



**PARK CITY COUNCIL MEETING MINUTES
445 MARSAC AVENUE
PARK CITY, SUMMIT COUNTY, UTAH 84060**

January 24, 2023

The Council of Park City, Summit County, Utah, met in open meeting on January 24, 2023, at 3:30 p.m. in the City Council Chambers.

Council Member Gerber moved to close the meeting to discuss property and advice of counsel at 3:34 p.m. Council Member Toly seconded the motion.

RESULT: APPROVED

AYES: Council Members Dickey, Doilney, Gerber, Rubell and Toly

CLOSED SESSION

Council Member Dickey moved to adjourn from Closed Meeting at 4:49 p.m. Council Member Toly seconded the motion.

RESULT: APPROVED

AYES: Council Members Dickey, Doilney, Gerber, Rubell and Toly

Council Member Rubell was excused at 4:50 p.m.

WORK SESSION

Discuss Landscaping Incentive Program for 2023:

Jason Christensen, Water Resources Manager, stated that the snow-tell graph of Thayne's Canyon illustrated 22 inches of available water, which was better than the last three years prior. Park City provided a robust conservation program that had seen annual reductions in water demand on a per-connection basis. He outlined three conservation efforts currently underway. First was a modification of the fee structure to enhance water conservation messaging. The second was a rebate incentive item that was designed to help customers fund Water Wise landscaping improvements. The third was an update to the Land Management Code (LMC) to provide guidelines for Water Wise landscaping. He described a landscaping incentive as the City offering a cash incentive per square foot of existing turf removed and replaced with water-wise landscaping. The goal of this program was to reduce community water demand overall and better match the landscaping with anticipated climate change, as well as community and sustainability values.

Christensen noted the term “low-water plants” would be replaced with “water-wise landscaping,” as defined in the LMC. Staff proposed \$2.00 per square foot of turf removed and replaced with water-wise landscaping. He indicated \$200,000 would be available at launch through June 30th, 2023, and he anticipated that it would be an ongoing program that would be funded through the 2024 budget process. Staff proposed there would be a 50% vegetative cover requirement. He stated the proposal capped the coverage at \$10,000 per single-family residential account and \$50,000 max for commercial, multi-family, and irrigation accounts.

Christensen illustrated the following: Option One - 50% vegetative coverage, with plantings found by staff to fit the Water Wise definition, with no defined plant list. Option Two - 50% vegetative coverage, requiring plant species identified in LMC Section 14-1-5 as low water use. Option Three - 50% vegetative coverage, requiring plant species identified in PCMC 14-1-5 as both Fire Wise and low water use.

Christensen stated that policy questions for input regarding the options above would include Option One: Water Wise does not have a required list of plants, Option Two: Council could limit vegetative coverage of those plants to certain plants, Option Three: identifies plants that are both Water Wise and Fire Wise.

Council Member Rubell left his thoughts with Christensen before the Council meeting and said that Fire Wise/Water Wise would be a good pilot option. He further stated that he supported forward movement on the project and additionally supported being as restrictive as Council needed to be.

Council Member Toly asked if the \$200,000 allocation would be depleted if four commercial businesses applied, to which Christensen affirmed and furthered that the budget rollover could potentially add another \$200,000 to make it \$400,000 next year. Council Member Toly asked what the selection process would look like for applicants. Christensen stated that the first individual or business to complete and finalize all applications would take priority.

Council Member Gerber asked if there could be another solution, Option Two and a Half: The full, low water, Fire Wise option would get \$2 per square foot, and low water-only would receive \$1 per square foot. Christensen stated that could be a possibility. Council Member Dickey asked if the rebate would be against the applicant's water bill or if it would be a payment. Christensen stated that it would be a payment, and explained a check would be cut to the customers who qualified under this program. Council Member Dickey asked what staff was reviewing the applications against. Christensen stated that they were reviewing it for LMC compliance. The Public Utilities Department would also review it for square footage and other program requirements. Council Member Dickey supported Option Three.

Council Member Toly inquired if the Public Utilities Department had enough field resources or if additional staff would be needed for this project. Christensen did not anticipate needing to hire additional staff. Council Member Toly supported Option Three and Option Two and a Half.

Council Member Doilney favored Option Three. Council Member Gerber supported Option Three or a combination of options.

Christensen indicated he and his staff would launch Option Three this spring. They would coordinate community outreach with the Communications team and move forward with the FY24 budget policy allowing staff to authorize payments up to \$50,000.

REGULAR MEETING

I. ROLL CALL

Attendee Name	Status
Mayor Nann Worel Council Member Ryan Dickey Council Member Max Doilney Council Member Becca Gerber Council Member Tana Toly Matt Dias, City Manager Margaret Plane, City Attorney Marissa Marleau, Deputy City Recorder	Present
Council Member Jeremy Rubell	Excused

II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Council Questions and Comments:

Council Member Toly, as Library Liaison, encouraged Council Members to share their favorite books to display at the Park City Library. She continued that a wonderful time was had at Leadership Day at the Capitol.

Council Member Doilney commented that the Legislative session had begun and encouraged the public to pay attention to bills that might impact the community.

Council Member Gerber thanked staff for all their hard work throughout Sundance.

Mayor Worel mentioned that online participants expressed frustrations with certain aspects of the platform used for participation at Council Meetings. City Attorney Margaret Plane clarified that the Zoom platform offered two options: meetings and webinars. In a meeting, all participants had the ability to mute and unmute informally.

Conversely, a webinar could be run more efficiently by promoting people and allowing constituents to give public comments at the appropriate time. Zoom did not offer a hybrid option between meetings; therefore, the current webinar option would remain in effect.

Staff Communications Reports:

1. Council Requested Discussion Topics:

2. Health Benefits and Compensation FY24:

3. Park City Municipal FY22 Nonprofit Support:

III. PUBLIC INPUT (ANY MATTER OF CITY BUSINESS NOT SCHEDULED ON THE AGENDA)

Mayor Worel introduced the public comment video for viewing. She highlighted the guidelines identified from the video: Please sign in. Stay on topic. Please be brief. The recommendation for comment is three minutes or less. Be respectful. Join virtually via Zoom.

Mayor Worel opened the meeting for any who wished to speak or submit comments on items not on the agenda.

Kris Campbell, LGBTQ+ Taskforce Leadership Team, commented on some of the current controversial bills in the State Legislature. Campbell asked Council to consider issuing a joint statement with the taskforce and utilizing social equity lobbyists to oppose the anti-transgender bills.

Joe Urankar, LGBTQ+ Taskforce Leadership Team, implored the Council to issue a joint statement and direct its lobbyists to monitor controversial bills.

Virginia Solomon, LGBTQ+ Taskforce Leadership Team, supported the public comment regarding the anti-transgender bills in the Legislature. Senate Bill (SB)-16, SB-93, SB-100, House Bill (HB)-228, and HB-132 were bills that advocated against the LGBTQ+ community and the leadership team sought help from Council to oppose them.

Diego Zegarra, LGBTQ+ Taskforce member, echoed the leadership team's sentiments in prior public comments. Zegarra stated that anti-transgender and anti-gay legislation could impact large-scale events like the Sundance Film Festival or the Olympic Bid.

Cami Richardson, via Zoom, opposed the anti-transgender legislation morally and ethically and urged the Council to act and support the Park City LGBTQ community and the transgender youth of Utah.

Council Member Gerber asked if the Council could speak to LGBTQ+ Taskforce requests during the legislative update on the agenda later in the evening. Plane stated that it would be appropriate under the Open and Public Meetings Act.

Mayor Worel closed the public input portion of the meeting.

IV. CONSENT AGENDA

1. Request to Authorize the Third Addendum with SKM Engineering, LLC, for an Additional \$370,869.27, for a Total Amount Not to Exceed \$898,869.27 in a Form Approved by the City Attorney:

Council Member Toly moved to approve the Consent Agenda. Council Member Dickey seconded the motion.

RESULT: APPROVED

AYES: Council Members Dickey, Doilney, Gerber, and Toly

EXCUSED: Council Member Rubell

V. NEW BUSINESS

1. Consideration to Approve Ordinance No. 2023-03, an Ordinance Approving a Zoning Map Amendment to Rezone a Six Acre Pod from Recreation and Open Space (ROS) to Estate (E) from a Portion of PCA-S-79-C (Bransford Property, also Known as the Logan Parcel), Park City, Utah, Subject to Subdivision Plat Approval by the City Council of Park City Prior to January 24, 2025:

Planner Alex Ananth introduced the item as an application for a zone change request from Recreation and Open Space to Estate. The Estate Zone would include two, three-acre pods and 40 total acres located in the Flagstaff Mountain Development Agreement at the top of Empire Pass, adjacent to the Red Cloud Subdivision.

Ananth stated that the applicant proposed to re-zone a portion of the site to include two single-family dwellings on each pod, subject to receiving access and subdivision approval from City Council. They proposed the remaining 33 acres be zoned as Recreational Open Space (ROS) and put into a conservation easement. She indicated the proposal complied with the Estate Zone for the two parcels, and the remainder of the land complied with the ROS zone and the general plan for the upper Deer Valley neighborhood. The applicant would be required to get a subdivision plat approval.

Jeffery Koons, Bransford Land Company, and 3-D and Slope Map rendering expert John Phillips, presented on behalf of the applicant. Koons depicted a map illustrating a 100-foot-wide corridor where a 23-25 foot private drive would be cut. The pods' dwellings would be no larger than 10,000 square feet, and 82% of the land would remain preserved. There would be a limit of disturbance around the house that would

not exceed 10,000 feet above grade. The mining claim meets and bounds limits were the same size as the parcel tax ID meets and bounds. The claim was unique because it owned its surface and subsurface mineral rights. The land had been held in trust as a Bransford family legacy statement limiting the density to 120 acres, with 82% or more preserved open space for conservation easements. Three bike trails were on the land or on the border of the land and they would remain preserved. Conservation easements would include these trails as well as amended ski runs. The project satisfied the primary objective of the Rural Open Space Zone and the Sensitive Land Ordinance.

Ananth clarified that when the land was brought into Park City, it was zoned ROS labeled Rural Open Space under Summit County. At the time of the Flagstaff allocation, they allocated density to the pods in the Flagstaff Development Agreement. The Red Cloud Subdivision was allocated 30 units of density as it currently exists. At one time, there was an offer for all north side property owners where 38 units of density would be provided to the group. The Bransford family did not sign on and Red Cloud moved forward with 30 units.

Council Member Dickey clarified that the zoning was Mountain Remote when it was annexed and they were entitled to one per forty. Koons replied if the Bransfords had stayed in the County, that would have been correct. The County should have kept the records for any lands annexed into Park City. The same year the County started that process, they were no longer subject to County jurisdiction.

Council Member Doilney asked why the Bransford Land Trust did not sign on to Red Cloud to obtain the remaining eight units of density. Koons stated that they were not at the table when discussions began and were given the annexation agreement to sign without knowing what their pro-rata cost of development shares would be paid or what the lots were worth. It was unknown if Red Cloud would be accepted and when it would establish enough momentum to sell thirty lots. Therefore, the Bransfords did not have enough information to sign onto the business agreement with Red Cloud. The family understood that if they did not accept, they were free to state their proposal for density in the future. Council Member Doilney inquired about the significance of the term "estate-island" respective to the Bransford property. Koons stated that the parcel was considered that it would get the other six or eight lots. The parcel had the same vehicular and utility easements over Twisted Branch and Red Cloud Road. Ananth added that Red Cloud was zoned Estate, and Bransford was a continuation of Red Cloud even though there was a parcel in between their properties. Koons further clarified that everyone would enter through the Red Cloud gate and he believed everyone was subject to their Declaration of Covenants, Conditions, and Restrictions (CC&R), which were more restrictive than the Master Association.

Council Member Doilney asked if a re-zone of the two lots would improve Bransford's position on gaining access. Koons thought the neighbor was anti-development due to a low property offer, at \$50,000 per acre. Bransford countered at \$450,000 per acre,

which was declined. He thought the potential purchaser would like to leave Bransford with no other options, so the family would be forced to sell to them. Koons did not think the conditional zone change would result in an easement.

Mayor Worel asked Koons to elaborate on the potential relocation of a ski run. Koons stated that the Trump run was entirely on Bransford land and was leased to Deer Valley. The potential conservation easement would allow Deer Valley to improve and modify trails and ski runs as they saw fit. Mayor Worel asked what the duration of the lease to Deer Valley was. Koons stated the lease was periodically reviewed and renewed, but he did not know the duration of the current term.

Council Member Dickey asked if there was a draft conservation easement. Koons said he had been in conversations with Summit Land Conservancy and Utah Open Lands, but nothing had been finalized. Council Member Dickey asked if the boundary of the six acres would still be floating and thought it would be determined when the plat was created, to which John Phillips affirmed. Council Member Dickey asked if Park City processed many re-zones without a plat. Ananth stated it was unusual, but it was not prohibited.

Mark Harrington, Senior City Attorney, stated that re-zones frequently happened without plats, more typically, when a zone-term was changed or boundaries were shifted. It was not uncommon to have a re-zone or zoning ordinance without a plat. Council Member Dickey asked Harrington if the re-zone was a discretionary legislative act, to which Harrington affirmed. Council Member Dickey furthered that the plat amendment to follow would be an administrative act. Harrington stated that it would be primarily administrative at the subdivision stage.

Mayor Worel asked if Koons was active in conversations with Red Cloud to gain road access. Koons replied that they already had an easement to gain access through Red Cloud/Twisted Branch Road and Red Cloud Trail. However, a different section required an additional easement: an offsite piece of road that crossed the neighbor's property between the easement on Red Cloud Trail and the Bransford property line.

Council Member Gerber asked if the process would re-start after two years. Koons stated that legally they were still required to request an extension, and if it didn't look imminent, there would be no expectation of an extension. Council Member Gerber asked about the difference between the easement and the lease regarding the ski runs. Koons stated the lease granted the use of the property as a ski run. Deer Valley was unaware that the Trump run, when cut, was on private land. Bransford and Deer Valley entered into a lease agreement shortly after that. Koons further clarified that there were no easements for bike trails.

Council Member Toly asked why the sunset clause was added by the Planning Commission. Phillips stated that it was their idea to add the sunset clause.

Mayor Worel opened the public hearing.

Adam Weinacker, Attorney at Parsons Behle and Latimer, representing Extell Development Company, opposed Ordinance No. 2023-03 and urged the Council to stick to the conditions of approval, which he believed were sensible if the Council intended to proceed with approval.

Mayor Worel closed the public hearing.

Council Member Dickey was concerned with processing this re-zone without a plat or development agreement. He approved of the two units of density but did not believe that Council should proceed with the re-zone before there was a plat.

Council Member Toly favored approving the ordinance but was not in favor of the sunset clause.

Council Member Doilney agreed with Council Member Dickey's assessment.

Council Member Gerber stated that the re-zone and plat would be preferred to move forward. She would like additional examples of a re-zone that occurred in a similar situation to assess the approval process at each stage.

Council Member Gerber moved to continue Ordinance No. 2023-03, an ordinance approving a zoning map amendment to rezone a six acre pod from Recreation and Open Space (ROS) to Estate (E) from a Portion of PCA-S-79-C (Bransford Property, also known as the Logan Parcel), Park City, Utah, subject to subdivision plat approval by the City Council of Park City prior to January 24, 2025 to a date uncertain and requested Koons to return with additional information on how this process has worked in the past. Mayor Worel added the public hearing portion would remain open when the item returns to Council. Council Member Toly seconded the motion.

RESULT: CONTINUED TO A DATE UNCERTAIN

AYES: Council Members Dickey, Doilney, Gerber, and Toly

EXCUSED: Council Member Rubell

2. Consideration to Approve Ordinance 2023-04, an Ordinance Approving Lots 30 and 31 Holiday Ranchettes First Amended Plat, Located at 2545 and 2529 Lucky John Drive, Park City, Utah:

Planner Alex Ananth indicated this ordinance was with regard to two lots that were combined at the end of the 1990s. In 2014, the owner separated the lots back to the original subdivision plan. The owner built a barn on one lot and their house was built on the second lot. The HOA suggested that a shared driveway easement be put into the lot at the time; however, the applicant requested to remove the shared driveway easement.

