



**PARK CITY PLANNING COMMISSION MEETING
SUMMIT COUNTY, UTAH
November 11, 2020**

PUBLIC NOTICE IS HEREBY GIVEN that the PLANNING COMMISSION of Park City, Utah will hold its Regular Planning Commission Meeting at the City Council Chambers, 445 Marsac Avenue, Park City, Utah 84060 for the purposes and at the times as described below on Wednesday, November 11, 2020.

NOTICE OF ELECTRONIC MEETING & HOW TO COMMENT VIRTUALLY:

This meeting will be an electronic meeting without an anchor location as permitted by Utah Code Open and Public Meetings Act section 52-4-207(4) as amended June 18, 2020, and Park City Resolution 18-2020, adopted March 19, 2020. The written determination of a substantial health and safety risk, required by Utah Code section 52-4-207(4) is attached as Exhibit A. Planning Commission members will connect electronically. Public comments will be accepted virtually as described below.

To comment virtually, use eComment or raise your hand on Zoom. eComments submitted before the meeting date will be attached to the packet as appendices. eComments submitted on Commission meeting days will be read aloud. For more information on participating virtually and to listen live, please go to www.parkcity.org.

Exhibit A: Determination of Substantial Health and Safety Risk

On October 23, 2020 the Commission Chairperson determined that conducting a meeting with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location. Utah Code section 52-4-207(4) requires this determination and the facts upon which it is based, which include:

- Summit County has extended its Emergency Declaration and Public Health Emergency Declaration through January 8, 2021.
- Statewide COVID cases and hospitalizations are increasing. This determination is valid for 30 days, and is set to expire on November 23, 2020.

Dated: October 23, 2020.

MEETING CALLED TO ORDER AT 5:30 PM.

1.ROLL CALL

2.MINUTES APPROVAL

- 2.A. Consideration to Approve the Planning Commission Meeting Minutes from October 28, 2020.
[PC Minutes 10.28.2020_Pending Approval](#)

3.PUBLIC COMMUNICATIONS

4.STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

5.CONTINUATIONS

- 5.A. Olive Branch Condominiums - 472A Deer Valley Loop- Appeal of a Planning Director Determination – The Planning Commission will Review the Appeal of the Planning Director’s Determination to Require a Plat Amendment to Expand Private Area into Platted Common Area of a Two-Unit Condominium Located at 472 A Deer Valley Loop.
(A) Continued to a Date Uncertain - No Commission Action Required
[472A Deer Valley Loop Planning Director Determination Appeal Continuation Staff Report](#)

6.WORK SESSION

- 6.A. Maximum Building Height and Off-Street Parking Standards for Master Planned Affordable Housing Developments
[Staff Report](#)
[Exhibit A: Cascadia Partners, LLC, Memorandum: Best Practice Research on Height and Parking Code Standards for AMPD Update](#)

7.REGULAR AGENDA

- 7.A. Land Management Code Amendment – The Planning Commission will Consider Updates to the City’s Outdoor Lighting Regulations, Land Management Code § 15-5-5(J), to Align with Summit County’s Recently-Adopted Code and the International Dark-Sky Association Standards to Set Maximum Lumens for Fixtures and Properties, to Prevent Harsh Lighting with a Maximum of 3,000 degrees Kelvin, and to Fully Shield Lighting.
(A) Public Hearing (B) Possible Recommendation for City Council’s Consideration on December 10, 2020
[Dark Sky Land Management Code Staff Report](#)
[Exhibit A: Draft Ordinance and Land Management Code Redlines](#)
[Exhibit B: Frequently Asked Questions and Staff Responses](#)
[Exhibit C: Public Input](#)
[Exhibit D: Dark Sky Survey Results as of November 4, 2020](#)

8.ADJOURN

A majority of PLANNING COMMISSION members may meet socially after the meeting. If so, the location will be announced by the PLANNING COMMISSION Chair Person. City business will not be conducted. Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Planning Department at 435-615-5060 or planning@parkcity.org at least 24 hours prior to the meeting. Wireless internet service is available in the Marsac Building on Wednesdays and Thursdays from 4:00 p.m. to 9:00 p.m. Posted: See: www.parkcity.org

***Parking validations will be provided for meeting attendees that park in the China Bridge parking structure.**

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
OCTOBER 28, 2020

COMMISSIONERS IN ATTENDANCE:

Chair John Phillips, Sarah Hall, John Kenworthy, Laura Suesser, Doug Thimm, Christin Van Dine

EX OFFICIO: Planning Director Bruce Erickson; Alexandra Ananth, Planner; Rebecca Ward, Planner; Mark Harrington, City Attorney

The Planning Commission meeting was conducted virtually via Zoom.

The public was able to submit eComments during the meeting.

NOTICE OF ELECTRONIC MEETING & HOW TO COMMENT VIRTUALLY:

Chair Phillips read the Public Notice for Electronic Meetings and Exhibit A: Determination of Substantial Health and Safety Risk.

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Dated October 23, 2020.

ROLL CALL

Chair Phillips called the meeting to order at 5:30 p.m. and noted that all Commissioners were present.

APPROVAL OF MINUTES

October 14, 2020

Commissioner Kenworthy referred to the motion on the last page of the Minutes and changed Commissioner Kenworthy to correctly read **Commissioner Kenworthy** **seconded the motion.**

MOTION: Commissioner Suesser moved to APPROVE the Minutes of October 14, 2020 as amended. Commissioner Hall seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC COMMUNICATIONS

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Director Bruce Erickson reported that the Planning Department was preparing for two special meetings for the PEG Development project, one in November and one in December. Planner Ananth would provide those dates during her project presentation.

Chair Phillips disclosed that he would be recusing himself from the 327 McHenry Avenue Plat Amendment on the agenda this evening due to a prior working relationship with the applicant. Chair Phillips stated that he has been recusing on applications from this applicant for the seven years he has been on the Planning Commission. Since he has not had a working relationship with the applicant for nine years, he will consider waiving recusals in the future if the applicant is comfortable with that decision.

WORK SESSION

7A. Off-Street Parking Standards and Maximum Building Height for Master Planned Affordable Housing Developments.

Planner Hannah Tyler reported that the Planning Department was working on Affordable Housing Land Management Code Amendments, which will affect Master Plan Developments for affordable housing. Planner Tyler noted that Planner Rebecca Ward and the Affordable Housing Development Management, Jason Glidden, were on the line to answer questions. In addition, Dave Thacker, the Chief Building Official was also available to answer Building Code questions. Johnny Wasden, who oversees the Parking Department, was also on the line.

Planner Tyler stated that the overall purpose of this work session was to review the Cascadia Partners memorandum, which outlined best practices for affordable housing land use codes. They asked Cascadia Partners to look specifically at maximum building height and off-street parking. Planner Tyler stated that the intent of the memo was to identify ways to reduce the financial barriers for developing affordable housing through amendment to the Code looking at height and parking as part of the density bonus program.

Planner Tyler noted that a separate work session would be scheduled to discuss the framework for the density bonus program. Therefore, the discussion this evening should focus on height and parking. The Staff was requesting direction on possible LMC Amendments specifically for master planned affordable housing developments. Planner Tyler clarified that it would be specific to projects eligible under the Master Plan Affordable Development Code. It would not be applicable to all MPDs.

Planner Tyler explained that currently the Code requires 100% affordable housing in a project to use the Affordable Housing Code. In 2018 they came to the Planning Commission with a proposal to reduce that threshold to 50% as an effort to encourage private developers to build more affordable housing than what is obligated in their project. Planner Tyler noted that in 2018 the Affordable Housing and Planning Departments proposed LMC amendments to incentivize affordable housing through a density bonus program specific to the Affordable Housing MPD chapter, which is different than the regular MPDs. The concept was if the development, public or private, built more than 50% of a project as deed restricted affordable housing, they would be eligible to receive a density bonus. They were looking at scaling that density bonus based on the Area Medium Income level served for the affordable housing units. At the direction of the City Council, the Staff was seeking to shift that percentage to incentivize more development of affordable housing. Planner Tyler stated that the proposed 2018

LMC Amendment restructured almost the entirety of the Affordable Housing MPD section. The amendments ranged from applicability of the threshold up to the different requirements within the MPD. She noted that in 2018 the Planning Commission forwarded a positive recommendation to the City Council to reduce the threshold. However, the Council did not pass the proposed ordinance because they did not feel confident that it would incentivize affordable housing development by private developers.

Planner Tyler reported that at the direction of the City Council, in 2019 the Staff retained Cascadia Partners to assist in determining whether the proposed LMC Amendments would move the needle to incentivize development by both public and private. Planner Tyler stated that the main issue identified by Cascadia was that while a density bonus program can incentivize construction of affordable housing, most developments in Park City specifically could not actually achieve a density bonus because of how the LMC in each zone was structured. Planner Tyler remarked that Cascadia Partners Code audit identified areas of the LMC that could be amended to help incentivize development using the proposed density bonus framework. She clarified that Cascadia Partners was not looking to restructure the framework. They looked at how to change specific sections of the Code where they could actually achieve a density bonus. Planner Tyler stated that without the recommended LMC amendments by Cascadia Partners, the density bonus would not be achieved in its entirety, or at all in some cases. Therefore, the density bonus program the Staff had proposed would not work.

Planner Tyler stated that on December 5, 2019 the City Council reviewed Cascadia Partners final report and directed the Staff to pursue the Land Management Code Amendments. The Staff broke it into two phases. They accomplished Phase I, which the Planning Commission and City Council reviewed in January 2020. Phase I reduced the boundary setbacks for all affordable housing MPDs, as well as open space reduction. They also matched the parking requirements of affordable housing to the requirements of regular MPDs. She noted that the parking requirement was greater for affordable housing than regular MPDs and the intent was to even the playing field.

Planner Tyler emphasized that the discussion this evening only relates to the increase in maximum building height, and the parking reductions or alternative parking requirements. She provided a graph that was included in the first report produced by Cascadia Partners which helped illustrate the financial impacts of the recommended Code amendments. The far left identified what a developer would be able to achieve under the original proposal. The middle identified what would happen if they just took the recommendations for the AMPD standards and did not give a one-story addition over what the density bonus would give. The far right was the baseline standards for

the topics this evening, and also looking at adding an additional story 4th story. Planner Tyler remarked that there is a clear financial incentive by allowing people to achieve the density bonus through these creative LMC amendments.

Planner Tyler stated that the objective this evening was to review the final report for the Phase 2 topics, which is the Best Practices Memorandum. Planner Tyler stated that in the memorandum Cascadia gave in 2020, they provided case studies from several similar communities, as well as over 30 different communities in their codes. The case studies they were able to find in similar communities were from Ketchum, Truckee, Mammoth Lakes and Bend. Their broad recommendation was that the City right-size the parking requirements and increase the maximum building height from three to four stories.

Planner Tyler began her presentation with parking. Cascadia Partners recommended five Code changes to what they refer to as right-size parking requirements. The first recommendation is to scale parking requirements by affordability and unit size. Planner Tyler noted that Park City currently regulates off-street parking for residential units by unit size. For multi-unit dwellings, the current LMC requires at least one parking space for all units, and the requirements increases as the unit size increases. There are also requirements for single-family and duplex dwellings. Planner Tyler reported that Cascadia was recommending two options. One would be to reduce the requirements for all units whether market rate or affordable. The second option would be to reduce the parking for affordable units. Planner Tyler presented a graph showing the current requirements and what Cascadia recommends based on the type of unit. She noted that Cascadia Partners ultimately recommends reducing the parking completely for affordable units that are less than 750 square feet, and progressively more after that. For market rate, Cascadia Partners gave a baseline requirement for the smallest unit, but they did not give a total reduction in parking for the market rate units.

Planner Tyler stated that the Staff was able to flush out a little more research specific to Park City with the help of the affordable housing group and through the Census. The Staff conducted their own research on vehicle ownership and availability in Park City and Summit County. Based on that research, the Staff had concerns about the affordable housing population's access to vehicles and the reduction in parking. It is possible, but they want to be surgical in how they approach it to avoid unmitigated impacts in the right-of-way to public facilities or to the community at-large with overflow. Planner Tyler stated that in 2020 the Affordable Housing Department added a question about vehicle accessibility and ownership into the survey they sent out for compliance. To date, 67% of the City's affordable housing household had responded. Planner Tyler clarified that the information presented this evening was only based on those had responded because the survey deadline has not passed. Based on the available

information, 48% own two vehicles and 30% own one vehicle. Of those who responded, only one person does not have a car. They Staff also researched the Census data for Summit County and found that it aligns pretty well with the affordable housing community in Park City. Planner Tyler stated that the Staff was not confident that a majority of the lower income households, which are below 100% AMI, do not have a vehicle and do not have access to a vehicle. Planner Tyler pointed out that knowing there is a financial barrier, reducing parking is a great way to achieve affordable housing; but they will be surgical in their approach.

Planner Tyler thought Option Two was a great first step because it still provides parking for most of the residents of a development. However, the challenge is trying to find a nexus between the smaller unit size and lesser access to a vehicle. Planner Tyler stated that in combination with some of the other strategies in her presentation, they believe this can help reduce the impact by implementing some of the other recommendations in addition to potentially reducing parking. The Staff also believes there is another level where the City Council will need to provide policy direction regarding other potential mitigation strategies, such as a City-owned satellite parking lot. Planner Tyler remarked that there were other layers to look at on how to take the burden off the public right-of-way if there is spillover.

Planner Tyler stated that the next recommendation by Cascadia Partners is to provide additional reductions for small sites specifically. They recommended two approaches. The first is to reduce 5,000 square feet per floor for the sum of the total floors. She explained that for every floor in a building, the developer could reduce a certain square footage away from the parking calculation. It would help people with smaller buildings achieve a great reduction. Planner Tyler stated that the second recommendation is to reduce the parking altogether for lots that are 5,000 square feet or less. Just to give some context of size, Planner Tyler noted that a 5,000 square feet parcel is approximately 2-3 Old Town lots. Cascadia Partners was proposing to reduce the parking completely on that size of development.

Planner Tyler noted that both options help incentivize the use of the MPD process because of the high financial impact of off-street parking. She reviewed examples of the cost of different parking types as provided by Cascadia. Planner Tyler stated that these were generic numbers, however, when talking about a parking obligation of 70 spaces, it can be a financial barrier for any development, both affordable and market rate.

Planner Tyler stated that Cascadia Partners recommended allowing a credit of one parking space for every on-street public parking space that abuts a site. It is a clear incentive with large benefits for smaller projects, because in some cases the developer

could achieve the majority of an off-street parking requirement through the use of on-street parking. Planner Tyler noted that public parking is not dedicated or reserved, even if someone has a parking pass. They need to be thinking about where that person will park in the event the space in front of their house is taken.

Planner Tyler stated that another issue is how development is impacting the public-right-of-way. In any instance, whether snow removal or parking, the City likes to keep the development impacts to within their own boundary. She pointed out that they will now be pushing the impacts of a project onto the right-of-way. Planner Tyler stated that another concern is what if the City removes that parking in the future. A lot of the community plan is to shift modes and to look at making the streets complete streets. She noted that the City Council recently considered this in reaction to Vision 2020. The Staff has concerns about gifting someone public parking that counts towards the parking requirement and what to do if the parking is removed in the future because the community goals shift. Planner Tyler stated that if the City were to consider this, the Staff would prefer that it occur in areas with a parking management plan, which would include permitted and patrolled parking. The last concern was the impacts of snow removal and other public infrastructure and utility concerns.

Planner Tyler stated that the Staff would like direction on whether the Planning Commission would like to consider a credit for off-street parking spaces that abut a development site.

Planner Tyler reported that Cascadia Partners was recommending allowing a one for one credit for every parking space provided in an off-site location. It would be with clear agreements and dedication of that space to the development. Cascadia recommends that the off-site location be within 800 to 1,000 feet of the development. Planner Tyler stated that the Staff had no issues with this recommendation as long as the distance to the off-site location is reasonable and there is a clear agreement in place. It is a good option and something the community would probably want to consider.

Planner Tyler stated that the last recommendation was providing “by-right reductions” for projects that take measures to reduce parking demand. She noted that what Cascadia means by “by-right” is to make these reductions an allowed use. Park City uses the term “allowed use” which is consistent with Utah State Code. Planner Tyler clarified that anytime Cascadia uses the term “by-right”, the Staff will refer to it as an allowed use. Planner Tyler explained that Cascadia recommended creating a framework for allowing a reduction in off-street parking based on specific measures taken to reduce the parking demand by providing other transit and travel options for residents and guests. Planner Tyler stated that because the City’s current process is discretionary and requires the submission of a parking analysis or study prior to

receiving a reduction, many developers do not go down this road due to the cost and time to do the study, and also because there is no guarantee the Planning Commission will grant a reduction. For that reason, Cascadia was recommending a clear list of measurable strategies that would be predictable and more straightforward for the Staff to regulate and apply. Cascadia believed the developers are more likely to use a clear set of criteria rather than a discretionary process.

Planner Tyler stated that the Staff was supportive of the concept behind the sample code language and the intent of a clear list of measurable strategies. However, they would like to sift through the recommended percentage reductions to get a better understanding of the offset. The Staff would like direction from the Planning Commission before pursuing that. For example, Cascadia recommends that being close enough to transit results in a 20% reduction. The Staff was trying to find the nexus between the 20% reduction and the distance to transit. Planner Tyler remarked that another option would be to create a similar list, and rather than give a percentage reduction for the tactics and measures, they could require these types of tactics for projects seeking to get the reduction identified in Recommendation 1, which is the recommended reduction in parking. It is based by unit size and the chart would identify the parking requirement if specific types of parking demand reduction measures are provided. It would be a good trade and ultimately help reduce the impact of reducing the parking. Planner Tyler stated that transit, carshare, motorcycles, and bicycles would not give a reduction. They would simply be the mitigation strategies to address the new parking requirements in the initial parking chart.

Planner Tyler remarked that looking at the initial chart and the reductions as proposed by Cascadia, many projects would be cutting their parking requirement in half or more; however, the Staff was not seeing the nexus between the behaviors of the residents and the parking demand strategies. The Staff preferred to look at implementing the chart and require these parking demand strategies in order for people to be eligible to use the chart. They did not believe the strategies alone should give an additional reduction.

Planner Tyler stated that another piece Cascadia recommended and the Staff supports is that no matter what parking reduction the Planning Commission directs the Staff to pursue, they still want to give projects an outlet to still see an additional parking reduction if they provide a parking study. It would still require review and approval by the Planning Commission, but if the developer wanted to go above and beyond any parking reduction, they should be given the opportunity to submit a study and have the Planning Commission be the review authority.

Planner Tyler requested feedback and direction on the parking portion of the presentation, and what they would like the Staff to research and come back in Code form.

Commissioner Suesser referred to Carshare under Section 5 on page 56 of the Staff report, which states, "Site has dedicated parking spaces for carshare vehicles". She asked for the definition of a carshare vehicle. Planner Tyler used Enterprise as one program. Enterprise will park a car in a dedicated space. Anyone can download the Enterprise app and become a registered driver for Enterprise. This enables them to borrow the car to run an errand or go to the grocery store. When finished, they will either park the car in the same space, or when there are a lot of carshares, the car can be parked in another designated location. Planner Tyler clarified that a carshare is a car that is available for anyone to use.

Commissioner Kenworthy recalled that the City had a goal of 220 affordable homes by the end of December. He asked Mr. Glidden where that numbers falls on December 31st. Mr. Glidden replied that they would not make the 220 goal, but he needed to look up the exact number. Commissioner Kenworthy asked if they would reach 100 homes. Mr. Glidden answered yes. It would be more than 50% of the goal. Commissioner Kenworthy stated that he was trying to see how desperate they were to make this work because they have not hit the goals. He noted that the City has still not been able to implement public/private. Commissioner Kenworthy wanted to know the exact number before voicing his opinion.

Mr. Glidden commented on the overall goal of 800 units by 2026. He stated that as far as finished product they will not hit the 220 goal by the end of this year; however, there are projects in the pipeline, and housing requirements are coming through with private developments. Mr. Glidden remarked that of the 800 units, forecasting was showing they were approximately 250 to 300 units short on units. These units are not identified, which means they have not already been developed or they were not seeing them in a pipeline or a requirement for private development. Mr. Glidden emphasized that there is a shortage that is significant for reaching the goal. He offered to look up the number Commissioner Kenworthy requested.

Commissioner Thimm referred to the parking reduction table on page 27 of the Staff report, and the idea of Option 2 for affordable units. He was comfortable with that option, however, he suggested changing the 750 square foot threshold to 600 square feet on the top two lines. It would keep the option in a studio realm rather than a one-bedroom realm, which he thought was more appropriate. With regard to the reduction of 5,000 square feet per floor, Commissioner Thimm thought it was important to find out whether the square footage is net rentable or gross. Commissioner Thimm suggested

that it be net rentable, and that there be a minimum of 15,000 square feet net rentable on a floor to achieve a 5,000 square foot per floor reduction.

Commissioner Thimm commented on off-street parking for units of 5,000 square feet or less. He suggested starting with one space for lots less than 5,000 square feet, except where there is a TDM that would support zero because of proximity to public transportation or transit, carshare, motorcycle and scooters. With regard to credit for on-street parking, Commissioner Thimm thought they should take baby steps and leave it the way it is, especially due to the concerns expressed in the Staff report. Commissioner Thimm stated that he could support off-street parking within 1,000 square feet of the development, as long as an irrevocable permanent use of that parking is established. Commissioner Thimm was in favor of creating a set of criterion measures to reduce parking. He was not completely convinced it was the right thing, but he was interested in looking into it.

Commissioner Thimm was interested in Staff research to find a nexus between the recommended mitigation and reduction in parking. He was open to the idea of an option for developers to submit a parking analysis to request further reduction in parking, provided that there is a qualification that the developer will fund a third-party analysis that finds support to the analysis provided by the developer.

Chair Phillips thought the Staff was headed in the right direction. He agreed with Commissioner Thimm's comments and suggestions.

Commissioner Hall referred to the Cascadia report and asked whether Cascadia quantifies how many more units would potentially be available if the City agreed to all of their parking strategies. Planner Tyler answered no. Cascadia could have expanded their scope, but the City did not want to spend the money for an analysis on a site by site basis because it would probably shift depending on the zone. Planner Tyler thought the initial chart helped identify that there will be some level of increase compared to what the Code says now. Commissioner Hall believed there would be more options and more incentives. She noted that Cascadia provided some specifics. For example, one diagram showed the ability to have four units instead of three units with less parking.

Commissioner Hall stated that in general she was supportive of Cascadia's recommendations. However, she believed the City needed to take drastic measures if they have any hope of meeting their affordable housing goal. The City hired experts to tell them how to achieve those goals and they should heed their advice.

Chair Phillips thought they should look into on-street parking along the frontage to see if they can find ways to mitigate it from causing a problem. He stated that there are certain areas where on-street parking is readily available, but there are areas where it is being used possibly because of its proximity to businesses on Main Street or in other areas where parking is used heavily. Planner Tyler stated that she would meet with the Parking Department to try to identify locations where it might work. Chair Phillips stated that if there is a particular site where it is apparent that the parking is not being used, he could see no issues with allowing that to be factored in.

In response to Commissioner Kenworthy's earlier request for the exact number of units, Mr. Glidden stated that they were currently at 133 units of the 220 goal by December 31st. There might be a few more units before the end of the year but it would be less than ten.

Commissioner Kenworthy stated that based on the shortfalls, he recommended following the Cascadia report and do as much as possible to encourage the public/private partnership. He agreed with Commission Hall. His answer was yes on all the credits and yes to all the recommendations.

Planner Tyler asked if the majority of Commissioners would like the Staff to follow the Cascadia recommendations and bring back some code.

Commissioner Suesser stated that she was not on board with all of the Cascadia recommendations. She supported the Staff doing further research to find a nexus between the recommended mitigations and reduction in parking. Commissioner Suesser did not agree with the recommended requirements outlined in Figure 6, which is the chart recommended by Cascadia. She thought the reduction was too drastic. Commissioner Suesser stated that she knows people who live in those developments around town and parking is an issue for everyone who lives there. She understood the purpose of the recommendations is to spur developers to build these projects, but she was concerned that the result would be a lot of unhappy people living there and significant parking issues. Commissioner Suesser thought the recommendations needed to be studied further. She did not think there was enough of a nexus between what was recommended and what is needed.

Commissioner Suesser was opposed to giving credits for parking along the frontage of the site. She did not think they should give credit for parking spaces that abut a development site. She was comfortable giving credit for off-site parking spaces that are dedicated for use by the subject property. Commissioner Suesser favored setting criteria to establish measured reduced parking demand and assign off-street parking

reductions to each measure. She was comfortable with the option for developers to submit a parking analysis and study to request additional parking reductions.

Chair Phillips agreed that the Cascadia report was fairly aggressive. He was concerned about the consequences of swinging the pendulum too far and too fast. Chair Phillips suggested taking an aggressive approach to see how it works without creating irreversible impacts. Chair Phillips clarified that he still stood behind his previous comments.

Planner Tyler asked if there was consensus for reducing the off-street parking as identified in the chart. Commissioner Suesser answered no. Commissioner Thimm answered yes, based upon the 600 square feet amendment he had suggested. Chair Phillips and Commissioner Van Dine agreed with Commissioner Thimm.

Commissioner Hall asked Mr. Glidden for the number of current units under 600 square feet. Mr. Glidden noted that some of the survey information Planner Tyler presented was skewed because a lot of the affordable housing is not under the 750 square feet; however, the trend is moving that way. Mr. Glidden stated that much of the affordable housing proposed and what the City is looking at are smaller studio units. He did not believe there was enough data to support how car ownership relates to smaller units. Based on current data, it is likely a resident would own at least one car.

Chair Phillips thought the incentive of reduced parking would help procure smaller units if that is becoming the goal. He was concerned about having no parking spaces. Chair Phillips understood that currently at least one space is required for an affordable unit. He favored reducing the unit size to 600 square feet, but he thought the parking should be .5 spaces for the affordable units, which is still a reduction.

The Commissioners had no further comments on parking.

Planner Tyler requested direction on the concept of a deduction for the 5,000 square feet of floor area for small lots.

Commissioner Thimm clarified that the recommendation was for a 5,000 square feet reduction per floor. Planner Tyler replied that he was correct. Commissioner Thimm could support the reduction of 5,000 square feet provided there is a net rentable square footage total of 15,000 square feet on the floor. He suggested that they define the type of square footage and establish a minimum to avoid taking 5,000 sf. From 5,000 sf. and end up with zero cars.

Commissioner Suesser stated that her answer was no on Recommendation 2.

Commissioner Van Dine concurred with Commission Thimm. She also agreed that there needs to be a definition for the reduction.

Chair Phillips agreed with Commissioner Suesser and answered no on Recommendation 2.

Commissioner Kenworthy agreed with Commissioner Thimm and a definition of 15,000 square feet per floor. Commissioner Hall also agreed with Commission Thimm.

Planner Tyler asked for direction on a complete off-street parking reduction for small 5,000 square feet lots.

Commissioner Kenworthy was comfortable with that recommendation.

Commissioner Suesser answered no on the second point of Recommendation 2.

Commissioner Van Dine answered yes on the recommendation for smaller lots.

Chair Phillips was in favor of the recommendation; however, he thought it should be tied to some of the other mitigation strategies.

Commissioner Thimm preferred one space for lots less than 5,000 square feet unless there is a parking demand analysis that supports zero spaces.

Planner Tyler asked for direction on the off-site parking with a very clear agreement of one for one trade. Commissioner Hall asked if the parking needed to be within Park City limits. Planner Tyler stated that Cascadia recommended no more than between 800 and 1,000 feet away from the development.

Chair Phillips was comfortable with the recommendation up to 1,000 feet, as long as the spaces are tied to the land.

Commissioner Suesser was comfortable with the recommendation with those conditions. Commissioners Thimm, Van Dine, and Kenworthy agreed. Commissioner Hall stated that this was her favorite solution.

Planner Tyler requested direction on the recommendation for on-street or abutting public parking.

Commissioner Thimm was opposed to an on-street parking credit. Commissioner Suesser agreed.

Chair Phillips was in favor of having the Staff study it further as discussed earlier in the presentation.

Commissioner Kenworthy favored the recommendation.

Commissioner Van Dine agreed with Chair Phillips regarding additional information, especially in specific areas and zones in town.

Planner Tyler requested direction on Recommendation 5 to provide by-right reductions for projects that take measures to reduce parking demand. She noted that Cascadia recommended a 20% reduction for being close to transit. Planner Tyler asked if the Commissioners were willing to give a reduction for any of the bullet points listed in the recommendation, or if they wanted to use them as tools that do not give a reduction, but are used to mitigate the further reduction in Recommendation 1.

Commissioner Thimm suggested an alternative, which was to pair them with tools that could be used for a parking analysis.

Commissioner Suesser asked Planner Tyler to clarify her question. Planner Tyler explained that Cascadia recommended giving a reduction for any of the four bullet points. The Staff was recommending that they create a set of similar criteria that could be used to offset the impacts of the initial chart. They would require some of the parking reduction tactics via transit, carshare, etc., in order to use this chart.

Commissioner Hall liked the solutions that were presented for allowing the reduction. She thought that having it concrete enables a developer to calculate whether or not a development will pencil out to add affordable housing. Commissioner Hall preferred to provide clarity, even if it is only a range.

Commissioner Kenworthy concurred with Commissioner Hall.

Commissioner Suesser agreed with having criteria to establish the measures to reduce the parking demand. Commissioner Thimm stated that based on their comments he was persuaded to agree.

Planner Tyler asked if the Planning Commission wanted to allow an applicant to come with a parking analysis to request an even greater reduction, which would require review and approval by the Planning Commission.

Commissioner Suesser asked if that was suggesting an even greater reduction than what Cascadia was proposing. Planner Tyler answered yes. She clarified that it would require the development to come to the Planning Department with a study that proves whatever they were proposing was less impactful. She noted that Commissioner Thimm also recommended that the developer pay for a third party selected by the City to review their parking analysis. Commissioner Suesser understood that this would assume that the City adopted the Cascadia Partners recommendation, and this would allow the developers to provide even less parking based on submission of a parking analysis and approval by the Planning Commission.

Planner Tyler explained that current Code requires the developer to do a parking analysis if they want to provide less than the current parking requirement. Chair Phillips clarified that the process is the same. The difference is that the developer would also be required to pay for a third-party review of their analysis.

Commissioner Kenworthy was comfortable with leaving it in because it is hard to predict future technology or modes of transportation. He was not opposed if a developer wants to prove that they need less parking than what the Code requires. Commissioner Kenworthy stated that the goal is to get cars out of the community but that will not happen for a long while.

Chair Phillips was comfortable allowing the developers to submit an analysis to prove there are other transportation options or reasons to reduce the parking further. Commissioners Suesser and Van Dine agreed.

Commissioner Hall agreed. She also agreed with Commissioner Thimm's suggestion for the developer to pay for a third-party review. Commissioner Hall was open to listening to creative ideas from a developer as long as there is a study to support it.

Planner Tyler commented on the length of the agenda this evening. She asked if there was any interest in continuing the discussion on height to the next meeting. The Commissioners all favored continuing the height discussion to the next meeting. Planner Tyler noted that the Staff report would be the same for discussion at the next meeting. She would work with Director Erickson to make sure the item is properly noticed.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

5.A. 1117 Park Avenue – Plat Amendment – The Applicant Proposes to Combine the North ½ of Lot 3 and all of Lot 4 of Block 5 of Snyder’s Addition Into One (1) Lot of Record which Contains 2812.5 Square Feet.
(Application PL-20-04634)

Director Erickson presented the application this evening on behalf of Caitlyn Barhorst.

Director Erickson reviewed the request for a plat amendment at 1117 Pak Avenue. The property line runs through the middle of an existing house on the lot. The applicant would like to combine ½ of Lot 3 and all of Lot 4 into one lot of record to remove the property line in the middle of the house. The applicant was not proposing additional development.

Director Erickson noted on the site plan that the existing house takes up most of the lot. He did not anticipate a new house being any larger.

The Staff recommended that the Planning Commission conduct a public hearing and forward a positive recommendation to the City Council for their consideration on November 19th for the plat amendment at 1117 Park Avenue, in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval found in the draft ordinance.

Chair Phillips thought this plat amendment was clear and straightforward.

Chair Phillips opened the public hearing.

No eComments were submitted and no hands were raised on Zoom.

Chair Phillips closed the public hearing.

MOTION: Commissioner Kenworthy moved to forward a POSITIVE recommendation to the City Council for their consideration on November 19, 2020 for the 1117 Park Avenue plat amendment, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval found in the draft ordinance. Commissioner Hall seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1117 Park Avenue

Background:

1. On September 22, 2020, the Planning Department received a complete Plat Amendment application.
2. The applicant is proposing to combine the North ½ of Lot 3 and all of Lot 4 of Block 5 of Snyder's Addition into one (1) Lot of Record.
3. The property is located at 1117 Park Avenue.

Zoning District:

4. The property is located in the Historic Residential (HR-1) Zoning District.

Public Notice Requirements:

5. Staff published notice on the City's website and the Utah Public Notice website, and posted notice to the property on October 14, 2020. Staff mailed courtesy notice to property owners within 300 feet on October 13, 2020. The Park Record published notice on October 14, 2020.

Lot and Site Requirements

6. All future development on the proposed Lot complies with the HR-1 Zoning District Requirements outlined in LMC § 15-2.2:
 - a. Minimum Lot Area is 1,875 square feet. The proposed Lot contains 2,812.5 square feet.
 - b. Minimum Lot Width is 25 feet. The proposed Lot Width is 37.5 feet.
 - c. The Lot Depth is 75 feet.
 - d. The Maximum Building Footprint is 1,200.7 square feet. Any development will comply.
 - e. The Minimum Front Setback is 10 feet. Any development will comply.
 - f. The Minimum Rear Setback is 10 feet. Existing: Approximately 9'-2". Any development will comply.
 - g. The Minimum Side Setback is 5 feet. Approximately 5'-7" North Side to 3'-10" South Side. Any development will comply.
 - h. The Maximum Building Height is 27 feet. Any development will comply.
 - i. Parking Regulations – Single Family Dwelling – 2 per Dwelling Unit. Does not comply. Existing: 1 Parking Space at approximately 14ft x 23ft.
 7. The existing structure straddles the common lot line between Lot 4 and Lot 3. The existing structure is an existing Non-Complying Structure for Single-Family Dwelling Parking Requirements and Side and Rear Setback compliance. Per LMC § 15-9-6 Non-Complying Structures: If the Property Owner has voluntarily demolished, or is required by law to demolish, more than 50% of the Gross Floor Area of the Non-Complying Structure, the Structure shall not be restored unless it is restored to comply with the regulations of the Zoning District in which it is located.
- Subdivision Requirements:
8. The proposal complies with LMC § 15-7.1-6.
 9. The proposal complies with LMC § 15-7.3-1(A-E) Conformance to Applicable Rules and Regulations.
 10. The proposal complies with LMC § 15-7.3-2(A-N) General Subdivision

Requirements.

11. The proposal complies with LMC § 15-7.3-3(A-K) General Lot Design Requirements.
12. 15-7.3-4 (A-I) Road Requirements and Design. The proposal does not create any new Roads nor alter any existing Roads.
13. 15-7.3-5 (A-C) Drainage and Storm Sewers. The proposal does not create any new Drainage and/or Storm Sewer nor alter any existing Drainage and/or Storm Sewer.
14. 15-7.3-6 (A-B) Water Facilities. The proposal does not extend nor create a new water-supply system.
15. 15-7.3-7 (A-B) Sewer Facilities. The proposal does not create any new sanitary sewer facilities.
16. 15-7.3-8 (A) Sidewalks, Hiking Trails, Bike Paths, and Horse Trails. The proposal does not create nor alter any Sidewalks, Hiking Trails, Bike Paths, or Horse Trails.
17. 15-7.3-9 (A-B) Utilities. Any future construction on this site proposed will connect into existing utilities in Park Avenue. The Development Review Committee reviewed the proposal and did not identify any utility connection issues.
18. 15-7.3-10 (A-B) Public Uses. Not required. The proposal does not consist of a Major or Minor Subdivision.
19. The proposal complies with 15-7.3-11 (A) Preservation of Natural Features and Amenities.
20. 15-7.3-12 (A-B) Nonresidential Subdivisions does not apply.
21. The Development Review Committee and Planning, Engineering, and Legal Departments reviewed this application.
22. Staff did not receive any public input at the time this report was published.

Conclusions of Law – 1117 Park Avenue

1. There is Good Clause for this Plat Amendment.
2. The Plat Amendment is consistent with the Park City Land Management Code, including LMC § 15-2.2-3 Historic Residential (HR-1) District, LMC § 15-7.1-3(B) Plat Amendment, LMC § 15-7.1-6 Final Subdivision Plat, LMC § 15-7.3 Requirements for Improvements, Reservations, and Design.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval – 1117 Park Avenue

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant shall record the plat at the County within one year from the date of

City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. The plat shall note that fire sprinklers are required for all new or renovation construction on this lot, to be approved by the Chief Building Official.

4. A ten foot (10') public snow storage easement on Park Avenue shall be noted on the Plat.

5. The property is not located within the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore it is not regulated by the City for mine related impacts. However, if the property owner does encounter mine waste or mine waste impacted soils they must handle the material in accordance with State and Federal law.

6. 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.

8.B 327 McHenry Avenue – Plat Amendment – The Applicant Proposes to Combine Lot B and Lot C of the 331 McHenry Avenue Subdivision Into One (1) Lot of Record which Contains 7,501 Square Feet.
(Application PL-20-04666)

Chair Phillips recused himself and left the room.

Vice-Chair Suesser assumed the Chair.

Director Erickson presented the application on behalf of Planner Caitlyn Barhorst.

Director Erickson reported that the original 331 Subdivision was approved on July 9, 2009. It was broken up into Lot B and Lot C, which is why the addressing is different. The correct addresses are 327 McHenry and 320 Ontario, and they will be combined into 331 McHenry.

Director Erickson stated that the lot combination would create a lot of 7,501 square feet. The maximum building footprint will be 2,460 square feet. He noted that as the lot size gets bigger the house size gets smaller. Director Erickson clarified that the Planning Commission would be approving a 7500 square foot lot with a single building footprint of 2460.5 square feet. All other requirements have been met.

Director Erickson noted that public comment was included in the Staff report. Public input from Mary Wintzer came in after the Staff report was published and it was

forwarded to the Planning Commission. Additional input was received from Mary and Charlie Wintzer dated October 25th and that would be read during the public hearing.

Commissioner Thimm asked if there was a comparison of parcel or lot square footages for the other lots in and around this McHenry site. Director Erickson replied that there was no formal comparison; however, there are large houses on McHenry as well as historic houses. Commissioner Thimm asked if the square footage for this lot was in line with some of the larger parcels. Director Erickson answered yes.

Vice-Chair Suesser had not received the email that Director Erickson said was forwarded to the Commissioners. However, if their comments are captured in the letter read during the public hearing that should be sufficient. The other Commissioners had received the forwarded email.

Vice-Chair Suesser opened the public hearing.

Jessica Nelson read into the record an eComment from Frank Watanabe that was submitted after the meeting started.

Frank Watanabe wrote, I am a neighbor of 327 and 331 McHenry, residing at 202 Ontario. I strongly support the proposal to merge Lots B and C of 331 McHenry. I believe that the lots as currently platted are too small and building two houses on the two individual lots would leave sub-sized homes too close to the adjacent houses and McHenry and Ontario. I think it would be far preferable to have a single lot with an appropriately sized home that is more in line with the adjacent properties.

Director Erickson pointed out that because of the logarithmic way house size is reduced on larger lots, if it was left at two lots, each house would be approximately 3,000 square feet. Combining the lots results in 2400 square feet of maximum footprint. Commissioner Kenworthy asked for the building envelope. Director Erickson replied that it would 2460 square feet with 27' of maximum height, which is consistent with the Code. Depending on how many floors can go under 27' on a 2400 square foot building, that would be the building envelope. He estimated approximately 5,000 square feet as the building envelope.

Vice-Chair Suesser opened the public hearing.

Jessica Nelson read an email received from Mary and Charlie Wintzer dated October 25, 2020.

The Wintzers wrote, Dear Bruce, we want to get our concerns in early so perhaps this issue can be on the Planning Staff's radar. It is our understanding that Jerry Fiat maybe wants to combine his lot off of McHenry to be an adjoining lot on Ontario. This is the former property of Dr. Carl Woolsey and his wife Donna. There are three lots. Jerry will develop and sell 330 McHenry. If he were to be allowed to combine these two lots, he would be building across a zone line. The McHenry lot is in HRL and the Ontario lot is in HR-1. He would be able to build a house twice the size and concentrate all the traffic off of McHenry. Obviously, the lot on Ontario would require costly excavation for the garage. Also, there is a steep slope issue on that lot. For the neighborhood, certainly two smaller homes would be better. One large home on a combined lot would have a greater traffic impact with more staff people up the road to take care of things, and not fit to the scale of the other homes. Thank you for your attention.

Angela Moschetta raised her hand on Zoom to comment.

Ms. Moschetta, a resident in Old Town, supported the contents of Mary and Charlie Wintzer's letter. She felt that permitting lot combinations that would then permit owners to develop gargantuan houses seems directly in conflict with some of the community goals.

No other hands were raised on Zoom and no eComments were submitted.

Vice-Chair Suesser closed the public hearing.

Commissioner Hall asked Director Erickson to address combining of the lots and how it affects building one larger home. Director Erickson stated that with two lots the setbacks would be smaller, and the square footage would be slightly more than in a single house. There would also be an additional driveway off of McHenry or Ontario. Director Erickson noted that the character of the neighborhood is mixed. Before it became HRL, a number of larger houses were built on the hillside. They are now doing their best to protect the historic houses on McHenry and Ontario.

Planner Alex Ananth presented a slide that Planner Barhorst had prepared showing the maximum footprint of only Lot B being 1500 square feet. The maximum footprint of only Lot C was also 1500 square feet. If Lots B and C are combined, the maximum footprint is 2400 square feet. Planner Ananth pointed out that the footprint is smaller if the lots are combined versus remaining separate lots.

Commissioner Thimm asked if the underlying zoning allows for a duplex. Planner Ananth could not see a duplex as an allowed use in the Code. Jessica Nelson noted that in their public comment, the Wintzer's stated that the lots go across two zones.

After looking at the zoning map, Planner Ananth thought it was all in HRL zone. Jerry Fiat, representing the applicant, concurred that it was all HRL zoning. He also clarified that duplexes are not a permitted use in the HRL zone.

Commissioner Thimm believed that combining the lots promotes a reduction in the intensity of use in terms of number of units, number of driveways, number of car trips, building area, etc.

MOTION: Commissioner Thimm moved to forward a POSITIVE recommendation to the City Council for their consideration on November 19, 2020 for the 331 McHenry Avenue Subdivision, first amended plat amendment, based upon the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance. Commissioner Van Dine seconded the motion.

VOTE: The motion passed unanimously. Commissioner Phillips was recused.

Findings of Fact – 321 McHenry Subdivision

Background:

1. On October 1, 2020, the Planning Department received a complete Plat Amendment application.
2. The applicant is proposing to combine Lot B and C of the 331 McHenry Avenue Subdivision into One (1) Lot of Record which contains 7,501 square feet.
3. The property is located at 327 McHenry Avenue and 320 Ontario Avenue.

Zoning District:

4. The property is located in the Historic Residential- Low (HRL) Zoning District.

Public Notice Requirements:

5. Staff published notice on the City's website and the Utah Public Notice website, and posted notice to the property on October 14, 2020. Staff mailed courtesy notice to property owners within 300 feet on October 13, 2020. The Park Record published notice on October 14, 2020.

Lot and Site Requirements:

6. All future development on the proposed Lot complies with the HRL Zoning District Requirements outlined in LMC § 15-2.1:
 - a. Minimum Lot Area is 1,875 square feet. The proposed Lot contains 7,501 square feet.
 - b. Minimum Lot Width is 25 feet. The proposed Lot Width is 47'-6".
 - c. The Lot Depth is 132'-7".
 - d. The Maximum Building Footprint is 2,460.5 square feet. Any development will comply.

- e. The Minimum Front Setback is 15 feet. Any development will comply.
- f. The Minimum Rear Setback is 15 feet. Any development will comply.
- g. The Minimum Side Setback is 5 feet. Any development will comply.
- h. The Maximum Building Height is 27 feet. Any development will comply.
- i. Parking Regulations – Single Family Dwelling – 2 per Dwelling Unit. Any development will comply.

Subdivision Requirements:

- 7. The proposal complies with LMC § 15-7.1-6.
- 8. The proposal complies with LMC § 15-7.3-1(A-E) Conformance to Applicable Rules and Regulations.
- 9. The proposal complies with LMC § 15-7.3-2(A-N) General Subdivision Requirements.
- 10. The proposal complies with LMC § 15-7.3-3(A-K) General Lot Design Requirements.
- 11. 15-7.3-4 (A-I) Road Requirements and Design. The proposal does not create any new Roads nor alter any existing Roads.
- 12. 15-7.3-5 (A-C) Drainage and Storm Sewers. The proposal does not create any new Drainage and/or Storm Sewer nor alter any existing Drainage and/or Storm Sewer.
- 13. 15-7.3-6 (A-B) Water Facilities. The proposal does not extend nor create a new water-supply system.
- 14. 15-7.3-7 (A-B) Sewer Facilities. The proposal does not create any new sanitary sewer facilities.
- 15. 15-7.3-8 (A) Sidewalks, Hiking Trails, Bike Paths, and Horse Trails. The proposal does not create nor alter any Sidewalks, Hiking Trails, Bike Paths, or Horse Trails.
- 16. 15-7.3-9 (A-B) Utilities. Any future construction on this site proposed will connect into existing utilities in McHenry Avenue. The Development Review Committee reviewed the proposal and did not identify any utility connection issues.
- 17. 15-7.3-10 (A-B) Public Uses. Not required. The proposal does not consist of a Major or Minor Subdivision.
- 18. The proposal complies with 15-7.3-11 (A) Preservation of Natural Features and Amenities
- 19. 15-7.3-12 (A-B) Nonresidential Subdivisions does not apply.
- 20. The Development Review Committee and Planning, Engineering, and Legal Departments reviewed this application.
- 21. Staff did not receive any public input at the time this report was published.

