



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

**July 13, 2023**

The Council of Park City, Summit County, Utah, met in open meeting on July 13, 2023, at 3:15 p.m. in the City Council Chambers.

Council Member Dickey moved to close the meeting to discuss property at 3:19 p.m. Council Member Gerber seconded the motion.

**RESULT: APPROVED**

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

**CLOSED SESSION**

Council Member Dickey moved to adjourn from Closed Meeting at 4:00 p.m. Council Member Gerber seconded the motion.

**RESULT: APPROVED**

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

**WORK SESSION**

**Thaynes Canyon Drive/Hotel Park City Parking Study:**

Heinrich Deters, Trails & Open Space Manager, introduced Jeremiah Simpson with Kimley Horn, Vaughn Robinson, Golf Manager, and Ricky Overton and Ryan Overton, Hotel Park City. Deters reviewed the parking study was from 2022, and indicated with some of the striping and the reclamation of underground parking spaces, there was now no winter deficit. In addition, the golf course was not using the temporary informal parking along Thaynes Canyon Drive and the City now had a microtransit program available. He asked for Council approval to pursue a bid process for a walkability program which would require a \$400,000 match. The majority of the Council agreed to pursuing the program.

Council Member Toly asked whether there were any different trends this summer than in 2022. Robinson noted that there were more vehicles circling the lots in the evenings looking for parking spots even though they encouraged carpooling. He attributed that to people coming after work in single occupancy vehicles. Council Member Toly requested

details about how the hotel communicated with guests about parking. Ryan Overton stated the hotel followed up on bookings with a concierge letter outlining transportation options such as car rentals or private shuttles. Check-in time was 4:00 p.m. which coincided with golfing and restaurant diners. Due to the parking situation, they hadn't promoted wedding and catering events. The valet service worked well and was offered to golfers and the restaurant even if just temporarily. Overton clarified that in the summer they had more local groups driving from the Salt Lake Valley, unlike the winter where more groups flew in and took public transportation to the City. Council Member Toly suggested splitting parking spots in half and then share them. Robinson indicated he and Overton had already discussed that, and it would hurt each of them at certain times so it wouldn't be their first choice. Council Member Toly asked whether they foresaw the need to use the 14 parking spots in the future for staging grounds for remodels or if they could be proactive and not use parking spots. Overton conceded that they would have another round of remodels in October, but they had been successful in moving a lot of items off-site. He offered that employees must park off-site, which was a burden, but they continued to offer parking incentives to their employees.

Council Member Gerber asked if there were on-site lockers to store winter and summer gear to make it easier for people to take public transportation. Overton responded there was no storage at this point.

Council Member Dickey asked if the multi-use path was recommended with or without the parking along Thaynes Canyon Drive or if that mitigation to the parking was added there. He also asked why it was proposed for that area and not in other places within the City that were not walkable. Deters, referred to the 2007 walkability recommendations, and claimed the walkway along Three Kings Drive and Thaynes Canyon Drive was identified, but it was not prioritized at the time. The City was now at the point to prioritize this. Council Member Dickey asked what other circulation options had been considered. Deters responded that change of behavior and having the program manage the drop-off in front of the Nordic center had improved the flow, but the adaptive skier access had not been addressed yet. Council Member Dickey inquired about the margin of error for the winter model without samples and Simpson asserted he was comfortable with the model he set up using the ULI industry tool. Deters indicated that additional study was an option for the Council to consider.

Council Member Rubell stated that the scope of this study combined with the parking analysis didn't account for the adaptive access. Deters agreed and indicated there was no Planning approval to move forward with parking on City owned property. He asked if Council wanted to look at a Planning aspect for City property or if it should be looked at through the MPD. Further clarification took place about the numbers in the report and how they were derived. The driving adjustments made were very site specific. Council Member Rubell confirmed that 100% of 144 people drive with an average vehicle occupancy (AVO) of 1.0 which is one person per car for golf. It was explained that the base ratio already incorporated the typical number of persons per car without any

interventions, so they were looking at a ULI recommended ratio of eight parked vehicles per hole. Council Member Rubell further confirmed that only 5% of employees or visitors used transit, and the consultant was very conservative with this model. Deters stated they would be asking for a 12-foot separated path in this area and none of those options had been through the planning process yet.

Mayor Worel asked for more information at a future discussion of this item on the striped parking, specifically regarding what restrictions and zoning were on that land, and whether parking was allowed there. Council Member Toly asked Deters to look at two or three other golf courses in the country to see what creative things they were doing to help with the parking. Council Member Rubell wanted an answer about the adaptive access, circulation, and getting a better idea of the nonconformance and what was within and out of the MPD. He asked if the City would alter the model to align with the City priorities and goals to see what the numbers are. Council Member Dickey was curious about the feasibility of Option Three and asked if that was of interest to the hotel. Council Member Gerber thought looking into lockers for on-site storage of equipment to encourage transit would be worthwhile. Council Member Doilney agreed with Council Members Toly and Gerber to change behavior and hoped the walkability part would have some impact.

## **REGULAR MEETING**

### **I. ROLL CALL**

| <b>Attendee Name</b>                                                                                                                                                                                                                                                                           | <b>Status</b>  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| Mayor Nann Worel<br>Council Member Ryan Dickey<br>Council Member Max Doilney (via Zoom)<br>Council Member Becca Gerber<br>Council Member Jeremy Rubell<br>Council Member Tana Toly<br>Sarah Pearce, Deputy City Manager<br>Margaret Plane, City Attorney<br>Paige Galvin, Deputy City Recorder | <b>Present</b> |
| None                                                                                                                                                                                                                                                                                           | <b>Excused</b> |

### **II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF**

#### **Council Questions and Comments:**

Mayor Worel indicated that the Community Resources for Transient Use Impacts report was a great resource for anyone interested in the transient use impacts and nightly rentals. Council Member Toly remarked that Transit to Trails would start on July 14<sup>th</sup> with evening shuttles. Council Member Dickey also highlighted the Community Resources

for Transient Use Impacts report and requested a work session to further discuss the impacts across properties and neighborhoods. The Council agreed to that discussion. Council Member Rubell congratulated staff working on traffic movement around town. Mayor Worel sought community members to participate in two community driven plans: the Small Area Plan for the Bonanza Park neighborhood and a feasibility study for determining a future use for City-owned land at the intersection of Kearns Blvd. and Bonanza Drive on Wednesday, July 19<sup>th</sup>, 5:30 p.m.-7:30p.m. at the Yarrow/Doubletree Hotel.

**Staff Communications Reports:**

**1. Community Resources for Transient Use Impacts:**

**III. PUBLIC INPUT (ANY MATTER OF CITY BUSINESS NOT SCHEDULED ON THE AGENDA)**

Mayor Worel opened the meeting for any who wished to speak or submit comments about the Thaynes Canyon Parking Study which was previously presented.

John Stafsholt, 84060, applauded the hotel and City staff for working together and stated the consultant did a good job with the data they had, but he was disappointed that there was no winter and peak summer data. He agreed with Council Member Gerber about changing behaviors and thought it would make it easier to use mass transit if there was on-site storage of summer and winter gear. He also pointed out the use of the 12<sup>th</sup> hole by the tee box for end-to-end parking. He believed that the parking problem had been understated due to adding 40 off-site phantom stalls because those couldn't be used forever.

Jennifer Adlen, 84060, was opposed to the concept of parking along Thaynes Canyon Drive. Thaynes Canyon Road was overburdened and parking along the road narrowed and exacerbated it. She felt the neighborhood had a lot of commercial encroachment on it already with the Three Kings Water Treatment Plant, Silver Star, and the resort. It was a park zone, and she urged the Council to keep it that way and to look at other options that didn't involve parking along that road.

Angela Moschetta, 84060, echoed that the parking study was a little inadequate and some parts of the plan could be redone to get better data. She agreed to protect the neighborhood in the General Plan and adding more parking there wouldn't solve the problem. On-site storage would be great to encourage mass transit. She thanked the Council for following the process and getting to good outcomes for everyone.

Glen Overton was disappointed because there wasn't enough emphasis on the 4:00 p.m.-7:00 p.m. He appreciated all the Council talking and addressing the challenge with them.

Suzette Robarge, 84060, was opposed to parking on Thaynes Canyon Drive and had concerns that the walkability plan was contingent upon a \$1,000,000 grant looking for a project. They had so much traffic impact from construction, and she would lose 3,000 square feet off her front lawn with a pathway. She was also opposed to any proposed trailhead parking for the Snow Creek Ranch property there.

Rick Tishman, Hotel Park City HOA President, noted the lawn was owned by the HOA, not the hotel. They were prepared to solve the parking problem by going underground with at least 100 spots which he would like to have considered. He was not sold that storing golf clubs on-site was going to help and noted golfers didn't carpool.

Kevin McCarthy eComment: "Thaynes parking. 1. The most important aspect is to build Walkability structure that is useable year round especially by Thaynes Canyon residents who tend to be Seniors. As some of your proposals seem to include narrowing the street this aspect becomes much more critical. 2. The possibility of cutting down mature healthy trees on the golf course is absolutely unacceptable. These old growth trees can not be replaced at any price and in an age of potentially catastrophic climate change this could be viewed as a crime against nature. 3. On the parking options themselves I prefer the underground option. It is more expensive but that is balanced by outward appearance of our community without vehicles cluttering our open space. We built the public golf course to be an asset to our community not a parking lot."

Mayor Worel opened the meeting for any who wished to speak or submit comments on items not on the agenda.

Mark Brian, 84060, acknowledged there was a request to develop a small subdivision of five residences at the end of Norfolk Avenue and stated the small, one lane road would be overwhelmed. He requested that Council work with the Planning Commission to require the road to be brought up to City code before the permit was granted, and that the City take over the maintenance of the road afterwards. He would not be able to coordinate this himself. Mayor Worel suggested he work with Michelle Downard on the Neighborhoods First Request program.

Bob Theobald, 84060, submitted for the record updated documents and he drew attention to the Legal Department's notion that they had no authority over well drilling operations in Park City because the State of Utah superseded the City authority which he believed to be untrue. He stated that there were three violations that had been committed which the City had authority over and should exercise. He proclaimed that Willow Ranch was in a sensitive land area. He asked the Council to interpret the exhibits and drawings on their own.

Angela Moschetta, 84060, pleaded for a five or six month development moratorium, especially since the City didn't have a Planning Director currently. A moratorium would allow the community and the City staff the time needed to make sure that everything

was done as efficiently and transparently as possible. She also asked for a joint committee meeting to become clear on the work these feasibility study committees were doing. Lastly, she advocated for at least one committee member to sit in on the special interest stakeholder meetings on Thursday.

Tom Miller, Fawngrove HOA President, eComment: “Fawngrove Condominiums are located on the north side of the Deer Valley parking area and ponds. Deer Valley Drive North is the northern boundary of Fawngrove, and it separates Fawngrove and the Pinnacles. Fawngrove is very concerned that the proposed traffic plan and expansion of Deer Valley Drive will cause additional nuisances to Fawngrove in the form of increased traffic, noise, and light. We already have complaints from residents about the noise and light from vehicles. For this reason, Fawngrove is not supportive of any expansion of Deer Valley Drive North which would require the reduction of the existing buffer between it and the existing Fawngrove buildings. It is important that any future expansion first take advantage of the existing Publicly Dedicated 60-foot-wide right of way (ROW). The width of Deer Valley Drive North (including gutters and sidewalks) is only 44 feet in this area. This means that there are 16 feet of ROW still available. No expansion onto private property should be necessary. Applicant should be required to complete a full survey of the existing 60-foot ROW around the entire Deer Valley Drive loop before any further plans are accepted. Importantly, the current centerline of the road is not necessarily where the centerline of the ROW is located. Though the proposed “shared mobility lane” may help with traffic in the afternoon from Snow Park to the “Y”, it will also cause frustration for local residents due to the road expansion, safety of crossing extra lanes of traffic, and unneeded bicycle and pedestrian expansions. Finally, with regard to transit, many Fawngrove unit owners and their guests use public transit. At present, the north side of Deer Valley Drive North has no proper bus stops. Riders have to stand on the shoulder or on snowbanks to wait for the bus or exit the bus. Proper standing area for the bus stops on this side of the road must be made a priority this year. In general, please ensure that Applicant’s project does not affect the current efficient public transportation to and from Snow Park and Park City Mountain. Public transit has been very good between Fawngrove and the ski areas.”

Mayor Worel closed the public input portion of the meeting.

#### **IV. CONSIDERATION OF MINUTES**

##### **1. Consideration to Approve the City Council Meeting Minutes from June 15, 2023:**

Council Member Gerber moved to approve the City Council meeting minutes from June 15, 2023. Council Member Toly seconded the motion.

**RESULT: APPROVED**

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

## V. OLD BUSINESS

### **1. Consideration to Approve a Ground Lease, in a Form Approved by the City Attorney's Office, with JF ENGINEHOUSE DEVELOPER, LLC., to Create 99 Units of Affordable Rental Housing on City-Owned Property Located at 1875 Homestake Road:**

Jason Glidden, Housing Development Manager, and Cate Brabson, Deputy City Attorney, presented the background of this process along with Rory Murphy and Ryan Davis from J Fisher Companies. Glidden indicated there was one change which was to remove the relocation of the Recycle Utah Center and both parties agreed.

Council Member Rubell asked how many electric vehicle (EV) chargers would be installed to which Davis answered there would be four chargers for eight stalls. Council Member Rubell asked whether the reworked fee waiver model discussion had happened yet, and it was indicated it had not. Council Member Rubell inquired about a date when the powerlines and substation discussion would return to the agenda and Mayor Worel indicated there was no date yet.

Mayor Worel opened the public input.

Bill Ciraco, 84060, touted Rory Murphy, JK Fisher and Jason Glidden for all their hard work. He advised that it would be helpful to have more robust analysis of the financials and economics to retain credibility on future public-private partnerships.

Jo Ann Askins, 84060, supported this project which would create a more diverse and inclusive community. It was in an ideal location in the heart of the community, near transit, schools, recreation and shopping and it met the City's social equity goal with no exceptions to the code requirements. Plus, the developers conducted additional due diligence regarding the electric magnetic fields (EMF) and radiation consideration.

John Greenfield, 84060, stated the intentional placing of an affordable housing development in the middle of an industrial setting and next to a substation was unsettling. The small area plan was occurring right now and he thought the plan and the development should be coordinated together. He asked who would be responsible if something went wrong being next to the substation. He asked that Council consider moving the substation so these issues could be solved.

Angela Moschetta, 84060, believed that a parking reduction mandate was needed along with more bike parking for all types of bikes. She noted that it was unfortunate that the City was placing an affordable housing community next to a substation, and she didn't believe in the safety of the EMFs.

Joanne O'Connell, 84060, had positive things to say about this needed affordable housing project and she implored the Council to aggressively continue to support affordable housing in the future.

Dana Williams stated he was encouraged by the team effort and noted that the City was in desperate need of affordable workforce housing. He highlighted that moving the substation would not be decided tonight.

Sean Parker, 84060, was in support of this project, however he had concerns about fee reductions, and what was fair for the taxpayer.

Megan McKenna, via Zoom, supported this project from the beginning. There was at least a two-year waiting period for affordable rentals, so the project was urgent. As far as the equity piece, there were always going to be tradeoffs to be weighed for any project. She asked to allow people who needed affordable housing to decide for themselves.

Ed Parigian, via Zoom, supported the affordable housing project and thought the substation should be moved at a future date, due to the possible EMFs. He indicated that space could then be valuable for future redevelopment.

Mayor Worel closed the public input.

Council Member Doilney noted that a public/private partnership was new in Park City and J Fisher had addressed some of those concerns already. Council Member Gerber was glad to finalize this ground lease because it had been a long process. She recalled buying this parcel which was in the best location for affordable housing at the center of the commercial district, and close to grocery stores, resorts, and transit. She remarked that the Planning Commission was tough about the parking required and would love to revisit parking reduction requirements in the MPD in the future.

Council Member Toly was not against affordable housing but did not support putting affordable housing next the substation and the EMFs. She cited her service to the community's health and wellness, and placing an affordable housing project next to a substation went against that notion. She reported that EMFs were a Type 2 carcinogen and she compared EMFs with the cigarette of the past. Therefore, she was not going to vote for something that in her opinion could be compared to building housing next to a cigarette factory. It was up to the government to prove that it was safe, and they had not done this, so she was not in favor.

Council Member Dickey believed the science around the substation and the EMF's safety. He touted the 99 units in the heart of town, close to two grocery stores, two resorts, two transit stops and City Park. He envisioned the neighborhood in the future, not what it was now, and thought it would be a great neighborhood. He would have

loved to live in this neighborhood, and he would let his kids live there. This validated the public/private partnership, the Housing team, and the City's strategy. He agreed about reduced parking, but he wouldn't undo the development over it. He had confidence that they could plan a great neighborhood around one rental project.

Council Member Rubell praised the developer for their collaboration. He recalled that he advocated in the past that Bonanza Park should be planned before they did things, and it was okay to have a few guideposts in those plans. This project was a good guidepost being in the center of town and there was a dire need for it. He touted infrastructure projects, and they were a big reason the local government served the community. He predicted they would realize the value of Bonanza Park area, JF Enginehouse, and the community gathering space they were trying to envision through the planning process. However, they would have to have a tough conversation in the future about how to spend public and taxpayer money to invest in this community. He reviewed that they had a panel working on the relocation of the substation and they weren't going to do anything behind the scenes. The panelists were coming up with options for the community and Council, and he hoped the community would provide input. He concluded that this project would make a better community for all.

Mayor Worel acknowledged the steep learning curve as they embarked on their first public/private partnership. She confirmed that she and Council Member Rubell were part of the workgroup working with Rocky Mountain Power regarding the substation and she was anxious to bring forth some recommendations from that group in the future.

Council Member Gerber moved to approve a ground lease, in a form approved by the City Attorney's office, with JF ENGINEHOUSE DEVELOPER, LLC., to create 99 units of affordable rental housing on City-owned property located at 1875 Homestake Road. Council Member Doilney seconded the motion.

**RESULT: APPROVED**

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

**NAY:** Council Member Toly

**2. Consider the Appeal of the Planning Commission's Denial of the Washington School House Conditional Use Permit (CUP) for a Minor Hotel, Located at 543 Park Avenue:**

Mayor Worel disclosed that she received an email from John Plunkett and Barbara Kerr, representing a group of 28 homeowners who lived close to the Washington School House Inn, who asked to reopen the public hearing, but she indicated the public hearing had closed. Since this was an appeal, the process was different, however she thanked them for the input. She also disclosed she did not have an ex parte communication with the authors of the email.

Lillian Zollinger and Virgil Lund, Planning Department, presented this item and provided a brief recap for the Council as requested. The Planning Commission denial findings were reviewed as well as the options available for the City Council tonight.

Wade Budge, Counsel for the appellant, summarized the current circumstance that they had a project that complied with the parking requirements. He offered a couple of options for the 12<sup>th</sup> parking spot. There was parking study and they showed they conformed to the code. If they were granted an exception allowed by the code, the eleven parking spots would work. If they were required to have the 12<sup>th</sup> spot, that would be possible. There would be a community benefit by combining a lot with the overall parcel and removing a density unit. When the State of Utah evaluated the evidence submitted, they stated the Planning Commission's determination that the detrimental effects could not be mitigated was conclusory and not supported. It was difficult to deny a conditional use permit and he believed that they didn't have a factual record that would justify a denial and they were here as a partner wanting to propose good faith conditions, mitigations, and limitations so they could keep what they all loved while allowing this hotel to operate in the manner their clientele expected. He reiterated their requirement that someone arrive by rideshare or by foot if they came for dinner as an invitee of a guest.

Mayor Worel asked about a settlement proposal, and the applicant offered that they would have a discussion with anybody that this Council decided. They had an ownership group that wanted to continue to operate here in compliance and they would bring back Mr. Holthus for a discussion.

Council Members Toly, Dickey, and Rubell put forth clarifying questions about guests and special/private events. The applicant reminded them they were not seeking to have private events, but expected to have dinner guests and invitees of the dinner guests, who must be located physically within the building. Paying guests could be outside and visitors could only be inside the building. This was the distinction being made.

Council Member Gerber inquired about dining in the restaurant. Budge responded that guests who stayed the night and who would like non-resident guests to come and have dinner with them, would make them a reservation. Further clarification took place that there was dinner provided each night for guests by an onsite chef and they often chose to participate in those meals.

Council Member Dickey proposed to deny the appeal in part because the parking was insufficient, grant the appeal because he believed the Planning Commission erred on the appeal to the parking, and then remand back to Planning Commission to allow accessory uses. Council Member Toly agreed with Council Member Dickey.

City Attorney Margaret Plane offered that the more specific the language, the better for the Planning Commission to be able to respond to the remand. Council Member Rubell

supported the remand back to Planning Commission and supported Council Member Dickey's proposal. Council Member Dickey clarified that parking was the problem here because there was no variance for eleven parking spots when the code required twelve. The denial was straightforward because the parking was simply insufficient relative to the parking code. Secondly, in the remand back to the Planning Commission, he requested they look at the parking study and determine if there were additional parking impacts based on fact finding and those accessory uses. Council Member Gerber requested some way to verify and check on how the reservation and parking system was being used and not abused.

Mark Harrington, Senior City Attorney, instructed that they make the preliminary motion in terms of denying in part and granting in part and direct staff to prepare findings consistent with the comments this evening and return within 15 days to the Council. He continued that they could proceed in scheduling concurrent with that so there wouldn't be a delay in getting the applicant back on the Planning Commission agenda and so the City could re-notice. If the Council did the preliminary vote tonight, they could initiate that and then the Council would ratify the findings when it came back.

Council Member Rubell clarified that the Planning Commission would evaluate this as an accessory use, and they would still have to find that the accessory use could be mitigated properly. Harrington confirmed that was true, and furthered that this would be a full reevaluation pursuant to the correct standard as outlined in the Ombudsman opinion in addition to the new parking information. He stated the Planning Commission would benefit from the additional clarification and the public would have another opportunity to offer input at the Planning Commission meeting.

Council Member Dickey moved to issue a preliminary denial of the appeal in part based on parking, a grant of the appeal based on the Planning Commission error considering the use as disallowed, and remand to the Planning Commission for further consideration based on conditions outlined by staff consistent with the comments heard tonight. Council Member Toly seconded the motion.

**RESULT: PARTIAL DENIAL, PARTIAL APPROVAL, AND PARTIAL REMAND**  
**AYES:** Council Members Dickey, Doilney, Toly, Gerber, and Rubell

## **VI. NEW BUSINESS**

### **1. Consideration to Approve Building Permit and Impact Fee Waivers for the Engine House Affordable Housing Project, Located at 1875 Homestake Road, Not to Exceed \$2,000,000:**

Dave Thacker, Chief Building Official, clarified staff continued to work on the fee waiver process, however it was not ready yet. He indicated there was a typo and the actual application was \$35,000,000, and the numbers in the staff report reflected that number.

