PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
MARCH 13, 2019

COMMISSIONERS IN ATTENDANCE:

Vice-Chair John Phillips, Sarah Hall, John Kenworthy, Mark Sletten, Laura Suesser, Doug Thimm, Christin Van Dine

EX OFFICIO: Planning Director, Bruce Erickson; Laura Newberry, Planner; Francisco Astorga, Planner; Mark Harrington, City Attorney; Diane Foster, City Manager
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ROLL CALL

Vice-Chair Phillips called the meeting to order at 5:30 p.m. and noted that all Commissioners were present. He noted that Commissioner Van Dine would be leaving at 6:30.

MOTION: Mark Sletten made a motion to move into closed session. Sarah Hall seconded the motion.

VOTE: The motion passed unanimously.

Closed Session

The Planning Commission met in closed session for a security briefing.

MOTION: Commissioner Kenworthy made a motion to adjourn the closed session and return to the Regular Meeting. Commissioner Sletten seconded the motion.

VOTE: The motion passed unanimously.

ADOPTION OF MINUTES

February 27, 2019

MOTION: Commissioner Sletten moved to APPROVE the Minutes of February 27, 2019 as written. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC COMMUNICATIONS
There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Director Erickson reported that at the last meeting the Planning Commission had continued the Marsac Mine Claim to this meeting. The item was not on the agenda and it would be re-noticed for a date uncertain.

City Attorney Mark Harrington and Diane Foster provided a Legislative Update. Mr. Harrington noted that the Legislative Session would soon be ending and he would come back to the Planning Commission with a more in-depth update on Land Use matters. Mr. Harrington anticipated changes in the State Code that will require the City to modify the LMC. He provided the Commissioners with a copy of the City Council's legislative Platform Guideline that Matt Dias had prepared, which is a benchmark that the City Council uses to weigh pending legislation.

Mr. Harrington pointed out that the update this evening was a snapshot of the bills that the City would be watching before the session ends.

City Manager, Diane Foster, stated that the update this evening was requested by the Planning Director and the Community Development Director.

Ms. Foster remarked that a major bill this year was HB441, which is the sales tax bill that looks to broaden the tax base by taxing services. The City was concerned about this bill because they stood to lose a lot. Even in later versions of the bill, the plan was to cap the upside on sales tax for cities in order to redistribute the wealth, which would have a definite impact on Park City. Ms. Foster reported that HB441 had been moved to an interim session in August or sometime in the Fall. She stated that conceptually it was a good idea, but there was a risk in doing it without being able to forecast the impact.

Ms. Foster stated that HB411, the plastic bag bill, was the same bill as last year. The local reps, Logan Wilde and Tim Quinn, have done an amazing job on this bill. Tim Quinn is of the opinion that plastic bags should not be banned, but each city should have the right to do what they want as a local government. Ms. Foster noted that HB411 was put on hold. The bill's sponsor tried to get it back on the floor but was unsuccessful.

Ms. Foster reported that HB320 was the biggest bill the City was following. It is the Rocky Mountain Power bill that they were doing in conjunction with Rocky Mountain Power. Ms. Foster stated that if the community is going to be 100% net zero by 2030, the first thing is to get off of coal and natural gas. She stated that moving to electricity will solve the biggest piece of the puzzle, as long as the electricity can come from renewable sources. This bill paves the way, and it lets the community decide whether or not to put it out to the people. Instead of allowing people to opt in for 100% renewal, which is the current process, it would be an opt-out provision. Ms. Foster explained that there would be three billing cycles to opt-out. Anyone who does not want renewables will not be required to have them. She stated that if there is a significant price differential, the City would put programs in place for low income.

Ms. Foster was very excited about HB320. It passed the House the day before and went to the Senate; however, the Senate had not yet brought it to the floor.

Ms. Foster reported that the Legislature had taken away Park City's ability to regulate nightly rentals and transportation networks. They lost taxis about three years ago because they were deregulated. Last year, when the Legislature tried to deregulate nightly rentals and take all enforcement away from the cities, the Utah League of Cities and Town, as well as Matt Dias who was the point staff person for the entire state, worked with Representative Knotwell to allow the City to continue to send friendly letters. However, they can no longer look up the properties online and send a letter informing the owner that they do not have a business license for their nightly rental. Ms. Foster noted that it is a tax issue for some communities; but for Park City it is a matter of providing a level playing field for hotel providers. It is also a health and safety issue if nightly rentals do not meet a certain standard.