Conclusions of Law – 321 Subdivision

- 1. There is Good Clause for this Plat Amendment.
- 2. The Plat Amendment is consistent with the Park City Land Management Code, including LMC § 15-2.1 Historic Residential (HRL) District, LMC § 15-7.1-3(B) Plat Amendment, LMC § 15-7.1-6 Final Subdivision Plat, LMC § 15-7.3 Requirements for

Improvements, Reservations, and Design.

3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval – 321 McHenry Subdivision

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant shall record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The plat shall note that fire sprinklers are required for all new or renovation construction on this lot, to be approved by the Chief Building Official.
4. A ten foot (10') public snow storage easement on McHenry Avenue shall be noted on the Plat.
5. The property is not located within the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore it is not regulated by the City for mine related impacts. However, if the property owner does encounter mine waste or mine waste impacted soils they must handle the material in accordance with State and Federal law.
6. 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.
7. Any future development on the Lot shall have a single vehicular driveway accessed from McHenry Avenue.

8.C. 2300 Deer Valley Drive East – Condominium Plat Amendment – The Applicant is Requesting to Amend the Condominium Plat for the Funicular Building to Accommodate the Interior Remodeling of Space to Create a New Affordable Housing Unit. (Application PL-20-04653)

Commissioner Phillips returned to the meeting and resumed the Chair.

Planner Ananth reviewed the application for the St. Regis Phase I Plat Amendment. She reported that in 2001 the Planning Commission approved a CUP for a hotel with a total density of 130 residential unit equivalents, with 30 located at Snow Park which is

the Funicular Building and the Phase 2 Building currently under construction. The rest of the units are the hotel up the hill.

Planner Ananth stated that the applicant was allowed to construct the project in phases. Phase 1 is the hotel and the funicular building, which is complete. Phase 2 is currently under construction with a nine-unit condo building with parking below.

Planner Ananth noted that Phase 2 has two affordable unit obligations. One of these units is in the Phase 2 Building itself. The applicant was proposing that one unit be in the Funicular Building, which was allowed when the plat for the Phase 2 project was proposed. Planner Ananth stated that the applicant was coming before the Planning Commission with a request to amend the Phase 1 plat to reflect the new affordable unit that will be in the Funicular Building in space that was previously an office and storage space. No changes were proposed to the exterior of the building.

The Staff found good cause for this plat amendment as it is consistent with the affordable unit obligation in the Phase 2 Snow Park residences. It is for interior changes only. The project is in keeping with the goals of the General Plan for the Deer Valley neighborhood and allows for the creation of an additional deed restricted employee unit.

Planner Ananth reported that the Planning Department had not received public comment on this project. The Staff was recommending approval.

Chair Phillips opened the public hearing.

No eComments were submitted and no hands were raised on Zoom.

Chair Phillips closed the public hearing.

MOTION: Commissioner Van Dine moved to forward a POSITIVE recommendation to the City Council for their consideration on November 19, 2020 for the St. Regis Deer Valley Condominium plat amendment, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance. Commissioner Hall seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 2300 Deer Valley Drive East – Condominium Plat Amendment

1. The First Amended and Restated Deer Crest Roosevelt Gap Resort, Deer Crest

Roosevelt Gap Residences Condominium Project, Deer Crest Roosevelt Gap Condo Suites Condominium Project Condominium Plat is located at 2300 Deer Valley Drive East.

2. This application is a part of a larger Master Planned Development known as the Deer Crest Annexation MPD and is subject to the 1995 Deer Crest Settlement Agreement, as amended in December of 1998 and also on April 6, 2001, by the City Council.

3. On February 28, 2001 Planning Commission approved the Deer Crest Hotel CUP (formally known as the Rosewood CUP). Amendments to the CUP were approved by the Planning Commission on July 25, 2001, March 24, 2004, May 11, 2005, April 22, 2009, and April 23, 2014, and April 13, 2016. The City Council denied an appeal of the April 22nd approval on June 18, 2009.

4. The density of 99.5 residential unit equivalents at Roosevelt Gap, 30.5 residential unit equivalents for Snow Park (total of 130-unit equivalents) and up to 5% of the gross floor area for support commercial uses with an additional 5% gross floor area for meeting space on the 12.07-acre development site is consistent with the Deer Crest Settlement, as amended.

5. The Hotel is located in the RD (Residential Development) and RC (Resort Commercial) zoning districts subject to the Deer Crest Settlement Agreement and MPD. The funicular building is located in the RD zone.

6. A total of 105 overnight parking spaces, and up to 41-day use spaces, are allowed at the Roosevelt Gap site. Eight of these spaces are provided as tandem spaces for valet parking. The amended Settlement Agreement, allowed the Planning Commission to approve overnight parking in conjunction with a luxury hotel and upon demonstration that the remainder of the (Deer Crest) project has been modified to result in no net increase of traffic on Keetley Road.

7. A total of 374 parking spaces are required for the entire Hotel, with a maximum of 157 spaces allowed at Roosevelt Gap and the remaining spaces required at Snow Park (north and south sites). The applicant expects to have 444 parking stalls available upon completion of the project and 430 stalls available upon completion of Phase 2.

8. A Traffic and Parking Study by Hales Engineering as part of the 2019 expansion of the Deer Crest Amenity Club at the St. Regis determined that the Hotel has sufficient parking for all of the existing and proposed uses.

9. It is the desire of the applicant to build out the St. Regis in three phases. The first phase is complete and consists of the 105 Roosevelt Gap hotel/condominiums (99.5 UE), including a restaurant, bar, and spa; the funicular and funicular building at Snow Park (the funicular building contains one condominium unit, common area for the hotel lobby and check in, back of house hotel uses, and two affordable housing units); and a temporary sales office with surface parking.

10. This application is for the conversion of interior space in order to create an additional

affordable housing unit required as part of the Phase 2 AUE obligation.

11. Phase 2 consists of the south parking structure at Snow Park (35 stalls) with nine (9) condominium units above (approximately 12.2 UE's).

12. Phase 3 consists of the north parking structure and condominium units above (approximately 17 UE's). The total density approved for Snow Park is 30.5 UEs.

13. Staff finds Good Cause for this Plat Amendment as it allows for the satisfaction of the applicant's AUE obligation for Phase 2 and is consistent with the density, maximum height, location and uses identified in the approved Deer Valley Settlement Agreement, the Deer Valley Master Planned Development and the most recently amended Hotel CUP.

14. The project is in keeping with the goals of the General Plan for the Deer Valley neighborhood and allows for the construction of an additional deed restricted employee unit within the existing funicular building.

15. All Conditions of the Hotel CUP's shall continue to apply and remain in full force and effect.

16. All findings within the Analysis section and the recitals above are incorporated herein as Findings of Fact.

Conclusions of Law – 2300 Deer Valley Drive East – Condominium Plat Amendment

1. There is good cause for this Plat Amendment as it will allow for the construction of an additional deed restricted employee unit within the existing funicular building and will satisfy the applicant's AUE obligation for Phase 2.

2. The Plat Amendment is consistent with the Park City Land Management Code including Sections 15-4-12, 15-7.1-3(C) and 15-12-15(B)(9) and applicable State Law regarding Condominium Plats.

3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.

4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 2300 Deer Valley Drive East – Condominium Plat Amendment

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the Plat for compliance with State Law, the Land Management Code, and the Conditions of Approval, prior to recordation of the Plat.

2. The applicant will record the Plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the Plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. All conditions of approval of the 1995 Deer Crest Settlement Agreement, as amended, continue to apply.
 4. All conditions of approval of the Deer Crest Hotel CUP approved on February 28, 2001 (then known as the Rosewood CUP) and amended by the Planning Commission on July 25, 2001; March 24, 2004; May 11, 2005; and April 22, 2009 (with final approval by the City Council on appeal on June 18, 2009), April 23, 2014; and April 13, 2016, shall continue to apply.
 5. The new deed restricted housing unit in the funicular building shall be a minimum of 459 sf (0.574 AUE). An additional AUE of 449 sf (0.561 AUE) is located in the Phase 2 building and combined, these two units meet the requirement of 1.135 AUE, consistent with the 1st Amendment to the Housing Mitigation Plan for Phase 2 of the St. Regis. One AUE is equivalent to 800 sf according to the Development Agreement.
 6. Deed Restrictions for the AUEs, approved by the City in accordance with the applicable Housing Resolution shall be recorded prior to plat recordation, and a Certificate of Occupancy shall be issued for this 0.574 AUE prior to the issuance of Certificates of Occupancy for the final or last market rate unit as part of Phase 2.
 7. The CCRs or Deed Restrictions for the AHUs shall comply with the provisions of the applicable Housing Resolution in order to ensure the units remain affordable. The Deed Restrictions shall be submitted with the Condominium Plat amendment for review and approval by the City prior to final Plat recordation.
- 8.D. 2300 Deer Valley Drive East – Conditional Use Permit Extension/Modification – The St. Regis is Requesting to Modify their 2016 CUP to Amend Condition #3, which Requires they Exercise a Building Permit for Phase 3 Prior to December 31, 2020. The Applicant is Proposing to Modify this Condition, Allowing them Until December 31, 2021.**
(Application PL-20-04638)

Planner Ananth reviewed the application to modify Condition #3 in the 2016 CUP, which requires the applicant to submit a complete building permit application for the Phase 3 Building prior to 12/31/2020. Phase 2 is still under construction and should be completed this year. The applicant would like to finish Phase 2 before pulling a building permit for Phase 3. They would like to delay the deadline for submitting the building permit application by one year to 12/31/21.

Planner Ananth reported that there have been no new findings of non-compliance. The proposed modification is consistent with the CUP with the exception of the change to Condition #3.

Planner Ananth stated that the Planning Commission had not received any public input.

Chair Phillips asked if the Code would allow for additional extensions beyond the one being requested this evening. Planner Ananth was certain that one extension is allowed. She was unsure about multiple extensions.

Chair Phillips asked if the extension is approved and the Code changes, whether the new application would follow the latest Code or if it would be grandfathered into the Code of the original application. Planner Ananth stated that the density of the site is grandfathered in. However, in general, it has to meet whatever Code is in place at the time the applicant pulls the building permit.

Commissioner Hall was comfortable with extending the date as requested.

Chair Phillips opened the public hearing.

No eComments were submitted and no hands were raised on Zoom.

Chair Phillips closed the public hearing.

MOTION: Commissioner Thimm moved to APPROVE the extension/modification to the CUP for the St. Regis Deer Valley, located at 2300 Deer Valley Drive East, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the Staff report. Commissioner Hall seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 2300 Deer Valley Drive East – CUP extension/modification.

1. The St. Regis Deer Valley is located at 2300 Deer Valley Drive East.
2. This application is a part of a larger Master Planned Development known as the Deer Crest Annexation MPD and is subject to the 1995 Deer Crest Settlement Agreement, as amended in December of 1998 and also on April 6, 2001, by the City Council.
3. On February 28, 2001 Planning Commission approved the Deer Crest Hotel CUP (formally known as the Rosewood CUP). Amendments to the CUP were approved by the Planning Commission on July 25, 2001, March 24, 2004, May 11, 2005, April 22, 2009, and April 23, 2014, and April 13, 2016. The City Council denied an appeal of the April 22nd approval on June 18, 2009.
4. The density of 99.5 residential unit equivalents at Roosevelt Gap, 30.5 residential unit equivalents for Snow Park (total of 130-unit equivalents) and up to 5% of the gross floor area for support commercial uses with an additional 5% gross floor area

for meeting space on the 12.07-acre development site is consistent with the Deer Crest Settlement, as amended.

5. The Hotel is located in the RD (Residential Development) and RC (Resort Commercial) zoning districts subject to the Deer Crest Settlement Agreement and MPD. The funicular building, as well as the Phase 2 and Phase 3 buildings, are located in the RD zone.

6. A total of 105 overnight parking spaces, and up to 41-day use spaces, are allowed at the Roosevelt Gap site. Eight of these spaces are provided as tandem spaces for valet parking. The amended Settlement Agreement, allowed the Planning Commission to approve overnight parking in conjunction with a luxury hotel and upon demonstration that the remainder of the (Deer Crest) project has been modified to result in no net increase of traffic on Keetley Road.

7. A total of 374 parking spaces are required for the entire Hotel, with a maximum of 157 spaces allowed at Roosevelt Gap and the remaining spaces required at Snow Park (north and south sites). The applicant expects to have 444 parking stalls available upon completion of the project.

8. A Traffic and Parking Study by Hales Engineering as part of the 2019 expansion of the Deer Crest Amenity Club at the St. Regis determined that the Hotel has sufficient parking for all of the existing and proposed uses.

9. It is the desire of the applicant to build out the St. Regis in three phases. The first phase is complete and consists of the 105 Roosevelt Gap hotel/condominiums (99.5 UE), including a restaurant, bar, and spa; the funicular and funicular building at Snow Park (the funicular building contains one condominium unit, common area for the hotel lobby and check in, back of house hotel uses, and two affordable housing units); and a temporary sales office with surface parking.

10. Phase 2 consists of the south parking structure at Snow Park (35 stalls) with nine (9) condominium units above (approximately 12.2 UE's).

11. Phase 3 consists of the north parking structure and condominium units above (approximately 17 UE's). The total density approved for Snow Park is 30.5 UEs.

12. This application is for an extension of time to exercise a building permit for Phase 3, until 12/31/2021.

13. Staff finds Good Cause for this Extension/Modification as it allows for the completion of the Phase 2 building prior to the initiation of Phase 3.

14. The project is in keeping with the goals of the General Plan for the Deer Valley neighborhood and allows for the construction of an additional deed restricted employee unit.

15. Staff has reviewed the proposed Extension/Modification to the Deer Crest Hotel CUP against the Conditional Use Permit criteria in Section 15-1-10 of the Land Management Code, as outlined below:

- a. Size and location of the site. There are no changes proposed to the size and location of the site. **No unmitigated impacts.**

- b. Traffic considerations. There are no changes in traffic as a result of this amendment to the timing of Phase 3. Traffic impacts associated with Phase 3 were reviewed in 2016. **No unmitigated impacts as conditioned.**
- c. Utility capacity. There are no changes in utilities as a result of this amendment to timing. The site will be served by JSSD. **No unmitigated impacts.**
- d. Emergency vehicle access. Access for emergency vehicles is unchanged with this amendment to the timing of Phase 3. **No unmitigated impacts.**
- e. Location and amount of off-street parking. No changes are proposed to the overall parking requirements or actual parking provided. A parking analysis was reviewed in 2016 and again in 2019 with the expansion of the Amenity Club. It was concluded that the Hotel has sufficient parking. **No unmitigated Impacts, as conditioned.**
- f. Internal circulation system. No changes to the internal project circulation system are proposed with this amendment. **No unmitigated impacts.**
- g. Fencing, screening and landscaping to separate uses. No changes to the fencing, screening, and landscaping are proposed with this timing amendment. **No unmitigated impacts.**
- h. Building mass, bulk, orientation and the location on site, including orientation to adjacent buildings or lots. No changes to the building mass, bulk, orientation and location on site are proposed with this amendment. Plans will be reviewed at the time of building permit. **No unmitigated impacts.**
- i. Usable open space. No changes to the open space area are proposed with this timing amendment. **No unmitigated impacts.**
- j. Signs and lighting. No changes are proposed to the signs and lighting with this amendment. **No unmitigated impacts.**
- k. Physical design and compatibility with surrounding structures in mass, scale and style. No changes are proposed to the physical design with this timing amendment. **No unmitigated impacts.**
- l. Noise, vibration, odors, steam, or other mechanical factors that might affect people and property off-site. There are no changes to any mechanical factors that require mitigation due to this amendment. **No unmitigated impacts.**
- m. Control of delivery and service vehicles, loading and unloading zones, and screening. There are no changes to loading and unloading zones from what was approved. All loading and unloading areas are within the parking structure at Roosevelt Gap and the funicular building at Snow Park. **No unmitigated impacts.**
- n. Expected ownership and management of the property. There are no proposed changes to ownership with this timing amendment. **No unmitigated impacts.**
- o. Sensitive Lands Review. There are no changes to the approved CUP that

are contrary to the sensitive lands review as it relates to the Deer Crest Settlement Agreement CUP. **No unmitigated impacts.**

p. There have been no changes in circumstance that would result in unmitigated impacts or that would result in a finding of non-compliance with review criteria in Section 15-1-10(E).

16. All Conditions of the Hotel CUP's shall continue to apply and remain in full force and effect, with the exception of the timing of Phase 3, as amended in Condition #3, below.

17. All findings within the Analysis section and the recitals above are incorporated herein as Findings of Fact.

Conclusions of Law – 2300 Deer Valley Drive East – CUP Extension/Modification

1. The Applicant demonstrated there is no change in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance with review criteria. The Application complies with all requirements outlined in the applicable sections of the Land Management Code, specifically Sections 15.1.10, review criteria for Conditional Use Permits.

2. There is no change in Use. The approved Use was determined to be compatible with surrounding structures in use, scale, mass, and circulation.

3. The approved Use was found to be consistent with the Park City General Plan per the June 18, 2009 approval. The requested amendment is not contrary to the General Plan.

4. The proposal is consistent with the Deer Crest Annexation and the 1995 Deer Crest Settlement as amended.

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

Conditions of Approval – 2300 Deer Valley Drive East – CUP Extension/Modification

1. All standard project conditions shall apply.

2. All conditions of approval of the 1995 Deer Crest Settlement Agreement, as amended, continue to apply.

3. All conditions of approval of the Deer Crest Hotel CUP approved on February 28, 2001 (then known as the Rosewood CUP) and amended by the Planning Commission on July 25, 2001; March 24, 2004; May 11, 2005; April 22, 2009 (with final approval by the City Council on appeal on June 18, 2009), April 23, 2014, and April 18, 2016, with the exception of Condition #3, amended again below, shall continue to apply.

4. The applicant shall submit a complete application and building plans for construction

of the Phase 3 parking structure and condominium units at Snow Park North, on or prior to December 31, 2021. If plans are not submitted within this date, the prior CUP approval for Snow Park North shall expire and a new Conditional Use Permit application will be required to be reviewed by the Planning Commission, prior to submittal of such building plans for the Snow Park Site. The final Certificate of Occupancy for the last market rate unit in Phase 3 shall not be issued until the Certificate of Occupancy for the AHU in Phase 3 has been issued.

8.E. 800 Round Valley Drive – Intermountain Healthcare Master Planned Development Amendment and Conditional Use Permit. Park City Hospital proposed to build a 15,375 square foot Ambulatory Surgical Center on Lot 6 of the Park City Medical Campus.

Planner Rebecca Ward introduced Lori Weston, Morgan Busch, Steven Irmabor, Abraham Lindman, and Adam Jensen who were representing IHC. Casey Carlton and Monte Gumble were architects from E4H Architecture.

Planner Ward reported that this agenda item was for a 15,375 square foot ambulatory surgery center on Lot 6 of the Park City Medical Campus. She presented the approved plat for the subdivision and noted that the site is accessed through Round Valley Drive and Gilmore Way. It is across the street from the Park City Hospital and next to the Physicians Holdings Medical Offices.

Planner Ward stated that the plat for this lot designates two address: 775 Gilmore Way and 800 Round Valley Drive. This application was publicly noticed under the Gilmore Way address; however, the County GIS Specialist recommended that the final address for this project be 800 Round Valley Drive. The application was updated to reflect the correct address.

Planner Ward stated that this application was based on an approval from the Planning Commission in October that granted Lot 6 27,000 square feet for an ambulatory surgery center, subject to this conditional use permit. Planner Ward noted that the lot is also subject to the requirements of the 2007 Annexation Agreement and the IHC MPD. Planner Ward stated that the Annexation Agreement requires fire prevention measures. The Park City Fire District reviewed the proposal and did not identify any issues that would require additional mitigation. She noted that the applicant updated and submitted landscape plans that comply with the new Wildland Urban Interface Code.

Planner Ward stated that also from the Annexation Agreement was a condition of approval for the IHC MPD Amendment for an updated water service agreement to make sure the City could accommodate the increased peak daily water for the

additional density on the site. Planner Ward reported that in June of this year, IHC and Park City updated the Water Service Agreement, which was attached to the Staff Report as Exhibit E.

Planner Ward stated that another requirement is compliance with the Quinn's Junction joint planning principles, which requires landscape buffering to mitigate parking visibility from Highway 40 and SR248.

Planner Ward noted that the IHC MPD requires affordable housing obligations. Last month the Housing Authority approved the 5th Amendment to the Housing Mitigation Plan for this MPD. The applicant paid a fee in-lieu for affordable unit equivalents. Planner Ward clarified that the 2019 Amendment triggered over 20 affordable unit equivalents. Some of those have been fulfilled under the 4th Amendment to the Housing Mitigation Plan, which included deed restrictions on existing units.

Planner Ward stated that because the applicant was only proposing to build a portion of the allotted density for this site, a condition of approval requires another CUP review process for the full extension, which would trigger additional affordable unit equivalent obligations at that time.

Planner Ward stated that the proposed development complies with the Community Transition Zoning district in terms of lot size, setbacks, and density. Height in the zone is 33 feet. The applicant was requesting an amendment to the MPD, under the MPD Code, to increase the height by 2'6" above the zoning height for a total of 36'6" above existing grade. Planner Ward remarked that the requested height increase as part of the MPD, the applicant bears the burden of proof that six necessary findings are met. Exhibit L in the Staff report outlined the applicant's request. Planner Ward outlined the six factors: 1) It does not increase square footage or density on the site; 2) The buildings are positioned to minimize visual impacts; 3) There is adequate landscaping; 4) Increased setbacks; 5) The additional building height results in more than minimum open space; 6) The additional building height is designed in a manner that provides a transition in roof elements.

The Staff found that the increase in height complies with the criteria because the density for the lot is established through the MPD approval in 2019. The proposed structure is significantly set back beyond the 25' required setback for the zone, ranging from 70' to 180' from the property lines. It is buffered by landscaping and the IHC MPD. When it is fully built out with the additional density, it will still exceed the open space requirement.

Planner Ward noted that there were two proposed connections to the Silver Quinn's Trail, which is behind Lot 6. Condition of Approval #3 requires compliance with the Code for the roofing materials.

Under the conditional use permit criteria, the Staff was recommending conditions of approval that include parking for bikes, connectivity to the Silver Quinn's Trail, fully shielded outdoor lights, a timing system for parking area lighting when the facility is closed, compliance with the Park City Health Campus design guidelines approved by the Planning Commission when the MPD was amended last year, and compliance with the Architectural Review requirements in the Code.

Planner Ward stated that the applicant was aware of the proposed EV charging station Land Management Code Amendments that are scheduled for the City Council's consideration in November. The applicant volunteered to install EV charging station infrastructure for 20% of the total required parking spaces. The Staff recommended that this be added as condition of approval #20.

The Staff recommended that the Planning Commission review the proposal, conduct a public hearing and consider approving the conditional use and amendment to the MPD, with the added condition of approval.

Casey Carrolton with E4H, the project architect, walked through the design and provided an overview of the project and why they were proposing the amendments. Mr. Carlton commented on the height amendment and why they felt the height was complimentary to the site. He stated that one of the goals of the project was to allow for some good views of the mountain scenery and the exterior towards the mountain side of the site. It would push the main entrance lobby area to the far side away from Round Valley and gives some height to the building on that side rather than facing it toward Round Valley. Mr. Carlton remarked that the additional height allows for this to be seen as a prominent architectural feature to draw people to the main entry. The main entry would be to the southwest on the far side away from Round Valley. It would provide a waiting room with favorable view of the mountain side for those waiting for someone in surgery. Mr. Carlton pointed to the circulation around the site with parking on either side.

Mr. Carlton referred to Planner Ward's comment that 20% of the parking space are to be provided with EV charging stations. He thought it was 5% and asked for clarification. Planner Ward clarified that 20% is for the conduit only. The 5% would be the actual installations. Mr. Carlton stated that Intermountain Healthcare in general has an ongoing program to provide EV charging stations to many of their campuses. They wanted to know if it would be possible to provide the infrastructure, the conduits to their

electrical panels for even the 5%, rather than installing the EV charging station. It would offset the costs of this project but work within their systemwide initiative. They have completed Phase 1 of that initiative and starting on Phase 2 to bring EV charges stations to their many campuses.

Planner Ward clarified that the proposed condition of approval addresses the conduit for 20% of the parking spaces on the site. Mr. Carlton asked if Planner Ward was requiring that IHC provide the actual charging stations for the 5% of parking, which is four parking stalls. Planner Ward understood that the proposal was to go ahead and install the conduit for the 20%, but that the 5% would be installed according to the overall plans for the campus. She pointed out that the actual installation of the charging stations is not included in the condition of approval.

Adam Jensen with IHC understood that one of the conditions of approval would be to install the infrastructure for the 20% of the required parking stalls, and that the City would allow them to look at their Phase 2 broader strategy for EV charging stations moving forward. Mr. Jensen appreciated that acknowledgement.

Commissioner Van Dine asked if IHC was willing to put in the four required EV stations and the conduit for the 20% or whether they were asking to not install any EV stations and just provide the conduit. Mr. Jensen clarified that they were asking for what Planner Ward had presented which is to install the 20% infrastructure; and within the broader strategy as they look at their other facilities and campuses, they will develop the associated need and install the EV stations as requested at each facility. Mr. Jensen remarked that it ties into Intermountain Healthcare's broader strategy on the electrical vehicle charging stations.

Planner Ward stated that Mr. Jensen was correct. She pointed out that because the LMC amendment was not yet adopted, it was not a requirement. The applicant was volunteering to install the conduit for 20% of the total parking spaces. Planner Ward clarified that IHC has a larger plan for installing EV charging stations on the campus, and the actual installations will come at a later date based on their overall plan.

Chair Phillips agreed that the Planning Commission could not require anything that was not in the Code. He appreciated that IHC was willing to pay attention to the changes in the City's Code.

Commissioner Hall was comfortable with the exception for the building height. She asked Planner Ward to explain the affordable housing obligation in relation to the additional 15,000 square feet. Planner Ward replied that this obligation was already

fulfilled in advance through deed restrictions that were recorded on existing properties, and also through a fee in-lieu for the affordable housing fund.

Mr. Carlton had building renderings and floor plans to present if the Planning Commission wanted those details.

Commissioner Hall stated that if the presentation was in relation to the height exception, she was comfortable with the height and thought it was mitigated.

Commissioner Kenworthy was comfortable with the height as long as there was no change in density. Commissioners Suesser and Van Dine agreed. Chair Phillips noted that the height exception was written into the MPD and he was comfortable with it. Commissioner Thimm concurred.

Chair Phillips stated that in looking at the site plan, he asked if the left-hand cross-traffic turns would obstruct any emergency vehicles going to the emergency room. He questioned whether there would be the need for a median to make people go through the roundabout and back in. Mr. Carlton asked if Chair Phillips was referring to the emergency room on the Park City Hospital on the north side. Chair Phillips answered yes. Mr. Carlton stated that they had not looked at that extensively, but they would take his concern into consideration.

City Attorney Harrington stated that the engineers continue to monitor the traffic on that road and that has not been a concern. He noted that lights and sirens give emergency vehicles prioritization. Mr. Harrington reminded the Commissioners that there is a secondary emergency access in the back that can be used in the event of an actual traffic blockage. That access is being used currently because of increased testing for Covid. Mr. Harrington stated that IHC and the engineers will continue monitoring, and he did not believe the left turns would cause any problems.

Chair Phillips opened the public hearing.

No eComments were submitted and no hands were raised on Zoom.

Chair Phillips closed the public hearing.

Commissioner Hall supported adding the additional condition of approval regarding the conduit as stated by Planner Ward.

Planner Ward stated that the Staff recommended that the Planning Commission approve the conditional use permit and the amendment to the IHC MPD to allow the

applicant to exceed the zone height by 2'2", and also to add a condition of approval to memorialize the applicant's plan to install the conduit infrastructure for 20% of the total parking spaces.

MOTION: Commissioner Hall moved to approve the Conditional Use Permit to construct a 15,375-square-foot Ambulatory Surgery Center on Lot 6 of the Park City Medical Campus and the Amendment to the IHC MPD to allow the applicant to exceed the zone height by 2'2", based on the Findings of Fact, Conclusions of Law and Conditions of Approval as amended to add a condition of approval to memorialize the applicant's plan to install the conduit infrastructure for 20% of the total parking spaces. Commissioner Kenworthy seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 800 Round Valley Drive

1. The Park City Medical Campus is a 13-Lot Campus located in the northwestern quadrant of Quinn's Junction (HWY 40 and SR 248) in the Community Transition – Master Planned Development Zoning District.
2. On November 3, 2004, IHC, the United States Ski and Snowboard Association, and Burbs, LLC petitioned to annex 157 vacant acres into Park City.
3. On November 3, 2004, IHC submitted an application for a Master Planned Development to build a 450,000-square-foot medical campus.
4. On December 7, 2006, the City Council adopted Ordinance No. 06-84, annexing the Park City Medical Campus into the City and approved the annexation plat. (Summit County Recorder Entry No. 802746)
5. On January 11, 2007, the City Council approved an Annexation Agreement that established the Community Transition District for the medical campus. The Annexation Agreement served as the Development Agreement for the Master Planned Development. (Summit County Recorder Entry No. 802747)
6. On January 11, 2007, the City Council approved the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility subdivision plat. (Summit County Recorder Entry No. 844971)
7. On May 23, 2007, the Planning Commission approved a CUP for phase one construction of a 122,000-square-foot hospital, 13,000 square feet of constructed and unfinished shell space, and 50,000 square feet for medical offices on Lot 1.
8. On July 31, 2008, the City Council approved the Subdivision Plat (Second Amended) for the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility. (Summit County Recorder Entry No. 859976)
9. On November 9, 2009, the Housing Authority approved the IHC Housing Mitigation Plan

10. On March 3, 2011, the Housing Authority approved the first amendment to the IHC Housing Mitigation Plan

11. On October 8, 2014, the Planning Commission approved an amendment to the IHC MPD and transferred 25,000 square feet of support medical office uses from Lot 6 to the Hospital on Lot 1, and 25,000 square feet of support medical office uses from Lot 8 to the Hospital on Lot 1. The Planning Commission approved a CUP for phase two construction of the Hospital on Lot 1, which included an 82,000-square-foot support medical office expansion, a health education center, a wellness center expansion, administrative space, shell space, and a 3,800-square-foot procedure center.

12. On June 4, 2015, the Park City Housing Authority approved an amended IHC Housing Mitigation Plan and the location of Peace House on the medical campus Lot 8 to fulfill affordable housing obligations.

13. On July 21, 2016, the City Council approved the Subdivision Plat (Third Amended) for the Intermountain Medical Campus/USSA Headquarters and Training Facility, which subdivided Lot 8 into two lots, Lot 8 and Lot 12, to facilitate the location of Peace House on Lot 8. (Summit County Recorder Entry No. 1067219)

14. On February 5, 2018, the Applicant recorded the Development Agreement for the Intermountain Healthcare (IHC) Master Planned Development (MPD), as amended, Located on Lots 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, and 12 of the Second and Third Amended Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility Subdivision Plats located at Round Valley Drive, Park City, Summit County, Utah. (Summit County Recorder Entry No. 1086017)

15. On November 29, 2018, the City Council approved the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility – Fourth Amendment Amending Lot 5 subdivision to create a 2.5-acre Lot 4 and a 2.5-acre Lot 13. (Summit County Recorder Entry No. 1107497)

16. On April 19, 2019, the Housing Authority approved the third amendment to the IHC Housing Mitigation Plan

17. On October 9, 2019, the Planning Commission amended the IHC MPD to approve a 20,000-square-foot ambulatory surgery center for Lot 6 and a 28,000-square-foot addition for support medical use on Lot 1. (PL-19-04204)

18. On December 11, 2019, the Planning Commission approved a CUP for Fire Station #39—a one-story, 7,983-square-foot fire station—on Lot 4 of the medical campus. (PL-19-04357)

19. On February 27, 2020, the Housing Authority approved the fourth amendment to the IHC Housing Mitigation Plan to satisfy 4.5 Affordable Unit Equivalents through recordation of deed restrictions on existing market units.

20. On June 10, 2020, the Planning Commission ratified the Amended and Restated

Development Agreement for the Intermountain Healthcare (IHC) Master Planned Development (MPD), as amended, Located on Lots 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13 of the Second, Third, and Fourth Amended Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility Subdivision Plats Located at Round Valley Drive, Park City, Summit, Utah.

21. On September 17, 2020, the Housing Authority approved the fifth amendment to the IHC Housing Mitigation Plan for an in-lieu payment of \$794,793 to satisfy Affordable Unit Equivalents for the Ambulatory Surgery Center.

22. On September 17, 2020, the Applicant submitted an application to modify the Intermountain Healthcare Master Planned Development (IHC MPD) and for a Conditional Use Permit to construct a 15,375-square-foot Ambulatory Surgery Center on Lot 6 of the Park City Medical Campus.

23. Lot 6 of the Park City Medical Campus is subject to the 2007 Annexation Agreement that establishes heightened development standards for projects within the IHC MPD, including fire prevention measures, water source capacity, and compliance with the Quinn's Junction Joint Planning Principles.

24. Annexation Agreement 5 requires that a fire protection and emergency access plan be approved by the Fire Marshal and Chief Building Official prior to issuance of building permits.

25. Annexation Agreement 8 stated that the City was not obligated to provide water in excess of the peak water demand. On May 6, 2008, IHC Health Services, Inc. entered into a Water Service Agreement with Park City. The 2008 Agreement capped projected peak water demand at 105,516 gallons per day for Lots 1, 6, 7, and/or 8. When IHC requested increased density for Lots 1 and 6, the Park City Public Utilities Department calculated the projected peak water demand. The total exceeded peak daily water demand provided the 2008 Agreement. The Planning Commission approved the IHC MPD increased density for Lot 6 subject to Condition of Approval 4, which required IHC to enter into an updated Water Service Agreement with Park City. On June 11, 2020, IHC and Park City updated the Water Service Agreement to accommodate the peak daily water demand for the Lot 6 density.

26. Annexation Agreement 28 requires that the IHC MPD development be consistent with the Quinn's Junction Joint Planning Principles (General Plan, Volume II, p. 264). These Principles require density that provides a significant public benefit for Park City (institutional uses like a hospital are allowed); Compliance with Sensitive Lands Ordinance requirements (Lot 6 is not near a steep slope, ridgeline, wetland, or stream); and Buffered Parking Areas.

27. There is no minimum Lot size in the CT Zoning District. Lot 6 is 3.04 acres, 132,422 square feet.

28. Front, Rear, and Side Setbacks are 25 feet in the CT Zoning District. The ASC complies with all Setbacks.

29. The CT Zoning District allows for up to three units per acre if the applicant: provides 80% open space; is setback 300 feet from HWY 40 and SR 248; provides 60% total structured parking or buffers parking from HWY 40 and SR 248 visibility; dedicates public uses reasonably related to the General Plan; provides a total of 110% of the affordable housing obligations.

30. The ASC complies: at full build-out, the Park City Medical Campus will preserve 84.31% of the Open Space; Lot 6 is nearly 400 feet from HWY 40 and 1,600 feet from SR 248; the Parking Area is buffered with landscaping; as part of the initial annexation, IHC donated Lot 2 – an 8.492-acre Open Space parcel – to Park City and dedicated two 20-foot wide public trail easements; IHC has met additional affordable housing obligations for the proposed project.

31. The Maximum Building Height in the CT Zoning District is 28 feet, with a five-foot exception for pitched roofs, totaling 33 feet. However, the Planning Commission may consider an increase in Building Height based upon a site-specific analysis for Buildings within a Master Planned Development.

32. The Applicant bears the burden of proof that six necessary findings for an increase in Building Height are met: (1) The increase in Building Height does not result in increased square footage over what would be allowed under the zone required Building Height and Density, including requirements for Façade variation and design, but rather provides desired architectural variation; (2) Buildings have been positioned to minimize visual impacts on adjacent Structures. Potential problems on neighboring Properties caused by shadows, loss of solar Access, and loss of air circulation have been mitigated as determined by the Site specific analysis; (3) There is adequate Landscaping and buffering from adjacent Properties and Uses; (4) Increased Setbacks and separations from adjacent projects are proposed; (5) The additional Building Height results in more than the minimum Open Space required and results in Open Space that is publicly accessible; (6) The additional Building Height is designed in a manner that provides a transition in roof elements in compliance with Chapter 15-5, Architectural Review.

33. No additional square footage over what is allowed under the zone-required Density or the IHC MPD is requested or added; The ASC will comply with Zoning Height from Final Grade; the ASC is buffered by Landscaping on all four property boundaries; the ASC is significantly setback from adjacent properties and provides a nearly 100-foot Setback from the north property line, a 180-foot Setback from the east property line; a 70-foot Setback from the south property line; and a 120-foot Setback from the west property line; the IHC MPD exceeds required Open Space and will retain a total of 84.06% Open Space when the ASC is constructed. The Silver Quinns Trail is publicly accessible and abuts Lot 6. Lot 6 will provide two connections from the Silver Quinns Trail to the ASC and will provide bicycle parking spaces on site; no untreated aluminum or metal,

reflective colors, brightly-colored roofing, wood shingles shall be allowed.

34. The final Building Height, measured from Existing Grade, shall not exceed two feet and six inches, a total of 35 feet and six inches.

35. 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.

36. Size and location of the Site: No Required Mitigation. The proposed ASC is on Lot 6 of the Park City Medical Campus. Lot 6 is 3.04 acres. Adjacent Lot 7 is 3.4 acres. Adjacent Lot 12 is 6.3 acres. Adjacent Lot 1 contains the Park City Hospital and is 99 acres.

37. Traffic. No Required Mitigation. When the Applicant proposed increasing density for the ASC on Lot 6, the applicant submitted a Traffic Study conducted by Fehr and Peers. The study did not recommend any changes to accommodate increased traffic with the increased density. However, the study recommended a Transportation Management Plan, including bike facilities. The Applicant shall install at least eight parking spaces for bikes, required pursuant to LMC § 15-3-9(A).

38. The Park City Fire District determined the proposal complies with emergency vehicle access requirements.

39. Off-Street parking. Medical Offices are required to provide five spaces per 1,000 square feet of leasable floor area. The proposed 15,375-square-foot ASC contains 77 parking spaces and complies with the required parking.

40. Internal vehicular and pedestrian circulation. The Silver Quinns Trail runs behind Lot 6. The proposed site plan includes trail connections from Silver Quinns Trail and these shall be included in the final building plans.

41. Fencing, Screening, and landscaping to separate the Use from adjoining Uses. No required mitigation. The ASC on Lot 6 surpasses the required 25-foot Setbacks and will be buffered from adjacent Lots with landscaping.

42. The proposed ASC is smaller than other Buildings on the medical campus. The adjacent Lot 7 Physicians Holdings medical offices are 25,000 square feet; the Summit County Health Building on Lot 10 is 25,000 square feet. Peace House on Lot 8 is 37,600 square feet.

43. Usable Open Space. No required mitigation. The IHC MPD provides 84.21% Open Space. After the ASC is constructed, the open space for Lot 6 will be 52.51% and the overall IHC MPD Open Space will be 84.06%. This still exceeds the required 80% Open Space required for Density in the CT Zoning District.

44. Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing. The Medical Campus is subject to the Park City Health Campus Design Guidelines, as approved by the Commission.

45. The plans as submitted do not indicate issues of vibration, odors, steam, or other

mechanical factors that might affect people and Property Off-Site. Emergency response vehicles are exempt from the City Noise Ordinance under MCPC § 6-3-10(B).

46. Control of delivery and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup Areas. Delivery, service vehicles, loading and unloading zones are located at the rear of the site. Trash and recycling pickup areas are screened.

47. Expected Ownership: IHC owns Lot 6 and will own or lease the ASC.

48. The Applicant submitted an environmental study, physical mine hazard and mine waste study, and steep slope and wetlands study at the time of the IHC MPD. No additional mitigations are required for Lot 6.

Conclusions of Law – 800 Round Valley Drive

1. The Application complies with all requirements of the Land Management Code;
2. The Use will be Compatible with surrounding Structures in Use, scale, mass, and circulation;
3. The effects of any differences in Use or scale have been mitigated through careful planning;
4. The IHC MPD shall be amended to allow for the Ambulatory Surgery Center on Lot 6 to exceed Community Transition Zoning District Height as measured by Existing Grade up to two feet, six inches.

Conditions of Approval – 800 Round Valley Drive

1. The building permit landscaping shall comply with the WUI Code.
2. Visibility of the Park Area viewed from HWY 40 and SR 248 shall be buffered with landscape berms.
3. The Ambulatory Surgery Center shall comply with LMC § 15-5-5(E), Roofing Materials. No untreated aluminum or metal, reflective colors, brightly-colored roofing, wood shingles shall be allowed.
4. At no time may any permanent structure or other obstruction, which unreasonably interferes with the maintenance, repair or replacement of any such utilities, lines or facilities, be located within the public utility easement without the prior written approval of the service provider affected thereby. (Required - Second Amended Plat)
5. 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 areas provided for their facilities are viable and that exposed meters and boxes can be screened with landscaping elements.
6. Final utility, storm water, and grading plans must be approved by the City

Engineer and SBWRD prior to Building Permit issuance.

7. The lot is over 1.0 acre and will be required to meet the requirements of the Separate Storm Sewer System (MS4) Storm-Water Program.

8. All IHC MPD Lots are required to comply with the Quinn's Junction Joint Planning Principles, which requires that Parking Areas be buffered from HWY 40 and SR 248.

9. Grading and drainage, surfacing, parking area lighting, parking area landscaping, snow storage, parking space dimensions, driveway widths and spacing, signs, and off-street loading spaces shall comply with LMC Chapter 15-3.

10. The Silver Quinns Trail runs behind Lot 6. The proposed site plan includes trail connections from Silver Quinns Trail and these shall be included in the final building plans.

11. All signs shall comply with MCPC Title 12, Signs, and the Park City Medical Campus Master Sign Plan MMSP 16-00045.

12. All exterior lights must conform to the City lighting ordinance. Parking Area lighting shall be fully shielded and shall be on a timing system to allow for minimal lighting when the facility is not open. The timing system and building security lighting shall be approved by staff prior to issuance of a certificate of occupancy.

13. The ASC shall comply with the Park City Health Campus Design Guidelines, as approved by the Commission.

14. Noise, vibration, odors, steam or other mechanical factors that might affect people and Property Off-Site must be mitigated.

15. The Park City Fire District will evaluate the Ambulatory Surgery Center interior for Fire Code compliance at the time of building permit submittal.

16. If the Ambulatory Surgery Center is expanded to the maximum 20,000 square feet in the future, IHC will be obligated to fulfill the additional Affordable Unit Equivalents pursuant to Housing Resolution 03-2017. IHC shall submit a proposed amended Housing Mitigation Plan to the Affordable Housing Team to satisfy the additional obligation for the next phase of construction prior to applying for a CUP. This requirement is reflected in Condition of Approval 16.

17. Exterior walls may be sided with up to three different materials per Building, but no more than three materials may appear on any one wall, including ornamental siding. The final building plans shall comply with LMC Chapter 15-5, Architectural Review.

18. The Applicant may eventually expand to the full 20,000 square feet. Another CUP review will be required at the time of proposed expansion.

19. The Applicant shall install at least eight parking spaces for bikes.

20. The Applicant shall install Electric Vehicle Charging Station Infrastructure for 20% (16) of the total parking spaces.

8.F. Park City Mountain Resort Base Parking Lots - MPD Modification - Replace Expired Exhibit D of the DA, the 1998 PCMR Base Area Master Plan Study Concept Master Plan With a New Master Plan, Known as the Park City Base Area Lot Redevelopment Master Plan Study. This Hearing Will Focus on Sustainability, Utilities and Grading, Fire Protection and Construction Phasing and Mitigation. (Application PL-20-04475.)

Planner Ananth stated that this item was a continuation of the application to amend the 1998 Park City Mountain Resort Development Agreement to replace the expired area site plan with a new site plan. The discussion this evening will focus on sustainability, construction phasing and mitigation, and the utility design and fire protection.

Planner Ananth reminded the Planning Commission and the public that a special meeting was scheduled for November 18th for the Base Area discussion, and it would be the only item on the agenda. Planner Ananth reported that the Planning Commission was tentatively holding December 16th open for a second special meeting on the Base Area.

Planner Ananth stated that Park City has some very aggressive climate goals, including to be net zero carbon, and run on 100% renewable electricity for City operations by 2022 and for the entire community by 2030. She noted that these goals were embodied in two resolutions from 2017 and 2018. She thought it was important to note that the community goal to be on 100% renewable electricity and carbon net zero was not much later than the anticipated completion of the base area project. It is an important project to the City and could serve as a model of sustainable building development for the community.

Planner Ananth stated that from a sustainability standpoint, the City's primary goal is to reduce the energy use intensity of the buildings in this project. She remarked that the energy use intensity is often referred to as the EUI. Planner Ananth stated that the City wants to encourage the applicant to hit the following four targets: 1) driving down the EUI of the project as much as possible; 2) constructing buildings that are efficient beyond what the building code requires; 3) electrify the site as much as possible, meaning that buildings should be net zero ready to help drive down the carbon intensity; and 4) to consider on-site renewable energy sources. Planner Ananth stated that they also want the sustainability strategies to include energy modelers in the design process, commissioning agents to verify performance goals once the buildings are built, including energy consumption, water use, high-performance building materials, and indoor environmental air quality, as well as waste diversion goals for the construction of these building, and EV charging stations and infrastructure to meet the City's ordinances proposed for EV charging stations.

Planner Ananth noted that the applicant has a sustainability section in their application and would talk about it this evening. However, she wanted it clear that the expectation was that the applicant understand that energy reduction and environmental stewardship is a critical priority for the City, and they expect the applicant to come back with a lists of concrete and measurable strategies that they are willing to commit to, and that the Staff can incorporate as conditions of approval and include in the Development Agreement, as well as the CUP permits as the project moves forward.

In terms of construction phasing, Planner Ananth emphasized that this is a multi-year project that will take at least five years or more. It will be phased beginning with Building B and moving from there to the different parcels. Planner Ananth stated that the roadways and the sub-surface utility improvements will also be phased starting with Building B and then moving into the rest of the site following the completion of Building B.

Planner Ananth stated that a significant amount of land. Some will be removed from the site and hauled off-site to a location in Brown's Canyon. Some will be placed on the Mountain in fill locations that have already been identified by the Resort but still need to be further reviewed and approved by the City. Planner Ananth expected the applicant would employ a Geo-technical engineer to verify the fill removal and their placement on the Mountain, and that the applicant will have temporary and permanent revegetation plans, as well as plans for any trails that may be temporarily interrupted for the placement of fill.

