

**PARK CITY COUNCIL WORK SESSION NOTES  
SUMMIT COUNTY, UTAH  
APRIL 9, 2009**

**Present:** Mayor Dana Williams; Council members Candace Erickson; Roger Harlan; Jim Hier; Joe Kernan; and Liza Simpson

**Tom Bakaly, City Manager; Mark Harrington, City Attorney; Thomas Eddington, Planning Manager; Diane Foster, Sustainability Manager; Crystal Ward, Project Manager; and Kayla Sintz, Planner**

**Jack Thomas, Julia Petit, Adam Strachan, and Richard Peek,  
Planning Commission Members**

**1. Council questions/comments.** Jim Hier reported on a Uniform Building Code meeting where applying SB211 was discussed; this law is significant because it empowers the legislature with the power to amend the UBC, rather than the Uniform Building Code Committee. Liza Simpson shared updates from the Lodging Association meeting. Standards for occupancy were brought up by Joe Kernan and it was pointed out that these are specified in the Fire Code not the UBC. Roger Harlan reported on Art Advisory Board projects. Candace Erickson stated that Cole Sport held its end-of-the-year party at the ice arena which is a great location for a gathering.

**2. Community carbon inventory.** Through a PowerPoint presentation, Diane Foster explained that this project was funded in July and began in October 2008 to gather information to formulate a carbon baseline for the community. The Mayor signed the Climate Protection Agreement in 2005 committing to measure carbon and water with the philosophy that what gets measured gets managed. She explained that six greenhouse gases were measured with three methods. The International Standards Organization (ISO) allows measurements that aren't recognized in other protocols, like airline travel. The Community Carbon Advisory Committee felt it appropriate and responsible to include airline and road travel in our numbers which many cities would not count. ICLEA is an organization which helps local government with sustainability issues and its protocol does not count air travel. Ms. Foster explained that the committee chose to report in two standards providing better opportunities to compare with other communities. Another standard of measurement is the Sphere of Individual Influence which points out what individuals can do in their daily lives to reduce greenhouse emissions and this will be a separate reporting calculation.

Crystal Ward explained the chart breaking down emissions by source and emphasized that about half is energy and the other half transportation. She explained that 95% of our electricity is coal-based generated and reviewed the ISO, ICLEA and the SII results. A higher number of visitors and new construction increased electricity use from 2005 to 2007 while the use of natural gas decreased because of the positive effects of building efficiencies. Ms. Ward stated that Park City's carbon footprint is 1,003,724 tons.

Ms. Foster explained that because Park City is a resort community, an average daily population has to be determined and Mayor Williams added that resorts also take into consideration second homes. Ms. Ward explained that for budgeting for service delivery purposes, 100% occupancy for second homes is used, but for this purpose 50% is used. Roger Harlan pointed out that 1/3 of our footprint is electricity use and suggested that nuclear would be a lot cleaner source than coal to produce power. Ms. Foster acknowledged that the use of nuclear would reduce our carbon emissions significantly. It was pointed out that Utah can offer one of the lowest electricity rates to consumers in the nation because of our accessibility to coal and it will be a difficult sell to switch to another power source.

She stated that our carbon footprint breaks down to 110 tons per full time capita which is lower than Aspen at 148 tons per capita because its population is smaller based on the average daily population formula. Liza Simpson understood that Aspen also includes air travel, which contributes to its high numbers and Ms. Foster advised that there is never an *apples to apples* comparison. Aspen actually uses its own methodology which tends to be similar to the ISO's method of measurement. Resort communities are different because of the number of restaurants, hotels, ski areas, etc. High altitude communities also have higher heating loads than the average city. Park City uses 59% more electricity than Aspen but emits 106% more carbon from electricity. Offsetting carbon with wind power was discussed. A small part of the project is intended to create a water baseline by a third party on a per capita basis.

Diane Foster discussed using projected population numbers based on data from SBWRD, not the state and relayed that the Community Carbon Advisory Committee recommends pursuing the goal of the Western Climate Initiative or 15% below 2005 levels by the year 2020. ICLEA encourages cities to set specific goals and Ms. Foster explained that Park City will do that after citizens provide input. She described a variety of ways to achieve the 15% reduction which can range from incentive programs to ordinances and staff is working on a survey for the community which will address goals. Park City has partners including the media, schools, non-profits, utility companies, etc. and the results of the survey will develop a road map for community engagement. Work has begun on the website with a full launch slated in late September. Ms. Foster reported that Save Our Snow II is scheduled for this fall and activities like this help engage the community. If Park City is successful in reducing carbon emissions and water consumption, there are many benefits.

**3. Joint meeting with Planning Commission - Land Management Code steep slope and Historic District amendments.** The Mayor suggested meeting next week in the event a decision is not made tonight, acknowledging that April 16 is designated as a no meeting date. Members expressed that they are willing to meet, however Jim Hier stated that he will be out of town and Roger Harlan indicated he might be out as well

next week. Thomas Eddington explained that staff considered Council's work session input from April 2, 2009 and revised the LMC draft. Questions from last week like floor layout and square footage are addressed in the PowerPoint presentation.

