



**PARK CITY PLANNING COMMISSION MEETING
SUMMIT COUNTY, UTAH
June 24, 2020**

PUBLIC NOTICE IS HEREBY GIVEN that the PLANNING COMMISSION of Park City, Utah will hold its Regular Planning Commission Meeting at the City Council Chambers, 445 Marsac Avenue, Park City, Utah 84060 for the purposes and at the times as described below on Wednesday, June 24, 2020.

ATTENTION

NOTICE OF ELECTRONIC MEETING & HOW TO COMMENT VIRTUALLY:

This meeting will be an electronic meeting as permitted by Park City Open and Public Meeting Resolution 18-2020, adopted March 19, 2020. Some Council members will connect electronically and some will meet in Council Chambers. Public comments will be accepted in person or virtually.

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

MEETING CALLED TO ORDER AT 5:30 PM.

1.ROLL CALL

2.MINUTES APPROVAL

- 2.A. Consideration to Approve the Planning Commission Meeting Minutes from June 10, 2020.
[PC Minutes 06.10.2020_Pending Approval](#)

3.PUBLIC COMMUNICATIONS

4.STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

5.WORK SESSION

- 5.A. Park City Mountain Resort Base Parking Lots - Work Session - Project Update and Confirmation of Site Walk on July 8, 2020.
Public Input will be taken via e-comments
PL-20-04475.
[PCM Base Staff Report](#)
[Exhibit A: Public Comments Received to Date](#)

- 5.B. ADUs Work Session
[Staff Report](#)
[Exhibit A: Accessory Apartment Unit \(AAU\) Policy Research](#)

6.REGULAR AGENDA

- 6.A. 1162 Woodside Avenue - Conditional Use Permit - The Applicant Proposes to Construct a Basement Addition Using the Footprint of the Existing Historic Structure Located Within the Building Setback. PL-20-04523.
(A) Public Hearing (B) Possible Action
[1162 Woodside Avenue Conditional Use Permit Staff Report](#)
[Exhibit A: Existing Conditions Survey](#)
[Exhibit B: Proposed Plans](#)
[Exhibit C: Site Photographs](#)
- 6.B. Land Management Code Amendments – Amendment to Section 15-1-12(C), Notice, to Require that Notice be Mailed to All Property Owners Within a Condominium Association and Amendment to Sections 15-1-12(C), Notice, and 15-1-18(F), Form of Appeals, to Replace the Requirement that Applicants Submit Stamped, Pre-Addressed Envelopes with a Requirement that Applicants Submit a List of Certain Property Owners in Order to Transition to Post Card Notice Mailed by a Third Party.
PL-20-04527
(A) Public Hearing (B) Possible Recommendation for City Council's Consideration on July 9, 2020

[Land Management Code Amendments to Sections 15-1-12\(C\) and 15-1-18\(F\) Staff Report](#)
[Exhibit A: Land Management Code Redlines](#)
[Exhibit B: Post Card Notice Example](#)

7.ADJOURN

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

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

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
JUNE 10, 2020

COMMISSIONERS IN ATTENDANCE:

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

EX OFFICIO: Planning Director Bruce Erickson; Rebecca Ward, Planner; Alexandra Ananth; Planner; Laura Kuhrmeyer, Planner; Caitlyn Barhorst, Planner; Liz Jackson, Planner; Mark Harrington, City Attorney

The Planning Commission meeting was conducted virtually via Zoom.
The public was able to submit eComments during the meeting.

ROLL CALL

Chair Phillips called the meeting to order at 5:40 p.m. and noted that all Commissioners were present except Commissioner Sletten, who was excused. Commissioner Kenworthy joined the meeting late due to problems logging in.

APPROVAL OF MINUTES

May 27, 2020

MOTION: Commissioner Thimm moved to APPROVE the Minutes of May 27, 2020 as written. Commissioner Van Dine seconded the motion.

VOTE: The motion passed. Commissioner Kenworthy was not present for the vote.

PUBLIC COMMUNICATIONS

No comments were submitted on items not on the agenda.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Director Erickson reported on technology changes since the last meeting.

Director Erickson understood there were 25+ people showing who were not panelists, and he assumed most would be providing public input. He stated that anyone who wanted to make public comment on an agenda item this evening needed to register for eComments

on the Listen Live portal on the City Council website. If anyone wanted to comment on several items, they should log onto the Zoom Webinar and raise their hand during the public hearing for that item and they will be let into the meeting to make their comments.

Jessica Nelson noted that all of the Zoom participation information was listed on the Listen Live page where all the public meetings are listed.

John Kenworthy disclosed that prior to the last meeting he had visited the site at 802 Empire Avenue and spoke with the applicant, Tom Peek. Nothing substantive was discussed and he had not spoken with Mr. Peek since that time. He had made this disclosure at the last meeting and he would not be recusing himself from this item.

WORK SESSION

- 5A. The Commission will Consider Opportunities to Require Electric Vehicle Charging Station Infrastructure for New Development and Redevelopment. The Sustainability Department Will Provide an Overview of Strategies Under Development for Deep Decarbonization of the Built Environment, including a Stretch Code to Incentivize Developers to Achieve Net-Zero Development and a Building Energy Disclosure Code to Promote Transparency of Energy Use. (Application GI-20-00429)

Planner Rebecca Ward reported that this item was the first of two community planning strategies outlined in the General Plan that were scheduled for work session this evening. She noted that Luke Cartin, the Sustainability Manager and Celia Peterson, Sustainability Project Manager, would be discussing some of the projects in process to encourage energy efficiency and construction.

Planner Ward stated that for the EV charging stations, Exhibit A, included in the Staff report, outlines the plans to expand networks on a Regional, State, County, and Local level. She reported that grants are in place to support the installation of these EV charging stations. The City is in the process of installing 100 of these charging stations for public use.

Planner Ward remarked that currently the LMC is silent on these charging stations. The purpose of this work session was to get input from the Planning Commission on different directions to address these charging stations in the Land Management Code. She stated that the most basic amendments would be to add definitions to clarify the charging stations to add a section in the Code that shows they are allowed accessory uses, as well as creating uniform standards for design, installation, maintenance, and signage. Planner Ward stated that another option would be to go a step further and

explore the possibility of requiring a certain percentage of infrastructure to be installed at the time of development or new development to support future installation of EV charging stations. A third option would be to go a step further and require that EV charging stations be installed at the time of development.

Planner Ward stating that in establishing basic uniform standards for these stations, it is important to include them in the Code to ensure that parking space compliance and size is maintained with the installation of these charging stations. It is also important to establish consistent signage and information for the public in using the EV stations.

Planner Ward remarked that model codes from other communities include accessibility standards about where the connectors are located. If they were to go to the second step and require a certain percentage for infrastructure to be installed to support future EV charging station installations, many communities require around 10% of the total parking spaces. This would save time and money in the long run because they would not need to retrofit parking lots. Planner Ward stated that even doing a small percentage of infrastructure upfront may support expanding that over the long run.

Planner Ward commented on the third option of requiring EV charging stations to be installed at the time of development. For this option, the Staff would need to do more research and community outreach; and figure out how this could work best in the community. There have been challenges in other communities where the requirements are too restrictive in terms of where the stations must be located; and therefore, the stations are not used as often as they might be in other locations.

Planner Ward requested feedback on what direction the Planning Commission would like the Staff to take with these potential amendments.

Chair Phillips clarified that the Planning Commission would be discussing to what degree they would try to create these EV stations and reach a conclusion on how much they want to provide. In doing so, they also need to try to mitigate any problems with how the EV stations are placed.

Planner Ward explained that the Planning Commission could make the decision to do the first option and just add the definitions and clarify in the Code that EV stations are allowed. If they wanted to explore options 2 or 3, the Staff would continue to do more research and come back for another work session.

Chair Phillips thought this was a top priority goal for the City. His preference would be to continue to pursue all the options and he believed creating a definition was a good place to start. Chair Phillips preferred to be aggressive and suggested that the Staff

move forward on public outreach so they can figure out the best way to do this. He pointed out the numbers for the next ten to 20 years on what is expected for electric vehicles. He believed EV stations were more likely to be used if they were already in place because it would attract that type of behavior. He thought Park City should be ahead of the curve and lead rather than be behind the curve.

Commissioner Hall concurred. She would like another work session to address options 2 and 3.

Commissioner Thimm liked the idea of being aggressive. He asked if the 10% value was 10% of the stalls contemplated for off-street parking in a project. Planner Ward replied that different communities have different ways of measuring the requirement. However, most calculate that 10% of the total parking spaces need to have the infrastructure to support 10% of all parking spaces for future installation of charging stations.

Commissioner Thimm stated that in reading through the Staff report, he did not see a requirement for a PV array that supports these stalls. Planner Ward replied that it was not mentioned in the Staff report and she offered to look into it. Commissioner Thimm clarified that the 10% was arrived at by looking at the model from other cities. Planner Ward answered yes. It appeared to be a baseline to start.

Chair Phillips thought 10% was a good starting point. The Staff report talks about different uses, and he asked if the uses are determined by where the stalls are placed versus the number of stalls supplied for a particular use. Planner Ward thought there was some flexibility. She clarified that this amendment would be specific for the Level 2 charging stations, which are the stations the City is currently installing. A Level 2 takes a few hours to fully charge versus the fast charging stations, and that would be a separate discussion.

Chair Phillips understood that sometimes cars are lined up to use the fast charge stations. Planner Ward replied that fast charging stations tend to be along Interstate Highways and at a gas station. However, as the price comes down in the future, they may be supported in a parking lot for local use.

Commissioner Kenworthy joined the meeting.

Commissioner Kenworthy stated that he had been listening to the discussion and he agreed with Commissioner Hall. He was comfortable with Option 1 at this point, but he would like another work session to discuss Options 2 and 3.

Commissioner Hall noted that the Staff report talks about EV charging stations being an allowed accessory or a conditional use. She thought a conditional use would be another barrier and wanted to know when that would be justified. Planner Ward stated that all Level 2 charging stations would be an allowed use. A Level 3 could be a conditional use, or they could address some of the issues through the Code if additional requirements are necessary to mitigate the impacts of a Level 3 charging station so it would be allowed rather than conditional. Planner Ward emphasized that Level 2 charging stations would be allowed in all zones as an accessory to any parking. Commissioner Hall advocated for charging stations to be an allowed accessory use without requiring a conditional use permit. It would be helpful if they could work through the Code to streamline the process.

Commissioner Van Dine concurred with Commissioner Hall.

Director Erickson stated that another approach could be to make it a requirement of any use permit, and not a separate permit. Instead of going through an extra process, EV stations would be reviewed as part of the project the same as landscape plans or utilities plans and make them part of every development. The Planning Commission would need to decide how many and what type, either Level 2 or Level 3.

Commissioner Hall wanted to know when the Commissioners would see the charging station infrastructure. Planner Ward thought it could come back to the Planning Commission for a work session in July.

Luke Cartin, Environmental Sustainability Manager, stated that his department helps the City pursue its goals. They work with everything from charging infrastructure to tree planting. They also do everything from passing legislation to meeting with major cities on the electrification of the Park City transit system.

Mr. Cartin reported that Park City Municipal has two goals based on two time periods; to be net zero carbon and 100% renewable electricity. The timeline is 2022 for City operations and 2030 community wide. Mr. Cartin thought 100% renewable electricity was straight forward, which is typically the traditional wind turbines, solar panels, and battery storage. He remarked that the net zero carbon is everything outside of the world of electricity, as well as electricity. It includes diesel gasoline, cook fuels, and landfill. They actually comply with an international standard through the carbon disclosure project to measure and quantify these things.

Mr. Cartin pointed out that telling people how many tons of carbon does not equate. To put it in financial terms on the 2030 timeline, within City boundaries, there is a \$24-25 million per year electricity spend by all residents, businesses, irrigation, and everything

else within the City boundary. The net zero carbon includes everything within the City boundary, but also to get people, goods, and services in and out of the community. It can include airlines fuels, and also over the road fuels such as gasoline and diesel, which all have economic impact. Mr. Cartin stated that when they calculate the range for a specific item, such as gasoline, they can back into the economic impact of the carbon footprint. He noted that the cost is \$245 million per year. Mr. Cartin stated that when people express concern over how to pay for renewable energy, it is important to understand that the City is already spending a quarter of a million dollars on fossil fuels currently, and those dollars are going to less democratic places in the world like Venezuela, Russia, and the Middle East.

Mr. Cartin stated that the net zero carbon by 2030 community wide is North America's most ambitious goal for any city. Park City is in a State where the official state rock is coal. Mr. Cartin stated that they need to figure out the best way to achieve the goal, but they are making great headway.

Mr. Cartin stated that the overall strategies fall into four major "buckets". The first is Energy Efficiency, which is the top piece to achieve. For example, it is more efficient for electric vehicles to be on the road because they are more efficient with the energy. The second is Electrification. He noted that a tailpipe is a mini smokestack. If they can electrify, it will get to a cleaner piece. Mr. Cartin stated that even with Rocky Mountain Power's mix of 60-70% coal, these are still cleaner burning than most of the efficient cars on the road. He pointed out that backing up electrification with 100% renewable electricity is when they really start getting to a high impact. Mr. Cartin stated that in 2019 Park City, Salt Lake City, and Summit County partnered together with Rocky Mountain Power and passed legislation called HB411, which created a pathway for communities to be 100% renewable by 2030. When that bill was passed, they left an on-ramp for other communities to join. Currently, there are 23 Utah communities or 40% of Rocky Mountain Power's electrical load that are on this pathway to go 100% renewable by 2030. Mr. Cartin stated that the last strategy is regenerative. He pointed out that even with all the changes fossil fuels will still be burned. They will need to find ways to sequester carbon in the soil through innovative practices. He noted that Park City was also creating the way on this strategy as well.

Mr. Cartin stated that Park City is also working with other communities around the West, particularly mountain communities, on these four overarching concepts. More than 30 mountain communities were hosted in Park City last October, and as a result, they were starting to see great alignment. He commented on other communities that have adopted Park City's goals.

Mr. Cartin noted that the Brew Pub lot, City Park, and China Bridge have Level 2 chargers. If the Planning Commission wanted to see a Level 3 fast charger, they could find some at the Library at Kimball Junction.

Commissioner Thimm referred to comments regarding 100% renewable electric by 2030. He asked about the strategies for that and whether there are PV arrays out in the desert or in Park City. Mr. Cartin replied that it was an “all of the above strategy”. They definitely want to focus on the efficiency side. It is the least exciting, but the less power they need to purchase the better. The rooftop side is called distributed because it uses the smaller wires and distribution systems around the community. The other is the utility or commercial scale, and it will be a balance of both. Mr. Cartin provided examples. As they go forward, they want to balance bring renewables online, and with the help of the 23 communities, help push some of these within the boundaries of Utah. Mr. Cartin remarked that the cheapest form of electricity in every state in the nation are renewables. Mr. Cartin commented on the six-state grid and noted that Utah and Wyoming are set up well to take on a lot of these renewables. They will also be pushing efficiency, battery storage and grid technologies to balance it all out.

Celia Peterson, Environmental Sustainability Project Manager, stated that since they were talking about decarbonization of the building sector, she thought the obvious place to start was to take a quick look at what emissions the buildings in Park City contribute to. She stated that in most cities, the built sector contributes approximately 40% of the carbon footprint, but Park City has an especially high built environment carbon footprint. It is an issue the team has really been focused on. Ms. Peterson noted that Luke Cartin has been working very hard to convert it to carbon free electricity to power the buildings. However, they also need to consider heating fuels. This is where energy efficiency and other types of substitution come into play.

Ms. Peterson commented on the research that has been done. She presented a graph showing how the built environment can be impacted with different policies and procedures. She thought Energy Code was the best financially, however, in Utah there is no ability to manipulate energy codes. Ms. Peterson pointed to different things they have been working on to move the needle on emissions coming from the built environment. She was willing to come back and talk about these specifically, if that was what the Commissioners wanted, but she preferred to focus on moving forward rather than what has already been done.

Ms. Peterson stated that they have done a lot of research and looked at what other cities have done, but at the same time considering what would work best for the Park City context in terms of buildings, their contribution to the carbon footprint, and the fact that Park City has ambitious climate goals.

Ms. Peterson presented the basic process. The first was Disclosure and Benchmarking, which looks at ordinances for disclosing energy usage. The second is an Energy Stretch Code. The City cannot require more stringent energy codes than what is set at the State level; however, the City can set a stretch code that is voluntary and incentivized to pull the market up to build more efficient and net zero energy buildings. Ms. Peterson stated that they were also looking at different ways to develop programs to support both of these processes to disclose and to set a goal in terms of what they would like to see happen with new buildings and major renovations. Another incentive is to have a program that helps achieve a net zero energy building.

Ms. Peterson provided additional information on how they intend to approach commercial versus residential, and what would be required versus not required. They would start with a voluntary pilot program. She noted that Park City is in line to be the pilot for a home energy label program that was recently passed at the State level. What is not required is actual energy efficiency improvements. They cannot force people to make energy efficiency improvements, but they can incentivize. She showed a list of possible incentives. Ms. Peterson stated that typically there are two pathways for stretch codes. One is prescriptive, which is more of a checklist of things that are done as the buildings are being designed and constructed. She remarked that Park City has a net zero energy performance standard for all new buildings that the City either builds or supports. They decided to set that standard as a performance based standard because it produces the real outcomes. Net zero energy buildings are required to have net zero energy on an annual basis, and they can ensure that the buildings are performing the way they were designed. That is not the case with prescriptive pathways.

Ms. Peterson stated that the stretch code is a voluntary appendix to the mandatory minimum energy code. The primary point is to achieve greater levels of energy efficiency. It also sets the benchmark of what they want building energy performance to look like in Park City.

Ms. Peterson stated that the intended outcomes from this work is no net increase in emissions coming from new buildings. It is a lofty goal, but they were trying to infuse net zero energy building, as well as water-wise landscaping for new buildings and major renovations. Ms. Peterson presented a list of different incentives that could potentially be offered. Based on the outreach done so far, people have indicated that a streamlined process and having a designated point of contact at City Hall would be the most useful.

Ms. Peterson presented a list of requirements that would go into the stretch code. The design would need to be for net zero energy or passive house certification, plus renewables. It reflects the performance standard that the City sets for its own buildings to keep everything as aligned as possible. Another similarity is to have someone responsible in the process for keeping track of the energy usage in the design process. In addition, when the certification comes into play, after one-year performance data, that commissioning agent or agent modeler would be there as well.

Ms. Peterson stated that one concern is abuse of the system. If they offer incentives, someone could go through the entire process and get the benefits, and then not build a net zero energy home. They were working on a process to help quell any abuse of the system.

Ms. Peterson stated that the incentives that have risen to the top are having a streamlined permitting process for net zero energy building and having designated point of contact. Another incentive would be to refund all Building and Planning permitting fees. The collected fees would go into a bond. After one-year post occupancy, if net zero energy performance has been met the fees will be refunded. If not, those fees would be invested in improving the energy performance of the building.

Ms. Peterson stated that the items and strategies presented this evening have been combined into a program that was just kicking off. It is a partnership between Park City and Utah Clean Energy. Utah Clean Energy has a lot of expertise in terms of energy efficiency for buildings and beneficial electrification of what the looks like. They have a lot of great connections in Utah. Ms. Peterson reported that the Park City Community Foundation has decided to help support this program with their climate fund. She noted that they also submitted and won support from the Funders Network and the Urban Sustainability Director's Network.

Ms. Peterson stated that they have covered the low hanging fruit in terms of moving the needle on reducing the carbon emissions coming from the built environment. This is the heavy lift and they have a great team on Board. She noted that there will be a very involved engagement process. They like to involve stakeholders and the end users of these policy changes. An advisory committee was being launched on Monday with people from the construction industry, the real estate industry, developers, etc. Included in that process, they were paying special attention to social equity, which involves participation with the Community Foundation and Utah Clean Energy to ensure that social equity is infused in the whole planning process. Ms. Peterson stated that this was still a work in progress and what they shared this evening are the preliminary discussions they have had internally. The real work is about to start and they want to make sure it is something that works for Park City and the people it will impact, and also

is a leading action that can be shared and scaled up so other communities who are trying to take action on climate change can also benefit.

Chair Phillips understood the presentation this evening was an overview, and he asked if they anticipated needing any action from the Planning Commission in the near future to help move this along. Mr. Cartin stated that as they begin kicking off the community advisory group, if the Commissioners are interested in a specific area or would like to check in on the process, he encouraged them to reach out.

Commissioner Kenworthy stated that he was very proud that Park City was at the forefront of all this.

5.B. The Commission will Consider Land Management Code Amendments to Align with Amendments to Municipal Code of Park City Title 4A, Special Events.
(Application PL-20-04531)

Planner Ward noted that Jonathan Weidenhamer, Economic Development Manager, and Jenny Diersen, Special Events Manager, were also on the line.

Planner Ward reported that this item was a Code cleanup. Since 2016 there have been several amendments to Title 4A, the Special Event Code. The LMC for Special Events has not been updated since 2012. The Staff was proposing three cleanup changes, but they should not impact the way the way that special events are currently permitted or regulated.

Planner Ward stated that as the LMC currently reads, it could be interpreted to require both a Special Event Permit from the Economic Development Department, and a Special Events Conditional Use or an Administrative Conditional Use Permit from the Planning Department. Planner Ward explained that the Planning Commission and the Planning Staff will continue to permit outdoor events. Recurring events with a permit that runs with the land will continue to permit temporary change of occupancy and temporary structures, tents, and vendors that are not associated with a special event.

Planner Ward stated that in a future work session there may be opportunities to further clarify the Code for when the Planning Commission grants a conditional use permit or an administrative permit for recurring events.

Planner Ward outlined the three amendments being proposed this evening. One would be to remove the term "Special Event" from the Land Management Code. The second would be to clean up the zoning district use sections. The third would be to make

technical changes in the sign code and the LMC so the current terms used to describe the events are reflected in the LMC.

Planner Ward stated that currently, the requirements for the special event conditional use permit or administrative permit contradicts with the requirement that applicants need to meet for a special event permit. Removing the term “special event” will clean it up and clarify. Planner Ward remarked that the standards in the LMC will remain in the Code, and they apply to the administrative permits or conditional use permits for the temporary change of occupancy, and for outdoor events and permits of that nature.

Planner Ward stated that the second change would be to update the use sections in the zoning districts. She presented a table showing the current LMC, showing special events as conditional or administrative conditional use permits.

Planner Ward commented on the third change. She noted that the term “Master Festival” was removed from the Code and the Staff would update the Sign Code and the LMC, as well as updating internal citations. There would also be technical cleanups for both the Sign Code and the LMC.

Planner Ward clarified that the proposed amendments would not impact the way events are currently permitted. The Planning Director will still review all Special Event Permits. She noted that in Title 4A, one of the criteria that special events must be consistent with the General Plan, the General Plan goals, and that the event is not proposed to avoid more restrictive zoning regulations.

Jonathan Weidenhamer, Economic Development Manager, stated that he was present to offer support and to answer questions. Ms. Diersen was available to answer technical questions.

Commissioner Thimm stated that he is always pleased when the LMC is cleaned up and made more usable and enforceable. He appreciated the effort.

Chair Phillips agreed. He thought the amendments were needed.

Director Erickson stated that what the Commissioners were seeing was three years worthy of work between Jenny Diersen, Rebecca Ward, and Jonathan Weidenhamer to clean up the distinction between long-term land use decisions and special events. It was a long negotiating process and he appreciated the help from Economic Development and Special Events. Director Erickson also commended Planner Ward for doing a great job.

Planner Ward stated that these amendments would come back to the Planning Commission in July if there are no changes to the redlines in the Staff report.

5.C. Park City Mountain Resort Base Parking Lots – Work Session – Discussion of Request to Amend the 1998 Park City Mountain Resort Development Agreement to Replace Expired Exhibit D of the DA, the 1998 PCMR Base Area Master Plan Study Concept Master Plan, with a New Master Plan, known as the Park City Base Area Lot Redevelopment Master Plan Study. (Application PL-20-04475)

Planner Ananth stated that the scope of review for this project was the main focus this evening. As laid out in the May 27, 2020 Staff report and discussed at the last work session, the Staff has conducted an extensive review and analysis of the PEG Development application, as well as the 1998 Development Agreement. The Staff believes that the proposed project meets the definition of substantive modification. Planner Ananth explained that this was important because it justifies a review of the entire Master Plan and Development Agreement by the Planning Commission. She believed the Planning Department and the applicant were generally in agreement, and that in general the project will be reviewed under the current LMC. However, there may be some areas that PEG will try to keep the review limited to just their proposed base development plan, and not include resort operations.

Planner Ananth stated that whether PEG Development submits a new application or if they agree to call it an amendment, both were less important than actually agreeing on a scope of review for this project. Planner Ananth reported that the Planning Department met with PEG Development and proposed a scope of review under the MPD modifications. She noted that the Staff and applicant had not come to an agreement at this point, but she thought they were close.

Planner Ananth outlined the stipulated areas of review as follows:

Density. Planner Ananth stated that both the Staff and the applicant agree that density is vested from the 1998 Development Agreement, and it was reiterated in the 2019 amendment to the Development Agreement. Planner Ananth thought the density issue was clear and it would not be reopened.

Setbacks and Building Height. Planner Ananth remarked that as noted in the May Staff report, the applicant was calling for changes to the location, setbacks, height, and massing of the proposed buildings versus the 1998 concept master plan. The applicant had newly applied for exceptions to the setbacks and building height. Therefore, the setbacks and building height would be approved or denied by the Planning Commission based on the current Park City Land Management Code. Planner Ananth believed the

Staff and the applicant were in agreement with the scope of review for setbacks and building height.

Housing and Parking. Planner Ananth stated that affordable housing obligations and parking requirements for the resort operation, as well as new development, will be approved or denied by the Planning Commission based on a blend of fulfilling prior obligations as laid out in the 2015 amendments to the Development Agreement and the MPD, as well as current requirements.

Planner Ananth stated that housing and parking requirements are probably the area with the most disagreement around the scope of the Planning Commission's review. She thought PEG Development would like the Planning Commission's review to be focused solely on the proposed development of the base area. Planner Ananth noted that the housing obligation in the Development Agreement were focused on the requirements for the proposed base area development, and not the resort operations. However, she recognized that the Planning Commission may feel differently and might want to look at that anew.

Planner Ananth stated that parking is another example of why the Staff thinks that the plan is a significant change from the 1998 plan. The current application calls for a significant of above grade parking, which is not included in the square footage calculations, in comparison to the 1998 Development Agreement. Also, in general, the number of proposed parking spaces are different. In 1998 the approval notes that 1200 skier parking stalls exist, and those 1200 surface stalls will be replaced by 1800 underground stalls. Planner Ananth emphasized that this was not what PEG Development was proposing today. She asked if this was something the Planning Commission wanted to look at anew, or whether they would hold them to the 1998 Development Agreement.

Planner Ananth remarked that those were the substantive issues they need agreement on. Looking at parking under the current Code with today's lenses, it was unclear where they would end up with parking. She was not sure whether they would suggest more parking or less parking.

Chair Phillips asked if Planner Ananth was looking for direction on the parking issue this evening. Planner Ananth replied that she would like to hear the Planning Commission's preference as much as possible tonight to help the Staff and applicant come to an agreement regarding the stipulated scope of review.

Director Erickson did not think the Staff needed to know the details from the last meeting. Planner Ananth was looking for input because she wanted to make sure all

the elements to be reviewed were included in the schedule she had prepared through October. Planner Ananth remarked that she was looking for clarity for the Planning Department, the applicant, and the Staff on whether they would be looking at these issues under the current LMC or going back to the 1998 Development Agreement.

Planner Ananth thought the Staff and applicant were in general agreement that the areas of traffic and transportation improvements would be reviewed based on the current Code, and designed to accommodate the Resort's operations, as well as the new incremental development at the base by PEG Development.

Planner Ananth stated that overall, the Planning Department's opinion is that this is a really transformative project for Park City. The Planning Commission's review needs to be very comprehensive and aligned with the community's goals to improve upon existing operations, such as providing housing for employees, creating a real transit center, improvements to existing traffic and parking issues and flow, considerations for sustainability, etc. Planner Ananth did not believe they should limit their review to just the base project.

Director Erickson clarified that Planner Ananth was recommending that they use the current LMC for almost everything, except where there may be some vested requirements inside the development agreement. The simple question for the Planning Commission is whether they should use the current LMC under which the application was made. That decision will give Planner Ananth direction on how to proceed.

Planner Ananth commented on four outstanding obligations listed in the Staff report that the applicant still needed to provide in order for the Planning Department to consider the PEG application to be complete. The deadline for submittal is June 12th so the Planning Department can conduct their review and move forward this summer and to schedule a site visit for July 8th.

Planner Ananth assured the public that all public comments sent to the City are reviewed by the Planning Department and forwarded to the Planning Commission. She was compiling a document of all the questions by topic, and those topics will be addressed as the project is reviewed in public hearings.

Planner Ananth reported that in addition to the public comments that were attached to the Staff report, she had received seven emails since last Friday with additional comments.

Planner Ananth stated that a tentative schedule for review was included in the Staff report. She recognized that the schedule was optimistic, but the intent is to move

forward with a monthly meeting on this project on the regularly scheduled Planning Commission meeting on the fourth Wednesday of each month. The schedule is organized by topic. The site plan review would occur on July 22nd. Transportation, transit, connectivity, and parking would be reviewed in August. Utilities, sustainability will be addressed in September. They would discuss any plan revisions in October, as well as other topics that were not addressed. Planner Ananth anticipated the need for another meeting in November on this project. She was still trying to figure out where affordable housing would fit into the schedule.

Robert Schmidt, representing PEG Development, stated that Planner Ananth's presentation was very accurate in reporting the status of their discussions and the characterization of the scope of review.

Mr. Schmidt focused specifically on the affordable housing obligations and the parking, which were the two issues they were the furthest apart on coming to agreement. In terms of the affordable housing obligation, PEG Development was proposing that the obligation be reviewed, approved, or denied based on the specific base area proposal. Mr. Schmidt referred to the 2015 Amendment to the Development Agreement and some of the findings of fact and conditions of approval contained within that Agreement. He noted that Finding of Fact #113 states that the employee housing is triggered only by the receipt and approval of conditional use permits for small scale MPDs of the base area Parcels A through E. Finding of Fact #115 states that the employee requirement was proportionally based on approved small scale MPDs conditional use permits for each parcel. He pointed out that Finding of Fact #116 specifically goes through a pro-rata calculation to determine the amount of beds that should have been built on Parcel A. The calculation clearly demonstrates that the housing requirement was based on development of the base area specifically.

Mr. Schmidt noted that in her presentation, Planner Ananth stated her concurrence that the 1998 Agreement was specifically focused on the base area improvements and the housing associated with those improvements. Mr. Schmidt remarked that the history of these agreements is important, and that they adhere to the agreements that were made in the past and focus on the base area for the specific improvements for affordable housing. Mr. Schmidt stated that the original agreement was for 80 beds. The current affordable housing guidelines are much more involved in terms of the calculation. He agreed that it was important to review the affordable housing for the proposed development based on the current affordable housing guidelines. He noted that PEG Development also agrees to provide the 23 beds that were not built in Parcel A. Mr. Schmidt believed this was a vast improvement over the original Development Agreement of 80 beds.

Mr. Schmidt referred to a provision in the 2015 Amendment that says if the 80 beds are built, the affordable housing requirement for the MPD is fulfilled. He clarified that PEG Development is not proposing to build 80 beds just anywhere, even though it would be a better financial opportunity. Instead, they have taken a specific approach to conform with and provide for affordable housing at the base in conformance with the current affordable housing guidelines. Mr. Schmidt believed it was a huge step in the right direction and a vast improvement over the existing requirements of the Development Agreement.

Regarding parking, Mr. Schmidt stated that their proposal is that the parking requirements at the base will be reviewed based on the application submitted with the calculations they propose. Mr. Schmidt remarked that parking is an area that intersects with mountain operations. Because the parking at the base supports the mountain operations, the calculations within the PEG Development application accounts for CCC and for lodging outside of the base area. They feel that the parking requirements and the calculations at the base should be looked at under the current status of the mountain operations and the CCC. Mr. Schmidt thought this was a specific area where they should be looking at the parking requirements holistically.

Mr. Schmidt reiterated that PEG Development generally concurs with the Staff on the other points.

Mr. Schmidt commented on the outstanding items that still needed to be provided. He was aware of those items and they were working on completion. Planner Ananth had stated a deadline of June 12th to provide the outstanding items in order to move forward; however, he did not have that understanding from reading the Staff report. He understood that the site visit would be scheduled for July 8th, provided they could agree on the scope of review by June 12th. Mr. Schmidt stated that it was a point of clarification that needed to be worked out.

Commissioner Kenworthy noted that Planner Ananth requested input from the Planning Commission regarding the amount of parking spaces. In order to analyze that, he needed to have the answers and understanding of the General Plan principles of the public/private partnership for these transportation goals. Commissioner Kenworthy noted that he briefly mentioned this issue at the last meeting. He clarified that in order to feel comfortable with x-amount of parking, those principles need to be defined. He asked how Mr. Schmidt intended to do that.

Mr. Schmidt stated that within their application, they provided an analysis, calculations, and supporting documentation, and he would like to review those in more detail with the Planning Commission and the Staff. Mr. Schmidt believed they had addressed

Commissioner Kenworthy's concern in their application. He welcomed a review based on those computations. Mr. Schmidt stated that the challenge faced in only looking back to the parking calculations from 1998 is that those calculations were based on 353 remaining unit equivalents and a different site plan. In addition, as he pointed out at the last meeting, it was also based on the premise that the operator at that time wanted to elevate their CCC to 125% of CCC based on providing more parking. Mr. Schmidt noted that his presentation at the last meeting showed how times have changed. Today there are different modes of arriving at the Resort, including Uber and Lyft. There is also additional bed supply by way of Airbnb and others that bring more skiers to the base than what was anticipated in 1998. Mr. Schmidt noted that they were not showing that the CCC would be exceeded by the same percentage that was proposed in 1998. He thought it left a cushion to accommodate future growth and alternate modes of transportation. If they provide significant excess parking it would send the message that they could not accommodate any more modes of transportation to arrive at the resort. Mr. Schmidt reiterated that the detailed analysis was in their application and he welcomed a review based on the information provided.

Commissioner Kenworthy referred Mr. Schmidt to the Area Plan Principle 2 in the 2014 General Plan. He understood the point that if they provide excess parking, they would not be able to provide mass transit solutions. Commissioner Kenworthy stated that in looking at the 2014 General Plan, the City has been calling for mass transit options so they do not have to overbuild parking.

Chair Phillips stated that the last time this MPD was before the Planning Commission many years ago, he recalled during those discussions that there was some type of partnership agreement between the City and the applicant at the time. He could not recall whether it was for a parking structure or a transit center, but he thought the discussions center around a large transit center. Planner Ananth believed there was a Memorandum of Understanding regarding that issue, but she did not know enough to talk about it. Director Erickson stated that there was an agreement at the time, but it was now obsolete. He outlined what the agreement entailed and noted that it was not a function of this application. Director Erickson reported that the Planning Department was having conversations about encouraging transit with PEG Development and the Transit Department.

Commissioner Thimm asked if a true parking study was done as part of this application, taking into account the way that people travel today. He was not talking about a ratio of stalls to number of units or keys in a hotel; but rather a true parking analysis that takes into account shared parking, peak parking periods, and what has changed in terms of people using public transportation, Uber, etc. He asked if that parking analysis had been done, and if not, whether the Planning Commission had the purview to request it.

Mr. Schmidt replied that a parking analysis and a parking study conducted by Hales Engineering was included in the application. Planner Ananth clarified that the Hales Engineering parking analysis was not included in the Staff report. It was in a large book the applicant had submitted. It was online and there is a parking section in the book. Commissioner Thimm asked if the conclusions of the parking study support the 1200 stalls proposed versus the 1800 stalls mentioned in the 1998 approval.

Mr. Schmidt stated that as demonstrated in his presentation at the last meeting, it should not be looked at through the same lens with the same metrics and the same approach as 1998. In his last presentation he provided a side by side comparison to show how it was calculated and created in 1998, compared to how PEG Development calculated it. The comparison also showed the differences and the ending result. He thought it was important to have a thorough and deep understanding of that.

Mr. Schmidt stated that the question for the Planning Commission this evening is whether the parking should be reviewed and evaluated as it relates to both the base and operations. In his opinion, they have an intersection between the base and the mountain as it relates to parking. PEG Development provided calculations around that and they believe parking can be reviewed and discussed as it relates to the base and mountain operations.

Commissioner Thimm asked Planner Ananth if a third-party review of a traffic analysis includes the parking analysis. Planner Ananth replied that it will have a parking analysis component.

Commissioner Thimm thought the schedule Planner Ananth had prepared to discuss specific topics should be as aggressive as possible. He asked if the timing coincides with input from the third-party. Planner Ananth answered yes. She intended to put transit, parking, traffic, and connectivity first, but based on the third-party reviewer's schedule, she had to schedule it in August.

Commissioner Thimm commented on affordable housing and whether they look at it in terms of the mountain base plus mountain operations. He asked if that was quantified in terms of number of beds associated with those two separate categories or lenses they would look at this through. Planner Ananth states that for the proposed new development, it would be looked at based on square footage of the new development. Mountain operations is based more on number of employees. It would be a blend if they took that approach instead of just looking at the base element.

Chair Phillips opened the public hearing.

All public comments received before and during the meeting were included in the record.

Jessica Nelson stated that anyone viewing the meeting on Zoom who wished to make comments should use the "raise your hand" feature on Zoom and she would let them in to speak.

Planner Ananth was prepared to read the public comments that came in today through the eComments portal.

Planner Ananth reported that she had received an email from Debra Hickey. Ms. Hickey also sent in an eComment asking that her entire email be read during this meeting.

In response to her request, Planner Ananth read the email into the record. In summary, Ms. Hickey has owned a condo at the Silver King for 28 years and has watched the town grow and change. She recently participated in the Park City 2020 Vision Survey. Ms. Hickey outlined a number of issues that concern her in the development of the base area with the old 1997 Master Plan for Development. She would like to understand what areas of the old plan do not meet the standards of the 2020 Park City Planning Guides. She would like to see the new Park City Vision Plan and how the desires of the residents impact this large development project. Ms. Hickey thought traffic issues should be resolved before a new large resort is built. Density and its effects to the resort area should be addressed in regard to pollution, noise, fume, lights, night sky, etc. Ms. Hickey stated that the addition of more traffic to the area is undesirable because the width of Empire and Lowell are not ready to accommodate the masses, even with one-way directional. Sidewalks cannot accommodate families carrying ski equipment to the slopes. Ms. Hickey did not believe anyone had addressed making more access with this project. She believed there would be less access. She pointed out that many families enjoy the off-season access to the trails and base area. Parking should be free for Park City residents, she and suggested passing out bumper stickers for local access. Ms. Hickey noted that the 1997 Master Development Plan mentioned 1800 underground parking spots for exclusive resort usage and a limit on ski passes based on available parking. She asked if this still pertained to the future development. Ms. Hickey noted that PEG Development was requesting an exception of building heights up to 7 stories, which will dwarf the surrounding residents. She remarked that the original plan on page 113 1.3 - General Image and Character, states "these guidelines wish to encourage architecture that is compatible in character with the existing PCMR facilities and the PC community". The architecture should look like it belongs to Park City, Utah and no place else. Ms. Hickey remarked that allowing 7

stories of height will change the feel of Old Town and the base area neighborhood. Ms. Hickey noted that the original plan on page 114 discusses sidewalks should be no less than 15-feet wide to accommodate pedestrian traffic for safety and comfort. Ms. Hickey disagreed with placing employee housing at the base area. This land and its value that all residents have paid premium dollars to access should not be given to employees. She stated that PEG Development could purchase another parcel in a less expensive area code to build employee housing, and the employees can take public transit to work. Ms. Hickey noted that the bus drop-off area was not written in PEG's proposal as it was discussed in the 1997 plan. She wanted to know how they will have more public transit available to deal with new resort residents and daily visitors. She urged them to make all buses electric and asked if another route could be shared in Old Town. Ms. Hickey noted that the 1997 plan called for a condition of approval based on a pedestrian bridge over Lowell. If foot traffic will stop uphill vehicle traffic at every crossing, cars and buses will be backed up to Highway 80. Ms. Hickey remarked that a new parking structure must provide a safe access for families to cross to the ski plaza. Shadow Ridge and Silver King need access, too. She asked them to consider all the local neighbors when a structure is built. With the new pandemic challenges and the present USA and world economies uncertain of a rebound, she suggested that the Park City Planning Commission delay such a massive new undertaking for fear that the project cannot be fully funded to completion in the five-year timeline, and will leave the neighborhood in shambles.

Planner Ananth read an email from Debra Rentfro. Ms. Rentfro stated that she owns a home on Empire Avenue and the pedestrian and traffic patterns put forth by PEG are not an improvement for the immediate community nor those driving in. She stated that safety for pedestrians is already compromised and the plan does nothing to improve the safety. She thought the one-way traffic pattern would be very difficult for those living on Lowell or Empire, and will require every vehicle to pass the resort, whether or not they are going to the resort.

Planner Ananth read a comment from Belinda Simile. Ms. Simile stated that she owns condos in the Silver Mill House Building at the Resort Plaza; and she is president of the Marsac Mill Manor and Silver Mill House Condominium Association. She noted that she had sent an email Planner Ananth earlier today with comments related to the PEG development at the PCMR base. After reviewing the proposed development plan and listening to a pre-application developer led presentation to some members of our HOA, and listening to the Planning Commission meeting last month, she had several concerns. Pedestrian interface with traffic on Lowell will only get more problematic. An elevated pedestrian bridge from the parking garage was provided for in the original plan and should again be included in this plan. In addition to functionally offering relief from potential traffic/pedestrian conflict, it should be designed to be an attractive signature

iconic piece of the development, and a gateway to the existing base areas. Ms. Simile wanted to know the anticipated selling price points for each type and size of condo in various buildings. She stated that area owners would like to see representation of how buildings will appear from various locations and elevations outside of and from within various floors of their buildings. Ms. Simile thought more transparency and information was needed on how the relationship and commitments between Vail and PEG will be structured and memorialized with regards to the parking garage, sidewalks, and access, including any ski lift or surface lift configurations or reconfigurations. Ms. Simile remarked that much care needs to be taken so they do not end up with two disconnected and independent bases. Ms. Simile stated that parking for oversize vehicles that will not fit in the existing parking garages at the Lowell and the Lodge is currently provided by the surface lots. This loss of parking needs to be addressed in the plan, as well as sufficient parking for employees for the various retail and restaurants, both existing and planned. Replacement of the existing 1200 parking spaces does nothing to address the additional uses needs. Regarding architecture, exterior designs approved in the 1998 plan illustrated very attractive ski mountain elevations with clusters of smaller buildings broken up with various architectural features. She commented on the significant change in the appearance and mass of the structures proposed. She is very concerned with the actual designs proposed. This is a highly visible project and it is paramount that the City holds developers to a high standard. Ms. Simile did not think the proposed plans were consistent with Park City's historic mining past and ski town heritage. It does not fit the character of the surrounding developments. Ms. Simile believed the proposal has many significant substantive changes from the 1998 plan. She agreed with the Planning Department that this application is most appropriate as a new MPD and should not be handled as an amendment to the DA. She appreciated the City and Planning Commission's diligence, and the developer's willingness to work with the community. With good faith efforts on all parts, including valuable input from the community, many believe a quality development that meets the needs of the community can be developed on this site.

Planner Ananth read a comment from Clayton Steward. Mr. Steward concurred with the Planning Department's recommendation that the Planning Commission determine that the submitted application is substantively different than the 1997 large scale master plan, and it requires a new MPD; not an amendment to the existing MPD, for all the reasons stated in Exhibit A, Zoning Review Memorandum, dated May 27th. Mr. Steward stated that the requested building heights are absurd at 75-85 feet above grade in an RC zone that allows 35 feet. A reduction in setbacks is not justified since the proposed building forms are far less articulated than the building forms specified in the DA. Ms. Steward stated that the DA does not permit the transfer of density from one parcel to another. Significant variations from the DA approved volumetrics are being requested, and he did not think a single cubic foot of additional mass volume should be permitted

on any building on any parcel of the revised plan for any reason, including above-grade parking. Mr. Steward did not understand why a tentative public hearing schedule had been outlined for an incomplete application.

In addition to those eComments, Planner Ananth had also received comments from Sherry Harding, Tom Jacobsen, Sid Embry, Angelica Charlette, and Rich Wyman. In the interest of time, she would forward the comments to the Planning Commission and attach them to the July Staff report.

Nancy Lazenby had raised her hand on Zoom and was able to make comment.

