

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
April 26, 2017

COMMISSIONERS IN ATTENDANCE:

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

EX OFFICIO:

Planning Director, Bruce Erickson; Kirsten Whetstone, Planner; Tippe Morlan, Planner;
Ashely Scarff, Planner; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

ROLL CALL

Chair Strachan called the meeting to order at 5:30 p.m. and noted that all Commissioners were present except Commissioners Campbell and Suesser, who were excused.

ADOPTION OF MINUTES

April 12, 2017

Commissioner Thimm referred to page 58, and noted that the Minutes reflect a comment by Planner Astorga saying, "...and it's quite difficult on other municipalities..." He recalled that Planner Astorga had actually said it was "quite **typical in** other municipalities..." Commissioner Thimm had confirmed this change with Planner Astorga and corrected the minutes to say, "...quite typical..."

The Planning Commission lacked a quorum to approve the Minutes since Commissioners Strachan and Band were absent on April 12 and would be abstaining from the vote.

MOTION: Commissioner Joyce moved to CONTINUE the Minutes of April 12, 2017. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Commissioner Joyce announced that he would be unable to attend the meeting on May 10th.

Commissioner Joyce noted that the Planning Commission were never shown a working parking plan for 1450/1460 Park Avenue. Director Erickson stated that the parking plan was revised. The project was adjusted to a single condominium plat and it would be coming back to the Planning Commission in May for review and approval or denial of the plat. Commissioner Joyce asked if it was normal for project to obtain building permits and get this far into the construction without a working parking plan. Director Erickson answered yes.

Assistant City Attorney McLean explained that to condominiumize is for ownership. If the plat is denied, they would not be able to have units, but it could still be a rental. Commissioner Joyce reiterated his concern that the parking might not meet the Code. Ms. McLean replied that if it does not meet Code it would not be permitted.

Commissioner Joyce wanted to know how it gets to the point where the entire subdivision is completed, but there was still not a working parking plan. Director Erickson stated that he and the Community Development Director reviewed the Code with the new parking layout two weeks ago to make sure they were meeting the setbacks on Sullivan Road. The one tandem parking space was removed off of Park Avenue. Commissioner Joyce emphasized that he was surprised that a development project could be completed without approved parking.

Commissioner Phillips recalled that the Planning Commission continued that item a few meetings previous. Commissioner Joyce pointed out that even at that point construction had already commenced.

Director Erickson reminded the Commissioners that they should not be talking about an item that was not on the agenda. He suggested that Commissioner Joyce contact Community Development Director, Anne Laurent, and she would show him the parking plan and answer his questions. Commissioner Joyce stated that he was more concerned about the procedure that gets to a completed set of affordable housing without a parking plan that meets the LMC. He did not believe a project should get that far. He requested a discussion at a future meeting on how a building permit is obtained to finish construction when the parking plan does not meet the Code. Director Erickson stated that he would look back to see what other regulatory hurdles it went through in addition to the building permit. He recalled that the Planning Commission saw it with a conditional use permit for access off of Sullivan Road. Planner Joyce stated that the Planning Commission tried to address parking at that time, and they were told that it was not part of that discussion, but parking would come back. Director Erickson replied that there were very few CUPs in the

application, but it would have gone through the HDDR. He noted that the Planning Commission may not have seen it at all if it were not for the Sullivan Road issue. He stated that currently they have a conditional use permit for a more than five car parking lot off of Sullivan Road. The subdivision went away and it is now one parcel. Director Erickson stated that he would bring it back to the Planning Commission.

Commissioner Phillips commented on the Kimball Garage project. In the past there have been other buildings where a good amount of the structure was removed. Commissioner Phillips recalled that the applicant was supposed to preserve one of the barrel roofs. Director Erickson explained that the applicant salvaged both bow string arch roofs and they were stored off-site in a protected location. All the materials will be brought back, but instead of being in two bow strings, it will be one bow string arch with twice as many stringers to meet the new snow load. Director Erickson noted that the City Council was reviewing the crane type and location for lifting those when they come back.

Chair Strachan asked when the Planning Commission would see the remand for the conditional use permit for the roof deck. Director Erickson was unsure of the date. A few weeks ago the Planning Department met with the applicant and explained the thresholds they needed to meet. The mitigation strategy has to come back to the Planning Department for review before they take it to the Planning Commission.

CONTINUATIONS (Public Hearing and Continue to date specified.)

1. 340 Main Street – Conditional Use Permit (CUP) application for the establishment of a new Telecommunication Facility on the rooftop of a non-historic building.
(Application PL-16-03264)

Planner Ashley Scarff reported that this item was a continuation for one of the Verizon Wireless Telecommunication Antennas. There were last minute changes and the Staff did not want to publish the Staff report without the correct set of plans.

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

MOTION: Commissioner Phillips moved to CONTINUE 340 Main Street Conditional Use Permit application for a new telecommunication facility, to May 10, 2017. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

WORK SESSION

The Planning Commission moved into Work Session to discuss Municipal Code Amendments.

Municipal Code Amendments regarding Xeriscaping, Gravel, and Parking requirements in Title 9: Parking (Chapter 9-1-3 Definitions, Chapter 9-2-16 Parking on Previous Surfaces in Soil Coverage Areas Prohibited, Chapter 9-4-1 Special Winter Limitations), Title 11: Building and Building Regulations (Chapter 11-15-3 Acceptable Cover in the Park City Landscaping and Maintenance of Soil Cover section), and Title 15: Land Management Code (Chapter 15-3-3 General Parking Area and Driveway Standards, Chapter 15-3-4 Specific Parking Area and Driveway Standards for Single Family Residences and Duplexes, Parking Areas with 5 Or More Spaces, and Parking Structures, Chapter 15-5-1 Policy and Purpose, Chapter 15-5-5 Architectural Design Guidelines, and Chapter 15-15-1 Definitions). (Application PL-17-03479)

Planner Tippe Morlan noted that over the past year there have been extensive discussions on the amendments for parking gravel at both the Planning Commission and City Council levels. The purpose of this work session was to gauge support for the changes that the Staff was proposing. Planner Morlan stated that based on feedback this evening, the Staff would come back with redline changes at a future meeting.

Planner Morlan stated that she would begin her presentation with parking, followed by gravel and xeriscape. She would summarize the existing Code, as well as the proposed changes that were explained in the FAQs in the Staff report. She explained that the FAQs were an effort to make the proposed changes easy to understand and as usable as possible for the Staff, primarily the Enforcement Department, and for the public so people can clearly understand what is and is not allowed. Ms. Morlan stated that she would also present photos that she had gathered over the past few months showing good and bad examples in Park City.

Planner Morlan stated that there were three main objectives that the Staff believed the proposed Code Amendments would achieve related to infrastructure, safety, and aesthetics. They want to make sure the City can maintain public infrastructure, that gravel and vehicles do not damage roads and storm water system, and to encourage save and appropriate parking. Planner Morlan remarked that another goal is to improve the aesthetic and visual experience of Park City. These have to do with water conservation efforts, reducing thermal effects and heat island effects. They want to improve the streetscape and reduce blight and illegal storage, and keep up the appearance and image of Park City. These objectives tie into the General Plan and the LMC.

Planner Morlan commented on parking. She stated that going through the entire Municipal Code, this extends beyond the Land Management Code. She named all the sections that would be affected by any changes to recreational vehicle parking. However, most of the changes related to Section 15-3-4 under parking restrictions. The other affected sections would only be changed to comply with the changes being proposed.

Planner Morlan remarked that currently all vehicles, boats, and RV trailers have to be parked on a paved surface, and they cannot be parked in driveway areas. She outlined the proposed changes to RV parking, and clarified that RV refers to recreational vehicles and all other similar types of vehicles. Ms. Morlan stated that one of the most important changes that came after reading through the minutes of previous work sessions was the time of year that residents can park RVs. The Staff recommended changing the time period to allow RV parking on residential properties from April 1st to November 1st for up to 30 consecutive days. She clarified that it would not apply to snowmobiles. She had worked with the Enforcement Department extensively on this issue and they determined that snowmobiles will be parked at houses in Park City throughout the winter. Snowmobiles would be allowed to park on residential properties from November 1st through April 1st. Planner Morlan explained that the idea behind the 30 consecutive days is that people will be actively using their recreational vehicles and loading or unloading for trips. The Staff anticipates that after 30-days people will most likely be going on another trip.

Planner Morlan stated that months outside of April-November, the regular street parking restrictions will apply, which includes a 72-hour time limit restriction on street parking for any vehicle and non-motorized equipment such as trailers and snowplows.

Planner Morlan stated that the Staff was also proposing to restrict the number of RV type vehicles allowed to prevent too many vehicles being parked and stored on property. Based on research of other cities, the recommendation was to allow two vehicles because people typically have two recreation vehicles.

Planner Morlan stated that the Enforcement Department recommended that coverings not be allowed because pests and small animals can get in there. Not allowing covers also prevents storage of vehicles on the property for more than 30 days.

Planner Morlan noted that there would be different regulations for the Historic District because the right-of-way requirements are different. In the Historic District recreational vehicle pads typically need to be 9' wide. The Staff recommended allowing them where properties have a minimum 12' side yard, because it allows for the 3' setback plus a 9' RV pad.

Planner Morlan stated that no permits would be required. As long as the requirements are met and the RV pad is approved, the RV could be parked in the approved areas. She remarked that RVs should be parked in a safe manner; therefore, they may not encroach on fire utility accesses or easements, setback areas, clear view areas, and sight triangles. All properties must maintain two off-street parking spaces required for every residential unit. The Staff was proposing to allow RVs on side yards on approved parking pads on one side of the house only. The RV may not extend beyond the front façade of the house. The Staff was proposing to allow an RV in front of the house outside of the restricted areas and in a reasonably maintained condition. The RV must also be on an approved parking pad in an area approved by the Planning Director.

Planner Morlan stated that the definition of an approved parking pad was an issue that was raised in the minutes from previous work sessions. The Staff was proposing to define approved parking pad as “An entirely hard surface parking area approved by the Planning Director”. Planner Morlan defined a hard surface material and an approved building material for these parking pads. They would allow pavers, including permeable pavement as allowed by the Planning Director, asphalt, and concrete. If only the wheels are on a hard surface in the parking areas, that would be a violation. Planner Morlan stated that these surfaces would be prevent runoff liquids from percolating into ground soil and storm water.

Planner Morlan noted that the Staff report contained a list of cities and their regulations and what they allow.

Planner Morlan commented on gravel and xeriscaping. She stated that parking for recreational vehicles and parking in general cannot be discussed without talking about gravel parking and xeriscaping. She named the four sections in the Code that refer to gravel and xeriscaping. Planner Morlan noted that the existing Code does not differentiate between types and sizes of gravel or rock, and it does not identify where gravel should or should not be used. With the number of complaints and issues the enforcement department has had to deal with, the Code changes would be proposing these specifications.

Planner Morlan stated that currently Section 15-5-5, the Landscaping Section of the Architectural Guidelines briefly mentions xeriscaping as a part of landscaping, but it does not identify where it should or should not be used, or a definition of gravel or xeriscaping. Planner Morlan stated that in doing a cursory search online, she found that the definition of landscaping is, “The process of making a yard or other piece of land more attractive by altering the existing design, adding ornamental features, and planting trees and shrubs”. She noted that having a gravel lot to park a car is not technically landscaping by this definition. In Wikipedia, xeriscaping is not zeroscaping.

Planner Morlan remarked that zeroscaping is landscaping devoid of plants. She stated that gravel lots are not shown when Googling xeriscaping. It is a healthy mix of both rock, boulders, gravel, shrubs, trees, and anything water-wise. In Googling gravel landscape, a lot of the pictures showing gravel lots are actually driveways and paths.

Planner Morlan stated that the goals for defining gravel and xeriscaping are mostly to prevent runoff liquids from seeping into ground water, and to prevent gravel and rocks from spreading off property and damaging public infrastructure. She noted that there was an aesthetic element that was inherent in the definition of xeriscaping and landscaping, but the City was also very concerned with the environment.

