

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
DECEMBER 6, 2007**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the approximate times as described below on Thursday, December 6, 2007.

Closed Session

3:00 p.m. Property, litigation and personnel

Work Session

4:30 p.m. Council questions/comments

4:40 p.m. Habitat for Humanity

5:10 p.m. Sundance Film Festival parking

5:30 p.m. Legislative update

- Election Code
- School District issues

5:50 p.m. Break

Regular meeting

6:00 p.m.

I ROLL CALL

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

III PUBLIC INPUT (*any matter of City business not scheduled on agenda*)

IV NEW BUSINESS (*new items with presentations and/or anticipated detailed discussions*)

1. Consideration of approving a Resolution amending Section 1, Membership, of Resolution No. 32-07, establishing a Walking and Biking Advisory Liaison Committee in Park City, Utah, and replacing Resolution No. 32-07 in its entirety

2. Consideration of the appointment of Alex Butwinski, Joe Maslowski, Bo Pitkin, Adam Strachan and Kathy Kahn to the Park City Walking and Biking Advisory Liaison Committee

3. Consideration of the appointment of Rory Murphy and Richard Peek to the Planning Commission to fill unexpired terms to July 2009

4. Consideration to authorize the City Manager to execute an amendment to the 2008 Supplemental Plans to the Master Festival License and City Services Agreement, in a form approved by the City Attorney

5. Consideration of an Ordinance approving a plat amendment at 416 Park Avenue, Park City, Utah

- (a) Public hearing
- (b) Action

6. Consideration of an Ordinance approving amendments to the Land Management Code of Park City, Utah to reflect revisions to prevent repetition between the processes of the Building Department and Planning Department, to create a more cohesive and comprehensive code, to update referenced codes and organizations and to reflect the new SB183 of the Utah Code, and to address substantive amendments for Chapter 2.21 Sensitive Lands Ordinance Zoning District

- (a) Public hearing
- (b) Action

7. Consideration of an Ordinance approving the 68 Prospect Street Replat, an amendment to Lots 8, 9, and 10 of the Park City Survey, Park City, Utah

- (a) Public hearing
- (b) Action

8. Consideration to authorize the Mayor to execute associated documents for the joint acquisition of 183.17 acres, known as the Clissold/Quarry Mountain properties, in the total amount of \$3.9 million to be equally divided and paid by Summit County and Park City Municipal Corporation, in a form approved by the City Attorney

V ADDITIONAL DISCUSSION – AGENDA ITEMS

VI ADJOURNMENT

Posted: 12/03/07

See: parkcity.org

Note: This future meeting schedule is TENTATIVE and subject to change.
PARK CITY COUNCIL TENTATIVE MEETING SCHEDULE

December 2007

- 6 **Joe gone**
- 13 Update LMC amendments – work and public input (1 hour)
Swearing in - Sgt Jim Snyder, Sgt Barry Robinson
2008 Insurance Placement - CL
Letter of Intent for expanded Transit Facility at Iron Horse Drive - KC
Approval of the Audit - LC
7447 Royal Street #351 amendment to record of survey – RM
154 McHenry Avenue plat amendment – RM
Consideration of Telecommunications Franchise Agreement with All West/Utah, Inc. and Franchise Agreement Renewal with Comcast of Utah II, Inc. - ED
- 20 Ordinance – 650 Rossi Hill, Tahoma condo conversion - KC
- 27 **No meeting**

January 2008

- 3 **No meeting**
- 10 Swearing-in – Honorable Judge Robert Hilder
Resolution setting regular meeting dates
Appointment of Mayor Pro Tem
Appointment of Liaison to HPB
Appointment of two City Council members to the Park City Walking and Biking Advisory Liaison Committee
Ordinance – 61 Thaynes Canyon Drive lot line adjustment - KW
- 14-15 *Visioning Session*
- 17 **No meeting – Sundance premiere**
- 24
- 31 **Joe gone**
Tour of Silver Star Affordable Housing units

Pending Items:

Resolution - Trails Master Plan
Business market analyses – Phases 1 and 2
Hidden Splendor Court Plat Amendment (continued to date uncertain) KW
JSSD Engineering Agreement (removed from 11/15)
Resolution amending Section ____; Business License Fees, and replacing and repealing Resolution 13-07 in its entirety (removed from 11/15)



City Council Staff Report

Subject: Habitat for Humanity Land Donation Request
Author: Phyllis McDonough Robinson
Department: Sustainability
Date: December 6, 2007
Type of Item: Informational - Worksession

Summary Recommendations: Staff requests Council discussion and direction on the request by Habitat for Humanity of Summit and Wasatch Counties for a donation of City-owned land located at 154 Marsac Avenue (commonly known as the Pechnik site) under the terms and conditions outlined below in this staff report.

Topic/Description: Affordable Housing/Land Donation

Background:

Habitat for Humanity of Summit and Wasatch Counties has submitted a request (Attachment A) for the donation of city-owned property at 154 Marsac Avenue (commonly referred to as the Pechnik property) for the development of ownership housing for modest income households. HFH has a successful track record of working with other local municipalities in Coalville, Kamas and Heber. In the past year HFH has stepped up its development efforts increasing the number of units from seven to 10 with two additional units in the planning stage in Heber City.

The Park City RDA acquired the property in 1999 (located across from the Sandridge parking lot) for use as affordable housing. The purchase price was \$205,000. The site consists of three parcels bifurcated by platted Marsac Avenue. The property survey is included as Attachment B. Under the Park City Land Management Code, 15-6 7, Master Planned Affordable Housing Development allows a maximum of 20 units/acre. Based upon the affordable MPD, the maximum number of units that could be permitted is four. It has not been determined whether four units could be accommodated on the site. The site is also very steep – from the base of Marsac Avenue as constructed to the rear property line is approximately a 35' – 40' change in elevation.

Analysis:

The Strategic Plan for City Owned Property identified the recommended use for the Pechnik Parcel as Sell/Trade for affordable housing. The small size of the parcel limits its use in most projects. In Spring 2007, staff prepared a development feasibility analysis for that site. While the site could potentially incorporate two duplexes, it would require a substantial amount of terracing and/or substantial structural foundation and retaining walls in the back yards to handle the steep terrain. Two single family homes would be a more feasible option requiring less penetration into the hillside, less structural landscaping and more flexibility in design.

Staff supports HFH request and believes the organization to be ideally situated to be the developer on this parcel because of the volunteer and community nature of the program. HFH's ability to secure volunteer labor and donated materials, together with their zero percent simple interest financing would allow the construction of units to reach households of more modest means than anticipated in other affordable housing developments. In Summit County HFH targets households earning between \$25,000 and \$42,000. HFH provides a zero interest mortgage to the household. Mortgage payments are placed in a revolving loan fund that helps support mortgages for new families. A single parent family must provide at minimum 200 hours of sweat equity in constructing the home. A two-adult household must provide at minimum 400 hours of sweat equity in constructing the home.

HFH is aware of the development challenges of this site. It contracted for a subsurface soils report and is prepared to undertake the necessary remediation on this site. HFH also prepared a concept sketch and floor plans for the house design which are included as Attachment C.

While the parcel potentially could be sold to a private entity and the funds directed to another affordable housing project, the site does provide a unique opportunity to provide in-town, affordable ownership for local families. HFH's community-based development model can overcome the cost constraints associated with the City's development of this site. Staff support HFH's request subject to the terms and conditions below:

Conditions of Approval

- (1) The City will provide Habitat for Humanity with an Affirmation of Sufficient Interest. This will allow HFH to submit the necessary applications to the Planning Department for the development of housing in keeping with the Habitat for Humanity model without transferring ownership of the property.
- (2) All costs associated with required applications, studies, tests, reports or professional services will be the sole responsibility of HFH regardless of the decision made by the Planning Commission on its application.
- (3) The land transfer would be contingent upon HFH receiving all necessary Planning Commission approvals. Until such time as approvals are received the City would retain ownership of the land.
- (4) A subordinate deed of trust would be placed on the property reflecting the current appraised value of the land. This would be required to comply with the "prudent man" rule. The note can be structured in such a way that so long as the unit(s) remain in the HFH program, no payment would be required. The note could be assumed by subsequent qualified buyers. Should the property ever be sold to a non HFH qualified buyer, the note would be immediately due and payable in full.
- (5) Priority in initial and subsequent family selection would be given first to persons employed in Park City who are first time homebuyers as defined by the US

Department of Housing and Urban Development. Should no qualified household be available, the geographic limits would be expanded to include persons employed within the Park City School District boundaries.

- (6) The City will receive a right of first refusal at the deed restricted price that could be exercised only at such time as the unit(s) no longer qualified for the HFH program. Should the City not exercise its right of first refusal, the unit(s) would be sold at market value and the second mortgage would be repaid.

Council Discussion

Staff requests specific direction from Council on the following items:

- (1) Is Council willing to consider a land donation to HFH for affordable homeownership in Park City?
- (2) If Council is willing to consider a land donation, is Council willing to extend an affirmation of sufficient interest to include platted Marsac Avenue which bifurcates the parcels? This would permit HFH to request a vacation of platted Marsac Avenue. If Council is not willing to extend an affirmation of sufficient interest for platted Marsac Avenue, HFH would proceed with a subdivision for parcels A & B only. The option to request a vacation of platted Marsac Avenue would allow HFH more flexibility in site planning and design for the property.
- (3) Does Council concur with the conditions of approval outlined above by staff?
- (4) Are there additional conditions or best possible terms that Council would like staff and HFH to discuss?

Next Steps

Should Council support the request for a land donation, staff would work with HFH to address any other concerns raised by Council. Staff would then return to Council in early 2008 with a request to hold a public hearing and take formal action on HFH's request. Should Council approve the request for the land donation, HFH would prepare the necessary Planning Department applications and begin the entitlement process with the Planning Commission.

Land Use/Regulatory Approval Process

Nothing in this report or the Council's action pre-supposes any public approvals. Any application will need to be evaluated and either approved or denied with the applicable Land Management Code (LMC) criteria. In supporting the request for a land donation by HFH, the City Council would be acting solely in its capacity as property owner.

Department Review:

This report was reviewed by Planning, Engineering, Finance and Legal Departments and the City Manager.

Alternatives:

- A. Approve the Request:** Staff recommends that the Council provide direction to staff to return in early 2008 for a public hearing and formal action on HFH's request.

- B. Deny the Request:** Council could provide Staff with the direction to defer the donation, sale or development of the site to a date uncertain.
- C. Continue the Item:** Council could direct staff to return with additional information prior to conducting a public hearing and scheduling the request for formal action.
- D. Do Nothing:** Doing nothing would have the same effect as denying the request.

Significant Impacts:

Donation of the site would result in the creation of 1 - 4 units of affordable housing concurrent with City-sponsored development on other sites. The property was purchased for with RDA funds and affordable housing is an eligible use. Donation of the site would result in very affordable home ownership opportunities in town. The property was acquired for \$205,000 but likely has appreciated significantly since that time. A donation of the site would remove the option of Council selling the property for private development and using the funds to offset construction costs at other city-sponsored projects. At present there are adequate funds in the Affordable Housing Fund for planned city-sponsored developments.

Consequences of not taking the recommended action:

The City would continue to own the property and Staff would return to Council at a later date with a development or sale proposal for the site.

Recommendation:

Staff requests Council discussion and direction on the request by Habitat for Humanity of Summit and Wasatch Counties for a donation of City-owned land located at 154 Marsac Avenue (commonly known as the Pechnik site) under the terms and conditions outlined below in this staff report.

Attachment A: Request Letter
Attachment B: Survey
Attachment C1-C5: Conceptual Unit Design
Attachment D1- D3: Organizational Information

City Council Staff Report

Author: Brian Andersen
Subject: EVENT PARKING –
SUNDANCE 2008
Date: December 6, 2008
Type of Item: Informational



PUBLIC WORKS

Summary Recommendations:

Council should discuss the plans for event parking management program during the Sundance Film Festival. Staff recommends the City continue last year's Sundance event parking management program based on successes from the 2007 program.

Description:

Topic:

Sundance event parking regulations

Background:

For Sundance 2006 Council approved special event parking regulations to include a special permit program and increased meter fees. For Sundance 2007 Council approved charging the garage as an element of traffic mitigation. Staff sold approximately 230 \$300 guaranteed space available parking permits.

Meter rates were increased to \$16 for three hours at \$1, \$5, and \$10 for each incremental hour.

Garage fees of \$20 per entry were charged in China Bridge, Flagpole Lot, and the two Swede Alley lots at the base of the Marsac stairs.

For the second year of Sundance meter and permit fees and the first year for permit fees, Staff did not receive complaints beyond "all things being equal, I would rather not pay for parking". Staff observed positive news coverage of parking fees affecting mode choice.

Analysis:

The Sundance Film Festival attracts many visitors to Main Street and creates traffic impacts beyond the City's normal handling capacity. Parking demand is also at its peak during this event and adds to traffic circulation issues. Charging for parking during major events facilitates mode choice and rideshare choices in addition to passenger vehicle trip reduction, which limits the number of circulating vehicles and facilitates mass transit movement.

Transit service is significantly increased during the event to provide alternatives to private vehicles. Parking fees facilitate mode choice for use of transit and the resultant reduction in vehicles enables buses to move in traffic. This industry

standard combination worked well for last year's event in reducing traffic to manageable levels.

Prior to Sundance last year, a staff group comprised of representatives from Public Works, Special Events, and Capital Projects & Economic Development departments studied the potential for using parking fees as a traffic mitigation tool during the Sundance event.

This report focuses on several aspects of Sundance parking as they relate to traffic management:

The specific tools for this program are:

1. event permit fees for guaranteed parking in the reconfigured garage;
2. upgrade option for employee permit holders;
3. increasing metered rates on Main Street;
4. charging for daily parking in the China Bridge garage and Swede Alley surface lots.
5. employee accommodation including a free parking element.

Event Permit Fees – Staff believes the preferred approach to facilitate event parking for Sundance would be an event permit program with access control by parking attendants. An event permit would allow access to guaranteed space in a specific area of the China Bridge garage. Pre-selling of these permits could be accommodated in an incremental approach based on easy-to-contain areas of the garage. The old China Bridge lends itself well to this incremental approach based on permit sales. Public Works would administer the sale of the event permits, but Sundance has expressed interest in publishing information on the permit program where possible.

Staff recommends selling permits for guaranteed parking in the Old China Bridge levels 1-3, or up to 250 spaces. Staff is recommending a \$300 permit or \$30 per day for ten days. Sundance staff has also indicated continued interest from patrons and sponsors for access to guaranteed parking spaces in the Main Street core. Staff has already received inquiries regarding the availability of the permit for the 2008 event.

Special Event (Sundance) Guaranteed Parking Available Permit Sales Plan and Price Options			
Incremental Area	Spaces	Ten-day Permit Price	Potential Revenue (Net of Expenses)
Old China Bridge Levels 1-3	250	\$300 (\$200 for existing employee permit holders)	\$50,000

Staff believes 2007 permit sales will easily reach 250 permits (approximately 30 more than last year).

Annual permit upgrade – The 10-day duration of Sundance would be a blackout period of the current annual \$75 China Bridge permit. This permit only allows the 4-hour time limit to be exceeded and does not guarantee a space. Employees and merchants who purchase the \$75 permit would be eligible to upgrade to include the ten days of the Sundance film festival and would have \$75 credited toward the purchase price of the Sundance event permit. This permit will also facilitate merchant vehicle access during Sundance to conduct business.

Permit holders will have the option to park in peripheral lots equal to the number of spaces available to permit holders last year. The lots recommended by Staff are top level of Old China Bridge and the North Marsac lot. The Sandridge lots would be available to those who do not purchase a permit.

Flexing of Meterd Rates – Also included in Staff's plan is the incremental increasing of Main Street and Brew Pub Lot metered rates. No complaints were received by Staff regarding last year's parking rates. At the usual Main Street rate of \$1.00 per hour the fee would allow parking in the most preferred spaces at less than the cost to purchase a permit. Staff discussed the following option for this approach:

Rates	First Hour	Second Hour	Third Hour	Three-Hour Total
Usual Day	\$1.00	\$1.00	\$1.00	\$3.00
Event Rate	\$1.00	\$5.00	\$10.00	\$16.00

The City Manager has the ability to invoke special event parking rates, permit fees and parking fines per language set forth in the fee resolution.

Daily Parking Fees in China Bridge and Swede Alley lots – In order to add a component of traffic mitigation through charging for parking staff recommends charging for parking in the China Bridge and in the Swede Alley surface lots. An amount of \$20 is recommended for the following reasons:

1. The amount of \$20 is typical of the amount charged for parking during special events.
2. Charging less than \$20 would not be equitable for those who purchase the permit option;
3. The cost would provide an incentive to use other modes of transit (bus, rideshare, etc).

Charging for parking in the Swede Alley lots would also reduce traffic in the crucial transit corridor near the Transit Center and provide a means to cover costs of controlling the lots. This traffic management would be key to keeping transit buses moving.

Staff plans again to use both the Marsac and Swede Alley entrances to load the garage. Also portable booths will be located as shown in Attachment A, and

attendants would close these lots each time capacity is reached. This would better facilitate traffic flow.

During the event construction yard for shell space building will occupy approximately 24 spaces in the Swede Alley surface lot. This area including the Historic Wall lot was within the fee area for 2007 and was also used for ADA patrons and for vehicles too tall to fit in China Bridge (motorists of these vehicles usually find out after pulling up to the garage booth). After the first busy weekend, a portion of the Swede Alley surface lot was made available to employee permit holders. Staff recommends a similar approach this year.

Employee and Business Accommodation with Free Parking Element – During Sundance 2008, employees and business owners would have the following options:

1. Ride transit (preferable);
2. Park for free in Sandridge lots;
3. Use employee permit at no additional cost in Old China Bridge (level 4), North Marsac Lot, or upper level of Gateway garage;
4. Display employee permit at booth and pay \$20 per day (for the whole day);
5. Tradeup to guaranteed parking available permit option for \$200 (for the entire ten days);
6. Short deliveries can be accomplished at various locations including the west side of Main Street (see Attachment A).

Department Review:

This document was reviewed by Public Works; Budget, Debt and Grants; Economic Development and Capital Projects; Special Events; Legal; and Public Safety Staff.

Alternatives:

- A. Council could choose to retain the event parking program from last year. This is Staff's recommendation.
- B. Council could choose to amend elements of the event parking program.
- C. Council could choose to continue the item. Staff does not recommend this alternative since the sale of event parking permits would need to commence in mid-December. Postponing a decision will impact the sale of those permits.