Jim Hier discussed an email from Peter Barnes with a drawing illustrating that the new regulations would result in breaking the 27 foot height limit by 2.25 inches. Mr. Eddington admitted that he didn't see the drawing but the proposed ordinance does not change the height limitation. The proposed third story has a setback requirement and would still fall within the 27 foot plane on most slopes. After looking at the drawing, Planning Commissioner and builder Charlie Wintzer remarked that the building is drawn a foot and a half above grade and could have easily been designed four inches below the street bringing the building within the height restriction. Mr. Hier explained that he needs to be confident that criteria will result in a buildable structure. Mr. Wintzer stated that it works, but not all property owners will be able to do what they want. Thomas Eddington explained that depending on the steepness of the lot, lower or a combination of ceiling heights may be needed to conform with height and Mr. Wintzer agreed that there are a variety of ways to meet criteria. Jim Hier asked how the ten foot setback was established. Tom Eddington explained that staff looked at typical setbacks on historic structures which ranged from five to ten feet. Some recent buildings are in the range of three to six feet but staff felt it important that the space be usable for a deck, for instance, and significant enough to provide a relief typical in historic buildings. Dick Peek added that the purpose of the setback is to make the building compatible with historic volumes. In response to a question from Joe Kernan about building a roof over the deck, it was pointed out that it would exceed the height limit.

The Mayor believed that one of the goals of the amendment is to gain equity with flat, uphill and downhill lots. Jim Hier suggested that allowing window wells would make the basement level habitable. Mark Harington emphasized that the maximum square footages outlined in the staff report are estimates of maximum potentials based on meeting the conditional use criteria and they are not guaranteed numbers. Commissioner Adam Strachan stated that no where in the LMC does it say that the Code has to apply equitably to all properties everywhere nor is that possible because lots are different and the Code is applied differently. He felt that they have reached the best solution. Dick Peek added that the current LMC is a lot less equitable than the proposed ordinance.

Joe Kernan asked why two Planning Commissioners supported the fourth floor. Charlie Wintzer indicated that four floors are not allowed now in the purpose statement because traditionally there were no four story buildings and no one built on steep lots. The proposal defines the maximum owners are allowed, not what they automatically get and the allowed use can not be exceeded. Commissioner Peek noted that applicants were actually trying to categorize their properties as steep slope projects to obtain a height

exception which was clearly not the intent of the Code and members wanted to eliminate that practice in the future. He felt that if the volumes of the building components were compatible in mass and scale to the historic elements in town, a fourth floor should be allowed. But the real reason he voted against forwarding a positive recommendation was the excavation limitation because the impacts from excavation is a short term problem not a long term one.

Planning Commissioner Jack Thomas pointed out that steep slopes forced growth into the center part of town. The steepness around the perimeter of Park City is our saving grace and made us different than most sprawling communities in the west. The issue is just not the remaining number of steep slope lots; it is really all of the lots. Historically, it was not economically feasible to tear down a building and replace it but now it is a trend making equalizing mass throughout the community even more important.

With regard to the removal of the excavation requirement, Julia Petit believed there are other ways to deal with environmental concerns. For purposes of addressing mass and scale, the proposal before Council will greatly enhance the City's ability to preserve the integrity of our Historic District. There may be some tools in the LMC that may help with environmental concerns and there may be additional changes in the future that will help. She felt that the proposed draft tackles the issues. Liza Simpson expressed that she would like environmental considerations pursued because of the green building side of it. Mr. Wintzer stated that the General Plan is probably the weakest document on environmental issues which is one of the reasons some members backed off because there is no way the Commission can make a statement about the environment because it is not covered adequately in the LMC or General Plan.

Roger Harlan asked how this amendment will apply to lot combinations. Mr. Eddington stated that the steep slope amendments would apply to lot combinations equally, acknowledging that staff will be exploring the impacts of lot consolidations in Old Town as part of the General Plan to make sure the current footprint formula is applicable. Environmental incentives for historic site inventory homes will be pursued and Mr. Eddington added that green roofs is a new recommended element of the ordinance draft.

Mayor Williams pointed out that Council heard from several people that a family of four can not build a three bedroom two bath house under the amendments as proposed. Mr. Wintzer stated that he and his wife raised two kids in Old Town but not every lot in the Historic District is appropriate for families and in many cases, limitations are prompted by the configuration of the lot and not the Code.

Joe Kernan asked if the Commission discussed a *hidden* fourth level and Jack Thomas explained that the fourth level was understood to be seen from somewhere across the

canyon or down the street, having a visual impact. There was discussion about property owners of historic homes surrounded by large contemporary structures asking for more square footage based on the argument of compatibility. Julia Petit stated that the Code is not designed to evaluate compatibility based on contemporary homes, but rather to encourage construction of historically compatible structures to contribute to the Historic District. Making mistakes in the past does not diminish the Commission's charge to look more closely at the historic structures in a neighborhood. Mayor Williams agreed and asked if the amendments provide the Planning Commission this ability and Charlie Wintzer answered it does. The Planning Commission had the ability with the old Code but this amendment provides more tools and definitions and it is the Commission's job to enforce the Code better. Mr. Peek added that the amendments are more liberal than creating rules that force replications of historic structures. Mr. Kernan asked what defines a historic building and Mr. Wintzer stated that if an inventory was conducted on what was here in the 1970s, it would probably reveal structures half of the size being built today and the trend needs to be examined. Liza Simpson stated that she appreciates the effort of bringing more clarity to the LMC and providing the Planning Commission with more tools and is frustrated by the argument that there are only a few lots left which doesn't matter to her. Everything in Old Town could potentially be torn down unless protected and it is important to step toward planning for what we want to see.

