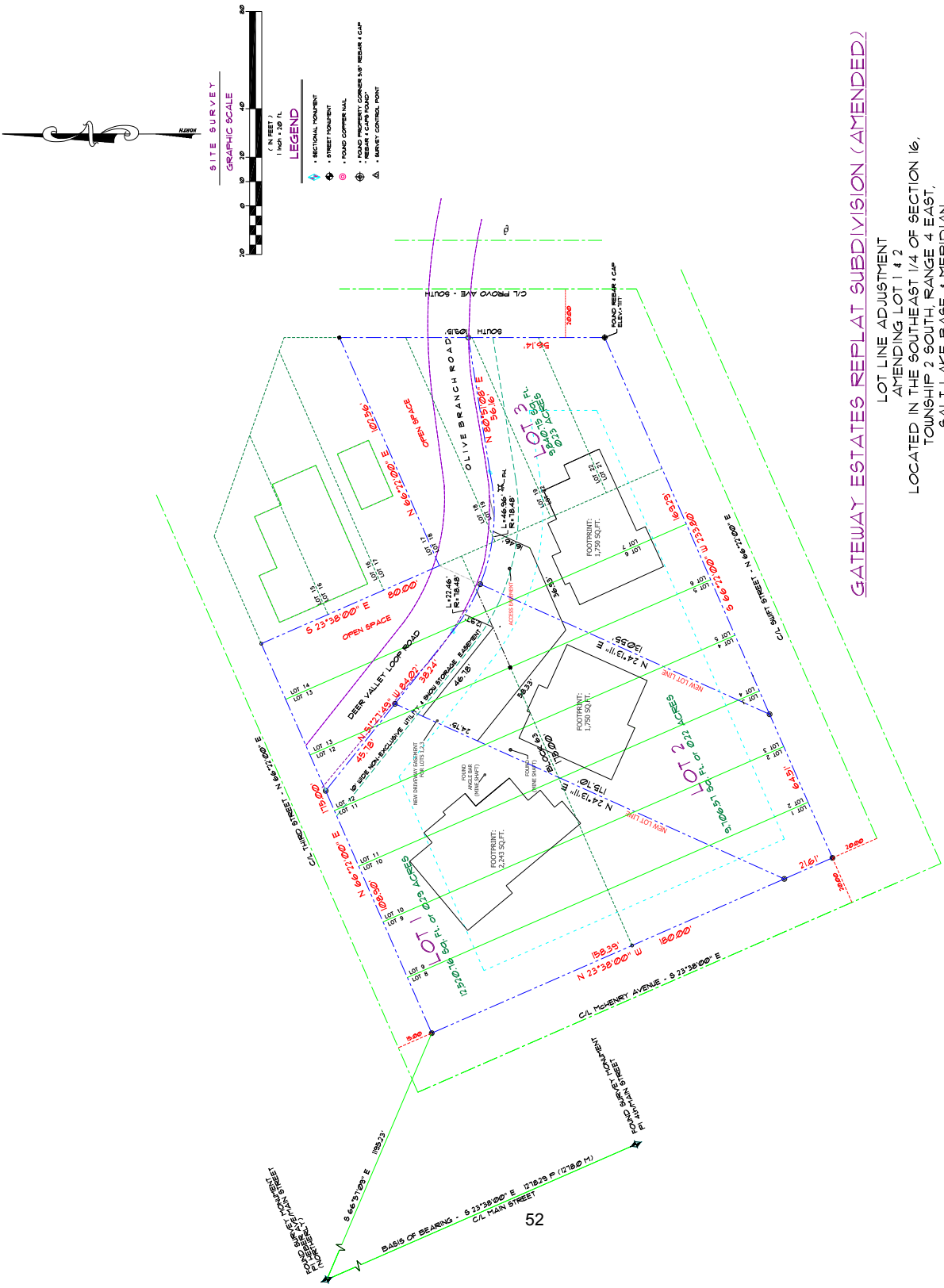
ACKNOWLEDGMENT

STATE OF UTAH
COUNTY OF SUMMIT S.S.
I, _____, A.S., DO, PERSONALLY
APPEARED BEFORE ME, _____, WHO BEING DULY SWORN, DO
SAY THAT THEY ARE THE
NOTARY PUBLIC
MY COMMISSION EXPIRES _____

GENERAL NOTES

1. UTILITIES, WELLS, ETC. ARE NOT BE SHOWN ON THIS MAP. CONTRACTORS, BUILDERS AND EXCAVATORS SHALL VERIFY THE LOCATION AND DEPTH OF ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION, AND/OR CONTACT BLUE STAKES AND REFER TO UTILITY MAPS.
2. EXCEPT AS SHOWN SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT VERIFICATION OF THE EXISTENCE, LOCATION, DEPTH, OR CHARACTER OF EXISTING UTILITIES OR ANY OTHER FACTS, CONDITIONS, OR CONCURRENCES. SURVEYOR'S TITLE EVIDENCE ON ANY OTHER FACTS, CONDITIONS, OR CONCURRENCES.
3. SEE WITH MAPS AND RECORDS, AND STATE AND LOCAL AGENCIES FOR INFORMATION REGARDING FLOOD AND EARTHQUAKE INFORMATION ON THIS TRACT.
4. SEE CITY AND/OR COUNTY PLANNING AND ZONING MAPS FOR INFORMATION REGARDING SETBACK, SIDE YARD, AND REAR YARD DISTANCES AS WELL AS OTHER REQUIREMENTS.

NUMBER	UTAH	RECORDED	NUMBER
COUNTY OF SUMMIT		DATE	ACCOUNT
DATE		RECORDED AND FILED AT THE	SHEET
		TIME	OF
		FEE	SHEETS
		COUNTY CLERK	



GATEWAY ESTATES REPLAT SUBDIVISION (AMENDED)

LOT LINE ADJUSTMENT
AMENDING LOT 1 & 2
LOCATED IN THE SOUTHEAST 1/4 OF SECTION 16,
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE & MERIDIAN
SUMMIT COUNTY, UTAH

PREPARED BY:
RJ LONG & COMPANY
JAMES R. LONG
801.462.3867
P.O. BOX 801467
SALT LAKE CITY, UT 84147-8050

CONSTRUCTION NOTES	PLANNING COMMISSION	CITY COUNCIL APPROVAL	ENGINEER'S CERTIFICATE	SERIAL DISTRICT	APPROVAL AS TO FORM
CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION, AND/OR CONTACT BLUE STAKES AND REFER TO UTILITY MAPS.	APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION DATE OF _____ A.D. BY _____ A.D.	PRESENTED TO THE BOARD OF PARK CITY PLANNING COMMISSION DATE OF _____ A.D. BY _____ A.D.	I FIND THIS PLAT TO BE IN ACCORDANCE WITH THE STANDARDS THIS DATE OF _____ A.D. BY _____ A.D.	REVIEWED FOR CONFORMANCE TO STANDARD DATE OF _____ A.D. BY _____ A.D.	APPROVED AS TO FORM THIS DATE OF _____ A.D. BY _____ A.D.
LAND DESIGN ENGINEERING	CHAIRMAN	MYTOR	PARK CITY ENGINEER	DATE	PARK CITY ATTORNEY
7412 SOUTH STATE STREET MIDVALE CITY, UTAH 84047 PHONE: (801) 498-2547 FAX: (801) 498-2547					

FOUND SURVEY MONUMENT
AT INTERSECTION OF
C/L MAIN STREET
(NORTHERLY)

BASIS OF BEARING - S 23°38'00" E 1278.29 P (1278.0 M)
C/L MAIN STREET

FOUND SURVEY MONUMENT
AT 450' MAIN STREET



- NOTES:
1. FOR DEVELOPMENT PURPOSES THE MAXIMUM SQUARE FOOTAGE OF THE BUILDING FOOTPRINT IN LOT NO. 1 SHALL BE 3,150 SQUARE FOOT.
 2. FOR DEVELOPMENT PURPOSES THE MAXIMUM SQUARE FOOTAGE OF THE BUILDING FOOTPRINT IN LOT NO. 2 SHALL BE 2,893 SQUARE FOOT.

SURVEYOR'S CERTIFICATE

I, John Dembowicz, certify that I am a Registered Land Surveyor and that I have Certificate No. 163331 as provided by the State of Utah, and that by authority of the owner(s), I have prepared this Record of Survey and that the same has been or will be monumented on the ground as shown on this plat.

John Dembowicz
Date 5/16/00

LEGAL DESCRIPTION

ALL OF BLOCK 63, PARK CITY SURVEY, PARK CITY, UTAH, ACCORDING TO THE OFFICIAL PLAT THEREOF, RECORDED IN THE OFFICE OF THE COUNTY RECORDER, SUMMIT COUNTY, UTAH, EXCEPTING THEREFROM LOTS 15, 16, AND 17.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that the undersigned owners of the herein described tract of land, to be known hereafter as the GATEWAY ESTATES REPLAT, do hereby certify that we have caused this plat to be prepared and recorded in the office of the County Recorder, Summit County, Utah, and that we have caused the same to be monumented on the ground as shown on this plat. We, the undersigned, do hereby dedicate and consent to the recordation of this plat and the construction drawings in accordance with an irrevocable offer for dedication to the City of Park City all of the streets, land for local government use, and all easements and rights shown on the plat and construction drawings in accordance with an irrevocable offer of dedication.

In witness whereof, the undersigned set their hands this 16th day of May, 2000.

Thomas Hurd
Paula Hurd
Owners

ACKNOWLEDGEMENT

State of Utah:
County of Summit:

On this 16th day of May, 2000, Thomas Hurd and Paula Hurd, the undersigned, being duly sworn, depose and say that they are the owners of the herein described tract of land, and that they have caused this plat to be prepared and recorded in the office of the County Recorder, Summit County, Utah, and that they have caused the same to be monumented on the ground as shown on this plat. We, the undersigned, do hereby dedicate and consent to the recordation of this plat and the construction drawings in accordance with an irrevocable offer of dedication.

Notary Public
My commission expires November 5, 2001.

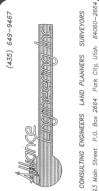
LINE	LENGTH	BEARING
1	37.24	S 88°22'00" E
2	158.24	S 88°22'00" E

CURVE	LENGTH	AREA
1	15.14	15.14
2	15.14	15.14
3	15.14	15.14
4	15.14	15.14
5	15.14	15.14
6	15.14	15.14
7	15.14	15.14
8	15.14	15.14
9	15.14	15.14
10	15.14	15.14
11	15.14	15.14
12	15.14	15.14
13	15.14	15.14
14	15.14	15.14
15	15.14	15.14
16	15.14	15.14
17	15.14	15.14
18	15.14	15.14
19	15.14	15.14
20	15.14	15.14
21	15.14	15.14
22	15.14	15.14
23	15.14	15.14
24	15.14	15.14
25	15.14	15.14
26	15.14	15.14
27	15.14	15.14
28	15.14	15.14
29	15.14	15.14
30	15.14	15.14
31	15.14	15.14
32	15.14	15.14
33	15.14	15.14
34	15.14	15.14
35	15.14	15.14
36	15.14	15.14
37	15.14	15.14
38	15.14	15.14
39	15.14	15.14
40	15.14	15.14
41	15.14	15.14
42	15.14	15.14
43	15.14	15.14
44	15.14	15.14
45	15.14	15.14
46	15.14	15.14
47	15.14	15.14
48	15.14	15.14
49	15.14	15.14
50	15.14	15.14
51	15.14	15.14
52	15.14	15.14
53	15.14	15.14
54	15.14	15.14
55	15.14	15.14
56	15.14	15.14
57	15.14	15.14
58	15.14	15.14
59	15.14	15.14
60	15.14	15.14
61	15.14	15.14
62	15.14	15.14
63	15.14	15.14
64	15.14	15.14
65	15.14	15.14
66	15.14	15.14
67	15.14	15.14
68	15.14	15.14
69	15.14	15.14
70	15.14	15.14
71	15.14	15.14
72	15.14	15.14
73	15.14	15.14
74	15.14	15.14
75	15.14	15.14
76	15.14	15.14
77	15.14	15.14
78	15.14	15.14
79	15.14	15.14
80	15.14	15.14
81	15.14	15.14
82	15.14	15.14
83	15.14	15.14
84	15.14	15.14
85	15.14	15.14
86	15.14	15.14
87	15.14	15.14
88	15.14	15.14
89	15.14	15.14
90	15.14	15.14
91	15.14	15.14
92	15.14	15.14
93	15.14	15.14
94	15.14	15.14
95	15.14	15.14
96	15.14	15.14
97	15.14	15.14
98	15.14	15.14
99	15.14	15.14
100	15.14	15.14

- LEGEND
- PROPERTY CORNER PREVIOUSLY SET, RECORDED SURVEY 5-1875
 - PROPERTY CORNER TO BE SET
 - DEDICATED PUBLIC RIGHT-OF-WAY
 - NON-EXCLUSIVE PUBLIC UTILITY EASEMENT
 - ACROSS A NON-EXCLUSIVE UTILITY EASEMENT
 - STREET ADDRESS ON DEER VALLEY LOOP ROAD

**LOT LINE ADJUSTMENT
GATEWAY ESTATES REPLAT**

LOCATED IN THE SOUTHEAST 1/4 OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
AND THE PARK CITY SURVEY, PARK CITY, SUMMIT COUNTY, UTAH



SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT STANDARDS ON THIS DAY OF MAY 17, 2000 A.D.
BY S.S.I.D.

PLANNING COMMISSION
APPROVED BY THE PARK CITY PLANNING COMMISSION THIS DAY OF MAY 17, 2000 A.D.
BY CHAIRMAN

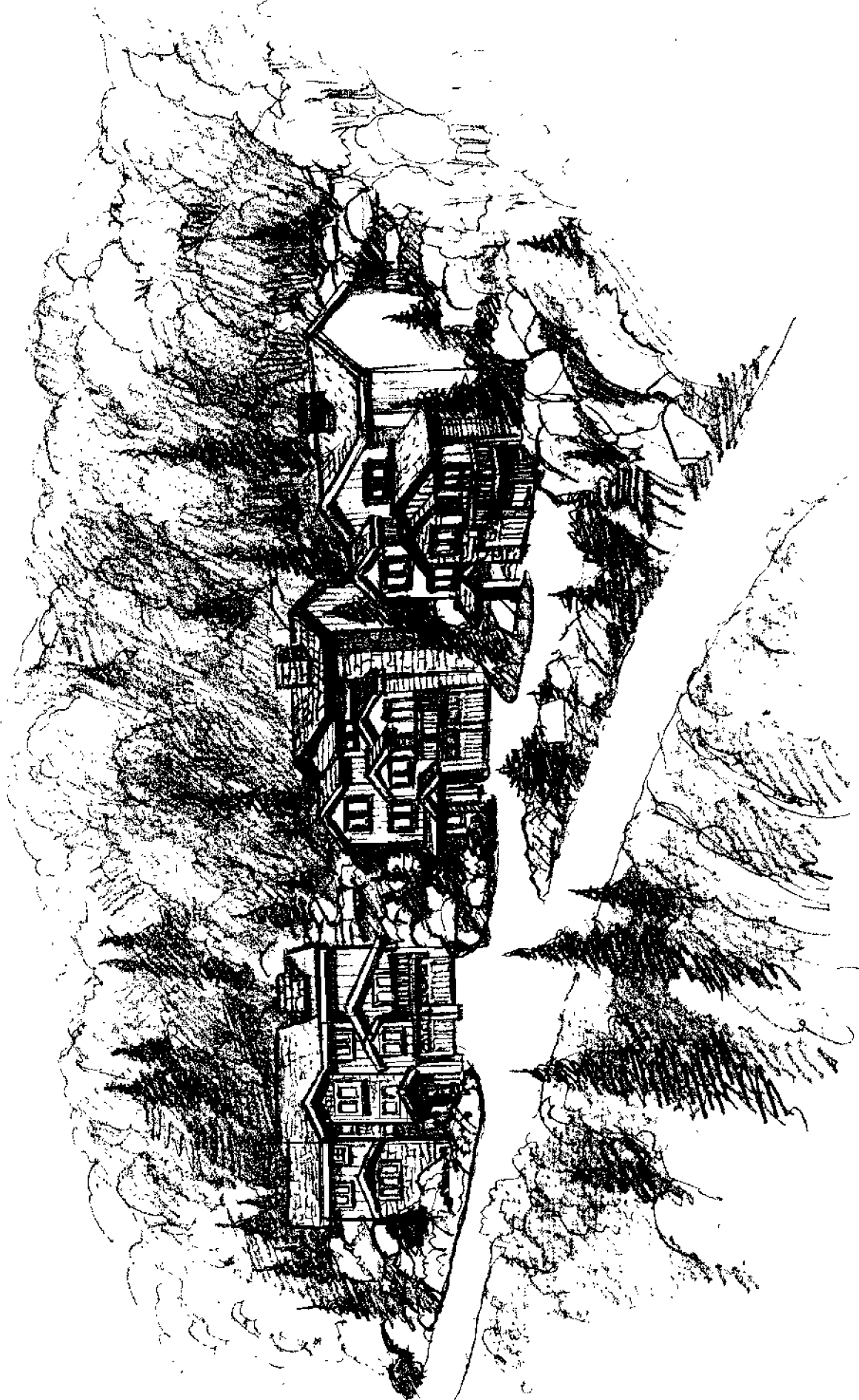
ENGINEER'S CERTIFICATE
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE WITH THE OFFICE OF THE COUNTY RECORDER, SUMMIT COUNTY, UTAH, ON THIS DAY OF MAY 17, 2000 A.D.
BY PARK CITY ENGINEER

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS 26th DAY OF MAY 2000 A.D.
BY PARK CITY ATTORNEY

CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY THE PARK CITY COUNCIL THIS 30th DAY OF MAY 2000 A.D.
BY PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 30th DAY OF MAY 2000 A.D.
BY

#564633
RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF Coalition Time
DATE 05-17-2000 TIME 09:45:00 AM
333
FEE
RECORDED



APR 21 2008

P
PI

Page 3
City Council Meeting
March 30, 2000

4. Ordinance approving the amendment to the Park City Survey, a plat amendment to combine 18 lots into two lots of record located in Block 63 of the Park City Survey, Park City, Utah (412 Deer Valley Drive) - Kevin LoPiccolo explained that this is an application to combine Lots 1 through 14 and Lots 18 through 21 in Block 63 into two lots of record. Lot 1 is approximately 27,000 square feet, Lot 2 is about 12,000 square feet.

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

5. Ordinance approving a plat amendment, to combine the north ½ lot and all of Lots 5. Block 53 of the Park City Survey, located at 220 Marsac Avenue, Park City, Utah - Jon Weidenhamer stated that the Planning Commission forwarded a positive recommendation on March 8, 2000 and staff recommends approval based on the findings of fact, conclusions of law and conditions of approval outlined in the staff report. In response to a question from Ms. Erickson regarding a neighborhood complaint about this project blocking views, Mr. Weidenhamer stated that there hasn't been further input at the Planning Commission meeting. The Mayor invited public comment. Staff described the location of the project for Bruce Satches, Ontario Avenue resident. With no further comments or questions from the Council or the public, the Mayor closed the public hearing.

VI CONSENT AGENDA

The Mayor requested a motion to approve the Consent Agenda. Shauna Kerr, “I so move”. Peg Bodell seconded. Motion carried.

Peg Bodell	Aye
Roger Harlan	Absent
Candace Erickson	Aye
Fred Jones	Aye
Shauna Kerr	Aye

1. Ordinance approving the 42 ½ Ontario Canyon Road Subdivision to combine one metes and bounds parcel in Section 21, Township 2 South, Range 4 East, of the Salt Lake Base and Meridian, into one platted lot located at 42 ½ Ontario Canyon Road, Park City, Utah - See staff report and public hearing.

2. Ordinance approving the Walk to the Slopes Plat amendment Phase 1 to combine all of Lot 1 in Block 26 of the Snyder's Addition to the Park City Survey, with a portion of the vacated 12th Street right-of-way into a single platted lot, located at 1203 Empire Avenue, Park City, Utah - See staff report and public hearing.

Page 4
City Council Meeting
March 30, 2000

3. Ordinance approving a plat amendment request 1, 2, 3, 4, 5, 6, 39, 40, 41, 42, 43 and 44, Block 18, Snvders Addition to the Park City Survey into one lot for 1212 Empire Avenue, Park City, Utah - See staff report and public hearing.

4. Ordinance approving the amendment to the Park City Survey, a plat amendment to combine 18 lots into two lots of record located in Block 63 of the Park City Survey, Park City, Utah (412 Deer Valley Drive) - See staff report and public hearing.

5. Ordinance approving a plat amendment, to combine the north ½ lot and all of Lots 5, Block 53 of the Park City Survey, located at 220 Marsac Avenue, Park City, Utah - See staff report and public hearing.

VII RESIGNATIONS AND APPOINTMENTS

Appointment of two members to the Historic District Commission for a term expiring February 2002 - Peg Bodell, “I move that we appoint Tom Hurd and reappoint Steve Swanson”. Shauna Kerr seconded. Motion carried. Tom Hurd thanked Council for the confidence placed in him and stated that he will do the best he can to live up to Council’s expectations.

Peg Bodell	Aye
Roger Harlan	Absent
Candace Erickson	Aye
Fred Jones	Aye
Shauna Kerr	Aye

VIII PUBLIC HEARING

Continuation of hearing on outdoor music in plaza areas in Park City, Utah - Alison Kuhlow referred to the draft ordinance. She invited Council comments on the draft and added that there may modifications prompted by public input. In response to a question from Ms. Bodell, Ms. Kuhlow explained that the person selected to monitor sound will be hired by the Arts Council and the position should be consistently held. Ms. Kuhlow added that the decibel level will be monitored according to the ordinance and it is not anticipated that the Police Department will be involved measuring decibel levels. Candy Erickson pointed out with two venues close in proximity to each other at Summit Watch, that two consecutive days of performances could be scheduled, impacting the same residents. Ms. Kuhlow admitted that as written, this is something that could occur. It is proposed that amplified music be limited to five hours per venue. The Mayor invited public input.

Hank Louis, architect/designer, noted that his students are in the process of building the music shacks and continue to work with sound engineers. The shells will be tested during construction and after installation. He explained some conflicts with using sturdy materials to

PARK CITY

1884

CITY COUNCIL STAFF REPORT

Date: March 30, 2000
Department: Planning Department
Title: 412 Deer Valley Loop Road - Plat Amendment
Type of Item: Legislative

Summary Recommendations: Conduct a public hearing and adopt the attached Ordinance approving a plat amendment to consolidate lots 1-14 and lots 18-21 of Block 63 of the Park City Survey into two separate lots of record.

A. Project Statistics

Applicant: Tom and Paula Hurd
Location: 412 Deer Valley Loop Road
Zoning: HR-1 - Historic Residential District
Adjacent Land Uses: Residential
Project Planner: Kevin LoPiccolo
Date of Application: January 5, 2000

B. Background

On February 23, 2000, the Planning Commission voted to forward to City Council a positive recommendation to approve a plat amendment to combine a total of eighteen historic platted lots into two separate lots of record.

The proposed application requests is to combine 18 lots in Block 63 of the Park City Survey into two separate lots of record. Lot 1 would be approximately 27,007 square feet and Lot 2 would be approximately 12,196 square feet. The property is zoned HR-1. The lots are located on the northeast slope of Rossie Hill below Silver Pointe Subdivision.

The property slopes up to the south to platted Fifth Street. Lots 1-14 has a slope of approximately 40% and Lots 18-21 has a slope of approximately 30 %. Deer Valley Loop Road, a prescriptive right-of-way, bisects the northeast portion of the property. Deer Valley Loop Road was known as Olive Branch Road in the mining era.

The development pattern in the general area of Deer Valley Loop Road consists of single-family dwellings and multi-family structures.

C. Analysis

Use: Future development will need to comply with requirements for Steep Slope Development as set forth in the Land Management Code. Each lot will be reviewed separately under a conditional use permit. The design of each proposed single-family dwelling will be reviewed pursuant to the Historic Design Guidelines.

Minimum lot size and underlying zoning: As currently platted, the applicant has 18 platted HR-1 lots. Under the HR-1 zone, the minimum lot size is 1,875 square feet. The applicant is proposing to combine all lots into two lots of record. The new lots will be 27,007 and 12,196 square feet respectively.

23,035 5 12

Access

Deer Valley Loop Road, a prescribed roadway, crosses the property and an existing driveway would provide access to both parcels. An easement would be created across a portion of parcel 2 for access and utilities for the benefit of parcel 1. Deer Valley Loop Road and two small remnant parcels as part of the condition of approval will be dedicated to City as part of the Plat Amendment approval. In exchange for the road dedication, the square footage of the two small remnant parcels will be added to Lot 1 for purposes of calculating maximum building footprints. The area of the dedicated road right-of-way will not be added to the lot areas for purposes of calculating maximum building footprint.

D. Public Input

All owners within 300' of the property were noticed. As of the date of this report there have been two phone calls in support of the proposed plat amendment.

Recommendation

The Community Development Department recommends approval of the proposed Plat Amendment application to allow the creation of two lots of record, based upon the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Finding of Fact:

1. The property is in the HR-1 Zone.
2. Deer Valley Loop Road is characterized by single-family dwellings, and multi-family structures.
3. The plat amendment results in combining eighteen lots into two lots of record.
4. The proposed lot combination will create one 27,007 square foot lot and one 12,196 square foot lot. Minimum lot size for a single family dwelling is 1,875 square feet.
5. The applicant is deducting Deer Valley Loop Road through the property as public right-of-way and the remnant parcels to the north as open space.
6. The applicant stipulates to all conditions of approval.

Conclusions of Law:

1. Neither the public nor any person will be materially injured by the proposed plat revision.

2. There is good cause for the amendment.
3. The amended plat is consistent with the Park City Land Management Code and applicable State law regarding Subdivision plats.

Conditions of Approval:

1. The City Attorney and City Engineer's review and approval of the final form and content of the amended plat is a condition precedent to recording the plat.
2. All standard Project Conditions shall apply and Land Management Codes shall apply.
3. The final plat shall be recorded at Summit County within one year from the date of City Council approval. If recordation has not occurred within one year time, the approval and the plat shall be considered void.
4. A Construction Management Plan (CMP) shall be submitted to and approved by the Community Development Department prior to the issuance of any building permits. The plan shall address staging, material storage, construction time lines, special signs, parking, fencing, and any other construction related details to the satisfaction of the Community Development Department.
5. The project complies with the fire and emergency access requirements, by virtue of a fire protection plan which addresses alternative methods of code compliance, such as provision of type 13D fire sprinkler systems, alternative access, fire separation of structures, and non-combustible roof materials.
6. A ten (10) foot non-exclusive utility and snow storage easement along Deer Valley Loop Road shall be dedicated to the City on the plat. Adherence to these provisions is required.
7. Construction for Steep Slope Development shall be reviewed by the Planning Commission as provided in the Land Management Code.
8. Design of the proposed homes on all lots require review and approval for compliance with the Historic District Design Guidelines.
9. The Deer Valley Road right-of-way may not be used for maximum building footprint calculation. The remnant lots north of Deer Valley Loop Road may be used as part of the total footprint calculation formula found in the HR-1 zone. The remnant lots north of Deer Valley Loop Road shall be designated as Open Space on the plat.
10. No remnant lot created hereby is separately developable.
11. The remnant parcels to the north shall be revised and shown on the plat public as right-of-way.

Exhibits:

- Exhibit A - Vicinity Map
- Exhibit B- Existing Plat Map
- Exhibit C - Standard Project Conditions
- Exhibit D - Minutes from February 23, 2000

Exhibit E - Draft Ordinance

Exhibit F - Letter from Applicant

M:\CDD\KL\CC00\PLATS\dllo412ph1.wpd

412 Deer Valley Loop

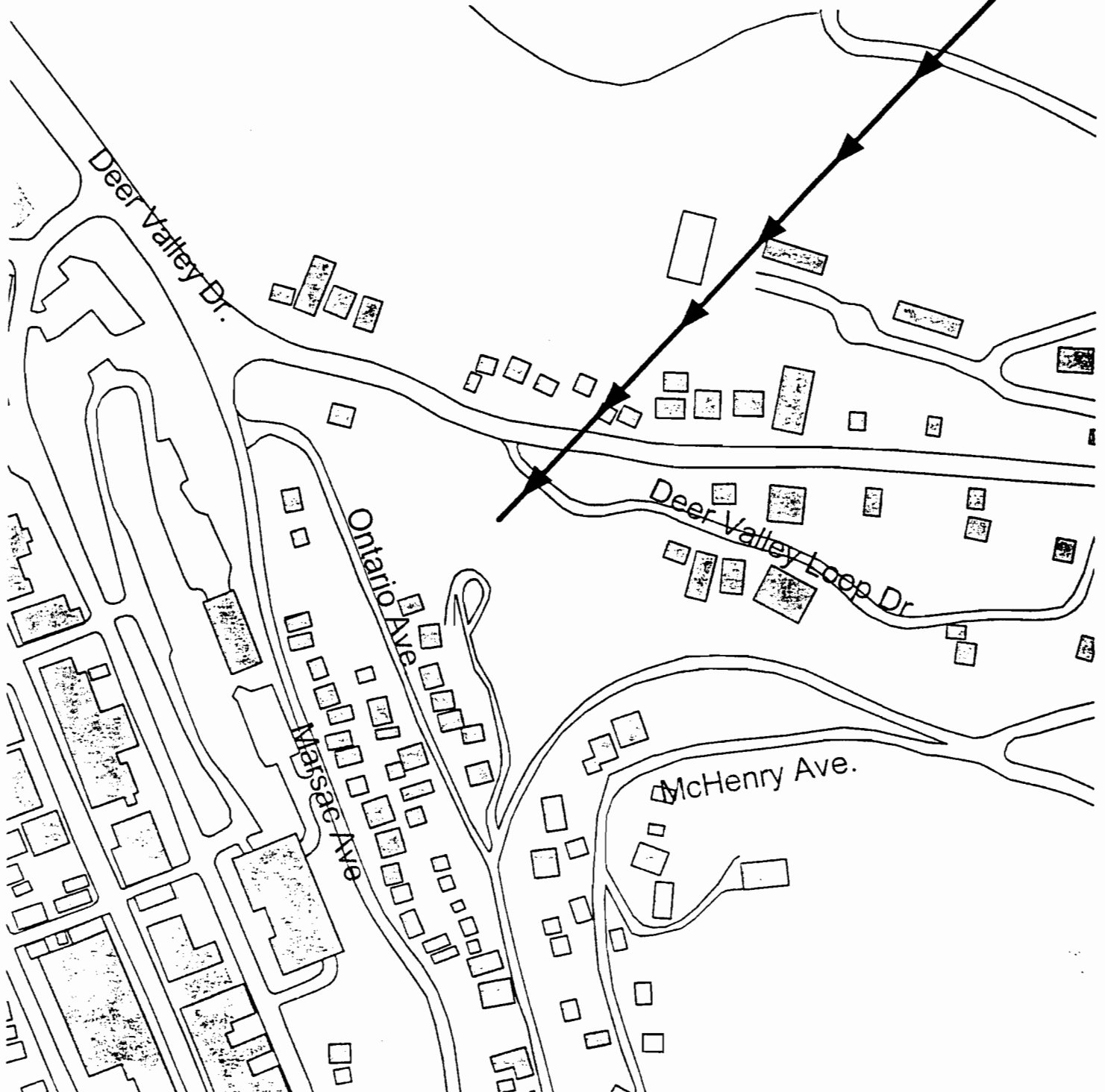


Exhibit A Vicinity Map



**LOT LINE ADJUSTMENT
GATEWAY ESTATES REPLAT**

LOCATED IN THE SOUTHWEST 1/4 OF SECTION 14, TOWNSHIP 8 SOUTH, RANGE 4 EAST, SALT LAKE BASIN AND MERIDIAN
AND THE PARK CITY SURVEY, PARK CITY, SALT COUNTY, UTAH

DATE OF PLAN: _____
BY: _____
FOR: _____

APPROVED: _____
DATE: _____

RECORDING: _____
DATE: _____

COMMITTEE'S RECOMMENDATION AND COMMENTS TO THE CITY:

The committee has reviewed the replat and finds it to be in compliance with the Utah Subdivided Lands Act and the Park City Survey. The committee recommends that the City Council approve the replat as submitted.