Ms. Lazenby thanked the Planning Department and the Planning Commission for allowing public comments on Zoom. She thought the comments Planner Ananth had read highlighted some very key points. One of the key points she found concerning was the issue of pedestrian safety. Ms. Lazenby wanted to know where that issue falls in the schedule of topics to be addressed. She noted that the 1998 plan had elevated walkways which is a substantially safer option for people crossing Lowell. With additional traffic being proposed, having people cross on crosswalks is flirting with disaster.

Planner Ananth replied that pedestrian connectivity would be addressed on August 26th. The topics include transit, traffic, parking, circulation, and connectivity. Pedestrian interaction is part of the connectivity discussion.

Ms. Lazenby suggested that Planner Ananth specifically add pedestrian safety to the list of topics so people know that it will be discussed in more detail. It is a safety issue that could have serious consequences for the community. Ms. Lazenby thought there were significant changes from the 1998 plan as others had highlighted in their comments. She agreed with all the other issues that were addressed.

Jim Doilney had raised his hand on Zoom and was able to make comment.

Mr. Doilney stated that he and Rob Slettom, representing the Silver Mill House and Marsac Mill Manor Condominium Association, would be meeting onsite with Planner Ananth on Monday at 10:00 a.m. Mr. Doilney believed that conceptually the project could achieve a pedestrian access. They have also discussed the possibility of the Planning Commission considering raising the building up. He understood there were objections to a taller building; however, for every foot the building is lifted is one less foot every pedestrian skier would have to walk to get to the lifts. He and Mr. Slettom will be discussing these items with Planner Ananth. Mr. Doilney appreciated the opportunity to speak.

No other comments were submitted.

Chair Phillips closed the public hearing.

Mr. Schmidt pointed out that PEG Development concurs with the Staff report that agreeing on a scope of review is the most important issue. He felt they had submitted the appropriate application and provided reasons and the basis for doing so. Mr. Schmidt appreciated the opportunity to talk about the scope of review.

Mr. Schmidt had re-read the Staff report and understood that the four items listed are to be submitted by June 12th. He noted that they were currently working on all the items. The top two items regarding the amount of parking located above grade, and the vertical and horizontal articulation are not quick and easy solutions and they were still analyzing those. Mr. Schmidt requested that the Staff extend the deadline for those two items. The other two items should be submitted by the June 12th deadline.

Chair Phillips agreed that the scope of review was the most important issue. He asked if Planner Ananth was comfortable extending the deadline on the first two issues as Mr. Schmidt requested, if it is submitted in a timely manner. Planner Ananth stated that she would work with PEG on a deadline that works for everyone. However, it cannot be extended too long because she needs time to review the submittal and prepare a thorough Staff report for the July meeting.

Chair Phillips requested a hard copy of the application that Planner Ananth held up earlier. He thought it would be helpful to have the large copy to make notes and see it all in one place. Mr. Schmidt offered to provide copies for each of the Commissioners. Planner Ananth requested two additional copies for other City departments who have requested hard copies.

Planner Ananth felt confident that the Planning Department and the applicant would be able to reach an agreed upon scope of review by June 12th. If the Commissioners had strong opinions regarding the scope of review, this would be a good time to express their opinions.

Chair Phillips was pleased with the direction and what was outlined in the Staff report. He generally agreed with everything he was seeing so far.

Commissioner Van Dine appreciated all the work that was done between this meeting and the last meeting. She thought Planner Ananth's presentation on the scope of review was very good and it hits all the major issues, particularly with the proposed

agendas going forward. Commissioner Van Dine agreed with the Staff that a new MPD is needed. Amendments would not allow for the necessary scope of review.

Director Erickson stated that certain items in the Development Agreement would not change with regard to PCMR's mountain operations. Everything inside of the replaced site plan and other alternatives for transportation, circulation, connectivity, and other issues are open for full review. Commissioner Van Dine liked how much they would hold this application to the current LMC going forward. Director Erickson noted that all the topics on Planner Ananth's schedule were open for a complete review.

Commissioner Thimm asked if Planner Ananth or Director Erickson had specific questions for the Planning Commission with regard to the scope of review items. He wanted to know if there were any areas where they were looking for direction from the Planning Commission. Planner Ananth answered no. She was just interested in hearing their opinion on holding this application to the current LMC. The question is whether they might review the project differently if Vail was the applicant. She wanted to be clear on whether or not they were reviewing the project differently because the resort operator is not the developer in this case.

Commissioner Thimm asked if she was looking for input through the lens of just the base mountain or also the mountain operations. Planner Ananth stated that she would like feedback on that issue. Commissioner Thimm thought they should look at mountain operations in addition to base mountain. He noted that his comments were the same as the last meeting and he had very little to add. The main issues are building area, setbacks, height and massing, pedestrian connectivity and transportation, parking analysis. Commissioner Thimm asked where building area fit into the schedule. He remarked that the definition of building area and how it is distributed throughout the project is important. Planner Ananth replied that it would be addressed at the Architecture and Site Planning meeting on July 22nd.

Commissioner Thimm referred to past Planning Commission meetings with regard to historic structure identification and preservation. He asked if any of those past discussions and any of the requirements placed on the development bear discussion by this Planning Commission for this application. Planner Ananth stated that the Zoning Review Memorandum outlines the pertinent prior agreements that will be relevant for review by this Planning Commission. Commissioner Thimm asked if that fits into the schedule as well. Planner Ananth answered yes, as it relates by topic. Commissioner Thimm stated that there was a lot of conversation before this point and he did not want it left out. Commissioner Thimm thanked Planner Ananth and the applicant for a thorough presentation again this week.

Commissioner Kenworthy did not know how they could look at this development without looking at the base and mountain operations together. He believed that was the intent in the Development Agreement and he was unsure how they could separate the two.

Chair Phillips agreed, and noted that Planner Ananth had included that in the Staff report.

Commissioner Suesser wanted a better understanding of the upgrades at the base lifts and the base facilities that Vail was contemplating. She wanted to know if there were other options for employee housing being explored besides at the base, and whether there are other good options. With regard to one-way streets, Commissioner Suesser asked if they had considered making that seasonal, and if it includes potentially making Crescent Avenue or 8th Avenue one-way. Commissioner Suesser stated that she was strongly leaning towards a new MPD.

Commissioner Suesser requested a report from the City Engineer detailing utilities that run through Lowell Avenue that would prohibit any type of underpass.

Commissioner Thimm noted that the Master Plan before them contemplates acquisition of municipal property. He asked if that acquisition was in process. Since it is a major portion of the transportation analysis, he wanted to know if there was any idea as to whether it would actually happen.

Planner Ananth stated that the third-party reviewer will be looking carefully at the size of the proposed roundabout to evaluate how much they actually do help traffic. It was not in process yet, and she did not believe the City was looking at it very favorably. Planner Ananth stated that it was still being reviewed and the objective is to look at the project on balance. If it makes transit more feasible there may be ways in which the City will consider it. At this point, no method for acquisition has been discussed.

Commissioner Thimm questioned whether there was a need to address this plan from the standpoint of the property possibly not being able to be acquired. Planner Ananth replied that they would delve into that in more detail during the July and August meetings.

Commissioner Hall echoed the comments from her fellow Commissioners. She emphasized the need for a comprehensive review that would include looking at the base operations. She was leaning towards a new MPD. Commissioner Hall appreciated the time Planner Ananth spent outlining a schedule, but she thought it was very optimistic because most of those items will need at least two meetings to discuss each category.

Chair Phillips agreed with Commissioner Hall regarding the schedule. He noted that Planner Ananth had acknowledged that the schedule was aggressive, and he was sure it would change at each meeting. Planner Ananth stated that she would update the schedule as needed and post it on the City's website so the public will know which topics will be discussed at a particular meeting.

Mr. Schmidt requested that Robert McConnell, PEG's legal counsel, to join the conversation and share his thoughts in terms of the form of application and how they interpret the LMC.

Robert McConnell stated that PEG Development made an application and they believe the application is consistent with the requirements of the Code. He pointed out that while they were open to a discussion of their application in the context of the resort operations, they were not looking for this to be undertaken in a vacuum and solely focused on the base area proposal. However, that is their application and they would expect the City to act upon that application. Mr. McConnell stated that even if this is substantive change and requires a review of the LMC, he did not believe it requires a new application for an MPD. He remarked that all of the same planning elements and scope of review will be present in this very detailed schedule of the application review and will likely take more time than the schedule outlines. Mr. McConnell clarified that they were not looking to alter the existing contractual relationship between Vail and the City with respect to the resort operations. They were looking to take by assignment, responsibilities pertaining to the construction of the resort base, including requirements related to the base related affordable housing, parking, traffic, and vehicular/pedestrian circulation patterns. While they recognize that the application will be evaluated in terms of current conditions, including resort operations, they do not believe that saddling PEG's application with responsibilities pertaining to the Resort's current operation or the Resort's future applications is consistent with the Code or Utah Law. Mr. McConnell noted that there were also very practical limitations in terms of Vail and their participation in this overall project with respect to that kind of requirement. He believes the existing Development Agreement governs those operations and any future applications the Resort brings forward to the City.

Mr. McConnell stated that PEG and the City have talked about scope of review and there is largely a consensus view on what will be reviewed. However, based on his reading of the Code, the notion of a new MPD is not consistent with the requirements of the Code.

Planner Ananth thought they were very close, and she believed they could come to some agreement. She clarified that the Staff was not looking for a new application

submittal. It was semantics at this point. Planner Ananth thought it came down to the scope of review and reviewing this project under current Code. This is a huge project that will have impact on the City for decades, and they want to make sure they get it right. There may be overlap with operations that she thought could be addressed in a new development agreement.

Commissioner Hall asked if Mr. McConnell could be more specific on why he believes the application is not consistent with the new MPD. Mr. McConnell replied that he was specifically referring to requirements in Section 15-6-4(i) of the Code, MPD Modifications. This section addresses changes in a Master Planned Development and states that a change in concept, density, unit type, or configuration of any portion or phase of the MPD will justify review of the entire master plan and development agreement. He clarified that they were not protesting against a review and they have been trying to reach agreement with the Staff on what the scope of review will entail. Mr. McConnell stated that the language does not say "require an entirely new MPD". It only contemplates a review of the entire master plan and development agreement.

Planner Ananth stated that if they can come to some agreement with PEG Development in the next week, she would announce at the June 24th meeting that they had come to resolution on the scope of review and will be moving forward with reviewing this project. A site visit would be scheduled for July 8th.

NOTE: Commissioner Van Dine received a text from Commissioner Hall stating that she had lost internet connection and would not be participating in the rest of the meeting.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

6.A. 1293 Lowell Avenue – Condominium Plat Amendment

The applicant had withdrawn this application.

6.B. 1064 Park Avenue – Condominium Plat – Proposal to create a two (2) Unit Condominium Plat from the Duplex that is Under Construction on this Lot.

Planner Laura Kuhrmeyer noted that the Planning Commission reviewed this application at a previous meeting. At that time, there was some discussion about parking related to concerns over the accessory structure in the rear of the property and whether it could be used for nightly rentals.

Planner Kuhrmeyer stated that the Planning Commission directed the Planning Commission to draft an additional condition of approval and email it to the Commissioners prior to it going to the City Council. She explained that after some research the Staff decided to bring it back to the Planning Commission for discussion. However, after doing further research they determined that it did not need to come back to the Planning Commission and they could move it forward to the City Council.

Planner Kuhrmeyer clarified that this was an update and no action was required by the Planning Commission. She stated that because the accessory structure does not have a bedroom or a kitchen, and it has not been approved for a residential use such as an accessory apartment or secondary living quarters, it cannot be used as a nightly rental without additional approvals and permits from the Planning Department. Planner Kuhrmeyer stated that if the Planning Department received a request for the accessory structure the Staff would be particularly careful about an approval, particularly since the Planning Commission pointed out their concerns about parking.

Chair Phillips asked if any requests for changes to the accessory structure would come before the Planning Commission. Planner Kuhrmeyer replied that accessory apartments in the zone allowed uses; therefore, it would be an administrative review and approve within the Planning Department. However, accessory apartments require additional parking spots per bedroom and additional parking would need to be provided.

Director Erickson noted that all the Planning Commission's recommendations were in the City Council's Staff report and the Council will have the opportunity to review their commentary and provide additional direction to the Staff if they feel it is necessary.

Chair Phillips opened the public hearing.

No eComments were submitted and no one raised their hand on Zoom.

Chair Phillips closed the public hearing.

Commissioner Suesser reminded the Planning Staff about the public accessway she had mentioned the last time this project came before the Planning Commission. She clarified that there is an access point to the Poison Creek Trail, and she wanted to make sure that accessway is preserved.

Director Erickson confirmed that the Planning Department had a note on that accessway.

Chair Phillips reiterated that no action was required.

6.C. 1162 Woodside Avenue – Plat Amendment – The Applicant Proposes to Combine Lot 17 and the North ½ of Lot 18 of Block 5 of Snyder's Addition into One (1) Lot of Record. (Application PL-20-04522)

Planner Caitlyn Barhorst reviewed the application for a proposed plat amendment located at 1162 Woodside Avenue. The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council for their meeting on June 18th.

Planner Barhorst presented a slide and indicated the interior lot line that would be removed. Chair Phillips clarified that the interior lot line runs underneath the existing historic structure.

Planner Caitlyn noted that the applicant was working through the HDDR process to construct a new basement underneath the historic structure and an addition. The conditional use permit for the setback exception was scheduled to come before the Planning Commission on June 24th.

Commissioner Suesser clarified that this plat amendment request was only to remove the old stray lot line. Planner Barhorst answered yes. She noted that the property consists of all of Lot 17 and a portion of Lot 18 of the Park City Survey. The interior lot line would be removed.

Chair Phillips wanted to know how wide this would make the narrower side of the lot. Planner Barhorst replied that it would be 37-1/2' by 75'. Chair Phillips clarified that it was a standard lot.

Chair Phillips opened the public hearing.

No eComments were submitted and no one raised their hand on Zoom.

Chair Phillips closed the public hearing.

MOTION: Commissioner Kenworthy moved to forward a POSITIVE recommendation to the City Council for the 1162 Woodside plat amendment, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval found in the draft ordinance. Commissioner Van Dine seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1162 Woodside Avenue

Background:

1. On May 8, 2020, the Planning Department received a complete Plat Amendment application.
 2. The applicant is proposing to combine Lot 17 and the North ½ of Lot 18 of Block 5 of Snyder's Addition into one (1) Lot of Record.
 3. The property is located at 1162 Woodside Avenue.
 4. The property is designated as Landmark on the Park City Historic Sites Inventory.
- Zoning District:
5. The property is located in the Historic Residential (HR-1) Zoning District.

Public Notice Requirements:

6. Staff published notice on the City's website and the Utah Public Notice website, and posted notice to the property on May 27, 2020. Staff mailed courtesy notice to property owners within 300 feet on May 27, 2020. The Park Record published notice on May 27, 2020.

Lot and Site Requirements

7. The proposed Lot complies with the HR-1 Zoning District Requirements outlined in LMC § 15-2.2:
 - a. Minimum Lot Area is 1,875 square feet. The proposed Lot contains 2,813 square feet.
 - b. Minimum Lot Width is 25 feet. The proposed Lot Width is 37.5 feet.
 - c. The Lot Depth is 75 feet.
 - d. The Maximum Building Footprint is 1,201 square feet. Any development will comply.
 - e. The Minimum Front Setback is 10 feet. Any development will comply.
 - f. The Minimum Rear Setback is 10 feet. Any development will comply.
 - g. The Minimum Side Setback is 3 feet. Any development will comply.
 - h. The Minimum Corner Lot Side Setback is 5 feet. Any development will comply.
 - i. The Maximum Building Height is 27 feet. Any development will comply.
8. The proposed Lot complies with the HR-1 Zoning District Requirements. The proposed plat amendment will resolve the existing legal non-compliance because the Historic Structure currently straddles the common lot line between Lot 17 and the northern ½ of Lot 18. Per LMC § 15-2.2-4 Existing Historic Structures: Historic Structures that do not comply with Building Footprint, Building Height, Building Setbacks, Off-Street parking, and driveway location standards are valid Complying Structures.

Subdivision Requirements:

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

Conclusions of Law – 1162 Woodside

1. The 1162 Woodside Plat Amendment complies with the Land Management Code requirements pursuant to LMC § 15-2.2-3 Historic Residential (HR-1) District.
2. The 1162 Woodside Plat Amendment complies with the Land Management Code requirements pursuant to LMC § 15-7.1-3(B) Plat Amendment.
3. The 1162 Woodside Plat Amendment complies with the Land Management Code requirements pursuant to LMC § 15-7.1-6 Final Subdivision Plat.
4. The 1162 Woodside Plat Amendment complies with the Land Management Code requirements pursuant to LMC § 15-7.3 Requirements for Improvements, Reservations, and Design.

Conditions of Approval – 1162 Woodside

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant shall record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The plat shall note that fire sprinklers are required for all new or renovation construction on this lot, to be approved by the Chief Building Official.
4. The applicant shall record an encroachment agreement for the existing historic structure located within 12th street right-of-way.
5. The encroachment of the neighboring property at 1158 Woodside Avenue shall be resolved with an encroachment agreement between the two properties prior to recordation of this plat.
6. A ten foot (10') public snow storage easement on both 12th Street and Woodside Avenue shall be noted on the Plat.
7. The property is not located within the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore it is not regulated by the City for mine related impacts. However, if the property owner does encounter mine waste or mine waste impacted soils they must handle the material in accordance to State and Federal law.
8. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.

- 6.D. Municipal and Land Management Code Amendments – Amendments regarding Wildland Urban Interface in Municipal Code Title 11 Sections 11-21-1 The 2006 Utah Wildland-Urban Interface Code, 11-21-2 Land Subject to Utah Wildland-Urban Interface Code, 11-21-3, Violations; Title 14 Section 14-1-5 Regulations for Planting Trees and Landscaping in the City's Right-of-Way; and Land Management Code Title 15 Sections 15-2.21-3 Sensitive Lands Overlay Zone, 15-5-1 Architectural Review Policy and Purpose, 15-5-5 Architectural Design Guidelines, 15-6-6 Master Planned Development Required Findings and Conclusions of Law, 15-8-2 Annexation General Requirements, 15-15-1 Definitions, and 15-15-2 List of Defined Terms.
(Application PL-20-04486)

Planner Liz Jackson noted that the Chief Building Official, Dave Thacker, was also on the line.

Planner Jackson stated that the Staff was bringing forward proposed Municipal and Land Management Code Amendments regarding the Wildland Urban Interface Code. She and Mr. Thacker had prepared a presentation. Planner Jackson stated that they would go through the topics, but Dave Thacker would begin by speaking to the history of the Wildland Code within Park City.

Dave Thacker, the Chief Building Official, thanked the Planning Commission for the time this evening to review the Wildland Urban Interface Code and the associated Code Amendments. He commended Planner Jackson for the work she did to make these proposed amendments possible. She was a great partner to work with. Mr. Thacker also commended Mike Owens and Brent Lucas with the Park City Fire Department. Both were instrumental in helping them reach this point.

Mr. Thacker provided a brief history of the Wildland Interface Code. He noted that in 2016 it came forward as a Code amendment, and after going through the appropriate and necessary channels it was adopted in its entirety. At that time adoption in its entirety meant that every part of the Code was required to be retroactive. Any structure in the City was required to meet all of the Wildland Urban Interface Code as it was written, and that created a challenge for the Historic District as well as some of the more established properties. Mr. Thacker stated that it was enacted for a couple of months before it was rescinded, and the Staff was requested to come back with more information. Mr. Thacker noted that it was before his time with the City and there have been other Staff changes as well.

Mr. Thacker stated that there has been a lot of opportunity to evaluate where they are. An important point to get right was how the City can coordinate better with the Fire District and Summit County to ensure they were looking at this the same. They were able to get a good handle on Best Practices for the County and the City, understanding that there are differences but also very many similarities in how they go about enforcement of this Code.

Planner Jackson walked through some of the updates and proposed changes.

Planner Jackson presented a slide showing images of the 1898 Park City Fire that devastated Main Street, Swede Alley, and the core of Park City with businesses and homes being burned. She thought it was a good reminder of how important it is to prepare for a wildfire. It includes putting in place codes to aid the community and City staff.

Planner Jackson stated that wildfire is a looming concern for the Staff and for the community members, not only as they see other communities dealing with large scale wildfires, but also as temperatures and water levels continue to change. Planner Jackson presented two maps zoomed in on the Historic District and nearby neighborhoods. She presented an image from the Utah Wildfire Risk Assessment portal. The left side was the risk map showing from green, which is low risk, up to extreme risk in red. The right side showed the effect a wildfire could have. The extreme effect was shown in red, based on where fire suppression would be difficult. She pointed out that a wildfire would be a huge issue for Park City itself, and particularly to the Historic District if one were to occur.

Planner Jackson stated that for the presentation this evening, the Wildland Urban Interface topics include amendments related to administration, enforcement, inspections; definitions; home hardening; vegetation management; maintenance and acceptance of existing plants; an update to the plant list and landscaping plans; and applicability to the Sensitive Lands Overlay, master planned developments, and annexations.

Regarding Administration, Planner Jackson stated that the objective is to include clarity between building code and fire code, and when the Wildland Urban Interface Code applies to certain properties, and when modifications may be granted by the City.

Regarding Enforcement and Inspections, Planner Jackson noted that because of the unique circumstances in Park City, authority is given to the Fire Code Official to determine circumstances that require modifications or exemptions to the Code, as well as authority to the Planning Director in certain instances. Planner Jackson stated that the Code Enforcement would be complaint based for existing developed sites. Education will be heavily emphasized, and they will promote that Wildland Urban Interface is a good idea. However, at this point it would be difficult to regulate retroactively on the already existing developed sites. Planner Jackson remarked that new developments will need to comply, which include the Sensitive Lands Overlay, master planned developments, and annexations. Planner Jackson stated that they were planning to work with resort open space areas in the future. This would apply to Park City at large, but they need to research further how resorts and open space come into play.

Regarding definitions, Planner Jackson stated that the intent is to add the proposed definitions into the Municipal and Land Management Code to provide clarity and add industry standards.

Planner Jackson stated that home hardening will be a major topic. Industry-wide it has proven to be one of the biggest factors in terms of wildfire mitigation and structure ignition. Planner Jackson remarked that specific practices are being put into the Code to reduce structure threat.

Planner Jackson commented on vegetation management. She stated that the Code calls out ignition zones, different modification, vegetation and fuel modification techniques, and ways to reduce wildfire in terms of vegetation.

Planner Jackson remarked that they have called out in the Code who is responsible for maintaining a property's vegetation and structures. She pointed out that there will be some regulation on the part of the City, but it will also be a hand in hand effort with property owners to be able to maintain and prepare their properties. Planner Jackson noted that the Code outlines what should be maintained on the property, as well as giving guidance on existing platted limits of disturbances on different properties. The Code will emphasize that LODs will need to be maintained, but there are instances where in certain plats or subdivision maintenance will be necessary outside of those limits of disturbance.

Planner Jackson stated that the plant list that exists in the Municipal Code was updated. The plant list can be a reference for community members and Staff as to what can be utilized in a fire-wise plan. They would also add references in the LMC to the standards of the Municipal Code, Section 11-21. Planner Jackson emphasized that significant vegetation would still be a priority; however, there are instances where the Planning Director and Fire Code Official can determine whether vegetation can be maintained or removed.

Planner Jackson commented on the importance of the Sensitive Lands Overlay and noted that they made sure to put in place regulations for the SLOs, MPDs, and Annexations.

Planner Jackson provided clarity on where the Wildland Urban Interface Code would apply in Park City. The Historic District areas will generally be exempt, but the City will emphasize education. They can also look at individual sites if people want to make them Wildland Urban Interface Code compliant. Planner Jackson stated that existing developed properties are generally exempt, but again they would emphasize education. She reiterated that those properties would not be regulated retroactively. They would be regulated by complaint-based enforcement. She gave examples of new development and large remodels that would generally need to comply with the WUI Code.

Planner Jackson remarked that proposed subdivision, MPDs, and annexation would also need to comply with the WUI Code. She stated that existing subdivisions with platted limits of disturbance can be evaluated by the Fire Code Official and Planning Director on a case by case basis.

Planner Jackson reported on the Outreach that was done, which included social media and website posts. The Fire Marshall did HOA one on one meetings and assessing properties. The City partnered a lot with the Park City Fire District. They hosted HOA meetings and community member meetings and included the City so they could get feedback. Mailers were sent out to P.O. boxes within Park City. They also recently did an HOA and community members Zoom discussion, which gave people who might not be able to participate otherwise the opportunity to be part of the conversation.

Planner Jackson noted that Exhibit C was an Outreach plan moving forward. They will continue to partner heavily with PCFD on informing community members about property assessments, which is an option that PCFD currently offers to help property owners.

Planner Jackson commented on a Community Wildfire Protection Plan. PCFD had a template, which is a document for communities to specify what they were doing and what they have done in order to have wildfire protection in place, and what they will do if a wildfire occurs. The question is whether Park City should require these as this point or if they should wait and see how the program works moving forward. At this point they could just emphasize the importance of having a wildfire protection in place. Planner Jackson requested that the Planning Commission provide input on this issue. She reiterated that at this point the City put an emphasis on education and provides access to resources and saying that some of these things should be done.

Director Erickson asked if the Community Wildfire Protection Plan was not included in the Code. Planner Jackson replied that it was not in the Code. It would just be something they emphasize and suggest. Director Erickson understood that it would be a customization for Park City going forward. Planner Jackson answered yes. Director Erickson noted that it would be customized to consider Park City's vegetation and plant list.

Planner Jackson stated that at this point she had not received public comment. The Staff requested that the Planning Commission review the proposed amendments to the Municipal Code and Land Management Code sections regarding the Wildland Urban Interface, conduct a public hearing, and consider forwarding a positive recommendation for the City Council to consider at their meeting on July 9, 2020.

Commissioner Suesser asked Planner Jackson to clarify her comment regarding city-owned open space. She was particularly thinking of Treasure Hill because of its close proximity to Old Town. She wanted to know the City's responsibility for that parcel in terms of making sure there are no dangerous conditions.

Planner Jackson stated that part of the open space discussion has been trying to figure out how to prioritize those properties, and how specifically this will apply to those properties. She pointed out that they were in the beginning stages of those discussions and figuring out the process. The current goal is to get standards in place more for the homeowners and the community at large, but open space still needs to be discussed. Planner Jackson was interested in hearing any suggestions from the Commissioners.

Commissioner Suesser understood that some of the money raised in the bond was set aside for maintenance of the Treasure Hill property. She asked if that was true for Bonanza Flats as well. Director Erickson did not know the answer to her question. Planner Jackson offered to look into it.

Planner Van Dine stated that since enforcement is through complaint based, she wanted to know how the complaints are filed. Mr. Thacker replied that the complaints would come in various ways, similar to the existing Code Enforcement process. An online form can be filled out or people can call his office. Sometimes complaints are forwarded from another department. Whichever way it comes in, the complaint would be addressed. The proper enforcement agency would go out and meet with the complainant to discover the concern, and then work through education avenues to help people understand the violations and help them work towards some type of compliance.

Commissioner Van Dine asked if a system would be in place to keep track of the complaints over time. Mr. Thacker stated that they currently have a code enforcement data base through the Eden program. They would create a CE case that would be able to track it. They would not only track and gather information, but they would also be able to schedule follow-ups to ensure the situation is resolved.

Chair Phillips asked if the Commissioners had questions or comments regarding the Community Wildlife Protection Plan. Mr. Thacker reported that many HOAs have already started the process. He thought it was beneficial for some HOAs to do their own community policing of the Wildland Interface Code. Some HOAs are actively working on it, and other have discussed interest in obtaining additional information. They were working with the HOAs in an attempt to get them on board. Mr. Thacker was interested in hearing the Commissioner's comment, but he wanted them to understand that some jurisdictions were already taking care of it.

Chair Phillips stated that the Planning Commission is like the HOA for Park City. If the Planning Commission were to implement the CWPP, it might help those HOAs and the community as a whole to follow the same plan. Chair Phillips thought it was a good idea for the Planning Commission to take the lead on it.

Commissioner Kenworthy was pleased to see this moving forward. He noted that Park City has had some close calls, and this was very helpful. He thought it was another good item to clean up and address.

Chair Phillips was interested in getting a follow-up on Commissioner Suesser's question regarding Bonanza Flats. He assumed increased traffic and people would add to the fire danger. He would like to know what could be done in that area. Commissioner Suesser clarified that she also wanted a follow-up on Treasure Hill.

Director Erickson stated that Bonanza Flats is covered by a conservation agreement, but he believed there were also provisions for forest health in the model. He noted that Heinrich Deter, the Trails and Open Space Manager, spends a significant amount of money each year doing fire management on open space in the Aerie and other locations. He and Mr. Deters have had conversations about Treasure, the two Resorts, Empire Pass, and Guardsman Road. Director Erickson stated that it involved more than just cutting dead trees.

Mr. Thacker stated that they were also looking at this as a phase approach. They definitely want to encompass the whole community and make everything safe, which is the goal of this Code and the program over time. However, Phase 1 is to start with residential properties, some home hardening, and looking at everyone's personal property, and then expand from there. Mr. Thacker stated that they need to work with Mr. Deters and his team and look at other opportunities as well. They will be taking a bigger swath at those open space areas in the future, but for now this is Phase 1 to begin that process.

Chair Phillips asked if residential properties that abut open space are treated any differently. He asked if any emphasis is put into those neighborhoods that are right against heavily forested open spaces. Mr. Thacker stated that the same question was raised during one of their meetings and the Park City Fire Marshall, Mike Owens, brought up a good point related to firebrands and how they travel. He noted that Firebrands can travel up to a couple of miles in a perfect condition, and they can land on a rooftop or in a yard. If the yard and the rooftop are not properly maintained, they can find a place to ignite. Mr. Thacker pointed out that to say a home that backs up against an open space reserve with vegetation is more at risk than a home that is a mile away is not found to be true based on that information. He stated that the Code is

effective for all areas. It is just a matter of location and how they apply the Code. Mr. Thacker stated that home hardening is the most important piece they were trying to emphasize as this point.

Chair Phillips opened the public hearing.

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

Chair Phillips closed the public hearing.

MOTION: Commissioner Thimm moved to forward a POSITIVE recommendation to the City Council for their consideration on July 9, 2020 of the Municipal and Land Management Code Amendments regarding Wildland Urban Interface in Municipal Code Title 11 Sections 11-21-1 The 2006 Utah Wildland-Urban Interface Code, 11-21-2 Land Subject to Utah Wildland-Urban Interface Code, 11-21-3, Violations; Title 14 Section 14-1-5 Regulations for Planting Trees and Landscaping in the City's Right-of-Way; and Land Management Code Title 15 Sections 15-2.21-3 Sensitive Lands Overlay Zone, 15-5-1 Architectural Review Policy and Purpose, 15-5-5 Architectural Design Guidelines, 15-6-6 Master Planned Development Required Findings and Conclusions of Law, 15-8-2 Annexation General Requirements, 15-15-1 Definitions, and 15-15-2 List of Defined Terms as outlined in the Staff report. Commissioner Kenworthy seconded the motion.

VOTE: The motion passed unanimously.

6.E Consideration to Ratify the Amended and Restated Development Agreement for the Intermountain Healthcare Master Planned Development and to Amend Master Planned Development Condition of Approval 11 to Require an Amended Housing Mitigation Plan prior to Certificate of Occupancy.

Planner Rebecca Ward noted that this item was the Intermountain Healthcare Master Planned Development amended Development Agreement. Morgan Bush and Lori Weston, representing IHC, were also on the line.

Planner Ward reported that the Development Agreement was amended to memorialize the approval by the Planning Commission on October 9, 2019. The approval included a 20,000 square foot Ambulatory Surgery Center on Lot 6; and 28,000 square feet of support medical offices on the hospital lot, Lot 1.

Planner Ward stated that as required under the LMC, this approval needs to be memorialized in a Development Agreement. The Code requires that at least 10 items are addressed in the Development Agreement. The Staff has been working with the applicant to address those items in the attached draft agreement, and also in the attachments to the agreement that will be recorded with the County.

Planner Ward noted that there were two conditions of approval with the October 9, 2019 approval. One condition required the applicant to amend the water services agreement to evaluate the peak water demand for the increased density. The City Council approved this amended agreement last month on May 14th. Planner Ward stated that Attachment #7 was the draft the City Council approved. When the amendment is executed, the final document will be attached and recorded with the amended Development Agreement.

Planner Ward noted that Jason Glidden from the affordable housing team was also on the line. Planner Ward stated that the density the Planning Commission initially approved in October, the build out was anticipated to occur many years down the road. However, the applicant may bring a conditional use permit forward sooner than anticipated. As part of this change in the timeline, the Staff and the applicant worked together to propose an amendment to Condition of Approval #11 that would allow the applicant to submit a proposed housing mitigation plan prior to submitting the conditional use permit application so the Planning Commission could review the mitigation plan at the same time they review the conditional use permit application. Planner Ward clarified that it would be for that portion of the density that the applicant was moving forward on.

The Staff felt this amendment would ensure that the housing mitigation plan follows along with the development and give the Planning Commission the opportunity to review it before approving the conditional use permit.

Chair Phillips opened the public hearing.

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

Chair Phillips closed the public hearing.

MOTION: Commissioner Thimm moved to RATIFY the amended Development Agreement for the Intermountain Healthcare Master Planned Development; and Amend the Master Planned Development Condition of Approval #11 regarding the housing mitigation plan. Commissioner Kenworthy seconded the motion.

VOTE: The motion passed unanimously.

6.F. 1274 Park Avenue – Condominium Plat Amendment – The Applicant Proposes Amending the Alpine Retreat @ Park City Condominium Plat to Add a Single Car Garage, Accessed from Sullivan Road, with an Upper Level Bedroom for the Significant Historic Single-Family Dwelling.
(Application PL-19-04386)

Planner Ward reviewed the application for a plat amendment for the Alpine Retreat @ Park City Condominiums. The Alpine Retreat is located between Park Avenue and Sullivan Road. Six units are part of the project.

Planner Ward stated that the application to amend the plat impacts Unit 1. Units 1 and 2 are both Significant historic homes on the Historic Sites Inventory and front Park Avenue. The other four units are along Sullivan Road. The applicant's proposal for Unit 1 is to create a garage addition with an upstairs bedroom. The addition complies with the Code required rear and side setbacks for the new addition, and it meets the height requirements.

Planner Ward noted that this proposal would also add an additional tandem parking space to the property. She stated that because of the two historic homes on site, only eight parking spaces are required. Tandem parking is allowed in the zone. Planner Ward pointed out that currently there were 11 total parking spaces. However, adding the garage will create a tandem parking space along the driveway. This additional parking space will bring the project into compliance with the Code parking requirement without the historic structure exemptions.

Planner Ward stated that the location is an outlier because it is on Sullivan Road, which is not platted as a right-of-way, but it is City property that allows vehicle access. She pointed out that any application that triggers a change to access over Sullivan Road requires a conditional use permit, which was included as a condition of approval for this plat amendment. Planner Ward noted that the LMC limits curb cuts for driveways to 27'. When this project was approved in 2001, it was approved with a 30' curb cut. Since this was an outlier, the Code allows the City Engineer to change the curb cuts. The City Engineer had reviewed this project and approved maintaining the 30' curb cut.

Planner Ward summarized some of the recommended conditions of approval. With the creation of the garage and the driveway, all 12 required parking spaces will be provided on site. However, if the addition above the garage is converted to a lockout, it would

trigger an additional parking space. One of the conditions of approval would require a plat note that the addition above the garage cannot be used as a lockout unit. Planner Ward remarked that the garage and the upper level addition would be subject to the HDDR and Architectural Review. A 1999 facade easement was recorded against the property to protect the front and side facades. A condition of approval ensures that the addition will not impact the existing facade easement. Another condition requires a conditional use permit to alter Sullivan Road. A condition of approval also restricts the curb cut to no wider than 30'.

The Staff recommended that the Planning Commission conduct a public hearing and consider approving this application.

Commissioner Suesser asked if Planner Ward had pictures of the site. Planner Ward provided a photo and noted that 1274 Park Avenue is located in front of the Skate Park. She indicated the Alpine Retreat @ the Park and the front facade of the home at 1274 Park Avenue. She pointed to open space and the second historic home. Planner Ward indicated the location of the proposed garage.

Chair Phillips asked if the facade easement was put in place to protect the historic homes. Planner Ward answered yes. She explained that the homeowners received a grant through the historic district program, and part of that is to maintain the integrity of the home. Planner Ward clarified that there is a facade easement on both historic homes within the condo project.

Commissioner Suesser asked if the gray house was part of the Alpine Retreat. Planner Ward answered yes. She pointed to space that is currently common area and noted that it would be retained as common area. Planner Ward indicated the parking for 1274 noting that the parking space would be extended. The landscaping and sidewalk would be maintained. The applicant plans to build a garage that connects to 1274 with an upstairs bedroom. The parking space will be moved from the driveway into the garage, and a tandem parking space will be created on the site behind it.

Chair Phillips opened the public hearing.

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

Chair Phillips closed the public hearing.

Commissioner Kenworthy was concerned about the tree that was talked about in the public comment emails. Planner Ward explained that the applicant originally proposed this plan to the HOA in 2017 and it was approved. However, ownership changed within

the HOA and the applicant worked out a new plan with the HOA to preserve some of the landscaping. They also shortened the length of the addition, but it would still impact the tree. Commissioner Kenworthy clarified that the tree would need to be removed. Planner Ward answered yes.

MOTION: Commissioner Thimm moved to forward a POSITIVE recommendation to the City Council for their consideration on July 9, 2020 for the condominium plat amendment located at the Alpine Retreat, in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the draft ordinance. Commissioner Van Dine seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1274 Park Avenue

1. On April 26, 2001, the City Council passed Ordinance No. 01-12, approving the Alpine Retreat @ Park City, a condominium plat with six units, including two Significant Historic Structures, 1266 and 1274 Park Avenue (Summit County Recorder Entry 591068).
2. 1274 Park Avenue, a 1,791-square-foot Significant Historic Structure, is Unit 1 of the Alpine Retreat @ Park City Condominium Project.
3. On August 22, 2017, the Alpine Retreat Homeowners Association approved expansion of 1274 Park Avenue (Unit 1) to include 636 square feet of common area for a future garage, driveway, and private hot tub area.
4. The Applicant submitted a complete Condominium Plat Amendment application to the Planning Department on December 4, 2019.
5. The plat amendment was originally scheduled for the Commission's review on January 16, 2020. However, the matter was continued to a date uncertain to address Homeowner Association concerns.
6. On March 6, 2020, the Alpine Retreat Homeowners Association approved a modification to the expansion of 1274 Park Avenue, Unit 1, including a ground floor 336-square-foot garage and 150-square-foot entry foyer/mudroom/laundry area, and 521 square feet of upper level space that includes a wet bar, sitting area, bathroom, closet, and sleeping area.
7. The Alpine Retreat @ Park City Condominium Plat memorializes private, common, and limited common area for six Units.
8. 1274 Park Avenue is located in the Historic Residential – Medium Density Zoning District.
9. The purpose of the HRM District is outlined in Land Management Code § 15-2.4-1.
10. The proposed plat amendment complies with HRM Setback requirements.

11. The Front Setback in the HRM District is 15 feet. The Front Setback for the existing Significant Historic Structure is approximately 18 feet and includes a deck that encroaches into the Setback. While a deck is allowed as an exception in the Front Setback if it projects no more than 3 feet into the Setback, it must not be more than 10 feet wide. The existing historic deck is approximately 31 feet wide, spanning the width of the front Façade. However, Historic Structures that do not comply with Setbacks are valid Non-Complying Structures. All additions to the Historic Structure must meet Setback requirements. There are no additions proposed in the Front Setback.
12. The Rear Setback in the HRM District is 10 feet. The proposed addition exceeds this requirement with a Rear Setback of 44 feet.
13. The Side Setback in the HRM District is 5 feet. The proposed addition meets Side Setback requirements and is 5 feet at the narrowest and 8 feet at the widest.
14. Site plans and Building design must resolve snow release issues to the satisfaction of the Chief Building Official.
15. The proposed plat amendment complies with Building Height Restrictions.
16. Maximum Building Height in the HRM District is 27 feet from Existing Grade. The proposed addition is 25 feet 6 inches from Existing Grade.
17. Single-Family Dwellings require two Off-Street parking spaces. There are six Single Family Dwellings in the condominium, requiring a total of 12 Parking Spaces. Two of the Single-Family Dwellings are Historic Structures. A Historic Structure that does not comply with Off-Street parking is a valid Non-Complying Structure, unless an addition to the Historic Structure creates a Lockout Unit or Accessory Apartment. As a result, only 8 total Parking Spaces are required for the condominium.
8. The condominium currently provides a total of 9 Parking Spaces, with 2 tandem Parking Spaces—which are allowed in the HRM—for a total of 11.
19. The current Parking Space for 1274 Park Avenue is along the existing driveway for Units 5 and 6. The proposal relocates the Parking Space to the garage and creates a new Tandem Parking Space on the 1274 Park Avenue driveway.
20. Approval of this project will bring the condominium into compliance with Off-street Parking requirements with a total of 12 on-site Parking Spaces without any exceptions for the two Historic Structures.
21. Condition of Approval 4 prohibits the addition to 1274 from creating a Lockout Unit or Accessory Apartment because such Lockout Unit or Accessory Apartment would require an additional Parking Space.
22. The proposed plat amendment complies with Off-Street Parking requirements so long as the studio unit constructed above the garage is not used as a Lockout Unit or Accessory Apartment.
23. Common driveways are allowed to provide Access to Parking in the rear of the

Main Building if both Properties are deed restricted to allow for the perpetual Use of the shared drive. The proposed shared driveway for Unit 1 and Units 5 and 6 is currently platted as common area. The plat amendment will retain the common area driveway.

24. Driveways for shared Single-Family Dwellings must have a minimum width of 10 feet. The proposed driveway is 12 feet in width.

25. Driveway curb-cut for shared Single-Family Dwellings must not exceed 27 feet in width. The 2001 plat approval exceeded this width and was approved at 30 feet. The City Engineer has discretion for curb-cut widths and approved retention of the 30-foot curb cut.

26. Single car garages must have a minimum interior dimension of 11 feet in width and 20 feet in depth for a Single-Family Dwelling. The proposed garage is 11 feet wide and 28 feet deep.

27. The driveway for Units 1, 5, and 6 is accessed via Sullivan Road. Altering access from Sullivan Road triggers LMC § 15-2.4-9 and a Conditional Use Permit is required to ensure compliance with the LMC prior to applying for a Building Permit.

28. 1274 Park Avenue is a Significant Historic Structure in the Historic District.

29. The Applicant is required to complete a Historic District Design Review prior to applying for a Building Permit.

30. Additions to the Significant Historic Structure shall comply with the Design Guidelines for Historic Districts and Historic Sites, Historic Preservation LMC Chapter 15-11, and Architectural Review LMC Chapter 15-5.

31. On June 24, 1999, the owners of 1274 Park Avenue entered into the Grant of Preservation Easement: 1274 Park Avenue with Park City Municipal. The easement was recorded on August 16, 1999 (Summit County Recorder Entry 546937).

32. The easement outlines requirements to maintain the front and side Façades of 1274 Park Avenue and any future construction to 1274 Park Avenue must preserve and restore the front and side Façades of 1274 Park Avenue as outlined in the easement.

Conclusions of Law – 1274 Park Avenue

1. There is good cause for the Alpine Retreat @ Park City Condominium Plat Amendment because the plat amendment will increase on-site parking by one Parking Space, bringing the total Parking Spaces for the property to the 12 required by code without exceptions for the two Historic Structures. Also, altering access via Sullivan Road will require a Conditional Use Permit to ensure there are no unmitigated impacts to neighboring properties or to City property.

2. The proposed plat amendment complies with the LMC, including § 15-4-12, § 15-

7.1-3(C), § 15-12-15(B)(9), and Chapters 15-2.4 and 15-3, and applicable State law regarding Condominium Plats.

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

4. Approval of the Condominium 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 – 1274 Park Avenue

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

2. The Applicant shall record the Plat with the County within one year from the date of City Council approval. If recordation has not occurred within one year, this approval of the plat is void, unless a request for an extension is made in writing prior to the expiration date and the City Council grants an extension.

3. Site plans and Building design must resolve snow release issues to the satisfaction of the Chief Building Official.

4. A Plat Note shall state that the addition to 1274 Park Avenue shall not be used as a Lockout Unit or Accessory Apartment.

5. The Sullivan Road curb cut shall be no wider than 30 feet.

6. LMC § 15-2.4-9 requires a Conditional Use Permit to alter access on Sullivan Road and must be obtained prior to applying for a Building Permit.

7. 1274 Park Avenue is a Significant Historic Structure in the Historic District and is subject to a Historic District Design Review and Architectural Review prior to applying for a Building Permit.

8. Any future development shall comply with the Grant of Preservation Easement: 1274 Park Avenue, recorded on August 16, 1999 (Summit County Recorder Entry 546937).