Mr. Harrington stated that the House Bills could be found online at the Utah League of Cities and Towns homepage if the Commissioners wanted to learn more about the bills.

Mr. Harrington commented on HB315, the Land Use and Development Act Amendments. The bill has a number of technical fixes regarding items such as capital improvement, public improvement, bonding, subdivision requirements, the way streets are vacated, distinguishing street ROW and other easements to make the process easier for non-rights-of-way that were platted by third parties in the 1970s. Mr. Harrington stated that the main objective is to more clearly distinguish between legislative acts and administrative acts. The bill does not resolve all the issues, but it moves closer to drawing a brighter line between which actions are considered legislative and which actions are administrative. It is important for referendum purposes and for the standard of review and criteria. The bill will add a requirement for localities to identify the type of item in the Staff reports. He pointed out that Park City already makes that identification in the Staff reports. Mr. Harrington recalled that two years ago Park City had to change the LMC to give historic preservation appellates the choice to go to an appeal authority or to the legislative body. HB315 undoes that change. However, the bill preserves the ability for the City and the applicant to agree on a third party appeal authority if the person does not want to go before the designated appeal authority; particularly when it is the legislative party.

Mr. Harrington reiterated that he would walk through all the changes once they are adopted. He stated that Bill 315 is the result of a yearlong land use committee task force that is staffed by both municipalities, private property rights coalition, and intermittently with legislative representatives directly. He represents Park City on the committee and they have worked on changes to the bill that are very different from where it started. The original bill was much more restrictive. Mr. Harrington stated that Park City tries to work behind the scenes with other jurisdictions on these issues rather than taking the lead.

Mr. Harrington stated that the Land Management Code changes will be co-mingled with Staff proposed changes and changes required from the Legislative session. The changes will be broken out in the Staff report and identified as either changes proposed by Staff or State required code changes.

Commissioner Kenworthy reported that he attended the transportation meeting the day before. It is a great, diverse and smart group who are helping the Nelson Nygaard Group. The survey was recently completed and they had not yet parsed out all the data. Commissioner Kenworthy noted that there were 300 completed surveys and they were able to parse that information to get a good view of what was occurring.

Commissioner Sletten asked Commissioner Kenworthy to describe the level of detail in the survey. Commissioner Kenworthy stated that it was a robust application that charted every move that person made. They would put in which vehicle was used, where they were going, if they had any passengers, whether they walked or biked that day; as well as a variety of other questions. The survey was very detailed and he was very impressed.

Commissioner Kenworthy stated that the goal is to reduce 25% trip reduction on vehicles through the gateway corridors. They are not close to understanding the numbers or the solutions, but eventually they should be able to achieve the solutions with the information collected. Commissioner Kenworthy remarked that there is participation with the Wasatch County Planning Department, which is critical due to the growth in Wasatch County. The projection is that in 2050 there will be 25% household growth and 29% employment growth. Those numbers are significant, especially given the goal of reducing vehicular traffic in the entry corridor by 25%.

Vice-Chair Phillips asked Commissioner Kenworthy if he was talking about numbers within the city-limits. Commissioner Kenworthy replied that it was SR224 and 248. He was very pleased with how it was all moving forward.

ELECTION OF CHAIR AND VICE CHAIR

MOTION: Commissioner Thimm moved to nominate Commissioner John Phillips as the Planning Commission Chair. Commissioner Sletten seconded the motion.

Commissioner Phillips accepted the nomination.

VOTE: The motion passed unanimously.

MOTION: Commissioner Sletten nominated Commissioner Laura Suesser as the Planning Commission Vice-Chair. Commissioner Kenworthy seconded the motion.

Commissioner Suesser accepted the nomination.

VOTE: The motion passed unanimously.

Commissioner Van Dine left the meeting.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. <u>4, 6,8 Claimjumper Court – Plat Amendment – Request to combine six lots into three lots.</u>

Planner Laura Newberry provided a brief history regarding the requested plat amendment. In 1971 the original Thaynes Canyon subdivision was approved. In 1977 part of the golf course was deeded to the adjacent property owners in additions to Lot 65 through 84 of the Thaynes Canyon subdivision, which are called A lots. Planner Newberry reported that an agreement recorded in 1977 discussed what could and could not be built on those A lots.