Planner Ananth stated that should the project be approved, prior to the issuance of building permits the applicant would be required to submit a detailed construction management and mitigation plan, which would be reviewed and approved by the City's Building, Planning, Engineering, and Utility Departments. Included in that plan would be an identification of where off-site worker parking would be located, the expectation that the applicant will hire traffic control personnel as necessary, a shoring plan, a blasting plan if necessary, and bi-monthly construction meetings, as well as use of a communication tool, to help keep parties informed of what will be occurring at the site. Planner Ananth assured the public that the Staff would be looking at this very seriously prior to approval, and that plan would be reviewed by various departments prior to any issuance of building permits.

Planner Ananth reported that the project was reviewed by all the City's utility providers and departments, as well as the fire department. Overall, the base area contains the necessary utilities to support the project. However, some upgrades will likely be necessary, and the applicant would be responsible for making those upgrades. Planner

Ananth stated that Park City was planning on building a new water tower tank on the Mountain, and that will help upsize the existing water lines and provide additional fire protection. Planner Ananth was still waiting for modeling numbers to be submitted prior to constructing the water tower. She thought the general capacity was available, however, some areas outside of the project area may be required for additional capacity.

Planner Ananth remarked that best management practices for storm water improvements will be required to be integrated into the site design prior to building permit approvals. She noted that the buildings are proposed to be Type 1B, which are the safest from a fire protection standpoint, and they all include automatic sprinkler systems due to their height. In general, the fire department is comfortable with the plans, however, they will review some things at the time of building permit and may require additional items. Planner Ananth remarked that the applicant will continue to work with the City's utilities departments and plans will be re-reviewed by the departments during the CUP process, the subdivision process as necessary, and prior to any building permits being issued.

Planner Ananth noted that Luke Cartin, the Environmental Sustainability Manager, was on the Zoom call and available to answer questions.

Robert Schmidt, representing PEG Development, stated that this evening they would focus on the utilities and the construction mitigation and phasing plans. They had reviewed the Staff report and had no concerns or comments.

Mr. Schmidt commented on the sustainability aspect of the project. They recognize the importance of this component to both the project and the community in meeting the sustainability goals. Mr. Schmidt stated that PEG Development paid close attention to these goals through the process of planning this project and preparing their application.

Mr. Schmidt introduced Dr. Tommy Zakrzewski from HKS. He noted that Mr. Zakrzewski leads the HKS team with integration of sustainable processes and design strategies. He provided a brief background of Mr. Zakrzewski's experience and credentials.

Mr. Zakrzewski acknowledged Park City's ambitious and achievable climate goals to be net zero carbon and run on 100% renewable energy for the whole community by 2030. PEG Development was on board with that climate action goal and they want to be part of that community solution. Mr. Zakrzewski stated they have been working on developing plans and strategies that are really supportive and complimentary. Mr. Zakrzewski recognized that there are critical priorities and high-level strategies that lead

to the success of the resolution, such as energy efficiency, electrification, 100% renewable energy, and regeneration.

Mr. Zakrzewski provided a review of the Park City Base Development approach to sustainable design. He stated that during this presentation they would address all the sustainability comments provided in the Staff report and introduce some of the sustainability commitments they have on the development. As they move through the strategies, they will highlight how it fits into the resolution, and especially in the framework it provides. Mr. Zakrzewski noted that they will show how they intend to approach the definition of net zero, and how to achieve it, as well as the on-site energy production being proposed. They would also go through and understand the interactive affects between reducing energy consumption, high performance envelopes, and appropriately design systems. He noted that they would also walk through their approach for monitoring verification, and address comments of energy modeling, commissioning, waste, and electric vehicle charging stations.

Mr. Zakrzewski commented on their sustainability commitments. He noted that this would be the first introduction of showing the beginnings of where they start the conversation around sustainability and environmental stewardship as it relates to the climate action goals of Park City.

Mr. Zakrzewski stated that PEG Development was proposing to target an above code savings for their development. They will be targeting a 15% savings compared to energy code, with a stretch goal of 20%. They were early in design and they were looking at the integration of different architectural and building systems that will make the development as sustainable as possible. Currently, they were confidently tracking that 15% goal.

Mr. Zakrzewski stated that they have a proposed pathway for an all-electric building, which is a key component of electrifying Park City, and counting on a lot of renewal energy penetration into the local grid. To support that, PEG will be providing onsite renewables and RECs to achieve that net zero energy goal. It is a combination of purchasing and onsite. They were also continuously working on energy modeling on the project to best understand the constraints and opportunities in the project and building design. They will also integrate commissioning through the design process to make sure the goals are achievable, and their plans are sound in terms of meeting those set goals.

Mr. Zakrzewski stated that part of the process would be utilizing energy management tools to track and verify building performance. They have a strategy in place that will do that to make sure they respond to the community's needs of reaching the net zero goal.

Mr. Zakrzewski reported that waste management plans will be created for in-operation and construction. They will also be providing electric vehicle charging stations in the parking garages.

Mr. Zakrzewski commented on the resolution and noted that there is a pathway to achieve it. That pathway outlines an integrated design process they have been following, which focuses on performance and prioritizes energy efficiency, especially the EY goal they are trying to chase. They were trying to balance the annual energy use of all the buildings and facilities with renewables as close to the site as possible. Mr. Zakrzewski understood that the greatest impact they can make is providing some level of renewable energy onsite because it directly impacts the air quality in the region and the livability of the community. He emphasized that they were embracing this integrated strategy as part of their process.

Mr. Zakrzewski commented on net zero energy. He thought it was important to share their approach. Mr. Zakrzewski stated that the definition they were using is at the community scale because they are a large development. The approach they were proposing to take is a REC-ZEB designation, which is a renewable energy certificate zero energy building, where through actual measurements the delivered energy is going to be less or equal to the onsite energy, including any exports. It is a balancing of purchasing energy and providing onsite generation that they will embrace. Mr. Zakrzewski recognized that Park City may not have a policy in place for RECs yet, but they know those policies are continually evolving and some will develop. In the near term, this approach best meets the needs of the community and the Park City base development. He explained that they were taking that approach because they are unable to balance all that energy required onsite, because the site is not large enough to accommodate all the energy demand. Mr. Zakrzewski stated that they need to choose those RECs as a strategy to get to the net zero energy requirement and still meet the needs of the project.

Mr. Zakrzewski stated that scale is an important issue to consider because you cannot put PVs just anywhere as a strategy. He presented an image showing each of the parcels and the associated system size, as well the minimum area needed to accommodate each of the parcels to achieve net zero. In aggregate, all parcels considered, they would need more than 13 acres of land to generate enough electricity to achieve onsite net zero. It would literally mean covering more area than they can accommodate onsite. In addition, there are areas where they cannot put panels. It is too difficult based on the density and the type of building in place on the parcels to provide enough renewable energy on the site.

Mr. Zakrzewski stated that their proposal is to have a hybrid approach. It would provide some renewables on site to serve a certain need and purchase the rest through renewable energy credits or green offsets. Mr. Zakrzewski stated that for the Park City base development, the applicant was intending to evaluate the needs of the parking garage so they can size a renewable energy system for each of the parcels that would provide enough energy so the garage, excluding the electric vehicle charging stations, would be net zero as a stepping stone towards 100% renewable energy. He estimated an array at around 678 kw or just under 34,000 square feet that would need to be commissioned. It would be phased per parcel as developed and likely located on rooftops. Mr. Zakrzewski noted that the amount of electricity generated would be equivalent to the emissions of 168 passenger vehicles and around 90 home energies for one year. The overall percentage, the penetration of how much renewables the parking garage system would provide, is around 6% of the total site energy. The remainder at 94% has to be furnished by those renewable energy credits. Mr. Zakrzewski stated that because future planning is very important, they will take a close look at roof areas that will be reserved for future photovoltaic integration. These will be areas not needed for the garage, but something where they can add more panels in the future as allowed. As they are better able to measure the performance of the parcels, they can integrate the right number of panels as much as possible.

Mr. Zakrzewski stated that in looking at the energy efficiency strategy for Park City, they were integrating energy modeling throughout the design process and informing how to reduce the environmental impact by reducing energy consumption, integrating height performance envelope, and appropriately designing the systems. He noted that the envelope and systems interact and depend on the demand and energy consumption of the building. Mr. Zakrzewski explained that they were addressing that in the early stages and part of their commitment is setting a goal. At a minimum, they will improve the 15% better than code while still looking for opportunities to hit the stretch goal of 20%. He stated that through design, they usually see the EUI number improve over time as they have a better idea of the construction and the systems. It is a gradual process to reach a goal.

Mr. Zakrzewski stated that the proposed pathway to an all-electric development will initially include parcels that will utilize electric heat pumps that are 100% electric, no fossil fuel, no onsite burning. However, there is some program on the parcel that will utilize some onsite boilers, natural gas for primary heating. It is a pathway for a future phase-in plan for an electric boiler. Mr. Zakrzewski recognized that the grid is always evolving, and more renewable energy is coming online. As they begin to get near the end of use cycle of the natural gas boiler, they will make sure the mechanical room and associated equipment can integrate an electric boiler, thereby removing all fossil fuel burning onsite. It is a steppingstone that allows them to move and transition into an all

electric development. Mr. Zakrzewski clarified that it is something they are continuously analyzing through the energy modeling processes. He stated that in order to compare energy and EUI with the proposed strategy to get to the all-electric goal, they did some benchmarking as part of their goal setting to compare the performance of the parcels against the City's goal. He presented a graph to provide better context. Mr. Zakrzewski stated that the EUI goal of 25 that was mentioned as part of the resolution, is the redline they show across the graph as the overall goal. In terms of what the 25 EUI goal means in terms of the City ordinance, they did a benchmarking exercise to understand standard building performance, shown with gray bars, and code equivalent EUIs. He noted that the EUI of 25 in terms of public service buildings represents an 11% reduction in energy code as a steppingstone. Mr. Zakrzewski stated that because their building use types is very different from building services, it is hard to set a hard EUI goal because sometimes the building program and use dictate the energy use intensity of the building. He noted that the residential type of buildings on the parcels are typically more energy intensive. For that reason, they had initially listed higher EUIs shown in blue as a code compliant building. Mr. Zakrzewski stated that part of their proposal and commitment, they were looking to improve upon that by 15%, which was shown in green. It was their development target and goal at a minimum for each of the parcels. He noted that some of the parcels were higher than the 25 mark and others were getting closer. It was part of the initial benchmarking they were doing.

Mr. Zakrzewski commented on the goal to be all electric. They want to be mindful of carbon emissions because EUI is one indicator, but carbon emission is the end goal of Park City. Mr. Zakrzewski stated that particularly for Parcel C, the hotel portion, they compared the proposed building design from an all-electric to one that is hybrid. The hybrid model uses natural gas for heating. He noted that the blue graph on the left represented an all-electric building, and the graph on the right represented a hybrid of natural gas plus electric. Mr. Zakrzewski stated because the carbon emissions associated with natural gas are much lower than what is currently available on the grid, they were seeing an immediate reduction of an all-electric building upwards of 18%. Even though the EUI is higher, they were still delivering a carbon emission response that was much lower than if they started on day one with an all-electric building. Mr. Zakrzewski pointed out that they were getting closer to what is expected in terms of the EUI goal and the carbon emission goal. They were setting the pathway in place now so when the boiler is replaced the grid will be cleaner and have more renewable energy penetration, resulting in carbon emissions that are much lower than what they were showing now.

Mr. Zakrzewski commented on monitoring and verifying the performance of all the parcels in the development. He remarked on the importance and the intent to provide greater transparency and how the goals of the Park City base development were being

achieved. He stated that the mechanism to do that and to demonstrate to the community that they are providing a higher quality of life in Park City by reducing emissions, is using Energy Star portfolio management or a similar energy management tool. They were still looking into options but once the tool is selected, it will provide an interactive energy management tool to track energy, water, and waste. These are the sustainability goals outlined as part of the verification procedure as part of the ordinance. Mr. Zakrzewski thought it was important to consider that the primary utility meeting will have an interconnection for automatic reporting and have the infrastructure in place to share the data to verify the performance. They will also use that energy management tool to track the REC purchases to make sure they hit the REC-ZEB or renewable energy certificate zero energy building goal.

Mr. Zakrzewski stated that their commitment extends beyond design. In terms of accountability, they will be putting a measurement and verification plan with a commissioning agent to benchmark performance and compare it back to design, especially the benchmarking model they were using as part of the benchmarking exercise. They would also create a feedback loop to inform design decisions that will improve energy efficiency over time. Mr. Zakrzewski stated that they would also be benchmarking against their own performance of the parcel. They want to make sure they are achieving their goals and hitting the EUI targets and carbon emission goals. With the measurement of verification plan, they will also be engaging a commissioning agent and have a commissioning plan in place to support the design, construction, and operation of the Park City base development.

Mr. Zakrzewski stated that they look to Energy Star portfolio as a common energy management tool that is utilized by many municipalities across the United States as part of benchmarking ordinances. He recognized that one is not in place yet in Park City; however, as a de facto standard, portfolio manager provides the flexibility of sharing information and being transparent.

Mr. Zakrzewski recognized that waste is part of their environmental responsibility on the project. To minimize the construction waste and refuse on the local landfill, they are considering ingraining a waste management plan for construction waste. They have not yet set diversion targets and were still looking at the opportunities and how they can best environmentally respond to the community by recycling as much waste as possible. Mr. Zakrzewski stated that on the operation side, developing a waste management plan to reduce the landfill waste is generated by the building occupants. It comes down to ensuring there are dedicated areas for recycling and sorting so it can be responsibly managed.

Mr. Zakrzewski commented on the electric vehicle charging stations. He stated that to support Resolution 28 and 32, especially Scope 3, transportation emission reductions, they will commit to installing 10 electric vehicle charging stations within each parking garage, with accommodations for ADA accessibility. In anticipation of greater growth and better greening of the local grid, they will include an additional 65 stalls that will be EV ready, which means conduit will be routed with appropriately sized panels but no wiring. He explained that the purpose of not wiring it initially is to avoid any material waste associated with future electric vehicle supply equipment and their requirements.

Mr. Zakrzewski stated that they will continue to look further at their sustainability commitments and setting more targets and goals as they progress forward.

Mr. Schmidt stated that the goal this evening was to demonstrate their commitment to Park City's sustainability goals and provide clarity and commitments around ways to meet those community goals.

Mr. Schmidt noted that their presentation was concluded, and they were available to answer questions. PEG Development will continue to work with the Staff to refine their commitments as necessary.

Chair Phillips asked how many EV ready stalls would be required under the new Code changes. Planner Ananth noted that the applicant was proposing to meet the new EV Code that was still under review. She clarified that for a 1200 parking stall facility, 10 parking stalls would be provided, plus 65 stalls being EV ready with conduit. The applicant was able to meet the requirement, and the stalls will need to be spread out throughout the different parking structures.

Commissioner Suesser noted that the Staff report stated that no information about electric vehicle charging stations was provided. She asked if Planner Ananth heard something new in the applicant's presentation that would change the comment in the Staff report. Chair Phillips had a similar question and wanted to know how much of the applicant's presentation had changed some of the Staff's opinions. Commissioner Suesser asked if the applicant presented new information this evening that had not yet been submitted to the Staff in writing.

Planner Ananth replied that there was new information presented such as meeting the EV charging ordinance, as well as other commitments that she would need to secure in writing to make sure they are included in a future development agreement or conditions of approval.

Mr. Schmidt stated that PEG received the Staff report on Friday, and they met with Planner Ananth and Staff briefly on Tuesday afternoon. They have been responding to the Staff report in an attempt to get alignment with the Park City goals, and it was the basis for some of the items presented this evening.

Commissioner Suesser asked if Planner Ananth was comfortable revising some of the points in her Staff report after hearing the presentation. Planner Ananth stated that one change is that the applicant was committing to some goals and metrics for the proposed new base area, but she still needed it in writing. She noted that the applicant was not agreeing for an EUI of 30 because they do not believe it is possible. However, they think there are a number of ways to drive down the carbon emissions of the building. Planner Ananth clarified that she was incorrect in the Staff report. She thought the applicant was proposing an EUI of 30, but she had read it wrong. The goal is to push the applicant towards 30, but some of their buildings are around 50 and some are in the high 30s. Planner Ananth pointed out that the applicant was committing to be net zero ready, but not at the beginning of the project. She stated that the applicant was committing to using energy modelers and commissioning agents, as well as energy water, building materials, indoor environmental quality, etc. She thought it sounded like they were willing to consider onsite renewables in the form of solar panels, but there were a number of other areas they could potentially look to improve their efficiency.

Planner Ananth stated that the applicant provided some information on diverting waste, but no concrete numbers on the waste diversion rate. The applicant would be committing to recycling rooms in the buildings. Planner Ananth noted that the applicant would be using some type of management system for energy reporting, but she needed to figure out what that will look like and possibly require monitoring and submission of information to the City on an ongoing basis to be sure these buildings meet their goals over the length of the buildings life-cycle.

Planner Ananth believed they were moving forward, and she expected to come back to the Planning Commission at some point with a list of firm commitments, similar to the last slide the applicant presented, and build from that.

Luke Cartin, the Sustainability Manager, thanked the applicant for pulling together so much information since last week. Mr. Cartin stated that EUI is a great calculation to be able to show the square footage. In his presentation, Mr. Zakrzewski showed a good example of how different uses drive different EUIs and different levels. He noted that a performance manager, which was mentioned, is a national energy reporting piece, by which they can get national averages.

Mr. Cartin noted that Mr. Zakrzewski had mentioned the Parcel C hotel standard. He stated that a hotel standard EUI is approximately 113; however, the hotels that currently report into a performance manager is an EUI of 60. The average run of the mill retail store is in the 50 range. Mr. Cartin was pleased that the applicant was doing energy modeling and commissioning. He noted that earlier in the presentation Mr. Zakrzewski spoke about 18 million kilowatt hours. To put that in perspective, Mr. Cartin stated that it was higher than the entire City operation electricity use, including electric bus charging. It mentioned it as a scale and not a subjective judgement, but that is why they were getting more involved in the MPDs. It is a large use, and it is important to understand it. Mr. Cartin looked forward to working with PEG Development on this in the future.

Mr. Cartin referred to a line in the presentation that talked about a future phase in plan for a natural gas boiler and switching it to electricity once there is higher renewable penetration. Mr. Cartin noted that Rocky Mountain Power's grid is planned to go over 60% renewable by the early to mid-2030's. He wrote the bill participating with 20 other communities to go 100% renewable by 2030. Mr. Cartin was unsure when the project was proposed to be completed, but the higher renewable penetration is right around the corner.

Mr. Cartin commented on the outdoor energy use and understanding how those are captured. He looked forward to further conversation with the applicant to understand all the moving pieces.

Commissioner Thimm noted that Mr. Zakrzewski mentioned the Energy Star portfolio and running through the commissioning and performance based upon that. He asked if there was a commitment to have some level of certification with either Energy Star or some other platform. Mr. Zakrzewski explained that Energy Star portfolio manager benchmarks building performance to a national data base. He noted that Park City is being compared to Salt Lake City, so it is not 100% representative. Mr. Zakrzewski stated that by using the Energy Star portfolio interface in the future, when they do correct that small nuance of correcting the representative buildings to be more representative of Park City, if the building performs as anticipated with the goal setting they have, it is likely that the building could potentially achieve an Energy Star rating as a performance certificate. However, there are no guarantees because of that small anomaly in the system that hopefully gets resolved. Commissioner Thimm understood that it may come at some point, but it was not a commitment.

Commissioner Thimm asked if the development team be open to the idea of having a long condition of approval that outlines all of the agreed to strategies for sustainability.

Mr. Schmidt anticipated that if there is an approval, the commitments they were making would become conditions of approval and formalized into the approval.

Commissioner Van Dine asked Mr. Cartin how the energy credits play into the overall goal of net zero over the long term. Mr. Cartin stated that by 2030 the default electricity coming into a Park City meter will be 100% net renewable. That means equal amounts of renewable will be built on the grid for the annual electricity. That is currently true for Summit County as well. Mr. Cartin stated that people will have the option to opt out and go back to the grid. He noted that the grid will be in the 60% range shortly after that. Mr. Cartin remarked that the default electricity will be fairly high in renewables. He explained changes that will be made to the grid and noted that renewables were coming online to replace that load. Mr. Cartin estimated that 18 million kilowatt hours could qualify the applicant for two other Rocky Mountain programs where they could directly have renewables built for them. At this point, he needed to work with the legal and planning team to understand the nuances and enforcement and how to make that firm; as well as what it looks like over the long-term. Mr. Cartin pointed out that the City was strongly pushing the efficiency side. Efficiency needs to be the biggest park because that is less RECs they need to monitor and measure. In addition, less infrastructure needs to be brought in. His goal was to focus heavily on the efficiency side, and he wanted to make sure it did not get overlooked.

Commissioner Hall appreciated Mr. Zakrzewski's presentation because it provided more information than what was in the Staff report. She wanted to know how this would be coming back to the Planning Commission. Planner Ananth believed it would be a topic for a future public hearing. At that time the Staff will lay out the commitments the applicant is willing to make and have another discussion.

Commissioner Hall asked Mr. Cartin for the extent of his involvement through the sustainability process. She thought it would be helpful if the next Staff report incorporates much of what Mr. Zakrzewski outlined in his presentation, as well as Mr. Cartin's input. Mr. Cartin replied that he would be heavily involved.

Chair Phillips opened the public hearing.

Planner Ananth read an email she received from Sherry Harding. She wanted to add additional comments excavation and grading but could not submit a second email.

Ms. Harding wrote, Excavation - I apologize if I missed this data in the master plan document. Where is the soil sample data? It is likely that lead or other contamination exists in the excavation material. The designated hazardous waste dump currently is in Tooele. In that case, the dirt slated for removal, the size of the trucks, number of

trucks, the route the trucks will take as they head out of town are all important factors that impact Park City and Summit County. Grading – the current elevation along Silver King Drive is 6885 feet above sea level according to the map on page 95 of the Master Plan study. The elevation remains the same, 6885 feet, at the corner of Lowell Avenue and Silver King Drive. May I suggest the underground garage entrance/exit for Parcel E be moved to the corner of Lowell and Silver King Drive. This solution solves many concerns from neighbors, because at that point a sign could be placed in the median of Silver King Drive reading “Residential Access Only Beyond this Point. Construction Phasing and Mitigation – Loading and unloading of construction materials in the proposed location for storage of construction materials should be away from the residential neighborhoods. Currently, proposed construction material loading in/loading out for Parcel E, is exactly in the face of the neighbors of Snowflower and three Kings. Please mitigate with a more suitable location. Thank you.

Planner Ananth acknowledged that she also received emails today from Christine Smalley, Heather Courey, Doug Lee, Deb Rentfrow, and Lynn Barkley. All the emails were forwarded to the Planning Commission.

Planner Nelson reported that she had a conversation with Nancy Lazenby earlier today. She has information that will put many of these eComments into context. Ms. Lazenby had requested to speak prior to other individuals who also wanted to comment on the same issues. Chair Phillips was comfortable giving Ms. Lazenby the opportunity to speak first.

Nancy Lazenby stated that she had email Ms. Nelson requesting to speak first because she wanted to take a moment during the meeting to introduce a new community coalition group called RRADD. RRADD stands for Responsible Resort Area Development, and it is a community coalition group dedicated to responsible growth of the resort area. Their group actually agrees with the Park City Planning Department that the redevelopment of the Park City Mountain Base Area could provide a great opportunity to really improve the existing base area. However, as a group, after going through the past few months Planning Commission meetings where building heights, setbacks, traffic flow, and pedestrian safety were discussed, they do not believe the plans currently submitted by PEG have come close to accomplishing that goal. They are not against the development of the PCMR base area, and they recognize that this land will likely be developed at some point. However, they believe it can and should be done in a way that benefits all the stakeholders, not just PEG the developer. They believe the new base area should benefit the community and the locals. They believe it should benefit the tourists. They believe it should benefit the existing base area business owners. They believe it should benefit the ski resort and Vail, and yes, PEG too, but not just PEG. They believe this project should be done responsibly and smart.

That's why they made responsible the first word in their name. Ms. Lazenby stated that this is what they believe. They believe the project should be cohesive and scalable with the surrounding neighborhoods. That is should not tower over the existing more modest structures of Old Town, that is should contribute to the look of our quaint historic town, not demolish that. They believe the building heights should not block the views of the beautiful Park City mountain, but that the views should be preserved. They believe the project should also improve on the current traffic problems they have around the resort and in the town, but not make them worse. They believe this project is a great opportunity to vastly improve the transit center at the base, and they encourage the Commissioners to take that opportunity. Finally, they believe the plan should absolutely improve the safety of pedestrians and bicyclists, not make it more dangerous for them. They have already seen an increase in pedestrian/auto incidents in town in the last ski season, and they do not want to contribute more to that. When reviewing the submitted development plan from PEG, they do not believe this plan in its current state accomplishes any of the beforementioned. Ms. Lazenby stated that the goal is to see this project a success for all stakeholders. This is why RRADD is working towards and we are inviting everyone and anyone who is interested in the responsible development of PCMR base area project to join our group. For all anyone on the Zoom call who is interested in joining the group or finding out more information, they can friend them at their Facebook page, RRADD Responsible Resort Area Development. The Facebook page has all kinds of helpful data and links, upcoming events and meetings, and other important information about this project. Or they can reach out to her directly and she will get them into contact with their group. She can be reached at nhlazenby@hotmail.com. Ms. Lazenby stated that she was bring this up now because they have 50 members so far and several of them will be introducing themselves tonight and speaking on tonight's subject. As they introduce themselves as members of RRADD, she wanted everyone to know who they were and that they are part of this coalition to support a responsible resort base development. They welcome all community members and visitors who care about the Park City town to join them in this endeavor as the development will have an impact on the entire community for years and generations to come. She thanked the Planning Commission for letting her go first to explain their new coalition RRADD. She thanked them for their consideration.

Chair Phillips looked forward to RRADD's contribution to the discussions.

Jessica Nelson read the eComments that were received.

Thea Leonard wrote, I am hopeful that the developers will want inject sustainability in all its manifestations into this project. As the City commits itself more and more fully to Net Zero, one can hope this project is a shining example of this new direction. The PC real estate market, being what it is, can command prices that justify a mindful approach

throughout the project. Is it too much to ask for...? Deconstruction of the site, i.e., deliberate demolition such that anything that still has life finds its way to a re-seller, recycler. This has tax benefits for the owner & reduces the amount of landfill space required, carbon footprint of haulage to the dump, etc. Solar Panels & thoughtful orientation of buildings to accommodate maximum on-site energy production. Solar in this mostly sunny place should be something we incentivize on all rooftops. Electrification of systems in place of fossil fuels to future-proof as we move toward regenerative utilities. Design for widespread EV charging. Super-insulation of the buildings. Triple pane windows. Thoughtful entries on the commercial buildings such that we minimize how much we heat the outdoors. "Reasonable scale" as it relates to ceiling heights, room sizes, etc. so as to maximize efficiency. Design for Zero Waste systems/storage. Use of gray water for irrigation. Use of recycled/recyclable construction materials where possible. Restrictive use of snowmelt systems. Green roofs where solar is not practicable. Aside from the obvious benefits to the environment, investment in building efficiency bakes in a measure of affordability over the long term. As the developers ask for things to streamline their processes and/or improve the complexion of their outcomes, I hope we have the temerity to ask for the things that would make us proud use this redevelopment as an example of how to build for the future. Thanks.

Sherie Harding wrote, Please read the following during the meeting Responsible Resort Area Development (RRAD) supports Park City's sustainability goals The RRAD coalition supports 1 An improved first-class transit hub at the PCMR Base Area 2 A transit priority (ultimately electric buses) ideally in dedicated, no-traffic lanes 3 A pedestrian priority, wide sidewalks, safe, convenient, and accessible crosswalks. Friendly, accessible, affordable day storage for skis, boards, and boots, which promotes walking, biking, and transit use 4 Park City's resolution 28-2017, Zero carbon emissions by 2030. Emissions from automobile trips to and from the Resort are inescapably linked to the carbon footprint of the Resort. 8. SUSTAINABILITY DESIGN GUIDELINES This section of PEG's Master Plan is vague and lacks detail. Under DESIGN STRATEGIES#4, On-site Renewable Energy. Be specific. Park City has many days of sunshine. Plan for rooftop solar with appropriate orientation. Nowhere in the SUSTAINABILITY DESIGN GUIDELINES is there mention of tailpipe emissions as a contributor to the carbon footprint of the proposed development. Calculate carbon savings from satellite parking lots. 7.4 miles from Kimball Junction to PCMR, 4.8 miles Quinn's Junction to PCMR. Promote a first-class transit center as part of the sustainability strategy. Promote how it can reduce the carbon footprint. 2020 Community Vision In answer to a recent survey question, "What do you think are Park City's strengths" Survey Results show, "Engaged Community" ranked highest. That's RRAD! It appears that "Small Town Feel" ranked about 4th. "Transit, climate, & environmental initiatives" ranked about 5th, interestingly above Skiing. Transit, climate,

& Environmental initiatives are considered a Park City strength in the 2020 Community Vision Survey. Our town cares about sustainability. The RRAD coalition hopes for alignment with Park City's sustainability goals. We appreciate this opportunity to participate in the process.

Deborah Rentfrow wrote, Good evening, I'm with the newly formed RRAD Responsible Resort Area Development. After reviewing the staff report and applicant's documentation, these are my questions/concerns with regard to Sustainability - Staff Conclusion: Aspirational in nature and neither concrete nor measurable; they do not commit to any specific goals and metrics for the proposed new base area. Resolution 28-2017 is referenced by Planner Ananth and it recommends EUI of 25 or below; applicant's EUI target is 30. What is a target – goal, doesn't mean they'll achieve it. In addition, the staff report raises concerns over committing to zero carbon electricity, compliance with dark sky regulations and electric vehicle charging stations. Finally, the weather normalization model they used was based on Salt Lake City, not Park City. PEG's stance on sustainability is clearly stated on p104 of their submission: "They are private and this Resolution 28-2017 does not apply." PEG's stance is in direct conflict with Exhibit A, page 285, LMC 15-6-6(L) which states 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 & Green Building program and codes adopted by the PC Building Dept in effect at the time of application. PEG's stance is also in conflict with LMC 15-6(J) Encourage mix use, walkable & sustainable development and redevelopment that provide innovative and energy efficient design. Therefore, please confirm Resolution 28-2017 and the Exhibit A codes would apply regardless of PEG being in the private sector and required of the applicant in order to receive approval of their application. Thank you for reading my comment during the Public Input of this evening's meeting.

Nancy Lazenby wrote, Hello. During the course of this project PEG has repeatedly said they are mailing their Community Outreach information to the Residents and the community that live within 300 ft of the Base Area Project. The last mailing they announced was May 13th. I live right across the street from the project on Empire and have never received ANY mailed notices. I have spoken with several of my neighbors and they also have never received any mailed notices. Most of us in Park City know the USPS does not deliver mail to homes in Old Town but I'm wondering if PEG knows that. Can PEG confirm where they are mailing all of these announcements to the neighbors? If they are mailing them to the physical addresses in Old Town they are probably getting most of them back marked 'Undeliverable'.

Reading the last of the eComments, those with hands raised on Zoom were unmuted to make comments.

Angela Moschetta understand, appreciates, and applauds presenting an adaptive project that can be evaluated and modified to continually advance energy usage and reduction goals. However, this entire proposal seems overly idealistic and may be set up for failure with so many of the infrastructure decisions and implementations in cans that seem to be kicked well down the road of having to be figured out absolutely. She worried that goals would remain lofty and unattainable for the lifetime of the project, or at best, maybe they will be underachieved. The sustainability plan sounds good and sexy, and it looks good and sexy with the slide presentation, but the truth is that it lacks the substance any solid plan really needs to express in 2020. With sustainability being one of Park City Municipal's critical priorities, she would offer that the developer needs to do better in terms of absolutes where a project this size is concerned. Goals and potentially moving goal posts simply are not acceptable. In her personal opinion, neither is purchasing renewable energy credits. She did not think it was an acceptable punt for Park City Municipal, the ski resorts, any developers or anyone else. Since this is adjacent to the ski resort, perhaps there are nearby off sites on which to locate solar arrays, and perhaps if Vail Resorts decides to do the right thing that would admittedly reduce their immediate profit but would provide long term community benefit, that is to retain an entire parcel for work force housing. Perhaps that will both reduce the overall energy demands of the PEG and the housing projects and create additional real estate on which to park solar panels. Ms. Moschetta stated that this evening's proposal was definitely an ambitious start. She looks forward to an evolved plan with more quantifiable guarantees.

Reid Schott thanked the Planning Commission and the Planning Department for their service. He also thanked Robert Schmidt and PEG for being able to begin a dialogue to address some of the concerns of the businesses at the current Resort Center. Mr. Schott commented on the charging stations beginning with 10 stalls. He has had an electric car for 4 years. He traveled with it and has had a lot of experiences with problems with charging. He stated that sometimes people who do not have electric cars park in the stalls with charging stations. Mr. Schott pointed out that management of the charging stations is really necessary. In terms of charging capacity, they need to be as fast as they can. What works best is if there could be a valet system with super charged stations where they could bring cars in and out and park them in other spaces after they are charged. He believed that could certainly be done at the hotel and possibly in Parcel B due to the number of parking spaces. He thought starting with ten parking spaces should be reconsidered. With respect to environmentally on the sidewalks, he and Planner Ananth spoke briefly about this last week and it did not appear there would be heated sidewalks. The sidewalks will need to be shoveled with

probably gas-powered snow removal equipment. In addition, rock salt might be spread on the sidewalks and that will go into the storm sewers. He thought that was an environmental issue with not having heated sidewalks. Mr. Schott thought the issue of heated sidewalks should be considered. Mr. Schott asked for clarification with regard to the energy that will be created in the garage that was mentioned. He wanted to know how that energy will be created in the garage. He asked if all the buildings will have solar panels or whether they will be added later. Mr. Schott assumed there would not be gas fireplaces in the buildings. He wanted to know if there will be gas for the commercial spaces for the cooks, gas fireplaces outside, or whether there would be any gas at all. Mr. Schott they also needed focus on general things besides the EUIs and other equivalents because they will be germane as well.

Deb Rentfrow stated that she was with the newly formed RRADD coalition, the Responsible Resort Area Development coalition. She wanted to touch on a few concerns regarding the construction phasing and mitigation and fire. The applicant is requesting construction hours of 7:00 am To 9:00 pm Monday through Saturday, and 9:00 a.m. to 6:00 p.m. on Sundays. Based on their construction phasing schedule, she believed they have that starting March 1st running through December 1st. Ms. Rentfrow noted that they will need temporary lighting and other things. She even questioned dark sky compliance. It will also be a quality of life issue for residents in the area, including Park Avenue, Woodside, Silver King, Lowell, Shadow Ridge, Empire, and 14th and 15th Streets at a minimum. The applicant has not identified where the construction worker and the employee parking will be located off site. Ms. Rentfrow noted that the applicant provided a site map of the different modular type trailers but did not indicate where those would be located. As they move from parcel to parcel, she assumed the trailers would need to move. She stated that the 5 fill sites on the Mountain as drawn will clearly impact the hiking and biking traffic. She thought the construction dates of March 1st through December 1st could affect the skiing. The impacts to hiking and biking is in direct conflict with detail provided in the Staff report as Exhibit A, LMC 15-6-6(g), the MPD as conditioned provides amenities to the community so there is no net loss of community amenities. In addition, this will potentially remain an issue after construction is complete, as with the current proposal access to the trails for hiking and biking will be significantly more difficult with a multi-level concrete plaza between the parking and access points. With regards to fire, Planner Ananth states that the fire department had concerns which PEG was addressing. She was curious about when PEG is supposed to turn in their answers and work it out with the fire department, and whether it will be addressed in a future meeting where public input can be received. Ms. Rentfrow asked if the applicant will need to address fire safety mitigation concerns during the construction process. For example, access to neighboring residential areas on Lowell, Empire, Silver King and Three Kings where their construction delivery entrance and staging will be in place. Finally, with the building density, setbacks, and

heights also under review, as well as traffic, it seems that anything submitted by the applicant regarding tonight's agenda items; sustainability, construction phasing mitigation, and fire, would not necessarily include accurate data or detail for a decision on approval. Ms. Rentfrow thanked the Planning Commission for letting her participate in this meeting.

Chair Phillips closed the public hearing.

Chair Phillips asked Planner Ananth if she wanted to address any of the issues raised in the comments. Planner Ananth reported that she and the applicant had a long meeting with the fire department to work through their concerns. She believed the fire department was now comfortable with their plans. There may be a requirement for additional standpipes or hydrants at the time of building permit, but at this point everything is on track. Planner Ananth stated that emergency access to the site during construction was also discussed, and it will be managed by the applicant and the roads will be kept clear.

Chair Phillips pointed out that the public will have additional opportunities to comments on the issues raised this evening.

Commissioner Hall stated that when she read the Staff report she was disappointed that it was not more complete given that the information the applicant has given for the other Staff report topics. She was more hopeful after listening to Mr. Zakrzewski's presentation and hearing that Mr. Schmidt understands they will be delineating specific requirements, metrics, and data points within the conditions of approval. Commissioner Hall hoped that between now and the next time this topic comes before them that more progress is made, and the information will be more concrete.

Commissioner Hall stated that she would like to see 25 or 30 EUI for this base development because it is larger than all the City operations combined. Since it is such a larger impact on the community, she thought it was important to be consistent with the Resolution and the Critical Priority.

Commissioner Hall noted that Vail has some wonderful sustainability goals within their own network with a goal to be net zero by 2030 and to have zero waste. She asked if the applicant was incorporating that into their strategy. Mr. Schmidt stated that based on their presentation this evening, PEG's goal is to net zero by 2030 as well following the strategies that were presented. He was not able to say specifically whether they were incorporating Vail's plan because he did not know all the specifics of the plan. Mr. Schmidt emphasized that PEG wants to make sure they are making a substantial commitment in helping the community meet its goals.

Commissioner Hall stated that the Planning Commission sees the base development as PEG and Vail, but the average person sees it as one continuous unit. She encouraged incorporating Vail's goals since they are already in line with the City's goals. Commissioner Hall asked if the Planning Commission was provided with the construction phasing and mitigation plan. Planner Ananth stated that they were linked in her Staff report and they were on the City's webpage. Commissioner Hall stressed the importance of waste diversion. In this situation it would be a fairly easy way to divert a lot of the waste because it is mostly concrete. Mr. Schmidt stated that they would be preparing a waste diversion plan with more specifics after their conversations with Luke Cartin.

Chair Phillips referred to a public comment about soils sample data. He asked if that was something they rely on at this stage and whether it was the responsibility of the developer to do soils samples. Mr. Schmidt stated that they had already completed preliminary geo-technical borings where they drilled a few holes to explore the soils. They also completed a Phase 1 and limited Phase 2 environmental assessment. He remarked that Phase 1 is a lot of research to determine what may have happened on the site, and that informs whether or not to do a Phase 2, which is physical sampling of potential concerns. Mr. Schmidt stated that because they had drill rigs on site, they elected to go ahead and do a limited Phase 2, even though it was not called for in the Phase 1. There were no recognized environmental concerns and there were no tailings on the site. He noted that Parcels C, E and part of D were part of the golf course at one time. Mr. Schmidt stated that the soil sample they did in the limited Phase 2 had no traces of any heavy metals or any contaminants that require mitigation in the exports. Mr. Schmidt remarked that the export plan they created should be in compliance with all the environmental regulations of the State.

Chair Phillips assumed that the excavation and haul off of the materials will follow the City regulations. Planner Ananth replied that the applicant will follow the Code in effect at the time. Chair Phillips understood that the current Code has limiting dates on excavation. Mr. Schmidt referred to public comment about a March 1st start date and a December 1st finish dates for those excavations. He clarified that the March start date is an early date for shoring installations. Mass excavation would not begin until the Resort closes and there is no frost on the roads. The timing will be coordinated with the ski resort.

Planner Ananth asked Mr. Schmidt to clarify that he was talking about the Spring of 2022. Mr. Smith concurred that at this point, given the time of year, the first they could start would be Spring of 2022.

Chair Phillips asked about a plan for construction employees. Mr. Schmidt anticipated that employees will be parked off site, specifically during busy times of the year. A number of stalls available on site might be used for some portion of employees. Mr. Schmidt stated that a specific employee parking plan will be created that will include off site parking and shuttling for workers. He believed that level of detail will come at the conditional use and building permit stages.

Commissioner Thimm thought they had glossed over the construction management and mitigation plans. He understood that it usually occurs at permitting; however, based upon the location and size of the proposed development, he thought a presentation in a public forum was important so there could be open discussion. Commissioner Thimm remarked that they had taken small bites out of a number of topics and issues but nothing significant. He asked if the schedule in place sets aside time to go back and revisit the topics from every meeting they have had so far. Planner Ananth replied that they will hit topics until the Planning Commission is comfortable voting on this project. They intend to bring some architectural details in November. They hope to come back with transportation information in December. They will continue to meet through the winter on topics as needed. Planner Ananth clarified that the schedule that was set will definitely be extended.

Chair Phillips agreed with Commissioner Thimm's comments on the construction mitigation. He understood it is done later, but the Planning Commission has the job to create conditions to be included in the construction mitigation plan.

Commissioner Suesser asked Planner Ananth if she saw certain things in the application with respect to the sustainability goals. She understood that Planner Ananth wrote her report based on what she saw, and the applicant responded to the Staff report in the last week. Commissioner Suesser wanted to know the next step. She asked if the applicant needed to revise their application or would the Planning Commission need to condition their approval based on the Staff report, and how the applicant responded and what they now plan to commit to do. Commissioner Ananth stated that she definitely expects revised information to be submitted to the Planning Department, but she was unsure whether it would be in the form of a revised application. She emphasized that additional information needs to be submitted to the Planning Department so they can formulate the conditions she will bring to the Planning Commission for review. Planner Ananth anticipated taking a whole meeting to review and discuss conditions of approval. Commissioner Suesser thought they needed a whole meeting on everything they discussed this evening.

Director Erickson stated that the process for this and all other Staff reports is to have the Planning Commission comment on these matters. The applicant goes back and

advises how they are going to submit the information. Planner Ananth, Luke Cartin, the engineer, and everyone else involved can do a technical analysis and give their opinion as to the effectiveness of applicant's information. At that point, the Planning Commission will have a three-prong report consisting of what the applicant submitted, the technical analysis, and recommendations for conditions.

Commissioner Hall stated that for the two upcoming meetings that are PEG specific, she asked if they would have the opportunity to hash out some of the details on topics they need to revisit. Planner Ananth stated that she expects to make as much progress and possible in November on the architecture, height, and setbacks of the project. They can then move forward topic by topic as they are ready and as PEG submits more information to come up with final plans for review.

Planner Ananth thought they would need to have PEG specific meetings throughout the winter, and she would like to continue that trend going forward. Commissioner Hall had a strong preference for PEG specific meetings rather than starting these discussions late in the evening. Planner Ananth would put together a recommended schedule.

Mr. Schmidt stated that they will come back in November with architectural modifications based on feedback they heard from the Planning Commission, from Staff, and from the community. He would like to get a read on height and setbacks at that point to see if they are in alignment. Mr. Schmidt noted that they were working on traffic and transportation for December and a lot of additional analysis is taking place. When they come back in December, they would like to get a good read on whether they are in alignment on those topics and can continue to move forward.

Chair Phillips stated that based on the presentation tonight, he would like to push for the efficiency because that really stood out to him. He urged PEG to come up with as many solid commitments that can be put in writing and tracked and accounted for. Mr. Schmidt asked if Chair Phillips thought the commitments that were articulated tonight were sufficient. Chair Phillips stated that what was presented is very positive, but the Planning Commission will push them to commit to as many as they can possibly can.

Commissioner Hall suggested quantifiable, like data and metrics. It is nice to have a general plan, but more concrete information is very helpful when processing an application.

MOTION: Commissioner Thimm moved to CONTINUE the PCMR Resort Base Parking Lot MPD modifications to November 18, 2020. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

The Planning Commission Meeting adjourned at 9:45 p.m.

Approved by Planning Commission: _____

PENDING APPROVAL

Planning Commission Staff Report



Subject: Appeal of a Planning Director Determination
Application: PL-20-04680
Author: Heather Wasden – Planning Technician
Date: November 11, 2020
Item: Appeal of the Planning Director’s Determination regarding expansion of a Private Area into the platted Common Area of a Two-Unit Condominium

Executive Summary

Pursuant to Land Management Code [§ 15-1-12.5](#), Planning staff received and approved a joint request by the appellant and adjacent condominium owner to continue the appeal to a date uncertain in order to mutually pursue a plat amendment. The request was received at least 5 business days before the hearing enabling Planning staff to approve it in advance of the meeting. No Commission action is necessary.

Project Number:	PL-20-04680
Applicant:	John and Julie Brown
Location:	472A Deer Valley Loop
Zoning District:	Residential – Medium Density
Adjacent Land Uses:	Single-Family and Multi-Unit Dwellings
Reason for Review:	The Planning Commission reviews appeals of Planning Director Determinations

Notice

If a plat amendment is approved, the appeal will be dismissed. If not, when this item is later scheduled for the Planning Commission’s consideration, notice will be posted and published as required by the Land Management Code.

Planning Commission Staff Report



Subject: Off-Street Parking Standards and Maximum Building Height for Master Planned Affordable Housing Developments
Author: Hannah M. Tyler, AICP
Date: November 11, 2020
Type of Item: Work Session

This staff report and discussion is a continuation of the Work Session held by Planning Commission on October 28, 2020. On October 28, 2020, Planning Commission provided staff with direction regarding Off-Street Parking Standards and continued the discussion specific to Maximum Building Height. This work session will focus on Maximum Building Height.

Summary Recommendations

Staff recommends the Planning Commission review the Cascadia Partners, LLC Memorandum, *Best Practice Research on Height and Parking Code Standards for AMPD Update* (Exhibit A) and staff's discussion topics outlined in the Analysis Section of this report.

Staff requests direction from Planning Commission on possible Land Management Code Amendments for Off-Street Parking Standards and Maximum Building Height for Master Planned Affordable Housing Developments. The following discussion is only intended to apply to qualifying Master Planned Affordable Housing Developments – staff is not proposing any blanket LMC Amendments for all developments as a part of this discussion.