RECORDING:

DATE OF PLAN: _____
BY: _____
FOR: _____

APPROVED:

DATE: _____

PLANNING COMMISSION:

APPROVED BY THE PLANNING COMMISSION: _____
DATE: _____

ENGINEER'S CERTIFICATE:

I, the undersigned, being a duly licensed Professional Engineer in the State of Utah, do hereby certify that the replat is in compliance with the Utah Subdivided Lands Act and the Park City Survey.

DATE: _____
BY: _____

CITY COUNCIL APPROVAL AND ACCEPTANCE:

APPROVED BY THE CITY COUNCIL: _____
DATE: _____

RECORDING:

DATE OF PLAN: _____
BY: _____
FOR: _____

RECORDING:

DATE OF PLAN: _____
BY: _____
FOR: _____

EXHIBIT B - PROPOSED PLAT

PARK CITY MUNICIPAL CORPORATION
STANDARD PROJECT CONDITIONS

1. The applicant is responsible for compliance with all conditions of project approval.
2. The proposed project is approved as indicated on the final approved plans, except as modified by additional conditions imposed by the Planning Commission at the time of the hearing. The proposed project shall be in accordance with all adopted codes and ordinances; including, but not necessarily limited to: the Land Management Code (including Chapter 9, Architectural Review); Uniform Building, Fire and related Codes (including ADA compliance); the Park City Design Standards, Construction Specifications, and Standard Drawings (including any required snow storage easements); and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Park City.
3. A building permit shall be secured for any new construction or modifications to structures, including interior modifications, authorized by this permit.
4. All construction shall be completed according to the approved plans on which building permits are issued. Approved plans include all site improvements shown on the approved site plan. Site improvements shall include all roads, sidewalks, curbs, gutters, drains, drainage works, grading, walls, landscaping, lighting, planting, paving, paths, trails, public necessity signs (such as required stop signs), and similar improvements, as shown on the set of plans on which final approval and building permits are based.
5. All modifications to plans as specified by conditions of approval and all final design details, such as materials, colors, windows, doors, trim dimensions, and exterior lighting shall be submitted to and approved by the Community Development Department, Planning Commission, or Historic District Commission prior to issuance of any building permits. Any modifications to approved plans after the issuance of a building permit, must be specifically requested and approved by the Community Development Department, Planning Commission and/or Historic District Commission in writing prior to execution.
6. Final grading, drainage, utility, erosion control and re-vegetation plans shall be reviewed and approved by the City Engineer prior to commencing construction. Limits of disturbance boundaries and fencing shall be reviewed and approved by the Community Development Department. Limits of disturbance fencing shall be installed, inspected, and approved prior to building permit issuance.
7. An existing conditions survey identifying existing grade shall be conducted by the applicant and submitted to the Community Development Department prior to issuance of a footing and foundation permit. This survey shall be used to assist the Community Development Department in determining existing grade for measurement of building heights, as defined by the Land Management Code.
8. A Construction Mitigation Plan (CMP), submitted to and approved by the Community Development Department, is required prior to any construction. A CMP shall address the following, including but not necessarily limited to: construction staging, phasing, storage of materials, circulation, parking, lights, signs, dust, noise, hours of operation, re-vegetation of

EXHIBIT C - STANDARD PROJECT CONDITIONS

Exhibit D – City Council Minutes & Staff Report (Gateway Estates Replat)

disturbed areas, service and delivery, trash pick-up, re-use of construction materials, and disposal of excavated materials. Construction staging areas shall be clearly defined and placed so as to minimize site disturbance. The CMP shall include a landscape plan for re-vegetation of all areas disturbed during construction, including but not limited to: identification of existing vegetation and replacement of significant vegetation or trees removed during construction.

9. Any removal of existing building materials or features on historic buildings, shall be approved and coordinated by the Planning Department prior to removal.
10. The applicant and/or contractor shall field verify all existing conditions on historic buildings and match replacement elements and materials according to the approved plans. Any discrepancies found between approved plans, replacement features and existing elements must be reported to the Planning Department for further direction, prior to construction.
11. Final landscape plans, when required, shall be reviewed and approved by the Community Development Department prior to issuance of building permits. Landscaping shall be completely installed prior to occupancy, or an acceptable guarantee, in accordance with the Land Management Code, shall be posted in lieu thereof. A landscaping agreement or covenant may be required to ensure landscaping is maintained as per the approved plans.
12. All proposed public improvements, such as streets, curb and gutter, sidewalks, utilities, lighting, trails, etc. are subject to review and approval by the City Engineer in accordance with current Park City Design Standards, Construction Specifications and Standard Drawings. All improvements shall be installed or sufficient guarantees, as determined by the Community Development Department, posted prior to occupancy.
13. The Snyderville Basin Sewer Improvement District shall review and approve the sewer plans, prior to issuance of any building plans. A Line Extension Agreement with the Snyderville Basin Sewer Improvement District shall be signed and executed prior to building permit issuance. Evidence of compliance with the District's fee requirements shall be presented at the time of building permit issuance.
14. The planning and infrastructure review and approval is transferrable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
15. When applicable, access on state highways shall be reviewed and approved by the State Highway Permits Officer. This does not imply that project access locations can be changed without Planning Commission approval.
16. Vesting of all permits and approvals terminates upon the expiration of the approval as defined in the Land Management Code, or upon termination of the permit.
17. No signs, permanent or temporary, may be constructed on a site or building without a sign permit, approved by the Community Development Department. All multi-tenant buildings require an approved Master Sign Plan prior to submitting individual sign permits.

December 11, 1999

Planning Commission Meeting
Minutes of February 23, 2000
Page 22

8. 412 Deer Valley Loop Road, Gateway Estates - Plat amendment to reconfigure a group of City lots into two building lots

Planner Kevin LoPiccolo reviewed the request to combine 18 lots in Block 63 of the Park City survey into two separate lots of record. The lots are zoned HR-1, and the subject property is located on the northeast slope of Rossi Hill located off of existing Deer Valley Loop. The two lots range from 12,196 square feet to approximately 27,000 square feet. The 27,000-square-foot lot would be Lot 1, and the 12,196-square-foot lot would be Lot 2. The minimum lot size in the HR-1 zone is 1,875 square feet. Both lots are uphill lots with slopes exceeding 30%, and the applicant plans to build on the flattest portion of each lot. Deer Valley Loop cuts through approximately 8 of the 16 lots in this area. Planner LoPiccolo noted that he has not seen drawings for the future single-family dwellings, but given the slope of the lots, the area the applicant may propose for construction may exceed 30%, and future developments must comply with the requirements for steep slope development. He reported that he received two calls supporting this application. The Staff recommended forwarding a positive recommendation to the City Council with the findings of fact, conclusions of law, and conditions of approval outlined in the staff report.

Chair O'Hara noted that the Staff report states that the building footprint for each lot will be 2,050 square feet. Planner LoPiccolo stated that based on the Land Management Table, that is the prescribed footprint for the lot size.

Peter Barnes, agent for the applicant, stated that he is currently designing a house, and he believed they could meet the footprint requirements. Mr. Barnes referred to Condition 6 and stated that he believed it was sufficient to say that Land Management Code regulations at the time the application is made shall apply. He personally wanted to see the footprint become more flexible and more in accordance with the way it is designed.

Chair O'Hara opened the public hearing

There was no comment.

Chair O'Hara closed the public hearing.

Commissioner Erickson asked if it would be possible to have better definition of where the potential driveways will be. Mr. Barnes presented a model and identified an existing driveway the applicant

Planning Commission Meeting
Minutes of February 23, 2000
Page 23

intends to use for access. Commissioner Erickson felt the project was good in general, and although he had concerns about details, he was comfortable putting his faith in the steep slope criteria and the ability to locate the lots. He preferred to see the driveways identified by Mr. Barnes shown on the plat.

Commissioner Larson questioned whether the building envelopes should be defined on the plat. He acknowledged that the steep slope criteria are a strong basis for future planning and may be the only tool they need.

The Commissioners discussed footprints and home sizes and determined that the size would be governed by the HR-1 District in effect at the time of subdivision approval.

MOTION: Commissioner Larson moved to forward a POSITIVE recommendation to the City Council to combine Lots 1-14 and 18-21 in Block 63 at 412 Deer Valley Loop Road with the findings of fact, conclusions of law, and conditions of approval outlined in the staff report. Commissioner Zimney seconded the motion.

Commissioner Erickson suggested a modification to include a condition of approval that home sizes will be limited by the HR-1 District in effect at the time of subdivision approval.

Commissioner Larson accepted the modification, and Commissioner Zimney accepted the modification in her second.

VOTE: The motion passed unanimously.

Findings of Fact - 412 Deer Valley Loop Road

1. The property is in the HR-1 Zone.
2. Deer Valley Loop Road is characterized by single-family dwellings and multi-family structures.
3. The plat amendment results in combining eighteen lots into two lots of record.
4. The proposed lot combination will create one 27,007-square-foot lot and one 12,196-square-foot lot. Minimum lot size for a single-family dwelling is 1,875 square feet.
5. The applicant stipulates to all conditions of approval.

Planning Commission Meeting
Minutes of February 23, 2000
Page 24

Conclusions of Law - 412 Deer Valley Loop Road

1. Neither the public nor any person will be materially injured by the proposed plat revision.
2. There is good cause for the amendment.
3. The amended plat is consistent with the Park City Land Management Code and applicable State law regarding subdivision plats.

Conditions of Approval - 412 Deer Valley Loop Road

1. The City Attorney and City Engineer's review and approval of the final form and content of the amended plat is a condition precedent to recording the plat.
2. All standard project conditions shall apply and Land Management Codes shall apply.
3. The final plat shall be recorded at Summit County within one year from the date of City Council approval. If recordation has not occurred within one year's time, the approval and the plat shall be considered void.
4. A Construction Management Plan (CMP) shall be submitted to and approved by the Community Development Department prior to the issuance of any building permits. The plan shall address staging, material storage, construction time lines, special signs, parking, fencing, and any other construction related details to the satisfaction of the Community Development Department.
5. The project complies with the fire and emergency access requirements, by virtue of a fire protection plan which addresses alternative methods of Code compliance, such as provision of type 13D fire sprinkler systems, alternative access, fire separation of structures, and non-combustible roof materials.
6. The Planning Commission shall review and approve the construction for Steep Slope Development for each lot under a Conditional Use Permit.
7. Home sizes will be limited by the HR-1 District in effect at the time of subdivision approval.

Ordinance No. 00-

**AN ORDINANCE APPROVING THE AMENDMENT TO THE PARK CITY SURVEY,
A PLAT AMENDMENT TO COMBINE EIGHTEEN LOTS INTO TWO LOTS OF
RECORD LOCATED IN BLOCK 63 OF THE PARK CITY SURVEY, PARK CITY,
UTAH**

WHEREAS, the owners of the property known as Tom and Paula Hurd, owners of Lots 1-14 and Lots 18-21, Block 63 of the Park City Survey, have petitioned the City Council for approval of a revision to the final plat; 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 a public hearing on February 23, 2000 to receive input on the proposed plat amendment;

WHEREAS, the Planning Commission, on February 23, 2000, forwarded a positive recommendation to the City Council; and,

WHEREAS, on March 30, 2000, the City Council held a public hearing to receive input on the proposed plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the record of survey and plat amendment.

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

SECTION 1. FINDINGS. The following findings are hereby adopted.

1. The property is in the HR-1 Zone.
2. Deer Valley Loop Road is characterized by single-family dwellings, and multi-family structures.
3. The plat amendment results in combining eighteen lots into two lots of record.
4. The proposed lot combination will create one 27,007 square foot lot and one 12,196 square foot lot. Minimum lot size for a single family dwelling is 1,875 square feet.
5. The applicant is deducting Deer Valley Loop Road through the property as public right-of-way and the remnant parcels to the north as open space.
6. The applicant stipulates to all conditions of approval.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby adopts the following Conclusions of Law:

1. There is good cause for the amendment.
2. Neither the public nor any person will be materially injured by the proposed plat amendment.
3. The proposal is consistent with both the Park City Land Management Code Chapter 7 and Chapter 15 and State subdivision requirements.

SECTION 3. PLAT APPROVAL. The amendment to the Park City Survey Plat, a plat amendment to Block 63, is approved as shown on Exhibit B, with the following conditions:

1. The City Attorney and City Engineer's review and approval of the final form and content of the amended plat is a condition precedent to recording the plat.
2. All standard Project Conditions shall apply and Land Management Codes shall apply.
3. The final plat shall be recorded at Summit County within one year from the date of City Council approval. If recordation has not occurred within one year time, the approval and the plat shall be considered void.
4. A Construction Management Plan (CMP) shall be submitted to and approved by the Community Development Department prior to the issuance of any building permits. The plan shall address staging, material storage, construction time lines, special signs, parking, fencing, and any other construction related details to the satisfaction of the Community Development Department.
5. The project complies with the fire and emergency access requirements, by virtue of a fire protection plan which addresses alternative methods of code compliance, such as provision of type 13D fire sprinkler systems, alternative access, fire separation of structures, and non-combustible roof materials.
6. A ten (10) foot non-exclusive utility and snow storage easement along Deer Valley Loop Road shall be dedicated to the City on the plat.
7. The Planning Commission shall review and approve the construction for Steep Slope Development for each lot under a Conditional Use Permit.
8. Design of the proposed homes on all lots require review and approval for compliance with the Historic District Design Guidelines.
9. The Deer Valley Road right-of-way may not be used for maximum building footprint calculation. The remnant lots north of Deer Valley Loop Road may be used as part of the total footprint calculation formula found in the HR-1 zone. The remnant lots north of Deer Valley Loop Road shall be designated as Open Space on the plat.
10. No remnant lot created hereby is separately developable.

Exhibit D – City Council Minutes & Staff Report (Gateway Estates Replat)

11. The remnant parcels to the north shall be revised and shown on the plat as public right-of-way.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 30th day of March, 2000.

PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney

Exhibit D – City Council Minutes & Staff Report (Gateway Estates Replat)

THOMAS L. HURD
POB 4644, PARK CITY, UTAH 84060
(P) 435-649-7709 (F) 435-645-7135

VIA FACIMILIE
03/21/00

TO: Kevin Lopiccolo

FROM: Tom Hurd

Dear Kevin:

Re: Gateway Estates

In accordance with my conversation of today with Eric DeHaan we have agreed to the following:

- 1) The remnant lots north of the existing road will be given to the city.
- 2) The existing road as shown on the subdivision plat will be given to the city.
- 3) We will give the city a ten foot easement for snow storage and utilities on the south side of the road which will not diminish our setbacks which are measured from the edge of the existing pavement.
- 4) We retain ownership of all the land south of the edge of the existing pavement.
- 5) With regard to lot number 2: the square footage in the remnant parcel north of this lot will be included in the calculations to arrive at the total square footage in lot number 2.
- 6) Per. Eric's request we will arrive at an actual square footage calculation for each lot prior to council meeting.

I hope this meets with your approval.

Sincerely,

/s/

Thomas L. Hurd

Exhibit F - Letter from Applicant

DATE: August 7, 2008
DEPARTMENT: Executive
AUTHOR: Sharon Bauman, Deputy City Recorder
TITLE: Legislative Consulting Agreement with James C. Barker, P.C.
TYPE OF ITEM: Administrative- Consulting Services Agreement

SUMMARY RECOMMENDATION: The City Council should authorize the City Manager to enter into a service provider contract (attached) in a form approved by the City Attorney's Office for a base amount of \$84,000 for 360 hours (30 hours per month, or \$7,000 per month), plus a \$5,000 annual expense retainer. Additional hours, subject to prior approval by the City Manager, will be billed at the rate of \$275.00 per hour. The term of the contract is for one year with two additional automatically renewable one-year terms.

DESCRIPTION:

Topic: Consulting services relating to federal funding requests.

Background: Given the complexities of the federal funding processes, the necessity for federal funding in support of successful regional water systems, the urgency of some local projects with respect to time frames, and the frequent necessity to communicate our water interests with members of Congress and the federal administration, Staff believes our interests in Washington continue to need hands-on management. The City has been contracting for the services of a consultant for federal funding since 2001.

Analysis: Through a formal RFP process, the City noticed the public through the Park Record and the Salt Lake Tribune. Qualification requirements as stated in the RFP were: profile of proposer's background information such as size and location. They were required to provide a list of clients, describe how the firm can represent clients with potential competing interests, demonstrate necessary knowledge and expertise, and demonstrate past performance and capability with references.

One proposal was received from James C. Barker, P.C. and a copy is attached. James Barker has served as the City's primary consultant since 2001, initially with Lee & Smith, and then his own firm beginning in 2007. Since 2005, Mr. Barker has successfully assisted the City in obtaining \$375,000 for the Prospector Avenue Water and Sewer project and \$187,000 for the Snyderville Basin Interconnect Study; the \$30,000,000 WRDA Construction Authorization; and FTA appropriations of \$4.5 Million.

Fee for Services: In return for consulting and representation services, the City will pay James C. Barker, P.C. eighty four thousand dollars (\$84,000) for one year. The total fee shall represent compensation in full for consulting services for thirty (30) hours per month, with a \$5,000 expense retainer. Authorization for additional hours must be received from the City Manager in advance and will be billed at \$275.00 per hour. In the past Mr. Barker has incurred excess hours which are billed at the hourly rate; the

most recent contract specified \$14,400 for excess hours. Further details regarding payment and fee structure can be found in the services contract, Exhibit B.

Scope of Services: The overall objective of the consulting services agreement is for the consultant to secure federal funding for Park City Municipal Corporation in order to develop water resources and waste water resources. The consultant will represent Park City's interests in Washington, DC. Such representation shall include, but is not limited to the following:

1. Develop a comprehensive legislative and/or administrative strategy to obtain federal authorizations and federal appropriations;
2. Coordinate, direct, and implement legislative actions;
3. Prepare draft legislation, report language, and/or Congressional testimony as may be required;
4. Represent Park City in meetings with federal officials;
5. Develop relationships in Washington, DC which are beneficial to Park City's interests; and
6. As desired by Park City, assist in Utah state and local government activities.

Term: The term of the contract is for one year with two additional (automatically renewable) one-year terms.

D. Department Review: This staff report has been reviewed by the City Manager's Office, and the Legal Department.

ALTERNATIVES: Our recent experience demonstrates that there are avenues within Congress and the administration to achieve federal funding for local projects. Dealing with the federal government is complex, and we have no guarantees of success. Some strings may be attached to federal money which could generate increased staff time and governmental oversight. It is the opinion of staff that political processes such as this are often best left to those with relevant experience and political connections.

A. Approve the Request: City Council could approve the award of contract with James C. Barker, P.C. for legislative consulting issues.

B. Reject the Bid: City Council could reject the bid and ask staff to perform another selection process.

C. Deny the Request: City Council could deny the request to award a contract to James C. Barker, P.C. and not hire a Washington consultant.

D. Continue the Item: The item could be continued for further discussion.

E. Do Nothing: Same as denying the request

SIGNIFICANT IMPACTS: The costs of James C. Barker, P.C. services through the next year are estimated to be \$84,000 plus approximately \$14,400 depending on additional hours, plus \$5,000 for miscellaneous travel expenses that may be incurred by Mr. Barker. There are sufficient funds in the City Manager's Consulting budget, Water Fund and Transportation Fund for this project.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: This is hard to assess as we may or may not receive federal funding with or without the help of James C. Barker, P.C. or any other consultant. However, in the past we have found having a consulting has been instrumental in obtaining federal funding.

RECOMMENDATION: The City Council should authorize the City Manager to enter into a service provider contract (attached) in a form approved by the City Attorney's Office for a base amount of \$84,000 for 360 hours (30 hours per month, or \$7,000 per month), plus a \$5,000 annual expense retainer. Additional hours, subject to prior approval by the City Manager, will be billed at the rate of \$275.00 per hour. The term of the contract is for one year with two additional automatically renewable one-year terms.

Attachments - Service Provider Services Agreement
Proposal from James C. Barker, P.C.

PARK CITY MUNICIPAL CORPORATION SERVICE PROVIDER/PROFESSIONAL SERVICES AGREEMENT

THIS AGREEMENT is made and entered into in duplicate this ____ day of _____, 2008, by and between PARK CITY MUNICIPAL CORPORATION, a Utah municipal corporation, ("City"), and JAMES C. BARKER, P.C., ("Service Provider").

WITNESSETH:

WHEREAS, the City desires to have certain services and tasks performed as set forth below requiring specialized skills and other supportive capabilities; and

WHEREAS, sufficient City resources are not available to provide such services; and

WHEREAS, the Service Provider represents that the Service Provider is qualified and possesses sufficient skills and the necessary capabilities, including technical and professional expertise, where required, to perform the services and/or tasks set forth in this Agreement.

NOW, THEREFORE, in consideration of the terms, conditions, covenants, and performance contained herein, the parties hereto agree as follows:

1. SCOPE OF SERVICES.

The Service Provider shall perform such services and accomplish such tasks, including the furnishing of all materials and equipment necessary for full performance thereof, as are identified and designated as Service Provider responsibilities throughout this Agreement and as set forth in the "Scope of Services" attached hereto as "Addendum A" and incorporated herein (the "Project").

2. TERM.

The term of this Agreement shall commence on the date of execution on this Agreement and shall automatically renew for two successive one (1) year terms, and shall terminate on August 1, 2011, or earlier, unless extended by mutual written agreement of the Parties.

3. COMPENSATION AND METHOD OF PAYMENT.

- A. Payments for services provided hereunder shall be made monthly following the performance of such services.
- B. No payment shall be made for any service rendered by the Service Provider except for services identified and set forth in this Agreement.

- C. For all “extra” work the City requires, the City shall pay the Service Provider for work performed under this Agreement according to the schedule attached hereto as “Addendum B,” or if none is attached, as subsequently agreed to by both parties in writing.
- D. The Service Provider shall submit to the City Manager or his designee on forms approved by the City Manager, an invoice for services rendered during the pay period. The City shall make payment to the Service Provider within thirty (30) days thereafter. Requests for more rapid payment will be considered if a discount is offered for early payment. Interest shall accrue at a rate of six percent (6%) per annum for services remaining unpaid for sixty (60) days or more.
- E. The Service Provider reserves the right to suspend or terminate work and this Agreement if any unpaid account exceeds sixty (60) days.

4. REPORTS AND INSPECTIONS.

- A. The Service Provider, at such times and in such forms as the City may require, shall furnish the City such statements, records, reports, data, and information as the City may request pertaining to matters covered by this Agreement.
- B. The Service Provider shall at any time during normal business hours and as often as the City may deem necessary, make available for examination of all its records and data with respect to all matters covered, directly or indirectly, by this Agreement and shall permit the City or its designated authorized representative to audit and inspect other data relating to all matters covered by this Agreement. The City may, at its discretion, conduct an audit at its expense, using its own or outside auditors, of the Service Provider’s activities, which relate directly or indirectly, to this Agreement.

5. INDEPENDENT CONTRACTOR RELATIONSHIP.

- A. The parties intend that an independent Service Provider/City relationship will be created by this Agreement. No agent, employee, or representative of the Service Provider shall be deemed to be an employee, agent, or representative of the City for any purpose, and the employees of the Service Provider are not entitled to any of the benefits the City provides for its employees. The Service Provider will be solely and entirely responsible for its acts and for the acts of its agents, employees, subcontractors or representatives during the performance of this Agreement.
- B. In the performance of the services herein contemplated the Service Provider is an independent contractor with the authority to control and direct the performance of the details of the work, however, the results of the work contemplated herein must meet the approval of the City and shall be subject to the City’s general rights of inspection and review to secure the satisfactory completion thereof.

6. SERVICE PROVIDER EMPLOYEE/AGENTS.

The City may at its sole discretion require the Service Provider to remove an employee(s), agent(s), or representative(s) from employment on this Project. The Service Provider may, however, employ that (those) individuals(s) on other non-City related projects.

7. HOLD HARMLESS INDEMNIFICATION.

A. The Service Provider shall indemnify and hold the City and its agents, employees, and officers, harmless from and shall process and defend at its own expense any and all claims, demands, suits, at law or equity, actions, penalties, losses, damages, or costs, of whatsoever kind or nature, brought against the City arising out of, in connection with, or incident to the execution of this Agreement and/or the Service Provider's defective performance or failure to perform any aspect of this Agreement; provided, however, that if such claims are caused by or result from the concurrent negligence of the City, its agents, employees, and officers, this indemnity provision shall be valid and enforceable only to the extent of the negligence of the Service Provider; and provided further, that nothing herein shall require the Service Provider to hold harmless or defend the City, its agents, employees and/or officers from any claims arising from the sole negligence of the City, its agents, employees, and/or officers. The Service Provider expressly agrees that the indemnification provided herein constitutes the Service Provider's limited waiver of immunity as an employer under Utah Code Section 34A-2-105; provided, however, this waiver shall apply only to the extent an employee of Service Provider claims or recovers compensation from the City for a loss or injury that Service Provider would be obligated to indemnify the City for under this Agreement. This limited waiver has been mutually negotiated by the parties, and is expressly made effective only for the purposes of this Agreement. The provisions of this section shall survive the expiration or termination of this Agreement.

B. No liability shall attach to the City by reason of entering into this Agreement except as expressly provided herein.

8. INSURANCE.

The Service Provider shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Service Provider, their agents, representatives, employees, or subcontractors. The Service Provider shall provide a Certificate of Insurance evidencing:

A. General Liability insurance written on an occurrence basis with limits no less than two million dollars (\$2,000,000) combined single limit per occurrence and four

million dollars (\$4,000,000) aggregate for personal injury, bodily injury and property damage.

The Service Provider shall increase the limits of such insurance to at least the amount of the Limitation of Judgments described in Section 63-30d-604 of the Governmental Immunity Act of Utah, as calculated by the state risk manager every two years and stated in Utah Admin. Code R37-4-3.

- B. Automobile Liability insurance with limits no less than two million dollars (\$2,000,000) combined single limit per accident for bodily injury and property damage.
- C. Professional Liability (Errors and Omissions) insurance written on claims made basis with limits no less than one million dollars (\$1,000,000) combined single limit per occurrence.
- D. Workers Compensation insurance limits written as follows:
Bodily Injury by Accident \$500,000 each accident;
Bodily Injury by Disease \$500,000 each employee, \$500,000 policy limit
- E. The City shall be named as an additional insured on the insurance policies, as respect to work performed by or on behalf of the Service Provider and a copy of the endorsement naming the City as an additional insured shall be attached to the Certificate of Insurance. The Certificate of insurance shall warrant that the City shall receive thirty (30) days advance notice of cancellation. The City reserves the right to request certified copies of any required policies.
- F. The Service Provider's insurance shall contain a clause stating that coverage shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

9. TREATMENT OF ASSETS.

Title to all property furnished by the City shall remain in the name of the City and the City shall become the owner of the work product and other documents, if any, prepared by the Service Provider pursuant to this Agreement (contingent on City's performance hereunder).

10. COMPLIANCE WITH LAWS.

- A. The Service Provider, in the performance of this Agreement, shall comply with all applicable federal, state, and local laws and ordinances, including regulations for licensing, certification and operation of facilities, programs and accreditation, and licensing of individuals, and any other standards or criteria as described in this Agreement to assure quality of services. Unless otherwise exempt, the Service Provider is required to have a valid Park City Business License.
- B. The Service Provider specifically agrees to pay any applicable fees or charges which may be due on account of this Agreement.

11. NONDISCRIMINATION.

- A. The City is an equal opportunity employer.
- B. In the performance of this Agreement, the Service Provider will not discriminate against any employee or applicant for employment on the grounds of race, creed, color, national origin, sex, marital status, age or the presence of any sensory, mental or physical handicap; provided that the prohibition against discrimination in employment because of handicap shall not apply if the particular disability prevents the proper performance of the particular worker involved. The Service Provider shall ensure that applicants are employed, and that employees are treated during employment without discrimination because of their race, creed, color, national origin, sex, marital status, age or the presence of any sensory, mental or physical handicap. Such action shall include, but not be limited to: employment, upgrading, demotion or transfers, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and programs for training including apprenticeships. The Service Provider shall take such action with respect to this Agreement as may be required to ensure full compliance with local, state and federal laws prohibiting discrimination in employment.
- C. The Service Provider will not discriminate against any recipient of any services or benefits provided for in this Agreement on the grounds of race, creed, color, national origin, sex, marital status, age or the presence of any sensory, mental or physical handicap.
- D. If any assignment or subcontracting has been authorized by the City, said assignment or subcontract shall include appropriate safeguards against discrimination. The Service Provider shall take such action as may be required to ensure full compliance with the provisions in the immediately preceding paragraphs herein.

12. ASSIGNMENTS/SUBCONTRACTING.

- A. The Service Provider shall not assign its performance under this Agreement or any portion of this Agreement without the written consent of the City, and it is further agreed that said consent must be sought in writing by the Service Provider not less than thirty (30) days prior to the date of any proposed assignment. The City reserves the right to reject without cause any such assignment.
- B. Any work or services assigned hereunder shall be subject to each provision of this Agreement and property bidding procedures where applicable as set forth in local, state or federal statutes, ordinance and guidelines.
- C. Any technical/professional service subcontract not listed in this Agreement, must have express advance approval by the City.