Significant Impacts:

Transit experienced the most successful event in year 2007. Without the parking fee incentive to carpool and ride transit, not adopting the plan would impact service delivery due to increased traffic in the Main Street core.

Consequences of not taking the recommend actions:

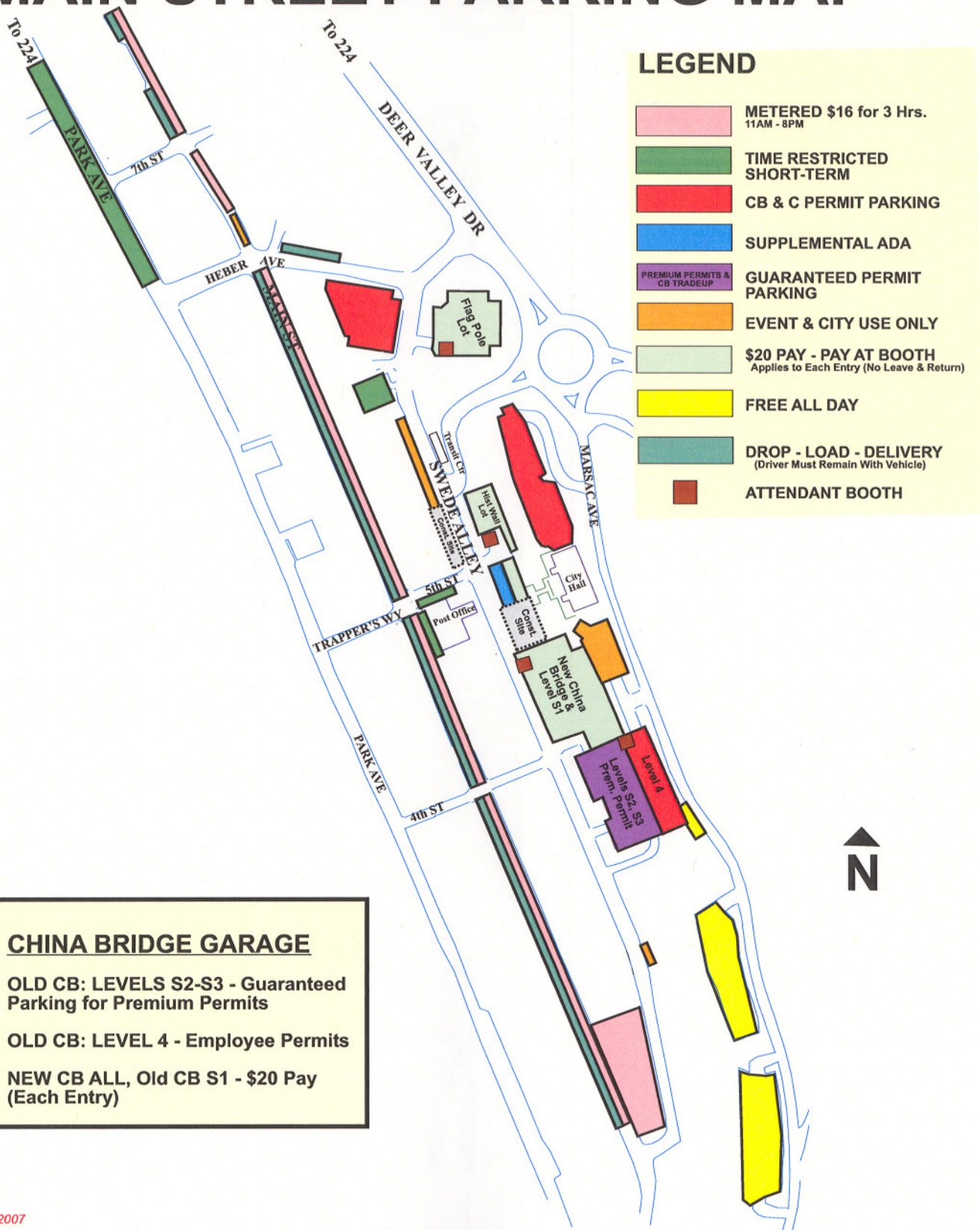
Staff will be challenged to communicate and implement any program without clear direction from City Council at the December 6th meeting.

Recommendation:

Staff would like to continue last year's Sundance event parking management program based on successes from the 2007 program.

SUNDANCE 2008

MAIN STREET PARKING MAP



Revised 11/26/2007



City Council Staff Report

Subject: Legislative Update
Author: Gary Hill
Department: Budget, Debt, and Grants Department
Date: December 6, 2007
Type of Item: Informational

Summary Recommendations:

City Council should discuss information regarding potential legislation on election law changes and school districts. Staff recommends that the election reform legislation issue be forwarded to the County Clerks Association rather than the City being the lead agency on this potential legislation.

Topic/Description:

Legislative Update

Background:

On November 29th, City Council was approached by resident Kathy Dopp with a recommendation to consider potential election reform measures at the State. Council asked staff to return on December 6th with a recommendation on how Ms. Dopp might best proceed with her efforts. Council also asked staff to provide an overview of recent efforts at the Legislature affecting funding for school districts. Both of these issues are discussed in more detail below:

Analysis:

Election Reform

Staff was provided with a draft bill which would require an independent audit of vote counts after each public election. The measure sets forth rules governing the audit, requires the creation of an Election Audit and Recount Committee, and outlines requirements for public notice and access to audit results and certain records. The bill will likely require counties or the state to provide additional funding for independent audits and staff.

The current political landscape of the Utah State Legislature necessitates that successful bills either have the strong support of individuals in leadership positions (such as the Speaker of the House, Senate Majority Leader, etc.) or be the result of a broad-based coalition effort. Park City has found success in working with the Utah League of Cities and Towns on a variety of issues, for example, including legislation related to underground utilities, sales tax distribution, and the resort community sales tax. But successful legislation for all of these issues took many months (or in some cases years) of negotiation with stakeholders on all sides of the issue and ultimately required the support (or at least a lack of animosity from) leadership in both the House and Senate.

Regarding Utah Election Law, there have been multiple efforts to make changes over the past few years. The Governor's Office decision to use the electronic Diebold machine has been a very public and noticeable example, but each year there are several measures initiated by legislators or organizations such as the County Clerks Association. For the past nine months the Government Operations Interim Committee has been considering legislation submitted by the Clerks Association and it appears that the efforts will result in a bill or bills that are supported by the Committee. The Clerks Association seems to have the kind of broad-reaching support that has become mandatory for drafting successful legislation. Staff recommends that election reform efforts be led by the County Clerks Association and considered during the Interim Legislative Process (April-December of each year). Council could additionally direct staff to issue a letter of support for consideration of the issue.

School District Funding

Recent movements within the Jordan and Granite School Districts to divide their respective districts have led to increased legislative scrutiny over how schools are paying for capital improvements. At issue is the problem of funding improvements such as new buildings in areas of high growth that have not yet developed a substantial property tax base (such as on the west side of the Salt Lake valley). Opponents of the school district split argue that the "west side districts" have the majority of the growth-related impacts without the benefit of high property values as usually found on the east (and older) side of the valley.

Some legislators believe that this issue could be solved by levying a statewide property tax to be used to fund capital improvements. This tax would replace a local district's capital levy, requiring all Utah school districts to rely on the state-generated funds. This would naturally lead to a preemption of local ability to identify and fund local needs. The proposal raises several significant issues for the Park City School District and residents residing within its boundaries, including:

- The impact on Park City area residents' property taxes
- How the locally-generated funds will be distributed around the State (including which districts will be revenue "winners" and which will be "losers")
- Local autonomy for identifying and funding capital improvements

This proposal along with others that are similar have been considered by the Equalization Task Force over the last few months and it is likely that legislation will be considered in January that could significantly impact the Park City School District and its patrons. Local School District officials have been in regular communication with the region's legislators, who are generally opposed to the proposals.

Staff and Park City School District representatives (who have been closely following the Task Forces efforts) will be present at the December 6th City Council meeting to further outline the issues and proposals.

Department Review:

This report was reviewed by the Budget, Debt, and Grants Department, Legal Department, and the City Manager

Alternatives:

Staff would like City Council to consider these issues in preparation for the 2008 General Legislative Session. Consistent with past practices, staff is not asking City Council to take a position on issues until the session begins in January.

Recommendation:

City Council should discuss information regarding potential legislation on election law changes and school districts. Staff recommends that the election reform legislation issue be forwarded to the County Clerks Association rather than the City being the lead agency on this potential legislation.

Template 11.07

City Council Staff Report



Subject: WALC Appointments & Resolution to expand the at-large roster from 3 to 5 members
Author: Jonathan Weidenhamer
Department: Sustainability
Date: December 6, 2007
Type of Item: Legislative

Recommendation: Staff recommends that the City Council adopt the new ordinance changing the number of at-large appointments on the WALC from 3 to 5. Council should then make their final appointments to fill the WALC roster.

Background:

Voters in Park City passed a \$15 million bond for walking and biking improvements on November 6, 2007. On October 11, 2007, Council created the Walking and Biking Advisory Liaison Committee (WALC), which is a citizen's advisory committee to provide input and make recommendations on further prioritization of walkable/bikeable related capital projects.

WALC's Members serve at the discretion of the City Council. The WALC shall provide input and recommendations to City Council which shall include a prioritized list of capital improvements to be funded by the Bond. This prioritized list will be considered for funding during the City's normal budget process, and consistent with the City's Policies and Objectives for Capital Improvement Management. WALC's role is purely advisory to the City Council and such recommendations may be accepted or rejected in the sole discretion of the City Council. The WALC's meetings will be open to the public and properly noticed.

The Mayor and City Council met on November 29, 2007 and decided to make the following appointments to the WALC:

❖ Council Liaisons:

1. Roger Harlan
2. Liza Simpson

❖ Six boards and/or organizations were asked to nominate members, The City Council concur that these applicants should be appointed to WALC:

<u>Board</u>	<u>Nomination</u>	<u>Alternate Nomination</u>
3. Mt. Trails	Carol Potter	Greg Balch
4. Share the Road	Carolyn Frankenburg	Tom Peek
5. Rec. Advisory Board	Rob Lea	Meg Steele
6. Plng. Commission	Evan Russack	Julia Pettit

7. PC School District	David Chaplin	???
8. Chamber	Jan Wilking	Shirin Spangenberg

- ❖ 5 at-large appointments - Twenty-three candidates applied for at-large seats. Council felt that there were many outstanding applicants and that the number of at-large seats should be increased from 3 to 5 positions: Applications for the at-large WALC seats were received from:

Deb Kirby	Carol Dalton
Jonathan Feldman	Joe Maslowski
John Haney	Shannon O'Neal
Brad Hart	David "Bo" Pitkin
Puggy Holmgren	Adam Strachan
Alex Butwinski	Jody Woods
Christopher Cherniak	Joan Thompson
Jacquelin Fehr	Thomas Hurd
Carri Luse	Kathy Kahn
Whitney Olch	Benjamin Nitka
Richard Peek	Michael Watson
Laurie Smith	

The City Council agreed to make the following at-large appointments to the WALC:

9. Alex Butwinski
10. Kathy Kahn
11. Joe Maslowski
12. Bo Pitkin
13. Adam Strachan

Analysis:

The total recommendation is for a 13 member WALC, not including alternates from the formal boards/ commissions. Per direction of Council an amended WALC resolution is attached increasing the number of at-large positions from 3 to 5. The changes to the ordinance are bolded and underlined.

Department Review:

Sustainability, Legal, City Manager

Alternatives:

1. **Approve the Request:**
2. **Deny the Request:**
3. **Continue the Item:**
4. **Do Nothing**

Significant Impacts:

The first WALC meeting is tentatively scheduled for Tuesday, December 18, 2007.

Recommendation: Staff recommends that the City Council adopt the new ordinance changing the number of at-large appointments on the WALC from 3 to 5. Council should then make their final appointments to fill the WALC roster.

Resolution No. 07-

RESOLUTION AMENDING SECTION 1, MEMBERSHIP, OF RESOLUTION NO. 32-07, ESTABLISHING A WALKING AND BIKING ADVISORY LIAISON COMMITTEE IN PARK CITY, UTAH, AND REPLACING RESOLUTION NO. 32-07 IN ITS ENTIRETY

WHEREAS, at the September 6, 2007 regular Council meeting, Council directed staff to create a citizens advisory board to make final recommendations and advise Council on walkable and bikable capital projects in the event the Walkability Bond passes on the November 6, 2007 election; and

WHEREAS, During the spring 2007 budget process the City Council accepted the Landmark Design Walkability Study after significant public input, and subsequently approved over \$1.9 Million dollars in capital expenditures as part of the approved 2008 budget towards walkability, and subsequently placed a \$15 Million dollar bond (The Bond) on the November election; and

WHEREAS, a pedestrian and biking safe, connected, and efficient community is a priority of the City Council; and

WHEREAS, the intent of the City Council in forming this Advisory Committee is to provide final recommendations to City Council on prioritizing walking and biking capital improvements identified generally in the Landmark Design Walkability Study, without affecting the overall procedural requirements of the budget process as approved by City policy and required by state law.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council that the Walkable Advisory Liaison Committee (WALC) is established as follows:

SECTION 1. MEMBERSHIP. The membership of the Walkable Advisory Liaison Committee (WALC) shall include representatives from each of the following groups, plus **three five** at-large positions, appointed by the City Council:

- Planning Commissioner - nominated by the Planning Commission
- Mountain Trails Foundation
- Share the Road Committee
- Recreation Advisory Board
- Park City Chamber Bureau
- Park City School District
- **3 5 at-large Park City resident positions**
- City Council (2) Liaisons (ex-officio)
- Staff - Administrative support as necessary from Park City Municipal Corporation Staff to facilitate meetings and serve as ex-officio members.

SECTION 2. DUTIES and RESPONSIBILITIES. The WALC shall provide input and recommendations to City Council which shall include a prioritized list of capital

improvements to be funded by The Bond. This prioritized list will be considered for funding during the City's normal budget process, and consistent with the City's Policies and Objectives for Capital Improvement Management. WALC's role is purely advisory to the City Council and such recommendations may be accepted or rejected in the sole discretion of the City Council. In the event that Committee recommendations do not include consideration of engineering, feasibility, operational, or other technical information, nothing herein shall precluded staff from making separate recommendations. The following are the primary roles that WALC shall fill:

- (A) Project Prioritization Recommendations. The Committee shall develop a recommended prioritized list of walking and biking capital improvements to be funded by The Bond. Final WALC recommendations shall be considered during the annual Capital Improvement Program Budget prioritization process. The WALC recommendations may also include a thorough list of alternative projects should future decisions/ studies preclude the City from pursuing a previously prioritized project. The Committee may review input from additional City staff regarding issues related to their recommendations.
- (B) Existing Landmark Design Walkability Study and Trails Master Plan Update. WALC's recommendations shall be based on the Landmark Design Walkability Study. The Landmark Study previously identified and ranked issues City-wide, allowing Council to prioritize walkability projects as approved by the City during the 2007 Budget process. The Study's tiering system identified and ranked issues. These issues shall be the primary basis of project alternatives considered by the Committee. The potential projects considered should encompass those that address the tiered projects as identified by the Study. In conjunction with the City's budget process, WALC may also make recommendations for alternative projects.
- (C) Trails Master Plan. The Trails Master Plan shall be used as a resource and guiding tool to help WALC with prioritization decisions.

SECTION 3. TERM, ALTERNATE MEMBERS, and BYLAWS.

- (A) Term. The Committee shall be formed only upon approval of the Walkability Bond on the November 6, 2007 ballot. The Committee shall dissolve upon approval of the 2008 Budget, but can be reformed as necessary for up to 3 regular meetings as formally authorized by City Council on subsequent studies or budget matters.
- (B) Alternate Members – Each Board, Commission, Committee, or Foundation shall be responsible for providing an alternate should they not be able to attend a meeting(s). The at-large positions shall not have alternates.
- (D) By-Laws. The Committee shall adopt by-laws before the conclusion of its

2nd meeting. The by-laws shall be approved by Council, and at minimum address:

- Meeting times and dates
- Decision making process (voting/ consensus, etc.)
- Conduct & interaction
- Triggers that initiate formal follow up to initial recommendations
- Management Plan for meeting Public Meeting Protocol, including:
 - o Public input
 - o Agenda
 - o Minutes

PASSED AND ADOPTED this 6th day of December 2007.

City Council Staff Report



Subject: Sundance Film Festival
MOU and 2008 Supplemental Plans
Author: Max J. Paap
Department: Sustainability- Implementation
Date: December 6, 2007
Type of Item: Administrative- Master Festival License

Summary Recommendations:

Review the 2008 Supplemental Plans to the Master Festival License and City Services Agreement, conduct a public hearing, and approve the plans, as conditioned, for the 2008 Sundance Film Festival with the Sundance Institute as attached in a form approved by the City Attorney.

Description:

Topic:

Review the Supplemental Plans for 2008 Sundance Film Festival.

Background:

In October of 2005 Park City Municipal Corporation and the Sundance Institute entered into a long term agreement for eleven (11) years, 2007 through 2018 with an option to renew for an additional ten (10) years. The Sundance Institute has agreed to tri-annually review the dates of the festival to reduce possible conflicts for sections of the business community where they can, while maintaining the success of the festival.

The following section refers to Principals and Responsibilities of that agreement:

1.2 Supplemental Plans. This Agreement outlines the terms for the respective duties and obligations of Park City and Sundance with respect to the Use Areas and the other items covered by this Agreement. The Parties agree that implementation of the specific terms outlined in this Agreement will require the development of supplemental implementation and operational plans (the "Supplemental Plans") with respect to those functions of the Use Areas, that may change with each annual Festival. The Supplemental Plans and any modifications are incorporated herein and a material part of this Agreement. Some of the Supplemental Plans for the 2008 Festival are attached hereto as Exhibits. Others will be prepared in anticipation of the 2008 Festival. Supplemental Plans for future Festivals will follow Supplemental Plans for the 2008 Festival unless changes that are mutually acceptable to the Parties will promote the efficient and successful operation of the Festival. Failure of the Parties to agree on changes to current Supplemental Plans will result in use of the immediately prior year's Supplemental Plans.

Analysis:

The supplemental plan for the 2008 Sundance Film Festival outlines the use of the Main Street parking, the China Bridge Parking Structure, MFL Sponsor Venues, and the management of the Racquet Club Venue.

