

**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION
CITY COUNCIL CHAMBERS
December 10, 2014**



AGENDA

MEETING CALLED TO ORDER AT 5:30PM

ROLL CALL

ADOPTION OF MINUTES OF August 6, 2014

ADOPTION OF MINUTES OF October 22, 2014

ADOPTION OF MINUTES OF November 11, 2014

PUBLIC COMMUNICATIONS – *Items not scheduled on the regular agenda*

STAFF/BOARD COMMUNICATIONS AND DISCLOSURES

CONTINUATIONS

Land Management Code Amendments related to:

Transfer of Development Rights (TDR's) Chapter 2.24

Public hearing and continue to January 14, 2015

PL-14-02348

95

Planner Whetstone

Sign Code Amendments to:

Park City Municipal Code Chapter 12

Public hearing and continue to a date uncertain

PL-14-02523

96

Planner Whetstone

REGULAR AGENDA – *Discussion, public hearing, and possible action as outlined below:*

1385 Lowell Avenue –

Conditional Use Permit for a timeshare Off-premise Sales office of 1,751 square feet.

Public hearing and possible action

PL-14-02541

97

*Planner
Astorga*

923 Park Avenue –

An ordinance considering the 923 Park Avenue Subdivision Plat Amendment.

Public hearing and possible recommendation to City Council on January 8th, 2015

PL-14-02527

117

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30 Sampson Avenue –

Steep Slope Conditional Use Permit for a new single family house.

Public hearing and possible action

PL-12-01487

134

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1000 Ability Way –

National Ability Center Pre-master Development for additional lodging, expanded equestrian arena, and addition to administration building.

Public hearing and possible actions

PL-14-02476

317

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Whetstone*

ADJOURN

A majority of Planning Commission members may meet socially after the meeting. If so, the location will be announced by the Chair person. City business will not be conducted.

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Park City Planning Department at (435) 615-5060 24 hours prior to the meeting.

**PARK CITY PLANNING COMMISSION
SPECIAL WORK SESSION
FORM BASED CODE
August 6, 2014**

PRESENT: Nann Worel, Preston Campbell, Stewart Gross, Steve Joyce, John Phillips, Adam Strachan, Clay Stuard, Thomas Eddington, Christy Alexander, Polly Samuels McLean, Scott Polikov and Jay Narayana with Gateway Planning.

WORK SESSION ITEM(S)

Bonanza Park and Form Based Code – Review of draft regulating plan and character zones

Planner Christy Alexander noted that the Planning Commission and Staff have met over the past few years to discuss Form Based Code. She noted that several Commissioners were new to the Planning Commission and this was their first opportunity to see the draft Code. Following the joint work session meeting with the City Council on May 13th, the Staff considered all the input and Scott Polikov and Jay Narayana, consultants with Gateway Planning, revised the draft Code to incorporate some of the changes, including those related to enhanced options and the height limits.

Planner Alexander stated that the objective this evening was to review the draft Code section by section. She outlined four areas for discussion this evening; 1) The Regulating Plan; 2) Parking requirements; 3) Administration and implementation of the Code; 4) Incentive standards offered for additional height.

Planner Alexander reported that the Regulating Plan had changed very little since the May 13th meeting. There were still seven character zones, as well as the newly added utility service zone and screening around the Rocky Mountain substation, and the Civic Use Center that would be used for City offices, a future transit hub, workforce housing, etc.

Chair Worel understood that the plan assumed that Recycle Utah would be relocated. Director Eddington stated that currently the plan shows that area as open space, but it did assume a potential relocation of Recycle Utah.

Jay Narayana recalled that they wanted to identify in the Code the areas where they would want commercial on the ground floor because it would not make sense to have ground floor residential. She commented on locations where there was opportunity for future commercial where the ground floor is built to commercial standards, but it could start out as residential because of a weak commercial market. Those spaces could eventually transition to commercial uses as commercial-ready frontage. Jay noted that the Building Code requires a certain floor to floor height and ADA accessible store front designs to

avoid having to remodel the building to accommodate commercial uses as the market changes. She pointed out that the legend identified two designations. The Planning Commission was being asked for their input on the locations where ground floor commercial and future ground floor commercial would make sense.

Scott Polikov cautioned the Commissioners to be careful not to over-designate or apply it too liberally because the market potential can make some locations unreasonable for retail space.

Commissioner Stuard asked where those locations were currently designated. Mr. Polikov replied they had not yet been applied or designated on the proposed regulating plan, although they had some ideas where they might be applied. Chair Worel asked what Gateway Planning would suggest as appropriate locations. Jay stated that activating portions of the Park would be one suggestion. If Bonanza Drive is the main gateway into the District that would be another favored location. She stated that Gateway Planning could work with the Staff to come up with various scenarios for the Planning Commission to consider. Director Eddington believed the Commissioners could expect to see it around the Park area and consolidated in a way to create a walkable district that is geared toward retail. Commercial could also be strongly recommended primarily in the neighborhood/commercial areas.

Mr. Polikov thought they should be careful not to suggest that a strong, pedestrian-friendly design environment should be required to have commercial frontage. Having residential along a pedestrian-friendly street could still feel right. However, there may be a special block base where they would want commercial activated.

Commissioner Strachan asked where Gateway Planning has seen that work in the past. Mr. Polikov replied that one place was Main Street in Park City. Commissioner Strachan clarified that he was asking about other projects around the Nation. Based on their experience he wanted to know where they would put it and why. Mr. Polikov was unprepared to answer on a national level. Using Main Street Park City as an example, he commented on what would happen if Main Street had stretches of residential with the living rooms on the ground floor. If the shades are down and there is no storefront environment, it creates a blank wall and people are no longer interested in walking the rest of the street. Jay commented on the importance of making sure there is the flexibility to transition from storefront to residential if necessary as the markets change. Mr. Polikov stated that they typically recommend letting the market figure it out, but there may be a block face where it makes sense to acclimate it as a general public space with a shop front feel.

Commissioner Phillips thought it would make sense for certain corners and/or intersections. Mr. Polikov agreed and used Munchkin and Woodbine as a potentially good location.

Commissioner Campbell asked if the motivation was to drive pedestrian traffic all the way to the end of the block, around the corner and then continue walking down the block. Mr. Polikov replied that it was the opposite. If a location makes sense, the market is there, it is designed properly, and there is good retail activity, they would not want a block in the middle becoming dead space. Commissioner Campbell believed that if a ground floor space is designed for residential until it becomes retail, and the shades are pulled down, it would have the same effect as an empty building. Mr. Polikov replied that the difference is retail ready versus retail required. Commissioner Campbell reiterated that a retail-ready space would still look empty if it is occupied as residential and the shades are down. He wanted to know what happens in the time between residential and converting to retail. Jay stated that the idea is to have a tenant living in the building generating revenue as opposed to having an empty space.

Commissioner Phillips believed that most of the buildings would be constructed as the market demands, and it could be many years before these transitional spaces would develop. Mr. Polikov clarified that Gateway Planning was recommending retail-ready as opposed to retail required. Therefore, the construction type accommodates commercial activity and includes ADA, the Commercial Building Code, etc. He noted that many cities have gone to retail required, but if there is no market the development never occurs. He preferred to encourage building types and let the market drive the evolution of the type.

Commissioner Stuard acknowledged that most people in the room had attended more meetings on Form Based Code than he had. However, he had spent 40 to 50 hours reading the draft document and found it to be very difficult because the Plan is so ambitious. He commended the Staff and the consultants for such an ambitious document, but he believed this was probably the biggest, most important zoning decision that has ever been made in Park City. It involves a major transformation of a district in town that is central to the community and it was important to take the time to get it right.

Commissioner Stuard stated that one of his initial concerns about the regulating plan was that there is no Frontage Protection Zone along Bonanza, which is designated as a Type A pedestrian-intensive/retail intensive type of street in the scheme. The mixed use that surrounds Bonanza on both sides up to the rail trail would require buildings to be within five to ten feet of the property line. Those buildings would likely be three stories and possibly four or five, depending on which incentive plan is utilized. At the same time, 20,000 to 30,000 cars a day move in and through Bonanza for various reasons. He sees two problems. One is the canyon effect that would be created down Bonanza with a nearly contiguous theme of three to five story buildings five to ten feet away from the property line. The second would be the conflict between the number of cars moving up and down Bonanza and the supposedly pedestrian-friendly retail activity that is supposed to take place. Commissioner Stuard asked if anyone else had focused in on that particular issue.

Commissioner Strachan stated that in the past the Planning Commission looked at the existing zone and the setbacks as they currently exist fully built out. He noted that the issue was previously raised regarding a canyon effect. The specific issue of the traffic coinciding with pedestrians has always been a problem. He did not believe those issues were new and the proposed plan may not cure it.

Commissioner Stuard pointed out that the proposed scheme anticipates considerably more pedestrian traffic going store to store, similar to Main Street. Commissioner Strachan agreed that it would create a bigger problem.

Mr. Polikov suggested that they separate the issues, discuss them separately and put them back together. He stated that if they move the buildings further back and have the Frontage Protection Zone apply to Bonanza, it would encourage faster speeds. Having the buildings closer to the street creates a different feel and makes it uncomfortable to drive cars faster. Commissioner Stuard asked if that was desirable when trying to move a high volume of cars through the area. Mr. Polikov believed that was a third issue. If they are trying to encourage more pedestrian protection in terms of how the street functions, the closer the buildings are to the street the better sense you have of a pedestrian presence. If the view issue is a concern, they should consider treating Bonanza like Kearns Boulevard and Park Avenue. If the speeds are too fast or it is still uncomfortable from a pedestrian standpoint, they may not be able to solve that problem with this initiative. Mr. Polikov remarked that science points to the fact that whenever you move past 30 or 35 miles in an urban condition, it reduces the amount of traffic that can flow through in terms of efficiency. He believed that faster speeds in that environment would not necessarily improve the ability to accommodate the traffic.

Commissioner Stuard noted that there were Frontage Protection Zones on Kearns Boulevard, Park Avenue and Deer Valley Drive, which are the other major circulating streets that bring people into the resorts and Old Town. He thought it would also be appropriate on Bonanza. Mr. Polikov did not disagree, however, Bonanza comes through BoPa as opposed to being a perimeter street. If they want to bind the mixed-use area they need slower speeds and a more pedestrian, walkable feel. The issue is what role they want Bonanza to play. If it functions like Kearns Boulevard it will be act as a perceived divider. It would not be viewed as a connector in terms of function and feel.

Director Eddington stated that when they first started the BoPa plan, the line was drawn on Bonanza Drive. Everything to the east of Bonanza Drive was not part of the Bonanza Park Plan. After many neighborhood meetings, there was a conscious concept to include the east side to protect the fabric of the neighborhood. Therefore, it made sense to have Kearns Boulevard, Park Avenue and Deer Valley be the dividing lines for Bonanza because of what exists on the other side and the limited opportunities for development and

re-development. The reason for adding the area to the east was to bridge that connection. Director Eddington remarked that the ultimate desire is to create an area plan for Prospector that ties into the BoPa plan. There was a concerted effort to take the focus away from the car and focus more on the neighborhood.

Mr. Polikov clarified that he was not suggesting that they not consider a Frontage Protection Zone for Bonanza Drive. He just wanted the Commissioners to understand that the trade-off would be the consequence of creating a perception of a barrier. Commissioner Stuard remarked that the City recently constructed improvements on Bonanza to create a barrier and allow the traffic to move more smoothly. Mr. Polikov thought it was a valid consideration. However, he suggested that they consider all the issues for and against and address each one separately. Once the impacts have been addressed, they can look at how they all relate and prioritize them.

Commissioner Stuard was concerned that once Form Based Code is adopted, every building within BoPa would be a non-compliant building. Anyone wishing to make an incremental re-development improvement would be required to comply with the new Form Based Code. He used Fresh Market as an example of a use that would not be allowed to re-develop their store because it would not fit under the new requirements. The result would be forcing a business to remain in an inefficient building that may not benefit the community and it could drive people to support a competitive business. They would lose the ability to have a newer, better looking facility. Commissioner Stuard reiterated that his concern related to every building in BoPa.

Mr. Polikov stated some of the building could still be conforming, but those buildings would be the exception and not the rule. He pointed out that the Code is written in a way that prohibits adding to the non-conformance. Mr. Polikov thought the example used for Fresh Market would be adding to the non-conformance. He remarked that future Councils are not bound by current Councils and changes can be implemented with compelling reason. Commissioner Stuard believed the process to make that type of change would be very arduous.

Commissioner Stuard asked if the Staff had notified some of the major businesses that they would be non-complying if Form Based Code was approved. Director Eddington stated that the Planning Department had sent letters to all of the property owners explaining the situation. He commented on the issue of non-compliance and noted that Fresh Market would be given more opportunities with Form Based Code because they could expand in any direction because of the zero lot lines. Form Based Code would reduce the degree of non-compliance for the Fresh Market building. Commissioner Stuard pointed out that there is a road going through the Fresh Market parcel. Director Eddington replied that Fresh Market would have to work through the process to address the road issue.

Commissioner Stuard wanted to be sure that the property owners in this area and everyone else in the City were aware of the magnitude of change that Form Based Code would cause. Director Eddington understood his concern because they face the issue of non-compliance in Old Town with the design guidelines. It is a challenge they encounter with every Code change. Mr. Polikov noted that protections are built-in to ensure that properties can be sold. The non-conforming use policy remains unchanged and it allows the current condition to continue in perpetuity. In reality, most of the properties would receive greater entitlements. In terms of making the community aware, Mr. Polikov stated that Park City was at the top of the list in communicating with the citizens and the stakeholders. Multiple community meetings were held, several mailings were sent and there has been press coverage. The reaction from most of the stakeholders has been questions as to why the City was not moving forward with the project. He believed that after three years of working on this project they were beginning to lose credibility and momentum. Mr. Polikov pointed out that you never get 100% participation from property owners but they were all given the same opportunity to have a say.

Commissioner Stuard stated that permanent residents form the base demand for commercial services in this area. If they have not participated and said they would continue to use all the services used in this area once it is redeveloped, it would result in a potential loss of services. Mr. Polikov reiterated that hundreds of people have already participated in public meetings over the past two years. He believed the new Commissioners needed to go through the process to get the details, but his sense was that the Planning Commission and the City Council had already made the decision to move forward. If they keep questioning whether or not to do it, they lose credibility with the community and the market. Commissioner Stuard was comfortable with losing credibility if it means not making a huge mistake.

Mr. Polikov stated that if that was the general feeling they should back up and not go through the details of the document as planned this evening. He suggested that the Planning Commission and the City Council hold another joint session and decide whether or not to move forward. Mr. Polikov remarked that he had participated in two excellent joint sessions in the last year and his sense was a strong consensus from the Planning Commission and the City Council to move forward with the details of this tool they decided to implement. Mr. Polikov stated that no one in the community can claim that there was not ample notice that this project was underway. He and Director Eddington have given out their cell phone numbers and made themselves available to answer questions. They have documented everyone they met with. Mr. Polikov recommended that they separate the issue of whether this was a mistake versus the significant amount of process to get community feedback.

Commissioner Joyce recognized the amount of work that had gone into the roads and the

road locations; and he recalled that a certain amount of movement was based on property lines. Commissioner Joyce was surprised at the number of roads and the number of paths cutting through. He asked if there was consensus in terms of the map and the expectations. Director Eddington stated that when they laid out the road network there were a number of iterations. The map before them was the final product, although it may still need to be tweaked. Director Eddington explained that the roads are generally located half and half on a property line, which should make it easier for the property owners as they put in public rights-of-way. With regard to distances and block creation, they utilized most of what the Congress for New Urbanism recommends, which is 275 x 350 feet for typical blocks to promote connectivity. When they first started looking at the plan for Bonanza Park, lack of connectivity was one of the biggest issues.

Commissioner Joyce clarified that he was most surprised by the number of walking paths that are substantial in size and carve one block into two without leading anywhere. Mr. Polikov noted that it is not a straight line requirement. The plan has to show that a pedestrian can get through the property. He explained the difference between the ones that are recommended and the ones that are required. Commissioner Joyce stated that if some of the pathways are envisioned as being required, he would like to know what they are and whether there was agreement.

Mr. Polikov summarized from the comments regarding the road issue that they should consider adding minor modification language stating that if there is an alternative network compliance design or if the design of the proposed site plan in terms of meeting the intent of the Code outweighs the need for a new road, that it could be obviated. For required pedestrian connections, add language to make it clear that the intent is to get from Point A to Point B through the block rather than making it a direct connection. They should look at all the pathways and determine which ones really make sense as required for the east-west relationship. Mr. Polikov agreed that the perimeter blocks should be recommended rather than required.

Commissioner Strachan stated that he initially had the same reaction as Commissioner Joyce regarding the pathways. He rides his bike through Bonanza and he currently uses Iron Horse to get from east to west. Commissioner Campbell noted that using the green paths would double the number of miles. Commissioner Strachan stated that he would use the green paths that run east-west, but the north-south paths were lacking. He thought they needed to bring in the north-south grid. Commissioner Joyce believed that if there was a nice east-west and north-south road with designated bike lanes, all the bikers would use those lanes. Commissioner Strachan disagreed. If he takes his kids to Bonanza he would not want them riding on the road. He and his family currently navigate through town by finding pathways that are separate from the road because it is safer. Biking by himself he would definitely use the bike lanes, but he thought it was important to have off-road pathways for when people bike with their family.

The Commissioners and Staff discussed possibilities for potential pedestrian and biking pathways. Commissioner Joyce requested that the Staff look at all the proposed paths and find the reason why it was designated. He personally felt that all the ones designated at the top did not meet the criteria.

Chair Worel asked if the City would put in the paths. Director Eddington stated that the City would put in the required paths. If they are part of the enhanced options, the property owner would be responsible for putting in the path as part of their enhanced open space and view corridor options. Mr. Polikov explained that they would want required and recommended options on the table because in some circumstance there may not be the decision to do the enhanced option. In that case, the City could pay for the pathway and work with the property owner on the design. Chair Worel asked what would happen if the property owner did not want the path. Mr. Polikov replied that constitutionally the City could not require it on private property. Mr. Polikov pointed out that much of the Plan would have built-in protections and work itself out, subject to justifying the recommendations. Chair Worel asked if the same constitutional right would apply if an owner did not want a road on the edge of their property line. Mr. Polikov stated that it would unless the City condemned the property.

Commissioner Phillips asked if they anticipate that most people would favor putting a road through or on their property because it gives more frontage and more value to the property. Mr. Polikov replied that it depends on the site and what the owner plans to do with it.

Mr. Polikov stated that "perfect is the enemy of the good." He remarked that the Planning Commission should take time over the next month or two to get this right with the City Council in terms of the details, but it will never be perfect.

Commissioner Campbell did not believe they had the time to meet with the City Council to go over the details. Mr. Polikov clarified that they have been working on this draft for a year and half. The objective of the current process was to get the details right with Staff and Gateway Planning. However, if the standard is to get all the lines on the regulating plan perfect in anticipation of every scenario and anticipated consequence, it would be an impossible task. Commissioner Campbell agreed.

Commissioner Campbell clarified that he favored the Plan and he likes the idea of Form Based Code. However, he felt like it was already written and the Commissioners were being asked to make decisions on it now or lose credibility. Mr. Polikov stated that he was not asking the Planning Commission to push this through without looking at the details. This is the time to work on the details and he believed it could be done in a couple of month. His concern was delaying it too much longer from a credibility standpoint.

Commissioner Campbell thought there were big questions that still needed to be answered. He would like those questions discussed and answered first before they get into the details. One question was whether to continue to have day skiers use Bonanza Drive to get home to Midway, or whether they should keep them out of BoPa altogether. Director Eddington thought they should continue to encourage the day skiers to go down Bonanza Drive and this proposal would not change that. Commissioner Campbell pointed out that the road changes from Type A to Type B and back to a Type A. Mr. Polikov explained that the Type A aligns with the mixed-use area where there is more density and more walkable environments. The driving pattern and road surfaces would remain the same.

Chair Worel noted that the Staff report asked whether the Planning Commission agreed or disagreed with the proposed Regulating Plan. She asked if they were looking for an absolute yes or no this evening. Director Eddington clarified that the Staff was looking for input as to whether or not they were headed in the right direction and whether or not the Planning Commission had a good understanding and a good feel for the Plan. Mr. Polikov stated that the real question was whether they should be doing this. If the Commissioners were still on the fence of whether or not to do the initiative that was where he believed they would lose credibility. If it takes another six months to make that decision they would lose the momentum. Mr. Polikov emphasized that if they wanted to do the project it was time to start working out the details. If the Planning Commission wanted to step back and have the philosophical discussion, it would be the fifth time in two and half years to have that discussion. He supported having the discussion, but if it takes longer than a couple of months it would indicate that the draft is flawed.

Commissioner Joyce understood the amount of work and the number of discussions that have occurred over the past two years. However, the problem was that the four new Planning Commissioners were not involved in the process; and one of the three who were involved was leaving the Planning Commission. Five people would be looking at this for the first time and they had not been involved in making the decisions. Commissioner Joyce stated that the Plan the Planning Commission was given to review was the most granular level that exists. No one has sat down with the new Commissioners to explain why things were done and why certain decisions were made. He used the road layout as an example. He suggested that if there was a work session or special meeting that would bring the Planning Commission up to speed at the high level, the details may start to fall in place. Commissioner Joyce had underlying questions that he was confident had been answered over the past two years, but he had no idea what those answers were. He did not believe anyone was opposing Form Based Code at this point, but they would have been more ready to provide the input they were being asked for this evening if they had been updated on the background of how and why they reached this point. Commissioner Joyce pointed out that the joint meeting with the City Council did not provide the necessary background because that meeting was also about the details.

Mr. Polikov understood the concern and suggested that they use the meeting this evening to address their issues. However, he encouraged them to move quickly because if they linger, they would be faced with this same dilemma when the Planning Commission changes again and new Commissioners are appointed. Mr. Polikov suggested that they begin with the fundamental assumptions in this project. He explained that the BoPa Plan has ten fundamental principles and those were used to drive the Plan before them. The first is to reconnect the history of the locale. He pointed out that currently there is no connectivity, and places without connectivity become stagnant.

Commissioner Stuard asked why connecting to the history is important and how it was being done; particularly since the Spur was gone. Director Eddington stated that the Spur is gone, but part of the road pattern reconnects to parts of what the Spur was. It converts an old rail right-of-way to a vehicular right-of-way. Part of it is reconnecting with regard to creating a neighborhood center. When it was the Spur it was a place where people performed commercial transactions. Director Eddington noted that it is partly that now and the intent is to further evolve it. Mr. Polikov remarked that the market is no longer interested in investing in this part of Park City because of the lack of connection. An area loses its value if you cannot walk or bike through it. One of the primary objectives was to make Bonanza Park friendly to people who do not use vehicles. Mr. Polikov stated that the proposed regulating plan makes an overly zealous attempt to do that. He believed Commissioner Joyce had made a good point about the pathways and roadways and making sure they could justify each one. They would also add language allowing for flexibility as real projects come forward.

Jay presented a map showing the existing streets. Commissioner Stuard thought the desired connection could be accomplished through the extension of Munchkin over to Homestake and a road behind Rite-Aid. Utilizing the street sections would achieve connectivity. Mr. Polikov agreed. However, a second point of connectivity from a real estate standpoint is being able to layer in a finer grain development pattern, and those two additions would not change the functional nature of the development environment. It would be insufficient to underwrite and attract the higher level of walkable mixed use, which was a fundamental goal of the project.

Mr. Polikov remarked that both Commissioner Stuard and Commissioner Joyce had come up with a tool to figure out how to go from one end of the spectrum, which is only two connections, to the other end of the spectrum which is the recommendation for every block to be 275 x 300 feet. He did not believe either scenario was the solution because they were both theoretical strategies. Mr. Polikov pointed out that the legal and technical implications of primary versus secondary was unclear at this point in terms of being an actual zoning document. He wanted to make sure they encouraged enough intervention to create a walkable environment so the market would respond by underwriting real development. Director Eddington stated that without the rights-of-way, there would not be

the ability to carry the public through private property and that begins to disrupt the connectivity. He believed smaller blocks would be easier for cyclists and pedestrians.

Commissioner Campbell asked if the residents in Bonanza Park should be able to find all their needs inside the four perimeter walls of this development, or whether they would have to cross Kearns Boulevard to buy what they needed. He was unclear as to what they were trying to do. Director Eddington replied that they were trying to create a mixed-use neighborhood so people could live-work-play within this area. There would still be some need to leave the neighborhood, but there would be more opportunities in the area than what exists now.

Commissioner Joyce had concerns in terms of what gets built first. If the plan is to have a mixed-use neighborhood but nothing drives that, they could end up with all condos and no services. Mr. Polikov explained that they were planning for 50 years out and he believes in the market. Development types over 10 to 50 years will be different. Form Based Code provides the ability to have transformation and evolution so fine grain diversity will ebb and flow. If they try to command and control the uses they will end up with what they have today; and Planning Commissions and City Councils will be trying to predict the right uses projecting ten years out. Mr. Polikov stated that the global assumption for doing this plan was the fact that there is a demand for mixed-use in this area that is not happening because of connectivity issues. The intent is to put the Bonanza Park area on a track that creates a culture of evolution.

Commissioner Campbell asked if Mr. Polikov was suggesting that the uncertainty the Planning Commission would create by postponing this decision was stifling new development currently. Mr. Polikov replied that there are people who are ready to develop and they have been talking with investors for the past two years. Some have indicated that if there is not some movement to redevelop Bonanza Park fairly soon, they would use their money for another project. Commissioner Stuard could understand that being the case with the under-developed or undeveloped parcels, but not on the other properties that have ongoing viable businesses. Mr. Polikov stated that they were in an unusual development cycle nationally where the market is moving towards quality. Banks are not underwriting poor projects or projects that will not reform, and they are taking a very strict look at long-term function and structure and how projects relate to one another. Mr. Polikov remarked that the delay was causing some uncertainty in whether or not they can rely on this as an investment opportunity, but the question is whether or not that should be a reason to move forward and rush through the details. The answer is no. However, it is definitely a reason to focus on the big picture and decide whether or not to move forward. Commissioner Stuard stated that he would never base his opinion on a project by what a bank thinks. Banks are not a good predictor of what is good for the community. Mr. Polikov replied that this project would insulate Bonanza Park from the shifting underwriting practices.

Commissioner Campbell asked why the City could not reduce some of the uncertainty by agreeing to the first ten pages of the Plan and then take the time to work on the details. He felt they were asking the Commissioners to do everything at once. Mr. Polikov stated that they were asking them to do everything at the same time because all the pieces need to work together. Mr. Polikov clarified that they were not asking the Planning Commission to make a decision on the details this evening. They were being asked to dig into the details over the next couple of months.

Chair Worel asked for a straw poll of whether or not the Planning Commission liked the big picture concept and whether there was agreement to move forward with the Regulation Plan. Mr. Polikov suggested that they continue to go through the principles and work through the fundamentals and then ask that question at the end. Commissioner Campbell thought they should know whether or not the majority of the Planning Commission wanted to move forward before they wasted time going through the details. Mr. Polikov understood from Commissioner Joyce that they were not prepared to make that decision without knowing the background and history of the work that has been done. Commissioner Campbell agreed. However, he thought it was important to know who was in favor of moving forward with the general concept before they started working on the ideas.

Commissioner Phillips expressed his frustration. He believed a lot of these issues were discussed in the past and he was uncomfortable wasting valuable time. Commissioner Phillips preferred to follow the agenda and answer some of the questions asked in the Staff report because it would give an idea of where everyone stands on the issue. In terms of education, he believed it was partly his responsibility to educate himself to find out what occurred prior to his time on the Planning Commission. As a new Commissioner he understood that there were significant discussions leading up to this point; and he needed to answer the questions as he was expected to do this evening. Commissioner Phillips thought it was important to stay focused to keep the process moving forward.

Commissioner Joyce remarked that if each of the Commissioners independently tried to educate themselves, it would put more burden on the Staff and the consultants because they would be continually answering individual questions. He thought a better approach would be to have a meeting where all the Commissioners were updated at the same time and everyone heard the same answer to all the questions. Commissioner Stuard understood that one of the purposes of this meeting was to bring the Commissioners up to speed. Mr. Polikov thought this discussion to be very helpful and not a waste of time.

Assistant City Attorney McLean recognized that a lot of the Commissioners were new; however, she understood that a decision was made at the last joint meeting with the City Council that the Form Based Code concept would move forward. Ms. McLean remarked that the Planning Commission is a separate body and they could forward a negative

recommendation for Form Based Code, but she believed the question of the general concept had already been decided by the elected officials as being good for the community.

Assistant City Attorney was hearing from the comments this evening that the Planning Commission would like a better understanding of the Regulating Plan. She thought it might be helpful if the Staff and the consultants would educate the Planning Commission on the reasoning behind certain elements that were chosen. Once they understand the bigger concepts it would be easier to work on the details.

Director Eddington reviewed the ten principles, noting that they had already discussed principles one and two. The third concept talks about inward migration. Director Eddington stated that as they worked through the General Plan one of the fundamental premises of development in Park City was to find a place for redevelopment, which was Bonanza Park, and to focus migration in that area. This is an area that could and should accept additional density. They talked about a tighter grid that would accommodate those densities allowing people to move through it fairly easily.

Principle 4 was view corridors and connectivity to the mountains. Director Eddington stated that part of the grid, specifically with the north-south streets, opens up that area within Bonanza Park to look through and start to see view corridors and connectivity to the mountains.

Principle 5 was internal circulation. Director Eddington believed that had been discussed thoroughly. There is currently no internal circulation and the hope is to have some in the future.

Principle 6 was redevelopment utilizing future environmentally conscious development practices. Director Eddington noted that in the Bonanza Park Area Plan they talked about trying to get to net zero buildings. An initial discussion talked about incentivizing buildings to go to net zero; however, in subsequent meetings it was not viewed as being that important to enhance or incentivize. At the last joint Planning Commission/City Council meeting, the idea of incentivizing was taken off the table. It would still be encouraged and Utah is moving toward Green Building Codes.

Principle 7 deals with economic development and supplementing the Golden Goose. The Golden Goose is Main Street and the resort industry. However, Bonanza Park is an opportunity to supplement that by offering a place where locals can live/work/shop. It could also be a non-entertainment corridor of commercial development. The intent is to incentivize those types of opportunities and create it in an area that has higher densities and walkability.

Principle 8 addressed the affordable needs of Park City. Director Eddington stated that there are very few opportunities in Park City for affordable housing in suburban neighborhoods. Affordable housing opportunities would probably be more urban and more dense. That is the reason why the Tier 1 enhanced option allows for additional density and height for putting in affordable housing. Director Eddington remarked that an ordinance already mandates affordable housing for certain developments over 9 units in MPDs. However, that does not produce enough affordable housing, which is why it was being incentivized in BoPa with the enhanced option.

Principle 9 was housing and social needs for the neighborhood's diverse population. Director Eddington stated that this was also an area with opportunities for smaller, local shops and business incubation that would not be good on Main Street.

Principle 10 was an authentic and lively district, paying attention to design. Director Eddington stated that this was the only place in town where they could start to recreate opportunities. It's the only real redevelopment as part of Lower Park Avenue. There are opportunities for new development and infill development.

Director Eddington noted that the attempt to address these ten principles resulted in the draft Code presented this evening. It was how they determined the character zones, the rights-of-way, the cycle ways and the pedestrian paths. Director Eddington invited the Commissioners to come into the Planning Department and look at the draft Bonanza Park Area Plan that led to the current plan. He was also willing to schedule a work session if they preferred.

Assistant City Attorney McLean asked if the Staff had a map of the existing buildings with the new regulating plan overplayed on top. Mr. Polikov stated that one could be created. Commissioner Stuard stated that a zoning change of this significance called for a 3-D model. He was told that a model had been done and he would make it available to the new Commissioners.

Mr. Polikov recommended that they follow the suggestions this evening and take another thorough, comprehensive look at each proposed street and pathway and decide what is fundamentally justified as a DNA building block for the assumptions and the principles; or what is recommended that should be flexible to allow the property owners to come forward with suggestions on whether or not to taking advantage of the recommendation. They could send that back with translucent layers and the existing aerial underneath so the Commissioners get a better sense of place. Director Eddington thought that would be helpful, but he emphasized that this was a bold, long range plan and they were at the end of the low-hanging fruit in terms of development. He pointed out that if they see a road going over a building it could denote the thought that the building might go away and that over the next 50 years they will see redevelopment and change.

Commissioner Joyce stated that he would like to look through the Plan and understand where the more difficult areas are located. He believed the design fundamental was the connectivity piece and breaking it up into something more urban and denser. However, in doing that they run the risk that none of the four major roads get done end to end. If they end up with a hodge-podge of new roads and still no connectivity they will have failed. Commissioner Joyce requested that they look closely at the primary roads and consider the likelihood of having them completed at one time. Director Eddington explained that the primary roads typically run down the property lines and are not currently impacted by buildings. The secondary roads have more impacts. Mr. Polikov stated that from his redevelopment experience using Form Based Code, nothing completely reinvents itself and it never will. He believed that in 30 or 40 years at least a third of the existing buildings will still be here. However, nobody builds a road that does not connect to something else and he was certain that the City would control it. In order for the Code to be effective, public investment in the roads will have to occur because the property owners will never be able to invest in these roads on their own. The City would not spend money on roads until there is enough connectivity and enough property owners who agree to make meaningful connections. Mr. Polikov believed that was a built-in protection to address the concern raised by Commissioner Joyce. However, he felt it was equally as important for the Planning Commissioner to use this process to make priority decisions on where the streets that make a difference are located and what it means. Mr. Polikov stated that they could show the Commissioners what has already been done and then they could update it with another thorough look and test any challenges to make sure it is fundamentally valid.

Commissioner Joyce was comfortable with the fact that the consultants and the Staff had given this a lot of thought. The problem is that he had looked at the Regulating Plan but he did not have enough knowledge and background to answer the question. Mr. Polikov asked if they were at least moving in the right direction to begin building the blocks necessary for the Planning Commission to review an updated version at the next meeting and to think critically about answering the question. Commissioner Joyce personally felt they were providing the information he needed.

Commissioner Joyce stated that another issue was whether the parking ratios proposed were adequate. He assumed a lot of thought and discussion went into the parking ratios that are different from the existing LMC, but none of it was explained in the Plan. He needed to know why and how they determined the numbers proposed. Director Eddington stated that they had talked about incentivizing a reduction in parking for this area to keep it an urban village neighborhood. They would look at providing alternative modes of transportation and encourage people to walk and bike as opposed to using a vehicle. He noted that even though a parking reduction is encouraged, developers still want to build parking and people want to have parking. Director Eddington assumed that even though the City would reduce the parking requirement, the developers would build what the market

demands. Mr. Polikov stated that another assumption is to simplify the parking and let the market do the job of rationalizing and assigning value. Jay remarked that another assumption is to have more on-street parking than what currently exists.

Commissioner Strachan recalled that at one point the City was contemplating subsidizing a large community parking structure. He believed it was a high-level discussion that was started but needed to be finished. If the area is going to be as dense as planned, there needs to be parking for cars. Commissioner Strachan thought this was the best area to put parking because it is the only place in town with undeveloped land and room for cars. He believed there were good reasons for the City to subsidize a parking structure similar to China Bridge. Mr. Polikov agreed with Commissioner Strachan. Some things need to occur in parallel for the Code to be successful, and the infrastructure piece is critical. Mr. Polikov stated that he and Jay would recommend removing all parking requirements and allow the market to determine the parking. He realized it was a radical position, but the market will never severely under park. Putting caps on parking discourages shared-parking and takes an opportunity off the table. Mr. Polikov remarked that the consensus internally was to find a realistic floor and invent it in the Code.

Mr. Polikov recommended that they not specify areas for public parking in the Regulating Plan. Commissioner Strachan wanted to know how they could memorialize public parking in the Regulating Plan if there was consensus for City subsidized parking infrastructure. Director Eddington thought it could be part of the Bonanza Park Area Plan. Mr. Polikov stated that it could be put at the beginning of the Regulating Plan as intent language stating that this Code assumes a full range of parking options, including public parking, shared parking, etc.

Assistant City Attorney McLean recalled a discussion at a previous joint meeting regarding infrastructure and how it would be paid for. The City Council was willing to look at a range of options, and public support for some of those options was one of the tools. Commissioner Strachan preferred that it be delineated in the Code as addressing parking because infrastructure can mean a variety of things such as a water or sewer line. In addition to having it as intent language, Commissioner Strachan thought it should also be addressed in the parking section.

Chair Worel called for public comment.

Ruth Meintsma referred to the comment about the north-south paths that were redundant. She is a walker and she runs a lot of errands in this area. She stated that walking through every little pathway is an advantage and makes doing errands more pleasant. Ms. Meintsma pointed out that she is not the only one walking around and other people and children will take a cut or a corner wherever possible because it makes the path more enjoyable than a cubic square. Ms. Meintsma remarked that finding a way through these

block is a good idea and it would make the area more enjoyable and more lively.

Catarina Blais thought Mr. Polikov and his group had done an amazing job going through this process and it was a testament to process. In the past some projects have been railroaded through without she was grateful for this process. Ms. Blais questioned two primary assumptions. The first is the density issue. She asked if five stories was appropriate for a ski town and if that was how they wanted Park City to look, live and breathe in the future. She noted that the consultants do not live in Park City and have no idea what the residents experience, particularly during the winter. In her opinion, even talking about running traffic on to Park Avenue is ludicrous. Ms. Blais stated that adding more side streets to carve up more places to park to deal with more retail and get to the five-story building is insanity. Park City is a ski town, not an urban developed area. Ms. Blais stated that water quality was another serious issue to be considered. She noted that Park City has serious problems with water quality and she was currently being treated for heavy metal poisoning. She has filtered water but that is not good enough. If they start digging up Prospector to put in underground parking, Poison Creek would turn into Re-poisoned Creek. She was concerned about the consequences of disturbing the ground and digging up the mining district. Ms. Blais stated that she had done the recap projects in Prospector as a landscaper and she believes that is where she got sick. Ms. Blais questioned the assumption that everything will be okay and what will happen in the process. Once the plan is put in place there is no turning back. Ms. Blais stated that Park City has the highest arsenic content in its water than is legally allowed in the United States and it has never been remediated. She asked if anyone had done a water study to find out if there was enough water to supply the added density. She asked if a study had been done regarding the water quality and the amount of available water.

Council Member Liza Simpson stated that the City has done numerous studies. She asked Catarina to send her an email and she would send her a list of the studies and the information she was asking for. Ms. Simpson stated that Ms. Blais had made inaccurate comments and she wanted her to have accurate information.

Ms. Blais wanted to make sure the assumptions moving forward were all accurate and properly documented, and that there is an understanding of the history of the area that goes behind streets and retail.

Alex Butwinski noted that the questions have been asked of the entire community through charrettes and meetings over the past two and a half years. He thought it was important not to fall in the trap of believing that none of this has been discussed and the questions were not asked. Mr. Butwinski stated that at some point they have to assume that the policy direction has been given to proceed with Form Based Code. The job now is to make sure that Form Based Code meets the goals of what they want to accomplish. He agreed that the four new Commissioners have to get up to speed, but if they do not continue to

move forward, there will be new people again. They cannot continually start over and revisit every decision made by the previous group. The General Plan was a good example. The document is not perfect and not everyone likes everything, but at some point you have to move on.

Planner Alexander noted that Mary Ann Cone had attended the open house earlier that day. She was unable to attend this evening and had submitted her comments in writing. Planner Alexander read her comments into the record. "Dear Planning Commissioners. Having reviewed the concepts for Bonanza Park I have one strong suggestion. Above three-stories of any height exception should be given only for open space, setbacks or other ideas that show in the physical space. Affordable housing does not show in the landscape and shouldn't be traded for extra height. In addition, I would like to see extra height next to the substation where there is now height and no screening is necessary."

Director Eddington stated that Mike Todd had also attended the open house and asked Director Eddington to pass along his comments. Mr. Todd lives in the Fireside Condo area. He was looking at the crosswalks and he liked the pedestrian ability and everything else. Mr. Todd asked that they also look at crosswalks across the rail trail.

Chair Worel closed public comment.

Commissioner Gross stated that he has been involved in the discussions from the beginning and he thought the consultants had done a good job getting to this point. During that time they have addressed a lot of the questions, and he recognized that it was not perfect. Commissioner Gross believed this was the area to put the density for a variety of reasons, as well as the fact that the infrastructure could support it. He thought the City should continue to work towards completing the process and implementing the Plan.

Commissioner Stuard stated that he still did not know enough to answer yes or no on the questions regarding the regulating plan, the parking requirement and the incentive standards. It is a major decision and he would like to see a model and have more information about the parking assumptions. He also had concerns regarding the frontage setback along Bonanza Drive. Commissioner Stuard noted that one question was whether the Planning Commission generally supported the administration plan. He pointed out that this was a technical document that was drafted inside the Planning Department with the help of a consultant. Much of what is allowed under this Plan could be approved by the Planning Director without a public hearing. He preferred to have more of the actions required under the regulating plan go through the public hearing process. Commissioner Stuard stated that Park City is an inclusive community and people deserve the chance to know about projects before they occur.

Commissioner Phillips stated that in looking at the big picture he believed it had good

intentions and a good balance. He liked the Plan overall. Commissioner Phillips shared the same concerns regarding Bonanza Drive. The setbacks made sense for the side streets but he would recommend something more in the middle for Bonanza Drive. It is a key road and they need to find a better balance and help protect the view corridors to the mountain. Commissioner Phillips stated that more connections and pathways were needed going into the Fireside residential area because it has the highest concentration of people in Park City. If the purpose is to create a walkable community, they should create paths for the population. The fact that there is an existing goat path shows the demand is already there. He encouraged them to look at more cross connections over the rail trail and at the entrance to the entire community across the road to help with pedestrian circulation through the area. Commissioner Phillips thought the parking question was difficult. He did not understand the parking and he was concerned about the consequences of under parking. However, if the project is under parked and they later realize that more parking is required, they could consider building a parking structure as the demand requires.

Commissioner Campbell stated that he was totally in favor of the Form Based Code idea. He understood that it was done with good intentions by a lot of people who had spent more time with it, and that he was not up to speed on why certain decisions were made. However, the Commissioners received this draft at the last minute and they needed more time to read it and digest it. Commissioner Campbell liked what he saw, but it was a level of detail that he was not ready to get into. He would prefer to have broad principles to vote on with some agreement. Commissioner Campbell respected the fact that the Planning Commission is an advisory panel to the City Council and that the City Council would be making the ultimate decision. However, if the Planning Commission is called upon to give advice, this was too much information to digest in a short period of time. Commissioner Campbell thought it was important to discuss the document in smaller pieces, and he was willing to do it in extra meetings to keep the process moving forward. He suggested that the first meeting should be on the ten principles. Commissioner Campbell was in favor of the process and he liked the idea but he wanted consensus on more of the broader issues before getting into the details.

Commissioner Strachan stated that he has seen the history of this draft and has been part of the process. While extra meetings would be more helpful to the new Commissioners, it would serve as a review for him. Commissioner Strachan remarked that he has always disagreed that adding density to this town was a good idea, but he sees the writing on the wall and he believes that Form Based Code will be implemented by the City Council. With that in mind, they should try to make it as good as possible. Commissioner Strachan agreed that this is a town of public process and he continually voices his objections to having the Planning Director make big decisions on projects that could be as large as 24,000 square feet. He acknowledged that Director Eddington is a good Planning Director, but future Directors may not be as good. Commissioner Strachan preferred to put that process in the hands of publicly elected and appointed officials who take public input. He

understood that language in the new addition of the Form Based Code states that the Planning Commission and the City Council will review projects over 25,000 square feet. That is a step in the right direction, but it encourages developers to keep the size at 24,999 square feet to avoid that process. Commissioner Strachan believed there needed to be a qualitative trigger for Planning Commission and City Council review. Commissioner Strachan concurred with Commissioner Phillips about connecting Fireside. Regarding the questions in the Staff report, Commissioner Strachan thought they were getting close on the Regulating Plan, but he wanted the new Commissioners to feel as comfortable about it as he was. He agreed with the proposed parking requirements, subject to his earlier comments about a parking subsidy. It should be clear in the preamble and in the parking section that the City will financially help a developer with parking. He believed the help should be significant because parking is the sticking point of every good development. Commissioner Strachan felt he had already answered the question regarding administration requirements. He did not understand the incentive standards and was not prepared to answer yes or no. He thought the table format was confusing and the standards were unclear.

Commissioner Stuard noted that the appendix showed the street sections, but he could not find a map delineating the street sections and where they would be used. Jay replied that it was still a work in progress and they needed to clean up that section.

Chair Worel stated that she had become a fan of Form Based Code over the past two and a half years as she learned more about it. However, she felt they needed to be cautious in the process to protect the rights of property owners as they move forward. Chair Worel agreed with Commissioner Phillips on the need to improve the connectivity of the Fireside area. One of the goals is to promote inclusiveness and if they do not connect that area it would be sending the wrong message. Chair Worel liked Commissioner Campbell's comment about moving from the general concepts down to the specifics. She was impressed but surprised to see how much had been done and the extent of granularity, but it was still important to review it layer by layer. She requested that the Staff provide an outline for going through that process systematically to obtain the necessary information to answer the questions, and still reach the end goal in a timely manner. From an administrative standpoint, Chair Worel liked the concept of being very clear within Form Based Code because it would be helpful to the applicant. However, she agreed that the process should be transparent. They need to set parameters on size and scope to determine when a project should require a public hearing.

Commissioner Campbell stated that the chicken and egg issue was his biggest problem. He could not see a clear way to get from what exists now to what they want. Commissioner Campbell suggested that they take some time to brainstorm that issue. He was generally opposed to using public funds for parking because the developers should use their own money; but he was not opposed to offering incentives to provide parking. He

was aware that tax incentives were difficult to do under Utah law. Director Eddington clarified that it was difficult relative to private property. However, relative to the rights-of-way, the City Council and the Planning Commission have already agreed to begin funding. Commissioner Campbell was willing to consider a possible recommendation to the City Council for the use of public funds to jump start the planning process.

Director Eddington outlined the timeline and the hope of completing the process in October or November. That would allow potential developers to begin the construction documents during the winter and be ready for construction in the spring. Commissioner Strachan thought the schedule was too ambitious. He recalled from the General Plan process that the timing slowed down once they started working on the details. Also, once it reached the City Council level the amount of public input increased and that took additional time. Commissioner Strachan stated that this was the second largest document he has ever seen come through the Planning Commission and probably one of the biggest the City has seen.

The Work Session was adjourned at 8:20 p.m.

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
OCTOBER 22, 2014

COMMISSIONERS IN ATTENDANCE:

Chair Pro Tem Adam Strachan, Melissa Band, Preston Campbell, John Phillips, Steve Joyce, Doug Thimm

EX OFFICIO:

Planning Director Thomas Eddington; Kirsten Whetstone, Planner; John Boehm, Planner; Polly Samuels-McLean, Assistant City Attorney

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REGULAR MEETING

The Planning Commission held a site visit to 510 Payday Drive prior to the meeting. All Commissioners were present except Commissioner Worel who was excused.

ROLL CALL

Chair Pro Tem Strachan called the meeting to order at 5:50 p.m. and noted that all Commissioners were present except Commissioner Worel, who was excused.

ADOPTION OF MINUTES

There were no minutes to approve. The minutes of October 8, 2014 would be on the November 12, 2014 agenda for approval.

PUBLIC COMMUNICATIONS

Council Member Liza Simpson informed the Planning Commission that due to scheduling conflicts she and Council Member Peek would be sharing the role of liaison to the Planning Commission. She assured the Commissioners that one of them would be present at each meeting.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Commissioner Joyce commented on the most recent delivery of the very large LMC documents. He asked if it was possible for the Staff to create the LMC in a smaller pdf that could be placed in their dropbox. Director Eddington stated that dropbox should take the

entire LMC in pdf. and he would make sure it was put in the dropbox. Commissioner Strachan noted that he still preferred to have the physical LMC binder and he would pick his up in the Planning Department.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. 920 Empire Avenue – Conditional Use Permit in the Historic Residential (HR-1) zoning district. (Application PL-14-02462)

Planner John Boehm reviewed the request for a Steep Slope CUP for 920 Empire Avenue. The applicant was requesting a Steep Slope CUP to allow for construction of a new single family home on a vacant lot located at 920 Empire Avenue, which is in the HR-1 District. Planner Boehm explained that a Steep Slope CUP was required for this project because the total floor area would be in excess of 1,000 square feet and on a slope of 30% or greater.

The Staff had reviewed this application against the nine steep slope review criteria and found that there would be no unmitigated impacts caused by the issuance of this Steep Slope CUP.

The Staff recommended that the Planning Commission conduct a public hearing and consider approving the Steep Slope CUP for 920 Empire Avenue, based on the findings of fact, conclusions of law and conditions of approval found in the Staff report.

The applicants were present to answer questions.

Chair Pro Tem Strachan opened the public hearing.

There were no comments.

Chair Pro Tem Strachan closed the public hearing.

Commissioner Thimm had visited the site and he thought the proposal was consistent with what was currently being built next door. The scale looked good and it appeared to be a good fit for the street seam.

Commissioner Band pointed out that it was a tight lot and she wanted to know where they planned to stage construction. She understood that it would be addressed in the construction mitigation plan, but she was interested in knowing their plan for staging. Planner Boehm replied that staging would be addressed at the time of Building Permit.

Commissioner Band clarified that she only asked the question out of curiosity and not as an objection.

MOTION: Commissioner Joyce moved to APPROVE the 920 Empire Avenue Steep Slope Conditional Use Permit based on the Findings of Fact, Conclusions of Law and Conditions of Approval outlined in the Staff report. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 920 Empire Avenue

1. The property is located at 920 Empire Avenue.
2. The property is located within the Historic Residential (HR-1) District and meets the purpose of the zone.
3. The property is described as Lot 27, Block 15 of the Snyder's Addition to the Park City Survey. The lot area is 1,875 square feet. The lot is vacant.
4. A Historic District Design Review (HDDR) application is required and will be reviewed by staff for compliance with the Design Guidelines for Historic Districts and Historic Sites adopted in 2009.
5. This is an infill "Old Town" lot. There is no existing significant vegetation on this lot. A non-historic structure was demolished on this property in July of 2014. This is a downhill lot.
6. Access to the property is from Empire Avenue, a public street.
7. Two parking spaces are proposed on site. One space is proposed within an attached garage and the second is on the driveway in a tandem configuration to the garage, within the lot area.
8. The neighborhood is characterized by a mix of historic and non-historic residential structures, single family homes and duplexes. There are condominium buildings to the north on Empire Avenue.
9. The proposal consists of a single family dwelling of 2,003 square feet, including the basement area and a single car garage.
10. The driveway is designed with a maximum width of twelve feet and is approximately

thirty feet in length from the garage to the existing edge of street with a minimum of eighteen feet of driveway located on the property. The garage door complies with the maximum height and width of nine feet by nine feet.

11. The proposed driveway has a maximum slope of 14% with sections at 5% (in front of the garage) and 10% (from property line to edge of street). Overall slope is 9.7% as measured from the front of the garage to the edge of the paved street.

12. An overall building footprint of 812 square feet is proposed. The maximum allowed footprint for this lot is 844 square feet.

13. The proposed structure complies with all setbacks.

14. The proposed structure complies with the twenty-seven feet (27') maximum building height requirement measured from existing grade. Portions of the house are less than 27' in height.

15. The proposed home includes a split level configuration created by a mezzanine level for the front interior entry area. The proposed structure complies with the LMC required total building height of 35' from the lowest floor plane to the highest wall plate and is in compliance with the LMC amendments adopted by City Council on November 21, 2013.

16. There is a fourteen and one-half foot (14.5') step back from the first two stories. The stepping occurs within the first twenty- three feet (23') of the rear (lower) facade.

17. The applicant submitted a visual analysis, cross valley views and a streetscape showing a contextual analysis of visual impacts of this house on the cross canyon views and the Empire Avenue streetscape. Staff finds that the proposed house is compatible with the surrounding structures based on this analysis.

18. Retaining is necessary around the home on the upper, steeper portion of the lot. There will be no free-standing retaining walls that exceed six feet in height with the majority of retaining walls proposed at 4' (four) feet or less. Retaining walls between four (4) and six (6) feet will require approval by the Planning Director and the City Engineer. Retaining of grade at rear is minimized by the stepping foundation. There are no window wells.

19. The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography. There is no existing significant vegetation on the lot.

20. The site design, stepping of the foundation and building mass, increased articulation, and decrease in the allowed difference between the existing and final grade mitigates impacts of construction on the 30% slope areas.

21. The design includes setback variations in the front and back and lower building heights for portions of the structure in both the front and back where facades are less than twenty-seven feet in height.

22. The proposed massing and architectural design components are compatible with both the volume and massing of other single family dwellings in the area. No wall effect is created with adjacent structures due to stepping, articulation, and placement of the house on the lot.

23. The proposed structure follows the predominant pattern of buildings along the street, maintaining traditional setbacks, orientation, and alignment. Lot coverage, site grading, and steep slope issues are also compatible with neighboring sites. The size and mass of the structure is compatible with surrounding sites, as are details such as foundation, roofing, materials, window and door openings, and single car garages.

24. This property is required to have independent utility services for water, sewer, power, etc. Stubbing of these utilities was completed during the Empire Avenue reconstruction project.

25. No lighting has been proposed at this time. Lighting will be reviewed at the time of the HDDR and Building Permit application for compliance with the LMC lighting code standards.

26. The applicant submitted a visual analysis, cross canyon view, and streetscape showing a contextual analysis of visual impacts of the proposed structure on the adjacent streetscape.

27. The findings in the Analysis section of this report are incorporated herein.

28. The applicant stipulates to the conditions of approval.

Conclusions of Law – 920 Empire Avenue

1. The Steep Slope CUP application is consistent with requirements of the Park City Land Management Code, specifically Section 15-2.2 for the HR-1 zoning district.

2. The Steep Slope CUP application is consistent with the Park City General Plan.
3. The application is consistent with requirements of the Park City LMC, specifically Section 15-2.2-6 (B) (1-10) regarding development on Steep Slopes.
4. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.
5. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval – 920 Empire Avenue

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
3. A final utility plan, including a drainage plan, for utility installation, public improvements, and storm drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers, including Snyderville Basin Water Reclamation District, prior to issuance of a building permit.
4. Separate, individual utility service is required for 920 Empire Avenue.
5. 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.
6. A final landscape plan shall be submitted for review and approval by the City Planning Department, prior to building permit issuance.
7. No building permits shall be issued for this project unless and until the design is reviewed and approved by the Planning Department staff for compliance with this Conditional Use Permit, the 2009 Design Guidelines for Historic Districts and Historic Sites (Historic District Design Review) and the Land Management Code.
8. As part of the building permit review process, the applicant shall submit a certified

topographical survey of the property with roof elevations over topographic and U.S.G.S. elevation information relating to existing grade as well as the height of the proposed building ridges to confirm that the building complies with all height restrictions and that the driveway complies with the required slope restrictions.

9. If required by the Chief Building official based on a review of the soils and geotechnical report submitted with the building permit, the applicant shall submit a detailed shoring plan prior to the issue of a building permit. If required by the Chief Building official, the shoring plan shall include calculations that have been prepared, stamped, and signed by a licensed structural engineer. The shoring plan shall take into consideration protection of the historic structure to the north and existing retaining wall on the south property line.

10. This approval will expire on October 22, 2015, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and the request is granted by the Planning Director.

11. Modified 13-D residential fire sprinklers are required for all new structures on the lot.

12. All exterior lighting, on porches, garage doors, entryways, etc. shall be shielded to prevent glare onto adjacent property and public rights-of-way. Light trespass into the night sky is prohibited.

2. 95 King Road – Conditional Use Permit for Nightly Rental use in the Historic Residential Low Density (HR-L) zoning district. (Application PL-14-02468)

Planner Boehm reviewed the request for a nightly rental conditional use permit for 95 King Road. The applicant was requesting that the Planning Commission review the proposal to allow nightly rentals in the existing single family home located at 95 King Road. The property is located in the HR-L District where nightly rentals are a conditional use and must be approved by the Planning Commission.

The Staff had reviewed this application against the 15 conditional use permit criteria and requested discussion on three of the criterion; parking, circulation and control of service vehicles.

Planner Boehm requested discussion on the parking issue related to Criteria 5 on page 29 of the Staff report. He stated that according to the LMC 15-3-6, parking for the first six bedrooms of a nightly rental is based on the parking requirement for the dwelling. As outlined in the Staff report, this home was built prior to the current requirement, which

would be two off-street parking spaces. Planner Boehm noted that the home has two parking spaces; one in the garage and one in front of the garage. However, only one of those spots is legal because the second one extends half-way into the City right-of-way on King Road.

The Staff has determined that the existing home does meet the nightly rental parking requirement, since the parking for nightly rentals is based on the requirement for the dwelling. The existing home was built prior to the requirement for two off street parking spaces. However, due to the winter conditions on King Road, the Staff recommended that the Planning Commission add a condition of approval stating that all lease agreements for nightly rental at 95 King Road include language limiting the number of vehicles allowed to one vehicle. The Staff believed there was no possible way to fit a vehicle in the 18' x 10' space due to snow removal and the steepness of the road.

Planner Boehm stated that the second issue for discussion was Circulation, Criteria 6. Due to the narrow and steep nature of King Road, the Staff recommended a condition of approval that the nightly rental lease agreement include language indicating that access may require a four-wheel drive vehicle, and that there may be times when King Road is impassable and the renter would need to park in an approved overnight parking lot and walk to the property.

Planner Boehm remarked that the last issue for discussion related to control of service vehicles, Criteria 13; specifically trash cans being left on the street. The Staff recommended that the Planning Commission add a condition of approval that garbage receptacles shall be placed out for trash pickup no more than 15 hours prior to anticipated pick up, and that the receptacles be placed properly back on to the property no more than 15 hours after the actual pickup time.

Commissioner Phillips wanted to know how the conditions could be enforced to make sure the owner included the recommended language in the lease. Planner Boehm stated that prior to issuance of a business license for nightly rentals they would make sure the lease included the language. There were several mechanisms for enforcement. For example, parking would be enforced by the City's residential parking zone regulations. If a car is parked in the road it could be ticketed or towed.

Chair Pro Tem Strachan stated that based on past discussions it was evident that the impacts from nightly rentals were always the same. Commissioner Phillips stated that he had attended the public hearing for the nightly rental at 60 Sampson Avenue because it was in his neighborhood. He remembered the discussion and agreed that the impacts were similar. Commissioner Phillips liked the recommended conditions because it would help to mitigate some of the issues related to nightly rentals in Old Town.

Planner Boehm clarified that the Staff had based their recommendations on what they saw occurring with nightly rentals at 60 Sampson and 99 King Road.

Chair Pro Tem Strachan remarked that one issue that was never resolved for 60 Sampson was where the renters would park if they could not park next to the house. It was suggested that they park at China Bridge and walk up, but he never thought that was a realistic solution. He was concerned that there was not a parking alternative for 95 King Road if they bring more than one car. He noted that parking for guests was another impact that needed to be addressed.

Commissioner Band thought it was a condition of the lease for 60 Sampson that only one car was allowed for the rental. Chair Pro Tem Strachan recalled that they did condition the lease to limit only one car, and that it needed to be specified in the market materials. Commissioner Phillips pointed out that the Staff was recommending the same condition for 95 King Road. Chair Pro Tem Strachan reiterated his concern about guest parking. Commissioner Band noted that the parking restriction was primarily due to snow removal. If a renter had guests for two or three hours it should not present a problem. Commissioner Band pointed out that it is a two bedroom house and she believed the renters would be less likely to have two cars.

Commissioner Band wanted to know what would happen if the conditions were not met and the impacts were not mitigated. She asked if the City could pull the CUP if they consistently had issues with garbage cans and/or parking. She understood that the applicant intended to have a property manager and she believed most of the property management companies were good about following the rules, but there is always the exception.

Planner Boehm stated that the CUP is reviewed in one year to see if there were complaints or issues reported. If there appears to be a consistent issue it would come back to the Planning Commission for review. The one-year review was addressed in Condition of Approval #9.

Commissioner Phillips commented on nightly rentals in general and asked if a change in ownership would require the new owner to apply for a new business license to operate a nightly rental. Planner Boehm answered yes. Chair Pro Tem Strachan pointed out that the CUP runs with the property and that is different than a business license. Director Eddington replied that a business license must be renewed annually, which is separate from the CUP. A new owner would be bound by the conditions of the CUP and they would have to apply for a new business license in their name. Commissioner Phillips understood that the new owner would be bound by the conditions but the question was whether or not

they would abide by them. He assumed there was a mechanism but he just wanted to make sure.

Commission Thimm asked if there was a precedent with other nightly rentals for the four-wheel drive requirement. Planner Boehm replied that the recommended conditions were actual conditions of approval taken from the comparable nightly rental CUPs for 99 King Road and 60 Sampson to include the language in the lease agreement.

Commissioner Thimm asked if the lease becomes part of the business license application. Assistant City Attorney McLean explained that the owner just needs to abide by the conditions. The Staff does not review the lease, but not including the language would violate the CUP. Chair Pro Tem Strachan remarked that neighbors are the best regulators in those situations.

Council Member Simpson did not believe that the parking lot at the bottom of King Road was completed at the time they were discussing 60 Sampson Avenue. An alternative place to park other than China Bridge would be the public parking lot at the bottom of Hillside and King Road. Chair Pro Tem thought they should let the landlords and the tenants figure out the best parking solutions to meet the conditions of approval. Planner Boehm agreed, which was why the language was vague. Commissioner Thimm remarked that his point was to control the parking or the lack of parking on the property. How that is accomplished should be left to the people involved.

Chair Pro Tem Strachan opened the public hearing.

There were no comments.

Chair Pro Tem Strachan closed the public hearing.

Commissioner Joyce agreed with the comments regarding the parking. His concern was the language related to the garbage cans unless it applies to everyone on the street. He was unsure why they would single out the nightly rental.

Assistant City Attorney McLean recalled from previous nightly rental discussions that there were comments where people who rent over the weekend take out the garbage before they leave and the can sits out for days until the scheduled pickup day. In contrast, a resident living on the street would take the cans to the street and remove them within a 24 hour period. Ms. McLean noted that the Municipal Code states that garbage cans cannot be left on the street for more than 24 hours. The reason for including the language is to highlight it for the owner to make sure the property management company understands the

problem. Commissioner Joyce understood the reasoning, but he was still uncomfortable requiring 15 hours for one property when everyone else is allowed 24 hours by Code.

Commissioner Campbell agreed that everyone should have to abide by the Code provision that is already in place. Commissioner Phillips concurred.

Commissioner Thimm asked if the 24 hour timeframe specified in the Code was the total time for taking out the cans and removing them from the street. If that was the case, the 15 hours language as written for the nightly rental would actually allow 30 hours total. Assistant City Attorney McLean was unsure and needed to verify it with the Municipal Code.

Commissioner Campbell recommended changing the language to say that they must abide by the rule that is already in place. Ms. McLean thought that would be sufficient. Planner Boehm clarified that the language was taken directly from the conditions in the 60 Sampson Avenue approval, and the condition was placed by the City Council as part of the appeal. Commissioner Band remarked that since there were five or six nightly rentals within the vicinity they should keep it consistent.

Assistant City Attorney McLean read from the Municipal Code, "Trash collection, which ensures the trash cans are not left at the curb for any period in excess of 24 hours. And the property must be kept free from accumulated garbage and refuse". Commissioner Thimm reiterated that the condition as written suggested a period of 30 hours for the nightly rental. He thought they should change the language to be consistent with the Municipal Code.

Commissioner Phillips recalled from the 60 Sampson discussion, that parking was a major issue because the house had so many beds and there was so little parking. However, since the time the CUP was awarded he has not noticed any issues and the restrictions appear to be working.

MOTION: Commissioner Phillips moved to APPROVE the Conditional Use Permit for nightly rental for 95 King Road based on the Findings of Fact, Conclusions of Law and Conditions of Approval as amended to revise Condition #6 to state, "Property Management shall abide by the Municipal Code 14-2-18C4F regarding the trash cans". Commissioner Campbell seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 95 King Road

1. The property is located a 95 King Road. The property is improved with a nonhistoric 1,175 square foot, two bedroom, two bath single family house.
2. The subject property is located within the Historic Residential Low Density (HRL) zoning district.
3. The house at 95 King Road is located on Lots 23 and 24 of Block 76 of the Park City Survey. The total area of Lots 23/24 is 3,485 square feet which is smaller than the minimum lot size of 3,750 sf currently required in the HRL zoning district for a single family house.
4. The earliest record that staff was able to locate regarding the structure at 95 King was a building permit for fire damage repair dated March 6, 1986. The Building Department keeps records dating back to 1980 so the home was constructed sometime prior to 1980. The site is not listed on the City's Historic Sites Inventory.
5. The setback to the west property line (4'6") does not meet the current LMC required setback for front yards on lots up to 75 feet in depth (10').
6. The house has one legal parking spot in a single car garage and one noncompliant parking spot in front of the garage that is partially in the City Right-of-Way.
7. Nightly rental uses are subject to a Conditional Use Permit in the HRL zoning district.
8. On August 22nd, 2014, the owner of 95 King Road submitted a complete application requesting approval of a Conditional Use Permit to allow nightly rental use of the existing home.
9. According to the City's business license records, there are currently eight (8) active nightly rental business licenses in the surrounding neighborhood of King Road, Sampson and Ridge Avenues.
10. The business license and inspection of the property by the Building Department are required to ensure that the business owners are verified and the property meets all applicable fire and building codes.
11. Staff finds that there are no unmitigated impacts regarding size and location of the site as the existing structure is not changing.

12. Staff finds that there are no unmitigated impacts regarding traffic considerations as trip generation for long term rentals, seasonal work force rental, and/or housing for permanent residents, is generally greater than that of short term vacation rentals.

13. Staff finds that there are no unmitigated impacts regarding utility capacity as no additional utility capacity is required for this project.

14. Staff finds that there are no unmitigated impacts regarding emergency vehicle access as nightly rental use does not change the requirement for emergency vehicle access which exists on King Road and Ridge Avenue.

15. Staff finds that there are no unmitigated impacts regarding the location and amount of off-street parking as the house was built prior to the requirement of two off street spaces and the fact that the applicant has agreed to limit the number of vehicles allowed for nightly rentals to one (1).

16. Staff finds that there are no unmitigated impacts regarding circulation as the applicant has agreed to provide information in the nightly rental lease agreement regarding the occasional need for a four wheel drive vehicle and the possibility that the renter may need to find legal parking in a free or pay lot and then walk to the property during times that King Road is impassable.

17. Staff finds that there are no unmitigated impacts regarding fencing, screening and landscaping as no changes to these elements are proposed.

18. Staff finds that there are no unmitigated impacts regarding building mass, bulk, orientation and the location on site as no changes are proposed to the existing building.

19. Staff finds that there are no unmitigated impacts regarding signs and lighting as no signs or additional lighting is proposed at this time. Existing lighting was previously approved.

20. Staff finds that there are no unmitigated impacts regarding physical design and compatibility with surrounding structures as the existing home is compatible with surrounding structures in mass, scale, and style.

21. Staff finds that there are no unmitigated impacts regarding noise, vibration, odors, steam, or other mechanical factors as there is no outdoor hot tub.

22. Staff finds that there are no unmitigated impacts regarding control of delivery and service vehicles as the applicant will be using a local property management company who will adhere to the condition of approval that trash receptacles cannot be placed on the street more than 15 hours prior to expected pick-up and must be removed with 15 hours of actual pick-up.

23. Staff finds that there are no unmitigated impacts regarding expected ownership and management of the property as the applicant will be utilizing a local property management company.

24. Staff finds that Criteria #9 and #15 of LMC 15-1-10 do not apply to this application as there is no open space required for this use and the property is not in the sensitive lands overlay.

25. The applicant stipulates to the conditions of approval.

Conclusions of Law – 95 King Road

1. The proposed application as conditioned complies with all requirements of the Land Management Code.
2. The proposed nightly rental use is compatible with surrounding structures in use, scale, mass, and circulation.
3. The proposed nightly rental use is consistent with the Park City General Plan.
4. The effects in difference in use or scale of the nightly rental have been mitigated through careful planning and conditions of approval.

Conditions of Approval – 95 King Road

1. All standard project conditions shall apply.
2. All existing and any new exterior lighting shall be subdued in nature and shall conform to the City's lighting ordinance, LMC Section 15-5-5-(l) and 15-3-3(c) prior to the issuance of a nightly rental business license.
3. A detailed review against specific requirements of the Uniform Building and Fire Codes in use at the time of business license application is required as a condition precedent to issuance of a business license.

4. No exterior commercial signs are approved as part of this CUP. All signs are subject to the Park City Sign Code.
5. All lease agreements for nightly rental shall include language that limits the number of vehicles allowed at 95 King Road to one (1) vehicle.
6. Property management shall abide by Park City Municipal Ordinance 4-2-18(C)-(4)(f) which states that trash receptacles may not be left at the curb for a period longer than twenty-four (24) hours.
7. All lease agreements for nightly rental shall include language indicating that during heavy snow fall or bad road conditions, access to the lot may be limited or may require a four-wheel drive vehicle in order to gain access. There may be times when renters need to park off-site in an approved overnight public parking lot and walk to the property.
8. Nightly rental use of 95 King Road prohibits Commercial uses such as hospitality houses, screening rooms, reception centers, etc.
9. The CUP will be reviewed after one year, on October 22nd 2015, by staff. If there are recorded complaints, staff will bring the matter before the Planning Commission.

3. 510 Payday Drive – Thayne’s Creek Ranch Estates Phase II Subdivision Plat (Application PL-14-02427)

The Planning Commission held a site visit on this item prior to the meeting.

Chair Pro Tem Strachan summarized the site visit to 510 Payday Drive. The applicant, Frank Richards, met them on site and pointed out the boundaries of the no-build zone and the boundaries of the wetland area. Mr. Richards had flagged some of the contours of the various building footprints and answered the Commissioners questions regarding the location of the existing footprints and the proposed changes to those footprints.

Planner Kirsten Whetstone reviewed the request for a subdivision plat for three lots of Phase II of the Thaynes Creek Ranch Estates subdivision, which was a recent annexation that occurred a year ago between Frank Richards and the Park City Municipal Corp. Planner Whetstone noted that the annexation incorporated the City open space west of Highway 224, as well as the Franklin Richards Ranch.

Planner Whetstone noted that Exhibit H in the packet were the minutes from previous Planning Commission meetings; however, after the packets were printed they noticed that the pages were mixed-up. She provided the Commissioners with corrected copies of Exhibit H.

Planner Whetstone reported that the Planning Commission reviewed this item on September 24th and requested to see the minutes of the previous meetings to better understand the restrictions that were placed on this subdivision. The property was zoned in the single-family zone, which has an allowed height of 28'+5' for a total of 33'. When the property was annexed, a preliminary plat for seven lots and one parcel for the riding arena was approved. The January 31st, 2013 City Council minutes in Exhibit H reflect the discussion regarding the preliminary plat and no build zones. Planner Whetstone stated that the lots being discussed this evening was Lot 5, which is the existing house and ranch, Lot 6 across the driveway, and Lot 7, the lot they looked at during the site visit.

Planner Whetstone recalled discussion on Lot 1, 2 and 6 of an 80-foot no-build zone from the east property as shown on the plat, Exhibit A. There was additional discussion as to whether there should be a no-build for the northern part of Lot 7 of 250 feet. Planner Whetstone noted that the previous minutes also reflect a 336' no build zone. She noted that measuring from the north property line down south, 336' is at the line shown on the preliminary plat that was approved with the annexation. Planner Whetstone stated that the plat also had height restrictions that called out a maximum height of 30' for Lots 5 and 6, which would be 25'+ 5' for a pitched roof. However, Lot 7 had a maximum height of 28', or 23'+5'.

Planner Whetstone reported that at the last meeting the applicant made a request to move the line north. The Planning Staff had conducted an analysis of the plat that was submitted based on the preliminary plat and the annexation agreement. The Staff reiterated their recommendation for consistency with the preliminary plat. The maximum footprints should be 4,900 square feet for lots 5, 6 and 7. The maximum height for lots 5 and 6 would be 30' and Lot 7 would have a maximum height of 28'.

Planner Whetstone noted that the Staff had prepared a draft ordinance included on page 61 of the Staff report that reiterates some of the conditions of approval with the annexation. The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation per the ordinance in the Staff report.

Frank Richards, the applicant, did not believe that 30 feet was excessive for Lot 7 and he thought it should be consistent with the other lots. He stated that the adjacent property to the west, Aspen Springs, was 33' in height. The adjoining Lots 1 and 2 have a maximum

height of 28'+5'. He did not think it was unreasonable for Lot 7 to have a maximum consistent with the next three lots they were bringing into the subdivision.

Mr. Richards stated that the no-build zone on Lot 7 was originally set at 250'. At some point it was increased to 336' and he was unsure how that occurred. He was requesting a no-build zone of 300' to give some flexibility to the location of the proposed on Lot 7. Mr. Richards remarked that the Lot is already handicapped because there is a 20' right-of-way on the west boundary, the no-build zone on the north boundary, and the wetlands and a 50-foot buffer on the east boundary. Mr. Richards noted that the remaining parcel to locate the home was approximately one-quarter of an acre of the 3.25 acre lot. By expanding to the north by 35' allows room for a barn and still keep the 75' separation required between the barn and the house; with some flexibility on where to locate the home.

Chair Pro Tem Strachan asked why there needed to be a 75' separation between the barn and the house. Planner Whetstone stated that there is a requirement in the Code on properties that allow horses that the barns must be 75' from any adjacent residence. Mr. Richards stated that of the 35' reduction they were requesting, 70% of that was no-build anyway because of the buffer zone to the wetlands.

Commissioner Joyce understood that the intent for requesting the reduction of the no-build area was to move the barn 35' to the north. Mr. Richards replied that this was correct. Mr. Richards clarified that the barn is 48' and they were asking for 35'. Therefore, the barn would project into that area. Planner Whetstone pulled up an exhibit that Mr. Richards used to identify the area he was talking about and to explain his comments.

Chair Pro Tem Strachan asked Mr. Richards to explain why the 150' x 100' foot building area was not sufficient. Mr. Richards replied that there needed to be some flexibility to locate the home. Planner Whetstone referred to the drawing Mr. Richards had submitted and noted that what he had put as a 75' separation from the house to the barn actually measured out as 35'. She pointed out that the building area needed to be smaller because otherwise it projects into the no-build zone.

Commissioner Thimm clarified that they were looking at a two-scale drawing. Planner Whetstone replied that this was correct. She reiterated that Mr. Richard's barn setback was actually scaled at 35'. When she scaled it at 75' she ended up with the barn being in the area where he was asking for additional space. Planner Whetstone reviewed the calculations. Chair Pro Tem Strachan understood that the 150' should actually be 125'; however, the building area was still approximately one-quarter of an acre. Planner Whetstone calculated that the building area would be approximately 12,500 square feet and the footprint would be limited to 4900 square feet including the garage. The barn would be separate.

Chair Pro Tem Strachan opened the public hearing.

Roger Armstrong, a neighbor, stated that the requested extension would put the barn right behind his property. He requested that Mr. Richards find a way to keep the barn further up and cluster the development. Mr. Armstrong noted that the houses coming up that line would be impacted to a lesser extent because of the direction they face; but in terms of view sheds he would be looking over the top of the barn rather than his current view. He appreciated anything Mr. Richards could do to further mitigate the impacts. Mr. Armstrong remarked that his house faces due east and if the barn is moved north it would come down to probably the first third of his property.

Mr. Richards pointed to Mr. Armstrong's property and the 30' tall pine trees along the edge. They were unable to put the sewer line in that location because of the trees. If they move the barn 35' it would be hidden by the pine trees because the barn would only be 18' high.

Mr. Armstrong reiterated his request to cluster the development a little tighter. He noted that he purchased the house from the neighbor who previously agreed to the plan, but that person was gone and Mr. Armstrong had concerns with the impacts.

Chair Pro Tem Strachan closed the public hearing.

Regarding home size, Mr. Richards had reviewed the analysis Planner Whetstone had done on Aspen Springs. He noted that Aspen Springs permits 8,000 square foot homes on a half-acre lot. Any lot over three-quarters is allowed up to 12,000 feet. He was asking to have the same privilege of an 8,000 square foot total house on his three-quarter acre, which would give a footprint of 5,000 square feet rather than 4900 square feet.

Commissioner Campbell understood that Mr. Richards was asking the Planning Commission to change the agreement he made with the previous Planning Commission. He was comfortable with that because one Planning Commission does not have the right to bind the hands of a future Planning Commission. However, before they decide whether to overturn that agreement, it was important to make sure there was a legitimate reason to do so. Commissioner Campbell asked Mr. Richards why he did not make this request the first time when it came before the previous Planning Commission. Mr. Richards stated that at the time he did not understand the 50' buffer of the wetlands.

Commissioner Campbell believed there were many impacts on the property, particularly in terms of how much of the lot is carved up in ways that could not be used. Mr. Richards remarked that when they first started they were not aware of the 20-foot easement that the Sewer District required.

Jeff Petersen, the builder, explained that the 35' setback plus the building pad, plus the 75' barn separation really restricted the potential for building the house. They did not fully understand those impacts when they met with the previous Planning Commission. Commissioner Campbell believed that was a legitimate reason to make the request to re-negotiate.

Commissioner Band understood why Mr. Richards was requesting the reduction and she agreed that the surrounding houses have larger footprints. In her opinion, the difference was the wetlands on Lot 7. She believed that whoever purchases the property would pay a lot of money for three-quarters of an acre, but they should also understand that restrictions come with wetlands. Commissioner Band remarked that it is a beautiful property and she hoped a buyer would be excited to have it. However, she could not see the justification for moving the lines. She believed the barn location in the original plan is less impactful to the neighbors. Commissioner Band recognized that 12,500 square feet of a building pad with a 4900 square foot house is going to be tight, but she thought there was enough wiggle room to make it possible.

Commissioner Phillips concurred with Commission Band. When he was at the site he walked away from the group and went from where the lines were to where they were proposed to be. He noticed the negative impacts it would have on Mr. Armstrong and he believed it would put the barn in his view. Commissioner Phillips understood that the purpose of the no-build area was to prevent the development from going further into the field to keep the space open. In his opinion, that was another reason not to reduce the no-build area. He could not see a good reason to change what has already been platted. Commissioner Phillips stated that he is in construction business and he personally lives on a 25' x 75' lot so he understands the constraints. He also knows that architects are really good at working with the space and he believes there is enough room to fit a nice home.

Commissioner Joyce echoed Commissioner Phillips. He had not seen a good cause aside from the fact that it would make the lot worth more to the potential buyer. In his opinion, that was not a compelling reason to change what was done under the previous Planning Commission.

Commissioner Thimm agreed with his fellow Commissioners. He had visited the site three times and he tried to line up the view shed. In looking at the drawing that defined the building pad area, and thinking about the 4900 square foot footprint in comparison to 12,500 square feet, he believed there would be sufficient space. Commissioner Thimm concurred that there needed to be a very good reason to change what was put in place, and he had not found a good reason based on what was presented. Whether it was 150'

or 125' he was unsure how it would fit on the lot; but if 125' leaves over 12,500 square foot of buildable area, it would be ample enough space to locate a 4900 square foot footprint.

Commissioner Campbell noted that during the site visit the question was asked about who the Planning Commission represented as their constituency. He noted that one of the Commissioners suggested that their constituency was the LMC. Assistant City Attorney McLean stated that whoever said it was correct. They are not elected officials and, therefore, they do not have constituents. Commissioner Campbell wanted to know what part of the LMC the other Commissioners were referencing when they said it was enough space to locate the house. He felt like they were making it up as they go. Commissioner Campbell stated that the Planning Commission always looks for consistency and that properties and property owners should be treated the same. He believed that Mr. Richards' argument for wanting to be treated the same as the adjacent property had more validity than their personal opinions of how large the house should be.

Commissioner Band stated that her calling card has always been to do things consistently. However, this was a different subdivision from the one Mr. Richards used as a comparison. Commissioner Campbell clarified that if there was not a specific place in the Code that was being violated, then the cause should go to the landowner.

Commissioner Joyce stated that his issue was not whether there was enough space. An agreement was put in place as part of the annexation and a lot of effort went into the discussions and the end result. They have seen the minutes and all the drawings and maps, and that was the agreement. Commissioner Joyce remarked that the wetlands did not suddenly appear and the drawings from a long time ago show the house right where it was supposed to be. Commissioner Joyce remarked that there was an annexation agreement that went into a lot of detail to force things into certain places to accomplish a certain appearance. A lot of thought went into those details and he could find no compelling reason to undo the Annexation Agreement.

Commissioner Band stated that this is an entry corridor and the LMC talks about protecting the entry corridor and as much open space as possible. That would include clustering the development in accordance with the original Annexation Agreement.

Commissioner Phillips believed that protecting the open space was the major point. He only addressed the issue of sufficient space for the house because that was Mr. Richards' reason for wanting to move it.

Planner Whetstone stated that she was the planner on the Annexation, and the entry corridor, the City open space, and clustering buildings were major considerations. At the same time they wanted to provide large lots to keep an agrarian look and feel. Planner

Whetstone noted that the height restrictions placed on the lots were done for the purpose of visibility. She pointed out that the houses in Aspen Springs are all in the single family zone and have a maximum height of 33'. However, the lots above the white barn have a height restriction of 30' because they can be seen from the entry corridor.

Chair Pro Tem Strachan stated that the Planning Commission would be forwarding a recommendation to the City Council. He pointed out that the City Council had weighed in the first time and as reflected in the minutes, they weighed in thoroughly and with a good eye, and they reached the correct conclusion. Chair Pro Tem Strachan clarified that he was not in favor of changing the original agreement. He believed that building a 4900 square foot house on a 12,500 square foot footprint was doable and it allowed some flexibility.

Chair Pro Tem Strachan noted that there was not a finding of fact or conclusions of law about how the final building footprint should be memorialized; and he suggested that Exhibit C on page 91 of the Staff report should be incorporated in the motion. Exhibit C is the preliminary plat and whoever makes the motion could make it the final plat.

Mr. Richards stated that the Commissioners were suggesting that he abide by the Annexation agreement, but the Annexation agreement identifies a 250' no-build zone. He pointed out that he was willing to give 50 feet as a compromise.

Commissioner Joyce asked where the 336' no-build zone came from. Planner Whetstone pointed to a line that was drawn in during the discussion for the preliminary plat and the annexation before it went to City Council. The Planning Commission originally suggested that the 80' on the east side be ROS zoned. She could not find in the minutes where a decision was made on that line, but they did talk about having to have a driveway, a house, a separation and then a barn. The line was drawn with rulers and the location was discussed. Planner Whetstone showed the preliminary plat with the line when it went to the City Council, and the Council left the line.

Planner Whetstone stated that it was possible that the 250' reference could have been from the cul-de-sac north. She did not think it was clear in the minutes.

Mr. Peters had a recorded copy of the Annexation agreement and on Exhibit C, and the line Planner Whetstone mentioned did not exist on the exhibit. Planner Whetstone stated that the Exhibit Mr. Peters had did not have the recorder's stamp. Mr. Richards stated that he requested that the County send him a packet including the plats and all the documents that were recorded, and those were the documents he had this evening.

Chair Pro Tem Strachan stated that Exhibit C on page 91 of the Staff report was a Concept Subdivision and Phasing Plan done by Alliance Engineering on 1/8/13. Planner Whetstone remarked that it was actually the one that was approved by the City Council and recorded. Chair Pro Tem Strachan believed that was even more reason to make it the final plat through a motion and override the preliminary plan.

Planner Whetstone remarked that the Annexation Agreement did not mention an actual number for the no-build zone. Mr. Richards stated that the plat that was submitted did not mention a number either.

Mr. Richards stated that when the annexation was made there was a concept but no definition of exactly where the house would sit. They were trying to get the first phase approved and the Planning Commission wanted an idea of what they were proposing for Phase 2. For that reason they submitted a concept plan. It was only a concept and it was never intended to be final. Mr. Richards remarked that the home shown on the plan was only something that could potentially be built. Mr. Richards did not believe that when Phase 1 was approved that Phase 2 was approved at the same time. The concept was to place a home on the lot reasonably near the cul-de-sac and that the barn would be 75' from a home.

Commissioner Joyce clarified that he was mostly concerned about the demarcation line of the no-build zone. He understood it was not the actual house that would be built and he was not concerned with the placement because it would be restricted by the wetlands.

Mr. Richards stated that somebody will have to look at the barn. He realized that Mr. Armstrong would be looking at third of the barn, but the rest would be hidden by the trees. If they move it for Mr. Armstrong, then another neighbor would have to look at it.

Commissioner Joyce clarified that he personally was not saying that Mr. Armstrong should not have to look at the barn. That was not his issue. His issue was finding a compelling reason to change an agreement. Accommodating a buyer so he can build the house he wants is not a compelling reason because there are ways to build within the constraints of the lot. Commissioner Joyce stated that protecting the entry corridors was more important than protecting the view of one individual.

Mr. Richards pointed out that the distance between the barn and the house would not change because they could not bring it in any closer. Wherever the house and the barn sits would be as close as they could be regardless of whether they are closer to the cul-de-sac or 35' beyond the cul-de-sac. Mr. Richards stated that Lot 4 in Aspen Springs is 100 feet closer to the highway than the home on Lot 7 would be.

Commissioner Campbell was unclear as to where the no-build line came from. He was under the impression that it had to do with the Annexation Agreement but that did not appear to be the case. Commissioner Campbell wanted to know when it was inserted into the plat, who had the idea and who approved it.

Planner Whetstone referred to page 139 of the Staff report and noted that the January 9, 2013 minutes reflect that the Planning Commission forwarded a recommendation to the City Council on the annexation. Commissioner Wintzer made a motion to forward a positive recommendation to the City Council as approved in the draft ordinance and as amended by Planner Whetstone, and the amendment to Condition 3 to include the hard surfaces, and a request to add a zone line to zone the eastern portion of Lots 1, 2 and 6 and the wetlands portion of Lot 7 to ROS. Planner Whetstone noted that the minutes show some discussion among the Commissioners and the motion was voted on and passed. Later in the minutes it states that, "Assistant City Attorney McLean recommended that the Planning Commission consider where they wanted the absolute no-build zone as opposed to defining building pads. That would add some flexibility for shifting the building pads as long as it stayed out of the no-build area. Commissioner Hontz remarked that there was already agreement on areas where building could not occur because of wetlands, and this was another added layer of protection. Commissioner Savage was comfortable with an ROS designation on the wetland area because it was already an unbuildable area." Planner Whetstone clarified that they were talking about the wetland area and the 50' foot buffer.

Planner Whetstone referred to page 140 of the Staff report, also the January 9, 2013 minutes, and read, "Planner Whetstone reviewed the proposed changes in addition to the ones she had revised earlier and condition #3 was read to define driveways and hard surface areas at the time of final plat, and the recommendation that the easternmost 80 feet of Lots 1, 2 and 6 and the northernmost 250' of Lot 7 be zoned Recreation Open Space, with the remaining portions zoned SF." Planner Whetstone remarked that the City Council did not think the lots should be separate zones and there should just be a no-build zone.

Planner Whetstone pointed out that the language talked about the wetlands area and then suddenly it was 250'. She and Director Eddington recalled that people were using rulers to figure out where the line should be based on a driveway, a house, a setback and a barn and the wetland area. The line was drawn on the preliminary plat by Alliance Engineering. She was unsure whether someone had measured it and believed it was 250' or how that came about. She clarified that the minutes say, "the northernmost 250 feet". Planner Whetstone stated that if that was the case then some of the wetlands would not be in the no-build area.

Commissioner Thimm remarked that the wetlands have their own protection for where building would not be allowed to occur. He thought it went back to the question of where the 336' no-build came from if it was identified as 250' in the minutes.

Planner Whetstone referred to the minutes of the January 31, 2013 City Council meeting on page 146 of the Staff report. She read, "She explained that the Planning Commission recommended that the north 250' of Lot 7 be zoned ROS and the easternmost portion, as opposed to the Staff recommendation which was to place a no-build designation." Planner Whetstone read from the same minutes at the end of page 146 and a comment by then Council Member Alex Butwinski, "The Annexation Agreement is consistent about the Park City Municipal Corporation parcel being ROS and the zoning of single family, except for the back 250' of Lot 7, which will also be zoned ROS."

Planner Whetstone noted that 250' keeps showing up in the minutes from both the Planning Commission and City Council meetings, but Exhibit C in the Staff report was the preliminary plat that was approved.

Chair Pro Tem Strachan pointed out that Exhibit C was dated 1/8/13 and the City Council approved it on 1/31/13. The Exhibit pre-dates the City Council's decision. Chair Pro Tem Strachan recalled that the City Council looked at the plat and the line on the plat and approved it. He was certain that the line did not somehow show up after the City Council approval.

Commissioner Campbell remarked that in the minutes Commissioner Savage had stated that the line was arbitrary. Chair Pro Tem Strachan replied that it Commissioner Savage's opinion that the line was arbitrary, and he was the lone dissenter.

Commissioner Joyce stated that if everything discussed in both the City Council and Planning Commission meetings was 250-feet, it appeared that someone may have drawn the line in the wrong place on the preliminary plat for Lot 7. Commissioner Campbell thought that was exactly what happened.

Commissioner Phillips thought the discussion where everyone sat down with rulers was where it all changed. He asked if that discussion was reflected in any of the minutes and whether it occurred at the City Council meeting or with the Planning Commission. Chair Pro Tem Strachan recalled that it was in the City Council meeting. He noted that Alliance Engineering was retained by Mr. Richards and the plat was submitted to the City Council in their packet of materials for approval.

Commissioner Campbell pointed out that all the documents say 250', except for Exhibit C, which is what the applicant submitted.

Mr. Richards wanted to know why the plat that was submitted for recording did not show the no-build zone. Planner Whetstone clarified that the annexation plat would not have shown it. It was only an exhibit that indicated that it was a preliminary plat. She explained that an annexation has to come with a master plan or some kind of preliminary plat, and gets finalized when the Planning Commission looks at the final plat, which they were looking at this evening. The first and final plat included the 80 feet and that was all clear. Planner Whetstone stated that the Planning Commission had the ability to look at this as a final plat. The Annexation agreement talks about no-build and protecting wetlands and protecting the views and the entry corridor. It does not have to comply completely but it should be consistent with the preliminary plat to the greatest extent possible.

Commissioner Joyce felt like someone had drawn a made-up line and it became the decisive line.

Director Eddington recalled that when this was first being discussed early in the preliminary stages there was concern with regard to whether a Lot 7 should even exist because it would be located between two wetlands. Six lots were proposed and the 7th lot was proposed between the two wetlands. There was concern with that lot being located between the two wetland areas. It already had so many constraints that the question was whether it should even exist. It went forward and was noted on the plat as a possible lot. The discussions went from annexation discussions to the final plat, which is where they were tonight. Director Eddington thought from the earlier discussions that there was a 250' ROS discussion on the north part of this property. He also remembered a discussion about doing something similar for Lots 1, 2 and 6 and adding the 75' no-build zone. He thought it was the 250' plus 75', but that would only total 325 not 336. Director Eddington acknowledged that he could be wrong but that was his recollection of how it all evolved. He did remember that there was significant concern about reducing that lot because of its location between the two wetlands.

Commissioner Campbell remarked that this was a conflict that the City Council would have to resolve regardless of what the Planning Commission decided. He asked if the Planning Commission could forward a recommendation to the City Council to look carefully at where the 250' zone really is, rather than try to force the applicant to live by what seemed to be an imperfect document.

Commissioner Melissa noted that the Planning Commission had continued this item at the last meeting so they could have all the meeting minutes to understand where the 336' number came from. She thought they needed to be fair to Mr. Richards, and after reading the minutes and seeing 250' consistently they were still looking to understand what happened.

Chair Pro Tem Strachan suggested that they send it to the City Council with a positive recommendation that Exhibit C should be the final plat, and let the Council determine whether it was in the right place or the wrong place. Commissioner Campbell thought their recommendation should have language that makes the City Council aware of the discrepancy. Chair Pro Tem Strachan noted that the City Council would have the minutes from this meeting. Council Member Simpson was in attendance and she would also relay their discussion.

Commissioner Joyce stated that aside from the question of how the line was drawn, he understood that they were talking about a line in the middle of Lot 7. When the first half of the subdivision was done on Lots 1 through 4, the applicant had not asked for approval for Lot 7. Since the approval of Lot 7 was part of the final plat, he wanted to know how much the Planning Commission was constrained by the previous agreements. Chair Pro Tem explained that when the applicant came in for lots 1, 2 and 3, a large bulk of the discussion was about Lot 7. Commissioner Joyce asked if the line that was drawn for Lot 7 in the preliminary plat was a definitive plat that was expected with the approval, or whether it was a concept of what Lot 7 might look like with the details to be determined at the time of approval for Lot 7. Chair Pro Tem Strachan replied that it was only a concept in the annexation discussion. However, he believed it was one of the more thorough annexation discussions because they actually talked about where the building footprint should be located. Because the site is so sensitive and delicate and contains wetlands and open space on the entry corridor, the Planning Commission and the City Council looked at this annexation petition with more scrutiny in contrast to other annexations.

Commissioner Campbell remarked that based on the minutes from both the Planning Commission and City Council meetings, everyone repeatedly assumed that the line would be at 250'. It is referenced often and no one corrects it.

Chair Pro Tem Strachan summarized that none of the Commissioners were clear as to whether Exhibit C on page 91 of the Staff report reflects the accurate no-build line. He understood that there was consensus that the current building footprint and barn footprint did not need to be changed. Chair Pro Tem Strachan stated that the Planning Commission could make a motion to forward a positive recommendation to the City Council and include those two items; and let the City Council decide whether or not to accept it.

Commissioner Campbell wanted the recommendation to include the fact that the Planning Commission was unclear about where the line should exist. He thought they should be clear that the Planning Commission was not asking the City Council to codify the existence of the line where it was currently drawn.

Mr. Richards was disappointed that Steve Schueler was unable to attend this evening because he was told by Staff to add the line and he might be able to provide some clarity. Commissioner Campbell informed Mr. Richards that Mr. Schueler could still attend the City Council meeting since they would be making the final decision.

MOTION: Chair Pro Tem Strachan moved to forward a POSITIVE recommendation to the City Council based on the Findings of Fact, Conclusions of Law and Conditions of Approval as contained in the draft ordinance, with specific reference to Exhibit C on page 91 of the Staff report as indicating the no-build zone for Lot 7. Commissioner Phillips seconded the motion.

Commissioner Campbell did not believe the motion expressed their lack of clarity on the 250' issue. Council Member Simpson stated that she understood the confusion; however, she was unsure where they would find clarity. She suggested that they amend the motion to ask the City Council to make a final determination on where the line should be; or the request could come from Staff. Ms. Simpson assured the Planning Commission that she would remember this discussion when the City Council has their discussion. Council Member Simpson questioned whether or not the motion needed to be that specific.

Chair Pro Tem Strachan amended his motion to say that the Planning Commission would leave it the City Council to determine where the no-build line should be on Exhibit C on page 91. Commissioner Phillips seconded the amendment to the motion.

VOTE: The motion passed unanimously.

Assistant City Attorney McLean recommended that the Staff include the draft minutes from this meeting in the Staff report for the City Council meeting. Planner Whetstone would notify the Planning Commission when the item is scheduled so at least one Commissioner could attend. Ms. McLean noted from the agenda that this item was scheduled to go before the City Council on November 13th.

Findings of Fact – 510 Payday Drive

1. The property is located north of Payday Drive (north of the Thayne's Creek Ranch Subdivision), south of Aspen Springs Subdivision, east of Iron Canyon Subdivision, and west of Highway 224.
2. The property was annexed into Park City with the Richards/PCMC Annexation approved by the City Council on January 31, 2013 and recorded at Summit County on April 12, 2013.

3. The property is zoned Single Family (SF).
4. Access to the property is from Payday Drive at the existing driveway to the Richard's property. The driveway has been improved to a private street known as Country Lane.
5. On January 31, 2013, concurrent with the Annexation, the City Council reviewed and approved a preliminary subdivision plat for a total of seven single family lots and one common lot for the riding arena. The proposed phase two plat is consistent with the preliminary subdivision plat and consists of four (4) lots. Three of the lots are single family development lots and one lot is a common, non-residential lot for the existing riding arena.
6. The property is not within the Entry Corridor Protection Overlay zone (ECPO) and no portion of the plat is within the Park City Soils Ordinance boundary.
7. The subdivision creates non-conforming rear setbacks for an existing outbuilding and a guest house on Lot 5.
8. The subdivision complies with the Land Management Code regarding final subdivision plats, including SF zoning requirements, general subdivision requirements, and lot and street design standards and requirements.
9. General subdivision requirements related to 1) drainage and storm water; 2) water facilities; 3) sidewalks and trails; 4) utilities such as gas, electric, power, telephone, cable, etc.; and 5) preservation of natural amenities and features, have been addressed through the Annexation and subdivision plat review process as required by the Land Management Code.
10. Sanitary sewer facilities are required to be installed in a manner prescribed by the Snyderville Basin Water Reclamation District (SBWRD).
11. The property is subject to the Employee/Affordable Housing requirements of the Affordable Housing Guidelines and Standards Resolution 20-07. One Affordable Unit Equivalent equals 900 square feet. The affordable housing obligation determined at the time of the annexation is 15% of 6 new units or 0.9 AUE (810 sf). The affordable housing obligation has been satisfied with payment of an in-lieu fee as approved by the Park City Housing Authority.
12. Land uses proposed in the second phase subdivision include three single family lots and one lot to be dedicated to the HOA for common recreation

facilities, such as the existing riding arena. Only one single family home and one barn are permitted to be constructed on each of Lots 6 and 7. Lot 6 contains an existing hay barn that may remain. Lot 5 contains an existing house, a guest house, a storage shed, and two barns that may remain. Lots 5 and 7 are allowed up to six (6) horses and therefore the barns are larger than on Lots 1, 2, and 6.

13. Per the Land Management Code, a maximum of 2 horses per acre of lot area are permitted on lots containing one acre or more, subject to an administrative conditional use permit and an animal management plan.

14. The PCMC Parcel that is adjoining Lots 6 and 7 allows only those uses permitted by the Deed of Conservation Easement.

15. The subdivision plat is consistent with the purpose statements of the SF zone. The SF zone does not allow nightly rental uses and restricting this use is consistent with the character of the surrounding neighborhood.

16. Areas of wetlands and irrigation ditches, and any required setbacks from these areas for the private road were identified during the annexation.

17. The proposed subdivision is outside the City's Soils Ordinance District.

18. Wetlands are protected by language in the LMC and Annexation Agreement requiring building pad locations, setbacks, and requirements for protection of sensitive lands during construction. Delineated wetland buffer areas are shown on the plat.

19. There is good cause for this subdivision plat in that it creates legal lots of record from metes and bounds described parcels; memorializes and expands utility easements and provides for new utility easements for orderly provision of utilities; provides access easements for adjacent property; provides no build areas for protection of the City's Open Space and wetland buffer areas, and is consistent with the approved the Richards/PCMC Annexation Agreement and preliminary subdivision plat.

20. The findings in the Analysis section are incorporated herein.

Conclusions of Law – 510 Paydrive Drive

1. The subdivision complies with LMC 15-7.3 as conditioned.
2. The subdivision is consistent with the Park City Land Management Code and applicable State law regarding subdivision plats.
3. The subdivision is consistent with the Richards/PCMC Annexation Agreement approved by the City Council on January 31, 2013.
4. The subdivision is consistent with the Richards/PCMC preliminary plat approved by the City Council on January 31, 2013.
5. Neither the public nor any person will be materially injured as a result of approval of the proposed subdivision plat.
6. Approval of the proposed subdivision plat, subject to the conditions stated herein, will not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 510 Payday Drive

1. City Attorney and City Engineer review and approval of the final form and content of the subdivision plat for compliance with State law, the Land Management Code, and the conditions of approval, is a condition precedent to recordation of the plat.
2. The applicant will record the subdivision plat at Summit County on or prior to the date that is one year from the final City Council approval. If recordation has not occurred within this extended timeframe, the plat amendment approval will be void, unless a complete application requesting a further extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Conditions of approval of the Richards/PCMC Annexation, as stated in the Annexation Agreement, continue to apply.
4. Final approval of the sewer facilities plan by the Snyderville Basin Water Reclamation District is required prior to final plat recordation.
5. A landscape and irrigation plan shall be submitted for City review and approval for each lot, prior to building permit issuance. All applicable requirements of the LMC regarding top soil preservation, final grading, and

landscaping shall be completed prior to issuance of a certificate of occupancy.

6. An industry standard Third Party inspector shall be mutually agreed upon by the Chief Building Official and the applicant prior to issuance of a building permit to provide third party inspection for compliance with LEED for Homes Silver rating, per the Annexation Agreement.

7. A construction mitigation plan (CMP) shall be submitted and approved by the City for compliance with the Municipal Code, LMC, and conditions of the Annexation Agreement prior to building permit issuance.

8. A financial guarantee, in a form and amount acceptable to the City and in conformance with the conditions of approvals has been provided to the City for public improvements. A portion of the guarantee, to be determined by the City Engineer, shall be held by the City through the warranty period and until such improvements are accepted by the City.

9. All standard project conditions shall apply.

10. Recordation of a final subdivision plat is a requirement prior to issuance of building permits.

11. The final subdivision plat shall include plat notes stating that the maximum density of the second phase subdivision is three (3) single family dwelling units and that no lot shall be further subdivided to increase the overall density of the subdivision. Lot 8 (to be renamed Parcel 8) is not a residential building lot and shall be dedicated to the Thaynes Creek Ranch Estates HOA as a common recreation parcel that may contain the existing riding arena, a storage area, and other associated uses identified in the CCRs. Barns shall not be used for human occupation.

12. All exterior lighting shall be reviewed with each building permit application for compliance with best lighting practices as recommended by the Dark Skies organization.

13. Fencing shall be consistent through-out the subdivision. A fencing plan shall be submitted with each building permit application to allow Staff to review all fencing for consistency through-out the subdivision and to review impacts of fencing on wildlife movement through the site. The fencing plan shall include location of fences and materials, dimensions, and installation methods and

shall be consistent with the fencing plan approved with the preliminary plat.

14. Construction of a five foot wide public side walk along Payday Drive connecting the existing sidewalk on the north side of the street with a pedestrian crossing at Iron Mountain Drive is required to provide connectivity to Rotary Park. The sidewalk and all required public improvements, including landscaping of the public right-of-way along Payday Drive, shall be completed prior to issuance of a certificate of occupancy for any new house located on either the Phase One or Phase Two plats.

15. A grading plan and landscape plan shall be submitted with each building permit application and this requirement shall be noted on the final subdivision plat. Excavated materials shall remain on site to the greatest extent possible and shall be addressed with the grading plan.

16. A note shall be included on the final subdivision plat requiring each new house in the development to meet LEED for Homes Silver Rating certification (at a minimum) with required water conservation requirements as further described in the Annexation Agreement.

17. A note shall be added to the final subdivision plat stating that the Planning Director may grant an administrative Conditional Use permit for the raising and grazing of horses on these lots, including a barn located within an identified building pad on the final subdivision plat, provided the application complies with the LMC requirements for raising and grazing of horses and providing an Animal Management Plan is submitted and approved.

18. A note shall be added to the final subdivision plat indicated that barns may not be used for human occupation.

19. A note shall be included on the final plat indicating that barns shall be designed to be architecturally compatible with the house on the same lot, including architectural design, materials, colors, and character.

20. All conditions and restrictions of the Annexation Agreement shall continue to apply to the Final Subdivision plat and shall be noted on the plat prior to recordation.

21. Ownership of water rights shall not affect the application of the Impact Fee Ordinance to the Property at the time of development of the lots as further described in the Annexation Agreement.

22.Modified 13-D residential fire sprinklers are required for all new construction as required by the Chief Building Official.

23.The plat shall note that Lots 5, 6 and 7 are restricted to a maximum house building footprint of 4,900 sf, including the garage. New barn footprint is restricted to 1,300 sf for Lot 6 and 1,800 sf for Lot 7. Lot 5 has an existing single family house (3,906 sf footprint), an existing guest house and garage (1,398 sf footprint), a shed with a studio apartment (2,349 sf footprint), and two barns (2,203 sf and 1,690 sf) that may remain. Lot 6 has an existing hay barn with a 1,585 sf footprint that may remain and be enclosed with no additional building footprint allowed. All new construction shall meet LMC lot and site requirements in effect at the time of the building permit and shall comply with these plat notes.

24.Maximum building height for barns is 18' (to peak of roof).

25.Maximum building height for houses on Lots 5 and 6 is 30' (25' plus 5' for pitched roof). Maximum building height for Lot 7 is 28' (23' plus 5' for pitched roof).

26.Maximum irrigated area for finished landscape (excluding pasture areas irrigated with private irrigation shares) is 12,000 sf for Lots 6 and 7. All landscaping shall comply with LMC Section 15-5-5 (M). Trees, such as cottonwoods, willows, aspens, and fruit trees may be planted in the pasture areas provided they are irrigated only with private irrigation shares.

27.Maximum LOD area (including house and barn footprints, paved driveways, patios and other hardscape, and irrigated landscaping) for Lots 5, 6 and 7 is restricted to a maximum of 45% of the Lot Area. Area necessary for utility installation is excluded from the maximum LOD area calculation and if utility installation is within the pasture areas it shall be re-vegetated with like pasture vegetation. Designated "no-building zones" and wetland buffer areas shall not be impacted or disturbed by construction activities, with the exception of necessary utilities, irrigation facilities, and fence installation and repairs. Use of these areas by horses is subject to an Administrative Conditional Use permit and Animal Management Plan.

28.All new construction on Lot 5 shall comply with the Land Management Code in effect at the time of building permit application for the new construction.

29. Lot 8 shall be renamed on the final plat as Parcel 8 and clearly noted as a non-residential parcel.

4. 1825 Three Kings Drive – Three Kings Realty at Silver Star Conditional Use Permit for Office Building (Application PL-14-02329)

Planner Whetstone reviewed the request for a conditional use permit for a 2,260 square foot single-story office building which would include 1325 square feet of real estate offices, 615 square feet for the existing mine tunnel entrance, and 320 square feet for storage for the Silver Star Café. The building is an existing historic structure. The proposal is to restore the historic structure and add the addition to the south side.

Planner Whetstone presented a slide showing the existing historic structure, the area of the proposed addition, and the affordable housing building to the north. The existing Silver Star ski shop is to the south. She indicated the Silver Star ski lift and noted that the Silver Star Café was across the plaza in a different building.

Planner Whetstone reported that the conditional use permit is required because the MPD states that any new construction requires a conditional use permit. The structure is in the RDM zone, which allows office uses in a re-use building as a CUP. She noted that the MPD already acknowledged that there would be 14,500 square feet of commercial offices. Sundance takes a larger amount of the square footage. Based on the Staff calculation there appeared to be an existing 12,692 square feet with the addition of this office building, which under the 14,500 square feet allowed by the MPD.

The Staff conducted an analysis of the project against the 15 criteria in the LMC for conditional uses and found that there were no unmitigated impacts. Since parking is always an impact at Silver Star, the Staff recommended a condition of approval that within a year of Certificate of Occupancy the applicant would come back to the Planning Commission with a parking study to show how they were managing the parking. Planner Whetstone stated that parking for this use was already part of the 110 spaces that were constructed, but the issue is how it is managed and whether the affordable housing units are impacted by the uses.

The Staff recommended that the Planning Commission conduct a public hearing and consider approving the conditional use permit for the office uses at 1825 Three Kings Drive to be located within a restored historic building with the proposed addition, in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval attached to the Staff report.

John Shirley, the architect representing the applicant, stated that he was the architect who planned Silver Star and he was excited to have the opportunity to complete the plaza. Mr. Shirley noted that a proposal was presented in 2008 for a bar use that was approved. Due to the economic downturn the bar never materialized.

Mr. Shirley presented slides and reviewed their proposal. They intend to renovate and utilize the existing mine structure as part of the entrance. He explained that the main purpose of the project is to complete the plazas and renovate and clean up the last piece of the area.

Mr. Shirley noted that a 16" inch water line comes out of the mine shaft and the applicant has been working with Roger McClelland with the Water Department to make sure the Water Department would still have access in and out. The design was modified to meet those needs.

Chair Pro Tem Strachan could not recall when the bar was approved whether the Planning Commission attached a condition of approval requiring a parking analysis after one year. Mr. Shirley could not recall. Planner Whetstone thought they had placed that condition. Mr. Shirley stated that Steve Perkins, the project manager, was present to address any parking questions. He believed Mr. Perkins has done a great job maintaining the parking, even during challenging periods. Chair Pro Tem Strachan concurred.

Chair Pro Tem Strachan opened the public hearing.

Planner Whetstone read into the record an email she had received from Claire Jackson, a resident on Kings Court, which is directly to the north of Silver Star. Ms. Jackson stated that she has been the owner of 5 Kings Court for twelve years. She had received the notice from Silver Star and she opposed the addition of any more building on that site. Noise, traffic congestion and lack of parking are all issues. Parking is so tight in that locale that people park on Kings Court. There is no need for an office building there. They should leave the open space open space.

Chair Pro Tem Strachan closed the public hearing.

Commissioner Band pointed out that a bar was approved in 2008, which would have created many more impacts than the proposed office use. She had no issues with the request.

Commissioner Campbell was unclear as to how Claire Jackson could refer to it as open space when the building already exists. Planner Whetstone stated that she had responded to Ms. Jackson and offered to provide her with additional information. She also explained

what the proposal was for and Ms. Jackson never responded back. Commissioner Campbell clarified that he was only interested in noting for the record that it was not open space. He felt that if the Planning Commission remained silent it would indicate that they agreed with Ms. Jackson that it was open space when that was not the case.

Commissioner Thimm agreed with Commissioner Campbell. He had visited the site and what was being proposed is to put building where building already exists. Commissioner Thimm thought the proposal was consistent with what was on record as having been approved.

Planner Whetstone noted that there was a small area that was not building. She had done an analysis and found that the open space is 76.4% which was provided at the time of the approval was. Sixty percent was required. Adding the entire footprint, the open space is reduced to 74.41%, which still exceeds the 60% required.

Commissioner Joyce stated that as a customer in that area for hiking, shopping and eating, the parking is very challenging. However he did not believe that adding the small addition would make it worse. Commissioner Joyce noted that over the past few years more spaces are being marked as reserved. He asked whether additional spaces would be reserved for this new business, and if so, how many. He thought the Staff report was conflicting because it said there would be four to five employees, but later stated that there would generally only be one employee in the office at one time. Commissioner Joyce was concerned that three or more parking spaces would be allocated to the real estate business.

Steve Perkins, the General Manager for Silver Star, replied that the agreement is that they could not assign any parking spaces on the southern end of the parking lot. He noted that flex parking was the easiest way to keep those problems from occurring. Commissioner Joyce asked if it was safe to assume that there would be no new allocated spaces specifically for this business. Mr. Perkins answered yes.

Commissioner Joyce did not believe it was necessary to require the applicants to return with a parking study in one year since they were only adding a small addition to an existing building in an already parking challenged area. He preferred to strike the condition.

Commissioner Band concurred with Commissioner Joyce. She had visited the site at 11:37 a.m. and there were empty spaces in front of the restaurant and retail shops. However, the parking lot for the trail access was completely full.

Assistant City Attorney McLean stated that parking for the overall subdivision came in for Planning Commission review a few years ago. She suggested that the Planning

Commission could ask the developer to come in and provide an update on how they were managing the parking. Ms. McLean understood that there was underground parking that was not being used. She thought the question was how they could better use the underground parking since Silver Star has become a popular destination.

Commissioner Phillips was satisfied with the proposal and he had no concerns. He complimented Mr. Shirley on the architecture and trying to preserve the history.

Chair Pro Tem Strachan concurred with his fellow Commissioners. He liked the proposal and he thought the parking was self-regulating. He favored the suggestion to strike Condition #11 because there was no reason for the applicant to provide a parking analysis. He noted that parking was discussed in great length when it was originally built and there were several parking studies. Chair Pro Tem Strachan was unsure what they would accomplish by having the applicant do a study because the parking was already done.

MOTION: Commissioner Phillips moved APPROVE the conditional use permit for Three Kings Realty at Silver Star based on the Findings of Fact, Conclusions of Law and Conditions of Approval in the Staff report and as amended to remove Condition of Approval #11 and renumber the conditions. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1825 Three Kings Drive

1. The subject property is located at 1825 Three Kings Drive.
2. The property is located in the Residential Development Medium density (RDM) zoning district and within the Spiro Tunnel Master Planned Development (aka Silver Star MPD).
3. The project site is located within the Residential Development Medium Density (RDM) zoning district. Office uses are allowed with an MPD. The Spiro Tunnel MPD and CUP approved office uses at this site and no MPD amendment is required for this proposed CUP application.
4. On October 27, 2004, the Planning Commission approved the Spiro Tunnel Master Planned Development and Conditional Use Permit for a mixed use development consisting of 97 residential unit equivalents (74 condominium units, 22 cottage units and one single family house with guest); an artist-in-residence campus with up to 14,500 sf of offices, studios, and gallery retail space; support commercial uses and support meeting space; and 16.11 (AUE) of affordable housing units (21 units in Buildings N and O).

5. Support commercial and support meeting space (up to 10% of the total residential floor area is 19,400 sf based on a total of 97 residential UE) was specifically allowed during the MPD approval for the Silver Star project, as the project was considered a nightly rental condominium project.
6. The CUP is subject to the Silver Star Plaza Condominiums Buildings N, O, P, Q, and R condominium plat approved by City Council on November 30, 2006 and recorded at Summit County on February 19, 2008. The building is located in the common area of this condominium plat and is currently owned by the Silver Star Plaza Condominiums Homeowner's Association.
7. The existing single story historic mine shed consists of approximately 615 square feet. The proposed single story addition consists of approximately 1,645 square feet of gross floor area, including 1,325 sf for office uses and 320 sf for storage and walk-in cooler for Silver Star Café to replace the temporary storage shed located at this site. The mine shed area will continue to be used for access to the mine tunnel for maintenance of water facilities.
8. The site is listed on the Historic Sites Inventory as a Significant Historic Site.
9. There are currently 110 shared parking spaces at the property. All parking within Spiro Tunnel MPD (Silver Star), with the exception of the private garages for the 22 cottage units, is shared parking, and was provided at the time of construction of the project in accordance with parking requirements for the approved uses.
10. No outdoor storage of goods or mechanical equipment is proposed. The existing temporary structure housing a walk-in cooler and storage for the Silver Star Café will be removed upon completion of the addition and these uses (storage for the Café) will be relocated to a 320 sf portion of the addition, completely enclosed within the building.
11. Additional traffic to the site will primarily be due to the 4-5 employees, as the office is primarily to provide real estate services to the Silver Star MPD owners. Additional trips on the surrounding streets are estimated at 20-25 trips (5 trips per employee per day) during the day between 8AM and 5 PM. A public transit stop is located at the property on Three Kings Drive near the main entrance.
12. Any additional utility capacity, in terms of water requirements due to added fire flows, will be reviewed by the Fire District, Water Department, and Building Department prior to issuance of a building permit.

13.The proposed development will not interfere with access routes for emergency vehicles.

14.No signs are proposed at this time. Any new signs will be reviewed under a separate sign permit for compliance with the approved Master Sign Plan for Silver Star.

15.Exterior lighting will be reviewed at the time of the building permit review.

16.The proposal exists within the Park City Soil Ordinance Boundary.

17.The findings in the Analysis section of this report are incorporated herein.

Conclusions of Law – 1825 Three Kings Drive

1. The application satisfies all Conditional Use Permit review criteria for residential uses as established by the LMC's Conditional Use Review process [Section 15-1-10(E) (1-15)];

2. The use as conditioned will be compatible with surrounding structures in use, scale, mass, and circulation.

3. The Applicant complies with all requirements of the LMC;

4. The Use is consistent with the Spiro Tunnel Master Planned Development and the Park City General Plan, and

5. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval – 1825 Three Kings Drive

1. All standard conditions of project approval shall apply to this project.

2. All signs associated with the use of the property must comply with the Silver Star Master Sign Plan and the City's Sign Code.

3. All exterior lighting shall comply with the lighting requirements in the LMC and shall be down directed and shielded.

4. No outdoor storage of goods or mechanical equipment is allowed on-site for this use. The existing temporary storage shed shall be removed from the site upon completion of the building.

5. A storm water and drainage plan shall be submitted and approved by the City Engineer prior to issuance of a building permit.

6. Prior to recordation of the plat amendment for this property a utility plan and any amended utility, drainage, and access easements shall be provided as required by the City Engineer and utility providers.

7. A utility and grading plan shall be submitted and approved by the City Engineer, City Water Department, Fire District, and Sewer District prior to issuance of a building permit. Existing water service will need to be evaluated and may need to be upgraded to meet fire flow requirements for the proposed uses and required fire sprinkler system.

8. A Historic District Design Review application is required to be submitted and the plans shall be reviewed for compliance with the Design Guidelines for Historic Buildings and Sites prior to issuance of a building permit for any work on the historic building.

9. The site exists within the Park City Soil Ordinance Boundary, therefore any soil disturbance or proposed landscaping must adhere to Park City Municipal Code 11-15-1.

10. The Silver Star Plaza Condominium plat will have to be amended prior to issuance of a building permit to identify the building and addition on the plat. If the HOA intends to sell the building then the condominium plat would have to be amended to indicate the building as a private commercial condominium unit, similar to the designation of the other buildings on the plat. If the building remains commonly owned, the amended plat can identify the building and indicate that it is common area.

11. A construction mitigation plan (CMP) shall be submitted with the building permit and shall identify how construction activity and construction parking impacts on the residential units and commercial activity on the plaza will be mitigated. The CMP shall indicate where the temporary storage building will be relocated to during construction of the permanent building.

5. **Land Management Code Amendments related to:**

1) Pet services in GC and LI zoning Districts (LMC Sections 15-2.18-2, 15-2.19.2 and 15-15-1).

2) Definitions regarding Pet Services (LMC Chapter 15). **(Application PL-14-02348)**

Planner Whetstone requested that the Planning Commission review the proposed amendments to the Land Management Code and provide a recommendation to the City Council on the amendments regarding animal services. The request is to amend Chapter 2 and Chapter 15. In Chapter 2 they were looking at the General Commercial and Light Industrial zone.

Planner Whetstone reported that on May 28th the Planning Commission discussed other LMC amendments. At that time the Staff proposed allowing animal services such as boarding, grooming, kennels and daycare. The Staff suggested that the General Commercial and Limited Industrial zones might be appropriate places where these uses could occur as either an allowed use, an administrative conditional use, or a conditional use. Planner Whetstone remarked that some of the definitions were more consistent with the Municipal Code and less specific to the types of uses that people had requested to be in these zones.

Planner Whetstone stated that the Staff did some research and looked at Aspen, Colorado; Sedona, Arizona; Santa Fe, New Mexico; and Summit County, Utah where all the proposed uses are allowed.

Planner Whetstone reviewed the proposed definitions, which addressed household pets. She noted that household pets include dogs, cats, rabbits, birds, and other small companion animals. The definitions talk about pet boarding being a commercial establishment for overnight boarding and care of four or fewer dogs and five or fewer other household pets. She explained that the language specified four or fewer dogs because five or more dogs is defined as a kennel. Planner Whetstone stated that the definition of a pet daycare would be a commercial establishment for providing same-day short-term care for household pets. It is a purposely designed establishment that excludes the keeping or boarding of animals overnight. Planner Whetstone noted that pet grooming is currently allowed in Park City and the Staff was suggesting a definition for pet grooming. They also clarified the definition for Veterinary Clinic per Planning Commission input.

Planner Whetstone stated that the Staff was proposing Pet Boarding as a conditional use in the GC and the LI zones. The Pet Daycare would be a conditional use in these same zones. There would be no limitation on the number of animals for Pet Daycare. Pet Grooming was proposed as an administrative conditional use permit in both the GC and LI zones.

Planner Whetstone explained that the Planning Commission could place these uses as a full conditional use permit where an application is reviewed against the same 15 CUP criteria. However, with a regular conditional use permit process there is a 14 day public notice period, the property is posted and notices are sent to everyone within 300 feet. The Planning Commission reviews the CUP request and conducts a public hearing. Planner Whetstone noted that with an Administrative CUP the application is reviewed against the same criteria, the adjacent property owners are notified, and the property is posted. After review and proper noticing, the Staff makes the decision to approve or deny the application.

The Staff recommended leaving kennels out of the discussion at this time to allow for further study.

Planner Whetstone noted that with animal services another layer is added to the process that involves licensing requirements for Animal Control, the Health Department or other related entities.

Chair Pro Tem Strachan opened the public hearing.

Bob Sailor stated that he had addressed the Planning Commission in May and he wanted to address the same issues. Mr. Sailor stated that he came to Park City in May and tried to obtain a license for his daughter to open a doggy day care business. Since that time it became apparent from his own observations that daycare, grooming and pet boarding are already established services in Park City, and hundreds of Park City citizens seek out and pay for those services every day. Mr. Sailor commented on the website and social media sites where Park City residents and visitors reach out to the individuals who offer these services. Because the services are not addressed or permitted in the Code, he assumed these individuals were operating without a business license. Mr. Sailor stated that in addition to the Park City residents who obtain these pet services, destination visitors also contact these service providers to arrange care for their pets while they ski, shop, and dine in Park City. He noted that pet friendly hotel and lodging establishment ask their guest not to leave their pets unattended. Therefore, they need to have a place to take them when they are out. Mr. Sailor stated that some lodging managements who are not yet pet friendly would like to be and they are looking for a solution that would empower them to be pet friendly.

Mr. Sailor commented on the taxes and license fee revenue that the City is losing by not addressing these services in the Code. The fact that these services are being provided indicates that there is a market for it. It is a thriving business market that is currently unlicensed, unregulated, uninsured and untaxed.

Mr. Sailor asked the Planning Commission to consider allowing these animal services as an allowed use rather than a conditional use permit. In his opinion a conditional use is not a solution because of the burdens attached in terms of the time and money involved in the process. He stated that if someone finds a building to locate their business and they have to wait for the conditional use permit to be approved, it would be a hardship because they would either lose the building or have to pay for it on the hope that their request would be approved. Making it a conditional use would also keep those already in the business from coming forward and applying for a conditional use for time and money reasons. If it was an allowed use those same people would be more willing to come forward and seek the proper licensing. Mr. Sailor stated that the conditional use is too onerous for those already in the business making money. He reiterated his suggestion for making it an allowable use and for the Planning Commission to forward that recommendation to the City Council.

Mr. Sailor thought the daycare, grooming and boarding services as recommended by the Staff were circular businesses. He explained how they could overlap each other and use the example of dropping your dog off in the morning to be groomed but not picking him up until after work. In that circumstance, grooming and daycare overlap. Mr. Sailor named other scenarios where daycare and boarding could overlap. He felt there was very little distinction between the three services.

Chair Pro Tem summarized that Mr. Sailor believed the proposed animal services were very necessary and he thought it should be an allowed use.

Mr. Sailor felt his comments were accurately summarized and he was happy to answer any questions.

PJ Sailor stated that they moved from Virginia specifically to set up a dog daycare business. She believed that dog daycare is an allowed use in Aspen because it evolved that way. Ten years ago people did not take their dogs to doggy daycare the way they do now. Mrs. Sailor reiterated her husband's request that doggy daycare be considered as an allowed use rather than a conditional use. She noted that restrictions and regulations are currently in place through the Health Department and Animal Control that govern how a dog daycare is run. Aspen and many other locations they researched do not believe it is a zoning issue. She believed that making it a conditional use would be a tough sell to a business owner who only charges \$25 for an entire day of care. Rent in Park City is another major consideration. Mrs. Sailor remarked that dog daycare is not an extremely profitable business. Her daughter has been in the veterinary business for 10 years. She also has autism and this is her first try at opening a business and being her own boss. Making the move from Virginia was difficult for her daughter and they did not expect to encounter these problems when they made the decision to move. She again urged the Planning Commission to consider dog day care as an allowed use

Chair Pro Tem Strachan closed the public hearing.

Commissioner Joyce believed there was good reason to make it a conditional use. He has a dog that he sometimes takes to dog daycare and there is always noise, odors and other issues. He clarified that the intent of a CUP is not to tell someone how to run their business. The purpose is to address impacts and inconveniences to the surrounding neighbors.

Commissioner Joyce was not opposed to the recommendation for pet grooming to be an allowed use. However, he was unsure why the number of dogs allowed was different between a dog daycare and a kennel. He did not believe there was enough difference between the two uses to differentiate the number of dogs.

Commissioner Thimm concurred with Commissioner Joyce. In researching zoning codes in other resort communities he was struck by the idea of a commercial kennel being enclosed and entirely soundproofed. He noted that conditions of approval address noise, odors and safety issues. Commissioner Thimm thought an allowed use made sense for a dog grooming business; however, overnight and daycare facilities should be conditional uses for the reasons stated by Commissioner Joyce.

Commissioner Phillips concurred with Commissioners Joyce and Thimm. Understanding how difficult it would be for a small business to go through the process, he suggested that the City should do whatever possible to move the process forward as quickly as possible. If the City could have a comprehensive list of items that would be addressed in the CUP, the applicant could come fully prepared to avoid having to come back with additional or missing information. Commissioner Phillips supported the Staff recommendation for a conditional use for dog daycare and boarding.

Commissioner Campbell stated that he has lived in Park City for 12 years and over time dogs are becoming allowed everywhere. He was surprised that dog owners were not already choked with regulations. Commissioner Campbell could not understand why they would want to further regulate this type of service when there are already many regulations on small businesses. He preferred that it be an allowed use. Commissioner Campbell pointed out that these types of services are not in residential neighborhoods. They are in areas with other businesses where noise and disruption already exist.

Commissioner Phillips asked if they could put requirements or definitions in the LMC to address decibel levels, etc.

Commissioner Band referred to the comments that doggy daycares already exist. She tried to look them up prior to the meeting and she tried to call Animal Control and Summit County. Commissioner Band wanted to know what the Planning Commission needed to do in terms of what was being requested to open up that type of business.

Commissioner Campbell agreed with Mr. Sailor's point that if someone wanted to open up a business the dilemma would be holding on to the building while waiting for the CUP. He personally knows that the conditional use permit process can take as long as a year. A person would use all their money paying rent on the business before getting an approval to operate it. He thought it was an unfair restriction to put on a small business that he believed would do well in Park City.

Commissioner Joyce pointed out that this same type of business was a conditional use in Summit County.

Council Member Simpson suggested that the Planning Commission could keep the conditional use aspect, but make it an Administrative CUP. The applicant would not be required to come to the Planning Commission, which would streamline the process. In reference to an earlier comment about dogs being allowed everywhere including dining decks, Ms. Simpson clarified that dogs are not allowed on dining decks unless the restaurant applies for a permit with the Health Department. She sat on the Board of Health and it was a vigorous discussion that was dog supported, much to the dismay of the Environmental Health Officer.

Planner Whetstone stated that she had contacted the County. They do not have a separate definition for doggy or pet daycare. It is all under one definition of kennels. Planner Whetstone noted that the County does a low impact permit in the commercial districts. She explained that it was similar to an Administrative CUP, and the Planning Department has the discretion of deciding whether or not to take it to the Planning Commission.

Chair Pro Tem Strachan believed that making it an Administrative CUP was the right direction. He agreed with Mr. Sailor's that the uses will overlap and one business could provide all services. For that reason, he thought all three uses should be treated the same, whether it is an allowed use, a conditional use, or an Administrative CUP. His preference was to make them all Administrative CUPs.

Chair Pro Tem Strachan re-opened the public hearing for an additional comment.

Tory Sailor understood that the Commissioners were concerned about noise and smell; but those impacts already occur in residential neighborhoods. She referred to their earlier

discussion regarding trash cans as an example. Ms. Sailor remarked that the business owners need to abide by certain rules not only for the people but also for the animals. The animals need a clean place and a good environment. She wanted to open this business and she would not be reckless.

Chair Pro Tem Strachan closed the public hearing.

Commissioner Joyce reiterated his concern regarding the restriction on the number of dogs. If they intend to address all the issues through the conditional use process, he did not understand why they would arbitrarily limit the number. Chair Pro Tem Strachan understood that the number came from limits placed in other jurisdictions. Director Eddington stated that there was a distinction between kennels and pet boarding or pet daycare and the kennel was defined differently. Chair Pro Tem Strachan noted that Summit County has the five dog restriction for kennels.

Commissioner Band understood the distinctions between the uses and she recalled that they decided not to have kennels in the City, even as a conditional use. Commissioner Band believed it was important to have doggy daycare in Park City, but they also need to recognize that they are a town full of nymbies and she had concerns with it being an allowed use. She pointed out that people rarely complain that children are playing too loudly, but they will complain about barking dogs. Commissioner Band supported an Administrative CUP.

Chair Pro Tem Strachan pointed out that neighbors are noticed with an Administrative CUP and it would be left to the Staff to mitigate the impacts.

Commissioner Campbell asked about the time frame for the Administrative process, and if the application was denied, whether it could be appealed to the Planning Commission. Director Eddington replied that a denial could be appealed to the Planning Commission. He stated that once the application is received it is reviewed by Staff and letters are sent to the neighboring properties. The noticing period is ten days. Following the noticing period the Staff makes the decision to approve or deny. Commissioner Thimm understood that if the Staff identified issues with a particular circumstance, they would have the ability to send it to the Planning Commission. Director Eddington stated that a few days prior to sending the notices the Staff addresses any conditions that would be part of the application approval. He reiterated that if the Staff denied the application it would be appealed to the Planning Commission and that would start a new process. Director Eddington noted that the neighbors would also have the right to appeal the action taken by Staff.

Commissioner Joyce noted that the numbering of the conditional uses starting on page 250 of the Staff report were out of sequence and should be corrected before it was forwarded to the City Council.

MOTION: Commissioner Joyce moved to forward a POSITIVE recommendation to the City Council to adopt the Land Management Code amendments related to Pet Services in the GC and LI zoning districts, and the definitions regarding pet services found in the draft ordinance and as amended. Commissioner Thimm seconded the motion.

Chair Pro Tem Strachan clarified that the amendment is that all proposed uses would be administrative conditional use permits as opposed to conditional use permits.

VOTE: The motion passed unanimously.

The Park City Planning Commission meeting adjourned at 8:45 p.m.

Approved by Planning Commission: _____

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
NOVEMBER 12, 2014

COMMISSIONERS IN ATTENDANCE:

Chair Nann Worel, Melissa Band, Preston Campbell, Steve Joyce, John Phillips, Adam Strachan, Doug Thimm

EX OFFICIO:

Planning Director Thomas Eddington, Francisco Astorga, Planner; Christy Alexander, Planner; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

ROLL CALL

Chair Worel called the meeting to order at 5:35 p.m. and noted that all Commissioners were present.

ADOPTION OF MINUTES

October 8, 2014

Commissioner Strachan referred to the Work Session Minutes regarding the Alice Claim subdivision and Plat Amendment. He referred to page 9 of the Staff report, page 7 of the Minutes and the sentence beginning with "Assistant City Attorney McLean noted..." In addition to the sentence in the minutes, he added an additional sentence that was stated by Ms. McLean. "**Ms. McLean also disputed that there was consensus for the plan**".