Mr. Kernan asked how this amendment will affect remodeling four or five story buildings. Mark Harrington explained that applicants would have to go through the process outlined in the non-conforming buildings section of the Code. They would be able to maintain those structures and make modifications that do not increase the degree of non-compatibility. There may be some Board of Adjustment process, depending upon the specifics. Charlie Wintzer expressed that the structure could not get any bigger and owners can work within the existing walls right now. Jack Thomas stated that he doesn't envision any additions to non-conforming structures except perhaps enclosing a porch, but modifying the roof or windows may be requested. Mr. Wintzer hoped that instead of people pursuing the biggest they can build to consider the best they can build. Ms. Petit commented that it is not just about the Code but incentivizing the community to value the Historic District with the preservation of existing historic structures and remodels of non-conforming houses to a scale that is more compatible. There are many options that as a City could be explored.

Mayor Williams asked for more clarification on 15-2.1-5(b) and Mr. Eddington explained that the section deals with the ten foot minimum horizontal step. A flat lot, under 30%, would allow for a fully covered basement and in this instance staff would not recommend the ten foot setback on the third level, because the house is dropped one level. Jim Hier clarified that a downhill façade is facing out from the slope, whether the lot is uphill or downhill. The Mayor asked Planning Commission members if they are

comfortable with what is recommended to City Council tonight and all Commission members indicated that they are. He stated that a public hearing will be held during the regular meeting, but invited public input.

Don Bloxom, designer, relayed that a decision should be based on complete and accurate information and asked how is slope going to be measured. The LMC designates a steep slope if any part of the lot is in excess of 30% but on most lots in Old Town, the approach from the street is often well in excess of 30% but then flattens out to 15% to 20%. The planning staff then has to review plans under steep slope criteria even though it is a flat lot with a steep approach. Rather than rewriting every definition, he suggested accepting some widely used definitions like deciding what the actual grade is going to be called. There are two common methods used to define grade including a simple formula used all over the country taking the average of the distances between the contours and dividing them by the area of the slope. The other is to take the average grade from corner to corner or through the center of the actual building pad. Mr. Bloxom stated that these methods allow a good understanding of the slope. As to the issue of equity, non-conforming structures will be worth a lot more when this legislation is adopted. The minimum height on the average flat lot is 27'9" based on adding the above the ground minimum, floor to floor heights, roof dimensions etc. He stated that the original 8:12 minimum pitch was lost in Old Town when it was discovered that the pitch could not be maintained with the 1996 height reduction from 28 feet to 27 feet. The illustration with respect to the snow shed issue is not good and will not work. In response to a question from Mr. Hier about the 18" minimum figure, Mr. Bloxom explained that 18" is a FEMA requirement for structures in the flood plain. Joe Kernan asked if there are ways to address this situation and Mr. Eddington explained that there is no height exception in the proposed language and the owner would have to apply for a variance. Dick Peek noted that there is an option to design ceiling heights at eight feet rather than factoring for nine feet ceiling heights and Jack Thomas pointed out that the building numbers presented by Mr. Bloxom are not absolutes. Adam Strachan stated that the Commission had a long discussion about the variances; members have never viewed the restrictions as set in stone and applying for a variance has always been an option for owners.

Jon DeGrey, architect, read a letter from Jerry Fiat who was not in attendance. Mr. Fiat wrote in support of the amendments to the LMC as shown in the April 9 proposed coordinates redline provided two issues are addressed. First, allow for floor to floor height on the lower level garage up to 12 feet which reflects a two foot increase over the recommended language. The 12 foot limit is needed to better meet grade on downhill lots land to improve the quality of the main level on uphill lots. The additional height on the lower level will have no negative impact on the goals of the amendment. Secondly, for lots where the lower level is completely below grade, allow for a side entry garage door and window wells without requiring a 10 foot setback on the third level. The

Historic Distinct Guidelines favor side entries to garages and allowing side entries without penalty will incentivize designers and home owners to place garage doors on the side. Thirdly, allow a fourth floor when a fourth floor is more compatible with the surrounding homes and steps back up the hill. The outcome for the CUP has been impossible to predict in advance. The LMC has often been used by the Planning Commission as a starting point for negotiations reducing allowable designs. Their decisions seem arbitrary and this process is costly and time-consuming to everyone and with the adoption of these amendments, the LMC will represent what is allowed and not simply constitute a lower bar to begin negotiations between the property owner and the Commission.

In response to a question from Jim Hier, Mr. DeGrey explained that reference to the side entry includes the entry door and garage door and Thomas Eddington explained that there is accommodation for this because it conforms with the Design Guidelines.