Planner Newberry reported that the current proposal was not proposing to change the setback in the rear, which was proposed in the original proposal and indicated on the notice that was sent to the neighbors. The Staff was made aware that the setback change was removed from the application after the public notice was sent.

Planner Newberry stated that the public comment she received was included in the Staff report, and those comments related to the originally proposed setback changes.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council for the requested plat amendment based on the findings of fact, conclusions of law and conditions of approval found in the draft ordinance.

Commissioner Thimm referred to page 50 of the Staff report and the language about the removed lot line and an easement line that was removed. He asked about the easement. Planner Newberry explained that the easement was being removed and it was being replaced in the back. Commissioner Thimm clarified that the easement was actually being relocated but not removed. Planner Newberry answered yes.

Chair Phillips was unclear on what the plat amendment would actually change. Planner Newberry explained that the purpose is to have one tax document instead of two by legally combining the two lots. Chair Phillips assumed the calculations for the size of home would remain the same because the setbacks were not changing. Planner Newberry replied that he was correct. She remarked that what could be built and where it could be built would not change with this plat amendment.

Chair Phillips opened the public hearing.

Dennis Hanlon, representing the Thaynes Canyon HOA, believed this was a two-part application. He understood that one was to erase the lot lines between Lots 68 and 69, and 69 and 70. He asked if that was correct.

Planner Newberry answered no. She explained that the lot lines being removed were only between 68 and 68A, and through 69 and 69A, and 70 through 70A.

Mr. Hanlon acknowledged that he misunderstood. He thought the proposal was to combine three lots into one lot. Planner Newberry clarified that those lots would remain separate. Only the A lots were being combined.

Mr. Hanlon stated that the Thaynes Canyon HOA was opposed to this plat amendment. When the City granted the property to Thaynes Canyon in 1977 it was done with the understanding that the lot lines would not be removed and nothing could be built on those lots. Mr. Hanlon felt that allowing it now would open up future problems with other lot owners in Thaynes Canyon. This has never been allowed in Thaynes Canyon and they did not want to see it start now. Mr. Hanlon stated that in addition to the lots, the plat amendment states, “Do hereby dedicate for perpetual use of the public all parcels of land shown on this plat as intended for public use”. He believed that making them into one lot takes away from that intent. Mr. Hanlon noted that other lot owners built their homes without changing their lot and he did not want that to change.

Chair Phillips closed the public hearing.

Chair Phillips clarified that because nothing would change in terms of building on the lot, he thought the Conclusions of Law and the Findings of Fact adequately addressed that fact. Chair Phillips emphasized that the Planning Commission would not be giving permission to build in an area outside of what is already allowed by the HOA.

Commissioner Sletten asked if there were other lots in the subdivision that have the same A-B lot structure. Planner Newberry identified an area where all the lots in that area have a connected A lot. She noted that some of those lots have already been combined. Commissioner Sletten asked if the lots that were combined in the past had the same setback requirements. Planner Newberry showed the lots that had already been approved by City Council and recorded with the County. Commissioner Sletten asked if the same setback requirements were imposed on those prior combinations. Planner Newberry stated that it was imposed on some but not all. Director Erickson explained that over time this has been a continual conversation in the neighborhood. On some lots the setback line was requested to be moved. On other lots there was no request to move the setback. In this case the setback line was not moving.

Chair Phillips recalled that the Stein lot ended up building into the A lot area and they changed the setback. However, for last lot that came to the Planning Commission, the applicant asked for permission to change the setback and build into that area based on the argument that it had been done before. Chair Phillips stated that the Planning Commission had already determined that whatever occurred before was a mistake and they set a new precedent of not changing where building could be built on the lot. He believed their decision on the last request set a new precedent to keep everything structured the same and not allow the lot to move.

Commissioner Kenworthy understood that the previous applications were also under a different LMC. Planner Newberry replied that it was under a different LMC. In addition, the State added the good cause provision, which was added into the LMC after the 1996 approval.

Chair Phillips stated that if the standard is to show good cause, he was unsure what the good cause would be, other than removing an interior lot line. Director Erickson stated that from the Staff perspective, the good cause is that it allows the City to better manage how the houses are built in Thaynes Canyon. City Attorney Harrington stated that another reason is that the City does not like remnant lots because it can create potential problems. He did not fault the HOAs position because it also creates enforcement issues. They rely upon the Building Department, in coordination with pulling up the plat, to determine the setback line on the plat as opposed to just the zoning code.