MOTION: Commissioner Strachan moved to APPROVE the minutes of October 8, 2014 as corrected. Commissioner Band seconded the motion.

VOTE: The motion passed 5-1. Commissioner Campbell abstained since he was absent from the meeting.

October 22, 2014

Commissioner Band referred to page 106 of the Staff report, page 46 of the Minutes, third paragraph, fourth line and corrected the word newbies to **nimbys**.

MOTION: Commissioner Strachan moved to APPROVE the minutes of October 22, 2014 as corrected. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

NOTE: At the end of the meeting Director Eddington noted that Planner Whetstone had recommended corrections to the October 22, 2014 minutes regarding 510 Payday Drive, the Thaynes project. He had failed to mention them during the approval of the minutes. However, her corrections were difficult to follow and he requested that the approval of minutes be withdrawn and continued to the next meeting to allow the recommended changes to be verified with the recording.

MOTION: Commissioner Strachan withdrew his approval of the October 22, 2014 minutes and Continued the minutes to December 10, 2014. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Director Eddington noted that the Commissioners were given direct deposit authorization forms. Those who choose to use direct deposit to receive their Planning Commission compensation must attach a voided check to the form and return it to the Planning Department or to Karen in the Finance Department.

Director Eddington stated that as employees of Park City Municipal Corp., the Commissioners would be receiving a W-2 or a 1099 in late January or early February. He reminded the Commissioners that their pay would remain the same or possibly higher, but it was now on an hourly basis to comply with State regulations.

Director Eddington updated the Planning Commission regarding Bonanza Park. Based on comments that the Planning Department had not done a good job of reaching out to the neighborhood and the property owners, the Staff decided to spend the next six or seven weeks on a public outreach campaign. They have reached out to property owners and individuals, and they will be doing individual/character zone neighborhood meetings in Bonanza Park. They mailed out flyers and hand delivered flyers regarding individual meetings for specific neighborhood groups. The format will be smaller and more intimate and it will allow the Staff the opportunity to listen to ideas and input and to answer specific

questions. In the interim the Staff was also meeting with a number of community groups including the Board of Realtors and the Chamber of Commerce. Public Outreach meetings have been scheduled from now until the first or second week in December.

Commissioner Band asked if the Planning Commission was encouraged or discouraged from attending the outreach meetings. Director Eddington stated that if the Commissioners want to attend they need to check with one another or coordinate through the Planning Department to make sure that only two or three attend a meeting to avoid having a quorum. Assistant City Attorney McLean stated that if the Commissioners attend a neighborhood meeting they should only attend to listen to the comments and not allow the public to engage them in discussion.

Planner Christy Alexander noted that the Planning Department had scheduled a community-wide open house for Bonanza Park on Tuesday, November 25th from 5:30 to 7:30 at the Blind Dog. Planner Alexander stated that the Staff would be updating the City Council on the public outreach campaign and the Planning Commission would be invited to attend the City Council meeting.

Director Eddington reported that due to the Holidays the Planning Commission would only have one meeting in November and December. They would meet on November 12th and December 10th.

Commissioner Strachan asked if the Staff had a date when the 510 Payday Drive Thaynes Canyon project would go before the City Council. Director Eddington understood that it would be scheduled for November 20th. Commissioner Phillips or Commissioner Band would attend.

Planner Francisco Astorga reported that Chair Nann Worel had nominated the Park City General Plan for an award with the American Planning Association. The Planning Department was notified last month that Park City was given an award for the General Plan for a small jurisdiction.

CONTINUATIONS (Public Hearing and Continue to date specified.)

1. Land Management Code Amendments related to Transfer of Development Rights (TDRs), Chapter 2.24 (Application PL-14-02348)

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

MOTION: Commissioner Strachan moved to CONTINUE the LMC Amendment related to TDRs to December 10, 2014. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

2. Sign Code Amendments to Park City Municipal Code Chapter 12
(Application PL-14-02523)

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

MOTION: Commissioner Strachan moved to CONTINUE the Sign Code Amendments to the Park City Municipal Code, Chapter 12 to October 8th, 2014. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. 1138 Lowell Avenue – Steep Slope Conditional Use Permit in the Historic Residential (HR-1) zoning district. (Application PL-14-02437)

Planner Alexander reviewed the application for a Steep Slope Conditional Use Permit for a new addition to an existing home at 1138 Lowell Avenue. At the time the Staff report was written she had recommended that the Planning Commission continue this item. However, in the past few days she and Director Eddington had discussed the LMC requirement for a 10-foot step back at the 23' height. Planner Alexander explained that technically the applicant was not doing the stepback on the new addition; but the addition was already stepped back 12 feet from the rear façade of the existing home. Therefore, Director Eddington's interpretation is that the addition would meet the LMC requirement because it is not flush with the rear façade.

Planner Alexander amended her recommendation and requested that the Planning Commission conduct a public hearing and consider approving the Steep Slope CUP this evening. The Staff found that the application meets all the criteria for the Steep Slope CUP analysis and there were no unmitigated issues.

Planner Alexander reviewed an elevation drawing and pointed out the 12-foot stepback on the rear façade.

Director Eddington explained that when the drawings were submitted early in the process it was not clear whether just the existing building protruded into the setback on the third floor, and whether the new structure did not setback in that area. It was later determined that the existing structure is the only part that does not meet the setback, which makes it an existing non-compliant structure. The new addition does meet the 10-foot setback.

Planner Alexander stated that if the Planning Commission chooses to approve this application, she suggested amending the Findings and Conditions as follows:

Delete Finding of Fact #16 and renumber the Findings.

Amend Finding of Fact #15 to read, "The proposed addition complies with the LMC required total building height of 35 feet from the lowest floor plane to the highest wall plate, and is in compliance with the LMC requirement setback of 10-feet of the building height of 23-feet at the rear façade. The new addition steps back 12-feet from the existing rear façade.

Delete Condition of Approval #7 and renumber the conditions.

Craig Kitterman, representing the applicant, was available to answer questions. He understood that the applicant had met all the requirements and the Staff was recommending approval this evening.

Commissioner Strachan asked if the design met the three or four story limitation in the LMC. Director Eddington reminded Commissioner Strachan that the limitation was removed from the LMC and the Code had been amended to address multi-levels. Planner Alexander explained that the applicant could step four levels as long as they meet the exterior requirement of 27' and the interior requirement of 35'.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Thimm stated that he had visited the site and the neighborhood. In looking at the neighboring houses he thought this appeared to be a lot of house. However, it is well articulated and there was movement in the face of the house. Commissioner Thimm was comfortable that this addition would work nicely in the neighborhood.

The Commissioners had no issues or concerns.

MOTION: Commissioner Joyce moved to APPROVE the Steep Slope Conditional Use Permit for 1138 Lowell Avenue based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the Staff report and as amended. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1138 Lowell Avenue

1. The property is located at 1138 Lowell Avenue.
2. The property is located within the Historic Residential (HR-1) District and meets the purpose of the zone.
3. The property is described as Lot A of the 1138 Lowell Avenue Subdivision. The lot area is 3,750 square feet.
4. A Historic District Design Review (HDDR) application is required and will be reviewed by staff for compliance with the Design Guidelines for Historic Districts and Historic Sites adopted in 2009.
5. This lot is a combination of two “Old Town” lots, one which was previously vacant and the other with an existing non-historic single family home. This is a downhill lot.
6. Access to the property is from Lowell Avenue, a public street.
7. Two parking spaces are existing on site. One space exists within an attached garage and the second is on the driveway in a tandem configuration to the garage, within the lot area.
8. The neighborhood is characterized by primarily non-historic residential structures, single family homes and duplexes. There are historic structures and condominium buildings on the street to the east on Empire Avenue.
9. The proposal consists of a 2,135 square foot addition to an existing single family dwelling that is 2,534 square feet for a combined total of 4,669 square feet, including the basement area and a single car garage.
10. The existing driveway was designed with a maximum width of twelve feet and is approximately 36 feet in length from the garage to the existing edge of street with a

minimum of 18 feet of driveway located on the property. The garage door complies with the maximum height and width of nine feet by nine feet.

11. The existing driveway has a maximum slope of 10% with sections at 4.2% (in front of the garage) and 10% (from property line to edge of street). Overall slope is 6.4% as measured from the front of the garage to the edge of the paved street.

12. An overall combined building footprint of 1479 square feet is proposed with the 617 square feet addition being added to the existing 844 square feet footprint. The maximum allowed footprint for this lot is 1,519 square feet.

13. The proposed addition to the existing structure complies with all setbacks.

14. The proposed addition to the existing structure complies with the twenty-seven feet (27') maximum building height requirement measured from existing grade. Portions of the house are less than 27' in height.

15. The proposed addition complies with the LMC required total building height of 35 feet from the lowest floor plane to the highest wall plate, and is in compliance with the LMC requirement setback of 10-feet of the building height of 23-feet at the rear façade. The new addition steps back 12-feet from the existing rear façade.

16. The applicant submitted a visual analysis, cross valley views and a streetscape showing a contextual analysis of visual impacts of this addition on the cross canyon views and the Lowell Avenue streetscape.

17. Retaining is not necessary around the home on the upper, steeper portion of the lot. There will be no free-standing retaining walls. There are no window wells.

18. The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography.

19. The site design, stepping of the foundation and building mass, increased articulation, and decrease in the allowed difference between the existing and final grade mitigates impacts of construction on the 30% or greater slope areas.

20. The design includes setback variations in the front and back and lower building heights for portions of the structure in both the front and back where facades are less than twenty-seven feet in height.

21. The proposed massing and architectural design components are compatible with

both the volume and massing of other single family dwellings in the area. No wall effect is created with adjacent structures due to stepping, articulation, and placement of the house on the lot.

22. The proposed structure follows the predominant pattern of buildings along the street, maintaining traditional setbacks, orientation, and alignment. Lot coverage, site grading, and steep slope issues are also compatible with neighboring sites. The size and mass of the structure is compatible with surrounding sites, as are details such as foundation, roofing, materials, window and door openings, and single car garages.

23. No lighting has been proposed at this time. Lighting will be reviewed at the time of Building Permit application for compliance with the LMC lighting code standards.

24. The applicant submitted a visual analysis, cross canyon view, and streetscape showing a contextual analysis of visual impacts of the proposed structure on the adjacent streetscape.

25. The findings in the Analysis section of this report are incorporated herein.

26. The applicant stipulates to the conditions of approval.

Conclusions of Law – 1138 Lowell Avenue

1. The Steep Slope CUP application is consistent with the Park City General Plan.

2. The application is consistent with requirements of the Park City LMC, specifically Section 15-2.2-6 (B) (1-10) regarding development on Steep Slopes.

3. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.

4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval – 1138 Lowell Avenue

1. All Standard Project Conditions shall apply.

2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.

3. A final utility plan, including a drainage plan, for utility installation, public improvements, and storm drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers, including Snyderville Basin Water Reclamation District, prior to issuance of a building permit.
4. 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.
5. A final landscape plan shall be submitted for review and approval by the City Planning Department, prior to building permit issuance.
6. No building permits shall be issued for this project unless and until the design is reviewed and approved by the Planning Department staff for compliance with this Conditional Use Permit, the 2009 Design Guidelines for Historic Districts and Historic Sites (Historic District Design Review) and the Land Management Code.
7. The plat approved by City Council on April 3, 2014 shall be recorded at the County prior to April 3, 2015 and Building Permit approval.
8. If required by the Chief Building Official based on a review of the soils and geotechnical report submitted with the building permit, the applicant shall submit a detailed shoring plan prior to the issue of a building permit. If required by the Chief Building official, the shoring plan shall include calculations that have been prepared, stamped, and signed by a licensed structural engineer.
9. This approval will expire on November 12, 2015, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and the request is granted by the Planning Director.
10. Modified 13-D residential fire sprinklers are required for all new structures on the lot.
11. All exterior lighting, on porches, garage doors, entryways, etc. shall be shielded to prevent glare onto adjacent property and public rights-of-way. Light trespass into the Planning Commission- November 12, 2014 Page 120 of 298night sky is prohibited.
12. Construction waste should be diverted from the landfill and recycled when possible.
13. All electrical service equipment and sub-panels and all mechanical equipment,

except those owned and maintained by public utility companies and solar panels, shall be painted to match the surroundings.

2. 1000 Ability Way – National Ability Center Pre-master Planned Development for additional lodging, expanded equestrian arena, and addition to administration building. **Application PL-14-02476**

Planner Francisco Astorga stated that the project planner, Kirsten Whetstone, was out of town and he would be presenting this application in her absence this evening.

Planner Astorga reviewed the pre-application for an MPD for the National Ability Center. He provided a brief history of the site and explained the Staff analysis. The parcel is 26.2 acres and it was annexed into Park City in 2004 as part of the National Ability Center/Quinn's Recreation Complex annexation. Prior to that annexation it had received a SPA, which is a specially planned area permit through Summit County. A SPA is very similar to the Park City MPD process. Planner Astorga reported that the applicant was requesting to amend the concept plan. The review process before the Planning Commission was starting with this pre-MPD application, which would eventually turn into an MPD as required to amend the SPA.

Planner Astorga explained that under the Code required pre-MPD application the applicant is entitled to a public hearing and the opportunity to introduce their plan to the Planning Commission. The City is charged with finding whether the MPD concept is in general compliance with both the General Plan, as well as the purpose statements of the Recreation and Open Space (ROS) District. Planner Astorga noted that the purpose statement was included on page 139 of the Staff report. The same page also included a Finding regarding general plan compliance.

The Staff found that the proposed preliminary plan is in general compliance with both the General Plan and the purpose statement of the ROS zone.

Michael Barille with Plan Works Design, representing the applicant, stated that the work on the plan was a collaborative effort between Plan Works and Craig Elliott with Elliott Work Group. Mr. Barille stated that his team also worked closely with the staff at the National Ability Center, their facilities committee, and the Board of Directors to understand their needs and to decide how best to meet those needs within the context of the community and the General Plan.

Mr. Barille stated that the objective this evening was to provide context and history and to walk through the plan to show how they arrived at some of the conclusions.

Mr. Barille introduced John Serio, Facilities Director for the National Ability Center; John Hanrahan, a member on the Board of Directors; Gail Loveland, the Executive Director; and Andy Dahmen, Board of Directors and Chair of the Facilities committee. They were prepared with a power point presentation and each person would be involved in presenting the areas of their expertise.

Gail Loveland remarked that need was the reason for building out their facilities. They have seen an unprecedented amount of program growth over the last four years that has been driven by a couple of key areas. They have a large military program that has grown significantly from serving 50 veterans a year to 950 annually. There has been a dramatic increase in the diagnosis of children and adults with autism, and the National Ability Center has stepped up to better serve that population. A new target audience is the aging population and there is great opportunity to provide more programming for those groups as well. Ms. Loveland stated that there are a lot of adaptive programs across the country, but there are very few like the National Ability Center. People look to them for training and education opportunities. They also work with other organizations such as the MS Society, Autism, and Muscular Dystrophy to name a few.

Ms. Loveland stated that when they grow programs they also need to grow the support groups, which includes volunteers, donors and staff. She stated that when they look at building new facilities they remain focused on their mission and the needs they can fulfill. However, they also partner with other community organizations that provide services that the National Ability Center is not equipped to provide.

Ms. Loveland remarked that the National Ability Center is looking ahead in an effort to plan for growth. They have moved slowly through the process and made sure they did all of their due diligence for build out to meet their future needs.

Mr. Barille pointed out that they were seeing program growth in the 125-150% range. He emphasized that wherever possible the National Ability Center has tried to grow the programs by partnering with the Resort, State Parks or with others in the community, instead of trying to squeeze new facilities on their current site. However, they have reached the point where that is no longer possible and they need to expand.

Mr. Barille provided a brief history of the growth at Quinn's Junction and where the National Ability Center fits into that. He noted that the National Ability Center was the first presence at Quinn's Junction. Mr. Barille commented on some of the plans that were being considered at Quinn's Junction when he first came into the community as a planner for Summit County in 2000. When he became the Summit County Planning Director five years later a City/County Joint Land Use Study was initiated to do a core plan for the area from the Silver Summit intersection all the way down to Quinn's Junction. Mr. Barille noted

that the SPA that Planner Astorga mentioned was a piece of the history but not the whole context. The property was later annexed and following that a Water Service and Development Agreement was approved by the City. That document and the SPA plan were fairly restrictive in terms of the property. Since that time a lot has changed and they intended to point out those changes this evening.

Mr. Barille stated that the initial context required ranch/rural style architecture with the buildings tightly clustered. He noted that while this new plan would add facilities to help with program growth, they were still trying to respect the original intent.

Mr. Barille outlined the number of projects that have been approved at Quinn's Junction since the NAC originally built their facility. He pointed out that Quinn's Junction has really changed but it still feels open and it still feels like part of the community. Mr. Barille believed that as the facilities were proposed, the intent was clearly articulated by previous Planning Commissions and former Staff members that it should be done with a vision towards health and recreation. That was the purpose for all the development that was approved at Quinn's Junction. Mr. Barille believed the National Ability Center fits within the context of that vision.

Mr. Barille commented on how Quinn's Junction has evolved and the positive outcomes of it becoming a hub and a place used by all the community.

John Hanrahan thanked the Planning Commission for their extraordinary service to the community. Mr. Hanrahan remarked that the first positive synergy is that the NAC has great bathrooms that the trail users use. He stated that they are a community hub and dozens of non-profits use their facilities either at a great discount, for free or at cost. Over 29 years the National Ability Center has become an integral part of the community. The NAC provides diversity and brings in people with different cultural backgrounds and different ability levels. Scholarship programs allow people of economically diverse backgrounds to enjoy what the community has to offer. Mr. Hanrahan stated that the National Ability Center has grown into one of the top programs for disabled people and abled people and their families both nationally and internationally. The NAC is a gem in the community and they try to give back what they get from the community.

Mr. Barille stated that the next part of their presentation would show how the plan fits into the language of the General Plan and the neighborhood piece of the General Plan in the broader context. Ms. Loveland believed the NAC fit within the goals of small town, natural setting and sense of community, including athletic development. They are a Paralympic legacy and they provide that type of athletic training. Ms. Loveland stated that the NAC wants to continue to work with the City to talk about future opportunities and to make sure they are answering the needs of the community. She noted that the NAC is a primary user

of the recreation facilities in Park City and Summit County. They utilize the ice sheet, work with Mountain Trails on the trail connections, and try to provide accessible options. In the future they would like to partner with the City on indoor facilities and to be a user of those facilities. Ms. Loveland noted that event space is designed in the plan for meetings, conferences, activities, etc. They would like to have conversations with the City and the community on how they could utilize the space to serve a larger need when appropriate.

Mr. Barille believed their presentation provided a broader context than what is typical for most applications in terms of how their plan relates to small town and sense of community. He could find no better way to accomplish that other than being an open door for all the community partners. In terms of natural setting, they tried to do a nice job of keeping the buildings tightly clustered using architectural colors, materials and scale that is consistent with the surroundings. Mr. Barille stated that the property has a long history of down lighting and zero off-site exposure. He commented on the solar array on the roof of the administration building. Those types of elements would be carried forward with the next iteration of the plan. Mr. Barille anticipated a site visit with the Planning Commission where they could personally see the context pieces.

Mr. Barille outlined the National Ability Center process. He stated that they were before the Planning Commission early in the process, but not before they understood their own needs and could articulate them to the Planning Commission. Mr. Barille stated that the first thing NAC embarked upon was to hire Design Plan Works to talk with their staff about the programs, growth and the participants, as well as the issues with facilities that caused problems and lowered the quality or level of programming. Through those discussions and the interview process, as well as meeting with the Facilities Committee and the Board of Directors, they achieved a few iterations of the plan and looked at the options. The result was the refinement of the plan being presented this evening.

Mr. Barille reviewed how Plan Works Design and the NAC dovetailed their process with the City process. He walked through their meetings with the Planning Staff and how they previewed some of their plan options. Based on feedback from the Staff they tried to understand what the General Plan and the LMC required and how that was incorporated into their plan.

Mr. Barille noted that the National Ability Center also hired a consultant to look at fundraising feasibility and how much it would cost to implement the final plan. They expected to receive that report by the first of next year. Mr. Barille pointed out that the NAC needs to raise the funds before moving forward with construction drawings or coming back to the Planning Commission for approval.

Ms. Loveland stated that the process started with the growth and programs, but also a request from the Board of Directors to look at the master plan. At that point they realized the importance of looking at the overall facility to make sure they were considering all future needs to meet the growth.

Mr. Barille remarked that that the third step of the process is to come back after the MPD discussion and approval and determine which priority projects could go straight to building permit and which ones would require a conditional use permit. Mr. Barille noted that the process would be slow and even the shorter term would be a two to three year timeline.

Mr. Barille reviewed the proposed plan and provided a general overview. The three primary areas for new constructions was the addition to the indoor riding arena, the addition off the back side of the administration building, and a proposed new lodge building. Additional accessory structures were also included in the Plan. The three primary areas mostly relate directly to the program growth and growth of the staff in trying to accommodate the basic needs.

Ms. Loveland explained the reasons for expanding the arena and the administration building. Ms. Loveland stated that the National Ability Center is a premiere accredited PATH Center, which is the Professional Association of Therapeutic Horsemanship. They are the only one in Utah and they provide training to other adaptive equestrian programs. Ms. Loveland commented on the proposed Lodge. She remarked that the issue of athlete housing in the community is a challenge, and the NAC sees it as their own challenge as well. They took 18 athletes from nine countries to Sochi and it was not easy finding accessible housing for athletes with disabilities. She pointed out that the rooms in the existing NAC Lodge do not meet that need at all. Mr. Barille stated that the plan for the new Lodge building addresses issues related to long-term stays and provides a kitchenette with counters at an accessible height.

Ms. Loveland stated that internship programs are a key part of providing programming. They were asked by the community to begin workforce training for individuals with disabilities. It was outside of their mission so they incorporated it into their internship program. A specific internship program called the Coach Program is specific for individuals with disabilities. She reiterated that finding housing for interns working for a three or six month period is difficult. Having the ability to provide housing on-site for people with disabilities while they are doing their internship would be a major opportunity.

Mr. Dahmen commented on other needs related to the Lodge facility. He started coming to the National Ability Center nine years ago. He has his own disability due to a spinal cord injury. For that reason, Mr. Dahmen believes he brings another perspective to the table. A unique problem is that it is difficult to travel and one of his goals for the entire facility is to

create a world class facility for people who normally do not venture out. Mr. Dahmen stated that many people with his level of injury do not travel because they do not have the security of what to expect. They were trying to create a lodge with an atmosphere that encourages people to come who normally would not travel. Mr. Dahmen stated that one aspect would be to partner with IHC to bring in nursing facilities for people in need; as well as engineering the rooms for wider bathrooms and other amenities to help facilitate the people who normally would not get out.

Ms. Loveland stated that the existing lodge can accommodate 53 individuals in double and triple occupancy. People generally stay three to five days and it would be a great opportunity to have overflow space in the new lodge to accommodate additional groups that are currently turned away.

Mr. Barille walked through the site plan and identified the other uses related to the National Ability Center. One was the Archery Center that would be relocated on-site to accommodate the new Lodge building. Mr. Barille indicated a Yurt on the property that is used for Nordic use in winter and camps in the summer. The Yurt is not an appropriate place for those activities and the new plan allows for an enclosed climate-controlled area. Ms. Loveland stated that the NAC is in need of additional restroom facilities and she pointed out areas where new restrooms were proposed. Mr. Barille continued with his review of the site plan and explained the uses and which ones would be accommodated differently in the new plan.

Chair Worel asked about a dining facility. Ms. Loveland stated that there is already a commercial kitchen in the dorm and a cafeteria. The new proposed Lodge would have kitchenettes. Chair Worel asked if a cook currently prepares meals for a large group. Mr. Loveland replied that they partner with the community and catering is provided for either day groups or overnight groups. They try to seek nutritional partners to reflect the mission of the NAC regarding health and nutrition. Ms. Loveland clarified that meals are prepared off site and brought in. Chair Worel asked if they expected that to continue. Ms. Loveland answered yes.

Mr. Barille provided images to show the tent platform, cabin, and sensory garden. He thought it would give the Commissioners a sense of the character they were trying to achieve with those uses. He also presented floor plates and programming for a few of the facilities discussed in the master plan and explained how the design promotes better functionality. Mr. Barille presented massing studies to show how the new and existing buildings would read together. They tried to maintain consistency by using the existing materials and colors so the old and the new read as one facility.

Mr. Barille reiterated that they were not looking to speed through the process and there were still a number of steps to be done. However, as they begin the fundraising it was important to hear from the Planning Commission so they could proceed accordingly.

Ms. Loveland welcomed their input and noted that they were looking at a three to five year timeline. Chair Worel asked if the timeline meant shovel in the ground in three years or the first phase would be up in three years. Ms. Loveland stated that the timing would depend on the fundraising. She believed it would likely be shovel in the ground at the three year mark. Mr. Barille assumed it would be a phased plan unless someone was generous enough to fund the entire project. It was likely they would have to set some priorities and that the MPD would identify the phases of highest priority. Those would be the first to have a shovel in the ground and the later phases would come back for a review process and conditional use permit.

Chair Worel asked whether they were confident that in three years the projections and the facilities proposed would meet the needs at that point. Ms. Loveland stated that they have tried to look ahead and some decisions were based on those projections.

Mr. Barille stated that prior to coming back with the MPD they need to double-check with all the service providers regarding capacity and to have initial planning discussions related to storm water, wetlands, parking, trip generation and circulation. They have an existing approved final site plan that serves as a plat and defines the boundaries of the property. However, they all agree that it should be tightened up and they would probably come back with a partial plat for the entire property. It would allow them the opportunity to have the conversation to make sure they were meeting the setbacks.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Planner Astorga noted that the Staff was requesting input on two issues. The first was whether or not the Planning Commission finds that the proposed MPD amendments are consistent with the ROS Zone, or if they needed additional information to make the determination regarding the ROS zone in terms of purpose and use. The second issue was whether or not the Planning Commission finds that the proposed MPD amendments comply with the General Plan, or if the Planning Commission needed additional information in order to make the determination regarding compliance with the General Plan.

Planner Astorga requested that the Planning Commission continue this item to December 10, 2014 following their discussion this evening.

Commissioner Strachan wanted to know if anyone had projected the number of years a new facility would serve the NAC. Ms. Loveland replied that in the initial discussions they had set a goal for ten years. However, they also looked at the entire 26.2 acres and believe they have planned for what the acreage can accommodate. Beyond that they would be looking at other opportunities to partner with community organizations.

Commissioner Strachan remarked that ten years goes by quickly, particularly if it would be three years before the shovel goes into the ground. He was comfortable with the use and the expansion, and he understood that the project was driven more by fundraising than by dreams and desires. However, if they could find the money he thought this was a good opportunity to plan a facility that would serve for longer than ten years.

Mr. Hanrahan stated that the Board was slightly nervous about the fundraising component, but they could still plan for 20 years and phase it out with another fundraising campaign in ten years. He thought Commissioner Strachan had raised a good point and it was a good idea.

Commissioner Band agreed. With the growth the NAC has seen with all their programs and the fact that they have already outgrown the existing facility, she did not think the proposed expansion was large enough. Commissioner Band asked if the pasture area in the back could potentially be a future growth area if the horses were relocated.

Ms. Loveland replied that it could be used for growth. Currently, it is a key part of the programming that is provided and it contributes to the feel of the ranch. There is a therapeutic benefit from being around the animals even for those who do not ride the horses. Ms. Loveland stated that they typically keep between 16 to 18 horses to meet the needs and they need the room to house the horses. She appreciated the input and the suggestion would be discussed with the Board.

Commissioner Strachan thought it would be helpful if Mr. Barille could come back with a phasing plan for the Planning Commission to discuss with the applicant. Mr. Barille stated that a phasing plan had been mentioned. They would have additional discussions and come back with options for Planning Commission input.

Commissioner Band stated that she loves the NAC and their programs and there is a great need for it in the community. She liked the uses proposed, the clustering and the buildings. Her only concern was having enough space for future growth.

Commissioner Campbell believed the entire Planning Commission was in favor of the NAC and what they do, and they wanted to make this work. He suggested that one way the Commissioners could help would be to allow the applicant whatever flexibility they needed. Commissioner Campbell did not think the Planning Commission should be involved in locating the buildings on the site or determining the use for each building. He felt those decisions should be left to the applicant as long as they stay on course with the current use. Commissioner Campbell stated that the NAC should not have to come back to the Planning Commission unless they run out of space and needed to expand further.

Commissioner Strachan pointed out that without Planning Commission approval the NAC could sell the property and a new owner may plan a use that is not appropriate.

Mr. Barille noted that there were already use restrictions associated with this property limiting it to recreation, and in some cases adaptive recreation uses.

Commissioner Campbell clarified that his comments were intended to encourage Mr. Barille to come back with plans that were less specific rather than more specific than what was shown this evening. He did not believe the Planning Commission needed to be involved in the details. Commissioner Strachan stated that his reason for asking for a phasing plan was help the applicant by providing input on what might or might not work. He was not opposed to Commissioner Campbell suggestion if the applicant was not interested in having their input.

Commissioner Phillips informed Mr. Barille that the Planning Commission would definitely want to know the parking plan and where the cars would be parked.

Chair Worel asked if there was consensus among the Planning Commission that the amendments were consistent with the ROS zone.

Commissioner Joyce stated that in looking through the conditional use criteria for the ROS zone and while everything else was consistent, he had concerns with the Lodge. He could find nothing in the ROS zone of conditional uses that allows lodging. Commissioner Joyce asked if the Lodge would be compliant with the ROS zone.

Director Eddington explained that the application came in as part of a SPA or Special Planned Area, and there were already existing uses associated with it. The City gave it ROS zoning when it came in, which is more protected zoning than any other zone in Park City. Director Eddington stated that they would need to include those uses in the ROS zone as part of the MPD amendment. He clarified that it would not be hotel lodging, but it would include lodging for this type of use. Director Eddington pointed out that the language would have to be very specific.

Commissioner Strachan stated that he would not define the use as a lodging use. The use was actually an adaptive facility. Planner Astorga concurred. Director Eddington remarked that there would be overnight visitors and clarifying the use would protect the NAC.

Commissioner Campbell felt the operative word was to “protect” them so it is not questioned in the future. He agreed with clarifying the use in the MPD.

Mr. Barille reiterated that the use restrictions associated with the property are very specific. The land grant that came from the family was very clear that there could be lodging facilities on the property but it could not be for commercial purposes. The lodging use was strictly to support the adaptive recreation and recreational uses on the property. Mr. Barille thought it was appropriate to specifying that in the MPD, but he did not believe it needed to be a Code change.

Commissioner Thimm stated that he had the same question as Commissioner Joyce. He agreed with Commissioner Campbell and the other Commissioners on how to handle this application. He was proud to have this type of facility in the community. Commissioner Thimm thought it was best to protect what exists and to make the findings. If it was an existing use as part of the SPA and it works he would be comfortable with that. However, Commissioner Thimm felt it was a bit of a stretch to say that adaptive use includes lodging. He asked if the MPD process allows a use that is prohibited by the ROS zone.

Planner Astorga stated that he would call it an accessory structure greater than 600 square feet, which would include the lodging building plus other structures. In response to Commissioner Thimm’s question, Planner Astorga did not believe the MPD gives the flexibility to bring in other uses that are not in the ROS table; however, he believes the interpretation of the use could be modified in the language of the MPD.

Commissioner Thimm understood that the ROS zone has a conditional use for accessory buildings. He asked if part of the approval could allow this accessory use as being site specific to this approval. Planner Astorga believed they could. Director Eddington stated that it was a non-conforming use based on the SPA. He believed the NAC was generally protected, but he recommended that it be clarified in the MPD. Commissioner Band pointed out that the lodging use currently exists.

Commissioner Joyce understood that a non-conforming use was allowed but it could not be increased. He thought adding another lodging structure would be increasing the use. Commissioner Strachan stated that lodging was not the specific use. Director Eddington concurred. Commissioner Joyce agreed that the Planning Commission as a whole supported the application and they were not opposed to expanding the current lodging.

However, he wanted to be able to approve this without feeling like they were “pulling something off” to allow it. Commissioner Joyce asked the Planning Department to find a way to allow it that is very clear and can be supported by the LMC and the General Plan when it comes back as an actual MPD.

Commissioner Joyce asked the applicant to address the open space requirement of either 30% or 60% in an MPD. When they talk about expanding out he wanted to make they were not pushing the open space limits. Commissioner Joyce noted that the three-story lodging building exceeded the height for the ROS zone. He thought that issue needed to be discussed if a three-story building was the final plan. Commissioner Joyce agreed with the ranch style feel and the openness and he was disappointed to see another tall building popping up in Quinn’s junction. Planner Astorga remarked that the maximum height is 28’ in the ROS zone, but a roof pitch of 4/12 or greater allows an additional five feet. The maximum height could potentially be 33 feet. Director Eddington pointed out that within the MPD process the Planning Commission has the ability to change height.

Commissioner Joyce clarified that he was not opposed to this application, but he thought the Planning Commission should be cautious to avoid putting themselves in an awkward position. He saw red flags as he read through it and he would like those issues to be addressed.

Commissioner Band remarked that in terms of “gives and gets”, the “get” for the community is the NAC program, and that would be her argument for allowing exceptions.

Commissioner Campbell remarked that clarifying the issues raised by Commissioner Joyce would protect the NAC in the future when they have to come back to a different Planning Commission.

Mr. Barille felt certain that Craig Elliott believed he could design a three story structure within the 33 feet height limit, but he would confirm that with Mr. Elliott. In terms of having findings in an MPD, Mr. Barille stated that as a community member, Chair of the Recreation Board, and someone wearing different hats, he believed the elements of the programming were the “gives” for the “gets”. Mr. Barille agreed that there could be legitimate language formed in findings to address some of the issues that were raised. He would work with the Staff before the next meeting.

Chair Worel asked if the Commissioners thought the proposed amendments comply with the General Plan.

Commissioner Strachan believed this project complied with the General Plan. Commissioner Joyce thought it was a “slam dunk” project in terms of the General Plan.

Commissioner Thimm agreed. As a new Commissioner this proposal gave him the opportunity to look into the General Plan and he found full compliance. Chair Worel was excited that this was such a great project to test the General Plan for the first time. Commissioners Phillips and Band concurred.

Planner Astorga requested that the Planning Commission keep the exhibits from this Staff report for the December 10th meeting.

MOTION: Commissioner Strachan moved to CONTINUE the discussion on 1000 Ability Way to December 10, 2014. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

The Park City Planning Commission Meeting adjourned at 7:25 p.m.

Approved by Planning Commission: _____

Planning Commission Staff Report



Application No: PI-14-02348
Subject: Revisions to Park City Land Management Code
Author: Kirsten Whetstone, MS, AICP
Date: December 10, 2014
Type of Item: Legislative – LMC Amendments

Summary Recommendations

Staff recommends the Planning Commission conduct a public hearing and continue the item to January 14, 2015 to allow Staff additional time to complete the redlines and conduct an internal department review of the proposed amendments.

Description

Project Name: LMC Amendments regarding Transfer of Development Rights (TDR) - LMC Section 15-2.24
Applicant: Planning Department
Location: City-wide
Reason for review: Amendments to the Land Management Code require Planning Commission review and public hearing with final action by the City Council.

Planning Commission Staff Report



Application No: PI-14-02523
Subject: Revisions to Park City Municipal Code- Title 12, Signs
Author: Kirsten Whetstone, MS, AICP
Date: December 10, 2014
Type of Item: Legislative – Sign Code Revisions

Summary Recommendations

Staff recommends the Planning Commission conduct a public hearing and continue the item to a date uncertain to allow Staff additional time to redline the draft Sign Code.

Description

Project Name: Sign Code Revisions
Applicant: Planning Department
Location: City-wide
Reason for review: Amendments to the Municipal Code regarding the Sign Code are reviewed by the Planning Commission with final action by the City Council.

Planning Commission Staff Report



Application #: PL-14-02541
Subject: 1385 Lowell Avenue, Unit COM7
Author: Francisco Astorga, Planner
Date: December 10, 2014
Type of Item: Administrative – Conditional Use Permit

Summary Recommendations

Staff recommends that the Planning Commission review the proposed Conditional Use Permit for a Timeshare Off-premise Sales Office at 1385 Lowell Avenue Unit COM7, conduct a public hearing, and consider approving the conditional use based on the findings of fact, conclusion of law, and conditions of approval found in this staff report.

Description

Applicant: Village Venture, Ltd, a Utah limited partnership represented by Gary Ranes, Horne Construction, Inc. and Mike Covelo, Marriott Ownership Resorts, Inc.
Location: 1385 Lowell Avenue, Unit COM7
Zoning: Recreation Commercial (RC) District
Adjacent Land Uses: Residential condominiums/resort commercial
Reason for Review: Conditional Use Permits require review and final action by the Planning Commission

Proposal

Applicant requests to remodel the existing unit, interior only (tenant improvement) to have a timeshare off-premise sales office at 1385 Lowell Avenue, Unit COM7. The proposed use requires a Conditional Use Permit in the Recreation Commercial (RC) District.

Background

On November 11, 2014, the City received a completed Conditional Use Permit (CUP) application requesting approval of a Timeshare Off-premise sales Office at 1385 Lowell Avenue, Unit C7. This is an interior remodel only and does not affect any exterior areas. The space was previously used as a restaurant. The entire unit, COM7, or Parcel PVC-1A-C7, is 2,968 square feet. The entire unit is not requested to be utilized as the requested use. The applicant requests to utilize a portion of the unit as a timeshare off-premise sales office which equates to 1,751 square feet with the remaining area to be used for a restaurant. The other portion of unit is currently in use by The Cutting Board, as a restaurant, and is not subject to this application. The unit was platted as *Retail Space Commercial Unit 7* of the Park City Village Condominiums. This plat was recorded in 1983. The site is also known as *The Lodge at the Mountain Village* formerly known as *The Resort Center Condominiums* (as indicated on their Bylaws).

The development was originally approved in February 1981 as it was designated a Conditional Use Permit (CUP) rather than a planned development because of the size of the site on which the project was constructed. The project was known as the Park City Village Master Plan. The Plan included approximately 750 dwelling units, approximately 45,000 square feet of net leasable space, restaurant facilities with seating for approximately 625 persons, parking spaces for each phase of the development, approximately 5,000 square feet of meeting (conference) rooms, an ice rink, amenities for private residences, public pedestrian plaza, etc.

Purpose of the Recreation Commercial District

The purpose of the Recreation Commercial (RC) District is to:

- a) allow for the Development of hotel and convention accommodations in close proximity to major recreation facilities,
- b) allow for resort-related transient housing with appropriate supporting commercial and service activities,
- c) encourage the clustering of Development to preserve Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of construction and municipal services,
- d) limit new Development on visible hillsides and sensitive view Areas,
- e) provide opportunities for variation in architectural design and housing types,
- f) promote pedestrian connections within Developments and to adjacent Areas,
- g) minimize architectural impacts of the automobile,
- h) promote the Development of Buildings with designs that reflect traditional Park City architectural patterns, character, and Site designs,
- i) promote Park City's mountain and Historic character by designing projects that relate to the mining and Historic architectural heritage of the City, and
- j) promote the preservation and rehabilitation of Historic Buildings.

The table below is shown to illustrate the allowed uses vs. conditional uses in the RC District, specifically in terms of conditional uses that may be allowed as administrative review by Planning Staff, or support use to the primary development /use allowed as a Planning Commission review.

Allowed uses:	Conditional Uses:		
	Administrative review or Administrative CUP by Planning Staff	As support Use to the primary development or use, subject to MPD	Planning Commission review
• Single-Family Dwelling • Duplex Dwelling • Triplex Dwelling	• Private Residence Club Project & Conversion	• Office, General & Moderate • Office & Clinic, Medical	• Multi-Unit Dwelling • Group Care Facility • Public and Quasi-Public Institution,

• Secondary Living Quarters • Lockout Unit • Accessory Apartment • Nightly Rental • Home Occupation • Child Care • Accessory Building and Use • Conservation Activity • Agriculture • Bed & Breakfast • Boarding House, Hostel • Hotel, Minor • Parking Area of Structure with 4 or fewer spaces • SLC 2002 Winter Olympic Games/Legacy Displays	• Temporary Improvement • Outdoor Events and Uses • Special Events	• Financial Institution w/out drive-up window • Minor Retail & Service Commercial • Retail and Service Commercial, personal improvement • Transportation Service • Neighborhood Market without gasoline sales • Café or Deli • Restaurant, General & Outdoor Dining • Bar • Hospital, Limited Care Facility • Recreation Facility, Public and Private • Recreation Facility, Commercial • Entertainment Facility, Indoor • Commercial Stables, Riding Academy • Heliport	• Church, and School • Essential Muni. Public Utility Use, Facility, Service, and Structure • Telecommunications Antenna • Satellite Dish Antenna greater than 39" in diameter • Raising, grazing of horses • Cemetery • Hotel, Major • Timeshare Project and Conversion • <u>Timeshare Sales Office*</u> • Parking Area of Structure with 5 or more spaces • Passenger Tramway Station and Ski Base Facility • Ski Tow Rope, Ski Lift, Ski Run, and Ski Bridge • Master Planned Development • Amenities Club
---	--	---	---

*Requested use.

The Planning Director and Chief Building Official reviewed a request made by the applicant to make these improvements to turn this space into a timeshare off-premise sales office. At the applicant's request, both the Planning Director and the Chief Building Official authorized a building permit to take place prior to the Planning Commission action regarding the conditional use. The building permit was issued by the City on November 11, 2014. The applicant understands that the issued building permit for the tenant improvement is an at-risk permit. If the Planning Commission does not approve the requested use, the applicant shall be responsible of removing any

improvements associated with the permit for a timeshare off-premise sales office as the use would not be allowed.

Analysis

Land Management Code (LMC) § 15-2.16-2(B)(11) indicates that a timeshare sales office is a conditional use in the RC District. The LMC defines the use as *an office outside of a timeshare project, wherein timeshare sales presentations are made and other marketing related activities are conducted in an effort to generate timeshare interval sales or re-sales* (LMC § 15-15-1.272). The LMC does not specify that the use is “allowed” as a support use to the primary development or use; therefore this use requires a conditional use permit

The Planning Commission must review each of the following items when considering whether or not the proposed conditional use mitigates impacts of and addresses the following items as outlined in LMC § 15-1-10(E):

- 1) Size and location of the site.
No unmitigated impacts. The entire unit is 2,968 square feet. The applicant is not requesting to use of the entire unit for the requested use. The applicant requests to utilize a portion of COM7 as a timeshare off-premise sales office which equates to 1,751 square feet. Due to the size of the requested use, staff does not find any impacts that need to be mitigated regarding size and location.
- 2) Traffic considerations.
No unmitigated impacts. The requested use of the space is similar in nature to the support uses to the primary development/use in the area. Staff does not find that additional impacts need to be mitigated in terms of traffic considerations due to the small size of the requested use.
- 3) Utility capacity.
No unmitigated impacts. No additional utility capacity is required for the requested use.
- 4) Emergency vehicle access.
No unmitigated impacts. Emergency vehicles can easily access the unit and no additional access is required.
- 5) Location and amount of off-street parking.
No unmitigated impacts. The LMC does not specify the required number of parking spaces for the requested use, a timeshare off-premise sales office. The LMC has parking ratios for both general offices and intensive offices as shown below:

General Office	3 spaces per 1,000 sf of leasable floor Area
Intensive Office	5 spaces per 1,000 sf of leasable floor Area

Staff considers the requested use an intensive office use, which triggers a parking requirement of nine (9) parking spaces based on the maximum floor area of 1,751 square feet. The former use of the space was a restaurant that required the following parking ratio:

Restaurant, Standard and Bar	1 space for every 100 sf of net leasable floor Area, including kitchen Areas
------------------------------	--

The former use, a restaurant, triggered a parking requirement of eighteen (18) parking spaces based on the maximum floor area of 1,751 square feet.

Staff finds there is a parking reduction based on the required parking spaces of the former use and the current parking requirement based on the proposed use. The parking reduction consists of nine (9) parking spaces from the former use to the requested use. Staff does not find that additional impacts need to be mitigated in terms of Location and amount of off-street parking centered on the parking reduction and based on the change in use from a use allowed as support to the primary development/use and the requested use.

The applicant indicated that there are approximately 700 parking spaces in the parking garage that is part of the same structure that houses the subject space, 120 of those parking spaces are allocated to the Lodge at the Mountain Village, the building/development where this space is located.

- 6) Internal circulation system.
No unmitigated impacts. The parking area/driveway is directly accessed off Lowell Avenue.
- 7) Fencing, screening and landscaping to separate uses.
No unmitigated impacts. Fencing, screening, and landscaping are not proposed at this time and are not needed to separate uses as the uses are fully enclosed within the building.
- 8) Building mass, bulk, orientation and the location on site, including orientation to adjacent buildings or lots.
No unmitigated impacts. The applicant requests to remodel the existing unit, interior only (tenant improvement) to have a timeshare off-premise sales office. The requested use will not affect the existing building mass, bulk, orientation and the location on site, including orientation to adjacent building. Staff does not find that additional impacts need to be mitigated in terms of this criterion.
- 9) Usable open space.
No unmitigated impacts. No useable open space will be affected with the requested use from what is currently found on site.

10) Signs and lighting.

No unmitigated impacts. No signs and lighting are associated with this proposal. Any new exterior lighting is subject to the LMC development standards related to lighting and will be reviewed for compliance with the LMC at the time of application. All signs are subject to the Park City Sign Code.

11) Physical design and compatibility with surrounding structures in mass, scale and style.

No unmitigated impacts. The applicant requests to remodel the existing unit, interior only (tenant improvement) to have a timeshare off-premise sales office. The requested use will not affect the existing physical design and compatibility with surrounding structures in mass, scale and style. Staff does not find that additional impacts need to be mitigated in terms of this criterion due to the small size of the requested use.

12) Noise, vibration, odors, steam, or other mechanical factors that might affect people and property off-site.

No unmitigated impacts. Noise, vibration, odors, steam or mechanical factors are anticipated that are normally associated within the retail/commercial/office use.

13) Control of delivery and service vehicles, loading and unloading zones, and screening.

No unmitigated impacts. The proposal will not affect any control of delivery and service vehicles, loading/unloading, and screening.

14) Expected ownership and management of the property.

No unmitigated impacts. The expected ownership and management of the property is not projected to add impacts that would need additional mitigation. The entire unit is owned by Village Venture, Ltd., both spaces, the Cutting Board, next door, and this requested space are being leased.

15) Sensitive Lands Review.

No unmitigated impacts. The proposal is not located within the Sensitive Lands Overlay.

Park City Village Master Plan and Plat

Unit COM7 is shown on the master plan as part of the commercial area designation. The master plan identifies two (2) categories: residential and commercial. Commercial areas include retail, meeting rooms, and restaurants. The Condominium Plat for this project notes residential and commercial units. All of the commercial units are noted as retail space. The proposed office space would be located within the proposed retail – commercial space noted on the Plat.

Park City Municipal Code (PCMC) Title 4 Licensing

The following Municipal Code references are currently in effect and pertain to limiting business to enclosed buildings as well as certain acts that are prohibited that are often associated with the requested use:

PCMC § 4-3-3. Business Confined to Enclosed Building.

Except as authorized by this Title, all businesses within Park City are to be conducted within a fully enclosed building, except for outdoor dining or other permanent conditional uses which have been given approval under Title [15] Land Management Code.

The LMC does not authorize the requested use to be conducted outside of the area. Staff recommends that a condition of approval is added regarding this municipal ordinance.

PCMC § 4-3-8. Street Vendors.

It shall be unlawful to sell food, flowers, agricultural products, ice cream, candy, popcorn or other goods or merchandise from push carts, mobile wagons, or motor vehicles on private or public property except as authorized and licensed under this Chapter.

[...]

The rest of this section indicates specific places where street vendors may operate as well as their terms and conditions. The Municipal Code does not make an exception referring to the requested use, a timeshare off-premise sales office to be conducted outside the enclosed building on private or public property. Staff recommends that a condition of approval is added regarding this municipal ordinance.

PCMC § 4-3-15. Certain Acts Prohibited.

It shall be unlawful for any person, business, corporation, partnership or other entity to attract or attempt to attract people to that person or that licensee's place of business by calling, shouting, hawking, ringing any bells, horn, sounding any siren or other noise making device, or by displaying any light or lantern, or by waving, hailing or otherwise signaling to passersby or by touching or physically detaining them. It shall be unlawful to pass handbills, flyers, or other advertising material by handing such material to passersby, or placing them on porches or vehicles, or attaching them to light or sign posts, or poles.

Staff recommends that a condition of approval is added regarding this municipal ordinance.

Process

Approval of this application constitutes Final Action that may be appealed following the procedures found in LMC § 1-18. A Building Permit is publicly noticed by posting of the permit.

Department Review

This project has gone through an interdepartmental review. No further issues were brought up at that time.

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record.

Public Input

No public input has been received at the time of writing this report.

Recommendation

Staff recommends that the Planning Commission review the proposed Conditional Use Permit for a Timeshare Off-premise Sales Office at 1385 Lowell Avenue Unit C7, conduct a public hearing, and consider approving the conditional use based on the findings of fact, conclusion of law, and conditions of approval found in this staff report.

Findings of Fact

1. Applicant requests to remodel the existing unit, interior only (tenant improvement) to have a timeshare off-premise sales office at 1385 Lowell Avenue, Unit COM7.
2. The proposed use requires a Conditional Use Permit in the Recreation Commercial (RC) District.
3. The interior remodel only and does not affect any exterior areas.
4. The current space was used as a restaurant.
5. The entire unit, COM7, or Parcel PVC-1A-C7, is 2,968 square feet.
6. The entire unit is not requested to be utilized as the requested use.
7. The applicant requests to utilize a portion of the unit as a timeshare off-premise sales office which equates to 1,751 square feet with the remaining area to be used for a restaurant.
8. The unit was platted as Retail Space Commercial Unit 7 of the Park City Village Condominiums recorded in 1983.
9. The site is also known as The Lodge at the Mountain Village formerly known as The Resort Center Condominiums.
10. The project was known as the Park City Village Master Plan.
11. Land Management Code (LMC) § 15-2.16-2(B)(11) indicates that a timeshare sales office is a conditional use in the RC District.
12. The Land Management Code defines the a timeshare sales office as an office outside of a timeshare project, wherein timeshare sales presentations are made and other marketing related activities are conducted in an effort to generate timeshare interval sales or re-sales (LMC § 15-15-1.272).

13. The applicant requests to utilize a portion of COM7 as a timeshare off-premise sales office which equates to 1,751 square feet.
14. Due to the size of the requested use, staff does not find any impacts that need to be mitigated regarding size and location.
15. Staff does not find that additional impacts need to be mitigated in terms of traffic considerations due to the small size of the requested use.
16. No additional utility capacity is required for the requested use.
17. Emergency vehicles can easily access the unit and no additional access is required.
18. The requested use, considered an intensive office use, triggers a parking requirement of nine (9) parking spaces based on the maximum floor area of 1,751 square feet.
19. The former use, a restaurant, triggers a parking requirement of eighteen (18) parking spaces based on the maximum floor area of 1,751 square feet.
20. There is a parking reduction based on the required parking spaces of the former use and the current parking requirement based on the proposed use of nine (9) parking spaces.
21. The applicant indicated that there are approximately 700 parking spaces in the parking garage that is part of the same structure that houses the subject space, 120 of those parking spaces are allocated to the Lodge at the Mountain Village, the building/development where this space is located.
22. The parking area/driveway is directly accessed off Lowell Avenue.
23. Fencing, screening, and landscaping are not proposed at this time and are not needed to separate uses as the uses are fully enclosed within the building.
24. The requested use will not affect the existing building mass, bulk, orientation and the location on site, including orientation to adjacent building.
25. No useable open space will be affected with the requested use from what is currently found on site.
26. No signs and lighting are associated with this proposal.
27. Any new exterior lighting is subject to the LMC development standards related to lighting and will be reviewed for compliance with the LMC at the time of application.
28. All signs are subject to the Park City Sign Code.
29. The requested use will not affect the existing physical design and compatibility with surrounding structures in mass, scale and style.
30. Noise, vibration, odors, steam or mechanical factors are anticipated that are normally associated within the retail/commercial/office use.
31. The proposal will not affect any control of delivery and service vehicles, loading/unloading, and screening.
32. The expected ownership and management of the property is not projected to add impacts that would need additional mitigation.
33. The entire unit is owned by Village Venture, Ltd., both spaces, the Cutting Board, next door, and this requested space are being leased.
34. The proposal is not located within the Sensitive Lands Overlay.

35. Unit COM7 is shown on the master plan as part of the commercial area designation. The master plan identifies two (2) categories: residential and commercial. Commercial areas include retail, meeting rooms, and restaurants.
36. The Condominium Plat for this project notes residential and commercial units. All of the commercial units are noted as retail space. The proposed office space would be located within the proposed retail – commercial space noted on the Plat.
37. The Land Management Code does not authorize the requested use to be conducted outside of the area.
38. The Municipal Code does not allow the requested use, a timeshare off-premise sales office to be conducted outside the enclosed building on private or public property.
39. The Municipal Code indicates that it is unlawful of a business to attract people by calling, shouting, hawking, ringing any bells, horn, sounding any siren or other noise making device, or by displaying any light or lantern, or by waving, hailing or otherwise signaling to passersby or by touching or physically detaining them.
40. The Municipal Code indicates that it is unlawful to pass handbills, flyers, or other advertising material by handing such material to passersby, or placing them on porches or vehicles, or attaching them to light or sign posts, or poles.

Conclusion of Law:

1. The application complies with all requirements of the Land Management Code.
2. The use will be compatible with surrounding structures in use, scale, mass, and circulation.
3. The use is consistent with the Park City General, as amended.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval

1. The requested use shall be conducted within the specified space at 1385 Lowell Avenue, Unit COM7 as approved by the Planning Commission, which is within a fully enclosed building per Park City Municipal Code § 4-3-3.
2. The requested use shall not be conducted outside the enclosed building on private or public property per Park City Municipal Code § 4-3-8.
3. The requested use shall be in full compliance with Park City Municipal Code § 4-3-15 which states the following:
It shall be unlawful for any person, business, corporation, partnership or other entity to attract or attempt to attract people to that person or that licensee's place of business by calling, shouting, hawking, ringing any bells, horn, sounding any siren or other noise making device, or by displaying any light or lantern, or by waving, hailing or otherwise signaling to passersby or by touching or physically detaining them. It shall be unlawful to pass handbills, flyers, or other advertising material by handing such material to passersby, or placing them on porches or vehicles, or attaching them to light or sign posts, or poles.

Exhibits

Exhibit A – Applicant's Project Intent

Exhibit B – Vicinity Map

Exhibit C – Demolition Plan

Exhibit D – Floor Plan

Exhibit E – Alternate Floor Plan

Exhibit F – Park City Village Condominiums Plat Map (sheet 1&3)

Exhibit G – Site Photograph

Exhibit A – Applicant's Project Intent

Park City

Request for Conditional use

1385 Lowell Ave Suite C-7

Park City, Utah

Resort Center

Item 1 page 3 of application:

The surrounding uses are a mix of Retail, Office space, and Restaurants. This vacation sales office will fit in with both the office space and the retail that are already established. It will add walking traffic to the existing restaurants and retail stores.

This vacation sales office will increase tourism by helping tourists establish a place to stay when they return.

Yes it is consistent with the current zoning district and with the General Plan however it requires a conditional use permit.

The use is very suitable for the proposed site.

No noise, dust, pollutants, or odors will be emitted from this site.

I expect there will be 5 people employed there and they will work from 8am to 5pm.

No special issues know.

Thanks,



Gary Rane



Request for Conditional use permit

Resort Center

1385 Lowell Ave Suite C-7

Park City Utah

We request that a Conditional Use Permit be granted to allow Marriot Vacation Club to open a sales office at the above listed address.

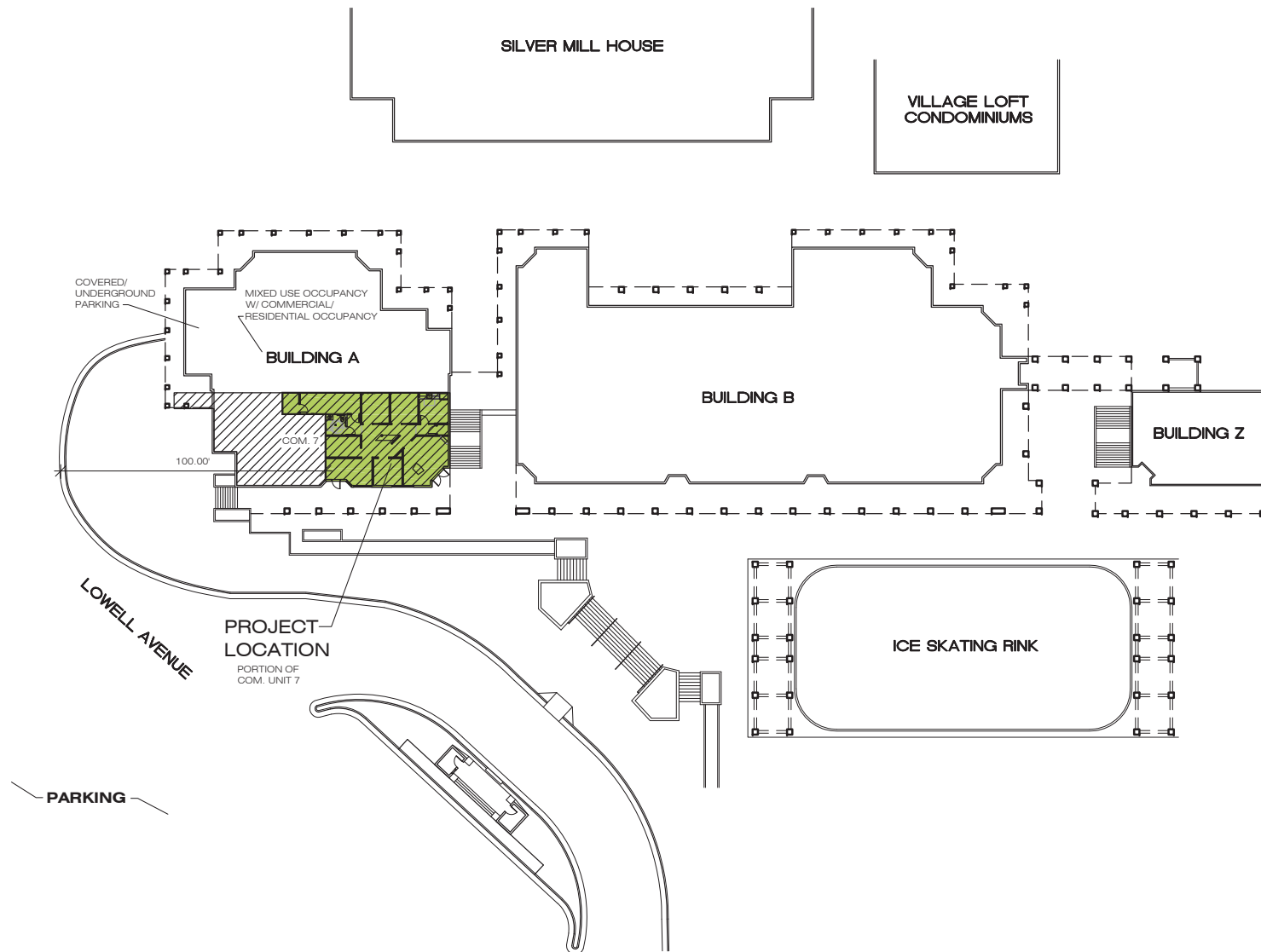
Thanks,

Gary D Rane

Horne Construction Inc.



Exhibit B – Vicinity Map



SAMUEL J. BRADY
ARCHITECTS

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Suite 160
Salt Lake City, Utah 84111
(801) 595-1752
FAX: (801) 595-1757



1385 LOWELL AVE.
PARK CITY
RESORT CENTER

PARK CITY, UTAH

MVC
MOUNTAINSIDE
SALES CENTER

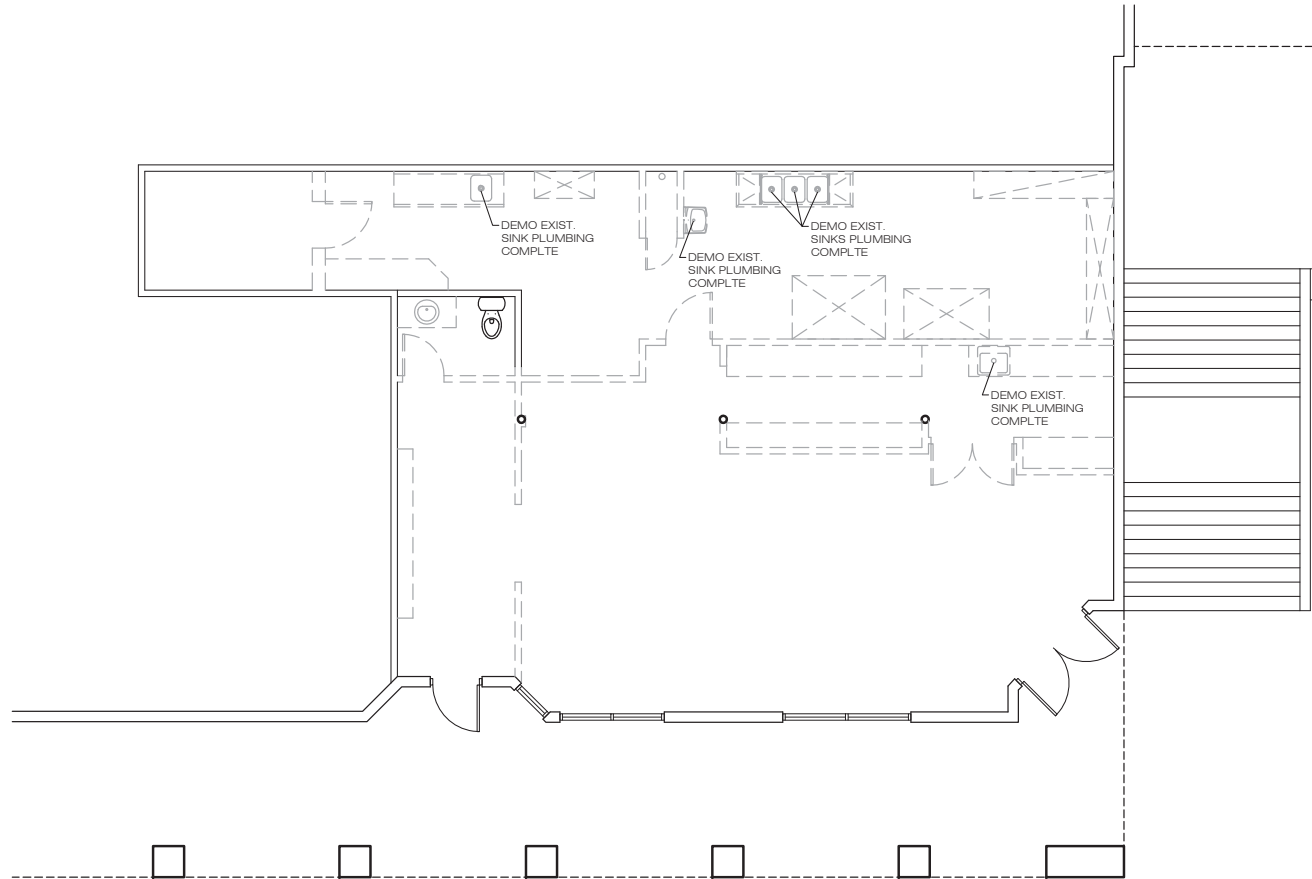
VICINITY MAP

SCALE: 1" = 40'-0"
OCTOBER 21, 2014
14K00209.dwg



A0.9

Exhibit C – Demolition Plan



DEMOLITION PLAN NOTES

1. PATCH & REPAIR ALL SURFACES FOR NEW FINISHES.

WALL TYPES

- EXISTING WALLS TO REMAIN
- EXISTING WALLS, DOORS, WINDOWS ETC. TO BE REMOVED AS REQD FOR NEW TENANT CONSTRUCTION. SALVAGE ALL DOORS, FRAMES AND H.W. FOR REUSE. PATCH AND REPAIR ALL SURFACES AS REQUIRED FROM DEMOLITION WORK.



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1385 LOWELL AVE.
PARK CITY
RESORT CENTER

PARK CITY, UTAH

**MVC
MOUNTAINSIDE
SALES CENTER**

DEMOLITION PLAN

SCALE: 1/8" = 1'-0"
OCTOBER 21, 2014
14K00210.dwg



A1.0

Exhibit D – Floor Plan



- FLOOR**
- A CARPET GLUE DIRECT W/ 6" HARDWOOD BASE
 - B 12" x 12" x 1/8" V.C.T. FLOORING W/ 4" ROPPE COVERED RUBBER BASE W/ CONTINUOUS LENGTH.
 - C LAMINATE HARDWOOD FLOORING W/ 6" HARDWOOD BASE
 - D 12" x 12" CERAMIC MOSAIC TILE FLOOR W/ 12" x 6" CERAMIC BASE.
- CONTRACTOR TO PROVIDE CARPET CUT SHEET/ SPECIFICATIONS FROM CARPET MANUFACTURER, FOR THE CARPET INCLUDED IN THE BID FOR THIS PROJECT. SUBMIT THIS INFORMATION TO OWNER'S REPRESENTATIVE WITH BID.

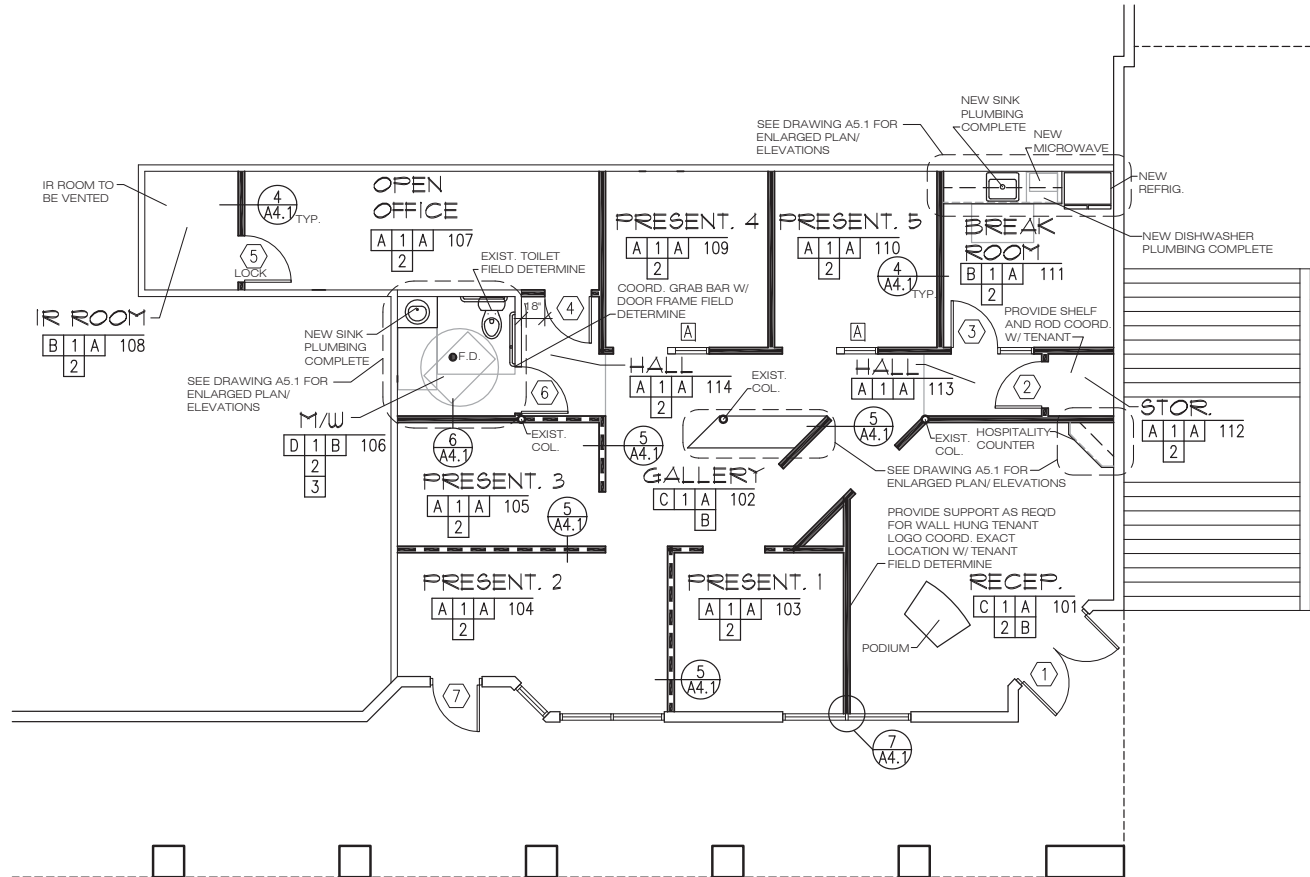
- WALLS**
- 1 PAINTED GYPSUM BOARD (TYPE 'X') (COLOR TO BE SELECTED BY TENANT) ALL PAINTED SURFACES TO BE ONE COAT PRIMER, AND TWO COATS FINISH PAINT.
 - 2 EXISTING WALL SURFACE PATCH, REPAIR AND PAINT. (2) COATS FINISH.
 - 3 14" x 14" TILE WAINSCOT 4'-0" A.F.F. AT WET WALLS AND ALONG WALL AT SIDE OF WATER CLOSET, W/ 6" TILE BASE.

- CEILING**
- A NEW 2' x 2' SUSPENDED ACOUSTICAL TILE CEILING SYSTEM W/ 12 GA. WIRE HANGERS INSTALLED PER DETAIL 1.2/A4.1 ARMSTRONG "DUNE" ANGLED TEGULAR TILE. 9/16" GRID SYSTEM (WHITE).
 - B NEW SUSPENDED GYP. BD. (TYPE 'X') CEILING ON METAL FURRING. PAINT.

NOTE:
ALL NEW FINISHES TO BE SELECTED BY THE TENANT AND APPROVED BY BLDG. REP.

ALL FINISHES TO MATCH BUILDING STANDARDS UNLESS NOTED OTHERWISE

NOTE:
PAINT WALLS AND CEILING ONE COLOR, PAINT TRIM SECOND COLOR.



WALL TYPES

- EXISTING WALLS TO REMAIN
- NEW 3-5/8" 25 GAUGE METAL STUDS @ 24" O.C. W/ 5/8" GYPSUM BOARD (TYPE 'X') EACH SIDE
- 6'-0" HIGH PARTITION WALL 3-5/8" 25 GAUGE METAL STUDS @ 24" O.C. W/ 5/8" GYPSUM BOARD (TYPE 'X') EACH SIDE PROVIDE STRUCTURAL SUPPORT AS REQUIRED FOR TRUE, STRAIGHT AND PLUMB WALLS.

GENERAL CONTRACTOR SHALL CHALK-LINE ALL NEW WALLS FOR ARCHITECTS APPROVAL, PRIOR TO ANY NEW CONSTRUCTION, TO INSURE THAT SPACE BUILD-OUT MEETS TENANT REQUIREMENTS.



SAMUEL J. BRADY

ARCHITECTS

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FAX: (801) 595-1757



1385 LOWELL AVE.
PARK CITY
RESORT CENTER

PARK CITY, UTAH

**MVC
MOUNTAINSIDE
SALES CENTER**

FLOOR PLAN

SCALE: 1/8" = 1'-0"
OCTOBER 21, 2014
14K00211.dwg



A1.1

Exhibit E – Alternate Floor Plan

FINISH KEY

FLOOR	
A	CARPET GLUE DIRECT W/ 6" HARDWOOD BASE
B	12" x 12" x 1/8" V.C.T. FLOORING W/ 4" ROPPE COVERED RUBBER BASE W/ CONTINUOUS LENGTH.
C	LAMINATE HARDWOOD FLOORING W/ 6" HARDWOOD BASE
D	12" x 12" CERAMIC MOSAIC TILE FLOOR W/ 12" x 6" CERAMIC BASE.

CONTRACTOR TO PROVIDE CARPET CUT SHEET/ SPECIFICATIONS FROM CARPET MANUFACTURER, FOR THE CARPET INCLUDED IN THE BID FOR THIS PROJECT. SUBMIT THIS INFORMATION TO OWNER'S REPRESENTATIVE WITH BID.

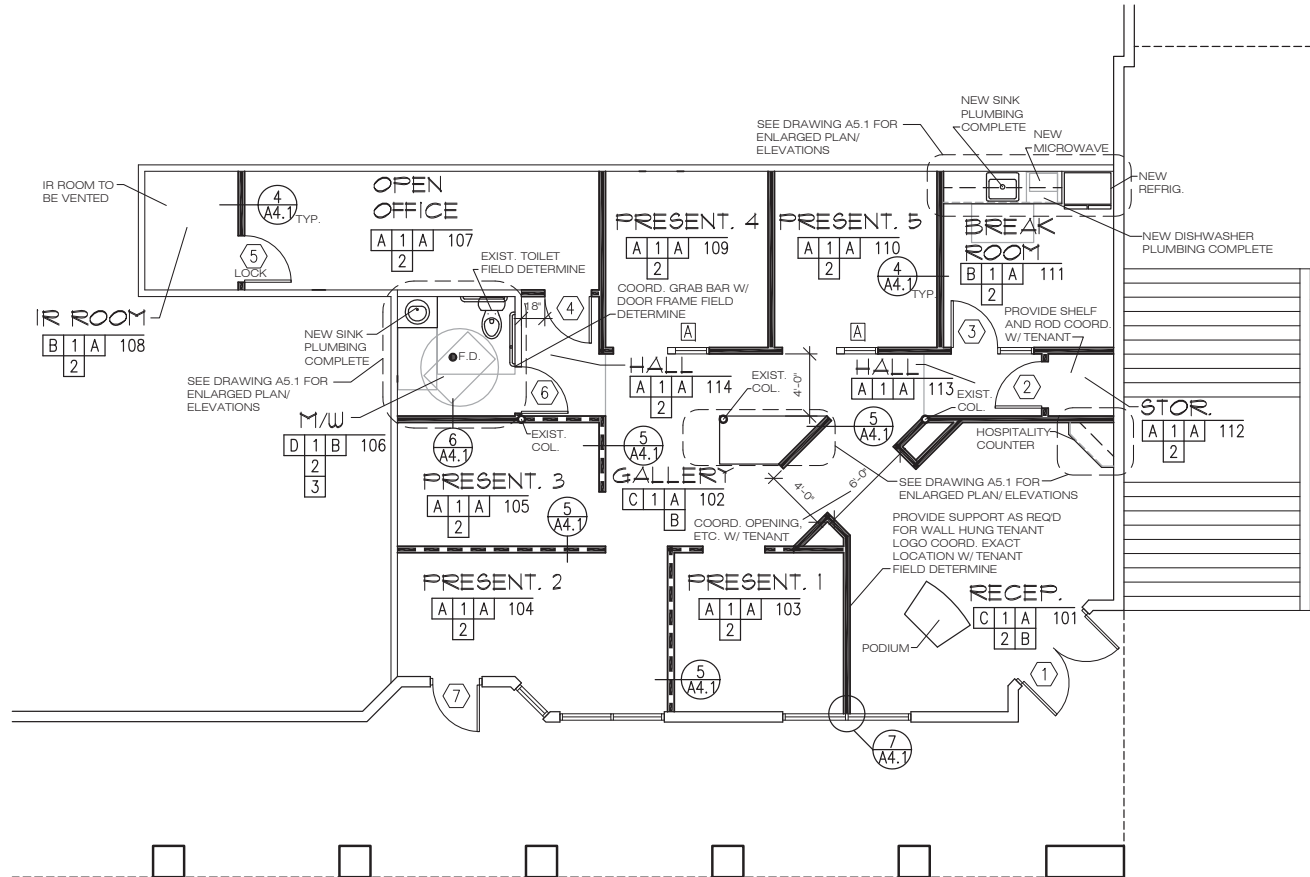
WALLS	
1	PAINTED GYPSUM BOARD (TYPE 'X') (COLOR TO BE SELECTED BY TENANT) ALL PAINTED SURFACES TO BE ONE COAT PRIMER, AND TWO COATS FINISH PAINT.
2	EXISTING WALL SURFACE PATCH, REPAIR AND PAINT. (2) COATS FINISH.
3	14" x 14" TILE WAINGROOVE 4'-0" A.F.F. AT WET WALLS AND ALONG WALL AT SIDE OF WATER CLOSET, W/ 6" TILE BASE.

CEILING	
A	NEW 2' x 2' SUSPENDED ACOUSTICAL TILE CEILING SYSTEM W/ 12 GA. WIRE HANGERS INSTALLED PER DETAIL 1.2/A4.1 ARMSTRONG "DUNE" ANGLED TEGULAR TILE. 9/16" GRID SYSTEM (WHITE).
B	NEW SUSPENDED GYP. BD. (TYPE 'X') CEILING ON METAL FURRING. PAINT.

NOTE:
ALL NEW FINISHES TO BE SELECTED BY THE TENANT AND APPROVED BY BLDG. REP.

ALL FINISHES TO MATCH BUILDING STANDARDS UNLESS NOTED OTHERWISE

NOTE:
PAINT WALLS AND CEILING ONE COLOR, PAINT TRIM SECOND COLOR.



WALL TYPES

---	EXISTING WALLS TO REMAIN
---	NEW 3-5/8" 25 GAUGE METAL STUDS @ 24" O.C. W/ 5/8" GYPSUM BOARD (TYPE 'X') EACH SIDE
---	6'-0" HIGH PARTITION WALL 3-5/8" 25 GAUGE METAL STUDS @ 24" O.C. W/ 5/8" GYPSUM BOARD (TYPE 'X') EACH SIDE PROVIDE STRUCTURAL SUPPORT AS REQUIRED FOR TRUE, STRAIGHT AND PLUMB WALLS.

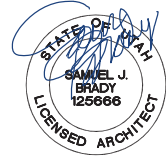
GENERAL CONTRACTOR SHALL CHALK-LINE ALL NEW WALLS FOR ARCHITECTS APPROVAL, PRIOR TO ANY NEW CONSTRUCTION, TO INSURE THAT SPACE BUILD-OUT MEETS TENANT REQUIREMENTS.



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PARK CITY, UTAH

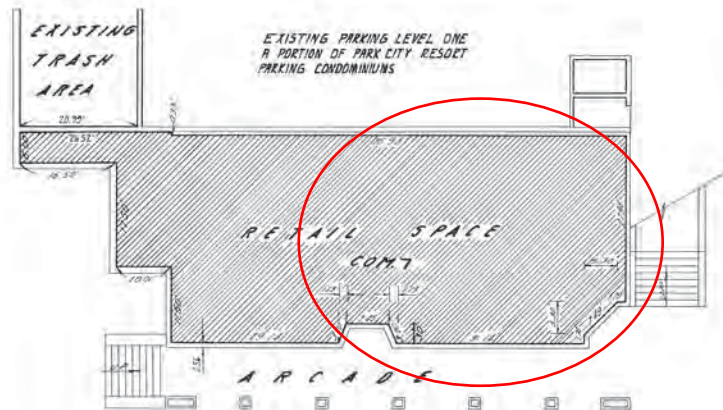
MVC MOUNTAINSIDE SALES CENTER

ALTERNATE FLOOR PLAN

SCALE: 1/8" = 1'-0"
OCTOBER 21, 2014
14K00211A.dwg

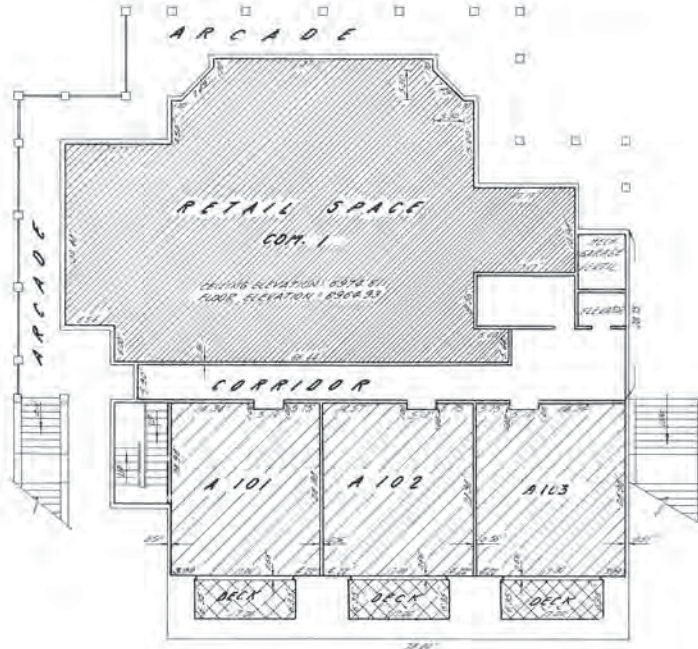
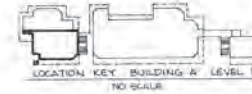


A1.1



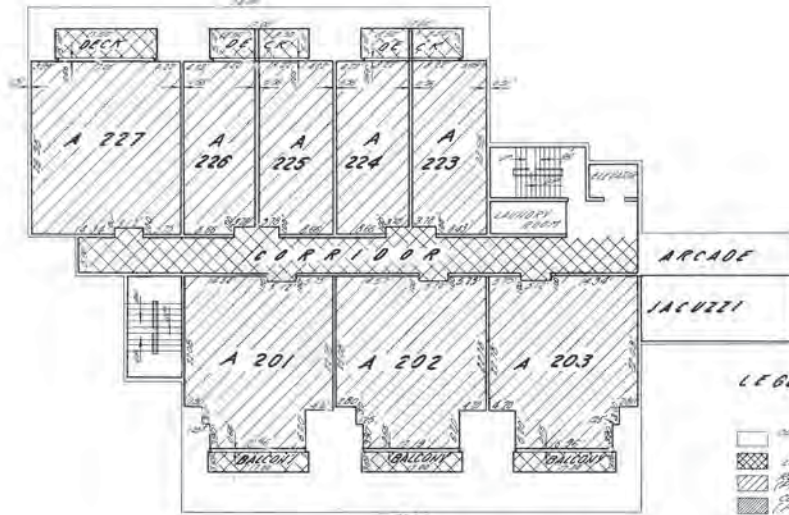
BUILDING A - LEVEL ONE

FLOOR ELEVATION - 6954.70
CEILING ELEVATION - 6964.58



BUILDING A - LEVEL TWO

RESIDENTIAL UNIT ELEVATIONS
CEILING ELEVATIONS - 6974.61
FLOOR ELEVATIONS - 6965.60



BUILDING A - LEVEL THREE

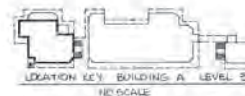
FLOOR ELEVATION - 6975.63
CEILING ELEVATION UNITS A 201, A 202 AND A 203
SEE CEILING PLAN (SHEET NO. 7)
UNITS A 223 THROUGH A 227 - 6983.58

LEGEND:

- COMMON AREAS
- LIMITED COMMON AREAS
- RESIDENTIAL UNITS
(PRIVATE OWNERSHIP)
- COMMERCIAL UNITS
(PRIVATE OWNERSHIP)

NOTE:

ALL ELEVATIONS ARE SHOWN
AS FLOOR FINISHES UNLESS
NOTED OTHERWISE TO BE
SHEETS OF THIS SET.



PROJECT NO. 202444	RECORD OF SURVEY MAP OF THE PARK CITY VILLAGE CONDOMINIUMS
STATE OF UTAH, COUNTY OF SALT LAKE, CITY OF PARK CITY	AN EXPANDABLE LEASEHOLD CONDOMINIUM PROJECT PHASE 1-A
DATE: 08-23-2011	INSPECTED BY: J. R. H. & S. L. B. M.
APP. 10-28-00	SURVEY COUNTY: UTAH
DESIGNED BY: Alan J. Jorgensen	13-08-08-01

Exhibit G – Site Photograph





Planning Commission Staff Report

Subject: 923 Park Avenue Subdivision
Author: Francisco Astorga & Georgie Corkery
Project Number: PL-14-02527
Date: December 10, 2014
Type of Item: Administrative – Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the 923 Park Avenue Subdivision Plat Amendment located at 923 Park Avenue and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Staff reports reflect the professional recommendation of the Planning Department. The Planning Commission, as an independent body, may consider the recommendation but should make its decisions independently.

Description

Applicant: EZ Executive Holdings LC
represented by Marshall King with Alliance Engineering Inc.
Location: 923 Park Avenue
Zoning: Historic Residential (HR-1)
Adjacent Land Uses: Residential
Reason for Review: Plat Amendments require Planning Commission review and City Council review and action

Proposal

Lot 6 and portions of Lots 5 & 28, Block 3, Snyder's Addition to the Park City Survey are owned by the same entity. The original lot lines from the historic survey still exist on said lots. The owner desires to unify the property into one (1) lot of record by removing the existing interior lot lines.

Background

On October 27, 2014 the City received a completed Plat Amendment application for the 923 Park Avenue Subdivision. The property is located at 923 Park Avenue. The property is in the Historic Residential (HR-1) District. The subject property consists of all of Lot 6, the northerly eight (8) feet of Lot 5, and a small portion of Lot 28, Block 3, Snyder's Addition. The entire area is recognized by the County as Parcel SA-13 (Tax ID).

Currently the site contains a one-and-one half (1½) story single-family dwelling. The site is listed on Park City's Historic Site Inventory and is designated as a significant historic site. According to Summit County records the structure was built in 1901 and

contains a total living area of 973 square feet. According to the submitted survey the building footprint of the existing historic dwelling is approximately 997 square feet. The site is partially located in a FEMA Flood Zone X.

Purpose

The purpose of the Historic Residential (HR-1) District is to:

- A. preserve present land Uses and character of the Historic residential Areas of Park City,
- B. encourage the preservation of Historic Structures,
- C. encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,
- D. encourage single family Development on combinations of 25' x 75' Historic Lots,
- E. define Development parameters that are consistent with the General Plan policies for the Historic core, and
- F. establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

Analysis

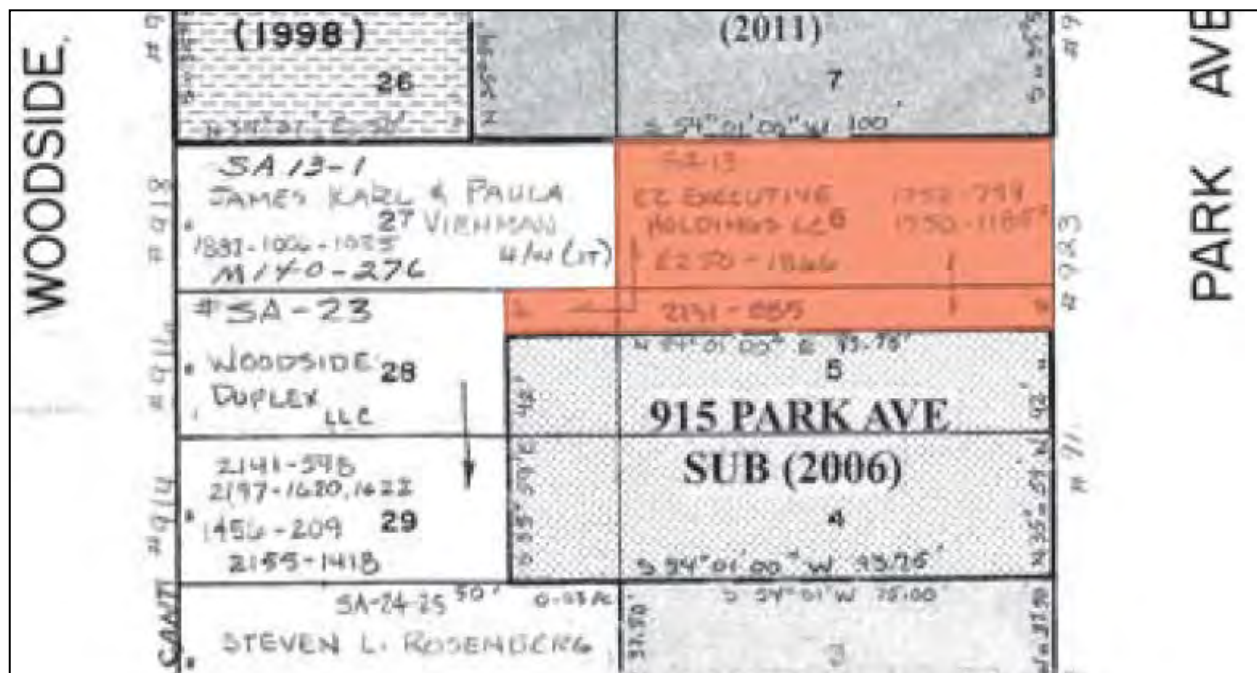
The proposed plat amendment creates one (1) lot of record from the existing lot and portions of lots consisting of 2,625 square feet. A single-family dwelling is an allowed use in the Historic Residential (HR-1) District. The minimum lot area for a single-family dwelling is 1,875 square feet. The proposed lot meets the minimum lot area for a single-family dwelling. The minimum lot width allowed in the HR-1 District is twenty-five feet (25'). The proposed lot is thirty three feet (33') wide. The proposed lot meets the minimum lot width requirement. The following table shows applicable development parameters in the Historic Residential (HR-1) District:

LMC Requirements	Parameter
Building Footprint	1132.5 square feet, maximum based on lot size.
Front/Rear Yard Setbacks	10 feet minimum.
Side Yard Setbacks	3 feet minimum, 6 feet total.
Building (Zone) Height	No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade.
Final Grade	Final Grade must be within four vertical feet (4') of Existing Grade around the periphery [...].
Lowest Finish Floor Plane to Highest Wall Top Plate	A Structure shall have a maximum height of thirty five feet (35') measured from the lowest finish floor plane to the point of the highest wall top plate [...].
Vertical Articulation	A ten foot (10') minimum horizontal step in the downhill façade is required [...].
Roof Pitch	Roof pitch must be between 7:12 and 12:12 for primary roofs. Non-primary roofs may be less than 7:12.

Staff has identified that the existing historic structure does not meet the north side yard

setback. The structure is one-and-one-half feet (1½') from the north side yard property line. LMC § 15-2.2-4 indicates that historic structures that do not comply with building setbacks are valid complying structures. Furthermore, this same section indicates that additions to historic structure must comply with building setbacks, etc.

Staff finds good cause for this plat amendment as the existing remnant parcels will become part of a legal lot of record. The other portion of Lot 5 is owned by another entity and has been incorporated into the adjacent 915 Park Avenue Subdivision replatted in 2006. The other portion of Lot 28 is owned by another entity and is recognized as parcel SA-23 which has a duplex over the two (2) lots west of the 915 Park Avenue Subdivision. See County Plat Map below:



The existing historic structure straddles the lot line between Lot 5 and Lot 6; therefore, this plat amendment would make the historic structure be in one (1) of lot of record instead of having most of the structure on Lot 5 and a small portion of the south wall on Lot 5, a separate remnant parcel.

Rear Retaining Wall

The site contains a small encroachment of a timber retaining wall of approximately four feet (4') in height. This retaining wall is sits on the rear portion of the rear neighbor, 918 Woodside Avenue, and it encroaches approximately six inches (6") over the rear property line. The applicant is currently working with the rear neighbor to issue an encroachment agreement. See Exhibit H – Neighbor's retaining wall.

Pole Line Easement

The submitted title report indicates a pole line easement recorded with the county in 1959. This easement is in favor of Utah power and light company as is currently shown

on the proposed plat. The property owner is currently working with Rocky Mountain Power to remove this pole line easement as it is currently not in use.

Process

The approval of this plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC § 1-18.

Department Review

This project has gone through an interdepartmental review. No further issues were brought up at that time.

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record according to requirements of the Land Management Code.

Public Input

No public input has been received by the time of this report.

Alternatives

- The Planning Commission may forward positive recommendation to the City Council for the 923 Park Avenue Subdivision Plat Amendment as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the 923 Park Avenue Plat Subdivision Amendment and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on 923 Park Avenue Subdivision Plat Amendment.

Significant Impacts

There are no significant fiscal or environmental impacts from this application.

Consequences of not taking the Planning Department's Recommendation

The site would remain as is. The site would contain one (1) single Old Town lot (25'x75') and two (2) remnant parcels. The existing historic structure would continue to straddle the interior lot lines.

Summary Recommendation

Staff recommends the Planning Commission hold a public hearing for the 923 Park Avenue Subdivision Plat Amendment located at 923 Park Avenue and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Exhibits

Exhibit A – Draft Ordinance with Proposed Plat

Exhibit B – Applicant's Project Description

Exhibit C – Aerial Photograph
Exhibit D – Existing Survey
Exhibit E – County Tax Map
Exhibit F – Site Photographs
Exhibit G – LMC § 15-2.2-4
Exhibit H – Neighbor's retaining wall

Ordinance No. 14-XX

AN ORDINANCE APPROVING THE 923 PARK AVENUE SUBDIVISION PLAT AMENDMENT LOCATED AT 923 PARK AVENUE, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 923 Park Avenue has petitioned the City Council for approval of the Plat Amendment; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on December 10, 2014, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on December 10, 2014, forwarded a recommendation to the City Council; and,

WHEREAS, on January 8, 2015, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 923 Park Avenue Subdivision Plat Amendment.

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

SECTION 1. APPROVAL. 923 Park Avenue Subdivision Plat Amendment as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 923 Park Avenue.
2. The property is in the Historic Residential (HR-1) District.
3. The subject property consists of all of Lot 6, the northerly eight (8) feet of Lot 5, and a portion of Lot 28, Block 3, Snyder's Addition.
4. The entire area is recognized by the County as Parcel SA-13.
5. The site is listed on Park City's Historic Site Inventory and is designated as a significant historic site.
6. The building footprint of the existing dwelling is approximately 997 square feet.
7. The proposed plat amendment creates one (1) lot of record from the existing area consisting of 2,625 square feet.

8. A single-family dwelling is an allowed use in the Historic Residential (HR-1) District.
9. The minimum lot area for a single-family dwelling is 1,875 square feet.
10. The proposed lot meets the minimum lot area for a single-family dwelling.
11. The minimum lot width allowed in the district is twenty-five feet (25').
12. The proposed lot is thirty three feet (33') wide.
13. The proposed lot meets the minimum lot width requirement.
14. The existing historic structure does not meet the north side yard setback. The structure is one-and-one-half feet (1½') from the north side yard property line.
15. LMC § 15-2.2-4 indicates that historic structures that do not comply with building setbacks are valid complying structures.
16. LMC § 15-2.2-4 indicates that additions to historic structure must comply with building setbacks, etc.
17. The site contains a small encroachment of a timber retaining wall of approximately four feet (4') in height which sits on the rear portion of the rear neighbor, 918 Woodside Avenue.
18. The retaining wall encroaches approximately six inches (6") over the rear property line onto the subject site.
19. The applicant is currently working with the rear neighbor to issue an encroachment agreement.
20. The submitted title report indicates a pole line easement recorded with the county in 1959.
21. The pole line easement is in favor of Utah power and light company as is currently shown on the proposed plat.
22. The property owner is currently working with Rocky Mountain Power to remove this pole line easement as it is currently not in use.
23. The site is partially located in a FEMA Flood Zone X.
24. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law:

1. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
2. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
3. 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:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. A ten feet (10') wide public snow storage easement will be required along the front of the property.
4. The applicant shall resolve the wood tie retaining wall which encroaches onto their property from 918 Woodside Avenue by providing an encroachment agreement to the neighboring property owner or by removing the wood tie retaining wall encroachment before plat recordation.
5. The applicant shall resolve the pole line easement recorded with the county. The property owner is currently working with Rocky Mountain Power to remove this pole line easement as it is currently not in use. If the applicant fails to remove this pole line easement prior to plat recordation, it shall be noted on the plat. If the easement is removed then it shall not be shown on the plat.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 8th day of January, 2015.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

ATTEST:

Marci Heil, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment 1 – Proposed Plat

SNYDER'S ADDITION TO PARK CITY SURVEY, BLOCK 3,
LOT 6 AND A PORTION OF LOTS 5 & 28,

(923 PARK AVENUE)

PROJECT INTENT

Lot 6 and portions of Lots 5 & 28, Block 3, Snyder's Addition to Park City Survey, (also known as 923 Park Avenue) are owned by the same entity. The original lot lines from the Snyder's Addition to Park City Survey still exist on said lots. The owner desires to unify the property into one lot of record by extinguishing the existing lot lines, with the ultimate goal of renovating the existing residence.



Exhibit C – Aerial Photograph



Exhibit D – Existing Survey

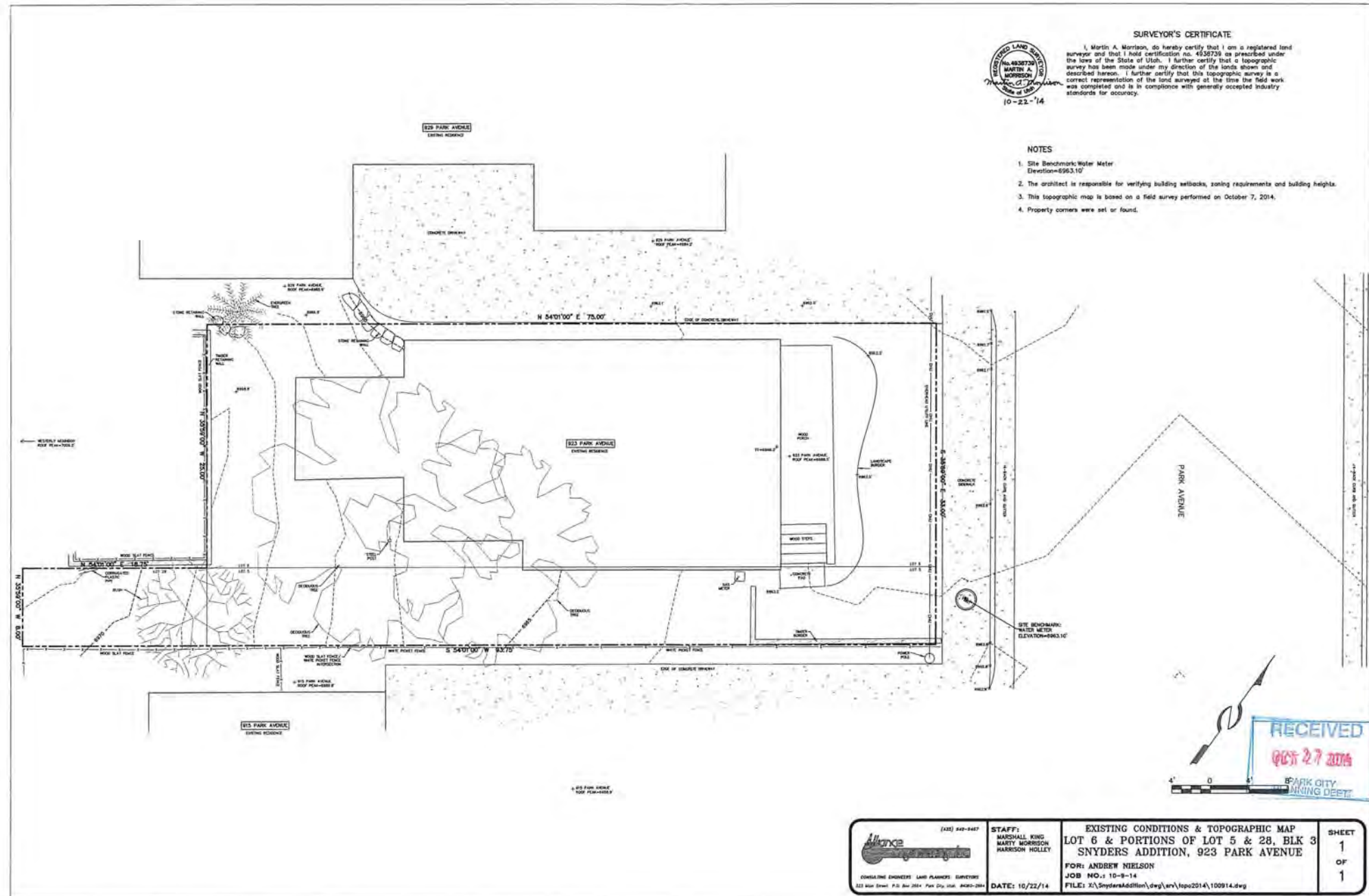
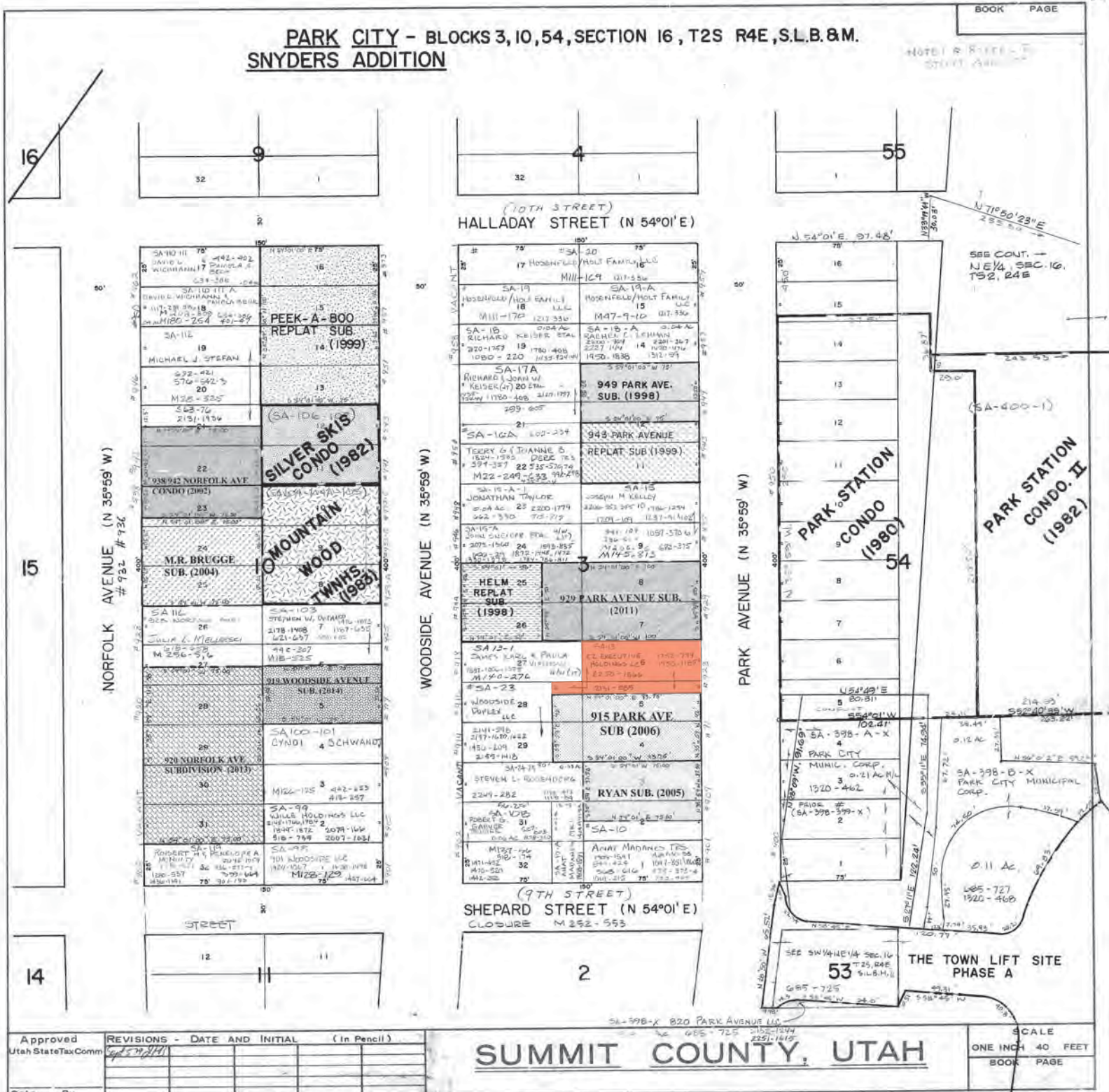


Exhibit E – County Tax Map

PARK CITY - BLOCKS 3, 10, 54, SECTION 16, T2S R4E, S.L.B. & M. SNYDER ADDITION





923 Park Avenue – Facing Northwesterly

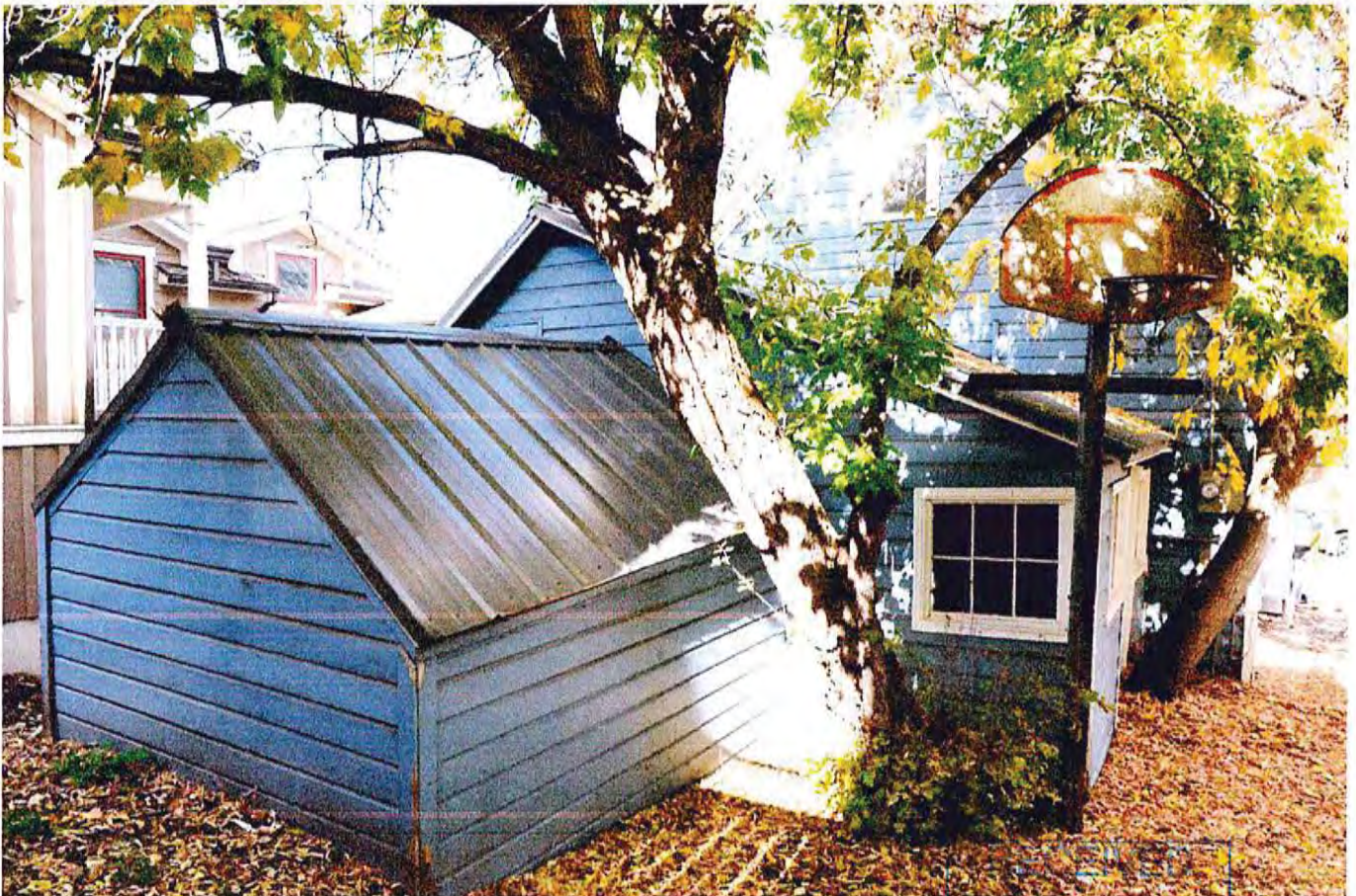


RECEIVED
OCT 27 2014
PARK CITY
PLANNING DEPT.

923 Park Avenue – Facing Southwesterly



923 Park Avenue – Facing Southeasterly



923 Park Avenue – Facing Northeasterly

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 2.2 - HR-1 District

15-2.2-8

Setback of three feet (3').

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

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

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

(Amended by Ord. Nos. 06-56; 09-10)

15-2.2-4. EXISTING HISTORIC STRUCTURES.

Historic Structures that do not comply with Building Setbacks, Off-Street parking, and driveway location standards are valid Complying Structures. Additions to Historic Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or an Accessory Apartment. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height. All Conditional Uses shall comply with parking requirements of Chapter 15-3.

(A) **EXCEPTION.** In order to achieve

new construction consistent with the Historic District Design Guidelines, the Planning Commission may grant an exception to the Building Setback and driveway location standards for additions to Historic Buildings:

(1) Upon approval of a Conditional Use permit,

(2) When the scale of the addition or driveway is Compatible with the Historic Structure,

(3) When the addition complies with all other provisions of this Chapter, and

(4) When the addition complies with the International Building and Fire Codes.

(Amended by Ord. Nos. 06-56; 07-25)

15-2.2-5. BUILDING HEIGHT.

No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade. This is the Zone Height. Final Grade must be within four vertical feet (4') of Existing Grade around the periphery of the Structure, except for the placement of approved window wells, emergency egress, and a garage entrance. The following height requirements must be met:

(A) A Structure shall have a maximum height of thirty five feet (35') measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters.

(B) A ten foot (10') minimum horizontal



Planning Commission Staff Report



Subject: 30 Sampson Avenue
Project #: PL-12-01487
Author: Kirsten Whetstone, Senior Planner
Date: December 10, 2014
Type of Item: Administrative – Steep Slope Conditional Use Permit

Summary Recommendations

Staff recommends the Planning Commission review a request for a Steep Slope Conditional Use Permit for a new single-family house located at 30 Sampson Avenue, conduct a public hearing, and consider approving the Steep Slope CUP. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

Description

Applicant/Owner: Michael Jorgensen
Architect: Jonathan DeGray
Location: 30 Sampson Avenue
Zoning: Historic Residential - Low (HRL)
Adjacent Land Uses: Residential and vacant land
Reason for Review: Construction of structures greater than 1,000 sf on a steep slope requires a Conditional Use Permit

Proposal

This application is a request for a Steep Slope Conditional Use Permit for a new single family house to be located at 30 Sampson Avenue (see Exhibits A and B). The 7,088 sf lot is currently vacant and located within the Historic Residential Low (HRL) Zoning District. The HRL Zone requires that any new construction 1,000 square feet or greater, on slopes exceeding 30%, first obtain a Conditional Use Permit for steep slope construction prior to the issuance of a building permit. The subdivision plat notes allow a maximum house size (excluding basement areas and 400 sf of the garage) of 3,000 sf. The maximum house size proposed is 2,894 sf, excluding all basement areas and 400 sf of the garage. The total house construction consists of 4,336 sf, including all above and below grade areas, but excludes the entire 552 sf garage. Total gross construction is 4,888 sf including house and garage.

Background

On January 5, 1995, the City Council approved the "30, 40, and 50 Sampson Avenue Amended Plat" also known as the Millsite Supplemental Plat Amended Subdivision, which was a combination of 13 whole and partial lots, and a portion of "Utah Avenue" within the original Millsite addition to Park City Subdivision Plat into three lots. The Plat was recorded with a note that limited the "maximum size for residential structures" to 3,000 square feet for Lots 1 and 3, and 3,500 square feet for Lot 2. The conditions of approval reflect that a 400 square foot "credit" for garages is allowed (see Exhibit C).

This application is for Lot 3 of the Millsite Supplemental Plat Subdivision, which is a 7,088.4 square foot lot.

Maximum house size excludes any floor area that meets the definition of a basement (below final grade). This was clarified in a March 30, 1998, letter written by Richard E. Lewis, acting Community Development Director, to the owners of Lots 1, 2, and 3. The letter clarified that the maximum size for residential structures excludes basements as defined by the LMC. The letter also clarified 400 square feet of garage area is exempt from the maximum house size calculations. This letter is attached hereto as Exhibit D.

On February 14, 2012, the City received an application for a Conditional Use Permit (CUP) for "Construction on a Steep Slope" at 30 Sampson Avenue. The property is located in the Historic Residential Low (HRL) District. On April 9, 2012, the application was deemed "complete" and an initial public hearing was conducted by the Planning Commission on August 22, 2012.

In the original application, the applicant proposed a sub-basement level entrance that connected underground to the garage and elevator, however it was determined by Staff that such a proposal would violate Section 15-2.1-5 (Building Height – Maximum of three [3] stories) of the LMC that was in effect at the time of submittal. The applicant revised the plans to show a detached garage and a subterranean walk-way (tunnel) leading to an elevator, which connected to an outside patio area but detached from the house. Because the garage was not attached to the house, it did not violate the three (3) story height restriction that was in the code at the time of the application. The revised three story submittal was reviewed by the Planning Commission on November 28, 2012, December 12, 2012, February 27, 2013, and finally on April 10, 2013.

On April 10, 2013, the Planning Commission denied the Conditional Use Permit application for 30 Sampson. Details of the application and meetings are found in the April 10, 2013 Staff Report (Exhibits E and F). At the April 10th meeting, the Commission requested Planning Staff prepare Findings of Fact and Conclusions of Law consistent with the April 10th discussion and unanimous vote to deny (Exhibit B-minutes). These Findings and Conclusions were ratified by the Planning Commission on June 26, 2013 (Exhibit G).

On July 3, 2013, the applicant submitted to the City recorder, within the required ten (10) days, an appeal of the Planning Commission decision (Exhibit H). On August 5, 2013, the applicant requested a continuation of the appeal in order to submit a request for an advisory review of the Planning Commission decision to the State Ombudsman. Staff agreed to continue the appeal to a date uncertain and the applicant submitted a request for Advisory Opinion from the State of Utah Office of Property Rights Ombudsman (Advisory Opinion).

On March 28, 2014, Planning Staff received a copy of the Advisory Opinion (Exhibit I) and after reviewing the document scheduled a meeting with the applicant to discuss the CUP application and the appeal. At the meeting, the Applicant indicated he was willing to make some additional revisions to the application to address design issues raised by the Planning Commission related to the exterior elevator element, amount of paving, as

well as a redesign of the garage area. The applicant proposed to revise the plans; similar to what had been initially submitted, to address concerns the Planning Commission had with the design. The applicant understood that the redesign would require a variance from the Board of Adjustment to the three story LMC requirement. The applicant stipulated to remand of the appeal application to the Planning Commission and recognized that there would be a delay of the Planning Commission hearing on the remand to allow time for the Board of Adjustment to consider a variance application.

On July 31, 2014, the City Council, based on the Ombudsman's advisory opinion, the applicant's stipulation and Staff's recommendation, remanded the appeal to the Planning Commission to reconsider the Steep Slope CUP application (Exhibit J). The Council found the Planning Commission was the appropriate review body for reconsideration of the application based on information presented by the Ombudsman. In addition, the remand allowed the applicant to seek a variance to the three story restriction and depending on the outcome of that variance request, to revise the Steep Slope CUP application to include the proposed revisions for Planning Commission review.

On July 7, 2014 the applicant submitted a Variance application requesting relief from the LMC requirement (under the vested version of the code from the time of the application that "a structure may have a maximum of three (3) stories" based on a hardship created by the steepness of the lot, the hour-glass configuration of the existing platted lot, and the forty foot (40') change in elevation between the street and upper building pad area.

On October 7, 2014, the Board of Adjustment (BOA) approved the applicant's request for a variance to the three story requirement (Exhibit K). The variance allowed the applicant to redesigned the plans and propose the underground connection between the garage at the front of the lot and the main house at the rear of the lot, allowing the elevator to be constructed within the main house.

Following the October 7, 2014, BOA meeting, the applicant revised the Steep Slope CUP application (Exhibit A) to include the underground connection and interior elevator, decreased the amount of paving to increase the landscaped area at the front of the lot, and redesigned garage.

Purposes of the HRL District

The purpose of the Historic Residential Low-Density (HRL) District is to:

- (A) Reduce density that is accessible only by substandard Streets so these Streets are not impacted beyond their reasonable carrying capacity,
- (B) Provide an Area of lower density Residential Use within the old portion of Park City,
- (C) Preserve the character of Historic residential Development in Park City,
- (D) Encourage the preservation of Historic Structures,

(E) Encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District, and maintain existing residential neighborhoods.

(F) Establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment, and

(G) Define Development parameters that are consistent with the General Plan policies for the Historic core.

Analysis

This application is a request for a Conditional Use Permit for construction of a new single family dwelling including an attached garage and underground circulation tunnel that connects the garage to the main house. Because the total proposed construction exceeds 1,000 square feet and is located on a slope greater than thirty percent (30%), the applicant is required to file a CUP application for review by the Planning Commission, pursuant to LMC § 15-2.1-6. A Historic District Design Review (HDDR) application is being reviewed concurrently by staff for compliance with the Design Guidelines for Historic Districts and Historic Sites adopted in 2009. The HDDR has not yet been approved.

The applicant is requesting approval of a Steep Slope CUP for a revised application that takes into consideration a variance to the LMC three (3) story limitation that applied to this application at the time of the original submittal (February 14, 2012). The revised plans propose a four (4) story house consistent with the plans reviewed by the Board of Adjustment in granting the variance (Exhibit A). The house includes a garage level (that includes the circulation tunnel and elevator), a basement level fully below grade under the main house, a main first story, and a top second story. The design complies with conditions of the variance requiring a design that has the perception of three (3) stories.

The garage is connected to the house by a subterranean tunnel and an elevator located within the main house. The proposed house is located on the upper building pad of the hour glass shaped lot. The proposed house complies with all required setbacks, building heights, required articulation, four foot (4') allowance for change of grade, and allowed retaining wall heights of the HRL zone. The proposed house contains a total of 4,336 sf of area, including all below grade and above grade areas but excluding the entire 552 sf garage. Gross construction area is 4,888 sf.

The proposed building footprint is 2,179 square feet, including the house, entry area, and tunnel. The total maximum allowed footprint per the LMC is 2,355.5 square feet, based on lot size. The area of the lot is 7,088.4 square feet.

The proposed house size (floor area minus basement and allowance for the garage) is 2,894 sf and complies with the Millsite Reservation Supplemental Plat note that restricts the maximum house size to 3,000 square feet (this excludes all basement areas as well as 400 sf of the 552 sf garage).

The lowest floor (garage level) contains 1206 sf. This includes the 552 sf of the entire garage (400 sf is exempted from house size, 152 sf is included in house size), 276 sf of

the garage entry circulation area that is above grade and 378 sf that is the tunnel/connector that is below grade. The basement level (under the main house) contains 1,216 sf of floor area (all below grade). The lower level (above the basement) contains 1,230 sf of floor area (all above grade) and the main level contains 1,236 sf of floor area (all above grade). The proposed basement level meets the basement definition found within LMC Section 15-15-1 and is fully below final grade. The garage level tunnel/connector is below grade and is 378 sf. The garage level circulation area of 276 sf is above grade and is included in the maximum house size.

Below is an analysis of each floor and accounts for the total square footage of the entire project:

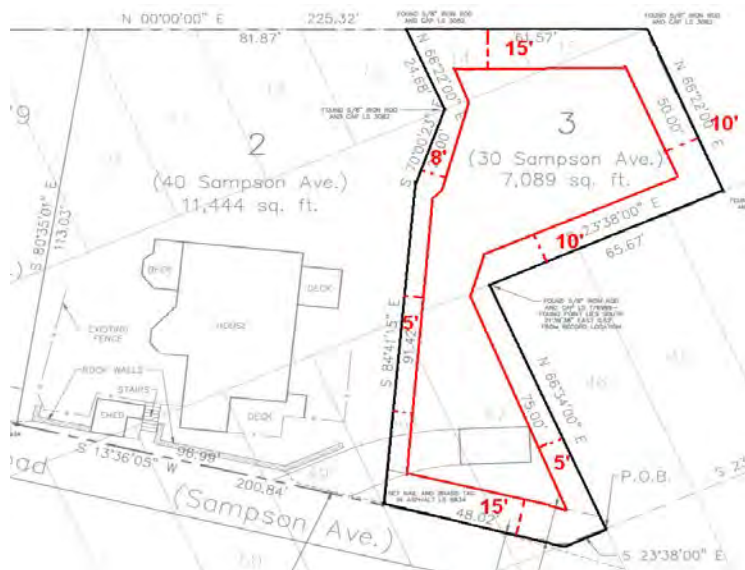
Floor	Proposed floor area
3 rd Story	1,236 sf - Main (top) Level
2 nd Story	1,230 sf - Lower Level
1 st Story	1,216 sf – Basement Level (below ground)
Garage Story	1,206 sf – includes the following: 552 sf- Total Garage (400 sf is exempted from house size, 152 sf is included in house size) 276 sf- Garage level circulation area – above grade 378 sf- Connector/Tunnel area – below grade
Overall living area (excluding entire 552 sf garage)	4,336 sf (1236 + 1230 + 1216 + 276 + 378)
Overall house size (excluding all basement areas and 400 sf of the 552 sf garage)	2,894 sf (1236 + 1230 + 152 + 276) (this does not include 1216 + 400 + 378)
Total sf of construction	4,888 sf (4336 + 552 entire garage)

Of the 4,888 total square feet of construction, approximately 40% is below grade. The total living space is 4,336 sf, including all basement areas, tunnel, and garage circulation but excluding the garage. The above ground square footage equates to sixty percent (60%) of the total building size with the remaining 1,970 sf of building area located underground (a portion of the garage is located below grade). The total house size square footage (excluding the 400 sf garage allowance and all basement areas) is 2,996 sf which is compliant with the 3,000 sf maximum house size per the 1998 clarification letter written by Community Development Director Lewis. During the initial review of the Conditional Use Permit, staff provided a house size analysis of the

surrounding area and found that the proposed house design is consistent with houses in this neighborhood (Exhibit L).

The house is setback between 70' and 110' from Sampson Avenue with the garage setback between 15' and 30' from the street. Per Section 15-4-17 (Supplemental Regulations – Setback Requirements for Unusual Lot Configurations), all lots with more than four sides require a “Setback Determination” by the Planning Director. On October 11, 2011, Planning Director, Thomas Eddington determined that the lot has eight sides, and made the following setback determination for the subject property:

Setback Determination	
Required Setbacks	Proposed Setbacks
1. Front Yard – 15 feet (10 feet per LMC)	Front – 15 feet (complies)
2. Side Yard south property line to “tapper” area (see diagram below) – 5 Feet (3 to 5 feet per LMC)	Side-yard south – 5 feet (complies)
3. Side Yard north property line to the southwest corner of Lot 46, Block 78 of the Subdivision #1 of the Millsite Reservation – 5 feet (5 feet per LMC)	Side-yard north – 5 feet (complies)
4. Combined Side Yards (north and south) of main portion of lot – 18 feet total, south-side shall be 8 feet; north-side shall be 10 feet (6 to 10 feet per LMC)	Combined north/south side-yard for main body of lot – 18 feet total (complies)
5. Rear Yard – 15 feet (10 feet per LMC)	Rear yard – 15 feet (complies)
6. Side Yard north property line – 10 feet (5 feet per LMC)	Side-yard north for main portion - 10 feet (complies)
7. Side Yard west property line – 10 feet (10 feet per LMC)	Side-yard west property line – 10 feet (complies)



Staff made the following LMC related findings:

Requirement	LMC Requirement	Proposed
Building Footprint	2,355.5 square feet (based on lot area) <u>maximum</u>	2,179 square feet, <u>complies.</u>
Maximum House Size (excludes basement and 400 sf garage allowance)	No LMC Requirement – 3,000 square feet per plat note	2,894 square feet (4,888 sf gross construction minus 400 sf garage allowance, minus entire 1,216 sf basement level, and minus 378 sf of below grade tunnel/connector) <u>complies.</u>
*Front and Rear Yard	10 feet minimum (20 feet total) 15 feet per Planning Director	15 feet (front), <u>complies.</u> 15 feet (rear), <u>complies.</u>
*Side Yard	5 feet minimum, (10 feet total)	*Various – see notes
Height	27 feet above existing grade, <u>maximum.</u>	Various heights all less than 27 feet, <u>complies.</u>
Number of stories	A structure may have a maximum of three (3) stories, unless a variance is granted by the Board of Adjustment based on criteria state in LMC Chapter 15-10-8 (C).	4 stories, <u>complies per variance granted by the Board of Adjustment on October 7, 2014.</u>
Final grade	Final grade must be within four (4) vertical feet of existing grade around the periphery of the structure.	4 feet or less, <u>complies.</u>
Vertical articulation	A ten foot (10') minimum horizontal step in the downhill façade is required for the third story unless the 1 st story is completely below finished grade.	Third story is stepped back between 45' and 65' from the front façade of the structure, <u>complies.</u>
Roof Pitch	Roof pitch must be between 7:12 and 12:12 for primary roofs. Non-primary roofs may be less than 7:12.	7:12 for all primary roofs with a minor “green roof” for the garage between the primary roof pitch, <u>complies.</u>
Parking	Two (2) off-street parking spaces required	2 spaces within the garage, <u>complies.</u>

* Planning Director Determination of setbacks based on the fact that the lot has more than four sides. Planning Director can require greater setbacks in this instance.

The subject lot was created by the Millsite Supplemental Plat Amended Subdivision, which was a combination of 13 whole and partial lots, and a portion of “Utah Avenue” within the original Millsite addition to Park City Subdivision Plat, re-plated three (3) single family lots. The plat amendment reduced the overall density in terms of dwelling

units on the substandard streets consistent with the purpose statements for the HRL zone.

LMC § 15-2.1-6 provides for development on steep sloping lots in excess of one thousand square feet (1,000 sq. ft.) within the HRL District, subject to the following criteria:

Criteria 1: Location of Development.

Development is located and designed to reduce visual and environmental impacts of the Structure. **No unmitigated impacts.**

The proposal is for a new single family dwelling with a proposed footprint of 2,179 square feet. The proposal includes a garage with two separate garage doors angled away from a common wall and set back 15' to 25' from the front property line. The garage is visually separated from the main portion of the house by 28'. The main portion of the house is located approximately 80 feet from the street. The lot is wide at the street level but narrows at about 65' from the street before opening up to the most substantial portion of the lot in an hour glass shape. The lot was platted in this configuration in 1995. Most of the buildable area is located on the upper portion of the lot. It is not physically possible to construct a driveway that would meet the LMC requirements (maximum slope to fourteen percent (14%) as measured from the street (Sampson Avenue) in order to reach the upper portion of the lot which is why the design includes a garage at the street, a subterranean tunnel connector element, and an elevator to provide access to the main portion of the house. The factors contributing to the location of the building are the shape and slope of the lot, as it exceeds thirty percent (30%) for much of the lot.

The garage and main portion of the home will appear as dis-connected structures because the subterranean connection is completely below final grade. Proposed lot coverage is approximately 30 percent (%) of the overall lot. The applicant is proposing to plant forty (40) new trees on the property. Existing vegetation on the lot consists of grasses and shrubs, some of which will be disturbed, however there are no large native trees or evergreens identified on the property. The level of disturbance of existing vegetation will be mitigated by the planting of new vegetation as shown on the landscape plan (Exhibit A).

Criteria 2: Visual Analysis.

The applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points to determine potential impacts of the project and identify potential for screening, slope stabilization, erosion mitigation, vegetation protection, and other items. **No unmitigated impacts.**

The applicant submitted a visual analysis; including renderings showing a contextual analysis of visual impacts (see Exhibit B). The proposed structure cannot be seen from the key vantage points as indicated in the LMC Section 15-15-1.283, with the exception of a cross canyon view. The cross canyon view contains a back drop of a two (2) story building with a garage building below. Visual impacts from this vantage point are mitigated by the amount of vegetation surrounding this area and proposed to be planted

on the subject property. The garage and main house are separated by about thirty feet (30').

Criteria 3: Access.

Access points and driveways must be designed to minimize Grading of the natural topography and to reduce overall Building scale. Common driveways and Parking Areas, and side Access to garages are strongly encouraged, where feasible. **No unmitigated impacts.**

The proposed design incorporates a driveway from Sampson Avenue. Unlike other properties on the “up-hill” side of Sampson, the applicant will not need a retaining wall, and instead proposes a gentle slope away from the garage and parking area to the street. The driveway access will be located on the south side of the lot where the finished grade of the street and the natural grade of the lot are closest in elevation. This location will reduce the need for retaining walls and other stabilization usually associated with development on Sampson Avenue. The access points and driveways are designed to minimize Grading of the natural topography and reduce the overall Building scale.

The driveway was revised upon review of the certified survey to confirm that the slope will not exceed fourteen (14%). The proposed driveway has a maximum slope of twelve and a half percent (12.5%). The applicant is proposing a two-car garage and has removed the previously proposed additional parking pad to the north of the garage. The LMC requires two off-street parking spaces. Sampson Avenue is an extremely narrow street, there is no available on-street parking, the front setback to the garage allows for some off-street guest parking.

Criteria 4: Terracing.

The project may include terraced retaining Structures if necessary to regain Natural Grade. **No unmitigated impacts.**

No terracing is proposed. The applicant is proposing to build on the two less steep areas of the lot, with a subterranean (underground) tunnel connecting the garage to the house. This will require some initial grading and site stabilization (not terracing), but the end result will be that the grading between the garage and the house will be put back to its natural state as a slope.

Criteria 5: Building Location.

Buildings, access, and infrastructure must be located to minimize cut and fill that would alter the perceived natural topography of the Site. The Site design and Building Footprint must coordinate with adjacent properties to maximize opportunities for open Areas and preservation of natural vegetation, to minimize driveway and Parking Areas, and provide variation of the Front Yard. **No unmitigated impacts.**

The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography. The house sits on the up-hill side of the lot where there is area with less than 30% slope on which to build. The existing eight-sided lot was approved 1995 as a recorded subdivision lot.

The lot is has an hourglass shape with most of the buildable area located in the beyond the midpoint of the lot. The street-side of the lot has limited building area available which has dictated the location of the proposed home. The site design, reduced building footprint (smaller than what is allowed per code), and increased setbacks maximize the opportunity for open Areas to be landscaped following re-grading of the lot.

Criteria 6: Building Form and Scale.

Where Building masses orient against the Lot's existing contours, the Structures must be stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District. Low profile Buildings that orient with existing contours are strongly encouraged. The garage must be subordinate in design to the main Building. In order to decrease the perceived bulk of the Main Building, the Planning Commission may require a garage separate from the main Structure or no garage. **No unmitigated impacts.**

The top floor of the home walks out to the existing grade of the top of the lot, and the main floor walks out to the existing down-hill side of the lot. There is a minimal retaining wall on each side of the home to differentiate the rear and front yard. The Structures step with the Grade and are broken in to a series of individual smaller components Compatible with the District.

The garage is separated from the house by a subterranean tunnel and is subordinate to the mass and design of the main house and this separation decreases the perceived bulk of the Main Building. The connection between the garage the main house is completely underground and not visible. The vertical circulation (elevator and stairs) are incorporated within the main house. Only two stories of the main house are exposed, with the basement completely underground with no portion thereof expose.