Acronyms

AMI	Area Median Income
AMPD	Master Planned Affordable Housing Development
HUD	Housing and Urban Development
LMC	Land Management Code
ROI	Return on Investment
VMT	Vehicle Miles Traveled

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

Executive Summary and Background

Since 2018, staff has been working on Land Management Code Amendments for incentivizing the development of Affordable Housing. In 2018, the Affordable Housing and Planning Departments proposed LMC Amendments to incentivize Affordable Housing development through a density bonus program for Master Planned Affordable Housing Development applications ([LMC § 15-6-7](#)). The concept was that if a development (Public or Private) built more than 50% of a project as deed-restricted Affordable Housing, then they would be eligible to receive a density bonus that was scaled based on the AMI level served for the Affordable Housing units. The proposed 2018 LMC amendment restructured the entirety of the Master Planned Affordable Housing Development Section ([LMC § 15-6-7](#)) with amendments ranging from applicability to development requirements. Please reference the [May 17, 2018 City Council staff report](#) for background of the previous LMC Amendment proposal.

On May 17, 2018, City Council did not pass the ordinance proposed by staff for the density

bonus program because they were not confident that the proposed ordinance would actually incentivize the development of affordable housing by private developers ([May 17, 2018 City Council Minutes, Page 12](#)). The City Council directed staff to retain Cascadia Partners, LLC to assist City staff in determining if the then proposed LMC amendments could actually “move the needle” on incentivizing the development of Affordable Housing by both Public and Private entities.

The issue identified by Cascadia Partners, LLC was that while a density bonus program can be an incentive to construct Affordable Housing, most developments in Park City could not actually achieve a density bonus because of development requirement barriers in the existing LMC. Cascadia Partner’s AMPD Code Audit Report ([Final Report](#)) identified areas of Park City’s LMC that could be amended to help incentivize the development of Affordable Housing using the proposed density bonus program framework. Without the recommended LMC amendments, the density bonus could not be achieved in its entirety (or at all in some cases) because the constraints within the LMC limited developments to base zone density – meaning few or no developments could realize a density bonus at all. A combination of LMC amendments would allow Affordable Housing developments to achieve a density bonus, including: a reduction in Setbacks, Open Space, and Parking Requirements; and an increase in Maximum Building Height standards.

On December 5, 2019, City Council reviewed Cascadia Partners, LLC’s [Final Report](#) and gave staff direction to pursue the following LMC changes (identified by Cascadia Partners, LLC) in an effort to help incentivize the development of Affordable Housing, which staff is tackling in two (2) phases ([December 5, 2019 Staff Report](#) and [Audio](#)):

- Phase I (adopted by City Council in January 2020 [[Ordinance 2020-09](#)])
 - Reduce the boundary setback to the Zone Required Setbacks
 - Open Space Reduction
 - Master Planned Affordable Housing Development Parking Requirements to match existing Master Planned Development standards
- Phase II (topics of this Work Session)
 - Increase Maximum Building Height
 - Parking Reductions or alternative Parking Requirements

Figure 1: Cascadia Partners, LLC Funding Gap Analysis for Mixed Income Development, from their AMPD Code Audit Report in 2019.

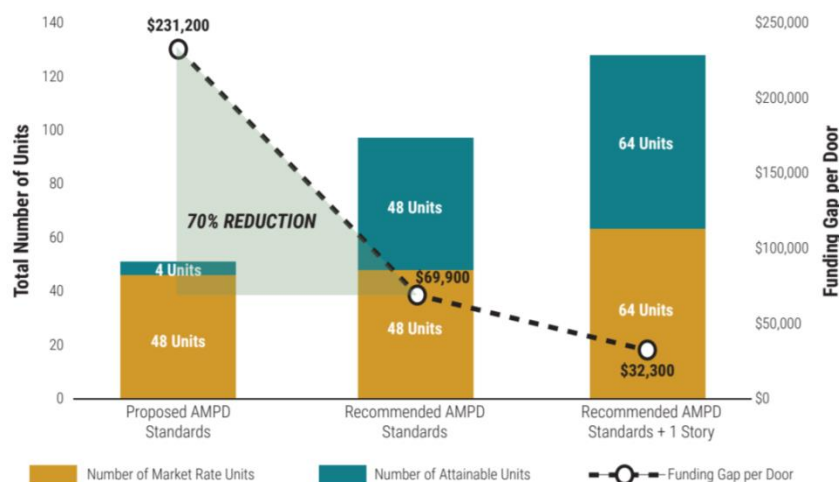


Figure 1 helped illustrate the financial impacts of the recommended code amendments in an effort to incentivize affordable housing by updating the LMC to assist projects in achieving a density bonus. Without the recommended LMC Amendments, the financial barrier and subsidy (funding gap) was far too great to justify development of additional affordable housing units beyond a development obligation.

Staff retained Cascadia Partners, LLC in August 2020 to conduct research on the Phase 2 topics. Cascadia Partners, LLC was asked to provide research on similar communities' approaches to removing financial barriers for Affordable Housing Development, looking specifically at Maximum Building Height and Parking Requirements – staff requested case studies from similar communities that had incentive-based affordable housing land use codes for Maximum Building Height and Off-Street Parking Standards and also had developments built utilizing those codes. Cascadia Partners, LLC finalized their memorandum, *Best Practice Research on Height and Parking Code Standards for AMPD Update* (Exhibit A), in early October.

Tonight's discussion is focused on the Maximum Building Height and Off-Street Parking Standards, but staff will be returning to Planning Commission with a Work Session on the mechanics of the Density Bonus Program for Master Planned Affordable Housing Developments ([LMC § 15-6-7](#)), including but not limited to Area Median Income (AMI) levels, percentage of a development required to be affordable, residential vs. commercial development, etc. It is staff's goal that after tonight's Work Session and the future density bonus program Work Session, staff will have all feedback necessary to bring back polished LMC Amendments for the [LMC § 15-6-7](#) Master Planned Affordable Housing Developments for consideration and recommendation to City Council in 2021.

The discussion for this Work Session is based on the concept that moving forward, projects utilizing the Master Planned Affordable Housing Development application process will not be 100% Affordable Housing Units which is consistent with the initial LMC Amendments proposed by staff in 2018. At this time, staff is targeting a minimum of 50% Affordable Housing Units. While the LMC Amendments from 2018 were not adopted, as stated previously, staff will be returning with a future Work Session including a discussion on Applicability (Percentage Affordable). The goal is to adopt LMC Amendments that foster opportunities for reasonable ROIs to develop Affordable Housing beyond an underlying development obligation.

Analysis

- (I) **Cascadia Partners, LLC, Memorandum: Staff recommends the Commission review the *Best Practice Research on Height and Parking Code Standards for AMPD Update* (Exhibit A).**
- (II) **Staff recommends the Commission review the following additional information and discussion topics prepared by Staff in response to the Cascadia Partners, LLC Memorandum (Exhibit A).**

Staff has prepared discussion topics and supplementary information in this section as a follow up to the *Best Practice Research on Height and Parking Code Standards for AMPD Update* (Exhibit A). As stated in the Executive Summary and Background section of this report, Cascadia Partners, LLC was asked to identify best practices for regulating Off-Street Parking and Maximum Building Height for Affordable Housing developments.

Cascadia Partners, LLC included case studies and sample land use codes from the following cities:

- Ketchum, Idaho
- Truckee, California
- Mammoth Lakes, California
- Bend, Oregon

The memorandum concludes with a set of recommended code concepts for the City to consider in an effort to be more effective in incentivizing private development of Affordable Housing. Staff has teased out some supplementary information to the recommended LMC amendments to provide additional data and commentary as it relates to Park City specifically.

Cascadia Partners, LLC recommends the following LMC Amendments for Off-Street Parking and Maximum Building Height Standards (*Arial italics*). Staff has provided commentary and supplementary information in normal Arial font following each recommendation subsection topic. As a reminder, the following discussion is only intended to apply to qualifying Master Planned Affordable Housing Developments – staff is not proposing any blanket LMC Amendments for all developments as a part of this discussion.

Recommendations for Off-Street Parking:

We recommend the City right-size parking requirements by adopting the following package of five code changes:

1. *Scale parking requirements by affordability and unit size*
2. *Provide additional reductions for projects on small sites.*
3. *Allow a credit for on-street parking along the frontage of the site*
4. *Allow a credit for off-site parking spaces that will be dedicated to the use*
5. *Provide by-right reductions for projects that take measures to reduce parking demand*

Cascadia Partners, LLC created a very concise table of Off-Street Parking Standards for Residential Developments based on Park City's existing LMC which will be a great reference point for this discussion.

Figure 2: Cascadia Partners, LLC table of Off-Street Parking Standards for Residential Developments, page 3, Exhibit A:

Unit Type	Spaces Required
Duplex Dwelling	2 per Dwelling Unit (4 total)
Triplex Dwelling	2 per Dwelling Unit (6 total)
Multi-Unit Dwelling	
Apartment/Condominium not greater than 1,000 sf floor Area	1 per Dwelling Unit
Apartment/Condominium greater than 1,000 sf and less than 2,000 sf floor Area	1.5 per Dwelling Unit
Apartment/Condominium 2,000 sf floor Area or greater	2 per Dwelling Unit

Planning staff has provided supplementary data and analysis for each of the recommended LMC amendments. Staff requests that the Commission review the supplementary data and provide direction for staff to continue to investigate the long-term impacts of reductions in parking based on current data. There are also some mitigation strategies and policy level decisions that will need City Council review and direction.

1. Scale parking requirements by affordability and unit size

Cascadia Partners, LLC recommended:

Reducing parking requirements for projects with affordable units is a direct method to encourage private development of affordable units, but there are two options to this approach:

- *Option 1: Reduce parking requirements for all units in the project*
- *Option 2: Reduce parking requirements for the deed-restricted, affordable units*

Option 1 provides a more significant incentive, but it is less directly linked to the association between lower income households and lower vehicle ownership. Option 2 is a less significant incentive, but is more clearly linked to a household type that is more likely to own no or fewer cars.

Park City Municipal Corporation's Affordable Housing Department included a question about vehicle ownership on their 2020 Affordable Housing Compliance Survey. At the time this report was drafted, the Affordable Housing Department had received responses from 67% of the City's Affordable Housing households. Almost half (48%) of the responding Affordable Housing households own two (2) vehicles and another 30% own one (1) vehicle. Of the responses received, one (1) household has responded that they do not own a car. Figure 3 identifies the responses received thus far regarding vehicle ownership.

Figure 3: Park City Municipal Corporation 2020 Affordable Housing Compliance Survey – Vehicle Ownership Data. This data represents 67% of the Affordable Housing Households.

Quantity of Vehicles Owned Per Household	Quantity of Households Responded	Percentage of Data Set
0	1	1%
1	47	30%
2	76	48%
3	28	18%
4	3	2%
5	1	1%
6	1	1%
Total Responses	157	

Without this “complete” Park City-specific data, staff has collected data from several sources to gain a better understanding of travel behaviors and the likelihood of vehicle ownership or vehicle accessibility. This research includes data from the US Census and American Community Survey, Summit County Area Median Income (AMI) data, as well as national- and state-wide transportation and Vehicle Miles Traveled (VMT) data.

Currently, the Area Median Income (AMI - 100%) for a Summit County household size of three (3) persons is \$102,510. The average AMI served by recent City-sponsored and private developer Affordable Housing developments within Park City limits is 80% - 120% - these incomes are based on a household size of three (3) persons. Figure 4 identifies the current AMI Matrix for Summit County based on household income and household size. This AMI matrix is used by Park City Municipal Corporation's Affordable Housing Department for all selection processes and qualifications for Affordable Housing developments.

Figure 4: 2020 Summit County AMI (Area Median Income) Based on HUD Income Limits

% of AMI	Family Size					
	One (studio)	Two (1-br)	Three (2-br)	Four (3-br)	Five (4-br)	Six (5-br)
30%	\$ 23,919	\$ 27,336	\$ 30,753	\$ 34,170	\$ 36,904	\$ 39,637
40%	\$ 31,892	\$ 36,448	\$ 41,004	\$ 45,560	\$ 49,205	\$ 52,850
45%	\$ 35,879	\$ 41,004	\$ 46,130	\$ 51,255	\$ 55,355	\$ 59,456
50%	\$ 39,865	\$ 45,560	\$ 51,255	\$ 56,950	\$ 61,506	\$ 66,062
60%	\$ 47,838	\$ 54,672	\$ 61,506	\$ 68,340	\$ 73,807	\$ 79,274
80%	\$ 63,784	\$ 72,896	\$ 82,008	\$ 91,120	\$ 98,410	\$ 105,699
100%	\$ 79,730	\$ 91,120	\$ 102,510	\$ 113,900	\$ 123,012	\$ 132,124
120%	\$ 95,676	\$ 109,344	\$ 123,012	\$ 136,680	\$ 147,614	\$ 158,549
150%	\$ 119,595	\$ 136,680	\$ 153,765	\$ 170,850	\$ 184,518	\$ 198,186
175%	\$ 139,528	\$ 159,460	\$ 179,393	\$ 199,325	\$ 215,271	\$ 231,217
200%	\$ 159,460	\$ 182,240	\$ 205,020	\$ 227,800	\$ 246,024	\$ 264,248

Based on the relatively high income levels in Park City as well as the community's "active lifestyle" (camping trips, outdoor recreation/trailhead travel, etc.), staff is not confident that a majority of lower income households (below 100% AMI) do not own vehicles or do not have access to a vehicle. Most literature on the nexus between vehicle ownership and low income households focuses on HUD programs for housing voucher recipients in major metropolitan areas – this is a different population (much lower AMI/poverty level) and very different urban environment setting. For households above the poverty line, there is increasing evidence of vehicle ownership or access to vehicles¹.

The US Census American Community Survey has data from 2018 identifying statistics for "vehicles available" for households in Summit County. The data set is titled [2018 Summit County Physical Housing Characteristics For Occupied Housing Units](#). According to the 2018 Summit County Physical Housing Characteristics For Occupied Housing Units data set, 2.0% of households in Summit County have "no vehicles available". The majority of households (43.4%) have access to two (2) vehicles. Household income was not a data point in the 2018 Summit County Physical Housing Characteristics For Occupied Housing Units data set. Figure 5 identifies all accessible data for "vehicles available" for Summit County households from 2018.

¹ <https://www.governing.com/topics/transportation-infrastructure/gov-car-ownership-poverty.html>

Figure 5: US Census American Community Survey 2018 Summit County Physical Housing Characteristics For Occupied Housing Units: Car Ownership by Household

	% of Population	Margin of Error
No Vehicles Available	2.0%	+/-0.7%
1 Vehicle Available	21.4%	+/-1.9%
2 Vehicles Available	43.4%	+/-2.5%
3 or More Vehicles Available	33.1%	+/-2.1%

Source:

<https://data.census.gov/cedsci/table?q=car%20ownership%20summit%20county%20utah&tid=ACSDP5Y2018.DP04&hidePreview=false>

According to the Texas A&M Transportation Institute Transportation Policy Research Center², Vehicle Miles Traveled (VMT) measures the amount of travel for all vehicles in a geographic region over a given period of time, typically a one-year period. It is calculated as the sum of the number of miles traveled by each vehicle.

Based on data from the US Department of Transportation Federal Highway Administration³, the state of Utah saw an increase in VMT by 2.3% on all roads based on a year-over-year analysis looking at September 2018 and September 2019. The analysis included 91 monitoring stations across Utah's rural arterial roads, urban arterial roads, and the interstate highway system. According to the University of Utah Kem C. Gardner Policy Institute, from 2018 to 2019, the population grew by 53,596 people. This annual growth rate of 1.7% matches the previous year's percent growth⁴. A portion of the VMT increase in Utah may be tied to population growth (a population with overwhelming car-ownership⁵), but according to the US Department of Energy, national trends also point to increased VMT because of low petroleum prices and economic recovery from the Great Recession⁶.

What these data points and analyses tells us is that households in Summit County have access to vehicles and on a national- and state-wide level, the population is driving vehicles more year-over-year. The future of car ownership is largely unknown with the proliferation of car share programs, electric bikes, transportation network companies, and Park City's free transportation system. Park City staff is not blind to the shift towards electric vehicles and other environmentally friendly lifestyle choices, but the data available points towards some level of vehicle demand (parking demand) for primary residents and our visitors.

The COVID-19 pandemic has brought an influx of new primary homeowners relocating from other communities who are purchasing in the Market Rate categories. According to the Trends outlined on page 64 of the General Plan Volume I⁷, based on 2010 US Census data, approximately 85% of housing units were second homes (nightly rentals, vacant, etc.). The 2020 US Census will provide the City with updated population and residency statistics, especially with any influx of new primary homeowners during the COVID-19 pandemic period.

² <https://static.tti.tamu.edu/tti.tamu.edu/documents/PRC-2016-2.pdf>

³ https://www.fhwa.dot.gov/policyinformation/travel_monitoring/19septvt/19septvt.pdf

⁴ <https://gardner.utah.edu/wp-content/uploads/StateCountyPopEst-Dec2019.pdf>

⁵ https://datausa.io/profile/geo/utah#num_vehicles

⁶ <https://afdc.energy.gov/data/10315>

⁷ <https://www.parkcity.org/home/showdocument?id=12369>

In Park City, Market Rate Units overwhelmingly become second homes or Nightly Rentals. While there may not be a daily parking demand for second homes or nightly rentals, when these units are in use, there may be a parking demand for a rental car. Many second homeowners also store a car at their residence in Park City.

Cascadia Partners, LLC researched other communities and specific case studies to develop what they refer to as “right-sized” parking requirements (Figure 6) for both Market Rate and Affordable Units. Staff thinks this is a great first step to reducing parking while still providing most residents of developments with an option to park their vehicle or vehicles. Staff finds that the City Council will need to also provide policy direction regarding potential mitigation strategies (ex: possible City-owned satellite parking lots). With policy direction from City Council along with some of the other tactics outlined in the following subsections (car shares, distance to transit, etc.), staff believes that a reduction in the Off-Street Parking Requirements for Affordable Housing units could be appropriate for Park City.

Staff requests direction from the Commission on the following:

- Does the Commission want to reduce Off-Street Parking Requirements for Affordable and/or Market Rate Units based on the recommended requirements outlined in Figure 6?

Figure 6: Cascadia Partners, LLC’s recommended Off-Street Parking Requirements for Master Planned Affordable Housing Projects, page 16, Exhibit A

Current Requirement		Recommended Requirements		
Dwelling Size	All Units	Dwelling Size	Market Rate Units	Affordable Units
<1,000 sf	1 space per unit	< 750 sf	0.5 spaces per unit	None
1,000 - 2,000 sf	1.5 spaces per unit	750 - 1,000 sf	1 space per unit	0.5 spaces per unit
>2,000 sf	2 spaces per unit	1,000 - 2,000 sf	1.5 spaces per unit	1 space per unit
		>2,000 sf	2 spaces per unit	1.5 spaces per unit

2. Provide additional reductions for projects on small sites.

Cascadia Partners, LLC is recommending two (2) approaches:

- Off-Street Parking reduction for developers to deduct 5,000 square feet per floor from the sum of total floor area that is used to calculate parking requirements.
- A complete reduction in Off-Street Parking Requirements for projects on lots with an area less than 5,000 square feet – meaning no Off-Street Parking required for these “smaller projects” on smaller lots.

Both of these approaches would help incentivize the use of the Master Planned Affordable Housing Development process because of the high financial impacts of providing Off-Street Parking on-site. According to Cascadia Partners, LLC, *surface parking spaces cost approximately \$3,000-\$5,000 per space, tuck under parking costs approximately \$20,000 per space, and underground parking can cost between \$20,000 and \$40,000 per space.*

The City of Ketchum uses a similar approach to encourage mixed use developments in their downtown district. They provide a reduction of 4 parking spaces per 5,500 square feet of lot

area. We recommend scaling the reduction by floor area, not lot area, because it provides a greater incentive to maximize the density and fully utilize the site. Below is an example of this approach from Bend, OR:

The amount of off-street parking may be reduced to zero for a maximum of 10,000 square feet per floor. When using this parking reduction, it must be calculated prior to any other reductions.

At this time, the Master Planned Affordable Housing Development section is designed for 100% Residential projects. This is something that can and will be discussed at the next Work Session regarding Applicability and the Density Bonus framework, but this is a key detail as the example in Ketchum for a parking reduction is for a mixed-use project (Commercial and Residential). It can make sense to reduce parking for a small mixed use project because of the differing hourly demands (Commercial during the day and Residential at night).

Staff is struggling to identify the data to support the reduction of parking completely for a 100% Residential “small project” without additional tactics to reduce the impact (see other subsections for tactics). Based on data represented in the previous subsection, we do not have data to support that these residents will not own vehicles or have access to vehicles.

Staff requests direction from the Commission on the following:

- Does the Commission want to reduce Off-Street Parking Requirements for “small” projects on lots with an area of 5,000 square feet or less?
- Does the Commission want to reduce Off-Street Parking Requirements for “larger projects” at a rate of 5,000 square feet per floor from the sum of total floor area that is used to calculate parking requirements?

3. Allow a credit for on-street parking along the frontage of the site

Cascadia Partners, LLC recommends allowing a credit (one for one) for every on-street public parking space that abuts the site. This is a clear incentive with large benefits for smaller projects that could achieve the entirety or majority of an Off-Street Parking requirement through on-street parking. An example of a recent smaller scale existing Affordable Housing project that would have benefited from a credit program like this is Woodside Park Phase I. Functionally, staff has the following concerns with a credit program for use of the Public Right-of-Way for Parking:

- Public parking is not dedicated or reserved on a space-by-space basis; therefore it is not guaranteed.
- The development would now impact the Public Right-of-Way.
- If in the future, the City removed public parking (for example to create a Complete Street), how would the City address the loss of Public Parking with developments that used public parking for their parking reduction?
 - On October 1, 2020, City Council recently reviewed the Transportation Planning update which included a discussion on Street Cross Sections in response to the Park City Vision 2020 and 2011 Traffic and Transportation Master Plan ([Staff Report](#)). The 2011 Master Plan recommends roadway configurations based on the type of road and width, (neighborhood street vs. arterial, etc.) and prioritizes by mode if width is unavailable to accommodate design elements. Many cross-sections prioritize parking and cars. Community momentum has shifted to better support pedestrians, bicyclists and transit.
- Staff would prefer allowing such reductions in areas with Parking Management Plans (residential permit program) that includes permitted and patrolled parking. An example of this type of program is in the Historic Districts, map [here](#).

- This approach will have staffing impacts to the City as the current Parking Department is staffed to support the capacity of the existing Parking Program.
- Impacts to snow removal and other public infrastructure/utility concerns.

Below is an example of code language from the City of Bend, OR:

B. Credit for On-Street Parking.

1. *The amount of off-street parking required may be reduced by one off-street parking space for every on-street parking space abutting the development, up to 50 percent of the requirement, except as specified in subsections (B)(1)(a) and (b) of this section.*
 - a. *Uses within the CB Zone shall not receive credit for on-street parking, but have the option to pay a fee in lieu of providing off-street parking per BDC 3.3.200.*
 - b. *For uses within the MU and MN Zones and in the Bend Central District, the amount of off-street parking required may be reduced by one off-street parking space for every on-street parking space abutting the development, up to 100 percent of the requirement.*
2. *On-street parking shall follow the established or approved configuration of existing on-street parking, except that angled parking may be allowed for some streets, where permitted by City, ODOT and/or County standards. One on-street parking space shall be defined as follows:*
 - a. *Parallel parking, each 24 feet of uninterrupted curb, where allowed;*
 - b. *Forty-five-degree diagonal, each with 14 feet of curb, where allowed;*
 - c. *Ninety-degree (perpendicular) parking, each with 12 feet of curb, where allowed;*
 - d. *Curb space must be connected to the lot that contains the use;*
 - e. *Parking spaces will not obstruct a required clear vision area or violate any law; and*
 - f. *On-street parking spaces credited for a specific use may not be used exclusively by that use, but shall be available for general public use at all times. No signs or action limiting general public use of on-street spaces is permitted.*

Staff requests direction from the Commission on the following:

- Does the Commission want to allow credit for off-site parking spaces that abut a development site?

4. Allow a credit for off-site parking spaces that will be dedicated to the use

Cascadia Partners, LLC recommends allowing a credit (one for one) for every parking space that is provided in an off-site location (with clear agreements and dedication). They recommend that the off-site location would have to be within 800-1,000 feet of the development.

Below is example code language for off-site credits (La Pine, OR):

Off-site parking. To allow flexibility in the location of required parking and to encourage efficient utilization of land, required parking may be located up to 800 feet from the development. Such parking shall be designated and signed as assigned to the remote development. Confirmation of the parking assignment shall be required prior to occupancy of the development.

As long as the distance of the off-street parking location is reasonable and a clear agreement is in place, staff finds that this could be a feasible option as well.

Staff requests direction from the Commission on the following:

- Does the Commission want to allow a credit for off-site parking spaces that will be dedicated for use by the subject property?

5. Provide by-right reductions for projects that take measures to reduce parking demand

Cascadia Partners, LLC recommends creating a framework for allowing a reduction in Off-Street parking requirements based on measures taken to reduce parking demand by providing other transit/travel options for residents (and guests). Staff prefers clear criteria for a reduction for predictability and consistent application of the code. Because the City's current process is discretionary and requires the submission of a parking analysis/study prior to receiving a reduction, many developers do not take this path due to the cost and time needed to complete a parking analysis/study – especially when there is no guarantee of the reduction being granted by the Planning Commission.

Cascadia Partners, LLC's recommendation of a clear list of measurable strategies would not only be predictable, but would be much simpler to regulate and apply. They believe that developers are more likely to use a clear set of criteria than a discretionary process. *The code language below provides an example of a by-right reduction for features that can reduce parking demand (Oregon Model Code for Small Cities):*

- ***Transit:*** *Site has a bus stop with frequent transit service located adjacent to it, and the site's frontage is improved with a bus stop waiting shelter, consistent with the standards of the applicable transit service provider: Allow up to a [20] percent reduction to the standard number of automobile parking spaces;*
- ***Carshare:*** *Site has dedicated parking spaces for carshare vehicles: Allow up to a [20-30] percent reduction to the standard number of automobile parking spaces;*
- ***Motorcycles/Scooters:*** *Site has dedicated parking spaces for motorcycles, scooters, or electric carts: Allow reductions to the standard dimensions for parking spaces;*
- ***Bicycle Parking:*** *Site has more than the minimum number of required bicycle parking spaces: Allow up to a [5-10] percent reduction to the number of automobile parking spaces.*

We recommend maintaining the option to submit a parking analysis and seek a discretionary approval to reduce parking requirements as an alternative to the by-right reductions. In some cases, the project may not qualify for the by-right reductions, so the option for a discretionary approval may be useful and allow for the City to consider project-specific factors.

Staff is supportive of the general concept behind the sample code language and intent of the clear list of measurable strategies. Staff is also supportive of maintaining the option for developers to submit a parking analysis/study should they believe they can mitigate parking beyond this set of criteria – this additional parking analysis/parking study would remain discretionary and require review and approval by the Planning Commission.

Staff requests direction on the following:

- Does the Commission want to create a set of criteria to establish measures to reduce parking demand and assign Off-Street Parking Reductions to each measure?
 - Is the Commission supportive of staff research to find the nexus between the recommended mitigation and the reduction in parking?
- Does the Commission want to maintain the option for developers to submit a parking

analysis/study to request an additional parking reduction with review and approval by the Commission?

Recommendations for Maximum Building Height:

While it is crucial for Park City to reduce off-street parking to encourage private development of affordable housing, it is also important for the City to provide height increases for affordable housing developments - both changes will enhance financial feasibility. We recommend the four following conceptual code updates to increase building heights while regulating the bulk and massing of buildings to ensure visual compatibility with the character of Park City.

1. *Allow a one-Story height bonus AMPD projects to allow 4-Story buildings*
2. *Require height stepdowns adjacent to lower intensity zones*
3. *Apply maximum building length standard*
4. *Apply a facade articulation standard*

The following chart (Figure 6) identifies the existing Maximum Building Height Standards. The far right column identifies if the Zoning District allows additional height of five feet (5') through Building Height exceptions for Roof Pitches greater than (>) 4:12 (does not include any existing Building Height exceptions for features like, chimneys, antennae, etc.) for all Zoning Districts in Park City:

Figure 6: Existing Maximum Building Height standards in Park City.

Zoning District	Maximum Building Height (in feet)	Does the Zone Allow an Additional 5 feet for Pitched Roofs >4:12
Historic Residential-Low Density (HRL)	27	No
Historic Residential-1 (HR-1)	27	No
Historic Residential-2 (HR-2)	27	No
Historic Residential-Medium Density (HRM)	27	No
Historic Recreation Commercial (HRC)	32	No
Historic Commercial Business (HCB)	30 at the Front Lot Line with a stepback to 45	No
Recreation and Open Space (ROS)	28	Yes (33 feet)
Protected Open Space (POS)	28	Yes (33 feet)
Rural Estate (E-40)	28	Yes (33 feet)
Estate (E)	28	Yes (33 feet)
Single Family (SF)	28	Yes (33 feet)
Residential (R-1)	28	Yes (33 feet)
Residential Development (RD)	28	Yes (33 feet)
Residential Development-Medium Density (RDM)	28	Yes (33 feet)
Residential-Medium Density (RM)	28	Yes (33 feet)
Recreation Commercial (RC)	35	Yes (40 feet)
Regional Commercial Overlay (RCO)	Underlying Zone Height	
General Commercial (GC)	35	Yes (40 feet)
Light Industrial (LI)	30	Yes (35 feet)

Frontage Protection Zone (FPZ)	Underlying Zone Height	
Public Use Transition (PUT)	30 at the Front Lot Line with a stepback to 45	Yes
Community Transition (CT)	28	Yes (33 Feet)

Maximum Building Height is measured from either Existing or Final Grade. The result of these differing standards is a varied number of Stories achieved. When Maximum Building Height is measured from Existing Grade, many developments excavate below the Existing Grade mark which can achieve an additional Story – the perceived height of the structure is greater than what the Zone allows for Maximum Building Height. When Maximum Building Height is measured from Final Grade, the resulting Structure measures exactly what the Zone allows for Maximum Building Height.

1. Allow a one-Story height bonus AMPD projects to allow 4-Story buildings

Cascadia Partners, LLC is recommending allowing Master Planned Affordable Housing Developments build up to four (4) Stories in order to achieve a Density Bonus. Park City's existing Zoning Districts with a Maximum Building Height of 45 feet typically result in four (4) Story developments. If the Commission was interested in allowing four (4) Stories in Zoning Districts where Maximum Building Height is less than 45 feet, staff would recommend allowing the Building Height up to 45 feet based on previous building development in Park City. Because it is feasible to squeeze five (5) Stories into 45 feet, the Commission could recommend a maximum number of Stories in addition to Maximum Building Height. Any structure in excess four (4) Stories poses the following concerns from an infrastructure and construction standpoint:

- **International Building Code (IBC) Construction Requirements:** For structures greater than four (4) Stories, the IBC requires a different construction method which inherently increases the cost of construction.
- **Utility Impacts:** Park City's utility infrastructure has been developed based on known development standards and future projections for developments. Capacity is determined by building heights and densities. For example, in some instances, the Water Department would not be able to service a structure greater than four (4) Stories due to issues with water pressure and capacity.

If given direction to pursue a requirement for a maximum number of Stories, staff would iron out concerns about the definition of a Story and how that applies to basement levels versus the four (4) Stories above grade. Definition of Story, per LMC § 15-15-1:

STORY. The vertical measurement between floors taken from finish floor to finish floor. For the top most Story, the vertical measurement is taken from the top finish floor to the top of the wall plate for the roof Structure.

Allowing developments to increase building height to 45 feet to achieve four (4) Stories does pose concerns regarding compatibility with existing neighboring developments which could be addressed by supplemental LMC amendments that address bulk, massing, and scale – more on that in the following subsections. Staff has provided some high level and initial thoughts on height increases in the different Zoning District typologies below. Staff did not provided analysis for Zoning Districts where the Maximum Building Height is already 45 feet. Staff requests direction from the Commission on which Zoning Districts staff should consider for a One (1) Story Height Bonus to allow Four (4) Stories ([Zoning Map](#)). Staff understands that in addition to a compatibility analysis, a thorough and robust public outreach effort will need to be completed for each of the affected Zoning Districts and the larger community.

- **Historic Districts (HR-L, HRM, HR-1, HR-2, HRC, and HCB):**
 - Existing Maximum Building Height: 27 feet for residential and 30 → 45 feet for commercial Zoning Districts.
 - Staff is not supportive of any changes to Maximum Building Height standards in the Historic Districts. The Historic Districts and the Design Guidelines For Historic Districts and Historic Sites are designed around Historic Integrity and Compatible development – any increase to the existing Maximum Building Heights would compromise the success of these efforts.
- **Predominantly Residential Zoning Districts (RD, E, and SF):**
 - Existing Maximum Building Height: 28 feet
 - Staff finds that there could be concerns with increasing Maximum Building Heights in existing neighborhoods that are predominately residential and not located within resort-oriented areas. The existing Maximum Building Height in these zones has resulted in mostly one (1), two (2), and some three (3) Story Single Family, Duplex, Triplex and Multi-Unit Dwellings. Allowing a development with a fourth (4th) Story could seem very out of context – the next subsection addresses some land use code strategies that could be deployed to address this.
- **Mixed Residential and/or Resort Oriented Zoning Districts (RDM, R-1, RM):**
 - Existing Maximum Building Height: 28 feet
 - These Zoning Districts are a mix of residential and resort-oriented developments located within resort-oriented areas (like near the Deer Valley base area). Due to existing topography, this is an area where many structures are already four (4) Stories or where four (4) Stories could be compatible with the correct massing and architecture – the next subsection addresses some land use code strategies that could be deployed to address this.
- **Resort-Oriented and Commercial Zoning Districts (RC, LI, and GC):**
 - Existing Maximum Building Height: 30 or 35 feet
 - These areas have many developments that have been granted a Height Exception through the Master Planned Development process; therefore, an increase in Maximum Building Height to allow a fourth (4th) Story, would not be out context. Additional mitigation strategies addressed in the next subsection could be deployed to address any incompatibility.
- **Highway 40 Entry Corridor Zoning Districts (CT):**
 - Existing Maximum Building Height: 28 feet
 - This Zoning District includes a wide variety of Uses ranging from Residential in Park City Heights to the Intermountain Healthcare Hospital and USSA Center of Excellence. Due to the complex development patterns. This Zoning District is difficult to assign a typology to. With that said, the development is intended to act as a transition to development within the City, encouraging low-density development that are visually compatible with the natural landscape and provide open space opportunities. Additional mitigation strategies addressed in the next subsection could be deployed to address any incompatibility
- **Open Space Zoning Districts (POS and ROS):**
 - Existing Maximum Building Height: 28 feet
 - Development is generally very limited in the Open Space oriented zones. Staff is not supportive of an increase Maximum Building Height in the open space Zoning Districts.

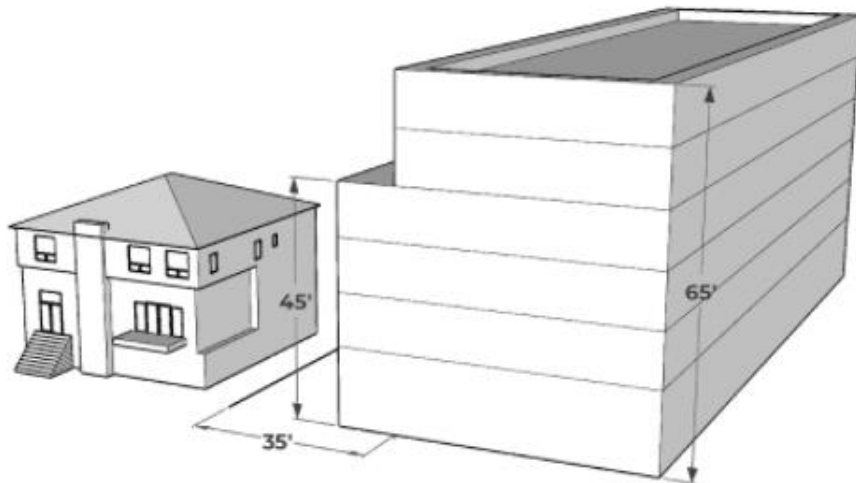
Staff requests direction from the Commission on the following:

- Which Zoning Districts, if any, should staff consider for a One (1) Story Height Bonus to allow Four (4) Stories?
 - Does the Commission want to codify a Maximum Building Height (ex: 45 feet) and/or a maximum number of Stories?

2. Require height stepdowns adjacent to lower intensity zones

The concept behind a height stepdown to adjacent lower intensity zones is to limit the drastic change between a lower Maximum Building Height and the taller development. Staff would push for this along the edges of a development, not just when a development is adjacent to another Zoning District. This could be applied as a specific setback for the fourth (4th) Story either from the edge of the building or from the property line. A similar tactic is used in the Historic Districts for all front facades (adjacent to the Primary Public Right-of-Way) so this is a concept that both staff and the local development community have used. In the Historic Districts, there is a 10 foot “step-back” required for the front façade so the front each development is only 23 feet at the street and raises to 27 feet beyond that 10 foot step. This would help to address concerns with bulk, massing, and scale and could allow the increase in Maximum Building Height in Zoning Districts like the predominantly residential areas or other Zoning Districts with a Maximum Building Height of 28 feet.

Figure 7: Cascadia Partners, LLC Example of a Massing Concept with a Stepdown, page 20, Exhibit A.



Staff requests direction from the Commission on the following:

- Does the Commission want to impose a required stepdown for development adjacent to a lower density zone or along the periphery of a development?
 - If so, would the Commission prefer that requirement from the edge of the building or the property line?

3. Apply maximum building length standard

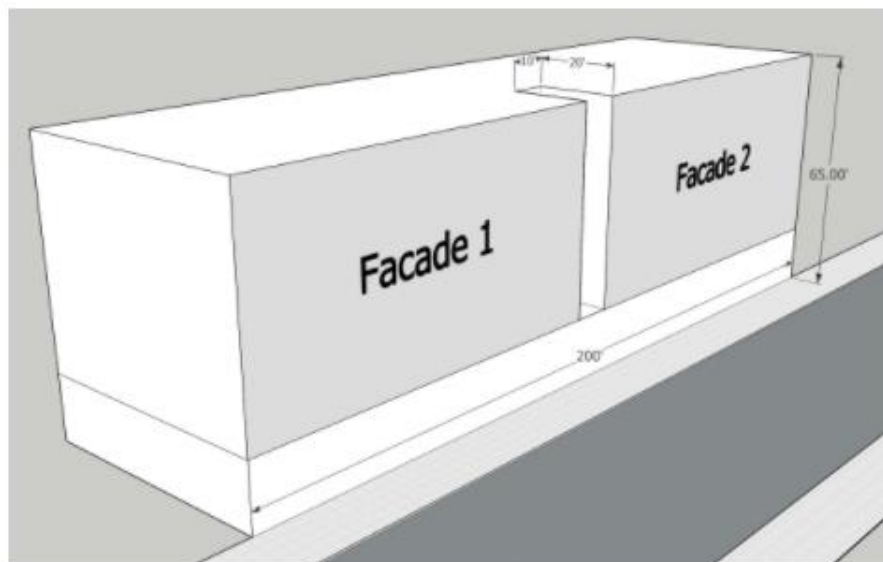
A maximum building length standard is beneficial in controlling the mass and scale of a building when you have very large/long structures. Cascadia Partners, LLC, stated *[A]s buildings increase in height, the visual impact of the horizontal length of the building becomes more*

prominent. The facade is larger in area and may be perceived to be out of scale with the facades of surrounding properties.

A direct way to address this issue is to establish a maximum building length. This standard requires that any building over [75-150 ft] long must be either broken up into two separate buildings or there must be an offset in the wall that is significant enough to give the appearance of two separate facades.

See #4 below for additional staff commentary as the LMC already addresses this through [LMC § 15-5-8](#).

Figure 8: Cascadia Partners, LLC Example of a Massing Concept with a Maximum Building Length Standard Applied, page 21, Exhibit A.



4. Apply a facade articulation standard

Facade articulation and length is regulated in Park City's Historic Districts through the Design Guidelines for Historic Sites and Historic Structures as well as on a City-wide scale through [LMC § 15-5-8](#). In the Historic Districts, this type of Design Guidelines is intended to encourage new development that is compatible with Historic Structures – developments are encouraged to use similar solid-to-void ratios and articulation patterns found on Historic Structures so new developments or historic additions do not contrast too greatly from existing Historic Structures. LMC 15-5-8 is intended to regulate large buildings outside of the Historic Districts to reduce bulk and mass:

LMC § 15-5-8 Facade Length And Variations

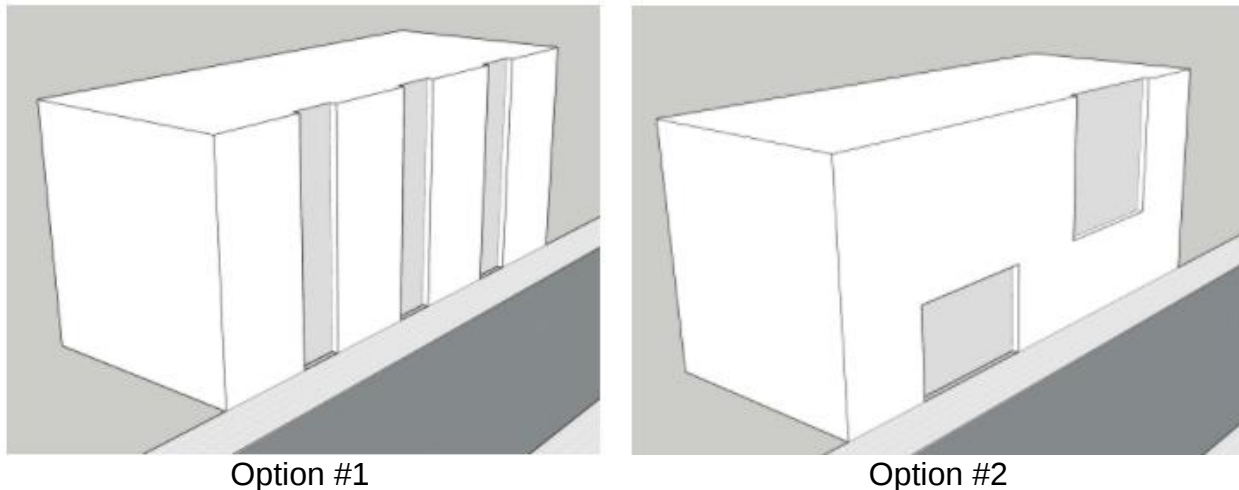
1. Structures greater than sixty feet (60'), but less than 120 feet in length must exhibit a prominent shift in the facade of the Structure so that no greater than seventy five percent (75%) of the length of the Building Facade appears unbroken. Each shift shall be in the form of either a ten foot (10') change in Building Facade alignment or a ten foot (10') change in the Building Height, or a combined change in Building Facade and Building Height totaling ten feet (10').

2. Structures that exceed 120 feet in length on any facade shall provide a prominent shift in the mass of the Structure at each 120 foot interval, or less if the Developer desires, reflecting a change in function or scale. The shift shall be in the form of either a fifteen foot (15') change in Building Facade alignment or a fifteen foot (15') change in the Building Height. A combination of both the Building Height and Building Facade change is encouraged and to that end, if the combined change occurs at the same location in the Building plan, a fifteen foot (15') total change will be considered as full compliance.
3. The special facade and volume requirement of the Historic District are found in LMC Chapter 15-2 and in the Historic District Architectural Design Guidelines.
4. The facade length and variation requirements apply to all sides of a Building.

Cascadia Partners, LLC has provided two (2) options of codes that could address façade articulation (Page 21 Exhibit A). Visual examples of both options are available in Figure 4 below:

- *Option #1: Set a limit to the amount of contiguous “blank wall area” on a facade, which is an area that is not set apart from other adjacent areas of the facade by a change in materials or an offset or recess.*
- *Option #2: Require a minimum amount of “articulating elements” be incorporated on the facade which effectively break up the facade into multiple, smaller facades. Articulating elements are windows, balconies, changes in materials, wall offsets and recesses, pillars, and other similar elements. These standards typically require a minimum of one or more elements for a specified horizontal distance along the facade, such as 30-40 feet.*

Figure 4: Cascadia Partners, LLC Examples of Façade Articulation Options #1 and #2 Represented in Massing Concepts, page 21, Exhibit A.



Staff finds that the existing LMC already addresses façade length and articulation. Does the Commission want to amend this existing requirement?

- Next Steps:
 - Density Bonus Work Session with Planning Commission
 - Park City Municipal Corporation will explore the feasibility of creating a survey of vehicle ownership and/or vehicle accessibility for current Affordable Housing unit residents, past Affordable Housing applicants, and current individuals on the City’s waitlist or other tracking lists.

- Thorough and robust public outreach effort with each affected Zoning District and the larger community.

Department Review

The Planning, Affordable Housing, Engineering, and Legal Departments reviewed this staff report. Staff has also met with the Public Utilities, Building, and Parking Departments about specific sections of the report.

Notice

Staff published notice on the City's website and the Utah Public Notice website on October 10, 2020. On October 28, 2020, the Planning Commission continued the Work Session to November 11, 2020.

Public Input

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

Exhibits

Exhibit A: Cascadia Partners, LLC, Memorandum: *Best Practice Research on Height and Parking Code Standards for AMPD Update*



PARK CITY AMPD - HEIGHT AND PARKING BEST PRACTICES RESEARCH

To: Hannah Tyler, Planner, City of Park City
From: Jamin Kimmell, Senior Associate, Cascadia Partners LLC
Date: October 15, 2020
Subject: **Best Practice Research on Height and Parking Code Standards**

The purpose of this memorandum is to summarize research conducted by Cascadia Partners on best practices for regulating off-street parking and building height for developments with affordable housing units. The memo presents examples of similar communities that have recently updated their code, as well as developments that were enabled by the code update. The memo concludes with a set of recommended code concepts for the City to consider to more effectively incentivize private development of affordable housing. The memo is organized into the following sections:

1. **Background:** This section reviews the context for this research and the City's existing standards.
2. **Research Approach:** This section discusses our approach to identifying case studies and gathering information on lessons and best practices from other communities.
3. **Case Studies:** This section details four cases of similar communities that have recently updated height and parking standards: Ketchum, ID; Truckee, CA; Mammoth Lakes, CA, and Bend, OR.
4. **Recommendations:** This section recommends a set of preliminary code concepts for the City to consider in updating the Affordable Master Planned Development (AMPD) standards.