Drop and Load Zones on Main Street

A Drop and Load zone will be created along the entire west side on Main Street between 9th Street and the Swede Alley intersection to the south of the Brew Pub Parking Lot. This is proposed to begin a day earlier than 2007 on Wednesday, January 16, 2008, one day before the festival actually begins to help facilitate an easier and more efficient move-in on Main Street. They would again be manned from 12:00 pm until 8:00 pm on a daily basis. This would add two additional hours per day to the staffing needs. These zones will provide for deliveries and other service activity and keep traffic flowing freely. After 8:00 pm they would function as taxi drop and loads to again improve traffic flow.

China Bridge Parking Structure

The China Bridge Parking Structure would again provide the ability for the public to purchase guaranteed permit parking. In general, no significant changes from the 2007 plan are recommended. Please see Work Session Informational Report on parking. In 2008, 250 spaces were provided at the \$300 rate and would become guaranteed managed parking spaces. Approximately 370 spaces would be available to all to purchase at a cash daily rate of \$20. The operating plan for the sale and management of these 250 spaces would be consistent with the plan that was implemented during the 2007 Arts Fest in which PCMC or Ampco employees would be used to collect the cash payments. For those who have purchased the year-long CB (China Bridge) parking pass, there will be the ability to have day-long parking in China Bridge for a \$20 a-day fee. There will also be an option for a current CB holder to purchase a \$200 "trade-up" to attain a guaranteed parking space. A CB holder will also be able to use the Gateway, North Marsac, and 4th Level of Old China Bridge lots with just their existing CB pass. Staff will monitor sales of permits and use of the structure and possibly allow additional parking if impacts are mitigated.

MFL Sponsor Venues

Sundance has indicated that the Sundance House at the Kimball Art Center, the Delta Air Lines Sky360 at 449 Main St., ZonePerfect at 427 Main St., Microsoft Corporation Showcase at 301 Main St. will be included as part of their Master Festival License.

Racquet Club Venue/Use Area Operation

Consistent with all Sundance venues, after each festival Sundance and Park City Municipal conduct a wrap-up meeting to discuss any issues that arise at any venue. In the east parking lot of the Racquet Club there were issues with both lighting and

noise. PCMC received calls and e-mails from at least one concerned neighbor along the east side of that lot with a number of complaints, including noise and lights. Staff also met with the Racquet Club Owners' Association property manager and provided plan alternatives to their Board. Sundance and staff will work with the group to re-address parking and access issues on their private drive. The manager did not raise any additional issues and the HOA Board declined to officially take a position on the venue either way, including the last screening start time. In response to these issues, Sundance and staff met several times to review alternatives, including relocating the entrance and tents and the parking/driveway layout. As a result, Sundance proposes to substantially modify their tent and parking lot operational plans to help mitigate these issues. The 2008 Plan that was submitted states that:

- No generator driven lights would be allowed in that lot
- The shuttle stop would be moved further west down Little Kate (More towards the main entrance)
- The overflow Waitlist tents that were right on the property line on the eastern boundary of the parking lot will be moved to the other side of the lot, adjacent to the Racquet Club building.
- The portable toilets that serviced the lot would be moved more to the west end of the lot.
- Set-up and work times will be limited to 7:00 am – 9:30 pm.
- All trucks out of parking lot by 10:00 pm.
- All temporary lighting will be directed down and away from the neighborhood.
- Tent set-up will require no drilling into the parking lot; but rather water weight or cement would be used for ballast.
- No megaphones will be used to direct filmgoers; patrons will be directed and managed by Sundance Staff and volunteers.
- The last screening time is currently planned for 8:30 pm. Sundance will increase their efforts to have attendees of the last screening exit quickly and quietly.
- Increased manager level oversight of the facility by Sundance staff.

In addition, as discussed by City Council on November 29, 2007 use and logistics of screenings held at the Racquet Club will be reviewed and discussed with City Council prior to February 29, 2008 in anticipation of the 2009 Sundance Film Festival Racquet Club operations. The Supplemental Plan does not address 2009 screening times.

Department Review:

The Transit, Parking, Streets, Special Events, Police, Building, and Legal Departments have reviewed this plan. Their comments were included when developing the overall plan.

Significant Impacts:

Significant impacts of the Supplemental Plans would include additional operating costs to the Drop and Load zones which can be offset by the China Bridge paid/permit traffic mitigation program.

Consequences of not taking recommended action:

Supplemental Plans for the 2008 Sundance Film Festival would not be allowed to be implemented and would result in use of the immediately prior year's Supplemental Plans.

Alternatives:**Approve the Request:**

Approve the Supplemental Plans to the Master Festival License and City Service Agreement with the Sundance Institute. This is Staff's recommendation.

Deny the Request:

Deny the Supplemental Plans to the Master Festival License and City Service Agreement, thereby not allowing any changes to the 2008 festival.

Modify the Request:

Modify the parameters of the Supplemental Plans to the Master Festival License and City Service Agreement with the Sundance Institute.

Continue the Item:

The City Council may continue the hearing for more information and discussion.

Recommendations:

Review the 2008 Supplemental Plans to the Master Festival License and City Services Agreement application, conduct a public hearing, and approve the plans, as conditioned, for the 2008 Sundance Film Festival with the Sundance Institute as attached in a form approved by the City Attorney. Findings are consistent with the requirements of the Park City Municipal Code, Title 4, Chapter 8.

Condition of Approval:

1. A review of operations and neighborhood impacts of the Racquet Club Use Area shall occur prior to 2/29/08 to determine if further time limitations or mitigation measures need to be adopted for 2009.

Exhibits

Exhibit A - Master Festival License and City Service Agreement

EXHIBIT "A" TO MASTER FESTIVAL LICENSE AND CITY SERVICES AGREEMENT

USE AREAS

Use Area	Address	Use Period *	Intended Use	Type of Use	Basic City Services	Access Control	Traffic Control
Santy Auditorium of Park City Public Library and Education Center, all associated furnishings, fixtures, and equipment; north lawn area and Reading Garden.	1255 Park Avenue	1/14,2008 – 1/29, 2008	Screening venue; Hospitality; Wait list Line; Box Office, kiosk, tent	Parking – Nonexclusive (except 5 reserved, 7 permits and 2 for coffee cart); All others – Exclusive	Park City shall provide Cleaning, Waste Removal and snow and ice removal inside and outside the use area. In addition, Park City shall clear snow, ice and debris from the field for placement of Sundance's Tent facilities.	Sundance and Park City	Sundance and Park City
Racquet Club Gymnasium, Indoor tennis courts, storage room and adjacent hallways, all associated furnishings, fixtures and equipment; and 35 parking spaces in the adjacent parking lot (for staff use only)	1200 Little Kate Road	1/12,2008 – 1/29, 2008	Awards Ceremony and Screenings	Parking – Nonexclusive; All Other - Exclusive	Park City shall provide Cleaning, Waste Removal and snow and ice removal inside and outside the use area	Sundance	Sundance and Park City
Miners Hospital - Entire building (basement when available) all associated furnishings, fixtures and equipment and parking spaces in	1354 Park Avenue	1/1,2008 – 1/31, 2008	Internal festival production offices	Parking – Nonexclusive; All Other - Exclusive	Park City shall provide Cleaning, Waste Removal and snow and ice removal inside and outside the use area	Sundance	Sundance and Park City

the adjacent parking lot.							
Transit Center -	558 Swede Alley	1/17, 2008 – 1/28/2008	transportation coordination; and waiting area	Exclusive	Park City shall provide Cleaning, Waste Removal and snow and ice removal inside and outside the use area	Sundance and Park City	Park City
Main Street - East side venues (Plan B, Egyptian Theater, Elks Building, Riverhorse) and Entire West side including venues (Main Street Mall and War Memorial Building)	Main Street	1/15, 2008 – 1/27/2008	Crowd control in front of large venues and enhanced pedestrian areas.	Pedestrian	Park City shall place the barricades, provide snow removal and place “no parking” and “drop zone” signs	None	None
First Priority City Trails and Walking Paths	Various	1/18, 2008- 1/27, 2008	Walking route to/from venues and other areas of town	Pedestrian	Park City shall place the barricades, provide snow removal	None	None

* Refer to annual Supplemental Plan for specific dates.

CITY COUNCIL Staff Report



Subject: 416 Park Avenue Subdivision
Author: Amir Caus
Date: December 6, 2007
Type of Item: Administrative - Plat Amendment

PLANNING DEPARTMENT

Summary Recommendations

Staff recommends that the City Council conduct a public hearing and consider approving the 416 Park Avenue Subdivision based on the findings of fact, conclusions of law and conditions of approval outlined in the attached ordinance.

Topic

Applicant: Jack R. Mayer & Ramona Azizah Mayer
Location: 416 Park Avenue
Zoning: Historic Residential (HR-2)
Adjacent Land Use: Residential
Reason for Review: Plat amendments require Planning Commission review and City Council approval

Background

The applicant is the owner of Lots 28 and 29 of Block 10, of the Park City Survey. On August 10, 2007, the City received a completed application to combine these properties into one lot of record. The two existing lots are 25' x 75' in dimensions. By combining the two lots into one lot of record the new dimensions of the proposed lot would be 50' x 75'. There is one existing historic single family home located on the two lots and one non-historic structure that is an existing non-complying accessory building.

The applicant wishes to combine the lots into one lot of record to remodel the historic home. The renovation would otherwise be across a lot line and a building permit cannot be issued for construction across a lot line. To date, no additional development plans have been submitted to the City, however, prior to the issue of any building permit, the applicant will be required to submit an application for a Historic District Design Review and possibly a Steep Slope Condition Use Permit for the proposed renovation. Staff will review the application at that time for compliance with building height, setbacks, footprint and all other applicable Land Management Code related issues.

This application was reviewed by the Planning Commission on November 14, 2007, at the meeting the Commission conducted a public hearing and forwarded a positive recommendation to the City Council.

Analysis

The purpose of the application is to combine the two properties into one lot of record. This Plat amendment will create one lot of record with 50' x 75' (3,750 square feet) dimensions. The lot will be required to have 5' side yard setbacks, 10' front and rear

setbacks and a maximum footprint of 1,519 square feet. The maximum height allowed for the lot will be 27' above existing grade.

Planning Staff finds there is good cause for the application as the lot combination will bring the lot into compliance with state law by removing all interior lot lines and enabling the proposed renovation of the home. Staff finds that the plat will not cause undo harm on any adjacent property owners because the proposal plat amendment complies with requirements of the Land Management Code and all future development will be reviewed for compliance with requisite Building and Land Management Code requirements, as outlined below:

	Permitted
Height	27'
Front setback	10'
Rear setback	10'
Side setbacks	5' min, 10' total
Lot size	3,750 square feet minimum
Footprint	1,519 square feet maximum
Parking	0 Spaces are required for a historic structure

The property is located in the HR-1 zone. Therefore, the applicant must meet the criteria for the construction of a single-family home in the Historic District Design Guidelines and Land Management Code Chapter 15-2.2 prior to the issue of a building permit.

Department Review

The Planning Department has reviewed this request. The City Attorney and City Engineer will review the plat for form and compliance with the LMC and State Law prior to recording. The request was discussed at a Staff Review Meeting on October 9, 2007 where representatives from local utilities and City Staff were in attendance. No further issues were brought up at that time.

Notice

Notice of this hearing was sent to property owners within 300' on October 24, 2007. Legal notice was also put in the Park Record.

Public Input

No comments have been received by staff at the date of this writing.

Alternatives

1. The City Council may approve the 416 Park Avenue Subdivision as conditioned or amended; or
2. The City Council may deny the 416 Park Avenue Subdivision and direct staff to make Findings for this decision;
3. The City Council may remand the subdivision back to the Planning Commission for further discussion and analysis; or

4. The City Council may continue the discussion on the 416 Park Avenue Subdivision.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

Construction on property could not take place until the lot line separating lots 28 & 29 has been removed.

Recommendation

Staff recommends that the City Council conduct a public hearing and consider approving the 416 Park Avenue Subdivision based on the findings of fact, conclusions of law and conditions of approval outlined in the attached ordinance.

Exhibits

Exhibit A – Proposed Ordinance

Exhibit B – Proposed Plat

Ordinance No. 07-

AN ORDINANCE APPROVING THE 416 PARK AVENUE SUBDIVISION COMBINING LOTS 28 AND 29, BLOCK 10 OF THE PARK CITY SURVEY, PARK CITY, UTAH

WHEREAS, the owner of the property known as Lots 28 and 29 of Block 10 of the Park City Survey, has petitioned the City Council for approval of a 416 Park Avenue Subdivision amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on November 14, 2007 to receive input on the 416 Park Avenue Subdivision amendment.

WHEREAS, the Planning Commission, on November 14, 2007, forwarded a positive recommendation to the City Council; and

WHEREAS, it is in the best interest of Park City Utah to approve the 416 Park Avenue Subdivision amendment.

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

SECTION 1. APPROVAL The above recitals are hereby incorporated as findings of fact. The 416 Park Avenue Subdivision as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 416 Park Avenue.
2. The zoning is Historic Residential (HR-1).
3. The HR-1 zone is a residential zone characterized by a mix of contemporary residences and smaller historic homes.
4. The amendment will combine two lots into one lot of record.
5. There is an existing historic single family home on the property.
6. Access to the property is from Park Avenue.
7. The existing lots each measure 25' x 75'.
8. The proposed lot measures 50' x 75'.
9. The proposed lot is 3,750 square feet in size.
10. The minimum lot size for a single family home in the HR-1 zone is 1,875 square feet.
11. The maximum building footprint for the proposed lot is 1,519 square feet.

12. The maximum height limit in the HR-1 zone is 27 feet above existing grade.
13. Setbacks for the lot are 5' on the sides, and 10' in the front and rear.
14. Minimal construction staging area is available along Park Avenue.

Conclusions of Law:

1. There is good cause for this plat.
2. The Plat is consistent with the Park City Land Management Code and applicable State law.
3. Neither the public nor any person will be materially injured by the proposed plat.
4. As conditioned the plat is consistent with the Park City General Plan.

Conditions of Approval:

1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. Prior to the receipt of a building permit for construction on this lot, the applicant shall submit an application for Historic Design Review for review and approval by the Planning Department for compliance with applicable Historic District Design Guidelines.
3. Prior to the receipt of a building permit for construction on this lot, the applicant shall possibly submit an application for Steep Slope Conditional Use Permit review and approval by the Planning Commission.
4. 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 year's time, this approval and the plat will be void.

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

PASSED AND ADOPTED this 6th day of December, 2007.



UNIVERSITY OF ILLINOIS

THE UNIVERSITY OF ILLINOIS, CHICAGO, ILLINOIS, IS THE OWNER OF THE LAND DESCRIBED IN THIS SURVEY.

CHICAGO, ILLINOIS, MAY 1, 1900.

REMARKS:

THIS SURVEY WAS MADE FOR THE PURPOSE OF DIVIDING THE LAND DESCRIBED IN THE FOREGOING INTO LOTS.

DESCRIPTION OF THE LAND:

THE LAND DESCRIBED IN THE FOREGOING IS A TRACT OF LAND CONTAINING 1.00 ACRES, MORE OR LESS, BEING A PORTION OF THE LAND DESCRIBED IN THE FOREGOING.

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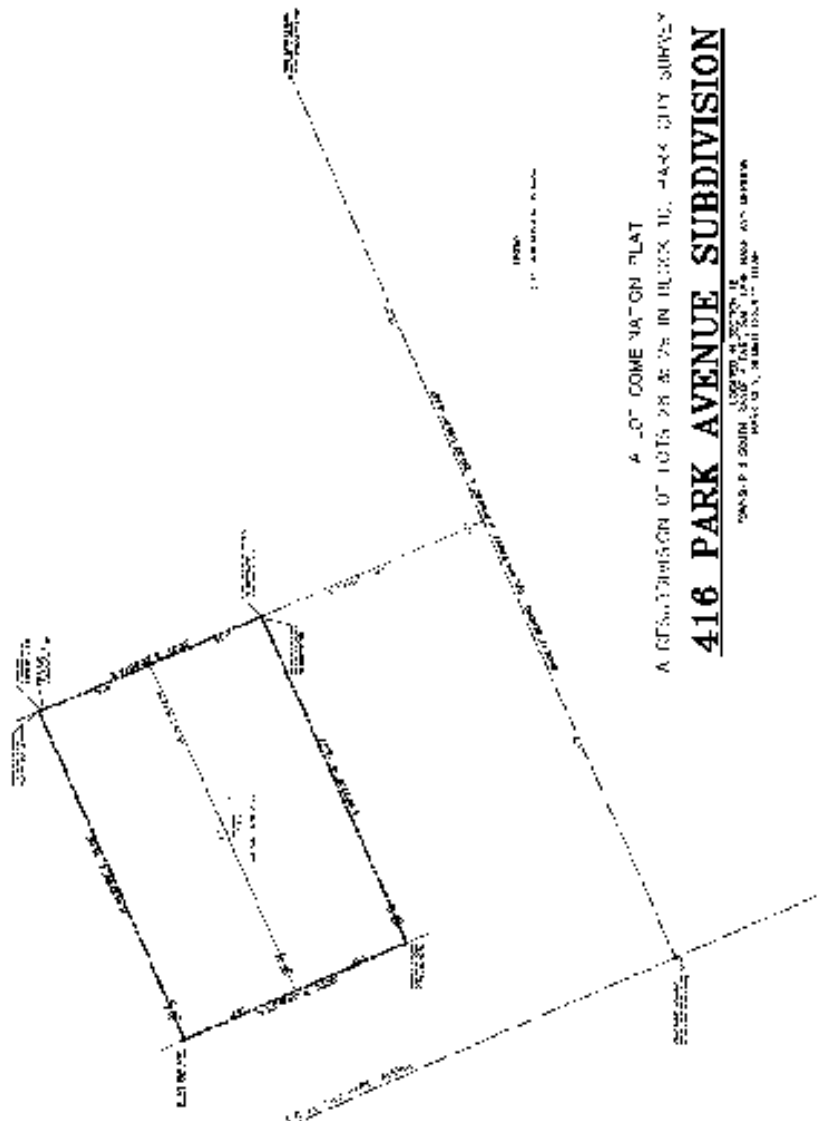
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A 10' COMMONS PLAT
A DIVISION OF LOTS 28 & 29 IN BLOCK 10, PARK CITY SURVEY

416 PARK AVENUE SUBDIVISION

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City Council Staff Report

Subject: Land Management Code Amendments – Planning Department
Chapter 2.21 Sensitive Lands Overlay Zone
Author: Katie Cattan
Date: December 6, 2007
Type of Item: Legislative – LMC Amendments

Summary Recommendations

Staff recommends the City Council consider approving the proposed amendments to the Land Management Code for Chapter 2.21 – Sensitive Lands Overlay Zone based on the findings of fact and conclusions of law found in the attached ordinance.

