



**PARK CITY PLANNING COMMISSION MEETING
SUMMIT COUNTY, UTAH
March 8, 2023**

The Planning Commission of Park City, Utah, will hold its regular meeting in person at the Marsac Municipal Building, Council Chambers, at 445 Marsac Avenue, Park City, Utah 84060. Meetings will also be available online with options to listen, watch, or participate virtually. [Click here](#) for more information.

MEETING CALLED TO ORDER AT 5:30 PM.

1. ROLL CALL

2. MINUTES APPROVAL

- 2.A Consideration to Approve Planning Commission Minutes from February 8, 2023
[02.08.2023 Minutes](#)

3. PUBLIC COMMUNICATIONS

4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

- 4.A Initiation of the General Plan Update
[General Plan Update](#)
- 4.B Bonanza Park and Snow Creek Small Area Plan Update
[Small Area Plan Update](#)

5. REGULAR AGENDA

- 5.A **1271 Lowell Avenue Units B302 and B401 - Plat Amendment** - The Applicant Proposes a Condominium Plat Amendment to Combine Two Units Into One Recorded Unit. PL-22-05425 (15 mins.)
(A) Public Hearing; (B) Possible Recommendation for City Council
Consideration on April 27, 2023
[1271 Lowell PC Staff Report](#)
[Exhibit A: Draft Ordinance No. 2023-XX](#)
[Attachment 1: Proposed Plat](#)
[Exhibit B: Kings Crown First Amended Plat](#)
[Exhibit C: HOA Approval](#)
[Exhibit D: January 10, 2018, MPD-CUP Final Action Letter](#)
[Exhibit E: February 10, 2021, Amended Final Action Letter](#)
- 5.B **1305 Lowell Avenue - Conditional Use Permit** - The Applicant Proposes to Install Concealed Rooftop Antennas and Associated Equipment to Increase Telecommunications Capacity Coverage in the Recreation Commercial Zoning District. PL-22-05449 (20 mins.)
(A) Public Hearing; (B) Action
[AT&T Telecommunications Site at Marriott Mountainside Staff Report](#)

Exhibit A: Draft Final Action Letter
Exhibit B: Applicant Letter of Intent
Exhibit C: Justification Report
Exhibit D: Site Plan
Exhibit E: Site Photos
Exhibit F: Marriott Mountainside Condominium Owner's Association Letter of Consent and Approval

5.C **316 Woodside Avenue - Conditional Use Permit and Steep Slope**

Conditional Use Permit - The Applicant Seeks to Construct a New Addition to an Existing Historic Home on a Steep Slope and Encroaching into the Required Front Setback. PL-21-05086 (SSCUP) & PL-22-05483 (CUP) - Item Continued from February 22, 2023. (30 mins.)

(A) Public Hearing; (B) Action

[316 Woodside Ave SSCUP and CUP Staff Report](#)

[Exhibit A: Draft Final Action Letter](#)

[Exhibit B: Planning Director determination - 316 Woodside](#)

[Exhibit C: Applicant's Submittal Materials](#)

[Exhibit D: Thibault Plat Amendment](#)

6. WORK SESSION

6.A Net-Zero Stretch Code Resolution and Incentives Program

[Staff Report: Net-Zero Buildings Stretch Code and Incentives](#)

[Exhibit A: Model Language for Draft Net-Zero Stretch Code Resolution](#)

[Exhibit B: Summary of Net-Zero Building Cost Analysis](#)

6.B

Land Management Code Amendments – The Planning Commission Will Conduct a Work Session to Review the Vibrancy Ordinances Outlined in Land Management Code Chapters 15-2.5 Historic Recreation Commercial and 15-2.6 Historic Commercial Business and Section 15-15-1 Definitions to Determine Whether Additional Amendments are Recommended. PL-23-05564 (30 mins.)

[Conventional Chain Business and Vibrancy Regulations Staff Report](#)

7. ADJOURN

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Planning Department at 435-615-5060 or planning@parkcity.org at least 24 hours prior to the meeting.

***Parking is available at no charge for Council meeting attendees who park in the China Bridge parking structure.**

Planning Commission Agenda Item Report

Meeting Date: March 8, 2023

Submitted by: Levi Jensen

Submitting Department: Planning

Item Type: Minutes

Agenda Section: MINUTES APPROVAL

Subject:

Consideration to Approve Planning Commission Minutes from February 8, 2023

Suggested Action:

Attachments:

[02.08.2023 Minutes](#)



**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
FEBRUARY 8, 2023**

COMMISSIONERS IN ATTENDANCE: Vice Chair Sarah Hall, John Kenworthy, Bill Johnson, Christin Van Dine, John Frontero, Henry Sigg

EX OFFICIO: Gretchen Milliken, Planning Director; Rebecca Ward, Assistant Planning Director; Virgil Lund, City Planner; Spencer Cawley, City Planner; Lillian Zollinger, City Planner; Mark Harrington, City Attorney

1. ROLL CALL

Vice Chair Sarah Hall called the meeting to order at approximately 5:30 p.m. She noted that all Commissioners were present, with the exception of Chair Laura Suesser.

2. MINUTES APPROVAL

A. Consideration to Approve the Planning Commission Meeting Minutes from January 11, 2023.

Commissioner Kenworthy noted that on page 25, "class of 2023" should be "class of 23." On page 51 at the bottom of the page, the word "tree" should be replaced with "street." At the bottom of page 64, he noted that he "supported the comments by Ms. Murtaugh."

Commissioner Johnson noted the last word in the fifth paragraph should be "char," not "chalk."

MOTION: Commissioner Johnson moved to APPROVE the Planning Commission Meeting Minutes from January 11, 2023, as amended. Commissioner Van Dine seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission.

B. Consideration to Approve the Planning Commission Meeting Minutes from January 18, 2023.

Commissioner Johnson noted that he was not present at the January 18, 2023 meeting, so he would abstain from the vote.

MOTION: Commissioner Kenworthy moved to APPROVE the Planning Commission Meeting Minutes from January 18, 2023. Commissioner John Frontero seconded the motion.

VOTE: The motion passed unanimously with one abstention by Commissioner Johnson.

3. PUBLIC COMMUNICATIONS

There were no public communications.

4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Planning Director, Gretchen Milliken reported that on March 15, 2023, they will hold a public hearing for the right-of-way vacation in the Santy Auditorium at the Park City Library. The applicant will give a short presentation and then the matter will be opened up for a public hearing. She stated that the City Council will not be discussing the item and it would be purely a public hearing.

Senior City Attorney, Mark Harrington did not want to oversimplify the matter and say that the City Council will not discuss the item at the public hearing. He felt that the meeting would be primarily a public hearing and it would be up to the City Council and the Mayor to decide whether to allow follow-up questions or discussion. The Mayor indicated a preference that it would be primarily a listening public hearing and not much in terms of Staff or applicant presentation.

In response to an inquiry from Commissioner Kenworthy, Director Milliken stated that the comments expressed by the Planning Commissioners were shared with the City Council in preparation for the meeting. She added that the Planning Commissioners are welcome to attend the meeting and make additional comments. Director Milliken reiterated that the comments made thus far had been pulled together and shared with the Council.

Commissioner Frontero asked who scheduled the March 15, 2023 meeting. Director Milliken stated that it was scheduled at the Mayor's request. She echoed Mr. Harrington's comments that the Mayor wanted the public to have the opportunity to weigh in and for the City Council to hear the public comments. She acknowledged that the Planning Commissioners have had plenty of opportunity to hear comments; however, the Mayor felt it was important for the Council to hear the public comment. Director Milliken confirmed that the meeting is scheduled for 5:30 p.m.

Commissioner Kenworthy acknowledged that Homestake was continued but noted that he read somewhere that Rocky Mountain Power had a plan to increase the voltage. He asked Mr. Harrington if he was aware of anything on this. Mr. Harrington stated that he was not involved in direct discussions with Rocky Mountain Power. He acknowledged the request for notice of the next project update to the City Council and stated that notice would be provided as soon as that was scheduled. He would forward Commissioner Kenworthy's question to the team so they would be prepared to answer that question when they provide the update.

Commissioner Kenworthy understood that continuation of the item before the Planning Commission would not affect the meeting before the City Council on this issue. Mr. Harrington stated that it would not affect it directly and stated that the project team committed to the Planning Commission that they would go to City Council to make sure the Council heard the Commission's concerns prior to finalizing either the lease or the final Development Agreement. He noted that the project team was making sure that both the Planning Commission and City Council had the opportunity to be briefed on what has occurred in project planning and the

follow-up testing requested by the Commission. Mr. Harrington commented that it made sense to ensure the efficient exchange of the draft Development Agreement.

Commissioner Kenworthy supported it with the vote but was concerned about the EMFs and the follow-up studies. He wanted to make sure that the letter he wrote 4 to 5 days afterward would be a part of that. He truly believed that the EMF should be a City policy and not one for which the Commission would be responsible, as it is not a Land Management Code issue. Mr. Harrington noted that several Commissioners had written correspondence regarding the policy matters, which were forwarded to the City Council for their consideration.

Commissioner Kenworthy mentioned the parking at Thaynes and stated that he took the time to read all of the information. He still did not understand why it would not come before the Planning Commission. Mr. Harrington referenced his previous comments that they do not know what the solution to the parking problem is, or the "it" that should come before the Planning Commission. He stated that City Council could remove it and then nothing would be required to come before the Planning Commission. Another option was the Council could decide to amend the Master Planned Development in conjunction with the owner which would then come back to the Commission. Yet a third option would be that they could file a stand-alone Conditional Use Permit for a parking facility that would likely come to the Planning Commission depending on the size, parameters, and location.

Mr. Harrington explained that City Council had not yet made a decision and it had been postponed. Once it is scheduled and a decision made, they would know the next steps. Commissioner Kenworthy asked if the junk would be allowed to remain in the garage until the Council makes its decision. Mr. Harrington noted that the garage is a separate issue and there had been incremental enforcement on the parking spaces in the garage. He added that there had been construction activity and some of that was expressly contemplated and some was not, and he understood that was in the process of follow-up.

5. CONTINUATIONS

- A. 1875 Homestake Road, Homestake Affordable Master Planned Development - Development Agreement - The Planning Commission Will Review the Development Agreement for the Homestake Affordable Master Planned Development, a Project Providing 99 Affordable and 24 Market-Rate Units in the General Commercial Zoning District. PL-22-05288.**

MOTION: Commissioner Van Dine moved to CONTINUE 1875 Homestake Road, Affordable Master Planned Development – Development Agreement, to a date uncertain. Commissioner Frontero seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission.

6. REGULAR AGENDA

A. 1150 Park Avenue - Plat Amendment - The Applicant Proposes to Remove the Internal Lot Line Common to Lots 12 and 13 and the Block Line Common to the Additional Parcel to Create a Single Lot of Record. PL-22-05472.

City Planner, Virgil Lund reported that 1150 Park Avenue is a Landmark Historic Structure on the Historic Sites Inventory. It was built around 1895 and in 1947 the Historic Structure was moved from 663 Woodside to its current location. The Landmark Historic Structure sits on the Lot line common to Lots 12 and 13, and the Accessory Structure in the rear sits on the block line. The structure is located in the Historic Residential – Medium (“HRM”) Zoning District. Planner Lund stated that the proposed Plat Amendment complies with the HRM Zoning District requirements. Condition of Approval 7 states that the applicant must enter into an Encroachment Agreement with the City to correct the portion of the Accessory Building that encroaches .2 feet into City-owned property. The Encroachment Agreement must be recorded with Summit County prior to recordation of the Plat. He noted that Conditions of Approval 5 and 6 provide that any development on the Lot, including additions to existing structures, shall comply with the Land Management Code (“LMC”) in effect at the time an application is submitted. Additionally, any development could not increase the non-conformity of the Accessory Building.

Staff recommended Conditions of Approval to comply with Accessory Apartments, Nightly Rentals, and parking requirements. He referenced Condition of Approval 9 which prohibits Nightly Rentals in the Accessory Apartment and would only be allowed in the Landmark Historic Structure. In addition, a deed restriction shall be recorded for the Accessory Apartment that requires the long-term rental of at least 90 days.

Planner Lund explained that Condition of Approval 10 states that the property owner shall retain one Code-compliant parking space per Accessory Apartment bedroom on the site for as long as the Accessory Apartment is retained on the property. He reported that Staff found good cause for removing the Lot line common to Lots 12 and 13, and the block line because the HRM zoning character would be retained. He noted that this proposal was consistent with the Zoning District because it would create one Lot, and would allow the property owner to preserve the Landmark Historic Structure while allowing for opportunities for an addition or Accessory Building compliant with Code. In addition, no public street or Right-of-Way would be vacated or amended, and no easement would be vacated or amended.

Planner Lund advised that the Development Review Committee met on January 3, 2023, reviewed the proposal, and did not identify any issues. The Planning Department, Engineering Department, and City Attorney’s office also reviewed this application. On January 3, 2023, public notice was posted on the City’s website, the Utah Public Notice website, and the property. Additionally, courtesy notice was given to neighboring properties, and notice was published in *The Park Record* on that date. No public input had been received at the time.

Staff recommended the Planning Commission review the proposed 1150 Park Avenue Plat Amendment, hold a public hearing, and consider forwarding a positive recommendation for City Council’s consideration on March 9, 2023, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval in the Draft Ordinance.

Commissioner Frontero reported that he recently toured the property with Planner Lund and Director Milliken. During the site visit, he asked what the applicant would gain by removing the Lot lines and requested that Planner Lund advise of the response in this public forum. Planner Lund explained that the Plat Amendment would allow the applicant to apply for future Building Permits to either remodel the Accessory Apartment or construct an addition in the future. He added that it would allow for future development that would be compliant with Code.

Commissioner Frontero also noted that during the site visit, he asked if there was any scenario where the Accessory Apartment could be turned into a Single-Family Dwelling. Planner Lund believed that could not occur. Planner Lund stated that the current Setbacks would likely not allow for a separate Single-Family Dwelling; rather, the owner would have to construct an addition on the existing Landmark Historic Structure. Commissioner Frontero noted that there was no driveway or other accessibility from the street in the back. Planner Lund noted that was not an official right-of-way, it is City-owned property known as Sullivan Road. He confirmed that the applicant cannot build a driveway from Sullivan Road and noted there was a current agreement with the City regarding use.

Commissioner Johnson observed that if the applicant decided to renovate the Accessory Building, the Conditions of Approval provided that they could as long as they did not expand on the current encroachment. Planner Lund added that they could remodel the interior, but if they did any exterior renovations or enlarged the structure, they would have to come into compliance with the Code. Planner Lund identified the location of the encroachment on the graphic in the Staff Report and reiterated that it encroaches .2 feet into the City-owned property; therefore, the applicant would be required to enter into an encroachment agreement with the City.

Vice-Chair Hall referenced Condition of Approval 9 and asked that they reiterate that it would be a deed restriction to prohibit Nightly Rentals. She acknowledged that it was already in the Code, but wanted it spelled out in the Conditions of Approval.

Commissioner Sigg sought clarification that the Accessory Building was not historically protected. Planner Lund confirmed and confirmed that it could be torn down. If the Accessory Building was torn down, Commissioner Frontero inquired whether the same footprint would be allowed. Planner Lund stated a smaller footprint would be allowed to bring it into compliance with the Setbacks. Currently, the Accessory Building was not compliant with Setbacks.

Vice-Chair Hall opened the public hearing. There being no public comment, Vice-Chair Hall closed the public hearing.

MOTION: Commissioner Johnson moved to forward a POSITIVE recommendation for City Council's consideration on March 9, 2023, for 1150 Park Avenue – Plat Amendment, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Ordinance as follows:

Findings of Fact

Background:

1. The property is located at 1150 Park Avenue.

2. The property is listed with Summit County as Parcel Number SA-363 and consists of all of Lots 12 and 13, Block 65, Snyder's Additions to Park City Amended.
3. The Applicant owns all of Lot 12 and 13, plus an additional 1,000 square feet of land to the east.
4. The property is in the Historic Residential – Medium Density (HRM) Zoning District.
5. The Site contains a Historic Structure constructed circa 1895 and designated a Landmark Historic Structure on Park City's Historic Sites Inventory.
6. The Historic Structure straddles the Lot Line common to Lot 12 and Lot 13.
7. A portion of the existing Accessory Building at the rear of the property encroaches into City-owned property.
8. No easement is vacated or amended as a result of the plat amendment.
9. The LMC regulates Lot and Site Requirements for the HRM Zoning District per LMC § 15-2.4-3.
10. Single-Family Dwellings are an Allowed Use in the HRM Zoning District and requires a minimum Lot size of 1,875 square feet. The combined Lot size is 4,750 square feet.
11. The width of the Lot is 50 feet and meets the HRM Zoning District requirement.
12. The required Front Setback is ten feet. The Landmark Historic Structure is set back 11 feet from the front property line. LMC Section 15-2.4-3(E)(3) outlines Front Setback exceptions, which include porches no more than 10 feet in length that project into the Front Setback no more than three feet in width. The Landmark Historic Structure has a porch that is 26 feet long and 5 feet in width. However, LMC Section 15-2.4-4 establishes Historic Buildings as valid Non-Complying Structures and creates exceptions for Setbacks.
13. The required Rear Setback is 10 feet. The Rear Setback of the Landmark Historic Structure is 40 feet.
14. The required Side Setback is 5 feet. The north Side Setback is 6 feet; the south Side Setback is 11 feet.
15. An Accessory Building is an Allowed Use in the HRM Zoning District. The existing site conditions survey shows that an Accessory Building is on the property.

16. According to the Summit County Assessor's website, the Accessory Building was constructed in 1977. The 1976 LMC required a one-foot Side and Rear Setback for Accessory Buildings. The Accessory Building complies with the 1976 LMC Side Setback requirements because it meets a one-foot Setback, but the Structure does not comply with the Rear Setback requirements because it is built along the rear property line and encroaches 0.2 feet into City-owned property.
17. The building Height in the HRM Zoning District is 27 feet.
18. Staff finds good cause for removing two Lot lines common to Lots 12 and 13 and the block line common to the additional parcel to create one Lot because (A) present land Uses and the Character of the HRM Zoning District are retained, (B) no Public Street or Right-of-Way is vacated or amended, and (C) no easement is vacated or amended.

Conclusions of Law

1. The Plat Amendment is consistent with the Park City Land Management Code, including LMC Chapter 15-2.4, Historic Residential – Medium Density (HRM) Zoning District, and LMC § 15-7.1-6, Final Subdivision Plat.
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 Planner, City Attorney, and City Engineer will review and approve the final form and content of the Plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The Applicant shall record the plat at the County within one (1) year from the date of City Council approval. If recordation has not occurred within one (1) year's time, this Plat approval will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The plat shall note that fire sprinklers are required for all new construction.
4. Any additions or modifications to the Historic Structure must comply with the Land Management Code and requires Historic District Design Review.
5. Any development on the Lot including additions to existing Structures shall comply with the LMC in effect at the time an application is submitted.
6. The non-conforming Accessory Building shall not be increased.

7. To address the existing Accessory Building that encroaches into City-owned property, the Applicant shall remove the encroachment or enter into an Encroachment Agreement with the City and record the agreement with Summit County prior to recordation of the Plat.
8. City Engineer review and approve all Lot grading, utility installation, public improvement, and drainage plans for compliance with City standards prior to issuance of any building permits.
9. Nightly rentals are restricted to the primary Landmark Historic Structure and require an active Business License. Nightly rentals are prohibited in the Detached Accessory Apartment in Accessory Building and shall be deed restricted pursuant to Code.
10. The property owner shall retain one Code-compliant parking space per Accessory Apartment Bedroom on the site for as long as the Accessory Apartment is retained on the property.

Commissioner Kenworthy seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission.

B. Land Management Code Amendment - Amendment to the Land Management Code Section 15-2.13.2 to Prohibit Fractional Use and Private Residence Clubs in Bellevue Phase 1 1st Amendment and Bellevue Phase 2 (Bellevue Court HOA). PL-23-05509

City Planner, Spencer Cawley reported that Bellevue Court Homeowners' Association ("HOA") representatives, Bob Sertner and Ben Shapiro, were present online to answer questions. Planner Cawley stated that the LMC amendments were to Section 15-2.13-2, which governs uses in the Residential Development ("RD") Zoning District. He explained that this application was specific to the Bellevue at Deer Valley HOA, which requested a prohibition on Fractional Use and Private Residence Clubs in the Bellevue Subdivision. The Bellevue Subdivision consists of two subdivisions, Phase 1 First Amendment, and Phase 2, as identified on the Summit County Assessor's Map. The subdivision is located in the Upper Deer Valley neighborhood and consists of 14 properties. He reported that all owners support the proposed amendment, which is a change from what was reported in the Staff Report.

Planner Cawley stated that the Upper Deer Valley neighborhood encompasses both the Estate and Recreation Open Space ("ROS") Zones, including the RD Zone. This neighborhood does not abut any other zone. Both of the proposed prohibitions are currently conditional uses. Because the pending Ordinance issued by the City Council asked Staff to review transient uses, both Fractional Use and Private Residence Clubs were prohibited in the RD Zone. The proposed LMC amendments for Fractional Use and Private Residence Clubs comply with the General Plan and the Park City Land Management Code. The sense of community, which is a core value in the General Plan, helps preserve areas for primary residents. Additionally, he mentioned the mitigation of adverse impacts related to these transient uses and other uses not specific to primary residential uses.

Planner Cawley reported that Goals 7 and 8 were specific to creating diversity of primary housing and also to increase affordable housing opportunities to maintain primary residential ownership within these Residential zones. He stated that prohibiting Fractional Use and Private Residence Clubs was consistent with the General Plan. Since 2014, the LMC had been amended several times to prohibit these transient uses within the RD Zoning District, including Nightly Rentals, which is where the prohibitions began. They have seen the transient uses change as they identified Fractional Use as an up-and-coming use within Park City. Footnote 10 currently states that Private Residence Club Project and Conversion requires an Administrative Conditional Use Permit. The amendment would state: "Private Residence Club Project and Conversion are not permitted in the Bellevue Subdivision Phase 1 First Amendment and Bellevue Subdivision Phase 2." He referenced existing Footnote 19 which is specific to Fractional Use. He stated that would be amended to include Bellevue Subdivision Phase 1 First Amendment and Bellevue Subdivision Phase 2.

Planner Cawley reported that Staff published notice on the City's website, the Utah Public Notice website, and to the property on January 25, 2023. *The Park Record* also published legal notice on that same date. Staff had not received any public input regarding this application prior to the Report being published. Staff recommended the Planning Commission review the proposed amendments, hold a public hearing, and consider forwarding a positive recommendation for City Council's consideration on March 9, 2023.

Commissioner Johnson referenced the HOA approval, attached as Exhibit A, and noted it was not signed and wondered whether that was standard practice. Mr. Harrington stated that it depends on the application and noted that Condominium Plats or Subdivision Plats require a 2/3 vote and a more formal process for both the application and the plat, and a notarized signature. He stated that items such as this in which they are showing next steps and a concurrent process within the HOA, letters were sufficient. He added that it was not legally necessary for the City to do what the HOA proposed, but the HOA explained what they were doing.

Vice-Chair Hall opened the public hearing.

Bob Sertner identified himself as the Vice President of the Bellevue Court HOA. He introduced Ben Shapiro as the President of the HOA. He reported that they signed the application. They thanked the Planning Commission and indicated that they consider themselves a primarily residential neighborhood in Upper Deer Valley. They appreciated the opportunity to change their own Code to reflect how they feel about the neighborhood.

Ben Shapiro added that he has been a homeowner here for over 30 years but this was the first time he has attended a Planning Commission Meeting. He stated that the HOA will go one step further and have 100% votes to change their Codes, Covenants, and Restrictions ("CC&Rs"). He expressed their fortune in having homeowners who like each other and feel it is important to keep it as a residential neighborhood. Vice-Chair Hall noted with interest that this neighborhood is in Upper Deer Valley. She commented that it was interesting to hear from an applicant from a primarily residential neighborhood. Mr. Shapiro was glad to have the opportunity to say many in Upper Deer Valley consider themselves primarily residential.

There were no further public comments. Vice-Chair Hall closed the public hearing.

MOTION: Commissioner Van Dine moved to forward a positive recommendation for Fractional Use and Private Residence Clubs in Bellevue Subdivision Phase 1 First Amendment and Phase 2, for City Council's consideration on March 9, 2023, as set forth in the Draft Ordinance.

Commissioner Johnson seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission.

- C. Land Management Code Amendments - The Planning Commission Will Review Proposed Land Management Code Amendments to Clarify Landscaping and Water Wise Regulations, Define Key Terms, Update Gravel Regulations, Establish Landscaping Regulations Based on Land Use Type, Provide Flexibility to Replace Significant Vegetation with Water Wise and Firewise Landscaping, Update the Recommended Plant List to Identify Water Wise Plants, and Clarify Landscaping and Limits of Disturbance. PL-21-05064.**

Planner Cawley presented the Water Wise Landscaping updates made to the Land Management Code. He reported that in 2019, the City Council identified opportunities for the City to address Water Wise Landscaping as a means to mitigate changes within the climate, as well as ways to conserve water. As part of that, the Water Department worked with the City Council to develop incentive programs that would allow residents of Park City to remove turf in exchange for cash. He reported that Staff worked with the Water and Sustainability Departments to look at how they could holistically include the requirements so the requirements could be met for the incentives.

Planner Cawley reported that House Bill ("H.B.") 282, enacted in the last Legislative Session, addressed specific changes to definitions for Water Wise Landscaping, which Staff included in previous versions of this Ordinance. They also met with industry experts, landscape architects, architects, and applicants who would use this Ordinance, and they expressed excitement over changes to the LMC that they could actually use. They used information obtained from a public survey to help direct how they could move forward with the amendments. He stressed that this is not the endpoint of amendments to the LMC for landscaping but is a step in the right direction.

Planner Cawley stated that the objective is to identify opportunities to improve water conservation in Park City. He reiterated that the Water Department is working on incentives for turf removal, so they need to include State regulations that will allow them to qualify for State funds that ultimately would be passed down to the residents. He presented the text of the current Landscaping Code and the Water Wise Landscaping regulations but stated that the requirements set forth in the current language were difficult to understand.

Since the January 2023 meeting, Staff reviewed recommendations from the Planning Commission and included in the Staff Report the originally proposed amendments in red, and updates as suggested by the Planning Commission in blue. He called out Municipal Code Section 14-1-5 which includes a plant species list developed as a means for direction on what would be appropriate to plant in City Rights-of-Way. Planner Cawley stated they had directed residents to that list as a means to help establish some sort of direction on Water Wise Species. They realized that this list was for Fire Wise Plants; and, although there is some crossover, they heard at the last meeting that although some of these plant species are water-wise, they were not great options for the climate or location.

Planner Cawley explained that as part of the amendments, they removed this plant species list, and instead, Planning Staff would maintain a “living list” of Water Wise and Fire Wise Plants. He noted that maintaining a “living list” would mean that they would not have to return to the Planning Commission and City Council every time they wanted to add or remove a plant from the list. They would utilize industry standards and information from Utah State University to help keep the list up to date. In addition, Planner Cawley stated they could direct residents to the website for the information.

He also mentioned H.B. 272 in the current Utah Legislative Session that addresses Water Efficient Landscaping Amendments. He noted they highlighted those proposed amendments in yellow in the Staff Report. While these amendments were not yet effective, they wanted to anticipate the proposed changes by including them in the proposed amendments. He commented that these State amendments were good recommendations to further solidify the Water Wise Landscaping Amendments.

Planner Cawley highlighted the changes since the last meeting. He noted that they changed the reference from “native drought tolerant plants” to “non-invasive drought tolerant plants.” He noted this change arose from public comment and input from the Sustainability Department that some of the native plants were not necessarily the best option. He expressed that they could also consider non-native, non-invasive drought-tolerant plants.

Under the Section entitled “Landscape Plan,” they clarified when a Landscape Plan would be required. They proposed the following language:

“(I) New Development and/or Construction Activity proposed for an unimproved Lot or property and/or undisturbed natural Lots or property; and (II) renovations or Construction Activity that modifies the Building Footprint.”

Staff also clarified that they would want to see “intended” plant material identified in the Landscape Plan. This was in response to the comments that holding the final version to identified plant species was often difficult due to issues with plant availability.

Planner Cawley noted the section on Significant Vegetation and stated that Staff removed the language regarding “replacement,” so it would read as follows: “Significant Vegetation preservation shall be prioritized...” They also removed the following language: “allow for the replacement of Significant Vegetation with Water Wise Plants,” and included that it would be “as approved by the Planning Director or Forestry Board.” Director Milliken confirmed that as the Forestry Board moves forward with regular meetings, Staff would have the opportunity to meet with them, which would provide some flexibility for when replacing Significant Vegetation would be required.

Planner Cawley referenced the language regarding noxious weeds, and explained that it was amended to include “all noxious weeds as identified by the State of Utah or Summit County...” They learned that the State of Utah and the County do not always identify noxious weeds the same. As a result, sometimes there is a gap, and sometimes there is an overlap; therefore, they wanted to cover all bases. He added that they also included language that regardless of the development stage, noxious weeds would continually be removed from the property in a manner that was acceptable to the City and the County, and all noxious weeds shall be removed prior to issuance of the Certificate of Occupancy.

With regard to the Lawn/Turf Section, Planner Cawley explained that they clarified what was required for residents to qualify for the incentives as directed by the State. They removed the original language regarding incentives because incentives are required regardless. He stated that this would include the prohibition of Lawn/Turf in parking strips or areas less than eight feet wide in a new Residential Development. He pointed out the language highlighted in yellow that came from H.B. 272. He reiterated that this was pending legislation, but something they wanted to include. Planner Cawley explained that this language would drop the percentage of Lawn/Turf from 50% by stating: "No more than 35% of the Front and Side Yard Landscaped Area in a new Residential Development shall be lawn/turf." He noted that part of H.B. 272 included a definition for Active Recreation Area, which they had previously found difficult to define. They included the State's definition as part of the amendments for Section 15-15-1.

Under the definition of Historic Significant Vegetation, Planner Cawley asked the Commission to consider forwarding a recommendation to City Council that they also amend Line 282 to read: "includes vegetation identified as part of the Historic Site Form." He explained there were specific call outs for vegetation on the Historic Sites Inventory, and they wanted to ensure that they captured those as part of the definition of Historic Significant Vegetation. Staff recommended the Planning Commission review the proposed LMC Amendments, hold a public hearing, and consider forwarding a positive recommendation, as amended, for City Council's consideration on March 9, 2023.

Commissioner Johnson observed that Staff captured most of the Planning Commission comments. He noted that with regard to Significant Vegetation, section ix. (A), referenced a "review conducted by the Forestry Manager and Planning Director"; however, in section ix. (D), the language states, "by the Planning Director or Forestry Board." He felt these two sections should be consistent, and suggested that it would be good to have the purview of the Planning Director and someone with Forestry certification. Whether the latter is the Board or the Manager should be clarified. He reiterated that the current language captured most of the Commission's comments and he felt it would be better than it used to be.

Commissioner Sigg asked who serves on the Forestry Board and who is the Forestry Manager. Director Milliken responded that the Forestry Board is comprised of a number of different City employees. She sits on the Forestry Board as a representative from the Planning Department. City Engineer, John Robertson, also serves on the Board along with Trails and Open Space Manager, Heinrich Dieters, Sustainability Manager, Luke Cartin, and others. The Forestry Board is a formal Board that meets quarterly but will soon go back to meeting monthly. She mentioned that Mike McComb is also on the Board. The Board met quarterly while he was getting his Police Certification. Director Milliken stated that the Board reviews different applications that come through the Planning Department that might have questions regarding Significant Vegetation, as well as any Trails applications. Director Milliken added that they will be creating a Forestry Master Plan as they look at issues such as fire protection and mitigation.

Commissioner Johnson asked if they could recommend that a Licensed or Certified Forester join the Forestry Board. Director Milliken stated that the Board has discussed having a Certified Forester or Arborist serve as a Consultant to the Board.

Commissioner Kenworthy commented that Staff has done a fantastic job on the amendments. He referred back to a question he asked approximately one year ago and asked if someone who owns five acres and has three acres of water rights that they need to use or lose would be

exempted from these regulations. Mr. Harrington recalled that the question one year ago was slightly different. He stated that the Ordinance would not implicate someone's requirement to use water with the State system. Rather, it regulates landscaping and water-wise treatments on particular properties. If someone has a different irrigation right on his or her property outside of the City system, they would be subject to the State management of that water right. The City's ordinances only apply to infrastructure permits for the City.

Mr. Harrington explained that the City does not restrict how someone uses water if it is a right owned independent of the City. The City only restricts its water system. He noted that the City has its own irrigation restrictions independent of this Ordinance. He recalled suggesting last time that if they wanted a broader look at how all those external water rights and how those water systems were managed separate from this Ordinance, they could have a Work Session discussion potentially in contemplation of the General Plan updates. He stressed that was different than management of permit activity within a developable Lot.

Commissioner Kenworthy was looking for an exemption where they could not force these regulations on someone who would lose his or her personal property rights in the water and the well below them. Mr. Harrington reiterated that there were two independent requirements and typically they are not applicable to single-family development or these types of Lots. These permits typically did not regulate someone with a broader irrigation right, such as one of the farm properties in the entry corridor. This Ordinance would only apply to the new development as defined, and these regulations generally did not apply to ongoing agricultural activities. He offered that horse, farming, or husbandry were non-development agricultural uses that were separately permitted use activities, not development activities of Single-Family or Commercial development.

In response to an inquiry from Commissioner Kenworthy, Mr. Harrington stated they would not need an amendment to exempt the above-described property owners from this Ordinance because that might result in unintended consequences by creating loopholes for inefficient water use contrary to the Code's intent. The intent of the amendments was aimed at facilitating conservation consistent with State and local initiatives. He noted the State was looking at inherent conflicts during this Legislative Session.

Vice-Chair Hall asked if agriculture would include gardens, which would not be subject to this Ordinance. Mr. Harrington did not want to oversimplify it either way. He stated there might be a circumstance where there were structural improvements involved with the garden that could subject it to this Ordinance; however, generally, this Ordinance was driven by the types of permits in the definition of New Development that includes new disturbances on platted lots and new development that expands existing structures and disturbed areas. He reiterated that it would depend on the original platting of the subdivision, and the types of facilities that exist in conjunction with that. He opined that a garden in an existing disturbed area would not be implicated by this Ordinance. He cautioned that they could not predict what people might apply for, and there was always the potential for an extreme circumstance that might trigger the Ordinance, such as a greenhouse or expanding into an area that was previously undisturbed.

Commissioner Sigg asked if the existing irrigation policies had provisions for water capture. Mr. Harrington answered in the affirmative and stated they could obtain that information from Manager Cartin's team. Director Milliken referenced the language in the Staff Report that it would apply to "new Development and/or Construction Activity" as well as "renovations or Construction Activity that modifies the Building Footprint."

Vice-Chair Hall understood that an addition to a home that did not change the Building Footprint would be exempt from filing a Landscaping Plan. She asked for clarification of the difference between new Development and Construction Activity and asked if a Landscaping Plan would be required if an owner was going to disturb a portion of the property that was currently undisturbed.

City Planner, Lillian Zollinger explained that for a homeowner who had not initially improved their backyard, the current Code would require a Landscaping Plan. For any application processed under the previous Code, the previous Code would apply. She noted that once the amendments are adopted, any new changes would have to be brought into compliance with the current Code.

Vice-Chair Hall observed that it might get complicated in terms of percentages in the backyard. Planner Zollinger acknowledged it would be tricky at first, but going forward any new development that would be a disturbance would have to be compliant.

Vice-Chair Hall referenced "Residential Development" in section 6.d. and observed that the State was limiting lawn/turf to no more than 35% in the Front and Side Yards.

Commissioner Frontero asked about the incentive program and wondered if the Rebate Pilot Program was part of these amendments. Planner Zollinger stated that the Water Department has been separately developing the Rebate Incentive Program, and they intended for these amendments to be in line with that program. The program is not implemented in this Code, but it is related to these amendments and did not need to be further defined in this Code.

Vice-Chair Hall returned to the Lawn/Turf restriction of 35% of the Front Yard and asked if that was 35% of the developed area or the landscaped area. Planner Zollinger responded that this percentage applied to the landscaped area. Vice-Chair Hall referenced the chart in the Staff Report that identified the Maximum Lawn/Turf as a percentage of the allowed Limits of Disturbance and asked Staff to explain how it would be calculated. She noted that on a 1/3 acre Lot, there would be the house, a driveway, a walkway to the front door, and possibly a deck. Planner Zollinger explained that the applicant should provide some of that breakdown, but this percentage would be applied to any area not covered by Buildings, Structures, or Impervious Surfaces.

Vice-Chair Hall observed that it seemed as though 95% of Lots were already landscaped, and most were in violation of these proposed amendments. Planner Zollinger commented that the idea of the incentive program was to encourage residents to replace the turf. Vice-Chair Hall asked for clarification of the clumping and the 18-foot distance between trees, which she understood was taken from the Wildland-Urban Interface Code ("WUI"). Planner Zollinger indicated that she would defer to the Building Department for specifics on those provisions. They included it in these amendments for easy referencing.

Vice-Chair Hall questioned the rationale for the clumping requirements and noted that most people around town were in violation of these requirements, and the few Lots that had not yet been developed would have a very different set of rules with respect to the spacing of trees. She referenced the limitation of Artificial Turf and understood that although it was not encouraged in terms of creating a heat island, she observed that if it were placed under a tree then there would be no heat island effect. She felt there was contradictory information

regarding materials but wondered what people with a new Lot were left with if in addition to limiting Artificial Turf, they were not allowing Turf, not allowing Gravel, limiting Rock, and limiting Evergreen Trees. Planner Zollinger commented that they were ultimately looking at non-invasive drought-tolerant high grasses, as well as a mix of organic and inorganic mulch and proper irrigation, with native plantings throughout.

Vice-Chair Hall questioned how they will distinguish the Artificial Turf in terms of allowing it for a Recreational Area and acknowledged that it was removed from an area where vegetation was unsuccessful. She previously used Artificial Turf and stated that it worked great.

Commissioner Van Dine interpreted the amendments to state that an owner may use Artificial Turf if they choose but they do not want someone to have an entire backyard of Artificial Turf. She noted that while the amendments discourage the use of Artificial Turf, they do not prohibit its use.

Vice-Chair Hall requested that they include language in the Water Wise Section that the approved vegetation list would be on file. Planner Zollinger noted that Section 4 a.i. states: "Refer to the Planning Department for a City-approved Plant List." She confirmed this would be the approved plant list for Water Wise Landscaping. Planner Zollinger also noted that the City-approved Plant List referred to the "living list" described earlier. The plant list in the Code is specifically for plantings within the City's right-of-way and the list in the Code is irrelevant for the purpose of Water Wise Landscaping.

Vice-Chair Hall wanted to clarify the official list being referenced. Mr. Harrington suggested attaching the new list to the Ordinance. Planner Zollinger explained that they originally edited the list in the Code but ultimately decided to create a list that would be outside the Code so they could update it as needed. That way, they would not be required to come back before the Commission every time they wanted to make changes. She noted that they use resources from Utah State University, as well as resources from other states. Director Milliken suggested including a link to the City-approved Plant List. Vice-Chair Hall felt that would be helpful for easy reference.

In Section 4.a.vii., Vice-Chair Hall suggested deleting the reference to "native" as they did in Section 2, and noted that it should just state "drought-tolerant plants." She asked if xeriscaping refers specifically to a drip system. Planner Zollinger stated it could be but it varies as there are several definitions.

Vice-Chair Hall asked how they could replace the type and size of Significant Vegetation. She used the example of the removal of a 50-foot Evergreen tree. Commissioner Johnson stated he did not know how it would work but questioned how one would replace an old-growth pine tree with another pine tree. He noted that pine trees were not taking to the current climate, and he questioned how you would replace something with a diameter of 16 inches. Vice-Chair Hall felt it was difficult because the Code seems to provide that a 16-inch diameter tree must be replaced with a 16-inch diameter tree. She wondered how this would work.

Planner Cawley stated that he dealt with a prior application involving a Historic Structure with a new addition that would impact existing Significant Vegetation. They conducted a site-specific review with Director Milliken, the applicant, and an Arborist who stated that the applicant could not replace the existing Significant Vegetation with the exact size and kind. Additionally, they recognized that the applicant could not just plant ten trees and expect them to grow and be

healthy. He explained that this section talks about a site-specific review conducted by a Forestry Manager and the Planning Director so that they could have that specific designation. For example, if an applicant was removing Significant Vegetation, they could determine the best long-term, viable replacement.

Commissioner Johnson felt this was the best foot forward at this point because he could not think of a better way to accomplish the removal and replacement. He offered that changing the wording to "Forestry Board and Planning Director" would allow the local experts within the City to weigh in, which would also include the Planning Director's overall view of the specific proposal. Vice-Chair Hall agreed and reiterated that it did not seem practical to replace it with a like size. She understood that would be subject to Planning Director and Forestry approval. Planner Cawley added that it would also provide flexibility by requiring equivalent landscaping in type and size. He noted they could change the language to make it more specific.

Commissioner Kenworthy asked Vice-Chair Hall if she was suggesting a minimum diameter trunk. Commissioner Van Dine stated that by setting a minimum diameter they would be taking it away from the people who are the experts who could look at viable options. She felt they were giving this to people who were hopefully well-versed and have the best interests of the City and the environment in mind. She felt the more restrictions they impose, the more they would limit options down the road. Commissioner Johnson noted that it would be species-specific as well and would be challenging to list out diameters.

Vice-Chair Hall wanted to discuss the Active Recreation Area and felt it mostly applies to City-owned property. She noted this was a new definition and a new component of this Code. Planner Zollinger commented that this definition comes from the proposed H.B. 272 in the current Legislative Session. She read the definition as follows:

"An area of a lot or parcel that is not in low-density residential development, comprised of lawn or turf dedicated to active use; installed or maintained on areas with a slope of not more than 25%. Active use means regular use for playing, exercise, recreation, or regular outdoor activities that are ordinarily associated with lawn or turf, such as a sports field, a social gathering area, an amphitheater, a public or private park, the playing area, including rough, driving ranges, and chipping and putting greens, of a golf course."

She reiterated that the definition came directly from H.B. 272. If there was an exception that they did not want to include, they could remove it. She referred to Section 6. f. (line 209) that provides that the Lawn/Turf area limitations apply to all City-owned property with the exception of an Active Recreation Area or as determined by the Planning Commission under a Conditional Use Permit review. Vice-Chair Hall asked the Commission if they were okay with this definition and also asked if the Deer Valley Amphitheater was 25% slope. Commissioner Kenworthy offered that it was likely 15%.

Vice-Chair Hall referenced Section 6. c. that: "Lawn/Turf is prohibited on parking strips or areas less than eight feet (8') in width in new Residential Development." She observed that residents could not have much grass, but if an owner installed it, it had to be a big chunk of grass. Planner Zollinger stated that this limitation is in two locations. One came from the State and the other involved the Turf Rebate Program. One of the conditions of Turf replacement was that Lawn/Turf would be prohibited on parking strips or areas less than 8 feet in width in the new Residential Development.

Vice-Chair Hall asked if they were trying to reduce Turf in general, and why they would allow it on a larger section. Commissioner Van Dine stated that it might be due to the fact that one cannot effectively water something that is less than eight feet in width. She felt it went along with not allowing odd-shaped Turf areas that could not be watered effectively. Vice-Chair Hall commented that her biggest issues were with the WUI Code and the 18-foot distance between trees and acknowledged that if that was already part of their Code they really could not do anything about that. She would like to carve out an exception for gardens and noted that the prior drought-tolerant list did not include any garden items. She asked if a garden with a drip-line would qualify as xeriscaping.

Planner Zollinger agreed that if that was how one was working with the soil, it could be interpreted as Water Wise and if mulch was used in a way that is Water Wise, it would also qualify as xeriscaping. She requested input from the other Commissioners on whether they should include an exemption for gardens.

Vice-Chair Hall commented that most people with gardens likely used drip irrigation so they would be exempted anyway; however, she would like to encourage more at-home gardens. Commissioner Frontero felt that gardens would be covered in the 35%, and if an owner chose to install a garden instead of grass, then that would be his or her option.

Commissioner Van Dine felt that most gardens would fit within the Code if they use drip irrigation, and most residents would reach their percentages with a garden and some turf.

Vice-Chair Hall sought clarity on the applicability of the Section 4 requirement of a Landscape Plan. She liked the fact that a Landscaping Plan would not be required if an owner is not touching landscaping and not changing the Building Footprint. She noted that a Landscape Plan would not be required for simply changing landscaping. She posited that a Landscape Plan would not be required for someone with a one-acre lot who wanted to remove the front turf and replace it with drought-tolerant plants. Planner Zollinger disagreed, and stated that a Landscape Plan would be required, especially if the owner was looking for the replacement incentive. She confirmed that technically, everyone that does landscaping work on their property must obtain a Building Permit and submit a Landscape Plan; however, she acknowledged that typically, those doing smaller landscaping projects do not submit a Landscape Plan. Those who completely re-do their landscape submit a Landscape Plan.

Vice-Chair Hall used the example of removing dead turf next to a driveway and replacing it with mulch and some plants. Planner Zollinger stated a Building Permit and Landscape Plan would only be required if the owner wanted the rebate. Vice-Chair Hall questioned whether the language included that distinction and felt that Section 4 triggered a Building Permit and Landscape Plan if an owner disturbs a portion of their landscaping. Planner Zollinger explained that Section 4 provides that a Building Permit and Landscape Plan would be required for an unimproved Lot or undisturbed natural Lots or property.

Director Milliken asked Vice-Chair Hall if she still wanted additional language in Section 4. Vice-Chair Hall felt that there should be clarification in subsection (II) that would make clear that a Landscape Plan would not be needed if the Construction Activity does not touch the landscaping. She also noted that if someone is not changing the Building Footprint but changing the landscaping, she felt that scenario should be addressed.

Vice-Chair Hall asked what the goal was in terms of requiring a Landscape Plan, and posited that one would not be needed for a landscaping project and an addition to the home that does not change the Building Footprint. Planner Zollinger agreed that was correct, as long as the homeowner had no intent to apply for the Rebate Program. Vice-Chair Hall requested that language be included in the Draft Ordinance because she felt that the section could be interpreted as requiring a Landscape Plan if someone moved a tree as part of a window replacement.

Mr. Harrington weighed in by stating that there was already a determination of the previously disturbed 35%; therefore, if an area were already landscaped, modifying that landscape would not trigger this Section. He added that most cities exempt Single-Family and Duplex Lots altogether. He noted that Park City was already over-inclusive compared to other cities, and he suggested not adding a third category.

Vice-Chair Hall stressed that she was not trying to be over-inclusive and supported the addition of the second component of this Section. She felt that if someone constructed an addition that did not change the Building Footprint, they should not have to do a full Permit with a Landscape Plan.

Mr. Harrington stated that this Section had to be read together with the other definitions that trigger the requirement. He acknowledged it was complicated and was not criticizing Vice-Chair Hall's questioning; however, he pointed out that she might be reading it too narrowly. He opined that the examples suggested would not require a Landscape Plan.

Planner Cawley stated that when it comes to the Rebate Incentive Program, those funds might not exist next year. He noted that the requirement to submit a Landscape Plan is included in the application for the rebate. He explained that Staff intentionally did not include that in this Section because the Rebate Program may not exist next year and they did not want to make that a requirement in the Land Management Code. He reiterated it was a requirement through the Water Department as part of its application process.

Commissioner Sigg asked how they addressed grade and grade walls as part of Landscaping and Irrigation. He offered that one could be more Water Wise in irrigating flat land than in irrigating sloped land; however, the cost of putting in a two to four-foot wall to create flat land would also alter the property. Someone might just want a sloped lawn where the water just runs into the gutter. He felt that an integral part of any landscape and irrigation solution would address grade and grade walls to hold water versus allowing water to run off.

Planner Zollinger stated that under the Section entitled Lawn/Turf, subsection a. provides that "Lawn/Turf is prohibited on slopes with a ratio greater than 3:1." Additionally, she referenced a recommendation that deep-rooted turf grass should be planted on slopes. With respect to the Active Recreation Area, Planner Zollinger noted there was no exception for areas with a slope greater than 25%.

Commissioner Sigg asked if a Landscape Plan would be required for someone who wanted to install an 8-foot grade wall to hold some grade because they notice water spilling off their property. Planner Zollinger acknowledged that could get more complicated, and explained that depending on the location of the property it might require an Administrative Conditional Use Permit because such a wall would typically be in a Setback for that height. This would require

review by the Engineering and Building Departments as to why the water was spilling out and why the wall was needed.

Vice-Chair Hall was interested in seeing an example of what these provisions mean because as she drives by the couple of random Lots around town that are completely vacant she could not visualize what landscaping they would be allowed to install. She felt there were so many limitations, and although they were trying to achieve Water Wise, rock was limited and turf was discouraged.

Commissioner Van Dine stated that her neighbors across the street just landscaped their yard in a manner that was very consistent with these proposed amendments, and the yard looks great. They kept the old-growth trees and were able to install some new trees along with natural grasses in the front. She admitted that the tree limitation was difficult because they are used to seeing trees everywhere; however, they also cannot change the WUI Code. She added that there are probably homes in Park City Heights that have come close to implementing these proposed changes by installing natural grasses and limiting lawns to play areas. Commissioner Van Dine agreed that it was difficult to visualize driving past a vacant Lot; however, some of the new Lots encompass some of these changes and they still look very nice.

Director Milliken stated that the Planning Department will be updating the Historic District Design Guidelines with illustrations to help explain the Guidelines, and included in that they would have a landscaping example for the Historic District. She agreed with Vice-Chair Hall that it might make sense to provide some illustrations so that it would be clearer and more comprehensive.

Vice-Chair Hall felt that the requirements are so different from what much of Park City already had in terms of landscaping, and felt that the last to build would be the only ones subject to these requirements. She would also like to reduce who would be subject to these requirements. Planner Zollinger commented that they reviewed the proposed amendments with local architects and local landscape architects, and they expressed support going forward and it was something they could accomplish.

Vice-Chair Hall opened the public hearing.

Deb Rentfrow asked about the timeline for the submittal of the Landscape Plan required by Section 4 for New Development and/or Construction Activity, and whether the Landscape Plan would be required to be submitted concurrently with the application for the construction of a new building. Planner Zollinger explained that for New Development, a Landscape Plan would be required at the beginning, and it would typically get updated or submitted towards the end of the process as well. She stated that landscaping was one of the last elements inspected. She added that the Historic District Design Review, was one of the requirements, and approvals were usually conditioned with an updated plan.

Commissioner Johnson asked if the updated Plan would go back through the review process. Planner Zollinger stated that it would not go through the entire review process; rather, the Planners who reviewed it during the Building Permit phase would double-check it to make sure that any changes were still compliant with Code.

There were no further public comments. Vice-Chair Hall closed the public hearing.

Commissioner Johnson reiterated his prior comments that lines 137, 142, 162-163 of the Draft Ordinance should read "Planning Director and Forestry Board." He noted that the amendments originally stated Forestry Manager, and then they learned there was no Forestry Manager. Planner Zollinger made these requested changes.

Planner Zollinger summarized the changes requested by the Commission as follows, which she highlighted in green:

- Changed the reference to "native" that was not caught, and shortened the sentence to "plants," as they had done in the previous paragraphs;
- Changed "Forestry Manager" to "Forestry Board" and changed "or" to "and";
- Updated the definition of Historic Significant Vegetation as pointed out by Planner Cawley

Commissioner Kenworthy asked Staff to address noxious weeds. Planner Zollinger explained that they incorporated the language after learning of the State versus County lists. Commissioner Kenworthy asked if they wanted the list outside of this so they could update it on the fly. She noted that the inclusion of the link to the "living list" of approved plants would be included on line 110. Commissioner Kenworthy asked if they addressed the issue at Certificate of Occupancy and at the beginning of the project. Planner Zollinger read the language as follows:

"All noxious weeds, as identified by the State of Utah or Summit County, shall be removed from the Property in a manner acceptable to the City and Summit County regardless of development state. All noxious weeds shall be removed prior to issuance of Certificates of Occupancy."

Vice-Chair Hall asked if the Conditional Use Permit required under Section 6.f. for Turf on City-owned property would go before the Planning Commission or be subject to Administrative review. Planner Zollinger stated it would go before the Planning Commission, and would usually depend on the use in the specific zone. She noted that typically uses such as City parks or a recreation area are conditional uses.

Commissioner Johnson noted a typo on line 209, which Planner Zollinger corrected.

Vice-Chair Hall asked if the City planned to remove any turf and avail itself of the Rebate Program. Director Milliken was not aware of any such plans at this moment and noted the program was new. She added that was something they could take up with the Forestry Board.

Commissioners Johnson and Kenworthy felt comfortable with the Ordinance, as amended.

MOTION: Commissioner Johnson moved to forward a POSITIVE recommendation for City Council's consideration on March 9, 2023, for the Water Wise Landscaping Land Management Code Amendments, as outlined in the amended Draft Ordinance. Commissioner Van Dine seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission.

The Commission took a brief recess.

7. WORK SESSION

- A. Accessory Uses in Master Planned Developments - The Planning Commission Will Conduct a Work Session on Potential Land Management Code Amendments Regarding Support Commercial, Residential Accessory Uses, and Resort Accessory Uses Outlined in Land Management Code Chapter 15-6 Master Planned Developments Section 15-6-8 Unit Equivalents, and Consideration to Consolidate Resort Support Commercial Uses in Recreation and Open Space Section 15-2.7-2 Uses, Residential Development Section 15- 2.13-2 Uses, Residential Development Medium Section 15-2.14-2 Uses, Regional Commercial Overlay Section 15-2.17-2 Uses, General Commercial Section 15-2.18-2 Uses, and Light Industrial Section 15-2.19-2 Uses in Section 15-6-8 Master Planned Development Unit Equivalents.**

Assistant Planning Director, Rebecca Ward reported that Accessory Uses are intended to serve the needs of residents on-site and are part of a Master Planned Development ("MPD") review. She stated that the current LMC exempts some Accessory Uses from Unit Equivalents ("UEs") if reviewed as part of an MPD. She stated that this could present challenges wherein over time, Accessory Uses intended for people who are already on-site transition into different uses that might open up invitations for people from off-site; in these situations, parking and traffic impacts might not have been fully evaluated. She reported that the Planning Commission conducted a Work Session in December, and the information in the Staff Report incorporated the initial input from the Commission.

Assistant Director Ward stated that the first Accessory Use for review is Support Commercial. This Accessory Use is oriented toward the internal circulation of development to serve the residents or users of the development. She stated that currently, Support Commercial could be up to 5% of the total project square footage, with another 5% for meeting space.

She reported that the initial input from the December Work Session was as follows:

- Limit signage and marketing to interior spaces;
- Remove the allowance for meeting spaces;
- Limit Support Commercial to a hotel under one ownership and remove from Nightly Rental condominium projects;
- Capture affordable housing obligations;
- Tie the maximum Support Commercial to net square footage with a cap rather than a percentage of the total Floor Area; and
- Consider the impacts of Conventional Chain Businesses within the Support Commercial use.

Assistant Director Ward presented the redline amendments to the Support Commercial provision. She pointed out that the amendments would limit these to hotels, and would limit Support Commercial to 5% of the total Floor Area of the UEs approved or set a total square footage maximum to address some of the challenges that have arisen in much larger projects. She also noted that the amendments would clarify that the affordable housing obligations should be calculated as part of the review. Finally, the Meeting Space provision was deleted. She

stated that the next Accessory Use reviewed by the Planning Commission was Residential Accessory Uses. She presented the current uses listed in the Code that range from Ski/equipment lockers to saunas, hot tubs, and exercise rooms.

Assistant Director Ward recalled that the Commission's initial input was as follows:

- Limit Residential Accessory Uses to functional spaces, and clearly define them;
- Evaluate whether a public restroom should be included as a density bonus;
- Add childcare facilities; and
- Consider vehicle miles traveled when evaluating laundry, storage, and employee facilities.

The Building Department reviewed some of the questions that arose during the last discussion as to when public restrooms would be required for a hotel or Nightly Rental condominium project. She explained that whenever there is a common area that is part of a residential project, public restrooms are required based on the amount of common area, and the proposed occupancy and uses of that common area. She added that the only time that public restrooms would not be required would be in a residential development with no common areas. As a result, she advised that Staff recommended removing that allowance from the Residential Accessory Use.

In addition, she reported that the Building Department reviewed the functional spaces and assisted with a definition that would align with the Building Code and how they evaluate spaces such as mechanical rooms required for the operation of the building. The proposed amendments would remove a significant number of allowances in the list, and define mechanical rooms and shafts as being "limited to electrical, heating, ventilation, plumbing, and air conditioning equipment and ductwork necessary for the operation of the Building." This is similar to how these projects are evaluated through the Building Code.

Assistant Director Ward stated that Residential Accessory Uses would continue to include laundry facilities, employee facilities, hallways and circulation, and elevators and stairways. Staff added a Child Care Center as a Residential Accessory Use.

She next addressed Resort Accessory Uses and provided the current list as found in the Code. She recalled that the Planning Commission's input was to:

- Capture the affordable housing obligations, and traffic and parking impacts;
- Remove uses required for business operations like the administration allowance;
- Remove terms that could be broadly interpreted, such as "instruction facilities"; and
- Consider vehicle miles traveled when evaluating maintenance and storage facility allowances.

Assistant Director Ward presented the proposed amendments and explained that they would require the employees generated to be included in the affordable housing obligations and be counted as part of the parking and traffic requirements for the project. In addition, Staff removed "administration" and "instruction facilities" from the allowances.

Assistant Director Ward next addressed Resort Support Commercial Uses, which are outlined in some limited Zoning Districts. Staff recommended amendments to make it consistent

throughout, so when there is Resort Support Commercial allowed in a Zoning District, they would include a footnote stating it was part of an approved MPD, and not a stand-alone allowance. The current LMC did not have a carve-out for a density bonus for Resort Support Commercial; therefore, the amendment would ensure that in each Use table, there would be a footnote that would tie it to an MPD approval. She reported that Staff received public input, which they attached as Exhibit A to the Staff Report. She invited the Commissioners to provide input on the proposed changes.

Commissioner Johnson addressed the proposed Residential Accessory Uses and continued to believe that laundry facilities did not need to be included. He felt this was an amenity that could help with the sale of the development, and noted there are two laundromats in town. He proffered that laundry facilities would be needed more for affordable housing. He referenced The Prospector and the Silver Mountain Buildings that were recently upgraded by installing laundry facilities. Commissioner Johnson stated that because it was something that would be required in any development, he did not support giving additional density for that use. He mentioned the point raised during the last meeting about drive time, and although he agreed with that, at this point he felt that laundry facilities would be included in any market-rate unit. He reiterated his position that laundry facilities should be removed from Residential Accessory Uses.

Commissioner Johnson expressed confusion over the Resort Accessory Uses because many of the Development Agreements already have elements carved out. He queried when the Resort Accessory Uses would be applied, and felt that setting aside the two Development Agreements, those particular properties would not be looking at Resort Accessories. He was all for lost and found, first-aid mountain patrol, emergency medical facilities, and ticket sales, but felt they were part of a smart business model. Developers would want those uses so that people would want to visit and use the property. He wondered what the point was in having the Resort Accessory Uses section.

Assistant Director Ward explained that pursuant to Code, Resort Accessory Uses are Accessory Uses associated with an approved summer or winter resort. It would apply to the larger projects, and she recalled a section from the General Plan that addressed flexibility with the resorts as they change over time. She advised that this Code from the early 2000s was enacted, in part, to allow some of that flexibility for the additional services listed.

Commissioner Frontero asked what would happen and whom it would impact if they just eliminated all of the Resort Accessory Uses. Assistant Director Ward referenced Exhibit B to the Staff Report and sought clarification as to what he suggested eliminating. Commissioner Frontero stated that it went back to Commissioner Johnson's point that some of these were just good amenities to offer as a business, and asked why they would allow them as a density bonus. He inquired as to how the list was created and whether they should consider eliminating them.

Commissioner Kenworthy commented that there are functional uses for the space and he felt they wanted to balance it with the community good cause. He mentioned daycare and noted they were in a desperate situation for day care. He would want these employees as well as the surrounding community to have day care. He noted there is a certain amount of use that is functional for the building and the other uses that would fall within good cause. He mentioned the balance of the uses from the development side and did not want them to say that all of these

uses would count towards density and then not have the ability to bring something to the community.

Commissioner Frontero asked Commissioner Kenworthy if he would consider narrowing the Resort Accessory Use list because he felt that most of the uses on the list should be part of density.

Commissioner Johnson felt that both Commissioners Frontero and Kenworthy raised good points, and they could look at keeping public lockers, public restrooms, employee restrooms, employee locker rooms, employee break rooms, and employee dining areas. They could scratch ski school/daycare facilities, ticket sales, equipment/ski check. The result would be a benefit to the community so the developer would be given additional density.

Commissioner Sigg commented that the spirit was to eliminate free profit centers because they were talking about someone else's business model. A developer could build two fewer condominiums and replace them with whatever uses would be moneymakers. Commissioner Frontero agreed. Commissioner Sigg added that they know the daycare center would be leased to a daycare operator for market rate, and he questioned how that would translate to a community benefit unless it contributed as a community benefit in exchange for something. He added that for the Planning Commission to be involved in an allowance or incentive for someone's business model made no sense. If a developer wants a bowling alley, for example, they should include it in the volumetric and build two fewer condominiums.

Commissioner Frontero understood and agreed with Commissioner Sigg's suggestion to pare down the list.

Vice-Chair Hall commented that for the Resort Accessory Uses specifically, she did not know if it would even apply because Deer Valley and Park City Mountain Resort ("PCMR") were already in Development Agreements. Hypothetically, if a third resort was to come along and not have a Development Agreement, they could just go from that point. If a businessperson could sell two more condominiums, then why would they want a nice emergency facility, daycare facility, or day lockers for day skiers. She felt they would not add those because they would make more money selling a nice condominium for \$5 million.

Commissioner Frontero disagreed and offered that the businesses know what their clientele wants and that they would provide it if it made business sense. If it would not make business sense, then it should not be a freebie on their density.

Commissioner Sigg stated that it should be the developer's business model, not the Commission's model.