BACKGROUND

Code Audit Recommendations

In 2019, the City of Park City engaged Cascadia Partners to audit the Affordable Master Planned Development (AMPD) code provisions. The goal of the AMPD Code Audit was to understand the impact of the draft density bonus standards City staff had prepared for the AMPD and evaluate potential strategies for enhancing the financial feasibility of developing under the AMPD standards. Key recommendations of the AMPD Code Audit Report include:

- Prioritize changes for smaller, infill lots
- Strive for predictable, by-right standards
- Use base zone setbacks
- Eliminate large premier buffer
- Focus on achieving active open space
- Change lot coverage/building footprint standards for AMPD projects
- Right size parking for infill projects
- Allow one extra floor outside of historic districts

The report found that current parking requirements and building height limitations are significant barriers to private development of affordable housing. As shown in Figure 1, decreasing parking requirements and increasing height, in combination with other changes, could reduce the amount of “gap funding” needed to build an affordable housing unit by 70%. While this analysis assumed a public developer, it illustrates how reduced parking and increased height improves financial feasibility by allowing a project to spread the cost of development over more units. The report also demonstrated that increasing height without reducing parking requirements is insufficient because it would force the development to build underground parking, which is often either physically or financially infeasible.

Figure 1. Funding Gap Analysis for Mixed Income Development, AMPD Code Audit Report

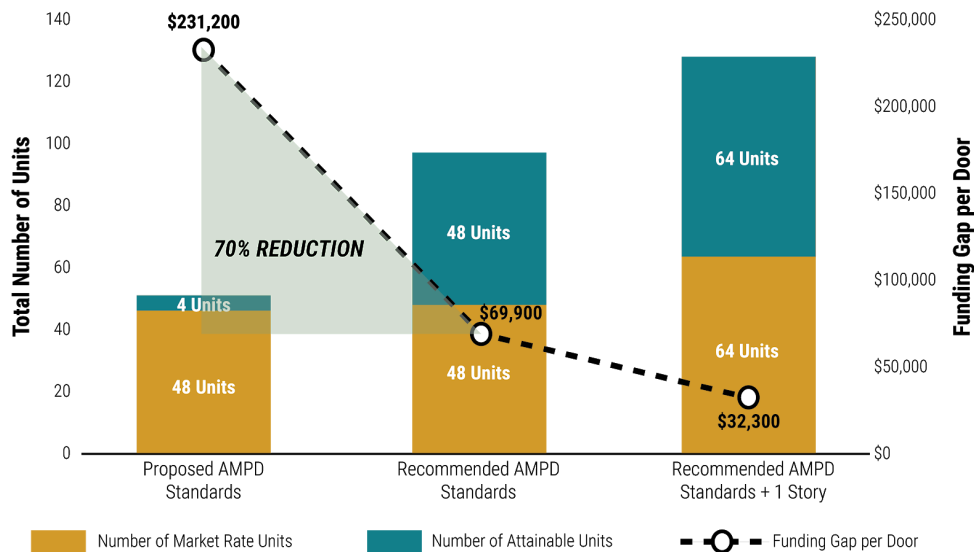
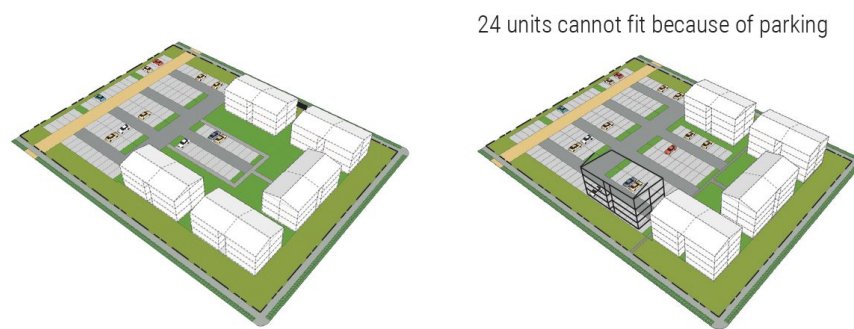


Figure 2. Height and Parking Standards Illustration, AMPD Code Audit Report



Number of Stories:	3	4
Number of Units:	120	152 (24 not able to fit)
Parking Spaces:	110	142

The City has adopted some of the recommended code amendments. This includes aligning with existing MPD standards for parking reductions, including applying the citywide parking ratio, allowing a parking analysis option, and in-lieu payment option. Open space code language was amended to reduce the minimum requirements from 50% to 20% of the site. The perimeter buffer requirement was eliminated for sites under 2 acres.

Existing Code Standards for Parking and Building Height

Park City's existing code standards for building height in zoning districts targeted for AMPD are 35' in the GC, RC, and HR1 zones, with a required step down to 23' on a downhill facade in the HR1 zone. Existing code standards for parking include a base requirement of 1-2 spaces per unit depending on building type and unit size (See Table 1). There are two options for parking reductions in the current code. One option is a parking analysis, which requires a developer to submit a study that demonstrates the proposed parking is adequate. This incentive has not often been used due to the expense of conducting the study and the lack of certainty of approval due to the discretionary process. The second option is the in-lieu fee payment. This can solve the problem of allowing more development capacity on the site by reducing parking spaces, but it does not necessarily reduce the financial cost of meeting the parking standard.

Table 1. Residential Parking Requirements, Park City

Unit Type	Spaces Required
Duplex Dwelling	2 per Dwelling Unit (4 total)
Triplex Dwelling	2 per Dwelling Unit (6 total)
Multi-Unit Dwelling	
Apartment/Condominium not greater than 1,000 sf floor Area	1 per Dwelling Unit
Apartment/Condominium greater than 1,000 sf and less than 2,000 sf floor Area	1.5 per Dwelling Unit
Apartment/Condominium 2,000 sf floor Area or greater	2 per Dwelling Unit

The City opted to conduct this research to help explore options for updating parking and height standards, as recommended by the AMPD Code Audit Report. The City is interested in identifying standards that would remove financial barriers to development, while minimizing or mitigating the impacts of the code changes. Impacts to reducing off-street parking requirements may include greater utilization of on-street parking and potentially complications with snow removal. Impacts of increased height may include a change in the aesthetic character of certain areas, conflicts with scenic views, or loss of solar access. Options for addressing these issues are presented in the recommendations.



RESEARCH APPROACH

The research approach for this memorandum included utilizing our network of previous projects, clients, and professional connections to identify potential case studies. The team scanned news articles on recent zoning code changes to incentivize development, particularly affordable housing, in cities similar to Park City. The team also worked with City staff to obtain a list of peer or comparison cities that were used in previous projects. From this initial research, a set of peer cities were identified based on criteria such as mountain/resort communities, a tourism economy, and similar size to Park City. The team conducted interviews with staff planners from these peer cities to identify promising case studies and gather information on the lessons of the code update projects.

KEY FINDINGS

This section provides a summary of the most important findings of this research and the analysis of several case study examples. Broadly, we found that many tourism-oriented towns across the country have recently made or are in the process of making code updates to incentivize affordable housing. We identified approximately 30 cities that were making or had made code updates. We focused primarily on mountain communities in Colorado, California, Wyoming, and Idaho, as well as some resort-oriented towns in the northeast. Below are the key findings of this research:

- We found more examples of cities reducing or modifying parking requirements to incentivize affordable housing than we found examples of cities increasing maximum height allowances to 4 stories or higher. This does not necessarily indicate that there is not a need or demand for increasing heights in these communities. Instead, we found that many communities have been unwilling to increase maximum heights above 3 stories due to visual and character concerns. Additionally, as we outline below, it is difficult for developers to realize the benefits of increasing height if parking requirements make it impractical or impossible to build at that density level.
- Increasing maximum height from 3 to 4 stories can offer efficiencies and enable higher densities, but it is highly contingent on the amount of parking required and the size of the site. If no off-street parking is required, then the benefits of increasing height are only limited by market absorption - the depth of the market for a unit with no on-site parking. If parking is required, then increasing height from 3 to 4 stories may be beneficial if (a) the site is either large enough to accommodate primarily surface parking or (b) the rents or pricing of the market rate units is high enough to offset the cost of underground parking and the site is large enough for underground or structured parking to be physically practical to build.
- This basic dynamic underscores the challenge of accommodating parking at high densities, on relatively small sites (less than ¼-½ acre, or about 10,000-20,000 square feet). On these sites, it is often impractical or impossible to build underground parking. Thus, the project is constrained to surface and/or tuck under parking, which constrains the buildable area and density that is achievable on the site.

- Several of the communities we interviewed noted that land availability is a major issue for affordable housing, due to both geographic and economic factors that are prevalent in tourism-oriented mountain towns. Given this reality, it is important to be able to maximize the number of sites where it is feasible to build affordable housing. Thus, communities find it important to consider how parking and height standards apply to smaller sites.
- Communities offer reductions to parking requirements for affordable housing projects in a variety of ways. Some cities offer a by-right reduction for any affordable units, usually to 1 space per unit or less or a complete exemption where no parking is required. Others offer by-right reductions that are more targeted, perhaps limiting them to a certain area, unit size, or in exchange for other improvements which are intended to reduce vehicle ownership (also known as Transportation Demand Management or TDM). Others offer reductions on a discretionary basis; the applicant must submit a study which demonstrates that parking demand will be lower than the code would otherwise require. Several of the staff at these communities noted that they tended to prefer by-right reductions because they are more objective and easier to administer in a fair and consistent manner.
- Several planners noted that while in their town it is not typically practical for most households to not own a car. due to lack of transit options, there may be some households and locations for which it is viable to either not own a car or own a car and only use it intermittently. Those who do not use their cars on a daily basis may be willing to park at a distance from their home where parking is available.
- The staff we interviewed have had limited experience dealing with the impacts of projects being built with little to no off-street parking. In most cases, it is unclear if the issue of overutilization of on-street parking has become a challenge, either because the magnitude of the impact was relatively low, or because the projects have not been fully occupied, particularly during the winter months when snow storage is needed and on-street parking may be impacted.
- Communities also use a variety of approaches to mitigate the impacts of increased building height. These approaches include overall bulk and massing controls, usually maximum Floor Area Ratio. Facade articulation standards or limitations on blank walls are also intended to mitigate the visual impacts of larger buildings. More directly, height step-backs are a common and effective method to reduce the perceived scale and height of larger buildings, and to provide a more gradual transition from adjacent sites with lower buildings. Lastly, view corridors are also commonly used in mountain communities to preserve views of specific, important natural features.

CASE STUDIES

Ketchum, Idaho



Population	2,827
Median Home Value	\$833,851
Nearby Resort(s)	Sun Valley Resort

Background

Until 2015, the City of Ketchum had a prescriptive, form-based code. The City expected development would respond to adoption of this form-based code by building smaller and more affordable units, but this did not occur. Ketchum continued to receive feedback from developers that parking regulations were the most restrictive aspect of the code, and the City responded by changing the way they regulated both density and parking. The City changed their code to regulate by Floor Area Ratio (FAR), rather than density. The code allows approximately three times more FAR for projects when 20% of units are affordable. See Table 2 for a breakdown of FAR bonus based on zoning districts in Ketchum.

Table 2. FAR Bonus Incentives for Affordable Housing, Ketchum, ID

Districts	Permitted Gross FAR	Inclusionary Housing Incentive
GR-H	0.5	1.4
T	0.5	1.6
T-3000	0.5	1.6
T-4000	0.5	1.6
CC	1.0	2.25

The City previously required 1-2 parking spaces per unit, depending on the unit size, with no reductions for affordable units or the location of development. Parking was an especially significant barrier to development on Ketchum's standard lot size of 5,500 square feet, the most common size of development site. Before the code change, a typical project would include 3-4 units, usually

condominiums, and the code required 7-8 parking spaces. The City realized this code encouraged larger, more expensive condo units. Developers were not able to create more, smaller units, even though the zoning did not limit residential density, because they could not accommodate the additional required parking spaces that were associated with the units on a smaller site. In order to receive the FAR bonus for affordable units, developers paid an in-lieu fee rather than build affordable units on site. The city hired a consultant who determined it was more expensive to pay the in-lieu fee than build the units, but the parking requirements drove developers to pay the fee because building the affordable units and providing associated parking spaces would too greatly impact their site plan and development program.

The City hired an architect to help them understand why developers did not opt to use underground parking on these smaller sites. The architect produced illustrations that showed there was no benefit to going underground because, due to the extra space needed for ramps and circulation, you could not fit more spaces than with tuck under and surface parking.

Code Updates and Market Response

To address these challenges, the City completely overhauled their parking standards for both market rate and affordable units. They reduced the base parking standard in key zones to 0-2 spaces per unit depending on unit size, with no parking required for units less than 750 square feet and only one space required for units less than 2,000 square feet (see Table 3). No parking required for affordable units. Additionally, there is no parking required for the first 5,500 square feet of retail uses, which encourages mixed use development on smaller, typical lot sizes. There is a credit for on-street parking spaces adjacent to the site for non-residential uses in the Community Core zone (downtown). There are other options for parking reductions such as submitting a parking analysis, implementing Travel Demand Management (TDM) strategies, shared parking, and paying a fee in-lieu of providing parking on-site.

The City also provides a height bonus from 42' to 50' in the Community Core district for projects with 100% affordable housing. There is no limit on the number of stories, but this bonus would allow 4-5 story buildings. No developments have taken advantage of this height bonus yet, but three projects have taken advantage of the parking reductions.

Table 3. Parking Requirements for Unit Size, Ketchum, ID

Unit Type		Spaces Required
Residential multiple-family dwelling in all districts except CC, T, T-3000, T-4000, and LI-1, LI-2, and LI-3:		
	Units 0 to 2,000 square feet	1 parking space
	Units 2,001 square feet and above	2 parking spaces
Residential multiple-family dwelling within the Community Core (CC) District and the Tourist (T), Tourist 3000 (T-3000), and Tourist 4000 (T-4000):		

	Units 750 square feet or less	0 parking spaces
	Units 751 square feet to 2,000 square feet	1 space
	Units 2,001 square feet and above	2 parking spaces

Development Example 1

This development was a remodel and 6,550 sq ft addition to an existing building. The existing first floor includes three new retail spaces and two affordable housing units. The second floor addition included two new market rate residential condominium units. The development is located in the Community Core district and qualifies for reduced parking standards. The retail spaces and community housing units do not require parking, therefore, the development provided 4 enclosed garage spaces for the two condominium units. The City does not require a development proposal to assign parking spaces to a specific unit. They only require the proposal to show the required parking is provided.



Development Example 2



Two new developments were approved in 2018-2019 by Portland-based developer WDC Properties in downtown Ketchum. “Ketch” is a two-story development with 18 residential units and the second development, “Ketch II”, is a three-story building with 17 residential units and one retail space. Both projects are sited on a standard, 5,500 square foot lot. These two projects are the first market-rate rental apartment developments built in Ketchum in over 20 years. Unit sizes in both developments range from 255 square feet to 648 square feet. Since all of these units are under 750 square feet, no on-site parking is required. Together, the developments include five affordable units.

Key Lessons

There are three primary lessons to draw from Ketchum’s success in encouraging use of the affordable housing incentives through reductions to parking requirements:

1. The City targeted the reduction to several zones where they desired to see more affordable housing, and where demand for on-site parking from tenants may be lower due to access to transit and/or walkability to jobs, particularly service sector jobs such as restaurants and retail in their downtown. More tenants are willing to park off-site if they do not use their car everyday.
2. Scaling the requirements by unit size, and requiring no parking for the smallest units, seems to have catalyzed development of small, market-rate rental apartments. At the same time, these developments also took advantage of affordability bonuses and built affordable units as well.
3. Providing a complete exemption from parking standards for affordable units resulted in more affordable units being built on site and fewer fee-in-lieu payments.
4. Exempting the first 5,500 square feet of retail space encouraged vertical mixed use developments with affordable housing units on smaller sites.

There are some differences in the existing conditions between Park City and Ketchum that are important to note. The City operates public lots that allow overnight parking with monthly parking passes available on a first come, first serve basis at a flat monthly rate. This may have contributed to the success of the WDC projects, Ketch and Ketch II, because the public lots were within walking distance of the property. The City currently does not provide subsidized parking permits for affordable units. Another difference between Ketchum and Park City is that Sun Valley Resort provides employee housing and bus service for employees. This could potentially reduce the demand for off-street parking with housing because there are alternative modes of transportation for resort employees.

Truckee, CA



Population	16,561
Median Home Value	\$666,302
Nearby Resort(s)	Heavenly Mountain Resort (Lake Tahoe)

Background

California has had a statewide Density Bonus Law in place for many years. The law requires local jurisdictions to offer between 1-4 incentives or concessions to zoning standards based on the size of project and depth of affordability. The developer chooses which incentives or concessions but must demonstrate that granting the concession will reduce the costs of the project. Parking requirements

must be limited to no more than 1-2.5 spaces per unit based on the number of bedrooms. The law offers up to a ten percent increase in the maximum permitted structure height.

The City's current parking requirements without the state law are:

- Studio and 1 bedroom units - 1.5 spaces per each unit with 1 space per unit in a fully enclosed garage. Spaces not required to be in a garage for affordable housing units.
- 2 bedrooms or more - 2 spaces per each unit, with 1 space per unit in a fully enclosed garage. Spaces not required to be in a garage for affordable housing units.

Code Updates and Market Response

The City of Truckee has permitted two recent projects that qualify for the Density Bonus Law and have taken advantage of the parking reduction concession.

Development Example 1

Truckee recently approved an affordable housing development, Frishman Hollow II, that includes two 30-unit buildings and two fourplexes. The development totals 68 units, from studios to 3 bedrooms, with units for 50%-80% AMI. The standard code would have required 155 parking spaces, but with the parking reduction concession, 112 parking spaces were required. This is the breakdown of the parking by unit size:



- Studios and one-bedroom units: One parking space
- Two- or three-bedroom units: Two parking spaces
- Four or more bedroom units: 2.5 parking spaces

The City also allowed on-street parking to count towards the off-street requirement, which allowed the development to provide more parking. The development also qualified for additional concessions including reduced setback and reduced individual outdoor spaces (decks/patios/balconies).

Development Example 2

The City received a development proposal for a 138- unit apartment building, with 132 of the units deed restricted to "locals" and 6 of them deed restricted to low income households. The City allowed for concessions to the parking requirements, such as no requirement for covered parking and reductions to the quantity with a parking management plan. The parking management plan included 80% of parking standard requirements with an area identified for future parking, if needed. While 291 parking spaces were required based on the code for apartment development, the City agreed to 238 parking spaces due to the parking management plan.

Key Lessons

Although the Town of Truckee had not adopted its own code incentives for affordable housing units, the state Density Bonus Law effectively provided for these incentives. The Town reported that developments that include affordable housing units commonly request reductions to parking standards, underscoring the need to provide more regulatory flexibility for these types of projects. The Town noted that scaling the requirements by unit size was well-received by stakeholders and the community because unit size is associated with the rate of vehicle ownership and parking demand.

It is also important to note that only very large projects have taken advantage of the Density Bonus Law. This is likely because the law is a discretionary approval which requires the developer to submit an analysis to demonstrate the need for the reduction and to negotiate the level of the reduction with the City. This requires a commitment of time and expense that smaller developers may not be willing or able to undertake.

Mammoth Lakes, CA



Population	8,127
Median Home Value	\$800,000
Nearby Resort(s)	Mammoth Mountain Ski Resort

Background

The Town of Mammoth Lakes's current parking requirements for multi-family uses range from 1-3 spaces per unit depending on the number of bedrooms (see Table 4). The City wasn't seeing many developers take advantage of the existing state Density Bonus Law so the City developed code incentives for smaller projects to build restricted affordable housing or "locally" restricted affordable housing, which requires full-time occupancy and excludes second homebuyers. The state law only applies to developments with a minimum of five units, and is not as advantageous for smaller projects. With a limited supply of large sites zoned for multi-family, the Density Bonus Law was not often used. Thus, Mammoth Lakes created a local density and concession bonus, regardless of zone, for projects that provide deed restricted workforce housing. The local concessions include up to a 25% reduction of

the required number of guest -parking spaces and up to a 10% increase in the maximum permitted structure height.

Additionally, in 2018, California state legislature passed the Streamlined Ministerial Approval Process (SB 35). This bill requires a streamlining of affordable housing development approval, meaning it is reviewed through a ministerial process (staff review) and is exempt from California Environmental Quality Act (CEQA) review. Affordable housing developments are eligible when they provide a minimum of 50% affordable units at 80% or below Area Median Income (AMI). Qualifying projects can only be reviewed through objective design standards. The bill also provides incentives, or concessions, for affordable housing with varying levels of concessions based on the percentage of affordable units and type of affordability. These concessions include a reduction in parking requirements and a height bonus for qualifying projects. The SB 35 program was better suited for small sites and small projects.

Table 4. Parking Requirements for Multi-family, Mammoth Lakes, CA

Land Use	Metric	Type	Required Parking Spaces
Multi-Family	Bedrooms	1	1
		2	2
		3	2
		4+	3
	Guest Parking		2 spaces for each 4 units up to 12 units 1 space for each 4 units for the 13th to the 48th units 1 space for each additional 6 units above the 48th unit Spaces shall be accessible to guests and shall not be reserved for individual units.

Code Updates and Market Response

SB35 limited the Town to requiring a minimum of 1-space per unit or no parking required if located within half-mile of transit for qualifying projects. The bill also allows for a 10% height bonus for qualifying projects. One development has been proposed under the new state mandate.

Development Example

A developer recently proposed converting an existing commercial building to create an 11-one-bedroom apartment development. All of the units will be restricted to households below 80% of AMI. The project proposes to rehabilitate two existing commercial buildings to accommodate apartments



ranging between 720-740 sq ft, with five covered garages and the remaining parking as surface. This project qualified for the SB35 objective standard review and concessions. The Town’s existing code would have required at least 13 parking spaces. SB35 allows for the site to only have 11 parking spaces, which essentially eliminates the guest parking requirement. This project did not pursue the height bonus as a concession.

Key Lessons

Mammoth Lakes offers an example of a town that recognized the importance of incentives for affordable housing development on smaller sites in distributed locations. Despite the presence of the Density Bonus Law, the Town went further to adopt affordability incentives that were more suitable for smaller projects. This local law was superseded, in part, by a new state mandate (SB 35), that achieved a similar objective. Both the local and state policies underscore the need for incentives that work for small sites.

The Town planning staff noted that the local incentive program did not provide as significant of a parking reduction as SB 35. The Town conducts an annual review of the affordability incentives, and they expect to consider whether the reductions have been significant enough to incentivize affordable housing developments to use the local code incentives.

Bend, OR



Population	97,590
Median Home Value	\$475,132
Nearby Resort(s)	Mt Bachelor Ski Resort

Background

The City of Bend went through an urban growth boundary expansion and through that process identified code changes needed to promote housing options and affordability. In 2016, the City adopted a plan for the central westside area that identified a preferred land use plan and set transportation investments. The Central Westside Plan emphasizes a mixed use land use pattern with goals to reduce car trips and increased alternative transportation mode trips. Through these processes, the City created new mixed use zones to achieve the goals of the Plan.

Code Updates and Market Response

A market analysis was conducted for the Central Westside Area to understand the development incentives needed to spur housing development in this area, as well as the urban growth expansion. This included raising the height within this project area depending on the zone. The height increased to 45 feet (about 4 stories) in some zoning districts within the area, while the MU zone included a height increase to 65 feet (about 6 stories).

Within the MU and MN zones, there are parking reductions for both residential and commercial uses. The parking requirements were reduced to 1 space per housing unit, regardless of size and type and 1 space per 500 square feet of commercial for all commercial uses. For uses within the Mixed Urban Zone, which is a predominant portion of the central westside area, the amount of off-street parking required may be reduced by one off-street parking space for every on-street parking space abutting the development, up to 100 percent of the requirement. While the City has not seen affordable housing development yet, there have been market rate apartment developments.

Development Example 1

A recent development proposal by a Seattle-based developer in the central westside area is a 141-unit apartment, The Eddy apartments, which are currently under construction. The zone, Mixed-Use Riverfront (MR), does not require any retail within the development. The residential units are all market rate and range from studios to 2-bedroom. The development proposal was submitted with the new height increase of 4 stories with an additional 5 foot variance for the roofline. Since this development only includes market-rate apartments, there is no additional parking reduction, but the project did benefit from previous reductions for market rate units to one space per unit.



Development Example 2

Another recent proposed development is The Hixon apartments, a six-story mixed use building with 203 residential units and 20,000 square feet of ground floor commercial. The building recently opened and provides studios to two-bedroom apartments. It is the City's first mid rise apartment building located in the Mixed Urban zone. Since this development only includes market-rate apartments, there is no additional parking reduction, but the development provides bike parking for residents.



Key Lessons

Bend is one of the fastest growing cities in the nation and now has a population of nearly 100,000, but many of its residents still view it as a small town. Through a regional growth management planning process, the City confronted the reality that it would need to grow more densely, allow taller buildings, and promote less auto-dependent development patterns. The height increases in the central westside



area were proposed in this context, which helped the community see how the change fit into the broader plan to manage growth.

After the City's Urban Growth Boundary expansion and recognizing the need to more aggressively incentive housing development, particularly affordable housing, the City started undertook a plan for the "core area" in 2018. The Core Area had underperformed, development has been limited to single story retail and remodels and no housing had been built, despite it being allowed in the zone. The Core Area Project, approved in May 2020, identified and removed regulatory barriers to development, particularly for housing. The new zoning requires 1 parking space per unit, but parking can be reduced to 0.5 space per unit for affordable housing. No developments have been formally proposed yet but the City expects to see projects take advantage of the new, reduced parking standards.

CODE RECOMMENDATIONS

We recommend that the City both right-size parking requirements and increase maximum building height from 3 to 4 stories in order to encourage private development of affordable units in mixed-income projects.

As identified in the Code Audit Report, these code changes will allow the costs of development to be spread over more units, thus improving financial feasibility. There is limited benefit to increasing height limits without reducing parking requirements. The case studies in this memo illustrate this issue as well - parking is cited as a key barrier to affordable housing development more often than height maximums, and is a necessary prerequisite to building at the higher densities allowed by increasing height.

Based on this case study research and our knowledge of current best practices, below we outline specific, concept-level code amendments to implement this recommendation.

Off-Street Parking

Recommended Approach

We recommend the City right-size parking requirements by adopting the following package of five code changes:

1. **Scale parking requirements by affordability and unit size**
2. **Provide additional reductions for projects on small sites.**
3. **Allow a credit for on-street parking along the frontage of the site**
4. **Allow a credit for off-site parking spaces that will be dedicated to the use**
5. **Provide by-right reductions for projects that take measures to reduce parking demand**

Taken together, this package of code changes would improve the financial feasibility of developing affordable housing by reducing the cost burden of parking requirements and providing more flexibility to meet parking needs. These changes are also targeted to the City's goal to encourage private affordable housing development. Below we provide a more detailed discussion of each conceptual code update.

We outline additional factors to consider to tailor the code standards to Park City and provide model code language for some recommendations.

In addition to these five recommended updates, we identify two additional strategies for right-sizing requirements and managing parking demand more effectively: targeting reductions to specific areas and adopting a on-street parking permit program. These two additional strategies do not directly impact financial feasibility of developing affordable units, but can help to mitigate potential impacts of reducing parking requirements for certain projects.

1. Scale parking requirements by affordability and unit size

Reducing parking requirements for projects with affordable units is a direct method to encourage private development of affordable units, but there are two options to this approach:

- Option 1: Reduce parking requirements for all units in the project
- Option 2: Reduce parking requirements for the deed-restricted, affordable units

Option 1 provides a more significant incentive, but it is less directly linked to the association between lower income households and lower vehicle ownership. Option 2 is a less significant incentive, but is more clearly linked to a household type that is more likely to own no or fewer cars.

This approach can be combined with a reduction based on unit size to more precisely target low-vehicle households, as unit size is more directly correlated with household vehicle ownership than the affordability of the unit. The City currently employs this approach for all multi-unit dwellings. To encourage both smaller units in general (market rate or affordable) and deed-restricted affordable units, we recommend restructuring the requirements as presented below in Table 5. This approach would only apply to projects that qualify for the AMPD density bonus. It provides an extra reduction for units under 750 square feet, which are much more likely to be studio or 1-bedroom units with smaller households. It also provides a complete exception for affordable units under 750 square feet. As seen in the Ketchum example, this type of standard has proven successful in incentivizing the inclusion of 1-2 affordable units on projects on smaller lots.

Table 5. Recommended Parking Standards for AMPD Projects

Current Requirement		Recommended Requirements		
Dwelling Size	All Units	Dwelling Size	Market Rate Units	Affordable Units
<1,000 sf	1 space per unit	< 750 sf	0.5 spaces per unit	None
1,000 - 2,000 sf	1.5 spaces per unit	750 - 1,000 sf	1 space per unit	0.5 spaces per unit
>2,000 sf	2 spaces per unit	1,000 - 2,000 sf	1.5 spaces per unit	1 space per unit
		>2,000 sf	2 spaces per unit	1.5 spaces per unit

2. Provide additional reductions for projects on small sites.

Parking requirements are a greater obstacle to development on smaller sites, where underground parking is not viable and surface parking consumes a greater proportion of the site area. Yet, development of small, distributed sites is a key housing production strategy. Thus, it makes sense to provide a reduction or exemption to parking requirements for projects on small sites. It is important to write this standard so that the reduction is scaled in proportion to the size of the site, ensuring that (a) sites just above the maximum size threshold also benefit from the reduction and (b) as a matter of fairness, larger sites can also utilize the reduction, though it will account for a smaller proportion of the project's overall parking requirements.

We recommend allowing for a developer to deduct 5,000 square feet *per floor* from the sum of total floor area that is used to calculate parking requirements. For a project on a 5,000 square foot lot, this would equate to a complete exemption from parking requirements. For projects on sites greater than 5,000 square feet, the reduction would scale down in proportion to the size of the development.

This scaled reduction recognizes that parking requirements are relatively less burdensome on larger lots because it is physically feasible to build underground parking or to accommodate parking on a surface lot, which is significantly less expensive than underground or tuck-under parking. Surface parking spaces cost approximately \$3,000-\$5,000 per space, tuck under parking costs approximately \$20,000 per space, and underground parking can cost between \$20,000 and \$40,000 per space.

The City of Ketchum uses a similar approach to encourage mixed use developments in their downtown district. They provide a reduction of 4 parking spaces per 5,500 square feet of lot area. We recommend scaling the reduction by floor area, not lot area, because it provides a greater incentive to maximize the density and fully utilize the site. Below is an example of this approach from Bend, OR:

The amount of off-street parking may be reduced to zero for a maximum of 10,000 square feet per floor. When using this parking reduction, it must be calculated prior to any other reductions.

3. Allow a credit for on-street parking

Providing a reduction of one off-street parking space for every on-street parking space that abuts the site is a direct and straightforward way to reduce parking requirements. It is especially beneficial for smaller sites and for sites on corners with more street frontage. It does not regulate the actual users of the on-street parking. A local example where this reduction would have provided additional space for affordable units is the Woodside Park, Phase I. If the City had provided on-street parking credits then there would have been significant additional square footage to build additional affordable units.

Below is an example of code language from the City of Bend, OR:

B. Credit for On-Street Parking.

- 1. The amount of off-street parking required may be reduced by one off-street parking space for every on-street parking space abutting the development, up to 50 percent of the requirement, except as specified in subsections (B)(1)(a) and (b) of this section.*

- a. *Uses within the CB Zone shall not receive credit for on-street parking, but have the option to pay a fee in lieu of providing off-street parking per BDC 3.3.200.*
 - b. *For uses within the MU and MN Zones and in the Bend Central District, the amount of off-street parking required may be reduced by one off-street parking space for every on-street parking space abutting the development, up to 100 percent of the requirement.*
2. *On-street parking shall follow the established or approved configuration of existing on-street parking, except that angled parking may be allowed for some streets, where permitted by City, ODOT and/or County standards. One on-street parking space shall be defined as follows:*
 - a. *Parallel parking, each 24 feet of uninterrupted curb, where allowed;*
 - b. *Forty-five-degree diagonal, each with 14 feet of curb, where allowed;*
 - c. *Ninety-degree (perpendicular) parking, each with 12 feet of curb, where allowed;*
 - d. *Curb space must be connected to the lot that contains the use;*
 - e. *Parking spaces will not obstruct a required clear vision area or violate any law; and*
 - f. *On-street parking spaces credited for a specific use may not be used exclusively by that use, but shall be available for general public use at all times. No signs or action limiting general public use of on-street spaces is permitted.*

4. Allow a credit for off-site parking spaces that will be dedicated to the use

In some cases, a developer may own or have an agreement to use another parcel of land that is close to the development site. The City could consider allowing parking spaces on this site to count towards the project's off-street parking requirement, as long as the parking area is within approximately 800-1000 feet of the development. Below is example code language for off-site credits (La Pine, OR):

Off-site parking. To allow flexibility in the location of required parking and to encourage efficient utilization of land, required parking may be located up to 800 feet from the development. Such parking shall be designated and signed as assigned to the remote development. Confirmation of the parking assignment shall be required prior to occupancy of the development.

5. Provide reductions for projects that take measures to reduce parking demand

The City currently offers a process for reducing parking requirements by submitting a parking analysis. The analysis requires the applicant to provide information about how much parking is projected to be needed, how it will be managed, etc. One element of that analysis is to provide "a plan to discourage the use of motorized vehicles and encourage other forms of transportation." This is a useful provision because it gives the developer an option for taking steps to try to reduce the parking needs of the residents of the development, but many developers will not be interested in submitting a parking analysis because it (a) can be expensive and time-consuming to conduct and may require hiring a specialist and (b) is a discretionary approval so there is no guarantee that the parking plan will be approved.

In addition to this existing parking analysis option, we recommend providing a simpler, by-right and objective approval process for specific measures that can reduce parking demand and vehicle use. These by-right reductions are more likely to be used because developers will perceive them as more certain to be improved, so long as they take the necessary steps. The code language below provides an example of a by-right reduction for features that can reduce parking demand (Oregon Model Code for Small Cities):

Transit: Site has a bus stop with frequent transit service located adjacent to it, and the site's frontage is improved with a bus stop waiting shelter, consistent with the standards of the applicable transit service provider: Allow up to a [20] percent reduction to the standard number of automobile parking spaces;

Carshare: Site has dedicated parking spaces for carshare vehicles: Allow up to a [20-30] percent reduction to the standard number of automobile parking spaces;

Motorcycles/Scooters: Site has dedicated parking spaces for motorcycles, scooters, or electric carts: Allow reductions to the standard dimensions for parking spaces;

Bicycle Parking: Site has more than the minimum number of required bicycle parking spaces: Allow up to a [5-10] percent reduction to the number of automobile parking spaces.

We recommend maintaining the option to submit a parking analysis and seek a discretionary approval to reduce parking requirements as an alternative to the by-right reductions. In some cases, the project may not qualify for the by-right reductions, so the option for a discretionary approval may be useful and allow for the City to consider project-specific factors.

Additional Strategy: Target reductions to a specific location

Parking requirements need not be applied on a citywide basis. There are often areas that are more suitable for reduced off-street parking. There are several approaches to right-size parking by location:

- **Transit-oriented or walkable areas:** Reduce requirements in areas/zones with high walkability and/or transit access, where it may be more practical to not own a car or to use it less frequently. If the standard is based on proximity to transit, we recommend applying it to all sites within a ½ mile of a transit stop, as this distance has been found to generally be the maximum distance people are willing to walk to use transit regularly.
- **Capacity of on-street parking:** Reduce requirements in areas/zones where on-street parking is underutilized and can be available at least partially available in the winter months.
- **Growth focus areas:** Parking requirements can be reduced in areas/zones where the community's goal is to produce more affordable housing units, or housing units in general, because they would benefit the vitality of the neighborhood or contribute to broader growth management goals. Downtown areas or neighborhoods adjacent to downtown are often a focus for new housing development.

Additional Strategy: Manage on-street parking through a residential permit program

Implementation of an area residential parking permit program can more efficiently allocate parking resources among users. Area parking permit programs are intended to ensure that on-street parking spaces remain available for priority users, e.g. residents within a specific “permit district boundary” and may restrict parking for visitors, employees or “non-residents” during certain or all hours of the day and night.

Height and Massing

Recommended Approach

While it is crucial for Park City to reduce off-street parking to encourage private development of affordable housing, it is also important for the City to provide height increases for affordable housing developments - both changes will enhance financial feasibility. We recommend the four following conceptual code updates to increase building heights while regulating the bulk and massing of buildings to ensure visual compatibility with the character of Park City.

- 1. Allow a one-story height bonus AMPD projects to allow 4-story buildings**
- 2. Require height stepdowns adjacent to lower intensity zones**
- 3. Apply maximum building length standard**
- 4. Apply a facade articulation standard**

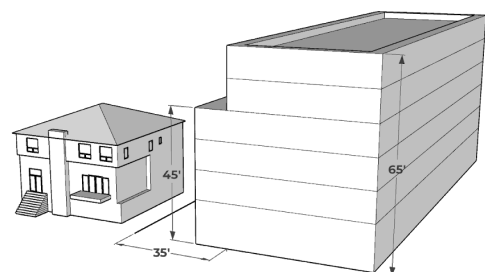
In addition to these four recommended updates, we identify three additional strategies for mitigating potential impacts of allowing 4-story buildings: targeting increases to specific areas, requiring stepbacks from the street, and protecting view corridors. These strategies may be appropriate if the City desires to take further steps to address the aesthetic concerns of larger buildings, however, they are more likely to have a negative impact on financial feasibility of developing affordable housing than the recommended code updates.

1. Allow a one-story height bonus AMPD projects to allow 4-story buildings

As identified in the Code Audit Report, we recommend allowing a one story height bonus for projects that qualify for the AMPD standards. This would allow for 4-story buildings, which are an efficient construction type and, in combination with reduced parking standards, can allow higher density developments, which spread the cost of development across more units. To address concerns about the impacts of this height increase, we recommend the following three code updates to regulate scale, bulk, and massing.

2. Require height stepdowns adjacent to lower intensity zones

The purpose of a height stepdown is to both reduce the perceived height and scale of the building but also to produce a more gradual transition to shorter buildings that are adjacent to the site. Stepdowns are typically applied conditionally based on proximity to a lower intensity zone



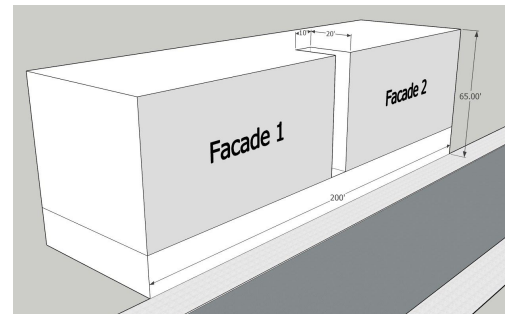
district and only apply to the side or rear of the building which abuts the lower intensity zone.

By contrast, stepbacks (described below) are typically applied to the street facing facade and intended to break down the massing of the building viewed from the street. Stepdowns are advantageous because they require building height to respond to local context as they are contingent on the maximum heights of the adjacent zone district. Stepdowns have similar disadvantages as stepbacks - they have a negative impact on feasibility by reducing floor area and adding complexity to the construction; however, unlike stepdowns, stepbacks will not apply to every building on every site, and more directly address the issue of compatibility with neighboring properties.

3. Apply maximum building length standard

As buildings increase in height, the visual impact of the horizontal length of the building becomes more prominent. The facade is larger in area and may be perceived to be out of scale with the facades of surrounding properties.

A direct way to address this issue is to establish a maximum building length. This standard requires that any building over [75-150 ft] long must be either broken up into two separate buildings or there must be an offset in the wall that is significant enough to give the appearance of two separate facades.

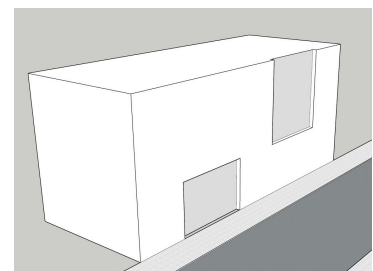
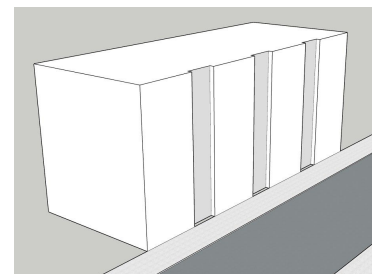


The advantage of this standard is that it addresses the horizontal scale of the building, which is not addressed via stepback requirements. And compared to a typical “facade articulation” standard (see below), it is more likely to ensure that there is a perceptible break in the wall plane which divides the facade into two separate, smaller facades. Facade articulation requirements can result in minor undulations across a very large facade, which can be repetitive and ineffective in breaking down the perceived bulk of a larger building.

3. Apply a facade articulation standard

Facade articulation standards typically operate in one of two ways:

1. Set a limit the amount of contiguous “blank wall area” on a facade, which is an area that is not set apart from other adjacent areas of the facade by a change in materials or an offset or recess.
2. Require a minimum amount of “articulating elements” be incorporated on the facade which effectively break up the facade into multiple, smaller facades. Articulating elements are windows, balconies, changes in materials, wall offsets and recesses, pillars, and other similar elements. These standards typically require a minimum of one or more elements for a specified horizontal distance along the facade, such as 30-40 feet.



The advantage of facade articulation is that it allows for flexibility for a variety of architectural styles, usually does not significantly increase construction costs, and they generally avoid monotonous facades.

As noted above related to maximum building length, the disadvantage of a facade articulation standards is that it can be ineffective in reducing the perceived bulk of a larger building. The articulating elements may provide some texture and visual relief to the wall plane, but the overall massing and perceived scale of the building is unchanged. If implemented in combination with the maximum building length standard, then facade articulation is more effective at reducing the perceived mass of the building.

Additional Strategy: Target height increases for particular zones or overlay areas

Many of the communities we researched had identified a special area where increased building heights (or reduced parking requirements) were most appropriate and acceptable to the community. Often, the locations where increased height may be acceptable are not coterminous with existing zone districts. If so, consider either a (a) height plan or a (b) overlay zone to target heights to particular locations.

- (a) A height plan is a map within the zone district that identifies the maximum height as it varies within the district. This works if the increased height only applies in one zone.
- (b) A height overlay zone may be appropriate if a similar increase in maximum height will apply across multiple zone districts.

Additional Strategy: Height setbacks

Stepbacks are requirements that one or more of the upper story(s) of a building are set back from the main wall plane, usually at least 5-10 feet. A height stepback is typically applied above a certain wall height and specifies the horizontal distance that the upper story(s) must setback. They are a widely used technique to reduce the perceived height and scale of a building and also have the effect of reducing the “boxy” character of a larger building. The stepback requirement is usually applied to any street-facing facade.



The advantage of setbacks is they are a straightforward code standard to write, administer, and interpret from the perspective of the applicant. They are also very effective in reducing the perceived height and bulk of a building. A disadvantage of a setback is that it can reduce financial feasibility by both reducing floor area and adding construction costs due to a more complicated design.

Additional Strategy: View corridor protections

If preserving views of particular natural or built features is important, then view corridor protections are necessary. Below we summarize a typical process for establishing view corridors and using them to regulate building height and massing.

First, an inventory of view corridors must be established. The inventory should identify the viewpoints from which view corridors begin, the frame of the view to be protected (usually



centered around one or more focal points such as a mountain, tower, bridge or other natural or built feature). The view corridor should be mapped in plan view, and images should be taken from the viewpoint to document the view to be protected.

Second, view corridor protection standards should be written. The standards can be written in a discretionary manner, such as “Buildings shall not conflict with any identified view corridors” or a more objective manner, such as “Buildings shall not exceed 25 feet in height on any property within the mapped view corridor”. Applicants should be required to submit a view corridor analysis which demonstrates compliance with the standard.



Planning Commission Staff Report



Subject: Outdoor Lighting Amendments
Application: PL-20-04545
Authors: Rebecca Ward; Elizabeth Jackson
Date: November 11, 2020
Type of Item: Legislative – Land Management Code Amendment

Summary Recommendation

Staff recommends the Planning Commission review the outdoor lighting amendments, hold a public hearing, and consider forwarding a positive recommendation for City Council's consideration on December 10, 2020.

Staff also recommends the Planning Commission provide input on whether the City should pursue Dark Sky Community certification.

Description

Applicant:	Planning Department
Zoning District:	Citywide
Amending	§ 15-3-3(C), <i>Parking Area Lighting</i>
Land Management Code:	§ 15-5-1, <i>Architectural Review - Policy And Purpose</i> § 15-5-5(J), <i>Lighting</i> § 15-15-1, <i>Definitions</i> § 15-15-2, <i>List of Defined Terms</i>
Reason for Review:	The Commission has the primary responsibility of reviewing LMC amendments and forwarding a recommendation for City Council's consideration. The City Council holds a public hearing and takes Final Action on LMC amendments.

Acronyms

IDA	International Dark-Sky Association
LMC	Land Management Code
MCPC	Municipal Code of Park City
SBDC	Snyderville Basin Development Code

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

Executive Summary

The City's outdoor lighting regulations have not been updated since 1998. The proposed amendments align the outdoor lighting regulations with Summit County's Code and the International Dark-Sky Association standards, but are tailored for the City's Historic Districts, the resort season, outdoor lighting on Ridge Line Areas and Steep Slopes, and community compliance.¹

¹ Outdoor lighting regulations for Nightly Rentals will be addressed in a work session with City Council on December 17, 2020.

The amendments establish three overall standards to mitigate the impacts of outdoor lighting to implement best practices, “good neighbor” lighting, and to protect the night sky:



To develop this code, staff conducted several virtual meetings to collect community input. Frequently Asked Questions from the public with staff responses are attached as Exhibit B.

No Changes are Proposed for Recreation Lighting

In 2018, the International Dark-Sky Association developed [Criteria for Community-Friendly Outdoor Sports Lighting](#) and a program to certify sports complexes for compliance with heightened mitigations. Staff reached out to companies that specialize in sports lighting to learn about the recommended lighting for safe sports illumination. At this time, staff does not recommend adopting the IDA criteria for sports lighting for the following reasons:

- Under the current code, recreation lighting must comply with the Illuminating Engineering Society of North America standards, which establishes Class III and Class IV lighting standards for high school and sports club lighting, addresses lighting required to illuminate balls in the air for safe play, and mitigates light spill and glare.
- Under the existing code, recreation area lighting must be fully shielded, or have fixtures with sharp, cutoff capability to mitigate glare.
- Recreation lighting is operated in limited seasons with limited hours. The lighting for the Park City Sports Complex at Quinn’s Junction is operated approximately 125 hours per year. (Due to COVID-19 and limitations on indoor facilities, staff is proposing Council allow increased use of the outdoor fields this winter, but this winter use is proposed to be a temporary solution for community recreation during the pandemic.)
- Recreation lighting must be turned off by 11:00 PM.