Topic

Project Name: LMC Amendments
Applicant: Planning Department
Proposal: Revisions to the Land Management Code- Chapter 2.21

Background

The Planning Department is preparing amendments to the Land Management Code (LMC) to address changes to the Sensitive Lands Overlay (SLO) Zone. The revisions proposed will prevent repetition between the building and planning process, create a more cohesive and understandable code, update references to other codes and organizations and reflect the revisions to the Utah Code.

Also, during the review of the SLO, Planning Staff became concerned for the protection of wetlands in Park City. Currently, the only setback requirements that exist for wetlands are within the SLO. The overlay zone is primarily in the uplands of Park City. The low lying areas of the city which contain the majority of the wetlands and streams are not regulated since they are not within the SLO. City Staff members have been meeting to address the situation and to come up with possible solutions to provide greater protection to the City's wetlands. The current setback requirements for wetlands within the SLO zone have not been modified within the proposed revisions.

On September 26, 2007, this item was presented to the Planning Commission during the regular work session. No additional concerns or questions were raised during the meeting.

On November 14, 2007, the Planning Commission heard this application at its regular meeting and forwards a unanimous positive recommendation to City Council. There was no public input.

Analysis

Revisions due to repetition between the process of the Building and Planning Departments and re-organization of the Community Development Department

The SLO set criteria for roofing within 15-2.2-7 Wildfire Regulations. The Building Department regulates roofing material based on the International Building Code and the Urban-Wildland Interface Code. Staff deleted section 15-2.2-7 Wildfire Regulations to prevent repetition in the process between the two departments. Thus, roofing materials will be reviewed by the Building Department. In addition, all previously occurring references to the Community Development Department have been changed to the Planning Department to reflect the current title within Park City Municipal Corporation.

Revisions to create a more cohesive and comprehensible code

Many of the changes included in the proposed revision are suggested to bring clarity to the applicant on the process of the sensitive lands overlay review. The first major editing change was to change the “Sensitive Area Overlay Zone” to the “Sensitive Lands Overlay Zone” to reflect the current acronym for the zone (SLO). Changes to the titles of the process have been made to create a cohesive, clear outline of the process required by the applicant. The wildlife habitat requirements were separated into two sections within the SLO. The wildlife habitat requirements are now in one location and no longer referenced separately. Wetland and stream requirements were also repeated within the original code, and are now in one location.

Revisions to update references to other codes and organizations

Several codes and organizations that are referenced within the SLO were outdated. For instance within Section 15-2.21-3(B)(5) the Fire Protection Report referenced the State Forester’s Wildfire Life Hazards and Residential Development Identification Classification and Regulation Report. The current code utilized by the Building Department is the International Wildland Urban Interface Code. Also the reference materials for delineating wetlands have changed since the last revisions. These changes are reflected in the revisions.

Revision to reflect the Utah Code

S. B. 183 was passed by the State Legislature during the 2007 General Session. This Bill states “Utah Code 10-9a-521. Wetlands. A municipality may not designate or treat any land as wetlands unless the United States Army Corps of Engineers or other agency of the federal government has designated the land as wetlands”. The revisions reflect S. B. 183 and no longer classify wetlands as “significant” if they meet requirements established by Park City.

Department Review

These amendments have been reviewed by the Planning, Engineering, and Building Departments, as well as by the Legal Department. A draft of these amendments is available at the Planning Department for review.

Notice

Legal notice of the public hearing was posted in the required public spaces and placed in the Park Record.

Public Input

A public hearing is required to be conducted by the Planning Commission and City Council prior to adoption of these amendments. The public hearing was properly and legally noticed as required by the Land Management Code. No input was received by planning staff at the time of writing this report.

Recommendations

Staff recommends the City Council consider approving the proposed amendments to the Land Management Code for Chapter 2.21 – Sensitive Lands Overlay Zone based on the findings of fact and conclusions of law found in the attached ordinance.

Exhibit

Exhibit A- Chapter Two- Section 2.21 (SLO District)

Draft Ordinance

**AN ORDINANCE APPROVING AMENDMENTS TO
THE LAND MANAGEMENT CODE
OF PARK CITY, UTAH, TO REFLECT REVISIONS TO PREVENT REPITION BETWEEN THE
PROCESSES OF THE BUILDING DEPARTMENT AND PLANNING DEPARTMENT, TO
CREATE A MORE COHESIVE AND COMPREHENSIBLE CODE, TO UPDATE
REFERENCED CODES AND ORGANIZATIONS AND TO REFLECT THE NEW S.B. 183 OF
THE UTAH CODE, AND TO ADDRESS SUBTANTIVE AMENDMENTS,
FOR CHAPTER 2.21 SLO ZONING DISTRICT**

WHEREAS, the Land Management Code is designed and enacted to implement the objectives of the Park City General Plan; to protect the general health, safety, and welfare of Park City's citizen's and property owners; to maintain the quality of life and experience for its residents and visitors; and to preserve the community's unique character and values;

WHEREAS, the City is in the process of preparing amendments to the entire Land Management Code to address reorganization of the Community Development Department and to ensure that the Park City Land Management Code comports with revisions to the Utah Code in 2005;

WHEREAS, approval of these amendments to the Land Management Code serve to implement amendments to the City's General Plan and to address substantive amendments to the Land Management Code Sensitive Lands Overlay regarding repetition of process between departments, updates to referenced codes and organizations, updates to the State Code, and updates language to create a more cohesive and comprehensible code

WHEREAS, these amendments are changes identified since the 2000 Land Management Code revisions.

WHEREAS, the Planning Commission duly noticed and conducted a public hearing at its regularly scheduled meeting on November 14, 2007 and forwarded to City Council a positive recommendation to the City Council;

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on December 6, 2007; and

WHEREAS it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the Utah State Code and the Park City General Plan, and to be consistent with the values and identified goals of the Park City community to protect health and safety, maintain the quality of life for its residents, and to preserve the community's unique character.

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

SECTION 1. AMENDMENTS TO CHAPTER 2 OF THE LAND MANAGEMENT CODE. Chapter 2.21 is hereby amended as attached hereto as Exhibits A. Any conflicts or cross-references from other provisions of the LMC to Chapter 2.21 shall be resolved by the Planning Director.

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

PASSED AND ADOPTED this 6th day of December, 2007

PARK CITY MUNICIPAL CORPORATION

Dana Williams, Mayor

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark Harrington, City Attorney

PARK CITY MUNICIPAL CODE
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TITLE 15 LAND MANAGEMENT CODE - CHAPTER 2.21

TITLE 15 - LAND MANAGEMENT CODE

CHAPTER 2.21 - SENSITIVE LAND OVERLAY ZONE (SLO) REGULATIONS

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.21 - SENSITIVE LAND OVERLAY ZONE (SLO)
REGULATIONS

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Chapter adopted by Ordinance No. 00-51

15-2.21-1. PURPOSE.

The purpose of the Sensitive Land Overlay (SLO) is to:

(A) require dedicated Open Space in aesthetically and environmentally sensitive Areas;

(B) encourage preservation of large expanses of Open Space and wildlife habitat;

(C) cluster Development while allowing a reasonable use of Property;

(D) prohibit Development on Ridge Line Areas, Steep Slopes, and wetlands; and

(E) protect and preserve environmentally sensitive land.

15-2.21-2. OVERLAY REVIEW PROCESS.

The overlay review process has four primary steps:

(A) **SENSITIVE LANDS ANALYSIS.** Applicants for Development within the SLO must identify the Property's sensitive environmental and aesthetic Areas such as Steep Slopes, Ridge Line Areas, wetlands, Stream Corridors, Wildland interface, and wildlife habitat Areas and provide at time of Application, a Sensitive Lands Analysis. Every annexation must provide a sensitive lands analysis.

(B) **APPLICATION OF OVERLAY ZONE REGULATIONS.** Regulatory standards apply to the type of Sensitive Lands delineated.

(C) **SITE DEVELOPMENT SUITABILITY DETERMINATION.** Staff shall review the Sensitive Lands Analysis, apply the applicable Sensitive Lands Overlay Regulations (15-2.21-4 through 15-2.21-9), and shall prepare a report to the Applicant and the Planning Commission identifying those Areas suitable for Development as Developable Land.

(D) **HARDSHIP RELIEF.** If the Applicant demonstrates that the regulations would deny all reasonable Use of the Property, the Planning Commission may

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modify application of these regulations to provide the Applicant reasonable Use of the

15-2.21-3. SENSITIVE LANDS OVERLAY ZONE ORDINANCE PROVISIONS.

(A) **SENSITIVE LANDS ANALYSIS.** Any Applicant for Development must produce a Sensitive Lands Analysis performed by a qualified professional(s) that identifies and delineates all the following features and conditions:

(1) **SLOPE/TOPOGRAPHIC MAP.** A Slope and topographic map based on a certified boundary survey depicting contours at an interval of five feet (5') or less. The map must highlight Areas of high geologic hazard, Areas subject to land sliding, and all significant Steep Slopes¹ in the following categories:

(a) Greater than fifteen percent (15%), but less than or equal to thirty percent (30%);

(b) Greater than thirty percent (30%) but less than or equal to forty percent (40%); and

¹Slope determinations shall be made upon Areas with a rise of at least twenty-five feet (25') vertically and a run of at least fifty feet (50') horizontally.

Property.

(c) Very Steep Slopes, greater than forty percent (40%).

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(2) **RIDGE LINE AREAS.** A map depicting all Crests of Hills and Ridge Line Areas.

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(3) **VEGETATIVE COVER.** A detailed map of vegetative cover, depicting the following:

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(a) Deciduous trees;

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(b) Coniferous trees;

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(c) Gamble oak or high shrub; and

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(d) Sage, grassland, and agricultural crops.

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The Planning Department may require a more detailed tree/vegetation survey if the Site has unusual or Significant Vegetation, stands of trees, or woodlands.

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(4) **DESIGNATED ENTRY CORRIDORS AND VANTAGE POINTS.** Designated entry corridors and Vantage Points present within or adjacent to the Site, including Utah Highway 248 east of Wyatt Earp Way and Utah Highway 224 north of Holiday Ranch Loop Road and Payday Drive as identified by Staff.

Typical Vantage Points are:

(a) Osguthorpe/McPolin Barn.

(b) Treasure Mountain Middle School

(c) Intersection of Main Street and Heber Avenue

(d) Park City Ski Area Base

(e) Snow Park Lodge

(f) Park City Golf Course Clubhouse

(g) Park Meadows Golf Course Clubhouse

(h) Utah Highway 248 at the turn-out one quarter mile west from U.S. Highway 40

(i) Highway 224, 2 miles south of the intersection with Kilby Road

(5) **WETLANDS.** A map delineating all Wetlands established by using the 1987 Federal Manual for Identifying and Delineating Jurisdictional Wetlands, as amended. (See Section 15-2.21-6.)

(6) **STREAM CORRIDORS, CANALS, AND IRRIGATION DITCHES.** A map delineating all stream corridors, canals, and irrigation ditches, defined by the ordinary high-water mark.

(7) **WILDLIFE HABITAT AREAS.** A map depicting all wildlife habitat Areas, as defined by a Wildlife Habitat Report shall be provided by the applicant. The Wildlife Habitat Report shall be prepared by a professional, qualified in the Areas of ecology, wildlife biology, or other relevant disciplines and describe the following:

(a) The ecological and wildlife Use characterization of the Property explaining the species of wildlife using the Areas, the times or seasons the Area is used by those species, and the value, e.g. meaning feeding, watering, cover, nesting, roosting, or perching, that the Area provides for such wildlife species;

(b) The existence of critical wildlife movement corridors;

(c) The existence of special habitat features, including Key nesting Sites, feeding Areas, calving or production Areas, use Areas for migrant song birds and grassland birds, fox and coyote dens, deer and elk winter concentration Areas as identified by the Utah Division of Wildlife, and

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Deleted: Although the *Federal Manual* may change in the future, the City will use this referenced manual as a basis for wetlands determination

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Areas of high terrestrial or aquatic insect diversity.

(d) Areas inhabited by or frequently utilized by any species identified by state or Federal agencies as Threatened or Endangered.

(e) The general ecological functions provided by the Site and its features;

(f) Potential impacts on these existing wildlife species that would result from the proposed movement.

(B) **ADDITIONAL INFORMATION AND STUDY REQUIREMENTS.** The Planning Department may require the Applicant to submit the following information, as applicable:

(1) **VISUAL ASSESSMENT.** A visual assessment of the Property from Vantage Points designated by the Planning Department, depicting conditions before and after the proposed Development, including the proposed location, size, design, landscaping, and other visual features of the project.

(2) **SOIL INVESTIGATION REPORT.** A soil investigation report, including but not limited to shrink-swell potential, water table elevation, general soil classification and suitability for Development, erosion potential, hazardous material analysis, and potential frost action.

The soils report shall indicate whether the property is 1) within the Prospector Soils Ordinance area and 2) within a Point Source water protection zone.

(3) **GEOTECHNICAL REPORT.** A geotechnical report, which must include the location of major geographic and geologic features, the depth of bedrock, structural features, folds, fractures, etc., and potential land slide and other high hazard Areas such as mine shafts and avalanche paths.

(4) **ADDITIONAL SLOPE INFORMATION.** If the size of the proposed Development and visual sensitivity of the Site dictate, the Planning Department may require the Applicant to submit a Slope/topographic map depicting contours at an interval of two feet (2').

(5) **FIRE PROTECTION REPORT.** A fire protection report that identifies potential Wildland Urban Interface areas. Analysis must include fire hazards, mitigation measures, access for fire protection equipment, existing and proposed fire flow capability and compliance with the International Wildland Urban Interface Code and the Summit County Wildfire Plan.

(6) **HYDROLOGICAL REPORT.** A hydrological report, including information on groundwater levels, drainage

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channels and systems, and base elevations in flood plains.	in any direction to be subject to this prohibition.	
(C) SENSITIVE LANDS DETERMINATION. The Planning Department shall review the information presented in the Sensitive Lands Analysis, as described in Section 15-2-21.3(A) and Section 15-2-21.3(B), and provide a recommendation to the Planning Commission determining and delineating all Sensitive Lands on the parcel, including Steep Slope Areas, Ridge Lines Areas, Entry Corridors, Wetlands, Stream Corridors, Irrigation Ditches, Wildland and Wildfire Interface Areas, and Critical Wildlife Movement Corridors and Habitat Areas.	The Planning commission may vary the Setback from Very Steep Slopes if the Planning Commission can make all of the following findings during the suitability review:	Deleted: (7) WETLAND/STREAM CORRIDOR RESOURCE EVALUATION. A Wetland/Stream Corridor resource evaluation, including a delineation of wetland and Stream Corridor boundaries and a determination of resource significance. This report shall also identify and describe all canals and irrigation ditches. ¶ (8) WILDLIFE AND HABITAT REPORT. A report prepared by a professional, qualified in the Area(... [1] Deleted: the Deleted: The existence of critica ... [2] Deleted: the Deleted: The existence of specia ... [3] Deleted: threatened Deleted: Threatened or E Deleted: e Deleted: ndangered. ¶ ... [4] Deleted: the Deleted: The general ecological ... [5] Deleted: potential Deleted: Potential impacts on th ... [6] Deleted: AREA ...Community ... [7] Deleted: -... (B)... on a map, ... [8] Deleted: e... s...Areas...e...c ... [9] Deleted: Significant Deleted: w Deleted: and Deleted: w...m...c...h ... [10] Formatted: Indent: Left: 0.5" Deleted: D Deleted: ¶ ... [11] Deleted: s Deleted: ensitive Area A Deleted: a Deleted: nalysis.¶ Deleted: AREA Deleted: Area Deleted: , i the area of the Ver ... [12] Deleted: ing
(1) DENSITY TRANSFER. Whenever land within the Sensitive Area Overlay Zone is subject to more than one (1) Density transfer provision, the more restrictive provision shall apply.	(1) Varying the Setback does not create an intrusion by Buildings into the Ridge Line Area when viewed from Land Management Code designated Vantage Points (15-2-21-3(A)(4) or other Vantage Points designated by the Planning staff or Commission (15-2-21-3(B);	
	(2) Building Areas in the Setback do not create excessive cut or fill Slopes; minimal retaining walls to limit disturbance and meet Grade may be required by the Planning Commission subject to sections 15-2-21-4(B),(C), and (E);	
15-2.21-4. SENSITIVE LANDS REGULATIONS - SLOPE PROTECTION. The following Slope protection provisions apply in the Sensitive Land Overlay Zone:	(3) Limits of Disturbance around any Structure within the Setback shall be limited to the minimal Area necessary to excavate and backfill the foundation. Decks and patios, in the area of the Very Steep Slope setback, may not extend more than fifteen feet (15') beyond the foundation walls, or the minimal excavation/backfill Areas, whichever is greater;	
(A) PROHIBITIONS. No Development is allowed on or within fifty feet (50'), map distance, of Very Steep Slopes, Areas subject to land slide activity, and other high-hazard geologic Areas. As used herein, an Area of Very Steep Slopes must cover a topographic Area at least twenty-five feet (25') vertically, upslope or downslope, and fifty feet (50') horizontally	(4) No additional erosion, land subsidence, or avalanche hazard is created;	

(5) The Site plan results in an improved organization of units through vegetation avoidance, minimization of changes to the viewshed from public Areas, and reduction of Site disturbance;	(1) Cross Slopes of thirty percent (30%) or greater. A short run of not more than one hundred feet (100') may be allowed to cross Slopes greater than thirty percent (30%) if the Planning Director and the City Engineer conclude that such Streets or roads will not have significant adverse visual, environmental, or safety impacts.	Deleted: c Deleted: Community Development Deleted: s
(6) The reduction in Setback results in a reduction in overall project Density or Development massing as established by the Planning Staff's Site Suitability Determination and	(2) Streets and roads proposed to cross Slopes greater than ten percent (10%) are allowed, subject to the following:	Deleted: Master Planned Development Deleted: g Commission's Deleted: s Deleted: review;
(7) In no case shall additional disturbance be allowed beyond the maximum area determined in the Site Development Suitability Determination (See Section 15-2.21-2(C)).	(a) Proof that such Street and/or road will be built with minimum environmental damage and within acceptable public safety parameters; and	Deleted: by Deleted: Site Deleted: s Deleted: A Deleted: a Deleted: nalysis
(B) <u>GRADED OR FILLED SLOPES.</u> The Applicant must avoid or, to the greatest extent possible, minimize proposed cuts and fills. Cutting and filling to create additional or larger Building Sites shall be kept to a minimum and shall be avoided to the maximum extent feasible. Except for ski Slopes, Graded or filled Slopes shall be limited to a 3 to 1 Slope or less. All Graded Slopes shall be re-contoured to the natural, varied contour of surrounding terrain.	(b) Such Street and road design generally follows contour lines to preserve the natural character of the land, and are Screened with trees or vegetation. (3) Cutting and filling is minimized and appropriately re- vegetated.	Deleted: See definition of Development and Site Suitability Analysis, Chapter 15-15, Definitions.
(C) <u>BENCHING OR TERRACING.</u> Benching or terracing to provide additional or larger Building Sites is prohibited.		
(D) <u>STREETS AND ROADS.</u> Streets and roads, proposed for Steep Slopes may not:	(E) <u>RETAINING WALLS.</u> The use, design, and construction of all retaining walls is subject to an Administrative Permit based upon assessment of visual impact, Compatibility with surrounding terrain and vegetation, and safety.	