13. CHANGES.

Either party may request changes to the scope of services and performance to be provided hereunder, however, no change or addition to this Agreement shall be valid or binding upon either party unless such change or addition be in writing and signed by both parties. Such amendments shall be attached to and made part of this Agreement.

14. MAINTENANCE AND INSPECTION OF RECORDS.

- A. The Service Provider shall maintain books, records and documents, which sufficiently and properly reflect all direct and indirect costs related to the performance of this Agreement and shall maintain such accounting procedures and practices as may be necessary to assure proper accounting of all funds paid pursuant to this Agreement. These records shall be subject at all reasonable times to inspection, review, or audit by the City, its authorized representative, the State Auditor, or other governmental officials authorized by law to monitor this Agreement.
- B. The Service Provider shall retain all books, records, documents and other material relevant to this Agreement for six (6) years after its expiration. The Service Provider agrees that the City or its designee shall have full access and right to examine any of said materials at all reasonable times during said period.

15. POLITICAL ACTIVITY PROHIBITED.

None of the funds, materials, property or services provided directly or indirectly under the Agreement shall be used for any partisan political activity, or to further the election or defeat of any candidate for public office.

16. PROHIBITED INTEREST.

No member, officer, or employee of the City shall have any interest, direct or indirect, in this Agreement or the proceeds thereof.

17. MODIFICATIONS TO TASKS AND MISCELLANEOUS PROVISIONS.

- A. All work proposed by the Service Provider is based on current government ordinances and fees in effect as of the date of this Agreement.
- B. Any changes to current government ordinances and fees which affect the scope or cost of the services proposed may be billed as an “extra” pursuant to Paragraph 3(C), or deleted from the scope, at the option of the City.
- C. The City shall make provision for access to the property and/or project and adjacent properties, if necessary for performing the services herein.

18. TERMINATION.

- A. Either party may terminate this Agreement, in whole or in part, at any time, by at least thirty (30) days written notice to the other party. The Service Provider shall be paid its costs, including contract close-out costs, and profit on work performed up to the time of termination. The Service Provider shall promptly submit a termination claim to the City. If the Service Provider has any property in its possession belonging to the City, the Service Provider will account for the same, and dispose of it in a manner directed by the City.
- B. If the Service Provider fails to perform in the manner called for in this Agreement, or if the Service Provider fails to comply with any other provisions of the Agreement and fails to correct such noncompliance within three (3) days written notice thereof, the City may immediately terminate this Agreement for cause. Termination shall be effected by serving a notice of termination on the Service Provider setting forth the manner in which the Service Provider is in default. The Service Provider will only be paid for services performed in accordance with the manner of performance set forth in this Agreement.

19. NOTICE.

Notice provided for in this Agreement shall be sent by certified mail to the addresses designated for the parties on the last page of this Agreement.

20. ATTORNEYS FEES AND COSTS.

If any legal proceeding is brought for the enforcement of this Agreement, or because of a dispute, breach, default, or misrepresentation in connection with any of the provisions of this Agreement, the prevailing party shall be entitled to recover from the other party, in addition to any other relief to which such party may be entitled, reasonable attorney's fees and other costs incurred in that action or proceeding.

21. JURISDICTION AND VENUE.

- A. This Agreement has been and shall be construed as having been made and delivered within the state of Utah, and it is agreed by each party hereto that this Agreement shall be governed by laws of the state of Utah, both as to interpretation and performance.
- B. Any action of law, suit in equity, or judicial proceeding for the enforcement of this Agreement, or any provisions thereof, shall be instituted and maintained only in any of the courts of competent jurisdiction in Summit County, Utah.

22. SEVERABILITY.

- A. If, for any reason, any part, term, or provision of this Agreement is held by a court of the United States to be illegal, void or unenforceable, the validity of the remaining provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular provision held to be invalid.
- B. If it should appear that any provision hereof is in conflict with any statutory provision of the state of Utah, said provision which may conflict therewith shall be deemed inoperative and null and void insofar as it may be in conflict therewith, and shall be deemed modified to conform in such statutory provisions.

23. ENTIRE AGREEMENT.

The parties agree that this Agreement is the complete expression of the terms hereto and any oral representations or understandings not incorporated herein are excluded. Further, any modification of this Agreement shall be in writing and signed by both parties. Failure to comply with any of the provisions stated herein shall constitute material breach of contract and cause for termination. Both parties recognize time is of the essence in the performance of the provisions of this Agreement. It is also agreed by the parties that the forgiveness of the nonperformance of any provision of this Agreement does not constitute a waiver of the provisions of this Agreement.

IN WITNESS WHEREOF the parties hereto have caused this Agreement to be executed the day and year first hereinabove written.

PARK CITY MUNICIPAL CORPORATION

445 Marsac Avenue
Post Office Box 1480
Park City UT 84060-1480

Thomas B. Bakaly, City Manager

Attest:

City Recorder's Office

Approved as to form:

City Attorney's Office

SERVICE PROVIDER
JAMES C. BARKER, P.C.
2526 L Street, NW
Washington DC 20037
Tax ID: 010698220

James C. Barker

DISTRICT OF COLUMBIA)

On this ____ day of _____, 2008, personally appeared before me James C. Barker, whose identity is personally known to me/or proved to me on the basis of satisfactory evidence and who by me duly sworn/affirmed, that he has the authority to execute the same.

Notary Public

ADDENDUM "A"

SCOPE OF SERVICES

The overall objective of the consulting services agreement is for the consultant to secure federal funding for Park City Municipal Corporation in order to develop water resources and waste water resources. The consultant will represent Park City's interests in Washington, DC. Such representation shall include, but is not limited to the following:

1. Develop a comprehensive legislative and/or administrative strategy to obtain federal authorizations and federal appropriations;
2. Coordinate, direct, and implement legislative actions;
3. Prepare draft legislation, report language, and/or Congressional testimony as may be required;
4. Represent Park City in meetings with federal officials;
5. Develop relationships in Washington, DC which are beneficial to Park City's interests; and
6. As desired by Park City, assist in Utah state and local government activities.

ADDENDUM B

COMPENSATION SCHEDULE

Total Fee: The Total Fee for consulting services pursuant to this Agreement shall not exceed Eighty Four Thousand Dollars (\$84,000) base, plus Five Thousand Dollars (\$5,000) for expenses. The Total Fee shall represent compensation in full for Consulting Services for 360 hours annually, thirty (30) hours per month, not including expenses.

Invoice/Payment Schedule: The Total Fee shall be divided into twelve (12) equal monthly installments to be invoiced and paid as set forth in Paragraph 3 of this Agreement.

Additional Work: For all Consulting Services performed by Consultant pursuant to this Agreement in excess of thirty (30) hours for any monthly payment period, City shall compensate Consultant at a rate of Two Hundred Seventy Five Dollars per hour (\$275.00/hour). Prior to performing additional work in excess of thirty-hours (30) for any given month, Consultant must provide verbal notice to and receive consent from the City Manager.

JAMES C. BARKER, P.C.

ATTORNEY AND COUNSELOR AT LAW
2526 L STREET, NW
WASHINGTON, DC 20037

(202) 293-293-4064
FACSIMILE (202) 293-4588

June 4, 2008

Sharon Bauman
Park City Municipal Corporation
PO Box 1480
1354 Park Avenue
Park City, Utah 84060

Dear Ms. Bauman:

By way of this letter, I am submitting my proposal to the "Request for Proposal: To Provide Consulting Services for Park City Municipal Corporation", dated May 24, 2008.

Proposal Qualification Requirements:

Name: James C. Barker
James C. Barker, PC
2526 L Street, NW
Washington, D.C. 20037
202 293-4064 Office Phone
202 293-4588 Fax
jimbarker@jcbdc.com

1. Profile of the firm: James C. Barker, PC is a law firm providing assistance to clients in need of representation before the federal government—both the legislative and executive branches of government. The firm is considered national in scope. Mr. Barker is a member of the Washington, D.C. Bar and the firm's offices are located in Washington, DC. Mr. Barker would be the principal individual working as the Consultant to Park City with assistance from Mr. Nicholas "Nick" Crockett, who is also an attorney with Utah ties. Mrs. Alia Cardwell also provides assistance with administrative type matters.

Proposer's Qualifications:

2. Clients:

Park City, Utah
Utah Transit Authority
Fannie Mae Corporation
The Metropolitan Water District of Southern California
The Municipal Water District of Orange County, California
Live Wire Test Labs

3. Client Conflicts: Recognizing the significance for potential conflicts, I do not intend to represent another Utah City, thus there would be no conflict. During the tenure of my representation of Park City, I have rejected numerous invitations to represent other city governments in Utah and have declined to represent them.

4. Knowledge and Expertise: I have been noted in the Salt Lake Tribune as a "Prominent Washington Lobbyist with Utah ties". I am very well qualified to represent Park City's interests in Washington, D.C. before the United States Congress and the Executive Branch Agencies of the federal government. As the principle person working directly on the Park City account, I have a total of 29 years of experience working either in the federal government or in the private sector. My 22 years experience as a senior Congressional Staffer in both the U.S. House of Representatives and the U.S. Senate, and my 7 years of private sector experience as a Washington Attorney representing Park City and other clients have prepared me to offer a full range of services as a Washington, D.C. Consultant including:

1. Continue to develop a comprehensive legislative and/or administrative strategy to obtain federal authorizations and appropriations for water resources, as well as other Park City needs.
 - a. These activities are already well underway as I have been working closely with the relevant committees of Congress and the Army Corps of Engineers to amend our WRDA authorization for the construction of a pipeline.
 - b. Assist the City in land exchange related activities as deemed necessary and resolve Gamble Oak related land exchange issues.
2. Coordinate, direct, and implement legislative actions.
3. Prepare draft legislation, report language, and or Congressional testimony as may be required.
4. Represent Park City in meetings with federal officials.

Page three

5. Develop relationships in Washington, D.C., which are beneficial to Park City's interests.
6. As desired by Park City, assist in Utah state and local government activities.
7. Work with Fannie Mae or other secondary mortgage market lenders to assist Park City in developing low and moderate-income housing.
8. Assist in Transportation efforts.

Among other accomplishments, I was the Republican Counsel on the House Interior Committee, Water and Power Subcommittee, during which time I was responsible for being the lead Republican Staffer assisting in the passage of the \$1 Billion Federal Authorization to complete the Central Utah Water Project, as well as numerous other Western Water Projects. Prior to entering private practice, I served as Chief of Staff to Senator Bob Bennett capping off a 22 year congressional staff career. I am also retained by the largest water district in the United States, the Metropolitan Water District of Southern California, and another major water district, the Municipal Water District of Orange County, California. I have a thorough working knowledge of the federal legislative and administrative process.

5. **A. Performance and Capability:** During the past seven years I have worked successfully to assist Park City in: 1) obtaining federal appropriations for water development; 2) developing support for a Water Resources Development Act Authorization to construct a water pipeline; 3) assisting Park City in land exchange related issues such as the Red Maple and the Gamble Oak matter; 4) assisting in obtaining appropriations for water treatment facilities (Judge Tunnel) and water development; 5) generally assisting Park City with federal issues in Washington, D.C., and, 6) helping coordinate multiple congressional Member and staff meetings with Park City officials.

i. *Specific Performance in Federal Appropriations for Park City, Utah:

- \$100,000 Army Corps Federal Appropriation
- \$500,000 Army Corps Federal Appropriation, and
\$433,000 EPA STAG Appropriation for Judge/Spiro Tunnel
- \$500,000 Army Corps Federal Appropriation (directed to BOR)
\$867,000 EPA STAG Appropriation
- \$400,000 EPA STAG Appropriation
- Assistance in obtaining \$500,000 BOR Feasibility Study Funds
- \$300,000 EPA STAG Appropriation
- Grand Total: \$3.6 Million Dollars

Page four

*Also provided assistance in Park City receiving transportation funds and other federal benefits, not included in the above total.

**A \$30 million WRDA Army Corps Construction Authorization became law in 2007.

B. **References:**

1. American Capitol Group: Mr. Nate Gatten, Partner, 202 628 3750 (formerly a Vice President at Fannie Mae, one of my clients)
2. The Utah Transit Authority: Mr. Mike Allegra 801 262-5626
3. Metropolitan Water District of Southern California, Mr. Brad Hiltscher, 202 393 4251
4. Park City: Mr. Tom Bakaly, Jerry Gibbs.

6. **Fees:**

--\$84,000 Base Amount for 360 hours (30 hours per month or \$7,000); \$295 per hour over 30 hours per month.

--\$5,000 annual expense retainer (This amount is intended for Utah related travel and lodging. All out of town travel would be approved in advance by Park City.)

7. **Non-discrimination Clause:** James C. Barker, PC does not discriminate against any individual because of race, religion, sex, color, age, handicap or national origin and that these matters will not be a factor in consideration for employment, selection of training, promotion, transfer, recruitment, rates of pay, or other forms of compensation, demotion or separation.

I am excited about continuing to represent one of the finest cities in America. I have enjoyed my representation of Park City and look forward to continuing the relationship. I am happy to respond to any questions you may have regarding this proposal.

Sincerely,


James C. Barker

City Council Staff Report



Subject: 2060 Park Avenue
Author: Katie Cattan
Date: August 7, 2008
Type of Item: Quasi-Judicial - Appeal of MPD Application

PLANNING DEPARTMENT

Summary Recommendation

Staff requests that the City Council consider upholding the Planning Commission's approval of the Snow Creek Cottages Master Planned Development (MPD). Staff has prepared findings of fact and conclusions of law affirming the Planning Commission determination.

Topic

Project Name: Snow Creek Cottages MPD- Housing
Applicant: Park City Municipal Corporation
Location: 2060 Park Avenue
Zoning: Residential Development Medium Density (RDM)
Reason for review: Appeals of Planning Commission are reviewed by City Council

Introduction

LMC Section 15-1-18(G) explains the burden of proof and standard of review for an appeal. This section states:

"The appeal authority shall act in a quasi-judicial manner. The appellant has the burden of proving that the land use authority erred. Except for appeals to the board of adjustment, the appeal authority shall review factual matters de novo and it shall determine the correctness of a decision of the land use authority in its interpretation and application of the land use ordinance."

Accordingly, the rules and recommended process for the appeal are:

- a. Appeals are quasi-judicial and the Council should not accept ex parte contacts (contacts outside the hearing).
- b. There is no public hearing with an appeal – the hearing is limited to the issues raised by the appeal. However, the Council may by motion at the hearing expand the appeal to include public comment or additional substantive matters.
- c. The Council reviews factual matters "de novo" (the Council is not limited to the record created before PC and therefore staff, the appellants and the applicant may all introduce new information as it applies to the fact issues of the appeal), but the issues Council may consider are limited to those raised in

the appeal (Council may not decide the matter due to an issue which was not raised by the appellants unless it votes to expand the appeal as noted above). Council determines whether the PC correctly applied the Land Management Code to the facts of the application.

d. The appellant carries the burden of proving the Planning Commission erred. The appellant must proof the error by a preponderance of the evidence.

e. The Council may: a) grant the appeal and deny the application; b) grant the appeal in part and reverse in part and amend the conditions of approval; c) deny the appeal; or d) remand the matter back to Planning Commission with specific direction of what to reconsider.

f. The decision must be in writing and if Council does not adopt the written findings at the hearing, such findings must be ratified by the Council within 15 working days of the vote.

g. The process should start with a staff introduction, the Mayor should ask if the Council if it wants to expand the appeal, if not open the Appeal Hearing starting with appellant presentation, applicant presentation, any further staff or Planning Commission input, [public input if voted to allow], close the hearing, Council discussion, Action (or continue to date certain).

Background

The Snow Creek Cottages MPD is located within the Snow Creek Crossing Lot No.9 Subdivision. The Snow Creek Crossing Subdivision was recorded on October 10, 1995. During the Subdivision process, 19.944 acres of the subdivision was designated recreation open space. Lot 9 was created during the 1995 subdivision. The lot was then further subdivided for the sale of the Post Office lot in 1999. The remaining lot, Lot 9b, houses the Police Station and is the current lot proposed for the development of the Snow Creek Cottages.

The Snow Creek Cottages MPD is 13 detached, single family homes. An MPD approval by the Planning Commission is required by the Land Management Code because more than 10 residential units are proposed within the project. (LMC 15-6-2) The LMC requires that all Master Planned Developments contain a minimum of sixty percent open space. The current design provides seventy-one percent open space. This percentage does not include the initial 19.944 acres of open space which was placed aside during the original Snow Creek Subdivision. Lot 9b was identified to be developed as residential medium density within the 1992 and 1995 subdivision applications. The current project will utilize 13 unit equivalents, well under the remaining maximum allowed of 40 unit equivalents on the eight acre lot.

On January 17, 2008, the applicant submitted a complete application for a

Master Planned Development Pre-application meeting. The Planning Commission reviewed the preliminary application for compliance with the general plan. During the regularly scheduled meeting on March 12, 2008, the Planning Commission made findings that the project complies with the General Plan.

On May 12, 2008, the applicant submitted a complete application for a Master Planned Development (MPD). The property is located at 2060 Park Avenue in the residential development medium density (RDM) zoning district of Park City. The proposal is for a housing development of 13 owner-occupied, detached residential condominium units

On June 25, 2008, the Planning Commission reviewed the application for the Master Plan Development, conducted a public hearing, and continued the item to July 9, 2008. During the public hearing concern from adjacent property owners related to the MPD was expressed. The main concerns of the public were water issues, wildlife, and affordable housing. The Planning Commission requested that Planning Staff include an additional Condition of Approval to protect the wildlife that may exist on the site. Condition of approval #15 addresses this issue:

“15. A wildlife habitat study shall be completed prior to the issuance of a building permit. This study must identify the presence of threatened, endangered, and sensitive species on the immediate site.”

The Planning Commission also requested that staff return with additional analysis for a height exception, which was included in the July 9 report.

On July 9, 2008, the Planning Commission reviewed the application at the regularly scheduled meeting. The item was approved unanimously by the Planning Commission during this meeting.

On July 18, 2008, the City Recorder received a letter of appeal from eight members of the public. The appellants listed six reasons for the appeal, including the specific provisions of the law. (Exhibit A – Letter of Appeal)

Analysis and Discussion

The appellants listed six reasons for the appeal of the Planning Commission’s decision. The following is an analysis of the appellants’ listed reasons. Each of the appellant’s points are numbered and underlined. Staff comments follows each of the appellant’s statements.

“1. Condition #15 states that “A wildlife habitat study shall be completed prior to the issuance of a building permit. This study must identify the presence of threatened, endangered, and sensitive species on the immediate site. “ This Condition . . . fails to meet the criteria of the Land Management Code for the Sensitive Area Overlay Zone. Section 15-2.21-3(A) requires:

(A) **SENSITIVE LAND ANALYSIS**. Applicants for Development within the

SLO must identify the Property's sensitive environmental and aesthetic Areas such as Steep Slopes, Ridge Line Areas, wetlands, Stream Corridors, wildland interface, and wildlife habitat Areas, and provide at time of Application a Sensitive Land Analysis. Every annexation must provide a Sensitive Land Analysis.

Included in this Sensitive Land Analysis must be:

A map depicting all wildlife habitat Areas, as defined by a wildlife habitat report shall be provided by the Applicant. A wildlife habitat report shall be prepared by a professional, qualified in the Areas of ecology, wildlife biology, or other relevant disciplines and describe the following (Sec. 15-2.22-3(A)(7):

- (a) The ecological and wildlife Use characterization of the Property, explaining the species of wildlife using the Areas, the times or seasons the Area is used by those species, and the value, e.g. meaning feeding, watering, cover, nesting, roosting, or perching, that the Area provides for such wildlife species;
- (b) The existence of critical wildlife movement corridors;
- (c) The existence of special habitat features, including key nesting Sites, feeding Areas, calving, or production Areas, Use Areas for migrant song birds and grassland birds, fox and coyote dens, deer and elk winter concentration Areas as identified by the Utah Division of Wildlife, and Areas of high terrestrial or aquatic insect diversity.
- (d) Areas inhabited by or frequently utilized by any species identified by state or Federal agencies as threatened or endangered;
- (e) The general ecological functions provided by the Site and its features;
- (f) Potential impacts on these existing wildlife species that would result from the proposed movement.

“Condition #15 fails to meet the SLO requirements of sections (A), (B), (C), (E), and (F) above. Of specific concern are the seasonal use of the property by wildlife (the uses change in the winter and must be assessed) , the impact on all existing wildlife species that use the area (Subsection (a) above), not just the “threatened, endangered, and sensitive species on the immediate site” per Condition #15. A complete wildlife analysis per the SLO requirements must be performed.”

Staff Comment: Within the Sensitive Lands Overlay zone, pursuant to 15-2.21-2(C) (“Staff shall review the Sensitive Land Analysis, apply the applicable Sensitive Land Overlay Regulations”), planning staff determines which sensitive lands overlay regulations apply to the site. Due to the presence of wetlands and stream corridors on the site, Staff required that the applicant have a current wetlands delineation completed.

Staff determined that there were no Steep Slopes, Ridge Line Areas, wildland interface, and wildlife habitat areas. The Planning Staff checked with the Utah Department of Natural Resources that there was not concern for any existing protected, threatened, or endangered wildlife species on the site. Because no wildlife of concern was identified within the Utah Department of Natural Resources staff did not require an additional wildlife study at the time of application.

On June 25, 2008, the Planning Commission reviewed the MPD as a work session item, reviewed the item on the regular agenda, and opened a public hearing. During this meeting the Commission and the public raised concern for wildlife study. The Planning Commission requested that Planning Staff include an additional Condition of Approval to protect the wildlife that may exist on the site. Condition of approval #15 addresses this issue:

“15. A wildlife habitat study shall be completed prior to the issuance of a building permit. This study must identify the presence of threatened, endangered, and sensitive species on the immediate site.”

Currently, the applicant has contracted an independent company to perform a wildlife study of the site. The scope of the wildlife study is described within Attachment A of this staff report. The scope of the wildlife study fulfills the requirements of the Sensitive Lands Overlay analysis as well as condition of approval #15 of the Master Planned Development. This study must be completed prior to issuance of a building permit.

The LMC section 15-2.21-8 states the Sensitive Land Regulations for wildlife and wildlife habitat protection. Any outcome of the wildlife study will have to follow the SLO regulations (as follows) and any state and federal regulations.

15-2.21-8. SENSITIVE LAND REGULATIONS - WILDLIFE AND WILDLIFE HABITAT PROTECTION.

(A) INTENT. The following requirements and standards have been developed to promote, preserve, and enhance wildlife and wildlife habitat Areas in and around Park City, and to protect them from adverse effects and potentially irreversible impacts.

(B) JURISDICTION. All Sensitive or Specially Valued Species, including all species identified by state or federal agencies as threatened or endangered wildlife are regulated as provided below:

(1) PROTECTION OF WILDLIFE HABITAT AND ECOLOGICAL CHARACTER.

(a) CONSTRUCTION TIMING. Construction shall be organized and timed to minimize disturbance of Sensitive or Specially Valued Species occupying or using on-Site and adjacent natural Areas.

(b) SENSITIVE AND SPECIALLY VALUED SPECIES. If the Development Site contains or is within five hundred feet (500') of a natural Area or habitat Area, and the wildlife and habitat report show the existence of Sensitive or Specially Valued Species, the Development plans shall include provisions to ensure that any habitat contained in any such natural Area shall not be disturbed or diminished, and to the Maximum Extent Feasible, such habitat shall be enhanced.

(c) CONNECTIONS. If the Development Site contains existing natural Areas that connect to other Off-Site natural Areas, to the Maximum Extent Feasible the Development plan shall preserve such natural Area connections. If natural Areas lie adjacent to the Development Site, but such natural Areas are not presently connected across the Development Site, then the Development plan shall, to the extent reasonably feasible, provide such connection. Such connections shall be designed and constructed to allow for the continuance of existing wildlife movement between natural Areas and to enhance the opportunity for the establishment of new connections for movement of wildlife.

(d) WILDLIFE CONFLICTS. If wildlife that may create conflicts for future occupants of the Development are known to exist in Areas adjacent to or on the Development Site, then the Development plan must include provisions to minimize these conflicts to the extent reasonably feasible.

#2 Condition #5 listed in the Staff Report (page 185) states that "the City will required that a LOMR will be completed and approved prior to issuance of building permits." When this Condition was translated to the final approved condition list (page 193) it reads "5. The city may require that a LOMR be completed and approved prior to issuance of building permits." As approved by the Planning Commission, this is not a condition of approval since the City is left with the choice of whether to conduct a LOMR or not."

Staff Comment: The staff report and the condition of approval should both have stated "The city **may** require that a LOMR be completed and approved prior to issuance of building permit." The condition of approval was stated correctly. Within the FEMA guidelines a Letter of Map Revision (LOMR) is not required if the change in flood elevation is less than one foot. The City Engineer will review the hydrology study and if there is less than a one foot change in elevation of the flood plane then no LOMR will be required based on the FEMA standards. If the change in floodplain elevation is one foot or greater then a LOMR is required.

#3. On page 185 of the Staff Report of June 25, 2008 it states that "Two conditions of approval have been included as a condition of approval to make sure the wetland issues are mitigated and down stream impacts are mitigated." The report then cites condition #4 that requires and Army Corps of Engineer's approved wetland mitigation plan, and Condition #5 requiring a LOMR. However, according to FEMA, a LOMR is for the purpose of having FEMA: make an official determination regarding the location of your property relative to the SFHA

[special flood hazard area]. [For this purpose], you may request a letter of map amendment (LOMA) or a Letter of Map Revision Based on Fill (LOMR-F).

The LOMR has nothing to do with assessing or mitigating the down stream impacts. So, this requirement, deemed important by the Planning Staff and approved by the Commission, is in fact nowhere addressed in the conditions of approval. As currently approved, there will be no assessment of down stream impacts, as neighbors have repeatedly requested. The Planning Commission has neglected to address the need to assess ground water, runoff, water table, retention pond and down stream impacts of the project. We believe that an independent Engineering firm should be hired to perform this assessment, as the City and its employees may have a conflict of interest in the matter because it is both the approving body and the Applicant.

Staff Comment: The LOMR does assess the downstream and upstream impacts of development. The LOMR redefines the new flood boundaries limits on the map. The new boundaries must be identified until they reach the point of no impact. This does not consider property lines. The new boundaries will be assessed passed property lines upstream and downstream until the point of no impact is reached.

An engineering firm, Evergreen Engineering, was hired to assess the hydraulic and hydrology studies on the site. These studies are the first steps in the wetlands and floodplain analysis. These studies will determine the necessary engineering of the detention ponds (volume) and the impacts of the development on the flood boundaries. The findings of these studies will initiate whether or not a LOMR will be required. A wetlands analysis and mitigation plan will be created by Evergreen Engineering to mitigate impacts to the wetlands. This mitigation plan will be reviewed and approved by the Army Corp of Engineers. The groundwater and runoff will be evaluated as part of the wetland analysis and mitigation.

4. The Planning Commission has approved a height exemption for the project, allowing building heights to exceed the LMC limit by as much as 4'4". Title 15-6-5(F)(2) of the Land Management Code states that in order to grand a height exemption these criteria must be met:

"Buildings have been positioned to minimize visual impacts on adjacent structures. Potential problems on neighboring properties due to shadows, loss of solar access and loss of air circulation have been mitigated to the extend possible as defined by the Planning Commission."

In the Staff Report of June 25, 2008, item (2), the above requirement is listed followed by this comment (in its entirety):

"The adjacent building will not be affected by shadows, loss of solar access or loss of air circulation due to the amount of space between the proposed buildings and the neighboring buildings. No adjacent building is within 100' of the

proposed project. The applicant has provided an illustration of how shadows will affect the surrounding area. "

This comment, upon which the Planning Commission's approval for this criterion was based, completely fails to address the first sentence of the criterion regarding visual impacts. No attempt has been made to mitigate the visual impact of the propose project as a whole, and no justification has been given for why the height exemption should be granted. The proposed project will have a visual impact on the Windrift and Saddle residents. Granting the height exemption only worsens the visual impact.

The need for a height variance was not disclosed prior to the first Planning Commission meeting; it was only revealed by the Architect when questioned by a member of the audience, and seemed to come as a surprise to Staff and Commission members. The LMC 33' height limit is designed to eliminate 3-story residences, which is precisely what has been allowed in the proposed project. The original concept of this project, from the design charette, was for 1.5 story cottages, which would have gone a long way to mitigate the visual impact to the neighbors, as well as making the structures fit in better with their natural environment.

Staff Comment: Staff addressed the criteria of building positioning to minimize visual impacts on adjacent structures in Criteria #3 "The applicant has created a model to show the views of the existing adjacent properties and how they will be impacted by the project. The model demonstrates that the project is not in the direct views of any of the neighboring residential condominiums. The model demonstrates the increased setbacks and separation from adjacent projects." Additionally, the applicant presented a three dimensional site plan to the Planning Commission which showed the buildings were positioned on the site to minimize visual impacts on adjacent structures.

The Windrift Condominiums are located to the east of the project and at a higher elevation. The view of the mountains from the condominiums will not be impacted by the proposed single family homes due to the difference in elevation.

The Saddle Condominiums sit to the north of the property at a similar and lower elevation. These condos are oriented to the South-East. The proposed homes are not in the way of their direct view corridor. The applicant will provide the three dimension site plan at this appeal.

The appellant is correct that there was a miscommunication on the height during the initial Planning Commission meeting. The staff was under the assumption that the plans were showing the homes off of existing grade. The Architect thought that height was measured from final grade in this zoning district. Staff clarified that grade was measured from original grade and therefore a height exception would be required.

Staff disagrees with the appellant's comment that "no attempt has been made to mitigate the visual impact of the propose project as a whole, and no justification has been given for why the height exemption should be granted." The staff

report for the July 9th, 2008, Planning Commission meeting went through the 6 criteria for a height exception and found compliance with five of the criteria and found the sixth criteria to not be applicable (only applicable in the HR-1). The following is the height analysis from the July 9th, 2008 Staff report:

Building Height

The height requirements of the zoning districts in which an MPD is located regulate the height of development within the MPD. The Planning Commission may consider an increase in height based upon a site specific analysis and determination. The zone height for the RDM zone is twenty-eight feet (28') with an exception for an additional five feet (5') for gable, hip, gambrel and similarly pitched roofs. Height is measured from existing grade. The proposed single family homes will exceed the thirty-three feet (33') maximum due to necessary infill of the site. Within an MPD application, the Planning Commission may consider an increase in height based upon a site specific analysis and determination. In order to grant a building height exception the Planning Commission is required to make the following findings. The applicant bears the burden of proof to the Planning Commission that the necessary findings can be made. (Exhibit F)

- (1) The increase in building height does not result in increased square footage or building volume over what would be allowed under the zone required building height and density, including requirements for façade variation and design, but rather provides desired architectural variation.

