PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH,
JULY 11, 2013

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, July 11, 2013.

Closed Session
3:15 p.m. Property and litigation

Work Session

4:50 p.m.	Council questions and comments and Manager's Report	Pg. 5
5:00 p.m.	Chamber/Bureau Marketing Initiatives	
5:20 p.m.	Reusable Bags Updates and Resolutions	Pg. 11
5:50 p.m.	Break	

Regular Meeting
6:00 p.m.

I ROLL CALL

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Swearing-in of Police Officer Arthur Boxall

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

IV MINUTES OF MEETINGS OF JUNE 6, 2013 and June 13, 2013 Pg. 23

V CONSENT AGENDA (*Items that have previously been discussed or are perceived as routine and may be approved by one motion. Listed items do not imply a predisposition for approval and may be removed by motion and discussed and acted upon)*

VI RESIGNATIONS AND APPOINTMENTS

1. Consideration of the appointment of two members to the Recreation Advisory Board (RAB) for terms expiring July 2016. **Meisha Lawson and Spencer Lace**

2. Consideration of the appointment of election judges for the 2013 Primary and General Elections Pg. 50

VII OLD BUSINESS

1. Consideration of Rocky Mountain Power expansion of the Bonanza Substation of low v. high profile design alternatives, located on Woodbine Way, Park City, Utah
   (a) Public hearing
   (b) **Motion to continue to a date uncertain**

VIII NEW BUSINESS

1. Consideration of a Master Festival License for the Bike DealerCamp to be held July 25, 26, 27, 2013. Pg. 52
   (a) Public hearing
   (b) Action

2. Consideration of an Ordinance amending the Land Management Code, Chapter 6 Master Planned Developments, Chapter 2.16 General Commercial Pg. 59
   (a) Public hearing
   (b) Action

3. Consideration of approval for a Plat Amendment for 124 Norfolk Avenue, Park City, Utah
   (a) Public hearing
   (b) Action – **Motion to continue to July 18, 2013**

4. Consideration of an Ordinance approving lots 17, 18, 19 of Echo Spur Development Replat Amendment located at 489 McHenry Avenue, Park City Survey, Park City, Utah
   (a) Public hearing
   (b) Action – **Motion to continue to August 15, 2013**

5. Consideration of an Ordinance approving the McHenry Subdivision Replat Amendment located at 496 McHenry Avenue, Park City Survey, Park City, Utah
   (a) Public hearing
   (b) Action – **Motion to continue to September 12, 2013**

6. Consideration of approval for the 415 Deer Valley Drive Plat Amendment, Park City, Utah
   (a) Public hearing
   (b) Action – **Motion to continue to July 18, 2013**

IX ADJOURNMENT

A majority of City Council members may meet socially after the meeting. If so, the location will be announced by the Mayor. City business will not be conducted. Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Executive Office at 435-615-5186 at least 24 hours prior to the meeting. Wireless internet service is available in the Marsac Building on Wednesdays and Thursdays from 4 p.m. to 9 p.m.

Posted: 07/08/13
See: www.parkcity.org

TENATIVE MASTER SCHEDULE

Note: This future meeting schedule is TENTATIVE and subject to change.

July 2013
4 No meeting
11 See agenda
18 *Diane at ICMA training*
Conservation easements - HD
Library project update – work, JW
Recreation Master Plan – work, KF
Interlocal Agreement- Wasatch/Summit – work, JC
PCMC Open Space Lease – consent HD
Extension of Planning Commissioner Terms 5min. work, Thomas
124 Norfolk Ave. Plat Amendment – FA New
415 Deer Valley Dr. – New, Matt Evans
25 *Diane at ICMA training*
PAAB Interviews (75 minutes)
Presentation to Courchevel students
Convention license ordinance amendments - work
RMP public hearing/possible action
Public Art Recommendation - SCB
30 Joint City/County Council Meeting – PR

August 2013
1 PAAB Appointments
Interlocal Agreement – Wasatch/Summit – New B. – JC
Resolution adopting amended ADA Paratransit Policies and Procedures NB, KC
305 Park Avenue Plat Amendment
8
15 Affordable Housing Study Session - Rhoda
22 **No meeting**
29 **No meeting**

September 2013
5
12
18-22 **No meeting – City Tour**
26 Ordinance accepting the public improvements for the Echo Spur Subdivision
Ordinance renaming the section of McHenry Avenue extending from Rossi Hill Drive north to the name of Echo Spur Drive, Park City, Utah – old business

October 2013
3
10 **No meeting**
17
24 Special Service Contract Criteria and Extraordinary Grant Criteria
31 **No meeting**

November 2013
7

14
21
28 **No meeting - Thanksgiving**

December 2013

5
12
19
26 **No meeting**

January 2014

2
9 Swearing in new members
16 **No meeting – Sundance**
23
30

Pending Items:

Canvass for Primary and for General Elections
Construction Contract for 10th and 11th Streets
Special Event overhaul
Regional recreation strategic plan
Ice operations - study
Water leak adjustment policy - work
Amendment to Municipal Code - pre-inspections for business licenses
Latino Community outreach and engagement – study
Meeting Management Software

To:	**Honorable Mayor/Members of City Council**
	Management Team
	KPCW Park Record
From:	**City Manager's Office**

MANAGER'S REPORT – July 11, 2013

2013 Construction Projects Update – Submitted by Matt Cassel, City Engineer

Empire Avenue Re-Construction Project

Schedule –The contractor is now approximately three weeks behind schedule. Some of the delays have been caused by unknowns in the project including an existing cracked valve that needed to be replaced and the handling of contaminated soils. Staff and our consultants met on July 2nd to discuss the delay issues. The results is that a letter has been prepared and sent to the contractor putting them on notice that they have not met the schedule and liquidated damages are again be accrued.

Construction activity – Work for the next two weeks includes the installation of curb and gutter (2,000 feet was installed on July 2) start and complete the paving and button up the water system. Additionally, crews will continue to tie driveways into the new road and repair/replace landscaping.

Current issues –The contractor has finally completed the road excavation. With this item being completed, staff has a better picture of the amount of contaminated soil that needs to be disposed. The total is 425 cubic yards. This soil is currently stockpiled and will be transported to a disposal facility in the next two weeks at which time; staff will then know the final cost of handling this soil.

Staff and our consultants met with the contractor on June 10 to review and finalize existing change orders. Except for two change order requests, all change orders were either agreed to cost and time or agreed to the scope of work. The two change order requests in dispute include the repair of a broken water line at 13th Street, which the City has denied and the sorting of contaminated soils out of the excavated trench materials.

Deer Valley Drive

Schedule –The construction started on May 13 and the contractor has been able to make very good progress. The schedule submitted by the contractor has them completing their work prior to our scheduled project end date. They have slipped a couple of days on their own schedule but are still ahead of the completion date required by the City.

Construction activity – Contractor has completed the installation of the main line storm drain and water line. They have spent the last two weeks connecting water service lines and storm drain inlet boxes. Over the next two weeks, the contractor will continue to focus on reconnecting water services and connecting storm drain inlet boxes. Additionally they will start the installation of the temporary water service from Sunnyside to Deer Valley North, start installing curb and gutter and continue on other elements of the water system. Their main work focus has been on the section from the roundabout to Sunnyside. They are slowly working away from this area and will focus their utility work on the section between Sunnyside and Deer Valley North. This will help with the congestion around the roundabout due to the one lane of traffic controlled by flaggers.

Current issues – Geneva Rock paved their road cuts for the long July Fourth weekend. Because of the heavy rains that occurred in the early morning of July Fourth, one of the patches failed causing the road to be reduced to one lane. Once we were notified, Geneva Rock was on site within ½ hour temporarily patched the hole and permanently fixed the damage on Friday July Fifth. There are no other major issues to date.

10th and 11th Street Road Re-Construction

Schedule –This project is a holding pattern due to funding (contingency funds from the Empire Avenue Reconstruction project were going to be used for this project but due to contaminated soil potentials in Empire Avenue, staff is waiting until final quantities and costs are determined). Once approved, it will not start until Empire Avenue is completed.

2013 Water Department Pipe Line Projects

Schedule – This project is not in construction to date.

Main Street Construction

No updates this period.

Bonanza Park Timeline – Submitted by Thomas Eddington, Planning Director

When the Planning Commission and City Council held their Joint Meetings on May 16 and June 12, 2013, a schedule was proposed for:

- the Bonanza Park Area Plan/Form Based Code,
- the General Plan review, and
- the Lower Park Avenue Area Plan (see original schedule attached).

At that time, there was a desire to expedite the BOPA planning work due to the pending deadline for Rocky Mountain Power's (RMP) substation in the BOPA district. The goal was to complete the BOPA Area Plan and have it approved by City Council on August 15, 2013. With the substantial change in direction that keeps the RMP substation in its current location, staff is recommending that we move the completion date for the BOPA Area Plan out to a later date.

Given RMP's ongoing discussions with the City and Mark Fischer, it appears their initial need fast-track these negotiations has been changed. They are currently working with Mark Fischer to see if there is the possibility to reconfigure their site to accommodate a low-profile facility that may be desirable to all parties. This issue has not been resolved and staff is not sure exactly when this will be finalized but assumes it will be complete by early August. Once that plan is finalized, staff will have to re-create the concept plan for the BOPA Area Plan and then finalize the Form Based Code character zones.

Staff recommends the date for completion of the BOPA Area Plan be moved from August 15th date. Staff will work with RMP and adjacent property owners through July and early August and present Council with a recommended schedule revision. That schedule will be presented either at the last City Council meeting in August or the first meeting in September, depending on when the substation plan is finalized.

In addition, staff has been working with the Planning Commissioners and Council members in the Task Force small group settings and that is proceeding on schedule. The input has been invaluable and is being incorporated into the revised GP for review in August/September.

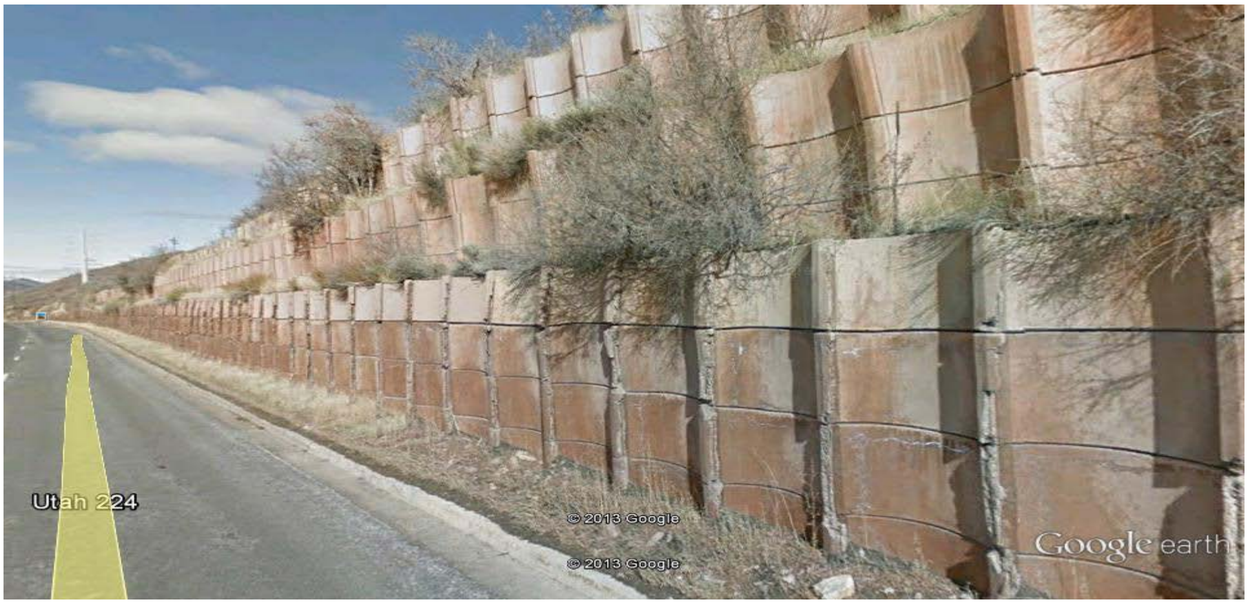
Realistic Schedule to Complete All Long-Range Planning Documents by June 2014

This schedule assumes that nothing gets continued from a prior scheduled meeting

This schedule assumes that that the Planning Department keeps the Contract Planner for the duration of these projects

Meeting Dates	Who	Regarding	BOPA	LOPA-L	FBC	GP	LOPA - Final
May 8th	PC	Bonanza Park Area Plan (BOPA) and Form Based Code (FBC) work session; LMC; Applications					
May 9th	PC/CC	Long Range Planning Discussion - Scheduling					
May 20th or 21st	PC/CC	Field trip to observe 5 story buildings in SLC					
May 22nd	PC	FBC with Gateway; Bonanza Park Area Plan Height discussion; LMC; Applications					
June 12th	PC	BOPA Area Plan review - edits of Give/Gets ; Applications					
June 26th	PC	BOPA Area Plan - recommendation to City Council; Applications					
July 10th	PC	Lower Park Area Plan (LOPA) Consolidated Area Plan presentation of Draft; Applications					
July 11th	PC/CC	BOPA overview joint meeting of PC recommendation. Discussion					
July 24th	PC	Holiday					
July 25th	CC	Presentation of BOPA Area Plan					
August 14th	PC	LOPA Consolidated Area Plan; Applications					
August 15th	CC	BOPA Area Plan Adoption by City Council					
August 28th	PC	LOPA Consolidated Area Plan - recommendation to City Council; Applications					
September 11th	PC	FBC Gateway Planning					
September 19th	CC	Presentation of LOPA Area Plan					
September 25th	PC	FBC recommendation to City Council; Application					
October 3rd	CC	LOPA edits by City Council					
October 9th	PC	General Plan: Small Town Trends (pg 15 – 34); Small Town Goals, Principles,& Strategies (pg 93 – 114); Small Town Strategies (pg 175 – 199); Applications					
October 10th	CC	Adoption of LOPA Area Plan					
October 23rd	PC	Review of GP edits of Small Town; Applications					
October 24th	PC/CC	Joint PC/CC meeting regarding General Plan (GP)					
October 31st	CC	FBC with Gateway Planning - review by City Council					
November 13th	PC	General Plan: Natural Setting Trends (pg 35-47); Natural Setting Goals, Principle, & Strategies 117 – 130; Natural Setting Strategies (201 – 236); Applications					
November 14th	CC	FBC Adoption by City Council					
November 20th	PC	(Special Meeting) Review GP edits of Natural Setting; Applications					
December 5th	PC/CC	Joint PC/CC meeting regarding General Plan (GP)					
December 11th	PC	General Plan: Sense of Community Trends (pg 48-88); Sense of Community Goals, Principles, & Strategies(pg 131-162); Sense of Community Strategies; Applications					
December 18th	PC (Special Meeting)	General Plan: Sense of Community Trends (pg 48-88); Sense of Community Goals, Principles, & Strategies(pg 131-162); Sense of Community Strategies; Applications					
January 8th	PC	Review of GP edits of Sense of Community; Applications					
February 12th	PC	General Plan: Historic Character Trends (89-92); Historic Character Goals, Principles, & Strategies (165-174); Historic Character Strategies (289-310); Applications					
February 16th	PC	Review of GP edits of Historic Character					
March 12th	PC	Review of GP Neighborhoods 1 - 4; Applications					
March 26th	PC	Review of GP Neighborhoods 5 -9; Applications					
April 2nd	PC	General Plan Recommendation to City Council; Applications					
April 17th	PC/CC	Joint PC/CC meeting regarding General Plan (GP)					
April 24th	CC	General Plan presentation to City Council					
May 1st	CC	General Plan: Small Town Trends (pg 15 – 34); Small Town Goals, Principles,& Strategies (pg 93 – 114); Small Town Strategies (pg 175 – 199)					
May 8th	CC	General Plan: Natural Setting Trends (pg 35-47); Natural Setting Goals, Principle, & Strategies 117 – 130; Natural Setting Strategies (201 – 236)					
May 15th	CC	General Plan: Sense of Community Trends (pg 48-88); Sense of Community Goals, Principles, & Strategies(pg 131-162); Sense of Community Strategies					
May 22nd	CC	General Plan: Historic Character Trends (89-92); Historic Character Goals, Principles, & Strategies (165-174); Historic Character Strategies (289-310)					
May 29th	CC	General Plan: Neighborhoods(289-310)					
June 5th	CC	General Plan Adoption					
June 1, 2014		Begin drafting a thorough LOPA Area Plan					

Condition of SR 224 Retaining Wall – Submitted by Kent Cashel, Transit and Transportation Manager
In response to queries from Council members Staff contacted the Utah Department of Transportation Region II Director (Jason Davis) in May 2013 requesting the agency assess and report on the current condition of the SR-224 Wall (pictured below).



UDOT geotechnical and structural design staff visited the site to:

- Visually inspect the wall face (precast concrete scallops).
- Visually inspect subsurface structural elements (Reinforcing straps) were unearthed to check for corrosion and general condition.

At a meeting on June 26th, 2013 UDOT advised Staff that the wall was constructed in the early 1980's with an engineered useful life of 75 years (more than 1/2 of this engineered useful life remains).

UDOT engineers noted that road salt continues to degrade the lower section of precast concrete wall that is constructed at road level. The engineers indicated that this degradation, although not aesthetically pleasing, does not compromise the structural integrity of the wall.

UDOT engineers also unearthed a sample of reinforcing straps (that penetrate the soils behind the wall) and found no significant corrosion or degradation of these structural elements.

UDOT engineer's overall assessment of the wall is that it is structurally sound and still has many years of useful life remaining. UDOT does not disagree that wall is less than aesthetically pleasing but notes the following:

- Replacement of failing structural infrastructure(bridges-tunnels-retaining walls) throughout the State takes funding precedent over aesthetic issues.
- Federal funding for aesthetic improvements has ceased.
- UDOT has no current or future project to improve aesthetics of wall in their project list.

Staff calculated a very preliminary estimate for improving the aesthetics of the wall (using shot-crete or gunnite to create a faux rock wall). Staff's estimate for aesthetic improvement of the approx. 30,500 sq.' of wall on the east side of SR-224 is 1.5 - 1.75 million dollars.

Staff plans to continue to:

- monitor the condition of the wall.
- explore funding opportunities for aesthetic improvement of the wall.

Should Council have remaining questions regarding the wall, or desire a more detailed debrief from the UDOT engineers, Council should request that. Staff will work with UDOT to get that debrief scheduled during a future work session.

City Council Staff Report

Subject: Reusable Bags Updates and Resolution
Author: Matt Abbott and Tyler Poulson
Department: Sustainability
Date: July 11, 2013
Type of Item: Informational

Summary Recommendations:
Staff recommends that City Council review this report and provide direction on adoption of a Reusable Bags Resolution along with a potential partnership with Recycle Utah.

Topic/Description:
Based on feedback from City Council during a May 9, 2013 Reusable Bags Study Session and a June 12, 2013 Scoping Discussion, staff has researched a Reusable Bags Resolution along with potential related programs and budgets. Staff is recommending that City Council adopt a Reusable Bags Resolution (see Exhibit A) and provide input on a partnership with Recycle Utah to provide education and outreach, along with a reusable bag product, to decrease the utilization of single-use bags.

Background:
Staff has presented information on disposable shopping bags on three occasions in the past two years:

1. Mid-year Environmental Update: October 2011
2. Study Session: May 2013 (see Exhibit B for Meeting Minutes)
3. Scoping Discussion with Council Liaisons (Williams, Matsumoto & Beerman): June 2013

During these meetings staff and stakeholders conveyed the following key points:

- Barring any special Utah legislative approval, taxing of single-use plastic bags appears to be in violation of Utah State tax code. The code currently restricts the types of taxes that municipalities can levy. In addition to rules in the Local Sale and Use Tax Act, existing case law indicates that such a tax would likely be challenged and overturned at the state-level if pursued.
- Single-use plastic bags and paper bags both have negative environmental impacts. Depending on the goals, either bag could be considered worse from an environmental perspective. Single-use paper bags have a higher financial cost.
- Bag ordinances are effective in driving behavior change and product selection. Additionally, bag ordinances come in a variety of scopes and applications. State-level legislative push-back in Utah is a concern with pursuing local code updates.

- Park City's high visitor population creates a challenge for deploying effective (and cost-effective) reusable bag programs locally.

During a June scoping discussion, participants including Council liaisons Williams, Beerman and Matsumoto (because three were present, this was noticed as a public meeting) and Recycle Utah encouraged pursuit of a local resolution on reusable bags. This resolution would encourage the uptake and use of reusable bags throughout the Park City area. The resolution would expire on April 22, 2015 (Earth Day) with the intent of reassessing the efficacy and impacts of this resolution. During the Study Session and Scoping Discussion the idea was also brought up that Recycle Utah could lead an outreach and education program on bags. Staff has since worked with Recycle Utah on refining this concept and details are included in the Analysis section below.

Analysis:
Details on a potential Reusable Bags Resolution and related partnership with Recycle Utah are highlighted in the sub-sections below:

Structure and Intent of Resolution
The Reusable Bags Resolution draft (Exhibit A) was written to highlight the negative consequences of single-use bags while also encouraging uptake of reusable bags. The resolution includes high-level recommendations for local vendors as well as details on the City's potential partnership with Recycle Utah. Earth Day 2015 (April 22, 2015) was chosen as a milestone date for when City Council and staff would assess progress on this topic and potential next steps. This date signifies a time when Council may contemplate additional options, including local legislative action, if deemed appropriate.

This is similar to how Park City Municipal approached anti-idling, first with a resolution, then reassessment and subsequently the City Council chose to enact an anti-idling ordinance.

Implementation of Recycle Utah Bags Program
Upon enactment of a Reusable Bags Resolution, and through April 22, 2015, Recycle Utah has volunteered to organize and lead efforts to encourage increased reusable bag use and decreased single-use bag distribution in Park City. Staff is proposing a one-time $6,000 contribution to support these efforts. Staff is working with Recycle Utah on a contract to convey expectations for this program, including:

- Recycle Utah will seek matching funds and resources for the initiative, including staff time, volunteer time, direct financial contributions and in-kind donations;
- Recycle Utah will provide City Staff with a minimum of two (2) written reports between now and April 22, 2015. These written reports will include the use of the funds, quantitative and qualitative outcomes related to the program such as number of reusable bags distributed, trending in disposable bag usage, list of partners and matching contributions, and other details deemed pertinent by staff;

- Recycle Utah will commit to working with City staff on formal reports and updates to City Council between now and April 22, 2015, including a final program report and updated recommendations near Earth Day 2015.

Recycle Utah will primarily lead these efforts autonomously. City staff is not budgeting time or any additional financial resources to assist in ongoing ways with these efforts prior to the April 22, 2015 date mentioned in the resolution.

Potential Obstacles

Local Uptake and Support: Staff and Recycle Utah have been meeting with various parties on the issue of disposable bags, including representatives from the two large local grocery stores, Historic Park City Alliance (HPCA) and the Park City Chamber. There are early indications of local support for a voluntary program, although there has admittedly been limited utilization of reusable bags in Park City to-date.

Visitor Population: A high-volume visitor population presents a challenge due to its transient nature and the unlikelihood that visitors will bring their own bags when travelling to Park City. Interacting with this population can be complicated and providing reusable bags to a significant portion of visitors is likely to prove cost-prohibitive.

Legislative Considerations: The proposed resolution is unlikely to draw significant detractors, although any future change in local code could draw challenges from industry groups and/or the state legislature.

Department Review:

Sustainability, Legal, and the City Manager reviewed this Staff Report and provided feedback.

Alternatives:

A. Pursue a Reusable Bags Resolution and Recycle Utah Partnership:

City Council will review the Reusable Bags Resolution (see Exhibit A) and provide staff with feedback prior to reviewing a final resolution draft later this summer. Staff also recommends providing Recycle Utah with $6,000 to help initiate their outreach, education and pr oduct development program on reusable bags. **(STAFF RECOMMENDATION)**

B. Pursue a Single-use Bag Ordinance for Park City:

City Council could request staff to pursue an alternative direction such as pursuing a single-use bag ordinance immediately. City Council would need to recommend preliminary scope, exemptions, and timeline to be included in ordinance. Council did not indicate an immediate interest in passing an or dinance during the May 2013 Study Session.

C. Maintain Status Quo Approach to Single-use Bags:

Staff will continue to monitor bag ordinances and reusable bag program opportunities both locally and nationally, but will not present a final resolution draft to Council nor provide Recycle Utah with support for outreach, education and product development.

D. Continue the Item:
City Council may request that staff return with more information to help inform their decision and priorities.

Significant Impacts:

	World Class Multi-Seasonal Resort Destination (Economic Impact)	Preserving & Enhancing the Natural Environment (Environmental Impact)	An Inclusive Community of Diverse Economic & Cultural Opportunities (Social Equity Impact)	Responsive, Cutting-Edge & Effective Government
Which Desired Outcomes might the Recommended Action Impact?	+ Balance between tourism and local quality of life + Internationally recognized & respected brand	+ Managed natural resources balancing ecosystem needs + Reduced municipal, business and community carbon footprints	+ Part-time residents that invest and engage in the community ~ Primarily locally owned businesses	+ Fiscally and legally sound + Engaged and informed citizenry
Assessment of Overall Impact on Council Priority *(Quality of Life Impact)*	Positive ⇧	Very Positive ⬆	Positive ⇧	Very Positive ⬆
Comments: A Reusable Bags Resolution is a practical first step to support related waste reduction efforts and encourage the uptake of reusable bags. A functional resolution will serve as a business and branding opportunity for Park City and its potential partners in this initiative.				

Funding Source:
Staff is recommending a one-time $6,000 contribution to Recycle Utah to assist with outreach, education and product development for local reusable bag efforts. These funds will be provided from the Sustainability team budget. Staff is working with Recycle Utah to refine final program overview, expectations and timing of the initiative.

Consequences of not taking the recommended action:
If Council does not recommend action, Park City will continue on the status quo path in regards to disposable bag utilization and educational outreach. City Staff will continue to sparingly monitor regional and national bag efforts as well as behavioral work related to reusable bag use and program implementation.

Recommendation:
Staff recommends that City Council review this report and provide direction on adoption of a Reusable Bags Resolution along with a potential partnership with Recycle Utah.

Attachments:
Exhibit A - Draft of Reusable Bags Resolution for Park City

Exhibit B – Meeting Minutes: Disposable Bag Work Session (May 9, 2013)

Exhibit A - Draft of Reusable Bags Resolution for Park City

Resolution No. __-13

REUSABLE BAGS RESOLUTION FOR PARK CITY, UTAH

WHEREAS, use and consumption of single-use disposable bags is preventable and adversely affects the natural environment; and

WHEREAS, the pollution of single-use disposable bags is unsightly and an environmental nuisance; and

WHEREAS, petroleum-based products and products produced with petroleum-based energy are nonrenewable and contribute to global climate change; and

WHEREAS, reusable bag options are readily available, durable, and cost effective; and

WHEREAS, City Council desires to take a proactive position on pollution to protect the livability and viability of Park City, its residents, visitors and guests; and

WHEREAS, it is in the public interest of Park City residents, guests, and visitors to reduce single-use disposable bags to protect the health, economic viability and beauty of the natural environment of Park City and surrounding area;

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

1. REDUCTION OF SINGLE-USE BAGS. Retailers are encouraged to promote and utilize reusable bags in an attempt to reduce single-use bags in Park City. Environmentally preferable reusable bags are typically made of cloth, fiber or other machine washable material and are 2.25mm thick or thicker in order to ensure durability.

Retailers may pursue a variety of means to encourage reusable bag use, including but not limited to: discounting customers for reusable bag use, donating on behalf of customers for reusable bag use, and/or charging customers for the cost of single-use bags. Park City recognizes that there are certain situations where single-use bags are appropriate, including:

- Prescription pharmaceutical bags
- Meat, fish, produce, bakery and bulk good bags
- Newspaper bags, dry cleaning bags and door hangers
- Bags sold in packages containing multiple bags for personal use such as trash, yard waste, storage or pet waste bags

2. OUTREACH, EDUCATION AND DISTRIBUTION OF REUSABLE BAGS. Park City will partner with Recycle Utah and provide limited financial support to efforts that reduce the reliance on single-use bags. These efforts will include Recycle Utah creating an outreach and education program, in addition to creating and distributing locally branded reusable bags. Recycle Utah is encouraged to seek out partnerships and additional participants to maximize the value of this program.

3. REVIEW OF PROGRESS. This Resolution, and related local progress to-date, shall be reviewed by Park City Municipal Staff and City Council near Earth Day 2015 (April 22, 2015). This review will include an assessment of progress and discussion of potential next steps, including new local action items.

4. EFFECTIVE DATE. This Resolution shall take effect upon adoption by City Council.

PASSED AND ADOPTED this ____ day of ____________, 2013.

PARK CITY MUNICIPAL CORPORATION

____
Mayor Dana Williams

Attest:

____
City Recorder

Approved as to form:

____
Mark D. Harrington, City Attorney

Exhibit B – Meeting Minutes: Disposable Bag Work Session (May 9, 2013)

PARK CITY COUNCIL WORK STUDY SESSION
SUMMIT COUNTY, UTAH
MAY 9, 2013

Present: **Mayor Dana Williams; Council members Andy Beerman; Alex Butwinski; Cindy Matsumoto; and Dick Peek**

Diane Foster, City Manager; Tyler Poulson, Environmental Sustainability Manager; Matt Abbott, Environmental Project Manager

Insa Riepen, Recycle Utah; Jaren Scott, Summit County Landfill; Doug Dastrup, Fresh Market; Alison Butz, HPCA; Bill Malone, Chamber/Bureau; Kate Bradshaw, Utah Food Industry and Utah Retail Merchants Association; Jim Whitney, Summit County resident; and Glen Wright, Park City resident

Absent: **Council member Liza Simpson**

1. Disposable shopping bags. Mayor Williams relayed that no policy decision will be made today and the purpose of the meeting is to encourage dialog on the subject. Over the years Park City has come to be recognized as a leader in environmental policy and thought. There has been a lot of work done with private-public partnerships like Recycle Utah. In addition to being a resort community, we are also a community willing to look at new and different environmental ideas. The City explored this issue about three years ago and it seemed like time to look at it again with stakeholders at the table.

Tyler Poulson referred to his staff report. The last time Council discussed this subject was in the fall of 2011 and at that time, staff communicated that it appeared that a plastic bag tax is prohibited under the Utah Tax Code and in lieu of that type of tax, it was decided not to consider a ban of any specific product. Since then, there has been a growing interest in disposable bag ordinances and 112 were discovered by staff on record around the country. The ordinances typically cite things like waste issues, nuisance factors, environmental and sustainability goals, as well as wildlife impacts as motivation for taking legislative action. The staff report covers a variety of examples at a high level in terms of what ordinances exist over the country; from minimum per bag taxes to a ban of plastic to a ban of plastic and paper. He believed that ultimately what is at the heart of all of that legislation is the end goal of driving behavior change and hopefully encouraging reusable bags which is considered the ultimate positive environmental option. The trade-off between paper and plastic is featured in the report and when selecting between the two products, it is a choice of environmental values in terms of where the larger impact occurs.

Mr. Poulson continued to explain that Park City's demographics are a bit challenging because of the high percentage of visitors who are unlikely to bring their own bags. He referred to the legislative alternatives in the report and challenges from the industry some other municipalities face. He invited the stakeholders to provide comments.

Kate Bradshaw, Utah Food Industry and Utah Retail Merchants Association, stated that her membership suggests that the City not ban plastic. There is no clear cut advantage with plastic or paper and in terms of shipping costs, plastic bags pack a lot tighter decreasing the environmental impact of transportation. There are good reasons why the industry uses plastic. Contamination is a key consideration so there should be an exception for meat, produce and prescriptions. She encouraged weighing plastic and paper equally and a drive from plastic to paper increases the costs for retailers. She emphasized that reusable bags are also very expensive and even though stores are using a carrot approach, the uptake rate is very low and in Utah about 5%. Park City's demographic is unique because of its level of visitors but it also has an environmentally conscious component and the City has a higher rate of people using reusable bags than experienced in the rest of the state. But even at a higher rate, Park City is actually quite low even with a 5 cent discount per bag. Ms. Bradshaw noted that her membership prefers rules and regulations which are uniform and consistent state-wide. It is unfortunate when a store is fined or cited because of an unintended loophole in regulation. Stores are regulated by a variety of entities at the federal, state and local levels.

Mayor Williams pointed out that Maui banned plastic two years ago and meat is wrapped in paper and produce is still wrapped in plastic. Ms. Bradshaw explained that there is no precedent for this in Utah. California has several jurisdictions as well as back East but often those places have some exceptions and may have incentives or fees. Meats ordered from the butcher may be wrapped in paper but prepackaged meats are generally wrapped in plastic with a Styrofoam base and often bagged again to keep them from leaking and contaminating other foods.

Andy Beerman asked about the option of biodegradable bags. Kate Bradshaw explained that there is a wide variety of biodegradable bags available at different price points. Grocery has a very low margin of profit and asking stores to purchase a more expensive product will likely be passed onto the consumer. Doug Dastrup indicated that there are some chains trying biodegradable bags but right now the biggest problem is that they aren't very durable and can only hold about five pounds. Unfortunately, the technology is not there yet.

Cindy Matsumoto stated that the biggest problem she sees with plastic is littering on the roadways, in trees and fences, and the threat to wildlife. Bill Malone interjected that there are about 24,000 nightly rental pillows in town so it is not a matter of just training Park City's population in order to make a difference. Out of that 24,000 some are in the City and some are out of the City limits, but shop in the City. About 70% of the bed base has units with kitchens and a large number of guests go to the grocery store to stock up. He has a hard time imagining guests packing canvas shopping bags. There is a tendency to focus on grocery stores but there are plastic bags in a number of stores in the community. The Chamber/Bureau encourages people not to rent cars and to use public transportation and many guests are juggling several plastic bags and taking the bus. He heard a suggestion that rental units be stocked with reusable bags but there are sanitary issues related to that idea. The Mayor noted that Squatters uses corn-based degradable bags and spoke about partnering. Plastic bags create bacteria as well and he felt people will take the bags home as souvenirs.

Insa Riepen stated that it is not a question between plastic or paper but asking the community what they would like to see. She noted that Recycle Utah's survey revealed that people don't like plastic bags, acknowledging that the grocery stores are an easy target. She agreed with Ms. Matsumoto that plastic bags create litter. Banning plastic bags was tried with as a Leadership program which didn't work. She suggested charging a fee, not a tax, to actually make a difference. If someone has to pay 5 to 10 cents for a plastic or paper bag, it is likely people would bring their bags shopping. This is not an attack on the grocery stores.

Cindy Matsumoto appreciated Mr. Malone's comments but asked about practices in other resort communities. Tyler Poulson indicated that there are great examples in Colorado in Telluride or Aspen where a tax or fee is associated with the bag. In actually changing behavior of visitors, he felt they would defer to pay the fee. Washington DC imposed a 5 cent charge on paper and plastic and the Washington Post reported a 73% reduction in the first quarter after the fee was implemented. It wasn't necessarily the fee that drove behavior but it was more the cultural precedent. Insa Riepen explained that Aspen has its own bag which is very popular. Mr. Poulson indicated a reusable bag typically costs $1 but a reusable branded bag made in the US is $5 to $6 before any branding costs. It could become very costly if these bags are provided to the visitor base. Kate Bradshaw pointed out that a fee in Park City may drive customers to businesses at Kimball Junction. The Mayor invited the public to speak.

Jim Whitney, Silver Summit resident and owner of a marketing company, felt it would be easy to work with local businesses in the community to cover the cost for reusable bags at properties. This is about changing behavior and not about punishing grocery stores. He might travel into town to support the stores participating in a program. Reusable bags are more stable and don't tip over like plastic bags. They are stronger and easy to carry items. He feels environmental initiatives attract people.

Glen Wright, Park City resident, spoke about reusable bags being typical in Europe. He agreed with Mr. Whitney's comments and felt that environmental programs attract more tourists. There is no reason the lodging bags can't be washed with the sheets. It's a good idea and puts Park City ahead of the market.

Doug Dastrup spoke about property management services using totes to stock rental units. It is a matter of training people. Every time someone brings in a reusable bag, the shopper is compensated 5 cents. Reusable bags sell for $1 to $1.99, far below Fresh Market's price, and they are doing everything they can to train customers. They are in the customer service business and try to provide the service that is easiest for guests. He emphasized that 5% or less of the population in Park City is using reusable bags. Kate Bradshaw agreed that they are in the customer service business and offer a full range of bagging options. A couple of years ago, reusable bags were promoted but it wasn't sustained and most stores will offer a nickel off per bag. If the goal is collecting revenue, it can be achieved but if the goal is to drive down the use of plastic or paper, that is more difficult. The Mayor asked if the City offered grants to help subsidize the program, would the industry partner. Ms. Bradshaw believed members in Salt Lake City have agreed to do so and spoke about the bagging contest which features only reusable bags.

Alison Butz, HPCA, reported that a higher percentage of businesses on Main Street offer plastic over paper. The majority of members are not interested in purchasing branded bags and some prefer to purchase their own bags with their own logos. Often the clientele on Main Street is not out intending to buy but may shop after dinner at a restaurant. Once a bag is full, the Association would not want them to stop shopping.

Dick Peek felt that using a menu of behavioral changes is great. In response to a question from Ms. Matsumoto, Mr. Poulson explained that a tax is collected by a municipality; half remains with the retailer and half goes to the city. Matt Abbot explained that all of the fees are bridged, starting out keeping a portion, and then reducing the following year, and eventually going away or capping out at $1,000 a year.

Ms. Bradshaw indicated that if Council pursues some type of a fee where the retailer is charged with the collection and remitting the revenue, the vendor should be compensated for administrative services. Andy Beerman felt that it is premature to regulate plastic or paper at this point, but he would like to formulate a phase-out plan with some real benchmarks and is hoping that technology catches up with the demand.

Dick Peek explained the Whole Foods model where people are given a wooden coin for using a reusable bag and the consumer can decide a cause to support. Bill Malone asked if Council is looking at all plastic bags, including the ones newspapers are delivered in. The Mayor indicated that the discussion is not that specific and the staff report suggests exempting businesses under 3,500 square feet which would cover 90% of Main Street. He tends to agree with Mr. Beerman about modifying behavior and although the City is supportive it would like Recycle Utah to run a program. Insa Riepen expressed her willingness. It is not the intent to damage local businesses and there is quite a lot more to talk about. If the City considers a fee, he contemplated opposition from the state legislature.

Cindy Matsumoto referred to Ms. Riepen's comment about the popularity of the Aspen reusable bag. She has not seen many people using recyclable bags locally, but it is different at Whole Foods where there is peer pressure to use recyclable bags. She likes the idea of a bag supported by the community that could be used by lodging and didn't feel that leaving a couple of bags in units would be that costly. It is worth looking into.

The Mayor commented on the years of marketing the free bus system which has been wildly successful and bus drivers are great ambassadors.

Jaren Scott added that the landfill is the end-user and the County's goal is to reduce the amount of plastic bags to prolong the facility. As this matter moves forward, the County Council desires to be involved.

Alex Butwinski expressed concerns about enforcing an as sociated ordinance and government over-reach. A carrot approach should be the first step. He supported the idea of the Aspen bag with Park City's logo. The Mayor pointed out that the City is in its third year of the carrot approach and there is not a lot of fundamental change. If there is a concerted marketing effort involving lodging, transit and the business community it may not have to be legislated and Council is not interested at this point to direct staff to write an ordinance today. The dialog on this should certainly continue. Cindy Matsumoto would like to know Whole Food's rate of use of reusable bags. Matt Abbot indicated that staff has information on Aspen's behavior modification numbers. Aspen is currently in litigation over its legislation regulating stores over 3,500 square feet.

Ms. Bradshaw stated that if it is good for one retailer it should be good for all retailers; everyone should be treated the same. In response to a question from Mr. Butwinski, Doug Dastrup discussed the volume of bags Fresh Market uses in the high season and commented that grocery stores do not love plastic bags and the right solution needs to be found. He explained how grocery stores recycle plastic bags. Andy Beerman acknowledged the goal to move away from both plastic and paper to reusable bags.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL WORK SESSION MINUTES DRAFT
SUMMIT COUNTY, UTAH
JUNE 6, 2013

Present: **Mayor Dana Williams; Council members Andy Beerman; Alex Butwinski; Cindy Matsumoto; Liza Simpson; and Dick Peek**

Diane Foster, City Manager; Mark Harrington, City Attorney; Jed Briggs, Operating Budget Manager; Jason Glidden, Special Projects Manager; Nate Rockwood, Capital Budget Manager; Jonathan Weidenhamer, Economic Development Manager; Dave Gustafsen, Project Manager; Brooks Robinson, Transportation Planner; Jennifer Danowski, Budget Analyst, and Brooke Moss, Human Resources Manager

Matt Zundel, UDOT Resident Engineer

1. Council questions and comments. Dick Peek reported that the Historical Society received a grant to digitalize its collection by the University of Utah and Congressman Rob Bishop should be recognized for writing a great letter of support. School tours totaled 610 students and 512 people visited the Museum on free local days. He reported that the HPB awarded a grant to 1149 Park Avenue. Cindy Matsumoto invited the public to the Historic Home Tour which will be held on Saturday, June 15 from 10 a.m. to 3 p.m. with a reception at Zoom's afterward. The Tour will be on upper Park Avenue this year.

Liza Simpson heard at a Fire Service District meeting that RAGNAR got kicked out of Deer Valley. Jason Glidden explained that Deer Valley had a prior commitment with Savor the Summit and felt it couldn't host two events so the course was rerouted. She advised that with the support of the Fire Service District, Hugh Daniels will be presenting Council with a firework ordinance. She detailed a new program offered by the Summit County Health Department called *Thriving Lifestyles* which will be promoted throughout the County. She encouraged the Health Department to contact Phyllis Robinson about featuring it on the City's MindMixer application.

Andy Beerman reported that last Friday he and Mr. Butwinski attended the Economic Development Joint Task Force with the County. He participated in Bike to Work Day and National Trails Day where a new section of trail was installed on PC Hill. COSAC met on Tuesday and the HPCA held its annual meeting. He felt that the merchants have been very grateful for the extra time staff has spent on Main Street improvements and things are going as smoothly as can be expected.

Alex Butwinski stated that he, Diane Foster and Andy Beerman attended a legislative policy meeting on Monday. The redistribution of sales tax seems to come up on a regular basis. Other topics included using fuel tax versus sales tax to fund transportation projects and the implications of nutrient contributions to our water sources. Mr. Butwinski noted that the first meeting of the General Plan Task Force was held where land use goals, principles and strategies were addressed. Format changes were discussed but the focus was on substantive elements and policy questions which will be brought back to the group These included appropriateness of the TDR program, transferring identified density from annexation expansion areas to within the City, whether to open up existing primary residential neighborhoods to TDRs, neighborhood commercial, limiting nightly rentals in primary residential neighborhoods and to what degree, if any, and whether physically unbuildable areas of a proposed development should count toward open space requirements. Rotating members are working on assigned sections and the time schedule is ambitious. He thanked Mark Harrington for facilitating.

The Mayor spoke about performing a wedding over the weekend. He displayed pictures of his trip to China last week, specifically officials and people he met associated with the World Cultural Forum Environmental Conference where he represented Park City.

2. Hoberman Arch. Jon Weidenhamer stated that the $200,000 estimated for relocation was specifically for moving the Arch to the Brew Pub lot but if it is moved to a flat location, the price will be substantially less, i.e., $30,000 to $50,000. There is some urgency for the University of Utah to move the Arch and the City must move quickly if interested. It is something that was important to the Olympics and should go somewhere and he recommended that the City acquire it. The Mayor asked about the condition of the Arch and Mr. Weidenhamer acknowledged that it is not in good shape. Mayor Williams asked for more clarity about the $200,000 estimate.

Dave Gustafsen explained that the estimate was based on the City having to go to the University, dismantle it, put it on a flatbed truck, store it, put it back on the truck and bring it to the location so the $200,000 number was a safeguard. The original concept was to install it at the Brew Pub lot and in order to do so; the footings would have to go through the plaza deck all the way down into the ground to support it. Finding a slab on a flat grade area would cut the price in half. He pointed out that he University has to move it anyway and there may be potential for negotiating some of the costs. Mr. Weidenhamer indicated that the lighting works.

The Mayor asked about the goal of the acquisition and Mr. Gustafsen explained that the Arch was originally designed to be located at Pioneer Park for the Games. It was intended as part of an amphitheater structure, which was later rejected, and it ended up being installed at the University of Utah. Dave Gustafsen suggested that the kiosk be used to tell the story of the Hoberman Arch and to display what it was intended to do.

Liza Simpson referred to the question in the staff report about extending the decision deadline to the end of June and she is certainly interested in exploring finding a location here even if it is a static piece. Mr. Gustafsen recommended using it as a backdrop on a stage with the capability of creating lighting effects. He understood the constraints with the cost of moving it to the Brew Pub lot as it is 72 feet long. Ms. Simpson stated that she has no interest in the kiosk idea.

Andy Beerman commented on his observation of the Hoberman Arch and it is huge. It seemed to be in pretty good shape and it would be great to have it in operational condition again, acknowledging the many moving parts. Mr. Beerman considered it one of the premiere icons of the Olympics and having it in Park City would celebrate the Games. Having an educational kiosk is something he could support and the Arch is something worth exploring.

Ms. Matsumoto felt the Arch was a beautiful feature in Salt Lake during the Olympics but it is out of scale for locations in Park City and it will never have the impact it did in Salt Lake during the Games. She felt it is an icon for Salt Lake but not for Park City and hoped that Salt Lake would step up and find a place for the Arch. A comparison was made of the Arch in Park City to the London Bridge moved to Lake Havasu. It is in poor condition and she is not supportive of assuming an added expense without a plan for it. Cindy Matsumoto stated that it is too massive for Main Street. Olympic Park might work but she would like to think long and hard about this before spending any money. It is an icon that belongs in Salt Lake.

Dick Peek felt if there is a place that the mass works like the Olympic Park or the PCMR parking lot redevelopment are, he could support it. However, after the piece is placed, it needs to be supervised or fenced to keep people away from the mechanisms.

Alex Butwinski agreed with Cindy Matsumoto's comments. The Arch was the icon for the opening and closing ceremonies and he didn't feel there is sufficient time to try to find a place and work out a deal. He is not inclined to pursue acquiring the Arch unless there in some interest from PCMR. He agreed with Ms. Matsumoto about the scale and the Olympic Park may not be large enough to accommodate it.

Mr. Weidenhamer asked members if they were willing to have staff explore the feasibility of moving the piece here until the end of the month, recognizing concerns about the cost and scale. He asked about the kiosk. In lieu of the Arch, Mr. Butwinski stated that it might be something that could be relocated to Olympic Park but he didn't want staff to spend a lot of time on this project in consideration of other priorities. The Mayor acknowledged that the majority does not support pursuing the kiosk acquisition.

3. SR248 Project at Richardson's Flat. Brooks Robinson introduced Matt Zundel, UDOT, who will be heading up the SR248 project. Through illustration of a slide, Mr. Robinson discussed lengthening the tunnel at Richardson's Flat because of the road widening. The tunnel will be closed as it is worked on, which he detailed.

Mr. Zundel explained that this project is a continuation of the City's SR248 Strategic Plan which included elements like the Park City High School crosswalk, bike lanes at Wyatt Earp, and the Comstock tunnel. UDOT and Park City worked together during the environmental and design phases of this project to make sure that all needs in the community are met. He displayed a slide of the project location and pointed out the widening to five lanes, two general purpose lanes each direction with a dedicated left turn lane at Richardson's Flat, new roadway surface and stripping, installation of some infrastructure for a future signal, and extension of the underground tunnel. The tunnel will be spanned on the north side and he relayed that the tunnel will be functioning again as soon as possible. The goal is to have the tunnel open each night after work hours and it will be inspected before it is open to the public. A flagger will help people cross the road when there are natural breaks in traffic and he pointed out the detour when the tunnel is closed during the day. The project begins June 17 and will end by August 15. The work will be done Monday through Friday, from 7 a.m. to 5:30 p.m. with some Saturday work. However, no work will be done on the 4th of July weekend, July 24th, and during the Tour of Utah. In response to a question from Cindy Matsumoto, he explained that the tunnel will be open when the contractor is not working on-site. Brooks Robinson interjected that the tunnel will not be used for RAGNAR this year.

4. Budget review. Jed Briggs explained that tonight at the regular meeting, Council will be asked to approve the Tentative Budget, the fee schedule, Council compensation and the Comprehensive Emergency Management Plan. The staff report outlines all of the changes to be discussed.

<u>Special Service Awards</u> - Nate Rockwood explained that special service contracts are typically two-year contracts that mirror the two year budget cycle. The City dedicates 1% of its total budget, excluding capital, toward special service contracts to non-profits which equates in 2014 to $492,000. The Special Service Subcommittee met and reviewed all of the applications and recommendations are listed in the staff report. In addition to the recommendations, Attachment B shows the amounts, changes from last year, and some brief justifications and descriptions of the service to the community.

Alex Butwinski commented that it seems like Arts Kids could use more money than the Park City Education Foundation who does a lot of its fundraising. Liza Simpson indicated that the numbers represent their requests and Art Kids was funded at the same amount last time. Unless the committee saw significant increases, staff was trying to follow the budget philosophy of not funding more than the City has in the past. She explained that most awards were matched unless there were significant cost increases that merited an increase.

In response to comments from Mr. Butwinski, Nate Rockwood explained that the Performing Arts Center has two requests, the Mega Genius Store and a student outreach program and the committee decided to allocate more money to the Store than into the program. Cindy Matsumoto clarified that PAF received an emergency grant from the City last year and didn't seem to need as much help.

Dick Peek asked about Big Brothers and Sisters and Mr. Rockwood explained that costs are evaluated on the service provided directly to Park City. Big Brothers and

Sisters is such an individual service that the cost per student is extremely high and it doesn't always equate to serving the broadest interest of the community. The majority of the mentorships occur outside of the City. Ms. Simpson also spoke about duplication of services and the population served by the Holy Cross Ministries, PAF, Arts Kids, and the Youth Winter Sports Alliance. Alex Butwinski recalled the Council wanting to review criteria for all requests and members agreed that it should be scheduled in a work session later in the year.

Mr. Rockwood stated that the total grant amount is $421,000, leaving $70,650 so there is something left for extraordinary requests. The committee is recommending leaving $20,650 for possible extraordinary requests and taking the remaining $50,000 to be earmarked for the Victim Advocate Program. Andy Beerman asked if this replaces requests for federal funding and Ms. Simpson responded no, but pointed out that applying for a federal grant is very staff intensive. Nate Rockwood agreed and added that it is likely to disappear.

<u>Fee Schedule</u> - There were no questions on the proposed fee schedule. Jennifer Danowski emphasized that local preference is being clarified in the City's policy. Andy Beerman asked if other cities have a local preference policy. Ms. Danowski stated that this was discussed with Council in October and she has comparable information that she can share with him.

<u>Health Insurance</u> - Brooke Moss stated that health insurance realized a 4.8% increase this year which is below the national projected average. The City is very proactive with regard to the rising cost of health care and there are a number things that staff will be recommending in the next couple of years. Wellness is a focus this year and 70% of large companies offer this benefit. Studies show that for every dollar spent on wellness, there is a return on investment of six within three years. The City's Healthy Living Program is being promoted to employees and taking cost-cutting measures up front can pay back big with regard to health insurance costs down the road.

She explained that it is a free program and employees are rewarded with a reduction in health insurance premiums. Premiums will increase in January and if employees participate in the Healthy Living Program, they would see no increase in their premium costs. Every six months, the plan will have a slightly different design. Lunch and learns are held monthly at the PC MARC and staff is expecting good returns on this approach. Discussion ensued on avoiding emergency room trips because they are significantly more expensive than visits to a clinic and are usually unnecessary.

<u>Council Compensation</u> - Ms. Moss explained that the pay philosophy for staff is a 2% increase in the off-year to keep salaries current with market changes. Council compensation is also adjusted by 2% and medical insurance is included as a benefit.

Mayor Williams expressed that compensation is so low that it is exclusionary, discriminatory and unlivable. He commented on a Mayor's salary in the Valley going from $19,000 to $87,000. There are a number of citizens who won't participate in local government because of the large time commitment with little pay. He commented on this issue being raised a few years ago where there was support to raise pay and he strongly suggested that next year, that the Council consider forming a task force because salaries are changing.

Liza Simpson agreed and would rather have the conservation sooner rather than later. There are a couple of cities in the Valley who have realized that having a Mayor available to network actually has an enormous financial benefit to the City. A realistic look of the time spent by Council and the Mayor on City business should be explored so fair compensation can be determined. She pointed out that the pay plan comparison is based on a 40 hour work week and suggested that if a raise is approved by the seated Council that it take effect for the next Council. Alex Butwinski stated that it's to Dana Williams' credit that he didn't bring this up earlier. He felt Ms. Simpson's suggestion deserves consideration by looking at a raise which will take effect when a new Council takes office. This topic deserves attention as the amount of money is a definite barrier to people considering running for office.

Andy Beerman liked the idea of a task force because it is a tough subject for Council members to be objective about and it may not be appropriate. It makes sense to form a group of citizens, perhaps appointing some former Council members and staff members knowledgeable about the role of City Council members. Mark Harrington added that a few years a Blue Ribbon Committee rendered a recommendation but the problem is the individual expectation of the role and the time commitment which is largely defined by the liaison assignments. It is a philosophical issue as well; whether the office is voluntary versus removing barriers to serve. He encouraged analyzing the level of individual involvement necessary in terms of best governance. The Blue Ribbon Committee is not typically led by staff or Council, it is truly independent. He recalled the last time salaries were discussed was about 15 years ago and the majority of Council decided not to consider a raise. He feels a Blue Ribbon Committee would be the logical first step.

Ms. Simpson philosophically believed it should be somewhat of a sacrifice to serve and something a citizen is choosing to do. The office should not be perceived as a profit-making role. This issue can be compared to affordable housing with the goal of promoting diversity. Mr. Harrington advised that incumbents, by their very nature, have an advantage in elected positions and he agreed that a career element may be perceived as a negative. The City also has a requirement to participate in the Utah Retirement System which may compound matters if members switch from part-time to full-time. Salt Lake City is struggling with this issue.

Liza Simpson expressed that she isn't suggesting *going the way of Bell, California* and felt that the Blue Ribbon Commission would be able to explore studies or other information that addresses these types of issues. Council compensation needs to be studied. The Mayor agreed that incumbents may have an advantage, but some elected officials can be very productive after several terms. He pointed out that Park City has a large middle-class element. Diane Foster stated that she understands a majority of members support forming a task force and will return to Council with a Manager's Report about the process and timing. Alex Butwinski suggested that a staff person also be on the committee as a facilitator and Ms. Foster will explore providing functional staff support without staff giving direction. The goal is having an independent third party. Ms. Simpson liked the suggestion of including former Council members and Mark Harrington stated that staff will also look at how the last process was conducted.

