

**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION
CITY COUNCIL CHAMBERS
November 12, 2014**



AGENDA

**MEETING CALLED TO ORDER AT 5:30PM
ROLL CALL
ADOPTION OF MINUTES OF October 8, 2014
ADOPTION OF MINUTES OF October 22, 2014
PUBLIC COMMUNICATIONS – *Items not scheduled on the regular agenda*
STAFF/BOARD COMMUNICATIONS AND DISCLOSURES**

CONTINUATIONS

Land Management Code Amendments related to: Transfer of Development Rights (TDR's) Chapter 2.24 <i>Public hearing and continue to December 10, 2014</i>	PL-14-02348 <i>Planner Whetstone</i>	108
Sign Code Amendments to: Park City Municipal Code Chapter 12 <i>Public hearing and continue to December 10, 2014</i>	PL-14-02523 <i>Planner Whetstone</i>	109

REGULAR AGENDA – Discussion, public hearing, and possible action as outlined below:

1138 Lowell Avenue – Steep Slope Conditional Use Permit in the Historic Residential (HR-1) zoning district. <i>Public hearing and possible action</i>	PL-14-02437 <i>Planner Alexander</i>	110
1000 Ability Way – National Ability Center Pre-master Development for additional lodging, expanded equestrian arena, and addition to administration building. <i>Public hearing, discussion and continue to December 10, 2014</i>	PL-14-02476 <i>Planner Whetstone</i>	137

ADJOURN

A majority of Planning Commission members may meet socially after the meeting. If so, the location will be announced by the 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 Park City Planning Department at (435) 615-5060 24 hours prior to the meeting.

**PARK CITY PLANNING COMMISSION
WORK SESSION MINUTES
OCTOBER 8, 2014**

PRESENT: Chair Nann Worel, Melissa Band, Steve Joyce, John Phillips, Adam Strachan, Doug Thimm, Thomas Eddington, Christy Alexander, Polly Samuels McLean, Assistant City Attorney

Commissioner Preston Campbell was excused.

The Planning Commissioner had a site visit to the Alice Claim mine prior to the meeting. Commissioners Campbell and Strachan were not present.

WORK SESSION ITEMS

Alice Claim aka Alice Lode Subdivision and Plat Amendment
(Application PL #14-02329)

Due to a personal and business association with the applicant, Commissioner Phillips recused himself from this item and left the room.

Planner Christy Alexander reported that the Planning Commission had visited the site prior to the meeting. The applicants had staked out the proposed home locations. She noted that Commissioner Strachan was not present for the site visit, however, he had seen the site when this came before the Planning Commission in the past. Planner Alexander stated that the applicant was present with his design team and legal counsel. Chad Root, the Chief Building Official was present to answer questions. Mark Harrington and Polly Samuels McLean from the Legal Department were present to provide history and background on this project.

Planner Alexander reported that the Planning Department received a completed application on May 23, 2005 for the Alice Claim, also known as Alice Lode, subdivision plat amendment. The applicant was proposing a nine lot preliminary and final subdivision on 8.65 acres, and a plat amendment on .3 acres. The property is located approximately at the intersection of King Road and Sampson Avenue where Ridge meets. The property is in the HR-1 and Estate zones with a sensitive lands overlay primarily over the Estate lots.

Planner Alexander noted that the applicant had requested 30 minutes for their presentation this evening. The Staff report contained the history and timeline of events that have occurred since 2005, as well as the minutes from previous discussions on this application.

Planner Alexander had done an analysis and highlighted the key points related to the mine. She noted that there were issues with the access coming off of King Road, as well as the

slope, clustering of the homes and water delivery issues. The applicant intended to speak to those issues in their presentation and the Planning Commission would have the opportunity for discussion.

Mark Deemer with DHM Design handed out copies of the power point presentation.

Greg Brown, with DHM design, thanked the Commissioners for their time this evening and for visiting the site. He thought it was important to see the site and what they were proposing in terms of house locations, and to recognize some of the challenges they believed have been resolved through this process. They have been working with the Planning Commission for several years and they have made good headway. Mr. Brown stated that because most of the Commissioners were new, they would start with a summary of some of their general planning theories.

Mr. Brown introduced Jerry Fiat, the lead person on the development team. Other members of the development team present were Paul Levy and David Kagen. Brad Cahoon was legal counsel and Joe Tesch was also helping with legal issues.

Mr. Brown presented the elements of best planning that they started with when planning this project. He noted that much of it came out of the first few Planning Commission meetings. The intent was to create a low density project and the number has always been nine units. Mr. Brown stated that the subdivision piece, along with the HRL zone that would be a plat amendment is approximately 9 acres. The proposal is for nine units on a 9 acre parcel.

Mr. Brown stated that a major component was to limit the site disturbance. He presented images of the entire nine acres to show how they were keeping the development compacted into one portion of the site. It also allows them to maximize the open space. Mr. Brown believed the proposal was compatible with the surrounding neighborhood. In their presentation they were prepared to show examples of compatibility and why they think they are tied more to the HRL zone district to the north.

Mr. Brown stated that they had discussions with the previous Planning Commission about building height and how it should be designed. They envision a maximum 27' building height that is stepped back on the upper stories. Mr. Brown stated that they made an effort to design the project to save the majority of the evergreen trees, although he believed three trees would have to be removed.

Mr. Brown presented visual simulations to show that the project has limited visibility from the surrounding community.

Mr. Brown commented on the trails and noted that the existing trail would be maintained

through the project. They would work with the City for an easement or some other means to make sure there is a maintained access. He stated that the road is actually part of the trails system and all of the access points will be maintained and improved as much as possible.

Mr. Brown remarked that Sampson Road runs through a .38 acre parcel of land as part of this project. It is a small HRL zone district with 13 lots. That land would be deeded to the City and he assumed the City would place a road right-of-way.

Mr. Brown stated that as part of the work that has already been done, they will continue to make sure there is adequate access up to the water tank. They re-graded the road and made other improvements to make it easier for the trucks to access the water tank. The applicant will make sure that access is maintained.

Mr. Brown noted that this is a polluted site; however, they see it as a potential adaptive reuse model project. Mr. Brown stated that this project solved an extreme adverse impact on this community. There was a great deal of air and water pollution and this highly polluted site needed to be cleaned up. They met with the City officials prior to the applicant purchasing the property and talked about how this project could progress. He noted that the majority of the cleanup was on City land as well as the private lands. Mr. Brown stated that the cleanup project was from a voluntary cleanup program. The site was potentially going to become a Super Fund site and when that changed the EPA required the cleanup. He explained the cleanup process and noted that the cleanup plan is determined by the type of the potential development project. In this case the home sites were laid out and the cleanup was crafted around that layout. Typically a cleanup project is based on the land use and where those uses occur. Mr. Brown presented photos of the site immediately after the cleanup.

Mr. Brown presented a zoning map that showed the way the property was divided up within the City Master Zoning Plan. He indicated the Estate lot to the south. He pointed out a line that runs through the middle of the site, which defined the southern edge of the HR1 zone district. He indicated the contiguous parcels and noted that the one directly to the east is in the HRL zone and it was not part of this project. He had mentioned it because the applicant was required to inform the Planning Commission if they own any contiguous parcels. The parcel on the north end of the site was the HRL parcel that had Sampson Road running across it. That was the .38 acres they were planning on donating to the City for the roadway. He assumed there would be land left over for open space or however the City wanted to use it.

Mr. Brown noted that there were fairly steep sites in the HRL zone. In his opinion, the steepness of the terrain on the HRL sites, as well as their site, lends itself to spreading out the houses and making sure the roads run parallel to the contours with the houses on both

sides of it. It was one of the design criteria when looking at the site. Mr. Brown stated that it was also one of the design requirements for reducing the road grade to 14%.

Mr. Brown presented the site plan currently being proposed. They have been working on this project in various forms since 2009. The current plan was very similar to the 2009 plan that was included in the Staff report with minor modifications. He reiterated that it is eight lots in the HR-1 zoned district and one lot in the Estate zone. He indicated the evergreen trees that would be preserved. Mr. Brown identified the subdivision area, the HRL zone and the area of the proposed plat amendment that would be dedicated to the City.

Mr. Brown referred to comments in the Staff report about moving the houses down the hill. He noted that the images from early 2005 to 2007 originally had houses on the slope. At the request of the Planning Commission the homes were pushed down to cluster the homes as close as possible in the lower area. Mr. Brown stated that the slope of the hill from the location of the Estate lot to Lots 2 and 3 continues up the hill. They are not up or near any ridgeline. It is truly on the side slope of a very large hill that continues on. He believed the visual simulations they would show later in the presentation would make that very clear.

Mr. Brown stated that the applicant was proposing a 27' foot maximum building height. They were also proposing to reduce the building footprint to 2500 square feet. Mr. Brown remarked that the reason for wanting 2500 square feet is to be able to step the building up the hill. They also want to create horizontal home sites so the homes would not step up three to five stories like they were seeing in Old Town. The intent is to design two-story homes that are functional for families and easily accessible for older family members or people with accessibility issues. Mr. Brown stated that the applicant has agreed to a maximum of 5,000 square feet of floor area. He indicated the location of the public trail and where it would tie into the road that goes up to the water tank. They are very aware of making sure that the public trail remains usable.

Mr. Brown presented an image regarding the open space. He noted that the previous Planning Commissions and the applicant wanted to maximize the open space on this project. He indicated the 1.93 acres of open space designated on the Estate lot, which is 30% of the lot. The building envelope on the three acre Estate site would be defined to keep the building restricted to one area to protect the open space. Mr. Brown referred to the HR-1 zone and identified the two parcels of open space. Those are .72 acres, which is 21% of the entire HR-1 zone. He indicated the HRL zone district, which was the 0.388 acres that would be dedicated to the City. Mr. Brown remarked that the total open space would be 2.65 acres. The open space combined with the land dedication to the City results in 33% of the site. A third of the site would remain open space. They assumed it would be private open space, but if that was not the case they were open to having that discussion.

Mr. Brown pointed out that with a 2500 square foot footprint, only 4% of the site would be covered by homes. It is a small amount of development on a fairly large site.

Mr. Brown presented a graphic showing the trees that would remain and the three trees they were proposing to remove. He noted that one of the three trees is in fairly poor health and is damaged on one side. The other two need to be removed to accommodate the road access.

Mr. Brown presented an enlargement of the entry, which they had talked about during the site visit. He noted that the road they tried to walk up around the construction was the historic improved King Road. He commented on a dispute about whether or not it is a public road. At this point the applicant has not been able to gain access to that road over a parcel that is owned by someone else. He noted that the area shown in purple was the existing King Road right-of-way, which continues all the way up to the edge of the Alice Claim property. They were proposing to come off of Sampson Avenue and enter the site in that area to resolve the access issue. However, creating that access requires the removal of two of the large evergreen trees. Mr. Brown stated that the cut slope is over 20 feet tall and they believe the best solution would be a short retaining wall with a decorative finish. Mr. Brown presented the Sampson Avenue piece of road that currently runs through their private property. That was the piece of land that would be dedicated to the City.

Mr. Brown presented the visual simulations that were requested by the Staff several years ago. The Staff had suggested key visual analysis sites which included a high point from the other side of the valley, the south end of McHenry Avenue, and from the parking deck at the Marsac Building. He presented photos from the visual sites with the houses sketched in. Mr. Brown noted that the site was most visible from the high point simulation.

Mr. Brown presented compatibility drawings to illustrate the density and the layout of the Alice Claim project in relation to their immediate neighbors. He presented a drawing that he obtained from the City website showing some of the slopes in the area. Mr. Brown thought the drawing showed that the area of their immediate neighbors was over 40% slope. He pointed out that the majority of their site is 30% and higher and a significant portion is 40%. He stated that they were in a similar slope classification as their neighbors to the north. He believed that was part of what created the layout they were proposing.

Planner Alexander asked the Planning Commission to focus their comments on the subdivision process this evening. She reviewed the outstanding issues for discussion. She noted that one issue was to make sure the applicant did not exceed the 14% grade when proposing the roadway. She noted that the Fire Official has said that the access easement going up to the water tank could not exceed 10%. If they cannot meet the required grade, the applicant would have to obtain a variance from the Board of Adjustment before they could get approval on the Subdivision. They would also need a

Board of Adjustment variance to exceed the 14% required for the roadway before the Planning Commission could grant any approvals. Planner Alexander stated that the Fire Department also had issues with hammerhead turn around and making sure they had access to turn around in all the driveways.

Planner Alexander stated that the Steep Slope analysis found that 2.7% of the land was under 15%, 21.7% is 15-40% slope, defined as a steep slope, and 75.6% is over 40% slope. She pointed out that only Lot 1, the Estate Lot, was located within the Sensitive Lands Overlay.

Planner Alexander noted that clustering has been an item of discussion with the Planning Commissioner over the years. She reiterated that the applicant submitted the site plan in 2009, at which time the Planning Commission requested that they bring forth some alternatives to show different methods for clustering the homes. The applicant decided to use the 2009 site plan, and Planner Alexander requested that the Planning Commission discuss whether or not it meets the purpose of these zoning districts.

Regarding the water delivery issue, Planner Alexander understood that the applicant was working on modeling with the Water Department, but the Staff has not yet received confirmation from the Water Department that the project would meet the required pressure for the zone.

Commissioner Joyce stated that in looking at compatibility, he has concerns with the HR-1 District and the surrounding houses. He recognized that the project was somewhat secluded, but he believed they were still an extension of the existing neighborhood. Commissioner Joyce wanted to visit the site again and look at some of the surrounding houses. He indicated the piece labeled as the proposed Ridge Avenue development. In his opinion, that should also be included in the compatibility. He believed that development would be more traditional, historic Park City. Commissioner Joyce stated that those issues were important to him from the standpoint of HR -1 compatibility and compatibility with the surrounding neighborhoods. Commissioner Joyce requested that the Staff provide an analysis of what was around this site, above this site, and how it is all zoned and platted out as the plats exist today.

Commissioner Band was interested in hearing Commissioner Strachan's comments since he was on the former Planning Commission and knew the history of this project.

Commissioner Strachan asked if this was the same plat the Planning Commission saw in 2010. Mr. Brown replied that the plan was very similar. Commissioner Strachan had not noticed any significant changes.. Mr. Brown stated that the major difference was that the building envelopes had been added, primarily to address the footprint reduction to 2500 square feet.

Commissioner Strachan reiterated his comments from the 2010 meeting that the Estate lot was his biggest problem. It is on a slope that approaches close to 50% and it is in the SLO. He was unsure how they could mitigate the impacts on a 50% slope, particularly when they have to dig a road and do retaining. He believed that even with a 2500 square foot footprint and a structure no larger than 5,000 square feet, mitigating the impacts in the SLO zone would be an uphill battle. Commissioner Strachan stated that his questions regarding access were different this time than in previous years. He asked if they have never been able to access this project from the existing road.