Comment: The increase in building height is due to relatively steep pitched roofs. The roof pitches for the homes have been chosen for their compatibility with solar power as well as architectural variation. The design introduces five different roof shapes with a variety of pitches. The pitches range from a 10:12 pitch to a 4:12 pitch. The variation in roof pitches creates the need for a height exception. This height increase does not result in an increased square footage or building volume over what would be allowed in the zone. The applicant has provided details of how fill will impact the measurement of height in the zone. (Exhibit F) The zone has a maximum floor area of one. The lot area is 105,763.7 square feet. The total square footage of the homes is 24,567 square feet, well under the maximum floor area of one. The density has not been affected by the increase in height.

- (2) Buildings have been positioned to minimize visual impacts on adjacent structures. Potential problems on neighboring properties caused by shadows, loss of solar access, and loss or air circulation have been mitigated to the extent possible as defined by the Planning Commission;

Comment: The adjacent building will not be affected by shadows, loss of solar access, or loss of air circulation due to the amount of space between

the proposed buildings and the neighboring buildings. No adjacent building is within 100' of the proposed project. The applicant has provided an illustration of how shadows will affect the surrounding area. (Attachment F)

- (3) There is adequate landscaping and buffering from adjacent properties and uses. Increased setbacks and separations from adjacent projects are being proposed.

Comment: MPDs require a 25 foot setback from property lines. This project is within the Sensitive Lands Overlay Zone due to existing wetlands. The minimum setback requirement from wetlands within the SLO overlay zone is 50'. This project complies with all setback requirements. The closest residential structure to the project is the 124'. The distance to Winddrift Condos is approximately 124' and 190' to the Saddle Condos. The existing significant vegetation will not be disturbed. This vegetation will act as a buffer to the surrounding project. The applicant has created a model to show the views of the existing adjacent properties and how they will be impacted by the project. The model demonstrates that the project is not in the direct views of any of the neighboring residential condominiums. The model demonstrates the increased setbacks and separation from adjacent projects.

- (4) The additional building height has resulted in more than the minimum open space required and has resulted in the open space being more usable.

Permeability of site was of great concern in designing the single family homes. The original pre-MPD application had 60% open space proposed. The design team created homes with smaller footprints and more height in order to maximize the amount of permeable surface retained on the site. This resulted in 71% open space. The height exception request is a result of providing greater permeable area and smaller footprints.

- (5) The additional building height shall be designed in a manner so as to provide a transition in roof elements in compliance with Chapter 9, Architectural Guidelines or Historic District Design Guidelines if within the Historic District.

The proposed roof shapes comply with the Architectural Guidelines outlined in the Land Management Code. The roofs are typical pitched roofs acceptable within the architectural guidelines. The applicant has varied the roofs in the orientation to the street to give the homes unique character and avoid a cookie cutter appearance. There is transition in roof elements with smaller shed roofs and dormers to compliment the main roof structures. The roofs have been designed to maximize solar gain for the proposed solar panels.

- (6) Structures within the HR-1 District which meet the standards of

development on steep slopes, may petition the commission for additional height per criteria found in section 15-2.2-6.

Comment: Not applicable.

#5 The Staff Report of June 25 states “the variation in roof pitches creates the need for height exception.” This appears to be false assumption because variation in roof pitches could still be achieved within the 33’ height limit by limiting the building to 2.5 stories rather than a full 3 stories. A height exception should therefore not be necessary to achieve variation in roof pitches.

The code allows a height of 33’ above existing grade. The three story building as presented would be allowed. The roof pitch does not create more living space but does create the need for a height exception, as allowed under a master planned development. The applicant created more compact, taller homes to decrease the impermeable surface area on the site. By doing so the open space increased from 60 percent to 71 percent. See also analysis above. The roof pitch creates more interesting architectural design.

#6 The design team assured the Planning Commission that the retention ponds would be dry most of the time, and therefore not a scummy, smelly, dangerous, and mosquito-infested pond of standing water. There is no way that such assurances can be made without the results of the soils engineering studies that will determine the water table level underground. Given the height water level that requires pumping all spring, summer, and fall in the Windrift crawlspace, it is highly likely that the retention ponds will in fact contain standing water most of the year. The Planning Commission should have placed a condition of approval on the project that would require the applicant to provide design and analysis for the retention ponds that would assure that the retention pond swill be, in fact, short-term water retention devices and not repositories of standing water that would be detrimental to the environment and the neighborhood.

The applicant has provided a site plan indicating that two detention (not retention) ponds will be necessary as engineering controls for runoff. During a storm, the detention ponds will hold the excess water and release it at a slow rate back into the stream. The slow release prevents flooding and overflow of the stream. The carrying capacity of a detention pond is estimated for a 100 year storm. Evergreen Engineering is currently working on the hydrology study to assess the necessary size of the detention ponds. These ponds are not designed to hold water year round. They are designed to mitigate runoff control during a storm.

Process

Upon approval of an MPD, the approval shall be put in the form of a

Development agreement. The Development Agreement shall be in a form approved by the City Attorney, and shall contain the minimum requirements stated in LMC Section 15-6-3G. The Development Agreement shall be ratified by the Planning commission, signed by the City Council and the Applicant, and recorded with the Summit County Recorder. This agreement must be submitted to the City within six months of the date the project was approved by the Planning Commission or the Planning Commission approval shall expire. Construction, as defined by the Uniform Building Code, will be required to commence within two years of the date of the execution of the Development Agreement.

The City Council's decision on this appeal may be appealed to the District Court within 30 days of Final Action.

Notice

Property owners within 300 feet of the project were notified of the appeal on July 31, 2008. The property was properly posted and legally noticed.

Public Input

Staff has not received any public input concerning the appeal at the time of writing this staff report.

Alternatives

- The City Council may affirm the Planning Commissions decision to approve the Snow Creek Cottages MPD as conditioned or amended, or
- The City Council may reverse the Planning Commission decision and deny the Snow Creek Cottages MPD and direct staff to make Findings for this decision, or
- The City Council continue the discussion on the appeal of the Snow Creek Cottages MPD.

Significant Impacts

If the City Council chooses to reverse the Planning Commission decision and deny the Snow Creek Cottages MPD the applicant will have to change the current plans and go through the review process with the Planning Commission for any amended plans.

Recommendation

Staff recommends the City Council review the appeal and consider affirming the Planning Commission decision to approve the Snow Creek Cottages MPD as conditioned.

Findings of Fact

1. On May 12, 2008, the applicant submitted a complete application for a

- Master Planned Development, for a proposed housing development consisting of 13 single-family, owner-occupied, detached residential units with garages.
2. The property is located at 2060 Park Avenue, directly east of the new City Police Facility. The housing site is located on Lot 9B of the Snow Creek Crossing Lot 9 Subdivision, recorded on August 20, 1999, being a replat of the Snow Creek Crossing Subdivision, recorded on October 11, 1995. The parcel is part of the mixed use Snow Creek Master Planned Development, approved by the Planning Commission on May 13, 1993.
 3. The proposed project is located in the Residential Development Medium Density (RDM) zoning district.
 4. The proposed MPD is located within the Sensitive Lands Overlay Zone.
 5. The Planning Staff did not require the applicant to complete a wildlife study at the time of the application.
 6. As a condition of approval, the Planning Commission required the applicant to complete a wildlife habitat study prior to the issuance of a building permit. The study must identify the presence of threatened, endangered, and sensitive species on the immediate site.
 7. The applicant has hired a professional qualified in the area of wildlife biology to due a wildlife habitat study including criteria (a)-(f) of the Sensitive area overlay zone section 15-2.21-3(A)(7).
 8. Condition of approval #5 of the Snow Creek MPD states "The City may require that a LOMR be completed and approved prior to issuance of building permits"
 9. A LOMR is required by FEMA standards only if the flood elevation changes one foot or greater. If the change in the flood elevation is less than 1 foot a LOMR is not required under the FEMA standards.
 10. A Condition of Approval #4 and #5 within the MPD assist in mitigating impacts of the drainage upstream and downstream.
 11. An independent engineering firm as been hired by the applicant to assess the hydraulic and hydrology studies on the site. A wetlands analysis and mitigation plan will be created by the independent engineering firm to mitigate impacts to the wetlands. The mitigation plan will be reviewed and approved by the Army Corp of Engineers. The groundwater and runoff will be evaluated as part of the wetland analysis and mitigation.
 12. The applicant has requested a height exception up to 4 feet 4 inches above the maximum 33' zone height.
 13. Staff has evaluated how this height exception will impact the adjacent properties within the analysis section of this report.
 14. The buildings in the Snow Creek MPD are positioned to minimize visual impacts on adjacent structures.
 15. The variation in roof pitches creates the need for a height exception.
 16. The applicant created more compact, taller homes to decrease the impermeable surface area on the site.
 17. The detention ponds will be necessary as engineering controls for runoff.
 18. The discussion in the analysis section is incorporated herein.

Conclusions of Law

1. The MPD, as conditioned by the Planning Commission, complies with all the requirements of the Land Management Code.
2. The MPD, as conditioned by the Planning Commission, complies with the requirements of FEMA and the Army Corp of Engineers.
3. The MPD, as conditioned, is Compatible in Use, scale and mass with adjacent Properties, and promotes neighborhood Compatibility.
4. The MPD, as conditioned by the Planning Commission, complies with the height exception requirements for an MPD as outlined by the Land Management Code.
5. The MPD, as conditioned by the Planning Commission, meets the provisions of the Sensitive Lands provisions of the Land Management Code. The project has been designed to place Development on the most Developable Land and least visually obtrusive portions of the Site.
6. The Planning Commission did not err in its determination approving the MPD as conditioned.

Order:

1. The appeal is denied and the Planning Commission's determination is affirmed.

Exhibits

- A. Appeal
- B. Scope of Work from Wildlife Biologist
- C. July 23, 2008 Planning Commission Staff Report
- D. July 23, 2008 Planning Commission minutes

Carole Casten
613 Windrift Lane #14
Park City, UT 84060
(435) 645-9435
(310) 871-3778

Lisa Rudy
7 Windrift Lane
Park City, UT 84060
(435) 658-4363

Randi Tonnessen
12 Windrift Lane
Park City, UT 84060
(435) 649-9773

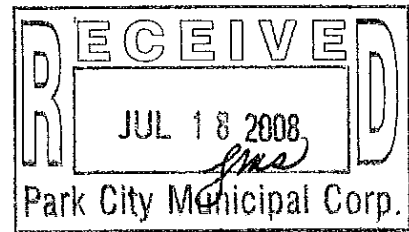
Nancy Solomon
710 Saddle View Way
Park City, UT 84060
(435) 649-2323

Conrad Elliott
10 Windrift Lane
Park City, UT 84060
(435) 649-7708

Howard Anderson
700 Saddle View Way
Park City, UT 84060
(435) 649-4611

Lori Clark
570 Windrift Lane #8
Park City, UT 84060
(801) 949-3105

Marcia Griffiths
31 Windrift Lane
Park City, UT 84060
(435) 645-9821



July 18, 2008

APPEAL TO CITY COUNCIL REGARDING 2060 PARK AVENUE

We are writing to appeal the Planning Commission's decision to approve the project at 2060 Park Avenue (Snow Creek Cottages MPD) including an appeal to the height exemption. All of the above petitioners are residents within 300 feet of the proposed project. Two checks totaling \$365.00 are attached.

Title 15, Land Management Code, Chapter 2.21, Sensitive Area Overlay Zone Regulations states in item (E) that the purpose of the Sensitive Land Overlay is to "protect and preserve environmentally Sensitive Land." The Planning Commission must require that the Applicant (Park City Municipal Corporation) satisfy the development requirements as follows:

1. Condition #15 states that "A wildlife habitat study shall be completed prior to the issuance of a building permit. This study must identify the presence of threatened, endangered, and sensitive species on the immediate site." **This Condition fails to meet the criteria of the Land Management Code for the Sensitive Area Overlay Zone.** Section 15-2.21-3(A) requires:

Applicants for Development within the SLO must identify the Property's sensitive environmental and aesthetic Areas such as Steep Slopes, Ridge Line Areas, wetlands, Stream Corridors, wildland interface, and wildlife habitat Areas, and provide at time of Application a Sensitive Land Analysis.

Included in this Sensitive Land Analysis must be:

A map depicting all wildlife habitat Areas, as defined by a wildlife habitat report shall be provided by the Applicant. A wildlife habitat report shall be prepared by a professional, qualified in the Areas of ecology, wildlife biology, or other relevant disciplines and describe the following (Sec. 15-2.22-3(A)7):

- (a) The ecological and wildlife Use characterization of the Property, explaining the **species of wildlife using the Areas, the times or seasons the Area is used by those species**, and the value, e.g. meaning feeding, watering, cover, nesting, roosting, or perching, that the Area provides for such wildlife species;
- (b) The **existence of critical wildlife movement corridors**;
- (c) The existence of special habitat features, including key nesting Sites, feeding Areas, calving, or production Areas, Use Areas for migrant song birds and grassland birds, fox and coyote dens, deer and elk winter concentration Areas as identified by the Utah Division of Wildlife, and Areas of high terrestrial or aquatic insect diversity.
- (d) Areas inhabited by or frequently utilized by any species identified by state or Federal agencies as threatened or endangered;
- (e) The general ecological functions provided by the Site and its features;
- (f) **Potential impacts on these existing wildlife species that would result from the proposed project.**

Condition #15 fails to meet the SLO requirements of sections (A), (B), (C), (E), and (F) above. Of specific concern, are the seasonal uses of the property by wildlife (the uses change in the winter and must be assessed), the impact on **all existing wildlife species that use the area** (Subsection (a) above), **not just the “threatened, endangered, and sensitive species on the immediate site” per Condition #15.** A complete Wildlife Analysis per the SLO requirements must be performed.

2. Condition #5 listed in the Staff Report (page 185) states that “The City **will require** that a LOMR be completed and approved prior to issuance of building permits.” When this Condition was translated to the final approved condition list (page 193), it reads “5. The City **may require** that a LOMR be completed and approved prior to issuance of building permits.” As approved by the Planning Commission, this is not a condition of approval since the City is left with the choice of whether to conduct a LOMR or not.
3. On page 185 of the Staff Report of June 25, 2008 it states that “Two conditions of approval have been included as a condition of approval to make sure the wetland issues are mitigated **and down stream impacts are mitigated.**” The Report then cites Condition #4 that requires An Army Corps of Engineer’s approved wetland mitigation plan, and Condition #5 requiring a LOMR. However, according to FEMA, a LOMR is for the purpose of having FEMA:

make an official determination regarding the location of your property relative to the SFHA [Special Flood Hazard Area]. [For this purpose], you may request a Letter of Map Amendment (LOMA) or a Letter of Map Revision Based on Fill (LOMR-F).

The LOMR has nothing to do with assessing or mitigating the down stream impacts. So, this requirement, deemed important by the Planning Staff and approved by the Commission, is in fact nowhere addressed in the conditions of approval. As currently approved, there will be no assessment of down stream impacts, as the neighbors have repeatedly requested. The Planning Commission has neglected to address the need to assess ground water, runoff, water table, retention pond and down stream impacts of the project. We believe that an independent Engineering firm should be hired to perform this assessment, as the City and its employees may have a conflict of interest in the matter because it is both the approving body and the Applicant.

4. The Planning Commission has approved a height exemption for the project, allowing building heights to exceed the LMC limit by as much as 4' - 4". Title 15-6-5. (F) (2) of the Land Management Code states that in order to grant a height exemption these criteria must be met:

Buildings have been positioned to minimize visual impacts on adjacent structures. Potential problems on neighboring properties due to shadows, loss of solar access and loss of air circulation have been mitigated to the extent possible as defined by the Planning Commission.

In the Staff Report of June 25, 2008, item (2), the above requirement is listed, followed by this comment (in its entirety):

The adjacent building will not be affected by shadows, loss of solar access or loss of air circulation due to the amount of space between the proposed buildings and the neighboring buildings. No adjacent building is within 100' of the proposed project. The applicant has provided an illustration of how shadows will affect the surrounding area.

This comment, upon which the Planning Commission's approval for this criterion was based, completely fails to address the first sentence of the criterion regarding visual impacts. **No attempt has been made to mitigate the visual impact of the proposed project as a whole, and no justification has been given for why the height exemption should be granted.** The proposed project *will* have a visual impact on the Windrift and Saddle residents. Granting the height exemption only worsens the visual impact.

The need for a height variance was not disclosed prior to the first Planning Commission meeting; it was only revealed by the Architect when questioned by a member of the audience, and seemed to come as a surprise to the Staff and Commission members. The LMC's 33' height limit is designed to eliminate 3-story

residences, which is precisely what has been allowed in the proposed project. The original concept of this project, from the design charette, was for 1.5-story cottages, which would have gone a long way to **mitigate the visual impact to the neighbors, as well as making the structures fit in better with their natural environment.**

5. The Staff Report of June 25 states “the variation in roof pitches creates the need for height exception.” This appears to be a false assumption because variation in roof pitches could still be achieved within the 33’ height limit by limiting the buildings to 2.5 stories rather than a full 3 stories. A height exception should therefore not be necessary to achieve variation in roof pitches.
6. The design team assured the Planning Commission that the retention ponds would be dry most of the time, and therefore not a scummy, smelly, dangerous, and mosquito-infested pond of standing water. There is no way that such assurances can be made without the results of the soils engineering studies that will determine the water table level underground. Given the high water level that requires pumping all spring, summer, and fall in the Windrift crawlspace, it is highly likely that the retention ponds will in fact contain standing water most of the year. The Planning Commission should have placed a condition of approval on the project that would require the Applicant to provide design and analysis for the retention ponds that would assure that the retention ponds will be, in fact, short-term water retention devices and not repositories of standing water that would be detrimental to the environment and the neighborhood.

We respectfully submit these concerns and look forward to addressing them in the Park City Municipal Code appeal process.



LOGAN SIMPSON
DESIGN INC.

July 29, 2008

Ms. Phyllis McDonough Robinson
Community and Public Affairs Manager
Park City, Utah

RE: Scope of Work and Fee Estimate for a Biological Overview of the Snow Creek
Cottages Master Planned Development Housing

Dear Ms. Robinson:

Logan Simpson Design Inc. (LSD) appreciates the opportunity to present our fee proposal to the Park City Planning Department to conduct a biological resources overview for the Snow Creek Cottages Master Planned Development (MPD) - Housing.

LSD is able to offer a variety of services including biological resources surveys and assessments, Endangered Species Act (ESA) compliance, Clean Water Act permitting, design for ecological restoration, and geographic information systems (GIS)/graphic production services. Our staff includes experts on rare and endangered species, and has extensive experience with the regulatory requirements of the ESA. The full range of experience and technical expertise within LSD is available to assist the City. Ms. Heather English, LSD biologist, will be the project manager assigned to this project. She has focused on wildlife and especially riparian birds for the last 11 years, conducting general species surveys, bird banding studies, and avian habitat evaluations. She has worked as a research biologist with the U.S. Geological Survey, Colorado Plateau Research Station and the Arizona Game and Fish Department, where she served as a state-wide biologist for the endangered southwestern willow flycatcher (resume attached).

SCOPE OF WORK

This proposal is to complete a biological resources overview report on the 2.43-acre property identified for the proposed Snow Creek Cottages MPD, a 13 unit residential development in Park City, Utah, located at 2060 Park Avenue. The biological resources overview will provide a general assessment of the environmental/biological characteristics of the area and include an evaluation of the US Fish and Wildlife Service (FWS) list of endangered, threatened, proposed, candidate, and conservation agreement species, and designated or proposed critical habitat as listed under the ESA for Summit County, Utah. LSD will complete a literature review, obtain a current species list from the FWS website, and coordinate with land and resource management agencies as necessary to obtain current site-specific information regarding special status plant

and animal species occurrences in the general project area. An on-site reconnaissance-level survey of the project area will be conducted to evaluate the potential for the presence of special status species or their habitats, general habitat value to local wildlife populations, and to provide photo documentation of the project area. The presence or absence of suitable or occupied habitat for special status species, and potential project-related impacts to wildlife, habitats, or special status species will be documented in the biological resources overview.

LSD has reviewed the Sensitive Area Overlay Zone (SLO) ordinance and the Sensitive Land Analysis. LSD will address the Wildlife Habitat Areas portion (included below) of the SLO. LSD will address each of the sections [(a) – (f)]. However, we will not address “all” possible species that use the area but we will use a group of representative species, including seasonal use, appropriate to the area. The wildlife values of the property will be addressed in both a local and regional context, as there are no established standards to address the evaluation required under the SLO ordinance.

15-2.21-3. SENSITIVE LAND OVERLAY ZONE ORDINANCE PROVISIONS.

(A) **SENSITIVE LAND ANALYSIS.** Any Applicant for Development must produce a Sensitive Land Analysis performed by a Qualified Professional(s) that identifies and delineates all the following features and conditions

(7) **WILDLIFE HABITAT AREAS.** A map depicting all wildlife habitat Areas, as defined by a wildlife habitat report shall be provided by the Applicant. A wildlife habitat report shall be prepared by a professional, qualified in the Areas of ecology, wildlife biology, or other relevant disciplines and describe the following:

(a) The ecological and wildlife Use characterization of the Property, explaining the species of wildlife using the Areas, the times or seasons the Area is used by those species, and the value, e.g. meaning feeding, watering, cover, nesting, roosting, or perching, that the Area provides for such wildlife species;

(b) The existence of critical wildlife movement corridors;

(c) The existence of special habitat features, including key nesting Sites, feeding Areas, calving, or production Areas, Use Areas for migrant song birds and grassland birds, fox and coyote dens, deer and elk winter concentration Areas as identified by the Utah Division of Wildlife, and Areas of high terrestrial or aquatic insect diversity.

(d) Areas inhabited by or frequently utilized by any species identified by state or Federal agencies as threatened or endangered;

(e) The general ecological functions provided by the Site and its features;

(f) Potential impacts on these existing wildlife species that would result from the proposed movement.

Species specific surveys (i.e., surveys that meet specific protocols necessary to formally document the absence of a species) and formal ESA Section 7 consultation with FWS (e.g., required when project activities may adversely effect ESA-listed species) are not anticipated to be necessary and are not included as part of this Scope of Work. LSD is prepared to conduct the site visit within 7 days of the notice to proceed and complete all documentation within 14 days, understanding that it would be preferred that the draft report is completed by August 7th, 2008. Two copies of the draft biological resources overview will be provided for review and comment; following incorporation of review comments, three copies of the final report will be submitted.

COST ESTIMATE

LSD proposes to complete this Scope of Work on a lump sum basis. The project has clearly defined parameters and will be completed within 30 days of a notice to proceed. LSD proposes

Planning Commission Staff Report



Subject: 2060 Park Avenue
Author: Katie Cattan
Date: June 25, 2008 Should say July 9 - KC planner
Type of Item: MPD Application- Work Session and Public Hearing

PLANNING DEPARTMENT

Summary Recommendation

Staff requests that the Planning Commission review the application for the Snow Creek Cottages Master Planned Development (MPD), conduct a public hearing, and consider approving the MPD based on the findings of fact, conclusions of law, and conditions of approval found in this staff report.

Topic

Project Name: Snow Creek Cottages MPD- Housing
Applicant: Park City Municipal Corporation
Location: 2060 Park Avenue
Zoning: Residential Development Medium Density (RDM)
Reason for review: Master Planned Developments require Planning Commission review and approval.

Background

On January 17, 2008, the applicant submitted a complete application for a Master Planned Development Pre-application meeting. The Planning Commission reviewed the preliminary application for compliance with the general plan. During the regularly scheduled meeting on March 12, 2008, the Planning Commission made findings that the project complies with the General Plan.

On May 12, 2008, the applicant submitted a complete application for a Master Planned Development (MPD). The property is located at 2060 Park Avenue in the residential development medium density (RDM) zoning district of Park City. The proposal is for a housing development of 13 owner-occupied, detached residential condominium units

On June 25, 2008, the Planning Commission reviewed the application for the Master Plan Development, conducted a public hearing, and continued the item to July 9, 2008. During this meeting concern from adjacent property owners was expressed during the public hearing. The main concerns of the public were water issues, wildlife, and affordable housing. The Planning Commission requested that Planning Staff include an additional Condition of Approval to protect the wildlife that may exist on the site. Condition of approval #15 addresses this issue:

“15. A cursory wildlife habitat study shall be completed prior to the issuance of a building permit. This study must identify the presence of threatened,

endangered, and sensitive species on the immediate site.”
The Planning Commission also requested that staff return with additional analysis for a height exception. This has been included within the analysis section of this report.

The housing site is located on Lot 9B of the Snow Creek Crossing Lot 9 Subdivision, recorded on August 20, 1999, being a replat of the Snow Creek Crossing Subdivision, recorded on October 11, 1995. The 8 acre lot is part of the mixed use Snow Creek Master Planned Development, approved by the Planning Commission on May 13, 1993.

A private road accessing the new post office and police facility and an asphalt bike path are located on the lot. There are areas of delineated wetlands, two streams, and associated riparian vegetation on the lot. Portions of the lot lie within the flood plain, i.e. within Flood Zone A and Flood Zone X (Exhibit A).

The proposed development area is located outside of the delineated wetlands maintaining required minimum setbacks of 50 feet. The access road, as well as utilities to service the units, requires a crossing of a portion of the wetlands. Appropriate wetlands permits and approved mitigation measures (Army Corp of Engineers) would be required prior to any construction.

The future building permits for the 13 single family homes shall comply with the LMC requirements for development in the RDM zoning district of Park City and the conditions of approval of the MPD. Single family homes are an allowed use within the RDM zoning district.

Prior to sale of these homes as condominium units to individual purchasers, a condominium plat would have to be reviewed by Planning Commission and approved by City Council and recorded at Summit County. Construction of the units could occur prior to approval and recordation of a condominium plat, upon issuance of appropriate building permits.

The Snow Creek housing development is proposed to be a mix of detached at-grade units with private garages. An MPD is required because the project proposes more than 10 dwelling units. Owner occupancy, resale restrictions, and other appropriate deed restrictions will be placed as part of the Master Planned Development (MPD). The affordable units as required by the MPD will conform to the 2007 Housing Resolution. The final terms of the deed restrictions will be reviewed and approved by the City Council and recorded prior to or concurrent with the plat recordation.

A public street is proposed within the project, with a hammerhead emergency turn around configuration at the terminus. Two private driveways are proposed to branch out from the hammerhead to provide access to 2 units on the west branch and 3 to 4 units on the east branch. The remaining 7- 8 units have access to the

main street. The distance from Snow Creek Drive, a public street, to the hammerhead turn around, via the private access drive behind the police station (with an existing platted access easement for this property) is approximately 450 linear feet. The proposed street is approximately 320' in length from the access drive to the hammerhead. These distances are within acceptable limits for cul-de-sacs.

Identified in the application are the following guiding principles for this development:

- Cost effective to build, durable and practical to maintain
- Create a high quality, healthy living environment
- Reduce utility costs to residence
- Enhance the residents connection to nature
- Protect the environment by conserving resources including energy, water, and materials
- Use efficient footprints and maximize space efficiently
- Enhance walkability and trail connectivity
- Advance the health of local and regional ecosystems

Identified in the application as development goals include the following:

- Exceed the IECC 2007 by at least 60 percent
- Achieve a minimum of 50 years durability on building materials
- Minimize project waste by reusing/recycling 80% of project waste.

Analysis and Discussion

The Land Management Code Section 15-6-5 identifies the minimum requirements of all Master Planned Developments. The Planning Commission must make the necessary findings of compliance with the LMC requirements for approval of an MPD. The requirements are identified followed by analysis below:

Density

At the time of the original 1993 Snow Creek MPD, the maximum density was established as 5 units per acre. This Snow Creek MPD parcel is comprised of a one 8 acre lot. The new police facility occupies approximately 2 acres of the site and the remaining 6 acres are vacant of buildings. Per LMC section 15-6-8, one Unit Equivalent (UE) equates to 2000 square feet of residential floor area and 1000 square feet of commercial floor area.

The RDM zone allows 5 UE per acre and MPDs may approach 8 UE per acre (LMC Section 15-2.14-3(A)), allowing up to 64 UE on the 8 acres. Twenty-four (24) UE were utilized with the 24,000 sf police facility, leaving up to 40 UE of density for the remaining 6 acres. The applicant desires to construct 13

detached, single family housing units on the site, in an area located east of the private road and bike path. The houses are proposed to be between 1,500 sf and 1,800 sf with attached garages which will use 13 UE. Therefore, under this proposal a total of 37 UE will be utilized on the parcel. This includes the police station and the proposed Snow Creek Cottages MPD. Thus, the MPD is proposing less density than allowed, even without the MPD allowance.

Setbacks

The minimum setback around the exterior boundary of an MPD is twenty five feet for parcels greater than one acre in size. The Snow Creek Cottages MPD is located within the Sensitive Lands Overlay zone and adjacent to delineated wetlands. Due to the proximity to neighboring wetlands the project is required to maintain a minimum setback of 50 feet from the delineated wetlands. The Snow Creek Cottages MPD maintains the required minimum setback of 50 feet and exceeds the minimum 25' for MPDs.

Open Space

Per LMC section 15-6-5(D) all MPDs are required to contain a minimum of sixty percent open space. The Snow Creek Cottages MPD contains seventy-one (71) percent open space. The following breakdown was provided by the applicant

Site Area	2.428 acres (105,763.7 SF)*
Proposed Units	13
Access Road	12,169.56 sf
Driveways	7,816.90 sf
Total Pavement	19,986 sf
Total Buildings impervious area	10,144 sf
Total Impervious Area	30,130 sf
Proposed Open Space	71 %

*Site area is based on future subdivision of parcel.

Off Street Parking

Two (2) vehicle parking spaces are required per unit based upon the proposed residential use of the site. LMC section 15-3-6 requires single family dwellings to have 2 parking spaces per dwelling. In an effort to minimize the amount of impervious area on the site, the applicant has incorporated tandem parking into 7 of the 13 single family homes. Each home has provided a minimum of two spaces. Single car garages must have a minimum interior dimension of eleven feet (11') wide by twenty feet (20') deep. Double car garages must be at least twenty feet (20') wide by twenty feet (20') deep. Driveway parking spaces must be a minimum of nine feet (9') wide by eighteen feet (18') deep. Given these calculations, the proposed parking for the Snow Creek Cottages MPD complies with the regulations of the Land Management Code. The applicant is not requesting a change in the required parking. Therefore, no additional parking analysis is required per LMC section 15-6-5(E).