Comprehensive Emergency Management Plan - Mr. Briggs explained that CEMP has been adopted by Council every year since 2007 which ensures federal funding for the City's emergency management programs. There were no questions from members.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING **DRAFT**
SUMMIT COUNTY, UTAH,
JUNE 6, 2013

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, June 6, 2013. Members in attendance were Dana Williams, Andy Beerman, Alex Butwinski, Cindy Matsumoto, Dick Peek, and Liza Simpson. Staff present was Diane Foster, City Manager; Mark Harrington, City Attorney; Shelley Hatch, Business License Analyst, Rebecca Gillis, Accounting Manager; Polly Samuels McLean, Assistant City Attorney; Wade Carpenter, Chief of Police; and Nate Rockwood, Capital Budget Manager.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

1. Bus stops on Deer Valley Drive - Kent Cashel stated that part of the Deer Valley Project contemplates removing bus stops at Greyhawk and Foxglove and acknowledged that Council has been receiving emails about this issue. He has contacted the people that have sent emails and phone calls and emphasized that there is nothing in the construction plans requiring a decision on this today. Staff has listened to input and concerns which will be addressed because there is time to do that. Matt Cassel indicated that staff is meeting tomorrow to address solutions which will be communicated to the neighborhood.

Bill Sammon, 650 Rossi Hill Drive, stated that he is strongly opposed to having the Greyhawk and Foxglove bus stop removed. He owns a Greyhawk unit as an investment property and it makes a huge difference to his guests if it is moved.

Marshall Keen, 14 year Greyhawk resident, explained that he has taken somewhere between 16,000 to 17,000 bus trips during that time and moving it another 120 yards is a lot bigger deal wearing ski boots and carrying skis. He strongly feels as Mr. Sammon about not moving it.

Rob Anderson, Greyhawk resident, pointed out that there are no sidewalks in front of the condominium and moving the bus stop would require residents to cross Deer Valley Drive walk to the new stop and cross Deer Valley Drive again.

Mike Kirkland, stated that he is an agent and a property manager for the Foxglove HOA, and is concerned about the on-going construction with the objective of making some mid-course corrections. With all of the emails today, it is great to see the willingness of both Kent and Matt to get this resolved. This mid-course direction is to keep the bus stops in front of Foxglove and for that matter, Greyhawk. It is critical because some owners and renters have health issues. He understands that the proposed distance is 100 yards which is the distance of a football field and people do not want to do that.

Some owners purchased their units because the bus stop was there. As a compromise there are probably bus stops on both sides of the street and one could be eliminated.

2. Park Silly Sunday Market – Kate Boyd expressed her appreciation of Council's continued support for the PSSM which will be opening this year this Sunday. She described new features of the Market, the schedule for Sunday, and reported that July 7, 2013 will mark 100 days of PSSM.

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

None.

IV OLD BUSINESS

Consideration of an Ordinance adopting Title 4, Chapter A – Special Event Temporary Alcoholic Beverage Licenses described in the Municipal Code of Park City and amendment Title 4, Chapter 4, Beer and Liquor Licensing; Title 4, Chapter 5, Beer Licenses described; Title 4, Chapter 6, Liquor License Described, of the Municipal Code of Park City – Shelley Hatch stated that staff presented the Ordinance on December 20, 2012 at a work session and Council recommended that staff return on a later date on Section B. On February 28, 2013, staff presented its recommendations to approve but the HPCA and business owners on Main Street requested a continuance to provide more time for review. On March 19, 2013, staff met with interested businesses and the HPCA to address concerns and the proposed changes are now supported.

Ms. Hatch explained that amendments include replacing the current Special Event Temporary Beer License and Special Event Liquor License with a Special Event Alcohol Beverage License, eliminating the current procedure requiring a background check for all office, board members and partners. Instead staff feels it appropriate to mirror the state's practices by having applicants sign an oath attesting to their criminal background information. The license can be revoked if it is not in compliance, only bonafide corporations will be permitted to apply for a license, and all single event alcohol beverages holders must secure liquor liability insurance. She noted that servers must be TIPS-certified and Municipal Code Sections 4-4-1 through 4-6-7 have been modified to be clearer and concise. Another change is the timeframe for the Sundance Special Event Liquor License process which mirrors what the State Liquor Board requires. Ms. Hatch emphasized that a limit of 12 late but completed applications, on a first come first serve basis, will be considered and after that, no exceptions will be made. Staff is recommending that the proposed amendments to the Municipal Code be adopted which will simplify the liquor license application, provide clarity, and ensure consistency with the Municipal Code.

Polly Samuels McLean stated that she met with Mike Sweeney on Tuesday and his questions were reviewed. He suggested three minor tweaks to the amendments which staff agreed are good ideas. In 4-4-5, instead of the language *the police shall within 10* *business days after receiving such application*, will say within *ten business days from the date the City receives a complete application*, so the whole process takes 10 business days as opposed to when the police receive it. She relayed that Mr. Sweeney suggested that in Section 4-4-8, periodic inspection of premises by Chief of Police, adding code enforcement officers and staff agreed. Lastly, there was a typo in terms of 4-14-4, replacing the term *individual* with the term *entity*.

Chief Wade Carpenter felt these changes will be helpful for consistency with state law and will simplify the application process for everyone. Cindy Matsumoto expressed confusion about the deadline after the deadline for Sundance applications. Ms. McLean explained that the DABC requires people to get their applications in by the 10th of the month prior to their event and have a special exception. Part of the direction to staff in December, was to consider adding special exceptions. Andy Beerman understood that the City cannot charge a late fee. Ms. McLean stated that business licensing is subsidized by the City but the exact amount has not been calculated by the Finance Department because of other priorities. Mr. Harrington added that the late charge will return to Council which will still be less than the City's subsidy. Andy Beerman asked if Sundance has accepted the TIPS-certification requirement and Chief Carpenter stated that it is a state requirement for serving alcohol. Mark Harrington explained that it affects events where the City requires licenses but the state doesn't.

Mr. Beerman expressed concerns about the need for Council approval which seems to add to the workload and timeline and he felt it doesn't need to be that complicated. Mr. Harrington felt it is just the opposite. Staff believes that by moving the deadline up, it will be more efficient from staff's perspective because they won't be inundated with last minute requests and because of Sundance's commitments under the Master Festival License Agreement, and primarily being under the state process, it levels the playing field by getting applications in early anyway. By state code, the City cannot artificially come up with an application deadline that mirrors the state because the deadline has to be based on the time it takes to process an application. Having Council retain the delegated authority accomplishes two things, one it gives a higher level of capacity assessment in terms of looking at all of the licenses in advance so that a policy decision can be made. Mr. Harrington stated that once an applicant meets administrative criteria, denial is not an option and two; it puts Council members in a better position to proactively address the over-crowding issue. Last year there was a huge bump in over-crowing and the timing is good. The changes level the playing field in terms of all of the application deadlines for the state process and requiring host events to submit an application in December. It will likely have some impact in terms of the marketability of some properties who decide to lease at the last minute but it will benefit others that already have licensed facilities and just want an add-on. He didn't think it will really have a negative or adverse economic impact and it will put the City in a better position to manage the process and avoid the last minute crunch at the window. When information is processed quickly, there is no opportunity to verify what is represented on the applications.

Andy Beerman understood that an application will have to go through the submittal process and then a week or more to get on an agenda and wondered if the deadline should be late November with the holidays. Mark Harrington stated that staff looked at the timing and 90% of the applicants will have to comply with the same state deadline and would have the same information into the City by the December 10th range. Applications will be able to be heard by Council before the holiday break. Staff envisions approvals to be scheduled on the Consent Agenda and staff would flag any capacity or public safety issues. This doesn't really add to staff workload and it would give them an opportunity to vet potential problems. Mark Harrington felt that applications should be submitted ten days prior to the meeting.

Alex Butwinski asked how the late applications receive Council approval. Mr. Harrington stated that it is about another ten day span and it is a little tighter, especially because of the holidays, which justifies a higher fee. No more than the first 12 applications will be processed and he explained the methodology for determining the timeframes. He reiterated that it will be much better than dealing with the crunch at the window with all of the taxis as well. Staff is confident that the proposed process is more efficient. The late fee was discussed which needs to be tied to actual administrative costs and the state has a fee differential as well. The Mayor opened the public hearing.

Seth, owner of The Downstairs, 625 Main Street, feels the new permit system covers many bases but he feels there is an area not addressed. Different clubs rent spaces that don't have a liquor license. They have a guest list and give people free drinks and can operate until 4 a.m. which is a huge issue for him because his permanent business is basically being penalized. The DABC does not require a license because they are not selling liquor and regulation is within the jurisdiction of the City. He hoped that the liquor laws could change but probably not before Sundance; this is unfair to licensed businesses and he would like to see is a level playing field. He felt that the leased areas should be required to stop serving liquor at 1 a.m. and have people off the premises by 2 a.m. His tenants have been very upset about the regulation. He recommended replacing the word *sell* with *furnish* liquor in the Ordinance so that parties will be required to be licensed. They don't have to have TIPS-certified servers or comply with other restrictions and he is hoping to see this legislation include the same requirements.

Mark Harrington stated that the City agrees with him and is working actively with the state to try to expand the regulation because closure is a function of state law not the City's Ordinance. It is very difficult for the City to monitor the hours of private parties without getting into regulating the hours of all private parties. Council has made the consistent policy decision to not address hours at the Main Street locations because private parties were a bigger issue in residential neighborhoods and had a bigger impact. The intent was to move them out of neighborhoods to Main Street. Leased licensed premises were allowed to stay open longer after hours as long as the restrictions are followed and the limitation is somewhat recent. He explained that the City is trying to get this changed but to go back the other way would prompt additional policy issues for neighborhoods that at a staff level would not be recommended. Diane Foster interjected that staff met with our lobbyist a month ago and talked about a strategy of addressing this at the legislative level. A meeting will be arranged with Senator Valentine who is the point person on most of the liquor bills and the ULCT understands why this is not only an economic issue for Park City, but a public safety issue.

Chief Wade Carpenter discussed trying to push a ten day permit through early in the session but it was shut down by the legislature. Seth acknowledged that steps are being taken but the delay is hurting permanent businesses because there is a gap in how these parties are being managed and he pointed out other illegal activities. Hopefully this is something that can be taken care of.

Mark Harrington clarified for Liza Simpson that the goal is to allow a private party in licensed premises after hours for a hosted event.

Mary Wintzer, 320 McHenry Avenue, agreed with Seth and added that many of our long-time restaurant owners have experienced this same cut-back in private parties and revenue that they were used to having. She heard complaints about the loss of private parties and it has a large economic impact and she suggested increasing the fees to help sustain some of our long-time Main Street business owners who pay their taxes year round. It is a hard pill to swallow if other folks are coming in for two weeks and taking a lot of their revenue.

Alison Butz, HPCA, thanked staff for the time spent on the Ordinance. Two separate meetings were held to educate restaurant owners and others in the community to explain the changes. She felt Seth said it really well about leveling the playing field. HPCA has both groups as members and the membership is fairly comfortable with the Ordinance as written but encourages the lobbying efforts of the City to make sure that hours are extended to everyone and that everyone has the same ability to host an event.

Mike Sweeney, business owner, believes there are some misconceptions. He owns a facility and has tenants that have the choice of leasing out the space during Sundance or running the facility as a business at Sundance. He has two restaurants, a bar and a deck with PCMR and he probably permitted 22 different facilities on Main Street last year and has a good perspective of what the Ordinance will do. If you're going to have private parties, they go to the bars and then to the parties at midnight which go to 3 a.m. to 5 a.m. A liquor license needs to be pulled there, but because it is a private party, it is not regulated by the DABC. Under the auspices of the City, they are engaging in business and anybody coming to Park City during Sundance is required to pull one to two licenses. Liquor licenses require certified servers, insurance but it is for a short period of time. He can make more money during Sundance leasing space out than running a business. His two restaurants are leased for private parties. There are many businesses on Main Street that are not restaurant or bars and he felt there are 40 to 50 businesses that are dependent on the extra revenue coming in to survive the rest of the year. There is a dynamic going on that supports the whole street and both sides are represented in the HPCA.

He spoke about working with the Legal Department and going through the document. This is a pretty good document but there are philosophical policy positions that he has different than staff. Mr. Sweeney emphasized that Park City needs to stay competitive and suggested simplifying the permitting process, and creating a level playing field with competition from Summit County. He recommended simplifying the license code to engage in business in Park City during the Sundance Film Festival. This is how a resort community makes money and it is important that these people come to Park City to engage in business. The County will have an impact on the core business in the City.

He suggested that the form conform to the state's form. With regard to the special event liquor license going before the Council, the staff has a good way of getting the job done and has never failed to get the job done issuing licenses. There should be a time limit or a cut-off date. He is already working with people interested in leasing a space on Main Street. He asked the City Council to consider not capping late applications to 12 and allow something like 15. It would be better to have staff take on the responsibility since they do a good job and can make good decisions.

It is good that the City is mirroring state regulations except for single event licenses here in the City which the DABC doesn't require because it is a private party. If alcohol is being served, a liquor license must be issued by the City. He suggested referencing the paragraph about the appeal process in this section of the Code. The Mayor asked if this is a problem and Polly McLean explained that the appeal process is already set forth in the Code and there is no need to put it in the section again but it could be done either way. This point was discussed at length. Polly McLean noted that Mr. Sweeney wanted a definition of liquor license insurance but there are different types of insurance and not all businesses can obtain a Dram Shop rider therefore the Ordinance is vaguer so that applicants can obtain liquor liability insurance if they are not able to get Dram Shop insurance. Mark Harrington stated that the market could create another add-on and it is more advantageous to the applicant to have it remain open. He explained that changing the form can be achieved administratively, but Mr. Sweeney discussed his recommendations in any event. He suggested using the same form as the DABC and elaborated on the contents of the form. This form could be copied and submitted to the City.

Andy Beerman stated that Mary Wintzer and Mike Sweeney bring up good points in that there are many small businesses in town that depend on these private parties and he wants to make sure that the changes will not critically affect them. He worries about the deadline and limiting late applications to 12 and he asked about last year. Shelley Hatch advised that the total was 49 businesses in 2012 and 18 were processed in less than ten working days and nine during Sundance. He asked how many were processed after December 10th and Mr. Harrington stated that licenses were not tracked specifically to that date but there were 27 late applications. Mr. Beerman believed that with a limit of 12, there will probably be businesses that will not get liquor licenses. Polly McLean commented on the number of private parties versus how many needed local consent from the City to go to the DABC. In 2013, there were 41, of which 13 were for private parties and 28 were local consent. Mark Harrington emphasized that local consent applicants all had to have their information into the DABC by December 10th anyway. Ms. McLean indicated that she talked with the DABC to ask about its special exception process and it has had one in place since last July. In those ten months, the DABC has only had two or three special meetings to accommodate people who didn't meet the deadline. Mr. Harrington believed that advance notice is very effective. With no further input, the public hearing was closed.

Cindy Matsumoto asked about using the state form and copying it for the City. Chief Carpenter explained that the police needs to have all of the names of the partners involved so the Department has all of the information needed. Mark Harrington suggested a motion incorporating the changes stated by the Assistant City Attorney with the additional change of adding a reference of Section 4-4-24 in Section 4-4-9(4). Cindy Matsumoto, "I so move". Dick Peek seconded. Motion unanimously carried.

V NEW BUSINESS

1. Consideration of an Ordinance adopting the Tentative Revised Budget for Fiscal Year 2013-2014 and the Tentative Proposed Budget for Fiscal Year 2014-2015 for Park City Municipal Corporation and its related agencies – Nate Rockwood explained that the tentative budget must be adopted ten days before the final budget which is scheduled on June 20th. He made corrections to the Ordinance updating the year. The Mayor opened the public hearing; there was none and the public hearing was closed. Andy Beerman, "I move we adopt the Tentative Revised Budget for Fiscal Year 2013-2014 and the Tentative Proposed Budget for Fiscal Year 2014-2015". Alex Butwinski seconded. Motion unanimously carried.

2. Consideration of a Resolution amending the Fee Resolution and replacing Resolution No. 15-12 in its entirety – The Mayor opened the public hearing; there were no comments and the public hearing was closed. Liza Simpson, "I move we approve a Resolution amending the Fee Resolution and replacing Resolution No. 15-12 in its entirety". Dick Peek seconded. Motion unanimously carried.

3. Consideration of an Ordinance establishing compensation for the Mayor, City Council and statutory officers for Fiscal Year 2013-2014 in Park City, Utah – The Mayor opened the public hearing; there were no comments and the public hearing was closed. Cindy Matsumoto, "I move that we pass the Ordinance establishing compensation for the Mayor, City Council and statutory officers for Fiscal Year 2013-2014 in Park City, Utah". Liza Simpson seconded. Motion unanimously carried.

4. Consideration of a Resolution adopting the Comprehensive Emergency Management Plan – The Mayor opened the public; there was no input and the public hearing was closed. Dick Peek, "I move we adopt the Resolution adopting the Comprehensive Emergency Management Plan". Liza Simpson seconded. Motion unanimously carried.

VI ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned and a Redevelopment Agency meeting convened.

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 2 p.m. Members in attendance were Mayor Dana Williams, Andy Beerman, Alex Butwinski, Cindy Matsumoto, Dick Peek, and Liza Simpson. Staff present was Diane Foster, City Manager; Joan Card, Environmental and Regulatory Manager; Nate Rockwood, Capital Budget Manager; Matt Cassel, City Engineer; Heinrich Deters, Trails and Open Space manager; Lori Collett, Finance Manager; Jed Briggs, Operating Budget Manager; and Mark Harrington, City Attorney. Alex Butwinski, "I move to close the meeting to discuss property and litigation". Liza Simpson seconded. Motion carried unanimously. The meeting opened at approximately 4:20 p.m. Andy Beerman, "I move to open the meeting". Dick Peek seconded. Motion unanimously carried.

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

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL WORK SESSION MINUTES **DRAFT**
SUMMIT COUNTY, UTAH
JUNE 13, 2013

Present: **Mayor Dana Williams; Council members Andy Beerman; Alex Butwinski; Cindy Matsumoto; Liza Simpson; and Dick Peek**

Diane Foster, City Manager; Jan Scott, City Recorder; Mark Harrington, City Attorney; Heinrich Deters, Trails and Open Space Manager; and Clint McAffee, Water Manager

Planning Commissioner Jack Thomas

1. Council questions and comments. Alex Butwinski spoke about the Planning Commission meeting where the expansion of the IHC complex was the focus. Commissioner Jack Thomas interjected that three options were presented to the Commission and he elaborated on the early conceptual alternatives. Cindy Matsumoto expressed that the joint Planning Commission and City Council meeting was productive. She attended a meeting with the Mayor and Andy Beerman on plastic bags and recommendations will return to Council. Ms. Matsumoto also attended a Library Board meeting and commented on the new learning centers available for both kids and adults. The Library will be celebrating its 125th Anniversary. The renovation of the building and a relocation plan during construction were also topics of discussion.

Dick Peek commented on a donation from North Sail of Elliott six meter sailboats to the Park City Sailing Club; this craft is used in Olympic competition. Liza Simpson stated that she attended the Mountainlands Community Housing Trust meeting. Mountainlands will be holding its 20 Year Anniversary party on June 24 at the Snow Park Lodge and founding member Bob Wells will be recognized for his 20 years of service.

Andy Beerman discussed hosting the Wasatch Summit group and taking them on a bike tour. The group is ready to hire a facilitator to oversee the project and is reorganizing its committee format. The General Plan Task Force met on Tuesday and he thanked the City Attorney for his guidance. The TMI hosted the Community Solar Program where there was a great turnout of interested households. The Mayor met with the WSCWWIP subcommittee and attended the disposable bag meeting. He commented on the City receiving 100 applications for the Assistant City Manager position.

He acknowledged that this is Jan Scott's last meeting because she is retiring on July 1. She has been with the City a long time and has been his friend for 30 years. Jan Scott stated that it has been an honor to work with four different mayors, four city managers and about 15 city councils over her 32 year tenure. The staff over the years has been incredibly talented and fun. She thanked the City Council for making her experience with the City so special.

Cindy Matsumoto invited the public to the Historical Society's Home Tour which will be held this Saturday. Heinrich Deters updated Council on the Jans to Dans Walkability Project. The alignment on the west side by the Park Avenue Condominiums will be flagged and members may receive calls on this. Liza Simpson congratulated Lori Collett and her team for receiving the GFOA Award in Finance again this year.

2. **Western Summit County Master Agreement.** Clint McAffee explained that the water agreement is a regional concept and he displayed a PowerPoint presentation. The first slide illustrated the supply and demand levels for the Snyderville Basin. This area is served by the Sewer District and currently there are about a half dozen water districts but the large ones are Park City Water Service District, Mountain Regional and Summit Water Distribution Company. The graph identified the current water supply within the Basin, projected demands, and an annual deficit in supply is shown during peak demand periods. He displayed a chart of the parties involved, and where the deficit lies; Summit Water Distribution Company has most of the projected deficit. Mountain Regional is not shown because its projected deficit is far out into the future. Summit County Service Area #3 has a small sliver of a deficit and Park City has a fairly sizeable deficit. He displayed a graph showing the best case and worst case scenarios for Park City by potable demand with and without conservation programs. He pointed out that Park City is doing well as far as conserving water and is a little below projected demand and use under the best case scenario. This year will be telling as our groundwater sources have been hit with two dry winters followed by hot temperatures.

He stated that the U S Bureau of Reclamation conducted an inventory of the Basin's water supplies and identified the worst case demand scenario of a deficit of about 17,000 acre feet. The Lost Canyon Project has been completed which brought in 5,000 acre feet and reduced the deficit. In 2006, a water transport study was completed which identified ways that individual water districts could cooperate on a regional basis. In 2011, Weber Basin took the lead and got the big water providers together to look at the feasibility of combining our efforts to find a solution. Last fall, the feasibility study concluded and a draft Master Agreement outlining the terms of a regional project was presented to the group and a final draft will be presented next week to Council for consideration.

Mr. McAffee noted that the big project participants in this agreement are Weber Basin Water Conservancy District as the lead, Park City Water Service District, Mountain Regional Water, Summit Water, Summit County, and the Sewer District. He pointed out two proposed agreements. The first one is a purchase agreement between Weber Basin and Summit Water Distribution Company. Weber Basin will purchase certain assets of Summit Water in order to better serve the Basin as a whole in the future. The East Canyon Water Treatment Plant, which is a membrane filtration plant just south of the existing Sewer Treatment Plant, will be acquired. The conveyance system exists between that treatment plant in East Canyon to Quinns Junction and 50% of the capacity in that line will be purchased so Weber Basin has the ability to allocate water to Park City or from Park City to other service areas. Weber Basin is also taking over the lease of 5,000 acre feet of the Davis County Canal Company that currently resides in East Canyon Reservoir. Mr. McAffee stated that there will be an option to purchase additional conveyance infrastructure parallel to SR224 that could also be used to deliver water in the future. The option to purchase the East Canyon Pipeline, which exists between Summit Water's Treatment Plant and the Morgan County line, could be extended to the East Canyon Reservoir to tap into that reservoir and pump water back into the Basin.

Mr. McAffee explained that the intent of the Master Agreement between the project participants is that Weber Basin would connect all of the systems, and districts such as Mountain Regional with surplus water, could be used by other districts through the interconnection. On an annual basis, each party will project ten years out its demand and surplus status and the parties will commit to a five year portion of that projection for water supply. An example would be Park City in ten years indicating that 1,000 gallons per minute are needed to meet peak day needs but in five years, only 500 gallons per minute are needed. At that point, the City would commit to 500 gallons per minute in the form of a water supply contract and Weber Basin who would commit to provide that level to the City in the future. Weber Basin will construct future water supply facilities in order to make that happen and would use the 5,000 acre feet that it is procuring to supply that water. Mr. McAffee stated that a big component of this in near term is the construction of a three-way interconnection by Weber Basin to connect all of the districts.

He pointed out that under this scenario, each entity would have certain capacity in the treatment plant and in the US40 conveyance system as well as 5,000 acre feet. Park City's share would be 20% of that capacity. Some of the costs that are estimated would be an annual regionalization fee which would begin in 2020 and expire in 2039 and Park City's estimated contribution would be $200,000 per year for that time period used to pay Weber Basin back for purchasing Summit Water's assets. It is important to note that Weber Basin is contributing $3.7 million in this time frame in the form of covering debt service between now and 2020. There are operations and maintenance components for the different assets that Weber Basin will be taking over and costs associated with tying up the 5,000 acre feet. Future water sales contracts are currently estimated to be $800 to $1,500 per acre foot. The City's annual consumption is about 5,000 acre feet and our deficit is projected to 500 to 1,000 acre feet. In the short term, Weber Basin would use the existing surplus in the Basin to supply those that need the water which is estimated to 2019 and beyond that, a large infrastructure project is likely to be considered. Examples are the East Canyon supply project, pumping water back from the East Canyon Reservoir, a new Rockport supply project, or a large storage project in the Basin. He displayed an example of what water sales contract could look like under this scenario and in 2030, the City is committing to 441 acre feet or about $500,000 which would provide water to meet the deficit that is projected for that time.

Cindy Matsumoto referred to the slide regarding the $800 to $1,500 cost per acre foot and asked the estimated cost for other sources. Mr. McAffee explained that our cheapest sources are wells which cost about $200 per acre foot to produce water. The other extreme is water imported from Rockport Reservoir, treated at Quinns Junction and pumped into the City's system which is closer to $800 to $900 per acre foot. She understood that the City would start paying for water in 2020. He clarified it is when Park City shows a deficit and it appears that 2025 is when the City will need to commit to more water. Another example is the time before the City bought the Jordanelle Special Service District's lease four years ago; the City was paying about $1,200 an acre foot.

Liza Simpson understood that the City had to buy the Rockport water rights. Mr. McAffee clarified that the City leased those water rights from Weber Basin and then purchased them. The lease included the cost for the water right when Jordanelle owned it. Jordanelle treats the water and pumps it over the hill. The Mayor emphasized that this effort began with a dialog between Park City and Summit Water and then Weber Basin became involved.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING DRAFT
SUMMIT COUNTY, UTAH,
JUNE 13, 2013

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, June 13, 2013. Members in attendance were Dana Williams, Andy Beerman, Alex Butwinski, Cindy Matsumoto, Dick Peek, and Liza Simpson. Staff present was Diane Foster, City Manager; Mark Harrington, City Attorney; Hugh Daniels, Emergency Operations Manager; and Jon Weidenhamer, Economic Development Manager.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

None.

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

1. North Silver Lake Project – Lisa Wilson, City Council candidate, stated that she was on the radio speaking about the money lost on a lot in North Silver Lake and referred to a letter on the same matter sent to the City Council. In her neighborhood in Silver Lake, there are nine acres that were given to a massive condo hotel, Silver Lake Lodge, and nine out of the ten acres of the Conditional Use Permit is property tax free. The project was first approved in 2009 and a permit for the hotel is for 332,000 square feet which is slightly smaller than the St. Regis. The CUP was unanimously extended by the City Council. There is an $85 million trustee that exists on the lot indicated in Summit County's records. Currently the property is taxed about $11,000 per year which is similar to a one acre lot in the neighborhood but the developer is using ten acres. Six acres of the land is the developer's and four acres is Deer Valley land. The four acres of Deer Valley property is used as open space for the hotel and the developer pays zero and Deer Valley pays $56.

Ms. Wilson stated that she is frustrated because when you do the math and take $85 million on a per acre basis on six acres and add it totally on the ten acres. This project has not been taxed correctly since 2005 and she has estimated $14 million. She gave written information to the City Recorder. Lisa Wilson noted that what is more frightening is how we got to that point. The lot was replatted in 2005 by Val E. Southwick who took the lot and made it so that only one acre out of six is taxed. Mr. Southwick is serving time for the largest Ponzi scam in Utah history. It is easy to check him out on the Best Score receivership site and apparently he milked nearly $400 million from people and $100 million is from LDS investors primarily. It is scary to her that right now, the plat that is being used is a survey plat and the name on the survey plat is Southwick.

One of the entities on the receivership is 7101 LLC. The North Silver Lake Lodge is 7101 Silver Lake Drive and is part of what appears in the receivership. The Best Score site shows all of the Salt Lake Tribune articles and what a creep this guy is and his connections with government. It seems that in 2005, the SCC was conducting a full investigation of all of Southwick's entities and he wasn't supposed to be selling securities but he was. About the time of the stand down order in 2005 is the plat that everyone is using today to begin construction on the North Silver Lake Lodge. Apparently Southwick is in prison and won't speak with anybody. She can't believe that this kind of unrecorded survey plat is used to start the project and her goal here is not to be in a lawsuit but to prevent one. She keeps asking questions and doesn't seem to get any answers. Some people are afraid that she wants to cause a lawsuit and that is the furthest thing from her mine.

Ms. Wilson referred to her information directing readers to websites. Another interesting point on the Best Score website is if you look at legal cases, you can find the Harrison Horn litigation and all of that has to do with the North Silver Lake lot. The School District has lost so much money on this lot and last year the District was $4 million short. It appears that people are replatting major parcels and avoiding taxes but everyone should be on an equal playing field. She asked that people look her information over.

2. RMP substation relocation project:

Glen Wright stated that he won't be here next week when a decision on this project is scheduled for discussion. He felt that there is conflict between what Park City wants to be and what we are. The Bonanza Park Project is great and he fully supports the revitalization of this part of town. Park City is an inclusive town which accepts and welcomes people with different backgrounds and economic status but he is not sure that the burden of the project should be placed on folks living in the area. After observing the view from the condominiums of the site where the substation is proposed to be relocated he feels it *sucks*. It doesn't look good and as important as this project is we should not be doing it at the expense of a neighborhood. As a board member of an organization that promotes affordable housing, he can't advocate imposing this burden on that community. He does support the goals of the Bonanza Park Project, including the undergrounding of the power lines which will not be paid for by the CDA if the relocation does not occur. Mr. Wright suggested keeping the project on the current site and tall is not necessarily bad. It could fit in the neighborhood bringing more economic diversity to the project. Everything in Bonanza Park can be accomplished without moving the substation but there will have to be some compromises. If the decision is to impose the burden on this small community on the hill or making the existing project bigger and going up, he is in favor of making it bigger.

John DeRosa agreed with Mr. Wright's comments about the height of the proposed project. In the staff report dated November 15, 2012, the staff concluded that no restaurants would be located by the substation but storage spaces because the aesthetics of the area would be severely compromised because of the views from buildings. He fully agrees with staff's opinion that the substation will make adjacent properties undesirable and if the City proceeds with the relocation, the City is effectively saying it's okay to severely compromise other properties just not Mr. Fisher's. The staff report also concludes that these structures are not suitable for anyone with windows which hurts all of the existing viable workforce housing units on upper Iron Horse today. So much for supporting affordable housing and if the relocation occurs his investment in a unit will be taken away to help the developer make more money for himself and maybe the City will be able to collect more taxes down the road. The City appears to be pinning its hopes on potentially millions of tax dollars through a CDA, half of which are earmarked for education, on a significant gamble that Bonanza Park will be built out as planned. It seems that the Bonanza Park build-out is not enough and by voting to move the substation it appears that the City and the developer want the maximum revenue potential. He urged members to vote against the relocation because the citizens of Park City want to hear that profits are not what Park City is all about. There is no guarantee of any development if the substation is moved and the various parcels owned by the developer will be significantly enhanced in value without the substation in the middle of his parcels. The developer benefits substantially even if no development ever takes place which is his biggest concern. There is nothing that stops the developer from selling off part or all of his land. He stated that the developer is not taking a risk by putting up $11 million to move the substation; he is just investing wisely for his own benefit. In the process, he is dumping a massive detriment of property values on his neighbors in order to enhance his own property values. The damage to Iron Horse will happen immediately and will last forever if that substation is moved to Bonanza. He repeated comments about loss of property values. The City seems to want to subsidize the substation with our tax dollars varying from $3.7 million to over $11 million through the CDA which will dramatically enrich property values for the developer while hurting property values for others. He reiterated comments about loss of property values. Vote no on the relocation and City Council will never be sorry about doing the right thing.

Mike Todd stated that in addition to what Mr. DeRosa said which he supports, he simply wants to remind everyone that there was a scoring of potential sites. The existing site was far and away the highest scoring and most desirable site determined by the planning staff. The proposed relocation site was also far and away the lowest scoring of all of the available sites. There are reasons why the existing site was the highest scoring and many reasons why the proposed site was the lowest scoring by staff. He asked the Council to do the right thing and say no.

Bob Derber, resident, relayed that the School District raised its taxes to cover its operating deficit and the plan cannot happen without the District. He believed the Board is clueless and do not understand the ramifications. It would do the Council well to inform the School District.

Patricia Kempton stated that she is an owner at Iron Horse Condominiums and the creator of the petition on change.org to stop the substation from moving. She has 744 signatures as of an hour ago and agrees with all of the speakers. Some of the signers submitted comments that she wants to share with Council and really hopes that members take everything into consideration in terms of social injustice with the fact that there are affordable housing units surrounding the proposed site. Even though the area is zoned Light Industrial, technically anything could go there that fits the definition of the use. If anyone were to take the time and look at a map and the area where the proposed substation would be going you would realize that it is surrounded by an entry corridor, the Rail Trail and the other two sides are affordable housing. No one ever contemplated that the existing substation would move in this area and 30 years ago, it was a great idea to move it from Main Street (Park Avenue) to an industrial area. She understood that it was supposed to be moved to Holiday Ranch Loop and SR224 but was turned down was because it was on an entry corridor and by a neighborhood. The existing site is perfect and no one thought the substation would be moved across the street. She was flabbergasted about the proposal and even if the area is zoned Light Industrial the argument doesn't quite work in consideration of what is there. Ms. Kempton submitted comments for members to read and most are from Park City people. We are a tourist town but also a diverse community and small town. There are people here from all over the world enjoying our beautiful small town and there might be out-of-town signatures. She rarely signs petitions herself and the fact that someone would take the time to read it and sign it says a lot right there. She hoped Council will take all of this into account when making a decision. The School District cannot afford losing millions of dollars.

The Mayor complimented her on her commitment and civility on this matter. The way some of the Council members have been treated by certain people has been brutal and hurtful. He felt that the speakers have been civil and this is how the public process should work. He applauded her for her efforts regardless of what happens. Ms. Kempton stated that she appreciates his comments and one of the reasons she moved here was that she felt she can make a difference. She is a proponent for speaking up on what you believe in and every voice should be heard. Liza Simpson stated that all of those comments from the petition have come to Council by way of email and she is quite sure that members have read every one of them.

With no further comments, the public input session was closed.

IV MINUTES OF MEETING OF MAY 16, 2013

The Mayor requested a motion to approve the May 16th minutes. Liza Simpson, "I so move". Dick Peek seconded. Alex Butwinski interjected that he has one correction which will be given to the City Recorder. Motion unanimously carried (as corrected).

V NEW BUSINESS

1. Consideration of authorizing the City Manager to enter into a Professional Services Agreement with All American Arena Products for the replacement of the rubber flooring at the Park City Ice Arena in an amount not to exceed $105,000 – The Mayor

requested a motion to pull Item No. 1 from the agenda. Cindy Matsumoto, "I so move". Dick Peek seconded. Motion unanimously carried.

2. Consideration of an Ordinance adopting the Final Budget for Fiscal Year 2013-2014 and the Final Budget for Fiscal Year 2014-2015 for Park City Municipal Corporation and its related agencies – The Mayor opened the public hearing and with no public comment requested a motion to continue to June 20, 2013. Cindy Matsumoto, "I so move". Liza Simpson seconded. Motion unanimously carried.

3. Consideration of an Ordinance regulating the use of fireworks displays in Park City, Utah – Hugh Daniels recommended that Council hold a public hearing and adopt the proposed Ordinance prohibiting open fires and regulating the use of fireworks within Park City during the 2013 Fire Season and adopt the Summit County process for recovery of costs in responding to emergencies caused by an aggravated fire emergency. The staff report lays out the recommendation for this year which is very similar to last year's recommendation. This Ordinance is being presented to members about two weeks earlier this year. Mr. Daniels relayed that there is more moisture this year and the hills over the last two weeks went from really green to half green and half brown and unfortunately will be brown within the next couple of weeks. He has checked the National interagency Fire Center website and yesterday morning there were six large fires in the Western US and today there are 16 large fires. We have been lucky so far in Utah but we are surrounded. There are severe concerns about wildfire potential this year and in conjunction with the Fire Code Official, Fire Marshal, and Fire Chief it is recommended to restrict open flames as well as setting off fireworks during the Fire Season which will occur with the approval of this Ordinance effective immediately through October 31.

The Mayor opened the public hearing and with no input, closed the hearing. Alex Butwinski, "I move we adopt an Ordinance prohibiting open fires and regulating the use of fireworks within Park City during the 2013 Fire Season and adopting Summit County process for the recovery of costs for responding to emergencies caused by an aggravated fire emergency". Liza Simpson seconded. Motion unanimously carried.

4. Consideration of the expansion of the 412 Bistro dining deck, located at 412 Main Street, Park City, Utah – Jon Weidenhamer referred to his staff report and indicated that owner Steve McComb is in attendance to answer any questions. Alex Butwinski referred to the comment about the best use of newly created public space in the staff report. Mr. Weidenhamer stated that the City is spending a lot of money to make the improvements to walkways and sidewalks for pedestrians and the first thing we're asked to do is to expand a private deck on a portion of the improvements and the south bollard cuts into the ADA pan in an area geared for walkability.

Mr. Butwinski asked if the deck expansion will impact the Arts Festival and if the KAC Board needs to approve this project. Mr. Weidenhamer did not believe it will impact the Festival but that will be vetted before a lease is signed. Dick Peek asked if it is moved for construction, will it be reinstalled this year. Mr. McComb answered no, it's too expensive.

Steve McComb stated that he appreciates Mr. Weidenhamer rushing this request through and he is not even sure he is going to do it this year. He has had to redo the foundation for the deck because of the change in elevation and his wife is not sure they should do this. He will be meeting with the contractor and would like to have the option of extending his deck but doesn't want to lose any days on the deck. Dick Peek referred to the need to point-load the deck and expressed concerns that it would damage the new granite. Distributing the loads appropriately will need to be done to protect the pavers. Mr. McComb stated that they installed a larger footing on the corner on the gravel in the construction area to support the load. The same thing would have to be done for the extension where there would be a temporary foundation on the corner. Dick Peek pointed out the significant City investment in this sidewalk project and his proposal would have to be thoroughly explored by staff to ensure no damage occurs.

Liza Simpson expressed her confusion on whether the expansion is just for this year. Mr. McComb explained that he is planning on keeping it because it costs him the same to install it and take it away whether it is 20 feet or 26 feet. It costs him $1,200 to keep it there for the Arts Festival and part of this whole thing was if he has eight more seats, those eight seats over the course of the Arts Festival would pay for the $1,200 possibly. He has a double lot measuring 31 feet and is asking to go five feet from the end of the lot which is towards the OC Tanner building and the walkway. The costs to set it up and take it down and to have it through the Arts Festival are substantial.

Ms. Simpson expressed concerns about the extension encroaching into that space. If it is a temporary use and the space could be evaluated as the Main Street improvements proceed, she would be more interested. Mr. McComb repeated that his costs are high and the season will be shortened because he will set it up late and has agreed to take it down early when the sidewalk construction reaches his property. That date is unknown and he is hoping to have Labor Day but that might not happen so he has kind of agreed to remove the deck early which is a compromise in the process. Ms. Simpson felt that perhaps this isn't the right year to expand his deck and next year may be a better time because no one knows what the finished area will look like at this point.

Andy Beerman asked if his extra tables could be outside without being on the deck to test the space. Jon Weidenhamer believed the grade separation with the street probably wouldn't work. Mr. McComb interjected that the whole reason for the street dining deck is because of the incline. He tried setting tables in the street and people won't sit there except during Arts Festival when there are no cars. It would be a waste of his time to buy tables. People don't feel safe without stations around it.

Cindy Matsumoto asked if the extension encroaches on the ADA access. Jon Weidenhamer explained that the pan is about 12 to 14 feet wide and it doesn't affect the

ADA access. She asked about encroachment on the sidewalk and Steve McComb stated that he will be encroaching on the sidewalk in either case. Ms. Matsumoto stated that she is more comfortable with the request returning next year as part of the whole street dining plan for Main Street. She doesn't feel comfortable granting Mr. McComb the additional seats not knowing the impacts of the extension. If it doesn't work, she feared that Mr. McComb would be unhappy about spending the money.

Alex Butwinski felt that Ms. Matsumoto and Simpson covered his concerns. He walked the site the other day and he would be a lot more comfortable considering the request when the Main Street improvements are built out. Mr. McComb discussed having to change the foundation next year and will have the same issue on the Ciseros' deck. What normally would take two hours to set up took two guys 16 hours and then the gas line broke, he had to pay them an additional hour while the gas line was being repaired. It's another added cost. Mr. Butwinski continued to comment that this year, his request is cutting it short and as sympathetic as he is, he would be more comfortable looking at his request more holistically in the spring. Mr. McComb clarified that his Ciseros' deck will remain the same length but there is an issue with the Ciseros' sidewalk because when he remodeled in 1995, he had to install an I-beam in front of the building to comply with seismic code and of all of the businesses on Main Street, he has the narrowest walkway. One of his biggest concerns here is the installation of planters and losing the option to extend his deck next year. He will wait a year but he encouraged members to be sensitive to the fact that he has 31 foot frontage and his two decks had to have ADA ramps which takes up one seat. Single lots were allowed non-ADA ramps if they assist anyone handicapped onto the deck.

The Mayor opened the public hearing; there was no input and the hearing was closed. Mayor Williams stated that he is not supportive of decks encroaching on sidewalks at all which wasn't the plan when Council considered deck dining for the street. He is concerned approval of Mr. McComb's request will set a precedent and there will be requests from other owners which could be very problematic.

Liza Simpson, "I move that we deny the expansion of the 412 Bistro dining deck". Alex Butwinski seconded. Motion unanimously carried.

VI ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 2 p.m. Members in attendance were Mayor Dana Williams, Andy Beerman, Alex Butwinski, Cindy Matsumoto, Dick Peek, and Liza Simpson. Staff present was Diane Foster, City Manager; Jonathan Weidenhamer, Economic Development Manager; Phyllis Robinson, Public Affairs Manager; Matt Cassel, City Engineer; Thomas Eddington, Planning Manager; Nate

Rockwood, Capital Budget Manager; Heinrich Deters, Trails and Open Space Manager; and Mark Harrington, City Attorney. Alex Butwinski, "I move to close the meeting to discuss property and litigation". Liza Simpson seconded. Motion carried unanimously. The meeting opened at approximately 5:20 p.m. Alex Butwinski, "I move to open the meeting". Cindy Matsumoto seconded. Motion unanimously carried.

The City Council met in closed session after the adjournment of the regular meeting at approximately 7:15 p.m. Members in attendance were Mayor Dana Williams, Andy Beerman, Alex Butwinski, Cindy Matsumoto, Dick Peek, and Liza Simpson. Staff present was Diane Foster, City Manager; Phyllis Robinson, Public Affairs Manager; Nate Rockwood, Capital Budget Manager; and Mark Harrington, City Attorney. Liza Simpson, "I move to close the meeting to discuss property, personnel, and litigation". Cindy Matsumoto seconded. Motion carried unanimously.

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

Prepared by Janet M. Scott, City Recorder

City Council
Staff Report

Subject: **2013 Election Poll Worker Appointments**
Author: **Sharon Bauman, Senior Recorder / Election Official**
Department: **Executive**
Date: **July 11, 2013**
Type of Item: **Administrative**

Summary Recommendations:
Approve appointment of 2013 Election Poll Workers as recommended for the Municipal Primary Election on August 13, 2013 and General Election on November 5, 2013.

Topic/Description:
Pursuant to Utah Code Section 20A-5-602, at least 15 days before the election date, City Council shall appoint poll workers and al ternates for each consolidated voting precinct. Poll workers must be registered voters at least 18 years old or 17 years old who will be 18 years old by the date of the regular municipal election, and reside within Summit County. The City Council may not appoint any candidate's parent, sibling, spouse, child, or in-law to serve as a p oll worker in the voting precinct where the candidate resides. The persons appointed shall serve as poll workers for each voting precinct, or as an alternate.

Poll workers will receive compensation for their services at a rate established by Summit County which is currently $10.00 per hour. There are no changes in consolidated voting precincts and the polling locations for Consolidated Voting Precincts 2 and 3 will again be in the Park City High School, Eccles Center lobby.

Poll Worker appointments are recommended as follows:

<u>Consolidated Voting Precinct 1 – Marsac City Hall</u>
Precinct # 1 Deer Valley
Precinct # 2 Old Town S
Precinct # 3 Old Town N
Primary and General - Ruth Gezelius, Carol Sletta,

<u>Consolidated Voting Precincts 2 and 3 – Park City High School, Eccles Center Lobby</u>
Precinct # 3 Prospector
Precinct # 4 Thaynes Canyon
Precinct # 33 Sidewinder
Precinct # 5 Park Meadows S
Precinct # 6 Quarry Mountain
Precinct # 35 Park Meadows N
Primary - Claire Marlin, Lauri Heinrich, Mark Simmons
General – Rich and Linda Dolan, Emily Elliott, Gerd Holmsen

Pursuant to Utah State Code §20A-5-602(3), the Election Official shall prepare and file a list containing the name, address, voting precinct, and telephone number of each person appointed and this list shall be a vailable in the Executive Department for inspection, examination, and copying during business hours.

Background:
Park City benefits from continued support of citizens who serve as poll workers/election judges for Primary and General Municipal Elections and Park City sincerely appreciates the time and service of these citizens on election days.

Analysis:
The Election Official has verified that each person recommended to serve as a poll worker meets the qualifications outlined in the state code.

Department Review:
This report has been reviewed by the City Attorney and City Manager.

Alternatives:

A. **Approve the Request:**
This is staff's recommendation.

B. **Reject One or More Officials and Direct Replacement:**
Could be done if necessary.

C. **Continue the Item:**
The appointment must be made no later than 15 days prior to an election.

D. **Do Nothing:**
Not an option

Significant Impacts:
In the event poll workers were not appointed, the election would be impacted to such an extent it could not be held.

Consequences of not taking the recommended action:
Poll workers are a n ecessary component for the conduct of the City's primary and general municipal elections.

Recommendation:
Approve appointment of 2013 Election Poll Workers as recommended for the Municipal Primary Election on August 13, 2013 and the Municipal General Election on November 5, 2013.

City Council
Staff Report

Subject: Lifeboat Events – Bike DealerCamp
Author: Tommy Youngblood
Department: Sustainability
Date: July 11, 2013
Type of Item: Master Festival License

Summary Recommendations:

Review the Master Festival License application, conduct a public hearing, and approve the license for the Lifeboat Events – Bike DealerCamp, as conditioned, on July 25, 26 and 27 2013.

Topic:
Review the Master Festival License Application, submitted by Lifeboat Events, for the Bike DealerCamp on July 25, 26, and 27 2013.

Background:
Lifeboat Events, Bike DealerCamp is in its fourth year In Park City, their continued growth has led to this application for a Master Festival License. Prior to this year they have had approvals as a Special Event. Bike DealerCamp is the premiere demonstration based bicycle & accessories Expo in the nation. The Expo's setting in Park City offers buyers and manufacturers an exceptional riding experience on every type of conceivable road, path or trail. This is unparalleled, as compared toany other trade event.

For 2013, DealerCamp has registered 75 leading brands such as Accell Group, comprised of Raleigh and Diamondback bicycles, plus leading bike, component, and apparel brands such as Rocky Mountain, Pivot Cycles, BH Bikes, Campagnolo, Enve, Canari Cyclewear and Kali Protectives. They are also will have attendance by 500 unique and high quality retail buyers from around the nation, representing approximately 250 individual businesses. Many cross-over brands that have participated in the Outdoor Retailer Expo in Salt Lake City can now consider spending time with retail buyers and strong active lifestyle end-users alike at Bike DealerCamp 2013.

Bike DealerCamp would like to add a public day that will be launched on a Saturday July 27th, to maximize the impact of the added public day to an already well-known trade event. DealerCamp primary focus is on being a trade event, however the public has clamored to the fence line to gain access. Recognizing that the immediate areas and larger surrounding markets are populated with some of the most earnest active lifestyle residents, it was an easy decision for Lifeboat Events to bring this public day to life. The event will feature a Friday evening Cyclo-cross race event, hosted by Raleigh Bicycles to kick-off the next day's consumer event and on Saturday DealerCamp and Raleigh will stage a Ride 2 Recovery Honor Ride to benefit war veterans. With a goal of reaching 750 - 1000 unique consumer guests and over 100 brands exhibiting, the year one goal is modest, yet potentially a sturdy stepping stone to larger events ahead.

The event organizers and Staff continue meet with the local sporting goods outlets to discuss ideas of how to work in conjunction with DealerCamp. These outlets support the proposed application.

Lifeboat Events have a vision of this event potentially growing to a significant bike gathering or festival as early as 2014 to 2015. With so many strong demographic markets within the Salt Lake City area and so many consumers who have not had an event of this sort anywhere close, the forecast looks very promising.

The Bike DealerCamp is consistent with City Council's Goals of Preservation of Park City Character and to promote Park City as a multi-seasonal resort by maintaining its status as a World Class Resort which hosts such events as this and to increase the number and quality of events.

Analysis:

The event organizers have requested to hold the Bike DealerCamp on July 25, 26 and27, 2013.

Activities

The Bike DealerCamp Expo takes place in parking lots 5 & 6 of Deer Valley Resort and will begin on Thursday July 25th. On Friday evening July 26th there will be a Cyclo-cross race event around the Deer Valley ponds. On Saturday DealerCamp and Raleigh Bicycles will stage a Ride 2 Recovery Honor Ride to benefit war veterans. This will be a non-competitive ride and begin at the expo area; the route will take Deer Valley Drive to Bonanza Drive and out Hwy 248 to the county. Riders will use rules of the road. The ride organizers are stressing safety and the 'Share the Road' message to the participants. Once the route is determined 'riders on road' signs will be places throughout.

Parking

The Expo and attendee parking will be located on private property at the Deer Valley Parking lots. Traffic control measures and directional signs will be used to control parking along Deer Valley Loop.

This application is being reviewed as a Master Festival License due to the request for attraction of large crowds which causes significant public impacts via disturbance, crowd, traffic, and parking and use of City property and the use of off-site parking facilities.

Department Review:
PCMC event operational departments consisting of Special Events, Police, Planning, Building, Business Licensing, Parks, Building Maintenance, Public Works, Parking Services, Transit and the appropriate external governmental agencies have reviewed the application for the Bike DealerCamp application and their comments have been incorporated into the report. All departments continue to work with the organizer.

Alternatives:

A. Approve the Request:
Approve the Master Festival License allowing the Bike DealerCamp as described. This is staff's recommendation

B. Deny the Request:
Deny the Master Festival License, preventing the addition of the Bike DealerCamp to Park City's schedule of events as presented.

C. Modify:
The City Council may modify the approval of this application.

D. Continue the Item:
The City Council may continue the discussion in order to receive additional information.

E. Do Nothing:
Do nothing the Master Festival License would not be approved , preventing the addition of the Bike DealerCamp to Park City's schedule of events as presented

Significant Impacts:

	World Class Multi-Seasonal Resort Destination (Economic Impact)	Preserving & Enhancing the Natural Environment (Environmental Impact)	An Inclusive Community of Diverse Economic & Cultural Opportunities (Social Equity Impact)	Responsive, Cutting-Edge & Effective Government
Which Desired Outcomes might the Recommended Action Impact?	+ Balance between tourism and local quality of life + Varied and extensive event offerings + Multi-seasonal destination for recreational opportunities + Varied and extensive event offerings		+ Residents live and work locally	
Assessment of Overall Impact on Council Priority *(Quality of Life Impact)*	Very Positive ⬆	Neutral ⇔	Positive ⇧	Neutral ⇔
Comments:				

Consequences of not taking the recommended action:
The Bike DealerCamp would not take place within Park City as described.

RECOMMENDATION:
Staff recommends the City Council conduct a public hearing and approve a Master Festival License for the Bike DealerCamp on July 25, 26 and 27, 2013 based on the following Findings of Fact, Conclusions of Law and Conditions of Approval.

Findings of Fact:

1. The Bike DealerCamp finish will be held on July 25, 26,27 2013.
2. DealerCamp Expo will begin on Thursday July 25th. On Friday evening July 26th there will be a Cyclo-cross race event around the Deer Valley ponds, hosted by Raleigh Bicycles to kick-off the next day's consumer event and on Saturday DealerCamp and Raleigh will stage a Ride 2 Recovery Honor Ride to benefit war veterans. This will be a non-competitive ride and begin at the expo area; the route will use Deer Valley Drive to Bonanza Drive and out Hwy 248 to the county. Riders will use rules of the road. The ride organizers are stressing safety and the 'Share the Road' message to the participants. Once the route is determined 'riders on road' signs will be places throughout. The organizers will employ personnel to maximize the efficiency of parking. On Saturday there will be a Consumer Day on Saturday drawing a anticipated crowd of 1000.

3. The Expo and attendee parking will be located on private property at the Deer Valley Parking lots. Traffic control measures and directional signs will be used to control parking along Deer Valley Loop.
4. The events associated with the Bike DealerCamp will not require the diversion of so great a number of police, fire, or other essential public employees from their normal duties as to prevent reasonable police, fire, or other public services protection to the remainder of the City.
5. The concentration of persons, vehicles, or animals will not unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets or with the provision of other public health or safety services.
6. There are other Master Festival and Special Event Licenses that have been granted for July 25, 26, 27 2013. The table below will show in column (A) - Geographic separation of events; column (B) - Proposed time and duration of the events; column (C) - Anticipated attendance. The Bike DealerCamp will not substantially interfere with the logistics and venue for any event for which a license has already been granted and with the provision of City services in support of other such events or governmental functions based on the following:

DATE	EVENT	A – Geographic Separation	B - Proposed Time & Duration	C – Anticipated Attendance
July 25, 26,27	**Triple Crown**	**Quinn's Sports Complex, School district Fields**	**8am – 8pm**	**1500**
July 25	**PlazaPolozza**	**Silver Star**	**6pm -9pm**	**250**
July 26	**Gallery Stroll**	**Main Street**	**5pm -9pm**	**100**
July 27	**Classic Car Show**	**Lower Main Street**	**10am -2pm**	**250**
July 27	**Summer Skate Series**	**City Skate Park**	**11am – 3pm**	**100**

7. The size of the crowd and nature of the event will not create an imminent possibility of violent disorderly conduct likely to endanger public safety or cause significant property damage.
8. The applicant has been working with City Staff and applicable departments to address all event concerns. The Applicant demonstrates an ability and willingness to conduct the event pursuant to the terms and conditions of this Chapter and has not failed to conduct a previously authorized event in accordance with the law or the terms of a license, or both.