6.G. 802 Empire Avenue – Subdivision – The Applicant is Requesting to Combine Multiple Parcels into a New Two (2) Lot Subdivision.
(Application PL-18-03949)

6.H. 802 Empire Avenue – Conditional Use Permit – The Applicant is Requesting to Construct a Shared Driveway Over the Platted Unbuilt City Right-of-Way.
(Application PL-19-04113)

These items were discussed simultaneously. Each item had its own public hearing and action.

Planner Alexandra Ananth noted that the applicant, Tom Peek, with Old Town Lands LLC, the project architect, and Martina Nelson from Park City Surveying, were also participating online.

Planner Ananth reported that the Planning Commission reviewed this application on May 13 and continued the item to this meeting. The application is to create a proposed two-lot subdivision from seven vacant smaller parcels. The applicant was simultaneously seeking a CUP to locate a shared driveway over a platted unbuilt right-of-way. The lots are currently vacant of any structures.

Planner Ananth stated that at the last meeting, the Planning Commission asked for an updated driveway exhibit with a turning template showing how cars would exit the site, and the amount of encroachment required on the adjacent parcel to the south, which is owned by the City. Planner Ananth explained that the reason for the encroach is to avoid having cars back out onto Empire Avenue, which is a condition of this proposal.

Planner Ananth noted that the parking area has encroached onto the adjacent site for decades. This proposal reduces the amount of encroachment, and it does not negatively impact the abutters' non-exclusive driveway easement. Planner Ananth stated that Condition of Approval #7 notes that an encroachment agreement will be required.

Planner Ananth stated that no retaining walls are required for the proposed driveway because it is relatively level on this portion of platted unbuilt Empire. The Engineering Department reviewed the plan and confirmed that this plan, as well as the turning template, is acceptable.

Planner Ananth noted that a visual was requested showing what the potential house might look like, and whether or not height exemptions would be required. The applicant submitted a drawing for each site showing the 27' height limit, which is 27' above the existing grade. Planner Ananth remarked that the drawings are very conceptual, but they appear to show that a house with a garage on the top floor and living space below with access from Empire Avenue would be able to meet the height requirement of 17' in the Historic Residential District, and that no exemptions should be required for these houses. Planner Ananth clarified that the drawings were only for illustration purposes and that the houses have not yet been designed. The final design would be determined through the HDDR process.

Planner Ananth stated that another question raised at the last meeting was whether this subdivision would preclude any type of future pedestrian pathway connecting Empire Avenue to Crescent Tram. She reported that the proposed subdivision does not appear to preclude a future pedestrian connection on the City's property.

From public comment received today, Planner Ananth understood that both the applicant and the applicant's abutter to the south had agreed on a similar location to what was shown in green on the slide, where a potential pedestrian pathway could parallel the section line on the map and run just south of the Old Town Lands proposed two-lot subdivision, all on City property. Planner Ananth pointed out that this was only a conceptual location. She noted that the abutter to the south has a non-exclusive easement over a portion of the City's property.

Commissioner Suesser referred to Planner Ananth's comment that the encroachment has existed for decades. She asked if Planner Ananth was referring to the City right-of-way. Planner Ananth clarified that there is a parking space that now encroaches over platted unbuilt Empire Avenue and encroaches into the City's Treasure parcel to the south. There is also a gravel parking area that encroaches into the Treasure property. Planner Ananth presented a slide and noted that the area in pink below 802 Empire was the proposed encroachment. She then pointed to the existing encroachment. She believed the proposed encroachment was less than the existing encroachment that has existed on the site for many years.

Commissioner Kenworthy asked if he understood correctly that the neighbors and Mr. Peek had come to an agreement. Planner Ananth replied that the neighbor sent a letter to the Planning Commission earlier in the day indicating their agreement on the proposed location. She understood that the applicant had also submitted public comment.

Planner Ananth read the public comment from the abutting neighbor. It was written by Nick Frost, representing Rick Kinsley, who lives at 808 Empire Avenue. Mr. Frost noted that he had provided a public comment letter earlier in the day regarding the public stairs. He was sending this letter to clarify that Mr. Kinsley recognizes and understands that the Planning Commission does not have the ability to designate and authorize a final location of the public stairs. However, he felt it was entirely within the purview of the Planning Commission to recognize and discuss the issue, as well as to provide a recommendation to the City Council that the location of the public stairway be discussed in more depth at the City Council level. Mr. Frost noted from his earlier letter that neighbors have met together in good faith and are attempting to work with the City with the objective of resolving the issue and avoiding future problems down the road. It

is Mr. Kinsley's hope that Planning Commission will recognize the significance of these events and take time to ensure that any approval provided by the Planning Commission will include a recommendation or suggestion that the City Council continue to review the location of a stairway in connection with the approved plat.

Chair Phillips agreed with following Mr. Frost's suggestions. Planner Ananth reiterated that the stairway has not been designed yet, but conceptually the City is on board with the idea subject to design and funding in the future.

Chair Phillips thought the height exhibit was a good illustration that the homes could be built on the site without needing a height exception.

Commissioner Kenworthy asked if the applicant, Tom Peek, was willing to agree to no height exemptions. Mr. Peek stated that he and the architect, Jon DeGray, determined how the homes would fit on the property and he was comfortable agreeing to no height exception.

Commissioner Thimm asked if the applicant was willing to agree to a condition of approval stating that there will be no height exemption requested for this property. Mr. Peek answered yes. Planner Ananth stated that she would amend the conditions of approval to add a condition stating that there will be no height exemption.

Chair Phillips stated that he was comfortable with what was being proposed for the driveway. He thought it was better than what exist there now. It allows for the necessary turning radius to avoid public safety issues from backing out of the garages onto the road. Chair Phillips was satisfied with what was proposed for the driveway.

Commissioner Thimm asked if the pink area on the exhibit would be a paved driveway. Planner Ananth replied that it will be paved where the driveway is proposed to encroach. The existing gravel parking area will be removed, and that is required in an existing condition of approval.

Commissioner Suesser asked if a steep slope application would be necessary for this site. Planner Ananth replied that a steep slope application is expected. Depending on the threshold of the proposed building, it could be an administrative review and approval, or it may need to come to the Planning Commission. That had not yet been determined.

Chair Phillips opened the public hearing.

No eComments were received other than the comment from Mr. Frost that Planner Ananth had already read into the record. No hands were raised on Zoom. Chair Phillips closed the public hearing.

City Attorney Harrington stated that he was prepared to respond to the first letter from Mr. Frost that came in earlier in the day; however, given the recharacterization in Mr. Frost's follow up letter from the neighbor, he did not need it read into the record, but wanted it noted that it was part of the record.

Chair Phillips thought the Planning Commission had reviewed this application thoroughly and fairly, and he supported forwarding a recommendation to the City Council.

Commissioner Suesser asked if there was a condition of approval stating that there will be no parking in the unbuilt right-of-way. Planner Ananth answered yes. A condition of approval states no parking and no obstructions in the unbuilt right-of-way. Commissioner Suesser asked about a gate. She noted that there is a gate on the driveway next door which is also on City property.

Mr. Peek was willing to specify in a condition of approval that will be no gate.

At the request of Commissioner Kenworthy, Planner Ananth read the conditions of approval outlined in the Staff report. She added Condition #14 stating that there will be no height exemption for the future houses on these two lots. She also added Condition #15 specifying that there will be no gate.

Commissioner Kenworthy asked about signage, such as "no parking" or "trail access" if the stairs are built. City Attorney Harrington believed those types of issues could be worked out with the encroachment agreement as opposed to the subdivision ordinance.

Commissioner Suesser asked if the driveway would be heated over the City right-of-way. She did not believe there was snow storage on the site and pushing snow onto Empire Avenue would create a dangerous condition. Mr. Peek noted that the drawing identified three locations for snow storage on site. However, he clarified that the plan would be to heat the driveway. Planner Ananth pointed out the snow storage locations.

MOTION: Commissioner Thimm moved to forward a POSITIVE recommendation to the City Council for their consideration on July 9, 2020 for the 2-lot subdivision at 802 Empire Avenue, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval found in the draft ordinance and as amended to add Conditions #14 and #15 per the discussion this evening. The Planning Commission also recommends further

consideration of the potential stairway location by the City Council. Commissioner Kenworthy seconded the motion.

VOTE: The motion passed unanimously.

Planner Ananth reviewed the CUP application and presented a slide showing the area of the CUP, which was outlined in pink. She indicated the platted unbuilt right-of-way of Empire Avenue, as well as the encroachment into the Treasure parcel to the south. Another slide showed the encroachment relative to the driveway easement of the abutting property to the south.

The Staff recommended that the Planning Commission conduct a public hearing and consider approving the CUP based on the findings of fact, conclusions of law, and conditions of approval as provided in the Staff report.

Chair Phillips opened the public hearing.

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

Chair Phillips closed the public hearing.

MOTION: Commissioner Thimm moved to APPROVE the conditional use permit for construction of a shared private driveway over a platted unbuilt City street at 802 Empire Avenue, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval found in the Staff report. Commissioner Van Dine seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 802 Empire Avenue - Subdivision

1. The subject property is located at 802 Empire Avenue.
2. The subject property is located within the Historic Residential (HR-1) Zoning District.
3. On December 17, 2019, the Subdivision Plat application was deemed complete.
4. The two-lot (2) Subdivision is made up of seven (7) parcels including portions of Lot 19, all of Lot 20, and all of Lot 21, none of which are large enough to be developed on their own.
5. All seven (7) parcels are vacant of structures.
6. The applicant has worked with the City to complete and record Quit Claim Deeds and resolve a number of surveying errors.

7. The lots are considered “through-lots” with Frontage on both Crescent Tram and Empire Avenue.
8. Due to the Unusual Lot Configuration the Planning Director determined that Frontage can be measured on Crescent Tram in order to meet the Minimum Lot Width even though vehicular access will be restricted to Empire Avenue.
9. Both new lots meet the minimum Lot and Site Requirements for Single Family Dwellings.
10. Due to existing steep grades, limited sight lines, proximity of existing curb cuts on Crescent Tram and its narrow street width, the applicant has been encouraged by the City to access the lots from Empire Avenue and has submitted a simultaneous request for a Conditional Use Permit (CUP) to locate a shared driveway over the City’s Platted Unbuilt Right-of-Way in order to provide vehicular access to the two lots from Empire Avenue and not Crescent Tram.
11. Existing gravel areas on both the north and south side of the shared concrete driveway are noted to be removed.
12. The proposal allows for adequate snow storage.
13. The intersection of the shared driveway and Empire Avenue is roughly perpendicular which is an improvement compared to the existing conditions.
14. The proposed driveway width of 15 feet complies with the minimum requirement specified in LMC Section 15-3-3 (H).
15. The proposed driveway is spaced approximately 33 feet from the nearest existing driveway and approximately 122 feet from the intersection of Empire and Crescent Tram.
16. The maximum slope of the driveway is shown to be 12%.
17. Based on the facts listed above and the challenges of access from Crescent Tram, the Engineering Division approves a slope greater than 2% within the transition area noted in LMC Section 15-3-3, General Parking Area and Driveway Standards.
18. It is expected that the applicant will also need to seek a Steep Slope Administrative CUP and submit Historic District Design Review applications for the proposed houses as development progresses.
19. The Subdivision does not preclude the creation of a future pedestrian connection on PCMC Parcel PC-364-A-X, immediately south of the subject property, connecting Empire Avenue to the Crescent Tram pedestrian pathway.

Conclusions of Law – 802 Empire Avenue – Subdivision

1. There is Good Cause for the Subdivision which created two developable lots in keeping with development patterns in the surrounding neighborhood.
2. The Subdivision is consistent with the 2014 Park City General Plan and the Park City Land Management Code including Sections 15-7.1-3(C) and 15-12-15(B)(4) and

(9) and applicable State Law regarding Subdivision Plats.

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

4. Approval of the Subdivision does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval – 802 Empire – Subdivision

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

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

3. A Plat Note shall indicate that both lots shall have vehicular access from Empire Avenue only.

4. The City Engineer shall review and approve all grading, utility installation and public improvements prior to building permit issuance.

5. The grade of the proposed shared drive shall not exceed 10% within the platted unbuilt right of way.

6. Backing out of the shared drive shall be forbidden. A swept path analysis showing a vehicle turn-around from both lots shall be provided to the City Engineer for review prior to building permit issuance.

7. If necessary, a separate encroachment agreement for the portion of shared drive encroaching on PCMC Parcel PC-364-A-X will be required prior to building permit issuance.

8. No parking or obstacles shall be permitted within the portion of shared driveway located within the platted unbuilt right of way.

9. Neither the shared driveway nor the future houses shall prohibit pedestrian access of a future 8th Street public pathway, located just south of the 802 Empire Avenue Subdivision, connecting Empire Avenue to the Crescent Tram pedestrian pathway.

10. The applicant or his assignees will not oppose, and will work with the City, if it is determined that a staircase or other form of public access connecting Crescent Tram to Empire Avenue, adjacent to the subject property, is determined to be appropriate at some point in the future. The applicant agrees to include an offer of dedication for the connection if requested by the City Engineer on the applicable future application.

11. No building permit may be issued until City Council approval of an Encroachment Agreement for the driveway located within the Public Right-of-Way.

12. If at some point in the future Empire Avenue is re-aligned, the applicant will be responsible for the removal of all portions of the driveway within the ROW at their

sole expense and in an expeditious manner (within 90 days of written notice).

13. Prior to the issuance of a building permit, a Construction Mitigation Plan that includes consideration of how construction related parking will be managed shall be submitted to the Building, Engineering and Planning Departments for review and approval.

14. A Plat Note shall indicate that no height exemptions from the Land Management Code shall be permitted for any buildings within the 2-Lot Subdivision.

15. A Plat Note shall indicate that no vehicular access gates shall be permitted within the 2-Lot Subdivision.

Findings of Fact – 802 Empire - CUP

1. The subject property is located at 802 Empire Avenue in the Historic Residential (HR-1) Zoning District.

2. The site is currently vacant of structures and the applicant has submitted a simultaneous Subdivision Plat to create two developable lots.

3. The applicant is requesting to construct a shared private driveway within the Platted Unbuilt City Right of Way of Empire Avenue.

4. Although these lots are considered “through-lots” the applicant has been encouraged by the City to limit vehicular access to Empire Avenue only due to the road geometrics, sight lines and grade of Crescent Tram.

5. A Historic District Design Review (HDDR) application is required for any development on the proposed Lots.

6. A Steep Slopes Administrative CUP will also be required prior to development.

7. Per LMC 15-3-5, the proposal is subject to the standards for private driveways within platted, unbuilt city streets.

8. Per LMC 15-1-10(E), the proposal is subject to review according to the Conditional Use Permit Criteria.

9. The proposal complies with LMC 15-3-5(A) as the proposed driveway will not exceed ten percent (10%) Slope within the platted unbuilt right of way.

10. The proposal complies with LMC 15-3-5(B) as the proposal allows for adequate snow storage on both sides of the driveway.

11. The proposal complies with LMC 15-3-5(C) as the applicant is proposing to construct the driveway out of concrete.

12. The proposal complies with LMC 15-3-5(D) as the driveway does not pre-empt any existing physical parking and the platted Street has not been improved to provide Public parking. The parking for the proposed two lots will be on site and no parking will be allowed in the proposed shared driveway.

13. The proposal complies with LMC 15-3-5(E) as the applicant designed the driveway proposal after discussion with the City Engineer who has reviewed and approved the proposed plan. No retaining walls are proposed.

14. The proposal complies with LMC 15-3-5(F) as the applicant has been approved for a Conditional Use Permit.
15. The proposal complies with LMC 15-3-5(G) as the applicant will record an encroachment agreement for the driveway prior to issuance of a Building Permit for the proposed driveway.
16. The proposal complies with LMC 15-3-5(H) as plans will be reviewed by the City Engineer prior to issuance of a building permit.
17. There are no unmitigated impacts to LMC 15-1-10(E)(1) size and location of the site.
18. There are no unmitigated impacts to LMC 15-1-10(E)(2) as Empire Avenue has sufficient capacity to accommodate two additional Single-Family Dwellings.
19. There are no unmitigated impacts to 15-1-10(E)(3) as all utilities can be available to the site.
20. There are no unmitigated impacts to LMC 15-1-10(E)(4) as Empire Avenue offers sufficient access for emergency vehicles and the proposed driveway does not change this.
21. There are no unmitigated impacts to LMC 15-1-10(E)(5) as per LMC 15-2.2-4, as parking for each lot will be on site and no parking or obstructions will be allowed in the City's platted unbuilt Right-of-Way.
22. There are no unmitigated impacts to MC 15-1-10(E)(6) internal vehicular and pedestrian circulation system. Vehicular access will be from Empire Avenue and the lots are of sufficient size to allow for sufficient pedestrian circulation. The Submitted turning radius analysis shows that cars can exit the site facing forward.
23. There are no unmitigated impacts to LMC 15-1-10(E)(7) as no fencing screening or landscaping will be allowed in the City's Right-of-Way.
24. There are no unmitigated impacts to LMC 15-1-10(E)(8) as any proposed development will be subject to the City's Historic District Design Guidelines and Review Process.
25. There are no unmitigated impacts to LMC 15-1-10(E)(9) usable Open Space as there are no proposed Buildings within the unbuilt Right of Way and the historical encroachment on the adjacent City parcel will be reduced in size and the area where gravel will be removed will be restored with native grass. Any development on the proposed lots will be subject to the City's Land Management Code and HRRD process.
26. There are no unmitigated impacts to LMC 15-1-10(E)(10) signs and lighting as any development on the proposed lots will be subject to the City's Land Management Code including signs and lighting.
27. There are no unmitigated impacts to LMC 15-1-10(E)(11) as the proposed lot sizes are compatible with the surrounding neighborhood and an HDDR Application will be required to ensure that the physical design and architectural detailing are compatible with the surrounding neighborhood and HR-1 District.
28. There are no unmitigated impacts to LMC 15-1-10(E)(12) as no noise or odors are

expected beyond what is typical and expected for two Single Family Dwellings
29. There are no unmitigated impacts to LMC 15-1-10(E)(13) as no delivery or service vehicles are expected beyond what is typical and expected for two Single Family Dwellings.

30. There are no unmitigated impacts to LMC 15-1-10(E)(14) as it is expected that the proposed lots will be developed with Single Family Dwellings.

31. There are no unmitigated impacts to LMC 15-1-10(E)(15) as the proposed improvements will be appropriately graded and reviewed thoroughly through the HDDR and Building Permit Review Process.

32. This proposal has been reviewed for consistency with the Goals and Objectives of the Park City General Plan including Objective 15B: Maintain the character, context and scale of local historic districts with compatible infill development. Any proposed development on the Lots will be compatible with the Historic District Design Guidelines and surrounding neighborhood context. These guidelines guide infill development to ensure that development is compatible in the neighborhood context.

33. Existing gravel areas on both the north and south side of the shared concrete driveway are noted to be removed and will be restored with native grass.

34. The intersection of the shared driveway and Empire Avenue is roughly perpendicular to the street which is an improvement compared to existing conditions.

35. The proposed driveway width of 15 feet complies with the minimum requirement specified in LMC Section 15-3-3 (H).

36. The proposed driveway is spaced approximately 33 feet from the nearest existing driveway and approximately 122 feet from the intersection of Empire and Crescent Tram.

37. The maximum slope of the driveway is shown to be 10% within the platted unbuilt right of way and 12% on the applicant's property.

38. Based on the facts listed above and the challenges of access from Crescent Tram, the Engineering Division approves a slope greater than 2% within the transition area noted in LMC Section 15-3-3, General Parking Area and Driveway Standards.

39. The Findings in the Analysis section of this report are incorporated herein.

40. This project was reviewed simultaneously with the proposed subdivision of 802 Empire Avenue, PL-18-03949, which has its own set of Findings of Fact, Conclusions of Law, and Conditions of Approval.

Conclusions of Law - 802 Empire - CUP

1. The Conditional Use Permit application complies with all requirements of the LMC and satisfies all Conditional Use Permit review criteria as established by the LMC 15-1-10 and LMC 15-3-5.

2. The Conditional Use Permit, as conditioned, will allow for development that is compatible with surrounding structures in use, scale, mass and circulation; and

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

Conditions of Approval - 802 Empire - CUP

1. All Standard Project Conditions shall apply.
2. The City Engineer shall review and approve all grading, utility installation and public improvements prior to building permit issuance.
3. The grade of the proposed shared drive shall not exceed 10% within the platted unbuilt right of way.
4. Backing out of the shared drive shall be forbidden. A swept path analysis showing a vehicle turn-around from both lots shall be provided to the City Engineer for review prior to building permit issuance.
5. If necessary, a separate encroachment agreement for the portion of shared drive encroaching on PCMC Parcel PC-364-A-X is required prior to building permit issuance.
6. The applicant shall restore the gravel parking area that is proposed to be removed from Parcel PC-364-A-X, with native grass.
7. No parking or obstructions shall be permitted within the portion of shared driveway located within the platted unbuilt right of way.
8. The shared driveway shall not prohibit pedestrian access of a future 8th Street public stairway, located just south of the 802 Empire Avenue Subdivision, connecting the Crescent Tram pedestrian access to Empire Avenue.
9. No building permit may be issued until City Council approval of an Encroachment Agreement for the driveway located within the Public Right-of-Way.
10. If at some point in the future Empire Avenue is re-aligned, the applicant will be responsible for the removal of all portions of the driveway within the ROW at their sole expense and in an expeditious manner (within 90 days of written notice).
11. Prior to the issuance of a building permit, a Construction Mitigation Plan that includes consideration of how construction related parking will be managed shall be submitted to the Building, Engineering and Planning Departments for review and approval.

The Planning Commission Meeting adjourned at 9:40 p.m.

Approved by Planning Commission: _____

Planning Commission Staff Report



Subject: Park City Mountain Resort Base Area Development
Project #: PL-20-04475
Author: Bruce Erickson – Planning Director
Alexandra Ananth – Senior Planner
Date: June 24, 2020
Type of Item: Work Session – Project Update and Confirmation of Site Walk on July 8, 2020

PLANNING DEPARTMENT

Summary Recommendations

PEG Development has submitted an application requesting to amend the 1998 Park City Mountain Resort (PCMR) Development Agreement (DA), and specifically, to replace expired Exhibit D of the DA, the 1998 *PCMR Base Area Master Plan Study Concept Master Plan*, with a new Master Plan, known as the *Park City Base Area Lot Redevelopment Master Plan Study*.

The purpose of this work session is to: 1) update the Commission on scope of review discussions with the applicant and status of additional application information requested; and 2) confirm the plan and COVID guidelines for the site visit scheduled for July 8, 2020, from 3:00-5:00 pm.

1. **No stipulated scope of review reached.** Therefore, staff recommends scheduling a public hearing and Planning Commission formal determination on July 8, 2020, solely on the issue of LMC § [15-6-4\(I\)](#), MPD MODIFICATIONS, which states that “Changes in a Master Planned Development, which constitute a change in concept, Density, unit type or configuration of any portion or phase of the MPD will justify review of the entire master plan and DA by the Planning Commission, unless otherwise specified in the DA.”
2. **Site Visit.** A site walk of the base area is scheduled for July 8, 2020, from 3:00-5:00PM. Please note that **face masks will be required**. Staff and the applicant request feedback from the Planning Commission regarding content and route of the site visit as outlined below.

Description

Applicant: PEG Development c/o Robert Schmidt
Location: PCMR Base Parking Lots including Parcels SA-402E, SA-402-A-1-A, SA-402-A-2, SA-253-B, SA-253-B-2-A, and SA-253-C
Zoning District: Recreation Commercial (RC)
Adjacent Land Uses: Park City Mountain Ski Resort, Resort Support, Hotel, Single Family and Multi-Unit Residential, Open Space
Reason for Review: DA amendments require Planning Commission review and

approval and a finding of compliance with the Park City General Plan and the Land Management Code

Acronyms

Park City Mountain Resort (PCMR)	Recreation Commercial (RC)
Park City Mountain (PCM)	Conditional Use Permits (CUP)
Development Agreement (DA)	Comfortable Carrying Capacity (CCC)
Master Planned Development (MPD)	Return on Community (ROC)
Land Management Code (LMC)	VR CPC Holdings, Inc. (VRCPC)

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

LMC Section 15-6-4(I), MPD Modifications

At the June 10, 2020, Work Session, the Planning Department laid out a potential stipulated scope of review under LMC Section [15-6-4\(I\)](#), MPD Modifications with PEG's initial responses noted (link to June 10, 2020, [Staff Report](#) and [Presentation](#) can be found here).

- While PEG generally acknowledges that their application includes substantive amendments as defined in LMC Section [15-6-4\(I\)](#), MPD Modifications, they cannot agree to an unlimited scope of review that includes base area operations and mountain upgrade plans for all matters, many of which remain under the authority of Vail. Conversely, staff cannot limit Planning Commission review of those matters which were included and formed the basis of many of the determinations for the remaining parking lot parcels which are the subject of PEG's application.
- Staff and PEG do not wish to piecemeal their positions in this report, but the issues will be fully briefed for the July 8, 2020, meeting for a public hearing and a Planning Commission determination.

The City's Housing and Executive Departments are discussing the timing of a preliminary Housing Authority review with the applicant, and potentially Vail. Staff and PEG will potentially return with an update for the Planning Commission on August 26, 2020. The City's Housing Authority [City Council] is the review and approval body for PEG's Housing Mitigation Plan.

Application Materials

The June 10, 2020, Staff Report laid out additional information required for PEG's application to be deemed complete. PEG Development has not yet submitted all of the requested information. PEG responded that a portion of the information is contained in their existing submittal but that other information will take additional time to prepare.

The Planning Department has agreed to extend the deadline for remaining items until July 8, 2020. If the requested information is not submitted by this date, the project will be removed from the July 22, 2020 Planning Commission public hearing agenda. Please check the project's [webpage](#) after July 9, 2020, for an update on the July 22, 2020, meeting date.

Site Visit

A site walk of the base area is scheduled for July 8, 2020, from 3:00-5:00 PM meeting at the PCM Transit Center. ***The public may attend.*** Depending upon continued COVID guidelines, staff will explore alternatives to public attendance and/or social distancing such as video recording. PEG and staff will discuss potential routes/stopping points at the work session, which should include:

- a. Pedestrian connections;
- b. Setback reduction areas;
- c. Height increase areas;
- d. Plaza areas;
- e. Transit and load/unload zones;
- f. Proposed Road changes/Roundabouts
- g. Building parcels sites including parking above grade
- h. Setbacks to adjacent buildings
- i. Potential for pedestrian bridge or tunnel
- j. Potential for upgrades to Transit Center

The Planning Commission should identify any other areas/topics it wants included in the site visit, at the June 24, 2020, Work Session.

Project Review Schedule

The Planning Department is still proposing the following public hearing schedule, grouped by topics, *subject to modification as necessary*:

Date	Anticipated Agenda
July 8, 2020	Planning Commission Site Walk - 3:00-5:00 PM Meet at PCM Transit Center Face Masks are Required Public Hearing @ City Hall/Zoom Webinar - 5:30 PM Planning Commission determination on issue of LMC § 15-6-4(I) , MPD MODIFICATIONS, which states that "Changes in a Master Planned Development, which constitute a change in concept, Density, unit type or configuration of any portion or phase of the MPD will justify review of the entire master plan and DA by the Planning Commission, unless otherwise specified in the DA."
July 22, 2020 - <i>Tentative</i>	Planning Commission Public Hearing Architecture, Site and Landscape Design Exceptions to Height and Setback Requirements Opportunity for public input
July 30, 2020 - <i>Tentative</i>	Housing Authority Public Hearing Affordable Housing Mitigation Plan Opportunity for public input
August 26, 2020	Planning Commission Public Hearing Transit and Pedestrian Connectivity, Traffic, Parking and

	Circulation Recap of July 30 City Council Public Hearing on the Housing Mitigation Plan Opportunity for public input
September 23, 2020	Planning Commission Public Hearing Utilities and Project Phasing Plan Sustainability Other topics that come up or remain open Opportunity for public input
October 22, 2020	Public Hearing Final topics/review of any plan revisions Review of Draft Findings of Fact and Conditions of Approval Opportunity for public input Planning Commission Vote
November – <i>Date to Be Determined</i>	Hold as needed

Notice

On May 13, 2020, notice of the May 27, 2020, Work Session was mailed to property owners within 300 feet. Legal notice was also published on the Utah Public Notice Website and Park Record on May 13, 2020. At the May 27, 2020, Work Session it was announced that the Planning Commission would discuss the project again in a Work Session or possible public hearing on June 10, 2020, and again on June 24, 2020. After the scheduled site walk on July 8, 2020, the Planning Commission will hold a public hearing limited to the issue of scope of review, and is expected to make a determination on the issue of LMC § [15-6-4\(I\)](#), MPD MODIFICATIONS, which states that “Changes in a Master Planned Development, which constitute a change in concept, Density, unit type or configuration of any portion or phase of the MPD will justify review of the entire master plan and DA by the Planning Commission, unless otherwise specified in the DA.”

Public Input

Public comments received to date are attached to this Staff Report (Exhibits A). Public input received after the publication of this Staff Report will be forwarded to the Planning Commission and attached to subsequent Staff Reports. ***The Planning Department is compiling all public comments and will be putting together a document that addressed these questions as the project is reviewed beginning with the July 22, 2020, Staff Report.***

Summary Recommendations

Staff recommends the Planning Commission hold a work session to hear an update on the project’s status and confirm the site visit agenda for July 8, 2020.

Exhibits

Exhibit A - Public Comments Received to Date

Alexandra Ananth

From: Nancy Lazenby <nhlazenby@hotmail.com>
Sent: Friday, June 5, 2020 9:37 AM
To: planning; Jessica Nelson
Cc: Alexandra Ananth
Subject: Comment for June 10th Planning Commission Meeting

Good Morning;

I'd like to add to the comments for the next Planning Commission Meeting on June 10th.

During the last Planning Commission meeting on May 27th, Alexandra Ananth did a great job of outlining and listing the reasons the Planning Department felt PEG should do a new MPD rather than amend the existing 1998 Development Plan's MPD.

Alex listed several significant changes that PEG was proposing and felt those changes were so significant that they warranted a new plan rather than amending the existing one. I would like to add an additional change to the comprehensive list that Alex put together.

If I missed it I apologize, but I did not see on Alex's list PEG's new proposed one-way traffic on Silver King Dr., Manor Way, Lowell Ave, or Empire Ave. 

Having one-way traffic around the resort and through the streets of Old Town is a significant change to the plan that will have a tremendous effect of the community and the local citizens. I'm asking that the Commission consider this also when deciding on whether an amended or new MPD is required.

Thank you.

Meeting	Agenda Item	Name	Comment	Submitted At
---------	-------------	------	---------	--------------

05-20-2020 08:35 am

Planning Commission	3) PUBLIC COMMUNICATIONS	Michael Kaplan		
---------------------	--------------------------	----------------	--	--

How will the project interact with the existing or future ski lifts?

05-27-2020 07:21 pm

Planning Commission	5.B) Park City Mountain Resort Base Parking Lots - Work Session - Project Orientation and Discussion of Request to Amend the 1998 Park City Mountain Resort (PCMR) Development Agreement (DA) to Replace Expired Exhibit D of the DA, the 1998 PCMR Base Area Master Plan Study Concept Master Plan, with a New Master Plan, Known as the Park City Base Area Lot Redevelopment Master Plan Study. *Public Input will be taken via e-comments* PL-20-04475.	Sid Embree
---------------------	---	------------

Will comments submitted to the developer via 'baseareaproject@gmail.com' at the request of PEG during the open house in March at the Hyatt be shared with the public or should community members submit their comments directly to the Planning Department?

05-27-2020 06:27 pm

Planning Commission	5.B) Park City Mountain Resort Base Parking Lots - Work Session - Project Orientation and Discussion of Request to Amend the 1998 Park City Mountain Resort (PCMR) Development Agreement (DA) to Replace Expired Exhibit D of the DA, the 1998 PCMR Base Area Master Plan Study Concept Master Plan, with a New Master Plan, Known as the Park City Base Area Lot Redevelopment Master Plan Study. *Public Input will be taken via e-comments* PL-20-04475.	Sid Embree
---------------------	---	------------

Will comments submitted to the developer via 'baseareaproject@gmail.com' at the request of PEG during the open house in March at the Hyatt be shared with the public or should community members submit their comments directly to the Planning Department?

05-27-2020 06:27 pm

Planning Commission	5.B) Park City Mountain Resort Base Parking Lots - Work Session - Project Orientation and Discussion of Request to Amend the 1998 Park City Mountain Resort (PCMR) Development Agreement (DA) to Replace Expired Exhibit D of the DA, the 1998 PCMR Base Area Master	
---------------------	--	--

Plan Study Concept Master Plan, with a New Master Plan, Known as the Park City Base Area Lot Redevelopment Master Plan Study. *Public Input will be taken via e-comments* PL-20-04475. William Titler

The pedestrian flow is critical for this project, right now people can walk anywhere with buildings in place the sidewalks and pedestrian walkways should be wider than normal because of the number of people and equipment that needs to flow through the area. The setbacks in place originally would allow for this but it does not seem the tighter setbacks proposed will in the current proposal.

05-27-2020 05:46 pm

Planning Commission 5.B) Park City Mountain Resort Base Parking Lots - Work Session - Project Orientation and Discussion of Request to Amend the 1998 Park City Mountain Resort (PCMR) Development Agreement (DA) to Replace Expired Exhibit D of the DA, the 1998 PCMR Base Area Master Plan Study Concept Master Plan, with a New Master Plan, Known as the Park City Base Area Lot Redevelopment Master Plan Study. *Public Input will be taken via e-comments* PL-20-04475. Steven Nielson

5.b. Parking lots - how will lower mountain access be protected for people walking from Three Kings Drive and Silver King Drive?

05-27-2020 05:45 pm

Planning Commission 5.B) Park City Mountain Resort Base Parking Lots - Work Session - Project Orientation and Discussion of Request to Amend the 1998 Park City Mountain Resort (PCMR) Development Agreement (DA) to Replace Expired Exhibit D of the DA, the 1998 PCMR Base Area Master Plan Study Concept Master Plan, with a New Master Plan, Known as the Park City Base Area Lot Redevelopment Master Plan Study. *Public Input will be taken via e-comments* PL-20-04475. Ried Schott

The Planning Commission Staff Report mentions the PEG Development Proposal has several major modifications compared to the 1998 PCMR Concept Master Plan. The PEG proposal has narrower setbacks, taller and more dense buildings (up to 7 stories), less pedestrian and trail connectivity, 600 fewer underground parking stalls, fewer view corridors and traffic / transportation issues. Therefore, in my view, PEG should not amend the Development Agreement, but submit a new MPD, as recommended by staff.

05-27-2020 05:15 pm

Planning Commission 5.B) Park City Mountain Resort Base Parking Lots - Work Session - Project Orientation and Discussion of Request to Amend the 1998 Park City Mountain Resort (PCMR) Development Agreement (DA) to Replace Expired Exhibit D of the DA, the 1998 PCMR Base Area Master Plan Study Concept Master Plan, with a New Master Plan, Known as the Park City Base Area Lot Redevelopment Master Plan Study. *Public Input will be taken via e-comments* PL-20-04475. Randall Kirsch

We own several condos in The Lodge at Mountain Village. We just spent over \$1million (collectively) on the plaza by the Ice Rink. It appears that PEG would like all of the parking foot traffic on "B" to access the ski mountain by going over the Ice Rink Plaza. There needs to be a cost sharing agreement for future improvements and maintenance on the Plaza – I do not see that in the plan. I oppose the plan without some type of Agreement in place.

05-27-2020 05:13 pm

Planning Commission 5.B) Park City Mountain Resort Base Parking Lots - Work Session - Project Orientation and Discussion of Request to Amend the 1998 Park City Mountain Resort (PCMR) Development Agreement (DA) to Replace Expired Exhibit D of the DA, the 1998 PCMR Base Area Master Plan Study Concept Master Plan, with a New Master Plan, Known as the Park City Base Area Lot Redevelopment Master Plan Study. *Public Input will be taken via e-comments* PL-20-04475. Randall Kirsch

We own several condos in The Lodge - none of the drawings show how our views will be affected from the additional height and reduced setbacks requested. Until we can see the impact on our views, we oppose such variance request. If the effect is minimal, we will not oppose it.

05-27-2020 04:40 pm

Planning Commission 5.B) Park City Mountain Resort Base Parking Lots - Work Session - Project Orientation and Discussion of Request to Amend the 1998 Park City Mountain Resort (PCMR) Development Agreement (DA) to Replace Expired Exhibit D of the DA, the 1998 PCMR Base Area Master Plan Study Concept Master Plan, with a New Master Plan, Known as the Park City Base Area Lot Redevelopment Master Plan Study. *Public Input will be taken via e-comments* PL-20-04475.

Deborah Rentfrow

The plans do not reflect the personality of Old Town; tall metropolitan structures built for a city do not belong. Just as residents are held to standards to keep the history of the area alive, so should PEG. Locals and tourists alike love this town because of its small town feel/charm and views from most anywhere in the community. The existing plans will take away from both. In addition, the traffic suggestions without any dedicated pedestrian crossings (bridges or otherwise) is unreasonable.

05-27-2020 04:26 pm

Planning Commission 5.B) Park City Mountain Resort Base Parking Lots - Work Session - Project Orientation and Discussion of Request to Amend the 1998 Park City Mountain Resort (PCMR) Development Agreement (DA) to Replace Expired Exhibit D of the DA, the 1998 PCMR Base Area Master Plan Study Concept Master Plan, with a New Master Plan, Known as the Park City Base Area Lot Redevelopment Master Plan Study. *Public Input will be taken via e-comments* PL-20-04475. Sherie Harding

Three Kings Condominiums (#11, 12, 13, 14) on Silver King Drive face the tallest buildings of the PEG proposed development. We oppose this. Building heights should follow the slope of the parking lot, down to the north. The current plan shows taller (tallest) buildings to the north. A giant wall along Silver King Drive is undesirable, it blocks views, and blocks sun.

05-27-2020 02:18 pm

Planning Commission 5.B) Park City Mountain Resort Base Parking Lots - Work Session - Project Orientation and Discussion of Request to Amend the 1998 Park City Mountain Resort (PCMR) Development Agreement (DA) to Replace Expired Exhibit D of the DA, the 1998 PCMR Base Area Master Plan Study Concept Master Plan, with a New Master Plan, Known as the Park City Base Area Lot Redevelopment Master Plan Study. *Public Input will be taken via e-comments* PL-20-04475. Ruska Djerki

I sent my comments/ questions via email to Alexandra Ananth

05-27-2020 12:46 pm

Planning Commission 5.B) Park City Mountain Resort Base Parking Lots - Work Session - Project Orientation and Discussion of Request to Amend the 1998 Park City Mountain Resort (PCMR) Development Agreement (DA) to Replace Expired Exhibit D of the DA, the 1998 PCMR Base Area Master Plan Study Concept Master Plan, with a New Master Plan, Known as the Park City Base Area Lot Redevelopment Master Plan Study. *Public Input will be taken via e-comments* PL-20-04475. Nancy Lazenby

Is the original 1998 Plan still valid? There were several requirements spelled out in that plan that needed to be completed prior to 2003. Were they done?

05-23-2020 12:05 pm

Planning Commission 6.C) 5000 Royal Street - Subdivision - Consideration of a 15-Lot Subdivision
Located in the Deer Valley Master Planned Development. PL-19-04374. (A) Public Hearing (B) Possible
Recommendation for City Council's Consideration on June 25, 2020 Sean Kelleher

Given the cost of moving these trails and keeping them available to all users, the trails reconfiguration should be done now. The trails in question are the only direct access from Rossie Hill to various uphill locations, and as a Rossie Hill, full-time resident, we use these trails all the time. \$25k is inconsequential to the developer, do the trails now!

05-27-2020 09:13 pm

Planning Commission 6.C) 5000 Royal Street - Subdivision - Consideration of a 15-Lot Subdivision
Located in the Deer Valley Master Planned Development. PL-19-04374. (A) Public Hearing (B) Possible
Recommendation for City Council's Consideration on June 25, 2020 Lisa Paul

I am the HOA President for Powder Pointe. This is too dense for the area. Less units and less retail. Need to fix traffic problem before development. Need to have a height restriction. Not higher than silver king. Developer to pay for pedestrian crossing light, like on park avenue. They should help pay for police to monitor the streets like was done during Sundance, because of the parking issues this will create. There needs to be more open space .

Alexandra Ananth

From: LSchmida <lschmida@gmail.com>
Sent: Sunday, May 31, 2020 11:43 AM
To: Alexandra Ananth
Cc: lschmida@gmail.com
Subject: PEG Project Concerns

We were able to attend the one project presentation back in March.

My Major concerns are:

The Proposed Buildings are way to tall for the site, limit them to 3 or 4 stories
The Building density is too great, Please require more green space
The Architecture of the Buildings does not blend with Park Cities or our mountain heritage
Traffic and Parking will of course be a problem but hopefully P C can regulate it

Thank you,

Patti & Larry Schmida

Sent from Mail for Windows 10

Alexandra Ananth

From: Nancy Lazenby <nhlazenby@hotmail.com>
Sent: Thursday, May 28, 2020 1:55 PM
To: Alexandra Ananth; Jessica Nelson
Cc: ruzica djerki; Deborah Hickey; der0813@aol.com; Bruce Erickson
Subject: Questions/comments from last nights Planning Commission Meeting

Hello Alex;

Thank you for leading the agenda for the PCMR Parking Lot last night. You did a great job of highlighting many important points hopefully the Planning Commission and PEG Developers heard you.

I had some difficulties during the meeting last night with a few things and wanted to bring them to your attention. If I should be forwarding some or all of this questions on to someone else for their response please let me know.

My hope is to have clarity on them soon so they don't happen again at the next meeting.

During the meeting last night I tried to post comments/questions on the eComments site. It does not allow a person to make more than one comment for the meeting and since I had already asked a question earlier in the week I could not post any other comments. This could clearly be a problem going forward. In an effort to get around this and post a comment I logged in under my husbands name and his email address during the meeting but unfortunately I still could not make a comment during the meeting. Are you hearing this from anyone else?

In an effort to get my questions into the meeting, I copied my questions/comments and emailed them directly to you during the meeting but unfortunately at the end of the meeting they weren't read during the community comments section of the meeting. Only a handful of comments were read during this time. I know one of my neighbors had emailed you several comments/questions for the meeting and they weren't read either. It was my understanding if we emailed you our questions and comments they would be included in the meeting. What do you suggest going forward so communication can happen during the meeting?

Please help me understand the process so going forward we can get our comments heard.

In the email below are the questions I sent you during the meeting but here they are again in a more legible format:

1. PEG has said they have been having Zoom meetings with the community over the past few weeks. Who was invited or how was it advertised for those who would have liked to attend?
2. The visual for Building B is an aerial view so it appears that the open space in the middle of the building looks like its ground level. That is not the case, it is actually on top of the four story parking structure. It is not ground level. These pictures are very deceiving.
3. Creating one-way traffic solves some of the resort traffic problems but it creates other issues and problems for the locals and community. That's not a solution if it solves their problem but creates problems for others.
4. How many total parking stalls will be available in this plan?
5. FYI, it was very difficult/impossible to read any of the copy on the slides presented.

6. PEG has not addressed the height issues of these buildings. In the 1998 Plan all the parking was underground so the height of the buildings were significantly lower than the current proposed plan.
7. In the 1998 Plan there were overhead walkways for pedestrians and underground parking. PEG is saying it's difficult to do or impossible to do both of those items now yet it was doable in 1998. How is it not possible now?

Thank you for addressing these comments and questions.

Finally, the comments were read at the end of the meeting but no one on the Planning Commission or the Planning Dept. addressed or commented on them. What is the procedure for this? When will they be addressed? Will we have an opportunity to have a discussion about them?

Thank you again for all you are doing for the community to make sure this project is a success for everyone including Vail, the Developer, and the community.

Sincerely,
Nancy Lazenby

From: Nancy Lazenby
Sent: Wednesday, May 27, 2020 6:27 PM
To: Alexandra Ananth <alexandra.ananth@parkcity.org>
Subject: questions for today meeting.

I have several comments/questions. 1. PEG has said they have been having Zoom meetings with the community over the past few weeks. Who was invited or how was it advertised for those who would have liked to attend? 2. The visual for Building B is an aerial view so it appears that the open space in the middle of the building looks like its ground level. That is not the case, it is actually on top of the four story parking structure. It is not ground level. These pictures are very deceiving. 3. Creating one-way traffic solves some of the resort traffic problems but it creates other issues and problems for the locals and community. That's not a solution if it solves their problem but creates problems for others. 4. How many total parking stalls will be available in this plan? 6. FYI, it was very difficult/impossible to read any of the copy on the slides presented. 7. PEG has not addressed the height issues of these buildings. In the 1998 Plan all the parking was underground so the height of the buildings were significantly lower than the current proposed plan. 8. In the 1998 Plan there were overhead walkways for pedestrians and underground parking. PEG is saying it's difficult to do or impossible to do both of those items now yet it was doable in 1998. How is it not possible now? Thank you for addressing these comments and questions.