However, staff recognizes that community members are—and have been—concerned with the sports lights at the Park City Sports Complex in the Quinn’s Junction area. These lights are operated under a Lighting Management Plan, approved in 2006, which

requires that lights be turned off one half-hour after the last game and no later than 11:00 PM. Over the years, staff has worked to mitigate impacts to residential areas. For example, in 2010, staff worked with a lighting company to explore additional external visors on certain lights. However, due to the weight of the visors, all poles would need to be replaced and the cost was estimated to be over \$250,000.

Earlier this year, staff proposed budgeting \$500,000 to replace and update the lighting at the Park City Sports Complex. However, due to COVID-19 and budget restraints, this proposal has been deferred. Staff plans to update the recreation lighting when the budget allows and will reach out to the community and residents to provide information on mitigation strategies that are planned to be implemented.

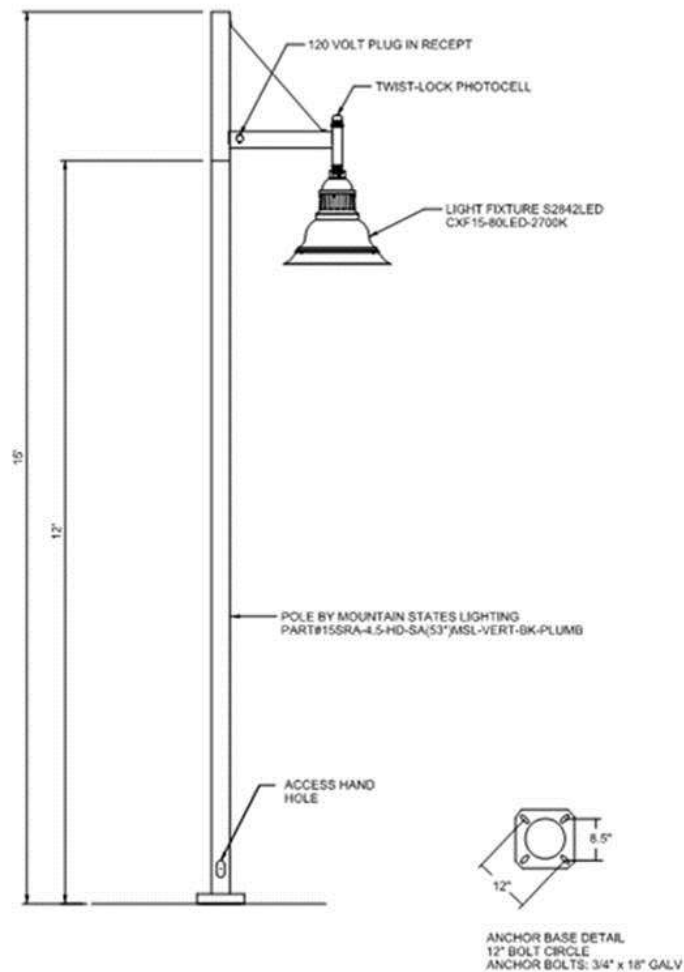
Regulation of Streetlights through the Land Management Code is not Proposed because Streetlights are Regulated through the Engineering Department, but the City Engineer and Public Utility Policies Align with Dark Sky Requirements

The rights-of-way are regulated through the City Engineering Department. However, the current policies for street lights comply with Dark Sky principles. It will take time to update all street lights.

There are several different types of street lights citywide: (1) approximately 352 metered street lights; (2) approximately 468 unmetered street lights; (3) 128 cobra-head street lights on Rocky Mountain Power poles, which the City leases; and (4) UDOT-compliant lights at intersections on S.R. 224 and S.R. 248.

In April of 2015, the City Council granted the Public Utilities Department \$78,000 to replace metered and unmetered high-pressure sodium street lights with energy-efficient LEDs. This transition resulted in a 60% decrease in Lumen output: the high-pressure sodium lights produced 7,000 Lumens and the LED replacements produce 2,640 Lumens and are 2700 degrees Kelvin. Additionally, the high-pressure sodium lights dispersed light, but the LEDs produce a more direct light. Public Utilities is working with Rocky Mountain Power to retrofit the cobra-head street lights within the next five years.

The City's adopted policy for street light Lumens and degrees Kelvin is outlined in a [2016 City Engineer Manager's Report to City Council](#) (p. 98). All new street lights and retrofits are based on the design below, which includes a Dark Sky-compliant fully-shielded light fixture. These fully-shielded fixtures have been installed on Deer Valley Drive, Bonanza Drive, and Prospector Avenue.



STREET LIGHT WITH BANNER ARMS

Did you know that existing City-controlled street lights can be shielded to protect residential areas? If you have identified a problematic street light you feel needs to be addressed, please contact the Engineering Department.

Survey Responses

Staff created a Dark Sky Survey on October 4 to gather community input. As of November 6, 276 community members completed the survey. The results are addressed in this report. The survey is open through November 10 and staff will provide updated results on November 11. Please see Exhibit D for the full survey analysis.

Background

The dark sky concept of limiting a community's outdoor lighting in order to preserve and enhance the night sky's visibility has been a topic of discussion in Park City for years. [Ordinance No. 98-7](#) (p. 237), *Amending Chapters 9 and 13 of the Land Management Code of Park City Regarding the Regulation of Lighting Standards for Commercial, Recreational, and Residential Uses in all Zoning Districts*, established the current lighting regulations. This Ordinance, enacted in 1998, was developed to minimize light trespass, glare, and light pollution.

In 2010, the City recognized an opportunity to improve night sky protections. The City Council passed [Resolution No. 22-10](#), *Declaring Park City's Vision, Goals, Policies and Action Plan in Promotion of Environmental Initiatives for the City and the Community*, which outlined a goal to incorporate environmental considerations as an integral part in assessing growth management options, land use plans, transportation plans, and development proposals. Objective 4.3 is to "[i]mprove visibility of night sky."

On February 26, 2020 ([Staff Report](#); [Minutes](#), p. 2) and on May 13, 2020 ([Staff Report](#); [Minutes](#), p. 4), the Planning Commission identified outdoor lighting updates a 2020 priority. On September 9, 2020, the Planning Commission conducted a work session and provided initial input on the proposed outdoor lighting amendments ([Staff Report](#); [Minutes](#), p. 7).

Analysis

The Commission has the primary responsibility of reviewing Land Management Code (LMC) amendments and forwarding a recommendation for City Council's consideration.² The City Council holds a public hearing and takes Final Action on LMC amendments.³

The LMC implements the goals and policies of the General Plan.⁴ Mitigating the impacts of outdoor lighting on the night sky is woven throughout the General Plan and Land Management Code. The General Plan establishes a strategy to "improve visibility of night sky through enforcement of the existing light ordinance and potential enactment of a new night sky ordinance." ([City Implementation Strategy 5.14](#), p. 11.) The LMC is "designed, enacted, restated and reorganized to implement the goals and policies of the Park City General Plan . . . [for the] preservation of night skies . . ." LMC [§ 15-1-2\(F\)](#).

Staff recommends the following LMC amendments to minimize light pollution, glare, and light trespass; to conserve energy and resources while maintaining nighttime safety, utility, and security; and to curtail the degradation of the nighttime visual environment:

² LMC [§ 15-12-15\(B\)\(3\)](#).

³ LMC [§ 15-1-7\(D\)](#).

⁴ LMC [§ 15-1-2](#).

(1) SET A MAX LUMEN FOR FIXTURES AND PROPERTIES

Lumen is a measurement of light output or the amount of light emitting from a Luminaire.⁵ The table below compares Lumens and watts (the amount of energy to produce a certain amount of light).⁶

	LUMENS				
BRIGHTNESS	220+	400+	700+	900+	1300+
Incandescent	25W	40W	60W	75W	100W
Halogen	18W	28W	42W	53W	70W
CFL	6W	9W	12W	15W	20W
LED	4W	6W	10W	13W	18W

Summit County's lighting regulations establish maximum Lumens for individual outdoor fixtures and for total acreage through residential and commercial classifications.⁷ Staff recommends a similar maximum Lumen, but with a few changes, in part to account for smaller Lot sizes in the Historic Districts:

- Single-Family Dwelling and Duplex fixtures shall not exceed 2,000 Lumens per light.
 - The total lighting per Single-Family Dwelling or Duplex for Lots one-half acre or smaller shall not exceed 5,000 Lumens.
 - The total lighting per Single-Family Dwelling or Duplex for Lots larger than one-half acre shall not exceed 10,000 Lumens.

This means that an outdoor light for Single-Family Dwellings and Duplexes could produce light up to a 125-watt incandescent bulb. Examples of this include:

A Single-Family Dwelling on a Lot smaller than one-half acre with four outdoor lights, each equivalent to a 75-watt incandescent bulb (or an 18-watt LED).

A Duplex on a Lot larger than one-half acre with eight outdoor lights, each equivalent to a 75-watt incandescent bulb (or an 18-watt LED).

- Multi-Unit Dwelling and non-residential Use fixtures shall not exceed 2,500 Lumens per light. The total lighting shall not exceed 50,000 Lumens per acre. Lumens shall correspond with the size of the Lot.

This means that each outdoor light for Multi-Unit Dwelling and non-residential Uses could produce light up to a 150-watt incandescent bulb. Total Lumens would be calculated per acre, so a 0.75-acre Lot would have a maximum Lumen of 37,500, a 1.5-acre Lot would have a maximum Lumen of 75,000.

⁵ LMC [§ 15-15-1](#)

⁶ <https://www.ledlightandpower.com/wattage-mean-led-lighting/>

⁷ SBDC [§ 10-4-21\(K\)](#)

LED and solar lights used to illuminate pathways that are less than eighteen inches (18”) in height with a total light output that is less than 300 Lumens per light are exempt from the Lumen total and the Fully Shielded requirement.

(2) PREVENT HARSH LIGHTING WITH A MAX OF 3,000 DEGREES KELVIN

Kelvin is a unit of temperature measurement – the lower degrees Kelvin, the warmer the light.



The International Dark-Sky Association and Summit County set a maximum of 3,000 degrees Kelvin to prevent harsh, white/blue outdoor lighting. Staff recommends establishing:

- The maximum color temperature for outdoor lighting at 3,000 degrees Kelvin.
- Planning Director discretion to approve a maximum of 5,000 degrees Kelvin for outdoor lighting required for public safety or the activities of law enforcement.

(3) FULLY SHIELD LIGHTING

Fully Shielded outdoor lighting directs light downward and covers the light source entirely.



Courtesy of Grand County and Moab, Utah

The proposed amendments require all non-exempt outdoor lighting to be Fully Shielded

- Exempt lighting includes gas lights, up-lighting for public monuments and flags (until 11:00 PM), temporary lighting for outdoor filming or performance venues, underwater lighting in swimming pools, hot tubs, and other water features, and pathway lighting less than 18” in height with a total light output that is less than 300 Lumens.

The proposed amendments update the definition of Fully Shielded:

An outdoor Luminaire constructed and installed in such a manner that all light emitted by the Luminaire, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the Luminaire, is projected below the horizontal plane through the Luminaire’s lowest light-emitting part. The top and sides of a Fully Shielded fixture are made of completely opaque material such that light only escapes through the bottom of the fixture.

ADDITIONAL AMENDMENTS:

- **Move Parking Area Lighting from the Parking Chapter to the Lighting Chapter**
 - Move LMC § 15-3-3(C), *Parking Area Lighting*, to LMC § 15-5-5(J), *Outdoor Lighting*
 - Require Parking Areas with 200 or more parking spaces to have programmable fixtures, dimmable lights, and motion sensors
 - Require light sources within the first 30 feet of an open garage entryway or Parking Structure to be Fully Shielded
 - Require the lighting to be setback so that the light does not trespass on adjacent properties
- **Move the Purpose Section**
 - Move dark sky purposes from LMC Chapter 15-5, *Architectural Review*, to LMC § 15-5-5(J)(1), *Outdoor Lighting*
- **Establish a Light Trespass Standard**
 - Define light trespass as artificial light that falls beyond the legal boundaries of the property it is intended to illuminate.
- **Create a Subsection for all Prohibited Lighting**
 - Up-lighting
 - Floodlights and unshielded Spotlights
 - Architectural lighting
 - Landscape lighting
 - Search lights, laser source lights, or high intensity lighting, except by police and fire personnel or at their direction

- Flashing, blinking, intermittent, or other lights that move or give the impression of movement
- Neon or luminous tube lighting
- Lighting affixed to Buildings for purposes of lighting Parking Areas
- **Heighten Gas Station Canopy Lighting Regulations**
 - Require Full Shielding and recessed, flat lenses flush with the bottom surface of the canopy and shielded by the fixture or edge of the canopy
 - Require a non-reflective canopy undersurface
- **Clarify Building Canopy, Soffit, and Wall-Mounted Lighting**
 - Require canopy and soffit lighting to be recessed or flush with the bottom surface of the soffit and Fully Shielded by the fixture or edge of the soffit
- **Clarify that Landscape Lighting is Limited to Pathway Illumination**
 - Exempt LED and solar lights used to illuminate pathways that are less than eighteen inches (18”) in height with a total light output that is less than 300 Lumens from the total Lumen count and the Fully Shielded requirement
- **Clarify Seasonal Lights**

Seasonal lights are allowed under the current code from November 1 through April 15 to align with the ski season. Staff recommends retaining this timeline, but including mitigations in residential areas, while carving out an exception for year-round commercial string lights on Main Street, Swede Alley, and the General Commercial Zoning District to reflect existing conditions.

- Allow seasonal lights from the first of November to the 15th of April, on the condition that the lights do not cause light trespass or interfere with the reasonable use and enjoyment of property
- Require residential seasonal lights to be turned off by 11:00 PM
- Require commercial seasonal lights to be turned off by midnight
- Allow Main Street, Swede Alley, and the General Commercial Zoning Districts year-round string lights, which must be turned off by midnight
- **Exempt Historic Fixtures and Historic Replica Fixtures from the Fully Shielded Requirement**
 - Restrict lamps to no more than 400 Lumens to mitigate impacts to adjacent properties and to reflect historic lighting
- **Establish Planning Director discretion to Mitigate Light Pollution in Ridge Line Areas and Steep Slopes**
 - Require additional shielding for outdoor lighting
- **Exempt Additional Lighting from the Fully Shielded Requirement**
 - Temporary lighting for permitted outdoor filming

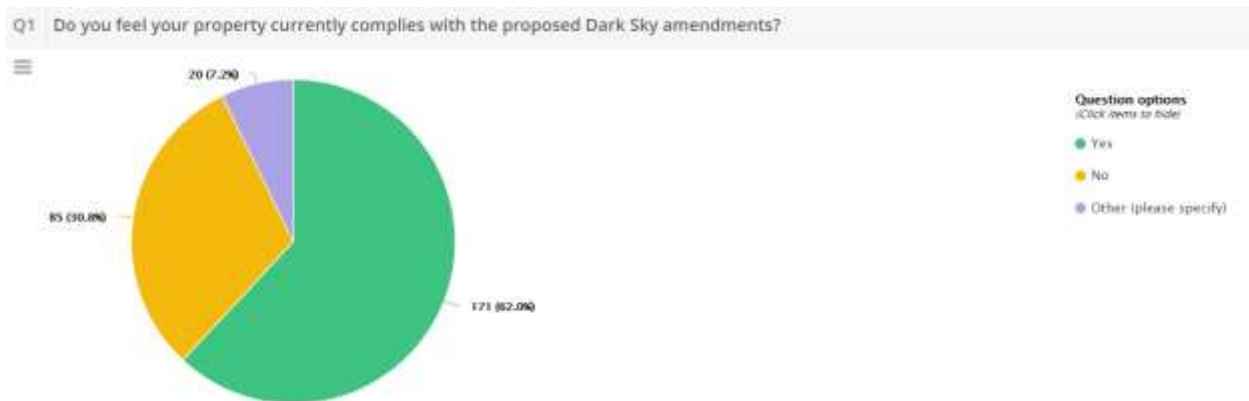
- Underwater lighting in swimming pools, hot tubs, and other water features

COMPLIANCE TIMELINE

- Require all outdoor lighting installed after the effective date of the ordinance to conform
- Require all outdoor lighting legally existing and installed prior to the effective date of the ordinance to conform by December 31, 2024
- Require compliance for site improvements, reconstruction, expansion, alteration, or modification of existing Structures
- Require damaged or inoperative nonconforming outdoor lighting to be replaced or repaired with compliant lighting

COMPLIANCE SUPPORT

Dark Sky Survey Results



Bringing existing outdoor lighting into compliance by updating bulbs to LEDs and removing unnecessary lights may conserve energy for some properties, with cost savings in the long term.⁸ However, initial retrofits will require time and may be expensive for certain properties. As part of the Dark Sky Survey, staff asked community members to estimate the cost to comply with the updated code. Answers ranged from \$5.00 to \$50,000 to “too much,” with the average around \$3,500.

⁸ *Guidance & Best Practices: Dark Sky Planning* (Utah Workforce Services Housing & Community Development Office, p. 13)

Additional input on the cost includes the following:

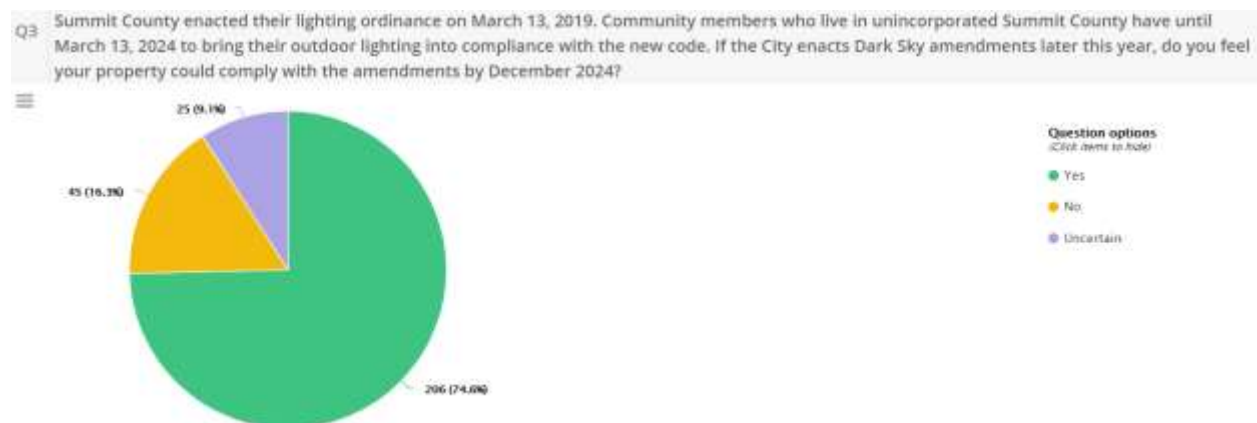
- *It shouldn't be enough to deter anyone from doing the right thing.*
- *I'm willing to pay if need be.*
- *I just have to get an electrician, which is easier said than done.*
- *I could not afford to make the changes.*
- *I do not think it is appropriate for Park City to place an additional cost on current landowners.*
- *Are you kidding me?*
- *No idea, depends on the level of government action imposed on us.*

To support the community transition to compliant outdoor lighting in the next four years, staff recommends:

- Mailing notice of the adopted ordinance to all property owners with information on compliance and the compliance verification process
- Establishing a grant program to provide financial support for property owners who demonstrate economic hardship
- Providing quarterly community education sessions
- Maintaining a webpage outlining information and resources

COMPLIANCE VERIFICATION

Dark Sky Survey Results



Staff reviews outdoor lighting at the building permit stage. At this point, staff can verify that the Lumen max, degrees Kelvin, and shielding for new development complies with the updated code.

Prior to certificate of occupancy, staff recommends requiring that the property owner/architect/developer verify that the lighting installed reflects the approved lighting.

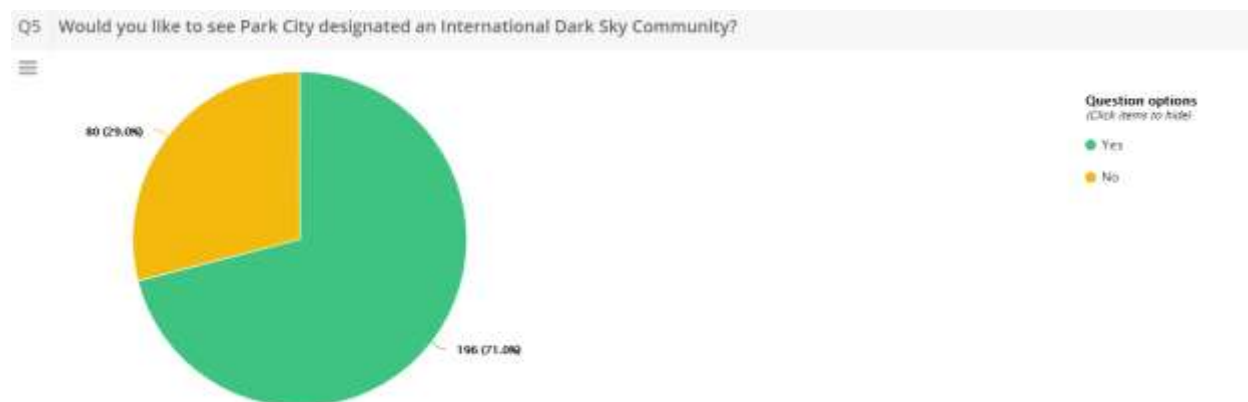
Staff also recommends that a nighttime inspection be required to verify compliance with the updated lighting ordinance prior to issuance of a certificate of occupancy.

One consideration to be discussed in a City Council work session on December 17 is whether compliance with the updated lighting code can be a condition of approval for Nightly Rental business licenses.

Additionally, staff recommends potentially working with University of Utah students through the Dark Sky Consortium to measure the current light pollution in the spring of 2021 and to conduct a citywide audit beginning in January 2021 to identify City-owned fixtures and lighting that need to be replaced with a proposed Lighting Management Plan completed by December 2021, prioritizing and organizing outdoor lighting updates to be installed from 2022 – 2024.

DARK SKY COMMUNITY CERTIFICATION

Dark Sky Survey Results



The International Dark-Sky Association certifies communities that “show exceptional dedication to the preservation of the night sky through the implementation and enforcement of quality lighting policies, dark-sky education, and citizen support of the ideal of dark skies.”

The IDA goals are to:

- Identify communities with exceptional commitment to and success in pursuing dark sky preservation and restoration, and promotion of quality outdoor lighting
- Promote improved outdoor nighttime quality of life for residents and visitors
- Protect human health, nocturnal habitats, public enjoyment of the night sky and its heritage, and areas ideal for professional and amateur astronomy
- Provide local, national, and international recognition for such communities

- Promote ideals of IDA by encouraging communities to identify dark skies as a valuable community asset and aspiration⁹

Designation as a Dark Sky Community may help establish the expectation of outdoor lighting standards as a part of the community culture, beyond the regulations outlined in the lighting ordinance. However, this process requires time, public support, and consistent efforts over a period of several years. The steps include the following:

- An outdoor lighting code that complies with fully shielded requirements, a maximum of 3000 degrees Kelvin for lights, a maximum Lumen allowance per acre
- Publicly-owned lighting compliance
- Municipal support
- Community support
- Two community dark sky awareness events per year
- Dark sky awareness information for residents and visitors
- Evidence of light pollution control, demonstrated by compliant new construction or measured reduction of light pollution

If the designation is granted, the community is required to install Dark Sky Community signage in the City's entry corridors.

Department Review

The Development Review Committee and Recreation, Public Works, Planning, Engineering, and Legal Departments reviewed the proposed outdoor lighting amendments.

Notice

Staff published notice on the City's website and the Utah Public Notice website, and posted notice to the property on October 28, 2020. Staff mailed courtesy notice to property owners within Park City the week of October 12 and October 19. The *Park Record* published notice on October 28, 2020. LMC [§ 15-1-21](#).

Public Outreach

Staff:

- Created an [Engage Park City](#) webpage with a public survey and FAQs
- Posted information on the City's social media outlets and webpage
- Mailed information to all property owners within the City
- Conducted several Zoom meetings with community members to gather input
- Conducted community Zoom meetings with staff and IDA representatives
- Reached out to homeowner associations, the Park City Home Builders Association, Historic Park City Alliance, and the Park City Area Lodging Association
- Requested input from industry professionals

⁹ [International Dark Sky Communities Program Guidelines](#) (June 2018)

Public Input

Public input is attached as Exhibit C.

Exhibits

Exhibit A: Draft Ordinance and Land Management Code Redlines

Exhibit B: Frequently Asked Questions and Staff Responses

Exhibit C: Public Input

Exhibit D: Dark Sky Survey Analysis

With Gratitude

Thank you to the many community members who provided input and participated in community meetings and to the University of Utah Consortium for Dark Sky Studies, Summit County, Grand County, Moab, Utah, and Helper, Utah, for sharing their wisdom in implementing dark sky ordinances.

Resources

Dark Skies, Bright Future: City Policies Throw Shade on Light Pollution (Allen Best, Planning Magazine, May 2017)

Finding a Way Back into Darkness: Regulating Light Pollution in Florida and Beyond (Shannon Dolson, Animal and Environmental Law, Fall 2014)

Guidance & Best Practices: Dark Sky Planning (Utah Workforce Services Housing & Community Development Office)

Light Pollution in the United States: An Overview of the Inadequacies of the Common Law and State and Local Regulation (Kristen M. Ploetz, New England Law Review, 2003)

Light Trespass and Light Pollution: Practical Approaches to Dealing with Problems (Ian Lewin, IESNA Street and Area Lighting Conference, Minneapolis, Minnesota, September 2000)

Missing the Dark: Health Effects of Light Pollution (Ron Chepsiuk, Environmental Health Perspectives, January 2009)

Pattern Outdoor Lighting Code (USA) Standard ver. 2.0 (Christian B. Luginbuhl, U.S. Naval Observatory Flagstaff Station, 2010)

States Shut Out Light Pollution (National Conference of State Legislatures, 2016)

The Promise and Challenge of LED Lighting: A Practical Guide (International Dark-Sky Association, 2018)

Model Codes

The International Dark-Sky Association and The Consortium for Dark Sky Studies at the University of Utah; Flagstaff, Arizona; Page, Arizona; Sedona, Arizona; Calimesa, California; Goleta, California; Aspen, Colorado; Boulder, Colorado; Ketchum, Idaho; Helper, Utah; Kanab, Utah; Moab, Utah; Ogden Valley, Utah; Springdale, Utah; Summit County, Utah; Torrey, Utah; and Jackson, Wyoming.

DRAFT ORDINANCE 2020-XX

AN ORDINANCE AMENDING LAND MANAGEMENT CODE § 15-3-3(C), *PARKING AREA LIGHTING*; § 15-1-1, *ARCHITECTURAL REVIEW – POLICY AND PURPOSE*; §15-5-5(J), *LIGHTING*; § 15-15-1, *DEFINITIONS*; AND § 15-15-2, *LIST OF DEFINED TERMS* TO UPDATE THE CITY’S OUTDOOR LIGHTING ORDINANCE

WHEREAS, the City’s outdoor lighting ordinance has not been updated since 1998 and the General Plan City Implementation Strategy 5.4 recommends enactment of a new night sky ordinance;

WHEREAS, the Land Management Code implements the goals, objectives, and policies of the Park City General Plan to maintain the quality of life and experiences for City residents and visitors;

WHEREAS, the Land Management Code was adopted by the City Council of Park City, Utah, to promote the health, safety, and welfare of the residents, visitors, and property owners of Park City;

WHEREAS, the Land Management Code is designed, enacted, restated, and reorganized to implement the goals and policies of the General Plan in part for the preservation of night skies;

WHEREAS, the International Dark-Sky Association establishes model codes to help communities mitigate impacts of outdoor lighting to protect human health, nocturnal habitats, and public enjoyment of the night sky;

WHEREAS, on March 13, 2019, Summit County adopted Ordinance 896, updating the Snyderville Basin Development Code Lighting Regulations, establishing International Dark-Sky Association best practices, including a maximum Lumen per property, 3,000 degrees Kelvin for outdoor lighting, and a requirement to fully shield outdoor lighting;

WHEREAS, to implement these best outdoor lighting practices in Park City, the Planning Commission duly noticed and conducted a work session on September 9, 2020, and the Planning Commission duly noticed and conducted a public hearing on November 11, 2020, forwarding a _____ recommendation to City Council;

WHEREAS, the City Council duly noticed and conducted a public hearing on December 10, 2020.

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

SECTION 1. LAND MANAGEMENT CODE TITLE 15. The recitals above are incorporated herein as findings of fact. Sections 15-3-3(C), 15-15-1, 15-5-5(J), 15-15-1, and 15-15-2 are hereby amended as outlined in Attachment 1.

SECTION 2. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this 10th day of December, 2020

PARK CITY MUNICIPAL CORPORATION

Andy Beerman, Mayor

Attest:

City Recorder

Approved as to form:

Mark Harrington, City Attorney

15-3-3 General Parking Area And Driveway Standards

Off-Street parking shall meet the following standards:

...

C. PARKING AREA LIGHTING. [Please see Section 15-5-5\(J\)\(16\).](#) ~~[Low pressure or high pressure sodium light sources are the only allowed light sources for Parking Areas with five (5) or more spaces. Lighting fixtures affixed to Buildings for the purposes of lighting Parking Areas shall be prohibited. Light levels should be designed with minimum light trespass off Site by using cut off Luminaries that are Fully Shielded with no light distributed above the horizontal plane of the Luminaire.~~

~~1. **MAXIMUM LIGHT DISTRIBUTION.** For uniformity in lighting and prevention of shadows, an average horizontal luminance level of two (2) Foot Candles with a 4:1 Uniformity Ratio over the Site is the maximum allowed.~~

~~2. **POLE HEIGHT/WATTAGE/DESIGN.** Luminaries mounting height must be measured from the Parking Lot or driveway surface in the range of twelve feet (12') to twenty feet (20') as determined by the Planning Department and/or the Planning Commission. The maximum height shall only be allowed after the review and approval of the Planning Department with specific findings. The determination shall be based on:~~

- ~~a. review of the Site plan,~~
- ~~b. proposed land Uses,~~
- ~~c. surrounding land Uses,~~
- ~~d. Parking Area size,~~

- ~~e. Building mass,~~
- ~~f. location of the Site with respect to other lighting sources,~~
- ~~g. impacts on the adjacent Properties,~~
- ~~h. topography of Site, and~~
- ~~i. other Site features.~~

~~Light poles higher than sixteen feet (16') are appropriate only for Parking Areas exceeding two hundred (200) stalls and not in close proximity to residential Areas.~~

~~3. PARKING AREA WATTAGE/DESIGN STANDARD.~~

- ~~a. Luminaries for twelve foot (12') to sixteen foot (16') poles must not exceed fifty (50) watts per fixture or 105 watts per pole.~~
- ~~b. Luminaries for eighteen foot (18') and twenty foot (20') poles must not exceed seventy five (75) watts per fixture or 150 watts per pole.~~
- ~~c. Wood fixtures and fixtures mounted on wooden poles are encouraged. They must be naturally stained or painted in earth tones. If metal fixtures or poles are used they should be black, dark brown, or earth tone.~~
- ~~d. The base of the pole shall be treated with paint, stain, stucco, or another form of decorative cover. All attempts shall be made to place the base of light poles within landscape Areas.~~

~~4. UNDERGROUND PARKING GARAGE ENTRYWAYS.~~ Light sources within the first thirty feet (30') of an open garage entryway must be high pressure sodium light sources with partially shielded fixtures.

47 ~~5. **SUBMISSION REQUIREMENTS.** An Application for Development with~~

48 ~~Off-Street parking must contain the following:-~~

49 ~~a. plans indicating the location on the premises, and the type of~~

50 ~~illumination devices, fixtures, lamps, supports, reflectors,~~

51 ~~installation, and electrical details;~~

52 ~~b. description of illuminating devices, fixtures, lamps, supports,~~

53 ~~reflectors, and other devices, that may include, but is not limited to,~~

54 ~~manufacturer catalog cuts and drawings, including section where~~

55 ~~required;~~

56 ~~c. photometric data, such as that furnished by manufacturers or~~

57 ~~similar showing the angle of the cut off or light emission. A point by~~

58 ~~point light plan may be required to determine the adequacy of the~~

59 ~~lighting over the Site.~~

60 ~~6. **NON-CONFORMANCE.** All operable outdoor light fixtures previously~~

61 ~~lawfully installed, that do not meet these lighting requirements, are~~

62 ~~considered to be non-conforming fixtures. The Applicant must bring such~~

63 ~~fixtures into compliance with this Code with any exterior Building Permit.~~

64 ~~On residential Structures, only new exterior fixtures on remodels or new~~

65 ~~additions must comply with these requirements.]~~

66 . . .

67 **15-5-1 Policy And Purpose**

68 As a community dependent upon the tourism industry, the atmosphere and aesthetic

69 features of the community take on an economic value for the residents and Property

70 Owners of Park City.

71

72 It is in the best interests of the general welfare of the community to protect the aesthetic
73 values of the community through the elimination of those architectural styles, and those
74 Building and Landscape materials, which, by their nature, are foreign to this Area, and
75 this climate, and therefore tend to detract from the appearance of the community.

76

77 Most of Park City's Main Street and many homes in Park City's older neighborhoods are
78 listed on the National Register of Historic Places as well as being locally designated as
79 Historic Sites, which is a point of considerable importance to the tourism industry. New
80 Development, while distinct from surrounding Historic Sites, should not detract from
81 them. Park City is densely developed due to the shortage of level, buildable land.

82

83 The effect of one Development is felt on the community as a whole. It is the policy of
84 the City to foster good design within the constraints imposed by climate, land ownership
85 patterns, and a Compatible architectural theme.

86

87 ~~It is also the intent of this section to encourage lighting practices and systems which will~~
88 ~~minimize light pollution, glare, and light trespass; conserve energy and resources while~~
89 ~~maintaining night time safety, utility, and security; and curtail the degradation of the~~
90 ~~night time visual environment.~~

91

It is recognized that the topography, atmospheric conditions and resort nature of Park City are unique and valuable to the community. The enjoyment of a starry night is an experience the community desires to preserve. The City of Park City, through the provisions herein contained, promotes the reduction of light pollution that interferes with enjoyment of the night sky.]

. . .

15-5-5 Architectural Design Guidelines

. . .

J. OUTDOOR LIGHTING.

1. PURPOSE. It is the intent of this Sub-Section to establish lighting practices and systems to minimize light pollution, glare, and light trespass; conserve energy and resources while maintaining nighttime safety, utility, and security; and curtail the degradation of the nighttime visual environment.

It is recognized that the topography, atmospheric conditions, and resort nature of Park City are unique and valuable to the community. The enjoyment of a starry night is an experience the community desires to preserve. The City of Park City, through the provisions herein contained, promotes the reduction of light pollution that interferes with enjoyment of the night sky.

The functional objectives in providing [exterior Area] outdoor lighting are to illuminate Areas necessary for safe, comfortable, and energy-efficient Use. [The number of fixtures] Outdoor lighting shall be limited to provide for safe entry and egress and for

sign and Business identification. ~~[Illumination of new Building features for architectural enhancement is prohibited. Historic Structures may be illuminated under the terms prescribed in this Code.]~~

With the exception of Americans with Disabilities Act, the minimum lighting standards generally applied and recommended by the Illuminating Engineering Society of North America (IES), are observed by this Code.

2. CONFORMANCE WITH APPLICABLE CODES. All outdoor electrically powered illuminating devices shall be permitted, inspected, and installed in conformance with the provisions of this Code, the International Building Code, the Electrical Code, the Illuminating Engineering Society of North America standards, and the Sign Code ~~[under the appropriate permit and inspection]~~. When discrepancies in these Codes exist, the most restrictive shall apply.

3. APPROVED MATERIALS AND METHODS OF CONSTRUCTION OR INSTALLATION/OPERATION. The provisions of this Code are not intended to prevent the Use of any design, material, or method of installation or operation not specifically prescribed by this Code, provided any such alternate has been approved. The Chief Building Official may approve any such proposed alternate providing ~~[he/she]~~ they find~~[s]~~ that:

- a. The alternative provides approximate equivalence to the applicable specific requirement of this Code;
- b. The alternative is otherwise satisfactory and complies with the intent of this Code; or

- c. The alternate has been designed or approved by a registered professional engineer and the content and function promotes the intent of this Code.

4. SUBMISSION OF PLANS AND EVIDENCE OF COMPLIANCE WITH CODE.

- a. The Applicant for any permit required by any provisions of the laws of this jurisdiction in connection with proposed work involving outdoor lighting fixtures shall submit, as part of the Application for permit, evidence that the proposed lighting ~~[fixtures and Light Source]~~ will comply with this Code. The submission shall contain the following:

1. Plans indicating the location on the premises, and the type of illumination devices, fixtures, lamps, supports, reflectors, and installation and electrical details;
2. Description of illuminating devices, fixtures, lamps, supports, reflectors, and other devices. The description may include, but is not limited to, catalog cuts by manufacturers, and drawings ~~[illustrations, including section where required]~~.

For commercial, resort, and industrial uses, [P]hotometric data, such as that furnished by manufacturers or similar showing the angle of the cut off or light emission] is required.

A point by point light plan may also be required to determine the adequacy of lighting over the entire Site.

159 3. A table showing the total number of proposed exterior lights
160 by fixture type, degrees Kelvin, Lumens per fixture, and lamp
161 type.

162 4. Additional information may be required elsewhere in the laws
163 of this jurisdiction upon Application for the required permit.

164 b. Lamp or Fixture Substitution. On commercial Structures if any
165 outdoor light fixture or the type of Light Source therein is proposed
166 to be changed after the permit has been issued, a change request
167 must be submitted to the Planning Department for approval.

168 Adequate information to assure compliance with this Code must be
169 provided and the request must be received prior to substitution.

170 **5. COLOR TEMPERATURE.** The maximum color temperature for outdoor lighting is
171 3,000 degrees Kelvin. The Planning Director may approve outdoor lighting with a color
172 temperature up to 5,000 degrees Kelvin when required for public safety or law
173 enforcement activities.

174 **6. LUMENS.**

175 a. Single-Family Dwelling and Duplex fixtures shall not exceed
176 2,000 Lumens per light. The total lighting per Single-Family
177 Dwelling or Duplex for Lots one-half acre or smaller shall not
178 exceed 5,000 Lumens. The total lighting per Single-Family
179 Dwelling or Duplex for Lots larger than one-half acre shall not
180 exceed 10,000 Lumens.

181 b. Multi-Unit Dwellings and non-residential Uses shall not exceed
182 2,500 Lumens per light. The total lighting shall not exceed
183 50,000 Lumens per acre. Lumens shall correspond with the size
184 of the Lot.

185 ~~[5.]~~ **7. FULLY SHIELDED**~~[SHIELDING]~~. All non-exempt outdoor lighting ~~[fixtures]~~ shall
186 ~~[have shielding]~~ be Fully Shielded ~~[as required by Table 1 of this Chapter below]~~.

187 a. ~~[Historic District Shielding and Fixture Exemption. Fixtures in the~~
188 ~~HR-L, HR-1, HR-2, HCB, HRM, and HRC Zoning Districts that~~
189 ~~replicate a Historic fixture shall be permitted to be installed without~~
190 ~~partial shields with the approval of the Planning Director. All fixtures~~
191 ~~shall be filtered and refractors that direct the light downward shall~~
192 ~~be installed if the bulb is exposed.~~
193 ~~Historic fixtures that are fifty (50) years or older and contribute to~~
194 ~~the architectural and cultural character of the Historic District, are~~
195 ~~exempt from these requirements.~~
196 ~~Architectural features on Historic Structures may be illuminated with~~
197 ~~fully shielded fixtures.]~~

198 ~~[6. WATTAGE/FIXTURE AND LIGHT SOURCE REQUIREMENTS. Wattage, fixture~~
199 ~~and Light Source requirements as outlined in the following Table 1 apply to all zones~~
200 ~~throughout the City:~~

201 ~~Table 1~~

Light Source	Fully Shielded	Partially Shielded	Watt (Maximum Per Fixture)
--------------	----------------	--------------------	----------------------------

High Pressure Sodium ¹		✖	50
Low Pressure Sodium		✖	55
Metal Halide ²		✖	1,500
Low Voltage/Halogen ³		✖	50
Compact Fluorescent		✖	75

Other Sources: As approved by the Planning Director

Note: "✖" indicates the required standard.

¹This is the standard Light Source for Park City and Summit County unless otherwise noted in a specific section. Fully shielded fixtures are preferred but not required with this Light Source. Other sources are only permitted as noted. Residential porch lights and exterior garage and post lights may utilize incandescent bulbs, provided that the bulbs are Shielded. Lighting for signs may use halogen bulbs, provided that they are Shielded and directed at the sign face. Wattages outlined are the maximum and can be decreased under the Building Permit review process depending on the number and location of the fixture on each project. In no case shall the levels be reduced to levels below the Illuminating Engineering Society (IES) minimum standards.

²Metal Halide sources shall be permitted only for recreational sport field or ski Area Uses and installed only in one hundred percent (100%) fully enclosed Luminaries. Metal Halide lights shall also be filtered.

³Low voltage/halogen sources are permitted in landscaping lighting only.]

219 **[7]8. GAS STATION CANOPIES.** Lighting for Gas station canopies shall be Fully
220 Shielded with flat lenses so that the lighting is recessed or flush with the bottom surface
221 of the canopy and shielded by the fixture or edge of the canopy. The canopy
222 undersurface shall be non-reflective. ~~[may not exceed an average horizontal luminance~~
223 ~~level of eight (8) Foot Candles across the Site and the maximum point levels should not~~
224 ~~exceed fifteen (15) Foot Candles within the Area directly underneath the canopy].~~
225 **[8]9. [AREA LIGHTING--] BUILDING CANOPY, [AND] SOFFIT, AND WALL**
226 **MOUNTED LIGHTING.** ~~[Area, stand alone or wall]~~ Lighting fixtures mounted on a
227 Canopy or soffit shall be recessed so that the lighting is flush with the bottom surface
228 and Fully Shielded by the fixture or the edge of the Canopy or soffit. Wall-mounted
229 fixtures shall not be mounted above eighteen feet (18') as measured from the top of the
230 fixture to the adjacent Grade or horizontal plane being lit by the fixture. ~~[The horizontal~~
231 ~~luminance level along the sidewalk or Building Facade shall not exceed one (1)~~
232 ~~Horizontal Foot Candle with a uniformity ratio of 4:1.]~~
233 **[9]10. CONSTRUCTION SITES.** All commercial construction Sites shall submit a
234 lighting plan as part of the Construction Mitigation Plan for the project prior to Building
235 Permit issuance. Criteria for review shall include duration, number, location, height,
236 Light Source, and hours of operation.
237 **[10]11. [LANDSCAPE] PATHWAY LIGHTING.** ~~[The primary function of landscape~~
238 ~~lighting is to provide illumination for pathways, steps, and entrances to Buildings.~~
239 ~~Pathway Lighting. Two types of lights can be selected: Three foot (3') bollards with~~
240 ~~louvers and ten foot (10') pole mounted, down directed Luminaries. Bollard lights shall~~
241 ~~be low voltage.]~~ The intent of pathway ~~[lights]~~ lighting is to provide pools of light to help

direct pedestrians along the path, not to fully illuminate the path. ~~[Steps and path]~~
Pathway intersections should be illuminated for safety. Pathway lighting shall not be
mounted more than ten feet (10') above finished grade. ~~[The maximum Foot Candle~~
~~permitted on the ground is one (1) Horizontal Foot Candle or less.]~~ Pathway lighting less
than eighteen inches (18") in height with a total light output that is less than 300 Lumens
is exempt from the property Lumen calculation and the Fully Shielded requirement.

- a. ~~[Highlighting, Backlighting. Only low voltage systems are permitted.~~
~~Lights must be partially shielded and light must not be directly off~~
~~the Property. A maximum Foot Candle permitted at ten feet (10') is~~
~~0.6 Horizontal Foot Candles from the Light Source. Up-lighting is~~
~~prohibited.~~
- b. ~~Moonlighting. Low voltage systems may be placed in trees or on~~
~~Buildings to give the effect of moonlight. Lights must be down-~~
~~directed and partially shielded. A maximum Foot Candle permitted~~
~~at ten feet (10') is 0.25 Horizontal Foot Candle from the Light~~
~~Source. Up-lighting is prohibited.]~~

[11]12. RECREATIONAL LIGHTING. Because of their unique requirements for
nighttime visibility and their limited hours of operation, baseball diamonds, playing fields,
tennis courts, and ski area runs may ~~[Use the Light Source permitted under Table 1~~
~~above with]~~ operate with the following conditions and exceptions:

- a. The height of outdoor recreational posts shall not exceed seventy
feet (70') above Natural Grade. The average Horizontal Foot
Candle shall not exceed 3.6 across the Area boundary with a

uniformity ratio of 4:1. Ski area lighting may require higher illumination levels in some instances. Those levels shall be reviewed and approved by the Planning Commission under the Conditional Use process outlined in the LMC.

- b. All fixtures ~~[used for event lighting]~~ shall be ~~[fully shielded]~~ Fully Shielded ~~[as defined in Section (4) herein,]~~ or be designed or provided with sharp, cutoff capability~~[, so as]~~ to minimize up-light, spill light, and glare.
- c. Recreational lighting shall be turned off within thirty (30) minutes of the completion of the last game, practice, or event. In general, recreational lighting shall be turned off ~~[after]~~ by 11:00 p.m., unless an exception is granted by the Planning Director for a Special Event, permitted under Municipal Code Title 4A ~~[specific event or as approved as part of a Master Festival license]~~.
- d. Private sport court facilities shall use Fully Shielded fixtures.
Lighting shall be turned off by 11:00 p.m.