Conclusions of Law:

1. The application is consistent with the requirements of the Park City Municipal Code, Title 4, Chapter 8.

Conditions of Approval:

1. The applicant, at its' cost, shall incorporate such measures as directed by Staff in order to ensure that any safety, health, or sanitation equipment, and services or facilities reasonably necessary to ensure that the event will be conducted with due regard for safety are provided and paid for by the applicant.

2. The applicant will work with City Staff to orient the activities so as to minimize sound impacts to the neighborhood and the applicant shall monitor the following:
   (A) The program manager, or his/her designee, shall provide on-site management for each aspect of the event.
   (B) The program manager shall be responsible to ensure that the sound system maintains the sound at an A-weighted sound level adjustment and maximum decibel level of 90, as measured twenty-five feet (25') in front of the stage.
   (C) All events except race fee entry shall be open to the public and free of charge.
3. Applicants shall provide proof of liability insurance in the amount of four million dollars ($4,000,000) or more as may be required by the Special Events Manager or the City Attorney's Office, and shall further name Park City Municipal Corporation as additional insured. All Applicants shall further indemnify the City from liability occurring at the event except for any claim arising out of the sole negligence or intentional torts of the City or its employees.
4. All plans for tents, stages and other temporary structures shall be submitted to the Building Department for review and permitting by July 12, 2013.
5. The applicant is responsible for a Race Operation, Parking and Pedestrian Management Plan in a form approved by the Park City Municipal Event Manager and Chief of Police.
6. The applicant use of barricade and signage will be in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) for the duration of the event.
7. All Summit and Wasatch County permit approvals required for this event shall be secured by July 12, 2013. and submitted to Park City Municipal.

<u>Attachments</u>

Exhibit A - Event Application

(1)

PARK CITY 1884

Park City Municipal Corporation

Master Festival & Special Event Application

Special Events
435.615.5150
specialevents@parkcity.org

Master Festival (MFL) & Special Event Applications **MUST** be complete and submitted to the Special Events Department no Less than **90 Days Prior** to a MFL and no less than **60 Days Prior** to a Special Event for staff review. Applications not submitted within that timeframe may not be granted approval. Refer to Park City Special Event Planning Guide for answers to the most frequently asked event related questions

This application **DOES NOT** constitute a valid permit until approved by the Special Events Department and/or Park City Council

APPLICATION FEES

All new applications require a $100.00 non-refundable application processing fee
All applications for returning events require a $50.00 non-refundable application processing fee

Additional fees for other services, including Health Department, Fire Department, and City Services will be estimated and provided to the applicant.

EVENT INFORMATION

MASTER FESTIVAL CRITERIA (PUBLIC EVENT) (If one box is checked the event is automatically an MFL)	☒ Attraction of crowds over 500 participants and or spectators	☐ Requires Partial or Full Street Closure or use of Public Right of Way	☐ Use of City park, buildings or other properties or transportation system	☐ Use of off –site parking facility	☐ Use of Amplified Music in or adjacent to a residential neighborhood
SPECIAL EVENT CRITERIA (PUBLIC OR PRIVATE EVENT)	☐ Causes significant public impacts via disturbance, crowd, traffic, and or parking	☐ Disruption of the normal routine of the community or affected neighborhood	☐ Necessitates temporary business or liquor licensing in conjunction with public impacts	☐ Necessitates the use of city personnel	

EVENT TYPE

☐ Street Fair/Festival	☐ Run - Walk	☐ Parade	☐ Trail Event **Additional regulations required; see Special Event Planning Guide for details or visit www.parkcity.org**	☐ Concert	☐ Road Bike Event

Other Type of Event (Please Specify): BICYCLE DEMO EVENT - NEW PRODUCTS SHOW

APPLICANT AND SPONSORING ORGANIZATION INFORMATION

NAME: Lifeboat Events / Chad Battistone	POSITION: DIR OF OPERATIONS / PARTNE
STREET ADDRESS: 27971 LORENTA Lane	CITY, STATE, ZIP CODE: LAGUNA NIGUEL, CA 92677
MAILING ADDRESS: (If different from above)	CITY, STATE, ZIP CODE:
TELEPHONE (WORK): 714.348.8749	MOBILE PHONE: 714.348-8749 / OTHER:
EMAIL ADDRESS: CHAD@LIFEBOATEVENTS.COM	FAX NUMBER:
SPONSORING ORGANIZATION:	Is organization a registered non-profit? ☐ Yes ☐ No (If yes, please provide copy of registration paperwork)
ONSITE CONTACT: (day/s of event) CHAD BATTISTONE	MOBILE PHONE: 714.348.8749
NAME OF EVENT: BIKE DEALER CAMP	
☐ FIRST TIME EVENT ☒ ANNUAL EVENT (How many years?) 4	Will a fee be charged for attendance or participation? ☒ Yes ☐ No

Overall Event Description (Briefly explain event and activities):
VIEWING & TESTING OF COMING YEARS CYCLING PRODUCTS

EVENT DATES AND TIMES

EVENT DATE(S): JULY 25 - 27 2013	EVENT HOURS - START TIME: 9 AM	END TIME: 6 PM
SET-UP DATE/S: 23-24 / TIME/S: 8AM - 5PM	BREAKDOWN DATE/S: 27/28	TIME/S: 6PM-8PM / 7AM-12
ESTIMATED ATTENDANCE - PARTICIPANTS: 2500	SPECTATORS: —	TOTAL: 2500
EVENT LOCATION: DEER VALLEY RESORT PARKING LOTS 5 & 6		

EVENTS WITH ATTENDANCE HIGHER THAT 500 REQUIRES A SUMMIT COUNTY MASS GATHERING PERMIT

City Council Staff Report

Planning Department

Subject:	**Land Management Code Amendments**
Author:	**Kirsten Whetstone, MS, AICP**
Date:	**July 11, 2013**
Project Number:	**PL-12-01631**
Type of Item:	**Legislative Code Amendments**

Summary Recommendations

Staff recommends the City Council conduct a public hearing, consider any input, and consider approving the proposed Land Management Code (LMC) amendments for Chapter 2.18 (General Commercial zoning district) and Chapter 6 (Master Planned Developments) as outlined in this Staff report and in the attached Ordinance.

Topic/Description

Staff prepared these LMC amendments as part of the annual review of the Park City Land Management Code. These items have been re-noticed for public hearing on July 11th.

- Chapter 6- Master Planned Developments (MPDs) (Exhibit A)
  - Revise purpose statements for MPDs.
  - Clarify applicability of MPDs in all zoning districts.
  - Add additional review requirements applicable to all MPDs related to building height, landscaping, historic mine waste mitigation, and resort accessory uses.

- Chapter 2.18- General Commercial Zone (GC), specifically LMC Section 15-2.18-3 (I) regarding the Prospector Overlay site development requirements (Exhibit B)
  - Amend the code to reflect the correct Lot numbers that are subject to the Prospector Overlay (Section 15-2.18-3 (I) (1)-(3)) and to clarify that any Commercial Lot within the Prospector Overlay that is also within the Frontage Protection Zone (FPZ), shall comply with FPZ setbacks.

Background

The Planning Department, on an annual or bi-annual basis, reviews the LMC to address planning and zoning issues that have come up during the past year. These amendments provide clarification and streamlining of processes, procedures, and definitions and provide consistency of code application between Chapters as well as consistency with the General Plan, Council Goals, Utah Code, and recorded subdivision plats.

The proposed revisions for discussion listed above are further described in the Analysis section below. A redlined version of the revised sections for each Chapter is included as Exhibits A and B.

The Planning Commission held work sessions and/or regular meetings on August 22nd, September 12th, September 26th, November 28th , and December 12th, 2012 to discuss these proposed LMC amendments, as well as other amendments that have already been reviewed and approved by the City Council on December 20, 2012.

Discussion related to Chapter 6- Master Planned Developments was continued on December 12th to allow staff additional time to address the issues raised by the public and the Commission. The Historic Preservation Board held a work session meeting on November 7th to discuss the LMC amendments related to the Historic District. See Exhibit E for minutes of these meetings. At the May 8, 2013 meeting the Planning Commission conducted a public hearing and voted unanimously to forward a positive recommendation to the City Council on these LMC Amendments. The Commission concurred that MPDs should only be allowed in the HCB and HRC, as currently allowed, when the property also includes HR-1 and HR-2 zoning. No height exceptions are allowed for MPDs located in the HCB, HRC, HR-1, and HR-2 zones. The Commission continued to a date uncertain, the discussion on Open Space as it relates to Master Planned Developments. Staff will return with amendments to the Open Space language following adoption of the General Plan to ensure consistency among these City documents (Exhibit H).

<u>Analysis</u>
Analysis for each topic is included following the proposed amendment language.

1. Clarify which lots in the Prospector Square Subdivision are subject to the reduced site requirements as stated in Chapter 2.18-3 (I) (GC Zone) and include a reference to this Prospector Overlay exception in the Front, Rear, and Side Yard requirements section of the GC zone.

Proposed language (see redlines):

15-2.18-3. LOT AND SITE REQUIREMENTS.

(A) **<u>FRONT YARDS</u>**. The minimum Front Yard is twenty feet (20') for all Main and Accessory Buildings and Uses. The twenty foot (20') Front Yard may be reduced to ten feet (10'), provided all on-Site parking is at the rear of the Property or ~~under ground~~<u>underground</u>. The Frontage Protection Overlay Zone (FPZ) requires a minimum landscaped buffer of thirty-feet (30') in width abutting the Street. See Section 15-2.20. <u>The Prospector Overlay allows reduced site requirements for designated Affected Lots. See Section 15-2.18-3 (I).</u>

… (Note- No changes proposed to Sections (B), (D), (F), or (G))

(C) **REAR YARD**. The minimum Rear Yard is ten feet (10'). The Prospector Overlay allows reduced site requirements for designated Affected Lots. See Section 15-2.18-3 (I).

…

(E) **SIDE YARD**.

(1) The minimum Side Yard is ten feet (10').

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

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

(4) On Corner Lots, the Side Yard that faces a Street is considered a Front Yard and the Setback must not be less than twenty feet (20').

(5) The Prospector Square Overlay allows reduced site requirements for designated Affected Lots. See Section 15-2.18-3 (I).

(I) **PROSPECTOR OVERLAY ESTABLISHING A MAXIMUM FLOOR AREA FOR DEVELOPMENT**. The following requirements apply to specific Lots in the Prospector Square Subdivision:

(1) **AFFECTED LOTS**. Lots 2A through Lot 49D, except Lots 40, 41, 42, 43, 44, 45, and 46, and parking Lots A through K as shown on the Amended Prospector Square Subdivision Plat.

(2) **MAXIMUM FLOOR AREA RATIO (FAR)**. The FAR must not exceed two (2.0) for all Affected Lots as specified above. All Uses within a Building, except enclosed Parking Areas, are subject to the Floor Area Ratio (FAR). Parking Lots A - K must have no Use other than parking and related Uses such as snow plowing, striping, repaving and landscaping.

(3) **REDUCED SITE REQUIREMENTS**. In the Prospector Square Subdivision, ~~Lots 2 to 38,~~ Front, Side and Rear Yards may be reduced to zero feet (0') for all Affected Lots as specified above. ~~except for c~~Commercial Lots within the Frontage Protection Zone shall comply with FPZ setbacks per LMC Section 15-2.20. This section is not intended to conflict with the exceptions listed above nor shall it be interpreted as taking precedence over the requirement of Section 15-2.18-3(H) Clear View of Intersection. ~~Streets.~~

<u>Analysis of GC Zone Amendments</u>
The Prospector Square Subdivision and Prospector Overlay allow zero lot line development for the small lots clustered along pedestrian walkways with shared parking lots and required larger setbacks for General Commercial (GC) site development for the larger lots on the perimeter (the "affected lots"). During one of LMC re-writes in the late 1990s or early 2000, an error was made in listing which lots required the larger setbacks and Lot 44 was left out (Exhibit C). The Prospector condominium project was constructed on Lot 44. This is not a zero lot line development and should be excluded from the list of "Affected Lots".

Additionally, in the listing of Affected Lots (lots allowed to have zero setbacks) lots 47A through 49D were inadvertently deleted. Furthermore, Lot 39 no longer exists as it was deleted during the Prospector Square subdivision supplemental plat amendment to allow for FPZ open space buffer at the intersection of Bonanza Drive and Kearns Blvd.

Additionally, the Floor Area Ratio of two (2) was intended to apply to the Affected Lots and the code should be amended to clarify this requirement within the Prospector Overlay language. There is no FAR in the General Commercial zone for property not subject to the Prospector Overlay zone and those lots excluded from the specific requirement of a Floor Area Ratio of two (2) are subject to the GC zone for site development requirements, including setbacks and building height.

Staff recommends these GC amendments in order to correctly reflect the allowed development requirements for the Lots within the amended Prospector Square Subdivision, subject to the Prospector Overlay. No public input was provided on these amendments during the Planning Commission review and the Commission voted unanimously to forward a positive recommendation to the City Council on these amendments.

2. Clarify purpose and applicability for Master Planned Developments (Chapter 6).

Proposed language (see redlines):

Master Planned Developments

15-6 -1. PURPOSE.

The purpose of this Chapter is to describe the process and set forth criteria for review of Master Planned Developments (MPDs) in Park City. The Master Planned Development provisions set forth Use, Density, height, parking, design theme and general Site planning criteria for larger and/or more complex projects having a variety of constraints and challenges, such as environmental issues, multiple zoning districts, location within or adjacent to transitional areas between different land Uses, and infill redevelopment where the MPD process can provide design flexibility necessary for well-planned, mixed use developments that are

Compatible with the surrounding neighborhood. The goal of this section is to result in projects which:

(A) complement the natural features of the Site;

(B) ensure neighborhood Compatibility, including historic neighborhood Compatibility;

(C) strengthen the resort character of Park City;

(D) result in a net positive contribution of amenities to the community;

(E) provide a variety of housing types and configurations;

(F) provide the highest value of open space for any given Site;

(G) efficiently and cost effectively extend and provide infrastructure;
(H) provide opportunities for the appropriate redevelopment and reuse of existing structures/sites and maintain Compatibility with the surrounding neighborhood;

(I) protect residential uses and residential neighborhoods from the impacts of non-residential Uses using best practice methods and diligent code enforcement;

(J) encourage mixed Use, walkable and sustainable development and redevelopment that provide innovative and energy efficient design, including innovative alternatives to reduce impacts of the automobile on the community;~~.~~ and

(K) encourage opportunities for economic diversification and economic development within the community.

15-6 -2. APPLICABILITY.

(A) **Required.** The Master Planned Development process shall be required in all zones **except** in the Historic Residential- Low Density (HRL), Historic Residential (HR-1), Historic Residential 2 (HR-2),~~Historic Residential - Low Density (HRL)~~, ~~and Historic Residential – Medium Density (HRM)~~ Historic Recreation Commercial (HRC), and Historic Commercial Business (HCB) for the following:

(1) Any Residential project with ~~larger than~~ ten (10) or more Lots or with ten (10) or more Residential Unit Equivalents~~units~~.

(2) All Hotel and lodging projects with more than fifteen (15) Residential Unit Equivalents.

(3) All new Commercial, Retail, Office, P~~p~~ublic or Q~~q~~uasi-P~~p~~ublic , or ~~i~~Industrial projects with more ~~greater~~ than 10,000 square feet Gross Floor Area.

(4) All projects utilizing Transfer of Development Rights Development Credits.

~~(B) The Master Planned Development process is allowed but is not required in the Historic Commercial Business (HCB), Historic Recreation Commercial (HRC), Historic Residential (HR-1) and Historic Residential (HR-2) zones, provided the subject property and proposed MPD include two (2) or more zoning designations.~~

(B) **Allowed, but not required.**

(1) The Master Planned Development process is allowed, but is not required, in the Historic Residential (HR-1) and Historic Residential 2 (HR-2) zones only when the HR-1 or HR-2 zoned Properties ~~parcels~~ are combined with adjacent HRC or HCB zoned Properties. Height exceptions will not be granted for Master Planned Developments within the HR-1. HR-2, HRC, and HCB Zoning Districts. See Section 15-6-5 (F) Building Height.~~; or~~

(2) The Master Planned Development process is allowed, but is not required, when t~~T~~he Property is not a part of the original Park City Survey or Snyder's Addition to the Park City Survey and ~~which may be considered for~~ the proposed MPD is for an Affordable Housing MPD~~s~~ consistent with Section 15-6-7 herein.

(C) Not allowed.

The Master Planned Development process is not allowed or permitted, except as provided in Sections A and B above and as described in LMC Section 15-6-7 Master Planned Affordable Housing Developments, or as specifically required by the City Council as part of an Annexation or Development Agreement.

Analysis of Chapter 6- Master Planned Development- purposes and applicability

Planning Commission held work session and/or public hearings on August 22nd, September 12th, September 26th, November 28th, and December 12, 2012 to discuss proposed LMC amendments to Chapter 6. On August 23, 2012, the City Council held a Work Session regarding a future addition to the historic Kimball

Art Center (KAC) building. Council indicated it was supportive of exploring options that would allow for public dialogue regarding this project to occur. As the Code is currently written and interpreted, a Master Planned Development application for any addition to the KAC could not be submitted to the Planning Department for review, as MPDs are not specifically permitted in the HRC zone, unless the proposed MPD crosses into another zoning district. The KAC property is located entirely within the HRC zone.

At the September 12th meeting the Commission reviewed proposed language that would have allowed MPDs in the HRC and HCB for the larger projects (i.e. 10 or more lots, more than 15 hotel units, or more than 10,000 sf of new commercial space) as is the case in the rest of the zoning districts. At the meeting the Commission requested historical information regarding the inclusion and exclusion of MPDs in the Historic District. On October 24th the Commission discussed LMC Amendments related to Height and Story in the Historic Residential zones and continued discussion on subject LMC Amendments to November 28th. There was public input presented The Commission continued the item (Exhibit E). This historic timeline (Exhibit D) regarding MPDs in the Historic District was presented to the Planning Commission on November 28th.

At the meeting on November 28th the Commission directed staff to not allow height exceptions for MPDs in the HRC and HCB zones. MPDs are allowed in the HR-1 and HR-2 zones for properties that also include HRC and HCB zoned property; however height exceptions are not permitted currently in the HR-1 and HR-2 zones. The MPD is a useful tool for these properties to address challenges presented with setbacks for underground structures that cross zone lines where setback requirements vary. The existing HR2 zone language was adopted within the past 2 years and specifically utilizes the MPD process to address challenges presented by projects that cross into the HCB zone. As not all of the Commission was present at the November 28th meeting, the Commission requested staff continue this discussion to the December 12th meeting.

The Historic Preservation Board (HPB) held a work session meeting on November 7th to discuss the LMC amendments as they relate to the Historic District. At that time Staff presented the language discussed previously by the Planning Commission to allow MPDs in the HRC zone only if the property is within the Heber Avenue Subzone (north side of Heber Avenue between Park Avenue and Deer Valley Drive). The HPB discussed the applicability of MPDs in the historic district and the proposal to limit the height of buildings within MPDs to 50’ regardless of whether all of the allowable building volume had been utilized. The majority of the HPB was in agreement that MPDs should not be allowed in the Heber Avenue subzone or allowed for some property and not for others.

At the November 28th and December 12th meetings staff sought input from the Planning Commission on the issue of where MPDs should and should not be required and/or allowed. After much discussion, the Commission requested additional information regarding applicability of MPDs as well as review criteria, such as height exceptions, open space requirements, and uses that would trigger an MPD. The Commission was generally not comfortable changing the LMC language for a specific project that could have implications throughout Old Town. The Commission discussed processes and options available for the Kimball Arts Center, as well as other projects, in terms of the ability to submit an application when it clearly does not meet the Code. The Commission generally agreed that MPDs should be allowed in the Historic Districts and also generally agreed that height exceptions for those MPDs in Old Town should not be allowed. Some Commissioners believed that height exceptions could be used effectively to enhance the community and provide better design. After further discussion and several motions, the Commission moved to continue the LMC amendments regarding MPDs, Building Height, and Open Space to the January 9th meeting with direction to Staff to bring back language that makes it clear that no exceptions to building height will be allowed in the HRC and HCB zones.

At the January 9th, 2013 meeting Staff requested a continuation of the LMC Amendments in order to finalize the items that the Commission already forwarded to the City Council and to finalize work on the General Plan.

On May 8, 2013, Staff prepared a report for the Commission's review, re-noticed the public hearing and requested the Commission revisit the issue of MPD applicability and discuss whether to:

- Forward the current proposed language that <u>does not require</u> MPDs within the HRC and HCB districts, regardless of size of project. MPDs would still be allowed for those properties that contain more than one zone, e.g. the HR-1/HRC and HR-2/HCB zoned properties, as is currently allowed. MPDs would not be allowed for properties that contain only HRC or HCB zoning or for properties containing both HRC and HCB zoning. This language includes the restriction on any height exceptions for MPDs located in the HR-1, HR-2, HRC, and HCB zones; OR
- Consider amending the proposed language <u>to require</u> MPDs within the HRC and HCB districts for all larger projects (as described in the Code) and keep the proposed MPD language that does not allow height exceptions to be granted in the HR-1, HR-2, HRC, and HCB (limits height to 32' in HRC and 45' in HCB). This would provide MPD level of review and a public hearing for all larger projects in the Historic District. MPDs also have requirements for greater levels of public benefits, such as development agreements, site plan elements, and affordable housing requirements.

The Commission held a public hearing and discussed the MPD amendments regarding applicability and open space. The Commission continued the discussion on Open Space and voted unanimously to forward a positive recommendation to Council on the remaining Chapter 6- MPD amendments recommending against MPDs in the HR-1, HR-2, HRC, and HCB zoning districts, unless the property contains two zoning designations, as the code currently allows.

Public comment received since the December 12th meeting is attached as Exhibit F. There was generally no support for MPDs or height exceptions for MPDs in the HR-1, HR-2, HRC, and HCB districts due to compatibility issues with historic structures.

Staff provided the following additional options at the May 8th meeting with a caveat that Staff does not support or recommend these options due to compatibility issues with existing historic structures, however there was interest within the City to provide these options for discussion purposes:

- allow up to a 50% of zone height exception in the HRC Heber Avenue Subzone only- limits height to 48' from currently allowed 32' (37' for pitched roof).
- allow a height exception in the HRC zone only up to the HCB height- limits height to 45' (per HCB volumetric regulations)

The Council may wish to discuss these options. However, the Staff and Planning Commission recommendation is to only permit MPDs in the HR-1, HR-2, HCB, and HRC zones when the site contains multiple zoning designations, such as HCB and HR-2 and that no height exceptions are permitted for these MPDs. MPDs are allowed in the HRM as this area of lower Park Avenue consists of large lots and properties where multi-dwelling units are permitted and MPD review would be beneficial for such properties and could yield enhanced site planning and design.

Staff received several emails regarding the proposed MPD language as it relates to the KAC project (Exhibit F). The Planning Commission concurred and the proposed language does not allow height exceptions for MPDs in these zones.

3. Additional review criteria for all Master Planned Developments (MPD), including building height, landscaping, mine hazards and historic mine waste mitigation, and resort accessory uses (Chapter 6). Open Space amendments are continued to a date following General Plan adoption.

Proposed language (see redlines):

15-6 -5. MPD REQUIREMENTS.

All Master Planned Developments shall contain the following minimum requirements. Many of the requirements and standards will have to be increased in order for the Planning Commission to make the necessary findings to approve the Master Planned Development.

…

15-6-5. (F) **BUILDING HEIGHT**.

The Building H~~h~~eight requirements of the Zoning Districts in which an MPD is located shall apply except that the Planning Commission may consider an increase in Building H~~h~~eight based upon a Site specific analysis and determination. Building Height exceptions will not be granted for Master Planned Developments within the HR-1, ~~and~~ HR-2, HRC, and HCB Zoning Districts.

The Applicant will be required to request a Site specific determination and shall bear the burden of proof to the Planning Commission that the necessary findings can be made. In order to grant Building H~~h~~eight in addition to that which is allowed in the underlying zone, the Planning Commission is required to make the following findings:

(1) The increase in Building Height does not result in increased square footage or Building volume over what would be allowed under the zone required Building Height and Density, including requirements for facade variation and design, but rather provides desired architectural variation, unless the increased square footage or Building volume is from the Transfer of Development Credits;

(2) Buildings have been positioned to minimize visual impacts on adjacent Structures. Potential problems on neighboring Properties caused by shadows, loss of solar Access, and loss or air circulation have been mitigated ~~to the extent possible~~ as determined by the Site Specific analysis and approved by the Planning Commission;

(3) There is adequate landscaping and buffering from adjacent Properties and Uses. Increased Setbacks and separations from adjacent projects are being proposed;

(4) The additional Building Height ~~has~~ results~~ed~~ in more than the minimum O~~o~~pen S~~s~~pace required and ~~has~~ results~~ed~~ in the O~~o~~pen S~~s~~pace being more usable and includes Publicly Accessible Open Space;

(5) The additional Building H~~h~~eight shall be designed in a manner ~~so as to~~ that provides a transition in roof elements in compliance with Chapter 5, Architectural Guidelines or the Design Guidelines for Park City's Historic Districts and Historic Sites if within the Historic District;

If and when the Planning Commission grants additional Building H~~h~~eight due to a Site ~~specific~~ Specific analysis and determination, that additional Building H~~h~~eight shall only apply to the specific plans being reviewed and approved at the time. Additional Building Height for a specific project will not necessarily be considered for a different, or modified, project on the same Site.

15-6-5. (H) **LANDSCAPE AND STREET SCAPE.**

A complete landscape plan must be submitted with the MPD application. The landscape plan shall comply with all criteria and requirements of LMC Section 15-5-5 (M) LANDSCAPING.

~~To the extent possible, existing Significant Vegetation shall be maintained on Site and protected during construction. Where landscaping does occur, it should consist primarily of appropriate drought tolerant species. Lawn or turf will be limited to a maximum of fifty (50%) of the Area not covered by Buildings and other hard surfaces, and no more than seventy-five percent (75%) of the above Area may be irrigated. Landscape and Streetscape will use native rock and boulders.~~

All noxious weeds, as identified by Summit County, shall be removed from the Property in a manner acceptable to the City and Summit County, prior to issuance of Certificates of Occupancy.

Lighting must meet the requirements of LMC Chapter 15-5, Architectural Review.

15-6-5. (M) **HISTORIC MINE WASTE MITIGATION.**

For known historic mine waste located on the property, a soil remediation mitigation plan must be prepared indicating areas of hazardous soils and proposed methods of remediation and/or removal subject to the Park City Soils Boundary Ordinance requirements and regulations. See Title Eleven Chapter Fifteen of the Park City Municipal Code for additional requirements.

15- 6- 6. REQUIRED FINDINGS AND CONCLUSIONS OF LAW.

The Planning Commission must make the following findings in order to approve a Master Planned Development. In some cases, conditions of approval will be attached to the approval to ensure compliance with these findings.

(A) The MPD, as conditioned, complies with all the requirements of the Land Management Code;

(B) The MPD, as conditioned, meets the minimum requirements of Section 15-6-5 herein;

(C) The MPD, as conditioned, is consistent with the Park City General Plan;

(D) The MPD, as conditioned, provides the highest value of O~~o~~pen S~~s~~pace, as determined by the Planning Commission;

(E) The MPD, as conditioned, strengthens and enhances the resort character of Park City;

(F) The MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible;

(G) The MPD, as conditioned, is Compatible in Use, scale, and mass with adjacent Properties, and promotes neighborhood Compatibility and Historic Compatibility, where appropriate and protects residential neighborhoods and Uses;

(H) The MPD, as conditioned, provides amenities to the community so that there is no net loss of community amenities;

(I) The MPD, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.

(J) The MPD, as conditioned, meets the Sensitive Lands requirements of the Land Management Code. The project has been designed to place Development on the most developable land and least visually obtrusive portions of the Site;

(K) The MPD, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections; and

(L) The MPD has been noticed and a public hearing has been held in accordance with this Code.

(M) The MPD, as conditioned, incorporates best planning practices for sustainable development, water conservation measures and ~~including~~ energy efficient design and construction per the Residential and Commercial Energy and Green Building program and codes adopted by the Park City Building Department in effect at the time of the Application.

(N) The MPD, as conditioned, addresses and mitigates Physical Mine Hazards according to accepted City regulations and policies.

(O) The MPD, as conditioned, addresses and mitigates Historic Mine Waste and complies with the requirements of the Park City Soils Boundary Ordinance.

…

15-6-8. (G) **RESORT ACCESSORY USES**.
The following Uses are considered accessory for the operation of a resort for winter and summer operations. These Uses are considered typical back of house uses and are incidental to and customarily found in connection with the principal Use or Building and are operated for the convenience of the Owners, occupants, employees, customers, or visitors to the principal resort Use. Accessory Uses associated with an approved summer or winter resort do not require the Use of a Unit Equivalent. These Uses include, but are not limited to, such Uses as:

Information
Lost and found
First Aid
Mountain patrol
Administration
Maintenance and storage facilities
Emergency medical facilities
Public lockers
Public restrooms
Employee restrooms, employee locker rooms, employee break rooms, and employee dining areas ~~and Areas~~
Ski school/day care facilities
Instruction facilities
Ticket sales
Equipment/ski check
Circulation and hallways for these Resort Accessory Uses

Analysis of Chapter 6- Master Planned Developments review criteria
These proposed amendments to Chapter 6 are intended to clarify existing MPD review criteria and to provide additional review criteria and requirements for all MPDs within Park City, specifically regarding building height, landscaping, removal of noxious weeds,

mine waste, and resort accessory uses. See Exhibit G for the revised and approved Section 15-5-5 (M) Landscaping that is being referred to within the MPD Chapter. This amended language provides consistency between Chapters regarding landscape requirements and overall strengthens review criteria for all MPDs.

Department Review

These amendments have been reviewed by the Planning, Engineering and Legal Departments. Concerns and comments are reflected in the proposed language.

Alternatives

- Approve: Conduct a public hearing, consider input, and consider adopting an Ordinance approving the LMC amendments as presented,
- Deny: Conduct a public hearing, consider input, and deny the LMC amendments as presented,
- Modify: Conduct a public hearing, consider input, and modify the LMC amendments as discussed at the meeting,
- Continue: Continue action on the LMC amendments to a date certain and provide Staff with direction regarding further changes and/or additional information necessary in order to make a decision on these items.

Significant Impacts

The proposed LMC Amendments provide clarification and streamlining of processes, procedures, and definitions and provide consistency of code application between Chapters as well as consistency with the General Plan, Council Goals, and Utah Code. The GC zone amendment also provides consistency between the recorded subdivision plat and the site and lot requirements in the Code. The MPD amendments clarify the applicability language and strengthen review criteria for all MPDs within the City.

Consequences of not taking the recommended action

The Land Management Code would not be amended and the processes, procedures, and definitions will not be clarified or made consistent between Chapters, the General Plan, and Utah Code. The GC zone requirements will not be consistent with the recorded subdivision plat.

Process

Amendments to the Land Management Code require Planning Commission recommendation and City Council adoption and become pending upon publication of legal notice. City Council action may be appealed to a court of competent jurisdiction per LMC Section 15-1-18.

Notice

The public hearing was legally noticed in the Park Record for this meeting. The legal notice was also posted according to requirements of the Land Management Code.

Public Input

Public hearings were noticed for the September 12th and 26th, October 24th, November 28th and December 12th meetings. Public input on these amendments was provided at the September 12th and 26th meetings as well as at the October 24th, November 28th, December 12th, 2012 and May 8, 2013 Planning Commission meetings. Public input is addressed in the Analysis sections of this report and provided in the attached meeting minutes (Exhibits E and H).

Recommendation

Staff recommends the Planning Commission conduct a public hearing, consider any input, and consider forwarding to City Council a positive recommendation regarding the Land Management Code amendments for Chapter 2.18 (General Commercial zoning district) and Chapter 6 (Master Planned Developments) as outlined in this Staff report and in the attached Ordinance.

Exhibits

Ordinance
Exhibit A- Chapter 2.18 – General Commercial (GC) Zoning District
Exhibit B- Chapter 6- Master Planned Developments
Exhibit C- Prospector Square Subdivision plats
Exhibit D- MPD History and Timeline
Exhibit E- Planning Commission minutes (August 22nd, September 12th , September 26th, November 28th and December 12th, 2012) and HPB minutes from November 7th, 2012
Exhibit F- Public input regarding MPD amendments
Exhibit G- Revised and approved Landscaping requirements in Chapter 5
Exhibit H- Planning Commission meeting minutes from May 8, 2013

DRAFT

Ordinance 13- __

AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, REVISING SECTIONS 15-2.18 and 15-6 REGARDING REDUCED SITE REQUIREMENTS IN THE PROSPECTOR OVERLAY AREA, APPLICABILITY OF MASTER PLANNED DEVELOPMENTS IN VARIOUS ZONES, AND MASTER PLANNED DEVELOPMENT REQUIREMENTS FOR LANDSCAPING, BUILDING HEIGHT, MINE HAZARDS AND MINE WASTE, NOXIOUS WEEDS, AND BACK OF HOUSE USES.

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

WHEREAS, the Land Management Code implements the goals, objectives and policies of the Park City General Plan to maintain the quality of life and experiences for its residents and visitors; and to preserve the community's unique character and values; and

WHEREAS, the City reviews the Land Management Code on an annual or bi-annual basis and identifies necessary amendments to address planning and zoning issues that have come up in the past year, and to address specific LMC issues raised by Staff and the Commission, to address applicable changes to the State Code, to correct any errors or inconsistencies, and to align the Code with the Council's goals; and

WHEREAS, the City's goals include preservation of Park City's character regarding Old Town improvements, historic preservation, sustainability, affordable housing, distinctive architecture, water conserving landscaping, compatible resort development, and protection of Park City's residential neighborhoods, commercial districts, and sensitive lands from incompatible development; and

WHEREAS, Chapter 2.18, the General Commercial zoning district (GC), provides a description of purposes, site requirements, provisions and procedures specific to this zoning district that the City desires to clarify and revise. These revisions clarify the affected lots within the Prospector Overlay area, as identified on the amended Prospector Square Subdivision plat, that are allowed reduced site requirements and that are required to meet a Maximum Floor Area Ratio of two (2); and

WHEREAS, Chapter 6 - Master Planned Developments, provides regulations, requirements, and procedural requirements regarding Master Planned Developments, including purpose statements, applicability, and enhanced review standards regarding Master Planned Developments, and the City desires to clarify, revise, and enhance these regulations and procedures; and

WHEREAS, these amendments are changes identified during the 2012 and 2013 review of the Land Management Code that provide clarification of processes, procedures, and interpretations of the Code for streamlined review, and consistency of application between Sections; and

WHEREAS, the Planning Commission held meetings on August 22nd, September 12th, September 26th, November 28th, and December 12, 2012, as well as on January 9th and May 8th , 2013, to discuss proposed LMC amendments.

WHEREAS, the Historic Preservation Board held a work session meeting on November 7th, 2012 to discuss the LMC amendments related to the Historic District; and

WHEREAS, the Planning Commission duly noticed and conducted public hearings at the regularly scheduled meeting on August 22nd, September 12th , September 26th, October 24th, November 28th and December 12th, 2012, and May 8th, 2013 and forwarded a recommendation to City Council; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on July 11th, 2013; and

WHEREAS, it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the Park City General Plan and to be consistent with the values and identified goals of the Park City community and City Council in order to protect health and safety, maintain the quality of life for its residents, preserve and protect the residential neighborhoods, preserve historic structures and historic character of Park City, promote economic development within the Park City Historic Main Street business area and the General Commercial zoning district, and preserve the community's unique character.

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

SECTION 1. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 2- Section 15-2.18- General Commercial zoning district. The recitals above are incorporated herein as findings of fact. Chapter 2.18 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit A).

SECTION 2. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 6- Master Planned Development. The recitals above are incorporated herein as findings of fact. Chapter 6 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit B).

<u>SECTION 3. EFFECTIVE DATE.</u> This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this ___ day of ________, 2013

PARK CITY MUNICIPAL CORPORATION

____
Dana Williams, Mayor

Attest:

____
City Recorder

Approved as to form:

____
Mark Harrington, City Attorney

EXHIBIT A

PARK CITY MUNICIPAL CODE
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CHAPTER 2.18 - GENERAL COMMERCIAL (GC) DISTRICT

TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.18 - GENERAL COMMERCIAL (GC) DISTRICT

Chapter adopted by Ordinance No. 00-51

15-2.18-1. PURPOSE.

The purpose of the General Commercial (GC) District is to:

(A) allow a wide range of commercial and retail trades and Uses, as well as offices, Business and personal services, and limited Residential Uses in an Area that is convenient to transit, employment centers, resort centers, and permanent residential Areas,

(B) allow Commercial Uses that orient away from major traffic thoroughfares to avoid strip commercial Development and traffic congestion,

(C) protect views along the City's entry corridors,

(D) encourage commercial Development that contributes to the positive character of the City, buffers adjacent residential neighborhoods, and maintains pedestrian Access with links to neighborhoods, and other commercial Developments,

(E) allow new commercial Development that is Compatible with and contributes to the distinctive character of Park City, through Building materials, architectural details, color range, massing, lighting, landscaping and the relationship to Streets and pedestrian ways,

(F) encourage architectural design that is distinct, diverse, reflects the mountain resort character of Park City, and is not repetitive of what may be found in other communities, and

(G) encourage commercial Development that incorporates design elements related to public outdoor space including pedestrian circulation and trails, transit facilities, plazas, pocket parks, sitting Areas, play Areas, and public art.

15-2.18-2. USES.

Uses in the GC District are limited to the following:

(A) **ALLOWED USES**.

(1) Secondary Living Quarters

(2) Lockout Unit[1]
(3) Accessory Apartment[2]
(4) Nightly Rental
(5) Home Occupation
(6) Child Care, In-Home Babysitting[3]
(7) Child Care, Family[3]
(8) Child Care, Family Group[3]
(9) Child Care Center[3]
(10) Accessory Building and Use
(11) Conservation Activity
(12) Agriculture
(13) Plant and Nursery Stock production and sales
(14) Bed & Breakfast Inn
(15) Boarding House, Hostel
(16) Hotel, Minor
(17) Hotel, Major
(18) Office, General
(19) Office, Moderate Intensive
(20) Office, Intensive
(21) Office and Clinic, Medical
(22) Financial Institution without a drive-up window
(23) Commercial, Resort Support
(24) Retail and Service Commercial, Minor
(25) Retail and Service Commercial, Personal Improvement
(26) Retail and Service Commercial, Major
(27) Cafe or Deli
(28) Restaurant, General
(29) Hospital, Limited Care Facility
(30) Parking Area or Structure with four (4) or fewer spaces
(31) Parking Area or Structure with five (5) or more spaces
(32) Recreation Facility, Private

(B) **<u>CONDITIONAL USES</u>**.

(1) Single Family Dwelling
(2) Duplex Dwelling
(3) Triplex Dwelling
(4) Multi-Unit Dwelling
(5) Group Care Facility
(6) Public and Quasi-Public Institution, Church, and School
(7) Essential Municipal Public Utility Use, Facility, Service, and Structure
(8) Telecommunication Antenna[4]
(9) Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter[5]
(10) Timeshare Project and Conversion
(11) Timeshare Sales Office, off-site within an enclosed Building
(12) Private Residence Club Project and Conversion[8]

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[1]Nightly rental of Lockout Units requires Conditional Use permit

[2]See LMC Chapter 15-4, Supplemental Regulations for Accessory Apartments

[3]See LMC Chapter 15-4-9 Child Care Regulations

[4]See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

[5]See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

(13) Financial Institution with a Drive-up Window[6]
(14) Retail and Service Commercial with Outdoor Storage
(15) Retail and Service Commercial, Auto Related
(16) Transportation Service
(17) Retail Drive-Up Window[6]
(18) Gasoline Service Station
(19) Restaurant and Cafe, Outdoor Dining[7]
(20) Restaurant, Drive-up Window[6]
(21) Outdoor Event[7]
(22) Bar
(23) Sexually Oriented Businesses[8]
(24) Hospital, General
(25) Light Industrial Manufacturing and Assembly
(26) Temporary Improvement[7]
(27) Passenger Tramway and Ski Base Facility
(28) Ski tow rope, ski lift, ski run, and ski bridge
(29) Commercial Parking Lot or Structure
(30) Recreation Facility, Public
(31) Recreation Facility, Commercial
(32) Indoor Entertainment Facility
(33) Master Planned Development with moderate housing density bonus[9]
(34) Master Planned Developments[9]
(35) Heliport
(36) Temporary Sales Trailer in conjunction with an active Building permit for the Site.[8]
(37) Fences greater than six feet (6') in height from Final Grade[7]

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

(Amended by Ord. Nos. 04-39; 06-76)

15-2.18-3. LOT AND SITE REQUIREMENTS.

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

(A) **FRONT YARDS**. The minimum Front Yard is twenty feet (20') for all Main and Accessory Buildings and Uses. The twenty foot (20') Front Yard may be reduced to ten feet (10'), provided all on-Site parking

[6]See Section 2-18-6 for Drive-Up Window review

[7]Requires an administrative Conditional Use permit

[8]See Section 2-17-8 for additional criteria.

[9]Subject to provisions of LMC Chapter 15-6, Master Planned Development

is at the rear of the Property or ~~under ground~~ underground. The Frontage Protection Overlay Zone (FPZ) requires a minimum landscaped buffer of thirty-feet (30') in width abutting the Street. See Section 15-2.20. The Prospector Overlay allows reduced site requirements for designated Affected Lots. See Section 15-2.18-3 (I).

(B) **FRONT YARD EXCEPTIONS**. The Front Yard must be open and free of any Structure except:

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

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

(3) Roof overhangs, eaves, and cornices projecting not more than three feet (3') into the Front Yard.

(4) Sidewalks, patios, and pathways.

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

(6) Driveways leading to a garage or Parking Area. No portion of a Front Yard, except for driveways, allowed Parking Areas and sidewalks may be Hard-Surfaced or graveled. See Section 15-3-3 General Parking Area and Driveway Standards.

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

(C) **REAR YARD**. The minimum Rear Yard is ten feet (10'). The Prospector Overlay allows reduced site requirements for designated Affected Lots. See Section 15-2.18-3 (I).

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

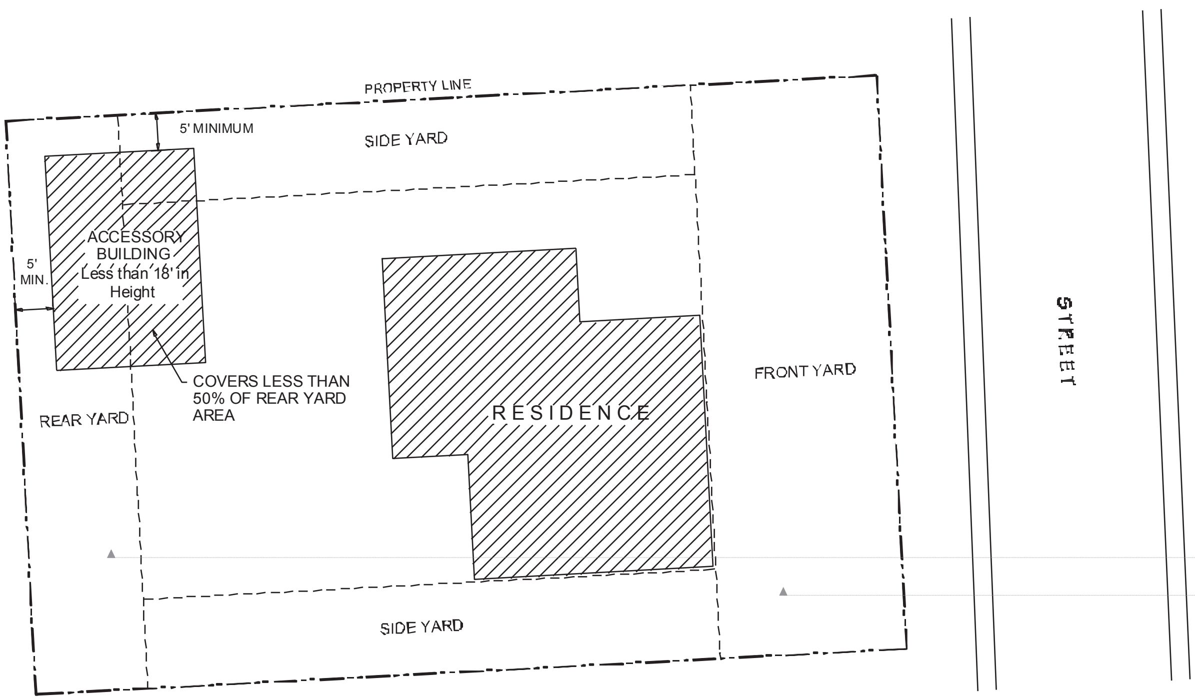
(1) Bay Window or chimneys not more than ten feet (10') wide, projecting not more than two feet (2') into the Rear Yard.

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

(3) Roof overhangs and eaves projecting not more than three feet (3') into the Rear Yard.

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

(5) Detached Accessory Buildings not more than eighteen feet (18') in height and maintaining a minimum Rear Yard Setback of five feet (5'). Such Structures must not cover more than fifty percent (50%) of the Rear Yard. See the following illustration:



Accessory Buildings and meeting all landscaping requirements stated in Section 15-3-3.

(7) Screened mechanical equipment, hot tubs, and similar Structures located at least five feet

ng walls not more than six feet (6') in height, or as permitted in Section 15-4-2. Retaining walls may have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation.

The Planning Director may approve minor deviations to the height and stepping requirements based on Site specific review.

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

(10) Enclosed porches, including a roof and open on three (3) sides, and similar Structures not more than nine feet (9’) into the Rear Yard provided the adjoining Property is dedicated as Natural or Landscaped Open Space and meets minimum International Building Code (IBC) and Fire Code requirements.

(E) **SIDE YARD**.

(1) The minimum Side Yard is ten feet (10').

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

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

(4) On Corner Lots, the Side Yard that faces a Street is considered a Front Yard and the Setback must not be less than twenty feet (20').

(5) The Prospector Overlay allows reduced site requirements for designated Affected Lots. See Section 15-2.18-3 (I).

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

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

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

(3) Roof overhangs and eaves projecting not more than three feet (3') into the Side Yard.

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

(5) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") above Grade, provided there is at least one foot (1') Setback from the Side Lot Line.

(6) Awnings over a doorway or window extending not more than three feet (3') into the Side Yard.

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

(8) Driveways leading to a garage or Parking Area maintaining a three foot (3') landscaped Setback to the Side Lot Line.

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

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

(11) Unenclosed porches, including a roof and open on three (3) sides, and similar Structures not more than nine feet (9’) into the Side Yard provided the adjoining Property is dedicated as Natural or Landscaped Open Space and meets minimum International Building Code (IBC) and Fire Code requirements.

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

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

(I) **PROSPECTOR OVERLAY ESTABLISHING A MAXIMUM FLOOR AREA FOR DEVELOPMENT**. The following requirements apply to specific Lots in the Prospector Square Subdivision:

(1) **AFFECTED LOTS**. Lots 2A through Lot 49D, except Lots 40,

41, 42, 43, 44, 45, and 46, and parking Lots A through K as shown on the Amended Prospector Square Subdivision Plat.

(2) **MAXIMUM FLOOR AREA RATIO (FAR)**. The FAR must not exceed two (2.0) for all Affected Lots as specified above. All Uses within a Building, except enclosed Parking Areas, are subject to the Floor Area Ratio (FAR). Parking Lots A - K must have no Use other than parking and related Uses such as snow plowing, striping, repaving and landscaping.

(3) **REDUCED SITE REQUIREMENTS**. In the Prospector Square Subdivision, ~~Lots 2 to 38,~~ Front, Side and Rear Yards may be reduced to zero feet (0') for all Affected Lots as specified above. ~~except for e~~Commercial Lots within the Frontage Protection Zone shall comply with FPZ setbacks per LMC Section 15-2.20. This section is not intended to conflict with the exceptions listed above nor shall it be interpreted as taking precedence over the requirement of Section 15-2.18-3(H) Clear View of Intersection.~~ Streets.~~

(Amended by Ord. Nos. 04-11; 06-76)

15-2.18-4. BUILDING HEIGHT.

No Structure shall be erected to a height greater than thirty-five feet (35') from Existing Grade. This is the Zone Height.

(A) **BUILDING HEIGHT EXCEPTIONS**. The following height exceptions apply:

(1) Gable, hip, and similar pitched roofs may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 of greater.

(2) Antennas, chimneys, flues, vents, and similar Structures may extend up to five feet (5') above the highest point of the Building to comply with the International Building Code (IBC).

(3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.

(4) Church spires, bell towers, and like architectural features, subject to LMC Chapter 15-5 Architectural Guidelines, may extend up to fifty percent (50%) above the Zone Height, but may not contain Habitable Space above the Zone Height. Such exception requires approval by the Planning Director.

(5) An Elevator Penthouse may extend up to eight feet (8') above the Zone Height.

(6) Ski lift~~e~~ and tramway towers may extend above the Zone Height subject to a visual analysis and

approval by the Planning Commission.

(Amended by Ord. Nos. 06-76; 07-25)

15-2.18-5. ARCHITECTURAL REVIEW.

Prior to the issuance of a Building permit for any Conditional or Allowed Use, the Planning Department must review the proposed plans for compliance with the Architectural Design Guidelines, LMC Chapter 15-5.

Appeals of departmental actions on architectural compliance are heard by the Planning Commission.

(Amended by Ord. No. 06-76)

15-2.18-6. CRITERIA FOR DRIVE-UP WINDOWS.

Drive-up windows require special Conditional Use permit (CUP) to consider traffic impacts on surrounding Streets. The Applicant must demonstrate that at periods of peak operation of the drive-up window, the Business patrons will not obstruct driveways or Streets and will not interfere with the intended traffic circulation on the Site or in the Area.

15-2.18-7. SEXUALLY ORIENTED BUSINESSES.

The purpose and objective of this Section is to establish reasonable and uniform regulations to prevent the concentration of Sexually Oriented Businesses or their location in Areas deleterious to the City, and to prevent inappropriate exposure of such Businesses to the community. This Section is to be construed as a regulation of time, place, and manner of the operation of these Businesses, consistent with the United States and Utah State Constitutions.

(A) **LOCATION OF BUSINESSES, RESTRICTIONS**. Sexually Oriented Businesses, are Conditional Uses.

No Sexually Oriented Business may be located:

(1) within three hundred feet (300') of any school, day care facility, cemetery, public park, library, or religious institution;

(2) within three hundred feet (300') of any residential zoning boundary; or

(3) within three hundred feet (300') of any liquor store or other Sexually Oriented Business.

(B) **MEASUREMENT OF DISTANCES**. For the purposes of this Section, distances are measured as follows:

(1) The distance between any two (2) Sexually Oriented Businesses is measured in a straight line, without regard to intervening Structures or objects, from the closest exterior wall of the Structure in which each Business is located.

(2) The distance between Sexually Oriented Businesses and any school, day care facility, public park, library, cemetery or religious institution is measured in a straight line, without regard to intervening Structures or objects, from the closest exterior wall of the Structure in which the Sexually Oriented Business is located, to the nearest Property Line of the premises of the school, day care facility, public park, library, cemetery, or religious institution.

(3) The distance between Sexually Oriented Businesses and any residential zoning boundary is measured in a straight line, without regard to intervening Structures or objects, from the closest exterior wall of the Structure in which the Sexually Oriented Business is located, to the nearest Property Line of the residential zone.

(C) **DEFINITIONS**. Terms involving Sexually Oriented Businesses which are not defined in this Chapter have the meanings set forth in the Municipal Code of Park City, Section 4-9-4.

15-2.18-8. CRITERIA FOR BED AND BREAKFAST INNS.

A Bed and Breakfast Inn is an Allowed Use subject to an Administrative Permit. No permit may be issued unless the following criteria are met:

(A) If the Use is in an Historic Structure, the Applicant will make every attempt to rehabilitate the Historic portion of the Structure.

(B) The Structure has at least two (2) rentable rooms. The maximum number of rooms will be determined by the Applicant's ability to mitigate neighborhood impacts.

(C) In Historic Structures, the size and configuration of the rooms are Compatible with the Historic character of the Building and neighborhood.

(D) The rooms are available for Nightly Rental only.

(E) An Owner/manager is living on-Site, or in Historic Structures there must be twenty-four (24) hour on-Site management and check-in.

(F) Food service is for the benefit of overnight guests only.

(G) No Kitchen is permitted within rental rooms.

(H) Parking is on-Site at a rate of one (1) space per rentable room. The Planning Commission may waive the parking requirement for Historic Structures if the Applicant proves that:

(1) no on-Site parking is possible without compromising the Historic Structure or Site, including removal of existing Significant Vegetation, and all alternatives for proximate parking have been explored and

exhausted; and

(2) the Structure is not economically feasible to restore or maintain without the adaptive Use.

(I) The Use complies with Section 15-1-10, Conditional Use review.

15-2.18-9. GOODS AND USES TO BE WITHIN ENCLOSED BUILDING.

(A) **OUTDOOR DISPLAY OF GOODS PROHIBITED**. Unless expressly allowed as an Allowed or Conditional Use, all goods including food, beverage and cigarette vending machines must be within a completely enclosed Structure. New construction of enclosures for the storage of goods shall not have windows and/or other fenestration that exceeds a wall-to-window ratio of thirty percent (30%). This section does not preclude temporary sales in conjunction with a Master Festival License, sidewalk sale, or seasonal plant sale. See Section 15-2.18-9(B)(3) for outdoor display of bicycles, kayaks, and canoes.

(B) **OUTDOOR USES PROHIBITED/EXCEPTIONS**. The following outdoor Uses may be allowed by the Planning Department upon the issuance of an Administrative Permit. The Applicant must submit the required application, pay all applicable fees, and provide all required materials and plans. Appeals of departmental actions are heard by the Planning Commission.

(1) **OUTDOOR DINING**. Outdoor dining is subject to the following criteria:

(a) The proposed seating Area is located on private Property or leased public Property and does not diminish parking or landscaping.