The main level (top story) consists of approximately 1,236 sf. The exposed massing steps with the hillside. The lower level contains approximately 1,230 square feet which is also above ground. The remaining area, minus most of the garage area is located below ground. The 552 sf garage itself is partially underground and steps in height between 9' and 16' in building height from existing grade, including a small flat green roof area proposed between the two smaller garage masses.

Criteria 7: Setbacks.

The Planning Commission may require an increase in one or more Setbacks to minimize the creation of a "wall effect" along the Street front and/or the Rear Lot Line. The Setback variation will be a function of the Site constraints, proposed Building scale, and Setbacks on adjacent Structures. **No unmitigated impacts.**

The proposed location of the home on the property, including the placement of the garages that mass at an angle to each other, as well as to the street, avoids creation of a "wall effect" along the street. The main house is setback between 75' and 110' from Sampson Avenue with the garage setback between 15' and 30' from the street. With the revised plans the elevator is incorporated into the main house and does not create the awkward massing between the garage and the house of the previous plan.

Criteria 8: Dwelling Volume.

The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in this Chapter. The Planning Commission may further limit the volume of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing Structures.

No unmitigated impacts.

The proposed house and garage are horizontally and vertically articulated and broken into compatible massing components consistent with the lot size, building height, and setbacks. The design includes two buildings that appear to be detached due to the subterranean circulation tunnel. The design includes the increased setbacks (per the Planning Director's Setback Determination per LMC Section 15-4-17) that offer variation in footprint and the height of the garage element is reduced with a green flat roof element to decrease visual mass at the street. Much of the volume of the house is below final grade or stepped back from the street. The proposed footprint is 2,179 sf. The proposed house size is 2,894 sf. The design does not exceed the maximum house size of 3,000 square feet, restricted by the recorded plat, or the maximum building footprint of 2,355 sf as allowed by the lot size.

Criteria 9: Building Height (Steep Slope).

The maximum Building Height in the HRL District is twenty-seven feet (27'). The Planning Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing residential Structures. **No unmitigated impacts.**

The proposed house meets the twenty-seven feet (27') maximum building height requirement measured from existing grade. The height of garage elements ranges between 9' and 16' from existing grade. The unique shape of the lot dictates the design of the home, with the garage portion close to the street, and the main house situated further up the hill where the vast majority of the buildable area exists. Portions of the house are less than 27' in height, including the garage element located closest to the street.

The tallest portion of the house is on the front (uphill) side of the lot facing the street view located a minimum of 80' from the street. The Board of Adjustment granted a variance to the three (3) story height limit that was in effect at the time of submittal due to hardships created by the steepness of the lot, the hour-glass shape, and the forty feet (40') of elevation difference between the street and the upper building pad. If the application had been submitted under the current code, a similar variance to the 35' overall building height would likely have been requested due to hardships imposed by these same factors.

Process

Approval of this application constitutes Final Action that may be appealed to the City Council following the procedures found in LMC § 15-1-18. Approval of the Historic District Design Guideline compliance is noticed separately and is a condition of building permit issuance.

Department Review

This project has gone through an interdepartmental review. The Building Department determined that due to the narrow lot configuration between the front and rear, a construction mitigation plan will be required prior to construction that details how the applicant will protect and stabilize all adjacent property lines so that disturbance of other properties will not occur. This shall be a condition of approval.

Notice

On November 25, 2014, the property was posted and notice of the Steep Slope Conditional Use permit request was mailed to property owners within 300 feet of the property in accordance with requirements of the Land Management Code. Legal notice was published in the Park Record on November 22, 2014, according to requirements of the Code.

Public Input

Staff has not received any public input related to the most recent public notification. Neighboring property owner, Debbie Schneckloth, met with Staff on three occasions prior to the April 10, 2013, Planning Commission meetings to raise various concerns, including:

- The need for retaining walls between her property and the subject property – Debbie is concerned the proposal inadequately addresses on-site retention.
- Incorrect driveway grades – Debbie is concerned that the plans do not accurately reflect existing grades and is incredulous that a driveway that starts at Sampson Avenue with a rise of 10% can be achieved. She is worried that the architect's drawing are inaccurate, and the grade at Sampson is greater than shown on the plans.
- Future subdivision plans – Debbie is concerned that the applicant may try and acquire more property to the west and attempt to subdivide the lot at some point in the future creating a frontage on King Road (there is none at this point), and that the plans are designed in such a manner that will accommodate future subdivision plans.

The applicant has revised the site plan, grading plan, and landscape plan to address these concerns (see Exhibit A).

Alternatives

- The Planning Commission may approve the Steep Slope Conditional Use Permit for 30 Sampson Avenue as conditioned or amended, or
- The Planning Commission may deny the Steep Slope Conditional Use Permit and direct staff to make Findings for this decision, or
- The Planning Commission may request specific additional information and may continue the discussion to a date certain (January 14, 2015 is the next Planning Commission meeting).

Significant Impacts

There are no unmitigated significant fiscal or environmental impacts from this application.

Consequences of not taking the Suggested Recommendation

The construction as proposed could not occur and the applicant would have to revise the plans or the applicant could appeal the Planning Commission decision to the City Council.

Recommendation

Staff recommends the Planning Commission review a request for a Steep Slope Conditional Use Permit for a new single-family house located at 30 Sampson Avenue, conduct a public hearing, and consider approving the Steep Slope CUP. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

Findings of Fact

1. The property is located at 30 Sampson Avenue.
2. The property is within the Historic Residential (HRL) District and meets the purposes of the zone.
3. The property is Lot 3 of the Millsite Reservation Supplemental Plat, which was recorded in 1995.
4. The Lot area is 7,088.4 sf.
5. A Historic District Design Review (HDDR) application is currently being reviewed by staff for compliance with the Design Guidelines for Historic Districts and Historic Sites adopted in 2009.
6. On February 14, 2012, the City received an application for a Conditional Use Permit (CUP) for "Construction on a Steep Slope" at 30 Sampson Avenue. The property is located in the Historic Residential Low (HRL) District.
7. On April 9, 2012, the application was deemed "complete" and an initial public hearing was conducted by the Planning Commission on August 22, 2012.
8. The February 14, 2012, application included a sub-basement level entrance that connected underground to the garage and elevator, however it was determined by Staff that such a proposal would violate Section 15-2.1-5 (Building Height – Maximum of three [3] stories) of the LMC that was in effect at the time of submittal. The applicant revised the plans to show a detached garage and a subterranean walk-way (tunnel) leading to an elevator, which connected to an outside patio area in front of the house at the upper portion of the lot. Because the garage was not attached, it did not violate the 3 stories height restriction in the code at the time of the application. This three story submittal was reviewed by the Planning Commission on August 22, 2012, November 28, 2012, December 12, 2012, February 27, 2013, and finally on April 10, 2013.
9. On April 10, 2013, the Planning Commission denied the Conditional Use Permit application for 30 Sampson. At the April 10th meeting, the Commission requested Planning Staff prepare Findings of Fact and Conclusions of Law consistent with the April 10th discussion and unanimous vote to deny. These Findings and Conclusions were ratified by the Planning Commission on June 26, 2013.
10. On July 3, 2013, the applicant submitted to the City recorder, within the required ten (10) days, an appeal of the Planning Commission decision.
11. On August 5, 2013, the applicant requested a continuation of the appeal in order to submit a request for an advisory review of the Planning Commission decision to the State Ombudsman. Staff agreed to continue the appeal to a date uncertain and the

applicant submitted a request for Advisory Opinion from the State of Utah Office of Property Rights Ombudsman (Advisory Opinion).

12. On March 28, 2014, Planning Staff received a copy of the Advisory Opinion and after reviewing the document scheduled a meeting with the applicant to discuss the CUP application and appeal. At the meeting, the Applicant indicated he was willing to make some additional revisions to the application to address design issues raised by the Planning Commission related to the exterior elevator element, amount of paving, as well as a redesign of the garage area. The applicant proposed to revise the plans; similar to what had been initially submitted, to address concerns the Planning Commission had with the design. The applicant understood that the redesign would require a variance to the three story LMC requirement.
13. On July 31, 2014, the City Council remanded the appeal to the Planning Commission to reconsider the Steep Slope CUP application. The Council found the Planning Commission was the appropriate review body for re-consideration of the application based on information presented by the Ombudsman. In addition, the remand allowed the applicant to seek a variance to the three story restriction and depending on the outcome of that variance request, to revise the Steep Slope CUP application to include the proposed revisions for Planning Commission review.
14. July 7, 2014 the applicant submitted a Variance application requesting relief from the LMC requirement that "a structure may have a maximum of three (3) stories" based on a hardship created by the steepness of the lot, the hour-glass configuration of the existing platted lot, and the forty foot (40') change in elevation between the street and upper building pad area.
15. On October 7, 2014, the Board of Adjustment (BOA) approved the applicant's request for a variance to the three story limitation of the LMC with the following conditions of approval: a) The vertical circulation elevator and stairs shall be constructed within the house and b) The house shall be constructed to appear as three (3) stories on the exterior.
16. The variance allowed the applicant to redesign the plans and amended the application to propose an underground connection between the garage at the front of the lot and the main house at the rear of the lot, allowing the elevator to be constructed within the main house. The proposed house includes four stories, including a garage level at the street, a basement completely below final grade under the main house, a lower level, and a main level.
17. Following the October 7, 2014, BOA meeting, the applicant revised the Steep Slope CUP application to include the underground connection and interior elevator, decreased the amount of paving to increase the landscaped area at the front of the lot, and redesigned garage.
18. The revised Steep Slope CUP subject to this staff report is a proposal for a new single family dwelling with a total living area of 4,336 sf (this includes all basement areas, the tunnel connector, and the garage level circulation area). This does not include the 552 sf garage.
19. The maximum house size allowed for this lot is 3,000 square feet with an additional allowance of 400 square foot for a garage per plat notes on the January 5, 1995; City Council approved Millsite Reservation Amended Plat.
20. The proposed house size is 2,894 sf (4,888 sf total construction minus 1,216 sf basement level, 378 sf of below grade tunnel/connector area, and the 400 sf garage allowance).

21. In 1998 the Community Development Director determined that the 3,000 square foot maximum excludes basements as defined by the LMC. This letter was recorded on the title of the property.
22. An overall building footprint of 2,179 square feet is proposed. Under the current LMC, the maximum allowed footprint is 2,355.5 square feet, based on the total lot area.
23. The applicant submitted a visual analysis, including a model, and renderings showing a contextual analysis of visual impacts.
24. The proposed structure will not be seen from the key vantage points as indicated in the LMC Section 15-15-1.283, with the exception of a cross canyon view from the corner of the Main Street Trolley turn-around (Hillside Ave/Main Street/Daly Ave intersection), which is largely mitigated by existing houses and trees of surrounding lots.
25. The cross canyon view contains a back drop of the hill behind the proposed structure as well as two story houses and garages of neighboring structures.
26. The proposed design incorporates a driveway from Sampson Avenue from the high point of the street to avoid excessive cuts and grading for the proposed driveway.
27. Retaining is necessary around the home on the upper-side of the lot. The plans as shown indicate that there will be no free-standing retaining walls that exceed six feet in height.
28. The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography and will leave more than half of the lot undeveloped.
29. The site design, stepping of the building mass, reduced building footprint, and increased setbacks maximize the opportunity for open area and provides additional area for plantings.
30. The applicant is providing the required two (2) off street parking spaces in the garage. There is no on-street parking available on Sampson Avenue due to its narrow width. There is an area in front of the garage that provides an off-street guest parking space due to the increased setbacks to the garage door.
31. The garage (proposed with two separate garage doors angled away from a common wall) is set back 15' to 30' from the front property line and setback from the main portion of the house by about 30'. The main portion of the house is located approximately 70' to 110' back from the street.
32. Approximately 1,790 square feet of total construction is below final grade, which equates to approximately thirty-seven percent (37%) of the overall construction (4,888 sf).
33. The lot has been deemed to have eight (8) different sides, and thus a Planning Director determination for setbacks has previously been determined and calculated as outlined within the analysis section of the report.
34. The design includes setback variations, decreased building footprint, and decreased building heights for the garage and portions of the main house (from HRL allowable standards).
35. The proposed massing and architectural design components are compatible with both the volume and massing of other single family dwellings in the area.
36. The proposed structure does not exceed twenty-seven feet (27') in building height as measured from existing grade.
37. The findings in the Analysis section of this report are incorporated herein.

38. The applicant stipulates to the conditions of approval.
39. The necessary removal of vegetation from the site to accommodate the building will be mitigated by the installation of approximately forty (40) trees, seventy (70) shrubs and other plantings mixed with ground cover. A final landscape plan addressing the removal of existing vegetation and a replacement plan is required prior to the granting of a building permit.
40. The house will appear to be three stories.
41. The vertical circulation elevator and stairs are proposed to be constructed within the house.

Conclusions of Law

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.1-6(B).
2. The CUP, as conditioned, is consistent with the Park City General Plan.
3. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
3. A final utility plan, including a drainage plan, public improvements, and drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers prior to issuance of a building permit.
4. 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.
5. A final landscape and vegetation replacement plan shall be submitted for review and approved by the City Planning Department, prior to building permit issuance. Installation of approximately forty (40) trees, seventy (70) shrubs and other plantings mixed with ground cover are necessary to address removal of existing vegetation.
6. No building permits shall be issued for this project unless and until the design is reviewed and approved by the Planning Department staff for compliance with this Conditional Use Permit and the 2009 Design Guidelines for Historic Districts and Historic Sites.
7. If required by the Chief Building official based on a review of the soils and geotechnical report submitted with the building permit, the applicant shall submit a detailed shoring plan prior to the issue of a building permit. If required by the Chief Building official, the shoring plan shall include calculations that have been prepared, stamped, and signed by a licensed structural engineer.
8. This approval will expire on December 10, 2015, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval is applied for in writing before the expiration and is granted by the Planning Director.
9. Plans submitted for a Building Permit must substantially comply with the plans

reviewed and approved by the Planning Commission on December 10, 2014.
10. All retaining walls within any of the setback areas shall not exceed more than six feet in height measured from final grade.

Exhibits

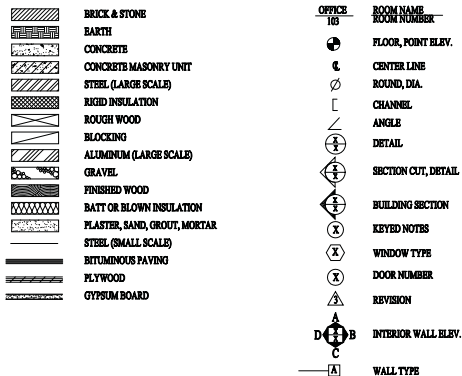
- Exhibit A- Stamped Survey and Revised Plans (site plan, elevations, floor plans, landscape plan, aerial map, and plats)
- Exhibit B- Visual Analysis and photos
- Exhibit C- January 5, 1995 City Council Meeting Minutes for the Millsite Reservation Supplemental Plat.
- Exhibit D- Richard E Lewis letter to property owner(s) regarding the Millsite Reservation Supplemental Plat
- Exhibit E- April 10, 2013, Planning Commission Staff Report
- Exhibit F- April 10, 2013, Planning Commission meeting minutes
- Exhibit G- June 26, 2013, Findings and Conclusions as ratified by the Commission
- Exhibit H- July 12, 2013, Appeal of Planning Commission decision
- Exhibit I- March 28, 2014, Advisory Opinion
- Exhibit J- July 31, 2014, City Council report and minutes regarding remand of the appeal
- Exhibit K- October 7, 2014, Board of Adjustment report and minutes regarding the variance and order to grant variance
- Exhibit L- House size Analysis from previous Staff report

EXHIBIT A-
REVISED PLANS WITH
INTERNAL CONNECTION

JORGENSEN RESIDENCE
HISTORIC DISTRICT DESIGN REVIEW / STEEP SLOPE CONDITIONAL USE APPLICATION SET
30 SAMPSON AVENUE
PARK CITY, UTAH 84060

CONSULTANTS

LEGEND



CODE ANALYSIS

APPLICABLE CODES
2012 IRC 2012 IRC
2012 IPC 2012 IBC
2011 NBC 2012 IFGC
2009 IBCO 2012 IFC

OCCUPANCY: R2

CONSTRUCTION TYPE: VB
BUILDING TO BE FIRE SPRINKLED: CONTRACTOR
TO PROVIDE APPROVALS PRIOR TO
INSTALLATION.

ALLOWABLE AREA
ABOVE GRADE LIVING AREA: 3,000 SF (PER PLAT
APPROVAL)
400 SF ALLOWANCE FOR GARAGE (PER PLAT APPROVAL)
MAX. ALLOWED FOOTPRINT AREA: 2,555.5 SF (PER LMC)

AREA CALCULATIONS
GARAGE AREA: 552 SF
CONNECTOR/TUNNEL AREA: 378 SF
GARAGE LEVEL CIRCULATION AREA: 276 SF
BASEMENT LEVEL AREA: 1,216 SF
LOWER LEVEL AREA: 1,236 SF
MAIN LEVEL AREA: 1,236 SF
LOT AREA: 7,088.39 SF
FOOTPRINT AREA: 2,179 SF

ABOVE GRADE LIVING AREA
LOWER LEVEL AREA: 1,236 SF
MAIN LEVEL AREA: 1,236 SF
GARAGE AREA: 552 SF - 400 SF = 152 SF
GARAGE LEVEL CIRCULATION AREA: 276 SF
TOTAL AREA: 2,894 SF

TOTAL LIVING AREA
CONNECTOR/TUNNEL AREA: 378 SF
GARAGE LEVEL CIRCULATION AREA: 276 SF
BASEMENT LEVEL AREA: 1,216 SF
LOWER LEVEL AREA: 1,236 SF
MAIN LEVEL AREA: 1,236 SF
GRAND TOTAL LIVING AREA: 4,336 SF

INDEX TO DRAWINGS

#	SHEET #	SHEET DESCRIPTION
1	Aa	COVER SHEET
2	1a1	TOPOGRAPHIC MAP
3	A0.1	ARCHITECTURAL SITE PLAN
4	A1.1	GARAGE LEVEL PLAN
5	A1.2	BASEMENT LEVEL PLAN
6	A1.3	LOWER LEVEL PLAN
7	A1.4	MAIN LEVEL PLAN
8	A1.5	ROOF PLAN
9	A2.1	NORTH AND SOUTH ELEVATIONS
10	A2.2	EAST AND SOUTHWEST ELEVATIONS
11	A2.3	WEST ELEVATION
12	A2.4	GARAGE SOUTHEAST AND NORTHEAST ELEVATIONS
13	A2.5	GARAGE AND HOUSE SOUTH ELEVATION
14	A3.1	BUILDING SECTIONS
15	A3.2	BUILDING SECTIONS

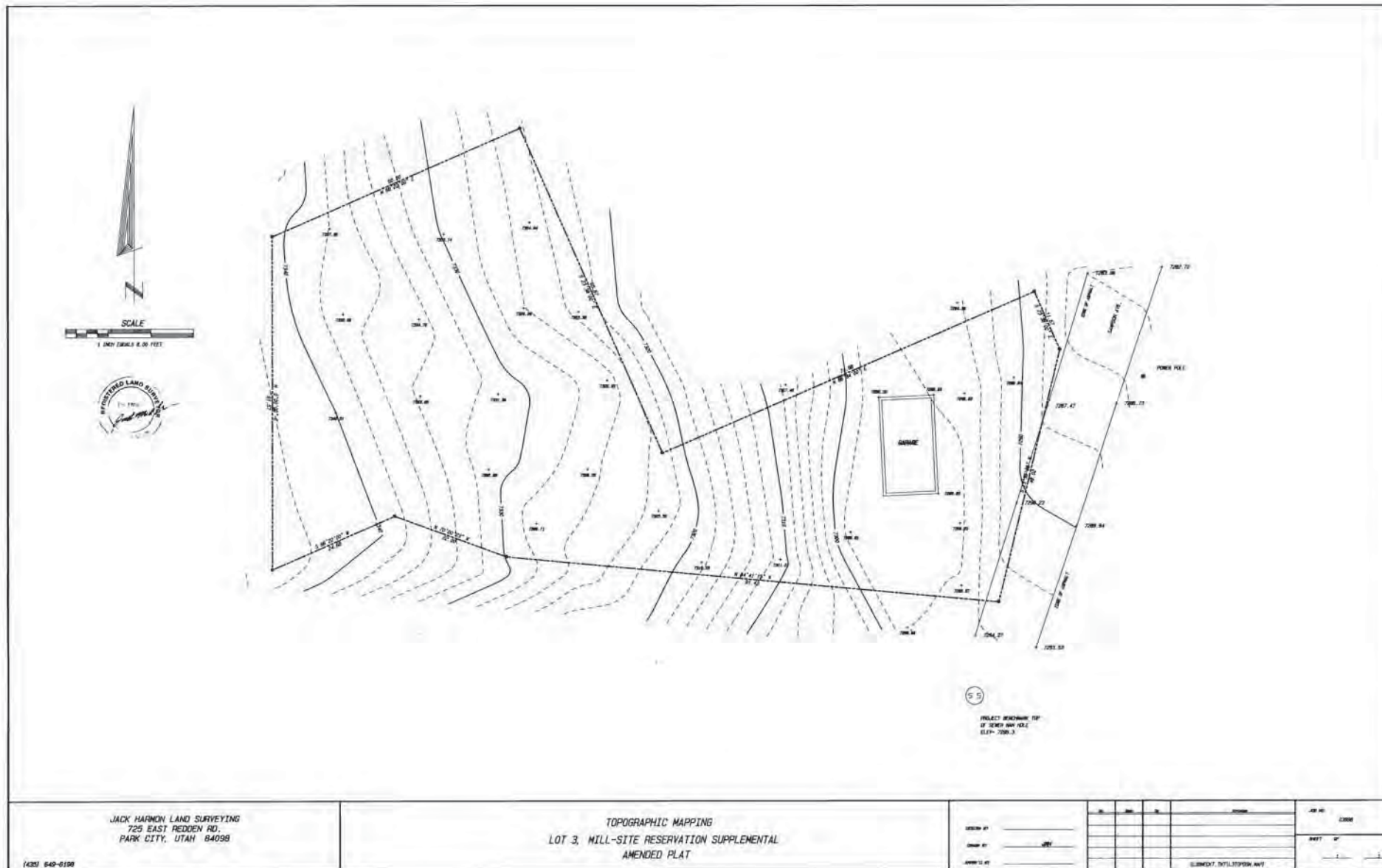
ABBREVIATIONS

A/C	AIR CONDITIONING	F.D.	FLOOR DRAIN	PR.	PAIR
ACQ.	ACQUITTANCE	FND	FOUNDATION	R.D.	ROOF DRAIN
ADD.	ADDITION	FIN.	FINISH	RGL.	REGULAR
ADJ.	ADJUSTABLE	FL.	FLOOR	R.S.	ROUGH SAWN
ALLOW.	ALLOWANCE	F.R.	FIRE RATED	RAD.	RADIUS
ALUM.	ALUMINUM	FTG.	FOOTING	RBD.	REINFORCING
APPROX.	APPROXIMATE	G.	GAS	REVD.	RECURVED
B.D.	BOARD	G.I.	GALVANIZED IRON	REV.	REVIEWED
B.U.	BUILT-UP	GA.	GALVE	RM.	ROOM
B.W.	BOTH WAYS	GAUV.	GALVANIZED	ROOF.	ROUGH OPENING
B.D.C.	BUILDING	GRD.	GRADE	S & R	SHIELD AND ROD
B.L.C.	BLOCK	G.W.B.	GYPSUM WALL BOARD	S.C.	SOLID CORE
B.R.	BRICK	G.L.B.	G.L.S. LAM. BEAM	SCHD.	SCHED.
C.I.	CAST IRON	H.B.	HOLE BORE	SHET	SHED
C.J.	CONTROL JOINT	HD.	HEAD	SIM.	SINGLE
C.M.U.	CONCRETE MASONRY UNIT	H.M.	HOLLOW METAL	SPEC.	SPECIFICATION
C.L.G.	CEILING	HOR.	HORIZONTAL	STD.	STANDARD
COL.	COLUMN	ID.	INSIDE DIAMETER	STL.	STEEL
COMP.	COMPACTED COMPOSITE	INT.	INTERIOR	STR.	STRUCTURAL
CONC.	CONCRETE	IRRG.	IRRIGATION	SYS.	SYSTEM
CONSTR.	CONSTRUCTION	INSUL.	INSULATION	T & B	TOP AND BOTTOM
CONTR.	CONTRACTOR	J.B.	JAMB	T & G	TONGUE AND GROOVE
CONT.	CONTINUOUS	JNT.	JOINT	TOP OF	TOP OF
D.F.	DRAINING FONTAIN DOUGLAS FIR	J.M.	JOINT MOUNTING	TOP OF FOOTING	TOP OF FOOTING
DIA.	DIAMETER	M.R.	MECHANICAL RESISTANT	TOP OF WALL	TOP OF WALL
DM.	DIMENSION	MANF.	MANUFACTURER	TYP.	TYPICAL
DN.	DOWN	MCH.	MECHANICAL	T.S.	STEEL TUBE COLUMN
DWG.	DRAWING	MIN.	MINIMUM	U.N.O.	UNLESS NOTED OTHERWISE
DTL.	DETAIL	NEW	NEW	V.B.T.	VERTICAL
RA.	RACH	N.I.C.	NOT IN CONTRACT	VBNT	VBNT THRU ROOF
R.F.	EXHAUST FAN	N.T.S.	NOT TO SCALE	W.	WATER
R.F.S.	EXT. INSUL. FINISH SYSTEM	NO.	NUMBER	WD.	WOOD
EL.	EXPANSION JOINT	O.C.	ON CENTER	W.	WITH
EL.C.	ELECTRICAL	O.D.	OUTSIDE DIAMETER	WP.	WATERPROOF
ELEV.	ELEVATION	O.F.D.	OVERFLOW DRAIN	W.R.	WATER RESISTANT
EX.	EXCAVATION	OPV.	OPENING	W.S.	WATER SEALER
EXST.	EXISTING	P.W.D.	PLYWOOD	W.S.F.	WATER STOPPER
EXT.	EXTERIOR	PNT.	PAINT	W.W.F.	WELDED WIRE FABRIC
		PNTD.	PAINTED	W.W.M.	WOVEN WIRE MESH

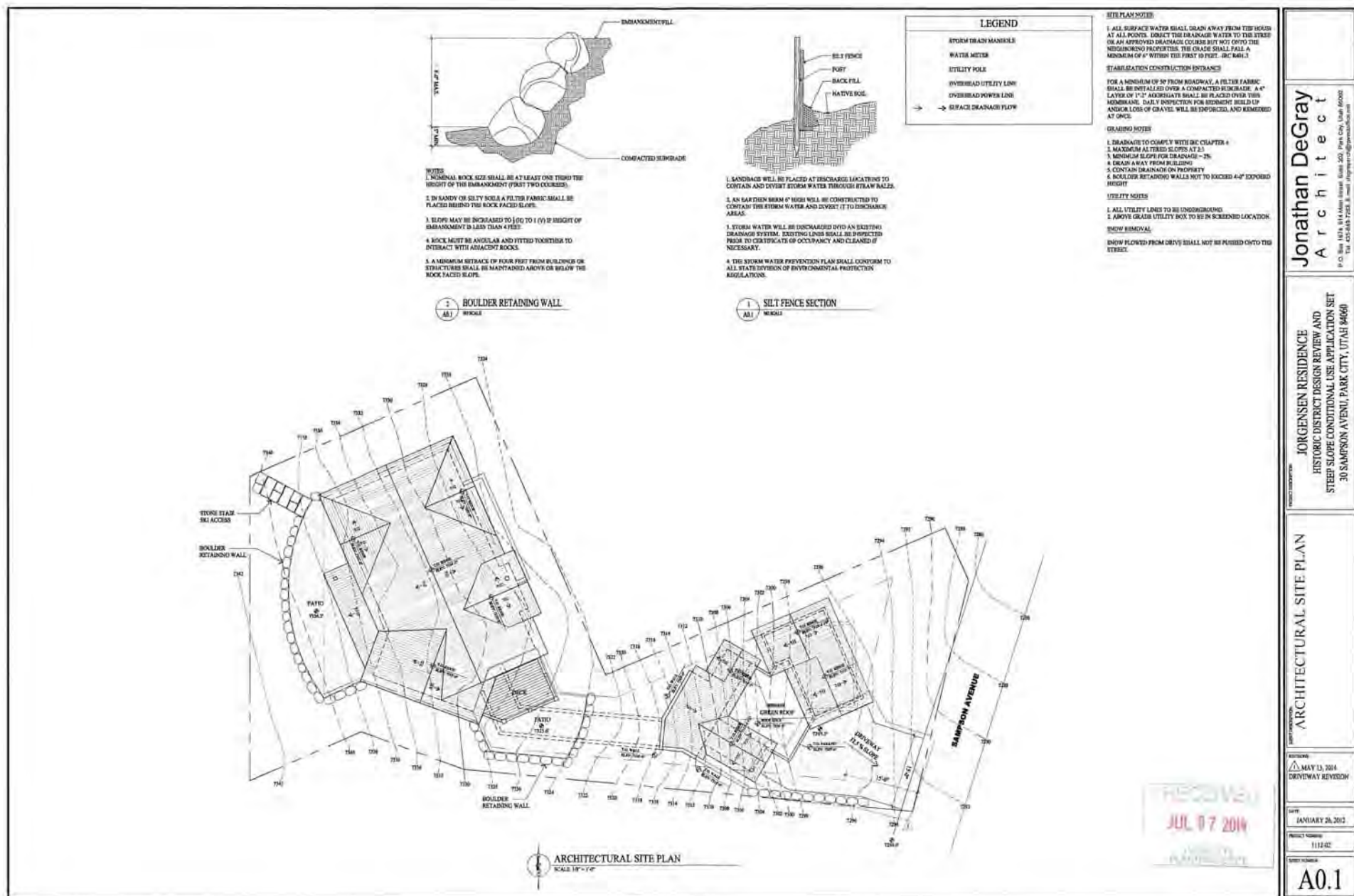
GENERAL NOTES

1. THIS DESIGN IS AN ORIGINAL UNPUBLISHED WORK AND MAY NOT BE DUPLICATED, PUBLISHED AND/OR USED WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT/ENGINEER.
2. THESE SHEETS - LISTED BY DRAWING INDEX, ALL ACCOMPANYING SPECIFICATIONS FOR MATERIALS, WORKMANSHIP QUALITY, AND NOTES HAVE BEEN PREPARED SOLELY FOR THE CONSTRUCTION AND FINISH OF PROJECT IMPROVEMENTS, COMPLETE AND READY FOR OCCUPANCY AND USE.
3. ALL WORK IS TO BE PERFORMED IN ACCORDANCE WITH PERTINENT JURISDICTIONAL CODES, RESTRICTIONS, COVENANTS, AND/OR ORDINANCES. ANY CONFLICT BETWEEN DESIGN AND REQUIREMENT SHALL BE REPORTED TO THE ARCHITECT/ENGINEER BEFORE PROCEEDING.
4. ANY AND ALL PROPOSED CHANGE, MODIFICATIONS AND/OR SUBSTITUTION SHALL BE REPORTED TO THE ARCHITECT/ENGINEER BEFORE PROCEEDING.
5. IN THE EVENT OF CONFLICT BETWEEN THE DESIGN DOCUMENTS AND/OR JURISDICTIONAL REQUIREMENTS, THE MORE RESTRICTIVE FROM THE STANDPOINT OF SAFETY AND PHYSICAL SECURITY SHALL APPLY.
6. ANY INSTALLATION, FINISH, OR COMPONENT INTENDED TO PROVIDE ENCLOSURE, WEATHERABILITY OR APPEARANCE QUALITY SHALL BE PRODUCED AS A REPRESENTATIVE SAMPLE PRIOR TO PROCEEDING WITH COMPLETION. WORK PERFORMED WITHOUT WRITTEN APPROVAL OF SUCH SAMPLE BY THE ARCHITECT/ENGINEER SHALL BE DONE AT THE RISK OF THE CONTRACTOR. A MINIMUM OF TWO (2) WORKING DAYS NOTICE SHALL BE GIVEN.
7. ALL WORK SHALL BE INSPECTED BY GOVERNING AGENCIES IN ACCORDANCE WITH THEIR REQUIREMENTS. JURISDICTIONAL APPROVAL SHALL BE SECURED BEFORE PROCEEDING WITH WORK.
8. BUILDING DESIGN IS GENERALLY PREDICATED UPON PROVISIONS OF THE 2012 IRC AND AMENDMENTS AS MAY HAVE BEEN LOCALLY ENACTED. ALL REQUIREMENTS OF THE JURISDICTIONAL FIRE SAFETY/PREVENTION DISTRICT SHALL BE ACCOMMODATED BY THIS DESIGN AND ANY CONSEQUENT CONSTRUCTION.
9. ALL 25 LB. GAS PIPE SYSTEM METER SETS REQUIRES PRIOR APPROVAL FROM QUESTAR GAS COMPANY. PROVIDE A LETTER FROM QUESTAR APPROVING SYSTEM.
10. ALL FIELD WELDING OR TORCH WORK, WILL REQUIRE A SEPARATE "HOT WORK" PERMIT PRIOR TO BEGINNING WORK. IPC 105.6.11

TOPOGRAPHIC SURVEY



SITE PLAN



PLANTING NOTES

1. CONTRACTOR TO VERIFY LOCATION OF ALL UTILITIES FROM TOWN/COUNTY OR LOCAL AGENCY OR PLANTING OPERATIONS. ANY DAMAGE TO EXISTING UTILITIES OR TO OTHER ADJACENT PROPERTY SHALL BE CONTRACTOR'S RESPONSIBILITY.
2. ALL PLANT MATERIAL SHALL CONFORM TO CURRENT AMERICAN ASSOCIATION OF HEDERSTADT'S STANDARDS SPECIFICATIONS.
3. ALL PLANT MATERIAL SHALL BE INSTALLED AS PER DRAWING DETAILS AND SPECIFICATIONS.
4. CONTRACTOR SHALL VERIFY ALL LOCATIONS. IN CASE OF A DISCREPANCY, THE ARCHITECT'S LOCATION SHALL PREVAIL.
5. CONTRACTOR SHALL COORDINATE ALL PLANTING WITH IRRIGATION CONTRACTOR, AS NOTED.
6. IN THE EVENT OF A DISCREPANCY NOTIFY THE ARCHITECT OR OWNER IMMEDIATELY.
7. NO SUBSTITUTIONS SHALL BE ALLOWED WITHOUT WRITTEN PERMISSION OF THE ARCHITECT OR OWNER.
8. BIRCH TREES SHALL RECEIVE 9" TOPDRESS.
9. ALL BIRCH TREES SHALL HAVE 9" OF RECOMMENDED WAX MULCH INSTALLED.
10. BROWN BARK DRESSING SHALL BE PROVIDED TREATED WOOD OR "TRUCK BEDDING" WHICH SEPARATELY ALL BIRCH TREES NATIVE GRASS PLANTINGS.
11. ALL PLANTS AND ALL PLANT MATERIAL SHALL BE SET PLANTING.
12. ALL SOOT WASHING MATERIAL, NAME OF FERTILIZERS OR PLASTICS SHALL BE REMOVED AT TIME OF PLANTING AND PROPERLY COMPOSTED.
13. NO BARK MOUNT POUCH SHALL BE SET.
14. FOR PLANTING BACK FILL, SEE MAX. SET SPECIFICATIONS.

PLANT SCHEDULE						
TREES AND SHRUBS						
TYPING	SIZE	QUANTITY	SCIENTIFIC NAME COMMON NAME	COMMON NAME	SIZE	REMARKS
	(2)		ACER CINEREA CONCRETE TREES	WINTER MAPLE	10' H	17.00
			ACER FRAXINUS FRAXINUS	WINTER MAPLE	10' H	17.00
			ACER FRAXINUS FRAXINUS	WINTER MAPLE	10' H	17.00
	(2)		ACER FRAXINUS FRAXINUS	WINTER MAPLE	10' H	17.00
			ACER FRAXINUS FRAXINUS	WINTER MAPLE	10' H	17.00
			ACER FRAXINUS FRAXINUS	WINTER MAPLE	10' H	17.00
	(2)		ACER FRAXINUS FRAXINUS	WINTER MAPLE	10' H	17.00
			ACER FRAXINUS FRAXINUS	WINTER MAPLE	10' H	17.00
			ACER FRAXINUS FRAXINUS	WINTER MAPLE	10' H	17.00
	(2)		ACER FRAXINUS FRAXINUS	WINTER MAPLE	10' H	17.00
			ACER FRAXINUS FRAXINUS	WINTER MAPLE	10' H	17.00
			ACER FRAXINUS FRAXINUS	WINTER MAPLE	10' H	17.00
	(2)		ACER FRAXINUS FRAXINUS	WINTER MAPLE	10' H	17.00
			ACER FRAXINUS FRAXINUS	WINTER MAPLE	10' H	17.00
			ACER FRAXINUS FRAXINUS	WINTER MAPLE	10' H	17.00
	(2)		ACER FRAXINUS FRAXINUS	WINTER MAPLE	10' H	17.00
			ACER FRAXINUS FRAXINUS	WINTER MAPLE	10' H	17.00
			ACER FRAXINUS FRAXINUS	WINTER MAPLE	10' H	17.00
	(2)		ACER FRAXINUS FRAXINUS	WINTER MAPLE	10' H	17.00
			ACER FRAXINUS FRAXINUS	WINTER MAPLE	10' H	17.00
			ACER FRAXINUS FRAXINUS	WINTER MAPLE	10' H	17.00
	(2)		ACER FRAXINUS FRAXINUS	WINTER MAPLE	10' H	17.00
			ACER FRAXINUS FRAXINUS	WINTER MAPLE	10' H	17.00
			ACER FRAXINUS FRAXINUS	WINTER MAPLE	10' H	17.00

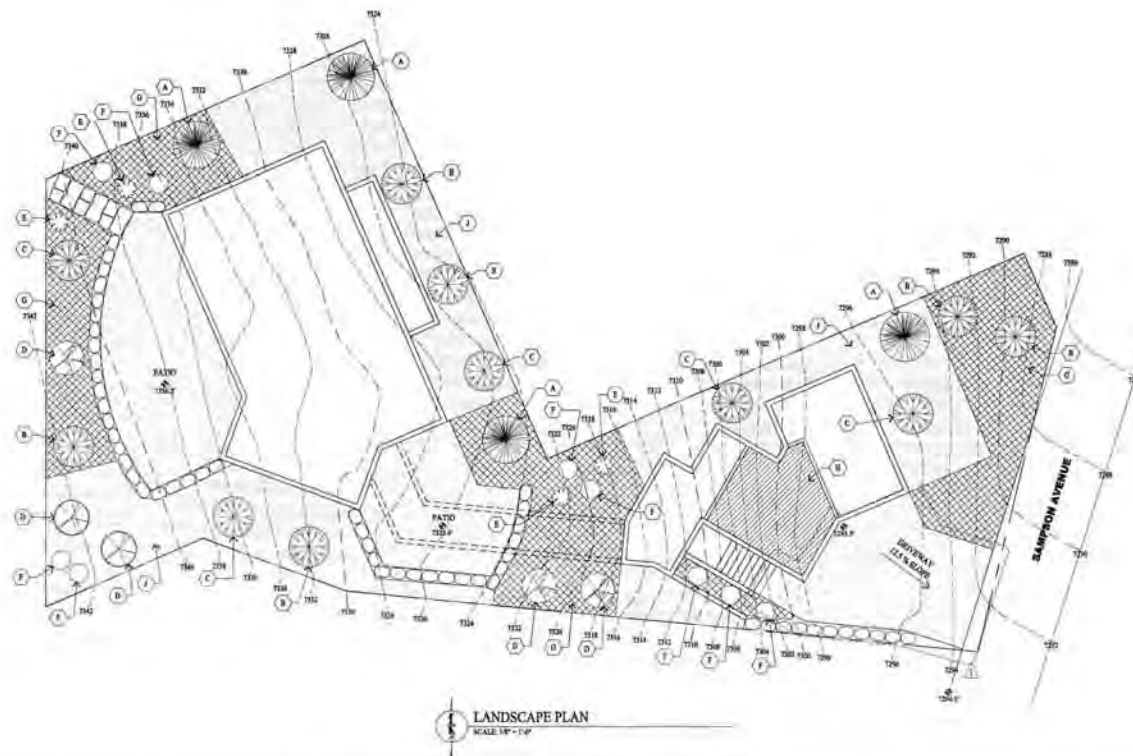
PERENNIAL PLANTING & HYDROSEEDING PLANNING						
ITEM NO.	EST. #	QUANTITY	SCIENTIFIC NAME	COMMON NAME	SIZE	REMARKS
			COMPANULA ANTENNARIA	STARS	1 GAL.	15 10" P.C.
			ANEMONE CAMELBA	CRANBERRY	1 GAL.	15 10" P.C.
			IRIDIUM FLACIDUM	IRIDIUM	1 GAL.	15 10" P.C.
			CHLANTHUS DOLICHOCEPHALUS	WINDMILL	1 GAL.	15 10" P.C.
			CHLANTHUS ANTENNARIA	WINDMILL	1 GAL.	15 10" P.C.
			CHLANTHUS DOLICHOCEPHALUS	WINDMILL	1 GAL.	15 10" P.C.
			CHLANTHUS DOLICHOCEPHALUS	WINDMILL	1 GAL.	15 10" P.C.
			CHLANTHUS DOLICHOCEPHALUS	WINDMILL	1 GAL.	15 10" P.C.
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			CHLANTHUS DOLICHOCEPHALUS	WINDMILL	1 GAL.	15 10" P.C.
			CHLANTHUS DOLICHOCEPHALUS	WINDMILL	1 GAL.	15 10" P.C.
			CHLANTHUS DOLICHOCEPHALUS	WINDMILL	1 GAL.	15 10" P.C.
			CHLANTHUS DOLICHOCEPHALUS	WINDMILL	1 GAL.	15 10" P.C.

The seal mix below shall be sealed to meet specified in active grade. This mixture shall be applied at a minimum to full penetration and adequate coverage meets RMA to representative (7) 17 mm. (1) coverage has a meet RMA meeting maximum. Apply at a rate of 30 lbs/100 sq ft following percentages:

- * Relative Grass Yield
- 20% Coastal Wheat
- 10% Coastal Rice
- 20% Coastal Wheat
- 17% Coastal Rice
- 11% Coastal Wheat
- 10% Coastal Rice
- 10% Coastal Wheat

* In addition, 400 (1 ha.) were each of *Linum lewisii* and *Penstemon* (small) with native grass and shrubs.

3. CONTRACTOR TO VERIFY LOCATION OF ALL UTILITIES PRIOR TO INSTALLATION OF DISPOSITION OR PLASTING APPLICATION. ANY DAMAGE TO EXISTING UTILITIES OR TO OTHER EXISTING PROPERTY SHALL BE REPAIRED AT CONTRACTOR'S EXPENSE.
4. ALL PLANT MATERIAL SHALL CONFORM TO CURRENT AMERICAN ARBORETOREUM SOCIETY'S STANDARD SPECIFICATIONS.
5. ALL PLANT MATERIAL SHALL BE QUANTITIES AS PER TRADE DOWNS, AND SPECIFICATIONS.
6. CONTRACTOR SHALL VERIFY ALL INSTALLATIONS. IN CASE OF A DISCREPANCY, THE ILLUSTRATED LOCATIONS SHALL PREVAIL OVER ANY OTHERS.
7. CONTRACTOR SHALL COORDINATE ALL PLANTING WITH IRRIGATION CONTRACTOR, AS NEEDED.
8. IN THE EVENT OF A DISCREPANCY NOT BY THE ARCHITECT OR OWNER IMMEDIATELY.
9. NO SUBSTITUTIONS SHALL BE ALLOWED WITHOUT WRITTEN PERMISSION OF THE ARCHITECT OR OWNER.
10. BRUSHES SHALL BEACHY 9" OF TOPICAL.
11. ALL SPOKE SHALL HAVE 9" OF TOPICATED BRUSH WHITE PINE INSTALLER.
12. FORMER SIDE EXISTING SHALL BE PRESERVED TRAIL WOOD OR OTHER EXISTING SHALL SEPARATE ALL BRUSHES FROM THE EXISTING LOCATIONS.
13. ALL PLANTING AND ALL PLANT MATERIAL SHALL BE SET IN PLACE.
14. NO SOOT BRANDING MATERIAL, MAKE OF SYNTHETICS OR PLASTICS SHALL BE REQUIRED AT THE END OF PLANTING AND PROPERTY DISCREPANCY.
15. NO MAKE ROOT TOP SOIL SHALL BE USED.
16. FOR PLANTING BACK FILL SOIL MIX, SEE SPECIFICATIONS.



LANDSCAPE PLAN
SCALE: 1/8" = 1'-0"

Jonathan DeGray
A r c h i t e c t

JORGENSEN RESIDENCE
HISTORIC DISTRICT DESIGN REVIEW AND
STEEP SLOPE CONDITIONAL USE APPLICATION SET
30 SAMPSON AVENUE, PARK CITY, UTAH 84060

LANDSCAPE PLAN

CONCLUSIONS

REVISION:
 MAY 13, 2014
 DRIVEWAY REVISION

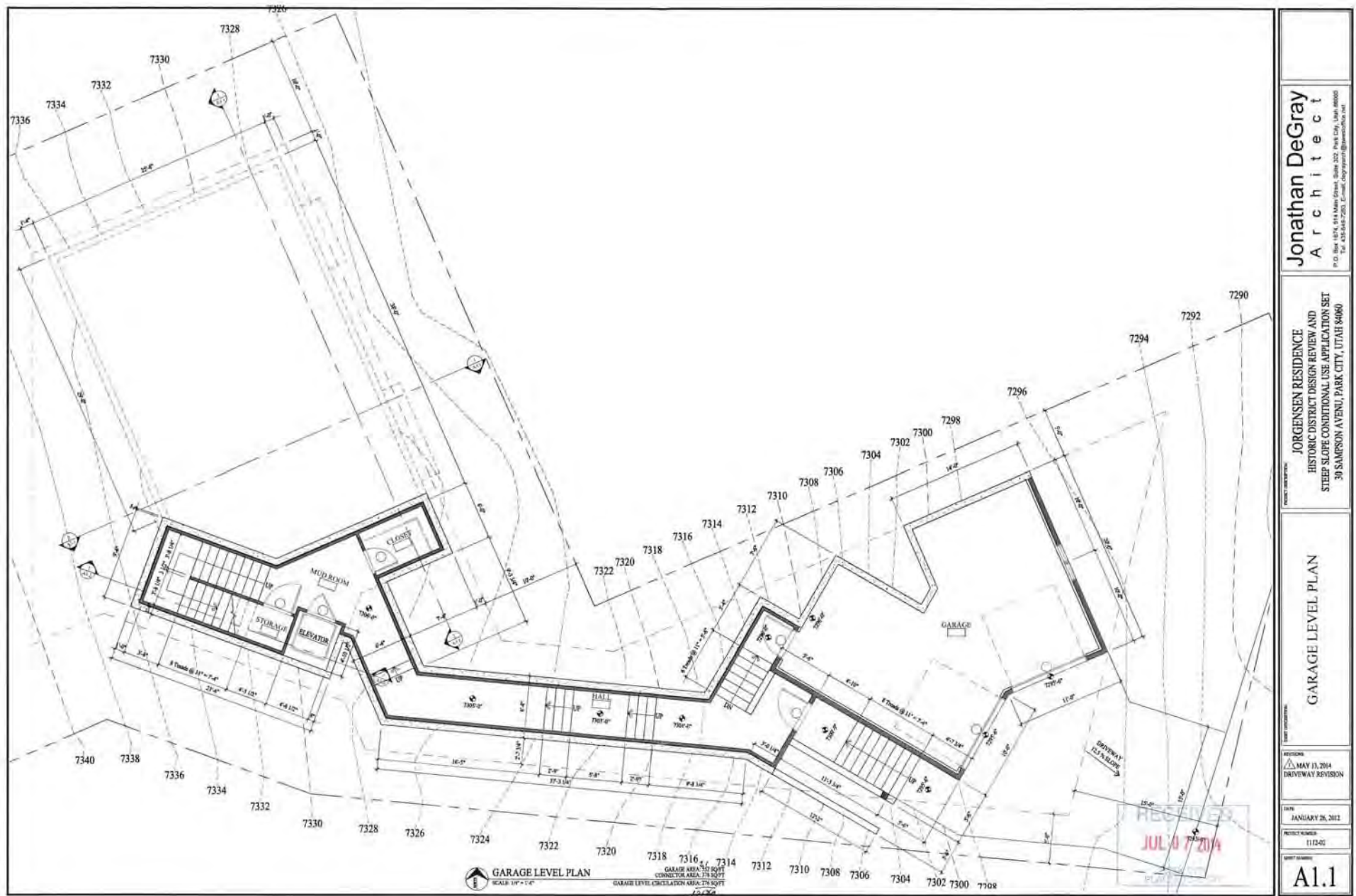
JANUARY 26, 2012

PRODUCT NUMBER:
1112-01

52027 PL.00000

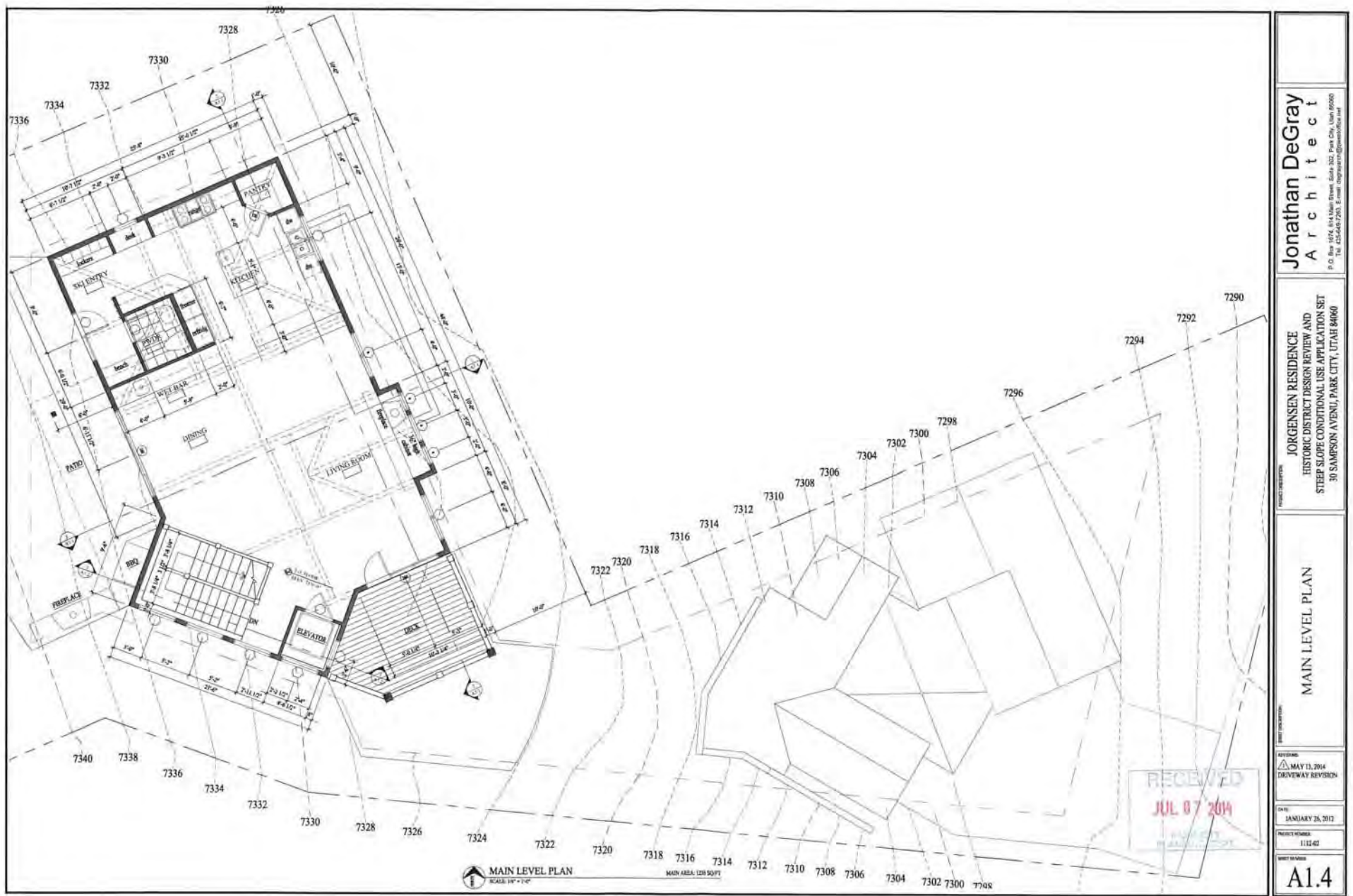
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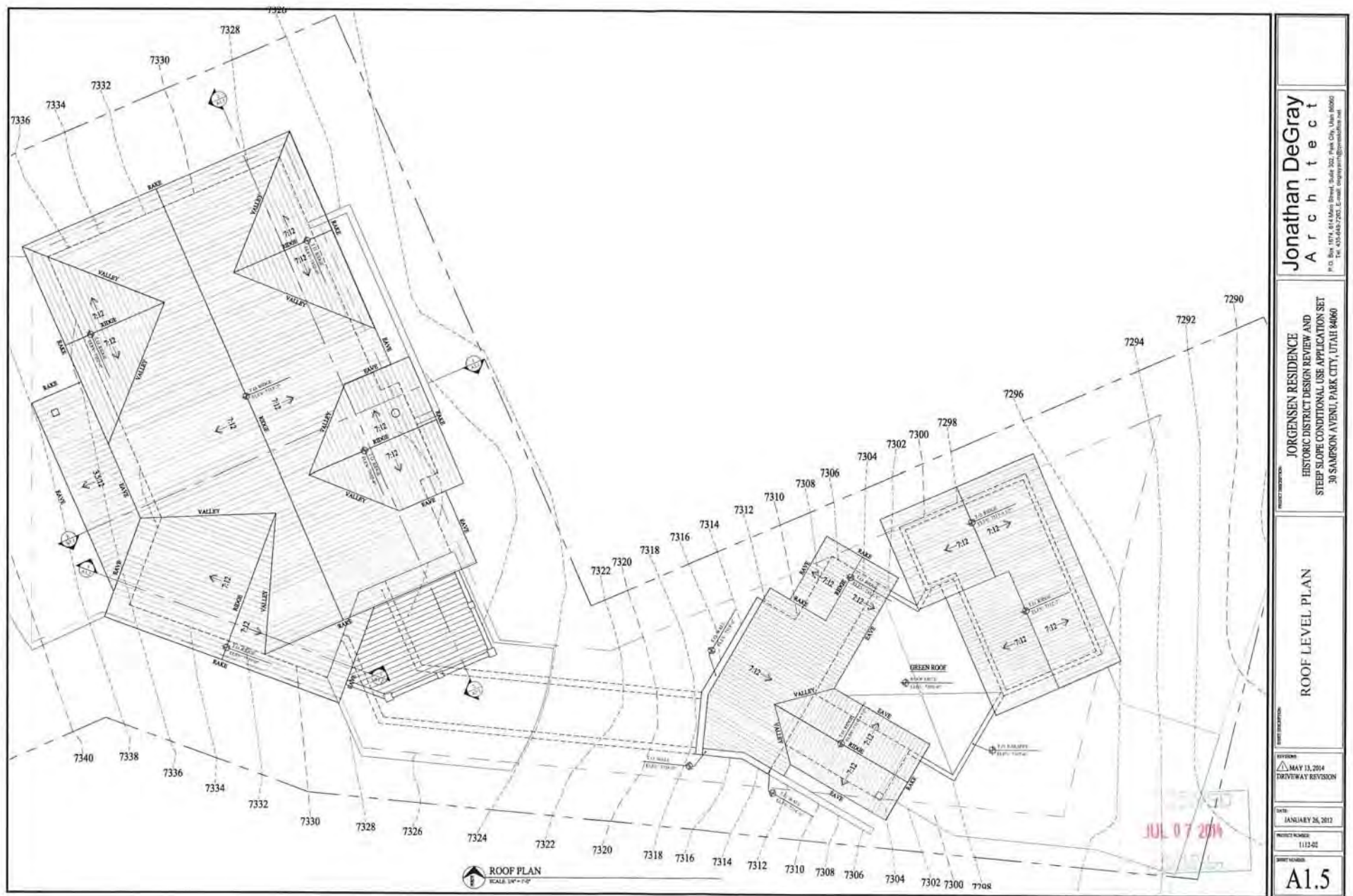
FLOOR PLANS











Jonathan DeGray
Architect

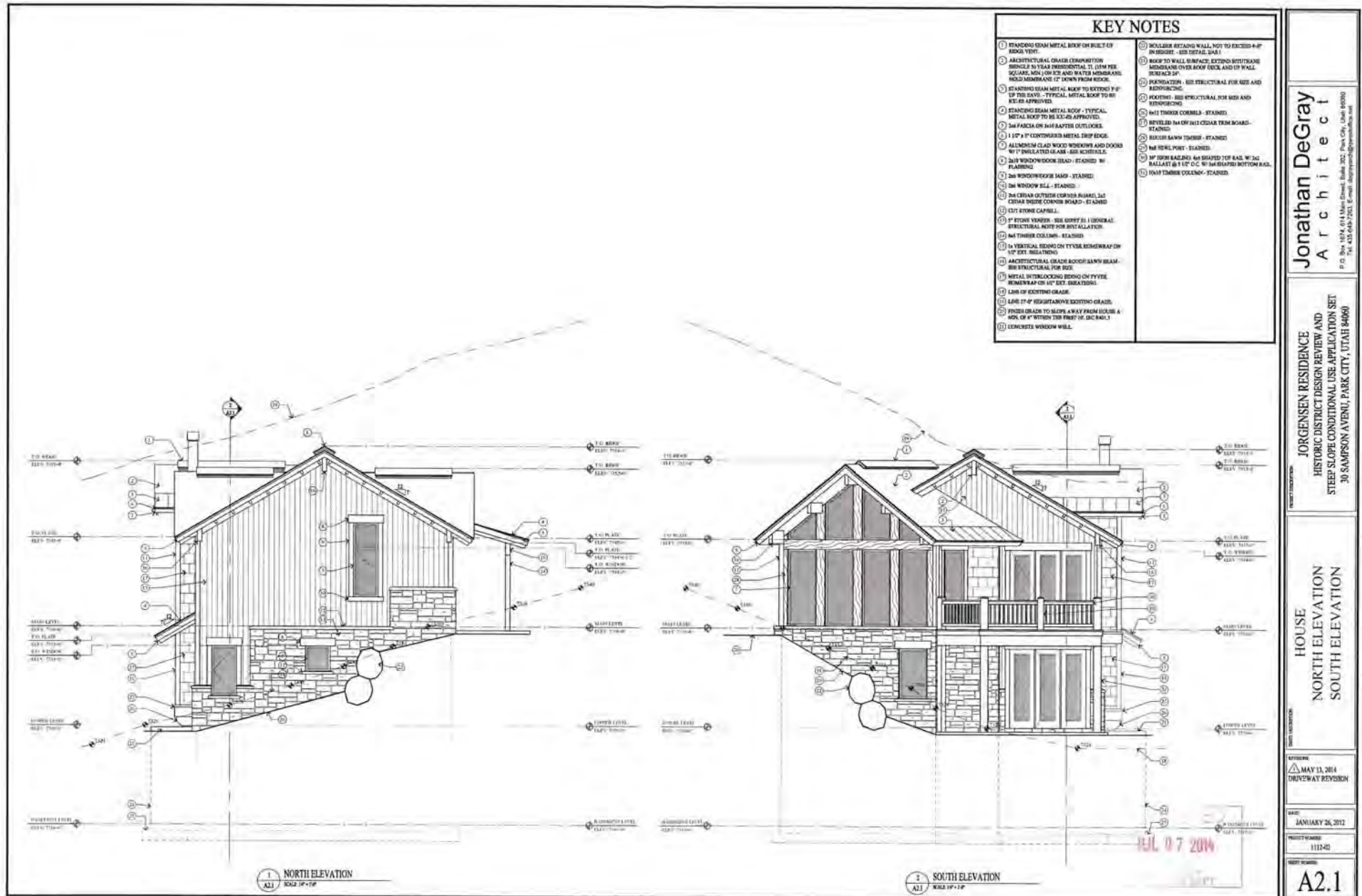
P.O. Box 8974, 4114 Main Street, Suite 302, Park City, Utah 84060
Tel: 435-646-7262, E-mail: jonathan@jonathandegray.com

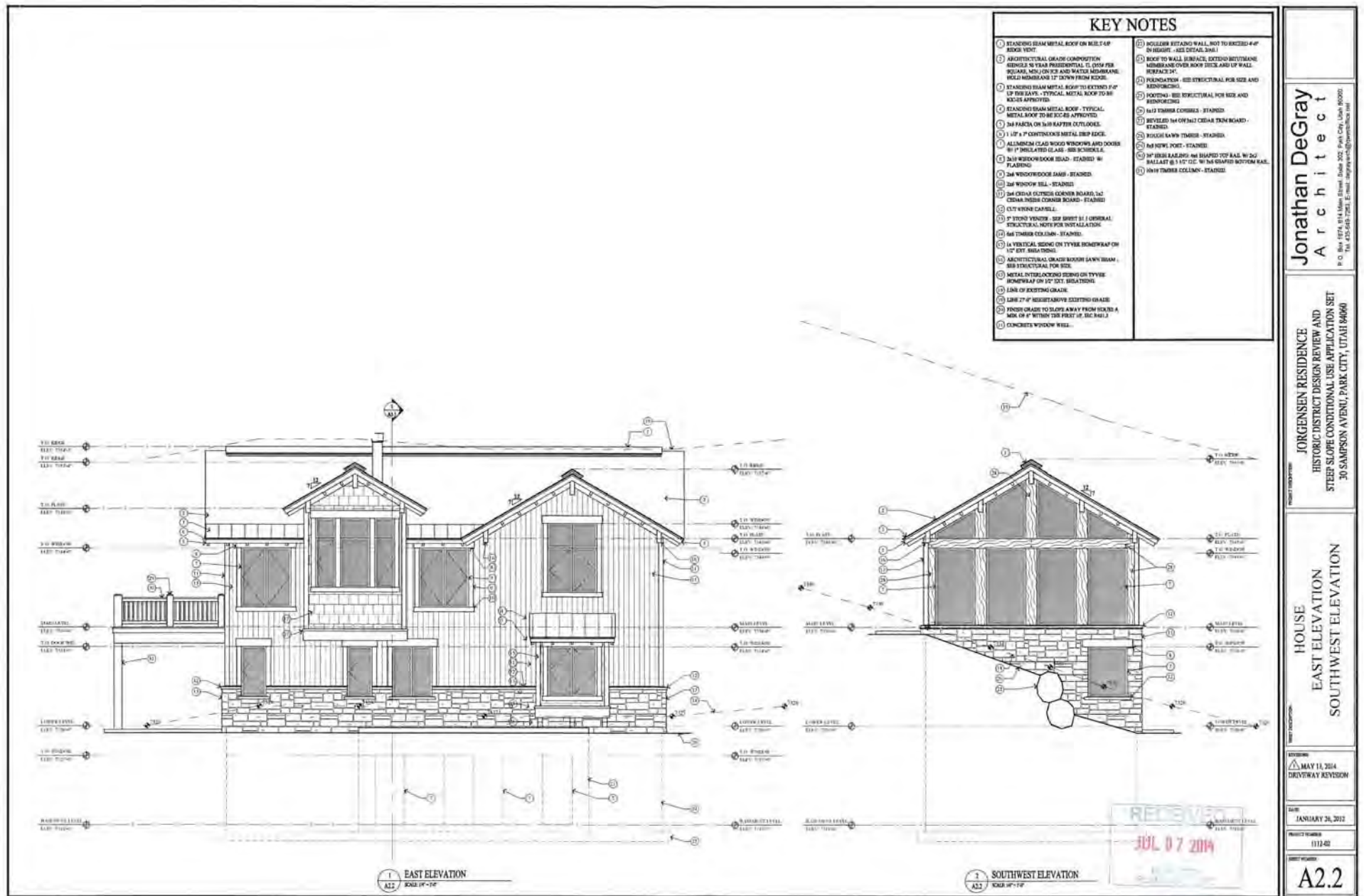
JORGENSEN RESIDENCE
HISTORIC DISTRICT DESIGN REVIEW AND
STEEP SLOPE CONDITIONAL USE APPLICATION SET
30 SAMPOSON AVENUE, PARK CITY, UTAH 84060

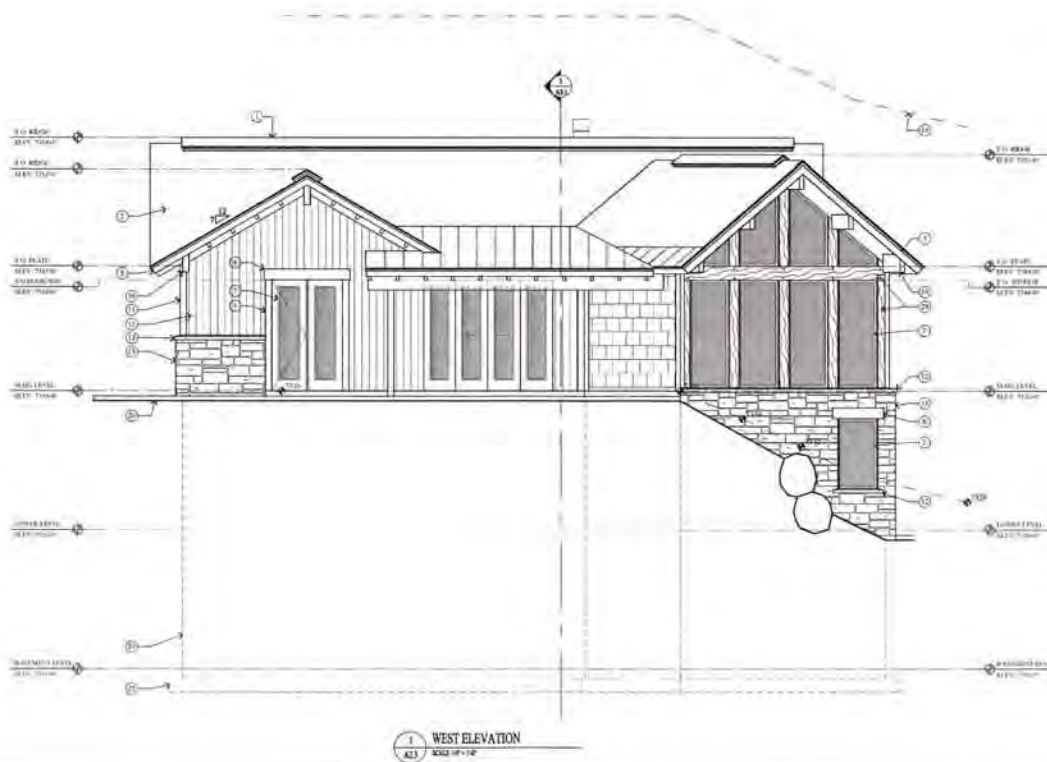
ROOF LEVEL PLAN

KEY NOTES

10	STANDARD STEEL METAL ROOF OR BUILD-UP ROOF, VENT.	20	ROOFLINE SHALL NOT EXCEED 8'-0" IN HEIGHT. SEE DETAIL 24-2.
11	ARCHITECTURAL GRADE CONCRETEMENT WITH 4" VERTICAL REINFORCING. 1/2" MIN. FEE SQUARE, MIN. 10" ON SIDES AND WATER MEMBRANE. 1/2" MIN. MEMBRANE 1" DOWN IN ROOF DRAINAGE AREAS.	21	ROOF TO WALL JUNCTION, EXTEND OUTSIDE AND INSIDE WALLS OVER ROOF EDGE AND UP WALL. JUNCTION 3P.
12	STANDING SEAM METAL ROOF TO KITCHEN TO 1/2" UP THIS DAVE. - TYPICAL. METAL ROOF TO BE APPROVED.	22	FOUNDATION - SEE STRUCTURAL FOR SIZE AND REINFORCING.
13	STANDING SEAM METAL ROOF - TYPICAL. METAL ROOF TO BE 3P. APPROVED.	23	KITCHENITE - SEE STRUCTURAL FOR SIZE AND REINFORCING.
14	W/ PARCH ON 1/4" H/18 PLASTER. 1/2" MIN. 1/2" x 1/2" CONTIGUOUS METAL SHED EDGE.	24	W/11 THINER CORNERS - STAINED.
15	ALUMINUM CLAD WOOD WINDOW AND DOORS W/ 1/2" INSULATED GLASS - SEE KITCHENITE.	25	REVELED 34 ON OFF JUST CROWN THROUS - STAINED.
16	W/12 WOODWORK (SEAL) - STAINED W/ FLAMING.	26	W/12 W/12 WOODWORK - STAINED.
17	W/12 WOODWORK (SEAL) - STAINED.	27	W/12 W/12 WOODWORK - STAINED.
18	W/12 WOODWORK (SEAL) - STAINED.	28	W/12 W/12 WOODWORK - STAINED.
19	W/12 WOODWORK (SEAL) - STAINED.	29	W/12 W/12 WOODWORK - STAINED.
30	STAINLESS STEEL CAPSILL.	31	W/12 W/12 WOODWORK - STAINED.
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88	STAINLESS STEEL CAPSILL.		

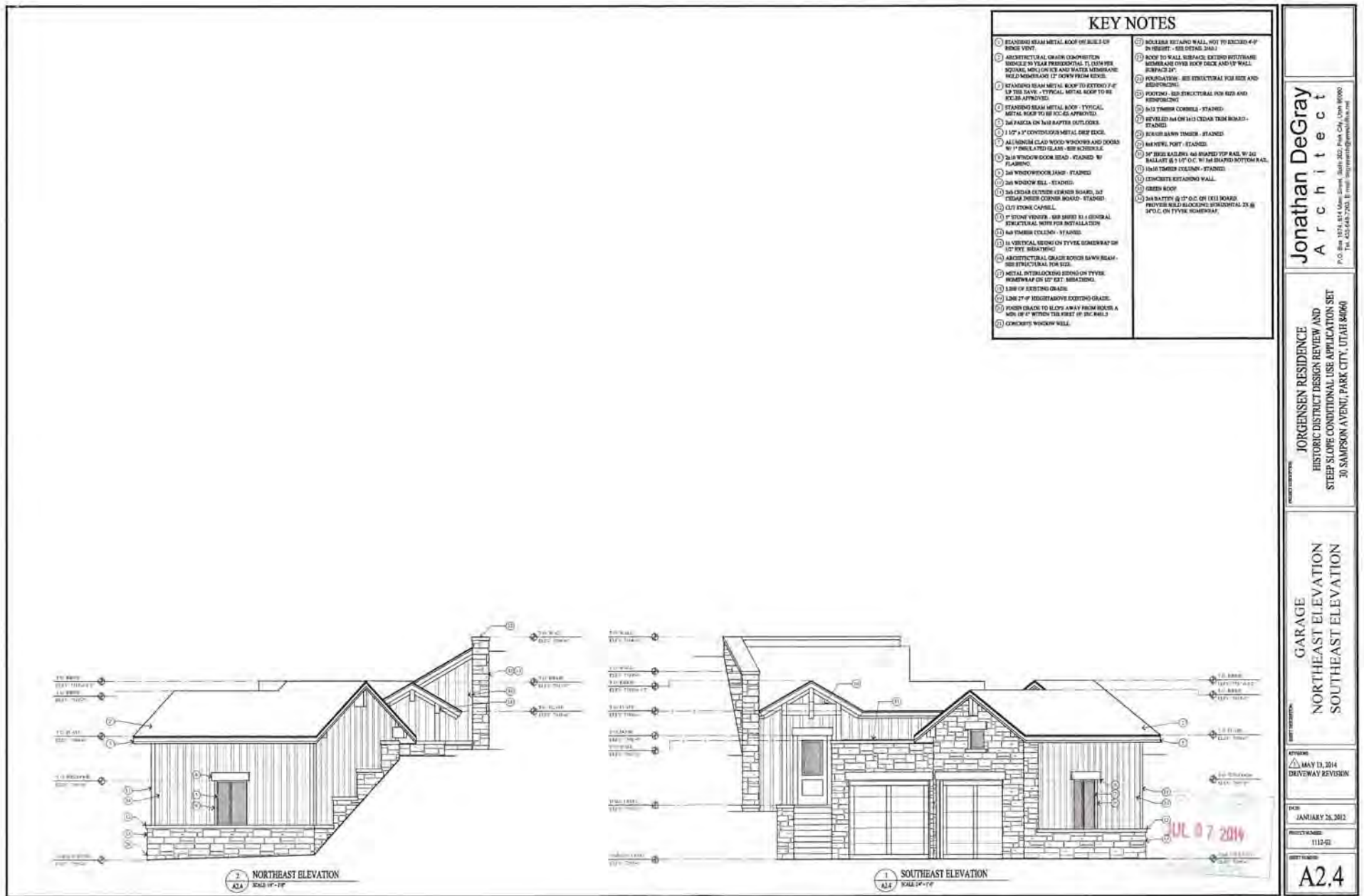




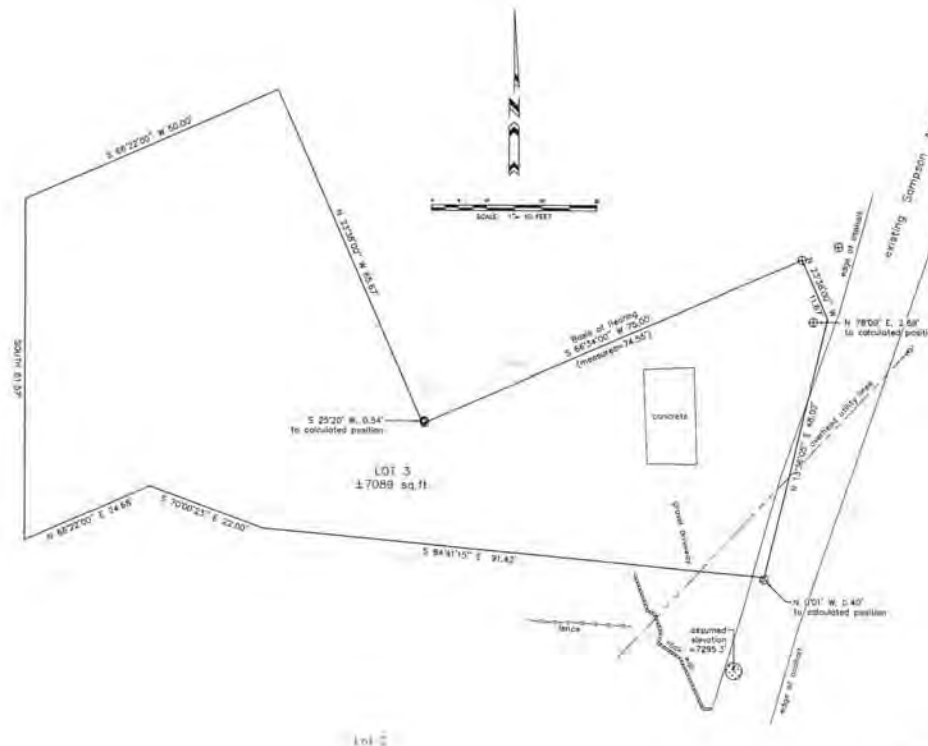


KEY NOTES

1. STANDING SEAM METAL ROOF ON WELDED 4\"/>



*Mill-Site Reservation Supplemental Amended Plat
a Subdivision of Block 78 and 79 of Subdivision No.1 of Mill-Site Reservation
Lot 3 (30 Sampson Avenue)*



- Legend**
- ⊗ Found nail & washer
 - ⊕ Found rebar & cap-CS 175966
 - ⊙ Found rebar & cap-CS 3082
 - ⊗ Sewer manhole
 - ⊕ Utility pole

NARRATIVE

1. Survey requested by Kenneth Jorgensen.
2. Purpose of survey locate the specified topographic relief.
3. Basis of survey: found property monuments as shown.
4. Date of survey: September 5, 2012.
5. Property monuments found as shown.
6. Located in the Southwest Quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian.
7. See the official plat of the Mill-Site Reservation Supplemental Amended Plat for other possible easements, restrictions or setbacks.
8. The owner of the property should be aware of any items affecting the property that may appear in a title insurance report.
9. The elevations are based on an elevation of 7295.3 feet at the sewer manhole lid, from the previous topographic survey of the property by Jack Harman Land Surveying.

LEGAL DESCRIPTION

Lot 3, Mill-Site Reservation Supplemental Amended Plat, according to the Official Plat thereof, on file and of record in the Office of the Summit County Recorder.

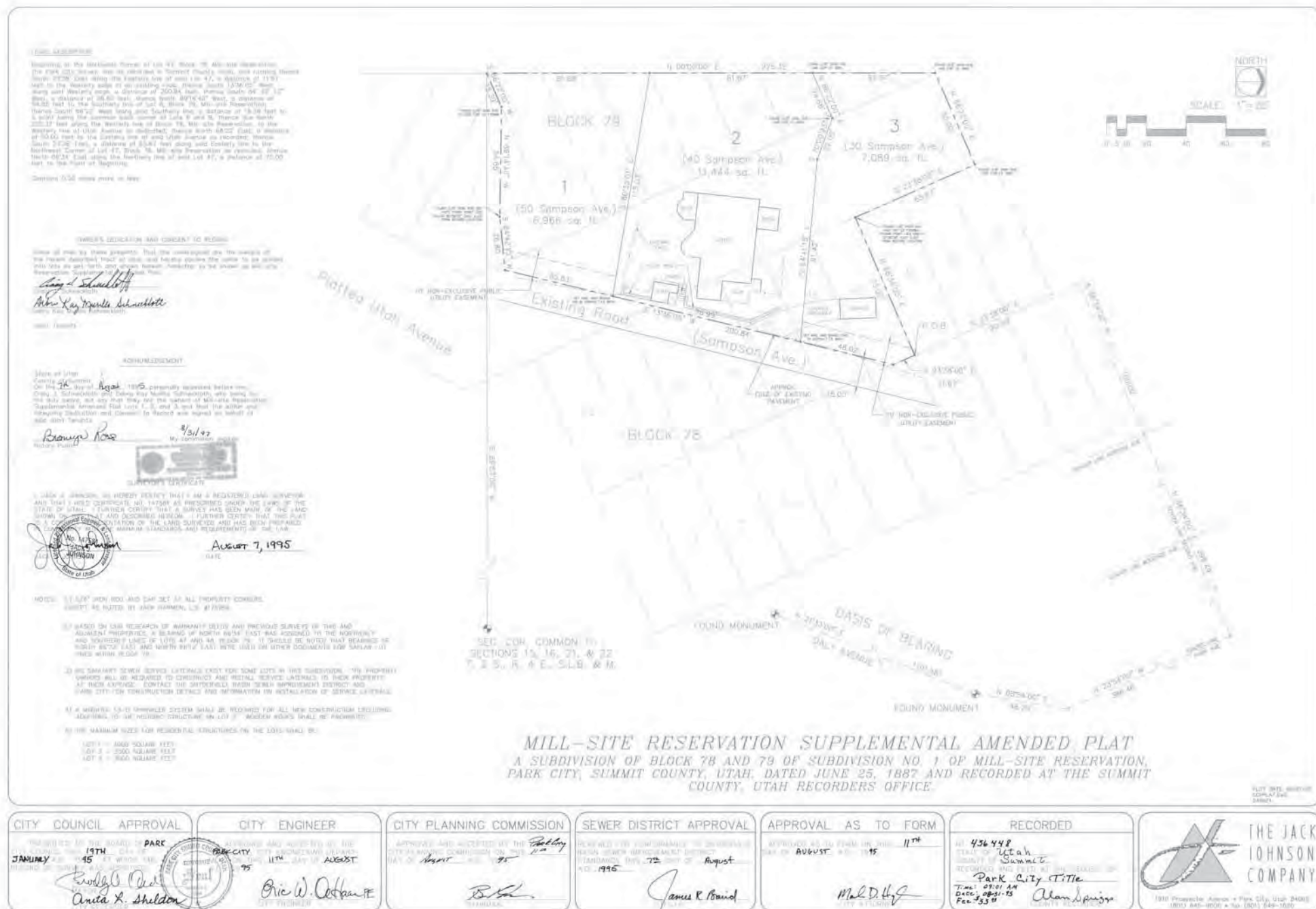
SURVEYOR'S CERTIFICATE

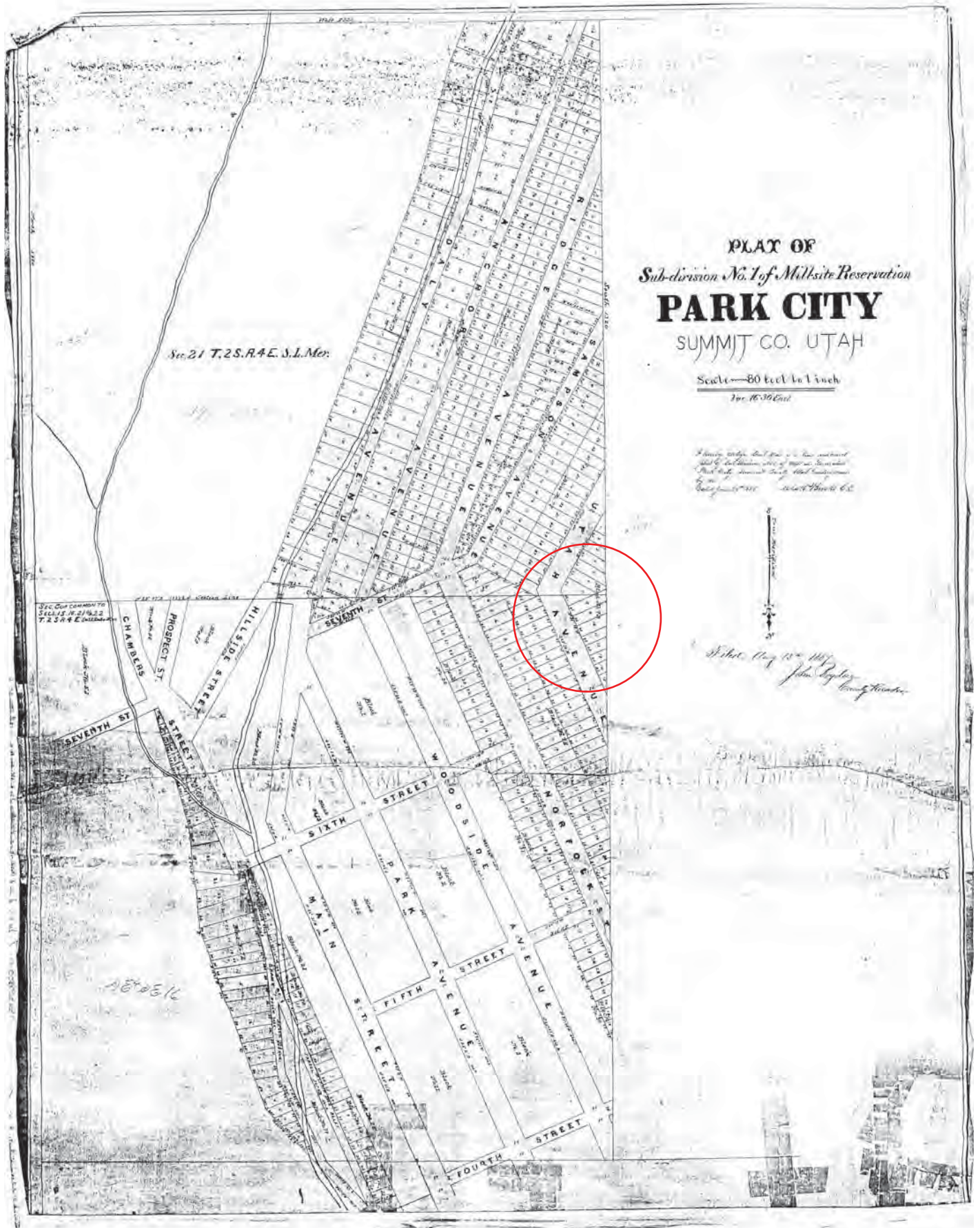
I, J.D. Colley, a Registered Land Surveyor as prescribed by the laws of the State of Utah and holding License No. 359005, do hereby certify that I have supervised a survey of the herein described property and that this plat is a true representation of said survey.

Sept. 11, 12
Date



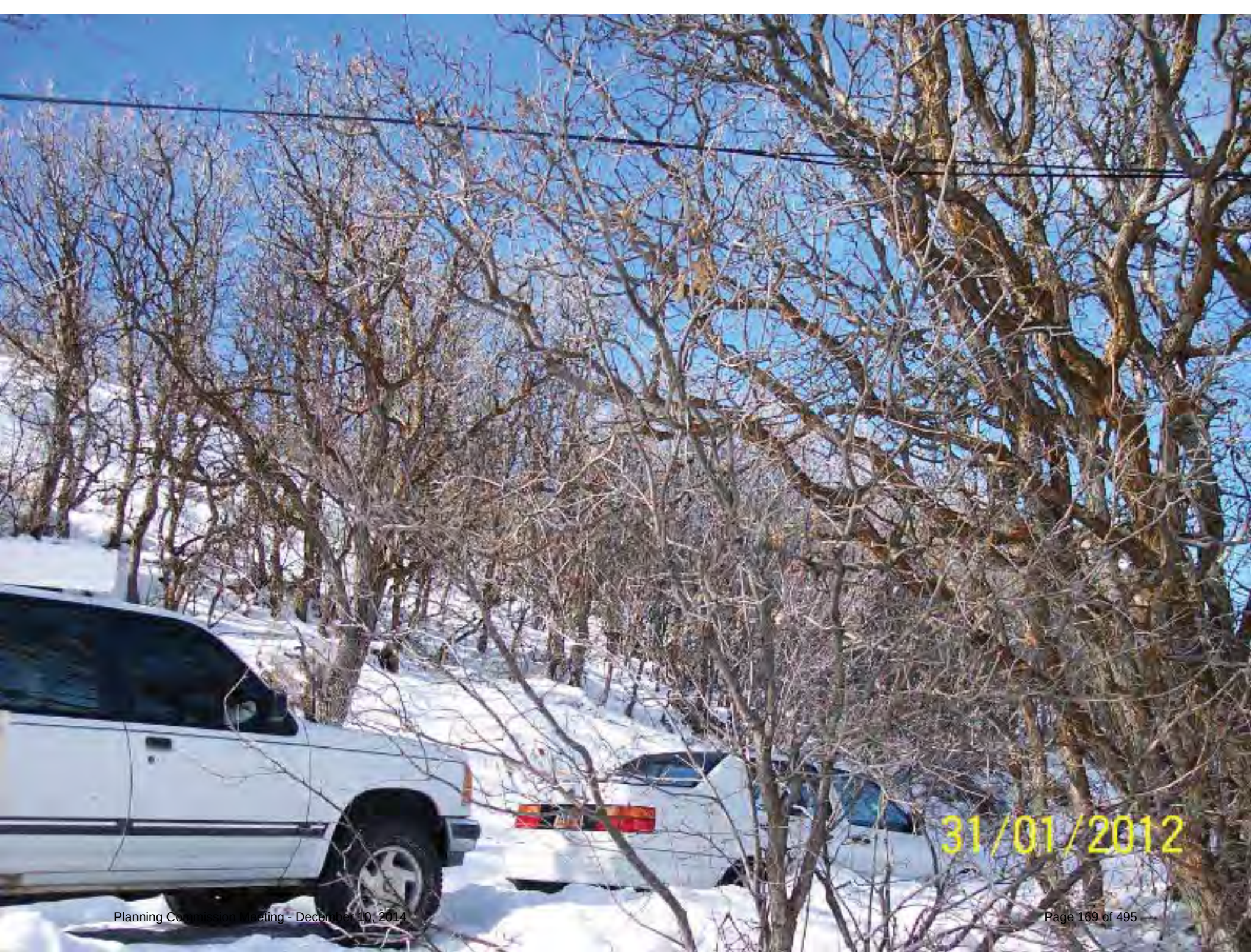
EXHIBIT A-1 PLAT







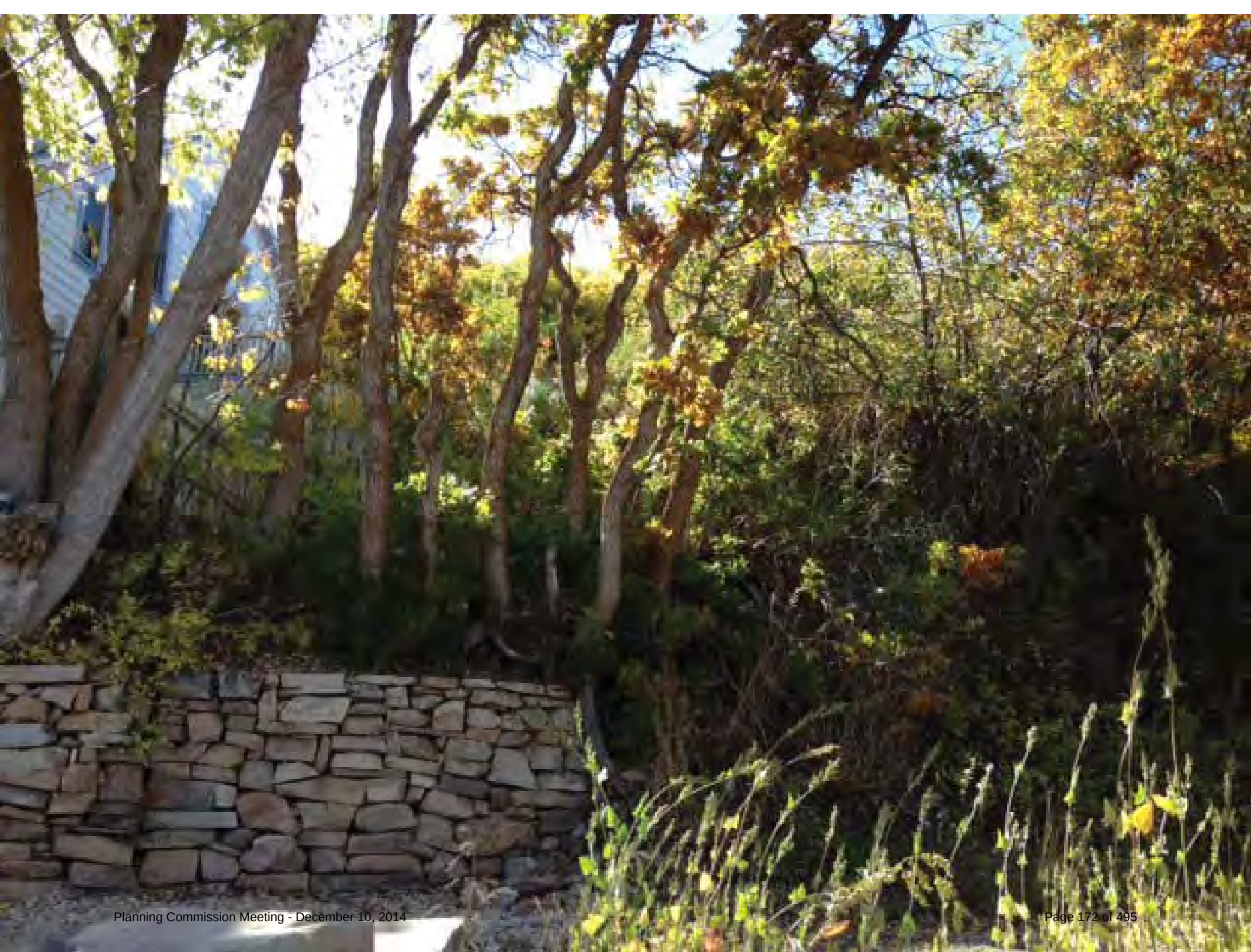
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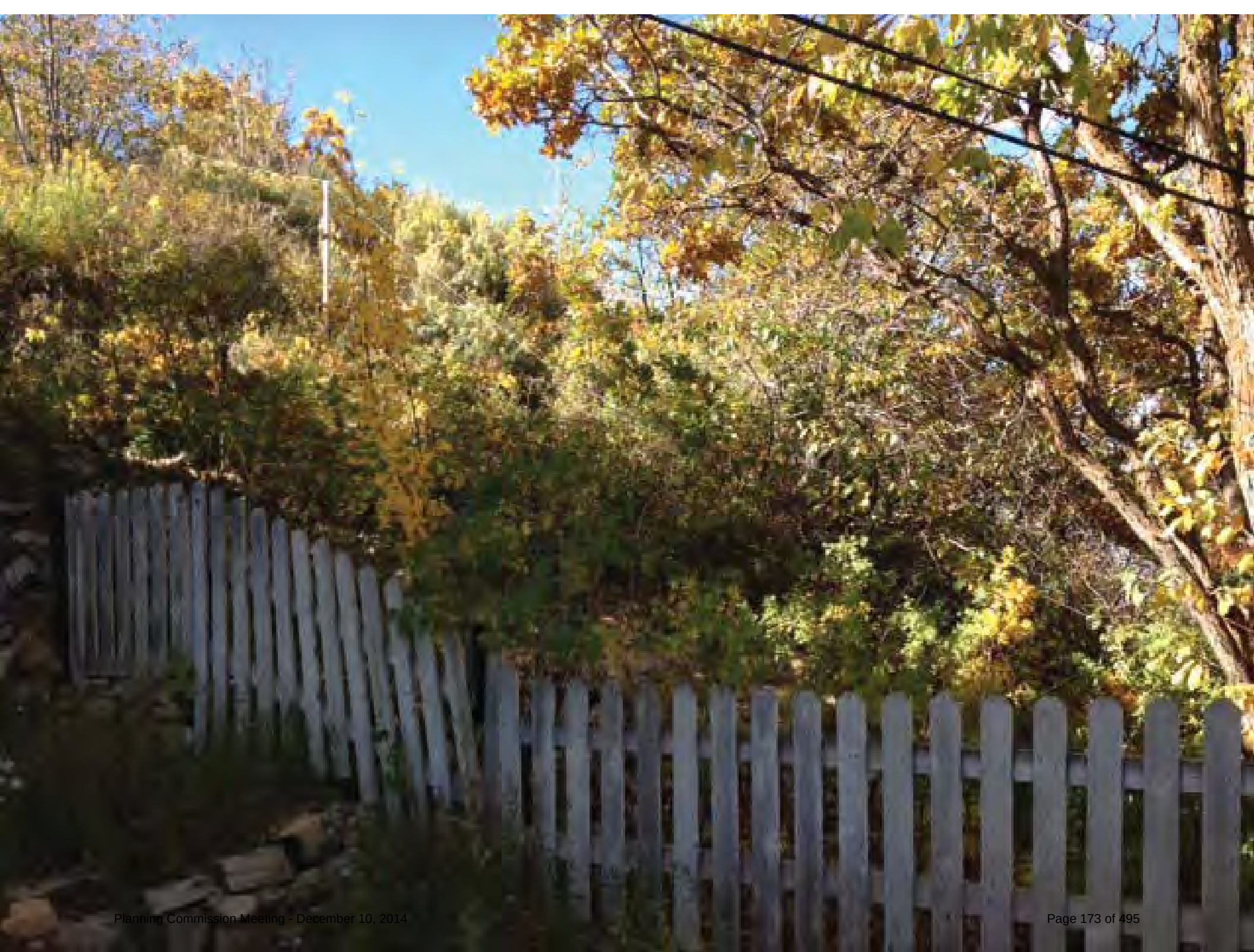




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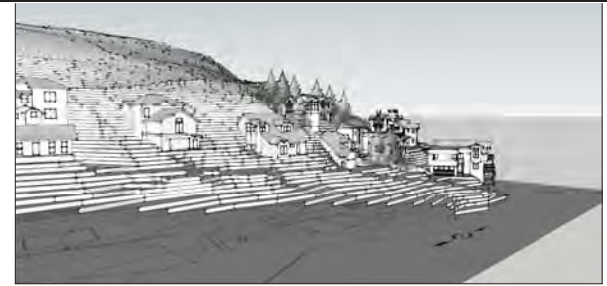






31/01/2012





Jonathan DeGray
Architect
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JORGENSEN RESIDENCE
HISTORIC DISTRICT DESIGN REVIEW AND
STEEP SLOPE CONDITIONAL USE APPLICATION SET
30 SAMPSON AVENUE, PARK CITY, UTAH 84600

PERSPECTIVES
VIEWS WITH ELEVATOR

DATE:

AUGUST 12, 2014

PROJECT NUMBER:

1112-02

SHEET NUMBER:

A2.1a



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JORGENSEN RESIDENCE
HISTORIC DISTRICT DESIGN REVIEW AND
STEEP SLOPE CONDITIONAL USE APPLICATION SET
30 SAMPSON AVENUE, PARK CITY, UTAH 84060

PERSPECTIVES
VIEWS WITH NO ELEVATOR

DATE: AUGUST 12, 2014
PROJECT NUMBER: 1112-02

PROJECT NUMBER: A2.1b

Planning Commission Meeting
Minutes of December 14, 1994
Page 5

6. The buildings on the newly created lots shall not exceed a Floor Area ratio of 2.0.

V. PUBLIC HEARINGS/ACTION ITEMS

1. 30, 40, 50 Sampson Avenue Plat Amendment

Planner Janice Lew reported that the applicant was requesting an amendment to a portion of the Park City Survey Plat. The amendment would combine several Old Town lots into three larger parcels, thereby reducing the density and providing access to each lot from Sampson Avenue. The parcel is located in the HRL District, and the minimum lot size in the area is 3,750 square feet. The parcels are subject to floor area ratios and Historic District design standards. A number of issues listed in the Staff report were addressed in the conditions of approval or notes shown on the plat. The Planning Commission had discussed building size during the work session, and there was concern about maintaining compatibility with the smaller Old Town lots and the Historic District in that area. The Staff had not received public input other than phone calls from John Hayes and Jon DeGray requesting information about the proposal. The Staff recommended that the Planning Commission forward a positive recommendation to the City Council based upon the findings and conclusions of law and conditions of approval outlined in the Staff report.

Chair Child opened the public hearing.

The applicant, Craig Schneckloth, noted the concerns expressed by the Commissioners regarding house size on Lot 3 and suggested the possibility of two smaller houses rather than one larger home. Lot 1 would remain at 3,336 square feet, Lot 2 would be reduced to 3,230 square feet, and Lot 3 would have one house on the bottom half at 2,400 square feet and one house on the top half. Parking for four cars would be provided underneath the bottom house, and access for both houses would be from Sampson Avenue.

Since the Staff review was based on the proposal for three homes on three lots, Chair Child indicated that the Planning Commission should base their review on that proposal. Mr. Schneckloth preferred the proposal for one house on Lot 3 and explained that he had only offered the alternative as a possibility to satisfy the Planning Commission.

Commissioner Joe Tesch explained the issues involved for the benefit of the public. The applicant had taken six Old Town lots and suggested that they be reconfigured into three larger lots. The applicant had also requested home sizes that would fit within the code requirement for maximum size homes on the newly configured

lots, but the Planning Commission was struggling with the idea that the homes might be too large to be compatible with other structures in the neighborhood. Commissioner Tesch noted the possible traffic dangers involved with increased density on Sampson Avenue and noted that reducing the number of lots was a decent trade-off.

Chair Child clarified that the Commissioners favored the reduction in the number of lots, and the only obstacle was determining a reasonable house size. Commissioner Tesch was not certain that three lots was the right number. He felt the applicant had the misconception that the lower number of lots would receive more favorable review. Commissioner Tesch felt the Planning Commission wished to allow Mr. Schneckloth fair use of the property.

Commissioner Klingenstein was concerned with setting a precedent for incremental build-up in the area and suggested reducing the home sizes to 3,000 square feet on Lot 1, 3,500 square feet on Lot 2, and 3,000 square feet on Lot 3 in order to assure neighborhood compatibility.

Commissioner Jones concurred with Commissioner Klingenstein and remarked that the real issue was compatibility. The FAR's are maximum limits, and often applicants believe they are allowed to build homes to the maximum size without regard to the neighborhood. He requested that the conditions of approval reiterate that the overriding criteria for house size is neighborhood compatibility in both design issues and how the home fits on the lot relative to the neighborhood.

Commissioner Erickson noted that the proposed height did not meet the new height ordinance recommended at the previous Planning Commission meeting and questioned which height would be required. Director Lewis explained that the applicant would be required to comply with the height restriction in place at the time of building permit issuance. Commissioner Erickson clarified that the proposal would be reviewed by the Development Department for compliance with the Historic District Commission guidelines, and any appeal would be to the Historic District Commission.

Chair Child asked Director Lewis if the findings and conclusions of law should be changed if the Planning Commission approved the project with specified house sizes. Director Lewis explained that the matter would go to a public hearing before the City Council, and the information would be added as notes on the plat. The conditions approved by the Planning Commission would list all the information on the plat regarding house sizes and the Planning Commission's conclusions and findings would be included in the City Council report.

MOTION: Commissioner Chuck Klingenstein moved to APPROVE the Sampson Avenue Plat Amendment for 30, 40 and 50 Sampson Avenue as outlined by the Staff with an additional condition of approval stating that Lot 1 would have a maximum house size of 3,000 square feet, Lot 2 a maximum house size of 3,500 square feet, and Lot 3 a maximum house size of 3,000 square feet.

Chair Child clarified that the numbers pertained to the house size only and did not include a garage limit. Commissioner Klingenstein replied that a 400-square-foot garage was allowed.

Commissioner Diane Zimney seconded the motion.

The applicant stated that he had no objection and agreed to comply with the house sizes as stated in the motion.

VOTE: The motion passed unanimously.

Conditions of Approval - 30, 40, 50 Sampson Avenue

1. A note shall be required on the plat indicating that a modified 13-D sprinkler system shall be required and wood roofs are prohibited.
2. Prior to individual building permit issuance, complete plans for construction staging, construction parking, grading, erosion control and vegetation protection (LOD) shall be approved by the Community Development Department.
3. Prior to individual building permit issuance, the City Engineer shall review and approve all utility and construction plans. A 10-foot public non-exclusive utility easement shall be provided along Sampson Avenue for Lots 1 and 3. The following note shall be placed on the plat in regard to Lot 2:

"In the event the house which exists on Lot 2 as of the date this plat is recorded is demolished or lost due to fire, earthquake, or other catastrophe, the owner of Lot 2 will, as a condition precedent to rebuilding a new structure, grant to Park City Municipal Corporation a 10-foot-wide non-exclusive public utility easement along and abutting Sampson Avenue."
4. Prior to plat recordation, the City Council, City Attorney, and City Engineer shall review and approve the plat.
5. All Standard Project Conditions shall apply.

6. The maximum house sizes shall be:
Lot 1 - 3,000 square feet
Lot 2 - 3,500 square feet
Lot 3 - 3,000 square feet

2. Blockbuster Video CUP for Signage

Planner Janice Lew reported that years earlier the Planning Commission spent some time reviewing signage for PayLess Drug located at 950 Ironhorse Drive. A total of 49 square feet of signage was approved by the Planning Commission with the following conditions:

- Only one sign was permitted.
- The Staff would approve final colors consistent with the color requirements of the Park City sign code.
- The sign would be externally illuminated.

The PayLess Drug sign consists of 24" letters painted a burnt red. Blockbuster Video is leasing a portion of the PayLess Drug building and is requesting approval of a master sign plan. The Blockbuster Video signage would include a primary sign. The applicants have proposed individual letters 24" in height with a yellow face totalling 46 square feet of signage. The sign would be located above the windows on the front facade of the building. An awning was proposed across the front of the building which would be burnt red to match the color scheme of the PayLess signage and would have the Blockbuster ticket logo in yellow. The signage on the awning would total 12.5 square feet.

Planner Lew indicated that the Staff had spent a great deal of time with the applicant working on the signage and was concerned with the proposal. The intent of the master sign plan was to create a common theme to tie design elements together. The Staff preferred that the Blockbuster Video signage match the color of the PayLess sign. She suggested that the Planning Commission consider a reduction in size so the Blockbuster sign would be subordinate to the main tenant signage. The Staff was also concerned with the awning which would create a dominant architectural feature on the left side of the building and an imbalance with no awning on the opposite side of the building. The Staff recommended that a smaller awning replace the large awning above the door and that the logo be permitted there for signage. The Staff also recommended that the yellow color be consistent with the Park City sign code.

Public input had not been received, and the Staff recommended approval of the master sign plan for the PayLess building with the findings, conclusions of law, and conditions of approval outlined in the staff report.

Debra M. Schneckloth
 P.O. Box 234
 Park City, UT 84060



March 30, 1998

Debra M. Schneckloth
 P.O. Box 234
 Park City, UT 84060

Dear Debra:

Your plat amendment to the Park City Survey regarding 30, 40 and 50 Sampson Avenue, which was approved by the City Council, with conditions, on February 2, 1995 specified the following maximum sizes for residential structures on the lots:

Lot 1 - 3000 square feet

Lot 2 - 3500 square feet

Lot 3 - 3000 square feet

An additional 400 square feet may be added to the total floor area for a garage for each of the lots.

You recently inquired about the possibility of allowing basements in addition to the maximum house sizes specified on the lots. Since your plat amendment does not specifically prohibit basements, it is my determination that basements would be allowed provided they can meet the definition in the Land Management Code. A basement is defined as having all four walls at least 80% underground. Basements may not have an outside door (including a garage door) visible from the public right-of-way.

I apologize for any confusion the Community Development Department may have caused as we reviewed this issue. It took a few days to research how the building size has been determined on other plats. My determination is consistent with our present practice of calculating house sizes when they are specified on plats.

Sincerely,

A handwritten signature in dark ink, appearing to read "Richard E. Lewis".

Richard E. Lewis
 Community Development Director

M: CDD RL LETTER 1998 SCHNECKLOTH

00503794 Bk01134 Pg00399-00400

ALAN SPRIGGS, SUMMIT COUNTY RECORDER
 1998 APR 07 11:28 AM FEE \$12.00 BY DMG
 REQUEST: DEBRA M SCHNECKLOTH

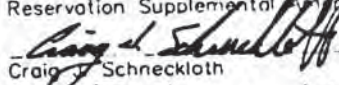
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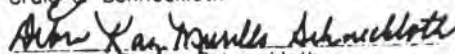
Beginning at the Northeast Corner of Lot 47, Block 78, Mill-site Reservation, The Park City Survey, and as recorded in Summit County, Utah, and running thence South 23°58' East along the Easterly line of said Lot 47, a distance of 116.7 feet to the Westerly edge of an existing road, thence South 13°36'05" West along said Westerly edge, a distance of 200.84 feet; thence South 84°42'13" West, a distance of 26.80 feet; thence North 89°14'40" West, a distance of 54.85 feet to the Southerly line of Lot 8, Block 79, Mill-site Reservation; thence South 66°22' West along said Southerly line, a distance of 18.39 feet to a point being the common back corner of Lots 6 and 8, thence due North 225.32 feet along the Westerly line of Block 79, Mill-site Reservation, to the Westerly line of Utah Avenue as dedicated, thence North 66°22' East, a distance of 50.00 feet to the Easterly line of said Utah Avenue as recorded; thence South 23°38' East, a distance of 65.67 feet along said Easterly line to the Northwest Corner of Lot 47, Block 78, Mill-site Reservation as recorded, thence North 66°34' East along the Northerly line of said Lot 47, a distance of 75.00 feet to the Point of Beginning.

Contains 0.58 acres more or less.

OWNER'S DEDICATION AND CONSENT TO RECORD

Know all men by these presents: That the undersigned are the owners of the herein described tract of land, and hereby causes the same to be divided into lots as set forth and shown hereon, hereafter to be known as Mill-site Reservation Supplemental Amended Plat.


Craig J. Schneckloth


Debra Kay Muelle Schneckloth

00503794 Bk01134 Pg00400

Joint Tenants

Planning Commission Staff Report



Subject: 30 Sampson Avenue
Project #: PL-12-01487
Author: Mathew Evans, Senior Planner
Date: April 10, 2013
Type of Item: Administrative – Steep Slope Conditional Use Permit

Summary Recommendations

Staff recommends the Planning Commission review a request for a Steep Slope Conditional Use Permit at 30 Sampson Avenue. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

Description

Applicant/Owner: Michael Jorgensen
Architect: Jonathan DeGray
Location: 30 Sampson Avenue
Zoning: Historic Residential - Low (HRL)
Adjacent Land Uses: Residential, Vacant
Reason for Review: Construction of structures greater than 1,000 square feet on a steep slope requires a Conditional Use Permit

Proposal

This application is a request for a Steep Slope Conditional Use Permit for a new residence (home) to be located at 30 Sampson Avenue. The vacant lot is located within the Historic Residential Low (HRL) Zone designation. The HRL Zone requires that any new construction 1,000 square feet or greater, on slopes exceeding thirty percent (30%), first obtain a Conditional Use Permit for steep slope construction prior to the issuance of a building permit.



Background

On January 5, 1995, the City Council approved the “30, 40, and 50 Sampson Avenue Amended Plat,” also known as the Millsite Supplemental Plat Amended Subdivision, which was a combination of thirteen (13) whole and partial lots as well as a portion of “Utah Avenue” within the original Millsite addition to Park City Subdivision Plat. The Plat was recorded with a note that limited the “maximum size for residential structures” to 3,000 square feet for Lots One (1) and Three (3), and 3,500 square feet for Lot Two (2). The conditions of approval reflect that there would be a 400 square foot “credit” for garages (see Exhibit “C”). This application is for Lot Three (3) of the Millsite Supplemental Plat Subdivision totaling 7,089 square feet.

On March 30, 1998, Community Development Director Richard E. Lewis wrote a letter to the owners of Lots 1, 2, and 3, clarifying that the maximum size for residential structures noted on the plat excluded basements as defined by the LMC, so long as no portion of the basement was above ground. The letter also clarified the additional 400 square feet of floor area garage allowance to the total square feet allowed. This letter is attached hereto as Exhibit “D”.

On February 14, 2012, the City received a completed application for a Conditional Use Permit (CUP) for “Construction on a Steep Slope” at 30 Sampson Avenue. The property is located in the Historic Residential Low (HRL) District. On April 9, 2012, the application was deemed “complete” and scheduled as a public hearing before the Planning Commission.

This application is a request for a Conditional Use Permit (CUP) for construction of a new single family dwelling including a detached garage. Because the total proposed structure square footage is greater than 1,000 square feet and would be constructed on a slope greater than thirty percent (30%), the applicant is required to file a CUP application for review by the Planning Commission, pursuant to LMC § 15-2.1-6. A Historic District Design Review (HDDR) application is being reviewed concurrently by staff for compliance with the Design Guidelines for Historic Districts and Historic Sites adopted in 2009. No action has been taken on the HDDR as the Steep Slope CUP process is required prior to the processing of the HDDR.

On August 22, 2012, this application came before the Planning Commission and Public Comment was taken at the same meeting (see meeting minutes attached as Exhibit “E”). The Planning Commission closed the Public Hearing and voted unanimously to continue the item to a date uncertain for the purpose of reviewing the existing definition of “stories”. The applicant has since requested to have the application put back before the Planning Commission for consideration of the Steep Slope CUP. In an effort to reduce the mass and scale of the garage, the applicant has re-designed the garage from a side-by-side two door configuration, to a one door tandem garage.

Also, based upon the Planning Commission’s subsequent discussions regarding the definition of stories, this application for a home with a detached garage appears to meet the three story requirement under the current definition in the code. The plans show a detached garage that includes an elevator, which connects to a patio area in front of the

house. Since the garage is detached, it does not violate the 3 story height restriction in the code.

The current LMC defines of a “story” as follows:

15-15-1.249 STORY. The vertical measurement between floors taken from finish floor to finish floor. For the top most Story, the vertical measurement is taken from the top finish floor to the top of the wall plate for the roof Structure.

On December 12, 2012, the applicant came back before the Planning Commission on as a work session item, the minutes of which are attached hereto as Exhibit “F”. During the meeting, the Planning Commission brought up the following summary of potential issues related to the proposed Conditional Use Permit in no particular order. Staff notes are in *italics*:

- The comparison of existing houses on page 61 of the Staff report and suggested that the Staff also include the proposed project to the table to make it easier to compare. *Staff notes: This has been addressed.*
- Compatibility of the proposed home with existing historic structures is an issue based on the purpose statement of the HRL District, although it was acknowledged that larger structures had been constructed on Sampson Avenue in the past.
- 201 and 205 Norfolk Avenue properties should be discarded from the Existing Home Size Analysis due to the fact that they are not Sampson Avenue properties or located within the HRL District. *Staff notes: Staff included these properties for two reasons; both lots have driveway access to Sampson Avenue, and; 205 Norfolk Avenue is an adjacent property. Also noted by Staff is that the HR-1 District is actually less restrictive than the HRL in terms of minimum lot size, and allowed uses. Furthermore, Staff should point out that the adjacent Lot 1 of the Treasure Hill Subdivision, which is directly adjacent to the subject property, has an allowable footprint of 3,500 square feet per the Treasure Hill MPD. The proposed home at 30 Sampson is closer to the potential building sites of the Norfolk and King Road homes than it is to that of homes located on Sampson Avenue.*
- The proposed deck that connects the elevator to the main level of the home is a possible LMC violation because the deck attaches both buildings. The Planning Commission is concerned that this area could eventually be “filled in” to become one structure. *Staff note – The deck, so long as it is within the setback, can extend from one structure to another without violating the LMC. The deck is not counted towards the footprint of the home, and the deck is treated much the same way a patio would be, extending from one structure to another, again, so long as they are on the same property and so long as they are within the required setback area. There is no foundation for the deck, thus it is not technically adjoining the buildings together as one structure. Building Code does not regulate this issue because a deck is not a structure in the same way a building encloses and/or attaches living space. Staff cannot speak to the scenario of the area becoming a structure in the future because there is no way to anticipate what future LMC codes will allow the applicant to do with this area. If the codes*

were relaxed to allow greater footprint, etc., it is conceivable that more home additions would be proposed for any number of properties in old town.

- The story height of the proposed structures is compromised by the deck extension from the elevator to the top floor of the proposed home because connecting the two buildings would cause it to exceed three stories. *Staff notes: See previous Staff notes above. The deck extension from one building to another does not connect the two structures any more than a patio would or cement walkway would connect the two. The deck is not footprint and does not have a foundation.*
- The proposed facade of the home should be made to look and feel more historic in term of presentation. *Staff note – The Design Guidelines for Historic Districts and Historic Sites discourages the mimicking of historic design, but rather suggests that new homes and structures “compliment” existing historic structures nearby, in terms of like materials and form. The design of the proposed home has not been approved, and requires a Staff level review, as well as a Design Review Team review of the proposed elevations. The Planning Commission is not approving the design of the home, only the location, form, mass, scale, and other considerations as described in LMC § 15-2.1-6.*
- The proposed basement does not meet the requirement as stipulated in the letter from former Community Development Director Richard E. Lewis that clarified that the maximum size for residential structures noted on the plat excluded basements as defined by the LMC, so long as no portion of the basement was above ground. *Staff notes: The proposed basement is entirely underground with the only exposure coming from the building code-required window wells for emergency egress. The plans do not indicate that any portion of the proposed basement is above ground. Basements, as explicitly noted in CDD Lewis’ letter, are not counted into floor area calculations for residential properties.*
- Snow shedding onto adjacent property is a concern. *Staff note: This item has been addressed in the Conditions of Approval. The Building Official will have to review the proposed plans for snow shedding, which the applicant will have to prove mitigation for prior to the issuance of a building permit.*
- The LMC encourages homes on steep slopes be stepped with the grade and broken into a series of individual smaller components, as well as encourages detached garages, and that the applicant has done both, but the proposed structure is still incompatible with the volume and mass of surrounding homes. The design appears to comply with these requirements.
- The proposed home is across the street from 41 Sampson Avenue, and the proposal it is not compatible with respect to mass, scale, size, etc. *Staff note: The owner of 41 Sampson Avenue has plans to lift the home and place a basement foundation underneath, and also anticipates a historically compatible addition to the home. Staff has not seen the proposal and cannot speak to the actual size of the contemplated additions to the square feet; however the conceivable footprint based on lot size alone, is 1,830 square feet.*

Purposes of the HRL District

The purpose of the Historic Residential Low-Density (HRL) District is to:

- (A) Reduce density that is accessible only by substandard Streets so these Streets are not impacted beyond their reasonable carrying capacity,
- (B) Provide an Area of lower density Residential Use within the old portion of Park City,
- (C) Preserve the character of Historic residential Development in Park City,
- (D) Encourage the preservation of Historic Structures,
- (E) Encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District, and maintain existing residential neighborhoods,
- (F) Establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment, and
- (G) Define Development parameters that are consistent with the General Plan policies for the Historic core.

Analysis

The proposed home is three (3) stories, including a basement level, a main level, and a top level. There is also a detached garage that includes an ADA accessible elevator building. The garage is not directly connected or attached to the home and is thus considered a detached accessory structure which is proposed to be built within the required setbacks for the main structure. The garage is setback from the elevator building by ten feet (10') and is setback thirty-two feet (32') from the main building. The highest point of the building is twenty-seven feet (27'), but at no point does the building exceed this height.

The total maximum allowed footprint per the LMC is 2,355.5 square feet. There is a plat note on the Millsite Reservation Supplemental Plat that restricts the maximum size of the structure to 3,000 square feet. A 1998 letter from former Community Development Director Richard E. Lewis, written to the owners of the Millsite Reservation Supplemental, plat clarified that the City Council granted an additional 400 square feet for a garage. In addition, Mr. Lewis determined that basements were permitted in addition to the maximum house size provided that the basement meets the definition in the Land Management Code. At the time a "Basement" was defined as having all four walls at least eighty percent (80%) underground and may not have an outside door visible from the public right of way. Our current Code defines Basement as "Any floor level below the First Story in a Building." The proposed basement level meets our new definition as found within LMC Section 15-15-1.

The applicant is proposing required two off-street parking spaces. There are two off-street spaces provided, one within the garage and one provided on an un-covered parking pad. In addition to the parking pad spot, the one-car garage is about two feet short of meeting the requirement for two tandem spaces so there would be parking for 3 vehicles albeit one would have to be small. A variation to the parking dimensions could be allowed by the City Engineer, but only two spaces are required, thus the applicant meets the minimum requirements for the two spaces.

The main home has a footprint of 1,189 square feet with a total of 3,601 square feet, and the total size of all the structures (excluding basement and 400 square feet for garage is 2,996 square feet. The total space including the detached garage is 4,132

square feet. Below is an analysis of each floor and accounts for the total square footage of the entire project:

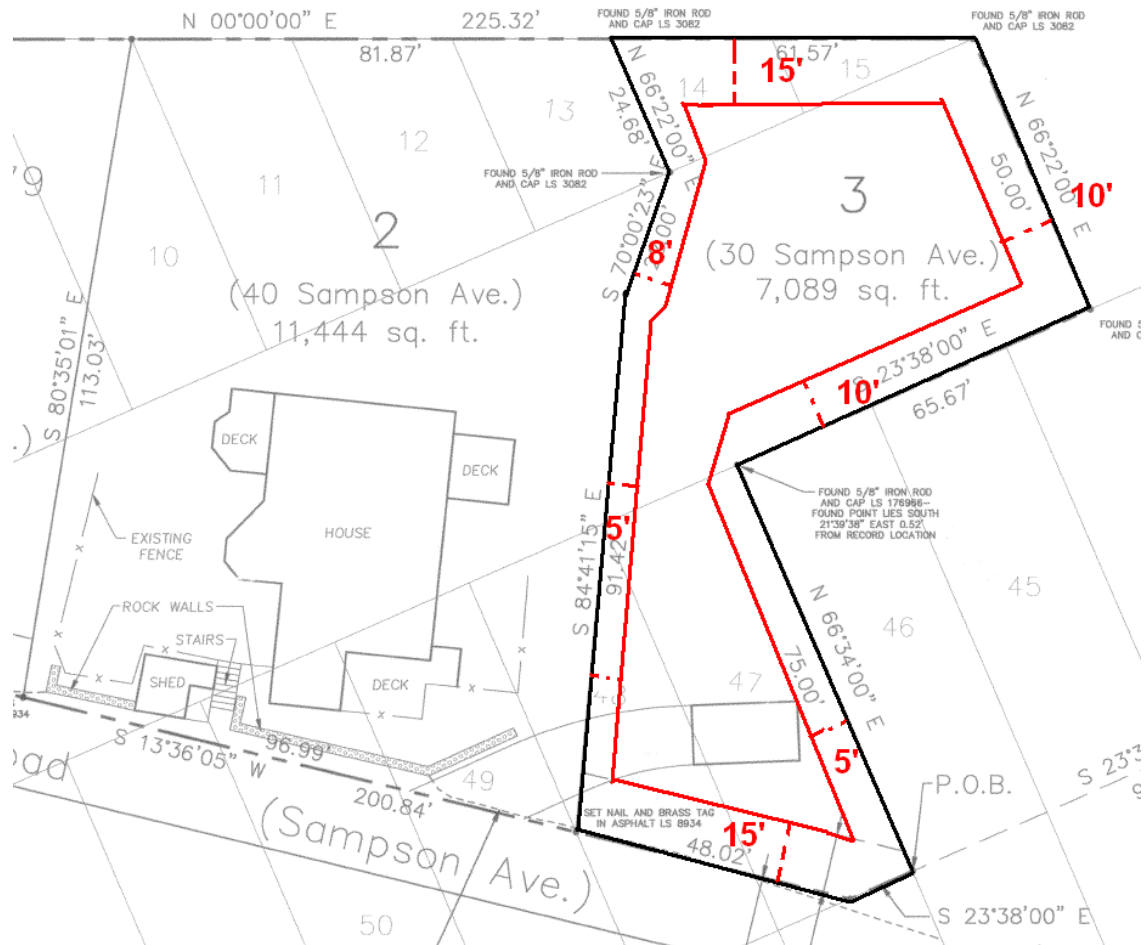
Floor	Proposed floor area
3 rd Story	1,209 square feet – Main (top) Level
2 nd Story	1,203 square feet – Lower Level
1 st Story	1,189 square feet – Basement
Garage/Accessory Building Area	453 square feet garage (400 sq ft allowance) 350 square feet – Garage Entry Area 180 square feet – Mud Room
Overall area	4,585 grand total square feet + garage
Overall size (excluding basement and 400sf for the garage)	2,996 square feet (above grade living space)
Total size above grade (including garage)	3,396 square feet total above grade including 400 sq ft garage allowance)

The LMC determines the proposed maximum building footprint size is determined by the LMC. The area of the lot is 7,089 square feet and under the LMC an overall building footprint of 2,380 square feet is allowed. A building footprint of 2,272 square feet is proposed, which includes the Garage entry Area.

Per Section 15-4-17 (Supplemental Regulations – Setback Requirements for Unusual Lot Configurations), all lots with more than four sides require a “Setback Determination” by the Planning Director. On October 11, 2011, Planning Director, Thomas Eddington determined that the lot has eight sides, and made the following setback determination for the subject property:

Setback Determination	
Required Setbacks	Proposed Setbacks
1. Front Yard – 15 feet (10 feet per LMC)	(East) Front – 15 feet (complies)
2. Side Yard south property line to “tapper” area (see diagram below) – 5 Feet (3 to 5 feet per LMC)	South Side-yard – 5 feet (complies)
3. Side Yard north property line to the southwest corner of Lot 46, Block 78 of the Subdivision #1 of the Millsite Reservation – 5 feet (5 feet per LMC)	North Side-yard – 5 feet (complies)
4. Combined Side Yards (north and south) of main portion of lot – 18 feet total, south-side shall be 8 feet; north-side shall be 10 feet (6 to 10 feet per	Combined north/south side-yard for main body of lot – 18 feet total (complies)

LMC)	
5. Rear Yard – 15 feet (10 feet per LMC)	Rear yard – 15 feet (complies)
6. North Side Yard property line – 10 feet (5 feet per LMC)	Side-yard north for main portion - 10 feet (complies)
7. West Side Yard property line – 10 feet (10 feet per LMC)	Side-yard west property line – 10 feet (complies)



The above ground square footage equates to sixty-nine percent (69%) of the total building size with the remaining 1,189 square feet of building space located underground. The total square footage (including the garage) above ground is 3,396 square feet which is compliant with the 1998 clarification letter written by Community Development Director Lewis.

Staff made the following LMC related findings:

Requirement	LMC Requirement	Proposed
Building Footprint	2,355.5 square feet (based on lot area) <u>maximum</u>	2,272 square feet, <u>complies.</u>
Building Square Foot Maximum	No LMC Requirement – 3,000 square feet per plat note	4,587 square feet, complies per allowed exceptions (minus 1,189 sq. ft. basement and 400 sq ft garage = 2,998).
*Front and Rear Yard	10 feet minimum (20 feet total) 15 feet per Planning Director	15 feet (front), <u>complies.</u> 15 feet (rear), <u>complies.</u>
*Side Yard	5 feet minimum, (10 feet total)	*Various – see notes
Height	27 feet above existing grade, <u>maximum.</u>	Various heights all less than 27 feet, <u>complies.</u>
Number of stories	A structure may have a maximum of three (3) stories.	3 stories, <u>complies.</u>
Final grade	Final grade must be within four (4) vertical feet of existing grade around the periphery of the structure.	4 feet or less, <u>complies.</u>
Vertical articulation	A ten foot (10') minimum horizontal step in the downhill façade is required for the third story unless the 1 st story is completely below finished grade.	First (1 st) story completely under finished grade, garage is detached, <u>complies.</u>
Roof Pitch	Roof pitch must be between 7:12 and 12:12 for primary roofs. Non-primary roofs may be less than 7:12.	7:12 for all primary roofs <u>complies.</u>
Parking	Two (2) off-street parking spaces required	1 covered + 1 additional uncovered space, <u>complies.</u>

* Planning Director Determination of setbacks based on the fact that the lot has more than four sides. Planning Director can require greater setbacks in this instance.

Existing Home Size Analysis – Neighboring Properties
(based on Summit County Records available to Staff as of 12-7-12)

Address	House Size + garage (sq. ft.)	Footprint (total sq. ft. estimate)	Total Size (sq. ft.)	Lot Size (total ac/sq. ft.)
205 Norfolk	7,711 + 612	3,200	8,323	.38 or 16,553
201 Norfolk	4,286 + 546	2,165	4,832	.14 or 6,115
16 Sampson*	3,684 + 457	2,160	4,141	.14 or 6,100
40 Sampson	(Unknown) + 0	1,746	0**	.26 or 11,444
41 Sampson	908 + 0	908 (1,830 possible)	908	.11 or 4,792
50 Sampson	3,674 + 500	1,830	4,174	.16 or 6,970
60 Sampson	3,800 + 446	1,900	4,246	.15 or 6,534
99 Sampson	2,990 + 500	1,500	3,490	.10 or 4,560
121 Sampson	1,854 + 0	680	1,854	.15 or 6,534
131 Sampson	2,085 + 240	750	2,325	.14 or 6,098
133 Sampson	2,593 + 626	1,200	3,219	.09 or 3,920
135 Sampson	3,014 + 484	560	3,498	.13 or 5,600
30 Sampson	3,471 + 1114	2,272	4,585	.16 or 7,089

*HDDR and SS-CUP previously approved, but the home is not yet built.

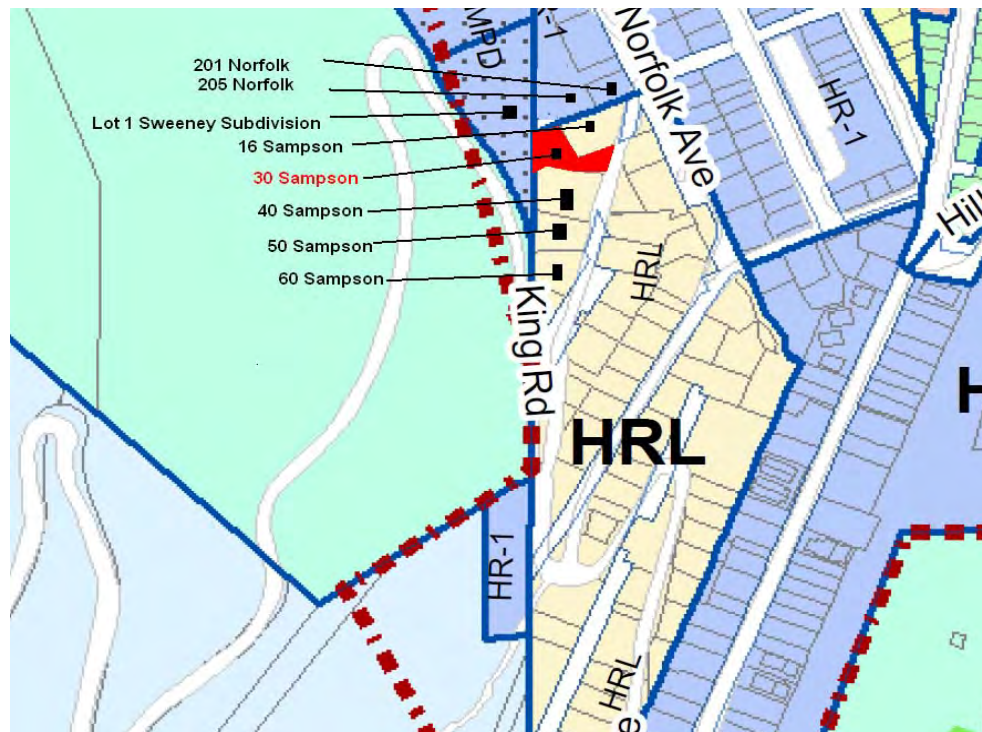
**Not used to calculate average home size below, however lot size and footprint were used.

Based on the analysis above with the numbers available to Staff through City and County records available on this date, the average total home size for the adjoining properties and the Sampson Avenue properties is 3,728 square feet, the average lot size is .16 acres, and the average footprint is approximately 1,550 square feet.

It is important to note that the subject property is 7,089 square feet, which would be the second largest lot on Sampson Avenue. Only 40 Sampson Avenue has a bigger lot (11,444 square feet), and the next closest in size is 50 Sampson Avenue with a 6,970 square foot lot. The home size of 40 Sampson Avenue is unknown, but county records show a footprint of 1,746 square feet (a portion of the house is two stories), and 50 Sampson Avenue is 4,074 with a footprint of 1,830 square feet.

Considering the proposed location of the proposed home on Sampson Avenue, all adjacent properties should be considered in the analysis, not just the Sampson Avenue properties. The proposed home will actually be situated closer to 205 Norfolk and the any future home built on Lot 1 of the Treasure Hill Subdivision, which sits directly to the west of (above) 30 Sampson Avenue. Thus the existing footprint and home size of 201

and 205 Norfolk are included. It is also important to consider the potential of Lot 1 of the Treasure Hill Subdivision has an allowed footprint of 3,500 square feet (per the Treasure Hill MPD). As previously noted, 201 and 205 Norfolk Avenue (as well as Lot 1 Treasure Hill) are in the HR-1 District, which is less restrictive than the HRL District with respect to lot size and allowed uses (see illustration below).



The subject lot was created by the Millsite Supplemental Plat Amended Subdivision, which was a combination of 13 whole and partial lots, and a portion of “Utah Avenue” within the original Millsite addition to Park City Subdivision Plat. The plat amendment reduced the overall density in terms of dwelling units on the substandard streets consistent with the purpose statements for the HRL zone.