Vice-Chair Hall agreed that they do not need to include administration; however, she would like to encourage good public lockers and public restrooms, and the developer would not be making money off these facilities. Commissioner Frontero asked if they needed to give the developers density to provide public restrooms because they would not ordinarily provide them. Vice-Chair Hall commented that a developer would do the minimum required by Code and would not make them nice and sufficient for the development's users if they would have to compromise what they could sell for a very high luxury condominium. Commissioner Van Dine agreed with Vice-Chair Hall and added that the same rationale could be applied to daycare facilities. Developers

have no obligation to put a daycare facility in their development, and she questioned why they would put one in if they would make more money selling a condominium.

Commissioner Frontero agreed on daycare, and potentially one or two other uses he agreed should remain. However, the vast majority of the list was a freebie to the developer that he did not support.

Commissioner Sigg stated that if you walk into the public restroom at Flagstaff, the Paint Brush, or other similar places up in Empire, people would wonder why the public was using it because those are condominium projects that do not really have a public presence. There would be no reason that someone going to Silver Strike Lift would wander into the Paint Brush development unless they were going to visit someone. He felt that to misconstrue what might be perceived as a public restroom that might be found at a bus stop or the resort base was different than what would be in the volumetric of one of the mid-rise buildings in Deer Valley.

Vice-Chair Hall noted a couple of distinctions. She wondered if they were just talking about Resort Commercial, or were they talking about all Accessory Uses. She noted that a public restroom at the ski resort base was different from a Nightly Rental condominium complex that is essentially private, and she agreed with Commissioner Sigg in that regard.

Vice-Chair Hall suggested going through each category. Assistant Director Ward suggested starting the discussion with Support Commercial.

Assistant Director Ward recalled that the input received from the Planning Commission in December was to limit signage and marketing to interior spaces; remove the meeting space allowance; limit Support Commercial to hotels under one ownership and remove Nightly Rental condominium projects; capture the affordable housing obligations; and set a number up to 5% that would count toward the UEs, or establish a square footage cap. She noted that one of the challenges that arose in a previous project was that it was a large development, so 5% ended up being a significant amount of square footage. She stated they were still looking through some of the larger MPDs to determine their recommendation for a good square footage total cap.

The Commission also suggested consideration of prohibiting Conventional Chain Businesses. There was discussion during the last Work Session about signage and marketing for a Starbucks or other Conventional Chain Business that might open it up to the community at large.

Vice-Chair Hall supported the proposed amendments and observed that the limitation on signage was not included in the amendment presented to the Commission. Assistant Director Ward stated that would be added. Vice-Chair Hall liked the language regarding Chain limitation and eliminating the Meeting Space. She also liked that a calculation would still apply to the affordable housing component.

Commissioner Kenworthy agreed with Vice-Chair Hall's comments. Commissioner Van Dine also agreed, and liked the idea of a square footage cap for the larger projects and felt it would be beneficial. It was noted by Assistant Director Ward that Support Commercial would be just for hotels, so the Nightly Rental condominium allowance would be removed.

Vice-Chair Hall stated that she would approve the amendments to this section with the addition of the signage language. She felt the proposed changes reflected the comments of the Commission during the last Work Session. Commissioner Frontero agreed.

Assistant Director Ward next turned to Residential Accessory Uses and presented the current list to the Commission. She stated that the Commission's input was to limit these to defined Functional Spaces. She noted that it was for these uses that the discussion regarding public restrooms came in specific to the Residential Accessory Uses. She added that the Building Department had clarified that if there were any common area in a residential development, whether the development is for Nightly Rentals or full-time residents, it would be the occupancy and use of the common area that would trigger the public restroom requirement. She noted that the only time a public restroom would not be required is if there were no common areas.

Assistant Director Ward also noted that they added Child Care facilities to the list. She recalled that laundry facilities were a point of discussion during the last Work Session, and laundry facilities remained on the list of Residential Accessory Uses in the proposed amendments. Many of the other uses were removed, except for mechanical rooms and shafts, the definition of which was shown in red in the Staff Report.

Other Residential Accessory Uses that remained on the list included laundry facilities, employee facilities, hallways and circulation, and elevators and stairways. They added a Child Care Center.

Commissioner Kenworthy supported the proposed list of Residential Accessory Uses and stated he would include the laundry facilities.

In response to an inquiry, Assistant Director Ward stated that this section would apply to any residential multi-unit dwelling.

Commissioner Frontero asked why they would allow hallways and circulation as an exception. Assistant Director Ward referenced the December discussions and stated that density was dependent on the underlying Zoning District, and was established in different ways. She explained that one UE in a residential development is 2,000 square feet of residential use. Applicants were still confined by the site for elements such as Building Height, Setbacks, Floor Area Ratio, or whatever the underlying zoning mandated. She added that the MPD Code provided some flexibility wherein they could look at a larger development holistically to see how the UEs would be best suited for the site; however, the additional regulations as to elements such as Setbacks still applied.

Commissioner Frontero opined that if an MPD granted a certain amount of density and an applicant wanted to build 100 units in a two-story building, the applicant should factor in the elevators, stairways, and hallways into that. He struggled to agree conceptually to allow developers to have those uses not count against density. He felt that for a 100-unit development, hallways, circulation, elevators, and stairways should be part of the design.

Assistant Director Ward clarified that they reached out to several communities and evaluated different communities' codes for comparison. Whereas Park City's Code was a bit of an outlier with Support Commercial and Resort Accessory Uses, it was common for mechanical rooms and other areas required for the function of the building to be carved out. She noted the original

list was much more expansive than what was comparable to other communities; however, this section was the one area where Park City was similar to what other communities have in place.

Commissioner Van Dine asked if there was any other community that did not include uses such as hallways and mechanical. Assistant Director Ward stated that for those communities they reviewed, these uses were common exceptions. She noted that it depended on how the other communities looked at the underlying density.

Vice-Chair Hall noted that in general, the question was what they wanted to incentivize, and she was agreeable to allowing the uses such as maintenance, hallways, and shafts, as those are parts of the building. She encouraged including Child Care, and employee facilities, and added that she could be flexible on a concierge or something like that. In addition, she felt that telephone areas, business centers, and administrative offices could be eliminated, but she reiterated she would like to incentivize employee and childcare facilities. She agreed it was probably more commonplace to exempt mechanical, maintenance, hallways, and the like.

Commissioner Van Dine agreed and approved the list as proposed. Commissioner Kenworthy also agreed, and further agreed with Commissioner Sigg that they should look at whether the add-ons were revenue generators. He proffered his belief that they stripped the list down a lot and were at the right balance. Commissioner Sigg added that it was hard to look at this in its infinite expansion because there would always be restrictions on Building Height, Setbacks, and other requirements. To the extent that these were exceptions, that still might preclude someone from building 100 units to fit it within the space. He did not feel that this list was giving applicants *carte blanche* add-ons.

Commissioner Sigg agreed with Commissioner Frontero that these exceptions could fall within the constraints of the Code and the zone; however, it did need to be looked at within the volumetric of what is available to build and then treat it as an exception. He felt there was a degree of reason because the proposed list was comprised of elements necessary to operate a building.

Commissioner Frontero stated that these comments were helpful and acknowledged that the list was pared down quite a bit. He agreed with the points raised by Commissioner Sigg that items necessary to run the building should be included and he could support the proposed list.

Vice-Chair Hall commented that she would add maintenance back to the list and make the definition of mechanical a little more vague. She suggested mechanical/maintenance areas in general. Commissioner Frontero liked the specificity in the proposed list.

Assistant Director Ward next addressed Resort Accessory Uses and recalled that the Planning Commission wanted to capture the affordable housing obligations, and parking and traffic impacts. The Planning Commission also suggested removing administration and instruction facilities. The point of discussion during the December Work Session centered on maintenance and storage. She commented that affordable housing, parking, and traffic were proposed to be included as a required evaluation. She presented the list and noted that Staff removed administration and instruction facilities.

Vice-Chair Hall asked about the inclusion of a 5% cap, and Assistant Director Ward stated that Staff could look into possibilities on how it would be calculated. Vice-Chair Hall otherwise liked the proposed changes and commented that she did not know how many other resorts would be

coming to town. Commissioner Van Dine agreed with Vice-Chair Hall and felt that if they could have a cap or generalization so they could still incentivize resorts to build without making them small.

Commissioner Frontero asked if they really had to give applicants an allowance for ticket sales, and felt it should be part of the business model. He urged that would be a business use because they use ticket booths to raise revenue, which is part of the business model.

Commissioner Johnson would like to strip down the list and would start with emergency medical facilities. He would keep public lockers, public restrooms, and employee restrooms, and would strike ski school, but keep daycare facilities. He would also keep circulation and hallways for these Resort Accessory Uses. He felt these were community benefits.

Vice-Chair Hall asked about equipment/ski check and noted that at Deer Valley, most locals check their skis for several days for free and then take transit. Commissioner Johnson expressed that if the majority wanted to keep that in, he would not object. Vice-Chair Hall would keep the First Aid mountain patrol, and agreed that Information, lost and found or ticket sales would be necessary; however, she felt that everything else on the list provided more of a community benefit.

Commissioner Johnson asked if First Aid Mountain Patrol would fall under the emergency medical facility. It was noted that these uses would be completely separate. Commissioner Van Dine stressed that she would like those to remain on the list.

Commissioner Sigg stated that there is confusion in scope and scale, and noted they were looking at resorts in terms of a place where they would all go, however, noted that East West Resorts was constructing a new building in Upper Deer Valley. He wondered if there was a way to bifurcate these two types of uses; in other words, what might be a single building or buildings within versus the common area in an MPD that would have more expanse. He felt they were having difficulty differentiating between those two uses.

Commissioner Frontero asked if this list could apply to Mayflower or something similar. Assistant Director Ward advised that this would only apply to a Resort Development Agreement within City limits. Vice-Chair Hall noted this would exclude Deer Valley and PCMR.

Assistant Director Ward explained that for Resort Support Commercial, they want to ensure that in all of the Use sections in the Zoning Districts, a footnote would be added indicating that it would be allowed in the zone if it were approved as part of an MPD. In response to an inquiry, she added that the allowed uses could be a Conditional Use; and if it is a Conditional Use as part of the MPD review, the Planning Commission could request that they come in for that additional review prior to construction. She added that the MPD could establish a Conditional Use Permit for later review by the Planning Commission at the time of construction. This would ensure that the modifications for any changes to the Accessory Uses that might have affordable housing, or traffic or parking implications, could be reviewed at that time.

Vice-Chair Hall noted that Residential Accessory Uses would not go toward an applicant's UEs, and asked if it could go toward affordable housing. She noted that affordable housing was not specifically listed in that section; however, it was listed for Support Commercial for Hotels and Resort Accessory Uses. Assistant Director Ward stated they would review that suggestion.

Assistant Director Ward commented that overall there was consensus on these proposed amendments, and asked if they were ready to be publicly noticed for a public hearing on March 22, 2023. Vice-Chair Hall and Commissioners Kenworthy and Frontero agreed.

B. Affordable Master Planned Development Consultant Report Updates -- The Planning Commission Will Conduct a Work Session on Recommended Items to Include in the Updated Consultant Reports Regarding Affordable Master Planned Developments to Provide Information for Future Planning Commission Work Sessions.

Assistant Director Ward reported that the above item was a follow-up to the January 25th Work Session where one of the requests for review of amendments was to re-evaluate the Affordable Master Planned Development ("AMPD") Code now that the Planning Commission had reviewed the first project under that Code. As outlined in the Staff Report, the AMPD was put into the Land Management Code in 1984, but there was never a project developed with the density bonus. In 2018, the City Council directed Staff to hire a consultant to figure out what it would take to incentivize development either through private development or public/private partnership.

Cascadia Partners completed two studies on behalf of the City that evaluated and established that Code. Staff was now recommending that those studies be updated before the Planning Commission reviewed future changes to the Code. The updated studies would provide updated market conditions and additional analysis for items such as the allowance of commercial use as part of an AMPD. She noted that currently, up to 10,000 square feet of commercial use was allowed in an AMPD, and there might be an opportunity for that to increase. Staff recommended the studies be updated to show the financial implications of increasing commercial uses, and how it would impact recommended parking reductions.

In addition, Assistant Director Ward advised there were some proposals to allow Nightly Rentals in a certain number of market-rate units if a certain number of the affordable units could be offered to a lower Area Median Income ("AMI") like 30 to 40 percent. Staff requested that the consultant perform that evaluation. She also reported that Staff recommended the consultant evaluate potential opportunities to incentivize more affordable units at the lower AMI. Overall, they wanted to make sure that the reduced Open Space, Setbacks, increased Heights, and parking reductions reflected current market conditions. Assistant Director Ward asked if there was anything else the Commission would like the consultant to review.

Commissioner Sigg stated that one of the things he would like to see in an AMPD was occupancy allowances, limits, and acceptable levels in dwelling units. He wanted to ensure that they do not become multi-occupant units. He was taken aback at the number of occupants in a single unit that was presented as part of the Homestake project. He asked why they would not have more than 30% single-occupancy room units to avoid six unrelated people living in the same apartment. It was noted by Vice-Chair Hall that the number was a State requirement.

Commissioner Kenworthy commented that that issue became very confusing and when the 573 numbers came in at the end it stunned him. He recalled that during the first presentation, it was something in the low-400's and then it went up. He also recalled discussions regarding some Federal Codes and it never connected for him, except by the applicant stating it was what was allowed. He noted that the developer's study specified 1.4 people per room, which translated to 300+ in the early stages. It turned out the developer did not have a single unit in Park City

where apartments get stuffed during the winter season. He agreed that they needed to flush that issue out completely and transparently with the consultant.

Vice-Chair Hall stated that a good preliminary question would be if that was something they could regulate, as she interpreted the developer's comments that it was off-limits for the Planning Commission to regulate in an AMPD.

Mr. Harrington cautioned the Commission on terms of cause and effect. He mentioned occupancy regulations in multi-family affordable units versus subdivisions where the Commission could not regulate who lives in his house as compared with the person next door; rather that is set by Building Code limitations. He understood that the concern was the impact of the project. If the Commission was concerned about parking, then parking should be addressed. If the concern was about traffic, then traffic should be addressed. He stated that they could get the appropriate measurement so they could have the right data to address the impact; however, he advised the Commission to be careful about treating different projects differently based on perceived occupancy.

Vice-Chair Hall commented that in theory, they could then be considering a regular MPD and state that there could only be two people in each MPD. Commissioner Kenworthy asked if the City code allowed for only two per bedroom, plus one in certain circumstances. Mr. Harrington stated that the State went through with this with the college towns and put restrictions on what cities can and cannot do in terms of occupancy. There are also Federal requirements regarding the affordable units in place. They could provide the Commission with that information. He again cautioned that when they do not bat an eye when evaluating occupancy for a condominium unit at Deer Valley, why would they regulate occupancy in affordable housing in Propector. He posited that it was because of the impacts. Mr. Harrington urged the Commission to address the impacts as he did not feel that occupancy was the issue unless they were worried about something specific like fire exits.

Commissioner Kenworthy suggested answering Vice-Chair Hall's preliminary question and agreed that he would go with the ratios. The ratio said 573 to 125 parking stalls, which would result in 4x parking per occupant. He would also like the consultant to look at transit and noted that the key to having these ratios was going to be the transit programs. Whether there would be available micro transit or bus stops, those are the things he would like to see.

Commissioner Sigg stated that they should not single out workforce housing. They were on that topic now, but there could be excessive occupancy in regular housing. That might be something to address as a general rule and not necessarily related to this discussion.

Mr. Harrington felt there was a legitimate policy issue with the parking requirement and thought that could be addressed regardless of this issue. He commented that they either do or don't want to agree with prior recommendations to reduce the parking requirement. He stated he would take issue with Commissioner Sigg's comment in terms of the fact that the prior applicant did not use the parking reduction and parked it to the current Code.

Commissioner Kenworthy commented that this was why they wanted the consultant to review the issue. Mr. Harrington stressed that a broader parking philosophy issue was an absolutely legitimate policy consideration along with impacts on the neighborhood. However, the Commission would need to sort out where they currently stood with themselves, the community, and with City Council because that was driving much of the angst.

Assistant Director Ward understood that the Commission would like the consultant to provide information at the Federal, State, and local levels on occupancy allowances, and whether there were additional regulations for affordable units that received Federal or State funding. She stated that this information would be used as part of the parking analysis. Commissioner Kenworthy added that they would like the consultant to understand the transit components that mitigate the ratio of cars to occupancy within $\frac{1}{2}$ mile, a mile, and/or a transit center at the building. He felt that the mitigation with the transit center, or even a nice bus stop would give them additional mitigation for that parking ratio.

Assistant Director Ward noted that the prior evaluation included a recommendation that parking could be reduced if it was within $\frac{1}{4}$ mile of a transit stop. She understood that Commissioner Kenworthy was suggesting taking it further and showing how the number of vehicles would be reduced based on proximity to transit.

Commissioner Kenworthy also suggested adding micro transit to the analysis and believed it was coming Citywide soon, so he would like to get in front of it with additional mitigation components if the consultant felt that a robust micro transit in addition to buses would allow them a higher quality of life for the occupants.

Vice-Chair Hall asked if there was a way to incentivize redevelopment, and requested that be added to the consultant's scope. She felt there were areas around town with commercial on the first floor that could add an affordable housing complex on the second floor if allowed. Mr. Harrington suggested framing that in terms of other ways to expand the incentives because the AMPD was for new builds. Affordable housing was already excluded from density when it meets the Code requirement. The Commission could look at expanding that if it exceeds that standard from what it was originally. He added that they could establish parameters subject to existing biometric limitations, and felt there was always the balancing the concern of the neighborhood mitigation. He suggested framing it for the consultant to look at expanding incentives and let them come back with recommendations.

In response to an inquiry regarding the timing for the updated studies, Assistant Direct Ward advised that the original report was completed in approximately 9 months. Because the consultant had already completed a majority of the report, she anticipated the updates would not take as long as the initial reports.

Commissioner Johnson asked Vice-Chair Hall if she was suggesting that they did not need the consultant. Vice-Chair Hall felt the consultant would be wonderful for something new, especially whether there was flexibility within the existing Code to add redevelopment. She felt that looking at the current AMPD Code, they should maybe just discuss some of the issues they faced.

Mr. Harrington suggested that the Commission address the parking issue first because if a project were not parked, it would not be built. He noted that with redevelopment, it would not be feasible unless the City would pay for central garages. Until the Commission knows what it would or would not be willing to do in terms of parking, that would drive many of the other issues.

Commissioner Johnson would like the consultant to broaden some of the examples and felt it would be good to revisit the Truckee, Mammoth, and Ketchum development examples to see

how they evolved. He suggested eliminating Bend as an example. He also felt it would be beneficial to direct the consultant to look at some Colorado ski towns and something with existing transportation in place that they could look to for comparison. He noted the consultant referenced Bend quite a bit, which has a population of 97,000.

Commissioner Johnson mentioned looking at places like Silverthorne that just built an affordable housing mixture with transit integrated into it. He noted that the consultant stayed in the Pacific Northwest realm and he wanted them to look at other resort towns. Commissioner Frontero agreed.

Commissioner Kenworthy stated they would love not to park these, but they have to have the mitigation and know what they need to expect out of the mitigation from transit. He felt this would be a big component, and if the consultant found some of this in other winter resort communities, those are the ones they would like to try and emulate.

Vice-Chair Hall asked if they were committed to this consultant. She understood that Commissioner Kenworthy felt the AMPD was wildly under parked even though the applicant did not even use the parking exception allowed pursuant to the Code and which was supposed to be the big carrot for the whole development. She wanted to add an additional incentive but reiterated that the applicant did not use the incentive and Commissioner Kenworthy was unhappy with how it was parked. She felt that they were at opposite ends of the spectrum, and although they both want affordable housing, the parking issue was key. She wondered about the benefit of the updated report if they would remain at opposite ends of the spectrum.

Commissioner Kenworthy explained that the occupancy kept going during the course of that project, and they still do not know if there is a Federal bonus that came in at the end. He felt they needed the study and that transit was the key. If the transit comes in, and they know what mitigation was needed from transit, they would be in a good place to do these projects. If they do not have an understanding of the transit skeleton coming in and out of town and within the City, he questioned how a family would get to the market. He stressed that they have to know what mitigation is required for this transit from within the City, or they will have to park it. He thought that was the last thing the City wanted to do.

Vice-Chair Hall suggested having the conversation now to see where people stood. She noted that Commissioner Kenworthy stated that Homestake was wildly under-parked, and she took the position that was the big incentive and per the Code, they were not under-parked. Commissioner Kenworthy pointed out that no one knew what the occupancy would be. Vice-Chair Hall observed that they were going to pay a consultant to analyze how they could further incentivize affordable housing and felt that the consultant would come back with less parking.

Commissioner Kenworthy noted that they did not under-park it per the units, and they might not have under-parked it for the occupancy, but they just did not know. He stated that's where they were balancing out the new understandings they had with an AMPD.

Commissioner Johnson felt they would go through this process and not get much different information. He asked whether it would be worthwhile to have a Work Session before hiring the consultant to work through some of these issues.

Commissioner Frontero suggested initially getting answers to the three questions and finding out what was required from the Federal, State, and local with regard to affordable housing

occupancy. He stated it was difficult for the Commission collectively to move forward until they had a basic understanding of the guidelines of what is allowable.

Vice-Chair Hall noted that they heard from the applicant and the City's Affordable Housing team that they could not limit occupancy further than what was allowed by the State and Federal law, even if it would seem to result in under parking the building.

Commissioner Sigg asked if an alternative to not being able to limit occupancy would be to change the types of units delivered. He mentioned that there were a lot of single people who are trying to make housing needs meet, and the only alternative was to have occupancies that increased in a single dwelling. He suggested that maybe they were missing the point by not looking at what the community needs.

Commissioner Kenworthy noted that they were looking at that with the 30 – 40% AMI units, and asked whether that would drive smaller units as imagined by Commissioner Sigg. Assistant Director Ward responded that this would be a question for the consultant.

Commissioner Johnson asked if they needed a consultant.

Commissioner Frontero felt Vice-Chair Hall made a good point and suggested the Commission take a crack at it prior to retaining the consultant. He would be supportive of spending more time on these issues before hiring the consultant.

Commissioner Van Dine asked Staff if they had the time to do this, and wondered whether part of the reason for sending it out to a consultant was to be able to gather more of this information. Assistant Director Ward explained that one of the reasons this consultant was selected was because of the financial analysis. She noted that one of the questions listed was whether Nightly Rentals should be allowed in a certain number of market-rate units if the developer does another set of units that are more affordable. She also noted the benefit of having updated information on the cost of a parking space. She commented that if commercial square footage were increased, more parking would be required, which would then require more money. She noted these issues were all tied to the underlying financial analysis, and the updated information could help inform the discussions.

Commissioner Van Dine also observed that the consultant would be the one to analyze the comparisons with other towns. Assistant Director Ward felt Staff could do that analysis.

Commissioner Kenworthy was very impressed with Cascadia. Vice-Chair Hall agreed but noted they also did not accept most of their recommendations. She sensed that if the AMPD for Homestake asked for a 20% parking reduction, Commissioner Kenworthy would have said "no," yet that was the carrot recommended by Cascadia.

There was discussion regarding occupancy and it was noted that the Commission had never discussed occupancy for a regular MPD. Commissioner Kenworthy explained that a big issue for him was that this was an apartment building and instead of pride of ownership the resident's focus would be on how they could have a place for the ski season and have three people in the unit. Some of the elements led him to believe that the occupancy was a red flag. He noted he manages a few units and stressed that actual ski town realities with an apartment building were a completely different animal.

Vice-Chair Hall felt that Commissioner Kenworthy wanted fewer incentives. He stated he wanted to see how these projects would work and would love for them to work.

Assistant Director Ward noted the previous applicant agreed to a series of Conditions of Approval, including the camera monitoring of parking, the administration of parking passes, and enforcement. She asked if the Commission wanted the consultant to evaluate best practices for projects with reduced parking to monitor, enforce and track the parking demand for the project and how the applicant could maintain the reduced demand over time.

Commissioner Frontero stated they could request that information, but they were concerned about the time and money these updates would require. Commissioner Kenworthy advised that the Commission adopted some of the consultant's recommendations on parking, which the applicant did not use. He also recalled they adopted the recommended height exception and setback exceptions. Assistant Director Ward added that they adopted reduced open space as well.

Commissioner Kenworthy felt that overall the studies were a valuable experience. Vice-Chair Hall noted that they have had one AMPD that did not avail itself of the parking exception that Cascadia said would be the top incentive. The applicant also did not use the open space exception. She stated she would like to incentivize private developers to build affordable housing.

Commissioner Sigg observed that it was hard to look at the AMPD that was approved because it was a stacked deck. When the applicant is the City, he felt it was a done deal driven from the top. Vice-Chair Hall firmly disagreed and stated that the AMPD complied with Code and the applicant did not request the open space or parking exceptions. Commissioner Van Dine agreed.

Commissioner Johnson asked if everyone was on board with using the consultant and expressed that it seemed as though it would be beneficial. He noted the timeline and suggested asking them to complete it as soon as possible. There was consensus to retain the consultant, but the key was to have the consultant look at relevant examples. Commissioner Johnson wanted the consultant to look outside their box and look at examples relevant to Park City.

Commissioner Frontero confirmed that Staff would move forward with the consultant and ask for an expedited timeline. Commissioner Kenworthy would like to see them look at a town where pedestrian goals similar to Park City were working.

Assistant Director Ward confirmed that everyone was agreeable to the list included in the Staff Report, as well as the input from this meeting.

8. ADJOURN

MOTION: Commissioner Van Dine moved to adjourn.

The meeting adjourned at approximately 8:45 p.m.

Planning Commission Staff Communication



Subject: General Plan
Author: Gretchen Milliken, Planning Director
Date: March 8, 2023
Type of Item: Informational

Summary

The City is preparing to initiate an update to the [2014 Park City General Plan](#). On April 12, 2023, a Planning Commission work session is scheduled to review and discuss the scope of the General Plan update prior to issuing a Request for Proposals (RFP).

The City anticipates issuing an RFP in May of 2023 for consultant services to assist with comprehensive updates to the General Plan, including recommendations for Land Management Code revisions to implement the recommendations, goals, objectives, and strategies of an updated General Plan.

Park City's first [Comprehensive Plan](#) dates back to 1985 although the plan makes mention of updating a plan that had been in effect since 1973. The overall goal of the plan was "[t]o guide and redevelop in a manner which will enhance the town's appeal as a place to live, work, and visit while preserving Park City's unique community character." The 1985 plan was then updated with a [General Plan](#) in 1997 and while supplements were added to the document, it was not fully updated until the current [2014 General Plan](#). A robust engagement and visioning process proceeded with the City's plans and helped to identify the community's priorities and core values. The current plan is organized around four community priorities: Small Town, Natural Setting, Sense of Community, and Historic Character with the individual plan elements interwoven within the core values.

The update to the General Plan is intended to build upon the goals and strategies of its predecessors along with the more recent Critical Community Priorities – Energy, Transportation, Housing, and Social Equity – which were identified in [Vision 2020](#), and will include robust community engagement and participation as the future land use of the City is evaluated and envisioned. The plan is expected to provide fresh direction and guidance regarding future land use, housing, and transportation, as well as other identified plan elements. An anticipated outcome is to have a more concise and user-friendly General Plan that will easily communicate the priorities and intentions of the community.

As part of the comprehensive update to the General Plan, the City is anticipating a complete overhaul of its current Land Management Code (LMC) to be consistent with the updated General Plan. The last complete update to the LMC was in 2000 and while it has been modified through continual amendments to keep up with changes and new state requirements, a comprehensive overhaul is recommended to modernize the code, so it better reflects Park City's current and future needs, values, and aspirations.

The City intends to contract with a highly qualified consultant team to provide a detailed analysis of existing data, gather additional data as needed, conduct robust public engagement, and deliver an updated General Plan and LMC that are aligned, succinct, informative, and will help guide decision making.

[State law](#) requires the Planning Commission to conduct public hearings and to forward a recommendation to City Council for final adoption of the City's General Plan. Staff anticipates a series of work sessions in 2023 and 2024 with the Planning Commission as the General Plan is developed, with anticipated completion by the end of 2024.

Planning Commission Staff Communication



Subject: Bonanza Park &
Snow Creek Small Area Plan
Author: Rebecca Ward
Date: March 8, 2023
Type of Item: Informational

Summary

In the fall of 2022, the City issued [the Bonanza Park & Snow Creek Small Area Plan](#) Request for Proposals (RFP). A selection committee with neighborhood representatives and staff from the Executive, Economic Development, Transportation Planning, and Planning Departments participated in the review of the RFP submittals.

The City also issued an RFP for [the Feasibility Study for the Arts & Culture District](#) within the Bonanza Park neighborhood last fall and noted that respondents could propose to complete both the Small Area Plan and Feasibility Study. Of the ten teams that responded to the RFPs, eight proposed completing both projects, including MKSK Studios.

The selection committee recommended [MKSK Studios](#), a Planning, Urban Design, and Landscape Architecture firm, which proposed to complete the Bonanza Park & Snow Creek Small Area Plan in partnership with [Future IQ](#) for community outreach (Future IQ led the [Park City Vision 2020 Strategic Action Plan](#)), and [Fehr & Peers](#) for transportation analysis.

On February 16, 2023, the City Council discussed a contract with MKSK Studios for consultant services to complete the Bonanza Park & Snow Creek Small Area Plan and the Arts & Culture District Feasibility Study ([Staff Report](#); [Audio](#); [Bonanza Park & Snow Creek Area Plan Scope](#); [MKSK Proposal](#)). On March 2, 2023, the City Council approved the contract ([Audio](#)). The Small Area Plan will soon be initiated and will come before the Planning Commission for review and eventual potential recommendation to City Council.

Additionally, in February of this year, the Mountainland Association of Government (MAG) awarded the City a Technical Assistance to Government (TAG) grant in the amount of \$76,500 (with a local match of \$8,500) for consultant services to evaluate the implementation of an adopted Small Area Plan and to make recommendations regarding updates to the Land Management Code specific to those Zoning Districts within the Bonanza Park & Snow Creek neighborhood.

Planning Commission Staff Report



Subject: 1271 Lowell Avenue Units B302 and B401
Application: PL-22-05425
Author: Jaron Ehlers, Planning Technician
Date: March 8, 2023
Type of Item: Administrative – Plat Amendment

Recommendation

(I) Review the proposed King's Crown Second Amended Combining Units B302 and B401 Plat Amendment, (II) hold a public hearing, and (III) consider forwarding a positive recommendation for City Council's consideration on April 27, 2023, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval in the Draft Ordinance 2023-XX (Exhibit A).

Description

Applicant: Braso V, LLC
Location: 1271 Lowell Avenue
Zoning District: Recreation Commercial
Adjacent Land Uses: Multi-Unit and Single-Family Dwellings
Reason for Review: Plat Amendments require Planning Commission recommendation and City Council action¹

LMC Land Management Code
RC Recreation Commercial

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § [15-15-1](#).

Summary

The Applicant is proposing a Condominium Plat Amendment to combine units B302 and B401 into one unit.

Background

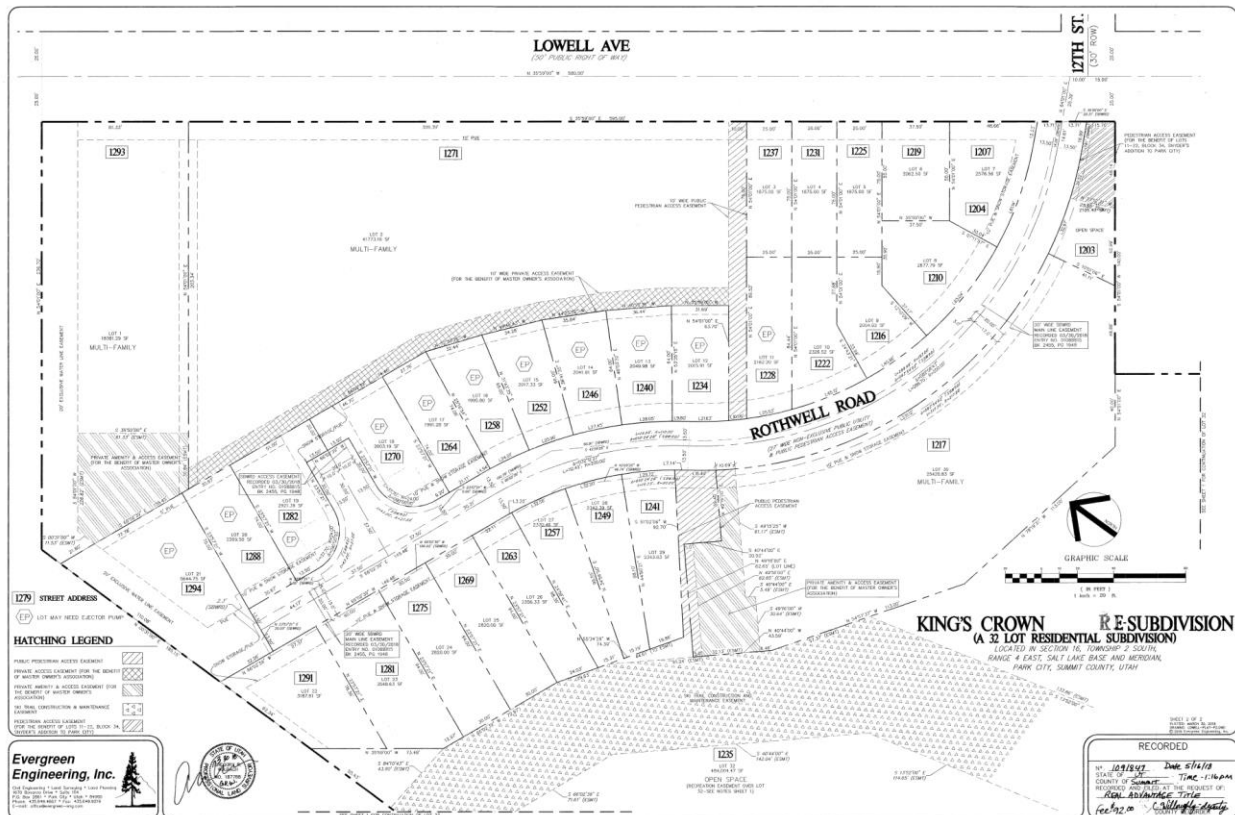
On January 10, 2018, the Planning Commission approved the King's Crown Master Planned Development (MPD) and Conditional Use Permit (CUP) ([Minutes](#)) (Exhibit E). The MPD and CUP approval included the following:

- 27 Single-Family Lots

¹ LMC [§ 15-7.1-2\(B\)](#)

- Seven townhomes on Lot 30
- King's Crown Workforce Condominiums A on Lot 1
- King's Crown Condominiums B | C | D on Lot 2
- Over 11 acres of Open Space on Lots 31 and 32

On February 1, 2018, City Council approved the King's Crown Re-Subdivision Plat, creating Open Space Parcels and Single-Family Dwelling and Multi-Family Dwelling Lots for the development of the Master Planned Developments, shown below. (Units B302 and B401 were proposed to be in Building B/C on Lot 2 with 12 residential units.)



On May 22, 2019, the Planning Commission approved a modification to the MPD/CUP, reallocating square footage and increasing the number of units within Buildings B/C from 12 to 14 ([Staff Report](#) | [Minutes](#), p. 46).

On June 20, 2019, the City Council adopted [Ordinance No. 2019-34](#), approving the King's Crown Condominium Plat for Buildings B | C | D on Lot 2 ([Staff Report](#); [Minutes](#), p. 8-9). This Ordinance increased the total units within Buildings B/C from 14 to 15. However, this plat amendment was not recorded and the Applicant proposed additional changes.

On November 21, 2019, the City Council enacted Ordinance No. 2019-56, approving the King's Crown Condominium Plat, establishing 15 residential units within Buildings B/C ([Staff Report](#) | [Minutes](#) | [Ordinance](#)).

- On April 28, 2022, the City Council approved [Ordinance No. 2022-09](#), combining Lots 23 and 24 into one Lot, reducing the Single-Family Dwellings for the MPD from 26 to 25 (see below):

Floor Area greater than 2,000 sq. ft.	2 per Dwelling Unit
---------------------------------------	---------------------

The combined unit will have a floor area of 4861 sq. ft which requires two parking stalls to meet the required parking. Staff proposes Condition of Approval 4 which states: “Two parking stalls shall remain assigned to the combined Unit B401.”

(III) The proposal to combine these two units complies with the Plat Amendment requirements outlined in LMC Chapter 15-7.1.

LMC [§ 15-7.1-6\(G\)](#) requires the following for combining adjoining condominium units within a condominium plat:

The combination does not:

- Impair the structural integrity or mechanical systems of the building or either unit
- Reduce the support of any portion of the common areas and facilities or another unit
- Violate Utah Code or the IBC

On February 28, 2023, the Building Department reviewed and confirmed the unit combination complies with the above requirements.

Plat Amendments shall be reviewed according to LMC [§ 15-7.1-6](#) *Final Subdivision Plat* and approval requires (a) a finding of Good Cause, and (b) a finding that no Public Street, Right-of-Way, or easement has been vacated or amended.

LMC [§ 15-15-1](#) defines *Good Cause* as “[p]roviding positive benefits and mitigating negative impacts, determined on a case by case basis to include such things as: providing public amenities and benefits, resolving existing issues and non-conformities, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City community.”

Staff finds Good Cause for this Plat Amendment because it reduces the number of residential units within the King’s Crown MPD/CUP without increasing square footage or density. Condition of Approval 5 states “no additional density unit is available by virtue of this combination.” Additionally, the unit combination does not modify affordable housing obligations because Affordable Unit Equivalents are based on Residential Unit Equivalents (total square footage) and no changes to project square footage are proposed.

(IV) The Development Review Committee reviewed the application on February 7, 2023 and did not identify any issues.²

² The Development Review Committee meets the first and third Tuesday of each month to review and provide comments on Planning Applications, including review by the Building Department, Engineering Department, Sustainability Department, Transportation Planning Department, Code Enforcement, the City

Department Review

The Planning Department, Engineering Department, and City Attorney's Office reviewed this report.

Notice

Staff published notice on the City's website and the Utah Public Notice website, and posted notice to the property on February 22, 2023. Staff mailed courtesy notice to property owners within 300 feet on February 22, 2023. The *Park Record* published notice on February 22, 2023.³

Public Input

Staff did not receive any public input at the time this report was published.

Alternatives

- The Planning Commission may forward a positive recommendation for City Council's consideration on April 27, 2023;
- The Planning Commission may forward a negative recommendation for City Council's consideration on April 27, 2023, and may direct staff to make findings for the denial; or
- The Planning Commission may continue the item to a date certain.

Exhibits

Exhibit A: Draft Ordinance No. 2023-XX and proposed plat

Exhibit B: King's Crown Condominiums, First Amended.

Exhibit C: HOA Approval

Exhibit D: January 10, 2018, MPD-CUP Final Action Letter

Exhibit E: February 10, 2021, Amended Final Action Letter

Attorney's Office, Local Utilities including Rocky Mountain Power and Dominion Energy, the Park City Fire District, Public Works, Public Utilities, and the Snyderville Basin Water Reclamation District (SBWRD).

³ LMC [§ 15-1-21](#)

Ordinance No. 2023-XX

AN ORDINANCE APPROVING THE KINGS CROWN CONDOMINIUMS, SECOND AMENDED COMBINING UNITS B302 & B401, LOCATED AT 1271 LOWELL AVENUE, PARK CITY, UTAH

WHEREAS, the owners of the property known as 1271 Lowell Avenue have petitioned the City Council to amend the Kings Crown Condominiums, First Amended within the Residential Commercial Zoning District; and

WHEREAS, on February 22, 2023, staff posted notice to the property according to the requirements of the Land Management Code; and

WHEREAS, staff mailed courtesy notice to all affected property owners on February 22, 2023, and legal notice was published in the Park Record and on the Park City and Utah Public Notice websites; and

WHEREAS, the Planning Commission held a public hearing on March 8, 2023;

WHEREAS, on March 8, 2023, the Planning Commission forwarded a _____ recommendation to the City Council; and

WHEREAS, on April 27, 2023, the City Council held a public hearing; and

WHEREAS, it is in the best interest of Park City, Utah, to approve the Kings Crown Condominiums, Second Amended Combining Units B302 and B401; and

WHEREAS, the Kings Crown Condominiums, Second Amended Combining units B302 and B401 will not cause undue harm to adjacent property owners.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Kings Crown Condominiums Second Amended Combining Units B302 & B401, 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 Applicant proposes combining Units B302 & B401 within the King's Crown Condominiums in the Recreation Commercial Zoning District.
2. On January 10, 2018, the Planning Commission approved the King's Crown Master Planned Development (MPD) and Conditional Use Permit (CUP). The MPD and CUP approval included the following:
 - 27 Single-Family Lots
 - Seven townhomes on Lot 30

- King's Crown Workforce Condominiums A on Lot 1
 - King's Crown Condominiums B | C | D on Lot 2
 - Over 11 acres of Open Space on Lots 31 and 32
3. On February 1, 2018, City Council approved the King's Crown Re-Subdivision Plat, creating Open Space Parcels and Single-Family Dwelling and Multi-Family Dwelling Lots for the development of the Master Planned Developments, shown below. (Units B302 and B401 were proposed to be in Building B/C on Lot 2 with 12 residential units.)
 4. On May 22, 2019, the Planning Commission approved a modification to the MPD/CUP, reallocating square footage and increasing the number of units within Buildings B/C from 12 to 14.
 5. On June 20, 2019, the City Council adopted Ordinance No. 2019-34, approving the King's Crown Condominium Plat for Buildings B | C | D on Lot 2. This Ordinance increased the total units within Buildings B/C from 14 to 15. However, this plat amendment was not recorded and the Applicant proposed additional changes.
 6. On November 21, 2019, the City Council enacted Ordinance No. 2019-56, approving the King's Crown Condominium Plat, establishing 15 residential units within Buildings B/C.
 7. On February 10, 2021, the Planning Commission amended the King's Crown Master Planned Development regarding Building D. On February 25, 2021, the City Council enacted Ordinance No. 2021-11 approving the First Amendment to the King's Crown Condominium plat.
 8. Since the approval of the MPD/CUP, residential units have been combined:
 - On January 7, 2021, the City Council approved Ordinance No. 2021-03, combining Lots 27, 28, and 29 into two Lots, reducing the Single-Family Dwellings for the MPD from 27 to 26.
 - On April 28, 2022, the City Council approved Ordinance No. 2022-09, combining Lots 23 and 24 into one Lot, reducing the Single-Family Dwellings for the MPD from 26 to 25.
 9. On October 19, 2022, the Applicant submitted a complete Plat Amendment application to combine Units B302 and B401 within Building B on Lot 2.

Conclusions of Law:

1. Neither the public nor any person will be materially injured by the proposed plat amendment.
2. Approval of the plat amendment, subject to the conditions of approval, will not adversely affect the health, safety and welfare of the citizens of Park City.
3. The proposed Plat Amendment complies with Recreation Commercial (RC) Zoning District requirements outlined in LMC Chapter 15-2.16.
4. The proposal, as conditioned, complies with LMC § 15-3-6, Parking Ratio Requirements.
5. The proposal to combine these two units complies with the Subdivision Procedures outlined in LMC Chapter 15-7.1.
6. There is Good Cause for this Plat Amendment because it reduces the number of residential units within the King's Crown MPD/CUP without increasing square

footage or density. Additionally, the unit combination does not modify affordable housing obligations because Affordable Unit Equivalents are based on Residential Unit Equivalents (total square footage) and no changes to project square footage are proposed.

Conditions of Approval:

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the Conditions of Approval, prior to recordation of the plat.
2. The Applicant shall record the plat at the County within one (1) year from the date of City Council approval. If recordation has not occurred within one year, 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. There will be no external changes or expansion of the existing building footprint.
4. Two parking stalls shall remain assigned to the combined Unit B401
5. No additional density unit is available by virtue of this combination and no adjustment are being made to affordable housing plan as part of this plat.

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

PASSED AND ADOPTED this 27th day of April 2023.

PARK CITY MUNICIPAL CORPORATION

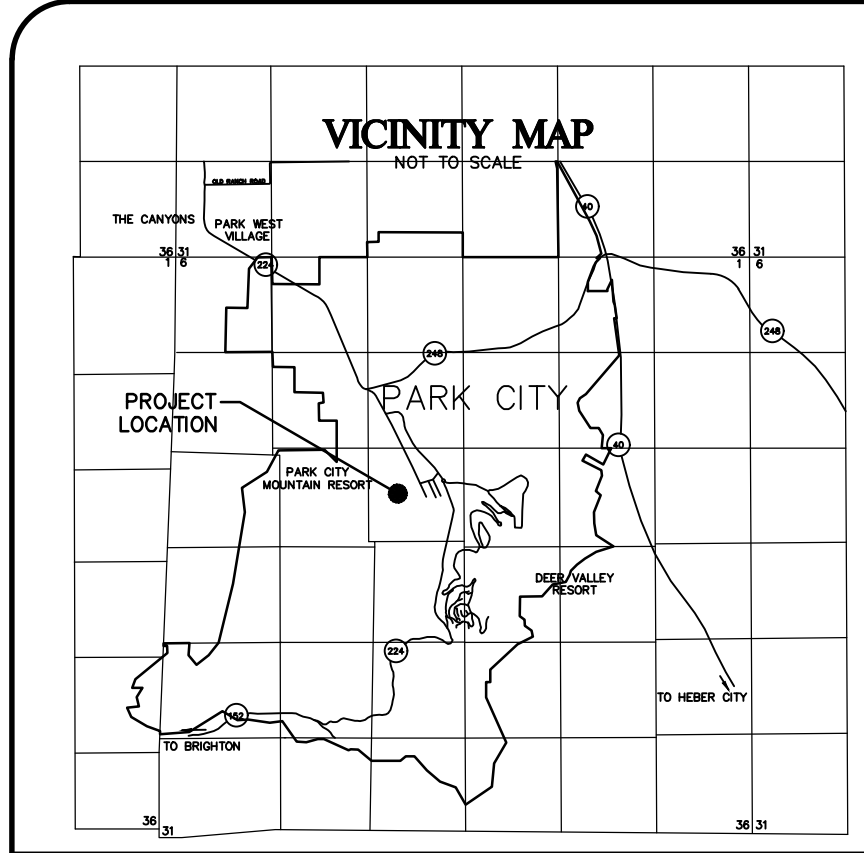
Nann Worel, MAYOR

ATTEST:

City Recorder

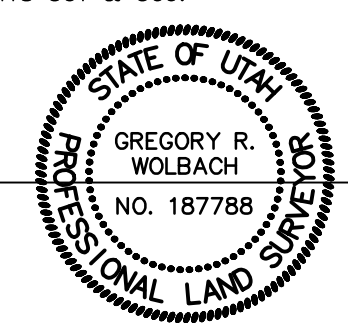
APPROVED AS TO FORM:

City Attorney's Office



SURVEYOR'S CERTIFICATE

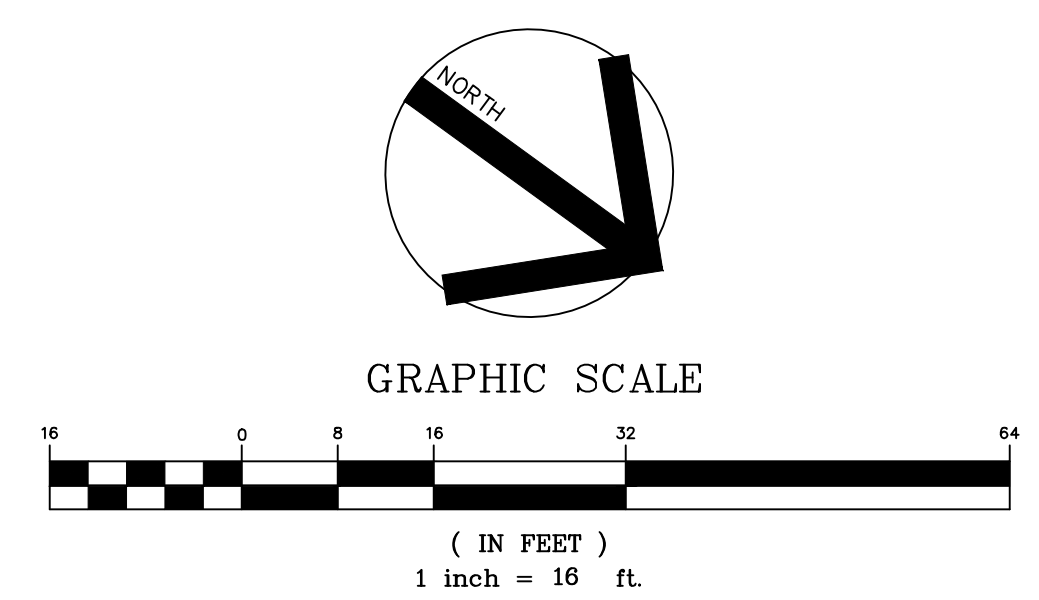
I, GREGORY R. WOLBACH, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH AND THAT I HOLD LICENSE NUMBER 187788 IN ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS LICENSING ACT. I FURTHER CERTIFY THAT I HAVE COMPLETED A SURVEY AND HAVE REFERENCED A RECORD OF SURVEY MAP OF THE EXISTING PROPERTY BOUNDARIES IN ACCORDANCE WITH SECTION 17-23-17 AND HAVE VERIFIED THE BOUNDARY LOCATIONS AND HAVE PLACED MONUMENTS AS REPRESENTED ON THE PLAT. I DO FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS, I HAVE PREPARED THIS AMENDED CONDOMINIUM PLAT, IN ACCORDANCE WITH SECTION 57-8-13, HEREAFTER TO BE KNOWN AS ROYAL PLAZA FOURTH AMENDED COMBINING UNITS 301 & 309.



GREGORY R. WOLBACH, PLS NO. 187788 DATE:

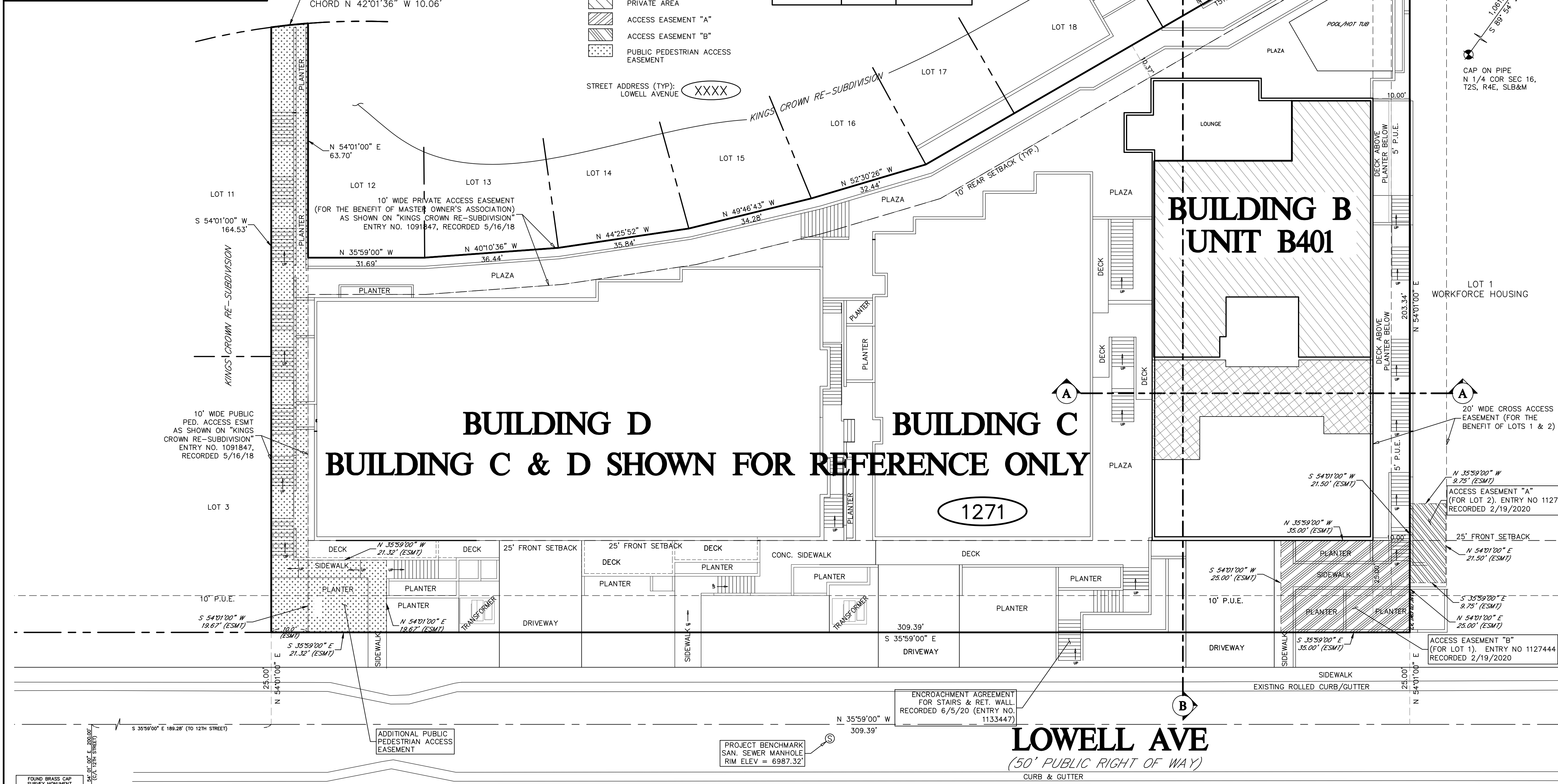
HATCHING LEGEND

[Pattern]	COMMON AREA
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AREA TABULATIONS

LEVEL 4 UNIT B401	PRIVATE 1796 SF	LIMITED COMMON 410 SF
LEVEL 5 UNIT B401	3065 SF	1100 SF
TOTAL	4861 SF	1510 SF



CONDOMINIUM PLAT
KING'S CROWN CONDOMINIUMS SECOND AMENDED
COMBINING UNITS B302 & B401
— A UTAH CONDOMINIUM PROJECT —
A CONDOMINIUM PROJECT LOCATED WITHIN SECTION 16,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN,
PARK CITY, SUMMIT COUNTY, UTAH

LEGAL DESCRIPTION

UNIT B302 AND UNIT B401, IN BUILDING B, CONTAINED WITHIN THE KING'S CROWN CONDOMINIUMS, FIRST AMENDED, AS THE SAME IS IDENTIFIED IN THE RECORD OF SURVEY MAP RECORDED IN SUMMIT COUNTY, UTAH, AS ENTRY NO. 1123377 AND FIRST AMENDED SURVEY MAP RECORDED AS ENTRY NO. 1161493, AND IN THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AND BYLAWS OF THE KING'S CROWN AT PARK CITY, RECORDED IN SUMMIT COUNTY, UTAH, ON MAY 16, 2018, AS ENTRY NO. 1091848, IN BOOK 2462, AT PAGE 1532, OF THE OFFICIAL RECORDS, AND ALL AMENDMENTS THERETO.

TOGETHER WITH: (A) THE UNDIVIDED OWNERSHIP INTEREST IN SAID CONDOMINIUM PROJECT'S COMMON AREAS AND FACILITIES WHICH IS APPURTENANT TO SAID UNIT, (THE REFERENCED DECLARATION OF CONDOMINIUM PROVIDING FOR PERIODIC ALTERATION BOTH IN THE MAGNITUDE OF SAID UNDIVIDED OWNERSHIP INTEREST AND IN THE COMPOSITION OF THE COMMON AREAS AND FACILITIES TO WHICH SAID INTEREST RELATES); (B) THE EXCLUSIVE RIGHT TO USE AND ENJOY EACH OF THE LIMITED COMMON AREAS WHICH IS APPURTENANT TO SAID UNIT, AND (C) THE NON-EXCLUSIVE RIGHT TO USE AND ENJOY THE COMMON AREAS AND FACILITIES INCLUDED IN SAID CONDOMINIUM PROJECT (AS SAID PROJECT MAY HEREAFTER BE EXPANDED) IN ACCORDANCE WITH THE AFORESAID DECLARATION AND SURVEY MAP (AS SAID DECLARATION AND MAP MAY HEREAFTER BE AMENDED OR SUPPLEMENTED) AND THE UTAH CONDOMINIUM OWNERSHIP ACT.

- NOTES:**
1. BASIS OF BEARING: NORTH 35°59'00" WEST BETWEEN FOUND AND ACCEPTED EMPIRE AVENUE SURVEY MONUMENTS, AS SHOWN HEREON.
 2. PROJECT BENCHMARK ELEVATION = 6987.32'. SANITARY SEWER MANHOLE RIM IN LOWELL AVENUE, AS SHOWN HEREON.
 3. THE PURPOSE OF THIS PLAT IS TO COMBINE UNITS B302 AND B401 OF "KING'S CROWN CONDOMINIUMS, FIRST AMENDED", ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, ENTRY NO. 1161493.
 4. THE UNITS OF THIS CONDOMINIUM PLAT ARE SERVED BY PRIVATE LATERAL WASTEWATER LINES THAT CROSS THE COMMON AREA. "THE KING'S CROWN CONDOMINIUM OWNERS ASSOCIATION" SHALL BE RESPONSIBLE FOR OWNERSHIP, OPERATION AND MAINTENANCE OF THE PRIVATE LATERAL WASTEWATER LINES WITHIN THE COMMON AREA.
 5. COMMON AREAS WITHIN THE PLAT ARE DEDICATED FOR PRIVATE UTILITIES, INCLUDING PRIVATE LATERAL WASTEWATER LINES.
 6. BUILDING DEPARTMENT APPROVAL OF A FIRE SPRINKLER PLAN IS REQUIRED.
 7. THIS PLAT IS SUBJECT TO THE CONDITIONS OF APPROVAL IN ORDINANCE 2021-11.
 8. ALL CONDITIONS OF APPROVAL OF THE AMENDED MASTER PLANNED DEVELOPMENT, CONDITIONAL USE PERMIT, KING'S CROWN RE-SUBDIVISION PLAT ORDINANCE NO. 2018-05, AND ORDINANCE NO. 2019-51, AND AMENDED HOUSING MITIGATION PLAN SHALL CONTINUE TO APPLY.
 9. UNIT MEASUREMENTS SHOWN HEREON ARE FINISHED SURFACE OF INSIDE WALL TO FINISHED SURFACE OF INSIDE WALL (ON SHEET 2).
 10. THE SIDE SETBACK FOR THE SOUTHERN BOUNDARY OF LOT 2 SHALL EXCEED THE CODE-REQUIRED SETBACK OF 10' AND SHALL RETAIN A 12' SIDE SETBACK.
 11. NOTES SHOWN ON KING'S CROWN RE-SUBDIVISION PLAT ARE NOT VACATED PER THIS CONDOMINIUM PLAT.
 12. KING'S CROWN HOA SHALL BE RESPONSIBLE FOR SNOW REMOVAL AND MAINTENANCE OF STAIRS ALONG SOUTHERN PROPERTY LINE FROM LOWELL AVENUE TO ROTHWELL ROAD.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT BY THE VIRTUE OF A CORPORATE RESOLUTION, BRASO V, LLC, A FLORIDA LIMITED LIABILITY COMPANY, OWNER OF THE HEREIN DESCRIBED TRACT OF LAND, TO BE KNOWN HEREAFTER AS THE "KING'S CROWN CONDOMINIUMS SECOND AMENDED COMBINING UNITS B302 & B401", DOES HEREBY CERTIFY THAT HE HAVE CAUSED THIS PLAT TO BE PREPARED, AND DOES HEREBY CONSENT TO THE RECORDATION OF THIS PLAT.

ALSO, THE OWNERS DO HEREBY DEDICATE FOR THE PERPETUAL USE OF THE PUBLIC ALL ROADS AND OTHER AREAS SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE. THE UNDERSIGNED OWNERS ALSO HEREBY CONVEY ANY OTHER EASEMENTS AS SHOWN ON THIS PLAT TO THE PARTIES INDICATED AND FOR THE PURPOSES SHOWN HEREON.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS _____ DAY OF _____, 2022.

BRASO V, LLC, A FLORIDA LIMITED LIABILITY COMPANY

BY: _____
XX, MANAGER

CORPORATE ACKNOWLEDGMENT

STATE OF _____) : ss
COUNTY OF _____)

PERSONALLY APPEARED BEFORE ME THIS _____ DAY OF _____, 2022, THE FOLLOWING: XX, WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT HE IS MANAGER OF BRASO V, LLC, A FLORIDA LIMITED LIABILITY COMPANY AND THAT HE SIGNED THE OWNER'S DEDICATION FREELY AND VOLUNTARILY FOR AND ON BEHALF OF SAID CORPORATION AND THAT SAID CORPORATION EXECUTED THE SAME.

MY COMMISSION EXPIRES _____

NOTARY PUBLIC _____
RESIDING IN _____

OWNERS DEDICATION AND CONSENT TO RECORD - H.O.A.

KNOW ALL MEN BY THESE PRESENTS THAT THE KING'S CROWN CONDOMINIUMS OWNERS ASSOCIATION, INC., A UTAH NON-PROFIT CORPORATION (THE "ASSOCIATION"), THE AUTHORIZED REPRESENTATIVE OF ALL OF THE UNIT OWNERS HOLDING AT LEAST A TWO-THIRDS OWNERSHIP INTEREST IN THE COMMON AREA AND FACILITIES OF THE PROJECT PURSUANT TO THE DECLARATION OF COVENANTS AND RESTRICTIONS OF KING'S CROWN, CERTIFIES THAT IT HAS CAUSED THIS SURVEY TO BE MADE AND THIS CONDOMINIUM PLAT PREPARED. THE ASSOCIATION, ON BEHALF OF ALL OF THE UNIT OWNERS, DOES HEREBY CONSENT TO THE RECORDATION OF THIS AMENDED CONDOMINIUM PLAT, HEREAFTER TO BE KNOWN AS "KING'S CROWN CONDOMINIUMS SECOND AMENDED COMBINING UNITS B302 & B401".