(b) The proposed seating Area does not impede pedestrian circulation.

(c) The proposed seating Area does not impede emergency Access or circulation.

(d) The proposed furniture is Compatible with the Streetscape.

(e) No music or noise is in excess of the City Noise Ordinance, Title 6.

(f) No Use after 10:00 p.m.

(g) No net increases in the Restaurant's seating capacity without adequate mitigation of the increased parking demand.

(2) **OUTDOOR GRILLS/BEVERAGE SERVICE STATIONS**. Outdoor grills and/or

beverage service stations are subject to the following criteria:

(a) The Use is on private Property or leased public Property, and does not diminish parking or landscaping.

(b) The Use is only for the sale of food or beverages in a form suited for immediate consumption.

(c) The Use is Compatible with the neighborhood.

(d) The proposed service station does not impede pedestrian circulation.

(e) The proposed service station does not impede emergency Access or circulation.

(f) Design of the service station is Compatible with the adjacent Buildings and Streetscape.

(g) No violation of the City Noise Ordinance, Title 6.

(h) Compliance with the City Sign Code, Title 12.

(3) **OUTDOOR STORAGE AND DISPLAY OF BICYCLES, KAYAKS, MOTORIZED SCOOTERS, AND CANOES**. Outdoor storage and display of bicycles, kayaks, motorized scooters, and canoes is subject to the following criteria:

(a) The Area of the proposed bicycle, kayak, motorized scooter, and canoe storage or display is on private Property and not in Areas of required parking or landscaped planting beds.

(b) Bicycles, kayaks, and canoes may be hung on Buildings if sufficient Site Area is not available, provided the display does not impact or alter the architectural integrity or character of the Structure.

(c) No more than a total of fifteen (15) pieces of equipment may be displayed.

(d) Outdoor display is only allowed during Business hours.

(e) Additional outdoor bicycle storage Areas may be considered for rental bicycles, provided there are no or only minimal impacts on landscaped Areas, parking spaces, and pedestrian and emergency circulation.

(4) **OUTDOOR EVENTS AND MUSIC**. Outdoor events and music requires an Administrative Conditional Use permit. The Use must also comply with Section 15-1-10, Conditional Use review. The Applicant must submit a Site plan and written description of the event, addressing the following:

(a) Notification of adjacent Property Owners.

(b) No violation of the City Noise Ordinance, Title 6.

(c) Impacts on adjacent Residential Uses.

(d) Proposed plans for music, lighting, Structures, electrical signs, etc.

(e) Parking demand and impacts on neighboring Properties.

(f) Duration and hours of operation.

(g) Impacts on emergency Access and circulation.

(5) **DISPLAY OF MERCHANDISE**. Display of outdoor merchandise is subject to the following criteria:

(a) The display is immediately available for purchase at the Business displaying the item.

(b) The merchandise is displayed on private Property directly in front of or appurtenant to the Business which displays it, so long as the private Area is in an alcove, recess, patio, or similar location that provides a physical separation from the public sidewalk. No item of merchandise may be displayed on publicly owned Property including any sidewalk or prescriptive Right-of-Way regardless if the Property Line extends into the public sidewalk. An item of merchandise may be displayed on commonly owned Property; however, written permission for the display of the merchandise must be obtained from the Owner's association.

(c) The display is prohibited from being permanently affixed to any Building. Temporary fixtures may not be affixed to any Historic Building in a manner that compromises the Historic integrity or Façade Easement of the Building as determined by the Planning Director.

(d) The display does not

diminish parking or landscaping.

(e) The Use does not violate the Summit County Health Code, the Fire Code, or International Building Code. The display does not impede pedestrian circulation, sidewalks, emergency Access, or circulation. At minimum, forty-four inches (44”) of clear and unobstructed Access to all fire hydrants, egress and Access points must be maintained. Merchandise may not be placed so as to block visibility of or Access to any adjacent Property.

(f) The merchandise must be removed if it becomes a hazard due to wind or weather conditions, or if it is in a state of disrepair, as determined by either the Planning Director or Building Official.

(Amended by Ord. Nos. 05-49; 06-76)

15-2.18-10. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4.5') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Planning Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in LMC Chapter 15-3-3(C) and Title 14.

15-2.18-11. SIGNS.

Signs are allowed in the GC District as provided in the Park City Sign Code, Title 12.

15-2.18-12. RELATED PROVISIONS.

- Fences and Walls. LMC Chapter 15-4-2.
- Accessory Apartment. LMC Chapter 15-4.
- Satellite Receiving Antenna. LMC
- Chapter 15-4-13.
- Telecommunication Facility. LMC Chapter 15-4-14.
- Parking. Section 15-3.
- Landscaping. Title 14; LMC Chapter 15-3-3(D)
- Lighting. LMC Chapters 15-3-3(C), 15-5-5(I).
- Historic Preservation Board. LMC Chapter 15-11.

- Park City Sign Code. Title 12.
- Architectural Review. LMC Chapter 15-5.
- Snow Storage. Section 15-3-3.(E)
- Parking Ratio Requirements. Section 15-3-6.

EXHIBIT B

CHAPTER SIX- MASTER PLANNED DEVELOPMENTS

15-6 -1. PURPOSE.

The purpose of this Chapter is to describe the process and set forth criteria for review of Master Planned Developments (MPDs) in Park City. The Master Planned Development provisions set forth Use, Density, height, parking, design theme and general Site planning criteria for larger and/or more complex projects having a variety of constraints and challenges, such as environmental issues, multiple zoning districts, location within or adjacent to transitional areas between different land Uses, and infill redevelopment where the MPD process can provide design flexibility necessary for well-planned, mixed use developments that are Compatible with the surrounding neighborhood. The goal of this section is to result in projects which:

(A) complement the natural features of the Site;

(B) ensure neighborhood Compatibility;

(C) strengthen the resort character of Park City;

(D) result in a net positive contribution of amenities to the community;

(E) provide a variety of housing types and configurations;

(F) provide the highest value of open space for any given Site;

(G) efficiently and cost effectively extend and provide infrastructure;

(H) provide opportunities for the appropriate redevelopment and reuse of existing structures/sites and maintain Compatibility with the surrounding neighborhood;

(I) protect residential uses and residential neighborhoods from the impacts of non-residential Uses using best practice methods and diligent code enforcement; and

(J) encourage mixed Use, walkable and sustainable development and redevelopment that provide innovative and energy efficient design, including innovative alternatives to reduce impacts of the automobile on the community.

K) encourage opportunities for economic diversification and economic development within the community.

15-6 -2. APPLICABILITY.

(A) **Required.** The Master Planned Development process shall be required in all zones **except** in the Historic Residential- Low Density (HRL), Historic Residential (HR-1), Historic

Residential 2 (HR-2), Historic Recreation Commercial (HRC), and Historic Commercial Business (HCB) ~~and Historic Residential – Medium Density (HRM)~~ for the following:

(1) Any Residential project with ~~larger than~~ ten (10) or more Lots or with ten (10) or more Residential Unit Equivalents. ~~units.~~

(2) All Hotel and lodging projects with more than fifteen (15) Residential Unit Equivalents.

(3) All new Commercial, Retail, Office, Public, Quasi-public, or I~~i~~ndustrial projects with more~~greater~~ than 10,000 square feet Gross Floor Area.

(4) All projects utilizing Transfer of Development Rights Development Credits.

~~(B) The Master Planned Development process is allowed but is not required in the Historic Commercial Business (HCB), Historic Recreation Commercial (HRC), Historic Residential (HR-1) and Historic Residential (HR-2) zones, provided the subject property and proposed MPD include two (2) or more zoning designations.~~

(B) **Allowed but not required.**

(1) The Master Planned Development process is allowed, but is not required, in the Historic Residential (HR-1) and Historic Residential 2 (HR-2) zones only when the HR-1 or HR-2 zoned Properties ~~parcels~~ are combined with adjacent HRC or HCB zoned Properties. Height exceptions will not be granted for Master Planned Developments within the HR-1, HR-2, HRC, and HCB Zoning Districts. See Section 15-6-5 (F) Building Height.~~; or~~

(2) The Master Planned Development process is allowed, but is not required, when the ~~The~~ Property is not a part of the original Park City Survey or Snyder's Addition to the Park City Survey and ~~which may be considered for~~ the proposed MPD is for an A~~a~~ffordable H~~h~~ousing MPD~~s~~ consistent with Section 15-6-7 herein.

(C) **Not allowed.**

The Master Planned Development process is not allowed or permitted, except as provided in Sections A and B above and as described in LMC Section 15-6-7 Master Planned Affordable Housing Developments, or as specifically required by the City Council as part of an Annexation or Development Agreement.

15-6 -5. MPD REQUIREMENTS.

All Master Planned Developments shall contain the following minimum requirements. Many of the requirements and standards will have to be increased in order for the Planning Commission to make the necessary findings to approve the Master Planned Development.

…

15-6-5. (F) BUILDING HEIGHT.

The Building H~~h~~eight requirements of the Zoning Districts in which an MPD is located shall apply except that the Planning Commission may consider an increase in Building H~~h~~eight based upon a Site specific analysis and determination. Height exceptions will not be granted for Master Planned Developments within the HR-1,~~ and~~ HR-2, HRC, and HCB Zoning Districts.

The Applicant will be required to request a Site specific determination and shall bear the burden of proof to the Planning Commission that the necessary findings can be made. In order to grant Building H~~h~~eight in addition to that which is allowed in the underlying zone, the Planning Commission is required to make the following findings:

(1) The increase in Building Height does not result in increased square footage or Building volume over what would be allowed under the zone required Building Height and Density, including requirements for facade variation and design, but rather provides desired architectural variation, unless the increased square footage or Building volume is from the Transfer of Development Credits;

(2) Buildings have been positioned to minimize visual impacts on adjacent Structures. Potential problems on neighboring Properties caused by shadows, loss of solar Access, and loss or air circulation have been mitigated ~~to the extent possible~~ as determined by the Site Specific analysis and approved by the Planning Commission;

(3) There is adequate landscaping and buffering from adjacent Properties and Uses. Increased Setbacks and separations from adjacent projects are being proposed;

(4) The additional Building Height ~~has~~ results~~ed~~ in more than the minimum O~~o~~pen S~~s~~pace required and ~~has~~ results~~ed~~ in the O~~o~~pen S~~s~~pace being more usable and includes Publicly Accessible Open Space;

(5) The additional Building H~~h~~eight shall be designed in a manner that ~~so as to~~ provides a transition in roof elements in compliance with Chapter 5, Architectural Guidelines or the Design Guidelines for Park City's Historic Districts and Historic Sites if within the Historic District;

If and when the Planning Commission grants additional Building H~~h~~eight due to a Site S~~s~~pecific analysis and determination, that additional Building H~~h~~eight shall only apply to the specific plans being reviewed and approved at the time. Additional Building Height for a specific project will not necessarily be considered for a different, or modified, project on the same Site.

…

15-6-5. (H) **LANDSCAPE AND STREET SCAPE.**

A complete landscape plan must be submitted with the MPD application. The landscape plan shall comply with all criteria and requirements of LMC Section 15-5-5 (M) LANDSCAPING.

~~To the extent possible, existing Significant Vegetation shall be maintained on Site and protected during construction. Where landscaping does occur, it should consist primarily of appropriate drought tolerant species. Lawn or turf will be limited to a maximum of fifty percent (50%) of the Area not covered by Buildings and other hard surfaces and no more than seventy-five percent (75%) of the above Area may be irrigated. Landscape and Streetscape will use native rock and boulders.~~

All noxious weeds, as identified by Summit County, shall be removed from the Property in a manner acceptable to the City and Summit County, prior to issuance of Certificates of Occupancy.

Lighting must meet the requirements of LMC Chapter 15-5, Architectural Review.

…

15-6-5. (M) **HISTORIC MINE WASTE MITIGATION.**

For known historic mine waste located on the property, a soil remediation mitigation plan must be prepared indicating areas of hazardous soils and proposed methods of remediation and/or removal subject to the Park City Soils Boundary Ordinance requirements and regulations. See Title Eleven Chapter Fifteen of the Park City Municipal Code for additional requirements.

15- 6- 6. REQUIRED FINDINGS AND CONCLUSIONS OF LAW.

The Planning Commission must make the following findings in order to approve a Master Planned Development. In some cases, conditions of approval will be attached to the approval to ensure compliance with these findings.

(A) The MPD, as conditioned, complies with all the requirements of the Land Management Code;

(B) The MPD, as conditioned, meets the minimum requirements of Section 15-6-5 herein;

(C) The MPD, as conditioned, is consistent with the Park City General Plan;

(D) The MPD, as conditioned, provides the highest value of O~~o~~pen S~~s~~pace, as determined by the Planning Commission;

(E) The MPD, as conditioned, strengthens and enhances the resort character of Park City;

(F) The MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible;

(G) The MPD, as conditioned, is Compatible in Use, scale, and mass with adjacent Properties, and promotes neighborhood Compatibility and Historic Compatibility, where appropriate, and protects residential neighborhoods and Uses;

(H) The MPD, as conditioned, provides amenities to the community so that there is no net loss of community amenities;

(I) The MPD, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.

(J) The MPD, as conditioned, meets the Sensitive Lands requirements of the Land Management Code. The project has been designed to place Development on the most developable land and least visually obtrusive portions of the Site;

(K) The MPD, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections; and

(L) The MPD has been noticed and public hearing held in accordance with this Code.

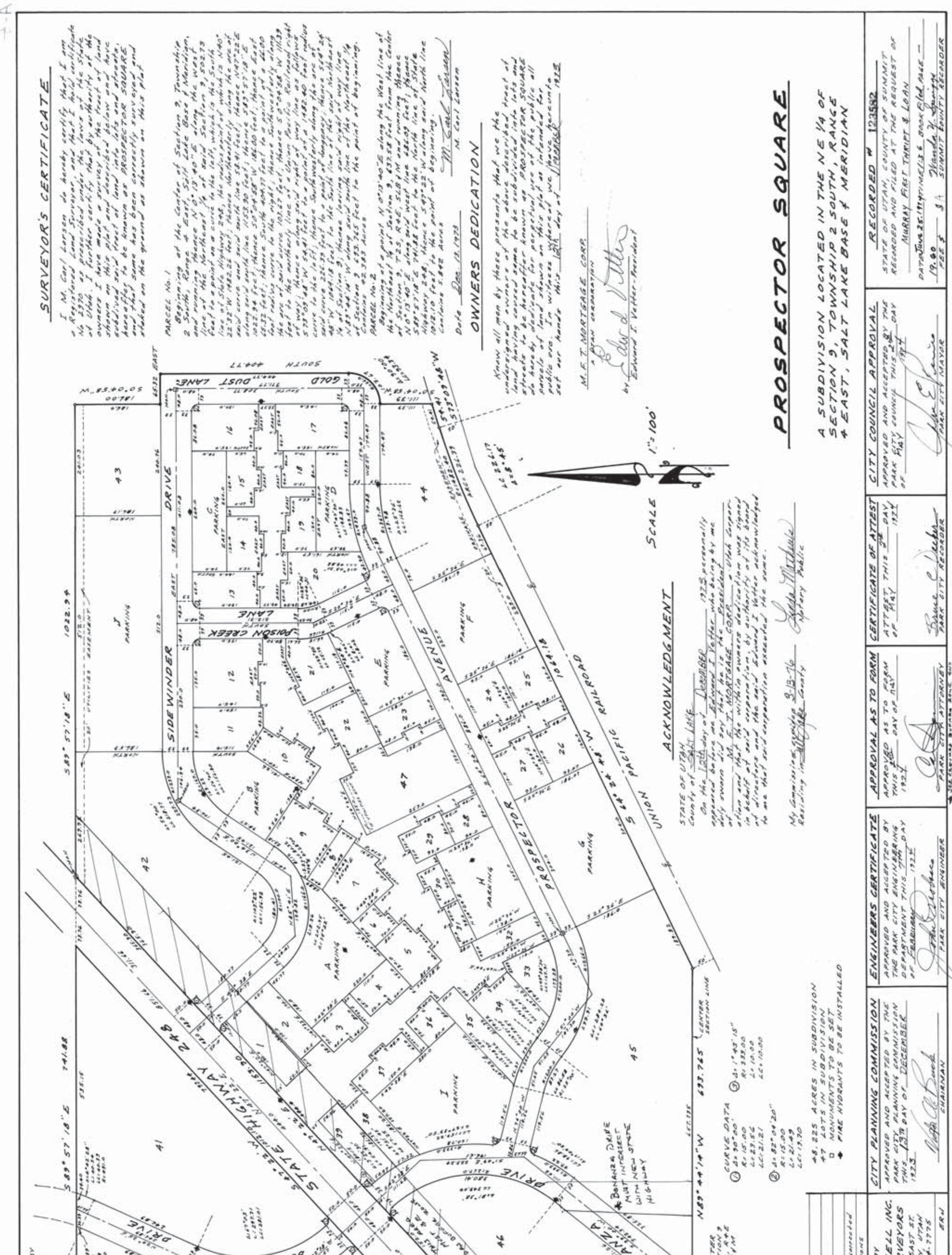
(M) The MPD, as conditioned, incorporates best planning practices for sustainable development, including water conservation measures and energy efficient design and construction per the Residential and Commercial Energy and Green Building program and codes adopted by the Park City Building Department in effect at the time of the Application.

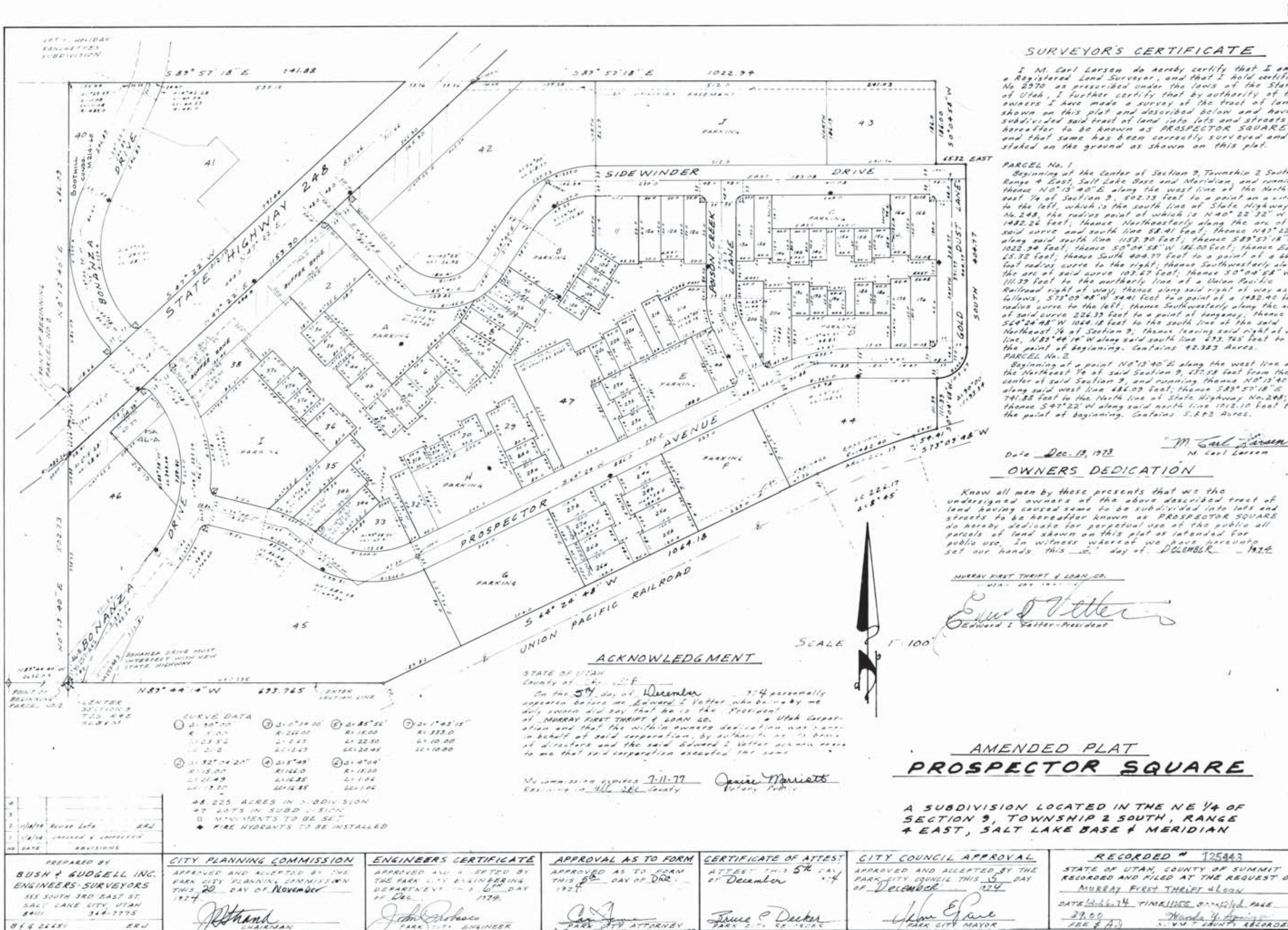
(N) The MPD, as conditioned, addresses and mitigates Physical Mine Hazards according to accepted City regulations and policies.

(O) The MPD, as conditioned addresses and mitigates Historic Mine Waste and complies with the requirements of the Park City Soils Boundary Ordinance.

15-6-8. (G) **RESORT ACCESSORY USES**. The following Uses are considered accessory for the operation of a resort for winter and summer operations. These Uses are considered typical back of house uses and are incidental to and customarily found in connection with the principal Use or Building and are operated for the convenience of the Owners, occupants, employees, customers, or visitors to the principal resort Use. Accessory Uses associated with an approved summer or winter resort do not require the Use of a Unit Equivalent. These Uses include, but are not limited to, such Uses as:

Information
Lost and found
First Aid
Mountain patrol
Administration
Maintenance and storage facilities
Emergency medical facilities
Public lockers
Public restrooms
Employee restrooms, employee locker rooms, employee break rooms, and employee dining areas ~~and Areas~~
Ski school/day care facilities
Instruction facilities
Ticket sales
Equipment/ski check
Circulation and hallways for these Resort Accessory Uses


SURVEYOR'S CERTIFICATE
I M. Carl Larsen do hereby certify that I am a Registered Land Surveyor, and that I hold certificate No 2970 as prescribed under the laws of the State of Utah. I further certify that by authority of the owners I have made a survey of the tract of land shown on this plat and described below and have subdived said tract of land into lots and streets, hereafter to be known as PROSPECTOR SQUARE and that same has been correctly surveyed and staked on the ground as shown on this plat
PARCEL No. 1
Beginning at the Center of Section 9, Township 2 South, Range 4 East, Salt Lake Base & Meridian, and running thence N 0° 13' 40" E along the west line of the Northeast 1/4 of said Section 9, 502.73 feet to a point on a curve to the left, which is the South line of State Highway 248, the radius point of which is N40° 22' 32" W 1482.26 feet; thence Northeasterly along the arc of said curve and said south line 58.41 feet; thence N47° 22' E along said south line 1153.90 feet; thence S89° 57' 18" E 1022.94 feet; thence S0° 04' 58" W 186.00 feet; thence East 65.32 feet; thence South 404.77 feet to a point of a 66.00 foot radius curve to the right; thence Southwesterly along the arc of said curve 103.67 feet; thence S 0° 04' 58" W 111.39 feet to the northerly line of a Union Pacific Railroad right of way; thence along said right of way line as follows S73° 09' 48" W 54.41 feet to a point of a 1482.40 foot radius curve to the left; thence Southwesterly along the arc of said curve 226.39 feet to a point of tangency; thence S64° 24' 48" W 1064.18 feet to the South line of the said Northeast 1/4 of Section 9; thence leaving said right of way line N89° 44' 14" W along said south line of the Northeast 1/4 of Section 9 693.765 feet to the point of beginning. Contains 42.383 Acres
PARCEL No. 2
Beginning at a point N 0° 13' 40" E along the West line of the Northeast 1/4 of Section 9, 637.58 feet from the Center of Section 9, T2S, R4E, SLB & M and running thence N 0° 13' 40" E along said west line 686.09 feet; thence S89° 57' 18" E 741.88 feet to the North line of State Highway 248; thence S47° 22' W along said North line 1012.10 feet to the point of beginning. Contains 5.842 Acres
Date Dec. 13, 1973
M. Carl Larsen
M. Carl Larsen
OWNERS DEDICATION
Know all men by these presents that we the undersigned owners of the above described tract of land having caused same to be subdivided into lots and streets to be hereafter known as PROSPECTOR SQUARE do hereby dedicate for perpetual use of the public all parcels of land shown on this plat as intended for public use. In witness whereof we have hereunto set our hands this 13th day of December 1973
M. F. T. MORTGAGE CORP.
A UTAH CORPORATION
by Edward I. Vetter
Edward I. Vetter - President
ACKNOWLEDGMENT
STATE OF UTAH
County of Salt Lake
On the 13th day of December 1973 personally appeared before me Edward I Vetter who being by me duly sworn did say that he is the President of M. F. T. MORTGAGE CORP. a Utah Corporation and that the within owners dedication was signed in behalf of said corporation, by authority of its board of directors and the said Edward I Vetter acknowledged to me that said corporation executed the same.
My Commission expires 9-13-76
Residing in Salt Lake County
Linda Matthews
Notary Public
SCALE 1" = 100'
PROSPECTOR SQUARE
A SUBDIVISION LOCATED IN THE NE 1/4 OF SECTION 9, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN
CURVE DATA
① Δ = 90°00' R = 15.00 L = 23.56 LC = 21.21
② Δ = 82°04'20" R = 15.00 L = 21.49 LC = 19.70
③ Δ = 1°43'15" R = 333.00 L = 10.00 LC = 10.00
48.225 ACRES IN SUBDIVISION
47 LOTS IN SUBDIVISION
MONUMENTS TO BE SET
FIRE HYDRANTS TO BE INSTALLED
BONANZA DRIVE MUST INTERSECT WITH NEW STATE HIGHWAY
STATE HIGHWAY 248
SIDEWINDER DRIVE
POISON CREEK LANE
GOLD DUST LANE
PROSPECTOR AVENUE
BONANZA DRIVE
UNION PACIFIC RAILROAD
LOT 1 HOLIDAY RANCHETTES SUBDIVISION
POINT OF BEGINNING PARCEL No. 2
CENTER SECTION 9 T2S R4E SLB & M
CENTER SECTION LINE
20' UTILITIES EASEMENT
4 | | |
3 | | |
2 | | |
1 | 1/8/74 | checked & corrected
No | DATE | REVISIONS
PREPARED BY
BUSH & GUDGELL INC.
ENGINEERS-SURVEYORS
555 SOUTH 3RD EAST ST.
SALT LAKE CITY, UTAH 84111 364-7775
B & G 26651 ERJ
CITY PLANNING COMMISSION
APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION THIS 13th DAY OF DECEMBER 1973
CHAIRMAN
ENGINEERS CERTIFICATE
APPROVED AND ACCEPTED BY THE PARK CITY ENGINEERING DEPARTMENT THIS 7th DAY OF FEBRUARY 1974
PARK CITY ENGINEER
APPROVAL AS TO FORM
APPROVED AS TO FORM THIS 2nd DAY OF MAY 1974
PARK CITY ATTORNEY
SEE REQUIRED BONANZA ZONE AND ROAD DONATION - ALSO AGREEMENT TO BE EXECUTED.
CERTIFICATE OF ATTEST
ATTEST THIS 2nd DAY OF MAY 1974
Bruce C Decker
PARK CITY RECORDER
CITY COUNCIL APPROVAL
APPROVED AND ACCEPTED BY THE PARK CITY COUNCIL THIS 2nd DAY OF MAY 1974
PARK CITY MAYOR
RECORDED # 123582
STATE OF UTAH, COUNTY OF SUMMIT RECORDED AND FILED AT THE REQUEST OF MURRAY FIRST THRIFT & LOAN
DATE June 25, 1974 TIME 1:36 BOOK Filed PAGE —
19.60 FEE $ 3A
Wanda Y. Spriggs
SUMMIT COUNTY RECORDER



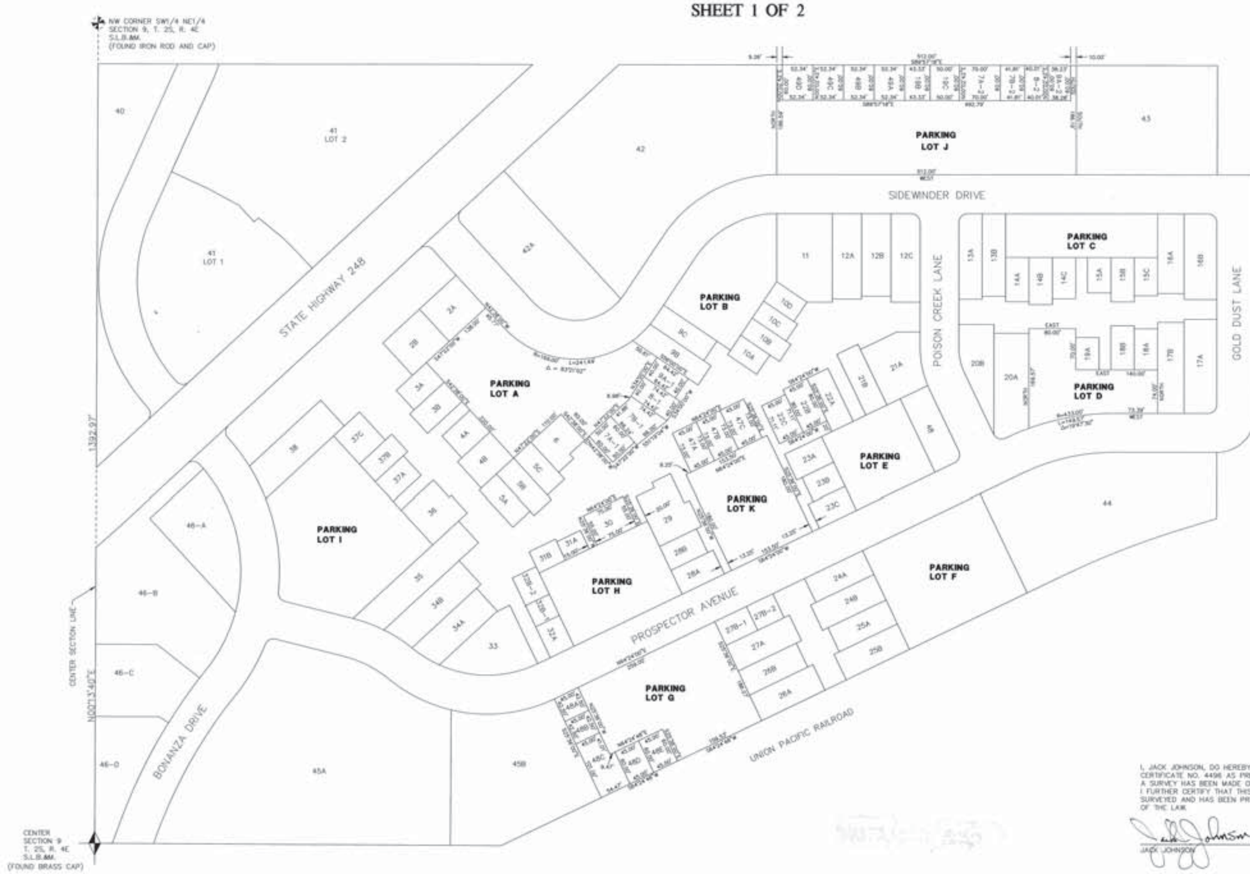
SURVEYOR'S CERTIFICATE
I M. Carl Larsen do hereby certify that I am a Registered Land Surveyor, and that I hold certificate No 2970 as prescribed under the laws of the State of Utah, I further certify that by authority of the owners I have made a survey of the tract of land shown on this plat and described below and have subdivided said tract of land into lots and streets, hereafter to be known as PROSPECTOR SQUARE and that same has been correctly surveyed and staked on the ground as shown on this plat.
PARCEL No. 1
Beginning at the Center of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian, and running thence N 0°13'40"E along the west line of the Northeast 1/4 of Section 9, 502.73 feet to a point on a curve to the left, which is the south line of State Highway No. 248, the radius point of which is N 40° 22' 32" W 1482.26 feet; thence Northeasterly along the arc of said curve and south line 58.41 feet; thence N 47° 22' E along said south line 1153.90 feet; thence S 89° 57' 18" E 1022.94 feet; thence S 0° 04' 58" W 186.00 feet; thence East 65.32 feet; thence South 404.77 feet to a point of a 66.0 foot radius curve to the right; thence Southwesterly along the arc of said curve 103.67 feet; thence S 0° 04' 58" W 111.39 feet to the northerly line of a Union Pacific Railroad right of way; thence along said right of way as follows, S 73° 03' 48" W 54.41 feet to a point of a 1482.40 foot radius curve to the left, thence Southwesterly along the arc of said curve 226.33 feet to a point of tangency; thence S 64° 24' 48" W 1064.18 feet to the south line of the said Northeast 1/4 of Section 9; thence leaving said right of way line, N 89° 44' 14" W along said south line 693.765 feet to the point of beginning. Contains 42.383 Acres.
PARCEL No. 2
Beginning at a point N 0°13'40"E along the west line of the Northeast 1/4 of said Section 9, 637.58 feet from the center of said Section 9, and running thence N 0°13'40"E along said west line 686.09 feet; thence S 89° 57' 18" E 741.88 feet to the North line of State Highway No. 248; thence S 47° 22' W along said north line 1012.10 feet to the point of beginning. Contains 5.843 Acres.
Date Dec. 13, 1973
M. Carl Larsen
M. Carl Larsen
OWNERS DEDICATION
Know all men by these presents that we the undersigned owners of the above described tract of land having caused same to be subdivided into lots and streets to be hereafter known as PROSPECTOR SQUARE do hereby dedicate for perpetual use of the public all parcels of land shown on this plat as intended for public use. In witness whereof we have hereunto set our hands this 5 day of DECEMBER 1974
MURRAY FIRST THRIFT & LOAN CO.
Edward I Vetter-President
SCALE 1" = 100'
ACKNOWLEDGMENT
STATE OF UTAH
County of
On the 5th day of December 1974 personally appeared before me Edward I Vetter who being by me duly sworn did say that he is the President of MURRAY FIRST THRIFT & LOAN CO. a Utah Corporation and that the within owners dedication was signed in behalf of said corporation by authority of its board of directors and the said Edward I Vetter acknowledged to me that said corporation executed the same
My commission expires 7-11-77
Notary Public
AMENDED PLAT
PROSPECTOR SQUARE
A SUBDIVISION LOCATED IN THE NE 1/4 OF SECTION 9, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN
CURVE DATA
48.225 ACRES IN SUBDIVISION
47 LOTS IN SUBDIVISION
MONUMENTS TO BE SET
FIRE HYDRANTS TO BE INSTALLED
PREPARED BY
BUSH & GUDGELL INC.
ENGINEERS-SURVEYORS
555 SOUTH 3RD EAST ST.
SALT LAKE CITY, UTAH
84111
364-7775
CITY PLANNING COMMISSION
APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION THIS 20 DAY OF November 1974
CHAIRMAN
ENGINEERS CERTIFICATE
APPROVED AND ACCEPTED BY THE PARK CITY ENGINEERING DEPARTMENT THIS 6th DAY OF Dec. 1974
PARK CITY ENGINEER
APPROVAL AS TO FORM
APPROVED AS TO FORM THIS 5th DAY OF Dec. 1974
PARK CITY ATTORNEY
CERTIFICATE OF ATTEST
ATTEST THIS 5th DAY OF December 1974
Bruce C Decker
PARK CITY RECORDER
CITY COUNCIL APPROVAL
APPROVED AND ACCEPTED BY THE PARK CITY COUNCIL THIS 5 DAY OF December 1974
PARK CITY MAYOR
RECORDED # 125443
STATE OF UTAH, COUNTY OF SUMMIT RECORDED AND FILED AT THE REQUEST OF MURRAY FIRST THRIFT & LOAN
COUNTY RECORDER
STATE HIGHWAY 248
SIDEWINDER DRIVE
POISON CREEK LANE
GOLD DUST LANE
PROSPECTOR AVENUE
BONANZA DRIVE
UNION PACIFIC RAILROAD
S 64° 24' 48" W 1064.18
S 89° 57' 18" E 741.88
S 89° 57' 18" E 1022.94
N 89° 44' 14" W 693.765

PROSPECTOR SQUARE

SUPPLEMENTAL AMENDED PLAT

A SUBDIVISION LOCATED IN THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN PARK CITY, UTAH

SHEET 1 OF 2



SCALE: 1" = 100'

NOTE:

ALL PRIVATE COMMON SEWER LATERALS LOCATED IN THE PARKING LOTS ARE TO BE PRIVATELY OWNED AND MAINTAINED BY THE BUILDING LOT OWNERS SERVED BY THE COMMON SEWER LATERALS. THE BUILDING LOT OWNERS SHALL BE RESPONSIBLE FOR THE OWNERSHIP, OPERATION, MAINTENANCE, REPLACEMENT, AND INFILTRATION/INFLOW CONTROL OF THE PRIVATE COMMON SEWER LATERALS.

SURVEYOR'S CERTIFICATE

I, JACK JOHNSON, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO. 4496 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT A SURVEY HAS BEEN MADE OF THE LAND SHOWN ON THIS PLAT AND DESCRIBED HEREON. I FURTHER CERTIFY THAT THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF THE LAW.

Jack Johnson
JACK JOHNSON

December 10, 1993

PLOT NAME: PPPLAT.DWG
PLOT DATE: 12/10/93

CITY COUNCIL APPROVAL	CITY ENGINEER	CITY PLANNING COMMISSION	APPROVAL AS TO FORM	RECORDED
PRESENTED TO THE BOARD OF PARK CITY COUNCIL THIS 20TH DAY OF JANUARY A.D. 1994 AT WHICH TIME THIS RECORD OF SURVEY WAS APPROVED. MAYOR Anita L. Sheldon CITY RECORDER	APPROVED AND ACCEPTED BY THE Park City CITY ENGINEERING DEPARTMENT ON THIS 23RD DAY OF DECEMBER A.D. 1993. Eric W. DeHaan P.E. CITY ENGINEER	APPROVED AND ACCEPTED BY THE Park CITY PLANNING COMMISSION ON THIS 23RD DAY OF December A.D. 1993 CHAIRMAN	APPROVED AS TO FORM ON THIS 24th DAY OF January A.D. 1994 CITY ATTORNEY	N°. 392064 STATE OF Utah COUNTY OF Summit RECORDED AND FILED AT THE REQUEST OF: Park City Title Company Date: 02-01-94 Time: 14:22 PM Fee: $90 Alan Spriggs COUNTY RECORDER

THE JACK JOHNSON COMPANY
1910 Prospector Avenue • Park City, Utah 84060
(801) 645-9000 • fax (801) 649-1620

PROSPECTOR SQUARE

SUPPLEMENTAL AMENDED PLAT

SHEET 2 OF 2

Lot 7A-1
VESTING: CARMEN HERRERIAS MILETI

Beginning at the center of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian; thence North 00°13'40" East along the center section line of Section 9, 684.97 feet; thence East 833.79 feet to the easterly most corner of Lot 6, Amended Plat of Prospector Square Subdivision, according to the official plat recorded December 27, 1974, as entry number 125443 of the official records of the Summit County Recorder of Summit County, Utah; thence North 47°22'00" East 10 feet to the POINT OF BEGINNING; thence North 47°22'00" East 50.00 feet; thence South 42°38'00" East 60.00 feet; thence South 47°22'00" West 50.00 feet; thence North 42°38'00" West 60.00 feet to the POINT OF BEGINNING.

Contains 3,000 square feet of land, more or less.

Lot 7A-2
VESTING: CARMEN HERRERIAS MILETI

Beginning at the center of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian; thence North 00°13'40" East along the center section line of Section 9, 1322.77 feet; thence East 1159.33 feet to the northeast corner of Lot 42, Amended Plat of Prospector Square Subdivision, according to the official plat recorded December 27, 1974, as entry number 125443 of the official records of the Summit County Recorder of Summit County, Utah; thence South 89°57'18" East along the northerly property line of said plot 311.95 feet to the POINT OF BEGINNING; thence South 89°57'18" East 70.00 feet; thence South 00°02'42" West 60.00 feet; thence North 89°57'18" West 70.00 feet; thence North 00°02'42" East 60.00 feet to the POINT OF BEGINNING.

Contains 4,200 square feet of land, more or less.

Lot 7B-1
VESTING: DENNIS D. CECCARELLI, president Timeless Development Inc.

Beginning at the center of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian; thence North 00°13'40" East along the center section line of Section 9, 684.97 feet; thence East 833.79 feet to the easterly most corner of Lot 6, Amended Plat of Prospector Square Subdivision, according to the official plat recorded December 27, 1974, as entry number 125443 of the official records of the Summit County Recorder of Summit County, Utah; thence North 47°22'00" East 60.00 feet to the POINT OF BEGINNING; thence North 47°22'00" East 41.86 feet; thence North 34°00'00" East 6.98 feet; thence South 56°00'00" East 74.42 feet; thence South 51°19'04" West 66.00 feet; thence North 42°38'00" West 66.24 feet to the POINT OF BEGINNING.

Contains 3,822 square feet of land, more or less.

Lot 7B-2
VESTING: DENNIS D. CECCARELLI, president Timeless Development Inc.

Beginning at the center of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian; thence North 00°13'40" East along the center section line of Section 9, 1322.77 feet; thence East 1159.33 feet to the northeast corner of Lot 42, Amended Plat of Prospector Square Subdivision, according to the official plat recorded December 27, 1974, as entry number 125443 of the official records of the Summit County Recorder of Summit County, Utah; thence South 89°57'18" East along the northerly property line of said plot 381.95 feet to the POINT OF BEGINNING; thence South 89°57'18" East 41.81 feet; thence South 00°02'42" West 60.00 feet; thence North 89°57'18" West 41.81 feet; thence North 00°02'42" East 60.00 feet to the POINT OF BEGINNING.

Contains 2508 square feet of land, more or less.

Lot 8-1
VESTING: DENNIS D. CECCARELLI, president Timeless Development Inc.

Beginning at the center of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian; thence North 00°13'40" East along the center section line of Section 9, 684.97 feet; thence East 833.79 feet to the easterly most corner of Lot 6, Amended Plat of Prospector Square Subdivision, according to the official plat recorded December 27, 1974, as entry number 125443 of the official records of the Summit County Recorder of Summit County, Utah; thence North 47°22'00" East 101.86 feet; thence North 34°00'00" East 6.98 feet to the POINT OF BEGINNING; thence North 34°00'00" East 40.00 feet; thence South 56°00'00" East 74.42 feet; thence South 34°00'00" West 40.00 feet; thence North 56°00'00" West 74.42 feet to the POINT OF BEGINNING.

Contains 2,977 square feet of land, more or less.

Lot 8-2
VESTING: DENNIS D. CECCARELLI, president Timeless Development Inc.

Beginning at the center of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian; thence North 00°13'40" East along the center section line of Section 9, 1322.77 feet; thence East 1159.33 feet to the northeast corner of Lot 42, Amended Plat of Prospector Square Subdivision, according to the official plat recorded December 27, 1974, as entry number 125443 of the official records of the Summit County Recorder of Summit County, Utah; thence South 89°57'18" East along the northerly property line of said plot 423.76 feet to the POINT OF BEGINNING; thence South 89°57'18" East 40.01 feet; thence South 00°02'42" West 60.00 feet; thence North 89°57'18" West 40.01 feet; thence North 00°02'42" East 60.00 feet to the POINT OF BEGINNING.

Contains 2,400 square feet of land, more or less.

Lot 9A-1
VESTING: REAL ESTATE INVESTMENT COMPANY, a Utah Corporation

Beginning at the center of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian; thence North 00°13'40" East along the center section line of Section 9, 684.97 feet; thence East 833.79 feet to the easterly most corner of Lot 6, Amended Plat of Prospector Square Subdivision, according to the official plat recorded December 27, 1974, as entry number 125443 of the official records of the Summit County Recorder of Summit County, Utah; thence North 47°22'00" East 101.86 feet; thence North 34°00'00" East 46.98 feet to the POINT OF BEGINNING; thence North 34°00'00" East 40.00 feet; thence South 56°00'00" East 64.42 feet; thence South 34°00'00" West 40.00 feet; thence North 56°00'00" West 64.42 feet to the POINT OF BEGINNING.

Contains 2,577 square feet of land, more or less.

Lot 9A-2
VESTING: REAL ESTATE INVESTMENT COMPANY, a Utah Corporation

Beginning at the center of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian; thence North 00°13'40" East along the center section line of Section 9, 1322.77 feet; thence East 1159.33 feet to the northeast corner of Lot 42, Amended Plat of Prospector Square Subdivision, according to the official plat recorded December 27, 1974, as entry number 125443 of the official records of the Summit County Recorder of Summit County, Utah; thence South 89°57'18" East along the northerly property line of said plot 463.77 feet to the POINT OF BEGINNING; thence South 89°57'18" East 38.23 feet; thence South 00°02'42" West 60.00 feet; thence North 89°57'18" West 38.23 feet; thence North 00°02'42" East 60.00 feet to the POINT OF BEGINNING.

Contains 2,295 square feet of land, more or less.

Lot 19B
VESTING: MARK H. PROTHRO

Beginning at the center of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian; thence North 00°13'40" East along the center section line of Section 9, 1322.77 feet; thence East 1159.33 feet to the northeast corner of Lot 42, Amended Plat of Prospector Square Subdivision, according to the official plat recorded December 27, 1974, as entry number 125443 of the official records of the Summit County Recorder of Summit County, Utah; thence South 89°57'18" East along the northerly property line of said plot 218.82 feet to the POINT OF BEGINNING; thence South 89°57'18" East 43.33 feet; thence South 00°02'42" West 60.00 feet; thence North 89°57'18" West 43.33 feet; thence North 00°02'42" East 60.00 feet to the POINT OF BEGINNING.

Contains 2,600 square feet of land, more or less.

Lot 19C
VESTING: MARK H. PROTHRO

Beginning at the center of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian; thence North 00°13'40" East along the center section line of Section 9, 1322.77 feet; thence East 1159.33 feet to the northeast corner of Lot 42, Amended Plat of Prospector Square Subdivision, according to the official plat recorded December 27, 1974, as entry number 125443 of the official records of the Summit County Recorder of Summit County, Utah; thence South 89°57'18" East along the northerly property line of said plot 261.95 feet to the POINT OF BEGINNING; thence South 89°57'18" East 50.00 feet; thence South 00°02'42" West 60.00 feet; thence North 89°57'18" West 50.00 feet; thence North 00°02'42" East 60.00 feet to the POINT OF BEGINNING.

Contains 3,000 square feet of land, more or less.

Lot 22B
VESTING: KEMPO KARATE ENTERPRISES

Beginning at the center of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian; thence North 00°13'40" East along the center section line of Section 9, 790.52 feet; thence East 1212.83 feet to the northwest corner of Lot 22A, Amended Plat of Prospector Square Subdivision, according to the official plat recorded December 27, 1974, as entry number 125443 of the official records of the Summit County Recorder of Summit County, Utah, said point also being the POINT OF BEGINNING; thence South 25°36'00" East along the westerly property line of said Lot 22A, 80.00 feet; thence South 64°24'00" West 45.00 feet; thence North 25°36'00" West 80.00 feet; thence North 64°24'00" East 45.00 feet to the POINT OF BEGINNING.

Contains 3,600 square feet of land, more or less.

Lot 22C
VESTING: A. JAMES LARSON and NEAL A. NELSON, as tenants in common

Beginning at the center of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian; thence North 00°13'40" East along the center section line of Section 9, 790.52 feet; thence East 1212.83 feet to the northwest corner of Lot 22A, Amended Plat of Prospector Square Subdivision, according to the official plat recorded December 27, 1974, as entry number 125443 of the official records of the Summit County Recorder of Summit County, Utah; thence South 25°36'00" East 6.89 feet to the POINT OF BEGINNING; thence South 25°36'00" East 71.11 feet; thence South 64°24'00" West 45.00 feet; thence North 25°36'00" West 71.11 feet; thence North 64°24'00" East 45.00 feet to the POINT OF BEGINNING.

Contains 3,200 square feet of land, more or less.

Lot 30
VESTING: CHARLES A. BETHKE and POLLEY BETHKE, husband and wife, as joint tenants, and not as tenants in common, with full rights of survivorship

Beginning at the center of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian; thence North 00°13'40" East along the center section line of Section 9, 507.86 feet; thence East 855.80 feet to a point on the northerly property line of Parking Lot A, Amended Plat of Prospector Square Subdivision, according to the official plat recorded December 27, 1974, as entry number 125443 of the official records of the Summit County Recorder of Summit County, Utah, said point also being the POINT OF BEGINNING; thence North 25°36'00" West 55.00 feet; thence North 64°24'00" East 75.00 feet; thence South 25°36'00" East 55.00 feet to the northerly property line of said Parking Lot A; thence along said property line South 64°24'00" West 75.00 feet to the POINT OF BEGINNING.

Contains 4,125 square feet of land, more or less.

Lot 47A
VESTING: LOST PROSPECTOR ASSOCIATES, a general partnership

Beginning at the center of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian; thence North 00°13'40" East along the center section line of Section 9, 459.02 feet; thence East 1073.49 feet to the southeast corner of Lot 28A, Amended Plat of Prospector Square Subdivision, according to the official plat recorded December 27, 1974, as entry number 125443 of the official records of the Summit County Recorder of Summit County, Utah, said point also being on the northerly right-of-way line of Prospector Avenue; thence North 64°24'00" East along said right-of-way 22.50 feet; thence North 25°36'00" West 180.00 feet to the POINT OF BEGINNING; thence North 25°36'00" West 73.00 feet; thence North 64°24'00" East 45.00 feet; thence South 25°36'00" East 73.00 feet; thence South 64°24'00" West 45.00 feet to the POINT OF BEGINNING.

Contains 3,285 square feet of land, more or less.

Lot 47B
VESTING: LOST PROSPECTOR ASSOCIATES, a general partnership

Beginning at the center of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian; thence North 00°13'40" East along the center section line of Section 9, 459.02 feet; thence East 1073.49 feet to the southeast corner of Lot 28A, Amended Plat of Prospector Square Subdivision, according to the official plat recorded December 27, 1974, as entry number 125443 of the official records of the Summit County Recorder of Summit County, Utah, said point also being on the northerly right-of-way line of Prospector Avenue; thence North 64°24'00" East along said right-of-way 22.50 feet; thence North 25°36'00" West 180.00 feet; thence North 64°24'00" East 45.00 feet to the POINT OF BEGINNING; thence North 25°36'00" West 73.00 feet; thence North 64°24'00" East 45.00 feet; thence South 25°36'00" East 73.00 feet; thence South 64°24'00" West 45.00 feet to the POINT OF BEGINNING.

Contains 3,285 square feet of land, more or less.

Lot 47C
VESTING: LOST PROSPECTOR ASSOCIATES, a general partnership

Beginning at the center of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian; thence North 00°13'40" East along the center section line of Section 9, 459.02 feet; thence East 1073.49 feet to the southeast corner of Lot 28A, Amended Plat of Prospector Square Subdivision, according to the official plat recorded December 27, 1974, as entry number 125443 of the official records of the Summit County Recorder of Summit County, Utah, said point also being on the northerly right-of-way line of Prospector Avenue; thence North 64°24'00" East along said right-of-way 22.50 feet; thence North 25°36'00" West 180.00 feet; thence North 64°24'00" East 90.00 feet to the POINT OF BEGINNING; thence North 25°36'00" West 73.00 feet; thence North 64°24'00" East 45.00 feet; thence South 25°36'00" East 73.00 feet; thence South 64°24'00" West 45.00 feet to the POINT OF BEGINNING.

Contains 3,285 square feet of land, more or less.

Lot 48A
VESTING: LOST PROSPECTOR ASSOCIATES, a general partnership

Beginning at the center of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian; thence North 00°13'40" East along the center section line of Section 9, 246.54 feet; thence East 783.62 feet to the northeast corner of Lot 45B, Amended Plat of Prospector Square Subdivision, according to the official plat recorded December 27, 1974, as entry number 125443 of the official records of the Summit County Recorder of Summit County, Utah, said point also being the POINT OF BEGINNING; thence North 64°24'00" East along the southerly right-of-way line of Prospector Avenue 45.00 feet; thence South 25°36'00" East 42.50 feet; thence South 64°24'00" West 45.00 feet to the Easterly property line of said Lot 45B; thence North 25°36'00" West along said property line 42.50 feet to the POINT OF BEGINNING.

Contains 1,912.5 square feet of land, more or less.

Lot 48B
VESTING: LOST PROSPECTOR ASSOCIATES, a general partnership

Beginning at the center of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian; thence North 00°13'40" East along the center section line of Section 9, 246.54 feet; thence East 783.62 feet to the northeast corner of Lot 45B, Amended Plat of Prospector Square Subdivision, according to the official plat recorded December 27, 1974, as entry number 125443 of the official records of the Summit County Recorder of Summit County, Utah; thence South 25°36'00" East along the east property line of said Lot 45B, 42.50 feet to the POINT OF BEGINNING; thence North 64°24'00" East 45.00 feet; thence South 25°36'00" East 42.50 feet; thence South 64°24'00" West 45.00 feet to the Easterly property line of said Lot 45B; thence North 25°36'00" West along said property line 42.50 feet to the POINT OF BEGINNING.

Contains 1,912.5 square feet of land, more or less.

Lot 48C
VESTING: LOST PROSPECTOR ASSOCIATES, a general partnership

Beginning at the center of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian; thence North 00°13'40" East along the center section line of Section 9, 246.54 feet; thence East 783.62 feet to the northeast corner of Lot 45B, Amended Plat of Prospector Square Subdivision, according to the official plat recorded December 27, 1974, as entry number 125443 of the official records of the Summit County Recorder of Summit County, Utah; thence South 25°36'00" East along the easterly property line of said Lot 45B, 85.00 feet to the POINT OF BEGINNING; thence North 65°24'00" East 45.00 feet; thence South 25°36'00" East 41.01 feet; thence North 64°24'48" East 9.47 feet; thence South 25°36'00" East 60.00 feet to the southerly property line of said plat; thence South 64°24'48" West along said property line 54.47 feet to the southeast corner of said Lot 45B; thence North 25°36'00" West along the easterly property line of said Lot, 101.00 feet, to the POINT OF BEGINNING.

Contains 5,113.2 square feet of land, more or less.