LMC § 15-2.1-6 provides for development on steep sloping lots in excess of one thousand square feet (1,000 sq. ft.) within the HRL District, subject to the following criteria:

Criteria 1: Location of Development.

Development is located and designed to reduce visual and environmental impacts of the Structure. **No unmitigated impacts.**

The proposal is for a new single family dwelling with a proposed footprint of 2,272 square feet. The proposal includes a two car garage at the bottom of the slope along the frontage of the lot. The home will be built uphill from the street. The lot is wide at the street level but narrows before opening up to the most substantial portion of the lot. The lot was approved in 1995. The City was aware of the odd-shape of the lot at that time. The vast majority of buildable area is on the upper portion of the lot. There is no conceivable way to build a driveway that would meet the LMC requirements that limits the maximum slope to fourteen percent (14%) as measured from Sampson Avenue to

the upper portion of the lot. The prohibiting factors are the shape and slope of the lot, as it exceeds thirty percent (30%) at its most narrow portion.

The proposed coverage of the building is thirty-one percent (31%) of the overall lot. The applicant is proposing to plant forty (40) new trees on the property, and there is some existing native vegetation located on the lot, some of which will be disturbed; however, there are no large native trees or evergreens identified on the property, and the level of disturbance of existing vegetation will be mitigated by the planting of new vegetation as shown on the attached plans (sheet A02 of Exhibit A).

Criteria 2: Visual Analysis.

The Applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points to determine potential impacts of the project and identify potential for screening, slope stabilization, erosion mitigation, vegetation protection, and other items. **No unmitigated impacts.**

The applicant submitted a visual analysis, including renderings, showing a contextual analysis of visual impacts (see exhibit "B"). The proposed structure cannot be seen from the key vantage points as indicated in the LMC Section 15-15-1.283, with the exception of a cross canyon view. The cross canyon view contains a back drop of two (2) story building with a garage building below. Visual impacts from this vantage point are mitigated by the amount of vegetation surrounding this area and on the subject property, as well as the breaking up of the massing of the house into upper and lower sections.

For the purpose of visual analysis it's also important to keep in mind that there are two more homes to be built in the area that are directly adjacent to the subject property, 16 Sampson Avenue, which is roughly the same size as 30 Sampson Avenue, and Lot 1 of the Treasure Hill Subdivision, which is approved for a 3,500 square foot footprint. Lot 1 of Treasure will be built at a higher elevation, and roughly adjacent to the location of the 30 Sampson Home. When built, the Lot 1 Treasure Hill home could potentially tower over 30 Sampson considering it is higher up the hillside, and has a much larger allowable footprint.

Criteria 3: Access.

Access points and driveways must be designed to minimize Grading of the natural topography and to reduce overall Building scale. Common driveways and Parking Areas, and side Access to garages are strongly encouraged, where feasible. **No unmitigated impacts.**

The proposed design incorporates a driveway from Sampson Avenue. The applicant is proposing retention on both sides of the driveway. The driveway access will be located on the south side of the lot where the finished grade of the street and the natural grade of the lot are closest in elevation. Again, as proposed, there will be minor retention of the driveway on both sides, although the access points and driveways are designed to minimize Grading of the natural topography and reduce the overall Building scale.

The driveway has a maximum slope of nine percent (9%). The applicant is proposing a one-car garage (not quite legal for two spaces within the garage) and one additional uncovered parking space provided on a pad adjacent to the garage, which will provide a total of two legally recognized parking spaces. The LMC requires two (2) off-street parking spaces. Because Sampson Avenue is an extremely narrow street, there is no available on-street parking. This means that the owners and guests will need to park on-site and parking is provided on site for this.

Criteria 4: Terracing.

The project may include terraced retaining Structures if necessary to regain Natural Grade. **No unmitigated impacts.**

No terracing is proposed. The applicants are proposing to build on the two flat areas of the lot, which will require some initial grading and site stabilization (not terracing). The end result will be that the grading between the garage and the house will be put back to its natural state. Grading around the home will be utilized to stabilize the ground around the foundation and to help separate the backyard area from the front yard area.

Criteria 5: Building Location.

Buildings, access, and infrastructure must be located to minimize cut and fill that would alter the perceived natural topography of the Site. The Site design and Building Footprint must coordinate with adjacent properties to maximize opportunities for open Areas and preservation of natural vegetation, to minimize driveway and Parking Areas, and provide variation of the Front Yard. **No unmitigated impacts.**

The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography. The proposed house sits on the uphill side of the lot where there is area with less than thirty percent (30%) slope on which to build. The existing eight-sided lot was approved in 1995 as a recorded subdivision lot. The lot is somewhat hourglass-shaped with a vast majority of the buildable area located in the rear of the lot. The street side of the lot has limited building area available which has dictated the location of the proposed home. The site design, reduced building footprint (smaller than what is allowed per code), and increased setbacks (to the code minimums established in the HRL District) maximize the opportunity for open area and natural vegetation to remain. Although the proposed home will be located on Sampson Avenue, it will appear as though it's grouped together with the larger homes on King Road within the Treasure Hill subdivision. As previously noted, the home will be closer to Lot 1 of Treasure Hill, which has an allowable footprint of 3,500 square feet, than it will be to the smaller, historic homes on Sampson Avenue. Only the garage will have a "presence" on Sampson Avenue.

Criteria 6: Building Form and Scale.

Where Building masses orient against the Lot's existing contours, the Structures must be stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District. Low profile Buildings that orient with existing contours are strongly encouraged. The garage must be subordinate in design to the main Building. In order to decrease the perceived bulk of the Main Building, the

Planning Commission may require a garage separate from the main Structure or no garage. **No unmitigated impacts.**

The top floor of the home walks out to the existing grade of the top of the lot, and the main floor walks out to the existing downhill side of the lot. There is a minimal retaining wall on each side of the home to differentiate the rear and front yard. The Structures step with the Grade and are broken in to a series of individual smaller components Compatible with the District.

The garage is detached and completely subordinate to the main home and the design of the main building. The home and garage/elevator building are separated by a ten foot (10') setback. Only the elevator building connects directly to the garage and is only accessible to the home by a patio and deck area, which is considered flatwork and is not connected by foundation. The connection between the garage the elevator is completely underground and not visible. Only two (2) stories of the proposed home are exposed, with the basement completely underground with no portion thereof expose.

The top level (3rd story) consists of approximately 1,209 square feet, approximately one-half (½) of the total allowed above-ground square feet, and the exposed massing significantly steps with the hillside. The lower level contains 1,203 square feet which is above ground, the remaining 1,189 square feet of building space is under ground. The garage is 546 square feet (total w/mudroom and entry way) which is above ground and steps between 17to 24 feet in height.

Criteria 7: Setbacks.

The Planning Commission may require an increase in one or more Setbacks to minimize the creation of a "wall effect" along the Street front and/or the Rear Lot Line. The Setback variation will be a function of the Site constraints, proposed Building scale, and Setbacks on adjacent Structures. **No unmitigated impacts.**

The proposed location of the home on the property, including the placement of the garage angled to parallel the lot line, avoids the "wall effect" along the street. The actual dwelling is approximately seventy-seven feet (77') from the front property line, although the garage is fifteen feet (15') and the elevator building is approximately fifty-three feet (53') from the front setback. By breaking up the massing into smaller components the "wall effect" is avoided.

Criteria 8: Dwelling Volume.

The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in this Chapter. The Planning Commission may further limit the volume of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing Structures.

Discussion Requested.

The proposed house is both horizontally and vertically articulated and broken into compatible massing components. The design includes two detached buildings; the increased setbacks (per the Planning Director's Setback Determination per LMC Section 15-4-17) offer variation and the proposed lower building height for portions of

the structure reduces visual mass. Since the submittal of the initial design, the applicant has redesigned the garage to a one-door bay with a tandem garage, rather than two separate side-by-side garage doors. Does the Planning Commission believe a reduction in mass is necessary? A change, or increase in building articulation that would still be compliant with setbacks, or does the unique shape of the lot compensate for this?

Criteria 9: Building Height (Steep Slope).

The maximum Building Height in the HR-1 District is twenty-seven feet (27'). The Planning Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing residential Structures. **Discussion Requested.**

The proposed home does meet the twenty-seven feet (27') maximum building height requirement measured from existing grade. The unique shape of the lot has dictated the design of the home, with the garage portion close to the street, and the main structure (home) to be situated further up the hill where the vast majority of the buildable area exists. The garage and the house as they appear on the color rendering appear to create a significant mass – does the Planning Commission believe this is compatible with the neighborhood, considering two adjacent homes (one within the same zone district) are larger? The applicant has noted that the home will likely not be visible from the Street to those passing by due to the location of the home further up the hill. It is also conceivable that a home could be built above 30 Sampson, as Lot 1 of the Treasure Hill Subdivision is a buildable, vacant lot with a conceivably much larger footprint than that of 30 Sampson's footprint.

Portions of the house are less than 27' in height. The tallest portion of the house is on the front (uphill) side of the lot facing the street view. The garage building has a maximum height of twenty four feet (24') accommodate access to an ADA compliant elevator.

Process

Approval of this application constitutes Final Action that may be appealed to the City Council following the procedures found in LMC § 15-1-18. Approval of the Historic District Design Guideline compliance is noticed separately and is a condition of building permit issuance.

Department Review

This project has gone through an interdepartmental review. The Building Department determined that due to the narrow lot configuration between the front and rear, a construction mitigation plan will be required prior to construction that details how the applicant will protect and stabilize all adjacent property lines so that disturbance of other properties will not occur. This shall be a condition of approval.

Public Input

Staff had received various inquiries and comments regarding the proposed Conditional Use Permit. Neighboring property owner, Debbie Schneckloth, has met with Staff on three occasions to raise various concerns, including:

- The need for retaining walls between her property and the subject property – Ms. Schneckloth is concerned the proposal inadequately addresses on-site retention, which will be required to the satisfaction of the Building Department prior to the issuance of a building permit.
- Incorrect driveway grades – Ms. Schneckloth is concerned that the plans do not accurately reflect existing grades and is incredulous that a driveway that starts at Sampson Avenue with a rise of 10% can be achieved. She is worried that the architect's drawings are inaccurate, and the grade at Sampson is greater than shown on the plans.
- Future subdivision plans – Ms. Schneckloth is concerned that the applicant may try and acquire more property to the west and attempt to subdivide the lot at some point in the future creating a frontage on King Road (there is none at this point), and that the plans are designed in such a manner that will accommodate future subdivision plans.

Since the last meeting, the applicant has revised the site plan and landscape plan to address many of the concerns raised by Ms. Schneckloth (see Exhibit "A" pages 1 and 2). An e-mail from Ms. Schneckloth was forwarded to the Planning Commission on March 11, 2013.

Alternatives

- The Planning Commission may approve the Steep Slope Conditional Use Permit for 30 Sampson Avenue as conditioned or amended, or
- The Planning Commission may deny the Steep Slope Conditional Use Permit and direct staff to make Findings for this decision, or
- The Planning Commission may request specific additional information and may continue the discussion to a date uncertain.

Significant Impacts

There are no significant fiscal or environmental impacts from this application.

Consequences of not taking the Suggested Recommendation

A Conditional Use is an approved use with specific conditions to mitigate potential impacts of the proposed development. If denied, the applicant would not be able to move forward with the Historic District Design Review. The Planning Commission should consider approving the Steep Slope CUP with specific conditions of approval to mitigate any of the impacts as outlined in LMC § 15-2.1-6.

Recommendation

Staff recommends the Planning Commission review a request for a Steep Slope Conditional Use Permit at 30 Sampson Avenue. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

Findings of Fact:

1. The property is located at 30 Sampson Avenue.
2. The property is within the Historic Residential (HRL) District and meets the purposes of the zone.
3. The property is Lot 3 of the Millsite Reservation Supplemental Plat, which was recorded in 1995.
4. The Lot area is 7,088 square feet.
5. A Historic District Design Review (HDDR) application is currently being reviewed by staff for compliance with the Design Guidelines for Historic Districts and Historic Sites adopted in 2009.
6. The proposal consists of single family dwelling of 4,585 square feet which includes a 453 square foot detached garage, a 350 square foot garage entry and a 106 square foot access tunnel which is located below ground.
7. Plat notes indicate the maximum square footage allowed for this lot is 3,000 square feet with an additional allowance of 400 square foot for a garage.
8. A subsequent 1998 letter from the (then) Community Development Director determined that the 3,000 square foot maximum only applied to the above ground portion of the future dwelling, and that basement areas would not count against the 3,000 square foot maximum. This letter was recorded on the title of the property.
9. The applicant meets the 3,000 square foot house size maximum as recorded on the plat notes of the Millsite Reservation Amended Plat with the further clarification of the 400 square foot allowance for a garage and non-calculated basement area as long as the basement is located below the final grade.
10. An overall building footprint of 2,272 square feet is proposed. Under the current LMC, the maximum allowed footprint is 2,355.5 square feet, based on the total lot area.
11. The proposed home includes three (3) stories including a completely below grade basement level.
12. The proposed home and detached garage, are not considered a single structure and the proposed configuration is consistent with requirements of the LMC regarding the number of allowed stories within a structure.
13. The applicant submitted a visual analysis, including a model, and renderings showing a contextual analysis of visual impacts.
14. The proposed structure will not be seen from the key vantage points as indicated in the LMC Section 15-15-1.283, with the exception of a cross canyon view from the corner of the Main Street Trolley turn-around (Hillside Ave/Main Street/Daly Ave intersection), which is largely mitigated by the presents of dense vegetation and trees.
15. The cross canyon view contains a back drop of a two (2) story building and a 2 story garage below the home.
16. The proposed design incorporates a driveway from Sampson Avenue on the top slope of the street to avoid excessive cuts and grading for the proposed driveway.
17. Retaining is necessary around the home on the upper-side of the lot. The plans as shown indicate that there will be retaining walls around much of the site, but there will be no free-standing retaining walls that exceed six feet in height.

18. The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography and will leave more than half of the lot undeveloped.
19. The site design, stepping of the building mass, reduced building footprint, and increased setbacks maximize the opportunity for open area and natural vegetation to remain.
20. As required by the LMC, the applicant is providing two legal off street parking spaces, including one legal covered space, and one legal pad-site space. There is no on-street parking available on Sampson Avenue due to its narrow width, although it is conceivable that one or two more cars could be parked on site depending upon size.
21. The detached garage/elevator building is set back fifteen feet (15') from the front property line, and the main portion of the building (the habitable portion of the overall dwelling) is located approximately 77 feet from the street.
22. 2,996 square feet of the total 4,041 square feet of building space is above ground.
23. 1,594 square feet of building space is under ground, which equates to thirty-six percent (36%) of the overall square footage.
24. The lot has been deemed to have eight (8) different sides, and thus a Planning Director determination for setbacks has previously been determined and calculated as outlined within the analysis section of the report.
25. The design includes setback variations (greater than those required within the HRL District) and lower building heights (than is allowed by code) for portions of the structure.
26. The proposed massing and architectural design components are compatible with both the volume and massing of other single family dwellings in the area.
27. The proposed structure meets the twenty-seven feet (27') maximum building height requirement measured from existing grade. Portions of the house are less than 27' in height.
28. Lot 1 of the Treasure Hill Subdivision, which is directly adjacent to the Subject property, has an allowed footprint of 3,500 square feet, and when built and if built to the maximum height and footprint, any future home on that property will appear visually much larger than the proposed home on 30 Sampson Avenue.
29. The findings in the Analysis section of this report are incorporated herein.
30. The applicant stipulates to the conditions of approval.
31. The necessary removal of vegetation from the site to accommodate the building will be mitigated by the installation of approximately forty (40) trees, seventy (70) shrubs and other plantings mixed with ground cover. A final landscape plan addressing the removal of existing vegetation and a replacement plan is required prior to the granting of a building permit. No significant trees (large evergreens or otherwise) are proposed to be removed.

Conclusions of Law:

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.1-6(B).
2. The CUP, as conditioned, is consistent with the Park City General Plan.
3. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.

4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval:

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
3. A final utility plan, including a drainage plan for utility installation, public improvements, and drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers prior to issuance of a building permit.
4. 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.
5. A final landscape and vegetation replacement plan shall be submitted for review and approved by the City Planning Department, prior to building permit issuance.
6. No building permits shall be issued for this project unless and until the design is reviewed and approved by the Planning Department staff for compliance with this Conditional Use Permit and the 2009 Design Guidelines for Historic Districts and Historic Sites.
7. If required by the Chief Building official based on a review of the soils and geotechnical report submitted with the building permit, the applicant shall submit a detailed shoring plan prior to the issue of a building permit. If required by the Chief Building official, the shoring plan shall include calculations that have been prepared, stamped, and signed by a licensed structural engineer.
8. This approval will expire on April 10, 2014, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval is applied for before the expiration and is granted by the Planning Director.
9. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission on March 4, 2013.
10. All retaining walls within any of the setback areas shall not exceed more than six feet in height measured from final grade. Front setback retaining walls are limited to four feet, unless reviewed by the City Engineer for walls up to six feet. Walls over 6 feet require an administrative CUP, though none are anticipated.
11. A snow shed agreement and/or snow shed mitigation shall be required, and is required to meet the satisfaction of the Chief Building Official prior to the issuance of the building permit for the home.

Exhibits

Exhibit A – Stamped Survey and Plans (site plan, elevations, floor plans, landscape plan) and Aerial Map

Exhibit B – Visual Analysis

Exhibit C – City Council Meeting Minutes for the Millsite Reservation Supplemental Plat.

Exhibit D – Richard E. Lewis letter to property owner(s) of the Millsite Reservation Supplemental Plat.

Exhibit E – August 22, 2012 Planning Commission meeting Minutes.

Exhibit F – December 12, 2012 Planning Commission Work Session Minutes.

PARK CITY, UTAH 84060

CONSULTANTS

LEGEND

	BRICK & STONE		OFFICE 103		ROOM NAME
	EARTH		FLOOR, POINT ELEV.		
	CONCRETE		CENTER LINE		
	CONCRETE MASONRY UNIT		ROUND, DIA.		
	STEEL (LARGE SCALE)		CHANNEL		
	RIGID INSULATION		ANGLE		
	ROUGH WOOD		DETAIL		
	BLOCKING		SECTION CUT, DETAIL		
	ALUMINUM (LARGE SCALE)		BUILDING SECTION		
	GRAVEL		KEYED NOTES		
	FINISHED WOOD		WINDOW TYPE		
	BATT OR BLOWN INSULATION		DOOR NUMBER		
	PLASTER, SAND, GROUT, MORTAR		REVISION		
	STEEL (SMALL SCALE)		INTERIOR WALL ELEV.		
	BITUMINOUS PAVING		WALL TYPE		
	PLYWOOD				
	GYPSUM BOARD				

CODE ANALYSIS

APPLICABLE CODES			
2009 IRC	2009 IPC	2009 IMC	
2011 NEC	2009 IFGC		
2009 IECC	2009 IFC		
OCCUPANCY: R-2			
CONSTRUCTION TYPE: VB			
BUILDING TO BE FIRE SPRINKLED: CONTRACTOR TO PROVIDE APPROVALS PRIOR TO INSTALLATION.			
ALLOWABLE AREA			
ABOVE GRADE LIVING AREA: 3,000 S/F (PER PLAT APPROVAL)			
GARAGE ALLOWANCE 400 S/F (PER PLAT APPROVAL)			
MAX. ALLOWED FOOTPRINT AREA: 2,355.5 S/F (PER LMC)			
AREA CALCULATIONS			
LOT AREA: 7,088.39S/F			
FOOTPRINT AREA: 2,272 S/F			

INDEX TO DRAWINGS

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4	A0.2	LANDSCAPE PLAN
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10	A2.0	STREETSCAPE ELEVATION
11	A2.1	NORTH AND SOUTH ELEVATIONS
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15	A2.5	HOUSE AND GARAGE SOUTH ELEVATION
16	A3.1	BUILDING SECTIONS

ABBREVIATIONS

A/C	AIR CONDITIONING	F.D.	FLOOR DRAIN	P.R.	PAIR
ACoust.	ACOUSTICAL	FND	FOOT FOUNDATION	R.D.	ROOF DRAIN
ADD.	ADJUSTABLE	FDN	FINISH	REG.	REGULAR
ADJ.	ADJUSTABLE	FLR	FLOOR	R.S.	ROUGH-SAWN
ALLOW.	ALLOWANCE	F.R.	FIRE RATED	RAD.	RADIUS
ALUM.	ALUMINUM	FTG.	FOOTING	REINF.	REINFORCING
APPROX.	APPROXIMATE	G	GAS	REQ'D.	REQUIRED
B.D.	BOARD	G.I.	GALVANIZED IRON	REV.	REVISED
B.U.	BUILT-UP	GA.	GAUGE	RM.	ROOM
B.W.	BOTH WAYS	GALV.	GALVANIZED	R.O.	ROUGH OPENING
BLDG.	BUILDING	GRD.	GRADE	S & R	SHELF AND ROD
BLK.	BLOCK	G.W.B.	GYPSUM WALL BOARD	S.C.	SOLID CORE
BRK.	BRICK	G.L.B.	GLU-LAM BEAM	SCHED.	SCHEDULE
C.I.	CAST IRON	H.B.	HOT BIBB	SHEET	SHEET
CJ	CAST JOINT	HD.	HEAD	SIM.	SIMILAR
C.M.U.	CONCRETE MASONRY UNIT	H.M.	HOLLOW METAL	SPEC.	SPECIFICATION
CLG.	CEILING	HOR.	HORIZONTAL	STD.	STANDARD
COL.	COLUMN	LD.	INSIDE DIAMETER	STL.	STEEL
COMP.	COMPACTED/COMPOSITE	INT.	INTERIOR	STRUCT.	STRUCTURAL
CONC.	CONCRETE	IRRIG.	IRRIGATION	SYS.	SYSTEM
CONST.	CONSTRUCTION	INSUL.	INSULATION	T & B	TOP AND BOTTOM
CONTR.	CONTRACTOR	JB.	JAMB	T & G	TONGUE AND GROOVE
CONT.	CONTINUOUS	JNT.	JOINT	T.O.F.	TOP OF
D.F.	DRAINING FOUNTAIN/DOUGLAS FIR	MAR.	MATURE RESISTANT	T.O.F.	TOP OF FOOTING
DIA.	DIAMETER	MANFR	MANUFACTURER	T.O.W.	TOP OF WALL
DIM.	DIMENSION	MAX.	MAXIMUM	TYP.	TYPICAL
DN.	DOWN	MECH.	MECHANICAL	T.S.	STEEL TUBE COLUMN
DWG.	DRAWING	MIN.	MINIMUM	U.N.O.	UNLESS NOTED OTHERWISE
DTL.	DETAIL	(N)	NEW	VERT.	VERTICAL
EA.	EACH	N.I.C.	NOT IN CONTRACT	V.T.R.	VENT THRU ROOF
E.F.	EXHAUST FAN	N.T.S.	NOT TO SCALE	W.	WATER
E.I.F.S.	EXT. INSUL. FINISH SYSTEM	NO.	NUMBER	WD.	WOOD
EJ.	EXPANSION JNT.	O.C.	ON CENTER	WP.	WITH
ELBC.	ELECTRIC/ELECTICAL	O.D.	OUTSIDE DIAMETER	W/P.	WATERPROOF
ELEV.	ELEVATION	OVERD.	OVERFLOW DRAIN	W.R.	WATER RESISTANT
EQ.	EQUAL	OPNG	OPENING	W.H.	WATER HEATER
E.T.	EXPANSION TANK	PLYWD.	PLYWOOD	W.S.	WATER SOFTNER
EXIST. (E)	EXISTING	PNT.	PAINT	W.W.F.	WELDED WIRE FABRIC
EXT.	EXTERIOR	PNTD.	PAINTED	W.W.M.	WOVEN WIRE MESH

GENERAL NOTES

1. THIS DESIGN IS AN ORIGINAL UNPUBLISHED WORK AND MAY NOT BE DUPLICATED, PUBLISHED AND/OR USED WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT/ENGINEER.
2. THESE SHEETS - LISTED BY DRAWING INDEX , ALL ACCOMPANYING SPECIFICATIONS FOR MATERIALS, WORKMANSHIP QUALITY, AND NOTES HAVE BEEN PREPARED SOLEY FOR THE CONSTRUCTION AND FINISH OF PROJECT IMPROVEMENTS, COMPLETE AND READY FOR OCCUPANCY AND USE.
3. ALL WORK IS TO BE PERFORMED IN ACCORDANCE WITH PERTINENT JURISDICTIONAL CODES, RESTRICTIONS, COVENANTS, AND/OR ORDINANCES. ANY CONFLICT BETWEEN DESIGN AND REQUIREMENT SHALL BE REPORTED TO THE ARCHITECT/ENGINEER BEFORE PROCEEDING.
4. ANY AND ALL PROPOSED CHANGE, MODIFICATIONS AND/OR SUBSTITUTION SHALL BE REPORTED TO THE ARCHITECT/ENGINEER BEFORE PROCEEDING.
5. IN THE EVENT OF CONFLICT BETWEEN THE DESIGN DOCUMENTS AND/OR JURISDICTIONAL REQUIREMENTS, THE MORE RESTRICTIVE FROM THE STANDPOINT OF SAFETY AND PHYSICAL SECURITY SHALL APPLY.
6. ANY INSTALLATION, FINISH, OR COMPONENT INTENDED TO PROVIDE ENCLOSURE, WEATHER ABILITY OR APPEARANCE QUALITY SHALL BE PRODUCED AS A REPRESENTATIVE SAMPLE PRIOR TO PROCEEDING WITH COMPLETION. WORK PERFORMED WITHOUT WRITTEN APPROVAL OF SUCH SAMPLE BY THE ARCHITECT/ENGINEER SHALL BE DONE AT THE RISK OF THE CONTRACTOR. A MINIMUM OF TWO (2) WORKING DAYS NOTICE SHALL BE GIVEN.
7. ALL WORK SHALL BE INSPECTED BY GOVERNING AGENCIES IN ACCORDANCE WITH THEIR REQUIREMENTS. JURISDICTIONAL APPROVAL SHALL BE SECURED BEFORE PROCEEDING WITH WORK.
8. BUILDING DESIGN IS GENERALLY PREDICATED UPON PROVISIONS OF THE 2009 IBC AND OR 2009 IRC AND AMENDMENTS AS MAY HAVE BEEN LOCALLY ENACTED. ALL REQUIREMENTS OF THE JURISDICTIONAL FIRE SAFETY/PREVENTION DISTRICT SHALL BE ACCOMMODATED BY THIS DESIGN AND ANY CONSEQUENT CONSTRUCTION.

Jonathan DeGray
Architect

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Tel. 435-649-7263, E-mail: degrayarch@qwestoffice.net

JORGENSEN RESIDENCE
HISTORIC DISTRICT DESIGN REVIEW AND
STEEP SLOPE CONDITIONAL USE APPLICATION SET
30 SAMPSON AVENUE, PARK CITY, UTAH 84060

COVER SHEET

REVISIONS:

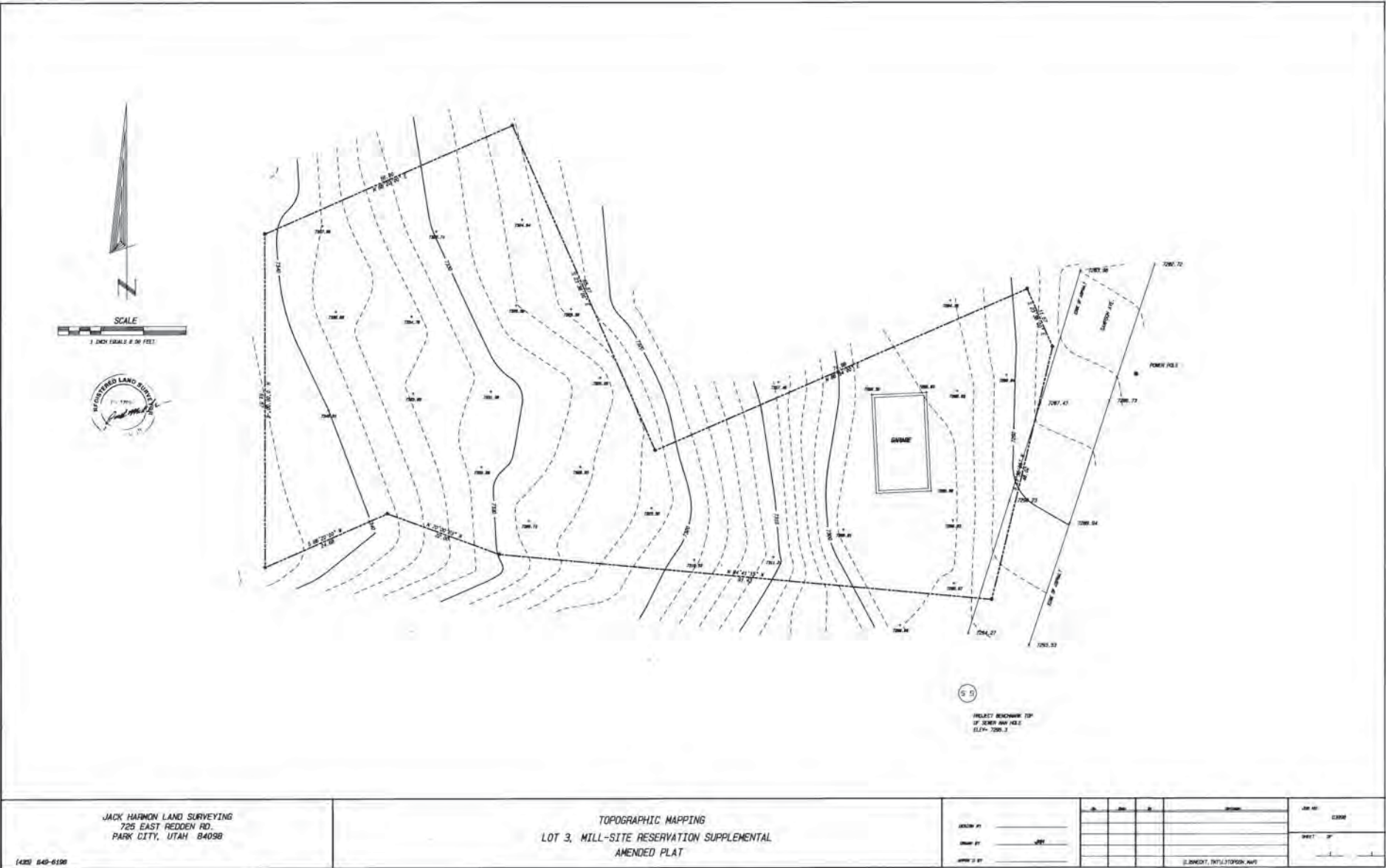
DATE: **NOVEMBER 19, 2012**

PROJECT NUMBER:
1112-02

SECRET NUMBER:

495 **Aa**

Exhibit "A"



Mill-Site Reservation Supplemental Amended Plat
a Subdivision of Block 78 and 79 of Subdivision No.1 of Mill-Site Reservation
Lot 3 (30 Sampson Avenue)



NARRATIVE

1. Survey requested by: Kenneth Jorgensen.
2. Purpose of survey: locate the specified topographic relief.
3. Basis of survey: found property monuments as shown.
4. Date of survey: September 5, 2012.
5. Property monuments found as shown.
6. Located in the Southeast Quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian.
7. See the official plat of the Mill-Site Reservation Supplemental Amended Plat for other possible easements, restrictions or setbacks.
8. The owner of the property should be aware of any items affecting the property that may appear in a title insurance report.
9. The elevations are based on an elevation of 7295.3 feet at the sewer manhole lid, from the previous topographic survey of the property by Jack Harmon Land Surveying.

LEGAL DESCRIPTION

Lot 3, Mill-Site Reservation Supplemental Amended Plat; according to the Official Plat thereof, on file and of record in the Office of the Summit County Recorder.

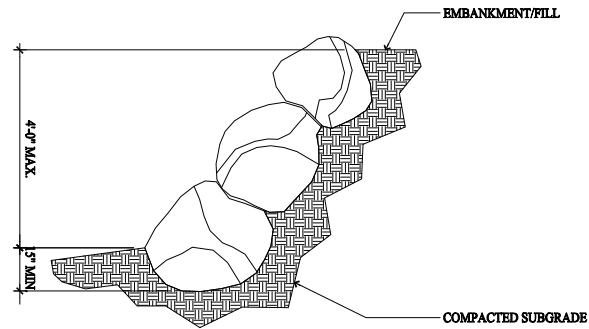
SURVEYOR'S CERTIFICATE

I, J.D. Galley, a Registered Land Surveyor as prescribed by the laws of the State of Utah and holding License No. 359005, do hereby certify that I have supervised a survey of the hereon described property and that this plat is a true representation of said survey.

Sept. 11, 12
Date

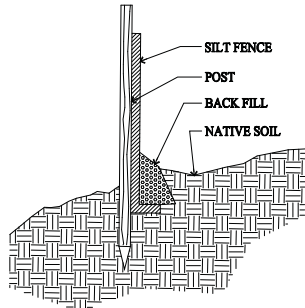


Alpine Survey, Inc.
19 Prospector Drive
Park City, Utah 84060
(435) 638-6016



- NOTES:**
1. NOMINAL ROCK SIZE SHALL BE AT LEAST ONE THIRD THE HEIGHT OF THE EMBANKMENT (FIRST TWO COURSES).
 2. IN SANDY OR SILTY SOILS A FILTER FABRIC SHALL BE PLACED BEHIND THE ROCK FACED SLOPE.
 3. SLOPE MAY BE INCREASED TO 1 (H) TO 1 (V) IF HEIGHT OF EMBANKMENT IS LESS THAN 4 FEET.
 4. ROCK MUST BE ANGULAR AND FITTED TOGETHER TO INTERACT WITH ADJACENT ROCKS.
 5. A MINIMUM SETBACK OF FOUR FEET FROM BUILDINGS OR STRUCTURES SHALL BE MAINTAINED ABOVE OR BELOW THE ROCK FACED SLOPE.

2 BOULDER RETAINING WALL
A0.1 NO SCALE

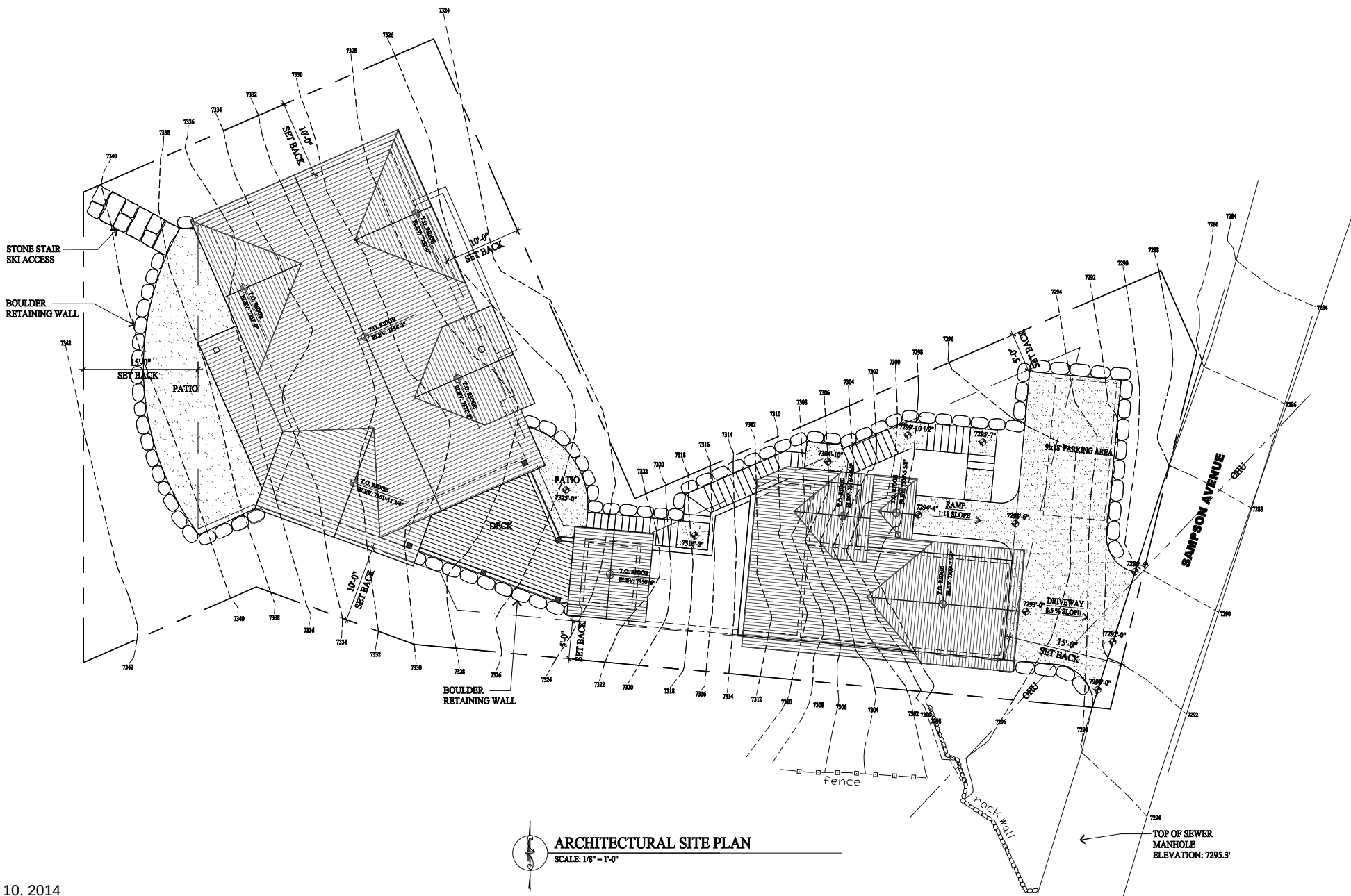


1. SANDBAGS WILL BE PLACED AT DISCHARGE LOCATIONS TO CONTAIN AND DIVERT STORM WATER THROUGH STRAW BALES.
2. AN EARTHEN BERM 6" HIGH WILL BE CONSTRUCTED TO CONTAIN THE STORM WATER AND DIVERT IT TO DISCHARGE AREAS.
3. STORM WATER WILL BE DISCHARGED INTO AN EXISTING DRAINAGE SYSTEM. EXISTING LINES SHALL BE INSPECTED PRIOR TO CERTIFICATE OF OCCUPANCY AND CLEANED IF NECESSARY.
4. THE STORM WATER PREVENTION PLAN SHALL CONFORM TO ALL STATE DIVISION OF ENVIRONMENTAL PROTECTION REGULATIONS.

1 SILT FENCE SECTION
A0.1 NO SCALE

LEGEND	
SEWER MANHOLE	
WATER METER	
UTILITY POLE	
OVERHEAD UTILITY LINE	
OVERHEAD POWER LINE	
→	SURFACE DRAINAGE FLOW

- SITE PLAN NOTES:**
1. ALL SURFACE WATER SHALL DRAIN AWAY FROM THE HOUSE AT ALL POINTS. DIRECT THE DRAINAGE WATER TO THE STREET OR AN APPROVED DRAINAGE COURSE BUT NOT ONTO THE NEIGHBORING PROPERTIES. THE GRADE SHALL FALL A MINIMUM OF 6" WITHIN THE FIRST 10 FEET. -IRC R401.3
- STABILIZATION CONSTRUCTION ENTRANCE**
- FOR A MINIMUM OF 50' FROM ROADWAY, A FILTER FABRIC SHALL BE INSTALLED OVER A COMPACTED SUBGRADE. A 6" LAYER OF 1"-2" AGGREGATE SHALL BE PLACED OVER THIS MEMBRANE. DAILY INSPECTION FOR SEDIMENT BUILD UP AND/OR LOSS OF GRAVEL WILL BE ENFORCED, AND REMEDIED AT ONCE.
- GRADING NOTES**
1. DRAINAGE TO COMPLY WITH IRC CHAPTER 4
 2. MAXIMUM ALTERED SLOPES AT 2:1
 3. MINIMUM SLOPE FOR DRAINAGE = 2%
 4. DRAIN AWAY FROM BUILDING
 5. CONTAIN DRAINAGE ON PROPERTY
 6. BOULDER RETAINING WALLS NOT TO EXCEED 4'-0" EXPOSED HEIGHT
- UTILITY NOTES**
1. ALL UTILITY LINES TO BE UNDERGROUND.
 2. ABOVE GRADE UTILITY BOX TO BE IN SCREENED LOCATION.
- SNOW REMOVAL**
- SNOW PLOWED FROM DRIVE SHALL NOT BE PUSHED ONTO THE STREET.



ARCHITECTURAL SITE PLAN
SCALE: 1/8" = 1'-0"

Jonathan DeGray

A r c h i t e c t

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PROJECT DESCRIPTION:

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HISTORIC DISTRICT DESIGN REVIEW AND
STEEP SLOPE CONDITIONAL USE APPLICATION SET
30 SAMPSON AVENUE, PARK CITY, UTAH 84060

SHEET DESCRIPTION:

ARCHITECTURAL SITE PLAN

REVISIONS:

DATE:

NOVEMBER 19, 2012

PROJECT NUMBER:

1112-02

SHEET NUMBER:

A0.1

PLANT SCHEDULE						
TREES AND SHRUBS						
SYMBOL	KEY #	QUANTITY	SCIENTIFIC NAME	COMMON NAME	SIZE	SPACING
	(A)	12	CONIFEROUS TREES			
			ABIES CONCOLOR	WHITE FIR	14-16"	12' O.C.
			PICRA PUNGENS	COLORADO BLUE SPRUCE	14-16"	15' O.C.
			PINUS MUGO MUGUS	DWARF MUGO PINE	5 GAL.	3' O.C.
	(B)	7	DECIDUOUS TREES			
			ACER GLABRUM	ROCKY MTN. MAPLE	3" DIA.	3'-8" O.C.
			ALNUS TRINUPOLIA	THINLEAF ALDER	3" DIA.	6'-8" O.C.
	(D)	5	SMALL FLOWERING & NATIVE TREES & SHRUBS			
			ACER GRANDIDENTATUM	BIGTOOTH MAPLE	3" DIA.	8'-10" O.C.
			QUERCUS GAMBELLI	GAMBEL OAK	3" DIA.	6'-8" O.C.
	(E)	27	SHRUBS			
			ARTEMESIA TRIDENTATA VASEYANA	MOUNTAIN BIG SAGE	5 GAL.	SPACING AS NOTED ON PLAN
			CORNUS SERICEA "BAILEY"	RED TWIG DOGWOOD	5 GAL.	SPACING AS NOTED ON PLAN
			JUNIPERUS ORTOSPERMA	UTAH JUNIPER	5 GAL.	SPACING AS NOTED ON PLAN
	(I)		GROUND COVER			
			PACHISTIMA CANBYI	DWARF MTRN. LOVER	4" POTS	12" O.C.
			PACHISTIMA MYRSINITES	MOUNTAIN LOVER	4" POTS	12" O.C.

PERENNIAL PLANTING & HYDROSEEDING PALETTE						
SYMBOL	KEY #	QUANTITY	SCIENTIFIC NAME	COMMON NAME	SIZE	SPACING
	(E)	20	CAMPANULA ROTUNDIFOLIA	BLUEBELLS	1 GAL.	12-18" O.C.
			AQUILEGIA CASCULEA	COLUMBINE	1 GAL.	12-18" O.C.
			ERIGERON FLAGILLARIS	TRAILING DAISY	1 GAL.	12-18" O.C.
			CENTAUREA DEALBATA 'ROSEA'	BACHELOR BUTTON	1 GAL.	12-18" O.C.
	(L)	20	GALLARDIA ARISTATA	BLANKET FLOWER	1 GAL.	12-18" O.C.
			GALLARDIA GRANDIFLORA	BURGUNDY BLANKET FLOWER	1 GAL.	12-18" O.C.
			GALLARDIA GRANDIFLORA 'GOBLIN'	DWARF BLANKET FLOWER	1 GAL.	12-18" O.C.
			LINUM LEWISII	BLUE FLAX	1 GAL.	12-18" O.C.
	(O)		DROUGHT TOLERANT FESCUE	SHEEP FESCUE	1 LB/1500 SF	HYDROSEED
						+ 2000 SQ/FT AREA
	(P)		NATIVE GRASS SEED MIX (REVBLG. MIX)		1 LB/1500 SF	HYDROSEED
						SEE SEED MIX BELOW

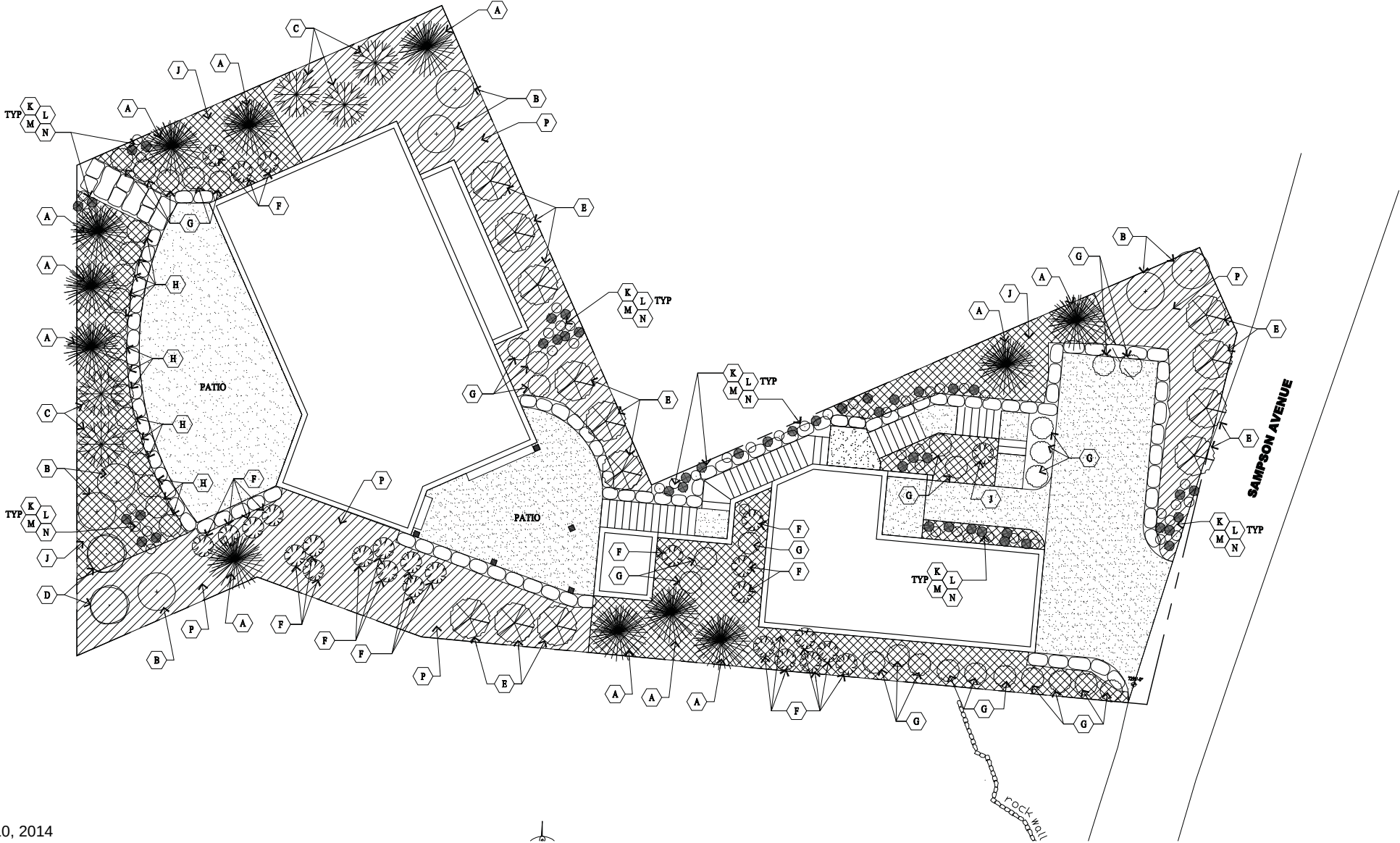
The seed mix below shall be utilized in areas specified for native grasses. This mixture shall be applied at a sufficient rate so that germination and subsequent coverage reaches 90% in a representative 10'x10' area. If coverage does not reach 90% reseedling must occur. Apply at a rate of 40 lbs./ acre on the following percentages:

* NATIVE GRASS SEED MIX
20% Crested Wheatgrass
10% Stemsuck Wheatgrass
20% Polescent Wheatgrass
15% Perennial Ryegrass
15% Mountain Bromegrass
10% Indian Ryegrass
10% Alpine Bluegrass

* In addition, add 10 lbs./ acre each of Limn. lewisii and Penstemon
Extensi with native grass seed mixture.

PLANTING NOTES

1. CONTRACTOR TO VERIFY LOCATION OF ALL UTILITIES PRIOR TO INITIATION OF EXCAVATION OR PLANTING OPERATIONS. ANY DAMAGE TO EXISTING UTILITIES ON SITE OR ADJACENT PROPERTY SHALL BE CONTRACTORS RESPONSIBILITY.
2. ALL PLANT MATERIAL SHALL CONFORM TO CURRENT AMERICAN ASSOCIATION OF NURSERYMANS STANDARD SPECIFICATIONS.
3. ALL PLANT MATERIAL SHALL BE INSTALLED AS PER DRAWINGS, DETAILS, AND SPECIFICATIONS.
4. CONTRACTOR SHALL VERIFY ALL QUANTITIES. IN CASE OF A DISCREPANCY, THE ILLUSTRATED LOCATIONS SHALL DICTATE COUNT.
5. CONTRACTOR SHALL COORDINATE ALL PLANTING WITH IRRIGATION CONTRACTOR, AS NEEDED.
6. IN THE EVENT OF A DISCREPANCY NOTIFY THE ARCHITECT OR OWNER IMMEDIATELY.
7. NO SUBSTITUTIONS SHALL BE ALLOWED WITHOUT WRITTEN PERMISSION OF THE ARCHITECT OR OWNER.
8. SHRUB BEDS SHALL RECEIVE 6" OF TOPSOIL.
9. ALL SHRUB BEDS SHALL HAVE 3" OF DECOMPOSED BARK MULCH INSTALLED.
10. SHRUB BED EDGING SHALL BE PRESSURE TREATED WOOD OR "TREX" EDGING. IT SHALL SEPARATE ALL SHRUB BEDS/ NATIVE GRASS LOCATIONS.
11. ALL PLANTS AND ALL PLANT STAKES SHALL BE SET PLUMB.
12. ALL ROOT WRAPPING MATERIAL MADE OF SYNTHETICS OR PLASTICS SHALL BE REMOVED AT TIME OF PLANTING AND PROPERLY DISCARDED.
13. NO BARE ROOT STOCK SHALL BE USED.
14. FOR PLANTING BACK FILL SOIL MIX, SEE SPECIFICATIONS.



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SHEET DESCRIPTION:

LANDSCAPE PLAN

REVISIONS:

DATE:

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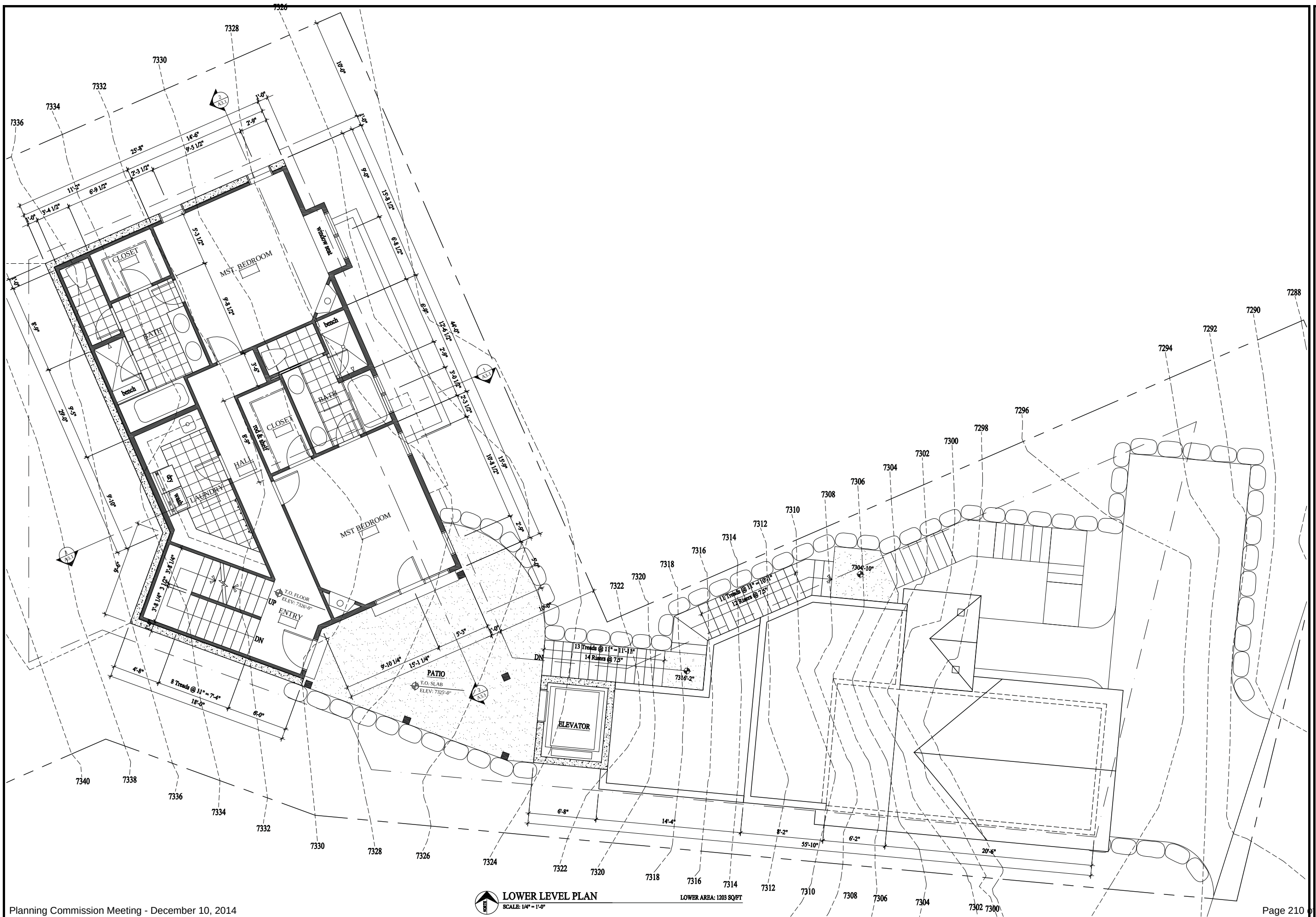
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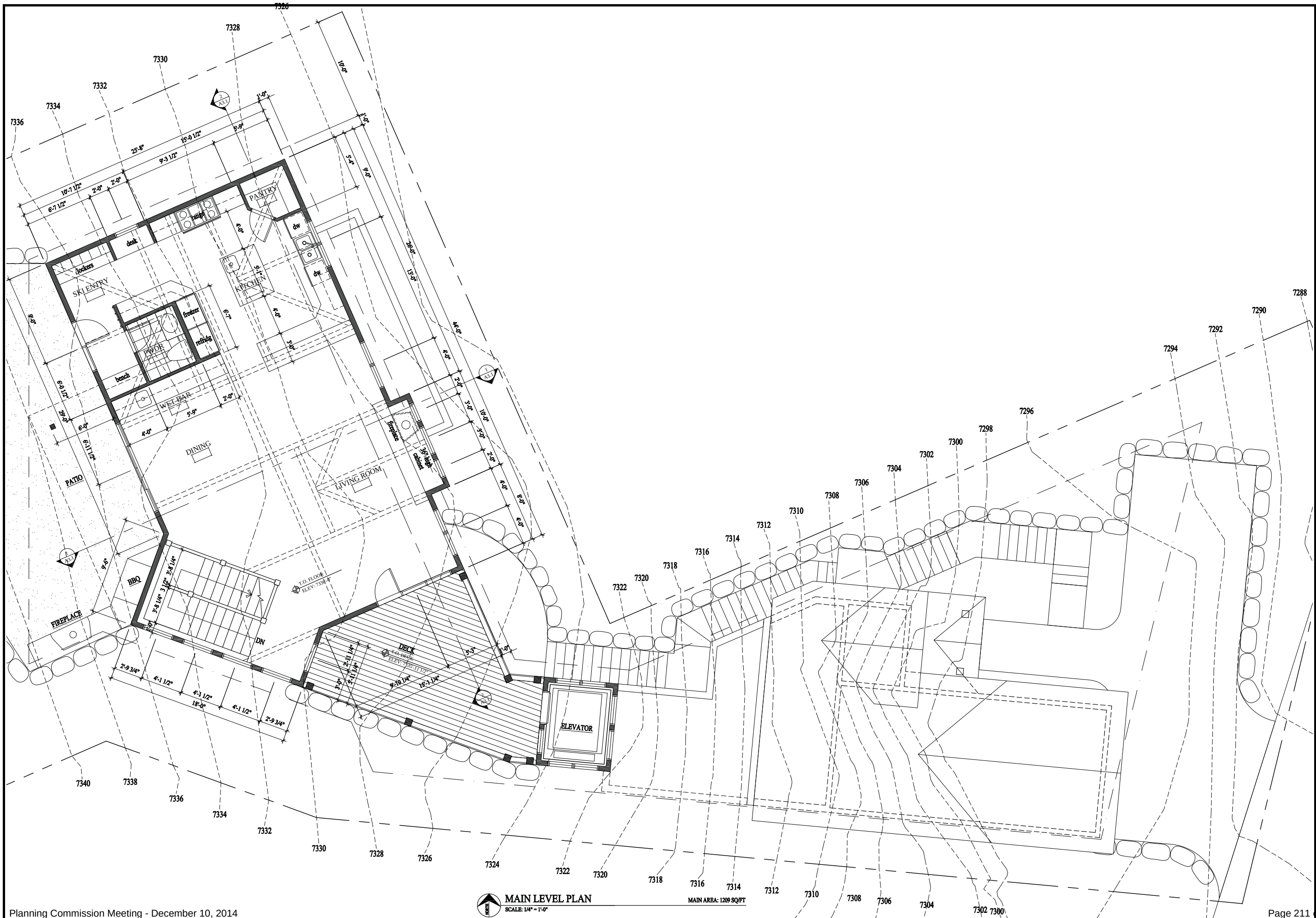
1112-02

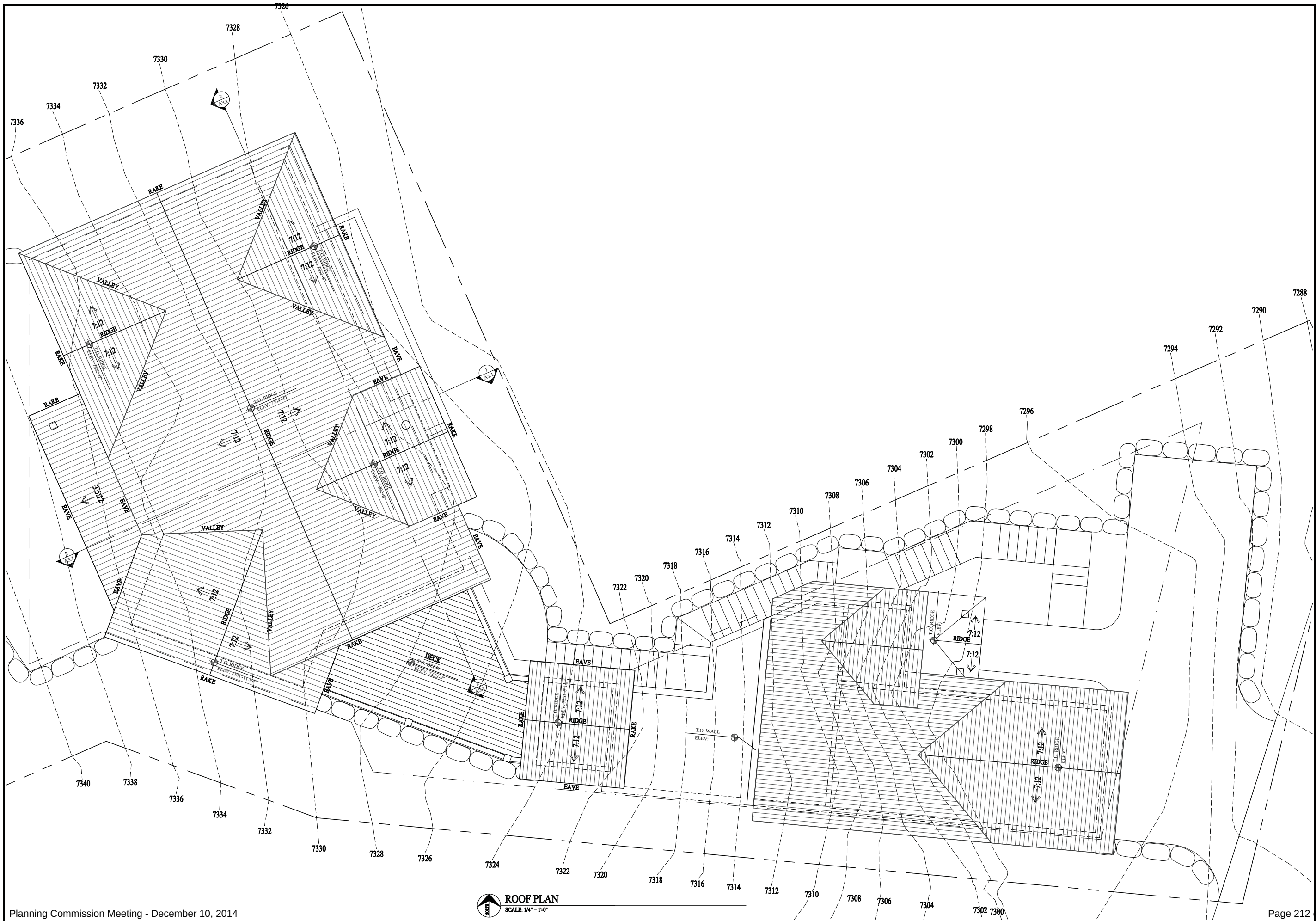
SHEET NUMBER:

A0.2











1
A2.0
STREETSCAPE ELEVATION
SCALE: 1/4" = 1'-0"

KEY NOTES

- 1 STANDING SEAM METAL ROOF ON BUILT-UP RIDGE VENT.

2 ARCHITECTURAL GRADE COMPOSITION SHINGLE 50 YEAR PRESIDENTIAL TL (355# PER SQUARE, MIN.) ON ICE AND WATER MEMBRANE. HOLD MEMBRANE 12" DOWN FROM RIDGE.

3 STANDING SEAM METAL ROOF TO EXTEND 3'-0" UP THE EAVE. - TYPICAL. METAL ROOF TO BE ICC-ES APPROVED.

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5 2x6 FASCIA ON 3x10 RAFTER OUTLOOKS.

6 1 1/2" x 3" CONTINUOUS METAL DRIP EDGE.

7 ALUMINUM CLAD WOOD WINDOWS AND DOORS W/ 1" INSULATED GLASS - SEE SCHEDULE.

8 2x10 WINDOW/DOOR HEAD - STAINED W/ FLASHING.

9 2x6 WINDOW/DOOR JAMB - STAINED.

10 2x6 WINDOW SILL - STAINED.

11 2x6 CEDAR OUTSIDE CORNER BOARD, 2x2 CEDAR INSIDE CORNER BOARD - STAINED

12 CUT STONE CAP/SILL.

13 5" STONE VENEER - SEE SHEET S1.1 GENERAL STRUCTURAL NOTE FOR INSTALLATION.

14 6x6 TIMBER COLUMN - STAINED.

15 1x VERTICAL SIDING ON TYVEK HOMEWRAP ON 1/2" EXT. SHEATHING.

16 ARCHITECTURAL GRADE ROUGH SAWN BEAM - SEE STRUCTURAL FOR SIZE.

17 METAL INTERLOCKING SIDING ON TYVEK HOMEWRAP ON 1/2" EXT. SHEATHING.

18 LINE OF EXISTING GRADE.

19 LINE 27'-0" HEIGHT ABOVE EXISTING GRADE.

20 FINISH GRADE TO SLOPE AWAY FROM HOUSE A MIN. OF 6" WITHIN THE FIRST 10'. IRC R401.3

21 CONCRETE WINDOW WELL.
- 22 BOULDER RETAINING WALL, NOT TO EXCEED 4'-0" IN HEIGHT. - SEE DETAIL 2/A0.1

23 ROOF TO WALL SURFACE, EXTEND BITUTHANE MEMBRANE OVER ROOF DECK AND UP WALL SURFACE 24".

24 FOUNDATION - SEE STRUCTURAL FOR SIZE AND REINFORCING.

25 FOOTING - SEE STRUCTURAL FOR SIZE AND REINFORCING

26 6x12 TIMBER CORBELS - STAINED.

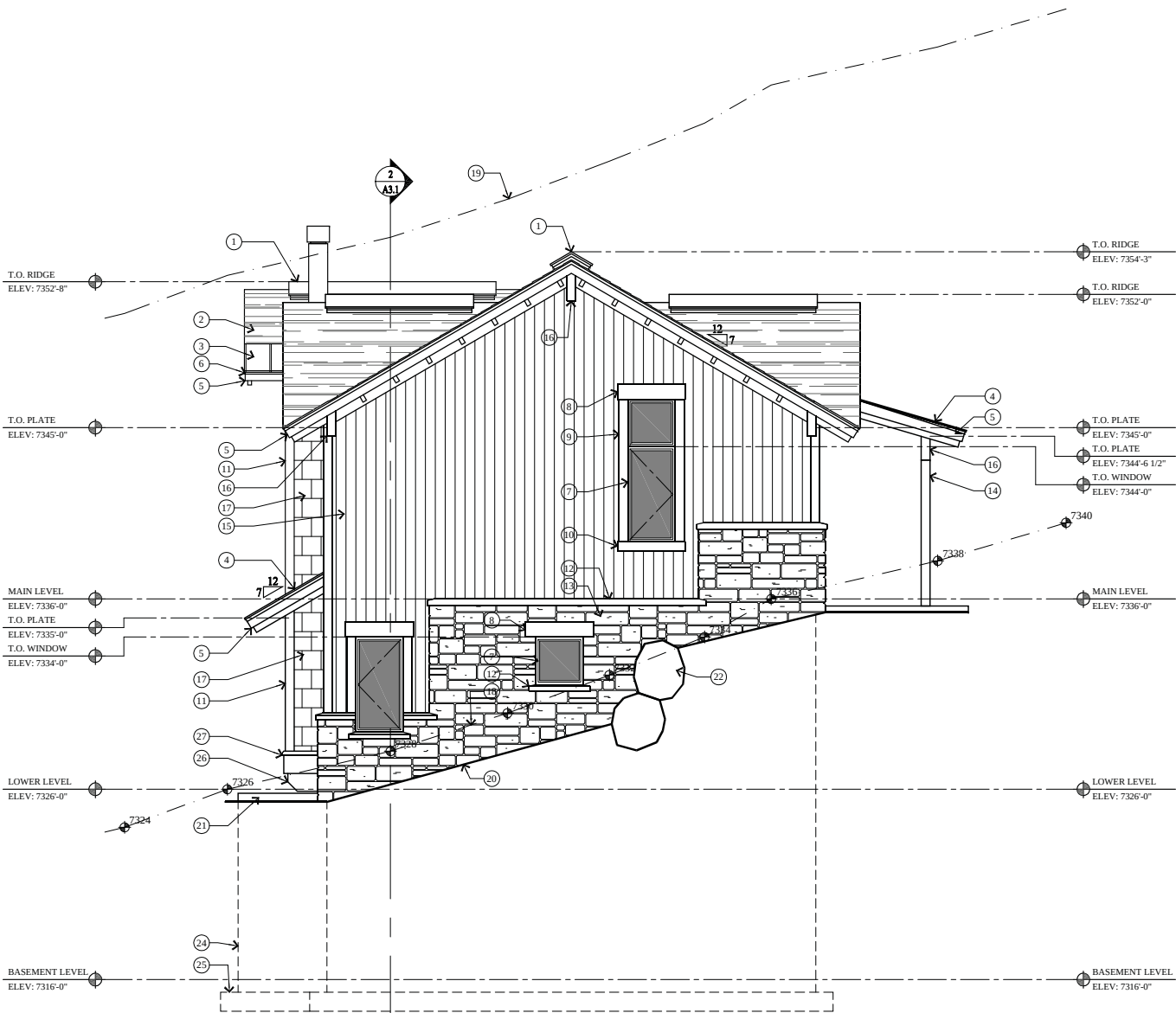
27 REVELED 3x4 ON 3x12 CEDAR TRIM BOARD - STAINED.

28 ROUGH SAWN TIMBER - STAINED.

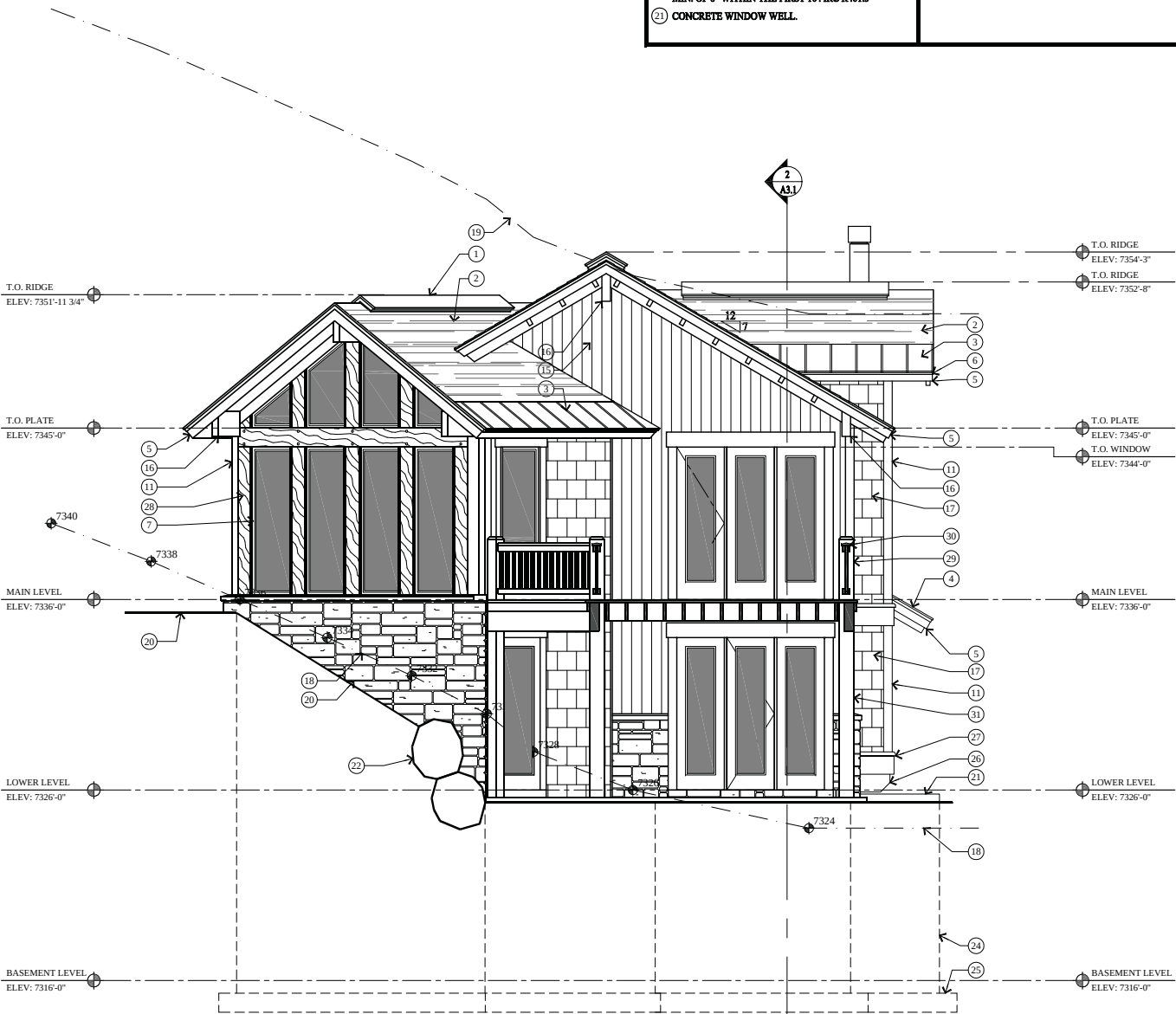
29 8x8 NEWL POST - STAINED.

30 36" HIGH RAILING- 4x6 SHAPED TOP RAIL W/ 2x2 BALLAST @ 5 1/2" O.C. W/ 3x6 SHAPED BOTTOM RAIL.

31 10x10 TIMBER COLUMN - STAINED.



1 NORTH ELEVATION
A2.1 SCALE: 1/4" = 1'-0"



2 SOUTH ELEVATION
A2.1 SCALE: 1/4" = 1'-0"

KEY NOTES

- 1

STANDING SEAM METAL ROOF ON BUILT-UP RIDGE VENT.
- 2

ARCHITECTURAL GRADE COMPOSITION SHINGLE 50 YEAR PRESIDENTIAL TL (355# PER SQUARE, MIN.) ON ICE AND WATER MEMBRANE. HOLD MEMBRANE 12" DOWN FROM RIDGE.
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- 6

1 1/2" x 3" CONTINUOUS METAL DRIP EDGE.
- 7

ALUMINUM CLAD WOOD WINDOWS AND DOORS W/ 1" INSULATED GLASS - SEE SCHEDULE.
- 8

2x10 WINDOW/DOOR HEAD - STAINED W/ FLASHING.
- 9

2x6 WINDOW/DOOR JAMB - STAINED.
- 10

2x6 WINDOW SILL - STAINED.
- 11

2x6 CEDAR OUTSIDE CORNER BOARD, 2x2 CEDAR INSIDE CORNER BOARD - STAINED
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CUT STONE CAP/SILL.
- 13

5" STONE VENEER - SEE SHEET S1.1 GENERAL STRUCTURAL NOTE FOR INSTALLATION.
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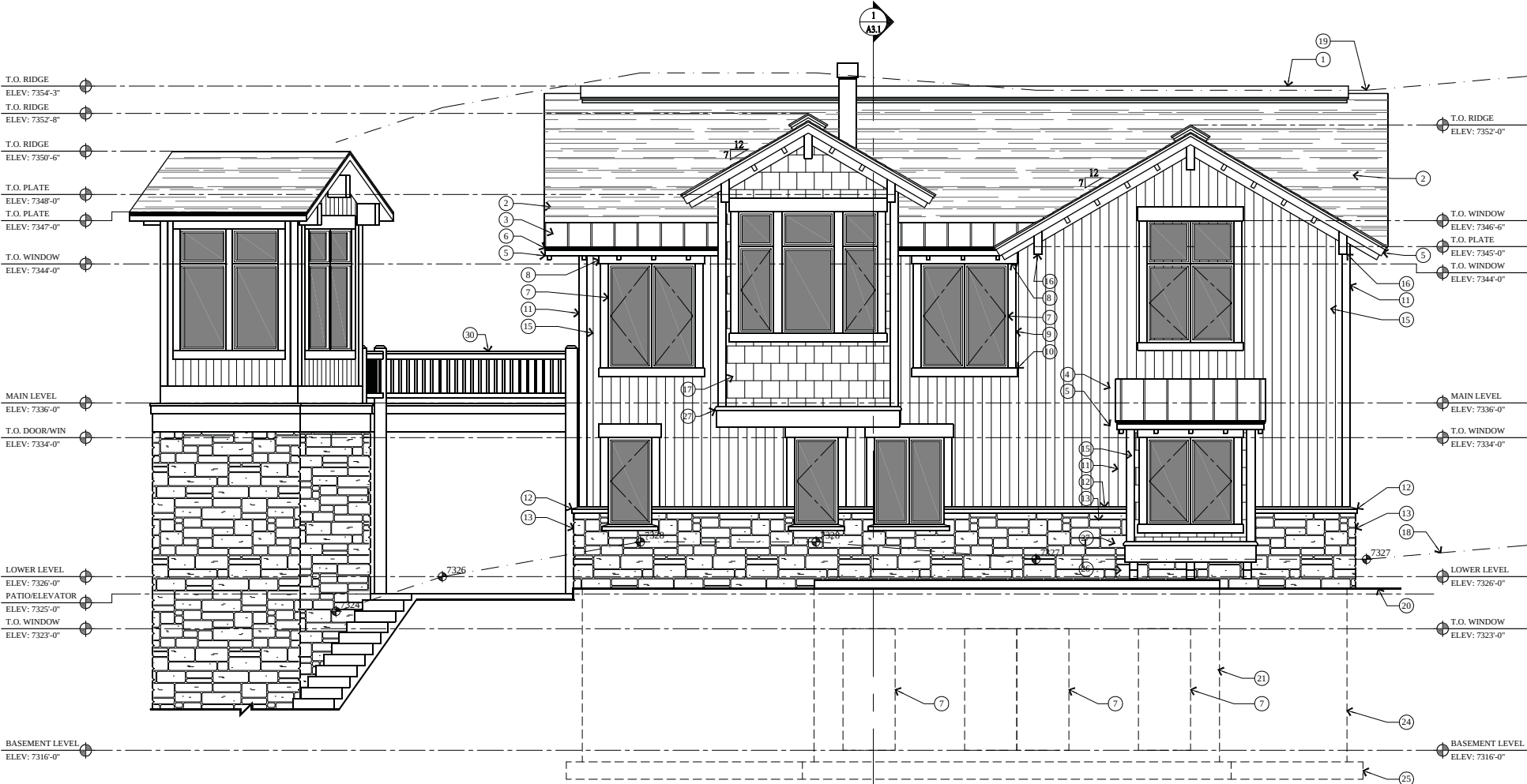
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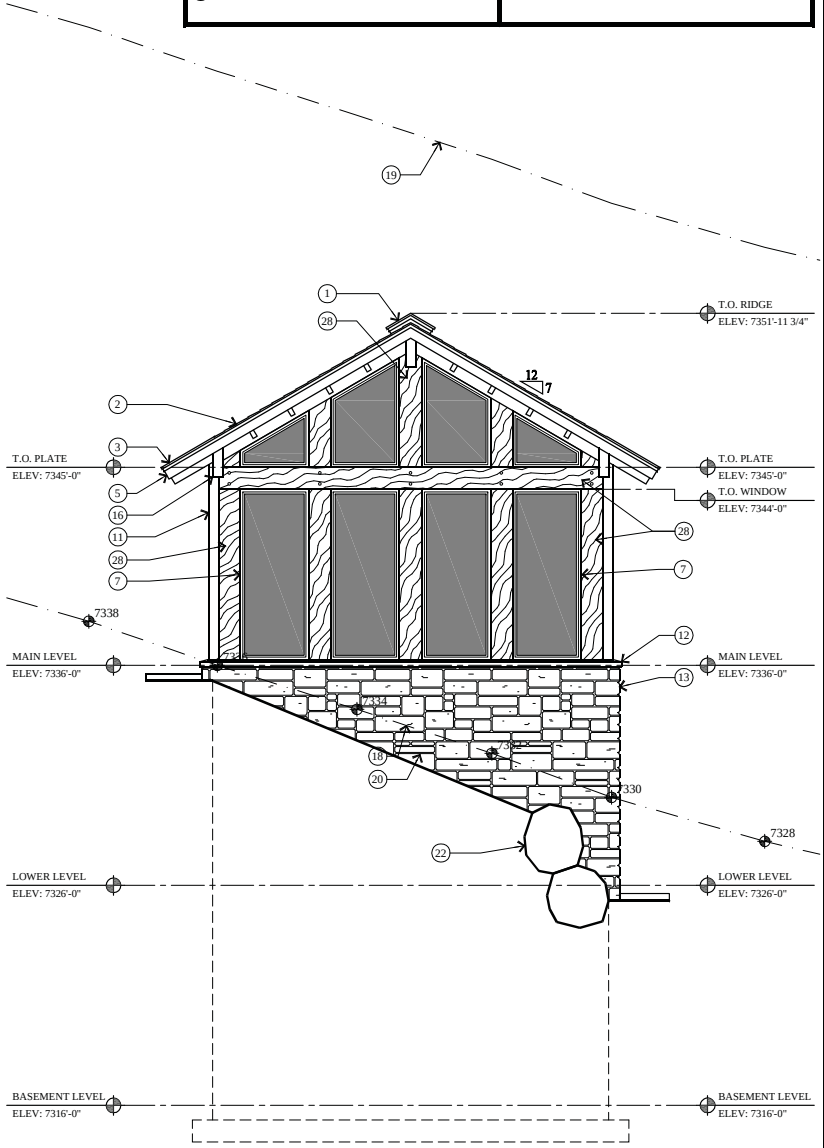
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10x10 TIMBER COLUMN - STAINED.



1 EAST ELEVATION
SCALE: 1/4" = 1'-0"



2 SOUTHWEST ELEVATION
SCALE: 1/4" = 1'-0"

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EAST AND SOUTHWEST
ELEVATIONS

REVISIONS:

DATE: NOVEMBER 19, 2012

PROJECT NUMBER: 1112-02

SHEET NUMBER:

A2.2

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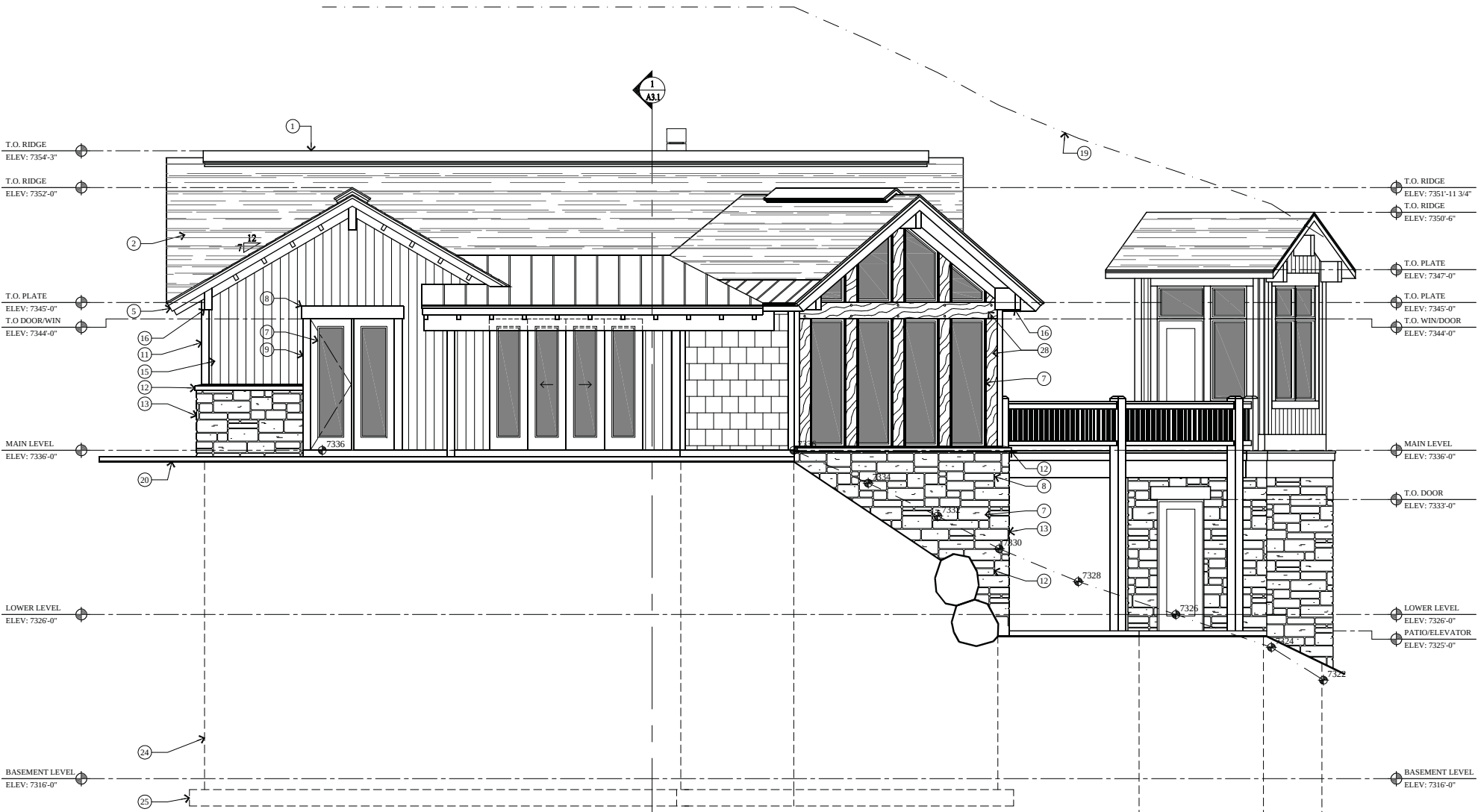
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- 32

CONCRETE RETAINING WALL.
- 33

GREEN ROOF.



1 WEST ELEVATION
SCALE: 1/4" = 1'-0"

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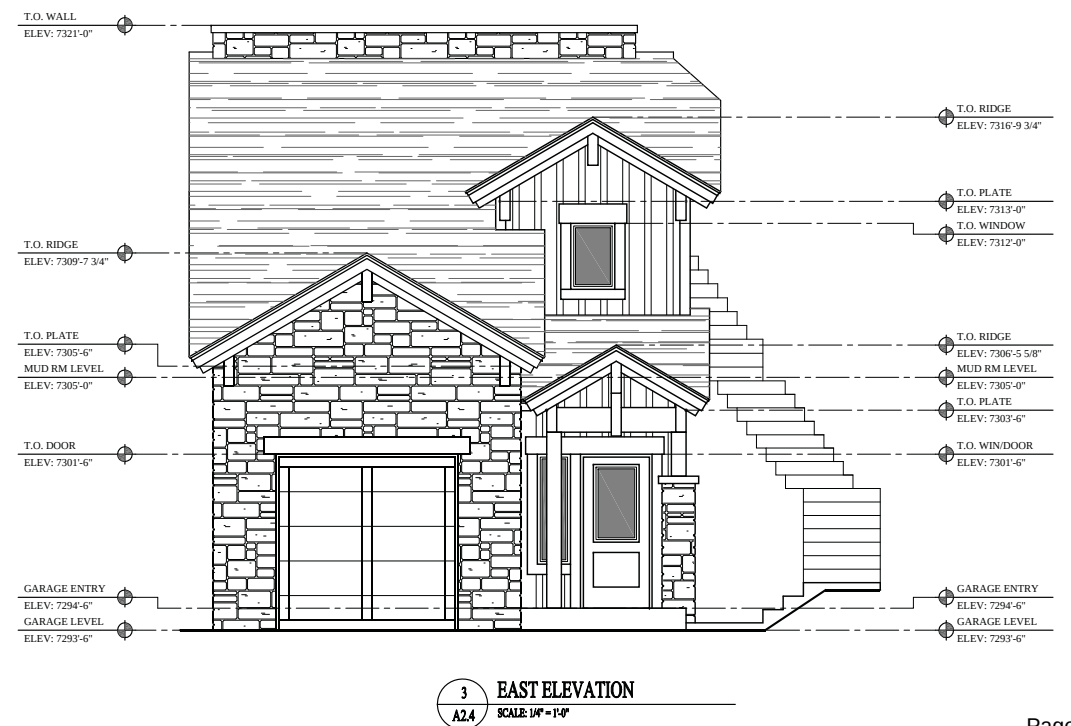
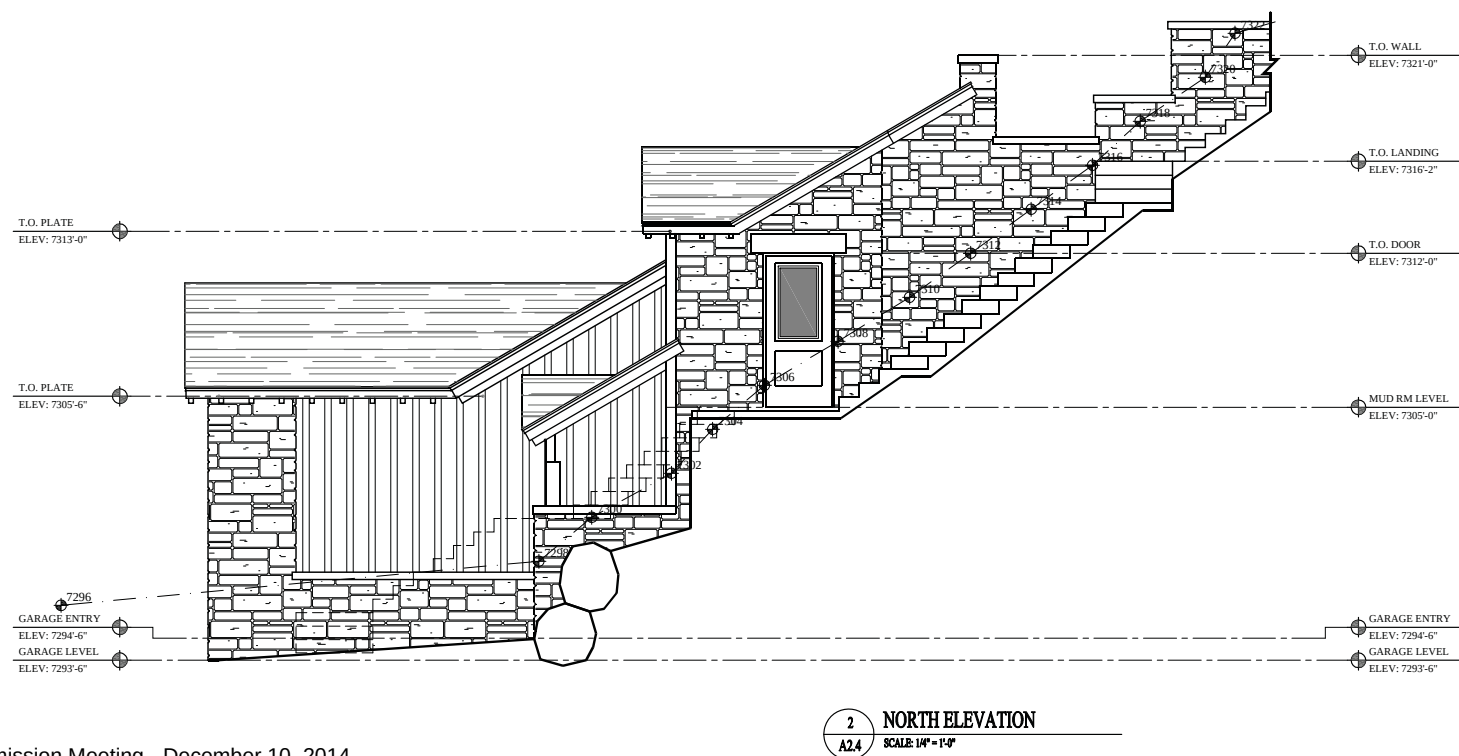
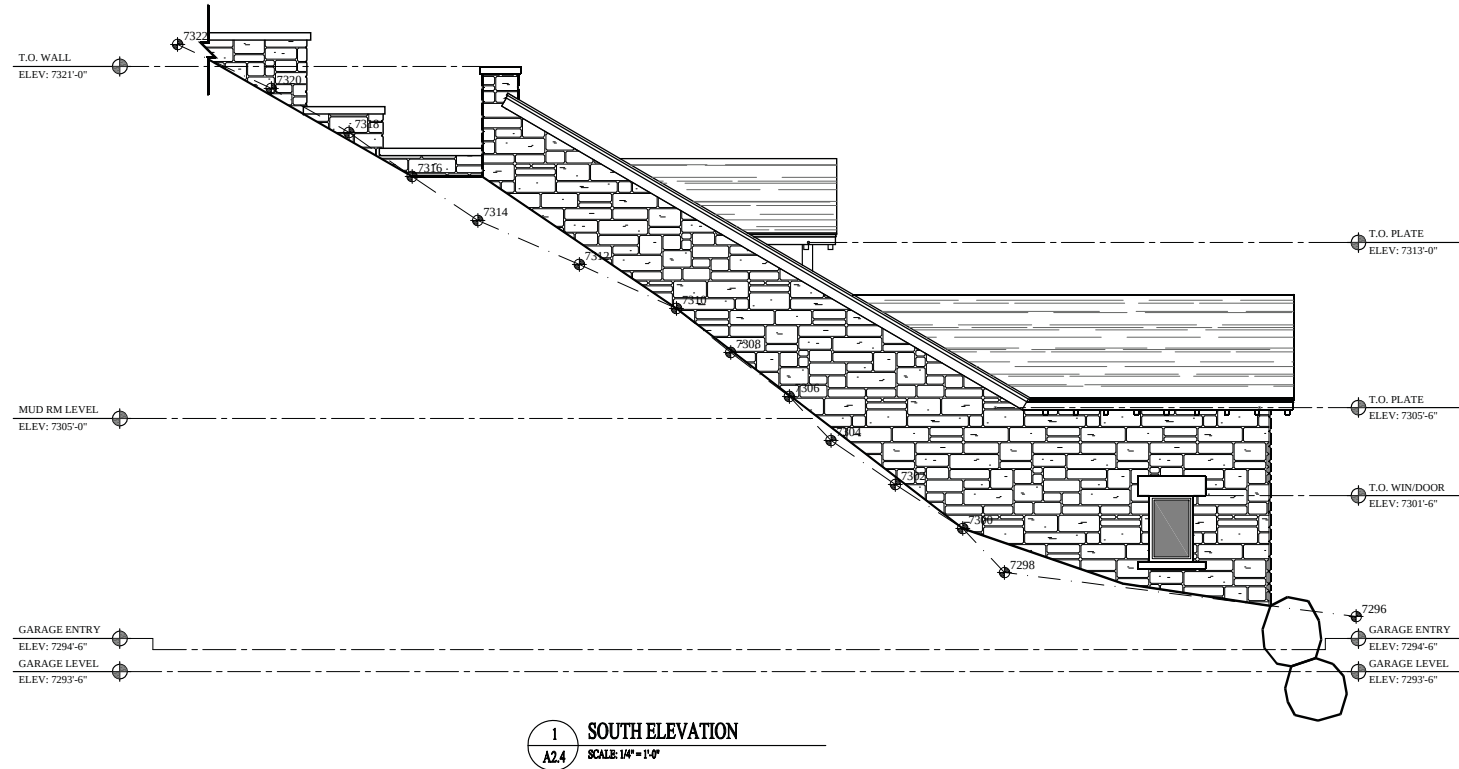
JORGENSEN RESIDENCE
HISTORIC DISTRICT DESIGN REVIEW AND
STEEP SLOPE CONDITIONAL USE APPLICATION SET
30 SAMPSON AVENUE, PARK CITY, UTAH 84060

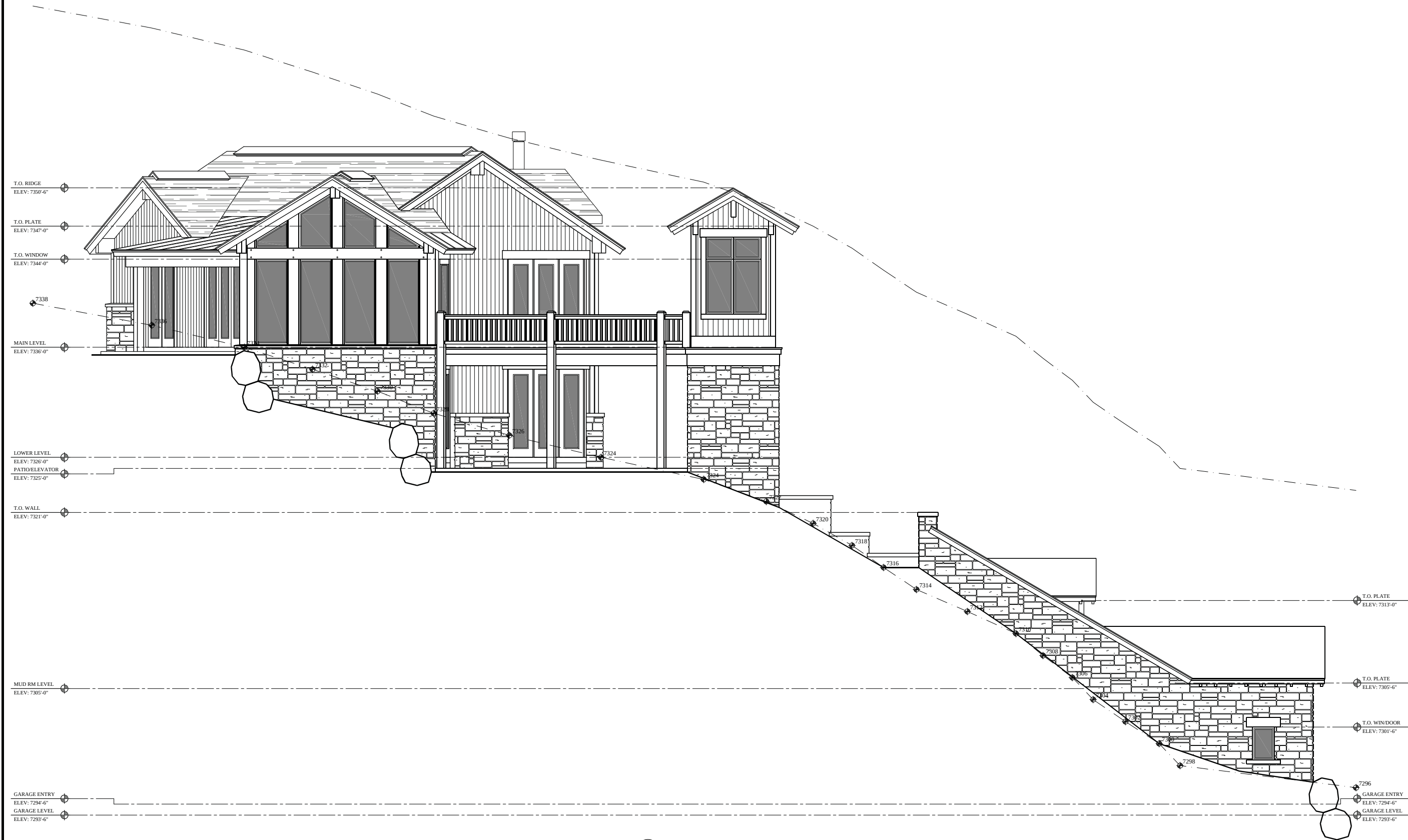
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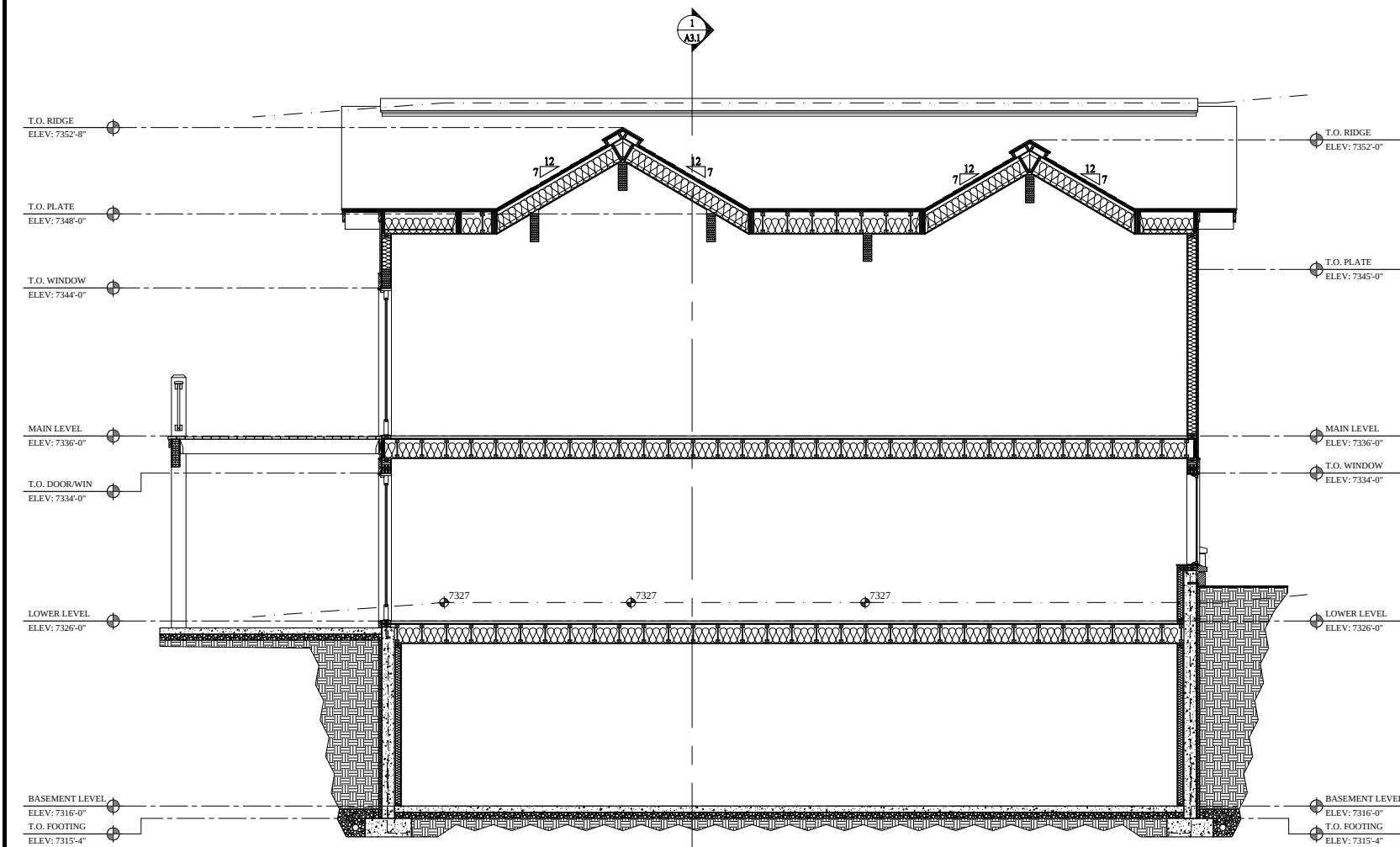
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NOVEMBER 19, 2012

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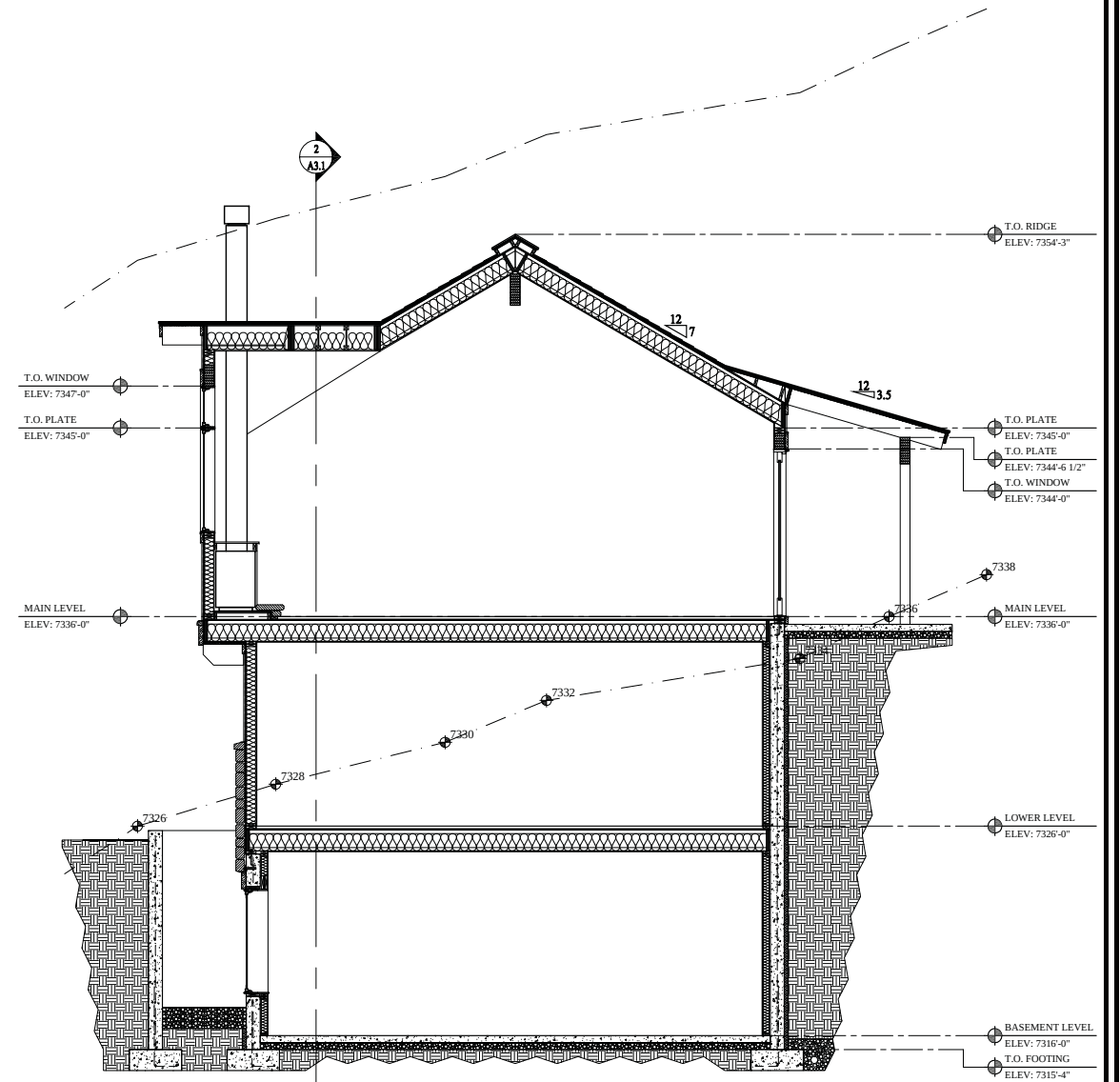
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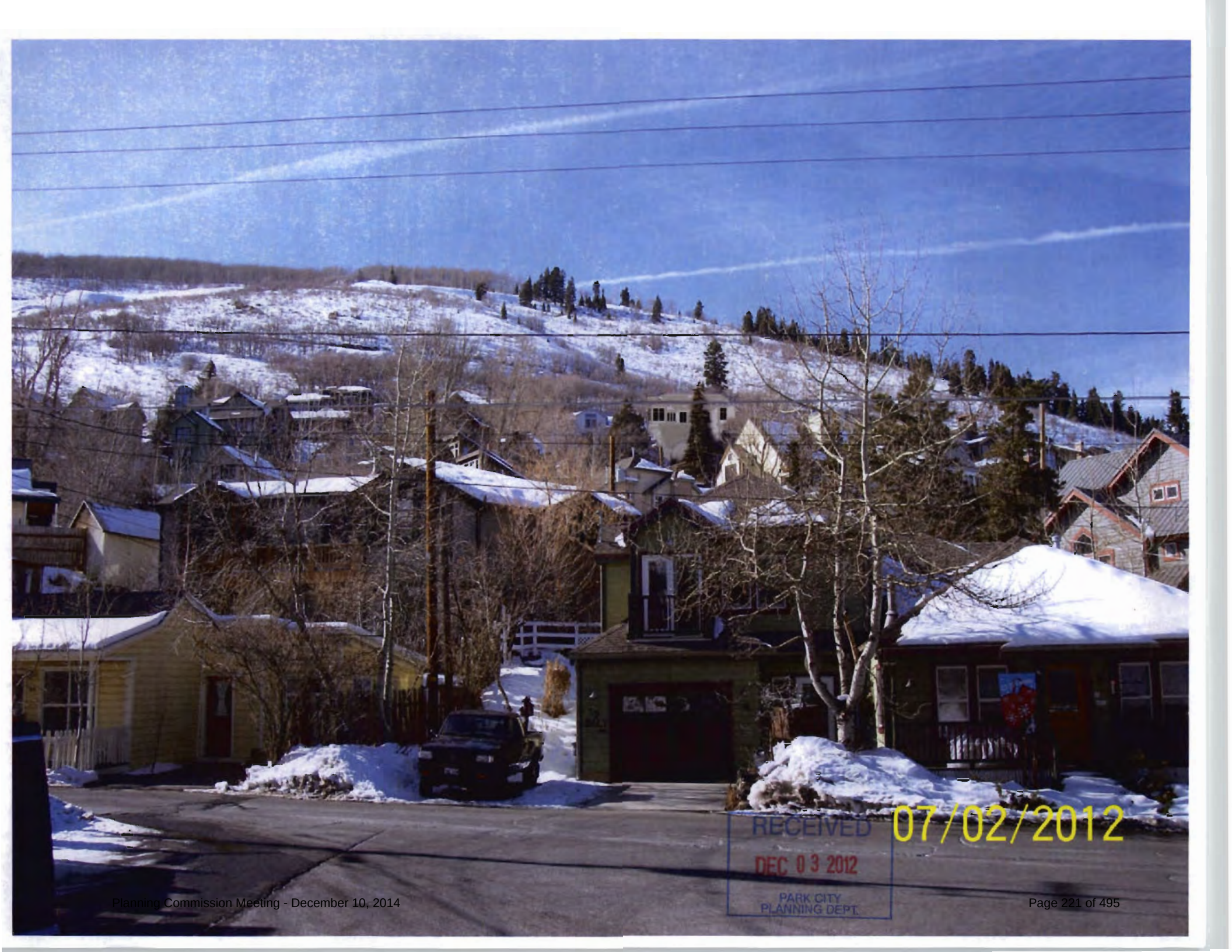


2 BUILDING SECTION
A3.1 SCALE: 1/4" = 1'-0"



1 BUILDING SECTION
A3.1 SCALE: 1/4" = 1'-0"





07/02/2012

RECEIVED
DEC 03 2012
PARK CITY
PLANNING DEPT.



RECEIVED
DEC 03 2012
PARK CITY
PLANNING DEPT.

Planning Commission Meeting
 Minutes of December 14, 1994
 Page 5

6. The buildings on the newly created lots shall not exceed a Floor Area ratio of 2.0.

V. PUBLIC HEARINGS/ACTION ITEMS

1. 30, 40, 50 Sampson Avenue Plat Amendment

Planner Janice Lew reported that the applicant was requesting an amendment to a portion of the Park City Survey Plat. The amendment would combine several Old Town lots into three larger parcels, thereby reducing the density and providing access to each lot from Sampson Avenue. The parcel is located in the HRL District, and the minimum lot size in the area is 3,750 square feet. The parcels are subject to floor area ratios and Historic District design standards. A number of issues listed in the Staff report were addressed in the conditions of approval or notes shown on the plat. The Planning Commission had discussed building size during the work session, and there was concern about maintaining compatibility with the smaller Old Town lots and the Historic District in that area. The Staff had not received public input other than phone calls from John Hayes and Jon DeGray requesting information about the proposal. The Staff recommended that the Planning Commission forward a positive recommendation to the City Council based upon the findings and conclusions of law and conditions of approval outlined in the Staff report.

Chair Child opened the public hearing.

The applicant, Craig Schneckloth, noted the concerns expressed by the Commissioners regarding house size on Lot 3 and suggested the possibility of two smaller houses rather than one larger home. Lot 1 would remain at 3,336 square feet, Lot 2 would be reduced to 3,230 square feet, and Lot 3 would have one house on the bottom half at 2,400 square feet and one house on the top half. Parking for four cars would be provided underneath the bottom house, and access for both houses would be from Sampson Avenue.

Since the Staff review was based on the proposal for three homes on three lots, Chair Child indicated that the Planning Commission should base their review on that proposal. Mr. Schneckloth preferred the proposal for one house on Lot 3 and explained that he had only offered the alternative as a possibility to satisfy the Planning Commission.

Commissioner Joe Tesch explained the issues involved for the benefit of the public. The applicant had taken six Old Town lots and suggested that they be reconfigured into three larger lots. The applicant had also requested home sizes that would fit within the code requirement for maximum size homes on the newly configured

lots, but the Planning Commission was struggling with the idea that the homes might be too large to be compatible with other structures in the neighborhood. Commissioner Tesch noted the possible traffic dangers involved with increased density on Sampson Avenue and noted that reducing the number of lots was a decent trade-off.

Chair Child clarified that the Commissioners favored the reduction in the number of lots, and the only obstacle was determining a reasonable house size. Commissioner Tesch was not certain that three lots was the right number. He felt the applicant had the misconception that the lower number of lots would receive more favorable review. Commissioner Tesch felt the Planning Commission wished to allow Mr. Schneckloth fair use of the property.

Commissioner Klingenstein was concerned with setting a precedent for incremental build-up in the area and suggested reducing the home sizes to 3,000 square feet on Lot 1, 3,500 square feet on Lot 2, and 3,000 square feet on Lot 3 in order to assure neighborhood compatibility.

Commissioner Jones concurred with Commissioner Klingenstein and remarked that the real issue was compatibility. The FAR's are maximum limits, and often applicants believe they are allowed to build homes to the maximum size without regard to the neighborhood. He requested that the conditions of approval reiterate that the overriding criteria for house size is neighborhood compatibility in both design issues and how the home fits on the lot relative to the neighborhood.

Commissioner Erickson noted that the proposed height did not meet the new height ordinance recommended at the previous Planning Commission meeting and questioned which height would be required. Director Lewis explained that the applicant would be required to comply with the height restriction in place at the time of building permit issuance. Commissioner Erickson clarified that the proposal would be reviewed by the Development Department for compliance with the Historic District Commission guidelines, and any appeal would be to the Historic District Commission.

Chair Child asked Director Lewis if the findings and conclusions of law should be changed if the Planning Commission approved the project with specified house sizes. Director Lewis explained that the matter would go to a public hearing before the City Council, and the information would be added as notes on the plat. The conditions approved by the Planning Commission would list all the information on the plat regarding house sizes and the Planning Commission's conclusions and findings would be included in the City Council report.

MOTION: Commissioner Chuck Klingenstein moved to APPROVE the Sampson Avenue Plat Amendment for 30, 40 and 50 Sampson Avenue as outlined by the Staff with an additional condition of approval stating that Lot 1 would have a maximum house size of 3,000 square feet, Lot 2 a maximum house size of 3,500 square feet, and Lot 3 a maximum house size of 3,000 square feet.

Chair Child clarified that the numbers pertained to the house size only and did not include a garage limit. Commissioner Klingenstein replied that a 400-square-foot garage was allowed.

Commissioner Diane Zimney seconded the motion.

The applicant stated that he had no objection and agreed to comply with the house sizes as stated in the motion.

VOTE: The motion passed unanimously.

Conditions of Approval - 30, 40, 50 Sampson Avenue

1. A note shall be required on the plat indicating that a modified 13-D sprinkler system shall be required and wood roofs are prohibited.
2. Prior to individual building permit issuance, complete plans for construction staging, construction parking, grading, erosion control and vegetation protection (LOD) shall be approved by the Community Development Department.
3. Prior to individual building permit issuance, the City Engineer shall review and approve all utility and construction plans. A 10-foot public non-exclusive utility easement shall be provided along Sampson Avenue for Lots 1 and 3. The following note shall be placed on the plat in regard to Lot 2:

"In the event the house which exists on Lot 2 as of the date this plat is recorded is demolished or lost due to fire, earthquake, or other catastrophe, the owner of Lot 2 will, as a condition precedent to rebuilding a new structure, grant to Park City Municipal Corporation a 10-foot-wide non-exclusive public utility easement along and abutting Sampson Avenue."
4. Prior to plat recordation, the City Council, City Attorney, and City Engineer shall review and approve the plat.
5. All Standard Project Conditions shall apply.

6. The maximum house sizes shall be:
Lot 1 - 3,000 square feet
Lot 2 - 3,500 square feet
Lot 3 - 3,000 square feet

2. Blockbuster Video CUP for Signage

Planner Janice Lew reported that years earlier the Planning Commission spent some time reviewing signage for PayLess Drug located at 950 Ironhorse Drive. A total of 49 square feet of signage was approved by the Planning Commission with the following conditions:

- Only one sign was permitted.
- The Staff would approve final colors consistent with the color requirements of the Park City sign code.
- The sign would be externally illuminated.

The PayLess Drug sign consists of 24" letters painted a burnt red. Blockbuster Video is leasing a portion of the PayLess Drug building and is requesting approval of a master sign plan. The Blockbuster Video signage would include a primary sign. The applicants have proposed individual letters 24" in height with a yellow face totalling 46 square feet of signage. The sign would be located above the windows on the front facade of the building. An awning was proposed across the front of the building which would be burnt red to match the color scheme of the PayLess signage and would have the Blockbuster ticket logo in yellow. The signage on the awning would total 12.5 square feet.

Planner Lew indicated that the Staff had spent a great deal of time with the applicant working on the signage and was concerned with the proposal. The intent of the master sign plan was to create a common theme to tie design elements together. The Staff preferred that the Blockbuster Video signage match the color of the PayLess sign. She suggested that the Planning Commission consider a reduction in size so the Blockbuster sign would be subordinate to the main tenant signage. The Staff was also concerned with the awning which would create a dominant architectural feature on the left side of the building and an imbalance with no awning on the opposite side of the building. The Staff recommended that a smaller awning replace the large awning above the door and that the logo be permitted there for signage. The Staff also recommended that the yellow color be consistent with the Park City sign code.

Public input had not been received, and the Staff recommended approval of the master sign plan for the PayLess building with the findings, conclusions of law, and conditions of approval outlined in the staff report.

Debra M. Schneckloth
P.O. Box 234
Park City, UT 84060



March 30, 1998

Debra M. Schneckloth
P.O. Box 234
Park City, UT 84060

Dear Debra:

Your plat amendment to the Park City Survey regarding 30, 40 and 50 Sampson Avenue, which was approved by the City Council, with conditions, on February 2, 1995 specified the following maximum sizes for residential structures on the lots:

Lot 1 - 3000 square feet

Lot 2 - 3500 square feet

Lot 3 - 3000 square feet

An additional 400 square feet may be added to the total floor area for a garage for each of the lots.

You recently inquired about the possibility of allowing basements in addition to the maximum house sizes specified on the lots. Since your plat amendment does not specifically prohibit basements, it is my determination that basements would be allowed provided they can meet the definition in the Land Management Code. A basement is defined as having all four walls at least 80% underground. Basements may not have an outside door (including a garage door) visible from the public right-of-way.

I apologize for any confusion the Community Development Department may have caused as we reviewed this issue. It took a few days to research how the building size has been determined on other plats. My determination is consistent with our present practice of calculating house sizes when they are specified on plats.

Sincerely,

Richard E. Lewis
Community Development Director

M: CDD RL LETTER 1998 SCHNECKLOTH

00503794 Bk01134 Pg00399-00400

ALAN SPRIGGS, SUMMIT COUNTY RECORDER
1998 APR 07 11:28 AM FEE \$12.00 BY DMG
REQUEST: DEBRA M SCHNECKLOTH

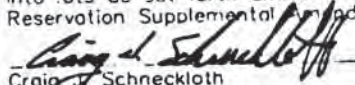
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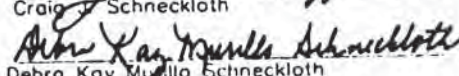
Beginning at the Northeast Corner of Lot 47, Block 78, Mill-site Reservation, The Park City Survey, and as recorded in Summit County, Utah, and running thence South 23°38' East along the Easterly line of said Lot 47, a distance of 116.7 feet to the Westerly edge of an existing road, thence South 13°36'05" West along said Westerly edge, a distance of 200.84 feet; thence South 84°42'13" West, a distance of 26.80 feet; thence North 89°14'40" West, a distance of 54.85 feet to the Southerly line of Lot 8, Block 79, Mill-site Reservation; thence South 66°22' West along said Southerly line, a distance of 18.39 feet to a point being the common back corner of Lots 6 and 8, thence due North 225.32 feet along the Westerly line of Block 79, Mill-site Reservation, to the Westerly line of Utah Avenue as dedicated, thence North 66°22' East, a distance of 50.00 feet to the Easterly line of said Utah Avenue as recorded; thence South 23°38' East, a distance of 65.67 feet along said Easterly line to the Northwest Corner of Lot 47, Block 78, Mill-site Reservation as recorded, thence North 66°34' East along the Northerly line of said Lot 47, a distance of 75.00 feet to the Point of Beginning.

Contains 0.58 acres more or less.

OWNER'S DEDICATION AND CONSENT TO RECORD

Know all men by these presents: That the undersigned are the owners of the herein described tract of land, and hereby causes the same to be divided into lots as set forth and shown hereon, hereafter to be known as Mill-site Reservation Supplemental Amended Plat.


Craig J. Schneckloth


Debra Kay Muelle Schneckloth

00503794 Bk01134 Pg00400

Joint Tenants

**PARK CITY PLANNING COMMISSION
WORK SESSION MINUTES
DECEMBER 12, 2012**

PRESENT: Jack Thomas, Brooke Hontz, Stewart Gross, Mick Savage, Adam Strachan, Thomas Eddington, Kirsten Whetstone, Francisco Astorga, Matthew Evans, Polly Samuels McLean

The Planning Commission held site visits prior to the work session at Lot 17, 18 and 19 of the Echo Spur Development and 30 Sampson Avenue.

WORK SESSION ITEMS

30 Sampson Avenue – Steep Slope CUP (Application PL-12-01487)

Planner Matthew Evans reviewed the application for a Steep Slope CUP for 30 Sampson Avenue. The property is located in the HRL zone which requires that any development over 1,000 square feet be reviewed as a Steep Slope conditional use permit. Planner Evans remarked that the Staff report contained several numbers related to house size, plat notes and decisions that allow a larger house than what was noted on the plat. He noted that the Staff and applicant were in agreement on the numbers outlined.

Planner Evans reported that the lot was a result of a plat amendment. It was a combination of Millsite designation lots that were combined into one larger lot approximately 7,000 square feet, and it is part of a subdivision that was approved in 1995 as Lots 30, 40 and 50 Sampson Avenue. The Staff reviewed the Staff report from the original subdivision and found that the City Council made findings for the approval of that subdivision based on the purpose statement of the HRL zone.

Planner Evans stated that this application was for a single-family dwelling unit, which is an allowed use. The conditional use is based on the fact that it is a steep slope property and must be reviewed by the Planning Commission under specific criteria. The Staff report contained the list of criteria. The Staff analysis found unmitigated impacts on Criteria 8 – dwelling volume and Criteria 9 – Building height. The Staff requested that the Planning Commission discuss the current design and provide direction to the applicant on the two unmitigated issues. The Staff found no other unmitigated impacts in the proposal submitted by the applicant.

Planner Evans reported on public input he received from the adjacent property owner, Ms. Schneckloft, regarding the snow shed easement. Planner Evans clarified that a snow shed easement is not reviewed at this point in the process; however, it would be addressed at a later time by the Building Official. When this application is further reviewed for a motion, he believed Ms. Schneckloft would offer recommendations for conditions of approval.

Commissioner Wintzer referred to the comparison of existing houses on page 61 of the Staff report and suggested that the Staff also include the proposed project to the table to make it easier to compare. Based on the purpose statement of the zones, Commissioner Wintzer could not find that the proposed structure was compatible with historic structures in the neighborhood. He acknowledged that larger structures were built before his time on the Planning Commission; however, the structure as proposed does not meet the purpose to preserve the character of historic structures. Commissioner Wintzer had additional concerns with the project, but the inability to meet the purpose statement was his primary concern regarding compatibility.

Jonathan DeGray, the project architect, asked Commissioner Wintzer for more specifics on where he believed the structure failed on incompatibility. Commissioner Wintzer replied that it was the height and mass compared to the historic structures. He was not looking at compatibility with the new structures in the neighborhood. He did not believe the City had done a good job enforcing the purpose statements in the past. In his opinion, they first need to look at compliance with the General Plan and the purpose statements of the zone before addressing setbacks and other elements. Commissioner Wintzer did not believe the proposed structure was even close to being compatible to historic structures in the neighborhood.

Mr. DeGray asked if Commissioner Wintzer was suggesting that the analysis should be geared towards historic structures and not as broad as the structures compared in the Staff report. Commissioner Wintzer answered yes because historic compatibility is identified in the purpose statements.

Commissioner Hontz concurred with Commissioner Wintzer in terms of height, scale and massing. She referred to page 57 of the Staff report and the Code definition for basements at the time of the plat. Commissioner Hontz stated that when the plat was written and the 3,000 square foot limitation was placed on the plat, her interpretation was that the basement as currently designed would not have been considered a basement, and therefore, would have been counted in the square footage. She understood that 400 square feet for the garage is not counted as part of the square footage as established by the former Planning Director. Commissioner Hontz struggled with the detachment of the two structures, the elevator and the patio in between. She did not believe it was a realistic design for Park City's climate to have people go up an elevator and walk outside to reach their homes. She was concerned that at some point in the future someone would try to attach the two structures and take apart what was created to get around the story limitation. Commissioner Hontz was uncomfortable creating new problems for enforcement and more issues for neighbors and Staff, which she believed could occur if someone tried to enclose the structures. Commissioner Hontz also had concerns with the stabilization of the snow shed and keeping it within the property, and making sure the retaining walls maintain the sides. She found the driveway to be perplexing and requested a drawing to scale to show how the driveway would work.

Commissioner Gross agreed with Commissioner Hontz. He had concerns about the 20 foot access during the winter and he asked if the proposal included radiant heat from the patio to the front door.

Mr. DeGray stated that there would be a waterproof deck above that provides a cover over to the elevator. The plan is also for a heated slab. Mr. DeGray noted that page 83 of the Staff report showed the elevator and the walkway underneath. He pointed out that the elevator also goes to the main floor. In inclement weather the house could be accessed from the lower level. Mr. DeGray stated that the idea of detached structures is encouraged in the Code for the H zones in terms of detached garages and separate structures to break down the mass. He felt the comments from the Commissioners conflicted with the direction encouraged in the Code.

Commissioner Gross understood the concerns regarding historic compatibility; however, he was more concerned about how it would all tie in together.

Commissioner Strachan echoed Commissioners Wintzer and Hontz. However, he agreed with Mr.

DeGray that per the Code the structures must be stepped with the grade and broken into a series of individual smaller components that are compatible with the District. The garage must be subordinate in design of the main building. Commissioner Strachan believed the language encourages having a separated garage. It would be hard to predict whether or not someone would try to enclose it eventually. Commissioner Strachan felt that overall the dwelling mass and volume was incompatible with the surrounding houses, with the exception of 205 Norfolk which should not be a basis for compatibility analysis. He views the analysis as a bell curve and the proposed project should be near the middle to be considered even close to compatible.

Mr. DeGray asked if the compatibility issue was the size of the building or the mass above grade. Mr. Strachan replied that it was mass of the building above grade. Mr. DeGray pointed out that the average for the area came in at 3700 square feet. The proposed project is larger at 4500 square foot gross, but they are comparable to the other structures at 60 Sampson, 50 Sampson and the recently approved projects at 16 Sampson and 201 Sampson. Commissioner Strachan remarked that the smaller structures such as the one at 41 Sampson are the ones that need to be taken into account. He clarified that in addition to the size above grade, it is also the size of the entire living space. Commissioner Strachan pointed out that the purpose statements in the Code do not differentiate between above grade and below grade. His primary concern was the massing above grade; however, the CUP process analysis will also look at the total area.

Commissioner Savage thought the applicant was in the zone they needed to be in as it relates to the comparables in that particular part of the neighborhood. The house looks nice and interesting and it appears to adapt to an extremely challenging lot situation. Commissioner Savage suggested that the applicant look at changing the façade of the home to make it look and feel more historic in terms of presentation. From his perspective, the design and configuration as proposed was not inconsistent with what exists in the neighborhood. He felt it was difficult to be consistent with a hodgepodge of structures.

Commissioner Hontz noted that page 73 of the Staff report showed the size of surface parking and asked for the dimensions. Mr. DeGray replied that it was 9' x 18'.

Vice-Chair Thomas agreed that it was a difficult argument to fit within the purpose statements and the burden was on the applicant to demonstrate compatibility with the historic fabric of the community in terms of mass, scale and height, and how it is consistent with the purpose statements. He noted that the Planning Commission has the purview to reduce height on a Steep Slope CUP and he would prefer to see the height reduced. Vice-Chair Thomas struggled with the drawings presented and questioned how it was not one house based on the design. The roof is connected to the elevator and the elevator is connected to the garage, which makes it one structure exceeding three stories. Vice-Chair Thomas felt the argument was whether or not this was one house.

Mr. DeGray stated that the deck and patio are required to meet setback requirements, which treats them like a structure. Having a deck or patio connect from an accessory structure to a main structure does not technically connect buildings. Vice-Chair Thomas understood the point Mr. DeGray was making, however, he wanted to see that defined in the drawings to prove his point. Planner Evans remarked that it would definitely be an issued if the foundation was connected. Mr.

DeGray noted that the deck touches the elevator shaft, but it is an open air connection.

Lot 17, 18 and 19 Echo Spur Development – Plat Amendment
(Application PL-12-01629)

Planner Francisco Astorga noted that on September 12, 2012 the Planning Commission requested a site visit and work session for the Echo Spur Development Replat. The applicant also submitted additional information that was requested, including preliminary plans of the site. Planner Astorga noted that the plans were more specific than preliminary and the Staff was still working on reviewing the plans.

Planner Astorga reviewed the application for a plat amendment on platted McHenry. As previously noted, the City Engineer would eventually change the name of the road once it is fully dedicated to the City.

Planner Astorga reported that the applicant had submitted an application for a plat amendment to combine lots 17, 18 and 19. He presented slides to orient the Planning Commission to what they had seen during the site visit. He also presented the County Plat showing the ownership of the property. On September 12, 2012 the Planning Commission discussed vantage points per the Land Management Code. Planner Astorga noted that the LMC does not have a defined vantage point from where the development would be visible. However, the LMC identifies cross-canyon view as a vantage point. The applicant had submitted a total of six vantage points; three on Deer Valley Drive by the access to Main, one by the entrance at the Summit Watch, one at the roundabout, and another closer to the property. Planner Astorga reviewed slides from the stated vantage points.

Commissioner Savage concluded from the photographs that the development was basically invisible. Commissioner Gross concurred. Commissioner Hontz stated that she personally stood at each of the vantage points and concluded that the development would be visible, particularly the retaining wall. Commissioner Strachan remarked that the brown house behind the retaining wall was also visible. He pointed out that photographs are not entirely reflective of what the human eye would actually see.

Scott Jaffa, the project architect stated that the intent was never to make the house invisible. The existing scrub oak is 12 feet high and the house would sit approximately 12 feet above. It is surrounded by houses at the bottom on Ontario, as well as houses above it. The house is nestled in its surrounding environment.

Planner Astorga reviewed the elevations. He noted that the site is zoned HR-1 which has a 27' foot height limitation and a required 10 feet setback on the downhill façade. Planner Astorga stated that at the last meeting the Planning Commission discussed the 2007 settlement agreement. He had verified with Jack Fenton that the disputes with the settlement agreement had been resolved and both parties were satisfied with the outcome. Planner Astorga had done a more specific analysis of the Ontario neighborhood as shown on page 9 of the Staff report. The analysis concluded that the average width is approximately 36 feet and the average lot area is approximately 2800 square feet for those lots.