~~[12. RESIDENTIAL LIGHTING.]~~

- a. ~~All exterior lights on porches, garage doors, or entryways shall be shielded to prevent glare onto adjacent Property or public right of ways and light trespass into the night sky. Lights shall be directed at walkways or entries and shall not be directed into the night sky.~~
- b. ~~Compact fluorescent fixtures are the recommended Light Source. High pressure sodium and incandescent bulbs may be permitted,~~

- 288 provided the wattage is low and the light is Shielded and down-
289 directed.
- 290 c. Bare bulb light fixtures such as flood or spotlights are not permitted.
- 291 d. Lighting exterior Building features for architectural interest is
292 prohibited.
- 293 e. Security lighting shall be fully shielded and shall be set on a timer
294 or motion detector. Infrared sensor spotlights are the recommended
295 light type for security.
- 296 f. Private sport court facilities shall Use fully shielded fixtures and
297 shall not Use the lights past 11 p.m.]

298 **13. SEASONAL DISPLAY OF LIGHTS.** [Seasonal restrictions apply to the HCB, GC,
299 LI, and HRC zones. Residential Uses in the HR-1, HR-2, E, HRL, SF, RM, R-1, RDM,
300 and RD zones are exempt from these requirements.] Low-Lumen winter seasonal
301 [displays] lights that do not cause light trespass or interfere with the reasonable use and
302 enjoyment of property are permitted from the first of November to the 15th of April [per
303 the Park City Municipal Code]. [Displays] Residential seasonal lights [should] shall be
304 turned off by 11:00 PM. Commercial seasonal lights shall be turned off by midnight.
305
306 Low-Lumen string lights on Main Street, Swede Alley, and the General Commercial
307 Zoning District are allowed year-round and shall be turned off [at] by midnight.
308
309 Any color of lights may be used; however, the lights shall not be used to create
310 advertising messages or signs. Spelling out the name of a Business is prohibited.

14. OUTDOOR DISPLAY LOTS. Any Light Source permitted by this Code may be used for lighting of outdoor display Lots such as, but not limited to, automobile sales or rental, recreational vehicle sales, Building material sales, and seasonal goods, provided all the following conditions are met:

- a. All fixtures shall be Fully Shielded ~~[as defined in LMC Chapter 15-15]~~.
- b. ~~[The maximum horizontal illumination across the Site shall not exceed an average Foot Candle of two (2) across the Site with a uniformity ratio of 4:1.]~~ The lighting shall be setback so that the lighting does not trespass on adjacent properties.
- c. Display lighting shall be turned off within thirty (30) minutes of closing of the Business. Lighting used after 11 ~~[p.m.]~~ PM shall be security lighting. Security lighting shall be required to be motion sensor ~~[sensitive not permanently illuminated]~~. Infrared sensor security lights are the only type of security light permitted.

15. PROHIBITED LIGHTING. Unless otherwise exempted, the following are prohibited:

- a. Up-lighting;
- b. Floodlights and unshielded Spotlights;
- c. Architectural lighting;
- d. Landscape lighting;
- e. Search lights, laser source lights, or high intensity lighting
except by police and fire personnel or at their direction;

- 333 f. Flashing, blinking, intermittent, or other lights that move or give
- 334 the impression of movement;
- 335 g. Neon or luminous tube lighting;
- 336 h. Lighting fixtures affixed to Buildings for the purposes of lighting
- 337 Parking Areas.

338 **16. PARKING AREA LIGHTING.**

- 339 a. The Planning Director shall determine the mounting height of
- 340 luminaries, which shall be measured from the Parking Area or
- 341 driveway surface in the range of twelve feet (12') to twenty feet (20').
- 342 Light poles shall not exceed sixteen feet (16') unless the Parking Area
- 343 exceeds two hundred (200) stalls. The Planning Director determination
- 344 shall be based on:
 - 345 a. Site plan review;
 - 346 b. Proposed land Use;
 - 347 c. Surrounding land Uses;
 - 348 d. Parking Area size;
 - 349 e. Building mass;
 - 350 f. Location of the Site with respect to other lighting sources;
 - 351 g. Impacts on adjacent Properties;
 - 352 h. Topography of Site;
 - 353 i. Other Site features.

- b. Light sources are limited to two (2) light sources per pole. Luminaries for twelve foot (12') to sixteen foot (16') poles must not exceed fifty (50) watts per fixture or 105 watts per pole. Luminaries for eighteen foot (18') and twenty foot (20') poles must not exceed seventy-five (75) watts per fixture or 150 watts per pole.
- c. Light sources within the first thirty feet (30') of an open garage entryway or Parking Structure must be Fully Shielded.
- d. Parking Areas with two hundred (200) or more parking spaces shall have programmable fixtures that are dimmable with motion sensors.
- e. Wood fixtures and fixtures mounted on wooden poles are encouraged. They must be natural stained or painted in earth tones. If metal fixtures or poles are used, they shall be black, dark brown, or earth tone.
- f. The base of poles shall be treated with paint, stain, stucco, or another form of decorative cover.

17. OUTDOOR LIGHTING IN THE HISTORIC DISTRICTS. Fixtures in the HR-L, HR-1, HR-2, HCB, HRM, and HRC Zoning Districts, or located on Sites listed on the Historic Sites Inventory, that replicate a Historic fixture shall be permitted to be installed without Full Shielding with the approval of the Planning Director. The Owner bears the burden of proving the fixture replicates a Historic fixture, which shall be reviewed in accordance with Section 15-11-10, Park City Historic Sites Inventory. Direct light emissions must not be visible beyond the roof line or Historic Structure edge. Each Historic fixture replica shall be limited to extremely low output lamps, no more than 400 Lumens each.

18. OUTDOOR LIGHTING IN RIDGE LINE AREAS AND STEEP SLOPES. The Planning Director shall have discretion to mitigate outdoor lighting in Ridge Line Areas and Steep Slopes, including requirements for additional shielding.

19. LIGHT TRESPASS. Light trespass is artificial light that falls beyond the legal boundaries of the property it is intended to illuminate. Outdoor lighting shall be aimed and Fully Shielded so that the direct illumination shall be confined to the property boundaries of the source.

~~**[15. PROHIBITIONS.** The following light fixtures and Light Sources are prohibited: mercury vapor lamps, laser Light Sources, unshielded floodlights or spotlights, metal halide, except for recreational Uses, see Section (10), and searchlights.]~~

~~**[16]**~~**21. [OTHER] EXEMPTIONS.**

a. ~~[Nonconformance. All other outdoor light fixtures lawfully installed prior to and operable on the effective date of the ordinance codified in this Chapter, including City owned or leased Street lights, are exempt from all requirements of this Code. On commercial projects, all such fixtures shall be brought into compliance with this Code upon any Application for any exterior Building Permit. On residential Structures, only new exterior fixtures on remodels or new additions must comply with this ordinance.]~~

b. **a. [Fossil Fuel] Gas Lights.** All outdoor light fixtures producing light directly by the combustion of natural gas or other fossil fuels are exempt from the requirements of this Code.

398 e. b. Up-lighting. Up-lighting is permitted in limited circumstances
399 [under the following conditions]: [The use of luminaires for up-
400 lighting on any residentially or commercial zoned Lot or Property or
401 within a City ROW or Open Space zone, is permitted only] for City-
402 funded or owned statues, public monuments, ground-mounted
403 Public Art, or flags of the United States of America.

404 1. All up-lighting shall be shielded and/or have beam-angle
405 control and shall be aimed to limit the directed light to the
406 illuminated object only.

407 2. Up-lighting is permitted thirty (30) minutes before sunset and
408 until 11:00 PM ~~[p.m.]~~ or, one hour after the close of location
409 based on normal hours of operations, whichever is later.

410 d. c. Temporary lighting for outdoor filming and outdoor performance
411 venues.

412 e. d. Underwater lighting in swimming pools, hot tubs, and other water
413 features.

414 f. e. Traffic control signals and devices.

415 g. f. Streetlights in the Rights-of-Way

416 h. g. Pathway lighting less than eighteen inches (18") in height with a
417 total light output that is less than 300 Lumens.

418 20. COMPLIANCE TIMELINE.

419 a. All outdoor lighting installed after the effective date of this
420 Outdoor Lighting Subsection shall conform.

b. All outdoor lighting legally existing and installed prior to the effective date of this Outdoor Lighting Subsection and which is not exempted shall be considered nonconforming and shall be brought into compliance by the Property Owner by December 31, 2024.

c. Immediate compliance is required as a condition of approval for site improvements, construction, reconstruction, expansion, alteration, or modification of existing Structures.

d. Damaged or inoperative nonconforming outdoor lighting shall be replaced or repaired with lighting that complies with this Outdoor Lighting Subsection.

[17]21. TEMPORARY EXEMPTION.

- a. Requests. Any Person may submit a written request to the Planning Director for a temporary exemption. A temporary exemption request shall contain the following information:
1. Specific exemption or exemption request;
 2. Type and Use of outdoor light fixtures involved;
 3. Duration of time for requested exemption;
 4. Total ~~[wattage]~~ Lumens;
 5. Proposed location on Site;
 6. Description of event or reason for need of exemption; and
 7. Other data as deemed necessary to adequately review and made a determination on the request.

- b. Approval; Duration. The Planning Department shall have ten (10) Business days from the date of a complete submission of the temporary request to act, in writing, on the request. The Planning Department shall approve the request if it finds that the exemption is necessary for public safety, security, or other public necessity and the exemption does not materially subvert the purpose of this ~~[Chapter]~~ Subsection. If approved, the exemption shall be valid for not more than thirty (30) days from the date of approval. The approval shall be renewable by the Planning Director upon consideration of all the circumstances and provided a finding of public safety or necessity is made, and no intent to circumvent the intent of this ~~[Chapter]~~ Subsection is present. Each such renewed exemption shall be valid for not more than thirty (30) days.
- c. Denial/Appeal. If the request for a temporary exemption is denied, the Person making the request, in writing, may appeal the decision to the Planning Commission within ten (10) days of the denial as provided for in ~~[LMC Chapter 15-1]~~ Section 15-1-18.

15-15-1 Definitions

For the purpose of the LMC, certain numbers, abbreviations, terms, and words shall be used, interpreted, and defined as set forth herein. Defined terms will appear as proper nouns throughout this Title. Words not defined herein shall have a meaning consistent with Webster's New Collegiate Dictionary, latest edition.

Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word “herein” means “in these regulations”; the word “regulations” means “these regulations”; “used” or “occupied” as applied to any land or Building shall be construed to include the words “intended, arranged, or designed to be used or occupied”.

. . .

FILTERED LIGHT FIXTURE. Any outdoor light fixture that has a refractive light source. Quartz or clear glass do not refract light.]

. . .

FOOT CANDLE. A unit for measuring the amount of illumination on a surface. The measurement is a candle power divided by distance.

1. ~~Foot Candle, Average (afc). The level of light measured at an average point of illumination between the brightest and darkest Areas, at the ground surface or four to five feet (4' to 5') above the ground surface.~~

2. ~~Foot Candle, Horizontal (hfc). A unit of illumination produced on a horizontal surface, all points of which are one foot (1') from a uniform point source of one (1) candle.~~

3. ~~Foot Candle, Vertical (vfc). A unit of illumination produced on a vertical surface, all points of which are one foot (1') from a uniform point source of one (1) candle.]~~

. . .

FULLY SHIELDED. [Luminaires that are constructed so that no light rays are emitted at angles above the horizontal plane, as certified by a photometric test report.] An outdoor Luminaire constructed and installed in such a manner that all light emitted by the

489 Luminaire, either directly from the lamp or a diffusing element, or indirectly by reflection
490 or refraction from any part of the Luminaire, is projected below the horizontal plane
491 through the Luminaire's lowest light-emitting part. The top and sides of a Fully Shielded
492 fixture are made of completely opaque material such that light only escapes through the
493 bottom of the fixture.

494 . . .

495 **LIGHT SOURCE**. A single artificial point source of luminescence that emits a
496 measurable radiant energy in or near the visible spectrum.

497 1. ~~[Light Source, Refractive. A Light Source that controls the Vertical and~~
498 ~~Horizontal Foot Candles and eliminates glare.]~~

499 . . .

500 **LUMEN**. A measurement of light output or the amount of light emitting from a Luminaire.

501 . . .

502 **LUMINAIRE**. A complete lighting unit consisting of a light source and all necessary
503 mechanical, electrical, and decorative parts.

504 1. ~~[Luminaire, Cutoff-Type. A Luminaire with shields, reflectors, refractors, or~~
505 ~~other such elements that direct and cut-off emitted light at an angle less than~~
506 ~~ninety degrees (90°).~~

507 2. ~~Luminaire, Fully Shielded. Luminaires that are constructed so that no light rays~~
508 ~~are emitted at angles above the horizontal plane, as certified by a photometric~~
509 ~~test report.~~

510 3. ~~Luminaire, Partially Shielded~~. Luminaires that are constructed so that no more
511 than ten percent (10%) of the light rays are emitted at angles above the
512 horizontal plane, as certified by a photometric test report.]

513 . . .

514 ~~[REFRACTIVE LIGHT SOURCE~~. A light source that controls the Vertical and Horizontal
515 Foot Candles and eliminates glare.]

516 . . .

517 **SPOTLIGHT**. A fixture designed to light only a small, well-defined Area.

518

519 **15-15-2 List Of Defined Terms**

520 . . .

521 -F-

522 Facade, Building

523 Façade, Front

524 Facade Easement

525 Facade Shift

526 Fence

527 ~~[Filtered Light Fixture]~~

528 Final Action

529 Final Plat

530 Firewise Landscapes/Landscaping

531 First Story

532 Flood Plain Area

533 Floor Area, Gross Commercial

534 Floor Area, Gross Residential

535 Floor Area, Net Leasable

536 Floor Area Ratio (FAR)

537 Food Truck

538 Food Truck Location

539 ~~Foot Candle~~

540 ~~Foot Candle, Average (afc)~~

541 ~~Foot Candle, Horizontal (hfc)~~

542 ~~Foot Candle, Vertical (vfc)]~~

543 Frontage

544 Fully Shielded

545 . . .

546 -R-

547 Receiving Site

548 Reconstruction

549 Recreation Equipment, Outdoor

550 Recreation Facilities, Commercial

551 Recreation Facilities, Private

552 Recreation Facilities, Public

553 Recycling Facility

554 Recycling Facility, Class I

555 ~~[Refractive Light Source]~~

556 Regulated Use

557 Rehabilitation

558 Residential Use

559 Resort Support Commercial

560 Restaurant

561 Restaurant, Drive-Through

562 Restoration

563 Resubdivision

564 Rhythm and Pattern

565 Retail and Service, Commercial-Auto Related

566 Retail and Service, Commercial-Major

567 Retail and Service, Commercial-Minor

568 Retail and Service, Commercial-Personal Improvement

569 Ridge Line Area

570 Riding Stable, Commercial

571 Right-of-Way

572 Road, Collector

573 Road Classification

574 Road Right-of-Way Width

575 Roof Form

576 Roof Form, Contributing

577 Roof Form, Flat

578 Roof Form, Secondary

579 Roof, Total

580 **-S-**

581 Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays

582 Satellite Receiving Station

583 SBWRD

584 Screen or Screened

585 Secondary Living Quarters

586 Sending Site

587 Sensitive Land

588 Sensitive Land Analysis

589 Sensitive or Specially Valued Species

590 Setback

591 Sexually Oriented Businesses

592 Shared Driveway

593 Significance

594 Significance, Period of Historic (see Period of Historic Significance)

595 Significant Ridge Line Area

596 Significant Site

597 Significant Vegetation

598 Single Family Subdivision

599 Site

600 Site Development Standards

601	Site Distance Triangle
602	Site Suitability Analysis
603	Sketch Plat
604	Slope
605	Slope, Steep
606	Slope, Very Steep
607	Solar Energy System
608	Spacing
609	Special Event
610	<u>Spotlight</u>
611	Storefront Property (see Property,
612	Storefront)
613	Story
614	Stream
615	Stream Corridor
616	Street
617	Street, Public
618	Streetscape
619	Streetscape, Architectural
620	Structure
621	Studio Apartment
622	Subdivision
623	Subdivision, Major

- 624 Subdivision, Minor
- 625 Subdivision Plat
- 626 Substantial Benefit
- 627 Substantial Economic Hardship (see Economic Hardship, Substantial)
- 628 Suitability Determination

Frequently Asked Questions

How will I know if my property complies?

The proposed amendments set three overall standards:



The International Dark-Sky Association established [a self-certification guide](#) to help property owners implement Dark Sky lighting.

Additionally, information for general lighting includes lumens and degrees Kelvin:

Lighting Facts		Per Bulb
Brightness	820 lumens	
Estimated Yearly Energy Cost	\$7.23	
Based on 3 hrs/day, 11¢/kWh		
Cost depends on rates and use		
Life	1.4 years	
Based on 3 hrs/day		
Light Appearance	Warm Cool 2700 K	
Energy Used	60 watts	

Lumen is a measurement of light output. If you know the watts and light source for existing outdoor lighting, you can convert the watts to lumens using [this online calculator](#).

Degrees Kelvin identifies the correlated color temperature for light:



Examples of Fully Shielded fixtures are below:

Examples of Acceptable / Unacceptable Lighting Fixtures

Unacceptable / Discouraged

Fixtures that produce glare and light trespass



Acceptable

Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



Illustrations by Bob Cretin © 2005. Rendered for the Town of Southampton, NY. Used with permission.

Do the proposed updates compromise public safety?

The updated lighting ordinance does not necessarily result in less light, but rather in direct light that is warm-hued and installed with purpose. Security lights—as long as they are fully shielded and on a motion sensor—are allowed under the code. These outdoor lighting requirements improve visibility at night, which may be safer. For example, too much light may cause glare that impairs vision:¹



For more information, please visit IDA's [Lighting, Crime, and Safety](#) webpage.

Will City buildings be required to meet the heightened standard?

Yes. Staff is proposing a citywide audit for City-owned properties during 2021 to determine outdoor lighting that needs to be retrofitted or replaced, with the creation of a Lighting Management Plan to install compliant lighting through 2024.

Will lighting on public trails be required to meet the updated code?

Yes. The Planning Department permits lighting for public trails and trailheads and lighting will be required to meet the proposed ordinance.

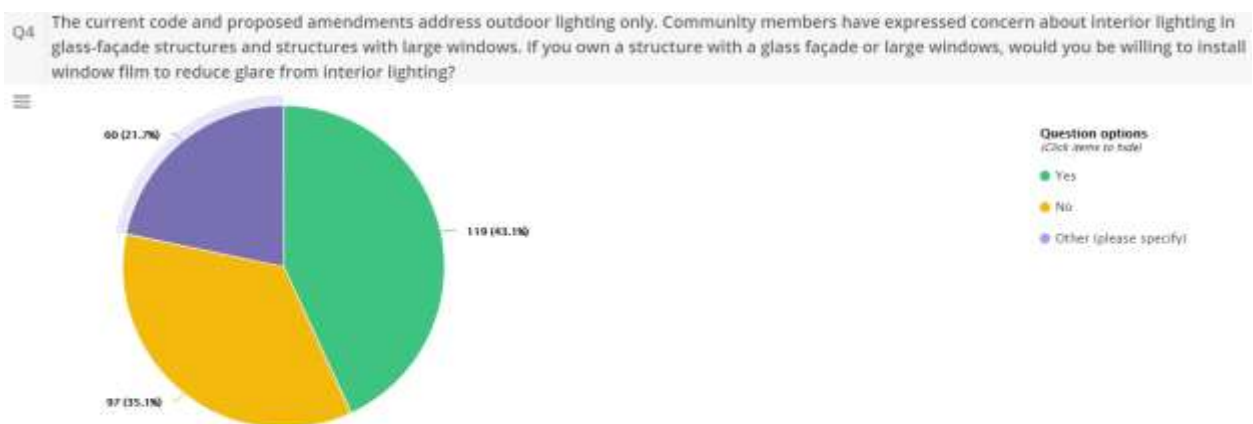
¹ *Guidance & Best Practices: Dark Sky Planning* (Utah Workforce Services Housing & Community Development Office, p. 21)

What is the City doing to address outdoor lighting on ridgelines and steep slopes?

As a mountain town, Park City has many unique properties that are visible on hills, steep slopes, and ridgelines. Due to this topography, lighting on certain properties is more visible to the community than others. As a result, the proposed code establishes Planning Director discretion to require additional shielding for outdoor lighting for properties on ridgelines and steep slopes.

Some community members have suggested requiring that interior lighting also be regulated for properties on ridgelines and steep slopes. However, staff is not recommending regulation of interior lights at this time for the following reasons: visible light is not necessarily light pollution, light trespass, or glare. All properties—whether they are on ridgelines or steep slopes—will be required to meet the heightened requirements for fully shielded outdoor lighting, with a Lumen max per acre and a max of 3,000 degrees Kelvin per fixture. These mitigations help prevent light trespass.

While there are some communities that require tinted glass or film to mitigate visibility of interior lights, these regulations are generally geared toward beachfront properties in order to protect sea turtles. To gauge community interest in regulating interior lights at this time, a question was included in the Dark Sky Survey with the following results:



What about the recreational lighting at Quinn's?

In 2018, the International Dark-Sky Association developed [Criteria for Community-Friendly Outdoor Sports Lighting](#) and a program to certify sports complexes for compliance with heightened mitigations. Staff reached out to companies that specialize in sports lighting to learn about the recommended lighting for safe sports illumination. At this time, staff does not recommend adopting the IDA criteria for sports lighting for the following reasons:

- Under the current code, recreation lighting must comply with the Illuminating Engineering Society of North America standards, which establishes Class III and Class IV lighting standards for high school and sports club lighting, addresses lighting required to illuminate balls in the air for safe play, and mitigates light spill and glare.
- Under the existing code, recreation area lighting must be fully shielded, or have fixtures with sharp, cutoff capability to mitigate glare.
- Recreation lighting is operated in limited seasons with limited hours. The lighting for the Park City Sports Complex at Quinn's Junction is operated approximately 125 hours per year. (Due to COVID-19 and limitations on indoor facilities, staff is proposing Council allow increased use of the outdoor fields this winter, but this winter use is proposed to be a temporary solution for community recreation during the pandemic.)
- Recreation lighting must be turned off by 11:00 PM.

However, staff recognizes that community members are—and have been—concerned with the sports lights at the Park City Sports Complex in the Quinn's Junction area. These lights are operated under a Lighting Management Plan, approved in 2006, which requires that lights be turned off one half-hour after the last game and no later than 11:00 PM. Over the years, staff has worked to mitigate impacts to residential areas. For example, in 2010, staff worked with a lighting company to explore additional external visors on certain lights. However, due to the weight of the visors, all poles would need to be replaced and the cost was estimated to be over \$250,000.

Earlier this year, staff proposed budgeting \$500,000 to replace and update the lighting at the Park City Sports Complex. However, due to COVID-19 and budget restraints, this proposal has been deferred. Staff plans to update the recreation lighting when the budget allows and will reach out to the community and residents to provide information on mitigation strategies that are planned to be implemented.

How will the updated code be enforced?

Property owners will have until December of 2024 to bring existing outdoor lighting into compliance with the updated code. Staff is working on a process to verify properties that update outdoor lighting to comply with the code. Beginning in January of 2025, code enforcement will be complaint based.

Will street lights be required to comply with the updated outdoor lighting ordinance?

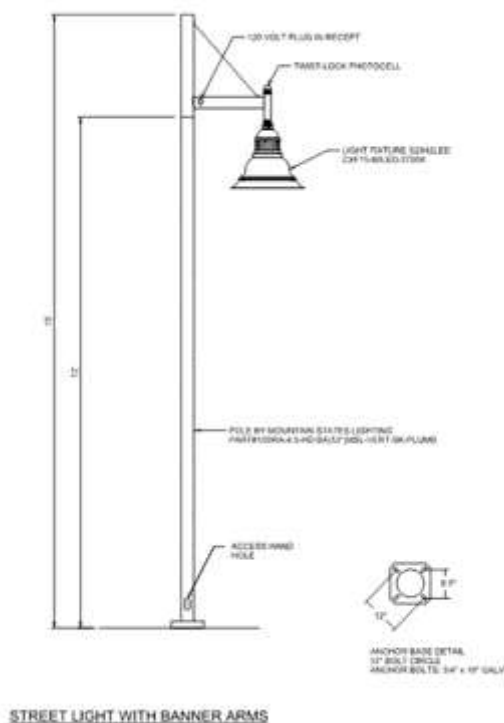
No. The rights-of-way are regulated through the City Engineering Department. However, the current policies for street lights comply with the proposed lighting ordinance, but it will take time to update all street lights.

There are several different types of street lights citywide: (1) approximately 352 metered street lights; (2) approximately 468 unmetered street lights; (3) 128 cobra-head street lights on Rocky Mountain Power poles, which the City leases; and (4) UDOT-compliant lights at intersections on S.R. 224 and S.R. 248.

In April of 2015, the City Council granted the Public Utilities Department \$78,000 to replace metered and unmetered high-pressure sodium street lights with energy-efficient LEDs. This transition resulted in a 60% decrease in Lumen output: the high-pressure sodium lights produced 7,000 Lumens and the LED replacements produce 2,640 Lumens and are 2700 degrees Kelvin. Additionally, the high-pressure sodium lights dispersed light, but the LEDs produce a more direct light. Public Utilities is working with Rocky Mountain Power to retrofit the cobra-head street lights within the next five years.

The City's adopted policy for street light Lumens and degrees Kelvin is outlined in a 2016 City Engineer Manager's Report to City Council (attached). This policy establishes an overall street lighting policy to comply with the City's existing Dark Sky ordinance while maintaining public pedestrian and vehicle safety, and wayfinding for visitors and guests.

All new street lights and retrofits are based on the design below, which includes a Dark Sky-compliant fully-shielded light fixture. These fully-shielded fixtures have been installed on Deer Valley Drive, Bonanza Drive, and Prospector Avenue.



Did you know that existing City-controlled street lights can be shielded to protect residential areas? If you have identified a problematic street light you feel needs to be addressed, please contact the Engineering Department.

What can the City do about garage lights that are left on all night and shine through the garage door windows?

As mentioned above, the proposed ordinance applies to outdoor lighting only. However, dark sky lighting is also known as “good neighbor” lighting. According to the International Dark-Sky Association website, “your neighbors probably don’t even realize their lighting is bothersome.” The International Dark-Sky Association recommends reaching out to neighbors to discuss problematic lighting. The Association even provides [resources](#) for neighbor outreach and a sample letter.

Since the updated code was initiated in September, several community members reached out to share concerns regarding neighbor lighting. Of these, several returned days or weeks later to say that they were able to work out an agreement with neighbors to improve the outdoor lighting – the neighbors had not been aware of the issue and were happy to mitigate it.

Why don’t the proposed amendments impose stricter regulations on seasonal lights?

Under the existing code, seasonal lights are allowed during the ski season from November through April 15 and must be turned off by midnight.

Several community members have voiced concern about seasonal lights. Complaints include the following:

- Seasonal lights that stay lit year-round
- Excessive seasonal lights that impact adjacent properties
- Seasonal lights that are left on when the property owners are out of town

Staff has been researching other communities to learn about potential regulations. As a starting point, staff proposes amending the code to require that residential seasonal lights be turned off by 11:00 PM, rather than at midnight. Staff also proposes including language that seasonal lights may not cause light trespass or interfere with the reasonable use and enjoyment of property. Staff acknowledges that there may be opportunities to refine this code over time.

What’s the point? Won’t light pollution from the Wasatch Front impact Park City’s night sky?

Dark Sky lighting encompasses many of the current best practices for outdoor lighting and several communities are updating their codes to implement these best practices. Summit County updated [the outdoor lighting code](#) for properties in unincorporated Snyderville Basin last year to encompass many of the Dark Sky principles, so our surrounding community members are also working to update their outdoor lighting.

Additionally, Salt Lake City is in the process of updating their [Street Light Master Plan](#). This plan includes many of the same approaches Park City is taking with street lights – fully shielding the fixtures to direct light downward, installing lighting at 3,000 degrees Kelvin or less for warmer tones, and evaluating the intensity of light needed for public safety, without excessive lighting. As of now, Salt Lake City has not announced plans to also update outdoor lighting, but these best practices seem to be an increasing trend, especially in Utah.

The International Dark-Sky Association recognizes many locations within Utah for exceptional night skies and many are linked to the state's tourism industry. IDA designated two Utah communities International Dark Sky Communities – [Helper](#) and [Torrey](#). IDA designated 12 Dark Sky Parks in Utah, including [Antelope Island State Park](#), [Arches National Park](#), [Bryce Canyon National Park](#), [Canyonlands National Park](#), [Capital Reef National Park](#), [Cedar Breaks National Monument](#), [Dead Horse Point State Park](#), [Dinosaur National Monument](#), [Goblin Valley State Park](#), [Natural Bridges National Monument](#), [Weber County North Fork Park](#), and [East Canyon State Park](#). Dark Sky Parks offer exceptional night sky quality and a nocturnal environment that is protected for scientific, natural, educational, and cultural heritage.

Nearby Wasatch State Park may also work toward Dark Sky Park designation, so we may soon have a Dark Sky Park in the Wasatch Back. (If you'd like to explore the local night sky, the Park City Public Library has an incredible [Orion Starblast Telescope available to check out](#).)

September 9, 2020, 8:10 PM

Hello PC Council members!

I am so happy you are updating the dark skies regs for Park City!

As per my earlier email to the council about 955 Saddle View, I believe the council should also consider requiring window treatments, esp for houses up on bluffs, where their lighting is seen far & wide! At the very least, I hope you issue recommendations for indoor lighting and window treatments.

Florida coastal lighting regs for turtle friendly lighting is a life & death matter to hatchlings. While not life and death, we have large numbers of moose and deer bedding down near McLeod Creek. This makes the issue of both indoor and outdoor lighting an important one, not just for us but also for our wildlife.

Here is a good article on permissible FL coastal lighting, including lamp posts. It addresses state rules for indoor lighting on page 4. <https://www.accessfixtures.com/wp-content/uploads/2019/01/updated-2018-fwc-sea-turtle-lighting-guidelinesdoc.pdf>

Lastly, I hope you will address the issue of outside party lights on ridgeline homes when you update the regs. I've attached a pic I took several nights ago of a house up on Finnigan's Bluff. (My apologies that it is blurry, but you will see the bright row of party lights on the bottom right side of the house.)

Thanks again for your service to us all and for revisiting and updating the important regs to insure we all continue to enjoy our wonderful starry nights and dark skies!

Warm regards,

Mari Mennel-Bell

September 11, 2020, 12:20 PM

Hello Council members!

Again, this is SO exciting that you are revisiting and updating the dark sky regs for Park City!

The issue of inside lights shining out, esp. from ridge line homes remains a priority to me. So far, there seem to be 3 alternatives:

1. What's known as "turtle friendly windows," with treatment applied between glass layers. (This could be required for new homes, esp. on ridgelines.)

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2. Films that are applied to existent windows.

3. A major public awareness campaign to educate and encourage people to use dimmer inside lighting alternatives, such as LED bulbs and window-shades. (Maybe an info handout sent with property taxes?)

On other aspects of dark sky regs, here is some info I found, some of which you may be helpful, some redundant.

Utah.darksky.ngo. Chapter contact: Joseph Dane,

chapter email: idaudah@darksky.org

<https://sustainability.utah.edu/in-defense-of-dark-skies/>

RECREATION LIGHTING

International Dark Sky Association criteria for community-friendly sports lighting: <https://www.darksky.org/wp-content/uploads/2018/03/IDA-Criteria-for-Community-Friendly-Outdoor-Sports-Lighting.pdf>

Powder Mountain Night Skiing: 6,248,060 total lumens for 19 acres of skiable terrain (ratio of 7.6 lumens per square foot). 6500 Kelvin color temp. <http://ultratechlighting.com/wp-content/uploads/2016/01/SNBT-FL-300W-B2.pdf>

Nordic Valley Night Skiing: 6,639,390 lumens and about 54 acres of skiable terrain (ratio of about 3 lumens per square foot). 6500 Kelvin color temp.

International Tennis Federation: <http://www.itftennis.com/technical/facilities/facilities-guide/lighting.aspx>

FLAG LIGHTING

Federal law for US flag: <http://www.senate.gov/reference/resources/pdf/RL30243.pdf>

Federal and state facilities: See UCA §17-27a-304. <http://le.utah.gov/xcode/Title17/Chapter27A/17-27a-S304.html>

Canopy lighting a parking lot light: See IDA model ordinance regarding lumens per gas pump and lumens per parking stall: <http://darksky.org/our-work/public-policy/mlo/>

<http://www.darksky.org/idsp/become-a-dark-sky-place/>

Thanks again for your service and for undertaking this worthwhile update to dark sky regs!

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All my best,

Mari (Mennel-Bell)

September 11, 2020, 12:51 PM

Hello all, I am very excited about this as well. ESPECIALLY on RIDGELINES.

Thanks for the work you are doing on this.

Cheers.

Suze Weir

September 13, 2020, 4:06 PM

Hello, Tim -

I would like to raise an issue on this matter for your attention, and was not completely sure whom to include on the email, so I apologize if this email is being cc'd to folks not directly involved in this matter. I have a concern regarding residential compliance with Park City Municipal Code Title 15, Chapter 5. I live in Park Meadows and have seen a plethora of home remodels with out-facing exterior lighting that is not shielded or downfacing. While I had interacted with Code Enforcement last Fall regarding the home remodel next door to me, and was eventually told that the house in question, after some (undefined to me) modifications to the very high-intensity wall-mounted lighting (see attached photo), unshielded free-standing yard lighting (see attached photo), and unshielded eaves flood lights the seller had installed, was in compliance and no further action would be required. I am still having problems with the exterior lighting shining into my house all night long. Recently, another newly completed and sold residential remodel nearby also has the same style of out-facing, non-shielded exterior lights. These lights are now being used on numerous remodels in the neighborhood.

I don't understand how the apparently popular new style of lighting is being approved these days. It clearly does not comply with the concept of dark skies or with the Code as currently written, as far as I can discern. I am not trying to single out or ask for any action regarding my new neighbors, and I have resigned myself to living with the situation, but as long as the matter of Dark Skies is being raised, I think this issue, as it pertains to numerous houses and the neighbors around those houses, deserves recognition and consideration regarding Code Enforcement. I would appreciate some clarification of why this type of residential exterior lighting is being permitted in building plans and how the complete lack of shielding or down-facing in this style is not being regulated during the inspection process.

With much appreciation for the work you are doing - thank you –
Katherine Fagin

September 17, 2020, 12:46 PM

Hi Michelle -

Thank you for the documents. After reviewing them, my main questions are:

How are compliance, enforcement, and follow-up intended? Is this concept going to be mandated (and how would violations be addressed/corrected) or just a

recommendation? Park City residents should not have to be the police for the Building and Planning Depts. The City employees in these departments need to be proactive from the start on any project. Standards are great but mean nothing if

monitoring/enforcement/correction and verified compliance are waived, brushed aside, "given a pass", etc. I don't see any of that accountability in these documents.

Is the proposal meant to address pre-existing, vs currently being remodeled vs. planned construction (whether remodel or new construction)? Whenever the proposal becomes an enforceable policy document, its distribution to the community, especially in the property ownership transfer process but also for owners to provide as a requirement (not recommendation) to renters, should be mandated and signed by the respective occupants of those properties. Fines should be applicable for non-compliance.

I was unable to find anything regarding residential lighting being permitted to remain on all night. Residential exterior lighting should have a restriction on timing, since nocturnal wildlife wanders the neighborhoods, and the proposal does emphasize that leaving exterior lighting on is not a crime deterrent. Again, how would this be enforced besides putting neighbors in the position of policing others?

In the proposal, page 12, it might be more enforceable to state exactly how the horizontal plane for full shielding is determined, ex. horizontal plane is based on the lowest point of the fixture's opaque (not translucent) housing, and not at the lowest point of the contained light bulb. This is illustrated in the drawing on page 10, but could be sidestepped on technicalities.

As you can tell, I am very concerned about current residences having lighting exposures that not only don't come close to your proposal, but already flagrantly violate the existing Municipal Code.

For instance,

- As the "new" popular style of unshielded out-facing exterior residential lighting is proliferating rapidly throughout neighborhoods with remodeling or new construction, the lack of enforcement during inspections and before final permits are issued is allowing a toxic situation to embed itself in the community. This is immensely more difficult to reverse vs. not permitting these fixtures in the first place.

- Another popular trend is garage doors that have translucent glass as a major part of the doors. This obviously is unshielded light that illuminates driveways and spills out into the street. Why is this being allowed? If this style of exterior door is allowed to be installed by put actually is non-compliant, I can only imagine the pushback to try to get builders or owners to change these very expensive doors rather than clearly block their installations up front.

In the existing code, Section 15-5-5-5 J.3.3 provides a big loophole, which thwarts the entire premise of regulating exterior lighting to comply with code. Paragraph 6 Footnote 1 in this same Section also includes phrasing of "preferred but not required". This makes the code unenforceable and useless for protecting the tenets the Code apparently is intended to address. Paragraph 8 does not address lights mounted under

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eaves (ie neither free-standing nor wall-mounted). Does that mean those are exempt from all regulations?

I can offer a real-life experience with the failures of the City to protect our neighborhoods in the pursuit of night-sky friendly conditions. This past year, the owner/remodeler/seller of the house next door to me flagrantly ignored existing code on exterior lighting. I raised this issue with Code Enforcement, who ultimately bent over backwards to accommodate the seller's allegations that he had not received the numerous warnings about non-compliance, waived all the penalties to the seller related to his ignoring the Department notices for many weeks, and eventually approved the final permit, allowing a wholly inadequate (ie basically nonexistent) adjustment for the blatant violations, which are in large part still present. The entire exterior lighting system of this house was and still is in violation of Section 12. Light spillage to my property, flood lights, code-violating pole-mounted unshielded yard lighting, etc etc. What did I learn? The system did not work, the seller got away with clear violations, passed them on to the unsuspecting buyers, and I'm left dealing with this probably for the next 20 years. Liability belongs to the seller and the personnel who approved the final permit. I am pretty confident I am not the only neighbor of such a situation. Would the outcome of your project retroactively fix such situations?

I'm only one resident in Park Meadows. I do wonder what the City's position is when obviously non-shielded exterior lights are installed and final permits are approved. For example, look at 2401 Holiday Ranch Loop Rd.

Those front lights will shine outward unobstructed. Why was that house's exterior lighting approved? It violates existing code.

I also echo the many complaints about 955 Saddlevue on the ridge line above the bike park. The entire Code Section on ridgeline lighting is violated by this residence. When an obviously non-compliant residential construction is approved, why does the community have to literally get into an uproar in order for the City to even pay attention to gross oversights in the permit and code compliance process?

Thank you very much for this opportunity to offer my thoughts. I would be happy to follow up with anyone on your committee on these matters, as I feel strongly that the community's commitment to a harmonious and synergistic relationship with our amazing natural setting is of utmost priority to both residents and visitors.

Sincerely,
Katherine Fagin

September 18, 2020, 9:12 AM

GM Tim!

Would you be so kind as to forward this to the appropriate staff & commissioners working in PC dark sky regs? As you will see, it was taken after midnight on a week night (from my deck looking up at the bluff.) There's so much wildlife up there! I noticed to young moose moving silently off the right side of my deck just after I took the pic. I apologize for the quality – iPhones don't do it very good job in the dark!

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I have also included a daytime picture with 955 in it. It deeply concerns me to think about the lighting that will be up there if this house is allowed.

Best regards,

Mari (Mennel-Bell)

2208 Jupiter View Way

October 14, 2020, 1:40 PM

Hello Rebecca and Liz!

I'm SO sorry that the people I reached out to really cut it down to the wire getting info back to me! Here is what my cousin who is an architect in Charlottesville sent. He has been working for four years to get them to adopt some of the attached regs from Edinborough.

I haven't looked at this doc yet but I wanted to get it to you immediately.

All the best & see you soon on Zoom!

Mari

October 14, 2020, 2:39 PM

I participated on the zoom call today. I am completely supportive of this effort by Park City to join the world in improving our night time darkness.

Joni Boulware

October 14, 2020, 6:50 PM

Hello Rebecca and Liz!

Just a quick thanks for the Zoom meeting today! I misunderstood & thought it was prescheduled for the public, not mainly for us to meet! That said, it was great to get others ideas. I was happy to have already shared via email the info from Fort Lauderdale and about Edinborough.

I'm sure you are aware of France being a leader in protecting their dark Skies.. Here's a good article:

<https://www.darksky.org/france-light-pollution-law-2018/>

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Lastly, here is a really cute informative video that you might want to share with PC schools!! Kind of the Smokey the Bear approach of influencing kids AND their parents..



https://www.youtube.com/watch?v=t3s8Fj8iQE4&feature=emb_logo

All the best & thanks for everything you are doing!

Mari

October 19, 2020, 8:16 AM

Hi Michelle.

I left you a voice message but wanted to follow up with an email and some photos.

Our rear neighbor has installed spotlights on the back of his house which he turns on nearly every night and leaves on overnight. They are aimed right into our house and make it worse than living in a city. He also just installed Christmas lights in the backyard which are over the top and light up our entire house. He is already turning them on and has left them on until midnight several nights. It is making our life miserable as we not only can't enjoy the peace of the mountains, but our house is so lit up inside it is difficult to sleep.

We have wanted to go talk to him, but wanted to find out the city rules first. I have attached some photos for your reference. All the photos are from inside my house.

Please call me at your earliest convenience.

Diane Turner

October 22, 2020, 3:54 PM

Rebecca - a couple questions on the impacts to residential areas:

1. Do these regulations consider property safety (i.e. break-ins/robberies)?
Comment - Low or no exterior lighting provides less security.
2. Do these regulations consider the potential impact of collisions with wildlife in residential areas?

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Comment - it is currently very dark at night in residential areas. Our area has no street lights and the little bit of exterior lights off the homes is helpful. Additionally, night vision degrades as we age and our area has a large number of seniors.

Thanks, Jeff Klein

October 22, 2020, 6:42 PM

Hello Liz,

It was great talking with you all tonight. I'm forwarding the registration for the webinar on the new partnership between Audubon and IDA below for you and Rebecca (and anyone else who might be interested). I'm hoping it will cover some good content on the effects of artificial light at night and birds and provide some of the resources you might be looking for.

I'm so excited you all are doing this!

Cheers,

Heidi M. Hoven, PhD
Assistant Gillmor Sanctuary Manager

October 22, 2020, 4:00 PM

Mayor Andy Should be the first to Set an Example of the Dark Sky initiative by turning off those UGLY "F"ing lights on Treasure Inn.

Its a "F"ing eyesore that never should have been allowed

Jeff Weissman

October 23, 2020, 12:19 PM

Rebecca

I live in Park City and got, in the mail, a flyer about the proposed changes to the Land Management Code covering outdoor lighting.

While the basic idea of keeping the nights dark enough to enjoy the sky is one I support, like many people who are not specialists, I struggle to understand exactly what "lumens"

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and “degrees Kelvin” actually mean for the lights I encounter in my neighborhood and around Park City. My main concern is with the holiday lighting that many people put up on trees and along roof lines for much of the winter season. I do this myself on my house.

So I have two questions:

1. Will the types of strings of lights people put up for the winter season be likely to run foul of the proposed changes?
2. Where can I get more information about the implications of these regulations for homeowners? The links on your website seem to be mainly relevant for commercial lighting installations. Is this because there are effectively few implications for the typical residence?

Thanks

Michael Atkin

October 27, 2020, 8:36 AM

I am grateful for the opportunity to participate in this conversation.

I am thrilled with the Dark Sky efforts, and believe whole heartedly that the community as a whole benefits from reduction of exterior lighting at night.

For the wildlife, for the sky watchers, for the community aesthetic, and for mental health - I am enthusiastically in favor of the Dark Sky standards.

Thank you!!!!

Cathy Lanigan

October 27, 2020, 3:08 PM

Dear Rebecca,

We received the pamphlet regarding Outdoor Lighting Regulations.

We have a number of up lights on our trees that I am not sure comply with the new regulation.

It is unclear to me from the pamphlet what level of lighting is approved. Would you please help me understand so we can comply?

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Thanks,

Bob Rollo

October 23, 2020, 1:09 PM

Thanks for the notification. My first reaction is negative, but I'd like a better explanation of the proposal. What prompted this? What is the concern? What is the benefit to the community? What are the costs to the city and to individual property owners? What's the timeline for implementation and enforcement? What are the consequences of non-compliance? Etc.....

So, lots of questions, but I clearly want to learn more. My experience in Park City is that many times these issues are influenced by emotion and not fact. Is there a detailed explanation on a website? If so, please point me in the right direction.

Thank you!

Ken Cook

October 23, 2020, 8:47 PM

Hi, Liz & Rebecca!

I completed the night sky survey but was hoping for an opportunity for free-response input. Just one comment. . . We live near the intersection of Payday Drive and 224. Our bedroom has transom windows through which we used to enjoy seeing the stars. Recently, however, the city/state installed high-mounted spotlights at the intersection, and they glare into our bedroom all night long. Is there a way the city could adapt those to more moderate downlighting? I understand this is a dangerous intersection, but it seems like there could be a way to lower or better focus those spotlights in order to reduce the neighborhood impact.

Thanks for your consideration,

Krista Dana

October 23, 2020, 7:00 PM

Liz and Rebecca:

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I am happy that PC is updating the dark sky regulations. They have needed updating for a long time. While I fully support the program, there do need to be exceptions in my opinion. Significantly, this community has spent a lot of money and resources purchasing, protecting, and preserving the white barn. It was the very first open space bond passed in the area and its success paved the way for many more successful open space and community protection bonds. Furthermore, the McPolin Barn has become among the most identifiable and celebrated images of Park City.

For years, the barn was lighted with High Pressure Sodium lights, the poor CRI of which resulted in the barn looking orange at night. Instead of simply replacing the energy hogging and poor CRI lamps with energy saving LED's which could reveal the accurate color of the barn and American Flag hanging there, now for some reason there are dark blue filters on the old lights essentially eliminating any effective illumination while wasting significant energy. Now, the barn is easily missed at night, and no longer serves at the iconic beacon of Park City. We need to contemplate exceptions to the proposed regulations which would allow the barn (and similar civic assets) to be appropriately lighted and celebrated as the community asset it is. I would be happy to help this effort in any way,

Thanks,

Peter Tomai

October 23, 2020, 7:35 PM

I have read the Park City Dark Sky material with great interest. As a long time resident, the current light pollution in the city and the Basin is disturbing. The new build out at the Canyons is particularly shocking. The new Apex residences high on the hill have no foliage around them and their hall and stairway lighting is like that of an office building in a downtown urban setting. The Grand Summit is not very noticeable at all, but these new condos are. I am afraid of what the rest of the buildings will bring. There is also a spot light that shines on the maintenance vehicle parking lot at the Canyons and is not pointed down - rather horizontally. This light shines to the south along highway 224, across the farms and into the homes in Solamere that face that direction. It never goes off. It is a terrible example of lighting for Dark Skies. They can do better - but who holds them accountable?