Lot 48D
VESTING: LOST PROSPECTOR ASSOCIATES, a general partnership

Beginning at the center of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian; thence North 00°13'40" East along the center section line of Section 9, 246.54 feet; thence East 783.62 feet to the northeast corner of Lot 45B, Amended Plat of Prospector Square Subdivision, according to the official plat recorded December 27, 1974, as entry number 125443 of the official records of the Summit County Recorder of Summit County, Utah; thence South 25°36'00" East along the easterly property line of said Lot 45B, 186.00 feet; thence North 64°24'48" East 54.47 feet to the POINT OF BEGINNING; thence North 25°36'00" West 60.00 feet; thence North 64°24'48" East 45.00 feet; thence South 25°36'00" East 60.00 feet to the southerly property line of said plat; thence South 64°24'48" West along said property line 45.00 feet to the POINT OF BEGINNING.

Contains 2,700 square feet of land, more or less.

Lot 48E
VESTING: LOST PROSPECTOR ASSOCIATES, a general partnership

Beginning at the center of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian; thence North 00°13'40" East along the center section line of Section 9, 246.54 feet; thence East 783.62 feet to the northeast corner of Lot 45B, Amended Plat of Prospector Square Subdivision, according to the official plat recorded December 27, 1974, as entry number 125443 of the official records of the Summit County Recorder of Summit County, Utah; thence South 25°36'00" East along the easterly property line of said Lot 45B, 186.00 feet; thence North 64°24'48" East 99.47 feet to the POINT OF BEGINNING; thence North 25°36'00" West 60.00 feet; thence North 64°24'48" East 45.00 feet; thence South 25°36'00" East 60.00 feet to the southerly property line of said plat; thence South 64°24'48" West along said property line 45.00 feet to the POINT OF BEGINNING.

Contains 2,700 square feet of land, more or less.

Lot 49A
VESTING: LOST PROSPECTOR ASSOCIATES, a general partnership

Beginning at the center of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian; thence North 00°13'40" East along the center section line of Section 9, 1322.77 feet; thence East 1159.33 feet to the northeast corner of Lot 42, Amended Plat of Prospector Square Subdivision, according to the official plat recorded December 27, 1974, as entry number 125443 of the official records of the Summit County Recorder of Summit County, Utah; thence South 89°57'18" East along the northerly property line of said plat 166.28 feet to the POINT OF BEGINNING; thence South 89°57'18" East 52.34 feet; thence South 00°02'42" West 60.00 feet; thence North 89°57'18" West 52.34 feet; thence North 00°02'42" East 60.00 feet to the POINT OF BEGINNING.

Contains 3,140.4 square feet of land, more or less.

Lot 49B
VESTING: LOST PROSPECTOR ASSOCIATES, a general partnership

Beginning at the center of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian; thence North 00°13'40" East along the center section line of Section 9, 1322.77 feet; thence East 1159.33 feet to the northeast corner of Lot 42, Amended Plat of Prospector Square Subdivision, according to the official plat recorded December 27, 1974, as entry number 125443 of the official records of the Summit County Recorder of Summit County, Utah; thence South 89°57'18" East along the northerly property line of said plat 113.94 feet to the POINT OF BEGINNING; thence South 89°57'18" East 52.34 feet; thence South 00°02'42" West 60.00 feet; thence North 89°57'18" West 52.34 feet; thence North 00°02'42" East 60.00 feet to the POINT OF BEGINNING.

Contains 3,140.4 square feet of land, more or less.

Lot 49C
VESTING: LOST PROSPECTOR ASSOCIATES, a general partnership

Beginning at the center of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian; thence North 00°13'40" East along the center section line of Section 9, 1322.77 feet; thence East 1159.33 feet to the northeast corner of Lot 42, Amended Plat of Prospector Square Subdivision, according to the official plat recorded December 27, 1974, as entry number 125443 of the official records of the Summit County Recorder of Summit County, Utah; thence South 89°57'18" East along the northerly property line of said plat 61.60 feet to the POINT OF BEGINNING; thence South 89°57'18" East 52.34 feet; thence South 00°02'42" West 60.00 feet; thence North 89°57'18" West 52.34 feet; thence North 00°02'42" East 60.00 feet to the POINT OF BEGINNING.

Contains 3140.4 square feet of land, more or less.

Lot 49D
VESTING: LOST PROSPECTOR ASSOCIATES, a general partnership

Beginning at the center of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian; thence North 00°13'40" East along the center section line of Section 9, 1322.77 feet; thence East 1159.33 feet to the northeast corner of Lot 42, Amended Plat of Prospector Square Subdivision, according to the official plat recorded December 27, 1974, as entry number 125443 of the official records of the Summit County Recorder of Summit County, Utah; thence South 89°57'18" East along the northerly property line of said plat 9.26 feet to the POINT OF BEGINNING; thence South 89°57'18" East 52.34 feet; thence South 00°02'42" West 60.00 feet; thence North 89°57'18" West 52.34 feet; thence North 00°02'42" East 60.00 feet to the POINT OF BEGINNING.

Contains 3,140.4 square feet of land, more or less.

Parking Lot A
VESTING: PROSPECTOR SQUARE PROPERTY OWNERS ASSOCIATION

Beginning at the center of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian; thence North 00°13'40" East along the center section line of Section 9, 684.97 feet; thence East 833.79 feet to the easterly most corner of Lot 6, Amended Plat of Prospector Square Subdivision, according to the official plat recorded December 27, 1974, as entry number 125443 of the official records of the Summit County Recorder of Summit County, Utah said point also being the POINT OF BEGINNING; thence North 47°22'00" East 101.86 feet; thence North 34°00'00" East 86.98 feet to the southeasterly property line of Lot 9B of said plat; thence North 56°00'00" West 50.61 feet to the southerly right-of-way line of Sidewinder Drive; thence along said right-of-way the following two (2) calls: (1) 241.49 feet along the arc of a curve to the right, concave northerly, having a radius of 166.00 feet and a central angle of 83°21'00" (chord bears North 84°18'31" West 220.75 feet); thence (2) North 42°38'00" West 45.77 feet to the east corner of Lot 2A of said plat; thence South 47°22'00" West along the southerly property lines of Lots 2A and 2B of said plat, 138.00 feet to the north corner of Lot 3A; thence South 42°38'00" East along the northeast property lines of Lots 3A, 3B, 4A, and 4B of said plat, 220.00 feet to the northwest corner of Lot 5C of said plat; thence North 47°22'00" East along the northwest property lines of 5C and 6 of said plat 110.00 feet to the northeast corner of said Lot 6; thence South 42°38'00" East along the property line of said Lot 6 60.00 feet to the POINT OF BEGINNING.

Contains 47,634 square feet of land, more or less.

Parking Lot D
VESTING: PROSPECTOR SQUARE PROPERTY OWNERS ASSOCIATION

Beginning at the center of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian; thence North 00°13'40" East, along the center section line of Section 9, 731.40 feet; thence East 1912.68 feet to the southwest corner of Lot 17B, Amended Plat of Prospector Square Subdivision, according to the official plat recorded December 27, 1974, as entry number 125443 of the official records of the Summit County Recorder of Summit County, Utah, said point also being on the northerly right-of-way line of Prospector Avenue and the POINT OF BEGINNING; thence along said right-of-way the following two (2) calls: (1) West 73.39 feet to (2) the beginning of a curve, concave southerly, having a radius of 433.00 feet and a central angle of 19°47'30"; thence westerly along the arc of said curve 149.57 feet to the southeast corner of Lot 20A of said plat; thence North along the east property line of said Lot 169.57 feet; thence East 80.00 feet; thence South 70.00 feet to the southwest corner of Lot 18A of said plat; thence East along the south property lines of Lots 18A, 18B, and 18A of said plat 140.00 feet to the west property line of said Lot 17B; thence South along said property line 74.00 feet to the POINT OF BEGINNING.

Contains 23,115 square feet of land, more or less.

Parking Lot G
VESTING: PROSPECTOR SQUARE PROPERTY OWNERS ASSOCIATION

Beginning at the center of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian; thence North 00°13'40" East along the center section line of Section 9, 246.54 feet; thence East 783.62 feet to the northeast corner of Lot 45B, Amended Plat of Prospector Square Subdivision, according to the official plat recorded December 27, 1974, as entry number 125443 of the official records of the Summit County Recorder of Summit County, Utah; thence North 64°24'00" East 45.00 feet to the POINT OF BEGINNING; thence North 64°24'00" East along the southerly right-of-way line of Prospector Avenue 259.00 feet to the northwest corner of Lot 27B-1 of said plat; thence South 25°36'00" East along the westerly property lines of Lots 27B-1, 27A, 26B, and 26A of said plat 186.07 feet to the southerly property line of said plat; thence South 64°24'48" West 159.53 feet; thence North 25°36'00" West 60.00 feet; thence South 64°24'48" West 99.47 feet; thence North 25°36'00" West 126.01 feet to the POINT OF BEGINNING.

Contains 42,216 square feet of land, more or less.

Parking Lot J
VESTING: PROSPECTOR SQUARE PROPERTY OWNERS ASSOCIATION

Beginning at the center of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian; thence North 00°13'40" East along the center section line of Section 9, 1322.77 feet; thence East 1159.33 feet to the northeast corner of Lot 42, Amended Plat of Prospector Square Subdivision, according to the official plat recorded December 27, 1974, as entry number 125443 of the official records of the Summit County Recorder of Summit County, Utah, said point also being the POINT OF BEGINNING; thence South 89°57'18" East along the north property line of said plat 9.26 feet; thence South 00°02'42" West 60.00 feet; thence South 89°57'18" East 492.79 feet; thence North 60.00 feet to the north property line of said plat; thence South 89°57'18" East 10.00 feet to the northwest corner of Lot 43 of said plat; thence South along said property line 186.19 feet to the north right-of-way line of Sidewinder Drive; thence West along said right-of-way 512.00 feet to the southeast property corner of said Lot 42; thence North along said property line 186.59 feet to the POINT OF BEGINNING.

Contains 65,865 acres of land, more or less.

Parking Lot K
VESTING: PROSPECTOR SQUARE PROPERTY OWNERS ASSOCIATION

Beginning at the center of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian; thence North 00°13'40" East, along the center section line of Section 9, 459.02 feet; thence East 1073.49 feet to the southeast corner of Lot 28A, Amended Plat of Prospector Square Subdivision, according to the official plat recorded December 27, 1974, as entry number 125443 of the official records of the Summit County Recorder of Summit County, Utah, said point also being on the northerly right-of-way line of Prospector Avenue; thence North 64°24'00" East 13.25 feet to the POINT OF BEGINNING; thence North 25°36'00" West 180.00 feet; thence North 64°24'00" East 153.50 feet; thence South 25°36'00" East 180.00 feet to the northerly right-of-way line of Prospector Avenue; thence South 64°24'00" West along said right-of-way 153.50 feet to the POINT OF BEGINNING.

Contains 27,630 square feet of land, more or less.

OWNER'S DEDICATION AND CONSENT TO RECORD

Know all men by these presents: That the undersigned are the owners of the herein described tracts of land, and hereby causes the same to be divided into parking lots and building lots, together with easements as set forth and shown hereon, hereafter to be known as Prospector Square Supplemental Amended Plat.

Also the owners hereby dedicates to Summit County, Snyderville Basin Sewer Improvement District, Park City Fire Protection District, and Park City Municipal Corporation a non-exclusive easement over all common areas and parking lots shown on this plat for the purpose of providing access for utility installation, maintenance, use and eventual replacement.

Carmen Herrerias Mileti
Carmen Herrerias Mileti – Owner of Lots 7A-1 & 7A-2

ACKNOWLEDGEMENT

State of Utah)
County of Summit)
On the 15th day of November, 1993 personally appeared before me, Carmen Herrerias Mileti, who being by me duly sworn, did say that she is the owner of Lots 7A-1 and 7A-2, Prospector Square Supplemental Amended Plat and that the within and foregoing Dedication and Consent to Record was signed on behalf of said individual.

Bronwyn Ross My commission expires:
Notary Public

NOTARY PUBLIC
BRONWYN R. ROSS
1910 PROSPECTOR AVE.
PARK CITY, UT 84060
My Commission Expires Aug. 31, 1997
State of Utah

Kirk Phillips
Kirk Phillips
President of Kempo Karate Enterprises – Owner of Lot 22B

ACKNOWLEDGEMENT

State of Utah)
County of Summit)
On the 16th day of November, 1993 personally appeared before me, Kirk Phillips, who being by me duly sworn, did say that he is President of Kempo Karate Enterprises, owner of Lot 22B, Prospector Square Supplemental Amended Plat and that the within and foregoing Dedication and Consent to Record was signed on behalf of said corporation.

Vicki D. Clement My commission expires:
Notary Public

NOTARY PUBLIC
MIKI BRINGHURST
7672 Aveniare Drive
Salt Lake City, Utah 84121
My Commission Expires June 1, 1996
STATE OF UTAH

Michael Sloan
Michael Sloan
President of Prospector Square Property Owners Association owner of Parking Lots A, D, G, J, and K

ACKNOWLEDGEMENT

State of Utah)
County of Summit)
On the 17th day of November, 1993 personally appeared before me, Michael Sloan, who being by me duly sworn, did say that he is President of Prospector Square Property Owners Association, owners of Parking Lots A, D, G, J, and K, Prospector Square Supplemental Amended Plat, and that the within and foregoing Dedication and Consent to Record was signed on behalf of said Association.

Vicki D. Clement My commission expires:
Notary Public

NOTARY PUBLIC
MIKI BRINGHURST
7672 Aveniare Drive
Salt Lake City, Utah 84121
My Commission Expires June 1, 1996

A. James Larson
A. James Larson
Neal A. Nelson
Neal A. Nelson
Owners of Lot 22C

ACKNOWLEDGEMENT

State of Utah)
County of Summit)
On the 16th day of November, 1993 personally appeared before me, A. James Larson and Neal A. Nelson, who being by me duly sworn, did say that they are the owners of Lot 22C, Prospector Square Supplemental Amended Plat as tenants in common and that the within and foregoing Dedication and Consent to Record was signed on behalf of said individuals.

Vicki D. Clement My commission expires:
Notary Public

NOTARY PUBLIC
MIKI BRINGHURST
7672 Aveniare Drive
Salt Lake City, Utah 84121
My Commission Expires June 1, 1996

Dennis D. Ceccarelli
Dennis D. Ceccarelli – Owner of Lots 7B-1, 7B-2, 8-1 & 8-2
Timeless Development Inc.

ACKNOWLEDGEMENT

State of Utah)
County of Summit)
On the 24th day of November, 1993 personally appeared before me, Dennis D. Ceccarelli, who being by me duly sworn, did say that he is the owner of Lots 7B-1, 7B-2, 8-1, and 8-2, Prospector Square Supplemental Amended Plat and that the within and foregoing Dedication and Consent to Record was signed on behalf of said individual.

Vicki D. Clement My commission expires:
Notary Public

NOTARY PUBLIC
MIKI BRINGHURST
7672 Aveniare Drive
Salt Lake City, Utah 84121
My Commission Expires June 1, 1996

Charles A. Bethke
Charles A. Bethke
Polley Bethke
Polley Bethke
Owners of Lot 30

ACKNOWLEDGEMENT

State of Utah)
County of Summit)
On the 18th day of November, 1993 personally appeared before me, Charles A. Bethke and Polley Bethke, who being by me duly sworn, did say that they are joint tenants of Lot 30, Prospector Square Supplemental Amended Plat and that the within and foregoing Dedication and Consent to Record was signed on behalf of said individuals.

Bronwyn Ross My commission expires:
Notary Public

NOTARY PUBLIC
BRONWYN R. ROSS
1910 PROSPECTOR AVE.
PARK CITY, UT 84060
My Commission Expires Aug. 31, 1997
State of Utah

Franklin D. Richards
Franklin D. Richards
President of Real Estate Investment Company – Owner of Lots 9A-1 & 9A-2

ACKNOWLEDGEMENT

State of Utah)
County of Summit)
On the 24th day of November, 1993 personally appeared before me, Franklin D. Richards, who being by me duly sworn, did say that he is the President of Real Estate Investment Company, a Utah corporation, owner of Lot 9A-1 and 9A-2, Prospector Square Supplemental Amended Plat and that the within and foregoing Dedication and Consent to Record was signed on behalf of said corporation.

Vicki D. Clement My commission expires:
Notary Public

NOTARY PUBLIC
MIKI BRINGHURST
7672 Aveniare Drive
Salt Lake City, Utah 84121
My Commission Expires June 1, 1995
STATE OF UTAH

Jack J. Johnson
Jack J. Johnson
Partner in Lost Prospector Associates – Owner of Lots 47A, 47B, 47C, 48A, 48B, 48C, 48D, 48E, 49A, 49B, 49C, and 49D

ACKNOWLEDGEMENT

State of Utah)
County of Summit)
On the 17th day of November, 1993 personally appeared before me, Jack J. Johnson, who being by me duly sworn, did say that he is a partner in Lost Prospector Associates, owner of Lots 47A, 47B, 47C, 48A, 48B, 48C, 48D, 48E, 49A, 49B, 49C, and 49D, Prospector Square Supplemental Amended Plat and that the within and foregoing Dedication and Consent to Record was signed on behalf of said partnership.

Vicki D. Clement My commission expires:
Notary Public

NOTARY PUBLIC
MIKI BRINGHURST
7672 Aveniare Drive
Salt Lake City, Utah 84121
My Commission Expires June 1, 1996
STATE OF UTAH

Mark H. Prothro
Mark H. Prothro – Owner of Lots 19B and 19C

ACKNOWLEDGEMENT

State of Utah)
County of Summit)
On the 18th day of November, 199_ personally appeared before me, Mark H. Prothro, who being by me duly sworn, did say that he is the owner of Lots 19B and 19C, Prospector Square Supplemental Amended Plat and that the within and foregoing Dedication and Consent to Record was signed on behalf of said individual.

Bronwyn Ross My commission expires:
Notary Public

NOTARY PUBLIC
BRONWYN R. ROSS
1910 PROSPECTOR AVE.
PARK CITY, UT 84060
My Commission Expires Aug. 31, 1997
State of Utah

PLOT DATE: 11/12/93

CITY COUNCIL APPROVAL	CITY ENGINEER	CITY PLANNING COMMISSION	APPROVAL AS TO FORM	RECORDED
PRESENTED TO THE BOARD OF ______ CITY COUNCIL THIS ______ DAY OF ______ A.D. 19__ AT WHICH TIME THIS RECORD OF SURVEY WAS APPROVED.	APPROVED AND ACCEPTED BY THE ______ CITY ENGINEERING DEPARTMENT ON THIS ______ DAY OF ______ A.D. 19__	APPROVED AND ACCEPTED BY THE ______ CITY PLANNING COMMISSION ON THIS ______ DAY OF ______ A.D. 19__	APPROVED AS TO FORM ON THIS ______ DAY OF ______ A.D. 19__	Nº. 397064 STATE OF Utah COUNTY OF Summit RECORDED AND FILED AT THE REQUEST OF: Park City Title Company Date: 02-01-94 Time: 14:22 PM Fee: $90.00 Alan Spriggs COUNTY RECORDER
MAYOR / CITY RECORDER	CITY ENGINEER	CHAIRMAN	CITY ATTORNEY	

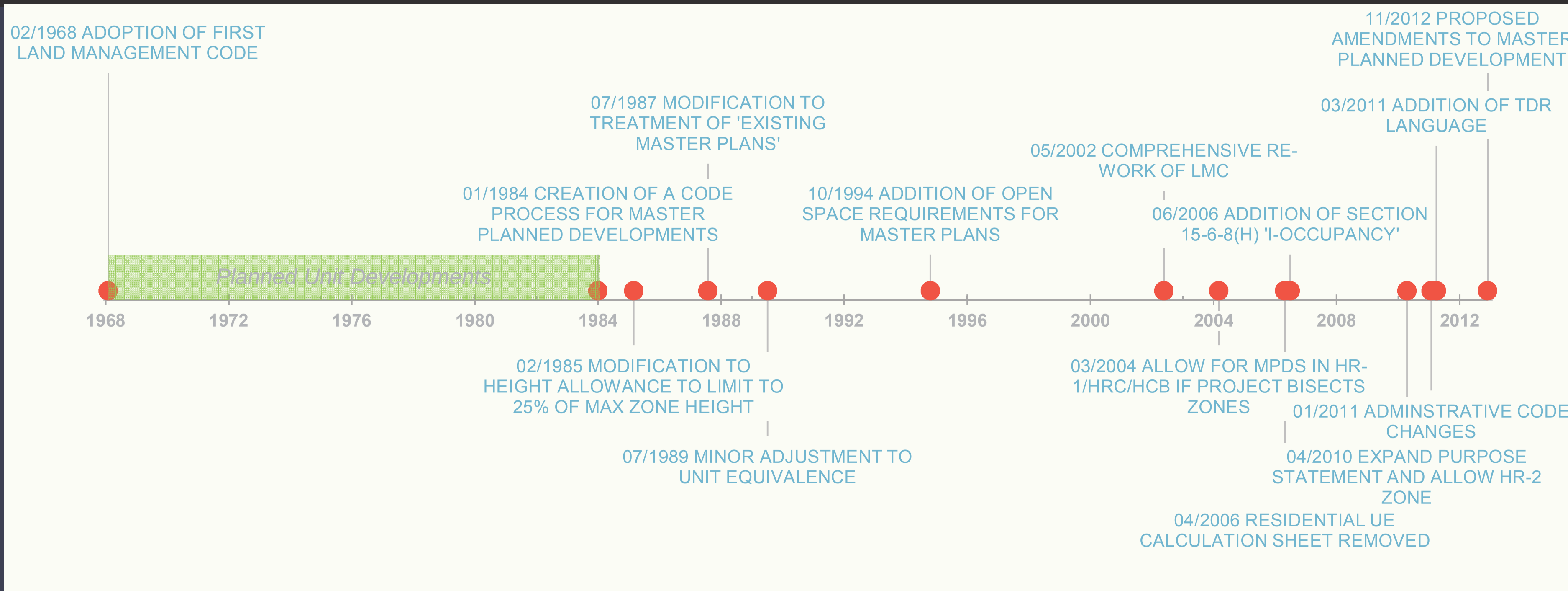
THE JACK JOHNSON COMPANY
1910 Prospector Avenue • Park City, Utah 84060
(801) 645-9000 • fax (801) 649-1620

PROSPECTOR SQUARE

EXHIBIT D

MASTER PLANNED DEVELOPMENT

TIMELINE AND EVOLUTION HISTORY IN PARK CITY



DESCRIPTION OF CHANGES MADE TO MASTER PLANNED DEVELOPMENT CODE

DATE	ADOPTION OF ORDINANCE CHANGES
02/01/1968	02/1968 Adoption of first Land Management Code
01/01/1984	01/1984 Creation of a Code process for Master Planned Developments
02/28/1985	02/1985 Modification to height allowance to limit to 25% of max zone height
07/30/1987	07/1987 Modification to treatment of 'existing Master Plans'
07/06/1989	07/1989 Minor adjustment to unit equivalence
10/20/1994	10/1994 Addition of Open Space requirements for Master Plans
05/23/2002	05/2002 Comprehensive re-work of LMC
03/04/2004	03/2004 Allow for MPDs in HR-1/HRC/HCB if project bisects zones
04/26/2006	04/2006 Residential UE calculation sheet removed
06/29/2006	06/2006 Addition of Section 15-6-8(H) 'I-Occupancy'
04/15/2010	04/2010 Expand purpose statement and allow HR-2 zone
27/01/2011	01/2011 Adminstrative code changes
31/03/2011	03/2011 Addition of TDR language
28/11/2012	11/2012 Proposed amendments to Master Planned Development

ZONING HISTORY IN PARK CITY

Four defined MPD designations used from 1984 to 2003

	HR-1	HR-2	HCB	HRC	HRL	E	SF	SF-N	RD	RDM	RCO	ROS	R-1	RM	GC	RC	LI
Master planned development including service and limited retail commercial support services	P	P	C	C-2	P	C	P	P	C	C-1	C-3	P	P	P	C	C	P
Master planned development with full commercial uses, heavy retail, and services designed for general public use rather than support services	P	P	C	P	P	P	P	P	P	P	C-3	P	P	P	C	C	P
Master planned development with residential and transient lodging uses only	C	P	C	C-2	P	C	P	P	C	C	C-3	P	C	C	C	C	P
Master planned devlopment with moderate income housing density bonus	P	P	P	C-2	P	C	P	P	C	C	C-3	P	P	C	C	C	C-4

P = Prohibited Use

C = Conditional Use

January 1, 1984 — not required but allowed. Original zones that allowed MPDS were E, RD, RDM, R-1, HR-1, RM, GC, HCB, and RC under certain definitions.

February 28, 1985 — Allowance of MPDs in RDM for developments including service and limited retail commercial support services (C-1)

July 30, 1987 — Introduction of new zoning designations for SF, SF-N, and HRC. HRC allow for MPDs (C-2).

July 6, 1989 — Introduction of new zoning designations for RCO and HR-2. RCO allow for MPDs (C-3).

October 20, 1994 — Change of MPD allowance in LI from prohibited to allowing MPDs with moderate income housing density (C-4).

MPD Zoning Code from 2003 to Present

	HR-1	HR-2	HCB	HRC	HRL	HRM	SF	RD	RDM	RCO	ROS	R-1	RM	GC	RC	LI	E-40	E
Master Planned Developments	A-1	A-3	A-2	A-2	P	P	R	R	R	R	R	R	R	R R	R		R	R

R = Required
P = Prohibited
A = Allowed but not required

May 23, 2002 — Complete re-write of the Code which resulted in requirement of Master Planned Developments for all zones with the exception of HR-1, HR-2, HCB, HRC, HRL, and HRM.

March 4, 2004 — Change in HR-1 to allow but not require MPDs if combined with adjacent HCB/HRC zones (A-1).
Additional change to allow MPDS in HCB/HRC if the project bisects two zones (A-2).

April 15, 2010 — Change to allow MPDs in HR-2 as allowed but not required if combined with adjacent HCB/HRC zones (A-3).

EXHIBIT E

PARK CITY PLANNING COMMISSION
WORK SESSION MINUTES
AUGUST 22, 2012

PRESENT: Charlie Wintzer, Brooke Hontz, Mick Savage, Adam Strachan, Jack Thomas, Thomas Eddington, Katie Cattan, Mathew Evans, Polly Samuels McLean

WORK SESSION ITEMS

Land Management Code Amendments – General Discussion

Planner Kirsten Whetstone reported that the Staff was doing an annual update of the Land Management Code. She handed out a Staff report that outlined a few of the major changes for consideration. Additional minor changes were not included in the Staff report. Planner Whetstone pointed out that four pages of the Staff report was a pending ordinance for these various amendments.

Planner Whetstone reviewed the redlined packet of amendments. The first was Review Procedure under the Code and addressed different sections of the Code related to review procedures, primarily the appeal process. Planner Whetstone explained that the primary reason for the change was that an applicant could not go through two appeals with the City. It has to move on to a court jurisdiction. She noted that it applied to design reviews, administrative reviews and final actions that get appealed to the Planning Commission and then to the Board of Adjustment.

Planner Whetstone acknowledged that the Planning Commission had only been given the material this evening. She recommended that the Planning Commission read the material and the pending ordinance and come prepared to discuss it at the next meeting on September 12, 2012.

Chair Wintzer asked if the next meeting would be a work session discussion or whether the Planning Commission would be asked to take action. Planner Whetstone stated that the LMC amendments would be noticed for public hearing and discussion, but no action would be requested.

Planner Whetstone referred to the redlined amendment addressing changes to roof pitch, patios and the proposal to require a building permit for certain impervious surfaces in the Historic District.

Planner Whetstone noted that the section titled Master Planned Developments was a relook at various items and issues raised over the past year regarding master planned developments in Old Town and criteria that should be looked at in Master Planned Developments.

Planner Whetstone referred to Chapter 10 – Board of Adjustment and noted that that redlined version removes the Special Exception. The Board of Adjustment is allowed to grant variances and various things, and they can also act on a Special Exception, which is no longer in the State Code. The Staff proposed to delete the Special Exception, but they had not decided what to replace it with. Some of their ideas would be presented to the Planning Commission at the next meeting for discussion.

Planner Whetstone commented on the Definitions Section and the proposal to add definitions for green roofs, impervious surface, split level, story, half-story, and a zero net energy building.

In response to a question of whether or not the Planning Commission would take public input on the proposed amendments, Chair Wintzer believed it was best to hold public comment until the next meeting to give the Planning Commission the opportunity to review the material handed out this evening. Chair Wintzer encouraged the Commissioners to carefully read the proposed amendments and contact the Planning Department with any questions prior to the next meeting. Director Eddington stated that Planner Whetstone was the lead planner on the amendments; however, other Staff members would also be involved. He encouraged the Commissioners to contact Planner Whetstone to schedule a time to meet with her or another Staff person.

Assistant City Attorney McLean commented on the review process for Historic District Design Review, as well as Administrative Conditional Use Permits. She explained that the proposed change came out of litigation involving 811 Norfolk, in which the court ruled that the City process applied in that case had excessive appeals, which is not allowed by State Code. However, Section 302 of the State Code allows for an application process that allows designation of routine land use matters. An application of proper notice will receive informal streamlined review and action if the application is uncontested, and shall protect the right of each applicant and third party to require formal consideration of any application by a land use authority; and that that decision can be appealed. Ms. McLean stated that that portion of State Code reflects the process the City has where the Staff review is a streamlined review that can be taken to the HPB and further appealed to the Board of Adjustment. Ms. McLean remarked that the amendment tailors the language to more closely reflect the State Code language to make clear that their intent is to follow the State Code.

Commissioner Strachan asked for the impetus behind the changes to the MPD portion of the Code, Chapter 6. Director Eddington explained that the Master Planned Development process began in 1994 and at that time it was allowed in most of the zones. It has morphed over the years and MPDs are allowed in some zones and disallowed in others. The language has been altered and it is now at a point where MPDs are allowed in the Main Street zone if it crosses over into another zone. The intent is to clean up the language and make it more applicable.

Director Eddington noted that a related discussion on the Kimball Arts Center was scheduled before the City Council to consider the opportunity to have that project go through an MPD. Projects on infill lots are challenging and currently there is no opportunity to look at an MPD. Director Eddington clarified that the City Council would not take action on the Kimball Arts Center. It would simply be a policy discussion on whether to allow an MPD to be applied in that situation. Director Eddington invited the Commissioners to attend the City Council meeting to hear that discussion. He clarified that it would be a general policy discussion and not specific to the Kimball Arts Center.

Commissioner Strachan pointed out that the information handed out this evening had a definition of story and split level. Therefore, when the Planning Commission provides the Staff direction for the next work session on the story issue, they should not ask for those definitions because they have already been provided.

Commissioner Savage noted that the applicants who had their projects continued this evening had stayed for the work session because the Planning Commission committed to have a discussion regarding the interpretation of story, independent of the proposed amendments. He pointed out hazards, utility easements, or other features, including ridge lines, which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the Subdivision and/or its surrounding Areas, shall not be subdivided or developed unless adequate methods are formulated by the Developer and approved by the Planning Commission, upon recommendation of a qualified engineer, to solve the problems created by the unsuitable land conditions. The burden of the proof shall lie with the Developer. Such land shall be set aside or reserved for Uses as shall not involve such a danger."

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Conclusions of Law – 200 Ridge Avenue

1. There is no good cause for this plat amendment given that the six (6) combined proposed lots could not be supported by the existing road. Access from Ridge Avenue would be extremely difficult due to the steepness of the slope off of Ridge Avenue to the proposed lots. There are significant issues related to traffic and environmental concerns.

2. It is unknown at this time whether sewer service can be provided to the proposed lots due to the lack of sewer infrastructure on Ridge Avenue, and due to the fact that the Snyderville Basin Water Reclamation District will not allow a private sewer lateral to service the proposed six (6) lots to be placed on a private sewer line that connects to the sewer main on Daly Avenue.

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

6. Land Management Code Amendments – Chapter 1–General Provision and Procedures; Chapter 2–Zoning; Chapter 3–Off-Street Parking; Chapter 4-, Supplemental Regulations; Chapter 5–Architecture Review; Chapter 6– Master Planned Development; Chapter 7–Subdivisions; Chapter 8–Annexation; Chapter 10-Board of Adjustment; Chapter 11-Historic Preservation; Chapter 12-Planning Commission; Chapter 15-Definitions (Application #PL-12-01631)

Planner Whetstone reported that the Staff was working on an annual update to the Land Management Code. The proposed amendments were before the Planning Commission for review. Based on input this evening, the Staff would finalize the amendments and prepare a recommendation for consideration on September 26th. Additional amendments were being prepared for review in October.

Planner Whetstone noted that page 222 of the Staff report identified changes in the different chapters.

Clarification of Exception to Roof Pitch Requirements in the Historic District.

Commissioner Hontz thought the building permit requirement might help with the issue of people removing landscaping to put in parking pads. She has seen a number of cases where people use their garage for living space and remove vegetation on the property to put in a parking pad. That is currently prohibited by the LMC, but unless a neighbor files a complaint, it is not enforced. Director Eddington clarified that the LMC was not strong on that issue. Currently, the only mechanism is HDDR in the Historic District. There is no other permit, which is why the Staff recommends a building permit requirement.

Commissioner Strachan remarked that increasing the square footage of living space inside the structure should trigger the building permit requirement. He did not think people should need a building permit to build a patio or deck on their property. The City should encourage improvements to homes. Director Eddington stated that decks and patios already come in for building permits if they are greater than 30 inches off the ground. The bigger issue is parking areas and driveways that gradually get expanded to where the entire front yard is paved. Those situations create run-off and aesthetic issues. Commissioner Strachan pointed out that the proposed language did not address those situations. Director Eddington stated that the Staff would rework the language to make sure it includes flatwork and addresses those issues.

After further discussion, Assistant City Attorney McLean stated that she had received feedback from the Building Department and the City Engineer suggesting this amendment. She recalled an application where someone paved over the right-of-way and it turned into an enforcement issue. The Building Department felt it could have been caught earlier and easier if a permit had been required.

Commissioner Thomas cautioned them to be careful about specifying impervious surfaces because a number of surfaces that would not apply could be considered impervious. Director Eddington remarked that the problems are primarily in the Historic District. Director Eddington remarked that they could look at the issue more holistically and start to talk about an impervious percent of lot coverage. Commissioner Thomas favored that approach.

Commissioner Hontz thought the requirement could be as simple as a checklist. Someone would pay $15.00 and check off the list of criteria.

Commissioner Strachan thought it was appropriate to place the requirement in the HR zones to see how it plays out. It was obviously a bigger problem there than in the other zones and it was as good place to start. Commissioner Thomas suggested that they could add specific conditions and limit it to the front property. Director Eddington stated that it could be limited to parking, driveways, entry walkways, etc. Patios and decks would be taken out of the requirement.

The Planning Commission agreed to start with a requirement in the historic zones and to refine the language regarding impervious surfaces.

Master Planned Developments in the Historic District

Commissioner Hontz did not think the language as written was clear and reflected the intent. There needed to be some clarification of where the actual MPD is allowed.

Director Eddington explained that the intent, which is currently stated, is that the MPD is allowed everywhere except HR-1, HR-2, HRC, HCB and HRL. A large scale master plan project over 10,000 square feet or ten residential units is required to do an MPD. An MPD is allowed, but not required, in the HR-1 and HR-2 zones, but only when the property in question is combined with an HRC or HCB zone. He clarified that in all cases, the mitigating MPD criteria must be met. Commissioner Hontz clarified that an MPD was only required for the four items listed in the Staff report. Director Eddington answered yes, and noted that the Code has always read that way. Director Eddington noted that the next section of the redlined language states that an MPD is only allowed if you cross over a historic residential and commercial zone.

Commissioner Hontz reiterated that the language should be revised for clarity in Section (A). Director Eddington understood her concern and offered to wordsmith the language. He understood that the Planning Commission was comfortable with the intent of the language to require MPDs in all zones except the historic zones.

Commissioner Hontz asked about the Heber Avenue subzone. Director Eddington replied that the Heber Avenue subzone is the 150 feet that is north of Heber Avenue. The Subzone goes from Park Avenue to the west and over to Deer Valley on the east. It includes Poison Creek, Mercantile, Sky Lodge and Kimball Arts Center. He noted that the Sky Lodge came in under an MPD.

Commissioner Strachan asked for the history behind why they have MPDs only when projects span zones. Based on past minutes, Director Eddington assumed it was because there were no big projects in the historic residential zones and MPDs were not applicable. Commissioner Strachan thought it would be beneficial for the Planning Commission to see those minutes to understand the history and the reasoning. Others before them thought this out and they should not reinvent the wheel. Director Eddington remarked that MPDs started out in all zones and over the years some zones were added and others were taken out. Commissioner Strachan believed a Staff analysis of the history would be worth looking at.

Director Eddington reported that the City Council addressed the issue of the Kimball Arts Center during a work session. There was a discussion with regard to the fact that the current proposal as it exists could not come before the Planning Commission or the City Council in the form of an application. If it was submitted to the Planning Department as proposed, it would not meet the zone. If an MPD was allowed, the Staff could at least consider it and work with the Kimball Arts Center on a collaborative win/win situation. Commissioner Strachan stated that if the proposal could not come before the Planning Commission as proposed, they have time to get this right before an application is submitted.

Commissioner Hontz wanted to know how the City Council had responded. Director Eddington stated that the City Council was generally in favor of looking at an opportunity to work with the Kimball Arts Center and expand the MPD. He clarified that the direction did not mean the City Council liked that particular concept or design, but they thought there should be a collaborative opportunity to work with them. The Council suggested that the 32 foot height limit was overly restrictive for what Kimball could do.

Commissioner Hontz stated that after a thorough analysis, if the Planning Commission did not agree with the language stated in Section 3 and forwards that recommendation to the City Council, the Council could make the decision to put the MPD language back in. Director Eddington agreed that the Planning Commission makes the recommendation and the City Council has the final vote.

Commissioner Strachan stated that the Planning Commission has talked about amending the MPD provision in the LMC for years, and now may be the right time to do it. The Kimball Arts Center may be taken out of their hands by the City Council, but at least they would have good LMC language for MPDs for all other applications.

Commissioner Hontz stated that once they open the discussion everything else follows, for example, open space. In looking at an MPD in the historic core or in Bonanza Park, there is a lot of value for not having a significant amount of grass or landscaping where you should be having commercial, residential or mixed uses. However, the question is the trade-off. Commissioner Hontz thought there may be some opportunities for reduced open space with the proper solutions, such as TDRs. A public roof top garden is not the value she would want to see as an open space trade-off.

Director Eddington stated that Gateway Planning is invited to the October 24th meeting. The Staff will try to make it a joint meeting with the City Council so Gateway can do one presentation on the Form Base Code. He thought they would see the challenges related to open space when the Form Base Code is presented.

<u>Special Exception – Board of Adjustment</u>
Planner Whetstone noted that the revised language was straightforward and removed the special exceptions reviewed by the Board of Adjustment from the Code.

Given the late hour, Chair Worel suggested that the Planning Commission open the public hearing and continue the discussion at the next meeting.

Chair Worel opened the public hearing.

Hope Melville, an Old Town resident, commented on the change to the MPD. The City Council wanted to consider whether an MPD would work for the Kimball Arts Center specifically for the idea of more public input. As pointed out, the Planning Department could not accept an application on the current proposal. Ms. Melville was concerned about changing the rules for one specific project and the precedent it creates. In terms of open space, she questioned the justification for the idea to decrease open space for all MPDs from 30% to 20%. She also questioned the justification for defining rooftop gardens as open space.

Jeff Love wanted to comment on the amendment regarding the appeals process.

Planner Whetstone reported that at the last meeting Assistant Attorney McLean gave a summary of some of the issues and problems with the appeals process. Based on that information, the Staff recommended an amendment for compliance with the State Code. The amendment changes the process to eliminate the double appeal process. Planner Whetstone stated that an action by the Planning Staff would be appealed to the appropriate Board. If that decision was appealed, it would go to the Court system instead of the Board of Adjustment.

Assistant City Attorney McLean stated that the streamlined review stemmed out of a law suit. The court found that as the appeal process was applied in that case, the City has excessive appeals in terms of an appeal from Staff review to HPB to the Board of Adjustment. The Court did not address another section of the State Code, which allows for a streamline review. If the streamline review is contested, it goes to a Board or a land use authority, and from there it requires an appeal. The recommended Code changes are meant to comport with the section of the State Code to allow for that streamlined review, which is basically what the City does already. The amendment better clarifies the process and makes it closer to State Code. Ms. McLean stated that the amendment is most applicable to Historic District Design Review and Administrative CUPs.

Jeff Love, 615 Woodside Avenue, disagreed with Ms McLean's explanation. It was his application that was denied by Staff and appealed to the HPB. He successfully won at the HPB, after which several neighbors appealed it to the Board of Adjustment. When he went to court he had three strong arguments. One of the arguments was that the City appeals process violates State law. State law say that a municipality cannot require an adversely effected party to go through multiple appeals before they get relief in District Court. Mr. Love stated that Judge Kelly, over the course of one year, determined that the City's ordinance violates State law and it is currently illegal. Mr. Love remarked that the other two arguments in court were never ruled upon because Judge Kelly determined that the Board of Adjustment was illegal. Mr. Love stated that the Park City Legal Department is proposing to change the name of the Historic Preservation Board's appeal from an "appeal" to "formal consideration". He reiterated that Judge Kelly determined that the process is illegal, not the name of the process. In his opinion, playing a semantics game and creating a loophole for yourself to make an illegal process legal is wrong, and it will not hold up in District court if it gets challenged. The way to make the process legal is to eliminate one of the two appeals. In his opinion, the one to remove is the Board of Adjustment. It makes more sense for the Historic Preservation Board to be the appeal authority for HDDRs. If someone appeals to that Board and they do not like the decision, it goes to District Court. Changing the name is making a mockery of Third District Court and Judge Kelly. Mr. Love encouraged the City to make it right and do it legal.

Chair Worel closed the public hearing.

MOTION: Commissioner Thomas moved to CONTINUE the Land Management Code Amendments to September 26, 2012. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

The Planning Commission met in work session prior to the regular meeting for an LMC discussion regarding story and height. That discussion can be found in the Work Session Minutes dated September 12, 2012.

The Park City Planning Commission meeting adjourned at 10:15 p.m.

Approved by Planning Commission: ___________________________________

MOTION: Commissioner Savage moved to CONTNUE the Richards/PCMC Annexation and Zoning until November 14, 2012. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

3. Land Management Code Amendments – Chapter 1-General Provision and Procedures; Chapter 2-Zoning; Chapter 3-Off Street parking; Chapter 4-Supplemental Regulations; Chapter 5-Architecture Review; Chapter 6-Master Planned Development; Chapter 7-Subdivisions, Chapter 8-Annexation; Chapter 10-Board of Adjustment; Chapter 11-Historic Preservation; Chapter 12-Planning Commission; Chapter 15-Definitions. (Application #PL-12-01631)

Chair Worel requested that Planner Whetstone review the LMC items that were recommended be continued this evening.

Planner Whetstone stated that the Staff noticed a number of additional changes beyond the analysis and redlined changes in the Staff report, and recommended that those items be continued for further analysis. The 22 items to be continued were outlined on page 79 of the Staff report. Planner Whetstone noted that the items were publicly noticed and they would be continued to the meeting on October 24th.

Planner Whetstone stated that the amendment to Chapter 6 regarding MPDs in the Historic District was redlined in the Staff report per the discussion from the last meeting. However, the Planning Commission had requested a history on MPDs, and since the Staff was still compiling that information they recommended continuing that discussion to October 24th. Planner Whetstone also recommended that the Planning Commission continue items 3, 5 and 7 in the Analysis Section to October 24th.

Commissioner Wintzer suggested that the motion to continue identify the amendments by Chapter as listed on page 80 of the Staff report. Chair Worel clarified that Chapters 2, 6, 7 and 15 would be continued. Commissioner Hontz noted that some items under those chapters were not recommended to be continued. However, she was not prepared to move forward with them this evening and would be comfortable if they were continued as well.

Chair Worel opened the public hearing on the items to be continued.

Chris Schaefer, a property owner in condominiums on Main Street, commented on MPDs in the Historic District, particularly as it pertains to the Kimball Arts Center application. Mr. Schaefer stated that the concept of a master planned development assumes a large area that is going to be developed, possibly multi-use and possibly crossing boundary lines. He noted that the proposed Kimball building does not the meet criteria because it is a single building on a single lot within a single zone. He only became aware of the changes that day and had not had time to read and understand the proposed changes. Mr. Schaefer stated that as a property owner and a citizen he was concerned that the Kimball, by applying for master planned development status for their project, was trying to make a run around the Planning Commission. He hoped the proposed changes would not permit that The reason for a master planned development does not match the construction of one building in one zone on one lot. He was unsure what changes were being proposed, but he hoped they could prevent that from occurring.

Coleen Webb an owner in the Town Lift condos stated that her building is next to the Kimball Arts Center. She is a part-time resident in Park City and it is difficult to always attend meetings when a subject of interest is being discussed. She tries to attend as often as she can. Ms. Webb stated that she would not be in town on October 24th. She is on the Board of the Town Lift Condominiums HOA . Last week the Board members and residents met with Robin and others from the Kimball Arts Center to express their concerns and the impacts that would be created for the residents living next to the Kimball Arts Center, and what an expansion under an MPD would do to their property. Ms. Webb also had concerns with how a project that size would affect the look and feel of Old Town if the MPD goes through. Ms. Webb was comforted when she saw the concern the Planning Commission had for the neighbors when discussing the Stein Eriksen project and the Richards annexation. As a neighbor to the Kimball and a resident of Old Town, she hoped the Planning Commission continues to be that detailed and that interested in what the change of allowing an MPD could do on Main Street. It is more than a white fence or one house in your face impact. It impacts the Historic District and those who live there and abide by the 84 page guidelines of the Historic Preservation Board. Ms. Webb was not opposed to amending the LMC to make them better over time, but it is important to understand the circumstances as to why they were put in place to protect the Historic District. Ms. Webb stated that everyone respects the Kimball and the HOA and owners want the Kimball Arts Center to expand. They would like the property improved and the programs expanded. They have been great neighbors and have worked together many times with the Kimball Arts Center; but the issues that an MPD would allow has caused them great concern. She asked the Planning Commission to consider the impacts that would be created by allowing MPDs in a community that is so dedicated to keeping the District historic. Changing the LMC for a one-time project would hurt what the rest have tried to maintain and the rules they have lived by in Old Town.

Chair Worel closed the public hearing.

Commissioner Hontz thought the Planning Commission should discuss some of the issues in the Chapters that would be continued to give the Staff direction for the next meeting.

<u>Building Height Measurement and Story Definition</u>
Commissioner Hontz found the exhibits in the Staff report to be helpful, but she had expected additional information based on the discussion at the last meeting. She wanted to see an exercise on a variety of unbuilt lots in Old Town, both downhill and uphill, that maxes out the heights using stories as an example to see what the mass and scale and height would do. She wanted an idea of worst case scenario. Commissioner Hontz remarked that they look at the existing built environment in analyzing the definition and the application. They overlook what type of development could occur on the existing vacant lots. She recalled a recent application where the applicant was asked to do that exercise and he was unable to show that he could build a house on the lot. Commissioner Hontz pointed out that based on the proposed language a house could not be built on a 40% slope. She believed the analysis was important to make sure they would not make all the vacant lots in Old Town undevelopable.

Planner Francisco Astorga stated that the Staff could provide the variety of examples on unbuilt lots. However, there are a number of lots that are not listed as Landmark or Significant status, and could potentially be demolished and rebuilt. Planner Astorga proposed to come back with the information requested as well as other scenarios he had created for massing and volume on various slopes. He believed they could create specific worst case scenarios. Director Eddington thought that the Planning Commission would be able to see how different aspects of the Code work in each scenario depending on the location of the slope.

MOTION: Commissioner Hontz moved to CONTINUE the LMC amendments for Chapter 2-Zoning Districts; Chapter 6-MPDs; Chapter 7-Subdivisions; and Chapter 15-Definitions as identified in the Staff report to October 24, 2012. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

The Planning Commission discussed the remaining LMC amendments outlined in the Staff report.

Amendment to require a building permit for driveways, parking areas, patios and other non-bearing construction that create impervious areas.

Planner Whetstone noted that the Planning Commission discussed this change at the last meeting. The Staff had recommended a building permit for all flat work in all zones. Requiring a building permit would ensure that all LMC requirements are met. Currently a building permit is not required and it is difficult to know when flat work is being done and whether it meets the requirements.

City Engineer, Matt Cassel, stated that the amendment allows the City to be proactive on an issue they have struggled with for years. When someone calls to ask if his neighbor has a permit for a patio or driveway, they have to inform that person that a permit was not required. The City then has to follow up to make sure the work was done within the requirements and many times they find Code violations. The intent is to communicate with people before work is started. He used 170 Daly Avenue as an example. They were fortunate enough to catch it before the driveway was poured; otherwise, the owner would have a new driveway that accessed at the intersection. Mr. Cassel explained that it would be a simple permitting process. The owner would be required to pay a minimal fee and have their plans reviewed for Code compliance before starting any work.

Chief Building Official, Chad Root, stated that another factor is to provide guidance for the homeowners who do the work themselves in an effort to reduce the number of neighbor issues. If a permit is required City-wide, the City has control over types of materials, size, and encroachment issues. Mr. Root pointed out that most jurisdictions outside of Utah regulate all flatwork and driveway work. Utah has a State Adopted Code that adopts the minimum standards, and the minimum standards cannot be exceeded. The proposed LMC amendment would provide a mechanism around the provision in the State Building Code and allow the ability to regulate driveways and flatwork in Park City.

PLANNING COMMISSION/CITY COUNCIL
JOINT MEETING
October 24, 2012

Planning Commission: Jack Thomas, Brooke Hontz, Stewart Gross, Mick Savage, Adam Strachan, Charlie Wintzer. Nann Worel arrived later in the meeting.

City Council Members: Dana Williams, Alex Butwinski, Dick Peek, Liza Simpson, Andy Beerman. Cindy Matsumoto was excused.

Ex Officio: Thomas Eddington, Planning Director; Katie Cattan, Planner

Vice-Chair Jack Thomas called the meeting to order at 5:15 p.m.

Planning Commission business was conducted prior to the presentation and discussion regarding Form Based Code for the Bonanza Park District.

ADOPTION OF PLANNING COMMISSION MINUTES – October 10, 2012

MOTION: Commissioner Savage moved to ADOPT the minutes of October 10, 2012. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously by all Planning Commissioners present.

STAFF AND COMMISSIONER COMMUNICATIONS/DISCLOSURES

Commissioner Wintzer disclosed that he owns property in the Park Bonanza area. If any part of the discussion relates to the Power Station issue he would recuse himself from that discussion.

PUBLIC INPUT

Jim Tedford, representing a group known as Preserve Historic Main Street" commented on the proposed Kimball Arts Center Addition. Mr. Tedford read a letter he had prepared outlining other options for the Kimball Arts Center to consider since the current proposal would not meet the height requirements of the HRC zone and the Land Manage Code, as well as the Design Guidelines for Historic Site. Other options could include; 1) use of the vacant land and the additional 1500 sf parking area that could yield 600 sf of additional space. He noted that the adjoining property, the Town Lift Condos, has offered to let them use their loading dock. 2) The Kimball Arts Center could build over the present structure; 3) They could develop a new proposal that would comply with the current Code and Design Guidelines; 4) They could sell their property on Heber Avenue and build a totally new structure elsewhere that would not affect Historic Main Street; 5) They could keep part of their program in the present building, sell the vacant land, and build a new facility elsewhere; 6) They could apply for a CUP and Zoning Amendment under the existing LMC; 7) They could apply for a variance to the Board of Adjustment.

Mr. Tedford noted that none of the suggested options would require changing the LMC to allow a Master Planned Development. He believed the whole conversation has zeroed in on a MPD as the only solution to a problem that does not yet exist. Mr. Tedford stated that changing the

Land Management Code to possibly accommodate one development seems like bad policy.

CONTINUATIONS – Public Hearing and Continue to date specified.

Land Management Code Amendments – Chapter 1, Chapter 2, Chapter 3, Chapter 4, Chapter 5, Chapter 6, Chapter 7, Chapter 8, Chapter 10, Chapter 11, Chapter 12, and Chapter 15.

Vice-Chair Thomas opened the public hearing. There was no comment. Vice-Chair Thomas closed the public hearing.

VOTE: Commissioner Strachan moved to CONTINUE the Amendments to the Land Management Code, Chapters 1-8, 10-12 and 15 to November 28th, 2012. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously by all Planning Commissioners present.

Chair Worel referred to page 153 of the Staff Report and the Staff recommendation to continue the following items to January 9, 2013.

-The Transfer of Development Rights (Chapter 2)
-Agricultural uses and restrictions within residential zones (Chapter 2.)
-Review of Allowed and Conditional Uses in all zoning districts (Chapter 2) -
Lighting regulations (Chapters 3 and 5)
- Financial guarantee process for public improvements (Chapters 1 and 7)
- Annexation process regarding timing of ratification of annexation agreements (Chapter 8
- Associated definitions to the above items (Chapter 15)

Chair Worel opened the public hearing on the items to be continued.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Strachan moved to CONTINUE the proposed changes to Chapters 2, 3, 5, 1, 7, 8 and 15 as outlined on Page 153 of the Staff report to January 9, 2013. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously by all Commissioners present.

Based on the amount of public interest regarding the proposed amendment to Chapter 6, Master Planned Development, Chair Worel recommended that they rearrange the agenda to move that discussion to the next item. The Commissioners concurred.

Planner Whetstone stated that annually the Staff reviews the Land Management Code for Park City to address planning and zoning issues that have come up over the past year or to look at necessary changes for consistency with State Code, the General Plan, Council Goals or the Design Guidelines. The Staff proposes the recommended changes to the Planning Commission for discussion and recommendation to the City Council. A list of 12 issues and topics were outlined on page 154 of the Staff report.

As requested by Chair Worel, Planner Whetstone moved to Item 8, which addressed changes to Chapter 6 regarding MPDs.

8. <u>Clarify purpose and applicability of the Master Planned Development review process in various zones (Chapter 6).</u>

Planner Whetstone reported that the purpose of the proposed amendment is to clarify the review process in various zoning districts, and to establish additional review criteria to address issues that were raised in reviewing other MPDS and in updating the General Plan, such as open space, building height, landscape requirements, mine hazards and historic mine waste. The intent is to make sure those issues are addressed in any MPD submitted.

Planner Whetstone noted that the first recommended change was the addition of (K) in the purpose statement, "to encourage opportunities for economic diversification within the community." Items A-J currently exist in the purpose statement.