Mayor Worel opened the public hearing.

Sean Parker, 84060, compared nonprofit and for-profit organizations, which wasn't a fair comparison, and stated the City needed to address that in the exemption request.

John Greenfield, 84060, concurred with the previous comment about the fee waivers and asked what the metrics should be to calculate those in the future. He also added that he loved affordable housing and thought the project was great.

Mayor Worel closed the public hearing.

Council Member Rubell commented that those were valid concerns and stated that perhaps in the future fee waiver modification conversation, there could be a stepped scale when certain thresholds were met that would get the project points to qualify for additional fee waivers. Council Member Dickey concurred with the public comments and explained that it was those fee waiver contributions that made them more affordable.

Council Member Dickey moved to approve building permit and impact fee waivers for the Engine House Affordable Housing Project, located at 1875 Homestake Road, not to exceed \$2,000,000. Council Member Gerber seconded the motion.

**RESULT: APPROVED**

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

**NAY:** Council Member Toly

Council Member Doilney was excused from the meeting.

**2. Consideration to Adopt Resolution 13-2023, a Resolution Adopting Park City's Community Wildfire Risk Assessment:**

Heinrich Deters, Trails and Open Space Manager, introduced David Telian from Alpine Forestry, Brad Washa and Katherine Napier Jans. Ember Alliance, Blue Mountain Environmental, and Sageland Collaborative were others not present, but who were part of this partnership. This was another step in the wildfire mitigation planning and prioritization, and they all built on one another. Telian spoke about the process used to compile this report.

Council Member Gerber requested coordination with the Communication team to get information out about free home risk assessments to residents. Dave Thacker, Chief Building Official, confirmed they would do what they did last year.

Mayor Worel opened the public input.

Sean Parker, 84060, stated that wildlife was important, however there was no consideration given to the bird migratory habitat or nesting season, and therefore Alpine

Forestry was not a great partner to work with if they did not have that kind of environmental awareness. He also noted there was no mention of pre-fire avalanche or sediment delivery. There was a lot of good data, but they didn't address those important things, nor did they bring in United Park City Mines and other private landowners. He demanded a complete job from the consultant.

Andy Van Houten, PCMR, indicated he was honored to be a part of this project. He believed it was very critical and he couldn't be happier with the findings of this project which helped PCMR steer the efforts of the resort. PCMR was ahead of other resorts in other states. He added there was a consideration for wildlife habitat in the project.

Betsy Wallace, 84060, understood the complexities of the issues presented, but indicated it took one house to go up in flames in Old Town for the neighborhood to go up in flames. Great work had occurred, and a lot of work still needed to occur. She didn't want to be one step behind a complete plan and then have all the houses go up in flames.

Mayor Worel closed the public input.

Council Member Rubell replied that this hit the core of what government did: health, safety, and welfare. This report underscored the importance of having workforce housing in our community because they only had three firefighters who lived in town with two in Park City Heights, which might have access challenges in an emergency. He requested the collaboration continue between Park City Fire District (PCFD), Summit County and further jurisdictions for the purpose of this plan specific to Park City. He desired for this to be a draft document and have it brought back for adoption when it was more refined and detailed.

Mike Owens, Park City Fire Marshal, applauded the team and the document. PCFD had responded to 32 wildland fires in their district. Out of those fires, three were in the City limits and about 58 square feet were burned. It was because of efforts like these that they didn't have giant fires, so he commended this work. He agreed that there was fine tuning that could continue to occur.

Council Member Toly observed the importance of having regional partners at the table with them in this discussion. Also, PCMC did a fantastic job preparing for flooding this year and asked that they do the same for fire preparedness. Council Member Gerber verified whether this report had any implications on the current fire mitigation work and Deters responded it did not.

Council Member Rubell moved to continue Resolution 13-2023, a resolution adopting Park City's Community Wildfire Risk Assessment to a date uncertain to give time to refine the recommendations and return for adoption as soon as possible. Council Member Dickey seconded the motion.

**RESULT: CONTINUED TO A DATE UNCERTAIN**

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

**3. Consideration to Approve Resolution 12-2023, a Declaration of Restriction on Open Sources of Ignition, Open Flames, and/or Fireworks:**

Dave Thacker, Chief Building Official, stated they wanted to stay proactive with fire prevention. He offered to work with the Community Engagement team to make public that the exceptions for this would be on a case-by-case basis and this would not affect smokers or barbeques or previously permitted fire pits. Council Member Rubell asked why there was an August 1<sup>st</sup> start date instead of the date of adoption. Thacker remarked that they were ahead of the weather curve and he hoped to get through July 4<sup>th</sup> and Pioneer Day, which were days that fireworks were popular, and then implement it from August 1<sup>st</sup> through October 31<sup>st</sup>. Further discussion took place as to an adoption date to allow enough time for public outreach and education.

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

Council Member Rubell moved to approve Resolution 12-2023, a Declaration of Restriction on open sources of ignition, open flames, and/or fireworks, effective July 20<sup>th</sup>. Council Member Toly seconded the motion.

**RESULT: APPROVED**

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

**4. Consideration to Approve Ordinance 2023-35, an Ordinance Approving the Huntsman Estates First Amended Plat, Located at 5000 Royal Street, Park City Utah:**

Alex Ananth, Senior Planner, presented this item.

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

Council Member Toly moved to approve Ordinance 2023-35, an ordinance approving the Huntsman Estates First Amended Plat, located at 5000 Royal Street, Park City Utah. Council Member Gerber seconded the motion.

**RESULT: APPROVED**

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

**5. Consideration to Approve Ordinance No. 2023-36, an Ordinance Amending Land Management Code Sections 15-1-8 Review Procedure Under the Code and 15-1-18 Appeals:**

Charles Pearlman, City Attorney's Office, presented this item with Rebecca Ward, Interim Planning Director. Mayor Worel asked whether the panel would be appointed now or if they would wait for an appeal to do that, to which Pearlman recommended they appoint a permanent panel for three years.

Ward explained that the Planning Commission conducted a work session on the matrix, and they recommended amendments that were currently being processed, but the appeal changes were separated, and the rest of the items were scheduled for this fall. Council Member Rubell asked about the separation of this board from the Board of Adjustment (BOA), to which Ward responded that the BOA heard appeals specific to historic preservation and staff level decisions specific to the Historic District Design Guidelines. The Planning Commission made a unanimous recommendation to establish a separate three-member appeal panel that had the planning and legal expertise on broader land use applications. She noted the last BOA position was filled last year so there was another year or two before a seat would open.

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

Council Member Rubell favored merging the appeals boards in the future so they would only manage one appeal body rather than two different ones. He suggested broadening the qualifications when they needed to fill a seat on the BOA.

Mark Harrington, Senior City Attorney, assured the Council they were welcome to revisit this in the future, but pointed out that there was a deliberate decision made to keep equity because the applications were small, unique, and neighborhood oriented. Park City still wanted the citizens represented in those smaller applications although other communities had consolidated this board. Council Member Dickey agreed to have a conversation in the future, but noted it didn't make sense now.

Council Member Gerber moved to approve Ordinance No. 2023-36, amending Land Management Code Sections 15-1-8 Review Procedure under the Code and 15-1-18 Appeals. Council Member Dickey seconded the motion.

**RESULT: APPROVED**

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

**VII. ADJOURNMENT**

With no further business, the meeting was adjourned.

---

Paige Galvin, Deputy City Recorder



**Thayne's Canyon / Hotel Park City**

# Parking Study

Kimley»Horn

# Topic

1. Existing Site Conditions
2. Projected Parking Demand
3. Parking & TDM Alternatives
4. Supply Options
5. Council Next Steps

# Existing Site Conditions



| Parking Zone           | Summer Supply | Winter Supply |
|------------------------|---------------|---------------|
| A (Valet)              | 18            | 18            |
| A (Non-Valet)          | 93            | 87            |
| B1                     | 20            | 20            |
| B2                     | 22            | 22            |
| B3                     | 24            | 24            |
| B4                     | 14            | 14            |
| Total Onsite           | 191           | 185           |
| Offsite nearby         | 10            | 10            |
| Offsite commercial     | 30            | 0             |
| Total Onsite + Offsite | 231           | 195           |

- Offsite employee parking via informal agreement but not secured long-term
- On-street parking along Thayne's Canyon Drive is neither permitted or prohibited under the existing master planned development
- Area G is not paved / maintained for parking (req. 15-3-3)

# Parking Occupancy Surveys (August 2022)

| Date:                                                                                               | Wednesday, August 17, 2022 |                |         |         |         |
|-----------------------------------------------------------------------------------------------------|----------------------------|----------------|---------|---------|---------|
| Weather:                                                                                            | Sunny / Clear Skies        |                |         |         |         |
| Parking Zone                                                                                        | Supply                     | Parking Demand |         |         |         |
|                                                                                                     |                            | 3PM-4PM        | 4PM-5PM | 5PM-6PM | 6PM-7PM |
| A (Valet)                                                                                           | 18                         | 7              | 4       | 4       | 12      |
| A (Non-Valet)                                                                                       | 93                         | 72             | 80      | 84      | 86      |
| B1                                                                                                  | 20                         | 17             | 16      | 17      | 19      |
| B2                                                                                                  | 22                         | 23             | 23      | 24      | 29      |
| B3                                                                                                  | 24                         | 22             | 22      | 22      | 23      |
| B4                                                                                                  | 14                         | 14             | 14      | 14      | 15      |
| C                                                                                                   | 0                          | 0              | 0       | 0       | 2       |
| D                                                                                                   | 0                          | 2              | 1       | 4       | 3       |
| E                                                                                                   | 0                          | 0              | 0       | 0       | 0       |
| F                                                                                                   | 0                          | 0              | 0       | 0       | 0       |
| G                                                                                                   | 0                          | 0              | 0       | 0       | 0       |
| H                                                                                                   | 0                          | 0              | 0       | 0       | 0       |
| Total                                                                                               | 191                        | 157            | 160     | 169     | 189     |
| Notes:                                                                                              |                            |                |         |         |         |
| 1. Guest said parking has been much better since June meeting, mentioned employees parking off site |                            |                |         |         |         |
| 1. Lot B4 from 6PM-7PM, one of the counted vehicles was illegally parked in front of dumpster       |                            |                |         |         |         |

| Date:                                                          | Friday, August 26, 2022 |                |         |         |         |
|----------------------------------------------------------------|-------------------------|----------------|---------|---------|---------|
| Weather:                                                       | Sunny / Clear Skies     |                |         |         |         |
| Parking Zone                                                   | Supply                  | Parking Demand |         |         |         |
|                                                                |                         | 3PM-4PM        | 4PM-5PM | 5PM-6PM | 6PM-7PM |
| A (Valet)                                                      | 18                      | 5              | 6       | 6       | 13      |
| A (Non-Valet)                                                  | 93                      | 80             | 91      | 77      | 89      |
| B1                                                             | 20                      | 20             | 20      | 18      | 20      |
| B2                                                             | 22                      | 27             | 28      | 26      | 30      |
| B3                                                             | 24                      | 22             | 22      | 23      | 23      |
| B4                                                             | 14                      | 13             | 13      | 11      | 15      |
| C                                                              | 0                       | 0              | 1       | 1       | 1       |
| D                                                              | 0                       | 2              | 1       | 5       | 2       |
| E                                                              | 0                       | 0              | 0       | 0       | 0       |
| F                                                              | 0                       | 0              | 0       | 0       | 0       |
| G                                                              | 0                       | 1              | 1       | 1       | 2       |
| H                                                              | 0                       | 1              | 1       | 0       | 1       |
| Total                                                          | 191                     | 171            | 184     | 168     | 196     |
| Notes:                                                         |                         |                |         |         |         |
| 1. Parked vehicle in area C from 5 PM to 7 PM was a motorcycle |                         |                |         |         |         |

Parking surveys were collected on: Wednesday, August 17, Saturday, August 20, Friday August 26  
 An additional follow-up site visit was completed in October 2022 to evaluate sidewalks and shared-use path options

# Projected Parking Demand

## SUMMER WEEKDAY

| Land Use                          | Project Data |        | Weekday    |             |                   |               |                | Weekday          |             |                          |
|-----------------------------------|--------------|--------|------------|-------------|-------------------|---------------|----------------|------------------|-------------|--------------------------|
|                                   |              |        | Base Ratio | Driving Adj | Non-Captive Ratio | Project Ratio | Unit For Ratio | Peak Hr Adj      | Peak Mo Adj | Estimated Parking Demand |
|                                   | Quantity     | Unit   |            |             |                   |               |                | 2 PM             | July        |                          |
| Spa                               | 6,500        | sf GLA | 2.90       | 100%        | 40%               | 1.16          | ksf GLA        | 95%              | 70%         | 5                        |
| Employee                          |              |        | 0.70       | 100%        | 100%              | 0.70          |                | 100%             | 80%         | 4                        |
| Hotel-Leisure                     | 100          | keys   | 1.00       | 75%         | 100%              | 0.75          | key            | 70%              | 100%        | 53                       |
| Hotel Employees                   | 100          | keys   | 0.15       | 100%        | 100%              | 0.15          | key            | 100%             | 100%        | 15                       |
| Restaurant/Lounge                 | 7,800        | sf GLA | 6.67       | 63%         | 90%               | 3.78          | ksf GLA        | 33%              | 98%         | 10                       |
| Meeting/Banquet (50 to 100 sq ft) | 8,000        | sf GLA | 14.00      | 68%         | 60%               | 5.71          | ksf GLA        | 25%              | 100%        | 11                       |
| Restaurant/Meeting Employees      | 15,800       | sf GLA | 1.20       | 100%        | 100%              | 1.20          | ksf GLA        | 100%             | 100%        | 19                       |
| Golf Course                       | 18           | holes  | 8.00       | 100%        | 100%              | 8.00          | holes          | 100%             | 100%        | 144                      |
| Employee                          |              |        | 0.75       | 100%        | 100%              | 0.75          |                | 100%             | 100%        | 14                       |
| Cross-Country Ski Course          | 20           | acres  | 5.00       | 40%         | 100%              | 2.00          | acres          | 100%             | 0%          | -                        |
| Employee                          |              |        | 0.80       | 100%        | 100%              | 0.80          |                | 100%             | 0%          | -                        |
|                                   |              |        |            |             |                   |               |                | Customer/Visitor |             | 223                      |
|                                   |              |        |            |             |                   |               |                | Employee         |             | 52                       |
|                                   |              |        |            |             |                   |               |                | Total            |             | 275                      |

- Utilized Urban Land Institute's Shared Parking Model (3<sup>rd</sup> Edition, 2020) with input from hotel and event staff on driving ratio, group guests, event operations, etc.

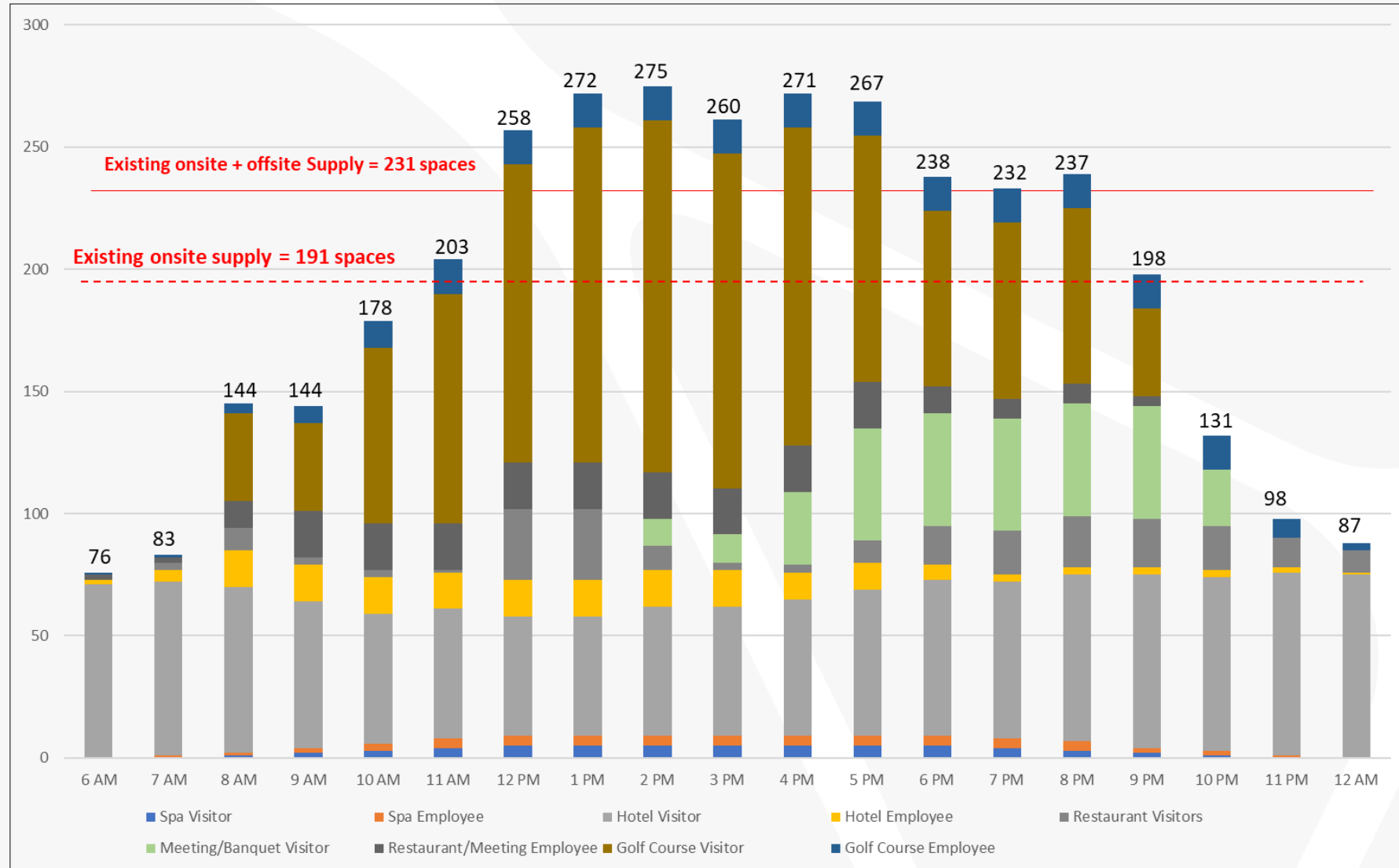
## WINTER WEEKDAY

| Land Use                          | Project Data |        | Weekday    |             |                   |               |                | Weekday          |               |                          |
|-----------------------------------|--------------|--------|------------|-------------|-------------------|---------------|----------------|------------------|---------------|--------------------------|
|                                   |              |        | Base Ratio | Driving Adj | Non-Captive Ratio | Project Ratio | Unit For Ratio | Peak Hr Adj      | Peak Mo Adj   | Estimated Parking Demand |
|                                   | Quantity     | Unit   |            |             |                   |               |                | 5 PM             | Late December |                          |
| Spa                               | 6,500        | sf GLA | 2.90       | 100%        | 40%               | 1.16          | ksf GLA        | 85%              | 85%           | 5                        |
| Employee                          |              |        | 0.70       | 100%        | 100%              | 0.70          |                | 100%             | 95%           | 5                        |
| Hotel-Leisure                     | 100          | keys   | 1.00       | 65%         | 100%              | 0.65          | key            | 80%              | 100%          | 52                       |
| Hotel Employees                   | 100          | keys   | 0.15       | 100%        | 100%              | 0.15          | key            | 70%              | 100%          | 11                       |
| Restaurant/Lounge                 | 7,800        | sf GLA | 6.67       | 63%         | 90%               | 3.78          | ksf GLA        | 30%              | 95%           | 9                        |
| Meeting/Banquet (50 to 100 sq ft) | 8,000        | sf GLA | 14.00      | 68%         | 60%               | 5.71          | ksf GLA        | 100%             | 100%          | 46                       |
| Restaurant/Meeting Employees      | 15,800       | sf GLA | 1.20       | 100%        | 100%              | 1.20          | ksf GLA        | 100%             | 100%          | 19                       |
| Golf Course                       | 18           | holes  | 8.00       | 100%        | 100%              | 8.00          | holes          | 70%              | 0%            | -                        |
| Employee                          |              |        | 0.75       | 100%        | 100%              | 0.75          |                | 100%             | 0%            | -                        |
| Cross-Country Ski Course          | 20           | acres  | 5.00       | 40%         | 100%              | 2.00          | acres          | 90%              | 100%          | 36                       |
| Employee                          |              |        | 0.80       | 100%        | 100%              | 0.80          |                | 100%             | 100%          | 16                       |
|                                   |              |        |            |             |                   |               |                | Customer/Visitor |               | 148                      |
|                                   |              |        |            |             |                   |               |                | Employee         |               | 51                       |
|                                   |              |        |            |             |                   |               |                | Total            |               | 199                      |

- Parking supply is more constrained in winter, though there is a higher percentage of single-occupancy vehicle usage in summer
- Overall projected peak demand is summer months w/ golf event