Building Height

The height requirements of the zoning districts in which an MPD is located regulate the height of development within the MPD. The Planning Commission may consider an increase in height based upon a site specific analysis and determination. The zone height for the RDM zone is twenty-eight feet (28') with an exception for an additional five feet (5') for gable, hip, gambrel and similarly pitched roofs. Height is measured from existing grade. The proposed single family homes will exceed the thirty-three feet (33') maximum due to necessary infill of the site. Within an MPD application, the Planning Commission may consider an increase in height based upon a site specific analysis and determination. In order to grant a building height exception the Planning Commission is required to make the following findings. The applicant bears the burden of proof to the Planning Commission that the necessary findings can be made. (Exhibit F)

- (1) The increase in building height does not result in increased square footage or building volume over what would be allowed under the zone required building height and density, including requirements for façade variation and design, but rather provides desired architectural variation.

Comment: The increase in building height is due to relatively steep pitched roofs. The roof pitches for the homes have been chosen for their compatibility with solar power as well as architectural variation. The design introduces five different roof shapes with a variety of pitches. The pitches range from a 10:12 pitch to a 4:12 pitch. The variation in roof pitches creates the need for a height exception. This height increase does not result in an increased square footage or building volume over what would be allowed in the zone. The applicant has provided details of how fill will impact the measurement of height in the zone. (Exhibit F) The zone has a maximum floor area of one. The lot area is 105,763.7 square feet. The total square footage of the homes is 24,567 square feet, well under the maximum floor area of one. The density has not been affected by the increase in height.

- (2) Buildings have been positioned to minimize visual impacts on adjacent structures. Potential problems on neighboring properties caused by shadows, loss of solar access, and loss of air circulation have been mitigated to the extent possible as defined by the Planning Commission;

Comment: The adjacent building will not be affected by shadows, loss of solar access, or loss of air circulation due to the amount of space between the proposed buildings and the neighboring buildings. No adjacent building is within 100' of the proposed project. The applicant has provided an illustration of how shadows will affect the surrounding area. (Attachment F)

- (3) There is adequate landscaping and buffering from adjacent properties and

uses. Increased setbacks and separations from adjacent projects are being proposed.

Comment: MPDs require a 25 foot setback from property lines. This project is within the Sensitive Lands Overlay Zone due to existing wetlands. The minimum setback requirement from wetlands within the SLO overlay zone is 50'. This project complies with all setback requirements. The closest residential structure to the project is the 124'. The distance to Winddrift Condos is approximately 124' and 190' to the Saddle Condos. The existing significant vegetation will not be disturbed. This vegetation will act as a buffer to the surrounding project. The applicant has created a model to show the views of the existing adjacent properties and how they will be impacted by the project. The model demonstrates that the project is not in the direct views of any of the neighboring residential condominiums. The model demonstrates the increased setbacks and separation from adjacent projects..

- (4) The additional building height has resulted in more than the minimum open space required and has resulted in the open space being more usable.

Permeability of site was of great concern in designing the single family homes. The original pre-MPD application had 60% open space proposed. The design team created homes with smaller footprints and more height in order to maximize the amount of permeable surface retained on the site. This resulted in 71% open space. The height exception request is a result of providing greater permeable area and smaller footprints. .

- (5) The additional building height shall be designed in a manner so as to provide a transition in roof elements in compliance with Chapter 9, Architectural Guidelines or Historic District Design Guidelines if within the Historic District.

The proposed roof shapes comply with the Architectural Guidelines outlined in the Land Management Code. The roofs are typical pitched roofs acceptable within the architectural guidelines. The applicant has varied the roofs in the orientation to the street to give the homes unique character and avoid a cookie cutter appearance. There is transition in roof elements with smaller shed roofs and dormers to compliment the main roof structures. The roofs have been designed to maximize solar gain for the proposed solar panels.

- (6) Structures within the HR-1 District which meet the standards of development on steep slopes, may petition the commission for additional height per criteria found in section 15-2.2-6.

Comment: Not applicable.

Site Planning

An MPD must be designed to take into consideration the characteristics of the site upon which it is proposed to be placed. The project should be designed to fit the site, not the site modified to fit the project. Per LMC section 15-6-5(G), the following shall be addressed in the site planning for an MPD:

- (1) Units should be clustered on the most developable and least visually sensitive portions of the site with common open space separating the clusters. The open space corridors should be designed so that existing significant vegetation can be maintained on the site.

The proposed units and associated infrastructure are located on 30% of the proposed lot. The units have a minimum 10 foot setback from each other and have been oriented to minimize pavement and maximize solar orientation and view corridors. The 13 units themselves are arranged in groups of 3-4 units creating clusters within the subdivision. Open space within the lot includes significant features such as wetlands, wetlands setback areas and existing vegetation. Two conditions of approval have been included to make sure the wetland issues are mitigated and down stream impacts are mitigated. These are:

Condition # 4: A Corp of Engineer's approved wetland mitigation plan must be submitted to the Building Department prior to issuance of any building permits.

Condition # 5: The City will require that a LOMR be completed and approved prior to issuance of building permits

- (2) Projects shall be designed to minimize grading and the need for large retaining structures.

Grading of the site is necessary to raise the proposed units above the floodplain elevation. The units will be raised between 1.9 to 4.4 feet and this grading will not require the use of retaining walls to achieve this goal. There may be some retaining necessary in the area of the culvert/bridge stream crossing. This is necessary to minimize impact to adjacent wetlands, the stream itself and the existing trail.

- (3) Roads, utility lines, and buildings should be designed to work with the existing grade. Cuts and fills should be minimized.

Similar to response #2, grading and location of utility corridors and roadways have been accomplished with minimal impact to existing vegetation and other sensitive areas.

- (4) Existing trails should be incorporated into the open space elements of the

project and should be maintained in their existing location whenever possible. Trail easements for existing trails may be required. Construction of new trails will be required consistent with the Park City Trails Master Plan.

The project is bordered by the McLeod trail. The trail will be maintained in its original location. The project proposes a connection to the trail near the middle of the project. There is another existing trail to the east, but access to that trail would require crossing land not part of the Snow Creek Cottages application and would require crossing another stream and wetland area.

- (5) Adequate internal vehicular and pedestrian/bicycle circulation should be provided. Pedestrian/bicycle circulations shall be separated from vehicular circulation and may serve to provide residents the opportunity to travel safely from an individual unit to another unit and to the boundaries of the property or public trail system. Private internal streets may be considered for condominium projects if they meet minimum emergency and safety requirements.

Similar to response #4, pedestrian/bike access trail connections have been provided. The internal street network will be paved in a manner that delineates a pedestrian path from the southern residence to the open space area adjacent to the turnaround area. The turnaround area is sufficient to accommodate emergency vehicle movements.

- (6) The site plan shall include adequate areas for snow removal and snow storage. The landscape plan shall allow for snow storage areas. Structures shall be set back from any hard surfaces so as to provide adequate areas to remove and store snow. The assumption is that snow should be able to be stored on site and not removed to an off-site location.

Snow storage areas have been identified on the revised Preliminary Site Plan. Most structures are setback from the pavement by at least 20 feet with one units' side yard ten feet from the edge of pavement providing adequate area for snow storage within the project.

- (7) It is important to plan for refuse storage and collection and recycling facilities. The site plan shall include adequate areas for dumpsters and recycling containers. These facilities shall be screened or enclosed. Pedestrian access shall be provided to the refuse/recycling facilities from within the MPD for the convenience of residents and guests.

At this time, it is anticipated that each individual residence will be responsible for refuse storage and recycling. If a central facility is required, it would be located within the open space area adjacent to the turnaround and trail connection. This area would be suitable in meeting the turning movements of

the refuse/recycling collector and is central to the project. If a common facility is proposed, a screened enclosure will be required.

- (8) The site planning for an MPD should include transportation amenities including drop-off areas for van and shuttle service, and a bus stop if applicable.

The open space area adjacent to the turnaround area would be suited for a drop-off area. The small scale of the project does not necessarily dictate the need for a drop-off area. No bus stop is required to be onsite, however there are several bus stops in close proximity to the project on Route 224 and Snow Creek Drive.

- (9) Service and delivery access and loading/unloading areas must be included in the site plan. The service and delivery should be kept separate from pedestrian areas.

As a residential project, there is not anticipated to be service or delivery needs for the residents. Any unloading required by the residents, such as furniture, etc, will be handled on the street since it is anticipated any unloading/loading activities will be of a short duration.

Landscape and Streetscape

The LMC requires that existing significant vegetation shall be maintained on the site and protected during construction to the extent possible. Lawn or turf is limited to a maximum of fifty percent (50%) of the area not covered by buildings and other hard surfaces and no more than seventy-five percent (75%) of the above area may be irrigated. This requirement is included as a condition of approval.

Sensitive Lands Compliance

The Snow Creek Cottages MPD parcel is located within the Sensitive Lands Overlay (SLO) Zone. The LMC requires a sensitive lands analysis for all MPDs within the SLO. Of the seven items included in a sensitive lands analysis, only five are applicable to the sight.

Slope and Topographic Map

Not applicable. No portion of the site has an area of high geologic hazard due to steep slopes. No portion of the site has slopes greater than 15% as assessed in a sensitive lands analysis.

Ridge Line Areas

Not applicable. No portion of the site contains a ridgeline.

Vegetative Cover

The areas of significant vegetation are identified on the existing conditions site

plan. No development is planned to occur on the areas where significant vegetation exists. The portion of the lot proposed for development consists mainly of native grasses.

Designated Entry Corridors and Vantage Points

Of the vantage points listed in the LMC, the Park City Golf Course Clubhouse is the only vantage point that the proposed MPD can be viewed from. There is an existing Police Station in between the vantage point and the building site. The height of the proposed single family homes is not taller than the existing Police Station. The impact of the homes from the Golf Course Clubhouse will be minimal with the existing vegetation and police station acting as a buffer between the viewpoint and the proposed project.

Wetlands

The SLO requires that all development respect a fifty feet (50') minimum setback requirement from wetlands. The fifty feet (50') setback is identified on the site plan and complies with the LMC.

Stream Corridors

Two streams have been identified on the site. The SLO requires that all development respect a fifty feet (50') setback requirement from stream. The fifty feet (50') setback requirement is identified on the site plan and complies with the LMC.

Wildlife Habitat

According to the Utah Division of Wildlife Resources information on Threatened, Endangered, and Sensitive Species occurrences, no Federally Endangered Species, Wildlife Species of Concern, or Species receiving management under a Conservation Agreement have been identified in the area where the project is proposed. To make sure no Threatened, Endangered, or Sensitive Species exist within the project site, condition of approval #15 shall require that a cursory wildlife habitat study be completed to identify such species prior to the issuance of a building permit.

Employee Affordable Housing

MPDs are required to include a housing mitigation plan which must address employee/affordable housing as required by the adopted housing resolution in effect at the time of the application. The proposed MPD is comprised one hundred percent of affordable housing. The housing is proposed to be deed restricted as affordable housing and will comply with the City's affordable housing requirements and ordinances. This application is not an MPD affordable housing development which contains different requirements through the LMC. An MPD affordable housing development in the RDM zoning district allows applicants greater density if the application meets outlined requirements. This application was filed under the standard MPD application. No increase of density is permitted for proposed affordable housing under this review.

Questions regarding the funding of the employee affordable housing were raised during the June 25, 2008 Planning Commission. Although not part of the MPD review process, clarification on this issue is important. The subsidy to make this project affordable is coming from private developer in lieu fees in the City's Affordable Housing Account, not from a general fund contribution. In lieu fees are required to be used on other affordable housing projects and the city has earmarked them for this project.

Childcare

A site designated and planned for a child care center may be required for all new single and multi-family housing projects if the Planning Commission determines that the project will create additional demands for child care. During the pre-MPD application, the Planning Commission did not make a determination that a child care facility would be required.

Land Management Code

Master Planned Developments for residential uses are listed as a conditional use in the RDM zoning district, subject to provisions of LMC Chapter 15-6 Master Planned Development. The following are minimum lot and site requirements per the Land Management Code for development within the RDM zoning district:

	CODE REQUIREMENT	PROPOSED
SETBACKS:		
*FRONT:	20' (25' to property line for front facing garages)	25' or greater
*SIDES	10'	25' or greater
*REAR	10'	25' or greater
HEIGHT	28' plus 5' for pitched roof	Requesting exception through MPD process up to 37' above existing grade
DENSITY	5 units per Acre and MPDs may approach a maximum density of 8 units per acre- maximum of 64 units per LMC	8 acres x 8 units per acres= 64 units maximum Police facility= 24,000 sf (24 units) Proposed housing 13 units Total proposed 37 units Proposed 4.625 units/acre

LOT SIZE/FLOOR AREA RATIO	Minimum of 14,000 sf with a Floor Area ratio of one (1)	8 Acres (348,000 sf)
------------------------------	---	-------------------------

* The applicant has provided the minimum setback required in the RDM zone as well as the required minimum perimeter setback of 25' as required for Master Planned Developments.

General Plan Analysis

On January 8, 2008, the City staff conducted a community design charrette regarding the MPD pre-application and received input from the neighborhood and community members regarding the land use and conceptual design. There was considerable public input at that meeting. Topics discussed included density, configuration and location of the units, setbacks from wetlands, and visibility from adjacent residential properties. The concept plan submitted with the pre-application MPD was the outcome of the charrette and reflected input received from the neighborhood. Pursuant to LMC Section 15-6-4(B), in order for the applicant to proceed with a MPD application, the Planning Commission must first find that the proposed conceptual project is consistent with the requirements of the General Plan. On March 12, 2008, the Planning Commission found the pre-application MPD to be in compliance with the General Plan.

Process

Upon approval of an MPD, the approval shall be put in the form of a development agreement. The development Agreement shall be in a form approved by the City Attorney, and shall contain the minimum requirements stated in LMC Section 15-6-3G. The development agreement shall be ratified by the Planning commission, signed by the City Council and the Applicant, and recorded with the Summit County Recorder. This agreement must be submitted to the City within six months of the date the project was approved by the Planning Commission or the Planning Commission approval shall expire. Construction, as defined by the Uniform Building Code, will be required to commence within two years of the date of the execution of the development agreement.

Department Review

The request was discussed at a Development Review meeting on May 27, 2008, where representatives from local utilities and City Staff were in attendance. Issues raised include ownership of roads, maintenance of roads, improvement of the Bates Dorehty Sneider irrigation ditch, snow storage, garbage removal, and the necessity of a wetlands mitigation plan, a drainage plan, and a utility plan. These items have either been resolved or are a conditioned as part of the MPD approval.

Notice

Property owners within 300 feet of the project were notified on June 11, 2008. The property was properly posted and legally noticed.

Public Input

Staff received a letter from the Saddle Condominiums HOA President on June 19, 2008. (Exhibit E) The letter was concerning the impact of the development on the wetlands and surrounding buildings.

Recommendation

Staff requests that the Commission review the Snow Creek Cottages Master Planned Development application and consider approving the application based on the finding of facts, conclusions of law, and conditions of approval in this staff report.

Findings of Fact

1. On May 12, 2008, the applicant submitted a complete application for a Master Planned Development, for a proposed housing development consisting of 13 single-family, owner-occupied, detached residential units with garages.
2. The property is located at 2060 Park Avenue, directly east of the new City Police Facility. The housing site is located on Lot 9B of the Snow Creek Crossing Lot 9 Subdivision, recorded on August 20, 1999, being a replat of the Snow Creek Crossing Subdivision, recorded on October 11, 1995 (Exhibit A). The parcel is part of the mixed use Snow Creek Master Planned Development, approved by the Planning Commission on May 13, 1993.
3. The proposed project is located in the Residential Development Medium Density (RDM) zoning district.
4. On March 12, 2008, the Planning Commission found the pre-application MPD to be in compliance with the General Plan.
5. The proposed project is located within the Sensitive Lands Overlay Zoning District.
6. The housing is proposed to be deed restricted as affordable housing and will comply with the City's affordable housing requirements and ordinances.
7. There are existing utilities nearby and the proposed development is close to commercial and recreation facilities.
8. A site designated and planned for a child care center may be required for all new single and multi-family housing projects if the Planning Commission determines that the project will create additional demands for child care. During the pre-MPD application, the Planning Commission did not make a determination that a child care facility would be required.

9. The discussion in the analysis section is incorporated herein.
10. The proposed project complies with the General Plan and the Land Management Code, including the RDM and SLO zoning districts and the Master Planned Development requirements.
11. The guiding principles for this development are: cost effective to build, durable and practical to maintain; create a high quality, healthy living environment; reduce utility costs to residence; enhance the residents connection to nature; protect the environment by conserving resources including energy, water, and materials; use efficient footprints and maximize space efficiently; enhance walkability and trail connectivity; and advance the health of local and regional ecosystems.

Conclusions of Law

1. The MPD, as conditioned, complies with all the requirements of the Land Management Code.
2. The MPD, as conditioned, meets the minimum requirements of Section 15-6-5 of this Code.
3. The MPD, as conditioned, is consistent with the Park City General Plan.
4. The MPD, as conditioned, provides the highest value of open space, as determined by the Planning Commission.
5. The MPD, as conditioned, strengthens and enhances the resort character of Park City.
6. The MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible.
7. The MPD, as conditioned, is Compatible in Use, scale and mass with adjacent Properties, and promotes neighborhood Compatibility.
8. The MPD provides amenities to the community so that there is no net loss of community amenities.
9. The MPD, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.
10. The MPD, as conditioned, meets the provisions of the Sensitive Lands provisions of the Land Management Code. The project has been designed to place Development on the most Developable Land and least visually obtrusive portions of the Site.
11. The MPD, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections.
12. The MPD has been noticed and public hearing held in accordance with this Code.

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. The Construction Mitigation Plan shall coordinate staging, possible road closures, and parking with other area projects to the Chief Building Official's satisfaction
3. A utility plan must be submitted and approved to the Engineering and

- Building Department prior to issuance of any building permits.
4. A Corp of Engineer's approved wetland mitigation plan must be submitted to the Building Department prior to issuance of any building permits.
 5. The City may require that a LOMR be completed and approved prior to issuance of building permits
 6. An access agreement must be recorded for access to the development through the existing private road owned and maintained by the United States Post Office. The access agreement must be recorded prior to issuance of a building permit.
 7. City Engineer review and approval of all appropriate grading, utility installation, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
 8. A final landscape plan shall be submitted for review and approval by the City Landscape Architect, prior to building permit issuance. Existing significant vegetation shall be maintained on the site and protected during construction to the extent possible. Lawn or turf is limited to a maximum of fifty percent (50%) of the area not covered by buildings and other hard surfaces and no more than seventy-five percent (75%) of the above area may be irrigated.
 9. The affordable units will conform to the 2007 Housing Resolution.
 10. No building permits shall be issued for this project unless and until the design of the house is reviewed and approved by the Planning Department staff for compliance with the LMC Architectural Review (Section 15-5).
 11. No building permits shall be issued for this project unless and until the design of the house is reviewed and approved by the Planning Department staff for compliance with the LMC zoning and MPD requirements.
 12. A development agreement, as described in LMC Section 15-6-4(G) must be submitted to the City within six (6) months of the date the project is approved by the Planning Commission, or the Planning Commission approval of the MPD shall expire.
 13. Construction, as defined by the Uniform Building Code, will be required to commence within two (2) years of the date of the execution of the development agreement. After construction commences, the MPD shall remain valid as long as it is consistent with the approved specific project phasing plan as set forth in the development agreement.
 14. The Conditions of Approval from the 1993 Snow Creek Master Planned Development as amended continue to apply.
 15. A cursory wildlife habitat study shall be completed prior to the issuance of a building permit. This study must identify the presence of threatened, endangered, and sensitive species on the immediate site.

Exhibits

- A. Existing Conditions
- B. Proposed Site Plan and Architectural Details

- C. MPD pre-application Planning Commission minutes
- D. Grading Plan explanation from Applicant.
- E. Letters
- F. Height Analysis

[illegible][illegible][illegible][illegible]

	DELUNATED WETLANDS (BAYN HYDROLOGO?)
	FLOOD ZONE "A" PER FEMA FIRM MAP NO. 49043C-0917C
	FLOOD ZONE "X" PER FEMA FIRM MAP NO. 49043C-0917C
TABLE 2. ABBREVIATIONS "A" Regulated by Federal CWA "S" 1960s-1970s	

FOUND & ACCEPTED
BY /
DATE /
BY /

W. LUTHE, October 15, 2001

GRAPHIC SCALE



(IN INCHES)



REVISIONS		
DATE	BY	COMMENTS

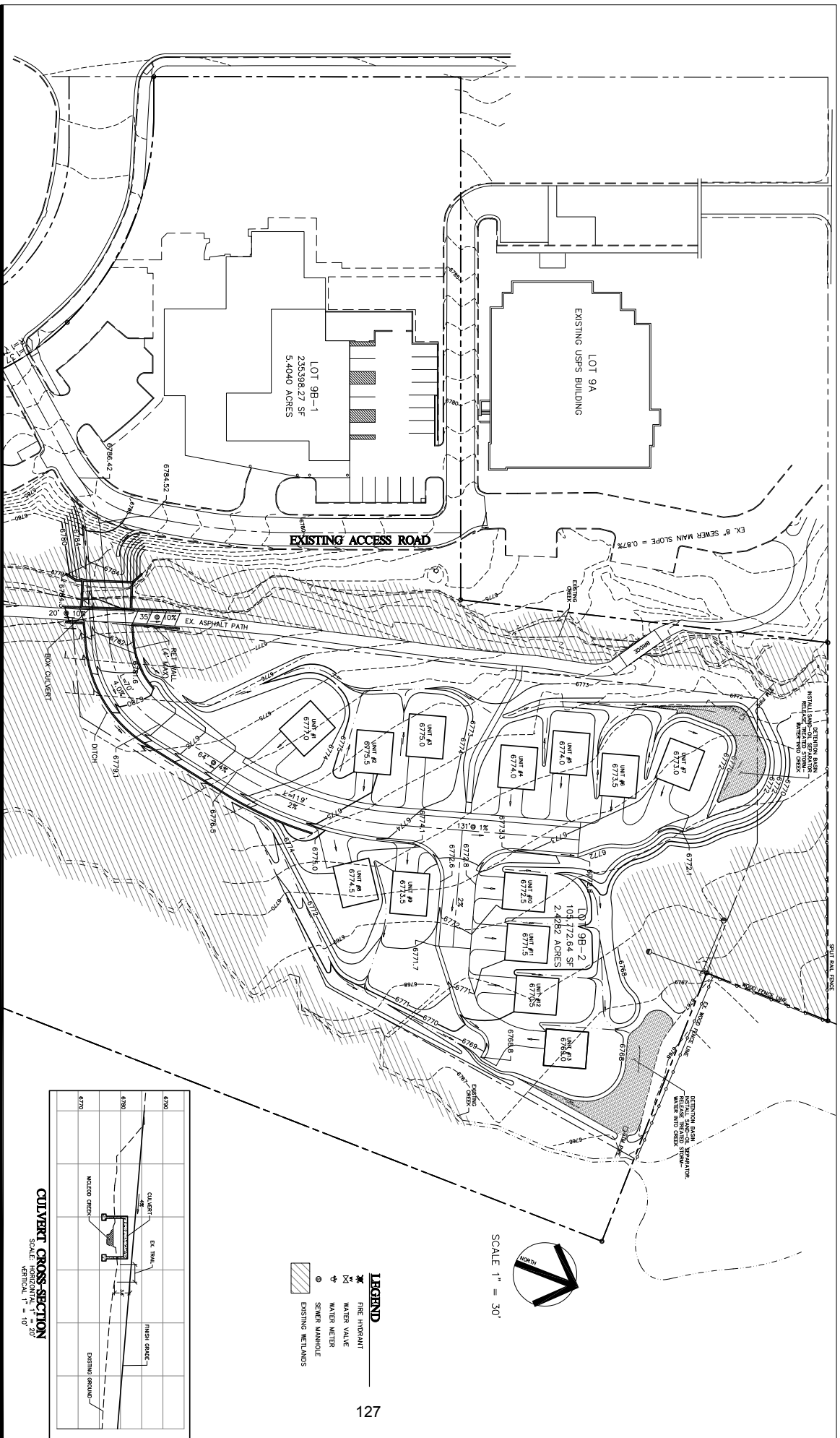
© 2007 Evergreen Engineering, Inc.

DATE

SUBMITTED BY:
GRW/ADM
DRAWN BY:
ADM
CHECKED BY:
GRW/ADM

FOR: PCMC	DWG: SOC-9B-TOPO	JOB NO. 0728
------------------	-------------------------	---------------------

SHEET 1 OF 1

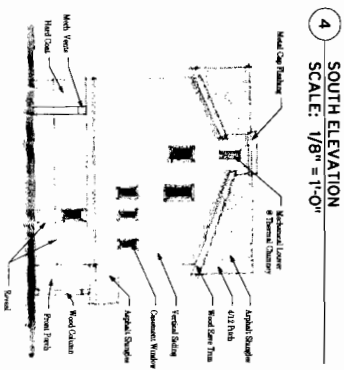
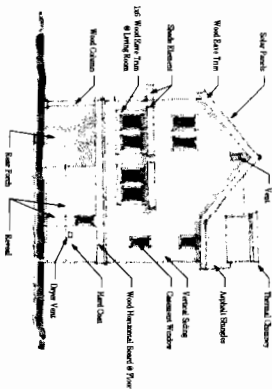
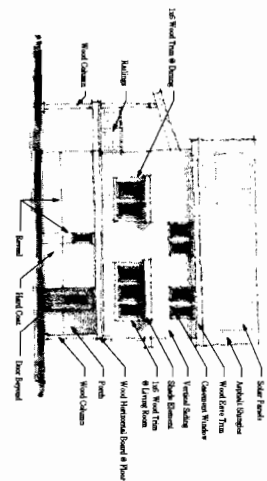
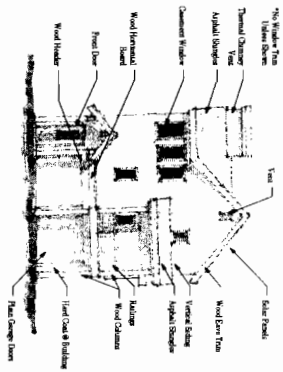
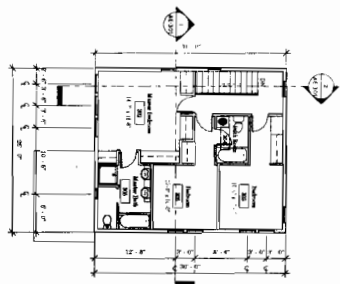
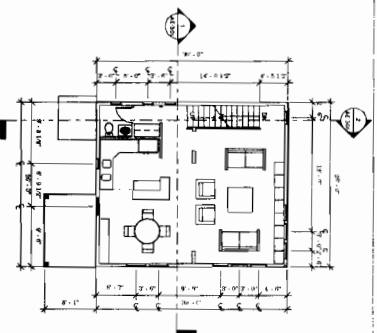
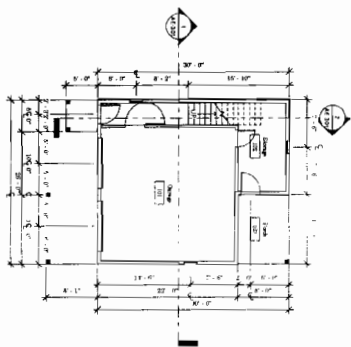


MPD Application
May 10, 2008



Snow Creek Cottages Conceptual Grading Plan Park City, Utah





CONSULTANTS

ELLIOTT WORKGROUP
architecture

DATE	May 12, 2008
ISSUE	MFD
PRODUCT	00734
DESIGNED BY	CE
DRAWN BY	SW
REVIEWED BY	CE

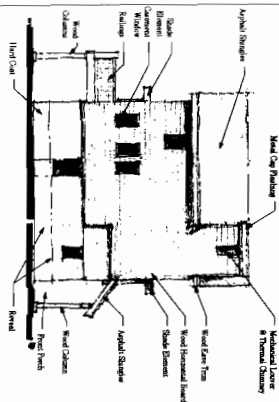
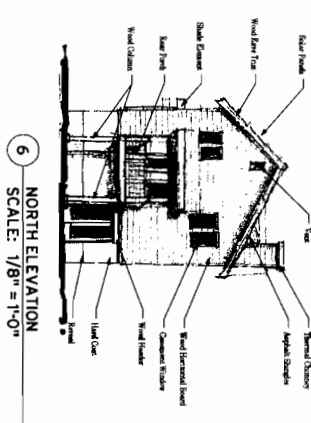
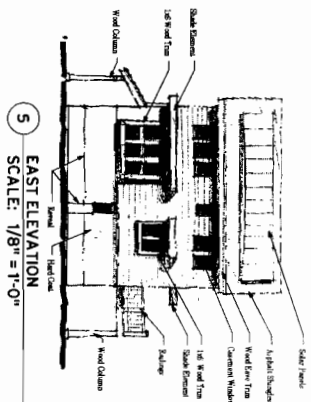
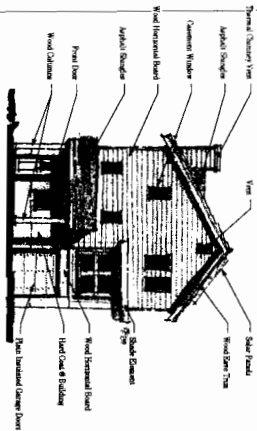
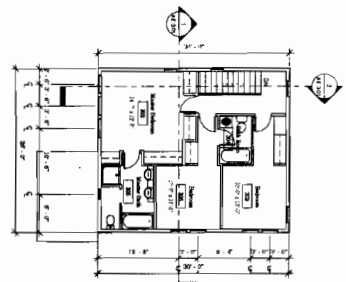
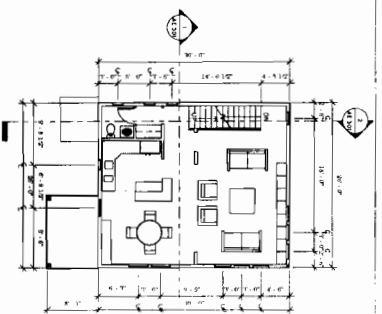
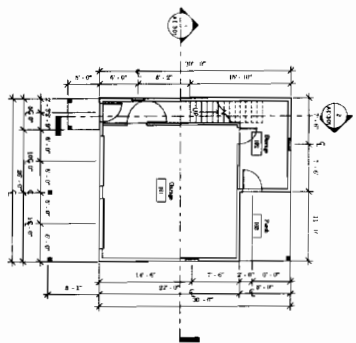
**Snow Creek
Cottage B2 A**
Park City, Utah