Planner Whetstone referred to Section 15-6-2 of the MPD Chapter – Applicability, and noted that the Section has not been clear. The primary purpose of the amendment is to clarify when an MPD is required, allowed but not required, or not allowed. Planner Whetstone explained that under the current Code, to review a significant project in Park City, particularly in the Historic District, there is not a requirement for a conditional use permit or a master planned development. The process is currently a Staff review of a design application. There is no review by the Planning Commission or additional review criteria other than the design guidelines and the requirements of the HCB zone.

Planner Whetstone noted that under the current Code, MPDS are required for 1) Any residential project larger than ten lots or units; 2) hotel and lodging projects with more than fifteen residential units; 3) any commercial or industrial projects greater than 10,000 square feet of gross floor area; 4) All projects utilizing transfer of Development Rights Development Credits

As a proposed amendment, the Staff had revised #3 to read, "All new Commercial, <u>public, quasi-public</u> or industrial projects greater than 10,000 square feet Gross Floor Area". Planner Whetstone noted that public or quasi-public projects would be museums, recreation facilities, ice-rinks, etc.

The Planning Staff thought the Planning Commission should use the tool they have to review these projects, including requiring open space, sustainable practices, affordable housing. Currently they only have the ability to require affordable housing in an annexation or a master planned development. The Staff felt that any big project, especially in the Historic District, should require the Planning Commission to look all the criteria specific to a Master Planned Development. That was the reason for suggesting that all projects meeting the four mentioned requirements should require an MPD in all zones except the HR1, the HR-2 and HR-L zones. The Staff did not anticipate larger projects in the exempted zones and they would not want to encourage it.

There is the possibility of projects on 10 lots or larger in the other zones and the Planning Commission would want the tools available to review the criteria.

Planner Whetstone noted that existing language was stricken which allowed, but did not require, the MPD process in the HCB, HRC, HR-1, and HR-2 zones, provided the subject property and proposed MPD includes two or more zoning districts. That language was replaced with "Allowed but not required" if a property crosses zones between HR-2, which is Park Avenue, and the HCB. The Staff also felt that it was appropriate to allow an MPD for property that was not part of the original Park City Survey and it is in either the HR-1 or HR-2 zone.

Planner Whetstone noted that the Staff report contained 50+ emails that were received regarding the Kimball Arts Center expansion project. She clarified that an application has not been submitted to the Planning Department and the majority of the Staff has only seen the concept plan that was made public. Planner Whetstone emphasized that the proposed changes were not being made to accommodate the Kimball Arts Center specifically. However, recognizing that it would be a significant project, the Staff believes that type of project should be reviewed by the Planning Commission. She clarified that allowing an MPD in the HRC zone does not mean that the MPD would be approved.

Commissioner Hontz referred to the Applicability Section on page 171 and asked if the changes identified in red were changes from the last version of the amendments or from the existing Code. Director Eddington replied that it was a change to the existing Code.
Commissioner Hontz understood that the revised language in Section A was only for clarification, and that the only difference in Section A besides cleaned-up language was the addition of Public and Quasi-Public. Planner Whetstone replied that this was correct.Commissioner Hontz clarified that the mechanism under the existing Code would still remain. She referred to Section B, which also clarified the language, and noted that the revised language in B(1) says the same thing as the previous B. However, instead of mixing two zones, her interpretation of the language is that the HR1 or HR2 has to be combined with HRC or HCB in order to do a master planned development. Planner Whetstone replied that this was correct. Commissioner Hontz felt there was a difference between B and 1, but not significant.

Commissioner Hontz referred to B(2) and the added language, "The property is not part of the original Park City Survey or Snyder's Addition" and second part "and the proposed MPD must be for an affordable housing MPD". She understood that to mean that an applicant could not apply for an MPD outside of the Park City Survey or Snyder's Addition unless they apply for affordable housing. Planner Whetstone thought the first sentence regarding the Park City Survey or Snyder's Addition was redlined incorrectly and should actually be in black. She believed it was existing language in the current Code and she would check to make sure.

Planner Whetstone referred to the Exhibit on page 215 of the Staff report, which correctly revised (2) as, "The Property is not a part of the original Park City Survey or Snyder's Addition to the Park City Survey and <u>the proposed MPD is for an</u> affordable housing MPD consistent with Section 15-6-7 herein.

Commissioner Hontz clarified that the differences she saw versus what Planner Whetstone read were different and she wanted to make sure she understood them. She believed she had the correct understanding. Director Eddington emphasized that the language was changed for clarification and nothing was added.

Commissioner Hontz believed the significant changes regarding the actual requirements of the MPD started on page 173 of the Staff report. Planner Whetstone noted that the language crossed out in B had said the process was allowed but not required, and it listed the HCB, the HRC the HRC, HR2 and said, "provided the subject property and proposed MPD includes two or more zoning districts." She explained how that language could be interpreted in different ways. Commissioner Hontz did not favor that language for the same reason.

Commissioner Wintzer referred to the added purpose statement on page 171, "Encourage opportunities for economic development", and questioned whether that would start trumping many of the other purpose statements. He did not want to disregard it as an opportunity, but it was a concern.

Commissioner Gross asked if the language for economic diversification moved away from being a tourist based ski economy. Commissioner Wintzer was concerned that it would be easy for someone to use that particular purpose statement to get their project approved or considered. Commissioner Strachan agreed. With that language, someone could say that their project would create jobs and according to the LMC the project should be approved. Commissioner Strachan thought the language should be deleted.

Director Eddington stated that reading from the pupose statement in 15-6-1, the goal of the section is to result in projects which are inclusive of A-K. There is an "and" after J and before K to make it clear that the purposes statements are fully inclusive and comprehensive.

The Commissioners discussed alternative language. Chair Wintzer pointed out that there are some neighborhoods where they might not want economic opportunities. He thought the language in K conflicted with B, "to ensure neighborhood compatibility". He suggested that they either strike the language or have the Staff come back with different language. Chair Worel remarked that if the purpose in K could be argued under C, "strengthen the resort character of Park City", there was no reason to have K. Commissioner Strachan noted that it could be argued under several of the existing purpose statements. The Commissioners concurred that the language in K should be stricken.

<u>Additional review criteria for all Master Planned Developments, including open space, building height, landscaping, mine hazards and historic mine waste mitigation (Chapter 6.</u>
Planner Whetstone stated that this was the next topic for discussion related to changes to the MPD Section. She referred to page 172, Section 15-5-6(D), Open Space. Under Item 1, Minimum Required, she noted that under the existing language, Master Planned Developments require a minimum of 60% open space with the exception of the GC, the HRC, the HCB and the HR-1 and HR-2 zones. She noted that <u>Light Industrial (LI) and Historic Medium Density (HRM)</u> were added to the language as well as the following language; In th<u>ese zoning districts the open space requirement is thirty percent (30). In all zoning districts, if the MPD is a redevelopment of an existing Development or Developments, of if the MPD is an infill site, the minimum Open Space requirement shall be thirty percent (30%).</u>

Planner Whetstone read revised language to the second paragraph, "The Planning Commission during review of the MPD may reduce the Open Space requirement to <u>20%</u> in exchange for project enhancement in excess of those otherwise required by the LMC…such as Affording Housing, sustainable design and building construction meeting LEED Gold or equivalent". Language was also added to include <u>restoratio</u>n of historic structure<u>s that are located either on or off the property</u>.

Commissioner Gross asked how many potential areas within the community are subject to a Master Planned Development. Commissioner Wintzer stated that it was all zones except the ones mentioned as exceptions. Planner Whetstone stated that it would also include any new large projects in the Prospector area or the RD zone.

Commissioner Hontz liked the proposal conceptually, but she preferred to that it be less wordy and the language tightened up to avoid potential problems.

Planner Whetstone identified the proposed changes to Item 2, Type of Open Space. The following language was added to the end of the existing paragraph. For redevelopment or infill projects in the GC, HRC, HCB HR-1, HR-2 and LI Districts, publicly accessible plazas and gardens may count toward this Open Space requirement. Fee in lieu for purchase of off-site Open Space may be considered, with the amount to be determined by the Planning Commission, subject to an appraisal, market analysis of the property, and recommendation from the City's Open Space Advisory Committee. Planner Whetstone noted that the current language already identifies specific types of open space. The new language would allow for publicly accessible plazas and gardens to count as open space.

Commissioner Gross asked if publicly accessible would mean the open space is accessible 24/7 or only during specific times. Commissioner Hontz noted that the City ran into that problem in the lower Main Street area in terms of places that are designated as public but are not. This was another area that made sense conceptually, but also had issues. One example would be a gated garden that is designated as open space, but it is only open during the time of events. The question is whether they trust future Planning Commissions to deal with the issue, or if they should deal with it now and define publicly accessible.

Commissioner Wintzer had concerns with the in-lieu fee where someone could pay a fee and not provide open space on site. He believes open space is part of a viable project and he likes the idea of having surprise open spaces through town. Allowing an in-lieu fee to put open space in Round Valley or similar places takes open space away from the community. Commissioner Wintzer felt it was important to keep open space in the neighborhoods.

Planner Whetstone stated that the Commissioners could quantify how much of the required open space must occur on site. Chair Wintzer pointed out that the open space requirement was already reduced to 20%. He thought all 20% should remain on site and the in-lieu fee should be deleted. Commissioner Hontz remarked that an in-lieu fee might be might be considered for an amazing project, but without knowing that, the unintended consequences are too great. She supported Commissioner Wintzer and thought the in-lieu fee should be eliminated. Commissioner Hontz was not opposed to asking the Staff to rework the percentages and the language. She would like to support publicly accessible plazas and gardens. Commissioner Strachan suggested that they make publicly accessible plazas and gardens a defined term in Chapter 15–Definitions. The Commissioners agreed that was the best solution.

Planner Whetstone noted that the only change to Section 15-6-5(F), Building Height, was under (4); The additional Building Height results in more than the minimum Open Space required and has resulted in the Open Space being more usable and includes publicly accessible Open Space. She noted that Items 1-5 were the requirements for the Planning Commission to consider for increasing height in an MPD.

Planner Whetstone referred to Section 15-6-5(H) - Landscape and Street Scape, and noted that the changes related to Chapter 5, where landscape requirements were added to the overall architectural guidelines. The new language reads, A complete landscape plan to be submitted with an MPD. The landscape plan shall include all softscape and landscape areas on the site. This includes all landscape materials, including foundation plantings, ground cover, lawn areas, driveway and/or parking lots materials. A list of plant materials proposed indicating the botanical name, the common name, the number of proposed plans and their size shall be provided. A license landscape architect will prepare all materials for submittal.

Additional language added native tolerant species. The maximum limit for lawn or turf was changed from 50% to 25% of the area not covered by buildings and other hard surfaces.
No more than 75% of the area not covered by Buildings may be irrigated. Language was also added to state, All noxious weeds, as identified by Summit County shall be removed from the Property in a manner acceptable to the City and Summit County, prior to issuance of Certificates of Occupancy. See Section 15-5-5-10, Landscaping, for additional requirements.

Director Eddington suggested adding revised the language to say, Areas not covered by Buildings and Structures.

Planner Whetstone noted that a new section was added, 15-6-5(M) – Historic Mine Waste Mitigation. Since review criteria for mine waste mitigation was not currently included in the LMC, new language would read, For known historic mine waste located on the property, a soil remediation mitigation plan must be prepared indicating areas of hazardous soils and proposed methods of remediation and/or removal subjec t to the Park City Soils Boundary Ordinance requirements and regulations. See Title Eleven Chapter Fifteen of the Park City Municipal Code for additional requirements.

Planner Whetstone referred to page 175 of the Staff report and Section 15-6-6 – Required Findings and Conclusions of Law for a master planned development. She noted the (N) and (O) were added to address physical mine hazards and historic mine waste. The Staff had revised the language in (M) to read, The MPD as conditioned, incorporates best planning practices for sustainable development, including energy efficient design and construction per the residential and Commercial Energy and Green Building program and codes adopted by the Park City Building Department in effect at the time of Application, and water conserving landscaping.

Planner Whetstone stated that language was added in Section 15-6.8(G) – Resort Accessory Uses to clarify that the uses are considered typical back of house uses.

Chair Worel opened the public hearing and thanked everyone who took the time to send an email or write a letter. All correspondence was forward to the Planning Commission and it was good to know that there was so much public interest.

Chair Worel reiterated that the Planning Commission was considering proposed changes to the Master Planned Development Sections and no specific project was being reviewed or considered. The Kimball Arts Center has not submitted a formal application.

Jim Tedford handed out a copy of his comments and supporting material.

Jim Tedford stated that he was representing a group of concerned citizens, under the name of Preserve Historic Main Street, and he was speaking against the proposed revisions of Chapter 6 of the Land Management Code regarding Master Planned Developments. Mr. Tedford had attended the City Council Work Session on August 23, 2012 where the Planning Director presented a document to the City Council titled, Old Town Height Discussion-Kimball Arts Center. The work session was scheduled to discuss a proposed addition to the Kimball Arts Center. Mr. Tedford believed that the presentation and the documents were really about convincing the City Council that revising Chapter 6 of the LMC was the best way to accommodate a project application for the proposed Kimball Arts Center Addition. Although the Staff has maintained that the proposed MPD revisions are part of the annual review, most of the MPD revisions were written specifically with the KAC addition in mind.

Mr. Tedford stated that for the last three months Preserve Historic Main Street has been monitoring the process from work session to the meeting this evening. The City Council made in clear in their work session that they have heard considerable concerns from the public regarding the proposed Kimball Arts Center expansion and they wanted an opportunity for more public dialogue. The Council inquired about methods to obtain the dialogue and were told by Staff that the MPD was the best method. With emphasis on an MPD and height, and little mention of other options and restriction, it was easy to see why the City Council felt this might be the best way to get more public dialogue.

Mr. Tedford remarked that one viable option would be to recommend that the Kimball Arts Center modify their proposal to conform to the existing Land Management Code and the Historic District Design Guidelines. The current proposal does not include an additional 1500 square foot section of their lot that would accommodate 6,000 square feet on four floors. Another available option for the Kimball Arts Center is to apply for a conditional use permit and/or an amendment to the zone.

Mr. Tedford stated that since the City Council work session the Staff has been in the process of suggesting revisions to the MPD section of the existing LMC that would accommodate a possible application by the Kimball Arts Center to build an addition to their present facility on Heber Avenue. On November 7, 2012 the Staff made a presentation to the HPB regarding the proposed revisions to the MPD section of the Land Management Code. The HPB recommended 6-1 not to revise the MPD language. Mr. Tedford remarked that the process that has taken place regarding a possible application by the Kimball Arts Center has been flawed from the start. Give the restrictive language in the LMC, the HDD, the General Plan and the Park City 2030 document, it seems strange that the Staff would ask the City Manager to schedule a Council work session, let alone that they would try to convince the City Council to revise the LMC to accommodate an unrealistic proposal. Mr. Tedford stated that the document and presentation to the City Council was incomplete, inaccurate and supported the Kimball Arts Center proposal. There has been extensive discussion of the MPD process and height restrictions; however, there has been very little discussion about other options that would allow the Kimball Arts Center to submit an application without revising the existing Land Management Code. Mr. Tedford pointed out that there was also no mention of Section 15-5-1 of the LMC and several sections of the General Plan that would prohibit the current KAC proposal. He read from Appendix A of his handout, which was the language contained in LMC Section 15-5-1, Architectural Review, and items from the General Plan also contained in the handout, to support his comments. Mr. Tedford stated that based on those portions of the LMC and the General Plan, even if the LMC was revised to allow an MPD, the current proposal could not be approved.

Mr. Tedford thought the City Council made it clearthat they wanted an opportunity for more public dialogue concerning the Kimball Arts Center; however, they never indicated an interest in revising the existing LMC to allow MPDs in the Heber Avenue sub-zone ifthere was another way to obtain public dialogue. He pointed out that the City hasalready obtained dialogue through emails, letters to the editor and comments at public hearings without changing the LMC.

Mr. Tedford stated that the Preserve Historic Main Street group supports the Kimball Arts Center the need for an addition to their current facility. However, they believe the expansion can and should be accomplished within the existing Park City LMC and the Park City Design Guidelines for Historic Districts and Historic Sites. For the sake of present and future Historic Main Street, Mr. Tedford urged the Planning Commission to not recommend the proposed changes to Chapter 6of the LMC to accommodate a development that hasnot submitted an application andmay never be built.

Commissioner Hontz asked about the zoning north of Heber Avenue and east of Park Avenue. Planner Whetstone stated that the darker blue area shown on the Zoning Map was the HCB zone and the lighter blue area was HRC. Commissioner Hontz noted that an MPD is not required for properties in the HRC zone, which was not changed from the current LMC language. She understood that in order to do an MPD in an HRC zone, the HRC property would have to couple with an HR-1 or HR-2 parcel. Planner Whetstone replied that this was correct. Commissioner Hontz wanted it clear that the new proposed language was only for clarificationand it would not a change what currently exists under the LMC. Planner Whetstone remarked that the addition of public or quasi-public was a change to the current language. Another change is thatMPDs would be required in the HRM zone.

Sanford Melville, stated that he is part of Preserve Historic Main Street group. Mr. Sanford had concerns with the reduction in the Open Space requirements as a proposed revision to the MPD Section. In his opinion, under the proposed revisions, the applicability of the MPDs has been broadened and the potential impacts of changes to the Open Space requirements is also much larger. He realized they were talking about urban open space, but under the existing Code there appears to be a reasonable trade-off regarding open space. If someone wants to build a small building that complies with the Code in the zone, then open space is not an issue because you could still see the mountainsides and look around the buildings. You would not feel dominated by the structure at street level. However, if someone wants to builda larger building with large mass and scale, then open space on the site is important to compensate. Mr.Sanford believed that was a reasonable trade-off that protects the small town feel of the community, and it has worked quite well.

Mr. Sanford stated that under the proposed revised Code, the open space trade-off for an MPD is considerably reduced from 30% to 20% in exchange for project enhancements. Affordable Housing, LEEDS certification and restoration of historic buildings are worthwhile goals, but theydo not relate to open space. Even more concerning, the revised Code also allows an applicant to purchase off-site open space on a fee in-lieu basis. There appears to be no limits; therefore, a developer could purchase open space in a suburban area and remove all open space from the downtown project site. He lives in Old Town and believes that the majority of Old Town residents who live on 25' x 75' lots value their limited open space more than other citizens of Park City. Mr. Sanford requested that the Planning Commission not allow the open space to be taken out of Old Town.

Mr. Sanford noted that the General Plan is being updated based on four core values of Small Town, Natural Setting, Sense of Community and Historic Character. He believed the proposed revisions were the exact opposite of the stated cored values by allowing larger, more massive building to be considered in the historic core. As they consider the open space requirements, he urged the Planning Commission to think about why they would do it and whether their decision would be in the public's best interest.

Lila Tedford spoke on behalf of Meg Ryan would was unable to attend the meeting this evening. Ms. Ryan was a member of Preserve Historic Main Street, she is a Park City resident and a former employee of Park City in the Planning Department. Ms. Tedford read a statement Ms. Ryan had prepared with her comments regarding the proposed amendment to Chapter 6 of the Land Management Code. Ms. Ryan stated that there was no time clock running on these items and she advised the Planning Commission to take adequate time to review and discuss the changes before taking any action.

Mr. Ryan congratulated the Planning Commission for their hard work on From Based Codes in the Iron Horse area. It is great planning tool that will provide well thought out development in this area. She suggested adopting Form Based Codes for all of the General Commercial and Light Industrial Zones. Ms. Ryan believe it was a far better took than the MPD in this area. From her experience, if it is not mandated, it will not be utilized by the Development community. Ms. Ryan also suggested that they consider increas ing heights from three stories in non-view shed areas in the GC and LI Zones. She stated that MPDs served their purpose at one time, but she questioned whether they were the best tool now.

Regarding the MPD changes in the HRC and HCB zones, Ms. Ryan noted that the current draft of Chapter 6 would mandate MPDs in the HCB and HRC zones, which is a significant change. Several questions included 1) what problem they were trying to fix or address in these zones; 2) what is so broken in these underlying zones that requires the MPD process as a cure all;3) if it is infill development, in what ways do the underlying zones not adequately address infill development and where is the analysis; 4) How many parcels would this change potentially affect in the HC and HRC. Base zoning adequately addresses the few parcels that are left. There may be 3 parcels in the HRC zones and she questioned whether there were any in the HCB zone. Another question is what this change would do for the future of the community in 10-20 years. Ms. Ryan asked that they look at this inventory of parcels this change could affect.

Ms. Ryan proposed eliminating the MPD in the HRC and HCB zones altogether, and look at the HR1 and HR-2 zones as well. If the Planning Commission is inclined to favor an MPD in these areas, Ms. Ryan offered her thoughts on what she believes to be current shortfalls. First, the MPD review criteria as currently drafted is not design to address the dense commercial historic core.

Open space, setbacks, parking, and height allowance review criteria are outdated and inadequate. There was no reason to debate open space in the core because the underlying zones do not require it. Secondly, with regard to Historic Design, the Historic District Design Guidelines are mandated in the underlying zone; but they are not in the MPD Chapter. If they mandate that the Historic Core has to have MPDs, then the guidelines should be added as well. The third issue is height. Height criteria are subjective at best. The analysis and process for the Sky Lodge was excellent but it went beyond the requirements in the Code. They should look to that process and mandate it in the Code if they must proceed with the MPD process. The Sky Lodge was approved with 12 roof plane changes and only 2 elements, the elevator and penthouse, that went up a maximum of 64'.

Ms. Ryan had included a chart with her prepared statement that lays out the base zoning for the HRC zone and compared it to the MPD process. She hoped her effort would give the Planning Commission the start for a detailed discussion before they take any action on the changes to Chapter 6 of the LMC.

Ms. Tedford submitted Ms. Ryan's prepared statement and the chart for the record.

Hope Melville, an Old Town resident, was distressed to see in the Staff report that the most recent proposed changes to the LMC would allow MPDs for all projects in the HRC and HCB zones, which is essentially all of Historic Main Street. The only requirement is that the project have 10+ residential units or 15+ hotel units and 10,000+ square feet. In addition, there would no longer be the requirement for two zones for an MPD. Ms. Melville stated that these large MPD projects on Main Street would be more attractive to develop due to the proposed LMC changes to the Open Space. She understood from the discussion that the Planning Commission was considering eliminating the in-lieu fee and she favored that elimination. Otherwise, the change would remove actual open space requirements for MPD projects on Main Street and instead allow open space to be purchases elsewhere.

Ms. Melville believed the MPD changes would allow taller and denser projects on Historic Main Street and would result in Super-Sizing the buildings. She could think of many current buildings on Main Street which could be rebuilt or redeveloped much taller and denser under the proposed changes, particularly if open space is not required on site. Ms. Melville stated that the proposed MPD changes seem entirely at odds with the core values being discussed as the basis for the New General Plan. Like others, she had to ask why they were doing this and for what purpose. She could see no justification for the proposed MPD changes and they were certainly not in the public interest.

Ms. Melville understood the desire to hear public input on projects such as the Kimball 80-foot Tower project that does not meet current Codes. However, she believed there were better ways to do obtain public input that would not necessitate changing the LMC so that the Kimball Arts Center and other properties on Main Street could submit applications for large dense MPD projects. For example, they could make a very small change to the LMC to provide that applications for projects that do not meet the LMC can nevertheless be provisionally accepted by the Planning Department for purposes of obtaining public input and discussion on the project. Part of that public input and discussion would be whether it is in the public interest to make changes to the LMC for such a project. Ms. Melville urged the Planning Commission to not approve the currently proposed changes to the MPD Code, particularly regarding Applicability and Open Space.

Ms. Melville submitted a written copy of her comments for the record.

Craig Elliott a Park City Resident and the owner of Elliot Work Group Architecture at 364 Main Street. He spent ten years trying to get clarification on the MPD process in the Land Management Code and he commended the Staff for an excellent job of doing very thorough research on what the issues were, where the problems are and how they approached it. Mr. Elliott believed the Staff presented the Planning Commission with a well-thought out revision to the LMC. Mr. Elliott stated that he has processed more MPDs than anyone in town and if anyone is willing to go through that excruciating process they should be welcomed to do so. An MPD allows for intense scrutiny of the project and all the concerns and worries expressed this evening could be address in the process. With all other processes, if it is an allowed use and meets the criteria the project gets built without any public input. Mr. Elliott stated that an MPD is the most interesting public process in Park City.

Regarding the specific revisions, Mr. Elliott that the 25% lawn area could be an issue in something like an affordable housing project where the desire is to have a play area for children or other gathering spaces. He suggested maximizing the percentage to 50% to allow for flexibility on how those spaces could be adapted. Mr. Elliott believed the overall 30% open space was an appropriate number for the zones being addressed. He noted that the open space on 25' x75' lots in Old Town are well below 60%. It only starts approaching 30% when terrace spaces, driveways, porches, overhangs and other pieces that are not counted as open space are included. Mr. Elliott thought the 30% number was reasonable for the Light Industrial zone because that area is primarily covered in asphalt.

Mr. Elliott asked everyone to look at the big picture in the process. It is a good move to put MPDs in the HRC and it is also good to locate it and identify where and when it should be required. Mr. Elliott supported the amendment as proposed with the exception of reducing the lawn area.

Mike Sweeney, a property owner in Park City, stated that he has been around since 1957 and he has personally gone through probably the longest process in dealing with MPDs. Mr. Sweeney supported the current effort of looking at ways to improve the Land Management Code and provide additional tools to make better decisions. In watching how each individual Commissioner pays attention to the details tells the community at large that the Planning Commission does not make decisions willy-nilly. They are looking at ways of providing better tools to make better decisions. Mr. Sweeney believed that was the goal of the Staff, as well. He has been working to improve Park City for 30 years and he has participated in many Planning Commission and City Council meetings. Mr. Sweeney stated that Park City was very fortunate to have the people they do serving the community because they have the dedication and the diversity of opinion to look at something and get the job done better. Mr. Sweeney supports the idea of continually looking at ways to improve the way decisions are made to make the community better. He lived in Park City when it was a ghost town and he has seen how the city has progressed as one of the best destination resorts in North America. He would like to continue to participate in the evolution of Park City to make it the best it can be.

Chair Worel closed the public hearing.

Commissioner Wintzer remarked that this was the best public input the Planning Commission has received on both sides of the issue. Everyone came prepared and they were all very civil. He commended the public for their comments this evening.

Commissioner Wintzer felt the current tools available to the Planning Commission were adequate to accomplish what they wanted. He was not ready to go as far as an MPD in this particular zone because it would open too many doors that they do not fully understand at this point. It is important to find a way to dialogue with the public on projects, but he was not ready to consider an MPD. He noted that size and scale is the biggest problem in Park City, which was evident in the last project; and size and scale is eroding the town. Commissioner Wintzer believed allowing MPDs would open the discussion for more mass and size. He was not opposed to all the changes discussed, but he was very nervous about allowing MPDs.

Commissioner Hontz shared Commissioner Wintzer's concerns about size, scale and mass, particularly in Old Town. She believed some of the changes discussed this evening would actually make it better and protect the town because the MPD process is horrific for anyone who has done it. Commissioner Hontz would want anyone who plans a project that meets the four criteria to go through an MPD. However, the issue comes down to compatibility with height, mass and scale. She pointed out that the proposed language was not a change, particularly for the HRC zone. It only strengthens the existing language and helps address the concerns regarding the HRC zone. Her concern is that the open space discussion begins to erode what might otherwise occur in those districts. Based on their comments regarding types of open space, Commissioner Hontz suggested that if the Staff could come back to the Planning Commission with minimum standards or additional language, they may be able to achieve something that makes everyone comfortable. In terms of reducing the turf area to 25%, Commissioner Hontz agreed with the comment that it would greatly reduce the ability to add play areas or gathering spaces. She thought that needed more discussion.

Commissioner Hontz felt it would be important to limit the number of MPDs coming in for these projects. She referred to Section 15-6-5 – Building Height. The current Code reads, "Height exceptions will not be granted for Master Planned developments within the HR-1 and HR-2 zoning districts". She pointed out that the limitation already exists and there would not be additional heights in those two districts. Commissioner Hontz proposed adding HRC and HCB to the existing language. The heights in those zones are 32 feet and 45 feet. She could possibly be persuaded to go up an additional 10 feet in those zones; however, in looking at the purpose of those two zones, they are meant to be pedestrian friendly, less height, lower elevations and specific setbacks. Commissioner Hontz stated that they would be missing something in the analysis if they do not acknowledge that those zones do not want to encourage height. She believed that issue needed to be addressed by either saying that height exceptions will not be granted in those zones, or by limiting the height upfront.

Commissioner Hontz believed most of the proposed changes were necessary because the Code does not read clearly, particularly in Sections A and B, and the language needs to be cleaned up as soon as possible.

Commissioner Gross felt it was difficult to have the public discussion without an actual application. They were trying to develop the Code in a way that someone could come in and do their business and be part of the community; and unfortunately the community has become separated as a result. Commissioner Gross thought it was important to do something that that gives everyone the ability to control their fate. If they do not have the right Code to accomplish that, the Code needs to be changed. Regardless of whether it is the Kimball Arts Center or another unknown project, if they keep the status quo they would never stand a chance to keep things the way everyone wants it to be moving forward. Commissioner Gross had concerns with the open space, parking and several other issues that needed more discussion. He preferred not to speak to the Kimball Arts Center because it is not a real application. Commissioner Gross thought they should do whatever is possible to ensure that the Planning Commission and the public have as much input as possible in the process.

Commissioner Strachan stated that MPD applications are basically exceptions to the existing zoning, and that is fine as long as it meets certain criteria. He believed the idea works well in theory; however, the most controversial projects over the past ten years have all been MPDs. The reason for the controversy is that MPDs projects are exceptions to the zoning they all agreed on. Commissioner Strachan believed that an MPD sets up the Planning Commission, the City, and the public for controversy every time. They are controversial and they please no one. He thought there was a nice balance now where MPDs are allowed in certain zones. There have been few exceptions that did not come without a fight, and he anticipated that there would be more. Commissioner Strachan could see no need to expand the use of the MPD tool. Rather than make exceptions to the zone, the logical approach is for an applicant to request a zone change if they cannot meet what is allowed in the zone.

Commissioner Strachan thought they could rework the language and change the open space requirements and the percentage of lawn area. The large over-arching changes such as allowing MPDs where they are not currently allowed would not be in anyone's best interest.

Chair Worel asked if it was possible to add language that would allow for public discourse before an application is made. Director Eddington stated that the City used to allow work session opportunities for applicants to hear feedback from the Planning Commission before they spent considerable time and money on a design. He noted that the work session process was not limited to MPDs. Commissioner Strachan noted that the procedure for a work session was eliminated in the last round of LMC amendments. Director Eddington believed there was an opportunity to re-implement that process. Otherwise, there is no other mechanism unless the Planning Commission puts the burden on the applicant to come in for a zoning change or other types of large scale changes that could result in spot zoning.

Chair Wintzer understood that pre-MPD opportunity is still addressed in the Code, but MPDs are not currently allowed in the HCB and HRC zones. Commissioner Hontz thought it was important to clarify that under the current Code. The Kimball Arts Center or any applicant in that location could not come in under an MPD because the conceptual plan does not meet the criteria to require an MPD. However, adding the words public and quasi public as proposed, would trigger an MPD for that property. Commissioner Hontz stated that if that same building was used for lodging, it could come in with an MPD. She reiterated that the zone was not changing. The change was precipitated by two words, "public and "quasi-public" that would allow that particular application to come in.

Director Eddington pointed out that the Code as currently written was ambiguous, but he believed that Commissioner Hontz was correct. Planner Whetstone remarked that B as written is very confusing, which is why that language was stricken and replaced with better language. Commissioner Hontz stated that if the concern relates to one particular location and the end result, that concern could be resolved by striking "public and quasi-public". However, in her opinion, an applicant could still argue that they meet the four criteria for an MPD. Commissioner Hontz suggested that the best solution would be to address the specific issues of concern to avoid ambiguity.

Based on the comments and concerns, Planner Whetstone recommended that the Planning Commission not take action on this Chapter this evening and allow the Staff time to re-work the type of open space, open space percentage and the in-lieu fee, as well as other issues discussed this evening.

Chair Wintzer stated that he walks Main Street daily and he spends most of the time trying to find the sunny side of the street to walk. If they allow height it may not affect open space but it would affect open sunlight, which is critical to Main Street and an important part of making a community viable. Mountains and sunlight sell in Park City and it would be a huge mistake to spend a lot of time trying to approve something that would take away those elements.

Commissioner Strachan asked for the current HR-1 and HR-2 height limitations. Commissioner Hontz replied that it was 27-feet and 32-feet. She noted that height in the HRC is 32-feet and HCB is 45-feet. Commissioner Wintzer suggested that the Staff come back with an analysis of what would occur with different heights and sun screening.

Commissioner Strachan supported adding the HRC and HCB zones to the proposed Section 15-6-5. The Commissioners concurred. Director Eddington asked if Commissioner Strachan was recommending that it be added with no height exceptions or whether they would consider looking at 50% of the zone height as an addition based on studies. The Commissioners did not want height exceptions allowed in the HRC and HCB zones.

Chair Wintzer requested that the Staff come back with a matrix comparing what could be done under the existing zone versus what could be done with an MPD.

Director Eddington clarified that there was consensus among the Planning Commission regarding the proposed language in 15-6-2(A) – Applicability, to leave in <u>all zones</u> and only address the HRC and HCB in terms of height limits. As currently written, the Code is not clear whether an MPD is allowed in all zones but it was perceived to be. The new language clarifies that it is all zones.

Referring to Commissioner Hontz's comments, Commissioner Strachan thought it was important to have a proposed definition of public or quasi-public. Director Eddington remarked that it was included in the definitions. He read, "Public is defined as a use operated exclusively by a public body to serve the public health, safety and general welfare". A quasi-public use is a use operated by a private, non-private, educational, religious, recreational, charitable, or philanthropic institution serving the general public".

Commissioner Strachan thought Public and Quasi-Public should be capitalized in the definitions, and should say "Public Uses" with "Use" capitalized and "Quasi-Public Use" capitalized.

Commissioner Strachan asked if there was a definition for Industrial, and if so, that should also be capitalized. Director Eddington stated that there was not a definition for Industrial, and the Staff would write one. Commissioner Strachan thought "Commercial and Industrial" was redundant language. Planner Whetstone pointed out that it was actually Light Industrial (LI). Park City does not have a zone that allows straight Industrial business. Planner Whetstone thought that they should also define a "lodging project".

The Planning Commission moved on to the remaining LMC Amendments.

Chair Worel stated that due to the late hour and the number of amendments that still needed to be discussed, Planner Francisco Astorga would give a presentation on Stories and the Planning Commission would discuss the proposed changes at a work session on December 12th.

Planner Astorga referred to page 164 of the Staff report, and an added regulation related to the split level concept. He had failed to put the language in the ordinance and he wanted that mistake clarified. He noted that the regulation language should be added between bullets C and D on pages 198, 200 and 201. The regulation read, "The overall height of a structure measured from the lowest point of the finished floor to the highest exterior ridge point shall not exceed thirty-seven and a half feet (37.5'). Planner Astorga noted that the language was introduced to the Planning Commission on September 12th, at which time the Commissioners had issues with the language and wanted to explore specific scenarios.

Planner Astorga stated that the Staff had prepared the different scenarios and wanted to hear as much input as possible from the Planning Commission. However, due to the late hour this evening, there was not enough time to sufficiently review the scenarios and give the Planning Commission the opportunity to brainstorm and provide comments. He noted that the regulation was applied to scenarios on a flat lot in the worst case scenario. The same was done on uphill lots at 15% grade, 30% grade, 45% grade and 60% grade. Consideration was given to the fact that many buildings are not historic and could be demolished for brand new construction.

Planner Astorga noted that Commissioner Thomas was absent this evening and his input on the regulation would be valuable based on his professional expertise. Planner Astorga apologized if any members of the public had waited for this discussion, but he felt it was better to wait and give the issue the time it needs to make sure everyone is on the same page and that they fully understand what was adopted in 2009.

Planner Astorga briefly reviewed some of the visuals to give the Planning Commission and the public a preview of the massing scenarios.

Planner Whetstone reported that the Planning Commission previously discussed this item before the Staff took it to the HPB. The HPB approved of the changes proposed. Planner Whetstone referred to page 179 of the Staff report and noted that the primary revision was to strike Criteria 1 under A - Criteria for the relocation and/or Reorientation of Historic Buildings and/or Structures on a Landmark or Significant Site. The Staff felt the criteria could create problem and felt it was better to remove it.

Planner Whetstone referred to the added footnote on page 179 which clarifies that the Planning Director and Chief Building Official that unique conditions warrant the proposed relocation. She explained that the Planning Director and the Chief Building Official would make the determination if the HPB was hearing the relocation on appeal. She noted that the same language applied under the criteria of disassembly and reassembly. Director Eddington noted that the footnote should be correctly labeled as 1, not 2. Commissioner Hontz noted that deleting the first Criteria would change the numbering for the remaining Criteria.

Chair Worel opened the public hearing.

Ruth Meintsma asked if there was any discussion on what a unique condition would be beyond the definition.

Director Eddington stated that in 2009 the Staff made the decision not to have a definition because each unique condition would be different. They have not written a definition because it would be hard to list what those might be.

Ms. Meintsma asked if reorientation should be defined. She understood that if a historic structure is exactly square and sits on a square footprint, the structure could be spun in a different direction on the same footprint. Director Eddington replied that this was correct.

Planner Whetstone remarked that there was not a definition for reorientation in the LMC and she would check to see if it was defined in the Design Guidelines.

Chair Wintzer closed the public hearing.

MOTION: Commissioner Hontz moved to forward a POSITIVE recommendation for Sections 15-11-12 and 15-11-14 regarding relocation and/or orientation of a historic building and/or historic structure as amended on pages 179 and 180 of the Staff report. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously by all Commissioners present.

Commissioner Strachan felt it was best to continue the changes to the Definitions to the next meeting, with the exception of xeriscape and impervious surface, which have already been discussed and forwarded to the City Council. Director Eddington noted that xeriscape would still be included because that was not forwarded to the City Council.

MOTION: Commissioner Strachan moved to CONTINUE the definitions to December 12, 2012. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

The Park City Planning Commission meeting adjourned at 10:00 p.m.

Approved by Planning Commission: ___________________________________

3. Neither the public nor any person will be materially injured by the proposed plat amendment.

4. Approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 481 Woodside Avenue

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.

2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void. Unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. No building permits for work on the existing structure that would first require the approval of an HDDR shall be granted until the plat amendment is recorded with the Summit County Recorder's Office.

4. Modified 13-D sprinklers may be required for renovation of the existing structure or a possible addition to be determined by the Chief Building Official at the time of review of the building plan permit submittal.

5. A 10-foot wide public snow storage easement will be provided along the frontage of the property.

6. Encroachments in the ROW and cross property lines must be addressed prior to plat recordation and either removed or entered into an agreement to preserve each encroachment.

4. Land Management Code Amendments – Chapter 2-Zoning, Chapter 5-Archtecture Review, Chapter 6-Master Planned Development, Chapter 15-Definitions. (Application PL- 12-01631)

Chapter 5 – Architectural Review

Planner Whetstone noted that at the last meeting the Planning Commission discussed adding the requirement for a landscape plan to this section. Additions were also made to the landscape requirements for using water-wise xeriscaping.

Planner Whetstone referred to page 225 of the Staff report and new language for permitting up-lighting for City funded or owned statues, public monuments, ground mounting public art, or flags of the United States. The language is very restrictive.

(i) The use of Luminaires for up-lighting on any residentially or commercially zoned Lot

or within a City ROW or Open Space Zone is permitted only for City-funded or owned statues, public monuments, ground-mounted Public Art, or flags of the United States of America.
(ii) All lighting shall be shielded and have a beam-angle control aimed to limit the directed light to the illuminated object.
(iii) Up-lighting is permitted 30 minutes before sunset and until 11:00 p.m. or one hour after the close of the location.

Vice-Chair Thomas asked if there was a way to control the amount of lumens that reflect off surfaces. Planner Whetstone suggested adding a restriction to address the issue. Commissioner Strachan noted that the language in (ii) says to limit the light to the directed object only. Vice-Chair Thomas thought there should be a limitation on lumens.

Commissioner Hontz suggested that they add a fourth restriction and ask the Staff to come back with proposed numbers for lumens. Planner Whetstone preferred to draft that language this evening so the Planning Commission could forward this chapter to the City Council.

Commissioner Strachan pointed out that the LMC sections regarding lighting and down lighting already have lumen restrictions. Director Eddington remarked that the lumen restrictions in those sections primarily address down-lighting for fields and parking lots.

Commissioner Hontz suggested adding language to indicate that the intent is to only illuminate the object. Commissioner Strachan remarked that the proposed language specifies that intent in (ii), "The up-lighting shall be shielded and/or have a beam-angle control and shall be aimed to limit the directed light to the illuminate object only". The Commissioners were comfortable that the language as proposed addressed the concern.

Director Eddington reported that in January the Planning Commission would have a more detailed discussion regarding lighting.

Planner Whetstone referred to page 226 of the Staff report, (L) Patios and Driveways. She noted that the Planning Commission previously discussed this requirement and approved the language in another section of the LMC. The language was being added to the Architectural Design Guidelines as well to say that:

- All non-bearing concrete flatwork, asphalt, and/or any Impervious Surface regardless of size is required to obtain a Building Permit, including any repairs, alterations, modification, and expansion of existing features.

Planner Whetstone clarified that the requirement is intended to be proactive. When people do their own work or hire someone to do repair work or construct a patio or driveway, it often results in issues related to soils, drainage, property lines and neighborhood issues. The permits will be inexpensive and the cost will be based on the value of construction. Requiring a building permit allows the Building Department to review plans and inspect the work.

Planner Whetstone referred to (M) Landscaping. Proposed language requires a complete landscape plan to be prepared for all building permit applications. New language was added to include all exterior work that impacts existing vegetation.

Commissioner Wintzer asked if that applied to minor decks or patios and whether a property owner would have to hire a licensed landscape architect. Planner Whetstone replied that the owner would be required to submit a landscape plan; however, the requirement for a licensed landscape architect only applies to a conditional use permit, a master planned development or historic district design review. Commissioner Wintzer clarified that the homeowner could draw his own landscape plan to comply with the requirement. Planner Whetstone replied that this was correct.

Commissioner Hontz referred to the second paragraph under Landscaping on page 226 and asked if "Organically" was a defined term in the LMC. Planner Whetstone replied that currently it is not a defined term. Commissioner Savage thought the sentence could be removed entirely. Planner Whetstone agreed and deleted the sentence, Mulches do not need to be Organically produced.

Planner Whetstone referred to the paragraph under Landscaping that addressed irrigated lawn and turf area. She thanked Commissioner Hontz for helping the Staff draft appropriate language. A table on page 227 of the Staff report outlined the percentage of Maximum Turf or Lawn Area of the allowed Limits of Disturbance Area of the lot that is not covered by Buildings, Structures, or other Impervious paving. Great than 1 acre is 25%; .50 to 1 acre is 35%; 0.10 to 0.49 acres is 45%; Less than 0.10 acres – no limitation.

Planner Whetstone noted that additional language requires that rocks and boulders used for pathways, walls, etc., need to be from local sources. Noxious weeds must be removed from the property prior to issuance of a certificate of occupancy.

Commissioner Savage asked why the City would dictate that rocks and boulders must come from local sources. Planner Whetstone replied that it was a sustainability issue.
Vice-Chair Thomas asked for a definition of "Local". Director Eddington stated that it would be the northern part of Utah and typically stone that is seen historically in Browns Canyon and surrounding areas. He clarified that the language was primarily added for HDDR purposes. Planner Whetstone pointed out that LEEDS defines local sources as within a couple hundred miles of the area.

Commissioner Strachan referred to (L) on page 225 of the Staff Report, and suggested that the language related to all non-bearing concrete flatwork be revised to indicate the type of action that requires a building permit. Director Eddington revised the language to read, A building permit is required for the construction of all non-bearing concrete, flatwork, asphalt, or any other Impervious Surface regardless of size, including any repairs, alterations, modifications, and expansions of existing features.

Vice-Chair Thomas opened the public hearing on Chapter 5 – Architectural Review.

There were no comments.

Vice-Chair Thomas closed the public hearing.

MOTION: Commissioner Strachan moved to forward a POSITIVE recommendation for the amendments to Chapter 5 of the Land Management Code subject to the revisions made during this meeting. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

Chapter 6 – Master Planned Developments (MPD)

Planner Whetstone reported that on November 28th the Planning Commission removed a purpose statement the Staff had added regarding economic development.

Planner Whetstone referred to page Section 15-6-2 – Applicability, on page 229 of the Staff report. For the meeting on November 28th the Staff had added proposed language for clarification of where a Master Planned Development process would be required and where it would be allowed but not required. She noted that the language had not changed since November, other than to capitalize "Public" and "Quasi-Public" and "Light Industrial" and to add definitions.

Planner Whetstone stated that based on the language, master planned developments are required in all zones except the HR-1, HR-2, HRL zones. The language also removes the two zone allowance that has been allowed but not required. An MPD is allowed in HR-1 and HR-2 only when property in those two zones is combined with either the HRC or HRC zones. The draft also cleaned up the language and clarified that an MPD would be allowed but not required if it is not part of the original Park City Survey and the proposed MPD is for affordable housing. Planner Whetstone clarified that the most recent changes were based on direction by the Planning Commission on November 28th.

Planner Whetstone recalled from the last meeting that there was general concurrence among the Commission that a master planned development was an appropriate process for these types of projects; and that height exceptions should be allowed in the HCB or HRC zones. To make sure the Staff had the correct understanding, Planner Whetstone requested that the Planning Commission revisit the issue to discuss the four options outlined on page 230 of the Staff report:

1) Forward the current language allowing no height exceptions for those MPDs which would limit the HRC to 32 feet and the HCB to 45 feet;

2) Allow a 50% zone exception in the HRC Heber subzone, which would allow a height of 48 feet;

3) Allow 50% of the zone height in the entire HRC, but only if a historic structure is located on the site. The allowed height would be 48 feet;

4) Allow a height exception in the HRC zone only up to the HCB limit of 45 feet. Commissioner Hontz requested that Height and Open Space on page 231 of the Staff report be included in this discussion so it could be addressed at one time.

Open Space – 15-6-5(D)
Planner Whetstone noted that new language states that open space may be reduced for infill or redevelopment to 20%. Additional amenities were added such as sustainable design, meeting LEED Gold, publicly accessible, plazas and historic restoration either on or off the site. Planner Whetstone stated that based on comments at the last meeting, the fee-in-lieu was revised to a consideration of up to 5% of the required open space, with the fee to be determined by the City Council, with a recommendation by the Planning Commission based on market appraisal and a recommendation from COSAC or a similar open space committee.

Commissioner Hontz thought the language in (1) Minimum Required Open Spaces was confusing to read. She requested that the Staff come back with either bullet points or a chart to help with clarification. The language was too wordy and she felt it could be more concise. In reading the language, Commissioner Hontz was unable to determine what percentage of open space would be required. She suggested that the language be revised to better convey the information, along with charts and/or bullet points.
Director Eddington stated that the proposed language was clarification of existing language. As worded, all master planned developments require 60% open space, except the City's most dense zones, which are the GC, LI, HRC and HRM, as well as HR-1 and HR-2 if they are a bifurcated MPD issue. In the denser zones, the Staff recommended an open space requirement of 30%. If a project is part of redevelopment, the open space may be reduced to 20% subject to the criteria. Director Eddington offered to look at revising the language. Planner Whetstone would prepare the requested visuals for clarification.

Commissioner Gross pointed out that "Publicly" was spelled two different ways and one was incorrect.

Commissioner Wintzer was comfortable with 30% open space in the denser zones. However, he was concerned that they were dwindling the open space and then making an allowance for better landscaping. He was unsure how that would work since they were taking away the land that could be landscaped. Commissioner Wintzer believed open space was a great requirement for affordable housing, and he questioned whether they were dwindling open space too much to have meaningful open space. He was also concerned about process, because the City could reduce the open space and the developer could get credits for adding the open space back in. Commissioner Wintzer questioned the 20% reduction and he could not see the purpose for considering a 5% reduction for fee-in-lieu.

Commissioners Strachan and Hontz concurred with Commission Wintzer regarding the 5% reduction. Commissioner Savage thought it would depend on the situation. The language "may be considered" is only an option and does not mean it would be granted. Vice-Chair Thomas was concerned that it would become a standard procedure for every application. Commissioner Savage suggested that they revise the language to state, "Fee-in-lieu would apply to situations where the open space is at least 20-30%". Commissioner Gross thought they should also add, "In no event less than" a specified percentage. Commissioner Wintzer was uncomfortable with allowing 20% because that results in very little open space. No landscaping could be done in 20% open space. Commissioner Hontz remarked that that the concept of publicly acceptable plazas, pedestrian ways and trail linkages have taken away the public accessibility or flow of pedestrian ways. She recalled a conversation at the last meeting that a pool would not be considered open space because it is not accessible 365 days per year/24 hours per day. Commissioner Hontz could not support publicly accessible plazas, gardens, etc. as an acceptable piece of open space. Vice-Chair Thomas asked if Commissioner Hontz was suggesting that the proposed language be stricken. Commissioner Hontz replied that she wanted the Planning Commission to discuss whether the "publicly accessible" language should be eliminated or further defined.

Planner Whetstone read the LMC definition of publicly accessible. "Open or available for public use to share and enjoy that may be subject to posted hours of operation such as weather, time, and seasonal closures".

Commissioner Strachan was bothered by the language, "…that are located either on or off the property." He felt that was the same as in-lieu. Planner Whetstone clarified that the language only pertained to historic structures. She read, "Rehabilitation or restoration of historic structures that are located either on or off the property". She explained that the owner could get credit for open space in another location in exchange for historic preservation. Director Eddington stated that the idea stemmed from the issue of setbacks serving as open space. No one wanted setbacks to serve as open space because it is non-functional and non-usable space. The intent was to get away from setbacks and require a reduced amount of open space that was more usable. Commissioner Wintzer preferred to reduce the setbacks in certain areas and keep the percentage of open space the same. Director Eddington remarked that the Staff was also looking at that as well, particularly as they work with form based code. However, the issue was that maintaining 60% open space in the more dense areas created areas that were separated from each other and diminished the walkability experience. Director Eddington believed the Staff could reword the language to address their concerns.

Commissioner Strachan asked if the Planning Commission was in agreement on the fee-in-lieu. Commissioners Wintzer, Hontz and Strachan thought they should strike the language. Commissioner Savage pointed out that they continually talk about affordable housing and ways to finance the ability for affordable housing. He believed the fee-in-lieu could be a revenue source, particularly since the City would have the ability to decide on a case by case basis whether it was good revenue source. He did not understand why they would cut that option. Commissioner Strachan did not want the selling of open space to become a precedent to raise revenue. In his opinion, the City should be buying open space, not selling it. Commissioner Savage clarified that his point was to have the option. Commissioner Strachan was not interested in having that option.

Director Eddington stated that the fee-in-lieu was a TDR of open space. Commissioner Wintzer asked the Staff to provide visual examples of how it would work before they strike the language.

Commissioner Hontz referred to (2) Type of Open Space, and the language, "Open space may not include land that is to be utilized for streets, roads, driveways, parking areas, uses, or building requiring a building permit." She recommended adding internal pathways that exist only to service a particular use. Commissioner Savage thought the wording, Open space **may not** include land…" should be replaced with **does not** include land…" Planner whetstone made the suggested change. The Planning Commission discussed what they would consider to be acceptable publicly accessible open space.

Director Eddington stated that the Staff had enough information to prepare the requested visuals.

<u>Height – 15-6-5(F)</u>
Commissioner Hontz was comfortable with the proposed language on page 232 of the Staff report. Commissioner Strachan understood that the revisions were part of the discussion on the bullet points outlined by Planner Whetstone and listed on page 230 of the Staff report. Commissioner Savage clarified that the revisions on page 232 were part of the first bullet point. Commissioner Strachan replied that this was correct.

Planner Whetstone noted that Landscaping, Historic Mine Waste Mitigation and Resort Accessory Uses were the remaining topics in Chapter 15-6-5. She stated that rather than describing landscaping again, the language talks about compliance with the landscaping requirements in Chapter 5. Mine Waste Mitigation was unchanged from the last meeting including findings for addressing physical mine hazards and mine waste. Back of house was the only change to Resort uses.

Commissioner Strachan was comfortable with the remaining sections as proposed. The Commissioners concurred.

Vice-Chair Thomas opened the public hearing on Chapter 6 – MPDs.

Sanford Melville, an Old Town resident, stated that he was also a member of Preserve Historic Main Street. Mr. Melville felt it was clear from previous statements that Preserve Historic Main Street was very opposed to modifying the current MPD language. The existing rules were well thought out and have served the community very well. Mr. Melville understood that the Staff believed the MPD language needed to be revised and he and others had concerns with the proposed revisions. One is the height exceptions. Mr. Melville questioned why they would consider an exception for MPDs in the Historic District. It would increase the mass and scale of future buildings and it would substantially contribute to building creep. Mr. Melville asked where the 50% zone height exception came from and what analysis was done to show that it was even needed. He felt it appeared to be arbitrary and definitely counter to the small town feel, nature setting, and historic character goals in the General Plan. He believe is also conflicted with some of the purpose goals in LMC.

Mr. Melville expressed concern with the open space. He asked why they would consider reducing open space requirements for MPDs in the historic district or anywhere else in Park City. Mr. Melville stated that reduced open space would lead to increase project density and was counter to the goals of the new General Plan. He noted that the purpose statement in the MPD chapter states that one of the goals of the MPD is to provide the highest value to open space for any given site. The modifications being proposed for open space do not reflect that goal and the project enhancements do not contribute to the feeling of open space at the project site. Mr. Melville commented on the revisions to the type of open space that include publicly accessible plazas and gardens. He noted that publicly accessible is defined as open or available for public use to share and enjoy that may be subject to posted hours of operation. In his opinion that was not truly open space. Mr. Melville stated that the historic core is fundamental to the whole identity of Park City. It is the heart and soul of the town and he urged the Planning Commission to preserve this valuable historic core by narrowly modifying the MPD Chapter of the Land Management Code.

Hope Melville an Old Town resident could not find in the LMC a requirement that the historic design guidelines apply to MPD projects in historic zones. There was a provision in the Architectural Code that all uses in historic districts are subject to design review by the Planning Department. Referring to the Findings for MPDs in 15-6-6, Ms. Melville believed there should also be a finding that requires MPDs in the historic district to comply with the historic district design guidelines.