Mayor Worel opened the public hearing. No comments were given. Mayor Worel closed the public hearing.

Council Member Doilney moved to approve Ordinance 2023-04, an ordinance approving Lots 30 and 31 Holiday Ranchettes First Amended Plat, located at 2545 and 2529 Lucky John Drive, Park City, Utah. Council Member Gerber seconded the motion.

RESULT: APPROVED

AYES: Council Members Dickey, Doilney, Gerber, and Toly

EXCUSED: Council Member Rubell

3. Consideration to Approve Resolution 02-2023, a Resolution Adopting an Amendment to the 2022 Five-Year Moderate-Income Housing Plan as an Addendum to the Housing Element of the 2014 General Plan for Park City, Utah:

Rhoda Stauffer, Affordable Housing Project Manager, stated the State required that moderate-income housing plans be updated in five-year increments. The 2022 plan complied with the State; however, two strategies had technical issues that needed to be changed. The State provided written confirmation that those changes would now be in compliance.

Council Member Dickey inquired about the quantities and priority of the standards. Stauffer stated that to comply, three strategies must be approved by the State, with one additional for priority transportation funding.

Council Member Gerber moved to approve Resolution 02-2023, a resolution adopting an amendment to the 2022 Five-Year Moderate-Income Housing Plan as an addendum to the Housing Element of the 2014 General Plan for Park City, Utah. Council Member Doilney seconded the motion.

RESULT: APPROVED

AYES: Council Members Dickey, Doilney, Gerber, and Toly

EXCUSED: Council Member Rubell

4. Consideration to Purchase the Unit Located at 1959 Cooke Drive for \$264,745; Authorize the Mayor and City Manager to Execute all Documents in a Form Approved by the City Attorney's Office; and Complete all Necessary Repairs to Restore the Unit to Occupancy Standards, Estimated Not to Exceed \$3,650:

Rhoda Stauffer, Affordable Housing Project Manager, stated that this had been a one-owner unit since 1995; therefore, the unit needed repairs and the owner was willing to accept a lower price. The Housing team preferred to oversee the repairs to ensure they were completed properly; therefore, they requested the City purchase the unit as-is. She continued that since many initial owners had not sold their units since their purchase, a sewer loan was not accounted for in the initial purchase price. The correct

re-sale price was \$275,876. She stated that a three-person family making 69% of AMI could afford this home.

Stauffer stated that the repair cost estimate was \$3,650, so the City's purchase price would be \$272,226. The re-sale would not happen until the Council discussed the Employee Housing Assistance Policy, which was scheduled for March 9th.

Mayor Worel asked if Stauffer was certain of the repair costs. Stauffer replied that a licensed contractor quoted the price, and the City's in-house project manager was comfortable with the price.

Council Member Dickey moved to approve the purchase of 1959 Cooke Drive for \$272,226; authorize the Mayor and City Manager to execute all documents in a form approved by the City Attorney's Office; and complete all necessary repairs to restore the unit to occupancy standards, estimated not to exceed \$3,650. Council Member Toly seconded the motion.

RESULT: APPROVED

AYES: Council Members Dickey, Doilney, Gerber, and Toly

EXCUSED: Council Member Rubell

VI. OLD BUSINESS

1. 2023 Legislative Update:

Matt Dias, City Manager, stated the Legislative session was underway and the City would provide its bill list in the Council packet and on the City website. He indicated the opening session focused on social issues, teacher salaries and wages, school vouchers, trigger laws, social media, and transgender and LGBTQ issues.

Dias stated the City would be watching for a short-term rental bill, and projected the bill would have some type of requirement or enabling legislation that would allow an online tracking device to view who was offering and not offering their property. There was no information about whether it could be used to begin a compliance process. He also identified that the Limited Infrastructure District was trying to help developers with the cost of utilities and subsidizing development costs to produce units faster. Regarding building and planning amendment bills, the Legislature was focused on accelerating the review processes and mandating them with penalties.

Council Member Gerber stated she would appreciate advocacy and bill tracking for child education.

Mayor Worel opened the item for public input.

Kris Campbell, LGBTQ+ representative, stated that five bills related to transgender care were currently in the legislature: SB 16, SB 93, SB 100, HB 228, and HB 132.

Mayor Worel closed the public input.

Council Member Doilney stated the LGBTQ+ community had his full support. Council Member Gerber asserted that the community should uphold social equity, diversity, and inclusion and that lobbyists should be used to oppose these bills. Council Member Toly asked for more information on these bills before making an official statement. Council Member Dickey supported crafting a statement of opposition regarding these bills. Mayor Worel summarized the majority of Council opposed these bills.

Council Member Doilney added that he would like an update on the alcohol, finance, and economic development legislation. Dias stated that it was a key issue for the local Chamber of Commerce and they would be lobbying for a comprehensive alcohol update as the bill progressed.

VII. ADJOURNMENT

With no further business, the meeting is adjourned.

Marissa Marleau, Deputy City Recorder

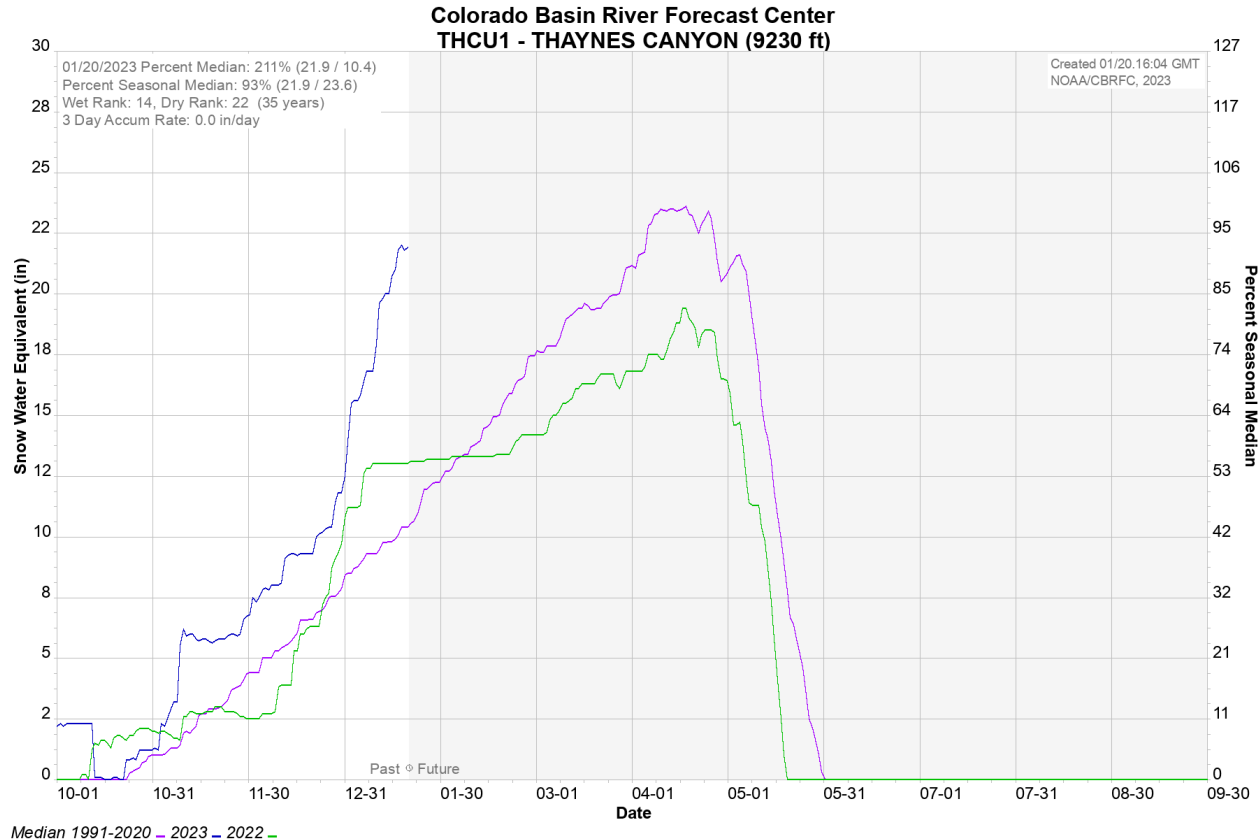
An aerial photograph of a mountain town covered in snow. The town features numerous buildings with snow-laden roofs, interspersed with evergreen trees. In the background, a large, rugged mountain peak rises above the town, its slopes also covered in snow. The overall scene is serene and wintry.

LANDSCAPING INCENTIVE

2023 Program

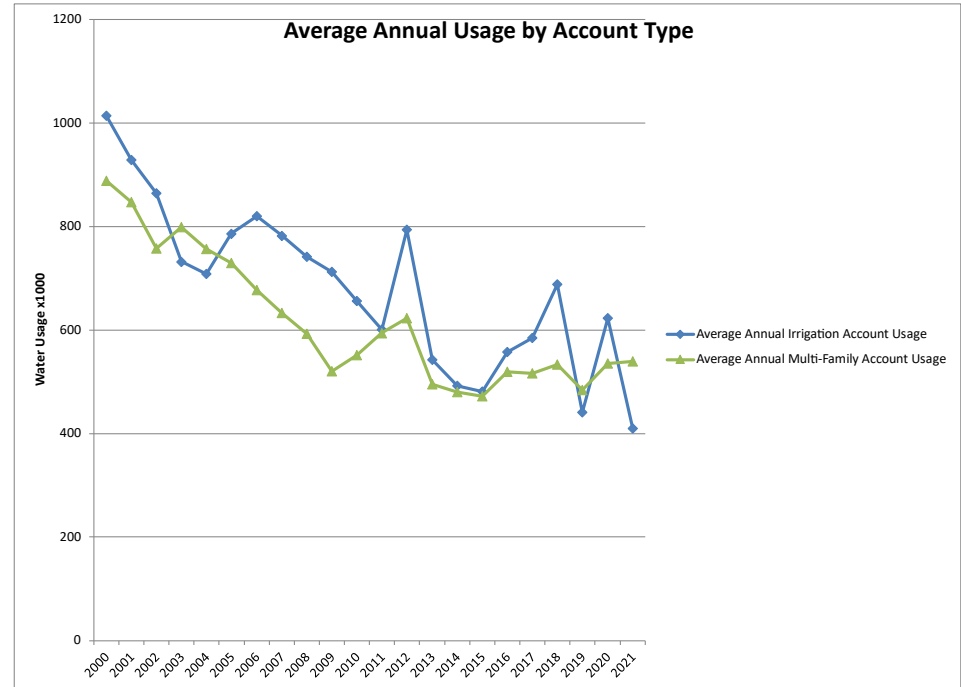


The Good Great News



Conservation & Drought Response Remains a Necessity

Park City provides a robust conservation program and has seen annual reductions in water demand on a per-connection basis.



— In-Process Enhancements —

1. Modification of the fee structure to enhance water conservation messaging.
2. A rebate incentive designed to help customers fund landscaping improvements.
3. Updates to the Land Management Code to provide guidelines for water-wise landscaping.
 - a) *Anticipated Council Date Changed to March 9, 2023, due to a continuation at Planning Commission.*

— Landscaping Incentive —



- A Cash incentive of \$2.00 per square foot available to residents and businesses who replace existing turfgrass with Water Wise Landscaping.
- Reduce community water demand and better match landscaping with our changing climate and community and sustainability values

—Landscaping Rebate—

- \$2.00 per square foot of turf grass removed and replaces with Water Wise Landscaping.
 - Public Utilities is updating the proposed program to replace all instances of low-water plants with the Land Management defined term Water Wise Landscaping. The intent remains the same.
- \$200,000 available at launch through June 30, 2023.
 - Will propose continuing funding through the FY2024 budget process.
- 50% Vegetative coverage requirement.
 - In order to prevent heat islands and maintain aesthetics a minimum vegetative coverage is required. Public Utilities will clarify this language.
- *Additional processes or requirements are outlined in Exhibit A.*

50% Plant Coverage

Policy Question

Option 1 (Staff Report)

50% Veg. Coverage, with plantings found by staff to fit the Water Wise definition. (No defined plant list)

Option 2

50% Veg. Coverage, requiring plants species specifically identified in PCMC 14-1-5 as low water use.

Option 3

50% Veg. Coverage, requiring plant species identified in the LMC 14-1-5 as both Firewise and low water use.

Increasing
Requirements
which may
impact
Participation



Water Wise Definition

- LMC 15-15-1
- **WATER WISE LANDSCAPE/LANDSCAPING.** A landscaping method developed especially for arid and semiarid climates utilizing water-conserving techniques (such as the use of drought-tolerant plants, mulch, and efficient irrigation) that reduces the need for supplemental irrigation. "Xeriscape" is a form of Water Wise Landscaping. Plants, trees, and shrubs that are appropriate to the local climate are used, and care is taken to avoid losing water to evaporation and run-off. A Water Wise Landscape is a mix of plantings, boulders, and other landscaping materials with at least fifty percent (50%) of the landscaped area containing plants, trees, and shrubs. The use of mulch coverings, organic or stone-based, without fifty percent (50%) plantings does not constitute a Water Wise Landscape.

Specific Plant List

- PCMC 14-1-5

<u>Groundcovers</u>	
Ajuga, Bugleweed Autumn Amber Sumac Blue Woolly Speedwell Chenault Coralberry Clematis* Common Juniper Creeping Juniper Creeping Oregon Grape* Creeping Thyme Dead Nettle Gray Creeping Germander Gro-low Sumac Halls Honeysuckle Japanese Honeysuckle* Kinnikinnick Lamb's Ear	Lily-Of-The-Valley* Mount Atlas Daisy Mountain Gold Alyssum Purple-leaf Winter Creeper Pussy Toes; Pink Pussy Toes Rockspray Cotoneaster* Snow In Summer* Stonecrop* Sweet Woodruff* Thyme-leaf Speedwell Trumpet Vine Turkish Speedwell Virginia Creeper, Boston Ivy Wild Strawberry Woolly Thyme

*Classified as Firewise plants. All plant locations, quantities, and maintenance must abide with Chapter 11-21, Utah Wildland-Urban Interface Code.

Next Steps

- Incorporate Council direction received.
- Launch Program
 - Work with the Community Outreach team to publicize the program.
- Formally Adopt changes to the City's Budget Policies and Objectives to authorize payments (likely through the 2024 budget process.)

An aerial photograph of a mountain town covered in snow. The town features numerous buildings with snow-laden roofs, interspersed with snow-covered trees. In the background, steep, snow-covered mountain slopes rise. The overall scene is serene and wintry.