Jerry Fiat, representing the applicant, explained that the historic access was a road but in 1997 a subdivision was approved. The subdivision created an easement for access to the water tank and created an easement for the public. It also created an easement for the two houses that sit behind so they could have access. Mr. Fiat stated that the access was also used to do the environmental cleanup. They have tried to purchase or affect access in some form over that property, but they were unsuccessful. Mr. Fiat reported that pre-2009, there was a consensus for this plan. He has notes fully supporting the plan and they were given the task of working with the neighbor to resolve the access issue because it was a stumbling block in the right-of-way. They tried for several years to reach an agreement with the neighbor, and finally came back and told the City that they were unable to resolve the access issues. Mr. Fiat stated that over time the Planning Commission changed, attitudes changed, and some of the requirements changed; and suddenly the plan that was accepted at one time was no longer acceptable.

Assistant City Attorney McLean noted that the Staff report contained minutes from several Planning Commission meetings and she recommended that the Planning Commission rely on those minutes.

Commissioner Strachan asked how far back of Sampson Avenue they would have to go before they start cutting south to make the new Alice Court. Mr. Brown assumed it would be 20-30 feet. Commissioner Strachan estimated that it would require a ten foot retaining wall. He was told that the retaining wall would be over 20 feet tall. Commissioner Strachan clarified that he was trying to be straightforward with the applicants so they would know upfront the difficult issues they were facing. He stated that the first primary issue was the Estate lot and the second were the impacts created by a 20' retaining wall. He suggested that the applicants come back with good ideas for how to mitigate the impacts on that steep of a slope, because that part of Sampson is over 42% based on the slope analysis. Commissioner Strachan remarked that the purpose statement of the HR-1 zone is to minimize the cut and fill and to minimize the damage to the environment as much as possible.

Commissioner Strachan was concerned about the term "private open space". It was an

unfamiliar term that made him uncomfortable. He stated that open space that is only for the use of the units for very elite buyers is not community open space that can be used properly by the community. Mr. Fiat replied that the intention was not for the open space to be private. It was a matter of who would own and maintain it and they were still struggling with that issue. They would be happy to deed it to the City, Open Lands or any other group. Mr. Fiat clarified that it was not a question of ownership. It was part of the voluntary cleanup program and deed restrictions and maintenance of the site had to be done. Mr. Fiat stated that the lot sizes were set to make the footprint legal. They would be happy reduce the lot sizes and deed 60% or 80% of the land as public space because it is not needed for the houses.

Commissioner Strachan was comfortable with the explanation of why they used the term private open space.

Commissioner Strachan noted that the applicant had agreed to a total square footage of 5,000 square feet for the structure. He assumed they had worked with the Staff on how that should be calculated, because from past experience the calculation differs from developer to developer. Mr. Fiat stated that he originally asked for the 5,000 square foot number to address a common problem in Old Town. A lot of buyers in Old Town want bedrooms on the same level as the master bedroom. However, with Old Town houses the rooms are split apart and the bedrooms are on different levels. The kitchen and living are not always on the same level and the access is not always on the same level as the kitchen and the living room. Mr. Fiat stated that they have a unique situation with project because they can retain all the soils on the site, they can create large enough footprints to avoid cutting the house into the hill, they can put three or four bedrooms on one level, and have the kitchen, living room and access on the same level. It takes 4,000 to 5,000 square feet to make that work and that was the idea for requesting 5,000 square feet. Mr. Fiat remarked that they were looking to build houses that have four bedrooms on one level and a living room, dining room and kitchen on another level because there is a big need for that type of house in Old Town.

Commissioner Strachan asked how they would calculate the square footage and whether basements or other components would be excluded from the calculation. Mr. Fiat replied that the 5,000 square foot number was designed to include 100% of the structure.

Commissioner Strachan requested to see a zoning map that shows the SLO overlay. He reiterated that the major problem was the Estate lot and the steepness of the slope. He noted that the SLO zone is the most protected zone in the LMC and he wanted to see exactly where the SLO zone is and how close the lots come to the SLO. Commissioner Strachan summarized that his initial concerns at this point were the Estate Zone, the cut and fill and retaining that would be done for the new road, and the open space allocation.

Commissioner Thimm thanked the applicants for the site visit. Commissioner Thimm shared the concerns with the slope in excess of 40% on some of the lots. He asked if it was possible to generate some cross sections and understand how the building envelopes and the building footprints were coming to rest on the land. He recalled a discussion during the presentation regarding the footprints and trying to be parallel with the contours wherever possible, and stepping back the footprint of the house as it rises up the slope. He asked if that would increase the footprint of the house. Commissioner Thimm remarked that being able to see cut sections cut through the steeper portions of the site that include the building envelopes would be helpful.

Mr. Fiat believed that some cross sections were included in the packet. They had additional materials that could have been presented but they were concerned about taking too much time. Mr. Brown referred to the cross section in the packet and explained that conceptually they were trying to show that the foundation would step, as well as the top of the building. Mr. Fiat clarified that the reason for requesting the larger footprint was to allow for the stepping without maximizing the square footage.

Commissioner Thimm asked if the 5,000 square foot maximum would include the parking garage. Mr. Fiat answered yes. Commissioner Thimm stated that when they were looking at the site they noticed some of the improved trails that are used a lot. He thought it appeared that the trails would be going across the lots. He wanted to know if there was a mechanism to make sure the trails remain accessible to the public. Mr. Fiat emphasized that they want the trails and they want people to use them. They had actually improved the trails from how they were. Mr. Fiat commented on the different trails that would remain and be maintained.

Commissioner Thimm stated that as they walked the site there was a lot of discussion about roadways and driveways being within a 14% slope. He recalled a comment by Planner Alexander that the fire department was concerned about access exceeding 10%. He asked if that had been looked at or whether it was something the applicant had just heard it for the first time. Mr. Fiat replied that they were unaware of it until this evening. He was confused because Planner Alexander had also mentioned access to the water tank, and the historic grade going up to the water tank was at 18%. Planner Alexander stated that the comment from the Fire Department was included in the email she had sent the applicant earlier in the week. Mr. Brown offered to look into it. He acknowledged that it would be problematic.

Commissioner Thimm asked if the specific building envelopes that were being established would become part of the approval. Mr. Fiat answered yes. Mr. Brown noted that the building envelope were somewhat tied to the cleanup operation. They would encounter other problems by going outside of the established envelopes. Mr. Fiat explained that the building envelopes could not be changed without changing the voluntary cleanup. The

certificate of completion is tied into this particular plan.

Commissioner Band asked for an explanation of their earlier comment regarding the ability to reduce the lot size. A representative for the applicant indicated an area to the east that could be made into open space and still allow the 2500 square feet building footprint based on City Code. He noted that Lots 7 and 8 are large lots that could accommodate additional open space. It would create an open space buffer nearly surrounding the site. However, the question would be who owns it and who maintains it.

Commissioner Band wanted to know how much of the lot is cleared around the footprint site. The area is heavily wooded and she was aware of the fire concerns. Mr. Fiat thought they could create an exhibit showing the limits of disturbance. Commissioner Band stated that a visual taken around the site would also be helpful. She agreed with the request by other Commissioners for a larger map to see how it relates to the rest of the HRL zone. Mr. Fiat identified the HRL zoned areas. The area shown in purple was HR-1. Mr. Fiat believed the intent was to go HR-1, then HRL and then Estate. He thought the HR-1 should have been HRL, but it was forgotten about and left as HR-1.

Commissioner Strachan stated that page 154 of the packet, which was the Google map showing where the lots are, should be included in every submission because it is a good benchmark to show where the houses might be.

Chair Worel had nothing new to add. Her fellow Commissioners had asked the questions and addressed her concerns. She thanked the applicants for their thoroughness with the power point presentation and the packet of information they provided.

Brad Cahoon, legal counsel representing the applicant, stated that the materials that were submitted to the Planning Department to be added to the record inadvertently included some exhibits that contained confidential discussions that took place. Their intent was to show for the record that discussions were continuing. They never intended to submit the subject of what was discussed. Mr. Cahoon identified the items. Exhibit 37 that was submitted with their materials was a group of emails identified in that exhibit. Exhibit 13, paragraph 17, after the phrase, "the meeting occurred February 2013", had subparagraphs that they would like to redact from the record. Prior to the a formal public hearing they would make sure to correct the documents. However, for the purpose of this work session he wanted it acknowledged on the record.

Joe Tesch, legal counsel representing the applicant, noted that their exhibits in the packet were mixed up in the numbering. They had created a new packet with the correct numbering sequence for the Commissioners to take with them this evening. Mr. Cahoon noticed that in the binder what he had identified for redaction was not actually redacted. He recommended that they make those changes before handing out the exhibits.

The Work Session was adjourned.

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
OCTOBER 8, 2014

COMMISSIONERS IN ATTENDANCE:

Chair Nann Worel, Melissa Band, Steve Joyce, John Phillips, Adam Strachan, Doug Thimm

EX OFFICIO:

Planning Director, Thomas Eddington; Kirsten Whetstone, Planner; Christy Alexander, Planner; Polly Samuels McLean, Assistant City Attorney

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The Planning Commissioner had a site visit to the Alice Claim mine prior to the meeting.

REGULAR MEETING

ROLL CALL

Chair Worel called the meeting to order at 5:35 p.m. and noted that all Commissioners were present except Commissioner Campbell who was excused.

ADOPTION OF MINUTES

September 24, 2014

MOTION: Commissioner Strachan moved to APPROVE the minutes of September 24, 2014 as written. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Commissioner Phillips disclosed that he would be recusing himself from the Alice Load Subdivision and Plat Amendment project due to a long relationship he has with Jerry Fiat and his partners from the standpoint of a neighbor and a general contractor. To be fair to

both the applicant and the public, Commissioner Phillips could not say with absolute certainty that he could be objective.

Commissioner Thimm disclosed that regarding the Alice Claim project, he has had a former collaborative working relationship with Greg Brown of DHM. However, he believed he could remain objective in discussing this project.

Regarding the IHC Hospital, Commissioner Thimm disclosed that the firm he currently works for had designed Phase I of the Hospital; however, he was not involved. The firm he works for has no involvement in the issues being discussed this evening and he could remain objective.

Chair Worel disclosed that her office is on the IHC campus in the Summit County Health Department. However, she believed she could remain objective if it became necessary for her to vote.

Director Eddington noted that the Planning Commission would be taking public input this evening on the Bonanza Park and Form Based Code item.

CONTINUATION(S) – Conduct a public hearing and continue to date specified.

1825 Three Kings Drive – Conditional Use Permit for an office building (Application PL-14-02329)

Chair Worel opened the public hearing. There were no comments. Chair Worel closed the public hearing.

MOTION: Commissioner Joyce moved to CONTINUE the 1825 Three Kings Drive Conditional Use Permit for an office building to October 22, 2014. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

WORK SESSION

The Planning Commission moved into work session to discuss the Alice Claim aka Alice Lode Subdivision and Plat Amendment. The discussion can be found in the Work Session minutes dated October 8, 2014.

Commissioner Phillips recused himself from the work session discussion and left the room.

The Planning Commission moved out of work session and resumed the regular meeting. Commissioner Phillips returned to the meeting.

REGULAR AGENDA – Discussion, public hearing, action.

**1. 900 Round Valley Drive – Park City Medical Center/IHC MPD
(Application PL-13-01932)**

Planner Kirsten Whetstone reviewed the request to amend the master planned development for the IHC Park City Medical Center at 900 Round Valley Drive. The application was submitted in June for the MPD amendment as well as a conditional use permit for the next phase of development at the Park City medical center. It was consistent with one of the three options that the Planning Commission had discussed at a previous work session.

Planner Whetstone reported that on August 27th the Planning Commission discussed the proposed amendment and the conditional use permit application during a work session. Based on their comments the Staff and applicant reworked some of the items and were back before the Planning Commission. The Staff report contained the Staff analysis for the MPD and the CUP.

Planner Whetstone requested that the Planning Commission discuss the MPD and the CUP as two separate items with separate public hearings and separate actions.

The items discussed at the August 27th meeting were outlined on page 170 of the Staff report. Planner Whetstone stated that the Planning Commission was generally supportive of moving 50,000 square feet of support medical offices from Lots 6 and 8 at 25,000 square feet each, to Lot 1; and incorporating the support medical offices and density within the expanded hospital building. The amendment would change Phase 2 from being more hospital uses and instead increase the medical support offices to 82,000 square feet.

Planner Whetstone noted that affordable housing in the original phasing plan that was tied to hospital uses needed to be clarified. The parking plan would be changed to phase the parking more to accommodate the different uses as they come in. The Staff requested that the Planning Commission discuss the phasing plan, as well as tiered versus structured parking.

Planner Whetstone stated that during the August work session the Planning Commission also discussed a request for a height exception similar to the first phase to accommodate

the clerestory and the over the zone height with the chimney. She clarified that 15' over the zone height was for the chimney and mechanical screening. Part of the height issue was due to the taller ceilings that are required for a hospital.

Planner Whetstone noted that another discussion related to the trails. After the August meeting she spoke with Heinrich Deters. Mr. Deters said that the trails that were required with the MPD have been satisfied. He had sent her a copy of the agreement of completion.

Planner Whetstone stated that at the last meeting the Planning Commission was also supportive of a below grade storage area that would not count against the unit equivalents.

Planner Whetstone referred to the table on page 173 of the Staff report regarding affordable housing. She clarified that the zero obligation that was showing for People's Health and Summit County should actually be 5.83. The County has an affordable housing obligation in the lease but it was waived. If that building were to ever change hands or become private, the obligation would have to be met.

The Staff conducted a full analysis against the MPD criteria, the General Plan and the CT. The results of the analysis were identified in the Staff report.

The Staff recommended that the Planning Commission conduct a public hearing and consider approving the Master Planned Development Amendment in accordance with the Findings of Fact, Conclusions of Law and Conditions of approval as outlined in the Staff report.

Morgan Bush, with Intermountain Health Care introduced Cy Hut, the Hospital Administrator; Dan Kohler, IHC Director of Facility Development; and Steve Kelly, the project manager.

Mr. Bush stated that the team had prepared a presentation that highlighted the proposed changes associated with the project. They were also available to answer questions that came up during the August work session.

Mr. Bush reviewed the density. He explained that in the original master plan there were four medical support developments of 25,000 each on Lots 6, 7 8 and 10 of the subdivision. Lot 7 was the Physicians Holdings Building that was built. Lot 10 was the Summit County People's Health Building that was built. Lots 6 and 8 had future medical support buildings proposed. The applicant was proposing to shift that density on to lot one and combine it with the 32,000 square feet of medical support that was still unbuilt from the initial construction on Lot 1. That is how they reach the 82,000 square feet. Mr. Bush

clarified that they were not proposing to change the total density or the use. They were only asking to change the location of the density, along with changing the timing of the medical support from Lot A, and moving it up to the current phase.