(F) **LANDSCAPING AND REVEGETATION.** An Applicant must commit to landscaping or re-vegetating exposed Slopes. Topsoil from any disturbed portion of a Steep Slope must be preserved and utilized in re-vegetation. Fill soil must be of a quality to support plant growth.

(G) **PRIVATE DEVELOPMENT DESIGN STANDARDS.** All Development on Steeps Slopes shall comply with the design standards set forth in LMC Chapter 15-5.

(H) **OPEN SPACE AND DENSITY ON DELINEATED PORTIONS OF SITES WITH STEEP SLOPES GREATER THAN FIFTEEN PERCENT (15%) BUT LESS THAN OR EQUAL TO FORTY PERCENT (40%).** In addition to the specific Development regulations set forth above, the following regulations apply:

(1) **OPEN SPACE.** Seventy-five percent (75%) of the Steep Slope Area must remain as Open Space.

(2) **DEVELOPABLE LAND.** Twenty-five percent (25%) of the Steep Slope Area may be Developed in accordance with the underlying zoning subject to the following conditions:

(a) **MAXIMUM DENSITY.** The maximum Density on Developable Land within a Steep Slope Area is governed by the underlying zoning and proof that the

proposed Density will not have a significant adverse visual or environmental affect on the community.

(b) **LOCATION OF DEVELOPABLE LAND.** The Developable Land in a Steep Slope Area is that Area with the least visual and environmental impacts, as determined by the Sensitive Lands Determination (See Section 15-2-21 (C)), including the Visual Assessment, and considering the visual impact from key Vantage Points, potential for Screening location of natural drainage channels, erosion potential, vegetation protection, Access, and similar Site design criteria. Based upon such analysis, the Planning Department may require the Applicant to Site the Developable Land pursuant to one or more of the following techniques:

(i) Clustered Development, or

(ii) dispersed Development, or

(iii) transfer of Density to the least sensitive portions of the Site.²

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(c) DENSITY TRANSFER. Upon proof of a sensitive Site plan, the Applicant may transfer up to twenty-five percent (25%) of the Densities from the Open Space portion of the Site to the Developable Land.

(d) SUITABILITY DETERMINATION. The Applicant must prove that the Development will have no significant adverse impact on adjacent Properties. The Planning Commission shall determine that the Proposal complies with this chapter if the Applicant proves:

(i) The Density is Compatible with that of adjacent Properties.

(ii) The Architectural Detail, height, building materials, and other design features of the Development are Compatible with adjacent Properties.

(iii) The Applicant has adopted appropriate mitigation measures such as landscaping,

preserve the open meadow vistas.

Screening, illumination standards, and other design features to buffer the adjacent Properties from the Developable Land.

(I) **OPEN SPACE AND DENSITY ON VERY STEEP SLOPES.**

(1) **REQUIRED OPEN SPACE.** One hundred percent (100%) of the Very Steep Slope Area shall remain in Open Space. No vegetation within fifty vertical feet (50') in elevation of the Very Steep Slope Area shall be disturbed, except as permitted by the Planning Commission per Section 15-2.21-4.

(2) **TRANSFER OF DENSITY.** Up to ten percent (10%) of the Densities otherwise allowed in the zone may be transferred to Developable Land subject to a Suitability Determination (See Section 15-2.21-4(H)(2)(d)).

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(J) **MASTER PLANNED DEVELOPMENT (MPD) TDR OPEN SPACE REQUIREMENTS.** The Planning Commission at the time of Master Planned Development or Subdivision review, may reduce the TDR Open Space requirements upon a determination that:

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(1) the Sensitive Land Open Space set aside is sufficient for the Development,

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(2) sufficient neighborhood and TDR Open Space is set aside within the Developable Land to serve residents of the Development. <u>and</u>. (3) <u>not</u> less than twenty percent (20%) of the Developable Land <u>is</u> set aside for TDR Open Space.	Line Areas should be retained in a natural state, and Development should be <u>sited</u> in such a manner so as not to create a silhouette against the skyline or mountain backdrop as viewed from designated Vantage Points.	Deleted: S Deleted: in no case shall Deleted: be
(K) DENSITY BONOUSES. In addition to the Density transfers permitted pursuant to this Section, the <u>Planning</u> Department may recommend that the Planning Commission grant up to a twenty percent (20%) increase in transferable Densities if the Applicant:	(B) MINIMUM SETBACK. No Structure or other appurtenant device, including mechanical equipment may visually intrude on the Ridge Line Area from any of the designated <u>Vantage Points</u> as depicted herein, <u>or as identified by the Planning Commission during review of an Annexation or Master Planned Development</u>.	Deleted: Community Development Deleted: v Deleted: p
(1) offers to preserve Open Space to ensure the long-term protection of a significant environmentally or visually sensitive Area in a manner approved by the City; or (2) provides public Access as shown on the Trails Master Plan; or (3) restores degraded wetlands or environmental Areas on the Site or makes other significant environmental improvements.	(C) OPEN SPACE AND DENSITY. The following regulations apply to all Ridge Line Areas in the Sensitive Overlay: (1) OPEN SPACE. One hundred percent (100%) of the Ridge Line Area shall remain in Open Space. (2) DENSITY TRANSFER. The Planning Commission may transfer up to twenty-five percent (25%) of the Densities otherwise allowed in the Ridge Line Area to Developable Land.	Deleted: AREA Deleted: . The Density transfer shall be subject to a suitability determination as set forth below:¶ ¶ (a) SUITABILITY DETERMINATION. The Applicant must prove that the Development will have no significant adverse impact on adjacent Properties. The Planning Commission shall determine that the Proposal complies with this chapter if the Applicant proves:¶ ¶ (i) . The Density is Compatible with that of adjacent Properties.¶ ¶ (ii) . The Architectural Detail, height, materials, and other design features of the Development in the receiving Area are Compatible with adjacent Properties.¶ ¶ (iii) . The Applicant has adopted appropriate mitigation measures such as landscaping, Screening, illumination standards, and other design features to buffer the adjacent Properties from the Developable Land.
(Amended by Ord. No. 05-40) 15-2.21-5. SENSITIVE <u>LANDS</u> REGULATIONS - RIDGE LINE AREA PROTECTION. (A) INTENT. The intent of these provisions is to ensure that Development near Ridge Line Areas blends with the natural contour of these land forms. <u>Ridge</u>	<u>Subject to a Suitability Determination. (See Section 15-2.21-4(H)(2)(d))</u>	Deleted: Significant

(D) **DENSITY BONUSES.** In addition to the Density transfers permitted pursuant to this Section, at MPD or subdivision review. The Planning Department may recommend that the Planning Commission grant up to a twenty percent (20%) increase in transferrable Densities if the Applicant:

- (1) offers to preserve open space to ensure the long-term protection of a significant environmentally or visually sensitive Areas in a manner approved by the City; or
- (2) provides public Access for trails, as shown on the Trails Master Plan; or
- (3) restores degraded wetlands or environmental Areas on the Site or makes other significant environmental improvements.

15-2.21-6. SENSITIVE AREA REGULATIONS - WETLANDS AND STREAM PROTECTION.

(A) **INTENT.** The following requirements and standards have been developed to promote, preserve, and enhance wetlands and Stream Corridors and to protect them from adverse effects and potentially irreversible impacts.

(B) **JURISDICTION.** All Wetlands and Stream Corridors are regulated as provided below.

(C) **PROHIBITED ACTIVITIES.** No person shall disturb, remove, fill, dredge, clear, destroy or alter any Area, including vegetation, surface disturbance within

Wetlands and Stream Corridors and their respective Setbacks, except as may be expressly allowed herein.

(D) **BOUNDARY DELINEATIONS.**

The applicant must provide a wetlands delineation by a qualified professional utilizing the methods of the 1987 Army Corp of Engineers Manual for identifying and delineating Jurisdictional Wetlands, as amended. The boundary of stream corridors and wetlands shall be delineated at the Ordinary High Water Mark as define in Section 15-15.

(E) **DETERMINATION OF WETLANDS, STREAMS, AND IRRIGATION DITCHES.**

(1) **WETLAND CRITERIA.** A wetland that meets the criteria of the 1987 Army Corp of Engineers Manual for Identifying and Delineating Jurisdictional Wetlands is a Wetland.

(2) **STREAM CORRIDOR.** All Stream Corridors which exist within the property. Irrigation ditches are not Stream Corridors.

(3) **IRRIGATION DITCHES.** An irrigation ditch that meets the Army Corps of Engineers definition for waters of the Unites States must comply with the regulations of stream corridors, within this section.

(F) **SETBACKS.** The following Setbacks are required:

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(1) Wetlands shall be established using the *Federal Manual for Identifying and Delineating Jurisdictional Wetlands*, dated January 10, 1989. ¶

(2) Stream Corridors shall be delineated at the Ordinary High Water Mark as defined in Section 15-15.

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(a) SIZE. All wetlands that occupy a surface Area greater than 1/10 acre or are associated with permanent surface water.¶

(b) LOCATION. All wetlands that are adjacent to, or contiguous with, a Stream Corridor.¶

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(1) Setbacks from <u>wetlands</u> shall extend a minimum of fifty feet (50') outward from the delineated wetland <u>Ordinary High Water Mark</u>.	(A) CONSULTATION. The Developer must submit a plan detailing the location, alignment and scope of the undertaking. If the <u>Planning</u> Director determines that the project may have significant visual and environmental impacts, a consultation meeting will be scheduled. No Development shall occur until after the consultation meeting and any required approvals have been granted.	Deleted: Significant W Deleted: w
(2) Setbacks from Stream Corridors shall extend a minimum of fifty feet (50') outward from the Ordinary High Water Mark.		Deleted: edg Deleted: e. Deleted: Community Development
(3) Setbacks from irrigation ditches <u>that meet the Army Corps of Engineers definition for waters of the United States</u> shall extend a minimum of twenty feet (20') from the Ordinary High Water Mark.	(B) MITIGATION. The <u>Planning</u> Director must review the proposed project and after consultation may request the Developer to prepare alternatives for consideration and to prepare a mitigation plan that modifies the project to mitigate the environmental and visual impact of the project. To the Maximum Extent Feasible, the Developer must design the ski facilities to preserve the natural character of the <u>Sensitive Lands</u>. The mitigation plan must also address re-vegetation of disturbed Areas and temporary and permanent erosion control measures.	Deleted: (3) . Formatted: Bullets and Numbering Deleted: Community Development Deleted: ¶ ¶ Any specific allowances or requirements for appropriate crossings of wetlands, Stream Corridors, and irrigation ditches? Are these regulations already included in the Subdivision Ordinance... just need to refer to that??¶
(G) RUNOFF CONTROL. All projects adjacent to wetlands, <u>Stream Corridors, or irrigation ditches that meet the Army corps of Engineers definition for waters of the United States</u> must apply Best Management Practices for both temporary and permanent runoff control to minimize sediment and other contaminants.		Deleted: Deleted: s Deleted: Area Deleted: 9 Deleted: Community Development Deleted:
(H) HABITAT RESTORATION PROJECTS. The <u>Planning</u> Department may approve wetland and Stream Corridor restoration and enhancement projects if the project plan has been reviewed by a qualified professional, approved by the appropriate state and federal agencies, and performed under the direct supervision of a <u>Qualified Professional</u>.	15-2.21-8. SENSITIVE LAND REGULATIONS - WILDLIFE AND WILDLIFE HABITAT PROTECTION. (A) INTENT. The following requirements and standards have been developed to promote, preserve, and enhance wildlife and wildlife habitat Areas in and around Park City, and to protect them from adverse effects and potentially irreversible impacts.	Deleted: ¶ (I) LMC MASTER PLANNED DEVELOPMENT (MPD) OPEN SPACE REQUIREMENTS. The Planning Commission may reduce the sixty percent (60%) MPD Open Space requirement in the Developable Land if the Planning Commission determines that: ¶ ¶ (1) . Open Space set aside is sufficient to provide adequate natural Open Space for the entire Development;¶ ¶ ... [13]
15-2.21-7. SENSITIVE LAND REGULATIONS - DEVELOPMENT APPROVALS FOR SKI AREA CONSTRUCTION AND EXPANSION.	(B) JURISDICTION. All Sensitive or Specially Valued Species, including all species identified by state or federal	Deleted: . Deleted: ; and¶ ... [14] Deleted: A Deleted: t least twenty percent ... [15] Formatted: Font: Times New Roman Formatted ... [16] Formatted: Font: (Default) Arial Formatted: Font: Times New Roman Formatted: Font: Times New Roman Deleted: 8

agencies as ~~Threatened or Endangered~~
~~Wildlife~~ are regulated as provided below:

(1) **PROTECTION OF
WILDLIFE HABITAT AND
ECOLOGICAL CHARACTER.**

(a) **CONSTRUCTION
TIMING.** Construction shall
be organized and timed to
minimize disturbance of
Sensitive or Specially Valued
Species occupying or using
on-Site and adjacent natural
Areas.

(b) **SENSITIVE AND
SPECIALLY VALUED
SPECIES.** If the
Development Site contains or
is within five hundred feet
(500') of a natural Area or
habitat Area, and the wildlife
and habitat report show the
existence of Sensitive or
Specially Valued Species, the
Development plans shall
include provisions to ensure
that any habitat contained in
any such natural Area shall
not be disturbed or
diminished, and to the
Maximum Extent Feasible,
such habitat shall be
enhanced.

(c) **CONNECTIONS.** If
the Development Site
contains existing natural
Areas that connect to other
Off-Site natural Areas, to the
Maximum Extent Feasible
the Development plan shall

preserve such natural Area
connections. If natural Areas
lie adjacent to the
Development Site, but such
natural Areas are not
presently connected across
the Development Site, then
the Development plan shall,
to the extent reasonably
feasible, provide such
connection. Such
connections shall be designed
and constructed to allow for
the continuance of existing
wildlife movement between
natural Areas and to enhance
the opportunity for the
establishment of new
connections for movement of
wildlife.

(d) **WILDLIFE
CONFLICTS.** If wildlife that
may create conflicts for
future occupants of the
Development ~~are~~ known to
exist in Areas adjacent to or
on the Development Site,
then the Development plan
must include provisions to
minimize these conflicts to
the extent reasonably
feasible.

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(7) **WETLAND/STREAM CORRIDOR RESOURCE EVALUATION.** A Wetland/Stream Corridor resource evaluation, including a delineation of wetland and Stream Corridor boundaries and a determination of resource significance. This report shall also identify and describe all canals and irrigation ditches.

(8) **WILDLIFE AND HABITAT REPORT.** A report prepared by a professional, qualified in the Areas of ecology, wildlife biology, or other relevant disciplines that describes the following:

(a) The ecological and wildlife Use characterization of the Property explaining the species of wildlife using the Areas, the times or seasons the Area is used by those species, and the value, e.g. meaning feeding, watering, cover, nesting, roosting, or perching, that the Area provides for such wildlife species;

(b)

The existence of critical wildlife movement corridors;

(c)

The existence of special habitat features, including Key nesting Sites, feeding Areas, calving or production Areas, use Areas for migrant song birds and grassland birds, fox and coyote dens, deer and elk winter concentration Areas as identified by the Utah Division of Wildlife, and Areas of high terrestrial or aquatic insect diversity.

(d) Areas inhabited by or frequently utilized by any species identified by state or

Federal agencies as

ndangered.

(e)

The general ecological functions provided by the Site and its features;

(f)

Potential impacts on these existing wildlife species that would result from the proposed movement.

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(E) **ANNEXATIONS**. Every annexation must provide a S

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, i the area of the Very Steep Slope setback,		
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(I) **LMC MASTER PLANNED DEVELOPMENT (MPD) OPEN SPACE REQUIREMENTS**. The Planning Commission may reduce the sixty percent (60%) MPD Open Space requirement in the Developable Land if the Planning Commission determines that:

- (1) Open Space set aside is sufficient to provide adequate natural Open Space for the entire Development;
- (2) sufficient TDR Open Space remains within the Developable Land to serve residents of the Development

; and

(3) a

t least twenty percent (20%) of the Developable Land is TDR Open Space.

15-2.21-7. WILDFIRE REGULATIONS.

The following table shall be used to determine exemption from the wood roof prohibition. The rating column applies to each of the categories of Slope, aspect, fire department response time, and vegetation.

Wildfire Hazard Severity Scale:

RATING	SLOPE	VEGETATION
1	0° - 10	Pinion/Juniper
2	10.1-20%	Grass/Sagebrush
3	> 20%	Mountain brush/ softwoods

Prohibition/Exemption Scale:

RATING	WOOD ROOF PROHIBITION
<= 11	Wood roofs are allowed
> = 12	Wood roofs are prohibited

STEP 1: Find the rating for Slope and vegetation from the Wildfire Hazard Severity Scale table and choose whichever rating is highest.

STEP 2: Add 9 to that rating, this is the weather factor for Park City. The result is the total rating.

STEP 3: Find the total rating in the Prohibition/Exemption Scale above to determine whether wood roofs may be allowed on the specific Lot.