Bransford Parcels

Zone Change Request

City Council | PL-21-05042
January 24, 2023

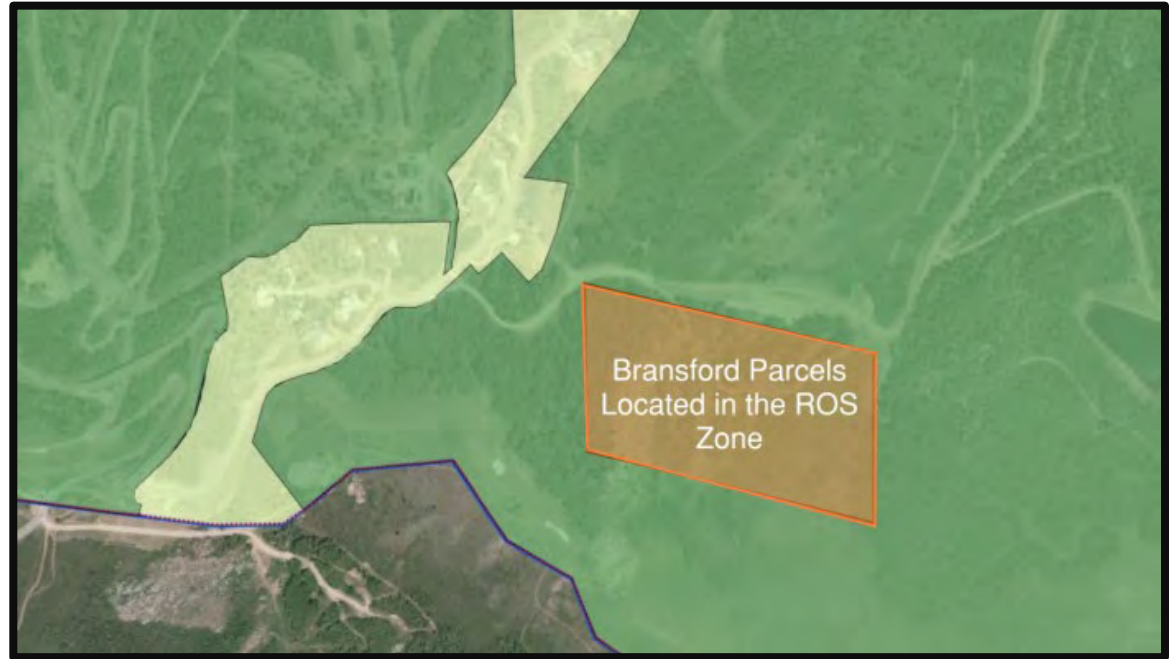


— Bransford Zone Change — Proposal

The Applicant is requesting a Zone Change from Recreation Open Space (ROS) to Estate (E) for two (2) three-acre pods from two parcels totaling 39.62 acres.

The remaining 33.62 acres would remain ROS Zoning (>80%).

The proposed Zone Change would allow for two Single-Family Dwellings, one on each Estate zoned pod, subject to the approval of a 2-Lot Subdivision.



— Bransford Zone Change —

Previous Meetings



- April 13, 2022 - Planning Commission Work Session
- June 15, 2022 – Planning Commission Public Hearing
- August 10, 2022 – Planning Commission Work Session
- November 9, 2022 – Planning Commission Public Hearing
- December 14, 2022 – Planning Commission Public Hearing and recommendation to Council.

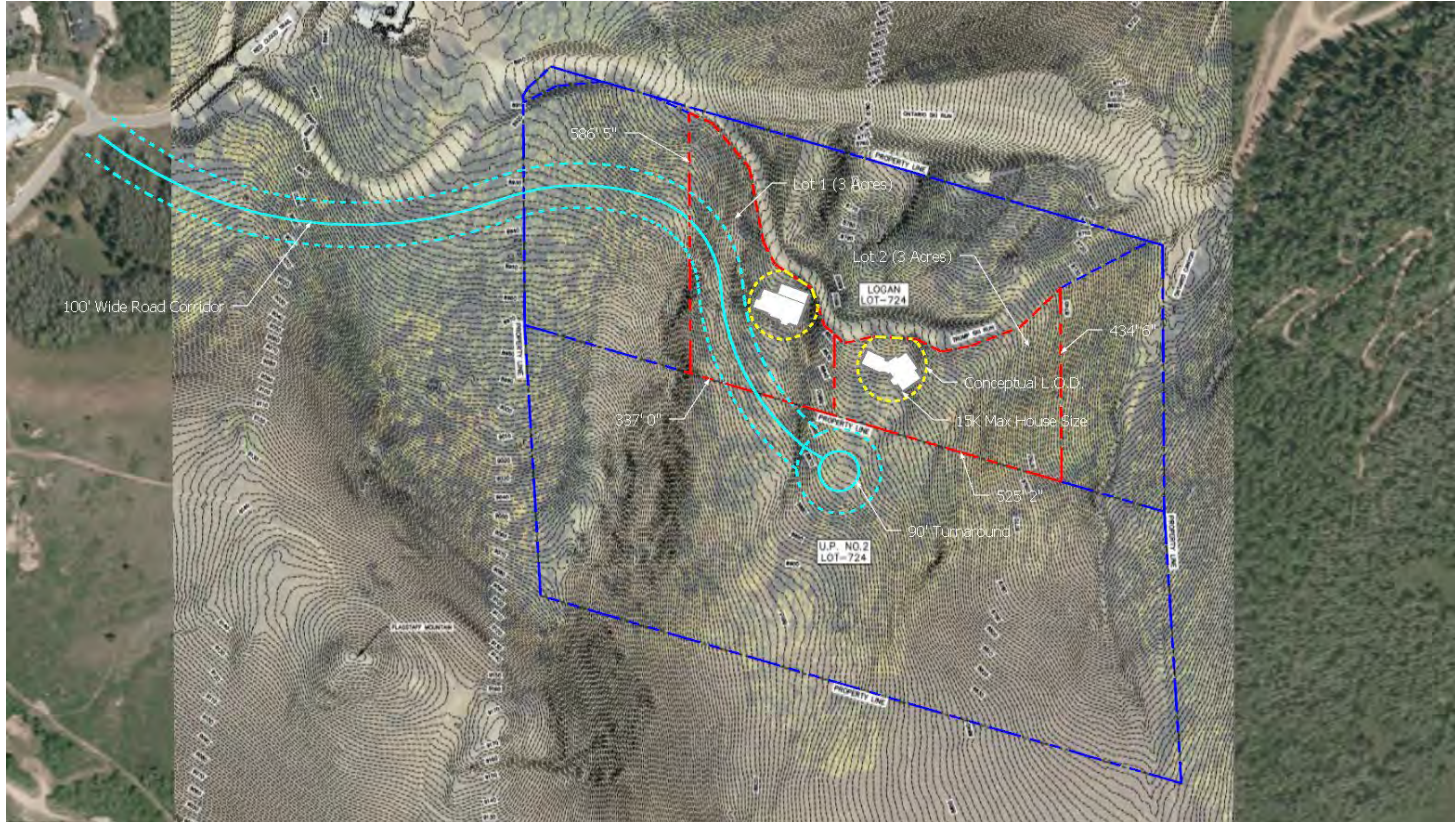
— Bransford Zone Change —

Existing Conditions



- 2 Parcels
- 39.62 Acres Total
- Steep Slopes
- Significant Amounts of Vegetation
- Recreation Trails and Ski Trail Easement
- Sensitive Lands Overlay
- ROS Zone

Bransford Zone Change



— Bransford Zone Change —

Compliance with the ROS Zone

Complies:

Applicant proposes a conservation easement on approx. 82% of the 40 acres, maintaining ski and bike trails, and are required to comply with SLO.

Lack of compliance:

“Encourage sustainability, conservation, and renewable energy.

Compliance with Estate Zone

Complies:

SLO requires preservation of ridge tops, steep slopes, Open Space and pedestrian trail links, while encouraging compatible development.

Compliance with General Plan Upper DV Neighborhood

Complies:

Neighborhood is attributed with second homes and a comfortable visitor experience and preservation of the natural setting

Lack of compliance:

“Park City shall grow inward”:
“Future Improvements toward increased energy efficiency in 2nd homes and nightly rentals should be sought”

— Bransford Zone Change —

Application will require approval of a Subdivision Plat that complies with both the Estate and Recreation and Open Space Zoning Districts, as well as a Sensitive Lands Review for the proposed Estate Development Pods.

— Bransford Zone Change —

Staff recommends the Council:

1. Consider the requested zone change from ROS to Estate for two three-acre pods from a parcel totaling 39.62 acres;
2. Conduct a public hearing; and
3. Consider approving Ordinance 2023-03.

— Recommended COAs —

1. The Planning Director, City Attorney, and City Engineer will review and approve the final form and content of the Zoning Map Amendment for compliance with State Law, the Land Management Code, and the Conditions of Approval.
2. Maximum density in the rezoned area is two (2) Single Family Dwelling Units. No building permits shall be issued to develop Parcel PCA-S-79-C until access has been secured and a subdivision plat consistent with the Conditions of Approval of this Ordinance has been recorded.
3. Consistent with the permitted Uses of the ROS zone and this approval the Applicant shall record a Conservation Easement for the remaining Recreation and Open Space zoned acreage for Parcel PCA-S-79-B and PCA-S-79-C, excluding the six Estate zoned acres, at the time of Rezone recordation. Limits of Disturbance are limited to the 6-acres and shall include the driveway area. Minor adjustments to the Conservation Easement and Zoning Map shall conform to the final Subdivision Approval. Lot lines on the attached map shall be eliminated.

— Recommended COAs —

4. The Applicant shall submit a Tree Preservation and Replacement Plan from a licensed Arborist to the Planning Director with the subdivision plat application that identifies Significant Vegetation in the Estate zoned portion of the lot and any Significant Vegetation to be removed for development, including for access and driveway areas.
5. New development must comply with the Estate Zoning District regulations outlined in LMC Chapter 15-2.10, and the Sensitive Land Overlay regulations outlined in LMC Chapter 15-2.21. Development on Steep Slopes and Very Steep Slopes is prohibited. Access shall be prohibited from Steep and Very Steep Slopes.
6. Access to the rezoned Estate areas within Parcel PCA-S-79-C requires a common/shared driveway to minimize site disturbance and shall be located to prevent Significant Vegetation disruption and steep slope disturbance. Driveway width shall be the minimum required by the Park City Fire District.

— Recommended COAs —

7. The Applicant shall maintain, and grant easements bike and ski trails located on the property at the time of plat recording and ski trails shall not be impacted by development or access. If any bike trails require relocation the Applicant shall move the trails at their own expense, as approved by the Trails and Open Space Manager and must be approved with the Subdivision Plat.
8. The subdivision plat shall require a maximum irrigated or landscaped area and additional restrictions to maintain a reliable Limits of Disturbance (LOD).
9. In keeping with Red Cloud Subdivision, the Maximum House Size shall not exceed 10,000 square feet Gross Floor Area.
10. The City shall require the finalization of plans for utilities and access, prior to submittal of a subdivision plat application. The approval of this Ordinance does not guarantee approval of the subdivision plat, or future development. Future applications shall be evaluated according to the Land Management Code in effect at the time of application, and these additional conditions of approval.

— Recommended COAs —

11. Final location of the two proposed Single-Family Dwellings and Limits of Disturbance shall be outlined on any future subdivision plat with a Planning Commission Finding that these locations meet the requirements of the Sensitive Land Overlay, Land Management Code, and General Plan.
12. Both Single-Family Dwellings shall be designed and constructed to incorporate best planning practices for sustainable development for Residential construction in place at the time of building permit application including but not limited to water-efficient low-flow fixtures and Energy Star rated appliances; building envelopes shall be designed to be energy efficient; all landscaping shall be water-wise and native; all exterior lighting shall meet the City's Dark Sky Ordinance LMC § 15-5-5(J). Electrification of all utilities is required, and all outdoor appliances/utilities such as heated paving, roof heat tape, firepits, irrigation systems, etc. shall be connected to timers and moisture sensors, to only pull energy when necessary/required.

— Recommended COAs —

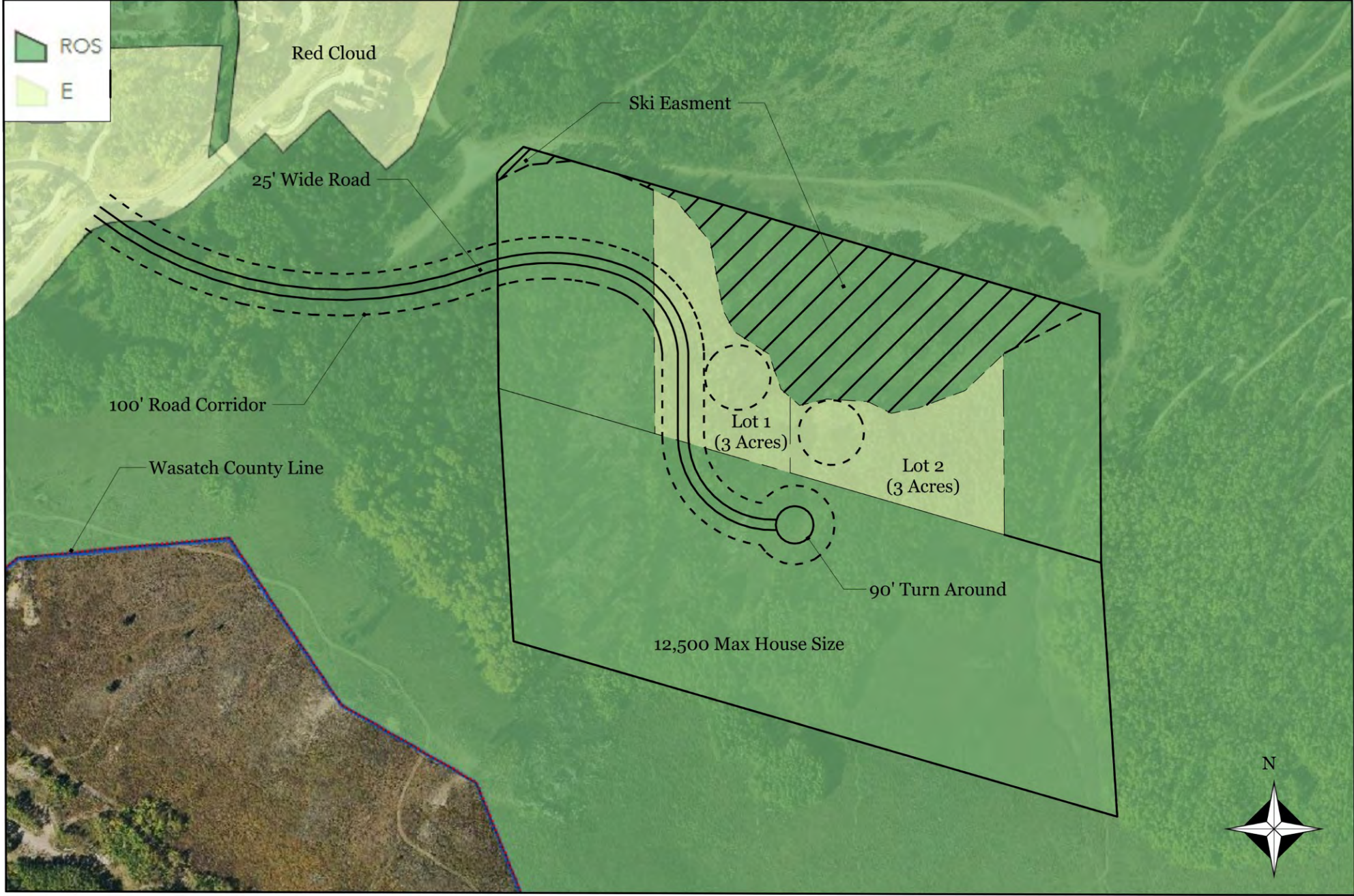
13. The approval of this Zone Change is subject to a two-year Sunset Clause. If the Applicant has not received an approval for a Subdivision Plat within the allotted amount of time from date of City Council action, the Zoning will revert back to Recreation and Open Space (ROS).