Robyn Rouche, the Executive Director of the Kimball Arts Center, stated that like everyone else, they are committed members of Park City who are passionate about what is best for Park City. She believed they could all agree that the community deserves the merits of a larger, better, and cooler art center. Ms. Rouche wanted to clear up misconceptions about why the Kimball has not been more forthcoming. The intent was to be respectful of the process and they were advised not to come before the Planning Commission until an official applicant was submitted. She explained that all they have at this point is a conceptual plan from their architectural contest and they have been gathering public opinion on that plan while waiting to hear whether they could even apply for a formal application. Ms. Rouche understood that the Kimball may not have that opportunity. She noted that the Kimball Arts Center was mentioned 36 times in the minutes from the last two Planning Commission meetings without their voice being heard. She came this evening to discuss the situation firsthand. Mr. Rouche reiterated that the plan in question was only a concept from a design contest. The Kimball Arts Center wants to work with the Planning Commission and they are willing to compromise if the Planning Commission is willing to have the dialogue. She remarked that the goal from start, and after years of study, has been how to expand the Kimball and contribute to the enrichment of the community both culturally and financially in the best way possible through greater education, events and exhibits, not to mention being a draw to Main Street. Ms. Rouche stated that the economic reality is that the Kimball is housed in a building that has become too expensive to maintain and it does not meet their current needs and future programming goals. The 32' height limit would not come close to meeting their programming goals, nor would it warrant the high cost of the massive preservation effort they are willing to undertake. Ms. Rouche pointed out that in addition to square feet it is also about cubic footage. Without the ability to do the necessary expansion, the Kimball Arts Center would be forced to look at other options and locations. It would only be a matter of time before they would have to move. Mr. Rouche understood that 80 feet was a non-starter. She clarified that they were not looking for approval. They only wanted a formal chance to have a dialogue on what would work best on that site for the Kimball and the community. Ms. Rouche stated that the Planning Commission would be welcome and encouraged to have a say in the design. The goals of the project are entirely altruistic in nature and are meant for the overall prosperity and educational advantage of the community. She hoped there was an opportunity to collaborate with the Planning Commission to achieve an extraordinary and successful result.

Matt Mullin, Chairman of the Board of the Kimball Arts Center and an Old Town resident, stated that the Kimball has not submitted an application of any kind. They have not finalized their design and have not drafted an application. They have done nothing more than talk about the concept, yet the concept has been discussed at length in Planning Commission meetings. Only one side has been vocal. The other side has been kept silent and out of the discussion. Mr. Mullin asked the Planning Commission to allow the Kimball to voice their opinion and share their needs and the reasons for expansion. They have a strong desire to stay in the Historic District of Park City, but without help and cooperation they may need to set their sights on a new location. Mr. Mullin stated that after contemplating expansion for more than ten years through various boards and three directors, they know what it takes to meet their needs and how it could be accomplished. What they do not know is whether Park City wants to have a dialogue that will allow all the components necessary for a great Arts Center to work within the Historic District. He requested that the Planning Commission give them this avenue through which they can share ideas and allow the Kimball and their supporters the equal right to become part of the discussion and process. Mr. Mullin stated that the Kimball has a run a public and collaborative process from the beginning and they hope to continue to do so. They want to work with the Planning Commission and City Council to build an addition that allows them to do all the things they need to do and at the same time preserve historic Main Street.

Jim Tedford provided a handout of his comments and proposals. Mr. Tedford stated that he was speaking on behalf of Historic Main Street. Following the process for three months he believed the concept of public dialogue started with the initial work session with the City Council in August. During that meeting it appeared that the main impetus was to find a method of allowing public dialogue. Mr. Tedford believed there were options for dialogue without changing the MPD process. One option would be to schedule a work session. As outlined in his handout, the opportunity for dialogue was already written in the Code. There was an existing opportunity for a pre-application conference and a pre-application public meeting and determination of compliance in front of the Planning Commission. Mr. Tedford understood that wording was the reason why the pre-application process would not be available to the Kimball Arts Center. He recommended modifying the language in 15-6-2 – Applicability (A), to say that the master planned development pre-application process shall be required in all zones. In (B) the language could be modified to require the master planned development application process in all zones.

Chris Shaeffer, an owner in the Town Lift condos next door to the Kimball Arts Center. He has met with Robyn Rouche several times over the past few years regarding this project. Ms. Rouche has also met with others from the Town Lift condos. In the past they discussed the previous proposal the Kimball was making for a more modest development on that same site in 2006 and 2007. Mr. Shaeffer suggested that the Kimball entertain a more modest expansion similar to what was proposed in 2006-2007. That proposal alone would not meet the space requirements; however, there is available space across the street in the Summit Watch development that could be leased to meet some of their requirements. He believed that option would be less expensive than the building they were currently proposing. Mr. Shaeffer offered that suggestion as a viable way to keep the Kimball Arts Center in the downtown area and still meet their expansion requirements.

Vice-Chair Thomas closed the public hearing.

Commissioner Savage stated that trying to recommend modified language to the City Council regarding the MPD would have a significant impact on the future course of events as it relates to the Kimball Arts Center. From his personal perspective, as well as the perspective of a Planning Commissioner, he thought they should try to create an opportunity by which they could look at the objectives, vision and the benefits to Park City from this project within the constraints of the existing Code and within the context of the concerns expressed by all the citizens. Commissioner Savage suggested that they consider whether there could be a reasonable solution to move forward in a positive fashion.

Commissioner Wintzer stated that it is always difficult to weigh the value of Old Town and/or the community against the value of a project. He personally struggles with the idea of rewriting the Code for a project. Commissioner Wintzer recalled earlier discussions where they agreed to keep the focus on whether or not to allow an MPD, but the conversation always goes back to the Kimball project. He would like to find a way to open the door for MPDs, but he was concerned that if they allow for more height they would end up with four or five buildings on the corner that would take away from what they were trying to preserve. Commissioner Wintzer pointed out that they cannot write a Code that allows something for one building but not another. He noted that part of the Code is to protect the neighbors who built underneath the Code. The people who live behind or adjacent to the Kimball thought they would be subject to the same restrictions as everyone else in the neighborhood. Commissioner Wintzer felt it was an awkward situation; however, he would like to have a conversation to see what might be accomplished. He was not comfortable recommending an arbitrary number for height without understanding the implications. This is an important corner and with the information he has he would have to vote against additional height.

Commissioner Hontz echoed her fellow Commissioners. The Kimball is an important piece and central to tourism in Park City. Although it is not within their purview to make sure Park City is successful and economically healthy and vibrant, the Code has ramifications to what people can and cannot do that may or may not impact what would happen in the vicinity of the Kimball Arts Center and other affected Districts. However, from the standpoint of a Planning Commissioner, she knows how the proposed height changes to the MPD would look and feel. Because this is not a discussion about a site specific application, they need to understand the ramifications of allowing this for all MPDs in all the areas discussed. Commissioner Hontz stated that the impacts are significant and she was not comfortable with the height exception. In many of the jurisdictions she works with, when someone has a good idea they bring it forward and it is presented and vetted through a process. Commissioner Hontz believed that if an applicant worked with the Legal Department there would be a way to have a discussion about an actual application regardless of where it is located. She did not favor spot zoning, but in some circumstances it is necessary to look at a site and determine that the zoning does not fit.

Commissioner Hontz was not comfortable opening the window for height and she could not support changing the Code to allow additional height for any applicant at any time.

Commissioner Gross thought it was unfortunate that the Planning Commission went through the process without a submitted application and it is difficult to make a decision based on that fact. He noted that the Kimball needs to make tough decisions and decide whether they can physically operate their vision within that building regardless of what it looks like. The Planning Commission was doing their best to develop those areas where there is more density to create walkability so they are not developing on the fringes. Commissioner Gross believed the stated mission was clear. Whether the Kimball comes under the MPD or something else that allows the expansion is critical, but they do not have the answers.

Assistant City Attorney McLean clarified that from a legal perspective the Kimball could not submit an application because the winning design of the competition would not meet the Land Management Code requirements.

Commissioner Hontz remarked that there could be a non-application made through a different process where it is not an application for land use. A second option would be for the Kimball to amend their application to come in under the Code and possibly ask for variances. There are options but the Planning Commission should not be the ones to find them.

Commissioner Strachan did not think the City should amend an entire zone based on one subpart that may or may not want to do something. If they intend to make zone-wide decisions, they should be made based on the needs of the zone and how the needs of that zone interrelate to the needs of the other zones. At the last meeting he stated that under that analysis height exceptions should not be allowed. He had changed his opinion since the last meeting and now believes that MPDs are not good for any of the HR zones. Commissioner Strachan stated that MPDs are an exception to the zone and it is a way to get around the planning and zoning that the City has tried to make as consistent and beneficial as possible. If they allow a tool like an MPD, whereby any property owner who fits a certain amount of criteria can submit an application and ask the Planning Commission to ignore the zone, it is a dangerous tool. It is a helpful tool in other zones but not in historic zones. Commissioner Strachan stated that he would not vote in favor of the proposed MPD language at all.

The Planning Commission discussed process and options for the Kimball Arts Center or any other project to have the ability to submit an application when it does not meet Code. Assistant City Attorney McLean explained the process for variances and zone change requests.

Commissioner Strachan reiterated that aside from the height issue, he would recommend that the City Council not make any changes to the MPD section of the LMC. Ms. McLean stated that it was appropriate to recommend that no changes be made.

Commissioner Hontz asked if the Planning Commission would consider recommending changes to the MPD section that makes the Code easier to read without changing the intent. Commissioner Strachan was willing to discuss clarification changes at the next meeting.

Commissioner Savage asked if it was appropriate to ask the Staff to conduct a process in conjunction with the various stakeholders to see if there is a process to find a solution to this particular situation. The Planning Commission could then discuss how that impacts what they want to do in terms of making a recommendation to the City Council on the MPD section of the Code.

Director Eddington stated that the Staff would come back with a revised proposal for 16-6-2 and 15-6-5 based on the comments made by the Planning Commission this evening. They would also look at other options as requested by Commissioner Savage.

Commissioner Strachan thought the Planning Commission needed to give the Staff clear direction on whether or not they want MPDs in the HR Districts. Planner Whetstone understood that the Planning Commission did not want MPDs in any of the historic districts. In the spirit of optionality, Commissioner Savage could not understand why the Planning Commission would take that step right now Commissioner Strachan did not believe that optionality would ever be necessary or appropriate in the historic districts. Commissioner Savage took the opposite perspective. He would not want to pre-judge what is or is not appropriate in the historic district until he had the opportunity to see the proposal and understand how it looks and feels within the context of the historic district. If a proposal comes forward from the Kimball that does a good job of maintaining the historic significance of the existing location and adds value to the community and neighborhood, as a servant to the City he would like to see a process that would allow for that possibility. He thought they were cutting off options rather than letting the possibilities manifest themselves. Commissioner Gross concurred with Commissioner Savage.

Vice-Chair stated that if the Code is not changed for that District, it would be more restrictive by prohibiting MPDs. He was unsure where he stood on the issue.

Commissioner Savage suggested that the Planning Commission continue further discussion on this section of the Code to the next meeting and let the Staff do what was requested. Commissioner Wintzer felt they needed to give the Staff direction before they continue the matter.

Vice-Chair Thomas noted that Commissioner Strachan had asked for clarity on whether or not the rest of the Commissioners agreed with not allowing MPDs in the historic districts.

Commissioner Hontz stated that as much as she agreed with Commissioner Strachan regarding the history of MPDs and the ones seen in the past, she was not uncomfortable with allowing MPDs in the historic district as long as they eliminated the height exception. If they move forward and keep (B) allowed but not required, she would want the height restriction for the historic district. Commissioner Hontz could see opportunities with MPDs, but height in the historic district would be the biggest challenge and people would build to the maximum. In the interest of cooperation and unanimity, Commissioner Strachan would be willing to allow MPDs in the HR Districts if there would be no height exception under any circumstance.

Vice-Chair Thomas stated that the problem is that MPDs cascade through their way through the community in unexpected places. He has seen exception to heights used in other small towns on significant building that enhance the community and make it a better place. It provides a focal point for where you are. Absolutes make him nervous and he was not comfortable with absolutely restricting that site forever.

Director Eddington asked if it would be helpful for the Staff to come back with a better analysis of what exists along Main Street where MPDs were utilized and the various heights in the different zones. Commissioner Savage personally thought the analysis would be helpful.

Commissioner Wintzer stated that he would have a hard time allowing a height exception in this area. He would like the opportunity to look at a project under an MPD, but he was certain that if they changed the Code to allow height exception that is all they would see. He believed developers and the design community fail on that issue because they see a height exception as a permitted use.

The Commissioners commented on buildings in the Historic District that could increase their height if the height exception was allowed.

MOTION: Commissioner Savage move to CONTINUE this discussion to the next meeting and ask the Staff to carry out the exercises discussed, and to come back with additional information to help the Planning Commission make the decision regarding the MPD language in the context of that analysis. Vice-Chair Thomas seconded the motion.

VOTE: The vote was tied 3-3. Commissioners Savage, Gross and Thomas voted in favor of the motion. Commissioners Wintzer, Hontz, and Strachan voted against the motion.

Commissioner Strachan suggested that the Planning Commission make a motion to direct Staff to come back with language disallowing any height exceptions. They would have this same discussion at the next meeting but they would have language to vote on.

Commissioner Savage withdrew his motion.

Commissioner Hontz read language from page 232, "Height exceptions will not be granted for master planned developments within the HR-1, HR-2, HRC and HCB".

MOTION: Commissioner Strachan moved to CONTINUE the discussion to January 9, 2013 with direction to Staff to include the proposed language on page 231 and the top of 232 with regard to 15-6-5 – Building Height, and bring back added language that makes it clear that no exceptions to the height restrictions will be allowed in the HRC and HCB zones. Commissioner Gross seconded the motion.

VOTE: The motion passed unanimously.

Chapter 15 - Definitions

The Commissioners agreed to open the public hearing and continue discussion on Chapter 15 to the next meeting.

Vice-Chair Thomas opened the public hearing for Chapter 15 – Definitions.

Ruth Meintsma, a resident at 305 Woodside, stated that the definition on half-story was appropriate except the description does not apply to some. structures on the Historic Sites Inventory. An example was the pyramid structure at 359 Woodside, which was originally a boarding house. Ms. Meintsma noted that this house was described as a story and a half on the HSI. It does not look like a two-story structure; however, according to the definition a half story now becomes a whole story. A half-story was described in history and the National Register description describes it as a half-story. Ms. Meintsma suggested an exception for historic houses described in that way on the HSI.

Lila Tedford requested clarification on the definition of publicly accessible. She asked if that would apply to a deck that was publicly accessible unless the restaurant closed or to a roof top garden.

Vice-Chair Thomas stated that the Planning Commission would come back with clarity at the next meeting.

Vice-Chair Thomas closed the public hearing.

MOTION: Commissioner Wintzer moved to CONTINUE Chapter 15 – Definitions to January 9, 2013. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

Roof Pitch

Vice-Chair Thomas opened the public hearing on Roof Pitch.

There were no comments.

Vice-Chair Thomas closed the public hearing.

MOTION: Commissioner Savage moved to CONTINUE the Roof Pitch discussion to January 9, 2013. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

5. Richards Parcel – Annexation (Application PL-12-01482)

Planner Whetstone requested that the Planning Commission provide direction on a number of issues outlined in the Staff report and continue the item to January 9, 2013 to allow Staff time to

PARK CITY MUNICPAL CORPORATION
HISTORIC PRESERVATION BOARD
MINUTES OF NOVEMBER 7, 2012

BOARD MEMBERS IN ATTENDANCE: Dave McFawn, Puggy Holmgren, Marian Crosby, John Kenworthy, Katherine Matsumoto-Gray, Judy McKie, David White.

EX OFFICIO: Thomas Eddington, Matt Evans, Kirsten Whetstone, Polly Samuels McLean, Patricia Abdullah

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ROLL CALL
Chair McFawn called the meeting to order at 5:06 p.m. and noted that all Board Members were present.

Chair McFawn suggested that the Board rearrange the agenda and move the work session discussion to the end of the meeting, since there was only one item under the Regular Meeting agenda that involved an applicant and the public. The Board concurred.

REGULAR MEETING

1. 101 Prospect Street - Grant

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WORK SESSION

Land Management Code
Planner Whetstone reported that the City updates the Land Management Code on an annual basis. The HPB was given a set of amendments that pertained primarily to historic districts. The Planning Commission would review and discuss the amendment at their meeting on November 28th and the Staff wanted to hear feedback from the HPB on items more specific to the Historic District.

Planner Whetstone noted that page 3 of the Staff report outlined the Chapters that would be amended. She suggested that it might be easier to discuss the LMC amendment by topic rather than Chapter. Planner Whetstone reviewed the five topics as outlined in the Staff report.

1) Pre-application process and the appeals process. (Chapters 1 and 11)

Planner Whetstone explained the current process, where the Staff approves the application and if that decision is appealed it goes before the HPB. If someone appeals that decision, under the current Code it can then be appealed to the Board of Adjustment and the BOA rules on whether the HPB went through the criteria correctly. An appeal of the Board of Adjustment decision goes to the Courts. Planner Whetstone noted that the current process forces an applicant to go through several appeal processes. The proposed amendment streamlines the process.

Planner Whetstone noted that the first redline on page 5 of the Staff report was under the Pre-application Conference. The language was amended to recommend a pre-application conference rather than require it. Planner Whetstone remarked that requiring things could lead someone has a situation where a neighboring historic house encroaches onto someone's property and the owner refuses to give an encroachment agreement, the issue would need to be settled in District Court. Ms. McLean remarked that the City preferred to address the issue as opposed to creating manipulated situations.

Board Member Matsumoto-Gray understood that the unique conditions determination would still be in place for the HPB to consider if an issue could not be resolved.

The Board was comfortable with the proposed changes.

4. Addition review criteria for all Master Planned Developments. (Chapter 6)

Planner Whetstone stated that there are situations where MPDs are allowed in the Historic District. A typical master planned development for more large scale projects requires 60% open space and looks at architecture, affordable housing, etc. In the Historic District, requiring 60% open space on an infill or urban site would not result in compatible development. The language states that redeveloping projects or infilling and doing a master planned development in the Historic District, the minimum open space requirements is 30%. Language further states that for applications proposing the redevelopment of existing developments or infill sites, the Planning Commission can reduce the required open space to 25%.

Planner Whetstone noted that it was a two-tier process. One is to add redevelopment and infill sites; and the second is that the Planning Commission has the ability to reduce the amount of open space in exchange for project enhancements. Planner Whetstone read the project enhancements as outlined in the Staff report. The added enhancements were "sustainable building design" and "including historic structures that are either on or off the site".

Director Eddington explained that another reason for a reduction in open space is that in places like Bonanza Park and other areas a lot of the open space is incorporated in the setbacks around buildings. As the City tries to create a walkable community, those types of open space are not necessitating walkability and the village characteristics they would like. Having the ability to have smaller lots might encourage people to create more walkable districts. Requiring 60% open space for MPDs on Main Street or in Bonanza Park was not feasible, which was the reason for proposing the reduction.

Planner Whetstone noted that a master planned development is not required in the Historic District but they are allowed. An MPD in the Historic District allows flexibility for trade-offs and it gives the Planning Commission a larger review of the project.

Planner Whetstone pointed out that the recommended changes apply to MPDs throughout the City.

Chair McFawn understood that they were not talking about removing Landmark sites and that the changes would help towards restoring them. Planner Whetstone replied that this was correct.

Planner Whetstone noted that type of open space was another issue. The Planning Commission has the ability to designate the preferable type and mix of open space in a master planned development. She explained the different types of open space that can be considered in a project. Planner Whetstone read the proposed added language under Type of Open Space on page 9 of the Staff report, for redevelopment and infill projects in the GC, HRC, HCB and

HR-1, HR-2 and HRM zones. The language states that for those zones open space may be utilized for project amenities such as gardens, greenways, pathways, plazas and other similar uses. Another option being considered is a fee-in-lieu for purchase of open space and parkland that may count towards open space requirements at a rate twice as much as the amount of open space required. The fee would be based on an appraisal and market analysis of the property. The in-lieu fee would be set aside in a fund designated for open space. Planner Whetstone stated that the fee-in-lieu process would be similar to the current processes for parking and affordable housing.

Planner Whetstone noted that an MPD allows additional height. The proposed change adds language more specific to the Heber Avenue sub-zone, which is part of the HRC Zone, on the north side of Heber Avenue between Park Avenue and Deer Valley Drive. The properties within the Heber Avenue sub-zone are the Kimball Arts Center and the vacant lot they own, Zoom, Sky Lodge and the Poison Creek Mercantile. She recalled that the current height in the HRC zone is 32 feet.

Board Member Kenworthy asked if the amendment would allow all those properties to go an additional 18 feet. Planner Whetstone replied that Poison Creek Mercantile and Sky Lodge were already an MPD and Zoom is a historic structure. That leaves the Kimball Arts Center.

To address the height question, Director Eddington stated that the current MPD does not have any height restriction. The 32 foot height Planner Whetstone mentioned was the HRC zone height. Director Eddington explained that the HRC zone has a height restriction of 32 feet. If a project qualifies for an MPD based on the criteria outlined on page 10 of the Staff report, the applicant could do an MPD, which allows for height exceptions. He noted that the Sky Lodge qualified to do an MPD several years ago and they were allowed to apply for a height greater than 32 feet.

Planner Whetstone clarified that the exception was not necessarily unlimited height. The current language states that, “The increase in building height does not result in increased square footage or building volume over what would be allowed in the zone with the required height.”

In terms of the Sky Lodge, Board Member Kenworthy asked if the reduced height on Easy Street was used to go higher on the hotel portion. Director Eddington replied that it was.

Planner Whetstone pointed out that there were other existing criteria that may limit the height. The Staff recommendation for this LMC amendment is that height exceptions for Master Planned Developments in the Heber Avenue sub-zone shall be limited to 50 feet, even if all the volume has not been used.

Board Member Kenworthy asked about the potential height for the Kimball Arts Center. Planner Whetstone replied that a portion of the Kimball building could be 50 feet above the existing grade. The height can be moved around but it cannot be higher than 50 feet.

Director Eddington noted that there have never been height limits on MPDs and he anticipated an interesting discussion with the Planning Commission. As a comparison, Director Eddington believed the height of the Sky Lodge was 62-68 feet.

Board Member Matsumoto-Gray asked about the status of the Kimball Arts Center application. Director Eddington replied that the Kimball Arts Center has not submitted a formal application to the Planning Department. However, a conceptual design has been presented in terms of changes to the LMC for allowing MPDs. Any public input should relate directly to the LMC and not the Kimball Arts Center.

Board Member Crosby wanted to know what was compelling the need for this specific change to the LMC. In her opinion, if it isn't broken why fix it.

Planner Whetstone noted that on August 23rd the City Council held a work session regarding the Kimball Arts Center. At that time the City Council recommended that the Staff come up with options that would allow public dialogue regarding the award winning design of the Kimball Arts Center. She explained that under the current Code, if that design came into the Planning Department as a formal application, it could not be accepted because it would not meet the requirements of the Land Management Code. There would be no way to put the application out for public input. Planner Whetstone stated that the City Council can talk about the design, but the Planning Commission is the approval body. The Staff could not bring an application to the Planning Commission unless it complies with the LMC. Director Eddington explained that the City Council directed the Staff to explore some opportunities for public dialogue. The MPD process would allow for that dialogue. The proposed change would also address master plans and clean up the language for other areas, including Bonanza Park. With regard to the Heber Avenue sub-zone, the change in the MPD could potentially open dialogue for the City with regard to the Kimball Arts Center and other properties within the Heber Avenue sub-zone.

Assistant City Attorney McLean pointed out that the proposed LMC amendment should be looked at in the realm of the direction from the City Council and not specific to any application because an application has not been submitted.

Planner Whetstone noted that the Staff did an analysis and looked at heights in that area before determining that 50 feet should be the maximum.

Planner Whetstone remarked that these LMC Amendments have been delayed with the Planning Commission because the Staff was researching historic information on the history of MPDs at the request of the Planning Commission. When that history is compiled, the Staff would present it to the HPB as well.

5. Applicability of Master Planned Developments in the Heber Avenue sub-zone (an overlay zone of the HRC District). (Chapter 6)

Planner Whetstone read the language on page 10 of the Staff report. "The Master Planned Development process shall be required in all zones, except the HR-1, HR-2 and HRL for the following: 1) a project of ten lots or greater; 2) hotels and lodging with 15 or more residential unit equivalents; 3) commercial, public, quasi-public or industrial projects greater than 10,000 square feet gross floor area; 4) all projects utilizing Transfer of Development Rights. Planner Whetstone noted that the primary change is that MPDs would be allowed in the HRM zone, which is the lower Park Avenue area.

Board Member Matsumoto-Gray understood that the Master Planned Development process would be required everywhere for the large projects Planner Whetstone had outlined, except in Old Town. Director Eddington stated that an MPD is required because the project must adhere to 15 stringent criteria. When reviewing a larger project it is important to look at more details and what the project entails. It is not required in the historic zones because large projects are not allowed in most of the historic districts.

Planner Whetstone noted that Part B of the Section identifies where MPDs are allowed but not required. An MPD process is allowed in the HR-1 and HR-2 zones only where HR-1 and HR-2 zones or properties are combined with an adjacent HRC or HCB zoned property. Planner Whetstone explained that there is an allowance for master planned Developments for properties on the west side of Main Street. She cited examples of different situations where an MPD would occur. Director Eddington noted that the language in Part B was not changed; however, additional language was added for clarification.

Katherine Matsumoto-Gray thought it would be helpful to have a list that specifically identifies where MPDs are required, allowed but not required, and not allowed at all.

Planner Whetstone remarked that the MPD is required everywhere with some exceptions. However, language added as number 3 under Part B states that, "The property is located within the Heber Avenue Sub-zone", which means that a master planned development could be done in the Heber Avenue Sub-zone. That goes back to the City Council work session when the Council asked for a mechanism that allows for public dialogue. Planner Whetstone stated that there were several options, but the only viable option that provides the opportunity for public dialogue with a full application and public hearing is to allow an applicant to propose a master planned development in the HRC zone. Poison Creek and Sky Lodge were MPDs because those properties bisected a zone. The Kimball Arts Center was only in the HRC zone; however, the Staff did not think MPDs should be allowed in the entire HRC zone. Therefore, they decided that properties within the Heber Avenue Subzone should be allowed to do an MPD because the criteria would allow the dialogue.

Chair McFawn noted that the HPB could oppose the recommendation and it could still be included. Director Eddington stated that the Planning Commission also has the opportunity to provide input.

Planner Whetstone clarified that the primary change for the HPB to consider was the recommendation that "allowed but not required" would be the properties located in the Heber Avenue Sub-zone.

Board Member Crosby clarified that the Sky Lodge was allowed an MPD because it met the criteria of being a residential/hotel/commercial project. Planner Whetstone replied that it also met the crossed-out language on page 11 of the Staff report that said, "Provided the subject property and the proposed MPD include two or more zoning designations". That language allowed the Sky Lodge to be submitted under an MPD. She pointed out that the Kimball Arts Center does not cross zones, which is why it cannot submit an MPD under the current LMC.

Board Member Holmgren was opposed to the height limit and preferred to leave it open. Planner Whetstone asked if Ms. Holmgren was suggesting that they allow an MPD to be submitted, but eliminate the height restriction and let the criteria dictate the height. Board Member Holmgren answered yes.

Chair McFawn disagreed with Item 3 on page 11, which would allow MPDs within the Heber Avenue sub-zone. He did not think they should be exclusive to one section. Director Eddington asked if Chair McFawn would allow an MPD up and down Main Street. Chair McFawn thought they should allow it for everyone or not at all. His preference was not to allow any more MPDs in the historic district.

Board Member Matsumoto-Gray concurred with Chair McFawn. She could not see the motivation for singling out the Heber Avenue sub-zone.

Board Member McKie thought the motivation was the ability to open up dialogue. If they make this change the City can open up dialogue specifically with people they know are trying to create a project.

Chair McFawn felt they would be endorsing changes to this section of the Master Planned Development, as opposed to thinking about what they would want to do as the Historic Preservation Board. The Staff will take their recommendations to the Planning Commission and the Planning Commission will send a recommendation to the City Council. He believed the Staff came to the HPB as a courtesy to hear their input on these recommendations and how it affects historic preservation.

After further consideration, Board Members Holmgren, McFawn and Matsumoto-Gray did not favor allowing MPDs at all.

Board Member Kenworthy stated that the Mall is sitting vacant and he believed an MPD would allow something nice. He considers the Mall to be the biggest eyesore on Main Street and he would love to have a developer come in and do the right thing. However, that would probably need to include Park Avenue, similar to the No Name and other projects mentioned that were successful. Board Member Kenworthy was concerned that if they say not at all to MPDs, it would affect the Mall and other potential projects on that side of the street where they still need to address the sensitivities of Park Avenue.

Director Eddington explained that currently that side of Main Street is allowed to come in for an MPD because it bifurcates two zones. Board Member Kenworthy pointed out that the other side of Main Street would not be allowed an MPD and he was concerned about being too selective. He thought they should look at other exceptions that may allow something to function.

Board Member Matsumoto-Gray wanted to know the motivation for deleting the language in (B) on page 11. Director Eddington explained that the language in (B) was re-written for better clarification in new (B), Allowed but not Required, as Item 3 regarding the Heber Avenue Sub-zone.

Board Member Crosby could not support Item 3, allowing MPDs in the Heber Avenue Sub-zone. Planner Whetstone stated that if Item 3 was eliminated, the Kimball Arts Center would not be able to submit an MPD application because it is in the HRC zone, and an MPD would not be allowed in that area unless it crosses two zones. Therefore, it would have to meet the requirements of the zone.

Board Member Matsumoto-Gray understood that striking Item 3 would not prevent the Main Street Mall from being an MPD. Director Eddington replied that this was correct. Board Member Kenworthy noted that without Item 3 they would not be able to have the conversation with the public.

Board Member Crosby clarified that the City Council directed the Staff to explore LMC amendments that would allow public input on the Kimball Arts Center. Director Eddington explained that it was not direction from the City Council to the Staff. The Council only gave an indication that the Staff should consider methodologies and opportunities to possibly open the dialogue.

Planner Whetstone noted that the HRC language could be amended to allow MPDs in the HRC zone and not just specific to the subzone. Chair McFawn clarified that it would be broader than just the subzone area, but it would still allow for dialogue and not just for the Kimball Arts Center. Planner Whetstone noted that HRC is the Heber Avenue sub-zone and the east and west side of Park Avenue from the condos next to Bad Ass Coffee and down to where the bridge lands.

Board Member Kenworthy asked if the other property owners in the Heber Avenue sub-zone would have the same opportunity to come and have their discussions. Director Eddington stated that they would have the same opportunity, but it would depend on their density opportunities. Planner Whetstone noted that two properties were already MPDs, so if they came in with another application they would have to amend their MPD.

Chair McFawn was struggling because he likes historic preservation and he was nervous making changes to a master planned development that would prevent historic preservation. Board Member Crosby agreed. Chair McFawn stated that whether the City Council hinted or gave direction, the Staff came to the HPB for input and they could provide feedback either individually or as a unified Board. The Staff could take their comments under advisement or do whatever they wanted. Director Eddington clarified that their comments would be forwarded to the Planning Commission.

Board Members McFawn, White, Matsumoto-Gray, Crosby, and Holmgren thought the language in Item 3 that would allow MPDs for properties located within the Heber Sub-zone, should be removed.

Board Member Matsumoto-Gray also favored removing the height restrictions as suggested by Board Member Holmgren. She was uncomfortable picking out areas within the Historic District. Chair McFawn agreed because it was like targeting winners and losers.

Planner Whetstone asked if the Board thought the Master Planned Development process should just be allowed in the Historic District. It does have criteria that addresses historic preservation.

Director Eddington clarified that the majority of board members recommended not including the language to allow MPDs in the Heber Avenue sub-zone. He asked if they would allow additional language that allows MPDs in the HRC or HCB zone, which is the Main Street zone.

Board Member White recalled talking about the west side of Main Street that backs up to the residential zone. Director Eddington recalled that the Board was not in favor of that change. He referred to page 11 and asked if they favored the changes to (B) 1 and 2, Allowed but not Required. That language has been in the Code and the change was only for clarification.

Chair McFawn was comfortable with the change if it was only clarification of existing language. He personally was hesitant to make broad changes.

Board Member McKie was comfortable with the change in just the Heber Avenue sub-zone because there is a project that they want to look at and it does involve historic preservation. The Kimball Arts Center is a historic building and the HPB should be very involved. If this is what it takes to open a dialogue to make sure it retains its historic aspect for the future, she thought the HPB would want to play a role in that and be open-minded.

Board Member Matsumoto-Gray stated that the role is that the Kimball Arts Center has to follow the guidelines. Planner Whetstone noted that they have to follow the guidelines and they also have to follow the Code.

Board Member McKie felt Park City should be an adaptable community where they can adapt their guidelines for future growth and change. Opening a dialogue allows the community to explore a project but it does not imply approval. Board Member White agreed with Board Member McKie.

Board Member Holmgren wanted to know why the Staff could not open the dialogue with the Kimball Arts Center without changing the Code. Director Eddington stated that the conversation would be limited without an application. He assumed the Kimball would prefer to know what they could or could not do before proceeding with an application.

Assistant City Attorney McLean stated that as soon as the Staff engages in a discussion where the concept is not permitted by Code, it creates certain expectations, as well as accusations that the Code is being changed for one specific project, when the LMC amendment should apply to everything. Regardless of whether they like the project, if it does not fit within the Code it is useless.

Board Member Kenworthy stated that if Item 3 was added for one specific project, it creates a slippery slope for a neighbor who wants the same consideration. Board Member Holmgren noted that it was very specific to the Heber Avenue sub-zone and the reason was apparent. Board Member Matsumoto-Gray felt they were putting the cart before the horse by recommending changes that allows someone to come forth with a project they put on the internet. She could not understand why this was even happening.

Assistant City Attorney McLean reiterated that from a legal standpoint, the City could not have a conversation if the plan does not meet the Code. As it currently stands, if they want to talk to the Kimball Arts Center without changing the Code, they should make that recommendation and the applicant should submit an application that meets Code. If they want to consider that the Code change would allow something that fits within the General Plan and the purpose statement of the zone, they should consider recommending the proposed change.

Board Member White asked if any of the projects submitted fit within the Code. Director Eddington replied that the Kimball Arts Center asked the Staff to potentially consider one plan, which is what they took to the City Council. They did not analyze any of the others. Planner Whetstone noted that the Planning Department provided the Kimball Arts Center with the specifics requirements of the zone before the design competition.

Board Member Kenworthy was cautious about their comments being construed or referenced as a pre-approval. Board Member McKie could not see the problem with one specific project if it benefits the entire community. Chair McFawn stated that the benefits to the community were outside of the scope of the HPB. The Board needed to focus on whether the changes proposed were beneficial to historic preservation. Board Member McKie reiterated that the Kimball Arts Center is a historic building and in her opinion it all ties together. She felt it was a disservice to the community to say that they only look at historic preservation by specific and narrow guidelines and they have no interest in making changes.

Dick Peek, the Council liaison, stated that he started on the Historic District Commission and he cares about things historic. He referred to the purpose statements of the MPD section of the LMC. He has seen the application and sat through the presentation. Council Member Peek was not prepared to express his opinion about a future pending application. He noted that the purpose statement talks about infill redevelopment where the MPD process can provide design flexibility necessary for well-planned, mixed-use developments that are compatible with the surrounding neighborhood. It also talks about goals to complement the natural features, ensure neighborhood compatibility, strengthen the resort character of Park City, and result in a positive net contribution of amenities to the community. He asked if that was an appropriate tool for that area to achieve an appropriate infill development on that site.

Chair McFawn called for public input.

Jim Tedford, representing a group called Preserve Historic Main Street, was taken aback that the HPB had not had a lot of input until this evening. He was amazed that the Staff was looking for opinions from the HPB based on an hour of conversation. Mr. Tedford stated that he first got involved on August 23rd and he was still trying to figure it all out. He did not believe the HPB could come close to making a recommendation without an opportunity to study the issues further. Mr. Tedford could find nothing to indicated that the Kimball Arts Center could not build above the old building.

Planner Whetstone stated that it was in the design guidelines.

Mr. Tedford agreed with a previous comment asking why they would change the LMC to accommodate something that may never happen. He had read several recommendations from Staff on different dates and the recommendations keep changing. He believed the continually changes were being done to accommodate the Kimball Arts Center. Tedford stated that he and the group he represents fully support the Kimball Arts Center and their need for an addition to their current facility. However, they believe the expansion can and should be accomplished within the existing Park City LMC and the Park City Design Guideline for Historic Districts and Historic Site. In terms of options, it was stated this evening that the Kimball Arts Center could submit a proposal that meets the current Code. In addition, the Heber Avenue Sub-zone could be amended to allow for public dialogue. Mr. Tedford and his group were very opposed to changing the Land Management Code.

Planner Whetstone clarified that amending the zone would be amending the LMC. Board Member Matsumoto-Gray asked if a zone change could be initiated by someone outside of the City. Planner Whetstone answered yes, but it would still be a change to the Land Management Code and the change would be for that particular project.

Hope Melville, a resident on Park Avenue, understood that the City Council wanted to explore way for the Kimball Arts Center project to be considered with public input. She was confused about the current proposal to allow MPDs in the Heber Avenue sub-zone with a maximum height of 50 feet. Ms. Melville did not understand how that would allow an application since the design the Kimball is promoting is an 80 foot tower. She was unsure how an 80 foot tower design would be evaluated under the change to allow an MPD in the Heber Avenue sub-zone. Ms. Melville was concerned about potential changes to the LMC for all MPDs without thinking about how that affects other areas and other projects under consideration. She was uncomfortable changing the LMC in the Heber Avenue sub-zone and elsewhere until they understood the long-term affect. Ms. Melville was opposed to changing the LMC to allow an

MPD for the Kimball Arts Center at the location. She also felt that changing the Code to a maximum height of 50 feet was not the right thing to do.

Chair McFawn closed public input.

Chair McFawn stated that the Board members could give an up or down vote to approve something, each person could individually state what they would like to see, or they could request more time to think about it.

Assistant City Attorney McLean stated that the Board could request more time, but she believed that the amendments would be moving forward to the Planning Commission and the City Council.

Board Member Kenworthy needed to consider it further before making a decision.

Board Member McKie was open to changing the Land Management Code. She could see no harm in terms of future development and it was not a rubber stamp approval for the Kimball project or any project in that zone. She believed it would open dialogue that otherwise could not occur because the proposed design does not meet Code.

Chair McFawn understood that the Kimball Arts Center could apply for an exception once they submit an application. Director Eddington stated that every property owner can submit an application for a zone change. Chair McFawn believed the Kimball Arts Center has the ability to initiate the conversation but they have not done so.

Board Member McKie did not believe the Staff would have brought this to the HPB if they had not carefully evaluated the best way to open the dialogue. If the concern is changing the Land Management Code for something that might never be built, they need to understand that it definitely will never be built if they do not change the LMC. She was concerned about totally shutting the door and eliminating any possibility to explore it further.

Board Member Matsumoto-Gray would not recommend the changes to the MPD language in the Code because she could see no motivation for a potential sacrifice to historic preservation. She could not understand the reason for opening up this area to MPDs when there is no application for a specific project. It seemed targeted, ad hoc and unmotivated.

Board Member Crosby felt the HPB was not given enough time to adequately address this issue. She has been watching and listening in the community and she did not feel comfortable with what was being proposed. Board Member Crosby remarked that the existing zone was implemented to allow for the expansion and preservation of the Historic District. She was concerned that supporting the proposed changes to the Land Management Code would appear to be a pre-approval on the part of the HPB. Board Member Crosby would feel more comfortable if they could have time to consider it and to hear more public input. She believed an application could be processed under the existing Code. She was supportive of the concept because it has the potential to provide what the community needs. However, talking about an 80 foot structure or to amend the LMC to allow 50 feet in that area was concerning and she could not support what was being proposed.

Board Member White agreed with Council Member Peek about needing a tool for the dialogue. Although it seems that the proposed project does not meet the Code, there are still many things to talk about. Preservation is the most important issue for the HPB in terms of whether any project fits with Main Street and the Historic District. Board Member White wanted more time to consider the proposed changes; however, Director Eddington and Ms. McLean had indicated that there was no time because the amendments would be moving forward to the next level.

Assistant City Attorney noted that the amendments were scheduled to go before the Planning Commission on November 28th. The next HPB meeting would be after that date.

Board Member White did not agree with changing the LMC just for one project. If they did that they would be opening the door for more projects with similar situations. However, he agreed with Board Member McKie on the need to talk about projects; but if changing the LMC was the only way to accomplish that, he was bothered by the process. Board Member White suggested that the City find another vehicle that would allow them to have those discussions.

Board Member Holmgren felt they should not change this portion of the LMC because it is obviously aimed at one project. She agreed that the City should find another vehicle to address these types of projects. Board Member Holmgren supported eliminating the addition of Item 3 regarding the Heber Avenue sub-zone, and the 50 height limitation.

Planner Whetstone stated that the minutes from this HPB meeting would be included in the Planning Commission packet for the November 28th meeting.

Board Member Kenworthy agreed with the rest of the Board. The Kimball Arts Center is a great asset to the community, but the LMC should not be changed to accommodate one project. The changes clearly address the Kimball Arts Center and neither he nor the other Board members have had enough time to make an appropriate and informed decision. They were blindsided by the proposed changes and knowing that it is specific to one project did not feel right.

Chair McFawn concurred with all the comments of the Board members. He needed more time, and while he wants the City to have a dialogue, his instinct is to avoid change when he feels rushed. Chair McFawn implored the Planning Department to find any possible way to get a dialogue going, even if it is initiated by the applicant in the form of a zone change application.

Chair McFawn remarked that the Staff and the Planning Commission would have the HPB minutes and he felt the Board was very clear on their position.

Director Eddington stated that the discussion would continue as the amendments move through the process. The Staff has no agenda and the question will be whether or not they can open the dialogue.

The meeting adjourned at 7:46 p.m.

EXHIBIT F

Kimball Art Center proposed new building

Chris / Dancing Hands [chris_dhgallery@qwestoffice.net]
Sent: Friday, November 23, 2012 5:06 PM
To: planning
Cc: Council_Mail; James Tedford [preservehistoricmainstreet@gmail.com]

To the Planning Commission and City Council:

While I am in favor of a new Kimball Art Center I remain opposed to the current building design. As a Main Street Merchant I watched Matt Mullin's presentation recently and it did nothing to change my mind. In fact, there was so much left unspoken or not provided for that it made me even more adamantly opposed to the building. There are several good points to the building's interior spacial concept but I believe these points can be incorporated into a better building design than the one currently being considered. And one that will not require new building codes or a change to the MPD.

Once again, I am in favor of updating the KAC but want a design more in sync with the rest of Main Street. Thank you.

Chris Meyer/Proprietress
The Dancing Hands Gallery
591Main Street
Park City, UT
435/649-1414

Re. Kimball Aartr Center Expansion

MAYES BEA [b.mayes@opposablethumb.com]
Sent: Monday, November 26, 2012 7:45 AM
To: planning

Dear Planners:

As I understand it, it was the Kimball Art Center that brought up the MPD. They are not planners.

I'm wondering, did the Planning Commission invite the Kimball Art Center to apply for variance under the current codes? That would require the Kimball Art Center to submit their expansion plans. It would also allow public discussion. With the specific Kimball Art Center plans in hand, the Planning Commission could then determine what variances the Kimball Art Center expansion needs.

Respectfully submitted,

Bea Mayes
Long-time volunteer at the Park City Historical Society and Museum and former Park City resident

*** *** ***

Bea Mayes
1031 Grindelwald #6
Midway, UT 84049
435-654-4038

Re-sent: Kimball Art Center Expansion

MAYES BEA [b.mayes@opposablethumb.com]
Sent: Monday, November 26, 2012 7:50 AM
To: planning
Cc: Council_Mail

Dear Planners:

As I understand it, it was the Kimball Art Center that brought up the MPD. They are not planners.

I'm wondering, did the Planning Commission invite the Kimball Art Center to apply for variance under the current codes? That would require the Kimball Art Center to submit their expansion plans. It would also allow public discussion. With the specific Kimball Art Center plans in hand, the Planning Commission could then determine what variances the Kimball Art Center expansion needs.

Respectfully submitted,

Bea Mayes
Long-time volunteer at the Park City Historical Society and Museum and former Park City resident

*** *** ***

Bea Mayes
1031 Grindelwald #6
Midway, UT 84049
435-654-4038

Kimball Art Center Addition

Mary Demkowicz [msfdem@xmission.com]
Sent: Monday, November 26, 2012 9:27 PM
To: planning

Please do not change the MPD to allow a 80 ft high building in old town. It will change the whole character of our town. My husband and I came in 1976 and we really liked the mining history and Main Street. Once a building that large is allowed, other property owners will want the same concessions. Then the downtown area will look like any other big city downtown with oversized buildings, cold and lacking sun. The Kimball Art Center addition should be in keeping with the rest of Main Street. If this change is to be made, it should go out to a public vote. Thank you. Sincerely, Mary Demkowicz

November 28, 2012

To: Park City Planning Commission

PROPOSED REVISIONS TO THE PARK CITY LAND MANAGEMENT CODE - CHAPTER 6

I am here before you representing a group of concerned citizens, "Preserve Historic Main Street", speaking against the proposed revisions of Chapter 6 of the Land Management Code regarding Master Planned Developments. On August 23, 2012 I attended a City Council work session where the Planning Director presented a document to the City Council titled – "Old Town Height Discussion-Kimball Arts Center". The work session was scheduled to discuss a proposed addition to the Kimball Art Center. It appears to us that what the presentation and the Planning Department document were really about was convincing the Council that revising Chapter 6 of the LMC was the best way to accommodate a project application for the proposed Kimball Art Center addition. Although Staff has maintained that the proposed MPD revisions before you tonight are part of their annual review, most of the MPD revisions are clearly written specifically with the KAC addition in mind.

For the past three months our group has been monitoring this process from work session to the present. See packet and minutes. Council made it clear at the August work session that they had heard a lot of concerns from the public about the proposed KAC addition, and they wanted an opportunity for more public dialogue. They inquired about methods to obtain this dialogue and were told by Staff that the MPD was the best method. With all the emphasis on a MPD and height, and little mention of other options and restrictions, it is easy to see why Council felt this might be the best way to get more public dialogue. One viable option is to recommend that the KAC modify their proposal to conform to the existing LMC and HDDG (Their current proposal does not include an additional 1,500 square foot section of their lot that would accommodate 6,000 square feet on four floors). Another available option for the KAC is to apply for a conditional use permit and if needed apply for an amendment to the zone.

Since the work session, Staff has been in the process of suggesting revisions to the MPD section of the existing Land Management Code that would accommodate a possible application by the KAC to build an addition to their present facility on Heber Ave. See packets from 9/12, 9/26, 11/7 (prepared for the HPB presentation), and 11/28.

On November 7, 2012, Staff made a presentation about the proposed revisions to the MPD section of the LMC to the Historic Preservation Board. See minutes.
The HPB recommended 6-1 not to revise the MPD language. Quoting a member of the HPB, "Why fix something that isn't broken".

SUMMARY

The whole process that has taken place regarding a possible application by the KAC has been flawed from the start. Given the restrictive language in the LMC, the HDDG, the General Plan, and the Park City 2030 document, it seems strange that Staff would ask the city manager to schedule a Council work session, let alone that they would try to convince Council to revise the LMC to accommodate a proposal that is so unrealistic. The document and presentation to Council was incomplete, inaccurate, and very supportive of the KAC proposal. There is extensive discussion of the MPD process and height restrictions. Unfortunately, there is little discussion of any of the other options, all of which would allow the KAC to submit an application without revising the existing LMC. There also is no mention about section 15-5-1 of the LMC, and several sections of the General Plan that would prohibit the current KAC proposal (Appendix A). Even if the LMC was revised to allow a MPD the current KAC proposal could not be approved.

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Council made it quite clear that what they wanted was an opportunity for more public dialogue concerning the KAC proposed addition. They did not indicate they wanted to revise the existing LMC to allow a MPD in the Heber Avenue Sub-zone if there is another way to obtain public dialogue. You have already obtained a considerable amount of public dialogue from this document, dozens of emails, letters to the editor, and testimony at your meetings. There are other ways to obtain more public dialogue without changing the LMC.

We support the Kimball Art Center and their need for an addition to their current facility. We believe this expansion can and should be accomplished within the existing (August/2012) Park City Land Management Code and the Park City Design Guidelines for Historic Districts and Historic Sites. Please, for the sake of our present and future Historic Main Street, do not recommend any revisions to Chapter 6 of the LMC to accommodate a development that has not submitted an application and may never be built.

Appendix A

LMC 15-5-1 ARCHITECTURAL REVIEW

As a community dependent upon the tourism industry, the atmosphere and aesthetic features of the community take on an economic value for the residents and Property Owners of Park City.

It is in the best interests of the general welfare of the community to protect the aesthetic values of the community through the elimination of those architectural styles, and those building materials, which, by their nature, are foreign to this area, and this climate, and therefore tend to distract from the appearance of the community.

Most of Park City's Main Street and many homes in Park City's older neighborhoods are listed on the National Register of Historic Places as well as being locally designated as Historic Sites, which is a point of considerable importance to the tourism industry. New development, while distinct from surrounding Historic Sites, should not detract from them. Park City is densely developed due to the shortage of level, buildable land.

The effect of one Development is felt on the community as a whole. It is the policy of the City to foster good design within the constraints imposed by climate, land ownership patterns, and a compatible architectural theme.

GENERAL PLAN

Page 3 – The historic downtown area, an attraction for visitors and residents, has been well maintained, but the scale of new development threatens to detract from the charm of Main Street.

Page 5 – Goal 1: Preserve the mountain resort and historic character of Park City

- Future development should complement the existing historic and resort qualities of our mountain community.
- New development, both commercial and residential, should be modest in scale and utilize historic and natural building materials. New structures should blend in with the landscape.

Page 7 – Goal 5: Maintain the unique identity and character of an historic community.

- The community should focus on maintaining the integrity and health of the historic district. The downtown should maintain its historic character marked by pedestrian-friendly buildings of simple design, modest scale, modest height, and similar features.

Jim Tedford, Preserve Historic Main Street

November 28, 2012

To: PARK CITY PLANNING COMMISSION

From: PRESERVE HISTORIC MAIN STREET

We support the Kimball Art Center and their need for an addition to their current facility. We believe this expansion can and should be accomplished within the existing (August, 2012) Park City Land Management Code and the Park City Design Guidelines for Historic Districts and Historic Sites.

James Tedford	Harry Fuller	Kerry Armstrong	Tom Clyde
Mel Armstrong	Jim Miller	Michael Holland	John Vrabel
David Chaplin	David Gorrell	Carol Larson	Whitney Wilde
Chris Roon	Penny Cunningham	Laila Tedford	Robert Sloan
Janet G. Fuller	Margaret Sloan	Shirley Smith	Don Elliott
Randy Spagnoletti	Margie Hadden	Keith Droste	Madeline Smith
Winona Barcon	Marilla Magill	Lou Hudson	Dixie Spagnoletti
Karen Coleman	Mary Demkowitz	Gerd Holmsen	James Kennicott
Gary Kimball	J.S. Reid	Patti Sanborn	Dan Steffen
Dianne Vance	Connie Steffen	Jane Washington	Patrick Lennon
Peg Fletcher	Betty Watts	Cyndi Schwandt	Peter Larsen
Mary Larsen	Carolyn Meyer	Mea Marden	Allen Titensor
Kay Simon	Julie Bertagnole	Barbara Keathley	William Bertagnole
Howard Schatz	Ken Martz	Judy Hale	Barbara Martz
Sharree Olsen	Bruce Cooper	Deworth Williams	Rita Lindell
Alice Williams	Jana Tullis	Cathy Hinshaw	Andy Tullis
Don Simon	Sandy Melville	Judy Billings	Hope Melville
Caryl Brubaker	Betsy Devaney	Lani Furr	Carol Goldman
Hank Kaufmann	Joanna Hammel	Judy Hanley	Cathy Hinshaw
Louise Holland	Nancy Hull	Mike Holland	Mary Ellen Hunter
Barbara Keathley	Lisa Leonhart	Susan Miles	Marion Lintner
Madonna Marron	Sue Morgan	Evelyn Richards	Barbara Roberts
Marsha Roon	Marty Statin	Michelle Sweet	Donovan Symonds
Kathy Symonds	Jinny Vallor	Karen Voth	Jane Washington
Sandy Watson	Sue Weiner	Sharon Winders	Julie Cooper
Sandra Nugent	Ray Mackown	Colleen Bell	Jan Mackown
Jim Bell	Alice Myli	Michael Geer	Howard Myli
Patricia Pond	Gayle Roetman	Annette Sneed	Rob Roetman
Dean Peters	Shary Gadd	Myra Strauchen	Rich Banks
Laurie Banks	Mike Baker	Nancy Kelly	Kathleen Papi-Baker
Dennis Kelly	Lee Caruso	Pat Cohn	George Hull
Malia Brown	Mike Washington	Colin Deford	Laurie Garland
Jim Hadden	Lynne Anderson	Jose Palacios	Julia Lagerhaus

Diane Broome	Michael Broome	Midge Farkas	Kurt Frankenburg
Tom Farkas	Dave Hanscom	Sandra Hall	Mary Hanscom
Carrie Brummette	Bruce Dennis	Dan Hickey	Regen Dennis
Jim Durham	Marisa Durham	Mary Jo Eichner	Richard Weber
JoeAnn Weber	Chris Meyer	Bill Shoaf	Bea Mayes
Richard Eichner	Susan Brewer	Julie Hastings	Coleen Webb
Randall Luebke	Chris Schaefer	Aileen Griffin	Allison Sterbens
Marcia Needham	Susan Paterson	Bette Benton	Daniele Davis
Mary Coyer	Mercedes Hess	Norm Olson	C. Frankenburg
D. Hedderley-Smith	Carrie Shoaf	C. Hedderley-Smith	Fred Marshall
Emmy Marshall	Tom Gunn	Joan Gunn	Bob Lewis
Dede Lewis	Patricia Oriente	Mike Stevens	Bill Benson
Loris Benson	Susan Row	Meg Ryan	Phil Hughes
Brad Boozer	Iris Thompson	Robert Thompson	Carrie Lyon
Christopher DiMeo	Nancy Kelly	Dennis Kelly	Pam Gillette
Andy Dannerbeck	Patti Owen	Alison Wilhelmi	Elizabeth Swank
Randi Tonnesson	Nikki Schwerin	Jennifer DiMeo	Michael Lever
Yin Yuen Lever	Don Cofer	Margie Christiansen	Eric Christiansen
Charles Reynolds	Polly Reynolds	Janet Margolies	Michael Ballases
Laree White	Chuck Zuercher		

proposed land management code changes

Shirley Smith [shirley@meanderadventures.com]
Sent: Thursday, January 03, 2013 9:54 AM
To: planning

Dear Planning Commission staff and members,

As a long time Park City resident, I would like to encourage you NOT to allow MDS in the historic zones. I feel that a lot of thought and work was put into developing the existing guidelines and that by allowing such MPDs, it will be like opening a can of worms as more and more businesses on Main Street begin requesting increased height. If you do feel that allowing MPDS is important for whatever reasons, I hope that you will continue to include the 32 foot height limit in the HRC zone.