Ruth Meintsma, upper Woodside Avenue resident, expressed her confusion about the more massive look of the four feet at grade allowance and Mr. Eddington explained that this would actually help eliminate massive walls and stepping, so actually the four foot limitation will cut the amount of visible house and push it back into the hillside. She suggested that the cross-canyon view be included in the vantage points and Mr. Eddington stated that staff will consider including this. Julia Petit agreed that cross-canyon views help evaluate compatibility.

Marianne Cone, Prospect Avenue resident, thanked the Council, Planning Commission, staff and the public for their efforts and encouraged Council to consider including the cross-canyon views.

With no further comments or questions from Council or the public, the Mayor closed the public input session. See regular meeting minutes.

Prepared by Janet M. Scott, City Recorder

**PARK CITY COUNCIL MEETING  
SUMMIT COUNTY, UTAH  
APRIL 9, 2009**

**I ROLL CALL**

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Library and Education Center on Thursday, April 9, 2009. Members in attendance were Dana Williams, Candace Erickson, Roger Harlan, Jim Hier, Joe Kernan, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Wade Carpenter, Chief of Police; Brooks Robinson, Planner; Thomas Eddington, Planning Director; and Kayla Sintz, Planner.

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

None.

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

1. Colors of Success Program – Chief Wade Carpenter introduced Executive Director Laticia Medina from Colors of Success which is an outreach program for at-risk youth. Ms. Medina explained that COP has been around since 1989 and she discussed working in Park City in the capacity of Director of Hispanic Affairs for the state for many years. COP has been funded by the juvenile court system to implement a program in Park City designed for youth between the ages of 12 to 17. She described the programs available to help develop life skills and the process for referrals. In response to a question from Joe Kernan about measuring success, Ms. Medina explained testing and curriculum procedures and the Mayor welcomed the program in the community.

2. Pedestrian tunnel at Bonanza Drive – Mary Wintzer, Wintzer-Wolf Properties, stated that she dropped off a letter to City Hall addressed to Council members on this matter. Wintzer-Wolf properties has always been a good citizen and donated an easement on the perimeter of their property for a walking and bike path. In February 2009, she saw a drawing at one of the stakeholders meetings showing a ramp on their property going into the tunnel just to the east of 1255 Iron Horse Drive. At the time, she expressed her concerns about the assumed use of their property for the project, especially since they already have plans for that piece. Ms. Wintzer noted that she also saw surveyors on the property which was later staked. While she has never been a proponent of the tunnel, she had no idea that it would involve the taking of their land. A light at Bonanza Drive is inevitable making the pedestrian tunnel a non-issue and a signal can be installed at one-fifth the cost of the tunnel. She hoped that Mountain Trails Foundation will be sensitive to the entire town, especially the businesses whose commercial taxes will increase considerably because of the bond. Ms. Wintzer asked that no further plan be discussed regarding the Wintzer-Wolf property without someone meeting with her.

3. Annual HMBA Meeting – Mike Sweeney reported on the meeting where there was a 90% vote to increase dues and fees pursuant to the request of the City Council. He thanked Bret Howser, Jon Weidenhamer, and Max Paap for their participation.

4. Preserving the night sky – Marianne Cone, resident, addressed the lighting plan introduced by the HMBA for Main Street which she feels is counter-productive. She believes people come to Park City to see something more natural than that and she was exceedingly happy when the lights were removed after the 2002 Olympics because the lights detract from the architecture of the buildings. Ms. Cone felt we should think differently by focusing on improving the night sky in Old Town and urged examining the lighting ordinance again.

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

#### **IV WORK SESSION NOTES AND MINUTES OF MEETING OF MARCH 26, 2009**

Roger Harlan, "I move approval of the work session notes and minutes of the meeting of March 26, 2009". Liza Simpson seconded. Motion carried unanimously.

#### **V OLD BUSINESS (*Continued items*)**

Consideration of an Ordinance approving the 2300 Meadows Drive Subdivision, located at 2300 Meadows Drive, Park City, Utah – Planner Brooks Robinson explained that this is a two acre metes and bounds parcel and referred to his staff report. The purchase agreement and the layout of the property anticipated a connection to Meadows Drive being extended out to SR248. This is no longer an option, an easement will be required for the driveway and utilities across City property and the easement will return to the City Council for approval. The recommended action tonight is to approve the one-lot subdivision. Height, trail and fencing were discussed. Because of prior public input on this project, Ms. Erickson reiterated that the plat reflects the original building pad at the same location and the only change is moving the driveway. The Mayor opened the public hearing; there were no comments. Jim Hier, "I move that we approve the 2300 Meadows Drive Subdivision plat based on the findings of fact, conclusions of law and conditions of approval as found in the draft Ordinance". Joe Kernan seconded. Motion unanimously carried.