PARK CITY MUNICIPAL CODE
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TITLE 15 LAND MANAGEMENT CODE - CHAPTER 2.21

TITLE 15 - LAND MANAGEMENT CODE

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.21 - SENSITIVE LAND OVERLAY ZONE (SLO)
REGULATIONS

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Chapter adopted by Ordinance No. 00-51

15-2.21-1. PURPOSE.

The purpose of the Sensitive Land Overlay (SLO) is to:

(A) require dedicated Open Space in aesthetically and environmentally sensitive Areas;

(B) encourage preservation of large expanses of Open Space and wildlife habitat;

(C) cluster Development while allowing a reasonable use of Property;

(D) prohibit Development on Ridge Line Areas, Steep Slopes, and wetlands; and

(E) protect and preserve environmentally sensitive land.

15-2.21-2. OVERLAY REVIEW PROCESS.

The overlay review process has four primary steps:

(A) **SENSITIVE LANDS ANALYSIS.** Applicants for Development within the SLO must identify the Property's sensitive environmental and aesthetic Areas such as Steep Slopes, Ridge Line Areas, wetlands, Stream Corridors, Wildland interface, and wildlife habitat Areas and provide at time of Application, a Sensitive Lands Analysis. Every annexation must provide a sensitive lands analysis.

(B) **APPLICATION OF OVERLAY ZONE REGULATIONS.** Regulatory standards apply to the type of Sensitive Lands delineated.

(C) **SITE DEVELOPMENT SUITABILITY DETERMINATION.** Staff shall review the Sensitive Lands Analysis, apply the applicable Sensitive Lands Overlay Regulations (15-2.21-4 through 15-2.21-9), and shall prepare a report to the Applicant and the Planning Commission identifying those Areas suitable for Development as Developable Land.

(D) **HARDSHIP RELIEF.** If the Applicant demonstrates that the regulations would deny all reasonable Use of the Property, the Planning Commission may

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modify application of these regulations to provide the Applicant reasonable Use of the

15-2.21-3. SENSITIVE LANDS OVERLAY ZONE ORDINANCE PROVISIONS.

(A) **SENSITIVE LANDS ANALYSIS.** Any Applicant for Development must produce a Sensitive Lands Analysis performed by a qualified professional(s) that identifies and delineates all the following features and conditions:

(1) **SLOPE/TOPOGRAPHIC MAP.** A Slope and topographic map based on a certified boundary survey depicting contours at an interval of five feet (5') or less. The map must highlight Areas of high geologic hazard, Areas subject to land sliding, and all significant Steep Slopes¹ in the following categories:

(a) Greater than fifteen percent (15%), but less than or equal to thirty percent (30%);

(b) Greater than thirty percent (30%) but less than or equal to forty percent (40%); and

¹Slope determinations shall be made upon Areas with a rise of at least twenty-five feet (25') vertically and a run of at least fifty feet (50') horizontally.

Property.

(c) Very Steep Slopes, greater than forty percent (40%).

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(2) **RIDGE LINE AREAS.** A map depicting all Crests of Hills and Ridge Line Areas.

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(3) **VEGETATIVE COVER.** A detailed map of vegetative cover, depicting the following:

(a) Deciduous trees;

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(b) Coniferous trees;

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(c) Gamble oak or high shrub; and

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(d) Sage, grassland, and agricultural crops.

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The Planning Department may require a more detailed tree/vegetation survey if the Site has unusual or Significant Vegetation, stands of trees, or woodlands.

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(4) **DESIGNATED ENTRY CORRIDORS AND VANTAGE POINTS.** Designated entry corridors and Vantage Points present within or adjacent to the Site, including Utah Highway 248 east of Wyatt Earp Way and Utah Highway 224 north of Holiday Ranch Loop Road and Payday Drive as identified by Staff.

Typical Vantage Points are:

(a) Osguthorpe/McPolin Barn.

(b) Treasure Mountain Middle School

(c) Intersection of Main Street and Heber Avenue

(d) Park City Ski Area Base

(e) Snow Park Lodge

(f) Park City Golf Course Clubhouse

(g) Park Meadows Golf Course Clubhouse

(h) Utah Highway 248 at the turn-out one quarter mile west from U.S. Highway 40

(i) Highway 224, 2 miles south of the intersection with Kilby Road

(5) **WETLANDS.** A map delineating all Wetlands established by using the 1987 Federal Manual for Identifying and Delineating Jurisdictional Wetlands, as amended. (See Section 15-2.21-6.)

(6) **STREAM CORRIDORS, CANALS, AND IRRIGATION DITCHES.** A map delineating all stream corridors, canals, and irrigation ditches, defined by the ordinary high-water mark.

(7) **WILDLIFE HABITAT AREAS.** A map depicting all wildlife habitat Areas, as defined by a Wildlife Habitat Report shall be provided by the applicant. The Wildlife Habitat Report shall be prepared by a professional, qualified in the Areas of ecology, wildlife biology, or other relevant disciplines and describe the following:

(a) The ecological and wildlife Use characterization of the Property explaining the species of wildlife using the Areas, the times or seasons the Area is used by those species, and the value, e.g. meaning feeding, watering, cover, nesting, roosting, or perching, that the Area provides for such wildlife species;

(b) The existence of critical wildlife movement corridors;

(c) The existence of special habitat features, including Key nesting Sites, feeding Areas, calving or production Areas, use Areas for migrant song birds and grassland birds, fox and coyote dens, deer and elk winter concentration Areas as identified by the Utah Division of Wildlife, and

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Areas of high terrestrial or aquatic insect diversity.

(d) Areas inhabited by or frequently utilized by any species identified by state or Federal agencies as Threatened or Endangered.

(e) The general ecological functions provided by the Site and its features;

(f) Potential impacts on these existing wildlife species that would result from the proposed movement.

(B) **ADDITIONAL INFORMATION AND STUDY REQUIREMENTS.** The Planning Department may require the Applicant to submit the following information, as applicable:

(1) **VISUAL ASSESSMENT.** A visual assessment of the Property from Vantage Points designated by the Planning Department, depicting conditions before and after the proposed Development, including the proposed location, size, design, landscaping, and other visual features of the project.

(2) **SOIL INVESTIGATION REPORT.** A soil investigation report, including but not limited to shrink-swell potential, water table elevation, general soil classification and suitability for Development, erosion potential, hazardous material analysis, and potential frost action.

The soils report shall indicate whether the property is 1) within the Prospector Soils Ordinance area and 2) within a Point Source water protection zone.

(3) **GEOTECHNICAL REPORT.** A geotechnical report, which must include the location of major geographic and geologic features, the depth of bedrock, structural features, folds, fractures, etc., and potential land slide and other high hazard Areas such as mine shafts and avalanche paths.

(4) **ADDITIONAL SLOPE INFORMATION.** If the size of the proposed Development and visual sensitivity of the Site dictate, the Planning Department may require the Applicant to submit a Slope/topographic map depicting contours at an interval of two feet (2').

(5) **FIRE PROTECTION REPORT.** A fire protection report that identifies potential Wildland Urban Interface areas. Analysis must include fire hazards, mitigation measures, access for fire protection equipment, existing and proposed fire flow capability and compliance with the International Wildland Urban Interface Code and the Summit County Wildfire Plan.

(6) **HYDROLOGICAL REPORT.** A hydrological report, including information on groundwater levels, drainage

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PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 2.21 Sensitive Area Overlay Zone (SLO) Regulations **15-2.21-5**

channels and systems, and base elevations in flood plains.	in any direction to be subject to this prohibition.	
(C) SENSITIVE LANDS DETERMINATION. The Planning Department shall review the information presented in the Sensitive Lands Analysis, as described in Section 15-2-21.3(A) and Section 15-2-21.3(B), and provide a recommendation to the Planning Commission determining and delineating all Sensitive Lands on the parcel, including Steep Slope Areas, Ridge Lines Areas, Entry Corridors, Wetlands, Stream Corridors, Irrigation Ditches, Wildland and Wildfire Interface Areas, and Critical Wildlife Movement Corridors and Habitat Areas.	The Planning commission may vary the Setback from Very Steep Slopes if the Planning Commission can make all of the following findings during the suitability review:	Deleted: (7) WETLAND/STREAM CORRIDOR RESOURCE EVALUATION. A Wetland/Stream Corridor resource evaluation, including a delineation of wetland and Stream Corridor boundaries and a determination of resource significance. This report shall also identify and describe all canals and irrigation ditches. ¶ (8) WILDLIFE AND HABITAT REPORT. A report prepared by a professional, qualified in the Area(... [1] Deleted: the Deleted: The existence of critica ... [2] Deleted: the Deleted: The existence of specia ... [3] Deleted: threatened Deleted: Threatened or E Deleted: e Deleted: ndangered. ¶ ... [4] Deleted: the Deleted: The general ecological ... [5] Deleted: potential Deleted: Potential impacts on th ... [6] Deleted: AREA ...Community ... [7] Deleted: -... (B)... on a map, ... [8] Deleted: e... s...Areas...e...c ... [9] Deleted: Significant Deleted: w Deleted: and Deleted: w...m...c...h ... [10] Formatted: Indent: Left: 0.5" Deleted: D Deleted: ¶ ... [11] Deleted: s Deleted: ensitive Area A Deleted: a Deleted: nalysis.¶ Deleted: AREA Deleted: Area Deleted: , i the area of the Ver ... [12] Deleted: ing
(1) DENSITY TRANSFER. Whenever land within the Sensitive Area Overlay Zone is subject to more than one (1) Density transfer provision, the more restrictive provision shall apply.	(1) Varying the Setback does not create an intrusion by Buildings into the Ridge Line Area when viewed from Land Management Code designated Vantage Points (15-2-21-3(A)(4) or other Vantage Points designated by the Planning staff or Commission (15-2-21-3(B);	
	(2) Building Areas in the Setback do not create excessive cut or fill Slopes; minimal retaining walls to limit disturbance and meet Grade may be required by the Planning Commission subject to sections 15-2-21-4(B),(C), and (E);	
15-2.21-4. SENSITIVE LANDS REGULATIONS - SLOPE PROTECTION. The following Slope protection provisions apply in the Sensitive Land Overlay Zone:	(3) Limits of Disturbance around any Structure within the Setback shall be limited to the minimal Area necessary to excavate and backfill the foundation. Decks and patios, in the area of the Very Steep Slope setback, may not extend more than fifteen feet (15') beyond the foundation walls, or the minimal excavation/backfill Areas, whichever is greater;	
(A) PROHIBITIONS. No Development is allowed on or within fifty feet (50'), map distance, of Very Steep Slopes, Areas subject to land slide activity, and other high-hazard geologic Areas. As used herein, an Area of Very Steep Slopes must cover a topographic Area at least twenty-five feet (25') vertically, upslope or downslope, and fifty feet (50') horizontally	(4) No additional erosion, land subsidence, or avalanche hazard is created;	

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(5) The Site plan results in an improved organization of units through vegetation avoidance, minimization of changes to the viewshed from public Areas, and reduction of Site disturbance;	(1) Cross Slopes of thirty percent (30%) or greater. A short run of not more than one hundred feet (100') may be allowed to cross Slopes greater than thirty percent (30%) if the Planning Director and the City Engineer conclude that such Streets or roads will not have significant adverse visual, environmental, or safety impacts. Deleted: c Deleted: Community Development Deleted: s
(6) The reduction in Setback results in a reduction in overall project Density or Development massing as established by the Planning Staff's Site Suitability Determination and	(2) Streets and roads proposed to cross Slopes greater than ten percent (10%) are allowed, subject to the following: Deleted: Master Planned Development Deleted: g Commission's Deleted: s Deleted: review;
(7) In no case shall additional disturbance be allowed beyond the maximum area determined in the Site Development Suitability Determination (See Section 15-2.21-2(C)).	(a) Proof that such Street and/or road will be built with minimum environmental damage and within acceptable public safety parameters; and Deleted: by Deleted: Site Deleted: s Deleted: A Deleted: a Deleted: nalysis
(B) <u>GRADED OR FILLED SLOPES.</u> The Applicant must avoid or, to the greatest extent possible, minimize proposed cuts and fills. Cutting and filling to create additional or larger Building Sites shall be kept to a minimum and shall be avoided to the maximum extent feasible. Except for ski Slopes, Graded or filled Slopes shall be limited to a 3 to 1 Slope or less. All Graded Slopes shall be re-contoured to the natural, varied contour of surrounding terrain.	(b) Such Street and road design generally follows contour lines to preserve the natural character of the land, and are Screened with trees or vegetation. Deleted: See definition of Development and Site Suitability Analysis, Chapter 15-15, Definitions.
(C) <u>BENCHING OR TERRACING.</u> Benching or terracing to provide additional or larger Building Sites is prohibited.	(3) Cutting and filling is minimized and appropriately re- vegetated.
(D) <u>STREETS AND ROADS.</u> Streets and roads, proposed for Steep Slopes may not:	(E) <u>RETAINING WALLS.</u> The use, design, and construction of all retaining walls is subject to an Administrative Permit based upon assessment of visual impact, Compatibility with surrounding terrain and vegetation, and safety.

(F) **LANDSCAPING AND REVEGETATION.** An Applicant must commit to landscaping or re-vegetating exposed Slopes. Topsoil from any disturbed portion of a Steep Slope must be preserved and utilized in re-vegetation. Fill soil must be of a quality to support plant growth.

(G) **PRIVATE DEVELOPMENT DESIGN STANDARDS.** All Development on Steeps Slopes shall comply with the design standards set forth in LMC Chapter 15-5.

(H) **OPEN SPACE AND DENSITY ON DELINEATED PORTIONS OF SITES WITH STEEP SLOPES GREATER THAN FIFTEEN PERCENT (15%) BUT LESS THAN OR EQUAL TO FORTY PERCENT (40%).** In addition to the specific Development regulations set forth above, the following regulations apply:

(1) **OPEN SPACE.** Seventy-five percent (75%) of the Steep Slope Area must remain as Open Space.

(2) **DEVELOPABLE LAND.** Twenty-five percent (25%) of the Steep Slope Area may be Developed in accordance with the underlying zoning subject to the following conditions:

(a) **MAXIMUM DENSITY.** The maximum Density on Developable Land within a Steep Slope Area is governed by the underlying zoning and proof that the

proposed Density will not have a significant adverse visual or environmental affect on the community.

(b) **LOCATION OF DEVELOPABLE LAND.** The Developable Land in a Steep Slope Area is that Area with the least visual and environmental impacts, as determined by the Sensitive Lands Determination (See Section 15-2-21 (C)), including the Visual Assessment, and considering the visual impact from key Vantage Points, potential for Screening location of natural drainage channels, erosion potential, vegetation protection, Access, and similar Site design criteria. Based upon such analysis, the Planning Department may require the Applicant to Site the Developable Land pursuant to one or more of the following techniques:

(i) Clustered Development, or

(ii) dispersed Development, or

(iii) transfer of Density to the least sensitive portions of the Site.²

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(c) **DENSITY TRANSFER.** Upon proof of a sensitive Site plan, the Applicant may transfer up to twenty-five percent (25%) of the Densities from the Open Space portion of the Site to the Developable Land.

(d) **SUITABILITY DETERMINATION.** The Applicant must prove that the Development will have no significant adverse impact on adjacent Properties. The Planning Commission shall determine that the Proposal complies with this chapter if the Applicant proves:

(i) The Density is Compatible with that of adjacent Properties.

(ii) The Architectural Detail, height, building materials, and other design features of the Development are Compatible with adjacent Properties.

(iii) The Applicant has adopted appropriate mitigation measures such as landscaping,

preserve the open meadow vistas.

Screening, illumination standards, and other design features to buffer the adjacent Properties from the Developable Land.

(I) OPEN SPACE AND DENSITY ON VERY STEEP SLOPES.

(1) **REQUIRED OPEN SPACE.** One hundred percent (100%) of the Very Steep Slope Area shall remain in Open Space. No vegetation within fifty vertical feet (50') in elevation of the Very Steep Slope Area shall be disturbed, except as permitted by the Planning Commission per Section 15-2.21-4.

(2) **TRANSFER OF DENSITY.** Up to ten percent (10%) of the Densities otherwise allowed in the zone may be transferred to Developable Land subject to a Suitability Determination (See Section 15-2.21-4(H)(2)(d)).

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(J) MASTER PLANNED DEVELOPMENT (MPD) TDR OPEN SPACE REQUIREMENTS. The Planning Commission at the time of Master Planned Development or Subdivision review, may reduce the TDR Open Space requirements upon a determination that:

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(1) the Sensitive Land Open Space set aside is sufficient for the Development,

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PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 2.21 Sensitive Area Overlay Zone (SLO) Regulations **15-2.21-9**

(2) sufficient neighborhood and TDR Open Space is set aside within the Developable Land to serve residents of the Development. <u>and</u>. (3) <u>not</u> less than twenty percent (20%) of the Developable Land <u>is</u> set aside for TDR Open Space.	Line Areas should be retained in a natural state, and Development should be <u>sited</u> in such a manner so as not to create a silhouette against the skyline or mountain backdrop as viewed from designated Vantage Points.	Deleted: S Deleted: in no case shall Deleted: be
(K) DENSITY BONOUSES. In addition to the Density transfers permitted pursuant to this Section, the <u>Planning</u> Department may recommend that the Planning Commission grant up to a twenty percent (20%) increase in transferable Densities if the Applicant:	(B) MINIMUM SETBACK. No Structure or other appurtenant device, including mechanical equipment may visually intrude on the Ridge Line Area from any of the designated <u>Vantage Points</u> as depicted herein, <u>or as identified by the Planning Commission during review of an Annexation or Master Planned Development</u>.	Deleted: Community Development Deleted: v Deleted: p
(1) offers to preserve Open Space to ensure the long-term protection of a significant environmentally or visually sensitive Area in a manner approved by the City; or (2) provides public Access as shown on the Trails Master Plan; or (3) restores degraded wetlands or environmental Areas on the Site or makes other significant environmental improvements.	(C) OPEN SPACE AND DENSITY. The following regulations apply to all Ridge Line Areas in the Sensitive Overlay: (1) OPEN SPACE. One hundred percent (100%) of the Ridge Line Area shall remain in Open Space. (2) DENSITY TRANSFER. The Planning Commission may transfer up to twenty-five percent (25%) of the Densities otherwise allowed in the Ridge Line Area to Developable Land.	Deleted: AREA Deleted: . The Density transfer shall be subject to a suitability determination as set forth below:¶ ¶ (a) SUITABILITY DETERMINATION. The Applicant must prove that the Development will have no significant adverse impact on adjacent Properties. The Planning Commission shall determine that the Proposal complies with this chapter if the Applicant proves:¶ ¶ (i) . The Density is Compatible with that of adjacent Properties.¶ ¶ (ii) . The Architectural Detail, height, materials, and other design features of the Development in the receiving Area are Compatible with adjacent Properties.¶ ¶ (iii) . The Applicant has adopted appropriate mitigation measures such as landscaping, Screening, illumination standards, and other design features to buffer the adjacent Properties from the Developable Land.
(Amended by Ord. No. 05-40) 15-2.21-5. SENSITIVE <u>LANDS</u> REGULATIONS - RIDGE LINE AREA PROTECTION. (A) INTENT. The intent of these provisions is to ensure that Development near Ridge Line Areas blends with the natural contour of these land forms. <u>Ridge</u>	<u>Subject to a Suitability Determination. (See Section 15-2.21-4(H)(2)(d))</u>	Deleted: Significant

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 2.21 Sensitive Area Overlay Zone (SLO) Regulations **15-2.21-10**

(D) **DENSITY BONUSES.** In addition to the Density transfers permitted pursuant to this Section, at MPD or subdivision review. The Planning Department may recommend that the Planning Commission grant up to a twenty percent (20%) increase in transferrable Densities if the Applicant:

- (1) offers to preserve open space to ensure the long-term protection of a significant environmentally or visually sensitive Areas in a manner approved by the City; or
- (2) provides public Access for trails, as shown on the Trails Master Plan; or
- (3) restores degraded wetlands or environmental Areas on the Site or makes other significant environmental improvements.