Planner Morlan stated that the Staff was proposing to define gravel using a standard definition across many cities. Gravel mulch is defined as rock mulch that is 2" in diameter or less. The Staff was proposing xeriscaping to be landscaping in an attractive mix of plantings, boulders and other landscaping materials with at least 50% of the xeriscaped area containing plants, trees and shrubs. Planner Morlan stated that having the 50% rule would be a non-arbitrary way to try to encourage people to think more about their landscaping, and to actually design it in an attractive way that also meets the goals for xeriscaping and landscaping and the appearance of Park City.

Planner Morlan remarked that the Staff was not proposing additional requirements for xeriscaping. If someone needs a building permit that requires a landscaping plan, they would propose their xeriscaping at the same time without any additional regulations.

Planner Morlan stated that the Staff proposed specific areas where gravel is prohibited, which were the setback areas, public rights-of-way, parking areas, within 10' of property lines and 10' of surface water drainages, storm drains and gutters, outside any limits of disturbance, and outside areas identified for revegetation with native species. This is to prevent the runoff of gravel onto public infrastructure and roads, and potentially the neighboring properties.

Planner Morlan stated that in the Urban Interface Code, the use of gravel or rock mulch is preferred as close to residential dwelling as possible. Because of this, gravel is proposed to be limited and maintaining, at least in rear yards, a one-foot setback from the rear property line, a one-foot setback from the side yard property line, unless patrolled by a fence or wall. It is allowed in the front yard as part of an approved xeriscape plan.

Planner Morlan read from the current Code, "No parking is allowed on graveled areas". That restriction would remain the same; and it would be specifically stated again in the landscaping section of the Code. For driveways, the Code would not be changed. It

would be allowed as part of approved driveways leading to approved parking areas. Planner Morlan stated that other cities have similar requirements. Rocks are allowed as ornamental features. Some cities have strict definitions of xeriscaping, and other cities do not allow it in areas with cars. Planner Morlan pointed out that Lehi City is one city in Utah that uses the 50% planting requirement.

Planner Morlan reviewed photos of good and bad examples of xeriscaping. She commented on rock sizes and noted that rocks tend not to move. The biggest complaint with gravel is the movement on and off property. In addition to damaging roads and storm drains, it also causes eyesores when the gravel moves and spreads out.

Commissioner Band commented on the 72-hour street parking. She has a neighbor who was constantly getting citations based on complaints from neighbors. He would move his RV but only about 25 feet, and then leave a note with a picture of where it had been parked 72 hours before. She wanted to know if there would be limitations on where the RV moves. Ms. Morlan stated that the intent of the Code is not to allow people to drive around the block and park in front of a neighboring house or to just move the RV a few feet. That part of the Code would not be changed, and she was unfamiliar with how Enforcement defines movement of these vehicles. She would speak with Enforcement and report back.

Director Erickson believed that practice of movement was consistent throughout the neighbors. He noted that Chapter 9 is the parking section of the Code and it regulates parking in the rights-of way. That could be adjusted to regulate the movement. He suggested that Title 15 of the Code could also be adjusted to regulate the 30-day parking in the driveways.

Commissioner Band understood that an RV could be parked in the front yard as long as it is on an approved surface. Planner Morlan replied that it was what the Staff was proposing. However, the owner would still have to maintain the two off-street parking spaces. Commissioner Band used the example of a property with a two-car garage and a driveway, but the owner wanted additional parking. She asked if they would be able to turn half of the front yard into cement to park an RV. Planner Morlan replied that it would have to be an approved parking pad; and it would depend on the site, the limits of disturbance, and it would have to meet all the requirements and design standards in the Code.

Commissioner Band assumed that not allowing covers would not apply to boats. Planner Morlan replied that she was correct.

Chair Strachan believed the Code makes a distinction between passenger vehicles and RVs, ATVs, boats, etc. He thought one of the biggest problems were cars that park on lawns and gravel. As they continue with the work session, he suggested that they think about the two distinctions. If the City plans to codify the proposed changes, there will need to be a vehicle section and a recreation vehicle section. Planner Morlan clarified that the Staff was not proposing to change the definition of RVs, so it would remain as it is in the Code currently. Chair Strachan thought they should address the issue of cars because old cars are parked at houses and never move, just like RVs. Director Erickson stated that those cars would also be subject to the time restriction. He noted that the Business License Section states that a home occupation cannot have employee parking and they cannot store business equipment on the property, with minor exceptions.

Commissioner Thimm disclosed that he owns a camper that he parks in his driveway from time to time and beside his house. However, he believed it was outside of the setback. He also has mineral mulch in his front setback. Commissioner Thimm did not believe this would have any bearing on doing what is best for the community.

Commissioner Joyce noted that Planner Morlan had mentioned that some of the proposals would be enforced through the building permit process and landscape plans. He asked if they would grandfather in people who currently have nice landscaping but it would not meet the requirements. Planner Morlan stated that no properties would be grandfathered in, and the Code would apply to everyone. However, it would still be complaint based enforcement. Commissioner Joyce clarified that if someone has had gravel for ten years and the changes are put into place, if a neighbor makes a complaint, Enforcement would tell them to remove the gravel. Planner Morlan answered yes.

Assistant City Attorney McLean clarified that in order for something to be grandfathered in, it must be legal at the time it was put in. Director Erickson pointed out that gravel mulch is strictly prohibited in the LMC, but the distinction between gravel in xeriscaping and a gravel strip is unclear. Gravel is also prohibited inside the City Engineer's standards for rights-of-way. Director Erickson stated that the mechanism for how the City got away with it in the right-of-way on Holiday Ranch Loop Road was to use a 6" rock, which is not gravel.

Commissioner Joyce noted that a trailhead 50' from his house parks three cars going into the Gamble Oak property. It was done by the City. It is all gravel mulch and it all comes out into the street. It is in the public right-of-way and within 10-feet of the roadway. If the City adopts these changes, he would expect the City to do something

different with the trailhead. Planner Morlan clarified that the City would not be exempt from the standards.

Director Erickson believed the City would allow gravel in the side yards in the Historic District for houses with a 3' side yard setback because nothing grows between the houses. He noted that there would have to be a barrier between the side yard and the street, and it would have to be restricted from parking on it. Director Erickson remarked that there will be some distinctions in the Historic District that would not be seen in Park Meadows, Thaynes or Prospector.

Commissioner Band commented on the number of people in Prospector who have gravel in their front yards. Director Erickson replied that people do things in a completely "guerilla" approach. He pointed out that the way things were done in the 1980's and 1990s are not appropriate for how things are done today; primarily because Park City is built out. There needs to be more respect for the neighborhood because the neighbors are much closer. They have to adapt to the new infill conditions.

Planner Morlan stated that the Code stipulates that landscape plans are required with building permit applications and many HDDR projects. She pointed out that those require a complete landscape plan, but most other proposals do not require a permit for a landscape plan. Therefore, not all residences are required to come to the City to approve how they landscape their property. Planner Morlan remarked that the language would say that xeriscaping is permitted, but the individual must try to comply with the Code. It would be complaint based after the initial approval. She pointed out that the language is currently written in the Code, and they were not proposing to change it or add more restrictions.

Commissioner Phillips referred to the side yard and front yard parking plan. He asked for the meaning of clear view. Director Erickson replied that it was the sight triangle on a 90 degree turn, and those are supposed to be open and clear.

Commissioner Joyce liked the goal of having the FAQs as a way of eventually getting this out to the public as a simple explanation. However, he did not believe that anyone other than planners would understand the meaning of clear view.

Commissioner Phillips stated that he has had a huge problem with gravel on a construction site and he had complained to Code enforcement a few days earlier. He asked if the Planning Commission had the purview to address it. Director Erickson stated that construction on site is normally regulated by the construction management plan. There is supposed to be a rock protected site entry. None of the rock should be pushed onto the street; otherwise it violates the construction management plan.

Regarding other rocks that roll into the street from the site, Director Erickson stated that enforcement of limits of disturbance needed to be upgrade with the new MS4 work. The Building Officials and Code Enforcement were going through training.

Chair Strachan stated that he would be wary of the next best alternative to gravel, which is grass or sod because it is inexpensive. In his opinion, that would be worse than gravel because it requires water.

Chair Strachan opened the public hearing.

Dave Staley, a Park Meadows resident, thought the idea of xeriscaping and the objective to avoid grass was accurate. He went "guerilla" and put in bark mulch and crushed rock and took out a quarter of an acre of grass to save water. He believed he was doing something good. Mr. Staley stated that in the context of this conversation, he believed that gravel or another permeable surface would be preferable over an impermeable surface. It would help replenish ground water as opposed to runoff. Mr. Staley suggested that they start thinking about a distinction between motorized versus non-motorized, as opposed to automobile and RV. In his mind, the rationale is that a motor has oil and gas, which they would not want getting into the ground water. However, there is not that risk with non-motorized vehicles, trailers, campers, sailboats, etc., that do not pollute the ground water. There is no danger if they are parked on a permeable surface, and someone would not have to put in a hard surface to accommodate parking those vehicles. Mr. Staley reiterated his suggestion to look at that distinction.

Mr. Staley was confused by the side yard, front yard distinction. It was acceptable to park something beside the house as long as it did not extend beyond the façade of the house, yet something could be parked in front of the house. He thought that was very unclear. He has an area next to his house on the side but in front of the façade of his house where he would like to park his non-motorized RV; but he was confused as to whether that would be allowed. He encouraged the Staff to delineate that for clarification.

Mr. Staley commented on the enforcement issue. A couple of years ago he was told he had to move his trailer from where he had been parking it for ten years. He moved the trailer, but it also raised issues within the neighborhood, which is an unintended consequence of complaint based enforcement. People look at their neighbor and question why he gets to do what you were asked not to do. His concern from the standpoint of a complaint based system of enforcement is the infighting that can be created among neighbors, which is contrary to the goal of building a neighborly place to

live. Mr. Staley supported the proposed changes if the intent is to have a standard to keep the neighborhoods beautiful. His concern is how enforcement happens and how it unfolds. He suggested that the City consider this and instead, give everyone a period of time to make it right. Making it strictly complaint based creates another problem.

Mr. Staley referred to the comment about just because something is permitted does not make it legal. He thought that was a strange concept because if someone goes to City Hall and receives a permit, but is told two years later that it was illegal, that is a problem.

Director Erickson explained that the Code says that by the act of issuing a permit, the City does not authorize an illegal act. If they were reviewing building plans and missed something and the building was over the setback, that would not be legalized by issuing a permit.

Mr. Staley remarked that if the City issues a permit that approved landscaping with gravel and he is later told it was not allowed, he would have a conversation with the City since they were the ones who approved it.

Assistant City Attorney McLean stated that from a legal concept, approval does not make it legal. However, it does not mean that the owner would not have other avenues to pursue, such as reliance on the City's permit. The Code only says that approval does not make it legal. The owner might have a defense to keep it as it is, but it is very fact specific.

Commissioner Phillips stated that those in the construction industry deal with a similar situation with the building codes. If the Building Department misses something in their plan review, it does not make it legal.

Marianne Cone, a resident on Holiday Ranch Loop, liked the format of Planner Morlan's report because the questions and answers make it more readable and easier for someone to find the parts that apply to them personally. Ms. Cone stated that she intended to follow the rules and help educate others. She had spoken to Chad Root about a product that she had researched. It is a permeable surface that can be parked on and it distributes the weight of a car. It has a weed barrier, as well as storm water pollution filtration and treatment. She believed it was a great product. Ms. Cone appreciated that the proposed changes allowed for the possibility of other products rather than just concrete or asphalt.

Sally Elliott thanks the Staff for listening carefully and for addressing all the problems that were raised when she was reported for having an RV in their driveway. She

agreed with Mr. Staley regarding the angst among neighbors. They were reported because someone reported another person and it snowballed. Ms. Elliott remarked that there was a lot of angst over “you reported me so I’m going to report you”. She suggested that it would be better if the City could find additional money for Enforcement to find the violations and enforce it, instead of neighbors telling on neighbors. Ms. Elliott thought the proposed changes were good and maintained the ability to keep an attractive appearance on the streets. She obtained a permit when they changed their landscaping, even though it was not required, and they were told not to use gravel. However, her neighbors used gravel and it is always in the street. In terms of parking in front yards, she would like the City to consider allowing a curved driveway in Prospect. She has tried to get a driveway that goes towards her front door for over 30 years and the answer has always been no. She pointed out that as people age, they might need to be closer to their front door.