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

Ordinance approving amendments to the Park City Land Management Code amending the lot and site requirements and building height parameters of Chapters 2.1, 2.2, and 2.3 and adding a new definition to Chapter 15 – Tom Eddington expressed that the PowerPoint presentation is intended to illustrate what was originally recommended by the Planning Commission with regard to the steep slope and Historic District amendments and it also includes input from Council last week. The Ordinance reflects

the removal of the footprint calculation so it remains the same as the original LMC. The height exception for steep slopes was removed but the height exception for downhill lots to accommodate a single car garage is provided. There is a three story maximum, the basement or lowest level counts as a story, and a minimum ten foot setback in the façade of the third story is required. Roof pitches range from 7:12 to 12:12, in keeping within the integrity of the Historic District Design Guidelines and final grade must maintain four feet of the existing grade. As a result of Council's direction last week, the excavation limitation of 15 vertical feet was removed.

Through a PowerPoint presentation, Mr. Eddington displayed what could be built on a flat, 30% and 60% lot under the current provisions and the proposed amendments. Currently, the steeper the lot, the more square footage and stories. With the proposed ordinance the sizes of the houses remain basically the same and it is more equitable. This is the result of many Planning Commission meetings and a lot of public input prompted by discussions on the controversial reduction in footprint approach. Square footage was a topic of concern last week, and he displayed a drawing of a house on a flat lot consisting of 2,532 square feet which is the maximum and not a guarantee. On a 30% to 60% lot, the square footage is about the same at 2,342 square feet which is 190 square feet less than a house on a flat lot because of the ten foot third story setback.

Mr. Eddington stated that compatibility was another issue as it relates to the purpose statements for the HR-1, HR-2 and HRL Zones and he illustrated a chart graphing heights of single family dwellings listed in the Historic Site Inventory. The majority of houses in the HR-1, HR-2 and HR-L are between 1,000 and 1,500 square feet and the proposed ordinance allows up to 2,300 square feet. Although the maximum square footage allowed by the proposed changes is significantly larger, it is felt that compatibility is maintained. He displayed floor plans for a house designed for a single lot. Kayla Sintz explained that Jerry Fiat hired architect Jon DeGrey to produce renderings based on the 15 foot excavation version and in the different schemes, there was at least one design that showed three bedrooms and two and a half bath possibilities.

Tom Eddington relayed that staff is also recommending that when the basement story is completely underground, the ten foot setback for the third story would not be required. He displayed a graphic of a section of a house on a single family lot and emphasized that the snow shed easement requirements remain the same. There are about 204 vacant lots remaining in these districts based on GIS information and this count does not include any rehab or demolition projects. From 2003 to 2009 about 38% of our steep slope CUPs were for primary residences and 62% for secondary residences. He didn't feel that the formula will force cookie-cutter designs and he displayed a graphic illustrating the lot, building pad, and footprint proportions. The proposed Historic District Design Guidelines encourage more detailed articulation to take advantage of the building pad. One of the recommendations added is language to allow for a reduced pitch for a green roof where a 7:12 to a 12:12 roof pitch is required. A definition for green roof has been added. In response to a question from Joe Kernan about solar, Mr.

Eddington explained that staff is working with Recycle Utah on appropriate specs for solar and the issue of allowing solar panels in the Historic District is being discussed by the HPB. Side entry garages are encouraged for double lots which better comply with Historic District Design Guidelines but are not applicable to single lots. He stated that staff will be returning to Council with an ordinance dealing with environmental issues like LEED, solar, materials etc. and to extend the same opportunities to properties listed as landmark and/or significant. The Mayor opened the public hearing.

Ruth Meintsa, resident, referred to her question during work session about houses looking more massive if there is a four foot reduction in grade, and Mr. Eddington by way of illustrating a graphic showed a design with windows that broke up the massing.

Jim Hier stated that he understood that slope is now measured in 15 foot increments and any increment over 30% would categorize the lot as a steep slope.

Don Bloxom, designer, referred to a slide noting that this condition does not exist anywhere in Old Town except for places where they've built the street in the last ten years. The street level would be a minimum on an average of four feet below the garage so the entire section can be lowered by four feet. He pointed out that the square footages are gross and have no relationship to the livable space. The amendments would result in 1,400 square feet of livable space. It is important that this information is complete and accurate. He hasn't seen a drawing and/or section of a downhill lot and emphasized that if a 7:12 pitch is shedding snow on an adjacent property, the Building Official will not approve the roof. When gross square footages drop, cars will move out on the street. The new additions to the draft were introduced to the community only a few weeks ago and there has not been a lot of time to respond. Mr. Bloxom stated that these are not planning issues but design issues and planners are not designers. He criticized the three bedroom floor plan and Candace Erickson responded that the bedrooms are larger than in her Park Meadows house. Mr. Bloxom stated that the bulk of the homes can not accommodate a four member family.

Bill Tew, full-time resident of Old Town, stated that he is in favor of the amendments. Our community has repeatedly voiced its desire to preserve the character of Old Town. Keeping the size, mass and setbacks on new home construction is complimentary and consistent with Old Town's character and is highly valued. He predicted that if a referendum was held today, Council would hear the same thing. Residents living in Old Town knowingly limited their future real estate capital gains because of the restrictions of the LMC. There can be little argument that the present Code has a lot of grey areas and he is in full support of the Planning Commission's efforts to add clarity to the LMC and urged the City Council to adopt the changes.