Alexandra Ananth

From: Matt Dias
Sent: Thursday, May 28, 2020 9:17 AM
To: Bruce Erickson; Alexandra Ananth
Cc: David Everitt; Mark Harrington; Michelle Kellogg
Subject: FW: Park City Mountain Resort Base Parking Lots

BE/AA - FYI

From: Michelle Kellogg
Sent: Thursday, May 28, 2020 8:29 AM
To: Matt Dias
Subject: FW: Park City Mountain Resort Base Parking Lots

Please see below

Michelle Kellogg, MMC
Park City Recorder
445 Marsac Avenue
Park City, UT 84060
(435)615-5007

From: Bill Titler [<mailto:minnetonka@gmail.com>]
Sent: Wednesday, May 27, 2020 7:26 PM
To: Michelle Kellogg
Subject: Park City Mountain Resort Base Parking Lots

There does not seem to be any accounting for the very large number of shuttles that use a section of the parking today for a very busy drop off zone. The plan seems to have less drop off than is currently in play today but they say people will need to shuttle or uber more.

Bill Titler

- What type of "way finding", lodging, parking and commercial signage, starting intersection of Silver King and Empire is being required? It is important that the upper plaza lodging and commercial be included.
- Is there a separate area being designed for delivery trucks to short term park and not obstruct traffic flow. As you are aware, they typically park at the Transit Center Island and unload.
- A bridge or underground tunnel be constructed to allow pedestrian access from the parking structure in Lot B, across Lowell Avenue to the Transit Center area. This will help prevent traffic build up on Lowell and provide a higher level of safety for the skier and guests. Peg showed me the sidewalks they plan to install coming out of the new Lot B garage. I feel this will accomplish the goal of free flow of pedestrian traffic to all plazas. Any type of bridge would have to be located where my commercial would be negatively impacted.
- Need to ensure that sidewalks exists throughout the project, allowing pedestrians to walk from Silver King Drive, to the upper plazas. This will allow for more of a village atmosphere and cut down on pedestrian / vehicle interaction.
- There needs to be a sidewalk from the intersection of Lowell Ave and Shadow Ride Drive, to The Lodge, North side, metal stairs and to and from the Vail parking structure. This easement road will now be in the shadows 24-7. Where is snow removal going to be stacked, especially if a road is expanded to accommodate the NAC. Is PEG going to be providing snow removal off this road?
- All sidewalks should be heated to reduce salting and maintenance in addition to adding a higher level of safety. This will also reduce the need for snow storage.
- Need to retain the oversized vehicle parking on the right side of the access road, on the North side of The Lodge, as this where vehicles that cannot fit in the underground Lodge parking, oversized transportation vans and any construction dumpsters park.
- The area lacks restaurants more than any other need. I would hope that a larger portion of the commercial is being designed for food services. Food and beverage services will help keep the day skier, at the base area and off the roads during peak times. The area already has to many skier related commercial tenants.

I am concerned about the one-way being considered on Lowell. This will cause multiple issues with the commercial, lodging and transportation companies, who come and go throughout the day. We all need to be able to make a left turn onto Lowell from the Shadow Ridge Drive intersection, even if it is only during certain designated times such as after 4 p.m. and during the Spring, Summer and Fall. PEG is proposing aligning Shadow Ridge Drive with the current entrance to the underground parking and The Lodge parking. In addition they will make Shadow Ridge Drive a two way street to allow for Lodge and skiers to exit in more efficient manner.

- How is access to the potential new NAC building going to impact the Lodge? The Lodge has concerns about the access road, view corridors being blocked and access to our ski locker room and other access points. The building will block the sun light to the Lodge West side and creates more issues with ice and snow. We would expect that the NAC be responsible for the care and maintenance of these Lodge areas.

FYI, I had a call with Reid Schott of Marsac Mill Manor and I would like the Commission to know that I am opposed to any reduction in skier parking in the new Lot B garage. Maybe there is a offsite location that employees of the base area can park. I think we both agreed that a village sidewalk system that connects from the North end to the South end is very important.

Please confirm that you are in receipt of this email and feel free to contact me with any questions.

Sincerely
Trent Davis
Cell: 435-731-0115

Alexandra Ananth

From: Trent Davis <tdavis@compass-management.com>
Sent: Tuesday, May 26, 2020 2:53 PM
To: Trent Davis; Alexandra Ananth
Subject: RE: PEG Development

Hi Alexandra;

Sorry for the late revisions. After my meeting on Friday with PEG, they have satisfied some of the concerns I had. For areas that are no longer of concern if they end up as explained to me, I highlighted in yellow. My additional comments are in blue.

Thank you
Trent Davis

From: Trent Davis <tdavis@compass-management.com>
Sent: Wednesday, May 20, 2020 2:16 PM
To: Alexandra.ananth@parkcity.org
Cc: Trent Davis <tdavis@compass-management.com>
Subject: PEG Development

Hi Alexandra;

I am the President of the two partnership that own about 46K square feet of commercial at the base area. I am also the HOA manager of the Lodge and Loft. We appreciate your help in addressing the following at the meeting on the 27th with PEG Development and the Planning Commission.

A couple of topics I would like addressed with the Planning Commission:

- A handicapped ramp should be built to the ice rink plaza. Currently handicapped access is minimal to the entire base area. The Lodge *may* be willing to donate the land at the Transit Center for this to happen.
- The Transit Center Island needs to be reconfigured to allow for parallel parking, like the airport, and eliminate the stair if possible. PEG already has plans on making parallel parking for about three to four vehicles. Who maintains this in the future as I would assume the City will maintain in the future? This should have snow melt put in.

I was told the city is opposed to snow melt systems. Certainly snow melt products, snow removal damage and noise pollution, create more damage to the environment than snow melt systems.

- The Transit Center sidewalk should have snow melt put in. Additional waiting areas with enclosures need to be installed. Who maintains in the future? Will the city help maintain and provide snow removal?

O- 435-649-1842

tdavis@compass-management.com

Admin@compass-management.com

Compass-Management.Com

IMPORTANT WARNING: This email (and any attachments) is only intended for the viewing and use of the person or entity to which it is addressed, and may contain information that is privileged and confidential. You, the recipient, are obligated to maintain it in a safe, secure and confidential manner. No unauthorized distribution, transmission or re-disclosure is permitted. Failure to maintain confidentiality may subject you to federal and state penalties. If you are not the intended recipient, please immediately notify us by return email and delete this message from your computer.

Alexandra Ananth

From: ruzica djerki <ruskadjerki@gmail.com>
Sent: Monday, May 25, 2020 1:34 PM
To: Jessica Nelson; mishelle.kellogg@parkcity.org; Alexandra Ananth; baseareaproject@gmail.com
Cc: Glidefar; Nancy Lazenby; ruzica djerki
Subject: Fwd: Input / Comments

Dear all,

I apologize for sending this email to all of you but I wanted to be sure my comments end up in the right hands. You can see that I sent my comments/questions to the baseareaproject email but unfortunately never received confirmation that it was received. I hope between the Planning Commission and the City Council this ends up in the right place.

I couldn't register for Meeting on 27th - parkcity.granicusideas link was giving me an option to submit my ideas but not to register for this meeting. I hope you can help me with this and send me a Zoom meeting invitation.

Concerning my comments below: I am not expecting to hear many answers on this coming meeting but I certainly hope they will be considered somewhere in the process.

Thank you very much!

Warm regards

Ruska Djerki

1382 Empire Ave.

650-303-7741

----- Forwarded message -----

From: ruzica djerki <ruskadjerki@gmail.com>

Date: Wed, Mar 11, 2020 at 1:49 PM

Subject: Re: Input / Comments

To: <baseareaproject@gmail.com>

Cc: Nancy Lazenby <nhlazenby@hotmail.com>, Glidefar <glidefar16@yahoo.com>

I forgot in my previous email to mention two very important points:

- Pedestrian crossing and traffic: Your proposal is to stay with the crossing on the same level as it is now. This seems to be a problem more than a solution. I just watched a young family with two small kids crossing the road and I can not imagine how will this work with the expected increased traffic.

- Long term vision: Your project is huge and will have a significant impact not only on our close-by community but on the Park City Old Town and Park City area in general. Is your vision in the alignment with the long-term town planning?

Thank you again for the opportunity to discuss this important project for all of us.

Warm regards

Ruska

On Tue, Mar 10, 2020 at 6:51 PM ruzica djerki <ruskadjerki@gmail.com> wrote:

Dear Baseareaproject team,

It was great meeting some of you yesterday. Having the opportunity to discuss this project with you in more details is highly appreciated.

Before I continue to my questions and suggestions, I would like to let you know where I am coming from. I have visited and lived in number of different ski resorts throughout US and Europe. Uniqueness of Park City with its history and inviting old town is the most charming and I am hoping it will keep that feel in the future. My hope is that further development of our resort continues to have that feeling of inviting village and not of densely packed condo units with primary goal to have the maximum number of overnights.

Below are some questions and suggestions that I have.

The general appeal of your proposal

- Area B is the big and high block structure in the middle of the resort with no "interaction" to the rest of the resort or the old town. Also, it doesn't look right to have 7 stories high building in the middle of the resort with lower buildings around it - It just sticks out.
- The old section of the resort with ticket boots and access to the main lifts will have no extended village or open space (plaza) that is interesting and inviting

General questions:

- Are the rules about building heights and allowed unit "density" the newest ones? Which are these?
- Is the green area between area D and golf course still open for discussion? Open view corridor is really nice but is this view that will be admired for a few seconds from the car really higher value for this project and our community than some other assets?
- What is officially required for affordable housing? How is that calculated?

- Is employee housing required to be on a walking distance from the workplace?
- Was an option to have employees housing further away considered? Having it further built will allow easy expansions and significantly lower traffic as these people can be provided with direct and frequent busses. As far as I have seen some other resorts do have such solutions.

Further questions / suggestions:

- Could a small section of lot B area be connected to the old resort making more open village-like space that nicely transitions to the old town?
- The lowest area of the resort, area D and the green one next to it, is a great spot for the parking garage because 1) higher number of levels will not stick out like in the middle of the resort and 2) traffic will automatically be less congested in the rest of the resort
- Which area is considered a better location: B (closer to the ticket offices and the main lifts, being in the "heart" of the resort) or C (better view but access to only baby lifts)? My choice is certainly area B, but I wonder how decisions are made when it comes to the location of hotels, condos, affordable housing, and employee housing. Any clarification for that?
- Could areas be rearranged? For example Most of condos and retail services around the plaza in area B; Affordable housing and free parking in area D (and maybe green area); employee housing further away
- Traffic: In the one-way- circular "solution" entering houses on Empire Ave will be possible with extreme hardship.

Is traffic analysis for number of vehicles and flow of traffic available for different options like:

- 1) existing traffic
- 2) your proposal (circular one way)
- 3) Two-way Empire Avenue and the rest of the circle one way
- 4) case if free parking lot spaces are located on the lower corner of the resort (area D and/or green area)
- 5) seasonal and year-round traffic

I would like to know how you plan to answer and address the things I mentioned here. Unfortunately, I will not be able to join you for the next F2F discussion, but I know that my neighbor Nancy will be there and hopefully, she can get the answers for us all, the closest community to the resort.

Please do not hesitate to contact me if any of my questions/suggestions are not clear.

Thank you very much for giving me the opportunity to ask these questions.

Looking forward to the productive discussion in the future.

Warm regards

Ruska

Alexandra Ananth

From: Teri Whitney <teri@snowflowerparkcity.com>
Sent: Tuesday, May 19, 2020 11:37 AM
To: Alexandra Ananth
Subject: PEG application for May 27th Council meeting

Alexandra,

I realize there may be many meetings with public hearing regarding this development in the future. Just to get some of the concerns on the table as the Council reviews it:

1. PEG – the development group has been extremely open and has communicated with adjacent homeowner's/associations over the past year or so. We've given quite a bit of input to them directly and so far it's been a very good relationship.
2. TRAFFIC flow seems to be the biggest concern. We are not 100% convinced the proposal as planned will work. More studies will be necessary to ensure there are little to no bottle neck areas. The Uber/Lyft drop off is a great idea however, we feel it's MUCH too small for the amount of cars it could potentially encounter. If you look at Deer Valley's drop off, there are nearly 4 long lanes and on a given holiday, they are ALL packed.
3. We have some significant concerns about the egress into Parcel E. Most feel that this parcel will need at least 2 entrance/exits as the current area will not be adequate for the amount of traffic it will have.
4. PEG has also proposed a "delivery" entrance in the same location. The owner's of Snow Flower are extremely concerned about noise, hours of traffic as well as the location. All feel it should be moved to the South or East side of the Parcel if possible.
5. As of this writing, the location of the much needed Helipad was not designated yet. All are interested to know where that will go.

Thank you in advance Alexandra, I am sure we'll be attending as many of the public hearings as possible.

Teri

Teri Whitney
General Manager

Snow Flower Homeowner's Association
PO Box 448|401 Silver King Dr
Park City, UT 84060

Phone: 435-649-6400
Email: teri@snowflowerparkcity.com

This e-mail, including any attached files, may contain confidential and privileged information for the sole use of the intended recipient. Any review, use, distribution, or disclosure by others is strictly prohibited. If you are not the intended

recipient (or authorized to receive information for the intended recipient), please contact the sender by reply e-mail and delete all copies of this message.

Planning Commission

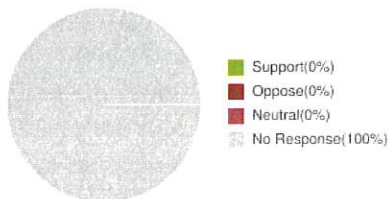
06-10-20 17:30

Agenda Name	Comments	Support	Oppose	Neutral
5.C) Park City Mountain Resort Base Parking Lots - Work Session - Discussion of Request to Amend the 1998 Park City Mountain Resort (PCMR) Development Agreement (DA) to Replace Expired Exhibit D of the DA, the 1998 PCMR Base Area Master Plan Study Concept Master Plan, with a New Master Plan, Known as the Park City Base Area Lot Redevelopment Master Plan Study. *Public Input will be taken via e-comments* PL-20-04475.	5	0	0	0
6.G) 802 Empire Ave – Subdivision– The Applicant is Requesting to Combine Multiple Parcels into a New Two (2) Lot Subdivision. PL-18-03949. (A) Public Hearing (B) Possible Recommendation for City Council's Consideration on July 9, 2020.	1	0	0	0

Sentiments for All Agenda Items

The following graphs display sentiments for comments that have location data. Only locations of users who have commented will be shown.

Overall Sentiment

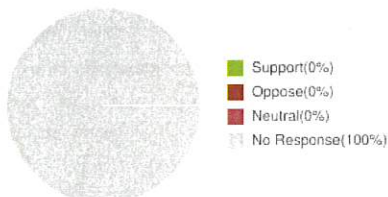


Agenda Item: eComments for 5.C) Park City Mountain Resort Base Parking Lots - Work Session - Discussion of Request to Amend the 1998 Park City Mountain Resort (PCMR) Development Agreement (DA) to Replace Expired Exhibit D of the DA, the 1998 PCMR Base Area Master Plan Study Concept Master Plan, with a New Master Plan, Known as the Park City Base Area Lot Redevelopment Master Plan Study.

Public Input will be taken via e-comments

PL-20-04475.

Overall Sentiment



Sherie Harding

Location:

Submitted At: 7:30pm 06-10-20

I submitted two important comments via email. Please read my concise comments during the meeting.
Sherie Harding

Deborah Hickey

Location:

Submitted At: 5:49pm 06-10-20

Please read my email submitted to Planner Alex yesterday and comment.

Thank you

Deborah Hickey

Deborah Rentfrow

Location:

Submitted At: 5:37pm 06-10-20

I own a home on Empire Avenue and the pedestrian and traffic patterns put forth by PEG are not an improvement for the immediate community nor those driving in. Safety for pedestrians is already compromised and the plan does nothing to improve the safety. In addition, the one way traffic pattern will be very difficult for those living on Lowell or Empire and will require every vehicle to pass the resort regardless of whether they are going to the resort.

Belinda Simile

Location:

Submitted At: 1:32pm 06-10-20

I own condos In the Silver Mill House building at Resort Plaza and am the President of the Marsac Mill Manor and Silver Mill House Condominium Association.

I sent an email to Ms. Ananth this afternoon with comments related to the PEG development at the PCMR base as am having trouble getting the submit button to work on this website. Hoping the email can be read at the meeting and copy provided to the Commissions and applicant in the event I am still not able to get my comments through on the system.

Thank you.

Clayton Stuard

Location:

Submitted At: 10:03pm 06-09-20

I concur with the Planning Department's recommendation that "the Planning Commission determine that the submitted application is substantively different than the 1997 Large Scale Master Plan (MPD) and requires a new MPD, not an amendment to the existing MPD" for all of the reasons stated in Exhibit A - Zoning Review Memorandum dated May 27, 2020 and as re-stated and attached to the Final Staff Report dated June 10, 2020.

Specifically:

- the requested building heights are absurd at 75-85 feet above grade in a RC zone that allows 35 feet.
- a reduction in setbacks is not justified since the proposed building forms are far less articulated than the building forms specified in the DA.
- the DA does not permit the transfer of density from one parcel to another.
- significant variation from the DA approved volumetrics are being requested (not a single cubic foot of additional mass/volume should be permitted on any building on any parcel of the revised plan, for any reason whatsoever including above grade parking).
- I can't understand WHY a tentative public hearing schedule has been outlined for an INCOMPLETE APPLICATION.

Alexandra Ananth

From: ruzica djerki <ruskadjkerki@gmail.com>
Sent: Wednesday, June 17, 2020 8:02 PM
To: Bruce Erickson; Alexandra Ananth; Hannah Tyler; Caitlyn Barhorst; Rebecca Ward; Elizabeth Jackson; Laura Kuhrmeyer; Heather Wasden; Jessica Nelson
Subject: Base Area Development Planning

To the Park City Planning Commissioners:

For your records, I wanted to share my comment in the Park Record that I just posted:

I can not agree more with all comments till now, especially detailed and to the point comments from Deborah Hickey and Nancy Lazenby. There are so many open issues that were not thoroughly discussed with the community and resolved with the Park City 2020 Vision in mind. We all have the same goal / result in mind- wonderfully unique Park City with the old charm and innovative solutions for the future.

Thank you for giving us, the community, this opportunity to voice our concerns.

Warm regards

Ruska Djerki

I am also concerned with the last point that Deborah made about project viability. It would be really bad if projects gets initiated and can't be completed without appropriate funds.

Thank you for listening to our concerns.

Warm regards

Ruska Djerki

Alexandra Ananth

From: Deb <glidefar16@yahoo.com>
Sent: Tuesday, June 16, 2020 12:02 PM
To: Bruce Erickson; Alexandra Ananth; Hannah Tyler; Caitlyn Barhorst; Rebecca Ward; Elizabeth Jackson; Laura Kuhrmeyer; Heather Wasden; Jessica Nelson
Subject: Base Area Development Planning

To the Park City Planning Commissioners:

As a reply to the recent article in the Park Record regarding your key procedural decision regarding the development rights of the Base Area, I firmly agree that a new Master Plan is required to suit the project to today's Park City 2020 Vision. I added these comments to the Park Record conversation panel:

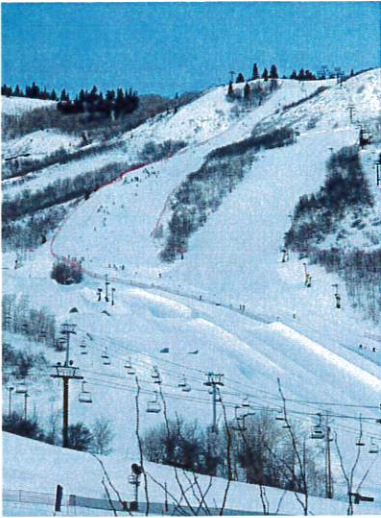
The development of the Base Area should be planned with today's Park City standards and follow the Park City 2020 Vision Plan which is the recent survey completed asking what the locals would like to see for the development of the entire town and issues to be resolved. i.e.. traffic, development density, parking access, excessive pollution, buildings character, transportation improvements, location of affordable and employee housing, etc. PEG's plan mostly follows the 1997 plan but does not address the needs of the town and has omitted some very important mountain access issues, i.e. number of parking spots for locals, safe crossings for the existing neighborhood and the impact of 7 stories of obstruction for the mountainside, redesigning Lowell and Empire Ave as one way streets and pricing locals out of access with year round parking fees. Locals should have free access.

In consideration of the recent pandemic and global economic challenges, the Park City Planning Commission should verify each construction site is economically viable by PEG. If the projects start and PEG can not complete, our town is left with a Base Area disaster. Perhaps the approval of any plans should have an economic viability review and secured funding. Lets enhance our community with a thoughtful well designed new plan.

Thank you for including my comments in your review of this important project that will effect the entire town.

Regards,

Deborah Hickey



REPLY 0

000 1000000 1000000

Alexandra Ananth

From: Sherie C Harding <sherieharding@gmail.com>
Sent: Wednesday, June 10, 2020 1:55 PM
To: Alexandra Ananth
Subject: Re: FW: ecomment

Dear Alexandra,

I have a comment on the proposed timeline for PCMR base lot discussions as follows:

The PCMR base redevelopment tentative timeline: Transit, traffic, and parking (August 26 on the timeline) should be addressed much earlier in the process. Once design is locked in, it will be hard to revisit a traffic pattern that is implicit in the design. The number of parking stalls dictates the number of vehicles and influences transit, which in turn influences traffic. The number of parking stalls and levels of underground parking influences building height and design. The routing of traffic, position of loading docks, and garage entrance/exits influences the overall development layout. Careful routing of traffic maintains the quality of life in surrounding neighborhoods. Currently, minimal truck traffic and skier traffic come through our neighborhoods. Fewer cars and strategic mass transit contribute to Park City's sustainability goals. Thus, the July 22 meeting (architectural detail, overall design, and building heights) hinges upon transit, traffic and parking which is scheduled a month later. May we discuss traffic first or traffic and overall design as one?

Thank you,
Sincerely,
Sherie Harding

On Tue, Jun 9, 2020 at 9:26 AM Alexandra Ananth <alexandra.ananth@parkcity.org> wrote:

Thank you for your thoughtful comments. They will be considered by both the Planning Commission and Planning Department during the review process.

Best,

Alexandra Ananth

From: planning
Sent: Tuesday, June 9, 2020 8:58 AM
To: Alexandra Ananth
Subject: FW: ecomment

Jessica R. Nelson

Planning Analyst

(435) 615-5061

Disclaimer: The Planning Department strives to give the best customer service possible and to respond to questions as accurately as possible based upon the information provided. However, answers given at the counter and/or prior to application are not binding and they are not a substitute for formal Final Action, which may only occur in response to a complete application to the Planning Department. Those relying on verbal input or preliminary written feedback do so at their own risk. Zoning and Land Management Code sections are subject to change.

From: Sherie C Harding [mailto:sherieharding@gmail.com]

Sent: Monday, June 8, 2020 10:15 PM

To: planning

Subject: ecomment

Dear Sir/Madame,

My comment is regarding Park City Mountain Resort Base Area Parking Lot Redevelopment, Work Session June 10th.

Parcel E parking entry and exit should be from Lowell Avenue as it is currently and has been historically. The only resort use of Silver King Drive is for emergency vehicles to and from the medical facility. The plan to move all Parcel E vehicle access to Silver King Drive is a dramatic shift from historical precedent and a huge encroachment on the residential neighborhoods.

- 1) Use of Lowell Ave will deter resort traffic from the residential neighborhoods along Three Kings and Silver King Drive.
- 2) The pedestrian crosswalks on Silver King Drive will be safer.
- 3) The medical facility access will be less congested.
- 4) The 543 parking stalls proposed for Parcel E are too many!

Thank you,

Sherie C. Harding

--

Sherie C. Harding

PhD, Paleontology-Ichnology

Department of Geology and Geophysics

University of Utah

Salt Lake City, UT 84112-0102

--

Sherie C. Harding

PhD, Paleontology-Ichnology

Department of Geology and Geophysics

University of Utah

Salt Lake City, UT 84112-0102

Alexandra Ananth

From: Jessica Nelson
Sent: Wednesday, June 10, 2020 1:53 PM
To: Alexandra Ananth
Subject: FW: New eComment for Planning Commission

Jessica R. Nelson
Planning Analyst
(435) 615-5061

Disclaimer: The Planning Department strives to give the best customer service possible and to respond to questions as accurately as possible based upon the information provided. However, answers given at the counter and/or prior to application are not binding and they are not a substitute for formal Final Action, which may only occur in response to a complete application to the Planning Department. Those relying on verbal input or preliminary written feedback do so at their own risk. Zoning and Land Management Code sections are subject to change.

From: noreply@granicusideas.com [<mailto:noreply@granicusideas.com>]
Sent: Wednesday, June 10, 2020 1:33 PM
To: Jessica Nelson
Subject: New eComment for Planning Commission

New eComment for Planning Commission

Belinda Simile submitted a new eComment.

Meeting: Planning Commission

Item: 5.C) Park City Mountain Resort Base
Parking Lots - Work Session - Discussion of
Request to Amend the 1998 Park City Mountain
Resort (PCMR) Development Agreement (DA)
to Replace Expired Exhibit D of the DA, the
1998 PCMR Base Area Master Plan Study
Concept Master Plan, with a New Master Plan,
Known as the Park City Base Area Lot
Redevelopment Master Plan Study. *Public
Input will be taken via e-comments* PL-20-

04475.

eComment: I own condos In the Silver Mill House building at Resort Plaza and am the President of the Marsac Mill Manor and Silver Mill House Condominium Association. I sent an email to Ms. Ananth this afternoon with comments related to the PEG development at the PCMR base as am having trouble getting the submit button to work on this website. Hoping the email can be read at the meeting and copy provided to the Commissions and applicant in the event I am still not able to get my comments through on the system. Thank you.

[View and Analyze eComments](#)

This email was sent from <https://granicusideas.com>.

[Unsubscribe](#) from future mailings

Alexandra Ananth

From: Belinda Simile <bhsatty@gmail.com>
Sent: Wednesday, June 10, 2020 1:17 PM
To: Michelle Kellogg; Alexandra Ananth
Subject: Comments for tonight's Planning Commission Meeting

(Note: I tried to submit this on the website comments but the 'submit' button would not work so I am emailing it to you both in hopes it will be read at the meeting tonight.)

I own condos in the Silver Mill House building at Resort Plaza and am the President of the Marsac Mill Manor and Silver Mill House Condominium Association.

After reviewing the proposed development plan, listening to a pre-application developer-led presentation to some members of our HOA (thank you for that), and listening to last month's Planning Commission meeting, our concerns are as follows:

-Pedestrian Crossing at Lowell: Given the increase in number of pedestrians and vehicles brought by the project, pedestrian interface with traffic on Lowell will only get more problematic. An elevated pedestrian bridge from the parking garage which was provided for in the original plan should again be included in this plan. Besides functionally offering relief from potential traffic/pedestrian conflict, it could be should be designed to be an attractive, signature/iconic piece of the development and gateway to the existing base areas. Think brochure worthy photo, even.

-Selling Prices: What are the anticipated selling price points for each type and size of condo in the various buildings? Anticipated price points are one indicator of the quality of the planned product.

-Views: Our owners (and I imagine others) would like to see representations of how buildings will appear from various locations and elevations outside of and from within various floors of our buildings.

-Vail Relationship: More information/transparency is needed about how the relationship and commitments between Vail and PEG will be structured and memorialized (easements, deeds, etc.) with regard to the parking garage, sidewalks and accesses, including any ski lift or surface lift configurations or re-configurations.

-Walkability between two bases: Much care needs to be taken so as not to end up with two somewhat disconnected and independent bases. We see some connectivity of sidewalks on the east (Lowell Ave) side of the project in the plan but more needs to be done to incorporate a paved walkway (not just snow access) along the west (mountain) side between the two bases so pedestrians not on skis can easily access the upper (existing) and lower (new) base development areas. This will also spread out the pedestrian traffic and will provide easier access for all visitors and guests staying on the mountain to access all retail and restaurant venues.

-Parking: Parking for oversized vehicles that will not fit in the existing parking garages at The Lowell and The Lodge is currently provided by the surface lots and this loss of parking needs to be addressed in the plan as well as sufficient parking for the employees of the various retail and restaurants, particularly because additional retail/restaurant uses are planned. Replacement of the existing 1200 parking spaces does nothing to address the additional uses' needs.

-Architecture: Exterior designs approved in the 1998 plan illustrated very attractive 'ski mountain' elevations with clusters of smaller buildings broken up with various architectural features. There is a striking change in the

appearance and mass of the structures proposed. They are big blocky, non-descript designs which appear more like the 'architecture of no-where' - meaning they look like they could be found anywhere from an urban center to a freeway interchange. PEG says it is 'our intent to provide a pleasing architecture that is harmonious with the surrounding mountain environment' (from their Feb 13th, 2020 application letter to the City) but these current designs miss the mark. When first shown the project, I was under the impression that the buildings shown were just place-markers drawn by a computer to show the height, size, scale, location, etc. I did not understand that these were the actual designs proposed. I am now very concerned. Park City deserves better. This is a highly visible project and it is paramount that the City holds developers to a high standard. These plans do not appear to be at all consistent with Park City's historic mining past and ski town heritage. They also do not fit the character of the surrounding developments.

-New MPD vs. Amended DA: This plan has many significant substantive changes from the 1998 plan. I also agree with the Planning Dept. that this application is most appropriate as a new MPD and should not be handled as an amendment to the DA. With changes this substantial on a project this complex, a thorough MPD evaluation process for what is essentially a completely new development would best serve the interests of the community.

Park City only has one chance to get this right.

We appreciate the City and Commissions' diligence and the developer's willingness to work with the community. With good faith effort on all parts to include and incorporate valuable input from the community, many of us believe a quality development that meets the needs of the community can be developed on this site.

Thank you.

Belinda Simile
740-972-7063

Alexandra Ananth

From: planning
Sent: Wednesday, June 10, 2020 1:10 PM
To: Alexandra Ananth
Subject: FW: Park City Base Development

Jessica R. Nelson
Planning Analyst
(435) 615-5061

Disclaimer: The Planning Department strives to give the best customer service possible and to respond to questions as accurately as possible based upon the information provided. However, answers given at the counter and/or prior to application are not binding and they are not a substitute for formal Final Action, which may only occur in response to a complete application to the Planning Department. Those relying on verbal input or preliminary written feedback do so at their own risk. Zoning and Land Management Code sections are subject to change.

From: Tom Jacobson [<mailto:tom@tomjacobsonlaw.com>]
Sent: Wednesday, June 10, 2020 12:47 PM
To: planning
Cc: Andy Beerman
Subject: Park City Base Development

Thank you for reviewing this matter and getting back to me if I can be of any assistance.

By way of background, I have been a lawyer for over 45 years and concentrate on real estate matters, including entitlements to develop. I have lived in Park City for many years and have skied and participated in summer activities at PCMR since its year two (yes I rode the mine train). I have been witness to the many good decisions mad and many of the short sighted decisions.

First and foremost, many of us have forgotten the traffic of early March and earlier this year in Summit County. In the short term the automobile must be part of any equation or the project will be doomed from the beginning. Ecker Hill Parking Lot is unknown to out of towners and not accessible from the freeway. There is no major parking area at Kimball Junction and no coordinated transit. It is a fact we must work with in the initial planning for this development. Parking and access features can be converted at a later date but initially it is imperative to allow for parking for as many, if not more, vehicles than used the facilities last year This does not preclude us from continuing to concentrate on better ways to access the site from the airport and Salt Lake.

The developer must be compelled to pay for the parking and access improvements. A prior approved project of \$50 million did not address any access or parking issues. In fact, Park City has lessened the number of available spaces at both its base facilities since its last big project was approved. There isn't a single jurisdiction I have worked in that has not had the developer pay for access improvements. As for converting to public transportation, this is relevant part of this development and when the City has a practical and viable plan funds collected from the developer can go to this plan.

The suggestion of employee housing is admirable, but maybe this can be funded by the developer for a complex in a designated area of town that is transit accessible and can serve other employers.

Revenue is the essential ingredient for this project. Maximization of revenue producing opportunities will make available more funds to address the local access issues. To that extent it is best to listen to the developer and not substitute the second guessing of the citizens and City. Keep in mind that for every dollar you ask the developer to contribute is space or money it needs to be made up by the developer in income.

If you would like me to address other issues I am always pleased to help our City.

Thomas N. Jacobson
Attorney at Law
3079 Fairway Hills Court
Park City, Utah 84060
(435) 615-9911
Cell—(951) 314-4258
Fax—(951) 682-7884
tom@tomjacobsonlaw.com



Alexandra Ananth

From: Sid Embree <sid@atmosclear.org>
Sent: Wednesday, June 10, 2020 11:11 AM
To: Alexandra Ananth
Cc: queenofthejordanelle@gmail.com
Subject: FW: Park City base area - comments (Embree)
Attachments: Park City PEG project south parking lot.docx

Hi Alex, thanks for your voice message (Monday), and also for confirming your email address a few minutes ago...

My main comments focus primarily on the south parking lot development, and there are also a few more general comments. After thinking about PEG's proposal from the open house in early March, my main concerns were traffic, parking and "fit" with Park City.

The attached rudimentary diagram suggests an alternative for the south lot that could relieve traffic flow/pressure and avoid cluster(messes). I'm not an artist so please let me know if you have questions. It occurred to me that the parking lot and pick-up/drop off arrangement at Terminal B at Boston Logan, which I used frequently for many years, could solve a lot of problems. The model works superbly for traffic flow and keeping parking issues away from the terminals >> in this case, base area and old town. Of course, the application would be at a smaller scale if applied at the PCMR base area.

I've updated the comments below slightly to clarify what I sent to PEG or take into account PEG's presentation on May 27.

Thank you,
Sid Embree
(435) 631-9089

From: Sid Embree <sid@atmosclear.org>
Sent: April 2, 2020 9:23 PM
To: 'baseareaproject@gmail.com' <baseareaproject@gmail.com>
Cc: 'queenofthejordanelle@gmail.com' <queenofthejordanelle@gmail.com>
Subject: Park City base area - comments (Embree)

Hi... thanks for hosting the open house about 1 month ago. It was very informative! It's crazy how much has happened (and not happened) since then!

It became clear soon after the open house that there's no need to rush with comments. My comments are based on having lived on Woodside Ave (around the corner, between 14 and 15) and visiting often a friend's home on the 1300 block of Empire. I have a degree (Honours Bachelor) in Urban and Regional Planning and have given some thought to the renderings presented during the open house. The following are my comments and suggestions for your consideration:

- This is an exciting development, and can make the PCMR base area more attractive to locals and visitors alike!
- It would be useful to see a [current] sunrise/sun-travel/sun-set simulation to understand the impacts of the proposed development on sunlight and shade in the neighborhood, especially homes on Empire.
- I think you can keep the current bus routes, at least around the current "upper lot" on Lowell, Manor Way and Empire...
- I would suggest turning Empire into a 2-way road from 14th (or 15th?) going south into Old Town. This will allow LOCAL traffic only to drive south on Empire. It's possible for the local southward traffic be limited to the

EASTERN (townside) LANE, while buses and north direction traffic are kept in the western (mountain) side lane. This only makes sense if you read on!!! Why? Because....

- I would suggest creating a south to north one-way road for your development's through-traffic THROUGH the current upper parking lot BETWEEN the building that will front/face Empire and the other building that front/face Lowell. This will take most of the resort's and your development's traffic THROUGH the current upper parking lot (under the green space triangle in the middle of the current lot). Before you think that this idea would "waste" a bunch of your property to accommodate this (middle of the lot) road, consider a partial subterranean through-street that provides ingress and egress to the parking lots under the proposed buildings in the upper lot. This will ease "parking lot traffic" on Lowell as well as on Empire (where there should only be egress from the underground parking lots). The entrance could be around/near/under the proposed parking garage entrance on Manor Way and the exit would be into Shadow Ridge Rd. An exit could also allow egress onto Empire. No buses would pass through this internal road, so the traffic would be oriented to the resort and residences only.
- A partially subterranean through-street will allow for walkways across this road at ground level, and for underground parking to be almost completely submerged throughout this upper lot. This would also allow for an under-road pedestrian travel from the parking areas to the base easing pedestrian travel across Lowell. With this configuration, lockers can be located underground closer to the base rather than as proposed close to Empire (the latter just doesn't make sense).
- The soviet style building blocks portrayed in the open house should not be such big solid blocks (foreign to the style of Old Town proper). Yes, Shadow Ridge is large, but this is not representative of Old Town, so the soviet style building block should not be replicated throughout PEG's proposed development, ESPECIALLY ALONG EMPIRE!!! .
- The buildings that are currently on Empire (in your plan) should be built to "look like" the homes on Empire and throughout Old Town. There are a few examples of recent affordable and other developments throughout Old Town that could be replicated or mimicked. This would provide a nice transition to PEG's development, not only for neighbors but also for visitors.
- As I understand, with this development, parking must be paid for. Is that the case at any time of year? If so, Park City Mountain will lose mountain biking business. I would suggest keeping some parking for mountain biking and dog walking/hiking in the summer (for people who are not using the resort's alpine slide, and other base activities. If this parking cannot be provided, then the park city buses that travel to the resort base area will need to accommodate more bicycles as well as dogs.

Please let me know if you have any questions or need clarification. I look forward to participating in future open houses and Park City consultations...

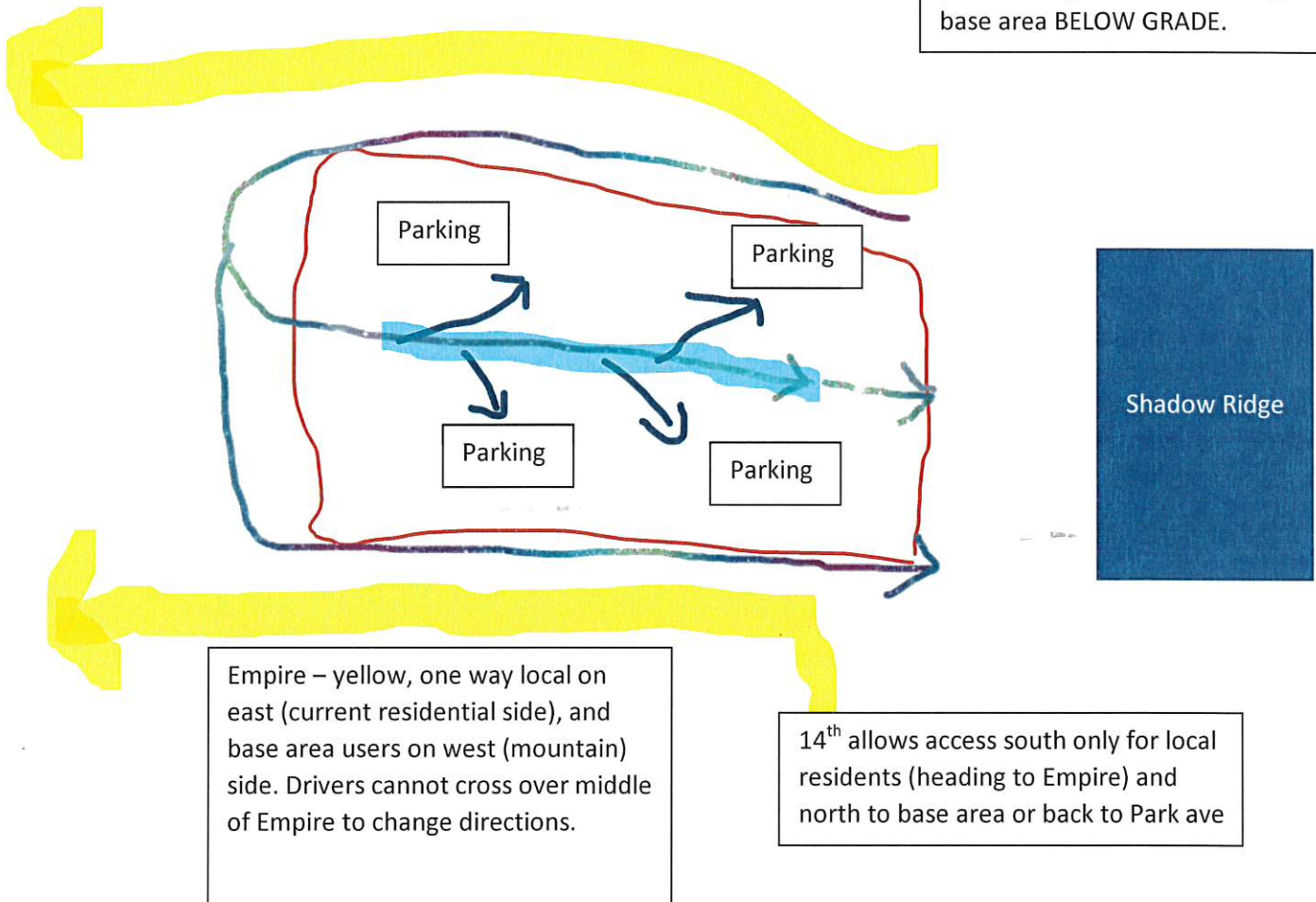
Best wishes and regards,
Sid Embree, BES, MES, MBA
(435) 631-9089



Virus-free. www.avast.com

Lowell Residents head to homes via
base area road on Lowell

The light blue highlighted THRU-ROAD goes
BELOW GRADE for road way and also allows
creation of pedestrian crossing to access
base area BELOW GRADE.



Hi Alex:

Please include my comments in tomorrow's meeting of the Planning Commission in regard to the development of the PC Base Area.

There are many issues that concern me in the development of the Base Area with the old 1997 Master Plan for Development.

2) I would like to see the new PC Vision plan and how the desires of the residents impacts this large development project. Clearly, traffic issues have not been resolved yet and should be before a new large resort is built. Density and it's effects to the resort area should be addressed in regard to pollution, noise, fumes, light, night sky, etc.

4) The Locals have had a problem finding parking to ski with their season passes on weekends and holidays. I dont think anyone has addressed making more access with this project, there will be less.

5) Many families enjoy the off season access to the trails and base area. Parking should be free for our PC residents. Pass out bumper stickers for local access.

6) 1997 Master Development Plan mentioned 1800 underground parking spots for exclusive resort usage and a limit on issuing ski passes based on available parking. Does this still pertain to the future development?

7) PEG is requesting an exception of building heights up to 7 stories. This will dwarf the surrounding residents. The original plan on page 113, 1.3 General Image and Character states : These guidelines wish to encourage architecture that is compatible in character with the existing PCMR facilities and the PC community. The architecture should look like it belongs to Park City , UT and no place else.

If you allow 7 stories of height, you will certainly change the feel of Old Town and the Base Area neighborhood. Please do not exceed the surrounding condos and homes.

8) The original plan on page 114, 2.4 discusses sidewalks should be no less than 15 feet wide to accommodate pedestrian traffic for safety and comfort.

9) I disagree with placing employee housing at the base area. Although this has been written into many land planning development agreements, this land and its value that all residents have paid premium dollars to access should not be

given to employees. PEG can purchase another parcel in a less expensive area code to build employee housing and they can take public transit to work.

10) The 'Bus Drop off' area is not written into PEG's plans as it was discussed in the 1997 plan. How will you have more public transit available to deal with new resort residents and daily visitors? Please make all buses

ELECTRIC. The fumes will kill us on Empire and Lowell. Can another route be shared in Old Town?

11) The 1997 Plan called for a condition of approval based on a "pedestrian bridge over Lowell" If foot traffic is going to stop uphill vehicle traffic at every crossing, there will be cars and buses backed up to Hwy 80!

The new parking structure must provide a safe access for families to cross to the ski plaza. And Shadow Ridge and Silver King need safe access too. Please consider all of the local neighbors when a structure is built.

12) With the new pandemic challenges and the present USA and World economies uncertain of a rebound, I suggest that our Park City Planning Commission delays such a massive new undertaking for fear that the project

can not be fully funded to completion in the 5 year timeline and it leaves our neighborhood in a shambles. There must be economic certainty for PEG to build any structures.

Thank you for responding to all of my concerns.

Best regards,

Deborah Hickey

Alexandra Ananth

From: Angelica R Palank <palanka@bellsouth.net>
Sent: Tuesday, June 9, 2020 11:36 AM
To: Alexandra Ananth
Subject: PEG development plans

Dear Alexandra Ananth,

I am a unit owner in the Snowflower subdivision, 401 Silver King Drive, unit #30, and want to better understand the proposed new development by PEG. Living in Florida, it is more difficult for me to understand what the likely impacts are to my property. Our unit is on the corner of building #1 closest to the existing clinic, with our guest bedroom windows facing the parking lot beyond the trees.