Mr. Bush reviewed the currently proposed amended parking plan. He presented a color coded site plan to show the amended phasing plan. The blue color represented the existing hospital and the existing parking. He indicated a circular ramp in the back and noted that it represented the 92 stall structured parking in the back. The remaining blue color represented surface lots. Mr. Bush stated that there is also an existing 68 stall lot that sits under the medical support building. Mr. Bush stated that the parking shown in light green had already been approved in the back, as well as the third ring below the blue in the front, which brought the parking up to the approved stalls through the initial and first phase of the addition. It also included the 68 stalls that would be replaced by this project.

Mr. Bush stated that during the August work session, IHC proposed adding approximately 120 stalls in the back. After discussions with the Planning Commission proposal was modified. He noted that the shaded area had been removed from the amended proposal. The number of requested net new stalls was reduced from 4 per 1,000 to 3.45 per 1,000 in the modified proposal for the site plan. Mr. Bush clarified that 41 stalls would not be built, per the modified plan.

Mr. Bush presented a chart to show what would occur, as well as the percentages. The blue represented were the existing parking stalls, unscreened surface parking, structured spaces, and parking that is screened by the building from the entry corridor. He noted that 21% of the total was structured, 30% or 133 spaces were hidden behind the building. Mr. Bush stated that the proposal is to build 351 parking spaces, which includes the 151 spaces that are currently approved and have a building permit. The additional 200 parking spaces were shown in dark green. However, taking out the 68 spaces that would be lost leaves a net new of 283 parking spaces. If the project is built as proposed, there would be 761 total parking spaces on the site; 304 would be surface spaces in front of the building, 92 are structured spaces behind the building, 270 spaces that are screened by the building and 132 spaces in front of the building. Because of the way it steps down, those parking spaces would be less visible from the front.

Mr. Bush stated that as they build future hospital phases, they estimated the parking for 2019, 2020, 2021 timeframe and they would need to build some structured parking in the back that would be located where they currently have surface parking. The surface parking would be replaced with additional structured parking. At full build-out additional surface parking would be built next to the parking structure if needed.

Mr. Bush reviewed the pedestrian walkways. The existing pedestrian walkways on the campus were shown in yellow. He noted that the Planning Commission had requested that they consider adding more pedestrian walkways as parking is added to make the parking more walking friendly. Mr. Bush stated that the orange represented walkways that were proposed with the parking plan that was presented in August. The purple color identified the walkways that were added to meet the Planning Commission's request.

Mr. Bush commented on affordable housing and noted that the 44.78 affordable housing units being provided in Park City Heights meets all of the requirements for the existing Hospital, as well as the affordable housing for this proposed addition. As they build hospital units in the future, IHC would be required to provide additional affordable housing. Mr. Bush estimated the number of future affordable housing units based on the potential size of the future hospital additions. In the next hospital phase, which should occur within the next five years, he estimated that they would have to provide at least 9.5 additional affordable housing units. At full building they would have to provide an additional 13.8 units in addition to the 9.5 units. Mr. Bush recognized the Staff recommendation that the certificate of occupancy for any future hospital additions be conditioned upon the affordable housing being built and in service. He pointed out that the condition would apply to Phases 2 and 3 of the hospital, and not to this project.

In terms of height, Mr. Bush explained that they were asking for the same height exception that was granted for the original hospital in order to maintain the floor plates and align the addition with the existing building.

Mr. Bush commented on the subgrade storage. He stated that the original plan showed the basement where the Education Center is located in the proposed buildings. They were proposing to add a subgrade storage in some of the unexcavated area under the floor plate of the building. The space would not be visible and it would not be occupied.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Joyce thought the amended parking plan was a major deviation from the original plan of 60% structured parking. From what he could tell from the previous plan, it was introducing a lot more screened parking. Mr. Bush noted that 137 parking spaces were screened by a building going into this phase. He asked the applicant to identify the 137 spaces on the site map. Tanya Davis, the project architect, reviewed the color coded site map to show the parking that is screened by the building from Kearns Boulevard. She

noted that Kearns Boulevard was defined in MPD as the entry way corridor that needed screening. Mr. Bush clarified that the 137 spaces is the lot next to the structured parking, the ED parking, and the 68 spaces by the MOB.

Commissioner Joyce thought there appeared to be 137 new screened spaces for a total of 270 parking spaces. Mr. Bush explained that the new parking spaces were shown in green behind the building and to the north. Ms. Davis pointed out that the green represented the parking that is currently being built. The yellow color represented a potential location for a parking structure in Phase 3 at the hospital build-out. However, it was currently identified to be included as a surface parking lot in the current proposal.

Commissioner Joyce remarked that a significant portion of the parking would be very visible from Highway 40. He agreed that the berm helped with screening for those traveling east, but because the berm is angled, all the parking would be seen coming west on Highway 40. Dan Kohler stated that the view from the west was the reason for removing the 41 stalls from that area after the discussion in August. Mr. Bush pointed out that once the new building is built, it will screen more of the parking stalls from either Highway 40 or from Kearns Boulevard.

Commissioner Joyce reiterated that it was clear from the original MPD that 60% of the parking would be structured parking. He believed they were introducing the concept of screened parking that he was unable to find in the original MPD. Planner Whetstone noted that the requirement was for structured or tiered parking. The existing MPD talks about tiered parking rather than surface parking. The language in the CT zones states that 60% of the parking must be structured or tiered.

Commissioner Phillips stated that regardless, the parking was reduced 20% from the original MPD. Mr. Bush stated that the 60% was at full build-out with all the hospital additions. In looking at the amended phasing plan, they were always proposing to add structured parking with the hospital additions. The medical support space was envisioned as being service parking, because people coming in and out of a clinic typically want to park close to the front door. Another issue was that they did not want to put parking structures in front of the building. Mr. Bush stated that for hospital patients and employees, the idea of directing them around the building to park is more doable.

Commissioner Thimm asked if they were substituting terms in this process, by interchanging tiered with screened. Mr. Bush answered no. He explained that the CT zone says "60% structured or tiered". The CT zone also says that the Planning Commission can replace some of that with screened surface parking at its discretion. Commissioner Thimm clarified that the answer to his question was yes, they were substituting terms. Mr. Bush replied that he was correct. Mr. Bush stated that they know

they will need more structured parking over time. There is no way to achieve 1300 spaces on the campus and keep 80% open space with continued surface parking. The intent from the beginning was to tie the structured parking additions to the hospital additions and not to the medical support.

Commissioner Joyce thought they should have tied the parking to Lot 1 rather than to the Hospital. He felt they were changing the rules because Lot 1 was no longer just a hospital because it would have 50,000 square feet that was not part of the original MPD. He believed that falling back on the phasing and tying things to hospital versus office use was deceiving when you see a much larger building and a parking lot driving up to the building. Commissioner Joyce believed the applicant broke the rules with the phasing when they put in 82,000 square feet that was either not in the original plan or out of order from the original plan. He was still uncomfortable with the parking lot sprawl and the view that people see driving down Highway 40 as they enter Park City. Commissioner Joyce could not understand why they were more concerned with blocking the view from Kearns Boulevard and less about the view from Highway 40.

Commissioner Joyce struggled with the concept of delaying all the structured parking until build-out. He wanted his fellow Planning Commissioners to understand that they were deviating from the original plan by putting off all the structured parking to the end, and he wanted to make sure they were all comfortable with it.

Chair Worel understood that the area that was currently graded to add parking in the front was approved in Phase I but it was never built. Mr. Bush replied that this was correct.

Planner Whetstone noted that the Staff had this same discussion and they added a condition of approval in the CUP application indicating that the 58 spaces on the north side of the entrance drive should be delayed until there is a parking study that looks at the utilization of the existing structured parking and the location of some of the entrances where parking could be located for better utilization. Planner Whetstone remarked that the phasing of parking and the uses are part of this MPD amendment.

Commissioner Thimm asked when the square footage transfers from Lots 6 and 8 to Lot 1, whether it falls within the ratios of structured, tiered and/or screened parking, adding up to 60% or more at full build-out. Planner Whetstone answered yes. Mr. Bush referred to the chart and noted that the different levels of parking in the front were being counted, but it was not counted before. He explained that they were keeping the same percentage of structured and screened by building as they move forward with this project. The parking would not increase until they do the next hospital addition, which is Phase 2 Hospital shown in yellow.

Planner Whetstone clarified that the Staff report recommended a condition of approval with a list of items A through H that the MPD had to satisfy. After adding it as a condition of approval, the Staff received verification that all of those had been satisfied. Therefore, the list was moved to a Finding because they had been satisfied. It was shown on page 188 of the Staff report as Finding #22.

Commissioner Strachan shared the same concerns expressed by Commissioner Joyce. However, after researching the actual number in the CT zone he clarified that it was 40% and not 60%. Mr. Bush explained that in order to do full build-out IHC needs the full 3 to 1 density bonus; and the 60% requirement applies at full build-out. Commissioner Strachan believed it would all come down to the condition of approval in the CUP about when the last phase of the parking gets built and where the parking study puts it. Commissioner Strachan was comfortable with the phasing structure as it is now, but he did not think a study saying that they were under parked and they needed more parking was sufficient. They needed a study showing some type of hardship with the site that makes structured parking impossible to accomplish as opposed to surface parking. Commissioner Strachan stated that the applicant should bring that study to the Planning Commission in Phase 3. He pointed out that the purpose statement in the CT zone is to reduce visually offensive surface parking.

Commissioner Strachan thought affordable housing was a bigger issue. In their last discussion, the Planning Commission directed the applicant to figure out where the affordable units would go before they allow them to build whatever would trigger the need for the affordable units. He noted that in Mr. Bush's presentation, the 23 affordable units were shown as TBD. Commissioner Strachan was concerned that at some point the hospital would be built, no affordable housing would be built, the need in the community would be greater for affordable housing and the applicant would do a fee-in-lieu to buy off the affordable housing obligation. Commissioner Strachan preferred to have a commitment showing that the applicant looked at sites and have or have not found a site where these 23 affordable housing units might be built. He was uncomfortable with a TBD determination because the City has been down that road so many times and it usually ends up with the developer paying a fee-in-lieu.

Mr. Bush understood the concern. He explained that in the short time frame they have not been able to identify the locations. Mr. Bush stated that as a condition of this MPD, the Staff has recommended tying the two future hospital addition phases to the certificate of Occupancy. The CO would not be issued until the affordable housing units are in service. IHC agreed with the Staff recommendation to address the issues raised by the Planning Commission. Mr. Bush stated that he has been working on the commitment Commission Strachan requested, but he had nothing definitive to bring to the Planning Commission at this point. Mr. Bush clarified that the plan is to work on this, as well as other potential

issues, and bring back another MPD amendment within the next few months so they could have that conversation long before 2019 to resolve the issue.

Commissioner Strachan asked if IHC would agree to a condition of approval stating that they return in 6 months with assigned affordable housing locations for those 23 units. Mr. Bush was amenable to that type of condition because the intention is to come back and work through the details.

Commissioner Phillips concurred with Commissioner Strachan regarding the affordable housing. He also agreed with the comments regarding the parking. Commissioner Phillips liked the idea of having lots 6 and 8 vacant creating open space. He was comfortable with the parking plan because it is the most user friendly to the proposed addition. Commissioner Phillips was not bothered by the height exception because it was in keeping with the existing structure. He had no issues with the below grade storage.

Chair Worel stated that her questions had already been asked by the other Commissioners. She asked if the Commissioners were open to the condition of approval suggested by Commissioner Strachan.

Commissioner Band did not believe the condition was necessary since the applicant had met the obligation for this building. However, she was not opposed to the condition if the other Commissioners preferred to include it.

Commissioner Thimm thought the condition was a good strategy. The applicants were not opposed to it and it was a reasonable approach. Despite the fact that there is diminishing availability at some point, he believed that identifying the location now rather than later was important to the City.

Commissioner Joyce concurred. He also favored the Staff recommendation to tie the certificate of occupancy to the affordable housing obligation.

Planner Whetstone reported that Rhoda Stauffer, the City Housing Specialist, was in attendance to explain why there needed to be consistency with the existing annexation agreement, since other agreements have occurred and Park City Heights was building the affordable housing rather than IHC. Planner Whetstone stated that the first phase of Park City Heights contains all 44.78 affordable housing units and 28 townhouses. Those will be the first building permits, along with some of the attainable units. She commented on the difficulty of adding a condition on the 44.78 units, other than to say that it will be consistent with the conditions of the annexation agreement.

Rhoda Stauffer explained that the 44.78 units are fulfilled in the Park City Heights development, and that the delay was only due to the environmental cleanup on the site. The Park City Heights project is proceeding and those affordable units will be built within the next couple of years; satisfying the obligation through Phase 2 of the IHC development.

Planner Whetstone had drafted language for Condition #19, "The applicant agrees to return to the Planning Commission within six months of this approval with a revised affordable housing phasing plan to address options for location of the remaining 23.3 affordable housing AUEs." Commissioner Strachan was comfortable with the language.

Commissioner Thimm asked about a condition to address the parking analysis suggested by Commissioner Strachan. Planner Whetstone believed that the general phasing of the parking ultimately complies with the 60% requirement for structured or tiered parking. However, the Staff was interested in seeing a parking analysis to understand how the parking achieves the 60%, and where it is located and how it is used. Planner Whetstone remarked that the condition in the CUP would address that concern.

MOTION: Commissioner Phillips moved to APPROVE the master planned development amendments of the Park City Medical Center, based on the Findings of Fact, Conclusions of Law and Conditions of Approval in the Staff report as amended with the addition of Condition #19 as read by Planner Whetstone. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 900 Round Valley Drive - MPD

1. The Intermountain Healthcare Master Planned Development is located on Lots 1, 2, 6, 7, 8, and 10 of the Subdivision Plat for the Intermountain Healthcare Park City Medical Campus / USSA Headquarters and Training Facility and includes 127 acres. Lot 2 (8.492 acres) is dedicated as open space.

2. The Annexation Agreement and proposed Master Planned Development for IHC includes a Intermountain Healthcare Hospital of 300,000 square feet (180 Unit Equivalents) and Support Medical Office space of 150,000 square feet (150 Unit Equivalents).

3. The City agreed that up to 50,000 square feet of the total Support Medical Office area may be developed within, and in addition to, the 300,000 square foot hospital. The City also agreed that up to 50,000 square feet may be utilized for public/quasi-public and other institutional uses reasonably related to the Support Medical Office area.

4. The applicant requests that the 50,000 square feet of Support Medical Office uses identified for Lots 6 and 8 be incorporated within the Medical Center building on Lot 1.

5. The applicant requests that a revised phasing plan be approved for the amended MPD. The amended phasing plan includes phasing of uses (Hospital Uses and

Support Medical Office uses, parking, and affordable housing). The amended phasing plan was reviewed by the Planning Commission on October 8, 2014.

6. The property is located in the Community Transition (CT) zoning district.

7. The MPD is being processed concurrent with a Conditional Use Permit for the Second Phase of construction.

8. This property is subject to the IHC/USSA/Burbidge Annexation plat approved by the Park City Council on December 7, 2006, with an effective date of January 1, 2007. An Annexation Agreement for this property was recorded on January 23, 2007.