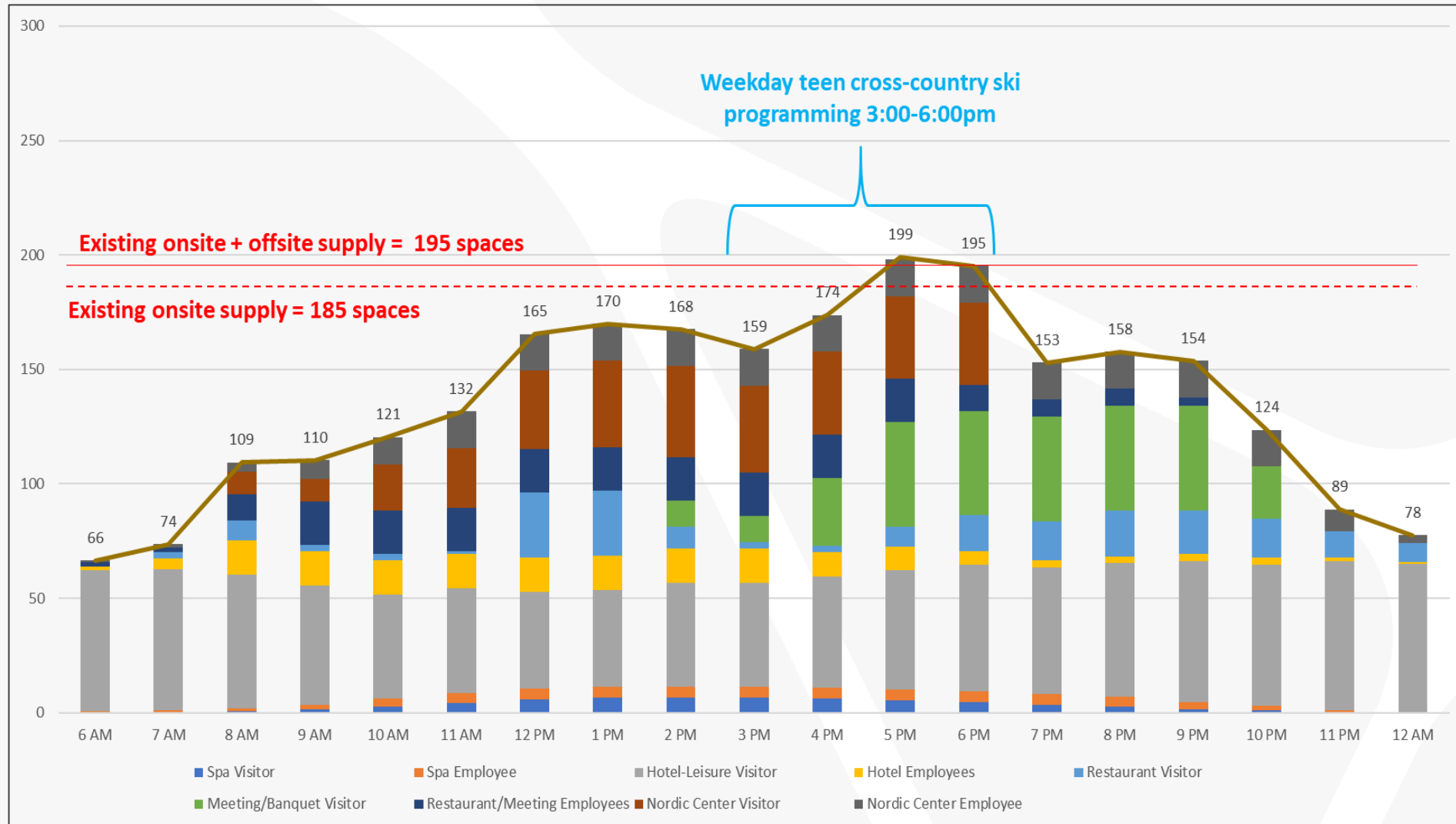
# Projected Parking Demand

## Projected Peak Parking Demand by Hour – Weekday (Summer)



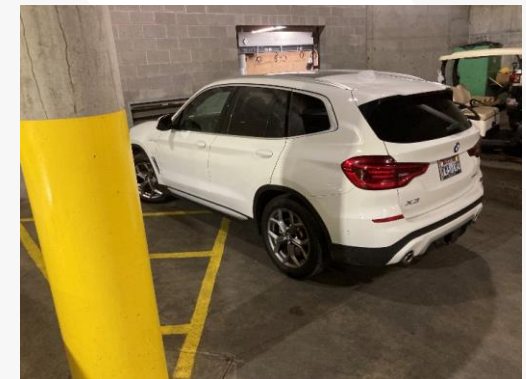
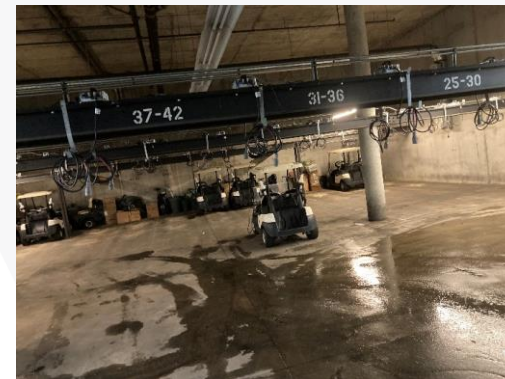
# Projected Parking Demand

## Projected Parking Demand by Hour – Weekdays (Winter)



# Parking Management Alternatives

- Stripe parallel parking stalls in lot B2
- Reclaim parking garage capacity
  - Relocate stored equipment
  - Dynamically adjust valet capacity
  - Consider parking garage dynamic signage
- Consider options to expand pick-up / drop-off zones



# TDM Alternatives

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## Year-round TDM Strategies:

- Employee commuter benefit program
- Bonus incentives for carpool or transit use / Platform to “gamify” employee commute choices
- Advertise “Ride On” carpool and transit platform (free through PCMC and the Park City Chamber of Commerce)
- Promote the use of the Ecker Hill Park & Ride
- Increased promotion of airport shuttle options and ski resort shuttles on the Hotel, Golf Club, and Nordic Center website
- “Getting There” and “Getting Around Town” webpages, linked to Hotel bookings and Golf Club/Nordic Center events
- Provide a UTA van share to employees

## Seasonal TDM Strategies:

- Covered bike parking for visitors in convenient areas (summer season)
- Hourly + daily bike rental program for visitors (summer season)
- Continuation of golf benefits (free range balls) for carpool and transit users
- Carpool requirements for golfers during peak times
- Reservation system for peak winter times/events
- Rideshare (Uber, Lyft) promos for golf tournaments

## On-Going:

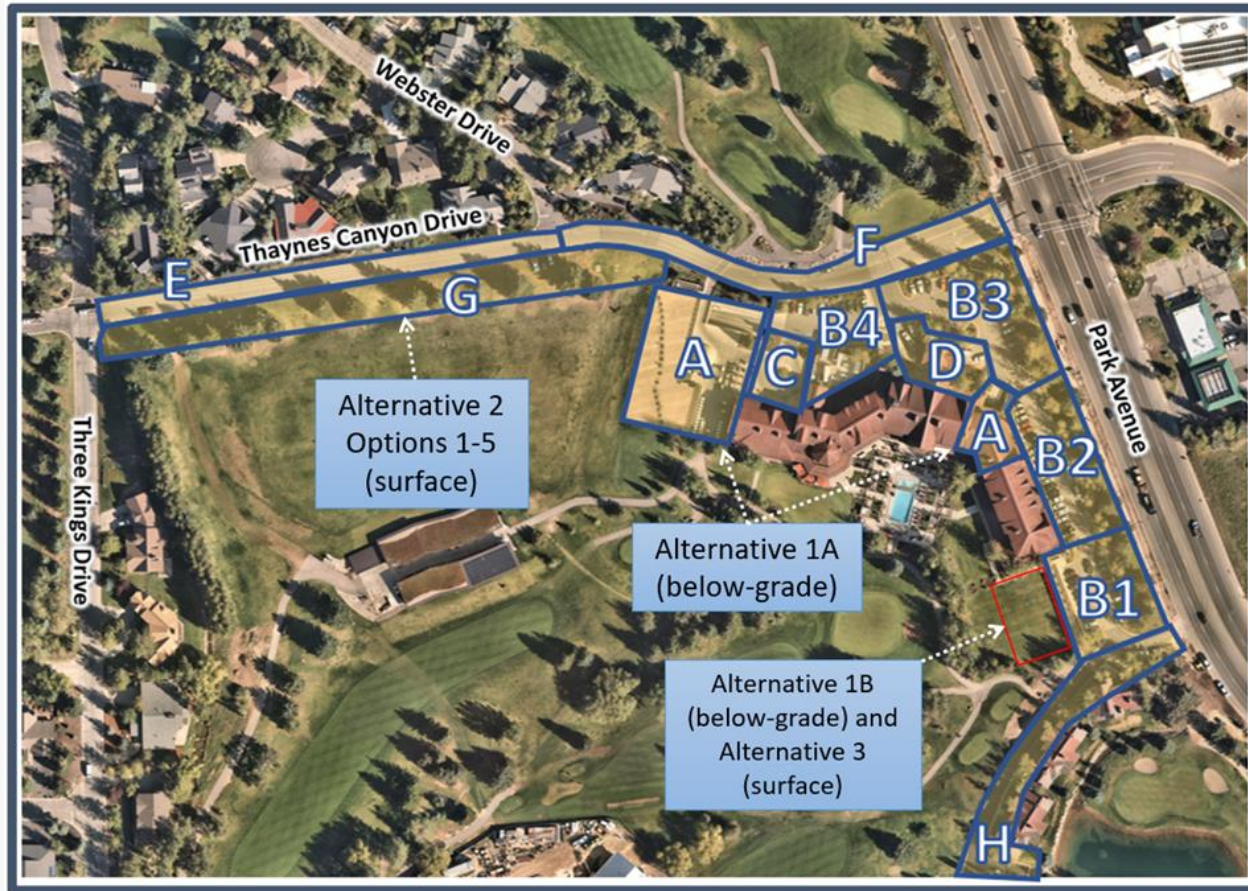
- Remain engaged with City officials and the local community regarding a greater need for workforce housing in and around Park City develops



# **Supply Expansion** Alternatives

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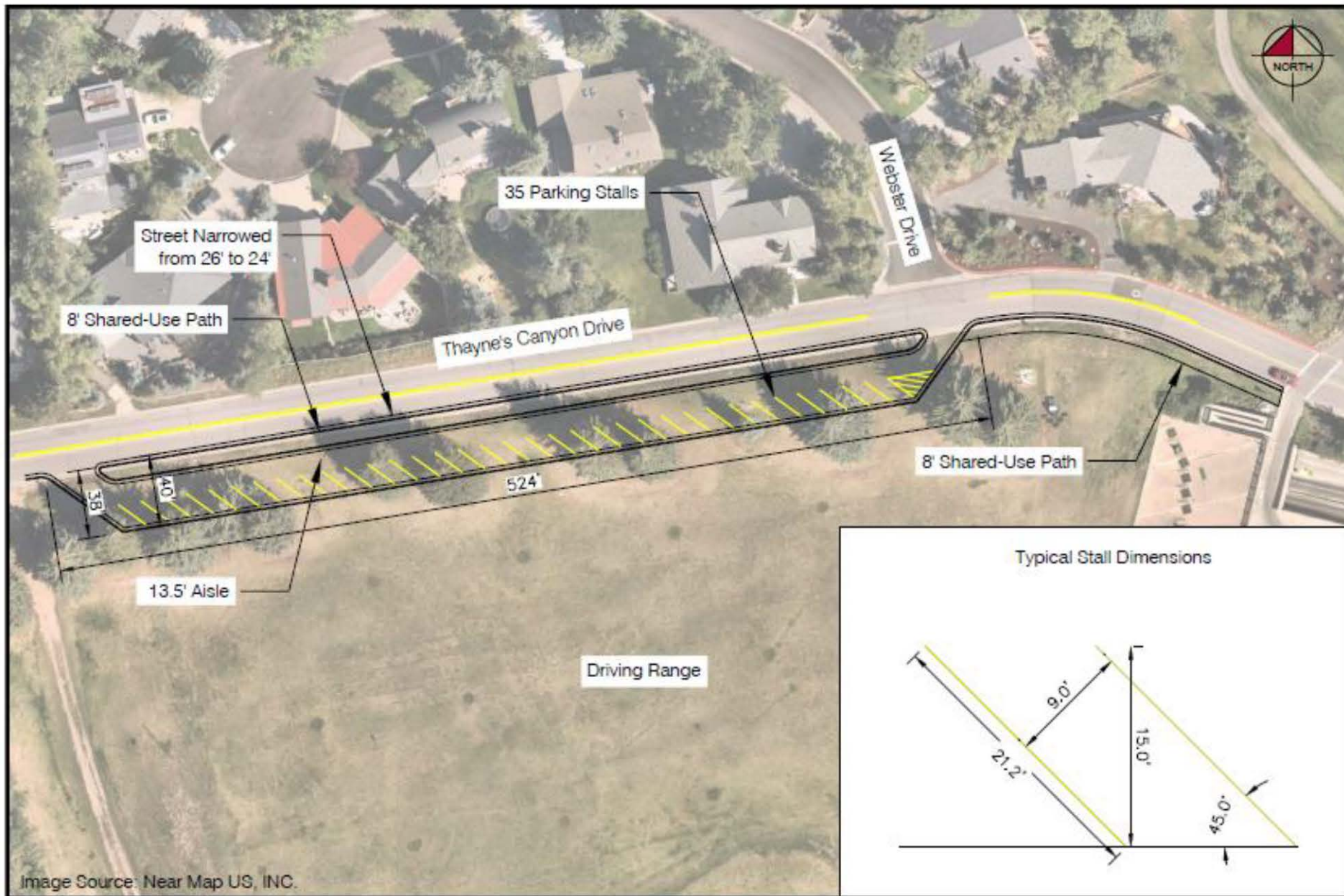
# Parking Expansion Options & Cost Estimates

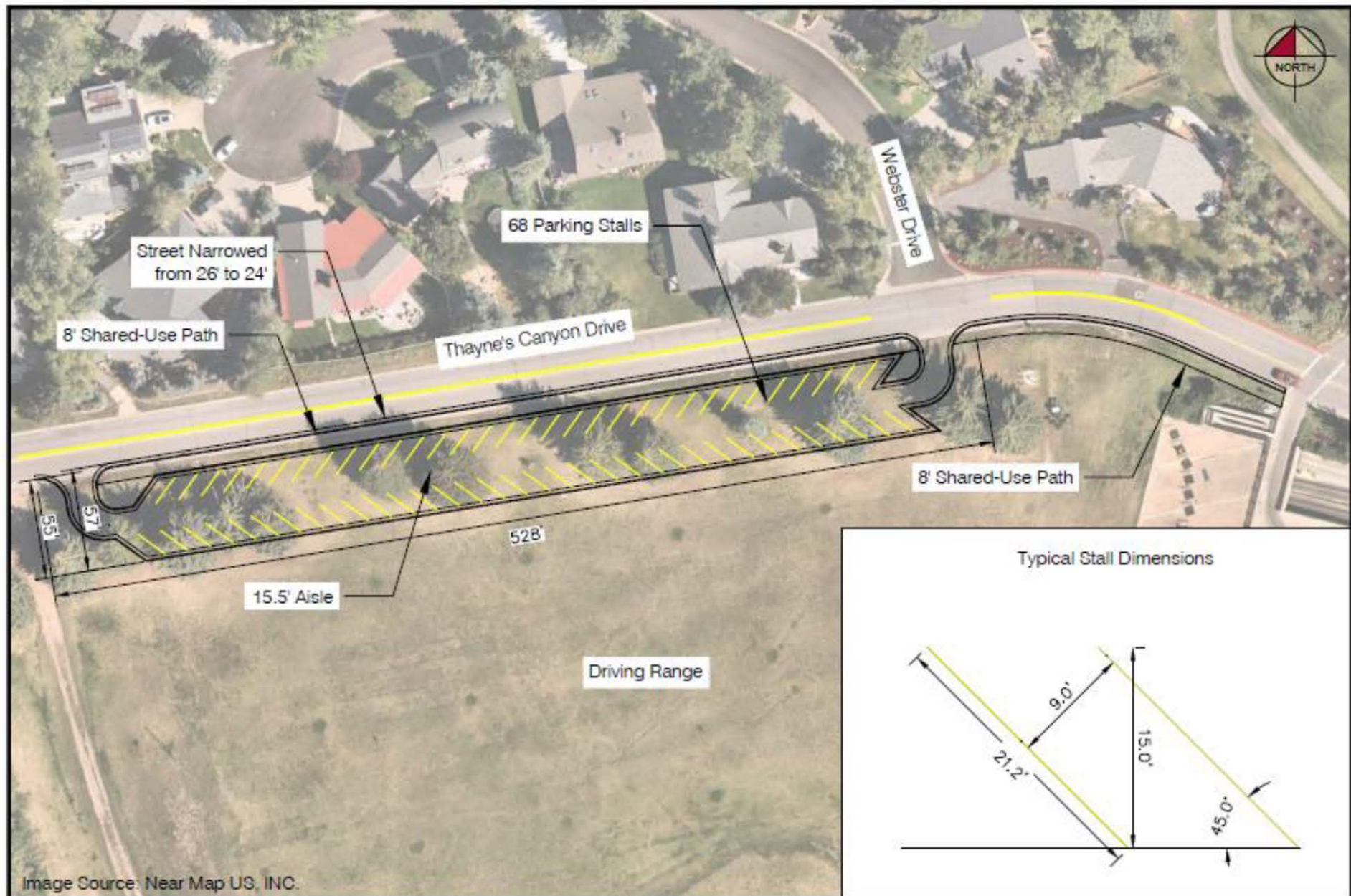


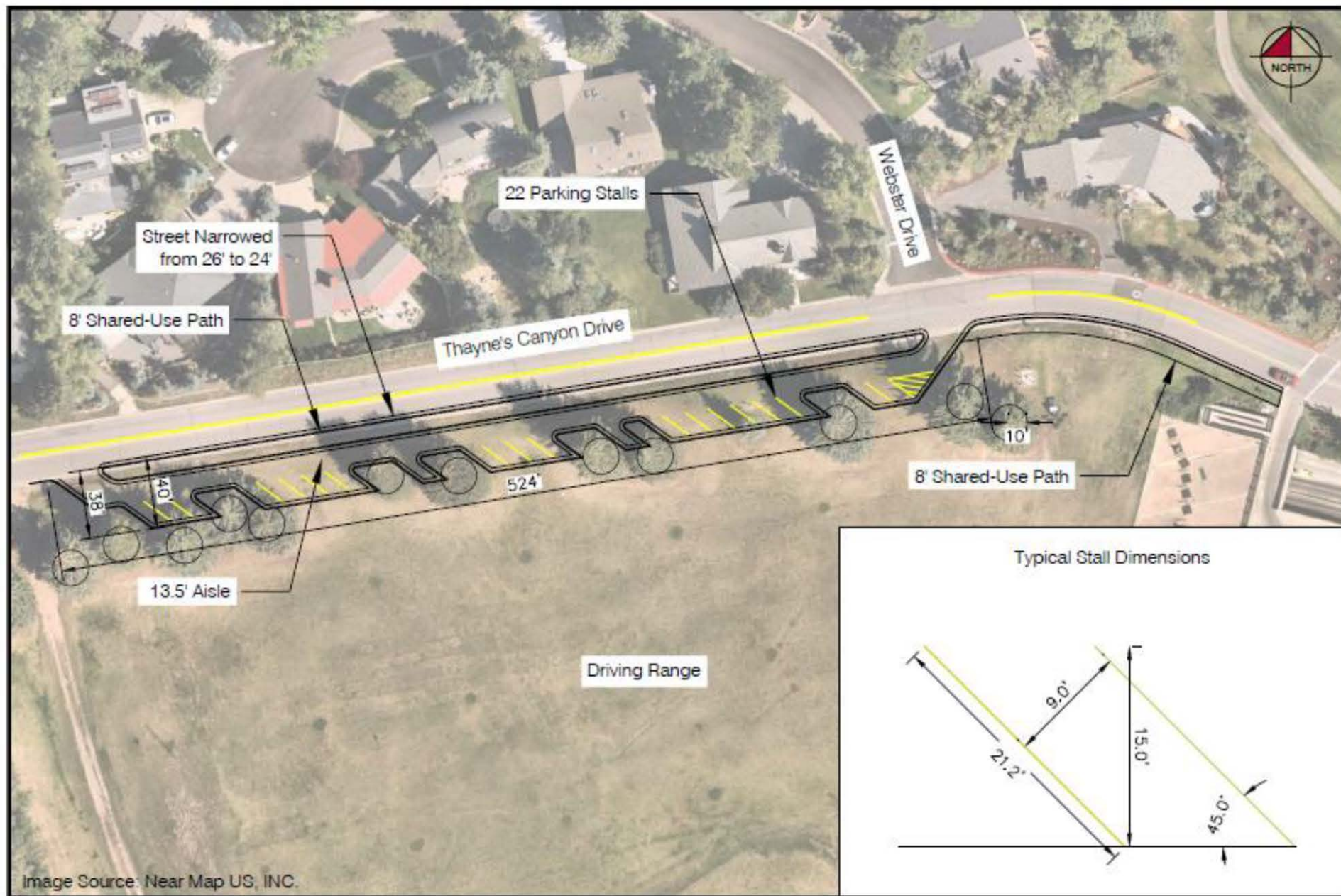
| Alternative | Net Added Spaces | Estimated Cost             | Notes                                                                                                                                                                                                                                           |
|-------------|------------------|----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1A          | 30+              | \$1,050,000 - \$1,650,000+ | \$35,000-\$55,000/space                                                                                                                                                                                                                         |
| 1B          | 88               | refer to contractor        |                                                                                                                                                                                                                                                 |
| 2 Option 1  | 39               | \$319,784 - \$499,592      | Pull-in from west; street narrowed from 26' to 24'; \$7,500 - \$12,000/stall + \$4.75 - \$5.50/shared use path sq. ft.; 45-degree stalls; 520 ft. lot shared use path + 198 ft. additional shared use path to Site; 8 ft. shared use path width |
| 2 Option 2  | 18               | \$175,926 - \$263,388      | " "; Parallel stalls; 12 ft. shared use path width                                                                                                                                                                                              |
| 2 Option 3  | 35               | \$289,784 - \$451,592      | " "; One row 45 degrees; 13.5 ft. aisle                                                                                                                                                                                                         |
| 2 Option 4  | 68               | \$537,284 - \$847,592      | " "; Two rows 45 degrees; 15.5 ft. aisle                                                                                                                                                                                                        |
| 2 Option 5  | 22               | \$194,165 - \$297,770      | " "; One row retaining trees; 13.5 ft. aisle; 10 ft. additional shared use path width of 198 ft.                                                                                                                                                |
| 3           | 14               | \$105,000 - \$168,000      | \$7,500 - \$12,000/stall; 90-degree stalls; 18' X 9' stall; 2 rows                                                                                                                                                                              |











# Parking Capacity Summary

| Alternative | Net Added Spaces | Net Total Spaces           |                            |                            |                            |                            |                            |                            |                            |
|-------------|------------------|----------------------------|----------------------------|----------------------------|----------------------------|----------------------------|----------------------------|----------------------------|----------------------------|
|             |                  | Summer (includes offsite)  |                            | Summer (excludes offsite)  |                            | Winter (includes offsite)  |                            | Winter (excludes offsite)  |                            |
|             |                  | Including Reclaimed Spaces | Excluding Reclaimed Spaces | Including Reclaimed Spaces | Excluding Reclaimed Spaces | Including Reclaimed Spaces | Excluding Reclaimed Spaces | Including Reclaimed Spaces | Excluding Reclaimed Spaces |
| 1A          | 30+              | 284+                       | 261+                       | 254+                       | 221+                       | 238+                       | 225+                       | 228+                       | 215+                       |
| 1B          | 88               | 342                        | 319                        | 302                        | 279                        | 306                        | 283                        | 296                        | 273                        |
| 2 Option 1  | 39               | 293                        | 270                        | 253                        | 230                        | 257                        | 234                        | 247                        | 224                        |
| 2 Option 2  | 18               | 272                        | 249                        | 232                        | 209                        | 236                        | 213                        | 226                        | 203                        |
| 2 Option 3  | 35               | 289                        | 266                        | 249                        | 226                        | 253                        | 230                        | 243                        | 220                        |
| 2 Option 4  | 68               | 322                        | 299                        | 282                        | 259                        | 286                        | 263                        | 276                        | 253                        |
| 2 Option 5  | 22               | 276                        | 253                        | 236                        | 213                        | 240                        | 217                        | 230                        | 207                        |
| 3           | 14               | 268                        | 245                        | 228                        | 205                        | 232                        | 209                        | 222                        | 199                        |

Notes:

Green counts meet or exceed projected parking demand (275 spaces in summer and 199 spaces in winter). Red counts do not meet projected demand for the associated season.