KING'S CROWN CONDOMINIUMS OWNERS ASSOCIATION, INC.
A UTAH NON-PROFIT CORPORATION

BY: _____
RORY MURPHY, PRESIDENT

ACKNOWLEDGMENT

STATE OF _____)
COUNTY OF _____) RORY MURPHY, PRESIDENT
KING'S CROWN CONDOMINIUMS OWNERS ASSOCIATION, INC.
A UTAH NON-PROFIT CORPORATION

ON THE _____ DAY OF _____, 20____, PERSONALLY APPEARED BEFORE ME _____, WHOSE IDENTITY IS PERSONALLY KNOWN TO ME (or proven on the basis of satisfactory evidence) AND WHO BY ME DULY SWORN/AFFIRMED, DID SAY THAT HE IS PRESIDENT OF KING'S CROWN CONDOMINIUMS OWNERS ASSOCIATION, INC., AND THAT SAID DOCUMENT WAS SIGNED BY HIM ON BEHALF OF SAID CORPORATION BY AUTHORITY OF ITS BYLAWS (OR RESOLUTION OF ITS BOARD OF DIRECTORS), AND SAID _____ ACKNOWLEDGED TO ME THAT SAID CORPORATION EXECUTED THE SAME.

NOTARY PUBLIC _____
MY COMMISSION EXPIRES: _____
RESIDING IN _____ COUNTY, _____ STATE _____

SHEET 1 OF 2
PLOT DATE: OCTOBER 5, 2022
DRAWING: KC-L012-CONDG-B302-B401.dwg
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Evergreen Engineering, Inc.
Civil Engineering • Land Surveying • Land Planning
1678 Sidewinder Drive, Unit C
P.O. Box 2861 • Park City • Utah • 84060
Phone: 801.557.5482
E-mail: amoran@evergreen-eng.com

PUBLIC SAFETY ANSWERING POINT APPROVAL

APPROVED THIS _____ DAY OF _____ A.D. 20____

JEFF WARD,
GIS COORDINATOR/ADDRESSING AUTHORITY

CITY ENGINEER

THIS PLAT IS IN CONFORMANCE WITH INFORMATION ON FILE IN THE OFFICE OF THE PARK CITY ENGINEERING DEPARTMENT ON THIS _____ DAY OF _____ A.D. 20____

CITY ENGINEER _____

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____ AD 20____

BY: _____
SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

CITY PLANNING COMMISSION

APPROVED BY THE PARK CITY PLANNING COMMISSION ON THIS _____ 10TH DAY OF _____ A.D. 20____

CHAIR _____

APPROVAL AS TO FORM

APPROVED AS TO FORM ON THIS _____ DAY OF _____ A.D. 20____

CITY ATTORNEY _____

COUNCIL APPROVAL & ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____ A.D. 20____

MAYOR _____

CERTIFICATE OF ATTEST

I CERTIFY THIS PLAT WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____ A.D. 20____

CITY RECORDER _____

RECORDED

Nº. _____
STATE OF _____
COUNTY OF _____
RECORDED AND FILED AT THE REQUEST OF: _____

COUNTY RECORDER _____

Architectural section drawing of a building facade. The drawing shows a cross-section of the building with various units and levels. The units are labeled as UNIT B302, UNIT B301 (SHOWN FOR REFERENCE ONLY), UNIT B202 (SHOWN FOR REFERENCE ONLY), UNIT B201, UNIT B103 (SHOWN FOR REFERENCE ONLY), UNIT B102 (SHOWN FOR REFERENCE ONLY), and UNIT B101. The building is situated above a PARKING GARAGE B. The drawing includes dimensions for the units and the overall building width. The levels are indicated on the right side of the drawing: LEVEL B.4/C.3 FFE=7022'-4", CEILING=7020'-10", LEVEL B.3/C.2 FFE=7011'-4", CEILING=7009'-10", LEVEL B.2/C.1 FFE=7000'-4", CEILING=6998'-10", LEVEL B.1/C.0 FFE=6988'-6", CEILING 6984'-11", and LEVEL B.0 FFE=6976'-6". The drawing also shows the DECK B302 (L.C.), DECK B201 (L.C.), and DECK B101. The overall width of the building is 95.33'.

CROSS SECTION B-B
BUILDING B

PLAZA

POOL LOUNGE
(REFERENCE ONLY)

OWNER'S LOUNGE
(SHOWN FOR REFERENCE ONLY)

UNIT B302

UNIT B302

UNIT B302 L.C.

UNIT B302 L.C.

UNIT B202
(SHOWN FOR REFERENCE ONLY)

UNIT B103
(SHOWN FOR REFERENCE ONLY)

PARKING GARAGE B
(SHOWN FOR REFERENCE ONLY)

CEILING=7032'-4"

LEVEL B.4/C.3 FFE=7022'-4"

CEILING=7020'-10"

LEVEL B.3/C.2 FFE=7011'-4"

CEILING=7009'-10"

LEVEL B.2/C.1 FFE=7000'-4"

CEILING=6998'-10"

LEVEL B.1/C.0 FFE=6988'-6"

CEILING 6984'-11"

LEVEL B.0 FFE=6976'-6"

ECK C201 (L.C.)
85 SF

GYM

LOUNGE

UNIT B301
2,677 SF
(NO CHANGES)

UNIT B302
1,796 SF

DECK C201(LC)

DECK B302(LC)
110 SF

DECK B301 (L.C.)
(NO CHANGE)

DECK B302 (L.C.)
300 SF

ELEV.

UP

DN

FIREPL

A

B

The floor plan for Unit B302 (3,065 SF) is divided into three areas: Common Area (unhatched), Limited Common Area (diagonal hatching), and Private Area (cross-hatching). The unit includes a lounge, kitchen, and bathroom. Dimensions are provided for all walls and areas. A hatching legend identifies the three area types. A graphic scale (1 inch = 16 feet) and a north arrow are also shown.

HATCHING LEGEND

- COMMON AREA
- LIMITED COMMON AREA
- PRIVATE AREA

GRAPHIC SCALE
(IN FEET)
1 inch = 16 ft.

NO. _____ **RECORDED**
DATE _____
STATE OF _____
CITY OF _____
RECORDED AT THE REQUEST OF _____

HATCHING LEGEND

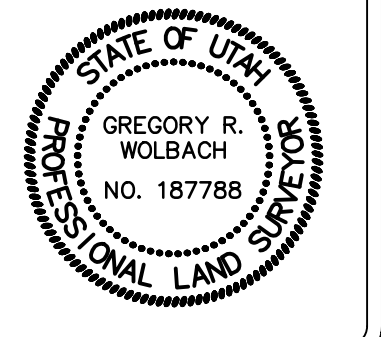
	COMMON AREA
	LIMITED COMMON AREA
	PRIVATE AREA

NO. _____ RECORDED _____
DATE _____
STATE OF _____
CITY OF _____
RECORDED AT THE REQUEST OF _____



**Evergreen
Engineering, Inc.**

Civil Engineering • Land Surveying • Land Planning
 P.O. Box 1000 • Park City • Utah • 84060
 Phone: 801-557-5488
 E-mail: amor@evergreen-eng.com

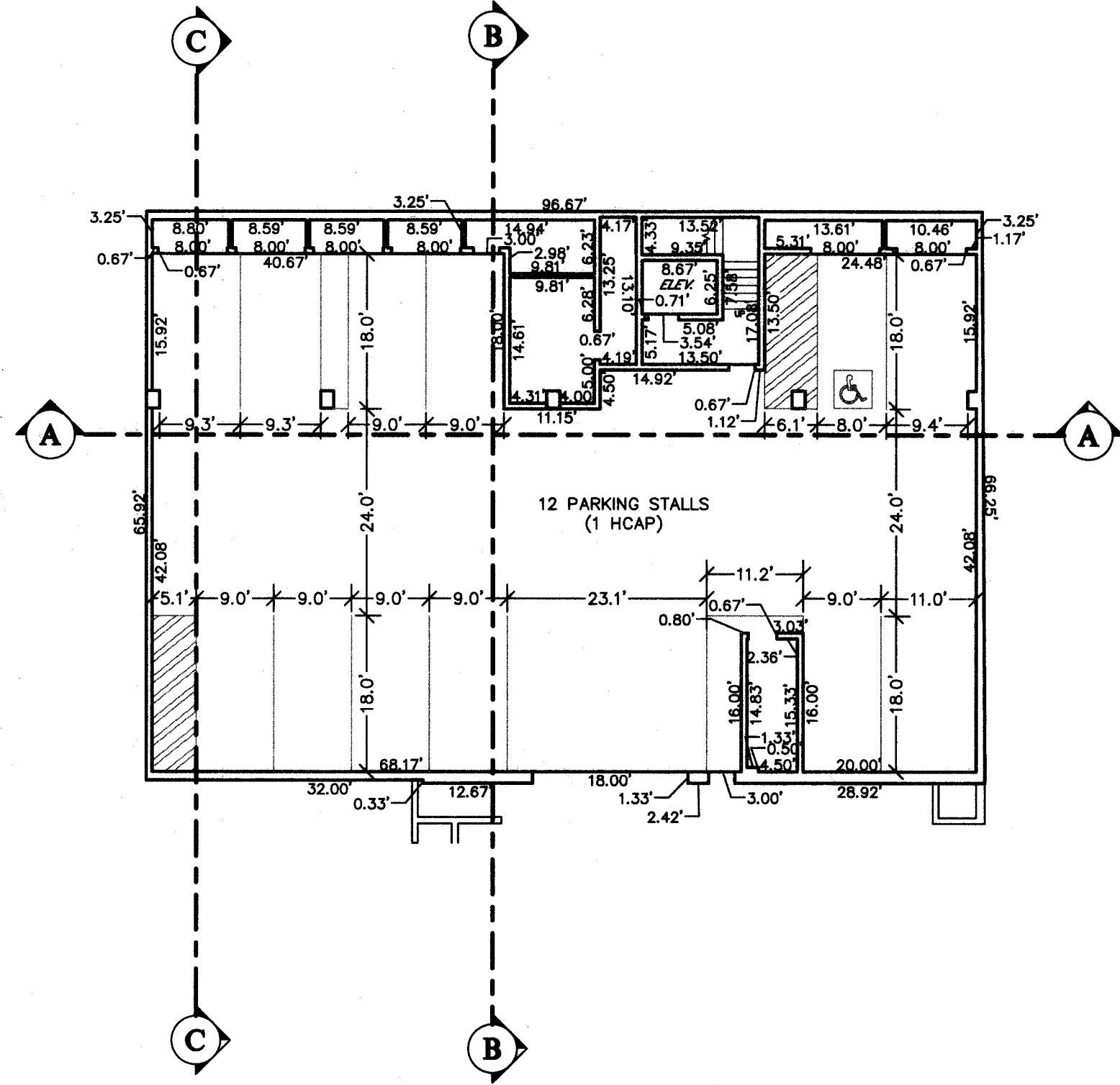
[illegible]

DESIGNED BY:
WOW
DRAWN BY:
ADM
CHECKED BY:
ADM

**KING'S CROWN CONDOMINIUMS SECOND AMENDED
COMBINING UNITS B302 & B401
FLOOR PLANS & BUILDING SECTION**

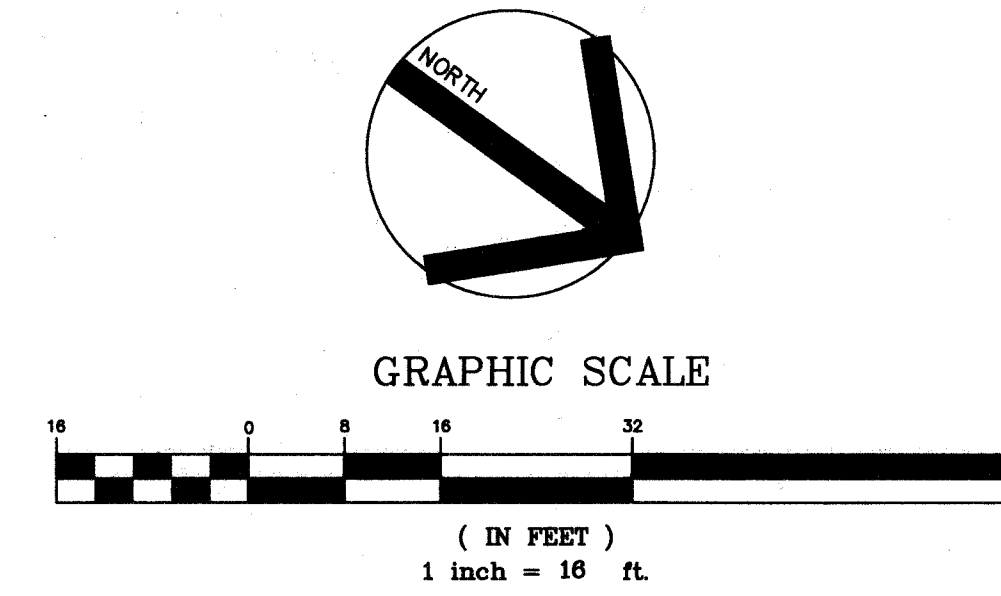
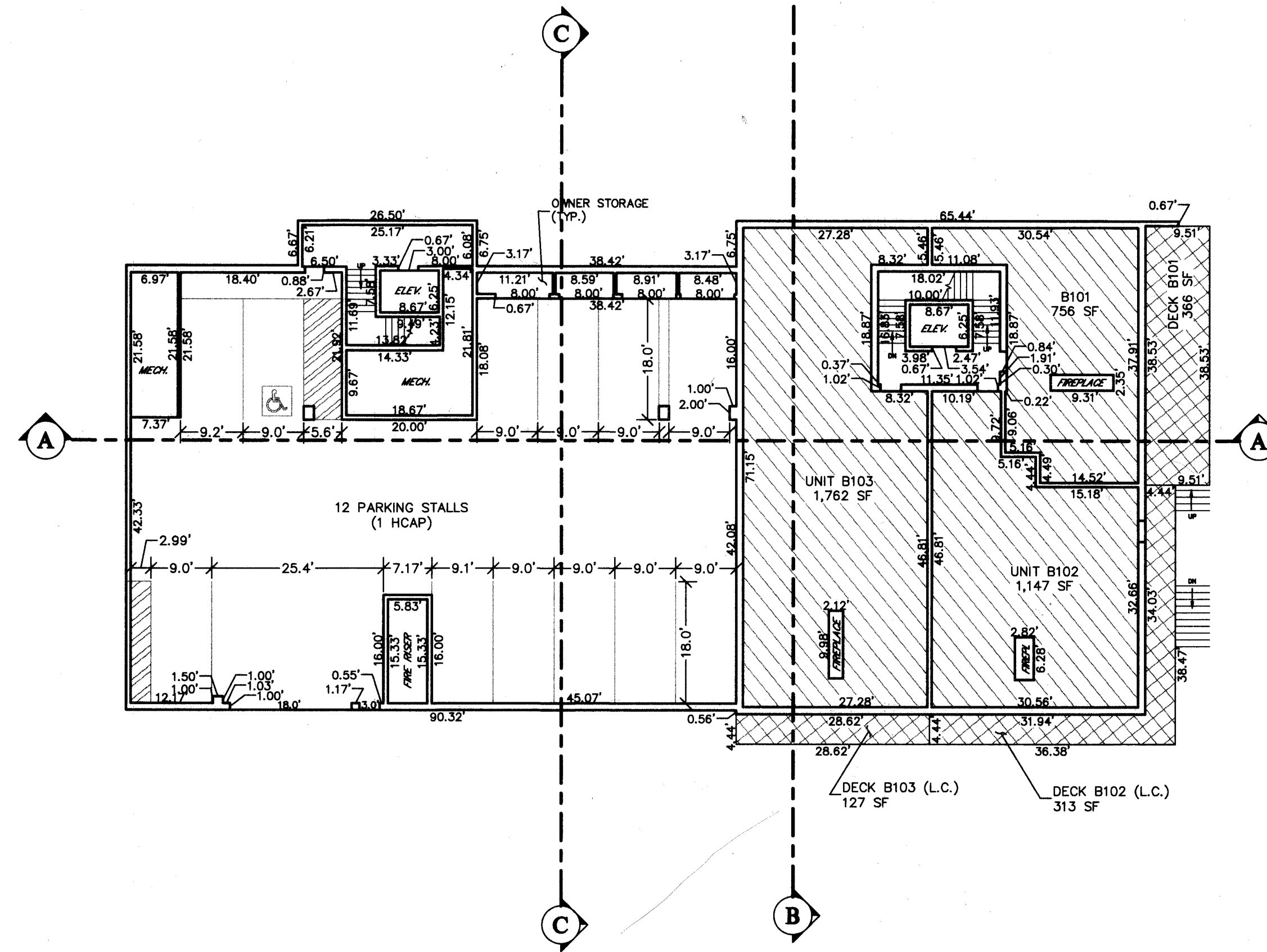
SHEET 2 OF 2

LEVEL 1
BUILDING B
PARKING LEVEL



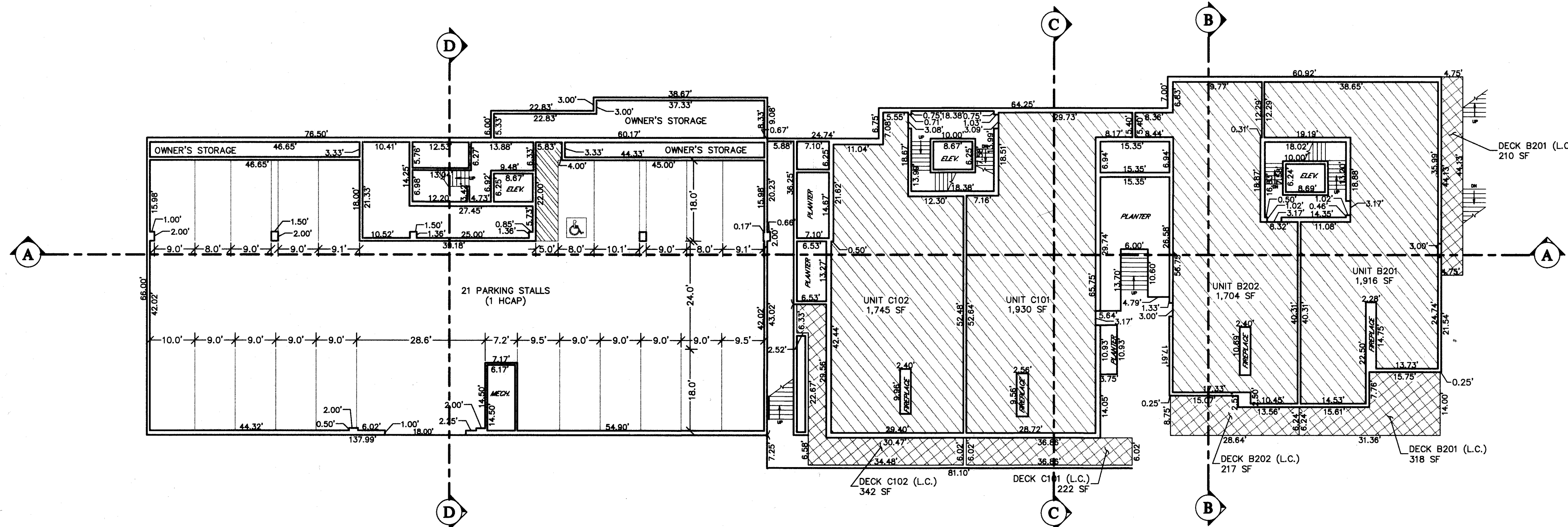
LEVEL 2
BUILDING B
UNITS B101, B102, B103

BUILDING C
PARKING LEVEL



LEVEL 3
BUILDING B
UNITS B201, B202

BUILDING C
UNITS C101, C102
BUILDING D
PARKING LEVEL

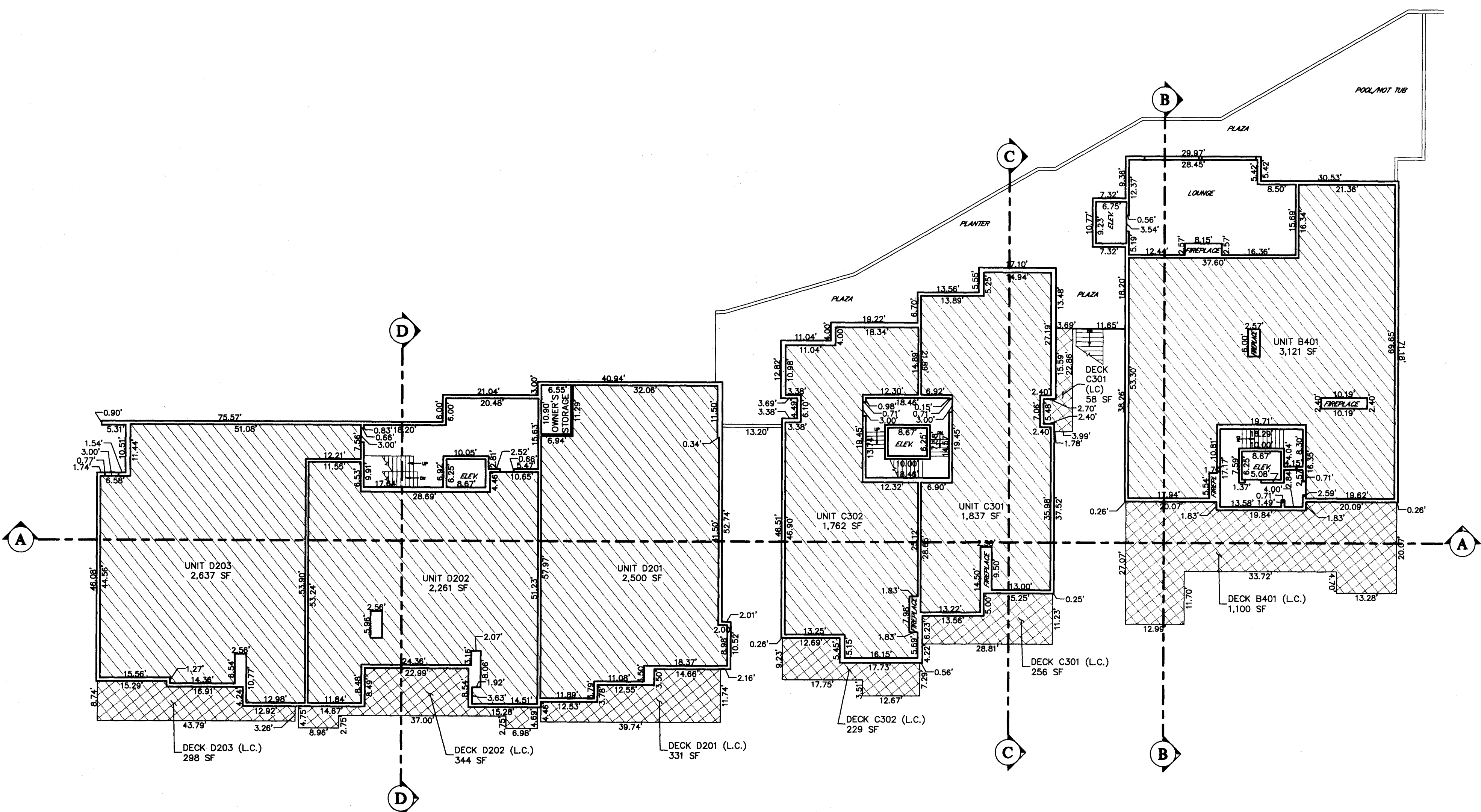
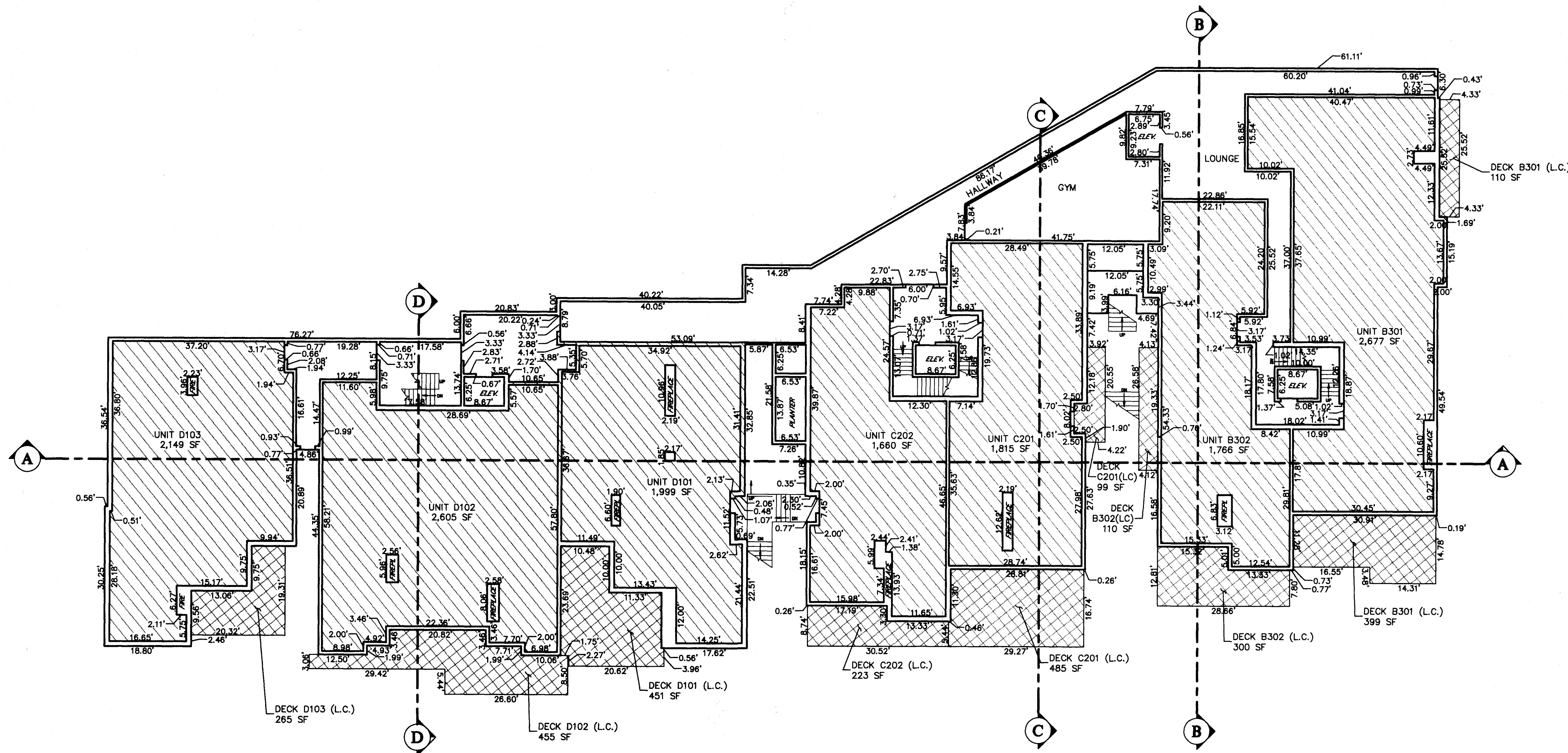


HATCHING LEGEND

[Hatched Box]	COMMON AREA
[Cross-hatched Box]	LIMITED COMMON AREA
[Diagonal-hatched Box]	PRIVATE AREA

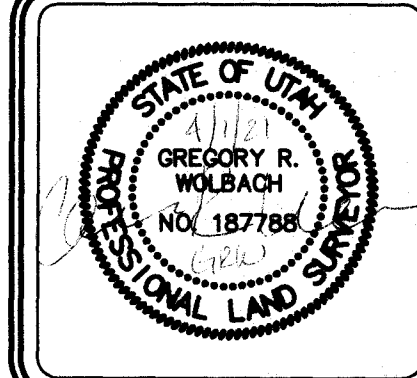
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STATE 8: 2658 P: 0729
CITY OF RECORD
RECORDED
ENTRY NO. 01161493
PLAT PRICE 1/1
FEE \$54.00 BY METRO NATIONAL TITLE

FEES CITY RECORDER



Evergreen Engineering, Inc.
Civil Engineering • Land Surveying • Land Planning
P.O. Box 2861 • Park City • Utah • 84060
Phone: 801-557-5482
E-mail: amand@evergreen-eng.com

REVISIONS	DATE	BY	COMMENTS

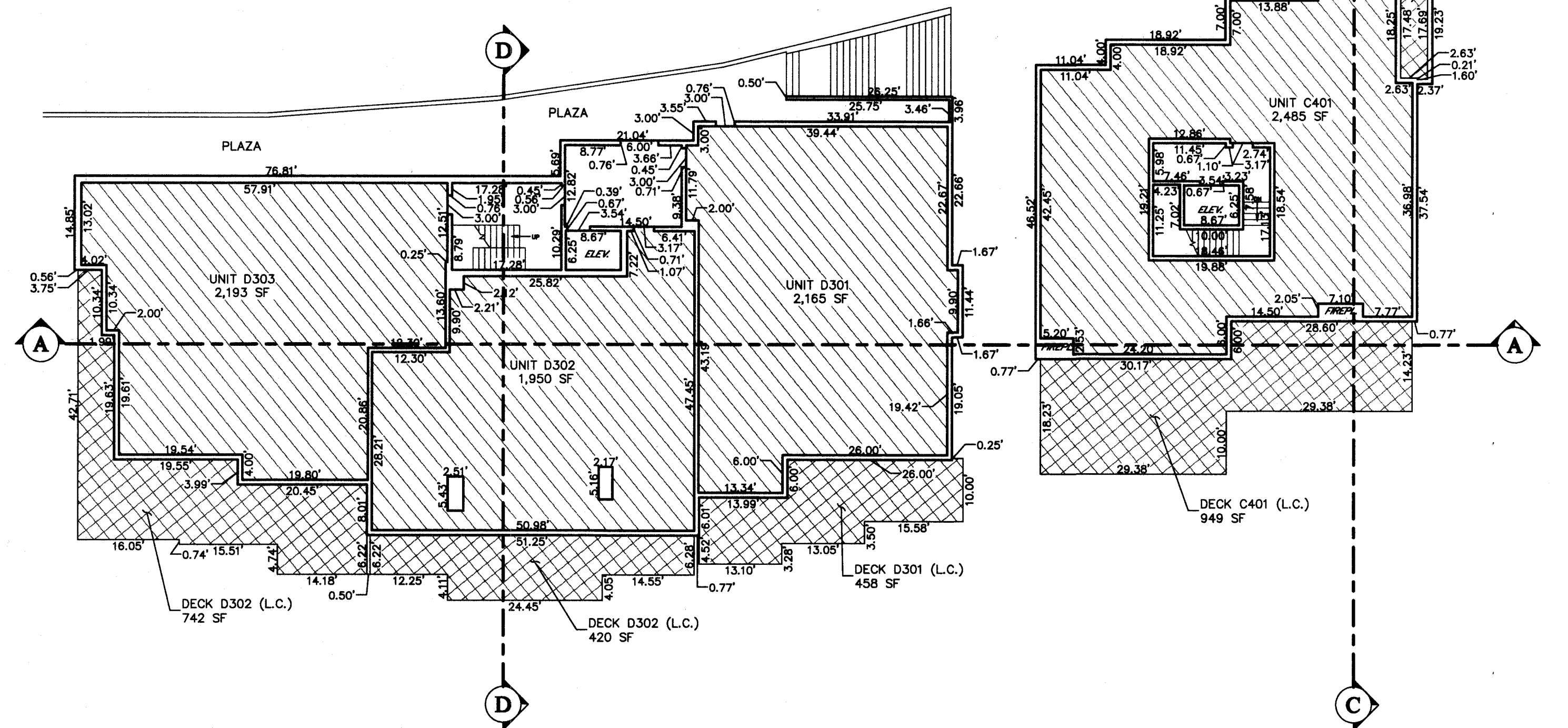


DESIGNED BY:
WOW
DRAWN BY:
ADM
CHECKED BY:
ADM

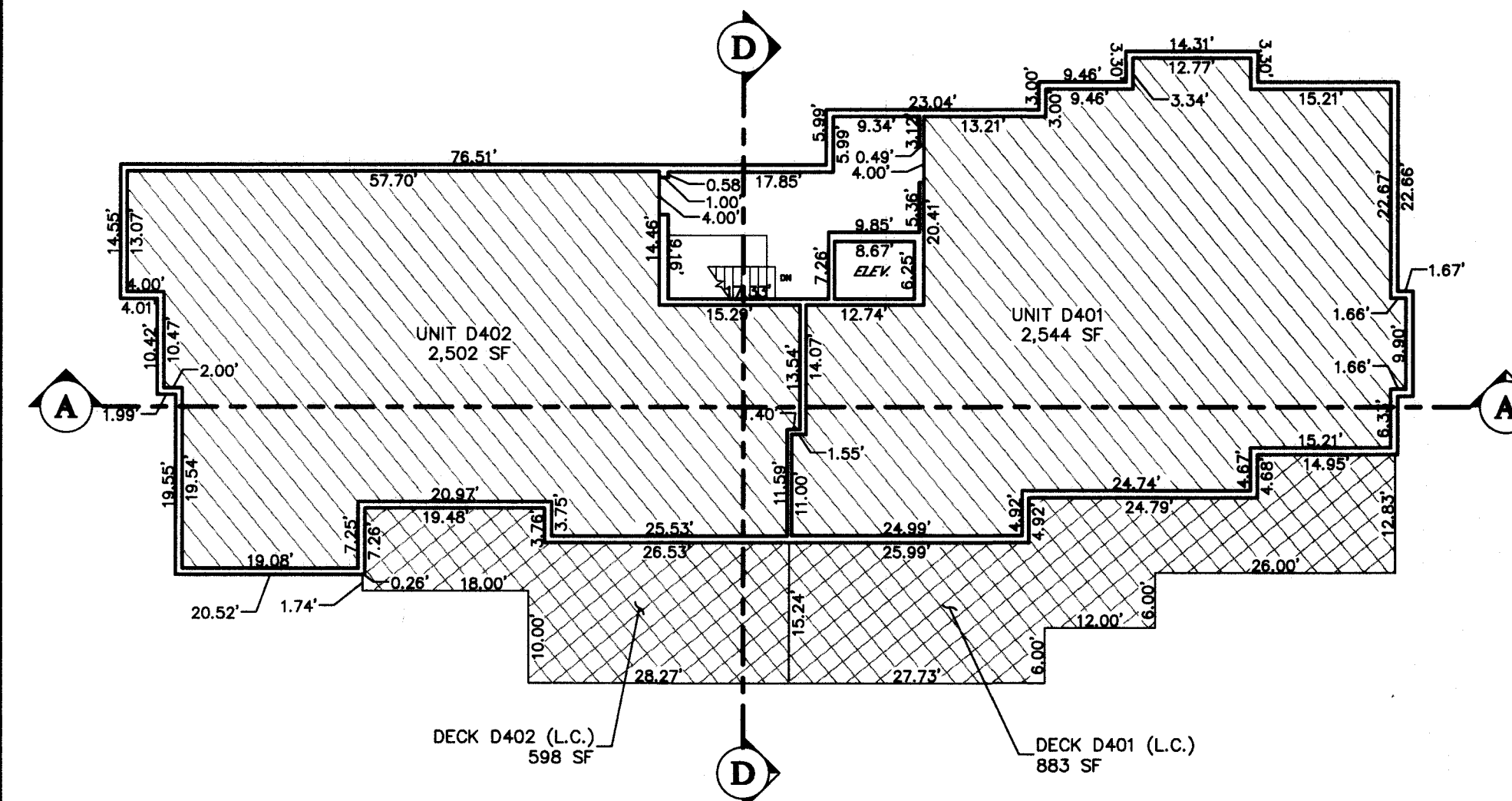
**KING'S CROWN CONDOMINIUMS, 1ST AMENDED
FLOOR PLANS - LEVELS 4 & 5**

DESIGNED BY: CRG PARTNERS
JOB NO. 1626
DATE: 04/19/2021

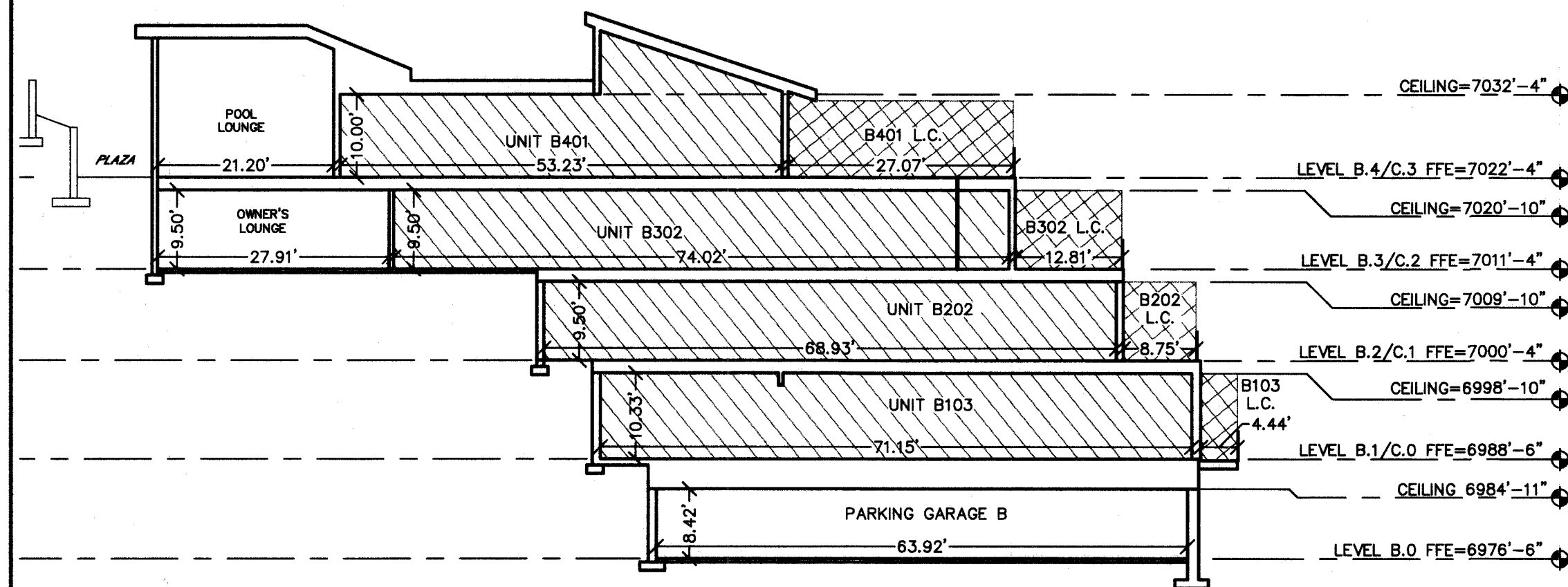
LEVEL 6
BUILDING C
 UNIT C401
BUILDING D
 UNITS D301, D302 & D303



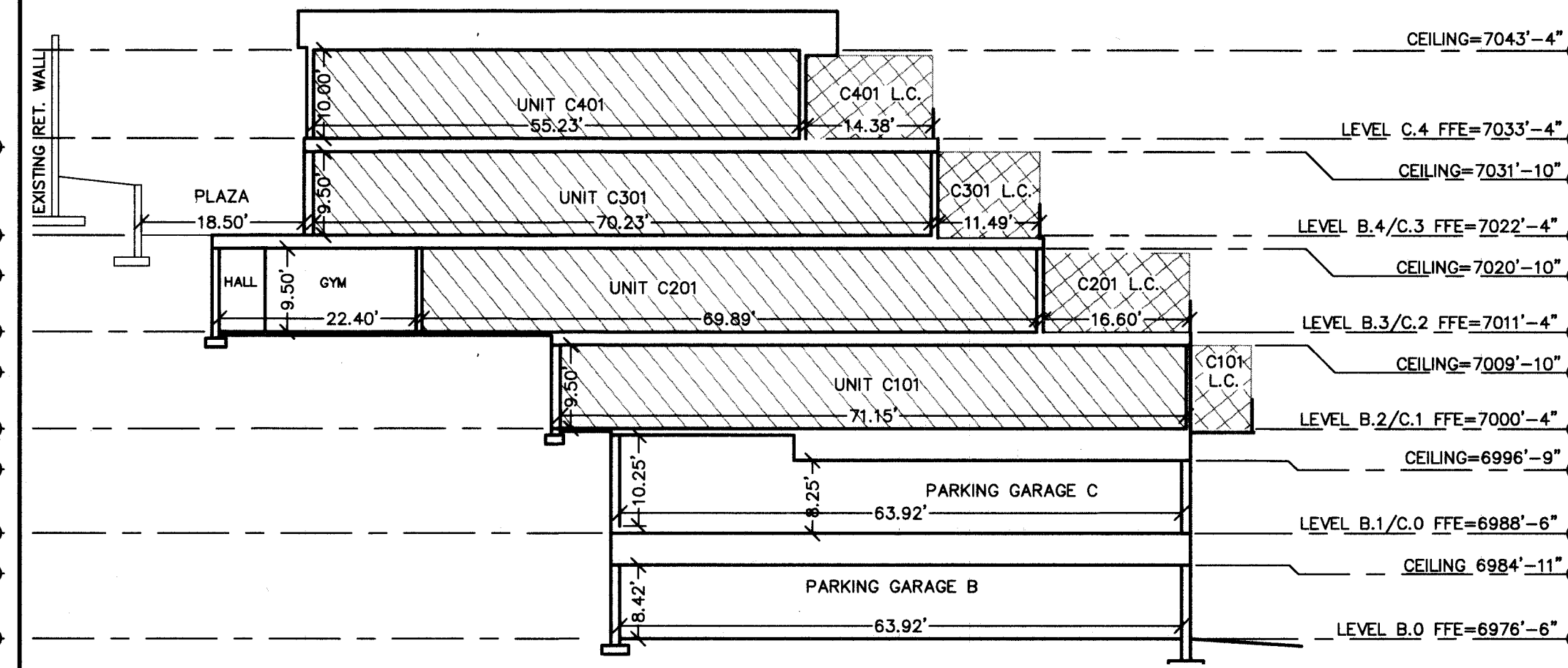
LEVEL 7
BUILDING D
 UNITS D401 & D402



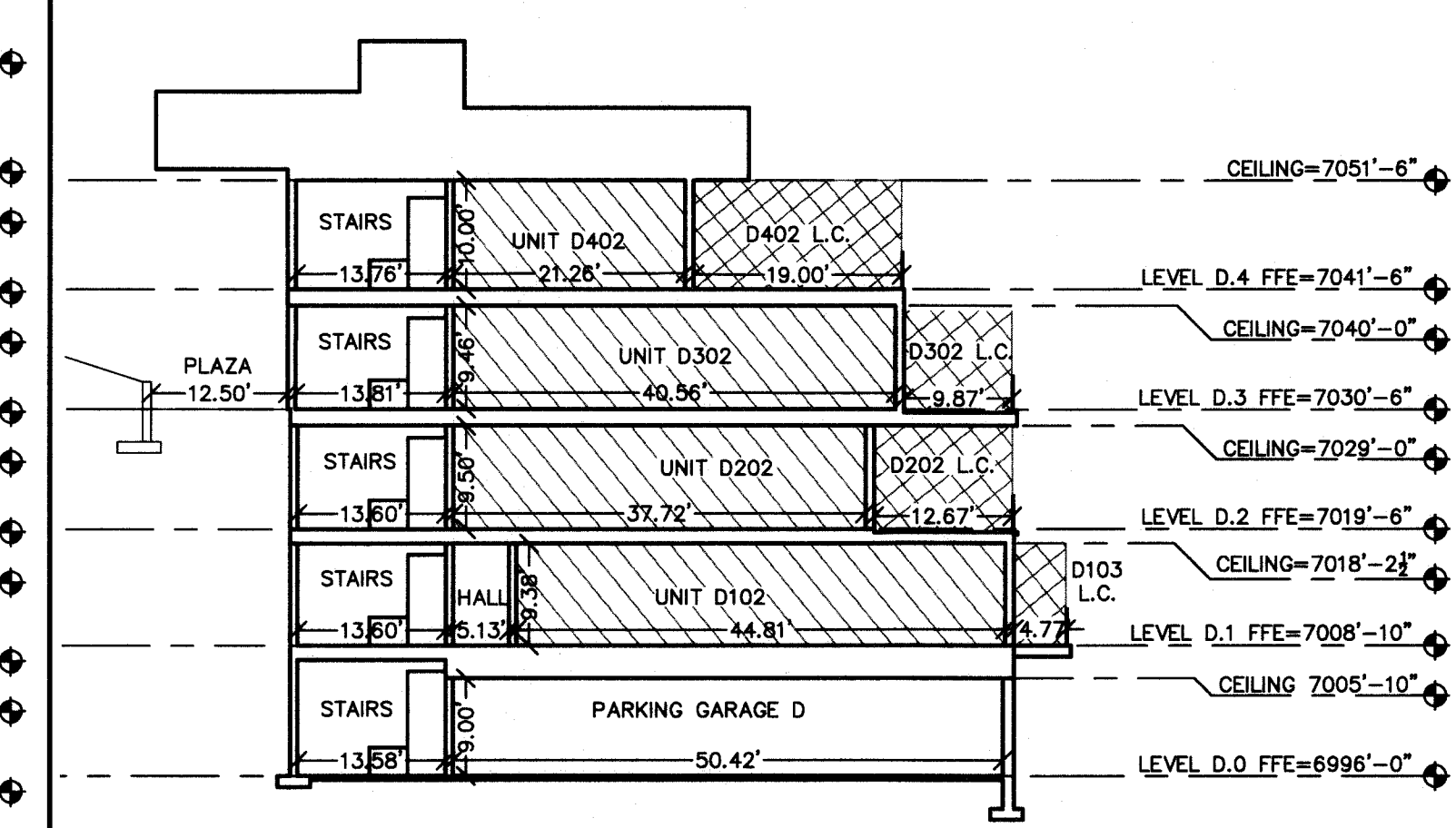
BUILDING B CROSS SECTION



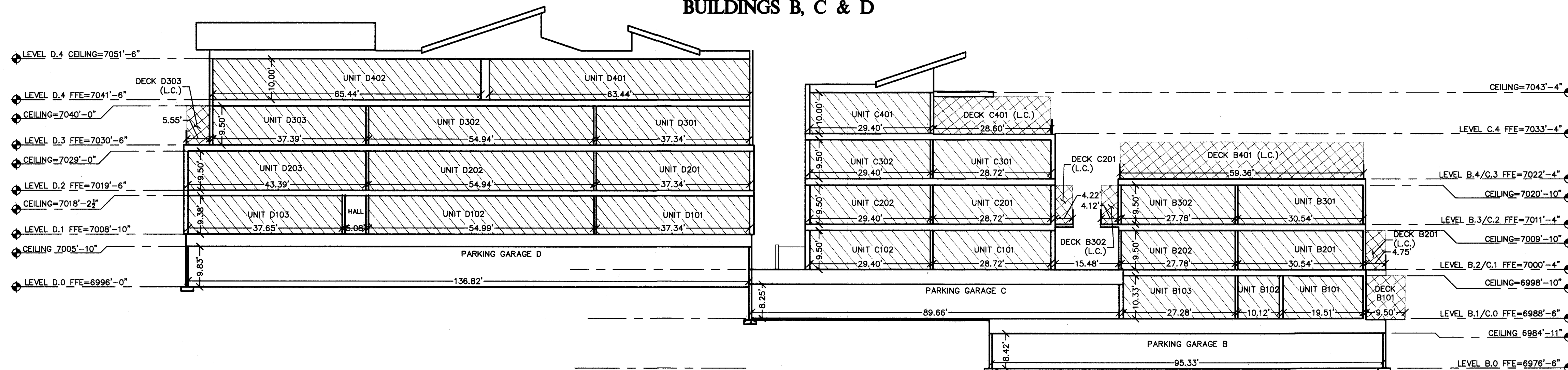
BUILDING C CROSS SECTION



BUILDING D CROSS SECTION



BUILDINGS B, C & D



- HATCHING LEGEND**
- COMMON AREA
 - LIMITED COMMON AREA
 - PRIVATE AREA

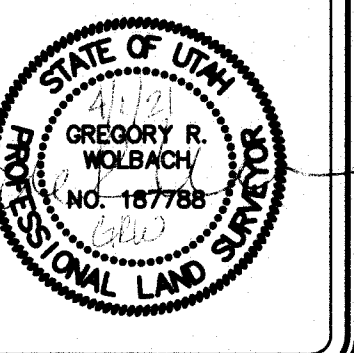
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 DATE _____
 STATE OF _____
 CITY OF _____
 RECORDED AT _____
 FEES _____

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 PLAT PAGE 1/1
 RECORDING FEE \$24.00 BY METRO NATIONAL TITLE
 CITY RECORDER

PLOT DATE: APRIL 1, 2021

Evergreen Engineering, Inc.
 Civil Engineering • Land Surveying • Land Planning
 P.O. Box 2861 • Park City • Utah • 84060
 Phone: 801-557-5462
 E-mail: info@evergreen-eng.com

DATE	BY	COMMENTS



DESIGNED BY:
 WOW
 DRAWN BY:
 ADM
 CHECKED BY:
 ADM

KING'S CROWN CONDOMINIUMS, 1ST AMENDED
FLOOR PLANS - LEVELS 6 & 7
BUILDING CROSS-SECTIONS
 FOR: CRG PARTNERS
 JOB NO. 1026
 PKG: KC-LOT2-CONDO-PP

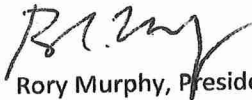
September 20, 2022

RE: Combination of Units B401 and B302 in Building B, King's Crown Condominiums

To Whom It Concerns:

The King's Crown Condominium Owner's Association hereby approves the combination of Units B401 and B302 in the B Building of the King's Crown Condominiums. The property is located at 1271 Lowell Avenue in Park City, Utah 84060. Please do not hesitate to contact me with any questions or concerns regarding this approval.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Murphy", is written over the printed name.

Rory Murphy, President
King's Crown Condominium Owner's Association
paladinparkcity@aol.com
435-640-5068



22 January 2018

Rory Murphy
1887 Gold Dust Lane, Suite 301
Park City, Utah 84060

Re: King's Crown Master Planned Development and Conditional Use Permit

Rory:

On January 10, 2018, the Planning Commission of Park City approved your Master Planned Development (application no. PL-17-03515) and Conditional Use Permit (PL-17-03566), subject to the following findings of fact, conclusions of law, and conditions of approval:

Master Planned Development & Conditional Use Permit Findings of Fact:

1. The subject site is located at 1201 – 1299 Lowell Avenue.
2. The subject site is within the RC, ROS, and SLO District.
3. The proposed development takes place roughly over 30% of the property, all contained within the RC District located adjacent to Lowell Avenue towards the northeast of the subject site.
4. The applicant proposes to build three (3) multi-unit buildings with access off Lowell Avenue, a private road/drive to be known as Rothwell Road, and a townhouse building with access off Rothwell Road.
5. The proposed private road/drive begins at the 12th Street / Lowell Avenue intersection which then curves up to a hammer-head turn around.
6. Rothwell Road climbs up approximately sixty feet (60') and is approximately 548 feet long.
7. The applicant also proposes to develop 27 single-family lots, 4 of which would be accessed off Lowell Avenue, and the remaining 24 would be accessed off Rothwell Road (15 on the west side of the private road and 8 on the east side of the private road).
8. The applicant does not plan on building the 27 houses, but to develop the lots to be able to sell them individually.
9. The MPD includes a total of 32 lots.
10. The MPD includes seven (7) deed restricted affordable housing condominium

- units (8.55 affordable unit equivalents).
11. The MPD includes eight (8) additional non-required deed restricted affordable housing condominium units (9.07 affordable unit equivalents).
 12. The MPD includes 11.2 acres of platted open space in the form of large tracts of contiguous natural open space that does not include open space area around the units, equating to 74.6%. The total open space percentage is 83.9.
 13. The MPD includes 23 market rate condominiums, 7 market rate townhomes, and 27 market rate single family detached houses.
 14. Building A is a multi-unit dwelling, listed as a conditional use.
 15. Building A has 15 residential affordable housing units.
 16. Building A has the following square footage:
 - a. Residential: 16,520
 - b. Mechanical: 256
 - c. Internal circulation (hallways and stairs): 1,833
 - d. Parking and vehicular circulation: 5,571
 - e. Overall: 24,180
 17. Building A has 18 parking spaces located in an enclosed underground parking garage.
 18. Building A has vehicular access off Lowell Avenue through one (1) driveway.
 19. Building A has 5 stories above the parking garage.
 20. Building A is on proposed lot 1.
 21. Affordable housing residential units do not count towards residential Unit Equivalents.
 22. Building B/C is a multi-unit dwelling, listed as a conditional use.
 23. Building B/C has 12 residential units.
 24. Building B/C has the following square footage:
 - a. Residential: 28,253 (14.13 residential Unit Equivalents)
 - b. Mechanical: 375
 - c. Internal circulation (hallways, stairs, and elevator): 1,133
 - d. Parking and vehicular circulation: 9,305
 - e. Overall: 39,066
 25. Building B/C has 21 parking spaces located in enclosed underground parking garages.
 26. Building B/C has vehicular access off Lowell Avenue through two (2) separate driveways.
 27. Building B/C has 4 stories above the parking garage
 28. Building B/C is on proposed lot 2
 29. Building D is a multi-unit dwelling, listed as a conditional use.
 30. Building D has 11 residential units
 31. Building D has the following square footage:
 - a. Residential: 24,590 (12.30 residential Unit Equivalents)
 - b. Mechanical: 166
 - c. Internal circulation (hallways, stairs, and elevator): 1,827
 - d. Parking and vehicular circulation: 8,313
 - e. Overall: 34,896
 32. Building D has 22 parking spaces located in an enclosed underground parking

- garage.
33. Building D has vehicular access off Lowell Avenue through one (1) driveway.
 34. Building D has 4 stories above the parking garage.
 35. Building D is on proposed lot 2.
 36. Townhomes Building is a multi-unit dwelling, listed as a conditional use.
 37. Townhomes Building has 7 residential units
 38. Townhomes Building is 29,005 (14.50 residential Unit Equivalents).
 39. Townhomes Building has 14 parking spaces, 2 within each parking garage.
 40. Townhomes Building has vehicular access off proposed private drive through individual driveways.
 41. Townhomes Building has 3 stories above the garage level.
 42. Townhomes Building is on proposed lot 30
 43. Single-family dwellings are an allowed use within the District.
 44. The applicants request to plat 27 lots to accommodate one (1) single-family dwelling on each lot.
 45. The approximate buildable square footage of the single family dwellings is 71,880 (35.94 residential Unit Equivalents).
 46. The single-family dwellings require 54 parking spaces, 2 within each lot as required.
 47. The single-family dwellings have vehicular access off proposed private drive through individual driveways and four (4) off Lowell Avenue.
 48. The single family lots are on proposed lots 3-29.
 49. The applicant proposed two (2) lots to be re-platted as open space.
 50. Proposed open space Lot 31 is 2,106.4 square feet with retaining walls and stair access to adjacent property to the south.
 51. Proposed open space Lot 32 is 487,798.29 square feet (11.2 acres).
 52. Proposed open space Lot 32 is to house an accessory building, 750 square feet, consisting of restroom and lockers for the exclusive use of property owners.
 53. The proposed accessory building on Lot 32 is located on the RC District.
 54. Accessory buildings are an allowed use with the RC District.
 55. Restrooms/lockers are considered residential accessory space and does not count towards Unit Equivalents.
 56. The site contains a total of 653,860 sf. (15.01 acres) broken down in the following manner:
 - a. RC District: 199,867 sf. (4.59 acres)
 - b. RC District within the SLO Zone: 78,654 sf. (1.81 acres)
 - c. ROS District: 84,194 sf. (1.93 acres)
 - d. ROS District within the SLO Zone: 291,145 sf. (6.68 acres)
 57. The applicant proposes to build solely within the zoning boundaries of the RC District. The applicant does not request to build within the boundary of the RC District/SLO, or within the ROS District, and these areas would be dedicated as open space.
 58. Within the RC District, sites with multi-unit dwellings receive a maximum floor area ratio (FAR) of 1.0.
 59. The portion of the site in the RC District has a maximum floor area of 199,867 sf. for multi-unit dwellings.
 60. The RC District does not provide a FAR standard for single-family dwelling lots,

- but rather, a minimum lot area requirement of 1,875 sf.
61. The proposal contains a total FAR of 0.41 ($80,963 \div 199,867$) for multi-unit dwellings.
 62. In applying the FAR at its maximum, the site would have a remaining 118,904 sf. in density ($199,867 - 80,963$).
 63. In applying the floor area not used for multi-unit dwelling for single-family dwellings, this would create approximately 63 residential lots (applying the minimum lot area of 1,875 square feet).
 64. The applicant requests to re-subdivide 27 single-family lots in conjunction with their 80,963 sf. of multi-unit dwellings.
 65. A residential Unit Equivalent is 2,000 square feet.
 66. The applicant proposes the construction of the following 30 residential units and the allotment of 27 lots:
 - a. 12 flats within multi-unit Building B/C totaling 27,683 square feet (13.84 residential Unit Equivalents).
 - b. 11 flats within multi-unit Building D totaling 24,255 square feet (12.13 residential Unit Equivalents).
 - c. 7 townhouses within the Townhome Building totaling 29,005 square feet (14.50 residential Unit Equivalents).
 - d. 27 lots to accommodate one (1) future single-family dwelling on each lot which would be approximately 71,880 square feet (35.94 residential Unit Equivalents).
 67. The applicant requests to maintain the MPD setback of 25 feet around the perimeter of the entire development, with the exception of seven (7) future single-family residential Lots 3-7 and 21-22.
 68. Applicant seeks the following setback reductions as allowed by the Code, if granted by the Planning Commission:
 - a. Proposed Lot 3-7 front setback reduction to ten feet (10').
 - b. Proposed Lot 21 side setback reduction to twenty feet (20').
 - c. Proposed Lot 22 side setback reduction to ten feet (10').
 69. The proposed setback reductions as described above matches the abutting zone setbacks and all aspect of the project will comply with applicable Building and Fire codes. The reductions do not increase project density, maintain the general character of the surrounding neighborhood in terms of mass, scale and spacing between houses, and they meet open space requirements of the MPD.
 70. The proposed setback reductions are in compliance with LMC MPD provisions.
 71. All Master Planned Developments shall contain a minimum of sixty percent (60%) open space as defined in LMC Chapter 15-15 [...].
 72. The site contains a total of 653,759 square feet. The site contains 17,012 square feet of hard-scaped plazas equating to 2.6% of the site and 531,519 square feet (12.20 acres) equating to 81.3% of natural open space.
 73. The applicant proposes to designate the use of the two (2) open space lots on the proposed Re-Subdivision (plat).
 74. The applicant does not request to decrease the required number of off-street parking spaces; therefore, no parking analysis has been submitted. See building by building requirement:

- a. Affordable Housing Building A requires 18 parking spaces based on the size of the units. The proposed building contains 18 parking spaces.
 - b. Building B/C requires 21 parking spaces based on the size of the units. The proposed building contains 21 parking spaces.
 - c. Building D requires 21 parking spaces based on the size of the units. The proposed building contains 22 parking spaces.
 - d. Townhome building requires 14 parking spaces based on the size of the units, two (2) parking spaces per unit. Proposed building contains 14 parking spaces.
 - e. Single-family dwelling residential lots require 54 parking spaces, based on unit count. These 27 residential lots would require a minimum of 2 parking spaces per unit.
75. The proposal complies with the provisions of the building height parameters for multi-unit buildings listed under LMC § [15-2.16-4 Building Height](#) and single-family dwellings listed under LMC § [15-2.16-5 Special Requirements For Single Family And Duplex Dwellings \(subsection L-M\)](#), including all applicable height exceptions as allowed in the LMC.
 76. The applicant does not seek additional height under the MPD parameters listed under LMC § [15-6-5 MPD Requirements, Sub-section F](#).
 77. The project has been designed to maintain the existing neighborhood development pattern, with the larger scale buildings located alongside the existing multi-family.
 78. The proposed plan uses the massing of the buildings to mitigate the need for retaining walls by burying the buildings into the hillside. The balance of the required retaining walls has been stepped in shorter wall sections to reduce/eliminate tall retaining walls.
 79. Roads and utility lines are proposed to work with the existing grades to the greatest extent possible, as indicated on the civil site and grading plans. Areas of the deepest cuts are mitigated by using the townhome buildings to step up the hill.
 80. All trails proposed with the MPD are incorporated into open space elements and in some areas are maintained and improved in their existing locations. Trail easements will be platted on the final recorded subdivision plats. Staff recommends adding a public recreation easement on Rothwell Road (private road) connecting to trail network on the mountain.
 81. The City requests to secure a recreational public access easement from Lowell Avenue, up the roadway to the stairwell shown on the plans, to allow for public trail access.
 82. The City requests to prepare a public trail plan for the open space parcel, provide for trail 'corridors' subject to final alignment, which would be part of the recorded development agreement. The applicant stipulates to this condition of approval.
 83. There are sufficient areas adjacent to the streets, driveways, and parking areas to store snow.
 84. The MPD shall comply with the trash storage and collection and recycling regulations contained herein.
 85. There are no commercial or non-residential uses with this project, and all off-

street parking requirements are met within the project. The bus stop/ transportation area is located yards away from the project at the resort base. The applicant is considering placing an e-bike sharing station on site on Lowell Avenue for public use.

86. The submitted landscape plans specify the maximum area allowed for lawn or turf is limited to fifty percent (50%) of the total Area allowed to be disturbed and not covered by Buildings and other hard surfaces.
87. Drought tolerant species and species native to the area are stipulated in the Guidelines. Native rock and boulders are stipulated as allowed within the LMC.
88. Lighting is proposed to comply with requirements of LMC Chapter 15-5, Architectural Review and is further spelled out in the Guidelines.
89. No development within the MPD is located within the SLO with the exception of trails, which are an allowed use in the SLO.
90. The proposal includes 200% of the required Affordable Housing as required by the current housing resolution (03-2017).
91. The current affordable housing proposal, which is developed through the Affordable Housing Staff and the Affordable Housing Authority (The City Council), is shown on a table within this staff report. The Staff and the Affordable Housing Authority retain the final say on these figures.
92. The proposal does not create additional demands for child care.
93. An environmental survey ([Exhibit P - Environmental Survey](#)) was prepared revealing no environmental contaminants on the property.
94. A mine site study ([Exhibit Q - Mine Site Studies](#)) was conducted and determined that there were no mining related activities on the property.
95. The proposal fulfills the following goals and objectives of the General Plan.
96. A cultural survey ([Exhibit O - Cultural Survey](#)) was prepared revealing the only significant historical element on site was the Crescent Tramway, which will remain as the existing ski/ bike trail on the property. There are no historic structures on site.
97. LMC § 15-6-4 (G) states that once the Planning Commission has approved an MPD, the approval shall be put in the form of a Development Agreement and shall be submitted to the Planning Department within six (6) months of MPD approval, for ratification by the Planning Commission..
98. Multi-unit dwellings and Master Planned Developments are listed as a conditional uses in the RC District.
99. The applicant proposes the construction of four (4) multi-unit dwelling buildings which includes one (1) building housing the affordable housing units that exceeds the required affordable housing requirements.
100. There are certain uses that, because of unique characteristics or potential impacts 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.
101. 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.
102. The project is located on Lowell Avenue, between 12th and 13th Street.