9. The Annexation Agreement is the Development Agreement for the MPD and sets forth maximum building floor areas, development location, and conditions related to developer-provided amenities on the various lots of the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility amended subdivision plat, such as roads, utilities, and trails.

10. A final subdivision plat known as the Subdivision Plat (Amended) for the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility was approved and recorded at Summit County on November 25, 2008.

11. The Master Planned Development and Conditional Use Permit for Phase Two were submitted for concurrent review and approval.

12. The maximum Building Height in the CT District is 28 feet (33 feet with a pitched roof).

13. Additional Building Height is requested as part of this MPD amendment to allow the same height exceptions as were previously approved with the original MPD for Phase 2 construction. The main entry/clerestory is proposed at 15'-4" over the zone height with a chimney at 19'-9" over height. No floor area is increased by these architectural elements. A lobby clerestory (+10'-3") and pitched mechanical

screening roof (+16'-7") also are not adding floor area. The two wings that house inpatient care and medical offices are 12'-9" and 10'-3", respectively, over zone height at the highest point. The building could meet zone height if spread out further on the site. Because of the need in a hospital for exceptional mechanical systems, particularly air handling, the floor to floor height is 14 feet, as compared to a usual 9-10 feet floor to floor construction in residential and commercial construction. Phase 2 heights are similar to those granted with the original MPD.

14. Additional building height, as reviewed by the Planning Commission on August 27, 2014 and October 8, 2014, complies with the criteria for additional building height per LMC Section 15-6-5 (F).

15. The proposed Phase 2 addition is in compliance with the LMC criteria in Chapter 6 regarding additional height that can be granted for a Master Planned Development, specifically, the façade shifts and building articulation, materials, and details create architectural interest and break the building into areas of varying height and mass. Landscaping and setbacks provide mitigation of visual impacts from adjacent properties.

16. The CT zoning district requires a minimum of 60% of the parking for an MPD to be provided in a structured or tiered parking configuration. A parking structure is proposed in the rear of the hospital and the applicant is requesting the phased approach for compliance at full build-out continue to apply to this MPD amendment. The initial phase is for 92 structured spaces and 327 surface spaces (419 total). The 92 structured is only 22 percent of the total in the first phase. Following the second phase there would be 304 structured or screened spaces (35.2%) and 863 total spaces. Following the third phase there would be 460 (45%) structured or screened spaces and 1019 total spaces. At final build-out the phasing calls for 855 (60.5 %) structured or screened spaces and a total of 1,414 spaces. The Planning Commission discussed the phase request at the October 8, 2014 meeting. The MPD amendment changes the phasing of the final structured parking due to construction phasing of the of the hospital uses to the final phases.

17. The setbacks within the CT zone are twenty five feet (25') in the front, rear, and sides. The building complies with these setback requirements.

18. Construction is subject to plat notes and all conditions of approval of the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility amended subdivision plat recorded at Summit County on November 25, 2008 regarding trails, access, and utility easements and

19. Trails and linkages to trails shown on the City's Master Trail Plan shall be maintained in accordance with the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility amended plat and conditions of the Annexation Agreement.

20. A redundant water system is necessary for the health, safety and welfare of the development. IHC paid \$16,000 per ERU to the City for water within 10 business days of the original MPD approval in accordance with Section 8 of the Annexation Agreement. In addition, IHC contributed \$800,000 for development of a second, redundant, source of water as provided in the amended water agreement pursuant to Section 8 of the Annexation Agreement.

21. A signalized intersection with location and associated improvements to State Route 248 approved by the Utah Department of Transportation was finalized with the amended subdivision plat. Other traffic mitigation measures and costs associated with those measures were approved by agreement between parties in accordance with the annexation agreement and have been completed.

22. As part of the initial IHC MPD the following items were agreed to by the applicant as mitigation for the loss of the use of a planned ball field at the Park City Recreation Complex for the access road. These items have been satisfied by the applicant:

a) IHC was required to pay Park City Municipal Corporation \$50,000 to compensate the city for actual costs the city incurred to prepare the ground for the future ball field.

b) IHC was required to pay Park City Municipal Corporation the actual costs incurred by the city for a way finding sign at the junction of Round Valley Drive and the road leading to the recreation complex and the National Ability Center (F. Gillmor Drive).

c) IHC was required to pay for and construct an 8' wide paved trail connection on the recreation complex property. This trail connection will connect: the paved trail at the south west corner of the recreation complex with the paved trail to be built by Intermountain on our property, adjacent to both USSA and the hospital.

d) IHC was required to enter into a shared parking agreement with Park City. The hospital will share up to 300 parking spaces at full build-out on weekends for park and ride lots for city events. IHC and the City will work together to establish a Parking Management and Phasing Plan to manage

the use of these 300 spaces and establish a phasing plan for use of fewer spaces prior to full build-out. Intermountain would have the ability to reduce this number through the Management Plan or if both parties agree in writing based on lack of availability through normal use or ultimate build out of the Medical Campus. The Plan would include anticipate use schedule to allow notification of employees when certain lots would not be available for employee use on weekends.

e) IHC will replace the storm water detention basin that will be removed through the construction of the road.

f) IHC will construct a temporary, paved driveway from SR 248 to existing Gillmor Drive, as it runs east to west at the south west corner of the recreation parcel, just south of the proposed signalized intersection. This will facilitate temporary access for the NAC and recreation complex while the road improvements and infrastructure are being built. Exact location and design are subject to UDOT and Park City approvals.

g) It is likely that due to the new road alignment, the City will have to modify the Recreation Subdivision to locate the new Round Valley Drive road within a platted right-of-way. Should this be necessary, the City will coordinate necessary drawings and approvals, but Intermountain will be responsible for the cost of all necessary submittal documents and plats. The amended subdivision, if necessary, would be required prior to issuance of full permits for either USSA or the Hospital.

h) IHC will design and construct 30 trailhead parking spaces to the reasonable satisfaction of the City Engineer on the Park City Recreation Complex. The exact location will be determined by Park City, but will be in the general vicinity of the approved plan, adjacent to the new road.

23. The Analysis section of this staff report is incorporated herein.

Conclusions of Law – 900 Round Valley Drive - MPD

1. The MPD amendment, as conditioned, complies with all the requirements of the Land Management Code.

2. The MPD amendment, as conditioned, meets the minimum requirements of Section 15-6-5 of the LMC Code.

3. The MPD amendment, as conditioned, is consistent with the Park City General Plan.
4. The MPD amendment, as conditioned, provides the highest value of open space, as determined by the Planning Commission.
5. The MPD amendment, as conditioned, strengthens and enhances the resort character of Park City.
6. The MPD amendment, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible.
7. The MPD amendment, as conditioned, is Compatible in Use, scale and mass with adjacent Properties, and promotes neighborhood Compatibility.
8. The MPD amendment provides amenities to the community so that there is no net loss of community amenities.
9. The MPD amendment, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.
10. The MPD amendment, as conditioned, meets the provisions of the Sensitive Lands provisions of the Land Management Code. The project has been designed to place Development on the most Developable Land and least visually obtrusive portions of the Site.
11. The MPD amendment, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections.
12. The MPD amendment has been noticed and public hearing held in accordance with this Code.

Conditions of Approval – 900 Round Valley Drive - MPD

1. All standard conditions of approval apply to this MPD amendment.
2. All applicable conditions of approval of the IHC/USSA Annexation Agreement shall apply to this MPD amendment.
3. All applicable conditions of approval of the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility amended subdivision

plat shall apply.

4. A final water efficient landscape and irrigation plan that indicates snow storage areas is required prior to building permit issuance for all construction phases subject to the MPD amendment.

5. Where landscaping does occur, it should consist primarily of appropriate drought tolerant species. Lawn or turf will be limited to a maximum of fifty percent (50%) of the Area not covered by Buildings and other hard surfaces and no more than seventy-five percent (75%) of the above Area may be irrigated. Landscape and Streetscape will use native rock and boulders. Plantings will not be mulched with rock. Lighting must meet the requirements of LMC Chapter 15-5, Architectural Review.

6. All exterior lights must conform to the City lighting ordinance and shall be submitted for review and approval with Building Permit plans for construction subject to this MPD amendment. Parking lot lighting shall be on a timing system to allow for minimal lighting when the facility is not open. The timing system and building security lighting shall be indicated on the Building Permit plans and inspected and approved by staff prior to issuance of a certificate of occupancy.

7. All exterior signs require a separate sign permit. Application for a sign permit shall be made to the Planning Department prior to installation of any temporary or permanent signs.

8. Exterior building materials and colors and final design details must be in substantial compliance with the elevations, color and material details exhibits and photos reviewed by the Planning Commission on October 8, 2014, match and/or complement the existing building, and shall be approved by staff prior to building permit issuance.

9. The final building plans, parking lot details and landscaping, and construction details for the project shall meet substantial compliance with the drawings reviewed by the Planning Commission on October 8, 2014. The Planning Department shall review and approve the final Landscape Plan.

10. Utility and grading plans, including all public improvements, must be approved by the City Engineer prior to Building Permit issuance. A guarantee for all public improvements, to be determined by the City Engineer, is required prior to issuance of a full building permit.

11. A Construction Mitigation Plan must be approved by staff as a condition precedent to issuance of any building permits.

12. A storm water run-off and drainage plan shall be submitted with the building plans and approved by the City Engineer prior to issuance of any building permits, to mitigate impacts on adjacent property. The plan shall follow Park City's Storm Water Management Plan and the project shall implement storm water Best Management Practices.

13. Approval of a fire protection plan for the building shall have been made by the Building Official prior to any full building permit being issued. The fire protection component of the plan shall ensure that Park City's ISO rating is not negatively affected by construction of the building.

14. A detailed review against the Uniform Building and Fire Codes in use at the time of building permit submittal is a condition precedent to issuance of full building permit.

15. Trail access shall be maintained to the greatest extent possible during construction of future phases of the MPD. Any damage to existing paved trails shall be repaired prior to issuance of a certificate of occupancy for each phase of development.

16. Prior to issuance of a building permit for any future phases of construction, the applicant and Staff shall verify that all items agreed to by the applicant listed in Findings of Fact # 21, as mitigation for the loss of the use of a planned ball field at the Park City Recreation Complex, have been completed.

17. One year after issuance of a certificate of occupancy for the next phase of construction the Applicant shall conduct and present to the Planning Commission, a parking study of the Medical Center site (parking utilization for various uses, parking utilization of various lots, use of alternative modes of transportation, etc.). The study shall include professional recommendations addressing the potential impact of reduced parking ratios for in future phases and a comprehensive program to increase utilization of any underutilized parking areas.

18. A Development Agreement specifically for the IHC Master Planned Development, as amended, shall be ratified by the Planning Commission prior to issuance of a building permit for the next phase of development. The Agreement shall reiterate all applicable requirements of the Annexation Agreement, as well as zoning requirements related to findings, conclusions, and conditions of approval of the MPD. The Development Agreement shall include the revised phasing plan for all future construction and uses, parking, affordable housing, landscaping, and public

improvements. The Development Agreement shall include an express reservation of the future legislative power and zoning authority of the City, a copy of the approved MPD plans and any other plans that are a part of the Planning Commission approval, a description of all Developer exactions or agreed upon public dedications, an agreement to pay all specified impact fees; a description of the form of ownership anticipated for the project; and a list and map of all known Physical Mine Hazards on the property.

19. The applicant agrees to return to the Planning Commission within six months of this approval with a revised affordable housing phasing plan to address options for location of the remaining 23.3 affordable housing AUEs.

2. 900 Round Valley – Park City Medical Center – Conditional Use Permit for Phase 2. (Application PL-14-02424)

Planner Whetstone reviewed the request for a conditional use permit for the next phase of the Park City Medical Center, consisting of 82,000 of new building for a medical support physician's offices, an education center, a wellness center, administrative space for the hospital and shell space for further needs. In addition, 3800 square feet of new hospital space for a procedure center was being proposed, of which 2800 square feet already exists. With the additional 1,000 square feet, the total was 83,000 square feet of new structure to be located on Lot 1 of the Second Amended Intermountain Healthcare Medical Campus, subject to the IHC MPD.

Dan Simpson, the project architect, had worked with Tanya Davis to prepare a presentation walking through the proposed design of the new clinic expansion. Mr. Simpson stated that the building was designed to be aesthetically consistent with the existing hospital building. The blue area identified hospital uses. The first areas of purple and yellow represented existing structures. Mr. Simpson identified the line between the new and the old. The site plan showed that the primary public points of access and the internal circulation flow consistently from the existing building to the new addition. Mr. Simpson reviewed the circulation in terms of the grades and the entrances.

Mr. Simpson presented the existing building and the new proposal at the same scale and in combination. He reviewed the existing features and the proposed new features and pointed out the compatibility of architectural features, modulation and materials. Mr. Simpson presented a rendering of the new proposed addition. He stated that the same combination of materials in the existing building would be used for the addition, with the exception of a few adjustments. He stated that they tried to take hues from the original architecture to make it similar in terms of detailing and material, as well as for building organization. Mr. Simpson pointed out that the existing entrance has a gable that reaches

out towards the front. It is larger and more robust and it is backed up by a tower. The intent is to create a smaller version of that entrance. The extension of the building was broken by a setback, which provided the opportunity to project the gable.

Mr. Simpson presented a view of the proposed addition where the same materials and sloping roofs mimicked the existing building. They elected to propose a flat roof at the lobby zone to the left of the gable entrance. The same stone would be used. The roof pitches in general would also match. Mr. Simpson believed they had designed a very consistent extension. He showed how they had incorporated some of the colored metal siding that was used on the existing building. He commented on the amount of articulation throughout the design.

Mr. Simpson stated that the main materials are wood, stone, glass and roof. The idea to bring the natural materials to the inside to give a sense of light and openness works well.

Mr. Simpson stated that in talking with IHC, there was a strong interest in keeping the scale and the family of the metal panels, but changing the color. He presented a sample showing the color of the existing panel, as well as a panel shown in a deeper colored taupe proposed for the addition. It is the same hue but deeper in tone. Mr. Simpson stated that the stone, the color of the wood and the wood timbers were consistent with the existing building.

Ms. Davis presented a series of slides showing the pedestrian pathways and the site design. She noted that landscape treatment was an issue raised at the last meeting. She showed a preliminary landscape plan that uses similar plant materials as the existing landscaping; however, attention was given to the tree species that survived and the ones that did not do as well so they would not repeat that pattern. Ms. Davis provided a series of detailed sections to give an idea of how the grade works on the site and how the landscape helps to screen. She indicated the added berm which was partially underway and would be finished when the building itself is excavated. The berm would be seeded with the same seed mixture that was used on everything outside of the ring road. Ms. Davis reviewed a section and elevation through the east parking lot which showed how everything tiers down. She indicated a terrace and plaza on grade at the education center, which provides a landscape amenity.