Marianne Cone asked about wood mulch next to the street.

Planner Morlan stated that bark mulch is allowed as a part of xeriscaping, but bark mulch is more difficult to regulate. However, the Code amendments are parking related, and since people tend not to park on bark mulch it was not addressed.

Ms. Cone asked if it would be allowed next to the curb. Planner Morlan replied that if the Code currently allows bark mulch next to the street, that would not change.

Director Erickson stated that part of the failure between the curb and the asphalt is that the mulches were not holding the curb tight against the asphalt. He remarked that the City Engineer needed to address that issue moving forward.

Ms. Cone stated that she recently planted drought tolerant plants and she wanted to put bark on top. Director Erickson offered to check on it, but he thought that would be acceptable.

Chair Strachan closed the public hearing.

Chair Strachan stated that he is always leery about enacting regulations where they know there are not enough resources to enforce them. He thought the City should either make the policy and budgetary decision to hire the enforcement personnel necessary to enforce its ordinances, or not have the ordinances. In this case, he believed the idea of neighbor complaints was toxic. Chair Strachan remarked that until the City steps up and recognizes the need for more Code Enforcement on all the issues around the City on every level, he was not interested in enacting additional regulations. He noted that Councilman Andy Beerman was in attendance this evening, and he

assumed their comments on the enforcement issue would be relayed to the City Council.

Chair Strachan also believed there were problems with the existing gravel, because without a definition of gravel in the Code, people have varying size gravel and they were never told no or that it was not allowed. He did not think it was fair to say that because the City has now defined gravel, their gravel has to be removed or replaced if it does not meet the definition. Chair Strachan commented on houses in Prospector where people intentionally used rocks that are golf ball size or larger to avoid putting in grass. He believed that was a good decision on the part of the homeowner. He believed that telling those people that the rocks have to be removed would only lead to sod. It is inexpensive but it needs to be watered. Chair Strachan clarified that he was not supportive of this idea in general. He realized that gravel was a problem, but there are a lot of other problems in the City. If the issues are big enough, they should be handled by Code Enforcement.

Director Erickson clarified that the larger rocks would not be regulated. Chair Strachan thought the problem was whether an acceptable size was baseball size, golf ball size or something else. The question is what is considered gravel. Director Erickson stated that they were trying to provide clarity for gravel based on a professional definition. Secondly, the baseball size rock is difficult to park on with the exception of a few types of vehicles. Director Erickson clarified that the primary reason was to discourage parking on gravel because of the transmission issues, which is a 2" or less technical definition. He pointed out that to some degree they were deregulating and clarifying rather than adding regulation.

Chair Strachan thought it was important to find a way to avoid the unintended consequence of people who already have gravel replacing it with grass. Director Erickson noted that the other sections of the Code have restrictions on the amount of irrigated area in a landscape plan. He explained that 50% of the gravel must have plant materials in order to make it a xeriscape and not a gravel desert. People can add big rocks, boulders, drought tolerant planting that does not require watering or irrigation. All of these things would allow the gravel to stay, but bring it closer to the definition of xeriscaping without putting in turf grass. Chair Strachan reiterated his belief that people would choose the least expensive alternative.

Commissioner Band asked if bark mulch would be less expensive than sod and whether it would be allowed. Director Erickson replied that bark mulch would be allowed. Chair Strachan did not believe the aesthetics of bark mulch would be much better than gravel because it turns gray after one winter, and it spreads more than gravel. Director Erickson explained that one reason for wanting plant materials in

xeriscaping was for the small ground mammals. The intent is to keep the town from being visually intrusive at the global landscape scale. That is the reason for limits of disturbance and house size restrictions. Overuse of gravel is visually obtrusive because it does not look like the natural environment. In addition, the nutrient transport into the soils underneath the mulches from the gravel lessens as the mulch degrades.

Commissioner Joyce stated that people who have barren gravel in their yard have the opportunity to put in plants to fix the problem. Chair Strachan did not believe those with gravel in their yards were the problem. The issue is with those who have the gravel running across the street, like they saw in one of the photo examples Planner Morlan had presented. Commissioner Joyce thought some people were forced into doing that because of the salt used when the roads are plowed that eventually kills the grass. People cut out the sod and put down gravel because it is better than dead grass.

Director Erickson suggested that as part of the legislative process they may be able to exempt previous actions or provide a time frame to comply; or possibly come up with another solution to address the issue.

Commissioner Phillips stated that he was very sensitive to the neighbor complaint enforcement policy. He has personally dealt with that and it is uncomfortable for both sides. Commissioner Phillips had heard from Community Development Director, Anne Laurent, that the City Council would be talking about Code Enforcement fairly soon. He planned to attend that City Council meeting and he encouraged the other Commissions and the public to attend as well.

Commissioner Joyce stated that a big issue for the Planning Commission is that they place conditions of approval, requirements for landscaping, parking, and other restrictions and regulations, but they know for a fact that it never gets enforced. He noted that the Planning Commission has had numerous conversations with two Planning Directors and the Community Development Director, and so far there has been no improvement. Public complaints are expressed at Planning Commission meetings, but they have no control. Chair Strachan thought the biggest issue is that the developers know that the conditions will not be enforced so they are willing to agree to anything.

Councilman Beerman stated that several years ago the City expanded the budget for Code Enforcement to have after hours and weekend enforcement. He asked if the Planning Department designates what is complaint driven so enforcement was not looking for it, or whether it was not being caught. Assistant City Attorney McLean believed that the Building Department was over Code Enforcement. She understood that the City Council would be discussing whether enforcement should be complaint

driven or prioritized differently, and what should be the focus. She believed it was on the City Council agenda for May 11th.

Councilman Beerman was hearing from the Planning Commission that their regulations were not being enforced sufficiently, and he was trying to determine if they were selective in what they were looking for in terms of Code Enforcement and whether the City Council should address that issue. Chair Strachan understood that it was a resource issue and that there were not enough personnel. Commissioner Joyce agreed that it was what the Planning Commission has been told many times.

Commissioner Joyce believed another problem is that the neighbors do not know what is in the conditions of approval and they have no idea what they should be complaining about. They should not expect the neighbors to peruse all of their actions. Commissioner Phillips stated that they could spend hours talking about enforcement. It is a good topic and the Planning Commission will be paying attention when the City Council addresses it. He would like the Planning Commission to have the opportunity to provide input as well.

Councilman Beerman understood that there were questions about both resources and enforcement. He would take their comments and concerns back to the City Council.

Commissioner Joyce thought Chair Strachan had made a good point in saying that until there is definite enforcement, it is frustrating to talk about more restrictions that will not be enforced; or and worse, may cause a lot of problems.

Commissioner Band used the example of a law abiding citizen who sees that the new ordinance was enacted and they replace their gravel to comply; but they see other people not being enforced or having to come into compliance. That is a problem with inconsistent enforcement.

Commissioner Joyce liked the idea mentioned during public comment that non-motorized vehicles should not be constrained by the same restrictions as oil-dripping motorized vehicles. Director Erickson replied that there were three pieces involved. The first is the motorized vehicle leaking oil and gas, and being able to readily identify cleaning it up and stopping it from moving into the storm drain. The second is that in the Prospector Soils Ordinance area, the vehicles have to be on a hard surface. The third piece is that if the Commissioners want non-motorized equipment to be able to sit on gravel outside of the Soils Ordinance District, they need to keep a mechanism to keep the gravel from migrating on to the street. He suggested that they could do what they were proposing for the Historic District and allow it in the side yard, with a mechanism to prevent it from spreading into the street. Commissioner Joyce

requested that the Planning Department consider the distinction between motorized and non-motorized.

Commissioner Band stated that years ago she attended all of the Soil Ordinance Blue Ribbon Commission meetings, and they had talked about expanding the soil ordinance into potentially Park Meadows and Thaynes Canyon. She asked if that idea had gone away. Director Erickson was unsure and offered to find out how far it was expanded. Commissioner Band thought that would be important to know that information.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. **Land Management Code (LMC) amendments - Administrative and substantive amendments to the Park City Development Code, specifically amending Land Management Code Chapter 2 Zoning Districts regarding setbacks, group mailboxes and others; Chapter 4 Supplemental Regulations regarding Fences, Childcare, Accessory Apartments, group mailboxes and others; Chapter 8 Annexations (amending the Annexation Expansion Area boundary and regulations for consistency with State Code); and Chapter 15-15 Defined Terms for associated definitions. (Application PL-17-03483)**
2. **Land Management Code (LMC) amendments - Administrative and substantive amendments to the Park City Development Code for Chapter 4 Supplemental Regulations regarding Fences, Childcare, Accessory Apartments, group mailboxes and others and for Chapter 8 Annexation regulations and standards for consistency with State Code. (Application PL-17-03483)**

Planner Whetstone noted that in the first set of amendments there were three items that the Staff recommended for a positive recommendation to the City Council.

Planner Whetstone stated that the first item related to the setbacks in the Single Family Zone for subdivisions that were given different setbacks than the Single Family Zone. She explained that the setbacks were already listed in the LMC; however, it was confusing. The proposed change would only rearrange where they are located in the Code.

Planner Whetstone stated that the second item was the Annexation Expansion Area map in Chapter 8, which is the Annexation Policy Plan that identifies the area outside the City boundary that the City may accept an annexation petition. She clarified that an annexation petition cannot be applied for and submitted to the City Council unless the property is within the annexation expansion area described in the Annexation Policy Plan. The Staff was proposing to amend the annexation expansion area.

Planner Whetstone commented on the third item, and noted that when the LMC was put online in a certain program, the numbering of the definitions has been an issue every time it is updated or referred to. Many other cities have removed the numbers and do it alphabetically. Planner Whetstone stated that the City Reorder requested that the Staff propose that change to the Planning Commission. She was unsure whether the Staff had the ability to make the change, but to avoid any question they decided to amend the ordinance to officially remove the numbering of any definitions.

Planner Whetstone requested that the Planning Commission conduct a public hearing on three items mentioned. She pointed out that the Annexation Expansion Area was the only substantive amendment.

Planner Whetstone explained the change for the setbacks. She noted that currently they were listed as setbacks exceptions, but they are the actual setbacks on the plat. They are just different than the SF zone. Listing them as setback exceptions raises the question of whether the exceptions apply in those subdivision. The intent of the amendment is to clarify the setbacks, and then follow the setback exceptions. Planner Whetstone remarked that the three subdivisions were Thaynes Canyon Subdivisions 1 and 2; the Prospector Village Subdivision; and Prospector Park Subdivisions 1, 2 and 3. The setback exceptions were added to the Code approximately ten years ago because they were on plats. People did not always look at the plat and there was a lot of confusion. Planner Whetstone emphasized that the requirements were not being changed. The change was only for clarification.

Commissioner Joyce thought the language on page 108, and replicated on page 117, was confusing. The Section heading read, Front, Side and Rear requirements for Thaynes Canyon, Prospector Village, and Prospector Park. He noted that the third bullet point says, "front rear and side yard exceptions listed above also apply to Thaynes Canyon Subdivisions 1 and 2; the Prospector Village Subdivision; and Prospector Park Subdivisions 1, 2 and 3", which are the same subdivisions.

Planner Whetstone explained that it addressed the front, rear and side yard exceptions; and all those exceptions were listed in the Code. She referred to the Code language on page 117 of the Staff report, which outlined the lot and site requirements in the Single Family Zone. It defines the front yard setback and the front yard exceptions. The following page lists the rear yard setback and exceptions. The side yard setback is 12' with a number of exceptions. Planner Whetstone clarified that as a part of setbacks, the front, side and rear requirements for Thaynes Canyon were listed, along with the exceptions that apply. Commissioner Joyce remarked that the explanation cleared up his confusion.

Planner Whetstone reviewed the amendment to the Annexation Expansion Area map on Page 121 of the Staff report. She stated that the intent was to make it simpler and more straightforward. Planner Whetstone reported that the City Council has spoken with the Planning Department, Sustainability and Trails. The City Council would like to annex the Stoneridge area north of Round Valley that the City purchased for open space, into the City Limits; however, it was currently outside of the expansion area. Planner Whetstone clarified that all of the land they were talking about expanding in the expansion area was City-owned and purchased for open space, except for one small parcel with a water tank.