103. The four (4) multi-unit dwellings are located at the lower portion of the subject site.
104. A traffic study (Triton Engineering, June, 2017) was provided by the applicant and reviewed by the City indicating that study intersections are anticipated to continue operating at acceptable levels of service.
105. Capacity of existing streets can handle anticipated normal traffic especially based on the fact that maximum density is not being pursued by the applicant.
106. Utilities necessary for these proposed uses are available at or near the site.
107. Final utility plans, including grading and storm water run-off plans will be required at time of building permit review.
108. The proposed plans have been reviewed by the City and the Park City Fire District for compliance and meet the requirements for emergency vehicle access based on the close proximity to Lowell Avenue and the direct connection of the private drive.
109. The proposed conditional use meets all LMC parking regulations.
110. The internal circulation plan incorporated on the site plan showing proposed access to existing trails as well community access point to the trails and ski runs.
111. Adjoining uses mirror the uses proposed in this project, and no separation is required. In fact, the project is providing community access through to adjacent open space.
112. The project has been designed to mirror the existing neighborhood development patterns.
113. The larger mass buildings are located adjacent to the larger buildings on Lowell, and the project homes mirror the East side of Lowell, with the townhomes continuing the townhome pattern as well.
114. As designed, approximately 82 percent of the project is contiguous open space, with access to skiing and bike trails.
115. All signs and lighting for the project will be approved through the Master Sign Plan application process and through building department review for compliance with the LMC.
116. The physical design of the proposed additions and new buildings, in terms of mass, scale, style, design and architectural detailing.
117. The proposed buildings complement the existing neighborhood in architectural character, materials, colors, mass and scale.
118. Proposed materials consist of metal and membrane roofing, wood and metal siding, natural stone and other elements consistent with the existing buildings.
119. This project will not create any of the conditions listed that are not normally associated in the residential nature of the proposed use.
120. There will be no commercial delivery or service vehicles to the project as the entire project is residential. Typical residential delivery service will utilize residential streets and driveways.
121. Trash and Recycling will mirror the existing Old Town pattern and usage with small residential trash bins, and shall comply with the required regulation listed under Master Planned Developments.
122. All condominiums will be sold as wholly owned condominiums and be required to follow local guidelines relative to other uses, the same applies to the single-family

- lots.
123. The proposed development is not within any environmentally sensitive lands, physical mine hazards, historic mine waste, or Park City Soils Ordinance.
 124. The site is within steep slopes found throughout the site.
 125. The overall proposal, both Multi-Unit Dwellings (conditional use) and single-family detached houses (allowed use) takes place over approximately 30% of the entire site.
 126. The Applicant provided [Exhibit R - Proposed Export Fill Placement Exhibit and Possible Fill Locations, with the](#) placement, volume and height of on-mountain waste rock on a map showing the placement areas for waste rock
 127. Applicant indicates a verbal agreement with Park City Mountain representatives to place the material from the multi-unit buildings and road construction on Park City Mountain.
 128. [Exhibit R - Proposed Export Fill Placement Exhibit and Possible Fill Locations](#) also shows the proposed study of the corresponding volumes and depths of the waste material on adjacent property.
 129. Applicant indicates that all waste material must be certified as environmentally clean, compacted in no more than 2-foot lifts (to achieve a 90%+ compaction) covered with six inches (6") of topsoil, seeded with a native grass mix and sod placed over the grass seeds.
 130. Applicant demonstrates that the maximum depth would be 5 feet, tapering off to 0 feet.
 131. Applicant proposes to transport the excavated material to the neighboring property without the necessity of using City streets. It is the Applicant's responsibility to seek such permission with the neighboring site.
 132. Applicant explains that in the highly unlikely case that they are unable to secure a written agreement with the Park City Mountain, the excavation material would be disposed of by the traditional method used in the vast majority of construction projects to be approved by the City prior to issuance of building permits.
 133. The applicant estimates 14,400 cubic yards of material (includes swell) which would equate to 1,440 truckloads (at 10 yds. / truck).
 134. As a Condition of Approval, the applicant has indicated that they would not undergo excavation or footings and foundation work on the multi-family buildings or the access road during the winter season from Christmas through April 1st.
 135. Applicant has indicated that they will instruct construction staff to keep delivery trucks off the streets during the peak busy times of between 8:30 am and 10:00 am as well as the peak afternoon times of 3:30 pm through 4:30 pm.
 136. Applicant agrees to not deliver materials during the busiest tourist times of Christmas week, MLK weekend, Sundance week, MLK weekend, President's Day weekend, Arts Fest, July 4th weekend, Miner's Day weekend, and Tour de Utah.
 137. Applicant has provided the approximate excavation quantities of the 27 single-family dwellings which would be approximately 7500 cubic yards.
 138. The applicant does not plan on building the 27 single-family dwellings but plans to sell the lots to individuals and/or builders.
 139. The Chief Building official has studied the applicant's preliminary Construction

Mitigation Plan and finds that the proposal is in compliance with current Building Department policies.

- 140. Construction Mitigation Plan will be finalized by the Building Dept. once building permits are submitted by the applicant.
- 141. The applicant stipulates to the conditions of approval.
- 142. The discussion in the Analysis section is incorporated herein.

Master Planned Development Conclusions of Law

- 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, provides the highest value of Open Space, as determined by the Planning Commission;
- D. The MPD, as conditioned, strengthens and enhances the resort character of Park City;
- E. The MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible;
- F. 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;
- G. The MPD, as conditioned, provides amenities to the community so that there is no net loss of community amenities;
- H. 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.
- I. 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;
- J. The MPD, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections; and
- K. The MPD has been noticed and public hearing held in accordance with this Code.
- L. 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.
- M. The MPD, as conditioned, addresses and mitigates Physical Mine Hazards according to accepted City regulations and policies.
- N. The MPD, as conditioned, addresses and mitigates Historic Mine Waste and complies with the requirements of the Park City Soils Boundary Ordinance.
- O. The MPD, as conditioned, addresses Historic Structures and Sites on the Property, according to accepted City regulations and policies, and any applicable Historic Preservation Plan.

Conditional Use Permit Conclusions of Law:

1. The proposal satisfies the Conditional Use Permit review criteria as established by the LMC's Conditional Use Review process (§15-1-10(E), Criteria 1-16).
2. The proposal complies with all requirements of this LMC.
3. The Uses will be Compatible with surrounding Structures in Use, scale, mass
4. The effects of any differences in Use or scale have been mitigated through careful planning.

Master Planned Development & Conditional Use Permit Conditions of Approval:

1. All standard project conditions shall apply.
2. A Construction Mitigation Plan (CMP) shall be submitted and approved by the City for compliance with the Municipal Code, as a condition precedent to issuance of any grading or building permits. The CMP shall be updated as necessary to identify impacts and propose reasonable mitigation of these impacts on the site, neighborhood, and community due to construction of this project. The CMP shall include information about specific construction phasing, traffic, parking, service and delivery, stock-piling of materials and staging of work, work hours, noise control, temporary lighting, trash management and recycling, mud and dust control, construction signs, temporary road and/or trail closures, limits of disturbance fencing, protection of existing vegetation, erosion control. Storm-water management, and other items as may be required by the Building Department. The immediate neighborhood and community at large shall be provided notice at least 24 hours in advance of construction work impacting private driveways, street closures, and interruption of utility service.
3. A storm water run-off and drainage plan shall be submitted with the building plans and approved prior to issuance of any building permits. The plan shall follow Park City's Storm Water Management Plan and the project shall implement storm water Best Management Practices. Post development drainage shall not exceed predevelopment drainage conditions and special consideration shall be made to protect any wetlands delineated on and adjacent to the site.
4. The project is over 1.0 acres and will be required to meet the requirements of Park City's municipal separate storm sewer system (MS4) storm-water program.
5. Final utility plans, consistent with preliminary utility plans reviewed by the Planning Commission during the MPD review, shall be submitted with the final subdivision plat.
6. Dry utility infrastructure must be located on the property and shown on the building plans prior to building permit issuance to ensure that utility companies verify that the area provided for their facilities are viable and that exposed meters and boxes can be screened with landscaping.
7. The Snyderville Basin Water Reclamation District's review and approval of the utility plans and final subdivision plat, for conformance with the District's standards for review, is a condition precedent to plat recordation and building permit issuance.
8. An Affordable Housing Plan shall be approved by the Park City Housing Authority prior to issuance of any building permits for units within the MPD and deed restrictions shall be recorded.

9. As a condition precedent to receiving a certificate of occupancy for any market rate unit the City shall be provided with proof of compliance with the approved Affordable Housing Plan.
10. A master sign plan for the project shall be submitted, reviewed for compliance with the Park City Sign Code, and approved by the City, as a condition precedent to issuance of any individual sign permits.
11. Approval of this Master Planned Development is subject to LMC Chapter 6- Master Planned Developments and shall expire two years from the date of execution of the Development Agreement unless Construction, as defined by the Uniform Building Code, has commenced on the project.
12. Once the Planning Commission has approved an MPD, the approval shall be put in the form of a Development Agreement. The Development Agreement must be submitted to the Planning Department for ratification by the Planning Commission within 6 months of this approval. The Development Agreement shall be signed by the Mayor on behalf of the City Council and recorded with the Summit County Recorder.
13. Timing of completion of all required items and public benefits shall be further described and stated in the Development Agreement.
14. Vegetation and landscaping will be planted in such a manner that screening of adjacent properties is to be consistent with approved landscape plans. The applicant recognizes that the City Engineer have final authority on landscape placement in required easement areas.
15. All interior roads shall be constructed to Park City Engineering standards. Final grades, storm drainage and width to be approved by the City Engineer.
16. Interior roads are proposed to be private and maintained by the HOA.
17. An HOA shall be in place to maintain and govern the property.
18. An open space use plan shall be approved by the Park City Planning Department and shall be included as part of the development agreement. Such uses shall be consistent with the LMC and shall include ski runs, hiking/biking trails and related ski improvements such as snow making and signage as needed and appropriate.
19. A trails master plan that is consistent with the city's needs and desires shall be forwarded by the City Trails personnel and approved by both the applicant and the Park City Planning Department, which would be part of the recorded development agreement.
20. The applicant shall allow a recreational public access easement from Lowell Avenue, up the roadway to the stairwell shown on the plans, to allow for public trail access, and shall be shown on the plat.
21. The proposal shall comply with all Architectural Design Guidelines outlined in LMC § 15-5-5 which includes prohibited architectural styles and motifs, prohibited siding materials, design ornamentation, number of exterior wall materials, roofing materials, roof shapes, solar panels and skylights, window treatments, Lighting, trash and recycling enclosures, mechanical equipment, patios and driveways, and landscaping. Materials color samples and final design details shall be approved by staff prior to building permit issuance and shall be in substantial compliance with the elevations reviewed by the Planning Commission on January 10, 2018.

22. The proposal shall comply with the trash storage and collection parameters with the language outlined in LMC § 15-5-5(G).
23. The proposal shall not undergo excavation or footings and foundation work on the multi-family buildings or the access road (Rothwell Road) during the winter season from Christmas (December 25) through April 1st.
24. Materials shall not be delivered during the busiest tourist times of Christmas week, MLK weekend, Sundance week, MLK weekend, President's Day weekend, Arts Fest, July 4th weekend, Miner's Day weekend, and Tour de Utah.
25. The final building plans and construction details for the project shall substantially comply with the drawings reviewed by the Planning Commission on January 10, 2018.
26. The applicant shall record a plat prior to selling individual units.
27. A deed restriction all affordable housing units shall be recorded prior building permit issuance.
28. The CCRs shall be submitted with the plat for review and approval by the City prior to final plat recordation.
29. The CCRs submitted with condominium plats that include any deed restricted affordable housing units shall limit the HOA dues related to the deed restricted employee housing unit in order to ensure that the units remain affordable. The CCRs shall reflect a lower par-value to reflect the reduced cost of the units (or exempt the units from HOA fees) to ensure that the units don't lose their affordability due to HOA fees. The CCRs shall be submitted with the condominium plat for review and approval by the City prior to final condominium plat recordation.
30. The Conditional Use Permit shall expire on January 10, 2019, unless an extension is requested in writing prior to expiration date and the extension is granted by the Planning Director.
31. A final water efficient landscape and irrigation plan that indicates required storm water facilities and snow storage areas, and that meets the defensible space requirements and mitigates for removal of significant vegetation, shall be submitted with the building permit application for approval by the Planning, Building, and Engineering Department, and shall be in substantial conformance with the plans reviewed by the Planning Commission on January 10, 2018.
32. All requirements and conditions of the Snyderville Basin Water Reclamation District shall be met prior to building permit issuance.
33. This development is part of a common development that is greater than one (1) acre. This development shall meet the MS4 storm water requirements.

Please be aware that this approval in no way exempts the property from complying with other requirements that may be in effect on the property, and building permit regulations, as applicable. It is the responsibility of the property owner to ensure compliance with these regulations.

As the applicant, this letter is intended as a courtesy to document the status of your request. The official minutes from the Planning Commission meeting are available in the Planning Department office.

If you have questions regarding your applications or the action taken please don't hesitate to contact me at 435-615-5064 or fastorga@parkcity.org.

Sincerely,

A handwritten signature in black ink, appearing to read "F. Astorga". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

Francisco Astorga, AICP
Senior Planner



22 January 2018

Amended 22 May 2019

Amended 23 September 2020

Amended 10 February 2021

Rory Murphy
1887 Gold Dust Lane, Suite 301
Park City, Utah 84060

Re: King's Crown Master Planned Development and Conditional Use Permit

Rory:

On January 10, 2018, the Planning Commission of Park City approved your Master Planned Development (application no. PL-17-03515) and Conditional Use Permit (PL-17-03566), and on May 22, 2019, the Commission approved modifications outlined in red below (PL-19-04214), and on September 23, 2020, the Commission approved modifications outlined in orange below (PL-20-04612), and on January 27, 2021, the Commission determined the King's Crown Condominiums First Amended Plat specific to Building D constituted a substantive MPD modification and continued the discussion to February 10, 2021, and on February 10, 2021, the Commission approved the substantive modifications outlined in blue below (PL-21-04739 and PL-21-04758) subject to the following findings of fact, conclusions of law, and conditions of approval:

Master Planned Development & Conditional Use Permit Findings of Fact:

1. The subject site is located at 1201 – 1299 Lowell Avenue.
2. The subject site is within the RC, ROS, and SLO District.
3. The proposed development takes place roughly over 30% of the property, all contained within the RC District located adjacent to Lowell Avenue towards the northeast of the subject site.
4. The applicant proposes to build ~~three (3)~~ four multi-unit buildings with access off Lowell Avenue, a private road/drive to be known as Rothwell Road, and a townhouse building with access off Rothwell Road.
5. The proposed private road/drive begins at the 12th Street / Lowell Avenue intersection which then curves up to a hammer-head turn around.
6. Rothwell Road climbs up approximately sixty feet (60') and is approximately 548

- feet long.
7. The applicant also proposes to develop 27 single-family lots, 4 of which would be accessed off Lowell Avenue, and the remaining 24 would be accessed off Rothwell Road (15 on the west side of the private road and 8 on the east side of the private road).
 8. The applicant does not plan on building the 27 houses, but to develop the lots to be able to sell them individually.
 9. The MPD includes a total of 32 lots.
 10. The MPD includes ~~seven (7)~~ eight (8) ~~ten (10)~~ deed restricted affordable housing condominium units, nine (9) located in the Workforce Housing Condominiums and one (1) located in the King's Crown Condominiums Building B (Unit B101) (~~8.55 8.85 11.61~~ affordable unit equivalents).
 11. The MPD includes ~~eight (8)~~ one (1) additional non-required deed restricted affordable attainable housing condominium units in the Workforce Housing Condominiums Building A (~~9.07 1.29~~ affordable unit equivalents).
 12. The MPD includes 11.2 acres of platted open space in the form of large tracts of contiguous natural open space that does not include open space area around the units, equating to 74.6%. The total open space percentage is 83.9.
 13. The MPD includes ~~23 25~~ 31 market rate condominiums, 7 market rate townhomes, and 27 market rate single family detached houses.
 14. Building A is a multi-unit dwelling, listed as a conditional use.
 15. Building A has ~~45~~ nine (9) residential affordable housing units, one (1) attainable housing unit, and five (5) market rate housing units.
 16. Building A has the following square footage:
 - a. Residential: 16,520
 - b. Mechanical: 256
 - c. Internal circulation (hallways and stairs): 1,833
 - d. Parking and vehicular circulation: 5,571
 - e. Overall: 24,180
 17. Building A has 18 parking spaces located in an enclosed underground parking garage.
 18. Building A has vehicular access off Lowell Avenue through one (1) driveway.
 19. Building A has 5 stories above the parking garage.
 20. Building A is on proposed lot 1.
 21. Affordable housing residential units do not count towards residential Unit Equivalents.
 22. Building B/C is a multi-unit dwelling, listed as a conditional use.
 23. Building B/C has ~~42~~ fourteen (14) market-rate residential units, and one (1) affordable unit (Unit B101).
 24. Building B/C has the following square footage:
 - a. Residential: ~~28,253 27,218~~ 27,687 (~~44.13 13.61 13.84~~ residential Unit Equivalents) (Affordable Unit B101 does not count toward Residential Unit Equivalents and is 756 square feet)
 - b. Mechanical: ~~375-957~~
 - c. Internal circulation (hallways, stairs, and elevator): ~~1,133-2,664~~
 - d. Parking and vehicular circulation: ~~9,305 10,593~~

- e. Overall: ~~39,066~~ ~~49,281~~ 43,976
- 25. Building B/C has 21 25 parking spaces located in enclosed underground parking garages.
- 26. Building B/C has vehicular access off Lowell Avenue through two (2) separate driveways.
- 27. Building B/C has 4 stories above the parking garage
- 28. Building B/C is on proposed lot 2
- 29. Building D is a multi-unit dwelling, listed as a conditional use.
- 30. Building D has ~~11~~ ~~12~~ 11 residential units
- 31. Building D has the following square footage:
 - a. Residential: ~~24,590~~ ~~24,250~~ 25,505 (~~12.30~~ ~~12.15~~ 12.75 residential Unit Equivalents)
 - b. Mechanical: ~~166~~ 528
 - c. Internal circulation (hallways, stairs, and elevator): ~~1,827~~ 2,252
 - d. Parking and vehicular circulation: ~~8,313~~ 7,865
 - e. Owner's storage (platted common): 724
 - f. Overall: ~~34,896~~ ~~35,619~~
- 32. Building D has 22 21 parking spaces located in an enclosed underground parking garage.
- 33. Building D has vehicular access off Lowell Avenue through one (1) driveway.
- 34. Building D has 4 stories above the parking garage.
- 35. Building D is on proposed lot 2.
- 36. Townhomes Building is a multi-unit dwelling, listed as a conditional use.
- 37. Townhomes Building has 7 residential units
- 38. Townhomes Building is 29,005 (14.50 residential Unit Equivalents).
- 39. Townhomes Building has 14 parking spaces, 2 within each parking garage.
- 40. Townhomes Building has vehicular access off proposed private drive through individual driveways.
- 41. Townhomes Building has 3 stories above the garage level.
- 42. Townhomes Building is on proposed lot 30
- 43. Single-family dwellings are an allowed use within the District.
- 44. The applicants request to plat 27 lots to accommodate one (1) single-family dwelling on each lot.
- 45. The approximate buildable square footage of the single family dwellings is 71,880 (35.94 residential Unit Equivalents).
- 46. The single-family dwellings require 54 parking spaces, 2 within each lot as required.
- 47. The single-family dwellings have vehicular access off proposed private drive through individual driveways and four (4) off Lowell Avenue.
- 48. The single family lots are on proposed lots 3-29.
- 49. The applicant proposed two (2) lots to be re-platted as open space.
- 50. Proposed open space Lot 31 is 2,106.4 square feet with retaining walls and stair access to adjacent property to the south.
- 51. Proposed open space Lot 32 is 487,798.29 square feet (11.2 acres).
- 52. Proposed open space Lot 32 is to house an accessory building, 750 square feet, consisting of restroom and lockers for the exclusive use of property owners.

53. The proposed accessory building on Lot 32 is located on the RC District.
54. Accessory buildings are an allowed use with the RC District.
55. Restrooms/lockers are considered residential accessory space and does not count towards Unit Equivalents.
56. The site contains a total of 653,860 sf. (15.01 acres) broken down in the following manner:
 - a. RC District: 199,867 sf. (4.59 acres)
 - b. RC District within the SLO Zone: 78,654 sf. (1.81 acres)
 - c. ROS District: 84,194 sf. (1.93 acres)
 - d. ROS District within the SLO Zone: 291,145 sf. (6.68 acres)
57. The applicant proposes to build solely within the zoning boundaries of the RC District. The applicant does not request to build within the boundary of the RC District/SLO, or within the ROS District, and these areas would be dedicated as open space.
58. Within the RC District, sites with multi-unit dwellings receive a maximum floor area ratio (FAR) of 1.0.
59. The portion of the site in the RC District has a maximum floor area of 199,867 sf. for multi-unit dwellings.
60. The RC District does not provide a FAR standard for single-family dwelling lots, but rather, a minimum lot area requirement of 1,875 sf.
61. The proposal contains a total FAR of 0.41 (80,963 ÷ 199,867) for multi-unit dwellings.
62. In applying the FAR at its maximum, the site would have a remaining 118,904 sf. in density (199,867 - 80,963).
63. In applying the floor area not used for multi-unit dwelling for single-family dwellings, this would create approximately 63 residential lots (applying the minimum lot area of 1,875 square feet).
64. The applicant requests to re-subdivide 27 single-family lots in conjunction with their 80,963 sf. of multi-unit dwellings.
65. A residential Unit Equivalent is 2,000 square feet.
66. The applicant proposes the construction of the following ~~30~~ 32 residential units and the allotment of 27 lots:
 - a. ~~42~~ 14 flats ~~and one (1) affordable unit (B101)~~ within multi-unit Building B/C totaling ~~27,683~~ 27,218 ~~27,687~~ square feet (~~13.84~~ 13.61 ~~13.84~~ residential Unit Equivalents). (~~Affordable Unit B1010 does not count toward Residential Unit Equivalents and is 756 square feet~~).
 - b. ~~44~~ 12 ~~11~~ flats within multi-unit Building D totaling ~~24,255~~ 24,250 ~~25,505~~ square feet (12.13 residential Unit Equivalents).
 - c. 7 townhouses within the Townhome Building totaling 29,005 square feet (14.50 residential Unit Equivalents).
 - d. 27 lots to accommodate one (1) future single-family dwelling on each lot which would be approximately 71,880 square feet (35.94 residential Unit Equivalents).
67. The applicant requests to maintain the MPD setback of 25 feet around the perimeter of the entire development, with the exception of seven (7) future single-family residential Lots 3-7 and 21-22.
68. Applicant seeks the following setback reductions as allowed by the Code, if

- granted by the Planning Commission:
- a. Proposed Lot 3-7 front setback reduction to ten feet (10').
 - b. Proposed Lot 21 side setback reduction to twenty feet (20').
 - c. Proposed Lot 22 side setback reduction to ten feet (10').
69. The proposed setback reductions as described above matches the abutting zone setbacks and all aspect of the project will comply with applicable Building and Fire codes. The reductions do not increase project density, maintain the general character of the surrounding neighborhood in terms of mass, scale and spacing between houses, and they meet open space requirements of the MPD.
70. The proposed setback reductions are in compliance with LMC MPD provisions.
71. All Master Planned Developments shall contain a minimum of sixty percent (60%) open space as defined in LMC Chapter 15-15 [...].
72. The site contains a total of 653,759 square feet. The site contains 17,012 square feet of hard-scaped plazas equating to 2.6% of the site and 531,519 square feet (12.20 acres) equating to 81.3% of natural open space.
73. The applicant proposes to designate the use of the two (2) open space lots on the proposed Re-Subdivision (plat).
74. The applicant does not request to decrease the required number of off-street parking spaces; therefore, no parking analysis has been submitted. See building by building requirement:
- a. Affordable Housing Building A requires 18 parking spaces based on the size of the units. The proposed building contains 18 parking spaces.
 - b. Building B/C requires ~~21~~ 24 parking spaces based on the size of the units. The proposed building contains 21 parking spaces.
 - c. Building D requires ~~21~~ ~~20~~ 21 parking spaces based on the size of the units. The proposed building contains 22 parking spaces.
 - d. Townhome building requires 14 parking spaces based on the size of the units, two (2) parking spaces per unit. Proposed building contains 14 parking spaces.
 - e. Single-family dwelling residential lots require 54 parking spaces, based on unit count. These 27 residential lots would require a minimum of 2 parking spaces per unit.
75. The proposal complies with the provisions of the building height parameters for multi-unit buildings listed under LMC § [15-2.16-4 Building Height](#) and single-family dwellings listed under LMC § [15-2.16-5 Special Requirements For Single Family And Duplex Dwellings \(subsection L-M\)](#), including all applicable height exceptions as allowed in the LMC.
76. The applicant does not seek additional height under the MPD parameters listed under LMC § [15-6-5 MPD Requirements, Sub-section F](#).
77. The project has been designed to maintain the existing neighborhood development pattern, with the larger scale buildings located alongside the existing multi-family.
78. The proposed plan uses the massing of the buildings to mitigate the need for retaining walls by burying the buildings into the hillside. The balance of the required retaining walls has been stepped in shorter wall sections to reduce/eliminate tall retaining walls.

79. Roads and utility lines are proposed to work with the existing grades to the greatest extent possible, as indicated on the civil site and grading plans. Areas of the deepest cuts are mitigated by using the townhome buildings to step up the hill.
80. All trails proposed with the MPD are incorporated into open space elements and in some areas are maintained and improved in their existing locations. Trail easements will be platted on the final recorded subdivision plats. Staff recommends adding a public recreation easement on Rothwell Road (private road) connecting to trail network on the mountain.
81. The City requests to secure a recreational public access easement from Lowell Avenue, up the roadway to the stairwell shown on the plans, to allow for public trail access.
82. The City requests to prepare a public trail plan for the open space parcel, provide for trail 'corridors' subject to final alignment, which would be part of the recorded development agreement. The applicant stipulates to this condition of approval.
83. There are sufficient areas adjacent to the streets, driveways, and parking areas to store snow.
84. The MPD shall comply with the trash storage and collection and recycling regulations contained herein.
85. There are no commercial or non-residential uses with this project, and all off-street parking requirements are met within the project. The bus stop/transportation area is located yards away from the project at the resort base. The applicant is considering placing an e-bike sharing station on site on Lowell Avenue for public use.
86. The submitted landscape plans specify the maximum area allowed for lawn or turf is limited to fifty percent (50%) of the total Area allowed to be disturbed and not covered by Buildings and other hard surfaces.
87. Drought tolerant species and species native to the area are stipulated in the Guidelines. Native rock and boulders are stipulated as allowed within the LMC.
88. Lighting is proposed to comply with requirements of LMC Chapter 15-5, Architectural Review and is further spelled out in the Guidelines.
89. No development within the MPD is located within the SLO with the exception of trails, which are an allowed use in the SLO.
90. The proposal ~~includes 200% of~~ exceeds the required Affordable Housing as required by the current housing resolution (03-2017) by 3.19 Affordable Unit Equivalents.
91. The current affordable housing proposal, which is developed through the Affordable Housing Staff and the Affordable Housing Authority (The City Council), is shown ~~below on a table within this staff report~~. The Staff and the Affordable Housing Authority retain the final say on these figures.

Kings Crown Affordable Housing Requirement		
	Current	Proposed
Market Rate Units	60	65
Affordable Housing Units Required	9	9.75
Required Square Footage	8100	8775
Proposed Affordable Housing Units	17.79	12.91
Proposed Square Footage	16013	11616

92. The proposal does not create additional demands for child care.
93. An environmental survey ([Exhibit P - Environmental Survey](#)) was prepared revealing no environmental contaminants on the property.
94. A mine site study ([Exhibit Q - Mine Site Studies](#)) was conducted and determined that there were no mining related activities on the property.
95. The proposal fulfills the following goals and objectives of the General Plan.
96. A cultural survey ([Exhibit O - Cultural Survey](#)) was prepared revealing the only significant historical element on site was the Crescent Tramway, which will remain as the existing ski/ bike trail on the property. There are no historic structures on site.
97. LMC § 15-6-4 (G) states that once the Planning Commission has approved an MPD, the approval shall be put in the form of a Development Agreement and shall be submitted to the Planning Department within six (6) months of MPD approval, for ratification by the Planning Commission..
98. Multi-unit dwellings and Master Planned Developments are listed as a conditional uses in the RC District.
99. The applicant proposes the construction of four (4) multi-unit dwelling buildings which includes ~~one (1) building housing the Building A with nine (9) affordable housing units, one (1) attainable housing unit, and five (5) market-rate units. that exceeds the required affordable housing requirements.~~
100. There are certain uses that, because of unique characteristics or potential impacts 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.
101. 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.
102. The project is located on Lowell Avenue, between 12th and 13th Street.
103. The four (4) multi-unit dwellings are located at the lower portion of the subject site.
104. A traffic study (Triton Engineering, June, 2017) was provided by the applicant and reviewed by the City indicating that study intersections are anticipated to continue operating at acceptable levels of service.
105. Capacity of existing streets can handle anticipated normal traffic especially based on the fact that maximum density is not being pursued by the applicant.
106. Utilities necessary for these proposed uses are available at or near the site.
107. Final utility plans, including grading and storm water run-off plans will be required

at time of building permit review.

108. The proposed plans have been reviewed by the City and the Park City Fire District for compliance and meet the requirements for emergency vehicle access based on the close proximity to Lowell Avenue and the direct connection of the private drive.
109. The proposed conditional use meets all LMC parking regulations.
110. The internal circulation plan incorporated on the site plan showing proposed access to existing trails as well community access point to the trails and ski runs.
111. Adjoining uses mirror the uses proposed in this project, and no separation is required. In fact, the project is providing community access through to adjacent open space.
112. The project has been designed to mirror the existing neighborhood development patterns, [outlined in the King's Crown Re-Subdivision Plat \(Summit County Recorder Entry No. 1091847\)](#).
113. The larger mass buildings are located adjacent to the larger buildings on Lowell, and the project homes mirror the East side of Lowell, with the townhomes continuing the townhome pattern as well, [outlined in the King's Crown Re-Subdivision Plat \(Summit County Recorder Entry No. 1091847\)](#).
114. As designed, approximately 82 percent of the project is contiguous open space, with access to skiing and bike trails.
115. All signs and lighting for the project will be approved through the Master Sign Plan application process and through building department review for compliance with the LMC.
116. The physical design of the proposed additions and new buildings, in terms of mass, scale, style, design and architectural detailing.
117. The proposed buildings complement the existing neighborhood in architectural character, materials, colors, mass and scale.
118. Proposed materials consist of metal and membrane roofing, wood and metal siding, natural stone and other elements consistent with the existing buildings.
119. This project will not create any of the conditions listed that are not normally associated in the residential nature of the proposed use.
120. There will be no commercial delivery or service vehicles to the project as the entire project is residential. Typical residential delivery service will utilize residential streets and driveways.
121. Trash and Recycling will mirror the existing Old Town pattern and usage with small residential trash bins, and shall comply with the required regulation listed under Master Planned Developments.
122. All condominiums will be sold as wholly owned condominiums and be required to follow local guidelines relative to other uses, the same applies to the single-family lots.
123. The proposed development is not within any environmentally sensitive lands, physical mine hazards, historic mine waste, or Park City Soils Ordinance.
124. The site is within steep slopes found throughout the site.
125. The overall proposal, both Multi-Unit Dwellings (conditional use) and single-family detached houses (allowed use) takes place over approximately 30% of the entire site.

126. The Applicant provided [Exhibit R - Proposed Export Fill Placement Exhibit and Possible Fill Locations](#), with the placement, volume and height of on-mountain waste rock on a map showing the placement areas for waste rock
127. Applicant indicates a verbal agreement with Park City Mountain representatives to place the material from the multi-unit buildings and road construction on Park City Mountain.
128. [Exhibit R - Proposed Export Fill Placement Exhibit and Possible Fill Locations](#) also shows the proposed study of the corresponding volumes and depths of the waste material on adjacent property.
129. Applicant indicates that all waste material must be certified as environmentally clean, compacted in no more than 2-foot lifts (to achieve a 90%+ compaction) covered with six inches (6") of topsoil, seeded with a native grass mix and sod placed over the grass seeds.
130. Applicant demonstrates that the maximum depth would be 5 feet, tapering off to 0 feet.
131. Applicant proposes to transport the excavated material to the neighboring property without the necessity of using City streets. It is the Applicant's responsibility to seek such permission with the neighboring site.
132. Applicant explains that in the highly unlikely case that they are unable to secure a written agreement with the Park City Mountain, the excavation material would be disposed of by the traditional method used in the vast majority of construction projects to be approved by the City prior to issuance of building permits.
133. The applicant estimates 14,400 cubic yards of material (includes swell) which would equate to 1,440 truckloads (at 10 yds. / truck).
134. As a Condition of Approval, the applicant has indicated that they would not undergo excavation or footings and foundation work on the multi-family buildings or the access road during the winter season from Christmas through April 1st.
135. Applicant has indicated that they will instruct construction staff to keep delivery trucks off the streets during the peak busy times of between 8:30 am and 10:00 am as well as the peak afternoon times of 3:30 pm through 4:30 pm.
136. Applicant agrees to not deliver materials during the busiest tourist times of Christmas week, MLK weekend, Sundance week, MLK weekend, President's Day weekend, Arts Fest, July 4th weekend, Miner's Day weekend, and Tour de Utah.
137. Applicant has provided the approximate excavation quantities of the 27 single-family dwellings which would be approximately 7500 cubic yards.
138. The applicant does not plan on building the 27 single-family dwellings but plans to sell the lots to individuals and/or builders.
139. The Chief Building official has studied the applicant's preliminary Construction Mitigation Plan and finds that the proposal is in compliance with current Building Department policies.
140. Construction Mitigation Plan will be finalized by the Building Dept. once building permits are submitted by the applicant.
141. The applicant stipulates to the conditions of approval.
142. The discussion in the Analysis section is incorporated herein.

Master Planned Development Conclusions of Law

- 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, provides the highest value of Open Space, as determined by the Planning Commission;
- D. The MPD, as conditioned, strengthens and enhances the resort character of Park City;
- E. The MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible;
- F. 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;
- G. The MPD, as conditioned, provides amenities to the community so that there is no net loss of community amenities;
- H. 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.
- I. 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;
- J. The MPD, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections; and
- K. The MPD has been noticed and public hearing held in accordance with this Code.
- L. 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.
- M. The MPD, as conditioned, addresses and mitigates Physical Mine Hazards according to accepted City regulations and policies.
- N. The MPD, as conditioned, addresses and mitigates Historic Mine Waste and complies with the requirements of the Park City Soils Boundary Ordinance.
- O. The MPD, as conditioned, addresses Historic Structures and Sites on the Property, according to accepted City regulations and policies, and any applicable Historic Preservation Plan.

Conditional Use Permit Conclusions of Law:

- 1. The proposal satisfies the Conditional Use Permit review criteria as established by the LMC's Conditional Use Review process (§15-1-10(E), Criteria 1-16).
- 2. The proposal complies with all requirements of this LMC.
- 3. The Uses will be Compatible with surrounding Structures in Use, scale, mass
- 4. The effects of any differences in Use or scale have been mitigated through careful planning.

Master Planned Development & Conditional Use Permit Conditions of Approval:

1. All standard project conditions shall apply.
2. A Construction Mitigation Plan (CMP) shall be submitted and approved by the City for compliance with the Municipal Code, as a condition precedent to issuance of any grading or building permits. The CMP shall be updated as necessary to identify impacts and propose reasonable mitigation of these impacts on the site, neighborhood, and community due to construction of this project. The CMP shall include information about specific construction phasing, traffic, parking, service and delivery, stock-piling of materials and staging of work, work hours, noise control, temporary lighting, trash management and recycling, mud and dust control, construction signs, temporary road and/or trail closures, limits of disturbance fencing, protection of existing vegetation, erosion control. Storm-water management, and other items as may be required by the Building Department. The immediate neighborhood and community at large shall be provided notice at least 24 hours in advance of construction work impacting private driveways, street closures, and interruption of utility service.
3. A storm water run-off and drainage plan shall be submitted with the building plans and approved prior to issuance of any building permits. The plan shall follow Park City's Storm Water Management Plan and the project shall implement storm water Best Management Practices. Post development drainage shall not exceed predevelopment drainage conditions and special consideration shall be made to protect any wetlands delineated on and adjacent to the site.
4. The project is over 1.0 acres and will be required to meet the requirements of Park City's municipal separate storm sewer system (MS4) storm-water program.
5. Final utility plans, consistent with preliminary utility plans reviewed by the Planning Commission during the MPD review, shall be submitted with the final subdivision plat.
6. Dry utility infrastructure must be located on the property and shown on the building plans prior to building permit issuance to ensure that utility companies verify that the area provided for their facilities are viable and that exposed meters and boxes can be screened with landscaping.
7. The Snyderville Basin Water Reclamation District's review and approval of the utility plans and final subdivision plat, for conformance with the District's standards for review, is a condition precedent to plat recordation and building permit issuance.
8. An Affordable Housing Plan shall be approved by the Park City Housing Authority prior to issuance of any building permits for units within the MPD and deed restrictions shall be recorded.
9. As a condition precedent to receiving a certificate of occupancy for any market rate unit the City shall be provided with proof of compliance with the approved Affordable Housing Plan.
10. A master sign plan for the project shall be submitted, reviewed for compliance with the Park City Sign Code, and approved by the City, as a condition precedent to issuance of any individual sign permits.

11. Approval of this Master Planned Development is subject to LMC Chapter 6- Master Planned Developments and shall expire two years from the date of execution of the Development Agreement unless Construction, as defined by the Uniform Building Code, has commenced on the project.
12. Once the Planning Commission has approved an MPD, the approval shall be put in the form of a Development Agreement. The Development Agreement must be submitted to the Planning Department for ratification by the Planning Commission within 6 months of this approval. The Development Agreement shall be signed by the Mayor on behalf of the City Council and recorded with the Summit County Recorder.
13. Timing of completion of all required items and public benefits shall be further described and stated in the Development Agreement.
14. Vegetation and landscaping will be planted in such a manner that screening of adjacent properties is to be consistent with approved landscape plans. The applicant recognizes that the City Engineer have final authority on landscape placement in required easement areas.
15. All interior roads shall be constructed to Park City Engineering standards. Final grades, storm drainage and width to be approved by the City Engineer.
16. Interior roads are proposed to be private and maintained by the HOA.
17. An HOA shall be in place to maintain and govern the property.
18. An open space use plan shall be approved by the Park City Planning Department and shall be included as part of the development agreement. Such uses shall be consistent with the LMC and shall include ski runs, hiking/biking trails and related ski improvements such as snow making and signage as needed and appropriate.
19. A trails master plan that is consistent with the city's needs and desires shall be forwarded by the City Trails personnel and approved by both the applicant and the Park City Planning Department, which would be part of the recorded development agreement.
20. The applicant shall allow a recreational public access easement from Lowell Avenue, up the roadway to the stairwell shown on the plans, to allow for public trail access, and shall be shown on the plat.
21. The proposal shall comply with all Architectural Design Guidelines outlined in LMC § 15-5-5 which includes prohibited architectural styles and motifs, prohibited siding materials, design ornamentation, number of exterior wall materials, roofing materials, roof shapes, solar panels and skylights, window treatments, Lighting, trash and recycling enclosures, mechanical equipment, patios and driveways, and landscaping. Materials color samples and final design details shall be approved by staff prior to building permit issuance and shall be in substantial compliance with the elevations reviewed by the Planning Commission on January 10, 2018.
22. The proposal shall comply with the trash storage and collection parameters with the language outlined in LMC § 15-5-5(G).
23. The proposal shall not undergo excavation or footings and foundation work on the multi-family buildings or the access road (Rothwell Road) during the winter season from Christmas (December 25) through April 1st.

24. Materials shall not be delivered during the busiest tourist times of Christmas week, MLK weekend, Sundance week, MLK weekend, President's Day weekend, Arts Fest, July 4th weekend, Miner's Day weekend, and Tour de Utah.
25. The final building plans and construction details for the project shall substantially comply with the drawings reviewed by the Planning Commission on January 10, 2018.
26. The applicant shall record a plat prior to selling individual units.
27. A deed restriction all affordable housing units shall be recorded prior building permit issuance.
28. The CCRs shall be submitted with the plat for review and approval by the City prior to final plat recordation.
29. The CCRs submitted with condominium plats that include any deed restricted affordable housing units shall limit the HOA dues related to the deed restricted employee housing unit in order to ensure that the units remain affordable. The CCRs shall reflect a lower par-value to reflect the reduced cost of the units (or exempt the units from HOA fees) to ensure that the units don't lose their affordability due to HOA fees. The CCRs shall be submitted with the condominium plat for review and approval by the City prior to final condominium plat recordation.
30. The Conditional Use Permit shall expire on January 10, 2019, unless an extension is requested in writing prior to expiration date and the extension is granted by the Planning Director.
31. A final water efficient landscape and irrigation plan that indicates required storm water facilities and snow storage areas, and that meets the defensible space requirements and mitigates for removal of significant vegetation, shall be submitted with the building permit application for approval by the Planning, Building, and Engineering Department, and shall be in substantial conformance with the plans reviewed by the Planning Commission on January 10, 2018.
32. All requirements and conditions of the Snyderville Basin Water Reclamation District shall be met prior to building permit issuance.
33. This development is part of a common development that is greater than one (1) acre. This development shall meet the MS4 storm water requirements.

Please be aware that this approval in no way exempts the property from complying with other requirements that may be in effect on the property, and building permit regulations, as applicable. It is the responsibility of the property owner to ensure compliance with these regulations.

As the applicant, this letter is intended as a courtesy to document the status of your request. The official minutes from the Planning Commission meeting are available in the Planning Department office.

If you have questions regarding your applications or the action taken please don't hesitate to contact me at 435-615-5064 or fastorga@parkcity.org.

Sincerely,



Francisco Astorga, AICP
Senior Planner



John Phillips
Planning Commission Chair
Amended September 23, 2020
Amended February 10, 2021

Planning Commission Staff Report



Subject: AT&T Telecommunications Site at Marriott
Mountainside
Application: PL-22-05449
Author: Spencer Cawley, Planner II
Date: March 8, 2023
Type of Item: Administrative – Conditional Use Permit

Recommendation

(I) Review the request for a Conditional Use Permit to install a roof-mounted/stealth Telecommunication Facility, (II) conduct a public hearing, and (III) consider approving the Conditional Use Permit based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Final Action Letter (Exhibit A).

Description

Applicant: AT&T; Jenelle Humphrey, Applicant Representative
Location: 1305 Lowell Avenue
Zoning District: Recreation Commercial
Adjacent Land Uses: Resort, Multi-Unit Dwellings, and Single-Family Dwellings
Reason for Review: New Telecommunication Facilities require Planning Commission review and Final Action¹

CUP Conditional Use Permit
LMC Land Management Code
PCMR Park City Mountain Resort
RC Recreation Commercial

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § [15-15-1](#).

Summary

Smartlink, LLC, on behalf of AT&T, requests to install a new rooftop Telecommunication Facility at Marriott Mountainside Phase I within the Building's existing penthouse and enclosed at the Structure's highest point. The proposed facility will contain four sectors (north, south, east, and west). Each sector will house three wireless antennas inside the existing penthouse, enclosed in glass. Each Antenna is approximately four to six feet

¹ LMC [§ 15-4-14\(E\)](#)

tall. The following image shows the existing Structure and the enclosed penthouse area:



Figure 1: Marriott Mountainside Penthouse - Proposed Antenna Location



Figure 2: Existing Penthouse (blue) and Rooftop Deck (red)

The Applicant states that “existing sites in Park City, in particular the site at Quarry Mountain, have been experiencing increase[d] usage during peak busy hours and especially during winter season....” (See Exhibit C.) In conjunction with existing sites, this new Site will allow AT&T to provide stronger FirstNet (First Responder Network Authority) services to the Area.

An existing rooftop deck (see image below) is proposed to be used for equipment storage (3-bay utility closet, meter, fiber distribution box, remote radio heads, and surge suppressors):



Figure 3: Proposed Rooftop Location for Utility Equipment

A 15-foot proposed utility access easement will commence at Lowell Avenue, run parallel along the Building of Phase II, and terminate at the ground level of Phase I (see image below):



Figure 4: Proposed Location of Easement

Background

Marriott Mountainside is located at 1305 Lowell Avenue in the Recreation Commercial (RC) Zoning District. It is a Timeshare Condominium project that is part of the Park City Mountain Resort (PCMR) Large Scale Master Plan, approved in July 1997, as well as the Parcel A Conditional Use Permit (CUP). On February 11, 1999, the City Council adopted [Ordinance No. 99-5](#), approving the Phase I Marriott Mountainside Condominium Plat. On April 19, 2001, the City Council adopted [Ordinance No. 01-11](#), approving the Phase II Condominium Plat.

On October 13, 2021, the Planning Commission approved a CUP for AT&T to install a rooftop Wireless Telecommunication Facility at 1335 Lowell Avenue, The Lowell Condominiums. However, the Applicant states that installing the Telecommunication Facility at that Site did not occur due to difficulties with the Homeowner's Association (HOA). For this reason, AT&T proposes to install its Wireless Communication Facility in the penthouse at Marriott Mountainside Phase I.

On October 31, 2022, the Planning Department received an application for a CUP from AT&T to establish a new Telecommunication Facility at 1305 Lowell Avenue. AT&T submitted a justification report that identifies this location as the most logical and effective Site to increase capacity for the Park City Mountain Resort Base Area (Exhibit B). Staff determined the CUP application complete on January 3, 2023.

On January 11, 2023, the Planning Commission held a public hearing and continued review of the application to a date uncertain, pending receipt of the Marriott Mountainside Condominium Owner's Association consent and approval. The approval is attached to this report as Exhibit F.

Analysis

(I) The proposal to install a wireless Telecommunication Facility complies with the Recreation Commercial (RC) Zoning District requirements outlined in LMC Chapter 15-2.16.

Telecommunication Antennas are a Conditional Use in the RC Zoning District.²

The RC Zoning District requires the following:

Requirement	Analysis of Proposal
Setbacks Front: 20 feet Rear: 10 feet Side: 10 feet	Complies AT&T proposes to install the Antennas inside the existing penthouse and the associated equipment on an existing rooftop deck. The proposal does not encroach into the Setbacks. Mechanical equipment must be screened and located at least three feet (3') from the Rear and Side Lot Lines.
Building Height: 35 feet from Existing Grade	Complies The Marriott Mountainside reaches a height of 115 feet, as allowed by the PCMR MPD. The Telecommunications Facility will not increase the existing Building Height.

² LMC [§ 15-2.16-2\(B\)\(5\)](#)

(II) The proposal meets the standards of LMC §15-4-14 Telecommunication Facilities.

These requirements intend to ensure that Telecommunication Facilities are (I) Compatible with the unique characteristics of each Zoning District, (II) adverse impacts on community quality and safety are mitigated, and (III) Telecommunications Facilities and related equipment are located where they are least visible from Public Streets, Public Areas, and designated view corridors.

Staff finds that the proposed location is suitable to meet these requirements. The Applicant has made efforts to co-locate³ the equipment and mitigate any potential negative visual impacts.⁴ (See Exhibit E for site photos.)

- The proposed Antenna are an ancillary Use on this Lot. The Lot's principal Use is a vacation ownership resort.⁵
- The Antenna and associated equipment shall incorporate materials and colors present in the context of the surrounding Area and will blend with the existing environment (**Condition of Approval 2**).⁶
- The Antenna panels shall be no more than five square feet (5 sq. ft.) in Area per face (**Condition of Approval 3**).⁷
- No signs are proposed other than those related to the general public's health, safety, and welfare.⁸

(III) The proposal, as conditioned, complies with the Conditional Use Permit criteria outlined in LMC § 15-1-10(E).

There are certain Uses that, because of unique characteristics or potential impacts 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.

The Planning Commission shall approve a Conditional Use 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. The Planning Commission may deny the Conditional Use if the proposed Use cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance

³ LMC [§ 15-4-14\(B\)\(2\)](#)

⁴ LMC [§ 15-4-14\(B\)\(5\)](#)

⁵ LMC [§ 15-4-14\(F\)\(3\)](#)

⁶ LMC [§ 15-4-14\(F\)\(4\)\(b\)](#)

⁷ LMC [§ 15-4-14\(F\)\(4\)\(c\)](#)

⁸ LMC [§ 15-4-14\(K\)](#)

with applicable standards. LMC [§ 15-1-10](#).

CUP Review Criteria	Analysis of Proposal
Size and Location of Site	No Required Mitigation The proposal is limited to the penthouse and rooftop deck. The leased Area is approximately 997 square feet (Exhibit D, p. 6).
Traffic	No Required Mitigation The proposed equipment will have no direct impact on traffic.
Utility Capacity	No Required Mitigation On January 3, 2023, the Development Review Committee reviewed this application and did not identify any undue burden to existing utilities.
Emergency Vehicle Access	Not Applicable
Parking	Not Applicable
Internal Vehicular and Pedestrian Circulation	Not Applicable
Fencing, Screening, and Landscaping	Condition of Approval 4 The proposed rooftop equipment will occupy the rooftop deck and shall be shielded from neighboring Structures and the public Right-of-Way.
Building Mass, Bulk, and Orientation	Not Applicable The existing penthouse is the tallest point of Marriott Mountainside and is enclosed with a glass façade.
Open Space	Not Applicable
Signs and Lighting	Condition of Approval 5 No signs or outdoor lights are proposed or approved as part of this application.

Physical Design and Compatibility with Surrounding Structures	Complies The proposal meets all height, setback, and design requirements for Telecommunication Facilities, resulting in minimized visual impacts. The Antenna will be enclosed in the existing penthouse, and the utility equipment shall be screened pursuant to LMC <u>§ 15-2.16.4(A)(3).</u>
Noise, Vibration, Odors, Steam, or Other Mechanical Factors	Not Applicable
Control of Delivery and Service Vehicles, Loading and Unloading Zones, and Screening of Trash and Recycling Pickup Areas	Not Applicable
Expected Ownership and Management	Complies All equipment is proposed to occupy limited common ownership areas. AT&T will own and manage the antennas and equipment.
Within and Adjoining Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste, Park City Soils Ordinance, Steep Slopes	Complies This Site is in the Sensitive Land Overlay. See Analysis Section IV. The proposed Use does not trigger a review of Steep Slopes or the Park City Soils Ordinance.
Reviewed for Consistency with the Park City General Plan	Complies Goal 10 Park City will provide world-class recreation and public infrastructure to host local, regional, national, and international events that further Park City's role as a world-class, multi-seasonal destination resort while maintaining a balance with our sense of community. Implementation Strategy 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.
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(IV) The proposal complies with the Sensitive Land Overlay Criteria, LMC Chapter 15-2.21.

The proposed development is located within the Sensitive Land Overlay (SLO). LMC [§ 15-2.21-2\(A\)](#) requires:

Applicants for Development within the SLO must identify the Property's sensitive environmental and aesthetic Areas, such as Steep Slopes, Ridge Line Areas, wetlands, Stream Corridors, Wildland interface, and Wildlife Habitat Areas, and provide, at the time of application, a Sensitive Lands Analysis.

SLO Analysis Criteria	Analysis of Proposal
<i>Slope/Topographic Map:</i> 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 geological hazard, Areas subject to land sliding, and all significant Steep Slopes in categories of greater than 15%, 30-40%, and greater than 40%.	Not applicable The Site is existing, and installation of the facility does not involve or impact significant Steep Slopes.
<i>Ridge Line Areas:</i> A map depicting all Crests of Hills and Ridge Line Areas.	Not applicable The proposed Antenna in the existing penthouse is not on any Crests or Ridge Line Areas.
<i>Vegetative Cover:</i> A detailed map of vegetative cover depicting the following: a. Deciduous trees; b. Coniferous trees; c. Gamble oak or high shrub; and d. Sage, grassland, and agricultural crops.	Condition of Approval 6 The telecommunications facility will not affect vegetative cover. However, at the time of the Building Permit, the Applicant shall submit a landscape plan to replace any vegetative coverage disturbed in the proposed 15-foot utility access easement.
<i>Designate Entry Corridors and Vantage Points:</i> Designated entry corridors and	Not applicable

Vantage Points present within or adjacent to the Site, including Utah Highway 248 east of Wyatt Earp Way and Utah Highway 224 north of Holiday Ranch Loop Road and Payday Drive as identified by Staff.	The Site is not visible from the designated entry corridors and vantage points.
<i>Wetlands:</i> A map delineating all Wetlands established by using the 1987 Federal Manual for Identifying and Delineating Jurisdictional Wetlands, as amended. ⁹	Not applicable There are no wetlands on the Site.
<i>Stream Corridors, Canals, and Irrigation Ditches:</i> A map delineating all stream corridors, canals, and irrigation ditches defined by the Ordinary High-Water Mark.	Not applicable No streams, canals, or irrigation ditches run on or through the Site.
<i>Wildlife Habitat Areas:</i> A map depicting all wildlife habitat areas, as defined by a Wildlife Habitat Report, shall be provided by the Applicant. The Wildlife Habitat Report shall be prepared by a professional qualified in the Areas of ecology, wildlife biology, or other relevant disciplines.	Not applicable The proposed Telecommunication Facility is not in a wildlife habitat area.
<i>Additional Information and Study Requirements:</i> The Planning Department may require the Applicant to submit the following information: a. Visual Assessment b. Soil Investigation Report c. Geotechnical Report d. Additional Slope Information e. Fire Protection Report f. Hydrological Report	Not applicable Planning Department Staff does not find cause to require additional informational studies for this project.

(V) The Development Review Committee¹⁰ reviewed the proposal on January 3, 2023, and did not identify any issues.

⁹ See LMC [§ 15-2.21-6](#)

¹⁰ The Development Review Committee meets the first and third Tuesday of each month to review and provide comments on Planning Applications, including review by the Building Department, Engineering Department, Sustainability Department, Transportation Planning Department, Code Enforcement, the City Attorney's Office, Local Utilities including Rocky Mountain Power and Dominion Energy, the Park City Fire District, Public Works, Public Utilities, and the Snyderville Basin Water Reclamation District (SBWRD).

Department Review

The Planning Department, Engineering Department, and City Attorney's Office reviewed this report.

Notice

Staff published notice on the City's website, the Utah Public Notice website, and posted notice to the property on February 22, 2023. Staff mailed courtesy notice to property owners within 300 feet on February 22, 2023. The *Park Record* published notice on February 22, 2023.¹¹

Public Input

Staff did not receive any public input at the time this report was published.

Alternatives

- The Planning Commission may approve the Conditional Use Permit to establish a Rooftop Telecommunication Facility;
- The Planning Commission may deny the Conditional Use Permit and direct Staff to make Findings for the denial; or
- The Planning Commission may request additional information and continue the discussion to a date certain.

Exhibits

Exhibit A:	Draft Final Action Letter
Exhibit B:	Applicant Letter of Intent
Exhibit C:	Justification Report
Exhibit D:	Site Plan
Exhibit E:	Site Photos
Exhibit F:	Condominium Owner's Association Letter of Consent and Approval

¹¹ LMC [§ 15-1-21](#).



Planning Department

March 8, 2023

Jenelle Humphrey
Smartlink Group
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Englewood, CO 80112
(949) 554-8664
jenelle.humphrey@smartlinkgroup.com

NOTICE OF PLANNING COMMISSION ACTION

Description

Address: 1305 Lowell Avenue

Zoning District: Recreation Commercial

Application: Conditional Use Permit

Project Number: PL-22-05449

Action: APPROVED WITH CONDITIONS (See Below)

Date of Final Action: March 8, 2023

Project Summary: Installation of concealed Roof Mounted Antennas and associated equipment at 1305 Lowell Avenue.

Action Taken

On March 8, 2023, the Planning Commission conducted a public hearing and approved a Conditional Use Permit to establish a roof mounted Telecommunications Facility according to the following findings of fact, conclusions of law, and conditions of approval.

Findings of Fact

1. The site is located at 1305 Lowell Avenue, in the Recreation Commercial Zoning District, and is part of the Park City Mountain Resort Master Plan Development.
2. The Applicant proposes installing four sectors of roof mounted antennas, each sector will house three wireless antennas inside the Marriott Mountainside penthouse.

3. An existing rooftop deck will allow for equipment storage including a 3-bay utility closet, a meter, a fiber distribution box, remote radio heads, and surge suppressors.
4. The Applicant proposes a 15-foot utility access easement commencing at Lowell Avenue and terminating at the ground level of the Marriott Mountainside Phase I.
5. Telecommunications Antenna are a Conditional Use in the Recreation Commercial Zoning District.
6. Telecommunication Facilities must be compatible with the unique characteristics of each Zoning District, mitigate adverse impacts on community quality and safety, and locate related equipment where they are least visible from Public Streets, public Areas, and designated view corridors.
7. The Marriott Mountainside reaches a height of 115 feet, as allowed by the Park City Mountain Resort Master Plan Development.
8. Roof mounted antenna are an ancillary Use.
9. Conditional Use Permits require review pursuant to the criteria outlined in Land Management Code § 14-1-10(E).
 - a. Size and Location of Site – No required mitigation. The leased area is approximately 997 square feet and limited to the penthouse and rooftop deck.
 - b. Traffic – No required mitigation. The proposed equipment will have no direct impact to traffic.
 - c. Utility Capacity – No required mitigation. On January 3, 2023, the Development Review Committee reviewed this application and did not identify any undue burden to existing utilities.
 - d. Emergency Vehicle Access – Not applicable.
 - e. Parking – Not applicable.
 - f. Internal Vehicular and Pedestrian Circulation – Not applicable.
 - g. Fencing, Screening, and Landscaping – The rooftop equipment will be concealed within the penthouse and the associated equipment is not visible from neighboring Structures or the public Right-of-Way.
 - h. Building Mass, Bulk, and Orientation – Not applicable.
 - i. Open Space – Not applicable.
 - j. Signs and Lighting – Signs near the equipment are allowed to ensure health and safety without visual impact from the public Right-of-Way. Additional signs and the installation of outdoor lighting are prohibited.
 - k. Physical Design and Compatibility with Surrounding Structures – The proposal meets all height, setback, and design requirements for Telecommunications Facilities which results in minimized visual impacts.
 - l. Noise, Vibration, Odors, Steam, or Other Mechanical Factors – Not applicable.

- m. Control of Delivery and Service Vehicles, Loading and Unloading Zones, and Screening of Trash and Recycling Pickup Areas – Not applicable.
 - n. Expected Ownership and Management – Complies. All equipment is proposed to occupy limited common ownership areas. AT&T will own and manage the antennas and equipment.
 - o. Within and Adjoining Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste, Park City Soils Ordinance, Steep Slopes – Complies. The site is in the Sensitive Lands Overlay Zone. The proposed Use does not trigger a review of Steep Slopes or the Park City Soils Ordinance.
 - p. Reviewed for Consistency with the Park City General Plan – Complies. Goal 10: Park City will provide world-class recreation and public infrastructure to host local, regional, national, and international events that further Park City's role as a world-class, multi-seasonal destination resort while maintaining a balance with our sense of community. Implementation Strategy 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.
10. The Development Review Committee reviewed the proposal on January 3, 2023, and did not identify any issues.
 11. Staff published notice on the City's website, the Utah Public Notice website, and posted notice to the property on February 22, 2023.
 12. Staff mailed courtesy notice to property owners within 300 feet on February 22, 2023.
 13. The *Park Record* published notice on February 22, 2023.

Conclusions of Law

1. The application is reviewed for compliance with Land Management Code Chapter 15-2.16, *Recreation commercial (RC) District*, LMC § 15-4-14, *Telecommunication Facilities*, LMC § 15-1-10(E), *Conditional Use Review Process*, and LMC Chapter 15-2.21, *Sensitive Land Overlay Zone (SLO) Regulations*.
2. The Use is compatible with the surrounding Structures in Use, scale, mass, and circulation.
3. The effects of any differences in Use or scale have been mitigated through careful planning.

Conditions of Approval

1. The Conditional Use Permit will expire one year from the date of Planning Commission Final Action unless the Applicant has commenced on the project, or a Building Permit for the Use has been issued.

2. The antenna and associated equipment shall incorporate materials and colors present in the context of the surrounding Area and will blend with the existing environment.
3. Antenna panels shall be no more than five square feet in Area per face.
4. The equipment proposed to occupy the rooftop deck shall be shielded from neighboring Structures and the public Right-of-Way.
5. No signs or outdoor lighting is approved with this Conditional Use Permit.
6. At the time of Building Permit, the Applicant shall submit a landscape plan to replace any vegetative coverage disturbed in the proposed 15-foot utility access easement.
7. The Applicant shall obtain a Building Permit prior to installing the antennas or equipment.

If you have questions or concerns regarding this Final Action Letter, please call (435) 615-5065 or email spencer.cawley@parkcity.org.

Sincerely,

Laura Suesser
Planning Commission Chair

CC: Spencer Cawley, Project Planner



Letter of Intent

October 31, 2022

Park City Planning
445 Marsac Avenue
Park City, UT 84060

Re: AT&T Rooftop/Penthouse Facility

Parcel Number: MTNSD-A-7423

Owner:

Marriott Ownership Resorts, Inc
1200 Bartow Rd, South Suite 40
Lakeland, FL 33801

Applicant: Jenelle Humphrey, Smartlink Group on behalf of AT&T Mobility
949-554-8664

Site Information:

The property, with an address of 1305 Lowell Avenue, is in the county of Summit and state of Utah. The parcel is currently zoned as RC, Recreation Commercial.