Presentation for PCMC 1-24-23 City Council Meeting for BLC's Zone Change Application

**From Rural Open Space to R.O.S to 6-Acres zoned Estate capable of
eventually accommodating two 3-acre single-family Estate parcels**

(A Framework for the Preliminary Subdivision Plat)

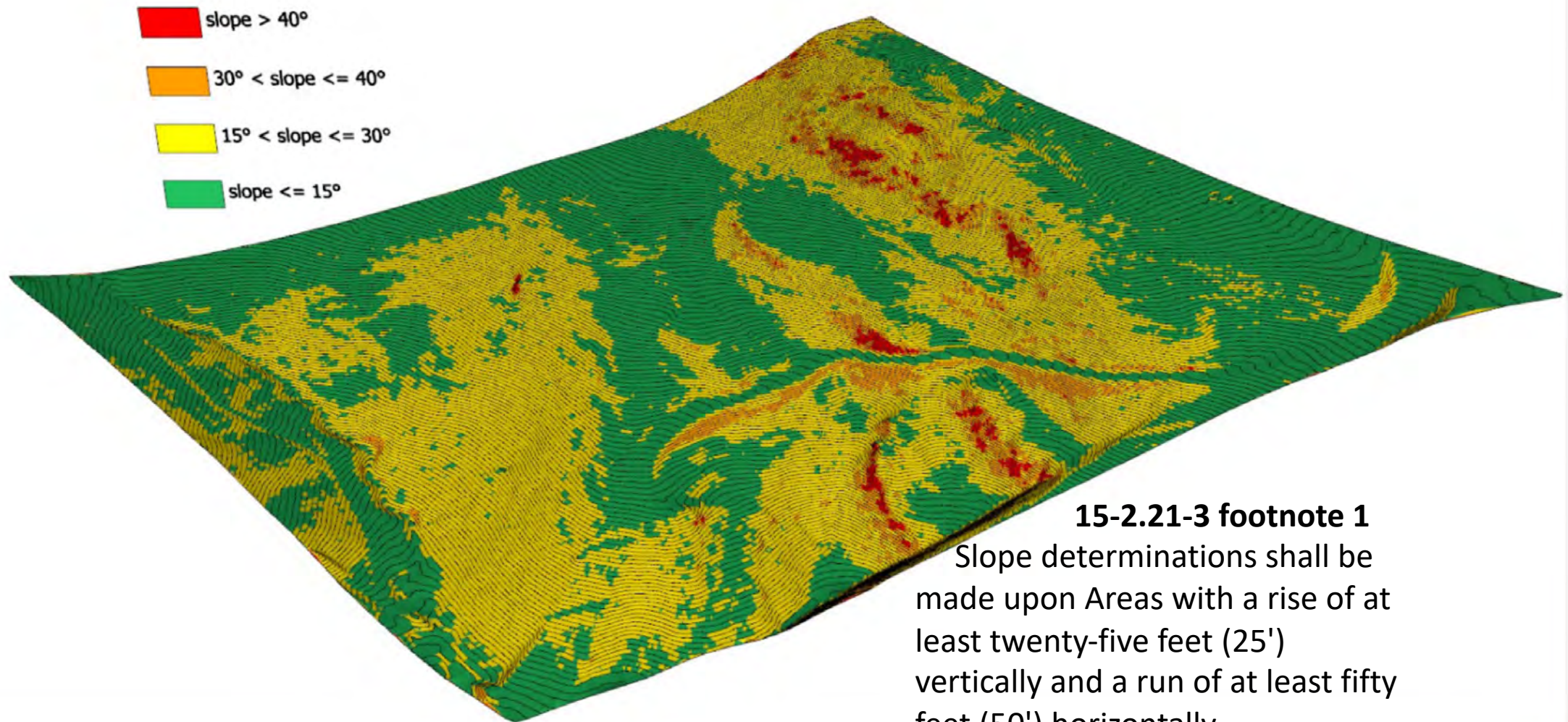


REVISIONS		REMARKS
MM/DD/YY		
1	09/20/22	...
2	-/-/-	...
3	-/-/-	...
4	-/-/-	...
5	-/-/-	...

Bransford Land Company
Logan/U.P. No 2

Conceptual Plat

New 4-zone heat map



15-2.21-3 footnote 1

Slope determinations shall be made upon Areas with a rise of at least twenty-five feet (25') vertically and a run of at least fifty feet (50') horizontally.

Reason we changed to a 4-zone heat map:

- [15-2.21-3 Sensitive Lands Overlay Zone - Ordinance Provisions](#)
- **SENSITIVE LANDS ANALYSIS.** Any Applicant for Development must produce a Sensitive Lands Analysis performed by a Qualified Professional(s) that identifies and delineates all the following features and conditions:
 - **SLOPE/TOPOGRAPHIC MAP.** A Slope and topographic map based on a certified boundary survey depicting contours at an interval of five feet (5') or less. The map must highlight Areas of high geologic hazard, Areas subject to land sliding, and all significant Steep Slopes in the following categories:
 - Greater than fifteen percent (15%), but less than or equal to thirty percent (30%);
 - Greater than thirty percent (30%) but less than or equal to forty percent (40%); and
 - Very Steep Slopes, greater than forty percent (40%).
 - **RIDGE LINE AREAS.** A map depicting all Crests of Hills and Ridge Line Areas.

Questions the Planning Commissioners asked (in Public Hearings)

Who	Question or point
Laura	1. 1998 County Development Code. 2. Concerned about Access issues. 3. Would like to see more renewable Energy. 4. Sustainability would be helpful. 5. Good on Conservation.
Laura / Sarah	6. Concerned with serial applications. 1. Concerned with 1998 County Status Report. 7. Anne <u>mentioned Hank Rothwell</u> and that the two parcels are “Lots of Record”.
Sarah	1. Concerned with Density. 1::40 not 2::40. 8. Concerned with Dwelling size. 2. Concerned we don't have the access Easement yet. 9. Wants a Sunset Clause. 6. Would prefer to process Zone Change in parallel with a complete Plat Application.
John (JK)	9. Concerned with driveways shown on areas of slope over 30%. (Jeffrey <u>explained that the heat maps only show the general conditions but not the specific conditions</u> . Our land planners feel we can comply with code). 10. JK could find for 2 parcels with heavy handed conditions. 11. <u>Precedents</u> intent is in our favor.
Christin	12. Appreciates BLC only asked for 2 parcels. 1. 1::40? – feels we are a good fit. 13. Concerned we limit disturbance on the access road.
John (JF)	5. Appreciates the 82% preservation. 14. OK with 3-acre parcels – should we reduce the lot size?
Bill	9. Concerned with steep roads. 8. Concerned with 15,000’.
Laura	8. Concerned with 15,000’ homes – 10,000 to 12,000 would be better.

BLC's RESPONSE TO PLANNING COMMISSIONERS FEEDBACK AND QUESTIONS

In the interest of brevity, the balance of the discussion points on topic #1 is in the appendix

#1 Re: Density allowed under 1998 County Development Code. Even though that display has been attached in prior Staff Reports it was never discussed until the last meeting. Frankly, it took us by surprise. We thought the displays in the 1998 Flagstaff Annexation and Development Agreements would take center stage. Clearly, the 1998 Development Code did not create any density restrictions on the Bransford Parcels that were more durable than any of the other developed parcels on Flagstaff Mountain Resort.

Exhibit G was reported to have limited the current Density of Bransford Land Company's ("BLC") Parcels per the terms contained in its West Mountain section. According to the chart included in the packet, it limited the BLC Parcels to a "mandatory" limit of 1 per 20 Acres – but also provided that BLC could have applied for, and won, a density of 1 per 5 Acres. BLC also learned there are three different classifications of land - each with unique Density Allocations. ([Please see slides 38 - 41 for additional comments](#)).

BLC spoke with Summit County Planner Kirsten Whetstone to see if any more reliable data is available. Kirsten and Pat Putt reported they have no further information. She and Pat Putt advise it is doubtful that a Grama Request could provide any more reliable information. Kirsten advised us that BLC had two Lots of Record when it was in the County and still has two Lots of Record today – which entitles BLC to a minimum of two dwellings.

The Flagstaff Annexation process took almost 10 years to complete. It spanned the 1998 Agreement, the 1999 Plat, the 2003 Agreement and continued until the final Agreement was recorded in 2007. ([Please refer to Slide # 13](#)) It is often called the most stringently reviewed land management process to date; and, approved of an allocation for BLC to an undivided interest in the right to develop 8 Estates along with Mayflower Stichting in covenants that run with the land in perpetuity.

Once BLC's land was annexed in July of 1999 ([see slide # 11](#)) Park City's Land Management Code took precedence over Summit County Code.

#2 Concerned about Access issues. This is a reasonable concern – we are too. According to PCMC LMC the Applicant is not required to submit any Easements until the Plat phase of the entitlement process.

#3 Would like to see more renewable Energy. BLC supports Park City's Net Zero Energy policy, however, full compliance with that standard requires the project to make up any energy deficiency by generating the energy on site (which is not a good fit for ROS or SLO zones). We would also consider using a different standard - such as the US Green Building Standard (that PCMC used for the Silver Creek Housing Project) or other high performing building design standards.

Note: BLC will specify “all electric utilities” for heating and AC, which are, technically, a Net Zero solution (*because Park City requires Rocky Mountain Power to supply it exclusively from renewable resources*).

#4 Sustainability would be helpful. BLC agrees.

#5 Good on Conservation. BLC appreciates the feedback and agrees.

#6 Concerned with serial applications. BLC understands and appreciates that the review process would be far more detailed and efficient for the planning commissioners if the Zone Change was processed in parallel with the Plat process. Unfortunately, as has been established via public input, the access issue is the subject of litigation. We understand that the other side is unwilling to discuss any form of settlement with BLC. Accordingly, BLC is forced to rely upon the serial approach allowed under PCMC's LMC.

#7 Anne mentioned that the two parcels are "Lots of Record". Kirsten Whetstone did as well. Each Lot of Record is typically entitled to at least one Dwelling. There seems to be similar development rights associated with Mining Claims.

#8 Concerned with Dwelling size. BLC agrees this is a reasonable concern. BLC hoped to postpone specifying a maximum house size until the Plat approval process; but is willing to compromise now. We propose a maximum house size of 12,500'. While the eventual dwelling may well never be that big, we do want to ensure the allowable house size can fulfill the expectations of an eventual buyer.

#9 Concerned with driveways shown on areas of slope over 30%. BLC agrees that this is a reasonable and relevant concern. BLC wants to provide a safe and comfortable access experience for the residents and their guests. BLC is advised by its land planners and Engineers they can meet code requirements and do a better job of mitigating visual impacts in the location shown in our Staff Report than other potential easier or less expensive routes.

Please note: The fully developed road alignment will come back before you again in the Plat stage - before any grading or construction can be permitted or begin. The current application is not the last time this matter will come before you.

#10 JK could find for 2 parcels with heavy handed conditions. BLC agrees that the conditions are appropriate and appreciates the feedback.

#11 Precedents intent is in our favor. BLC appreciates the feedback.

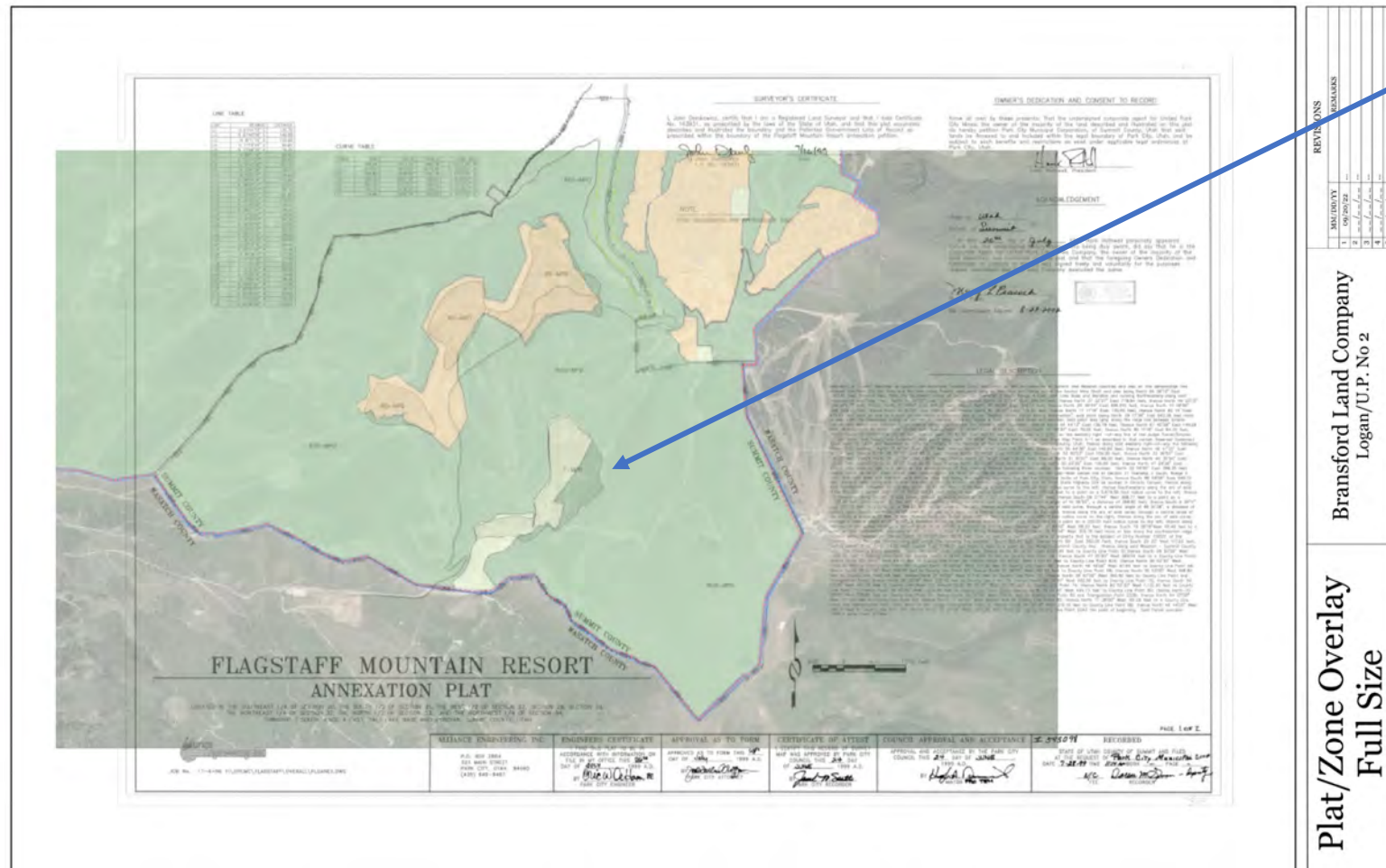
#12 Appreciates BLC only asked for 2 parcels. BLC appreciates the feedback and hopes that our process can help you to set a new precedent that applicants should not ask for more density that they feel the land can support or do so prophylactically.

#13 Concerned we limit disturbance on the access road. As mentioned above in item 9, BLC shares the concern and will be sensitive to the matter. BLC will continue to work diligently to refine the most effective access solutions.

#14 with 3-acre parcels – should we reduce the lot size? Staff advises that under the LMC, a minimum of 3-acres is necessary to allow a zone change to the Estate Zone.

Please note: Reducing the lot size would not increase the undisturbed percentages of the two parcels because the bulk of each parcel will remain undisturbed regardless of whether it is a 2-acre or 3-acre parcel.

July 1999 Flagstaff Mountain Annexation Plat under the current PCMC Zoning Map



The 1998 Flagstaff Annexation included POD D and both the Bransford Parcels. All developable Flagstaff land was either zoned RD-MPD or E-MPD. The developable areas shown are smaller than the property boundaries ultimately delineated in the Agreement and/or those on PCMC's Zoning Map.

Mayflower and Bransford Parcels were rezoned R.O.S. shortly after the 2007 Flagstaff Agreement was recorded - without notice to Bransford Land Company.

- See Slide 12 and slide 13 for other views of this data. The 1998 EMERGENCY RESPONSE PLAN for another view of this area.
- Dozens of similar images are included in the various studies listed on Slide 23.