Commissioner Thimm stated that in looking at the mass and articulation of the building, and carrying the refinement of the existing buildings to the future phases appeared to be well-done. He thought it was important to keep the same materials so in future years it will feel like all the pieces were built at once. Commissioner Thimm was concerned about changing the color of the metal because of the strong elements and pieces of the building

that appear to have the metal cladding treatment. He asked Mr. Simpson to define how that would occur, because he believed that continuity was important.

Ms. Davis pointed out that the metal would not be seen from the front. Mr. Davis stated that there were three thoughts. The first is that the front of the building is where people approach and it is the most unified. The color of the metal only appears in one location on the north face of the entrance. Mr. Simpson explained that they wanted to do a compatible color and believed that two colors might be a good combination. He suggested that they think of it as a campus rather than a single structure. They thought they could be consistent with the form and the principle materials, and that the secondary materials could create a family. Mr. Simpson indicated the natural break points that were divided by stone in all cases. He pointed out the areas where the darker metal would be applied.

Commissioner Thimm understood that one inside corner that moves from the existing building to the new addition was the only place where the two colors would touch. Planner Whetstone pointed out that the darker metal holds the color a little better than the existing color which is starting to lighten. Commission Thimm agreed that a valid reason for using two colors was that the structure that was built four years ago was already changing in color and even if they used the same color it would not match. Commissioner Thimm thought they had done a good job on the end of the building where they articulated and brought the roof lines down. He felt it was important to maintain the scale. He believed the human elements and announcing the entries properly was well-done and he appreciated the design.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Strachan echoed his comments from the MPD discussion. He suggested that they add a condition of approval regarding the additional parking as he had mentioned during the MPD discussion. Commissioner Strachan liked the architecture. He appreciated the detail the architects had provided because it helps the Planning Commission get a better understanding of how it will look. He thanked them for doing a great job. Commissioner Worel concurred.

Commissioner Phillips thought everything looked great.

Commissioner Joyce asked Planner Whetstone about the condition of approval she had mentioned regarding the parking plan and the small piece that would not be built. Planner

Whetstone noted that it was Condition #9 on page 305 of the Staff report. She read, "Construction of the furthest east, and lowest tier of parking on the north side of the entrance drive (approximately 58 spaces) shall be delayed until results of a professional Parking Study clearly indicate that existing parking is insufficient and that screened and structured parking in the rear is well utilized." She indicated the location of the 58 spaces. Planner Whetstone clarified that the Staff wanted a parking study that described the situation.

Commissioner Joyce did not see a need for Condition #9 because it does not address any of the concerning issues. He was concerned with the visibility of the existing parking and how it ties into a structure versus unstructured. Commissioner Joyce remarked that IHC had already reduced the amount of parking and they would be the one paying the consequences if there is not enough parking. When he visited the site the entire parking deck was 100% full and the upstairs was full. Commissioner Joyce referred to the landscape plan showing the landscaping around the parking area. He pointed out that regardless of what was done to protect the view corridor from Kearns Boulevard, the parking was very visible, particularly as it gets closer to Highway 40. Commissioner Joyce stated that more people drive Highway 40 than Kearns Boulevard. He believed there was an opportunity to increase the landscaping around the ring road to do a better job of providing a visual block between the ring road and the parking lot. Additional landscaping would make him feel better about deviating from the original parking plan.

Mr. Kohler stated that the detection pond for site runoff is located near the ring road and they need to be careful about what they plant in that area. Mr. Bush noted that it was also County open space in terms of the disturbance zone. He was unsure how many feet beyond the ring road was part of the disturbance area versus being left as part of the open space. Planner Whetstone believed the applicant could enhance that area with landscaping that is consistent with native landscaping. Mr. Kohler clarified that they anticipated planting trees as well as shrubs to screen the parking. Commissioner Joyce asked them to also think about landscaping in the front area.

Commissioner Band was interested in seeing the parking study. She agreed with Commissioner Joyce regarding the landscaping and trying to mitigate what could be viewed from the road as much as possible. Commissioner Band stated that she personally would have liked to have seen a color slide showing the two color panels and the differentiation between the two colors.

Commissioner Thimm thought the building height made sense based on the floor to floor heights that are needed for a facility such as this. In terms of continuity with the existing building, he believed that continuing the roof line was the right move. Commissioner Thimm had no issues with the storage space under the building.

Chair Worel asked how the other Commissioners felt about removing or keeping Condition #9. Cy Hunt asked to speak to the issue before the Commissioners responded. He explained that it was where the conference parking would likely be. The parking lot directly to the west of the education would be for those coming into the education center and it has 52 parking spots. If they have a larger education event, the section they were talking about taking out is where that parking would be. When using the education center for a larger conference, it would infringe on patient parking. That was his concern for removing the parking.

Planner Whetstone believed the Staff anticipated having the study prior to the CO of this building to see if the parking was actually needed. If the structured parking was not being utilized, there would be no reason put in additional surface parking. Commissioner Joyce stated that IHC was putting in 82,000 square feet of new and different space. He could not understand what they would accomplish by doing a study on that space before the CO to make a judgment of how the parking would be utilized. Commissioner Joyce stated that no one has complained about there being too much parking. If the concern is that the parking is under-utilized then they need to have that discussion.

Commissioner Strachan did not believe under-utilization was the issue. The intent is to steer the applicant towards structured parking as opposed to surface parking, particularly on the northeast corner that can be seen from Highway 40. Commissioner Strachan thought Condition #9 needed to be revised to say that the applicant must come back and show the Planning Commission why the additional parking they need could not be structured. Commissioner Joyce asked if Commissioner Strachan was tying the language to this phase or Phase 3 and 4. Commissioner Strachan replied that it was Phase 3 and 4.

Commissioner Strachan suggested that they phrase the condition to say that nothing shall be done as part of this CUP that jeopardizes the ability to enlarge the structured parking in further phases. Commissioner Joyce stated that his preference would have been for the applicant to build a proportionate portion of the structured parking in this phase. He felt like parking was similar to affordable housing in that it keeps getting promised and put off. Commissioner Joyce understood the financial issues associated with building structured parking in pieces versus all at once, and he thought that was reasonable. He encouraged stronger landscaping to buffer and screen the parking. Commissioner Joyce wanted it understood that the Planning Commission expects the structure parking to be built in Phase 3.

Commissioner Phillips concurred. He believed the Planning Commission had been generous to this point but they did have expectations for the next phase.

Chair Worel asked if there was consensus for removing Condition of Approval #9. Commissioner Thimm stated that from a practical standpoint and a design standpoint, he would like to see the parking built out and that phase of the project, including the landscaping, completed now. In his opinion, that approach was better than tearing up the surface in the future and putting in a 58 stall lot. In terms of the landscaping, Commissioner Thimm asked if the landscape ordinance requires levels of maturity, size and density of the planting materials that the Staff would feel is sufficient to provide screening. Planner Whetstone explained some of the requirements were in the ordinance. Director Eddington recalled that sufficient landscaping was addressed in the conditions of approval. The Staff has some flexibility to work with the applicant on berming and landscaping. IHC has been amenable in the past and he believed they would continue to be in the future.

Chair Worel clarified that there was consensus to remove Condition of Approval #9.

Commissioner Thimm asked if the matrix that was presented this evening that showed the phase by phase generation of cars would be tied to this CUP approval. Planner Whetstone replied that it was approved as part of the Master Planned Development Amendments, but it could be amended in the future. Commissioner Thimm asked if there was anything contradictory to the idea of increasing the structured parking earlier rather than later. Mr. Bush stated that the matrix included adding structured parking with the Phase 2 hospital addition in five years. If they did not have that, they would have to come back and request an MPD amendment to have it removed. Commissioner Strachan assumed the MPD would be amended several times before the project was fully built out.

MOTION: Commissioner Phillips moved to APPROVE the conditional use permit for the Park City Medical Center Phase 2, based on the Findings of Fact, Conclusions of Law and Conditions of Approval as amended by removing Condition #9 and renumbering the conditions of approval. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 900 Round Valley - CUP

1. The Conditional Use Permit is for Phase 2 of the IHC Hospital and Medical campus in the CT-MPD zoning district.
2. The Conditional Use Permit requests an addition to the Park City Medical Center consisting of 82,000 square feet of new building for medical support, physician offices, an education center, an expanded wellness center, administrative space for the hospital, and shell space for future short term needs. In addition, 3,800 square

feet of new hospital space for a procedure center is proposed (1,000 square feet of new construction and 2,800 sf of existing shell space that will be finished).

3. The annexation plat was approved by the Council on December 7, 2006, with an effective date of January 1, 2007.

4. The second amended Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility subdivision plat was approved by the Council and recorded at Summit County on November 25, 2008. The CUP is proposed to be located on Lot 1 that includes a total lot area of approximately 99 acres. Lot 2 is 8.5 acres and is designated as open space for the MPD.

5. The entire annexation area is 157.243 acres and is subject to an Annexation Agreement.

6. The Annexation Agreement and proposed Master Planned Development for IHC includes an Intermountain Healthcare Hospital of 300,000 square feet (180 Unit Equivalents) and Support Medical Office space of 150,000 square feet (150 Unit Equivalents).

7. The City agreed that up to 50,000 square feet of the total Support Medical Office area may be developed within, and in addition to, the 300,000 square foot hospital. The City also agreed that up to 50,000 square feet may be utilized for public/quasi-public and other institutional uses reasonably related to the Support Medical Office area, including without limitation: athletic national governing body offices, non-profit community wellness facilities, and/or education uses.

8. Access to the site is from Highway 248 through the Park City Recreation Complex.

9. The proposed first phase of the hospital included a 122,000 square foot hospital building with 50,000 square feet of medical offices (41,000 square feet finished). A separate 25,000 square foot medical support building was constructed on Lot 7 and a separate 25,000 square foot building was constructed on Lot 10 as a community benefit to house the People's Health Center and the Summit County Health Department offices and clinics. Both individual buildings were approved with separate CUPs.

10. The proposed Conditional Use Permit is consistent with the approved Master Planned Development for IHC.

11. The maximum Building Height in the CT District is 28 feet (33 feet with a pitched

roof). Additional Building Height is being requested by the applicant. The main entry/clerestory is approximately 15'-4" over the zone height with a chimney at 19'-9" over height, similar to the Height of the first building. No floor area is increased by these architectural elements. Clerestory (+10'-3") areas and pitched mechanical screening roof (+16'-7") also are not adding floor area and provide architectural articulation and break up the facades. The two wings that house existing inpatient care and medical offices are 12'-9" and 10'-3", respectively, over zone height at the highest point. The applicant requests similar height exceptions for this CUP. The addition could meet zone height if spread out further on the site. Because of the need in a hospital for exceptional mechanical systems, particularly air handling, the floor to floor height is 14 feet, as compared to a usual 9-10 feet floor to floor construction in residential and commercial construction. The proposed building complies with the granted height exception as stated in the MPD approval.

12. The proposed building complies with the volumetric approved in the MPD; specifically, the façade shifts and roof shifts create architectural interest and break the building into smaller components.

13. The setbacks within the CT zone are twenty-five feet (25') on all property lines. Setbacks are the minimum distance between the closest of the following: property lines, platted streets, or existing curb or edge of street. The building complies with all setback requirements.

14. The Analysis section of this staff report is incorporated herein.

Conclusions of Law – 900 Round Valley - CUP

1. The CUP, as conditioned, is consistent with the IHC Master Planned Development and the Park City Land Management Code.
2. The CUP, as conditioned, is consistent with the Park City General Plan.
3. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval – 900 Round Valley - CUP

1. All standard conditions of approval apply to this Conditional Use Permit.

2. The Planning Department shall review and approve the final Landscape Plan prior to issuance of a building permit. The plan shall include water efficient landscaping, an irrigation plan, snow storage areas, defensible space requirements, screening of parking as viewed from the access street and US 40 corridor, and adequate pedestrian circulation elements.

3. All exterior lights must conform to the City lighting ordinance. Final compliance with the City's Lighting Ordinance will be verified at the time of building permit plan review and prior to issuance of a certificate of occupancy.
All exterior signs require a sign permit.

4. Materials color samples and final design details must be consistent with the existing building and in substantial compliance with the elevations reviewed by the Planning Commission on October 8, 2014 and approved by staff prior to building permit issuance.

5. The final building plans and construction details for the project shall meet substantial compliance with the drawings as reviewed by the Planning Commission on October 8, 2014.

6. Utility and grading plans must be approved by the City Engineer prior to Building Permit issuance.

7. All conditions of the Master Planned Development, as amended continue to apply.

8. Affordable housing for this phase of construction shall be satisfied per requirements and stipulations of the IHC Annexation Agreement.

9. Prior to approval of the parking and landscape plans, additional pedestrian circulation and sidewalks shall be provided to enhance connectivity between the parking lots and the building entrances.

3. Bonanza Park and Form Based Code – Review of draft code and receive further policy direction. (Application PL-13-01903)

Planner Christy Alexander reported that the Planning Commission held a meeting on September 16th to discuss Bonanza Park and Form Based Code. They were presented with the history of why Form Based Code was created for Bonanza Park. Planner Alexander stated that the Staff had not made changes to the draft code so they could

convey the current policy direction that was received during previous City Council and Planning Commission meetings and any direction given this evening.

Planning Alexander stated that the intent this evening was to take the comments and recommendations given by the Planning Commission on September 16th and review the seven main policy points outlined in the Staff report. The Staff requested that the Planning Commission provide direction this evening so they could move forward with more of the specifics of the Code.

The first item was parking requirements. Planner Alexander commented on the parking requirements in Form Based Code and explained why Form Based Code was similar to conventional zoning in the fact that minimum parking standards are established within it. The difference is that the primary approach to parking within Form Based Code is to minimize the appearance of parking from the street by placing the parking lots to the side and rear of buildings. Form Based Code also maximizes on opportunities to create shared parking lots between different buildings and different uses. Where the uses may be mixed, the parking could be shared between commercial businesses who use the parking during the day, and residential units when residents are home to use the parking at night.

Planner Alexander noted that Table 5-1 on page 355 of the Staff report stipulates the parking ratios for the different areas of mixed use center, resort gateway, civic use center, utilities service, BoPa residential, Hillside residential, as well as additional criteria.

Planner Alexander asked whether the Planning Commission agreed with the standards. The Staff had heard comments from others about minimizing the parking the closer it gets in proximity to transit hubs. Planner Alexander noted that previous discussion talked about the possibility of a future transit hub on City land. However, there have been no decisions or commitments made for a transit hub.

Commissioner Joyce asked if parking spaces or a section of parking could be reserved for residents in a mixed use situation. Director Eddington replied that reserved parking can be done currently on private property and that would not change with Form Based Code. Commissioner Joyce stated that having parking shared between residents and other building uses can be a choice, as long as the minimum requirements are met.