Request and Justification:

AT&T Mobility is requesting to install antennas concealed within the existing Marriott Mountainside's penthouse and other equipment on the rooftop of the building located at 1305 Lowell Avenue, Park City, Utah. Due to the scenic nature of the area, there are few telecommunication facilities in the vicinity where AT&T requires capacity coverage. To solve this issue, AT&T is proposing a penthouse/rooftop facility in which the antennas will be enclosed/concealed within the penthouse and the remaining equipment will be installed on the high rooftop which will not be hidden from view.

Pursuant to the Municipal Code, 15-4-14, the installation will meet all site requirements, including height and design requirements. The penthouse/rooftop installation will reduce the need for a new tower within the Park City area. The antennas and equipment will be concealed/hidden completely inside the existing building's penthouse and on the existing rooftop hidden from view. No vegetation will be disturbed for this installation. This project is consistent with the current zoning as it is located within an RC zone. Because of this, we hope to have this approved by the planning commission on the consent agenda. The use of this property will not be changing.

The penthouse/rooftop facility will not emit noise, dust, pollutants, or odor. Additionally, after the installation is complete, this facility will be unmanned with the exception of occasional maintenance. The



maintenance will be limited to one to two qualified individuals on site during normal business hours unless there is an emergency.

After looking into the nearby telecommunications facility, located on City Hilltop, AT&T has weighed the risk that the city location would be more visible to the public than the current concealed rooftop solution. Our current solution will provide coverage to more of the surrounding area in demand due to the height of the existing building and proximity to a busy area of Park City.

Alternative Locations:

A total of 8 other candidates were looked at prior to choosing our current penthouse/rooftop location. Rather than to pursue a raw land installation of a new tower, AT&T has chosen to pursue a building penthouse/rooftop so our equipment will fit into the surrounding aesthetic of the buildings and landscapes. The building that was chosen already has existing the existing penthouse and hidden rooftop that will be perfect for the use of a telecommunications facility. A propagation map to visually explain the capacity offload needs for the nearby macro site will accompany this letter.

Conclusions:

Changes in technology over the years, and the way people use their wireless devices, require telecommunications facilities to be built closer to and in many cases within residential areas in order to meet the demands consumers place on their wireless communications devices. As stated above, many people rely on their wireless communications devices for communication with others and as a means of contacting emergency personnel in cases of fire or accident, since many people no longer have land lines in their homes. People use their wireless devices at home to work and as a source of entertainment, increasing the demand on wireless communications systems and the need for additional facilities. By using an existing penthouse/rooftop, we are reducing the need for additional telecommunications facilities to be built in the area.

Regards,

Jenelle Humphrey

Jenelle Humphrey

949-554-8664

Jenelle.Humphrey@smartlinkgroup.com

UTL06012 (PCM 2_Quarry)

1305 Lowell Ave Park City, UT 84060

RF Justification

October 17, 2022

RF Justification

RE: Capacity Relief for Existing AT&T Sites Around Park City Utah.

AT&T is proposing to build a new site above the rooftop of the building with address 1305 Lowell Ave Park City, UT 84060. Existing sites in Park city in particular the site at Quarry Mountain have been experiencing increase usage during peak busy hours and especially during winter season when there are heavy influx of tourist.

To remedy this problem, AT&T is proposing a new site at the afore mentioned address. This will help offload some of the heavy traffic usage at the existing sites. This site will primarily serve Park City Mountain Ski Resort, The Lodge at the Mountain Village, Marriot's Mountainside Hotel and other apartments, hotels and lodges, also along portions of Park Avenue, Lowell Avenue, Empire Avenue and Deer Valley Drive.

Capacity overload at the site results in significant service degradation which then affects quality of coverage. This service degradation will result into call setup failures, drop calls, and more importantly slow data throughput. As more and more people are using their mobile devices for internet purposes, it is therefore important that AT&T provide good signal quality everywhere as possible for 4G LTE and the new and faster 5G service.

This new site together with the other existing sites in the area will also help AT&T provide FirstNET service. AT&T has partnered with FirstNET (First Responder Network Authority) to provide a nationwide broadband network dedicated to help strengthen our Emergency Responder's communication abilities. The FirstNET network provides law enforcements, firefighters, and other emergency service personnel a reliable, redundant, resilient and secure connection to carry high-speed data, location information, images and video.

- **Exhibit A** illustrates the locations of existing AT&T sites and proposed new site
- **Exhibit B** shows existing coverage
- **Exhibit C** shows coverage with proposed new site
- **Exhibit D** is the zoomed in picture to clearly shows the area that proposed new site will provide coverage

Kind Regards,

Ek Govitviwat

RF Engineer

AT&T

Exhibit A – Overview Map with AT&T Site Locations

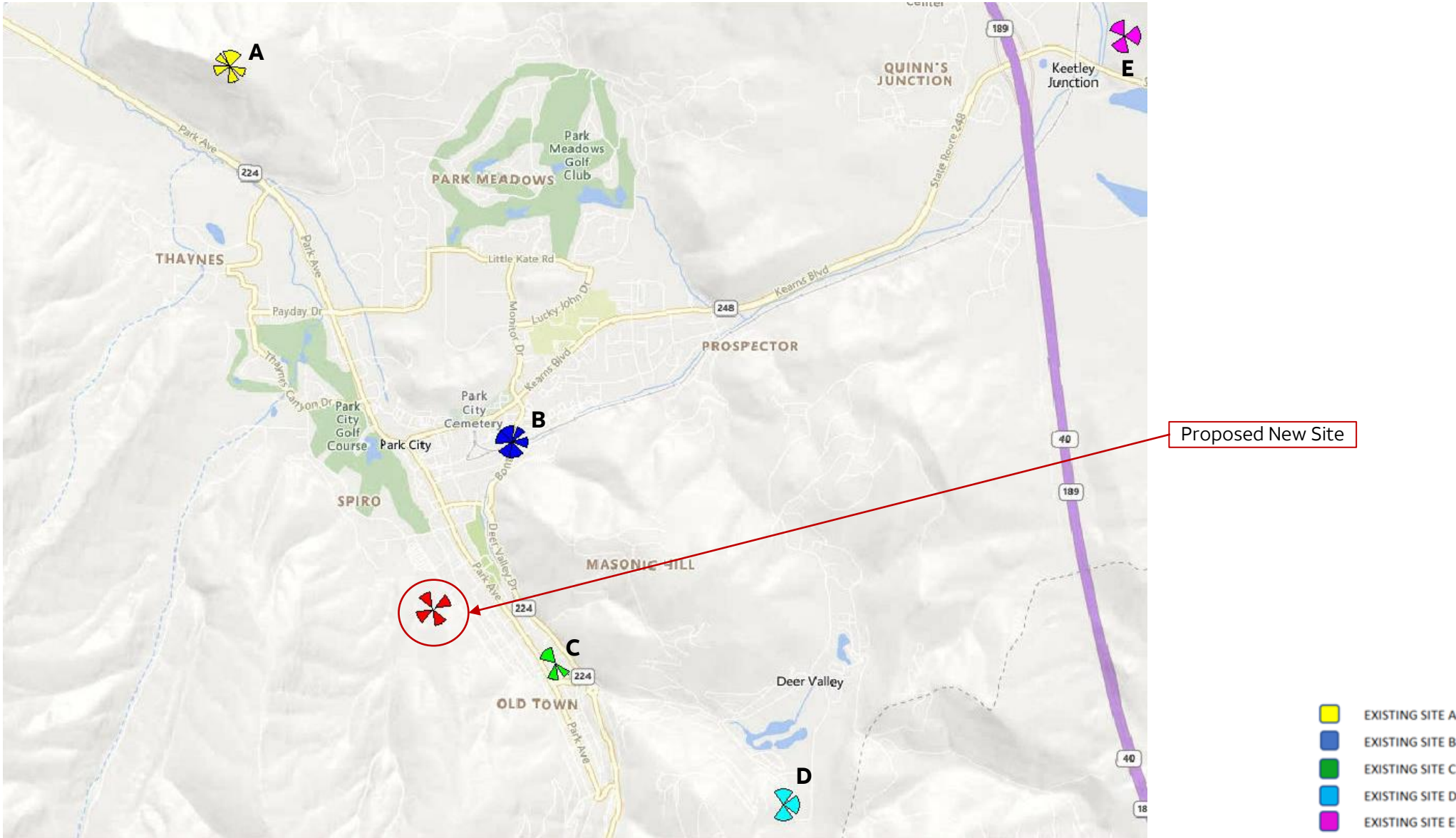


Exhibit B – Existing Coverage

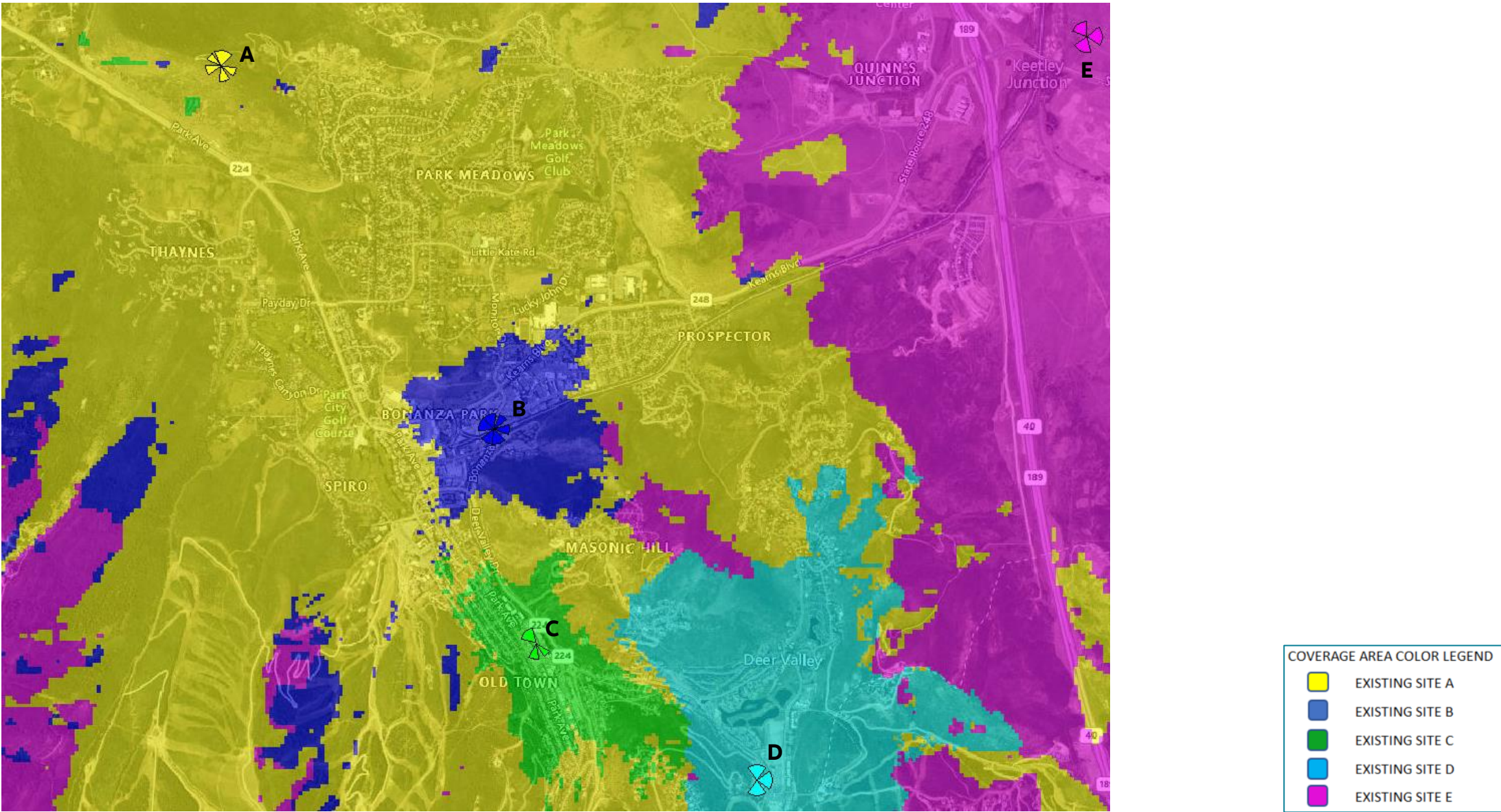


Exhibit C – Coverage with Proposed New Site

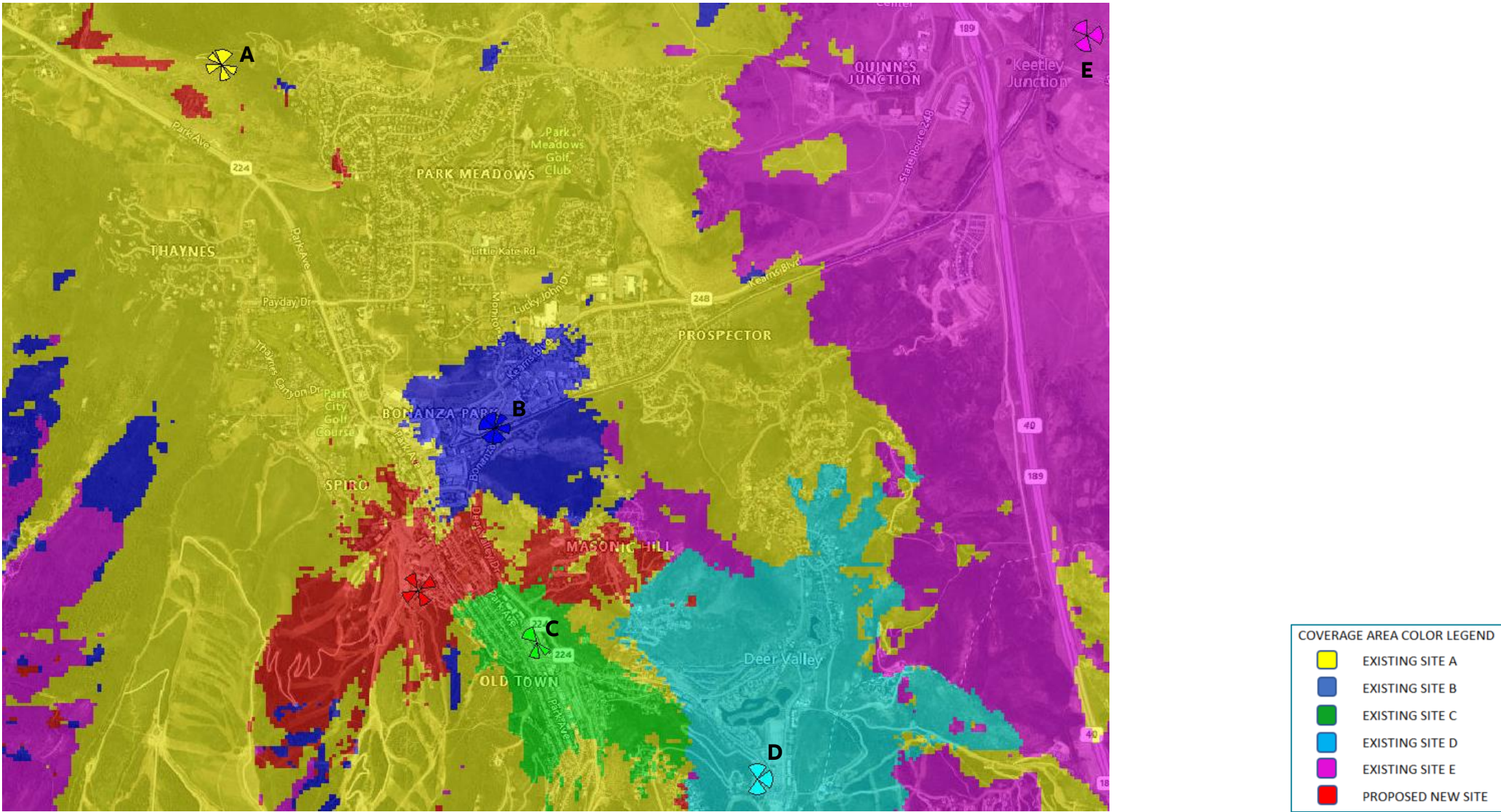
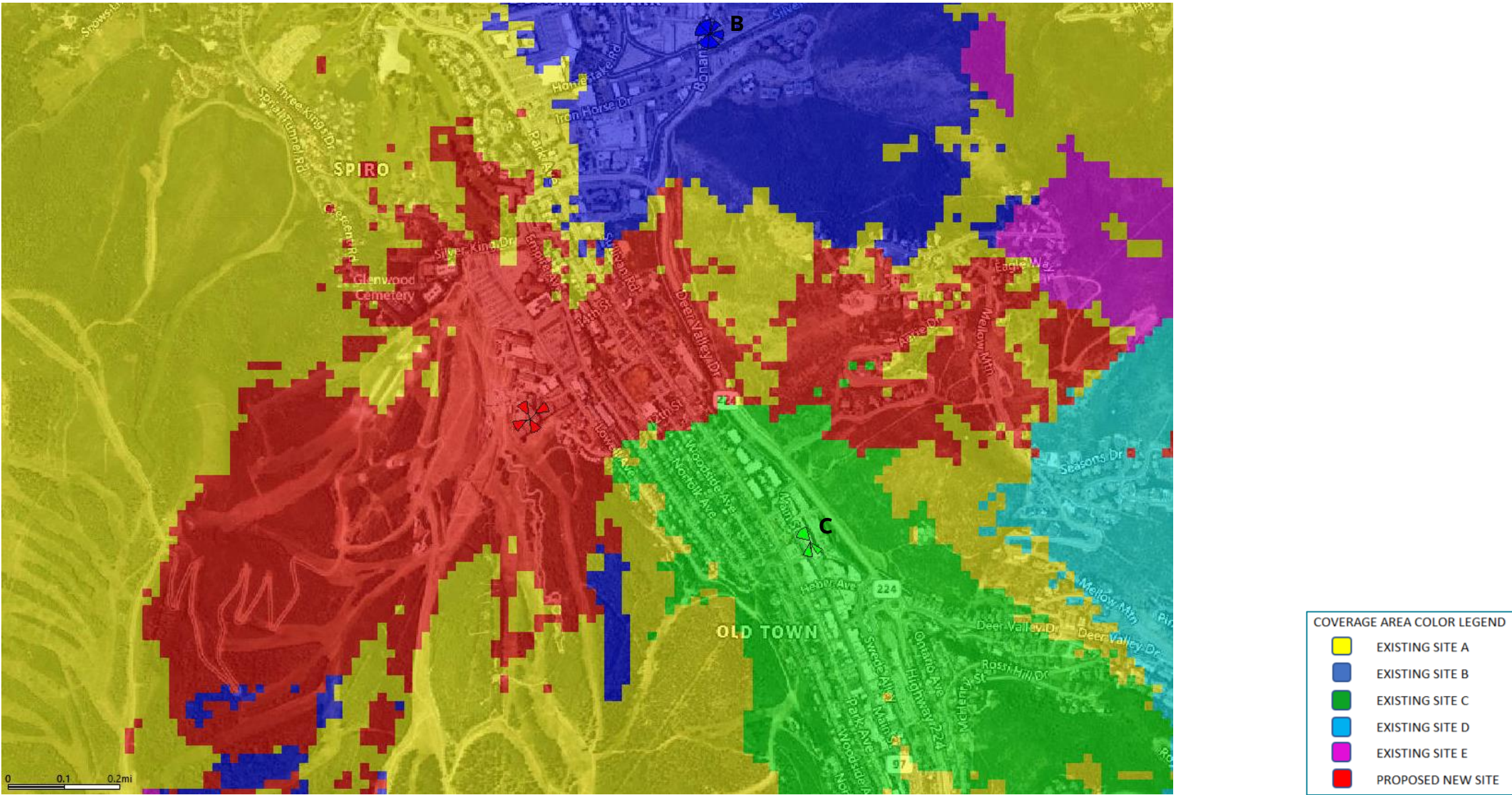
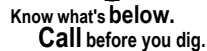


Exhibit D – Coverage with Proposed New Site (zoom in)



PROJECT TEAM	
APPLICANT: COMPANY: ADDRESS: CITY, STATE, ZIP: CONTACT: PHONE: EMAIL	AT&T 7670 S CHESTER ST. CENTENNIAL, CO 80112 BECKY JOHN-HANEY 720.480.6429 BJ739H@ATT.COM
PROJECT MANAGEMENT: COMPANY: ADDRESS: CITY, STATE, ZIP: CONTACT: PHONE: EMAIL	AT&T 7670 S. CHESTER ST. CENTENNIAL, CO 80112 JAN ROBINETTE 801.201.4173 JR102N@ATT.COM
SITE ACQUISITION: COMPANY: ADDRESS: CITY, STATE, ZIP: CONTACT: PHONE: EMAIL	SMARTLINK LLC 1997 ANNAPOLIS EXCHANGE PARKWAY, SUITE 200 ANNAPOLIS, MD 21401 JENELLE HUMPHREY 949.554.8664 JENELLE.HUMPHREY@SMARTLINKGROUP.COM
RF ENGINEER: COMPANY: ADDRESS: CITY, STATE, ZIP: CONTACT: PHONE: EMAIL	AT&T 7670 S. CHESTER ST. CENTENNIAL, CO 80112 EDGAR CHIONG EC398X@ATT.COM
CONSTRUCTION MANAGER: COMPANY: ADDRESS: CITY, STATE, ZIP: CONTACT: PHONE: EMAIL	AT&T 7670 S CHESTER ST. CENTENNIAL, CO 80112 ROB ACOSTA 847.271.3072 RA8279@ATT.COM
A&E: COMPANY: ADDRESS: CITY, STATE, ZIP: CONTACT: PHONE: EMAIL	TOTAL SITE SERVICES 671 TECHNOLOGY CIRCLE WINDSOR, CO 80550 BRIAN HORTON 301.842.4263 BHORTON@TOTALSITESERVICESINC.COM

PROJECT INFORMATION	
SITE ADDRESS:	1305 LOWELL AVENUE PARK CITY, UT 84060
STRUCTURE TYPE:	105'-9" PENTHOUSE PENTHOUSE
SITE TYPE:	EXISTING ROOFTOP
LATITUDE (NAD 83):	40° 39' 1.53" N 40.389828°
LONGITUDE (NAD 83):	111° 30' 25.64" W -111.850215°
GROUND ELEVATION:	±6975.72' (AMSL)
PROPERTY OWNER:	MARRIOTT OWNERSHIP RESORTS INC 1200 BARTOW ROAD LAKELAND, FL 33801
CONTACT:	TANNER NEWTON / (435) 940-2026
PARCEL NUMBER (APN):	MTNSD-A-7423
OCCUPANCY GROUP:	U-UTILITY (UNMANNED WCF)
COUNTY:	SUMMIT COUNTY
ZONING/JURISDICTION:	CITY OF PARK CITY
CURRENT ZONING:	COMMERCIAL RECREATION
AT&T GROUND LEASE AREA:	1021.16 SQ. FT.
PROPOSED USE:	UNMANNED TELECOMMUNICATIONS FACILITY
HANDICAP REQUIREMENTS:	FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. HANDICAPPED ACCESS NOT REQUIRED.



UTAH STATUTE REQUIRES
MIN OF 2 WORKING DAYS
NOTICE BEFORE YOU
EXCAVATE





LAYTON SURVEYS LLC

Professional Land Surveying 1857 N 1000 W STE. 1
(801) 663-1641 Willis.long@laytonsurveys.com CLEARFIELD, UT 84015

Date: AUGUST 9, 2022

1A Letter

AT&T Site ID: UTL06012

Site Address: 1305 LOWELL AVE PARK CITY, UT 84060

County: SUMMIT COUNTY

SECTOR ANTENNA LOCATIONS					
	LAT	LONG	ELEV	NORTHING	EASTING
SECTOR "A"	N40°39'02.28"	W111°30'25.20"	7081.45'	3396436.3239	1638474.5099
SECTOR "B"	N40°39'01.74"	W111°30'26.11"	7081.45'	3396382.1084	1638403.8555
SECTOR "C"	N40°39'01.73"	W111°30'26.20"	7081.45'	3396380.7893	1638397.5108
SECTOR "D"	N40°39'01.83"	W111°30'26.18"	7081.45'	3396390.7021	1638398.5233

Site Coordinates:

(DD) Latitude: N40.65042500°

(DD) Longitude: W111.50712222°

(DMS)Latitude: N40° 39' 01.53"

(DMS)Longitude: W111° 30' 25.64"

Top of Building Elevation: 7072.54'

Lowest Ground Point: Northeast Corner

Lowest Ground Point Elevation: 6975.72'

Approximate Equipment Height: 96.82'

The Horizontal coordinates are per the North American Datum of 1983 (2011) Utah State Plane Central Zone. Coordinates are shown as decimal degrees which were derived from TRIMBLE VRS NOW RTK Network.

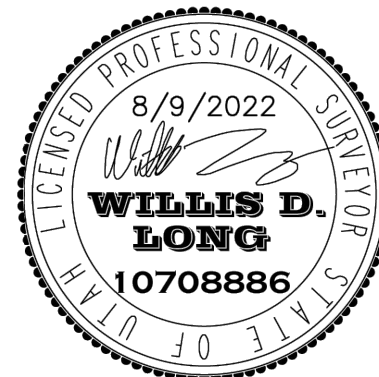
The vertical elevations are per the North American Vertical Datum of 1988 (NAVD88). The horizontal coordinates are per the North American Datum of 1983 (NAD83), which were derived from TRIMBLE VRS NOW RTK Network.

I hereby certify that the horizontal and vertical locations are accurate to within 1A reporting requirements (20' ± horizontally and 3' ± vertically).

The above-mentioned coordinates were established using "TRIMBLE R10 receivers" and are tied to the National Geodetic Reference System established by the National Geodetic Survey.

Sincerely,

Willis Long, PLS
Layton Surveys



LEASE SITE DESCRIPTION

BEGINNING AT A POINT BEING LOCATED S9°29'37"W, A DISTANCE OF 1236.76 FEET FROM THE NORTH QUARTER CORNER OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; THENCE S.31°06'35"E, A DISTANCE OF 24.58 FEET; THENCE S.58°53'25"W, A DISTANCE OF 40.71 FEET; THENCE N.30°21'19"W, A DISTANCE OF 24.65 FEET; THENCE N.58°59'07"E, A DISTANCE OF 40.39 FEET TO THE POINT OF BEGINNING.

CONTAINING 998.21 SQUARE FEET OR 0.0229 ACRES, MORE OR LESS.

ACCESS & UTILITY EASEMENT DESCRIPTION

AN EASEMENT 15.00 FEET IN WIDTH, BEING 7.50 FEET ON EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT A POINT BEING LOCATED SOUTH 89°27'21" EAST 166.71 FEET AND SOUTH 1046.81 FEET FROM THE NORTH QUARTER CORNER OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; RUNNING THENCE S.57°09'02"W, A DISTANCE OF 42.31 FEET; THENCE S.64°22'35"W, A DISTANCE OF 63.05 FEET; THENCE S.64°59'30"W, A DISTANCE OF 36.29 FEET; THENCE S.65°21'23"W, A DISTANCE OF 56.24 FEET; THENCE S.59°25'56"W, A DISTANCE OF 58.37 FEET; THENCE S.57°14'34"W, A DISTANCE OF 90.48 FEET; THENCE S.36°05'45"W, A DISTANCE OF 29.59 FEET; THENCE S.56°10'53"W, A DISTANCE OF 39.37 FEET; THENCE N.33°49'07"W, A DISTANCE OF 20.64 FEET TO THE POINT OF TERMINUS.

UTILITY NOTE:

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM SURFACE FIELD OBSERVATIONS ONLY. THE SURVEYOR MAKES NO WARRANTIES OR GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA EITHER IN SERVICE OR ABANDONED. THE SURVEYOR DOES NOT WARRANT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED, ALTHOUGH HE DOES CERTIFY THEY ARE LOCATED AS ACCURATELY AS REASONABLY EXPECTED FROM THE INFORMATION DESCRIBED. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND POSITION OF THE UTILITIES. (POT HOLING TO OBTAIN HORIZONTAL AND VERTICAL POSITIONS AND PIPE SIZES WAS NOT PERFORMED). THE SURVEYOR DID NOT ENTER ANY CONFINED SPACES OR CONTACT DIG LINE FOR UTILITY MARK OUTS.

SURVEY NOTES:

1. THE BASIS OF BEARINGS FOR THIS SURVEY WAS ESTABLISHED BY GPS TECHNIQUES, PROJECTED TO THE UTAH STATE PLANE COORDINATE SYSTEM, NAD 83 DATUM, NORTH ZONE. ALL BEARINGS SHOWN ARE ON GRID AZIMUTH AND ALL DISTANCES SHOWN ARE AT GROUND. REFER TO THE DRAWING FOR THE SPECIFIC LINE AND MONUMENTS USED.
2. THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88)(GEOID12B) IS EXPRESSED IN U.S. SURVEY FEET.
3. THE SURVEY ACCURACY MEETS A LINEAR ANGULAR CLOSURE OF 1:5000.

SURVEYOR'S CERTIFICATE

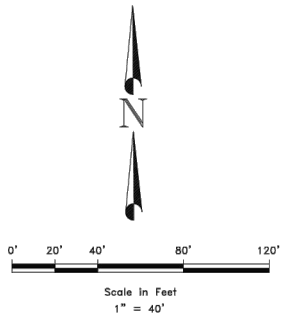
I, WILLIS D. LONG, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, HOLDING CERTIFICATE NUMBER 10708886, AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT I HAVE DIRECTLY SUPERVISED A SURVEY OF THE PARCEL(S) OF LAND REPRESENTED HEREON AND HAVE HAD MONUMENTED ON THE GROUND THE BOUNDARY CORNERS AS SHOWN ON THIS PLAT.

SIGNED THIS 19TH DAY OF AUGUST, 2022.

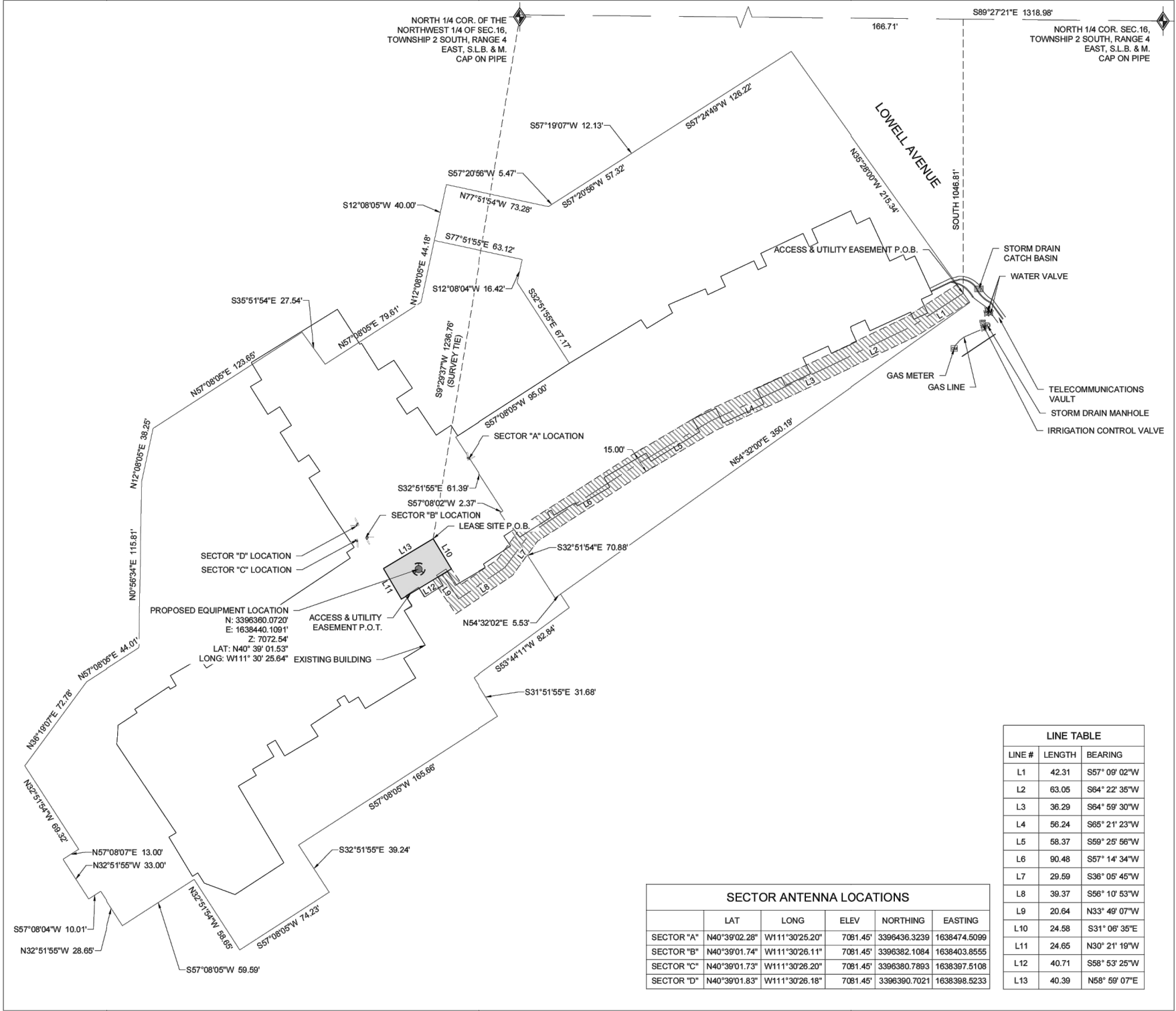


LEGEND

- SUMMIT COUNTY MONUMENT AS NOTED
- PROPERTY CORNER AS DESCRIBED
- BOUNDARY
- ADJACENT PARCEL
- SECTION LINE
- EASEMENT
- EXISTING FENCE LINE



LEASE SITE & UTILITY ACCESS
EASEMENT OVERVIEW



LINE TABLE		
LINE #	LENGTH	BEARING
L1	42.31	S57° 09' 02"W
L2	63.05	S64° 22' 35"W
L3	36.29	S64° 59' 30"W
L4	56.24	S65° 21' 23"W
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	LAT	LONG	ELEV	NORTHING	EASTING
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SECTOR "D"	N40°39'01.83"	W111°30'26.18"	7081.45'	3396390.7021	1638398.5233

PROJECT ADDRESS:

1305 LOWELL AVE PARK CITY,
UT 84060

FIELD SURVEY DATE: 7/25/2022

LEASE SITE SURVEY
UTL06012

LOCATED IN THE SOUTHEAST QUARTER OF SECTION16,
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN,
SUMMIT COUNTY, UTAH
JULY 2022

DESIGNED FOR:

PROJECT NAME:
UTL06012



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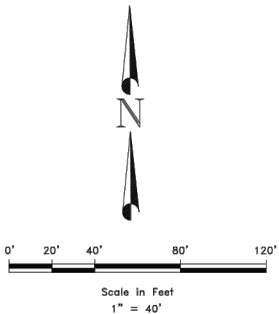
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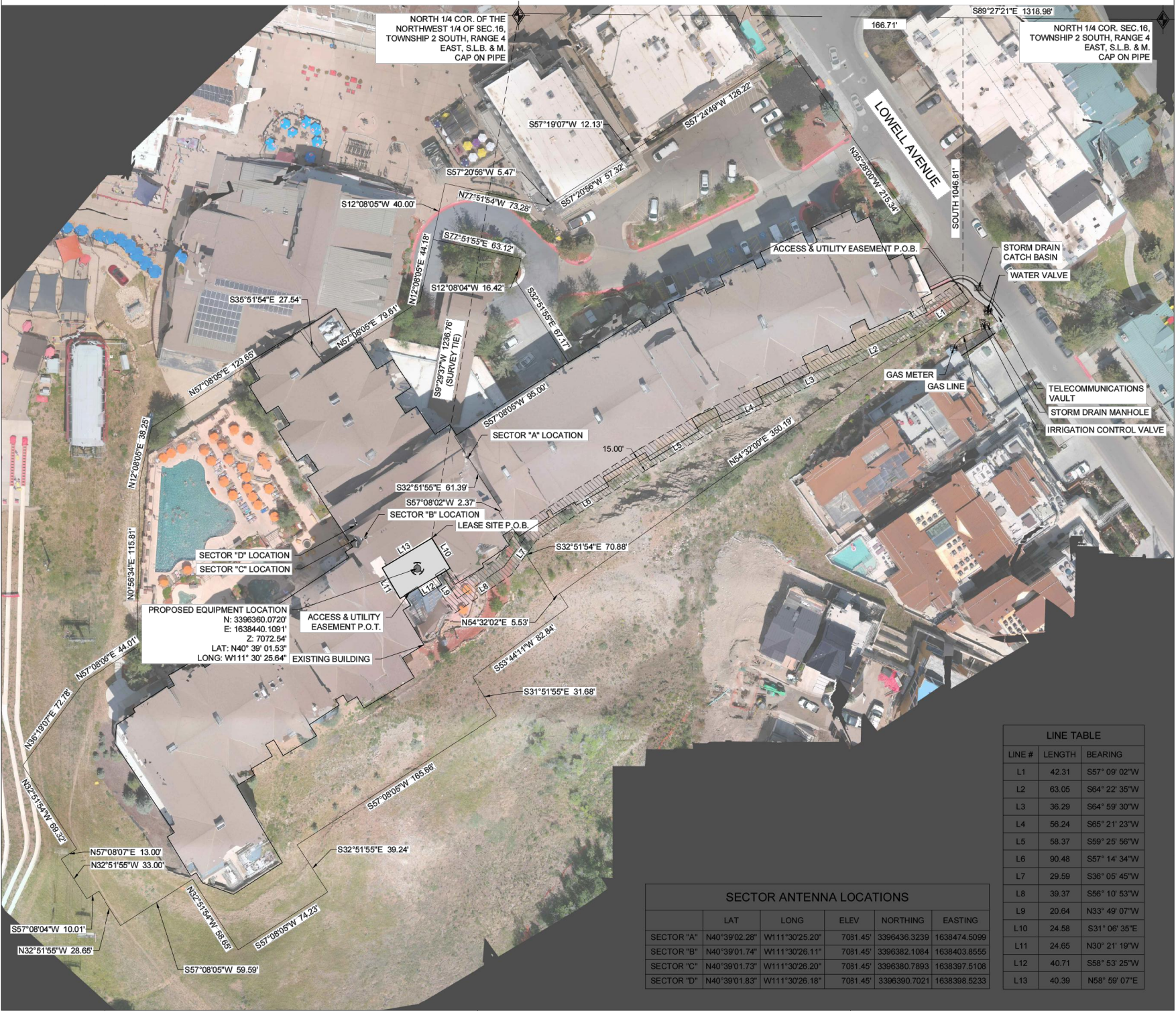


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PROJECT ADDRESS:

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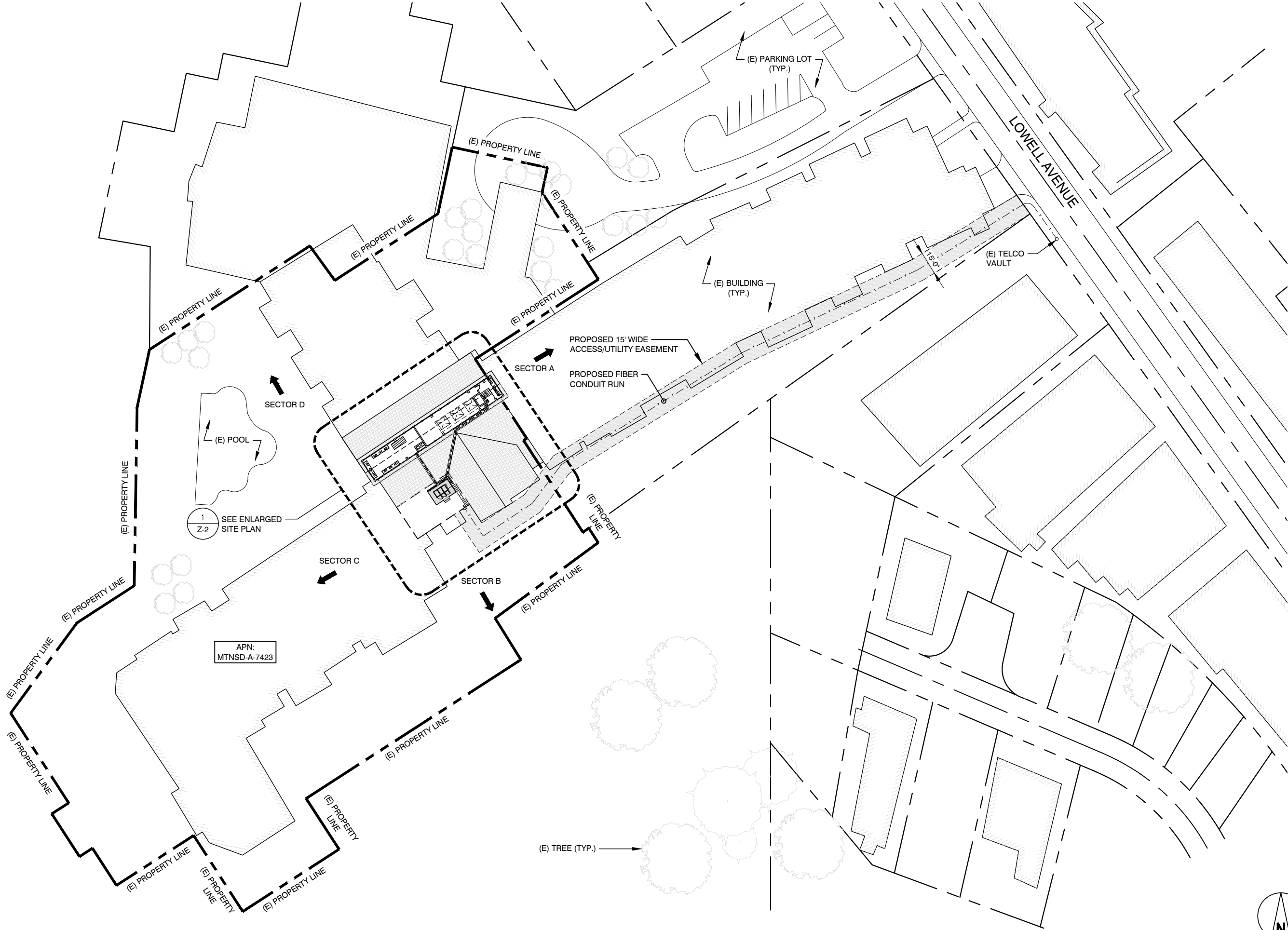
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JULY 2022

DESIGNED FOR:

PROJECT NAME:
UTL06012







AT&T¹¹²
161 INVERNESS DRIVE W, 2ND FLOOR
ENGLEWOOD, CO 80112



1997 ANNAPOLIS EXCHANGE PARKWAY,
SUITE 200
ANNAPOLIS, MD 21401



671 TECHNOLOGY CIRCLE
WINDSOR, CO 80550

SUBMITTALS			
REV	DATE	DESCRIPTION	BY
0	09/28/22	90% ZD	IJ



SITE INFORMATION

SITE NAME:
UT.PCM_2_QUARRY

1C, 2C, 3C, 4C, 5C

SITE ID: UTL06012

FA#: 13015420

SITE ADDRESS:
1305 LOWELL AVENUE
PARK CITY, UT 84060

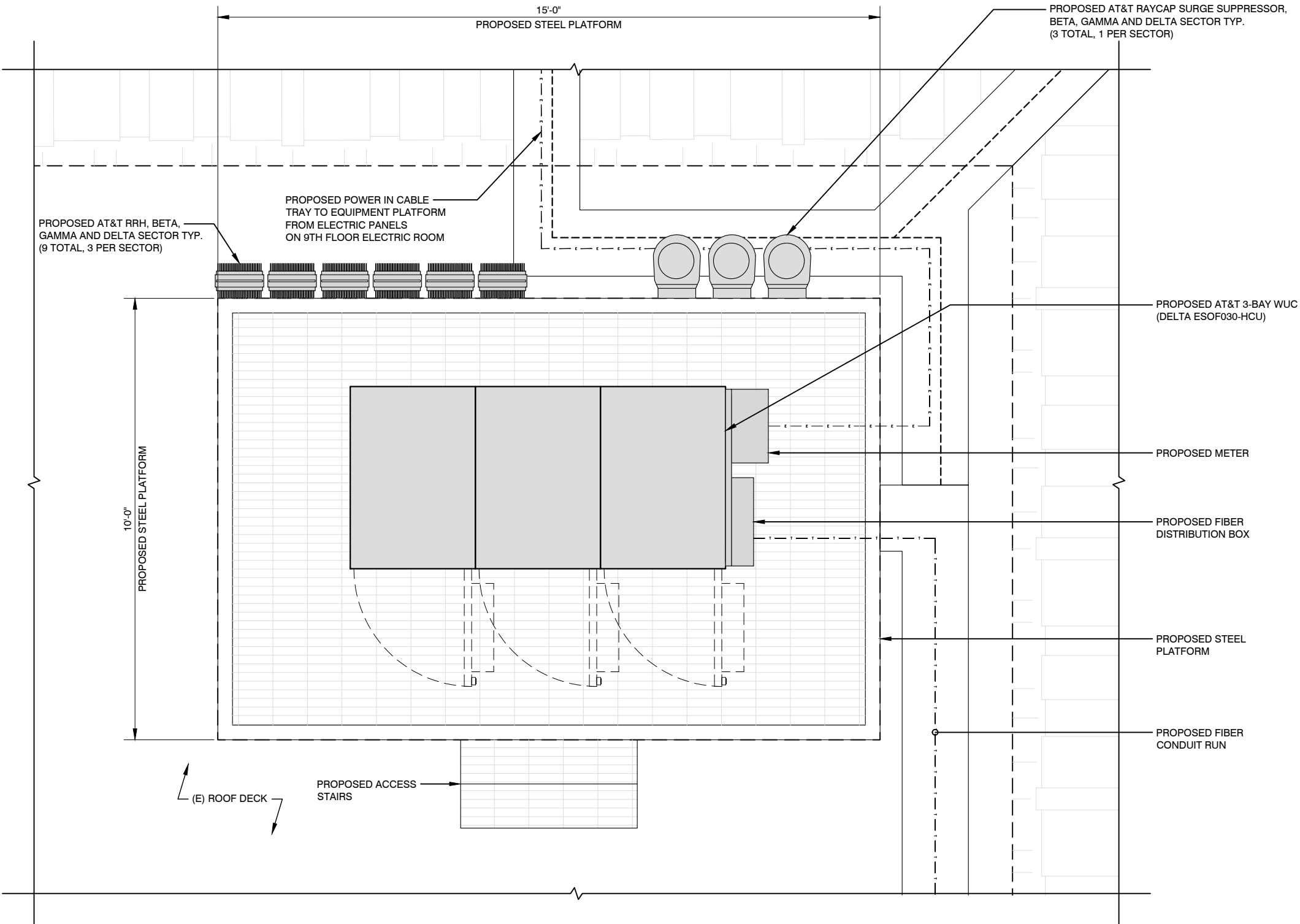
SUMMIT COUNTY

SHEET DESCRIPTION

SITE PLAN

SHEET NO.

Z-1



DRAWING SCALES ARE INTENDED FOR 11"x17" SIZE PRINTED MEDIA ONLY.

SUBMITTALS			
REV	DATE	DESCRIPTION	BY
0	09/28/22	90% ZD	IJ



SITE INFORMATION

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UT.PCM_2_QUARRY

1C, 2C, 3C, 4C, 5C
SITE ID: UTL06012
FA#: 13015420

SITE ADDRESS:
1305 LOWELL AVENUE
PARK CITY, UT 84060
SUMMIT COUNTY

SHEET DESCRIPTION

EQUIPMENT LAYOUT

SHEET NO.

Z-3



DRAWING SCALES ARE INTENDED FOR 11"x17" SIZE PRINTED MEDIA ONLY.

SUBMITTALS

REV	DATE	DESCRIPTION	BY
0	09/28/22	90% ZD	IJ



SITE INFORMATION

SITE NAME:
UT.PCM_2_QUARRY

1C, 2C, 3C, 4C, 5C
SITE ID: UTL06012
FA#: 13015420

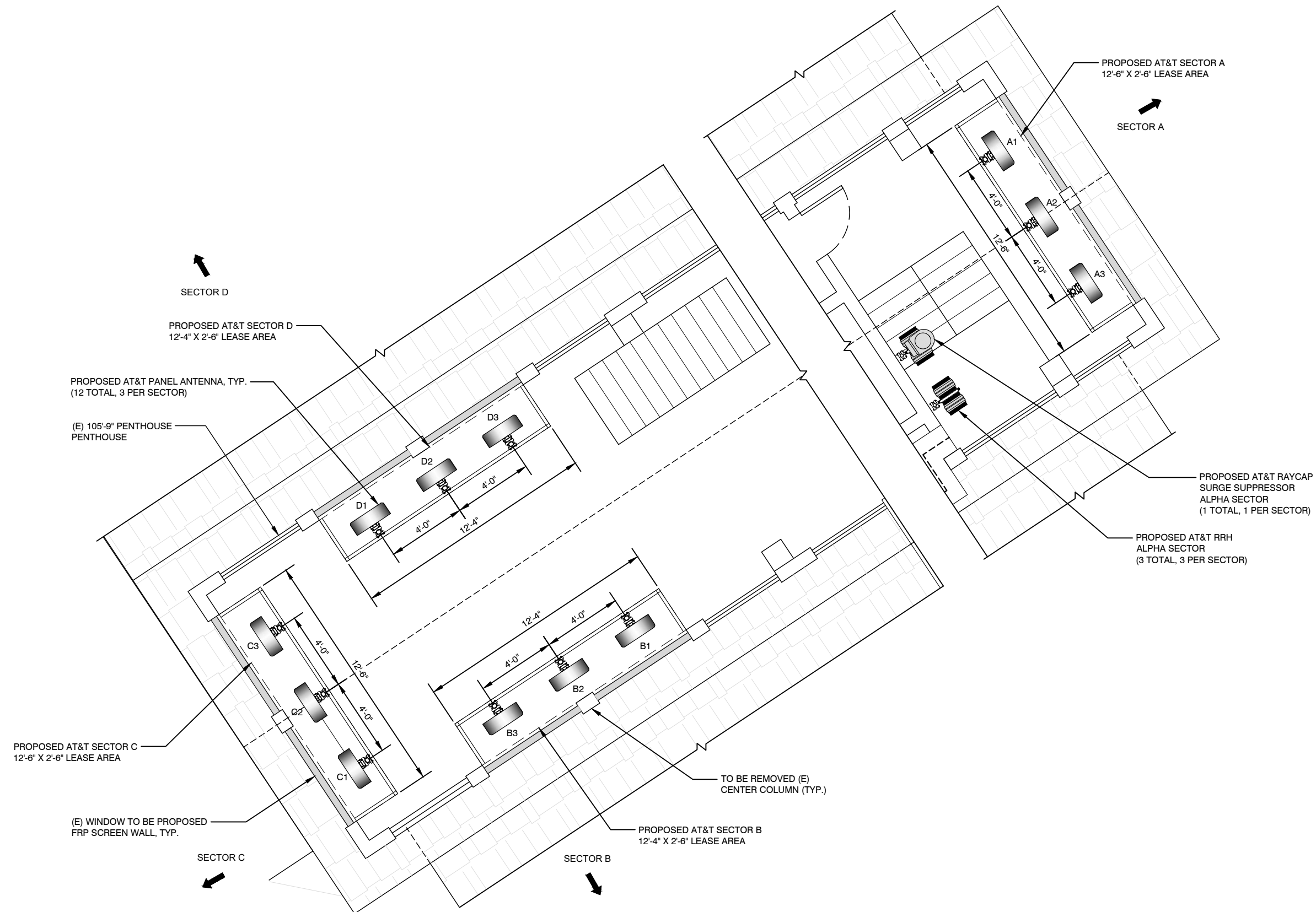
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1305 LOWELL AVENUE
PARK CITY, UT 84060
SUMMIT COUNTY

SHEET DESCRIPTION

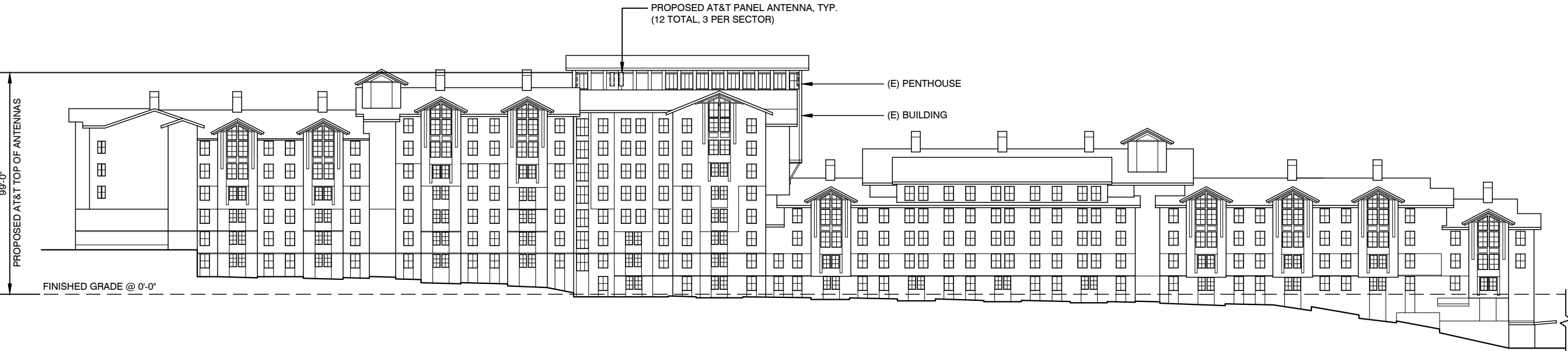
ANTENNA LAYOUT

SHEET NO.

Z-4



NOTE:
STRUCTURAL ANALYSIS AND MOUNT ANALYSIS TO BE
PERFORMED PRIOR TO EQUIPMENT INSTALLATION IN
ORDER TO VERIFY THAT THE STRUCTURE IS ADEQUATE
TO SUPPORT THE PROPOSED EQUIPMENT.



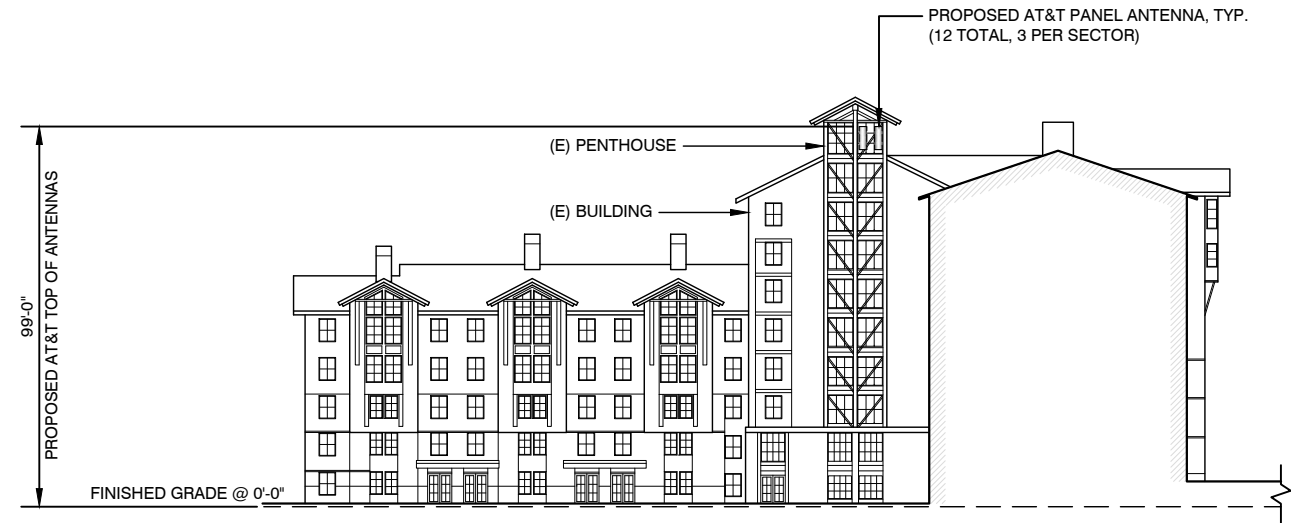
PROPOSED SOUTH ELEVATION



SCALE: 1"=50'-0" (11x17)
(OR) 2"=50'-0" (22x34)

1

NOTE:
STRUCTURAL ANALYSIS AND MOUNT ANALYSIS TO BE
PERFORMED PRIOR TO EQUIPMENT INSTALLATION IN
ORDER TO VERIFY THAT THE STRUCTURE IS ADEQUATE
TO SUPPORT THE PROPOSED EQUIPMENT.



PROPOSED WEST ELEVATION



SCALE: 1"=50'-0" (11x17)
(OR) 2"=50'-0" (22x34)

2



AT&T¹¹⁶

161 INVERNESS DRIVE W, 2ND FLOOR
ENGLEWOOD, CO 80112



1997 ANNAPOLIS EXCHANGE PARKWAY,
SUITE 200
ANNAPOLIS, MD 21401



671 TECHNOLOGY CIRCLE
WINDSOR, CO 80550

DRAWING SCALES ARE INTENDED FOR 11"x17" SIZE PRINTED
MEDIA ONLY.

SUBMITTALS			
REV	DATE	DESCRIPTION	BY
0	09/28/22	90% ZD	IJ



SITE INFORMATION

SITE NAME:
UT.PCM_2_QUARRY

1C, 2C, 3C, 4C, 5C

SITE ID: UTL06012
FA#: 13015420

SITE ADDRESS:
1305 LOWELL AVENUE
PARK CITY, UT 84060

SUMMIT COUNTY

SHEET DESCRIPTION

BUILDING ELEVATIONS

SHEET NO.

Z-5





STOP















January 27, 2023

Park City Municipal Corporation
Planning Department
445 Marsac Avenue, PO Box 1480
Park City, UT 84060

To Whom it May Concern,

This letter is to confirm that Marriott's MountainSide Condominium Owner's Association at 1305 Lowell Avenue, Park City UT 84060 supports the proposed telecommunications facility and has given consent to AT&T and its representative Smartlink, for the installation of equipment on the roof and penthouse areas of the building designated as common areas.

Per the General Manager, the improvement of AT&T coverage has been requested frequently over the years by the condominium owners and the hotel guests of Marriott. This installation will be a positive benefit to the condominium owners, hotel guests, hotel staff, as well as all the vacationers and residents near and around the Marriott's MountainSide resort.

Please feel free to contact me with any further questions or clarifications.

Sincerely,

A handwritten signature in black ink, appearing to read 'Keven Rowe', written over the printed name.

Keven Rowe

Board of Directors President
Marriott's MountainSide

MARRIOTT'S MOUNTAINSIDE

1305 Lowell Avenue | P.O. Box 4109 | Park City, Utah 84060 | 435-940-2000

Planning Commission Staff Report



Subject: 316 Woodside Avenue
Application: PL-21-05086 and PL-22-05483
Author: Caitlyn Tubbs, Sr. Historic Preservation Planner
Date: March 8, 2023
Type of Item: Steep Slope Conditional Use Permit and Conditional Use Permit

Recommendation

(I) Review the application for a Steep Slope Conditional Use Permit (SS-CUP) and a Conditional Use Permit (CUP), (II) conduct a public hearing, and (III) consider approving the SS-CUP and CUP based on the Draft Final Action Letter with Findings of Fact, Conclusions of Law, and Conditions of Approval (Exhibit A).

Description

Applicant: Matthew Safchik
Location: 316 Woodside Avenue
Zoning District: Historic Residential-1 (HR-1)
Adjacent Land Uses: Residential
Reason for Review: On Lots greater than 3,750 square feet, the Planning Department shall review all SSCUPs and forward a recommendation to the Planning Commission for Final Action.¹

The Planning Commission may grant an exception to the Building Setback and driveway location standards for additions to Historic Buildings and/or Structures, including Detached Garages:²

- 1) Upon approval of a Conditional Use Permit,
- 2) When the scale of the addition and/or driveway is Compatible with the Historic Building and/or Structure,
- 3) When the addition complies with all other provisions of LMC [Chapter 15-2.2](#),
- 4) When the addition complies with the adopted Building and Fire Codes, and
- 5) When the addition complies with the Design Guidelines for Historic Districts and Historic Sites.

COA	Condition of Approval
CUP	Conditional Use Permit

¹ LMC [§15-2.2-6\(B\)2](#).

² LMC [§15-2.2-4](#)

DOS	Determination of Significance
HDDR	Historic District Design Review
HPB	Historic Preservation Board
HR-1	Historic Residential-1 (HR-1)
HSI	Historic Sites Inventory
LMC	Land Management Code
SFD	Single Family Dwelling
SS-CUP	Steep Slope Conditional Use Permit

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § [15-15-1](#).

Summary

This Application requests a SS-CUP to construct an addition to 316 Woodside Avenue, designated a Significant Historic Structure on the Park City Historic Sites Inventory³ ([Historic Site Form](#)), with over 200 square feet located on an existing Slope of 30% or greater. Additionally, the Applicant is requesting a CUP to allow for the proposed addition to the Significant Historic Structure to encroach into the Front Setback. The front façade of the Significant Historic Structure faces the 3rd Street Stairs, a public right of way with a staircase leading from Woodside Avenue to Park Avenue below. Visibility of the Structure is limited due to its location on a Steep Slope. The subject property is also considered a Corner Lot due to its adjacency to two public right of ways.

Background

On November 26, 2021, the Planning Department received a complete SS-CUP Application for 316 Woodside Avenue.