Offsite parking = 40 spaces in summer and 10 spaces in winter.

Reclaimed spaces = 23 stalls identified onsite in Parking Management Recommendations section.



**For Consideration**  
**Next Steps**

- Do nothing
- Implement / require parking management and TDM programs
- Further study evaluation
- Public-private partnership (City to work w/ developer)
- Expand parking on city-owned property (Thayne's Canyon Dr)



# Kimley»»Horn

Expect More. Experience Better.

## Questions

July 13th, 2023

Attn Park City Council: Nann Worel, Max Doilney, Jeremy Rubell, Ryan Dickey, Becca Gerber, Tana Toly  
445 Marsac Avenue  
P.O. Box 1480  
Park City, UT 84060

Re: Homestake Affordable Housing Project

Park City Council:

I'm writing this letter to support the Affordable Housing Project at Homestake. I have been a resident of Park City for over 16 years and a partner in Big-D who manages our Park City office. We have more than 140 employees that live, work and recreate in Summit County. Our employees are beyond concerned about the cost of "affordable" housing and the traffic associated with the growth in Park City proper. We have about 50% of our employees still living in the Park City area and actively struggle to recruit new employees to our Park City office due to lack of housing. As a local business, we believe we are responsible for paying a living wage and do our best to accommodate the ever-rising cost of living.

The addition of the Homestake Affordable Housing would begin to alleviate the demand for affordable housing in an ideal location for transit and within walking distance of most amenities. To be clear, we are not the contractor on this project, but we are excited to have the project as part of our community.

When we opened our office eight years ago, our commitment as a company was for the long term. In 56 years, Big-D has never closed an office. We had three goals: become a sustainable part of the community, give back to the community, and to do business with responsible developers that add to our community and not take from it.

We are very lucky to live and work where we do and I'm thankful that we have a Council concerned about growth. We commend you for thinking outside the lines and working with a responsible developer, Rory Murphy, who truly cares about the community and its people to make this project happen. From a concerned resident and business partner, this project has my full support.

Sincerely,



Michael Kerby  
Chief Operation Officer & President  
Big-D Signature Construction



**Big-D Signature, LLC**

1389 Center Drive, Suite 360 | Park City, UT 84098 | P 435.658.2443 | [www.bigdsignature.com](http://www.bigdsignature.com)

City Council | July 13, 2023

# 543 PARK AVENUE APPEAL

## Washington School House Inn

PL-22-05064 | Appeal of PL-20-04477

WASHINGTON SCHOOL HOUSE

HOTEL



# SITE PLAN



**The Applicant is Appealing the Planning Commission's denial of a request for a Minor Hotel Conditional Use Permit for the Washington School Inn, a Landmark Historic Site.**



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# City Council Recap

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- Staff addressed the Applicant's appeal with the Planning Commission's Findings of Fact 9 through 13 found in their denial letter.
  - The Planning Commission and Staff found that the anticipated detrimental effects of parking could not be mitigated
  - Also, the neighborhood impacts could not be mitigated
  - The parking requirements for a Minor Hotel were not met with the Applicant's proposal
- The Applicant presented the reasons for their appeal
  - The Applicant argued that their management plan and proposed parking solutions mitigates the potential impacts, and the appeal should be granted
- A Public Hearing was opened and closed. See 6.15 Meeting Minutes in this packet on page 122 and 123. Exhibit A of 6.15 Staff Report has Public Input
  - No further Public Input will be heard at this meeting

# City Council's Options

1. **Deny the Appeal.** Direct the preparation findings and conclusions upholding the Planning Commission's denial.
2. **Grant the Appeal.** Direct the preparation of findings and conclusions approving the CUP. Use the original recommendation and draft a final Action Letter as amended by the City Council and reflective of Council's determination.
3. **Remand to Planning Commission.** The Council may remand the matter to the Planning Commission for further evaluation as specified by the Council or consistent with the State Ombudsman opinion described in the appeal
4. **Continue to a date certain and request additional information.**
5. **Consider a request from the Applicant to continue the matter to entertain a settlement proposal.** Consider providing further direction regarding parameters or additional mitigation any settlement proposal must address, different from what the Applicant already proposed.



# Community Wildfire Risk Assessment

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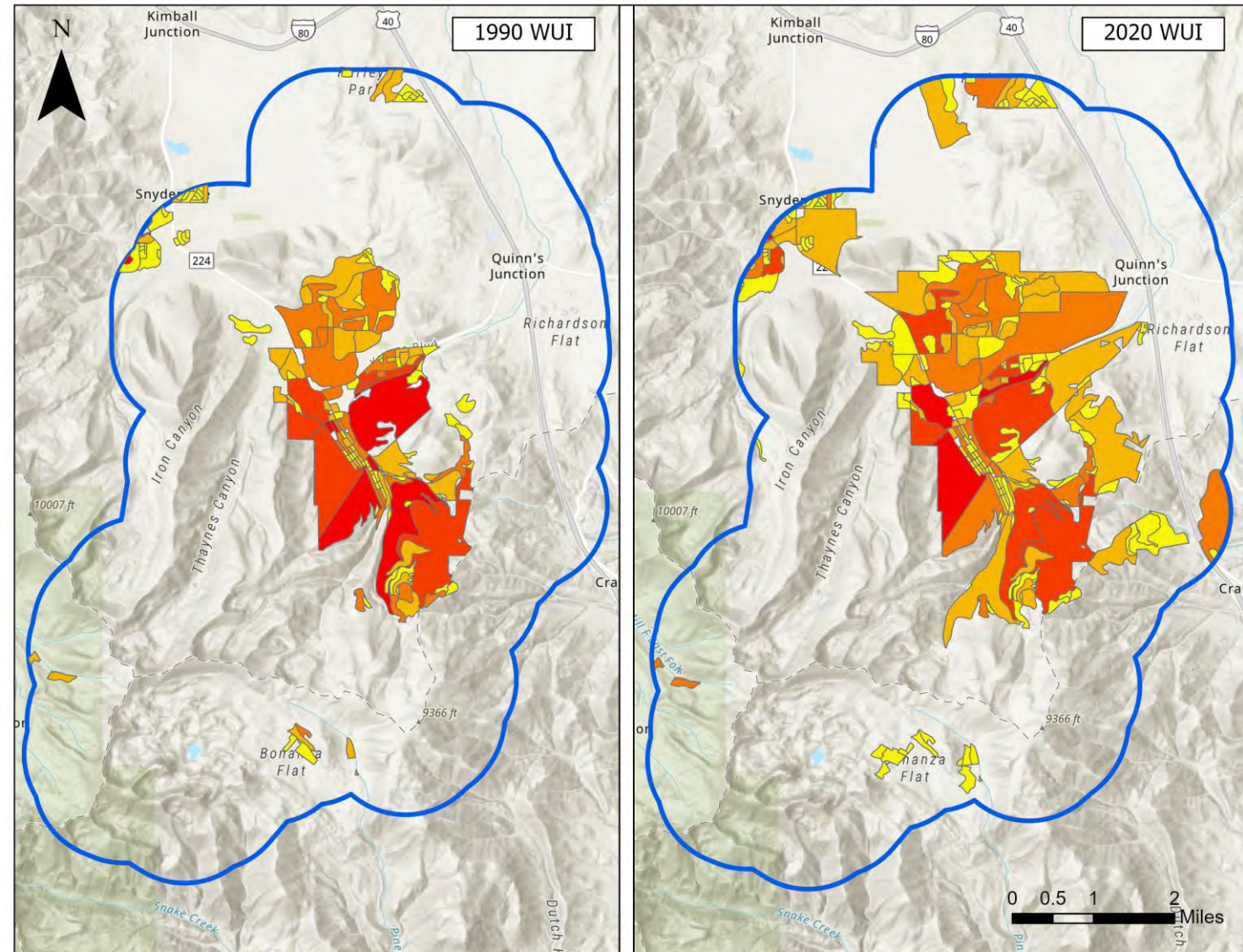
Park City, Utah



# Why is a risk assessment needed?

## Where we choose to live:

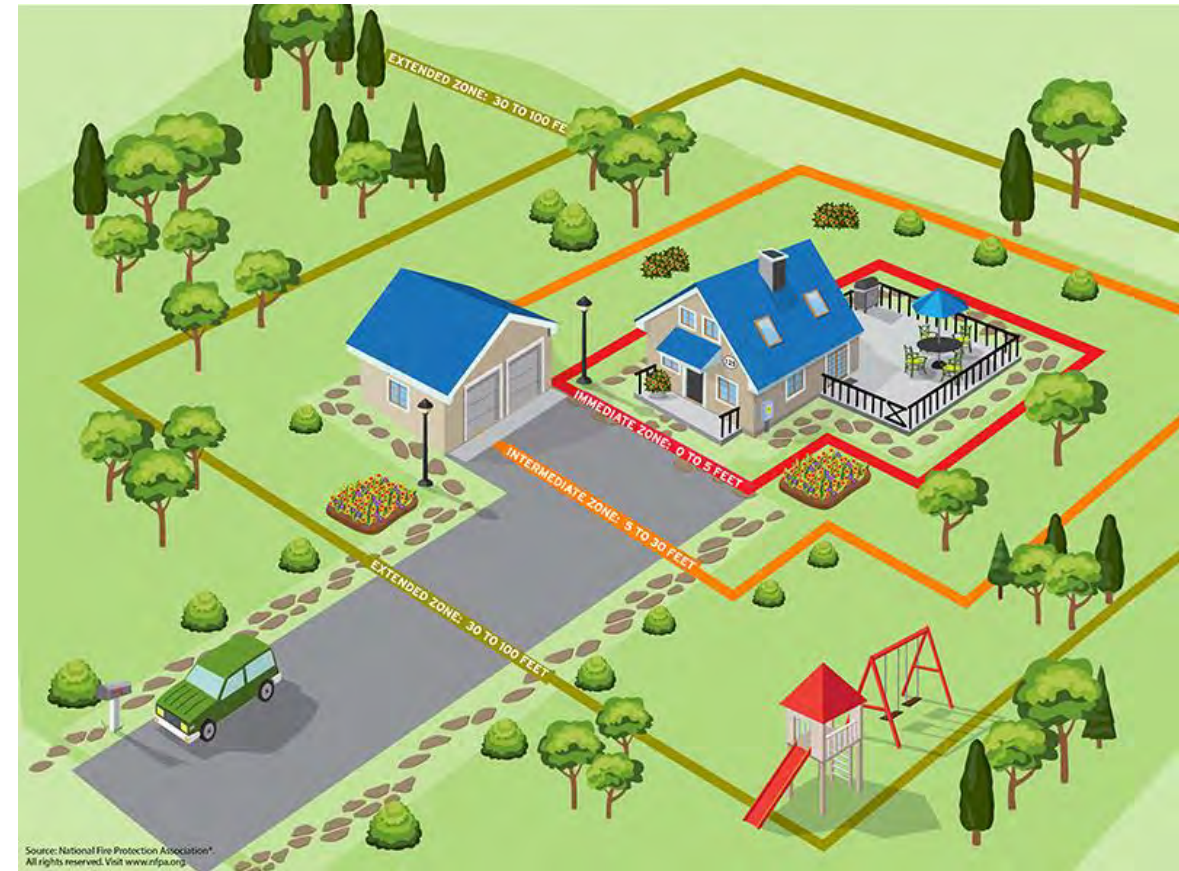
- The entirety of Park City is located within the Wildland Urban Interface (WUI)
- 2021 Hazard Mitigation Plan: a wildfire is the most likely natural catastrophe within the study area of Wasatch, Utah, and Summit Counties
- 89% of wildfires are human-caused, posing additional risk.
- Numerous studies find wildfire impacts would majorly affect the economy and the environment.



# Goals of the risk assessment:

*Inform the planning, prioritization, and implementation of prevention activities and aid in decision-making for the allocation of resources.*

- **Resource Identification**
  - Community and planning
- **Planning & Prioritization Tool**
  - City resources and property
- **Education Awareness**
  - For residents and how they can act
- **Grant funding**
  - Leveraging tax dollars



# 2022 Community Survey Results

## Understanding Risk:

- 96% believe community is at risk from wildfire
- 94% think it would be detrimental to economy
- Top concerns included:
  - Air quality
  - Damage to wildlife habitat
  - Post-fire erosion –impacts to water quality

## Mitigation:

- Each property owner is responsible for mitigation efforts.
- Local government should enforce and support mitigation.
- A strong majority (60+%) supported home assessments to gain knowledge and perform mitigation.
- 84% support use of controlled burning.
- A majority look to local organizations for knowledge and guidance:
  - PCMC
  - Fire Department
  - HOAs

## Evacuation:

- Less than half (49%) of residents have an evacuation plan. Most have never practiced evacuating, nor do they have a go bag.
- Biggest concerns: Capacity of roads –can't handle evacuation traffic especially with tourists
- Will there be timely notification –Everbridge system, Reverse 911
- Don't know evacuation routes
- Don't know where to go during evacuation
- Public Transit –will buses help evacuate?

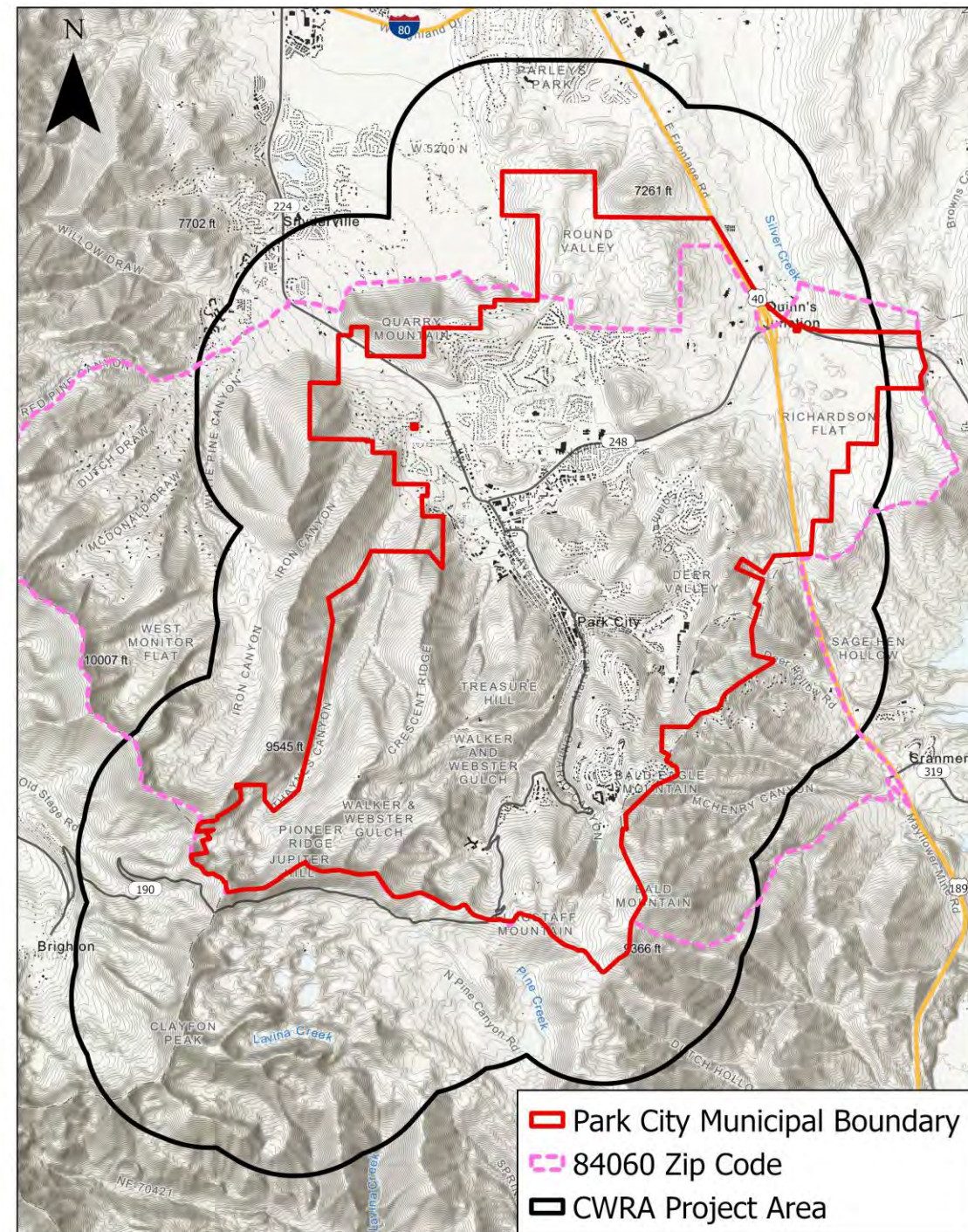


# Project Assessment Area

The Scope of the Project utilized the 2021 Park City Municipal Corporation boundary, Bonanza Flat, plus a one-mile buffer.

Map shows:

- 2023 Park City Municipal Boundary (Red line)
- 84060 Zip Code Boundary (Pink dash line)
- Project Area Boundary (Black bubble line)



# The National Cohesive Strategy

## 3 tenets framework emphasizes:

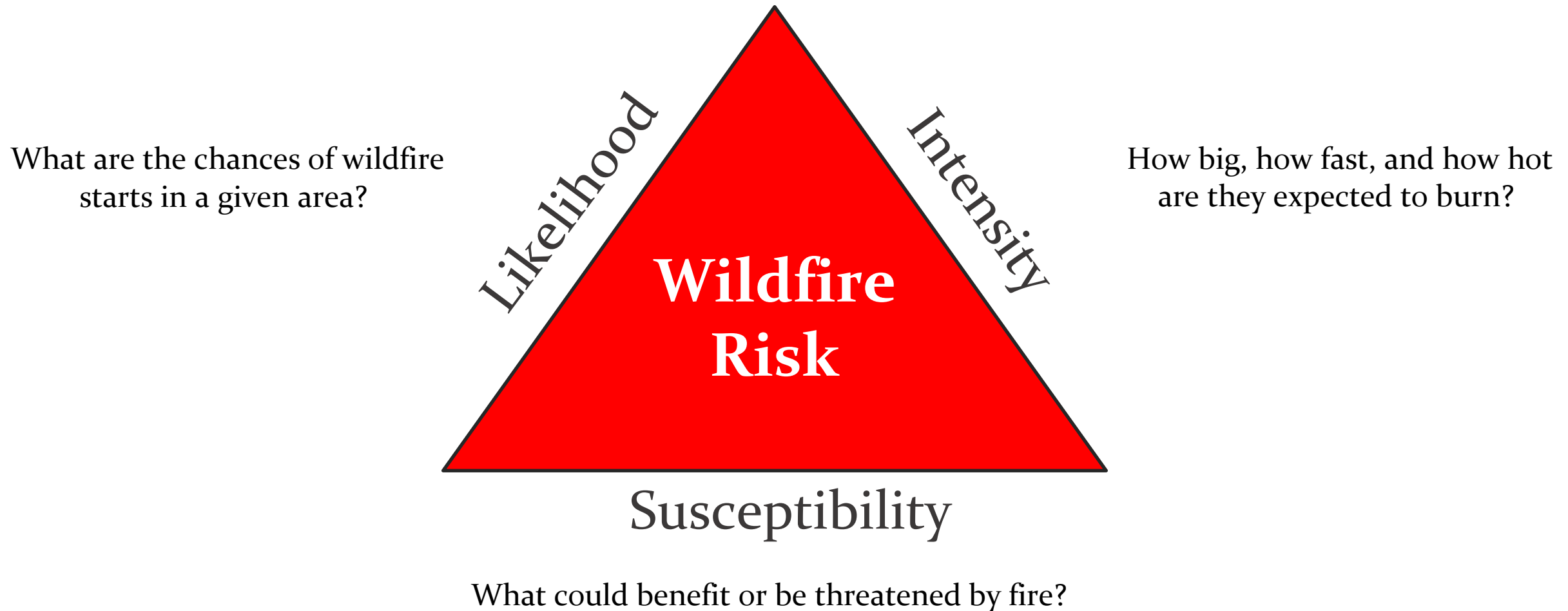
- Resilient Landscapes
- Fire Adapted Communities
- Safe and Effective Wildfire Response

Resort communities and states within the mountain west have undergone similar planning processes to address growing risks:

- Vail, CO
- Aspen, CO
- Steamboat Springs, CO
- Bend, OR



# How do we determine wildfire risk?



# What is at stake?

## Highly Valued Resources and Assets (HVRAs)

- Drinking water/stream conditions
- Natural environment
- Recreation opportunities
- Community infrastructure

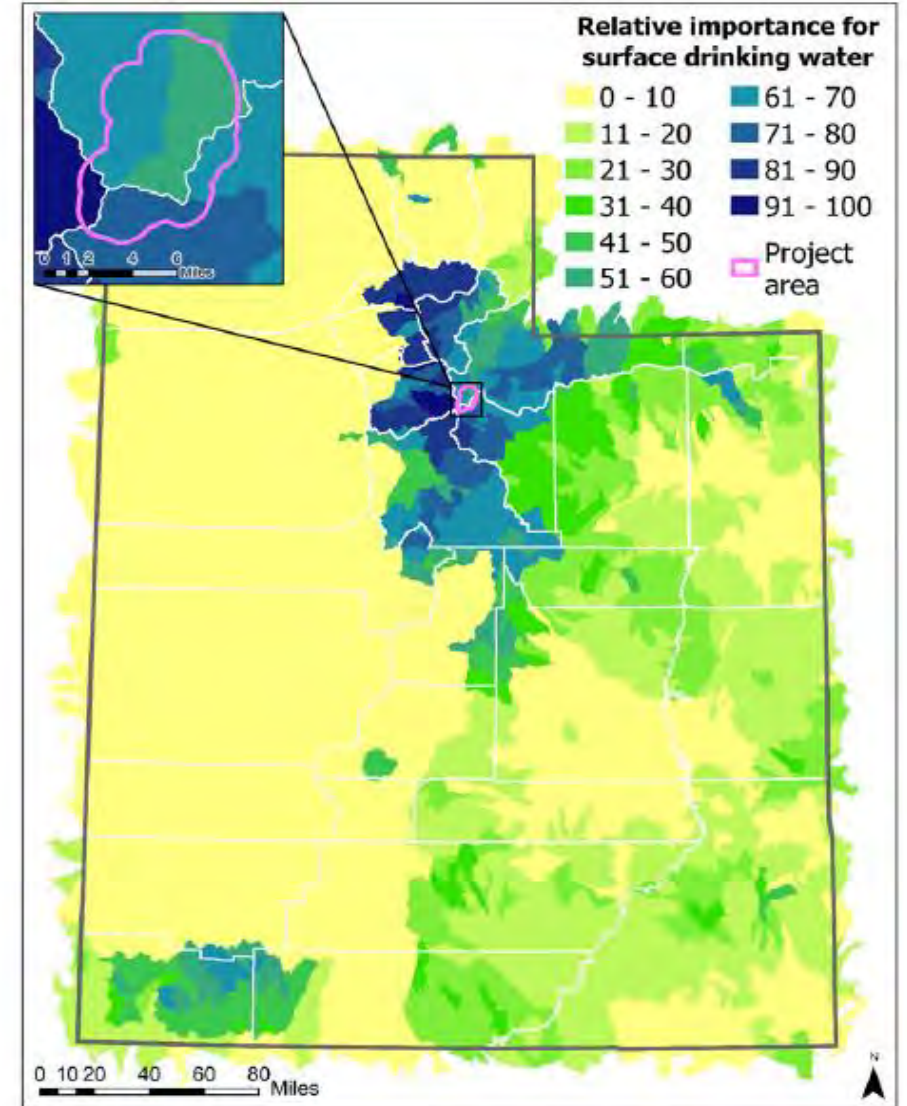


Figure 2-0-15. Relative importance of watersheds for producing clean surface drinking water in the state of Utah according to the Forests-to-Faucets 2.0 assessment by the U.S. Forest Service (Mack et al., 2022). Values indicate the relative importance of watersheds compared to all watersheds in Utah. For example, the Headwaters of Big Cottonwood Creek watershed in the southwest portion of our study area has a relative importance value of 93, meaning it is more important for providing clean surface drinking water than 93% of watersheds in the state.