Commissioner Band understood that the idea was to minimize parking because during the day people who live there are away and businesses can use the parking. About the time businesses are closing, the residents return to the parking structure to fill in those spaces. She questioned whether reserved parking as suggested by Commissioner Joyce would accomplish that intent.

Director Eddington stated that the City always tries to encourage shared parking. He assumed most people would default to first come first serve parking. However, if someone wanted to carve out reserved parking for residents they would have that ability.

Commissioner Thimm stated that the issue with shared parking in a mixed use building is that a resident could come home and have no place to park. He believed that dividing a portion of the parking for residential use and making allowances for the amount of additional parking needed was a solution to consider. In terms of the parking in general, Commissioner Thimm noted that in the previous item the Planning Commission talked about 3.45 stalls per 1,000 square feet at the hospital. He believed the numbers were expressed differently for this item. The commercial uses talks about 1 space per 400 square feet, which is approximately 2.5 stalls per 1,000 square feet. Commissioner Thimm pointed out that many people who would be using the parking garage are visiting for a short amount of time and most of them fly in and rent a car. He was concerned that 2.5 spaces per 1,000 square feet for commercial space was a low number. Commissioner Thimm was aware of the ability to increase the parking that exists in footnote number 6, but it was only a 10% increase. He stated that normal commercial parking spaces are thought of as being in the realm of 4 spaces per 1,000 square feet or 1 per 250 square feet. However, if it is in proximity to transportation hubs or a public garage, the parking may be reduced, and suggested that a 15% reduction might be appropriate. Commissioner Thimm was concerned that they were setting themselves up to have parking problems by having a minimum/maximum parking requirement and not allowing enough parking to occur. Commissioner Thimm reminded everyone that they live in a place where they periodically have five degree days with a lot of snow. On those days there are fewer bikers and people enjoying pedestrian routes. They need to make sure they can accommodate the parking without losing opportunities for the use of the commercial products being suggested in the ordinance.

Commissioner Band did not disagree with Commissioner Thimm; however, she recently attended a transportation summit that was put on by the County, and part of the bigger picture is to regionally reduce the transportation. One of the ideas mentioned was a free bus back and forth from the airport. Commissioner Band pointed out that Park City is trying to get people out of their cars, especially the visitors. She noted that Commissioner Thimm mainly focused on visitors and visitors in cars, but the zone has been envisioned as more of a live/work/locals area.

Commissioner Phillips concurred with Commissioner Band. He understood that the Plan is looking many years out. Over the years the plan is try to streamline people in and out of town to avoid big traffic jams. In his opinion, the more parking stalls they create, the more cars they will have jamming the roads into town.

Commissioner Thimm agreed with Commissioner Phillips within reason. He believed some reduction from what was typical would be wise, but he was concerned that they may be going too far and it would create problems. Commissioner Phillips agreed with Commissioner Thimm on that point. Commissioner Thimm used Sugar House in Salt Lake as an example of what happens when there is not enough parking. They end up with people driving around looking for parking and parking where they should not be parking. Commissioner Thimm was not opposed to a parking reduction, but making it mandatory could be problematic.

Commissioner Phillips stated that if the goal is to get people off the road in this area, this was a good starting point. If it becomes a problem he was certain that all interested parties in the area would work together to build a parking structure. Commissioner Phillips believed that additional parking could be adapted if needed, but he was hesitant to start with too much parking.

Commissioner Joyce noted that footnote 6 states that the parking requirement is in a surface parking lot and it does not apply to parking structures. He asked how underground parking fits and whether it would count as a parking structure. Director Eddington replied that underground parking counts as a parking structure. The amount of parking could be increased in a parking structure. Commissioner Joyce clarified that they would not be capping the number of parking spaces. It would only be capping the parking sprawl around the buildings.

Commissioner Strachan stated that his thoughts had not changed from the last few meetings. He thought the City needed to subsidize either an underground parking structure or surface parking. Commissioner Strachan noted that Bonanza Park would not be developed at one time. He believed the parking ratios would have to be tweaked because each development would be different and the parking ratios would be different based on the uses. Commissioner Strachan thought the City should have a structure in place before the developments go in. The developers would be given another incentive to build a project with potentially low parking ratios, because the parking structure could be used for overflow parking and the developer only has to pay the decreased subsidized market value. Commissioner Strachan was unsure of the cost or how it could be accomplished but the details could be worked out later. He did not believe it was sufficient to establish parking ratios that apply to every development regardless of the size. Commissioner Strachan also thought they needed a provision that allows an exception greater than 10%. If they want to encourage larger developments to take advantage of Form Based Code, they need the ability to tweak the parking ratio if the applicant can show a need.

Commissioner Band asked if there was a variance mechanism for any particular hardship that may arise. Commissioner Strachan was uncomfortable with the idea of relying on the variance process. Planner Alexander noted that the Code allows for minor modifications that would come back to the Planning Commission.

Commissioner Joyce noted that Form Based Code is supposed to be predictable to avoid long negotiations. Form Based Code has an established set of rules that the developers work towards. In theory, most of the developments would not come before the Planning Commission because they would be built to the regulations of Form Based Code and approved by the Planning Department. Commissioner Joyce stated that they needed to be careful in expecting that variances would be requested and the Planning Commission would see the projects.

Commissioner Joyce noted that there were use restrictions in the different zones within Bonanza Park, with the idea of residential on top and retail/office spaces below. However, the idea is that the building can be constructed as office space today and retail tomorrow. He cautioned against getting into a position of trying to determine a parking ratio for all the uses that might occur in that building. He felt that approach was too much like the old Code rather than what they were trying to move towards.

Director Eddington stated that under the current Code, if someone has an office that converts to a bar, the owner has to be able to achieve more parking. He agreed that it is currently a challenge. Director Eddington thought the Commissioners made a good point in terms of giving more flexibility and he suggested the possibility of a 25% exception. Commissioner Thimm believed 25% was a good starting point.

Chair Worel agreed with a higher percentage. She remarked that Bonanza Park is supposed to be where the locals shop and work and play. She pointed out that not everyone in town lives on a bus line and many of the locals will have to drive to Bonanza Park. If they do not have the ability to park, they will go elsewhere. In order for Bonanza Park to survive and be lucrative, they need to take into consideration the locals who do not live in Bonanza Park.

Planner Alexander noted that the BoPa Plan provides on-street parking as well as the parking lots, which is different from the rest of the City where on-street parking is not allowed.

Commissioner Band stated that if they start on the high end of what they believe is necessary and public transportation improves in the future, finding that they need less parking is a better problem than not planning for enough parking.

Commissioner Joyce stated that in looking at the actual layout of the BoPa area, parking is one issue and the transit center is another issue. If they continue to make assumptions about people using the bus system and mass transit or biking and walking, it has to be viable. He believed they were moving in the right direction but some things were contingent on their assumptions. Commissioner Joyce was concerned about putting everything in place without the contingency being met. He agreed with Commissioner Strachan that the City cannot wait until all the businesses are in place to address the parking. The City Council should be the leader if they want to make this happen. Commissioner Joyce stated that if they choose to forward a recommendation to the City Council to approve Form Based Code, he would like their thoughts regarding subsidized parking included in their recommendation.

Commissioner Strachan remarked that the form, shape and use of every project is driven by parking. Building a parking structure before development would relieve the parking pressure. Commissioner Strachan thought a parking structure in Bonanza Park would be beneficial even if Form Based Code is never adopted, because at some point the area will be built out regardless. Parking would still be an issue whether it is built under the old Code or Form Based Code. The Commissioners concurred.

The next issue for discussion was the massing model. Planner Alexander stated that the Planning Department was pursuing bids from different firms to build a 3D massing model. The model would look at major intersections, vistas, and canyon effects to see how it works at complete build-out under the proposed Form Based Code with incentives; as well as the existing Code with height allowances under an MPD. Two models would be compared side by side.

Director Eddington noted that the Staff was reaching out to those who would possibly be doing the model and the estimated completion time was four to five weeks. If the cost exceeds a certain dollar amount the City would have to put out an RFP.

On the issue of Mine Tailings, Director Eddington stated that because a number of people had asked about mine tailings, the soil districts boundary and the associated ordinance were included in the Staff report. He pointed out that whether it is the existing General Commercial Zone, the Light Industrial zone or Form Based Code, the same requirements for soils remediation would apply. Bonanza Park is within the Soil District and the requirement would not change.

Commissioner Thimm had read through the attachment, which talked about landscaping and disturbance; but he did not believe it addressed new construction. Commissioner Thimm noted that the Staff report referred to Municipal Code 11-15-1. However, 11-15-8 actually speaks about what happens during construction and creating a site management

plan, but the heading is called Transit Center Disturbance. Commissioner Thimm asked if that section of the Municipal Code was pertinent to the District outlined on page 357 of the Staff report.

Director Eddington did not have 11-15-8 available to reference. However, he explained that when someone applies for a building permit for landscaping, driveways or other types of construction, the Staff conducts a GIS of the building location and the site location. If the site is within the Soil District, the Building Department works with the applicant to ensure that they meet the soils remediation requirements in 11-15-1. Director Eddington assumed the requirements were the same in 11-15-8. Commissioner Thimm remarked that 11-15-8 follows that path, but it clearly defines that path as being under the purview of the Building Department and having nothing to do with Zoning or Planning. Director Eddington replied that the process is with the Building Department. Commissioner Thimm asked Director Eddington to check and make sure that 11-15-1 addressed the issue as adequately as it was addressed in 11-15-8. Commissioner Thimm understood that the matter was not a consideration from a planning standpoint because it was covered by the Building Department. Director Eddington replied that he was correct.

Chair Worel noted that Building Height was the next issue for discussion. She questioned whether the Planning Commission could adequately have that discussion without the massing model. Director Eddington was not opposed to waiting for the massing model. The intent this evening was to broach the subject so people could fully understand how they got to where they were and the percentages.

Commissioner Joyce recalled some of the credits for additional space in a previous discussion, but he did not remember that the Planning Commission had agreed to give credits for view sheds. Director Eddington replied that it was a discussion that stemmed from the initial meeting with the City Council regarding open space and view corridors. During that meeting some things were added and other things were removed. They still needed to work through the issues and draft appropriate language. Director Eddington acknowledged that they were challenging issues and it would be helpful to have the model for the discussion.

Commissioner Thimm stated that many software programs generate diagrams that can toggle between the tiers and provide a comparison between the proposed and the existing zone. He thought it was important to understand the comparisons and requested that it be part of the direction for the massing model diagrams.

On the issues of Affordable Housing, Director Eddington stated that the Form Based Code proposal for BoPa would be to keep the current affordable housing ordinance in effect and the percentages that apply to three-story structures. Director Eddington remarked that the

proposal for Form Based Code talks about incentivizing attainable or middle income housing above and beyond, which is where they address the fourth and fifth story of a structure. Director Eddington stated that if they incentivize as proposed, they would need to change the affordable housing ordinance to note that it is specific to the language indicated in the four criteria listed on page 359 of the Staff report. He explained that currently affordable housing is required as part of an MPD or part of an annexation. If there are no MPDs in Form Based Code, they would need to outline the requirements for affordable housing in the Housing Resolution. Director Eddington emphasized that the City's current affordable housing ordinance would remain with Form Based Code. He outlined the four criteria that would trigger the affordable housing requirement.

Commissioner Band could find nothing in the criteria that talked about the tiers. Director Eddington replied that it was the criteria without utilizing the tiers. If they decided to address the next level of affordable/attainable middle income housing, which was shown in the matrix on page 360 of the Staff report, they would be looking at opportunities for a fourth and a partial fifth story because it would be adding additional affordable housing to what the Code currently required. Director Eddington stated that typically a developer would be required to add the affordable housing in the equivalent of 100% of the square footage being added to the fourth and the fifth story.

Director Eddington asked if the Planning Commission believed that 100% was the correct amount or whether it should be a lower percentage of the additional space that is dedicated to the attainable housing.

Commissioner Band handed out three pages of affordable housing information. She noted that pages 15 and 16 were from the Housing Affordability from CZB. The third page with the table was given to her by Scott Loomis with Mountain Lands. She has spoken with Mr. Loomis about the tables. Commissioner Band stated that based on the percentages, the fifth tier talks about maximum monthly rent of \$3,000 to \$4,500 per month. She believed those numbers were market rate and should not be tiered at all. Commissioner Band did not think they should be incentivizing market rate housing.

Commissioner Band stated that Mr. Loomis had told her that the lowest end of affordable housing were typically workers in the service industry. Those are the people who would drive their cars and be coming from Heber and other areas. She agreed that Park City has done a great job with affordable housing compared to other cities; however, currently Mountain Land Housing is at 98% occupancy. If they want a place where people live and work and use public transportation, she thought they needed to focus more on the lower end. Commissioner Band understood that the goal for Bonanza Park is to keep people from having to drive from one parking lot to another. However, the second goal is to create

a live/work area. The reason they were talking about fourth and fifth stories was to achieve affordable and attainable housing.

Commissioner Band referred to page 16 of her handout. She had highlighted the middle income range, which is considered the attainable. She read, "At this income range, which primarily includes professional young families, most buyers want a yard and, given the housing options outside of Park City, are willing to commute in order to have one. She believed that was changing a little because younger generations with families are more willing to live in a place without a yard. The trend was slow and it was uncertain how many people would actually do it. Commissioner Band reviewed the percentage shown on page 360 of the Staff report for each tier. Tier 1 was 20%, Tier 2 was 30%, Tier 3 was 30% and those were people making \$83,000 to \$97,000 per year. She questioned whether they would have that many attainable people going after these units. According to the report from CZB on housing affordability, they were already losing that tier of people.

Chair Worel suggested that affordable housing was another discussion that should wait for the massing model.

Director Eddington clarified that the 328% for Tier 5 shown on page 360 of the Staff report was higher than the percentage in the CZB report. He believed they could lower the percentage to somewhere between 200-250%. Director Eddington noted that the CZB report indicated that the tier directly below the 296% AMI was completely priced out. Commissioner Band agreed. Director Eddington acknowledged that the 328% in the Staff report was high and he believed that people in that group may not be interested in a deed restricted unit. Commissioner Band stated that her intent was to point out that people in that particular tier would not be looking for this particular type of housing.

Director Eddington stated that the table would be revised to change the percentage and also to include the income ranges.

Commissioner Joyce asked if a developer built multiple buildings, if the affordable housing provided would be on a complex basis or on a building by building basis. Director Eddington replied that it is based on the project, which could be a complex.

Commissioner Thimm asked if they could be faced with the concept of a phased project and all of the affordable housing goes into the last phase. Director Eddington remarked that the affordable housing would have to occur with the first Certificate of Occupancy. The affordable housing obligation would have to be met at the same time the market rate units are completed in that phase of the project. That requirement was already written into the Form Base Code document.