Chair Strachan wanted to know what document was in place to keep it open space. Commissioner Joyce replied that it was a conservation easement. If the City were to annex it, it would be zoned ROS or POS, or possibly create a new zone. She believed that Round Valley was zoned ROS.

Director Erickson stated that as part of their deliberations, the Planning Commission could recommend that these areas remain open space. He did not believe that the Clark Ranch Parcel, which is east of US40 on the south portion of the expansion area, was covered by a conservation easement. He pointed out that the north parcels were acquired specifically in density exchanges and purchases for open space.

Chair Strachan asked for the thinking behind the Clark Ranch parcel. Director Erickson stated that in discussions with the Planning Department, the City Council wanted to make sure they would not preclude an appropriate municipal use in that location. However, they have ruled out housing in that area, but it could be used for a water treatment plant or a solar plant. There have been discussions in terms of how much limitation should be placed. He noted that Commissioner Joyce, as a member of COSAC, had been part of that discussion.

Commissioner Joyce stated that the recommendation that went from COSAC to the City Council was that at least most of the land be preserved with a conservation easement, and Utah Open Lands has been working on that. He pointed to a small triangular piece that was already in the ADA boundary of the Clark Ranch, and noted that COSAC recommended that area as being most appropriate for any municipality development because it backs up to the housing being built. The COSAC recommendation for the rest was passive recreation versus active recreation. That recommendation went forward unanimously.

Planner Whetstone noted that the area of the Clark Ranch on the west side of US40 was already in the annexation expansion area. The expansion across US40 was for passive

ROS. If the Planning Commission had additional recommendations, it could be added to the map.

Director Erickson clarified that the Staff was recommending that the Planning Commission approve the change to the Annexation Boundary. Planner Whetstone answered yes.

Commissioner Phillips referred to the triangle at the top of the page. It was owned by the City and he questioned why it was not included in the Annexation Boundary. Planner Whetstone replied that it was to facilitate this particular change. It is City-owned but it was not for open space. Director Erickson stated that it was one of the three triangle parcels in on-going discussions when they talk about placing additional facilities, joint-use facilities with Summit County, and similar negotiations. Director Erickson stated that the intent was to move Stoneridge and Clark Ranch forward without a number of larger issues until they get direction. That was the reason for setting it up the way it was.

Chair Strachan asked if the City, as the owner, would be the petitioner. Director Erickson answered yes. Commissioner Joyce noted that he is not involved in other discussions once COSAC forwards their recommendation to the City Council; however, he is aware that there have been discussions about the annexation area of the Clark Ranch that was not currently done. When they were talking about the Richardson Flat park and ride, one of the discussions was that it was difficult to reach coming in from Heber. He understood that there was talk about a potential fly-way exit coming off of US40 for easier access. Commissioner Joyce stated that if they decide to do the fly-way, he assumed they would have to come through some of the Clark Ranch property. He pointed out that lands that are purchased with open space funds are protected as part of the purchase agreement. However, that was not the case with Clark Ranch. Commissioner Joyce remarked that the City has been cautious on what to do. If the Commissioners had concerns depending on that being open space, he wanted it clear that it was not protected for open space. He clarified that there was a conservation easement on the Stoneridge piece.

Director Erickson clarified that the action being requested would make public the City's intention to consider an annexation in this area. The next step would be the annexation petition. The Planning Commission would be reviewing that petition specifically for the land uses that would occur. Director Erickson stated that the Planning Commission could forward a recommendation for uses in any of those areas, and the Planning Department would clarify any purchase agreements, negotiations, and conservation easements. He noted that there was another regulatory cycle once they get beyond this policy discussion in accordance with State Regulations.

Chair Strachan asked for the standard the Planning Commission should be applying when deciding whether or not to expand the boundary. He wanted to know the legal standard if

they were overturned by the court. Assistant City Attorney McLean replied that annexations are considered legislative.

Planner Whetstone noted that the Annexation Expansion Area map is a requirement of the policy plan. When they design the map and the policy plan, they have to consider State Code Requirements A through F outlined on page 110 of the Staff report.

Assistant City Attorney McLean stated that in re-reviewing the ordinance and the related criteria, and also hearing the discussion this evening regarding the Clark Ranch, she recommended that the Planning Commission continue that portion of the Code to the next meeting. She preferred to have Findings related to the State Code criteria directly to the areas that were being annexed. Ms. McLean thought they could move forward without those findings if they knew it was all open space and that it would remain open space, but where one portion has the possibility of other uses, she felt the criteria A through F needed to be addressed. She suggested that it would be cleaner to have it be its own ordinance, because they could just have findings related only to that, which is not typical for LMC amendments.

Planner Whetstone clarified that she was given the information that these were the open space parcels. She agreed with Ms. McLean about having Findings if it was not open space.

Councilman Beerman thought Commissioner Joyce was accurate in stating that it was not guaranteed for open space. Mr. Beerman clarified that the triangle parcel was not strictly City owned. The City co-owns it with the County and a portion by the PRI Group. The City Council purchased it with Resort City sales tax funds, and it does not have to remain open space, even though it was purchased with a preservation intent. He stated that COSAC and the City Council were working through the policy. Mr. Beerman noted that the Round Valley parcels already have conservation easements on them and they were already protected.

The Planning Commission had no issues with the amendment to remove the numbering from the definitions.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

Chair Strachan was comfortable with extending the annexation boundary to include the Round Valley parcels but not the Clark Ranch area. He understood that Assistant City Attorney McLean recommended continuing the Clark Ranch piece to a date uncertain. He was comfortable recommending extending the boundary on the Round Valley parcel.

Commissioner Joyce believed that annexation boundary extensions were important steps that should not be done all at once. He asked if it was useful to continue Clark Ranch to another meeting. Ms. McLean recommended that they not continue to a date uncertain, and suggested a continuance to June 26 with the other LMC Amendments. She was unsure whether timing would be an issue because if the boundary is amended, the next steps would be to annex, which could take some time.

Chair Strachan stated that in his opinion, annexations should only be done for open space or affordable housing. It was a philosophical position that he gained from being on the Planning Commission for a long time. He has never seen an annexation for any other purpose turn into anything positive. Chair Strachan did not want to be in the position of getting an open space parcel but only with a Clark Ranch tack-on. When the petition comes to them from the City, it is likely to take that form. They would be petitioning to annex in both the Clark Ranch and the north Round Valley parcels in a take it or leave it proposition. He favored the open space annexation but he did not favor annexing Clark Ranch if it would not be open space or affordable housing. Chair Strachan preferred to move forward on the annexation boundary for the open space, but nothing further. He noted that one of the requirements for annexations in 15-8-2, Subsection L of the Code, and which he thought should be amended, reads "annexations that expand the resort and/or tourist economy provides second home or rental residential properties". He believed that clause was terrible. It causes a lot of problems and it should not be in the Code. Chair Strachan stated that the remainder of the sentence says, "...preserve environmentally sensitive lands, and provide significantly public open space and/or community facilities are preferred." When Clark Ranch comes back Subsection L will be cited because it says community facilities, which could be a solar farm or an exit to access the park and ride. He recognized that they were all laudable goals, but often times land is annexed and it does not take on the form that the petition for annexation envisioned.

Planner Whetstone stated that that Chapter would be coming to the Planning Commission, and she would bring it back with the amendments for compliance with the State Code and the General Plan. She would schedule it for a work session.

Director Erickson stated that Planning Whetstone had written separate Staff reports for changing the boundaries. If they choose to bifurcate the parcels, it would only be a matter of crafting the findings differently for the two parcels. Director Erickson remarked that the

Staff would like to move Stoneridge forward as quickly as possible. Clark Ranch could come back in June.

Assistant City Attorney McLean stated that another issue that requires consideration per State Code, is that an annexation boundary is the first threshold. The question is whether it is appropriate for the City to consider annexing those parcels. She believed that the items Chair Strachan was talking about were more tied to what they look at when deciding whether to annex.

Commissioner Thimm supported bifurcation. Even if the parcels came up for a vote on the same night, he thought they would look at each of the areas separately. He was not opposed to acting on Stoneridge this evening if they had everything they needed to take action.

Director Erickson clarified that the Planning Commission was recommending adoption of the ordinance in accordance with the lot and site requirements in the SF Districts, Chapter 2.11, remove Chapter 8.7 description requirement provisions because that would not move forward until they prepare findings for Stoneridge and Clark Ranch. Planner Kirsten stated that if they wanted to expedite a vote on Stoneridge this evening, the findings for Stoneridge identified in the Staff could be incorporated into the ordinance before it goes to the City Council.

MOTION: Commissioner Joyce moved to forward a POSITIVE recommendation to the City Council for 1) the Lot and Site Development Standards in the SF District, Chapter 2.1; 2) expanding the annexation boundary in the Stoneridge area to the north of the current City limits, and include the Findings on page 110 of the Staff in the ordinance that goes to the City Council; and 3) to eliminate the numbering of definitions in Chapter 15. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Phillips moved to CONTINUE all of the proposed Land Management Code Amendments that were not forwarded to the City Council to June 28, 2017. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

3. **166 Main Street – A plat amendment requesting to combine two existing lots located at 166 Main Street into one lot of record. (Application PL-17-03499)**

Planner Tippe Morlan reviewed the request to combine two existing lots of record at 166 Main Street into one lot of record. It would be the majority of Lot 3 and all of Lot 4 on the south side of Block 20 of the Park City Survey.

The Staff recommended a positive recommendation for this item, finding good cause in that it combines two existing substandard lots to create one standard lot of record. An existing half straddles the property line between the two lots and this plat amendment would correct that issue as well. The encroachments at the rear of the house would also be resolved with this plat amendment.

Planner Morlan noted that the applicant was not requesting any other changes to the lot at this time. The applicant had submitted a pre-application for extensive renovations to the existing non-historic house. The house was built in 1997 and complied with all requirements of the LMC at that time.

Planner Morlan stated that the encroachments identified on the survey include an existing cinder block retaining wall encroaching to the property to the south at 158 Main Street. If the wall remains, an encroachment agreement would be required. Planner Morlan remarked that the encroachments on to City property at the rear of the house on the east side would have to be removed. The small portion of the deck and hot tub that extend beyond the property line would need to be pulled in. The stone patio that sits on City property, the wooden deck or structure to the rear of the house, and the wood/steel fence on the back would have to be removed as a part of this plat amendment.

Planner Morlan reported that part of this property is in the FEMA Flood Zone A. She had not included that in the Findings of Fact and recommended that it be included as a Findings of Fact.

Commissioner Joyce referred to an email from a neighbor that the Staff had provided to the Planning Commission regarding tree management for the City owned property. He asked if Planner Morlan had any recommendations to address that email. Planner Morlan replied that the Planning Department did not have a recommendation on that issue because it was not directly relevant to the plat amendment.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

MOTION: Commissioner Phillips moved to forward a POSITIVE recommendation to the City Council for the plat amendment for 166 Main Street in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval as amended to include a Finding of Fact stating that the property is currently designated in FEMA Flood Zone A. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 166 Main Street

1. The property is located at 166 Main Street.
2. The property consists of most of Lot 3 and all of Lot 4 of Block 20 of the Park City Survey.
3. Lot 3 consists of 1,409 square feet and Lot 4 consists of 1,687 square feet; the total lot size is 3,096 square feet.
4. The property is in the Historic Residential (HR-2) District Sub-Zone B.
5. This site is not listed on Park City's Historic Sites Inventory (HS
6. The Plat Amendment removes one interior lot line which bisects the existing home.
7. The proposed Plat Amendment combines the property into one (1) lot measuring 3,096 square feet.
8. A single-family dwelling is an allowed use in the District.
9. The house on this lot was constructed in 1997 on a vacant lot at this location.
10. At the time of construction, the house complied with all requirements of the Land Management Code.
11. The proposed amendment also complies with the existing Land Management Code.
12. The minimum lot area for a single-family dwelling is 1,875 square feet in the HR-2 zone. The proposed lots meet the minimum lot area for single-family dwellings. The proposed lot would not accommodate a duplex dwelling as it would be less than 3,750 square feet in area.