Although our management company is doing their best to keep us informed, I must confess that I cannot understand the information I am getting on line. The developer's page is quite lovely, but I cannot understand from their three pictures, what this will be like—if approved—for our property. I am not the most competent person with web sites, but I have tried to go through the city and the planning department's sites to see better visuals of the plan as it relates to our interests.

In these complicated, work remote situations, I was not sure that the voice mail message I left was adequate. After reading several of the documents, I realized that I need some help steering me to what I need. If you are able to do that, I would greatly appreciate it. I can be reached at this email address, or by phone at (954) 849-2628.

Thank you, in advance, for your attention to this matter.

Angelica Palank-Sharlet for Las Olas Property Managers, LLC

Alexandra Ananth

From: planning
Sent: Tuesday, June 9, 2020 8:58 AM
To: Alexandra Ananth
Subject: FW: ecomment

Jessica R. Nelson
Planning Analyst
(435) 615-5061

Disclaimer: The Planning Department strives to give the best customer service possible and to respond to questions as accurately as possible based upon the information provided. However, answers given at the counter and/or prior to application are not binding and they are not a substitute for formal Final Action, which may only occur in response to a complete application to the Planning Department. Those relying on verbal input or preliminary written feedback do so at their own risk. Zoning and Land Management Code sections are subject to change.

From: Sherie C Harding [<mailto:sherieharding@gmail.com>]
Sent: Monday, June 8, 2020 10:15 PM
To: planning
Subject: ecomment

Dear Sir/Madame,

My comment is regarding Park City Mountain Resort Base Area Parking Lot Redevelopment, Work Session June 10th.

Parcel E parking entry and exit should be from Lowell Avenue as it is currently and has been historically. The only resort use of Silver King Drive is for emergency vehicles to and from the medical facility. The plan to move all Parcel E vehicle access to Silver King Drive is a dramatic shift from historical precedent and a huge encroachment on the residential neighborhoods.

- 1) Use of Lowell Ave will deter resort traffic from the residential neighborhoods along Three Kings and Silver King Drive.
- 2) The pedestrian crosswalks on Silver King Drive will be safer.
- 3) The medical facility access will be less congested.
- 4) The 543 parking stalls proposed for Parcel E are too many!

Thank you,
Sherie C. Harding

--
Sherie C. Harding
PhD, Paleontology-Ichnology
Department of Geology and Geophysics
University of Utah
Salt Lake City, UT 84112-0102

Alexandra Ananth

From: planning
Sent: Tuesday, June 9, 2020 8:57 AM
To: Alexandra Ananth
Subject: FW: Comment - Park City Mountain Resort Base Area Redevelopment

Jessica R. Nelson
Planning Analyst
(435) 615-5061

Disclaimer: The Planning Department strives to give the best customer service possible and to respond to questions as accurately as possible based upon the information provided. However, answers given at the counter and/or prior to application are not binding and they are not a substitute for formal Final Action, which may only occur in response to a complete application to the Planning Department. Those relying on verbal input or preliminary written feedback do so at their own risk. Zoning and Land Management Code sections are subject to change.

From: Jamie W [<mailto:jamieswaters@gmail.com>]
Sent: Monday, June 8, 2020 4:51 PM
To: planning
Subject: Comment - Park City Mountain Resort Base Area Redevelopment

Dear Planning Commissioners,

In regards to the redevelopment of Park City Mountain Resort's Base Area, please take into consideration local youth. Currently there is a drop off area for the youngest kids lessons in the parking lot adjacent to First Time chair lift. This makes it easy to meet instructors and carry gear for the little kids, but more importantly it's much safer for the small kids to avoid walking across the parking lot. If possible, please have an entrance near First Time chair lift where parents can temporarily park for lesson drop off/pick up of our youngest skiers.

I realize this is a small population, but would appreciate any efforts that allow for continued easy access.

Thank you for your efforts to keep Park City a wonderful place to live.

Best regards,
Jamie Waters

From: Rich Wyman [richwyman@live.com]

Sent: Monday, June 08, 2020 6:53 PM

To: Council_Mail; Andy Beerman; Becca Gerber; Tim Henney; Steve Joyce; Nann Worel; Max Doilney; Sarah Hall; John Kenworthy; John Phillips; Mark Sletten; Laura Suesser; Douglas Thimm; Christin VanDine; planning

Subject: PEG Companies PCMR Base area project

Dear Mayor, City Council and Planning Commission,

These are tough times and we are all navigating our way through them with strength and hope. Thank you for serving our community.

I am writing regarding PEG Companies plan to develop the base of the Park City Mountain Resort. I have looked at the PEG website and it is immediately apparent that the designs are seriously flawed. This project does not fit anywhere within Park City, especially not in old town or at the base of the resort. The buildings are massive, bulky, unattractive, and these designs are very uncreative.

Community Plazas: PEG's website offers a few paragraphs vaguely describing "large group events" "and "retail and restaurant space". Any community plazas should be expansive and welcoming with natural features such as trees and provide free public access to truly wide open community spaces that are not just places created to funnel people into money making corrals.

Traffic Improvements: PEG says they are coming up with "traffic Improvements". I think it's ironic when developers of projects of this size say *they* are coming up with traffic improvements while they are going to create large traffic problems. They try to create the illusion that they are coming in to save the day. PEG's project will create many traffic impacts.

Affordable and Employee Housing: I am encouraged to see that this is proposed in phase one of construction. The PEG website does not include many details. Affordable housing is not easy, as the city well knows. Just because PEG says they will build it does not mean that it will be attainable or affordable or satisfy the needs of the community. The location of parking is not mentioned on PEG's website.

In conclusion, the drawings on PEG's website are just plain unattractive, massive, and do not fit in with Park City especially at the base of the ski resort and especially in old town. This project is far from compatible or beneficial to Park City in its' current proposal.

That's my opinion.

Thank you very much,

Rich Wyman

Rich Wyman

+1 435-714-9885

www.richwyman.com

www.park88music.com

Planning Commission Staff Report

Subject: Accessory Apartment and Related Uses
Author: Hannah M. Tyler, AICP, Senior Planner
Date: June 24, 2020
Type of Item: Work Session



Summary Recommendations

Staff recommends the Planning Commission review the following information outlined in the Analysis Section of this report:

- I. Existing Accessory Apartment and related Use(s) Land Management Code (LMC) regulations.
- II. Third party assessment of Park City's Accessory Apartment Unit (AAU) regulations and recommendations for LMC Amendments to incentivize AAU development (Exhibit A).

Staff requests direction from Planning Commission on whether to pursue Land Management Code (LMC) amendments for Accessory Apartments or related Uses.

Acronyms

AAU Accessory Apartment Unit
ADU Accessory Dwelling Unit
APA American Planning Association
IHC Intermountain Health Care
LMC Land Management Code
MPD Master Planned Development
UE Unit Equivalent

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

Executive Summary

Since 2018, staff has been working on Land Management Code Amendments for incentivizing Affordable Housing. As part of this process, the Planning Commission requested a Work Session on AAU regulations. The City Council provided feedback consistent with the Planning Commission's request. In the most recent Work Session to discuss LMC Amendment priorities on May 13, 2020, Planning Commission also requested information on "Tiny Homes" as part of the AAU discussion.

While the City currently does not restrict AAU development to Affordable Housing (meaning it is not required to be Deed Restricted as such), the City does view AAUs as a viable long-term rental option that can add to the pool of rental properties within Park City. Tiny Homes could be viewed similarly as AAUs in this respect.

The Affordable Housing and Planning Departments, with support of the Executive Department, hired Noella Sudbury, Sudbury Consulting LLC, to conduct a third party

assessment of Park City's current AAU ordinance and provide research and recommendations on what Park City can do to incentivize more AAU development. The purpose of this Work Session is for staff to explain the existing regulations for AAUs and related Uses. Staff will also present the findings and recommendations of the third party assessment.

Staff is requesting direction from the Planning Commission to determine if staff should pursue specific LMC Amendments to address AAUs or related Uses (Tiny Homes).

Analysis

(I) Existing LMC Regulations: Staff recommends the Commission review the existing regulations for AAUs and related Uses. Staff has also provided information on Tiny Homes and how they fit into existing Use regulations.

Accessory Apartment Units (AAUs):

1. AAUs are defined in LMC § [15-15-1](#) as:

ACCESSORY APARTMENT. *A self-contained Apartment, with cooking, sleeping, and sanitary facilities, created either by converting part of and/or by adding on to a Single-Family Dwelling or detached garage. Accessory Apartments do not increase the residential Unit Equivalent of the Property and are an Accessory Use to the primary Dwelling.*

This means that in order to be considered an AAU, the unit must be attached to your house or part of a detached garage. An AAU is not a standalone structure on the site. This definition is restrictive – staff will discuss the restrictiveness of this definition and opportunities to expand the scope later in this section – see Tiny Homes.

2. AAUs are Allowed or Conditional Uses in all Residential Zoning Districts.

Table 1: Accessory Apartment Regulations by Zoning District

Zoning District	Allowed Use	Conditional Use	Prohibited Use
Historic Residential-Low Density (HRL)		x	
Historic Residential-1 (HR-1)		x	
Historic Residential-2 (HR-2)		x	
Historic Residential-Medium Density (HRM)	x		
Historic Recreation Commercial (HRC)	x ¹		

¹ Prohibited in HRC Zoned Storefront Property adjacent to Main Street, Heber Avenue and Park Avenue, excluding those HRC Zoned Properties on the west side of Park Avenue and also excluding those HRC Zoned Properties with the following addresses: 702 Main Street, 710 Main Street, 738 Main Street (for the plaza side storefronts), 780 Main Street, 804 Main Street (for the plaza side storefronts), 875 Main Street, 890 Main Street, 900 Main Street, and 820 Park Avenue. Hotel rooms shall not be located within Storefront Property; however access, circulation, and lobby

Historic Commercial Business (HCB)	x ²		
Recreation and Open Space (ROS)			x
Protected Open Space (POS)			x
Rural Estate (E-40)	x		
Estate (E)	x		
Single Family (SF)	x		
Residential (R-1)	x		
Residential Development (RD)	x		
Residential Development-Medium Density (RDM)	x		
Residential-Medium Density (RM)	x		
Recreation Commercial (RC)	x		
Regional Commercial Overlay (RCO)	x		
General Commercial (GC)	x		
Light Industrial (LI)	x		
Frontage Protection Zone (FPZ) ³	-	-	-
Public Use Transition (PUT)			x
Community Transition (CT)			x

As the table above shows, AAUs are either Allowed or Conditional Uses in most residential Zoning Districts. **Staff would like feedback on whether the Commission would like to explore amending the CT Zoning District to permit AAUs as either Allowed or Conditional Uses.**

Park City Heights is located within the CT Zoning District. The CT Zoning District was not initially intended for Residential Uses, but these were added in a limited manner to handle the IHC Affordable Housing obligations and the now Park City Heights (formerly Gilmore) pre-annexation agreement. While Park City Heights is within a Master Planned Development (MPD) boundary, staff finds that if an AAU would not increase Unit Equivalents (UEs – assigned Density) to a particular property, then this could be a viable option if AAU criteria are met. With this history of the Zoning District in mind, the CT Zoning District could be restricted to ADUs that were in fact deed restricted as Affordable Housing or require additional study at time of application to determine that there is not any unmitigated impacts related to increased vehicular trips, etc. This is something to consider if the Commission desires to explore amending the CT Zoning District to permit AAUs as either Allowed or Conditional Uses.

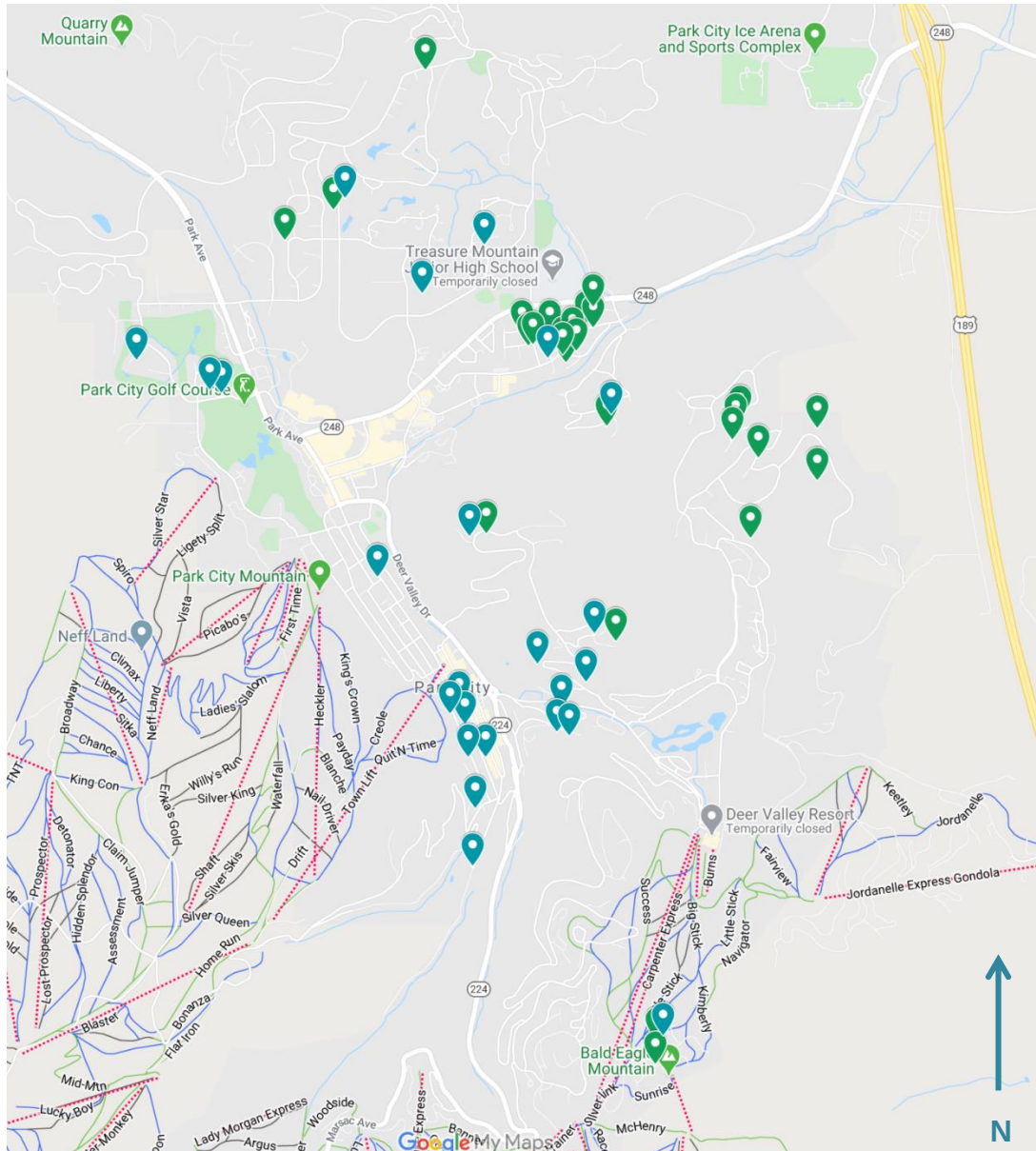
3. In total, there are 42 permitted AAUs in Park City that have been approved by the Park City Planning Department. AAUs require an [Accessory Apartment Permit](#). If an

areas are permitted within Storefront Property.

² Prohibited in HCB Zoned Storefront Property adjacent to Main Street, Heber Avenue, Grant Avenue, and Swede Alley. Hotel rooms shall not be located within Storefront Property; however access, circulation and lobby areas are permitted within Storefront Property.

³ All Uses, including Allowed and Conditional Uses, must be consistent with the underlying Zoning District. Any Structure or Use within the FPZ is also subject to specific review criteria, including Conditional Use permit review, as stated in this section, and Entry Corridor Protection criteria as stated in Sections 15-2.20-4 and 15-2.20-5.

AAU is a Conditional Use, then the Planning Commission has to review and approve the proposed Use. This map does not include any AAUs that did not receive a permit, which staff has found to be the case through various Building Permit reviews for remodels of existing units. Those units found have either been legalized through the application process after the fact or were removed; however, this tells us that there are likely more AAUs within the City Limits that are not included in this list. AAUs have been approved in the following locations ([interactive map](#)).



4. All AAUs (whether Conditional or Allowed Uses) are subject to the requirements of [LMC § 15-4-7 Accessory Apartments](#). AAUs are subject to the following criteria in [LMC § 15-4-7\(1\)](#):

1. **CRITERIA FOR USE**

1. **SIZE.** Accessory Apartments may be no more than one third (1/3) of the dwelling size, shall be limited to a maximum floor Area of 1,000 square feet and shall be no less than 400 square feet with no more than two (2) Bedrooms. An Accessory Apartment may not increase the floor Area of a Structure over the maximum floor Area as specified in the Land Management Code or Subdivision approval.
2. **PARKING.** One (1) Parking Space per Bedroom must be provided in addition to the existing requirement for the primary residence. Parking Spaces for Accessory Apartments need not be covered and may be provided in tandem subject to one of the following criteria:
 - a. One (1) Parking Space for an Accessory Apartment may be provided in tandem if the existing driveway length equals or exceeds twenty-five feet (25') as measured from the Property Line. Parking is permitted only within approved garages and on paved driveways.
 - b. One (1) Parking Space for an Accessory Apartment may be provided in tandem in an effort to preserve existing Significant Vegetation and when all other parking alternatives are undesirable.
 - c. Historic District Zones. One (1) tandem Parking Space, parking one vehicle behind another, for an Accessory Apartment proposed in any residential Historic District Zone may be provided when the Applicant has secured a Conditional Use permit and the Planning Commission has made the following findings:
 1. Tandem Parking will not create an undue hardship for the neighborhood.
 2. Other parking options are less desirable than the proposed tandem space.
 3. Reasonable efforts, such as automatic garage door openers, lease provisions and/or limitation of garage storage, have been made to encourage the Use of all Off-Street Parking.
3. **APARTMENTS PER LOT.** No more than one (1) Accessory Apartment may be located on a Lot.
4. **REQUIREMENTS FOR REVIEW.** The Applicant for an Accessory Apartment must submit a floor plan, architectural elevations, and Site plan showing any proposed changes to the Structure or Site.
5. **DENSITY LIMITS.** A permit for an Accessory Apartment may not be granted if more than three (3) of the homes within three hundred feet (300') of the Applicant's Property boundary contain other established Accessory Apartments. There may be no more than four (4) Accessory Apartments within a three hundred foot (300') radius.
6. **OWNERSHIP.** One (1) unit, either the main Dwelling Unit or the Accessory Apartment shall be occupied by the Owner of the Structure and the Accessory Apartment shall not be sold separately.
7. **DEED RESTRICTION.** A deed restriction "Notice to Purchaser" must be filed with the County Recorder, which states:
 "A permit for an Accessory Apartment was issued to _____, the current Owner of this Property on _____. This permit runs with the land and is automatically transferred to the new owner by the sale or Transfer of this Property, provided however, if the Use by the new Owner does not continue to comply with the conditions of approval, the permit may be invalidated by the Planning Department pursuant to Section 15-4-7(B)(1). Prospective purchasers should be advised that only one (1) unit on the Property may be rented; the other must be occupied by the Owner.

The Owner shall strictly adhere to all the conditions of approval and the prohibition of the rental of either Dwelling Unit for short term rentals of less than thirty (30) days.

8. **NIGHTLY RENTALS.** If an Accessory Apartment permit is granted, neither the main Dwelling Unit nor the Accessory Apartment may be rented for periods of time less than thirty (30) days.
9. **HOMEOWNERS ASSOCIATION REGISTRATION AND NOTIFICATION.** All Accessory Apartments shall be subject to the Homeowners Association and notification requirements established in LMC Chapter 15-1-12 (E).

5. Generally speaking, staff has received the following summary comments and concerns from the public (via informal inquiries over the phone or as applicants pursuing an AAU approval) regarding the AAU criteria:
- (2) *Parking*: I cannot physically fit the required parking space within my property.
 - (4) *Requirements for Review*: It is expensive to have floor plans, site plans, etc. drawn by a professional.
 - (5) *Density Limit*: My neighbor has an AAU and is located within 300' so now I cannot have one.
 - (6) *Ownership*: I do not live on the property full-time. I want to long-term rent the main house and the AAU.
 - (7) *Deed Restriction*: I do not want to deed restrict my property.
 - (8) *Nightly Rental*: I do not want to lose the ability to Nightly Rental the main part of my house at a later date.

Tiny Homes:

Staff's interpretation of a Tiny Home is a small independent Accessory Structure, permanently affixed to the ground, with sleeping, cooking, and sanitary facilities and connected to its own utilities. Tiny Homes are typically 500 square feet or less.⁴ Tiny Homes are also sometimes referred to as Micro-Housing.⁵ Tiny Homes do not meet the definition of AAU by this standard because staff is interpreting these as a standalone structure – not attached to a garage or existing house.

The American Planning Association (APA) has published research and case studies on Tiny Home development as this has been a burgeoning topic in Urban Planning studies for several years. Many communities are grappling with how and if their community should permit this type of Dwelling Unit. Overall, the following opportunities and challenges have been identified by professionals in the Land Use and Planning field:

Opportunities:

- When considering homes constructed with similar materials and sited in similar locations, the smaller the home the cheaper and more efficient it is to heat, cool, and provide with electricity and water services.⁶
- The International Code Council modified the minimum habitable room area in the International Residential Code from 120 square feet to 70.⁷
- Many planners and housing policy experts see accessory tiny houses as a viable strategy for providing semi-independent housing for aging family members.⁵
- Housing affordability is likely the greatest driver behind the growing interest in tiny houses.⁸
- This housing type provides an opportunity for lower AMI individuals and families to dwell in otherwise, expensive markets.

⁴ <https://www.planning.org/planning/2016/feb/tinyhouses.htm>

⁵ <https://www.planning.org/knowledgebase/tinyhousing/>

⁶ <https://planning-org-uploaded-media.s3.amazonaws.com/document/PAS-QuickNotes-68.pdf>

⁷ <https://www.planning.org/planning/2017/mar/beyondbuilding/>

⁸ <https://academicjournals.org/journal/JGRP/article-full-text/6A8F7C156380>

Challenges:

- Not all types of tiny houses are appropriate for all community contexts.⁵
- How to grapple with Density in Residential Zones.
- Lot and Site Requirements (minimum Lot Size, Setbacks, Height, Building Footprint, etc.), Parking Standards, etc.
- Architectural Review or Design Guidelines for this housing type.
- Tiny homes occupy a gray area between a trailer/mobile home/ recreational vehicle and a house. For the most part, tiny houses do not fit neatly within any existing legal category. If viewed strictly as a house, they often violate building codes regarding size, both in terms of overall size (door widths, hallway widths, etc.).⁹

Looking at Park City's current Land Management Code, there isn't a Use/definition that fits the Tiny Home concept. The City would need to create a new Use definition and identify which Zoning Districts would be appropriate for this additional Dwelling Unit type. Parking Requirements, Lot and Site Requirements, Utility considerations, etc. would need to be contemplated. AAUs and Tiny Homes would be generally adding the same amount of Density to a site because the size would be similar (if anything, Tiny Homes would likely be smaller than most AAUs).

Staff sees the AAU criteria model working for development of a Tiny Home on a lot – even if this criteria changes after Planning Commission feedback. Staff would also be interested in a hybrid definition that blended the definition of an AAU with that of a “Tiny Home”, to create a new definition for Accessory Dwelling Unit (ADU). Basically, staff would add language to allow for standalone structures – not requiring that a unit be attached to the main house or garage.

The APA issues a monthly Zoning Practice publication addressing different issues, one of which addressed Tiny Homes. The APA Zoning Practice publication on Tiny Homes¹⁰ identified the following important questions that a municipality should be prepared to answer as they consider land use regulations for the development of Tiny Homes:

- *Do we want to allow the installation of tiny houses for long-term occupancy, and if so, in what parts of our community?*
- *Do we want to accommodate only those tiny houses that meet our current building code or the federal manufactured home standards, or do we want to create exceptions for other tiny houses that can be made safe for long-term occupancy in other ways?*
- *Do all tiny houses need to be installed on foundations and with connections to our electric, water, and sewer systems, or are there some areas (maybe rural areas) where we would allow them under other circumstances?*
- *Are there areas of the community where they should be permitted as primary*

⁹ https://www.fcs.uga.edu/docs/Ford_et_al-2017-Family_and_Consumer_Sciences_Research_Journal.pdf

¹⁰ <https://planning-org-uploaded-media.s3.amazonaws.com/document/ZoningPractice201511.pdf>

dwelling units?

- *Are there areas of the community where they should not be permitted as primary dwelling units, but would be acceptable as accessory dwelling units?*
- *What changes to our building code, zoning ordinance, and subdivision regulations need to be made to achieve those results?*

Does Planning Commission want the Planning Department to pursue defining Tiny Homes (or adding to existing AAU definition) and explore development criteria/locations?

(II) Third Party Assessment of AAU Development: Staff recommends the Commission review the third party assessment of AAU regulations, development conditions, and recommendations for possible LMC Amendments to incentivize AAU development.

Staff requests that the Planning Commission review Exhibit A: Accessory Apartment Unit (AAU) Policy Research.

Does the Planning Commission want the Planning Department to pursue specific amendments to the LMC that were identified by the third party assessment (Accessory Apartment Unit (AAU) Policy Research)?

Department Review

The Development Review Committee and Planning, Affordable Housing, Engineering, and Legal Departments reviewed this staff report.

Notice

Staff published notice on the City's website and the Utah Public Notice website on June 6, 2020.

Public Input

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

Exhibits

Exhibit A: Accessory Apartment Unit (AAU) Policy Research

To: Hannah Tyler, Rebecca Ward, Jason Glidden
From: Noella Sudbury, Sudbury Consulting LLC
Re: **[DRAFT]** Accessory Apartment Unit (AAU) Policy Research
Date: May 6, 2020

You have asked me to review Park City's current Accessory Apartment Unit (AAU) ordinance and provide some research and recommendations on what Park City can do to incentivize more AAU development.

Executive Summary

This memorandum concludes that in order to see any significant increase in AAU development, Park City should consider taking the following steps:

- Revising its existing AAU ordinance to eliminate restrictions on development;
- Adopting a by-right or ministerial approval process for AAU projects that meet certain requirements;
- Analyze and potentially reduce fees associated with AAU development;
- Partner with local banks and credit unions to explore the possibility of offering AAU financing programs; and
- Develop and offer user-friendly AAU manuals, process materials, workshops, and technical assistance resources to community members interested in AAU development.

This memorandum proceeds as follows. Section I contains a brief overview of the factors necessary for significant AAU development. Section II outlines Park City's existing AAU ordinance and state of AAU development. Section III addresses recommended changes Park City should make to its regulatory landscape. Section IV discusses cost and financing of AAUs. Section V discusses the need for community outreach and education.

I. The Right Recipe for AAU Development

In North America, the Pacific Northwest continues to lead AAU development, with Portland and Vancouver often being cited as model communities for other cities looking to grow AAU stock. In Portland, AAUs are popping up faster than in any city in the United States. In 2017, the city issued 588 AAU permits, and in 2018, it issued 660.¹

¹See <https://accessorydwellings.org/2019/01/14/adu-permit-trends-in-portland-in-2017-and-2018/>

Research from Portland, Vancouver, and other cities with emerging AAU development demonstrates that in order for AAU development to occur, a city must: (1) have the right market environment to incentivize AAU development; (2) create a development-friendly regulatory environment; (3) employ a collection of strategies to reduce the up-front cost of development, including reducing administrative fees, and offering local financing options.

Park City likely has the right market for AAU development. In order for AAU development to occur, it must make economic sense. This requires a tight rental market with low vacancy rates; market rents that are high relative to income; and a high number of single-family residential zones.

Park City seems to meet all of these characteristics. First, Park City has a tight rental market with low vacancy rates. According to Park City's 2020 Housing Assessment and Plan, while Park City's rental market is "difficult to survey" occupancy rates in traditional multi-unit rentals "hover around 97 percent, which is virtually a fully occupied rental market."² Second, rents are high relative to income. Third, Park City is predominantly zoned for single-family dwellings. According to planning staff, 16 out of 20 zoning districts—80% of all zoning districts, are zoned for single-family homes.

While Park City's economic landscape seems ripe for AAU development, Park City does not meet the other two criteria needed for significant AAU development to occur.

II. Park City's Current AAU Ordinance and State of Development

Park City has allowed [Accessory Apartment Units](#) (AAUs) to be built since 2002, but according to planning staff, only 42 Accessory Apartment Units have been developed during this 18 year period.

Part of the reason more AAU development has not occurred is likely due to the development requirements and restrictions that currently exist in Park City's AAU ordinance. More specifically, individuals who develop AAUs in Park City must adhere to the following requirements:

- 1. Size:** Accessory Apartment Units may not be more than one third (1/3) of the dwelling size, must be between 400 and 1000 square feet, and not more than 1000 square feet.³
- 2. Parking:** "one parking space per [AAU] bedroom" must be provided (in addition to the 2 off-street parking spaces required for the primary residence).⁴

² See [Park City 2020 Housing Assessment and Plan](#) at 9.

³ Park City Mun. Code § 15-4-7(1).

⁴ Park City Mun. Code § 15-4-7(2).

3. **Conditional Approval.** An application for an AAU permit must include a floor plan, architectural elevations, and a site plan.⁵
4. **Density Limits:** a permit for an AAU may not be granted if more than three (3) other homes within a 300 ft. radius contain an AAU on the property.⁶
5. **Owner Occupancy Requirement:** “either the main Dwelling Unit or the Accessory Apartment shall be occupied by the Owner of the Structure, and the Accessory Apartment shall not be sold separately.”⁷
6. **Prohibition on Short-Term Rentals.** If an Accessory Apartment permit is granted, neither the main Dwelling Unit nor the Accessory Apartment may be rented for periods of time less than thirty (30) days.”⁸

As discussed in the next section, it is likely that these restrictions are significantly hindering development, and if politically feasible, Park City should consider adjusting or eliminating most or all of these requirements.

III. If Park City desires to increase AAU development, it will likely need to review and adjust its AAU ordinance and create a by-right development process.

As mentioned above, housing policy experts agree that no significant AAU development will occur unless and until the regulatory environment of a city changes to welcome this type of development. Thus, if Park City is truly committed to making AAU development a central housing development strategy, it will need to review and adjust its zoning, permitting, and other regulatory requirements. As one expert put it:

“[T]he vast majority of communities that claim to allow [AAUs] over-regulate them to such a degree that they may as well be banned.”⁹

While there are a variety of restrictions that hinder development, there are three that are most often cited as particularly problematic: (1) owner-occupancy requirements; (2) off-street parking requirements; and (3) conditional or discretionary review processes. Several AAU developers I spoke with went as far to say that if any of these three requirements exist, no viable movement on AAU development will ever take place. Park City has all three of these restrictions.

⁵ See Park City Mun. Code § 15-4-7(4).

⁶ See Park City Mun. Code § 15-4-7(5).

⁷ See Park City Mun. Code § 15-4-7(6).

⁸ See Park City Mun. Code § 15-4-7(7).

⁹ Kol Peterson, *Backdoor Revolution: The Definitive Guide to ADU Development* (2018) at 135.

1. **Owner Occupancy Requirements.** Owner occupancy provisions require an owner to live on the property if there is an AAU on it. Historically, these types of provisions were adopted in response to biases against renters and fears that unless the owner remained on the property, the appearance of the structure would not be maintained. While the owner occupancy requirement is incredibly common, there does not appear to be much of a policy basis for it, especially considering it is not required for similar types of units, such as duplexes and triplexes.

Owner occupancy requirements are problematic for several reasons.

First, they limit the value of the AAU investment by depriving homeowners of the flexibility of choosing how to use the property. With an owner occupancy requirement in place, owners cannot move away from the property without selling it, and cannot consider the option of the property serving as a future investment property. Because AAUs are expensive to build, putting limitations on future income generated by the AAU is a huge deterrent.

Second, owner occupancy requirements limit the value of the property in the eyes of a lender. One expert estimates that owner occupancy requirements can strip the value of an AAU down by as much as 90%.¹⁰ Owner-occupancy requirements make it difficult to determine how much value an AAU adds to a property, making it hard for appraisers to assign a value to the improvement. In turn, low appraisals lead to lack of adequate financing for development, and undermine a homeowner's motivation and ability to build the AAU in the first place.¹¹

A prominent AAU developer in the San Francisco area commented that having an owner occupancy requirement is like saying, "we don't want you to develop [AAUs] here."¹² He went on to say that if California had not eliminated this requirement (which just a few years ago in California, existed in almost every local code), he does not think any significant amount of AAU development would have occurred.

Consistent with this statement, it appears that all of the cities across the country that have seen significant AAU development (including Los Angeles, San Francisco, Portland, Vancouver, and Austin) have eliminated the owner occupancy requirement, and none have reported negative impacts on the community. In fact, in many of these places, homeowners continues to live on the property, even though they are no longer required to do so. For example, in Portland, 70-90% of AAUs were developed by the homeowner while living on the

¹⁰ *Id.* at 146.

¹¹ *Id.*

¹² April 30, 2020 Interview with Mark Hogan, San Francisco Architect, AAU developer, and Principal Owner of [OpenScope Studios](#).

property, and 64% have continued to live on the property after project completion.¹³

From a city housing policy perspective, it should not matter who develops an AAU, or who lives in it, as long as they are built. Given the lack of evidence that owner occupancy requirements prevent neighborhood deterioration or serve any other purpose, Park City should consider eliminating this requirement.

2. Off-Street Parking

Off-street parking requirements are incredibly common and have existed in most local AAU ordinances for many years. This requirement stems from the fear of cities (and outspoken constituents) that if AAUs do not come with additional parking spaces, they will destroy the character of single-family neighborhoods and create unmitigated parking issues throughout cities. But there does not appear to be any evidence to support this claim.

There are two main problems with the off-street parking requirement:

First, for many lots where a homeowner would want to build an AAU, adding an additional parking space is highly undesirable, and is sometimes impossible.

Second, creating a third parking space can be extremely expensive, adding thousands of dollars to the already high development cost of an AAU.

Across the country, off-street parking requirements have been found to significantly hinder AAU development, and almost all cities that have experienced significant growth in AAUs have eliminated off-street parking requirements all together.

For example, in a series of statewide changes beginning in 2016, and adjusted in October 2019, California eliminated the off-street parking requirement statewide, so long as an AAU is within a half mile from public transit or is part of the primary structure. As a result of this change, L.A. has quickly emerged as a national leader in AAU development, with over 4,000 AAU permits issued in 2018, and AAUs accounting for 20% of all new development.¹⁴

¹³ Peterson, *supra* n.9 at 141.

¹⁴ Here is a link to [AB 68](#), the latest language governing California's statewide AAU reform. See also <https://www.sightline.org/2019/04/05/la-adu-story-how-a-state-law-sent-granny-flats-off-the-charts/>

To fully appreciate the effect of an off-street parking requirement on AAU development, it is helpful to compare California's AAU to growth to the city of Seattle. While Seattle made a number of other changes to their code to incentivize AAU

Although eliminating off-street parking requirements has not been extensively studied, the research that exists to date suggests that eliminating this requirement is unlikely to have any noticeable impact on neighborhoods or residential parking supply. According to one [report](#) analyzing the removal of this requirement in Portland:

“The effect of ADUs on parking in Portland has been **negligible**, to date, for a number of reasons. ADUs are associated with a modest number of vehicles per dwelling; some of these cars are parked off the street; ADUs are dispersed throughout neighborhoods; ADUs are generally rare; and other forms of development have far more impact. Until those factors change substantially, the fear that ADUs harm parking conditions will have little rational basis.”¹⁵

If *permanently* eliminating the off-street parking requirement is not politically feasible, Park City may consider piloting the concept in certain zones, eliminating it when the AAU is attached to the primary home, or allowing a waiver of the parking requirement if the AAU is located within a short distance from public transit, or there is legal on-street parking available.¹⁶ Park City could also consider retaining an expert to do a parking study predicting the effect on neighborhoods (likely, lack of effect) of eliminating this requirement.

Ultimately, Park City must consider whether continuing to require off-street parking for AAUs is undermining its policy goals regarding housing access and affordability. Even if AAU development grows in Park City, it is likely to be rare, and dispersed throughout neighborhoods. Combined with the fact that Park City also limits the number of AAUs to four units within 300 feet, it is unlikely that eliminating the off-street parking requirement is going to have any noticeable impact on neighborhoods.

development, they did not eliminate the off-street parking requirement until August 2019. See [here](#) for a summary of the ordinance making this change. While Seattle’s AAU stock has grown relative to some places (approving about a hundred AAUs per year), it pales in comparison to other cities like Vancouver, Portland, and those throughout California. Given that Seattle has a similar economic and cultural climate to these places, it is likely that Seattle’s off-street parking requirement has contributed to the difference in development.

¹⁵ Jordan Palmeri, *Accessory Dwelling Units in Portland, Oregon: Evaluation and Interpretation of a Survey of ADU Owners*, State of Oregon Department of Environmental Quality (2014). Retrieval at: <https://www.oregon.gov/deq/FilterDocs/ADU-surveyinterpret.pdf>

¹⁶ [Salt Lake City](#) has recently amended its ADU ordinance to include a waiver of the parking requirement under certain circumstances, such as where the property is a quarter mile from public transit.

3. Conditional or Discretionary Reviews.

Most jurisdictions require homeowners or developers who want to add an AAU to their property to go through some type of “conditional-use” or discretionary review process. By giving increased power to review boards, elected officials, and city staff to impose conditions unique to specific projects, this process can be expensive, time consuming, and lack predictability.¹⁷ Indeed, homeowners who wish to develop AAUs must first produce and provide project documents that can cost several thousand dollars, including site plans, floor plans, architectural elevation drawings, and designs. This is a significant investment--one that many potential AAU developers will be unwilling to make, if there is a chance that the project will not be allowed to move forward.

In order to fix this process, cities are increasingly adopting a “by-right” development process. A by-right development process saves time and money, and removes uncertainty by assuring homeowners that if their project meets certain outlined requirements, it will be approved. Some jurisdictions are even considering offering [pre-approved AAU models](#) to choose from, introducing more certainty into the process and accelerating the review and permitting time to as little as 2 weeks.

All cities that have seen significant growth in AAU development have created a “by right,” “administrative permit,” or “ministerial” approval process, meaning they have used “uniform, codified, and consistent zoning and development regulation to streamline and enable new housing developments.”¹⁸ This lowers the cost of development through a faster, more predictable approval process, and increases housing supply, lowering competition between new and long-time residents for existing housing.

If Park City wants to incentivize AAU development, it should consider adopting a by-right approval process for AAU projects that meet certain conditions.¹⁹

¹⁷ See The Housing Affordability Toolkit, at 65, National Multi-Housing Council (2019) retrievable at: https://housingtoolkit.nmhc.org/wp-content/uploads/2019/04/NMHC_PDF-Sections_Full-Doc.pdf

¹⁸ See The Housing Affordability Toolkit, *supra* n.12 at 55.

¹⁹ Many cities have encountered strong neighborhood opposition to development of a by-right process, so it is likely strong political will and leadership will be required to make this change. See *id.* (note that this issue came up in my interview with the Mayor of Corte Madera, a community of similar size and wealth to Park City). If Park City chooses to create a by-right development process, it should consider ways to counter likely opposition by activating YIMBY groups and highlighting the advantages of AAU development to homeowners.

4. Other Potential Changes to Consider:

While the three requirements set forth above seem to be the most critical changes needed to incentivize AAU development, other communities have also focused on the following:

- Reducing setback requirements;
- Increasing size limits;²⁰
- Making adjustments to minimum lot sizes;
- Increasing flexibility on permitted structural forms;
- Eliminating requirement for designated sewer or water connections;
- Reducing utility connection fees;
- Eliminating or reducing residential impact fees²¹

If Park City is committed to incentivizing AAU development, it should consider these changes as well.

IV. Cost and Financing of AAUs

Even if a city has created a development-friendly regulatory environment, significant AAU development is not likely to occur unless cities do something to address the high cost and financing barriers associated with these types of projects.

A. Cost

Many housing experts believe that the number one barrier to AAU development is cost. While the cost to develop an AAU varies considerably by city and type of project, most estimates range from \$100,000 to \$150,000, with construction labor and materials being the biggest cost drivers.²² The table below, created based on survey data gathered by the Berkeley Center for Housing Innovation, provides a cost-breakdown of an average AAU project:

Average AAU Cost Breakdown ²³	
Construction Labor	33%
Construction Materials	34%
Architecture & Engineering	8%

²⁰ State and local governments making adjustments to size limits usually do so because the permitted AAUs are too small. Park City's size limits seem quite reasonable to me, and are in line with states that have high AAU development.

²¹ Many of these changes are discussed in more detail in [this report](#).

²² Karen Chapple, Jake Wegmann, Farzad Mashhood, and Rebecca Coleman, *Jumpstarting the Market for Accessory Dwelling Units: Lessons Learned from Portland, Seattle and Vancouver*, (2019), at 16. Retrieval at: https://turnercenter.berkeley.edu/uploads/ADU_report_4.18.pdf

²³ *Id.* at 17.

City permits	8%
Utility Connections	5%
Other	13%
Total	100%

There is little a city can do to address the cost of construction labor and materials, so any reduction in cost must occur through adjustments to the permitting process (i.e., creating a by-right development process and/or pre-approved plans to choose from), or reductions in impact fees or utility connection costs.

The total costs in Park City associated with permitting, utility connections, and impact fees is unclear, as fees associated with these activities are not controlled by the planning department. However, most of the research I reviewed, and all of the AAU developers I spoke with,²⁴ mentioned these fees end up being a minimum of \$10,000, if not much higher. Park City should do some additional research to determine the average cost of these fees, and consider whether any of them can be reduced or eliminated to help off-set the high cost of AAU development.

B. Financing

Because AAU development is still relatively new and uncommon, specific AAU loan products do not really exist in the market. As a result, it can be difficult or sometimes impossible to obtain conventional financing through a bank for AAU construction. Indeed, according to at least two recent AAU development surveys conducted in Oregon, Portland, and Vancouver, at least a third to half of all respondents reported that obtaining financing was the biggest hurdle to AAU development.²⁵

One reason financing continues to be a barrier may have to do with old guidance from Fannie Mae and Freddie Mac that limited an appraiser's ability to consider the income-generating value of an AAU in an appraisal.²⁶ While this guidance no longer exists, there is still confusion about how an AAU *should be* appraised, and no agreed upon method to determine how much value an AAU adds to a property. As a result,

²⁴ This topic came up in my interview with Mayor Beckman, AAU developer and Mayor of the city of Corte Madera, as well as in my interviews with the San Francisco Housing Coalition, and OpenStudios development. It was also highlighted in almost all the research I reviewed.

²⁵ See June Grant, Shanon Guzman, and Rodney Harrell, *Accessory Dwelling Units: an ADU Guide to Design and Development* (2019), at 31, retrievable at: <https://futureofhousing.aarp.org/wp-content/themes/aarp-housing/dist/ADU-Catalog.pdf>; Peterson, *supra* n.9 at 38, 235 (citing an Oregon study concluding financing was a barrier for 56% of people developing an ADU).

²⁶ See Peterson at 143.

many lending institutions tend to devalue AAUs, with some giving only incidental or contributory value to the improvement.²⁷

In order to better understand what can be done to improve the financing of AAUs, it is helpful to review the most common financing options currently used to design and build an AAU on a property. As outlined more fully below, the following forms of financing are most commonly used for an AAU project: (1) Cash-out refinance; (2) Home Equity Line of Credit (HELOC); (3) cash on-hand; and (4) renovation loans.²⁸

1. **Cash-Out Refinance:** This financing option is used by homeowners who want to refinance the loan on their primary home to lock in a better mortgage interest rate. In order to be eligible for this option, the homeowner must have at least 15% equity in their home. While terms vary, at the time of the refinance, the homeowner can typically obtain the difference between their equity position and 15% of the value of the property as a cash payout from the refinance. The biggest benefit of this option is that a homeowner will enjoy a fixed interest rate. The biggest disadvantage to this option is that banks typically charge initiation fees, which can be anywhere from \$3,000-\$10,000.
2. **Home Equity Line of Credit (HELOC):** if a homeowner has sufficient equity in their home, they may be able to obtain a home equity line of credit (i.e., second mortgage) on their property, providing access to a short-term, variable interest loan. This is the second most common way to finance an AAU, and is used about 40% of the time.²⁹

The drawback of these first two options is that the amount of money available to borrow is based on the value of the primary home. This limits the amount a homeowner can borrow, and does not take into account the future value of the AAU.