Commissioner Joyce referred to the previous question of whether the 100% was a good number or too onerous. He has always been concerned about that number because it can be too expensive, particularly based on the comments they have already heard regarding underground parking, etc. Commissioner Joyce wanted a way to get better feedback from the standpoint of developing a project with a one to one ratio for providing affordable housing. They need to make sure it is not so stringent that someone could not afford to build the project or get financing. Director Eddington stated that the Staff shared his concern. The Staff could do a pro-forma analysis for the next meeting. Commissioner Joyce personally felt that the 100% was a broken number and unrealistic.

Commissioner Strachan stated that the 100% may not be a broken number if they could work TDRs into the mix. If a developer agrees to relieve density from projects such as Alice Lode or Treasure Hill for example, the developer could be relieved from the 100% affordable housing requirement. Commissioner Strachan thought the Planning Commission needed to weigh the importance of affordable housing versus moving density from controversial projects. He personally favored moving density off of controversial projects and allowing some relief on the affordable housing requirement in order to accomplish that.

Planner Alexander commented on nightly rentals. Similar to the General Plan process where nightly rental was raised as an issue in Old Town, she asked the Planning Commission for their thoughts on nightly rentals in Bonanza Park. In an effort to keep Bonanza Park a place for locals, the Staff suggested limiting nightly rentals to 20% per project. That would be consistent throughout all of the zones except utility service, which is the substation. Planner Alexander stated that the limitation could be regulated at the start of each project through the Planning Department and tracked through the Finance Department with the yearly business license renewal process. After further discussions regarding affordable housing and in talking with Rhoda Stauffer, the City Housing Specialist, the Staff found that affordable housing does not match well with nightly rentals. If nightly rentals are allowed it becomes more of a commercial use, and the lenders could require 20% down for units. That would price out the affordable housing category. Planner Alexander stated that the Staff was looking more at limiting nightly rentals to the Resort Gateway character zone, primarily because hotels are an allowed use in that zone. Nightly rentals would be prohibited throughout the remaining character zones.

Chair Worel thought it would be difficult logistically to only allow 20% rentals in any given area. Planner Alexander noted that there would be market rate units built in Bonanza Park and if people use those as second homes, those units would be vacant most of the year. To keep the liveliness factor in Bonanza Park they wanted to allow 20% for nightly rentals to keep the units occupied. Director Eddington stated that regulating 20% of each project would be stated at the time of submittal, checked against the CUP, and tracked through the

Finance Department. He noted that it is currently done in neighborhoods with percentage limits on nightly rentals, but it is difficult. It has been a particular challenge with Silver Star and other projects where the nightly rentals have been mixed in with affordable housing. If it becomes a commercial project the affording housing people are priced out by having to put down 20%. In that circumstance they end up pricing out the people they are trying to help.

Commissioner Band thought that was the biggest issue. She could not understand why they would allow nightly rentals in buildings, thereby eliminating the ability to purchase the affordable units. Commissioner Band had contacted the Statistics Committee of the Board of Realtors. She was told that approximately 46% of the people who purchase in Park City are paying in cash. It does not necessarily mean the buyer intends to rent, but it changes the concept. There are no hard statistics, but there is the feeling that the bed base in Park City is diminishing because high-end people purchase nice units but never rent them. Commissioner Band believed that if they build nice units in Bonanza Park, many people would purchase them as second homes, regardless of whether or not nightly rentals were allowed.

Commissioner Joyce stated that his neighborhood has 39 townhouses and 32 houses, and currently in the off-season his neighborhood is dark. Of the 71 units he estimated 10 or 12 were full-time residents and nightly rentals are not allowed. He remarked that limiting or prohibiting nightly rentals would not ensure that the units would be occupied.

Chair Worel asked if there was consensus to limit nightly rentals. Commissioner Band thought nightly rentals should definitely be limited in the BoPa residential and the Hillside residential. She pointed out that currently the Hillside HOA prohibits nightly rentals.

Director Eddington clarified that the direction was to focus nightly rentals more towards Resort Gateway rather than inter-mixing throughout the Districts. The Commissioners concurred.

Commissioner Joyce asked about the owners who currently have nightly rental status in an allowed area of Bonanza Park. Director Eddington replied that nightly rental is renewed on an annual basis. He was unsure whether it would be considered a non-conforming use.

Assistant City Attorney McLean explained the generally nightly rental is a non-conforming use. She would need to research case law and the implications, but she thought there may be a way to phase-out nightly rentals. However, it may require compensation from the City to the owner.

Commissioner Joyce remarked that they needed to be very careful on this issue. He generally likes the idea of limiting or prohibiting nightly rentals, but he was concerned about the implications associated with eliminating existing nightly rentals. Assistant City Attorney McLean stated that if it is a non-conforming use, the use can continue as long as the use is not abandoned.

Commissioner Phillips asked if change of ownership would affect the non-conforming use status. Assistant City Attorney McLean replied that it is based on use and not ownership. A new owner could continue the same use.

The Planning Commission discussed non-conforming uses and non-complying structures and uses. Director Eddington explained that non-conforming uses are the uses allowed in a zone. If the use exists it is allowed to carry on. He did not believe non-conforming uses would be an issue in Bonanza Park because most of the uses allowed under the GC and LI zones have been carried over to the character zones in Form Based Code. When they reached out to the community most people liked the existing uses in Bonanza Park. However, they did not like the layout, the look and the fabric, and that addresses the issue of structure and form. Director Eddington clarified that the language for the Form Based Code remains the same as the current LMC in terms of uses. As long as a non-conforming use is not abandoned for more than a year, the use can continue.

Director Eddington stated that several people have asked about non-complying structures. The concern is whether or not they have the right to repair, alter or remodel their buildings. Director Eddington noted that the LMC issue with regard to non-complying structures is the same. As long as the degree of non-compliance is not increased the structure can be altered. The structure can be expanded as long as it does not cover a setback line in the Form Based Code. Director Eddington noted that the setback lines in the Form Based Code are less restrictive than they are in the General Commercial Zone. If the building currently sits on the setback line the degree of non-compliance cannot be increased. That is consistent with the current zoning and well as the proposed zoning.

Director Eddington and Planner Alexander provided different scenarios to show the ability and flexibility to alter a non-complying structure under Form Based Code. Commissioner Thimm recalled some limitations in Form Based Code regarding maximum square footage for buildings. Planner Alexander replied that anything over 25,000 square feet would need to come before the Planning Commission. Commissioner Thimm asked about existing structures that are over 25,000 square feet. Director Eddington replied that it would be considered non-complying and nothing would change, unless the owner intended to add an additional 25,000 square feet. At that point they would have to come before the Planning Commission. He clarified that he could not remember the exact number and thought it

might be 15,000 square feet. He would need to read the Code to find the maximum square footage.

Commissioner Thimm wanted to make sure that Form Based Code would not step on the rights that already exist. Director Eddington believed that had already been accomplished by matching the current Code.

Commissioner Strachan requested a table for the next meeting comparing the current Code to Form Based Code in terms of the architectural guidelines. Director Eddington stated that it was not apples to apples, but the Staff would try to prepare a comparison. Commissioner Strachan thought hypothetical scenarios would also be helpful, similar to what Planner Francisco Astorga had done with the Old Town uphill and downhill lots when they were considering changes to the LMC. Commissioner Joyce wanted to see a comparison between Form Based Code and the LMC in terms of new construction on vacant lots.

Director Eddington stated that the Staff has reached out to the public and they were starting to reach out to groups such as the Board of Realtors, the Chamber of Commerce and some of the neighborhood group. Reaching out to people will be the main focus over the next few weeks to let them know exactly what is being proposed. Director Eddington reported on a question and answer kick-off meeting last week with the Board of Realtors. They Staff intended to continue that type of communication.

Commissioner Joyce requested that the Staff notify the Planning Commission when those meetings and events occur. Commissioner Strachan recommended that the Staff also walk the streets and talk to people individually and get their feedback. He felt that was much more productive than hiring a consultant to do it.

Commissioner Band commented on the number of public in attendance this evening. It is helpful when people show an interest and make comments and she appreciated their efforts. Chari Worel thanked the public for staying through a very long meeting considering the late hour.

Chair Worel opened the public hearing.

Mark Fischer stated that he owns a lot of property in the Bonanza Park area. Mr. Fischer remarked that many people ask him if he is in favor of Form Based Code or whether he prefers the existing Code. He stated that when they first started this process three or four years ago he was in favor of the idea of a more modern updated code. The presentations made were inviting and he would see incremental value to the properties he owns, and at the same time it would help create a better town for Park City. Mr. Fischer stated that

because of the complications that have occurred since that time and the compromises, he was no longer certain about Form Based Code. He was now seeking clarity. The concept has become so complicated that even he was confused. In his opinion, the discussion about affordable housing and percentages feels like downzoning, and he would adamantly oppose any type of indirect downzoning to his properties or taking away rights he currently enjoys. Mr. Fischer believed that was already occurring today. In order to support Form Based Code, he would have to be convinced in more detail that it would not happen. Mr. Fischer stated that if that is not the case then government should stay out of the way of private landowners and let them proceed as they thought they could when they purchased their properties. Mr. Fischer remarked that he is a team player and as the Staff and the City Council knows he supports making Bonanza Park a better area. Most of the buildings were built in the 1980's and aside from the No Place Like Home building and the Municipal building, nothing has been built in the District for 30 years and they need to unlock the potential of this District one way or another.

Mr. Fischer had specific ideas that he read into the read that were meant to be helpful and meaningful. 1) Adopt the recommendations of the Blue Ribbon Soils Ordinance Committee, which clears stated that they are in favor of allowing the clean soil to be moved out of the District and the contaminated soil to stay under the foundations or in the berms. Mr. Fischer stated that he has done \$30,000 of testing on his properties and 90% of the soil is clean. If he is forced to move it to Tooele it would worsen the carbon footprint by forcing clean soil to go down the highways. Mr. Fischer pointed out that Form Based Code could not be implemented unless they change the soils ordinance. They cannot dig underground garages to create parking if soil cannot be removed from the District. 2) Base density. He has worked with his accounting, legal and design Staff, and numerous pro formas have been indicating that if buildings are built to Form Based Code with one level of underground parking, the first floor rents would have to be \$40/foot. Currently, rents in the area are \$25-\$28/square foot for Class A or nicer buildings like Rail Central. Rents in Prospector are \$15-\$20/square foot. Form Based Code creates a beautiful location, but the rents to justify the development are approaching Main Street prices and could price potential tenants out of the market. Mr. Fischer pointed out that it would definitely price out the possibility of affordable housing. 3) The City's commitment. Mr. Fischer stated that the City has not demonstrated a financial commitment to Form Based Code. They need to know if the City would pay for the streets or build a structured parking garage. Without China Bridge Main Street would not work. Mr. Fischer stated that if there is not adequate City funded parking, in his opinion Form Base Code is dead. 4) Substation mitigation. Mr. Fischer noted that he has spent hundreds of thousands of dollars in five years trying to move the substation, and even offered some of his property to Rocky Mountain Power to relocate the substation. The City spent hundreds of thousands of dollars developing a booklet of a neighborhood concept plan without the substation so a Bonanza Park could be placed in the center of this District. That was his dream and his

vision and that was taken away overnight because Rocky Mountain Power pulled some shenanigans. Mr. Fischer wondered at the time whether that killed Form Based Code, because they now have a substation in the middle of Bonanza Park with overhead power lines. When they started this vision there would be no substation and no overhead power lines, which afforded the possibility of a Form Based Code with a beautiful City Park in the middle of it. Mr. Fischer suggested that it might need to be reassessed. 5) Flexible road location. Mr. Fischer understood that some of the road locations were conceptual but they need to be careful that they are not finalized because some of the roads go under utility easements and through private buildings. 6) Incentives for work force housing. Mr. Fischer stated that he would comply with the current Code of 15%, but construction costs have gone up significantly since they first started discussion Form Based Code that it was impractical for the City to ask a developer to pay for it. If the City wants to pay him to build affordable housing he would it; otherwise it will not happen because no one builds a building to lose money.

Mr. Fischer stated that his main message this evening is that they may be going down a road so Utopian that it is impractical will never happen. If the City does not “put its money where its mouth is” and fund the infrastructure, Form Based Code should stop. He has made the same remarks to the City Council and the City Manager so they also know his feelings on that point.

Regarding substation mitigation, Mr. Fischer stated that when the substation was decided not to be moved, he went with the City and they achieved approximately \$1.5 million from the State Legislature to build a fake building around the substation. That money is sitting in the General Fund and he wants everyone to know that to make sure the money does not just disappear. He believed that was an example of putting their money where their mouth is. The City should build the fake structure around the substation because the money is already available. Mr. Fischer commented on the relocation of the Recycle Center. He has been talking to the City for five years and he was told that the Recycle Center wants more land. If the Recycle Center is not relocated he could not understand why they were doing Form Based Code. They should just tweak the current Code and move forward. On the issue of nightly rentals, Mr. Fischer stated that he would never agree for the City to take away something he currently has the right to do.

Mr. Fischer stated that he wants to be a team player and he wants a win/win for the City. He decided to speak first this evening so others in attendance would know how he feels. This has been an emotional situation and most people think he is pushing for Form Based Code, when in reality he is not. He only wants Form Based Code if it makes for a better neighborhood and a profitable development, and he promises to work towards that end.

Brad Olch stated that Form Based Code is a great effort, but his concern is that there are so many owners in this particular area that he does not see this ever coming to fruition. In his opinion, Form Based Code works well in a greenfields situation such Geneva Steel in Orem, Gateway in Salt Lake, or a closed steel mill in New Jersey. Mr. Olch questioned the chance of success in all of this. He thought Prospector should be excluded from Form Based Code and that Prospector should stand by itself. He believed that Prospector needed its own urban renewal plan, which he has been stating for the past six years. Mr. Olch stated that people spent years identifying and protecting view corridors in this town. The possibility of four and five story buildings goes against everything they worked for when he was involved to preserve what they have now. Mr. Olch stated that if Form Based Code moves forward, even though there is a demand for affordable housing, he hoped the Planning Commission would take a hard look at four and five stories. Mr. Olch noted that the City bought down a floor and a half of density on the Marriott project as a result of litigation, so they could buy down the height along Deer Valley Drive. He urged the City to consider that same approach. Mr. Olch stated that Park City is a small town and businesses have started from scratch. He would hate to see another expanded commercial area take more business away from Main Street and other established businesses. They already have a lot of impacts with Kimball Junction and what could be developed at Quinn's Junction. In his opinion Form Based Code is more for larger communities with an empty canvas that could be created and developed. He was not convinced that Form Based Code was appropriate for this community.