Commissioner Hall noted that it is also difficult to obtain insurance on vacant land. The land can be insured with the home, but not the separate parcel.

Commissioner Sletten asked if there would be sufficient notes on the plat to be clear in the event that someone wants to tear down the existing home and build a new home, or build a home on a vacant lot. Director Erickson explained that the old lot line goes away but the setback line is noted on the new plat. Planner Newberry read, "Rear yard setback to be determined from this line. See Note 5." She noted that they tried to make it as clear as possible.

Commissioner Kenworthy noted that Condition of Approval #7 states that a note will be placed on the plat.

Commissioner Thimm thought the Planning Commission already had a precedent based on what was done several years ago. He was unsure whether the Owner's Dedication was never brought to their attention or whether they never noticed it, but the language states that it is dedicated for perpetual use of the public for those parcels. He asked if anyone knew if the public actually used those parcels. Planner Newberry not sure. However, this plat amendment would not change what can or cannot be built in the rear lot. Therefore, it could still be used by the public.

City Attorney Harrington understood that the language Commissioner Thimm referred to was the general Owner's Dedication language, which is mirrored on both plats. He would have to check to make sure, but that language appears on every plat. He thought it was the old dedication language that refers to any parcel designated for public use. He was unsure whether there was still a public easement over these parcels. Planner Newberry stated that the plat also says that the 1977 agreement dictates what can and cannot be on the lot. Mr. Harrington asked if the parcels were dedicated to public use in their entirety. Planner Newberry replied that it was not in the 1977 agreement. Mr. Harrington stated that they could verify that in the Staff report should the Planning Commission forward this to the City Council. He pointed out that it was standard language on every plat from that era. If there was a trail easement or a dedicated utility easement, that is the dedication language that the LMC at the time required on all plats for the offer of dedication for those designated for public use. If there is no line on the parcels saying "public", they would not be designated for public.

He was unable to read the words on the exhibit in the Staff report, but he would go back and verify.

Commissioner Thimm referred to the diagram on page 54 of the Staff report and noted a dash line on the diagram that goes between 77 and 78 that is not identified. The line continues through 77A and 79A. In looking at the aerial, Chair Phillips thought it looked like two or three of the lots have patios. Director Erickson remarked that the way the 1977 reads is that a house cannot be built back there but other things could be done. There is a 10' wide stream easement on the bottom of the plat. Planner Newberry believed the line on the diagram that Commissioner Thimm had referenced was the stream easement. Director Erickson clarified that the easement for the creek that runs down the back of the lots and comes out at the golf course. Commissioner Thimm clarified that it had nothing to do with granting the right of the public to access.

Planner Newberry pulled up the exhibit in full size of the Owner Dedication from the original Thayne's Canyon subdivision. Mr. Harrington did not believe the argument would hold true that the entirety of all the lots would be dedicated to the public, because that is not the case. Commissioner Thimm stated that if the line was not a public access easement, the only way to use that public land without trespassing would be to access from the air.

Mr. Harrington believed at the time it was the intent because it was definitely the cleaner way to segregate the open space use from the developable lot. However, land use law is migrating and to leave these as separate definable parcels is just a risky as counting on the Building Department to read the plat they are required to read before issuing a building permit. It is a judgement call and he did not believe there was a right or wrong way to do it. The Staff was recommending approval in terms of whether it meets the requirements of the Code and provides additional protection long term.

Commissioner Hall asked if the initial purpose for creating remnant parcels was to avoid issues with code enforcement within the Building Department. Mr. Harrington thought it was because that is what they heard in prior hearings.

Chair Phillips re-opened the public hearing.

Ellie Sonntag, a homeowner in the Thaynes Canyon area, stated that these lots are not considered rogue lots. It is a clear bright line and when the homeowners purchase their home they are aware that Lot A cannot be built on. Ms. Sonntag remarked that it is very clear and it sets a boundary when the property is purchased on what the buy can and cannot do with the property. She was concerned that if they remove lot line A, what is clear now will become fuzzy. Ms. Sonntag did not believe it was difficult to pay the second tax because it comes at the same time as the first notice. She felt there was no reason to remove the lot line that establishes a very clear directive to whoever buys the property. Ms. Sonntag noted that Lot A is joined to the property and it cannot be sold separately. As homeowners, she and her neighbors have all fought to preserve that line in their neighborhood.