Jim Keesler, resident and Old Town property owner, stated that he worked on a design for a house on his downhill lot located at 402 Woodside Avenue under the provisions of the draft ordinance resulting in a maximum of 1,800 square feet with a one car garage. He described the difficulty of getting stairs to the third floor with the pitch of the roof and

basically limiting ceiling heights to eight feet. He suggested removing the ten foot ceiling height and excavation limitation. People need design flexibility. The last 15 feet of his property exceeds 30% but the rest of his lot is flat. He agrees that green roofs are a good idea and if more height is required in these instances, it should be considered. Tom Eddington interjected that the pitch may be reduced for a green roof which would provide more volume. Mr. Keesler questioned why this is an issue now. There was no public input on these huge homes in Old Town and CUP applications are noticed for public hearings before the Planning Commission. Jim Hier commented that they are being constructed because the Code allows it not because there was no opposition. Many people voiced opposition to these projects.

Tom Bowen, attorney, spoke about his experience serving as a planning commissioner and his familiarity with the process. One of the things causing great frustration relates to Goal No. 8 in the General Plan that states that *Park City should take full advantage of the diverse and intelligent input from an active constituency and continue to seek input on decisions affecting Park City's future.* There seems to be a *moving target*; one time the issue is run-off, and now we find out it is building, mass and design. The plans have changed from a week ago; improvements have been made but the public is trying to analyze the impacts. He understood the City Council is under pressure because of the Pending Ordinance Rule but he urged members to take a step back to make sure that whatever is done is done correctly. Experts have testified that there are problems. He suggested including local professionals in the process because planners are not designers. There are a lot of people who have invested great sums of money in Old Town and it was pointed out earlier that 60% of the steep slope applications were for second homes. New construction is being jeopardized by the proposal and vacant lots are going to impact the tax base and budget of the City as well as economics. This significantly impacts properties and he asked what compatible means. Take a look at the General Plan and involve the experts. He reiterated that Council is rushing because of the expiration of the Pending Ordinance Rule which should not be the case.

Joe Tesch, attorney for Jerry Fiat, agreed that the process has been fast. The staff report was not available until Monday which doesn't provide enough time to respond. His client asks for consideration that the floor to floor height on the lower level be increased to 12 feet. On lots where the lower level is completely below grade, to allow for a single entry garage door and windows wells, etc. Mr. Tesch understood that this has been addressed on a double lot. Because of the prohibition on the fourth floor, he suggested allowing excavating an additional level for storage. He agreed that the ordinance drafts have been a bit of a moving target. His clients have over-sized lots and the effects of the pending ordinance are unknown. It is a mistake taking action too soon. Get it right so that it doesn't have to be continually amended.

Rich Wyman, resident, expressed his support of the proposed LMC changes to maintain the integrity of historic Old Town which needs to be protected and individual economics should not be a focal point for planning. He urged members to vote in favor of our town and its future by approving the LMC changes.

Tina Smith, Old Town home owner, stated that it is heart-breaking that owners will not be able to make as much money as expected but it's not all greed. She is shocked that some official said that Old Town is not a place for kids, which is not true. Historically, ceilings were ten feet not eight feet; bedrooms are small and there's a 27 foot height limitation which is not fair, but the green roof component is a great addition. She felt that windows should be allowed on the lowest level because it is more sustainable. The snow shed agreement negotiation can get nasty between neighbors.

Michael Baronbrug, builder and property owner, stated that he has built homes on 932 and 936 Norfolk Avenue. When he was considering the purchase of the lots, he checked out Park City's regulations which seemed more restrictive than other communities but he felt that the current LMC strikes a good balance between aesthetic design and amenities necessary to meet home owners' expectations in an upscale resort community. If the proposed amendments were in place when he was on the market for property, he is not sure he would have acquired the lots and asked why now. Old Town is 95% built-out so why make these drastic changes now. With only a few lots scattered around Old Town it would seem more viable to maintain a sense of continuity of what is current. The end is nowhere to start and these should have been considered a long time ago before Park City became what it is today. Under the current guidelines Park City has been very successful in maintaining a balance between historic significance, small town charm, and upscale affluence that very few communities can claim. The current guidelines are a huge part of the overall formula for community success that all of Park City property owners have benefitted from. Realized equity gains on properties have attracted more people to buy here under the current realistic guidelines. A vibrant community will be stagnant as people find somewhere else to go. He urged members to consider this before jumping into a decision that has a huge impact on the community as a whole and many individuals in particular. There are many owners being held up by the moratorium in place which should be lifted for those in the design and permitting stages and the City Council should take more time to consider the impact of a decision.

Harry Reed, resident, believed that the City Council is moving in the right direction, but agreed with Joe Tesch by devoting more time to the issue. The ten foot floor to floor restriction does not reflect historic houses at all, but the downhill lot garage height exception and green roof components are good ideas.