15-2.21-6. SENSITIVE AREA REGULATIONS - WETLANDS AND STREAM PROTECTION.

(A) **INTENT.** The following requirements and standards have been developed to promote, preserve, and enhance wetlands and Stream Corridors and to protect them from adverse effects and potentially irreversible impacts.

(B) **JURISDICTION.** All Wetlands and Stream Corridors are regulated as provided below.

(C) **PROHIBITED ACTIVITIES.** No person shall disturb, remove, fill, dredge, clear, destroy or alter any Area, including vegetation, surface disturbance within

Wetlands and Stream Corridors and their respective Setbacks, except as may be expressly allowed herein.

(D) **BOUNDARY DELINEATIONS.**

The applicant must provide a wetlands delineation by a qualified professional utilizing the methods of the 1987 Army Corp of Engineers Manual for identifying and delineating Jurisdictional Wetlands, as amended. The boundary of stream corridors and wetlands shall be delineated at the Ordinary High Water Mark as define in Section 15-15.

(E) **DETERMINATION OF WETLANDS, STREAMS, AND IRRIGATION DITCHES.**

(1) **WETLAND CRITERIA.** A wetland that meets the criteria of the 1987 Army Corp of Engineers Manual for Identifying and Delineating Jurisdictional Wetlands is a Wetland.

(2) **STREAM CORRIDOR.** All Stream Corridors which exist within the property. Irrigation ditches are not Stream Corridors.

(3) **IRRIGATION DITCHES.** An irrigation ditch that meets the Army Corps of Engineers definition for waters of the Unites States must comply with the regulations of stream corridors, within this section.

(F) **SETBACKS.** The following Setbacks are required:

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Deleted: Community Development

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(1) Wetlands shall be established using the *Federal Manual for Identifying and Delineating Jurisdictional Wetlands*, dated January 10, 1989. ¶

(2) Stream Corridors shall be delineated at the Ordinary High Water Mark as defined in Section 15-15.

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(a) SIZE. All wetlands that occupy a surface Area greater than 1/10 acre or are associated with permanent surface water.¶

(b) LOCATION. All wetlands that are adjacent to, or contiguous with, a Stream Corridor.¶

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PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 2.21 Sensitive Area Overlay Zone (SLO) Regulations 15-2.21-11

(1) Setbacks from wetlands shall extend a minimum of fifty feet (50') outward from the delineated wetland Ordinary High Water Mark. (2) Setbacks from Stream Corridors shall extend a minimum of fifty feet (50') outward from the Ordinary High Water Mark. (3) Setbacks from irrigation ditches that meet the Army Corps of Engineers definition for waters of the United States shall extend a minimum of twenty feet (20') from the Ordinary High Water Mark.	(A) CONSULTATION. The Developer must submit a plan detailing the location, alignment and scope of the undertaking. If the Planning Director determines that the project may have significant visual and environmental impacts, a consultation meeting will be scheduled. No Development shall occur until after the consultation meeting and any required approvals have been granted. (B) MITIGATION. The Planning Director must review the proposed project and after consultation may request the Developer to prepare alternatives for consideration and to prepare a mitigation plan that modifies the project to mitigate the environmental and visual impact of the project. To the Maximum Extent Feasible, the Developer must design the ski facilities to preserve the natural character of the Sensitive Lands. The mitigation plan must also address re-vegetation of disturbed Areas and temporary and permanent erosion control measures.	Deleted: Significant W Deleted: w Deleted: edg Deleted: e. Deleted: Community Development Deleted: (3) . Formatted: Bullets and Numbering Deleted: Community Development Deleted: ¶ ¶ Any specific allowances or requirements for appropriate crossings of wetlands, Stream Corridors, and irrigation ditches? Are these regulations already included in the Subdivision Ordinance... just need to refer to that??¶ Deleted: Deleted: s Deleted: Area Deleted: 9 Deleted: Community Development Deleted: Deleted: ¶ (I) LMC MASTER PLANNED DEVELOPMENT (MPD) OPEN SPACE REQUIREMENTS. The Planning Commission may reduce the sixty percent (60%) MPD Open Space requirement in the Developable Land if the Planning Commission determines that: ¶ ¶ (1) . Open Space set aside is sufficient to provide adequate natural Open Space for the entire Development;¶ ¶ ... [13] Deleted: . Deleted: ; and¶ ... [14] Deleted: A Deleted: t least twenty percent ... [15] Formatted: Font: Times New Roman Formatted ... [16] Formatted: Font: (Default) Arial Formatted: Font: Times New Roman Formatted: Font: Times New Roman Deleted: 8
(G) RUNOFF CONTROL. All projects adjacent to wetlands, Stream Corridors, or irrigation ditches that meet the Army corps of Engineers definition for waters of the United States must apply Best Management Practices for both temporary and permanent runoff control to minimize sediment and other contaminants.		
(H) HABITAT RESTORATION PROJECTS. The Planning Department may approve wetland and Stream Corridor restoration and enhancement projects if the project plan has been reviewed by a qualified professional, approved by the appropriate state and federal agencies, and performed under the direct supervision of a Qualified Professional.		
15-2.21-7. SENSITIVE LAND REGULATIONS - DEVELOPMENT APPROVALS FOR SKI AREA CONSTRUCTION AND EXPANSION.	15-2.21-8. SENSITIVE LAND REGULATIONS - WILDLIFE AND WILDLIFE HABITAT PROTECTION. (A) INTENT. The following requirements and standards have been developed to promote, preserve, and enhance wildlife and wildlife habitat Areas in and around Park City, and to protect them from adverse effects and potentially irreversible impacts. (B) JURISDICTION. All Sensitive or Specially Valued Species, including all species identified by state or federal	

agencies as ~~Threatened~~ or ~~Endangered~~
~~Wildlife~~ are regulated as provided below:

(1) **PROTECTION OF
WILDLIFE HABITAT AND
ECOLOGICAL CHARACTER.**

(a) **CONSTRUCTION
TIMING.** Construction shall
be organized and timed to
minimize disturbance of
Sensitive or Specially Valued
Species occupying or using
on-Site and adjacent natural
Areas.

(b) **SENSITIVE AND
SPECIALLY VALUED
SPECIES.** If the
Development Site contains or
is within five hundred feet
(500') of a natural Area or
habitat Area, and the wildlife
and habitat report show the
existence of Sensitive or
Specially Valued Species, the
Development plans shall
include provisions to ensure
that any habitat contained in
any such natural Area shall
not be disturbed or
diminished, and to the
Maximum Extent Feasible,
such habitat shall be
enhanced.

(c) **CONNECTIONS.** If
the Development Site
contains existing natural
Areas that connect to other
Off-Site natural Areas, to the
Maximum Extent Feasible
the Development plan shall

preserve such natural Area
connections. If natural Areas
lie adjacent to the
Development Site, but such
natural Areas are not
presently connected across
the Development Site, then
the Development plan shall,
to the extent reasonably
feasible, provide such
connection. Such
connections shall be designed
and constructed to allow for
the continuance of existing
wildlife movement between
natural Areas and to enhance
the opportunity for the
establishment of new
connections for movement of
wildlife.

(d) **WILDLIFE
CONFLICTS.** If wildlife that
may create conflicts for
future occupants of the
Development ~~are~~ known to
exist in Areas adjacent to or
on the Development Site,
then the Development plan
must include provisions to
minimize these conflicts to
the extent reasonably
feasible.

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(7) **WETLAND/STREAM CORRIDOR RESOURCE EVALUATION.** A Wetland/Stream Corridor resource evaluation, including a delineation of wetland and Stream Corridor boundaries and a determination of resource significance. This report shall also identify and describe all canals and irrigation ditches.

(8) **WILDLIFE AND HABITAT REPORT.** A report prepared by a professional, qualified in the Areas of ecology, wildlife biology, or other relevant disciplines that describes the following:

(a) The ecological and wildlife Use characterization of the Property explaining the species of wildlife using the Areas, the times or seasons the Area is used by those species, and the value, e.g. meaning feeding, watering, cover, nesting, roosting, or perching, that the Area provides for such wildlife species;

(b)

The existence of critical wildlife movement corridors;

(c)

The existence of special habitat features, including Key nesting Sites, feeding Areas, calving or production Areas, use Areas for migrant song birds and grassland birds, fox and coyote dens, deer and elk winter concentration Areas as identified by the Utah Division of Wildlife, and Areas of high terrestrial or aquatic insect diversity.

(d) Areas inhabited by or frequently utilized by any species identified by state or

Federal agencies as

ndangered.

(e)

The general ecological functions provided by the Site and its features;

(f)

Potential impacts on these existing wildlife species that would result from the proposed movement.

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(E) **ANNEXATIONS**. Every annexation must provide a S

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, i the area of the Very Steep Slope setback,		
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(I) **LMC MASTER PLANNED DEVELOPMENT (MPD) OPEN SPACE REQUIREMENTS**. The Planning Commission may reduce the sixty percent (60%) MPD Open Space requirement in the Developable Land if the Planning Commission determines that:

- (1) Open Space set aside is sufficient to provide adequate natural Open Space for the entire Development;
- (2) sufficient TDR Open Space remains within the Developable Land to serve residents of the Development

; and

(3) a

t least twenty percent (20%) of the Developable Land is TDR Open Space.

15-2.21-7. WILDFIRE REGULATIONS.

The following table shall be used to determine exemption from the wood roof prohibition. The rating column applies to each of the categories of Slope, aspect, fire department response time, and vegetation.

Wildfire Hazard Severity Scale:

RATING	SLOPE	VEGETATION
1	0% - 10	Pinion/Juniper
2	10.1-20%	Grass/Sagebrush
3	> 20%	Mountain brush/ softwoods

Prohibition/Exemption Scale:

RATING	WOOD ROOF PROHIBITION
<= 11	Wood roofs are allowed
> = 12	Wood roofs are prohibited

STEP 1: Find the rating for Slope and vegetation from the Wildfire Hazard Severity Scale table and choose whichever rating is highest.

STEP 2: Add 9 to that rating, this is the weather factor for Park City. The result is the total rating.

STEP 3: Find the total rating in the Prohibition/Exemption Scale above to determine whether wood roofs may be allowed on the specific Lot.

City Council Staff Report



Author: Katie Cattan
Subject: 68 Prospect Street – Extension of Plat Amendment
Date: December 6, 2007
Type of Item: Administrative - Plat amendments extension requires City Council approval

Summary Recommendations

Staff recommends the City Council hold a public hearing and consider approving the request for a 1 year extension for the 68 Prospect Street Plat Amendment based on the Findings of Fact, Conclusions of Law, and Conditions of Approval in the attached Ordinance.

Topic

Applicant:	Kim Marks represented by Rick Otto
Location:	68 Prospect Street
Zoning:	HR-1
Adjacent Land Uses:	Residential / Colman Open Space
Reason for Review:	Extensions require City Council action

Background

On December 14, 2006, the City Council approved the 68 Prospect Street Replat. The plat amendment included consolidating three adjacent lots (lots 8, 9 and 10 in Block 18 of the Park City Survey) and re-creating two lots within the same exterior boundary.

The current lot size of each of the three lots is 25.7' x 80' each. The newly created lots will be approximately 38.5' x 80' each. The proposal is shown in Exhibit A. One home sits across the three existing lots. Condition of approval #2 states "Relocation of the existing historic home to the new lot is a condition precedent to plat recordation." The applicant is requesting an extension on the Plat Amendment because this condition of approval has not been met. The applicant is working with professionals to create a preservation plan for the home prior to relocating. This portion of the process has taken longer than expected, and therefore additional time is requested.

Analysis

The applicant is seeking a one year extension to a plat amendment that was granted by the City Council on December 14, 2006. City Policy has been to approve such extensions if the applicant demonstrates good cause and that no change in circumstance has occurred since the previous approval. No change in circumstance to the property has occurred since the time of the original approval as it relates to the Land Management Code requirements, including zoning,

height, setbacks, lot size and building footprint. Additionally, no applicable changes to the LMC have occurred in the time since the application was initially approved. The applicant is requesting that the City Council extend the 2006 approval as is, with no changes. Prior to the issue of a building permit, the applicant will be required to submit an application for Historic District Design Guideline review. All conditions of approval from the December 14, 2006 approval will continue to apply as originally written (See Exhibit C).

Notice

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

Public Input

At the time of writing this report, no comments had been received by the public.

Alternatives

1. The City Council may approve the 68 Prospector Street plat amendment as conditioned or amended; or
2. The City Council may deny the 68 Prospector Street plat amendment and direct staff to make Findings for this decision; or
3. The City Council may continue the discussion on the 68 Prospector Street Plat Amendment.

Significant Impacts

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

Exhibits

Exhibit A: Proposal for Replat

Exhibit B: Preliminary proposal to move the house

Exhibit C: City Council Minutes December 14, 2006

Exhibit D: Proposed Ordinance

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Exhibit B – Preliminary proposal to move the historic home

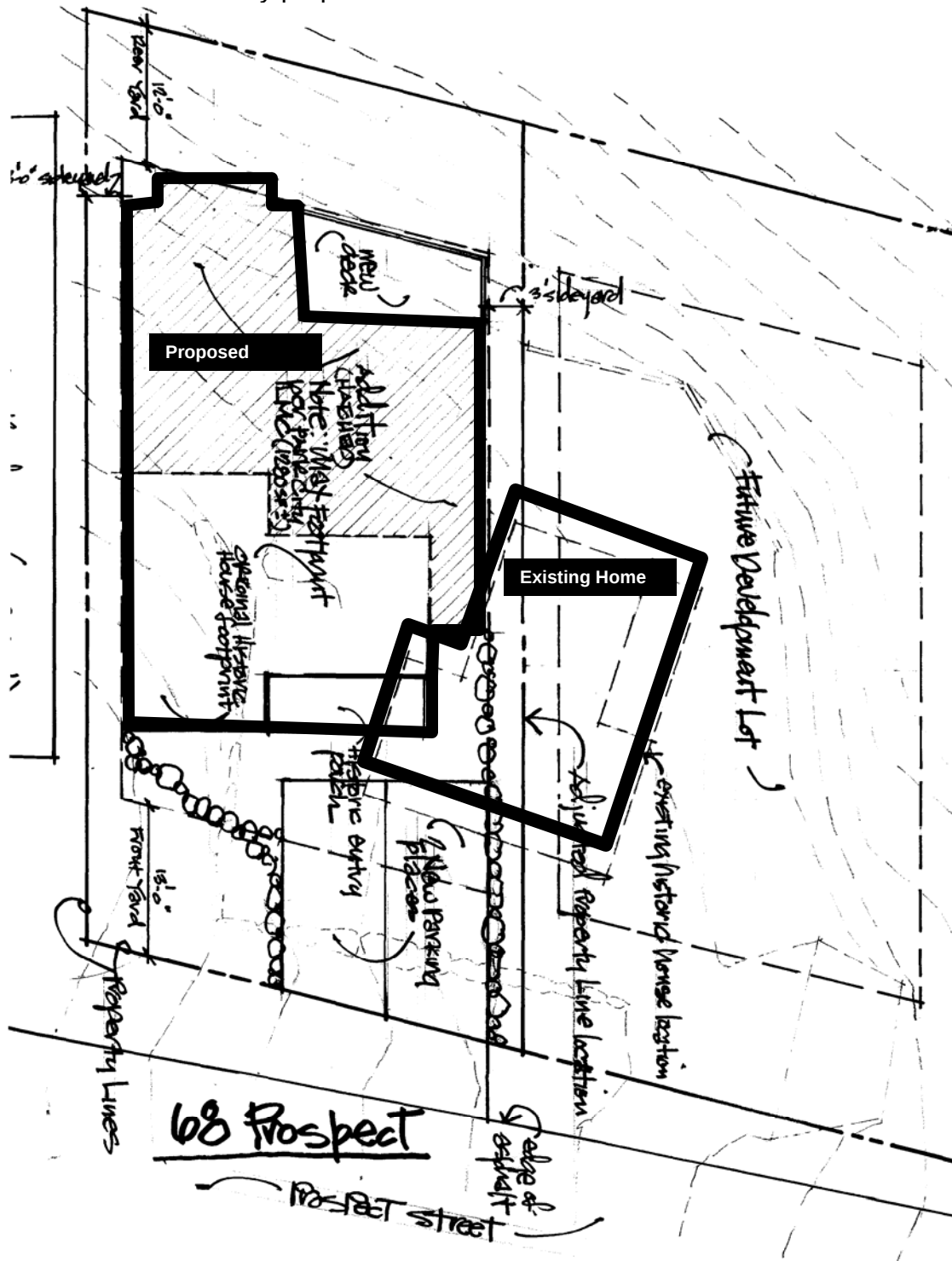


Exhibit C: City Council minutes

IV WORK SESSION NOTES AND MINUTES OF MEETING OF NOVEMBER 30, 2006

Marianne Cone, "I move that we approve the work session notes and minutes of the meeting of November 30, 2006". Candace Erickson seconded. Motion unanimously carried.