There have been several past applications for 316 Woodside Avenue:

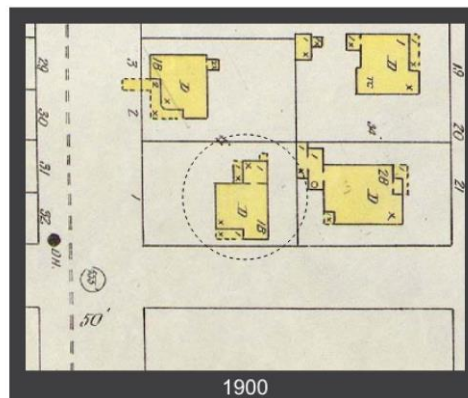
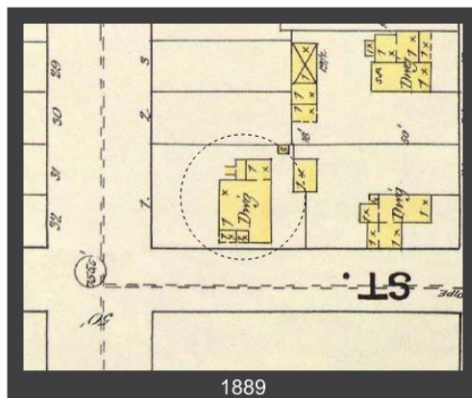
- In 2001, the City approved an Administrative Lot Line Adjustment to combine Lots 31 and 32 of Block 3 of the Park City Survey, creating one Lot known as the Thibault Plat Amendment.
- Between 2001 and 2002, the property owner constructed a new foundation and basement renovation.
- In March 2010, the Planning Department staff denied an Administrative Conditional Use Permit (CUP) for a proposed parking pad due to inactivity from the Applicant.
- On November 26, 2021, the Planning Department received an application for a full Historic District Design Review (HDDR) to construct a new addition onto the property along Woodside Avenue. The original design of this addition sought to remove a projection on the western side of the Significant Historic Structure to make way for the connection between the addition and the Significant Historic Structure.
- On April 27, 2022 the Planning Commission continued the SSCUP to May 25, 2022 to permit the Historic Preservation Board time to determine whether the requested material deconstruction should be approved ([Staff Report](#), p. 290, [Minutes](#)).

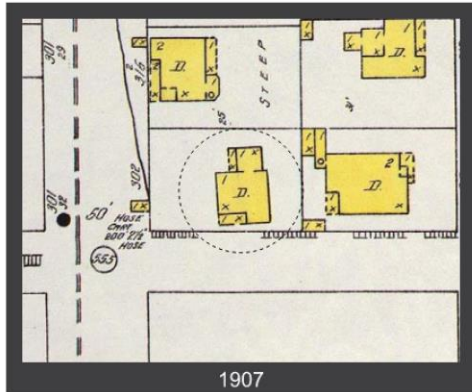
³ LMC [§15-11-10](#)

- On May 4, 2022, the Historic Preservation Board found that the projection was a historic feature of the Significant Historic Structure and therefore could not be removed to facilitate the construction of the addition ([Staff Report](#), p. 72, [Minutes](#)).
- On May 25, 2022, the Planning Commission continued the SSCUP to a date uncertain to allow the Applicant time to revise the design of the addition ([Staff Report](#), p. 32, [Minutes](#)).
- In addition to land use applications, the property has also received several historic preservation grants:
 - \$2,500 in 1989;
 - Rebuild front foundation and sidewalk to main entry
 - Re-roof
 - \$3,700 in 1997; and
 - Painting of doors, replacing double-hung windows and added trim
 - \$15,400 in 2001
 - Excavation, raise house, and new foundation work
 - Seismic retrofitting and structural improvements
 - Electrical, plumbing, and mechanical improvements
 - Re-roofing

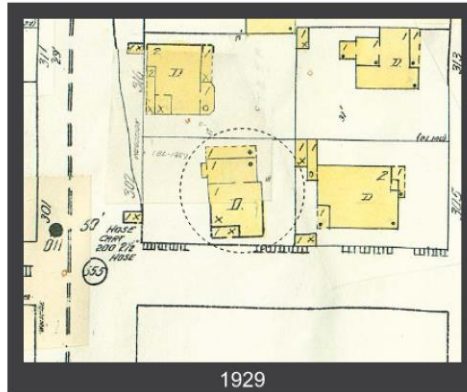
History of the Site:

The Significant Historic Structure at 316 Woodside Avenue was initially constructed c. 1889 presumably by Martin Prisk, who worked for the Marsac Company as a T-shaped cottage. The T-cottage design has been modified over the years with additions off the north façade as evident from the 1889, 1907, 1929, and 1941 Sanborn Fire Insurance maps. The site overlooks historic Main Street and sits on a 50' x 75' Lot facing what was 3rd Street at the time and is now the 3rd Street stairs.



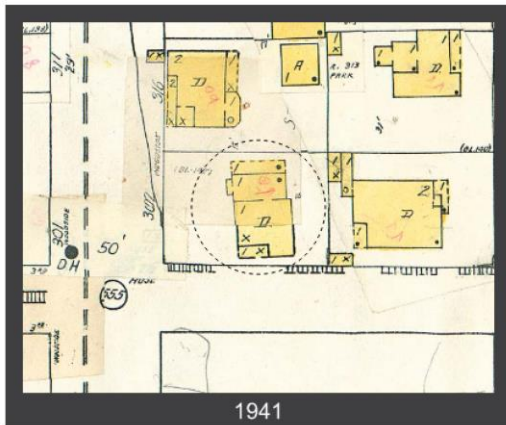


1907



1929

Between 1900 to 1907, it appears that the front porch, facing the south, was screened in. An addition was also added to the rear wing of the structure to create an addition that expanded across the rear elevation between 1907 and 1929.



1941

Per the Historic Site Form:⁴ “Originally, access was through the existing covered porch on the southwest side, typical of T-cottage houses. This house also had a west-facing covered porch into the northern extension, which has been removed and replaced with an addition in the northwest corner of the house. The setting has been changed little, as the house is still accessed from public stairs on Third Street, which is now pedestrian only.”



Historic Front Facing Facade along the 3rd Street Right-of-Way viewed from Park Avenue

Analysis

⁴ [316 Woodside Avenue Historic Sites Inventory Historic Site Form](#)

(I) The proposal to construct an addition to the Significant Historic Structure complies with the HR-1 Zoning District Requirements outlined in LMC Chapter 15-2.2

The purpose of the Historic Residential HR-1 Zoning 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.⁵

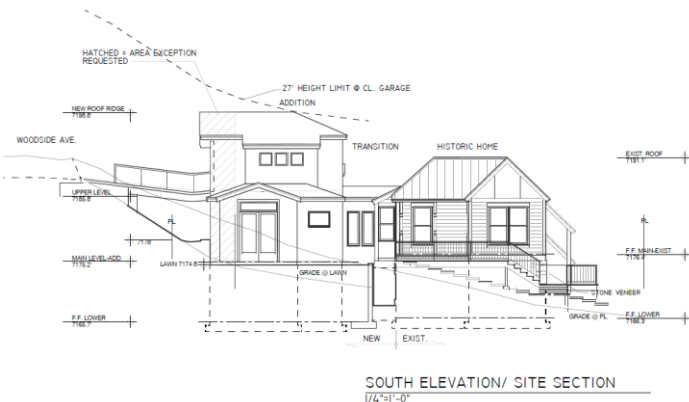
LMC [§15-2.2-3](#) establishes Lot and Site requirements, outlined in the table below:

Zoning Requirement	Analysis of Proposal
Minimum Lot Size – 1,875 square feet	Complies; The lot contains 3,967 square feet.
Minimum Lot Width is 25 feet	Complies; Lot width along Woodside Avenue (Front Yard) is approximately 53.37 feet. Lot Width along the 3 rd Street Stairs (Front Yard) is approximately 75 feet.
Maximum Building Footprint – 1,587 square feet	Complies; The proposed Footprint is 1,536 square feet with the Significant Historic Structure footprint at 1,020 square feet and the addition at 516 square feet as measured on the submitted plans.
Minimum Front and Rear Setback for Lots up to 75 feet inclusive – 10 feet each for a total of 20 feet	Complies with Approval of CUP; 316 Woodside Avenue has two Front Lot Lines; one along Woodside Avenue and another along the 3 rd Street Stairs right-of-way (Please see Exhibit B: Planning Director setback determination). The northern Lot Line is the Side Lot Line and the eastern Lot Line is the Rear Lot Line. The required Front Setback from Woodside Avenue is ten feet (10'). The proposed addition would encroach into the Front Setback by approximately four and a half feet (4' 6"). The proposed addition would be set back from the front property line by between five and a half feet (5' 6") and six feet and one inch

⁵ LMC-[§15-2.2-1](#)

	(6' 1"). The proposed addition does not affect the rear of the property and the Applicant is not requesting an exception to the Rear Setback.
Exception: In order to achieve new construction consistent with the Design Guidelines for Historic Districts and Historic Sites, the Planning Commission may grant an exception to the Building Setback and driveway location standards for additions to Historic Buildings and/or Structures, including detached Garages⁶:	
1. Upon approval of a Conditional Use Permit	Complies; proposal complies with requirements for Conditional Use Permit approval (see Analysis section III)
2. When the scale of the addition and/or driveway is Compatible with the Historic Building and/or Structure	Complies; the proposed addition is similar in design and material to the Significant Historic Structure because it utilizes a simple, unadorned building form and drop lap siding to mirror what currently exists on the Historic Structure. The proposed addition steps up as the hillside elevation increases and has a transitional feature from the new construction to the Historic Structure. The proposed addition is 27 feet in height which is comparable to the 25-26 feet height of the Historic Structure.
3. When the addition complies with all other provisions of Chapter 15-2.2	Complies; the proposed addition meets all other requirements of the underlying HR-1 Zoning District.
4. When the addition complies with the adopted Building and Fire Codes	Complies with Condition of Approval; the proposed addition will be new construction and will be required to comply with all adopted codes at the time of building permit submittal. Following review by the Park City Fire District (PCFD) at a December 21, 2021 and April 5, 2022 Development Review Committee (DRC) meeting no concerns were raised regarding emergency access.
5. When the addition	Complies; the proposed addition complements, but does not mimic, the architectural style or features of the Significant Historic

⁶ LMC [§15-2.2-4](#)

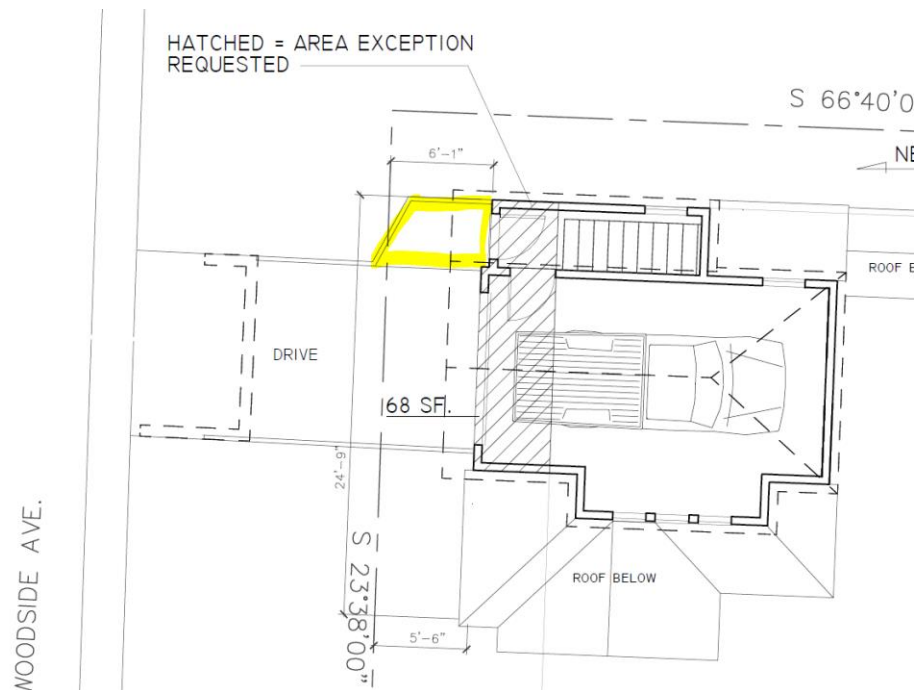
complies with the Design Guidelines for Historic Districts and Historic Sites	Structure and utilizes a design and material (drop lap siding) that are similar and compatible with those of the Significant Historic Structure. The Applicant has submitted an HDDR Application and will be required to adhere to the Design Guidelines for Historic Districts and Historic Sites. This proposal was reviewed by the Design Review Team (DRT) on December 15, 2021, January 19, 2022, and March 29, 2022. The Applicant has revised the design of the proposed addition to comply with the findings of the Historic Preservation Board (HPB) that a projection on the secondary front of the Structure was a historic feature and could not be removed during material deconstruction.
Minimum Side Setbacks for Lots up to 62.5 feet – 5 feet minimum but a total of 14 feet	Complies; the proposal complies with a minimum of 5 feet to the north (side) property line.
Building Height – 27 feet from Existing Grade	Complies; the proposed Building Height is 27 feet from Existing Grade.
Building Height – 10-foot minimum horizontal step in the downhill facade	Complies; the proposed addition is located on the west, uphill side of the existing Significant Historic Structure.
Final Grade within 4 feet of Existing Grade	Complies with Condition of Approval; the proposed Final Grade shown on the northern elevation is within four feet (4') of Existing Grade. The proposed Final Grade shown on the southern elevation is approximately five and a half feet (5' 6") in height difference from Existing Grade and must be reduced to no more than four feet (4') in height difference from Existing Grade per Condition of Approval #30.  SOUTH ELEVATION/ SITE SECTION 1/4"=1'-0"

	
A ten-foot minimum horizontal step in the downhill façade is required unless the First Story is completely under the finish grade on all sides of the Structure. The horizontal step shall take place at a maximum height of twenty-three feet from where the Building Footprint meets the lowest point of existing Grade.	Complies; As the property slopes downward from Woodside Avenue towards the existing Significant Historic Structure, the addition creates the variation and a small horizontal step from the downhill façade.
Maximum interior height of 35 feet	Complies; the proposal does not exceed an interior height of 35 feet measuring 29' 1".
Roof Pitch- between seven:twelve and twelve:twelve	Complies; the Contributing Roof Form is within 7:12 and 12:12 pitch, proposing a 7:12 pitch.
Parking Regulations/ Driveway	Complies; Per LMC § 15-2.2-4, "Additions to Historic Buildings and/or Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or Accessory Apartment." Because the proposal is non-compliant with the Front Yard Setbacks it is required to provide two off-street parking spaces. Part of the addition includes a single car garage and the driveway

is deep enough to accommodate another off-street parking stall.

Due to the length of Right of Way (14' 9" from Woodside Avenue to the Applicant's property line), HR-1 Setback requirements, and the change in grade the driveway to the addition creates a cantilevered structure leading to the single car garage. The drive begins at a 12-foot maximum length starting from Woodside Avenue and going 10' 9" back where it gradually opens to a maximum of 15' 10" at the property line. While the driveway surpasses the minimum parking stall depth of 18 feet a portion of the driveway is located in the right of way, but outside of the paved surface of Woodside Avenue. Staff recommends a condition of approval that the Applicant will obtain permission through an encroachment agreement to utilize the portion of the driveway within the right of way as off-street parking.

LMC [§15-13-2\(B\)\(1\)\(g\)](#) establishes a maximum 12-foot width for driveways in the HR-1 Zoning District. At the point where the cantilevered structure increases past the maximum 12' driveway requisite, the Applicant will be required to change the material, keeping the driveway at a 12' maximum width and creating a walking path to the front door of the structure (see highlighted location below).



Condition #18 states the Applicant will be required to acquire and record an encroachment agreement, subject to the City Engineer's approval for the proposed driveway and the use of the driveway as a second tandem parking space. Condition #29 states the Applicant cannot create a lockout unit.

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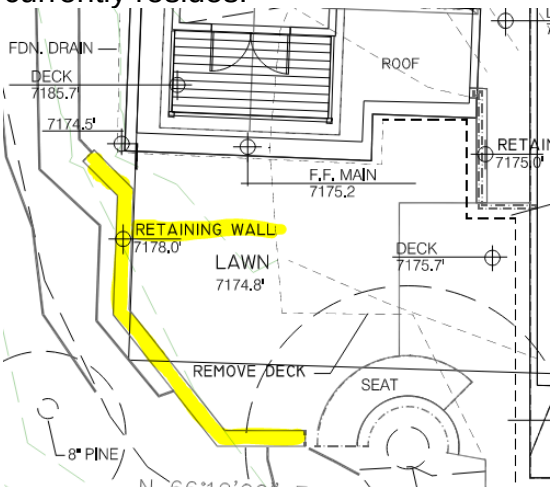
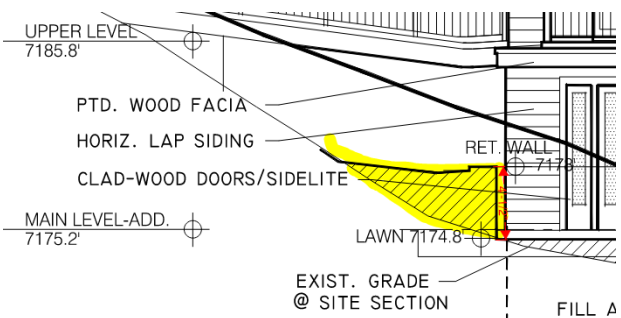
(II) The proposal complies with Development on Steep Slope criteria outlined in LMC §15-2.2-6.

There are certain Uses that, because of unique characteristics or potential impacts 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.

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 Design Guidelines for Historic Districts (LMC [§15-2.2-6](#)).

LMC [§15-2.2-6\(A\)\(2\)](#) requires a SS-CUP for construction of any addition to an existing structure, when the Building Footprint is in excess of 200 square feet and is located on or projecting over an existing Slope of 30% or greater. SS-CUP Applications are subject to the following criteria:

Criteria	Analysis of Proposal
LOCATION OF DEVELOPMENT – development is located and designed to reduce visual and environmental impacts of the Structure.	Complies The addition is set 5 feet from the property line on the north side of the Lot. There is no Significant Vegetation to be removed and the addition is situated to allow some visibility of the Significant structure while bringing a presence to Woodside that did not exist prior. The small porch and emphasis on the front door with the small projecting roof supports interest in the built environment to enhance the pedestrian experience. 
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 proposed access and building mass and design and to identify the potential for screening, slope stabilization, erosion mitigation, vegetation	Complies The development will not be viewable from Vantage Points, which are defined in LMC § 15-15-1. The Significant Historic Structure is still visible from Woodside Avenue as the addition is placed to the far north of the lot and the Historic front façade of the Significant Structure is

protection, and other design opportunities.	unobstructed from the 3rd Street pedestrian stairwell.
ACCESS – Access points and driveways must be designed to minimize Grading of the natural topography and to reduce overall Building scale. Side Access to garages is strongly encouraged, where feasible.	Complies Condition of Approval #19. The proposed twelve-foot (12') wide driveway located within the Front Setback is cantilevered over the existing grade up to eight feet five inches (8' 5"). The driveway leads to a single garage door. Driveways are permitted encroachments into the Front Setback per LMC §15-2.2-3(G).
TERRACING – the project may include terraced retaining Structures if necessary to regain Natural Grade.	Complies The Applicant is proposing one retaining wall, less than 4 feet in height from existing grade, within the building pad to allow for a small lawn where a large non-historic deck currently resides.  There is slight retaining under the access bridge that is also used as support for the driveway structure. The Applicant has maintained Natural Grade where possible. 
BUILDING LOCATION – Building,	Complies

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 to provide variation of the front yard.	The steep slope from Woodside Avenue to the Significant Historic Structure is largely staying the same where development is not proposed; the driveway is minimized to the maximum 12' with an area for pedestrian access. The addition adds a presence to Woodside Avenue similar to neighboring properties and allows for variation in the yard off Woodside Avenue. The addition is proposed over an average slope of 25%. The south end of the available building pad is less steep than the north end, but the location proposal creates a balance of Steep Slope development and Historic District qualities. The addition on the north end allows the Significant Historic Structure to be easily viewed in comparison to if the addition was created on the south end, which would conceal the Significant Historic Structure significantly when viewed from Woodside Avenue.
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 Director and/or Planning Commission may require a garage separate from the main Structure or no garage.	Complies The proposed addition is smaller than the Significant Historic Structure and set far to the side of the property to allow views of the Significant Historic Structure. The deck is proposed to be reduced and narrowed for a more porch-like feel. The design utilizes the slope to allow for a lower profile of the addition and the garage is minimized per HR-1 requirements.⁷
SETBACKS – The Planning Director 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	Complies with approval of CUP The proposed addition complies with all HR-1 Zoning District Setbacks, pending Planning Commission approval of the requested Front Setback exception. The Applicant has designed a subordinate

⁷ LMC [§15-13-2](#)

Building scale, and Setbacks on adjacent Structures.	addition to the Significant Historic Structure with roof level changes to read as transitional elements and reduced the deck to create a more human-scale façade along Woodside Avenue.
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 Director 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.	Complies The proposed massing and architectural design components are compatible with both the volume and massing of the neighborhood. The design minimizes the visual mass and mitigates the differences in scale between the proposed addition, Significant Historic Structure, and surrounding structures. The proposed addition meets the requirements of code in roof shape, setbacks, and height.
BUILDING HEIGHT STEEP SLOPE – The HR-1 Zoning District Height is 27 feet. The Planning Director 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 the Historic character of the neighborhood's existing residential Structures.	Complies The building does not exceed the allowable Building Height and is compatible with other Single-Family Dwellings in the neighborhood and Zoning District.

(III) The Proposal Complies with LMC § 15-1-10(E), Conditional Use Permit Criteria

There are certain Uses that, because of unique characteristics or potential impacts 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.

The Planning Department will evaluate all proposed Conditional Uses and may recommend conditions of approval to preserve the character of the zone, and to mitigate potential adverse effects of the Conditional Use.

The Planning Commission shall approve a Conditional Use 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.

If the reasonably anticipated detrimental effects of a proposed Conditional Use cannot be substantially mitigated by the proposal or imposition of reasonable conditions to

achieve compliance with applicable standards, the Planning Commission may deny the Conditional Use Permit⁸.

Criteria	Proposed Conditions of Approval
1. Size and location of the Site;	No unmitigated impacts; the original home was constructed c. 1889 and is located within the Historic Residential (HR-1) Zoning District. LMC § 15-2.2-4 states Historic Structures encroaching into the Setback are legal non-complying structures. The Structure currently encroaches into the 10 foot southern Front Setback along the 3 rd Street Stairs by approximately 6 and a half feet and into the northern Side Setback by approximately 2 feet. The proposed addition would be permitted to encroach into the western Front Setback by four and a half feet (4' 6") through the approval of a CUP and subject to compliance with five (5) exception criteria (Please see Analysis section I).
2. Traffic considerations including capacity of the exiting Streets in the Area;	No unmitigated impacts; the dwelling currently exists and adding an addition will not change the Use of the property or increase traffic beyond the impact the property has already had on the existing street capacity.
3. Utility capacity	No unmitigated impacts; the proposed addition will not increase the overall utility demand of the existing dwelling unit. Following review by the DRC on December 21, 2021 and April 5, 2022 no concerns were raised regarding utility capacity at this site.
4. Emergency vehicle Access;	No unmitigated impacts; 316 Woodside Avenue is accessed by a public right of way, no change to the access is proposed. Following review by the Park City Fire District (PCFD) at a December 21, 2021 and April 5, 2022 DRC meeting no concerns were raised regarding emergency access.
5. Location and amount of off-Street parking;	No unmitigated impacts; two off street parking spaces are required. The proposed addition includes a single-car garage which will provide one off-street parking space. Additionally, the driveway surpasses the minimum parking stall depth of 18 feet a portion of the driveway is located in the right of way, but outside of the paved surface of Woodside Avenue. Staff recommends a condition of approval that the Applicant will obtain permission through an encroachment agreement to utilize the portion of the driveway within the right of way as off-street parking.

⁸ LMC [§ 15-1-10](#)

6. Internal vehicular and pedestrian circulation system;	No unmitigated impacts; no change to internal vehicle and pedestrian circulation is proposed beyond adding two off-street parking spaces.
7. Fencing, Screening, and landscaping to separate the Use from adjoining Uses.	No unmitigated impacts; no change to fencing or screening is proposed. Any changes must comply with the LMC. The Applicant has proposed the creation of a walkout yard area at the lowest level of the proposed addition; a landscape plan will be required prior to the issuance of a building permit and may require further HDDR review.
8. Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots;	No unmitigated impacts; the proposed addition is similar in design and material to the Significant Historic Structure and has a smaller footprint.
9. Usable Open Space;	No unmitigated impacts; there are no open space requirements for Single-Family Dwellings.
10. Signs and lighting;	No unmitigated impacts; no signage or lighting is proposed at this point. Condition of Approval #28 requires the Applicant to obtain approval of outdoor lighting prior to installation and ensure the proposed lighting complies with Dark Skies standards.
11. Physical design and Compatibility with surrounding Structures in mass, scale, design and architectural detailing;	No unmitigated impacts; the proposed addition is similar in design and material to the Significant Historic Structure and has a smaller footprint than the existing building.  STREETSCAPE ELEVATION
12. Noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site;	No unmitigated impacts; the current Use of the property will not change when the addition is constructed.

13. Control of delivery and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup Areas;	No unmitigated impacts ; the proposed addition would add two off-street parking spaces (one within the garage and the second on the proposed driveway) and a driveway allowing for additional area for delivery and service vehicles.
14. Expected Ownership and management of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of Ownership affects taxing entities;	No unmitigated impacts ; the subject property is entirely privately owned. Nightly Rental is an allowed use in the HR-1 Zoning District (LMC §15-2.2-2) and constructing the proposed addition would not create a land use that is not already permitted.
15. Within and adjoining the Site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste and Park City Soils Ordinance, Steep Slopes, and appropriateness of the proposed Structure to the existing topography of the Site, and;	No unmitigated impacts ; the subject property is not located within the Sensitive Lands Overlay or the Soils Ordinance Boundary and the Applicant is pursuing a SS-CUP.
16. Reviewed for consistency with the goals and objectives of the Park City General Plan; however such review for consistency shall not alone be binding.	Complies – the subject property is a Significant Historic Structure on the City’s Historic Sites Inventory and will be preserved as such. Preservation of the Significant Historic Site aligns with one of the core values of Park City’s adopted General Plan: Historic Character.

(IV) The Development Review Committee requires Conditions of Approval

On April 5, 2022, the Development Review Committee reviewed this application. The Engineering Department noted a storm drainage plan is necessary. The Applicant noted there exists a sump on site to support this. Additionally, sewer lines require close attention and a re-size of the water meter at the building permit stage. Finally, new development requires updated fire sprinklers. These requirements are reflected in Conditions of Approval #18, #20, #21, #22, #23, and #24.

Department Review

The Planning and Engineering Departments have reviewed this application. The Planning and Legal Departments have reviewed this staff report.

Notice

Staff mailed notice to property owners within 300 feet on February 8, 2022 and posted notice on the City's Official Website and in three public places. This item was continued from the February 22, 2023 Planning Commission meeting to a date certain, March 8, 2023.

Public Input

Staff did not receive any public input at the time this report was published.

Alternatives

- The Planning Commission may approve the Steep Slope Conditional Use Permit (SS-CUP) and Conditional Use Permit (CUP) for 316 Woodside Avenue as conditioned or amended, or
- The Planning Commission may deny the Steep Slope Conditional Use Permit (SS-CUP) and Conditional Use Permit (CUP) for 316 Woodside Avenue and provide staff with Findings for this decision, or
- The Planning Commission may request specific additional information and may continue the discussion to a future date.

Exhibits

Exhibit A: Draft Final Action Letter
Exhibit B: Planning Director Determination
Exhibit C: Applicant's Submittal Materials
Exhibit D: Thibault Plat Amendment



Planning Department

March 8, 2023

Matthew Safchik
PO Box 2251
Park City, UT 84060
305-606-0820

NOTICE OF PLANNING COMMISSION ACTION

Description

Address: 316 Woodside Avenue

Zoning District: Historic District – 1 (HR-1)

Application: Steep Slope Conditional Use Permit (SSCUP) & Conditional Use Permit (CUP)

Project Number: PL-21-05086 & PL-22-05483

Action: APPROVED WITH CONDITIONS (See Below)

Date of Final Action: March 8, 2023

Project Summary: The Applicant Proposes to Construct an addition with a single car parking garage to a Significant Site over a Steep Slope. The proposed addition will encroach into the required Front Setback by approximately four and a half feet (4' 6").

Action Taken

On March 8, 2023, the Planning Commission held a public hearing and approved the proposal for the construction of an addition over a Steep Slope to a Significant Historic home at 316 Woodside Avenue and within the Required Front Yard Setback, according to the following findings of fact, conclusions of law, and conditions of approval.

Findings of Fact

1. The Site is located at 316 Woodside Avenue.
2. The Site is located within the Historic Residential – 1 (HR-1) Zoning District.
3. The Applicant proposes to construct an addition to a Significant Structure over a Steep Slope and within the required Front Setback.
4. Staff reviewed 316 Woodside Avenue's SSCUP application for compliance with the 16 Conditional Use criteria for Steep Slopes in LMC §15-2.2-6(B).



Planning Department

5. Staff reviewed 316 Woodside Avenue's CUP application for an exception to encroach into the required Front Setback.
6. The application was reviewed per LMC § 15-13-2 Design Guidelines for Historic Residential Sites and LMC Chapter 15-2.2, Historic Residential – 1 (HR-1) District.
7. Staff mailed courtesy notice to property owners within 300 feet on February 8, 2023.
8. The Analysis Section of the Staff Report is incorporated herein.

Conclusions of Law

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.2-4 and 15-2.2-6.
2. The Use is consistent with the Park City General Plan, as amended.
3. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval

1. Final building plans and construction details shall reflect substantial compliance with the plans approved February 22, 2023, by the Planning Commission. Any changes, modifications, or deviations from the approved design that have not been approved in advance by the Planning and Building Departments may result in a stop work order.
2. The Applicant shall receive approval of a Historic District Design Review Permit prior to Building Permit Issuance.
3. If the Applicant does not obtain a complete building permit within one year of the date of this approval, these Steep Slope Conditional Use Permit and Conditional Use Permit approvals will expire unless the Applicant submits a written extension request to the Planning Department prior to the expiration date and the Planning Department approves an extension.
4. The Applicant is responsible for notifying the Planning Department prior to making any changes to the approved plans.
5. Any changes, modifications, or deviations from the approved scope of work shall be submitted in writing for review and approval/denial in accordance with the applicable standards by the Planning Director or designee prior to construction.
6. Residential fire sprinklers are required for all new or renovation construction on this lot, per requirements of the Chief Building Official.
7. The property is located outside the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City



Planning Department

for mine related impacts. If the property owner does encounter mine waste or mine waste impacted soils they must handle the material in accordance to State and Federal law.

8. Any areas disturbed during construction surrounding the proposed work shall be brought back to its original state.
9. Metal materials shall not be reflective.
10. All exterior lighting, on porches, decks, garage doors, entryways, etc. shall be down directed and fully shielded to prevent glare onto adjacent property and public rights-of-way and shall comply with the City's outdoor lighting code in LMC Section 15-5-5(J). Final lighting details will be reviewed by the Planning Staff prior to installation.
11. Historic exterior features (all inclusive but namely, the pop-out roof, sidelight windows and siding) shall be preserved.
12. Distinctive materials, components, finishes and examples of craftsmanship should be retained and preserved.
13. Deteriorated or damaged historic features and elements should be repaired rather than replaced.
14. The site shall be recognized as a physical record of its time, place, and use.
15. Chemical or physical treatments should be undertaken using recognized preservation methods.
16. Construction should be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment could be restored.
17. Landscaping shall be water-efficient with drought tolerant plants and water-wise landscaping is encouraged.
18. The Applicant will be required to acquire and record an encroachment agreement, subject to the City Engineer's approval for the proposed driveway and the use of the driveway as a second tandem off-street parking space.
19. The driveway shall remain 12' in width maximum, the front door access shall not read as part of the driveway and shall be treated either with different material or color to differentiate the walkway from the driveway.
20. Prior to submitting a building permit, the Application shall submit a plan demonstrating how they will provide the temporary shoring needed during construction, subject to City Engineer approval.



Planning Department

21. The Applicant shall submit a geotechnical report and design of the temporary shoring and final slope stability prior to submitting a building permit, subject to City Engineer approval.
22. The Applicant shall provide soil stabilization details documenting how the disturbed area will be restored and stabilized, to be approved by the City Engineer prior to submission of a building permit.
23. The Applicant shall provide a landscape bond to ensure the stabilization and vegetation rehabilitation is complete prior to submission of a building permit.
24. 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.
25. All retaining walls shall be approximately four feet (4') in height and be consistent in size to those seen in Park City historically.
26. If nail shoring is required for the Steep Slope stabilization, the Applicant will be required to submit a geotechnical report to the Engineering Department as part of the Building Permit application.
27. The Engineering Department requires the submittal of a storm drainage analysis. The storm drainage study must include the calculations showing the required storm drainage volume storage to match the pre and post development conditions for a 100-year 24-hour event.
28. Outdoor lighting must be reviewed and approved by the Planning Department prior to installation and must comply with the City's Dark Sky requirements. Outdoor lighting must be fully shielded, down-directed, and 3,000 degrees Kelvin or less.
29. The property owner shall not create a lockout unit or accessory apartment. If the Applicant would like to establish either of those uses they will need to obtain additional permits.
30. The Final Grade shall be no more than four feet (4') in height difference from Existing Grade.

Please be aware that this approval in no way exempts the property from complying with other requirements that may be in effect on the property, and building permit regulations, as applicable. It is the responsibility of the property owner and applicant to ensure compliance with these regulations.

This letter is intended as a courtesy to document the status of your request. The official minutes from the Planning Commission meeting are available in the Planning Department office and online.



Planning Department

If you have questions regarding your application or the action taken, please don't hesitate to contact Caitlyn Tubbs at 435-615-5053 or caitlyn.tubbs@parkcity.org. She will continue working with you through the Building Permit and Certificate of Occupancy process.

Sincerely,

Laura Suesser
Planning Commission, Chair
Cc: Caitlyn Tubbs, AICP
Senior Historic Preservation Planner



Planning Department

February 23, 2023

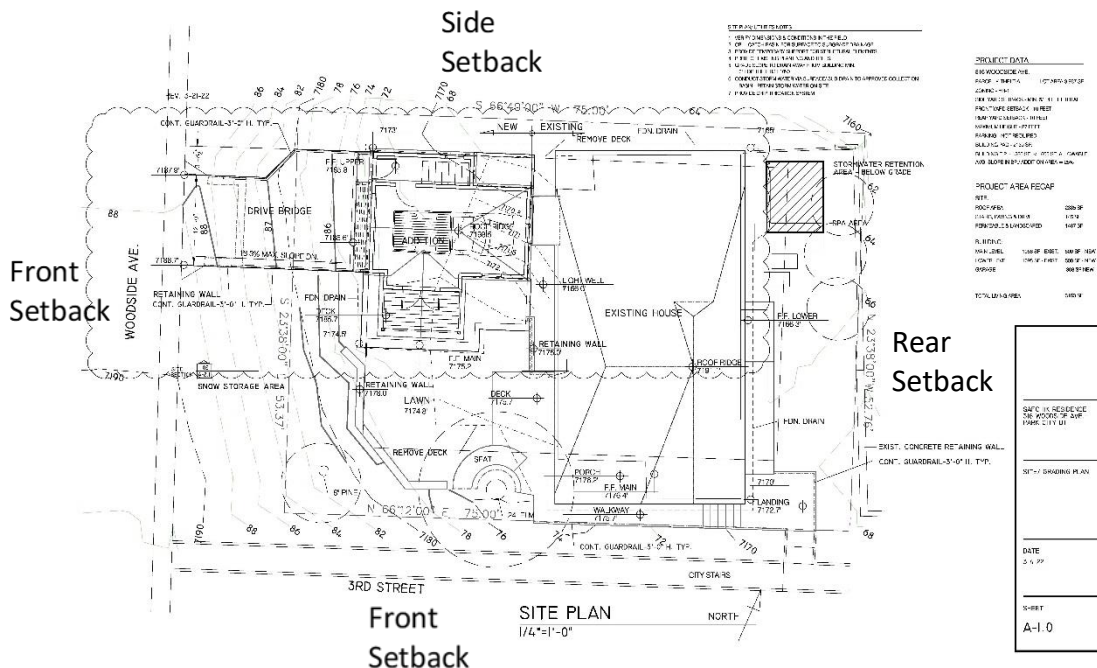
Matthew Safchik
P.O. Box 2251
Park City, UT 84060

NOTICE OF PLANNING DIRECTOR DETERMINATION

RE: Determination of Setbacks for a Corner Lot at 316 Woodside Avenue, at the corner of the 3rd Street Stairs and Woodside Avenue.

The property located at 316 Woodside Avenue at the corner of 3rd Street and Woodside Ave has four (4) unique sides and is considered a Lot with an unusual configuration. Land Management Code §15-4-17 states, "Development on Corner Lots shall have two (2) front Setbacks, unless otherwise an exception by this Code. The Rear Yard will be the side of the Property opposite the driveway Access from the Street. If it is not clear which boundary should border the Rear Yard, the Planning Director may specify which is the Rear Yard.

The Planning Director determines this Lot has the following Setback configuration:



- Two (2) front Setbacks (south and east Lot Lines);
- One (1) side Setback (northeast Lot Line); and,
- One (1) rear Setback (northwest Lot Line).

If you have questions or concerns regarding this Final Action Letter, please do not hesitate to contact us.

Sincerely,

Gretchen Milliken
Planning Director
(435) 615-5008
gretchen.milliken@parkcity.org

CC: Project Files – PL-21-05068, PL-21-05087, PL-22-05483
Caitlyn Tubbs, Sr. Historic Preservation Planner

SITE PLAN/ UTILITIES NOTES

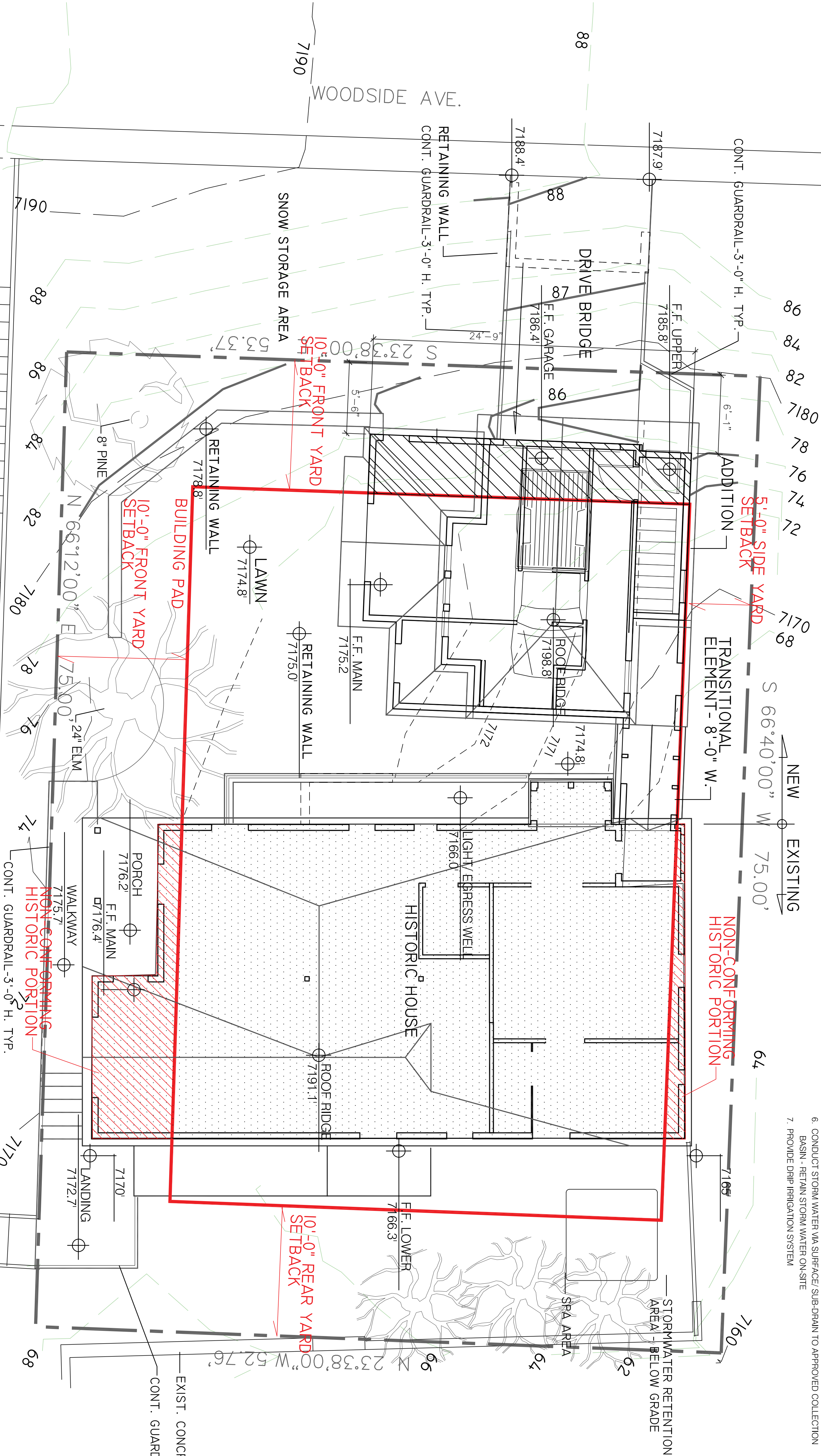
- 1. VERIFY DIMENSIONS & CONDITIONS IN THE FIELD.
- 2. CB = CATCH BASIN FOR SURFACE TO SUBGRADE DRAINAGE
- 3. PROVIDE TEMPORARY SUPPORT FOR STRUCTURAL ELEMENTS.
- 4. PROTECT EXISTING PLANTING AND TREES.
- 5. GRADE SLOPE TO DRAIN AWAY FROM BUILDING MIN. 6" FOR THE FIRST 10'-0"
- 6. CONDUCT STORM WATER VIA SURFACE/SUB-DRAIN TO APPROVED COLLECTION BASIN - RETAIN STORM WATER ON-SITE
- 7. PROVIDE DRIP IRRIGATION SYSTEM

PROJECT DATA

316 WOODSIDE AVE.
PARCEL # THBLT-A LOT AREA 3,997 SF.
ZONING - HR-1
SIDE YARD SETBACK - MIN. 5/ 14 FEET TOTAL
FRONT YARD SETBACK - 10 FEET
REAR YARD SETBACK - 10 FEET
MAXIMUM HEIGHT - 27 FEET
PARKING - NOT REQUIRED
BUILDING PAD - 2084 SF.
BUILDING F.P. - 1603 SF. < 1605 SF. ALLOWABLE
AVG. SLOPE IN BP / ADDITION AREA = 25%

PROJECT AREA RECAP

SITE:	
ROOF AREA	1905 SF
STAIRS, PAVING & DRIVE	215 SF
PERMEABLE & LANDSCAPED	1847 SF
BUILDING:	
MAIN LEVEL	1038 SF - EXIST. 565 SF - NEW
LOWER LEVEL	1095 SF - EXIST. 565 SF - NEW
GARAGE	330 SF NEW
TOTAL LIVING AREA	3263 SF



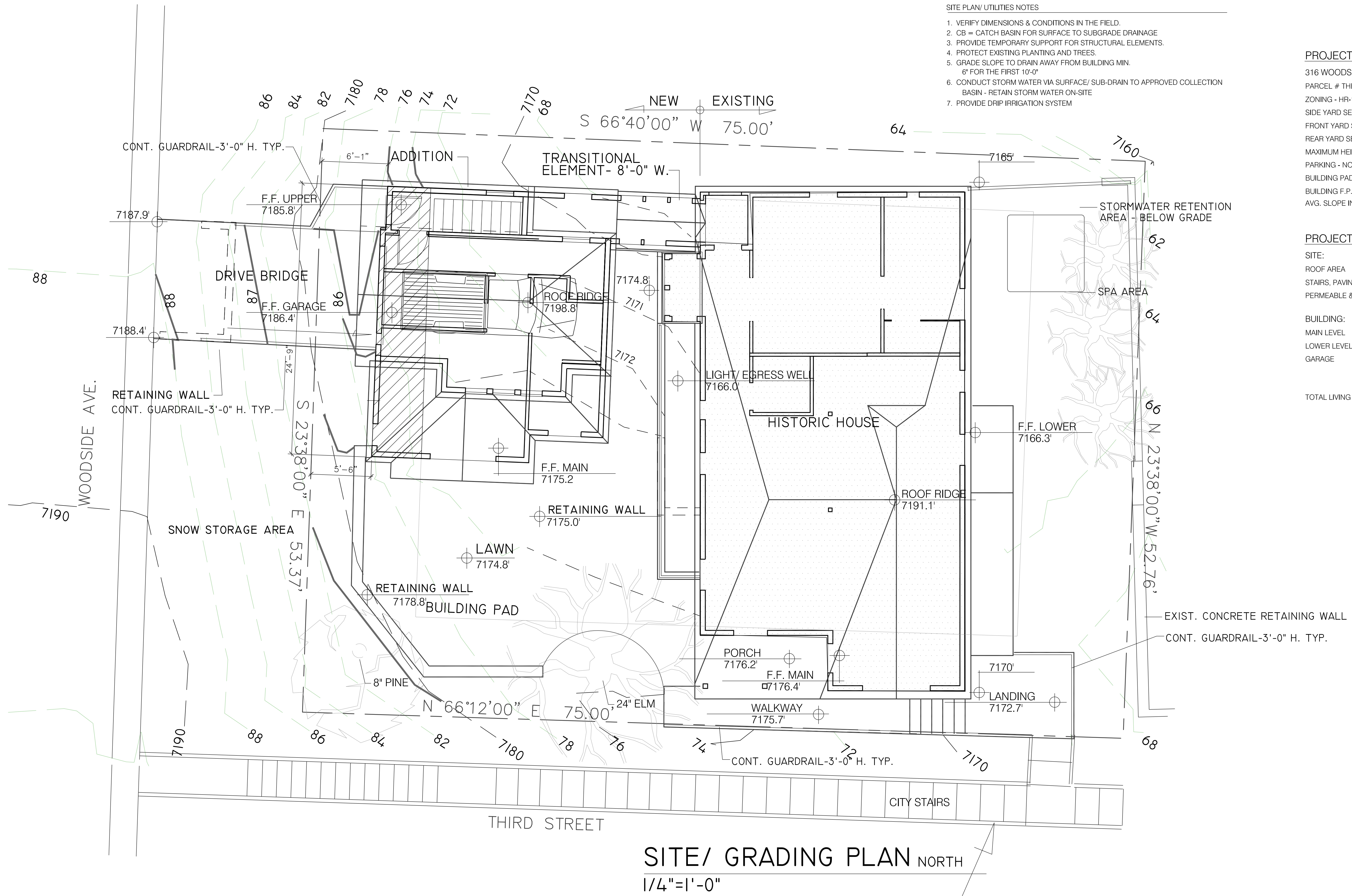
SITE/ GRADING PLAN NORTH
1/4"=1'-0"

SACHIK RESIDENCE
316 WOODSIDE AVE.
PARK CITY UT

SITE/ GRADING PLAN

DATE
12-8-22

SHEET
A-1.0



PROJECT DATA

316 WOODSIDE AVE.
PARCEL # THBLT-A LOT AREA 3.967 SF.
ZONING - HR-1
SIDE YARD SETBACK - MIN. 5/ 14 FEET TOTAL
FRONT YARD SETBACK - 10 FEET
REAR YARD SETBACK - 10 FEET
MAXIMUM HEIGHT - 27 FEET
PARKING - NOT REQUIRED
BUILDING PAD - 2139 SF.
BUILDING F.P. - 1603 SF. < 1605 SF. ALLOWABLE
AVG. SLOPE IN BP./ ADDITION AREA = 25%

PROJECT AREA RECAP

SITE:		
ROOF AREA		1905 SF
STAIRS, PAVING & DRIVE		215 SF
PERMEABLE & LANDSCAPED		1847 SF
BUILDING:		
MAIN LEVEL	1038 SF - EXIST.	565 SF - NEW
LOWER LEVEL	1095 SF - EXIST.	565 SF - NEW
GARAGE		330 SF NEW
TOTAL LIVING AREA		3263 SF

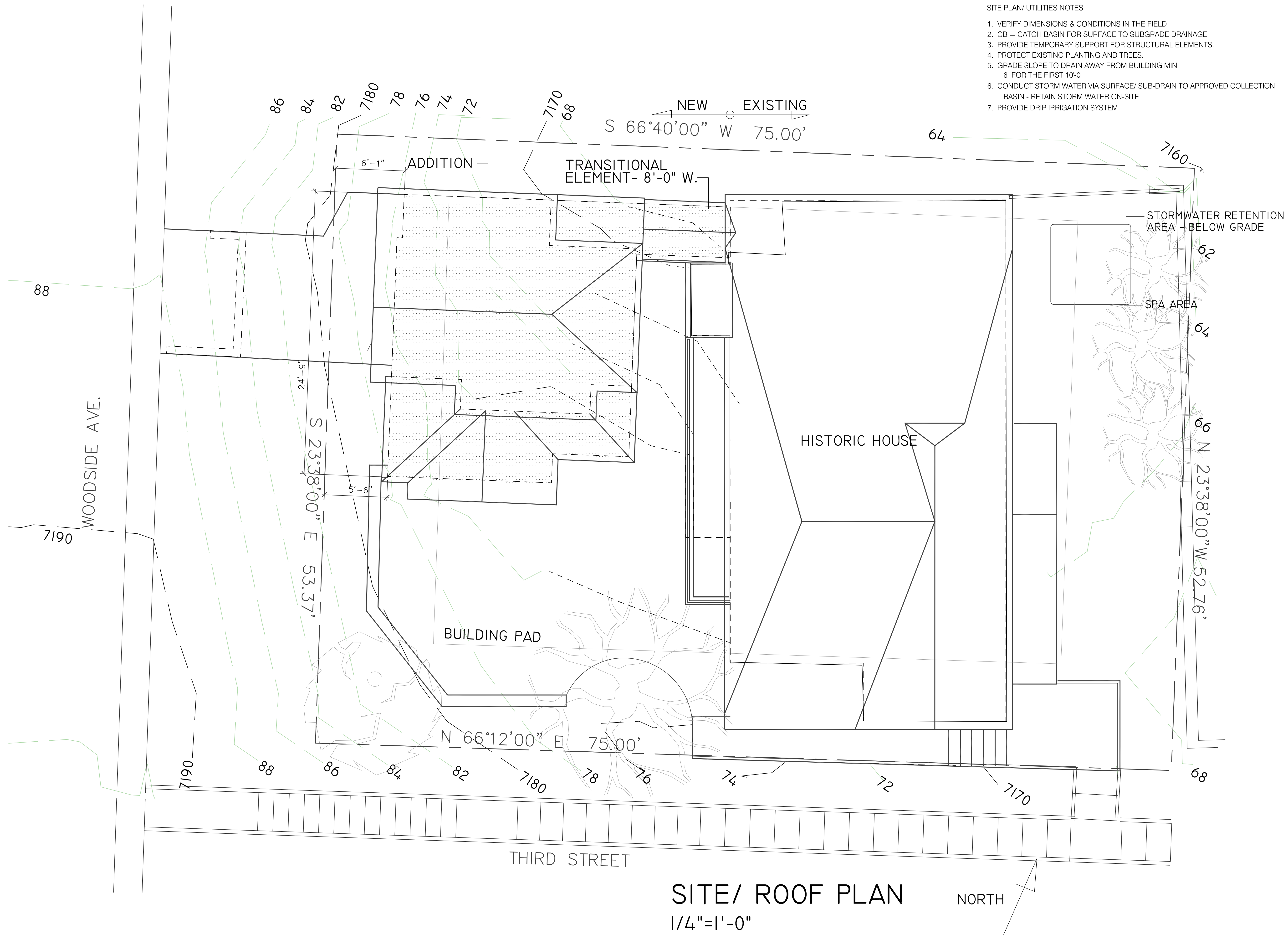
SAFCHIK RESIDENCE
316 WOODSIDE AVE.
PARK CITY UT

SITE/ GRADING PLAN

DATE
12-8-22

SHEET

A-1.0



PROJECT DATA

316 WOODSIDE AVE.
PARCEL # THBLT-A LOT AREA 3,967 SF.
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SIDE YARD SETBACK - MIN. 5/ 14 FEET TOTAL
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PROJECT AREA RECAP

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STAIRS, PAVING & DRIVE	215 SF
PERMEABLE & LANDSCAPED	1847 SF

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LOWER LEVEL	1095 SF - EXIST.	565 SF - NEW
GARAGE		330 SF NEW

TOTAL LIVING AREA 3263 SF

SAFCHIK RESIDENCE
316 WOODSIDE AVE.
PARK CITY UT

SITE/ ROOF PLAN

DATE

12-8-22

SHEET

A-1.0 R



S 66°40'00" W 75.00'

NEW EXISTING

ROOF BELOW

ROOF BELOW

ROOF | BELOW

BUILDING PAD

N 66°12'00" E 75.00'

23°38'00"W 52.76°

THIRD STREET

UPPER FLOOR PLAN

$$|/4'' = |' - 0''$$

FLOOR/ ROOF PLAN NOTES

1. VERIFY DIMENSIONS & CONDITIONS IN THE FIELD.
2. PROTECT ADJACENT CONSTRUCTION AND FINISHES.
3. PROVIDE TEMPORARY SUPPORT FOR STRUCTURAL ELEMENTS.
4. VERIFY SIZES OF ALL NEW COMPONENTS.
5. INSTALL SYSTEMS & EQUIPMENT PER MANUFACTURER REQ'TS.
6. COORDINATE/ VERIFY HEIGHTS OF WALL-MOUNTED DEVICES/ EQUIPMENT

DRAWING KEYNOTES XX

DOOR KEYS

WINDOW TYPES A

SEE SHT. A-4.1

INTERIOR WALL TYPES 2—

1. 2X4 STUDS @ 16" O.C. W/ GYP. BD. BOTH SIDES/ R-13 BATT
2. 2X4 STUDS @ 16" O.C. W/ GYP. BD. BOTH SIDES
3. 2X6 STUDS @ 16" O.C. W/ GYP. BD. BOTH SIDES
4. 2X4/ 2X6 STUD @ 16" O.C. W/ GYP. BD./ TILE BACKER BD.
5. 2X4/ 2X6 STUD @ 16" O.C. W/ 5/8" TYPE X GYP. BD- GARAGE SIDE
1/2" GYP. BD. OTHER SIDE W/ R-19 FOAM/BATT INSULATION

SAFCHIK RESIDENCE
316 WOODSIDE AVE.
PARK CITY UT

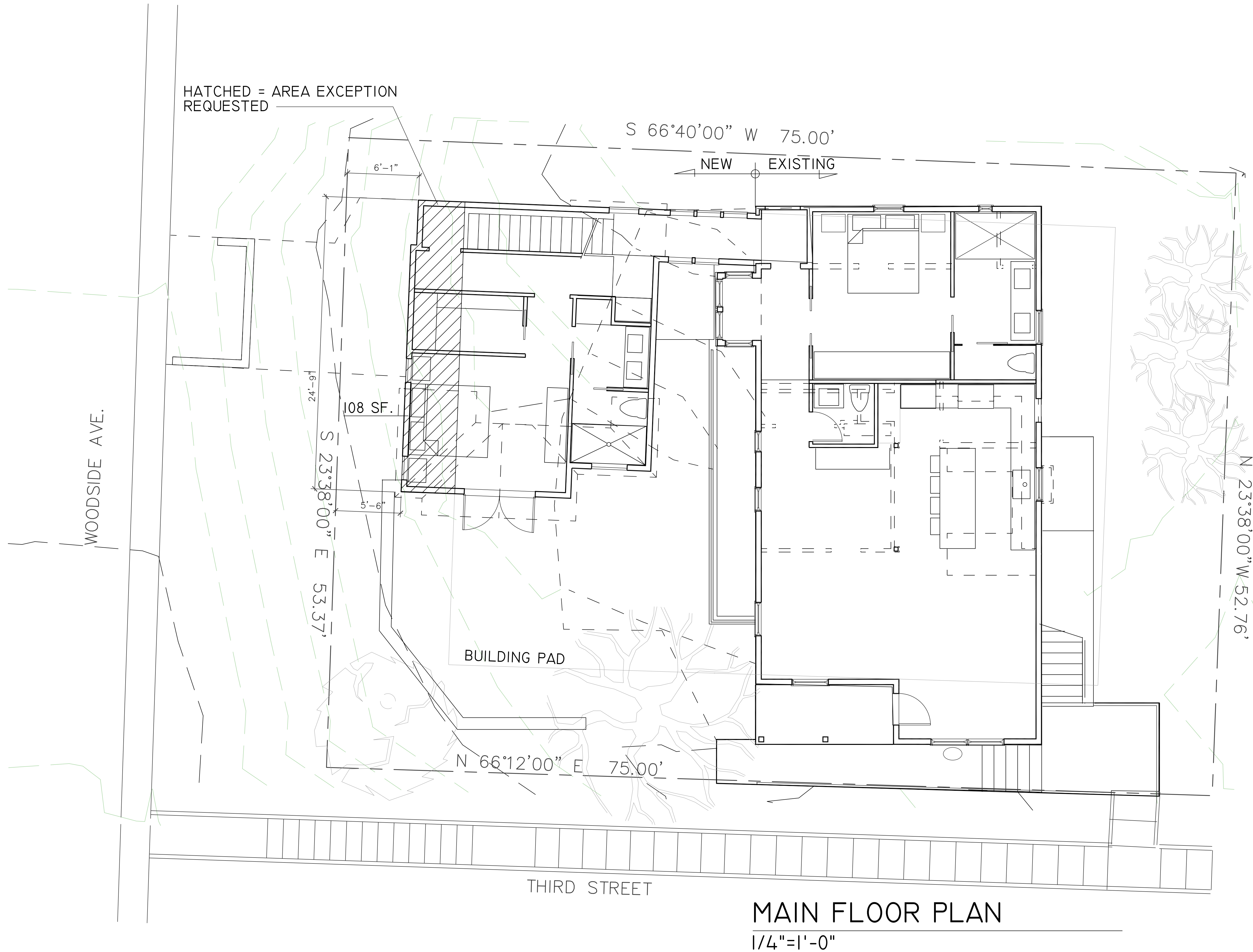
UPPER FLOOR PLAN

DATE

12-8-22

SHEET

A-1.1



FLOOR/ ROOF PLAN NOTES

1. VERIFY DIMENSIONS & CONDITIONS IN THE FIELD.
2. PROTECT ADJACENT CONSTRUCTION AND FINISHES.
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DRAWING KEYNOTES XX

DOOR KEYS 

WINDOW TYPES (A)

SEE SHT. A-4.1

INTERIOR WALL TYPES 2

1. 2X4 STUDS @ 16" O.C. W/ GYP. BD. BOTH SIDES/ R-13 BATT
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4. 2X4/ 2X6 STUD @ 16" O.C. W/ GYP. BD./ TILE BACKER BD.
5. 2X4/ 2X6 STUD @ 16" O.C. W/ 5/8" TYPE X GYP. BD- GARAGE SIDE
1/2" GYP. BD. OTHER SIDE W/ R-19 FOAM/BATT INSULATION

SAFCHIK RESIDENCE
316 WOODSIDE AVE.
PARK CITY UT

MAIN FLOOR PLAN

DATE

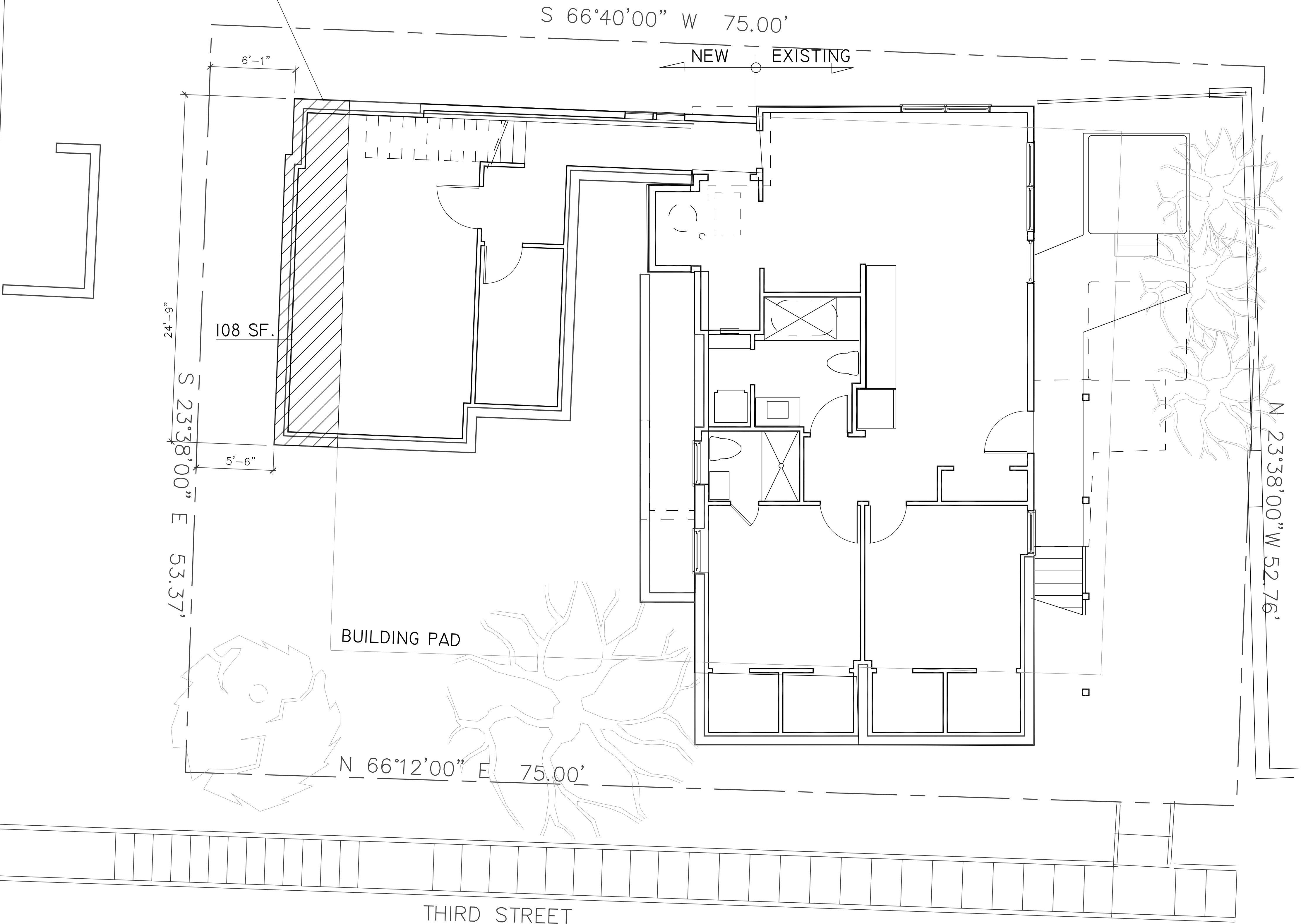
12-8-22

SHEET

A-1.2

WOODSIDE AVE.