13. The proposed lot width is width is approximately 50 feet along Main Street.
14. The minimum lot width required is twenty-five feet (25'). The proposed lot meets the minimum lot width requirement.
15. The setback requirements in this zone are as follows: front and rear yards – 10 feet; side yards – 5 feet.
16. At the time of approval, setback requirements in the HR-1 zone which applied to this property were as follows: front and rear yards – 10 feet; side yards – 3 feet.
17. The proposed lot has front and rear yard setbacks of 10 feet and side yard setbacks of 5 feet and 4.5 feet.
18. The proposed lot meets the setback requirements of the HR-1 zone which applied to this property at the time the house was constructed. No changes to setbacks from front, side, and rear lot lines are proposed.
19. House size has consistently been interpreted to mean the Gross Residential Floor Area as defined by the Land Management Code. No changes to house size are proposed with this application.
20. The deck at the rear of the house and a portion of the hot tub encroaches into Park City property to the east by approximately 1.5 feet.
21. The cinder block retaining wall at the south of this property encroaches into the neighboring property at 158 Main Street by approximately 3 feet.
22. The wood deck and stone patio to the rear of the home encroaches onto City property.
23. The wood steel fence to the rear of the property encroaches on to City property.
24. A remnant parcel exists at the north of Lot 3 which belongs to 170 Main Street which accommodates the Landmark Historic home which sits on the original lot line between Lots 2 and 3 of Block 20 of the Park City Survey.
25. The remnant parcel on the north side of Lot 3 of Block 20 of the Park City Survey is a part of 170 Main Street and shall be incorporated into that lot with a plat amendment if the property owners of 170 Main Street choose to alter the lot or the historic home in any way.

26. This plat amendment does not change any exterior lot lines of this parcel.

27. This plat amendment does not change any setback, lot size, or other requirements for this zone as applied to this parcel and the existing single family dwelling.

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

29. The property is currently designated in FEMA Flood Zone A.

Conclusions of Law – 166 Main Street

1. There is good cause for this Plat Amendment.
2. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
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 – 166 Main Street

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The encroachment of the cedar block retaining wall must be resolved with the neighbor at 158 Main Street as the retaining wall encroaches over the south property line into their property.
4. The property owner shall resolve the encroachment of the deck with the hot tub over the east property line into the adjacent City owned property to the rear of the house by removing the portion of the deck which encroaches on the City property.
5. The property owner shall resolve the encroachment of the additional detached deck

and the stone patio which encroaches over the east property line into the adjacent City owned property by removing the encroaching structures.

6. The property owner shall resolve the encroachment of the wood steel fence which encroaches onto the properties to the north into 170 Main Street, south into 158 Main Street, and east into City owned property by either removing the fence or by entering into an encroachment agreement with each of the affected property owners.

4. 250 Main Street – Conditional Use Permit (CUP) application for the establishment of a new Telecommunication Facility on the rooftop of the Wasatch Brew Pub, a non-historic building (Application PL-16-03322)

Planner Ashley Scarff reviewed the request for a conditional use permit to allow Verizon Wireless to establish a new telecommunication facility on the roof of the Wasatch Brew Pub, located at 250 Main Street, to provide improved capacity services to Park City, specifically the Main Street area. This proposal would include the installation of a roof mounted small cell antenna, which would be entirely enclosed within a box constructed to match the exterior of the building.

Planner Scarff stated that due to the unique ownership situation of this site, no equipment would be located outside of the Brew Pub building envelope.

The Staff found that the project as currently proposed complies with all applicable requirements of the Land Management Code. The Staff recommended that the Planning Commission approve the conditional use permit based on the findings of fact, conclusions of law, and conditions of approval included in the Staff report.

Chair Strachan wanted to know why 340 Main Street was continued earlier this evening if it was similar to this CUP. He also asked why they were putting in two telecommunication towers so close together.

Director Erickson explained that 340 Main Street was continued because the antenna is 7' tall, and it needs to be 7' back from the parapet of the building. It did not meet the 7' setback and the Staff did not want to bring it forward without an accurate set of drawings. Director Erickson stated that 250 Main Street was more of a densification, small cell program. The facility proposed for 340 Main Street would have more capacity.

Chair Strachan asked if there was any way to combine the two facilities to lessen the impact. Nick Jensen, the designer for Verizon Wireless, stated that a traditional cell site,

called a macros cell and usually placed on a tall building or a tall tower, may cover as little as a radius of three-quarters of a mile or potentially tens of miles. The one proposed for 250 Main Street is a very small antenna. The tip height would be 7', however, it is a 2' antenna mounted on a small pole. The amplifiers are very low power. This one, in particular, was designed to cover a radius of approximately 500 feet. Mr. Jensen stated that the purpose is to have a smaller number of users sharing the available channel bandwidth; whereas now most of downtown Park City is on one cell. If they could place a few of the smaller radius cells, the available bandwidth would be shared with fewer simultaneous users.

Chair Strachan asked if they would have to put in one larger facility without the smaller ones. Mr. Jensen stated that because of the larger areas that the larger ones are supposed to cover, it is difficult to fit larger ones into the Park City area where a lot of people come for events or the ski and summer season. If they could find areas for larger facilities, they would interfere with each other unfavorably because they would be too close together.

Commissioner Thimm indicated several places in the Staff report that talks about the screening structure being painted to match the building. He noted that page 169 had a rendition showing similar siding and similar trim in addition to similar color. He asked if the applicant would be opposed to adding a condition stating that in addition to the same color, to match the siding and trim design. Tom Foster, representing the applicant, had no objection to the requested condition of approval.

Chair Strachan asked if there would be a top on the box. Replied that the box would have a top. It would be an RF friendly type structure, and more than likely a fiberglass structure molded to mirror the actual siding of the building. It would be painted to match the color of the structure.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

MOTION: Commissioner Joyce moved to APPROVE the Conditional Use Permit for a Telecommunication Facility at 250 Main Street based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the Staff report and as amended to include not only matching the color, but also matching the siding and trim design of the building. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 250 Main Street

1. On September 22, 2016, the Planning Department received an application for a Conditional Use Permit (CUP) to allow Verizon Wireless to establish a new Telecommunication Facility on the roof of the Wasatch Brew Pub, located at 250 Main Street. The application was considered complete on March 2, 2017.
2. The subject property falls within the Historic Commercial Business (HCB) District.
3. The Land Management Code (LMC) states that, within the HCB District, Telecommunication Antennas are a Conditional Use, subject to LMC Section 15-4-14, Supplemental Regulations for Telecommunication Facilities, in addition to the standard Conditional Use review criteria of Section 15-1-10(E).
4. The proposed rooftop equipment will consist of one roof-mounted small cell antenna enclosed within a screen box, which will be painted to match the building wall of the Wasatch Brew Pub to mitigate visual impact.
5. The rooftop equipment will fall within a 121 square foot area to be leased by Verizon Wireless from the building owner.
6. The antenna and screen box have been proposed to have a height of 5'6" above the flat roofline, and will be set back 6'6" from the nearest roof edge.
7. Staff finds that the project, as proposed and conditioned, meets all requirements related to setbacks, height, and design found in LMC Section 15-4-14, Supplemental Regulations for Telecommunications Facilities.
8. The project may also include small signs near the equipment meant to ensure the health and safety of the general public.
9. The City is currently reviewing a right-of-way franchise agreement with a fiber optic provider to provide service to the subject site, as well as other proposed Verizon small cell locations. If all CUP requests for the Verizon small cell antennas are denied, the City would deny franchise rights to the fiber optic provider.
10. If a fiber optic franchise agreement is reached, the fiber system would need to cross City property to reach the antenna site from the right-of-way. This will require the institution of a utility easement over City property.

11.The applicant has indicated that all necessary power will come from existing sources on-site.

12.On April 12, 2017, the property was posted and notice was mailed to affected property owners within 300 feet. Legal notice was also published in the Park Record on April 12th.

13.This application has been reviewed under Land Management Code Section 15-1-10 (E).

14.The Findings in the Analysis Section are incorporated herein.

Conclusions of Law – 250 Main Street

1. The application satisfies all Conditional Use Permit review criteria as established by the LMC's Conditional Use Review process (§15-1-10(E), Criteria 1-16);
2. The Use, as conditioned, is compatible with surrounding structures in use, scale, mass, and circulation;
3. The Application complies with all requirements of the LMC; and
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval – 250 Main Street

- 1.The scope of this approval includes the installation of one (1) small cell telecommunication antenna on the rooftop of the Wasatch Brew Pub as shown on the approved plans.
2. The rooftop equipment shall be entirely contained within 'Lease Area 1' as shown on the plans. No equipment shall be located outside of the Wasatch Brew Pub's building footprint.
3. The screening box and all equipment shall not exceed ten feet 5'6" in height measured from the plane of the flat roofline, and shall be set back a minimum of 6'6" from the nearest, street-fronting roof line, as shown on the plans.
4. The screening box shall be constructed and painted to match the siding and trim work of the existing building, making the equipment as stealth as possible. Final design is subject to approval by Planning Staff during the Building Permit application stage.

5. All necessary cable chases shall also be painted to match the existing building.
6. Signs shall only be installed on site if necessary for the health and safety of the general public. Exact dimensions and placement shall be reviewed and approved by the Planning Department prior to installation.
7. Prior to installing the equipment, the applicant must apply for and procure a Building Permit from the Building Department.
8. The Building Permit application shall include a fiber and power plan, and is subject to review and approval by the Planning Department and City Engineer.
9. If a fiber connection from the right-of-way is ultimately required, a utility easement must be recorded with Summit County for the line to cross City property to reach the subject site.

5. Request for a four lot subdivision plat, known as Village at Empire Pass North Subdivision, located at the intersection of Village Way and Marsac Avenue east of the Silver Strike chair lift, to create 3 development lots for the Village at Empire Pass Master Planned Development and one lot for ski area related uses. (Application PL-16-03293)

Planner Kirsten Whetstone reviewed the request for a final subdivision plat for four lots; parcels within the Village at Empire Pass MPD, subject to the Flagstaff Annexation Development Agreement. The Planning Commissioner recently reviewed a subdivision plat and forwarded a positive recommendation to the City Council on a similar configuration. However, the applicant acquired adjacent property, and the per the ordinance, any parcels adjacent and under the same ownership need to be in the same subdivision. There cannot be remnant parcels. The applicant had incorporated the remnant parcels for Lot 2 and a remnant parcel for Lot 1. Lots 3 and 4 remain the same. The applicant resubmitted the application and it was reviewed at the development review meeting.

The Staff had re-noticed this item and requested that the Planning Commission review the request, conduct a public hearing, and considering forwarding a positive recommendation to the City Council according to the findings of fact, conclusions of law, and conditions of approval in the ordinance.

Planner Whetstone noted that a condition of approval was added to the ordinance after the City Council reviewed the B-2 East plat and had a question about the completion of affordable units at the same time as the market rate units. In this case, the two lodge

building on Lots 2 and 3 would have affordable housing, and that housing would have to be finished at the same time. The added Condition of Approval #15 states that all deed restricted units are to be completed with the market rate units.

Doug Ogilvy, representing REDUS, the landowner, reported that he and Planner Whetstone had inquiries from the representative of One Empire Lodge, which is an adjacent property. When the Village West Plat was recorded, a 15' wide ski easement was recorded on Lot 15, which is now One Empire Lodge. Mr. Ogilvy stated that the intent at that time was for a 5' easement on what is now Lot 2 on this plat; however, but because of the land ownership at the time it did not show up in the property report and it was not of record.

Mr. Ogilvy proposed adding a condition of approval to include a 5' ski easement on the west property line, along with a 10' ski buffer to provide access to Lot 2 in Deer Valley. Chair Strachan suggested that Mr. Ogilvy work with Planner Whetstone to draft specific language for the condition of approval. Planner Whetstone stated that when Mr. Ogilvy had mentioned the ski easement, she had recommended that it also be a pedestrian easement.

Commissioner Phillips thought the Staff could work with Mr. Ogilvy to make sure the condition was accurate and in place prior to going to the City Council. Planner Whetstone agreed. Chair Strachan wanted to make sure the condition was worded correctly. Commissioner Phillips believed Planner Whetstone would have time to draft the condition prior to City Council, unless the Commissioner preferred to see the language this evening.