V CONSENT AGENDA PUBLIC HEARINGS

1. Ordinance approving the 68 Prospect Street Re-plat, an amendment to Lots 8, 9 and 10 of the Park City Survey, Park City, Utah – Robin Hutcheson explained the application to approve a plat to consolidate three lots and divide the combined area into two equal sized lots. An historic home sits on the three lots and is not addressed in this action. It is anticipated that the historic structure will be relocated and a new home built on the other lot. Staff recommends approval of the Ordinance based on the staff report. The Mayor opened the public hearing.

Ruth Gezelius, Prospect resident, urged Council to approve the ordinance. The lot configurations are adequate and remodeling an historic building is important. She appreciated the reduction of density from three to two.

2. Resolution setting forth a policy for Park City Cemetery operations and services and replacing and repealing Resolution 11-93 in its entirety - Karen Yocum discussed the recommendation to raise cemetery fees to cover the cost of providing services. Both the administrative policy and fee resolution clarify eligibility requirements. In response to a question from the Mayor about lots that have been sold but unclaimed. Ms Yocum advised that those lots would not be available for resale unless an extensive tracking process is conducted. There are about 350 lots remaining in the cemetery. Carey Coffey discussed deeds to lots and the lack of contact information for purchasers. Tom Bakaly advised that the expansion of the cemetery is not addressed in these resolutions. In response to a question from Roger Harlan about records of burials, Ms. Coffey relayed that some record entries don't include given names, i.e., "*baby girl*". The Mayor opened the public hearing.

Mike Sweeney stated that the fee to move a gravesite seems high to him. He suggested that the City explore out-sourced services which may be less expensive. Ms. Yocum explained that the fees were formulated by the Parks Department who factored-in staff time and equipment costs. Carey Coffey discussed the challenges of winter burials and commented that her research reveals that City fees are well below the average.

With no further comments, the public hearing was closed.

3. Resolution amending Fee Resolution No. 23-06, Section 8.7, Cemetery Fees, and replacing and repealing Resolution No. 23-06 in its entirety – The Mayor opened the public hearing and with no comments from the audience, closed the hearing.

VI CONSENT AGENDA

Jim Hier, “I move we adopt Consent Agenda Items 1 through 5”. Marianne Cone seconded. Motion unanimously carried.

1. Ordinance approving the 68 Prospect Street Re-plat, an amendment to Lots 8, 9 and 10 of the Park City Survey, Park City, Utah – See staff report and public hearing.

2. Resolution setting forth a policy for Park City Cemetery operations and services and replacing and repealing Resolution 11-93 in its entirety - See staff report and public hearing.

3. Resolution amending Fee Resolution No. 23-06, Section 8.7, Cemetery Fees, and replacing and repealing Resolution No. 23-06 in its entirety - See staff report and public hearing.

4. Acceptance of Comprehensive Annual Financial Report for Park City Municipal Corporation for Fiscal Year ended June 30, 2006 – See staff report.

5. Resolution confirming City participation in the American Public Transit Association (APTA) Emergency Response and Preparedness Program and authorize the City Manager to execute the APTA Mutual Aid Assistance Agreement – See staff report.

Exhibit D: Proposed Ordinance

Ordinance No. 07-

AN ORDINANCE APPROVING THE 68 PROSPECT STREET REPLAT, AN AMENDMENT TO LOTS 8, 9, AND 10 OF THE PARK CITY SURVEY, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 68 Prospect Street have petitioned the City Council for approval of the Plat Amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on October 25, 2006 to receive input on the Plat Amendment and forwarded a positive recommendation to the City Council on November 8, 2006; and,

WHEREAS, on December 14, 2006, the City Council approved the 68 Prospect Street Replat; and

WHEREAS, on December 6, 2007, the City Council approved a one year extension for the approved 68 Prospect Street Replat; and

WHEREAS the 68 Prospect Street Replat will allow the consolidation of three lots into two lots within the same exterior boundary.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The 68 Prospect Street Replat, as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 68 Prospect Street.
2. The zoning is Historic Residential (HR-1)
3. The surrounding land use patterns are single family homes, most of them small in size on single, or combinations of typical Old Town lots.
4. The current configuration of lots is three equal sized lots measuring 25.7' x 80'.
5. One home traverses both of the interior lot lines.

6. The size of the current home is approximately 400 square feet.
7. The home is historically significant.
8. The proposed configuration of lots is two equal sized lots measuring 38.5' x 80'.
9. A Public Hearing was held on October 25, 2006. Two comments were received, both in support of the Plat Amendment.
10. Comments received on October 25th supported the construction of two smaller homes rather than one larger home.
11. The Planning Commission unanimously voted to recommend approval of the plat amendment on November 8, 2006.
12. No change in circumstance to the property has occurred since the time of the original approval as it relates to the Land Management Code requirements, including zoning, height, setbacks, lot size and building footprint.
13. No applicable changes to the LMC have occurred in the time since the application was initially approved.

Conclusions of Law:

1. There is good cause for this Plat Amendment because it allows the construction of two smaller homes, which is consistent with the surrounding land use patterns, massing and scale on Prospect Street.
2. The Plat Amendment is consistent with the Park City Land Management Code.
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:

1. The City Attorney and City Engineer will review and approve the final form and content of the Plat Amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. Relocation of the existing historic home to the new lot is a condition precedent to plat recordation.
3. The applicant will record the Plat Amendment at the County within one year from the date of City Council extension of the approval (December 6, 2008). If recordation has not occurred within one year's time, this approval for the plat will be void.
4. All standard project conditions will apply as noted in Attachment 2.

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

PASSED AND ADOPTED this 6th day of December, 2007.

PARK CITY MUNICIPAL
CORPORATION

Dana Williams, MAYOR

ATTEST:

Jan Scott, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachments

Attachment 1 – Record of Survey Plat

Attachment 2 – Standard Project Conditions

Attachment 1 – Record of Survey Plat

NOTICE TO THE PUBLIC

THIS SURVEY WAS MADE BY THE SURVEYOR OF THE COUNTY OF PARK, MISSOURI, FOR THE PURPOSE OF RECORDING THE SAME. THE SURVEYOR HAS BEEN DULY QUALIFIED BY THE BOARD OF SURVEYORS OF THE STATE OF MISSOURI. THE SURVEYOR HAS BEEN DULY QUALIFIED BY THE BOARD OF SURVEYORS OF THE STATE OF MISSOURI. THE SURVEYOR HAS BEEN DULY QUALIFIED BY THE BOARD OF SURVEYORS OF THE STATE OF MISSOURI.

COMMISSIONER

THE SURVEYOR HAS BEEN DULY QUALIFIED BY THE BOARD OF SURVEYORS OF THE STATE OF MISSOURI. THE SURVEYOR HAS BEEN DULY QUALIFIED BY THE BOARD OF SURVEYORS OF THE STATE OF MISSOURI. THE SURVEYOR HAS BEEN DULY QUALIFIED BY THE BOARD OF SURVEYORS OF THE STATE OF MISSOURI.

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RECORD OF SURVEY

SECTION 8, TOWNSHIP 2 NORTH, RANGE 18 WEST, PARK COUNTY, MISSOURI

A LOT COMBINATION PLAT

A RESUBDIVISION OF LOTS 8, 9, AND 10 IN BLOCK 18, PARK CITY SURVEY

68 PROSPECT STREET REPLAT

LOCATED IN SECTION 21

TOWNSHIP 2 NORTH, RANGE 18 WEST, PARK COUNTY, MISSOURI

PREPARED BY: [Name]

DATE: [Date]

RECORDED

FILE NO. [Number]

RECORDED

FILE NO. [Number]

SECTION 8, TOWNSHIP 2 NORTH, RANGE 18 WEST, PARK COUNTY, MISSOURI

A LOT COMBINATION PLAT

A RESUBDIVISION OF LOTS 8, 9, AND 10 IN BLOCK 18, PARK CITY SURVEY

68 PROSPECT STREET REPLAT

LOCATED IN SECTION 21

TOWNSHIP 2 NORTH, RANGE 18 WEST, PARK COUNTY, MISSOURI

PREPARED BY: [Name]

DATE: [Date]

RECORDED

FILE NO. [Number]

RECORDED

FILE NO. [Number]

Attachment 2
PARK CITY MUNICIPAL CORPORATION
STANDARD PROJECT CONDITIONS

1. The applicant is responsible for compliance with all conditions of project approval.
2. The proposed project is approved as indicated on the final approved plans, except as modified by additional conditions imposed by the Planning Commission at the time of the hearing. The proposed project shall be in accordance with all adopted codes and ordinances; including, but not necessarily limited to: the Land Management Code (including Chapter 9, Architectural Review); Uniform Building, Fire and related Codes (including ADA compliance); the Park City Design Standards, Construction Specifications, and Standard Drawings (including any required snow storage easements); and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Park City.
3. A building permit shall be secured for any new construction or modifications to structures, including interior modifications, authorized by this permit.
4. All construction shall be completed according to the approved plans on which building permits are issued. Approved plans include all site improvements shown on the approved site plan. Site improvements shall include all roads, sidewalks, curbs, gutters, drains, drainage works, grading, walls, landscaping, lighting, planting, paving, paths, trails, public necessity signs (such as required stop signs), and similar improvements, as shown on the set of plans on which final approval and building permits are based.
5. All modifications to plans as specified by conditions of approval and all final design details, such as materials, colors, windows, doors, trim dimensions, and exterior lighting shall be submitted to and approved by the Community Development Department, Planning Commission, or Historic District Commission prior to issuance of any building permits. Any modifications to approved plans after the issuance of a building permit, must be specifically requested and approved by the Community Development Department, Planning Commission and/or Historic District Commission in writing prior to execution.
6. Final grading, drainage, utility, erosion control and re-vegetation plans shall be reviewed and approved by the City Engineer prior to commencing construction. Limits of disturbance boundaries and fencing shall be reviewed and approved by the Community Development Department. Limits of disturbance fencing shall be installed, inspected, and approved prior to building permit issuance.
7. An existing conditions survey identifying existing grade shall be conducted by the applicant and submitted to the Community Development Department prior to issuance of a footing and foundation permit. This survey shall be used to assist the Community Development Department in determining existing grade for measurement of building heights, as defined by the Land Management Code.
8. A Construction Mitigation Plan (CMP), submitted to and approved by the Community Development Department, is required prior to any construction. A CMP shall address the following, including but not necessarily limited to: construction staging, phasing, storage of materials, circulation, parking, lights, signs, dust, noise, hours of operation, re-vegetation of disturbed areas, service and delivery, trash pick-up, re-use of construction materials, and disposal of excavated materials. Construction staging areas shall be clearly defined and placed so as to minimize site disturbance. The CMP shall include a landscape plan for re-vegetation of all areas disturbed during construction, including but not limited to: identification of existing vegetation and replacement of significant vegetation or trees removed during construction.
9. Any removal of existing building materials or features on historic buildings, shall be approved and coordinated by the Planning Department prior to removal.
10. The applicant and/or contractor shall field verify all existing conditions on historic buildings and match replacement elements and materials according to the approved plans. Any discrepancies found between approved plans, replacement features and existing elements must be reported to the Planning Department for further direction, prior to construction.
11. Final landscape plans, when required, shall be reviewed and approved by the Community Development Department prior to issuance of building permits. Landscaping shall be completely installed prior to occupancy, or an acceptable guarantee, in accordance with the Land Management Code, shall be posted in lieu thereof. A landscaping agreement or covenant may be required to ensure landscaping is maintained as per the approved plans.
12. All proposed public improvements, such as streets, curb and gutter, sidewalks, utilities, lighting, trails, etc. are subject to review and approval by the City Engineer in accordance with current Park City Design Standards, Construction Specifications and Standard Drawings. All improvements shall be installed or sufficient guarantees, as determined by the Community Development Department, posted prior to occupancy.
13. The Snyderville Basin Sewer Improvement District shall review and approve the sewer plans, prior to issuance of any building plans. A Line Extension Agreement with the Snyderville Basin Sewer Improvement District shall be signed and executed prior to building permit issuance. Evidence of compliance with the District's fee requirements shall be presented at the time of building permit issuance.
14. The planning and infrastructure review and approval is transferrable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
15. When applicable, access on state highways shall be reviewed and approved by the State Highway Permits Officer. This does not imply that project access locations can be changed without Planning Commission approval.
16. Vesting of all permits and approvals terminates upon the expiration of the approval as defined in the Land Management Code, or upon termination of the permit.
17. No signs, permanent or temporary, may be constructed on a site or building without a sign permit, approved by the Community Development Department. All multi-tenant buildings require an approved Master Sign Plan prior to submitting individual sign permits.

City Council Staff Report



Subject: Open Space Acquisition (Clissold/Quarry Mountain)
Author: Myles Rademan
Department: Sustainability/Vision
Date: December 6, 2007
Type of Item: Administrative

Summary Recommendations:

Direct Staff to enter into a real estate purchase agreement in a form approved by the City Attorney to acquire the 183.17 Clissold/Quarry Mountain properties for the appraised price of \$3.9 million, equally splitting the purchase with BOSAC/Summit County. This recommendation is unanimously supported by both COSAC and BOSAC.

Topic/Description:

Open Space Acquisition in conjunction with Summit County/BOSAC of the 183.17 acre Clissold/Quarry Mountain properties (see map) utilizing open space bond proceeds.

Background:

In May 2007, COSAC took a field trip to identify key privately held properties in Park City and the Snyderville Basin suitable for acquisition as permanent open and recreation space. One of the important properties identified was the Clissold/Quarry Mountain properties (183.17 acres) on S.R. 224 in the middle of the Basin which forms a dramatic focal point for both Park City and the Snyderville Basin.

Staff was asked to research the ownership and development potential of this property and to contact the owner to explore potential acquisition options.

Dick Clissold is the owner of three key parcels comprising the majority of Quarry Mountain. These properties, which are in Summit County and contiguous in part to Park City, are permitted by County zoning up to 1 unit/10 acres on areas outside of wetlands and on slopes less than 30% and 1/40 in those areas that have not been precluded from future development potential by any previous development agreements with Summit County. There is a perception that development cannot occur on substantial portions of these properties due to steepness, access issues and/or prior development agreements, but upon careful examination of Snyderville Basin Planning Commission minutes and County legal records by County staff, these perceptions are largely incorrect. Upon planning examination it has been determined that 5-6 units of density could be permitted on these properties.

In discussions with Mr. Clissold it was decided that the City would order a certified appraisal of the property. Mr. Chris Hanson, a Utah State-Certified Appraiser, with the Appraisal Group conducted an appraisal dated July 20, 2007 and amended on November 8, 2007, to reflect newer market data, which appraised the subject properties at \$3.9 million.

Staff met with BOSAC on two occasions to determine their interest in sharing in the cost of acquiring the property as open and recreation space at the appraised value. BOSAC at their November 2, 2007 meeting unanimously voted to recommend splitting the appraised acquisition

cost 50%/50% with the City. COSAC followed suit and made a similar recommendation on November 13, 2007.

Several minor questions remain to be resolved about the timing of the purchase and how and by whom will it be owned.

Analysis:

Quarry Mountain is one of the most visible topographic elements in the Snyderville Basin. It is bounded by S.R. 224 on the west, Old Ranch Road area on the north and Park Meadows on the east. It is clearly visible driving south into the Snyderville Basin and Park City on S.R. 224, and driving north out of Park City on Deer Valley Drive. The proposed acquisition price equates to approximately \$21,300/acre.

An independent appraisal of the property demonstrated that 5-6 residential lots could be permitted on the property under current County zoning codes and that access could be gained from a number of points, many of which would be very highly visible and intrusive.

COSAC and BOSAC have both deemed acquiring this property as open and recreation space a top priority and are recommending that the appraised cost be split between Park City and Summit County.

This acquisition will protect a visually important landmark as open space and insure the continued use of the trail network which presently exists but which likely is used without express owner permission used at the present time.

Department Review:

City Manager, Sustainability Team, Planning, Engineering, Legal

Alternatives:

A. Approve:

Authorize acquiring the Clissold/Quarry Mountain properties in conjunction with BOSAC and allocating up to \$2 million dollars from open space bond proceeds for the purchase. This will permanently preserve this highly visible property as permanent open and recreation space.

B. Deny:

Do not authorize the acquiring the Clissold/Quarry Mountain properties. These lands will not be permanently protected as open and recreation space and will most likely face future development.

C. Modify: Attempt to negotiate an acquisition price less than appraised value, or seek a charitable donation.

D. Continue the Item:

Remand the acquisition to COSAC and BOSAC for further study and negotiation.

E. Do Nothing:

This is will be same as Denying the acquisition and will most likely lead to future development.

Significant Impacts:

There is approximately \$3 million remaining from the 2002 Open Space Bond. Staff suggests using the 2002 Open Space Bonds to pay for the City's \$1.95 million portion of the Clissold/Quarry Mountain properties. The acquisition secures the east side of the entry corridor as open space, ensuring the visual integrity of the entire McPolin meadow and adjacent hills.

Consequences of not taking the recommended action:

Development will most likely take place on a portion of the property and a highly visible access road will most likely have to be constructed.

Recommendation:

Direct Staff to enter into a real estate purchase agreement to acquire the 183.17 Clissold/Quarry Mountain properties in a form approved by the City Attorney for the appraised price of \$3.9 million, equally splitting the purchase with BOSAC/Summit County. This recommendation is unanimously supported by both COSAC and BOSAC.

This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information shown on this drawing is derived from various sources, including but not limited to, aerial photography, historical maps, and other information. The information is not intended to be used for legal purposes. The information is not intended to be used for legal purposes. The information is not intended to be used for legal purposes.

SS-59-7-A
RICHARD L CLISSOLD INVESTMENT CO LLC
2000/100 Acres

BSE-A-AM
PARK CITY JEWISH CENTER INC
3744/100 Acres

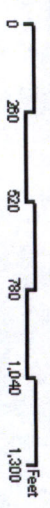
PP-118
RICHARD L CLISSOLD INVESTMENT CO LLC
500/100 Acres

PP-122
RICHARD L CLISSOLD INVESTMENT CO LLC
8000/100 Acres

PP-17-C
RICHARD L CLISSOLD INVESTMENT CO LLC
7797/100 Acres

PP-21-5-A
IVERS JAMES JR & SANDRA S TRUSTEES
5582/100 Acres

The Farm



Quarry Mtn - White Pine Canyon Rd.