Thank you for taking my opinion.

Sincerely,
Shirley Smith

KAC expansion

Chris / Dancing Hands [chris_dhgallery@qwestoffice.net]
Sent: Saturday, December 29, 2012 1:51 PM
To: planning

To the Planning Commission: Although I am in favor of KAC building a better facility, I am opposed to to the current building design. The design is out of code and out of date for Main Street. It will be worse than 333 Main Street, another disaster you allowed so many years ago. There are far better designs for that space that will not destroy the texture of Park City. One thing you need to realize here is that you do not have to live with the result, we the merchants and condo, etc. owners will have to live with it. Think about it. Do something for those of us who have to live on the street.

Chris Meyer/Proprietress
The Dancing Hands Gallery
591Main Street
Park City, UT
435/649-1414

KAC project email for meeting on January 9th, 2013
Carrie Shoaf [carrie@luxuryresidencegroup.com]
Sent: Saturday, December 29, 2012 2:57 PM
To: planning

Park City Planning Department,

This is email is to express my concern for the proposed development of the KAC and their request for an MPD in historic old town. Although I don't proclaim to be an expert on the codes, I feel the current proposal does not in any way adhere to the current codes and the scope of the project does not fit into the theme of Historic Main Street. There is a reason for historical guidelines and height requirements and although meetings have been well represented by advocates of Historic Old Town, it seems that for some reason, they have not been heard very well. It was my understanding also that you could not build on top of an historic structure. Seems with the proposed building, it would all but be taken down to the minimal studs and rebuilt. What is happening to the integrity of our Historic Old town?

MPD's should not be allowed in the historic zones. Nor should height requirements be considered beyond the 32' maximum height currently allowed in the HRC zone. If the MPD were passed or the height requirements currently in place were not adhered to, I would think it would give precedent to other property owners around the Main Street area that could do the same. That is a big can of worms to open for our charming town.

Again not being fully informed, it is also my understanding that the KAC should not have been allowed to do a presentation in front of City Council on August 23. It seems the Council asked the Planning commission to change the LMC to provide an opportunity for public dialogue based on incomplete information. Why is the planning commission pushing this issue so hard and fast? It makes no sense that they would want to turn our Historic district into a New York City.

Thank you for listening.
Carrie Shoaf

Carrie Shoaf
Associate Broker
Luxury Residence Group

Summit | Sotheby's INTERNATIONAL REALTY

Carrie@LuxuryResidenceGroup.com
LuxuryResidenceGroup.com

1750 Park Avenue I P.O. Box 2370 I Park City, UT 84060
o 435.658.3336 I c 435.513.1928 I f 435.604.6190

Planning Commission Meeting January 9th.

Bill Shoaf [bshoaf@me.com]

Sent: Saturday, December 29, 2012 3:24 PM
To: Dana Williams; Andy Beerman; Alex Butwinski; Cindy Matsumoto; Liza Simpson; Richard Peek; planning
Attachments: Amsterdam¹s New Stedelijk ~1.pdf (1 MB)

Dear Mayor, City Council Members, Planning Commissioners & Planning Staff

My name is Bill Shoaf and I was the Developer of Sky Lodge as well as headed up the developemt at Sundance during the 1990's when the entire resort was re-engineered. I regret that I am out of town the week of January 7th so I am writing to you to express my concerns and view points regarding the review of the LMC to accommodate the proposed KAC addition.

I have attached part of an article the appeared in the Design & Art section of The New York Times on December 23, 2012 regarding the new "addition" to the Stedelijk Museum in Amsterdam which carries the title "Why is the Museum Shaped Like a Tub?" This article refers to the below structure, which was an addition to a very prestigious and well establish art museum, and was added to the existing facility with the stated goals of updating the old building and adding exhibition space along with a restaurant and store and was going to have the entrance changed to activate the overall area. Sound familiar? And what was the result? Well to quote the article's author this was "another case of civic icon-envy" where the City of Amsterdam allowed - after a decade of public turmoil - the project to go forward and - in the words of the author - the "Benthem Crouwel's gonzo design suggests a kind of desperation in Amsterdam's reaction to Bilboa".

I have included the renderings of the proposed KAC addition from their web site and I would put forward to all of you that the below proposed addition to the Kimball Art Center of Old Town is on par with the result achieved in Amsterdam with only two differences. One, this mistake has not yet been made and the multi millions spent by the Dutch has not been shelled out by the citizens of Park City. Two, if this project is allowed to go forward the article in The New York Times will have a slightly different headline – "Why is the Museum a Lincoln Log Project?"

I can assure you as a person who has spent over 35 years in the destination travel business this type of article in The New York Times is the last thing Park City wants or can afford. The people that travel to our city are interested in the Arts and read articles like this with great interest and this type of press does no one any good. So from that standpoint I see no reason for the City to alter in any way the Land Management Code to accommodate this project. It is out of scope, devoid of sensibility to the surrounding historic character of Old Town and is, in my humble opinion, another case of "civic icon envy".

Secondly I would offer my words of caution that any modification to the LMC on density and / or heights is playing a very dangerous game and one I am well schooled in. Specifically commercial developers wait in the wings and pray that a City with a restrictive area such as Old Town makes "exceptions" to accommodate either city or non profit projects for "the good of the citizenry". These folks wait quietly and then walk in with their take no prisoners attorneys and demand the same treatment as the "special people". They seldom lose this argument. I would respectfully remind the Council, Commission and Planners that the other three corners of Heber and Main as well as the site directly north of Zoom are owned by one developer as well as the undeveloped site at the top of Main Street. There are also other significant sites on the street that are for all purposes black store fronts whose owners would gladly welcome a more generous interpretation of the LMC. There are sizable profits to be made by increasing the density and heights of those sites if an MPD can be put into play beyond the current restrictions of the LMC. In my opinion the accommodation of KAC with a modification to the LMC is an open invitation to a slew of projects under a new set of rules for the MPD process that will not turn out well for Old Town

Thank you for your attention

William Shoaf
Managing Director
Aureus Hospitality Group

4780 Winchester Ct
Park City, Utah 84098
Tel: 435.214.7352
Efax: 866.712.0135
Bshoaf@aureushg.com
www.aureushg.com

Kimball

pat0212@aol.com
Sent: Saturday, December 29, 2012 7:57 PM
To: planning

I am a long time "part timer" and love the charm of our wonderful city. Please do not consider making any zoning changes to accommodate the possible Kimball redo as it stands today. I feel it would be a disservice to have one building dominate the landscape and obstruct views. It would be detrimental to the "feeling" of Park City. Also I am very upset at the remote possibility of your change laws to accommodate one group. WHere as they are an important organization, I do not feel they have any right to have should rules changed for them. Thank you for your consideration and time spent on this matter. Pat Cohn

Kimball Art Center Expansion

Marc Wangsgard [mwangsgard@gmail.com]
Sent: Saturday, December 29, 2012 8:17 PM
To: planning

I read the KAC article in today's Park Record. I have been a full-time resident of Park City since 2000, and I enjoy the KAC presence in Park City. I am strongly opposed to the proposed expansion. I read the KAC explanation of the need for the expansion. I have been in the development business full time while living in Park City. From my experience a "need" by the applicant is not a reason to violate the local jurisdictions code or planning principals. Nor should it matter whether the applicant is an awesome non-profit. The size, scope and particularly the height of this project, in my opinion, would be a huge negative for Park City in general and particularly Old Town.

KAC

Kurt M. Frankenburg [kfrankenburg@williamsandhunt.com]
Sent: Sunday, December 30, 2012 7:56 AM
To: planning

I understand that there will be a meeting regarding the proposed KAC expansion on January 9th. I urge you to preserve the character of the historic district and to reject any MPDs or significant height variances for that district. I can see no compelling reason to allow the type of substantial variance the KAC is proposing. I am a member of the KAC, but but am very much opposed to the proposed design. It is totally out out of scale and character for the surrounding area and flies in the face of the very purpose behind the historic district's purpose.
Thank you, Kurt Frankenburg

Sent from my iPad

Expansion Plans for Kimball Art Center

Donovan Symonds [dfsymonds7@gmail.com]
Sent: Sunday, December 30, 2012 9:39 AM
To: planning

I wish to express my strong objection to the height of the proposed expansion of the Kimball Art Center. The building as proposed would dominate downtown Park City and distract from our historic core. The building should conform to the existing codes particularly relating to height.
Donovan Symonds.
4278 moose Hollow Rd. Park City.

building

Marilla Magill [marillamagill@gmail.com]
Sent: Sunday, December 30, 2012 11:16 AM
To: director@kimballartcenter.org
Cc: planning

I do believe we need more space. I do like the idea of a unique building.....just NOT on the Main Street site. IF there is to be a building such as the railroad ties design, I feel strongly that it should NOT be breaking the historic Main Street code. I greatly fear that allowing one such ruling will lead to a severely impacted Main Street and the Historic designation of our charming city. Having been here since 1970, I have seen many changes....and it Always occurs that if one developer or building is allowed to break the current code....all the others follow.

I do believe the Kimball could have dual locations without being hurt by it....maybe even enhanced!

Thanks for listening, Marilla Magill

Planning Park City

Barbara Keathley [keathleyb@aol.com]
Sent: Saturday, December 29, 2012 10:51 PM
To: planning

I would like to add my voice to the Tedford Committee to respect the historic appearance--heights and scale of Main Street. Any town can build large intrusive buildings, but Park City's Main Street is unique because so much of it is original!! Let's keep it special so it won't be like all the new resorts!

Thank you.
Barbara Keathley, RLA, ASLA
531 Deer Valley Drive

Sent from my iPhone

Re: Kimball Art Center

Tanya Swenson [swenson2680@gmail.com]
Sent: Tuesday, January 01, 2013 10:09 AM
To: director@kimballartcenter.org
Cc: planning

On Tuesday, January 1, 2013, Tanya Swenson wrote:

I have been a Park City Resident for 30 years and have seen a lot of growth good and bad. Main Street Mall bad, High West good please look around our little city, repeat little. The Art Center is to go into not look up at. Scale back the building find a design that fits.
Tanya and Jordon Swenson

--
Tanya Swenson

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Tanya Swenson

Re: Planning Commission Meeting on Jan. 9, 2013 re changes to LMC

Hope Melville [hope@hmelville.com]
Sent: Tuesday, January 01, 2013 1:07 PM
To: planning

Planning Commission Members,
I am forwarding to you the below letter I sent to the Kimball Art Center Directors as my feedback, as requested in their recent "Open Letter to the Community" published in last Saturday's Park Record. This is relevant to the Planning Commission's consideration of changes to the Land Management Code.
Sincerely,
Hope Melville

---------- Forwarded message ----------
From: **Hope Melville** <hope@hmelville.com>
Date: Mon, Dec 31, 2012 at 4:33 PM
Subject: Re: Feedback to Saturday's KAC "Open Letter to the Community"
To: director@kimballartcenter.org

To: KAC Directors,

It is difficult to decipher what KAC's full page piece in Saturday's Park Record is seeking to accomplish. Although the newspaper piece states KAC wants to hear the community's "feedback on our expansion concept", the piece provides no specifics as to what that expansion concept is. So what actual "feedback" is KAC seeking, if any?

Under the heading "Why This Proposed Building", you provide a photo of the old Coalition unloading structure, which is apparently not KAC's "expansion concept". The only other graphic you provide in the newspaper piece is a rough floor plan of studio space, which appears to be at most a small part of your expansion concept. Accordingly, you do not seem to be seriously soliciting community feedback on your proposed expansion project, which apparently is the BIG design that has been prominent in KAC's lobby. This seeming lack of any real interest in community feedback appears bolstered by your characterization in the newspaper piece of non-supporters of your proposed design as "detractors".

As to the BIG proposed design of an 80 foot Tower at the corner of Main and Heber, my feedback to KAC is that it is far too tall and dense a building for Historic Main Street. If KAC needs expansion volume and height that requires the proposed 80 foot Tower, then KAC simply has outgrown its current location on lower Main Street and should relocate to a more approporiate area.

Further, I strongly oppose KAC's efforts to seek changes to the current Land Management Code to allow KAC to proceed with its 80 foot Tower project in Historic Main Street. This is particularly due to the detrimental impact changes to the Land Management Code to increase allowable building height and density will inevitably have on the existing character of Historic Old Town -- a character that many of us treasure and seek to protect. Such changes to the Land Management Code for KAC would inevitably permit other developers of projects to similarly increase the height and density of their buildings, destroying the pedestrian-friendly and small-scale historic environment of Old Town which is so appreciated by locals and visitors alike. Just as KAC points to other buildings in Old Town for its argument that KAC's project is "not that much taller", others will do the same if there is an 80 foot KAC structure to compare to.

KAC appears to be piqued that anyone would question the "benefits" KAC wishes to "bestow" upon the community by way of its so-called "iconic" 80 foot art Tower project. KAC seems defiantly determined to seek exceptions to the community's zoning codes so that KAC's vision of a new Park City can proceed. KAC fails to acknowledge the downsides of its 80 foot Tower project, specifically the detrimental precedent that its Tower project would set for Old Town. KAC's failure to acknowledge this reality is unbecoming of a non-profit which claims to have the best interests of the Park City community and Historic Old Town at heart.

It would be plain to everyone that KAC's proposed 80 foot Tower project would be grossly out of place and detrimental to the historic nature of the McPolin Farm buildings, if proposed for that location (and I trust such a location would never be proposed). Similarly, KAC's BIG 80 foot Tower expansion project is grossly out of place in Old Town and would be detrimental to the character and well-being of Historic Main Street. That is my feedback regarding KAC's proposed expansion concept.

Sincerely,

Hope Melville
Park City

January 3, 2013

To: Park City Planning Commission,

What lies ahead for our Historic Main Street? As we welcome in another new year, and the 50th anniversary of destination skiing in Park City, we must decide if we want to maintain Main Street's integrity as an authentic mining era business district, or if we want to let it deteriorate into just another main street U.S.A. Obviously, it's historic nature is treasured since every advertisement, magazine article, flyer, and TV commercial includes the word "Historic". Even the main street business association is named the Historic Park City Alliance. Everyone from Silver Creek to Silver Lake and Summit Park to Promontory has a vested interest in the future of our downtown. We all cherish it as a part of our hometown culture.

As the mines gradually closed in the 1950's, many people were leaving town, and Main Street was looking a little rough around the edges. Then, with the arrival of Treasure Mountain Resort in 1963 the economy started to turn around. New buildings popped up, old wrecks were torn down, and many existing buildings were renovated and remain significant symbols of our past. Most of the new construction was true to the historic nature of Main Street. Over the years, however, there have been a few unfortunate mistakes: the Treasure Mountain Inn, built in 1965 when any new construction was welcome, the Main Street Mall, and the Galleria. There is soon to be another such building on upper Main Street. The townhouse project between The Imperial and Grappa, already approved by the Planning Department and coming in the spring, is too massive and modern for Main Street and has no commercial space on the ground floor. It is hard to understand how projects of this magnitude meet the compatibility criteria of the Land Management Code, the Historic District Design Guidelines, and the General Plan,

We cannot do much about past mistakes, but we can certainly make sure all future Main Street projects complement the existing historic qualities of our mountain community. The Park City Land Management Code and the Historic District Design Guidelines determine what can be built and what cannot be built. It is time to strengthen these laws, not weaken them by creating exceptions and including ambiguous language that would allow projects that do not belong on Main Street. These laws apply equally to all developers – public, private, and non-profit. It is bad policy to create, delete, or modify land management laws to accommodate any one project.
Do we want to take the "Historic" out of Historic Main Street, one of the biggest attractions in Summit County?

According to the Land Management Code Amendment section of the Planning Applications page, "Citizens can always request that the City (Planning Department, Planning Commission, City Council, or Historic Preservation Board) initiate proposed changes to the Land Management Code". I request that the Planning Commission initiate the following (page 2) three proposed changes to the Land Management Code.

Jim Tedford,
Preserve Historic Main Street

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 6 – Master Planned Developments

15-6-2. **APPLICABILITY**

(A) The Master Planned Development process shall be required in all zones except the Historic Residential (HR-1, HR-2), Historic Residential – Low Density (HRL), Historic Residential – Medium Density (HRM), Historic Commercial Business (HCB), and Historic Recreation Commercial (HRC) for the following:
   (1) No Change
   (2) No Change
   (3) No Change
   (4) No Change

(B) The Master Planned Development Process is not allowed in the Historic Residential (HR-1, HR-2), Historic Residential – Low Density (HRL), Historic Residential – Medium Density – (HRM), Historic Commercial Business (HCB), and Historic Recreation Commercial (HRC) zones.

(C) Eliminate

PARK CITY MUNICIPAL CODE – TITLE 15 LMC, Chapter 11 – Historic Preservation

15-11-12 **PRE-APPLICATION CONFERENCE**

(1) No Change

(2) Each application shall comply with all the Design Guidelines for Historic Districts and Historic Sites. It is the responsibility of the Applicant to understand the requirements of the Application.

(3) Paragraph 1 – No Change
Paragraph 2 – No Change
Paragraph 3 – Applications that may be exempt from the Historic Design Review process are limited to the following:

   (a) – No Change
   (b) – No Change
   (c) - No Change

PARK CITY MUNICIPAL CODE –TITLE 15 LMC, Chapter 11 – Historic Preservation

15-11-6. **ADDITIONAL DUTIES.**

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

(A) Participate in the design review of any project located within the Historic Zones.

KAC

Randy Spagnoletti [randyspag@gmail.com]
Sent: Sunday, January 06, 2013 5:18 PM
To: planning

hursday, January 03, 2013

Dear Commissioner:

Thank you for your efforts regarding the discussion of changing the LMC to accomidate the addition to the Kimbal Art Center. You have probably had a gut full of this subject but I would like to get in one last appeal before you pass the subject along to the Council.

Please do not modify the Land Management Code for the Kimbal Art Center or any other project brought before you. If some how any group is able to side step the the Planning Commission with a device such as an MPD, please take a stand and encourage the other commissioners to also take a stand, to support the LMC and the Historic District Design Guidelines. The City has far to much to lose if developers decide there is an opportunity to get a project that does not meet the LMC, approved by using a planning device to get around the standing codes for that zone.

In the Kimbal's situation, their desire is for an iconic edifis that will, to use their term, "transform", Park City .into what, Art City? Park City already is an Icon and has done quite well in its current form. What will probably, really happen if the KAC Board gets to build the KAC addition in its present design, is that they will get a shot at some sort of Art Gallery Standing or peer recognition.

Only time will tell how good or bad the KAC addition design really is. In my opinion it is a huge structure that does not meet the Historic Guidelines that are there to prevent non-historic or worse yet extremely non-conforming, contemporary projects.

I don't need to go back into all the issues that have been discussed over the last few months, the least of which is sufficient parking, which we do not have, for a building that size and the visual impacts this massive structure will have on other property owners who thought they were buying into a cute historic/ski town .

Thank you again for your time.

Randy Spagnoletti

Kimball Art Center

robert j thompson jr [catibob@burgoyne.com]
Sent: Thursday, January 03, 2013 5:34 PM
To: director@kimballartcenter.org
Cc: planning; preservehistoricmainstreet@gmail.com

TO THE DIRECTOR OF THE KIMBALL ART CENTER

CC TO THE PLANNING COMMISSION

FROM ROBERT J AND IRIS THOMPSON
52 THAYNES CYN DR –PARK CITY

Our family came to Park City originally in 1970. We bought a condo in Three Kings in 1972 due to the uniqueness of the historic mining town. We retired here definitively in 1988. We have felt fortunate to live here.

However, we are very disappointed in your selection of a type of architecture that is totally unsuitable to our historic district. We stand firmly behind Jim Tedford and all those who have joined him in respecting the historic district of Park City and its existing laws regarding not allowing any MPDs. We are 100% behind keeping the maximum heights of any new buildings at 32 feet.

To continue to push your plans for a new building that is abhorrent to the long-time locals who have supported Park City for years and wish it to remain the special place known internationally boggles the mind.

Kimball Art Center

richard eichner [rickeichner@hotmail.com]

Sent: Thursday, January 10, 2013 3:38 PM
To: planning; mjeich15@hotmail.com

We are strongly opposed to granting an exception for the proposed KAC addition. Park City needs to retain it's historic character and KAC needs to play by the same set of rules as everyone else. Thanks

(M) **LANDSCAPING**. A complete landscape plan must be prepared for the limits of disturbance area for all Building Permit applications and Historic District Design Review projects for all exterior work that impacts existing vegetation within the limits of disturbance. The landscape plan shall utilize the concept of Xeriscaping 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. The plan shall indicate the percentage of the lot that is landscaped and the percentage of the landscaping that is irrigated. The plan shall identify all existing Significant Vegetation.

Materials proposed for driveways, parking areas, patios, decks, and other hardscaped areas shall be identified on the plan. A list of plant materials indicating the botanical name, the common name, quantity, and container or caliper size and/or height shall be provided on the plan. Areas of mulch shall be identified on the plan. Approved mulches include natural organic plant based or recycled materials. Stone-based mulch is not permitted.

To the extent possible, existing Significant Vegetation shall be maintained on Site and protected during construction. When approved to be removed, based on a Site Specific plan, Conditional Use, Master Planned Development, or Historic District Design Review approval, the Significant Vegetation shall be replaced with equivalent landscaping in type and size. Multiple trees equivalent in caliper to the size of the removed Significant Vegetation may be considered instead of replacement in kind and size. Where landscaping does occur, it should consist primarily of native and drought tolerant species, drip irrigation, and all plantings shall be adequately mulched.

Irrigated lawn and turf areas are limited to a maximum percentage of the allowed Limits of Disturbance Area of a Lot or Property that is not covered by Buildings, Structures, or other Impervious paving, based on the size of the Lot or Property according to the following table:

Lot Size	Maximum Turf or Lawn Area as a percentage of the allowed Limits of Disturbance Area of the Lot that is not covered by Buildings, Structures, or other Impervious paving
Greater than one (1) acre	25%
0.50 acres to one (1) acre	35%
0.10 acres to 0.49 acres	45%
Less than 0.10 acres	No limitation

Where rock and boulders are allowed and identified on the Landscape Plan, these shall be from local sources. All noxious weeds, as identified by Summit County, shall be removed from the Property in a manner acceptable to the City and Summit County, prior to issuance of Certificates of Occupancy.

(Amended by Ord. No. 06-56; 11-05; 12-37)

Said landscape plan shall incorporate the reintroduction of native landscape materials within this area, and reduce the amount of sod-grass, especially near the creek.

9. No pesticides, herbicides, or other non-organic fertilizers shall be applied to this landscape area.

2. Land Management Code – Amendments to Chapter 2.1, Chapter 2.2, Chapter 2.3, and Chapter 2.16 regarding Building Height (Application PL-13-01889)

Planner Francisco Astorga noted that this item addressed LMC amendments to change some of the parameters of the building height in the HRL, HR1, HR2 and RC Districts. The Planning Commission has had significant work session discussions as reflected in the Minutes from those meetings and included in the Staff report. The Staff was before the Planning Commission this evening with recommended proposed changes for review and a possible recommendation to the City Council.

Planner Astorga reviewed the current height provisions: 1) The height must be within 27 feet of existing grade. This provision was unchanged. 2) Final grade must be within four (4) vertical feet of existing grade around the peripheral of the structure except for approved window wells and access to the structure. Planner Astorga reviewed highlighted changes to this provision. The current language addressing a maximum of three stories would be replaced with an internal height parameter. The 10-foot minimum horizontal step on the downhill façade would remain. The mandated roof pitch would also remain based on direction from the Planning Commission during the February work session. The height exception would also remain.

Planner Astorga noted that the3-story language would be replaced with language regarding internal height that would vary on a specific roof pitch on the roof form, as indicated in the table on page 230 of the Staff report. The language was revised to read, "The internal height of a structure measured from the lowest point of the finished floor level to the highest exterior ridge point shall not exceed the number based on the following table". Planner Astorga explained that they would still achieve the mass and scale of three stories, without saying that the maximum is 3-stories. The Staff thought it was better to use a scale because otherwise people would try to capitalize on their wall height for their stories and then give the lowest roof pitch each time. Therefore, the Staff created an incentive of 1' foot of step per higher roof.

Planner Astorga explained that the logic for the internal height was wall height plus the roof height. The wall height was derived from 3-stories. A ten-foot story including a floor joist may not be doable, and that number was increased to 11 feet for a wall height of 33 feet. The Staff calculated what each roof height might be depending on the pitch of the roof to determine the varying height.

Commissioner Wintzer was unclear why the Staff thought a 9-foot or 10-foot story was not doable. Planner Astorga stated that the scenarios the Staff presented in January and February were based on 10-foot stories, which included a floor joist. The intent was to be more consistent with what the market might drive. He pointed out that the proposed change does not dictate how tall the story might be. It could be less or more and the applicant has the ability to work with the design. Planner

Astorga understood from previous comments that the Planning Commission thought the 10-foot story maximum was too small.

Commissioner Hontz thought believed that 10-feet was adequate and that 11-feet was a gift. However, she recognized that it did allow more flexibility. Commissioner Thomas was not concerned with whether it is 9, 10 or 11 feet on the interior. Commissioner Hontz was concerned that if someone takes the maximum internal height of 43', they would need to grub out again. She pointed out that the 27' would only keep it with the slope. However, internally, the house could continue to go further down. Planner Astorga noted that the internal measurement creates a split level. Commissioner Hontz was comfortable with split levels, but the question is how many splits. They were keeping down the height, but they also wanted to keep the structure from growing bigger side to side. She preferred the ten-foot story because it keeps the building from creeping down the slope too far.

Planner Astorga stated that based on the methodology selected for the scale, if they use the 10-foot measurement it would drop 3-feet from each internal height. Therefore, the internal height would range from 35' to 40'. Commissioner Hontz was more comfortable with those numbers. Commissioner Hontz stated that because the current Code does not allow stepping within the house, the current three-story solution works because it limits how far people are willing to go out and down the hill. Commissioner Hontz wanted to make sure that by allowing more flexibility in terms of steps within the interior, that they were not allowing creep up or down the hill.

Director Eddington asked if the Commissioners wanted to go to 10-foot floor plates and reduce the internal height by 3-feet each. Commissioners Hontz and Wintzer answered yes.

Commissioner Thomas was more concerned with the impact on footprint. They would still have the 27' maximum height from existing grade, but he was interested in knowing the relative difference in footprint between a 10-foot floor plate and an 11-foot floor plate.
Director Eddington did not believe the footprint would change either way because most people max out their footprint. He noted that the City has a formula for footprint for all of the historic zones. Commissioner Thomas stated that he was very comfortable with the 11-foot for interpretation as long as people are held to the 27' maximum height and the footprint could not creep up or down the hillside. Director Eddington clarified that it was a formula of lot size.

Commissioner Savage thought they should stay with the 11-foot floor plate as proposed. Chair Worel was comfortable with 11-feet as long as the footprint could be limited. Commissioner Wintzer was not opposed to 11-feet because people do build to the maximum. Commissioner Wintzer suggested that Planner Astorga include an illustration for clarification to show how it should be interpreted.

Commissioner Hontz asked for the definition of finished floor level? Commissioner Savage suggested that it could defined as, <u>the lowest point of the lowest finished floor level to the maximum vertical height of the structure</u>. The Commissioners supported that definition. Commissioner Savage wanted to know how the number relates to not counting a basement if it is totally subterranean. Planner Astorga clarified that subterranean basements are counted. Commissioner

Savage clarified that regardless of whether or not the basement is buried, the lowest level of the lowest floor is Point A, and Point B is the highest point of the exterior.

Director Eddington clarified that the language indicates the lowest point of the finished floor level and/or any structural element is the lowest point. Commissioner Thomas gave a scenario to show how talking about structure complicates the issue. Commissioner Savage thought the confusing word was internal.

Planner Astorga remarked that the next proposed change was to add two provisions to the Existing Historic Structures. This portion of the Code states that historic structures are valid complying structures in terms of parking and other issues. Planner Astorga noted that the LMC defines a Historic Structure, but it does not include any additions to the structure. The Staff wanted to keep the regulation for valid complying and added Footprint and Height to the existing Code language for the three Historic Residential Districts and the RC District.

Director Eddington clarified that it was already understood that if a structure exists with an existing footprint or building height, it is existing non-complying. Planner Astorga believed that most of the historic structures comply with the building footprint.

Commissioner Hontz noted that someone could take away some of the property associated historically with the historic structure that makes it complying currently. Director Eddington clarified that a building could not violate the Code and be taken into non-compliance. However, he understood Commissioner Hontz's concern. If someone had more than a single Old Town lot they could split a portion of the land and put it on another property. He pointed out that the footprint would be limited to the 844 square feet or whatever it exists as and the building would never get bigger. Commissioner Hontz agreed that the structure could not be bigger, but splitting a portion of the property would allow a larger structure next door.

Planner Astorga stated that the Staff also tried to clean up the section regarding Building Height. A number of historic structures do not comply with the existing heights. One of the parameters is a 7:12 to 12:12 roof pitch. The Staff did not think it was appropriate to do a complete analysis on how a structure is legal non-conforming, when a similar clause in the Code addresses setbacks.

Commissioner Savage asked if complying and conforming were synonyms for purposes of the Code. Director Eddington explained that conforming is for a use and complying is for a structure. Commissioner Savage understood that a valid complying structure could be legal non-conforming.

Planner Astorga noted that the final proposed change was a roof pitch exception. He explained that periodically the Staff encounters a historic structure that may have a 5:12 or 4:12 roof pitch. The Staff felt it would be more appropriate if the addition that comes in for that structure would be held to the same type of roof pitch or possibly lower. Planner Astorga noted that currently the Code would not allow that because it specifies 7:12 to 12:12 roof pitch.

Planner Astorga stated that the Staff was proposing to add language for additions to historic structures, stating that through an HDDR review and compliance with the Historic District

Guidelines, the Planning Director has the ability to approve a roof pitch lesser than the one required in the Code.

Planner Astorga stated that the next question was how that would apply in the case of a split level and the maximum height. He noted that a secondary table was added for these types of exceptions.

Planner Astorga asked if the Planning Commission was comfortable adding the roof exception for additions to historic structures; and whether it would be appropriate to add the same type of scale for the maximum building height. Commissioner Thomas liked the idea because it would allow for a more appropriate design and more flexibility. The Commissioners concurred.

Commissioner Wintzer referred to the table on page 231 of the Staff report and corrected the 5:15 roof pitch to be a 5:12 roof pitch. Commissioner Thomas noted that 5:15 appears several times in the Staff report and it should be corrected throughout.

Commissioner Hontz referred to page 244 of the Staff report and asked what they would do about the 10-foot horizontal step that is referenced in conjunction with a third story, because people would now be able to have three stories. Planner Astorga replied that the provision is based on a 3-story building and it is mathematically impossible to have more than three stories. Commissioner Hontz did not believe it referenced what they were trying to accomplish now. She thought the language should be re-written relevant to where they want the 10-foot horizontal step to occur. Commissioner Thomas agreed that it was no longer clearly defined as the third story. Director Eddington suggested that it may need to be a numeric value.

The Commissioners were not comfortable forwarding a recommendation to the City Council without seeing the drafted verbiage regarding the roof pitch exception and associated illustrations.

Chair Worel opened the public hearing.

Ruth Meintsma, a resident at 505 Woodside, commented on the 3-story versus internal height issue and did not believe they were accomplishing what they intend to accomplish. Ms. Meintsma understood that they were first trying to accomplish visual height and mass from the exterior, and secondly to control the height and mass from stepping up the side of the hill with a 3-story limit. She thought the height limitation seemed complicated and she believed they would cause other issues. Ms. Meintsma presented a visual to support her concerns. Regarding the discussion about the lowest point of the lowest floor to the highest exterior to limit crawling up the hill, Ms. Meintsma pointed out that many houses in town have an exposed foundation way below the first floor. If they do not consider the exposed foundation and start from the bottom first floor and limit the interior, people will lift their house out of the ground and have an exposed foundation, which will significantly increase the visual mass. Ms. Meintsma stated that the interior measurement from the lowest floor was not accomplishing what they wanted. She believed that starting from grade would accomplish their goal and keep the structure from creeping up the hillside.

Ms. Meintsma commented on the different roof pitch options with different heights. She pointed out that a green roof is 33 feet and a 12:12 is 43 feet. No one will choose a green roof unless they are very environmentally conscientious, because people prefer an open ceiling roof. She believed the proposed formula would discourage green roofs. Ms. Meintsma also thought it discourages a steeper pitch because with a 27' height limitation a steeper pitch would move the structure further underground. She noted that most people want to be above ground as much as possible for light and windows.

Ms. Meintsma suggested that there were different ways of controlling visual height and mass. She thought it would be better to control the height and visual and put a limitation on cubic dirt moved under the house. That would address both issues separately and in a more appropriate way that the interior number of floors. Ms. Meintsma was pleased that Commissioner Hontz mentioned the third floor, because in her opinion the 3-story step back did not work. She provided different scenarios to explain her point.

Ms. Meintsma thought there needed to be some way to encourage green roofs through some type of height limitation. She asked if a conditional use for a higher height could be used as a negotiating tool for green roofs. Ms. Meinstma pointed out that the advantages of a green roof. She believed everything needed to be thought through to be productive and to have the control the Commissioners wanted.

Commissioner Wintzer asked the Staff to consider Ms. Meintsma's comments and work it through a number of drawings.

MOTION: Commissioner Wintzer moved to CONTINUE the LMC Amendments regarding Building Height to May 22, 2013. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously. Commissioners Gross and Thomas were not present for the vote.

3. Land Management Code – Amendments to Chapter 2.1, Chapter 2.2, and Chapter 2.3 and Chapter 2.16 regarding underground parking structures. Amendments to Chapter 2.18 regarding Prospector Overlay. Amendments to Chapter 6 regarding Master Planned Developments. (Application PL-1301888)

Planner Whetstone stated that these were the remaining amendments of the 2012 annual update of the Land Management Code. This agenda item addressed three amendments. The first was to clarify the purpose and the applicability of the Master Planned Development review process throughout Park City. It was not specific to any one area, but it clarifies the language. The second was to clarify and add additional review criteria to the Master Planned Development Review process. This would apply to any Master Planned Development. The review criteria were clarified and updated to make references that are specific to the Code. The third amendment was to clarify the lots within the Prospector Square overlay in the General Commercial (GC zone) that are subject to zero lot line development. Planner Whetstone noted that added language clarifies the lots subject to exceptions in the overlay. One of those exceptions is to have a zero lot line development. Planner Whetstone stated that when the Prospector Square subdivision was amended, the Code was not also amended to identify that those lots are also allowed zero lot line development.

Planner Whetstone referred to the General Commercial Zones, Section 15-2.18-3 of the LMC, Lot and Site Requirements. This section addresses lot and site requirements and several changes were made to this section of the Code. The first change is to clarify which lots in the Prospector Square Subdivision can have the zero lot development and which lots are exempt.

Planner Whetstone reviewed the redlined changes on page 281 of the Staff report and noted that Lot 44 should have never been listed as a lot that could have a zero lot line and; therefore, Lot 44 was added back in. The proposed amendment refers to the affected lots, which are the smaller lots within the Prospector Overlay.

Planner Whetstone stated that page 281 also talks about front yards, rear yards and side yard setbacks. The Staff added the reference that the Prospector Overlay allows reduced site requirements for designated Affected Lots, and referenced the LMC section where those are further described. Planner Whetstone clarified that the purpose of the change was an attempt to make the Code more user friendly.

Planner Whetstone stated that the next proposed change was to clarify the Purpose and the Applicability of Master Planned Developments, Section 15-6-1. The Planning Staff felt it was important to make the intent very clear in terms of where an MPD is required, where is it allowed but not required, and where they are not allowed.

Planner Whetstone noted that the Staff had removed any HRC, HCB reference. As proposed, Master Planned Developments are not required for large projects on property zoned HRC and HCB. A residential project of ten or more lots or a hotel with 15 residential unit equivalents, or any new commercial, retail office, public, quasi-public, or industrial project with more than 10,000 square feet or any project utilizing transfer of development rights, or other projects of those types would require a Master Planned Development, based on the new proposed language, unless the project is solely located in the HRL, HR-1, HR-2, HCB or HRC. Planner Whetstone pointed out that proposed language is similar to the existing language, with the exception that large projects in the HRM are required to be reviewed as a Master Planned Development. This is because this zone contains larger parcels that could have larger projects that should be reviewed as a Master planned Development.

Planner Whetstone referred to Section 15-6-2 and noted that the language in the existing Section B was deleted and replaced with <u>(B) Allowed but not required.</u> Planner Whetstone noted that the HR-2 zone is the transition between the back of the lots on Main Street and the east side of Park Avenue. The Staff felt that the projects that cross the zone line should continue to be reviewed as a Master Planned Development because the HR-2 zone was designed several years ago with that provision as a key component. MPDs are not required in the HR-2 but they can be used to address the different conditions and challenges with that type of development.

Planner Whetstone read language that was added to B (1), “Height exceptions will not be granted for Master Planned Developments that are within the HR-1, HR-2, HRC, HCB zones”. The language references to the specific height review criteria under a different section in MPD Chapter of the Code that reiterates that language.

Planner Whetstone stated that “allowed but not required” has always been in the Code but without much clarity. She clarified that the Master Planned Development process is allowed but not required is primarily for HR-1 zoned properties that are not part of the Park City survey. Language in this section refers to Affordable housing MPDs in a different section of the Code.

Planner Whetstone stated that the next proposed change addresses where MPDs are not allowed at all except as provided in A and B above and as described in LMC 15-6-7, which is MPDs for Affordable housing. Another exception is when it is specifically required by the City Council as part of an Annexation or Development Agreement.

Planner Whetstone noted that the second part of the changes to Master Planned Development Chapter includes additions and clarification of the review criteria and process. She explained that the Master Planned Development in general requires 60% open space. However, there has always been an exception for the GC zone and the Staff was proposing to add the LI zone. The exception also extends to the HRC and HCB only when they are combined with HR-1 and HR-2 properties, and the HRM. The minimum requirement for the excepted zones is 30%. These zones are located in more urban areas of the City.

Planner Whetstone noted that the revised language also clarifies that the Planning Commission may reduce the required open space to 30% for redevelopment of an existing development or developments, or if the MPD is for an infill site that is not subject to an existing MPD, and not in one of the previously mentioned zones. Planner Whetstone commented on project enhancements that must occur in order to reduce the open space from 60% to 30%.

Commissioner Hontz referred to language on page 287 of the Staff report, 1) a ten (10%) or more increase in Affordable Housing. She wanted to know 10% over what. Planner Whetstone replied that it was over what would be required by the development, and that would be decided by the Affordable Housing Resolution. Director Eddington stated that based on the current Affordable Housing Resolution the number was 15%.

Commissioner Hontz did not think the language as written was clear. Director Eddington suggested revising the language to state, “10% or more beyond the required Affordable Housing.” Commissioner Hontz was comfortable with the revision.

Commissioner Hontz wanted to know who would determine the project cost. Director Eddington believed it was determined at the time of building permit. Planner Whetstone assumed Commissioner Hontz was talking about - 6) Public art equivalent at least 3% of the total project cost. She pointed out that the Planning Commission would be reviewing the MPD and they would be the ones making the decision regarding a reduction in open space. The applicant would have to submit that as part of their MPD application or it could be a conditions of approval to be determined at the building permit stage when costs are known.

Commissioner Savage noted that that the language says the enhancements may include but are not limited to, and then it lists very explicit items. If the enhancements are not limited to the list, he felt everything would be negotiable. Commissioner Savage encouraged the Staff to eliminate the percentage constraints of 50%, 10%, etc., because it is unclear where the numbers came from and it should be evaluated on a case by case basis. If they want flexibility to negotiate, they should not pre-constrain the nature of the give and get. For example, if they put “LEED Silver or equivalent” in the LMC it may be obsolete in a year or two and the standards may be different, but it still remains in the Code. Commissioner Savage suggested language stating that the open space requirement could be reduced as low as 30% based upon the applicant's willingness to make concessions in these areas, but not give specific guidelines.

Commissioner Hontz stated that she was thinking of the value of open space and how it is designed based on what they have recently seen. She questioned whether it should be added in this section or to the open space definition. Commissioner Hontz remarked that if they were willing to reduce the open space to 30%, she was not willing to include any area in the minimum setbacks or required buffers as part of that 30%. Commissioner Hontz preferred to make it part of the open space definition because it would improve the value of other projects.

Commissioner Savage stated that whatever the definition of open space, he wanted to make sure that it gives the Planning Department and the Planning Commission the flexibility to negotiate the best outcome. Commissioner Hontz wanted the open space to be valuable and usable.

Planner Whetstone pointed out that the General Plan has a lot of information about open space and types of open space. The LMC would be updated once they get clarity from the General Plan. She noted that the Planning Commission has always had the ability to do this with guidance from the existing General Plan and the current definitions.

Commissioner Hontz recommended that they put the restriction of not including minimum setbacks and required buffers in the 30% open space in this section of the LMC. Commissioner Hontz proposed that they also consider excluding setbacks from the 60% open space calculation. She asked the Staff to consider what constitutes open space and what they see as not being valuable or meaningful open space. Planner Whetstone offered to draft the language Commissioner Hontz had suggested in this section of the MPD.

Commissioner Savage recommended that the Planning Commission continue the MPD section of the proposed amendments and direct Planner Whetstone to come back with a revised definition that would be consistent with the desired objectives. The Commissioners concurred. Director Eddington pointed out that the open space definitions in Section 15-15 were outdated and would not address their objectives.

Planner Whetstone clarified that the Commission's direction was that the enhancements should be more general and that the Commissioners were comfortable with that approach. Commissioner Hontz stated that if she could get open space with clarification and definition of what the value is, she would be willing to allow more freedom and flexibility with the enhancements.

Commissioner Savage thought this would build discretion and allow the capacity to consider a decrease in the requirement of open space in exchange for things the City/Planning Commission deems to be valuable. Rather than putting the constraints in the LMC section, it should be constrained in the definition. The definition would cause people to look at the list to see how they could get a reduction in open space.

Planner Whetstone reviewed the proposed changes in Section 15-6-5(F) Building Height. The existing language only said "Height" and the Staff changed it to "Building Height" for clarification. Another change added HRC and HCB as zoning districts where height exceptions would not be granted in an MPD. The remainder of the proposed changes clarified the existing language or were capitalizations and grammatical changes being administrative changes.

Planner Whetstone referred to the landscape and streetscape section of the MPDs. Instead of trying to redo the section that was recently approved for landscaping, this section refers to Chapter 5, Architectural Standards. Any MPD must have a landscape plan and has to comply with the criteria and requirements of Section 15-5-5, Landscaping. The Staff added that noxious weeds have to be removed in an MPD. They also added a Historic Mine Waste Mitigation plan for an MPD at the request of another City Department.

Planner noted that the Staff had cleaned up the required findings and added the finding that the MPD addresses and mitigates physical mine hazards as well as historic mine waste.

Planner Whetstone noted that the last changes were under 15-6-8, Resort Accessory Uses, to clarify that certain items listed on page 291 of the Staff report do not require the unit equivalents in a resort. They also clarified that circulation and hallways only apply to resort accessory uses and not for anything else.

Chair Worel opened the public hearing.

Jim Tedford referred to the letter he had submitted a month ago with suggested changes to the MPD section that he had asked the Planning Commission to include in the LMC amendments. His suggestion at the time was that a Master Planned Development process should be required in all zones except the HR-1, H-2, HRL, HRM, HCB and HRC. More importantly in Section B, The Master Planned Development process is not allowed in the HCB, HRC, HR-1, HR-2 or HRL, basically the historic districts.

Mr. Tedford believed the rationale for not allowing MPDs in these historic districts was summed up very well by Commissioner Strachan on November 28th. Mr. Tedford quoted Commissioner Strachan's comments from the minutes. "MPD applications are basically exceptions to the existing zoning and that is fine as long as it meets a certain criteria. He believed the idea works well in theory, however, the most controversial projects over the last ten years have all been MPDs. The reason for the controversy is that MPD projects are exceptions to the zoning they all agreed on. Commissioner Strachan believed that an MPD sets up the Planning Commission, the City and the public for controversy every time. They are controversial and they please no one. He thought there was a nice balance now where MPDs are allowed in certain zones. There have been few exceptions that did not come without a fight and he anticipated that there would be more. Commissioner Strachan could see no need to extend the use of the MPD tool. Rather than make exceptions to the zone, the logical approach is for an applicant to request a zone change if they cannot meet what is allowed in the zone."

Mr. Tedford stated that they cannot do much about past mistakes made by past Planning Commissions or past City Councils. However, they can make sure that all future Main Street projects complement the existing historic qualities of our mountain community. The Park City LMC and the Historic District Design Guidelines determine what can or cannot be built. It is time to strengthen these laws and not weaken them by creating exceptions and including ambiguous language that will allow projects that do not belong on Main Street. It is a bad policy to create, delete or modify the Land Management Code to accommodate any one project. The question is whether they want to take the historic out of historic Main Street, which is one of the biggest attractions in Summit County.

Mr. Tedford stated that what happens with Historic Main Street begins with the Planning Commission this evening. The decisions they make will be passed on to the City Council and become new laws for Main Street. He felt it was too bad to see anything being weakened because they know from the past what can happen when there is too much flexibility. Main Street is a gem and he thought it behooved the Planning Commission to protect it the absolute best they can.

Craig Elliott, with Elliott Work Group, stated that he is a frequent consumer of the LMC and he was probably responsible for the majority of the MPDs that came through within the last ten years. Mr. Elliott applauded the Staff's approach to clarifying the Master Planned Development because it has always been unclear on where it can or cannot be applied. Mr. Elliott stated that the Master Planned Development is a great tool that allows for flexibility and allows the City to come together and provide better solutions than what the underlying Code can provide. He noted that a Code cannot provide every particular instance that occurs in City and that is why the Planning Commission works to improve it.

Mr. Elliott suggested that the HRC would be an important element to have an MPD because it always transitions in some form or fashion and every piece of property in the HRC has some quirk about it. Mr. Elliott thought it should be allowed as a use. He thought it was a good idea to restrict the height exceptions in the HRC zone, but allow the HRC to have an MPD to provide for better solutions is a smart tool and a change he thought they should consider. Mr. Elliott thought a discussion about the definition of open space was long overdue. It was talked about ten years ago in early presentations on MPDs. They went through the discussion and made determinations on urban open space versus Mountainside open space. He wanted to see that codified because it is the appropriate thing to do in different zones.

Mr. Melville, a resident at 527 Park Avenue, generally supported the proposed language for the Master Planned Development as stated in Chapter 6, Section 15-.6-.2, specifically with regard to paragraph B, that height exceptions will not be granted for Master Planned Developments within the HR-1, HR-2, HRC and HCB zone districts. He believed this limitation was extremely important to help preserve the character of the historic core.

Hope Melville, an Old Town resident, referred to the proposed amendment to the LMC on page 282 of the Staff report, Section 15-6-1, regarding the statements of Purpose for MPDs. Ms. Melville noted that the amendment reinserts a provision in subsection K about encouraging economic diversification and development. She recalled that a similar provision was discussed and stricken by the Planning Commission during the November 28th meeting. She questioned why this proposed amendment was being reinserted.

Ms. Melville strongly agreed with the proposed amendments to LMC 15-6-2 and 16-6-5(F) which state that height exceptions for building height willnot` be granted for MPDs within the HRC and HCB zones. She believed that prohibiting these height exceptions was consistent with many things in the Code, as well as the General Plan provision to preserve Park City's Historic Character and scale and the Land Management Code Purpose Statements to protect and enhance the City's historic character and for development in a manner that preserves the integrity of the historic districts and the unique urban scale of the original Park City. It is also consistent with the requirements of the design guidelines for the historic districts, which includes that the size, mass, scale and height of new structures be compatible with and follow the predominant pattern of neighboring historic sites and the neighborhood.

Ms. Melville stated that since some MPDs are always going to be allowed in the historic zones, when projects are in an HCB or HRC zone combined with an HR-1 and HR-2 zone, an MPD should be expressly required to comply with the historic district design guidelines. Ms. Melville pointed out that this requirement is in the Code for projects that are solely in the HRC zone or the HCB zone and there is no good reason not to require a similar provision for MPDs in historic districts. She thought that requirement should be added to the Code.

Chair Worel closed the public hearing.

Commissioner Wintzer referred to Purpose Statement K and noted that Ms. Melville was correct. The Planning Commission had taken it out and it was back with stronger language. Commissioner Hontz stated that she was comfortable removing it before and she had not problem removing it again.

Planner Whetstone recalled that some of the Commissioners were not present when they discussed removing the language. She thought they had tabled a decision until all the Commissioners could have a say.

Commissioner Thomas was not uncomfortable with the purpose statement because if they allow an MPD in the districts it allows the flexibility to create the needed diversity. However, he felt that Item B on the same list, "insure neighborhood compatibility" could be strengthened by adding "historic" compatibility. Commissioner Thomas stated that as long as they have the restriction of no exceptions to maximum height, he was comfortable with Item K because they need the MPD access to help the vitality and renovation of change. Commissioner Thomas pointed out that like it or not, the community continues to evolve and change.

Planner Whetstone referred to the list of purpose statements and noted that "and" should be removed from the end of (I) and moved to the end of (J).

Commissioner Savage wanted to know if MPDs would be required if something happened to a large building on Main Street and it needed to be replaced. Planner Whetstone stated that if it is solely within the HCB or the HRC zone the MPD would not be allowed. If the use is an allowed use it would be approved administratively.

Director Eddington noted that the Staff was asked to research old minutes to find the history of MPDs. Based on that research the Staff found that the intent for the MPD was to design by Planning Commission and public input and not solely by numbers. MPDs exist for projects where numbers do not work and design needs to be incorporated.

The Commissioners were not sure they had agreed on all aspects of the amendments and they were not prepared to forward a recommendation to the City Council. Commissioner Savage noted that Mr. Tedford had made specific comments and requests related to the MPD in certain zones and he wanted to make sure they had an explicit response to his comments. Director Eddington understood that Mr. Tedford was asking that the Planning Commission not allow MPDs in any of the Historic Zones. Director Eddington recommended that the Planning Commission continue with the current language in the Code that when a building or project crosses the HCB or HRC and the residential HR-2 behind it, that project comes to the Planning Commission as an MPD for review. Commissioner Savage suggested that the Planning Commission continue their recommendation to the City Council until the Staff has the opportunity to review the letter Mr. Tedford submitted at an earlier meeting and specifically address his questions.

Director Eddington noted that the Staff would not be able to address Mr. Tedford's letter for a few months based on the time involved with the Form Based Code.

Commissioner Wintzer thought the Planning Commission should try to forward some of the recommendations to the City Council.

MOTION: Commissioner Hontz moved to forward a POSITIVE recommendation to the City Council regarding the Land Management Code amendments to Chapter 2.18, General Commercial Zones, specifically LMC Section 15-2.18-3. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

Director Eddington believed that some of the clarifications of the Applicability of the MPD on pages 283 and 284 were very worthwhile. He emphasized that nothing was being changed; it was only clarifying the existing language.

Commissioner Hontz asked about Purpose (K). The majority of Commissioners preferred to leave Purpose (K) in the LMC. Commissioner Thomas noted that a modification was made to Purpose (B) to reference Historic Compatibility. Commissioner Hontz referred to (B) Allowed but not required, on page 284 of the Staff report, Item 1, and asked if this was the appropriate place to state that Height exceptions would not be granted, or if needed to be addressed as a separate item. She explained that it does not matter whether it is allowed or not required. What matters is going through the process. Planner Whetstone noted that it was also referenced in Section 15-6-5(F), Building Height, on page 287 of the Staff report. Director Eddington noted that Section 15-6-5(F) was specifically referenced in (B) Item 1.

Commissioner Hontz thought they were ready to forward a recommendation on the Building Height Exception. She requested that commas be added before and after <u>but is</u> <u>not required</u> on the first line of (B) Item 1 on page 284 of the Staff report.

Commissioner Savage referred to Item C on page 284, Not Allowed, and assumed that if they forward that as a recommendation, they would be answering Mr. Tedford's question in the negative. Director Eddington replied that this was correct. Commissioner Savage wanted it clear that there would not be the opportunity to have another discussion on the contents of Mr. Tedford's letter. Commissioner Hontz remarked that they could still address other portions of Mr. Tedford's letter, but that portion would off the table.

Director Eddington referred to Section 15-6-5, Building Height, on pages 287 and 288, and noted that the proposed changes were clarifications, and minor corrections with capitalizations and adding no height exceptions for the Historic Zones. Director Eddington noted that changes to 15-6-5 (H) cleans up the language for requiring formal landscape plans. It references another section that addresses landscaping and clarifies botanical plant names and common plant names. Section 15-6-5(M) talks about Historic Mine Waste Mitigation pursuant to the new Environmental Regulatory recommendations.

Commissioner Hontz noted that the Commissioners had added the word "Historic" to Purpose Statement (B) on page 283. She asked if the word Historic should be added where appropriate in (G) on page 290 in order to make the finding in purpose statement (B). The language in (G) was changed to read, "Promotes Neighborhood Compatibility and Historic Compatibility where appropriate".

Director Eddington stated that in 15-6-8(G) Resort Accessory Uses, pages 290 and 291, the Staff verified back of house issues related to employee restrooms, locker rooms, dining areas. Assistant City Attorney McLean recommended that they add the word "employee" before locker rooms, break rooms and dining areas to avoid confusion. The language was revised to read, "Employee restrooms, employee locker rooms, employee break rooms and employee dining areas".

MOTION: Commissioner Wintzer moved to forward a POSITIVE Recommendation to the City Council on the amendments to the Land Management Code as amended, excluding Section 15-6-5 (D) - Open Space. Commissioner Thomas seconded the motion
VOTE: The motion passed unanimously.

The Commissioners adjourned the regular meeting and moved into Work Session to discuss Form Based Code. The work session discussion can be found in the Form Based Code Work Session Minutes dated May 8, 2013.

The Park City Planning Commission meeting adjourned at 9:30 p.m.

Approved by Planning Commission: ______________________________________