Commissioner Suesser asked Ms. Sonntag if she has seen objectionable building in the lots that have been combined.

Ms. Sonntag stated that she was not sure which lots have been combined. Her neighbor next door had four parcels that they tried to combine into one lot with the intention of building on Lot A. The neighbors got together and informed that property owner that they all knew what to expect when they purchased their property and everyone expects their neighbors to honor the restrictions on Lot A. Ms. Sonntag urged the Planning Commission to maintain the clear directive and not to think that the A lots are a nuisance for the neighborhood.

Commissioner Sletten understood that Dennis Hanlon spoke on behalf of the HOA. He asked if Mr. Hanlon had canvassed the rest of the owners to see if they were all were as adamantly opposed or whether some were in favor of the plat amendment. Mr. Hanlon replied that he only heard about it this afternoon and he had not had the opportunity to speak with other owners. However, as Ms. Sonntag had stated, when this was tried years ago, the neighbors were vehemently opposed.

Planner Newberry clarified that on 9 Hidden Splendor Court that Ms. Sonntag had referenced, the owner was requesting to change the rear setback. On the original proposal for the plat amendment being reviewed this evening, the owner was also requesting to change the rear setback, but that request has been removed. Planner Newberry emphasized that nothing was changing on the A lots. The only change is to remove the lot line. A note on the plat will require compliance with the 1977 agreement.

Mr. Hanlon remarked that the concern is that once the lot line is removed, a future owner may want to build on the full lot not understanding the restrictions, and it will result in a neighborhood fight. Planner Newberry understood the concern. For that reason, the Staff added a note on the plat that the setbacks will be measured from the current existing rear setback. The hatched area would remain on the plat. Director Erickson stated that the plat without the lot line identifies a “no build” area.

Planner Newberry explained that the applicant withdrew the request to change the setback request partially because they knew the Staff would give a negative recommendation on the setback; and also because they realized they could build what they wanted without changing the setback.

Chair Phillips closed the public hearing.

Chair Phillips understood the neighbors' concerns, but in reality nothing was changing and there was good cause for the plat amendment. He pointed out that 9 Hidden Splendor came to the Planning Commission requesting a setback change. The Planning Commission would not allow the setback to be changed and told the owners what they would accept. The Eriksen plat was done in 1996 before the Good Cause provision and under a different LMC.

Director Erickson noted that Planner Newberry had research back as far as the 1972 master plan for the golf course. It appears the Lot A mechanism was easier than replatting all of Thaynes Canyon I in 1977. The Staff would not recommend approval for anything other than to remove all the lot lines and re-establish the no build area in the hatch line. Director Erickson believed the conditions of approval and the hatched areas were sufficient information for future landowners.

Using Lot 68 as an example, Commissioner Hall asked about the procedure for building a house on the lot. Director Erickson stated that the owner would work with the Building Department and the Planning Department. A Staff person would pull up the plat on the computer and inform the owner of the zone requirements and any notes on the plat that relate to building on the lot. The architect uses that information to design the house and the building plans are submitted to the Building Department. The plans then go to the Planning Department to be reviewed by the project planner. The planner reviews the setbacks and the plat. Planner Newberry explained that the specific setback numbers were not included because the LMC could change.

Planner Francisco Astorga stated that prior to the process being finalized, the applicant is required to acquire a survey, and the survey also has the information from the plat.

Commissioner Sletten asked if there was any ambiguity if someone were to make that same application as the lots currently exist. Director Erickson believed this provided more clarity rather than reducing ambiguity. It is much easier to determine the building area based on the hatching now versus the way it was hatched on the original plat. Commissioner Sletten asked if the Staff was concerned about the precedence that Mr. Hanlon had referred to in terms of future applications. Director Erickson stated that the Staff had discussed cleaning up the property lines in this entire section of the subdivision at one time; however, that would require agreement by all the property owners because it is a voluntary process. Director Erickson stated that consistency with the application and the actions taken in the past will matter more than precedence. The Staff would be consistent in reviewing any application in that location.