EXHIBIT F

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
APRIL 10, 2013

COMMISSIONERS IN ATTENDANCE:

Chair Nann Worel, Brooke Hontz, Stewart Gross, Mick Savage Adam Strachan, Jack Thomas

EX OFFICIO:

Planning Director, Thomas Eddington; Kirsten Whetstone, Planner; Matt Evans; Planner; Polly Samuels McLean, Assistant City Attorney

=====

REGULAR MEETING

ROLL CALL

Chair Worel called the meeting to order at 5:30 p.m. and noted that all Commissioners were present except Commissioner Savage who arrived later.

ADOPTION OF MINUTES

February 20, 2013

Commissioner Wintzer referred to page 23 of the Staff report, page 25 and noted that he had recused himself prior to Mary Wintzer speaking during public input. He corrected the minutes to reflect that he had recused himself and left the room.

Also on page 25 of the minutes, last paragraph, last sentence, Commissioner Wintzer corrected the sentence, "Commissioner Wintzer suggested revising the language..." to correctly read, "**Mary Wintzer** suggested revising the language..."

Commissioner Hontz referred to page 21 of the Staff report regarding the Prospector/Bonanza Park discussion and recalled a request from the Planning Commission to further separate the two areas. She thought the Planning Commission had resolved a way to address the separation. Commissioner Wintzer recalled that the Planning Commission had agreed that the residential part of Prospector should be treated like a residential neighborhood and they gave the Staff direction to look into it. Chair Worel did not believe the Commissioners had come to a resolution.

Director Eddington reported that the Staff went back and looked at some of the indicators that were being used for that particular neighborhood, and they ended up removing some of those indicators because some were commercially based and others were residentially based. The draft General Plan included a sanitized version of those indicators, which addresses that concern. However, the Staff also made a note to address it further as they go through the draft General Plan over the next eight months. The Planning Commission would receive a matrix of a proposed schedule to review the General Plan in an effort to have it finalized by the end of the year.

Commissioner Hontz noted that the written Condition #4 would become Condition #5. She revised that language to read, "Modified 13-D sprinklers may be required by the Building Official for any construction." She commented on the important of making sure the Findings and Conditions are concise and legally defensible.

Regarding the language the new Condition #5, Director Eddington preferred to expand the modified condition to match the language in the condition of approval for 343 Park Avenue. "Modified 13-D sprinklers shall be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final mylar prior to recordation." Commissioner Hontz concurred.

Commissioner Savage stated that he was not as detail-oriented as some of the other Commissioners, but he was curious about language in Finding of Fact #12 that talks about the maximum allowed footprint of 994 square feet, but then says the footprint will not exceed 600 feet. He understood the intent but it was confusing. Commissioner Hontz clarified that it was her reason for suggesting that the first sentence be deleted and that the Finding begins with "Potential development on the property is limited to...."

Commissioner Strachan pointed out that Finding of Fact #14 was actually a Conclusion of Law. He recommended that it be deleted from the Findings and insert the language as Conclusion of Law #1.

MOTION: Commissioner Savage moved to CONTINUE the discussion of the 206 Grant Avenue plat amendment to April 24, 2013 Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

3. 30 Sampson Avenue – Steep Slope Conditional Use Permit.
(Application PL-12-01487)

Commissioner Wintzer disclosed that he has a business association with Wade Budge, the attorney for the applicant. Commissioner Thomas disclosed that he also knew Wade Budge.

Planner Evans noted that the Planning Commission reviewed this item in December as a work session. The Work Session minutes were attached as Exhibit F. The minutes from the August 2012 meeting session was identified as Exhibit E in the Staff report; however, that Exhibit was inadvertently left out of the Staff report.

Planner Evans had emailed a corrected analysis to the Commissioners showing the correct numbers for the home at 30 Sampson Avenue. He noted that a lot of numbers were involved in the Staff report and any questions regarding the numbers would be referred to the applicant's representatives.

Commissioner Savage assumed that Planner Evans had reviewed and corroborated all the numbers, and any comments or explanations by the applicant or his representatives would also be on behalf of Planner Evans. Planner Evans replied that the Staff and the applicant had reviewed the

numbers and agreed upon them. Mr. DeGray concurred that the only discrepancy were the numbers on the matrix for 30 Sampson and that had been corrected.

Planner Evans remarked that there are nine criteria to be considered when reviewing the Steep Slope CUP. He noted that the project would go through a formal HDDR process, but that had not yet occurred. Therefore, any design features have not been approved and were still subject to HDDR review. He recommended that the Planning Commission look at the house and associated structures from the standpoint of form rather than the actual details with respect to materials and design.

Commissioner Thomas pointed out that mass, form and scale were also design elements, and as an architect, they are critical design elements. Planner Evans agreed. He was only pointing out that the Staff and the Design Review Team would be looking at those issues independent of the steep slope conditional use permit.

Planner Evans reviewed the nine criteria for review and how it was specifically applied to 30 Sampson Avenue. The Staff no unmitigated impacts on Criteria 1-7, and requested discussion on Criteria 8 and 9.

Criteria 1 – Location of Development. Planner Evans indicated an existing platted subdivision lot that was created in 1995 and specific conditions and criteria was recorded on the property, as documented in the Staff report. The structure was limited to 3,000 square feet. Discussions during the 1995 approval allowed a 400 square feet addition for a garage, for a total maximum of 3400 square feet. Planner Evans remarked that the Staff report also notes that in 1998 a decision was made by the Community Development Director that the 3400 square feet did not apply to a basement that is completely subterranean underground that meets that criteria. For that reason, Planning Commission was looking at a building that appeared to be much larger than what is recorded on the plat. The letter from the former Community Development Director was attached to the Staff report as Exhibit D.

Commissioner Thomas asked if the previous decisions over-rides the 2009 Code that has different stipulations for those areas. Planner Evans stated that the applicant is vested for 3,000 square feet plus 400 square feet for the garage, not counting the basement. Commissioner Thomas thought the applicant was also held accountable to the interpretation of the 2009 revised Steep Slope CUP process. Planner Evans answered yes. Commissioner Thomas questioned the process if the current Code differs from the letter issued from the Community Development Director in 1998. Planner Evans replied that how it differs would depend on the Planning Commission's interpretation.

Commissioner Savage asked if the letter was considered to be a modification or an interpretation. Planner Evans replied that it was an interpretation. Commissioner Strachan understood that it was an interpretation of the plat amendment, not the Code. Planner Evans agreed that it was not a Code interpretation.

Criteria 2 – Visual Analysis. Planner Evans pointed out that the visual analysis had two missing components. One was 16 Sampson, which is an approved HDDR and Steep Slope CUP, and has a

similar sized home being built. The second was the potential development above this lot on Lot 1 of Treasure Hill, which also would add to the visual analysis but is currently an unknown.

Commissioner Wintzer clarified that the Treasure Hill property was not in this zone. Planner Evans replied that this was correct. It was directly above 30 Sampson in the HR-1 zone.

Criteria 3 – Access. Planner Evans noted that this property only has access on Sampson Avenue. No other access is contemplated.

Criteria 4 - There is no terracing; however, there is initial grading and stabilization. Some retention will be required.

Criteria 5 – Building location. Planner Evans reiterated that they were dealing with a previously approved building lot, Lot 3 of the Millsite Subdivision amended plat.

Criteria 6 – Building form and scale. The Planning Commission would be looking at the form, mass and scale of the home.

Criteria 7 – Setbacks. As indicated in the Staff report, because of the shape of the lot, the Code requires that the Planning Director do a setback analysis, which was previously done and included in the Staff report. Planner Evans stated that a lot with this configuration might have a 10' front yard and 10' rear yard and 5' side yard setbacks based on the lot width. This is an odd shaped lot with many different sides. Therefore, the Planning Director made a determination as to setbacks; 15' front, 15' rear and setbacks that vary on the side from 5' to 8' feet and 10' in some spots.

Criteria 8 – Dwelling volume. The Staff requested discussion from the Planning Commission on the building volume. The applicant had redesigned the home from its original design, which contemplated a two car garage, to a one-car garage in an effort to reduce the appearance of the building volume looking at it from Sampson Avenue.

The Staff had proposed questions for discussion.

Criteria 9 – Building Height. Planner Evans remarked that the maximum building height was 27'. The proposed dwelling does not exceed 27'; however, because of the steep slope situation, the Staff requested discussion by the Planning Commission.

The Staff had drafted findings of fact, conclusions of law and conditions of approval.

Wade Budge, counsel representing the applicant, introduced the property owners, Michael and Lori Jorgensen. Mr. Budge provided a brief background of the history of the property. He felt it was important to keep in mind that this property was platted from approximately 13 lots, allowing the potential to have more density in this area. However, in 1995 the property was part of a plat amendment to have three lots placed in this area and the plat was recorded. Mr. Budge stated that 30 Sampson was the last of the three lots to be developed.

Mr. Budge pointed out that the minutes from the 1994 Planning Commission meeting was attached to the Staff report. At that time it was determined that a home was appropriate for this site and plat notes were placed on the plat reflecting that. Mr. Budge felt it was important to note that the garage issues were discussed; as well as the idea of having a home on the property. He remarked that the slope was also discussed at that time. Those issues have already been considered, and he was pleased that they would be considered again because they were interested in hearing input from the Planning Commission before proceeding.

Mr. Budge thought the Staff report was very thorough and well-done, the applicants agreed with the analysis. He wanted to touch on a few points and asked Jonathan DeGray, the project architect, to talk about massing and some of the design changes. He believed the changes were important as the Planning Commission considers potential impacts.

Mr. DeGray reviewed changes to the garage based on the discussion with the Planning Commission during the site visit. Based on their concerns, the driveway was dropped approximately 1 foot and the slope was reduced. Mr. DeGray reviewed the site plan and noted that it was virtually flat on the south side of the driveway going to about a 10% grade on the right-hand side of the driveway facing it from the street. Mr. DeGray stated that since the initial application, the garage was changed from a two-car to a single-car garage. By doing so reduced the width of the frontage.

Commissioner Savage asked if it was a single car garage or a tandem two-car garage.

Mr. DeGray replied that it was a long single-car garage. It does not meet the requirements of tandem. However, two small cars could fit in it. Mr. DeGray stated that the second off-street parking space would be maintained on grade with the spur that goes off to the north.

Mr. DeGray stated that the width of the building was reduced to soften the appearance on the street.

In terms of relationships to other buildings on the street it is probably one the smallest structures on Sampson. The shape of the lot dictates that the bulk of the building be set back. As noted in the Staff report, the distance of the property line to the front of the building of the residence is 77 feet, which is considerably further back on the lot.

Mr. DeGray referred to Criteria 8 and 9 in the Steep Slope CUP. Regarding Criteria 8, Mr. DeGray stated that building volume is a product of the lot shape. The Planning Commission has already discussed the unusual hourglass shape and topography of the lot. It is dictated that the house be broken into two pods; the driveway/garage portion closest to the street, and then 70+ feet back up the hill is the residence. The residence above grade is a two-story structure on the front and single story at the rear. Above grade the two stories equal 2400 square feet of building area. Mr. DeGray believed the home was modest home in terms of building size visible from the street. He noted that 77 feet back would allow for significant vegetation between the garage and the main house. Surrounding the main house is predominantly a scub oak forest. Mr. DeGray stated breaking it into two pods reduced the dwelling volume considerably, compared to other structures on the street. He used 40, 60 and 99 Sampson as examples of larger structures along the road.

Mr. DeGray stated that the proposed garage is a 900 square foot structure. He noted that 50% of the garage structure is buried into the hillside; however, the entire square footage of the garage is counted in the maximum square footage. Mr. DeGray pointed out that the height of the structure is limited to 25 feet. One area of the home is 27 feet.

Mr. DeGray referred to the visual analysis drawings and noted that the house was only found to be visible from the trolley turnaround or from the top of Hillside at the intersection of Marsac. Mr. DeGray stated that another consideration was how the structure fits into the hillside and how it looks with the other residences. He would argue that it fits within the context of the entire hillside.

Mr. Budge thought the minutes from the 1995 process were informative. A lot of analysis was done by the Planning Commission at that time, and while it should not substitute for the judgment of the current Planning Commission, it was helpful and should contribute to their analysis. Mr. Budge believed the 1995 analysis shows that there was a lot of discussion about the kind of square footage that would be appropriate for this particular terrain. As in the case of the adjacent lot at 40 Sampson, the determination was made that a larger structure would be appropriate. At some point in time it was possible that up to 3500 square feet above ground could be located next door and due south of this structure. Mr. Budge felt that was important to keep in mind as they analyzed the issues.

Mr. Budge remarked that a Code exception resulted from the 1995 process and is found in the Park City Code. He noted that it has been referred to as the Schneckloth exception. The exception allows someone in this particular subdivision to avoid this CUP process. Mr. Budge stated that the applicants were here this evening because they submitted an application, but he felt it was important to read what the City Council determined and said about this particular subdivision relative to that process. Mr. Budge read, "In conjunction with the subdivision or plat amendment, several property owners have undergone a review process comparable to that listed in the conditional use section B above." That section is the steep slope process they were talking about today. Mr. Budge stated that the City did not seek to subject those owners to additional Planning Commission review. He noted that further language allows the applicant to bypass the process and go directly to the Planning Director.

Mr. Budge emphasized that this property has already gone through great review. As an applicant, they have been very careful to make sure their proposal is in strict conformity with what was approved. Mr. Budge summarized that a plat was approved and recorded in 1995 and a statement was made that the maximum size of 3,000 square feet was appropriate for the site. In those same discussions a clarification was made relative to a 400 square foot garage not being included in the 3,000 maximum. In addition, as reflected in Exhibit D in the Staff report, in 1998 a determination was made regarding the basement issue. Mr. Budge reported that Mr. Jorgensen wanted the issue clarified before purchasing the property. Therefore, the seller, Ms. Schneckloth, sought that determination from the Community Development Director and the determination was recorded against this property. On that understanding, Mr. Jorgensen purchased the property that same year.

Mr. Budge stated in talking about detrimental impacts, they need to balance the interests and the expectations of the property owner with the impacts that would be created by his proposed structure.

Mr. DeGray commented on Criteria 9 – Building height. He reiterated that 25' was the general height of the main home. One portion was 27'. The structure is two stories in the front and one story in the back sitting parallel to the contours. He indicated a vertical change in the building site of 30 feet between the front garage pad and the home. Combined with the 70 feet of horizontal

change there is a great deal of variation in terms of building volume and the perceived building height as the building is viewed from the street and from a distance.

Mr. DeGray did not believe the renderings clearly showed the actual separation between the buildings. He reviewed the south elevation to show the distance between the garage and the main building. He noted that the portion in between the garage and the elevator is also a planting area. The garage would be a lower structure just over 20 feet at the ridge. He pointed out the 27' height line directly above the main house. It would be a modest structure of 2400 square feet sitting on top of the hill.

Mr. DeGray commented on the purpose statements in the HRL zone. He read from Item A, "Reduce the density that is accessible only by substandard streets so that these streets are not impacted beyond a reasonable capacity." Mr. DeGray reiterated that the plat reduced the subdivision from 13 platted lots to three platted lots. The property is in the HR-L zone. Historically HR-L zoning is larger lots at a two lot minimum of 3750 square feet and larger homes. The HR-L densities are different from the densities in the HR-1 zone.

Mr. DeGray read from purpose statement B, "Provide an area of lower density residential use within the old portion of Park City. He again noted that the plat reduced the density and therefore meets the purpose. Item C, "Preserve the character of historic residential development in Park City". Mr. DeGray stated that the proposed home would meet the design guidelines, it meets the steep slope criteria, and it is sensitive to the character of historic residences in the area. Item D, "Encourage preservation of Historic Structures." Mr. DeGray pointed out that there are no historic structures on the site. The closest historic structure is the adjacent property which is also within the same subdivision. As previously stated, that lot has an above grade building size of 3500 square feet plus basement plus a 400 square foot garage. It is the largest lot on Sampson Avenue at 11,000 square feet. Item E, "Encourage construction with historically compatible structures that contribute to the character and scale of the historic district and maintain existing residential neighborhoods. Mr. DeGray stated that compatibility within the HRL Zone is only defined in the LMC as height, footprint, setbacks, and meets the criteria of the steep slope CUP. Mr. DeGray believed the design as proposed met all the requirements.

Mr. DeGray noted that the Staff had provided additional comparisons of building size in the Matrix contained in the Staff report. If one of the criteria for compatibility is viewed as building size, as proposed by Staff, he thought it was fair to review compatibility with historic structures by reviewing what the historic structures in the area actually are, as well as how they have been renovated and could potentially be renovated. Mr. DeGray stated that 16 Sampson Avenue, which recently received an approval, is a historic structure. The project is a reconstruction resulting in 4,141 square feet gross. The lot size is equivalent to 3.2 lots. Mr. DeGray remarked that 40 Sampson Avenue is the Schneckloth property. The lot is the equivalent of six old town lots and the structure could be as large as 3500 square feet. Mr. DeGray noted that 41 Sampson across the street is currently a condemned structure due to the wall that supports Sampson Avenue. However, that property has an approval for a new structure at 4,154 square feet gross. He noted that 60 Sampson Avenue, which is a historic renovation, is 4,246 square feet on the equivalent of 3.5 lots. In comparison, Mr. DeGray pointed out that 30 Sampson Avenue is the equivalent of 3.7 lots at 7,000 square feet. It is the second largest lot on the street. The applicant was proposing a gross

square footage of 4,585 square feet. Mr. DeGray remarked that this proposal was very compatible based on the historic homes in the area and how they have been renovated. The same could be said for compatibility with new construction at 50 Sampson, as well as the homes at 201 Norfolk, 99 Sampson, and other properties in the neighborhood.

Mr. DeGray pointed out a smaller structure at 121 Sampson at 854 square feet. It is not a historic structure and could be torn down. The structure sits on 3.5 lots.

Mr. DeGray stated that building size is one level of comparison for determining compatibility, and he believed another level needs to be mass and scale. They have talked about the visual analysis and how the mass and scale of the building fits within the context of the hillside of the Sampson Avenue/Norfolk/King Road/Woodside area. He would argue that the building fits within that character.

Mr. DeGray remarked that a third level to judge compatibility would be the fact that the home needs to work within the Historic District Design guidelines. He emphasized that the home would meet those guidelines, and therefore would be compatible in its design and appearance. Mr. DeGray stated that the last item for judging compatibility was the 1995 plat, which stipulates compatibility based on building size. They also meet that criteria.

Mr. Budge understood that the elevator was discussed in prior meetings. He clarified that the purpose of the elevator was more than just convenience. Michael Jorgensen is a doctor. He does not see patients at home, but some of his friends, particularly one in a wheelchair, need accessibility. The elevator allows the owners to make use of their property and make sure that all of their guests could access their home. Mr. Budge believed the proposed design accomplishes that, and is done in a way that is consistent with the Code.

Mr. Budge stated that they have tried to anticipate all detrimental impacts and mitigate them as best as possible. They believed all the impacts had been mitigated by the design, but they were interested in hearing from the Planning Commission.

Chair Worel opened the public hearing.

John Vrabel stated that he lives across from 30 Sampson Avenue. Mr. Vrabel commented on structures in the area that were smaller homes, including 41 Sampson at 1100 square feet. His house at 33 Upper Norfolk is only 800 square feet. Mr. Vrabel noted that the proposal for 30 Sampson was not totally compatible with all the surrounding structures. In his opinion, two parking spaces was not sufficient for the size of the home proposed.

Susan Fredston-Herman stated that she was an adjacent property owner and was concerned with the status of Sampson Avenue. A building permit has been issued on her property and they are required to begin construction on May 15th. They have been told that the road cannot handle construction traffic, which puts them in a very difficult situation. They have a contractor waiting to start, but no one know if they can move forward. Ms. Fredston-Herman remarked that the integrity of the road is an issue. The road is clearly failing, which is why 41 Sampson has been condemned. She was concerned about the construction schedule of her project and additional projects. With no

disrespect to the Jorgensen project or anything else, Ms. Fredston-Herman requested that this item be continued until the City makes a determination on when the road would be repaired, how it would be repaired and how it affects the property owners on Sampson Avenue and adjacent properties. Ms. Fredston-Herman believed the issue of road safety was important and her concern was the sequence of events on Sampson. Until there is clarity on that situation and whether the road can handle construction equipment this item should be continued.

Chair Worel closed the public hearing.

Commissioner Savage asked if he was correct in assuming that the Planning Commission was looking at a recommendation on a conditional use permit related to a steep slope, and that the issuance of a building permit associated with construction of that project would be subject to separate reviews as mentioned by Ms. Fredston-Herman.

Director Eddington stated that if construction could not be started within a certain period following the CUP approval, the owner loses the CUP. He understood that this was a real concern with regard to Sampson Avenue. Director Eddington noted that the City Engineer was currently working with the Chief Building Official to determine what needs to be done on Sampson Avenue, and there are concerns with some of the safety features of the road on the downhill side regarding a retaining wall that is adjacent to 41 Sampson Avenue. Until that issue is addressed, Director Eddington assumed there were concerns about taking up heavy equipment and it was a valid concern.

Responding to Commissioner Savage's question, Assistant City Attorney McLean stated that the timing for this project to move forward would not be right away because they still needed to go through the HDDR process and do other things before pulling a building permit. Ms. McLean did not recommend delaying a decision on this application based on resolution of the road issue.

Commissioner Savage stated that having reviewed this proposal a few times and visiting the site, he understood some of the challenges related to this particular lot, as well as the challenges of the neighborhood and compatibility. He believed the applicant had done a good job making some of the recommended changes. He thought the change to the garage was positive and he was comfortable with the height. Commissioner Savage believed that certain things were aesthetically possible and would enhance the compatibility and nature of the structure as it relates to cross valley views and other neighborhood compatibility questions, without being detrimental to their own objectives. Commissioner Savage stated that unless he hears something in the discussion this evening that would sway his opinion, he would support the project.

Commissioner Gross concurred with Commission Savage.

Commissioner Hontz referred to the continual mention about potential future development that has not yet been applied for or approved. However, in the same Staff report, the Staff could not speak to the scenario of future development because there is no way to anticipate what future LMC Codes would allow an applicant to do with an application. She pointed out that it could not be both ways and everyone understands that there is no way to anticipate what might occur on those properties. Commissioner Hontz took issue with the reference in terms of it possibly being part of the visual

scenario and part of massing of a certain size. She emphasized that it should not be a factor in their decision-making.

Commissioner Hontz referred to page 84 of the Staff report and the purposes of the HRL District. She believed all of her comments would build up to support why this application did not meet the purposes of the HRL District. Specifically, Letter C – Preserve the character of the historic residential character of the historical residential development in Park City; Letter E – Encourage construction of historically compatible structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods; Letter F – Establish development and review criteria for new development for new development on steep slopes which mitigate impacts to mass and scale and the environment. Commissioner Hontz believed the application in its current format did not meet statements C, E and F. She was prepared to provide examples to support her opinion.

Commissioner Hontz did not believe that any of the properties in the Matrix on page 89 of the Staff report were reviewed under the current LMC. Therefore, it was an inaccurate analysis. Commissioner Hontz was unsure why time was spent doing an analysis on homes that may or may not be built today because of Code changes. She also noted that the Matrix only included historic homes that had major renovations. There are numerous homes in close proximity on Upper Norfolk that are much smaller in size and footprint.

Commissioner Hontz read the Land Management Code language for the HRL District on page 90 of the Staff report. Section 15-2.1-6 – Development on Steep Slopes are regulated. “Development on Steep Slopes must be environmentally sensitive to hillside areas carefully planned to mitigate adverse effects on neighboring land and improvements and consistent with the Historic District Guidelines. Development, subsection (1), “Location of development needs to be designed to reduce visual and environmental impacts of its structure.” Commissioner Hontz stated that due to the shape of the lot, addressed in Criteria 1, it would be challenging to limit the visual impacts of the lot unless they only developed on one portion of it. However, moving up the hill and building from Sampson Avenue all the up to the top rear line does not reduce the visual impact. It also does not reduce or mitigate environmental impacts because they would be impacting the entire lot. For those reasons, Commissioner Hontz did not think it was a reduction to visual or environmental impacts.

Commissioner Savage asked Commissioner Hontz to clarify her statement regarding density reduction. Commissioner Hontz noted that Criteria 1 states that development is located and designed to reduce the visual and environmental impacts of the structure. They have to look at the lot to see if it is a reduction over what it could be. Commissioner Savage clarified that the reduction was over what it could be, not over what it is. He was trying to understand Commissioner Hontz’s perspective for her argument as to why it was not a reduction and from what. Commissioner Hontz replied that she would argue that it could be a more appropriate design.

Commissioner Hontz referred to Criteria 2 – Visual analysis from the across canyon view. She believed this was a great demonstration of how it is not screened and that the vegetation is not protected. It also shows how the structures take up the entire lot. The development grows as it continues up the hill.

Commissioner Hontz referred to Criteria 4 – Terracing. She noted that the Staff reports states that the project may include terraced retaining structures if necessary to regain natural grade. It further states that no terracing is proposed. Commissioner Hontz found that to be confusing because she has seen multiple places where retaining is defined as terracing because multiple levels of retaining occur on the site. She stated that at a minimum they have to acknowledge that terracing occurs on the site. She was not arguing that it should not happen and believed it needed to be done; however, it was an inaccurate statement to support something that was untrue because terracing will occur.

Commissioner Hontz referred to Criteria 5 – Building location. She read, “The site design and building footprint must coordinate with adjacent properties to maximize opportunities for open areas and preservation of natural vegetation to minimize driveway and parking access and provide variation of the front yard.” Commissioner Hontz remarked that the first part of that statement, “maximize opportunities for open areas and preservation of natural vegetation” are not supported by this current version of the application. She agreed that from the previous version, the driveway and parking area was minimized. However, based on comments during the public hearing, with a house of this size and a road you cannot park on, perhaps the parking area should not be minimized. Commissioner Hontz pointed out that this was a situation that may need three parking spaces but there was no room for it. The question was whether they wanted a less desirable design with a larger garage facing the street or impacting the neighborhood by parking on the street. She was unsure which would be worse.

Criteria 6 – Building form and Scale. “Low profile buildings that orient to the existing contours are strongly encouraged.” Commissioner Hontz was unable to say that they were looking at that in this design. In her opinion they are not low profile buildings and that they move up with the contours.

Criteria 7 – Setbacks. Commissioner Hontz recognized that this was a very challenging site based on the unusual configuration. However, challenging is not an excuse for a bigger house size that does not meet compatibility with surrounding historic structures. She thought they needed to look closer to make sure the setbacks are big enough.

Criteria 8 – Building Volume. “The Planning Director and/or Planning Commission may further limit the volume of a proposed structure to minimize its visual mass and/or to mitigate difference in the scale between and proposed structure and existing structures. Commissioner Hontz noted that the basement was adding to the volume. She thought the previous Planning Commission was very concerned about how this would look and feel on the site. She believed they would be distressed to see this application move forward in its current format and given a steep slope approval because the volume is very large above ground.

Criteria 9 – Building Height (Steep Slope). Commissioner Hontz stated that the Planning Commission could require a reduction in building height for all portions of the structure if they felt it would help mitigate some of the concerns related to size and scale. Even though the proposed height meets the zone height, it pushes the structure to look larger as it goes up the hill.

Commissioner Hontz noted that Finding of Fact #17 on page 96 supports that there is obviously terracing and retaining around the entire structure. She remarked that Finding of Fact #28 on page 97 needed to be removed because it was not pertinent to this application. Commissioner Hontz referred to Conclusion of Law #4 on page 98, which talks about the effects of any differences in use

or scale. She noted that there could not be a difference in use outside of the allowed use of this zone. If this project moves forward, Conclusion of Law #4 should be revised to say, "The affects of any difference in scale have been mitigated." Commissioner Hontz clarified that even as revised, she did not agree with the Conclusion of Law.

Commissioner Wintzer concurred with Commissioner Hontz's assessment. He noted that the Planning Commission has the right to reduce height and increase setbacks, and the reason is to better address mass and scale. Commissioner Wintzer referred to the Matrix on page 89 of the Staff report and disagreed that it represented historic structures. Commissioner Wintzer stated that 15 years ago his neighborhood wrote the HRL zone and the purpose was to create a neighborhood that people want to live in.

Commissioner Wintzer disagreed with Mr. DeGray that this project meets the General Plan. He found five areas in the General Plan that talks about reducing the mass and scale of Old Town and that new development should be a modest scale compatible with historic structures. In a survey taken, people said that new construction is threatening the mass and scale of the historic structures. Commissioner Wintzer stated that discussions about mass and scale should be about what they are trying to preserve, which is the mass and scale of the community. They are not trying to preserve mega-homes. In looking at page 141 of the Staff report, Commissioner Wintzer counted four floors in the first structure, which is not permitted by Code. He believed the first structure was connected to the second structure.

Commissioner Thomas agreed this was a difficult site with a lot of design challenges. However, he had to agree with comments made by Commissioners Hontz and Wintzer. Commissioner Thomas challenged the City's interpretation that this was not one structure because it is one single family residence. Commissioner Thomas believed the intent of the 2009 was to limit a structure to three stories. He counted five stories. He read from LMC Section 15-2.2-5, "No structure shall be erected to a height greater than 27 feet from existing grade." He reiterated previous comments that the Planning Commission has the purview to reduce the height. Commissioner Thomas further read, "Final grade must be within 4 feet of the existing grade around the periphery of the structure." With regards to the main house, Commissioner Thomas commented on the long linear window that was created to achieve two legal bedrooms that would otherwise not be legal. He would challenge the logic of putting bedrooms below grade where some had to climb up to safety and it caused him great concern.

Per the LMC, "The structure may have a maximum of three stories." Commissioner Thomas stated that in 2009 the Code was modified to count a basement as a story in the zone. Commissioner Thomas reviewed an elevation that showed a four story elevator; two stories above and two stories below grade, with beams and a walkway that physically connects one side to the other. Commissioner Thomas could not understand how the Staff could ever determine that this was not a connected continuous structure. He disagreed with the Staff interpretation and he also believed it would be questioned by the Building Department. Planner Evans clarified that the Building Department had already looked at the plans.

Commissioner Thomas was unsure how they could get over the hurdle that this was not a five story building. It is a burdensome lot but the proposed design solution was wrong in terms of number of

stories and the visual impacts on the community. Commissioner Thomas noted that he had previously requested a cross section through the garage and the elevator, and he was still waiting for it. In his opinion, this was an incomplete application. The streetscape is grossly inadequate and it was not what the Planning Commission had asked for. They wanted to see a streetscape showing the buildings and the context of the buildings next door. Commissioner Thomas believed the applicant had design hurdles to overcome, but as proposed he could not support it.

Commissioner Strachan asked if the applicant had applied for the Schneckloth exception under the conditional use. Mr. Wade replied that it was applied for and it was denied. Director Eddington noted that the applicant had been before the Planning Commissioner prior to asking for the exception. Commissioner Strachan understood that the applicant came to the Planning Commission, then applied for the exception, the exception was denied and it was again before the Planning Commission. Director Eddington explained that the exception was denied on the basis of a pending application and the need for review by the Planning Commission.

Commissioner Strachan asked if the applicant believed he needed the exception. Mr. Wade stated that it was needed in the sense that it reflects the fact that a project had already been reviewed. If they had not submitted an application for review by the Planning Commission, they could have gone to the Planning Director and requested a determination. However, because it a pending application before the Planning Commission, the Planning Director declined to strip away that review and would not grant the exception. If the Planning Commission does not approve the application, they would appeal directly to the City Council. Commissioner Strachan clarified that the exception was no longer an option for the applicant. They would either take an approval by the Planning Commission or appeal it to the City Council.

Commissioner Strachan stated that he still could not find that the dwelling volume was compatible with the surrounding structures. He thought the analysis on page 89 comparing it to existing structures was all they needed to make a finding that the dwelling volume is incompatible. Only two other structures would be larger in terms of total square footage. Commissioner Strachan agreed with Commissioner Wintzer that most of the structures on the list were non-historic structures. The compatibility analysis turns on a comparison to historic structures and not new development.

Commissioner Strachan thought the visual mass impact had not been mitigated. The difference in scale between the proposed structure and the existing structures in the surrounding area had not been mitigated as well. Commissioner Strachan did not believe the proposal could be compared to what might be built on different lots. The Code is clear that the comparison should be to existing structures. In comparing this proposal to existing structures the difference in scale was incompatible. He could not make a positive finding on that criteria in the Code.

Commissioner Hontz stated that she had read the historic minutes from December 14, 1994 on page 120 of the Staff report, to make sure she understood how they reached this point in terms of the lot, size and the thoughts of the previous Planning Commission. Commissioner Hontz thought the previous Commissioners had done a good job communicating their concern for setting a precedent for incremental buildup in the area. That was where they talked about reducing homes sizes and specifying it as a plat note. Commissioner Hontz stated that the convincing language from the minutes were key, "Commissioner Jones concurred with Commissioner Klingenstein and

remarked that the real issue is compatibility. The floor area ratios are maximum limits and often applicants believe they are allowed to build homes to the maximum size without regard to the neighborhood. He requested that the conditions of approval reiterate that the overriding criteria for house size is neighborhood compatibility in both design issues and how the home fits on the lot relative to the neighborhood.” Commissioner Hontz noted that the discussion continues as the former Commissioners tried to craft conditions of approval to support their concerns related to size, height, massing, and neighborhood compatibility. She believed this Planning Commission was continuing that discussion.

Commissioner Wintzer noted that the existing approvals were done in 1994 and did not believe any of the houses being compared were built in 1994. He believed what the City Council and the Planning Commission envisioned in 1994 was half the size of what they see today. The issue is that the community has allowed this creep and size to continue and they now realize it is not what they want.

Commissioner Savage asked if compatibility relates to back to the older period of time or to the current period. Commissioner Wintzer replied that the Code talks about compatibility with historic structures. At some point compatibility was being compared to newer structures and that was where they got off track. Somehow they needed to go back to what is directed in the Code.

Assistant City Attorney McLean read the definition of compatibility, from the definition section of the LMC, “Characteristics of different uses or designs that integrate with and relate to one another to maintain and/or enhance the context of a surrounding area or neighborhood. Elements affecting compatibility include, but are not limited to, height, scale mass and bulk of building, pedestrian and vehicular circulation, parking, landscaping and architecture, topography and environmentally sensitive areas.”

MOTION: Commissioner Wintzer made a motion to CONTINUE 30 Sampson Avenue and direct the Staff and the applicant to come back with findings that the building is not a three-story and to address the incompatible mass, scale and size. They also need to provide a streetscape that would allow the Planning Commission to look at compatibility and compare it with the adjacent buildings rather than a picture take from across the canyon.

Commissioner Strachan thought the Planning Commission need to decide if they wanted to continue this item with direction to Staff to remedy the stated issues, or if they wanted to deny it.

Assistant City Attorney McLean explained that typically when the Planning Commission does not adopt the Findings suggested by Staff, they could vote to deny based on their discussion and the Staff would draft findings for denial for ratification to make sure they would reflect all the pertinent comments given this evening. Commissioner Savage understood that Ms. McLean was suggesting that the Planning Commission either approve or deny this evening. Ms. McLean answered yes. Commissioner Gross clarified that if the Planning Commission votes to deny, the applicant to appeal their decision to the City Council. Ms. McLean replied that this was correct; however, the City Council would not hear the appeal until the Findings were ratified with the reasons for denial.

Commissioner Wintzer withdrew his motion.

Commissioner Strachan felt that even if they continued to another meeting, the Commissioner would still have the same concerns and issues. Commissioner Gross agreed. Commissioner Hontz noted that some information has been requested that could either further illustrate how this did not meet Code, or demonstrate changes that might move the project closer to Code.

Mr. Budge stated that the applicant would like a decision this evening.

Commissioner Strachan pointed out that if the Planning Commission denies the application and it is appealed to the City Council, the City Council could overturn the Planning Commission decision. If they continue it with direction to the applicant to decrease the building volume and make a three-story structure, and other issues; the applicant could reject the continuation and request a denial.

Ms. McLean pointed out that the applicant had just requested a decision. She explained why the timing would be the same with either a continuation or a denial.

Commissioner Strachan asked if the plans presented this evening was the design the applicant wanted to take to the City Council. Mr. Jorgensen stated that if the Planning Commission wanted to put remove the detached portion that they were calling two stories, it would require long terracing and other things that he was unsure were even possible at that grade.

Mr. DeGray stated that based on the issues raised by the Planning Commission, they had been through an inter-department Staff review, including the Legal and Building Departments, and they had received no feedback saying that they were not in compliance with the number of building levels represented in the plan. He understood that the Planning Commission had a different interpretation.

Mr. Wade wanted to satisfy the concerns expressed by the Planning Commission, but given the topography of the lot and the fact that this was an approved use, he did not believe they could make additional changes to satisfy the Planning Commission.

MOTION: Commissioner Savage moved to APPROVE the Steep Slope Conditional Use Permit at 30 Sampson Avenue based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the Staff report.

The motion died for lack of a second.

MOTION: Commissioner Savage motion to DENY the request for a Steep Slope CUP at 30 Sampson Avenue. Commissioner Strachan seconded the motion with the direction to Staff to prepare proposed Findings of Fact and Conclusions of Law for Denial based on the discussion this evening.

VOTE: The motion passed unanimously.

The Park City Planning Commission meeting adjourned at 7:50 p.m.

Approved by Planning Commission: _____

EXHIBIT G



July 3, 2013
Michael and Laurie Jorgensen
3648 Wrangler Way
Park City, Utah 84098

NOTICE OF CITY COUNCIL ACTION (SHOULD SAY PLANNING COMMISSION)

Project Description: Steep Slope Conditional Use Permit

Project Numbers: PL-12-01487

Project Address: 30 Sampson Avenue

Date of Final Action: June 26, 2013

Action Taken

On April 10, 2013, the Planning Commission held a regularly scheduled Public Hearing to consider the approval of a Steep Slope Conditional Use Permit (SS-CUP) application for 30 Sampson Avenue. During that same meeting, the Planning Commission voted to deny the requested SS-CUP and directed Staff to draft findings of fact in support of the decision to deny the request based on the evidence and reasoning put forth by the Planning Commission during the same meeting. The Planning Commission met on the June 26 2013, and voted unanimously to ratify the following Findings of Facts and Conclusions of Law:

Findings of Fact:

1. The property is located at 30 Sampson Avenue.
2. The property is within the Historic Residential (HRL) District.
3. The property is Lot 3 of the Millsite Reservation Supplemental Plat, which was recorded in 1995.
4. The Lot area is 7,088 square feet, the minimum lot size in the HRL district is 3,570 square feet.
5. The subject property is very steep ranging from flat areas near Sampson Avenue and climbing uphill with slopes reaching between 30-40% before reaching the main body of the lot.
6. The proposal consisted of a single family dwelling of 4,585 square feet which includes a 453 square foot detached garage, a 350 square foot garage entry and a 106 square foot access tunnel which is located below ground.
7. Plat notes indicate the maximum square footage allowed for this lot is 3,000 square feet with an additional allowance of 400 square foot for a garage.

8. A 1998 letter from the (then) Community Development Director Richard Lewis, determined that the 3,000 square foot maximum only applied to the above ground portion of the future dwelling, and that basement areas would not count against the 3,000 square foot maximum so long as they were constructed fully below the finished grade. This letter was recorded on the title of the property.
9. The Land Management Code has been amended numerous times since 1998.
10. An overall building footprint of 2,272 square feet was proposed. Under the current LMC, the maximum allowed footprint is 2,355.5 square feet, based on the total lot area.
11. The applicant submitted a visual analysis, and renderings showing a contextual analysis of visual impacts.
12. No streetscape analysis was presented to the Planning Commission as requested by the Planning Commission.
13. The cross canyon view contains a back drop of both structures, a two (2) story home up the hill with a two (2) story garage building in front.
14. The proposed design incorporates a driveway from Sampson Avenue on the top slope of the street and provides two (2) legal off-street parking spaces, which meets the minimum parking requirement.
15. The detached garage/elevator building is set back fifteen feet (15') from the front property line, and the main portion of the building (the habitable portion of the overall dwelling) is located approximately 77 feet from the street.
16. At their closest points, the two buildings are approximately nine (9) feet apart from each other and are attached by a deck with footings, which attaches the elevator building to the upper (second) floor of the main house.
17. The proposed height of the main building (home) and the elevator building is twenty seven feet (27').
18. 2,996 square feet of the total 4,041 square feet of building space is above ground.
19. The building locations and the proposed building designs both climb up the hill from Sampson Avenue. The proposal utilizes virtually the entire lot rather than concentrating the structure on one portion of the lot. The structures by their placement, massing and height are not located on the lot in a manner that reduces the visual impact.
20. The lot has been deemed to have eight (8) different sides, and thus a Planning Director determination for setbacks has previously been determined and calculated as outlined within the analysis section of the report.
21. The proposed home attempts to maximize the minimum setbacks on each of the property lines. The proposed garage building maximizes the setbacks on the front and on the south property line.
22. There is no proposed screening of the home from Sampson Avenue due to the fact that the home climbs up the hill from the right-of-way, and that there is proposed parking and driveway area in front of the garage. There is no proposed screening of the home between the elevator building and the home due to the fact that the applicant has proposed an attached deck and patio connecting the two structures, thus minimizing any screening opportunities with exception of adjacent properties that are already screened by existing "Gamble Oaks" and other existing vegetation.

23. The scope of the project requires extensive retention of the hillside, and no substantial mitigation has been proposed to reduce the detrimental impacts to the hillside and the design is not appropriate to the topography of the site. The revised design provided by the applicant since the original inception shows substantial retention and retaining walls around the south property line and substantial retention and retaining walls around the garage building on the north property line.
24. The visual analysis cannot include what could potentially be built around the proposed home as doing so would be purely hypothetical.
25. The lot analysis presented by staff for Sampson Avenue and adjacent properties to the subject property are irrelevant for comparison because the study only takes into consideration lot size and home size, and does not take into consideration the height, setbacks, mass and scale of existing historic homes located on adjacent property, or nearby properties, including those located within the same District on King Road, thus making the analysis dissimilar for compliance with the LMC and General Plan.
26. The Existing Home Size Analysis for neighboring properties in the Staff Report does not reflect current LMC requirements, and most of the homes in the area were built prior to the current code requirements and considerations, and thus should not be used when looking at comparable home sizes consider that some of the homes in the analysis could not be built under the current LMC requirements.
27. There are existing historic homes as listed in the Historic Sites Inventory near the proposed site on Sampson Avenue, including the adjacent 40 Sampson Avenue, (approximately 1,700 square feet), 41 Sampson which is across the street from the subject property (approximately 900 square feet) as well as nearby 60 Sampson Avenue and 115 Sampson Avenue.
28. The proposal does not meet the purpose statement of the Historic Residential-Low (HRL) district, specifically §15-2.1-1(C) *preserve the character of Historic residential Development in Park City.*
29. The proposal does not meet purpose statement (LMC §15-2.1-1)(E) *encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District, and maintain existing residential neighborhoods.*
30. The proposal does not meet purpose statement (LMC §15-2.1-1)(F) *establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.*
31. The proposed development has impacts that cannot be substantially mitigated with respect to LMC §15-2.1-6(B)(1) "Location of Development" due to the fact that the building locations and the proposed building designs do not reduce visual and environmental impacts because both climb up the hill from Sampson Avenue, and because the proposal utilizes virtually the entire lot rather than concentrating the structure on one portion of the lot. The structures are not located on the lot in a manner that reduces the visual impact.
32. The proposed development has impacts that cannot be substantially mitigated with respect to LMC §15-2.1-6(B)(2) "Visual Analysis" because the proposal does not provide screening, vegetation protection, or other design opportunities that could have been incorporated into the design to help mitigate these issues.

33. The proposed development has impacts that cannot be substantially mitigated with respect to LMC §15-2.1-6(B)(5) "Building Location" due to the fact that the proposal does not coordinate with adjacent properties to maximize opportunities for open areas and preservation of natural vegetation to minimize parking areas.
34. The proposal has impacts that cannot be substantially mitigated with respect to LMC §15-2.1-6(B)(6) "Building Form and Scale" because the applicant is not proposing "smaller components" nor are they proposing low-profile buildings that orient with the existing contours. Both buildings are large and are not broken into the smaller components as encouraged by this sub-section of the LMC.
35. The proposed has impacts that cannot be substantially mitigated with respect to LMC §15-2.1-6(B)(7) "Setbacks" due to the fact that the proposed setbacks only help to maximize the building site and are not compatible with other historic structures in the neighborhood.
36. LMC §15-2.1-6(B)(7) requires that the variation in setbacks will be a function of the site constraints, proposed building scales and setbacks from adjacent structures, and the proposed buildings do not consider the site constraints and thus cannot be substantially mitigated.
37. The proposed home has impacts that cannot be substantially mitigated with respect to LMC §15-2.1-6(B)(8) "Dwelling Volume" due to the fact that the proposed basement adds significant volume to the building, which was an issues that was raised by the City Council in the minutes of the 1994 City Council meeting to approve the Subdivision that created the subject lot.
38. The proposed home is not compatible with existing historic homes in the neighborhood with respect to height, setbacks, mass or scale, and the proposed home and garage buildings offer no substantial mitigation measures necessary to show compatibility with the nearby existing structures.
39. Height within the HRL District is limited to three (3) stories, and the proposal is for two buildings a main structure (home) and a garage with an elevator building that connects to the home by a patio and a deck. The two buildings appear by their placement to be a five (5) story building. Connecting the buildings in this manner does not meet the intent of the LMC §15-2.1-5(B).
40. The basement proposed does not meet the criteria for not having it count against the overall building size maximum of 3,000 square feet as noted on the 1995 Millsite Supplemental Plat, because there are windows and a window well in the basement, making the basement not fully below grade, which was the criteria as described in the Plat note for the property, as stated in Finding of Fact #8.
41. The visual mass of the proposed dwellings have not been mitigated by this home design.
42. Additional parking beyond the minimum two (2) required spaces might be necessary due to the location of the home on a sub-standard street that offers no off-site parking.
43. This Ratification was continued from the April 24, 2013 Planning Commission meeting.

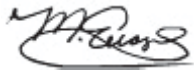
Conclusions of Law:

1. The proposed development does not meet the "Purpose" of the HRL District, specifically with respect to LMC §15-2.1-1(C)(E) and (F).
2. The proposed does not meet the criteria for development on steep slopes, specifically Land Management Code §15-2.1-6(B)(1-2), and (6-9).
3. The proposal is not historically compatible with other buildings within the HRL District, or areas nearby with respect to setbacks, height, mass or scale.
4. The proposed development does not meet the intent of the maximum height requirement restriction of no more than three (3) stories as required in LMC §15-2.1-5(B).
5. The reasonably anticipated detrimental effects of the proposed home and garage buildings on a steep slope cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with the applicable standards specifically LMC §15-2.1-6(B)(1-2) and (6-9).

Order: The Steep Slope Conditional Use Permit for the proposed new single-family dwelling 30 Sampson Avenue is hereby denied for the reason specified within the Findings of Fact and Conclusions of Law listed herein.

The action taken by the Planning Commission can be appealed to the City Council if said appeal is filed within ten (10) days of this final action letter. If you have any questions or concerns regarding this letter, please do not hesitate to call me at 435-615-5063.

Sincerely,



Mathew Evans
Senior Planner

Park City Planning Department
PO Box 1480
Park City, UT 84060

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DENVER
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ORANGE COUNTY
PHOENIX
SALT LAKE CITY
TUCSON

PL-13-01988

July 12, 2013

VIA HAND DELIVERY

Park City City Council
445 Marsac Avenue
Park City, UT 84060

Re: Appeal of Planning Commission's Denial of Steep Slope Conditional Use Permit
Application for 30 Sampson Avenue

Dear Council Members:

This firm represents Michael and Laurie Jorgensen (the "Jorgensens") and this letter is their appeal of the Planning Commission's denial of their application to construct a new home at 30 Sampson Avenue ("30 Sampson") pursuant to a steep slope conditional use permit ("Steep Slope CUP").

Background

The City Council created the very steep lot known as 30 Sampson in 1995 when it approved Craig Schneckloth plat entitled "30, 40, and 50 Sampson Avenue Amended Plat," which was also referred to as the Millsite Supplemental Plat Amended Subdivision ("Amended Plat"). A copy of the Amended Plat is attached as Exhibit A. The 30 Sampson property is labeled as Lot 3 on the Amended Plat and is located in the Historic Residential ("HRL") zoning district. As the Amended Plat shows, Lot 3 totals approximately 7,089 square feet and is of a highly irregular shape. It climbs the mountain towards the west of Sampson Avenue and has slopes in excess of 30%.

When the City Council approved the Amended Plat there was a great deal of analysis and discussion about the suitability of Lot 1 and Lot 3 for a home (Lot 2 already had the Schneckloth's home located on it). As a result of this analysis, the City Council determined the maximum appropriate size for each of the lots on the Amended Plat. In the case of Lot 3 (30 Sampson), the City Council placed a notation that the "maximum size for residential structures" on the lot is 3,000 square feet. This "maximum size" does not include a garage so long as the garage is no larger than 400 feet and does not include area located within a basement.

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Section 15-2.1-6(C) of the LMC, enacted by the City Council, exempts Lot 3 (30 Sampson) from Planning Commission steep slope review because of prior approval of the Amended Plat and related plat notes and conditions of approval. On February 14, 2012, the Jorgensen's filed a completed Steep Slope CUP Application ("Application"). The Application sought approval for construction of a new single family dwelling, including a detached garage ("Project"). When they filed their Application, they did not invoke the Steep Slope CUP exception because they were not aware of it. Instead, they decided to proceed with their Steep Slope CUP.

From the outset, the Jorgensens have worked closely with staff on their application. They solicited and obtained input on the appropriate setbacks for this location and carefully considered the dimensional restrictions that apply to this lot. They also analyzed the relative sizes of the structures surrounding the lot and the development potential of those other lots. After considerable work and careful evaluating of all available feedback, the Jorgensens readied themselves for their first of several Planning Commission meetings.

The first Planning Commission hearing was held August 22, 2012. At the hearing, the staff presented a Staff Report that found that the Project complied with the LMC's requirements for building footprint size; building square foot maximum; setbacks; height; number of stories; final grade; vertical articulation; roof pitch; and parking. *Id.* at 205—206. The Staff Report carefully evaluated each of the 9 criteria required for a Steep Slope CUP.¹ Importantly, the August 22nd Staff Report found that in analyzing each of the 9 criteria that there were "no unmitigated impacts." A copy of the August 22nd report is attached as Exhibit B.

Notwithstanding the careful analysis and determination by the staff that the Application complied with the 9 criteria that the City Council had set for evaluating a Steep Slope CUP, the Planning Commission refused to approve the Application. Instead, they voted to continue the Application for the purpose of reviewing the definition of "stories."

More than 3 months later, on December 12, 2012, the Planning Commission conducted its next meeting on the Application at a work session. The Work Session Report addressed the definition of "stories." The report observed that the proposed home has three stories, including a basement level, a main level, and a top level. The Project also includes a detached garage and an ADA accessible elevator². The Work Session Report concluded that, because the garage is detached, the proposed home does not violate the three-story height restriction. WORK

¹ Section 15-2.1-6 of the LMC provides that the Application "shall be subject to the following criteria": (1) Location of Development; (2) Visual Analysis; (3) Access; (4) Terracing; (5) Building Location; (6) Building Form and Scale; (7) Setbacks; (8) Dwelling Volume; and (9) Building Height.

² An ADA accessible elevator is critical to the Jorgensens given a relationship they have with an individual in a wheelchair.

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SESSION REPORT, 30 SAMPSON AVENUE 56—57 (December 12, 2012), a copy is attached as Exhibit C.

Notwithstanding the staff's prior careful work, and its determination that the Project met all story requirements for the HRL zone, the Planning Commission again delayed any action and did not schedule a time to approve the Application. Rather, it identified new issues, including a complaints that the home's façade is not adequately historic, the basement has safety egress features that make it not a basement and the potential issue of snow shedding.

After four more months, and a request from the Jorgensens for a decision, the Planning Commission placed a revised Application on its April 10th, 2013 agenda. The Application had changed from the one first submitted by the Jorgensens. Notably, the Jorgensens redesigned the garage from a side-by-side two door configuration to a one door, tandem configuration. This reduced the mass and scale of the garage as observed by passersby on Sampson Avenue. The redesign complemented existing design features. Specifically, the garage is detached and completely subordinate to the main home. Because the garage is detached and the main home is located on the upper portion of the lot, passersby on Sampson Avenue will not likely be able to see the proposed home. A copy of the drawing showing the revised Application's elevations is attached as Exhibit D.

Even though the Jorgensens had revised their plans in a way that reduced the visual impacts to those on Sampson, some on the Planning Commission continued to express concerns with the Application. All of the concerns, however, were essentially visual in that some on the Planning Commission expressed distaste for the mass, scale and the impacts created by having a home on a residential lot in a neighborhood. Importantly, of the 2 who spoke at the hearing, their concern focused on the Sampson Avenue road, not with having a home at 30 Sampson. Nevertheless, the Planning Commission voted to deny the Application for 30 Sampson.

The Planning Commission requested that Planning Staff prepare Findings of Fact and Conclusions of Law consistent with its April 10th discussion and vote. The Planning Commission ratified the Findings of Fact and Conclusions of Law denying the Application at a June 28, 2013 meeting. Generally, the Planning Commission found that the Application doesn't meet the purposes of the HRL Zone; the Project is not compatible with existing historic homes with respect to height, setbacks, mass, or scale; the design doesn't reduce visual impacts; and placement of the Project doesn't maximize open space.

Analysis

The Planning Commission improperly denied the Application. First, it violated the Land Use, Development, and Management Act ("LUDMA") by failing to identify conditions to

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mitigate anticipated impacts from the Project. Second, the Planning Commission lacked substantial evidence to support denial of the Application. Third, it relied on unconstitutionally vague standards when it denied the Application. Finally, the Planning Commission improperly relied on criteria outside the LMC to deny the Application.

First, the Planning Commission violated LUDMA because it did not attempt to impose conditions that would mitigate the anticipated impacts of the Project. Section 10-9a-507(2)(a) of the Utah Code requires that “[a] conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.” (Emphasis added).

The 1995 Amended Plat approved a single-family residence at 30 Sampson. Based on approval of the Amended Plat, the Jorgensens submitted the Application. In the August 22nd Staff Report, Planning Staff determined that the Project complied with all applicable numeric criteria, including requirements for building footprint size; building square foot maximum; setbacks; height; number of stories; final grade; vertical articulation; roof pitch; and parking. PLANNING COMMISSION STAFF REPORT, 30 SAMPSON AVENUE 205—206 (Aug. 22, 2012). Moreover, the Staff Report concluded that there were no unmitigated impacts associated with the nine criteria used to evaluate the Steep Slope CUP. The Planning Commission expressed progressively more concern about the Project over the course of hearings and work sessions held in August 2012, December 2012, and April 2012. In June 2013, more than one year after submission of the Application, the Planning Commission denied the Application.

The Planning Commission made no attempt to impose conditions on the Project. In doing so, the Planning Commission functionally determined that no single family home may be constructed at 30 Sampson. This conflicts with the 1995 Amended Plat in which the City Council approved 30 Sampson as a lot appropriate for a single-family home. Moreover, it ignores the Jorgensens’ efforts to modify the Application to meet expressed concerns. For instance, in an effort to reduce the mass and scale of the garage, the Jorgensens’ redesigned their garage from a side-by-side two-door configuration to a one-door tandem garage. PLANNING COMMISSION STAFF REPORT, 30 SAMPSON AVENUE 82 (Apr. 10, 2013). Most importantly, however, the decision violated LUDMA’s mandate that conditions be proposed or imposed that would mitigate the anticipated detrimental impacts of the Project. UTAH CODE ANN. § 10-9a-507(2)(a); ADVISORY OPINION NO. 117, OFFICE OF THE PROPERTY RIGHTS OMBUDSMAN *7 (October 15, 2012); *Trisko v. City of Waite Park*, 566 N.W.2d 349, 357 (Minn. Ct. App. 1997) (“Evidence that a municipality denied a conditional use permit without suggesting or imposing conditions that would bring the proposed use into compliance may support a conclusion that the denial was arbitrary.”).

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Second, the Planning Commission lacked substantial evidence to support denial of the Application. A land use authority's decision must be supported by substantial evidence. The Planning Commission must have substantial evidence to support its decision. UTAH CODE ANN. § 10-9a-801(3)(c). Substantial evidence exists when "a reasonable mind might accept as adequate the evidence supporting the decision." *Long v. Ethics and Discipline Comm. of the Utah Supreme Ct.*, 2011 UT 32, ¶ 50, 256 P.3d 206.

The Planning Commission found that the height, setbacks, volume, mass, and scale of the Project caused impacts that could not be substantially mitigated. But the Planning Commission lacked substantial evidence to support this determination. To the contrary, Planning Staff determined that the Project complied with the numeric criteria for floor area, building footprint, setbacks, and height. PLANNING COMMISSION STAFF REPORT, 30 SAMPSON AVENUE 86—88 (Apr. 10, 2013). Planning Director Thomas Eddington assigned the minimum setbacks. *Id.* at 86. Chief Building Official Chad Root determined that the proposed basement met the International Building Code's definition of basement. PLANNING COMMISSION STAFF REPORT, 30 SAMPSON AVENUE 157 (June 28, 2013). Because it qualified as a basement, the basement was permitted in addition to the maximum residence size, as explained in Director Lewis's 1998 letter. Finally, Mr. Root determined that the proposed home and garage were not connected and, as a result, did not exceed the maximum three story height. *Id.*

The Planning Commission also lacked substantial evidence for its finding that the Project is not compatible with existing historic homes. The Planning Commission discounted an existing home size analysis prepared by Planning Staff because the analysis did not consider height, setbacks, mass, scale, or existing LMC requirements. But the analysis provides a useful basis for comparing the Project to existing homes. The proposed floor area for the Project is 4,585 square feet. 60 Sampson, an existing historic home has a total size of approximately 4,246 square feet on a lot smaller than 30 Sampson's lot. 16 Sampson was recently approved for construction of a home of approximately 4,141 square feet. Moreover, two homes located on Norfolk in the HR-1 District sit adjacent to 30 Sampson. Both of these homes are larger than the Project. These data show that 30 Sampson is comparable to several neighboring properties, including adjoining properties. The Planning Commission did not offer quantitative height, setback, mass, and scale data that show the Project is not compatible with existing homes.

In addition to its other findings, the Planning Commission found that the Project failed to maximize open space, would cause visual impacts, and did not provide screening. When it approved the Amended Plat, the Planning Commission understood that 30 Sampson was an irregular lot. The majority of buildable area is located on the rear of the lot, where the proposed home is located. PLANNING COMMISSION STAFF REPORT, 30 SAMPSON AVENUE 92 (Apr. 10, 2013). The Project covers only 31% of the overall lot. *Id.* at 91. Thus, the Project preserves open space to the extent possible on this irregular and very steep lot. The Project

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minimizes visual impacts because it is broken into smaller pieces that step with the grade. *Id.* at 93. Notably, the proposed garage is detached and completely subordinate to the proposed home. *Id.* Lastly, the Jorgensens' plan to screen the Project by planting 40 new trees on the lot. *Id.* at 91. In summary, the Planning Commission lacked substantial evidence to support its findings that the Project is not compatible with existing homes and that it will have detrimental visual impacts.

Third, the provisions the Planning Commission relies upon to analyze compatibility with existing historic homes are unconstitutionally vague because they provide no guidance for the Jorgensens to prepare designs and an application. An ordinance is unconstitutionally vague when it either "(1) fail[s] to give the person of ordinary intelligence a reasonable opportunity to know what is prohibited, so that he may act accordingly, or (2) [is] written in a way that encourages arbitrary and discriminatory enforcement." *Bushco v. Utah State Tax Comm'n*, 2009 UT 73, ¶ 55, 225 P.3d 153 (internal quotation marks omitted).

The Planning Commission found that the Project does not contribute to the character and scale of the HRL District. In particular, it found that the Project is not compatible with the height, setbacks, mass, or scale of existing historic homes. The Planning Commission appears to have based its decision, in part, on the purpose statements for the HRL District. LMC § 15-2.1-1(C), (E)-(F). The Planning Commission also appears to have relied on language permitting it to minimize the visual mass or mitigate differences in scale between existing and proposed structures. LMC § 15-2.1-6(B)(8)-(9).

The Project complies with the quantitative criteria in the LMC for floor area, building footprint, setbacks, and height. PLANNING COMMISSION STAFF REPORT, 30 SAMPSON AVENUE 86—88 (Apr. 10, 2013). The provisions relied on by the Planning Commission fail to provide guidance to applicants and design professionals as to when compliance with quantitative criteria will not be adequate to satisfy Steep Slope CUP requirements. Moreover, there is no guidance as to what additional criteria may exist and how they will be applied. Indeed, in this case, the Planning Commission's decision making appears to be driven by subjective standards developed on an ad hoc basis. Because they provide no meaningful guidance to the Jorgensens, the provisions relied upon by the Planning Commission are unconstitutionally vague.

Finally, the Planning Commission impermissibly relied on grounds outside the LMC to deny the Application. UTAH CODE ANN. § 10-9a-801(3)(d); *Mann Media, Inc. v. Randolph Cnty. Planning Bd.*, 565 S.E.2d 9, 17 (N.C. 2002) ("The [Planning Commission] . . . is without power to deny a permit on grounds not expressly stated in the ordinance and it must employ specific statutory criteria which are relevant." (internal quotation marks omitted)).

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The Planning Commission found that the Project maximizes the minimum setbacks; violates the intent of the three-story requirement, and may require more than two parking spaces. There is no dispute that 30 Sampson falls within the minimum setbacks established for the lot. The LMC defines a setback as "[t]he required minimum distance between a Building Pad and the closest of the following: (A) Property Line; (B) platted Street; or (C) existing curb or edge of a Street," LMC § 15-15-1.234. Based on this definition, the building pad for the Project may permissibly extend to the minimum setback line. Pursuant to section 15-2.1-5(A) of the LMC, "[a] Structure may have a maximum of three (3) stories." According to Mr. Root, the proposed home and garage are separate structures. Both are less than three stories. Thus, the proposed home and garage satisfy the story requirement. The LMC provides no additional criteria regarding the intent of the story requirement. The LMC requires two parking spaces per Single Family Dwelling unit; it provides no basis for requiring additional parking spaces. LMC § 15-3-6(A). The Project has the required two parking spaces. The Planning Commission may not use bases outside the LMC to impose conditions on 30 Sampson or to deny the Application.

The Jorgensens filed the Application in February 2012. The Planning Commission denied the Application without proposing any conditions to mitigate anticipated detrimental impacts of the Project. In doing so, the Planning Commission violated LUDMA, acted without substantial evidence, applied unconstitutionally vague provisions of the LMC, and relied on impermissible, uncodified grounds for its decision. Further, in the absence of conditions, the Jorgensens may not build a home at 30 Sampson. This outcome contradicts the Amended Plat, which expressly permitted a single-family residence at 30 Sampson.

Should you have any questions, please feel free to contact me.

Very truly yours,

Snell & Wilmer



Wade R. Budge

WRB



GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

State of Utah Department of Commerce

OFFICE OF THE PROPERTY RIGHTS OMBUDSMAN

FRANCINE A. GIANI
Executive Director

BRENT N. BATEMAN
Lead Attorney, Office of the Property Rights Ombudsman

EXHIBIT I

ADVISORY OPINION

Advisory Opinion Requested by:	Michael and Laurie Jorgensen By Wade Budge, Attorney for the Jorgensens
Local Government Entity:	Park City
Applicant for the Land Use Approval:	Michael and Laurie Jorgensen
Type of Property:	Residential
Date of this Advisory Opinion:	March 28, 2014
Opinion Authored By:	Elliot R. Lawrence Office of the Property Rights Ombudsman

Issues

What is the extent and obligation of a land use authority's evaluation of conditional use permit applications?

Summary of Advisory Opinion

Conditional uses are valuable aspects of a local zoning ordinance, and must be administered as part of the overall zoning scheme, respecting the ordinance's design standards and approvals previously granted by the local government. Conditional uses involve four steps: Designating the use as conditional; adopting standards to guide decision makers; identifying detrimental impacts associated with a particular use; and evaluation of conditions to mitigate the use's impacts. Before a conditional use permit may be denied, specific detrimental impacts must be identified, and conditions considered. The denial is justified only if the impacts cannot be substantially mitigated by reasonable conditions. Any decision made by a land use authority as part of the conditional use evaluation process must be supported by substantial evidence.

Review

A Request for an Advisory Opinion may be filed at any time prior to the rendering of a final decision by a local land use appeal authority under the provisions of UTAH CODE § 13-43-205.

An advisory opinion is meant to provide an early review, before any duty to exhaust administrative remedies, of significant land use questions so that those involved in a land use application or other specific land use disputes can have an independent review of an issue. It is hoped that such a review can help the parties avoid litigation, resolve differences in a fair and neutral forum, and understand the relevant law. The decision is not binding, but, as explained at the end of this opinion, may have some effect on the long-term cost of resolving such issues in the courts.

A Request for an Advisory Opinion was received from Wade R. Budge, Attorney for Michael and Laurie Jorgensen, on August 9, 2013. A copy of that request was sent via certified mail to Janet M. Scott, City Recorder for Park City, at 445 Marsac Ave., Park City, Utah. According to the return receipt, the City received the Request on August 19, 2013.

Evidence

The following documents and information with relevance to the issue involved in this Advisory Opinion were reviewed prior to its completion:

1. Request for an Advisory Opinion, with attachments, submitted by Wade R. Budge, attorney for Michael and Laurie Jorgensen, received by the Office of the Property Rights Ombudsman on August 9, 2013.
2. Response submitted on behalf of Park City, by Polly Samuels-McLean, Assistant City Attorney for Park City, received on December 2, 2014.
3. Reply submitted by Mr. Budge, received on January 17, 2014.
4. Reply submitted by Ms. McLean, dated March 5, 2014.
5. Reply submitted by Mr. Budge, dated March 18, 2014.
6. Section 15-2.1-6 of the Park City Municipal Code.

Background

Michael and Laurie Jorgensen own a lot in Park City, located at 30 Sampson Avenue ("30 Sampson"). The lot was created by a subdivision plat approved in 1995, along with two other lots along the same road. The lot has an "irregular hour-glass" shape: The south boundary, adjoining another lot, is essentially straight, but the north boundary "zig-zags" at sharp angles, creating a wedge-shaped section on the east (adjoining Sampson Avenue) and a "squarish" area on the west, with a narrow area in the middle of the lot.¹ The total area of the lot is 7,089 square feet, but the narrowing in the middle limits the area available for a larger building such as a home. The upper, or western portion, is larger than the lower, or eastern portion.² The slopes on the lower portion leading the to the middle appear to be in excess of 30%, but area immediately

¹ The property boundary with the parcel to the north forms a right angle jutting into the middle of 30 Sampson. The western portion is slightly larger than the eastern. The City's staff noted that due to the sharp angles, the lot actually has eight sides.

² The western portion could also be deemed the "northwest" portion, as that part of the lot veers to the northwest. The lower portion is basically oriented on an east-west axis.

adjacent to the street is fairly level. The upper portion levels off somewhat, with the slope appearing to be between 20-30%. The lot has about 48 feet of frontage on Sampson Avenue.

Despite the slope and unusual configuration of 30 Sampson, the owners are confident that a home may be constructed. The lot is located within an "HRL" (Historic Residential-Low Density) zone district. The City Code requires that buildings larger than 1,000 square feet which are located on steep slopes obtain a conditional use permit (a "Steep Slope CUP").³ The Steep Slope CUP process addresses several criteria associated with the development, including size and mass of the building, height, location on the lot, and access.

In the HRL zone, the allowable building footprint size is a function of the lot size. Larger lots allow larger building footprints.⁴ According to the City, the maximum building footprint allowed on 30 Sampson is 2,355.5 square feet.⁵ Because of the unusual configuration, the City Planner determined the setbacks, as provided in § 15-4-17 of the City Code. Each of the lot's eight sides was assigned a setback.

The subdivision plat that created 30 Sampson in 1995 includes a note stating that 3,000 square feet is the "maximum size[] for residential structures" on the lot.⁶ The City determined that it would honor the maximum size approved by that plat. In March of 1998, the City issued a letter, stating that a basement could be included with a home on the lot, provided it met the requirements of the City Code ("March 1998 Letter").⁷ Importantly, the area of a basement would not count towards the 3,000 square foot maximum for the home.⁸ The March 1998 Letter was recorded with the Summit County Recorder's Office. The City acknowledges this Letter, and the development rights that it grants.

In February of 2012, the Jorgensens designed a home for 30 Sampson, and applied for a Steep Slope CUP, because a portion of their development is located on the steep portion constituting the middle of their lot.⁹ The proposed home is located on the western (or upper) portion of the lot (approximately 77 feet from Sampson Avenue), with a garage building located at street level. The garage building extends into the slope face, and includes a below-ground entry room and an elevator leading to the home on the upper portion. The elevator was connected to a deck or bridge leading to the main entrance of the home.¹⁰ A parking area and stairway next to the garage were also shown in the home's drawings. The final design considered by the City was about

³ PARK CITY MUNICIPAL CODE, § 15-2.1-6.

⁴ PARK CITY MUNICIPAL CODE, § 15-2.1-3. A building's "footprint" is the area it occupies, regardless of height. It is not the total floor area of a building.

⁵ "Findings of Fact and Conclusions of Law, June 26, 2013," Park City Planning Commission (Attached as Exhibit A), Finding No. 10.

⁶ The subdivision created three lots, including 30 Sampson. One of the lots is 6,956 s.f., and the other is 11,444 s.f. The smaller lot also has a 3,000 s.f. limit for structures, while the larger may build up to 3,500 s.f.

⁷ At the time of the March 1998 Letter, a basement was required to have four walls at least 80% underground. An outside entrance from the basement was not to be visible from a public street.

⁸ In other words, only the "above ground" portion of the home would be counted against the maximum area.

⁹ It appears that the City's planning staff determined that a Steep Slope CUP was necessary. *But see* Analysis Section II, *infra*.

¹⁰ Other than an outside stairway, the elevator would be the only access from the garage to the home. The Jorgensens included the elevator to make the home fully accessible.

4,041 total square feet, with 2,996 square feet above ground.¹¹ The overall footprint for the project was 2,272 square feet.¹²

After working with the City's staff for nearly six months, the matter was brought to the Park City Planning Commission on August 22, 2012. At that meeting, the staff recommended approval of the Steep Slope CUP, stating that there were no unmitigated impacts associated with the proposed home. The staff report concluded that all of the criteria required by the City's Code supported the permit.¹³ Despite the staff's recommendation, the Planning Commission continued the application, requesting clarification on the definition of "story" in the City Code.¹⁴

In December of 2012, the Planning Commission reviewed the application at a work meeting. At that meeting, the staff reported that the Jorgensen's home met the City's height and story restrictions. The Planning Commission again delayed a decision on the application, citing new issues about the proposed home. Specifically, the commission identified complaints that the home did not suit the historic nature of the area, issues about whether the basement area should be included in the total, and concerns about snow shedding.

In April of 2013, after a request from the Jorgensens, the Commission again considered the application. The Jorgensens had made changes to their home's design, in order to address the concerns raised at the December commission meeting. In particular, the garage was changed to lessen its apparent size and visual impact from Sampson Avenue.¹⁵

At the April meeting, it appears that members of the public expressed concerns about parking on Sampson Avenue, but said nothing about the home itself. During discussion, members of the Planning Commission expressed dislike for the size and visual impacts of the home. The Commission denied the Steep Slope CUP application, concluding that the home was too large for the neighborhood, did not satisfy the "intent" of the HRL zone, was not compatible with the historic development of the area, and that the reasonably anticipated detrimental impacts of the home could not be mitigated through reasonable conditions. On June 26, 2013, the Commission approved its Findings of Fact and Conclusions of Law, formally denying the Jorgensen's application.

¹¹ Findings of Fact and Conclusions of Law, Finding No. 18. It appears from the design information as well as the City's conclusions that the garage and elevator constituted one building, and the home was a separate building. The City code exempts a garage area up to 400 s.f. from the calculation of total area.

¹² Findings of Fact and Conclusions of Law, Finding No. 10.

¹³ Section 15-2.1-6(B) requires evaluation of nine criteria: (1) Location of Development; (2) Visual Analysis; (3) Access; (4) Terracing; (5) Building Location; (6) Building Form and Scale; (7) Setbacks; (8) Dwelling Volume; and (9) Building Height. The staff report also concluded that the proposed home also met the City's requirements, such as height, setback, etc.

¹⁴ Section 15-2.1-5 limits structures to three stories, with a maximum height of 27 feet (above grade). The City staff concluded Jorgensen's home has three stories: a basement, a main floor, and an upper level. The maximum height is below 27 feet.

¹⁵ As stated above, the final design had a building footprint of 2,272 s.f. Based on the analysis by the City's staff, the proposal has a total above-ground floor area of 2,996 s.f. The basement floor area was 1,189 s.f. The total area included 509 square feet of the garage/elevator building, because the first 400 s.f. of the garage was excluded from the total floor area.

In its final order, the Commission made 43 Findings of Fact, including finding that the proposed home did not meet the criteria for a Steep Slope CUP. Specifically, the Commission found that the home was not compatible with existing historic homes in the neighborhood “with respect to height, setbacks, mass or scale . . .”¹⁶ It also found that the home did not meet the purpose of the HRL zone, specifically paragraphs (C), (E), and (F) of § 15-2.1-1.¹⁷ A copy of the Findings of Fact is attached as Exhibit A.¹⁸

Analysis

I. The Planning Commission Does Not Have Discretion to Ignore Approvals Previously Granted by the City or to Reinterpret City Ordinances.

The Planning Commission abused its discretion when it concluded that the Jorgensen’s home did not meet the “purposes” of the HRL zone, and by ignoring terms in the City Code. It is true that interpretation of ordinances by a local planning board enjoys “some level of non-binding deference” *Fox v. Park City*, 2008 UT 85 ¶ 11, 200 P.3d 182, 185. However, the Planning Commission’s deference is limited, and its authority must operate within the terms of the City Code. The Commission does not have discretion to ignore an ordinance or approvals already made regarding the Jorgensen’s property.

A. A 3,000 Square Foot Home May Potentially Be Built on the Lot.

Because the maximum size for a home on 30 Sampson has already been approved by the City, the Steep Slope CUP could not be denied based on an opinion that the home does not meet the purposes of the HRL zone. In its Findings of Fact, the Planning Commission determined that the Jorgensen’s home did not “meet the purpose” of the HRL zone in part because the home did not “preserve the character of Historic residential development in Park City” (Finding No. 28) and because it did not “encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District . . .” (Finding No. 29).¹⁹ The basis for these findings is evidently because the Planning Commission felt that the proposed home is too large for the City’s Historic District.

The Planning Commission does not have discretion to decide that the home is too large for the HRL zone, because the maximum size has already been approved by the City. When the 30 Sampson lot was created in 1995, the City determined that a 3,000 square foot home could be built.²⁰ A few years later, the City agreed that the area of a basement level would not be counted

¹⁶ Findings of Fact and Conclusions of Law, June 26, 2013, Finding No. 38.

¹⁷ That sections lists the purpose of the HRL zone, which includes “preserving historic character” (paragraph (C)); “encourage historically compatible structures” (paragraph (E)); and “review criteria for development on steep slopes” (paragraph (F)).

¹⁸ The document is entitled “Notice of City Council Action” although it is the Findings of Fact and Conclusions of Law for the Planning Commission.

¹⁹ The Findings quote paragraphs (E) and (F) of § 15-2.1-1 of the Park City Code, which lists the purposes of the HRL zone.

²⁰ Along the same lines, the City also has approved the size of a building’s “footprint,” which is a function of the lot area. The size of a building’s footprint acceptable on 30 Sampson has already been approved by the City, and so the

against the total area of a home on that lot. Since the building size has already been approved, the Planning Commission cannot dictate the allowable size of a building simply because it feels that the “purpose” of the HRL zone is better served with smaller homes. In essence, Park City has already determined that on 30 Sampson, a home of 3,000 square feet suitably preserves the character of historic residential development and contributes to the character and scale of the historic district.²¹ The Planning Commission does not have discretion to change what the City Council has already approved.

Furthermore, the Jorgensens have a vested right for a home up to 3,000 square feet in floor area. The 1995 subdivision plat includes the specific approval for a home of that size on 30 Sampson. An approved subdivision plat grants vested rights to the owner. “Some courts have recognized that the filing of a subdivision plat gives a vested right to individual lot owners as to the lots’ size . . .” *Stucker v. Summit County*, 870 P.2d 283, 288 (Utah Ct. App. 1994).²² If an owner is entitled to a vested right in the size and configuration of a lot created by a subdivision, then an owner may claim vested rights in other development or design criteria approved on a subdivision plat. This would include specific building pads or setbacks, and building sizes. Since the City approved a 3,000 square foot home on 30 Sampson as part of the 1995 subdivision plat, the Jorgensens may claim the vested right to build a home up to that size.²³

B. The Jorgensens May Build Within the Approved Setbacks

In a similar vein, the Planning Commission abused its discretion by denying the CUP based on its position that the home “attempts to maximize the minimum setbacks.” (See Findings of Fact, Finding No. 21).²⁴ Because of the unusual configuration of the lot, the minimum setbacks for 30 Sampson have been determined by the Park City Planning Director, as provided in the City Code.²⁵ The buildings (the garage and home) are placed within the required setbacks, and there is no issue that the setbacks need to be adjusted.

Because the proposed home conforms to the established setbacks, the Planning Commission does not have discretion to deny approval simply because the home’s plan “maximizes” those setbacks. The Jorgensens have the right to build within the approved building pad. The buildable area of the lot, as defined by the required setbacks, has been decided by the City. As long as the building complies with the setbacks, the Planning Commission does not have discretion to deny the Steep Slope CUP because of an opinion that the proposed building is “too close” to what has

Planning Commission cannot presume the authority to determine what size building best suits the “purpose” of the HRL zone.

²¹ This is further reinforced by the fact that the proposed home and garage would be a permitted use if the lot had a slope less than 30%, and no Steep Slope CUP were required.

²² See also *Wood v. North Salt Lake*, 15 Utah 2d 245, 390 P.2d 858 (1964) (Property owners had vested right in lot sizes created by subdivision plat, even though a subsequent zoning ordinance required larger lots)

²³ Even if development criteria on a subdivision plat granted a vested right, development would still need to comply with other zoning requirements, including the Steep Slope CUP, if required by the City Code.

²⁴ The Planning Commission’s application of §15-2.1.6(B)(7) of the City Code (Setbacks as part of the CUP analysis) is discussed below.

²⁵ See PARK CITY MUNICIPAL CODE, §15-4-17 (Setback Requirements for Unusual Lot Configurations). The buildable area, or “building pad” is “the Lot Area minus required Front, Rear and Side Yard Areas.” *Id.*, § 15-2.1-3(C).

already been approved.²⁶ Otherwise, the Planning Commission would be overruling the City's determination by effectively increasing the setbacks, which would be an abuse of its discretion.

C. The Planning Commission Does Not Have Discretion to Ignore the Established Meanings of Terms Used in the City Code.

The Planning Commission must follow the terms and definitions adopted by the City, and does not have discretion to adopt its own definitions. "A municipality is bound by the terms and standards of applicable land use ordinances and shall comply with mandatory provisions of those ordinances." UTAH CODE ANN. § 10-9a-509(2). If a term is defined in either the City's ordinances or the State Code, the Planning Commission is bound to follow that definition, and does not have discretion to change the established meaning of the term.

The terms of the City's ordinances are interpreted according to the plain language used.

When interpreting statutes, [the] primary objective is to give effect to the [legislative] intent. To discern . . . intent, . . . look first to the statute's plain language. . . . [P]resume that the [legislative body] used each word advisedly and read each term according to its ordinary and accepted meaning. Additionally, . . . read the plain language of the statute as a whole and interpret its provisions in harmony with other statutes in the same chapter. When the plain meaning of the statute can be discerned from its language, no other interpretive tools are needed.

Selman v. Box Elder County, 2011 UT 18, ¶ 18, 251 P.3d 804, 807 (citations and alterations from original omitted). In addition, "since zoning ordinances are in derogation of a property owner's use of land . . . any ordinance prohibiting a proposed use should be strictly construed in favor of allowing the use." *Carrier v. Salt Lake County*, 2004 UT 98, ¶ 30, 104 P.3d 1208, 1216. If a term is not defined by ordinance or statute, the ordinary meaning and usage of the word is used.

1. The Jorgensen Home Includes a Basement.

The City's planning staff concluded that the basement proposed for the Jorgensen home satisfied the definition stated in the March 1998 Letter, and so the basement area was not included when calculating the total floor area allowed.²⁷ Defying this analysis, along with the provisions of the City Code and the actions of the City Council, the Planning Commission decided that the

²⁶ The Planning Commission apparently objects to having the building located within the area the City has approved for building (*i.e.*, the building pad, or the area within the established setbacks). Admittedly, the home building occupies nearly all of the buildable area on the upper portion of the lot. Although the Planning Commission may prefer greater setbacks, it does not have discretion to deny the Steep Slope CUP based on the amount of buildable area being used. As discussed below, the Steep Slope CUP ordinance grants the Planning Commission a limited amount of discretion over setbacks as part of the conditional use analysis. That discretion, however, only involves setback adjustments in limited circumstances, and is not authority to question how a property owner uses the area approved for building.

²⁷ Excluding the basement floor area meant that the "above ground" portion of the home had 2,996 s.f., just under the 3,000 s.f. limit.

basement level of the Jorgensen home did not meet its conception of a basement, and so it concluded that the area of that level was to be included in the total area of the home.²⁸

The March 1998 Letter stated that the area of a basement level would not be included in the total area allowed on the lot, if all four walls of the basement were at least 80% underground.²⁹ The Planning Commission misquoted that definition, stating that a basement must be “constructed *fully* below the finished grade.” Findings of Fact, Finding No. 8 (emphasis added).³⁰ Moreover, the City Code currently defines “basement” as “[a]ny floor level below the First Story in a Building.” PARK CITY MUNICIPAL CODE, § 15-15-4(1.25) (Definition of “basement”).³¹ The Planning Commission decided that the basement was not “fully below the finished grade” because it had windows and a light well (or window well).³² Therefore, according to the Planning Commission, it was not eligible for floor area exemption provided by both the March 1998 Letter and the City Code.³³

Using the City Code’s definition, the Jorgensen home has a basement. It is a level below the first story. The City Code does not mention windows—as long as the level is below the first story, it could presumably have as many windows as the homeowner wants. In addition, windows are required by the building code. The March 1998 Letter requires that all four walls of a basement be at least 80% underground. It also does not mention windows, but it is reasonable that the requirement could be fulfilled if the walls of window wells were considered as part of the basement walls.³⁴ The March 1998 Letter allows an exterior door leading to a basement (including a garage door), so it would seem that windows are also a possibility.³⁵

²⁸ See Findings of Fact and Conclusions of Law, Finding No. 40.

²⁹ According to the March 1998 Letter, this was the definition of basement from the City Code. That letter provided that the area of a basement would not be included in the total floor area for a home. See Findings of Fact and Conclusions of Law, Finding No. 8. The design drawings submitted for this Opinion show that the basement walls are completely below ground, including the wall for the “light well.”

³⁰ See also Findings of Fact, Finding No. 40.

³¹ “First Story” means “[t]he lowest Story in a Building provided the floor level is not more than four feet (4’) below Final Grade for more than fifty percent (50%) of the perimeter. PARK CITY MUNICIPAL CODE, § 15-15-4(1.103). The Jorgensen’s plans show that only the basement of their home is below grade, and the so the first level would qualify as a “First Story.”

³² The windows are required by the building code, and provide light and emergency access. A portion of one basement wall includes three windows with a “light well,” which is basically a sunken window well extending across all three windows (about 20 feet total) allowing light and access. The outside wall for the light well is connected to the basement wall and extends a few feet from the main structure. There was evidently no analysis or measurement showing that the basement was less than 80% below ground, or that the basement was not below the First Story of a building.

³³ See *id.*, § 15-15-4(1.105) “Basement and Crawl Space Areas below Final Grade are not considered Floor Area.”

³⁴ It is also worth noting that most people would agree that a basement includes windows and even exterior doors.

³⁵ The March 1998 Letter states that an exterior door, including a garage door, may not be visible from a public street. Thus, it was at least considered possible that a basement with a garage door could still have 80% of its walls underground. Since windows are smaller than garage doors, a basement could also feasibly include windows. The HRL zone anticipates window wells and light wells, allowing them to extend into side and rear yard setbacks, and excluding the depth of window wells from defining existing grade. See *id.*, §§ 15-2.1-3(G)(3) and (I)(3), and 15-2.1-5.

The Planning Commission abused its discretion by not allowing the basement area to be exempted from the total floor area allowed for the Jorgensen home. Their conclusions are not supported by any reasonable interpretation of the City Code or the March 1998 Letter, particularly given the building code's requirement that windows be included. The conclusions reached by the Planning Commission place homeowners in a "catch-22" situation: A basement must have windows; but if it has windows, the Planning Commission would no longer consider it a basement.³⁶ This approach also nullifies the exemption granted by the City, depriving the Jorgensens of a valuable property right.³⁷ Finally, since the terms of the area exemption must be construed in favor of the property owner, there is no reasonable basis to conclude that the basement in the Jorgensen home does not meet the definitions of both the City Code and the March 1998 Letter.

2. The Home Meets the Height Requirements of the HRL Zone.

The proposed home satisfies the height requirements of the HRL zone. "No structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade." PARK CITY MUNICIPAL CODE, § 15-2.1-5. According to the materials submitted for this Opinion, the Jorgensen home, as well as the garage and elevator building, are both at or below 27 feet in height, measured from the existing grade. In addition, a structure may not have more than three stories within the 27-foot maximum.³⁸ For the purpose of defining maximum height, a basement level is considered a story, according to the City Code. *Id.*, § 15-2.1-5(A).³⁹

The Planning Commission focused on the height and the number of stories in the two structures proposed for 30 Sampson, eventually concluding that "[t]he two buildings appear by their placement to be a five (5) story building." Findings of Fact, Finding No. 39. However, both the home and the garage/elevator buildings satisfy the City's height requirement. The maximum height is 27 feet above the existing grade, regardless of how tall the building "appears" to be, or its location on a hillside. The Planning Commission does not have discretion to alter the definition found in the City Code.

The City Code does not define "story," but it does define how to measure a story.⁴⁰ The ordinary understanding of the term "story" is "each of the stage or portions one above another of which a building consists; a room or set of rooms on one floor or level." OXFORD ENGLISH DICTIONARY, Vol. XVI (2nd ed. 1989) p. 789.⁴¹ Using this as the plain language meaning of the term, the two

³⁶ "Catch-22" refers to a circumstance or situation that presents a dilemma because of mutually conflicting or dependent conditions. See THE OXFORD DICTIONARY AND THESAURUS, AMERICAN EDITION (1996), p. 219.

³⁷ The Planning Commission's conclusion also does not solve their concerns over the size of the structure. If the basement were eliminated, the structure would still have the same dimensions above ground—eliminating the basement would only reduce the total floor area, not the overall size and mass of the structure.

³⁸ The City Code allows additional height for an elevator building. See *id.*, § 15-2.1-5(3). It appears, however, that no extra height was requested for the Jorgensen's elevator.

³⁹ A basement would count as a "story," but only the portion of a structure above ground would be measured for the maximum height.

⁴⁰ *Id.*, § 15-15-32(1.251) "STORY. The vertical measurement between floors taken from finish floor to finish floor."

⁴¹ "Story" usually refers to the horizontal divisions of a building. A building's stories usually include space between floors to house electrical wiring, plumbing, etc.

structures comply with § 15-2.1-5. The home has three levels, including a basement. The garage/elevator building has only one story.⁴² The Planning Commission must abide by the plain language of the City ordinance, and does not have discretion to adopt a new interpretation not supported by the City Code. Since both buildings are less than 27 feet high and have no more than three stories, they both satisfy the required height limitation.

II. The City's Steep Slope CUP Ordinance Only Applies to Substantial Structures Actually Located on Steep Slopes.

The Steep Slope CUP ordinance only applies to substantial structures actually located on a steep slope, and may not be extended to regulate structures which are not placed on a slope. "A Conditional Use permit is required for any Structure in excess of one thousand square feet (1000 sq. ft.) if said Structure and/or Access is *located* upon any existing Slope of thirty percent (30%) or greater." PARK CITY MUNICIPAL CODE, § 15-2.1-6(B) (emphasis added).⁴³ In other words, the Planning Commission only has authority to add additional conditions on a structure which is actually placed on an area with a slope greater than 30%, if the structure exceeds 1,000 square feet. It does not apply to structures placed on more level areas of a lot, even if other portions of the lot have a steep slope, or to buildings which are smaller than 1,000 square feet.⁴⁴

It appears, based on the materials submitted for this Opinion, that only the lower portion of 30 Sampson has an area where the slope exceeds 30%.⁴⁵ The upper portion is more level.⁴⁶ If this is so, then the only portion of the lot subject to the Steep Slope CUP is whatever portion has a slope greater than 30%, and which has a substantial structure placed upon it. Structures on more level areas do not require conditional use approval.

The Jorgensen's proposal consists of two buildings: The home on the upper portion, and the garage/elevator structure on the lower portion. The City's review treated the two buildings as separate. The Planning Commission agreed that the home is a separate structure from the garage.

⁴² There was no indication that the elevator shaft would comprise two stories. At any rate, since the garage is a separate structure, it may have as many as three stories, so long as the height does not exceed 27 feet.

⁴³ Note that the ordinance language only applies to a structure located on an existing slope greater than 30%, in contrast, the ordinance would not apply simply when a structure is built on a level portion of a lot that also includes a steep slope.

⁴⁴ This interpretation is based on the plain language of § 15-2.1-6(B). In addition, the provision that a zoning ordinance must be narrowly construed in favor of the property owner demands this conclusion.

⁴⁵ See Findings of Fact, Finding No. 5: "The subject property is very steep ranging from flat areas near Sampson Avenue and climbing uphill with slopes reaching between 30-40% before reaching the main body of the lot." This is, of course, not a final conclusion that the slope on the upper portion is less than 30%, but is consistent with the information submitted for this Opinion. The City maintains that its staff concluded that a Steep Slope CUP is required, and that the Jorgensens failed to appeal that determination.

⁴⁶ This observation is based upon topographic data listed on the plans submitted for this Opinion. The lower portion of 30 Sampson has a small level area along the street, and the elevation rises sharply in the middle, where the lot narrows. The garage and elevator structure requires excavation into this slope face. The upper portion appears to be more level (the data on the plans suggests that the slope is less than 30%). According to the plans, the home structure will be entirely above ground (except for the basement), without extensive excavation into a slope face. A more thorough analysis is needed to accurately ascertain the slope of the upper portion.

See Findings of Fact, Finding Nos. 6, 13, 15, 16, 17, 22, 34 and 39. In addition, the conclusion that the buildings are separate is supported by the facts. Both the home and the garage have separate foundations, and are not connected, except by a walkway. The garage and elevator could be removed without changing the home, and the home could be altered without any changes to the garage. Simply providing access via a deck or bridge does not unite the two separate buildings.

If the slope on the upper portion of the lot is less than 30%, then the Planning Commission does not have authority to impose any additional conditions on a structure placed on that portion. If the home is located on an area with a steeper slope, then the Steep Slope CUP ordinance would apply. The garage/elevator building is located on a steep slope, and requires excavation into the slope face. However, the garage and elevator are less than 1,000 square feet, so a Steep Slope CUP should not be required.⁴⁷

In short, § 15-2.1-6 of the City Code requires a Steep Slope CUP not merely because a lot has a slope greater than 30%, but because a substantial structure is proposed to be built on that slope. That section must be construed narrowly, in favor of allowing the use and enjoyment of property. The City may not require a conditional use permit except where one is mandated by the City Code. Despite a desire to improve the City, the Planning Commission does not have discretion to exceed the authority granted to it.

According to the materials submitted for this Opinion, the Jorgensens object to being subject to the Steep Slope CUP for the same reasons. The City maintains that its planning staff decided that the CUP was necessary, and that the Jorgensens cannot object at this point. It is not clear if the Jorgensens raised their objections before the Planning Commission, however. If it is determined that the Steep Slope CUP ordinance does not apply to the Jorgensen's proposal, the Planning Commission's decision would possibly be void as an unauthorized act, even if its actions were supported by substantial evidence.⁴⁸

III. Before it May Deny a Conditional Use, the City Must Show the Detrimental Impacts of the Use, and the Conditions Which Were Considered to Mitigate Those Impacts.

In order to justify denying an application for a conditional use permit, the City must establish the detrimental impacts of the development, and show by substantial evidence that reasonable conditions would not mitigate those impacts. Conditional uses are governed by the Land Use,

⁴⁷ See Findings of Fact, Finding 6. "The proposal . . . includes a 453 square foot detached garage, a 350 square foot garage entry and a 106 square foot access tunnel which is located below ground" The areas listed total 909 square feet, but 400 s.f. is excluded from the total floor area.

⁴⁸ A zoning decision may be overturned if it is arbitrary, capricious, or illegal. UTAH CODE ANN. § 10-9a-801(3). A decision is arbitrary and capricious if it is not supported by substantial evidence. *Bradley v. Payson City Corp.*, 2003 UT 16, ¶ 10, 70 P.3d 47, 51. It is illegal if the action taken was not authorized, or if it violated a statute or ordinance. UTAH CODE ANN. § 10-9a-801(3)(d).

Development, and Management Act (or "LUDMA"), found in Title 10, chapter 9a of the Utah Code.⁴⁹ A "'Conditional use' means a land use that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts." UTAH CODE ANN. § 10-9a-103(5). Section 10-9a-507 provides the framework for consideration of conditional use permits:

(1) A land use ordinance may include conditional uses and provisions for conditional uses that require compliance with standards set forth in an applicable ordinance.

(2) (a) A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.

(b) If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

Id., § 10-9a-507. The Utah Code thus anticipates four specific steps: First, a use must be designated as "conditional" in a land use ordinance; Second, standards must be adopted to guide evaluation of a conditional use; Third, reasonably anticipated detrimental impacts associated with the particular circumstances being evaluated must be identified by a land use authority; and Fourth, conditions must be proposed to mitigate those detrimental impacts. The use may be denied only if the proposed conditions cannot substantially mitigate the detrimental impacts.⁵⁰

A. Standards for Conditional Use Evaluation

In § 15-2.1-6, the City adopted some standards to govern evaluation of a Steep Slope CUP. "Development on Steep Slopes must be environmentally sensitive to hillside Areas, carefully planned to mitigate adverse effects on neighboring land and Improvements, and consistent with the Historic District Design Guidelines." PARK CITY MUNICIPAL CODE, § 15-2.1-6. The section covers nine specific criteria: Location of Development, Visual Analysis, Access, Terracing, Building Location, Building Form and Scale, Setbacks, Dwelling Volume, and Building Height. *See id.*, § 15-2.1-6(B).

The Utah Code does not define "applicable standards," nor does it explain the nature or extent expected for such standards that would be acceptable for conditional use analysis. Several years

⁴⁹ UTAH CODE ANN. §§ 10-9a-101 to -803 (applicable to municipalities); *see also id.*, §§ 17-27a-101 to -803 (applicable to counties). This Opinion will cite to the provisions in Title 10, because they apply to Park City.

⁵⁰ As has already been discussed, Park City has designated that a substantial structure located on a steep slope is a conditional use, thus fulfilling the first step.

ago, however, the Utah Supreme Court deferred decisions on standards to a local jurisdiction's judgment:

While it is true that a zoning ordinance must set some ascertainable boundaries on the exercise of discretion by a zoning authority, such boundaries are not required to be unduly rigid or detailed. A generalized exposition of overall standards or policy goals suffices to direct the inquiry and deliberation of the zoning authority, and to permit appellate review of its decision.

Thurston v. Cache County, 626 P.2d 440, 443-44 (Utah 1981). Thus, even though the standards listed in § 15-2.1-6 basically consist of fairly broad policy statements, they are nevertheless sufficient for conditional use analysis. The Planning Commission's discretion, however, is limited to these standards.

For example, § 15-2.1-6(B)(7) establishes standards to evaluate the setbacks of a structure subject to a Steep Slope CUP. The Planning Commission may vary setbacks only to "minimize the creation of a 'wall effect' along the Street front and/or the Rear Lot Line." PARK CITY MUNICIPAL CODE, § 15-2.1-6(B)(7). Unless it is shown by substantial evidence that there is "wall effect" on the front or rear of the lot, the Planning Commission may not consider a variation in setbacks, and it may not deny the Steep Slope CUP on the basis that there is some other "detrimental impact" associated with setbacks.

Moreover, the Steep Slope CUP, like any conditional use, is not to be evaluated in a vacuum, but as part of an overall zoning scheme. The Steep Slope CUP ordinance not only requires evaluation according to the standards listed, but also requires consideration "consistent with the Historic District Design Guidelines." Therefore, the CUP must also take into consideration the requirements and guidelines of the Historic District Zone. The design guidelines, allowed uses, and vested rights established as part of a zoning ordinance must factor into a conditional use evaluation.⁵¹ Otherwise, a conditional use regulation becomes "spot zoning" on individual parcels, rather than an aspect of a community's comprehensive zoning regulation.⁵²

⁵¹ This approach to conditional uses helps resolve the dichotomy between individual property rights and a community's legitimate interest in promoting the public welfare. Uses are designated as conditional because of unique aspects (including location) that warrant a more careful evaluation than that provided by generally applicable zoning regulations. If a locality makes a use conditional, the property owner has the right to carry out that use, by complying with the reasonable conditions meant to mitigate detrimental impacts. The owner may also rely on the design and use standards adopted in a zoning ordinance, and also on approvals previously granted. Conditional use evaluation does not negate other aspects of a zoning ordinance, but is an individualized consideration of an allowed use, consistent with the terms of a community's overall zoning scheme.

⁵² "[S]pot zoning occurs when a municipality either grants a special privilege or imposes a restriction on a particular small property that is not otherwise granted or imposed on surrounding properties in the larger area. *Tolman v. Logan City*, 2007 UT App 260, ¶ 15, 167 P.3d 489, 495. This does not mean that a local government may never identify a use as conditional, only that the conditional use permit must recognize the overall zoning regulation for the area. Conditional use evaluation is not an excuse to fashion a completely new zoning scheme applicable to a single property.

Thus, although the City Code requires conditional use evaluation for a structure located on a steep slope, that evaluation does not stand alone, and is not an excuse to ignore other zoning provisions. Instead, the Steep Slope CUP constitutes an individualized evaluation of the impacts made by a structure on a steep slope. That evaluation must consider the overall zoning scheme for the area, and must recognize the zoning and design standards as well as approvals previously granted by the City.

Finally, conditional use analysis must include consideration of the specific setting and circumstances of the proposed use. The possible impacts and potential conditions are inextricably tied to the location of the proposed use, and a determination of impacts and conditions must be specific to the unique aspects of the location.⁵³ Generalized statements about the use will not suffice. In the Jorgensen's situation, the lot has a very unusual configuration and a steep slope, which limits its usable area. Any design evaluation affecting 30 Sampson, including consideration of a conditional use permit, must take into account the specific needs and limitations of that parcel and the circumstances of the surrounding area as well as the provisions of the HRL zone.

B. Identifying Detrimental Impacts

In order to grant or deny a conditional use permit, and impose conditions on the use, a local government must identify the reasonably anticipated detrimental impacts associated with that specific use. This follows from the language of the Utah Code, which provides that a conditional use may be approved with conditions to mitigate the detrimental impacts, but denied only if the impacts cannot be mitigated by reasonable conditions.⁵⁴ In order to determine what conditions may be imposed—and whether they will be effective—the use's detrimental impacts must first be identified.

In order to justify additional conditions, the use's impacts must not only be identified, but shown to be potentially detrimental to the municipality, neighboring properties, or nearby land uses. The Steep Slope CUP ordinance focuses on two distinct areas: Protection of hillside environments, and mitigation of "adverse effects on neighboring land and improvements." *Id.*, § 15-2.1-6. This implies that before conditions may be imposed, it must be shown that a structure on a steep slope would have negative effects on nearby properties or to the hillside's environment. It is not necessary that actual injury be shown, but the detrimental impacts must nevertheless be connected to some distinct adverse effect on the use and enjoyment of nearby properties or an effect on an environmental concern. In other words, there must be a "nexus," or a link between

⁵³ See UTAH CODE ANN. § 10-9a-103(5) (A use may be designated conditional because of its potential impacts on neighboring properties or land uses).

⁵⁴ *Id.*, § 10-9a-507(2) and (3).

the use and a potential negative effect. No detrimental impacts may be established without substantial evidence of a connection to a negative effect.

The reasonably anticipated detrimental impacts must be identified specifically for each particular use in each particular location. It is not sufficient to cite general conclusions about the use.⁵⁵ Detrimental impacts, like all aspects of a conditional use, must be established by substantial evidence.⁵⁶ Since the municipality is claiming the need for additional conditions to mitigate a use's detrimental impacts, the municipality has the burden of identifying the specific detrimental impacts.

The Planning Commission's Findings of Fact and Conclusions of Law repeatedly state that the Jorgensen's home has "impacts that cannot be substantially mitigated." However, there is little discussion showing what detrimental impacts were considered, or how they were established. The Commission worked through seven of the nine subsections in the Steep Slope CUP ordinance, finding that the Jorgensen home has impacts that cannot be mitigated.⁵⁷

a. Subsection (1): Location of Development.

In Findings of Fact Number 31, the Commission found that the Jorgensen home "has impacts that cannot be substantially mitigated with respect to LMC § 15-2.1-6(B)(1) 'Location of Development . . .'"⁵⁸ The Commission noted that the proposed buildings "climb up the hill" and "utilize[] virtually the entire lot."⁵⁹ The buildings "are not located on the lot in a manner that reduces the visual impact." These are generalized objections to the proposal, but the Finding does not show that the proposed buildings cause or may cause adverse effects on neighboring properties, or the hillside environment. In short, the Planning Commission did not establish that the location of the Jorgensen home would be

⁵⁵ Uses are designated as conditional because of potential impacts on the municipality, neighboring properties or neighboring land uses. Therefore, it must be shown that each specific use has impacts that detrimentally affect the municipality, neighboring property owners, or nearby land uses. Any reliable and relevant information about a use may serve as evidence of the use's impact; but, that information must be considered along with the specific situation being evaluated, and the impacts determined individually for the each use. Generalized information is not by itself sufficient justification to determine detrimental impacts.

⁵⁶ "A municipality's land use decision concerning the granting or denial of a conditional use permit is arbitrary and capricious only if it is not supported by substantial evidence." *Wadsworth v. West Jordan City*, 2000 UT App 49, ¶ 9, 999 P.2d 1240, 1242 (citations and alterations omitted). Substantial evidence is "that quantum and quality of relevant evidence that is adequate to convince a reasonable mind to support a conclusion." *Bradley*, 2003 UT 16, ¶ 15, 70 P.3d at 52 (citation omitted).

⁵⁷ The Planning Commission's analysis does not address subsections (3), "Access" or (4) "Terracing." Evidently, there were no significant issues stemming from those aspects.

⁵⁸ "LMC" means the "Land Management Code," part of the Park City Municipal Code. The standard guiding criterion (1) of the Steep Slope CUP ordinance states that "[d]evelopment is located and designed to reduce visual and environmental impacts of the Structure." PARK CITY MUNICIPAL CODE, § 15-2.1-6(B)(1).

⁵⁹ As has been discussed, the proposed buildings are situated within the building pad (or setbacks) approved by the City. Since a property owner is entitled to use as much of an approved building pad as desired, the amount of the buildable area taken up by a building footprint is, by itself, not a detrimental impact.

associated with any detrimental impacts. It also did not include the design guidelines of the Historic District in its analysis.

b. Subsection (2): Visual Analysis.

The Planning Commission next found that the proposed home “has impacts that cannot be substantially mitigated” based on the language of § 15-2.1.6(B)(2) “Visual Analysis.” See Findings of Fact, Finding Number 32. The Commission determined that the proposal did not include “screening, vegetation protection, or other design opportunities” that could have mitigated visual issues. However, the Commission’s finding does not demonstrate any detrimental impacts on nearby properties or the hillside environment resulting from the proposed home. Instead, it concludes that the proposal does not include conditions to mitigate the unspecified impacts.

The subsection actually requires the applicant to provide a visual analysis, to identify potential impacts and the “potential for Screening, Slope stabilization, erosion mitigation, vegetation protection, and other design opportunities” PARK CITY MUNICIPAL CODE, § 15-2.1-6(B)(2)(b). The language of the subsection thus calls for information needed to properly address these specific factors, and does not provide a standard guiding the type of conditions that could be imposed.⁶⁰

c. Subsection (5): Building Location.

Turning to subsection (5), “Building Location,” the Commission again found that the home has impacts that could not be mitigated, without identifying the specific adverse effects associated with the proposal.⁶¹ Subsection (5) calls for coordination with adjoining properties to “maximize opportunities for open Areas and the preservation of natural vegetation, to minimize driveway and Parking Areas, and to provide variation of the Front Yard.” *Id.*, § 15-2.1-6(B)(5). The Commission cited this language, and concluded that impacts could not be mitigated. However, there was no analysis showing how much open space would be desired, the amount of vegetation that ought to be preserved, or the acceptable size of parking areas; nor was there a showing of a negative effect on adjacent properties associated with those factors.⁶²

⁶⁰ The Utah Code requires that conditional uses be analyzed according to standards. See UTAH CODE ANN. § 10-9a-507. Subsection (2) requires analysis of a few visual aspects, but “determining impacts” and “identifying potential conditions” are basically what constitutes conditional use evaluation, so that language cannot be considered as suitably directing the inquiry and deliberation of the Planning Commission. See *Thurston v. Cache County*, 626 P.2d 440, 443-44 (Utah 1981).

⁶¹ Findings of Fact, Finding No. 33.

⁶² Like the Visual Analysis required by Subsection (2), the language of Subsection (5) requires “coordination” with adjacent properties, but does not provide standards to direct the Planning Commission’s decision-making.

d. Subsection (6): Building Form and Scale.

Subsection (6) focuses on the form and scale of the building, and encourages low-profile buildings and smaller components rather than a single building. Again, the Planning Commission cited the language of Subsection (6), and concluded that unidentified impacts could not be mitigated. The language of the subsection suggests possible actions (low-profile homes or small components) that could be taken when a proposed building is "orient[ed] against the Lot's existing contours," but these are the potential conditions, not the impacts which would justify denying the Steep Slope CUP.⁶³

In addition, the City's planning staff concluded that the home and garage are oriented with existing contours, and that significant portions of both buildings are below ground, reducing the profile of the buildings.⁶⁴ Although the Planning Commission is not required to adopt the recommendations of the City Staff, it must accept the staff's factual representations and interpretations of the proposed building. If the staff determines that the home and garage are oriented to the existing slope, the Planning Commission must abide by that conclusion. If the buildings are oriented with existing slopes, then the Commission cannot find that there are detrimental impacts stemming from the form and scale of the buildings.

e. Subsection (7): Setbacks

According to the City code, the setbacks for a structure subject to a Steep Slope CUP may be increased, to minimize a "wall effect" along a street front or the rear of a lot. *Id.*, § 15-2.1-6(B)(7). If there is no wall effect created by a structure, no increase in the setbacks may be required. In its analysis, the City's staff concluded that there are no "wall effects" on either the front or rear yards. The staff's conclusions are supported by the drawings and plans included in the materials submitted for this Opinion. The garage/elevator building is set back several feet from the street, and the home is situated several feet from the rear property line.

Nevertheless, the Planning Commission found that the Jorgensen's home had impacts that could not be mitigated which related to the building's setbacks. The Commission's findings ignore any perceived "wall effect" and are based on the amount of the building

⁶³ This is also an example of how the specific conditions and limitations of the property should be included in the analysis. Given the limited amount of usable space on 30 Sampson, it is unclear how breaking the buildings into smaller components could feasibly make a difference in the overall impact of the development.

⁶⁴ The Staff's analysis stated that "[t]he top floor of the home walks out to the existing grade of the top of the lot, and the main floor walks out to the existing downhill side of the lot." In addition, approximately 1/3 of the home is below ground, which lowers the profile of the building.

pad occupied by the two structures.⁶⁵ The Planning Commission exceeded its authority with regards to Subsection (7). Setbacks may be increased only to mitigate a “wall effect,” not because the Commission feels that too much of an approved building pad is being used.

Furthermore, the Commission exceeded its discretion by misapplying a portion of Subsection (7). If an increase in setbacks is proposed, “[t]he Setback variation will be a function of the Site constraints, proposed Building scale, and Setbacks on adjacent Structures.” *Id.* This language limits discretion over setback changes, but the Planning Commission turned that language on its head, making it the basis for a finding that the home has impacts that cannot be mitigated. *See Findings of Fact, Finding Number 36.*⁶⁶ This distortion of the ordinance’s language cannot reasonably support the Planning Commission’s findings regarding setbacks.

f. Subsection (8): Dwelling Volume.

Subsection (8) focuses on the volume of a structure subject to a Steep Slope CUP. The volume or mass of a structure may be reduced “to minimize its visual mass and/or mitigate differences in scale between a proposed Structure and existing Structures.” The Planning Commission found that the basement “add[ed] significant volume to the building . . .” *Findings of Fact, Finding Number 37.* There was no discussion of why the basement level constituted a detrimental impact, or how it negatively affected nearby properties.

The Commission further concluded that the Jorgensen’s home was “not compatible with existing historic homes in the neighborhood with respect to height, setbacks, mass, or scale, and the proposed home and garage buildings offer no substantial mitigation measures necessary to show compatibility with the nearby existing structure.” *Id.*, *Finding Number 38.* Although there is a reference to nearby homes, there is again no finding that the volume of the two buildings constituted a potential adverse effect on those properties.

It not sufficient to point out that a proposed structure is larger than nearby buildings. As long as a structure fits within the size limitations of the City’s ordinances, it should be allowed, even if it is significantly larger than nearby buildings. Subsection (8) authorizes the Planning Commission to reduce a structure’s volume. That authority, however, may only be exercised as a condition to mitigate a detrimental impact. Unless it is shown that

⁶⁵ As has been discussed, the building pad is defined by the setbacks approved for the lot. The buildings may be located within that building pad, and the City does not regulate how much of the building pad may be occupied.

⁶⁶ As with the other criteria, the Planning Commission did not identify a specific detrimental impact related to the setbacks for 30 Sampson.

a building's volume is linked to an adverse effect on a nearby property, the Planning Commission may not order a reduction, nor may it simply deny the conditional use permit.⁶⁷

To conclude, the Planning Commission failed to identify any detrimental impacts caused by the Jorgensen home, and so its findings and conclusions are missing a critical analytical component.⁶⁸ The Commission's blanket statements that the home has "impacts that cannot be substantially mitigated" are not supportable without identifying the adverse impacts on neighboring properties (or the hillside environment) attributed to the home. The detrimental impacts must be ascertained and defined in order to decide what conditions could be imposed, as well as find that the proposed conditions cannot substantially mitigate the impacts. It is also insufficient to state generalized impacts associated with a building or use. The impacts must be directly attributable to the particular building or use being scrutinized, and must be based on distinct adverse effects on nearby properties or the hillside environment. Once the specific impacts are identified, the analysis turns to conditions to mitigate those impacts.

IV. Before a Conditional Use Permit May be Denied, Conditions to Mitigate Detrimental Impacts Must be Considered.

After the detrimental impacts associated with a specific use have been identified, the next step is selection and evaluation of conditions to mitigate the impacts. A conditional use permit may be denied only if it is shown, by substantial evidence, that the impacts *cannot* be substantially mitigated by reasonable conditions.⁶⁹ The conditions, therefore, must directly address adverse effects attributed to the use. A land use authority may not impose conditions which are not associated with a use, even if the conditions would be beneficial to the neighborhood.

The Park City Planning Commission denied the Steep Slope CUP for the Jorgensen property without considering any conditions, and without determining by substantial evidence that reasonable conditions could not mitigate detrimental impacts associated with the use. The Commission's analysis is therefore incomplete. It cannot justify denying the CUP without considering conditions to mitigate detrimental impacts. The City argues that it is not obligated to propose conditions, but that the Jorgensens have that responsibility. The Jorgensens counter that the City has the responsibility to propose conditions before the CUP may be denied.

⁶⁷ The Commission's consideration of the ninth criterion, "Building Height" was discussed above, in Section I.C.2, *supra*.

⁶⁸ This does not mean that the Planning Commission has no authority to deny the Steep Slope CUP. If conditional use analysis is needed for the Jorgensen home or the garage/elevator building (see Section II, *supra*), then denial remains within the Commission's authority. As long as it shows, with substantial evidence, that the detrimental impacts associated with the buildings cannot be mitigated with reasonable conditions, the CUP may be denied.

⁶⁹ UTAH CODE ANN. § 10-9a-507(2)(b). "Substantially mitigated" does not mean "completely eliminated." If the adverse effects of a particular use can be reduced in an appreciable manner through reasonable conditions, then the CUP should be approved. The land use authority may also determine that an impact has been sufficiently mitigated, even if neighboring property owners complain about the use.

In reality, both parties have a responsibility to propose conditions that would mitigate the impacts of the use, although it starts with the City. The City correctly notes that it is not obligated to redesign the Jorgensen's home, and the Jorgensen's are also correct that they should not be required to "guess" the type of conditions desired and be asked to submit repetitive plan changes. Evaluation of a conditional use permit, like consideration of most land use applications, is a process involving input from the property owner, a local planning staff, and the land use authority.⁷⁰ As an application is reviewed by staff members, evidence of concerns may be received and addressed, and conditions incorporated into the design before a land use authority considers the application. At a public hearing on the application, if one is held, concerned neighbors and the land use authority itself may provide evidence to identify potential impacts, and may suggest possible conditions. The land use authority bears the responsibility to identify the detrimental impacts, and also should provide guidance on how the impacts may be mitigated. The process reaches a conclusion, of course, when the land use authority approves the conditional use permit with reasonable conditions, or denies it, after finding that the impacts cannot be substantially mitigated.

Because the Park City Planning Commission did not propose or consider any specific condition, this Opinion cannot evaluate that aspect of the conditional use process. By failing to consider conditions, however, the Planning Commission's analysis was incomplete and its denial not supported by substantial evidence. At the very least, the Commission should have indicated how the detrimental impacts could have been mitigated (assuming that detrimental impacts were identified), or suggested conditions to the Jorgensens.

Conclusion

Conditional uses are valuable components of a community's planning and zoning regulation. Some uses require extra scrutiny because of unique characteristics or impacts, including impacts directly associated with a use's location. A local government may choose to more closely evaluate a use before it is approved, in order to address possible detrimental impacts to a community or to neighboring properties.

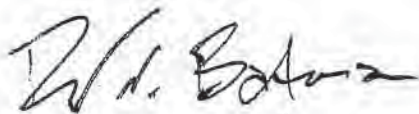
Conditional uses are part of a community's zoning scheme, and must be administered as part of an overall zoning ordinance, not as an exception to it. When considering conditional use applications, local governments should include the design and use standards of the zoning ordinance, plus any approvals previously granted on the property. A local government has some discretion over conditional uses, but that discretion must be limited to the authority granted by the state code and a local ordinance. All determinations associated with a conditional use evaluation must be supported by substantial evidence

⁷⁰ In many locations, conditional use permits are considered by a planning commission. However, other bodies may be designated as the "land use authority," which is the term used in the Utah Code. See UTAH CODE ANN. § 10-9a-103(23).

In order to properly evaluate a conditional use application, the detrimental impacts attributed to that use must be identified. The impacts must derive from the specific use being evaluated. It is not necessary to show an actual injury to a neighboring property, but only the reasonable likelihood that the use will have some adverse effect. Generalized conclusions about the use, without consideration of the particular circumstances will not suffice to show detrimental impacts.

Once the impacts are identified, conditions can be proposed to mitigate the adverse effects. The evaluation is not complete unless reasonable conditions have been considered. Conditions must be directly tied to mitigating detrimental impacts, and may not be imposed as a means to accomplish other objectives. Because conditional use evaluations are processes rather than single actions, the responsibility to propose reasonable conditions is shared with the property owners, planning staff, and the land use authority. At any point in the evaluation process, conditions may be proposed by any party and incorporated into the plans for the conditional use if supported by substantial evidence.

Ultimately, the land use authority has the final decision on whether to grant the use. If the land use authority identifies specific detrimental impacts associated with the use, it must consider conditions to mitigate those impacts. The application may be denied only if the detrimental impacts associated with the use cannot be substantially mitigated by reasonable conditions. A decision to deny the conditional use application requires consideration of conditions, and must be supported by substantial evidence.



Brent N. Bateman, Lead Attorney
Office of the Property Rights Ombudsman

NOTE:

This is an advisory opinion as defined in § 13-43-205 of the Utah Code. It does not constitute legal advice, and is not to be construed as reflecting the opinions or policy of the State of Utah or the Department of Commerce. The opinions expressed are arrived at based on a summary review of the factual situation involved in this specific matter, and may or may not reflect the opinion that might be expressed in another matter where the facts and circumstances are different or where the relevant law may have changed.

While the author is an attorney and has prepared this opinion in light of his understanding of the relevant law, he does not represent anyone involved in this matter. Anyone with an interest in these issues who must protect that interest should seek the advice of his or her own legal counsel and not rely on this document as a definitive statement of how to protect or advance his interest.

An advisory opinion issued by the Office of the Property Rights Ombudsman is not binding on any party to a dispute involving land use law. If the same issue that is the subject of an advisory opinion is listed as a cause of action in litigation, and that cause of action is litigated on the same facts and circumstances and is resolved consistent with the advisory opinion, the substantially prevailing party on that cause of action may collect reasonable attorney fees and court costs pertaining to the development of that cause of action from the date of the delivery of the advisory opinion to the date of the court's resolution.

Evidence of a review by the Office of the Property Rights Ombudsman and the opinions, writings, findings, and determinations of the Office of the Property Rights Ombudsman are not admissible as evidence in a judicial action, except in small claims court, a judicial review of arbitration, or in determining costs and legal fees as explained above.

The Advisory Opinion process is an alternative dispute resolution process. Advisory Opinions are intended to assist parties to resolve disputes and avoid litigation. All of the statutory procedures in place for Advisory Opinions, as well as the internal policies of the Office of the Property Rights Ombudsman, are designed to maximize the opportunity to resolve disputes in a friendly and mutually beneficial manner. The Advisory Opinion attorney fees provisions, found in Utah Code § 13-43-206, are also designed to encourage dispute resolution. By statute they are awarded in very narrow circumstances, and even if those circumstances are met, the judge maintains discretion regarding whether to award them.

MAILING CERTIFICATE

Section 13-43-206(10)(b) of the Utah Code requires delivery of the attached advisory opinion to the government entity involved in this matter in a manner that complies with Utah Code Ann. § 63-30d-401 (Notices Filed Under the Governmental Immunity Act).

These provisions of state code require that the advisory opinion be delivered to the agent designated by the governmental entity to receive notices on behalf of the governmental entity in the Governmental Immunity Act database maintained by the Utah State Department of Commerce, Division of Corporations and Commercial Code, and to the address shown is as designated in that database.

The person and address designated in the Governmental Immunity Act database is as follows:

Marci Heil
City Recorder
Park City
445 Marsac Avenue
Park City, Utah 84060

On this 28 Day of March, 2014, I caused the attached Advisory Opinion to be delivered to the governmental office by delivering the same to the United States Postal Service, postage prepaid, certified mail, return receipt requested, and addressed to the person shown above.



Office of the Property Rights Ombudsman

Exhibit A

Findings of Fact and Conclusions of Law

**Park City Planning Commission
June 26, 2013**

SEE ATTACHED AS EXHIBIT G



**PARK CITY COUNCIL MEETING MINUTES
SUMMIT COUNTY, UTAH,
July 31, 2014**

BOARD OF ADJUSTMENT MEMBER INTERVIEWS

Mayor and Council conducted Board of Adjustment Interviews.

Work Session

Council Questions and Comments and Manager's Report

Council member Beerman attended a constructive COSAC meeting. Also attended Mountain Accord meetings stating he is looking forward to the upcoming updates. He gave a shout out to the PC MARC as well as the Golf Course who both received "People's Choice" awards.

Council member Matsumoto spoke with some folks who are looking at reenergizing the Library Foundation and she was in favor.

Council member Simpson thanked staff for the manager's report stating she had forgotten about the water line project and was pleased to have the information available to answer questions she had received.

Council member Henney was also pleased with the information regarding the water line project as he too had forgotten. Attended the Silly Market Sunday and felt everything was progressing on track. Thanked Dave Gustafson for the Library walk-through. Also attended Planning Commission meeting as well as a Mountain Accord meeting.

Mayor Thomas attended the Snyderville Basin Reclamation Water District meeting and bar-b-cue where they discussed impacts and growth. They also sent accolades to Clint McAfee describing how great he is to work with. Then inquired about a structure on Daly Avenue that looks like a construction site with blue tarps. Eddington stated that it is a very old panelization and that staff will follow up to get the project moving along. Council member Beerman then inquired about a demolition of what looks to be a historic structure on Park Avenue. Eddington stated that it is a historic structure and staff caught the demo in progress and has stopped the work. It was done without approval and staff is now working to salvage what they can in the project. Council member Matsumoto would like to see a large fine issued. Council member Simpson would like to see a manager's report regarding panelization storage and the monitoring process.

Council member Henney inquired about the Construction update manager's report in regards to confirming that there will be bike racks installed in the Terigo plaza. Weidenhamer stated that staff is taking Council feedback seriously and will be installing bike racks; however, they do have to look at it from a staff level, a design level, and a practicality level and do not want to place racks around town that are ill placed. Henney also would like to seriously look into Soul Poles designing a bike rack out of bamboo.

One item of staff communication was from Ann Ober and Matt Abbot in regards to Renewable Energy and Georgetown University Energy prize liaisons. Ober stated they have been working with Mayor Thomas and Council member Beerman and were looking for head nods that this was agreeable with Council. All nods were in favor.

Transportation Planning Update

Kent Cashel, Transportation Manager, discussed Vision Park City, General Plan, transportation agreements and the transportation plans stating he feels that these documents only work if you embrace the visions of the community. Discussed the current adopted transportation plans including the SR 248 & SR 224 Corridor Plans, Transportation Master Plan, Short Range Transit Plan and the Trails Master Plan. Discussed the outside factors that will impact the Transportation Master Plan such as: Mountain Accord, One Wasatch, Deer Valley Gondola, PCMR Transit Hub, UDOT Winter Road Closure, Basin Long Range transportation plan, Federal Funding challenges and the State's transportation model. Cashel discussed each factor in detail stating that there are impacts both positives and negatives to each item. Mayor Thomas agreed that each item is a holistic concept that needs to be looked at individually.

Mayor Thomas and Council member Simpson spoke to the concerns with opening the Guardsman Pass connection as it affects the community. Council member Beerman stated that he agreed with Mayor Thomas and the rest of Council to be extremely clear that they are not in favor of opening that pass in the winter. Cashel spoke to the federal funding. Council member Simpson stated that they are aware how lucky the City has been with receiving federal funding and feels that it is smart to look at funding our own projects. Cashel is very excited about the granular data that the new statewide transportation model will offer. Cashel asked for feedback from Council on where staff should focus time. Mayor Thomas inquired if staff could create a matrix to visually identify the impacts of each of the discussed factors to the community. Council member Simpson stated that she would focus on the corridor letter of intent that was written in 2006. Council member Henney felt that the gondola project would be a great benefit to the community and he would love to see it brought forth in a positive light. Council member Matsumoto stated that she feels that the decisions made by Mountain Accord will have a great impact on the community and is anxious to see what they have planned. Mayor Thomas would like to look at lowering the speed limit along SR 224. Cashel outlined the protocol of UDOT. Council concurred to bring the item back to a work session as well as have a city wide speed limit regulation discussion.

City Council Goal Refinement

Jed Briggs, Budget Operations Manager, spoke to the goal refinement regarding adding historic preservation to the Council Goal number 3. Council member Simpson stated that while she appreciates the work of staff she actually felt adding the words "historic fabric" to goal would sound better. Foster stated that all the historic preservation items are currently associated with goal 3. Council member Henney liked Simpson's suggestion but of the choices he would choose #1. Briggs stated that the entire Budget for Outcome items for historic preservation are included with goal 3. Council concurred that while it would sound better to use Simpson's version they will choose version number 1 to eliminate the need to restructure the BFO's.

HISTORIC PRESERVATION BOARD MEMBER INTERVIEWS

Mayor and Council conducted Historic Preservation Board interviews.

Closed Session

Regular Meeting

I. ROLL CALL- Mayor Jack Thomas called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, August 7, 2014. Members in attendance were Jack Thomas, Andy Beerman, Liza Simpson, Tim Henney and Cindy Matsumoto. Council member Peek was excused. Staff members present were Diane Foster, City Manager; Mark Harrington, City Attorney; Kirsten Whetstone, Planner; Clint McAfee, Water & Streets Manager; Jonathan Weidenhamer, Economic Development; Matt Twombly, Special Events; Christy Alexander, Planner; Marci Heil, City Recorder

II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Mayor Thomas disclosed that he was on the Planning Commission during the 30 Sampson hearings and will be recusing himself during that item.

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

Chuck Klingenstein, resident, stated that he has a few issues with the construction staging on the North 40 parking lot and the increased number of Special Events. Stated that he did receive a courtesy notice from Troy Dayley regarding the staging on the North 40 lot. He understood from this letter that the staging was supposed to last 1 week and would house roto-millings. This is not what happened, all types of machinery and dump trucks and equipment were used 6 days a week for 2 weeks. His neighbors and he feel that this has come to a crescendo and are very upset with the disruptive activity. The other topic he addressed was the intensification of the Special Events in the City. He discussed the Recreation Master Plan that was adopted in 1991 and how the recreation program has grown. Feels that it is time to revisit the Recreation Master Plan. He does not feel that the plan was ever supposed to address the special events and the transportation of such events. Asked Council to put a stop to the construction staging on the North 40 and would like to recreate a citizens group to revisit the 1991 Recreation Master Plan.

Multiple residents concurred with Chuck's statements and one added that the notice specified the hours of 7am to 7pm and the work continued well past the stop time.

Mayor Thomas stated that he lives on the same street and has experienced the same issue.

IV. CONSIDERATION OF MINUTES FROM JULY 17, 2014 CITY COUNCIL MEETING

Council member Simpson moved to approve the minutes from July 17, 2014

Council member Henney seconded

Approved unanimously

V. APPOINTMENTS AND RESIGNATIONS

Consideration of the following appointments to the Public Art Advisory Board: Bryan Markkanen, Victoria Anderson, Judy Horwitz and Hannah Palmer for a term ending July 2016

Council member Simpson moved to make the aforementioned appointments

Council member Matsumoto seconded

Approved unanimously

VI. OLD BUSINESS

1. Consideration of an Ordinance approving the 1604 & 1608 Deer Valley Drive Plat Amendment pursuant to the findings of fact, conclusions of law and conditions of approval in a form approved by the City Attorney.

Mayor Thomas opened the Public Hearing. There were no comments. Mayor Thomas closed the hearing.

Council member Beerman moved to approve an Ordinance approving the 1604 & 1608 Deer Valley Drive Plat Amendment pursuant to the findings of fact, conclusions of law and conditions of approval in a form approved by the City Attorney.

Council member Simpson seconded

Approved unanimously

2. Consideration of a request for remand to the Planning Commission regarding an appeal of the Planning Commission denial of Steep Slope Conditional Use Permit located at 30 Sampson Avenue

Mayor Thomas recused himself and left the Council Chambers. Planner Whetstone stated that staff and the applicant are asking for a remand to the Planning Commission of the denial of the Steep Slope Conditional Use Permit. This is a new construction single family home on 30 Sampson. In 2013, the CUP was denied and the applicant appealed the decision and requested a continuation in order to approach the State's ombudsman office for an advisory opinion. In light of the advisory opinion staff and the applicant feel that it should be allowed to be remanded back to the Planning Commission for further review. Staff has included findings of fact and conclusions of law to support the remand.

Mayor Pro Tem Simpson opened the Public Hearing. There were no comments. Mayor Pro Tem Simpson closed the hearing.

Council member Matsumoto moved to remand to the Planning Commission regarding an appeal of the Planning Commission denial of Steep Slope Conditional Use Permit located at 30 Sampson Avenue

Council member Henney seconded

Approved unanimously

3. Consideration of the Dority Springs Subdivision located at 1851 Little Kate Road- Plat Amendment Subdivision

Mayor Thomas opened the Public Hearing. There were no comments. Mayor Thomas closed the hearing.

Council member Simpson moved to Continue the consideration of the Dority Springs Subdivision located at 1851 Little Kate Road- Plat Amendment Subdivision to September 4, 2014

Council member Matsumoto seconded

Approved unanimously

Marci Heil

Marci S. Heil, City Recorder



Board of Adjustment Staff Report



Application #: PL-14-02425
Subject: 30 Sampson Avenue
Author: Kirsten Whetstone, MS, AICP
Date: October 7, 2014
Type of Item: Variance

Summary Recommendations

Staff recommends that the Board of Adjustment review the proposed variance request, conduct a public hearing, and consider granting the variance based on the following findings of facts and conclusion of law.

Description

Applicant: Michael and Laurie Jorgensen, owners
Location: 30 Sampson Avenue
Zoning: Historic Residential Low Density (HRL) District
Adjacent Land Uses: Historic and non-historic single family houses, open space and trails
Reason for Review: Variances require Board of Adjustment approval

Proposal

The applicant proposes to construct a single family house on a vacant platted lot located at 30 Sampson Avenue within the HRL zoning district. The applicant requests a variance from the number of stories (allowing 4 stories instead of 3) pursuant to LMC Section 15-2.1-5 (A) Building Height, that was in effect at the time application was made for a Steep Slope Conditional Use Permit (February 14, 2012). LMC Section 15-2.1-5 (A) reads as follows:

15-2.1-5. BUILDING HEIGHT.

No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade. This is the Zone Height. Final Grade must be within four vertical feet (4') of Existing Grade around the periphery of the Structure, except for the placement of approved window wells, emergency egress, and a garage entrance. The following height requirement must be met:

(A) A Structure may have a maximum of three (3) stories. A basement counts as a Story within this zone. Attics that are not Habitable Space do not count as a Story.

The applicant is requesting a variance due to unique conditions of the lot, in that the lot has an odd hour glass shape, is steeply sloped, and has an unusually large grade

difference between the elevation at the street front of the lot and the elevation of the main building pad area. The applicant is requesting four stories which will allow an underground tunnel connection between the garage at the street level and the main house at the upper level.

Purpose of the HRL District

The purpose of the Historic Residential Low-Density (HRL) District is to:

- (A) Reduce density that is accessible only by substandard Streets so these Streets are not impacted beyond their reasonable carrying capacity,
- (B) Provide an Area of lower density Residential Use within the old portion of Park City,
- (C) Preserve the character of Historic residential Development in Park City,
- (D) Encourage the preservation of Historic Structures,
- (E) Encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District, and maintain existing residential neighborhoods.
- (F) Establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment, and
- (G) Define Development parameters that are consistent with the General Plan policies for the Historic core.