Zone I



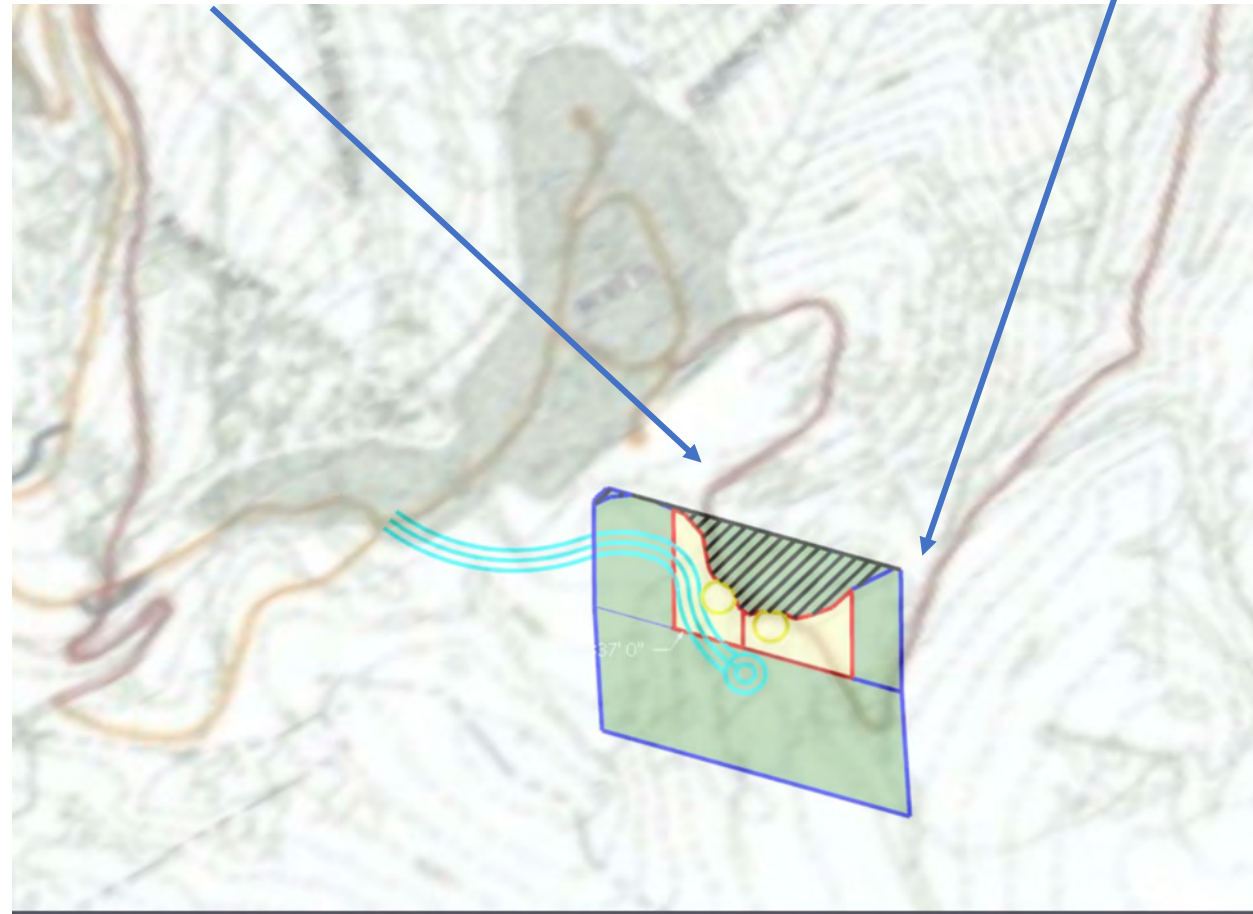
Plat/Zone Overlay Zoomed		Bransford Land Company Logan/U.P. No 2	REVISIONS
			REMARKS
1	MM/DD/YY		
2	09/20/22		
3	-		
4	-		
5	-		

Capacity to provide Emergency Services?

This display is another objective piece of evidence substantiating that the UPCM and Deer Valley planned from the very beginning to provide all services for the Bransfords Estate uses on the subject property...

Exhibit 7 of the Flagstaff Annexation Agreement provides a detailed analysis of Emergency Services. It includes several related displays – showing approved Winter and Summer access and egress routes.

Note – Exhibit 7 extended the emergency exists onto and up above the Trump Ski Run and into both the Bransford Parcels.



Flagstaff Annexation Agreement – the early days:

<u>Date</u>	<u>Description of Event(s)</u>
Dec. 1981	BRANSFORD PROPERTY FEASIBILITY STUDY BY J.J.JOHNSON
Summer 1993	Trees were cut down without permission on Bransford property for Ontario ski trail.
12/16/1993	Annexation Agreement process starts.
01/2/1994	Anne receives "Master Plan" from Hank.
01/19/1994	Hank Rothwell told Anne UPCMC wanted to involve us in the decision-making process, was anxious to have our involvement and even offered to fly back to NY and meet with Anne and Larry.
02/03/1994	PCMC City Council Adopts Resolution No. 3-94 which states they will promote and protect the Flagstaff Mountain project.
12/07/1994	Memorandum of Lease with Bransford and Deer Valley Resort
July 1998	Jay Hamburger starts covering Empire Canyon for the Park Record.
9-10-1998	PC Council voted in favor of Empire Canyon MPD 5-0.
Nov. 1998	2 nd Amendment to Lease Agreement, Bransford and Deer Valley Resort.
07-28-1999	BLC 1999 Annexation Plat is recorded in Park City. Per County Recorder
08/19/1999	Anne meets with Hank in Deer Valley and received copy of Approved Annexation. Hank told Anne: "if BLC doesn't agree to sign the Development Agreement it can build on its own property and 1 in 40 will not apply".
May 2001	Easement Agreement between Bransford and Deer Valley Resort.
07/18/2003	Quit Claim Deed recorded between Bransford and UPCMC for Remaining Ski Lease Land.
10/12/2005	Bransford Quiet Titles Cavanaugh and Cupit interests in Logan and UP No 2.
03/02/2007	Recordation for Amended and Restated Development Agreement for Flagstaff Mountain, Bonanza Flats, Richardson Flats, Quinn's Junction Parcel and Iron Mountain.
08/30/2013	Amended and Reinstated Easement Agreement between Bransford and Deer Valley Resort.
11/03/2015	Bob Wells dies.
03/06/2015	Wells Fargo forecloses on Talisker \$163.8M.
07-13-2021	Anne and Jeffrey first meeting with Gretchen
09/22/2021	Anne and Jeffrey meet with Gretchen and Makena and file
10/22/2021	BLC filed its Zone change application with PCMC.

SLIDES 16 – 33 were reviewed in prior to winning the PC Approval

Some of those slides have been edited and some of the images have been updated. We did so to focus our last presentation upon the newest information and most recent changes.

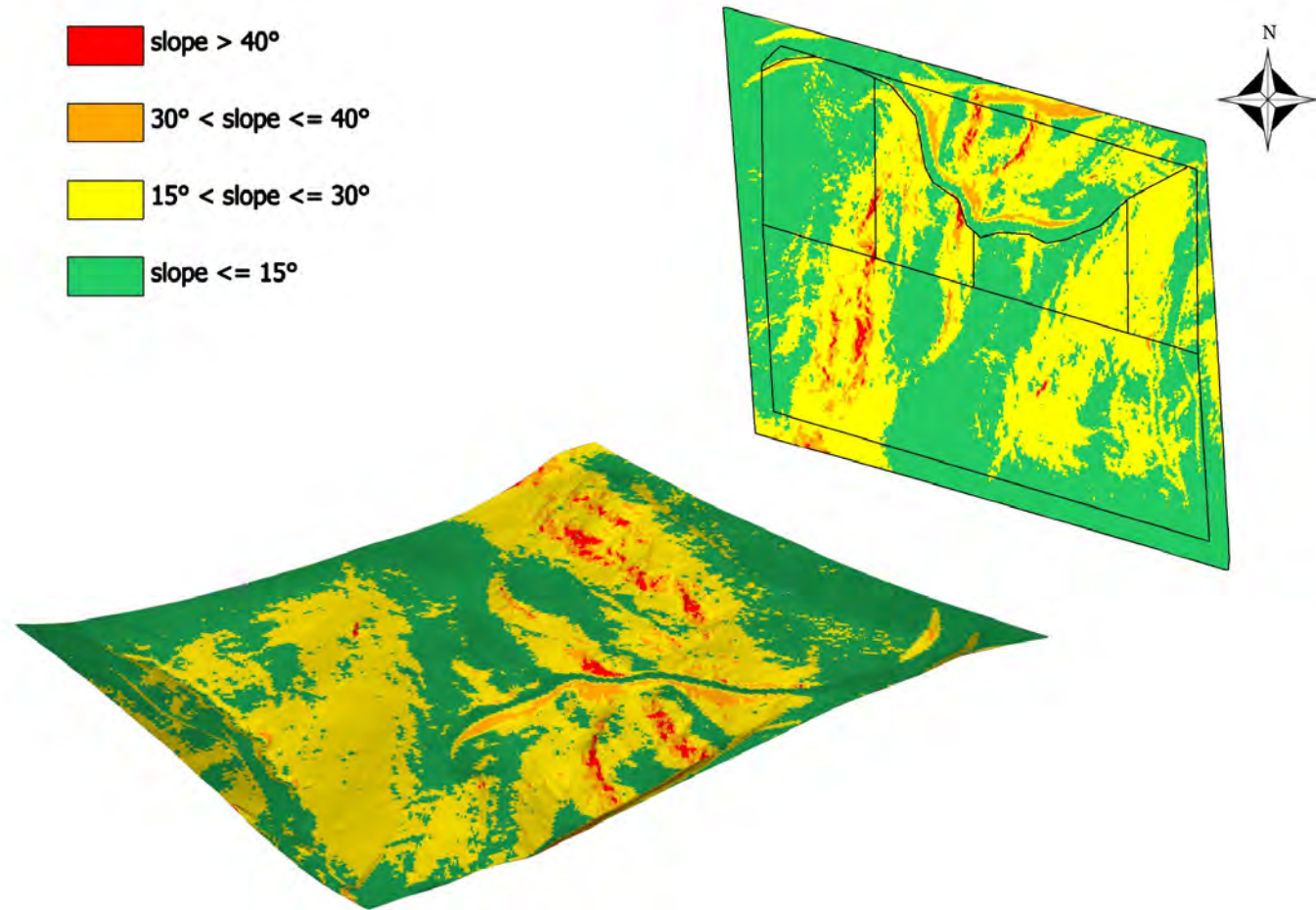
PRIOR INPUT AND QUESTIONS

6-8-22 Work
Session Notes:

What we heard
the commissioners
ask

Laura Suesser	Where would the roads go?
Douglas Thimm	How would it be developed? Is there sufficient Utility capacity and access to them? Does the Fire Department and Police Department have the capacity to provide Emergency Services there?
Bill Johnson	Expressed the need to verify that, if approved, our Estate Zone wouldn't become an Island in the sea of other R.O.S. Properties
Christin Van Dine	Feels the same as Douglas. Clarify what other properties would be affected by an approval to the Zone Change request. Are there any other mine claims that could make the same zone change request based upon an approval of our request?
Sarah Hall	Asked for information on our recent paved roads access easement. <i>(It is included the Staff package.)</i>
John Kenworthy	Asked what other mine claims could make the same request?
?	Where would the homes go? <i>(Was this a comment from Douglas?)</i>
?	How much land could be bulldozed if approved? How much land could be preserved?

Slope Analysis Display



REVISIONS	
NO.	REMARKS
1	INITIAL
2	REVISED
3	REVISED
4	REVISED
5	REVISED
6	REVISED
7	REVISED
8	REVISED
9	REVISED
10	REVISED

Bransford Land Company
Logan/U.P. No 2

Slope Map

Rough order of
magnitude Calculations
on how much land
would be bulldozed?

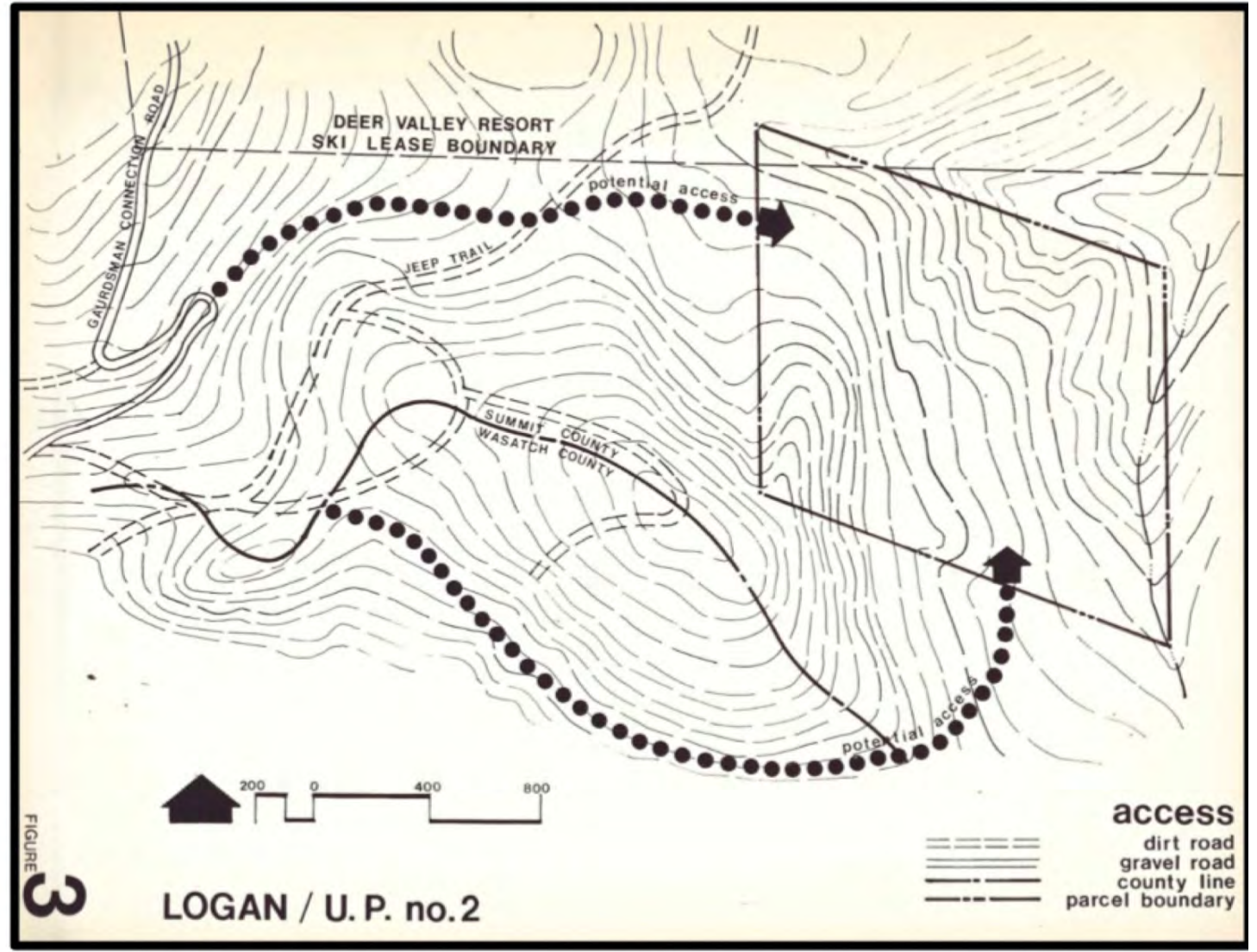
(from prior heat map)

Grade Range			Area	Acerage	Percentage	Preserved or undisturbed acreage	
0%	to	15%	190,553.79	4.37	11.41%		
15%	to	30%	862,267.55	19.79	52%		88.59%
30%	to	100%	616,560.64	14.15	37%	37	
			1,669,381.98	38.32	100.00%		
Impacted Land			2 pads	6	-18%	Portion proposed for Conditional Zone Change	
			Private Drive	1			
			Percentage preserved		82%	NIC the undisturbed majority of each 3 acre Estate Pad	

**82% or more of the land
would be preserved
(or remain Undisturbed)**

Where would the Roads go?