Commissioner Hall stated that on first glance the new plat did appear clearer in terms of the no-build zone. Planner Astorga pointed out that everywhere else it is referred to as the limits of disturbance rather than a no-build zone. Planner Newberry clarified that it is not called a "no build zone" on the plat. The language just says that it must abide by the 1977 agreement.

Commissioner Suesser asked why it only referred to the 1977 agreement rather than specify a "no build zone". Planner Newberry explained that the agreement allows construction in that zone; however, the applicant is required to go through the conditional use permit process and obtain approvals. The agreement limits what can or cannot be built. Director Erickson clarified that a house expansion is not allowed. It is an accessory building allowance and that will not change. Planner Astorga suggested adding the 1977 Agreement language to the plat.

Commissioner Hall suggesting adding a condition of approval stating that the hatched area is subject to an agreement limiting the use of this area. They could then transfer the agreement language to be clear on the plat. Planner Newberry offered to add that condition.

Commissioner Suesser wanted to know what the area was called on the old plat. Planner Newberry believed the applicant had pulled the language from the old plat and then clarified it further. She read, "All conditions of the March 23, 1977 agreement between Royal Street Land Company and the City, as stated in the document recorded as Entry No. 113625 at the Summit County Recorder's Office shall apply". Director Erickson understood that Commissioner Suesser had asked how the A lots were referred to on the earlier plat. Planner Newberry pulled up the old plat but there was no reference. Commissioner Suesser thought Planner Astorga had said it was originally called the limits of disturbance rather than a no-build zone. Planner Newberry clarified that the language requires compliance with the 1977 agreement. It is not called a "no build zone", it just has to comply with the agreement. Commissioner Thimm understood that it reverts to the existing language. Planner Newberry replied that he was correct.

Commissioner Sletten thought it was better to make it absolutely clear on the plat as opposed to having to refer back to the 1977 document. Planner Newberry noted that the Agreement was two pages and it would be difficult to add it as notes on the plat. Director Erickson stated that they could extract the pertinent paragraph from the agreement for the plat. It was not necessary to add the entire agreement.

Director Erickson thought it would add additional control, because the City does not get involved in changing the Covenants for the Subdivision. He suggested that a motion should include adding paragraphs 2 and 3 from the 1977 Agreement to the plat, with the designation stating that the hatched area is subject to paragraphs 2 and 3 of the agreement as follows. Commissioner Hall thought that was much clearer than what existed.

Commissioner Kenworthy commented on the continuity of the easement and asked Planner Newberry to explain how that would work. Planner Newberry stated currently the easement goes in a box around each of the lots. If this plat amendment is approved, the easements would go around the entire odd shaped piece instead of the box. It was a matter of moving one section to a new location. That was the only change. Everything else remained in the existing location. Commissioner Kenworthy asked how it connects to Lot 67. Planner Newberry replied that the lots next door would still remain, but it would jag into a side portion and then up. Commissioner Kenworthy clarified that there would still be connectivity. Planner Newberry answered yes. She noted that various utility departments had reviewed it and had no concerns.

Commissioner Suesser wanted to know why the utility easement was being moved. Chair Phillips stated that there was no need for it. Commissioner Thimm asked if they had confirmed that there were no existing utilities in that easement. Planner Newberry replied that it had been verified.

MOTION: Commissioner Hall moved to forward a POSITIVE recommendation to the City Council for the 4, 6, 8 Claimjumper Court Plat Amendment, in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval found in the draft ordinance, and as amended to add paragraphs 2 and 3 from the 1977 Agreement to the plat. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

<u>Findings of Fact – 4,6,8 Claimjumper Court - Amendment</u>

1. The subject properties are located at 4 Claim Jumper Court, 6 Claim Jumper Court, and 8 Claim Jumper Court.
2. The sites are within the Single Family (SF) District.
3. The Planning Department received a complete application for a Plat Amendment on November 29, 2018.
4. The Plat Amendment requests to combine six lots into three lots.
5. Proposed Lot 68 will contain 0.31 acres or 13,554 square feet. Proposed Lot 69 will contain 0.27 acres or 11,699 square feet. Proposed Lot 70 will contain 0.22 acres or