# Economic Impacts

## South Lake Tahoe – Caldor Fire 2021

"The projected economic loss in South Lake Tahoe is estimated to reach nearly \$40 million due to the Caldor Fire."

- Letter to the President from Governor of California  
September 10th, 2021



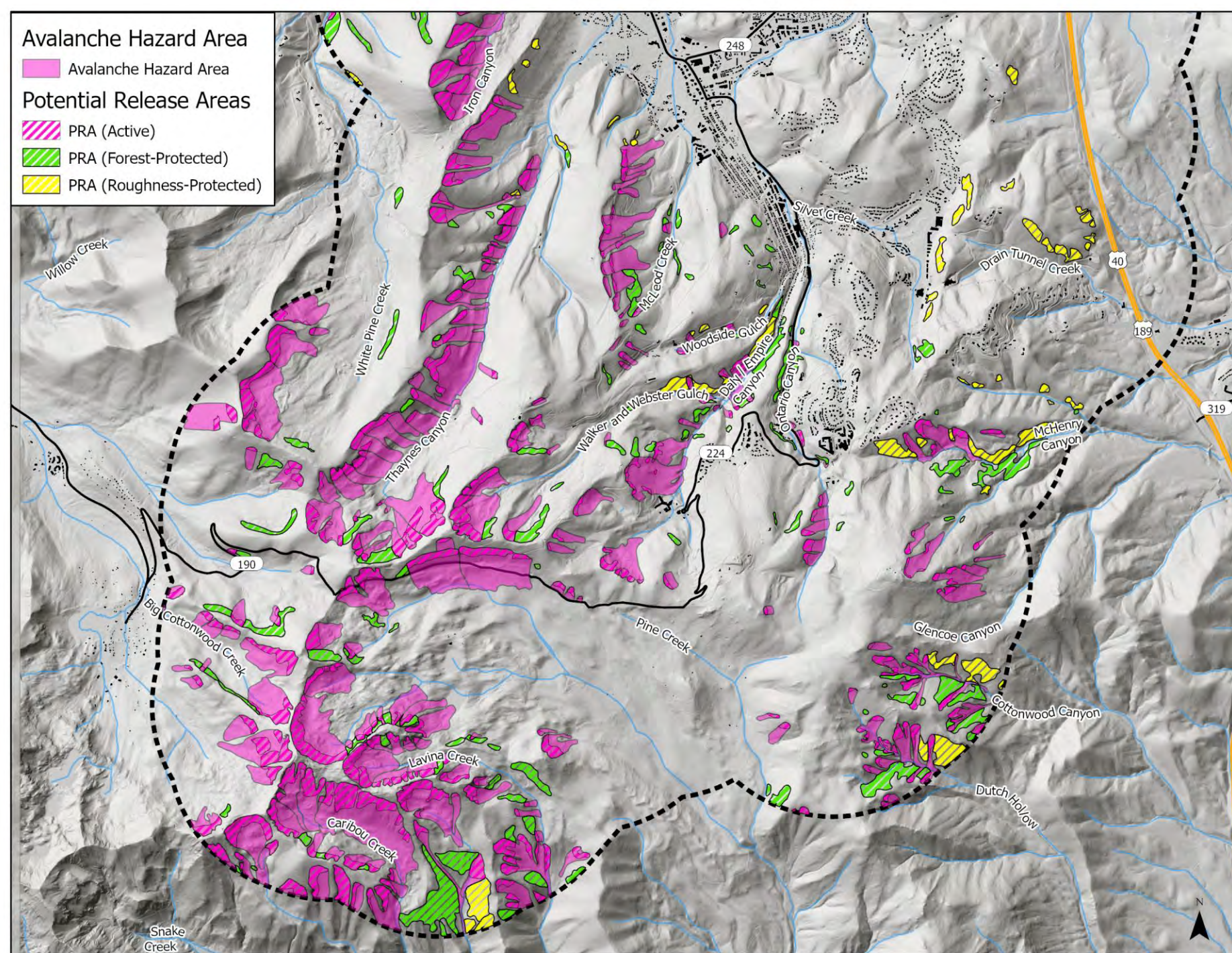
# Resource Identification and Impacts from Wildfire

- HVRAs were identified by community stakeholders
- Additional HVRAs were identified from the findings of:
  - Avalanche Terrain Assessment
  - Sediment Delivery Report
  - Stream Health Study



# Avalanche Terrain

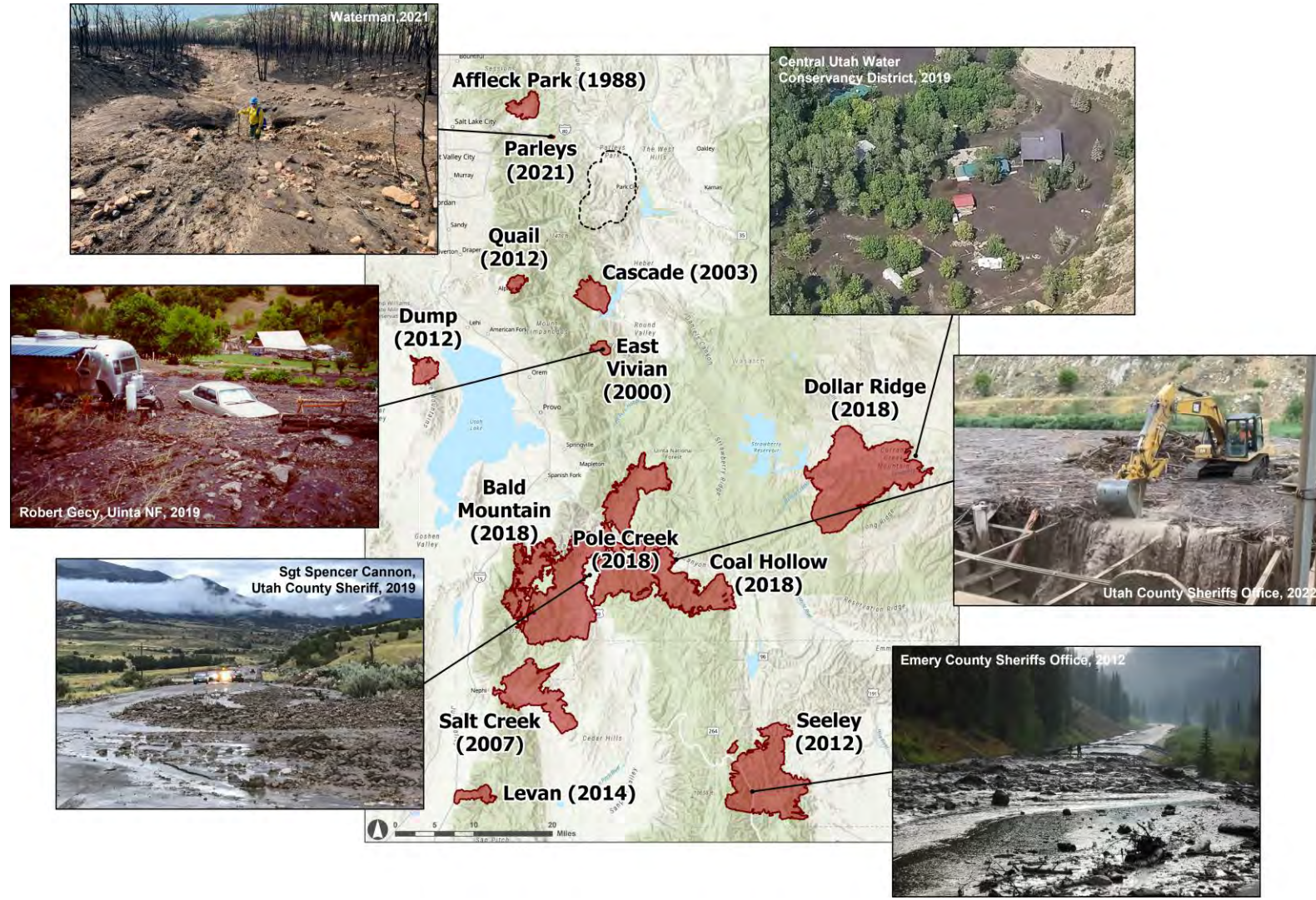
- Identify avalanche hazard areas
- Determine where post fire conditions OR fuel mitigation work could INCREASE avalanche frequency or magnitude



# Post-fire Sediment Delivery

Potential impacts to:

- Homes and Businesses
- Public Safety
- Critical Infrastructure
- Transportation
- Recreation
- Heritage Resources
- Other Community Services and Resources



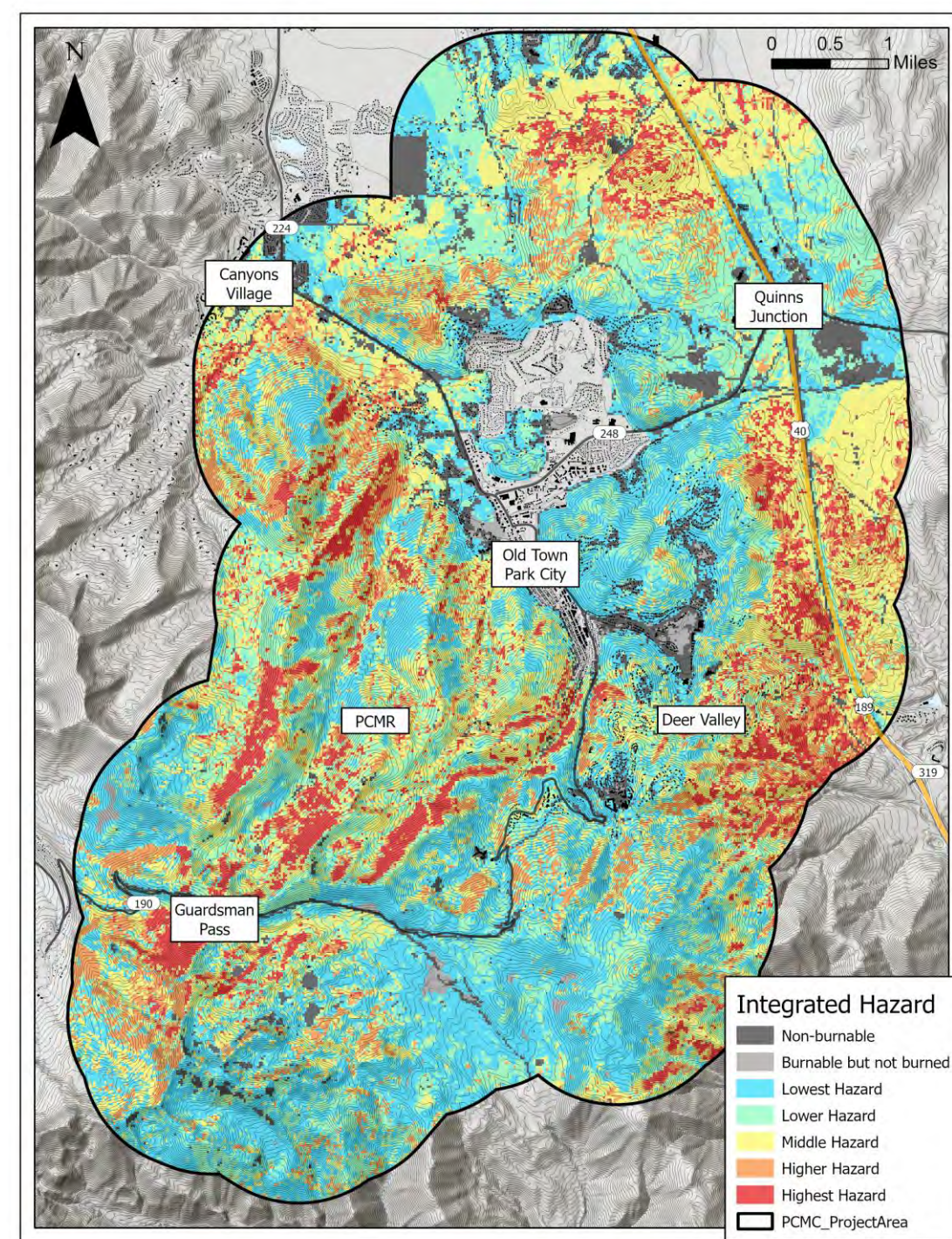
# Stream Health

- Streams provide water for drinking, wildlife, recreation and the ecosystem.
- Healthy streamside vegetation can act as a fire break or slow fire spread.
- Sediments transported into streams, rivers, and can reduce water quality and degrade wildlife habitat.
- This information can inform decision makers, stakeholders and the community when deciding how to protect resources.



# Wildfire Simulation

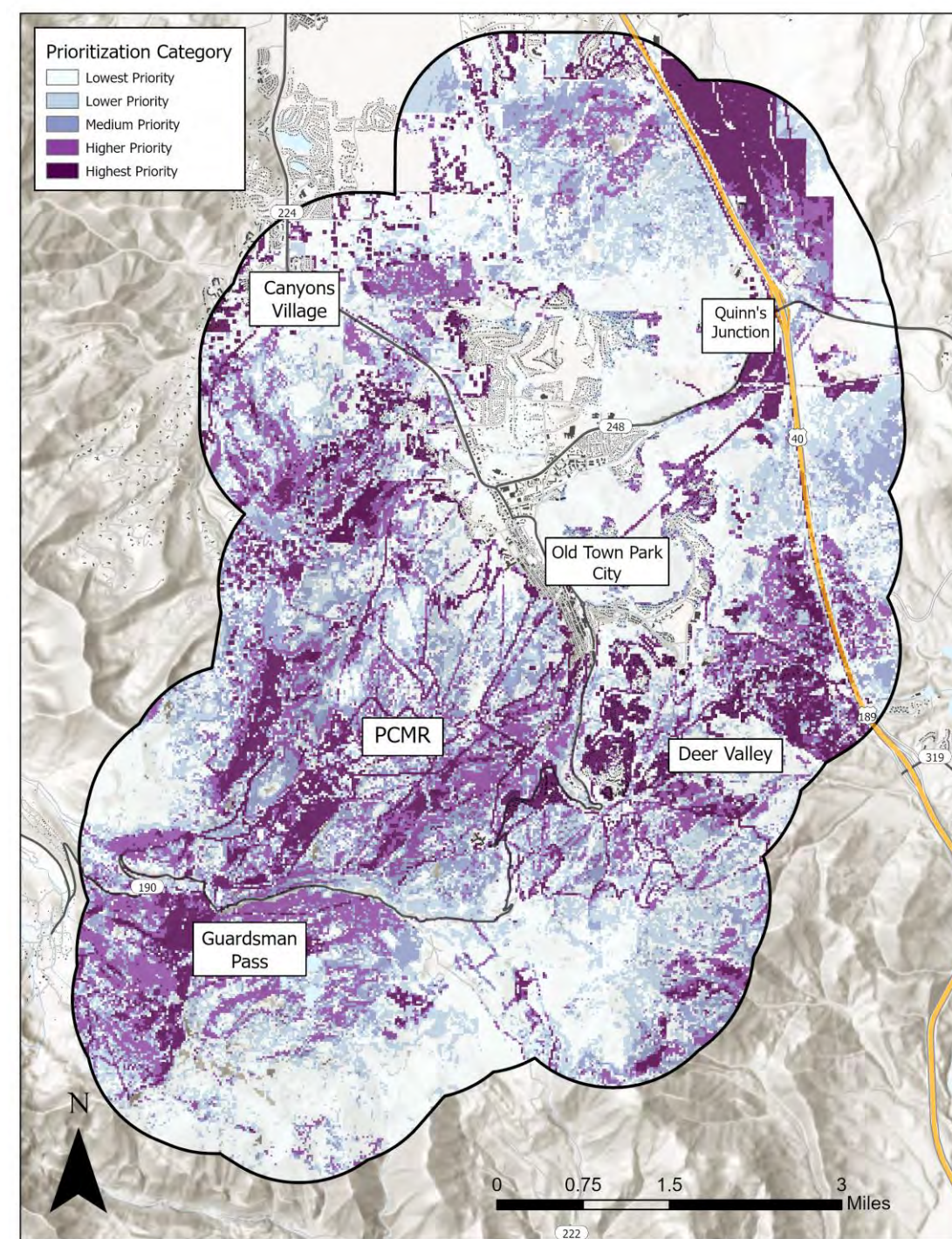
- Topography, vegetation and weather patterns were assessed to highlight areas of high wildfire hazard.
- Modeling programs combine wildfire likelihood and intensity to of integrated hazard levels.



# Mitigation Priority Areas

- This map displays what areas in the project area have the highest priority for treatment based on:

- Likelihood
- Intensity
- Geographic Locations of HVRA's
- Impacts to HVRA's



# Park City's Priority Parcels

## Willow Ranch Parcels:

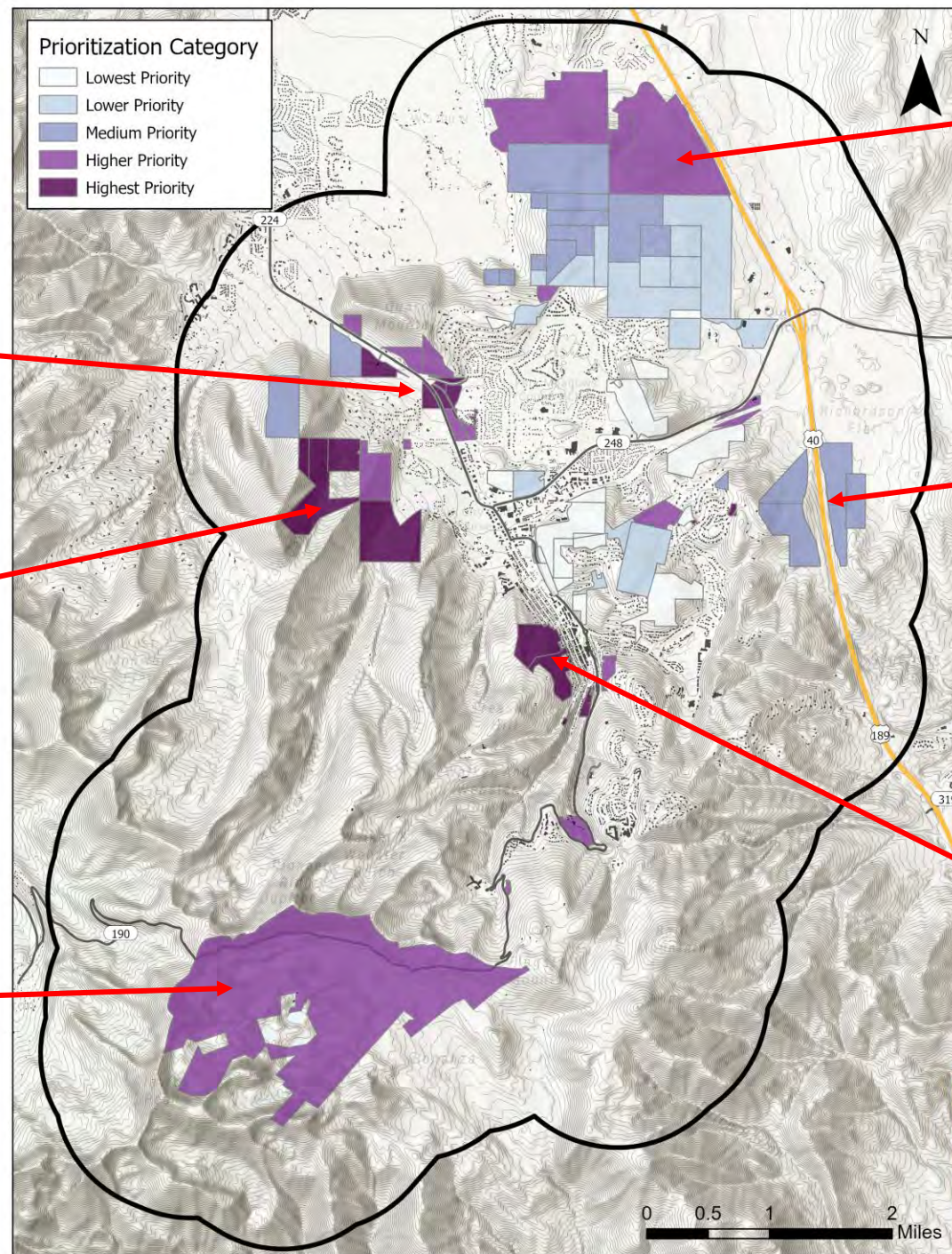
- High value stream and riparian area
- Low treatability