3. **Cash on-hand or other liquid assets:** About 50% of people who build an AAU report using at least some cash on hand to pay for AAU construction. Once the

²⁷ For a more in depth discussion of this issue, see:

<https://accessorydwellings.org/2011/11/21/appraisals-and-gses-critical-issues-in-adu-financing-and-development/>

²⁸ While much less common, other financing options are also used. The two most common other sources I came across included loans: (1) from family and friends (typically with a 0-8% interest rate); (2) from 401(k) or 403(b) retirement accounts to pay for construction. As you may know, some retirement plans offer ways for individuals to take out money from their retirement savings as a low-interest loan that can be repaid without penalty, as long as the money is used for a primary residence.

²⁹ See Grant, Guzman, and Harrell, *supra* n.25 at 28.

AAU is complete, the homeowner can refinance their home to account for the potential increased value of the AAU on the property.³⁰

4. **Renovation loans:** Renovation or construction loans base the loan amount on the future value of the property after an improvement is made. While renovation loans are common financing tools for improvements made to a primary home, they are difficult to obtain for AAU development, particularly in areas where AAUs are not well-established. One reason for this is that the after-repair market value is based on comparisons to similar properties, in the same geographic area, during a recent time frame. If there are no comparable properties with AAUs, a lender could determine that the future value of the AAU is close to zero.³¹ Another disadvantage of a renovation loan is that it typically requires homeowners to supply permitted drawings and use the services of a licensed general contractor, which can significantly increase the cost.³²

All of these financing options have significant drawbacks. First, in order to qualify for a loan, individuals must typically have a high credit score and a low debt to income ratio. Second, in determining whether someone qualifies for the loan, and for what amount, none of these financing options take into account the future rental income the AAU will generate.

In response to some of these issues, local governments are partnering with community-based lenders and foundations to come up with solutions. Some interesting and innovative ways to address this issue are included below:

1. **Local governments can partner with local banks and credit unions to provide forgivable loans, or low and zero interest loans to homeowners who want to add an AAU to their property.** For example:

[The City of Santa Cruz loan program](#) provides low interest loans (4.5%) for up to \$100,000 to homeowners in the city who want to build an AAU on their property. As a requirement of the program, homeowners must agree to keep the rental unit affordable to low-income tenants for a period of at least 15 years. More information can be found [here](#).

[Boston's Additional Dwelling Unit Loan Pilot program](#) provides zero-interest loans of up to \$30,000 for an AAU remodeling project.

³⁰ *Id.* at 29; see also Chapple, Wegmann, Mashhood, and Coleman, *supra* n.17 at 21 (reporting 30% of respondents used their own cash to develop an ADU, and another 15% used credit cards).

³¹ For further discussion of this issue see: <https://www.urban.org/urban-wire/unleash-housing-supply-allow-and-finance-accessory-dwelling-units>

³² Peterson, *supra* n.9 at 45.

[Napa's Junior Initiative Program](#) provides a forgivable loan of up to \$50,000 to create a "junior unit" on the property. Payments are deferred, and the loan is forgiven 5 percent per year, if the unit is rented out at an affordable rate set by the city.

[The City of Baltimore's Healthy Neighborhoods loan fund](#) offers below-market interest rate loans and free design advice to encourage investment and development of AAUs in target neighborhoods.

[Craft 3](#), in Portland, provides low interest loans of up to \$130,000 for AAU projects, using a sliding scale based on income (6.68% APR for individuals at or above 100 percent of Portland's AMI; 5.49% APR for individuals below 100 percent of Portland's AMI)

The [LA ADU Pilot Project](#) led to development of the [Backyard Homes Project](#), a program that offers financial assistance to homebuilders who agree to rent an ADU to a Section 8 voucher recipient for a minimum of 5 years.

2. Local governments can provide pre-development loans to jumpstart projects and offset initial design and planning costs.

For example, the [Housing Trust Fund of Silicon Valley](#) offers \$1,000 planning grants, start-up loans of \$25,000, and free educational workshops and financial assistance to Bay Area homeowners who want to develop an AAU.

3. Local governments can partner with local non-profit design, construction, and development organizations to offer free design and project support, and help develop a set of pre-approved, permit-ready AAU plans for homeowners to choose from.

Offering pre-approved plans can save potential AAU developers significant time and money. For example, [Seattle's new pre-approved plan process](#), is expected to expedite the review and permit process to as little as 2 weeks.

4. Local governments can provide information on other existing options that can reduce the cost of AAU development. Examples include:

There are a growing number of companies that save homeowners time, and bring down up-front building cost through pre-fabrication. Nationally, many companies are not only starting to offer pre-fabricated materials, but exploring other innovation as well. For example, the company [Cover](#) uses algorithmic software and a survey of 50-100 questions to design an AAU for \$250. It uses modeling of the sun to determine the best orientation for windows (to ensure maximum energy efficiency), and uses GIS and zoning data to calculate needed setbacks and maximum heights. The company [Dweller](#) not only provides pre-fabricated AAUs, but fronts the cost of permitting and installing the unit on the

homeowner's property. Property managers rent out the unit to long-term tenants selected by the homeowner, and property owners split the rents 70/30. The property owner can purchase the AAU at any time, based on a declining buy-out program established by an agreement. At the end of the lease term, the property owner owns the ADU outright.

Pre-fabrication companies are starting to pop up locally as well, and will only increase as the regulatory environment for AAUs becomes for development friendly.³³

In addition, there are other programs that can help with the initial AAU investment cost. For example, the [Home Depot Project Loan](#) allows customers with good credit to purchase up to \$55,000 in goods and services from Home Depot at an 8% interest rate for the first six months.

IV. Community Engagement, Education, and User-Friendly Development Materials

Once cities have a development-friendly environment, and have done all they can do to address the cost and financing barriers related to AAU development, they should engage in a significant community outreach effort to educate property owners about the changes and financial benefits to AAU development.³⁴

Housing policy experts agree that once the environment is right, taking steps to engage with the community, developing user-friendly AAU development materials and workshops, and offering technical assistance to homeowners seeking to develop AAUs can go a long way towards increasing AAUs throughout the city.

A recent report from the Turner Center for Housing Innovation found that local governments play a “catalytic role” in publicizing and marketing the possibility of [AAU] development to homeowners.³⁵ Indeed, “[a] big part of winning hearts and minds in the battle for ADUs is simply raising awareness.”³⁶ Cities that “take steps to educate homeowners (for instance, via ADU manuals and prototype plans), as well as providing technical assistance, will likely see a payoff for relatively minimal cost and effort.”

³³ For some local examples, see [Mod3 design](#), and [Modal](#).

³⁴ It is worth noting that if a city is not willing to make the changes to its regulatory landscape that are necessary to incentivize development, that community engagement and education efforts are not likely to change the AAU development landscape. Thus, Park City should invest time and money into implementing these strategies *only if* it is willing to significantly revise its ordinance.

³⁵ Chapple, Wegmann, Mashhood, and Coleman, *supra* n.22 at 23.

³⁶ *Id.*

Several planning departments around the country have moved in this direction. For example, the Salt Lake City Planning Department just issued this [ADU handbook](#) to assist people through the process. Other cities like Seattle have developed [FAQs](#), and are working to develop pre-approved ADU plans for people to choose from, saving them the time and money of going through the permitting process.

Any materials the city develops must be very simple and easy to follow. As one California AAU developer put it, “once a planning department refers a constituent to the code to answer a question, there isn’t really much hope of large-scale development.”³⁷

If Park City is willing to make the adjustments needed to foster AAU growth, it should also consider the following educational and community outreach activities:

- Conducting a survey of current AAU owners and the broader community to assess barriers to development, to gauge interest in AAU development, to analyze potential responses to proposed reforms, and to identify the most effective messaging.
- Develop materials to market the advantages of AAU development.
- Create a user-friendly AAU manual and offer access to pre-approved prototypes.
- Offer technical assistance and AAU workshops.
- Consider a more regional and targeted approach to AAU development.³⁸

³⁷ April 30, 2020 Interview with Mark Hogan, San Francisco Architect, AAU developer, and Principal Owner of [OpenScope Studios](#).

³⁸ While Park City recently convened a Blue Ribbon housing task force and asked the Park City Community Foundation to assist with an affordable housing report, Park City may consider a more regional and targeted model, similar to San Mateo County’s [Home for All](#) program.

Planning Commission Staff Report



Subject: 1162 Woodside Avenue Conditional Use Permit
Application: PL-20-04523
Author: Caitlyn Barhorst
Date: June 24, 2020
Type of Item: Administrative

Summary Recommendations

Staff recommends the Planning Commission review the 1162 Woodside Avenue Conditional Use Permit (CUP) for the construction of a basement addition using the footprint of the existing Historic Structure located within the Building Setback, hold a public hearing, and consider approving the CUP based on the Findings of Fact, Conclusions of Law, and Conditions of Approval.

Description

Applicant: Tucker Perkins, represented by Andrew Foster of Park City Design Build
Location: 1162 Woodside Avenue
Zoning District: Historic Residential (HR-1) District
Adjacent Land Uses: Residential,
Reason for Review: Conditional Use Permits are reviewed by the Planning Commission

Acronyms

HDDR Historic District Design Review
HPB Historic Preservation Board
HSI Historic Sites Inventory
LMC Land Management Code

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

Executive Summary

On May 8, 2020, the Planning Department received a complete Plat Amendment application. The applicant is proposing to construct a basement addition using the footprint of the existing Historic Structure located within the Building Setback.

Background

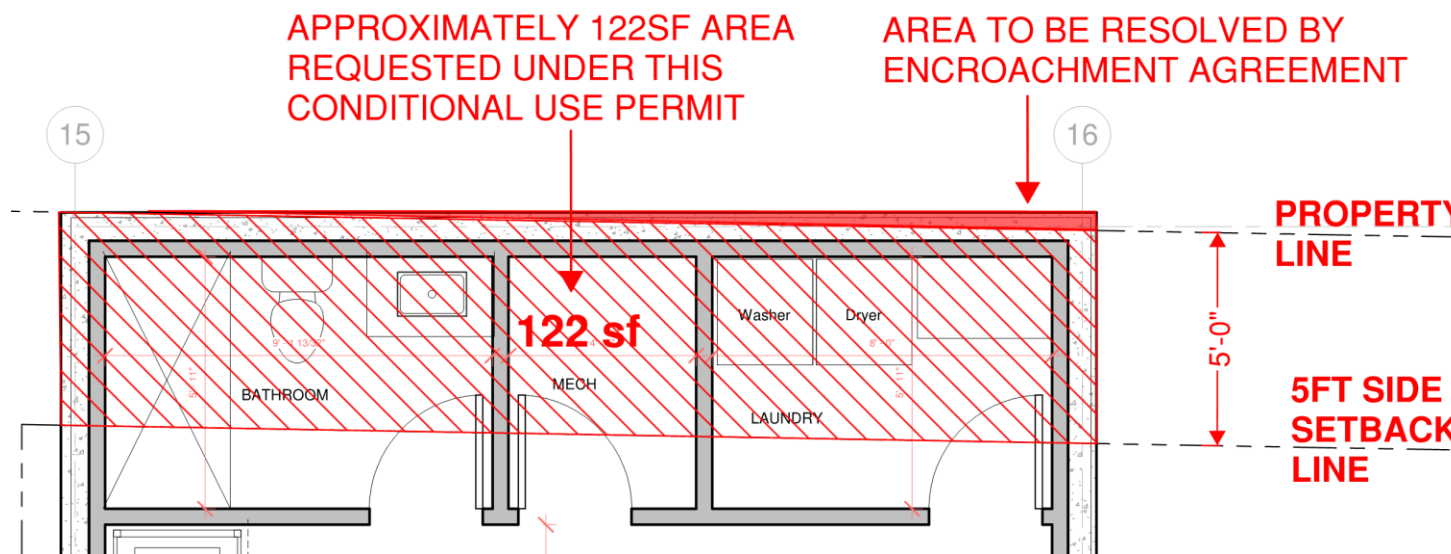
The property located at 1162 Woodside Avenue is designated as Landmark of the Park City Historic Sites Inventory (HSI) (see [Historic Site Form](#)). The subject property is located in the Historic Residential (HR-1) Zoning District.

Proposal

Per [LMC § 15-2.2-4](#), the applicant seeks an exception to the Building Setback for the proposed addition to the Historic Building. The applicant proposes to construct a basement addition using the footprint of the existing Historic Structure. The existing Historic Structure encroaches into the Side Setback along 12th Street by approximately 122 square feet; this CUP is for the approximate 122 square feet of the proposed basement addition that is within the Side Setback. If the CUP is not approved, the applicant will construct the new foundation within the Side Setback but will not be allowed to use the basement area within the Side Setback as conditioned/ finished floor area ([LMC § 15-2.2-3](#)).

There is approximately 5 square feet of area located within the 12th Street Right-of-Way. This will be recorded as an encroachment agreement per Condition of Approval #4 of Ordinance 2020-28 approving the 1162 Woodside Plat Amendment.

Image 1: Floor Plan showing proposed basement addition area within the Side Setback.



Analysis

The Conditional Use Permit is subject to the following review criteria in the LMC:

- Per [LMC § 15-2.2-4](#) In order to achieve new construction consistent with the Historic District Design Guidelines, the Planning Commission may grant an exception to the Building Setback and driveway location standards for additions to Historic Buildings.
- Per [LMC § 15-1-10\(E\)](#), the proposal is subject to review according to the Conditional Use Permit Criteria.

Staff has included the following sections for Analysis:

- I. [LMC § 15-2.2-3 Lot and Site Requirements](#) and [LMC § 15-2.2-5 Building Height](#)
- II. [LMC § 15-2.2-4\(A\) Existing Historic Structures Exception](#)
- III. [LMC § 15-1-10\(E\) Conditional Use Permit Review Criteria](#)

(I) Staff recommends the Commission approve the 1162 Woodside Avenue Conditional Use Permit because it complies with the HR-1 Zoning District Requirements outlined in [LMC § 15-2.2](#).

a. HR-1 Zoning Code Land Use Table

Zoning Requirement	Analysis of Proposal
Minimum Lot Area – 1,875 square feet	Lot contains 2,813 square feet.
Minimum Lot Width – 25 feet	Lot Width of 37.5 feet.
Lot Depth	75 feet
Maximum Building Footprint – 1,201 square feet	Proposed Footprint – 1,106 square feet
Minimum Front Setback – 10 feet	Historic Structure – 10'-7"
Minimum Rear Setback – 10 feet	Proposed addition – 10 feet
Minimum Side Setback – 3 feet	Proposed addition – 3 feet
Minimum Corner Lot Side Setback – 5 feet	Proposed addition – 5 feet Proposed basement addition – subject to this CUP approval
Maximum Building Height – 27 feet	Proposed addition – 27 feet

- b. The proposed addition complies with the HR-1 Zoning District Requirements. Per [LMC § 15-2.2-4](#) Existing Historic Structures: *Historic Structures that do not comply with Building Footprint, Building Height, Building Setbacks, Off-Street parking, and driveway location standards are valid Complying Structures.*

(II) Staff recommends the Commission approve the 1162 Woodside Avenue Conditional Use Permit because it complies with the Requirements outlined in [LMC § 15-2.2-4\(A\)](#)

- A. **EXCEPTION.** In order to achieve new construction consistent with the Historic District Design Guidelines, the Planning Commission may grant an exception to the Building Setback and driveway location standards for additions to Historic Buildings:

The applicant is seeking an exception to the Building Setback for the proposed basement addition using the Historic Structure's footprint that is located within the Building Setback.

Requirement	Analysis of Proposal
1. Upon approval of a Conditional Use permit, and	Pending Planning Commission review and approval of subject application.
2. When the scale of the addition and/or driveway is Compatible with the	Complies. The scale of the addition is Compatible with the Historic Structure as the addition maintains the same-sized building module and roof form of the Historic Structure and respects the Historic

Historic Structure, and	proportions. The proposal is necessary for the rehabilitation of the Historic Structure, as the existing Historic Structure will remain in its Historic location on the Site and requires a new foundation. The HDDR application for the design of the rear addition and basement level is currently under review for compliance with the Historic District Design Guidelines.
3. When the addition complies with all other provisions of this Chapter, and	Complies. The addition complies with all HR-1 Zoning requirements (see table in Section I above)
4. When the addition complies with the adopted Building and Fire Codes, and	Complies as conditioned (see Condition of Approval #8).
5. When the addition complies with the Design Guidelines for Historic Districts and Sites.	The Historic District Design Review application is currently under review for compliance with the Design Guidelines.

- a. The proposed addition complies with the Existing Historic Structures Exception requirements.

(III) Staff recommends the Commission approve the 1162 Woodside Avenue Conditional Use Permit because it complies with criteria outlined in LMC [§ 15-1-10\(E\)](#).

There are certain Uses that, because of unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent land Uses, may not be Compatible in some Areas or may be Compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

The Planning Commission shall approve a Conditional Use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed Use in accordance with applicable standards. The Planning Commission may deny the Conditional Use if the proposed Use cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards. LMC [§ 15-1-10](#).

a. Conditional Use Permit Criteria Analysis Table

CUP Review Criteria	Analysis of Proposal
1. Size and location of the site	No unmitigated impacts. The size and location of the site is conducive to the proposed development as it complies with the HR-1 Zoning District requirements as well as with the Design Guidelines.
2. Traffic considerations including capacity of the existing Streets in the Area	No unmitigated impacts. There is no change in Use that would generate additional vehicular trips beyond the current and Historic Single-Family use.
3. Utility capacity	No unmitigated impacts. The utilities are accessed from 12 th Street. All utility requirements will be reviewed during the Building Permit review.
4. Emergency vehicle access	No unmitigated impacts. The emergency vehicle access is from 12 th Street and Woodside Avenue.
5. Location and amount of off-street parking	No unmitigated impacts. The proposed addition creates two (2) off-street parking spaces.
6. Internal vehicular and pedestrian circulation system	Not applicable. There are no existing sidewalks along Woodside Avenue or 12 th Street.
7. Fencing, Screening, and landscaping to separate the Use from adjoining Uses	No unmitigated impacts. The Use is not proposed to change. The adjoining Uses are also Single-Family Dwellings; the fencing, screening, and landscaping will comply with the HDDR requirements.
8. Building mass, bulk, and orientation, and the location of Building on the Site, including orientation to Buildings on adjoining Lots	No unmitigated impacts. The design of the Structure is compatible in building mass, bulk, and orientation. The location of the existing Historic Structure is not proposed to change.
9. Usable Open Space	No unmitigated impacts. The proposed landscaping complies with the Design Guidelines for Historic Districts and Historic Sites.
10. Signs and lighting	No unmitigated impacts. No signs are proposed. The lighting will comply with LMC 15-5-5(J) as conditioned.
11. Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing	No unmitigated impacts. The proposal is compatible with the surrounding Structures in mass, scale, style, design, and architectural detailing as the addition is being reviewed for compliance with the Design Guidelines for Historic Districts and Historic Sites.
12. Noise, vibration,	Not applicable. There are no changes in Use that will

odors, steam, or other mechanical factors that might affect people and property off-site	result in additional noise, vibration, odors, steam, or other mechanical factors. All exterior mechanical equipment will be screened and comply with the underlying Setback requirements.
13. Control of delivery and service vehicles, loading and unloading zones, and Screening of trash pickup areas	Not applicable. There are no changes in Use that will impact the control of delivery and service vehicles, loading and unloading zones, or Screening of trash pickup areas.
14. Expected Ownership and management of the project as primary residences, Condominiums, time interval ownership, nightly rental, or commercial tenancies, how the form of ownership affects taxing entities	Not applicable. A Single-Family Dwelling is an allowed Use in this Zone.
15. Within and adjoining the Site, impacts on Environmentally Sensitive Lands, Slope retention, and appropriateness of the proposed Structure to the topography of the Site	No unmitigated impacts. The property is relatively flat. The proposed improvements will be appropriately re-graded and reviewed thoroughly through the Building Permit. This site is not considered a Steep Slope (30% or greater slope) and will not require Slope retention.
16. Reviewed for consistency with the goals and objectives of the Park City General Plan; however such review for consistency shall not alone be binding	No unmitigated impacts. This proposal has been reviewed for consistency with the Goals and Objectives of the Park City General Plan. The General Plan establishes several goals and objectives specific to Historic Preservation, including, but not limited to: • Goal 15: Preserve the integrity, mass, scale, compatibility and historic fabric of the nationally and locally designated historic resources and districts for future generations. • Objective 15A: Maintain the integrity of historic resources within Park City as a community asset for future generations, including historic resources locally designated on the Park City Historic Sites Inventory and its two National Register Historic Districts – the Main Street Historic District and the

	Mining Boom Era Residences Thematic District. • Objective 15B: Maintain character, context and scale of local historic districts with compatible infill development and additions.
--	--

- b. Staff finds any CUP criteria are met by the proposed application and will not require any additional conditions for mitigation.

The Development Review Committee did not identify any concerns with the proposed Conditional Use Permit.

Staff recommends the Commission approve this project because the proposed Conditional Use Permit meets the LMC requirements.

Department Review

The Development Review Committee and Planning, Engineering, and Legal Departments reviewed this application.

Notice

Staff published notice on the City's website and the Utah Public Notice website, and posted notice to the property on X, 2020. Staff mailed courtesy notice to property owners within 300 feet on X, 2020. The *Park Record* published notice on [date]. LMC [§ 15-1-21](#).

Public Input

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

Alternatives

- The Planning Commission may approve the 1162 Woodside Avenue Conditional Use Permit;
- The Planning Commission may deny the 1162 Woodside Avenue Conditional Use Permit; or
- The Planning Commission may request additional information and continue the discussion to July 8, 2020.

Exhibits

Exhibit A: Existing Conditions Survey

Exhibit B: Proposed Plans

Exhibit C: Site Photographs

Findings of Fact

Background:

1. On May 8, 2020, the Planning Department received a complete Conditional Use Permit application.
2. The applicant is proposing to construct a basement addition using the footprint of the existing Historic Structure located X square feet into the Side Setback.

3. The property is located at 1162 Woodside Avenue.
4. The property is designated as Landmark on the Park City Historic Sites Inventory.

Zoning District:

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

Lot and Site Requirements

6. The proposed Lot complies with the HR-1 Zoning District Requirements outlined in LMC § 15-2.2:
 - a. Minimum Lot Area is 1,875 square feet. The proposed Lot contains 2,813 square feet.
 - b. Minimum Lot Width is 25 feet. The proposed Lot Width is 37.5 feet.
 - c. The Lot Depth is 75 feet.
 - d. The Maximum Building Footprint is 1,201 square feet. The proposed Footprint is 1,106 square feet.
 - e. The Minimum Front Setback is 10 feet. The existing Historic Structure has a Front Setback of 10'-7".
 - f. The Minimum Rear Setback is 10 feet. The proposed addition has a Rear Setback of 10 feet.
 - g. The Minimum Side Setback is 3 feet. The proposed addition has a Side Setback of 3 feet.
 - h. The Minimum Corner Lot Side Setback is 5 feet. The basement addition is subject to this CUP approval.
 - i. The Maximum Building Height is 27 feet. The proposed addition is 27 feet.
7. Per LMC § 15-2.2-4 Existing Historic Structures: *Historic Structures that do not comply with Building Footprint, Building Height, Building Setbacks, Off-Street parking, and driveway location standards are valid Complying Structures.*

Conditional Use Permit Criteria

8. The proposal complies with the Requirements outlined in LMC § 15-2.2-4(A).
 1. *Upon approval of a Conditional Use permit.* Pending Planning Commission review and approval of subject application.
 2. *When the scale of the addition and/or driveway is Compatible with the Historic Structure.* Complies. The scale of the addition is Compatible with the Historic Structure as the addition maintains the same-sized building module and roof form of the Historic Structure and respects the Historic proportions. The proposal is necessary for the rehabilitation of the Historic Structure, as the existing Historic Structure will remain in its Historic location on the Site and requires a new foundation. The HDDR application for the design of the rear addition and basement level is currently under review for compliance with the Historic District Design Guidelines.
 3. *When the addition complies with all other provisions of this Chapter.* Complies. The addition complies with all HR-1 Zoning requirements.
 4. *When the addition complies with the adopted Building and Fire Codes.* Complies as conditioned (see Condition of Approval #8).
 5. *When the addition complies with the Design Guidelines for Historic Districts and Sites.* The Historic District Design Review application is currently under review for compliance with the Design Guidelines.
9. The proposal complies with the requirements outlined in LMC § 15-1-10(E).

1. *Size and location of the site.* No unmitigated impacts. The size and location of the site is conducive to the proposed development as it complies with the HR-1 Zoning District requirements as well as with the Design Guidelines.
2. *Traffic considerations including capacity of the existing Streets in the Area.* No unmitigated impacts. There is no change in Use that would generate additional vehicular trips beyond the current and Historic Single-Family use.
3. *Utility capacity.* No unmitigated impacts. The utilities are accessed from 12th Street. All utility requirements will be reviewed during the Building Permit review.
4. *Emergency vehicle access.* No unmitigated impacts. The emergency vehicle access is from 12th Street and Woodside Avenue.
5. *Location and amount of off-street parking.* No unmitigated impacts. The proposed addition creates two (2) off-street parking spaces.
6. *Internal vehicular and pedestrian circulation system.* Not applicable. There are no existing sidewalks along Woodside Avenue or 12th Street.
7. *Fencing, Screening, and landscaping to separate the Use from adjoining Uses.* No unmitigated impacts. The Use is not proposed to change. The adjoining Uses are also Single-Family Dwellings; the fencing, screening, and landscaping will comply with the HDDR requirements.
8. *Building mass, bulk, and orientation, and the location of Building on the Site, including orientation to Buildings on adjoining Lots.* No unmitigated impacts. The design of the Structure is compatible in building mass, bulk, and orientation. The location of the existing Historic Structure is not proposed to change.
9. *Usable Open Space.* No unmitigated impacts. The proposed landscaping complies with the Design Guidelines for Historic Districts and Historic Sites.
10. *Signs and lighting.* No unmitigated impacts. No signs are proposed. The lighting will comply with LMC 15-5-5(J) as conditioned.
11. *Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing.* No unmitigated impacts. The proposal is compatible with the surrounding Structures in mass, scale, style, design, and architectural detailing as the addition is being reviewed for compliance with the Design Guidelines for Historic Districts and Historic Sites.
12. *Noise, vibration, odors, steam, or other mechanical factors that might affect people and property off-site.* Not applicable. There are no changes in Use that will result in additional noise, vibration, odors, steam, or other mechanical factors. All exterior mechanical equipment will be screened and comply with the underlying Setback requirements.
13. *Control of delivery and service vehicles, loading and unloading zones, and Screening of trash pickup areas.* Not applicable. There are no changes in Use that will impact the control of delivery and service vehicles, loading and unloading zones, or Screening of trash pickup areas.
14. *Expected Ownership and management of the project as primary residences, Condominiums, time interval ownership, nightly rental, or commercial tenancies, how the form of ownership affects taxing entities.* Not applicable. A Single-Family Dwelling is an allowed Use in this Zone.

15. *Within and adjoining the Site, impacts on Environmentally Sensitive Lands, Slope retention, and appropriateness of the proposed Structure to the topography of the Site.* No unmitigated impacts. The property is relatively flat. The proposed improvements will be appropriately re-graded and reviewed thoroughly through the Building Permit. This site is not considered a Steep Slope (30% or greater slope) and will not require Slope retention.
16. *Reviewed for consistency with the goals and objectives of the Park City General Plan; however such review for consistency shall not alone be binding.* No unmitigated impacts. This proposal has been reviewed for consistency with the Goals and Objectives of the Park City General Plan. The General Plan establishes several goals and objectives specific to Historic Preservation, including, but not limited to:
- Goal 15: Preserve the integrity, mass, scale, compatibility and historic fabric of the nationally and locally designated historic resources and districts for future generations.
 - Objective 15A: Maintain the integrity of historic resources within Park City as a community asset for future generations, including historic resources locally designated on the Park City Historic Sites Inventory and its two National Register Historic Districts – the Main Street Historic District and the Mining Boom Era Residences Thematic District.
 - Objective 15B: Maintain character, context and scale of local historic districts with compatible infill development and additions.
10. Staff finds any CUP criteria are met by the proposed application and will not require any additional conditions for mitigation.
11. Staff published notice on the City's website and the Utah Public Notice website, and posted notice to the property on May 27, 2020. Staff mailed courtesy notice to property owners within 300 feet on May 27, 2020. The *Park Record* published notice on [date].
12. The Development Review Committee and Planning, Engineering, and Legal Departments reviewed this application.
13. Staff did not receive any public input at the time this report was published.

Conclusions of Law

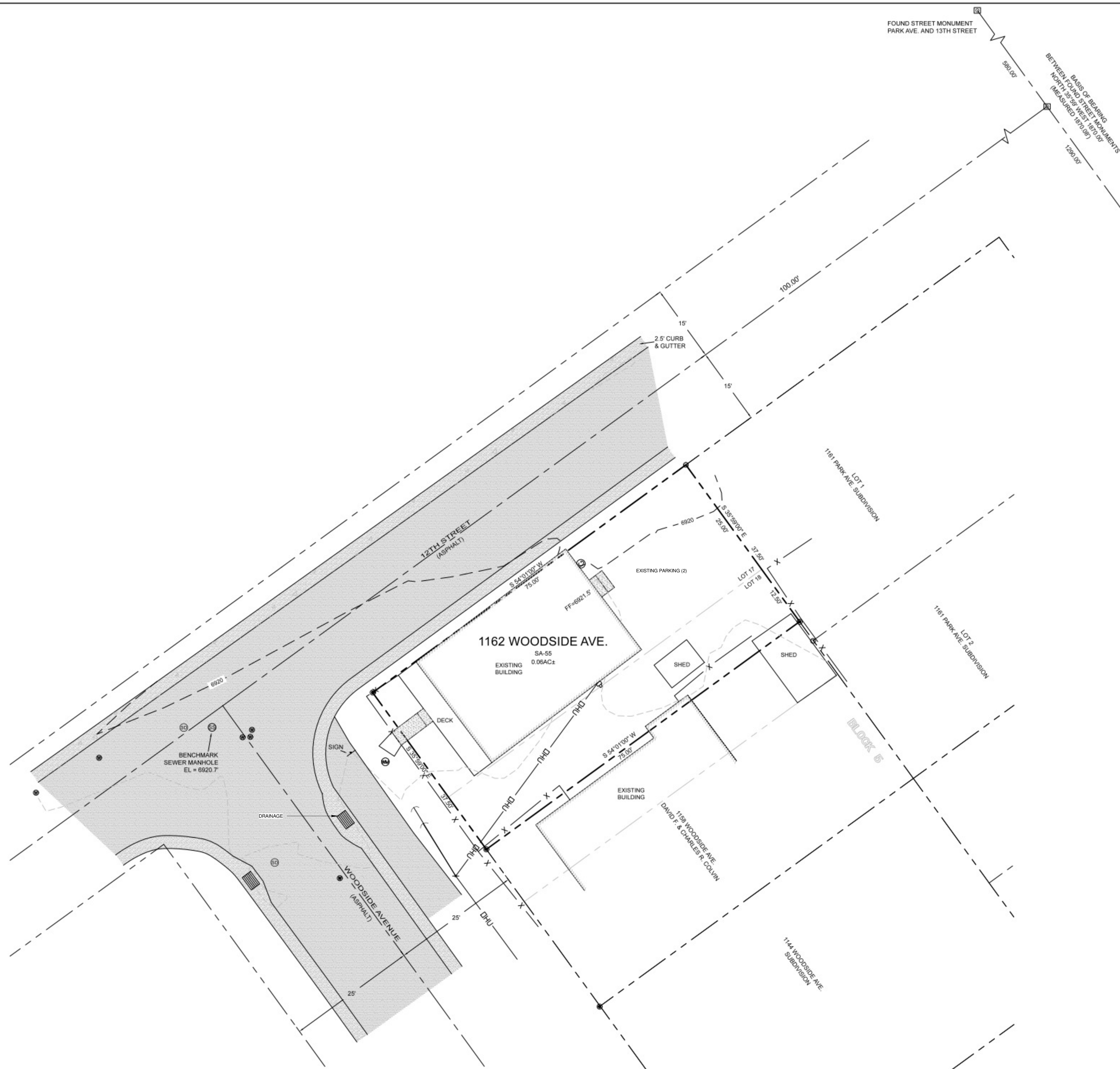
1. The 1162 Woodside Avenue Conditional Use Permit complies with the Land Management Code requirements pursuant to [LMC § 15-1-10\(E\)](#).
2. The 1162 Woodside Avenue Conditional Use Permit complies with the Land Management Code requirements pursuant to [LMC § 15-2.2-3](#).
3. The 1162 Woodside Avenue Conditional Use Permit complies with the Land Management Code requirements pursuant to [LMC § 15-2.2-4\(A\)](#)

Conditions of Approval

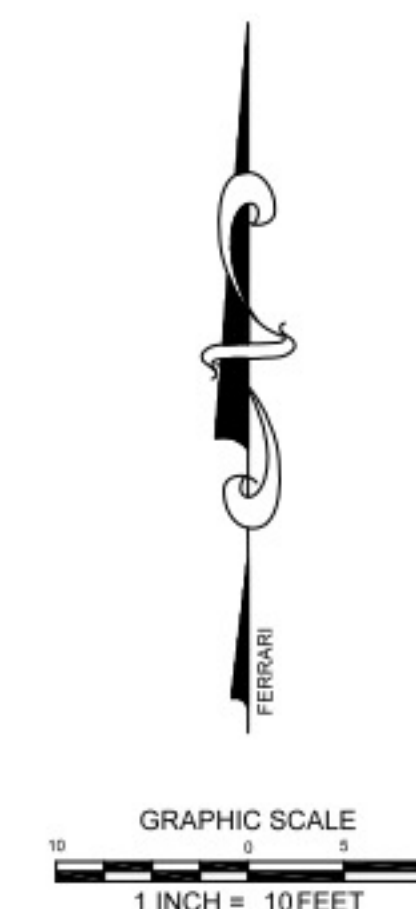
1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
3. City Engineer review and approval of all appropriate grading, utility installation, public improvements and drainage plans for compliance with City standards, to

include driveway and Parking Area layout, is a condition precedent to building permit issuance. An approved shoring plan is required prior to excavation.

4. This approval will expire on June 24, 2021, if a complete building permit submittal has not been received, unless a written request for an extension is received and approved by the Planning Director prior to the date of expiration
5. Modified 13-D fire sprinkler system is required for any new construction/addition.
6. All above grade utility facilities shall be located on the property and properly screened.
7. All lighting shall comply with LMC § 15-5-5(J).
8. All related new construction shall comply with the adopted Building and Fire Codes.
9. All Conditions of Approval from the June 3, 2020 Historic Preservation Board Review for Material Deconstruction Action Letter shall apply.
10. This Conditional Use Permit (CUP) approval is contingent upon approval of the pending Historic District Design Review application. If such application is denied, this CUP approval is void.
11. All Conditions of Approval from the 1162 Woodside Plat Amendment approved by City Council on June 18, 2020 (Ord 2020-28) shall apply.
12. The property is not located within the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore it is not regulated by the City for mine related impacts. However, if the property owner does encounter mine waste or mine waste impacted soils they must handle the material in accordance to State and Federal law.



TOPOGRAPHICAL MAP
1162 WOODSIDE AVENUE
SNYDER'S ADDITION TO PARK CITY SURVEY
BLOCK 5, LOT 17 AND NORTH HALF OF LOT 18
SUMMIT COUNTY, UTAH



SURVEYOR'S STATEMENT

I GREGORY J. FERRARI OF PARK CITY, UTAH, CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH, HOLDING LICENSE NO. 5046908. THIS MAP CORRECTLY REPRESENTS THE SAME MADE BY ME, OR UNDER MY DIRECTION, OF THE HEREON DESCRIBED PROPERTY AND THAT TO THE BEST OF MY KNOWLEDGE IT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED.



P.O.BOX 683001
PARK CITY, UT 84068

REUSE OF DOCUMENTS

THIS DOCUMENT & THE IDEAS & DESIGNS INCORPORATED HEREIN, AS AN INSTRUMENT OF PROFESSIONAL SERVICE, IS THE PROPERTY OF FERRARI SURVEYING & IS NOT TO BE USED, IN WHOLE OR IN PART, FOR ANY OTHER PROJECT WITHOUT THE WRITTEN AUTHORIZATION OF FERRARI SURVEYING.

LEGAL DESCRIPTION:

LOT 17 AND THE NORTH HALF OF LOT 18, BLOCK 5, SNYDER'S ADDITION TO PARK CITY SURVEY, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE SUMMIT COUNTY RECORDERS OFFICE.

LEGEND:

	CLIENT PROPERTY LINE		FOUND 5"Ø REBAR & CAP L55046908
	ADJOINING PROPERTY LINE		FOUND 5"Ø REBAR & CAP L5369005
	CENTERLINE		SEWER MANHOLE
	MAJOR CONTOUR		WATER METER
	MINOR CONTOUR		STORM DRAIN MANHOLE
	FENCE		POWER POLE
	LOT LINE		ELECTRIC METER
	OVER HEAD UTILITY		GAS METER
			STREET MONUMENT

PROJECT INFORMATION:

CLIENT:	CHRIS PRICE
PROJECT ADDRESS:	1162 WOODSIDE AVENUE PARK CITY, UT 84060
SERIAL NO:	SA-55
RECORD INFORMATION:	LOT 17 AND THE NORTH HALF OF LOT 18, BLOCK 5, SNYDER'S ADDITION

NOTES:

1. THE PURPOSE OF THE SURVEY IS LOCATE THE BOUNDARIES OF THIS PROPERTY ON THE GROUND AND CREATE A TOPOGRAPHICAL MAP AT THE REQUEST OF CHRIS PRICE.
2. THE EVIDENCE OF BOUNDARY SHOWN HEREON IS TAKEN FROM RECORD INFORMATION COMPILED FROM SNYDER'S ADDITION TO PARK CITY SUBDIVISION.
3. NO INVESTIGATION CONCERNING ENVIRONMENTAL & SUBSURFACE CONDITIONS, OR THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONTAINERS OR FACILITIES WHICH MAY AFFECT THE USE OR DEVELOPMENT OF THIS PROPERTY WAS MADE AS A PART OF THIS SURVEY.
4. NO INVESTIGATION CONCERNING THE LOCATION OF OR EXISTENCE OF UTILITY SERVICE LINES TO THIS PROPERTY WAS MADE AS A PART OF THIS SURVEY.
5. ALL UTILITY LOCATIONS SHOULD BE FIELD VERIFIED PRIOR TO ANY DESIGN OR CONSTRUCTION.
6. DATE OF FIELD WORK OCTOBER 4, 2019.
7. VERTICAL DATUM IS TAKEN FROM PARK CITY MONUMENT CONTROL SHEET.
8. BUILDING SETBACKS MUST BE CONFIRMED WITH THE COUNTY, HOMEOWNER'S ASSOCIATION, ARCHITECTURAL COMMITTEE, OR SIMILAR ADVISORY GROUP, IF ANY.
9. THE OWNER OF THE PROPERTY SHOULD BE AWARE OF ANY ITEMS AFFECTING THE PROPERTY THAT MAY APPEAR IN A TITLE INSURANCE REPORT.
10. BASIS OF BEARING BETWEEN FOUND MONUMENTS SHOWN HEREON.

1 EXISTING SITE PLAN
1" = 10'-0"

TOPOGRAPHICAL MAP

SA-55
1162 WOODSIDE AVENUE
PARK CITY DESIGN BUILD

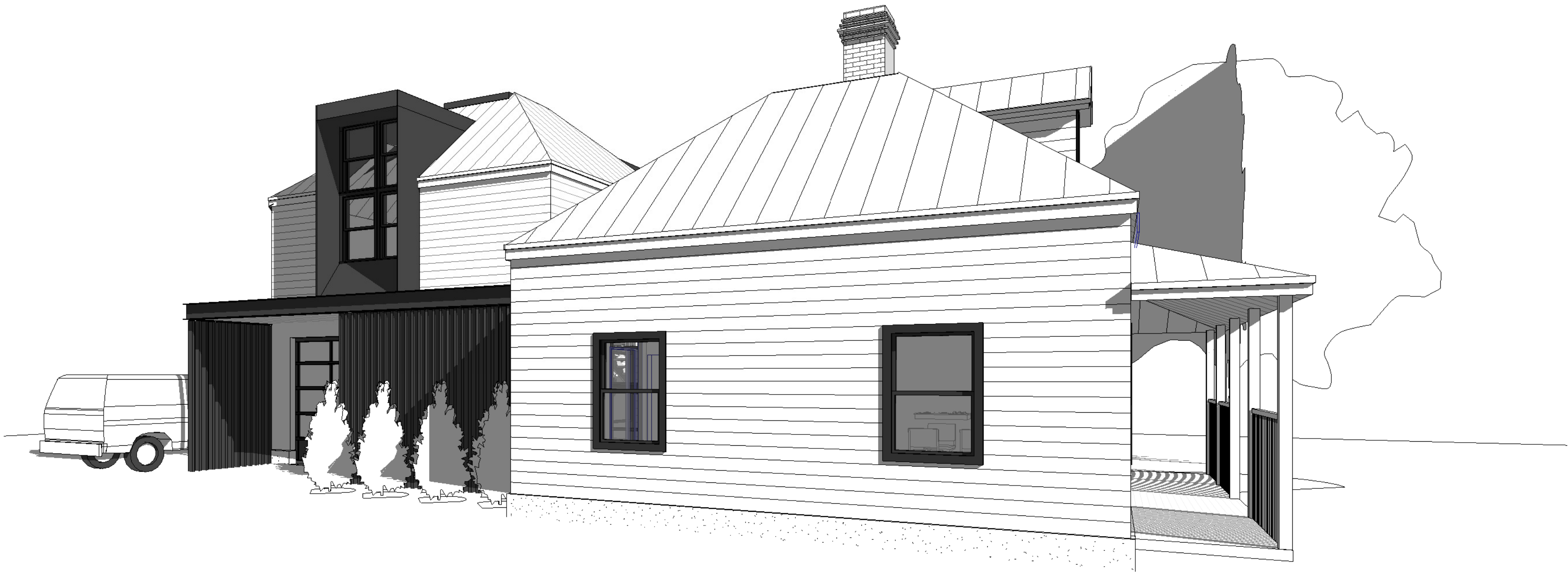
ARK CITY

SUMMIT COUNTY

UTAH

BAR IS ONE INCH ON ORIG. DRAWING IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY	
SURVEY BY: SURVEY DATE: DESIGN BY: DRAFTING BY: CHECKED BY:	GF-TM 10-4-19 GF GF GF
XREFS:	
DRAWING:	1162WOODSIDE
DATE:	10-4-19
SCALES:	$1:10$ HORIZONTAL 1 OF 1 1 VERTICAL
PROJECT No: 2019 149	

PERKINS NEW ADDITION



1 VIEW FROM ROAD

PROJECT INFO

OWNER Tucker Perkins
ADDRESS 1162 Woodside Ave.
Park City, UT 84060
PARCEL ID SA-55
LOT SIZE .06 Acres

PROJECT TEAM

ARCHITECT Chris Price, Andrew Foster, Park City Design Build
435-901-8033 / andrew@parkcitydesignbuild.com
ENGINEER Pete Jarratt, Jarratt Engineering
435-640-5683 / pjarrattkar@gmail.com
SURVEYOR Gregory Ferrari, 435-640-0412
BUILDER Garrett Strong, Tall Pines Construction, 435-640-5163
INTERIOR DESIGNER TBD

CODE

CODE 2015 IRC, AS AMENDED
CONSTRUCTION TYPE Type VB, Light wood framing with steel
ZONE TYPE HR-1
ZONE HEIGHT 27'
HISTORICAL LANDMARK STATUS

SHEET LIST

G1	COVER SHEET
C1	SITE PLAN
A1	MAIN LEVEL
A2	LOWER LEVEL
A3	UPPER LEVEL
A4	ELEVATIONS
A5	ELEVATIONS
A9	STREETSCAPE
A10	STREETSCAPE
A11	90 DEGREE COMPASS PHOTOS HOUSE
A12	90 DEGREE COMPASS PHOTOS SITE
A13	AERIAL PHOTO

FOOTPRINT SF

Name	Area
EXISTING NO ADDITION	578 SF
NEW FOOTPRINT	528 SF
	1106 SF

THE USE OF THESE PLANS SHALL BE LIMITED TO THE PROJECT AND SITE FOR WHICH THEY WERE PREPARED. NO PART OF THESE PLANS SHALL BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF PARK CITY DESIGN+BUILD. THE STATE OF UTAH, VISUAL INSPECTION OF THESE PLANS DOES NOT CONSTITUTE AN AGREEMENT TO THESE RESTRICTIONS.