9,712 square feet.
6. There is one existing Single Family dwelling on each of the three Lots.
7. There is a five foot (5') Public Utility Easement along the Front of each of the main Lots (68, 69, and 70) and a seven foot (7') Public Utilities and Drainage Easement along both Sides and the Rear property lines of each of the main Lots (68, 69, 70). The Applicant proposes to maintain all of these with the exception of moving the Easement in the Rear to the new Rear property line of the combined Lots, see Attachment 1.
8. An Agreement between the City and Royal Street Land Company, restricting the use of parcels 65A-84A, was recorded at the Summit County Recorder's Office on March 23, 1977.
9. The City Council approved the Eriksen Replat (13 Hidden Splendor Court) on July 25, 1996. This Plat Amendment allowed the applicant to measure the Rear Setback from the new Rear boundary of the combined Lots.
10. The Good Cause requirement for subdivision plats was added to Utah State Code after the 1996 Eriksen Replat.
11. The City Council approved the 61 Thaynes Canyon Drive Subdivision (61 Thaynes Canyon Drive) on January 24, 2008. This Plat Amendment included a note that Setbacks would be dictated by the 1977 Agreement.
12. The City Council approved the 9 Hidden Splendor Replat (9 Hidden Splendor Court) on March 19, 2015. This Plat Amendment included a note stating that "The originally platted rear lot line shall be the line from which the rear yard setback is determined so that the original rear yard setback will not be altered by this plat amendment."
13. The majority of the homes in this neighborhood maintain the ten foot (10') Rear Setback from the "A" Lots since these lots were originally owned by the City (golf course) and the ten foot (10') Rear Setbacks were required.
14. As conditioned, the proposed plat amendment does not create any new noncomplying or non-conforming situations.
15. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

<u>Conclusions of Law – 4, 6, 8 Claimjumper Court – Plat Amendment</u>

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 Plat Amendments.
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.

<u>Conditions of Approval – 4, 6, 8 Claimjumper Court – Plat Amendment</u>

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 shall 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. Fire sprinklers are required for all new or renovation construction on this lot, to be approved by the Chief Building Official.
4. A note shall be added to the plat stating that all conditions of the March 23, 1977 Agreement between Royal Street Land Company and the City, as stated in the document recorded as entry #137582 in Book M93, at the Summit County Recorder's Office, remains in full force and effect, including but not limited to the following two conditions:
    a. The use of Lots 65A to 84A, inclusive, shall be restricted and limited to only landscaping, private recreation facilities, and fencing.
    b. There shall be no construction, erection or maintenance of any buildings for use as primary dwelling buildings on the said lots of 65A to 84A inclusive, but the construction of garages and other ancillary buildings may, at the discretion of the City, be permitted, provided further, however, that a conditional use permit is first obtained from the City.
5. The area affected by the 1977 Agreement shall be cross-hatched on the plat prior to recordation.
6. The existing seven foot (7') wide Public Utilities and Drainage Easement will be relocated to the back of the combined lots.
7. All other existing Easements shall be maintained.
8. A note shall be added to the plat which shows where the former lot line was between the designated "A" lots and the regular lots and shall indicate that the Rear Setback shall be calculated from that line so that the Rear Setback is not altered by this Plat Amendment.
9. All other Conditions of Approval from the Thaynes Canyon Subdivision (recorded July 28, 1971, as Entry No. 113625) and the Thaynes Canyon Subdivision Addition to Lots 65-84 (recorded May 2, 1977, as Entry No. 137581), remain in full force and effect.

2. <u>269 Daly Avenue – Plat Amendment- request to relocate an existing platted Maximum Development Line, ten feet to the east of the lot.</u>

Planner Newberry reported that in 2013 the City approved relocating the historic structure on this site by moving it forward 4-feet towards Daly Avenue. Construction was never completed and the applicant re-applied in 2017. The 2017 application was reviewed by the City under a different LMC and different review criteria, and the request to relocate the house was denied.

Planner Newberry stated that instead of moving the house forward, the applicant was now requesting to remove the maximum development line that was platted around the time of the 2013 approval to move the house. The applicant would like to move the house back 10-feet. Planner Newberry explained that the reason for 10-feet versus the original 4-feet is that this portion of the lot is quite steep. Four feet on a flat area is different than 4-feet on a steep section.

The Staff recommended that the Planning Commission forward a positive recommendation to the City Council for requested plat amendment in accordance with the findings of fact, conclusions of law, and conditions of approval found in the draft ordinance.