John Staffsholt, 633 Woodside Avenue, reminded everyone the LMC is a living document and changes regularly. This is not a taking but a normal evolution which has happened quite a few times over the years. Short-term financial interest is not any form of substitute for long-term community planning and often they are at odds with each other. Strict planning and zoning are critical for long term preservation of our National Historic Register designation as well as our long-term financial interest for any owner like himself in the Historic District. He explained the bad effects of no zoning by sharing his experience living in Houston. Owners of steep slopes in Park City are required to

obtain CUPs and it is not an allowed use. The trend and the current LMC allow houses to get larger as the slopes get steeper, the intent should be reversed and he felt this issue is covered in the proposed amendments. He stated that Utah is a very strong land rights state but the steep slope lots are located in an Historic District which has always been limited by zoning. New building in these zones should be limited in size, mass and scale to fit in with existing historic homes, new buildings should not compromise our historic fabric and should not result in Park City losing its status on the National Historic Register. He pointed out that it has been a busy year. The Historic District Design Guidelines have been rewritten, the LMC has been updated, two temporary zoning ordinances have been created, two Historic District lists of landmark and contributory buildings have been formulated, and more than 525 buildings in the City are now safe from wholesale demolition. He stated that all of these actions have been done to work together in concert so that the loopholes will now be closed and abuses to the system will be limited going forward. Tonight, a positive vote will affirm all of the work that has been completed by the HPB, the Planning Commission, staff and the public. A lot of time has been devoted to this and Mr. Staffsholt encouraged Council to vote in favor of the pending LMC amendment.

Dave White, architect and former member of the Historic District Commission and member of the Historic Preservation Board, voiced his support for the amendments as presented tonight. The changes coupled with the revised Historic District Design Guidelines and a proactive design review will go a long way toward helping new construction in Old Town. He requested consideration of some of the items Joe Tesch touched on, namely the ten foot plate height. A number is not needed to be assigned to floor heights as long as construction stays within the 27 foot height limitation. Also he asked that consideration be given to allowing a fourth floor on lots with a 40° to 45° slope.

Steve Yaworski, owner of a lot at 336 Daly Avenue and long-term Old Town resident, stated that there is a lot of public support for a fourth floor and more time is needed to make the right decision. The loss of square footage is an issue. He is not a speculator and has purchased property to build a home on Daly for his family but he doesn't know if there will be adequate square footage. He spoke about the massive equipment and structures prevalent throughout Old Town during the mining era. Building four stories is not out of scale for residential neighborhoods and the Planning Commission was somewhat undecided on this issue; Mr. Yaworski asked that Council keep that in mind.

Craig Weaver, 1117 Norfolk Avenue, expressed his support for the LMC changes and pointed out that there have been many compromises made throughout the process which took six months before the Planning Commission. A lot of time has been put into it. Mr. Weaver was pleased that the 25% reduction in the footprint and the 15 foot excavation limitation were removed from the proposal; the ordinance has been well thought out.

Brian Van Hecke, Old Town resident, expressed that it is unfortunate that meetings are

not well attended because he feels that are many residents in favor of this proposal. The building trend over the past five to ten years has been completely out of control with increased massing and heights and smaller setbacks. The time is now to fix the problem not later. He commended Tom Eddington and his staff for tackling this very controversial issue and what is being presented to Council today has been thoroughly reviewed. He urged members to vote yes tonight without exception.

Michael LeClear, Old Town resident, expressed that he favors taking more time to review the amendments because there are still a lot of questions. A steep slope lot is being confused with a flatter lot with a little steepness to it which is the main problem with the ordinance. His lot is flat with a slope at the end of it and it should not be considered or processed like a steep lot. The compromises have been good but Council should not vote on the ordinance yet and having a deadline makes him even more nervous.

Nathan Anderson stated that he has a family of four and would like to reside on Empire Avenue, but the floor plan displayed tonight would not accommodate his family. There is a bedroom on the second level where the dining room area has been eliminated. A family of four has to have a dining room and the ten foot setback for the third story eliminates needed square footage for bedrooms. He asked that Council take enough time to find solutions. He grew up in Park City and believed that his family should be provided the ability to live on Empire Avenue. A 1,700 square foot house will force cars on the street.

Michael Demcowicz, Ontario Avenue resident, hoped to build in Old Town and agrees with Mr. Anderson's comments. He urged taking more time on the proposed amendments.

Bob Garda, Lowell Avenue resident, stated that he and his wife built a home in 1989 and are now full time residents because of the beauty and character of the City. He thanked the Planning Commission and the Council for considering amendments; it has been on the docket for a long time. A lot of things have been considered, and he urged members to vote for it.

With no further comments, the public hearing was closed.

Jim Hier asked the logic of the ten foot plate height and Mr. Eddington explained that ten feet seemed to be a typical height. Staff looked at a 12 foot plate level on the first floor but part of the challenge is that the Historic District Design Guidelines promote a more pedestrian friendly first floor level. The 12 foot height raises questions about the height of the garage doors and the impact on the streetscape, but is something that could be looked at in the future in more detail. Mr. Hier asked whether a basement could be considered a livable area if there are window wells and Mr. Eddington explained that egress has to be provided in the space and most designs are for work-out rooms, home theaters, storage, utility or mechanical space, etc. It can not be a

bedroom unless it has egress.

Jim Hier addressed criticism about moving targets and continuing changes which in his mind is the result public meetings. Discussion, input and changes are part of the natural progression. He stated that no official said we shouldn't have families and kids in Old Town and what was said was that there are some lots in Old Town that would not lend themselves as well to families as other lots. That is not the same. He has many friends with families living in small homes in Old town.