HATCHED = AREA EXCEPTION REQUESTED



FLOOR/ ROOF PLAN NOTES

1. VERIFY DIMENSIONS & CONDITIONS IN THE FIELD.
2. PROTECT ADJACENT CONSTRUCTION AND FINISHES.
3. PROVIDE TEMPORARY SUPPORT FOR STRUCTURAL ELEMENTS.
4. VERIFY SIZES OF ALL NEW COMPONENTS.
5. INSTALL SYTEMS & EQUIPMENT PER MANUFACTURER REQ'TS.
6. COORDINATE/ VERIFY HEIGHTS OF WALL-MOUNTED DEVICES/ EQUIPMENT

DRAWING KEYNOTES (XX)

DOOR KEYS (2)

WINDOW TYPES (A)

SEE SHT. A-4.1

INTERIOR WALL TYPES (2)

1. 2X4 STUDS @ 16" O.C. W/ GYP. BD. BOTH SIDES/ R-13 BATT
2. 2X4 STUDS @ 16" O.C. W/ GYP. BD. BOTH SIDES
3. 2X6 STUDS @ 16" O.C. W/ GYP. BD. BOTH SIDES
4. 2X4/ 2X6 STUD @ 16" O.C. W/ GYP. BD./ TILE BACKER BD.
5. 2X4/ 2X6 STUD @ 16" O.C. W/ 5/8" TYPE X GYP. BD- GARAGE SIDE
1/2" GYP. BD. OTHER SIDE W/ R-19 FOAM/BATT INSULATION

SAFCHIK RESIDENCE
316 WOODSIDE AVE.
PARK CITY UT

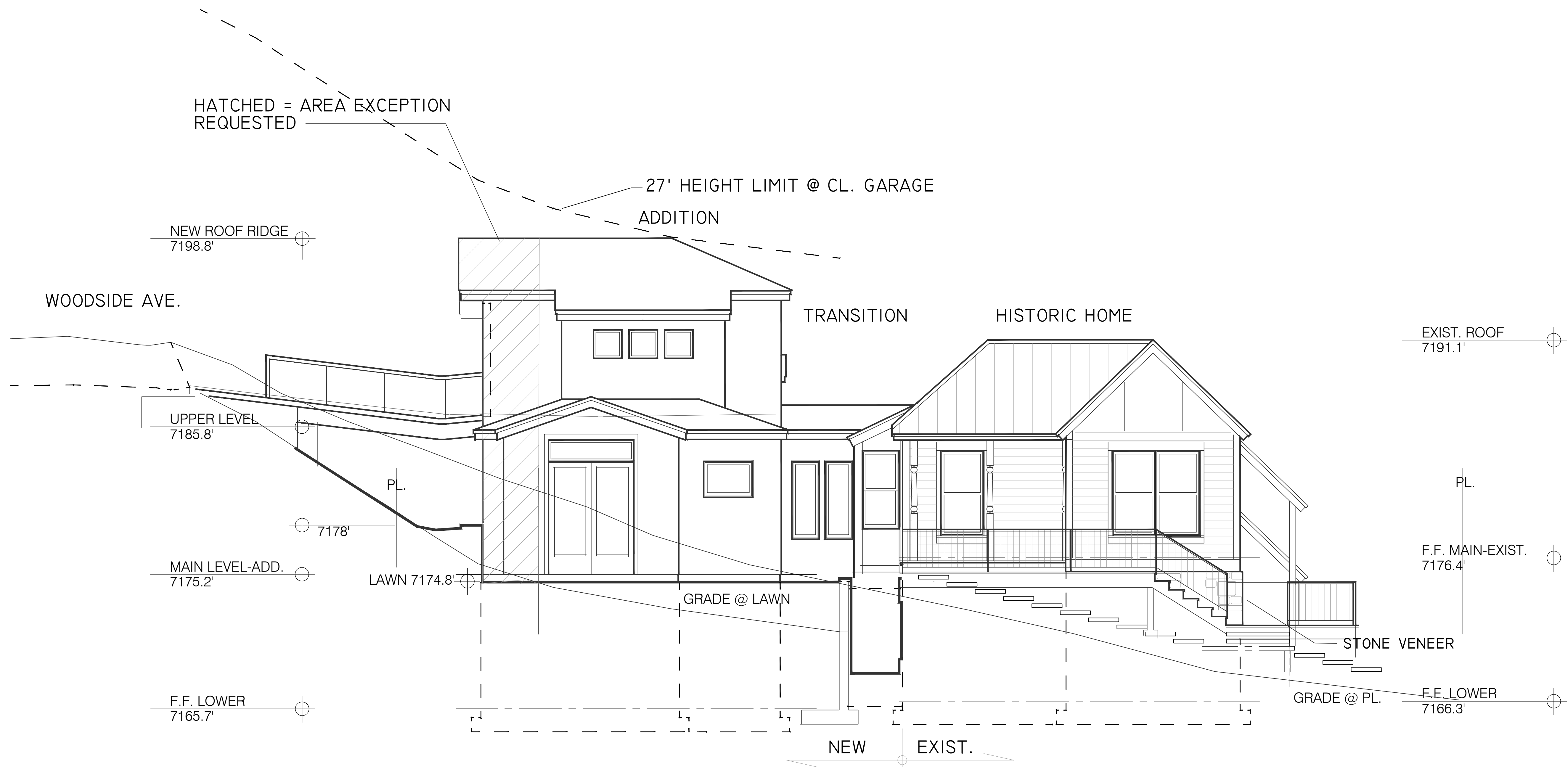
LOWER FLOOR PLAN

DATE

12-8-22

SHEET

A-1.3



SOUTH ELEVATION/ SITE SECTION

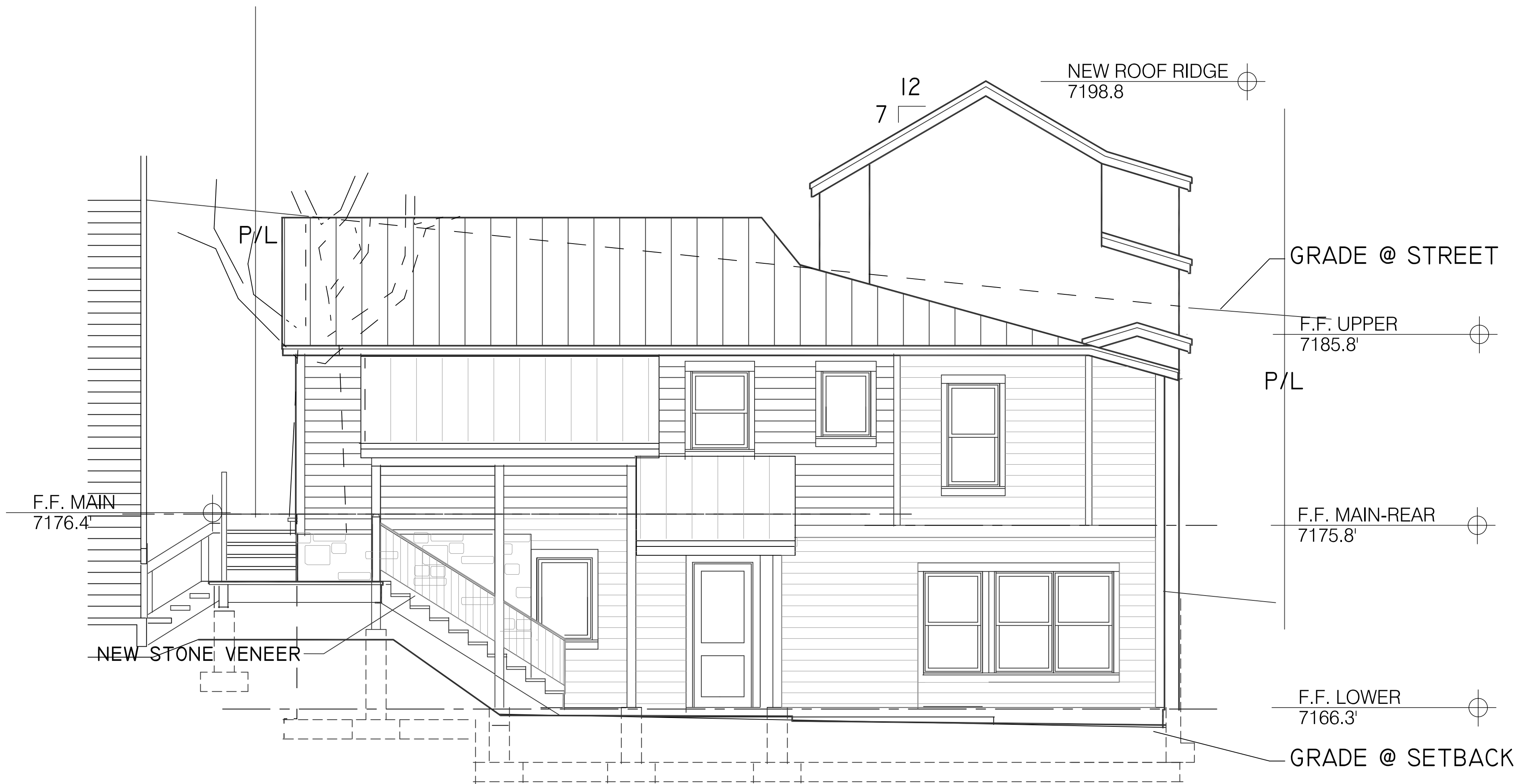
1/4"=1'-0"

SAFCHIK RESIDENCE
316 WOODSIDE AVE.
PARK CITY UT

EXTERIOR ELEVATIONS

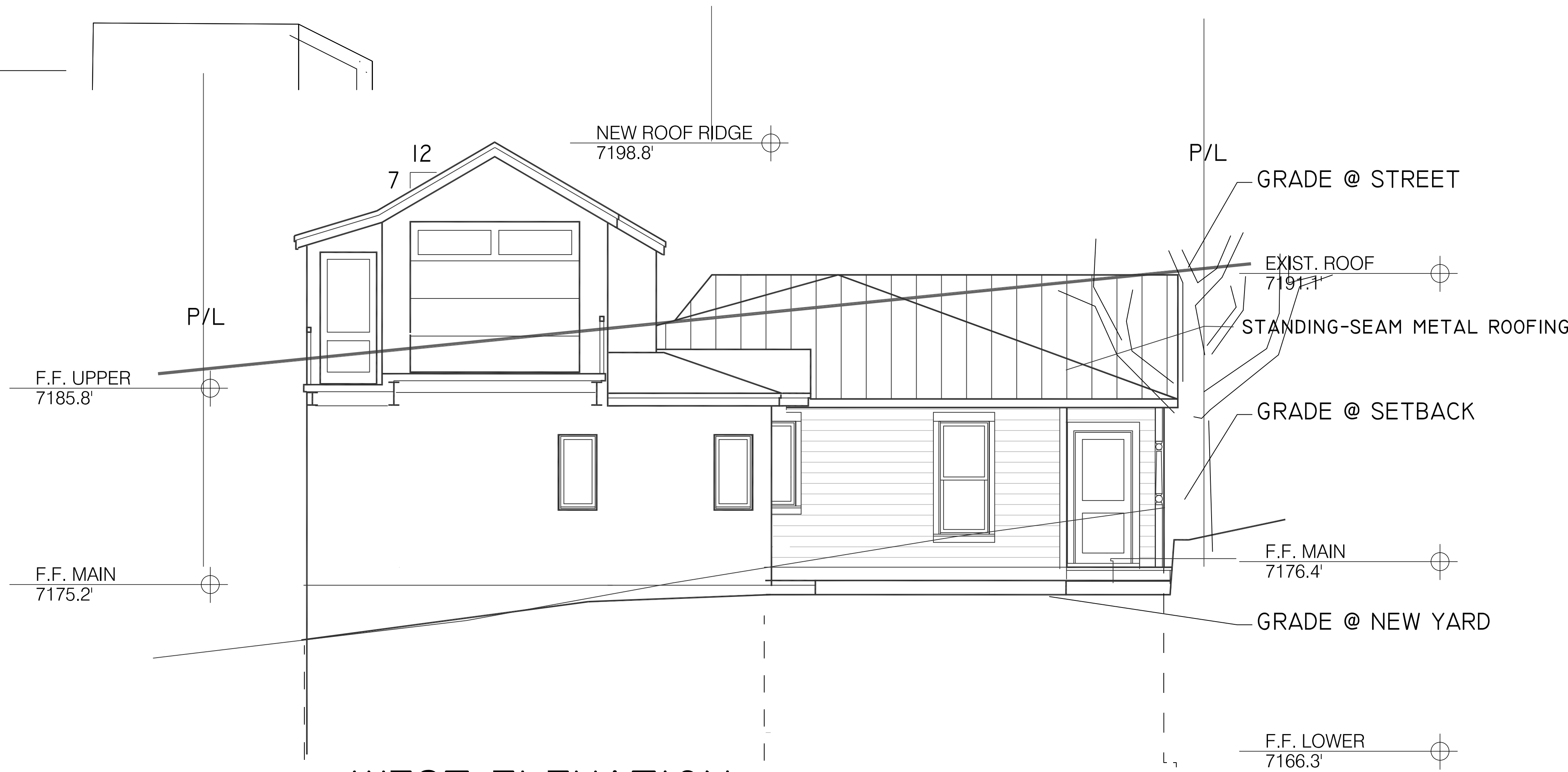
DATE
12-8-22

SHEET
A-2.1



EAST ELEVATION

1/4"=1'-0"



WEST ELEVATION

1/4"=1'-0"

SAFCHIK RESIDENCE
316 WOODSIDE AVE.
PARK CITY UT

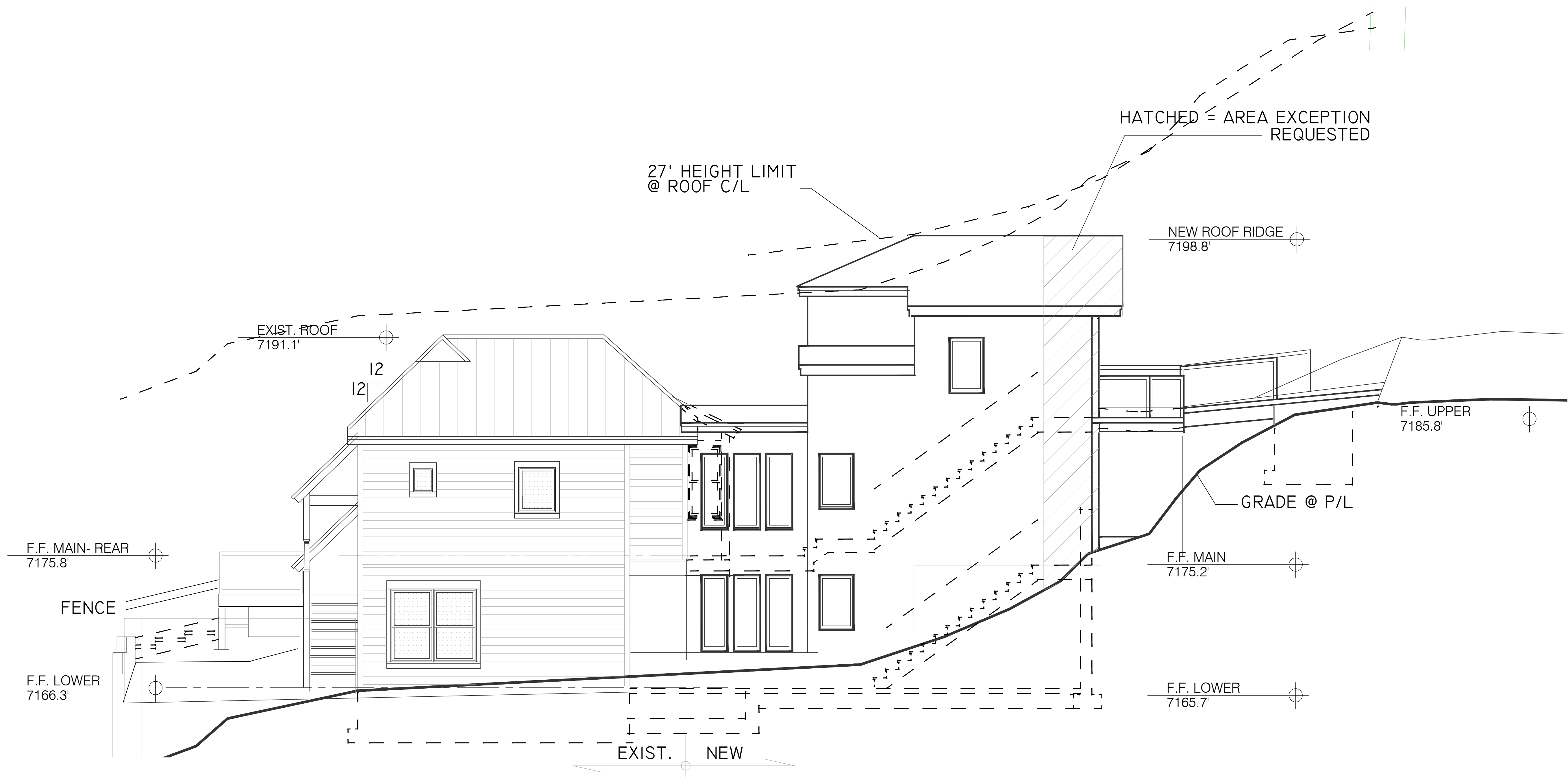
EXTERIOR ELEVATIONS

DATE

12-8-22

SHEET

A-2.2



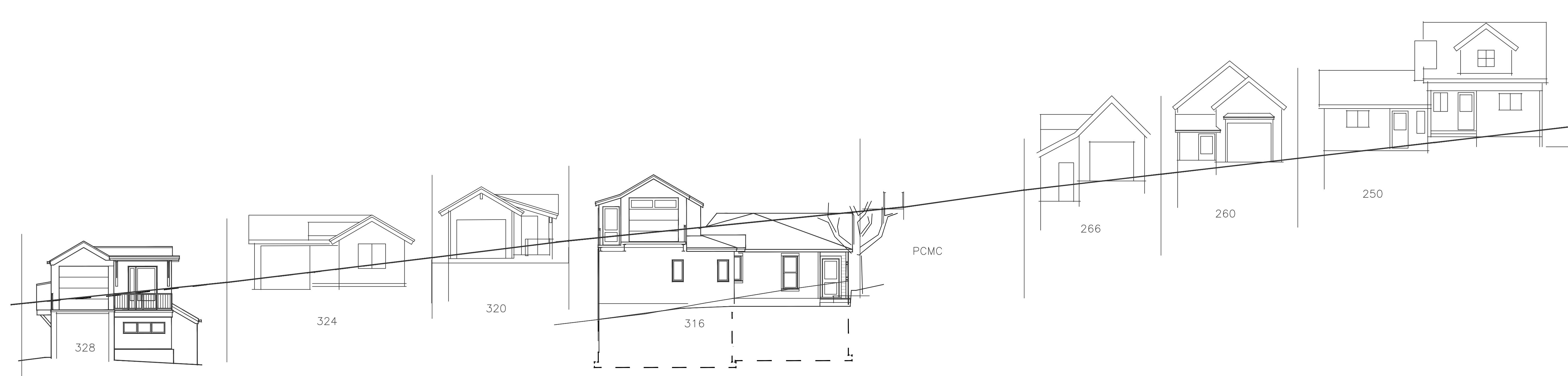
NORTH ELEVATION
1/4"=1'-0"

SAFCHIK RESIDENCE
316 WOODSIDE AVE.
PARK CITY UT

EXTERIOR ELEVATIONS

DATE
3-31-22

SHEET
A-2.4



STREETSCAPE ELEVATION

1/10"=1'-0"

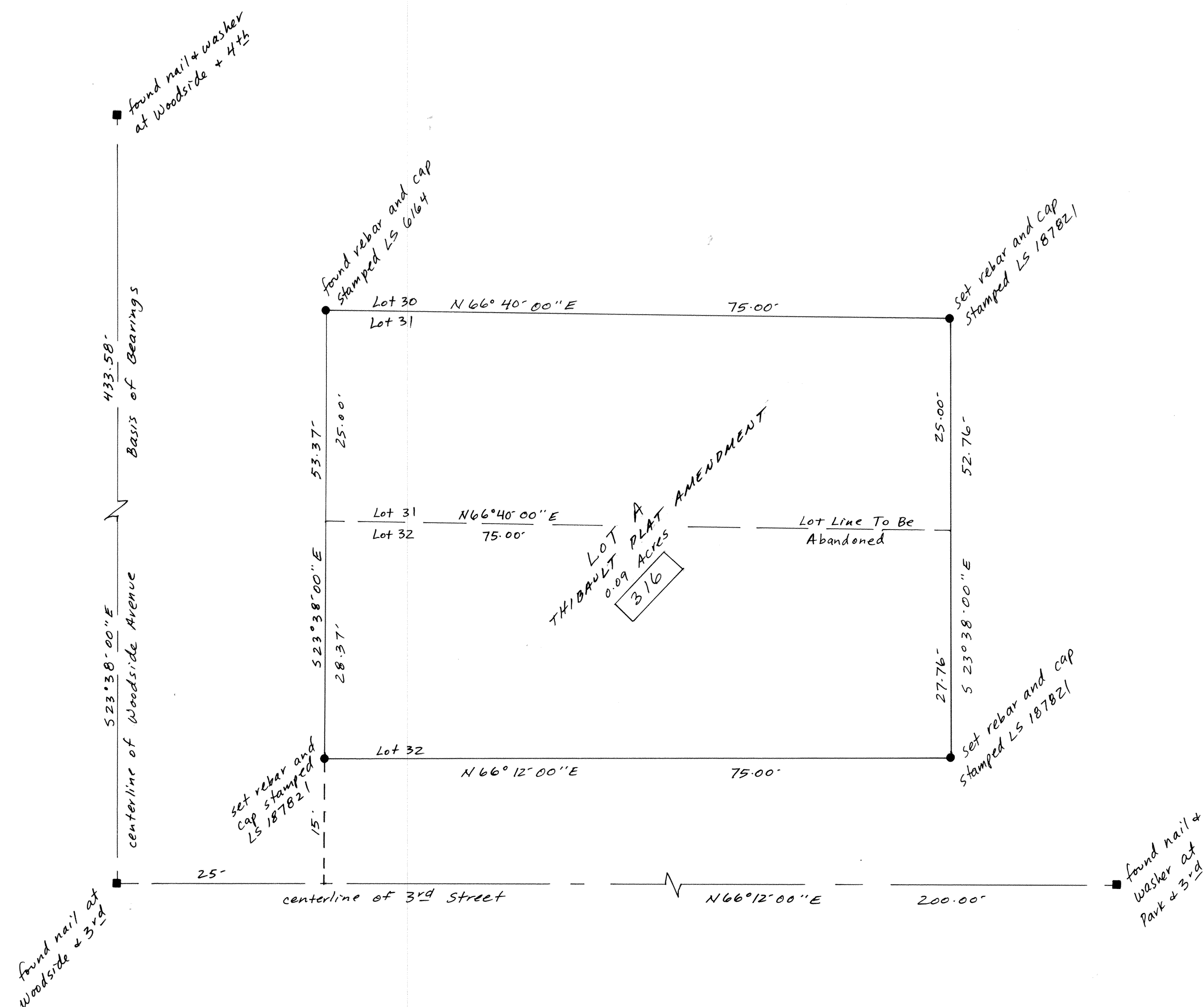
SAFCHIK RESIDENCE
316 WOODSIDE AVE.
PARK CITY UT

STREETSCAPE

DATE
12-8-22

SHEET
A-2.3

THIBAUT PLAT AMENDMENT AND RECORD OF SURVEY



OWNER'S DEDICATION AND CONSENT TO RECORD:

Know all men, by these present, that I, Marlene Thibault, The owner of the hereon described property, hereinafter to be known as 316 Woodside Avenue, certify that I have caused this survey to be made, and the plat to be prepared, and I do hereby consent to the recordation of this survey and plat amendment.

Marlene C. Thibault
Marlene Thibault

ACKNOWLEDGEMENT:

State of New York
County of Chautauque

On this 8th day of July, 2001, personally appeared before me, the undersigned notary public, in and for said State and County, Marlene Thibault, who after being duly sworn, acknowledged to me that she is the owner of the hereon described property, and that she signed the above owner's dedication and consent to record freely and voluntarily.

Joseph M. Dhaenens
Notary Public

Feb. 8, 2003
My Commission Expires

Chautauque County
Residing At

SURVEYOR'S CERTIFICATION:

I, Joe Dhaenens, hold license number 187821 as prescribed by the laws of the State of Utah, and certify that I have made a survey of the property shown hereon and as described in the survey notes and legal description below.

SURVEY NOTES:

1. The basis of bearings is as shown.
2. Survey monuments were found or set as shown.
3. This survey was requested by Marlene Thibault.
4. This survey was performed in December, 1999 and this plat amendment was drawn in July, 2001.
5. 316 = street address.

LEGAL DESCRIPTION:

Lots 31 and 32, Block 3, amended plat of the Park City Survey, according to the official plat on file and of record in the office of the Summit County Recorder, Utah. Containing 0.09 Acres or 3980 square feet.

surveyed by: On The Map Land Surveying
P.O. Box 3864
Park City, UT 84060
647-9826

Community Development Director
Approved by Administrative Authority
of the Park City Council on this
9TH day of AUGUST, 2001.

Bill E. Fox
Director

City Engineer
Found to be in accordance with
information on file at the Park
City Engineer's Office on this
8TH day of AUGUST, 2001.

Eric W. Wilson PE
City Engineer

City Attorney
Approved as to Form by the Park
City Attorney on this 9TH Day
of AUGUST, 2001.

Timothy C. Tinsford
City Attorney

Sewer District
Reviewed for conformance to Snyder-
ville Basin Water Reclamation
District Standards on this
7TH day of AUGUST, 2001.

Joseph M. Dhaenens
S.B.W.R.D.

Recorded
Number 595616 Date 08-13-01
State of Utah Time 15:35 PM
County of Summit Fee \$31.00
Recorded and Filed at the Request
of First American Title

Deanne M. Dunn Deputy
County Recorder



Joe Dhaenens
July 25, 2001

Planning Commission Staff Report



Subject: Net Zero Stretch Code
Author: Celia Peterson
Date: March 8, 2023
Type of Item: Work Session

Summary

The City's Environmental Sustainability Department will provide an update on the development of a voluntary Net-zero Stretch Code, with recommendations on implementation and incentives.

Background

Park City is increasingly experiencing the effects of climate change, namely bouts of heavy precipitation, increasingly hot summers, water scarcity, drought, and wildfire. To reduce our community's contribution to climate change, and in effort to achieve net-zero carbon by 2030, buildings in Park City should be designed and built in a way that promotes the health and safety of occupants, mitigates environmental impacts, and builds resilience to the effects of climate change.

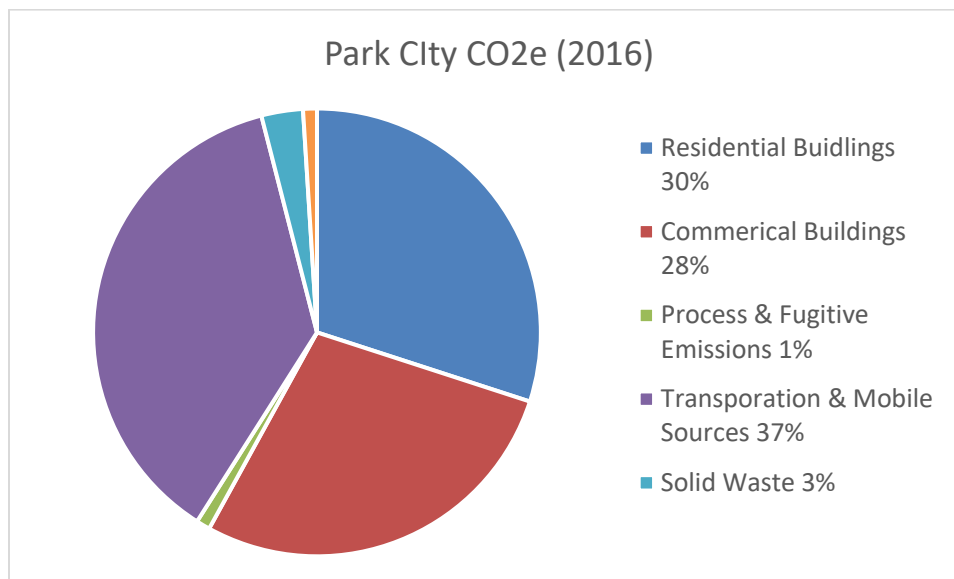
One of the most impactful ways to decarbonize buildings¹ is to establish a stringent Energy Code that requires building features that result in highly energy-efficient, healthy buildings. Net-zero buildings are designed, built, and operated to use dramatically less energy than a conventional building. These buildings use readily available design techniques and tools like improved building envelopes, daylighting and efficient lighting systems, air sealing, efficient heating and cooling systems, controls and monitoring systems, and more, that can effectively achieve a low Energy Use Intensity (EUI; annual kilowatt hours per square feet; kWh/sf) when implemented as per the latest public version of the International Energy Conservation Codes (IECC). From there, the small amount of energy still needed can be supplied by renewable energy, either on-site or off-site.

Being a non-home rule State, Utah municipalities are not allowed to set energy codes to be more stringent than what is set by the State legislature. However, local jurisdictions are allowed to offer incentives for projects that meet a voluntary, stretch energy code. That is, the City can offer incentives in exchange for significant gains in building energy efficiency and greenhouse gas reductions, not to mention the social cost of carbon. Additional benefits of net-zero buildings, especially all-electric, are that they improve tenant comfort and resilience to increasing summertime heat, volatile utility prices, and air quality. Incentives can be financial, policy, and process in nature, as listed below.

In the Park City General Plan's Natural Setting Goal 5, Environmental Mitigation: Park City will be a leader in energy efficiency and conservation of natural resources [to reduce greenhouse gas emissions]. As per Resolution 32-2018, the Park City Council updated the Environmental Mitigation Goal to reach net-zero carbon and 100% renewable electricity as a community by 2030 ([LINK](#)).

In Park City buildings contribute 58% (residential 30% and commercial 28%) of the total community-wide greenhouse gas footprint (2016), which is higher than the national average of forty percent.

¹ <https://newbuildings.org/resource/moving-energy-codes-forward/>



Decarbonizing buildings is a cost-effective opportunity to reduce Park City's greenhouse gas emissions and promote community resilience. In October 2021, Staff presented the Decarbonizing Buildings Strategic Action Plan for Park City ([LINK](#)). One of the most fundamental actions of the plan was setting a Net-zero Stretch Code, which defines the requirements for Net-zero buildings.

Increasing the stock of affordable, net-zero housing is also an equity issue. During outreach for the Decarbonizing Buildings Strategic Action Plan ([LINK](#)), Park City Municipal, Utah Clean Energy, Mountainlands Community Housing Trust, and Holy Cross Ministries hosted listening sessions with residents of affordable housing and heard that high utility bills and subpar efficiency features such as insufficient insulation and sealing cause discomfort (too hot in the summertime, too cold in wintertime). All-electric, net zero homes with no natural gas or indoor combustion have been shown to reduce asthma rates among children compared to those living in homes with gas stoves ([LINK](#)).

Incentivizing projects that voluntarily adhere to a more stringent Net-zero Stretch Code ensures that energy retrofits will not be needed in the future. Retrofitting buildings is typically much more costly and intrusive than designing and building a Net-zero building from the start.

A voluntary Net-zero Stretch Code empowers Park City with a preferred energy code for all new construction in Park City, aligning with the community-wide Energy Critical Priority. This Code has been developed in leadership with Utah Clean Energy and will also serve as a model code for other Utah jurisdictions to adopt. Attractive incentives are integral to pulling both market supply and demand forward for Net-zero buildings. This Net-zero Stretch Code may also define the City's expectations for developers, the design-build teams, and Master Planned Developments.

Net-zero Stretch Code

Before offering incentives, the City must clearly define its requirements to meet the Net-zero Stretch Code. Staff recommends that Council adopt and incentivize the most recent, full version of the International Energy Conservation Code (IECC) for both Residential ([LINK](#)) and Commercial ([LINK](#)), including the Zero Code provisions with the New Building Institute's (NBI) Building Decarbonization Code overlays ([LINK](#)), as the basis for voluntary Net-zero Stretch Codes for new buildings and major retrofits, see Exhibit A. These Codes define the material and construction requirements to achieve a Net-zero building and help organize the project's budget

early on. As can be seen in Exhibit B, the lifecycle benefits of designing and constructing Net-zero buildings in Park City outweigh the costs, especially when considering the social cost of carbon.

Additional certifications that may be accepted on an individual basis:

- DOE Zero Energy Ready Homes plus electric-ready on/off-site renewable energy, from the U.S. Department of Energy ([LINK](#)), as qualified by a professional HERS rater.
- Passive House certified plus all-electric or electric-ready with on or offsite renewable energy, from the Passive House Institute of the U.S. ([LINK](#))
- Zero Energy Certification from the International Living Future Institute ([LINK](#))
- Zero Carbon Certification from the International Living Future Institute ([LINK](#))
- Living Building Challenge Certification from the International Living Future Institute ([LINK](#))
- LEED Zero Certification, plus all-electric or electric-ready, from the United States Green Building Council ([LINK](#))
- Zero Energy plus electric-ready or electric-ready from the latest version of the Enterprise Green Communities Criteria for buildings with affordable designation ([LINK](#))

Staff recommends that all affordable housing projects adhere to the latest version of the IECC and Enterprise Green Communities Zero Energy Criteria in order to minimize utility costs, and prevent value-engineering which passes down the cost to low-income residents and tenants. Meeting Net-zero Stretch Code criteria ensures that energy and health costs are not passed down to occupants of affordable housing.

Staff also recommends that all Master Planned Developments be encouraged to build according to the Net-zero Stretch Code.

Incentives

Financial

- **Permit fee waivers.** Building fee waivers up to \$10,000 per residential project, up to \$40,000 per multifamily (4+ units), commercial and institutional buildings, with a total annual allocation cap set at \$200,000 per year. Staff recommends that fee waivers come from a special fund allocated from the municipal energy tax and franchise fee, rather than directly hitting the Building Department's budget.
- **Grants** for third-party certification for projects valued less than \$2 million or designated affordable.
- **Grants** for non-City permit fees, e.g. Snyderville Basin Water Reclamation District Impact Fees.
- **Recommendations on financing options** to help offset any additional first costs associated with net-zero building, including Inflation Reduction Act and utility Demand Side Management (DSM) incentives that apply locally, which is in collaboration with Summit County's Sustainability Department ([LINK](#)).

Process

- **Establish standards.** Clearly define requirements to meet the net zero stretch code as per Net-zero Stretch Code.
- **Training.** Organize continuing education credits on net zero building with Utah Clean Energy, Rocky Mountain Power's whole building incentive, C-PACE, and other incentives available for local projects.
- **Net-zero help desk/concierge.** Advice on financial tools, contractors, City processes, etc.
- **Energy squad.** On-call net-zero energy modeler/commissioning agent.

- **Streamlined approval process.** Net zero projects move to the front of the line and are shepherded through the approval process.
- **Bragging rights.** Award buildings that achieve net zero performance a special plaque and recognition by the City.

Policy

- Study the community impact of the following Policy incentives:
- **Density allowance*.** Similar to Affordable Master Planned Developments as per Municipal Code 15-6.1-6 ([LINK](#))
- **Height allowance*.** Similar to affordable housing allowances for Building Height and Facades as per Municipal Code 15-6.1-8 ([LINK](#))
- **Reduced setback***
- **Parking allowance*.** Similar to affordable housing allowances for Parking
- Open space allowance. Similar to affordable housing allowances as per Municipal Code 15-6.1-10 ([LINK](#)) if rooftop solar is maximized or green roofs, some green infrastructure requirements are likely needed.

*Note- if any residential project takes advantage of the density or height allowances and misses the Net-zero building target within a reasonable margin of error (+/- 5 percent), City Council may require mitigation efforts, including energy commissioning, fines, &/or placement of a deed restriction that the building be valued as affordable housing if energy goals are not met within five years. Staff recommends that if height or density allowances are granted that funds be collected as a performance bond and put into escrow, to be released upon demonstration of Net-zero performance one-year post occupancy with one of the listed certifying bodies or a report produced by a Buildings Energy Modelling Professional (BEMP) certified energy modeler.

Reviewed by

Planning, Housing, Environmental Sustainability, Legal

Appendix C: Model language for Net-Zero Stretch Code Resolution

VOLUNTARY NET-ZERO STRETCH CODE

RESOLUTION No. 2023-XX

A RESOLUTION ADOPTING A VOLUNTARY NET-ZERO STRETCH CODE FOR NEW BUILDINGS AND MAJOR RENOVATIONS IN PARK CITY, UTAH TO HELP REACH THE COMMUNITY'S NET-ZERO CARBON EMISSIONS GOAL

WHEREAS, Climate Change is deeply affecting our community through changes in weather patterns including droughts, volatile precipitation events, and warmer temperatures; and

WHEREAS, the State of Utah is seeing record wildfires, droughts, intense storms, heat waves, inversions, and extreme weather events that are having negative impacts on its economy; and

WHEREAS, our community has expressed deep concerns for the environment we live in. Many citizens have chosen to move to Park City because of our beautiful natural setting, clean air, expansive open spaces, and snow covered mountains; and

WHEREAS, we have a disproportionately sized climate impact due to our mountain climate, larger homes, visitor travel and complex infrastructure. This is not sustainable; and

WHEREAS, in 2016, the Park City Council adopted an ambitious climate and energy target to reach net-zero carbon emissions community-wide by 2030; and

WHEREAS, according to the 2016 Park City Community Emissions by Sector analysis, Park City's residential and commercial building sector accounts for 289,717 metric tonnes of carbon dioxide equivalent (CO₂e), 57% of the community's total greenhouse gas emissions; and

WHEREAS, leading national and international climate assessments call for new homes and buildings to achieve carbon neutrality by 2030 as part of a comprehensive strategy to achieve the carbon reductions needed to meet climate goals; and

WHEREAS, Park City's General Plan recognizes the importance of improved sustainability, energy efficiency, and reduced emissions in contributing to the long-term economic viability and environmental quality of our community/environmental stewardship as a priority; and

WHEREAS, Net-zero net-zero buildings are highly energy efficient, using an estimated 30% to 50% less energy than a typical building, while also supplying the energy required through on-site or off-site renewable energy sources; and

WHEREAS, electric-readiness in new buildings represents an essential strategy to significantly decrease or eliminate building emissions from on-site fossil fuel combustion by making it simpler and more cost-effective for buildings to adopt energy-efficient electric heating technologies in the future as our community transitions a 100% renewable energy electric grid; and

WHEREAS, cost effective technologies and building methods are readily available today for use in building Net-zero net-zero homes and buildings; and

WHEREAS, mandatory building codes in Utah are established by the Utah Legislature; and

WHEREAS, a stretch energy code is the preferred, voluntary energy code will help Park City achieve it's climate and energy goals; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of Park City that the latest version of the International Energy Conservation Code Zero Energy appendices with the Decarbonizing Buildings overlay be adopted as follows:

SECTION 1. ADOPTION OF NET-ZERONET-ZERO GOAL FOR NEW BUILDINGS IN PARK CITY

The Park City Council seeks to protect and promote the public health, safety, and welfare of its residents by encouraging the use of all-electric, Net-zeronet-zero energy building standards. As an important strategy to achieve the City's carbon neutrality goal adopted through Park City Council's Resolution 32-2018, the Park City Council hereby adopts a goal for all new construction activity to meet Net-zeronet-zero standards by 2030.

SECTION 2. ADOPTION OF VOLUNTARY NET-ZERO STRETCH CODE FOR PARK CITY

For the purposes of this resolution, a Net-zero building is defined as an energy efficient and electric-ready building which, on an annual basis, meets 100% of its annual energy consumption with on- or off-site renewable energy.

While mandatory energy codes are adopted at the state level by the Utah Legislature, the Park City Council recognizes Net-zero stretch codes and best practices as the preferred standard for new construction in our community.

SECTION 3. ELIGIBLE NET-ZERO PROGRAMS, STANDARDS, AND CERTIFICATIONS

A home or building that is permitted for construction in Park City using one of the following code-based approaches shall be recognized as meeting the Net-zero Stretch Code:

- *Building Decarbonization Code* from New Buildings Institute

And either:

- *Appendix CC - Zero Energy Commercial Building Provisions* from the 2021 or most recent published version of the International Energy Conservation Code (IECC), or
- *Appendix RC - Zero Energy Residential Building Provisions* from the 2021 or most recent version of the International Energy Conservation Code (IECC)

An all-electric home or building that is built using one of the following programs or standards shall also be determined to be in compliance with the Net-zero Stretch Code:

- DOE Zero Energy Ready Homes plus electric-ready on/off-site renewable energy, from the U.S. Department of Energy
- Passive House certified plus all-electric or electric-ready with on or offsite renewable energy, from the Passive House Institute of the U.S.
- Zero Energy Certification from the International Living Future Institute

- Zero Carbon Certification from the International Living Future Institute
- Living Building Challenge Certification from the International Living Future Institute
- LEED Zero Certification, plus all-electric or electric-ready, from the United States Green Building Council
- Zero Energy plus electric-ready or electric-ready from the latest version of the Enterprise Green Communities Criteria for buildings with affordable designation

SECTION 4. PROVISIONS FOR STAFF SUPPORT TO ADMINISTER AND PROMOTE VOLUNTARY NET-ZERO STRETCH CODE

The Park City Council hereby requests that the Building Department, Planning Department, Environmental Sustainability Department assess the current staffing needs for the City and additions needed to promote and administer the Net-zero Stretch Code and related programs, and to recommend budget changes to enable these activities in the next fiscal year budget proposal. The Park City Council hereby requests that the Budget Department allocate \$200,000 from the municipal energy tax and franchise fee to incentivize builders to achieve net-zero building performance.

SECTION 5. TIMING

This resolution shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Council.

SECTION 6. MIXED-FUEL CODE LANGUAGE FOR VOLUNTARY NET-ZERO STRETCH CODE

IECC - Residential Provisions (Mixed-Fuel)

Chapter 1 – Scope and Application

R101 SCOPE AND GENERAL REQUIREMENTS

R101.3 Intent. This code shall regulate the design, and construction of buildings for the reduction of greenhouse gas emissions and for the efficient production, use and storage of energy over the useful life of each building. This code is intended to provide flexibility to permit the use of innovative approaches and techniques to achieve this objective. This code is not intended to abridge safety, health or environmental requirements contained in other applicable codes or ordinances.

Intent specifically includes consideration of greenhouse gas emissions as well as both production and storage of energy.

R103 CONSTRUCTION DOCUMENTS

R103.2 Information on construction documents. Construction documents shall be drawn to scale upon suitable material. Electronic media documented are permitted to be submitted when approved by the code official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed, and show in sufficient detail pertinent data and features of the building, systems and equipment herein governed. Details shall include the following as applicable:

6. Mechanical and service water heating systems and equipment types, sizes, fuel sources and efficiencies.

Fuel sources are a critical piece of code compliance enforcement for the full implementation of this code overlay. Clear identification on the construction documents will allow for easier code compliance review and inspections. Inclusion of fuel sources is most critical in areas where there are multiple fuels available such as fuel oil, propane, and natural gas, as the equipment type alone may not provide this information.

R103.2.3 Solar-ready system. The construction documents shall provide details for dedicated roof area, structural design for roof dead and live load, and routing of conduit or pre-wiring from solar-ready zone to electrical service panel or plumbing from solar-ready zone to service water heating system.

Revisions to this section incorporate critical elements of solar readiness to be clearly identified on the construction documents to allow for easier code compliance review and inspections. This code language has been migrated and amended from the 2021 IECC Appendix RB Solar-Ready Provisions to the most appropriate place in the base code.

R103.2.4 Energy storage-ready system. The construction documents shall provide the location of pathways for routing of raceways or cable from the electrical service panel and energy storage system area and the location and layout of a designated area for electrical energy storage system.

Revisions to this section incorporate critical elements of storage readiness to be clearly identified on the construction documents to allow for easier code compliance review and inspections. This code language is similar to that used for solar readiness, applied to the necessary components of the energy storage system.

R103.2.5 Electrification system. The construction documents shall provide details for additional electric infrastructure, including branch circuits, conduit, or pre-wiring, and panel capacity in compliance with the provisions of this code.

Current 2021 IECC language does not include specific requirements for electrical systems on construction documents for residential construction. Given the importance of the electrical system in a mixed-fuel building, including an explicit requirement in the construction documents will allow for easier implementation and enforcement of the requirements on code compliance plan review staff.

R105 INSPECTIONS

R105.2.3 Plumbing rough-in inspection. Inspections at plumbing rough-in shall verify compliance as required by the code and approved plans and specifications as to types of insulation and corresponding R-values and protection and required controls. Where the solar-ready zone is installed for solar water heating, inspections shall verify pathways for routing of plumbing from solar-ready zone to service water heating system.

Specifically incorporates critical elements of solar readiness used for service water heating to allow for inspection enforcement of this provision. This code language is not in the current version of the 2021 IECC Appendix RB Solar-Ready Provisions but is derived from the that language to fully incorporate all aspects of that appendix throughout the base code for enforceability by adopting jurisdictions.

R105.2.5 Electrical rough-in inspection. Inspections at electrical rough-in shall verify compliance as required by the code and the approved plans and specifications as to the locations, distribution, and capacity of the electrical system. Where the solar-ready zone is installed for electricity generation, inspections shall verify conduit or pre-wiring from solar-ready zone to electrical panel. Where the energy storage system area is not in the same space as the electrical panel, inspections shall verify conduit or pre-wiring from the energy storage ready zone to the electrical panel.

Current 2021 IECC inspections do not require dedicated electrical inspections. Additional electrical inspection code language that is not in the current version of the 2021 IECC Appendix RB Solar-Ready Provisions but is derived from the that language to fully incorporate all aspects of that appendix throughout the base code for enforceability by adopting jurisdictions. Similar language has been added to account for inspections of energy storage ready infrastructure.

R105.2.6 Final inspection.

Chapter 2 – Definitions

R202 GENERAL DEFINITIONS

Add new definitions as follows:

ALL-ELECTRIC BUILDING. A building that contains no combustion equipment, or plumbing for combustion equipment, installed within the building, or building site.

APPLIANCE. A device or apparatus that is manufactured and designed to utilize energy and for which this code provides specific requirements.

Definition for appliance is mirrored from 2021 IMC to be useful in defining combustion equipment.

COMBUSTION EQUIPMENT. Any equipment or appliance used for space heating, service water heating, cooking, clothes drying, or lighting that uses fuel gas or fuel oil.

DEMAND RESPONSIVE CONTROL. An automatic control that can receive and automatically respond to demand response requests from a utility, electrical system operator, or third-party demand response program provider.

ELECTRIC VEHICLE (EV). An automotive-type vehicle for on-road use, such as passenger automobiles, buses, trucks, vans, neighborhood electric vehicles, electric motorcycles, and the like, primarily powered by an electric motor that draws current from a rechargeable storage battery, a fuel cell, a photovoltaic array, or another source of electric current. Plug-in hybrid electric vehicles are electric vehicles having a second source of motive power. Off-road, self-propelled electric mobile equipment, such as industrial trucks, hoists, lifts, transports, golf carts, airline ground support equipment, tractors, boats and the like, are not considered electric vehicles.

ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE). The conductors, including the ungrounded, grounded, and equipment grounding conductors and the *electric vehicle* connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatus installed specifically for the purpose of transferring energy between the premises wiring and the *electric vehicle*.

Definitions for EV and EVSE are mirrored from NEC-2020 to be useful in defining requirements for electric vehicle infrastructure.

EQUIPMENT. Piping, ducts, vents, control devices and other components of systems other than appliances that are permanently installed and integrated to provide control of environmental conditions for buildings. This definition shall also include other systems specifically regulated in this code.

Definition for equipment is mirrored from 2021 IMC to be useful in defining combustion equipment.

EV-READY SPACE. A parking space that is provided with an electrical circuit capable of supporting an installed *EVSE*.

The definition of EV Ready space has been updated to be descriptive rather than prescriptive and serves as a single definition replacing previous definitions of EVSE, EV-capable, and EV-ready spaces to allow for consistent use of the definitions and deferring requirements to be set in the body of the text. This allows the requirements match the specific requirements and needs of the adopting jurisdiction for EV Ready Spaces to be tailored for different EV charging scenarios (charging at different building types, parking types, residential types, business types, times of day, etc.) as well as different levels of penetration of EV charging spaces in a parking facility. This definition is aligned with proposal G66-21 as modified by public comment from the 2024 IBC development cycle.

FUEL GAS. A natural gas, manufactured gas, liquified petroleum gas or a mixture of these.

Definition for fuel gas is mirrored from 2021 IMC to be useful in defining combustion equipment.

FUEL OIL. Kerosene or any hydrocarbon oil having a flash point not less than 100°F (38°C).

Definition for fuel oil is mirrored from 2021 IMC to be useful in defining combustion equipment.

MIXED-FUEL BUILDING. A building that contains combustion equipment or includes piping for combustion equipment.

SOLAR-READY ZONE. A section or sections of the roof or building overhang designated and reserved for the future installation of a solar photovoltaic or solar thermal system.

Definition for solar-ready zone has been migrated from the 2021 IECC Appendix RB Solar-Ready Provisions to the base code.

Chapter 4 – Residential Energy Efficiency

R401 GENERAL

R401.2 Application. Residential buildings shall comply with Section R401.2.54 and either Sections R401.2.1, R401.2.2, or R401.2.3

R401.2.32 Energy Rating Index Option.

R401.2.43 Tropical Climate Zone Option.

R401.2.54 Additional energy efficiency.

R401.2.5 Additional energy efficiency. This section establishes additional requirements applicable to all compliance approaches to achieve additional energy efficiency.

1. For *all-electric buildings* complying with Section R401.2.1, one of the additional efficiency package options shall be installed according to Section R408.2.
2. For mixed-fuel buildings complying with Section R401.2.1, the building shall be required to install either R408.2.1 or R408.2.5 of the additional efficiency package options, and any two of R408.2.2, R408.2.3, or R408.2.4 of the additional efficiency package options.
3. For buildings complying with the Energy Rating Index alternative Section R401.2.3, the Energy Rating Index value shall be at least 5 percent less than the Energy Rating Index target specified in Table R406.5.

The options selected for compliance shall be identified in the certificate required by Section R401.3.

All-electric newly constructed homes typically use less energy when compared to newly constructed mixed-fuel homes. An Ecotope study⁸ of the 2017 Oregon Residential code found that homes heated by electric heat pumps use 40 percent less energy than homes heated with gas (including water heating). This change seeks to encourage electrification and more evenly weigh the impact of the additional efficiency credits by requiring the mixed-fuel home to select a total of three packages from the options while the all-electric home is required to select one package. Of the three packages required for the mixed-fuel home, one must address the envelope (improved envelope or reduced

⁸ Oregon Residential Specialty Code: 2005 Baseline and Code Roadmap to Achieve the 2030 Goal; Ecotope (2020)

infiltration plus better ventilation) while the remaining two impact HVAC (better equipment or more efficient ducts) and water-heating (better equipment) requirements.

R401.3 Certificate. A permanent certificate shall be completed by the builder or other approved party and posted on a wall in the space where the furnace is located, a utility room or an approved location inside the building. Where located on an electrical panel, the certificate shall not cover or obstruct the visibility of the circuit directory label, service disconnect label or other required labels. The certification shall indicate the following:

4. The types, sizes, fuel sources, and efficiencies of heating, cooling and service water heating equipment. Where a gas-fired unvented room heater, electric furnace or baseboard electric heater is installed in the residence, the certificate shall indicate “gas- fired unvented room heater,” “electric furnace” or “baseboard electric heater,” as appropriate. An efficiency shall not be indicated for gas-fired unvented room heaters, electric furnaces and electric baseboard heaters.

8. The fuel sources for cooking and clothes drying equipment.

9. Where combustion equipment is installed, the certificate shall indicate information on the installation of additional electric infrastructure including which *equipment* and/or *appliances* include additional electric infrastructure, capacity reserved on the electrical service panel for replacement of each piece of combustion *equipment* and/or *appliance*

10. Where a *solar-ready zone* is provided, the certificate shall indicate the location, dimensions, and capacity reserved on the electrical service panel.

Revisions to this section incorporate critical elements of electrification and solar readiness to be clearly identified to the original homeowner/building owner and any subsequent owners to allow for easier mechanical swaps to electrical equipment and the installation of solar panels. By including on the certificate, the information is more likely to remain in the building for future owners.

R402 BUILDING THERMAL ENVELOPE

R402.1 General. The building thermal envelope shall comply with the requirements of Sections R402.1.1 through R402.1.5.

Exceptions:

1. The following low-energy buildings, or portions thereof, separated from the remainder of the building by *building thermal envelope assemblies* complying with this section shall be exempt from the building thermal envelope provisions of Section R402.
 1. Those containing no *combustion equipment* with a peak design rate of energy usage less than 3.4 Btu/h·ft² (10.7 W/m²) or 1.0 watt/ft² of floor area for space conditioning purposes.
 2. Those containing no *combustion equipment* that do not contain *conditioned space*.

Low energy buildings are currently exempt from thermal envelope requirements. This revision applies the same intention of low greenhouse gas impact that was given to low energy use impact when these building types were exempted.

R403 SYSTEMS

R403.1.1 Thermostat-Programmable thermostat. The thermostat controlling the primary heating or cooling system of the dwelling unit shall be capable of controlling the heating and cooling system on a daily schedule to maintain different temperature setpoints at different times of the day. This thermostat shall include the capability to set back or temporarily operate the system to maintain zone temperatures of not less than 55°F (13°C) to not greater than 85°F (29°C). The thermostat shall be programmed initially by the manufacturer with a heating temperature setpoint of not greater than 70°F (21°C) and a cooling temperature setpoint of not less than 78°F (26°C). The thermostat shall be provided with a *demand responsive control* capable of increasing the cooling setpoint by no less than 4°F (2.2°C) and decreasing the heating setpoint by no less than 4°F (2.2°C) in response to a demand response request.

Demand responsive controls for thermostats are added based on language from California Title 24 and integrated into the current requirement for thermostats. Any thermostat listed as “Title 24 compliant” would meet this requirement, and are available directly through major retailers.

R403.5.4 Demand responsive water heating. All electric storage water heaters with a storage tank capacity greater than 20 gallons (76 L) shall be provided with *demand responsive controls* that comply with ANSI/CTA-2045-B or another approved demand responsive control.

ANSI/CTA-2045-B standardizes the socket, and communications protocol, for heat pump water heaters so they can communicate with the grid, and with demand response signal providers. In addition, 2045-B adds control and communications requirements for mixing valves in HPWH to enable them to provide greater storage capacity to support increased load shifting. Versions of this standard are included in codes or other requirements in California, Oregon, and Washington.

R404 ELECTRICAL POWER AND LIGHTING SYSTEMS

R404.4 Renewable energy infrastructure. The building shall comply with the requirements of R404.4.1 or R404.4.2

This code language has been migrated from the 2021 IECC Appendix RB Solar-Ready Provisions to the most appropriate place in the base code. By ensuring solar-ready zones, all-electric buildings will have the potential for an even greater impact on building decarbonization by contributing to the continued cleaning of the electricity supply.

R404.4.1 One- and two- family dwellings and townhouses. One- and two-family dwellings and townhouses shall comply with Sections R404.4.1.1 through R404.4.1.4.

Exceptions:

1. A *building* with a permanently installed on-site renewable energy system.

2. A *building* with less than 600 square feet (55 m²) of roof area oriented between 110 degrees and 270 degrees of true north.
3. A *building* where all areas of the roof that would otherwise meet the requirements for a *solar-ready zone* are in full or partial shade for more than 70 percent of daylight hours annually.

R404.4.1.1 Solar-ready zone area. The total area of the *solar-ready zone* shall not be less than 300 square feet (28 m²) and shall be composed of areas not less than 5.5 feet (1676 mm) in width and not less than 80 square feet (7.4 m²) exclusive of access or set back areas as required by the International Fire Code.

Exception: Townhouses three stories or less in height above grade plane and with a total floor area less than or equal to 2,000 square feet (186 m²) per dwelling shall be permitted to have a solar-ready zone area of not less than 150 square feet (14 m²).

Language for size of solar ready zone has been updated based on stakeholder and industry feedback. Appendix RB uses 5' as the minimum dimension for the solar ready zone. Typical residential scale solar panels are most commonly 65". By increasing the solar ready zone from 5' to 5.5' the language now better accommodates the flat installation of panels on roofs in the future.

R404.4.1.2 Obstructions. Solar-ready zones shall be free from obstructions, including but not limited to vents, chimneys, and roof-mounted equipment.

R404.4.1.3 Electrical service reserved space. The main electrical service panel shall have a reserved space to allow installation of a dual pole circuit breaker for future solar electric installation and shall be labeled "For Future Solar Electric." The reserved space shall be positioned at the opposite (load) end from the input feeder location or main circuit location.

R404.4.1.4 Electrical interconnection. An electrical junction box shall be installed within 24 inches (610 mm) of the main electrical service panel and shall be connected to a capped roof penetration sleeve or a location in the attic that is within 3 feet (914 mm) of the *solar ready zone* by one of the following:

1. Minimum ¾-inch nonflexible
conduit
2. Minimum #10 Metal
copper 3-wire

Where the interconnection terminates in the attic, location shall be no less than 12" (35 mm) above ceiling insulation. Both ends of the interconnection shall be labeled "For Future Solar Electric".

As it is currently written, Appendix RB only requires that the construction documents indicate pathways for routing of conduit from the solar-ready zone to the service panel. This update requires

the installation and verification of either conduit or wire from the roof or attic to the panel. This language has been adapted from the solar-ready language proposed for the residential Oregon Reach Code.

R404.4.2 Group R occupancies. Buildings in Group R-2, R-3 and R-4 shall comply with Section C405.13.

The 2021 IECC Appendix RB Solar-Ready Provisions address single and two-family dwellings only. Additional language is added to apply the approach for commercial buildings to multifamily residential construction.

R404.5 Electric vehicle charging infrastructure. Electric infrastructure for the current and future charging of *electric vehicles* shall be installed in accordance with this section. *EV ready spaces* are permitted to be counted toward meeting minimum parking requirements.

R404.5.1 One- and two- family dwellings and townhouses. One- and two-family dwellings and townhouses with a dedicated attached or detached garage or on-site parking spaces and new detached garages shall be provided with one *EV-ready space* per *dwelling unit*. The branch circuit shall meet the following requirements:

1. A minimum capacity of 9.6 kVA
2. Terminates at a junction box or receptacle located within 3 feet (914 mm) of the parking space and labelled “For electric vehicle charging”, and
3. The electrical panel directory shall designate the branch circuit as “For electric vehicle charging”.

R404.5.2 Group R occupancies. Parking facilities serving Group R-2, R-3 and R-4 occupancies shall comply with Section C405.14.

Tailored requirements for single-family and multifamily housing have been included. Single-family homes, where the occupants will choose the specific EVSE that meets their EV charging needs, are required to have one parking space with an EV Ready space that is sized to accommodate the most common EVSE on the market. The required capacity for the branch circuit for the EV Ready space is the equivalent of a 240V, 40A circuit and is expressed in kVA as that is the standard metric for capacity or “apparent power” in electrical infrastructure. The wiring requirement ensures that the space can be upgraded to a load-managed Level 2 EVSE in the future.

The requirements for EV charging infrastructure for multifamily buildings are referenced to the commercial requirements as those are more appropriate for EV charging in parking lots.

R404.6 Energy storage infrastructure. Each *building site* shall have a dedicated location for the installation of future on-site energy storage in accordance with this section.

Exception: Where an onsite electrical energy system storage system is installed.

R404.6.1 One- and two- family dwellings and townhouses. One- and two-family dwellings and townhouses shall be provided with an energy storage ready area in accordance with the following:

1. Floor area not less than 2 feet (610 mm) in one dimension and 4 feet (1219 mm) in another dimension and located in accordance with Section 1207 of the International Fire Code and Section 110.26 of the NFPA 70.
2. The main electrical service panel shall have a reserved space to allow installation of a two-pole circuit breaker for future electrical energy storage system installation. This space shall be labeled "For Future Electric Storage." The reserved spaces shall be positioned at the end of the panel that is opposite from the panel supply conductor connection.

R404.6.2 Group R occupancies. Buildings with Group R-2, R-3 and R-4 occupancies shall comply with Section C405.15.

Infrastructure for energy storage has been adapted from Appendix CB Solar-Ready Zone into the main body of the residential code. This language includes revisions from the 2019 Group B Public Comment that were not incorporated into the final text of the 2021 IECC but modified the language to ensure needed correlation with the IFC and NFPA. Single and two family dwellings are subject to a prescriptive based sizing requirement, while low-rise multifamily buildings will be asked to refer to commercial guidelines.

R404.7 Additional electric infrastructure. Combustion equipment shall be installed in accordance with this section.

The following sections ensure that gas equipment can be more easily and cost-effectively retrofit with electric equipment in the future. This language is based on the approach adopted in the electrification reach codes adopted by various California cities. It combines the best elements from those reach codes and adapts them to the I-Code format.

R404.7.1 Equipment serving multiple units. Combustion equipment that serves multiple dwelling units shall comply with Section C405.13.