AE-102

COPYRIGHT © 2007 MORNINGSTAR GROUP AND AFFILIATES, LLC. 20070710

5/12/2006 3:51:24 PM

MAY 12 2008



2008

CONSULTANTS

ELLIOTT WORKGROUP
architecture

DATE	MAY 12 2008	2075 South 10th Street Room 100 Salt Lake City, UT 84115 Tel: 801.328.4400 www.abbott-diagnostic.com
ISSUE	MAY	
PROBABLE	2007/04	
DISCOVERED BY	CE	
REPORTED BY	SW	
REVIEWED BY	CE	

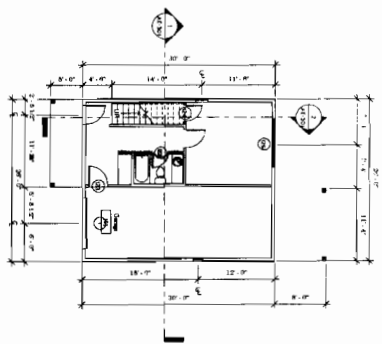
Snow Creek
Cottage B2 B
Park City, Utah
DOOR PLANS AND ELEVATIONS
AE-102

FLOOR PLANS AND ELEVATIONS

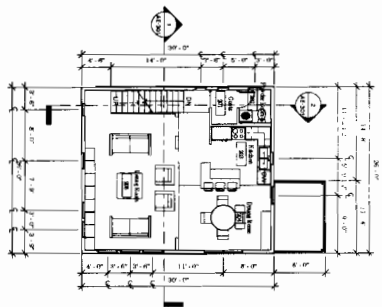
COPYRIGHT © 2007 MORGENTHAU ARCHITECTURAL, LLC. 2007

5/12/2008 3:48:50 PM

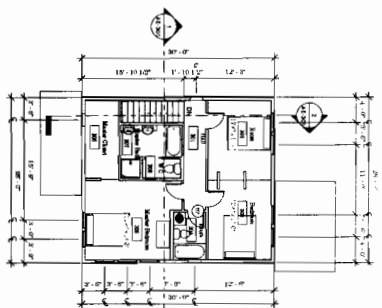
MAY 12 2008



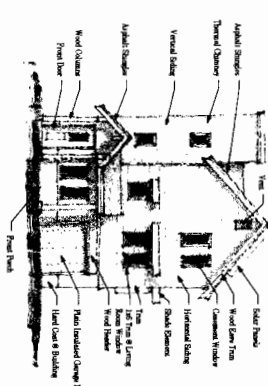
1 -UNIT C-1 LEVEL 1
SCALE: 1/8" = 1'-0"



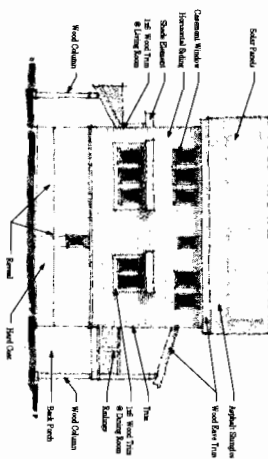
2 -UNIT C-1 LEVEL 2
SCALE: 1/8" = 1'-0"



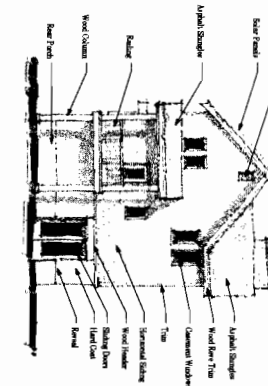
3 -UNIT C-1 LEVEL 3
SCALE: 1/8" = 1'-0"



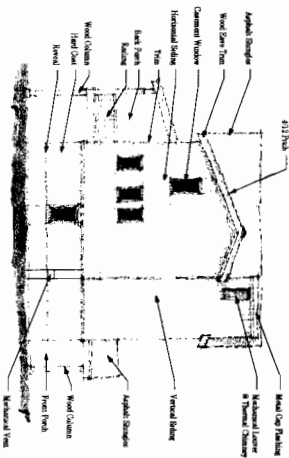
7 -UNIT C-1 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



5 -UNIT C-1 EAST ELEVATION
SCALE: 1/8" = 1'-0"



6 -UNIT C-1 NORTH ELEVATION
SCALE: 1/8" = 1'-0"



8 -UNIT C-1 WEST ELEVATION
SCALE: 1/8" = 1'-0"

No.	Date	Description
-----	------	-------------

CONSULTANTS

ELLIOTT WORKGROUP ARCHITECTURE

DATE	May 13, 2008
PROJECT	Snow Creek Cottage C1
DESIGNED BY	CE
DRAWN BY	BM
INTERVIEW BY	CE

Snow Creek
Cottage C1
Park City, Utah

PLANS AND ELEVATIONS
AE-202

COPYRIGHT ELLIOTT WORKGROUP ARCHITECTURE, LLC 2007

MAY 12 2008

Planning Commission Meeting
March 12, 2008.
Page 4

City does not want to cross. The second reason is the capacity question. Mr. Ivie believed everyone agrees that the first thing they need is a capacity analysis and they will clearly have to work with USEPA. He and Jeff Schoenbacher have taken the position that the MOU has been in operation. Mr. Ivie pointed out that the MOU is not part of the actual technical report. It was done as an agreement between the City and Talisker. So far it has worked just fine. Mr. Ivie encouraged the Planning Commission to support the concept of a single location, similar to what they did on the soil hauls. He was not prepared to say whether or not it can work, but it is something that the City needs to continue to work on with Talisker and the EPA. Mr. Ivie remarked that he and Mr. Schoenbacher strongly believe that if it can work, Richardson Flats is the best place.

Chair O'Hara wanted to make sure that it was clear that Richardson Flats is not open to the public for depositing impacted soils.

Mr. Clyde clarified that there were no dates in the last iteration of the report because at the time they were not far enough along with the EPA to set any dates. They are now comfortable with setting dates.

Planner Robinson noted that this item was scheduled for action and the motion could be to direct the Staff and United Park City Mines/Talisker to move forward in amending the technical reports as outlined in the Staff Report.

MOTION: Commissioner Wintzer made a motion to direct the Staff and United Park City Mines/Talisker to move forward in amending the technical report as outlined in the Staff report. Commissioner Peek seconded the motion.

VOTE: The motion passed unanimously. Commissioner Thomas was recused.

4. 2060 Park Avenue, Snow Creek - Pre Master Planned Development

Planner Kirsten Whetstone reviewed the pre-master planned development application. The first step in the pre-application process is for the Planning Commission to review a conceptual plan as a pre-application master planned development for compliance with the General Plan. This item was noticed for a public hearing this evening.

Planner Whetstone noted that Park City Municipal Corporation is the applicant as the property owner. The property is located at 2060 Park Avenue due east of the Park City Police Facility and the Park City Post Office. The property is in the RDM zone, which allows five to eight units per acre. This is also in a portion of the sensitive lands overlay. Per the SLO, the site is showing a 50 foot setback from the wetlands and streams in the area.

Planner Whetstone reported that the proposed parcel is part of the 1993 Snow Creek Master Planned Development, a mixed use development which included the Dan's Shopping Center and additional housing parcels. It was part of an 8 acre parcel that was subdivided as a Lot B Snow Creek Crossing Subdivision. The original parcel included the parcels of the current Post Office and Police Facility. There is approximately 6 acres left of the housing parcel that was approved under the Snow Creek MPD.

Planner Whetstone remarked that the conceptual plan presented this evening includes 13 owner/occupied single family detached units ranging in size from 1500-1800 square feet. She noted that the post office was carved off and the police facility and this parcel is considered one lot. With that combined density, the proposed density would be 4.6 units per acre.

Planner Whetstone stated that a police facility private driveway, which currently provides access to the post office, would provide access to this project. The street within the site plan is being shown as a public street. The units would be deed restricted and follow the City's affordable housing requirements. There are existing utilities nearby. The site plan includes 60% open space, as well as the required MPD 25 foot perimeter setbacks. At this time the site plan could include limited common area and outdoor private patio areas. Privately fenced yards are not included currently. There is a common playground and guest parking. Each unit includes a garage.

The Staff and the applicant requested that the Planning Commission conduct a public hearing and discuss the proposal presented this evening. The Staff report included the Staff analysis of the concept plan for compliance with the Park City General Plan. Also included in the Staff report was the analysis of the Land Management Code requirements for the RDM zone.

The Staff recommended that the Planning Commission conduct a public hearing, consider any input, and consider adopting findings of compliance with the General Plan.

Planner Whetstone reported that public input was provided during a design charette, which was held at the police facility in December. In January the City Council, as the property owner, discussed the concept plan in terms of whether they were comfortable with the RFP and with the plan that came to them for submittal as an application. Planner Whetstone stated that these units would need a condominium plat if they were to be individually sold. That process would occur before any units traded hands.

Planner Whetstone noted that the City Council held a public hearing and the comments were generally positive. However, some expressed concerns about whether the units would have backyards and comments were made relative to the sensitive lands areas.

Planner Whetstone reported on letters she had received today from Nancy Solomon and Hugh Daniels. Ms. Solomon was concerned about the sensitive nature of the wetland area. Mr. Daniels had concerns about the private driveway that accesses the police facility being the common access for this property. If for some reason the police facility was in lock down, that would be block access to the units. Planner Whetstone stated that a couple of alternative accesses are being considered; however, because of issues associated with the alternatives, the private driveway is still the preferred access.

Planner Whetstone reported that she had also received phone calls from people asking about the process and requesting information. Others expressed concern about the sensitive nature of the area. One caller thought this was an open space parcel in the Snow Creek Master Plan.

Chair O'Hara referred to Lot 9B and understood they were looking at a total of 8 acres. He clarified that two acres went to the police facility and the remaining six is for this proposal; however it is all one parcel. Planner Whetstone replied that this was correct.

Chair O'Hara wanted to know the reason for not subdividing. Planner Whetstone replied that the City is looking into whether a subdivision plat could be created that would meet the requirements of the RDM zone.

Craig Elliott, representing the applicant, explained that subdividing is an option they are currently considering. Based on the initial studies, they believe they could make this work within the zoning ordinance. That is the next step they would take for filing through the MPD process.

Chair O'Hara asked if the Police Facility was a conditional use permit or an MPD. Planner Whetstone replied that it was a conditional use permit.

Commissioner Thomas asked if there is a way to lock down the police building without closing off the ingress and egress. Mr. Elliott replied that there are a couple of solutions for that. He stated that he was just made aware of that issue today. The two other alternate accesses improve that ability, which is why they showed the different ways to approach that. Mr. Elliott pointed out that access issues still need to be resolved.

Chair O'Hara opened the public hearing.

Jim Kennicott, a next door neighbor at Windrift, stated that the Staff should have received via Federal Express a letter from another Windrift owner. He asked Planner Whetstone to make sure the Planning Commission is given that letter if it was received. Mr. Kennicott commented on the issue of excess water. This whole planned area is surrounded on all sides by wetlands and that produces serious challenges to any developer. He stated that the area proposed for building, which is designated as a non-wetlands area still carries a tremendous amount of water. Even at Windrift, water levels in late summer are three feet below the surface of the ground and this has been designated as a serious flood zone. Mr. Kennicott requested that the Planning Commission consider the increase of impermeable surfaces that would be added to this property by the construction of buildings and the paving of roads. Also, if this is set up as a subdivision or a condominium, he asked them to consider what type of controls might be suitable to put on this property to avoid an increase in the amount of impermeable surface. Mr. Kennicott believes these issues need to be carefully thought out. He was sure that when they receive a final application with more detail on the waste water management, they would see more information about the calculations for increased roof area, increases pavement areas, and where the runoff water is going to go. Mr. Kennicott suggested a limitation at the planning level echoed in whatever organization document is provided for this property. He encouraged serious limitation on the addition of any further impermeable surface to any of this property. Mr. Kennicott remarked that the property owners at Windrift are seeing a lot of water in crawl spaces that was not there five or seven years ago and they are having to pump it out because they have no other choice. He believes this indicates that the land above them to the south is carrying all the water it can handle. It puts Windrift at risk if additional water is routed off that property. Mr. Kennicott reiterated his interest in seeing waste water management for run off water.

Chair O'Hara closed the public hearing.

Commissioner Thomas favored the idea of limiting the impervious areas to the drip line of the roofs. He felt it was also reasonable to consider roofs that hold on to the snow throughout the season. Other developments do this all the time. Commissioner Thomas thought that otherwise this proposal is consistent with the General Plan. He was anxious to see the road tape in the field and the center of the building pads located during the CUP process. Commissioner Thomas always understood that this parcel would eventually be developed. He believes it is consistent with the original MPD.

Commissioner Murphy agreed with Commissioner Thomas. He did not think it was unreasonable to make the hydrologic controls part of the conditions. It will definitely need to be well thought out and possibly involve input from a third party. Commissioner Murphy asked if a delineation was submitted to the Army Corp of Engineers. He was told that a delineation was done last Fall. Commissioner Murphy asked if an impact and mitigation study was done, as the second part of the delineation. He was told that the I & M has not yet been done.

Pete Gilwald, representing the applicant stated that they will go through that process as soon as they determine the primary access point and the level of impact. Commissioner Murphy asked if there are alternative accesses that can work around public safety concerns. Mr. Elliott believed they could do that. He stated that the one primary access was shown based on discussions with the City Engineer and his choice to align the intersection. Mr. Elliott remarked that all three access alternatives are capable of being implemented.

Commissioner Murphy asked if soils studies have been done yet. Mr. Elliott answered no. Commissioner Murphy believed there could be soils concerns. Other than the few issues mentioned, he believes it is a great proposal and a great location.

Commissioner Wintzer requested a site visit. He preferred the access shown on the plan because the other alternatives would be more asphalt and disturbance. He encouraged them to keep the site more compact. Commissioner Wintzer felt they should definitely consider the water issues that were raised this evening. Commissioner Wintzer asked if all the units would be for-sale units that the City would eventually sell. Planner Whetstone answered yes. He clarified that the City would be the developer and the units would be condominiumized and sold to the public with restrictions.

Commissioner Peek asked if the City would own the ground underneath in perpetuity. Mr. Elliott replied that this was the intent.

Commissioner Wintzer stated that in all these projects they eventually see pedestrian sprawl and he believes there needs to be some way to control that. Mr. Elliott assumed that because the City would hold the lease, they would have a Board position on the Association which will give them the ability to be involved in that enforcement.

Commissioner Pettit stated that conceptually this does comply with the General Plan. She was happy to see more affordable housing opportunities in the City.

Commissioner Peek agreed that it complies with the General Plan. Regarding the water issues, he wondered if the utility plan would address drainage issues. Mr. Gilwald remarked that location of the laterals and the water lines will be dictated by the manhole locations. Because they have to cross the trail and the wetlands on the west side of the property, those issues will need to be taken into consideration in terms of how to physically serve the site.

Chair O'Hara agreed that the proposal complies with the General Plan. In looking at the impervious surface water issue, he requested that they look at run on and run off control from that surface.

Mr. Gilwald stated that they have had discussions about how to implement the MPD storm water management practices into the project.

MOTION: Commissioner Thomas moved to ADOPT the findings of General Plan compliance for the 2060 Park Avenue MPD Pre-application. Commissioner Pettit seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - 2060 Park Avenue

1. On January 17, 2008, the applicant submitted a complete application for a Master Planned Development Pre-application meeting, for a proposed housing development consisting of 13 single-family, owner-occupied, detached residential units with garages.
2. The property is located at 2060 Park Avenue, directly east of the new City Police Facility. The housing site is located on Lot 9B of the Snow Creek Crossing Lot 9 Subdivision, recorded on August 20, 1999, being a replat of the Snow Creek Crossing Subdivision, recorded on October 11, 1995 (Exhibit A). The parcel is part of the mixed use Snow Creek Master Planned Development, approved by the Planning Commission on May 13, 1993.
3. The proposed project is located in the Residential Development Medium Density (RDM) zoning district.
4. This preliminary determination of compliance with the General Plan does not specifically approve any site plan, density, or unit configuration, but permits the applicant to submit a formal MPD application for Planning Commission review.
5. The proposed project is located within the Sensitive Lands Overlay Zoning District, due to the wetlands issues.
6. The application is for a residential development of 13 detached single-family housing units in the RDM zoning district. The housing is proposed to be deed restricted as affordable housing and will comply with the City's affordable housing requirements and ordinances.
7. There are exiting utilities nearby and the proposed development is close to commercial and recreation facilities.
8. The discussion in the analysis section is incorporated herein.

9. As part of the pending MPD review process, the Planning Commission may require the submittal of a Construction Mitigation Plan prior to final action.
10. The proposed project complies with the General Plan, but will need to comply with applicable criteria outlined in the Land Management Code, including the RDM and SLO zoning districts and the Master Planned Development requirements.
11. Planning Commission action for General Plan compliance does not constitute approval of a Master Planned Development application, including the final site design or unit configuration and design.

Conclusions of Law - 2060 Park Avenue

1. The pre-application submittal complies with the Land Management Code, Section 15-6-4(B) Pre-application Public Meeting and Determination of Compliance.
2. The proposed Master Planned Development concept complies with the Park City General Plan.
5. Lot B of the Northside Village Subdivision II, Empire Pass - Amendment to the MPD

Due to a conflict of interest, Commissioner Thomas recused himself from this item.

Planner Robinson reviewed the application for an amendment to the Master Planned Development at the Flagstaff Mountain Resort, now called Empire Pass. It was the Phase II MPD and it is now being developed as the Nakoma Condominiums.

Planner Robinson stated that the original MPD had 18 detached single-family units in a PUD style. At the time, they were utilizing 27 unit equivalents, although discussions with the Planning Commission on the location, size and footprints being shown was a 3,000 square foot footprint and a potential 5,000 square foot house. Planner Robinson remarked that several years later an amendment was approved to increase the unit equivalent count from 27 to 45. Therefore, every unit had the potential to be a 5,000 square foot unit. The 3,000 square foot footprint remained.

Planner Robinson noted that the Planning Commission has also approved a couple of condominium plats and those were platted similar to Bald Eagle and the Belle projects. He explained that the plat looks like a lot. The building is designed and once the buildings are finished the requirement by the Utah Condominium Act is to show all those improvements on the lot. This requires the applicant to come back to the City to amend the plat for each of the units based on how they were constructed.

Planner Robinson stated that this also goes to the Development Agreement for Empire Pass, in which there are a certain number of actual units and unit equivalents. That number multiplied by 2,000 square feet is the total square footage allowed. When the applicants come back for platting, they need to make sure there is compliance with the total square footage.



June 11, 2008

Snowcreek Cottages

MPD Application Follow up

Bridge versus Box Culvert for entry access to the Project site

The original MPD application illustrated the use of a bridge structure for access to the Snowcreek Cottage project. The project design team has looked at both the bridge design and a revised design utilizing a box culvert.

The primary objectives of utilizing a bridge to span the existing McLeod Creek, associated wetlands and the existing asphalt trail was to minimize impact to sensitive site features, eliminate trail user conflicts with vehicular traffic associated with the residents of the project and to create a sense of arrival for the project.

In order to provide for the necessary clearance for McLeod trail users, 7.5 feet, the bridge has to gain vertical to get over the trail and still keep the trail out of the floodplain elevation. This caused the grading of the road after the bridge to extend into other areas of wetlands and into existing vegetation. The grading could be minimized with the use of retaining walls, but this would be an added expense and may still require some impact to the existing wetlands. Grading from the existing access road to the bridge would remain about the same under either scenario.

There are no utilities located in this section of the roadway which would require excavation into the existing stream corridor.

The Box Culvert option reduces the amount of fill needed onsite by allowing the road to drop in elevation from the existing access road across McLeod Creek. This option would require raising the existing trail to match the elevation of the roadway. Raising the existing alignment of the trail will require utilizing retaining walls to minimize impact to adjacent trees and vegetation with a maximum wall height of 4 feet. The box culvert would not require any impact to the existing stream corridor. A retaining wall will be utilized to minimize grading into adjacent wetlands

A sense of arrival for the project can still be achieved by adding railings, or other decorative features, utilizing a change in pavement on the bridge to further enhance the entrance and to further delineate the trail crossing.



Both solutions have merit and will fit within the framework of minimizing disturbance to existing wetlands and minimizing visual impacts to the users of McLeod Creek trail and the Snowcreek Cottages.

Should you have any further questions, please do not hesitate to contact us.

Sincerely,

Pete Gillwald CLA ASLA
Project Landscape Architect



JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Wildlife Resources

JAMES F. KARPOWITZ
Division Director

June 6, 2008

Katie Cattan
Park City Municipal Corporation

Subject: Species of Concern Near 2060 Park Avenue, Park City, Utah

Dear Katie Cattan:

I am writing in response to your email dated June 3, 2008 regarding information on species of special concern proximal to the property located at 2060 Park Avenue, Park City, Utah.

The Utah Division of Wildlife Resources (UDWR) does not have records of occurrence for any threatened, endangered, or sensitive species within the project area noted above or within a one-mile radius.

The information provided in this letter is based on data existing in the Utah Division of Wildlife Resources' central database at the time of the request. It should not be regarded as a final statement on the occurrence of any species on or near the designated site, nor should it be considered a substitute for on-the-ground biological surveys. Moreover, because the Utah Division of Wildlife Resources' central database is continually updated, and because data requests are evaluated for the specific type of proposed action, any given response is only appropriate for its respective request.

In addition to the information you requested, other significant wildlife values might also be present on the designated site. Please contact UDWR's habitat manager for the northern region, Scott Walker, at (801) 476-2776 if you have any questions.

Please contact our office at (801) 538-4759 if you require further assistance.

Sincerely,

A handwritten signature in cursive script that reads "Sarah Lindsey".

Sarah Lindsey
Information Manager
Utah Natural Heritage Program

cc: Scott Walker, NRO



SADDLE OWNERS
P. O. BOX 680174
PARK CITY, UTAH 84068

June 16, 2008

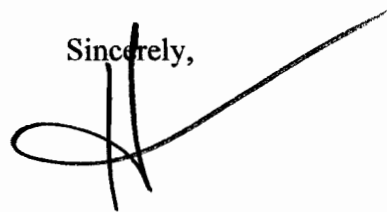
Ms. Katie Cattan
PARK CITY PLANNING
P.O. Box 1480
Park City, UT 84060

Subject: SNOW CREEK COTTAGES

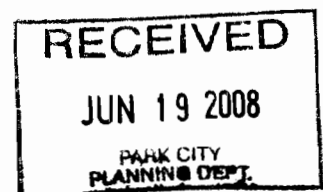
Hi:

I am writing because I may not be able to attend the public hearing on June 25th. The cottages are proposed to be built on an island of approximately 1.25 acres. This island of about 60,000 square feet will be totally surrounded by areas which have been designated as flood plains and wetlands by the United States government. Approximately half of this island will be hardened. Hardened by roofs, driveways, walkways and streets. Water flow from these hardened areas will be significant during storms. If it is allowed to drain into the surrounding areas which are already wet most of the time, some units at the Saddle and Windrift Condominiums will be seriously impacted with water. Maybe some of the office park also. In my opinion, the wet areas cannot handle any more water. I believe a serious engineering study needs to be done on handling the water from the hard surfaces this project will generate. A significant storm drainage system needs to be constructed to handle this water flow adequately.

Sincerely,



Howard Anderson
President, Owners Association



Katie Cattan

From: Sheila Haloff Berry [shberry@deervalley-club.com]
Sent: Tuesday, June 24, 2008 1:54 PM
To: Katie Cattan
Subject: 2060 Park Avenue, Snow Creek Cottages

Dear Mayor and City Council & Planning Commission:

Unfortunately I am unable to attend the Planning Commission meeting on June 26 at 6.30 p.m. due to a work conflict.

I recently spoke to Dana Williams and he was under the impression that both Windrift and The Saddle are behind this project.

On behalf of Windrift I would like to reiterate again that I am absolutely against this project.

At the present time half of the Windrift basements are under water and need to be pumped on a twenty four hour basis. Building these units would only increase our flood plain and cause more units to flood. We definitely need a guarantee that this would not happen and since you will probably not give us the guarantee, I am definitely against this project as are many other Windrift owners.

In addition I feel that the access will be quite dangerous.

Thank you for considering my strong objection.

Sheila Haloff Berry
Administrative Assistant to the General Manager
Deer Valley Club
435.604.1922
shberry@deervalley-club.com

No virus found in this outgoing message.

Checked by AVG.

Version: 7.5.524 / Virus Database: 270.4.1/1516 - Release Date: 6/24/2008 7:53 AM

Carole Casten
613 Windrift Lane #14
Park City, UT 84068
drcasten@roadrunner.com
(310) 871-3778

June 23, 2008

To Members of the Park City Planning Commission:

I am unable to attend the Planning Commission Meeting June 25, 2008. In lieu of speaking at the meeting I am sending you this letter. The letter should be documented for the record as a public comment.

I respectfully request that you do **not** approve the proposal to build on the Snow Creek property for the following reasons:

1. The Snow Creek meadow supports nature in town that makes Park City unique.
2. The Snow Creek meadow supports the ecosystem associated with the Wetlands.
3. The proposed project will damage and eliminate some of the protected Wetlands.
4. The project will reduce the quality of life for current residents and those for generations to come by the destruction of the meadow, some Wetlands and open space enjoyed by so many almost year round. The bike path and walking path will no longer have the unique “out in nature” feeling that residents and visitors now experience.
5. The wetlands and meadows in Snow Creek are a valuable element of the Park City ambiance and environment worthy of preserving. The meadow supports deer, moose, birds and migrating habitat.
6. A development on the meadow will eliminate permeable land that is necessary during the spring melts and pond release from the resorts.
7. The Snow Creek development will cost the city a great deal of money to install and maintain the infrastructure necessary to support this project: underground utilities, sewage, street maintenance, snow plowing.
8. The development will create a lack of permeable land that currently exists and might cause flooding downstream not only to the Windrift and Saddle View properties, but to other housing as well.
9. City Council suggested to the Elliott Group that a 25’ backyard be added to each property which will take up more of the land and eliminate more permeable area for water absorption. That suggestion needs to be properly analyzed.
10. It is not necessary to ruin and eliminate a unique natural resource in Park City to create Affordable Housing. There are other alternatives. Last year, Jim Kennicott presented options used in other areas and resort towns. Additionally, there are at least 24 foreclosed properties on the market right now in Park City that are in the same price range and some have the same square footage as the proposed Snow Creek Cottages. Has anyone in the city done a cost analysis to see what the city financial output will be over 10 – 20 years to develop and support these 13 proposed

residences? A cost comparison analysis should be done to see if it would be cost effective to assist the “target tenants” in the down payment on existing properties in Park City, such as the foreclosed properties and others on the market, versus the ongoing cost of creating and maintaining a housing development that will be detrimental to the Park City environment in perpetuity. Why add 13 modest homes to an already over-built city with available real estate on the market in the same price range when it means destroying a unique and necessary part of nature?

The citizens of Park City should know answers to the below questions before anything should be approved for development on the Snow Creek Property.

1. Have hydrologists and the appropriate engineers been consulted to analyze what will happen to property downstream of this proposed project when there would be no meadow to absorb the snow melt and pond release from the resorts? That is particularly important in years such as this with a large snow fall.
2. Have environmentalists been enlisted to study if there are migratory birds that the meadow supports or what will happen to the local birds and deer without the meadow?
3. Has a cost analysis been prepared that compares the cost of the infrastructure to support this development in the building and ongoing maintenance for 10 - 20 years versus using other alternatives to providing Affordable Housing? If this has been prepared, please forward it to me. An alternative to analyze would be the cost, over the same time period, of providing low-cost loans to the targeted population to purchase existing real estate on the market.
4. Does the city always require the developers of huge projects (e.g. Deer Valley, Bear Hollow, and the Redstone Area) to provide a given percentage of the units within their developments as Affordable Housing? If not, that item should be dealt with well before the consideration of building on the Snow Creek Meadow. A city in Massachusetts uses this method. The Playa Vista developers in Southern California have done so successfully. Other cities use this approach rather than create a clustered “Affordable Housing” community such as that proposed for Snow Creek.
5. Has a survey of the targeted tenant population (teachers, firepersons, police personnel, permanent resort personnel, etc.) been conducted to identify if they would rather live in a clustered housing development or receive assistance to purchase a property of their choice? Research has shown that employees are happiest selecting a property for themselves and receiving help—with a down payment or low-cost loan—from the city or their employer instead of being offered a designated housing cluster.
6. Will the targeted residents of the proposed housing development be able to afford flood insurance since the Snow Creek Meadow has been documented to be a flood area? Will the tenants be able to afford Homeowners Association fees that will keep

the project up to the quality of surrounding existing developments in the neighborhood, specifically Windrift, Saddle View, and Park View?

7. According to law, if any part of the wetlands is eliminated, twice that acreage of wetlands will have to be developed elsewhere. Part of the proposal for this building project involves the elimination of wetlands. This was reported by the Elliott Group in their initial presentation to City Council. Is there a plan to develop that acreage somewhere else in the city? And if so, where is the proposed location?

I urge you to designate the Snow Creek Meadow as open space to protect Park City's environment. Doing so would protect the quality of life and day-to-day experience for Park City residents and visitors alike. There are viable alternatives to providing Affordable Housing.

Thank you in advance.