Roger Harlan stated that he felt that there has been enough time devoted to this; the process began in October but the problems have been discussed for years. The allegation that this has been rushed is not borne out by the facts. He agreed with Mr. Hier that adjustments were made as public input was rendered and pointed out that what works for one family of four may not work for another. He took two field trips since October and met with a number of people and believes the issues in Old Town are significant and this has been a good faith effort on everyone's behalf to look at a way to do it better. He thanked the Planning Commission for tackling difficult issues.

In response to a question from Candace Erickson about the ceiling height of a third level on a downhill lot, Tom Eddington explained that the top level would be the garage level and would have an eight foot height and the levels below it would have at least eight feet. He added that it works on an uphill lot. She questioned the rationale for limiting the ceiling height and whether it needs to be included in the ordinance if the 27 foot height is met. It doesn't seem relevant. Ms. Erickson commented on her statement about bedroom size and clarified that the bedrooms shown are not tiny and the bedrooms can be bigger, but something else has to be given up in the space. Requests for the amendments began years ago and the process has gone on for a long time. Unfortunately, there were other planning priorities but this has been an issue for seven or eight years. She spoke about massive projects Council felt they had to approve because of loopholes and no legal way to deny them. The neighbors hate these homes and it became unacceptable which began the process. She stated she is not inclined to allow a fourth floor. Ms. Erickson stated that she does not want to penalize people with steep slope lots but they should not be entitled to additional square footage by creating massing on the hillside.

Liza Simpson commended the public, Planning Commission and the planning staff for their hard work. Public input has made this a better ordinance and there have been changes which is why it is a *moving target*. There are lots of places in Old Town for families but it makes perfect sense that some lots may not be appropriate. She is comfortable with all of the Planning Commission recommendations and moving forward tonight.

Joe Kernan felt that getting rid of the excavation limitation was an improvement but he would like to address some of the concerns expressed by the owners and designers. He felt that some of the problems associated with large homes resulted from lot

combinations rather than in-fill lot construction. There is an uncertain benefit to the community by restricting the homes that are left. The typical citizen would have a tough time critiquing designs under the current and proposed code. It would be beneficial spending more time on these specific areas that experts have pointed out and meet most of their needs. He didn't think the changes will be very effective at this point and it is not likely that the large structures will be town down. Mr. Kernan expressed that the focus should be on discouraging lot combinations not construction on the perimeter and he would like to continue this for at least a week so staff can address issues like enough space for stair wells, etc.

Liza Simpson stated that she respectfully disagrees with Mr. Kernan's statement. She felt he is right about lot combinations and hoped that is addressed but there is a vast difference between a three story house, a four story house, and a five story house. These amendments address houses on Ridge Avenue and other sections of Old Town where the mass and scale completely overwhelms the rest of the neighborhood.

Mr. Kernan argued that the average citizen would not think a five story building in Old Town is objectionable but what is substantial is telling someone they have to have the family room in the basement or one less bedroom. There are direct costs associated with losing square footage and light and these small changes are very important to the person living in the house.

Dana Williams stated that there were comments about how few lots are left but there are over 200 lots but he agreed with another speaker that it doesn't really matter because everything else could be threatened. There has been a high level of communication between the public and City Council members on this issue and his only remaining concern is limiting ten feet on the main level. The streetscapes in many instances were changed when homes were lifted so the ten foot plate may not make a difference. There has been a lot of process and the Mayor complimented groups on being organized and civil.

Liza Simpson noted that the language for the ten foot plate is not specific to the first story and Tom Eddington stated that staff looked at opportunities of structuring the first floor at 12 feet with the exterior detailing designed to reflect a ten foot plate appearance. Jim Hier and Candace Erickson questioned if there needs to be limitations at all. Mr. Eddington recommended limits because the ordinance deals with a three story limit and some definition of stories needs to exist. Ms. Erickson felt that a house with two floors with 12 foot ceilings should not be denied if the 27 foot height is maintained.

Liza Simpson suggested language *that a structure may have a maximum of three stories. A basement counts as a first story within this zone.* Jim Hier felt comfortable with the suggestion because it eliminates limits on the first story and applications have to go through HPB design review where the exterior details would be reviewed. Liza Simpson, "I move that we approve the amendments to the Park City Land Management Code amending the lot and site requirements, building height parameters of Chapter

2.1, 2.2, 2.3 and adding a new definition to Chapter 15 including the green roof stuff that was presented and amending 15-2.3-6(a) to read, a structure may have a maximum of three stories, a basement counts as a first story within this zone (to be inserted in all appropriate sections)". Jim Hier seconded. Motion carried.

|                  |     |
|------------------|-----|
| Candace Erickson | Aye |
| Roger Harlan     | Aye |
| Jim Hier         | Aye |
| Joe Kernan       | Nay |
| Liza Simpson     | Aye |

## **VII ADJOURNMENT**

With no further business, the regular meeting of the City Council was adjourned. The meeting for which these minutes were prepared was noticed by posting at least 24 hours in advance and by delivery to the news media two days prior to the meeting.

Prepared by Janet M. Scott

---

Janet M. Scott, City Recorder