Background

On January 5, 1995, the City Council approved the Mill Site Reservation Supplemental Amended Plat (Exhibit A), which was a combination of 13 whole and partial lots, and a portion of platted un-built Utah Avenue, within the original Mill Site addition to the Park City Subdivision Plat to create three (3) lots of record. The Mill Site Reservation Supplemental Amended Plat was recorded with a note that limited the "maximum size for residential structures" to 3,000 square feet for Lots 1 and 3, and 3,500 square feet for Lot 2. An additional 400 sf was allowed for a garage. Lot 3 of the Mill Site Reservation Supplemental Amended Plat contains 7,089 sf of lot area.

On March 30, 1998, a letter was written by Richard E. Lewis, acting Community Development Director, to the owners of Lots 1, 2, and 3, clarifying that the maximum size for residential structures as noted on the plat, excluded basements as defined by the LMC. The letter also clarified the 400 sf garage allowance.

On February 14, 2012, the City received a completed application for a Conditional Use Permit (CUP) for "Construction on a Steep Slope" at 30 Sampson Avenue for a new single family house. On April 9, 2012, the application was deemed "complete". On August 22, 2012, the application came before the Planning Commission for a public hearing and discussion. The Commission voted unanimously to continue the item to a date uncertain for the purpose of reviewing the LMC definition of "stories" as it relates to the maximum number of stories allowed in the HR-1 and HRL districts. The Commission requested Staff prepare LMC amendments to the Building Height sections for the

historic districts to more clearly identify height, massing, and articulation. The LMC discussions continued for several months and eventually the applicant requested to have the application put back before the Planning Commission for consideration.

LMC Amendments to Height and Story were adopted by the Council on November 21, 2013. Because the Steep Slope CUP application was submitted prior to publication of an ordinance for the LMC amendments this application is subject to the LMC in effect at the time of application. The City Council adopted revisions to Section 15-2.1-5. Building Height that removed the limitation on the number of stories and replaced that language with the following:

15-2.1-5. BUILDING HEIGHT.

No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade. This is the Zone Height. Final Grade must be within four vertical feet (4') of Existing Grade around the periphery of the Structure, except for the placement of approved window wells, emergency egress, and a garage entrance. The following height requirement must be met:

(A) A Structure shall have a maximum height of thirty five feet (35') measured from the lowest floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters.

On April 10, 2013, the Planning Commission denied the Steep Slope CUP. There were several meetings before this date including the public hearing on August 22, 2012 and a work session on December 12, 2012. At the April 10th meeting the Commission requested Planning Staff prepare Findings of Fact and Conclusions of Law consistent with the April 10th discussion. These Findings and Conclusions were ratified by the Planning Commission on June 26, 2013 (Exhibit E).

On July 12, 2013, the applicant submitted to the City Recorder, within the required ten day appeal period, an appeal of the Planning Commission decision (Exhibit F). On August 5, 2013, the application requested a continuation of the appeal (to be heard by the City Council) in order to submit a request for an Advisory Opinion from the State of Utah Office of Property Rights. Staff agreed to continue the appeal to a date uncertain.

On March 28, 2014, Planning Staff received a copy of the Advisory Opinion (Exhibit G) and after reviewing the document scheduled a meeting with the applicant to discuss the CUP application and appeal. At the meeting the Applicant indicated willingness to consider revisions to the design related to the exterior elevator element, connector element, and the garage.

In April of 2014 Staff reviewed a plan set showing potential revisions and found that these revisions to 1) incorporate the elevator into the main house, 2) reduce the massing of the garage, and 3) reduce the amount of paving and impervious area at the street allowing for more landscaping, result in less visible massing and a more

historically compatible design. Because the revised design connects the house with the garage, a variance to the three story limitation would be required in order to move forward with a revised Steep Slope CUP application. The revised design results in a total of four stories within a single structure due to the fact that the first story (the garage is not buried).

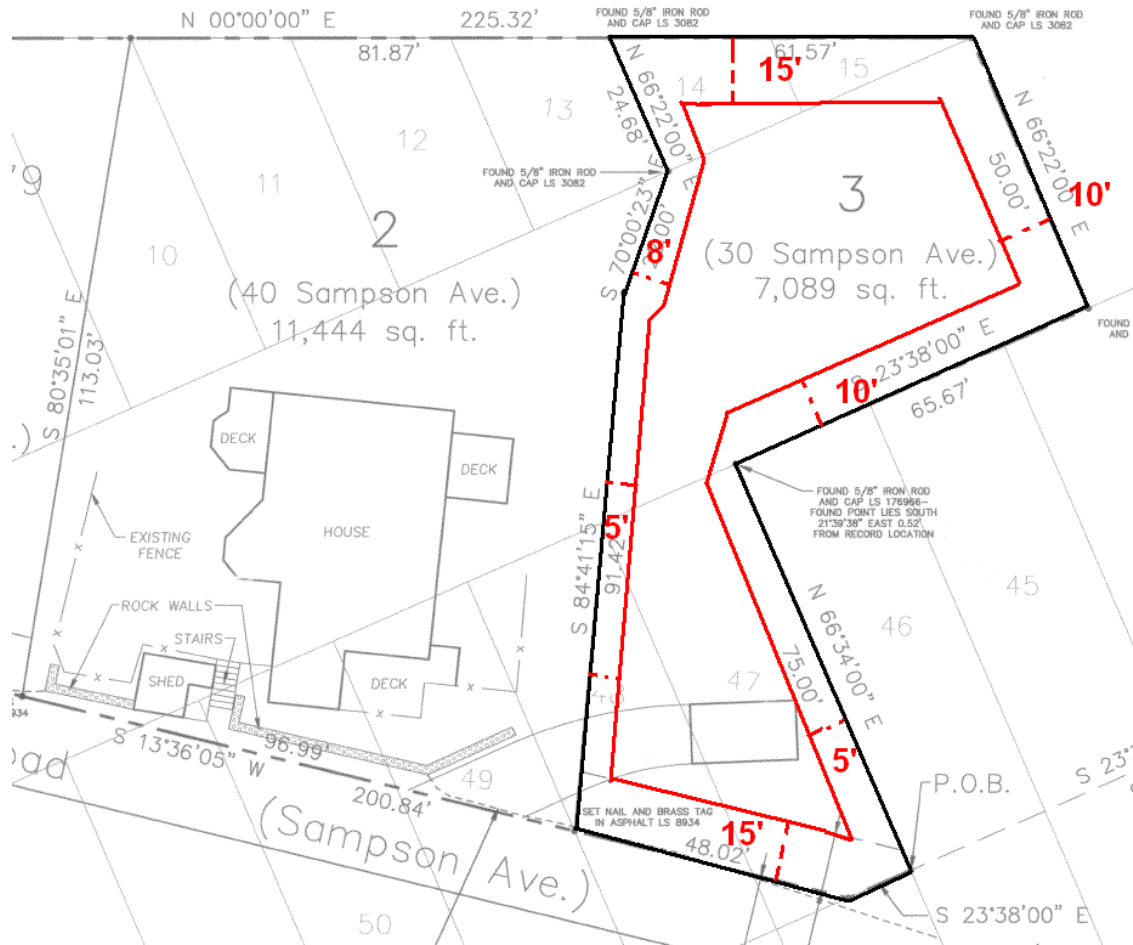
The design reviewed and denied by the Planning Commission, though technically disconnected, visually appeared to be five stories. Prior to final review by the Planning Commission, the applicant clarified in the design that the garage and subterranean walk-way (tunnel) from the main house was detached. The walkway leads to an exterior placed elevator with an exterior walkway and patio area that leads to the front of the main house. With a detached garage Staff found that the design did not violate the 3 stories height restriction in the code. This is the design that the Planning Commission denied (see Exhibit E).

On July 7, 2014, the City received an application for a variance to Section 15-2.1-5 (A) Building Height for the property located at 30 Sampson Avenue, including a letter from the owner stating why he believed the variance should be granted (Exhibit D).

On July 31, 2014, the City Council remanded the appeal of the Steep Slope CUP denial to the Planning Commission for the Planning Commission to reevaluate the Steep Slope CUP in light of the Ombudsman Opinion and for the applicant to make a variance request. The Steep Slope CUP application is pending review by the Planning Commission. If a variance is granted the applicant intends to revise the Steep Slope CUP application and Staff will prepare a report and notice the application for a public hearing by the Commission. The Historic District Design Review is pending resolution of the Steep Slope CUP application.

Analysis

Staff has reviewed the proposed design for compliance with the Land Management Code, plat notes, and Planning Director determinations, including setbacks, floor area calculations, etc. The following illustrates the required setbacks and the hardship created by the hour glass shaped lot.



The total floor area square footage proposed excluding the basement and 400 sf of garage area is 2,996 square feet which is compliant with a 1998 clarification letter written by Community Development Director Lewis and plat notes that allow a total floor area of 3,000 sf. The letter clarified that basement area is not included in the maximum allowed floor area and that an allowance for 400 sf for a garage is provided, consistent with the LMC. Underground circulation, tunnel, and below grade elevator areas are also excluded from the total floor area, to the extent that they are below final grade.

Staff made the following LMC related findings:

Requirement	LMC Requirement	Proposed
Building Footprint	2,355.5 square feet (based on lot area) <u>maximum</u>	2,272 square feet, <u>complies.</u>
Building Square Foot Maximum	No LMC Requirement – 3,000 sf maximum floor area allowed per plat note.	2,996 sf floor area (1,216 sq. ft. basement and 400 sq ft garage are

		excluded), <u>complies.</u>
*Front and Rear Yard	10 feet minimum (20 feet total) 15 feet per Planning Director	15 feet (front), <u>complies.</u> 15 feet (rear), <u>complies.</u>
*Side Yard	5 feet minimum, (10 feet total)	*Various – see notes
Height	27 feet above existing grade, <u>maximum.</u>	Various heights all less than 27 feet above existing grade, <u>complies.</u>
Number of stories	A structure may have a maximum of three (3) stories.	4 stories, <u>does not comply- variance requested.</u>
Final grade	Final grade must be within four (4) vertical feet of existing grade around the periphery of the structure.	4 feet or less, <u>complies.</u>
Vertical articulation	A ten foot (10') minimum horizontal step in the downhill façade is required for the third story unless the 1 st story is completely below finished grade.	Horizontal distance from roof of garage to third story is approximately 70', <u>complies.</u>
Roof Pitch	Roof pitch must be between 7:12 and 12:12 for primary roofs. Non-primary roofs may be less than 7:12.	7:12 for all primary roofs with a minor “green roof” for the garage between the primary roof pitch, <u>complies.</u>
Parking	Two (2) off-street parking spaces required	2 spaces within the garage, <u>complies.</u>

* Planning Director Determination of setbacks based on the fact that the lot has more than four sides. Planning Director can require greater setbacks in this instance.

In order to move forward with a revised Steep Slope CUP application for the house that incorporates an underground connection between the house and the garage and incorporates the vertical circulation elements (elevator and stairs) within the house, the applicant requests a variance from LMC Section 15-2.1-5 (A) Building Height, that was in effect at the time application was made for a Steep Slope Conditional Use Permit (February 14, 2012). That LMC Section 15-2.1-5 (A) reads as follows:

15-2.1-5. BUILDING HEIGHT.

No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade. This is the Zone Height. Final Grade must be within four vertical feet (4') of Existing Grade around the periphery of the Structure, except for the placement of approved window wells, emergency egress, and a garage entrance. The following height requirement must be met:

(A) A Structure may have a maximum of three (3) stories. A basement

counts as a Story within this zone. Attics that are not Habitable Space do not count as a Story.

The LMC defined Story as follows:

- **15-15-1.249 STORY**. The vertical measurement between floors taken from finish floor to finish floor. For the top most Story, the vertical measurement is taken from the top finish floor to the top of the wall plate for the roof Structure.

The applicant is requesting a variance to the maximum number of stories due to unique conditions of the lot, in that the lot has an odd hour glass shape, is steeply sloped, and has an unusually large grade difference (approximately forty feet (40')) between the elevation at the street front of the lot and the elevation of the main building pad area. The property lines also are at an angle to the street further constraining the development area. The applicant is requesting four stories to allow an underground tunnel connection between the garage at the street level and the main house at the upper level, allowing the vertical circulation (elevator or stairs) to be incorporated within the main house (Exhibit B). The lowest level of the main house is buried and the design presents visually only three stories.

With the original disconnected design the garage was considered a detached structure. As a separate structure from the house it was designed with two stories at the street and the main house was designed with the maximum allowable three stories (a fully buried basement and two stories). While not technically five stories because of the detached garage, the perceived or effective massing of the disconnected design is greater than a design that would be possible if a variance to the three story limitation is granted in order to put the elevator inside. Additionally, the disconnected elevator element, proposed to comply with the LMC, is an awkward element that increases the visually massing on the upper portion of the lot.

The variance requested is to the three story limitation because the application was submitted under the previous LMC, prior to amendments to Building Height that removed the three story limitation and added a total overall height limit of thirty-five (35') feet. The connected plan would not meet the current LMC requirement of a thirty-five (35') foot total overall height.

Due to the steepness of the lot, grade difference from the street to the main building pad, and odd hour glass shape lot a design that connects these elements as one single family house will contain four stories. If a variance is granted the elevator/stair element can be incorporated within the house resulting in a design that is more consistent with the Historic District Design Guidelines. See Exhibit C for perspective drawings.

Staff recommends a condition that the elevator and stairs be constructed within the house and that the house is constructed to appear to be a three story house from the exterior.

LMC Review Criteria for a Variance

In order to grant the requested variance to the aforementioned code section, the Board of Adjustment must find that all five (5) criteria located in LMC § 15-10-9 are met. The Applicant bears the burden of proving that all of the conditions justifying a variance have been met (see Exhibit D).

Criteria 1. Literal enforcement of the LMC would cause an unreasonable hardship for the Applicant that is not necessary to carry out the general purpose of the LMC. In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship under the BOA may not find an unreasonable hardship unless the alleged hardship is located on or associated with the Property for which the variance is sought and comes from circumstances peculiar to the Property, not from conditions that are general to the neighborhood. In determining whether or not the enforcement of the LMC would cause unreasonable hardship the BOA may not find an unreasonable hardship if the hardship is self-imposed or economic.

The alleged hardship is a function of the hour glass shape of the lot and the steepness of the lot. The elevation difference between the street level and the main building pad exceeds forty (40') feet. The hour glass shape and required setbacks create an unreasonable hardship that is not necessary to carry out the general purposes of the LMC. The shape and steepness of the lot requires the main house to be located at the upper portion of the lot in order to meet the required building setbacks and also places the house on the flatter portion of the lot. The alleged hardship is located on the Property for which the variance is sought. The hardship comes from circumstances of this Property and not from conditions that are general to the neighborhood and the hardship is not self-imposed or economic.

Criteria 2. There are special circumstances attached to the Property that do not generally apply to other Properties in the same zone. In determining whether or not there are special circumstances attached to the Property the BOA may find that special circumstances exist only if the special circumstances relate to the hardship complained of and deprive the Property of privileges granted other Properties in the same zone.

There are special circumstances attached to the Property that do not apply to other Properties. These special circumstances include the shape of the platted lot as well as the steepness of the slope and difference in elevation, approximately 40', from the street level to the main building pad. These special circumstance relate to the hardship complained of that deprives the property of privileges granted to other property in the same zone. The property is subject to the same LMC requirements regarding building height, story, and setbacks as other similar sized property in the zone and due to the hardships as described above, the applicant complains that the Property is deprived of privileges granted to other Properties in the HRL zone.

Criteria 3. Granting the variance is essential to the enjoyment of a substantial Property right possessed by other Property in the same zone.

Granting of the variance allows essential enjoyment of a substantial Property right as possessed by other property owners in the HRL zone. Granting the variance allows the property owner to construct an historically compatible garage at the street, construct an underground connection through the narrow portion of the lot, and incorporate an internal vertical circulation (elevator or stairs) within the main house, in order to utilize the main portion of the lot for the house where the required building setbacks can be met.

Criteria 4. The variance will not substantially affect the General Plan and will not be contrary to the public interest.

Granting of the variance will not substantially affect the General Plan and will not be contrary to the public interest as the internal connection is underground and not visible from the street. The perceived massing is three stories. The variance allows construction of an underground tunnel connection between the garage at the street and the main house at the upper portion of the lot that is approximately forty feet (40') higher. The variance allows an elevator, or other vertical circulation system, to be incorporated within the house resulting in a more historically consistent design and allows removal of an awkward external disconnected elevator element mid lot. One of the goals identified in the current General Plan is to ensure that the character of new construction is architecturally-compatible to the existing historic character of Park City. The variance allows a design with an internal connection that meets the Historic District Design Guidelines, while the design with the disconnected exterior elevator structure is awkward and is not a typical design in the historic district.

Criteria 5. The spirit of the Land Management Code is observed and substantial justice done.

The variance as proposed will not conflict with the spirit of the zoning ordinance. Granting the variance will allow the applicant to comply with the spirit of the LMC and to construct a more compatible design, utilize the main portion of the lot and provide an internal, underground, non-visible connection from the garage to the main house. The spirit of the Land Management Code is observed and substantial justice is done in that the variances allow the owner to provide an internal connection to the main house that is protected from the weather, is compatible with the Historic Design Guidelines, and allows utilization of the main portion of the lot that is approximately forty (40') feet above the grade at the street.

Future Process

Approval of the variance by the Board of Adjustment constitutes Final Action. The Board's decision may be appealed by petition to the District Court in Summit County for a review of the decision following the procedures found in LMC § 15-10-12. Approvals of a Historic District Design Review or "HDDR" for the house, as well as approval of a Steep Slope Conditional Use Permit, are necessary prior to the issuance of a building permit.

If the variance is granted the applicant could submit a revised Steep Slope Conditional Use permit for review by the Planning Commission. If a variance is not granted, the applicant can pursue review of the remanded appeal and the Advisory Opinion with the Planning Commission.

Department Review

The Variance application has been reviewed by the Planning, Building and Legal Departments. Issues raised and clarifications are reflected in this report.

Notice

On August 5, 2014, the property was posted and notice of the variance request was mailed to property owners within 300 feet of the property in accordance with requirements of the Land Management Code. Legal notice was published in the Park Record on August 2, 2014, according to requirements of the Code.

Public Input

No public input on this variance application has been received.

Significant Impacts

There are no significant fiscal or environmental impacts from this application.

Consequences of not taking the Suggested Recommendation

The applicant would not be able to move forward with the internally connected tunnel and elevator design. The applicant could pursue review of the appeal of the disconnected design and the Advisory Opinion with the Planning Commission.

Recommendation

Staff recommends that the Board of Adjustment review the proposed variance request, conduct a public hearing, and consider granting the variance based on the following findings of facts and conclusion of law.

Findings of Fact (for Approval)

1. The property is located at 30 Sampson Avenue.
2. The property is located within the Historic Residential Low Density (HRL) District.
3. The property is Lot 3 of the Mill Site Reservation Supplemental Amended Plat, approved by City Council on January 19, 1995 and recorded at Summit County on August 31, 1995. Plat notes restrict the size of a house (in terms of floor area) on Lot 3 to a maximum of 3,000 sf. A 400 sf allowance for a garage is allowed and basement area is not included in the house size.
4. On July 7, 2014, the owner submitted an application requesting a variance to LMC Section 15-2.1-5 (A) to allow a total of four stories for the proposed single family house due to the odd hour glass lot configuration, steepness of the lot, and approximately forty feet (40') of grade change between the street level and the main building pad area.
5. On August 5, 2014, the property was posted and notice of the variance request was mailed to property owners within 300 feet of the property. Legal notice was

published in the Park Record on August 2, 2014, according to requirements of the Code.

6. The Lot is currently vacant and the owner desires to construct a single family house on the lot.
7. The unreasonable hardship is the configuration and steepness of the Lot. The lot has an odd hour glass shape and includes a large grade difference between the lot area at the street and upper building pad area for the main house. The shape of the lot limits the location of the building pad for both the garage and the main house due to required setbacks from the property line. At the waist of the hourglass shape the lot is twenty-one feet with required side yard setbacks of five feet on either side. The property lines also are at an angle to the street further constraining the development area.
8. The difference in grade between the street and the main building pad is approximately 40'. This grade change combined with the odd shape of the lot creates a hardship in complying with the three story limitation of the zone.
9. The applicant is requesting four stories to allow an underground connection between the garage at the street level and the main house at the upper level, allowing the vertical circulation (elevator or stairs) to be incorporated within the main house.
10. The alleged hardship is a function of the hour glass shape of the lot and the steepness of the lot. The elevation difference between the street level and the main building pad is approximately forty (40') feet.
11. The hour glass shape and required setbacks create an unreasonable hardship that is not necessary to carry out the general purposes of the LMC.
12. The shape of the lot requires the main house to be located at the upper portion of the lot in order to meet the required building setbacks.
13. The alleged hardship is located on the Property for which the variance is sought.
14. The hardship comes from circumstances of this Property and not from conditions that are general to the neighborhood and the hardship is not self-imposed or economic.
15. Granting of the variance allows to the applicant the same rights as other property owners in the district.
16. There are special circumstances attached to the Property that do not apply to other Properties. These special circumstances include the odd hour glass shape of the platted lot as well as the steepness of the slope and difference in elevation, approximately forty feet (40'), from the street level to the main building pad.
17. These special circumstance relate to the hardship complained of that deprives the property of privileges granted to other property in the same zone.
18. The property is subject to the same LMC requirements regarding building height, story, and setbacks as other similar sized property in the district and due to the hardships as described above, the applicant complains that the Property is deprived of privileges granted to other Properties in the HRL zone.
19. Granting of the variance allows essential enjoyment of a substantial Property right as possessed by other property owners in the HRL zone.
20. Granting the variance allows the property owner to construct an historically compatible garage at the street, construct an underground connection through the narrow portion of the lot, and incorporate an internal vertical circulation

(elevator or stairs) within the main house, in order to utilize the main portion of the lot for the house where the required building setbacks can be met.

21. Granting of the variance will not substantially affect the General Plan and will not be contrary to the public interest as the internal connection is underground and not visible from the street. The perceived massing is three stories.
22. The variance allows construction of an underground tunnel connection between the garage at the street and the main house at the upper portion of the lot that is approximately forty feet (40') higher. The variance allows an elevator, or other vertical circulation system, to be incorporated within the house resulting in a more historically consistent design and allows removal of an awkward external disconnected elevator element mid lot. The variance allows a design with an internal connection that meets the Historic District Design Guidelines, while the design with the disconnected exterior elevator structure is awkward and is not a typical design in the historic district.
23. Granting the variance will allow the applicant to comply with the spirit of the LMC and to construct a more compatible design, utilize the main portion of the lot and provide an internal, underground, non-visible connection from the garage to the main house.
24. The spirit of the Land Management Code is observed and substantial justice is done in that the variances allow the owner to provide an internal connection to the main house that is protected from the weather, is compatible with the Historic Design Guidelines, and allows utilization of the main portion of the lot that is approximately forty (40') feet above the grade at the street.
25. One of the goals identified in the current General Plan is to ensure that the character of new construction is architecturally-compatible to the existing historic character of Park City. The applicant will be required to go through the HDDR process for compatibility with the adopted Historic District Design Guidelines prior to the construction of the house.

Conclusion of Law (for approval)

1. Literal enforcement of the Historic Residential Low Density (HRL) District requirements for this property regarding the number of allowable stories causes an unreasonable hardship that is not necessary to carry out the general purpose of the zoning ordinance.
2. There are special circumstances attached to the property that do not generally apply to other properties in the same district.
3. Granting the variance is essential to the enjoyment of substantial property right possessed by other property owners in the same district.
4. The proposal is consistent with the General Plan.
5. The spirit of the zoning ordinance is observed by this application.
6. It can be shown that all of the conditions justifying a variance, pursuant to LMC § 15-10-9, have been met.

Conditions of Approval

1. The vertical circulation elevator and stairs shall be constructed within the house.
2. The house shall be constructed to appear as three (3) stories on the exterior.

Order (for approval)

1. A variance to LMC Section 15-2.1-5 (A) is hereby granted to allow up to four stories on Lot 3 of the Mill- Site Reservation Supplemental Amended Plat.
2. The variance runs with the land.

Exhibits

Exhibit A – Existing Plat

Exhibit B – Site Plan, Floor Plans, Elevations

Exhibit C – Photos and Perspectives

Exhibit D – Applicants letter requesting the variance

Exhibit E – Findings and Conclusions and plans of the June 26, 2013 Commission denial

Exhibit F– Appeal of Planning Commission decision (not including exhibits)

Exhibit G – Advisory Opinion (not including exhibits)

Note that all exhibits to the Appeal and the Advisory Opinion are available at the City Planning Department and can be provided electronically if requested. This information is provided as background information and is not specific to the findings that are required in order to grant a Variance for this Lot.

PARK CITY MUNICIPAL CORPORATION
BOARD OF ADJUSTMENT
MINUTES OF OCTOBER 7, 2014

BOARD MEMBERS IN ATTENDANCE: Ruth Gezelius – Chair; Travis McGhee, Hans Fuegi, Dave Robinson, Mary Wintzer

EX OFFICIO: Thomas Eddington, Kirsten Whetstone, Polly Samuels McLean, Makena Hawley

ROLL CALL

Chair Gezelius called the meeting to order at 5:10 p.m. and noted that all Board Members were present except Jennifer Franklin who was excused.

ADOPTION OF MINUTES OF JUNE 17, 2014

Board Member Fuegi noted that he had attended the June 17th meeting but his name was not listed in the Board Member in Attendance. The attendance record should be corrected to reflect that Mr. Fuegi was present.

MOTION: Board Member Fuegi moved to Approve the minutes of June 17, 2014 as corrected. Board Member McGhee seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC COMMUNICATIONS

There were no comments.

STAFF/BOARD MEMBERS COMMUNICATIONS AND DISCLOSURES

Chair Gezelius had confirmed with confirmed with Staff that the next Board of Adjustment meeting would be October 21, 2014. The November meeting was scheduled for November 11, 2014. The BOA was still scheduled to meet with the City Council on November 13, 2014, pending the City Council schedule. Director Eddington would notify the Board when that date is confirmed.

Director Thomas Eddington introduced Melissa Band as the new Planning Commission liaison to the Board of Adjustment.

Board Member Wintzer disclosed that she would be recusing herself from the 30 Sampson Avenue item on the agenda this evening due to an attorney/client relationship with Wade Budge, the applicant's legal counsel.

Chair Gezelius disclosed that she was a seated member of the City Council when the 30 Sampson lot was created. However, she did not believe that would present a conflict regarding the variance and she intended to participate in the discussion and vote.

REGULAR MEETING – Discussion, Public Hearing and Possible Action

30 Sampson Avenue – Variance to section 15-2.1-5 Building Height to allow four (4) stories. (Continuation from September 23, 2014)
(Application #PL-14-02425)

Board Member Wintzer recused herself and left the meeting.

Planner Kirsten Whetstone reported that the property is located at 30 Sampson Avenue. She reviewed an exhibit on page 19 of the Staff report showing the three lot subdivision and the lot that was created in 1996. Planner Whetstone stated that before a variance can be granted, it must meet five criteria outlined in Section 15-1-9 of the LMC. Planner Whetstone had provided the criteria for review of a variance on page 22 of the Staff report. The criteria addresses 1) unreasonable hardship; 2) special circumstances attached to the property; 3) granting the variance is essential to the enjoyment of a substantial Property right possessed by other Property in the same zone; 4) The variance will not substantially affect the General Plan; 5) the spirit of the LMC is observed and substantial justice is done.

Planner Whetstone stated that the criteria look at the circumstances surrounding the property. She remarked that on this particular property the recurring theme is the distance between the street and the building pad and the narrowness of the lot where the building pad goes up the hill. The function and dimensions of the lot make it difficult to connect a garage from the street to the building pad. The applicants were proposing a tunnel to help address the problem, which the Planning Commission had reviewed with the conditional use permit. The issue is where the tunnel is connected to come up through the house, it creates four stories.

Planner Whetstone noted that the application for 30 Sampson was submitted when the LMC had a rule limiting the number of stories in a structure. If the garage was not connected, the stories of the garage and the stories of the house were added together. After significant discussion, the Chief Building Official determined that if the garage was not connected, it would be considered a separate structure. Planner Whetstone stated that since the time the application was submitted, the Planning Commission amended the LMC to address the issue of split levels and whether they would be considered individual stories. The Planning Commission amended the LMC to have a standard maximum distance of 35' feet from the lowest floor plane to the highest wall place. The LMC amendment was adopted by the City Council. She clarified that the current

standard is overall height instead of whether or not there is a connection. Planner Whetstone pointed out that the property at 30 Sampson Avenue would still not meet the maximum height standard, which speaks to the functionality of the site when the lot was created.

The Staff conducted an analysis and found that the lot qualifies for the requested variance and meets all five criteria. Findings of Fact and Conclusions of Law were included in the Staff report. Planner Whetstone commented on a design element change to put the elevator on the inside of the house rather than the outside if the variance is allowed. The Staff believed that was a better design solution. If the Board decides to grant the variance, Planner Whetstone requested that they make sure that the vertical element is connected to the house and not left on the outside. They should also require that when the house is constructed it should appear to be three stories. The Staff had added Conditions of Approval to address those requirements.

Planner Whetstone remarked that variances run with the land and the request is for a variance to override the 3-story rule that was in place when the application was submitted.

Wade Budge, representing the applicant, thanked Planner Whetstone for a good Staff report. His clients agreed with what was set forth in the report. Mr. Budge stated that his clients, Michael and Laurie Jorgensen have been Summit County residents for 16 years. They purchased the lot in 1998. Prior to the purchase, they asked if the seller would obtain a letter from the Community Development Director confirming that a home could be built on this lot, and that they could have a garage and a basement. Mr. Budge noted that the letter was referenced in the Staff report. He believed the request for the letter indicates that the Jorgensen's had been careful to do their due diligence when purchasing this lot.

Mr. Budge stated that the Jorgensen's waited for the right time to build a home and in 2012 they submitted an application. The design that went forward to the Planning Commission was for two structures. One was the main building and the other was a garage structure with an exterior elevator shaft. The primary reason for the design was an effort to comply with the maximum story limitation in the Code. Mr. Budge clarified that Michael Jorgensen is a doctor and he is friends with some of his patients. One of his friends has special needs and it is important to the Jorgensen's to make their house accessible to everyone who wants to visit their home. The elevator helps facilitate that goal. Mr. Budge remarked that the applicants proceeded with that application; however, the Planning Commission did not like the look and feel of the design and it was rejected. He pointed out that the applicants went through another process to obtain an Advisory Opinion from the State and the Opinion went in their favor. However, rather than proceeding with the same plan, the applicants worked with the Planning Staff and agreed to consider revisions to the design related to the

exterior elevator element, connector element and the garage. The intent was to improve the design to make it acceptable for everyone.

Mr. Budge explained that the current design removes the exterior component and creates a simple one-story garage. A tunnel would be buried into the hillside and the elevator would be inside the home structure. Mr. Budge pointed out that the view walking down Sampson would be a one-story garage and a home on the hill that is stepped back approximately 94 feet. Due to the tunnel, the garage and house would appear as two distinct structures but they would be connected. However, the underground connection technically makes it a four story structure under the Building Code.

Jonathan DeGray, the project architect walked through the exhibits in the Staff report. He noted that the hourglass shape of the lot and the flat pad for the garage. Mr. DeGray indicated the steep topography of the Lot and the building pad area. He reviewed the garage layout, the at-grade landscaping and outdoor space at the rear of the main structure. Mr. DeGray indicated the subterranean element that was the reason for requesting the variance. He pointed out the fourth story level that was created by the proposed connection. He indicated a closet in the circulation area of the house near the elevator and stairs that would be for storage. Mr. DeGray remarked that there the area was circulation only and there was no habitable space.

Chair Gezelius asked for the approximate length of the house. Mr. DeGray replied that it was 37feet and $\frac{3}{4}$ inches.

Mr. DeGray presented the exhibit walking through the building. The house itself is a three-story structure with bedrooms on the lower level. The uppermost level is the main level with living, dining and kitchen space. The total square footage of the home is approximately 2,996 square foot and an additional 400 square feet for the garage.

Board Member Robinson noted that the basement level was showing three windows and he assumed they were surrounded by a window well. Mr. DeGray answered yes. Mr. Robinson asked for the approximate dimension of the window well. Mr. DeGray stated that the depth is 5-feet. He had reviewed the window wells with the Building Official and the Planning Commission in terms of egress and other issues.

Chair Gezelius understood that the elevator would service all three floors of the house. Mr. DeGray replied that it would service all four levels.

Mr. DeGray reviewed the south elevation exhibits on pages 43 and 58 of the Staff report comparing the currently proposed tunnel design with the previous design. He believed the real issue was the exterior elevator and how it occupies the space on the lot. He personally thought the tunnel was more appealing. The

elevator shaft shown on page 58 was a product of having to comply with the Code as written. Mr. DeGray remarked that it would be unfortunate if they had to build it, but he believed it was buildable. He stated his preference for the scheme presented on page 43 of the Staff report.

Mr. Budge reviewed the five criteria to grant a variance and why he believed they meet all five.

The first criteria is to show a literal hardship if full compliance with the LMC is enforced. Mr. Budge believed a hardship was imposed because without the variance they would not be able to have a connection without the tower. In order to have the same connectivity that others on Sampson enjoy, they need to have the relief they were seeking this evening. Mr. Budge clarified that the variance would not provide an economic benefit to the applicant because the tunnel would be more costly than the elevator shaft. The Jorgensen's prefer this design because it is a better way to be neighborly and to make their home fit into the Old Town community. Mr. Budge remarked that the hardship created by the topography and the unique shape of the lot satisfies the criteria.

The second criteria related to special circumstances. Mr. Budge thought the Staff report did a good job describing a unique circumstance related to the topography and narrowing of the lot. He pointed out that other homes in the HRL zone have covered connections. Mr. Budge stated that another reason for granting the variance is the applicants' belief that the entire zoning code should not be changed just to accommodate their special circumstance. He pointed out that because the story limitation has already been changed in the Code, granting a variance for this property would not set a precedent for other properties.

The third criteria is whether granting the variance was essential to the enjoyment of a substantial property right. Mr. Budge believed this related to the connectivity and access issues he previously mentioned.

The fourth criteria is that the variance would not substantially affect the general plan or be contrary to the public interest. Mr. Budge noted that the Planning Commission did not like the first design because it was too much mass close to the street. Therefore, the Jorgensen's modified the plan and designed something that was in the public interest because it removes the tower and the mass and gives the appearance of two disconnected structures with landscaping. This new design mitigates the impacts and benefits the community.

The fifth criteria is to observe the spirit of the land use ordinance. Mr. Budge believed this criteria was met with the revised design because it is good for the neighbors, the neighborhood and the Jorgensen family, and it is consistent with the requirements imposed for developing in this area.

Mr. Budge understood that the Staff recommended conditioning the variance if approved. The applicants were not opposed to the conditions and they would abide by them.

Michael Jorgensen, the applicant, stated that when they purchased the lot they knew it would be a process to build. The Planning Staff has been very helpful in trying to suggest solutions. Dr. Jorgensen remarked that they were only trying to build a home for their family in a way that is aesthetically pleasing. When they purchased the lot they did so with connectivity in mind, which is why they were willing to modify the design when they found that it did not meet the LMC criteria. He pointed out that the variance to accommodate the connection was the only request. They were not asking for additional square footage and the project met all the other requirements.

Chair Gezelius opened the public hearing.

There were no comments.

Chair Gezelius closed the public hearing.

Board Member Robinson had visited the site and he agreed that it is a steep lot. Mr. Robinson stated that being on site gave him a perspective of the challenges the applicants were dealing with. He believed the criteria had been met and he supported the Staff recommendation.

Board Member Fuegi had also visited the site and he complimented Mr. DeGray for having the ability to design on a challenging lot. Mr. Fuegi did not agree with the comments that the lot was unusually steep for that area. He was surprised by the number of steep slope lots in the area that are yet to be developed. Mr. Fuegi understood the special circumstance because the application was submitted under the previous Land Management Code. However, he was hesitant to grant the variance because the height would still not comply if the application was submitted under the current Code.

Mr. Budge clarified that the main building would comply with the height, but if they were to use the ground floor of the garage as the measuring point, it would not meet the height. Planner Whetstone remarked that it was partly due to the steepness and partly the change in grade to reach the building pad because the lot is so deep.

Board Member Fuegi had concerns about setting a precedent for others with a similarly steep lot who design a similar solution. It is a good idea but it does not meet Code. He understood the dilemma the applicants faced but it was a very big precedent to set.

Chair Gezelius believed that the Code is sometimes insensitive to the topography of the vacant lots that are left. A reason for requesting a variance is because the lot has an unusual shape or elevation. Chair Gezelius stated that it was very important to have garages on this very narrow street so cars do not park on the street and it can be plowed. Chair Gezelius did not see it as precedent setting because each property owner has to make their case for a variance based on their own situation. She pointed out that this particular application is effected by the rules in place today, but there are existing four story homes along the street that were built under a previous Code. She preferred an underground element versus a vertical structure on the exterior. Chair Gezelius remarked that when the area was zoned HRL, the goal was to have single family homes as opposed to nightly rentals, duplexes or triplexes.

Board Member Fuegi read from LMC 15-2.1-6, "Development on steep slope must be environmentally sensitive to hillside areas and carefully planned to mitigate adverse effects on neighboring land and improvements consistent with the Historic Design Guidelines." He believed the challenge with this particular lot is the lack of space to stage construction. He did not believe it was possible to build the project without severely impacting the neighbors.

Chair Gezelius asked if it was possible to build the garage last and use that area for staging. Mr. DeGray answered yes.

Assistant City Attorney reminded the Board that once they make their decision the application goes back to the Planning Commission for a Steep Slope conditional use permit review. The Planning Commission would evaluate the application against all the criteria cited in the Land Management Code.

Board Member Fuegi still had concerns, but he was interested in hearing from his fellow Board members.

Board Member Travis McGhee stated that he knows the area very well and he understood all the points that were made this evening. He agreed with Chair Gezelius that the Board needs to consider the Code, but they also need to use their judgment to see if unique circumstances apply. He believed this lot was a unique circumstance and he was not worried about setting a precedent. Mr. McGhee was more concerned about having an external structure. The perceived mass is three stories and he believed the four-story issue was more of a technicality. The BOA is charged with looking at a variance and whether it meets the criteria; and based on that he could find no reason not to support the variance.

Chair Gezelius concurred. She felt that each of the five criteria were met with this application. She also agreed with the conditions of approval stating that the vertical circulation elevator and stairs shall be constructed within the house. Chair Gezelius believed this was a preferable plan and it justifies the variance.

MOTION: Board Member Robinson moved to Grant the variance for 30 Sampson Avenue as outlined by Staff, subject to the Findings of Fact, Conclusions of Law and the Conditions of Approval as outlined in the Staff report. Board Member McGhee seconded the motion.

VOTE: The motion carried 3-1. Board Member Fuegi voted against the motion.

Findings of Fact – 30 Sampson Avenue

1. The property is located at 30 Sampson Avenue.
2. The property is located within the Historic Residential Low Density (HRL) District.
3. The property is Lot 3 of the Mill Site Reservation Supplemental Amended Plat, approved by City Council on January 19, 1995 and recorded at Summit County on August 31, 1995. Plat notes restrict the size of a house (in terms of floor area) on Lot 3 to a maximum of 3,000 sf. A 400 sf allowance for a garage is allowed and basement area is not included in the house size.
4. On July 7, 2014, the owner submitted an application requesting a variance to LMC Section 15-2.1-5 (A) to allow a total of four stories for the proposed single family house due to the odd hour glass lot configuration, steepness of the lot, and approximately forty feet (40') of grade change between the street level and the main building pad area.
5. On August 5, 2014, the property was posted and notice of the variance request was mailed to property owners within 300 feet of the property. Legal notice was published in the Park Record on August 2, 2014, according to requirements of the Code.
6. The Lot is currently vacant and the owner desires to construct a single family house on the lot.
7. The unreasonable hardship is the configuration and steepness of the Lot. The lot has an odd hour glass shape and includes a large grade difference between the lot area at the street and upper building pad area for the main house. The shape of the lot limits the location of the building pad for both the garage and the main house due to required setbacks from the property line. At the waist of the hourglass shape the lot is twenty-one feet with required side yard setbacks of five feet on either side. The property lines also are at an angle to the street further constraining the development area.
8. The difference in grade between the street and the main building pad is approximately 40'. This grade change combined with the odd shape of the lot creates a hardship in complying with the three story limitation of the zone.
9. The applicant is requesting four stories to allow an underground connection between the garage at the street level and the main house at the upper level, allowing the vertical circulation (elevator or stairs) to be incorporated within the main house.
10. The alleged hardship is a function of the hour glass shape of the lot and the steepness of the lot. The elevation difference between the street level and the

main building pad is approximately forty (40') feet.

11.The hour glass shape and required setbacks create an unreasonable hardship that is not necessary to carry out the general purposes of the LMC.

12.The shape of the lot requires the main house to be located at the upper portion of the lot in order to meet the required building setbacks.

13.The alleged hardship is located on the Property for which the variance is sought.

14.The hardship comes from circumstances of this Property and not from conditions that are general to the neighborhood and the hardship is not self-imposed or economic.

15.Granted of the variance allows to the applicant the same rights as other property owners in the district.

16.There are special circumstances attached to the Property that do not apply to other Properties These special circumstances include the odd hour glass shape of the platted lot as well as the steepness of the slope and difference in elevation, approximately forty feet (40'), from the street level to the main building pad.

17.These special circumstance relate to the hardship complained of that deprives the property of privileges granted to other property in the same zone.

18.The property is subject to the same LMC requirements regarding building height, story, and setbacks as other similar sized property in the district and due to the hardships as described above, the applicant complains that the Property is deprived of privileges granted to other Properties in the HRL zone.

19.Granted of the variance allows essential enjoyment of a substantial Property right as possessed by other property owners in the HRL zone.

20.Granted the variance allows the property owner to construct an historically compatible garage at the street, construct an underground connection through the narrow portion of the lot, and incorporate an internal vertical circulation (elevator or stairs) within the main house, in order to utilize the main portion of the lot for the house where the required building setbacks can be met.

21.Granted of the variance will not substantially affect the General Plan and will not be contrary to the public interest as the internal connection is underground and not visible from the street. The perceived massing is three stories.

22.The variance allows construction of an underground tunnel connection between the garage at the street and the main house at the upper portion of the lot that is approximately forty feet (40') higher. The variance allows an elevator, or other vertical circulation system, to be incorporated within the house resulting in a more historically consistent design and allows removal of an awkward external disconnected elevator element mid lot. The variance allows a design with an internal connection that meets the Historic District Design Guidelines, while the design with the disconnected exterior elevator structure is awkward and is not a typical design in the historic district.

23. Granted the variance will allow the applicant to comply with the spirit of the LMC and to construct a more compatible design, utilize the main portion of the lot and provide an internal, underground, non-visible connection from the garage to the main house.

24.The spirit of the Land Management Code is observed and substantial justice is done in that the variances allow the owner to provide an internal connection to the main house that is protected from the weather, is compatible with the Historic Design Guidelines, and allows utilization of the main portion of the lot that is approximately forty (40') feet above the grade at the street.

25.One of the goals identified in the current General Plan is to ensure that the character of new construction is architecturally-compatible to the existing historic character of Park City. The applicant will be required to go through the HDDR process for compatibility with the adopted Historic District Design Guidelines prior to the construction of the house.

Conclusions of Law – 30 Sampson Avenue

1. Literal enforcement of the Historic Residential Low Density (HRL) District requirements for this property regarding the number of allowable stories causes an unreasonable hardship that is not necessary to carry out the general purpose of the zoning ordinance.
2. There are special circumstances attached to the property that do not generally apply to other properties in the same district.
3. Granting the variance is essential to the enjoyment of substantial property right possessed by other property owners in the same district.
4. The proposal is consistent with the General Plan.
5. The spirit of the zoning ordinance is observed by this application.
6. It can be shown that all of the conditions justifying a variance, pursuant to LMC §15-10-9, have been met.

Conditions of Approval – 30 Sampson Avenue

1. The vertical circulation elevator and stairs shall be constructed within the house.
2. The house shall be constructed to appear as three (3) stories on the exterior.

Order

1. A variance to LMC Section 15-2.1-5 (A) is hereby granted to allow up to four stories on Lot 3 of the Mill- Site Reservation Supplemental Amended Plat.
2. The variance runs with the land.

Chair Gezelius adjourned the meeting at 5:53 p.m.

Approved by _____
Ruth Gezelius, Chair

Board of Adjustment

Existing Home Size Analysis – Neighboring Properties
(based on Summit County Records available to Staff as of 12-7-12)

Address	House Size + garage (sq. ft.)	Footprint (total sq. ft. estimate)	Total Size (sq. ft.)	Lot Size (total ac/sq. ft.)
205 Norfolk	7,711 + 612	3,200	8,323	.38 or 16,553
201 Norfolk	4,286 + 546	2,165	4,832	.14 or 6,115
16 Sampson*	3,684 + 457	2,160	4,141	.14 or 6,100
40 Sampson	(Unknown) + 0	1,746	0**	.26 or 11,444
41 Sampson	908 + 0	908 (1,830 possible)	908	.11 or 4,792
50 Sampson	3,674 + 500	1,830	4,174	.16 or 6,970
60 Sampson	3,800 + 446	1,900	4,246	.15 or 6,534
99 Sampson	2,990 + 500	1,500	3,490	.10 or 4,560
121 Sampson	1,854 + 0	680	1,854	.15 or 6,534
131 Sampson	2,085 + 240	750	2,325	.14 or 6,098
133 Sampson	2,593 + 626	1,200	3,219	.09 or 3,920
135 Sampson	3,014 + 484	560	3,498	.13 or 5,600
30 Sampson	2,996 + 552	2,179	3,548	.16 or 7,089

*HDDR and SS-CUP previously approved, but the home is not yet built.

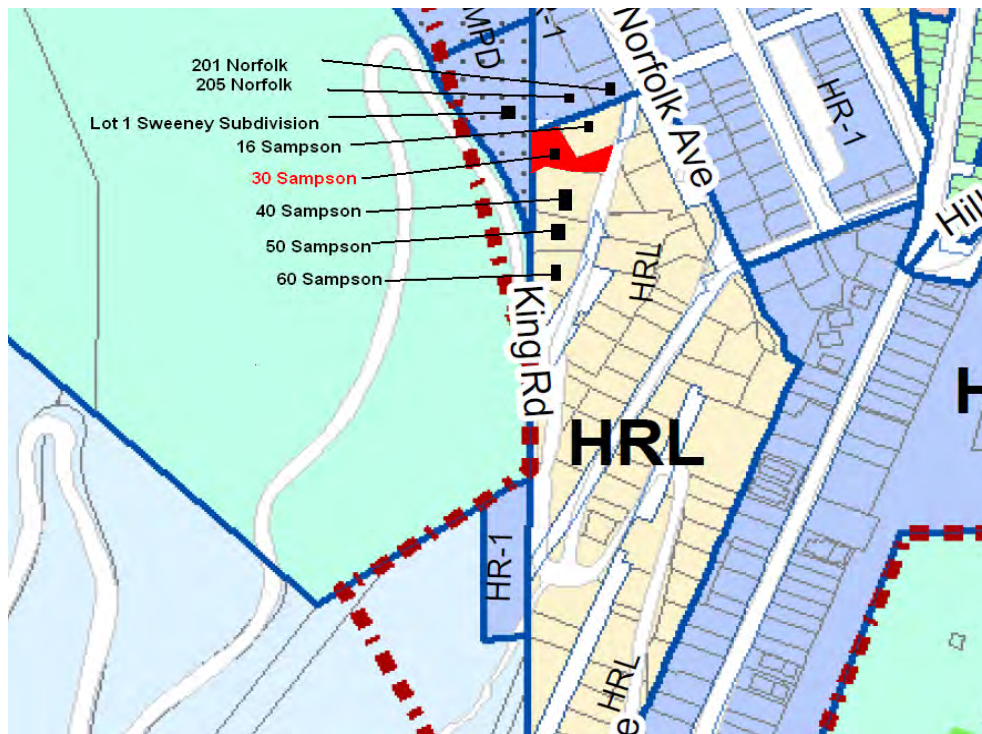
**Not used to calculate average home size below, however lot size and footprint were used.

Based on the analysis above with the numbers available to Staff through City and County records available on this date, the average total home size for the adjoining properties and the Sampson Avenue properties is 3,713 square feet, the average lot size is .16 acres, and the average footprint is approximately 1,540 square feet.

It is important to note that the subject property is 7,089 square feet, which would be the second largest lot on Sampson Avenue. Only 40 Sampson Avenue has a bigger lot (11,444 square feet), and the next closest in size is 50 Sampson Avenue with a 6,970 square foot lot. The home size of 40 Sampson Avenue is unknown, but county records show a footprint of 1,746 square feet (a portion of the house is two stories), and 50 Sampson Avenue is 4,074 with a footprint of 1,830 square feet.

Considering the proposed location of the proposed home on Sampson Avenue, all adjacent properties should be considered in the analysis, not just the Sampson Avenue properties. The proposed home will actually be situated closer to 205 Norfolk and the

any future home built on Lot 1 of the Treasure Hill Subdivision, which sits directly to the west of (above) 30 Sampson Avenue. Thus the existing footprint and home size of 201 and 205 Norfolk are included. It is also important to consider the potential of Lot 1 of the Treasure Hill Subdivision has an allowed footprint of 3,500 square feet (per the Treasure Hill MPD). As previously noted, 201 and 205 Norfolk Avenue (as well as Lot 1 Treasure Hill) are in the HR-1 District, which is less restrictive than the HRL District with respect to lot size and allowed uses (see illustration below).



The subject lot was created by the Millsite Supplemental Plat Amended Subdivision, which was a combination of 13 whole and partial lots, and a portion of “Utah Avenue” within the original Millsite addition to Park City Subdivision Plat. The plat amendment reduced the overall density in terms of dwelling units on the substandard streets consistent with the purpose statements for the HRL zone.

Planning Commission Staff Report



Subject: National Ability Center (NAC) MPD
Project #: PL-14-02476
Author: Kirsten Whetstone, MS, AICP
Date: December 10, 2014
Type of Item: Administrative – Master Planned Development Pre-Application (Pre-MPD)

Summary Recommendations

Staff recommends the Planning Commission discuss the proposed Master Planned Development Pre-Application for the National Ability Center MPD, conduct a public hearing, and consider finding the Pre-MPD application complies with the General Plan and purposes of the ROS zone. Staff has provided findings of fact and conclusions of law for the Commission's consideration.

Description

Applicant: John Serio, National Ability Center representative
Location: 1000 Ability Way
Zoning: Recreation Open Space (ROS)
Adjacent Land Uses: Round Valley Open Space, Quinn's Recreation Complex, and Park City Ice Rink
Reason for Review: Pre-Applications for MPDs and MPD amendments require Planning Commission review and a finding of compliance with the Park City General Plan prior to submittal of a Master Planned Development application.

Proposal

On September 2, 2014, the City received a completed application for a pre- Application for a Master Planned Development amendment located at 1000 Ability Way. The proposed MPD Amendment proposes the following main items:

- Additional lodging (22,266 sf)
- Expansion of the indoor equestrian arena (12,188 sf)
- An addition to the existing administration building (3,400 sf)

An additional 50 parking spaces are requested, along with future improvements to the archery pavilion, expanded hay storage, additional equipment and storage sheds, a future enclosure and/or covering of the outdoor arena, a small green house for gardening programming, expansion of the challenge course, interior plaza and landscaping improvements, and a tent platform/single room camping cabins area to foster self-reliance in camping and outdoor skills (Exhibits A-D). A phasing plan for these improvements will be submitted with the MPD application. The property is zoned Recreation Open Space (ROS). Access to the property is from Round Valley Drive, a public street, and Ability Way, a private access drive.

Background

The site is described as Parcel # PCA-97-B, a metes and bounds parcel of land located in the Quinn's Junction neighborhood of Park City. The 26.2 acre parcel was annexed to Park City in 2004 as part of the National Ability Center and Quinn's Recreation Complex Annexation (Exhibits E and F). The parcel was deeded to the NAC by Florence Gillmor and restricted to adaptive recreational programs, including equestrian, fitness, therapy and various related and complimentary recreational activity facilities. The National Ability Center (NAC) is a non-profit organization specializing in community sports, recreation, therapy, and education programming. A one lot subdivision to create a lot of record for this parcel will be required to be submitted with the MPD application.

Prior to annexation, the property received approval of a Specially Planned Area (SPA) by Summit County, which is similar to a Master Planned Development (MPD) in the City (Exhibits G and H), as well as a Conditional Use Permit. The NAC Specially Planned Area (SPA) allows for development of various uses and buildings. The property currently includes a 17,150 sf indoor arena, an outdoor challenge course, a playground area, an outdoor arena, an archery pavilion, a gazebo, various barns and storage buildings, a 12,200 sf residential dormitory building, a 7,500 sf support administrative building, and 140 parking spaces. The Development and Water Service Agreement (Exhibit K) describes conditions of water services as well as findings regarding the approved Conditional Use Permit.

On November 12, 2014, the Planning Commission held a public hearing and discussed the pre-MPD for the National Ability Center MPD amendment. The Commission asked general questions about how many years they thought the proposed concept plan would be sufficient before they needed to return with additional amendments. The Commission suggested that the applicant consider a longer time frame than 10 years and that consideration of clustering building and uses was a good idea. There were concerns regarding the lodging uses for the existing and future units and that the specific details should be provided at the time of the MPD submittal (building height, user groups, architecture, etc.) and would be incorporated into a Development Agreement to clarify those uses. There were similar concerns with open space and building height that the MPD should clarify. Also discussed was how the various additions and expansions would be reviewed and whether the Development Agreement could specify which items would not be required to return to the Commission, but could be reviewed at a staff level. The Planning Commission's discussion was favorable regarding compliance with the General Plan.

The reason this item is back before the Commission for a second pre-MPD hearing is that the notice letters and posting had not occurred within fourteen (14) days of the November 12, 2014 hearing. The legal notice however had been published in the Park Record for the November 12th meeting. The item could have been continued at the November meeting however the applicant requested that the item stay on so that they could provide information from the meeting to their Board.

Process

A requirement for any Master Planned Development (MPD) (or amendment to an MPD) is a pre-application public meeting and determination of compliance with the Park City General Plan and the ROS zone. The Land Management Code (LMC 15-6-4(B))

describes the pre-Application process as follows:

“At the pre-Application public meeting, the Applicant will have an opportunity to present the preliminary concepts for the proposed Master Planned Development. This preliminary review will focus on General Plan and zoning compliance for the proposed MPD. The public will be given an opportunity to comment on the preliminary concepts so that the Applicant can address neighborhood concerns in preparation of an Application for an MPD.

The Planning Commission shall review the preliminary information for compliance with the General Plan and will make a finding that the project complies with the General Plan. Such finding is to be made prior to the Applicant filing a formal MPD Application. If no such finding can be made, the applicant must submit a modified application or the General Plan would have to be modified prior to formal acceptance and processing of the Application.”

Detailed MPD plans, including site plan and landscape plan details, a phasing plan, utilities, traffic and parking studies, open space calculations, architectural information, view shed studies, sensitive lands analysis, mine hazard study, and other MPD requirements will be submitted when the MPD application is submitted to the City.

Notice

A legal notice of the public hearing was published in the Park Record on November 22, 2014. The property was posted and notice letters were mailed out on November 24, 2014.

Analysis and Discussion

The purpose of the pre-application public meeting is to have the applicant present preliminary concepts and give the public an opportunity to respond to those concepts prior to submittal of the MPD amendment application. Staff provided the ROS Chapter from the Land Management Code (Exhibit I) as well as relevant Goals and Strategies, and the Quinn’s Neighborhood Section, of the General Plan (Exhibit J).

ROS Zoning

The purpose of the Recreation and Open Space (ROS) District is to:

- (A) establish and preserve districts for land uses requiring substantial Areas of open land covered with vegetation and substantially free from Structures, Streets and Parking Lots,
- (B) permit recreational Uses and preserve recreational Open Space land,
- (C) encourage parks, golf courses, trails and other Compatible public or private recreational Uses, and
- (D) preserve and enhance environmentally sensitive lands, such as wetlands, Steep Slopes, ridge lines, meadows, stream corridors, and forests.
- (E) encourage sustainability, conservation, and renewable energy.

The ROS zone (Exhibit I) allows for a variety of conservation, open space, and recreation uses. It was determined at the time of the annexation that the National Ability Center was consistent with the purpose and uses of the zone. The proposed uses are consistent with the existing uses and are consistent with the mission of the NAC.

Does the Planning Commission find the proposed MPD amendments consistent with the ROS Zone?

General Plan

The NAC is located in the Quinn's Junction neighborhood, as described in the new Park City General Plan. Specific elements of the General Plan (Exhibit J) that apply to this project include the following: (*Staff analysis and comments in italics*)

Quinn's Junction Neighborhood- The National Ability Center is listed as a neighborhood icon in the Quinn's Junction Neighborhood section of the General Plan. The Joint Planning Principles for the Quinn's Junction area recommend development patterns of clustered development balanced with preservation of open space. Public preserved open space and recreation is the predominant existing land use.

Clustered development should be designed to enhance public access through interconnection of trails, preserve public use and enjoyment of these areas, and continue to advance these goals along with the preservation of identified view sheds and passive open space areas. New development should be set back in compliance with the Entry Corridor Protection Overlay. Sensitive Lands should be considered in design and protected.

Uses contemplated for this neighborhood include institutional development limited to hospital, educational facilities, recreation, sports training, arts, cultural heritage, etc.

Amendments to the NAC MPD are primarily additions and enhancements to existing buildings and facilities intended to enhance the NACs success. The NAC was identified as an appropriate and compatible use in this neighborhood. Development is setback from the Entry Corridor to preserve the open view from SR 248. Sensitive wetland areas should be protected and taken into consideration in design of driveways, parking lots, and buildings, as well as protected from impacts of proposed uses.

Small Town- Goals include protect undeveloped land; discourage sprawl, and direct growth inward to strengthen existing neighborhoods. Goals also include encourage alternative modes of transportation.

Quinn's Junction is identified as a Development Node. The proposed MPD amendments include uses to support the existing NAC uses and mission. Housing proposed is support to the existing uses to provide additional types of short term housing. There is existing City bus service to the area on an as needed basis. Additional uses will help to validate additional services. The NAC is located on the City's trail system and adjacent to Round Valley open space.

Natural Setting- Goals include conserve a healthy network of open space for continued access to and respect for the natural setting. Goals also include energy efficiency and conservation of natural resources.

The proposed MPD amendments include expansions of existing uses, enhancement

of the interior outdoor spaces, and connections to the trails and open space areas. The future tent platform/cabin area is intended to promote self reliance and appreciation of the natural setting. Additional information related to “green building” strategies for the proposed buildings should be addressed with the MPD application. With the proposed changes the property would maintain approximately 78% open space, excluding all hard surface areas, parking, driveways, and buildings (Exhibit N).

Sense of Community- Goals include creation of diversity of housing, including affordable housing; provision of parks and recreation opportunities; and provision of world class recreation and infrastructure to host local, regional, national, and international events while maintaining a balance with the sense of community.

A primary reason for the proposed MPD amendments is to provide improvements and enhancements to allow the NAC to continue to be successful and to carry out their mission. The proposed lodging will provide an alternative to dormitory accommodations for longer stays, to accommodate athletes training for local, regional, national, and international events.

Does the Planning Commission find the proposed MPD amendments comply with the General Plan?

Summary Recommendations

Staff recommends the Planning Commission discuss the proposed Master Planned Development Pre-Application for the National Ability Center MPD, conduct a public hearing, and consider finding the Pre-MPD application complies with the General Plan and purposes of the ROS zone. Staff has provided findings of fact and conclusions of law for the Commission's consideration.

Findings of Fact

1. On September 2, 2014, the City received a completed application for a pre-Application for a Master Planned Development amendment located at 1000 Ability Way.
2. The proposed MPD Amendment includes the following main items:
 - a. additional lodging (22,266 sf),
 - b. expansion of the indoor equestrian arena (12,188 sf),
 - c. an addition to the existing administration building (3,400 sf),
 - d. approximately 50 parking spaces, and
 - e. various improvements to Ability Center activities such as future improvements to the archery pavilion, expanded hay storage, additional equipment and storage sheds, a future enclosure and/or covering of the outdoor arena, a small green house for gardening programming, expansion of the challenge course, interior plaza and landscaping improvements, and a tent platform/single room cabin area to foster self-reliance in camping and outdoor skills.
3. A phasing plan for these improvements will be submitted with the MPD application.
4. The property is zoned Recreation Open Space (ROS).
5. Access to the property is from Round Valley Drive, a public street, and Ability Way, a private access drive.
6. The site is described as Parcel # PCA-97-B, a metes and bounds parcel of land located in the Quinn's Junction neighborhood of Park City. A one lot

subdivision to create a lot of record for this parcel is necessary prior to issuance of a building permit for the major additions.

7. The 26.2 acre parcel was annexed to Park City in 2004 as part of the National Ability Center and Quinn's Recreation Complex Annexation.
8. The parcel was deeded to the NAC by Florence Gillmor and restricted to adaptive recreational programs, including equestrian, fitness, therapy and various related and complimentary recreational activity facilities.
9. The National Ability Center (NAC) is a non-profit organization specializing in community sports, recreation, therapy, and education programming.
10. Prior to annexation, the property received approval of a Specially Planned Area (SPA) from Summit County, which is a similar to a Master Planned Development (MPD) in the City, as well as a Conditional Use Permit.
11. The NAC Specially Planned Area (SPA) allows for development of various uses and buildings. The property currently includes a 17,150 sf indoor arena, an outdoor challenge course, a playground area, an outdoor arena, an archery pavilion, a gazebo, various barns and storage buildings, a 12,200 sf residential dormitory building, a 7,500 sf support administrative building, and 140 parking spaces.
12. The July 15, 1999 Development and Water Service Agreement describes conditions of water services as well as findings regarding the approved Conditional Use Permit.
13. A requirement for any Master Planned Development (MPD) (or amendment to an MPD) is a pre-application public meeting and determination of compliance with the Park City General Plan and the ROS zone.
14. The ROS zone allows for a variety of conservation, open space, and recreation uses. It was determined at the time of the annexation that the National Ability Center was consistent with the purpose and uses of the zone. The proposed uses are consistent with the existing uses and are consistent with the mission of the NAC.
15. The Land Management Code (LMC 15-6-4(B)) describes the pre-Application process.
16. The purpose of the pre-application public meeting is to have the applicant present preliminary concepts and give the public an opportunity to respond to those concepts prior to submittal of the MPD amendment application.
17. The NAC is located in the Quinn's Junction neighborhood, as described in the new Park City General Plan.
18. The Joint Planning Principles for the Quinn's Junction area recommend development patterns of clustered development balanced with preservation of open space. Public preserved open space and recreation is the predominant existing land use. Clustered development should be designed to enhance public access through interconnection of trails, preserve public use and enjoyment of these areas, and continue to advance these goals along with the preservation of identified view sheds and passive open space areas. New development should be set back in compliance with the Entry Corridor Protection Overlay. Sensitive Lands should be considered in design and protected. Uses contemplated for this neighborhood include institutional development limited to hospital, educational facilities, recreation, sports training, arts, cultural heritage, etc.
19. Amendments to the NAC MPD are primarily additions and enhancements

- to existing buildings and facilities intended to enhance the NACs success. The NAC was identified as an appropriate and compatible use in this neighborhood. Development is setback from the Entry Corridor to preserve the open view from SR 248. Sensitive wetland areas should be protected and taken into consideration in design of driveways, parking lots, and buildings, as well as protected from impacts of proposed uses.
20. Small Town Goals of the General Plan include protection of undeveloped land; discourage sprawl, and direct growth inward to strengthen existing neighborhoods. Alternative modes of transportation are encouraged.
 21. Quinn's Junction is identified as a Development Node. The proposed MPD amendments include uses to support the existing NAC uses and mission. The lodging proposed is support to the existing uses to provide additional types of short term housing.
 22. There is existing City bus service to the area on an as needed basis and additional uses will help to validate additional services.
 23. The NAC is located on the City's trail system and adjacent to Round Valley open space.
 24. Natural Setting Goals of the General Plan include conserve a healthy network of open space for continued access to and respect for the natural setting. Goals also include energy efficiency and conservation of natural resources.
 25. With the proposed changes the property would maintain approximately 78% open space, excluding all hard surface areas, parking, driveways, and buildings.
 26. The proposed MPD amendments include expansions of existing uses, enhancement of the interior outdoor spaces, and connections to the trails and open space areas. The future tent platform/cabin area is intended to promote self-reliance and appreciation of the natural setting. Additional information related to "green building" strategies for the proposed buildings should be addressed with the MPD application.
 27. Sense of Community Goals of the General Plan include creation of diversity of housing, including affordable housing; provision of parks and recreation opportunities; and provision of world class recreation and infrastructure to host local, regional, national, and international events while maintaining a balance with the sense of community.
 28. A primary reason for the proposed MPD amendments is to provide improvements and enhancements to allow the NAC to continue to be successful and to carry out their mission. The proposed lodging will provide an alternative to dormitory accommodations for longer stays, to accommodate athletes training for local, regional, national, and international events.
 29. On November 12, 2014 and on December 10, 2014, the Planning Commission held public hearings and discussed the pre-MPD for the National Ability Center MPD amendment.

Conclusions of Law

1. The proposed MPD Amendments to the National Ability Center SPA (MPD) are in compliance with the Park City General Plan and are consistent with the Recreation Open Space (ROS) zoning.

Exhibits

Exhibit A- NAC and surrounding properties map
Exhibit B- Applicant's letter- proposal for MPD amendment
Exhibit C- Proposed MPD Concept plan
Exhibit D- Proposed Buildings/Addition
Exhibit E- Annexation Report
Exhibit F- Annexation Ordinance and plat
Exhibit G- NAC Special Plan Area (SPA)
Exhibit H- Existing conditions- site plan and buildings
Exhibit I- LMC Chapter 2.7- ROS Zone
Exhibit J- Quinn's Junction Neighborhood and General Plan Sections
Exhibit K- July 15, 1999 Development and Water Service Agreement
Exhibit L- LMC Chapter 6- Master Planned Developments
Exhibit M- Minutes from November 12, 2014 Planning Commission meeting
Exhibit N- Open Space Plan

EXHIBIT A



General Description of National Ability Center Proposal

For Amended Master Planned Development

Potential for New, Remodeled, or Repurposed Facilities

From the evaluation of existing facilities, program growth, and identified constraints a few key program areas requiring new or enhanced facilities were identified:

- Additional lodging / accommodation units in a new standalone lodge building adjacent to the existing lodging facilities. A primary goal for the design of additional units is to accommodate a better mix of single occupant participants and families with the basic amenities required for lengthier stays on property.
- An expansion of the Equestrian Arena to provide suitable areas for viewing and observation of program activities, athlete warm-up, restrooms, pre/post function gathering areas, class room space, and a therapy room. The proposed expansion would also allow for the repurposing of some existing spaces such as current staff office space.
- An addition to the Administrative Building to provide more break out meeting space, areas for pre / post meeting gathering, and flexible storage.

In addition to these primary facility needs most critical to accommodating program growth; a number of smaller improvements, enclosures, and expanded utilitarian structures typically required on a ranch are identified in the Facility Master Plan. Many of these will need further refinement and discussion as they are brought forward for implementation. Examples of this next tier of new or improved facilities with fewer impacts and budget implications but perhaps equal impact to programming include:

- Relocation and improvement of the Archery Pavilion to include enclosed spaces for equipment storage, Nordic and Summer Camp programming, restrooms, and the possibility of a shade structure or enclosure for the target lawn.
- Expansion of the existing Hay Storage / Equipment Shed as well as a location for a new Hay Storage Barn, and improved vehicle storage.
- Future enclosure and/or covering of the Round Pen and Outdoor Riding Arena
- A small green house for Garden programming, expansion area for the Ropes Challenge Course, and a central Plaza and other landscape improvements to create enhanced locations for fresh air gatherings and programs.
- A tent platform / single room cabin area to foster self-reliance in camping and outdoors skills. The goal for this important potential element would be to give National Ability Center clients the confidence they need to explore Utah's expansive system of parks and recreation areas. This programming would be consistent with the vision of the Governor's recent Council on Balanced Resources for Utah and their goals to provide ample opportunities for all Utah's citizens and visitors to experience the State's impressive landscapes.

Conceptual Budget for Key Plan Components

National Ability Center Master Facility Plan Conceptual Program						
Program Area			Area (FT2)			
Lodge			22,266			
Administration Bldg. Expansion			3400			
Arena Expansion			12188			
Archery Canopy / Classroom / rest rooms			1860			
Tent Platforms / Cabins			1000			
Hay Storage			1200			
Garden / Compost Shed			500			
Center Campus Multi-purpose Enclosure			5000			
		sub total	47,414			
Site / Landscape						
	Hardscape		5000			
	Planted		2000			
	Additional Parking		10000			
		sub total	17000			
		Overall Total	64,414			

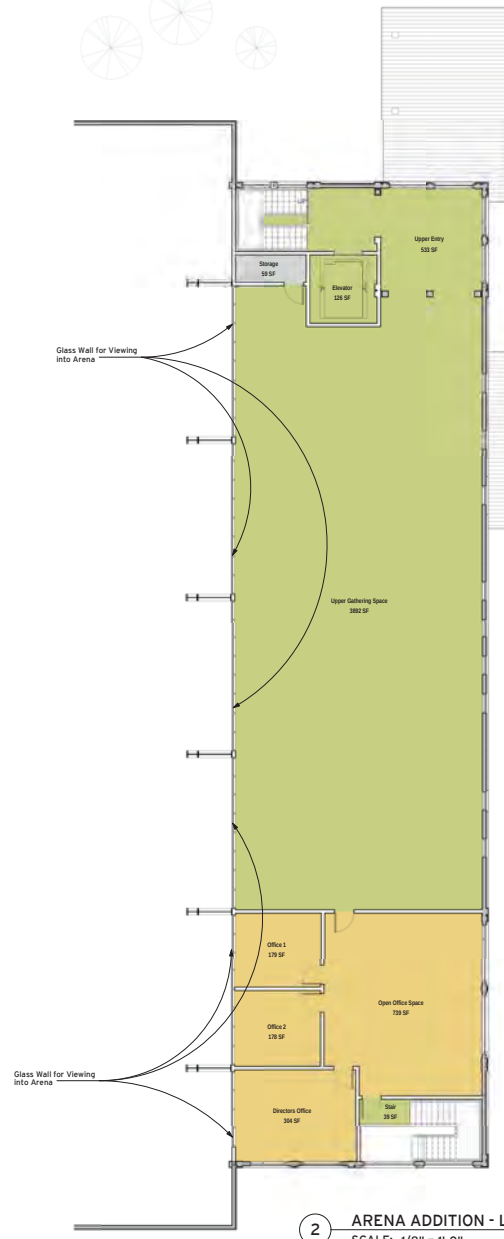
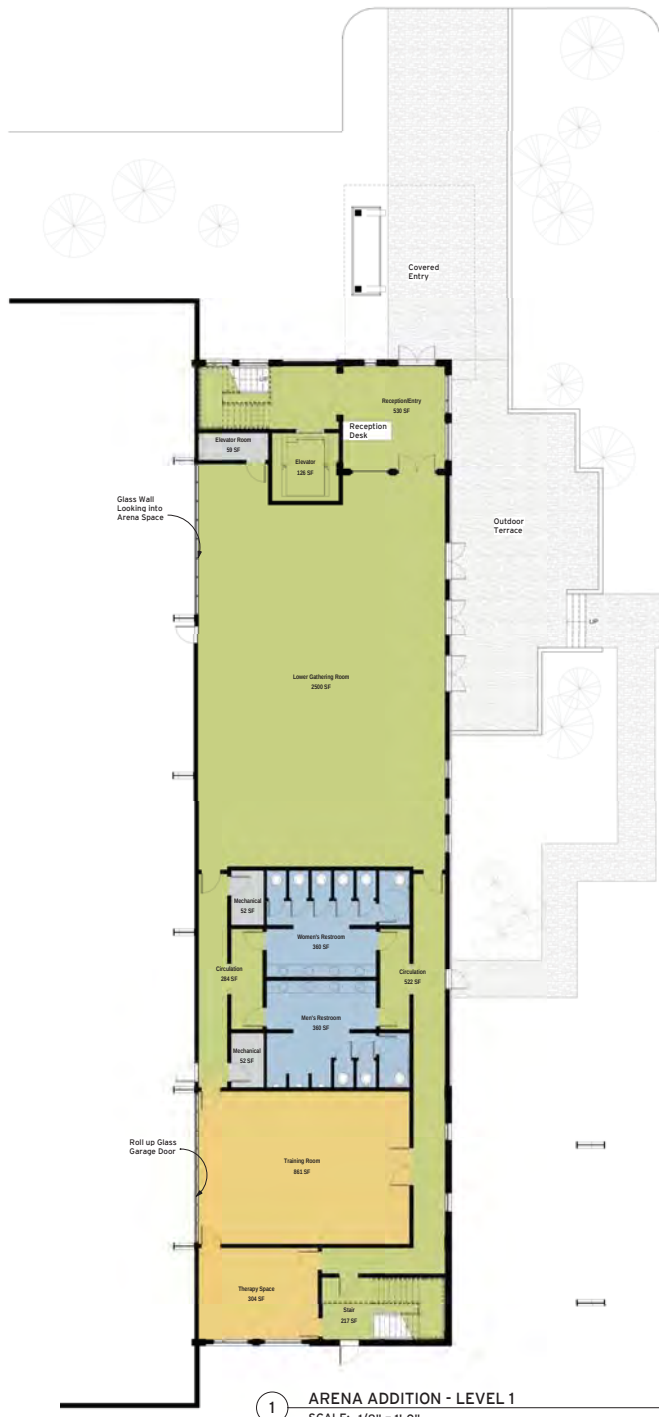
Note: Estimates provided for planning and discussion of potential site coverage. Actual footprints to be determined prior to final permitting by staff. No individual project to vary by more than 10% without planning commission approval. Overall Total site coverage not to increase by more than 10% without planning commission approval.

EXHIBIT C



Conceptual Master Plan

EXHIBIT D



2

2

1

1

3

3

elliott
workgroup
architecture



1 NEW LODGE ENLARGED FLOOR PLAN - LEVEL 2
SCALE: 3/16" = 1'-0"



① AERIAL VIEW
SCALE:



② NEW ARENA ADDITION - EAST ELEVATION
SCALE: 1/8" = 1'-0"



③ NEW ARENA ADDITION - SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



④ NEW ARENA ADDITION - NORTH ELEVATION
SCALE: 1/8" = 1'-0"



1 NEW LODGE - EAST ELEVATION
SCALE: 1/8" = 1'-0"



2 NEW LODGE - SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



3 NEW LODGE - NORTH ELEVATION
SCALE: 1/8" = 1'-0"



4 NEW LODGE - WEST ELEVATION
SCALE: 1/8" = 1'-0"



4 VIEW OF NEW LODGE AND EXISTING - LOOKING NORTH
SCALE:



2 VIEW OF NEW ARENA ADDITION ENTRY - LOOKING SOUTH
SCALE:



3 VIEW OF NEW LODGE AND EXISTING - LOOKING SOUTH
SCALE:



1 VIEW OF ARENA ADDITION - LOOKING SOUTHWEST
SCALE:



1 VIEW FROM LOWER ROAD - LOOKING WEST
SCALE:



2 VIEW FROM ENRY DRIVE - LOOKING SOUTHWEST
SCALE:

**PLANNING COMMISSION
STAFF REPORT**



Author: Patrick Putt
Subject: National Ability Center and Quinn's Recreation Complex Annexation
Date: October 13, 2004
Type of Item: Legislative

Planning Department

Summary Recommendations:

Staff requests the Commission review and discuss the proposed zoning and annexation petition. Staff recommends the Commission conduct a public hearing, consider input, and forward a positive recommendation to City Council on the proposed annexation and zoning.

Description:

Project Name: National Ability Center (NAC) and Quinn's Junction Recreation Complex Annexation
Applicant: Park City Municipal and National Ability Center
Location: East of Fairway Hills Phase Two, and west of SR 248, approx 1/8 mile south of the SR 248 & I40 interchanges.
Zoning: Summit County -Developable Lands (DL) - base zoning of 1:20; 1:40 depending on any Sensitive Lands (slope, wetlands, etc.)
Proposed Zoning: Protected Open Space (POS); Recreation Open Space with underlying Master Planned Development (ROS – MPD)
Adjacent Land Uses: Single family residential, undeveloped private lands, open land, institutional use

Background

On August 11, 2004, the National Ability Center and Park City Municipal Corporation submitted a petition to annex into Park City an area located in the Quinn's Junction area located east of Fairway Hills Phase Two, and west of SR 248, approximately 1/8 mile south of the SR 248 & I40 interchange (Exhibit A – Vicinity Map; Exhibit B - Annexation Map). The overall property is approximately 136 acres, and consists of 3 parcels: A City-owned open space parcel (approx. 39.5 acres of a 119 acre parcel, tax identification # SS-97-A-1), the NAC parcel (SS-97-B, approx 26.2 acres), and an approximately 70.5 acre City-owned parcel deeded to PCMC by Florence Gillmor, for recreational uses (SS-91-B-X and SS-97-X). All of these areas are currently within Summit County's jurisdiction.

The 39.5 acre parcel included in the annexation petition (located behind the NAC to the west, adjacent to Fairway Hills Phase II) is a portion of a larger 119 acre parcel that the City purchased in 2003 from the Gillmor Family. Funds to purchase the lands were allocated from an open space bond, under the direction of COSAC II. This property is subject to an open space deed restriction maintaining it in perpetuity as open space. This parcel provides contiguity to existing City limits.

The only existing development located within the proposed annexation area is the National Ability Center (NAC) campus. This 26 acre parcel was deeded to the NAC by Florence Gillmor

and is restricted in its use to adapted recreational programs. The remaining parcel is a 70.5 acre parcel adjacent to SR 248, given to the City by Florence Gillmor. The City intends to develop a recreation complex on this site which will include sports fields and an ice facility. This parcel has a number of deed restrictions placed on it by the former owner limiting uses to recreational. The City has submitted a Master Planned Development (MPD) application to develop a recreation complex on this parcel. Design of the recreation complex is currently moving from the conceptual design stages and into schematic design and will be discussed in conjunction with the annexation as a work session item at tonight's meeting. A subdivision application will also be filed to create a developable lot to accommodate the recreation complex.

Annexation Procedural History

Municipal annexation is a legislative act governed procedurally by Utah state law. On August 26, 2004, the Park City Council accepted the petition for annexation. The City reviewed the petition against the criteria stated in Sections 10-2-403 (2), (3), and (4) of the Utah Code of the Utah Code, Annotated, 1953, as amended, and made findings that the petition complies with all applicable requirements of the Utah Code. On September 2, 2004, letters were sent to the Affected Entities giving notice that the petition had been certified and the 30-day protest period had begun. October 3, 2004 was the deadline for Affected Entities to file a protest with the Summit County Boundary Commission. No protests were filed.

Procedurally, the Planning Commission forwards a recommendation on annexation petitions and zoning to the City Council for final action. The City Council will also hold a public hearing on the proposed annexation and zoning. Once the City Council enacts an ordinance annexing the unincorporated area all applicable zoning and Land Management Code sections shall apply to the annexed property. A City Council public hearing to discuss acceptance of this annexation petition was conducted by the on August 26, 2004. There was no public input in opposition to the annexation expressed at this public hearing.

Analysis

The Annexation Policy Plan requires an annexation evaluation and staff report to be presented that contains certain items (see Section 15-8-5 (B)). The staff analysis is as follows:

1. General Requirements of Section 15-8-2

The annexation meets the general annexation requirements as stated in Section 15-8-2. See Section E of this staff report for a detailed analysis of the annexation as it relates to Section 15-8-2.

2. Map and natural features

The property consists of 136 acres, including 3 smaller metes and bounds parcels lying within the northeast ¼ of Section 3 & the northwest ¼ of section 2, Township 2 South, Range 4 East, Salt Lake Base & Meridian, Summit County. The area proposed for annexation is within the City's Annexation Expansion Area, as described by the City's Annexation Policy Plan found in Section 15-8-7 of the Park City Land Management Code. The parcel is currently zoned SL (Sensitive lands) and DL (Development lands) in Summit County, subject to the Snyderville Basin General Plan. The applicants propose to zone the COSAC purchased 39.5 acre parcel POS, and the two recreation-deeded parcels with ROS-MPD zoning. Further analysis can be found under criteria #6. The applicants have submitted an accurate map of the area showing the boundaries, property ownership, topography, natural features, and environmentally sensitive areas.

3. Residential Density

No additional residential density beyond the existing NAC dormitories is proposed as a part of this application. No additional residential or commercial density is contemplated by the NAC at this time. If Zoned ROS, the NAC could apply for a Conditional Use Permit for additional dorms, however discussions with the NAC suggest this is not likely in the foreseeable future.

4. Land Uses-existing and proposed

NAC - The only existing development located within the proposed annexation area is the National Ability Center (NAC) campus. This 26 acre parcel was deeded to the NAC by Florence Gillmor and is restricted in its use to, year-round innovative therapeutic, and adapted recreational programs... including [horse] riding, fitness center, dormitory, central lodge, and "various related and complimentary recreational activity facilities." The type of development and uses are consistent with the deed restrictions and include: an administrative building (approx. 7,500 s.f.), a dormitory (approx. 12,200 s.f.), an indoor equestrian arena (approx. 17,000 s.f.), a few small outbuildings, as well as outdoor ropes course, playground area, and support parking (Exhibit C – NAC site plan).

These types of uses are consistent with the proposed ROS zoning and would be allowed Conditionally. Staff understands that the existing equestrian center and structures for the ropes course exceed the zone height limit (28'). The underlying ROS-MPD zoning designation has been requested to prevent the creation of any non-complying structures. At this time the NAC is not proposing additional development.

Recreation Complex – An introductory summary of this proposed facility will be presented during tonight's work session. A conceptual site plan is found as Exhibit D.

Wildlife Study - The City has recently conducted a study to measure potential effects on wildlife resources of the proposed Park City annexation and development, potential effects on wildlife resources on lands adjacent to the proposed development were also evaluated. The proposed development area was determined to contain wildlife species and wildlife habitat typical for the vegetative types and elevation zone. Of significance, one Utah sensitive species, the greater sage grouse, was found on the development and on adjacent areas. Seven prioritized recommendations were made to minimize and compensate for potential impacts of the proposed development. The intent of these recommendations is to increase the probability of the perpetual continuance of wildlife and wildlife resources currently available in the area (Exhibit E). The study does not preclude development on the parcel and recognizes the adjacent 1400 acres of city-owned open space as a major mitigation area.

Environmental Issues – City staff has documented related environmental issues for the proposed annexation (Exhibit F). The annexation is outside the City's Soils Ordinance District. Furthermore, the City does not have any environmental assessments or known previous history of the site being impacted with historic mining impacts or other industry. It should be noted that the site is situated within the Silver Creek Watershed drainage, due to this classification, any work resulting in a land disturbance equal to or >1 acre will need to strictly adhere to Park City's Storm Water Management Plan and implement storm water Best Management Practices.

Utility & Access - Access and traffic discussion points have been outlined by City Engineer Eric DeHaan. A more complete review of traffic and utility impacts can be found attached as Exhibit G – Existing and Proposed Roadway Systems and Easements). The following is a key excerpt:

Access to the proposed recreation complex would come from two separated two-lane road connections to the existing frontage road serving NAC. The existing frontage road is a vestige of an earlier highway prior to the construction of U.S. 40 in its current configuration, so the frontage road has considerable traffic capacity. The intersection with S.R. 248 is not ideal and would undoubtedly require relocation farther away from U.S. 40 if a signalized intersection at 248 were ever contemplated, namely for additional development. Adequate rights-of-way and easements in terms of width and alignment exist for the anticipated trip generation from the complex, as described below, but those easements and rights-of-way need to be researched as to title and encumbrances.

A recreational complex of the scale described above will exhibit periodic high levels of trip generation during times when multiple games or other recreation activities coincide as to loading or unloading. For "base-level" calculations it is assumed that each of the ten fields and the ice facility would generate up to 75 cars every two hours as participants and spectators arrived and departed. Any bus or transit traffic would be included within these estimates since such traffic would correspondingly reduce individual vehicle trips. This maximum trip loading would correspond to a maximum of about 413 vehicles per hour using the 248 access for normal summertime usage where field activities were properly coordinated by a professional recreation department such as Park City's.

Vehicular trips to the complex would be mitigated by the anticipated pedestrian and trail connections that will be included in the final design of the proposed complex. It is further anticipated that transit service will eventually be extended to the NAC and therefore the complex, although that transit service extension will be very expensive and would only be triggered by demonstrated numbers of visitors to the complex. For that reason, this memo assumes that private vehicles will be the main source of transportation

5. Character and Development of adjacent property

Surrounding land uses include a single family subdivision to the west (Fairway Hills II), and undeveloped privately owned lands to the northeast and east. The other adjacent property to the south and northwest are City-purchased open space lands. These City-owned open space areas are currently used for passive open space uses such as hiking, biking, and wildlife observation. Much of these lands are designated as Sensitive Lands by both City and Summit County Zoning standards (view shed hillsides, steep slopes, and sensitive ridgeline areas). There is very limited development potential on these lands (trailheads, or similar development intended to preserve conservation value) because of deed restrictions placed on them at the time of purchase. The City and County are both currently under heavy development pressure from the adjacent private property owners.

In response to this pressure Park City and Summit County passed a resolution to conduct a joint study on Land Use for the entire Quinn's Junction area. It was intended that the study be a collaborative public planning process, gathering input from all stakeholders involved, ultimately creating a plan complete with implementation strategies for the area. The City and County staff has since synthesized the input and concepts that came out of the July 2003 community planning charette. The Quinn's Junction principles and map attached as Exhibit H represent an overview of the process, findings and land use principles.

6. Zoning- existing and proposed

The parcel is currently zoned SL (Sensitive lands) and DL (Development lands) in Summit

County, subject to the Snyderville Basin General Plan. The requested zoning is ROS-MPD and POS. The ROS zone allows: Trails and Trailhead Improvement and Outdoor Recreation Equipment as Administrative Conditional Uses; and Recreational Outdoor and Trail Lighting and Recreation Facility, Public as Conditional Uses (Exhibit I – Land Management Code - ROS and POS Zoning Regulations). The POS district is very restrictive and in general allows trails and trailhead parking and small accessory support buildings to recreational amenities. The proposed zoning of POS and ROS-MPD is consistent with Park City's General Plan, with the surrounding zoning, land uses, as well as the Quinn's Junction Study and Joint Planning Commission Development Principles which contemplates the uses proposed.

7. Goals and Policies of the Park City General Plan

This annexation is consistent with the goals and policies of the Park City General plan in that the annexation provides the ability to propose a development that 1) provides both community-based and tourism-based recreational opportunities 2) preserves and promotes existing trails and trail connections, 3) pursued and created consensus on appropriate development patterns in a joint-planned area consistent with findings adopted by the joint planning commissions, 4) is sensitive to wildlife resource impacts, 5) recognizes the importance of protecting and respecting the importance of entry corridors, and 6) promotes and protects open space. It is logical, reasonable, and consistent with the General Plan to provide municipal level services to this property and to combine it with surrounding vacant property already within the City limits, under common ownership, as part of a Master Planned Development to further the goals and policies of the Park City General Plan.

8. Assessed valuation

Annexation of the proposed area will not have a negative impact on the property's assessed valuation. According to the Summit County assessor's office the current assessed valuation of the annexation parcel is \$0, because the NAC is a non-profit and the two City-owned parcels are tax-exempt.

9. Demand for municipal services

All essential services will be provided by existing entities. Park City Fire District, Snyderville Basin Water Reclamation District (SBWRD - sewer), Park City School District, Questar gas, PacifiCorp - power, Comcast - cable, Qwest - gas, and BFI trash removal. For specific details, please see General Requirements (15-8-2-F) later in the analysis. There is no residential development allowed as part of this annexation. The NAC and City are exempt from paying property tax and therefore would provide no revenues to these taxing entities.

10. Effect on City boundaries

As development pressure in this area has increased, it has become a priority to bring City-owned open space and recreation areas into City limits. Staff anticipates this annexation being the first step towards expanding City limits to include all of the City's almost 1,400 acres of open space. The City has entered into pre-annexation agreements with two adjacent private property owners (Burbidge and Quinn's Junction Partners(Ericksen)).

11. Timetable for extending services

The City has hired a consultant to assist in the design of the recreation complex. At this time they are beginning to move from conceptual design stages into schematic design. Preliminary utility plans are currently being investigated. General City and County Services can be extended to the property upon approval of a Master Planned Development, subsequent platting of the property, and issuance of building permits for approved development.

The NAC is currently served with all necessary utilities. They pump sewer back into Fairway Hills. A line extension agreement with SBWRD down to either the Rail Trail or I40 will be required before additional services can be extended to serve the recreation complex. The NAC also currently has power coming down from Fairway Hills. It is anticipated that Utah Power will see this as an opportunity to connect their power loop between Park Meadows and State HWY 248. The City has currently investigated different possibilities to provide water to the location and feel confident in their ability to do so. There is existing infrastructure in Fairway Hills but it may be inadequate to cover all necessary fire protection systems. The City has also investigated bringing in water from an outside source – further detail can be found under 15-8-2(F)(6). A preliminary plan to provide natural gas is also being discussed at this time. A more complete review of utility impacts can be found attached as Exhibit G – Traffic and Utility Impacts).

12. Revenue versus costs

The total budget for the recreation complex project is \$6.5 million. The City and County bonded for a total of \$4.5 million dollars to be allocated to this project. Additional funding will be a combination of Rap tax, impact fees, sale of assets, and RDA increment.

On August 26, 2004 Park City Municipal Corporation and the Snyderville Basin Special Recreation District approved a comprehensive Interlocal Agreement regarding the construction and operation of a regional ice facility. The basic terms of the Agreement call for the City to take the lead in planning, constructing, and operating the regional ice facility. Each Party agreed to provide \$2 million dollars towards initial construction and a minimum commitment of \$50,000/year towards operating subsidies / capital replacement schedules. The executed Agreement is for 50 years and has clauses to review financial terms every three years.

It is currently expected that the ice facility will be operated seasonally for the first two years until the programming warrants moving to year round operations. It is expected that the building would be used in support of both ice sheet operations as well as summer "fields" use for components of locker rooms, restrooms, and other support operations. City staff has prepared preliminary O&M budgets for the overall facility and will be reviewing Department operating budget needs during the upcoming 2-year budget review.

A fiscal analysis report has been prepared by the City's Budget, Debt, and Grants Department. The analysis summarizes that the potential of softball, soccer and a football/rugby field at the Recreation Complex will increase the availability of fields for use during tournaments that will have an increased impact on City tax revenues and contribute to the overall tourism economy (Exhibit J – Fiscal Analysis).

Staff believes there will be two additional transit-related budgetary impacts that arise as a result of this annexation. Those impacts are providing Fixed Route Service at a cost of \$160,000 - \$270,000 annually, and ADA Para-transit Service at a cost of \$130,000 annually. In addition to these costs, a one time cost for vehicle acquisition would be \$70,000-\$125,000 assuming federal grants were secured to cover 80% of vehicle cost. Further Detail is explained in Exhibit K1 –Cost to Provide Governmental Services – Transit Impacts.

13. Tax consequences

A major portion of the proposed annexation area is owned by the City which does not pay property taxes. The remaining portion is owned by the National Ability Center (NAC), a non- for-

profit organization that does not pay property taxes, and are not expected to pay any property taxes in the future. Staff anticipates a small realization of sales tax based on anticipated sales of food concessions and a small pro shop at the ice rink.

14. Impact on Summit County

Because no property tax is being generated, and only minimal sales tax is expected to be generated, impacts on Summit County will be minimal. This recreation complex represents the first development in an area under heavy development pressure by the private sector. Staff finds that open space and recreation – related improvements which are consistent with the City's General Plan and the Quinn's Junction Study will establish an appropriate land use precedent for the area.

15. Historic and cultural resources

There are no identified historic or cultural resources in the annexation area. This project will not provide significant public benefit in the area of historic or cultural resources, nor will it diminish any existing historic or cultural resources.

Annexation Policy Plan

Purpose (Section 15-8-1)

Chapter 8 of the Land Management Code is considered Park City's annexation policy plan and declaration. In Section 15-8-1 the Code states the following:

The annexation requirements specified in this Chapter are intended to protect the general interests and character of the community; assure orderly growth and development of the Park City community in terms of utilities and public services; preserve open space, enhance parks and trails; ensure environmental quality; protect entry corridors, view sheds and environmentally Sensitive Lands; preserve Historic and cultural resources; create buffer areas; protect public health, safety, and welfare; and ensure that annexations are approved consistent with the Park City General Plan and Utah State Law.

Staff finds that the proposed annexation meets the above stated purposes in that this annexation contributes to the achievement of the goals and policies of the Park City General Plan and further protects the general interests and character of Park City by providing open space and recreation for both community-based and tourism-based recreational development, 2) preserves and promotes existing trails and trail connections, 3) developing consensus with Summit County on appropriate development patterns in a joint-planned area 4) sensitive to the importance of developing a project in the entry corridor.

In addition the Annexation Policy Plan states:

If practical and feasible, boundaries of an Area proposed for annexation shall be drawn:

- (A) Along the boundaries of existing special districts for sewer, water, fire, and other services, along the boundaries of school districts whose boundaries follow City boundaries... and along the boundaries of other taxing entities;
- (B) To eliminate islands and peninsulas of territory that is not receiving municipal type services;
- (C) To facilitate the consolidation of overlapping functions of local government;
- (D) To promote the efficient delivery of services; and
- (E) To encourage the equitable distribution of community resources and obligations.

It is the intent of this Chapter to ensure that Property annexed to the City will contribute to the attractiveness of the community and will enhance the resort image which is critical for economic viability, and that the potential deficit of revenue against expense to the City is not unreasonable.

Staff has reviewed this annexation proposal against these stated purposes and finds that the proposal is consistent with and furthers the interest of the Park City Annexation Policy Plan in that the creation of infrastructure to participate in City-purchased passive open space (trails) in addition to the promulgation of recreational opportunities is representative of our community and our resort image and tourism economy . Development within Park City of a community recreation complex, as well as a tournament and event facility, is consistent with the Community Character and Economic Development policies of the City Council and General Plan. The proposal also sets an appropriate land use precedent for the area which is consistent with the City's General Plan and Quinn's Junction Study.

General Requirements (Section 15-8-2)

Staff has reviewed the proposed annexation and preliminary plat against the following general requirements (findings in ***italics***). The following specific requirements are hereby established for annexation to Park City:

- (A) Property under consideration of annexation must be considered a logical extension of the City boundaries.

Complies. The property is contiguous to the Park City Municipal boundary at Fairway Hills Estates Phase II and within the boundary of the Park City Annexation Expansion Area. The proposed Master Planned Development is consistent with the adopted Joint Quinn's Junction Land Use Principles and will set the tone for future, adjacent development and surrounding land uses.

- (B) Annexation of Property to the City must be consistent with the intent and purposes of this Chapter and the Park City General Plan.

Complies. This annexation proposal has been submitted and processed consistent with the intent and purposes of the Annexation Policy Plan. The annexation petition has been accepted by the City Council and the petition certified by the City Recorder. The applicant submitted all required documents and information, per LMC Section 15-8-3 (A)-(J)) and including all submittal requirements as stated on the application form. The property has been posted and affected property owners have been notified of the public hearing. Legal advertisement has been posted in the Park Record. The property falls within the Park City Annexation Expansion Area boundaries.

- (C) Every annexation shall include the greatest amount of Property possible that is a contiguous Area and that is contiguous to the City's municipal boundaries.

Complies. Property is defined in the Land Management Code as Any Parcel, Lot, or tract of land, including improvements thereon, in the possession of or owned by, or recorded as the real Property of the same Person or Persons. The City owns a number of contiguous parcels but is unable to include them in this application without creating islands or peninsulas of adjacent private land which is inconsistent with State annexation statutes. To the end of annexing contiguous properties the city has contacted each of the adjacent private property owners in the Quinn's Junction area and have

entered into pre-annexation agreements with two of them.

- (D) Piecemeal annexation of individual small Properties shall be discouraged if larger contiguous Parcels are available for annexation within a reasonable time frame in order to avoid repetitious annexations.

Complies.

Timely annexation of this parcel will ensure development of an ice facility that has been a stated goal of both the Park City Council, the Snyderville Basin Recreation District, and the community at large. The annexation area represents the greatest area possible for consideration given other ownership and contiguity compliance issues.

- (E) Islands of county jurisdiction shall not be left or created as a result of the annexation and peninsulas and irregular boundaries shall be avoided.

Complies. *This annexation does not create an island, or an irregular boundary.*

- (F) In addition to services provided by existing districts, such as sewer, fire protection, and public schools, the following urban level services, consistent with those normally provided in the rest of the incorporated boundaries will be provided to annexed Areas: **Complies as outlined below.**

1. Police protection - ***City Police protection currently provided by special agreement with the County Sheriff for routine calls. Criminal investigation currently responsibility of the County Sheriff and would transfer to the City.***
2. Snow removal on Public Streets ***The City will provide snow removal as necessary on City property, namely the road system needed to serve winter time use of the recreation complex, but will not be responsible for providing snow removal on any adjacent private property. The City's Streets Department has estimated the annual cost to provide snow removal at \$5,576 (Exhibit K2 –Cost to Provide Governmental Services – Snow Removal).***
3. Street maintenance ***The City will provide street maintenance for the public road system, but will not be financially responsible for providing maintenance of private property. This line item will be incorporated into the City's long-term Capital Improvements Program budget.***
4. Planning, zoning, and Code enforcement ***Currently Summit County Planning and Building Department and would transfer to the City departments of planning and building.***
5. Availability of municipal sponsored parks and recreational activities and cultural events and facilities ***Parks are public and open to County and City residents. An interlocal agreement has been signed between the City and Basin Recreation that will regulate long-terms operations and maintenance for the ice rink.***
6. Water services as the Area is developed. Existing water treatment and storage facilities may currently be inadequate to provide services to the annexed Area. Developers of the annexed Area are required to pay for the cost of improvements related to the extension of and connection with the City lines and systems as well as participate in additional improvements such as storage capacity and distribution as necessary for safe, reliable, and efficient water flows. ***City water will be provided available upon annexation, the details of which will be addressed during the building permit process. Staff has done their best to estimate the flow requirements of this service. However, the level of planning complete at this time does not provide the detail necessary to precisely forecast the***

cost of necessary improvements to store and move water to the area. Staff estimates the financial investment required to provide the infrastructure to store pump and transport water to the recreation parcel at \$250,000 – \$750,000 (Exhibit K3 – Water Impacts). The property has no water rights associated with it.

- (G) If feasible and practical, water and sewer lines shall be extended to the Area proposed for annexation. Expenses associated with such extension shall be the responsibility of the Applicant(s). The City shall determine timing and capacity of extending water to the proposed annexation area. The Water Reclamation district shall determine timing and capacity of extending sewer service to the proposed annexation area.

Complies. Water is available (see above). Sewer service is available in the area, but will need to be extended. The City is working with the SBWRD on a line extension agreement that would be necessary prior to development. Extension of the sewer and water mains would be the responsibility of the City.

- (H) Before considering requests for annexation the City shall carefully analyze the impacts of annexation of an Area, taking into consideration whether the Area will create negative impacts on the City and considering whether the City can economically provide services to the annexed Area. Community issues such as location and adequacy of schools and community facilities, traffic, fire protection, particularly in Wildfire/Wildland Interface Zones, useable open space and recreation Areas, protection of Sensitive Lands, conservation of natural resources, protection of view corridors, protection and preservation of Historic resources, affordable housing, balance of housing types and ownership, adequate water and sewer capacity to serve the future needs of the proposed annexation Areas shall also be considered.

Complies. These impacts of annexation have been reviewed and analyzed (see Fiscal Analysis). There is a net benefit to the City as a result of this annexation, due to the community benefits of passive open space, recreational amenities, and potential tourism tax base dollars based on potential tournaments and other recreational opportunities.. The City will be financially responsible to provide all basic infrastructure and utilities including water, sewer, power, gas, cable, police, planning and building services, snow plowing, street maintenance, etc.

- (I) Situations may exist where it is in the public interest to preserve certain lands from Development where there exist Geologic Hazards, excessive Slopes, flood plains or where the need for preservation of community open space and/or agricultural lands is consistent with the General Plan. In such circumstances, annexation may occur as a means of retaining those lands in a natural state.

Complies. A primary goal of this annexation is to begin to bring into City jurisdiction the open space parcels purchased by the City. Annexation of this property will allow the city to establish a needed community open space/recreation area by master planning the site to address entry corridors, viewshed, and wildlife considerations.

- (J) The City shall consider annexation of unincorporated Areas of Summit County that are within the annexation expansion Area as defined by Exhibit A.

Complies. This property is within the Park City Annexation Expansion Area, adopted by the City Council in 2003.

- (K) In general, the City does not favor annexation of territory, which should be located within another municipality, nor does it favor the annexation of unincorporated territory solely for

the purpose of acquiring municipal revenues, or for retarding the capacity of another municipality to annex.

Complies. The purpose of this annexation is not to acquire municipal revenues or to retard the capacity of another municipality to annex this property. Provision of municipal services for this property is more efficiently provided by Park City than by Summit County. The City Council has directed Staff to process this recreation complex through City development codes and policies

(L) Annexations that expand the resort and/or tourist economy provide second home or rental residential Properties, preserve environmentally Sensitive Lands, and provide significant public open space and/or community facilities are preferred.

Complies. This annexation is beneficial in that the proposed development is resort oriented, furthers off-season economic development, provides open space and preserves existing trails. It is logical and reasonable to provide municipal level services to this property and to combine it with surrounding vacant property, under common ownership, as part of a Master Planned Development.

Staff finds that the proposed annexation, as outlined in the draft annexation agreement, complies with the requirements and criteria of the Park City Annexation Policy Plan, as outlined above.

F. Annexation Agreement

An annexation agreement is not required as part of this application.

G. Departmental Review

Several meetings between the applicant, staff, and various City Departments have also been held to better understand the issues. As required by the Annexation Policy Plan input regarding this annexation has been received from the Planning Director, City Engineer, Director of Public Works, Fire Marshall, Police Chief, representatives from applicable utility providers, and Park City School District Superintendent.

Recommendation:

Staff recommends the Planning Commission hold a public hearing and consider any public input on the annexation petition and proposed zoning. Staff recommends the Commission forwards a positive recommendation to the City Council.

Exhibits

Exhibit A – Location Map

Exhibit B – Annexation Map

Exhibit C – NAC site plan

Exhibit D - Rec. Complex conceptual site plan

Exhibit E – Wildlife Study

Exhibit F – Environmental Impact

Exhibit G – Existing and Proposed Roadway Systems

Exhibit H - Quinn's Junction Study Map & Land Use Principles

Exhibit I – LMC Zoning Regulations for ROS and POS

Exhibit J – Fiscal Impacts

Exhibit K1 – Cost to Provide Governmental Services – Transit

Exhibit K2 – Cost to Provide Governmental Services – Snow Removal

Exhibit K3 – Cost to Provide Governmental Services – Water
Exhibit L – Existing Conditions

I hereby certify that this is a true and correct copy
of Ordinance No. 04-50, adopted by the Park City
Council on October 21, 2004.

Janet M. Scott
Janet M. Scott, City Recorder



Ordinance No. 04-50

**AN ORDINANCE APPROVING AN AMENDMENT TO THE PARK CITY ZONING MAP
FOR NATIONAL ABILITY CENTER AND PARK CITY MUNICIPAL RECREATION
COMPLEX ANNEXATION PARCEL, PARK CITY, UTAH**

WHEREAS, owners of land located east of Fairway Hills Phase Two, and west of SR 248, approx 1/8 mile south of the SR 248 & I40 interchanges, including the Executive Director of the National Ability, and Park City Municipal Corporation have petitioned the City Council for approval of an annexation and zoning, known as the National Ability Center and Municipal Recreation Complex Annexation; and

WHEREAS, the National Ability Center and Municipal Recreation Complex parcels will be zoned ROS-MPD (Recreation Open Space – with underlying Master Planned Development); and the COSAC purchased 39.5 acres will be zoned POS, Protected Open Space; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on October 13, 2004, to receive input on the proposed annexation and zoning; and

WHEREAS, the Planning Commission, on October 13, 2004, forwarded a positive recommendation on the proposed annexation and zoning to the City Council; and

WHEREAS, on October 21, 2004, the City Council held public hearings to receive input on the proposed annexation and zoning; and

WHEREAS, it is in the best interest of Park City, Utah to approve this amendment to the official Park City Zoning Map.

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

SECTION 1. APPROVAL. The National Ability Center and Park City Municipal zoning and amendment to the official Park City Zoning Map are hereby approved as shown in the attached exhibits, subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

00715425 BK01656 Pg01081-01085
ALAN SPRIGGS, SUMMIT CO RECORDER
2004 OCT 29 14:43 PM FEE \$.00 BY GGB
REQUEST: PARK CITY MUNICIPAL CORP

BK1656 PG1081

PASSED AND ADOPTED this 21st day of October 2004.

PARK CITY MUNICIPAL CORPORATION

Dana Williams
Mayor Dana Williams

Attest:

Janet M. Scott
Janet M. Scott, City Recorder

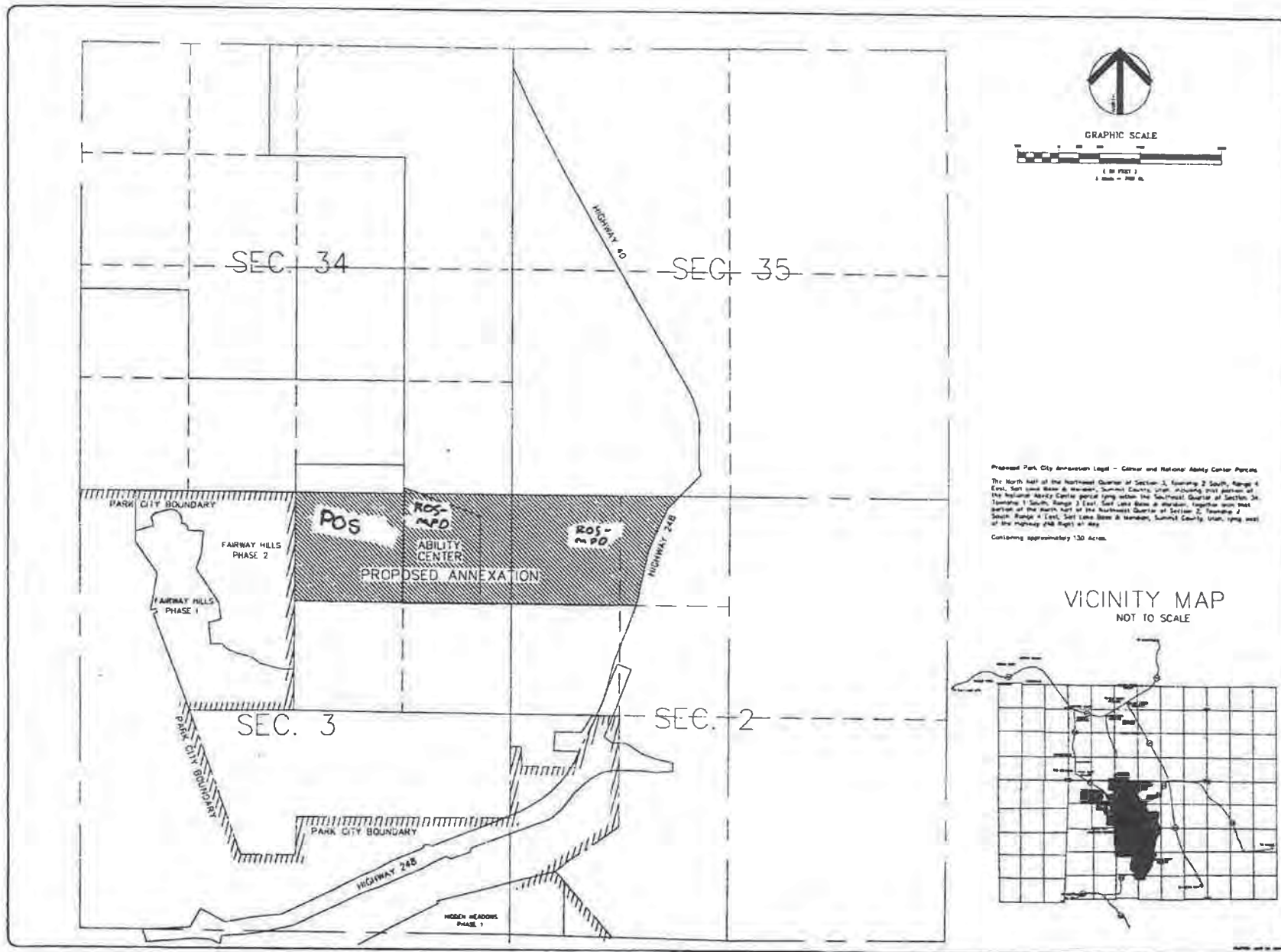
Approved as to form:

Mark D. Harrington
Mark D. Harrington, City Attorney



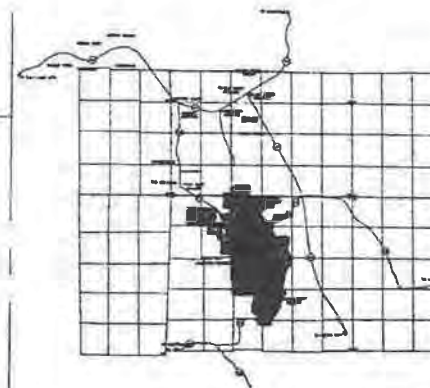
BK1656 PG1083

BK1656 PG1085.



Proposed Park City Annexation Legal - Color and National Ability Center Parcels
 The North half of the Northwest Quarter of Section 3, Township 2 South, Range 4 East, Salt Lake Meridian & Humboldt, Summit County, Utah, including that portion of the National Ability Center parcel lying within the Northwest Quarter of Section 34, Township 1 South, Range 3 East, Salt Lake Meridian & Humboldt, together with that portion of the north half of the Northwest Quarter of Section 2, Township 4 South, Range 4 East, Salt Lake Meridian & Humboldt, Summit County, Utah, lying west of the Highway 40 Right of Way.
 Containing approximately 130 Acres.

VICINITY MAP
 NOT TO SCALE



Evergreen Engineering, Inc.
 1100 S. 1000 E., Suite 100
 Salt Lake City, UT 84143
 Tel: 313-200-1000 Fax: 313-200-1001
 www.evergreen-engineering.com

DESIGNED BY	DATE
CHECKED BY	
DATE	

REVIEWED BY	DATE
CRB	

DESIGNED BY	DATE
CRB	

**PROPOSED PARK CITY ANNEXATION
 GILLMOR & NATIONAL ABILITY PARCELS**
 PREPARED FOR: PARK CITY MUNICIPAL CORPORATION
 PREPARED BY: EVERGREEN ENGINEERING, INC.

EXHIBIT G

FINAL SITE PLAN INDEX NATIONAL ABILITY CENTER S.P.A.

- EXHIBIT "A" MASTER PLAN
- EXHIBIT "B" CONSERVATION / GRADING PLAN
- EXHIBIT "C" PRELIMINARY UTILITIES PLAN
- EXHIBIT "D" DEVELOPMENT / OPEN SPACE ZONES
- EXHIBIT "E" LANDSCAPE PLAN
- EXHIBIT "F" IRRIGATION PLAN
- EXHIBIT "G" LIGHTING PLAN

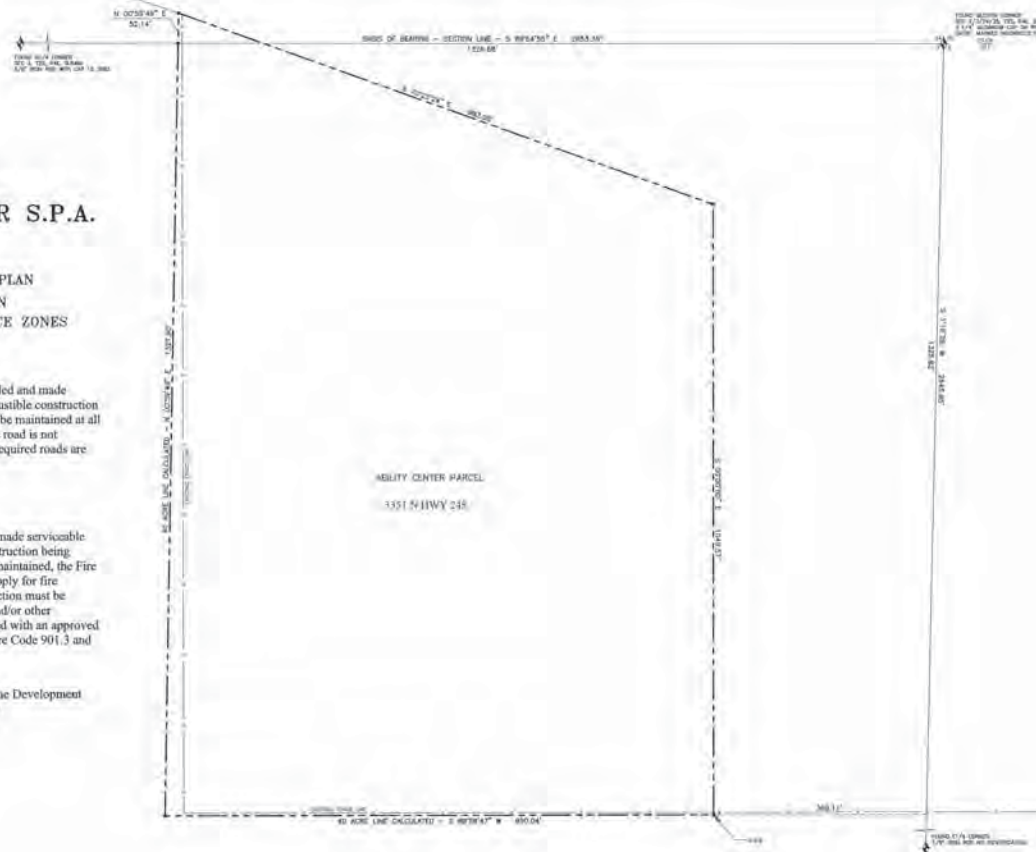
FIRE DEPARTMENT ACCESS ROADS:

An all-weather fire department access road is required to be installed and made serviceable prior to the issuance of a building permit and/or combustible construction being initiated. The all-weather fire department access road is to be maintained at all times during construction. In the event that the all-weather access road is not maintained, the Fire District reserves the right to stop work until required roads are placed back in service [Uniform Fire Code 901.3]

WATER SUPPLIES FOR FIRE PROTECTION:

Water supplies required for fire protection are to be installed and made serviceable prior to the issuance of a building permit and/or combustible construction being initiated. In the event that the fire protection water supply is not maintained, the Fire District reserves the right to stop work until the required water supply for fire protection is placed back in service. Water supplies for fire protection must be clearly identified in a manner to prevent obstruction by parking and/or other obstructions. Each water supply for fire protection must be marked with an approved flag to identify its location during winter conditions. [Uniform Fire Code 901.3 and 901.4.3.]

This Specially Planned Area is subject to conditions outlined in the Development Agreement between National Ability Center and Summit County



SURVYOR'S CERTIFICATE

I, John D. Smith, certify that I am a Registered Land Surveyor and that I hold Certificate No. 15951, as prescribed by the laws of the State of Utah, and that a survey of the following described property was performed under my direction.

John D. Smith 7/15/09
Surveyor

LEGAL DESCRIPTION

BEING all of the Southwest 1/4 of the Northwest 1/4 of the Northwest 1/4 of Section 3, Township 2 South, Range 4 East, Salt Lake Base & Meridian and running thence N 89°54'47" E 103.28 feet along the NE corner line thence thence 108A.27 feet thence S 70°12'24" E 403.05 feet thence S 07°54'47" E 23.19 feet to the Northwest corner of the Northwest 1/4 of the Northwest 1/4 of said Section 3, thence S 07°54'47" E 1327.00 feet along the NE corner line to the point of beginning.

CONTAINS 20.3 ACRES.

OWNER'S DEDICATION AND CONSENT TO RECORD

BEFORE ALL OF US THESE PRESENTS CAME, the undersigned owner of the above described tract of land, hereafter to be known as NATIONAL ABILITY CENTER S.P.A., does hereby dedicate to Utah Power and Light, Park City Municipal Corporation, and the Park City Fire Protection District, non-exclusive easements over the lands described herein for the purpose of providing utility installation, maintenance, and other service equipment as shown wherein I have thereunto set my hand this 15th day of July, 1999.

Richard Water
EXECUTIVE DIRECTOR
NATIONAL ABILITY CENTER

ACKNOWLEDGEMENT

STATE OF UTAH
COUNTY OF SUMMIT

On this 15th day of July, 1999, before me, Notary Public, appeared before me the undersigned owner of the above described tract of land, who being duly sworn, did say that she is the Executive Director of National Ability Center, Inc. and she is the owner of the land and that the Certificate of Dedication is correct and true and is a true and correct copy of the same as the same appears on the records of the County of Summit, Utah.

Mary L. Parnell
NOTARY PUBLIC

My Commission Expires 8-21-2002

SUMMIT COUNTY PERMIT APPLICATION NATIONAL ABILITY CENTER S.P.A. SECTION 3, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN PARK CITY, SUMMIT COUNTY, UTAH

100 0 100 200 feet

SUMMIT COUNTY ASSESSOR ALL TAXES, INTEREST AND PENALTIES DUE TO THIS LAND HAVE BEEN PAID AS OF THIS 15th DAY OF July 1999 A.D. BY <u>Richard Water</u> SUMMIT COUNTY ASSESSOR	PUBLIC WORKS DIRECTOR THIS PLAN HAS BEEN REVIEWED BY OUR OFFICE AND IS HEREBY APPROVED THIS 15th DAY OF July 1999 A.D. BY <u>John D. Smith</u> PUBLIC WORKS DIRECTOR	UTAH POWER CO. THE UTILITY FACILITIES SHOWN HEREON ARE APPROVED THIS 15th DAY OF July 1999 A.D. BY <u>R. K. Brown</u> UTAH POWER CO.	CERTIFICATE OF ATTEST I CERTIFY THIS SPECIALLY PLANNED AREA MAP WAS APPROVED BY PARK CITY WATER SERVICE DISTRICT ON THIS 15th DAY OF July 1999 A.D. BY <u>John D. Smith</u> PARK CITY RECORDER	PARK CITY WATER SERVICE DISTRICT APPROVAL AND ACCEPTANCE BY THE PARK CITY WATER SERVICE DISTRICT THIS 15th DAY OF July 1999 A.D. BY <u>John D. Smith</u> CHAIRMAN OF THE BOARD	FIRE MARSHAL APPROVAL APPROVED THIS 15th DAY OF July 1999 A.D. BY THE PARK CITY FIRE DISTRICT BY <u>John D. Smith</u> PARK CITY FIRE MARSHAL	SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT STANDARDS THIS 15th DAY OF July 1999 A.D. BY <u>John D. Smith</u> S.B.S.D.	RECORDED STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF <u>Summit County Clerk</u> DATE 8-3-99 TIME 2:04 PM BOOK PAGE 1018
DRAWING INFORMATION SHEET: 1018C.D. CITY MAPS, INC. DATE: 11-9-98 DWG. BY: S. J. SHELLEY AND NO. 11-10-98	SNYDERVILLE BASIN SPECIAL RECREATION DISTRICT APPROVED THIS 15th DAY OF July 1999 A.D. BY <u>John D. Smith</u> CHAIRMAN	PLANNING COMMISSION APPROVED BY THE SUMMIT COUNTY PLANNING COMMISSION THIS 19th DAY OF July 1999 A.D. BY <u>John D. Smith</u> SUMMIT COUNTY PLANNING COMMISSION CHAIRMAN	ENGINEERS CERTIFICATE I FIND THIS PLAN TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 15th DAY OF July 1999 A.D. BY <u>John D. Smith</u> SUMMIT COUNTY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS 15th DAY OF July 1999 A.D. BY <u>John D. Smith</u> SUMMIT COUNTY ATTORNEY	CERTIFICATE OF ATTEST I CERTIFY THIS SPECIALLY PLANNED AREA MAP WAS APPROVED BY THE SUMMIT COUNTY COMMISSION ON THIS 15th DAY OF July 1999 A.D. BY <u>John D. Smith</u> SUMMIT COUNTY CLERK	COUNTY COMMISSION APPROVAL PRESENTED TO THE BOARD OF COUNTY COMMISSIONERS THIS 15th DAY OF July 1999 A.D. AND IS HEREBY APPROVED BY <u>John D. Smith</u> SUMMIT COUNTY COMMISSION CHAIRMAN	PAGE 1018B

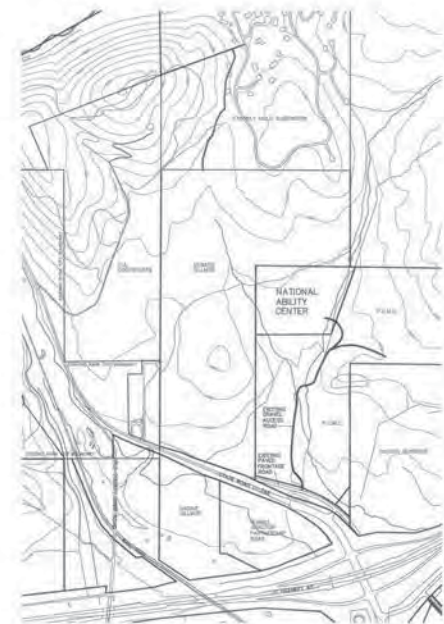
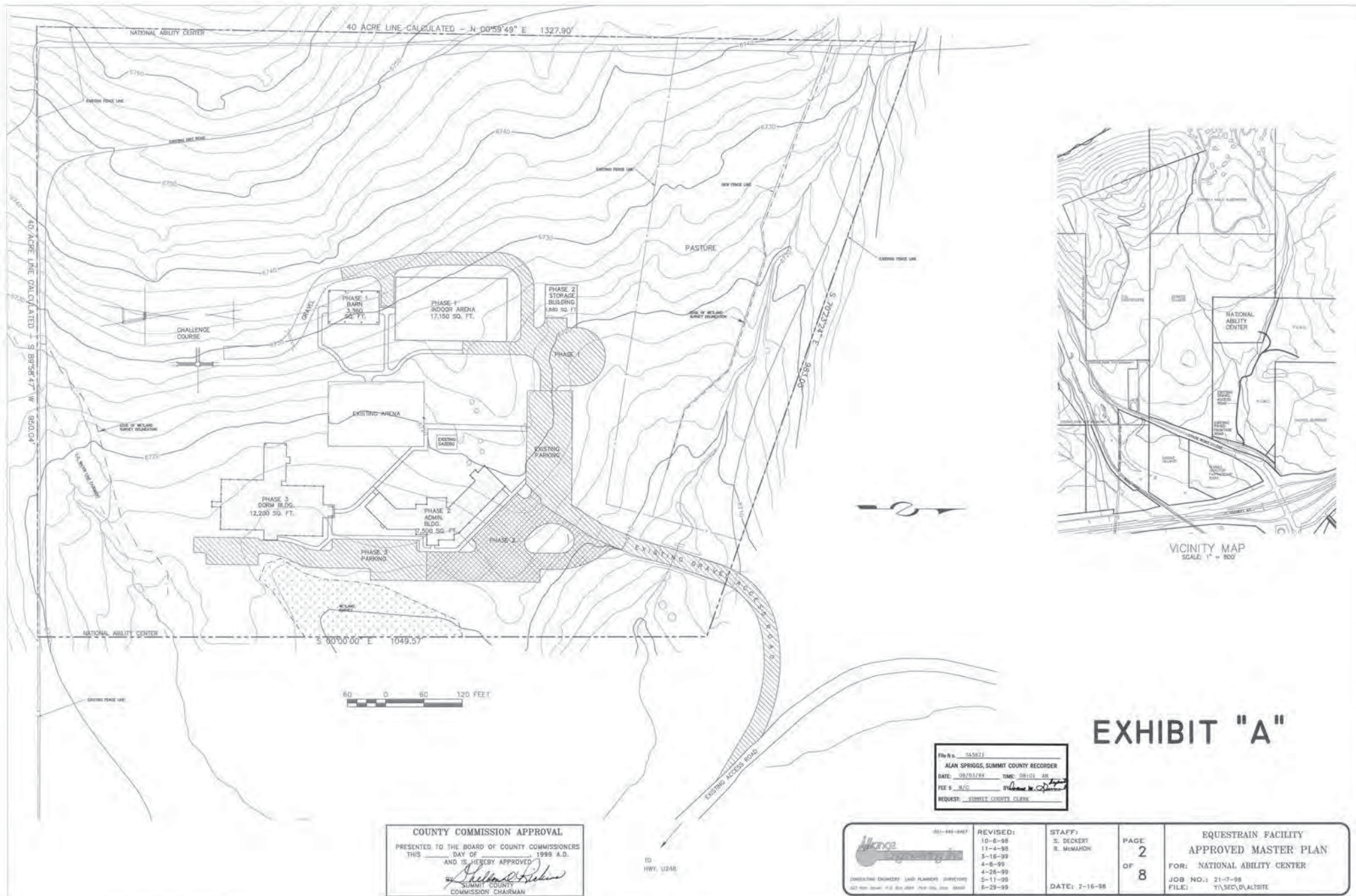
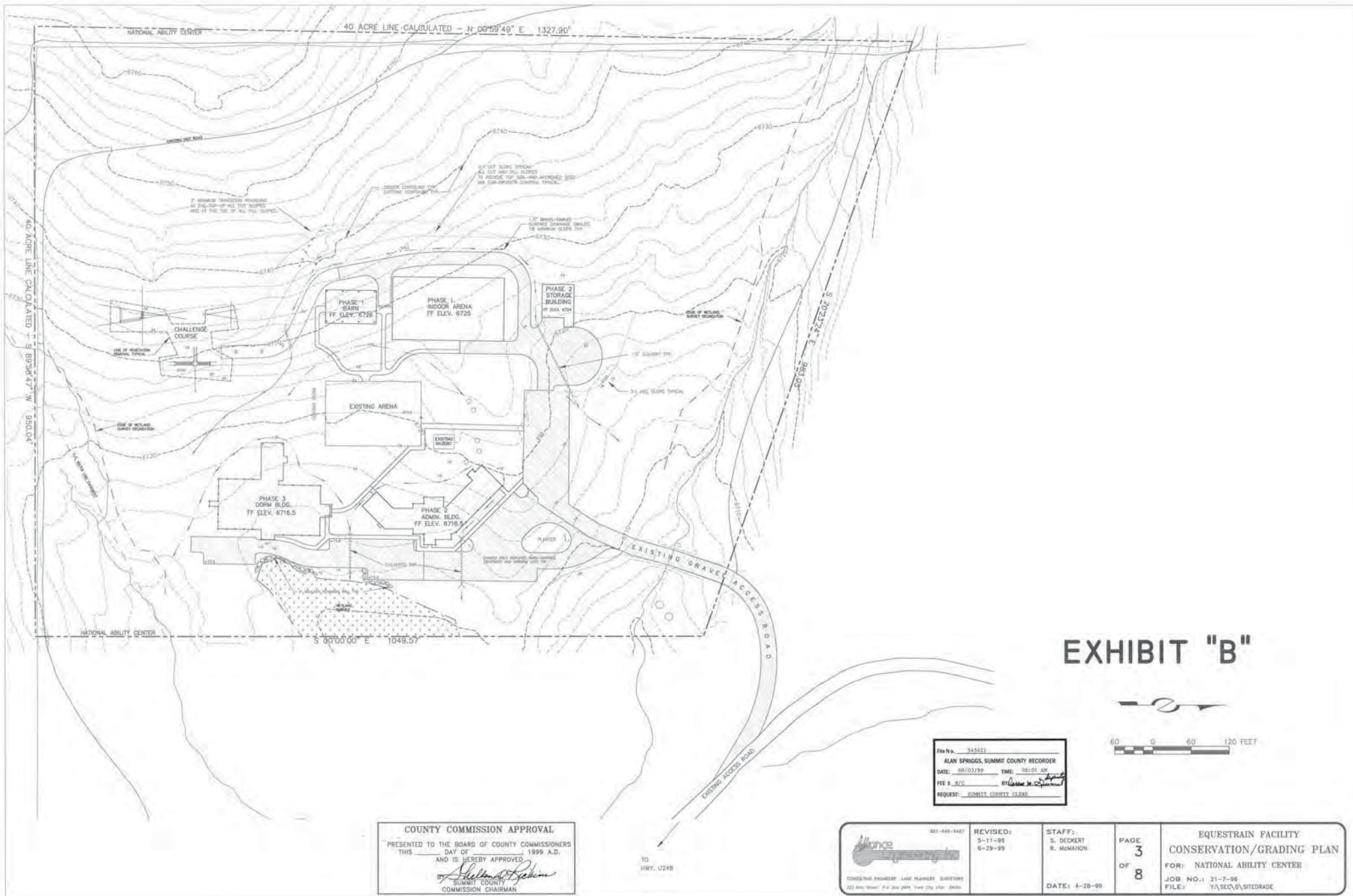


EXHIBIT "A"

File No.	151623
ALAN SPRINGS, SUMMIT COUNTY RECORDER	
DATE	08/23/94 TIME 08:01 AM
FEE \$	N/C
REQUEST	SUMMIT COUNTY CLERK

COUNTY COMMISSION APPROVAL	
PRESENTED TO THE BOARD OF COUNTY COMMISSIONERS	
THIS DAY OF 1998 A.D.	
AND IS HEREBY APPROVED	
<i>Shelley R. Fisher</i>	
SUMMIT COUNTY COMMISSION CHAIRMAN	

 CONSULTING ENGINEERS, LAND PLANNERS, SURVEYORS	(303) 443-0427 REVISED: 10-6-98 11-4-98 3-16-99 4-6-99 4-24-99 5-11-99 6-29-99	STAFF: S. DECKERT R. McMAHON DATE: 2-16-98	PAGE 2 OF 8	EQUESTRIAN FACILITY APPROVED MASTER PLAN FOR: NATIONAL ABILITY CENTER JOB NO.: 21-7-98 FILE: Y:\SEC\O\ALTSITE
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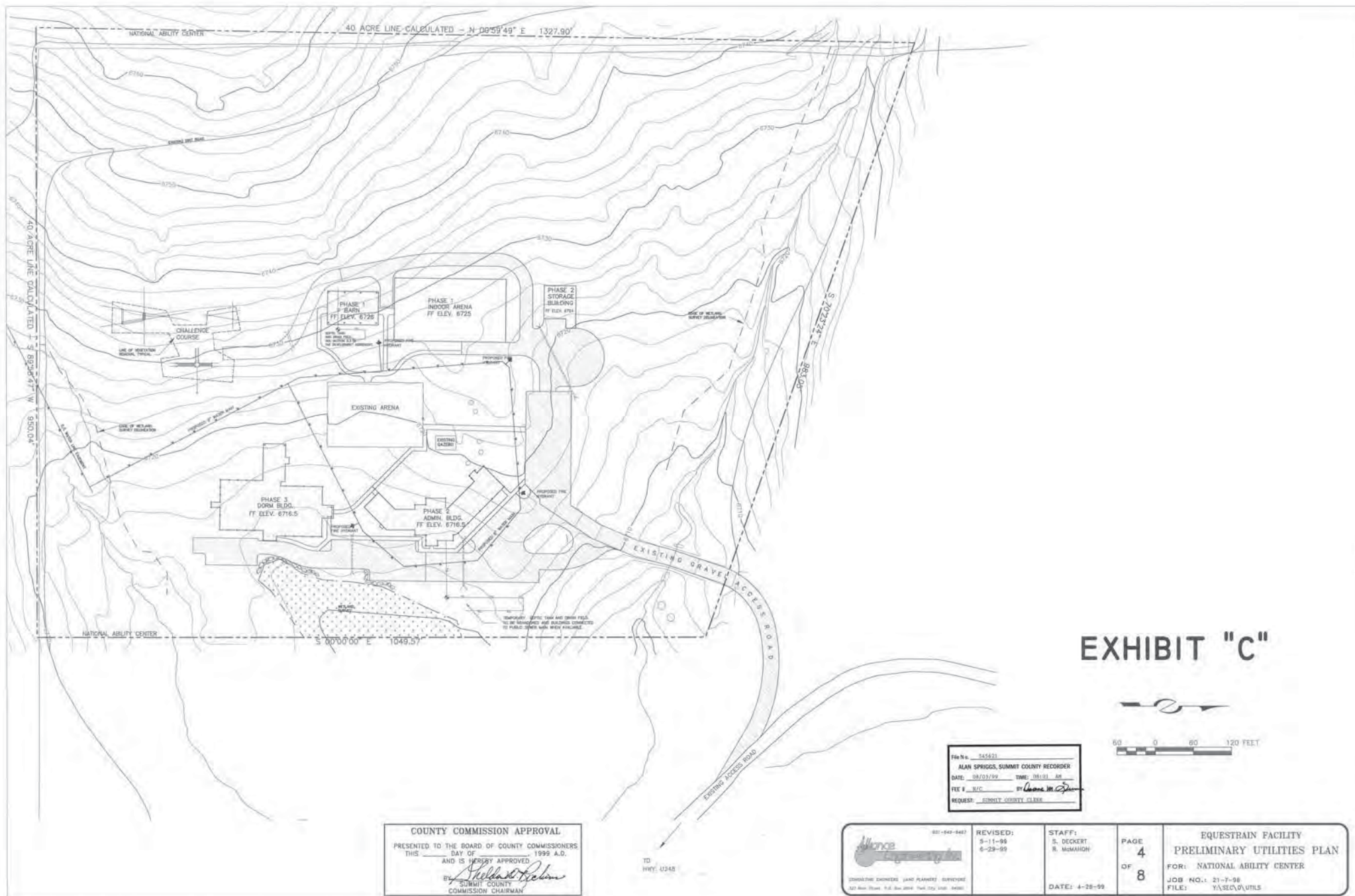


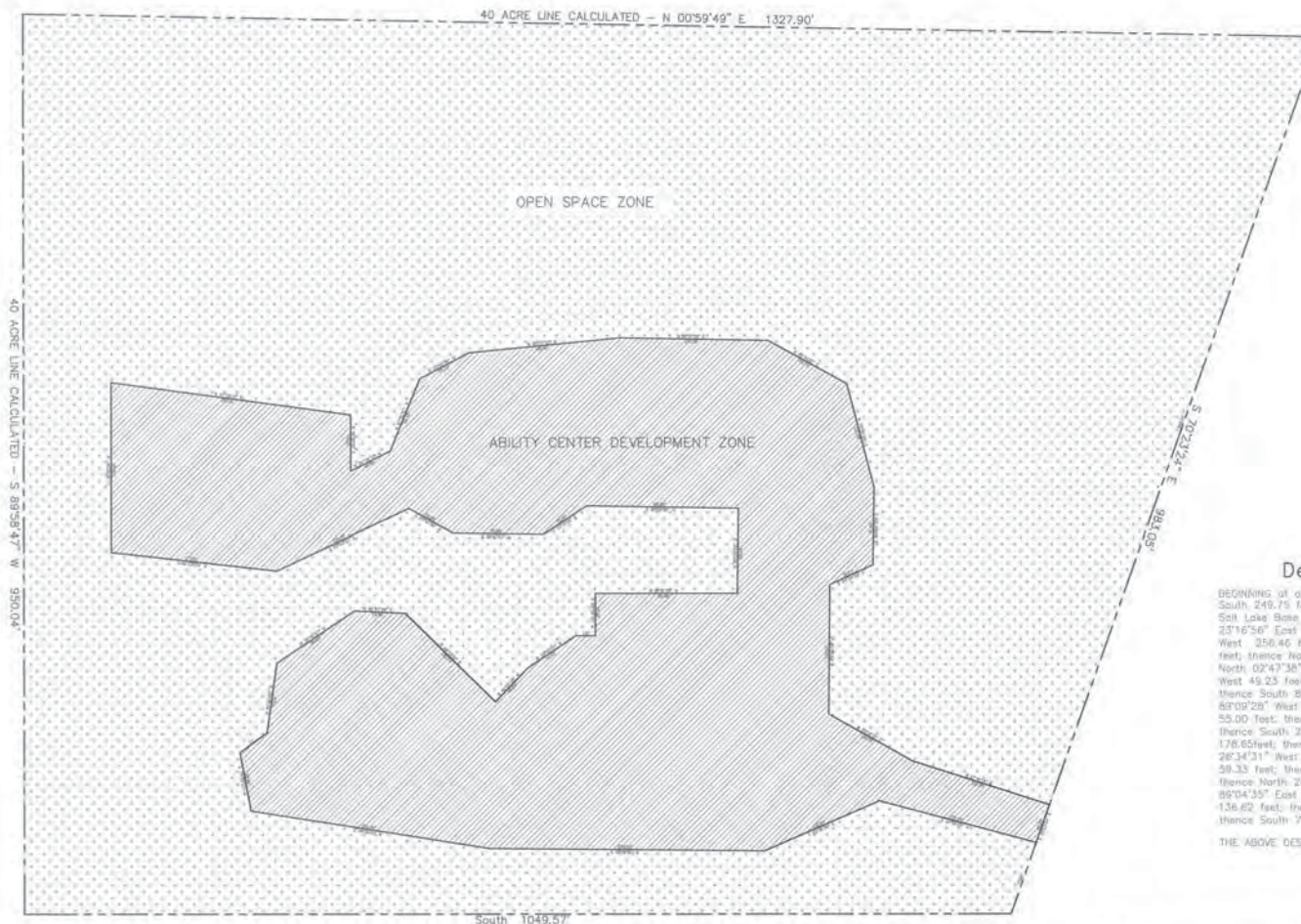
EXHIBIT "C"



File No.	145621
ALAN SPRIGGS, SUMMIT COUNTY RECORDER	
DATE	08/01/09 TIME: 08:01 AM
FEE \$	0.00 BY: <i>Alan Spriggs</i>
REQUEST	SUMMIT COUNTY CLERK

COUNTY COMMISSION APPROVAL	
PRESENTED TO THE BOARD OF COUNTY COMMISSIONERS	
THIS	DAY OF 1999 A.D.
AND IS HEREBY APPROVED	
<i>Sheldahl Nelson</i>	
BY SUMMIT COUNTY COMMISSION CHAIRMAN	

 CONSULTING ENGINEERS (LAND PLANNERS) SURVEYORS 301 West Street, P.O. Box 2009, Park City, Utah 84060	801-649-6467 REVISED: 5-11-88 6-28-89	STAFF: S. DECKERT R. MCMILLON	PAGE 4 OF 8	EQUESTRAIN FACILITY PRELIMINARY UTILITIES PLAN FOR: NATIONAL ABILITY CENTER JOB NO.: 21-T-98 FILE: Y:\SEC\UTILS
	DATE: 4-28-99			



Development Zone Legal Description

BEGINNING at a point that is North 89°54'35\"

THE ABOVE DESCRIPTION CONTAINS 8.77 ACRES MORE OR LESS.