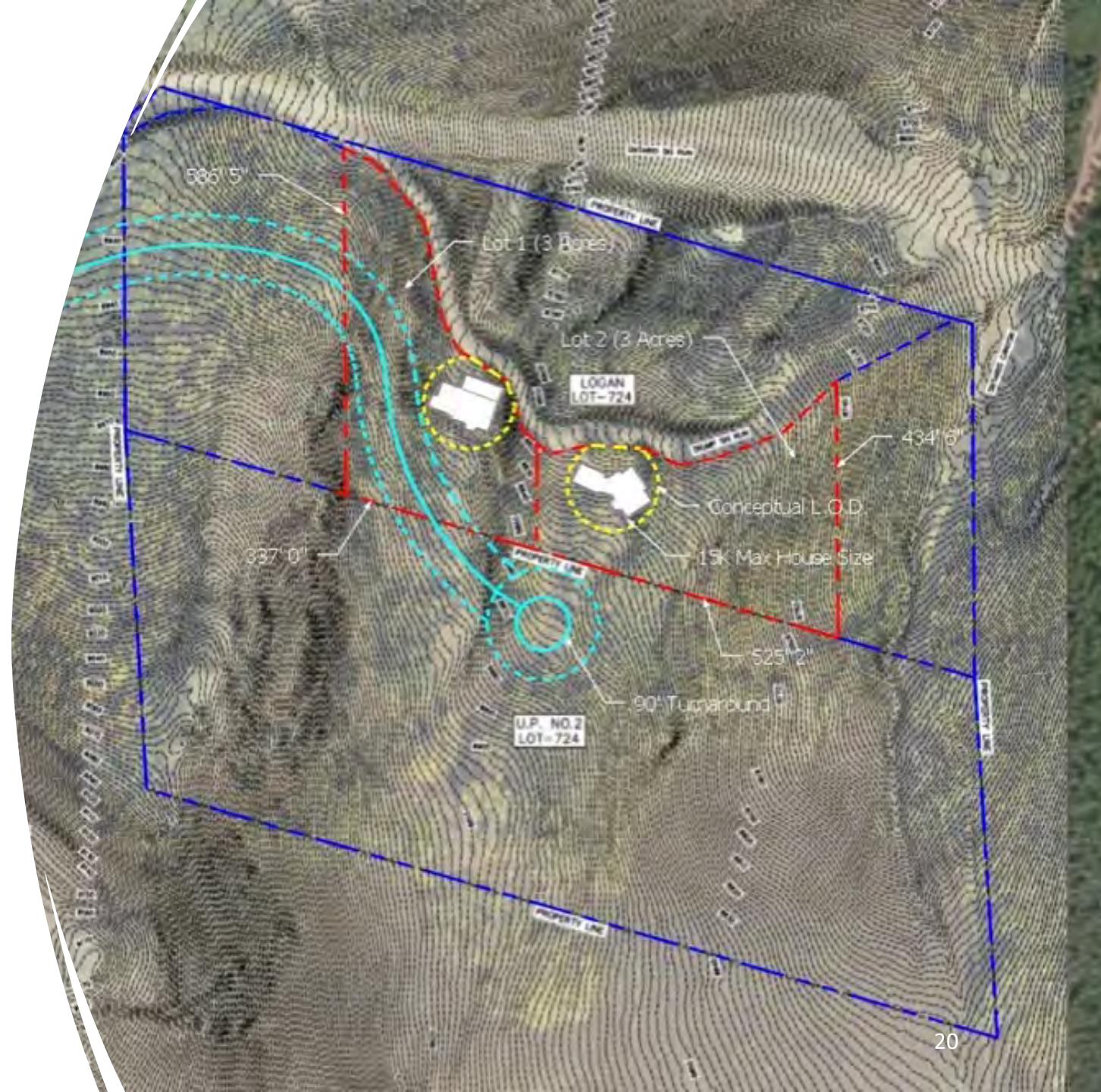
The most likely locations for the private driveway remain the same as those identified in the **1981 JJ Johnson Feasibility Study**.

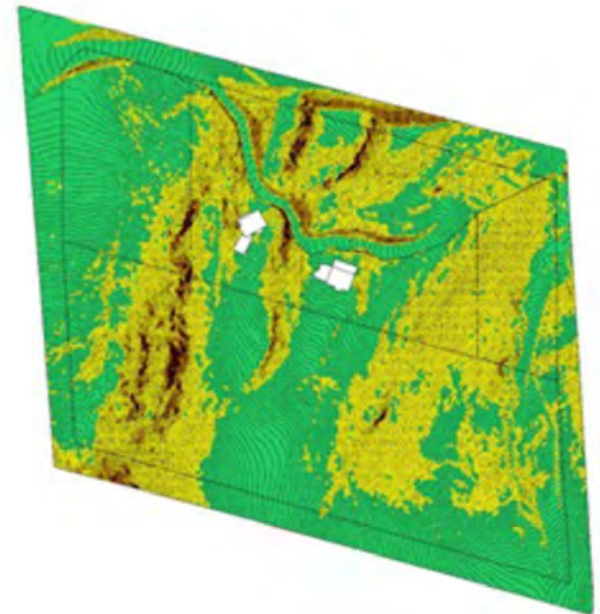
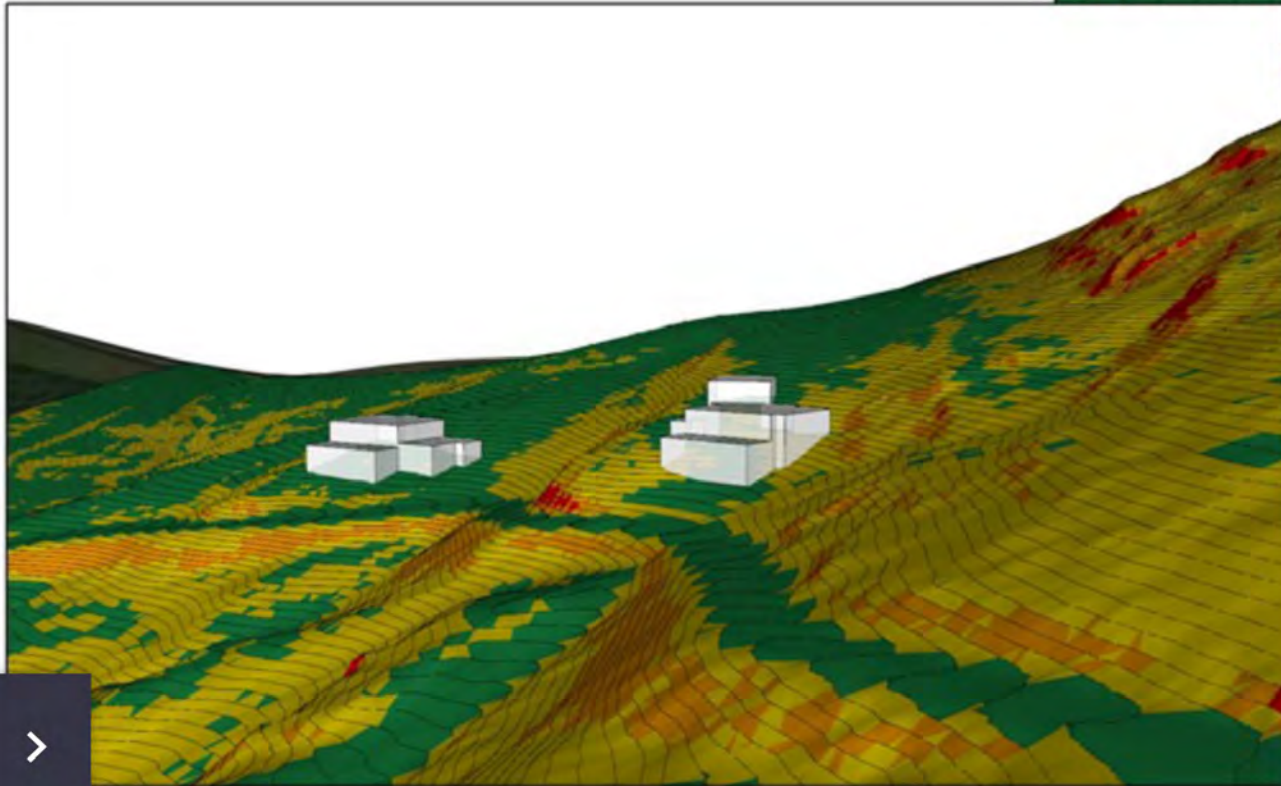
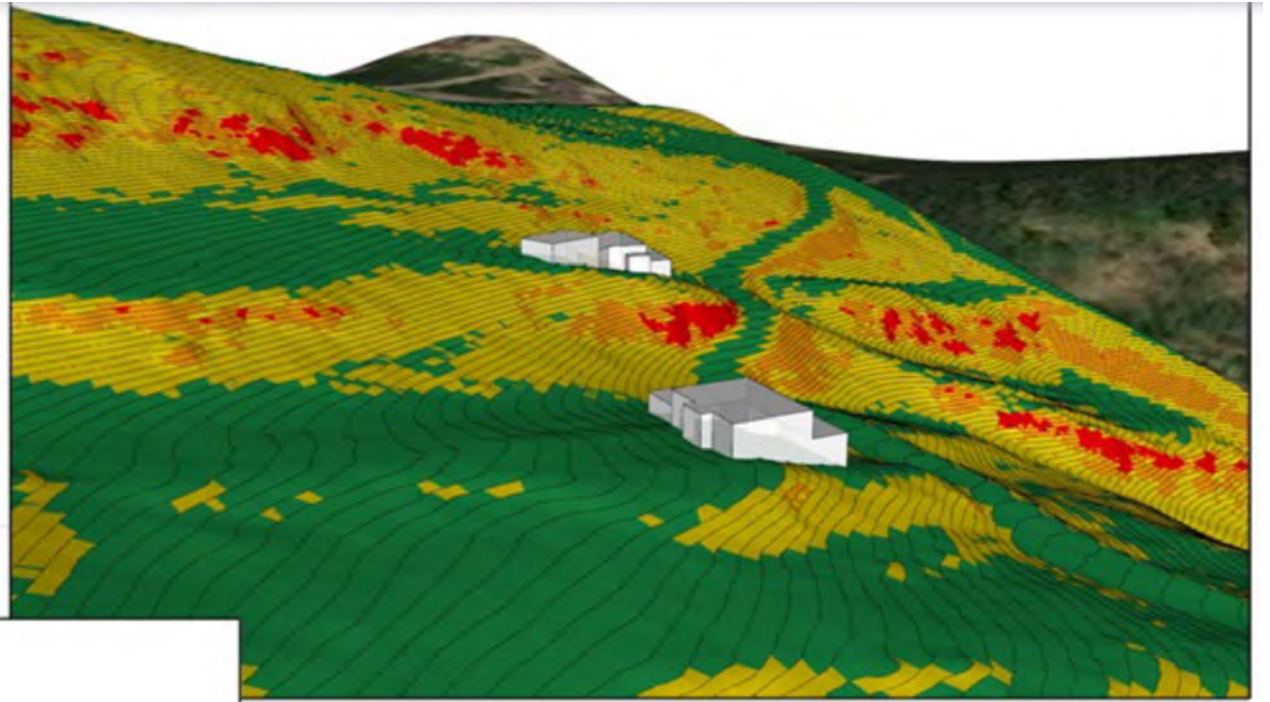
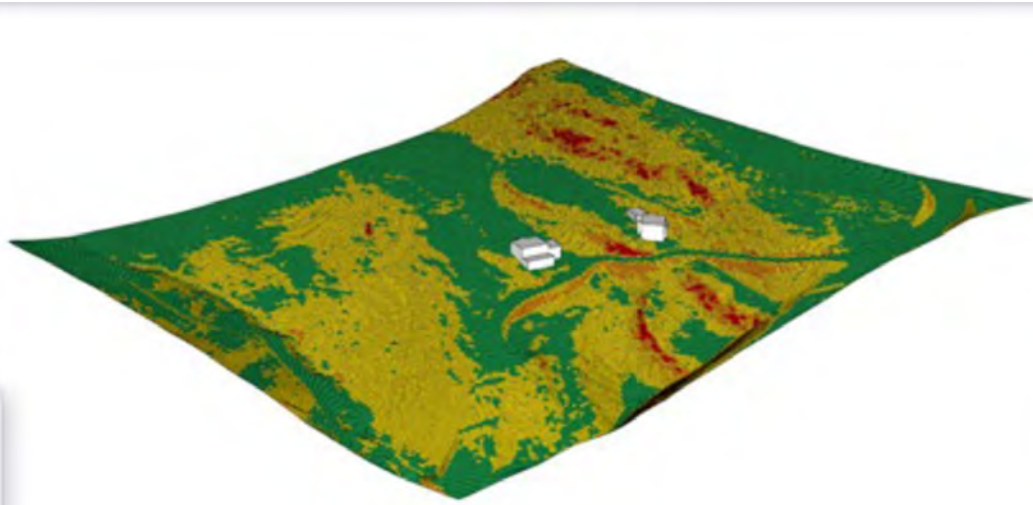


Where would the Homes & Lots Lines be?

We propose siting the two homes uphill from the Trump Ski Run.

- The dark blue lines are the overall boundary of each parcel.
- The red lines are the lot lines.
- The light blue lines represent a “100-foot-wide corridor” that will accommodate the future 25’ (+/-) private driveway.
- The white boxes represent the proposed homes.
- The yellow lines represent a “to-be-determined” limit of disturbance for each home.





Does sufficient
Utility Capacity exist
and where is it ?

The Developer stubbed
our utilities / access ROW
off Red Cloud Trail (across
the street from Ruby
Hollow - as shown in the
green rectangular area).



Other studies referred to in the 1998 Flagstaff Annexation Agreement

These are studies PCMC relied upon when they approved the 1998 - 2007 Flagstaff Annexation Agreement(s)...

Red Checks indicate those studies we still have original copies of.

Red Text indicates copies we found online in the Planning Dept's Web Site.

☒	May 2001	Large Scale Master Planned Development Application
☒	Exhibit 1	May 2001 - Mine Soil Hazard Mitigation Plan
☒	Exhibit 2	May 2001 - Design Guidelines
☐	Exhibit 3	May 2001 - Specific Transit Plan
☒	Exhibit 4	May 2001 - PARKING MANAGEMENT PLAN
☐	Exhibit 5	May 2001 - Open Space Management Plan
☒	Exhibit 6	May 2001 - HISTORIC PRESERVATION PLAN
☐	Exhibit 7	May 2001 - Emergency Response Plan
☐	Exhibit 8	May 2001 - Trails Master Plan
☐	Exhibit 9	May 2001 - Private Road Access Limitation Procedures
☒	Exhibit 10	May 2001 - CONSTRUCTION AND DEVELOPMENT PHASING PLAN
☒	Exhibit 11	May 2001 - UTILITY MASTER PLAN
☒	Exhibit 12	May 2001 - DRAINAGE STUDY
☒	Exhibit 13	May 2001 - WILDLIFE STUDY
☒	Exhibit 14	May 2001 - EMPLOYEE/AFFORDABLE HOUSING PLAN
☒	Exhibit 15	May 2001 - CONSTREUCTION MITIGATION PLAN
☒	Exhibit 16	May 2001 - GEOTECHNICAL INVESTIGATION
☐	Exhibit 17	Per Page 2 of the 2001 Large Scale Master Planned Development Application
☐	Exhibit 18	"
☐	Exhibit 19	"
☐	Exhibit 20	"
☐	Exhibit 21	"

WHERE IS THE CLOSEST FIRE STATION?

The closest PCMC Fire Station is Silver Lake Village in upper Deer Valley.



Are there any other Mining Claims that can make the same request for the same reasons?

No

These are the only Mining Claims with the following three attributes:

1. The same Mining Claim metes and bounds as their annexed Park City Parcels (*Tax ID #s*)
2. Were specifically and included in the 1998 - 2007 Flagstaff Annexation Agreement(s).
3. That own their surface and subsurface mineral rights too.

Would our Estate
Zone become an
“Estate Island” in
a sea of R.O.S.
Parcels?

No.

Say we assume that our neighbor (to the west) will eventually acquire development rights as delineated in the Flagstaff Annexation Agreement - or denser.