Mr. Ogilvy recommended a condition stating, that the plat shall include a 5' ski easement along the western property line in favor of Lot 4 and the adjacent properties, and a 15' vertical building setback along the western property line. He acknowledged that the wording may have to be revised.

Chair Strachan understood that they were talking about a ski easement and a pedestrian easement. He questioned the setback language. Mr. Ogilvy stated that the easement of record on the other properties allows for 20' for a snow cat and ten feet on either side of the snow cat. Instead of the standard 12' side yard setback, they would have a 15' side yard setback on the western boundary of Lot 2. Chair Strachan questioned whether the easement should be wider. Planner Whetstone suggesting making it a 15' pedestrian access easement. Mr. Ogilvy replied that for consistency, they could use the exact language on the other recorded document, and say a 5' ski easement and a 10' ski buffer, consistent with the existing easements of record on adjacent properties. Planner Whetstone stated that she had reviewed the recorded document.

Assistant City Attorney McLean commented on another issue related to the UEs. She recalled that some of the facts and conditions needed to be changed because there was talk of limiting UEs on Lot 3 to 24, but that was not based on an MPD or anything else. Ms. McLean noted that it also talks about a CUP that has not yet been granted. She recommended that they go through and remove that language.

Mr. Ogilvy explained that they had proposed a plat note that was fairly specific in terms of development density entitled on Lot 3. A development covenant has been recorded on Lot 3. If it was better to be less specific, he would propose that the plat note be amended to state that there is a development covenant of record limiting the development entitlement on Lot 3. Assistant City Attorney McLean asked if that had been recorded. Mr. Ogilvy replied that there was one of record; and they were going to amend it prior to recording the plat. He explained that the applicant has the ability to change it between themselves and the owner. They decided that it would be useful to have it on the face of the plat. In addition, it would be pulled up on a property report.

Planner Whetstone noted that it was added as a Finding because the applicant requested to have it on a plat that would limit the density that could be allowed. Planner Whetstone pointed out that there is a pool of density, as opposed to B2 East, which had a Master Planned Development identifying that B2 East could have 81 units. In this case, the MPD says there is a pool of units and what can be built on which lot. The applicant requested the plat note regarding the units.

Assistant City Attorney McLean asked if Planner Whetstone was comfortable resolving the issues this evening, or whether it was better to continue this item to either the next meeting or possibly to later this evening. As she scanned through, she found references to the 24 UEs and facts throughout the report and the Findings. Chair Strachan noted that the UEs were identified in Findings of Fact #10. Mr. Ogilvy paraphrased Finding #10 to say that there was adequate density for this proposed plat note. He noted that if they remove the reference to the density from the plat note, the Finding would say, if they put 24 UEs this is what's left. If they only put 23 UEs it would not change much.

Assistant City Attorney McLean had an issue with Finding #9, "With approval of 24 UE on Lot 3 there will be" She pointed out that the City is not regulating the number of units and she thought it was messy. Ms. McLean acknowledged that she may have misunderstood. She thought there were only 24 UEs left; and therefore, they were only memorializing the fact of how many were left from the overall usage in all of Empire. She thought it was important to go through it thoroughly to make sure that every finding was completely accurate from the City's point of view.

Planner Whetstone stated that she had gone through everything. It was just an exercise to say that if so many units were built, this many would be left. The exercise that took so long last summer was to make sure they knew what had been built and what was left.

Mr. Ogilvy asked if Ms. McLean would be more comfortable if they deleted Findings #9 and #10, and added a Condition of Approval that the plat note remove any reference to the number of dwelling units or unit equivalents to be built on Lot 2. Planner Whetstone clarified that there was no density reference for Lots 1 and 2. It was only an applicant requesting to limit the density on Lot 3. Mr. Ogilvy stated that that could be achieved through a development covenant recorded independent of the plat.

Commissioner Joyce understood that there was a pool of UEs left, and Mr. Ogilvy was talking about carving them up into different ways on the different lots. However, he was now proposing to handle that separately. From the City's perspective, there is still a pool of UEs, and they know how big the pool is and how it gets allocated to the entire group; but they would no longer specify on the plat anything about 24 UE's on Lot 3. Mr. Ogilvy replied that this was correct. However, he would amend the one plat note to simply clarify the number of affordable unit equivalents to be constructed. The number of dwelling units and the number of UEs would be stricken from the plat note.

Commissioner Joyce recalled from the last meeting that the applicant was trying to make it clear that what they were allocating for both affordable units and the density to each of the different lots. He understood that Mr. Ogilvy was proposing that since it would be taken care of with their own development agreement it did not need to be tied into this plat amendment, and the applicant could still accomplish what they wanted. Mr. Ogilvy replied that he was correct. Commissioner Joyce was comfortable with the proposed change because there was less detail. Commissioner Thimm agreed that it would clean it up.

Chair Strachan pointed out that they also have the Flagstaff Development Agreement as the failsafe mechanism. Commissioner Joyce liked the fact that they were tagging the units with the affordable housing requirements.

Assistant City Attorney McLean asked for clarification of Finding #31. She asked if the off-site housing obligations were coming from the technical report. She wanted to know the source of the allocation. Planner Whetstone explained that a number of affordable units are required to be on the mountain. The Staff requested that those units be allocated to make sure they will be on-site. Mr. Ogilvy stated that the Staff ran a table confirming the remaining on-mountain affordable housing requirement. The applicant was saying that in order to make sure they satisfy their obligation to the City, they would

like to place a Charge on Title on the different parcels so whoever they sell to will provide the required units. Mr. Ogilvy clarified that the applicant came up with the allocations between the parcels. Planner Whetstone remarked that it was not tied to any density.

Assistant City Attorney McLean thought the affordable units had to be provided prior to or at the same time as the market units are built. She questioned how they could make sure that the market rate was not built before the affordable if the affordable is linked to the density but on a different lot with a different owner. Mr. Ogilvy replied that they were well ahead of their affordable housing obligation. The last project built at Empire Pass would trigger the remaining affordable housing. Planner Whetstone stated that in terms of constructing at the same time, both of the lots identified with affordable housing are condominium buildings. In all of the projects where they have been incorporated, they are part of the condominium plan. Ms. McLean remarked that she was not doubting Planner Whetstone or the applicant, but she would be more comfortable if they could double-check how it works to avoid any issues. Planner Whetstone emphasized that a condition of approval requires that the affordable housing units be on these parcels. When someone comes in for a conditional use permit, they will already know that it was their obligation.

Director Erickson understood from the table that there were 5.085 off-mountain affordable units remaining. He asked for the number of on-mountain that was remaining. Planner Whetstone replied that it was 24.725; but all of the on-mountain units were either built or required. Director Erickson noted that the allocations in Finding #31 was 1.1, 2.0 and .84, which was not even close to 24. Planner Whetstone reiterated that a lot of the units were already built. Director Erickson wanted to know the remaining number of AUEs on-mountain. Planner Whetstone replied that she had incorporated them into the bold because of the plats. Lot 3 has 1.1, Lot 2 has 2.0, and the tower residential was .84. Adding those to what was already built, and then the B2, the total is 24.75. Planner Whetstone pointed out that they would actually be providing slightly more on-mountain units with these requirements.

Director Erickson read from Finding #31, "A .84 AUE is an outstanding requirement to be constructed on MPD Lodge Building One". The next sentence says, "No AUEs are planned or identified for Lot 1. Mr. Ogilvy explained that Lot 1 on this subdivision is not the same as Lodge Site One, which is the tower residence adjacent to the Talisker Tower.

Assistant City Attorney McLean noted that Finding #31 said 4EHU/4.2 AUEs. She could only find the AUEs, and asked if the employee housing units were address somewhere. Planner Whetstone stated that EHUs are actual units. It was not a

requirement but they do keep track of it. The AUEs are the required units. An EHU is an employee housing unit. Ms. McLean clarified that there has to be 4 different units and there needs to be 4.2 AUEs allocated within those units. Planner Whetstone replied that she was correct. Mr. Ogilvy stated that the Flagstaff Development Agreement does not have a requirement for the number of employee keys, EHUs. However, it does have a requirement for the number of AHUs, which is a square footage requirement. He pointed out that the City Code has various requirements as to what constitutes an acceptable affordable housing unit. Mr. Ogilvy remarked that the assumption is that two AUEs on Lot 2 would be two separate and distinct units. It was conceivable that someone could come in with a very large affordable housing unit that would still be deed restricted to a rent that met all the requirements.

Planner Whetstone reread Finding #31 and noted that lots and building sites were interchangeable because of how they were numbered by Alliance. Director Erickson thought it could be clarified by saying no AUEs are allocated to platted Lot 1, as opposed to hotel MPD #1. Planner Whetstone thought it should be Lot 1 of the subdivision, but she would clarify by adding the name of the subdivision.

Chair Strachan stated that he is always reluctant when there is Staff discord. He asked if the other Commissioners preferred to continue this item until the discrepancies were resolved, or whether they preferred to sort it out this evening for a vote.

Commissioner Thimm believed they had made a lot of significant changes, and he preferred to have it cleaned up before they vote. Commissioner Band felt that Ms. McLean was still uncomfortable with it, and for that reason she thought the Planning Commission should continue the item to give the Staff and the applicant time to work out the issues.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

Director Erickson pointed out that most of the changes had only occurred this week. Chair Strachan recommended a continuance to make sure everything is correct. Planner Whetstone summarized that they should review the Findings regarding the UEs and the Findings regarding the AUEs to clarify Finding #31. They should also clarify the ski easement and put it on the plat so the Commissioners can see the language.

Commissioner Joyce recommended that they remove the employee housing units from the table.

MOTION: Commissioner Joyce moved to CONTINUE the request for a four lots subdivision plat known as Village at Empire Pass North Subdivision to May 10, 2017. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

6. Request for a Conditional Use Permit for the approximately 39,800 square foot Peace House facility to be located on Lot 8 of the Third Amended Intermountain Healthcare (IHC)/USSA Subdivision plat subject to the Amended IHC Master Planned Development. (Application PL-17-03510)

Planner Whetstone reported that the Planning Commission approved the Peace House CUP on Lot 8 of the IHC Subdivision, just north of the People's Health Clinic and Summit County Health Departments. They have been working with the City's Affordable Housing Program Manager to resolve affordable housing for IHC, and they wanted to include two affordable housing manager units in the Peace House and implement a few other changes. After the applicant submitted an amendment to the CUP, it was discovered that the CUP had expired in January. It was a new CUP but just an amendment to what the Planning Commission reviewed previously. Planner Whetstone had identified the changes in the Staff report.

Planner Whetstone noted that the requested CUP was for the 38,000 square feet emergency shelter and transitional housing. The Staff report outlined the background and dates related to the CUP. The analysis of the Conditional Use Permit criteria was provided in the Staff report. Planner Whetstone believed the primary change to the site plan was that the underground parking structure had been eliminated and there was now additional surface parking.

The Staff had reviewed this application against the criteria of the LMC and recommended that the Planning Commission conduct a public hearing and consider approving the CUP according to the finding of fact, conclusions of law, and conditions of approval in the Staff report.

Doug Clyde, representing the applicant, stated that a number of changes occurred while they were in the process of value engineering the project. One was that they were able to go before the City Council and get additional affordable housing unit equivalents approved for the project. Mr. Clyde noted that they added two employee units, which will help the

Peace House moving forward to lower the operating costs. Secondly, additional square footage was added in the building that was not originally anticipated within the other affordable housing units, both in the emergency shelter and the transitional housing.

Mr. Clyde noted that they eventually discovered that were conservative on the parking at the beginning, and in talking to other facilities of similar size, they realized that they had not taken into consideration the number of volunteers and visitors they would expect on any day. However, they still counted minimal parking for people staying at the Peace House. Parking at the Staff level was counted as 1.2 people per car. Mr. Clyde stated that the last value engineering item was the 12 emergency shelter parking spaces. Rather than covering that parking and putting it on a foundation, they will put a solid wall screen around it so the spaces will not be visible. Mr. Clyde noted that more detail was provided in the landscape to show how those spaces would be covered by xeriscape landscaping.