## Iron Canyon Parcels:

- High value drinking watershed
- High integrated hazard
- Heavily forested and large amount of treatable acres

## Bonanza Flat:

- High ecological integrity
- High value stream health and wildlife habitat
- High treatability



## Round Valley Parcels:

- High integrated hazard
- Limited treatment options
- Enhanced suppression and prevention could help lower risks

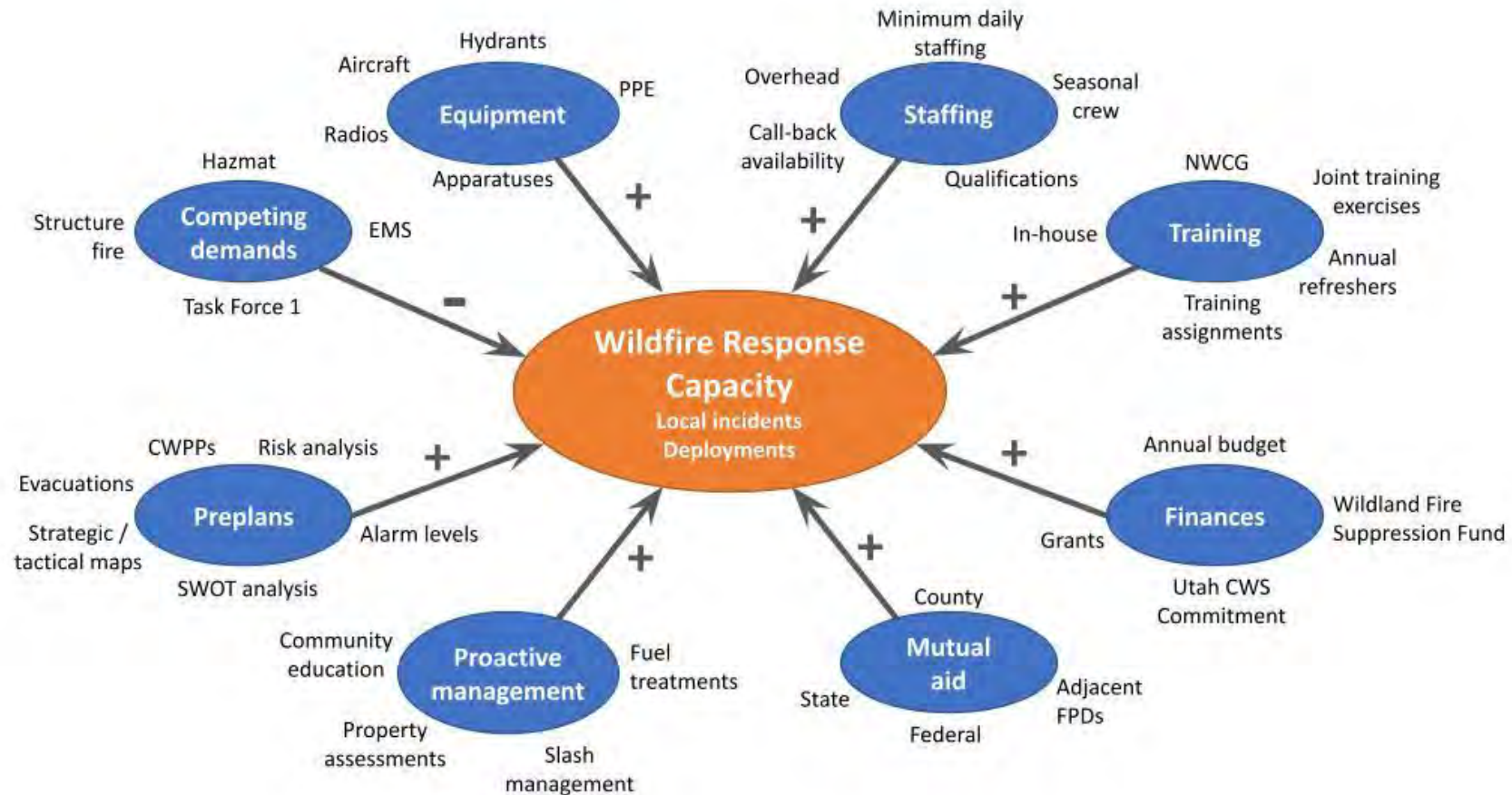
## Hwy 40 Corridor:

- High integrated hazard
- Some treatability
- Medium priority due to lack of HVRAs

## Treasure Hill Parcels:

- High integrated hazard
- High treatability
- Treatment was carried out in 2022

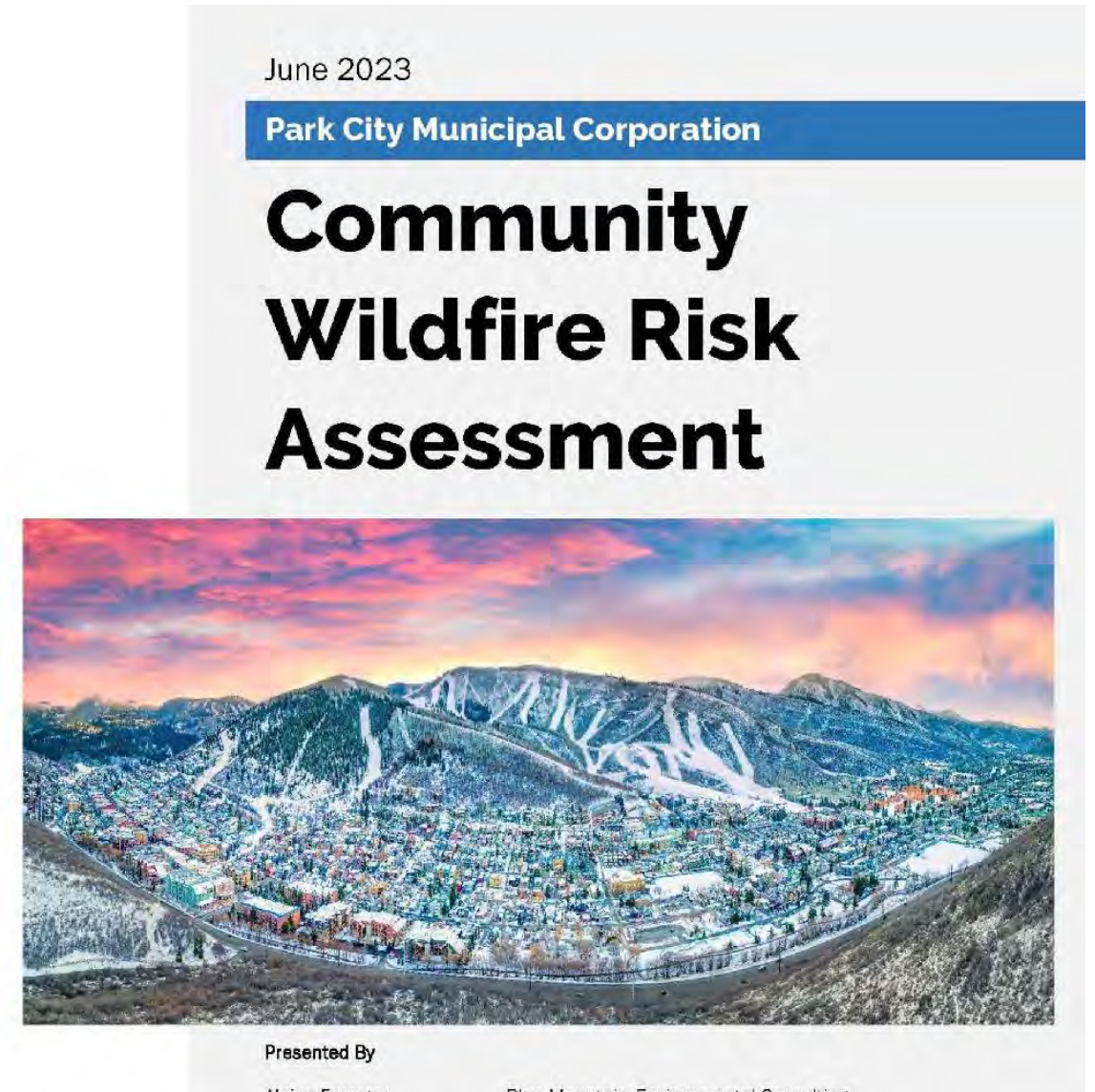
# Wildfire Response and Suppression



# What does this mean for the City?

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- WUI Ordinance (Municipal Code of Park City Section 11- 21- 1).
- Emergency Management coordination/training/information
- Resource Allocation-Budget & Funding
- Grant Applications
- Prioritization Planning
- Water Resources



# What does this mean for area stakeholders?

- Emphasis on coordination and cross-boundary collaboration
- Ability to utilize planning efforts from this project
- Template for prioritization of treatment areas
- Provided project implementation resources



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# What does this mean for residents?

- Education & Awareness
- Emergency Planning
- Home & Property Assessments
- Homeowners Association Coordination/CCRs
- Home Insurance



An aerial photograph of a mountain town covered in snow. The town features numerous buildings with snow-laden roofs, interspersed with evergreen trees. In the background, steep, snow-covered mountain slopes rise. The overall scene is serene and wintry.

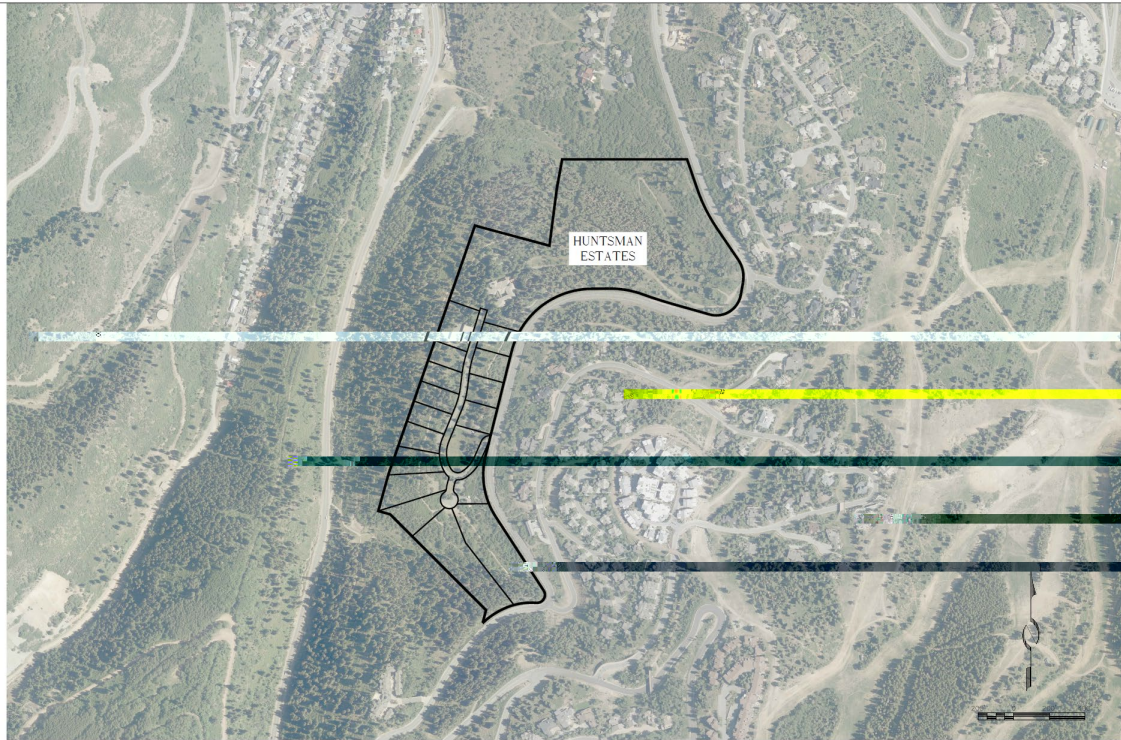
# Ordinance 2023-35

# Huntsman Estates Plat Amendment

City Council  
July 13, 2023

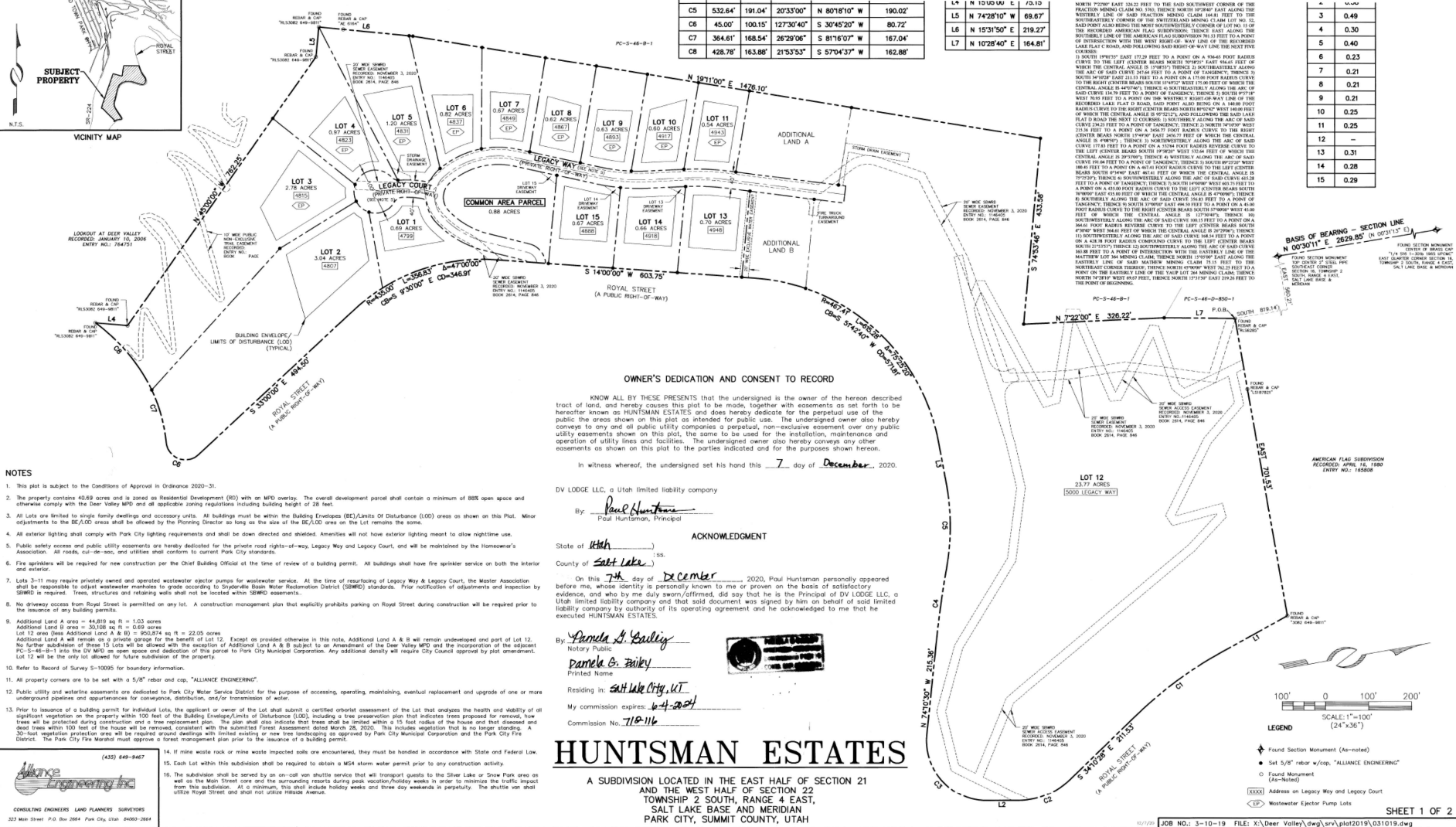


# Huntsman Estates



- 15-Lot Subdivision approved by Council 7/9/2020 via Ordinance 2020-31
- 40.69 acre site
- Residential Development District (RD) & Deer Valley Master Planned Development (DV MPD)

|                                                                                                                                                                                     |               |                                                       |                                                                               |                       |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|-------------------------------------------------------|-------------------------------------------------------------------------------|-----------------------|
| <br>CONSULTING ENGINEER LAND PLANNING SURVEYING<br>1000 West 200 South, Suite 100, Provo, UT 84601 | DATE: 1/20/21 | STAFF:<br>MICHAEL LEONARD<br>MICHAEL LEONARD          | AERIAL PHOTOGRAPH<br>HUNTSMAN ESTATES<br>5000 ROYAL STREET<br>DEER VALLEY, UT | SHEET<br>1<br>OF<br>1 |
|                                                                                                                                                                                     | DATE: 1/20/21 | FILE: 1000 West 200 South, Suite 100, Provo, UT 84601 | FORM NO. 3-10-19                                                              |                       |



- NOTES**
- This plot is subject to the Conditions of Approval in Ordinance 2020-31.
  - The property contains 40.69 acres and is zoned as Residential Development (RD) with an MPO overlay. The overall development parcel shall contain a minimum of 88% open space and otherwise comply with the Deer Valley MPO and all applicable zoning regulations including building height of 28 feet.
  - All lots are limited to single family dwellings and accessory units. All buildings must be within the Building Envelopes (BE)/Limits of Disturbance (LOD) areas as shown on this Plot. Minor adjustments to the BE/LOD areas shall be allowed by the Planning Director as long as the size of the BE/LOD areas on the Lot remains the same.
  - All exterior lighting shall comply with Park City lighting requirements and shall be down directed and shielded. Amenity will not have exterior lighting meant to allow nighttime use.
  - Public safety access and public utility easements are hereby dedicated for the private road right-of-way, Legacy Way and Legacy Court, and will be maintained by the Homeowner's Association. All roads, cul-de-sacs, and utilities shall conform to current Park City standards.
  - Fire sprinklers will be required for new construction per the Chief Building Officer at the time of review of a building permit. All buildings shall have fire sprinkler service on both the interior and exterior.
  - Lots 3-11 may require privately sited and operated wastewater ejector pumps for wastewater service. At the time of re-surveying of Legacy Way & Legacy Court, the Master Association shall be responsible to adjust wastewater mainlines to grade according to Sylvania Basin Water Reclamation District (SBWRD) standards. Prior notification of adjustments and inspection by SBWRD is required. Trees, structures and retaining walls shall not be located within SBWRD easements.
  - No driveway access from Royal Street is permitted on any lot. A construction management plan that explicitly prohibits parking on Royal Street during construction will be required prior to the issuance of any building permits.
  - Additional Land A area = 44.819 sq ft = 1.03 acres  
Additional Land B area = 30.018 sq ft = 0.69 acres  
Lot 12 area (New Additional Land A & B) = 950.874 sq ft = 22.05 acres  
The subdivision shall be surveyed by an on-call surveyor pursuant to the terms of the Survey Agreement. The plan shall also indicate that trees shall be limited within a 15 foot radius of the house and that disjunct trees within 100 feet of the house will be removed, consistent with the submitted Forest Assessment dated March 28, 2020. This includes vegetation that is no longer standing. A 30-foot minimum protection zone or new tree landscaping as approved by Park City Municipal Corporation. Any additional density will require City Council approval by plot amendment. Lot 12 will be the only lot allowed for future subdivision of the property.
  - Refer to Record of Survey S-10095 for boundary information.
  - All property corners are to be set with a 5/8" rebar and cap, "ALLIANCE ENGINEERING".
  - Public utility and waterline easements are dedicated to Park City Water Service District for the purpose of accessing, operating, maintaining, eventual replacement and upgrade of one or more underground pipelines and appurtenances for conveyance, distribution, and/or transmission of water.
  - Prior to issuance of a building permit for individual Lots, the applicant or owner of the Lot shall submit a certified arborist assessment of the Lot that analyzes the health and viability of all significant vegetation on the property within 150 feet of the Building Envelope/Limits of Disturbance (LOD), including a tree preservation plan that indicates trees proposed for removal, how trees will be protected during construction and a tree replacement plan. The plan shall also indicate that trees shall be limited within a 15 foot radius of the house and that disjunct trees within 100 feet of the house will be removed, consistent with the submitted Forest Assessment dated March 28, 2020. This includes vegetation that is no longer standing. A 30-foot minimum protection zone or new tree landscaping as approved by Park City Municipal Corporation. Any additional density will require City Council approval by plot amendment. Lot 12 will be the only lot allowed for future subdivision of the property.
  - If mine waste rock or mine waste impacted soils are encountered, they must be handled in accordance with State and Federal Law.
  - Each Lot within this subdivision shall be required to obtain a M54 storm water permit prior to any construction activity.
  - The subdivision shall be surveyed by an on-call surveyor pursuant to the terms of the Survey Agreement. The plan shall also indicate that trees shall be limited within a 15 foot radius of the house and that disjunct trees within 100 feet of the house will be removed, consistent with the submitted Forest Assessment dated March 28, 2020. This includes vegetation that is no longer standing. A 30-foot minimum protection zone or new tree landscaping as approved by Park City Municipal Corporation. Any additional density will require City Council approval by plot amendment. Lot 12 will be the only lot allowed for future subdivision of the property.

**ALLIANCE ENGINEERING**  
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS  
222 Main Street P.O. Box 2064 Park City, Utah 84060-2064

**OWNER'S DEDICATION AND CONSENT TO RECORD**

KNOW ALL BY THESE PRESENTS that the undersigned is the owner of the hereon described tract of land, and hereby causes this plat to be made, together with easements as set forth to be hereafter known as HUNTSMAN ESTATES and does hereby dedicate for the perpetual use of the public the areas shown on this plat as intended for public use. The undersigned owner also hereby consents to any and all public utility companies a perpetual, non-exclusive easement over any public utility easements shown on this plat, the same to be used for the installation, maintenance and operation of utility lines and facilities. The undersigned owner also hereby consents any other easements as shown on this plat to the parties indicated and for the purposes shown hereon.

In witness whereof, the undersigned set his hand this 7 day of December, 2020.

DV LODGE LLC, a Utah limited liability company  
By: Paul Huntsman  
Paul Huntsman, Principal

State of Utah ss.  
County of Salt Lake

On this 7th day of December, 2020, Paul Huntsman personally appeared before me, whose identity is personally known to me or proven on the basis of affidavit of the evidence, and who by me duly sworn/affirmed, did say that he is the Principal of DV LODGE LLC, a Utah limited liability company and that said document was signed by him on behalf of said limited liability company by authority of its operating agreement and he acknowledged to me that he executed HUNTSMAN ESTATES.