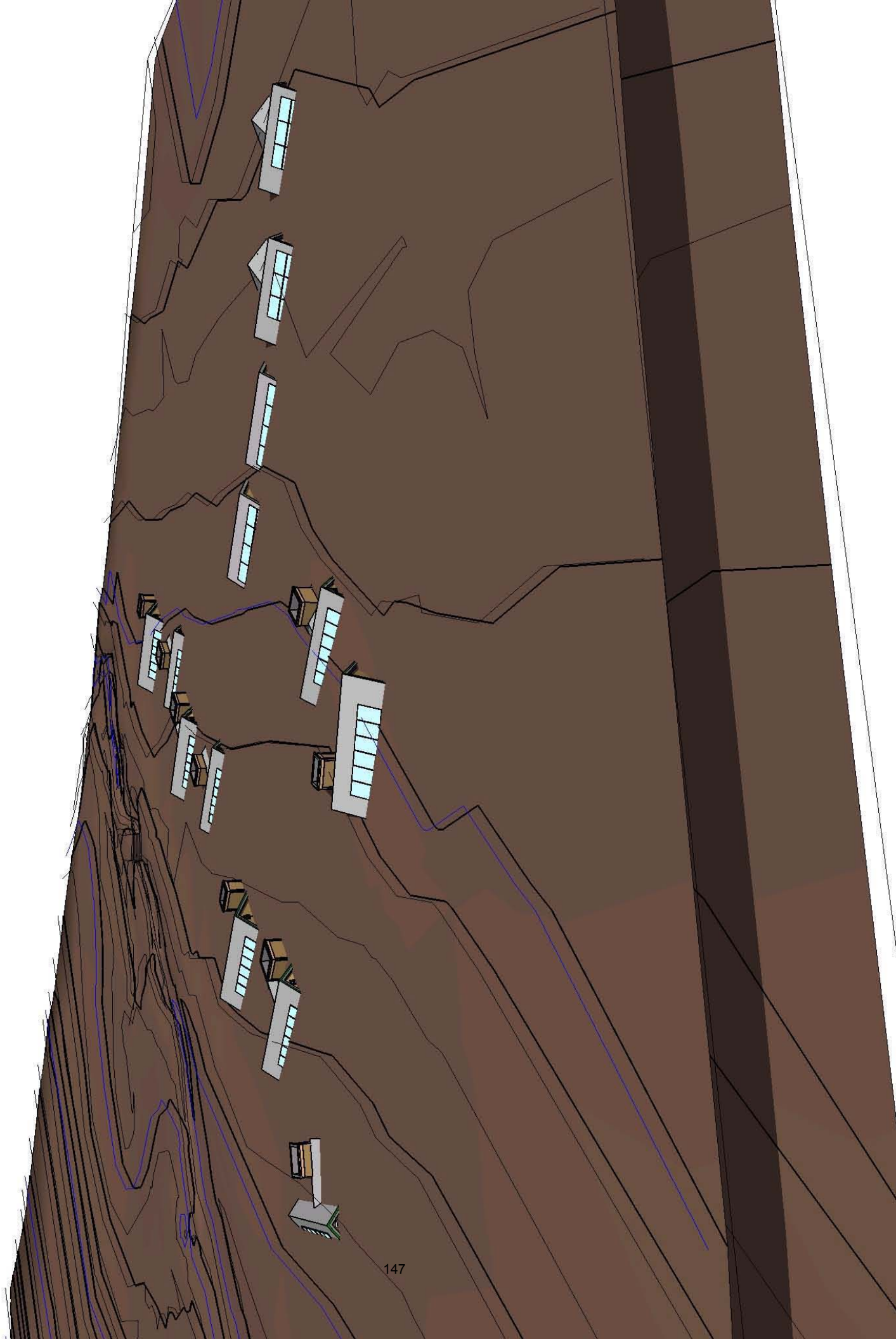
A handwritten signature in dark ink that reads "Carole Casten". The script is cursive and fluid, with the first name "Carole" and last name "Casten" clearly distinguishable.

Carole Casten
(310) 871-3778

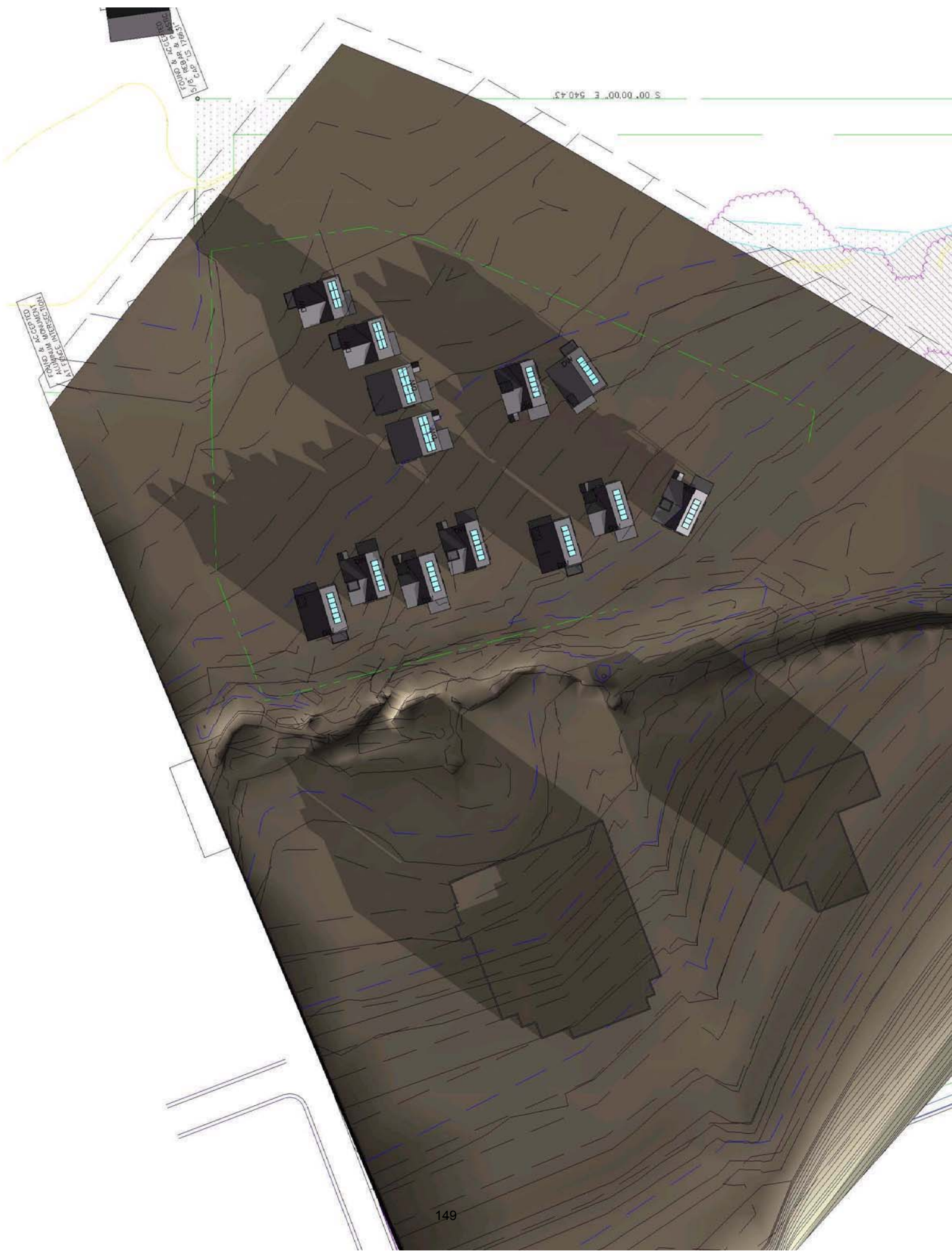
BACKGROUND INFORMATION:

- Large numbers of residents and visitors use the bike path/walking path running through the wetlands daily once the snow melts, and stroll through the wetlands behind the Post Office to marvel the unique natural beauty and animal habitat.
- Adults and children fish daily off the little bridge in that area.
- Numerous deer drink and feed on the meadows and wetlands nightly and in the morning. By eliminating the meadow and wetlands you will displace and perhaps endanger these animals if you support this proposal.
- Moose frequent the meadows and wetlands to drink and feed. Deer sleep at night in the long grass in the wetlands.
- Local and migratory birds feed off these wetlands daily even when snow covered.
- In a February, 2007 address to the U.S. Senate Environment and Public Works Committee, Larry J. Schweiger, President and CEO of the National Wildlife Federation, stated that migratory birds may face declines in such key food sources as seeds, insects and other foods, affecting bird health for migration and breeding (Price & Glick, 2002) as a result of loss of wetlands in the western states including Utah.
- Wetlands provide habitat and sustenance for 80% of Utah's wildlife. Only one percent of Utah is wet according to the Utah Wetlands Interpretive Network. The Park City wetlands contribute to that essential one percent. It is important for you to understand the importance of wetlands for wildlife habitat, as well as flood water retention, ground water recharge, erosion control, water quality filters, recreation and quality of life for numerous residents and visitors. These beneficial services, are considered valuable to societies worldwide, and are the result of the inherent and unique natural characteristics of wetlands. These beneficial services and qualities should be important to you to protect as a Park City, City Council member. We trust you to not contribute to an ecological crisis that could see wholesale loss of wildlife populations and profound changes in our outdoor experiences by eliminating these already established, ecologically functioning, beautiful wetlands running through the center of Park City.
- Loss of wetlands contributes to global warming. Past Park Record newspaper articles indicated the city is concerned about global warming.
- Wetlands can store 1–1.5 million gallons of floodwater per acre according to the United States Office of Environmental Protection Agency. The elimination of any part of the wetlands in Snow Creek will eliminate water absorption needed during Spring melts and pond release.
- During the Spring melt and pond release, the creek running through these wetlands, through the Windrift property and on through the city rises very high. What will the impact of Snow Creek Cottages development do to the level of the creek? Have you considered what will happen to the creeks, streets, land, golf course, and the housing throughout the neighborhoods if you eliminate the wetlands (and meadow)?
- Was an environmental impact study and Wetlands Delineation Study conducted to address these issues before this proposal was presented to City Council? If so, did the results support eliminating these wetlands with little or no impact on the environment, wildlife, and the neighborhoods regarding snow melting, snow-making water pond release, flooding, creeks, streets, and property? Is the development of these proposed

houses on the Snow Creek meadow worth the risk to the environment, the wildlife, and the quality of life to the citizens and visitors of Park City now and in the future?







FOUND & REVEALED
S/P, R/S, & P/S
CAP TO TRES

S 00°00'00" E 540.43

FOUND & REVEALED
ALUMINUM MONUMENT
AT TRAIL INTERSECTION

5. 2060 Park Avenue, Snow Creek Cottages - MPD for Affordable Housing

Planner Katie Cattan reviewed the MPD application for 2060 Park Avenue. The applicant is Park City Municipal Corp.

Planner Cattan reported on a letter she received from Carol Casten, which she distributed to the Planning Commission.

Planner Cattan stated that the Planning Commission discussed this application at the June 25th work session. A public hearing was also held that same evening. The outcome of that meeting was that the Planning Commission wanted to add a condition of approval for a cursory wildlife habitat study. Condition of Approval #15 was added to read, "A cursory wildlife habitat study shall be completed prior to the issuance of a building permit. This study must identify the presence of threatened, endangered and sensitive species on the immediate site.

Planner Cattan noted that the second issue was the height exception on the site. When she initially reviewed the plans she believed the height had been measured from existing grade but she later found that it was measured from finished grade. Planner Cattan noted that the five criteria for granting a height exception were included in the Staff report. She reviewed the criteria as follows:

Criteria 1 is that the increase in building height does not result in increased square footage or building volume over what would be allowed under the zone. The Staff has determined that the increase in building height is due to steep pitched roofs and would not result in increased square footage or volume.

Criteria 2 is whether the buildings have been positioned to minimize visual impacts on adjacent structures. Planner Cattan stated that a shadow analysis was attached to the Staff report. There are no adjacent buildings within 100 feet of the proposed project; therefore the height exception would comply with Criteria 2.

Criteria 3 talks about adequate landscaping and buffering from adjacent properties and uses. She noted that increased setbacks and separation from adjacent projects are being proposed and this project complies with all setback requirements. In addition, the existing significant vegetation will not be disturbed and this vegetation will act as a buffer to the surrounding project.

Criteria 4 is that additional building height had resulted in more than the minimum open space required and has resulted in the open space being more usable. Planner Cattan explained that the reason for the height increase is to decrease the amount of impermeable surfaces on the project. The homes were created with a smaller footprint and more height to maximize the amount of permeable surface retained on the site. This change in footprint resulted in 71% open space.

Criteria 5 states that the additional building height shall be designed in a manner so as to provide a transition in roof elements in compliance with Chapter 9, Architectural Guidelines or Historic District Design Guidelines. Planner Cattan noted that the project complies with Criteria 5 because there is a variation of roof pitches and roof designs throughout the project.

Planner Cattan remarked on a concern expressed by the Planning Commission at the last meeting that the guiding principles of this development were not included in the Findings of Fact. She noted that Finding of Fact #11 was added to include those guiding principles. Chair Thomas opened the public hearing.

NOTE: Due to excessive background noise from fans, most of the comments could not be heard on the recording

Nancy Solomon, a Windrift resident, stated that keeping this property as visual open space in the heart of town is a greater community benefit than providing affordable housing on that property. She suggested a land trade should be considered using open space bonds to find a different site that is more appropriate for development. Ms. Solomon remarked that the design of this project has changed significantly from its inception. The proposed structures have gone from 1-1/2 story cottages to 2-1/2 or 3 story structures and this is incompatible with the surrounding communities. Ms. Solomon understood the criteria for the height exception but she believes the purpose for height limits is to limit the height and to have exemptions on this type of parcel. It is a large space and there should be ample room to design the project under the guidelines. Ms. Solomon stated that asking for or granting a height exemption constitutes a flagrant disregard for the City's own standards. She noted that retention ponds are typically an eyesore. This proposal includes two retention ponds that will serve to truly degrade the appearance of the site and contribute to Windrift's drainage issues. Ms. Solomon noted that the Park City annexation policies on land being developed calls for a detailed wildlife analysis of all species using the property. She felt they should require a complete wildlife study instead of a cursory review. Ms. Solomon stated that the Land Management Code requires development to work with the existing grade and cut and fill should be minimized. She noted that this project is completely dependent on fill to build up the ground under each structure. Ms. Solomon did not believe this met the intent of the design guidelines. She stated that drainage and flooding are critical concerns with this project and the engineering studies must address the impact of this development on the downstream properties. Ms. Solomon felt this project was given special treatment and rubber stamp approval because the City is the applicant. She asked the Planning Commission to carefully consider whether or not they would approve this project if this parcel was owned by a developer who proposed an identical project.

Richard Weber had serious concerns about this wetland area. It serves as a Gateway to Park City and what is being proposed effects downstream users. Mr. Webber stated that this is an historical water drainage site that services people downstream. He remarked that the lake that is being proposed is an illegal lake and he was unsure how they obtained the necessary water rights.

Planner Cattan clarified that the ponds are retention ponds and the application must go through the Army Corp of Engineers to meet their requirements.

Rich Weyman stated that he has been an affordable housing advocate for the last 15 years. Regarding the height issue, Mr. Weyman felt the City Council had set the precedent for height exceptions when they allowed for increased heights in the mid-1990's. As an affordable housing advocate, he urged the Planning Commission to grant the height exception.

Marcia Griffiths commented on the height issue and asked that consideration be given to the adjacent homeowners. She also asked that trees and other vegetation be planted to screen and protect the neighbors.

Chair Thomas closed the public hearing.

Craig Elliott, representing the applicant, clarified that the concerns regarding water issues would be addressed by following the Army Corp of Engineer guidelines.

Commissioner Russack asked for clarification on the detention ponds. Peter Gilwald, representing the applicant, explained that the purpose of the detention ponds is to prevent runoff from paved surfaces and to keep from impacting downstream properties. The ponds are not duck ponds. They are designed to hold water and then release the water at a rate that would not impact the historical runoff to properties. Mr. Gilwald noted that vegetation would be similar to the existing native vegetation. He noted that there would be surface flow and none of the stream channels would be altered.

Commissioner Murphy asked if a soils study was done. Mr. Gilwald stated that an RFP was submitted and a bid has been accepted.

Commissioner Murphy asked if the ground underneath the buildings will be built up at all to place the buildings higher.

Mr. Elliott stated that they are raising the ground under each building pad to address flood plain issues and mitigate any impacts they might have from flood conditions.

Commissioner Murphy understood the reason for the height exception and he did not believe it was an unreasonable application. However, he felt there should be mitigating factors to the condos directly to the north and suggested vegetation early in the project to soften the impacts. Mr. Gilwald pointed out that the goal is to create a buffer. As part of the landscape package, they are also looking at how it ties into the solar aspect of the project.

Commissioner Strachan wanted to know why the Staff decided on a Cursory Wildlife Study. Planner Cattin replied that it was determined to be an appropriate place to start. If anything significant comes out of that study they would need to go through a Federal process, which is much more involved.

Commissioner Strachan asked about water rights. Mr. Gilwald felt water rights was a different issue from hauling water out of the streams to fill a pond. Water entering the ponds should not affect the downstream water rights or any other water rights. Mr. Gilwald did not believe the State Engineer would get involved in that aspect unless they do a stream alternation, which he could not see occurring.

Commissioner Strachan stated that if they intend to do a wildlife analysis, he felt it was better to study all species on the land. He believed the Corp of Engineers would ultimately require one anyway. The Commissioners concurred. Planner Cattin offered to amend the condition of approval to reflect a full wildlife study.

Commissioner Peek understood that the detention ponds would be building code required to prevent surface runoff. Mr. Gilwald replied that in addition to preventing surface runoff, the ponds will also work as a secondary filtration system. He explained how the filtration would work.

Commissioner Peek asked if the roof pitches are designed at the optimum angle for solar panels. Mr. Elliott stated that they tried to create different angles for different times of the year. They essentially tried to optimize a fixed system. The panels will be flat to the roof. Commissioner Russack agreed with all the comments made by his fellow Commissioners.

Commissioner Wintzer agreed with all the comments. He stated that every retention pond he has seen has been an eyesore and a weed bed. He encouraged the designers to find a way to make them look nicer. Commissioner Wintzer had concerns about building around two streams but he understood the issue. He suggested doing everything possible to make sure the runoff does go into the retention pond.

Chair Thomas echoed all the comments from the other Commissioners. He agreed with striking the word “cursory” in terms of the wildlife study. Chair Thomas remarked that this project started with a good design and he believes the process will go smoother if they end up with a good design.

Commissioner Strachan responded to public comment about this project being a done deal because the City is the applicant. He pointed out that the Planning Commission had approved an affordable housing project at 100 Marsac Avenue this evening, in which the applicant was a private developer and not the City.

MOTION: Commissioner Murphy moved to APPROVE the MPD application for 2060 Park Avenue based on the Findings of Fact, Conclusions of Law, and Conditions of Approval with the modification to Condition #15 to strike the word “cursory” and to add Condition of Approval #16 that vegetative screening be proposed between the existing Windrift condominiums and the retention ponds and part of the other units, as part of the conditional use permit application. Commissioner Wintzer seconded the motion.

Commissioner Peek noted that sometimes vegetation screening exceeds the impact of development and he suggested a landscape design that limits vegetation to heights that do not block views.

VOTE: The motion passed unanimously.

**PARK CITY PLANNING COMMISSION
WORK SESSION NOTES
JUNE 25, 2008**

PRESENT: Jack Thomas, Dick Peek, Julia Pettit, Evan Russack, Adam Strachan, Brooks Robinson, Kirsten Whetstone, Katie Cattan, Francisco Astorga, Polly Samuels McLean

WORK SESSION ITEMS

2060 Park Avenue, Snow Creek Cottage - Master Planned Development for Affordable Housing

Planner Katie Cattan noted that this item was scheduled for public hearing and action during the regular meeting this evening. She reported that the City is the applicant on this MPD and the City hired Elliott Work Group as the designer for an affordable housing project at 2060 Park Avenue, located behind the police station.

Planner Cattan stated that she would wait until the regular meeting to provide a detailed presentation. For the work session she preferred that Craig Elliott, with Elliott Work Group, explain the project and answer questions.

Craig Elliott introduced Pete Gilwald, the landscape architect and planner on the project. Mr. Elliott presented a model of the proposed project and spoke about the design concepts and the different iterations that led to this proposal. He noted that the project presented this evening was the result of discussions with the Planning Commission and City Council at the pre-application meetings.

Mr. Elliott outlined the concepts they used to create 2-1/2 story units and a smaller footprint for those units. He explained how they used porches and other elements to break up the mass. The buildings were staggered to create variation. Mr. Elliott reviewed a model showing 13 stand alone structures with different roof forms. The units are 3 or 4 bedroom homes. Mr. Elliott showed how they created open views from within the project. The intent was to create a village like feel. Mr. Elliott stated that the buildings were oriented to minimize impacts to the surrounding neighborhoods.

Pete Gilwald reviewed the site plan and talked about trails, access and setbacks and how the project was designed to minimize the impacts to the wetlands and the stream corridors. He noted that the units are clustered and compact and the project proposes 71% open space. Because of the wetlands, they were only able to utilize approximately one acre of the 2.4 acre site for the project. The units will be raised approximately three feet above the flood plain elevation.

Planner Cattan asked if there would be tandem parking on the homes that are set back a little further. Mr. Gilwald explained that some of the units would have a tandem garage area. Other units with a shorter driveway would have two a car garage.

Mr. Elliott reviewed rendered versions of the proposed houses. He stated that they tried to create unique qualities with each design and create variation between the units. Mr. Elliott stated that they tried to work with the nature of the site and the surrounding properties to create a mix of building

types that combine a creative neighborhood. They tried to pull colors from the site as it exists today and use those in the patterns and textures of the buildings.

Vice-Chair Thomas asked for the approximate distance between the units. Mr. Gilwald replied that they have been holding to ten feet from the exterior wall as the minimum separation between the units. Vice-Chair Thomas clarified that the buildings are under the height limit. Mr. Gilwald stated that this was correct.

Commissioner Peek asked if the height was measured from the proposed finished grade. Mr. Gilwald replied that it was measured from finished grade and the heights were adjusted for the extra soil to raise the grade.

Commissioner Russack liked the looks of the project and felt they were sensitive to the landscape. Mr. Gilwald stated that when they looked at the trail crossing and how it intersects the road, they tried to get the trail to go under the bridge to avoid vehicle/pedestrian interaction. Doing that would have resulting in raising the grade significantly to keep the trail out of the water. Using a box culvert allows them to get the road lower. They may have to raise the trail a couple of feet to meet the elevation of the road. Commissioner Russack felt they should stay consistent with what they currently do with lighting for the bridge. Commissioner Russack understood that there was a preference to the box culvert. Mr. Gilwald believe the box culvert would have a lesser impact on the site to the wetlands and provide the best access into the site. The grade they would have to cut through the trail would be less than digging under the bridge. Commissioner Russack stated that he was leaning more towards the box culvert because it appears to be a more sensitive approach.

Commissioner Pettit felt that one of the biggest issues expressed in letters and comments from the public related to hydrogeologic conditions and controls. She asked if the mitigation plan required by the Army Corp of Engineer would be the final document that helps identify what those appropriate conditions would be.

Planner Cattin noted that conditions of approval #4 and #5 address that issue. Condition #4 states that a Corp of Engineers approved wetland and mitigation plan must be submitted to the building department prior to issuance of a building permits. Condition #5 states that the City will require a LOMR to be completed and approved prior to issuance of a building permit.

Matt Cassel, the City Engineer, explained that a LOMR is a Letter of Map Revision. FEMA has maps that shows where the flood plains are located. This project is in the flood plain and when you change the elevation of the flood by more than a foot, a LOMR is required. A hydrology study is done to determine what the new flood plains are, where they are and what other pieces of property they will affect. The letter is the new flood plains that revises the map. Mr. Cassel stated that when that process occurs, they need to determine if Snow Creek flows up stream or down stream. They need to find that and determine what affect it has on adjacent properties. It gives the owners of those properties the opportunity to come forward and say yes it can or no it cannot happen.

Commissioner Pettit wanted to know the process for adjacent property owners to be involved.

Mr. Cassel stated that both the wetland process and the LOMR process have public components. He assumed additional public meetings would need to be scheduled to give the public a chance to know what is happening and how it will occur. Mr. Cassel pointed out that the Federal government does not have a great public process.

Commissioner Pettit felt they needed to be careful with the conditions of approval with respect to the MPD because that process would occur after the Planning Commission process. She was trying to figure out how the process ties together with the conditions. Mr. Cassel replied that the required studies must be finalized and approved before permits are issued.

Commissioner Pettit wanted a better understanding of the landscaping plan and whether or not what is being proposed is the best practice for the purpose of water conservation.

Mr. Elliott stated that one of the goals in the design for sustainable practice was to enhance the buildings with plantings in a way that reduces energy consumption. They have looked at planting deciduous trees. These would provide shade in the summer time and reduce the need for additional cooling for the house. Mr. Gilwald noted that backyard spaces and landscaping will have minimal turf to reduce the amount of watering. The open space areas will remain as they currently exist.

Commissioner Pettit asked if the submission being approved was today sufficient to meet the guiding principles set forth in the application. Planner Cattan stated that they could place more condition on the approval. She noted that one of the findings of fact is to include all the discussion within the Staff analysis. Commissioner Pettit did not believe the analysis sufficiently addressed the guiding principles laid out in the precursor in the Staff report. She encouraged them to think more about how they can tie all this together. Since this is a City project, it is an opportunity to put forth the City's goals for sustainability in rebuilding. This is a great example of what they can hold out to the private sector as to what can be done. She thought they should hold the City to the same standards they hold other applicants in terms of shaping the conditions of approval and making sure they are strong enough to tie in a relationship between the MPD approval and the guiding principles in the application. Planner Cattan stated that she would include more green initiatives in the conditions of approval.

Commissioner Peek asked about utilities in the bike path corridor. Mr. Gilwald stated that the utilities they will tie into run behind the post office and the police station. There are no utilities running under the existing pathway itself. The goal is to draw the utilities through the open space corridor and across the trails stream corridor. Commissioner Peek assumed there would be creep control and flood control for bikers. Commissioner Peek referred to a sign on the bridge on the north side of the project that indicates that riparian areas next to McLeod Creek have been protected. He asked for the purpose of that sign. Mr. Gilwald assumed the riparian area was protected by the Army Corp of Engineers standards. Planner Cattan stated that the area is protected by the sensitive lands overlay. Mr. Gilwald noted that the sign was posted by Weber Basin Water District.

Commissioner Peek asked if provisions are made for salt, in addition to sand and oil. Mr. Gilwald stated that road oil will be collected into a curb and gutter, which goes into a sand and oil separator before it goes into the detention pond. The detention ponds will have to have further filtration.

Commissioner Peek asked if the natural snow storage areas would be graded in a way to keep it from draining into the wetland. Mr. Gilwald explained the grading plan that would address that issue.

Commissioner Strachan referred to the wetland mitigation plan and asked if there is a chance the plan could be denied. Mr. Gilwald stated that the wetlands were mapped and those have been signed off by the Army Corp. They can disturb up to a half an acre and keep it under a nationwide permit. That also includes a temporary disturbance of water and utilities connection. Once they determine the impacts they will go through a process with the Army Corp. and have them sign off on the mitigation plan.

Commissioner Strachan referred to a letter from the Department Natural Resources which indicates that there is no data to evidence wildlife in the area. It also states that the letter should not be regarded as the final statement on the occurrence of any species on or near the designated site. The letter should also not be considered as a substitute for biological surveys. Planner Cattan stated that she contacted the Department of Natural Resources to find out if there are any species of concern and the letter was in response to her question. Commissioner Strachan asked what would happen if significant species are found midway through the project.

Commissioner Russack suggested that further research may be required before taking action. Planner Cattan offered to add a condition of approval for a professional wildlife study.

The City Engineer stated that an important element to the half acre under the nationwide permit is a much shorter process. Going to a local permit can be gruesome. He stated that the biological evaluation or study and whether it may or may not occur depends on the notification process. Requesting a permit from the Army Corp is a combined permit with the State and everyone in the State is notified. They may get a request that a biological study is required to look for threatened and endangered species. Mr. Cassel felt all their questions would be answered what they begin the process with the Army Corp and FEMA.

Commissioner Russack pointed out that a study would only be done if someone comes forth and requires it. He felt the City should be pro-active and do their own study to determine that this location is clear of threatened or endangered species before they begin the project. Vice-Chair Thomas agreed.

Commissioner Strachan asked about solar power. Mr. Elliott stated that the goal was to orient the buildings in a way that takes advantage of any chance for solar heating and to reduce the overall loads required.

Commissioner Russack asked if these units would have basements or slabs. Mr. Elliott replied that they units would be placed on concrete slabs on grade. Commissioner Russack asked if building on top affects the capacity to absorb runoff. Mr. Elliott stated that they are 50 feet from the delineated wetlands and the area the Army Corp identified as the area that absorbs water from the runoff situation. The additional 50 feet provides that absorption. The only issue is a relatively high water table and the units will be up out of that water table.

Work Session Notes
June 25, 2008
Page 5

Commissioner Russack thought the idea of providing the ability to reduce the out-of-pocket expense as it relates to energy for each unit is admirable for an affordable housing project.

JUNE 25, 2008 Planning Commission Regular Meeting Minutes

2060 Park Avenue - Snow Creek Cottages - MPD for Affordable Housing

Planner Cattan reviewed the application for a master planned development at 2060 Park Avenue. An MPD is required on developments of more than 10 homes. This proposal is for 13 homes and requires an MPD. The applicant is the Park City Municipal Corp.

Planner Cattan noted that the proposed development area is located outside the delineated wetlands and will maintain a 50 foot setback. She reviewed the requirements of the Land Management as outlined in the analysis and discussion section of the Staff report.

The density proposed with this MPD is less than what is allowed and uses 37 of the remaining 40 unit equivalents on this parcel. The minimum setbacks on the project are 25 feet; however due to the sensitive lands overlay zone, this project complies with the minimum 50 foot setback from delineated wetlands. Master Planned Developments are required to have 60% open space and this project will provide 71% open space. Planner Cattan noted that a new plat will be recorded and the lot lines realigned to create the 71% open space. This proposal meets the requirement of two off street parking spaces per home. The building height for the RDM zone is 28 feet with an exception of five for a pitched roof. These homes all have pitched roofs and meet the 33 foot height requirement.

Planner Cattan stated that site planning must comply with the nine provisions in Section 15-6-5-(G) of the Land Management Code. Those provisions were outlined in the Staff report, along with explanations of why this project complies with all nine.

Planner Cattan pointed out that this site was chosen because it is close bike trails, the Post Office, and grocery and other neighboring facilities. The Mcleod trail runs through the site and that will be maintained in its original location. Adequate internal vehicular and pedestrian/bicycle circulation within the site will be provided. The site plan shall include adequate areas for snow removal and snow storage. The site has met building and fire requirements in terms of turnaround space for larger vehicles such as snow maintenance and trash removal. In terms of refuse storage and recycling, the applicant has had conversations with Allied Waste to provide trash pickup from each individual home. Planner Cattan stated that the site plan for an MPD should include transportation amenities, including drop off areas for vans and shuttles and a bus stop. She noted that there are bus stops nearby but there would not be a bus stop in front of the project.

Planner Cattan remarked that in terms of compliance with the Sensitive Lands there are not topographical issues, no portion of the site contains a ridgeline, and the project was design to minimize the impacts to the vegetation identified on the site plan. Regarding entry corridors and vantage points, the one vantage point listed in the LMC was the Park City Golf Course Clubhouse across the street. From that vantage point you would see the police station but very little of the project behind the police station. Two stream corridors have been identified on site and this project respects the 50' setback requirement from the stream.

Planner Cattan referred to the wildlife habitat discussion that occurred during work session and noted that there was some concern about the letter from the Utah Division of Wildlife Resources. Since no one has actually done a wildlife study on site and she suggested adding condition of approval #15 that, "A wildlife habitat study shall be completed prior to the issuance

of a building permit. This study helps to identify the presence of threatened, endangered and sensitive species.” Planner Cattan stated that if any of these species are identified, that would require a Federal process and compliance with Federal regulations.