Commissioner Thimm noted that the Staff report contained HDDR Findings and there was a lot discussion about the house. When he looked on Goggle Earth there was no house on the lot. Planner Newberry stated that in 2013 the house was approved to be deconstructed, relocated, and reconstructed. The deconstructed house was currently in storage. The house would be reconstructed in its original location.

Director Erickson stated that the Staff had visited the site and this plat amendment would create no additional impacts to the steep slope behind the house. It also prevents the historic house from being relocated. Planner Newberry reported that there would only be retaining walls in the additional 10-feet. Chair Phillips clarified that this would not add additional square footage to the home. Planner Newberry replied that there would still be a maximum house size as there was on the original plat.

Chair Phillips opened the public hearing.

There were no comments.

Chair Phillips closed the public hearing.

MOTION: Commissioner Sletten moved to forward a POSITIVE recommendation to the City Council for the 269 Daly Avenue Plat Amendment, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as contained in the draft ordinance. Commissioner Kenworthy seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 269 Plat Amendment

1. The subject property is located at 269 Daly Avenue.
2. The site is within the Historic Residential (HR-1) District.
3. The property is shown on the Historic Sites Inventory as a “Significant Site” and includes a 720 square foot mining era home constructed in 1901.
4. The Plat Amendment requests to relocate an existing platted Maximum Development Line approximately ten feet (10’) to the east.
5. The Plat Amendment is necessary in order for the applicant to obtain a building permit for the proposed addition to the rear of the existing home.
6. The Plat Amendment will not change the size of the existing lot.
7. Per LMC 15-2.2-3(E), Accessory Buildings listed on the Park City Historic Structures Inventory that are not expanded, enlarged or incorporated into the Main Building, shall not count in the total Building Footprint of the Lot.
8. The existing Historic home and Historic garage cannot be moved or relocated to another site on the Lot.
9. Any addition to the home would require review by the Design Review Team and any exterior remodels or additions would be reviewed for compliance with the adopted 2009 Design Guidelines for Historic Districts and Historic Sites.
10. Staff finds that there is good cause for this Plat Amendment.
11. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law – 269 Daly Avenue – Plat Amendment

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 Plat Amendments.
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 – 269 Daly Avenue – Plat Amendment

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 shall 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 plat shall note, prior to recordation, that the maximum Gross Floor Area, as defined by the Land Management Code, will not exceed 2,000 square feet.
4. Prior to recordation, the Maximum Development Line shall be relocated as shown on the proposed Plat, Attachment 1, placed parallel to the front Property Line and located approximately one hundred and three feet (103') to the east from the front Property Line.
5. Prior to plat recordation, the plat shall note that the area east of the Maximum Development Line is a no build zone. All conditions from the previous approvals shall be maintained.
6. No Building Permits for the rear addition will be granted until the Plat Amendment final plat is recorded with the Summit County Recorder's Office.
7. The plat shall note that fire sprinklers are required for all new or renovation construction on this lot, to be approved by the Chief Building Official.
8. The ten foot (10') wide Public Snow Storage Easement along the frontage of the property will be maintained.
9. The property is located outside the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine related impacts. If the property owner does encounter mine waste or mine wast impacted soils they must handle the material in accordance to State and Federal law.
10. All development shall provide elevation certificates certifying compliance with the minimum FEMA Flood Zone Requirements.
11. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
12. Any addition to the home would require review by the Design Review Team and any exterior remodels or additions would be reviewed for compliance with adopted 2009 Design Guidelines for Historic Districts and Historic Sites.
13. All other Conditions of Approval from the 269 Daly Avenue Plat Amendment, recorded December 12, 2012, as Entry No. 959006, remain in full force and effect.

3. <u>Flagstaff Development item previously noticed for this meeting has been withdrawn and will be re-noticed for a future meeting</u>.

Director Erickson reported that the applicants, Storied Development, REDUS, and all the financial agreements were still in place. The Staff withdrew this item from the agenda for the opportunity to review the detailed paperwork. The Flagstaff Agreement would be re-noticed when the Staff is ready to put it on the agenda.

Commissioner Thimm asked if the National Abilities Center would be on the agenda for the next meeting. Director Erickson stated that currently the Staff report for the National Abilities Center is schedule for March 27th. Commissioner Thimm stated that he would be recusing himself from that item.

Commissioner Kenworthy reported that he would not be attending the second meeting in April.

The Park City Planning Commission Meeting adjourned at 7:17 p.m.

Approved by Planning Commission: ____