R404.7.2 Combustion water heating. Water heaters shall be installed in accordance with the following:

1. A dedicated 240-volt branch circuit with a minimum capacity of 30 amps shall terminate within 3 feet (914 mm) from the water heater and be accessible to the water heater with no obstructions. Both ends of the branch circuit shall be labeled with the words "For Future Heat Pump Water Heater" and be electrically isolated.
2. A condensate drain that is no more than 2 inches (51 mm) higher than the base of the installed water heater and allows natural draining without pump assistance shall be installed within 3 feet (914 mm) of the water heater.
3. The water heater shall be installed in a space with minimum dimensions of 3 feet (914 mm) by 3 feet (914 mm) by 7 feet (2134 mm) high.
4. The water heater shall be installed in a space with a minimum volume of 700 cubic feet (20,000 L) or the equivalent of one 16-inch (406 mm) by 24-inch (610 mm) grill to a heated space and one 8-inch (203 mm) duct of no more than 10 feet (3048 mm) in length for cool exhaust air.

The addition of this section provides a series of requirements that ensure that the building can accommodate a HPWH in the future. Requirement 1 ensures that there is a branch circuit ready to support the future installation of a HPWH. Requirement 2 ensures that the condensate generated by a HPWH compressor can be easily drained away. Requirement 3 ensures that the water heater location is physically large enough to accommodate HPWHs that are frequently wider and/or taller than code- minimum gas water heaters. Requirement 4 ensures that a future HPWH has access to sufficient air volume to effectively operate.

R404.7.3 Combustion space heating. Where a building has combustion equipment for space heating, the building shall be provided with a designated exterior location(s) in accordance with the following:

1. Natural drainage for condensate from cooling equipment operation or a condensate drain located within 3 feet (914 mm), and
2. A dedicated branch circuit in compliance with IRC Section E3702.11 based on heat pump space heating equipment sized in accordance with R403.7 and terminating within 3 feet (914 mm) of the location with no obstructions. Both ends of the branch circuit shall be labeled “For Future Heat Pump Space Heater.”

Exception: Where an electrical circuit in compliance with IRC Section E3702.11 exists for space cooling equipment.

IRC Section E3702.11 sets the requirement for sizing a branch circuit serving a heat pump and relies on the size of the actual equipment to be installed. Since there is not an actual equipment size to reference and equipment size can vary depending on the size of the home and the climate, the section references Section R403.7 to establish the size of the heat pump equipment that would be required for the specific home.

R404.7.4 Combustion clothes drying. A dedicated 240-volt branch circuit with a minimum capacity of 30 amps shall terminate within 6 feet (1829 mm) of natural gas clothes dryers and shall be accessible with no obstructions. Both ends of the branch circuit shall be labeled with the words “For Future Electric Clothes Drying” and be electrically isolated.

R404.7.5 Combustion cooking. A dedicated 240-Volt, 40A branch circuit shall terminate within 6 feet (1829 mm) of natural gas ranges, cooktops and ovens and be accessible with no obstructions. Both ends of the branch circuit shall be labeled with the words “For Future Electric Range” and be electrically isolated.

For jurisdictions concerned about impacts and stakeholder feedback on cooking appliances, language in R404.5 can be amended and combined with the requirements of an all-electric version of this code to

allow for continued installation of combustion cooking, provided that the appliances be electric ready for future homeowner choice. IRC Section E3702.9.1 requires a 240V/40A branch circuit for a standard 8.75 kVA or larger electric residential range and has been used as the basis for the sizing of the branch circuit. Six feet is cited per requirements from IRC Section E3901.5 requiring appliance receptacles to be within 6 feet of the intended appliance.

R404.7.6 Other combustion equipment. Combustion equipment and end-uses not covered by Sections R404.6.2-5 shall be provided with a branch circuit sized

for an electric *appliance, equipment* or end use with an equivalent capacity that terminates within 6 feet (1829 mm) of the *appliance or equipment*.

SECTION 405 TOTAL BUILDING PERFORMANCE

Compliance with the performance path for consideration of greenhouse gas emissions and the needed increased stringency for mixed-fuel buildings requires manipulation of the standard reference design for space heating, water heating, and any other potential combustion end use. Given the limited application of Section R405 in new residential construction, for the purposes of this overlay, compliance via prescriptive path or ERI path create simpler enforcement options for jurisdictions. Additionally, the reliance on cost in the performance path creates a “natural” advantage for fossil fuels, as gas is less expensive on a utility bill in many parts of the country. “Hidden” costs of gas like the impact on indoor air quality and health are not accounted for in this analysis.

For jurisdictions that see the inclusion of R405 as absolutely necessary within their jurisdiction, the following language is recommended in scoping to push the performance path towards meeting the efficiency gains of the prescriptive path:

R401.2.5 Additional energy efficiency. This section establishes additional requirements applicable to all compliance approaches to achieve additional energy efficiency.

1. For ~~all-electric buildings~~ *buildings* complying with Section R401.2.1, one of the additional efficiency package options shall be installed according to Section R408.2.
2. For mixed-fuel buildings complying with Section R401.2.1, the building shall be required to install either R408.2.1 or R408.2.5 of the additional efficiency package options, and any two of R408.2.2, R408.2.3, or R408.2.4 of the additional efficiency package options.
23. For buildings complying with Section R401.2.2, the building shall meet one of the following:
 1. ~~All-electric buildings~~ shall have ~~One of the additional efficiency package options in Section R408.2 shall be installed without including such measures in the proposed design under Section R405; or~~
 2. The proposed design of the ~~all-electric building~~ *building* under Section R405.3 shall have an annual energy cost that is less than or equal to the 95 percent of the annual energy cost of the standard reference design.; or
3. Mixed-fuel buildings shall have either R408.2.1 or R408.2.5 of the additional efficiency package options, and any two of R408.2.2, R408.2.3, or R408.2.4 of the additional efficiency package options installed without including such measures in the proposed design under Section R405; or

4. The proposed design of the mixed-fuel building under Section R405.3 shall have an annual energy cost that is less than or equal to 85 percent of the annual energy cost of the standard reference design.

34. For buildings complying with the Energy Rating Index alternative Section R401.2.3, the Energy Rating Index value shall be at least 5 percent less than the Energy Rating Index target specified in Table R406.5.

The options selected for compliance shall be identified in the certificate required by Section R401.3.

TABLE R405.2 REQUIREMENTS FOR TOTAL BUILDING PERFORMANCE

SECTION	TITLE
Mechanical	
R403.5 except Section R403.5.2	Service hot water systems

The mandatory requirements table has been modified to include the new requirement for demand responsive hot water control. Based on the structure of the table currently, combining R403.5 and creating a single in line exception is the most straightforward approach to this revision.

TABLE R405.2 REQUIREMENTS FOR TOTAL BUILDING PERFORMANCE

SECTION ^a	TITLE
Electrical Power and Lighting Systems	
R404.1	Lighting equipment
R404.2	Interior lighting controls
R404.4	Renewable energy infrastructure
R404.5	Electric vehicle charging infrastructure
R404.6	Energy storage infrastructure
R404.7	Additional electric infrastructure

The mandatory requirements table has been modified to include the new requirements for renewable energy, electric vehicle charging, and electric infrastructure as mandatory elements of the code amendments.

SECTION 406 ENERGY RATING INDEX COMPLIANCE ALTERNATIVE

Revise table as follows:

TABLE R406.2 REQUIREMENTS FOR ENERGY RATING INDEX

SECTION	TITLE
Mechanical	
R403.5 except Section R403.5.2	Service hot water systems

The ERI mandatory requirements table has been modified to include the new requirement for demand responsive hot water control. Based on the structure of the table currently, combining R403.5 and creating a single in line exception is the most straightforward approach to this revision.

TABLE R406.2 REQUIREMENTS FOR ENERGY RATING INDEX

SECTION ^a	TITLE
Electrical Power and Lighting Systems	
R404.1	Lighting equipment
R404.2	Interior lighting controls
R404.4	Renewable energy infrastructure
R404.5	Electric vehicle charging infrastructure
R404.6	Energy storage infrastructure
R404.7	Additional electric infrastructure
R406.3	Building thermal envelope

The ERI mandatory requirements table has been modified to include the new requirements for renewable energy, electric vehicle charging, and electric infrastructure as mandatory elements of the code amendments.

R406.5 ERI-based compliance. Compliance based on an ERI analysis requires that the rated *proposed* design and confirmed built dwelling be shown to have an ERI less than or equal to the appropriate value for the proposed *mixed-fuel building* or the proposed *all-electric building* as indicated in Table R406.4 when compared to the *ERI reference design*.

TABLE R406.4 MAXIMUM ENERGY RATING INDEX

Climate Zone	All-Electric Building	Mixed Fuel Building
0-1	52	43
2	52	45
3	51	47
4	54	47
5	55	47

6	54	46
7	53	46
8	53	45

This modification encourages homes following the ERI performance path to be all-electric by setting more stringent ERI values for mixed-fuel homes. This is needed as Standard 301, which sets the calculation methodology for calculating ERI, claims to be fuel agnostic. This means that there is no way to require that a home be all-electric without making significant modifications to Standard 301.

The ERI values for mixed-fuel homes match those from ASHRAE 90.2 and Appendix RC Zero Energy Residential Building Provisions as published in the 2021 IECC. The ERI values for all-electric homes are the same as the values published in Table R406.5 of the 2021 IECC.

R407 TROPICAL CLIMATE REGION COMPLIANCE PATH

R407.2 Tropical climate region. Compliance with this section requires the following:

1. Not more than one-half of the *occupied* space is air conditioned and is controlled by a thermostat in accordance with Section R403.1.1.
3. Solar, wind or other renewable energy source supplies not less than 80 percent of the energy for service water heating controlled in accordance with Section R403.5.4.
12. Parking is in accordance with Section R404.6.
13. All *combustion equipment* is in accordance with Section R404.5.

Modifications to the Tropical Climate Region Path are minimal. This pathway in the 2021 IECC already does not allow any space heating and requires 80% of hot water be supplied by renewable energy. To ensure the inclusion of demand response controls, electric vehicles, and all other combustion equipment is addressed additional requirements are added to the tropical compliance list under R407.2.

R408 ADDITIONAL EFFICIENCY PACKAGE OPTIONS

R408.2.3 Reduced energy use in service water-heating option. The hot water system shall meet one of the following efficiencies:

1. Greater than or equal to 82 EF fossil fuel service water-heating system.
2. Greater than or equal to 2.0 EF electric service water-heating system.
3. Greater than or equal to 0.4 solar fraction solar water-heating system.
4. Greater than or equal to 82 EF instantaneous fossil fuel service water-heating system and drain water heat recovery unit meeting the requirements of Section R403.5.3 installed on at least one shower.

This new additional efficiency option provides builders with a fourth service hot water package that combines the efficiency benefits of an instantaneous gas water heater with a drain water heat recovery unit). Since mixed fuel buildings will be required to select more package options, the addition of this option provides additional flexibility for builders selecting to construct mixed fuel

buildings, while continuing to encourage efficiency in combustion systems. This package reflects the requirements proposed in the Oregon Reach Code which was calibrated to other hot water package options based on analysis conducted by the Northwest Energy Efficiency Alliance® (NEEA).

Chapter 6 – Referenced Standards (Both) Add new standard as follows:

CTA Consumer Technology Association 1919 S. Eads Street
Arlington, VA 22202

Standard reference number	Title	Referenced in code section number
ANSI/CTA-2045-B	Modular Communications Interface for Energy Management	R403.5.4

IECC - Commercial Provisions (Mixed-Fuel)

Chapter 1 – Scope and Application

C101 SCOPE AND GENERAL REQUIREMENTS

C101.3 Intent. This code shall regulate the design, and construction of buildings for the reduction of greenhouse gas emissions and for the efficient production, use and storage of energy over the useful life of each building. This code is intended to provide flexibility to permit the use of innovative approaches and techniques to achieve this objective. This code is not intended to abridge safety, health or environmental requirements contained in other applicable codes or ordinances.

Specifically includes consideration of greenhouse gas emissions as well as both production and storage of energy.

C103 CONSTRUCTION DOCUMENTS

C103.2 Information on construction documents. Construction documents shall be drawn to scale upon suitable material. Electronic media documented are permitted to be submitted when *approved by the code official*. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed, and show in sufficient detail pertinent data and features of the building, systems and equipment herein governed. Details shall include the following as applicable:

6. Mechanical and service water heating systems and equipment types, sizes, fuel source and efficiencies.

Fuel sources are a critical piece of code compliance enforcement for the full implementation of this code overlay. Clear identification on the construction documents will allow for easier code compliance review and inspections. Inclusion of fuel sources is most critical in areas where there are multiple fuels available such as fuel oil, propane, and natural gas, as the equipment type alone may not provide this information.

14. Location of pathways for routing of raceways or cable from the renewable energy system to the electrical service panel and electrical energy storage system area.

15. Location and layout of a designated area for electrical energy storage system.

For ease of enforcement, information for both renewable energy and electrical energy storage have been included as part of construction documents. Language has been migrated from Appendix CB Solar-Ready Zone to the applicable location in the base code and modified to fit into current structure.

16. Location of designated EVSE spaces, EV-Ready spaces, and EV-Capable spaces in parking facilities.

To assist in enforcement of electric vehicle infrastructure requirements, and to serve as a plan for full installation of EVSE equipment in EV-ready and EV-capable spaces in the future, plans should clearly indicate the intended locations of EV infrastructure.

C103.2.2 Electrification system. The construction documents shall provide details for additional electric infrastructure, including branch circuits, conduit, or pre-wiring, and panel capacity in compliance with the provisions of this code.

Current 2021 IECC language does not include specific requirements for electrical systems on construction documents for commercial construction. Given the importance of the electrical system in a mixed-fuel building, including an explicit requirement in the construction documents will allow for easier implementation and enforcement of the requirements on code compliance plan review staff.

C105 INSPECTIONS

C105.2.5 Electrical system. Inspection shall verify lighting system controls, components, ~~and~~ meters, and additional electric infrastructure as required by the code, approved plans and specifications. Where a storage-ready zone is required, inspections shall verify space availability and pathways to electrical service.

Chapter 2 – Definitions

R202 GENERAL DEFINITIONS

ALL-ELECTRIC BUILDING. A building that contains no combustion equipment, or plumbing for combustion equipment, installed within the building or building site.

APPLIANCE. A device or apparatus that is manufactured and designed to utilize energy and for which this code provides specific requirements.

Definition of appliance is mirrored from 2021 IMC to be useful in defining combustion equipment.

AUTOMATIC LOAD MANAGEMENT SYSTEMS (ALMS). A control system that allows multiple connected *EVSE* to share a circuit or panel and automatically reduce power at each charger, reducing the total connected electrical capacity of all *EVSE*.

COMBUSTION EQUIPMENT. Any *equipment* or *appliance* used for space heating, *service water heating*, cooking, clothes drying and/or lighting that uses *fuel gas* or *fuel oil*.

COMMERCIAL COOKING APPLIANCES. Appliances used in a commercial food service establishment for heating or cooking food and which produce grease vapors, steam, fumes, smoke or odors that are required to be removed through a local exhaust ventilation system. Such appliances include deep fat fryers, upright broilers, griddles, broilers, steam-jacketed kettles, hot- top ranges, under-fired broilers (charbroilers), ovens, barbecues, rotisseries, and similar appliances. For the purpose of this definition, a food service establishment shall include any building or a portion thereof used for the preparation and serving of food.

Definition of commercial cooking appliances is mirrored from the 2021 International Fire Code for use in defining requirements for additional electric infrastructure required for cooking under Section C405.14.3.

DEMAND RESPONSIVE CONTROL. An automatic control that can receive and automatically respond to demand response requests from a utility, electrical system operator, or third-party demand response program provider.

ELECTRIC VEHICLE (EV). An automotive-type vehicle for on-road use, such as passenger automobiles, buses, trucks, vans, neighborhood electric vehicles, electric motorcycles, and the like, primarily powered by an electric motor that draws current from a rechargeable storage battery, a fuel cell, a photovoltaic array, or another source of electric current. Plug-in hybrid electric vehicles are electric vehicles having a second source of motive power. Off-road, self-propelled electric mobile equipment, such as industrial trucks, hoists, lifts, transports, golf carts, airline ground support equipment, tractors, boats and the like, are not considered electric vehicles.

ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE). The conductors, including the ungrounded, grounded, and equipment grounding conductors and the *electric vehicle* connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatus installed specifically for the purpose of transferring energy between the premises wiring and the *electric vehicle*.

Definitions for EV and EVSE are mirrored from NEC-2020 to be useful in defining requirements for electric vehicle infrastructure.

EQUIPMENT. Piping, ducts, vents, control devices and other components of systems other than appliances that are permanently installed and integrated to provide control of environmental conditions for buildings. This definition shall also include other systems specifically regulated in this code.

Definition of equipment is mirrored from 2021 IMC to be useful in defining combustion equipment.

EV-CAPABLE SPACE. An automotive parking space that is reserved for the future installation of an *EVSE*.

EV-READY SPACE. An automotive parking space that is provided with an electrical circuit capable of supporting an installed *EVSE*.

EVSE SPACE. An automotive parking space that is provided with a dedicated *EVSE*.

The definitions of EV spaces have been updated to be descriptive rather than prescriptive to allow for consistent use of the definitions and deferring requirements to be set in the body of the text. This allows the requirements to match the specific requirements and needs of the adopting jurisdiction and for EV spaces to be tailored for different EV charging scenarios (charging at different building types, parking types, residential types, business types, times of day, etc.) as well as different levels of penetration of EV charging spaces in a parking facility. These definitions build off of the IBC proposal G66-21 as modified by public comment from the 2024 development cycle.

FUEL GAS. A natural gas, manufactured gas, liquified petroleum gas or a mixture of these.

Definition of fuel gas is mirrored from 2021 IMC to be useful in defining combustion equipment.

FUEL OIL. Kerosene or any hydrocarbon oil having a flash point not less than 100°F (38°C).

Definition of fuel oil is mirrored from 2021 IMC to be useful in defining combustion equipment.

MIXED-FUEL BUILDING. A building that contains combustion equipment or includes piping for such equipment.

RENEWABLE ENERGY CERTIFICATE (REC). An instrument that represents the environmental attributes of one megawatt-hour of renewable electricity; also known as an energy attribute certificate (EAC).

Chapter 4 – Commercial Energy Efficiency

C402 BUILDING ENVELOPE REQUIREMENTS

C402.1.1 Low energy buildings and greenhouses. The following low-energy buildings, or portions thereof separated from the remainder of the *building-by-building thermal envelope assemblies* complying with this section shall be exempt from the building thermal envelope provisions of Section C402.

1. Those containing no *combustion equipment* with a peak design rate of energy usage less than 3.4 Btu/h·ft² (10.7 W/m²) or 1.0 watt/ft² of floor area for space conditioning purposes.

C402.1.1.1 Greenhouses. Greenhouse structures or areas containing no *combustion equipment* that are mechanically heated or cooled and that comply with all of the following shall be exempt from the building envelope requirements of this code:

C402.1.2 Equipment buildings. Buildings that comply with the following shall be exempt from the *building thermal envelope* provisions of this code:

6. Contain no *combustion equipment*.

Low energy buildings are currently exempt from thermal envelope requirements. This revision applies the same intention of low greenhouse gas impact that was given to low energy use impact when these building types were exempted.

C403 BUILDING MECHANICAL SYSTEMS

C403.4.1.6 Demand responsive controls. All thermostatic controls shall be provided with *demand responsive controls* capable of the following:

1. Automatically increasing the zone operating cooling set points by a minimum of 4°F (2.2°C)
2. Automatically decreasing the zone operating heating set points by a minimum of 4°F (2.2°C)
3. Automatically decreasing the zone operating cooling set points by a minimum of 2°F (1.1°C).
4. Both ramp-up and ramp-down logic to prevent the building peak demand from exceeding that expected without the DR implementation.

The thermostatic controls shall be capable of performing all other functions provided by the control when the *demand responsive controls* are not available. Systems with direct digital control of individual zones reporting to a central control panel shall be capable of remotely complying

Exception: Health care and assisted living facilities.

Demand responsive controls for thermostats are added based on language from California Title 24 and ASHRAE Standard 189.1. Any thermostat listed as “Title 24 compliant” would meet this requirement. The controls allow for dialing back heating and cooling, as well as to accept additional cooling when renewable energy generation is high, and both ramp up and down requirements in relationship to the DR signal to prevent rebound issues on the grid after the signal is released.

In health care and assisted living facilities, thermostat setpoints can impact more than just thermal comfort, and temperature can be part of the health care being provided. To ensure that this requirement cannot have an adverse impact on those services, these facilities have been exempted from this requirement.

C404 SERVICE WATER HEATING

C404.2.1 High input service water-heating systems. Gas-fired water-heating equipment installed in new buildings shall be in compliance with this section. Where a singular piece of water-heating equipment serves the entire building and the input rating of the equipment is 1,000,000 Btu/h (293 kW) or greater, such equipment shall have a thermal efficiency, Et, of not less than 92 percent or a UEF of not less than 0.92 UEF. Where multiple pieces of water-heating equipment serve the building and the combined input rating of the water-heating equipment is 1,000,000 Btu/h (293 kW) or greater, the combined input-capacity-weighted-average thermal efficiency, Et, of not less than 90 percent or a UEF of not less than 0.92 UEF.

Exceptions:

1. Where not less than 25 percent of the annual *service water heating* requirement is provided by *on-site renewable energy* or site-recovered energy not including any capacity used for compliance with Section C405.13 or C406 of this code, the minimum thermal efficiency requirements of this section shall not apply.
2. The input rating of water heaters installed in individual dwelling units shall not be required to be included in the total input rating of *service water-heating* equipment for a building.
3. ~~The input rating of water heaters with an input rating of not greater than 100,000 Btu/h (29.3 kW) shall not be required to be included in the total input rating of service water heating equipment for a building.~~

Revisions to Section C404.2 in 2021 IECC raised the high-capacity service hot water efficiency requirement from 0.90 Et to 0.92 but did not add specifications for measurement with UEF as was done in the IgCC. This section adds UEF. While some combinations of boilers with a combined capacity above 1,000,000 Btu/h always triggered the requirement, this modification removes the exemption for multiple smaller water heaters or boilers unless they are located in individual dwelling units.

C404.11 Demand responsive water heating. All electric storage water heaters, or a group of water heaters, in a building with a total storage tank capacity greater than 37 gallons (140 L) shall be provided with *demand responsive controls* that comply with ANSI/CTA-2045-B or another approved *demand responsive control*.

Exception: Health care facilities.

ANSI/CTA-2045-B standardizes the socket, and communications protocol, for heat pump water heaters so they can communicate with the grid, and with demand response signal providers. In addition, 2045-B adds control and communications requirements for mixing valves in HPWH to enable them to provide greater storage capacity to support increased load shifting. Versions of this standard are included in codes or other requirements in California, Oregon, and Washington.

The requirement is limited to electric storage water heaters, excluding small, point-of-use water heaters; these water heaters also have very limited capacity for demand response. Additionally, it only applies to water heaters, or a group of water heaters, over 37 gallons. Research has indicated that 37 gallons is the optimum size for this measure to have a meaningful contribution to DR signals in commercial buildings.

In health care facilities, such as hospitals, nursing facilities, and outpatient facilities, hot water can be critical to support the care being provided. To ensure that this requirement cannot have an adverse impact on those services, health care facilities have been exempted from this requirement.

C405 ELECTRICAL POWER AND LIGHTING SYSTEMS

C405.2 Lighting controls. Lighting systems shall be provided with controls that comply with one of the following.

2. Luminaire level lighting controls (LLLC) and lighting controls as specified in Sections C405.2.1, C405.2.4 and C405.2.5. The LLLC luminaire shall be independently capable of:
 4. Reducing lighting power in a uniform manner by no less than 10 percent when signaled by a *demand responsive control*.

This approach to DR controls for lighting limits the requirement to LLLC lighting, which uses control technology that generally already includes DR functionality or for which DR functionality comes at a minimal additional cost. The threshold for lighting power reduction is drawn from California's T24 DR requirements.

TABLE C405.12.2 ENERGY USE CATEGORIES

LOAD CATEGORY	DESCRIPTION OF ENERGY CUSE
Total HVAC system	Heating, cooling and ventilation, including but not limited to fans, pumps, boilers, chillers, and water heating. Energy used by 120-volt equipment, or by 208/120-volt equipment that is located in a building where the main service is 480/277-volt power, is permitted to be excluded from total HVAC system energy use.

Interior lighting	Lighting systems located within the building.
Exterior lighting	Lighting systems located on the building site but not within the building.
Plug loads	Devices, appliances and equipment connected to convenience receptacle outlets.
Process load	Any single load that is not included in HVAC, lighting or plug load category and that exceeds 5 percent of the peak connected load of the whole building, including but not limited to data centers, manufacturing equipment, and commercial kitchens.
<i>Electric vehicle charging</i>	<i>Electric vehicle charging loads.</i>
Building operations and other miscellaneous	The remaining loads not included in this table, including but not limited to vertical transportation systems, automatic doors, motorized shading systems, ornamental fountains, ornamental fireplaces, swimming pools, in-ground spas and snow-melt systems.

Electric Vehicle charging is a transportation load, not a building load, but is often provided through a building electrical service connection. Adding a category for monitoring EV charging separately allows the building load to be measured independently from this non-building load. This will be critical with the wider adoption of Building Performance Standards or other existing building energy use policies as it will allow EV charging to be easily excluded from the building loads for the purposes of regulating actual energy use in buildings.

C405.13 On site renewable energy. Each building site shall have equipment for on-site renewable energy with a rated capacity of not less than 0.25 W/ft² (2.7 W/m²) multiplied by the sum of the gross conditioned floor area of the three largest floors.

Exceptions:

1. Any building located where an unshaded flat plate collector oriented towards the equator and tilted at an angle from horizontal equal to the latitude receives an annual daily average incident solar radiation less than 3.5 kWh/m²·day (1.1 kBtu/ft²·day).
2. Any building where more than 80 percent of the roof area is covered by any combination of equipment other than for on-site renewable energy systems, planters, vegetated space, skylights, or occupied roof deck.
3. Any building where more than 50 percent of roof area is shaded from direct- beam sunlight by natural objects or by structures that are not part of the building for more than 2,500 annual hours between 8:00 AM and 4:00 PM.

C405.13.1 Renewable energy certificate documentation. Documentation shall be provided to the code official that indicates that renewable energy certificates (RECs) associated with the on-site renewable energy will be retained and retired by or on behalf of the owner or tenant.

A version of this requirement has been approved for ASHRAE 90.1-2019 as Addendum by,⁶ and will be published in ASHRAE 90.1-2022. The three exceptions are written to ensure that the requirement is not being applied to buildings without adequate space on the roof, to buildings that are in areas of the country where unblocked insolation levels do not provide enough energy to make the equipment cost-effective (according to ASHRAE cost-effective criteria), and to buildings where solar access is wholly or partially blocked.

C405.14 Electric vehicle charging infrastructure. Parking facilities shall be provided with electric vehicle charging infrastructure in accordance with this section and Table C405.14 based on the total number of parking spaces and rounded up to the nearest whole number. EVSE, EV ready spaces and EV capable spaces may be counted toward meeting minimum parking requirements. EVSE spaces may be used to meet requirements for EV ready spaces and EV capable spaces. EV ready spaces may be used to meet requirements for EV capable spaces.

Where more than one parking facility is provided on a building site, the number of parking spaces required shall be calculated separately for each parking facility. EV spaces shall be uniformly distributed in the parking facility.

Exception: In parking garages, the conduit required for *EV capable spaces* may be omitted provided the parking garage electrical service has no less than 1.8 kVA of additional reserved capacity per *EV capable space*.

The EV charging infrastructure requirements have been tailored to different charging scenarios. EV Ready spaces are utilized in residential occupancies where EV owners are more likely to choose specific EVSEs with features that meet their personal, long-term needs. The minimum capacity of those EV Ready spaces has been set at Level 1 charging in order to maximize access to EV charging:

- 1. Residential park times are generally much longer which makes Level 1 charging more feasible.*
- 2. All EVs come with at least a Level 1 charger, eliminating the need for EV owners to invest in additional equipment to charge at their homes.*
- 3. Level 1 charging minimizes the cost of enabling EV charging at a parking space, allowing for the maximization of the number of EV spaces, which maximizes access to charging.*

EVSE spaces are required for commercial parking lots where shorter parking times are typical and Level 2 or 3 parking is more appropriate. Additionally, while the car connection side of Level 2 EVSE are standard, the grid connection side is not, so utilizing EVSE rather than EV Ready spaces maximizes the utility of parking spaces in commercial lots that have more transient parking.

This EVCI language is based on the approach used in the electrification reach codes adopted by various California cities. It captures recent developments in the national conversation about the best way to bring EVCI requirements to code in a way that is consistent, understandable, feasible and ensures the societal benefit of the widest penetration of EV charging possible.

The exception is added to allow capacity to be substituted for conduit in parking garages. EVCI retrofits have different cost considerations in parking garages compared to surface parking lots. Parking garage retrofits do not require retrenching, so the conduit in EV capable spaces does not come with the same future avoided costs.

TABLE C405.14

ELECTRIC VEHICLE CHARGING INFRASTRUCTURE REQUIREMENTS

OCCUPANCY	EVSE SPACES	EV READY SPACES	EV CAPABLE SPACES
Group B Occupancies	15%	NA	40%
Group M Occupancies	25%	NA	40%
R-2 Occupancy	NA	100% ^a	NA
All other Occupancies	10%	NA	40%

a. Or one EV ready space per dwelling unit.

The percentages in Table C405.14 can be adjusted to tailor the requirements for the specific market needs of a jurisdiction. However, the EV Capable space requirements included for all commercial lots recognizes that future needs for EV charging will be much greater than they are now. EV capable spaces avoid the significant cost of parking lot re-trenching, which is one of the largest single costs of EVCI retrofits but only a minor investment in new construction.

C405.14.1 EV Capable Spaces. EV Capable Spaces shall be provided with electrical infrastructure that meets the following requirements:

1. Conduit that is continuous between a junction box or outlet located within 3 feet (914 mm) of the parking space and an electrical panel serving the area of the parking space.
2. The electrical panel to which the conduit connects shall have sufficient dedicated physical space for a dedicated dual-pole, 40-amp breaker.
3. The conduit shall be sized and rated to accommodate a 40-amp, 208/240-volt branch circuit and have a minimum nominal trade size of 1 inch.
4. The electrical junction box and the electrical panel directory entry for the dedicated space in the electrical panel shall have labels stating “For future *electric vehicle* charging”.

The requirements for EV Capable spaces ensure a low-cost path to retrofitting the spaces with EVSE in the future. One of the most significant costs to upgrading parking lots for EVCI is the retrenching of the lot for electrical wiring runs. These requirements ensure that the wiring can be easily run through conduit to spaces without retrenching.

C405.14.2 EV Ready Spaces. The branch circuit serving EV Ready Spaces shall meet the following requirements:

1. Wiring capable of supporting a 40-amp, 208/240-volt circuit.

2. Terminates at an outlet or junction box located within 3 feet (914 mm) of the parking space.
3. A minimum capacity of 1.8 kVA.
4. The electrical panel directory shall designate the branch circuit as “For electric vehicle charging” and the junction box or receptacle shall be labelled “For electric vehicle charging.”

The approach for multifamily can be characterized as “upgradeable Level 1 charging.” This approach balances objectives for equity, controlling first costs and future upgradeability. The wiring requirement ensures that the wiring is capable of supporting Level 2 charging, but the circuit capacity requirements can be met by a branch circuit that supports only Level 1 charging. All EVs come with at least a Level 1 charger, so this approach maximizes the number of EV spaces for which charging is immediately available without incurring the higher upfront costs of full Level 2 EVSE at every space. This is an important equity consideration since access to charging is one of the larger barriers to EV use for multifamily tenants. The oversized wiring ensures that these spaces can be upgraded to load managed Level 2 charging in the future and that the building has sufficient capacity for a reasonable minimum level of simultaneous charging.

This upgradable Level 1 approach becomes less appropriate if the required number of EV spaces is reduced from 100%. If a lower percentage is chosen for R-2 occupancies in Table C405.14, then the EV Ready spaces should be specified for Level 2 capacity instead of Level 1. In that case, alternate text is provided here.

C405.14.2 EV Ready Spaces. The branch circuit serving *EV Ready Spaces* shall meet the following requirements:

1. Terminates at an outlet or junction box located within 3 feet (914 mm) of the parking space.
2. A minimum capacity of 8.3 kVA.
3. The electrical panel directory shall designate the branch circuit as “For electric vehicle charging” and the junction box or receptacle shall be labelled “For electric vehicle charging.”

This alternate language specifies that the branch circuit must be capable of supporting a Level 2 EVSE capable of meeting the requirements for EVSE spaces in this overlay. 8.3 kVA is equivalent to a 208V @ 40A branch circuit. At lower levels of EV Ready spaces for R-2 occupancies, jurisdictions should also consider adding requirements for minimum percentages of EVSE and EV Capable spaces to ensure both immediate access to charging and future upgradeability.

C405.14.2 EVSE Spaces. The EVSE serving *EVSE spaces* shall meet the following requirements:

1. Capable of supplying not less than 6.2 kW to an electric vehicle.

Exception: An ALMS may be used to reduce the total electrical capacity required by EVSE spaces provided that all EVSE spaces are capable of simultaneously charging at a minimum rate of 1.4 kW.
2. Located within 3 feet (914 mm) of the *EVSE space*.

The charging rate for an EVSE space is set at 6.2 kW. This is equivalent to a 30A/208V EVSE. 30 and 32A chargers are the most common Level 2 chargers and the highest capacity chargers that can be installed on a 40A branch circuit. kW is used as the metric to indicate total power delivered rather than the specific combination of Volts and Amps.

C405.15 Energy storage infrastructure. Each building site shall have equipment for on-site energy storage not less than 2 feet (610 mm) in one dimension and 4 feet (1219 mm) in another dimension and located in accordance with Section 1206.2.8 of the International Fire Code and Section 110.26 of the NFPA 70.

Exception: Where an onsite electrical energy system storage system is installed.

C405.15.1 Electrical service reserved space. The main electrical service panel shall have a reserved space to allow installation of a two-pole circuit breaker for future electrical energy storage system installation. This space shall be labeled “For Future Electric Storage.” The reserved spaces shall be positioned at the end of the panel that is opposite from the panel supply conductor connection.

Infrastructure for energy storage has been migrated up from Appendix CB Solar-Ready Zone into the main body of the code. This language includes revisions from the 2019 Group B Public Comment that were not incorporated into the final text of the 2021 IECC but modify the language to ensure needed correlation with the IFC and NFPA.

C405.16 Additional electric infrastructure. Buildings that contain *combustion equipment* and end-uses shall be required to install electric infrastructure in accordance with this section.

The following sections ensure that gas equipment can be more easily and cost-effectively retrofit with electric equipment in the future. This language is adapted from the approach adopted in the electrification reach codes adopted by various California cities. It combines the best elements from those reach codes, breaks out the necessary electric differences between smaller unitized or residential scale equipment and larger central and commercial equipment, and adapts them to the I-Code format.

C405.16.1 Electric infrastructure for dwelling and sleeping units. *Combustion equipment* and end-uses serving individual *dwelling units* or *sleeping units* shall comply with Section R404.6.

C405.16.2 Combustion space heating. Space heating *equipment* that uses *fossil fuels* shall comply with either C405.16.2.1 or C405.16.2.2

C405.16.2.1 Low-capacity heating. Warm-air furnaces with a capacity less than 225,000 Btu/h and gas- and oil-fired boilers with a capacity less than 400,000 Btu/h shall be provided with a designated exterior location(s) in accordance with the following:

- a. Natural drainage for condensate from cooling equipment operation or a condensate drain located within 3 feet (914 mm) of the location of the space heating equipment.

- b. A dedicated branch circuit in compliance with NFPA70 Section 424.4 based on heat pump space heating equipment sized in accordance with the requirements of C403.1.1 and terminating within 3 feet (914 mm) of the location of the space heating equipment with no obstructions. Both ends of the branch circuit shall be labeled "For Future Heat Pump Space Heater."

Exception: Where an electrical circuit in compliance with NFPA70 Sections 440.4(B) and 440.35 exists for space cooling equipment.

C405.16.2.2 High-capacity heating. All other space heating *equipment* shall be provided with conduit that is continuous between a junction box located within 3 feet (914 mm) of the *equipment* and an electrical panel. The junction box, conduit and bus bar in the electrical panel shall be rated and sized to accommodate a branch circuit with sufficient capacity for an equivalent electric *equipment* with an equivalent equipment capacity. The electrical junction box and electrical panel shall have labels stating, "For Future Electric Space Heating Equipment".

Section C405.16.2 includes two size thresholds, applying different criteria to smaller, unitary heating systems, distinct from larger central systems. For low-capacity heating the requirement for sizing a branch circuit serving a heat pump relies on the size of the actual equipment to be installed. Since there is not an actual equipment size to reference and equipment size can vary depending on the size of the zone served and the climate, the section references Section C403.1.1 to establish the size of the heat pump equipment that would be required for the specific building.

C405.16.3 Combustion water heating. Water heating *equipment* that uses *fossil fuels* shall comply with either C405.16.3.1 or C405.16.3.2

C405.16.3.1 Low-capacity water heating. Water heaters with a capacity less than 300,000 Btu/h (88 kW) shall be installed in accordance with the following:

1. A dedicated 208/240-volt branch circuit with a minimum capacity of 30 amps shall terminate within 3 feet (914 mm) from the water heater and be accessible to the water heater with no obstructions. Both ends of the branch circuit shall be labeled with the words "For Future Heat Pump Water Heater" and be electrically isolated.
2. A condensate drain that is no more than 2 inches (51 mm) higher than the base of the installed water heater and allows natural draining without pump assistance shall be installed within 3 feet (914 mm) of the water heater.
3. The water heater shall be installed in a space with minimum dimensions of 3 feet (914 mm) by 3 feet (914 mm) by 7 feet (2134 mm) high.
4. The water heater shall be installed in a space with a minimum volume of 700 cubic feet (20,000 L) or the equivalent of one 16-

inch (406 mm) by 24-inch (610 mm) grill to a heated space and one 8-inch (203 mm) duct of no more than 10 feet (3048 mm) in length for cool exhaust air.

C405.16.3.2 High-capacity water heating. Water heaters with a capacity greater than or equal to 300,000 Btu/h (88 kW) shall be provided with the following:

1. Conduit that is continuous between a junction box located within 3 feet (914 mm) of the *equipment* and an electrical panel. The junction box, conduit and bus bar in the electrical panel shall be rated and sized to accommodate a branch circuit with sufficient capacity for an equivalent electric *equipment* with an equivalent equipment capacity. The electrical junction box and electrical panel shall have labels stating, “For Future Electric Water Heating Equipment”.
2. A condensate drain that is no more than 2 inches (51 mm) higher than the base of the installed water heater and allows natural draining without pump assistance shall be installed within 3 feet (914 mm) of the water heater.

Section C405.16.3 includes two size thresholds, applying different criteria to smaller, unitary water heaters distinct from larger central water heaters. For low-capacity water heating, a series of requirements are provided that ensure that the building can accommodate a HPWH in the future. Requirement 1 ensures that there is a branch circuit ready to support the future installation of a HPWH. Requirement 2 ensures that the condensate generated by a HPWH compressor can be easily drained away. Requirement 3 ensures that the water heater location is physically large enough to accommodate

HPWHs that are frequently wider and/or taller than code-minimum gas water heaters. Requirement 4 ensures that a future HPWH has access to sufficient air volume to effectively operate.

For high-capacity systems the language is structured to ensure electric-capability and improve the feasibility of future electrification retrofits. The requirements ensure that adding future electric branch circuits is relatively simple. The section does not include any requirements for branch circuits or electrical panel capacity since it addresses equipment that may be quite large or for which the electric infrastructure needs of future electric equivalent may be uncertain. To support the potential for installation of central HPWH, requirement 2 ensures that the condensate generated by a HPWH compressor can be easily drained away.

C405.16.4 Combustion cooking. Cooking *equipment* that use *fossil fuel* shall comply with either C405.16.4.1 or C405.16.4.2.

C405.16.4.1 Commercial cooking. *Commercial cooking appliances* shall be provided with a dedicated branch circuit with a minimum capacity of 12 kVA per 1 kBtu of appliance input capacity. The branch circuit shall terminate within 3 feet (914 mm) of the appliance with no obstructions. Both ends of the

branch circuit shall be labeled with the words “For Future Electric Cooking Equipment” and be electrically isolated.

C405.16.4.2 Light and medium duty cooking. Light- and medium duty cooking *equipment* not designated as *commercial cooking appliances* shall be provided with a dedicated branch circuit in compliance with NFPA 70 Section 422.10. The branch circuit shall terminate within 6 feet (1829 mm) of *fossil fuel* ranges, cooktops and ovens and be accessible with no obstructions. Both ends of the branch circuit shall be labeled with the words “For Future Electric Cooking Equipment” and be electrically isolated.

Section C405.16.4 includes two size thresholds, applying different criteria to commercial cooking equipment distinct from residential scale cooking equipment. For commercial equipment, a sizing equivalency based on the input of standard commercial range gas burners and electric hobs is used to determine future need.

Residential scale cooking equipment and appliances requires a 240V/40A branch circuit for a standard 8.75 kVA or larger electric residential range and has been used as the basis for the sizing of the branch circuit. Six feet is cited per requirements from IRC Section E3901.5 requiring appliance receptacles to be within 6 feet of the intended appliance.

If the requirements of this provision would be too difficult for a jurisdiction’s particular market, the elimination of this section would put gas cooking equipment under C405.16.6 Other combustion equipment (which would need to be re-numbered), which does not include full circuits or panel capacity for that equipment.

C405.16.5 Combustion clothes drying. Clothes drying *equipment* that use *fossil fuels* shall comply with either C405.16.5.1 or C405.16.5.2

C405.16.5.1 Commercial drying. Clothes drying *equipment*, and end-uses for commercial laundry applications shall be provided with conduit that is continuous between a junction box located within 3 feet (914 mm) of the *equipment* and an electrical panel. The junction box, conduit and bus bar in the electrical panel shall be rated and sized to accommodate a branch circuit with

sufficient capacity for an equivalent electric *equipment* with an equivalent equipment capacity. The electrical junction box and electrical panel shall have labels stating, “For Future Electric Clothes Drying Equipment”.

C405.16.5.2 Residential drying. Clothes drying *equipment, appliances*, and end- uses serving multiple *dwelling units* or sleeping areas with a capacity less than or equal to 9.2 cubic feet shall be provided with a dedicated 240-volt branch circuit with a minimum capacity of 30 amps shall terminate within 6 feet (1829 mm) of *fossil fuel* clothes dryers and shall be accessible with no obstructions. Both ends of the branch circuit shall be labeled with the words “For Future Electric Clothes Drying Equipment” and be electrically isolated.

Section C405.16.5 includes two size thresholds, applying different criteria to commercial drying equipment distinct from residential scale drying equipment. For commercial equipment, the language is structured to ensure electric-capability and improve the feasibility of future electrification retrofits. The requirements ensure that adding future electric branch circuits is relatively simple. The section does not include any requirements for branch circuits or electrical panel capacity since it addresses equipment that may be quite large or for which the electric infrastructure needs of future electric equivalent may be uncertain.

Residential scale drying equipment and appliances are provided with language that mirrors the Residential Provisions.

C405.16.6 Other combustion equipment. *Combustion equipment not covered by Sections C405.16.2-3 shall be provided with conduit that is continuous between a junction box located within 3 feet (914 mm) of the appliance or equipment and an electrical panel. The junction box, conduit and bus bar in the electrical panel shall be rated and sized to accommodate a branch circuit with sufficient capacity for an equivalent electric appliance, equipment or end use with an equivalent equipment capacity. The electrical junction box and electrical panel shall have labels stating, “For future electric equipment”.*

The addition of C405.16.6 includes requirements to improve the feasibility of future electrification retrofits. The requirements ensure that adding future electric branch circuits is relatively simple. The section does not include any requirements for branch circuits or electrical panel capacity since it addresses equipment that may be quite large or for which the electric infrastructure needs of future electric equivalent may be uncertain, including heating systems and loads.

C406 ADDITIONAL EFFICIENCY REQUIREMENTS

C406.1 Additional energy efficiency credit requirements. *New all-electric buildings shall achieve a total of 10 credits and new mixed-fuel buildings shall achieve a total of 15 credits from Tables C406.1(1) through C406.1(5) where the table is selected based on the use group of the building and from credit calculations as specified in relevant subsections of C406. Where a building contains multiple use groups, credits from each use group shall be weighted by floor area of each group to determine the weighted average building credit. Credits from the tables or calculation shall be achieved where a building complies with one or more of the following:*

To encourage electrification of buildings while allowing for mixed-fuel construction, mixed fuel buildings are required to achieve more efficiency credits. Where a mixed fuel building is constructed under this overlay, these provisions will decrease its carbon impact.

C406.5 Onsite renewable energy. *The total minimum ratings of on-site renewable energy systems, not including onsite renewable energy system capacity used for compliance with Section C405.13, shall be one of the following:*

With the addition of C405.13 for mandatory inclusion of onsite renewable energy this section is revised to allow only additional renewable energy to be counted toward compliance with the additional efficiency requirements.

**Chapter 6 – Referenced
Standards (Both) Add new
standard as follows:**

CTA

Consumer Technology
Association 1919 S. Eads
Street
Arlington, VA 22202

Standard reference number	Title	Referenced in code section number
ANSI/CTA-2045-B	Modular Communications Interface for Energy Management	 C404.11

**SECTION 7. NET-ZERO CODE LANGUAGE FOR VOLUNTARY NET-ZERO STRETCH
CODE**

APPENDIX CC

ZERO ENERGY COMMERCIAL BUILDING PROVISIONS

The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.

User note:

About this chapter: Appendix CC provides a model for applying new renewable energy generation when new buildings add electric load to the grid. This renewable energy will avoid the additional emissions that would otherwise occur from conventional power generation.

SECTION CC101 GENERAL

CC101.1 Purpose. The purpose of this appendix is to supplement the *International Energy Conservation Code* and require renewable energy systems of adequate capacity to achieve net zero carbon.

CC101.2 Scope. This appendix applies to new buildings that are addressed by the *International Energy Conservation Code*.

Exceptions:

1. Detached one- and two-family dwellings and townhouses as well as Group R-2 buildings three stories or less in height above grade plane, manufactured homes (mobile dwellings), and manufactured houses (modular dwellings).
2. Buildings that use neither electricity nor fossil fuel.

SECTION CC102 DEFINITIONS

CC102.1 Definitions. The definitions contained in this section supplement or modify the definitions in the *International Energy Conservation Code*.

ADJUSTED OFF-SITE RENEWABLE ENERGY. The amount of energy production from off-site renewable energy systems that may be used to offset building energy.

BUILDING ENERGY. All energy consumed at the *building site* as measured at the site boundary. Contributions from on-site or off-site renewable energy systems shall not be considered when determining the building energy.

ENERGY UTILIZATION INTENSITY (EUI). The site energy for either the baseline building or the proposed building divided by the gross *conditioned floor area* plus any semiheated floor area of the building. For the baseline building, the EUI can be divided between regulated energy use and unregulated energy use.

OFF-SITE RENEWABLE ENERGY SYSTEM. Renewable energy system not located on the building project.

ON-SITE RENEWABLE ENERGY SYSTEM. Renewable energy systems on the building project.

RENEWABLE ENERGY SYSTEM. Photovoltaic, solar thermal, geothermal energy and wind systems used to generate energy.

SEMIHEATED SPACE. An enclosed space within a building that is heated by a heating system whose output capacity is greater than or equal to $3.4 \text{ Btu/h} \times \text{ft}^2$ of floor area but is not a conditioned space.

ZERO ENERGY PERFORMANCE INDEX (ZEPI PB/EE). The ratio of the proposed building EUI without renewables to the baseline building EUI, expressed as a percentage.

SECTION CC103 MINIMUM RENEWABLE ENERGY

CC103.1 Renewable energy. On-site renewable energy systems shall be installed, or off-site renewable energy shall be procured to offset the building energy as calculated in Equation CC-1.

$$RE_{\text{onsite}} + RE_{\text{offsite}} \geq E_{\text{building}} \quad (\text{Equation CC-1})$$

where:

RE_{onsite} = Annual site energy production from on-site renewable energy systems (see Section CC103.2).

RE_{offsite} = Adjusted annual site energy production from off-site renewable energy systems that may be credited against building energy use (see Section CC103.3).

E_{building} = Building energy use without consideration of renewable energy systems.

When Section C401.2.1(1) is used for compliance with the *International Energy Conservation Code*, building energy shall be determined by multiplying the gross *conditioned floor area* plus the gross semiheated floor area of the proposed building by an EUI selected from Table CC103.1. Use a weighted average for mixed-use buildings.

When Section C401.2.1, Item 2 or Section C401.2.2 is used for compliance with the *International Energy Conservation Code*, building energy shall be determined from energy simulations.

CC103.2 Calculation of on-site renewable energy. The annual energy production from on-site renewable energy

APPENDIX CC—ZERO ENERGY COMMERCIAL BUILDING PROVISIONS

TABLE CC103.1
ENERGY UTILIZATION INTENSITY FOR BUILDING TYPES AND CLIMATES (kBtu/ft² – yr)

BUILDING AREA TYPE	CLIMATE ZONE																
	0A/1A	0B/1B	2A	2B	3A	3B	3C	4A	4B	4C	5A	5B	5C	6A	6B	7	8
	kBtu/ft² – yr																
Healthcare/hospital (I-2)	119	120	119	113	116	109	106	116	109	106	118	110	105	126	116	131	142
Hotel/motel (R-1)	73	76	73	68	70	67	65	69	66	65	71	68	65	77	72	81	89
Multiple-family (R-2)	43	45	41	41	43	42	36	45	43	41	47	46	41	53	48	53	59
Office (B)	31	32	30	29	29	28	25	28	27	25	29	28	25	33	30	32	36
Restaurant (A-2)	389	426	411	408	444	420	395	483	437	457	531	484	484	589	538	644	750
Retail (M)	46	50	45	46	44	44	37	48	44	44	52	50	46	60	52	64	77
School (E)	42	46	42	40	40	39	36	39	40	40	39	43	37	44	40	45	54
Warehouse (S)	9	12	9	11	12	11	10	17	13	14	23	17	15	32	23	32	32
All others	55	58	54	53	53	51	48	54	52	51	57	54	50	63	57	65	73

systems shall be determined using the PVWatts software or other software approved by the code official.

CC103.3 Off-site renewable energy. Off-site energy shall comply with Sections CC103.3.1 and CC103.3.2.

CC103.3.1 Qualifying off-site procurement methods.

The following are considered qualifying off-site renewable energy procurement methods:

1. Community renewables: an off-site renewable energy system for which the owner has purchased or leased renewable energy capacity along with other subscribers.
2. Renewable energy investment fund: an entity that installs renewable energy capacity on behalf of the owner.
3. Virtual power purchase agreement: a power purchase agreement for off-site renewable energy where the owner agrees to purchase renewable energy output at a fixed price schedule.
4. Direct ownership: an off-site renewable energy system owned by the building project owner.
5. Direct access to wholesale market: an agreement between the owner and a renewable energy developer to purchase renewable energy.
6. Green retail tariffs: a program by the retail electricity provider to provide 100-percent renewable energy to the owner.
7. Unbundled Renewable Energy Certificates (RECs): certificates purchased by the owner representing the environmental benefits of renewable energy generation that are sold separately from the electric power.

CC103.3.2 Requirements for all procurement methods. The following requirements shall apply to all *off-site* renewable energy procurement methods:

1. The building owner shall sign a legally binding contract to procure qualifying off-site renewable energy.
2. The procurement contract shall have duration of not less than 15 years and shall be structured to

survive a partial or full transfer of ownership of the property.

3. RECs and other environmental attributes associated with the procured *off-site renewable energy* shall be assigned to the building project for the duration of the contract.
4. The renewable energy generating source shall include one or more of the following: photovoltaic systems, solar thermal power plants, geothermal power plants and wind turbines.
5. The generation source shall be located where the energy can be delivered to the building site by the same utility or distribution entity, the same independent system operator (ISO) or regional transmission organization (RTO), or within integrated ISOs (electric coordination council).
6. The *off-site renewable energy* producer shall maintain transparent accounting that clearly assigns production to the building. Records on power sent to or purchased by the building shall be retained by the building owner and made available for inspection by the code official upon request.

CC103.3.3 Adjusted off-site renewable energy. The process for calculating the adjusted *off-site renewable energy* is shown in Equation CC-2.

$$RE_{\text{offsite}} = \sum_{i=1}^n PF_i \times RE_i = PF_1 \times RE_1 + PF_2 \times RE_2 + \dots + PF_n \times RE_n$$

(Equation CC-2)

where:

RE_{offsite} = Adjusted off-site renewable energy.

PF_i = Procurement factor for the i^{th} renewable energy procurement method or class taken from Table CC103.3.3.

RE_i = Annual energy production for the i^{th} renewable energy procurement method or class.

n = The number of renewable energy procurement options or classes considered.

APPENDIX CC—ZERO ENERGY COMMERCIAL BUILDING PROVISIONS

TABLE CC103.3.3
DEFAULT OFF-SITE RENEWABLE ENERGY PROCUREMENT METHODS, CLASSES AND COEFFICIENTS

CLASS	PROCUREMENT FACTOR (PF)	PROCUREMENT OPTIONS	ADDITIONAL REQUIREMENTS (see also Section CC103.3.2)
1	0.75	Community solar	—
		REIFs	Entity must be managed to prevent fraud or misuse of funds.
		Virtual PPA	—
		Self-owned off-site	Provisions shall prevent the generation from being sold separately from the building.
2	0.55	Green retail tariffs	The offering shall not include the purchase of unbundled RECs.
		Direct access	The offering shall not include the purchase of unbundled RECs.
3	0.20	Unbundled RECs	The vintage of the RECs shall align with building energy use.

APPENDIX RC

ZERO ENERGY RESIDENTIAL BUILDING PROVISIONS

The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.

User Note:

About this appendix: This appendix provides requirements for residential buildings intended to result in net zero energy consumption over the course of a year. Where adopted by ordinance as a requirement, Section RC101 language is intended to replace Section R401.2.

SECTION RC101 COMPLIANCE

RC101.1 Compliance. Existing residential buildings shall comply with Chapter 5. New residential buildings shall comply with Section RC102.

SECTION RC102 ZERO ENERGY RESIDENTIAL BUILDINGS

RC102.1 General. New residential buildings shall comply with Section RC102.2.

RC102.2 Energy Rating Index zero energy score. Compliance with this section requires that the rated design be shown to have a score less than or equal to the values in Table RC102.2 when compared to the Energy Rating Index (ERI) reference design determined in accordance with RESNET/ICC 301 for both of the following:

1. ERI value not including on-site power production (OPP) calculated in accordance with RESNET/ICC 301.
2. ERI value including on-site power production calculated in accordance with RESNET/ICC 301 with the OPP in Equation 4.1.2 of RESNET/ICC 301 adjusted in accordance with Equation RC-1.

Adjusted OPP = OPP + CREF + REPC **(Equation RC-1)**

where:

CREF = Community Renewable Energy Facility power production—the yearly energy, in kilowatt hour equivalent (kWh_{eq}), contracted from a community renewable energy facility that is qualified under applicable state and local utility statutes and rules, and that allocates bill credits to the rated home.

REPC = Renewable Energy Purchase Contract power production—the yearly energy, in kilowatt hour equivalent (kWh_{eq}), contracted from an energy facility that generates energy with photovoltaic, solar thermal, geothermal energy or wind systems, and that is demonstrated by an energy purchase contract or lease with a duration of not less than 15 years.

**TABLE RC102.2
MAXIMUM ENERGY RATING INDEX^a**

CLIMATE ZONE	ENERGY RATING INDEX NOT INCLUDING OPP	ENERGY RATING INDEX INCLUDING ADJUSTED OPP (as proposed)
1	43	0
2	45	0
3	47	0
4	47	0
5	47	0
6	46	0
7	46	0
8	46	0

- a. The building shall meet the requirements of Table R406.2, and the building thermal envelope shall be greater than or equal to the levels of efficiency and SHGC in Table R402.1.2 or R402.1.3.

Appendix B. Summary of Net zero building cost analyses

The typical argument for not constructing Net-zero buildings is that they are more expensive to build. This is not necessarily true. While Net-zero buildings do need to be designed and constructed differently than value-engineered buildings, the increase in cost has been shown to be minimal. By value-engineering buildings during the design and construction phases of a building's lifecycle, developers effectively pass down energy costs to building residents. It is important to prioritize net-zero residential buildings for low-income developments.

According to a study conducted by NBI¹ ([LINK](#))

- The all-electric Single-family home is \$7500-\$8200 cheaper to construct than the baseline code home.
- The electric-ready single-family home has an incremental first cost of \$1000-\$1800
- The all-electric medium office has an incremental cost of \$0.33-0.50/sf
- The electric-ready medium office has an incremental cost of \$1.03-1.20/sf
- The largest impact on office building electrification is the cost of EV charging Infrastructure, which is already required by Park City as per [Insert EV parking code]
- According to the Life Cycle Cost Analysis, the all-electric scenario reduced total energy consumption by 34%, which the mixed-fuel scenario reduced energy consumption by 9% compared to baseline.
- Electrification of the single-family home saves 126.2 metric tons of CO₂e
- Code-compliant heat pumps deliver significant space heating savings over very high-efficiency condensing furnaces, even in colder climates
- The single-family prototype can save between \$850-\$16,200 in all cases except for the all-electric scenario using fixed rate utilities in the high-cost scenario
- When a societal cost is attributed to carbon emissions, the results show life cycle cost savings in all scenarios
- Electrification readiness reduces life cycle costs for a typical mixed-fuel building by future-proofing against electrification retrofit costs as on-site fossil fuels are phased out

When the lifecycle costs of a net-zero building are considered, the financial argument becomes clearer. However, most projects in Park City suffer from the capital versus operational expense conundrum. Builders pay an incremental cost to develop a Net-zero building that may decrease their profit but results in financial benefits for building occupants.

According to a study on the economics of all-electric new construction in Utah², ([LINK](#))

- All electric homes and multi-family properties can be built at lower cost in Utah compared to mixed-fuel properties, which can help improve housing affordability by reducing housing construction costs
- When including energy-efficient technologies like electric heat pumps, all-electric homes can result in energy bill savings for customers in all major climate zones in Utah

¹ The analysis looked at a single-family home and medium office prototype buildings for Climate Zone 5A (a comparatively cold climate) in New York State (a relatively expensive market). PCMC may contract with NBI to produce a cost analysis for our market in particular at a cost of \$20,000

² [The Economics of All-Electric New Construction in Utah: And evaluation of residential new construction costs and energy bill impacts for single-family and low-rise multifamily properties across the state.](#)

- Equipment selection is important for maximizing energy bill savings and lifecycle benefits for residential buildings. Financial outcomes are optimized through use of high-performing HVAC, water heating, and other equipment.
- In addition to lower construction costs and enhanced energy bill affordability, all-electric properties can deliver air quality benefits and carbon reductions while also taking advantage of ongoing technology improvements.

The carbon benefits of electrification in Utah are forecasted to increase over time as work continues with the Community Renewable Energy Program and Park City decarbonizes its electric energy by 2030 with 100% renewables.

Planning Commission Staff Report



Subject: Conventional Chain Businesses and Vibrancy Ordinances
Application: PL-23-05564
Author: Rebecca Ward
Date: March 8, 2023
Type of Item: Work Session

Recommendation

Review the [December 14, 2022 Staff Communication](#) that outlines the background regarding Conventional Chain Business and Vibrancy regulations for the Historic Commercial Zoning Districts in Old Town and discuss whether the Planning Commission recommends initiating the process to conduct community outreach and further research to evaluate potential amendments.

Background

On May 26, 2022, the City Council enacted [Ordinance No. 2022-15](#) to clarify and update Historic Commercial Business and Historic Recreation Commercial Zoning District regulations that:

- Establish vertical zoning to direct active uses like retail, restaurants, and bars to the pedestrian level of Historic Main Street,
- Require that Storefront properties in these Zoning Districts remain vibrant and open year-round,¹
- Limit the number of Conventional Chain Businesses that can be located in Storefront properties (17 are allowed in the Historic Commercial Business District and are full; seven are allowed in the Historic Recreation Commercial District and five are full – see the [Park City Business License webpage](#) for more information), and
- Ensure future development is compatible with the Historic character and scale of Main Street.

In the fall of 2022, the Planning Commission requested a summary regarding Conventional Chain Business and Vibrancy Ordinances to introduce the regulations to new Planning Commissioners and to provide background information so that the Planning Commission could evaluate whether to prioritize these topics in the 2023 Land Management Code amendment schedule ([Minutes](#), p. 1 - 4).

¹ City staff conducts vibrancy walks each quarter to evaluate storefront properties. In the last quarter, one property was found to be not vibrant. In these instances, the City sends a letter to the property owner putting them on notice of their status. Municipal Code of Park City [Section 4-2-15\(E\)](#) allows the business an opportunity to demonstrate that they are engaging in business as required or are eligible for an exception due to ongoing construction or a pending sale.

On December 14, 2022, staff provided the requested background for Planning Commission review ([Staff Report](#)).

On January 25, 2023, when establishing the 2023 Land Management Code priorities for the year, the Planning Commission requested that Conventional Chain Business and Vibrancy Ordinances be prioritized for early discussion ([Minutes](#)).

The Conventional Chain Business and Vibrancy Ordinances were established over several years after significant study and community outreach. The Economic Development, Finance, and Planning teams recommended amendments enacted by City Council in 2022 to clarify and further incentivize Vibrant Storefronts through sign regulations. However, staff did not recommend substantive changes. If the Planning Commission considers future amendments, staff recommends that additional study be conducted, and extensive stakeholder outreach be completed prior to any evaluation of amending the regulations.

Please note that staff reached out to the Historic Park City Alliance (HPCA) for input on the current regulations. On December 20, 2022, the HPCA Board reviewed and discussed the current regulations and responded as follows:

The group did discuss this and the overall consensus is to keep as is. However they would suggest adding a variance during Sundance. Currently with all Chain slots being filled (on the top of Main), this prevents street level businesses from renting out business site during the event. With rent prices being so high, this creates a missed opportunity for businesses.

While HPCA recommends the policy regarding Conventional Chain Businesses during Sundance be reevaluated, they do not recommend or request changes to the code at this time.