Mr. Clyde noted that Planner Whetstone had carried over a number from the last CUP and corrected that to reflect that the building size is approximately 42,800 square feet. Chair Strachan amended Finding #10 to remove 37,000 square feet and replace it with 42,800.

Chair Strachan opened the public hearing.

Morgan Busch, representing IHC, stated for the record that IHC had reviewed the updated plans from Peace House and they totally supported the proposed changes. On behalf of IHC, Mr. Busch recommended approval of this revised CUP.

Chair Strachan closed the public hearing.

MOTION: Commissioner Band moved to APPROVE the request for a Conditional Use Permit for the Peace House facility to be located on Lot 8 of the IHC Subdivision, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval with the amendment to Finding #10 to replace 37,000 square feet with 42,800 square feet. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – Peace House Facility

1. This Conditional Use Permit is for the Peace House facility proposed on Lot 8 of the Third Amended Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility Subdivision plat approved by the City Council on July 21, 2016 and recorded at Summit County April 2017.

2. Lot 8 includes a total lot area of approximately 3.63 acres. Peace House has a ground lease with IHC for the property.
3. The property is subject to the Amended Intermountain Healthcare Master Planned Development (IHC MPD), originally approved on December 7, 2006 and amended in 2014 to transfer support medical office uses from Lots 6 and 8 to Lot 1.
4. On June 18, 2015 a revised pre-MPD application was submitted with a specific request for consideration of the Peace House facility to be located on Lot 8 as fulfillment of the affordable housing requirements for the next phase of construction of the IHC Park City Medical Center.
5. The revised pre-MPD application was reviewed by the Planning Commission on August 26, 2015 and the Planning Commission made a finding that the proposed MPD amendments specific to the Peace House on Lot 8 were generally consistent with the purpose statements of the CT Zoning District and the goals and objectives of the General Plan.
6. On January 13, 2016 the Planning Commission approved the Peace House CUP.
7. On March 27, 2017 an application was submitted for a revised Peace House CUP as the previous approval expired on January 13, 2017 and a building permit had not yet been issued for the project. The application was considered complete on April 3, 2017.
8. The property is located in the CT Zoning District.
9. The property is currently an undeveloped lot and consists of native grasses and low vegetation. Wetlands are located on the adjacent Lot 12 to the north.
10. The proposed Peace House facility consists of approximately 42,800 square feet of gross floor area for an emergency shelter for victims of domestic violence; including emergency and transitional housing, support uses (day care, counseling, training, common kitchen and living areas, laundry, storage, and administrative offices), as well as two deed restricted affordable housing units. A landscaped courtyard is proposed.
11. A total of 59 spaces (5 more than the previous CUP) adequately accommodate the 2 affordable housing units, employees, residents and anticipated volunteers based on requirements for Group Care Facility in LMC Chapter 3. Twenty-three (23) spaces for 46 bedrooms, 1 space for each affordable unit, and 34 spaces for employees,

volunteers, clients, and visitors (based on number and size of office and support space).

12. The building is two stories and at the tallest point is approximately 27'10" above existing grade and complies with the 28' height restrictions of the CT Zoning District. The proposed building complies with required horizontal and vertical articulation.

13. The proposed mass and scale of the building, as well as the architectural design, materials, and colors are consistent with adjacent buildings in the surrounding area.

14. Adjacent to the north is the two story Physician Holdings support medical offices and clinic building and adjacent to the south is the two story Summit County Public Health and People's Health Clinic building.

15. The proposed building is setback more than 25' from all property lines and complies with the minimum 25' setbacks from property lines required by the CT Zoning District. The building and parking area comply with the required 50' setbacks from wetlands located to the north and west of the proposed building.

16. Access to the site is from Round Valley Drive, an existing public street that intersects with State Road 248 at a signalized intersection approximately a half mile to the south. Traffic generation is consistent with the traffic analysis reviewed with the Master Planned Development amendment and street capacity is adequate for the use. Traffic mitigation required with the Annexation Agreement was satisfied prior to Phase 1 of the MPD.

17. Two driveway entrances are proposed for the facility. The southern driveway is proposed as a shared driveway with Summit County Health. This driveway currently exists and is proposed to become a secured access to south parking lot. A northern driveway, approximately 300' from the southern driveway, provides access to the main parking area and building's front entrance. An access easement agreement with Summit County was granted for the shared driveway.

18. There are existing sidewalks along the street frontage as well as interconnecting paved trails throughout the area. The site plan proposes a sidewalk connecting the front entrance to the existing sidewalk on Round Valley Drive.

19. The proposed Conditional Use Permit is consistent with the Second Amended IHC MPD that identifies Lot 8 as an approved location for the Peace House as an emergency shelter with emergency and transitional housing, as well as support uses, to satisfy a portion of the remaining IHC MPD affordable housing obligation.

20. On February 2, 2016, the Housing Authority approved a First Amended Housing Mitigation Plan, amended the June 4, 2015 plan, allowing the Peace House facility, including the two deed restricted units, to satisfy a portion of the remaining IHC MPD housing mitigation requirements.

21. The Peace House facility does not require the use of Unit Equivalents because the Peace House facility satisfies the affordable housing requirements on-site for the MPD per LMC Section 15-6-8.

22. The Analysis section of this staff report is incorporated herein.

Conclusions of Law – Peace House Facility

1. The application complies with all requirements of the LMC.
2. The use will be compatible with surrounding structures in use, scale, mass and circulation.
3. The effects of any differences in use or scale have been mitigated through careful planning.
4. The CUP, as conditioned, is consistent with the IHC MPD as amended.

Conditions of Approval – Peace House Facility

1. All standard conditions of approval apply to this Conditional Use Permit.
2. A final landscape plan shall be submitted with the building permit application. The Planning Department shall review and approve the final landscape plan prior to issuance of a building permit. The plan shall include drought tolerant and water efficient landscaping and irrigation, snow storage areas, defensible space requirements, and additional berming and landscaping to screen parking and security walls from Round Valley Drive.
3. All exterior lighting, including parking lot lighting, must comply with the City's lighting requirements as outlined in LMC Chapter 5. Final compliance with the City's lighting requirements will be verified at the time of building permit plan review and prior to issuance of a certificate of occupancy.
4. A security lighting plan shall be submitted with the building permit application for Planning Department review and approval.
5. All exterior signs require a sign permit, approved by the Planning and Building

Departments, prior to installation.

6. The final building plans (site and landscape plans, building design, articulation, materials, colors, and design details) shall be in substantial compliance with the plans and drawings reviewed by the Planning Commission on April 26, 2017.

7. Final utility, storm water, and grading plans must be approved by the City Engineer prior to Building Permit issuance.

8. The Park City Housing Authority has the final authority to approve the IHC Housing Mitigation Plan and to determine how the Peace House Facility fulfills affordable housing obligations required by the IHC Annexation and Amended IHC Master Planned Development. This project shall comply with conditions and requirements of the First Amended IHC Affordable Housing Mitigation Plan approved by the Housing Authority on February 2, 2017.

9. The wetlands buffer shall be maintained during construction of the project and shall be indicated on the building permit plans. Wetlands delineation for Lot 8 shall be submitted with the Building Permit application.

10. Dry utility infrastructure must be located on the property and shown on the building plans prior to building permit issuance to ensure that utility companies verify that the area provided for their facilities are viable and that exposed meters and boxes can be screened with landscaping.

11. Terms of the ground lease shall include a time frame of 40 years or longer.

12. The applicant shall demonstrate at the time of Building Permit application that the building plans and construction meets the NAHB Green Standards or a LEED Certificate level. All appliances and products, including light bulbs shall be Energy Star qualifying products.

13. The access easement agreement for the shared driveway with Summit County Health Department shall be recorded at Summit County prior to issuance of a certificate of occupancy for the Peace House.

14. The development will disturb over 1.0 acre and will need to meet the requirements of the MS4 storm water permit program.

Planning Commission Meeting
April 26, 2017
Page 44

The Park City Planning Commission Meeting adjourned at 8:25 p.m.

Approved by Planning Commission: _____

PCMC MUNICIPAL CODE AMENDMENTS

Parking, Gravel, and Xeriscaping

Planning Commission Work Session April 26, 2017

OBJECTIVES

- 1) **Maintain Public Infrastructure**
 - Improve water quality
 - Groundwater and storm water runoff
 - Improve snow removal efforts and impacts
 - Maintain integrity and durability of public streets and infrastructure
- 2) **Encourage Safe and Appropriate Parking**
 - Prevent safety hazards associated with parked vehicles
 - Reduce traffic conflicts and visibility issues in the street
 - Encourage indoor storage of recreational vehicles
 - Mitigate pest control impacts/situations
 - Bring the PCMC Code up to date with codes in the region and in other comparable destination cities
 - Reduce fire hazards as a part of the Wildland-Urban Interface Code
 - Allow RV parking in a manner which maintains safety and utility access
 - Improve the enforceability and usability of the Code

OBJECTIVES

- 3) **Improve the aesthetic and visual experience of Park City**
 - Improve water conservation efforts in an aesthetically pleasing manner
 - Reduce thermal effects of gravel usage
 - Improve the Park City streetscape
 - Reduce blight and illegal storage
 - Keep up the appearance and visual experience of the City

PARKING

- Sections:
 - 9-1-3 Definitions
 - 9-2-16 Parking on Pervious Surfaces in Soil Coverage Areas Prohibited
 - 9-4-1 Special Winter Limitations
 - 15-3-3 General Parking Area and Driveway Standards
 - 15-3-4 Specific Parking Area and Driveway Standards for Single Family Residences and Duplexes, Parking Areas with 5 or More Spaces, and Parking Structures → Parking Restrictions*



PARKING

3. PARKING RESTRICTIONS

a. All vehicles, boats, RVs, trailers, and similar vehicles must be parked on an approved paved surface. At no time shall a vehicle be parked on lawn or other landscaped Areas.

b. Driveway Areas are not to be used for the storage of any trailer, camper, motor home, boat or equipment at any time.

c. Passenger automobiles may be parked on driveways serving private residences, provided the automobile is parked completely on private Property. EXCEPTIONS: Parking may be allowed within a Right-of-Way Area, such as within the Historic District when the Street is not located within the platted Right-of-Way and the Right-of-Way is between the Street and garage. Exceptions must be approved by the City Engineer.



PARKING

- Recreational Vehicle Parking Changes:
 - Allowed April 1 – November 1 for up to 30 consecutive days
 - Snowmobiles allowed November 1 – April 1 for up to 30 days
 - Outside these months, vehicles may be parked and screened in rear yards
 - Regular street parking restrictions apply
 - Number of RV-type vehicles allowed: 2
 - No coverings – prevent pest control problems, no storage
 - Historic District – allowed where properties have a minimum 12 ft. side yard
- No permits required

PARKING

- Where to park RV type vehicles
 - Restrictions
 - May not encroach on fire or utility access, easements, setbacks, clear view areas, site triangles
 - Must maintain 2 off-street parking spaces
 - Side Yards
 - Allowed on approved parking pads (one side only)
 - May not extend beyond front façade of the house
 - In Front of a House
 - Allowed outside of restricted areas
 - Must be in a reasonably maintained condition
 - On an Approved Parking Pad

PARKING

- Definitions
 - Approved Parking Pad
 - An entirely hard surfaced parking area approved by the Planning Director
 - Hard Surfaced Materials/Approved Building Materials for Parking
 - Pavers (and permeable pavement as allowed by the Planning Director)
 - Asphalt
 - Concrete

PARKING

- Other Cities...
 - Jackson, WY – Not allowed in front yards/street yards
 - Bozeman, MT – Only 1 allowed, only in a garage or rear yard
 - Hailey, ID – Only 1 allowed outside; no more than 2 ATVs (screened)
 - Boulder, CO – 18" setback from ROW, sidewalks
 - Summit County, UT – Extended storage not allowed
 - Big Sky, MT – Outdoor storage prohibited
 - Whitefish, MT – Prohibited in side yard setbacks; 180 days or less if licensed and ready for highway use
 - Pitkin County, CO – 180 consecutive days or less if permitted and ready for highway use
 - Taos, NM – 180 consecutive days or less; fully licensed and ready for highway use
 - Sun Valley, ID – 180 consecutive days or less; fully licensed and ready for highway use

GRAVEL & XERISCAPING

- Sections:
 - 11-15-3 Acceptable Cover
 - 15-5-1 Policy and Purpose
 - 15-5-5 Architectural Design Guidelines → Landscaping*
 - 15-15-1 Definitions



vs.