Planner Cattan clarified that this entire MPD is for affordable housing and no additional density is being requested. Planner Cattan stated that the Planning Commission has the discretion to determine whether or not this project will create a need for child care.

Craig Elliott, representing the applicant, clarified that this MPD application did not actually apply for an affordable housing MPD, but the City was willing to make it an affordable housing project.

Mr. Elliot reviewed the site plan and the design concepts. By reducing the footprints of the buildings they were able to create variation in form and shape. The project was designed with five distinct designs that are mirrored and rotated on the site to create the greatest values from a site design relationship. Mr. Elliott presented large renderings of the five building designs proposed. Each design has a uniquely different character. A color pallett is being developed based on the natural colors of the site.

Pete Gilwald, representing the applicant, stated that during the pre-MPD process Commissioner Murphy had asked about soil studies. He informed the Planning Commission that they solicited bids from a geo-tech firm to do geo-tech work on the site.

Vice-Chair Thomas opened the public hearing.

Lisa Rudy, a Windrift resident, spoke on behalf of her neighbors. She referred to letters from Sheila Berry and Carole Casten that we asked to read into the record.

Vice-Chair Thomas informed Ms. Rudy that the Planning Commission had received those letters and it was not necessary to read them.

Ms. Rudy noted that the letter from Ms. Berry commented on a misconception stated by Mayor Dana Williams that the Windrift and Saddle neighbors were on board with this project. Ms. Rudy echoed Ms. Berry in saying that she has spoken with no one at Windrift who favors this project. Ms. Rudy stated that the Windrift neighbors also agree with the points raised in Ms. Casten’s letter. Ms. Rudy read seven questions from Ms. Casten’s letter and asked that the Staff provide answers.

Planner Cattan clarified that the Staff had responded to Ms. Casten’s email. She offered to summarize her answers for the public.

On the question of consulting a hydrologist or appropriate engineer to analyze what would happen to the properties downstream if the meadowlands are developed. Planner Cattan stated that conditions of approval on the MPD address that issue. The first is that a mitigation plan for the wetlands must be approved prior to issuing a building permit, and that would go through the Army Corp of Engineers. The second condition has to do with a LOMAR, which is a letter of map revision, and that study will show exactly how the stream would be affected. This lets FEMA know whether or not the neighboring properties will be affected in terms of insurance and flooding.

The second question was whether environmentalists have been enlisted to study the presence of migratory birds. Planner Cattan noted that during the work session, the Planning

Commission raised their own concerns and a condition of approval can be added to require a wildlife study prior to any building permit.

The third question relates to a cost analysis that compares the cost of the infrastructure to support this development in building and ongoing maintenance for 10-20 years versus using other alternatives to provide affordable housing. Phyllis Robinson stated that the project is a private development without on-going maintenance by the City.

The fourth question asked if the City always requires the developers of large projects to provide a given percentage of the units within their developments as affordable housing. Planner Cattan remarked that based on the 2007 Affordable Housing Act that was adopted, 15% of development must go to affordable housing for a large scale master planned development.

The fifth questions asked if a survey of the targeted tenant population been conducted to identify they would rather live in clustered housing developments or receive assistance to purchase a property of their choice. Ms. Robinson explained that the City has a housing demands study.

The sixth question was whether the targeted residents be able to afford flood insurance since the Snow Creek Meadow has been documented to be a flood area. Planner Cattan stated that they would be able to afford the insurance.

The last question stated that according to law, if any part of the wetlands is eliminated, twice that acreage of wetlands would have to be developed elsewhere. Ms. Casten wanted to know if there is a plan to develop that acreage somewhere else in the City. Planner Cattan questioned which law Ms. Casten was referring to since she had never heard of this requirement.

Mr. Elliott stated that they would be working with the Corp of Engineers to satisfy any requirements.

Rick Weyman was pleased to see this affording housing project. His name has been on the affordable housing list to purchase for at least 10-12 years. He started the affordable housing campaign back in 1993 when he helped start the Corp and Coalition of resident renters. Mr. Weyman currently lives at Silver Meadows, which is one of the affordable housing developments he helped broker in the mid-'90's. Silver Meadows is a great example of how affordable housing benefits this community. It is much more dense than this proposed project and has 44 side by side townhouses. He was pleased to see this proposal had detached units. Mr. Weyman was also pleased to see how the environmental issues were being addressed. He understands people do not like to see anything new in their neighborhood but he understands that some type of development has always been planned for this Snow Creek parcel. Mr. Weyman stated his support for the project as a long time resident of Park City and as a long time affordable housing advocate.

Marcia Griffiths, a Windrift condominium unit owner, supports the positions presented by her Windrift neighbors. Ms. Griffiths did not support this project. She is a 30 years resident of Park City and a proponent of affordable housing, but after 30 years she has watched all the open space in town be built up. Mr. Griffiths explained why she was more supportive of protecting that parcel as open space.

Nancy Solomon, a resident of the Saddle Condos supported all comments opposing this project. She felt there was a misunderstanding with regards to the support of this project among the

Saddle condo owners because no one she has spoken to support this project. Ms. Solomon asked if the 33 foot height was measured above the original grade or above the 3' additional build up.

Planner Cattan stated that it was measured from original grade. Mr. Elliott clarified that it was actually measured from the 3' modified grade.

Ms. Solomon pointed out that if the height is measured from the modified grade, the height would be 36 feet rather than 33 feet. Mr. Elliott answered yes. Ms. Solomon felt these would be excessively tall buildings. Ms. Solomon wanted to make sure that the engineering studies take into account the additional three feet of soil build up on the property. She could not see that how that would not impact drainage into those wetlands. Mr. Solomon stated that the Saddle Condo owners and the Windrift owners are very concerned about drainage and runoff issues and flooding in the area. Ms. Solomon stated that the voters of Park City have consistently voted to spend their tax dollars on acquiring and maintaining open space. They have never voted to spend their tax dollars on providing affordable housing. She felt this was an issue of priority. This is beautiful parcel of land that is currently open. The City already owns it yet they are looking for other parcels to purchase in order to preserve open space. She believes the taxpayers consider this land more valuable as open space as opposed to building 13 units, which is a drop in the bucket towards meeting their affordable housing needs. Ms. Solomon found it disturbing that the City Council, as the applicant on this project, is pushing ahead and treating it as a done deal when it had not gone through the public hearing process until today. She heard from a reliable source that the city hopes to begin construction in July. She felt they should look at the cost of the project to see if it truly is cost effective as affordable housing. Ms. Solomon assumed the taxpayers would end up paying for most of the infrastructure for this project because of the wetlands.

Jim Kennicott, a Windrift resident, was concerned about who will pay the construction costs of the project. He understood that the cost to build will be more than what the units can be sold for. Mr. Kennicott had heard that the units would be sold but the applicant, which is the City, would continue to own the land.

Planner Cattan stated that this project would have to go through a condominium plant and ownership issue would be decided at that time. She acknowledged that there has been talk that the City may continue to own the land underneath the buildings.

Mr. Kennicott stated that even though it may not be actual wetlands, the property carries a tremendous amount of water and has a very high water table. The City and the developer knows this, which is why they are building up the ground by 3 feet. Mr. Kennicott stated that the obvious problems for the neighbors is a potential downstream of water that as currently being partially absorbed on that site. He has suggested during a previous Planning Commission meeting that it might be appropriate to have some kind of limitation or deed restriction that would prevent people from paving over areas in this project. Mr. Kennicott stated that the neighbors are also concerned about a potential increase in their flood insurance as a result of having additional impermeable surfaces and the loss of the existing absorption area. Mr. Kennicott recalled a previous issue about revising the access in the event of a police department lock down. He asked if the newly proposed access resolved that issue.

Mr. Elliott replied that the access issue had been resolved.

Vice-Chair Thomas closed the public hearing.

Planner Robinson disclosed that his wife, Phyllis Robinson, is a representative for the City and for this reason he has consistently recused himself from the discussion. He wanted to address comments regarding the height and felt that would be appropriate since it is a policy issue. Planner Robinson thought the height was measured from existing grade. However, in an MPD the Planning Commission may grant additional height per criteria outlined in the MPD section of the Code.

Mr. Elliott stated that the heights are based on the revised grade and it would require a height exception. Planner Cattin stated that she was not aware of the height increase.

Vice-Chair Thomas requested that they consider reducing the height to compliance with the height limit. He asked about the roof pitch and Mr. Elliott replied that it varies from 10:12 to 6:12 and 4:12. Vice-Chair Thomas was interested in seeing alternative solutions.

Mr. Gilwald clarified that the grade they are building up is strictly limited to the area where the houses are located. They are trying to minimize the amount of grading to the site. Mr. Gilwald stated that they are only impacting the wetlands in two areas. One is where the main access driveway comes in across the stream and the trail crossing. The second point of impact, which is a temporary impact, is where the utilities will cross to tie into the area behind the Post Office. Their mandate is to keep that within the one-half acre Army Corp of Engineer permitting process.

Commissioner Russack wanted to know what would happen with the three unused Ues.

Planner Cattin replied that they would still be part of the Snow Creek original approval. Planner Robinson stated that there could be an amendment to the MPD by the police station or this project to consume those unit equivalents at some future date. He noted that the Planning Commission can make findings with this approval as to what those units can be. An amendment to the MPD would come back to the Planning Commission.

Because of the confusion over height, Commissioner Russack requested that the Staff should do a height analysis for the MPD prior to the Planning Commission taking action.

Commissioner Russack asked for clarification on what impacts this development would have on runoff and water. Mr. Gilwald explained that because of detention ponds and site development the project cannot increase off-site runoff. Therefore, you are required to detain a percentage of water on-site and release it slowing as not to increase the runoff off site.

Commissioner Russack was generally comfortable with this proposal but he did favor revising the application for the height. He appreciated the comments from the public and he felt they were taking the right steps to mitigate those concerns.

Commissioner Pettit was struggling with the issue of trying to tie in sustainability elements and the building aspects of this application into a condition of approval. She would like to use this project as an opportunity to think about ways in other projects to create enforceability measures into their approvals that are tied to the principles they are supporting. Planner Cattin thought it would be appropriate to include that in the findings but it could be tied to the conditions of approval because the Land Management Code does not make conditions upon green initiatives at this point.

Commissioner Pettit was trying to understand how, after the MPD is approved and all the studies and processes are completed, at what point the project can be stopped if they determine that the impacts to the surrounding neighbors is too great.

Mr. Elliott felt that was a question for the City and not the design team. He assumed if they found negative impacts that would result in a long term process. Planner Cattan stated that the runoff can be no more of an impact than the existing conditions and that is a requirement of the International Building Code which is regulated by Ron Ivie. Planner Cattan noted that this would be checked at the Building Department level.

Commissioner Pettit was concerned about who really owns the land and who provides the maintenance. Phyllis Robinson explained a number of options that the City Council has discussed as the property owner. She noted that all the wetland areas, the sensitive land area, and the bike path would not be within the condominium ownership. These are already within City ownership recognizing the sensitive nature of this land.

Commissioner Pettit felt it would be helpful to understand how the City settled on this particular parcel for this project and what other options the City has to develop affordable housing that is close to shopping and transit.

Ms. Robinson stated that when the Snow Creek MPD was created, the areas where the post office and the police station are located was envisioned to be residential development. This parcel has been on the City's properties plan for a while and identified as affordable housing. Ms. Robinson commented on other parcels for consideration and explained why they are less desirable.

Assistant City Attorney McLean reminded the Planning Commission that the MPD is before them this evening. While Ms. Robinson's comments are helpful as background information, they are not relevant to this MPD application.

Commissioner Peek stated that he had the same question about where height was measured and he looked forward to the Staff analysis that Commissioner Russack had requested with regards to the height exception. Commissioner Peek remarked that the comment about restricting the permeable and impermeable space would be interesting to explore and is something that might not be anticipated in the original water flow analysis. Responding to the public comment about establishing a dialogue via email, Mr. Peek explained to the public that this is the forum for dialogue so all the Commissioners, the applicant and the public can engage in that dialogue and understand what is being discussed. He noted that the Commissioners do not respond to emails and instead forward them to the Staff to be included in their packets.

Commissioner Strachan asked if 71% of the 2.5 acres is open space. He was told this was correct. He referred to minutes from a previous meeting and noted that the open space was originally proposed to be 60%.

Mr. Gilwald stated that 60% is required by the LMC for an MPD. When they first met with the City Council the footprints were larger. Taking into consideration their desire to reduce the footprint resulted in smaller units and additional open space.

In terms of permeability, Commissioner Strachan asked if any of the surrounding properties have a permeability restriction for paving. Mr. Gilwald was unsure if other properties were restricted. He stated that the CC&R or the plat will put restrictions on what homeowners can do

outside their homes. Mr. Gilwald stated that when designing the project they went through a lot of effort to reduce the amount of pavement.

Commissioner Strachan asked if the detention ponds are fail safe against permeability problems. Mr. Gilwald replied that other things could be done but given the tight restraints of the site they felt that detention ponds are the best ability for holding the water.

Vice-Chair Thomas asked if they were going for a LEEDS Certification. Mr. Elliott stated that currently they are not. Vice-Chair Thomas noted that there was a general concern about the height and he asked what visual aids would help in terms of better understanding the height question. He assumed it was a misunderstanding between the Staff and the designer. Mr. Elliott stated that this option for height was discussed early on in the process and it was never brought up again. He offered to show whatever impacts the Planning Commission wanted to see from the standpoint of a visual analysis.

Vice-Chair Thomas thought it would be helpful to see a cross-section through the site and across the hill to the condominium on the hillside. He also suggested a computer model and the shadow overlay of the height. Mr. Elliott offered to provide the computer models they have of all the building on the site that show the impacts in detail.

Vice-Chair Thomas liked the design and he felt they were extremely sensitive to the site. This is an important project for the community. Vice-Chair Thomas reiterated that the Snow Creek master plan always designated this area to be residential.

MOTION: Commissioner Russack moved to CONTINUE the MPD application for 2060 Park Avenue to July 9, 2008. Commissioner Peek seconded the motion.

VOTE: The motion passed unanimously.



FIELD ECOLOGY, LLC.

C. VAL GRANT, PHD.

135 E. CENTER LOGAN, UT 84321

435-757-9519 VAL@MTWEST.NET

July 28, 2008

Conrad Elliott
Park City, Utah

Dear Conrad:

Thank you for the opportunity to look at the Snow Creek Cottages MPD – Housing document and plan set forth by the Park City Municipal Corporation, dated June 25, 2008.

The most serious problem with the proposed development is water, specifically the high water table and the distinct increase in the acreage of wetlands based on the original wetland delineation. The shallow water table in the eight acre Lot 9B of the Snow Creek Crossing Lot 9 Subdivision has increased the wetland habitat by 20-40% in the previously noted "Flood Zones A and B, an area where no previous wetlands were mapped (See page 195 of 358 of the above referenced document).

In conducting soil tests in the building zones "A" and "B", drillers damaged the wetlands, leaving deep tire tracks at the site. The damage offered clear evidence of the fragility of the wetlands meadow and its high water table. Regarding downstream flooding of existing residences and the potential for more severe flooding due to an increase in non-permeable soils, streets and structures, the City needs to drain the groundwater from the proposed building area, as well as downstream residences, via drain tiles or a similarly effective system. It is evident a new wetland delineation is needed, as is a hydrological

study of the building site and any downstream lands and residences put at risk by said construction.

Given the richness of the habitat, the City should conduct a full-year survey of wildlife using the property prior to starting any construction. Park City presently hosts a number of “high value” species, e. g., mule deer, elk and moose, as well as fox and coyote. Open space for these species is a must to ensure their presence. The proposed MPD will negatively impact the community’s ability to provide safe haven and forage for these and other species. Wetlands will be destroyed, existing shrubs and trees will no longer be available for nesting or refuge, and the planned residential density will render the meadow unsuitable for diversity among plants and wildlife.

Respectfully,

Signed/C V G

C. Val Grant, Ph.D.
Wildlife Biologist

C. VAL GRANT **Wildlife Biologist**

Field Ecology, LLC
135 East Center St.
Logan, UT 84321
(435) 753-5370
FAX (435) 753-7573

email: val@mtwest.net
cellular: (435) 757-9519

EDUCATION:

1958-1964: B.S. Zoology (Pre-med), Regis College, Denver, Colorado
1966-1968: Non-degree, Physiology, University of Colorado, Boulder, Colorado
1970-1978: Ph.D., Wildlife Science (Animal Behavior), Utah State University, Logan

CURRENT POSITION:

July 2003-Present: Manager, Owner, Field Ecology, LLC.
1978- 2003: President and Owner of Bio-Resources, Inc.

RELATED EXPERIENCE:

1961- 1964 **U.S. Geological Survey, Ground Water Laboratory, Denver, CO** *Physical Science Aide*

1964- 1970 **U.S. Fish and Wildlife Service, Wildlife Research Center, Animal Damage Control, Denver, CO** *Wildlife Aide/Animal Physiologist*. Animal damage control

1974- 1976 **VTN, Inc., Irvine CA., prime contractor to White River Shale Project (Phillips Petroleum, Sohio, and Sunoco).** *Field Biologist* Baseline survey

1976- 1978 **Bio-West, Inc., Logan, UT** *Manager-terrestrial studies, Vice-president, and co-owner.*

1976- 1977 **Bureau of Reclamation, Central Utah Project, Provo, UT** *Project Manager/Field Biologist* Wildlife use of canals in the Uinta Basin

1977- 1978 **Bio/West, Inc. White River Shale Project, Vernal, UT** *Project Manager/Field Biologist* Interim Wildlife Monitoring amphibians, reptiles, birds, mammals

1978 **Bio-Resources, Inc., Logan, UT** Incorporated in Colorado

1978- 1984 **White River Shale Project, Vernal and Salt Lake City, UT** *Project Manager/Field Biologist* Interim Wildlife Monitoring amphibians, reptiles, birds, mammals

1979- 1993 **Pittsburg and Midway Coal Mining Co., Denver, CO** *Project Manager/Field Biologist*

1979- 1980 **Northern Coal Company, Denver, CO** *Project Manager/Field Biologist*

1979- 1987 **Consolidation Coal Company, St. Louis, MO** *Project Manager/Field Biologist*

1980 **El Paso Coal Company, El Paso, TX** *Project Manager/Field Biologist*

1981- 1982 **Synfuels Engineering and Development Co., Denver and Parachute, CO**
Project Manager/Field Biologist

1982 - 2002 **UNOCAL, Los Angeles, CA** UNOCAL Oil Shale facility, Parachute, CO.
Project Manager/Field Biologist Mule deer, raptor, revegetation monitoring

1983-1991 **Oil Exploration Companies: Coors, Gulf, Koch, Linmar, Lomax, Santa Fe, Utex, Warren** *Project Manager/Field Biologist* Threatened and endangered species

1986-1987 **Kaiser Coal Corporation, Colorado Springs, CO** Sunnyside Mine No. 5, East Carbon, UT *Project Manager/Field Biologist* Wildlife baseline

1988- 1990 **AMAX Resource Conservation Company, Golden, CO** Alamitos Canyon Tailing Ponds, Pecos, NM *Project Manager/Field Biologist* Heavy metal analysis - soils, vegetation

1988- 1993 **AMAX Gold, Inc., Golden, CO** Lassen Gold Mining, Inc., Adin, CA *Project Manager/Field Biologist* Wildlife and plant baseline, relocated sage grouse lek

- 1989-1990 WyCal., Inc., Salt Lake City, UT** Natural Gas Pipeline from Wyoming to Nevada/California border *Project Manager/Field Biologist* Desert tortoise, other T&E species
- 1991- Present Colorado Interstate Gas Company/ El Paso Corporation, Colorado Springs, CO** Natural gas pipelines in Kansas, Oklahoma, Texas, Wyoming, Colorado, New Mexico, Arizona, Nevada. *Project Manager/Field Biologist* EAs, FERC reports, monitoring
- 1991-1997 Chevron Land and Development, Inc., San Francisco, CA** Southern California and Baja, Mexico. California gnatcatcher listing *Project Manager/Field Biologist*
- 1991 Adams Rib Recreation Area, Eagle, CO** Ski area development *Project Manager/Field Biologist* Wildlife baseline, black bear
- 1992-1998 Holme Roberts & Owen, Denver, CO/Southern Pacific Transportation Company** *Project Manager/Field Biologist* Natural Resource Damage Assessment, Sacramento River near Dunsmuir, CA. Biological site evaluations California and Colorado. Expert Witness, Colorado
- 1992-2002 Federal Highway Administration, Denver, CO** *Project Manager/Field Biologist*
- 1994 ENTRIX, Inc., Walnut Creek, CA** Petroleum spill in the Santa Clara River near Valencia, CA. *Field Biologist* Bell's Vireo, Southwestern Willow Flycatcher
- 1994-1999 Battle Mountain Gold Company, Crown Jewel Project, Oroville, WA** *Project Manager* Vegetation Assessment and T&E plant surveys
- 1993-1995 United Park City Mines, Inc., Park City, UT** *Project Manager/Field Biologist*

PUBLICATIONS:

- Grant, C. V. 1967. Breeding behavior of an uniquely marked starling. *Wilson Bull.* 79:243- 244.
- Thompson, R. D. and C. V. Grant. 1968. Nutritive value of two laboratory diets for starlings. *Lab. Anim. Care* 18:75-79.
- Thompson, R. D., C. V. Grant, E. W. Pearson, and G. W. Corner. 1968. Cardiac response of starlings to sound: effects of lighting and grouping. *Am. J. Physiol.* 214:41-44.
- Thompson, R. D., C. V. Grant, E. W. Pearson, and G. W. Corner. 1968. Differential heart rate response of starlings to sound stimuli of biological origin. *J. Wildl. Manage.* 32:888- 893.
- Thompson, R. D., and C. V. Grant. 1971. Automated preference testing apparatus for rating palatability of foods. *J. Exp. Anal. Behav.* 15:215-220.
- Grant, C. V., R. D. Thompson, and G. W. Corner. 1971. Determining avian ECG and respiration with a single-channel radio transmitter. *J. Appl. Physiol.* 30:302-303.
- Balph, D. F., and C. V. Grant. 1972. Behavioral control of vertebrate pests. *Utah Sci.* 33:12- 13.
- Grant, C. V. and D. F. Balph. 1973. Toward the behavioral control of unconfined starlings. *Bull. Ecol. Soc.* 54:42 (Abstr.)
- Grant, C. V. 1978. Studies of conditioned aversion in starlings. Ph.D. Dissert., Utah State Univ., Logan, UT. 94 pp.
- Breidenstein, C. P., C. V. Grant, K. I. Hawkins, and G. Holquin. 1980. Hematology of the vampire bat (*Desmodus rotundus*). *Am. Assoc. Zool. Veterinarians Ann. Proc.* 1979. pp. 70-72.
- Thompson, R. D., B. E. Johns, and C. V. Grant. 1981. Cardiac and operant behavior response of starlings (*Sturnus vulgaris*) to distress and alarm sounds. *Proc. Bird Control Sem.* 8:119-124.
- Thompson, R.D., C. V. Grant, and D. J. Elias. 1981. Factors affecting red-winged blackbird response to methiocarb: an avian repellent. *Pestic. Biochem. Physiol.* 15:166-171.
- Grant, C. V., B.B. Steele, and R. L. Bayn, Jr. 1981. Terrestrial Fauna. In *Environmental Monitoring Manual*, White River Shale Oil Corp., Salt Lake City, UT. 33 pp.
- Steele, B. B., and C. V. Grant. 1982. Topographic diversity and islands of natural vegetation: aids in re-establishing birds and mammal communities an reclaimed mines. *Reclam. Reveg. Res.* 1:367-381.
- Grant, C. V. 1983. Riparian management and energy development in a cold desert ecosystem. In

- Aquatic Resources Management of the Colorado River Ecosystem. Adams, V.D., and V.A. Lamarra (eds). Ann Arbor Sci. Publ., Ann Arbor, Mi. pp. 287-301.
- Beedlow, P.A., J. G. Carter, and C. V. Grant. 1983. Monitoring industrial impacts: a case study of an ecosystem approach from the oil shale industry. *In* In-Place Resource Inventories: Principles and Practices. USDA Forest Service, Orono, ME. August, 1981.
- Steele, B.B., R. L. Bayn, Jr., and C. V. Grant. 1984. Environmental monitoring using populations of birds and small mammals: analyses of sampling effort. *Biol. Conserv.* 30:157-172.
- Steele, B. B., S. B. VanderWall, and C. V. Grant. 1984. Importance of avian populations for land management and reclamation of disturbed lands. *In* Issues and Technology in the Management of Impacted Western Wildlife. Comer, R.D. et al (eds). Symp. Proc. Thorne Ecol. Ins., Boulder, CO. 1:84-90.
- Grant, C. V. 1986. Wildlife distribution and abundance on Utah's Oil Shale Tracts, 1975-1984. *Great Basin Nat.* 46:469-507.
- Grant, C. V. 1989. Wildlife's status in our environment: an appeal for monitoring and standardization. *In* Issues and Technology in the Management of Impacted Wildlife. Thorne Ecol. Inst. Symp. 4:10-16.
- Chambers, J. C., R. C. Sidle, and C. V. Grant. 1989. Relationships among soil deposition patterns, soil physical and chemical properties, and plant metal uptake on an abandoned zinc-lead tailings pond. *Am. Soc. Surface Mining & Reclaim.*, Calgary Alberta, Canada. Paper presentation, 12 pp.
- Grant, C. V., and J. Monarch. 1989. Wildlife enhancement on disturbed land: a case study. *In* Issues and Technology in the Management of Impacted Wildlife. Thorne Ecol. Inst. Symp. 4.1 44-147.
- Grant, C. V., et al. 1991. Saga of a sensitive species, *Antennaria flagellaris*, in California. *Thorne Ecol. Inst. Symp.* 5:3-13.
- Grant, C. V., B. B. Steele, and R. L. Bayn, Jr. 1991. Raptor population dynamics in the Uinta Basin: the importance of food resources. *Southwestern Naturalist* 36:265-280.
- White, J. S., C. V. Grant, and R. L. Eng. 1992. Establishing a surrogate strutting ground for sage grouse in northeastern California. *Abstr. for Soc. Range Manage. Mtg.*
- Grant, C. V. 1993. Sage grouse relocation. *Wildl. Hab. Enhancement Council*, Alexandria, VA.
- Brammer, R. L. and C. V. Grant. 1994. Steep slope reclamation on an oil shale mine in northwestern Colorado. *Thorne Ecol. Inst. Symp.* 6.
- White, J. S., R. L. Eng., and C. V. Grant. 1994. Sage grouse relocation at an active mine in northern California. *Thorne Ecol. Inst. Symp.* 6.
- Grant, C. V., and R. L. Bayn, Jr. 1994. Mule deer population dynamics on UNOCAL's Oil Shale Facility, Parachute Creek, Colorado. *Thorne Ecol. Inst. Symp.* 6.

AFFILIATIONS:

Association of Field Ornithologists
Bridgerland Audubon Society, Logan UT
Cache Valley Boys Club
The Southwestern Society of Naturalists

PERMITS and SURVEYS:

Fish and Wildlife Service

Preble's meadow jumping mouse
Southwestern willow flycatcher
Mexican spotted owl
Bald eagle
Mountain plover
Black-footed ferret
Black-tailed and white-tailed prairie dog

Pygmy Rabbit
Sage Grouse
Colorado butterfly plant
Ute ladies-tresses

Park City * Sandy

August 1, 2008

Katie Cattan
Park City Municipal Corporation
Planning Department

re: Appeal of Snow Creek Cottages MPD Approval

Katie:

The following information is provided in response to the appeal to the above referenced project:

Item #1. Sensitive Land Analysis. Wildlife Habitat Study.

This item in the appeal is generally in reference to the provision of a wildlife habitat report. The Snow Creek Cottages site is completely surrounded by developed area, including the property that is currently owned by the appellants. Initial reviews, discussions with the State of Utah and common sense about wildlife corridors crossing state highways point to the results showing minimal impacts if any. A wildlife study has been commissioned and will be completed promptly.

The typical review of a site of this small size and surroundings has not in the past required an extensive wildlife habitat study as a review of neighboring property development shows. This project has been reviewed and processed consistently with previous applications.

Item #2 & #3. LOMR, Stream Impacts etc.

Detailed studies are currently being done for the property. A letter from the civil engineer has been provided, showing current FEMA map and preliminary map of revised detailed flood study. Simple review shows that the design will create minor modifications to the stream at the crossing. Any increased run-off of storm water caused by development will be managed by retention basins. These basins will hold the water and release it back into the stream at the same rate as the site currently functions, thus causing no change to the down stream flows.

Item #4 & #5. Height Exception.

Buildings have been positioned a great distance from the neighboring parcels. Drawings with dimensions of these distances were provided to Planning Commission for review. Solar shadow studies were provided to the Planning Commission for their review showing no impact from shadows on adjoining parcels at the shortest and longest days of the year.

Planning Commission requested two site sections between neighboring properties and the Police Station. Those sections were provided. The neighboring parcels are primarily focused to the western views of the mountains, looking north or the proposed project. The neighboring property orientation minimizes the impacts of the project.

Existing vegetation is significant on the Snow Creek Cottages site. This vegetation will be minimally impacted by the proposed development and will provide screening of the new structures.

The height as designed has resulted in an increase in open space and reduced the impermeable (hard) surfaces of the project. Reduction of the hard surfaces was requested in public hearings by neighbors and planning commissioners agreed. This reduction minimizes the run-off associated by the project. The change in building resulted in a 25% reduction in hard surface. The original submittal showed 40% site coverage and the revised submittal showed 30% site coverage. This type of development is encouraged and supported by green building practices and described in many publications including supporting documentation published in conjunction with LEED certification. Changing from 2 story to 2 ½ or 3 story houses was a direct result of the design process.



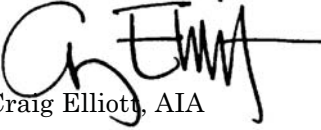
The design as submitted meets the criteria in the LMC MPD height exception requirements. The result of the design will be screening of the lower portions of the Police Station and Post Office with single family homes.

Item #6. Retention Ponds.

The detention ponds as designed are proposed to be built above the existing water table. The retention ponds will not hold water throughout the year. A simple analogy follows: A retention pond is similar to a bucket with a hole in it. The hole is designed to allow a flow consistent with existing site conditions. The design implies that standing water will not stay in the retention basin long. Soils Engineering studies are currently being completed for the site.

I hope the above information is useful in understanding the issues. Please contact me if you have any questions.

Sincerely,



Craig Elliott, AIA