If so, the BLC Parcels would either share the same density (of 2 units on 40 acres +/-) or be the lowest density of dwellings per acre in a series of shrinking densities radiating away from the existing core uses in the Red Cloud Neighborhood.

How big will the houses be?

We proposed one 10,000 SF maximum home size on each 3-acre parcel (*with approximately 34 acres of remaining preserved land*).

It is not yet clear if the two dwellings would become a new HOA or if they would simply be subject to the EPMOA Master Association.

BLC has not asked to be annexed into the Red Cloud HOA; however, we would be pleased to do so - if desired by them.



All Bike Trails on BLC Land will be protected.

This image shows the portions of the three bike trails that traverse the land and will continue to do so.

They include parts of:

1. Flagstaff Loop Trail,
2. Road to Ruby, and
3. Tidal Wave (*along our Eastern Border*).



Existing Vegetation on BLC Land will be protected.

Last year BLC met with:

Wendy Fisher, of Utah Open
Space, and Elizabeth Kitchens,
of the Nature Conservancy Trust
to initiate discussions on
creating the Conservation
Easements.

Statements on Good Cause

- The project satisfies the primary objectives of the R.O.S Zone and the S.L.O.
- The land has been held in Trust as a Bransford Family legacy statement.
- Limiting Density to 1 Dwelling per 20 Acres +/-.
- 82% + preserved Open Space available for conservation Easements.
- Protection of Bike and Ski Trails.
- Protection of existing vegetation.
- Protection of wildlife habitats.



BLC was and is willing to accept the Conditional Approval

A Conditional Zone Change approval does not convey any development rights until all such conditions have been met. BLC seeks an assurance from the P.C. that it agrees that two Estates is appropriate on the subject property

- BLC did not ask for a blanket zone change on all 40 acres.
- BLC only seeks the zone change for Single Family Estate uses on two 3-acre Parcels.
- BLC agrees that the balance of the land will remain R.O.S.
- BLC agrees that any Zone Change approval will be conditioned upon all the factors addressed in these pages, on our verbal assurances and satisfaction of the subsequent Sub-division Plat requirements.

Other Factors:

- Per Mark Harrington:
 - The Bransford parcels were annexed into Park City in a hostile Annexation process.
 - It was always assumed that Bransford could and would return with a similar Zone Change / Plat request.
- The Bransford's Access Easement across Twisted Branch and Red Cloud Trail was formally approved by both the Empire Pass Master Owners Association (EPMOA) and by the Red Cloud Home Owners Association.
- The proposed on-site road is a Private Driveway – not a Public Road.
- The 1981 Bransford Property Feasibility Study along with Anne's Family History and the decade long efforts involved with the Flagstaff Annexation establishes BLC's long term intent to develop.
- We believe it and the hostile aspects of the annexation negate any opposing theories based upon BLC's election to not sign onto the 2007 Development Agreement at that time.

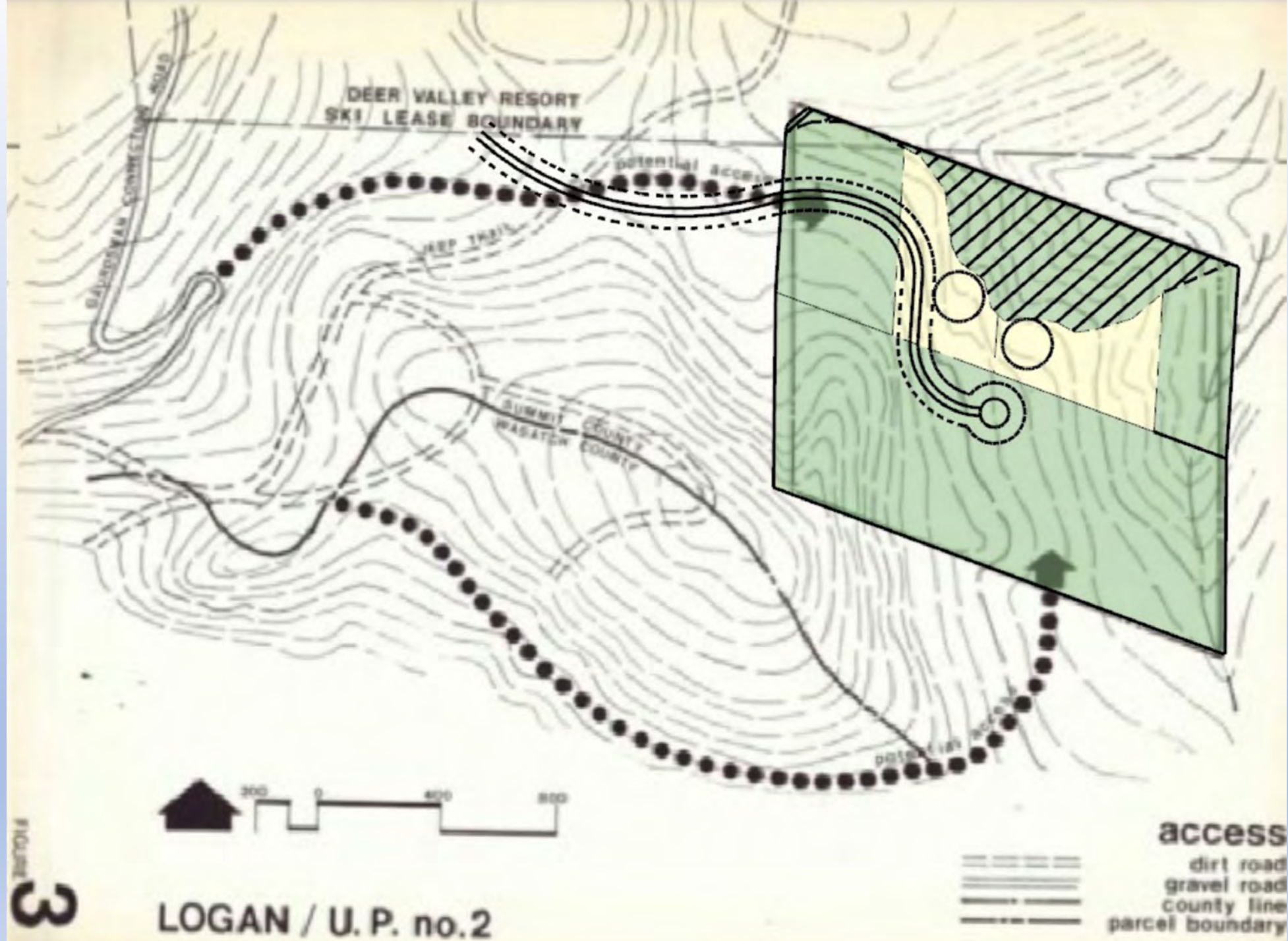
A landing page to a share folder with all the complete digital exhibits referred to in the Deck...

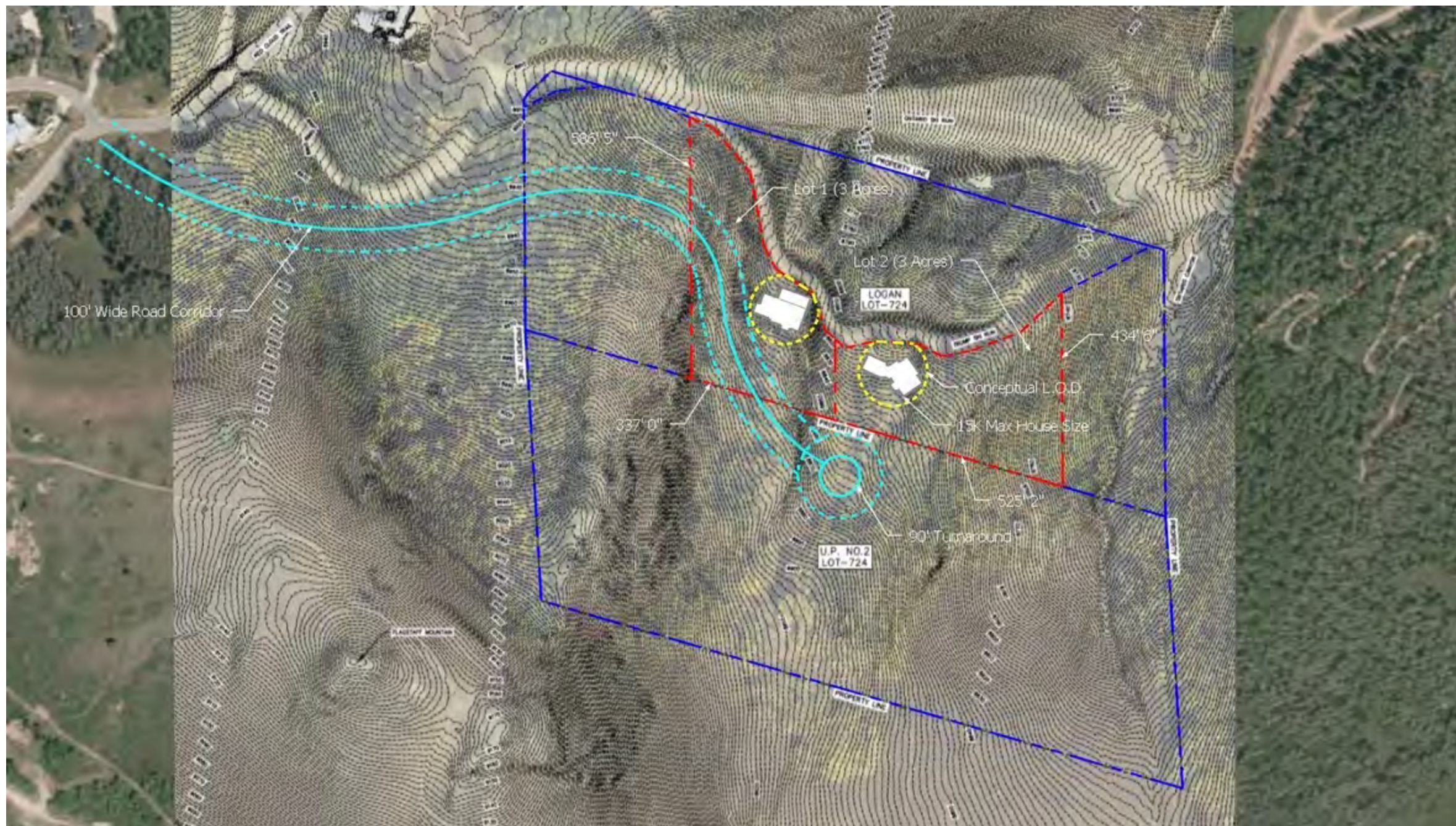


- Anne's intro of BLC to PC
- BLC Slope Analysis Map
- ROM - preserved land calcs
- EMPOA CCRS - building sizes - section 3.2 2 33' height
- Flagstaff Design Guidelines – December 2001
- 3-D Slope Map
- Mining Claims colored maps
- AutoCAD Slope Map over Survey
- And several older documents of record such as the Flagstaff Annexation docs, Red Cloud Plat and HOA docs, Redus Access & Utility Easement over Twisted Branch and Red Cloud Trail, etc.

Appendix

Additional Images and/or additional discussion points





Further comments on Exhibit G

6

Exhibit G neither identifies where BLC's Parcels are located (nor the location of any of the orienting landmarks such as the roads, nor which neighborhood designation was applied to them. *Looks like it was either in the 1::20-Acre or 1::5-Acre category.*

Kirsten Whetstone (Summit County Planner and prior PC Planner) advised me that post annexation Summit County no longer includes areas annexed into Park City in their County Zoning maps. Additionally, the annexed parcels were no longer treated as land included in their West Mountain area. Moreover, those parcels were no longer subject to Summit County Code. Park City (PCMC) had become the governing entity.

Kirsten observed that the parcels had clearly been Lots of Record before 1998 and remained Lots of Record after Annexation into Park City.

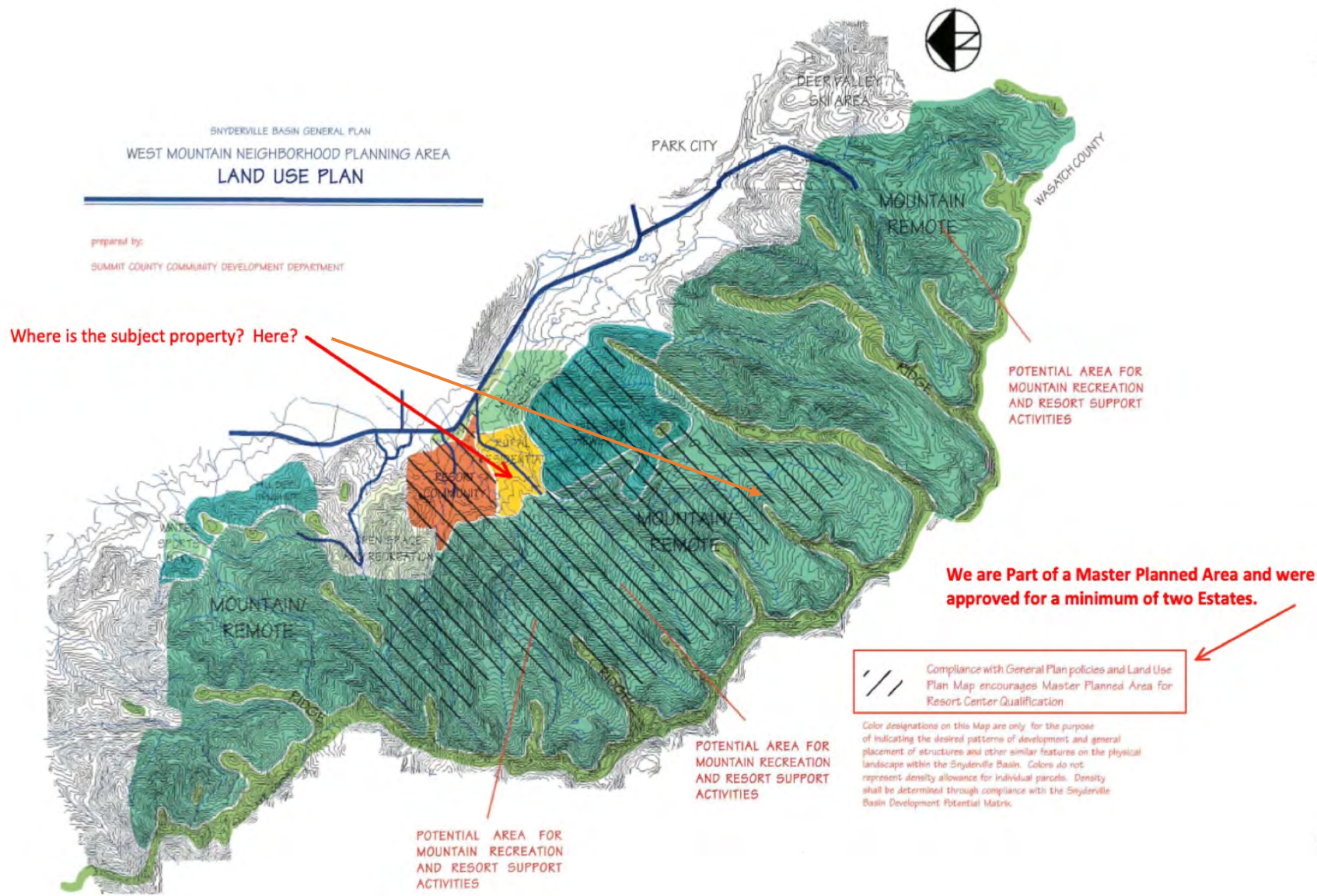
Staff also acknowledged the County Code was a pre-annexation condition.

Exhibit G is so vague that we have no idea how anyone could tell what the density is on our land.