EXHIBIT "D"



60' 0 60' 120'

LINE	BEARING	DISTANCE
1	N 89°54'35\"	474.91
2	S 89°54'35\"	474.91
3	N 00°59'49\"	1327.90
4	S 89°54'35\"	474.91

COUNTY COMMISSION APPROVAL

PRESENTED TO THE BOARD OF COUNTY COMMISSIONERS
THIS _____ DAY OF _____ 1999 A.D.
AND IS HEREBY APPROVED

[Signature]
SUMMIT COUNTY
COMMISSION CHAIRMAN

File No. 143833

ALAN SPRIGGS, SUMMIT COUNTY RECORDER

DATE: 08/03/99 TIME: 08:01 AM

FEE \$ 3.00

REQUEST: SUMMIT COUNTY CLERK

(432) 849-1947

[Logo]

CONSULTING ENGINEER LAND PLANNING SURVEYOR

222 West Street, P.O. Box 2004, Park City, Utah 84060

REVISED:
5-11-99
5-25-99
6-21-99
6-29-99

STAFF:
S. DECKERT

DATE: 4-28-99

PAGE
5
OF
8

EQUESTRIAN FACILITY
DEVELOPMENT/OPEN SPACE ZONES

FOR: NATIONAL ABILITY CENTER

JOB NO.: 21-7-96
FILE: Z:\SEC\DEV\DEV20

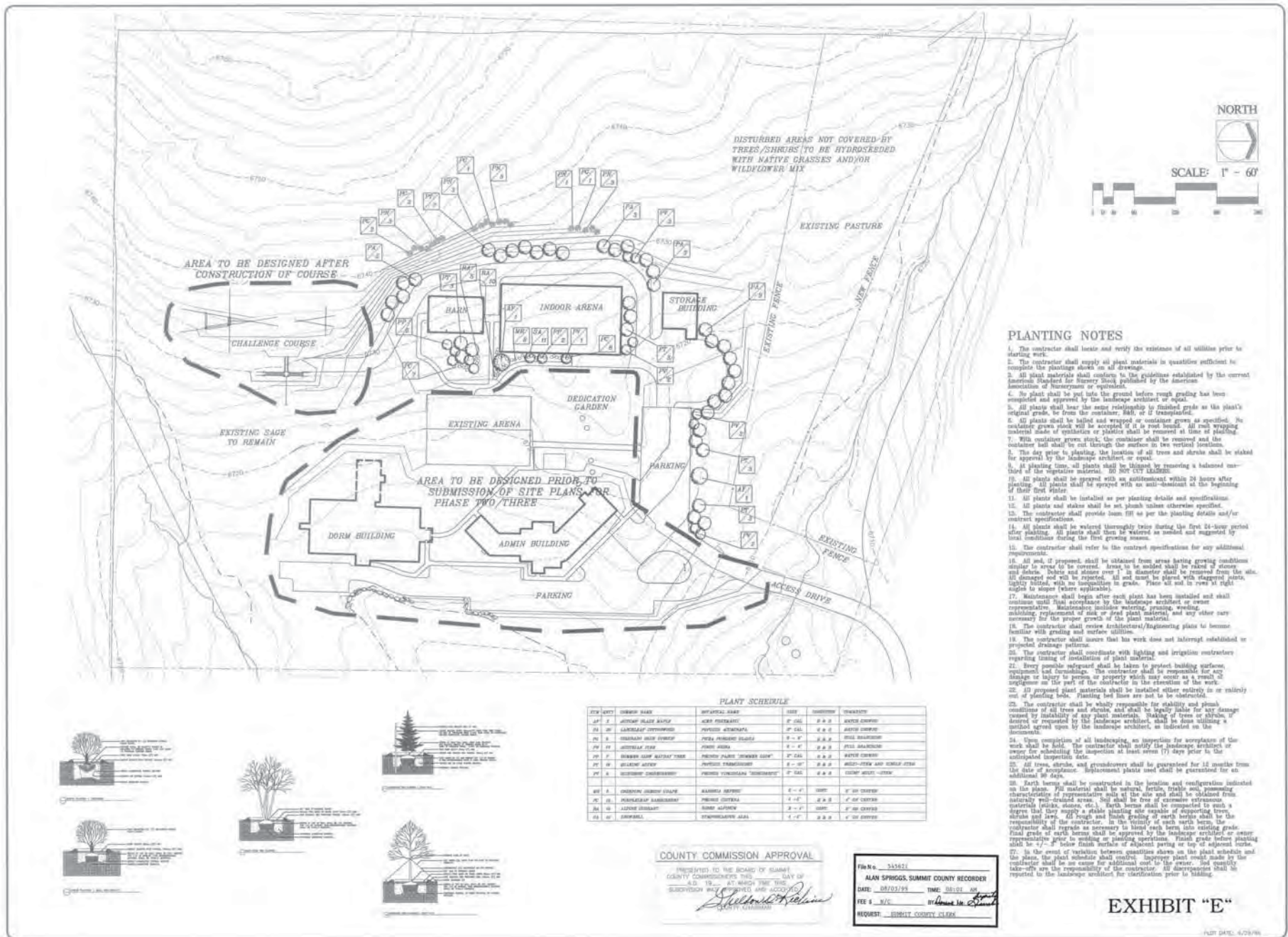
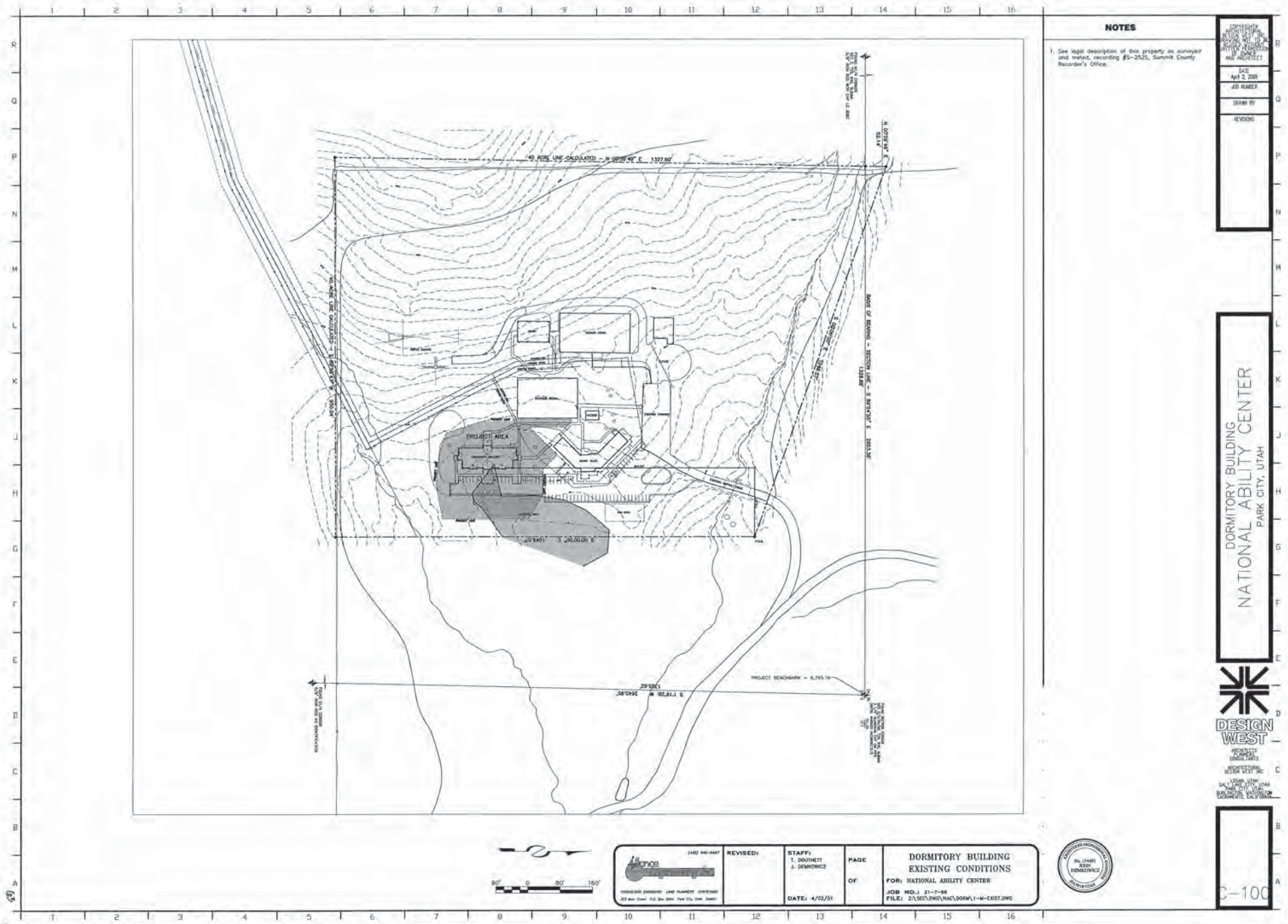


EXHIBIT H



PARK CITY MUNICIPAL CODE
TABLE OF CONTENTS
TITLE 15 LAND MANAGEMENT CODE - CHAPTER 2.7

TITLE 15 - LAND MANAGEMENT CODE

CHAPTER 2.7 - RECREATION AND OPEN SPACE (ROS) DISTRICT

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.7 - RECREATION AND OPEN SPACE (ROS) DISTRICT

Chapter adopted by Ordinance No. 00-15

15-2.7-1. PURPOSE.

The purpose of the Recreation and Open Space (ROS) District is to:

- (A) establish and preserve districts for land uses requiring substantial Areas of open land covered with vegetation and substantially free from Structures, Streets and Parking Lots,
- (B) permit recreational Uses and preserve recreational Open Space land,
- (C) encourage parks, golf courses, trails and other Compatible public or private recreational Uses, and
- (D) preserve and enhance environmentally sensitive lands, such as wetlands, Steep Slopes, ridge lines, meadows, stream corridors, and forests.
- (E) encourage sustainability, conservation, and renewable energy.

(Amended by Ord. No. 09-10)

15-2.7-2. USES.

Uses in the ROS District are limited to the following:

(A) **ALLOWED USES.**

- (1) Conservation Activity

(B) **ADMINISTRATIVE
CONDITIONAL USES.**¹

- (1) Trail and Trailhead Improvement
- (2) Outdoor Recreation Equipment
- (3) Essential Municipal Public Utility Use, Service, or Structure, less than 600 sq. ft.
- (4) Accessory Building, less than 600 sq. ft.
- (5) Ski-related Accessory Building, less than 600 sq. ft.

¹Subject to an Administrative Conditional Use permit and/or Master Festival license review process. Master Festivals are temporary in nature. All related temporary Structures are restricted to specific time frames and shall be removed at the expiration of the Master Festival permit.

- (6) Parking Area or Structure with four (4) or fewer spaces
- (8) Temporary Construction Improvement
- (9) Raising, grazing of horses
- (10) Raising, grazing of livestock
- (11) Anemometer and Anemometer Towers

(C) **CONDITIONAL USES.**

- (1) Agriculture
- (2) Recreational Outdoor and Trail Lighting
- (3) Recreation Facility, Private
- (4) Recreation Facility, Public
- (5) Recreation Facility, Commercial
- (6) Golf Course
- (7) Passenger Tramway Station and Ski Base Facility
- (8) Ski Tow Rope, Ski Lift, Ski Run and Ski Bridge
- (9) Recreational Sports Field
- (10) Skating Rink
- (11) Skateboard Park
- (12) Public and Quasi-Public Institution, Church, and School, Park, Plaza, Structure for Public Assembly, greater than 600 sq. ft.
- (13) Essential Municipal Public Utility Use, Facility, Service, and Structure, greater than 600 sq. ft.
- (14) Accessory Building, greater than 600 sq. ft.
- (15) Ski-Related Accessory Building, greater than 600 sq. ft.
- (16) Child Care Center

- (7) Outdoor Event, Outdoor Music
- (17) Commercial Stable, Riding Academy
- (18) Vehicle Control Gates²
- (19) Resort Support, Commercial
- (20) Cemetery
- (21) Parking Area or Structure with five (5) or more spaces
- (22) Telecommunications Antenna³
- (23) Mines and Mine Exploration
- (24) Plant and Nursery stock products and sales
- (25) Fences greater than six feet (6') in height from Final Grade.
- (26) Small Wind Energy Systems

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

(Amended by Ord. Nos. 04-08; 09-10)

15-2.7-3. LOT AND SITE REQUIREMENTS.

All Structures must be no less than twenty-five feet (25') from the boundary line of the Lot, district or public Right-of-Way.

(A) **FRONT, SIDE, AND REAR YARD EXCEPTIONS.** Fences, walls, stairs, paths, trails, sidewalks, patios, driveways, Ancillary Structures, approved

²See Section 15-4-19 for specific review criteria for gates

³Subject to LMC Chapter 15-4-14, Telecommunications

Parking Areas, and Screened mechanical and utility equipment are allowed as exceptions in the Front, Side and Rear Yards.

(Amended by Ord. No. 09-10)

15-2.7-4. BUILDING HEIGHT.

No Structure may be erected to a height greater than twenty-eight feet (28') from Existing Grade. This is the Zone Height.

(A) BUILDING HEIGHT EXCEPTIONS. To allow for a pitched roof and to provide usable space within the Structure, the following height exceptions apply:

- (1) A gable, hip, or similar pitched roof may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater.
- (2) An antenna, chimney, flue, vent or similar Structure may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.
- (3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.
- (4) Ski lift or tramway towers may extend above the maximum Zone Height subject to a visual analysis and administrative approval by the Planning Director.

(5) Anemometers and Anemometer Towers used to measure wind energy potential for future Wind Energy Systems may extend above the maximum Zone Height subject to a visual analysis and Administrative Conditional Use approval, see Section 15-2.7-8.

(6) Wind turbines may extend above the maximum Zone Height subject to a visual analysis and Conditional Use approval by the Planning Commission of a Small Wind Energy System. Height is measured from Natural Grade to the tip of the rotor blade at its highest point, see Section 15-2.7-9.

(Amended by Ord. Nos. 07-25; 09-10)

15-2.7-5. ARCHITECTURAL REVIEW.

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

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

(Amended by Ord. No. 09-10)

15-2.7-6. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4 ½ ') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

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

(Amended by Ord. Nos. 04-08; 09-10)

15-2.7-7. CRITERIA FOR RAISING AND GRAZING OF HORSES.

The raising and grazing of horses may be approved as a Conditional Use by the Planning Department. In making a determination whether raising and grazing of horses is appropriate, the Planning Commission shall consider the following criteria:

- (A) Any barn must be located a minimum of seventy-five feet (75') from the nearest Dwelling Unit.
- (B) There shall be a maximum of two (2) horses per acre.

(C) Terrain and Slope of the Property must be suitable for horses.

(D) The Applicant must submit an Animal Management Plan outlining the following:

- (1) waste removal/odors;
- (2) drainage and runoff;
- (3) bedding materials;
- (4) flies; and
- (5) feed/hay

(Amended by Ord. No. 09-10)

15-2.7-8. ANEMOMETERS AND ANEMOMETER TOWERS.

Anemometers and Anemometer Towers require an Administrative Conditional Use permit for temporary installation, for up to three (3) years, to measure wind energy potential for a Site. The Use must comply with Section 15-1-10, Conditional Use Review. The Applicant must submit a Site plan, Limits of Disturbance plan for all construction, including Access roads, a description and photos of the tower, manufacturers cut sheet and certification information for the Anemometer, an Application for and all other submittal requirements for Administrative Conditional Use permits and a narrative addressing the following:

- (A) No violation of the City noise ordinance.
- (B) Notification of adjacent Property Owners.
- (C) Compliance with Setbacks and height requirements, see height exceptions. Setbacks may be decreased if a signed encroachment agreement with the affected Property Owner is provided and the public Rights-of-Way and power lines are not impacted by the location.
- (D) Compliance with FAA regulations.
- (E) Compliance with the International Building Code.
- (F) At the time of Application for an Administrative Conditional Use permit, standard engineering drawings for the tower, base, and footings shall be submitted.
- (G) **BUILDING PERMIT.** Prior to issuance of a Building Permit, the plans shall comply with all applicable sections of the International Building Code, including electrical codes and all requirements and criteria of this section.
- (H) Requests for temporary Anemometer Towers that exceed the Zone Height by more than five feet (5') shall provide a visual analysis from all applicable LMC Vantage Points described in Section 15-15.1 to determine visual impacts on Ridge Line Areas and entry corridors.
- (I) **REMOVAL AND DECOMMISSIONING.** Anemometers

and Anemometer Towers shall be removed after the temporary period has expired or if the Use is abandoned. A Use shall be considered abandoned when it fails to operate for a period of twelve (12) months or more.

In no case shall the temporary Use continue beyond the permitted time frame to be identified during review of the Administrative CUP, unless an extension is requested. Upon a notice of abandonment from the Building Department, the systems Owner shall have sixty (60) days to provide sufficient evidence that the system has not been abandoned, or the City shall have the authority to enter the Property and remove the system at the Owner's expense.

The Owner is responsible for reclaiming the land using natural vegetation. To the greatest extent possible, the land shall be fully returned to its natural state within three (3) years of the removal of the installation.

(Created by Ord. No. 09-10)

15-2.7-9. SMALL WIND ENERGY SYSTEMS.

Small Wind Energy Systems (system) require a Conditional Use permit. The Use must comply with Section 15-1-10, Conditional Use Review and the following review criteria. The Applicant must submit a Site plan; Limits of Disturbance plan for all construction, including all Access roads and installation details, such as Grading and erosion control; a description and photos of the tower and turbine; manufacturers cut sheets and certification information for the

tower and turbines; Property survey showing size of Property and location of Structures, utilities, easements, Streets and Rights-of-Way on the Property and on adjacent Properties within a horizontal distance equivalent to 110% of the proposed height; an Application for and all other submittal requirements for Conditional Use permits; and a narrative addressing the following review criteria:

(A) **LOCATION**. Location on the Property and associated wind data shall indicate the optimum citing location for highest wind energy potential and lowest air turbulence from the ground and surrounding objects; measured distances to adjacent habitable Structures, Property lines, power lines, and public and private Streets and Right-of-Ways; and trails. Systems shall not be installed in known migratory bird flyways, unless a wildlife study indicates that the proposed system, due to the configuration, location, height, and other characteristics, will not negatively impact the flyway.

(B) **SETBACKS AND HEIGHT**. See Section 15-2.7-4(A) Height Exceptions. Small Wind Energy Systems shall not exceed the Setback requirements of the zone and shall be set back a minimum distance equal to 110% of the total height of the system. EXCEPTION: Setbacks may be decreased if a signed encroachment agreement with the affected Property Owner is provided, and the public Rights-of-Way and power lines are not impacted by the location.

(C) **LOT SIZE**. Small Wind Energy Systems that are greater than eighty feet (80') in height shall be located on a Lot size of one (1) acre or more.

(D) **DESIGN**. Wind Energy Systems shall be a neutral color that blends with the environment. Gray, beige, and white are recommended and all paint and finishes shall be non-reflective.

(E) **LIGHTING**. Small Wind Energy Systems shall be lighted only if required by the FAA and shall comply with all applicable FAA regulations.

(F) **NOISE**. No violation of the City noise ordinance.

(G) **SIGNS**. Signs shall be restricted to reasonable identification of the manufacturer, operator of the system, utility, and safety signs. All signs comply with the Park City Sign Code.

(H) **BUILDING PERMIT**. Prior to issuance of a Building Permit, the system shall comply with all applicable sections of the International Building Code, including electrical codes and all requirements and criteria of this section.

(I) **VISUAL ANALYSIS**. A visual analysis from all applicable LMC Vantage Points as described in Section 15-15.1 for all Small Wind Energy Systems is required to determine visual impacts on Ridge Line Areas and entry corridors.

(J) **SYSTEM CONDITIONS**. The Applicant/system Owner shall maintain the

system in good condition. Maintenance shall include, but not be limited to, painting, mechanical and electrical repairs, structural repairs, and security measures.

(K) **REMOVAL AND DECOMMISSIONING.** Any Small Wind Energy System, that has reached the end of its useful life or has been abandoned, shall be removed. A system shall be considered abandoned when it fails to operate for a period of one (1) year or more.

Upon a notice of abandonment from the Building Department, the system Owner shall have sixty (60) days to provide sufficient evidence that the system has not been abandoned and request an extension, or the City shall have the authority to enter the Property and remove the system at the Owner's expense.

The Owner is responsible for reclaiming the land using natural vegetation and to the greatest extent possible the land shall be fully returned to its natural state within five (5) years of the removal and decommissioning of the System.

(L) **REPLACEMENT.** Replacement of an already permitted turbine with a similar size and height will not require a permit modification.

(Created by Ord. No. 09-10)

15-2.7-10. SIGNS.

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

(Renumbered by Ord. No. 09-10)

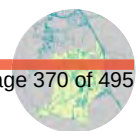
15-2.7-11. RELATED PROVISIONS.

- Fences and Walls. LMC Chapter 15-4-2.
- Accessory Apartment. LMC Chapter 15-4-7.
- Satellite Receiving Antenna. LMC Chapter 15-4-13.
- Telecommunication Facility. LMC Chapter 15-4-14.
- Parking. LMC Chapter 15-3.
- Landscaping. Title 14; LMC Chapter 15-3-3(D).
- Lighting. LMC Chapters 15-3 -3(C), 15-5-5(I).
- Historic Preservation. LMC Chapter 15-11.
- Park City Sign Code. Title 12.
- Architectural Design. LMC Chapter 15-5.
- Snow Storage. LMC Chapter 15-3-3(E)
- Parking Ratio Requirements. LMC Chapter 15-3-6.

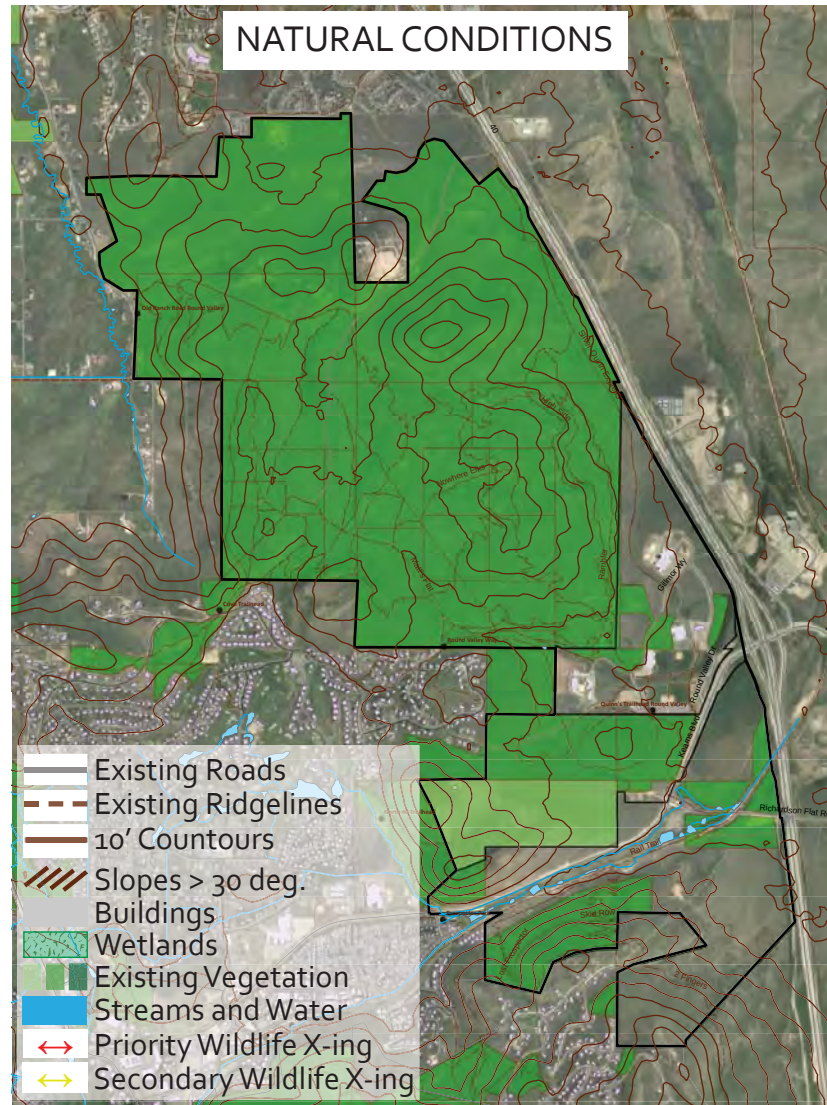
(Amended by Ord. No. 09-10)



NEIGHBORHOOD 9: QUINN'S JUNCTION



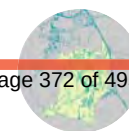
QUINN'S JUNCTION

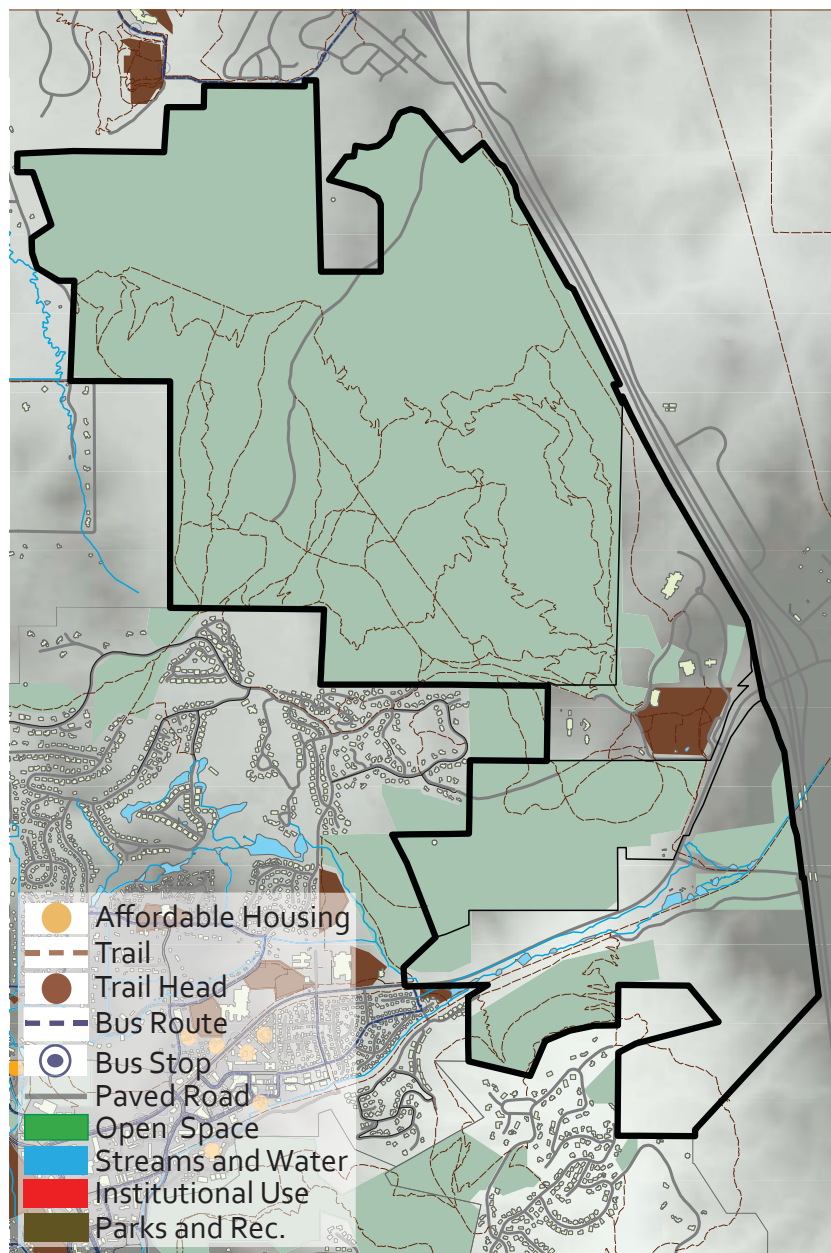


Total Area (sq. miles)	1.20 square miles
Total Area (acres)	1,009.61 acres
Total Built Residential Units	0
Unbuilt Units	239 Residential
% of Total built PC Units	0%
Average Density	3.22 units per acre
Range of Density	0.18 - 33.3 units per acre
Population	3
Number of Businesses	5
Housing Type	Single Family and Multifamily
Historic Sites	None

Affordable Housing

Occupancy	None
Neighborhood Icons	National Abilities Center US Ski Association Training Center People's Health Clinic PC Ice Arena and Sports Center IHC Hospital Summit County Health
Parks	Sports Center
Open Space	Round Valley
Trails	
Walkability	Extremely Low. Regional destination with no built housing.







Quinn's Junction is dominated by open space with Round Valley as the vast backyard to the existing development. On the north-west corner, regional institutional uses are located on large lots with on-grade parking. Future clustered residential development will occur on the south-west corner within Park City heights.



9.1. Quinn's Junction Neighborhood: Regional Planning to guide future development along a City boundary.

Between July 2002 and October of 2004, Park City and Summit County worked together to create a shared land use plan for future development of the area between SR-248 and Highway 40 to the Silver Summit intersection. During the collaborative public planning process, input from stake holders was collected. Also, the planning staff of both entities reviewed the two general plans to identify commonalities. The result of the combined efforts is the Quinn's Junction Joint Planning Commission Principles. On October 11, 2004, the Planning Commission adopted the planning principles with the understanding that the shared principles were not intended to be a formal land

use plan and the adoption of the principle did not modify the general plans or development codes. The stated purpose for the draft principles was to provide a higher level of detail or a greater resolution between the two existing general plans and provide guidance during future amendments to the general plan.

The Quinn's Junction Joint Planning Principles are separated into two categories: Development Densities and Land Use and Development Patterns. The principles are on the following page. A map representing the different areas discusses in principles follows.

The area has evolved since the creation of the 2004 Quinn's Joint Planning Commission Principles. Development over the past decade within Park City includes many institutional

uses including IHC Hospital, PC Ice Arena and Sports Center, the People's Health Clinic, Summit County Health Center, and the United States Ski Association Training Center. The City reviewed two master planned development projects on the south side of SR 248 during this time frame as well. The approved Park City Heights residential Master Planned Development includes 239 new residential units and the Quinn's Junction Partnership Annexation consists of 1 movie studio complex, a hotel with up to 100 rooms, and a retail area. Concurrently, approximately 1365 acres within Round Valley were purchased as open space, preserving the view corridors on the west side of Highway 40 between Silver Summit and Quinn's Junction in perpetuity.

The following Joint Planning Principles recommend development patterns of

clustered development balanced with preservation of open space:

1. Cluster in identified areas and around exiting development maintaining consistency among uses.
2. Public preserved open space and recreation is the predominant existing land use in the study area. Clustered development should be designed to: enhance public access through interconnection of trails, preserve public use and enjoyment of these areas, and continue to advance these goals along with the preservation of identified view sheds and passive open space areas.
5. Preserve a substantial open space corridor through the study area.

The West side of Highway 40 has built out following the Quinn's Junction Joint

Planning Commission Principles with clustered development at the interchanges and protected open space between the two development nodes. The East side of the highway has followed the same development pattern on the with clustered development at the Silver Summit and the Quinn's Junction interchange, with the exception of protecting the undeveloped land in-between. The City should continue to work with the County to maintain the view corridors along the East side to mirror the preserved open space to the West. The open space of Round Valley protects a wider expanse of land than originally identified within the Quinn's Junction Joint Planning Commission map. The Quinn's Junction Joint Planning Commission Principles map should be amended to reflect the protect lands and to create protected east-west wildlife corridors. Protected wildlife

corridors not only prevents fragmentation of ecosystems but also benefits the community with protected view corridors and sensitive lands and increased low-impact recreational activities. Soil contamination in this area is also of concern and under the jurisdiction of the federal government.

In a agreement called Administrative Settlement Agreement and Order on Consent for EE/CA (Engineering Evaluation/Cost Analysis) Investigation and Removal Action, the Environmental Protection Agency, Region 8 (EPA) published its revised cleanup area for the Richardson Flat Tailings Superfund Site in Park City and Summit County.

It is anticipated that

EPA will oversee the development of a cleanup plan to address historic mine tailings in the Silver Creek floodplain, which is on Utah's list of impaired waters due to contamination from cadmium, zinc and arsenic. An EPA cleanup plan would involve design and cost analysis, public comment, implementation and long-term maintenance. Federal law provides that such an EPA cleanup plan would not require state and local permitting.



Quinn's Junction Joint Planning Commission Principles (2004)

Development Densities and Land Uses

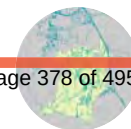
1. Initial project analysis should commence with a review of property's base density (subtracting wetlands, slopes, wildlife areas, flood plain, etc.)
2. Consider density bonuses for preservation of key open spaces identified in the study area.
3. Density should result in significant public benefits that promote Park City's resort, recreation, tourism and resort-based, second home economy.
4. Highway service commercial / convenience retail and regional/big-box retail commercial will not be considered in/along the Highway 40/SR 248 corridor.
5. A site for institutional development will be considered in the study area with the potential institutional uses limited to: a hospital, educational facility, recreation / sports training facility, or an arts / cultural heritage / history based institution.
6. A limited expansion of the existing light industrial/incubator service commercial uses along the east side of Highway 40 should be considered. Said expansion should be clustered to the greatest degree possible to minimize sprawl and should include re-development / clean-up of existing businesses, land use patterns, circulation, etc., that have been detrimental to the environment, aesthetics, or function of the area. Density incentives would be considered for preservation of key open space areas within the boundaries of the study, particularly those advancing the goals of the study for preservation of the 248 entry corridor. It should be noted that many of the above principles will be further specified by forthcoming amendments to the Snyderville Basin Development Code, which will more serve as the actual governing document for proposals including these types of uses in the study area.
7. Neighborhood Commercial uses will be considered in the Silver Summit area east of Highway 40 and a more limited (in use and overall density) neighborhood commercial node could be considered on the west side of Highway 40. Potential for expansion of these uses may be through density receiving mechanisms to be identified in forthcoming Development Code changes.
8. Recreation and Open Space will be the encouraged use in the Richardson's Flat area. The majority of this area is governed by

and must be reviewed for consistency with the 1999 Flagstaff Mountain Development Agreement, which stipulates golf course, active recreation, equestrian and preserved open space as allowed uses.

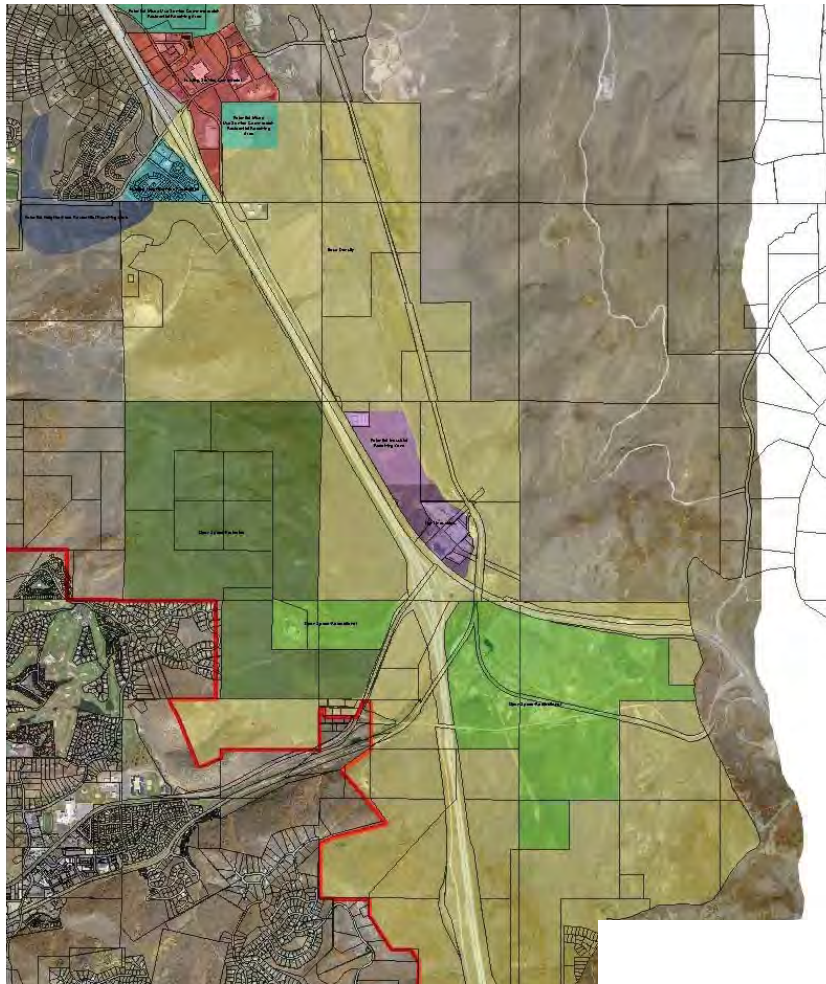
9. Clustered residential development may be considered in areas indicated on the accompanying map of the study area and specified for base density. Initial evaluation of density for projects in the study area shall be based on Summit County Base Density allowances as specified in the Code in effect at the time of application. The maximum density that will be considered in Base Density areas for projects complying with all preferred development patterns and principles will be limited to the densities specified for rural areas in the Summit County Development Code or where applicable the Estate Zoning provisions of the Park City Land Management Code. Code provisions in effect at the time of application will apply. Only potential receiving areas or the parcel identified for potential employee housing in the existing Flagstaff Mountain Development Agreement will be considered at higher densities.

Development Patterns

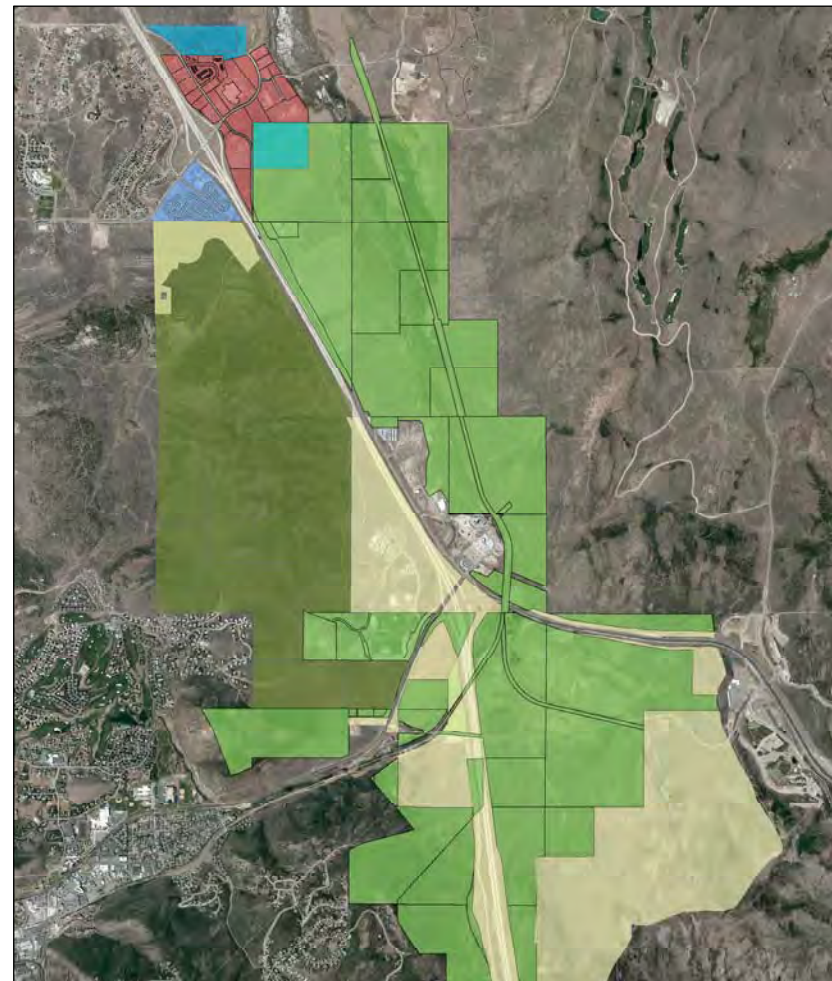
1. Cluster in identified receiving areas and around existing development maintaining consistency among uses.
2. Public preserved open space and recreation is the predominant existing land use in the study area. Clustered development should be designed to: enhance public access through interconnection of trails, preserve public use and enjoyment of these areas, and continue to advance these goals along with the preservation of identified view sheds and passive open space areas.
3. Apply Sensitive Land standards from City and County ordinances for all development design. This includes recreational and institutional development, which should incorporate and preserve important topographical features, natural areas and view sheds, and be of a scale and scope consistent with the primary goal of preserving the function and aesthetics of an important resort entry corridor. Planning efforts for projects in this corridor should continue to involve both City and County staff for input.
4. Large expanses of surface parking areas with high visibility from the entry corridor will not be allowed. Surface parking shall be buffered from the entry corridor and utilize existing topography for screening purposes whenever possible. Sub-surface and well designed structured parking will be encouraged whenever possible.
5. Preserve a substantial open space corridor through the study area.
6. New Development (including institutional and recreational) should be transit-oriented and linked to broader community open space and trail networks.



2004 QUINNS JUNCTION JOINT
PLANNING COMMISSION MAP

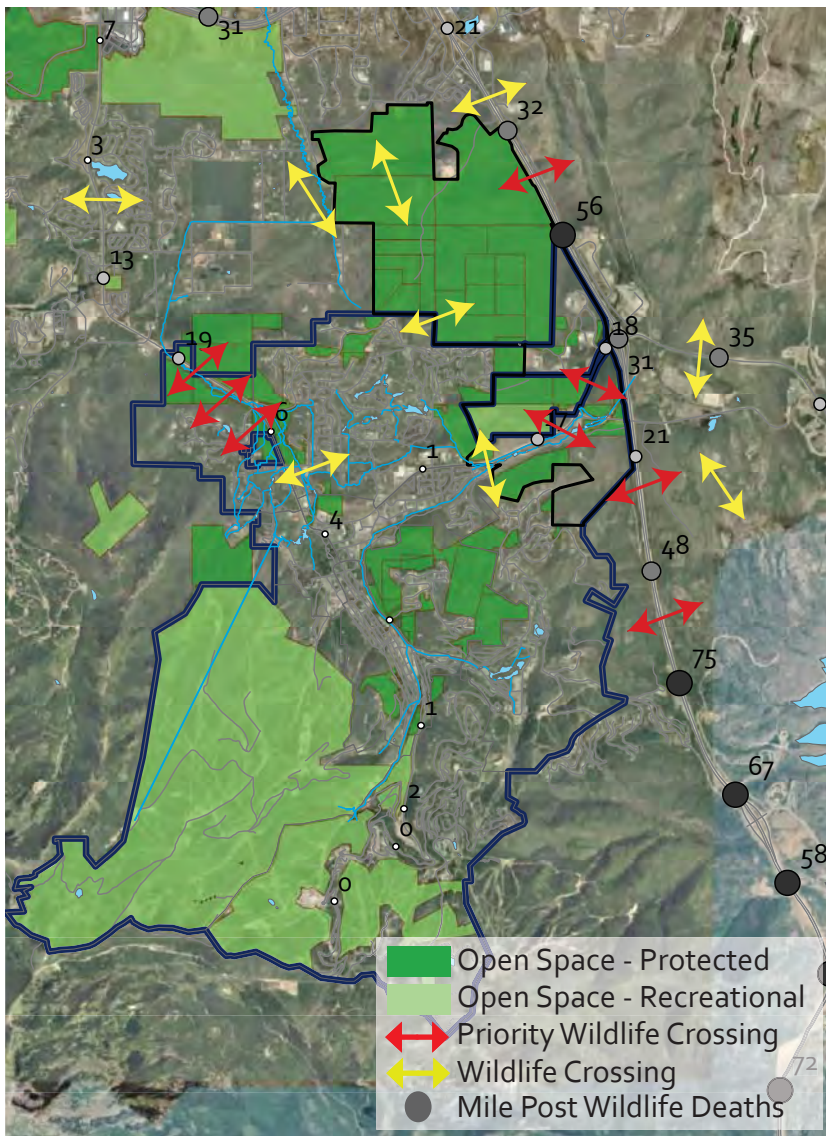


UPDATED QUINN'S JUNCTION
AREA MAP

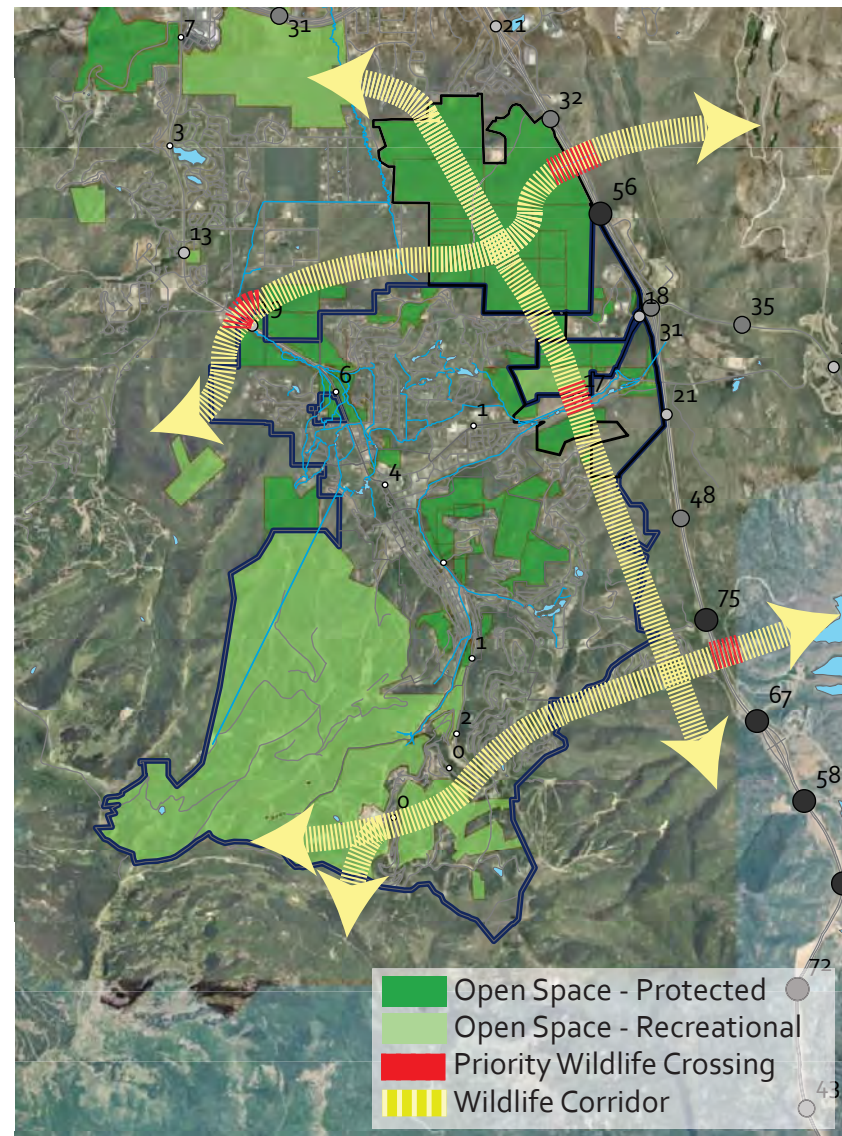


Base Density	Open Space - Protected	Potential Neighborhood Residential Receiving Area
Existing Neighborhood Residential	Open Space - Recreational	Potential Mixed Use Service - Residential Receiving Area
Existing Service Commercial	Potential Industrial Receiving Zone	
Light Industrial		

2012 PC NATURAL RESOURCE INVENTORY WILDLIFE CROSSINGS



WILDLIFE CORRIDORS



9.2. Quinn's Junction Neighborhood: An area for Regional Institutional Uses.

New development within the Park City limit in Quinn's Junction has occurred primarily along Round Valley Drive and Gillmore Way within the north-west corner of the Quinn's Junction interchange. The area was identified within the Quinn's Junction Joint Planning Commission Land Use Principle #5 as "appropriate for institutional development with the potential institutional uses limited to: a hospital, educational facility, recreation / sports training facility, or an arts / cultural heritage / history based institution." The north-west corner should continue to build-out as a regional node for institutional development due to the location on the edge of the Park City. Institutional development in this location can serve the population of the Wasatch



Back and are designed to accommodate populations greater than Park City. An additional 250,000 sf of development is planned around the hospital.

This area is not suitable for everyday needs of Parkites, such as a grocery store or post office due to increased

dependency on personal vehicles. Big box commercial is not appropriate either as it will conflict with the purpose of the area, create increased vehicle trips, and compete with the existing commercial nodes within the City and County. The new development in the north-west corridor is linked

to the broader community through trails and the existing road network. To complement the City's goals of decreasing dependence on the automobile, the area should be considered as a destination within the public transportation network.

9.3. Quinn's Junction Neighborhood: An neighborhood for locals.

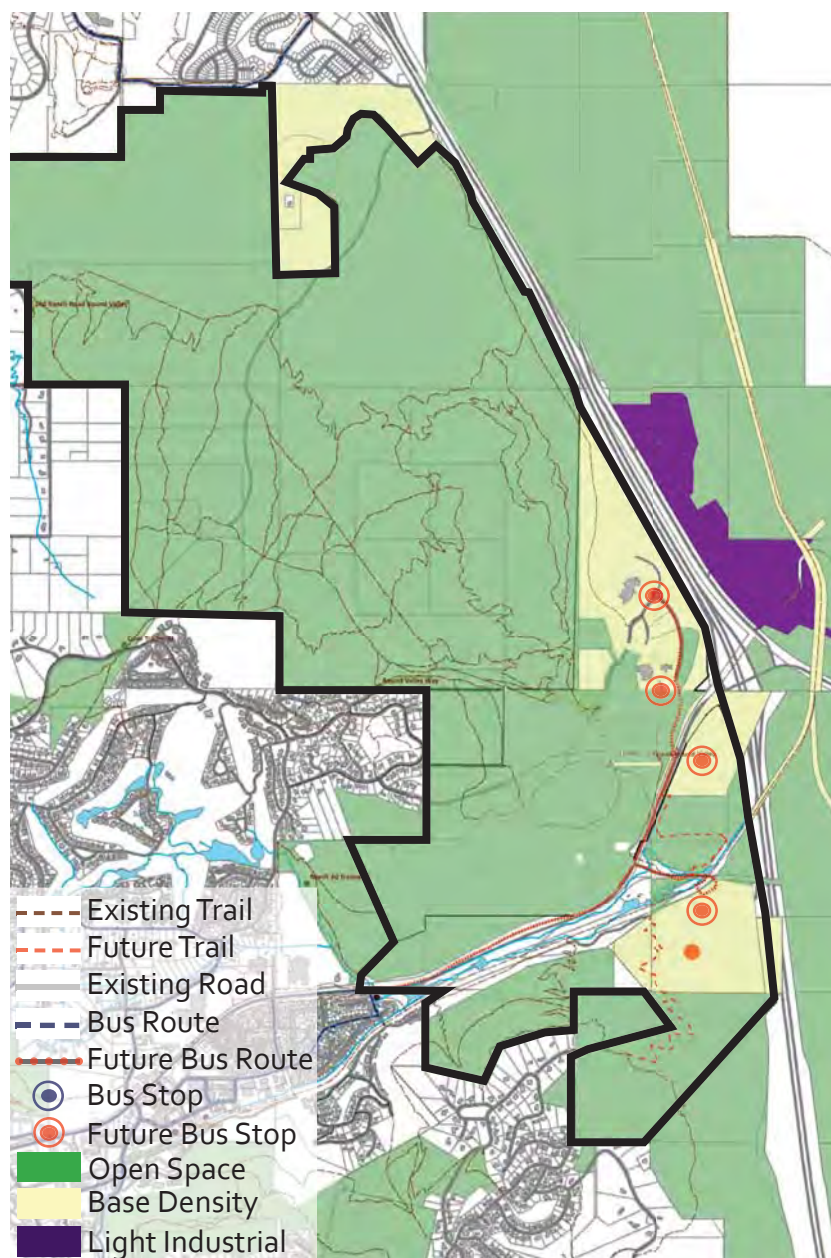
Two master planned development projects on the south-west corner of the Highway 40 interchange at Quinn's Junction were approved in 2011/2012 by the City Council. The approved Park City Heights residential Master Planned Development includes 239 new residential units upon 239 acres of land. 167 acres (70%) was protected during the MPD process as open space within the subdivision. The Quinn's Junction Partnership Annexation and MPD consists of 1 movie studio complex, a new hotel with up to 100 rooms, and a retail area. The PC Heights MPD clustered development close to the existing streets while preserving the surrounding open space and upper elevations.

The future Park City Heights



neighborhood is linked to the broader community through trails and the existing road network. As the area is built out the City should connect these developments to the public transportation system providing additional multi-modal transportation options.







9.4: The aesthetic of the Quinns Junction shall preserve the natural setting.

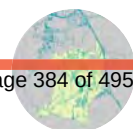
As Quinn's Junction introduces 239 new residential units within the Park City Heights subdivision, an evolution

will take place in the built environment. Most commonly, the aesthetic of arriving at Quinn's junction is experienced through the car to either visit a large institution or to recreate. In the future, the neighborhood should evolve to accommodate increased

multi-modal transportation options. Sidewalks, trails, bus shelters, and benches will become common place.

The most character defining feature of the Quinn's neighborhood is the plentiful natural setting. View corridors welcome

residents and guest, and must be preserved. New development should be set back in compliance with the Entry Corridor Protection Overlay. Open space requirements within developable lots should preserve the natural setting through limits of disturbance.



SMALL TOWN

During the 2009 Community Visioning process, residents identified *Small Town* as one of the four core values of Park City that must be preserved to protect the Park City experience. Residents described *Small Town* using words such as: “quaint, charming, old mining town, historic, beautiful, lovely, does not sprawl, not overbuilt, not much traffic, lifestyle, less driving, does not change much, historic identity, traditional, has a sense of place, character, and rich history”. It is important to note that the term *Small Town* is not solely associated with a population statistic or a specific amount of land. To Parkites, “*Small Town*” reflects an experience of place through the natural and built environment.

When asked, “What would make you leave Park City?” the most common answer by residents was “Too much change or growth” followed by “Loss of natural beauty/environmental decline” also associated with growth. During the community interviews, Parkites stated what they hoped Park City would be like in 20 years, again echoing the desire to remain a *Small Town*, more specifically “stay the same, *Small Town* feel, sense of community, uniqueness” followed by “less development, smarter growth, green and open.”

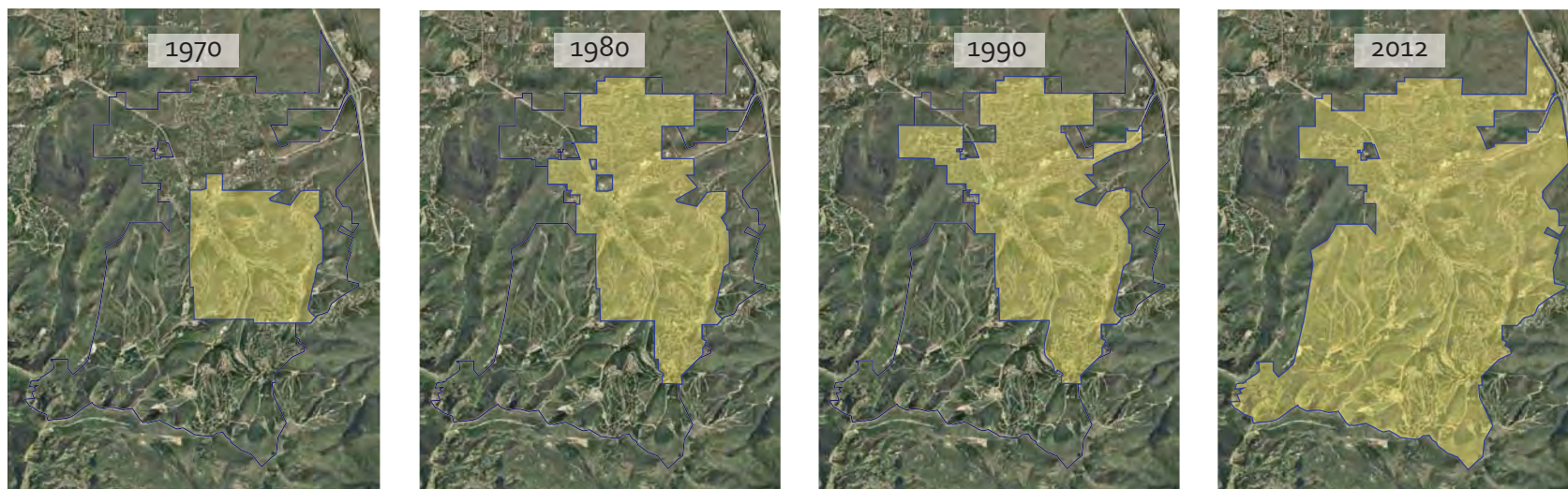


Since Park City was incorporated in 1884, the City has experienced cycles of growth and decline. First with the mining boom and its subsequent contraction. Its transition to skiing and tourism beginning in the 1960s established a second growth cycle in Park City. The original city boundaries comprised of Bonanza Park, Old Town, and Lower Deer Valley were extended through annexations to accommodate a growing permanent population, as well as an increasing tourism base. The second growth cycle had a different impact on land use due to the influence of the car.

To secure Park City for future generations to experience as we do today, an approach to balance growth must be implemented. Park City is a small town within a larger growing region. It is essential also that our planning be cognizant of our neighboring communities as each community has

influences beyond City borders.

The first step to direct and shape future growth within the City is identifying those areas in town, if any, that should not grow or should not be developed. Next, it is essential to re-look inward at the existing neighborhoods and identify areas in which some additional development could be realized in order to protect the areas that should be conserved. The government and residents of Park City have done a tremendous job of protecting lands through open space acquisitions; however to simply believe that all the areas which should be protected could be purchased as open space would be extremely expensive and unrealistic due to exponential cost burden placed on property owners. Of course, Park City should continue to create funding for open space acquisition at a rate acceptable to residents to preserve land from development.



How Park City has grown. The yellow area is incorporated Park City relative to the year - from 1970 to 2012.

The next step is essential that Park City identify the type of development that would be compatible within the existing neighborhood, ranging from an accessory dwelling on a large single family lot, to a multi-family residential building in a mixed use area, to affordable housing, or nightly rental options. A key tool to achieving this is implementing a context-sensitive, local Transfer of Development Rights (TDR) system, whereby development potential from areas we wish to preserve is transferred to areas identified as appropriate for additional development. This TDR system can help sustain Park City's *Small Town* charm while creating more diverse options for locals, the workforce, and visitors.

In 2012, Park City funded a study to identify balanced growth strategies that protect Park City's four core values. The 2012 Park City Balanced Growth Strategy Outline recommended strengthening the existing TDR ordinance through introducing multipliers to create market driven development credits. The findings emphasize that growth pressures for Park City do not end at the City boundary, as demand has placed enormous pressure on Summit and Wasatch Counties, threatening the core values of Park City and the experience of the Wasatch Back. Implementing a regional strategy to shape and channel growth to outcomes mutually desirable to the neighboring communities. Planning regionally begins with a shared vision; followed by the creation of regional

land use and transportation strategies.

The following goals focus on land use and transportation. Land use and transportation planning are key tools to direct and shape future growth thus preserving the experience of place. Directing growth and redevelopment that creates housing opportunities near commercial centers, supports public transportation, alleviates pressure on undeveloped land, and results in less pressure to widen existing roads all preserve the Small Town experience. As land use and transportation decisions are made, the decision makers must consider how land used influences transportation and vice versa; and the resulting impacts on the core value of Small Town.

GOAL 1 Park City will grow inward, strengthening existing neighborhoods while protecting undeveloped land representative of the community's core values from future development.

Our community is faced with the decision of *how* the City should grow in the face of development pressures. Simply saying NO to development and redevelopment is not an option in light of existing development agreements, MPDs and development rights allowed by current zoning that permit at least 1,965 residential unit equivalents (UEs) and 736 commercial UEs. While Park City could chose to encourage growth to occur outward, into the undeveloped lands surrounding the City, we recommend encouraging higher densities in town, so that we can preserve open space and the natural setting in and around Park City. The undeveloped land representative of the communities core values includes the expansive vistas, open space, sensitive lands, and wildlife corridors which are irreplaceable. For our guests and residents alike, it the areas that have not been built upon, the *natural setting*, that best define *Park City*.

This recommended approach protects two of Park City's core values: *Small*



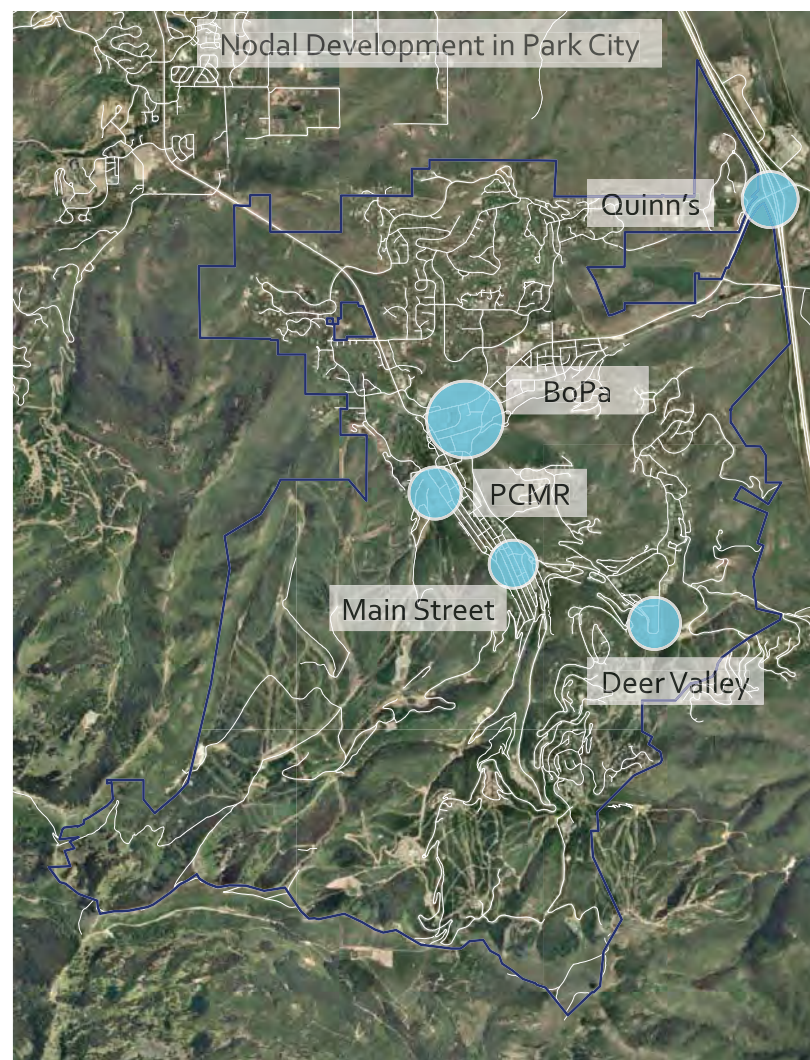
The protected open space of round valley defines the Park Meadows neighborhood boundary while providing recreation opportunities for Parkites and habitat for wildlife.

Town and Natural Setting. The Transfer of Development Rights (TDR) ordinance adopted in 2011 allows development rights to be transferred from an area that is best left undeveloped to an area appropriate for development.

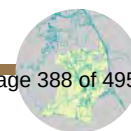
This planning tool can help Park City “grow inward” and relieve pressures on undeveloped lands.

Principles

- 1A** Direct complimentary land use and development into existing neighborhoods that have available infrastructure and resource capacity. Increased infill development should only be considered if it offsets development pressures elsewhere and/or creates affordable housing opportunities.
- 1B** Each neighborhood should have a well-defined edge, such as open space or a naturally landscaped buffer zone, permanently protected from development, with the exception of the transition areas where two adjacent neighborhoods merge along an established transportation path.
- 1C** Primary residential neighborhoods should have opportunities to enhance livability with access to daily needs, including at a minimum: a mini market, a neighborhood park, trails, community gardens, walkability, bus access, home occupation, minor office space, and other uses that are programmed to meet the needs of residents within the neighborhood and complement the existing context of the built environment.
- 1D** Increase opportunities for local food production within City limits.



Directing growth patterns away from large areas of undeveloped land and toward existing compact, mixed-use centers along priority transit corridors, prevents sprawl, protects quality of life through decreased VMT and air quality, and increases utilization of public transportation.



Planning Strategies

1.1 Amend the Land Management Code to allow TDR credits to be utilized within primary residential neighborhoods for additional density that compliments the existing built environment (as identified in the neighborhood section of the General Plan). This requires adoption of new context sensitive criteria within the LMC. Increased density should only be achieved through purchase of TDR credits. TDR credits may be received within existing neighborhoods under specific conditions, including:

- 1.1.1** Subdivision of existing lots of record into additional lots of record that complement the existing pattern of lots within the subdivision.
- 1.1.2** Within transition zones where two adjacent neighborhoods meet and one neighborhood has a higher density. Transition zones allow increased density within the less dense neighborhood along the connection into the more dense neighborhood. Specific review criteria shall be created for increased density in a transition zone to ensure an appropriate medium between the two existing neighborhoods.
- 1.1.3** Amend Master Planned Development (MPD) language in the Land Management Code to allow amendments to MPDs to receive TDR development credits.



- 1.2** Continue to provide necessary commercial and light industrial services within the City limits by allowing a range of commercial uses within town, including industrial uses in appropriate areas.
- 1.3** Require a range of lot sizes and housing density within new subdivisions in primary residential neighborhoods.
- 1.4** Revise minimum lot size within primary residential neighborhoods to create opportunities for smaller, more compact development and redevelopment. Create specific context sensitive requirements, such as minimum road frontages and minimum lot width.
- 1.5** Implement conservation subdivision design principles in LMC subdivision requirements. Subdivision design should conserve the natural setting and natural resources, take advantage of passive solar, and minimize waste.

City Implementation Strategies

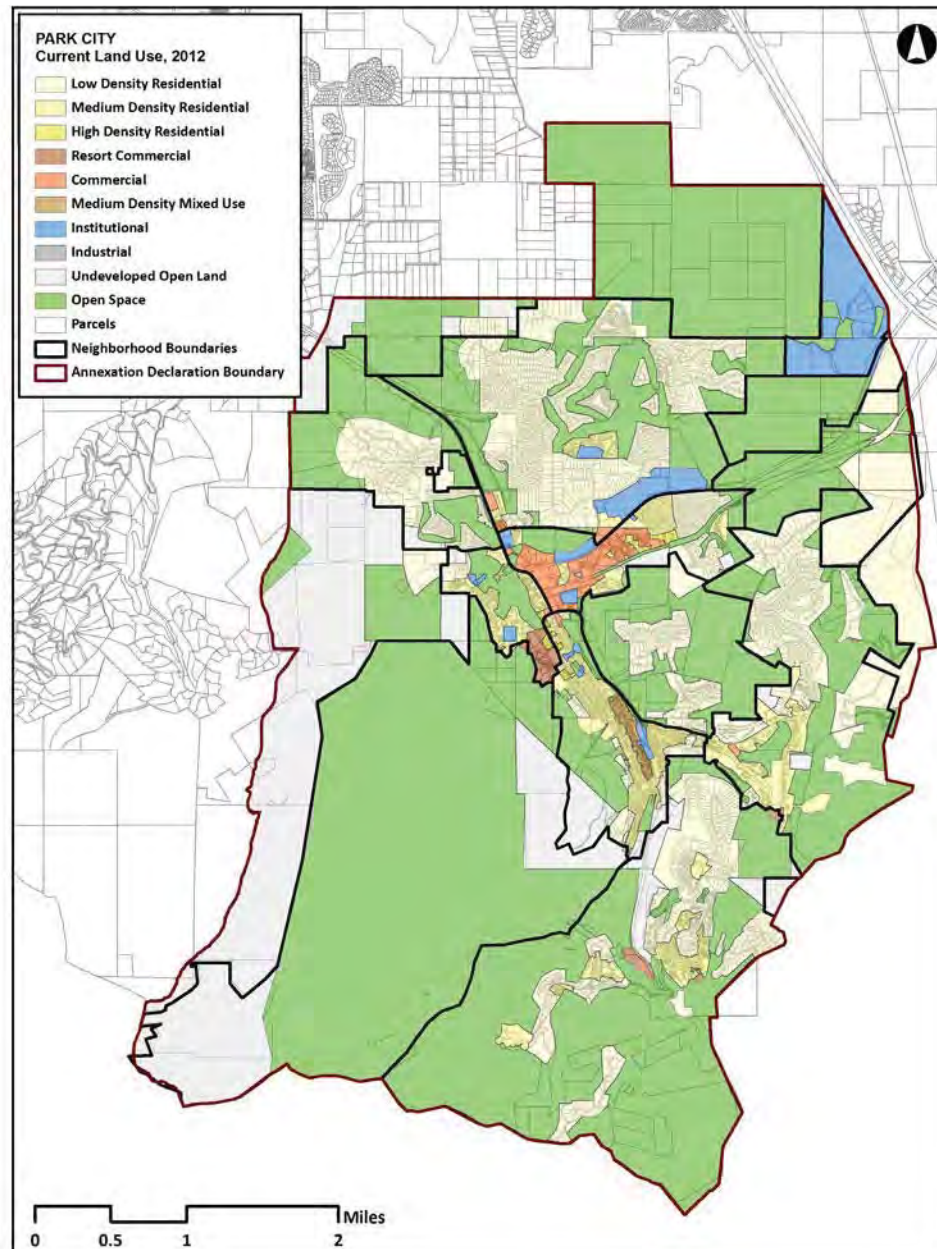
- 1.6** Require developer to pay their proportionate share for the increased burden on existing service levels and infrastructure expansions outside of current service areas. Update the capital facilities plan and LMC dedication requirements regularly to be consistent with the state impact fee legislation.
- 1.7** Redevelopment areas should be identified by the City. Once the redevelopment area is established, an Area Plan should be prepared by the City to outline principles which guide a design within the redevelopment area to reflect the Community Vision and the General Plan.
- 1.8** Identify and prioritize parcels for open space acquisition and include as TDR sending zones.
- 1.9** Update the Transfer of Development Rights (TDR) system every two years to reflect market rate valuations of included properties with incentivized multipliers.
- 1.10** Annex additional land to shape growth reflective of the City's goals for land use surrounding Park City.

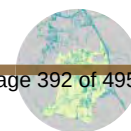
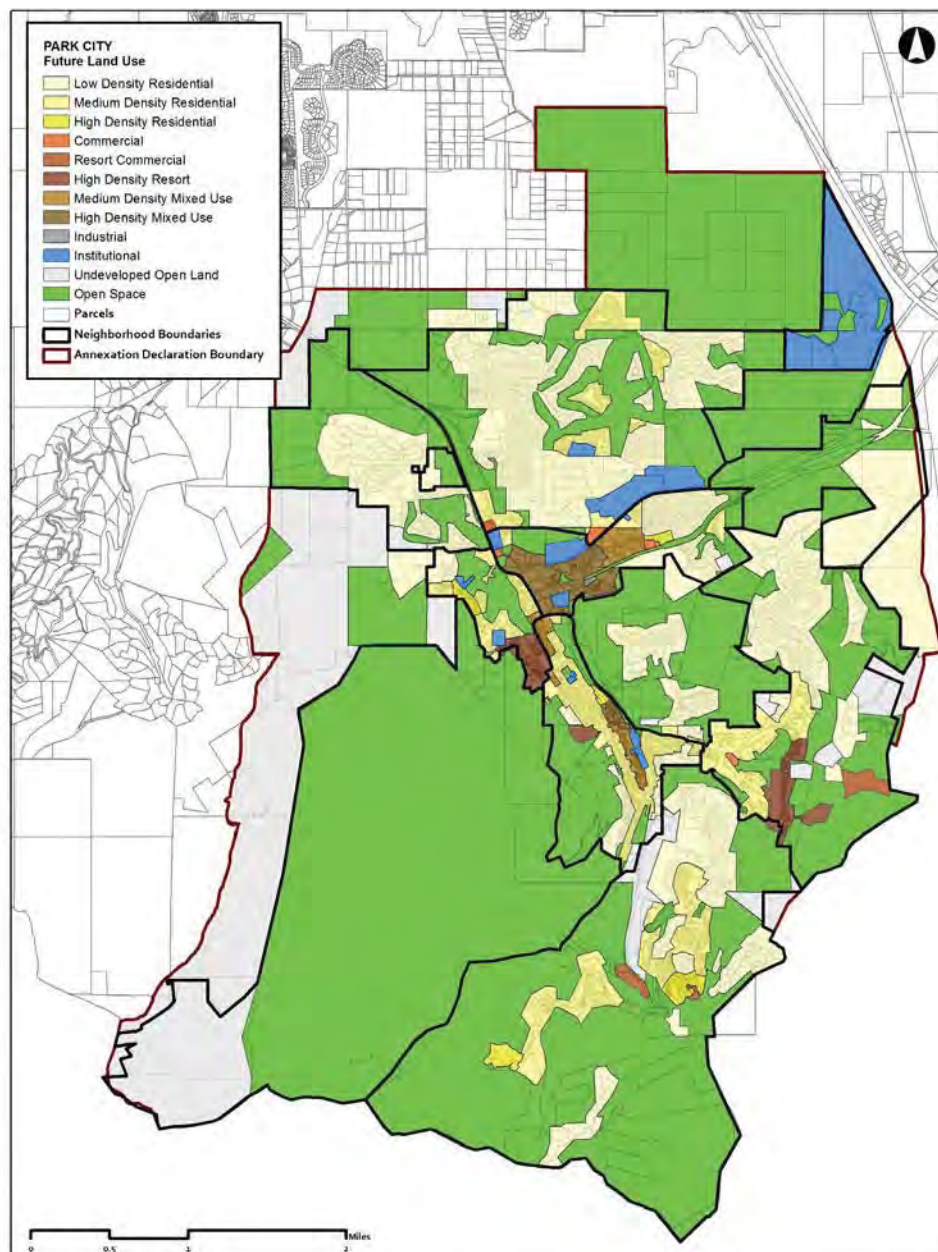


View from St. Albans Clock Tower, UK. The Town and Country Planning Act of 1947 designated green-belt land around towns and villages and has prevented urban sprawl, protect the countryside and historic towns, and promote urban regeneration.



View of St. Albans, UK from Google Earth. Development continues to evolve within the urban center promoting urban reinvestment while protecting local agriculture and open space.

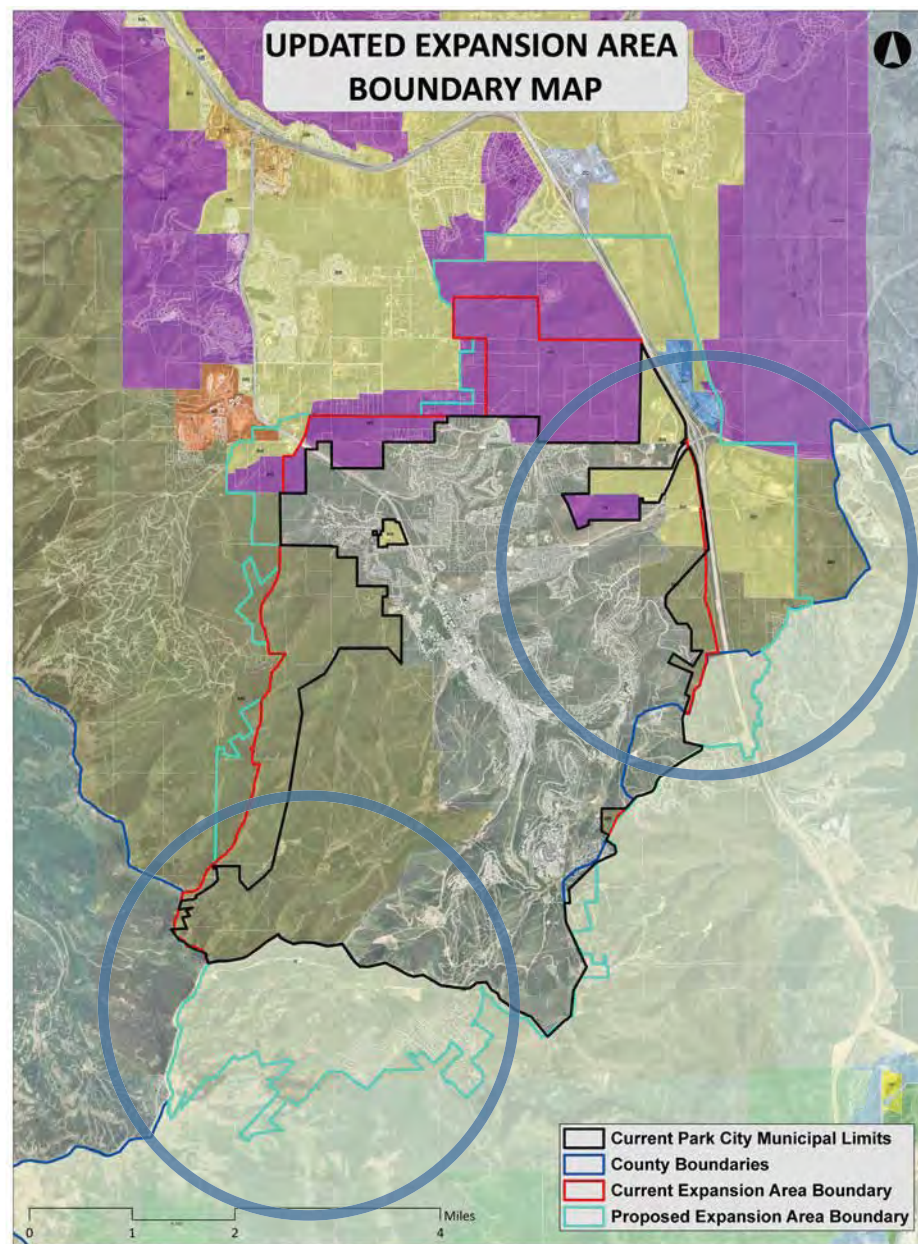




1. The regional land-use planning structure should be integrated within a larger transportation network built around transit rather than freeways.	2. Regions should be bounded by and provide a continuous system of greenbelt/wildlife corridors to be determined by natural conditions.
3. Regional institutions and services (government, stadiums, museums, etc.) should be located in the urban core.	4. Materials and methods of construction should be specific to the region, exhibiting a continuity of history and culture and compatibility with the climate to encourage the development of local character and community identity.

Modifications to the expansion area require full analysis of the annexations within the state and local code. This map represents the need to discuss expansion with our regional partners and the Park City Planning Commission and City Council. This map is a draft to be utilized within discussions toward a adoption of an expansion area that is consistent with regional planning and the state code.

Area for future discussions with our regional partners in Wasatch County.



GOAL**2**

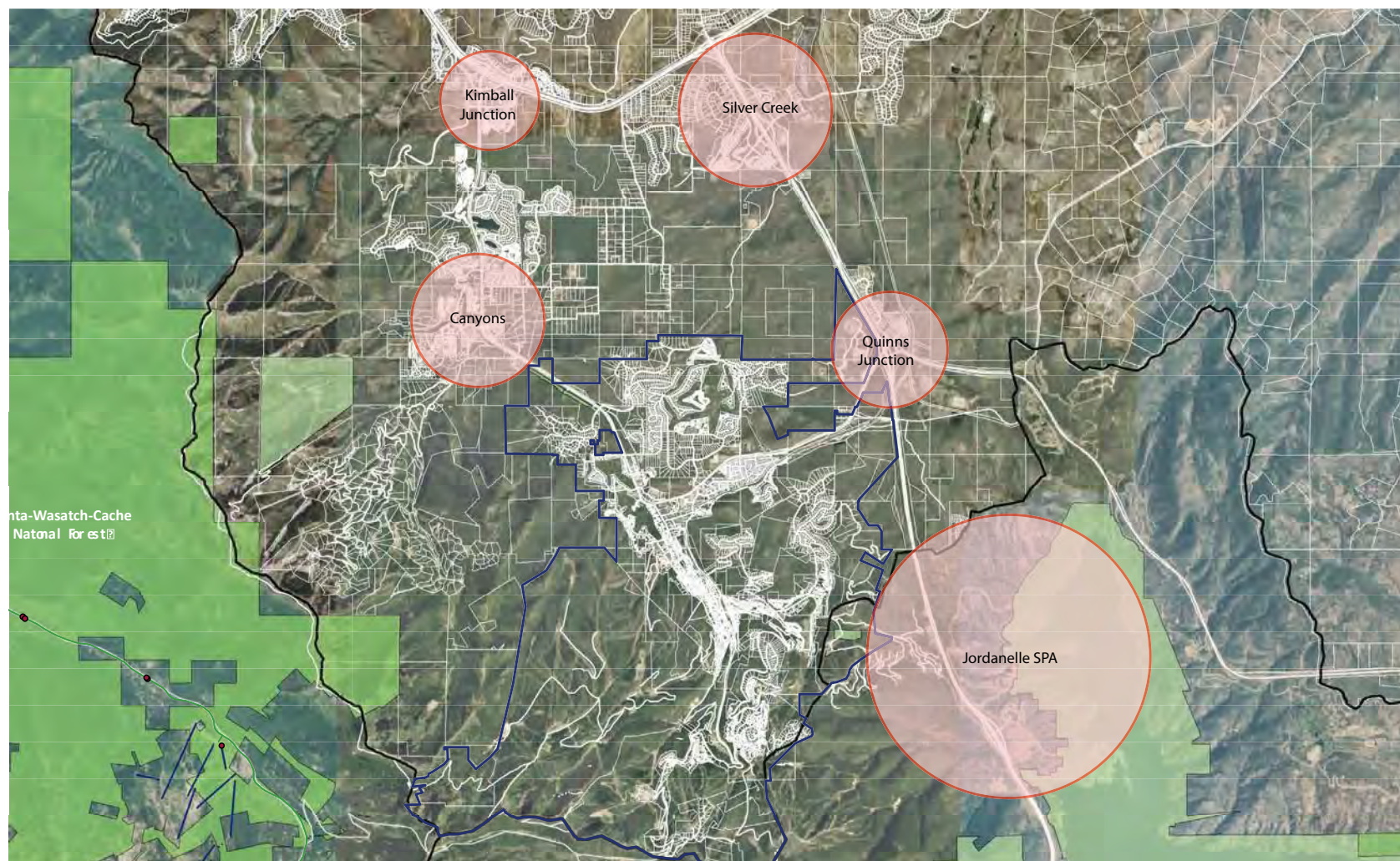
Park City will collaborate with the Wasatch Back region and Salt Lake County toward the preservation of place through regional land use and transportation planning.

Park City is part of the greater Wasatch Back region, spanning from Snyderville Basin to Eastern Summit County to Wasatch County and all the small cities and towns in-between. The decisions that we collectively make have wide-reaching consequences throughout the region. In order to maintain the collective experience of the Wasatch Back, Park City must collaborate with our neighboring communities to secure a regional vision. In many instances, our communities' goals and interests will align. When they do not, we need to engage with each other to ensure the best possible outcomes for everyone. Our ability to preserve the unique setting of the Wasatch Back region rests on the ability of all of our communities to work together. Park City must be involved in the regional planning effort, respecting the different values of neighboring communities while working to protect those values we all share.

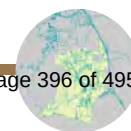
Principles

- 2A** The regional land-use planning structure should be integrated within a larger transportation network built around transit.
- 2B** Regions should be bounded by and provide a continuous system of greenbelt/wildlife corridors to be determined by natural conditions.
- 2C** Regional institutions and services (government, stadiums, museums, etc.) should be located within existing development nodes.
- 2D** Materials and methods of construction should be specific to the region, exhibiting a continuity of history and culture and compatibility with the climate to encourage the development of local character and community identity.



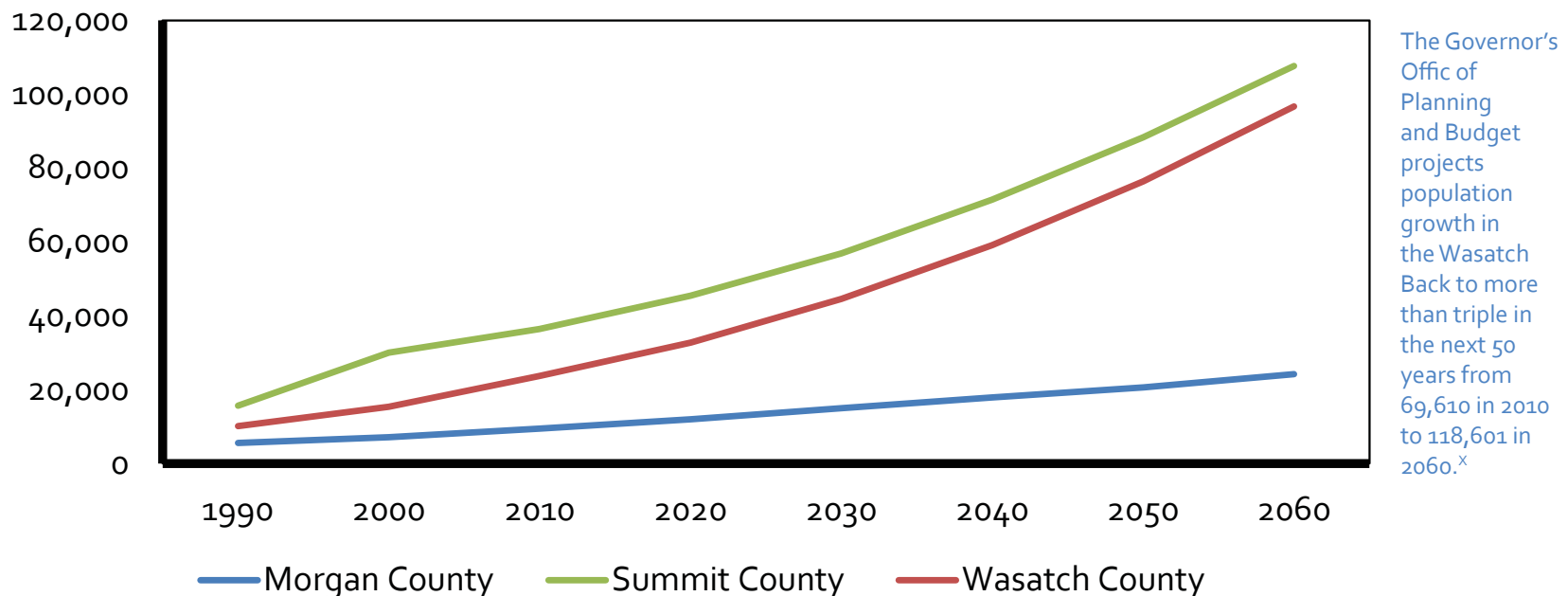


Future development within the Wasatch Back is expected to more than double with 8,720 entitled vacant units in Western Summit County and 12,175 entitled un-built units in Northern Wasatch County. The largest areas of growth will be around the Jordanelle (+/- 8000 units), Silver Creek (+/- 1100 units) and the Canyons (+/- 5,500.000 SF to build-out). An opportunity and responsibility exist to direct growth patterns away from areas between the development nodes through regional development agreements and other mechanisms, creating livable neighborhoods within the development nodes and protecting the rural experience of the Wasatch Back within the spans of undeveloped lands in between.



Planning Strategies

- 2.1** Collaborate with Summit County, Wasatch County, and Morgan County to create a shared vision for the future of the Wasatch Back.
- 2.2** Collaborate with Summit County, Wasatch County and Morgan County to create regional strategies for land use, transportation planning, and conservation which support the shared regional vision.
- 2.3** Collect and share data for the systems that have influences beyond municipal borders, including: ecosystems, waterways, wildlife corridors, air quality, shared view corridors, open space, scenic roadways, and transportation. Incorporate findings into regional planning strategies.
- 2.4** Together with Summit County and Wasatch County identify regional nodal development and regional strategies to alleviate pressures on the natural setting and decreasing vehicle miles travelled.



City Implementation Strategies

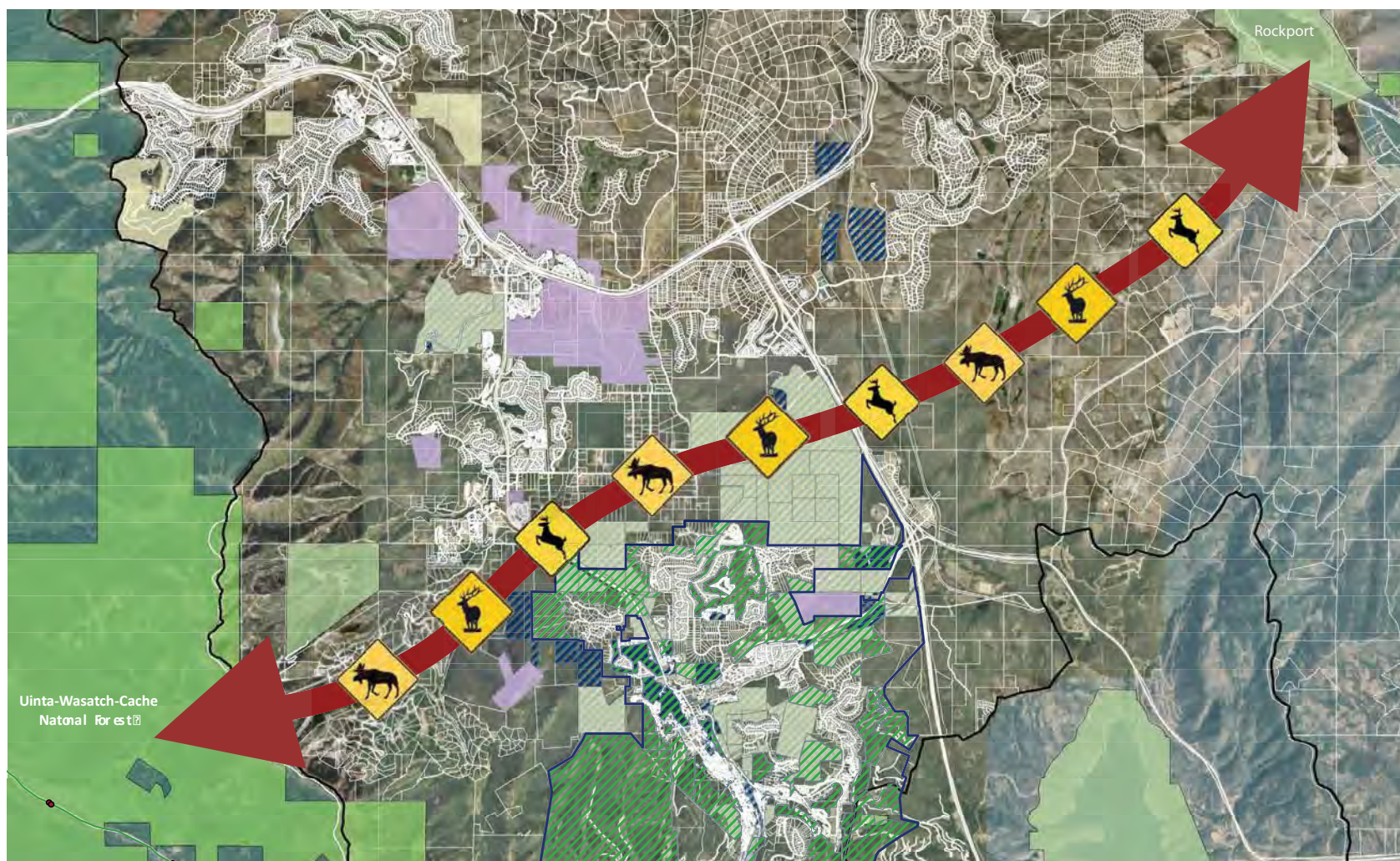
- 2.5 Research the pros and cons of a regional Transfer of Development Rights (TDR) program in the Wasatch Back. If feasible under state code, consider adoption if state legislation; otherwise identify necessary legislative steps for such a program.
- 2.6 Continue to work with regional neighbors to keep informed on adopted plans and long range planning efforts throughout the Wasatch Back.
- 2.7 Increase interregional interactions among regional officials and regional government staff.
- 2.8 Diversify review teams for City Projects to include representatives of the region.
- 2.9 Continue collaboration of transportation planning efforts with Summit County, Wasatch County, and Salt Lake County.

“I fear that we will be some huge urban sprawl from the top of Parleys out to Kamas, Coalville and Heber.”

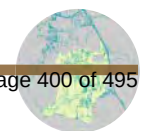
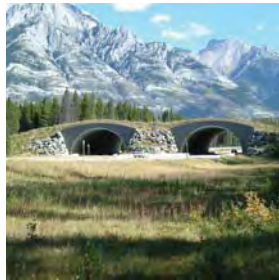
Comment from resident during 2009 Community Visioning



The 2040 Growth Concept for the greater Portland, OR region focuses on the land use and transportation connection in an effort to promote development in urban and town centers connected through efficient, multi modal transportation routes. The desired end result is balanced growth management that allows communities to evolve while creating livable communities with short commutes to jobs, enhances and supports mass transit options, protects open space and regional characteristics, and decreases vehicle miles traveled.



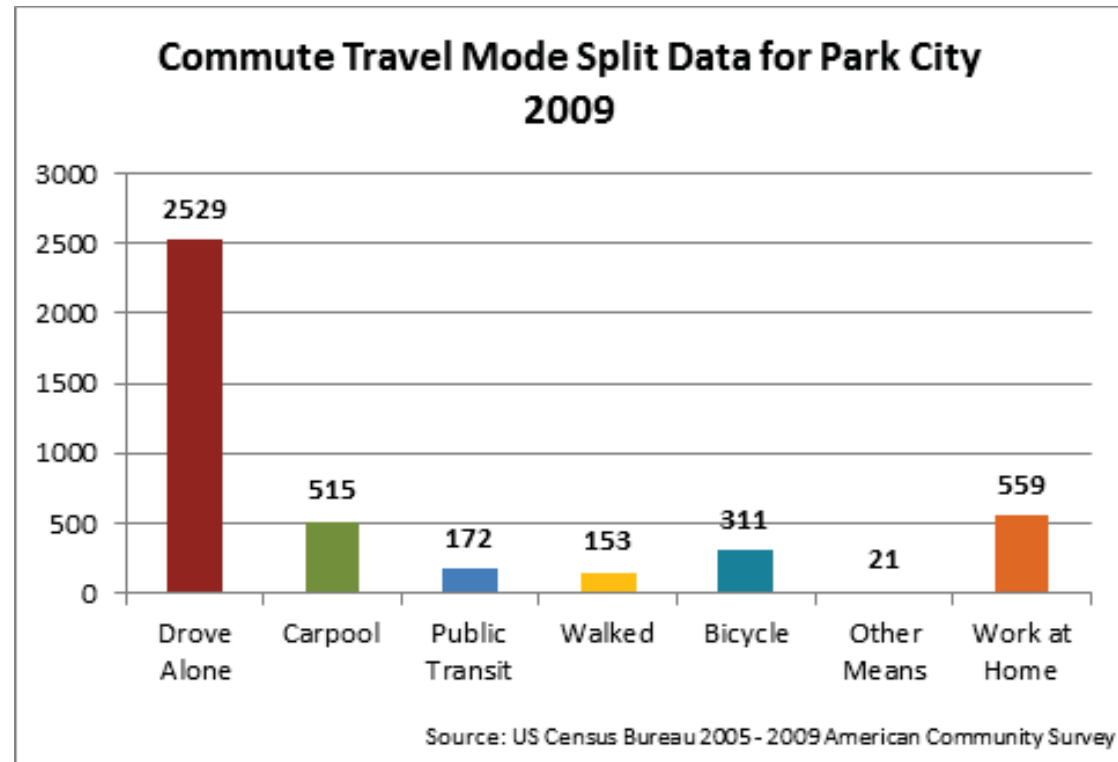
As Park City and Summit County become more developed, wildlife corridors and habitat are lost. Future regional planning should consider the remaining wildlife corridors and prevent further loss.



GOAL 3 Public transit, biking, and walking will be a larger percentage of residents' and visitors' utilized mode of transportation.

Park City's multi-modal transportation system includes diverse routes and means to where our guests stay, shop, and recreate and our residents live, work, and spend their leisure time. The system plays an integral role in shaping the overall structure, form, and function of the City. As Park City and the surrounding areas continue to evolve, the transportation system must be able to move people and goods throughout Park City and the region efficiently.

While the single-occupancy-vehicle is the most prevalent form of transportation in and around Park City, it is the least efficient in terms of carbon output per passenger. This mode of transportation has many negative consequences, including traffic congestion, air pollution, and the significant influence on climate change. Land use and transportation decisions should be made with the understanding of how a decision will impact the common goal of a more sustainable form of transportation while protecting the *Small Town* aesthetic of narrow



roads.

A major focus of transportation decisions is the end user. There are competing end-user interests in Park City between visitors and local residents. In order to effectuate a paradigm shift in

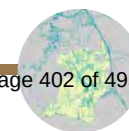
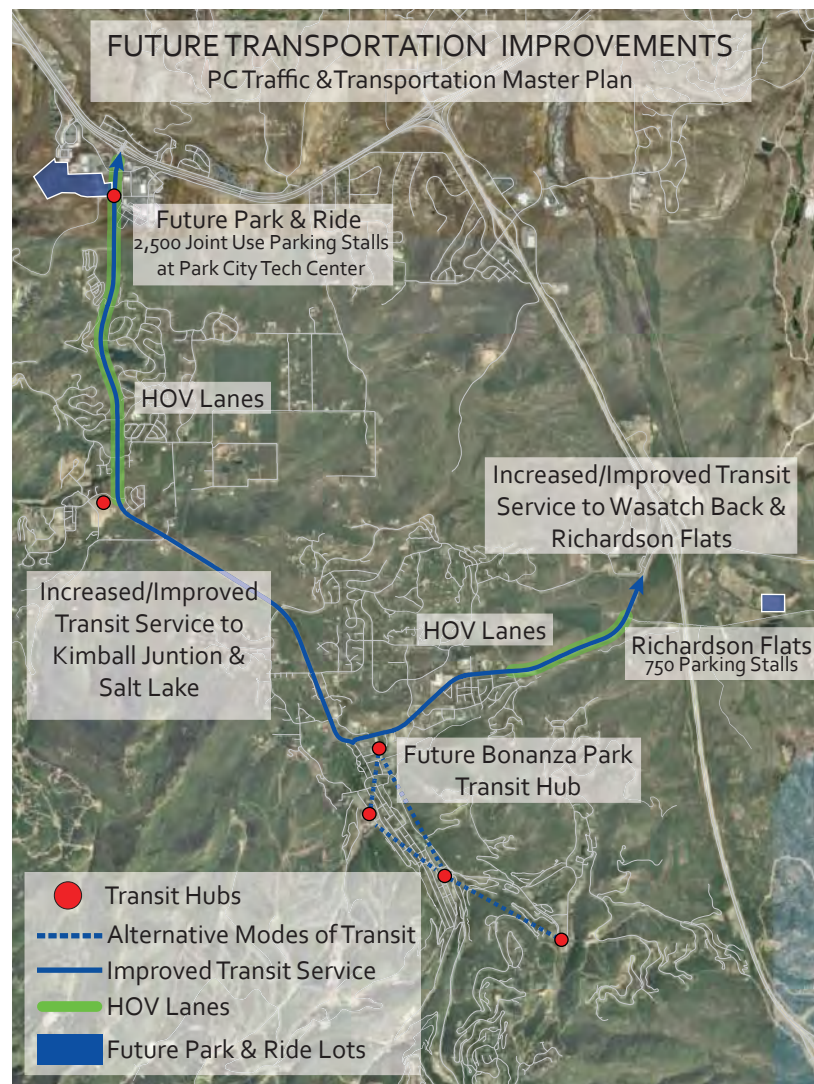
preference of public transportation over the single-occupancy-vehicle, the public transportation system must function to attract both the visitor and the local alike.

Principles

3A Streets, pedestrian paths and bike paths should contribute to a system of fully connected and interesting routes to all destinations. Their design should encourage pedestrian and bicycle use by being small and spatially defined by buildings, trees and lighting; and by discouraging high-speed traffic.

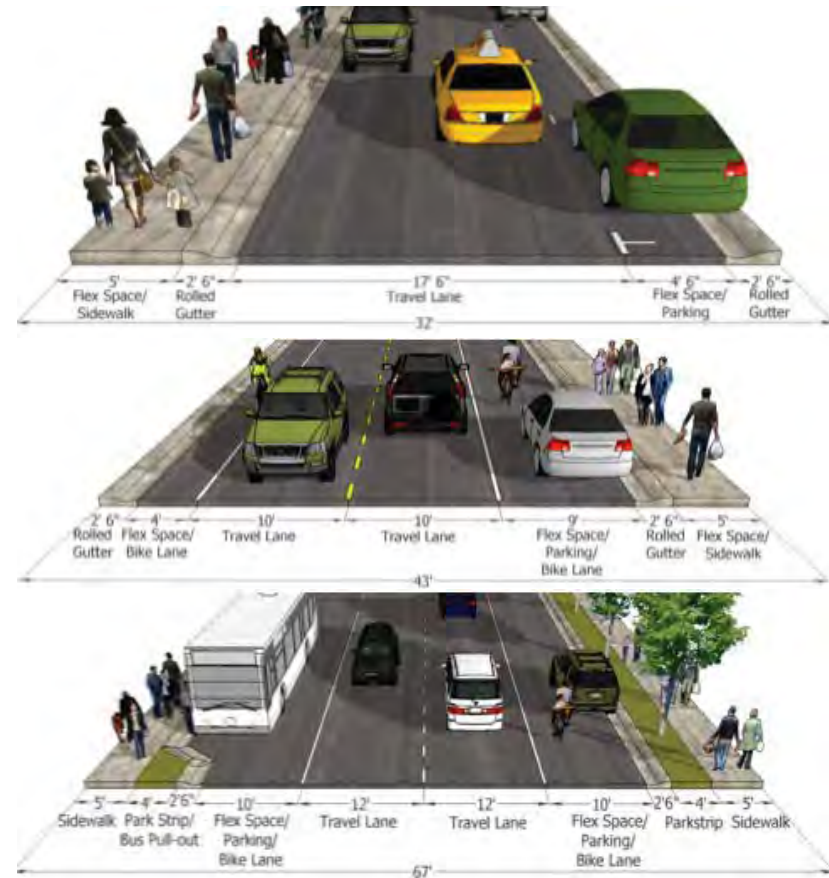
3B Prioritize efficient public transportation over widening of roads to maintain the *Small Town* experience of narrow roads and modest traffic.

3C Public transportation routes should be designed to increase efficiency of passenger trips and capture increased ridership of visitors and locals.



Planning Strategies

- 3.1 Require development and redevelopment to increase the potential for multi-modal transportation options including: public transit, biking, and walking. Require developers to document how a development proposal is encouraging public transportation over the single-occupancy-vehicle.
- 3.2 Revise parking requirements to incentivize multi-modal transportation, high efficiency vehicles, and shared parking areas. Require secure bicycle parking options.
- 3.3 Create a minimum requirement for connectivity and linkage within the City road and trail networks consistent with Utah impact fee statutes.
- 3.4 Create safe bike/pedestrian pathways between all public commons within the City limits.



Above: To accommodate multi-modal transportation alternatives within right-of-ways and decrease pressures to widen roads, the 2011 Park City Traffic and Transportation Master Plan adopted complete street strategies for future redevelopment of roads. Complete streets plans for safety and efficiency of pedestrians, bikes, cars, and mass transit circulation.

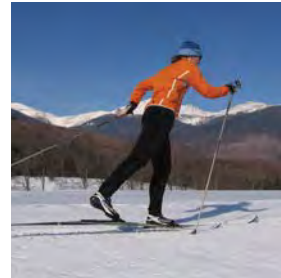
City Implementation Strategies

- 3.5** Placeholder. Identify needed connectivity of roads, sidewalks, and trail systems to decrease vehicle miles traveled and increase direct pedestrian/bicycle routes to neighborhood amenities, as identified in individual neighborhood plans.
- 3.6** Prioritize walkability improvement in identified “hot spots” (areas with existing trip demands located close to one another) in the walkability index.
- 3.7** Design redevelopment and transportation infrastructure to allow for future upgrades to mass transportation systems, including light rail, bus rapid transit, and gondolas.
- 3.8** Increase regional mass transit ridership through shared use of transit centers with private transportation carriers, where appropriate.
- 3.9** Locate Park-and-Rides, transfer stations, and transit centers in areas that will increase public transit ridership and carpooling.
- 3.10** Improve access to, efficiency, and experience of public transit. Experience includes shelter from the elements and feeling safe while waiting, free access to internet while traveling, and comfortable seating.
- 3.11** Implement the “complete streets” strategy of the Traffic & Transportation Master Plan and walkability study.
- 3.12** Seek alternatives to widening of existing streets and highways.
- 3.13** Adopt travel demand management (TDM) programs to encourage commuter trip reduction programs, including: prioritized employment hub routes, commuter incentives, and recognition of local businesses that incentivized employee use of alternative modes of transportation.
- 3.14** Implement neighborhood traffic calming measures.
- 3.15** Create a multi-modal access guide, which includes maps, schedules, contact numbers, and other information noting how to reach a particular destination by public transit.

“Traffic is an issue today that we need to figure out how to deal with for the future or else we’ll lost our appeal as a resort community.”

Comment from resident during 2009 Community Visioning





Alternative modes of transportation will allow Park City to become more sustainable in terms of resource expenditures while maintaining the convenient movement of tourists throughout the community - an essential element to ensure our success as a community that hosts more than 600,000 visitors a year. Both visitors and residents alike have noted in recent surveys that increased traffic would be the #1 reason that people would stop visiting or move away from Park City.

This map shows a truly connected transportation system that represents a possible solution to vehicular traffic as we look 20 years into the future. The vision illustrated here includes a streetcar (red line) from Kimball Junction to Bonanza Park, and ultimately the Main Street transit center. Phase II of such plan might include a connection out to the City's park-n-ride facility to address significant increases in traffic that will result from the build-out of the Jordanelle development area. The Plan includes possible gondola connections ((blue line) from Bonanza Park to PCMR and/or Main Street to Deer Valley resort. Finally, the proposed Interconnect is illustrated in green and simply represents a conceptual connection to Salt Lake City via rail in the future.



NATURAL SETTING

Natural Setting is one of four Park City core values identified during the 2009 Community Visioning process. Park City's natural environment is directly, or indirectly, identified as one of the main reasons most residents originally moved to town. It is at the core of who we are. The community's desire to maintain Park City's *Natural Setting* was expressed throughout the visioning through community conversations, photographs, and interviews.

One of the six key themes of community visioning is "Respect and conserve the natural environment." The core value of *Natural Setting* reflects not only the beauty of our natural environment, but also the important role of nature in Parkites' commitment to the environment. Residents voiced a need for firmer commitment to sustainability, green building practices, balanced growth, open space, and wildlife. Preserving the natural context of place within meaningful sequences of regionally distinctive landscapes reinforces the community's connection to the

Natural Setting while supporting natural ecosystem function and health. Planning for air quality, water quality, and wildlife is imperative to provide the quality of life for future generations that we Parkites experience today.

Residents also treasure the *Natural Setting* for its diverse recreational opportunities. Access to nature improves residents' connection to the *Natural Setting*, promotes health and well-being, and creates an abundance of recreational opportunities. The continued expansion of trails for downhill skiing, cross country skiing, hiking, and mountain biking has elevated Parkites' standards of living. Park City has become a lifestyle community in which residents make a choice to live here for the high quality of life, especially outdoor recreation. Within all the residential neighborhoods, Parkites have direct access to nature for recreation and viewing.

Natural Setting plays a key role in economic development. Park City's

visitors come here to experience the natural beauty and the many recreational amenities that our *Natural Setting* offers. From taking in the vast views of the Wasatch Mountains, to experiencing the epic dry powder on the local slopes, it is an essential part of what attracts visitors to Park City and what keeps Parkites here.

Over the past 20 years, the community has made a significant financial commitment through open space bonding to preserve the *Natural Setting*. Three separate open space bonds totaling \$40 million dollars were approved by an overwhelming majority of residents on each ballot. Acquiring open space is critical; managing this community asset is essential. Open space, without proper management, can lead to degradation of the natural system. As the City continues to preserve more open space it is essential that a natural resource management plan be adopted to balance human use of open space with ecosystem health.

Park City's legacy as a robust silver mining town at the turn of the 20th century came with a long-term cost of environmental degradation within certain areas of the City. The mine

related waste continues to be a focus of Park City's environmental efforts due to the high levels of metals in the soils. The mine related waste is managed through Park City's Soil Ordinance and Environmental Management System (EMS), created in cooperation with the United States Environmental Protection Agency. Implementing best practices and clean-up efforts to reduce environmental impacts related to Park City's mining past is a focus of City Hall in the efforts to ensure the health and safety of Park City's residents.

Climate change has become a great concern for our ski town. Average temperatures in the intermountain west have risen approximately 2°Fahrenheit (F) over the past 100 years¹ and are projected to rise an additional 1.9°F to 3°F by 2020 and up to 8°F by 2100. The snowpack, a major contributor to the Park City economy, is projected to decrease, resulting in a shorter ski season.² Future decisions made on the neighborhood, city, and regional level must consider how they will influence climate change and resiliency. Fortunately, mitigation strategies for climate change are in line with the vision Park City residents have for our future. For instance, complete

streets with pedestrian and bicycle prioritization make the community more walkable while providing a viable alternatives to the car, therefore decreasing the community carbon footprint; a win-win for walkability, recreation, and climate change mitigation.

Park City is committed to climate change mitigation and has taken certain steps to reduce greenhouse gas emissions. The City adopted an Environmental Strategic Plan in 2009 that outlined a vision for promoting environmental sustainability within internal operations and for the community as a whole. The goals and objectives outlined in the strategic plan have been included within this section of the General Plan. The City also previously developed a Community Carbon Footprint and Roadmap for Reduction that was complemented by a "Save Our Snow" public awareness campaign. The community footprint identified, in detail, sources of local greenhouse emissions and created a high-level roadmap for the community to decrease emissions by 15% by 2020. Strategies that have been implemented include: green building upgrades and construction of City

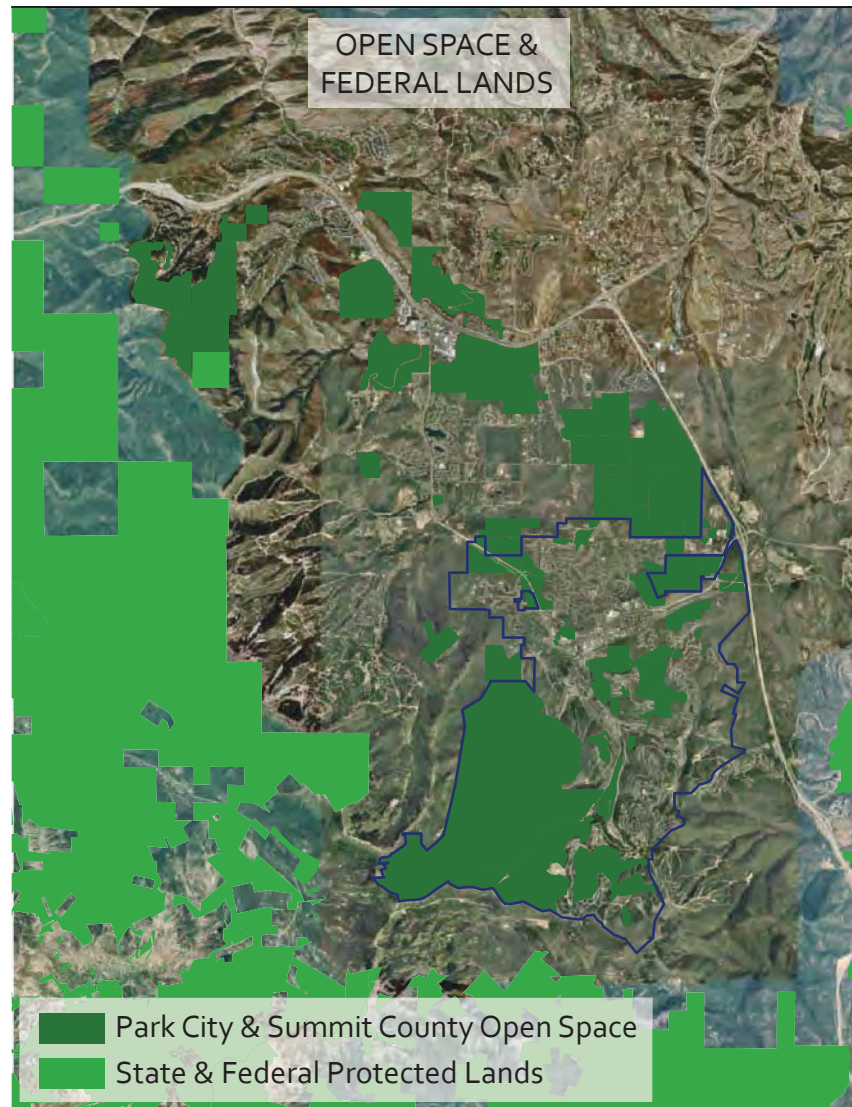
facilities, installation of solar panels on City buildings, launching a local car-share program, expansion of public transportation options, fee waivers for renewable energy permits, behavior change programs and the ParkCityGreen.org website, water efficiency programs, and ongoing support of greenhouse gas reductions through other policy and programmatic means.

To take climate change mitigation to the next level and reverse the detrimental trends, the City and residents must work collaboratively toward a paradigm shift to create profound changes in energy generation, consumption of natural resources and fossil fuels, and waste generation. Park City has the opportunity to become the greenest ski town in the United States if the citizens and its leaders so decide. The community vision certainly set the tone toward greater environmental stewardship locally.

GOAL 4 Conserve a connected, healthy network of open space for continued access to and respect for the *Natural Setting*.

The panoramic *Natural Setting* in which Park City rests sets the City apart. Our natural setting in Park City is as important as the built environment, if not more so due to the finite opportunities for additional open space. Preserving connected open space is essential to maintaining *the Park City experience* for locals, tourist, and the diversity of species which exist along the Wasatch Back.

Ecosystem health depends on the natural system working cooperatively and in balance, including healthy soils, microbes, water, flora and fauna, wildlife, and air (temperature and quality). In order to maintain healthy ecosystems and wildlife populations, the natural setting must remain connected. The City must take steps to prevent fragmentation, for once a portion of natural system is fragmented the negative impacts are difficult and costly to reverse. Along with ecosystem health, conserving a meaningful network of open space also supports the active lifestyle of Parkites. A win-win for all.



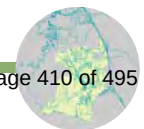
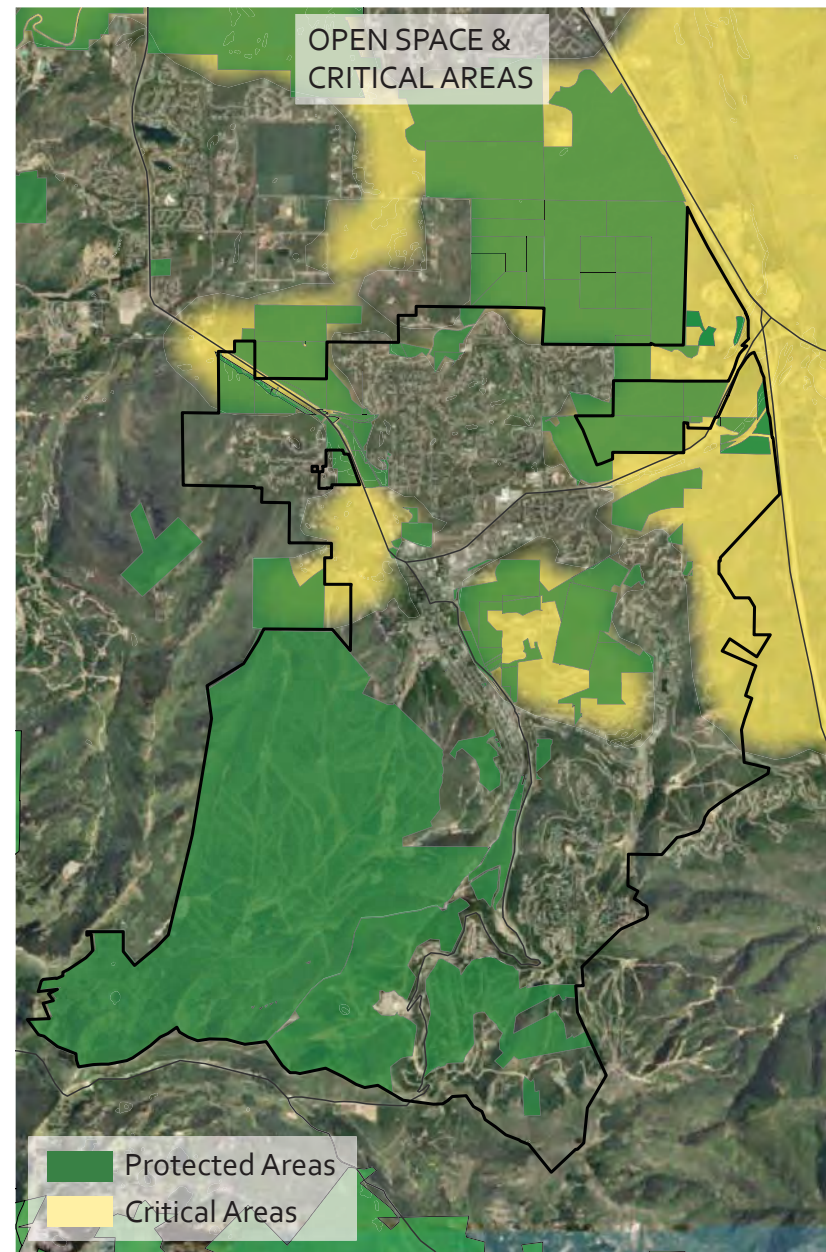
The map to the left shows all protected open space within Park City and the Snyderville Basin in 2012. Park City has done an exemplary job in preserving open space. Opportunities exist to ensure that the protected open space remains connected, avoiding fragmentation and maintaining safe wildlife corridors. Ecosystem health depends on the system remaining connected. This results in a win-win for recreation enthusiasts, nature lovers, and the wildlife.

Principles

- 4A** Protect natural areas critical to biodiversity and healthy ecological function.
- 4B** Buffer entry corridors from development and protect mountain vistas to enhance the natural setting, quality of life, and visitor experience.
- 4C** Prevent fragmentation of open space to support ecosystem health, wildlife corridors, and recreation opportunities.
- 4D** Minimize further land disturbance and conversion of remaining undisturbed land areas to development. Development means construction of a building, structures, or roads.



Tammy Paulson ©



Community Planning Strategies

- 4.1** Identify local and regional wildlife corridors. Protect wildlife corridors through designation of open space and/or an overlay zone to ensure safe connections between natural areas for wildlife movement. Include overland wildlife corridors for SR 224, SR 248 and Route 40 to accommodate wildlife movement.
- 4.2** Create increased opportunities for preservation of open space through designation of TDR sending zones and identify areas appropriate for increased density within existing neighborhoods within TDR receiving zones.
- 4.3** Update the Transfer of Development Rights (TDR) system every two years to reflect market rate valuations of included properties with multipliers, to incentivize the conservation of open space.
- 4.4** Utilize findings of the Park City Natural Resource Inventory study to identify sensitive lands to be protected within the Sensitive Lands Overlay of the Land Management Code.
- 4.5** Revise Annexation Policy and ADA boundary to establish strategies to grow inward through infill development and conserving networks of open space.



- 4.6** Identify important view corridors and natural buffers that are a high priority for protection and enhancement, including the community's entryways and highway corridor. Ensure protection of the identified community assets.
- 4.7** Utilize restrictive covenants such as deed restrictions and conservation easements to aid in the establishment of open space values ensuring future conservation.

City Implementation Strategies

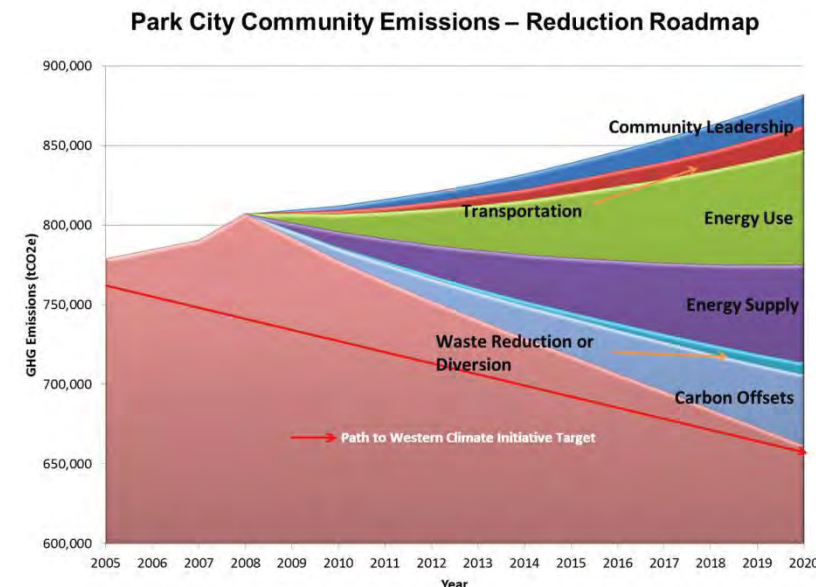
- 4.8** Continue to allocate annual dedicated public funds to ongoing open space acquisitions.
- 4.9** Create and adopt a natural resource management plan for public open space to balance human use of public land with ecosystem health and protection of biodiversity. Natural resource plan should address best practices for wildlife management and hunting.
- 4.10** Enhance the citywide parks and recreation system with safe pedestrian and bicycle connections between public parks, recreation amenities, and neighborhoods.
- 4.11** Create a matrix to prioritize open space acquisitions based on community values, including ecosystem health, sensitive lands, wildlife corridors, view corridors, and recreation.
- 4.12** Establish land stewardship education and incentive programs for private land owners with property dedicated as open space.
- 4.13** Provide both passive and active opportunities within the Natural Setting.
- 4.14** Collaborate with Summit County, Salt Lake County, and Wasatch County to identify and protect regional wildlife corridors and sensitive lands.
- 4.15** Manage public lands for ecosystem health. In instances where open space has be fragmented, manage wildlife and recreation in an effort to restore the ecosystem to a healthy, natural state.
- 4.16** As set forth in the Park City's Soil Ordinance and Environmental Management System, continue to maintain environmental programs that embrace the City's responsibilities to protect public health and environment.
- 4.17** Continue to comply with all environmental laws and regulations applicable to our utilities, property and public services.
- 4.18** Require City employees to keep current on training and best practices related to their functions within the City's environmental responsibilities.
- 4.19** Improve and foster communication with residents, tenants, realtors, contractors, property owners, service providers, government agencies and other participants in the City's work to promote sound environmental management practices and compliance requirements.
- 4.20** Encourage public involvement to increase the effectiveness of City's practices supporting its mission of environmental stewardship.



GOAL 5 Park City will be a leader in energy efficiency and conservation of natural resources reducing greenhouse gas emissions by fifteen percent (15%) below 2005 levels in 2020.