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I realize the Canyons is in the county - but the light pollution created there effects Park City residents. I would be happy to forward my concerns to Summit County, I am just not sure who to send them to.

Thank you for your work,

Lynn Cier

October 23, 2020, 8:15 PM

Hello Ladies,

I think dark skies are one of the biggest failures of our growing city. It's very important to keep our skies beautiful. When I first moved here, 27 years ago, I loved going out at night and seeing so many stars. As the years have gone by we have talked about dark skies, yet the growth keeps happening and no one is doing anything about the lights.

I'm super excited that you two are taking this on.

I would love to start with the City's lights. Which reminds me will the ordinance affect businesses? I certainly hope so.

Shirin Spangenberg

October 24, 2020, 7:23 AM

Rebecca,

Quick dark sky question- would dark sky prohibit Christmas tree lights on outdoor trees?

Many thanks, ELP

Ed Plummer

October 24, 2020, 10:38 AM

Hi Liz and Rebecca,

Thanks so much for hosting the community meeting this week and for listening to my thoughts about your dark sky initiative.

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Just to formally submit my comments:

"I wanted to say that I'm thrilled that you're pursuing dark sky practices for Park City and I hope Summit County will as well. It's an important part of preserving what makes our community special both because it helps to keep our treasured wildlife healthy and safe, and because it allows residents and visitors to enjoy the night sky.

We moved here from a big city a few years ago and consider ourselves exceptionally lucky to be able to see as many stars as we do each night, something that's becoming increasingly rare in urban and suburban areas around the world. Thank you for working to ensure that special connection we're all able to enjoy to nature through our wildlife and our night skies will continue for generations to come. I think it's critical for maintaining quality of life for residents and to retain an important component of what makes our city attractive to tourists."

I also mentioned Heather on the call - Heather Currie is at Recycle Utah and is the co-author of a wonderful local email series focused on advocacy opportunities for Park City and Summit County residents. You might want to reach out to her so she can include some of your announcements in her emails. Her email is: [REDACTED]

Have a lovely weekend,

Trish Kenlon

Founder, Sustainable Career Pathways

October 25, 2020, 8:59 AM

Team,

Firstly, thanks for starting the Dark Sky initiative. Couple of questions:

1- What is happening with the most egregious lighting I have seen in the area...Quinns Junction. Are we waiting until 2024 to enforce this?

2- Why 2024? Costs? It's like my current company...which is basically "Let's be sustainable but not if affects our margin."

3- Is there a new construction enforcement starting now...or does that come into force in 2024?

Again, I truly appreciate the direction that we want to take this city...but am just questioning implementation...

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Cheers!

Howard Silverman

October 25, 2020, 11:35 AM

Hi Liz

I am very concerned with the city looking to become a dark sky community. For new construction this is fine; however, to expect existing homeowners to spend thousands of dollars to change their current lighting to comply with this is outrageous.

Money doesn't grow on trees and I don't have thousands of dollars to retrofit and change my landscape lighting fixtures. To change the rules, you need to grandfather people's existing lighting or the commission is heartless. You can't ignore the economic impact, regardless of the timeframe allowed to comply, this has on homeowners. It will take 5-10 years for many to recover from the economic effects of the pandemic and now you want to retroactively institute a change for existing homeowners- unfair and "tone deaf".

I also think that lighting on houses and businesses that outline the eaves of the home or business should be exempt as this is a signature of our city at all times of the year, not just the holidays.

You are biking or community even less affordable to live in. Don't enact this unless existing homes are exempt.

Calvin Regan

October 25, 2020, 11:33 AM

Ms. Jackson,

I live at 2083 Three Kings Court, in Thaynes Canyon and am a full time resident. I'm in receipt of your flyer about outdoor lighting in the City.

There is a street light on the corner of Three Kings Court and Thaynes Canyon Drive that is, to my mind, unnecessarily bright for a residential neighborhood. Wondering if that could be mitigated.

Thank you; Kenny Levine

October 25, 2020, 11:35 AM

Liz & Rebecca

I am happy to participate with the Dark Sky initiative and have completed the minimal survey. I missed the Oct 22 discussion as the mailed invite arrived at the PC post office on Oct 24.

My first primary question/comment concerns street lights. Our home is on PayDay Drive in Thaynes. The public works folks have been most accommodating in placing partial shields on some of the down facing street lights to reduce specific glare issues. I would be very happy to see complete 360° shields installed on all the street lights. This is a very simple process as public works has a demonstrated competency in making and installing shields.

This process would well serve as a sign of the city's commitment to actually address the situation in the near term and lead by example. Putting off a compliance issue until the 2024 deadline is just silly.

Thanks

Kevin McCarthy

October 25, 2020, 11:23 PM

Hi Liz!

I got your letter this past day and have to admit, was surprised.

1. Our building, the Quittin Time Condominium on Woodside Avenue has exterior lighting fueled by shielded compact fluorescents that are probably beyond the desired 3,00K color. I have no idea if warmer substitutes are available as we got them 12 years ago. I am guessing not a lot of effort is going into these fixtures. If not, how should we proceed?
2. My first reaction was that this whole exercise is political. You have a 2 million person metropolis less than 20 miles away that blankets the sky with street level illumination. What effect will shaming contractors and existing home owners into changing their lighting choices accomplish other than being able to wave the flag? Don't get me wrong. Drive down to Torrey/Teasdale/Bouder and you can

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see the night sky that you are trying to preserve/protect/reclaim? I think that the ship has already sailed.

My wife and I were up to our place in Old Town yesterday. The traffic was horrendous from I-80 all the way to Woodside Avenue, our turn off. The charm of our yesteryears is long gone. What is it you are trying to preserve?

Chris Whitworth

October 26, 2020, 5:20 PM

I hope this addresses commercial properties as well as residential.
Case in point- I lived on upper Saddleview Way and was always disappointed with the lighting of the Hotel Park City lighting.
Charles David

October 26, 2020, 5:39 PM

Hi Rebecca, Liz,

Hope you're both doing well and your weeks are off to a good start. My name is Mason Barrett, and I'm a Park City resident living at 2036 Prospector Ave. I recently received the Dark Sky Association compliance proposal, and wanted to reach out to share my full and enthusiastic support. Thanks for taking this initiative on and working to protect the natural environment (including the night sky) of Park City. Please let me know if there are any other steps I can take to voice my support.

On that note, I ended up poking around the Land Management Code and I have a question for you I'm hoping to get answered:

How can I assess - or ask someone from the city to assess - whether or not certain existing exterior lighting is compliant with current code, specifically considering shielding and max wattage? There are several parking and sidewalk lights on the Berrett Ln pedestrian corridor that seem to not be shielded at all and are exceptionally bright and harsh in color only ~15 yards away from (and about level in height with) my window. I've had to hang up blackout curtains, otherwise it's almost as bright as daylight all night long.

Thanks!

Mason Barrett

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October 26, 2020, 9:29 PM

Ladies:

Very pleased you are spearheading this issue.

Part of the ethos of Park City is a laid back attitude that, despite the wealth in the area, generally defines our lifestyle. Of course there are always peacocks that just can't help showing what they got.

I live on April Mountain and while most of the neighbors feel no need to keep our door and garage lights on at night, we have some that always keep the lights on, while some even have the home outlined like a Broadway theater. "Look at me I have a big house!" How boring, and gauche.

And the real travesty is the impact it has on wildlife habitat and our ability to see the night sky. Both are reasons people move to a resort community. Why allow urbanization?

With all the new folks, and some with significant wealth, coming to town, it is time to let people know what the rules are and establish PC as an ecological sensitive resort town, not an LA suburb.

John Barry

October 27, 2020, 9:44 AM

Liz, Rebecca

While I support limiting the light escaping PC into the night, one of the aspects of PC that I find truly special is the lighting in the winter that everyone puts in the trees, bushes, house gutters, etc. That lighting makes every day seem like Christmas and makes our town feel special to residents and the tourists. I hope that this initiative fully embraces this while finding ways to mitigate some of the light pollution.

Thank you

Michael Plummer

October 27, 2020, 10:30 AM

Hi Rebecca.

Thank you for reaching out.

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I did have a conversation with my neighbor and I think we have resolved the issue. However, I do think that this dark sky lighting issue is huge. Spotlights, massive outdoor lighting etc really take away from the mountain community. Part of the reason many people move here is to get out of city lights and be able to see the stars. I am excited that you are working on this project.

I took the survey, but do not think I am able to attend the meeting today. I would, however, like to be involved in this project.

Please keep me informed and let me know if you need citizen involvement.

Thank you,

Diane Tanner

October 27, 2020, 11:25 AM

Dear Liz

I look forward to today's meeting and wanted to provide comments

I live in the Old Town residential area and lighting definitely needs to be addressed. I am very lucky to be able to see the Milky Way from my property on moonless nights. Just love seeing it. However, to see it, I have to climb the hillside to get above the City's unshielded orange sodium vapor anti-crime street light which bathes the house and neighborhood in extremely harsh lighting. I trust the City will also comply with these lighting regulations and I note that Park Meadows has very limited and shielded streetlights. My exterior lights are rarely on, generally for arrival of guests. If it will help, I am happy to adopt and replace the streetlight in front of 280 Daly Ave. Would replace with a down facing LED light or remove altogether. About five years ago I contacted the City and Power Company about removing the light. I was told the City's first responders require it, I don't think that is true. I have polled the year round residents within the lights halo of excessive illumination and there is unanimous agreement that they would support removal or a much lower light level and downward lighting.

Thanks for moving in this direction

Let me know if I can be of any help

Tom Gadek

October 27, 2020, 12:19 PM

Bruce,

I'd like to add my concerns about night sky issues to those of other Park City citizens.

In our tight physical neighborhood I'm noticing a lot more LED patio lights that are not on timers. These lights are left on all night long to illuminate backyards and neighbors backyards. Some of these outdoor lights are approved installations by Park City building department. Others are LED string lights that are hung by the owners or the renters.

As you knew LED lights are much more invasive than our old lights used to be. This puts an undue burden on neighbors to request that lights be turned off at a reasonable hour. Everyone should be able to be outside or inside and enjoy that connection to our skies.

Currently there is an airy residence that has an overabundance of conifers lit up with LED lights. These lights are kept on all night long. These lights have lit up my backyard, on the opposite side of the canyon, as though there was a full moon. Doesn't daylight savings time mess with my head enough?

I understand the purpose of the LED lights on the buildings on Main Street. It was a requirement in 2002 to help Olympic visitors have a warm and festive experience. Even our visitors deserve to add an incredible night sky to their Park City experience. Can't we be known as the resort town that turns their decorative lighting OFF at night?

Thank you for your time and consideration.
Peg Bodell

October 27, 2020, 2:39 PM

Liz and Rebecca,

It is nice to see this project in the works however it seems the "SURVEY" is a bit lacking on space where people can make comments and or provide noted area of concern with regard to lighting that seems non-compliant with the desire to protect out night skys.

I have addressed a few concerns in the past with a gentleman in Park City offices however I do not recall who I spoke with... In any event I was basically told that the blinding lights along the rail trail on NEW mixed-use, condo and older existing buildings that house El Chabasco, San Fran Design etc were acceptable with in the current ordinance.

Exhibit C – Public Input

I invited said individual to walk that trail with me after dark.... declined I often wonder how often Park City field inspectors inspect things after dark? Lighting would seem to require after dark inspections?

Two additional areas of concern are, the homes on the ridge line looking into Park City from the Colony. I believe that there are 3 homes visible in that area. At one point we were seeing SPOT LIGHTS from one of the homes that were visible pointed toward Hwy 248 and Prospector area. I have not noticed these lately. The last area of concern is; Do the lights in the playing fields near the ice rink have to point out across Hwy 40 and up Hwy 248 to the point where they are near blinding as one drives into town at night? Would it be possible to orient these lights to point more toward the ground/playing fields and not broadcast them to infinity when in use?

Thank you, I look forward to continued dark skies in Park City

Is there a forum to note/list areas of concern that will be reviewed/investigated?

Steven Gibson

October 27, 2020, 2:55 PM

Hi Rebecca, Greetings Liz,

Thank you so much for the Zoom conversation today. I feel elated that the city is tending to this exponentially worsening problem.

I would like to highlight some things from the meeting and add additional comments for you to carry forward as you bring this info to other planners.

- The way to change behavior is to change the framework—change the story (which we all know).

Valuing the night sky must become cultural. Let's CELEBRATE! How lucky we are to live in the mountains.

Can we create a public program via marketing and really have fun with this? Can it go out to all tourists and residents? Can we sponsor skywatching events? ...ha, would be challenging, but maybe it could be done with Zoom as well.

Perhaps jumping off my comment about the lights preventing us from seeing Nature's lights....**the stars**. Stars, to my knowledge, have no Earthly carbon emissions and there is no carbon footprint on sourcing (the fixtures), nor the energy to create the lighting display (as in the energy it takes to emit the light).

Exhibit C – Public Input

What hubris we have to think we can improve the stars by hanging dot lighting on trees. It's so very ironic. We humans are a funny bunch.

Get the public, both citizens and visitors to **look up!**

How about having neighborhood Sky Parties sponsored by the city—the same way we've had great representation from the city at my Prospector Park HOA meetings.

Come to think of it, a Zoom meeting with an astronomer or naturalist would be great way to track, who can see what (stars) from their homes. Like I said, I've lived in Prospector Place for 18 years (Park City for over 35 yrs) and the stars keep disappearing.

Would be cool to gauge our success as a city when every household in the municipality could see a specific constellation or something.

But for those who don't want to play and **celebrate**, this ordinance must have teeth. Why is it so easy to enforce parking but not the other ordinances?

“Holiday Lighting”

I do think the “holiday lighting” window (Meg's comment on the herstory of the timeline with ski areas) should be decreased—significantly. It's not special when it goes on for so many weeks and months.

Additionally, everything—every Being needs rest, and tho' I have no data on this, I have wondered the negative impact on our conifers whose needles are sensitive to light—even in the winter—respond to that constant night lighting.

Wildlife

I consider conifers wildlife (see comment above).

There is significant data from all over the world on the negative impacts of night lighting on insects. This in turn affects our bird populations.

Though there seems to be many reasons that 1,000's of birds—some say hundreds of thousands—fell from the sky in Colorado, Texas and New Mexico this summer, ornithologists report that many of the birds were emaciated and point to the decrease in insect populations. Birds are starving. Why add to the problem with our night lighting?

The changes to the environment are happening so quickly, organisms can't keep up. We have no way of knowing how 24 hour lighting affects the microbial kingdom nor the larger primates and every Being in between.

Lead by Example

I emphatically agree with Meg Ryan's comments that the City should lead by example. Over the years, I've felt so frustrated when one arm of the City says, for example, "save water" and then another department installs sod along parking strips.

Same with soils and mine tailings. I worked hard to contain the mine tailings in my yard—went waaaaay over the ordinance and spent \$40k doing. I worked with the city's soils guy at the time. Then the water department came and changed my water vault and left hot soil spread across a large area of my yard. (This was many years ago.)

My point is that **all departments** must be involved in this Night Sky campaign.

Timeline w City Changes

I would still like to understand how in the world the new lights installed last summer along Prospect Ave. were approved....and also the lighting at the Kearns Cemetery. I agree with the Mr. Levin, WHY do we have to wait so long?

Part of this program must be an examination about how the Kearns Cemetery lighting and the Prospect Ave lighting happened. Something in the system isn't working.

The city must make these changes immediately. I understand with Covid budget shortages that we may not be able to do them all immediately, but even a one year time line is too long. How many more millions of insects will perish, then the birds and so on.

The City will need to point to examples of changes, document them (that slide from Moab was fantastic) and then kick off a "marketing" program.

Groups I think the City should target:

- Landscape contractors (I am one and tho' Red Ant doesn't promote night lighting--in fact I discourage it--we landscapers make money from this and often oversell lumens.
- HOAs
- Businesses
- Second homeowners (raise awareness of lighting when they aren't even here)
- Nightly rentals
- The School District (they didn't get the memo on saving water, so can we please involve them in lighting)

Ha, hoping you are still with me and if you are, I would love to stay involved in this program. If you have a citizen input / involvement group, count me in. I am passionate about the stars and light pollution and living lightly on this Earth.

Thank you again for initiating!

Dee Downing

October 27, 2020, 3:02 PM

Ladies,

There are a lot of street lights that glare terribly and are not compliant with dark sky regulations. Can those be shielded? It would seem fairly easy to do by adapting a top flared cover over the neighborhood or city streetlights that have the classic design per attached. They don't need replacement just a shielded cover.

Looking forward to changes,

Steve Hooker

October 27, 2020, 3:16 PM

Hello Rebecca and Liz,

I tried to log on to the live meeting at noon on 10/27 and it says the link is expired. So I'm submitting my comment here. I also put it in the survey, but this is more detailed and specific in recommendations.

Please revise the updated lighting code to REMOVE or REVISE the Holiday Lighting EXEMPTION, for the following reasons:

- The current exemption makes it impossible for PC to be dark sky for 5 months of the year. What's the point of even trying?
- The LED lights on the trees can be VERY bright. Especially from a company called Brite Nites. With this exemption, could we issue guidelines for all lighting companies to create acceptable light installations in Park City. How would they be sold/communicated/enforced?
- In current exemption, how is "dangerous glare" defined? "dangerous glare on adjacent streets or properties"
- Our nextdoor neighbor installs holiday lights that are EXTREMELY bright. They light up half the fairway on the adjacent golf course and disturb wildlife, sleep patterns in neighboring homes, and definitely shine into windows and on the

Exhibit C – Public Input

road. They are uniquely visible from the ski resort. Our HOA has refused to impose any lighting restrictions.

- If you cannot remove the exemption, or work with vendors, could you regulate hours for holiday lighting in residential neighborhoods -- 5-9 p.m. ONLY. 6-8 a.m. ONLY. AND ENFORCE IT??!!

If you are able to remove the exemption or revise it as above, you will have a chance at dark skies and happier healthier neighborhoods and neighbor relations.

Current Exemption language below:

H. Exemptions: The following shall be exempt from the requirements and review standards of this section:

1. Holiday Lighting: Winter holiday lighting which is temporary in nature and which is illuminated only between and including November 15 and March 1 shall be exempt from the provisions of this section, provided that such lighting does not create dangerous glare on adjacent streets or properties, is maintained and does not constitute a public hazard.

Many thanks,

Alexandra Ziesler

October 27, 2020, 3:52 PM

Greetings,

I filled out the survey just now.

I would have liked more questions on the survey. I am in favor of adding: any remodel requiring a permit, signal that a mandatory update in a resident's exterior lighting needs to be updated to adhere to the dark sky requirements.

In other words, I'm for current residences NOT be grandfathered in.

I hope that the LMC updates will be for all buildings

(commercial as well) and structures.

I also am in favor of a time limit on outdoor holiday lights.

For example- Nov through Jan. Thankfully they are almost always LED lights now, but some are up for 6 months!

Sincerely,

Jennifer Gardner

October 27, 2020, 6:47 PM

I question whether your “Important Outdoor Lighting Regulations Updates” mailing meets the notice requirements. My envelope was postmarked October 22nd (day of the first discussion) and received today after the second discussion meeting. No ability to participate or understand this “issue”. The FAQ’s are woefully inadequate.

While trying to keep an open mind, I find this idea to be a big waste of time and money. We have a lot more important things to address.

Robert Finney

October 28, 2020, 2:50 PM

Hi,

Thanks for the link; if I can’t join your next Zoom meeting please submit my “dark skies” request to remove holiday lighting as an exemption; see my reasons below.

H. Exemptions: The following shall be exempt from the requirements and review standards of this section:

1. Holiday Lighting: Winter holiday lighting which is temporary in nature and which is illuminated only between and including November 15 and March 1 shall be exempt from the provisions of this section, provided that such lighting does not create dangerous glare on adjacent streets or properties, is maintained and does not constitute a public hazard.

Reasons for exemption to holiday lighting?

1-In our neighborhood some do not follow date restrictions. Today (and before Oct. 28) some trees and fences are fully lit and kept on past the 5 months allowed.

2-In our neighborhood some holiday lighting remains on **all night!** Why not turn it off at 10pm as with the 10 o’clock whistle tradition?

3-In our neighborhood, glass garage doors are dominating houses and emit light **all night** even if on timers, which can malfunction.

4-In all neighborhoods, immediately enforce restrictions on holiday lighting to encourage quiet neighborliness instead of self-interests.

5-One of the reasons people move to the mountains (and visitors visit) is to see the stars at night without light pollution.

Thanks for inviting local input on this important topic,

Exhibit C – Public Input

Bitsy Beall

October 28, 2020, 4:54 PM

Dear Liz:

I don't care much for corresponding with the city on issues like this because you've almost always made up your mind and are just trying to cajole the community into complying.

But let me just say, I love the Christmas lights people put up during the winter season. I don't want that to change.

Regards,

DJ Brooks

October 28, 2020, 9:06 PM

Liz,

I read the article on KSL yesterday describing the new Park City Dark Sky Ordinance. I would like to see what precautions you would like us to take concerning new signs.

We are planning on purchasing a light meter to make sure we are compliant with our signs. Can you give me any details that you might have to help us? I have already had a couple of clients who are wanting us to check their Lumen output, and another asking if we can retro-fit their existing signs for LED's that are within the correct range.

Looks like the City is really supporting Dark Sky.

Thank you for all of help!

Greg Domm

Park City Signs

October 29, 2020, 9:30 AM

I fully support this. Enforcement needs to be done. Doing this without addressing the enforcement issue is worse than not doing anything.

Bill Watson

Exhibit C – Public Input

October 29, 2020, 12:46 PM

Dear Rebecca:

Thank you for taking our input.

I think the **least** amount of light for signs, outdoor house lighting and street lights, the better. Animals need darkness and so do humans. And what a treat to see the milky way and stars (I just got off a 17-day Grand Canyon trip where the galaxy is magical).

I even think Park City should discourage ostentatious Christmas lights. Or ask that citizens turn them off at 10pm so wildlife can co-exist.

Best wishes,

Jen Seabury

November 5, 2020, 6:26 PM

Hi Rebecca

I saw the notice on the lighting changes. I am concerned on three points:

1. I rent my place when I am not there. Dimly lit paths and steps to the porch for those unfamiliar with my homes can lead to injuries.
2. I am retired, and cannot afford to throw out and buy new. Especially a number of bulbs all at once!
3. When light bulbs burn out I am happy to replace with the new requirements if mandated...but this is a waste of resources and only prematurely adds more to our landfills

When does this go into effect?

Thanks

Cay

November 5, 2020, 3:03 PM

Sorry I had to drop and run before questions got around to me.

Exhibit C – Public Input

I sent some comments along with my survey as to why are we not now installing 360° shades on all the street lights in Thaynes Canyon. I don't know if other lights in town are of similar design. This would be a no-brainer, the city fellow that takes care on these already makes shades to block out neighbor complaints so he could readily just make more.

Next, first an inquiry. Doesn't PCMC have current regulations addressing backlit illuminated signs? I believe we have had this in place for decades. If so, why are these regulations being enforced before we go off creating new ones for 12/31/2024. Case in point, PayDay Drive north side. The new subdivision of Country Lane proudly proclaims its presence and Private status with two large backlit and illuminated signs facing both directions to PayDay Drive. I know for certain that other neighbors have made complaint about this and the lights went out for a few months. They are now brightly illuminated all night every night.

This is a wonderful initiative, thank you for taking up the challenge. Personally I love the dark and will be most happy to see most of this vision solution removed.

V/r

Kevin McCarthy

Dark Sky Survey

SURVEY RESPONSE REPORT

13 December 2017 - 04 November 2020

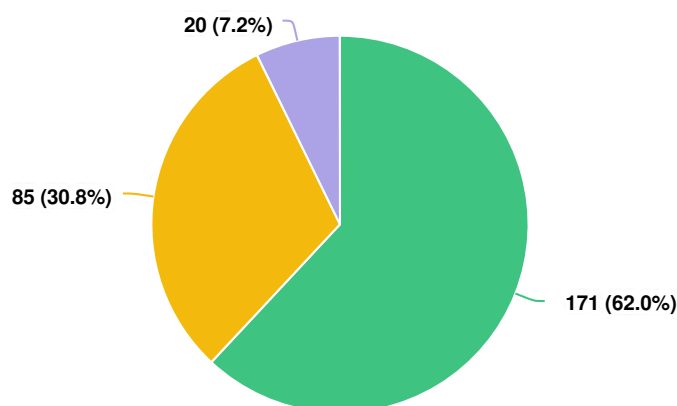
PROJECT NAME:

Dark Sky Land Management Code Amendments



SURVEY QUESTIONS

Q1 | Do you feel your property currently complies with the proposed Dark Sky amendments?



Question options

● Yes
 ● No
 ● Other (please specify)

Mandatory Question (276 response(s))

Question type: Dropdown Question

Q2 | If your property does not comply, what do you estimate the cost would be to bring your outdoor lighting into compliance?

Anonymous

10/13/2020 11:06 PM

\$10,000 (36 Condominiums) Need to install new outside lights (140), existing lights shine up and down. Off switches for outside lights - current on light sensors. New LED to reduce Lumens and colour temp. New Road lights (3) - current have opaque sides.

Anonymous

10/14/2020 03:45 AM

The City should send all homeowners, hotels & restaurants info on how to mitigate indoor lighting from shining out. Often it is simply a matter of lack of awareness of the effects of lightings on dark skies

Anonymous

10/14/2020 03:05 PM

This is unknown as there are approx. 470 exterior lights on the residences and a few on the pool house. None are fully shielded. About 200 are on photocell control which would require rewiring to eliminate the photocell plus 74 new switches.

Anonymous

10/20/2020 07:23 PM

N/a

Anonymous

10/20/2020 08:22 PM

No idea. I live in an apartment

Anonymous 10/20/2020 08:33 PM	less than \$500
Anonymous 10/20/2020 09:52 PM	\$150
Anonymous 10/21/2020 09:22 AM	\$200
Anonymous 10/22/2020 11:09 AM	better caps on the parking lot lights
Anonymous 10/22/2020 03:04 PM	500
Anonymous 10/22/2020 03:31 PM	\$800
Anonymous 10/22/2020 03:55 PM	Minimal and worth every cent. MAYOR ANDY's Hotel is Hideous and should not be grandfathered. Let that SOB Be the first example of Dark Skys
Anonymous 10/22/2020 08:50 PM	nothing. we like dark skies. Our next door neighbor though has incredibly bright Christmas lights. How will these regulations apply to BRITENITES and other seasonal lighting companies' practices?
Anonymous 10/22/2020 11:16 PM	?
Anonymous 10/23/2020 08:40 AM	Already use Dark Sky fixtures so only bulb change may be required < 10 dollars.
Anonymous 10/23/2020 12:49 PM	don't know. It is a condo
Anonymous 10/23/2020 02:10 PM	\$500
Anonymous 10/23/2020 07:39 PM	Thousands of dollars
Anonymous 10/23/2020 07:55 PM	It shouldn't be enough to deter anyone from doing the right thing
Anonymous 10/23/2020 08:14 PM	\$500.00

Anonymous 10/23/2020 08:34 PM	Don't know
Anonymous 10/23/2020 08:36 PM	NA
Anonymous 10/23/2020 10:03 PM	I do not know how to install a downlight or change my walkway light.
Anonymous 10/24/2020 07:21 AM	No sure
Anonymous 10/24/2020 10:19 AM	No idea
Anonymous 10/24/2020 11:05 AM	n/a
Anonymous 10/24/2020 12:50 PM	\$2000
Anonymous 10/24/2020 04:47 PM	I'm willing to pay if need be.
Anonymous 10/24/2020 06:11 PM	\$1,000
Anonymous 10/24/2020 10:01 PM	\$4800 for our HOA of 16 units
Anonymous 10/25/2020 07:56 AM	Too much
Anonymous 10/25/2020 08:38 AM	\$1000 for shielded light fixtures
Anonymous 10/25/2020 10:09 AM	10,000
Anonymous 10/25/2020 10:09 AM	3,000
Anonymous 10/25/2020 10:10 AM	NA

Anonymous	5,000
10/25/2020 10:11 AM	
Anonymous	complete revamping of landscape lighting to provide for safety issues
10/25/2020 12:45 PM	
Anonymous	a lot
10/25/2020 12:47 PM	
Anonymous	NA
10/25/2020 02:55 PM	
Anonymous	I just have to get an electrician, which is easier said than done.
10/25/2020 03:26 PM	
Anonymous	3,000
10/25/2020 03:43 PM	
Anonymous	5000
10/25/2020 03:44 PM	
Anonymous	3000
10/25/2020 03:45 PM	
Anonymous	4000
10/25/2020 03:46 PM	
Anonymous	1000
10/26/2020 12:57 AM	
Anonymous	0
10/26/2020 12:57 AM	
Anonymous	2300
10/26/2020 12:58 AM	
Anonymous	Couldn't guess. Park Avenue Condos
10/26/2020 05:08 AM	
Anonymous	\$20,000
10/26/2020 06:42 AM	
Anonymous	1500
10/26/2020 07:55 AM	

Anonymous 10/26/2020 10:29 AM	minimal, perhaps \$1,000.00
Anonymous 10/26/2020 02:22 PM	I believe my property complies but I do have non-harsh Christmas tree lights in the trees
Anonymous 10/26/2020 04:28 PM	\$500
Anonymous 10/26/2020 06:56 PM	\$200
Anonymous 10/26/2020 08:29 PM	I don't know
Anonymous 10/26/2020 08:29 PM	5000.00
Anonymous 10/27/2020 05:53 AM	\$10,000
Anonymous 10/27/2020 06:01 AM	\$100
Anonymous 10/27/2020 08:09 AM	1000
Anonymous 10/27/2020 08:47 AM	I could not afford to make the changes
Anonymous 10/27/2020 09:11 AM	A couple hundred dollars and a few hours of time.
Anonymous 10/27/2020 09:38 AM	2000.00
Anonymous 10/27/2020 10:26 AM	Approx. \$1,000. n- \$1,500
Anonymous 10/27/2020 10:29 AM	0
Anonymous 10/27/2020 10:47 AM	Na

Anonymous 10/27/2020 11:45 AM	The problem is not my lighting, but the City's unshielded sodium vapor high temperature and mega-lumen streetlight.
Anonymous 10/27/2020 12:41 PM	\$5-\$10
Anonymous 10/27/2020 12:59 PM	NA
Anonymous 10/27/2020 01:21 PM	Minimal
Anonymous 10/27/2020 01:35 PM	\$1000
Anonymous 10/27/2020 01:38 PM	NA
Anonymous 10/27/2020 02:13 PM	\$50,000 minimum; quite likely more. Our HOA would need to replace 4-6 attached lighting fixtures on each of our 121 residences, plus more on our clubhouse.
Anonymous 10/27/2020 02:47 PM	0
Anonymous 10/27/2020 03:50 PM	not interested
Anonymous 10/27/2020 04:52 PM	I do not think it is appropriate for Park City to place an additional cost on current landowners.
Anonymous 10/27/2020 05:24 PM	\$400
Anonymous 10/27/2020 05:29 PM	\$600
Anonymous 10/27/2020 06:34 PM	\$5000
Anonymous 10/27/2020 06:53 PM	\$20
Anonymous 10/27/2020 07:02 PM	Have no idea. Outdoor lighting is managed by HOA Board.

Anonymous 10/27/2020 08:46 PM	I have no outdoor lights
Anonymous 10/27/2020 08:56 PM	There is not much option to address these issues except yes and no. Question #3 concerns me that compliance is all the way out to Dec. 2024. That's waaaaay too long for compliance.
Anonymous 10/27/2020 09:22 PM	Don't know.
Anonymous 10/28/2020 12:04 AM	Too much..
Anonymous 10/28/2020 09:21 AM	I live in a condo unit so I am not sure
Anonymous 10/28/2020 09:47 AM	unknown
Anonymous 10/28/2020 10:43 AM	uplighting of two trees probably cannot be used, spotlights on trees for occasional use would not be able to be modified to comply and serve same purpose
Anonymous 10/28/2020 12:36 PM	\$200 or more
Anonymous 10/28/2020 12:38 PM	1000.
Anonymous 10/28/2020 01:12 PM	n/a
Anonymous 10/28/2020 01:24 PM	n/a
Anonymous 10/28/2020 03:26 PM	5k-10k
Anonymous 10/28/2020 03:28 PM	no idea
Anonymous 10/28/2020 04:51 PM	are you kidding me?
Anonymous 10/28/2020 05:30 PM	\$200.00 or so

Anonymous 10/28/2020 11:27 PM	5000
Anonymous 10/29/2020 07:02 AM	I don't know, but it would likely be several thousand dollars.
Anonymous 10/29/2020 07:21 AM	\$800
Anonymous 10/29/2020 08:10 AM	\$500
Anonymous 10/29/2020 09:33 AM	Can't determine at the moment
Anonymous 10/29/2020 09:34 AM	too many \$\$\$\$\$
Anonymous 10/29/2020 11:09 AM	\$500 - \$800
Anonymous 10/29/2020 06:21 PM	No idea
Anonymous 10/29/2020 08:02 PM	\$100
Anonymous 10/30/2020 12:31 AM	Na
Anonymous 10/30/2020 08:29 AM	Again, I don't know, but it would be worth the expenditure. Maybe phase it in.
Anonymous 10/30/2020 08:49 AM	No idea, depends on the level of government action imposed on us.
Anonymous 10/30/2020 11:15 AM	No idea
Anonymous 10/30/2020 01:17 PM	It will depend on availability of dark sky compliant lighting, but presumably it will not be a huge cost. We will need to replace four exterior lighting fixtures. Our HOA will need to replace several too.
Anonymous 10/30/2020 11:22 PM	A few hundred dollars maybe?

Anonymous 11/01/2020 08:55 AM	2000
Anonymous 11/01/2020 08:56 AM	0
Anonymous 11/01/2020 08:57 AM	Na
Anonymous 11/01/2020 12:31 PM	I live in a condo on Park Ave. I'm not sure that we comply or do not comply. We have minimal outdoor lighting, with lighting in the hall and in the garage downstairis.
Anonymous 11/01/2020 02:41 PM	lots
Anonymous 11/01/2020 03:23 PM	\$10,000
Anonymous 11/01/2020 04:35 PM	worth it
Anonymous 11/02/2020 07:36 AM	thousands
Anonymous 11/02/2020 09:08 AM	do not know
jimkoolkat 11/02/2020 10:27 AM	\$400
Anonymous 11/02/2020 03:00 PM	A lot of money.
Anonymous 11/02/2020 05:05 PM	Possibly Replace light bulbs and possibly light fixtures. It would help if there were limits to the number of trees that are allowed to have seasonal lights as well as time limit when they must be turned off at night.
Anonymous 11/02/2020 06:58 PM	\$10,000.00
Anonymous 11/03/2020 01:17 AM	Na
Anonymous	2400

11/03/2020 01:17 AM

Anonymous 250

11/03/2020 11:05 AM

Anonymous minimal/not an issue

11/03/2020 11:20 AM

Anonymous 5000

11/03/2020 02:52 PM

Anonymous Limited. I am in a townhouse building and I think the bulbs are too bright so it would just be purchasing new lightbulbs that comply.

11/03/2020 02:56 PM

Anonymous \$100

11/03/2020 04:15 PM

Anonymous Less than the time, energy, and economic resources the city has already wasted on this program

11/03/2020 08:20 PM

Anonymous 2200

11/03/2020 10:35 PM

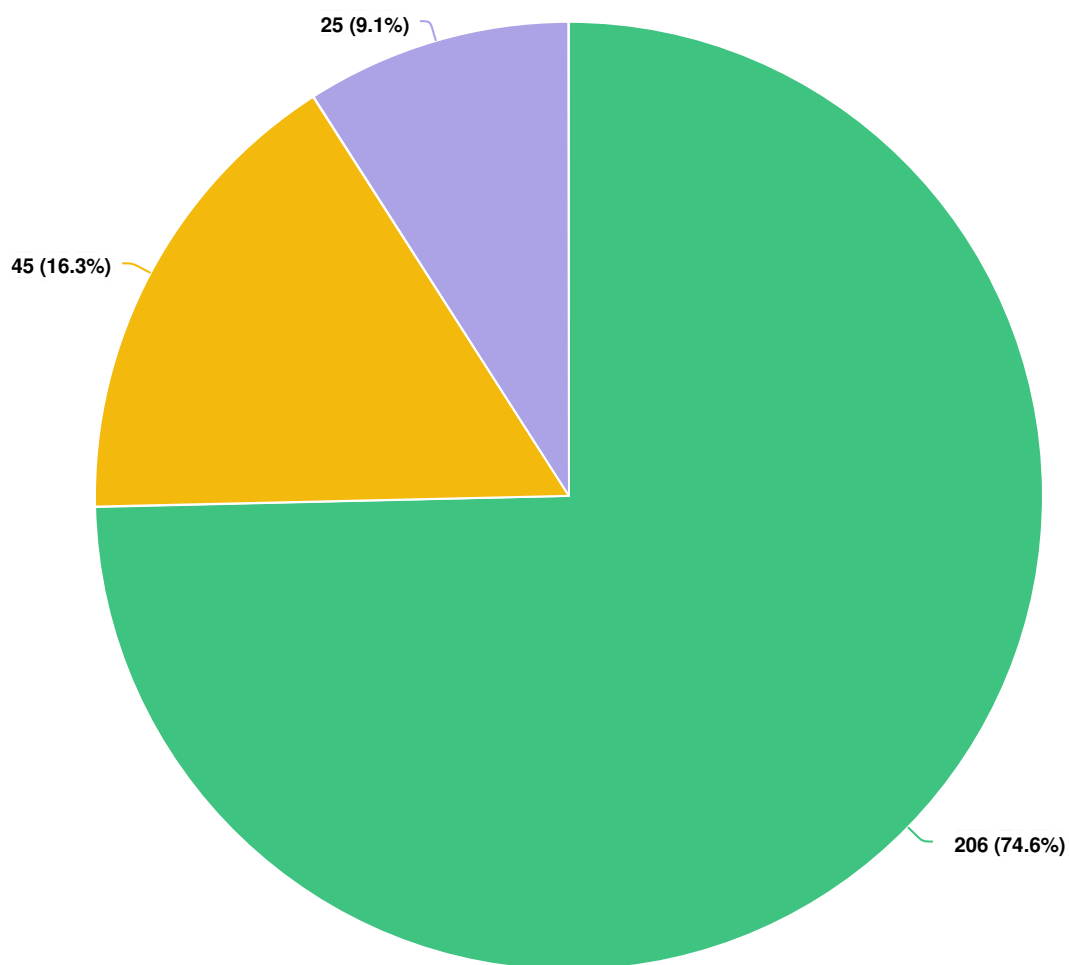
Anonymous Only new construction should be required to meet any of these new rules.

11/04/2020 03:24 PM

Optional question (133 response(s), 143 skipped)

Question type: Single Line Question

Q3 | Summit County enacted their lighting ordinance on March 13, 2019. Community members who live in unincorporated Summit County have until March 13, 2024 to bring their outdoor lighting into compliance with the new code. If the City enacts Dark Sky am...

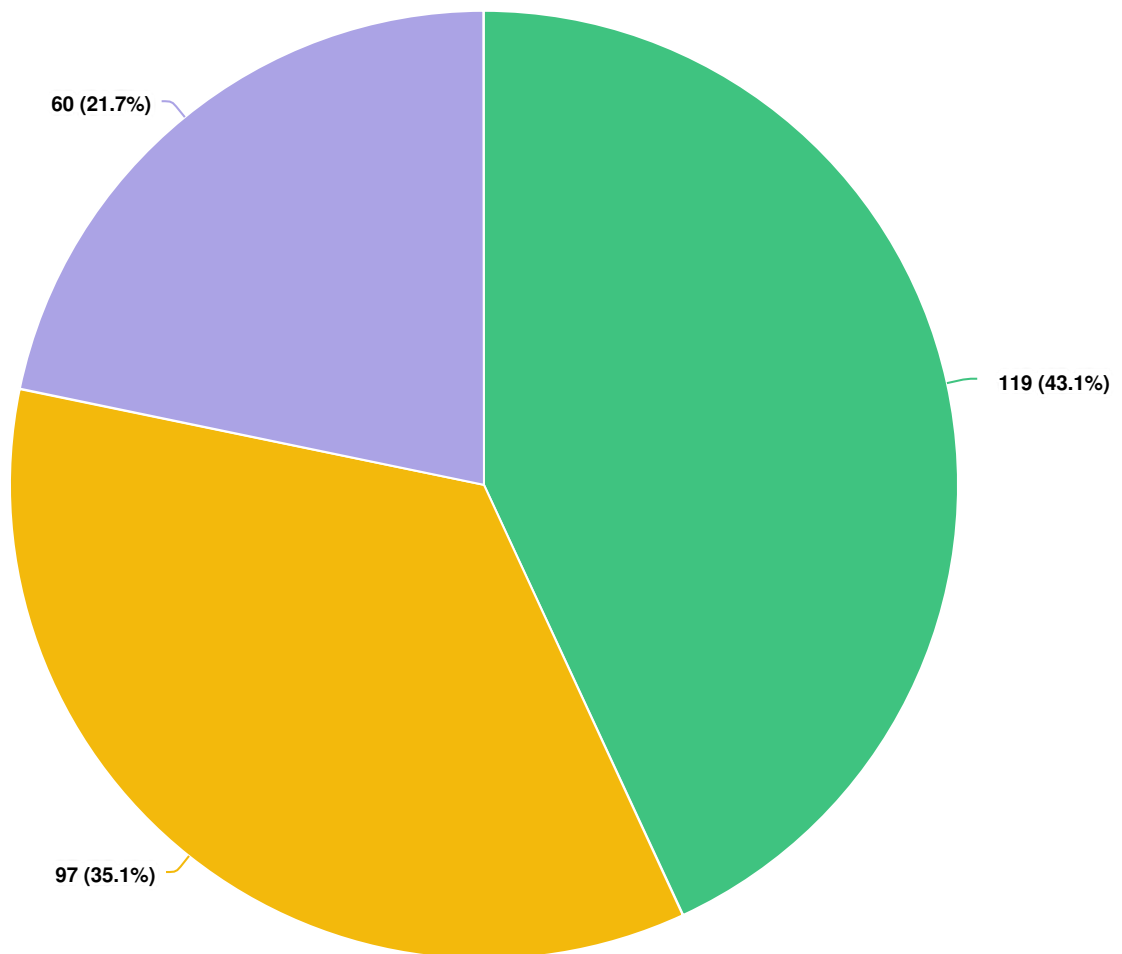


Question options

● Yes ● No ● Uncertain

Mandatory Question (276 response(s))
Question type: Dropdown Question

Q4 | The current code and proposed amendments address outdoor lighting only. Community members have expressed concern about interior lighting in glass-façade structures and structures with large windows. If you own a structure with a glass façade or lar...

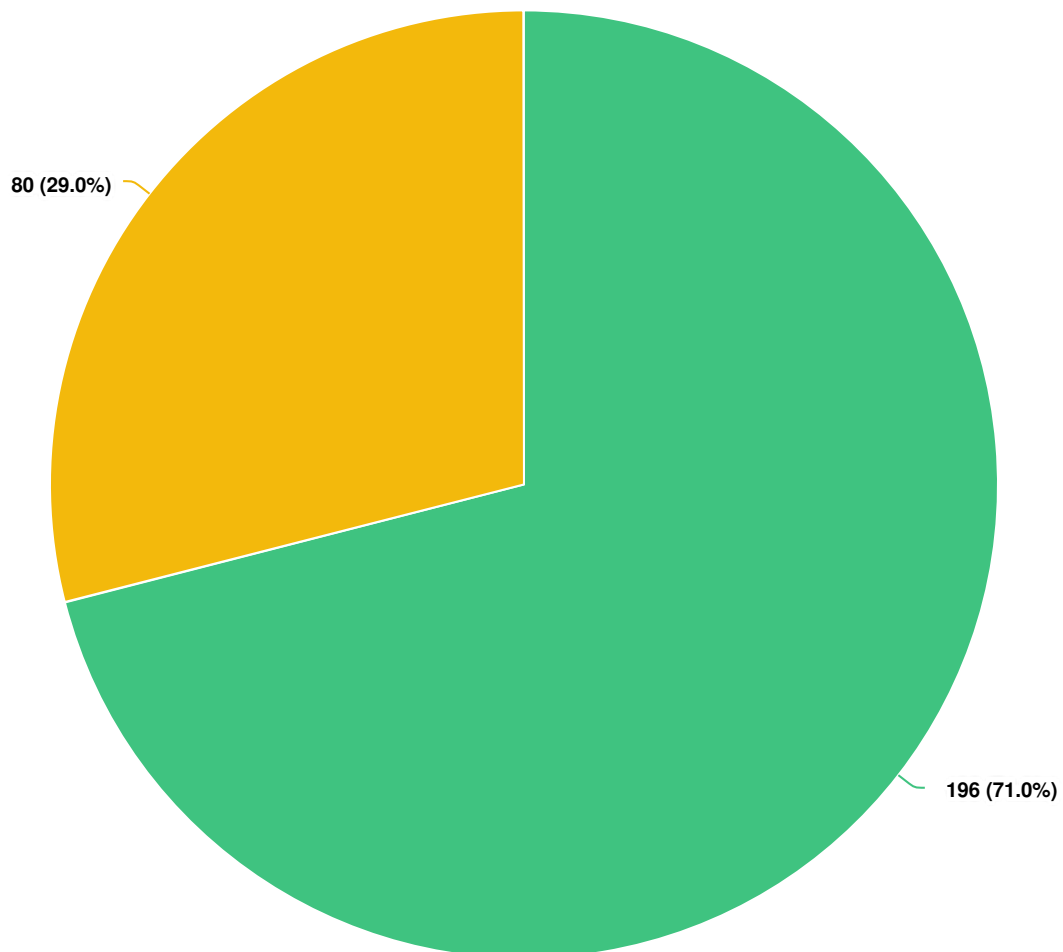


Question options

● Yes ● No ● Other (please specify)

Mandatory Question (276 response(s))
Question type: Dropdown Question

Q5 Would you like to see Park City designated an International Dark Sky Community?



Question options

● Yes ● No

*Mandatory Question (276 response(s))
Question type: Dropdown Question*