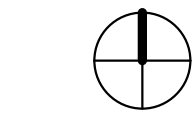
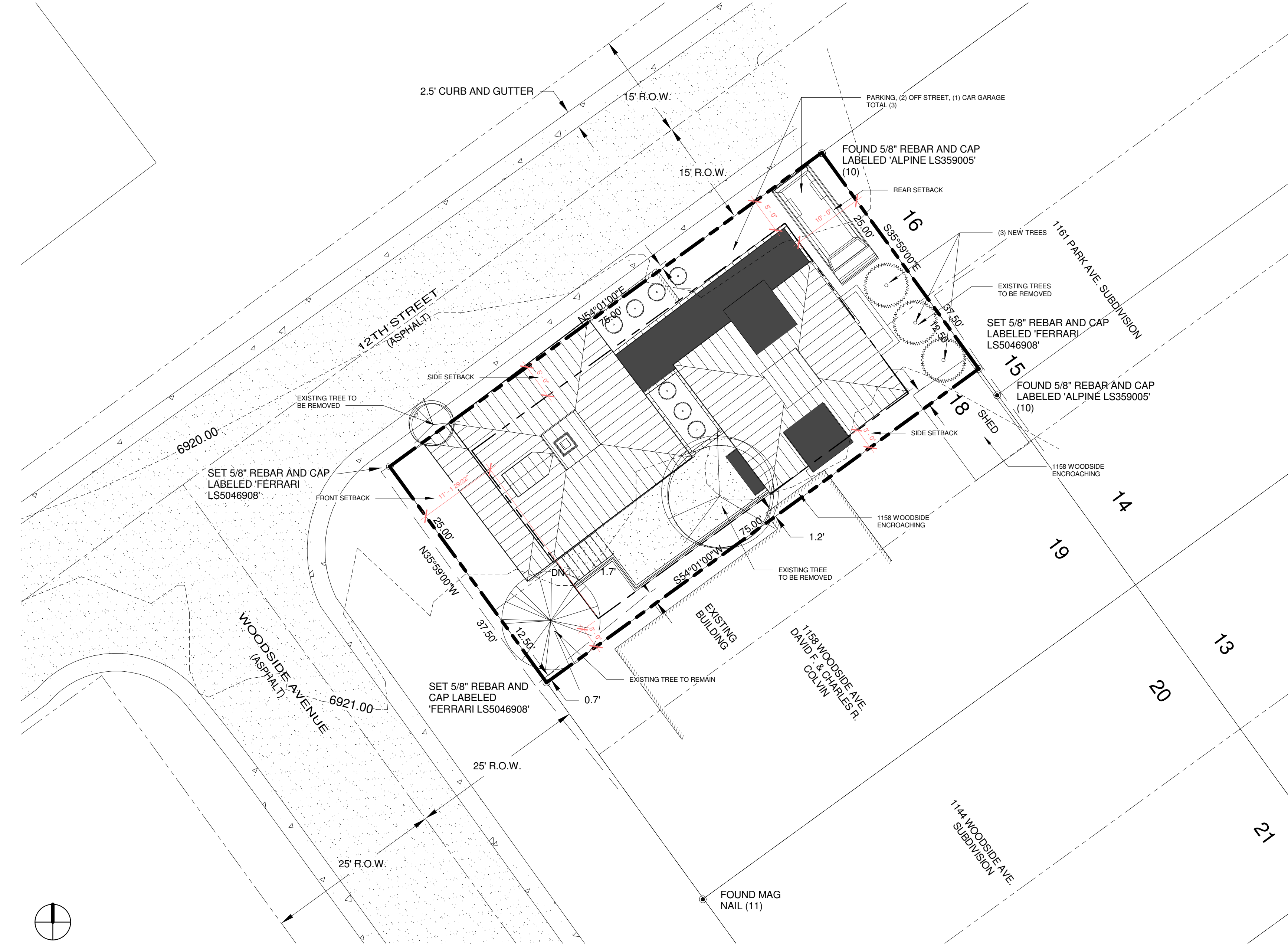
REVISIONS

4/17/2020 3:58:49 PM

PARK CITY
DESIGN+BUILD.

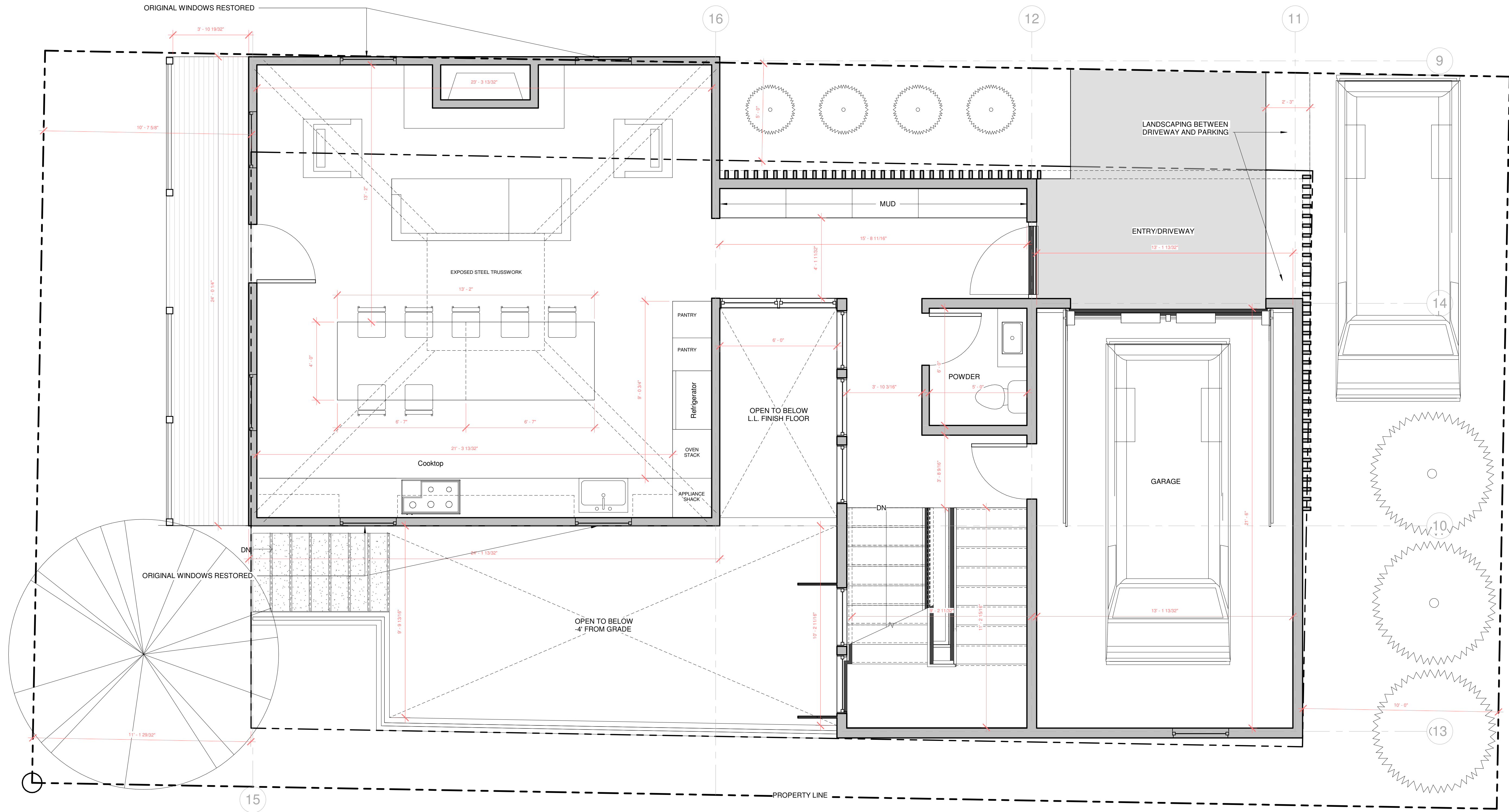
PERKINS MINE
1162 Woodside Ave.
Park City, UT 84060

G1
COVER SHEET



1 PROPOSED SITE PLAN
1" = 10'-0"

1 LEVEL 1
3/8" = 1'-0"



A1
MAIN LEVEL

REVISIONS

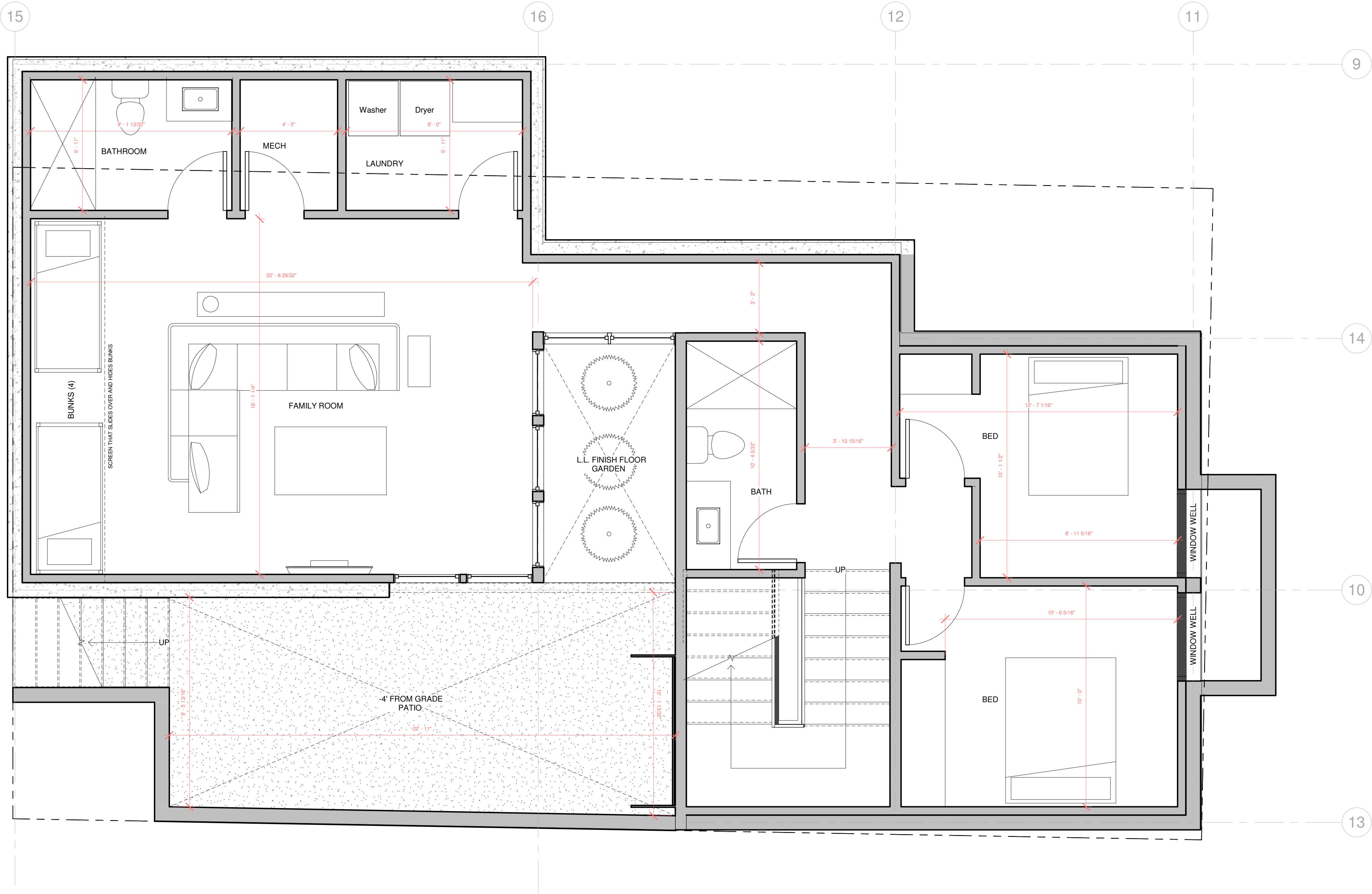
4/17/2020 3:28:41 PM CURRENT SET DATE PRINTED

THE USE OF THESE PLANS SHALL BE LIMITED TO THE ORIGINAL SITE FOR WHICH THEY WERE PREPARED AND NO ALTERATION, ADDITION, DELETION, OR MODIFICATION SHALL BE MADE WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR ANY PERSON AND/OR INSTITUTION'S STRICTLY COMPLIANCE WITH THESE PLANS OR THE STATE OF UTAH. VISUAL INSPECTION OF THESE PLANS DOES NOT CONSTITUTE AN AGREEMENT TO THESE RESTRICTIONS.

PERKINS MINE

1162 Woodside Ave.
Park City, UT 84060

PARK CITY
DESIGN+BUILD.

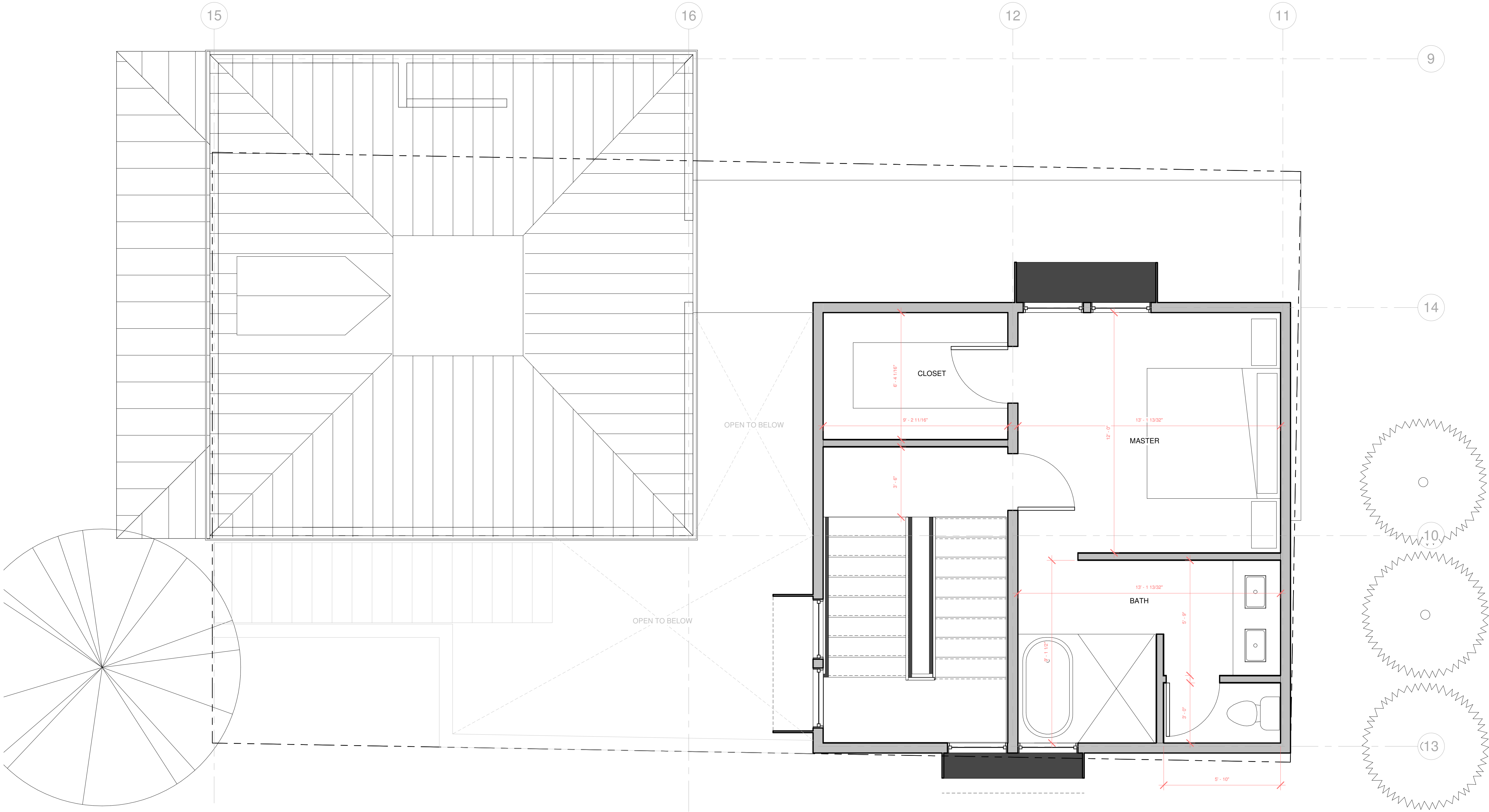


REVISIONS	
1	4/17/2020 3:39:41 PM
2	
3	
4	
5	

THE USE OF THESE PLANS SHALL BE LIMITED TO THE ORIGINAL SITE FOR WHICH THEY WERE PREPARED AND NO ALTERATIONS OR ADDITIONS SHALL BE MADE WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT. THE ARCHITECT'S LIABILITY IS LIMITED TO THE DESIGN OF THE PROJECT AND DOES NOT INCLUDE THE CONSTRUCTION OF THE PROJECT. THE ARCHITECT'S LIABILITY IS LIMITED TO THE DESIGN OF THE PROJECT AND DOES NOT INCLUDE THE CONSTRUCTION OF THE PROJECT. THE ARCHITECT'S LIABILITY IS LIMITED TO THE DESIGN OF THE PROJECT AND DOES NOT INCLUDE THE CONSTRUCTION OF THE PROJECT.

PERKINS MINE
1162 Woodside Ave.
Park City, UT 84060

PARK CITY
DESIGN+BUILD.



THE USE OF THESE PLANS SHALL BE LIMITED TO THE ORIGINAL SITE FOR WHICH THEY WERE PREPARED AND NO PART OF THESE PLANS SHALL BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT. THE ARCHITECT'S LIABILITY IS LIMITED TO THE STATE OF UTAH. VISUAL INSPECTION OF THESE PLANS DOES NOT CONSTITUTE AN AGREEMENT TO THESE RESTRICTIONS.

REVISIONS	
4/17/2020	3:26:42 PM
CURRENT SET DATE PRINTED	



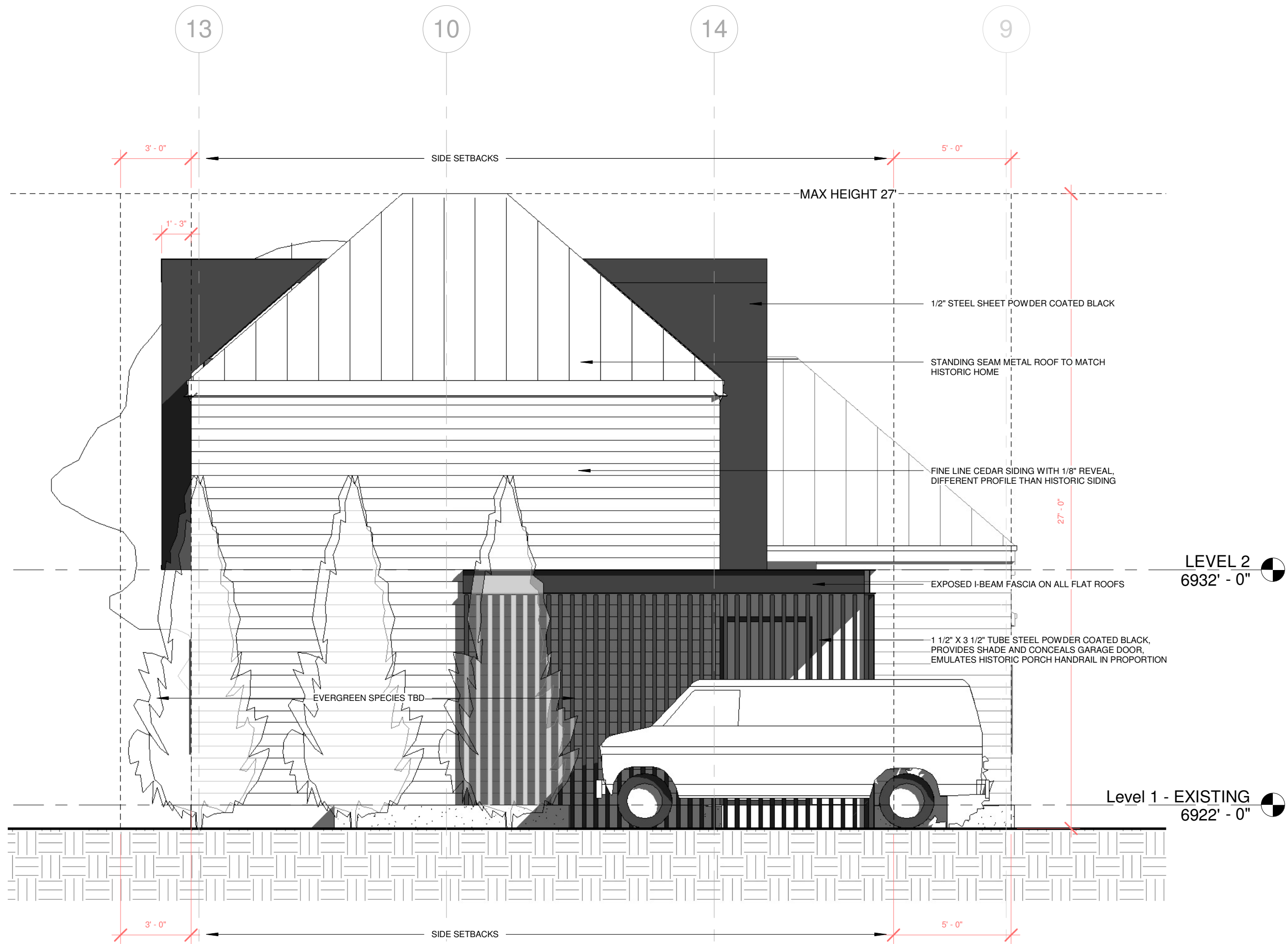
THE USE OF THESE PLANS SHALL BE RESTRICTED TO THE ORIGINAL SITE FOR WHICH THEY WERE PREPARED AND NO REUSE OR ALTERATION OF THESE PLANS IS TO BE MADE WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT. THESE PLANS ARE NOT TO BE USED FOR ANY OTHER PROJECT OR IN ANY MANNER THAT COULD BE CONSIDERED A VIOLATION OF THE STATE OF UTAH VISUAL INSPECTION OF THESE RESTRICTIONS.

REVISIONS
4/17/2020 3:26:43 PM
CURRENT SET DATE PRINTED

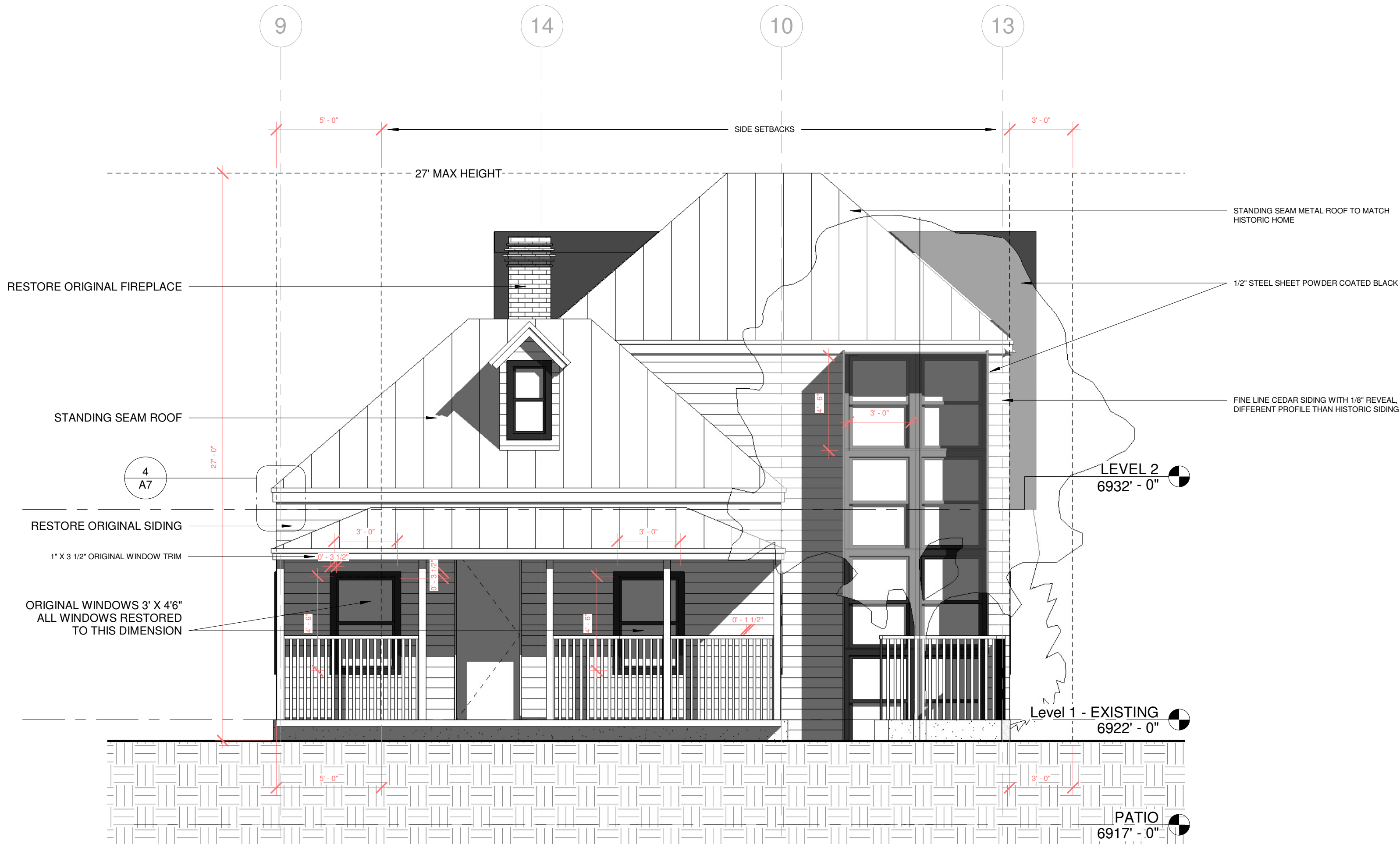
A4
ELEVATIONS

PERKINS MINE
1162 Woodside Ave.
Park City, UT 84060

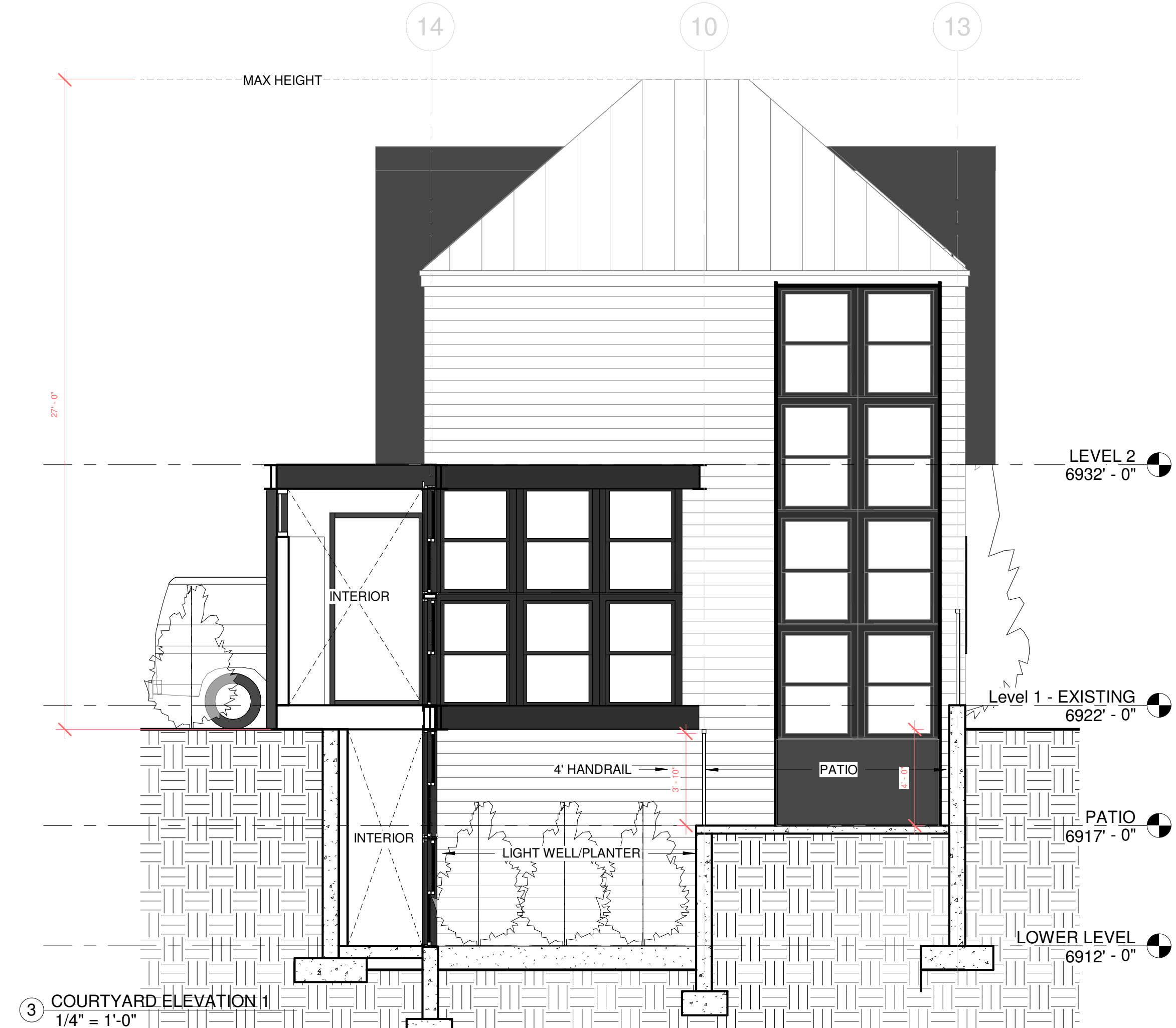
PARK CITY
DESIGN+BUILD.



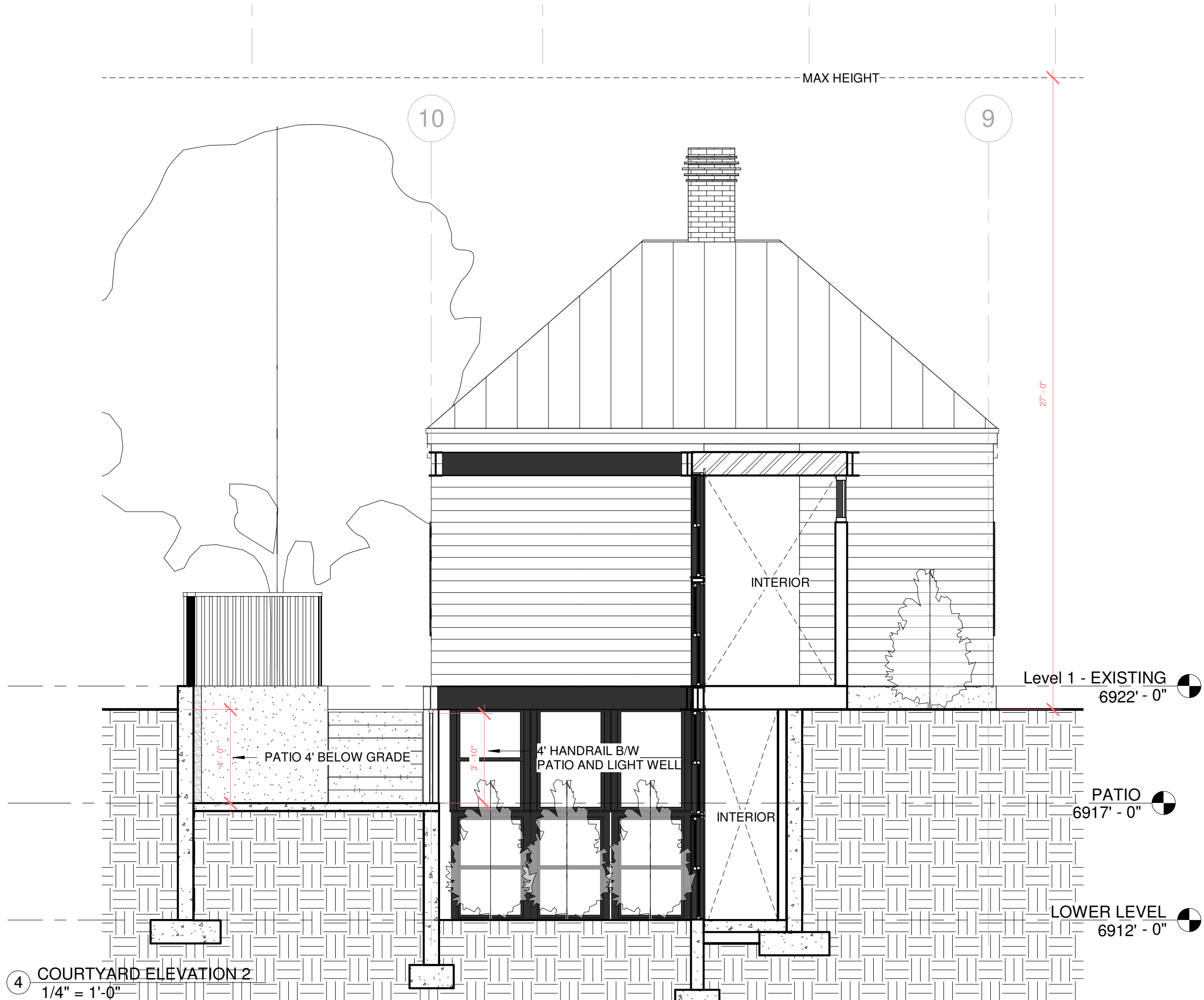
① East
1/4" = 1'-0"



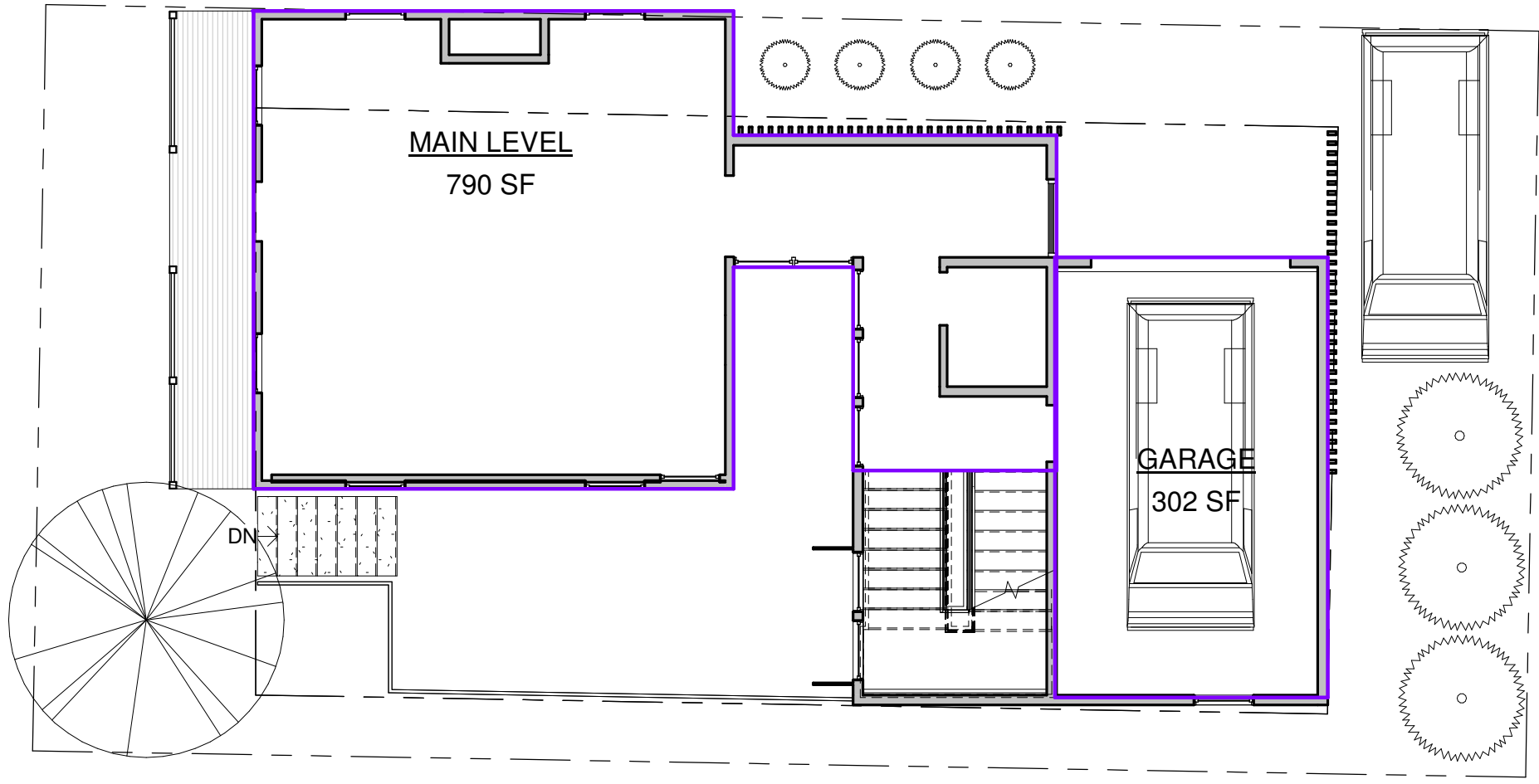
② West
1/4" = 1'-0"



③ COURTYARD ELEVATION 1
1/4" = 1'-0"

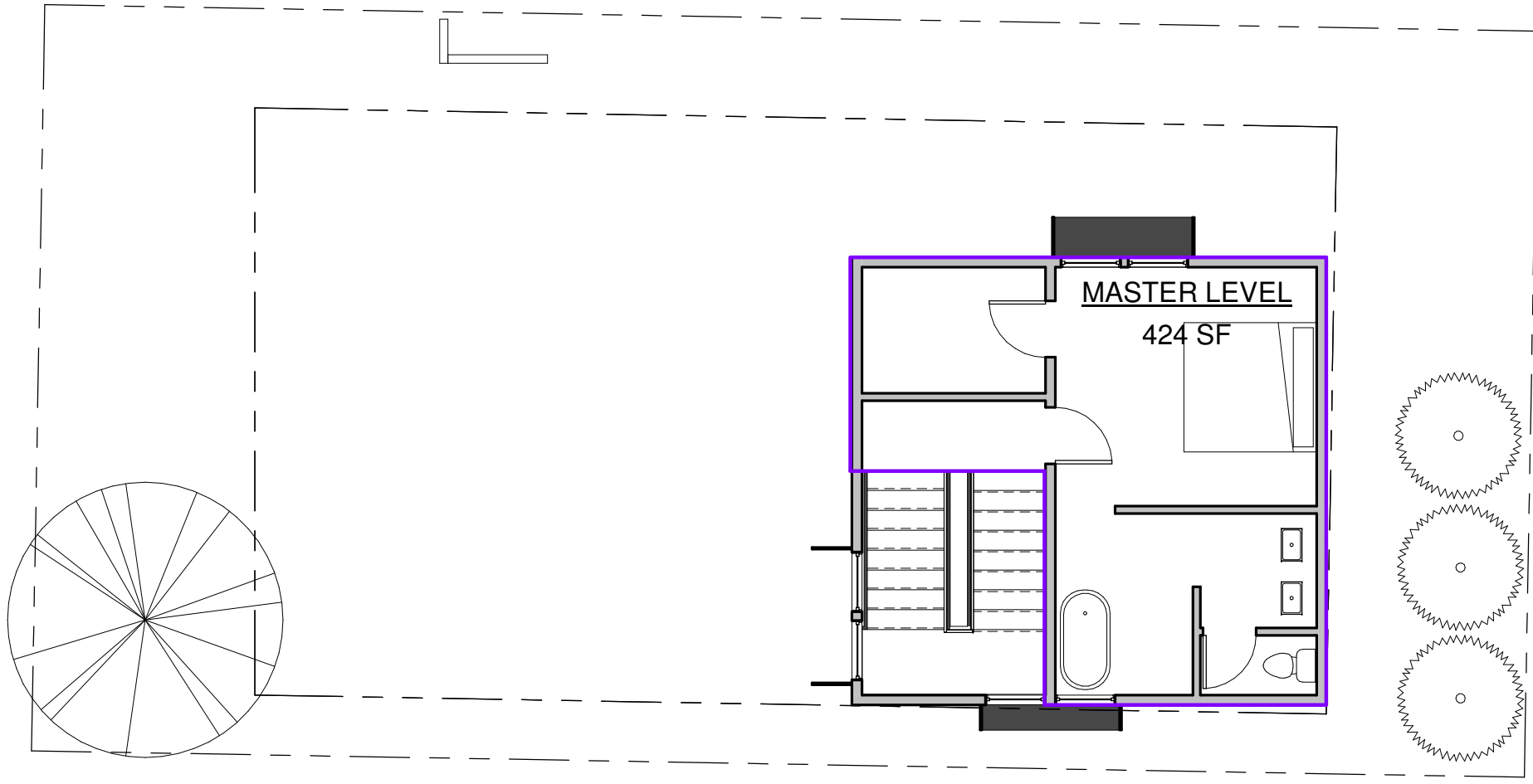


④ COURTYARD ELEVATION 2
1/4" = 1'-0"



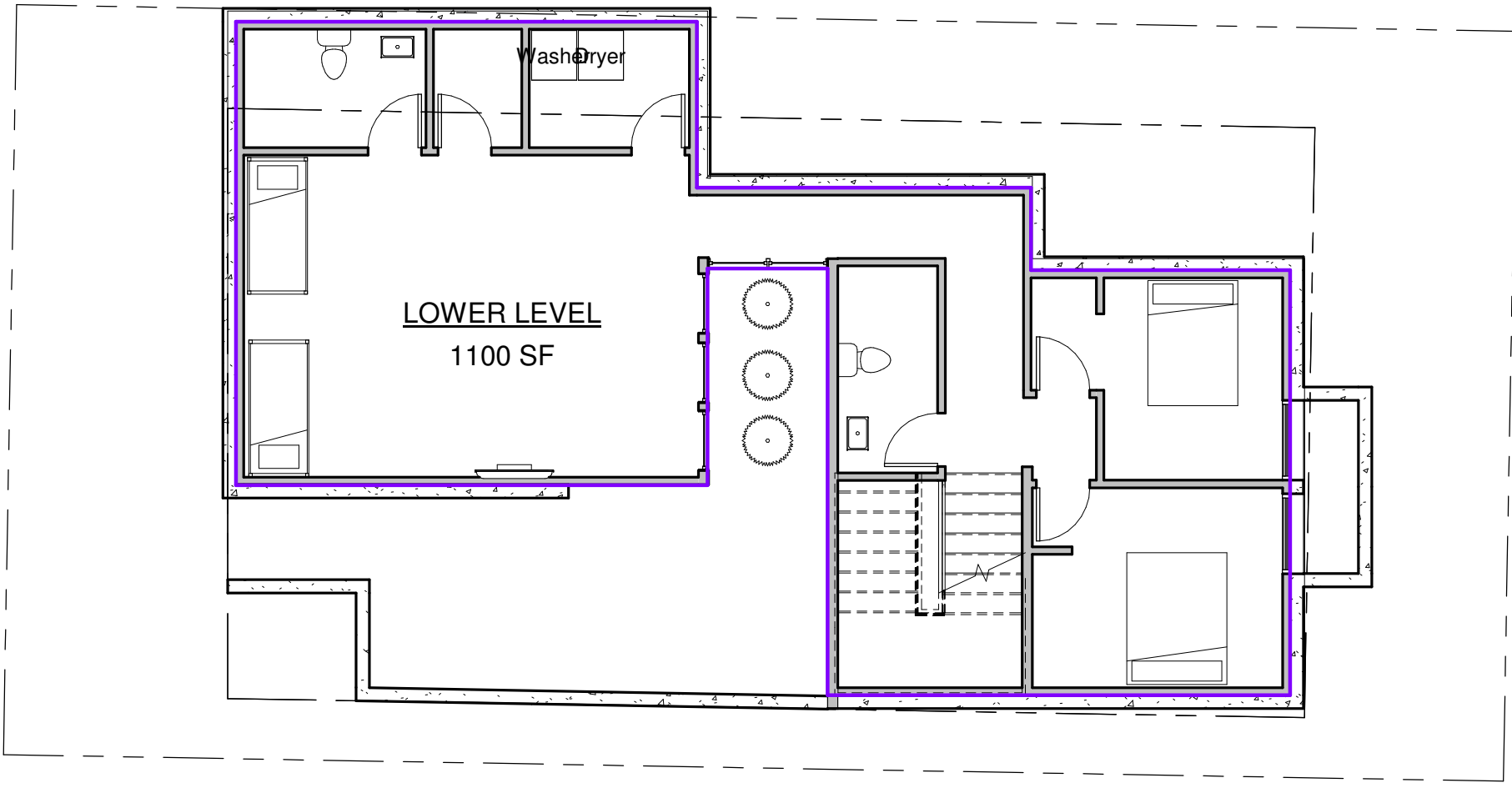
① Level 1 - EXISTING
1/8" = 1'-0"

Area Schedule (NET LIVABLE)	
Name	Area



② LEVEL 2
1/8" = 1'-0"

FOOTPRINT SF	
Name	Area
EXISTING NO ADDITION	578 SF
NEW FOOTPRINT	528 SF
	1106 SF



③ LOWER LEVEL
1/8" = 1'-0"

Area Schedule (REALTOR VALUES)	
Name	Area
MAIN LEVEL	790 SF
MASTER LEVEL	424 SF
LOWER LEVEL	1100 SF
GARAGE	302 SF
	2616 SF

REVISIONS

4/17/2020 3:58:45 PM CURRENT SET DATE PRINTED

THE USE OF THESE PLANS SHALL BE LIMITED TO THE ORIGINAL SITE FOR WHICH THEY WERE PREPARED AND NO REUSE OR MODIFICATION OF ANY PART OF THE INFORMATION HEREON IS EXPRESSLY LIMITED. NO LIABILITY SHALL BE ASSUMED FOR ANY DAMAGE, LOSS, OR INJURY BY ANY PERSON AND/OR INSTITUTION IS STRICTLY LIMITED TO THE STATE OF UTAH. VISUAL INSPECTION OF THESE PLANS DOES NOT CONSTITUTE AN AGREEMENT TO THESE RESTRICTIONS.