A Native American proverb says “we do not inherit the earth from our ancestors; we borrow it from our children.” In order to ensure that future generations are able to live, work and play in Park City, there must be a community-wide commitment to transform Park City into a more sustainable community. Our dependence on fossil fuels, our growing consumption of water, and our influence on ecosystem degradation have negative impacts on the natural system on a local and global scale. Our own health is closely linked with the health of the environment in which we live. By reducing pollution in our air, water, and soils we help to improve our quality of life. By decreasing greenhouse gas emission, Park City will contribute to the global efforts to curb climate change.

Park City has considered multiple goals toward the reduction of greenhouse gases. The 2009 Community Carbon Footprint and Roadmap to Reduction proposed the pursuit of an emission reduction goal of 15 percent below 2005 levels by 2020. To achieve this reduction



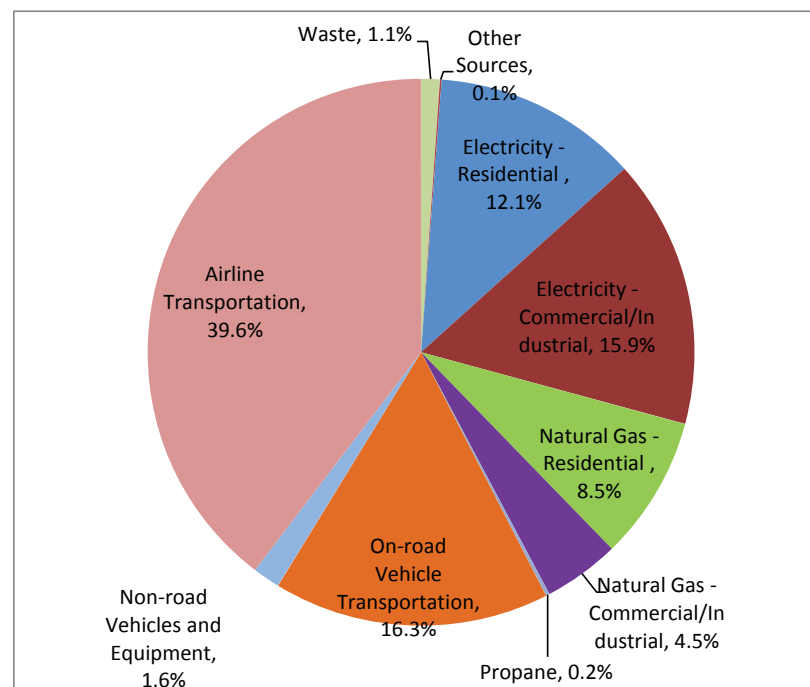
The red line represents overall decrease in greenhouse gas reduction by following the strategies outlined in the 2009 Community Carbon Footprint and Roadmap to Reduction. The roadmap strategies are included within the general plan.

target, the Park City community must collaborate to reduce projected emissions in 2020 to approximately 785,000 tCO₂e. The 2009 Community Carbon Footprint and Roadmap to Reduction outlined 16 objectives under six major influential categories, including: community leadership, transportation and land use, energy use, energy supply, waste reduction or

diversion, and carbon offsets. To achieve the objectives and relative reductions, 21 priority strategies were recommended within the roadmap. The 21 priority strategies have been included within the General Plan and identified with a snowflake. ❄ Multiple snowflakes represent an increase in tons of CO₂ reduced by each strategy. ❄ ❄

Principles

- 5A** Encourage development practices that decrease per capita carbon output, decrease vehicle miles traveled, increase carbon sequestration, and contribute to the community emission reduction goal.
- 5B** Encourage efficient infrastructure to include water conservation, energy conservation, renewable resource technology, decreased waste production, green public transit, and increased road and pathway connectivity.
- 5C** Park City Municipal Corporation will be a strong partner in efforts to reduce community GHG emissions, leading by example and providing policy guidance while promoting personal accountability and community responsibility.



Community Planning Strategies

- 5.1** Incorporate environmental considerations as an integral part of reviewing future development and redevelopment projects, including incorporation of GHG goals into land use planning – evaluate land use impacts on GHG emissions. ❄️
- 5.2** Identify locations within existing neighborhoods in which increased density and/or mixed use are compatible, located within ¼ mile of public transit, and would decrease trip generation.
- 5.3** Adopt new landscaping requirements (in the LMC) to decrease water utilization and preserve the native landscape.
- 5.4** Encourage implementation of renewable resource technology through administrative review of small systems and conditional use permit review for large system.
- 5.5** Identify appropriate areas of town for large-scale renewable resource technology. Create a renewable resource overlay zoning district for large system.
- 5.6** Adopt requirements for new development to be oriented for passive and active solar.
- 5.7** Advise HOA from prohibiting energy efficient practices within CC&Rs, including installation of solar on rooftops.



- 5.8** Require proper infrastructure, such as dedicated parking and charging stations, to support electric and alternative fuel automobiles within new development and redevelopment. Encourage energy efficient construction, infill, preservation, adaptive reuse, and redevelopment.
- 5.9** Consider adoption of a maximum home sizes for all neighborhoods. Allow owners to exceed maximum home size through compliance with home efficiency standards to prevent increased emissions.
- 5.10** Adopt consistent multiple-jurisdiction permit process for renewable resource technology to create a predictable, easy process.
- 5.11** Require recycling and waste reduction in construction mitigation plans.

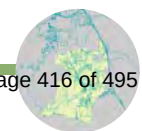
Planning Strategies continued

- 5.12** Encourage local agriculture through adoption of standards to allow community gardens within neighborhoods and public common areas.
- 5.13** Encourage local infrastructure for sales of regionally produced livestock and agriculture, including temporary structures and farmer's markets.
- 5.14** Improve visibility of night sky through continued enforcement of the night sky ordinance.
- 5.15** In existing developments challenged by site constraints, allow parking to be converted to a designated recycling area.
- 5.16** Adopt regulations to mitigate phantom energy loads of second homes and nightly rentals.



City Implementation Strategies

- 5.17** Increase options and utilization of alternative modes of transportation including light rail, bus transit, car share, bike-share, cycling, and walking.
- 5.18** Encourage public-private partnerships to pursue large-scale renewable energy projects with the intent of reducing the CO₂ output from community's electricity use.
- 5.19** Identify opportunities for micro hydropower systems in Park City's water infrastructure.
- 5.20** Continue to review and investigate best practices that have the potential of substantially improving the environment.
- 5.21** Support community- wide recycling and composting while instituting a "pay as you throw" pricing for waste disposal. Require designated recycling areas within development and redevelopment.
- 5.22** Strengthen the State Residential Energy Code through strongly advocating for state and national policies that conserve energy, reduce carbon emissions, and conserve water.
- 5.23** Establish an ongoing funding source to provide economic assistance for residents to incentivize implementation of strategies for Goal 5.



Community (or City) Led Strategies

- 5.24** Educate public on the impacts of airline transportation on the community carbon footprint. Work with residents and local businesses to create strategies to reduce and/or offset the amount of airline travel while still retaining a vibrant economy (e.g., support jet fuel efficiency research, increase length of visitor stay, adoption of carbon -offset program).
- 5.25** Act as an educational resource for the community on environmental initiatives, concepts, and best practices.
- 5.26** Develop community-wide climate challenge: personal, per capita GHG reduction targets, specific challenges (e.g., replace incandescent light bulbs with CFLs). ❄️ ❄️
- 5.27** Offer free residential energy assessments. ❄️ ❄️
- 5.28** Provide low- or no-cost commercial building energy, water, and solid waste assessment/audits. ❄️ ❄️
- 5.29** Work with Rocky Mountain Power to develop enhanced Blue Sky program- more renewable energy generation in Park City (premium tier that brings funds back to Park City). ❄️ ❄️
- 5.30** Partner with utilities and state to offer building operator training on energy management for larger businesses. ❄️ ❄️



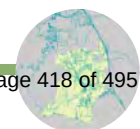
- 5.31** Target education and incentives at second home owners to reduce energy – e.g., improved occupancy-based controls. ❄️ ❄️
- 5.32** Expand existing utility rebates/incentives – collaborate with potential funding organizations. ❄️
- 5.33** Increase awareness of existing utility rebate programs. ❄️
- 5.34** Encourage residential and commercial smart metering – electrical meters to provide real-time energy consumption. ❄️ ❄️
- 5.35** Use community carbon website to promote neighborhood “meet-ups” to discuss ideas and challenges for reducing emissions. ❄️

- 5.36 Pursue direct power purchase options with Rocky Mountain Power for renewable energy. ❄️❄️❄️
- 5.37 Work with Rocky Mountain Power to benchmark individual energy use on utility bills or carbon web site to compare neighbors within neighborhood, in an effort to encourage conservation. ❄️
- 5.38 Develop employee outreach program focused on large employers. ❄️❄️
- 5.39 Develop tiered rates for energy use – work with Rocky Mountain Power. ❄️❄️
- 5.40 Develop community revolving grant/loan program for energy efficiency projects. ❄️
- 5.41 Engage largest employers to expand commercial recycling. ❄️
- 5.42 Encourage Rocky Mountain Power to fund local Smart Grid pilot project. ❄️
- 5.43 Provide incentives for participation in green building labeling systems for existing ,leased, and new buildings. (Energy Star, LEED, Built Green, etc.) ❄️❄️
- 5.44 Provide incentives for residential and commercial renewable energy (e.g., tax credits, rebates).❄️
- 5.45 Develop shared community teleconferencing facility to host meetings therefore encouraging reduced air travel. ❄️❄️



Community and Government working Together to Curb Climate Change

To reduce greenhouse gas emissions by fifteen percent (15%) below 2005 levels by 2020 it will take more than the local government. This type of change requires a community paradigm shift in decision making. To get there, the Community must lead as well as the local government. The following strategies may be initiated by community led groups and/or the local government.



GOAL**6**

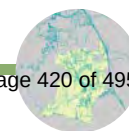
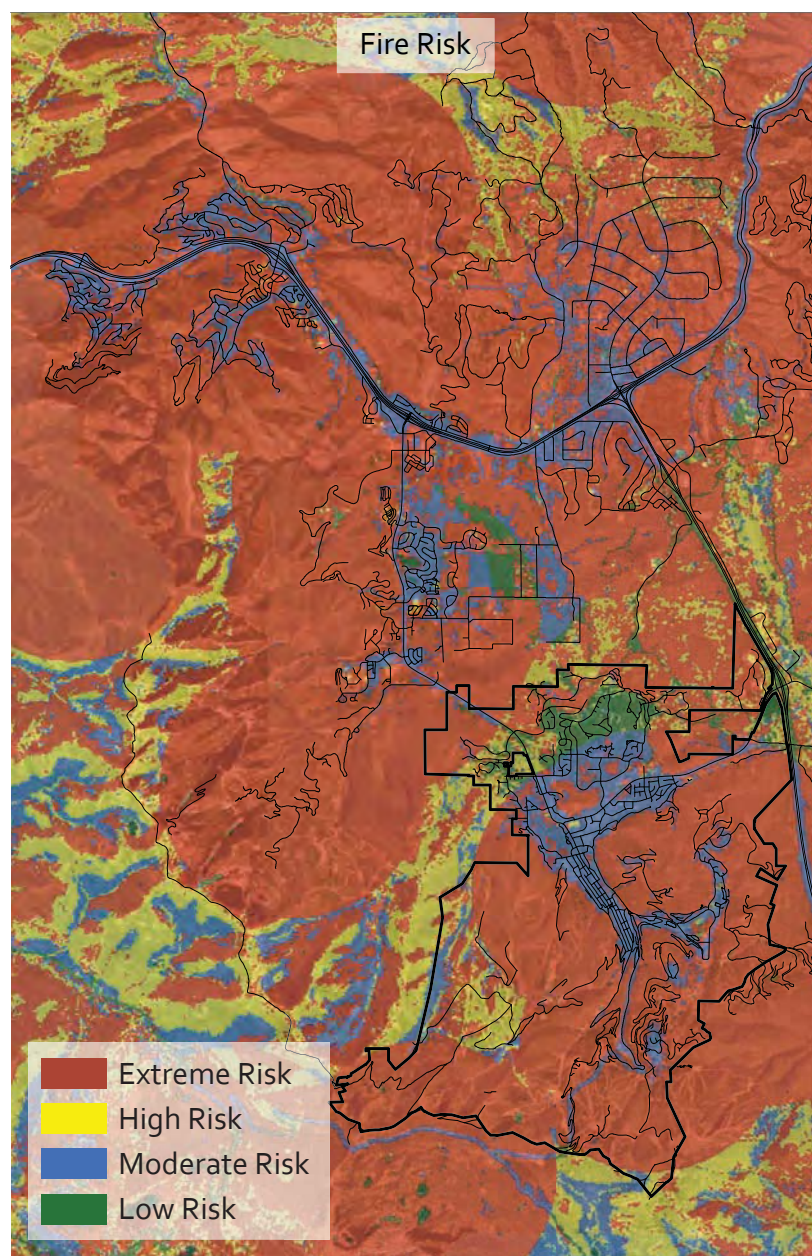
Park City will implement climate adaptation strategies to enhance the City's resilience to the future impacts of climate change.

While scientists agree that our planet's climate is changing, the effects of climate change vary from region to region. Probable scenarios for the Intermountain West include drought, heat waves, diminished mountain snowpack, earlier snowmelt, catastrophic wildfires, and other disruptions to natural processes and wildlife habitat.¹ Climate change also creates economic uncertainties for our economy which is dependent heavily on snow fall. If our ski season is shortened, what would the impact on our tourism industry and economy be? Would Park City experience decline as it did in the early 20th century with the fall of silver prices? Will more people move to high elevations to escape increased temperatures in other locations thus increasing population demand in Park City? By taking a proactive approach and planning for a variety of probable climate related scenarios, Park City can be well prepared to adapt to climate change, no matter what it looks like.

Principles

- 6A** The City has an obligation to be prepared for probably scenarios that could threaten health, welfare, and safety of residents. Implementation of climate adaptation strategies is necessary to mitigate and become more resilient to wildfire, flood, and drought.
- 6B** Encourage opportunities for local food production and sales if food produced regionally.
- 6C** Support ecosystem health, biodiversity, and natural buffers between development and sensitive lands.





Community Planning Strategies

- 6.1 Implement the Community Wildfire Protection Plan in cooperation with the Park City Fire District and local partners including the ski areas.
- 6.2 Adopt a natural resource management plan to manage wildfire prevention, water conservation, energy conservation, and biodiversity protection.
- 6.3 Regulate permeable surface area of lots to ensure proper drainage, hydrology, and mitigation of heat island effect.
- 6.4 Adopt standards to allow community gardens within neighborhoods and subdivisions.
- 6.5 Zone existing agricultural lands and future agricultural land within the Annexation Declaration Area as low density (1 unit per 60 acres).

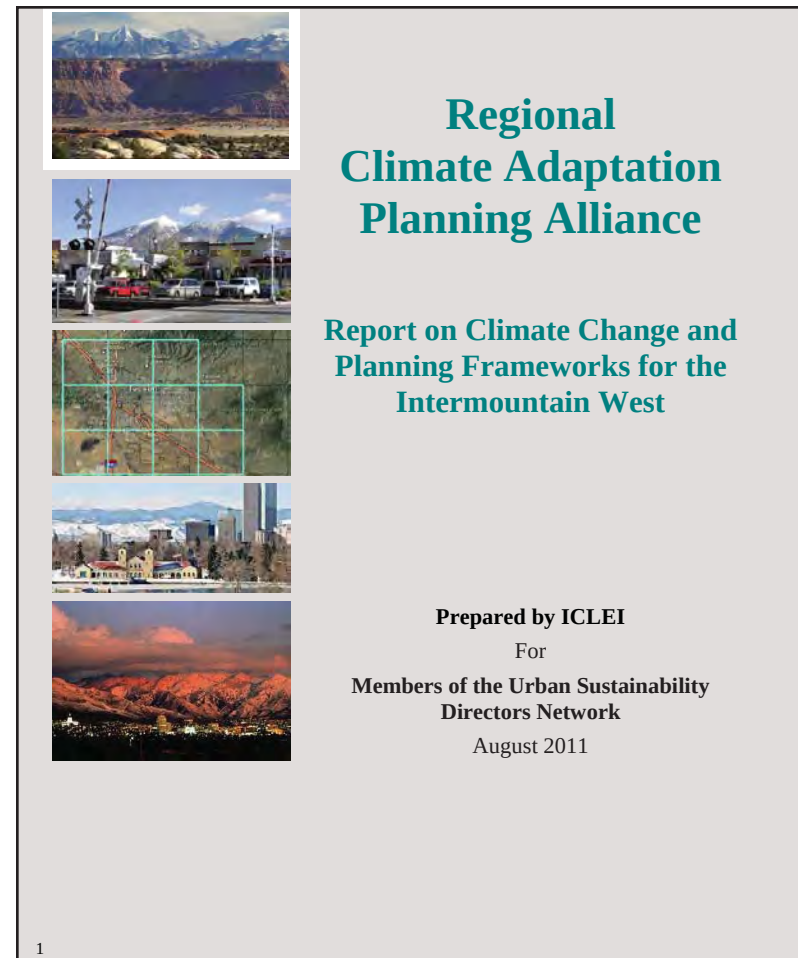
“We are in a unique position to lead with exposure to the nation and the world on how to incorporate sustainable values in the context of an existing historic place.”

Comment from resident during 2009 Community Visioning



City Implementation Strategies

- 6.6** Include climate change in the Hazard and Vulnerability analysis of the Natural Disaster Response Plan.
- 6.7** Utilize regional platforms for information sharing and ongoing dialogue among regional partners to continually improve understanding of shared climate risks and capitalize on regional adaptation opportunities.
- 6.8** Upgrade public infrastructure to manage water supply for extreme (high and low) water years.
- 6.9** Integrate climate adaptation policies into all aspects of public and private planning including water, sewer, and storm water management.
- 6.10** Support innovative technology in water conservation and sustainable snow making.
- 6.11** Explore strategies to incentivize local agriculture including local property tax abatement.



In 2011, Park City participated in a regional adaptation effort that included municipalities from Tucson, Flagstaff, Las Vegas, Salt Lake City, Boulder County, Fort Collins, and Denver known as the Regional Climate Adaptation Planning Alliance. The group's networking efforts culminated in a formal report by ICLEI titled "Report on Climate Change and Planning Frameworks for the Intermountain West".

SENSE OF COMMUNITY

The third of the four core values identified by residents during the 2009 Community Visioning is *Sense of Community*. *Sense of Community* is what unites Parkites - a common ground - despite diverse social, economic, and cultural backgrounds. Park City is a community of involved citizens from many walks of life. While our natural setting and recreational opportunities brought many people to Park City, it is the strong *Sense of Community* that keeps people here. This sentiment was echoed frequently throughout the 2009 community visioning process. It is essential to residents that the *Sense of Community* they know remains intact and retains its funkiness, diversity, and playfulness. In the community interview conducted during the 2009 Visioning, nearly 1 in two responses said the community and its people are what keep them here.

Sense of Community is experienced through the people that choose to live and/or work in Park City. Not only is it common to run into acquaintances at the grocery store, in the lift lines,

and on the trails, it is desirable. There are a number of events, from the 4th of July and Miners Day parades, to the many organized athletic competitions, and free events such as Wednesday night concerts at Deer Valley, that many Parkites attend and enjoy. When residents were asked what made them proud of Park City, second to the Olympics, the community answered "When we rise to a challenge and do the right thing for the community and its people." Community involvement is strong in Park City, evidenced through the eighty-five (85) non-profits in existence in 2012.¹

Despite our strengths, we still face our fair share of challenges. Nearly one in two respondents to the community interviews felt that our community was splitting apart along class boundaries, with the workforce being pushed out in favor of the wealthy. Nearly 15 percent felt that there is now a social separation between long-time Park City residents and newcomers. Housing affordability, social equity, and economic opportunities are three (3)

of the main challenges Parkites must confront in the coming years. If we do not, we will jeopardize our strong *Sense of Community*.

Median home prices in Park City are very high compared to the median workforce wage. The workforce and many community members find themselves in a sort of community limbo. They feel they are a part of the Park City community, but cannot actually live here because they cannot afford to buy or rent a place to call home. As affordable housing becomes ever more challenging, many residents are wondering, "For whom are we preserving Park City?" In the last decade, the number of homes occupied by full time residents decreased from 41% of all housing units in 2000 to 30% in 2010. The number of second homes increased by 66% during that same period, while primary homes grew by only 7%.² Although these numbers may seem threatening to the core value *Sense of Community*, they are simultaneously responsible for many of the unparalleled community assets that are the lure of the small town.

Currently our residents enjoy a quality of life that is unprecedented

for a town of 7,500 persons. The quality of education, recreation, and infrastructure services is due mostly in part to our tourism economy and second home owners. Tourists, attracted to the skiing and natural setting, bring substantial visitor and tax dollars into our town every year. Continued support of the tourism economy is essential to maintain the lifestyle and economic benefits that Parkites enjoy. Balance between *Sense of Community* and the function of national and international host must continue to be a focus as the City evolves.

It is essential that Park City does not lose its character in order to remain competitive in the tourism industry. It is also essential that the resorts evolve with the tourism industry. Thoughtful planning can lead to balance between the two, ensuring a place desirable for locals and tourist alike, resulting in friendly service from locals, inclusivity from the resorts, and elevated *Sense of Community*.

Our *Sense of Community* is supported also through creating a variety of local business and job opportunities for residents. The largest employment



sector in Park City during 2010 was the leisure and hospitality industry, which includes jobs in the arts, entertainment, recreation, accommodation, and food services sectors. Around 5,682 people had jobs in this industry, accounting for nearly 45 percent of all employment in Park City. In addition to being the largest employment industry in Park City, workers in the leisure and hospitality sectors are also the lowest paid, receiving an average income of \$2,063 per month. Supporting policies

to attract a mix of businesses can result in greater opportunities for Park City residents to work locally. Diversifying our economy can also provide the opportunity for higher wage jobs and overall greater stability. In theory, if higher paying jobs were created that increase the median workforce wage, there would be an increase in the number of employees that could afford to live within Park City. This would strengthen the *Sense of Community*.

GOAL 7 Create a diversity of housing opportunities to accommodate the changing needs of residents.

“Life-cycle” housing is housing stock that meets the needs of residents throughout their life providing opportunities to age in place rather than move between towns during the different stages of life to meet their needs at the time. By creating a mix of housing stock at varying price ranges, size, and design, residents will have local options whether they are seasonal workers, young professionals, families, empty nesters, or retirees. Having options on all rungs of the housing ladder ensures opportunities within the community throughout residents’ entire lives. This translates directly into neighborhood, community, and regional stability. A community that can rely upon access to adequate housing choices near employment centers and services spends less time commuting and has the opportunity for greater involvement and participation within their community. Life-cycle housing is essential to preserving the core value *Sense of Community*.



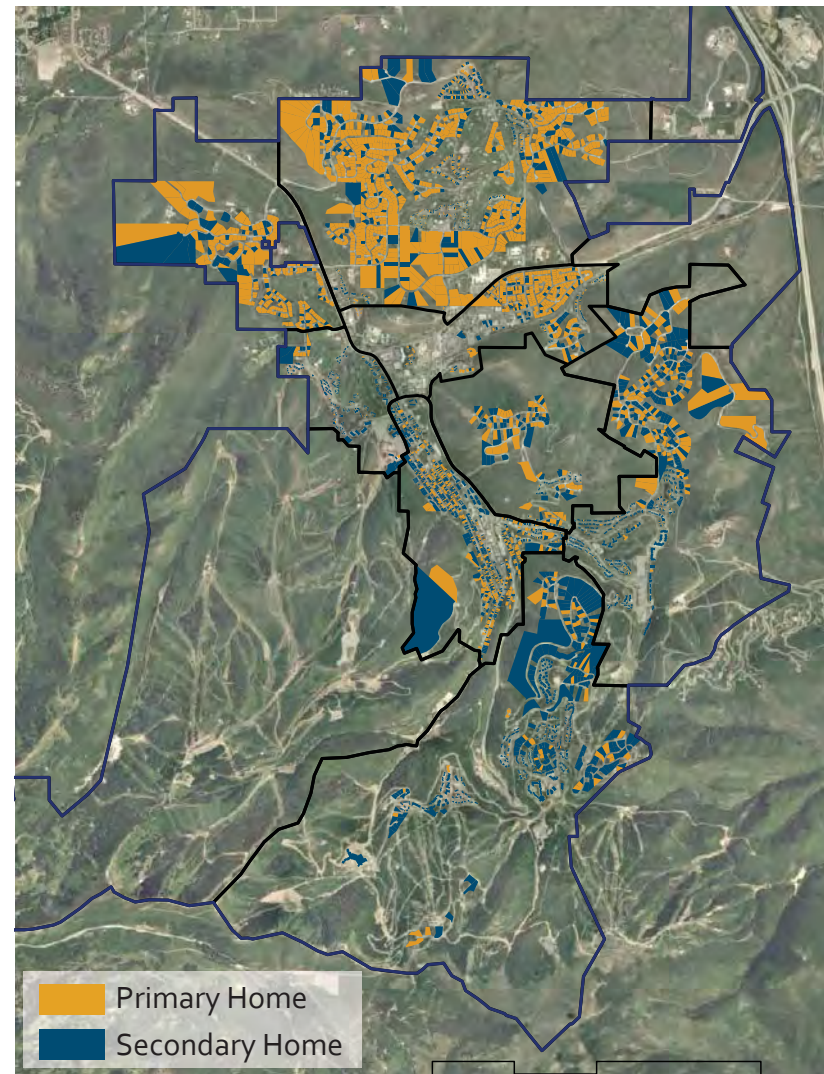
Principles

7A Increase diversity of housing stock to fill voids within housing inventory (including price, type, and size) to create a variety of context sensitive appropriate housing opportunities within all neighborhoods.

7B Focus efforts for diversity of housing stock within primary residential neighborhoods to maintain majority occupancy by full time residents within these neighborhoods.



Tony Paulson ©



Park Meadows, Bonanza Park and Prospector, and Thaynes Canyon are the three Park City neighborhoods dominated by Primary Homes. In these neighborhoods diversity in housing stock should be encouraged within the LMC in order to maintain these neighborhoods for locals.

Community Planning Strategies

7.1 Identify sites within primary residential neighborhoods in which one or more of the following could be accommodated and/or encouraged:

7.1.1 Decreased minimum and maximum lot size requirements.

7.1.2 Increased density.

7.1.3 Smaller residential units to create market rate attainable housing in Park City and/or "move down" housing options for seniors in the community.

7.2 Revise zoning codes to permit a wider variety of compatible housing types within each Park City neighborhood.

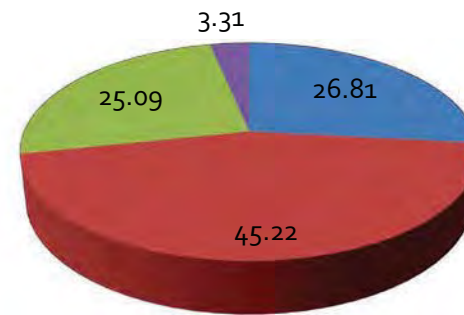
7.3 Explore new and emerging trends for non-traditional housing developments, such as co-housing, congregate housing or limited equity co-ops, within primary residential neighborhoods. Create of specific review standards to ensure compatibility and mitigation of impacts is necessary.

7.4 Focus nightly rental within resort neighborhoods.

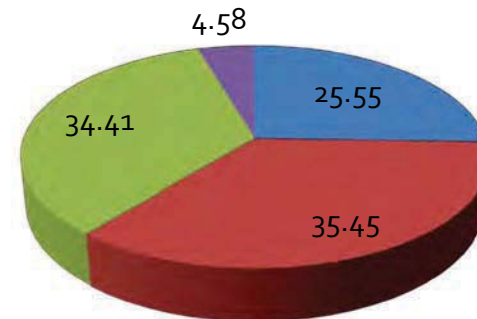
7.5 Support start-up of a scattered site land trust.

Percent of Park City Population per Age Category

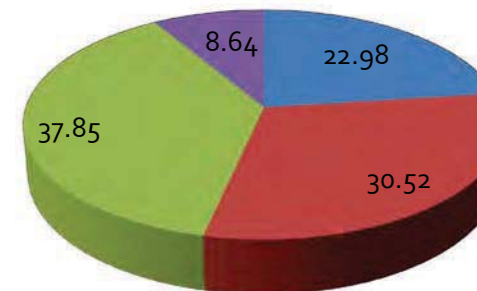
0 - 19 20 - 39 40 - 64 65 +



1990



2000



2010

Park City is growing older. The age groups that have grown the most in the past two decades are 40-64 years old and 65+.

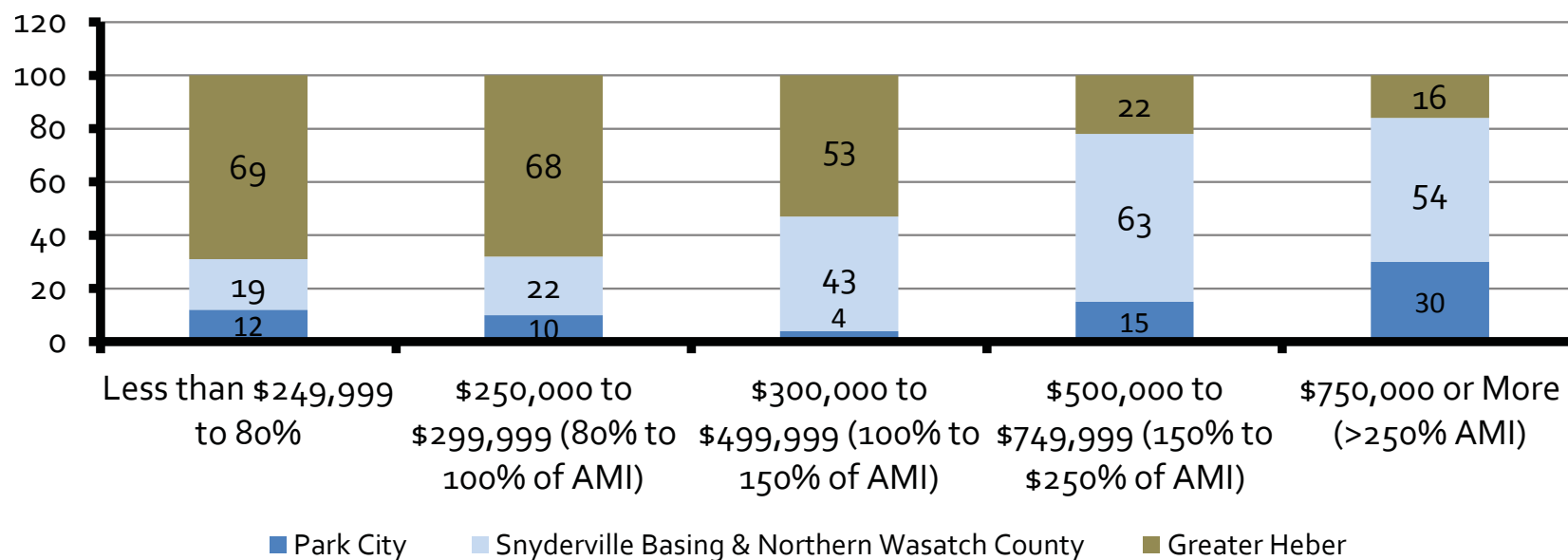
City Implementation Strategies

7.6 Update residential housing inventory analysis every 5 years with analysis on for purchase and rental price, type, and size of units. Subsequently, update affordable housing policy and general plan to guide new strategies to be implemented within the Land Management Code.

7.7 Utilize RDA funding to retrofit existing, aging residential housing stock.

7.8 Leverage the state required 20 percent of RDA funds for affordable housing to secure greater resources for housing needs city-wide.

% of Region's Owner Units at Different Income Levels in Each Place, 2010



Resident's needs change during their lifetime, creating demand for various housing types and prices. In Park City, many residents are forced to move into the Snyderville Basing, Northern Wasatch County, and the Greater Heber Area due to the lack of housing options for residents making up to 150% of area median income.

GOAL 8 Provide affordable housing opportunities for the residents and work force of Park City.

There is a broad spectrum of affordable housing needs in Park City due to the desirability and high cost of living within a resort community. The gap between housing prices and area median income has continued to grow with the median home price rising dramatically and household income increasing only marginally. The 2010 median real estate value to median income ratio was 12.14. This means that the median home price is 12.14 times the median household income. Typically, housing is within reach for purchase if it is priced at three (3) times the household income. In the past decade, there were very few opportunities for ownership for moderate-income household (80% of AMI) - zero opportunity for single-family homes and only 16.8% of condos within their buying power. This results in few housing opportunities for future residents.

The lack of housing opportunities has a negative impact upon our *Sense of Community*. In the 2011 National Citizens Survey, availability of

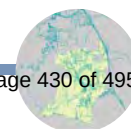
Principles

- 8A Provide increased housing opportunities that are affordable to a wide range of income levels within all Park City neighborhoods.
- 8B Increase rental housing opportunities for seasonal workers in close proximity to resorts and mixed use centers.
- 8C Increase housing ownership opportunities for local residents within primary residential neighborhoods.

affordable quality housing and variety of housing options were ranked “much worse” in Park City in comparison to 237 other jurisdiction through-out the United States. When a community no longer has housing options for its core workforce – which in Park City’s case is everyone from police officers, teachers, electricians, laborers, restaurant workers and beyond, the vibrancy and diversity of a community are threatened.

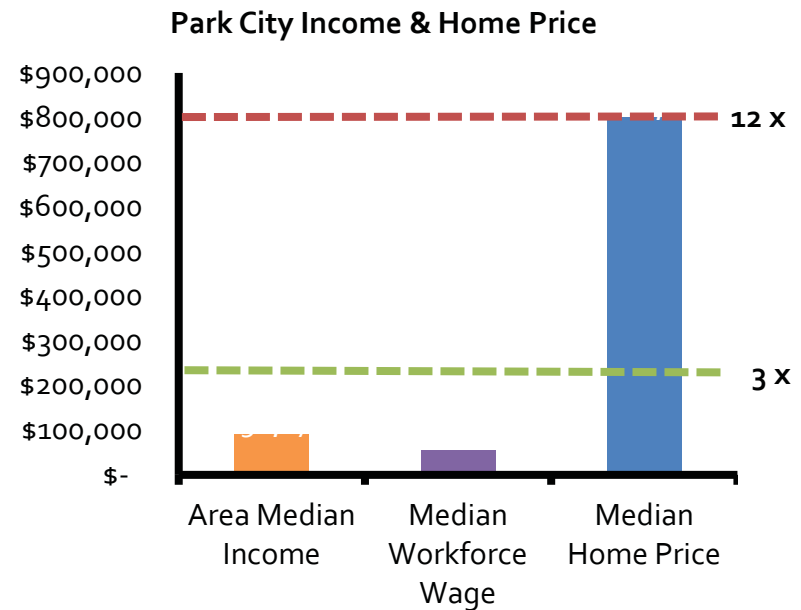
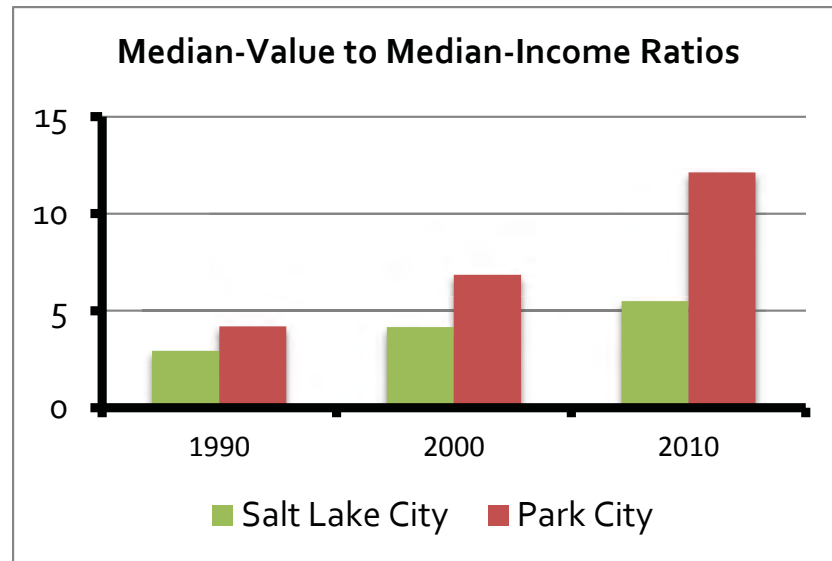
Protecting *Sense of Community* requires government officials to make difficult policy decisions. The costs associated with preserving the core values of

Natural Setting, Historic Character, and Small Town, are often placed on the developer and/or the residents. As these three core values are protected, living in Park City becomes more desirable and less affordable, threatening *Sense of Community*. This unintended consequence must be countered through difficult policy decisions regarding negative impacts of success. Reinvestment in workforce and affordable housing is essential to protect *Sense of Community*.



Community Planning Strategies

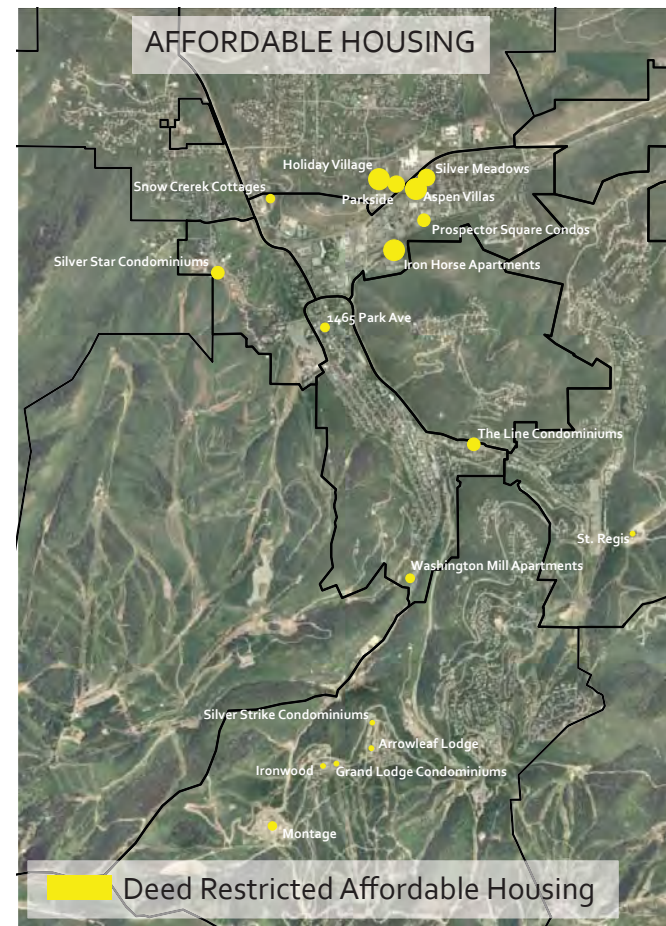
- 8.1** Increased affordable housing opportunities through implementation of strategies within the housing toolbox. (Page _)
- 8.2** Broaden income qualifications for housing programs (% of AMI) to reflect wide-range of housing needs.
- 8.3** Actively monitor the type, condition, and tenure of affordable housing options in Park City.
- 8.4** Update incentives for density bonuses for affordable housing developments to include moderate and mixed income housing.
- 8.5** Adopt streamline review process for projects that are at least 80 percent affordable housing projects.
- 8.6** Evaluate the Land Management Code to remove unnecessary barriers to affordable housing.
- 8.7** Review In Lieu fee to consider value of land of proposed development within fee.
- 8.8** Economic review of Affordable Housing Master Planned Development to amend according to existing economics. This review should be completed in conjunction with the housing needs assessment during the regular five year review.



City Implementation Strategies

- 8.9** Implement a regional housing approach identifying opportunities to collaborate with Summit and Wasatch County to address the region's housing challenges.
- 8.10** Update the Park City housing resolution every five years at a minimum to comply with State and Federal regulations and continue to meet housing needs in Park City.
- 8.11** Dedicate funding stream from recognized influences on housing affordability, such as RDA funds, second homeowner taxes and/or resort sales tax, into an affordable housing fund. Utilize fund to implement strategies within the affordable housing tool box.
- 8.12** Prevent loss of existing affordable housing through retrofitting existing stock with necessary repairs, energy efficiency upgrades, and extending deed restrictions.
- 8.13** Support cost savings policies for affordable housing including fee waivers, rebates, and grants for low-income and mixed-income developments.
- 8.14** Provide best practices for employer-assisted housing to encourage large employers to provide housing assistance for employees.
- 8.15** Identify and acquire property for the future development of affordable housing.

- 8.16** Continue to act as a community resource, providing information and education of available diversity of innovative housing structures and lending options.
- 8.17** Prioritize housing acquisitions that support multiple City goals, such as historic preservation and/or carbon reduction.



In 2012, 465 deed restricted affordable housing units existed within 34 locations. The locations are labeled within the map.

GOAL 9 Park City shall continue to provide unparalleled parks and recreation opportunities for residents.

Park City is a lifestyle community and a community of choice. Year round residents that relocated to Park City, most likely did so to fulfill a lifestyle choice. Parkites were asked “what brought you here?” in the 2009 Visioning. The most common response (31%) was skiing and the snow. When asked “what keeps you here?” respondents expressed the community and people (55%) as the foremost appeal, followed by mountain lifestyle and quality of life (53%), and recreation was the fifth most popular response (24%); although one can assume that recreation is also included in mountain lifestyle (e.g. skiing, mountain biking, hiking). The results are telling—Parkites love to recreate.

Park City has done an exceptional job at providing unparalleled parks and recreation opportunities for residents and visitors. In its 2011 National Citizen Survey, residents responded with overwhelming satisfaction for the recreational opportunities in Park City. Out of 239 communities that

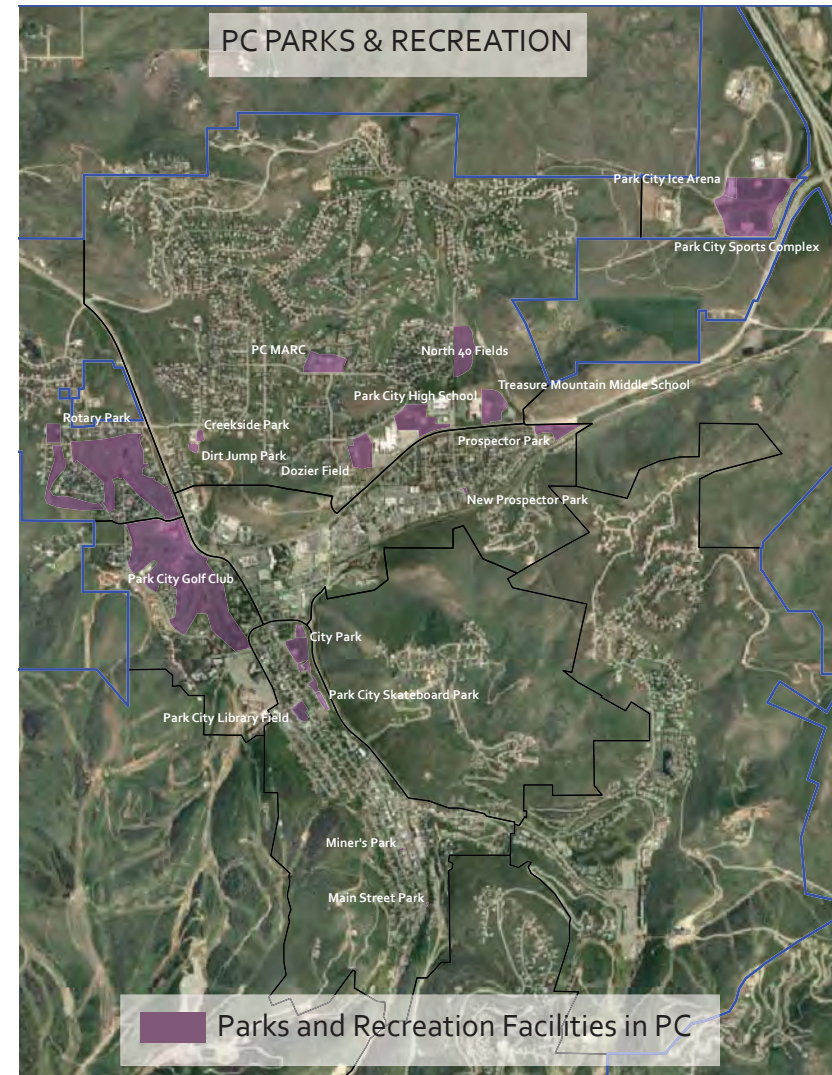


have been surveyed, Parkites were the most satisfied (Ranked #1) out of all the communities with the recreational opportunities available. The City

received a 2012 Voice of the People Award from the International City/County Management Association in recognition of this rating.

Principles

- 9A Maintain local recreation opportunities with high quality of service, exceptional facilities, and variety of options.
- 9B Locate recreation options within close vicinity to existing neighborhoods and transit for accessibility and to decrease vehicle miles traveled. Grouping facilities within recreational campuses is desired to decrease trips.



The majority of Park City's recreation facilities are located in close proximity to residential neighborhoods. This adds to sense of community through the shared public realm and decreases VMT.

Community Planning Strategies

- 9.1** Adopt design standards for sports facilities that require complimentary architectural design, local materials, and natural screening within existing neighborhoods.
- 9.2** When identifying future locations for recreation the following should be prioritizes:
 - 9.2.1** Accessibility by public transportation, trail system, and/or walkability.
 - 9.2.2** Proximity to end user and neighborhood needs.
 - 9.2.3** Providing facilities for under served areas within primary residential neighborhoods.
 - 9.2.4** Impact assessment (light, noise, parking) of facilities on neighborhoods quality of life.
- 9.3** Continue long-range planning efforts to anticipate recreation needs of future generation.



Above: The PC MARC is central to the Park Meadows neighborhood. This central location within a residential neighborhood has become a community gathering spot. The design compliments the existing neighborhood. Below: The bike jump park is located at the entry to Park Meadows neighborhood and along the popular Silver Creek trail. Trail connectivity and proximity to local neighborhoods provide safe access for children.

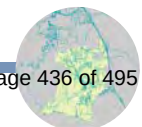


City Implementation Strategies

- 9.4 Create Custom Level Of Service (LOS) based on user feedback. Park City will monitor the needs of the community through demand surveys and citizen satisfaction surveys and adapt facilities and service levels accordingly.
- 9.5 Continue to work collaboratively with Snyderville Basin Special Recreation District (SBSRD) and the Park City School District (PCSD) to manage and plan facilities on a region scale.
- 9.6 Update recreation master plan to reflect regional management and long range planning effort to maintain high level of service.



Park City, Snyderville Basin Special Recreation District, and the Park City School District have collaborated to provide residents with unparalleled Parks and Recreation services that double as facilities for visitor use during tournaments and competitions.



GOAL 10 Park City shall provide world-class recreation and public infrastructure to host local, regional, national, and international events thus furthering Park City's role as a world-class, multi-seasonal destination resort community.

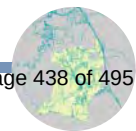
Park City's economy is dependent on recreation tourism. The City should continue to improve recreational infrastructure as an economic development tool to remain competitive as a world-class multi-season destination resort community. Professional fields, ice rinks, and recreation courts enable Park City to host large professional level events. Implementing current industry standards permits the Park City facilities can be utilized for regional, national, and international competitions. This can improve the economic health of the City year-round and especially during the shoulder session by populating hotels, restaurants, and shops. The larger events also help to subsidize local recreation programs. As Park City continues to prioritize recreation tourism with infrastructure improvements, hosting another winter Olympics may become a reality.



Tam Poulson ©

Principles

- 10A** Maintain competitive as a world-class, multi-season, destination resort community by increasing year round recreation events and demand on resort support services, such as hotels and restaurants.
- 10B** Balance increased tourism attractions with preservation of small town character and quality of life. Locate larger tourist attractions close to resorts and/or existing facilities. Locate community facilities close to primary residential areas.
- 10C** Public infrastructure improvements and programming should consider the visitor experience to Park City during large events and master festivals.



Community Planning Strategies

- 10.1** Adopt City policy to include consideration of current industry standards for new recreation facilities and remodels to enable hosting world class events while benefiting the local's quality of life.
- 10.2** Support opportunities for high altitude training centers. Allow short term housing opportunities for visiting teams and athletes.
- 10.3** Research opportunities for the location of a high altitude training center.
- 10.4** Allow cutting edge, green technology in appropriate areas to visually represent Park City's commitment to sustainable tourism.

"Park City needs to be a year round attraction with more events and activities."

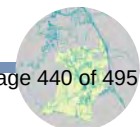
Comment from resident during 2009 Community Visioning



In 2009, the USSA Center of Excellence opened in Quinns Junction. Future Olympians utilize the facility to train year round. Lower Image by Paul Richer

City Implementation Strategies

- 10.5** Maintain policies within each public recreation facility to manage local use and non-resident use.
- 10.6** Collaborate with local hosts to attract additional national and international sporting events year round.
- 10.7** Fund a study to research benefits and impacts of a connected regional ski lift system.
- 10.8** Support future efforts to host a second Winter Olympics.
- 10.9** Public infrastructure policy should provide visitors with the Park City experience, including cutting edge technology which exhibits Park City's commitment to the visitor experience and the environment.



GOAL 11 Support the continued success of the tourism economy while preserving the community character that adds to the visitor experience.

The resort economy is the primary economic engine for Park City and Summit County. Park City's resorts captured an average of 40 percent of total Utah skier days between 1996 and 2010. Since 1995, total taxable sales in Park City have more than doubled, rising from \$289,806,859 to \$605,997,311 in 2010.¹ Many business owners have chosen to invest within Park City due to the high demand by visiting tourists for retail, accommodations, and resort support. As Park City continues to grow and redevelop, it is essential that the City provides support to its resort economy and assist in the effort toward a year-round resort community.

Another key component to economic success is maintaining a distinct *Park City Experience*. The strategy of "Keep Park City, Park City" goes beyond the necessity to protect the core values identified in the community vision. It is a strong marketing tool in an age when many resort towns have become overrun by national chains



and have lost their unique identity and visitor experience. Achieving balance between resort-oriented development

and a strong sense of place is an essential strategy to protect the *Park City Experience*.

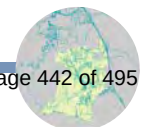
Principles

11A The vibrancy of Park City's resorts is essential to the success of resort support businesses. The City must provide flexibility to allow the primary resorts to evolve with the tourism industry, increase occupancy rates year round, and create more demand for the resort support industries throughout the City.

11B Preservation of our community core values of *Small Town, Natural Setting, Sense of Community, and Historic Character* is essential to maintaining the unique *Park City Experience* for visitors and residents. Regulate design of new development to compliment the Community's core values and protect the *Park City Experience*.



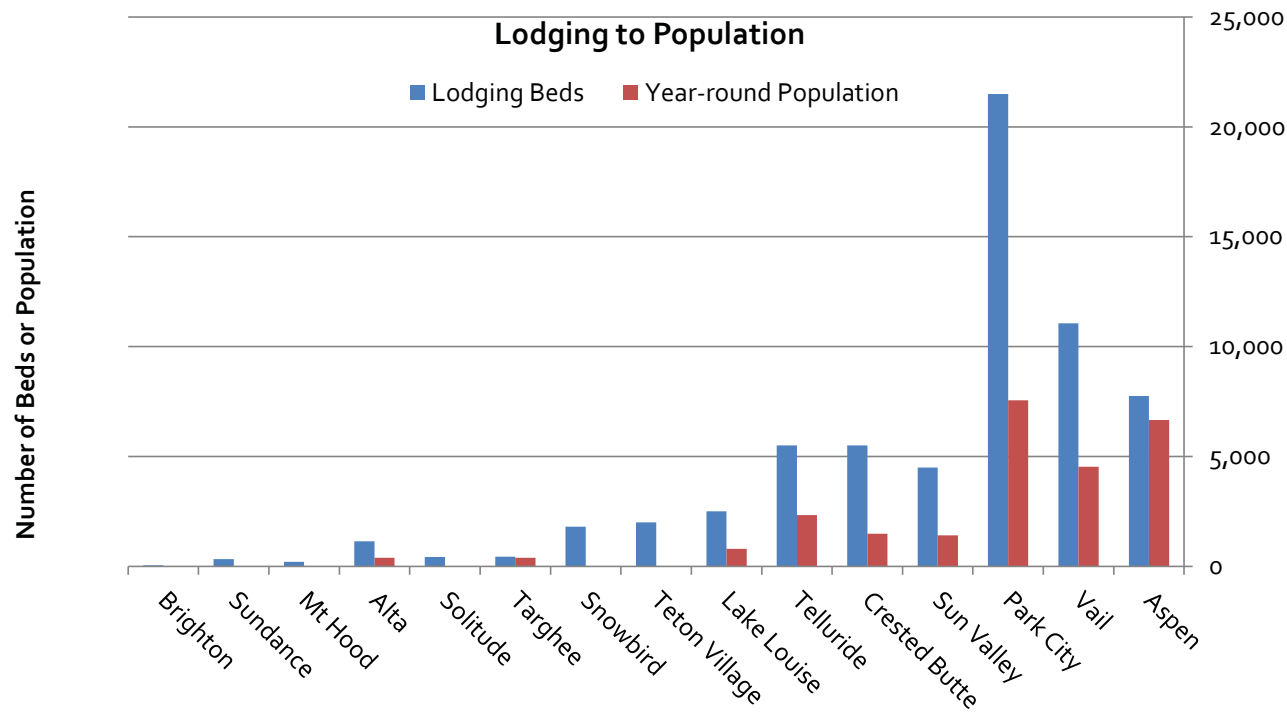
“In an era when consistency is the drumbeat of national businesses, franchises, and production builders, communities that preserve references to their past emphasize their uniqueness. Distinctive community character can be an important factor in attracting businesses and residents, and can build civic pride. Conserving buildings is thus an important strategy for promoting sustainability. Even in the absence of historic architecture, community character can be strengthened through the creation of a generous public realm, respect for topography and natural features, and the development of new residential and commercial areas that encourage social contact.”



Community Planning Strategies

- 11.1** Provide flexibility to the two primary resorts in town within Master Planned Development amendments to allow the primary resorts to evolve with the tourism industry and increase occupancy rates year round.
- 11.2** Protect the attributes of the City that make Park City unique.

- 11.3** Facilitate the establishment of more year-round visitor attractions within the resort neighborhoods and commercial districts.
- 11.4** Limit visitor-oriented development and nightly rental to existing resort neighborhoods. Restrict nightly rental from primary residential neighborhoods.
- 11.5** Adopt city-wide design standards to maintain the aesthetic experience of Park City.



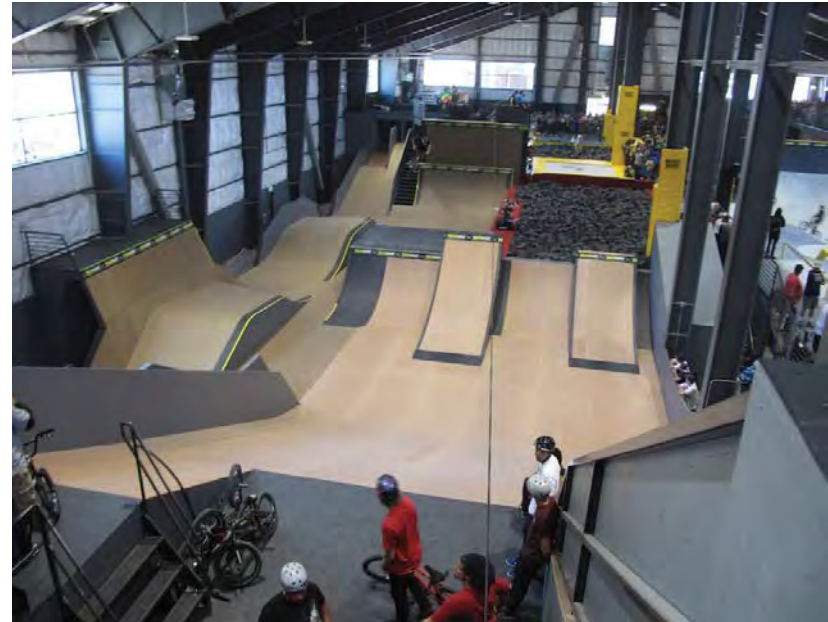
The leisure and hospitality industry has grown tremendously over the past decade. The number of hotel/nightly rental beds supersedes the inventory of nearby competition. To support existing business and ensure that the market does not become over saturated, Park City should conduct a lodging supply and demand study. The findings of this study should be utilized to make land use decisions for future hotel development.

City Implementation Strategies

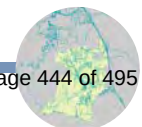
- 11.6** Implement redevelopment projects within the Lower Park Avenue RDA to allow the tourism industry to evolve while contributing positively to the residents' quality of life.
- 11.7** Acquire open space recognizing that protection of the *Natural Setting* is essential to the distinct *Park City Experience* for tourism.
- 11.8** Promote Main Street as a primary attraction within the City.
- 11.9** Support local-owned, independent businesses that reflect the core values of Park City and add to the Park City experience.
- 11.10** Research creative adaptation strategies for the ski industry to attract customers year-round, thus increasing demand on local resort support industries.
- 11.11** Promote the Olympics as a living legacy through the continued adaptation of Olympic Facilities for training, hosting world class events, and as a visitor attraction.
- 11.12** Conduct a lodging study to determine the amount of hotel, condo, and other nightly rental accommodations to meet visitors' needs, prevent over saturation of the market, support existing investments in local lodging, and increase occupancy rates.

11.13 Encourage more frequent visitation by second homeowners.

11.14 Improve and standardize Park City's way finding and signage system.



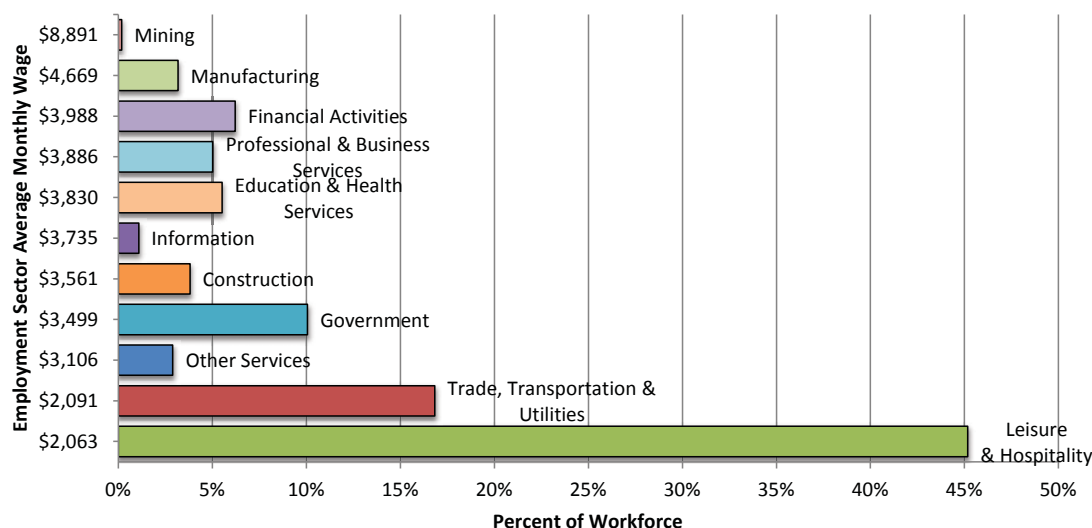
Camp Woodward in Tahoe, CA has brought balance to the seasonal ski resort with year-round vibrance.



GOAL 12 Foster diversity of jobs to provide greater economic stability and new opportunities for employment in Park City.

The largest employment sector in Park City during 2010 was the leisure and hospitality industry, which includes jobs in the arts, entertainment, recreation, accommodation, and food services sectors. Around 5,682 people had jobs in this industry, accounting for nearly 45 percent of all employment in Park City. In addition to being the largest employment industry in Park City, workers in the leisure and hospitality sectors are also the lowest paid, receiving an average income of \$2,063 per month. Over the past decade, wages in this industry have remained roughly the same, increasing only 1%, in real terms.¹ Park City's high real-estate costs combined with low paying jobs results in spatial mismatch (separating where people live from where they work), for both residents of Park City and employees within the City limits. By diversifying the local job market, more opportunities will be created for residents of Park City to make a living locally.

Park City Distribution of Workforce Wages, 2010

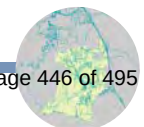


Principles

- 12A** Retain and expand existing Park City businesses.
- 12B** Improve the balance of jobs to housing ratio in Park City through efforts to attract higher paying jobs and workforce housing strategies.
- 12C** Support local owned, independent businesses that reflect the core values of Park City and add to the Park City experience.
- 12D** Discourage national commercial retail chains on Main Street and the negative impacts of big box and nation chains on the unique *Park City experience*.



Tony Paulson ©



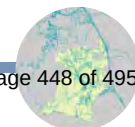
Community Planning Strategies

- 12.1** Maintain commercial and light industrial uses within the City limits to meet the needs of residents and visitors. Develop and monitor an inventory of commercial and industrial space to support local businesses, prevent economic leakage, and decrease vehicle miles travelled.
- 12.2** Foster live-work opportunities in commercial area.
- 12.3** Establish a neighborhood economic development tool for the Bonanza Park District to recycle increased tax revenues into the redevelopment area, thus creating a funding source for infrastructure, public/private partnerships, and improvement to the public realm.



City Implementation Strategies

- 12.4** Support and attract businesses through implementation of the economic development toolbox.
- 12.5** Utilize economic development tools to support start-up opportunities for local businesses that augment the *Unique Park City Experience*. Public investment in a Park City business incubator center should be considered.
- 12.6** Attract businesses focused on High Altitude training, goods, and/or services that complement Park City's sustainability initiative to relocate to Park City.
- 12.7** Provide competitive, cutting-edge technology infrastructure in areas targeting business growth.
- 12.8** Continue regional coordination with economic development partners to develop programs and support services to attract new business to the region. Inform businesses of current opportunities and advantages of the region such as site location savings, labor force, infrastructure, cost of business, portfolio of available properties, quality of life, and economic development incentives.
- 12.9** Research possibility of creating a revolving loan fund to provide gap financing for new and expanding local businesses. Criteria should be created to ensure funding only be considered for businesses that complement the community vision and goals of the City.
- 12.10** Promote Park City's exceptional quality of life to attract workforce of virtual workforce businesses.
- 12.11** Support educational opportunities for the workforce of targeted employment sectors
- 12.12** Identify and implement opportunities for public-private partnership opportunities to diversify employment opportunities in Park City and increase workforce wages.



GOAL 13 Park City will continue to grow as an arts and culture hub encouraging creative expression.

Park City has evolved into a regional center for arts and culture. In 1976, the Kimball Arts Center was created by local arts enthusiast Bill Kimball. The non-profit community center for the visual arts hosts the annual Kimball Arts Festival, Utah's first and longest running visual arts festival. Artists from across the nation display their artwork along Main Street for the three day festival. The Kimball Arts Center has acted as an incubator for local arts over the past three decades offering residents classes, forums for discussion, and a gallery. The annual Sundance Film Festival put Park City on the international map, recognizing the work of independent artists from around the world since 1981. Park City is filled throughout the ten day festival with film enthusiasts from all corners of the globe. The combined influence of the Kimball Arts Center and the Sundance Film Festival has advanced Park City's Main Street into an arts and culture district with performing arts venues and galleries lining the street.



For Parkites, the presence of arts and culture adds to our quality of life through the abundance of diverse local opportunities to enjoy and/or explore the arts through many mediums. The emerging music scene, local film and music series, and local festivals reflect the vitality and appreciation of cultural arts in Park City and contribute to our overall Sense of Community. The smaller scale special events, such as mountain town stages summer concerts, are possible in part to the large tax base generated during large

master festivals. To retain the local community arts, the City and business owners must continue to support the larger festivals and events through ongoing reinvestment into local venues and infrastructure to provide the levels of service necessary to host the international and national events. A balance must be maintained to host larger festivals to keep our Main Street healthy, maintain our tourism economy, and continue to express our unique *Sense of Community* through the arts.

Principles

- 13A** Increase cultural, arts, and entertainment-related events that diversify and support our tourism-based economy.
- 13B** Foster and enhance the vitality of Park City's local arts and cultural sectors.
- 13C** Encourage the installation of public art on private property, public space, parks, trails, and streets that represent Park City's core values.

"I wish we were better known
as a cultural destination,
not just a winter sports
destination."

Comment from resident during 2009 Community
Visioning



Community Planning Strategies

- 13.1** Review, revise, and coordinate regulations in the Park City Municipal Code to foster live street performance along Main Street.
- 13.2** Amend the LMC to encourage the installation of art within the built environment, including private property and the public realm.
- 13.3** Within Master Planned Developments, develop review criteria to suggest inclusion of arts spaces in the public realm.

During the 2012 Festival, 5,700 of the more than 46,000 visitors were international visitors. Park City, Salt Lake City, Sundance Resort, and Ogden all act as host for film venues. Approximately 93% of out-of-state festival attendees plan to see the majority of their films in Park City. In addition, 30 percent of nonresident attendees said they intended to ski or snowboard during their visit (8,828 people) with Park City Mountain Resort and Deer Valley being the most desired resorts. Approximately seventy-three percent (73%) of out of town guest choose to stay in the Park City limits.¹



City Implementation Strategies

- 13.4** Support events and programming that foster community involvement and promote arts and culture.
- 13.5** Promote the local music scene by encouraging the creation of music festivals and live music downtown during peak weekend shopping hours during the summer.
- 13.6** Showcase the work and achievements of local and regional artists and craftsmen through public art projects, festivals, and events.
- 13.7** Encourage the development and preservation of citizen groups, non-profits, and local businesses that promote arts and culture through events and educational programming.
- 13.8** Sponsor an artist-in-residence program, allowing the public to observe and interact with the artist as he/she creates public art pieces.
- 13.9** Increase funding opportunities for arts and cultural programming and events through innovative funding programs financed by the proceeds of art events and grants.
- 13.10** Support partnerships between nonprofits and businesses to fund educational programming, events, and festivals.
- 13.11** Support partnerships between the resorts and the arts communities to program seasonal workforce housing with visiting artist housing during the offseason.
- 13.12** Create opportunities for changing art exhibits by local artists within city-owned properties as well as privately-owned businesses.



GOAL 14 The future of the City includes limits (ecological, qualitative, and economic) to foster innovative sustainable development, protect the community vision, and prevent negative impacts to the region.

Park City is a dynamic system that continues to evolve and be defined by its community values, natural resources, existing topography, property rights, public and private investment, politics, history and external pressures. The system is flexible; able to adjust to fluctuations and external pressures. As Park City continues to mature, the system should strengthen by adopting policies

that protect the community vision and core values. A healthy system requires limits to run efficiently and not overwhelm the interconnected parts. This is true of Park City. As the City has grown outward through annexations, the system reacted with expansion of infrastructure (e.g. roads, public utilities, public transportation) and increased demand on existing resources (e.g. water, air, public facilities, fire and

rescue, schools, etc.), creating ongoing costs to residents and tax payers and pressure on limited natural resources. Adopting policies to grow within set limits is imperative to maintaining the economic, environmental, and social equity balance of the City and strengthen the City's existing neighborhoods.



Principles

- 14A** Provide reliable public resources to ensure the health, welfare, and safety for residents and visitors.
- 14B** Manage growth to protect the quality of life and preserve the unique *Park City Experience* by recognizing limits to growth and adopting responsible policies that are consistent with those limits.
- 14C** Provide safe drinking water to residents and visitors. Set limits to future demand based on available sources and expense of available source.
- 14D** Prevent degradation of air quality through implementation of best practices for land use, clean energy, regional transportation, and growth management.

“We need to grow carefully
without taxing our
environment.”

Comment from resident during 2009 Community Visioning



Community Planning Strategies

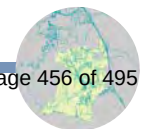
- 14.1** Identify, monitor and plan for growth based on availability of natural resources (e.g. water availability, air quality) while enhancing ecosystem health.
- 14.2** Quantify the impacts of different land uses on consumption of natural resources and energy. Dominant land-uses specific to Park City should be considered including single-family homes, multi-family residential, hotel, nightly rental, and commercial. Implement land use policy that utilizes best practices to minimize negative impacts on natural resources.
- 14.3** During Planning Commission review of annexations, an assessment of the impacts of additional development on public services should be required, including: emergency response (e.g. fire, police, and ambulance), transportation, educational facilities, and parks and recreation.

- 14.4** Require developers to bear the costs of adding their development to Park City's infrastructure within future development consistent with Utah impact fee statutes.
- 14.5** Locate future schools, libraries and other community facilities within, or in close proximity to, primary residential neighborhoods.
- 14.6** Research the creation of growth boundaries or other growth management tools to prevent excessive development that would stress the natural system and require unsustainable infrastructure investments.



City Implementation Strategies

- 14.7** Estimate carrying capacity limits (qualitative and quantitative) to preserve the *Park City Experience* and preservation of the core values.
- 14.8** Work with the Park City School District to guarantee the ability to expand educational services and facilities within the School District as needed.
- 14.9** Coordinate with Summit County to avoid unnecessary duplication of services and to eliminate redundancies.
- 14.10** Coordinate with communities in the region to implement transportation, growth management, and clean energy policy in an effort to maintain the clean air of the Wasatch Back.
- 14.11** Work with public utility companies to create projects consistent with the goals and objectives of the General Plan and the Community Vision.



DEVELOPMENT AND WATER SERVICE AGREEMENT

This Agreement is entered into as of this 15 day of July, 1999 by and among the National Ability Center, its successors in interest and assigns, whether in whole or in part (NAC), the Park City Water Service District (Water District) and Park City Municipal Corporation (Park City), collectively referred to as the Parties.

WHEREAS, the NAC is a private, non-profit 501(c)(3) corporation dedicated to the development of lifetime skills for persons with disabilities and the families by providing affordable, quality sports and recreation experiences;

WHEREAS, the NAC received title, by gift deed, subject to a power of reverter, to the following described property for use as an equestrian facility and administrative offices of the National Ability Center:

A PARCEL OF LAND LOCATED IN THE NE 1/4 OF SECTION 3, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SLB&M AND THE SE 1/4 OF SECTION 34, TOWNSHIP 1 NORTH RANGE 4 EAST SLB&M

BEGINNING at the Southwest corner of the Northeast 1/4 of the Northeast 1/4 Section 3, Township 2 South, Range 4 East, Salt Lake Base & Meridian; and running thence N 89°58'47" E 950.04 feet along the 40 acre line; thence North 1049.57 feet; thence N 70°23'24" W 983.05 feet; thence S 00°59'49" W 52.14 feet to the Northwest corner of the Northeast 1/4 of the Northeast 1/4 of said Section 3; thence S 00°59'49" W 1327.90 feet along the 40 acre line to the point of beginning (approximately 26.2 acres).

hereafter, the Property. The Property is depicted on Exhibit A;

WHEREAS, on August 24, 1998 the NAC petitioned Park City and its Water District for water service to the Property;

WHEREAS, the Property is within Park City's annexation declaration boundary, but is not contiguous to Park City;

WHEREAS, the NAC owns an easement to extend a line from the Property to the Park City water system, which easement may be assigned to the City;

WHEREAS, the NAC appeared before the City Council on April 1, 1999 and on May 13, 1999 and offered certain assurances that the water service extension would be of public benefit and would not induce growth;

WHEREAS, in exchange for water service, the NAC is willing to restrict development of the Property in perpetuity, to submit to Park City ordinances, to annex to the Water Service District, and to annex to Park City, when appropriate;

WHEREAS, it is in the best interests of the citizens of Park City to annex the Property into the Water Service District upon certain conditions;

NOW, THEREFORE, in consideration of the mutual promises and covenants herein, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

I. ANNEXATION.

1. The NAC hereby petitions for annexation of the Property into the Water Service District.
2. The Water Service District hereby annexes the Property.

II. CONDITIONS OF WATER SERVICE.

1. **NAC Duty to Construct Line Consistent with City Specifications.** The NAC shall construct an eight (8) inch water line from the City water system, to the Property (the NAC Water Line) in a manner and location approved by the Park City Public Works Director and the City Engineer, all in accordance with applicable provisions of the Park City Design Standards and Construction Specification and Standard Drawings, and subject to City inspection.
2. **NAC Duty to Maintain Line.** The NAC shall maintain the NAC Water Line and easement until such time as Park City accepts dedication of the NAC Water Line and easement.
3. **NAC Shall Not Offer Water Service.** The NAC shall not allow any connection to the NAC Water Line without written City permission, approved by the City Council.
4. **Dedication of Water Rights.** The NAC shall immediately petition to the State Engineer to change the type and place of use, and the point of diversion of sufficient water rights to convert 11.48 acre feet of Weber River Decreed Water Right Number 35-8457 to year round municipal use from designated City sources. Upon State Engineer action changing the place and type of use and point of diversion of at least 11-acre feet of such right to the City system, the NAC shall, by Statutory Warranty Deed, convey such rights to the Water Service District. The NAC shall expend reasonable and diligent efforts to convert such rights to City use. If, after 36 months the NAC fails to convert such water, the

NAC shall promptly pay to the City all applicable water development fees, with accrued interest according to the statutory post judgment rate of interest in effect at that time.

5. **Water Connection Fees.** Prior to connection to the Park City water system, the NAC shall pay to Park City water connection fees according to City ordinance.
6. **Irrevocable Offer to Annex to Park City.** The NAC hereby irrevocably offers to annex the Property to Park City. The NAC shall actively support such annexation.
7. **NAC Commitment to Maximum Use Parameters.** The NAC agrees that, regardless of its annexation to Park City, the Property will, in perpetuity, be limited to the following uses:
 - 7.1. The Property currently supports an outdoor equestrian arena, tack shed, parking lot, and sun shelter.
 - 7.2. In June, 1999, the NAC received County conditional use permit approval for a 7,570 square foot administrative building to house the administrative offices of the NAC, a 3,500 square foot horse barn, a 17,000 square foot indoor equestrian arena, a 21,000 square foot dormitory/dining hall, a 1,680 square foot storage building, and a universal challenge (ropes) course. Such permit includes specific site plan approval and is attached hereto as Exhibit C.
 - 7.3. The NAC may, in the future, request a permit to construct a swimming pool.
8. **NAC's Commitment to City Ordinances.** The NAC hereby commits to use the Property in a manner that is at all times consistent with City ordinances, including, but not limited to, all livestock, lighting, water conservation, sign, parking lot, outdoor storage, noise ordinances, and design regulations.
9. **NAC's Commitment to Pay for Water Use.** The NAC hereby agrees to pay such water use fees as are generally applicable within Park City.
10. **NAC Easement.** Upon City request, NAC shall dedicate a water line easement to the City that will allow the City to extend the water line to other properties.

11. Park City Duty to Provide Limited Water Service. The Water Service District shall provide culinary water and fire flow to the Property to support the uses described in paragraph II.6 herein.

12. NAC's Unconditional Offer to Dedicate Water Line and Easement. The NAC hereby irrevocably offers to dedicate its water line, and to assign its water line easement to the City.

III. GENERAL TERMS

- 1. Incorporation of Recitals and Introductory Paragraphs.** The Recitals contained in this Agreement, and the introductory paragraph preceding the Recitals, are hereby incorporated into this Agreement as if fully set forth herein.
- 2. Severability.** If any provision of this Agreement or the application of any provision of this Agreement to a particular situation is held by a court of competent jurisdiction to be invalid or unenforceable, the remaining provisions of this Agreement shall continue in full force and effect.
- 3. Covenants Running with the Land.** The provisions of this Agreement shall constitute real covenants, contract and property rights and equitable servitudes, which shall run with all of the land subject to this Agreement. The burdens and benefits hereof shall bind and inure to the benefit of each of the Parties hereto and all successors in interest to the Parties hereto. All successors in interest shall succeed only to those benefits and burdens of this Agreement which pertain to the portion of the Project to which the successor holds title. Such titleholder is not a third party beneficiary of the remainder of this Agreement or to zoning classifications and benefits relating to other portions of the Project.
- 4. Notices.** Any notice or communication required hereunder between the Parties must be in writing, and may be given either personally or by registered or certified mail, return receipt requested. If given by registered or certified mail, the same shall be deemed to have been given and received on the first to occur of (i) actual receipt by any of the addressees designated below as the Party to whom notices are to be sent, or (ii) five (5) days after a registered or certified letter

containing such notice, properly addressed, with postage prepaid, is deposited in the United States mail. If personally delivered, a notice is given when delivered to the Party to whom it is addressed. Any Party hereto may at any time, by giving ten (10) days written notice to the other Parties hereto, designate any other address in substitution of the address to which such notice or communication shall be given. Such notices or communications shall be given to the Parties at the address set forth below:

If to City to:

City Manager
445 Marsac Ave.
P.O. Box 1480
Park City, UT 84060

Copy to:

City Attorney
445 Marsac Ave.
P.O. Box 1480
Park City, UT 84060

If to NAC to:

Meechie White
National Ability Center
P.O. Box 682799
Park City, UT 84068

5. **Attorneys' Fees.** In the event of a dispute between any of the Parties arising under this Agreement, the prevailing Party shall be awarded its attorneys' fees and costs to enforce the terms of this Agreement.

IN WITNESS WHEREOF, this Agreement has been executed by the NAC by persons duly authorized to execute the same and by the City of Park City, acting by and through its City Council as of the ____ day of July, 1999.

PARK CITY MUNICIPAL CORPORATION

By: Hugh A. Daniels
Hugh Daniels, Mayor Pro Tem

PARK CITY WATER SERVICE DISTRICT

By: Hugh A. Daniels
Hugh Daniels, Vice-Chairman of the Board

ATTEST: City Clerk

By: Janet Scott
Janet Scott, City Recorder



APPROVED AS TO FORM:

Jodi Hoffman
Jodi Hoffman, City Attorney,
Water Service District Attorney

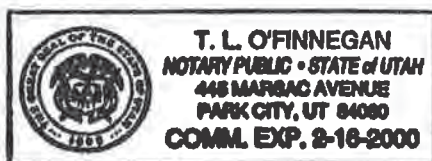
National Ability Center:

National Ability Center,
a nonprofit corporation

Richard Dudley
By: Richard Dudley
Title: President, Board of Directors

STATE OF UTAH)
 : ss
COUNTY OF SUMMIT)

On this 19th day of July 1999, before me, **Thomas L. O'Finnegan**, the undersigned Notary Public, personally appeared **Richard Dudley**, personally known to me to be the President of the Board of Directors of the National Ability Center, on behalf of the corporation named herein, and acknowledged to me that the corporation executed it. Witness my hand and official seal.



Thomas L. O'Finnegan
Notary Public, State of Utah
Residing in Park City, Utah

PARK CITY MUNICIPAL CODE
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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 6 - MASTER PLANNED DEVELOPMENTS

Chapter adopted by Ordinance No. 02-07

**CHAPTER 6 - MASTER PLANNED
DEVELOPMENTS (MPD)**

15-6 -1. PURPOSE.

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

- (A) complement the natural features of the Site;
- (B) ensure neighborhood Compatibility;

- (C) strengthen the resort character of Park City;
- (D) result in a net positive contribution of amenities to the community;
- (E) provide a variety of housing types and configurations;
- (F) provide the highest value of open space for any given Site;
- (G) efficiently and cost effectively extend and provide infrastructure;
- (H) provide opportunities for the appropriate redevelopment and reuse of existing structures/sites and maintain Compatibility with the surrounding neighborhood;
- (I) protect residential uses and residential neighborhoods from the impacts of non-residential Uses using best practice methods and diligent code enforcement; and
- (J) encourage mixed Use, walkable and sustainable development and redevelopment that provide innovative and energy efficient

design, including innovative alternatives to reduce impacts of the automobile on the community.

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

(Amended by Ord. Nos. 10-14; 13-23)

15-6 -2. APPLICABILITY.

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

(1) Any Residential project with ten (10) or more Lots or with ten (10) or more Residential Unit Equivalents.

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

(3) All new Commercial, Retail, Office, Public, Quasi-public, or Industrial projects with more than 10,000 square feet of Gross Floor Area.

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

(B) Allowed but not required.

(1) The Master Planned Development process is allowed, but is not required in the Historic Residential (HR-1) and Historic Residential 2 (HR-2) zones only when the HR-1 or HR-2 zoned Properties and combined with adjacent HRC or HCB zoned Properties. Height exceptions will not be granted for Master Planned Developments within the HR01, HR02, HRC0 and HCB Zoning Districts. See Section 15-6-5(F) Building Height.

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

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

(Amended by Ord. Nos. 04-08; 06-22; 10-14; 11-12; 13-23)

15-6 -3. USES.

A Master Planned Development (MPD) can only contain Uses, which are Permitted or

Conditional in the zone(s) in which it is located. The maximum Density and type of Development permitted on a given Site will be determined as a result of a Site Suitability Analysis and shall not exceed the maximum Density in the zone, except as otherwise provided in this section. The Site shall be looked at in its entirety, including all adjacent property under the same ownership, and the Density located in the most appropriate locations. When Properties are in more than one (1) Zoning District, there may be a shift of Density between Zoning Districts if that Transfer results in a project which better meets the goals set forth in Section 15-6-1 herein. Density for MPDs will be based on the Unit Equivalent Formula, as defined in LMC Chapter 15-15, and as stated in Section 15-6-8 herein.

Exception. Residential Density Transfer between the HCB and HR-2 Zoning Districts are not permitted. A portion of the Gross Floor Area generated by the Floor Area Ratio of the HCB Zoning District and applied only to Lot Area in the HCB Zone, may be located in the HR-2 Zone as allowed by Section 15-2.3-8.

(Amended by Ord. Nos. 06-22; 10-14)

15-6 -4. PROCESS.

(A) **PRE-APPLICATION CONFERENCE.** A pre-Application conference shall be held with the Planning Department staff in order for the Applicant to become acquainted with the Master Planned Development procedures and related City requirements and schedules. The Planning Department staff will give

preliminary feedback to the potential Applicant based on information available at the pre-Application conference and will inform the Applicant of issues or special requirements which may result from the proposal.

(B) **PRE-APPLICATION PUBLIC MEETING AND DETERMINATION OF COMPLIANCE.** In order to provide an opportunity for the public and the Planning Commission to give preliminary input on a concept for a Master Planned Development, all MPDs will be required to go through a pre-Application public meeting before the Planning Commission except for MPDs subject to an Annexation Agreement. A pre-Application will be filed with the Park City Planning Department and shall include conceptual plans as stated on the Application form and the applicable fee. The public will be notified and invited to attend and comment in accordance with LMC Chapters 15-1-12 and 15-1-21, Notice Matrix, of this Code.

At the pre-Application public meeting, the Applicant will have an opportunity to present the preliminary concepts for the proposed Master Planned Development. This preliminary review will focus on identifying issues of compliance with the General Plan and zoning compliance for the proposed MPD. The public will be given an opportunity to comment on the preliminary concepts so that the Applicant can address neighborhood concerns in preparation of an Application for an MPD.

The Planning Commission shall review the preliminary information to identify issues on

compliance with the General Plan and will make a finding that the project initially complies with the General Plan. Such finding is to be made prior to the Applicant filing a formal MPD Application. If no such finding can be made, the applicant must submit a modified Application or the General Plan would have to be modified prior to formal acceptance and processing of the Application. For larger MPDs, it is recommended that the Applicant host additional neighborhood meetings in preparation of filing of a formal Application for an MPD.

For MPDs that are vested as part of Large Scale MPDs the Planning Director may waive the requirement for a pre-Application meeting. Prior to final approval of an MPD that is subject to an Annexation Agreement or a Large Scale MPD, the Commission shall make findings that the project is consistent with the Annexation Agreement or Large Scale MPD and the General Plan.

(C) **APPLICATION.** The Master Planned Development Application must be submitted with a completed Application form supplied by the City. A list of minimum requirements will accompany the Application form. The Application must include written consent by all Owners of the Property to be included in the Master Planned Development. Once an Application is received, it shall be assigned to a staff Planner who will review the Application for completeness. The Applicant will be informed if additional information is necessary to constitute a Complete Application.

(D) **PLANNING COMMISSION REVIEW.** The Planning Commission is the primary review body for Master Planned Developments and is required to hold a public hearing and take action. All MPDs will have at least one (1) work session before the Planning Commission prior to a public hearing.

(E) **PUBLIC HEARING.** In addition to the preliminary public input session, a formal public hearing on a Master Planned Development is required to be held by the Planning Commission. The Public Hearing will be noticed in accordance with LMC Chapters 15-1-12 and 15-1-21, Notice Matrix. Multiple Public Hearings, including additional notice, may be necessary for larger, or more complex, projects.

(F) **PLANNING COMMISSION ACTION.** The Planning Commission shall approve, approve with modifications, or deny a requested Master Planned Development. The Planning Commission action shall be in the form of written findings of fact, conclusions of law, and in the case of approval, conditions of approval. Action shall occur only after the required public hearing is held. To approve an MPD, the Planning Commission will be required to make the findings outlined in Section 15-6-6 herein.

Appeals of Planning Commission action shall be conducted in accordance with LMC Chapter 15-1-18.

(G) **DEVELOPMENT AGREEMENT.** Once the Planning Commission has approved Master Planned Development, the

approval shall be put in the form of a Development Agreement. The Development Agreement shall be in a form approved by the City Attorney, and shall contain, at a minimum, the following:

- (1) A legal description of the land;
- (2) All relevant zoning parameters including all findings, conclusions and conditions of approval;
- (3) An express reservation of the future legislative power and zoning authority of the City;
- (4) A copy of the approved Site plan, architectural plans, landscape plans, Grading plan, trails and open space plans, and other plans, which are a part of the Planning Commission approval;
- (5) A description of all Developer exactions or agreed upon public dedications;
- (6) The Developers agreement to pay all specified impact fees; and
- (7) The form of ownership anticipated for the project and a specific project phasing plan.
- (8) A list and map of all known Physical Mine Hazards on the property, as determined through the exercise of reasonable due diligence by the Owner, as well as a

description and GPS coordinates of those Physical Mine Hazards.

The Development Agreement shall be ratified by the Planning Commission, signed by the City Council and the Applicant, and recorded with the Summit County Recorder. The Development Agreement shall contain language, which allows for minor, administrative modifications to occur to the approval without revision of the agreement. The Development Agreement must be submitted to the City within six (6) months of the date the project was approved by the Planning Commission, or the Planning Commission approval shall expire.

(H) **LENGTH OF APPROVAL.**

Construction, as defined by the Uniform Building Code, will be required to commence within two (2) years of the date of the execution of the Development Agreement. After construction commences, the MPD shall remain valid as long as it is consistent with the approved specific project phasing plan as set forth in the Development Agreement. It is anticipated that the specific project phasing plan may require Planning Commission review and reevaluation of the project at specified points in the Development of the project.

The Planning Commission may grant an extension of a Master Planned Development for up to two (2) additional years, when the Applicant is able to demonstrate no change in circumstance that would result in unmitigated impacts or that would result in a finding of non-compliance with the Park City General Plan or the Land Management Code in effect at the time of the extension

request. Change in circumstance includes physical changes to the Property or surroundings. Extension requests must be submitted prior to the expiration of the Master Planned Development and shall be noticed and processed with a public hearing according to Section 15-1-12.

(I) MPD MODIFICATIONS.

Changes in a Master Planned Development, which constitute a change in concept, Density, unit type or configuration of any portion or phase of the MPD will justify review of the entire master plan and Development Agreement by the Planning Commission, unless otherwise specified in the Development Agreement. If the modifications are determined to be substantive, the project will be required to go through the pre-Application public hearing and determination of compliance as outlined in Section 15-6-4(B) herein.

(J) SITE SPECIFIC APPROVALS.

Any portion of an approved Master Planned Development may require additional review by the Planning Department and/or Planning Commission as a Conditional Use permit, if so required by the Planning Commission at the time of the MPD approval. The Planning Commission and/or Planning Department, specified at the time of MPD approval, will review Site specific plans including Site layout, architecture and landscaping, prior to issuance of a Building Permit.

The Application requirements and review criteria of the Conditional Use process must be followed. A pre-Application public meeting may be required by the Planning

Director, at which time the Planning Commission will review the Application for compliance with the large scale MPD approval.

(Amended by Ord. Nos. 06-22; 09-10; 11-05)

15-6 -5. MPD REQUIREMENTS.

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

(A) DENSITY. The type of Development, number of units and Density permitted on a given Site will be determined as a result of a Site Suitability Analysis and shall not exceed the maximum Density in the zone, except as otherwise provided in this section. The Site shall be looked at in its entirety and the Density located in the most appropriate locations.

Additional Density may be granted within a Transfer of Development Rights Receiving Overlay Zone (TDR-R) within an approved MPD.

When Properties are in more than one (1) Zoning District, there may be a shift of Density between Zoning Districts if that Transfer results in a project that better meets the goals set forth in Section 15-6-1.

Exception. Residential Density Transfers between the HCB and HR-2 Zoning

Districts are not permitted. A portion of the gross Floor Area generated by the Floor Area Ratio of the HCB Zoning District and applied only to Lot Area in the HCB Zone, may be located in the HR-2 Zone as allowed by Section 15-2.3-8

Density for MPDs will be based on the Unit Equivalent Formula, as defined in Section 15-6-8 herein.

(1) **EXCEPTIONS.** The Planning Department may recommend that the Planning Commission grant up to a maximum of ten percent (10%) increase in total Density if the Applicant:

(a) Donates open space in excess of the sixty percent (60%) requirement, either in fee or a less-than-fee interest to either the City or another unit of government or nonprofit land conservation organization approved by the City. Such Density bonus shall only be granted upon a finding by the Planning Director that such donation will ensure the long-term protection of a significant environmentally or visually sensitive Area; or

(b) Proposes a Master Planned Development (MPD) in which more than thirty percent (30%) of the Unit Equivalents are employee/Affordable Housing

consistent with the City's adopted employee/Affordable Housing guidelines and requirements; or

(c) Proposes an MPD in which more than eighty percent (80%) of the project is open space as defined in this code and prioritized by the Planning Commission.

**(B) MAXIMUM ALLOWED
BUILDING FOOTPRINT FOR
MASTER PLANNED DEVELOPMENTS
WITHIN THE HR-1 AND HR-2
DISTRICTS.**

(1) The HR-1 and HR-2 Districts sets forth a Maximum Building Footprint for all Structures based on Lot Area. For purposes of establishing the maximum Building Footprint for Master Planned Developments, which include Development in the HR-1 and HR-2 Districts, the maximum Building Footprint for the HR-1 and HR-2 portions shall be calculated based on the conditions of the Subdivision Plat or the Lots of record prior to a Plat Amendment combining the lots as stated in Section 15-2.3-4.

(a) The Area of below Grade parking in the HR-1 and HR-2 zones shall not count against the maximum Building Footprint of the HR-1 or HR-2 Lots.

(b) The Area of below Grade Commercial Uses extending from a Main Street business into the HR-2 Subzone A shall not count against the maximum Building Footprint of the HR-2 Lots.

(c) The Floor Area Ratio (FAR) of the HCB Zoning District applies only to the HCB Lot Area and may be reduced as part of a Master Planned Development. The FAR may not be applied to the HR-1 or HR-2 Lot Area.

(d) The Floor Area for a detached, single car Garage, not to exceed two-hundred and twenty square feet (220 sf) of Floor Area, shall not count against the maximum Building Footprint of the HR-2 Lot.

(C) **SETBACKS.** The minimum Setback around the exterior boundary of an MPD shall be twenty five feet (25') for Parcels greater than one (1) acre in size. In some cases, that Setback may be increased to retain existing Significant Vegetation or natural features or to create an adequate buffer to adjacent Uses, or to meet historic Compatibility requirements. The Planning Commission may decrease the required perimeter Setback from twenty five feet (25') to the zone required Setback if it is necessary to provide desired architectural

interest and variation. The Planning Commission may reduce Setbacks within the project from those otherwise required in the zone to match an abutting zone Setback, provided the project meets minimum Uniform Building Code and Fire Code requirements, does not increase project Density, maintains the general character of the surrounding neighborhood in terms of mass, scale and spacing between houses, and meets open space criteria set forth in Section 15-6-5(D).

(D) **OPEN SPACE.**

(1) **MINIMUM REQUIRED.**

All Master Planned Developments shall contain a minimum of sixty percent (60%) open space as defined in LMC Chapter 15-15 with the exception of the General Commercial (GC) District, Historic Residential Commercial (HRC), Historic Commercial Business (HCB), Historic Residential (HR-1 and HR-2) zones, and wherein cases of redevelopment of existing Developments the minimum open space requirement shall be thirty percent (30%).

For Applications proposing the redevelopment of existing Developments, the Planning Commission may reduce the required open space to thirty percent (30%) in exchange for project enhancements in excess of those otherwise required by the Land Management Code that may directly advance policies reflected in the applicable General

Plan sections or more specific Area plans. Such project enhancements may include, but are not limited to, Affordable Housing, greater landscaping buffers along public ways and public/private pedestrian Areas that provide a public benefit, increased landscape material sizes, public transit improvement, public pedestrian plazas, pedestrian way/trail linkages, Public Art, and rehabilitation of Historic Structures.

(2) TYPE OF OPEN SPACE.

The Planning Commission shall designate the preferable type and mix of open space for each Master Planned Development. This determination will be based on the guidance given in the Park City General Plan. Landscaped open space may be utilized for project amenities such as gardens, greenways, pathways, plazas, and other similar Uses. Open space may not be utilized for Streets, roads, driveways, Parking Areas, commercial Uses, or Buildings requiring a Building Permit.

(E) OFF-STREET PARKING.

(1) The number of Off-Street Parking Spaces in each Master Planned Development shall not be less than the requirements of this code, except that the Planning Commission may increase or decrease the required number of Off-Street Parking Spaces based upon a parking analysis submitted by the

Applicant at the time of MPD submittal. The parking analysis shall contain, at a minimum, the following information:

(a) The proposed number of vehicles required by the occupants of the project based upon the proposed Use and occupancy.

(b) A parking comparison of projects of similar size with similar occupancy type to verify the demand for occupancy parking.

(c) Parking needs for non-dwelling Uses, including traffic attracted to Commercial Uses from Off-Site.

(d) An analysis of time periods of Use for each of the Uses in the project and opportunities for Shared Parking by different Uses. This shall be considered only when there is Guarantee by Use covenant and deed restriction.

(e) A plan to discourage the Use of motorized vehicles and encourage other forms of transportation.

(f) Provisions for overflow parking during peak periods.

The Planning Department shall review the parking analysis and provide a recommendation to the Commission. The Commission shall make a finding during review of the MPD as to whether or not the parking analysis supports a determination to increase or decrease the required number of Parking Spaces.

(2) The Planning Commission may permit an Applicant to pay an in-lieu parking fee in consideration for required on-site parking provided that the Planning Commission determines that:

(a) Payment in-lieu of the on-Site parking requirement will prevent a loss of significant open space, yard Area, and/or public amenities and gathering Areas;

(b) Payment in-lieu of the on-Site parking requirement will result in preservation and rehabilitation of significant Historic Structures or redevelopment of Structures and Sites;

(c) Payment in-lieu of the on-Site parking requirement will not result in an increase project Density or intensity of Use; and

(d) The project is located on a public transit route or is within three (3) blocks of a municipal bus stop.

The payment in-lieu fee for the required parking shall be subject to the provisions in the Park City Municipal Code Section 11-12-16 and the fee set forth in the current Fee Resolution, as amended.

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

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

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

footage or Building volume is from the Transfer of Development Credits;

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

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

(4) The additional Building Height results in more than the minimum Open Space required and results in the Open Space being more usable and included Publicly Accessible Open Space;

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

If and when the Planning Commission grants additional Building Height due to a Site Specific analysis and determination,

that additional Building Height shall only apply to the specific plans being reviewed and approved at the time. Additional Building Height for a specific project will not necessarily be considered for a different, or modified, project on the same Site.

(G) **SITE PLANNING.** An MPD shall be designed to take into consideration the characteristics of the Site upon which it is proposed to be placed. The project should be designed to fit the Site, not the Site modified to fit the project. The following shall be addressed in the Site planning for an MPD:

(1) Units should be clustered on the most developable and least visually sensitive portions of the Site with common open space separating the clusters. The open space corridors should be designed so that existing Significant Vegetation can be maintained on the Site.

(2) Projects shall be designed to minimize Grading and the need for large retaining Structures.

(3) Roads, utility lines, and Buildings should be designed to work with the Existing Grade. Cuts and fills should be minimized.

(4) Existing trails should be incorporated into the open space elements of the project and should be maintained in their existing location whenever possible. Trail easements for existing trails may be required.

Construction of new trails will be required consistent with the Park City Trails Master Plan.

(5) Adequate internal vehicular and pedestrian/bicycle circulation should be provided. Pedestrian/bicycle circulations shall be separated from vehicular circulation and may serve to provide residents the opportunity to travel safely from an individual unit to another unit and to the boundaries of the Property or public trail system. Private internal Streets may be considered for Condominium projects if they meet the minimum emergency and safety requirements.

(6) The Site plan shall include adequate Areas for snow removal and snow storage. The landscape plan shall allow for snow storage Areas. Structures shall be set back from any hard surfaces so as to provide adequate Areas to remove and store snow. The assumption is that snow should be able to be stored on Site and not removed to an Off-Site location.

(7) It is important to plan for trash storage and collection and recycling facilities. The Site plan shall include adequate Areas for trash dumpsters and recycling containers, including an adequate circulation area for pick-up vehicles. These facilities shall be enclosed and shall be included on the site and landscape plans for the Project.

Pedestrian Access shall be provided to the refuse/recycling facilities from within the MPD for the convenience of residents and guests.

No final site plan for a commercial development or multi-family residential development shall be approved unless there is a mandatory recycling program put into effect which may include Recycling Facilities for the project.

Single family residential development shall include a mandatory recycling program put into effect including curb side recycling but may also provide Recycling Facilities.

The recycling facilities shall be identified on the final site plan to accommodate for materials generated by the tenants, residents, users, operators, or owners of such project. Such recycling facilities shall include, but are not necessarily limited to glass, paper, plastic, cans, cardboard or other household or commercially generated recyclable and scrap materials.

Locations for proposed centralized trash and recycling collection facilities shall be shown on the site plan drawings. Written approval of the proposed locations shall be obtained by the City Building and Planning Department.

Centralized garbage and recycling collection containers shall be located in a completely enclosed structure, designed with materials that are compatible with the principal building(s) in the development, including a pedestrian door on the structure and a truck door/gate. The structure's design, construction, and materials shall be substantial e.g. of masonry, steel, or other materials approved by the Planning Department capable of sustaining active use by residents and trash/recycle haulers.

The structures shall be large enough to accommodate a garbage container and at least two recycling containers to provide for the option of dual-stream recycling. A conceptual design of the structure shall be submitted with the site plan drawings.

(8) The Site planning for an MPD should include transportation amenities including drop-off Areas for van and shuttle service, and a bus stop, if applicable.

(9) Service and delivery Access and loading/unloading Areas must be included in the Site plan. The service and delivery should be kept separate from pedestrian Areas.

(H) **LANDSCAPE AND STREET SCAPE**. A complete landscape plan must be submitted with the MPD application. The landscape plan shall comply with all criteria

and requirements of LMC Section 15-5-5(M) LANDSCAPING.

All noxious weeds, as identified by Summit County, shall be removed from the Property in accordance with the Summit County Weed Ordinance prior to issuance of Certificates of Occupancy.

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

(I) **SENSITIVE LANDS COMPLIANCE**. All MPD Applications containing any Area within the Sensitive Areas Overlay Zone will be required to conduct a Sensitive Lands Analysis and conform to the Sensitive Lands Provisions, as described in LMC Section 15-2.21.

(J) **EMPLOYEE/AFFORDABLE HOUSING**. MPD Applications shall include a housing mitigation plan which must address employee Affordable Housing as required by the adopted housing resolution in effect at the time of Application.

(K) **CHILD CARE**. A Site designated and planned for a Child Care Center may be required for all new single and multi-family housing projects if the Planning Commission determines that the project will create additional demands for Child Care.

(L) **MINE HAZARDS**. All MPD applications shall include a map and list of all known Physical Mine Hazards on the property and a mine hazard mitigation plan.

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

(Amended by Ord. Nos. 04-08; 06-22; 09-10; 10-14; 11-05 11-12; 13-23)

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

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

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

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

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

(D) The MPD, as conditioned, provides the highest value of Open Space, as determined by the Planning Commission;

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

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

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

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

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

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

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

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

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

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

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

(Amended by Ord. Nos. 06-22; 10-14; 13-23)

15-6-7. MASTER PLANNED AFFORDABLE HOUSING DEVELOPMENT.

(A) **PURPOSE.** The purpose of the master planned Affordable Housing Development is to promote housing for a diversity of income groups by providing Dwelling Units for rent or for sale in a price range affordable by families in the low-to-moderate income range. This may be achieved by encouraging the private sector to develop Affordable Housing. Master Planned Developments, which are one hundred percent (100%) Affordable Housing, as defined by the housing resolution in effect at the time of Application, would be considered for a

Density incentive greater than that normally allowed under the applicable Zoning District and Master Planned Development regulations with the intent of encouraging quality Development of permanent rental and permanent Owner-occupied housing stock for low and moderate income families within the Park City Area.

(B) **RENTAL OR SALES PROGRAM.** If a Developer seeks to exercise the increased Density allowance incentive by providing an Affordable Housing project, the Developer must agree to follow the guidelines and restrictions set forth by the Housing Authority in the adopted Affordable Housing resolution in effect at the time of Application.

(C) **MIXED RENTAL AND OWNER/OCCUPANT PROJECTS.** When projects are approved that comprise both rental and Owner/occupant Dwelling Units, the combination and phasing of the Development shall be specifically approved by the reviewing agency and become a condition of project approval. A permanent rental housing unit is one which is subject to a binding agreement with the Park City Housing Authority.

(D) **MPD REQUIREMENTS.** All of the MPD requirements and findings of this section shall apply to Affordable Housing MPD projects.

(E) **DENSITY BONUS.** The reviewing agency may increase the allowable Density to a maximum of twenty (20) Unit Equivalents per acre. The Unit Equivalent formula applies.

(F) **PARKING.** Off-Street parking will be required at a rate of one (1) space per Bedroom.

(G) **OPEN SPACE.** A minimum of fifty percent (50%) of the Parcel shall be retained or developed as open space. A reduction in the percentage of open space, to not less than forty percent (40%), may be granted upon a finding by the Planning Commission that additional on or Off-Site amenities, such as playgrounds, trails, recreation facilities, bus shelters, significant landscaping, or other amenities will be provided above any that are required. Project open space may be utilized for project amenities, such as tennis courts, Buildings not requiring a Building Permit, pathways, plazas, and similar Uses. Open space may not be utilized for Streets, roads, or Parking Areas.

(H) **RENTAL RESTRICTIONS.** The provisions of the moderate income housing exception shall not prohibit the monthly rental of an individually owned unit. However, Nightly Rentals or timesharing shall not be permitted within Developments using this exception. Monthly rental of individually owned units shall comply with the guidelines and restrictions set forth by the Housing Authority as stated in the adopted Affordable Housing resolution in effect at the time of Application.

(Amended by Ord. Nos. 06-22; 09-10)

15-6-8. UNIT EQUIVALENTS.

Density of Development is a factor of both the Use and size of Structures built within a project. In order to allow for, and to encourage, a variety of unit configurations, Density shall be calculated on the basis of Unit Equivalents. Unless otherwise stipulated, one (1) Unit Equivalent equates to one (1) single family Lot, 2,000 square feet of Multi-Family Dwelling floor area, or 1,000 square feet of commercial or office floor area. A duplex Lot equates to two (2) Unit Equivalents, unless otherwise stipulated by the Master Planned Development (MPD). The MPD may stipulate maximum Building Footprint and/or maximum floor area for single family and duplex Lots. Residential Unit Equivalents for Multi-Family Dwellings shall be calculated on the basis of one (1) Unit Equivalent per 2,000 square feet and portions of Unit Equivalents for additional square feet above or below 2,000. For example: 2,460 square feet of a multi-family unit shall count as 1.23 Unit Equivalents.

Affordable Housing units required as part of the MPD approval, and constructed on Site do not count towards the residential Unit Equivalents of the Master Plan. Required ADA units do not count towards the residential Unit Equivalents.

Support Uses and accessory meeting space use Unit Equivalents as outlined in Section 15-6-8(C) and (D) below.

(A) **CALCULATING RESIDENTIAL UNIT SQUARE FOOTAGE.** Unit square footage shall be measured from the interior of the exterior unit walls. All bathrooms,

halls, closets, storage and utility rooms within a unit will be included in the calculation for square footage. Exterior hallways, common circulation and hotel use areas, such as lobbies, elevators, storage, and other similar Areas, will not be included. Common outdoor facilities, such as pools, spas, recreation facilities, ice-skating rinks, decks, porches, etc. do not require the Use of Unit Equivalents.

(B) **LOCKOUTS.** For purposes of calculating Unit Equivalents, Lockouts shall be included in the overall square footage of a unit.

(C) **SUPPORT COMMERCIAL WITHIN RESIDENTIAL MASTER PLANNED DEVELOPMENTS.** Within a Hotel or Nightly Rental condominium project, the Floor Area of Support Commercial uses may not exceed five percent (5%) of the total Floor Area of the approved residential Unit Equivalents. Any unused support commercial floor area may be utilized for meeting space Uses.

(D) **MEETING SPACE.** Within a Hotel or Condominium project, Floor Area of meeting space may not exceed five percent (5%) of the total Floor Area of the approved residential unit equivalents. Any unused meeting space floor area may be utilized for support commercial uses within a Hotel or Nightly Rental Condominium project.

(E) **COMMERCIAL UNIT EQUIVALENTS.** Commercial spaces, approved as a part of a Master Planned Development, shall be calculated on the

basis of one (1) Unit Equivalent per 1000 square feet of Net Leasable Floor Area, exclusive of common corridors, for each part of a 1,000 square foot interval. For example: 2,460 square feet of commercial Area shall count as 2.46 Unit Equivalents.

(F) **RESIDENTIAL ACCESSORY USES.** Residential Accessory Uses include typical back of house uses and administration facilities that are for the benefit of the residents of a commercial Residential Use, such as a Hotel or Nightly Rental Condominium project and that are common to the residential project and are not located within any individual Residential unit. Residential Accessory Uses do not require the use of Unit Equivalents and include, but are not limited to, such Uses as:

Ski/Equipment lockers
Lobbies
Registration
Concierge
Bell stand/luggage storage
Maintenance Areas
Mechanical rooms and shafts
Laundry facilities and storage
Employee facilities
Common pools, saunas and hot tubs, and exercise areas not open to the public
Telephone Areas
Guest business centers
Public restrooms
Administrative offices
Hallways and circulation
Elevators and stairways

(G) **RESORT ACCESSORY USES.** The following Uses are considered accessory for the operation of a resort for winter and

summer operations. These Uses are considered typical back of house uses and are incidental to and customarily found in connection with the principal Use or Building and are operated for the convenience of the Owners, occupants, employees, customers, or visitors to the principal resort Use. Accessory Uses associated with an approved summer or winter resort do not require the Use of a Unit Equivalent. These Uses include, but are not limited to, such Uses as:

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

(Amended by Ord. Nos. 06-22; 09-10; 10-14; 11-05)

DRAFT

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
NOVEMBER 12, 2014

COMMISSIONERS IN ATTENDANCE:

Chair Nann Worel, Melissa Band, Preston Campbell, Steve Joyce, John Phillips, Adam Strachan, Doug Thimm

EX OFFICIO:

Planning Director Thomas Eddington, Francisco Astorga, Planner; Christy Alexander, Planner; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

ROLL CALL

Chair Worel called the meeting to order at 5:35 p.m. and noted that all Commissioners were present.

ADOPTION OF MINUTES

October 8, 2014

Commissioner Strachan referred to the Work Session Minutes regarding the Alice Claim subdivision and Plat Amendment. He referred to page 9 of the Staff report, page 7 of the Minutes and the sentence beginning with "Assistant City Attorney McLean noted..." In addition to the sentence in the minutes, he added an additional sentence that was stated by Ms. McLean. "**Ms. McLean also disputed that there was consensus for the plan**".

MOTION: Commissioner Strachan moved to APPROVE the minutes of October 8, 2014 as corrected. Commissioner Band seconded the motion.

VOTE: The motion passed 5-1. Commissioner Campbell abstained since he was absent from the meeting.

October 22, 2014

Commissioner Band referred to page 106 of the Staff report, page 46 of the Minutes, third paragraph, fourth line and corrected the word newbies to **nimbys**.

MOTION: Commissioner Strachan moved to APPROVE the minutes of October 22, 2014 as corrected. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

NOTE: At the end of the meeting Director Eddington noted that Planner Whetstone had recommended corrections to the October 22, 2014 minutes regarding 510 Payday Drive, the Thaynes project. He had failed to mention them during the approval of the minutes. However, her corrections were difficult to follow and he requested that the approval of minutes be withdrawn and continued to the next meeting to allow the recommended changes to be verified with the recording.

MOTION: Commissioner Strachan withdrew his approval of the October 22, 2014 minutes and Continued the minutes to December 10, 2014. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

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2. 1000 Ability Way – National Ability Center Pre-master Planned Development for additional lodging, expanded equestrian arena, and addition to administration building. Application PL-14-02476

Planner Francisco Astorga stated that the project planner, Kirsten Whetstone, was out of town and he would be presenting this application in her absence this evening.

Planner Astorga reviewed the pre-application for an MPD for the National Ability Center. He provided a brief history of the site and explained the Staff analysis. The parcel is 26.2 acres and it was annexed into Park City in 2004 as part of the National Ability Center/Quinn's Recreation Complex annexation. Prior to that annexation it had received a SPA, which is a specially planned area permit through Summit County. A SPA is very similar to the Park City MPD process. Planner Astorga reported that the applicant was requesting to amend the concept plan. The review process before the Planning Commission was starting with this pre-MPD application, which would eventually turn into an MPD as required to amend the SPA.

Planner Astorga explained that under the Code required pre-MPD application the applicant is entitled to a public hearing and the opportunity to introduce their plan to the Planning Commission. The City is charged with finding whether the MPD concept is in general

compliance with both the General Plan, as well as the purpose statements of the Recreation and Open Space (ROS) District. Planner Astorga noted that the purpose statement was included on page 139 of the Staff report. The same page also included a Finding regarding general plan compliance.

The Staff found that the proposed preliminary plan is in general compliance with both the General Plan and the purpose statement of the ROS zone.

Michael Barille with Plan Works Design, representing the applicant, stated that the work on the plan was a collaborative effort between Plan Works and Craig Elliott with Elliott Work Group. Mr. Barille stated that his team also worked closely with the staff at the National Ability Center, their facilities committee, and the Board of Directors to understand their needs and to decide how best to meet those needs within the context of the community and the General Plan.

Mr. Barille stated that the objective this evening was to provide context and history and to walk through the plan to show how they arrived at some of the conclusions.

Mr. Barille introduced John Serio, Facilities Director for the National Ability Center; John Hanrahan, a member on the Board of Directors; Gail Loveland, the Executive Director; and Andy Dahmen, Board of Directors and Chair of the Facilities committee. They were prepared with a power point presentation and each person would be involved in presenting the areas of their expertise.

Gail Loveland remarked that need was the reason for building out their facilities. They have seen an unprecedented amount of program growth over the last four years that has been driven by a couple of key areas. They have a large military program that has grown significantly from serving 50 veterans a year to 950 annually. There has been a dramatic increase in the diagnosis of children and adults with autism, and the National Ability Center has stepped up to better serve that population. A new target audience is the aging population and there is great opportunity to provide more programming for those groups as well. Ms. Loveland stated that there are a lot of adaptive programs across the country, but there are very few like the National Ability Center. People look to them for training and education opportunities. They also work with other organizations such as the MS Society, Autism, and Muscular Dystrophy to name a few.

Ms. Loveland stated that when they grow programs they also need to grow the support groups, which includes volunteers, donors and staff. She stated that when they look at building new facilities they remain focused on their mission and the needs they can fulfill. However, they also partner with other community organizations that provide services that the National Ability Center is not equipped to provide.

Ms. Loveland remarked that the National Ability Center is looking ahead in an effort to plan for growth. They have moved slowly through the process and made sure they did all of their due diligence for build out to meet their future needs.

Mr. Barille pointed out that they were seeing program growth in the 125-150% range. He emphasized that wherever possible the National Ability Center has tried to grow the programs by partnering with the Resort, State Parks or with others in the community, instead of trying to squeeze new facilities on their current site. However, they have reached the point where that is no longer possible and they need to expand.

Mr. Barille provided a brief history of the growth at Quinn's Junction and where the National Ability Center fits into that. He noted that the National Ability Center was the first presence at Quinn's Junction. Mr. Barille commented on some of the plans that were being considered at Quinn's Junction when he first came into the community as a planner for Summit County in 2000. When he became the Summit County Planning Director five years later a City/County Joint Land Use Study was initiated to do a core plan for the area from the Silver Summit intersection all the way down to Quinn's Junction. Mr. Barille noted that the SPA that Planner Astorga mentioned was a piece of the history but not the whole context. The property was later annexed and following that a Water Service and Development Agreement was approved by the City. That document and the SPA plan were fairly restrictive in terms of the property. Since that time a lot has changed and they intended to point out those changes this evening.

Mr. Barille stated that the initial context required ranch/rural style architecture with the buildings tightly clustered. He noted that while this new plan would add facilities to help with program growth, they were still trying to respect the original intent.

Mr. Barille outlined the number of projects that have been approved at Quinn's Junction since the NAC originally built their facility. He pointed out that Quinn's Junction has really changed but it still feels open and it still feels like part of the community. Mr. Barille believed that as the facilities were proposed, the intent was clearly articulated by previous Planning Commissions and former Staff members that it should be done with a vision towards health and recreation. That was the purpose for all the development that was approved at Quinn's Junction. Mr. Barille believed the National Ability Center fits within the context of that vision.

Mr. Barille commented on how Quinn's Junction has evolved and the positive outcomes of it becoming a hub and a place used by all the community.

John Hanrahan thanked the Planning Commission for their extraordinary service to the community. Mr. Hanrahan remarked that the first positive synergy is that the NAC has great bathrooms that the trail users use. He stated that they are a community hub and dozens of non-profits use their facilities either at a great discount, for free or at cost. Over 29 years the National Ability Center has become an integral part of the community. The NAC provides diversity and brings in people with different cultural backgrounds and different ability levels. Scholarship programs allow people of economically diverse backgrounds to enjoy what the community has to offer. Mr. Hanrahan stated that the National Ability Center has grown into one of the top programs for disabled people and abled people and their families both nationally and internationally. The NAC is a gem in the community and they try to give back what they get from the community.

Mr. Barille stated that the next part of their presentation would show how the plan fits into the language of the General Plan and the neighborhood piece of the General Plan in the broader context. Ms. Loveland believed the NAC fit within the goals of small town, natural setting and sense of community, including athletic development. They are a Paralympic legacy and they provide that type of athletic training. Ms. Loveland stated that the NAC wants to continue to work with the City to talk about future opportunities and to make sure they are answering the needs of the community. She noted that the NAC is a primary user of the recreation facilities in Park City and Summit County. They utilize the ice sheet, work with Mountain Trails on the trail connections, and try to provide accessible options. In the future they would like to partner with the City on indoor facilities and to be a user of those facilities. Ms. Loveland noted that event space is designed in the plan for meetings, conferences, activities, etc. They would like to have conversations with the City and the community on how they could utilize the space to serve a larger need when appropriate.

Mr. Barille believed their presentation provided a broader context than what is typical for most applications in terms of how their plan relates to small town and sense of community. He could find no better way to accomplish that other than being an open door for all the community partners. In terms of natural setting, they tried to do a nice job of keeping the buildings tightly clustered using architectural colors, materials and scale that is consistent with the surroundings. Mr. Barille stated that the property has a long history of down lighting and zero off-site exposure. He commented on the solar array on the roof of the administration building. Those types of elements would be carried forward with the next iteration of the plan. Mr. Barille anticipated a site visit with the Planning Commission where they could personally see the context pieces.

Mr. Barille outlined the National Ability Center process. He stated that they were before the Planning Commission early in the process, but not before they understood their own needs and could articulate them to the Planning Commission. Mr. Barille stated that the first thing NAC embarked upon was to hire Design Plan Works to talk with their staff about the

programs, growth and the participants, as well as the issues with facilities that caused problems and lowered the quality or level of programming. Through those discussions and the interview process, as well as meeting with the Facilities Committee and the Board of Directors, they achieved a few iterations of the plan and looked at the options. The result was the refinement of the plan being presented this evening.

Mr. Barille reviewed how Plan Works Design and the NAC dovetailed their process with the City process. He walked through their meetings with the Planning Staff and how they previewed some of their plan options. Based on feedback from the Staff they tried to understand what the General Plan and the LMC required and how that was incorporated into their plan.

Mr. Barille noted that the National Ability Center also hired a consultant to look at fundraising feasibility and how much it would cost to implement the final plan. They expected to receive that report by the first of next year. Mr. Barille pointed out that the NAC needs to raise the funds before moving forward with construction drawings or coming back to the Planning Commission for approval.

Ms. Loveland stated that the process started with the growth and programs, but also a request from the Board of Directors to look at the master plan. At that point they realized the importance of looking at the overall facility to make sure they were considering all future needs to meet the growth.

Mr. Barille remarked that that the third step of the process is to come back after the MPD discussion and approval and determine which priority projects could go straight to building permit and which ones would require a conditional use permit. Mr. Barille noted that the process would be slow and even the shorter term would be a two to three year timeline.

Mr. Barille reviewed the proposed plan and provided a general overview. The three primary areas for new constructions was the addition to the indoor riding arena, the addition off the back side of the administration building, and a proposed new lodge building. Additional accessory structures were also included in the Plan. The three primary areas mostly relate directly to the program growth and growth of the staff in trying to accommodate the basic needs.

Ms. Loveland explained the reasons for expanding the arena and the administration building. Ms. Loveland stated that the National Ability Center is a premiere accredited PATH Center, which is the Professional Association of Therapeutic Horsemanship. They are the only one in Utah and they provide training to other adaptive equestrian programs. Ms. Loveland commented on the proposed Lodge. She remarked that the issue of athlete housing in the community is a challenge, and the NAC sees it as their own challenge as

well. They took 18 athletes from nine countries to Sochi and it was not easy finding accessible housing for athletes with disabilities. She pointed out that the rooms in the existing NAC Lodge do not meet that need at all. Mr. Barille stated that the plan for the new Lodge building addresses issues related to long-term stays and provides a kitchenette with counters at an accessible height.

Ms. Loveland stated that internship programs are a key part of providing programming. They were asked by the community to begin workforce training for individuals with disabilities. It was outside of their mission so they incorporated it into their internship program. A specific internship program called the Coach Program is specific for individuals with disabilities. She reiterated that finding housing for interns working for a three or six month period is difficult. Having the ability to provide housing on-site for people with disabilities while they are doing their internship would be a major opportunity.

Mr. Dahmen commented on other needs related to the Lodge facility. He started coming to the National Ability Center nine years ago. He has his own disability due to a spinal cord injury. For that reason, Mr. Dahmen believes he brings another perspective to the table. A unique problem is that it is difficult to travel and one of his goals for the entire facility is to create a world class facility for people who normally do not venture out. Mr. Dahmen stated that many people with his level of injury do not travel because they do not have the security of what to expect. They were trying to create a lodge with an atmosphere that encourages people to come who normally would not travel. Mr. Dahmen stated that one aspect would be to partner with IHC to bring in nursing facilities for people in need; as well as engineering the rooms for wider bathrooms and other amenities to help facilitate the people who normally would not get out.

Ms. Loveland stated that the existing lodge can accommodate 53 individuals in double and triple occupancy. People generally stay three to five days and it would be a great opportunity to have overflow space in the new lodge to accommodate additional groups that are currently turned away.

Mr. Barille walked through the site plan and identified the other uses related to the National Ability Center. One was the Archery Center that would be relocated on-site to accommodate the new Lodge building. Mr. Barille indicated a Yurt on the property that is used for Nordic use in winter and camps in the summer. The Yurt is not an appropriate place for those activities and the new plan allows for an enclosed climate-controlled area. Ms. Loveland stated that the NAC is in need of additional restroom facilities and she pointed out areas where new restrooms were proposed. Mr. Barille continued with his review of the site plan and explained the uses and which ones would be accommodated differently in the new plan.

Chair Worel asked about a dining facility. Ms. Loveland stated that there is already a commercial kitchen in the dorm and a cafeteria. The new proposed Lodge would have kitchenettes. Chair Worel asked if a cook currently prepares meals for a large group. Mr. Loveland replied that they partner with the community and catering is provided for either day groups or overnight groups. They try to seek nutritional partners to reflect the mission of the NAC regarding health and nutrition. Ms. Loveland clarified that meals are prepared off site and brought in. Chair Worel asked if they expected that to continue. Ms. Loveland answered yes.

Mr. Barille provided images to show the tent platform, cabin, and sensory garden. He thought it would give the Commissioners a sense of the character they were trying to achieve with those uses. He also presented floor plates and programming for a few of the facilities discussed in the master plan and explained how the design promotes better functionality. Mr. Barille presented massing studies to show how the new and existing buildings would read together. They tried to maintain consistency by using the existing materials and colors so the old and the new read as one facility.

Mr. Barille reiterated that they were not looking to speed through the process and there were still a number of steps to be done. However, as they begin the fundraising it was important to hear from the Planning Commission so they could proceed accordingly.

Ms. Loveland welcomed their input and noted that they were looking at a three to five year timeline. Chair Worel asked if the timeline meant shovel in the ground in three years or the first phase would be up in three years. Ms. Loveland stated that the timing would depend on the fundraising. She believed it would likely be shovel in the ground at the three year mark. Mr. Barille assumed it would be a phased plan unless someone was generous enough to fund the entire project. It was likely they would have to set some priorities and that the MPD would identify the phases of highest priority. Those would be the first to have a shovel in the ground and the later phases would come back for a review process and conditional use permit.

Chair Worel asked whether they were confident that in three years the projections and the facilities proposed would meet the needs at that point. Ms. Loveland stated that they have tried to look ahead and some decisions were based on those projections.

Mr. Barille stated that prior to coming back with the MPD they need to double-check with all the service providers regarding capacity and to have initial planning discussions related to storm water, wetlands, parking, trip generation and circulation. They have an existing approved final site plan that serves as a plat and defines the boundaries of the property. However, they all agree that it should be tightened up and they would probably come back

with a partial plat for the entire property. It would allow them the opportunity to have the conversation to make sure they were meeting the setbacks.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Planner Astorga noted that the Staff was requesting input on two issues. The first was whether or not the Planning Commission finds that the proposed MPD amendments are consistent with the ROS Zone, or if they needed additional information to make the determination regarding the ROS zone in terms of purpose and use. The second issue was whether or not the Planning Commission finds that the proposed MPD amendments comply with the General Plan, or if the Planning Commission needed additional information in order to make the determination regarding compliance with the General Plan.

Planner Astorga requested that the Planning Commission continue this item to December 10, 2014 following their discussion this evening.

Commissioner Strachan wanted to know if anyone had projected the number of years a new facility would serve the NAC. Ms. Loveland replied that in the initial discussions they had set a goal for ten years. However, they also looked at the entire 26.2 acres and believe they have planned for what the acreage can accommodate. Beyond that they would be looking at other opportunities to partner with community organizations.

Commissioner Strachan remarked that ten years goes by quickly, particularly if it would be three years before the shovel goes into the ground. He was comfortable with the use and the expansion, and he understood that the project was driven more by fundraising than by dreams and desires. However, if they could find the money he thought this was a good opportunity to plan a facility that would serve for longer than ten years.

Mr. Hanrahan stated that the Board was slightly nervous about the fundraising component, but they could still plan for 20 years and phase it out with another fundraising campaign in ten years. He thought Commissioner Strachan had raised a good point and it was a good idea.

Commissioner Band agreed. With the growth the NAC has seen with all their programs and the fact that they have already outgrown the existing facility, she did not think the proposed expansion was large enough. Commissioner Band asked if the pasture area in the back could potentially be a future growth area if the horses were relocated.

Ms. Loveland replied that it could be used for growth. Currently, it is a key part of the programming that is provided and it contributes to the feel of the ranch. There is a therapeutic benefit from being around the animals even for those who do not ride the horses. Ms. Loveland stated that they typically keep between 16 to 18 horses to meet the needs and they need the room to house the horses. She appreciated the input and the suggestion would be discussed with the Board.

Commissioner Strachan thought it would be helpful if Mr. Barille could come back with a phasing plan for the Planning Commission to discuss with the applicant. Mr. Barille stated that a phasing plan had been mentioned. They would have additional discussions and come back with options for Planning Commission input.

Commissioner Band stated that she loves the NAC and their programs and there is a great need for it in the community. She liked the uses proposed, the clustering and the buildings. Her only concern was having enough space for future growth.

Commissioner Campbell believed the entire Planning Commission was in favor of the NAC and what they do, and they wanted to make this work. He suggested that one way the Commissioners could help would be to allow the applicant whatever flexibility they needed. Commissioner Campbell did not think the Planning Commission should be involved in locating the buildings on the site or determining the use for each building. He felt those decisions should be left to the applicant as long as they stay on course with the current use. Commissioner Campbell stated that the NAC should not have to come back to the Planning Commission unless they run out of space and needed to expand further.

Commissioner Strachan pointed out that without Planning Commission approval the NAC could sell the property and a new owner may plan a use that is not appropriate.

Mr. Barille noted that there were already use restrictions associated with this property limiting it to recreation, and in some cases adaptive recreation uses.

Commissioner Campbell clarified that his comments were intended to encourage Mr. Barille to come back with plans that were less specific rather than more specific than what was shown this evening. He did not believe the Planning Commission needed to be involved in the details. Commissioner Strachan stated that his reason for asking for a phasing plan was help the applicant by providing input on what might or might not work. He was not opposed to Commissioner Campbell suggestion if the applicant was not interested in having their input.

Commissioner Phillips informed Mr. Barille that the Planning Commission would definitely want to know the parking plan and where the cars would be parked.

Chair Worel asked if there was consensus among the Planning Commission that the amendments were consistent with the ROS zone.

Commissioner Joyce stated that in looking through the conditional use criteria for the ROS zone and while everything else was consistent, he had concerns with the Lodge. He could find nothing in the ROS zone of conditional uses that allows lodging. Commissioner Joyce asked if the Lodge would be compliant with the ROS zone.

Director Eddington explained that the application came in as part of a SPA or Special Planned Area, and there were already existing uses associated with it. The City gave it ROS zoning when it came in, which is more protected zoning than any other zone in Park City. Director Eddington stated that they would need to include those uses in the ROS zone as part of the MPD amendment. He clarified that it would not be hotel lodging, but it would include lodging for this type of use. Director Eddington pointed out that the language would have to be very specific.

Commissioner Strachan stated that he would not define the use as a lodging use. The use was actually an adaptive facility. Planner Astorga concurred. Director Eddington remarked that there would be overnight visitors and clarifying the use would protect the NAC.

Commissioner Campbell felt the operative word was to “protect” them so it is not questioned in the future. He agreed with clarifying the use in the MPD.

Mr. Barille reiterated that the use restrictions associated with the property are very specific. The land grant that came from the family was very clear that there could be lodging facilities on the property but it could not be for commercial purposes. The lodging use was strictly to support the adaptive recreation and recreational uses on the property. Mr. Barille thought it was appropriate to specifying that in the MPD, but he did not believe it needed to be a Code change.

Commissioner Thimm stated that he had the same question as Commissioner Joyce. He agreed with Commissioner Campbell and the other Commissioners on how to handle this application. He was proud to have this type of facility in the community. Commissioner Thimm thought it was best to protect what exists and to make the findings. If it was an existing use as part of the SPA and it works he would be comfortable with that. However, Commissioner Thimm felt it was a bit of a stretch to say that adaptive use includes lodging. He asked if the MPD process allows a use that is prohibited by the ROS zone.

Planner Astorga stated that he would call it an accessory structure greater than 600 square feet, which would include the lodging building plus other structures. In response to Commissioner Thimm's question, Planner Astorga did not believe the MPD gives the flexibility to bring in other uses that are not in the ROS table; however, he believes the interpretation of the use could be modified in the language of the MPD.

Commissioner Thimm understood that the ROS zone has a conditional use for accessory buildings. He asked if part of the approval could allow this accessory use as being site specific to this approval. Planner Astorga believed they could. Director Eddington stated that it was a non-conforming use based on the SPA. He believed the NAC was generally protected, but he recommended that it be clarified in the MPD. Commissioner Band pointed out that the lodging use currently exists.

Commissioner Joyce understood that a non-conforming use was allowed but it could not be increased. He thought adding another lodging structure would be increasing the use. Commissioner Strachan stated that lodging was not the specific use. Director Eddington concurred. Commissioner Joyce agreed that the Planning Commission as a whole supported the application and they were not opposed to expanding the current lodging. However, he wanted to be able to approve this without feeling like they were "pulling something off" to allow it. Commissioner Joyce asked the Planning Department to find a way to allow it that is very clear and can be supported by the LMC and the General Plan when it comes back as an actual MPD.

Commissioner Joyce asked the applicant to address the open space requirement of either 30% or 60% in an MPD. When they talk about expanding out he wanted to make they were not pushing the open space limits. Commissioner Joyce noted that the three-story lodging building exceeded the height for the ROS zone. He thought that issue needed to be discussed if a three-story building was the final plan. Commissioner Joyce agreed with the ranch style feel and the openness and he was disappointed to see another tall building popping up in Quinn's junction. Planner Astorga remarked that the maximum height is 28' in the ROS zone, but a roof pitch of 4/12 or greater allows an additional five feet. The maximum height could potentially be 33 feet. Director Eddington pointed out that within the MPD process the Planning Commission has the ability to change height.

Commissioner Joyce clarified that he was not opposed to this application, but he thought the Planning Commission should be cautious to avoid putting themselves in an awkward position. He saw red flags as he read through it and he would like those issues to be addressed.

Commissioner Band remarked that in terms of "gives and gets", the "get" for the community is the NAC program, and that would be her argument for allowing exceptions.

Commissioner Campbell remarked that clarifying the issues raised by Commissioner Joyce would protect the NAC in the future when they have to come back to a different Planning Commission.

Mr. Barille felt certain that Craig Elliott believed he could design a three story structure within the 33 feet height limit, but he would confirm that with Mr. Elliott. In terms of having findings in an MPD, Mr. Barille stated that as a community member, Chair of the Recreation Board, and someone wearing different hats, he believed the elements of the programming were the “gives” for the “gets”. Mr. Barille agreed that there could be legitimate language formed in findings to address some of the issues that were raised. He would work with the Staff before the next meeting.

Chair Worel asked if the Commissioners thought the proposed amendments comply with the General Plan.

Commissioner Strachan believed this project complied with the General Plan. Commissioner Joyce thought it was a “slam dunk” project in terms of the General Plan. Commissioner Thimm agreed. As a new Commissioner this proposal gave him the opportunity to look into the General Plan and he found full compliance. Chair Worel was excited that this was such a great project to test the General Plan for the first time. Commissioners Phillips and Band concurred.

Planner Astorga requested that the Planning Commission keep the exhibits from this Staff report for the December 10th meeting.

MOTION: Commissioner Strachan moved to CONTINUE the discussion on 1000 Ability Way to December 10, 2014. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

The Park City Planning Commission Meeting adjourned at 7:25 p.m.

Approved by Planning Commission: _____



Open Space Plan