By: Parvika S. Bailey  
Notary Public  
Parvika S. Bailey  
Printed Name

Residing in: SALT LAKE CITY, UT  
My commission expires: 6-4-2024  
Commission No. 710-116

**HUNTSMAN ESTATES**  
A SUBDIVISION LOCATED IN THE EAST HALF OF SECTION 21  
AND THE WEST HALF OF SECTION 22  
TOWNSHIP 2 SOUTH, RANGE 4 EAST,  
SALT LAKE BASE AND MERIDIAN  
PARK CITY, SUMMIT COUNTY, UTAH

**LEGEND**

- Point Section Monument (As-noted)
- 5/8" rebar w/cap, "ALLIANCE ENGINEERING"
- Fixed Monument (As-noted)
- Address on Legacy Way and Legacy Court
- Wastewater Ejector Pump Lots

**SCALE: 1"=100'**  
(24"=36')

**SHEET 1 OF 2**

# Plat Note 3

The Applicant is proposing to modify Plat Note 3

1. To exclude driveways from counting towards the BE/LODs
2. For the BE/LOD to become the LOD

“All Lots are limited to Single-Family Dwellings and Accessory Buildings/Uses. All building footprints must be within the Limits of Disturbance (LOD) areas as shown on this Plat. Minor adjustments to the LOD area shall be allowed by the Planning Director so long as the size of the LOD area on the Lot remains the same. Driveway connections and utility corridors between the LOD and Right-Of-Way shall not count against the LOD. Driveways outside the LOD shall not exceed 20 feet in width.”

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# Good Cause

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The Planning Commission found Good Cause for the Plat Amendment as it provides clarity to Plat Note 3, allows for the connection of the LOD to ROW, and allows for a sewer easement to be added to the Plat. As a result of the clarified LOD, driveways to the ROW will not result in a reduction of house size. No public Street ROW, or easement is vacated by the Plat Amendment.

The Council should hold a public hearing, and consider approving Ordinance 2023-35.



# Definitions

**Floor Area, Gross Residential** - The Area of a Building, including all enclosed Areas, consisting of the Area of all floors located under a ceiling that is above Final Grade, measured in square feet. Unenclosed porches, Balconies, patios and decks, vent shafts and courts are not calculated in Gross Residential Floor Area. Garages, up to a maximum Area of 600 square feet<sup>1</sup>, are not considered Floor Area. Basement and Crawl Space Areas below Final Grade are not considered Floor Area. Floor Area is measured from the finished surface of the interior of the exterior boundary walls.

**Building Envelope** - The Building Pad, Building Footprint, and Height restrictions that defines the maximum Building Envelope in which all Development must occur.

**Limits of Disturbance** - The designated Area in which all Construction Activity must be contained.





# Appeal Authority

Removing Legislative Body

PARK CITY

1881

# Reasons for Change

1. Changes to state law
2. Incompatibility between legislative and quasi-judicial roles
3. Complexity of legal issues
4. Evidence issues
5. Limits on ex parte communications

# Reasons for Change

## 1. Changes to state law

- The Utah legislature has made changes to the Municipal Land Use, Development, and Management Act (LUDMA) to encourage municipalities to move away from using their legislative bodies as their Appeal Authority

# Reasons for Change

## 2. Incompatibility between legislative and quasi-judicial roles

- A quasi-judicial action requires an objective determination based on evidence and law
- Legislative action is discretionary and involves the establishment of policies

# Reasons for Change

## 3. Complexity of legal issues

- More applicants are using attorneys for appeals resulting in more complex arguments
- Legal or land use expertise may more frequently be required to issue correct decisions that will not be overturned in court

# Reasons for Change

## 4. Evidence issues

- Many cases turn on difficult evidence issues such as old development agreements, old MPDs, and highly-technical third-party studies

# Reasons for Change

## 5. Limits on ex parte communications

- Limits on ex parte communications create two issues:
  - If violated, decision could be overturned for a due process violation
  - If followed, it limits Council Members from hearing and talking to the community

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# No Change to Qualifications

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## Appeal Panel Qualifications:

- Park City or Area residency
- Five or more years of prior experience in an adjudicative position
- Legal or Planning Degree

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# Recommendation

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- (I) Review and consider proposed Land Management Code amendments to potentially remove the City's legislative body, the City Council, as Appeal Authority for Master Planned Developments (MPDs) and Conditional Use Permits (CUPs);
- (II) conduct a public hearing; and
- (III) recommend an appeal authority for City Council's consideration on July 13, 2023, as outlined in two alternative versions:
  - Planning staff's recommendation – Draft Ordinance No. 2023-XX creating a permanent Appeal Panel with members serving terms of three years to hear appeals of MPDs and CUPs (Exhibit A)
  - Alternative – Draft Ordinance No. 2023-XX creating an individual Appeal Hearing Officer with a term of three years to hear appeals of MPDs and CUPs (Exhibit B)

Date: July 13, 2023  
TO: Mayor Nann Worel, City Officials, and Interested Parties  
FROM: Bob Theobald  
RE: Water Well Location Authority – Utah Division of Water Rights, PCMC, and Planning Commissioner Hall

I write in regard to what I believe are continuing violations of the Park City Land Management Code (LMC) and other applicable laws by my immediate next-door neighbor at 2750 Meadow Creek Drive, Crescent Vertical LLC. Crescent Vertical is a shell company controlled by local real estate developers, Gerry and Sarah Hall. The Halls have apparently renovated properties in the City in the past and as numerous City officials have known for some time, are now in the process of a million dollar plus renovation project.

The project is located in a wetland located in a 'sensitive lands' area protected by the LMC. It includes planting a wall of high trees at the edge of the property with the express intent of obscuring valuable and protected mountain, meadow, and open space view corridors which at least six of my neighbors have enjoyed for decades, and drilling a private water well in the wetlands on this property to irrigate the wall of trees.<sup>1</sup> This extensive tree planting activity has been done without submitting a complete landscape plan or receiving appropriate approval to do so. Over the past ten months, a number of my neighbors and I have repeatedly complained to the City of these and numerous other violations in respect of the renovation project, many of which remain outstanding and which the City has inexplicably failed to address.<sup>2</sup>

In addition, a controlling person of the property is a sitting Park City Planning Commissioner and an attorney who, in my judgment, without question, should know when her actions are in violation of the LMC and who, in my judgment, has repeatedly, and with the full knowledge of the City, violated the LMC and Plat with impunity in the past.

The specific purpose of this letter is to call to your direct attention the utterly misguided notion apparently held by the Park City legal department that it has no authority over the subject well drilling activity because (it claims) the authority of Utah Division of Water Rights (DWR) supersedes the local land use authority. Apparently, due to this this incorrect conclusion, the legal department appears to be preventing the planning and building staff from executing their duties of review and enforcement of the LMC and Ordinances in respect of the drilling project.

On June 2, 2022, the property and water right owner applied to the DWR to change the point of diversion of the water right to 2750 Meadow Creek Drive for the purpose of drilling a well to

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<sup>1</sup> The Halls' water well is located at 2750 Meadow Creek Drive, Lot 2 Willow Ranch Subdivision. The water right and permit number is 35-131-67 (a49017). The drilling commenced operation on or about June 26, 2023. [https://waterrights.utah.gov/asp\\_apps/chprint/chprint.asp?chnum=a49017](https://waterrights.utah.gov/asp_apps/chprint/chprint.asp?chnum=a49017)

<sup>2</sup> Copies of our Complaints dated December 9, 2022 and February 15, 2023 are available upon request. The failure of the City to properly resolve these complaints is under appeal. [?]

irrigate 2.99 acres of the property. The State Engineer approved the change application on December 5, 2022. Apparently, the property owner failed to disclose the plan and location of the well to the planning department staff and failed to conduct the appropriate studies necessary to obtain the local approvals and federal permits prior to application or after approval. It is submitted that the well and all drilling operations violate the LMC, applicable Ordinances and the regulations of the Army Corps of Engineers, including:

- 1) Restrictions on development outside the platted Limits of Disturbance area (Building Envelope) without a plat amendment approved by the City;
- 2) Restrictions on development within the Sensitive Lands Overlay Zone without the required review and analysis - LMC § 15-2.21-6 subsections C, D, E, G., and
- 3) Restrictions on development outside the “HOUSE BUILDING/LANDSCAPE LIMITS AREA” as designated by the Army Corps of Engineers in delineated jurisdictional wetlands without a 404 Nationwide Permit.

Below are illustrations and aerial photos taken on July 6, 2023 that show the extent of well operations. The well location as plotted according to the UTM coordinates provided by the well driller's Start Card relative to the platted Limits of Disturbance (LOD) is 14.47 feet outside the LODA. This does not include the extensive area disturbed for all drilling operation. The property slopes to the north and storm water may wash drilling fluids and surface waste through additional wetlands into Mcleod Creek. Recent tree planting including fruit, aspen and pines with fill material, wildlife fencing and the two MS4 “open channel” water ways are clearly visible.

The City appears to have abdicated its land use authority and enforcement obligations under the LMC. In fact, based on discussions with City officials, it appears that the City now blames the Utah Division of Water Rights for any violations or adverse impacts from the well operation. This notion has been expressed by City officials to me and others on at least two occasions.

On Friday, June 23, I went to the building department front desk to ask if any permits had been issued for a well drilling rig at 2750 Meadow Creek Drive and made a verbal complaint to the front desk official. She then asked a City Enforcement Officer to conduct a site inspection. I then spoke to the Enforcement Officer by phone and asked that he measure the distance between the well operations and the platted, surveyed LOD, and to confirm that the property was within the Sensitive Lands Overlay (SLO) zone. He initially questioned me whether the property was in fact in the SLO zone. However, upon further examination of the map, he agreed with me that the entire subdivision is indeed within the SLO zone.

The following Monday, June 26, I called the Enforcement Officer to ask about the results of his investigation. He told me he had been instructed not to speak about the issues and suggested I contact Planner Alex Ananth. I then left a message for Planner Ananth.

On Tuesday, June 27, Planner Ananth returned my call and told me her department's position was that that DWR's authority superseded the LMC and ordinances. I asked Planner Ananth if she was aware of the initial purpose and criteria for the LODs as set forth on the original Plat and carried over to all Amended Plats for Lots 1 and 2, Willow Ranch as adopted by the City. She

said she was not aware. I reminded her that the LODs are the absolute boundary for the "HOUSE BUILDING/LANDSCAPE LIMITS AREA as established by the Army Corps of Engineers in 1992/93 as amended. These areas were then, and are now, intended to remain as, in effect, built-up islands surrounded by undisturbed wetlands. It becomes more obvious to me that heretofore the planning and building departments are oblivious to the fact that a major wetlands exists throughout Willow Ranch Subdivision. This is further evidenced by never imposing an SLO analysis for any activity of Commissioner Hall. A CUP process would have exposed the SLO zoning. (Expedience over diligence.)

On Thursday, July 6, one of my neighbor went to the building department front desk to file a formal Code Enforcement Complaint regarding several issues related to the well drilling operation. He was told that all complaints are to be directed to the City attorney's office and that the UDWR's authority supersedes local land use and zoning regulations. Notwithstanding the City's stated position, my neighbor opted to file a complaint electronically which was accepted by the City on July 6, 2023 at 5:21 PM.<sup>3</sup>

Subsequently, I have discussed this matter with Gary Brimley, the Regional Engineer, Weber River/Western Region, for the DWR. It appears that the notion advanced by the City attorney's office that DWR overrides local land use regulations is absolutely incorrect.

As Mr. Brimley's email to me dated July 10, 2023 (copy below) indicates, the State Engineer's approval document includes an express **cautionary statement** applicable to all well permittees. It states:

*"The applicant is strongly cautioned that other permits may be required before any development of this application can begin and it is the responsibility of the applicant to determine the applicability of and acquisition of such permits."*

Furthermore, Mr. Brimley's email states that the State Engineer does not determine the location of a well. The State Engineer approves (or denies) the specific point of diversion as requested by the applicant/permittee. The permittee may be required to obtain additional approvals including plat amendments, excavation and/or fill permits from the City, the Corps, and other entities **"before any development of this application"**. Apparently, the Halls failed to do so and today the City refuses to enforce serious violations with the unsupportable excuse that the DWR's authority supersedes the City's authority.

The City must explain this apparently inexplicable situation to me, and to my neighbors, and to the concerned citizens of Park City. It appears that the property owner, which is controlled by a sitting Planning Commissioner, is now in violation of the LMC (and has repeatedly violated the LMC and other applicable laws, rules and regulations in the past)...with the knowledge and implicit acquiescence of the City, in direct contradiction of the stated view of the DWR.

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<sup>3</sup> See Complaint upon request.

Is this the result of special privileges being extended to a City official? Or is it the result of the City's repeated failure to correctly interpret the LMC and other applicable laws? Or does the City simply prioritize expedience over diligence in processing land use matters?

Whatever the reason(s), my neighbors and I are appalled at this on-going situation and suggest that City officials should be, too. I hope that you will fully investigate all related matters.

There are two major outstanding questions that apparently the City does not want to be answered by staff – In 2021:

- Why did not Commissioner Hall apply for a Conditional Use Permit?
- Why did not the Planning Department require a CUP?

Signatories of adjacent and nearby neighbors in support of letter content:

DATE: July 12, 2023  
TO: Mayor Nann Worel, City Officials, and Interested Parties  
FROM: Bob Theobald  
RE: Water Well Location Authority – Utah Division of Water Rights, PCMC, and Planning Commissioner Hall

Dell Fuller  
Laine Fuller  
Michael Watts  
Stacey Sayers  
Patrick Nelli  
Kate Nelli  
Martin Zagari  
Vikki Zagari  
Christine Grenney  
Frode Jensen

**See Attached Exhibits**

**From:** Gary Brimley <garybrimley@utah.gov>  
**Sent:** Monday, July 10, 2023 5:15 PM  
**To:** Bob Theobald <bob@theoski.com>  
**Cc:** Jimgoddard@utah.gov; waterrights@utah.gov  
**Subject:** Re: UDWR Well Permit versus Local Zoning

Dear Mr. Theobald,

The approval document for 35-13167 (a49017) contained the following language:

*"The applicant is strongly cautioned that other permits may be required before any development of this application can begin and it is the responsibility of the applicant to determine the applicability of and acquisition of such permits."*

For water right issues, the letter of the law indicates the State Engineer must approve a location for a person to drill. The reason for this, though, is for the proper administration of all water rights with a primary concern over water availability.

The State Engineer has jurisdiction over the proper construction of the well. The State Engineer's authority in the well drilling rules ([R655-4](#)) seems to be focused on the construction method and materials, not the location.

If a well is drilled in a wetland area, I believe concerns regarding wetlands will fall under jurisdiction of the Army Corps of Engineers.

If a well is drilled in an area that is subject to local ordinances, I think **it is up to the entity where those ordinances apply to enforce those ordinances.**

One last note, I think the Utah Division of Water Quality may be very concerned about drilling fluids discharging into the creek. They have a spill reporting hotline at 801-536-4123.

Respectfully,

Gary



**Gary Brimley, P.E.**

Regional Engineer, Weber River/Western Region

**M:** (385) 226-7805

**E:** [garybrimley@utah.gov](mailto:garybrimley@utah.gov)

Utah Department of Natural Resources  
Division of Water Rights

**From:** Rebecca Ward <[rebecca.ward@parkcity.org](mailto:rebecca.ward@parkcity.org)>

**Subject:** 2750 Meadow Creek Drive Appeal

**Date:** July 11, 2023 at 6:57:47 PM MDT

**To:** "[amy@millerharrisonlaw.com](mailto:amy@millerharrisonlaw.com)" <[amy@millerharrisonlaw.com](mailto:amy@millerharrisonlaw.com)>

Dear Ms. Walker,

Please be advised that in regard to your appeal filed on June 30, 2023, for 2750 Meadow Creek Drive (PL-23-05735), no city permits were issued for the irrigation well permitted by the State of Utah. Therefore, there is no appeal of a city land use determination. We are refunding your appeal fee. The Building Department will continue to monitor the well installation in light of your clients' complaints.

Best,

**Rebecca Ward**

*Assistant Planning Director*

Park City Municipal Corporation

[parkcity.org](http://parkcity.org)

445 Marsac Avenue, PO Box 1480

Park City, UT 84060

o: 435.615.5046 | c: 385.290.0789



**Exhibits**

**For**

**Mayor Nann Worel, City Officials, and Interested Parties**

**Water Well Location Authority  
Utah Division of Water Rights  
PCMC  
Planning Commissioner Hall**

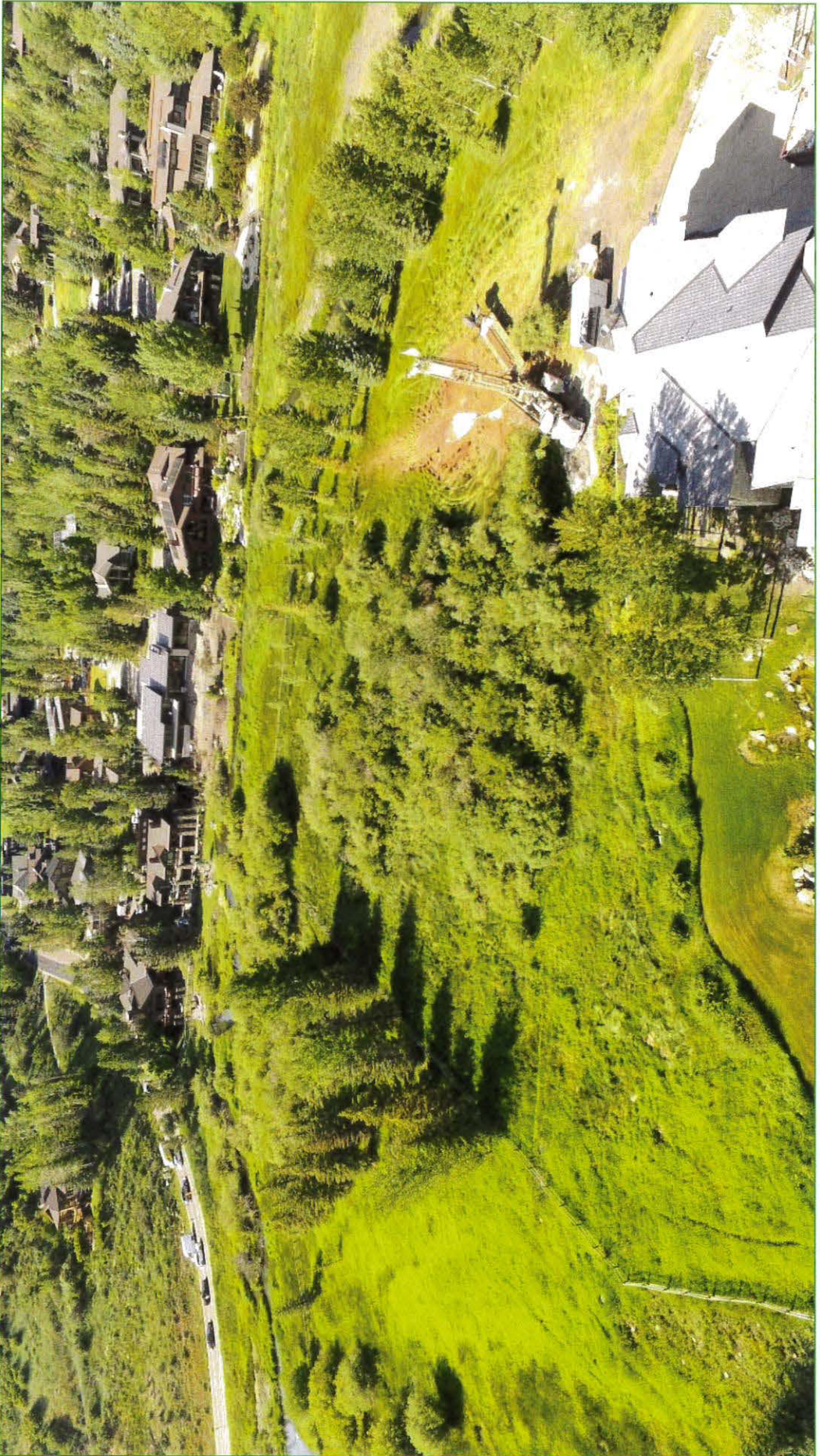
**Prepared by**

**Bob Theobald**

**July 13, 2023**









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CORPS: HOUSE BUILDING/LANDSCAPE LIMITS AREA  
Plat: Limits of Disturbance (LOD)

**LOT 2**

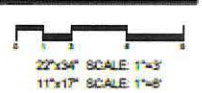
7.08 AC.

2750 MEADOW CREEK DRIVE



Well – 14.47 feet

BUILDING  
ENVELOPE  
17,000 SF.



## Lowest Elevation –Wetlands?

Tree Planting 2022

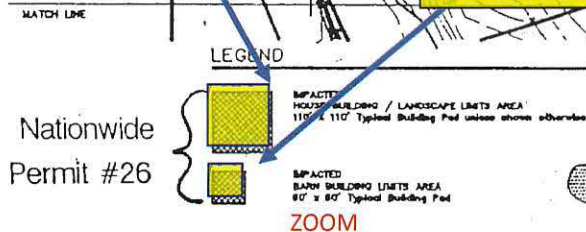
Ditch/Berm-Upland

Lot #3 (#1) House and Lot #4 (#2) House and Barn areas and driveways- crosshatched and highlighted in yellow – NWP #26 to IMPACT wetland by placing fill raising pads creating “islands” above wetlands – Restrictions are restated on 1993 Plat Note #2. Other building areas are in upland areas. All building areas are platted with a LODA by survey or setbacks.

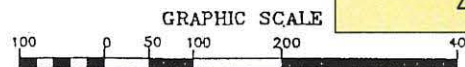
IMPACTED  
HOUSE BUILDING/LANDSCAPE LIMITS AREA  
110' X 110' Typical Building Pad unless shown otherwise

IMPACTED  
BARN BUILDING LIMITS AREA  
60' X 60' Typical Building Pad

UPLAND AREA



Permitted Under Nationwide # 12



Master Plan Development Documents 1992/93

“WILLOW RANCH  
WETLAND IMPACTS”  
4 of 6

WILLOW RANCH  
WETLAND IMPACTS

4 OF 6





Wetlands??