PERKINS MINE

1162 Woodside Ave.
Park City, UT 84060

PARK CITY
DESIGN+BUILD.

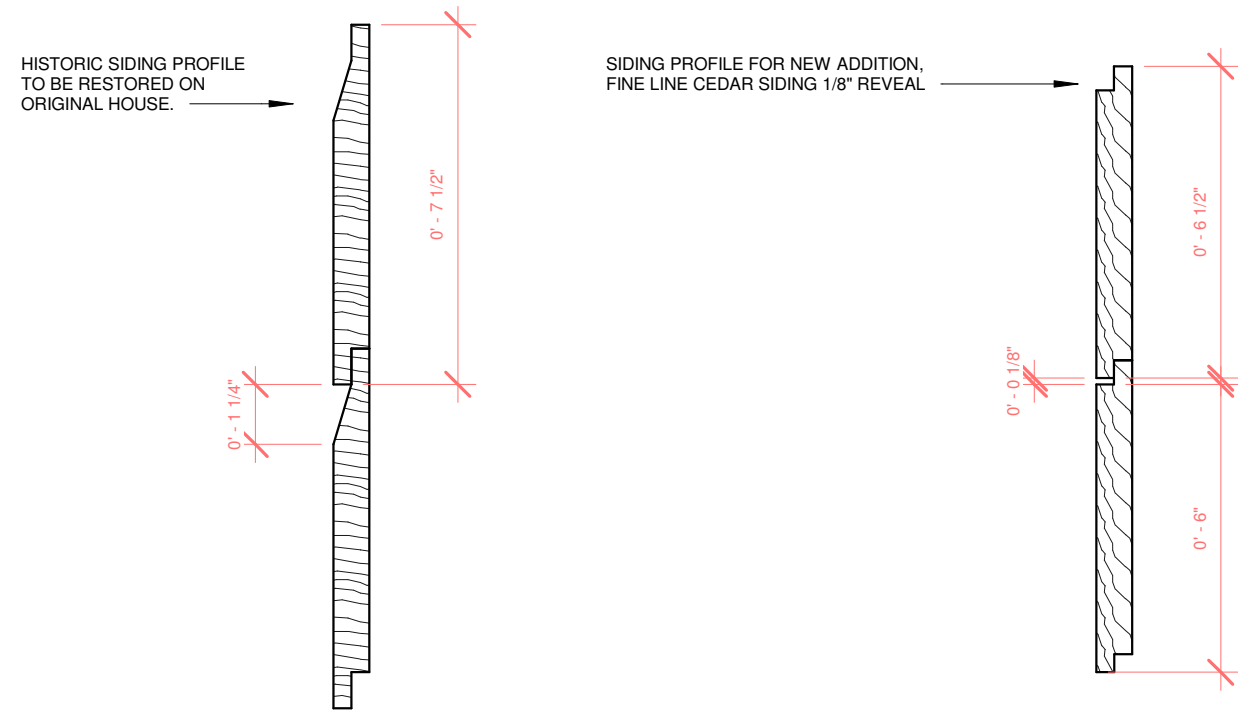
A6
AREA PLANS



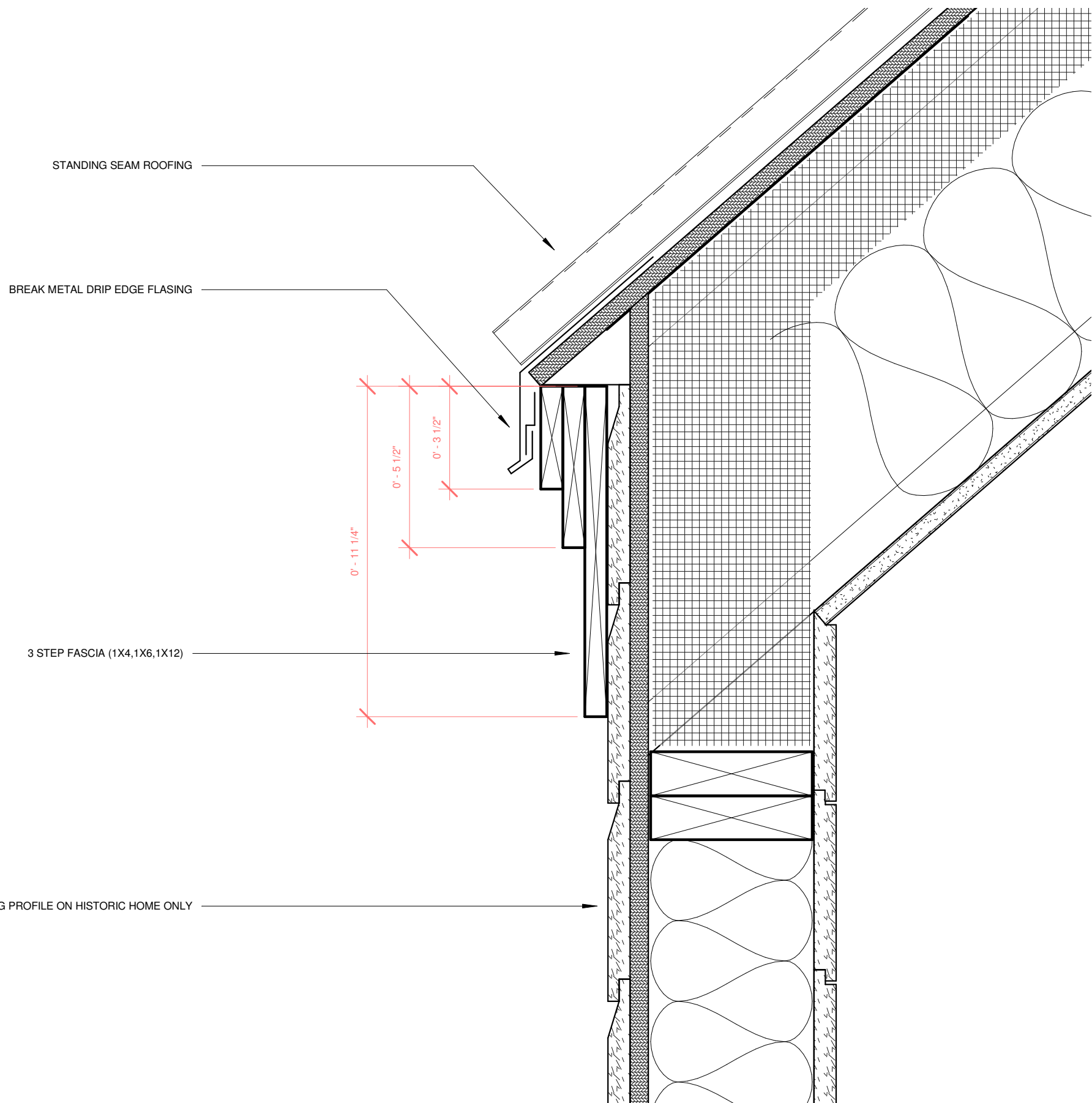
1 LONG SECTION
1/4" = 1'-0"



2 LONG SECTION COURTYARD
1/4" = 1'-0"



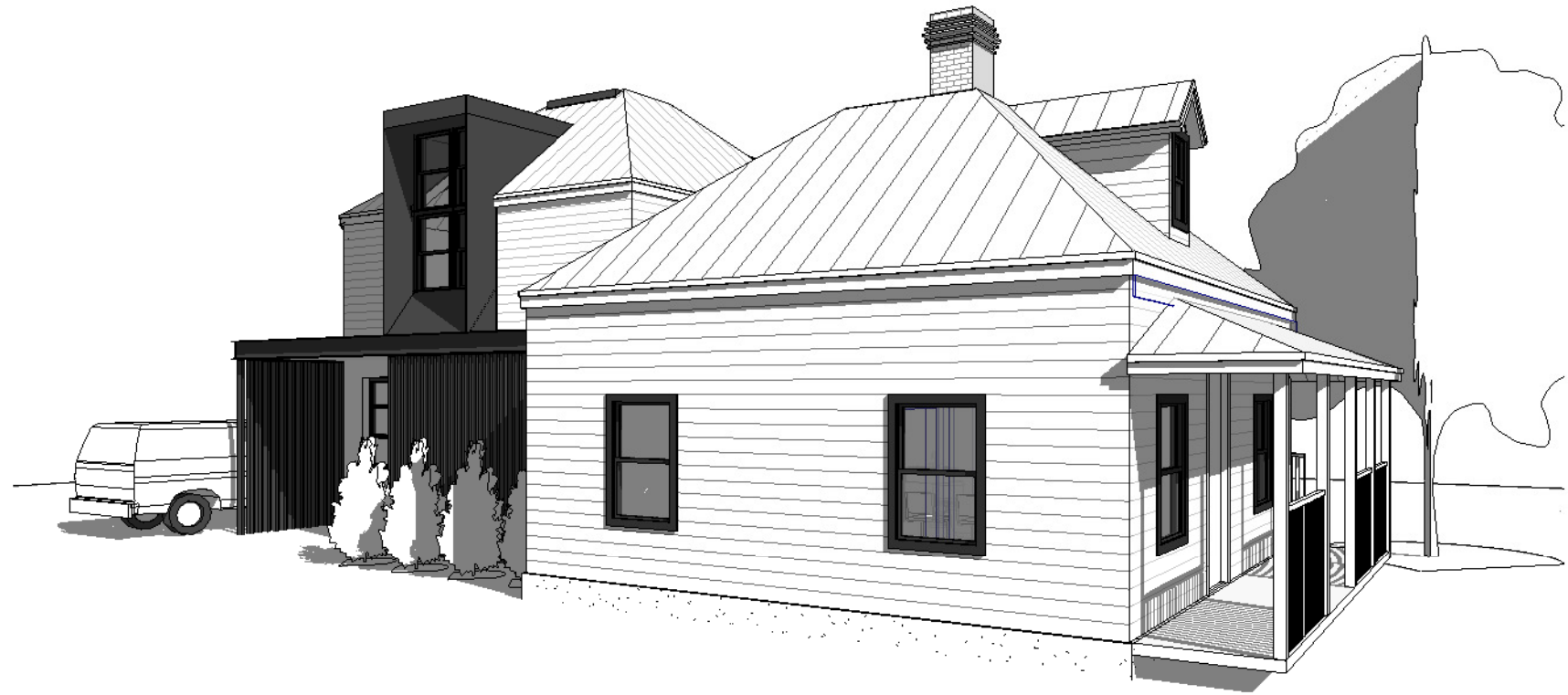
3 HISTORIC SIDING PROFILE
3" = 1'-0"



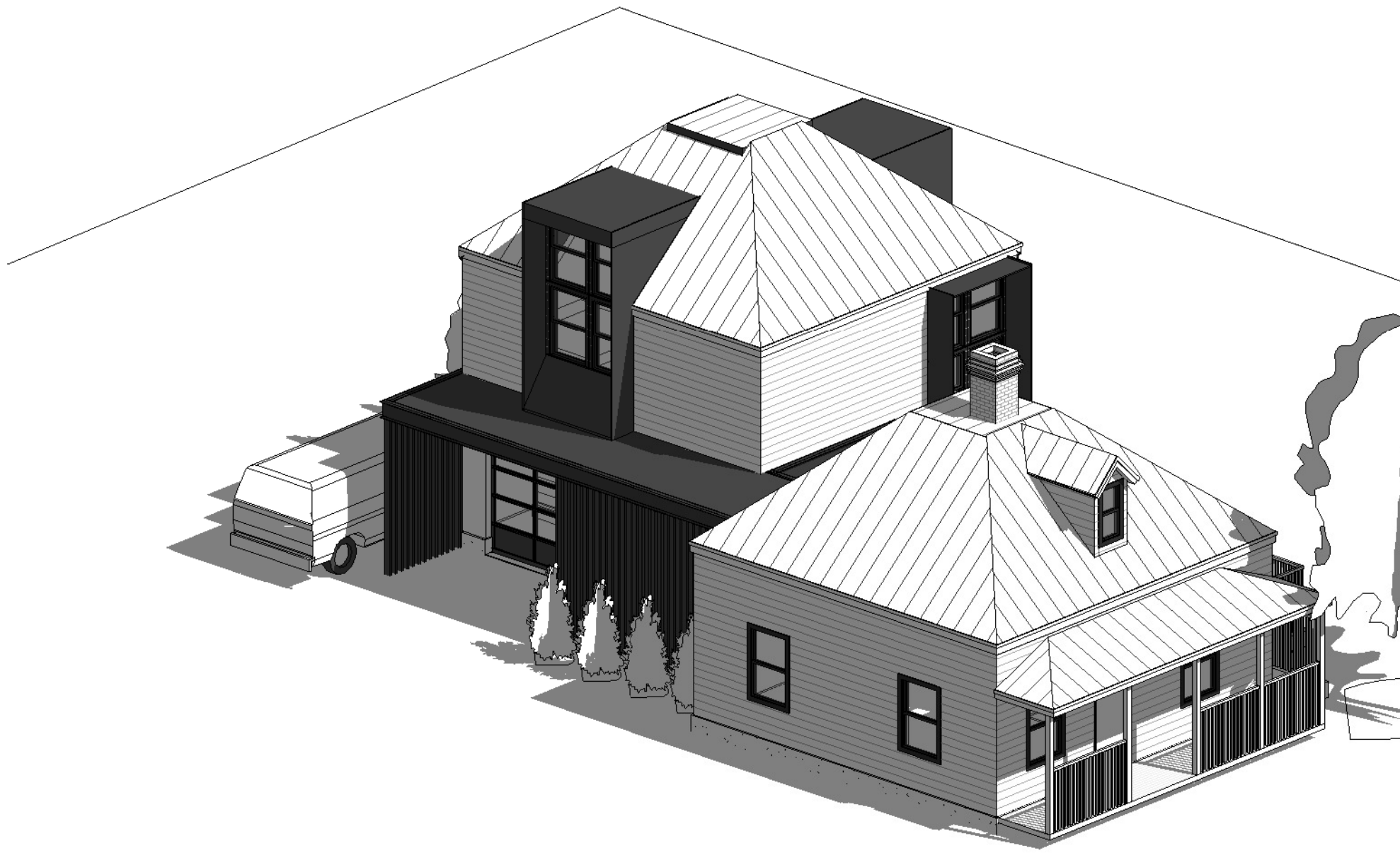
4 ROOF / WALL TRANSITION DETAIL
3" = 1'-0"



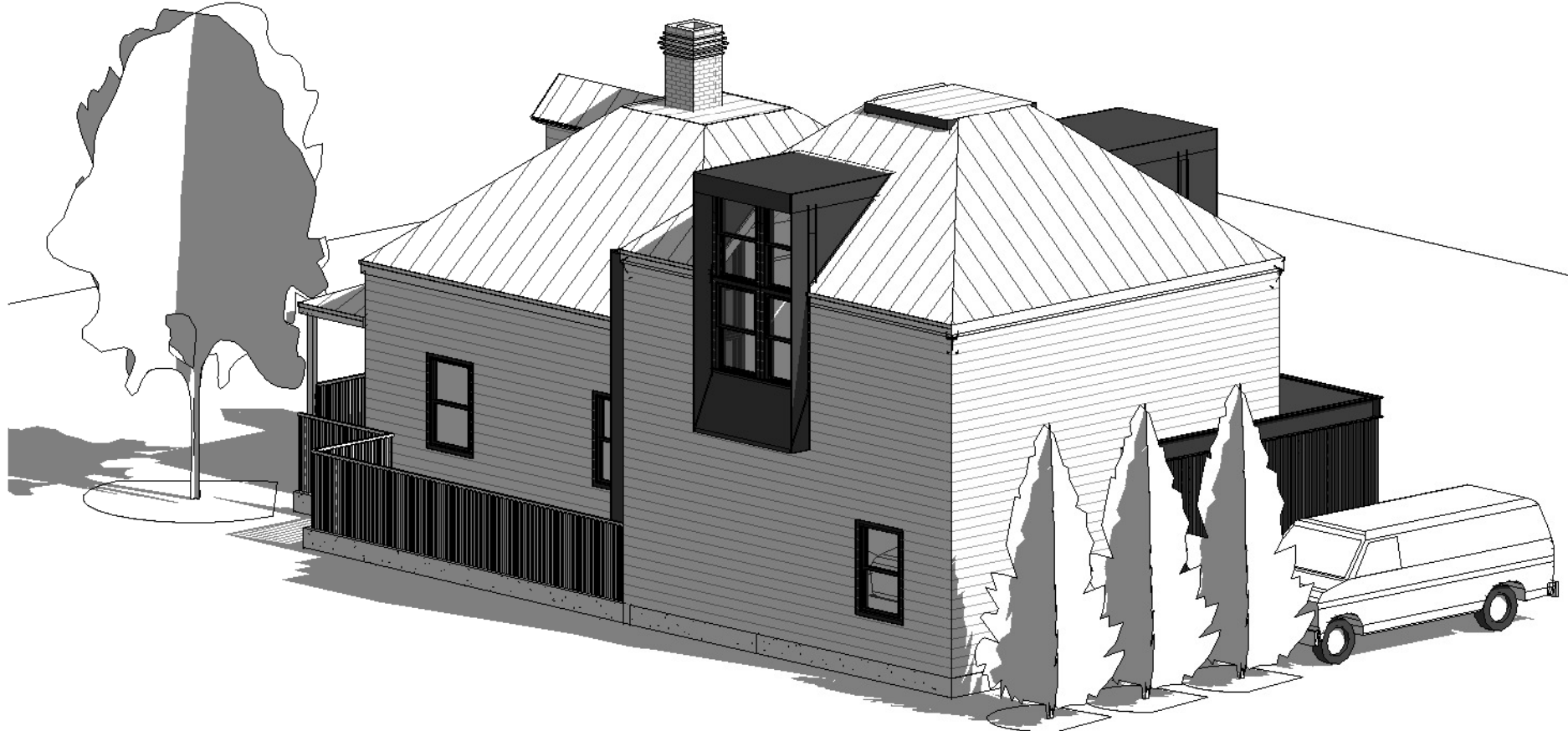
5 3D View 1



6 3D View 3



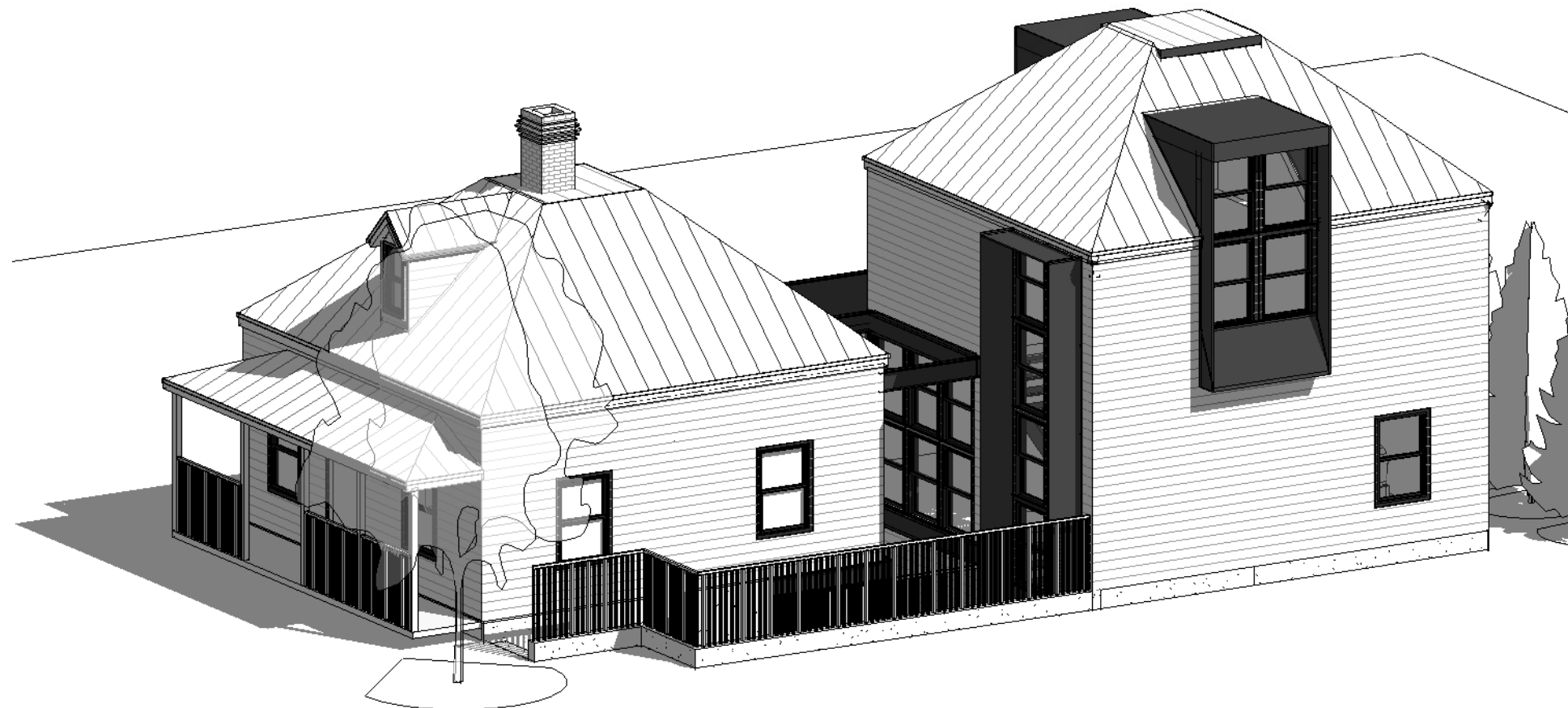
1 {3D} Copy 1



3 {3D} Copy 3



2 {3D} Copy 2



4 {3D} Copy 4

THE USE OF THESE PLANS SHALL BE LIMITED TO THE ORIGINAL SITE FOR WHICH THEY WERE PREPARED AND NO PART OF THESE PLANS SHALL BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT. THE ARCHITECT'S LIABILITY IS LIMITED TO THE STATE OF UTAH. VISUAL INSPECTION OF THESE PLANS DOES NOT CONSTITUTE AN AGREEMENT TO THESE RESTRICTIONS.

REVISIONS	
4/17/2020	3:56:48 PM



THE ORIGINAL SITE FOR WHICH THEY WERE PREPARED AND PUBLICATION THEREOF IS EXPRESSLY LIMITED TO SUCH USE, RE-USE, RE-PRODUCTION, AND PUBLICATION BY ANY PERSON AND/OR INSTITUTION IS STRICTLY PROHIBITED AS PROVIDED BY COPY WRIGHT LAWS OF THE STATE OF UTAH. VISUAL INSPECTION OF THESE PLANS CONSTITUTES AGREEMENT TO THESE RESTRICTIONS.

A77

90 DEGREE COMPASS PHOTOS HOUSE

90 DEGREE COMPASS PHOTOS HOUSE

PERKINS MINE

1162 Woodside Ave.
Park City, UT 84060

PARK CITY
DESIGN+BUILD.



THE USE OF THESE PLANS SHALL BE RESTRICTED TO THE ORIGINAL SITE FOR WHICH THEY WERE PREPARED AND PUBLICATION THEREOF IS EXPRESSLY LIMITED TO SUCH USE. RE-USE, RE-PRODUCTION AND PUBLICATION BY ANY PERSON AND/OR INSTITUTION IS STRICTLY PROHIBITED AS PROVIDED BY COPY RIGHT LAWS OF THE STATE OF UTAH. VISUAL INSPECTION OF THESE PLANS CONSTITUTES AGREEMENT TO THESE RESTRICTIONS.

A12

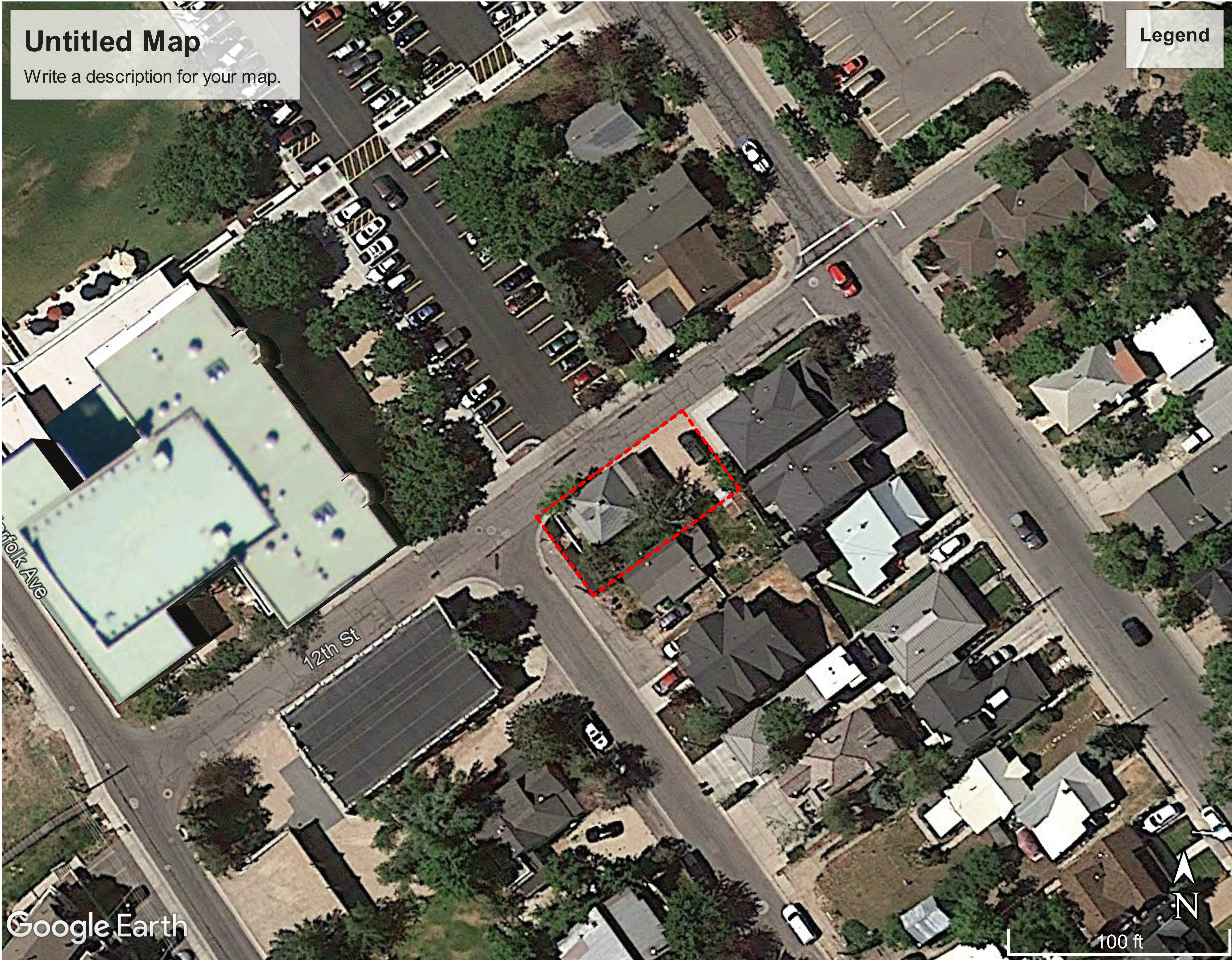
PARK CITY
DESIGN+BUILD.

PERKINS MINE
1162 Woodside Ave.
Park City, UT 84060

REVISIONS
4/17/2020 1:03:01 PM

REVISIONS

A12



THE USE OF THESE PLANS SHALL BE RESTRICTED TO THE ORIGINAL SITE FOR WHICH THEY WERE PREPARED AND NO ALTERATION, REVISION, OR MODIFICATION SHALL BE MADE WITHOUT THE WRITTEN CONSENT OF THE DESIGNER. THE DESIGNER'S LIABILITY IS LIMITED TO THE STATE OF UTAH. VISUAL INSPECTION OF THESE PLANS DOES NOT CONSTITUTE AN AGREEMENT TO THESE RESTRICTIONS.

Planning Commission Staff Report



Subject: Mailed Notice & Notice to Property Owners
in a Condominium Association
Application: PL-20-04527
Author: Rebecca Ward
Date: June 24, 2020
Type of Item: Legislative – Land Management Code Amendments

Summary Recommendations

Staff recommends the Planning Commission review the proposed Land Management Code amendments, hold a public hearing, and consider forwarding a positive recommendation for City Council's consideration on July 9, 2020.

Description

Applicant: Planning Department
LMC Sections: § 15-1-12(C), *Notice*
§ 15-1-18(F), *Form of Appeals*
Reason for Review: Land Management Code amendments require Planning Commission review and recommendation to the City Council for Final Action

Acronyms

LMC Land Management Code

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

Executive Summary

Currently, land use applicants submit paper applications and materials to staff at the Planning Department counter. To improve customer service and convenience, the Planning Department will be shifting to an online application process. As part of this transition, staff proposes Land Management Code amendments to change how applicants and staff provide mailed notice to certain surrounding property owners.

Also, under the current Land Management Code, mailed notice is only required to be sent to a condominium association and not to each individual property owner within the association. To ensure that all surrounding property owners are notified of a public hearing on certain land use applications, staff recommends amending the Land Management Code to require that notice be mailed to all property owners within a condominium association.

Analysis

(1) Staff recommends amending LMC § 15-1-12(C), *Notice*, and § 15-1-18(F), *Form of Appeals*, so that Applicants and staff may transition from mailing notice letters to post card notice mailed by a third party.

Currently, to notify the public of a hearing on a land use application, staff posts notice to the property and to three public places, posts notice on the City and Utah Public Notice websites, publishes notice in the *Park Record*, and mails notice to property owners within a certain distance of a property that is the subject of a land use application.

For the mailed notice, Applicants are required to submit pre-addressed and stamped envelopes to the Planning Department at the time of application. Staff prepares and mails the notice 10 or 14 days before a public hearing, depending on the type of application. Mailing notice is a time consuming process for both applicants and staff.¹

To save time and to support an online application process, the Planning Department is transitioning to post card notice that will be mailed by a third party. Rather than submit pre-addressed and stamped envelopes with a land use application, the Applicant will submit an electronic list of property owners and addresses. Staff will provide this list and information on the land use application and public hearing to the third party and they will print and mail post cards to surrounding property owners. (See Exhibit B for an example post card notice).

On June 18, 2020, City Council approved an amended Fee Schedule, which requires Applicants to pay \$1.00 per mailing in order to cover the cost.

Staff recommends amending LMC § 15-1-12(C), *Notice*, and § 15-1-18(F), *Form of Appeals*, as follows:

15-1-12 Notice

All notice of public hearing, unless otherwise specified in this Code or State law, must be provided in accordance with this Section and must state the general nature of the proposed action; describe the land affected; and state the time, place, and date of the hearing. Once opened, the hearing may be continued, if necessary, without republication of notice until the hearing is closed. Notice shall be given according to Section 15-1-21 Notice Matrix and as follows:

. . .

C. **MAILED NOTICE**. Pursuant to Section 15-1-21 Notice Matrix for required or courtesy mailed notice to adjacent and surrounding Property Owners, and to Affected Entities, the Applicant must provide the Planning Department with ~~[stamped and pre-addressed envelopes for]~~ an electronic list of each Property Owner of record of each Parcel located entirely or partly within three hundred feet (300') from all Property Lines of the subject Property, and as further specified in Section 15-1-21 Notice Matrix~~[, together with a mailing list for those Property Owners]~~. The addresses for Property Owners must be as shown on the most recently available Summit County tax assessment rolls. If the subject Property is a Condominium, the Owners Association is sufficient in lieu of the address for each unit Owner. For courtesy mailed notice that is not a legal requirement per

¹ Generally, approximately 75 – 250 notices are mailed per application. However, thousands of notices are mailed for larger projects.

Utah State Code, for specific actions and noted herein, and further specified in Section 15-1-21 Notice Matrix, any defect in such courtesy mailed notice shall not affect or invalidate any hearing or action by the City Council or any Board or Commission.

15-1-18 Appeals And Reconsideration Process

. . .

F. **FORM OF APPEALS**. Appeals to the Planning Commission, Board of Adjustment, or Historic Preservation Board must be filed with the Planning Department. Appeals to the City Council must be filed with the City Recorder. Appeals must be by letter or petition, and must contain the name, address, and telephone number of the petitioner; his or her relationship to the project or subject Property; and must have a comprehensive statement of all the reasons for the appeal, including specific provisions of the law, if known, that are alleged to be violated by the action taken. The Appellant shall pay the applicable fee established by resolution when filing the appeal. The Appellant shall present to the appeal authority every theory of relief that it can raise in district court. The Appellant shall provide ~~[required envelopes]~~ courtesy mailing to all parties who received mailed notice for the action being appealed within fourteen (14) days of filing the appeal.

(2) Amend LMC § 15-1-12(C), *Notice*, to require that certain notice be mailed to all property owners within a condominium association.

LMC [§ 15-1-21](#), *Notice Matrix*, outlines required and courtesy notice that staff mails to certain property owners, depending on the type of land use application. LMC [§ 15-1-12\(C\)](#), *Mailed Notice*, states that notice must be mailed to the addresses for Property Owners shown on the “most recently available Summit County tax assessment rolls.” When notice is mailed to owners within a condominium association, the LMC states, “[i]f the subject Property is a Condominium, the Owners Association is sufficient in lieu of the address for each unit Owner.”

Limiting notice to Owners Associations may be problematic for required notices. Some notices for applications like rezoning, Land Management Code amendments that impact property, or vacation of a public Right-of-Way are required to be mailed to property owners by state law.² The City may require “greater notice” for land use applications than what is required by state law, but the City must at least meet notice requirements prescribed by the state.³

Not all Owners Associations meet on a regular basis and interested property owners may not learn about a land use application until after it is already approved. This may be especially problematic when an Owner Association is the subject of an application. Providing notice to all owners within an Owners Association helps to ensure that all property owners within the Owner Association are notified of certain land use

² Utah Code [§ 10-9a-205\(2\)\(c\)\(ii\)](#); [§ 10-9a-207](#).

³ Utah Code [§ 10-9a-201\(2\)](#).

applications before Final Action is determined and that state law notice requirements are satisfied. (See the Notice Matrix Table in LMC [§ 15-1-21](#) for the list of courtesy versus required mailed notices.)

However, there may be instances where mailed courtesy notice, especially for minor actions like Administrative and Administrative Conditional Use Permits, may require thousands of mailings due to unique and encompassing property boundaries. In these instances, staff recommends carving out Planning Director discretion to mail courtesy notice to Owners Associations in lieu of mailing courtesy notice to all property owners within the Owner Association. This discretion would be limited to courtesy mailing only. Applicants must mail required notice to all property owners within an Owners Association.

Staff recommends amending LMC § 15-1-12(C) as follows:

15-1-12 Notice

All notice of public hearing, unless otherwise specified in this Code or State law, must be provided in accordance with this Section and must state the general nature of the proposed action; describe the land affected; and state the time, place, and date of the hearing. Once opened, the hearing may be continued, if necessary, without republication of notice until the hearing is closed. Notice shall be given according to Section 15-1-21 Notice Matrix and as follows:

...

C. **MAILED NOTICE**. Pursuant to Section 15-1-21 Notice Matrix for required or courtesy mailed notice to adjacent and surrounding Property Owners, and to Affected Entities, the Applicant must provide the Planning Department with each Property Owner of record of each Parcel located entirely or partly within three hundred feet (300') from all Property Lines of the subject Property, and as further specified in Section 15-1-21 Notice Matrix, together with a mailing list for those Property Owners. The addresses for Property Owners must be as shown on the most recently available Summit County tax assessment rolls. ~~[If the subject Property is a Condominium, the Owners Association is sufficient in lieu of the address for each unit Owner.]~~ For courtesy mailed notice that is not a legal requirement per Utah State Code, for specific actions and noted herein, and further specified in Section 15-1-21 Notice Matrix, any defect in such courtesy mailed notice shall not affect or invalidate any hearing or action by the City Council or any Board or Commission. For mailed courtesy notice regarding minor Administrative and Administrative Conditional Use Permits, the Planning Director has discretion to mail courtesy notice to a Condominium Owners Association in lieu of mailing courtesy notice to all Property Owners within the Owners Association.

Department Review

The Planning, Engineering, and Legal Departments reviewed this application.

Notice

Staff published notice on the City's website and the Utah Public Notice website on June 10, 2020. The *Park Record* published notice on June 10, 2020. LMC [§ 15-1-21](#).

Public Input

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

Alternatives

- The Planning Commission may forward a positive recommendation for City Council's consideration on July 9, 2020;
- The Planning Commission may forward a negative recommendation for City Council's consideration on July 9, 2020; or
- The Planning Commission may request additional information and continue the discussion to a later date.

Exhibits

Attachment 1 – Ordinance No. 2020-X

Exhibit A: Land Management Code Redlines

Exhibit B: Post Card Notice Example

Attachment 1 – Ordinance No. 2020-X

AN ORDINANCE AMENDING LAND MANAGEMENT CODE § 15-1-12(C), *NOTICE*, AND 15-1-18(F), *FORM OF APPEALS*, TO REPLACE THE REQUIREMENT THAT APPLICANTS SUBMIT STAMPED, PRE-ADDRESSED ENVELOPES WITH A REQUIREMENT THAT APPLICANTS SUBMIT AN ELECTRONIC LIST OF CERTAIN PROPERTY OWNERS AND § 15-1-12(C), *NOTICE*, TO REQUIRE THAT CERTAIN NOTICE BE MAILED TO ALL PROPERTY OWNERS WITHIN A CONDOMINIUM ASSOCIATION

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

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

WHEREAS, to improve customer service and convenience, the Planning Department is transitioning from paper applications to an online application process;

WHEREAS, Land Management Code § 15-1-12(C), *Notice*, requires land use applicants to submit pre-addressed and stamped envelopes for mailed notice to certain surrounding properties;

WHEREAS, Land Management Code § 15-1-18(F), *Form of Appeals*, requires appellants to submit pre-addressed and stamped envelopes for mailed notice certain surrounding properties;

WHEREAS, as part of the transition to online applications, the Planning Department is shifting to post card notices to be mailed by a third party;

WHEREAS, Land Management Code § 15-1-12(C) provides notice to be mailed to a condominium association in lieu of providing notice to all individual property owners within the condominium association;

WHEREAS, to ensure that all individual property owners within a condominium association are notified of nearby land use applications for required mailings;

WHEREAS, the Planning Commission duly noticed and conducted a public hearing on June 24, 2020, and forwarded a X recommendation to City Council; and

WHEREAS, the City Council duly noticed and conducted a public hearing on July 9, 2020.

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

SECTION 1. LAND MANAGEMENT CODE § 15-1-12(C), *Notice*. The recitals above are incorporated herein as findings of fact. Section 15-1-12(C) of the Land Management Code of Park City is hereby amended as outlined in Exhibit A.

SECTION 2. LAND MANAGEMENT CODE § 15-1-18(F), *Form of Appeals*. The recitals above are incorporated herein as findings of fact. Section 15-1-18(F) of the Land Management Code of Park City is hereby amended as outlined in Exhibit A.

SECTION 3. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this 9th day of July, 2020

PARK CITY MUNICIPAL CORPORATION

Andy Beerman, Mayor

Attest:

City Recorder

Approved as to form:

Mark Harrington, City Attorney

Exhibit A

1 Section 15-1-12(C) is amended to read:

2 **15-1-12 Notice**

3 All notice of public hearing, unless otherwise specified in this Code or State law, must
4 be provided in accordance with this Section and must state the general nature of the
5 proposed action; describe the land affected; and state the time, place, and date of the
6 hearing. Once opened, the hearing may be continued, if necessary, without
7 republication of notice until the hearing is closed. Notice shall be given according to
8 Section 15-1-21 Notice Matrix and as follows:

9 . . .

10 C. **MAILED NOTICE.** Pursuant to Section 15-1-21 Notice Matrix for required or courtesy
11 mailed notice to adjacent and surrounding Property Owners, and to Affected Entities,
12 the Applicant must provide the Planning Department with ~~[stamped and pre-addressed~~
13 ~~envelopes for]~~ an electronic list of each Property Owner of record of each Parcel located
14 entirely or partly within three hundred feet (300') from all Property Lines of the subject
15 Property, and as further specified in Section 15-1-21 Notice Matrix~~[, together with a~~
16 ~~mailing list for those Property Owners]~~. The addresses for Property Owners must be as
17 shown on the most recently available Summit County tax assessment rolls. ~~[If the~~
18 ~~subject Property is a Condominium, the Owners Association is sufficient in lieu of the~~
19 ~~address for each unit Owner.]~~ For courtesy mailed notice that is not a legal requirement
20 per Utah State Code, for specific actions and noted herein, and further specified in
21 Section 15-1-21 Notice Matrix, any defect in such courtesy mailed notice shall not affect
22 or invalidate any hearing or action by the City Council or any Board or Commission. For
23 mailed courtesy notice regarding minor Administrative and Administrative Conditional

Use Permits, the Planning Director has discretion to mail courtesy notice to a
Condominium Owners Association in lieu of mailing courtesy notice to all Property
Owners within the Owners Association.

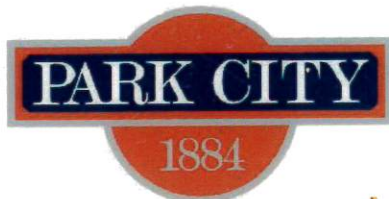
...

Section 15-1-18(F) is amended to read:

15-1-18 Appeals And Reconsideration Process

...

F. FORM OF APPEALS. Appeals to the Planning Commission, Board of Adjustment, or Historic Preservation Board must be filed with the Planning Department. Appeals to the City Council must be filed with the City Recorder. Appeals must be by letter or petition, and must contain the name, address, and telephone number of the petitioner; his or her relationship to the project or subject Property; and must have a comprehensive statement of all the reasons for the appeal, including specific provisions of the law, if known, that are alleged to be violated by the action taken. The Appellant shall pay the applicable fee established by resolution when filing the appeal. The Appellant shall present to the appeal authority every theory of relief that it can raise in district court. The Appellant shall provide ~~[required envelopes]~~ courtesy mailing to all parties who received mailed notice for the action being appealed within fourteen (14) days of filing the appeal.



PLANNING

PUBLIC NOTICE

PROPERTY ADDRESS: 5000 ROYAL STREET

PERMIT #: PL-19-04374

APPLICATION: SUBDIVISION

APPLICANT: RORY MURPHY, REPRESENTATIVE, DV LODGE, LLC

DESCRIPTION: PROJECT The Park City Planning Commission will review the proposed Subdivision as a Work Session agenda item during their regularly scheduled meeting on Wednesday, February 12, 2020, at 5:30 PM in the Council Chambers in the Marsac Municipal Building located at 445 Marsac Avenue, Park City, Utah 84060. No action will be taken at this meeting. You will be re-noticed when the Planning Commission schedules a Public Hearing on this item.

CONTACT EMAIL: alexandra.ananth@parkcity.org

For further information, please contact the Project Planner Alexandra Ananth at 435-615- 5066 or visit the Planning Department at 445 Marsac Avenue, Park City, UT.



PLANNING

FROM
Park City Municipal Corporation
Planning Department
P.O. Box 1480
Park City, UT 84060

TO
PARK CITY MUNICIPAL CORP.
PLANNING DEPT
PO BOX 1480
PARK CITY, UT 84060-1480

Auto Presorted
First-Class Mail
U.S. Postage
Amazingmail
Phoenix, AZ

This card was produced at Amazingmail.com