GRAVEL & XERISCAPING

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.



GRAVEL & XERISCAPING

Definition of landscaping in English:

landscaping



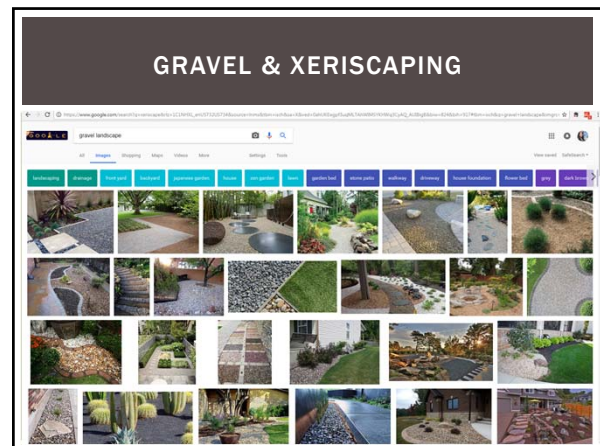
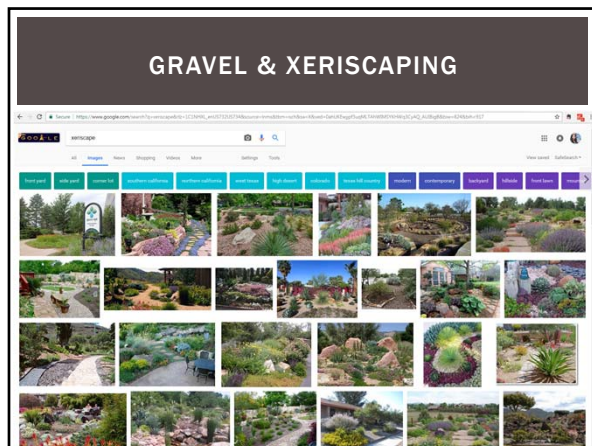
NOUN

- 1 The process of making a yard or other piece of land more attractive by altering the existing design, adding ornamental features, and planting trees and shrubs.

Similar terms [\[edit \]](#)

The term **zero-scaping** or **zeroscaping** is sometimes substituted for xeriscaping due to phonetic similarity.^[5] When used seriously, zero-scaping usually refers to a different type of low-water landscaping that is often devoid, or nearly devoid of plants.^{[6][7]} Because the term was derived from the Greek root xeros, xeriscaping is sometimes misspelled **xeroscaping**.





GRAVEL & XERISCAPING

- **Goals:**
 - Prevent runoff liquids from seeping into groundwater
 - Prevent gravel/rocks from spreading off property and damaging public infrastructure

GRAVEL & XERISCAPING

- **Definitions**
- **Gravel**
 - Gravel mulch is defined as rock mulch comprised of round rock or crushed stone 2 inches or less in diameter.
- **Xeriscape**
 - Xeriscaped areas shall consist of an attractive mix of plantings, boulders, and other landscaping materials. At least 50 percent of the xeriscaped area must contain plants, trees, and shrubs.
 - If rock mulch is used, the areas should contain rocks of differing sizes and include the use of boulders. Typically the area around plants should be mulched with an organic material to reduce heat effect from rock on the plants.
- No additions to Permit requirements

GRAVEL & XERISCAPING

- **Where is it prohibited?**
 - Setbacks
 - Public right-of-ways
 - Parking areas
 - Within 10 feet of property lines
 - Within 10 feet of surface water drainages, roads, storm drains and gutters
 - Outside any Limits of Disturbance
 - Outside areas identified for revegetation with native species

GRAVEL & XERISCAPING

- The use of gravel or rock mulch is also preferred as close to residential dwellings as possible as a part of the Utah Wildland-Urban Interface Code.
- Gravel is proposed to be limited to these areas:
 - Rear Yards – Must maintain a 1 foot rear yard setback unless controlled by a fence or a wall
 - Side Yards – Must maintain a 1 foot rear yard setback unless controlled by a fence or a wall
 - Front Yards – Allowed as a part of approved plant-based xeriscaping
 - Parking Areas – No parking is allowed on gravel areas
 - Driveways – Allowed as a part of approved driveways leading to approved parking areas

GRAVEL & XERISCAPING

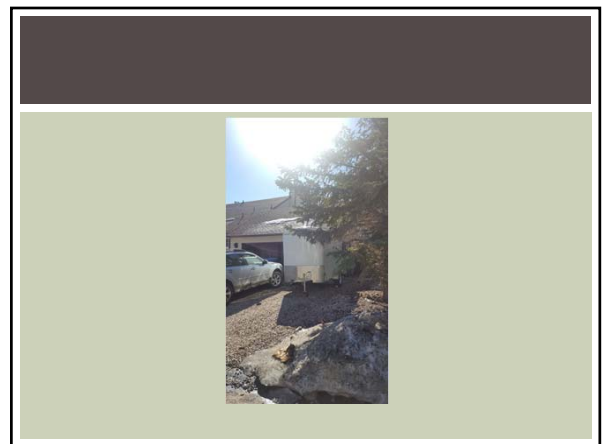
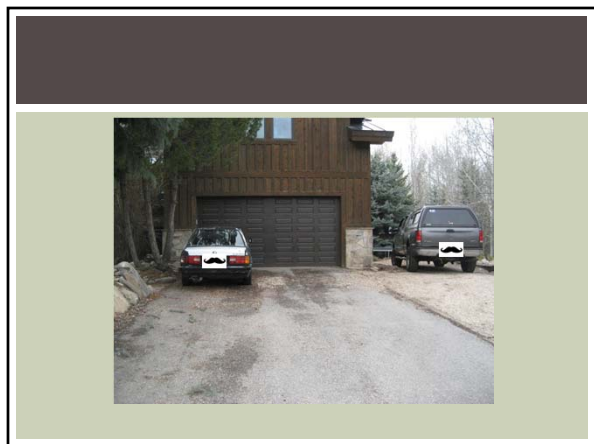
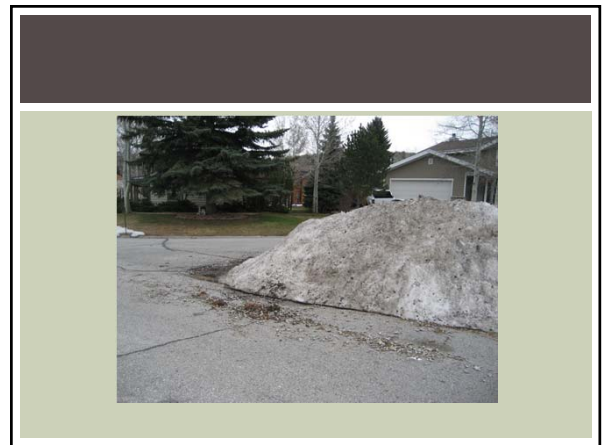
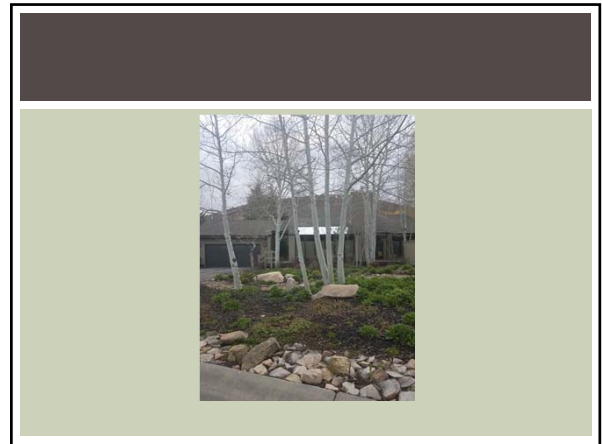
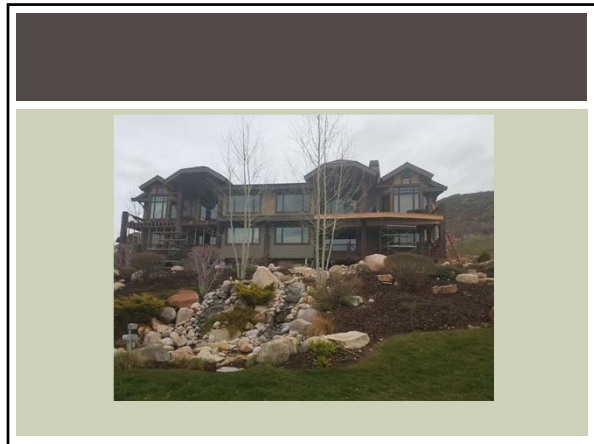
Other Cities

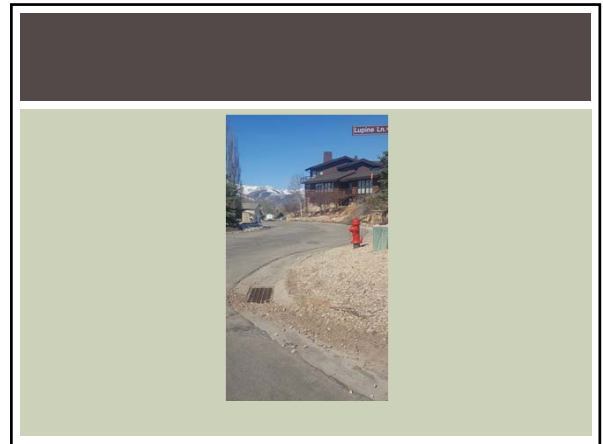
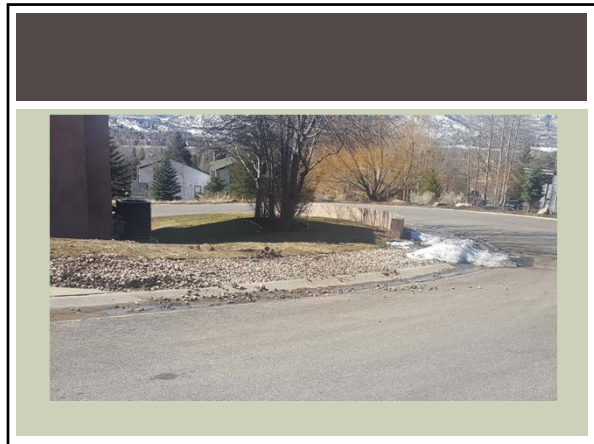
- Boulder, CO – Rocks allowed as ornamental features
 - Xeriscape landscaping principles do not include mulched or gravel beds
- Taos, NM – 7 principles of Xeriscape
- Big Sky, MT – No gravel surfacing of driveways, parking surfaces
- Lehi, UT – 50 percent plantings required in xeriscaped areas

4. The seven (7) principles of xeriscape are:

- a. Good design, with a landscaping plan integrated with and complementary to the architecture and site plan.
- b. Thorough soil preparation.
- c. Careful, planned use of shrub and lawn area.
- d. Adapted, low water demand plants.
- e. Effective and efficient watering methods.
- f. Mulched flower and shrub beds.
- g. Proper landscape maintenance and management.







Tippe Morlan

From: Clive Bush <cbushuk@gmail.com>
Sent: Monday, April 24, 2017 12:13 PM
To: Tippe Morlan
Subject: Re 166 Main Street

Follow Up Flag: Follow up
Flag Status: Flagged

Tippe:

I live on Hillside Avenue and am in receipt of your notice regarding the plat amendment at 166 Main Street.

I have no objections to the proposed changes and see them as a positive move. One thing does concern me is the resulting ownership and maintenance of the Aspen trees in the back yard. Unlike neighboring properties these trees have not been thinned and looking at the surveyed boundary some are in city property and some are on private land.

It would seem prudent that if these trees are to remain, that maintenance be carried out and ownership responsibilities established along with this agreement. Given their size and proximity to the house the city may wish to consider their removal which would seem an appropriate action.

Regards,

Clive Bush