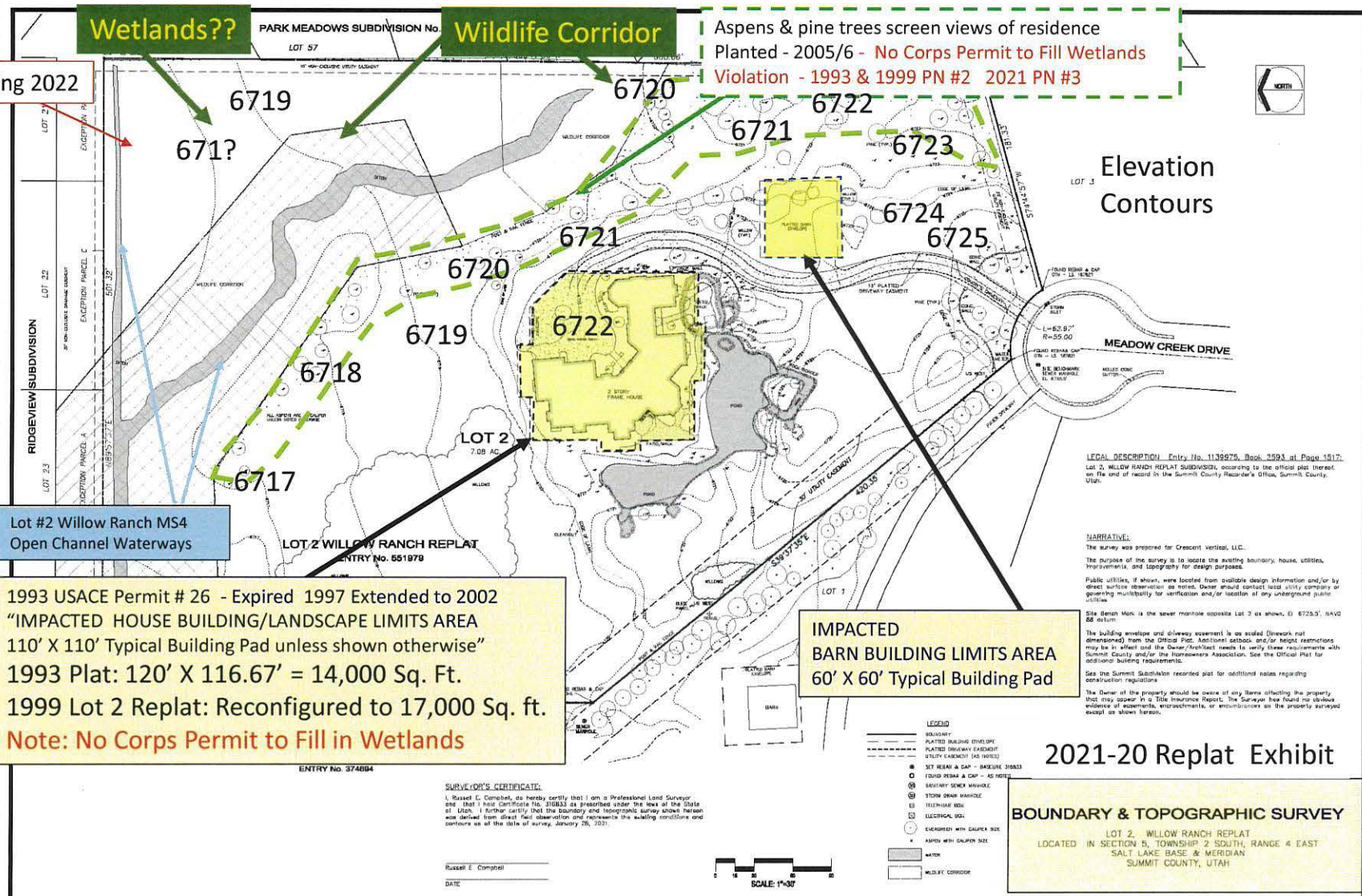
Wildlife Corridor

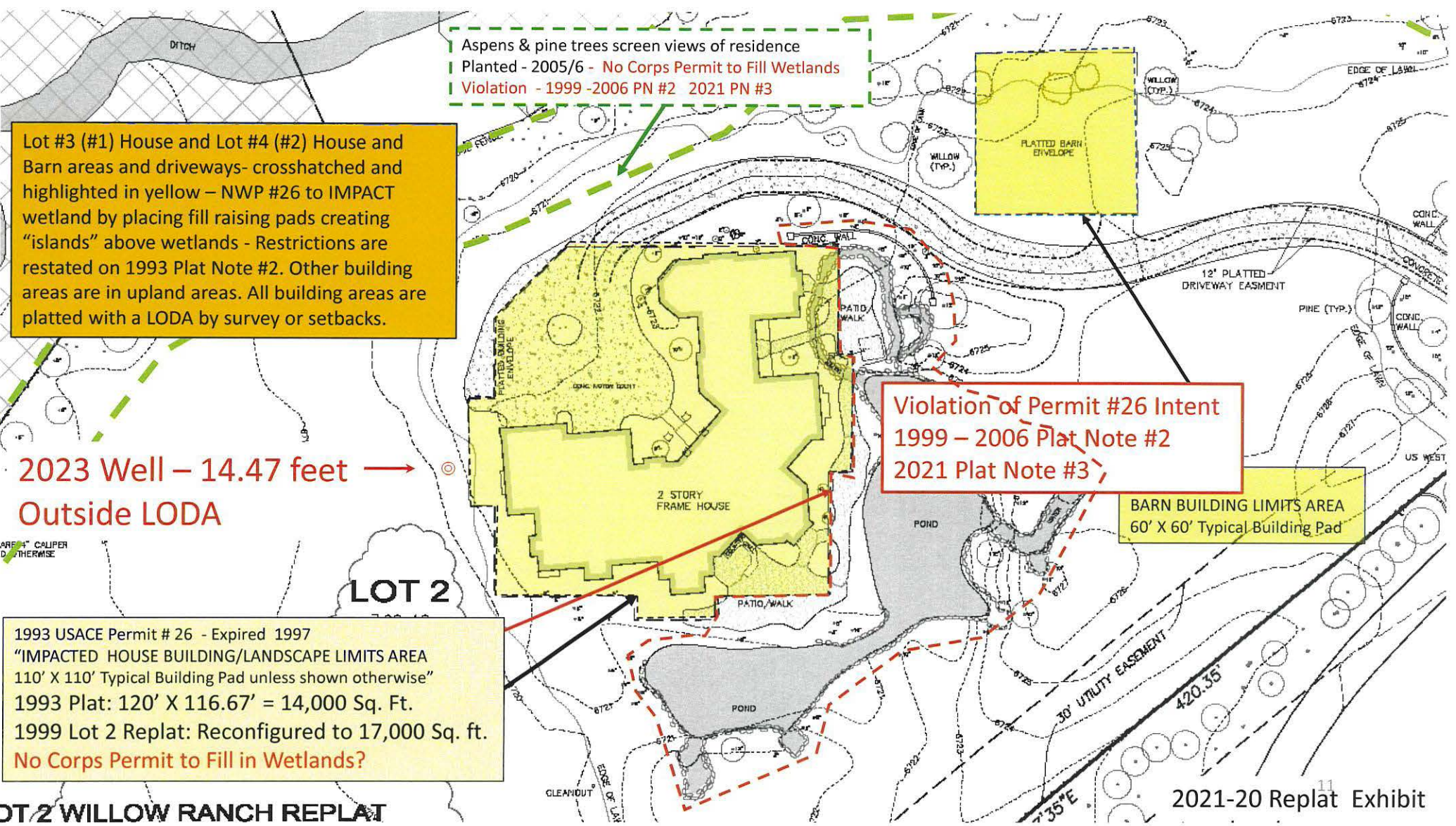
Aspens & pine trees screen views of residence  
Planted - 2005/6 - No Corps Permit to Fill Wetlands  
Violation - 1993 & 1999 PN #2 2021 PN #3

Tree Planting 2022



Elevation  
Contours







Lot #2 Willow Ranch Sub. Estate-SLO Zone

SLO Boundary .....

## **15-2.21-3 Sensitive Lands Overlay Zone - Ordinance Provisions**

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

1. SLOPE/TOPOGRAPHIC MAP.
2. RIDGE LINE AREAS.
3. VEGETATIVE COVER.
4. DESIGNATED ENTRY CORRIDORS AND VANTAGE POINTS
5. WETLANDS, STREAM CORRIDORS, CANALS, AND IRRIGATION DITCHES.
6. WILDLIFE HABITAT AREAS.

**B. ADDITIONAL INFORMATION AND STUDY REQUIREMENTS.** The Planning Department may require the Applicant to submit the following information, as applicable:

1. **VISUAL ASSESSMENT.** A visual assessment of the Property from Vantage Points designated by the Planning Department, depicting conditions before and after the proposed Development, including the proposed location, size, design, landscaping, and other visual features of the project.

## CITY COUNCIL STAFF REPORT

**DATE:** May 26, 1999 (June 3, 1999 meeting)  
**DEPARTMENT:** Planning Department  
**AUTHOR:** Kirsten A. Whetstone, AICP  
**TITLE:** 2750 Meadow Creek Drive, Lot 2 Willow  
Ranch Subdivision plat amendment  
**TYPE OF ITEM:** Legislative

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**SUMMARY RECOMMENDATIONS** Approve with conditions.

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### **Applicability of Sensitive Lands Overlay and Chapter 15 of the LMC**

Willow Ranch subdivision is located within the Sensitive Lands Overlay (SLO) district. Staff therefore reviewed this request against criteria in the SLO. Section 2.4.6 (SLO) requires a minimum setback of 50' from wetlands and stream corridors. All disturbance

proposed for Lot 2 will maintain a minimum setback of 50' from the designated wetland/wildlife corridor.

Section 2.4.7 (SLO) requires all projects adjacent to wetlands to provide appropriate temporary and permanent run-off control to minimize sediment and other contaminants to the maximum extent feasible. As part of the requirement for a Construction Management Plan associated with any building permit issued for this property, staff recommends that a plan be submitted to address temporary and permanent run-off control on Lot 2.

Staff has reviewed the requested plat amendments against the purposes and intents of Chapter 15, Subdivision Regulations, of the LMC. Staff finds that the plat amendment is consistent with the purposes and intents of the LMC. Given the large lot area (7.5 acres), existing height restrictions, and amount of separation between the building pad and surrounding houses, the proposed use will be compatible with the surrounding structures in use, scale, mass, and circulation. The additional house floor area can be absorbed into the existing building pad. The plat amendments are consistent with the Park City General Plan and the effects of any difference in use or scale are mitigated through additional conditions of approval.

To address the Commission's concerns regarding impacts on the neighborhood, staff visited the site to determine whether any mountain views from surrounding neighborhoods would be obstructed by the proposed amendment. Given that the houses to the north are more than 400' from the proposed building pad, and that they are higher on the hill than Lot 2, and that the view corridor for these houses looks across four 6-8 acre lots plus a 10.5 acre open space parcel (approximately 39 acres with 4 homes) staff determined that the existing view of the mountains from the houses to the north will not be diminished as a result of the plat amendment. (see attached photographs as Exhibit E).

Houses to the east, in Park Meadows Subdivision, are 117' to 204' from the proposed barn. Kathy Kahn, owner of 2810 Holiday Ranch Loop, expressed to staff that a reduction in both the floor area and height of the barn are a positive benefit for her and her neighborhood. A two story, 1,800 sf barn would obscure her existing mountain views. Ms. Kahn is in favor of this plat amendment. Her neighbor, Dell Fuller, also expressed that the plat amendment is positive as it reduces the mass of the barn structure which is close to his house. Staff agrees with the neighbors that a reduction in the mass and height of the barn is a positive benefit of this plat amendment in that a 500 square foot one story structure creates less overall impact than an 1,800 sf two story structure would.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[UDWR - Change Application](#)

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

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

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

### **Current Code**

***LANDSCAPING.** A complete landscape plan must be prepared for the limits of disturbance area **for all Development activity.** The landscape plan shall utilize the concept of Water Wise Landscaping for plant selection and location, irrigation, and mulching of all landscaped areas. **The plan shall include foundation plantings and ground cover, in addition to landscaping for the remainder of the lot.***

### **Proposed Code Amendment**

*LANDSCAPE PLAN. A complete landscape plan is required for (I) new Development and/or Construction Activity proposed for an unimproved Lot or property and/or undisturbed natural Lots or property; and (II) renovations or Construction Activity that modifies the Building Footprint. Landscape plans shall incorporate best practices for water conservation....*

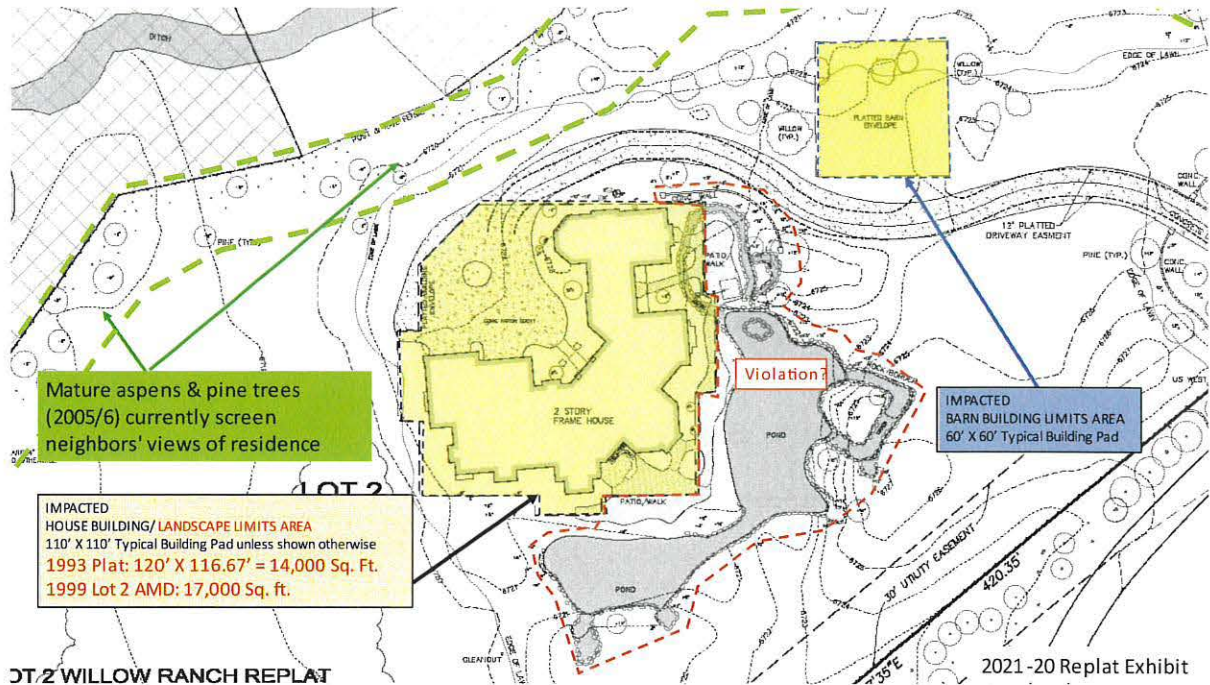
The Amendments are scheduled for consideration and adoption by the Council in early March. They should be reconsidered by the Planning Commission.

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

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

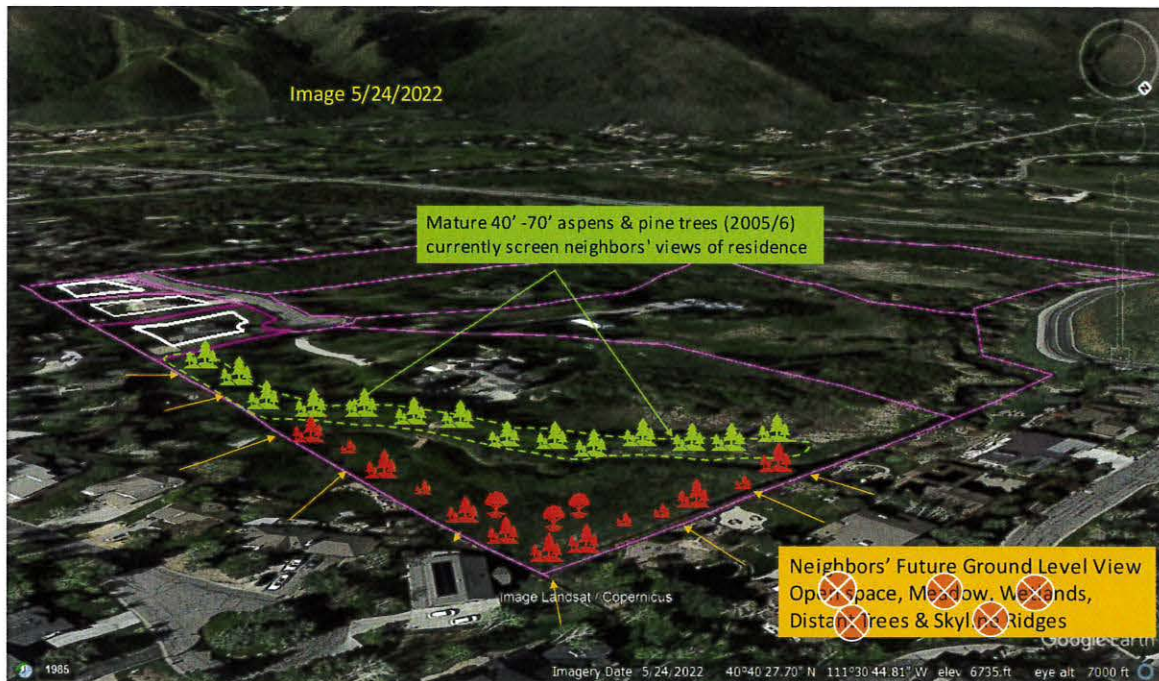
[Staff Report 2-8-2023 Page 3 N Landscaping - 4 Landscape Plan](#)

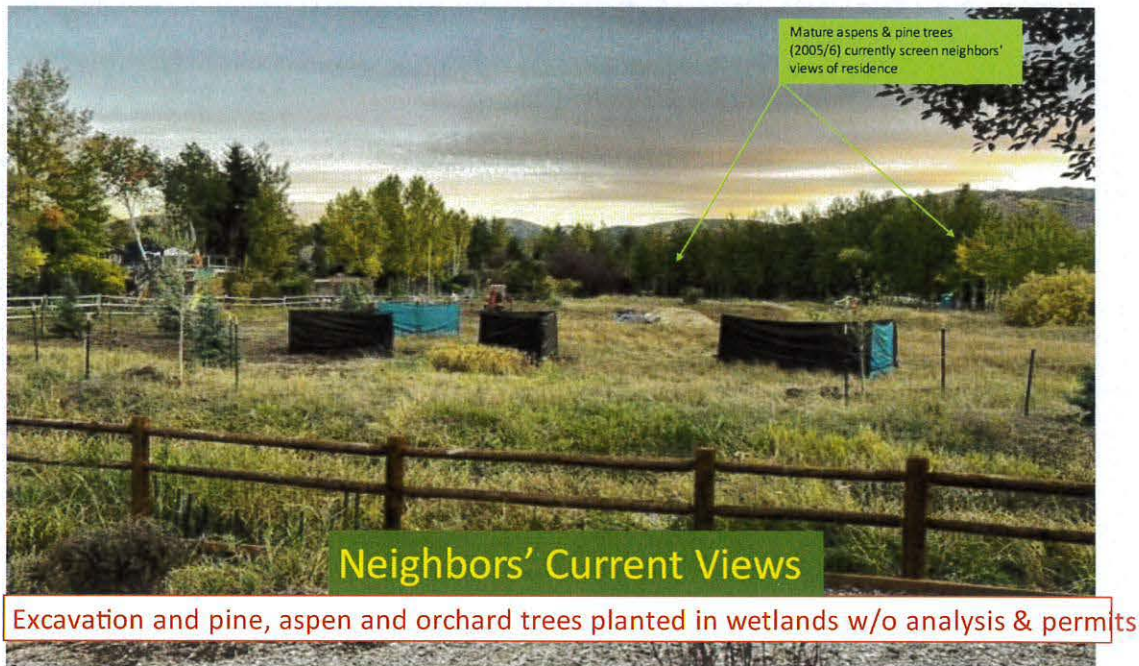
See following exhibits.



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

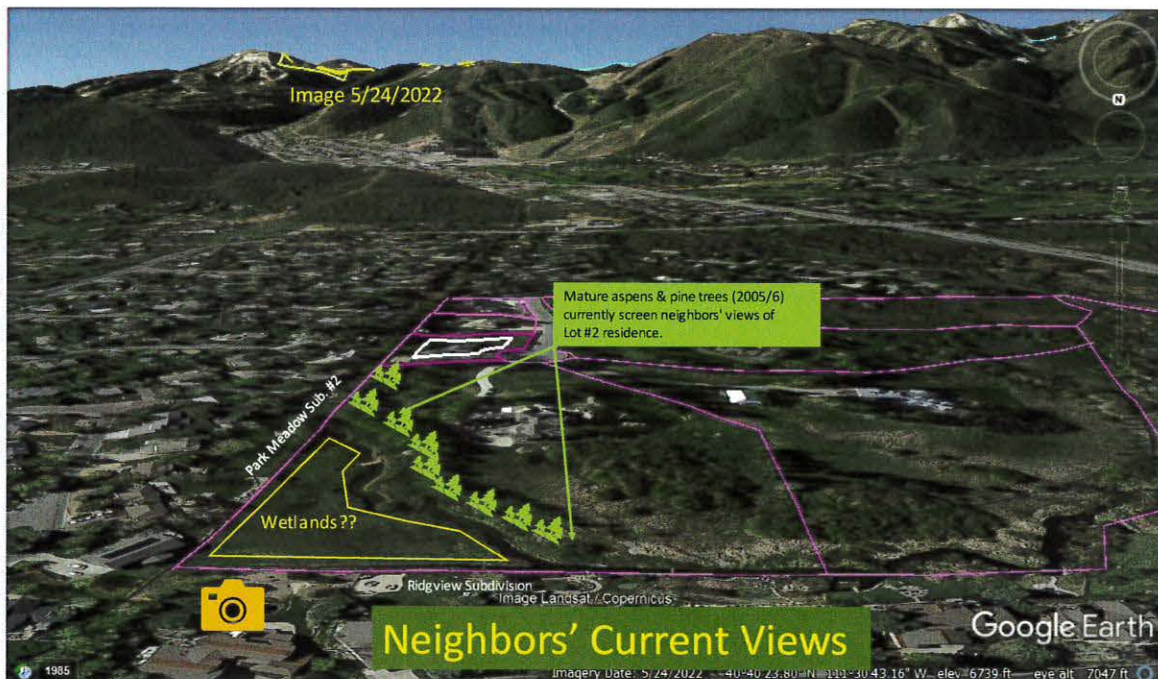
Below: The figures in **GREEN** depict existing trees and landscaping outside LODA. **RED** figures indicate recent and intended landscaping activities, without an approved Landscape Plan, SLO analysis or MS4 permit.





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

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



## Neighbor Objections –

### **Neighbor # 1 - 10/10/2022:**

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

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

*They planted three trees directly behind my house.*

*Definitely not their true motivation.*

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

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

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

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

## LMC Amendment -- Sensitive Land Overlay

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

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

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

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

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

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

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

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

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

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