2.3.F(1) SNYDERVILLE BASIN DEVELOPMENT POTENTIAL MATRIX

Minor Development

Base Density		Land Use Planning Principles				
Planning Area	Mountain/ Remote Areas ¹	All Other Land Use Designations ¹	Dedication and Preservation of Viewshed/Environment Features of the Area ²	Mandatory	Community and Neighborhood Recreation Facilities ⁴	Maximum Possible Density ³
				Consistency with Desired Neighborhood Character ³		
East Basin		1 Unit/ 40 Acres	■	Desirable	N/A	1 Unit/40 Acres
		1 Unit/ 20 Acres	■	Mandatory	Mandatory	up to 1 Unit/ 5 Acres
	1 Unit/ 40 Acres		■	Desirable	N/A	1 Unit/40 Acres
	1 Unit/ 20 Acres		■	Mandatory	Mandatory	1 Unit/20 Acres
West Mountain		1 Unit/ 40 Acres	■	Desirable	N/A	1 Unit/40 Acres
		1 Unit/ 20 Acres	■	Mandatory	Mandatory	up to 1 Unit/ 5 Acres
	1 Unit/ 40 Acres		■	Desirable	N/A	1 Unit/40 Acres
	1 Unit/ 20 Acres		■	Mandatory	Mandatory	1 Unit/20 Acres



BLC

5

INDEPENDENCE BATH GENERAL PLAN
WEST MOUNTAIN NEIGHBORHOOD PLANNING AREA
LAND USE PLAN

Prepared by:
SUNSHINE COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

PARK CREEK

MOUNTAIN REMOTE

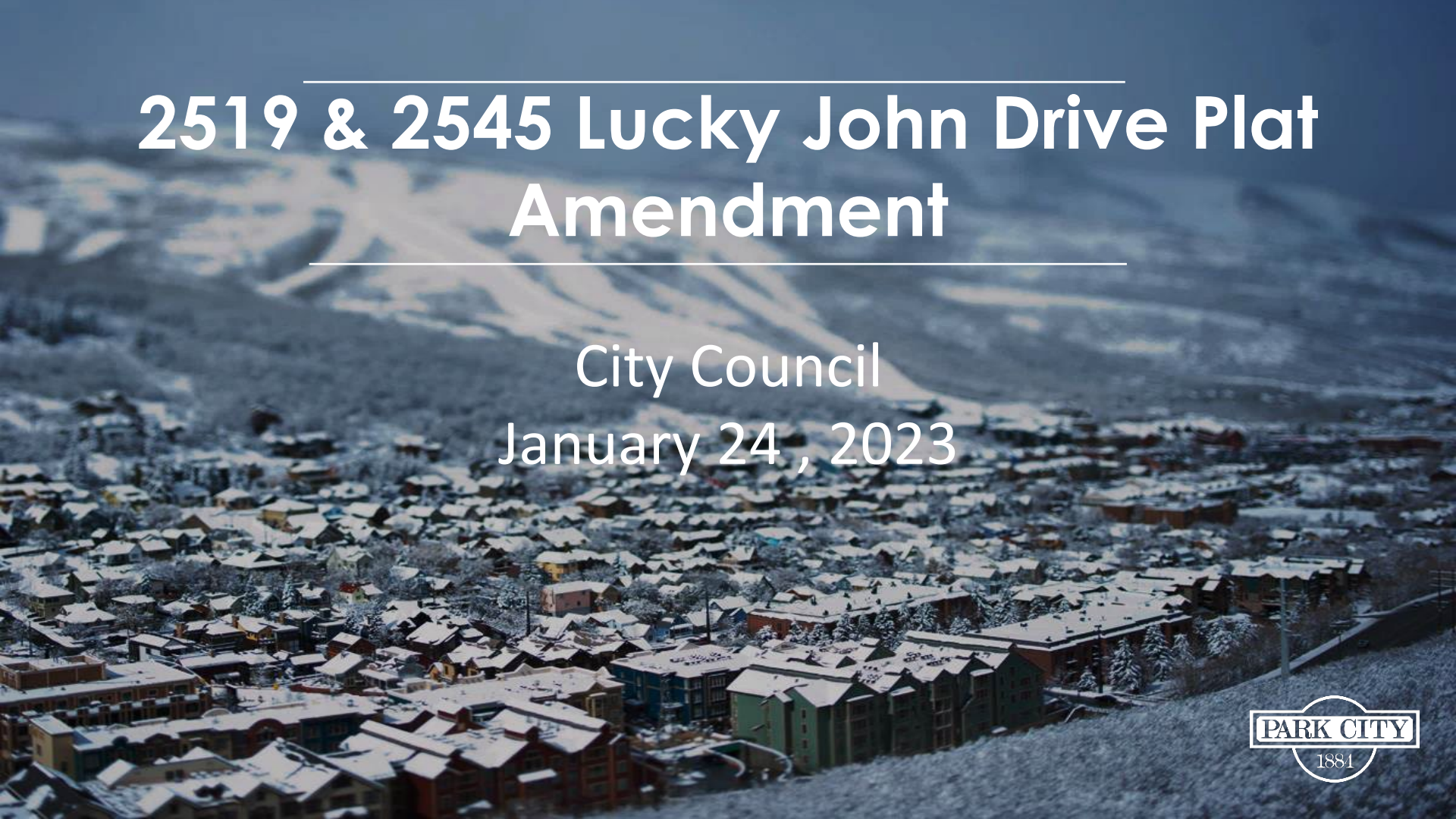
POTENTIAL AREA FOR MOUNTAIN RECREATION AND RESORT SUPPORT ACTIVITIES

Where is the subject property?

We are Part of a Master Planned Area and were approved for a minimum of two Estates.

Compliance with General Plan policies and Land Use Plan Map encourages Master Planned Areas for Resort Center Qualifications

Color designations on this map are only for the purpose of indicating the desired patterns of development and general placement of structures and other similar features on the physical landscape within the Independence Basin. Colors do not represent directly allowable uses for individual parcels. Density shall be determined through compliance with the Independence Basin Development Potential Matrix.



2519 & 2545 Lucky John Drive Plat Amendment

City Council
January 24 , 2023



— Background —

1974 - Holiday Ranchettes Subdivision Plat was approved by City Council with 102 lots.

1999 - The then owners of the 2 lots combined Lots 30 and 31 into one parcel containing approximately 2 acres through an Administrative Lot Line Adjustment approved by the Planning Director.

2014 - The then owners applied to re-establish Lots 30 and 31 as separate 1-acre lots. City Council conducted a public hearing and voted to approve the plat amendment including a Condition that a shared driveway agreement and easement be recorded. The current plat amendment wishes to remove this easement.

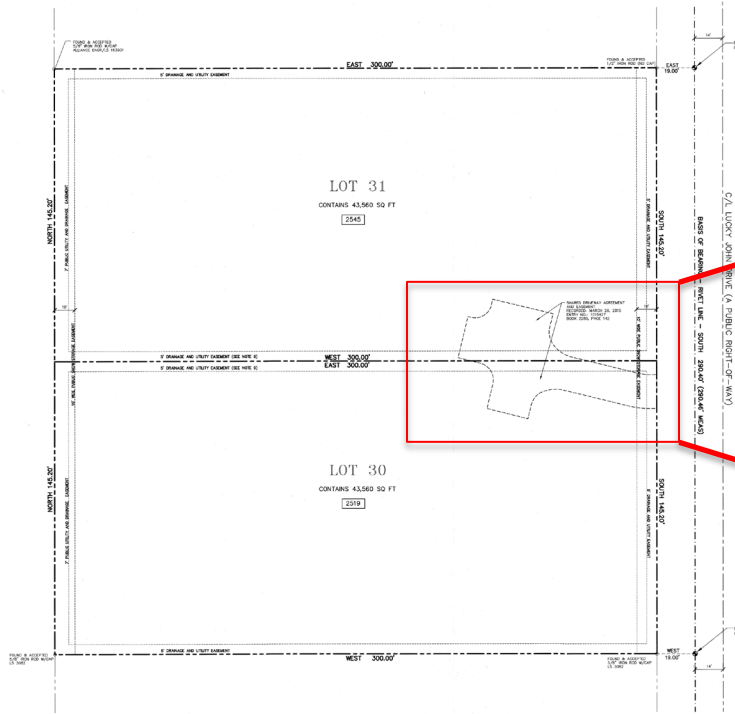


— Proposal —

The Applicant and current owner of Lots 30 and 31 of the Holiday Ranchettes Subdivision, proposes to remove the shared driveway easement recorded on the Plat for both Lots. The shared driveway was a Condition of Approval when the lots were re-established as separate lots by Plat Amendment Ordinance No. 14-18, after having been previously combined in 1999.



C/A HOLIDAY RANCH LOOP (A PUBLIC RIGHT-OF-WAY)



RE-ESTABLISHMENT OF THE ORIGINAL PLAT OF LOT 30 AND LOT 31, HOLIDAY RANCHETTES SUBDIVISION **LOTS 30 & 31 HOLIDAY RANCHETTES**

LOCATED IN SECTION 4
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE
 AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH



SURVEYOR'S CERTIFICATE

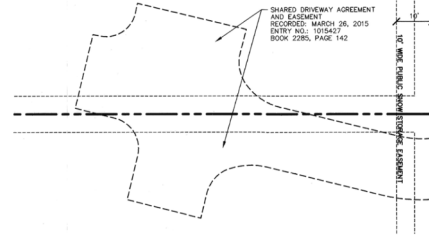
I, Martin A. Morrison, certify that I am a Registered Land Surveyor and that I hold Certificate No. 492870, as prescribed by the laws of the State of Utah, and that by authority of the survey, I have prepared this Record of Survey map of LOTS 30 & 31, HOLIDAY RANCHETTES and that the same has been or will be monumented on the ground as shown on this plat. I further certify that the information on this plat is accurate.

BOUNDARY DESCRIPTION

2219 LUCKY JOHN DRIVE REPLAT PLA LOTS 30 AND 31, Holiday Ranchettes Subdivision, according to the official plat thereof on file and of record in the Summit County Recorder's office.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that the undersigned owner of the herein described land of land, to be known hereafter as LOTS 30 and 31, HOLIDAY RANCHETTES, has caused this Re-establishment of the Original Plat of Lots 30 and 31, Holiday Ranchettes Subdivision, to be prepared, and Corrie Roon Ventures, LLC, a Nevada limited liability company, hereby consents to the re-creation of this Re-establishment of the Original



NOTES

1. [XXX] Street address on Lucky John Drive
2. No access to Lots 30 and 31 is permitted from Holiday Ranch Loop Road.
3. This plat is subject to the Conditions of Approval in Ordinance 14-Rand Ordinance 15-09.
4. Prior to making any physical changes to the property and prior to occupancy of the detached garage located on Lot 31, for any use other than as a detached garage and storage building, the applicant shall meet with the HCA (provided that there is an established HCA at the time of the building permit application) and shall provide to Park City Municipal Corporation (PCMC), with any building permit application, a written letter from the HCA outlining HCA concerns and recommendations with said building permit application.
5. A certificate of occupancy, issued by PCMC, is a condition precedent to occupation of the garage on Lot 31 for any use other than as a detached garage or storage building.
6. Any construction on Lots 30 and 31 shall use the original existing grade (USGS topography that was existing prior to any construction on the lots) in the calculation of building height.
7. The garage on Lot 31 may not be used as a dwelling unit until separate utilities and sewer services are provided for this lot, as required by the various utility providers, and until a certificate of occupancy is issued by PCMC. Utility work, including grading and foundation changes, shall be provided to PCMC prior to issuance of any permits for this work.
8. 13-C fire sprinklers are required for new construction as required by the Chief Building Official at the time of review of a building permit.
9. Existing drainage and utility assessment as shown on the Holiday Ranchettes Subdivision Plat.
10. Prior to proposed construction on Lots 30 and 31, including utilities, minerals, drainage, or foundation, grading, subdivision, and any other disturbance, that requires a permit from the City, a written letter and HCA plan, including the title to be made of the proposed work, and signed by an owner and a professional, shall be provided to the City prior to issuance of any permits for utility work.

PAGE 1 OF 1

JOB NO.: 4-15-13 FILE: K:\Franklin\Survey\Sub\proj\2013\040513.dwg

(435) 649-0407 SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS 08 DAY OF MARCH, 2015 BY: <i>[Signature]</i> S.B.W.R.D.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 12th DAY OF MARCH, 2015 BY: <i>[Signature]</i> CHAIR	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION FILED IN MY OFFICE THIS 12th DAY OF MARCH, 2015 BY: <i>[Signature]</i> PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS 12th DAY OF August, 2015 BY: <i>[Signature]</i> PARK CITY ATTORNEY	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 12th DAY OF August, 2015 BY: <i>[Signature]</i> PARK CITY RECORDER	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 8th DAY OF MAY, 2014 BY: <i>[Signature]</i> MAYOR	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF CALISTO TITLE HEARTY DATE 8/16/15 TIME 1:11 PM ENTRY NO. 1625629 FEE 32.00 REC'D 8/16/15
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— Good Cause —

- The removal of the shared driveway easement between Lots 30 and 31 of the Holiday Ranchettes Subdivision will not cause any hardship to other properties in this subdivision.
- Consistent with requirements of Single Family (SF) zones in the Land Management Code.
- No other properties will be affected by this proposal.
- The proposed plat causes no nonconformities with respect to setbacks, lot size, maximum density, or otherwise.
- No other Lots in the Subdivision have a shared driveway requirement.



—Recommendation—

- Review the requested Plat Amendment to remove a shared driveway easement.
- Hold a public hearing.
- Consider approving Ordinance 2023-04.



An aerial photograph of a mountain town, likely Park City, Utah, covered in a thick layer of snow. The town is nestled in a valley, with snow-covered mountains in the background. The houses are densely packed, and their roofs are covered in snow. The overall scene is serene and wintry.

Amendment to the 2022 Moderate-Income Housing Plan

January 24, 2023



Background

1. State requires that the Moderate-Income Housing Plan be updated in 5-year increments
2. With Planning Commission and City Council approval, the Park City 2022 5-Year Moderate Income Housing Plan was submitted to the state in September 2022
3. The City received notice from the State that the plan was Compliant with three qualified Strategies – Plans are required to have four qualified Strategies to gain Priority Consideration for transportation funding.
4. Due to a technical error, the State judged two of the Strategies deficient – Strategies N & U.

Technical Changes to Amend 2022 MIHP

1. *Under Goal I, Strategy U is Amended as follows:* Develop a moderate-income housing project for residents who are disabled or 55 years **old** or older.
2. Goal III, Strategy N: Implement a mortgage assistance program for employees of the municipality, an employer that provides contracted services to the municipality or any other public employer that operates within the municipality.

Interim detail is added as follows:

- **Evaluate the existing mortgage assistance policy to understand why employees aren't utilizing it. – Complete by December 31, 2022.**
- **Complete review and analysis of employee housing survey to understand employee affordable housing needs and wants. – Complete by January 2023.**
- **Conduct a work session with Council to discuss updated Employee Housing Policies including an updated Mortgage Assistance program. – Complete by February 2023.**
- **If City Council doesn't approve an amended Mortgage Assistance program, focus on other housing assistance programs such as long-term affordable rentals or amending the monthly housing allowance to meet current housing costs.– Complete by May 2023**
- **PROJECTED COMPLETION: June 2023.**

An aerial photograph of a mountain town, likely Park City, Utah, covered in a thick layer of snow. The town is nestled in a valley, with snow-covered mountains rising in the background. The houses and buildings are densely packed, and their roofs are covered in snow. The overall scene is serene and wintry.

Purchase of 1959 Cooke Drive

January 24, 2023



Background

1. 1959 built in 1995 and has had one owner.
2. Owner wants to sell, and the unit needs a few repairs.
3. Owner would prefer selling at a lower price than completing the repairs.
4. The Housing Team doesn't want to saddle a new homebuyer with the repairs.

Recommendation

- City purchase the 1959 Cooke Drive and complete the necessary repairs.
- The format of re-sale will depend on Council direction provided during the Employee Housing Assistance Policy discussion scheduled for the Council Work Session on March 9.