Bill Coleman stated that he spent a lot of years on the Planning Commission in Park City and also on the City Council, and he appreciated their situation. Mr. Coleman believed the missing piece in the process is the leadership that the Planning Commission could provide. He thought the City Council would take their position, either for or against Form Base Code, very seriously. Mr. Coleman stated that they have not wasted time or money on this process because they have learned a lot. What the City has learned is that there is a gentrifying community that needs some incentives. He pointed out that 72 pages of Code versus 3 pages was not an incentive. To the point of finding what would work, he thought they were looking at minutia rather than the fundamental decision of whether or not to do this. Mr. Coleman thought it appeared to be a done deal and he could not imagine that the Planning Commission would allow that to happen because there are so many other alternatives. He believed there was a lot of middle ground in the form of specific incentives on a project by project basis. Mr. Coleman stated that TDRs would not work with this system because people will not buy their density twice. He believed density is a huge tool and they should use it. He was not opposed to four and five stories, depending on where they are located. Mr. Coleman emphasized that project by project, site by site was the solution. He remarked that the City has taken the position that there is only one solution for the GC zone and that is not true.

Robert Reynolds, a Park City resident since 1996, stated that over the past few days and following public hearings at both City Council and Planning Commission meetings in August and September, members of the Park City community signed a petition in opposition to the Bonanza Park Form Based Code currently under consideration. Mr. Reynolds stated that obtaining civic support for the Form Based Code petition. As of this meeting the document had been signed by 152 stakeholders, residents and concerned citizens concerned about the future of Bonanza Park. The petition highlights objection to the following eight development outcomes of the proposed Form Based Code; 1) any building of heights in excess of three stories or any additional density and square footage beyond what is currently allowed under the existing zoning; 2) placement of building any closer than 30 feet from the edge of the Bonanza Drive right-of-way; 3) inclusion of any property on the east side of Bonanza Drive in the FBC boundary; 4) Any FBC provisions which cause existing buildings to be non-complying structures; 5) an FBC provisions which cause existing businesses to become non-conforming uses; 6) Any FBC provisions which do not allow an existing business or building to be reconstructed or redeveloped in a similar fashion to the existing building, or which prohibits any organic incremental expansion or adaptive re-use of an existing property provided such reconstructed, redeveloped, or expanded property complies with the current LMC; 7) Any Form Based Code road alignment that passes through an existing residential or commercial property, other than the extension of Munchkin Road from Woodbine Way to Homestake Road, and another new road immediately east of the existing Rite-Aid building between Iron Horse Drive and Homestake Road; 8) Any excavation or transport of soils containing mining tailings, unless a soils mitigation and remediation plan is adopted that ensures safe air and water contamination levels during and after construction.

Mr. Reynolds submitted a copy of the petition and corresponding signatures into the record. He noted that most of the signers were 15 to 20 year residents of Park City. Several significant business owners were also included. He noted that among the signers were Ron Whaley, a former Planning Commissioner; Gene Moser, a two-term County Commissioner; Sally Elliott, a two-term City Council member and a two-term County Commissioner; and Dean Barrett, President of the Prospector Square Owners Association. Mr. Reynolds also named several key business owners in the Bonanza Park Area.

Lisa Stuard asked to read the names of the people who signed the petition that was submitted.

Chair Worel informed Ms. Stuard that since the petition had been submitted into the record the Planning Commission would have those names as part of the record and it was not necessary to read them, particular due to the late hour.

Craig Elliott with Elliott Work Group stated that he has been the architect working with Mark Fischer for approximately 14 years. Mr. Elliott gave some perspective of the history because some of the information discussed in the last few meetings was somewhat inaccurate. The first meeting he was involved in regarding this project took place in 2002 with the former Planning Director. It was a discussion about the opportunities to redevelop the area now called Bonanza Park. He noted that in 2002 the housing stock and the building stock was already deteriorating. In May of 2002 he attended a City Council meeting where they talked about zone changes for the GC zone and potential revisions that could occur over time to help this area develop and flourish and become something other than metal buildings and parking lots. Between 2002 and 2009 they worked on transportation plans and different concepts for zone changes. They revised and updated existing buildings, inserted new buildings and infill into the area. Many things occurred in that process to help people understand what was going on. In 2009 they decided as a team that it was time to start moving forward with applications. They met with the Staff in January of that year to discuss an MPD application. In March and May they again met with the Planning Director and the Planning Staff discuss the MPD application. At that time they were requested to hold off on an application because the zoning changes that were started in 2002 were beginning to take place. Mr. Elliott stated that on October 27, 2010 he made a presentation to the Planning Commission about the opportunities and reasons for redeveloping the area. The City Council and the Planning Commission discussed a number of options. On March 7, 2011 they submitted an MPD for a pre-application that included parcels currently in the Bonanza Park District. At the suggestion of the City they held an open house presentation at the Yard on May 25, 2011. The attendance was good and they discussed the issues. Again, they were asked to wait while the City looked at Form Based Code and other options. Mr. Elliott stated that in August of 2014 they submitted a modification for a portion of their plan and that is still sitting at the Planning Staff level. He and Mr. Fischer have tried to be supportive through the process to achieve the best option for the City. However, he believed a common theme is that the City takes so long to move things through the process that they are killing everything. That may be fine for those who do not want change, but the reality is that Park City is about change and over the years it has changed over and over again. The question is what kind of changes to make and that is the discussion they need to have. Mr. Elliott believed there were ways to make things work within Form Based Code or by making revisions to the current Code but it was time to make decisions and move forward. To put the length of time in perspective, he noted that his daughter was in second grade when he made their first presentation and today she is in her second year of college.

Clay Stuard stated that two months ago the question was asked as to why they had not heard from the major stakeholders in Bonanza Park. He pointed out that now they have heard from those stakeholders and 150 of them signed a petition. In addition to the petition, there have been emails and discussions among the stakeholders and some have

engaged their legal departments. Mr. Stuard informed the Planning Commission that the stakeholders have spoken and Prospector Square does not want to be in it, along with at least one major owner in the Iron Horse Condominiums, Jan's Sporting Goods, Fresh Market, Rite-Aid, the Sports Authority, the Claim Jumper, the Iron Horse Industrial Park and the Columbia Paint Center. Based on his comments this evening, Mr. Stuard thought it sounded like Mark Fischer was questioning whether or not he wanted to be in it. He asked the Planning Commission why they were doing this when nobody wants it. He stated that the number of signatures on the petition were obtained in five days and that number could easily be increased from 500 to 1,000 more. Everyone is willing to come to a meeting if necessary to tell the Planning Commission that they do not want buildings with four and five stories, or to lose open space and view corridors. They do not want roads running through their neighborhoods or existing buildings. Mr. Stuard believed there were some good planning concept and design principles in Form Based Code that could be added to the existing MPD ordinance as guidelines; but they are not appropriate for a 99 acre district. Commissioner Stuard echoed the comments of the other speakers who suggested that the Planning Commission take a step back and find another way to develop Bonanza Park. He agreed that BoPa needs to be redeveloped, but not with a one-size fits all formula for the entire 99 acre area.

Lee Whiting, stated that he is an owner of a unit in the Claim Jumper condominiums and he has lived there since 2010 with his two sons. He thanked everyone for their time and attention this evening. Mr. Whiting wanted to confirm for the record that the letter submitted from the Claim Jumper Condominiums last year was entered into the record and was part of the documentation of public comment. He had emailed copies of the letter to some of the Commissioners but he did not have all of their email addresses. If the letter was not a part of the record he requested that it should be. Mr. Whiting noted that the original letter was written in August of 2013. Mr. Whiting stated that he was a signatory of the petition and he signed it because it represented the majority of what he believes. He wanted to address a few points, beginning with the people who already reside in the District. There are approximately 64 units between the Claim Jumper condos and their neighbors at Homestake; and in the last census there were over 250 people. They living in ranging degrees of deterioration. They have challenges with parking and a lot of neglect from different standpoints. The letter addressed some of the issues including lighting, pedestrian access, safe walkways and places for children to play. Mr. Whiting asked the Planning Commission not to forget the people who already live in whatever option they choose for redevelopment. He stated that if they are thinking about affordable housing it should be in addition to what already exists. The people who currently live there can afford it in one way or another. He asked if building 600 or 800 square foot units with one parking would accommodate those people or whether they would be displaced. He believed that was a valid question. Mr. Whiting believed that as a community they needed to reconsider what the Affordable Housing Code represents and what it does for the community. He

thought that they blow it up and reevaluate it. Mr. Whiting suggested that the Commissioners consider whether they would personally want to buy a piece of property that could only appreciate 3% per year. Mr. Whiting urged them to ask those questions and well as the reality of the matrix. He would argue that most of the people in those units are below Tier One. Mr. Whiting stated that they have private open spaces where the kids play. They have well established foliage and soils that percolate. They are not paved brick to brick all the way to the curb. The setbacks allow for space, light, wildlife, etc. If the Planning Commission considers TDRs, he would suggest trading for some of the space that already exists that could be made part of an overall plan. Mr. Whiting echoed the previous comments. He thought it was time to re-evaluate what they were doing in the big picture and consider who they were serving.

Mike Sweeney stated that he works with Mark Fischer and a few other people who have businesses in the Bonanza Park District. Mr. Sweeney wanted to know who was driving the Form Based Code in going through the process. He asked if one person could step up and say I'm the person that's driving Form Based Code.

Stephen Parker stated that he would like to be able to walk to a district that has services he could use instead of driving down to the Junction. He preferred something that did not resemble the parking lot outside of TJ Max. He was unsure whether it could be accomplished with Form Based Code or by tweaking the current Code, but it would be nice to have something in the center of town that would be useful. In terms of height, he believed they could build fairly tall and still keep the views. He lives across from the back of the Eccles Center and he can still see the mountains around it. Locating the density where it would not block the mountains and the sides of the hills and putting it in a place where it can be easily accessed by public transportation would be helpful. Mr. Parker referred to an earlier comment about someone rolling out of bed, getting a cup of coffee and hopping on the bus to the ski area. In his opinion, that sounds ideal and he could not understand why they would not want to make it a possibility for people.

Michael Todd thanked the Planning Commission for their service. Mr. Todd stated that he was speaking on behalf of 100% of one HOA in the Hillside residential area and he was certain that he spoke for the majority of the other owners. He is the largest single owner up there and he actually provides affordable housing in this community and has been doing so for many years. Mr. Todd remarked that since the last meeting he has been measured and reserved and tried to let the process happen. At the last meeting he asked for someone to convince him on why he should be in favor of Form Based Code and why he should not change his position about wanting out of it. Hillside residential wants no part of it and they want to be removed from the Form Based Code. Mr. Todd stated that he has stayed out of the rest of the issues and let people speak for themselves. However, he still could not come up with any reason or been convinced of any reason as to why Hillside residential

should want to be inside this new zone. At this point, he was reiterating his earlier position that they do not want to be part of the new zone. Mr. Todd stated that Hillside residential is fully built out and he could see no reason why they should be included in the zone.

Chair Worel closed the public hearing.

Park City Planning Commission meeting adjourned at 10:55 p.m.

Approved by Planning Commission: _____

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
OCTOBER 22, 2014

COMMISSIONERS IN ATTENDANCE:

Chair Pro Tem Adam Strachan, Melissa Band, Preston Campbell, John Phillips, Steve Joyce, Doug Thimm

EX OFFICIO:

Planning Director Thomas Eddington; Kirsten Whetstone, Planner; John Boehm, Planner; Polly Samuels-McLean, Assistant City Attorney

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REGULAR MEETING

The Planning Commission held a site visit to 510 Payday Drive prior to the meeting. All Commissioners were present except Commissioner Worel who was excused.

ROLL CALL

Chair Pro Tem Strachan called the meeting to order at 5:50 p.m. and noted that all Commissioners were present except Commissioner Worel, who was excused.

ADOPTION OF MINUTES

There were no minutes to approve. The minutes of October 8, 2014 would be on the November 12, 2014 agenda for approval.

PUBLIC COMMUNICATIONS

Council Member Liza Simpson informed the Planning Commission that due to scheduling conflicts she and Council Member Peek would be sharing the role of liaison to the Planning Commission. She assured the Commissioners that one of them would be present at each meeting.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Commissioner Joyce commented on the most recent delivery of the very large LMC documents. He asked if it was possible for the Staff to create the LMC in a smaller pdf that could be placed in their dropbox. Director Eddington stated that dropbox should take the

entire LMC in pdf. and he would make sure it was put in the dropbox. Commissioner Strachan noted that he still preferred to have the physical LMC binder and he would pick his up in the Planning Department.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. 920 Empire Avenue – Conditional Use Permit in the Historic Residential (HR-1) zoning district. (Application PL-14-02462)

Planner John Boehm reviewed the request for a Steep Slope CUP for 920 Empire Avenue. The applicant was requesting a Steep Slope CUP to allow for construction of a new single family home on a vacant lot located at 920 Empire Avenue, which is in the HR-1 District. Planner Boehm explained that a Steep Slope CUP was required for this project because the total floor area would be in excess of 1,000 square feet and on a slope of 30% or greater.

The Staff had reviewed this application against the nine steep slope review criteria and found that there would be no unmitigated impacts caused by the issuance of this Steep Slope CUP.

The Staff recommended that the Planning Commission conduct a public hearing and consider approving the Steep Slope CUP for 920 Empire Avenue, based on the findings of fact, conclusions of law and conditions of approval found in the Staff report.

The applicants were present to answer questions.

Chair Pro Tem Strachan opened the public hearing.

There were no comments.

Chair Pro Tem Strachan closed the public hearing.

Commissioner Thimm had visited the site and he thought the proposal was consistent with what was currently being built next door. The scale looked good and it appeared to be a good fit for the street seam.

Commissioner Band pointed out that it was a tight lot and she wanted to know where they planned to stage construction. She understood that it would be addressed in the construction mitigation plan, but she was interested in knowing their plan for staging. Planner Boehm replied that staging would be addressed at the time of Building Permit.

Commissioner Band clarified that she only asked the question out of curiosity and not as an objection.

MOTION: Commissioner Joyce moved to APPROVE the 920 Empire Avenue Steep Slope Conditional Use Permit based on the Findings of Fact, Conclusions of Law and Conditions of Approval outlined in the Staff report. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 920 Empire Avenue

1. The property is located at 920 Empire Avenue.
2. The property is located within the Historic Residential (HR-1) District and meets the purpose of the zone.
3. The property is described as Lot 27, Block 15 of the Snyder's Addition to the Park City Survey. The lot area is 1,875 square feet. The lot is vacant.
4. A Historic District Design Review (HDDR) application is required and will be reviewed by staff for compliance with the Design Guidelines for Historic Districts and Historic Sites adopted in 2009.
5. This is an infill "Old Town" lot. There is no existing significant vegetation on this lot. A non-historic structure was demolished on this property in July of 2014. This is a downhill lot.
6. Access to the property is from Empire Avenue, a public street.
7. Two parking spaces are proposed on site. One space is proposed within an attached garage and the second is on the driveway in a tandem configuration to the garage, within the lot area.
8. The neighborhood is characterized by a mix of historic and non-historic residential structures, single family homes and duplexes. There are condominium buildings to the north on Empire Avenue.
9. The proposal consists of a single family dwelling of 2,003 square feet, including the basement area and a single car garage.
10. The driveway is designed with a maximum width of twelve feet and is approximately

thirty feet in length from the garage to the existing edge of street with a minimum of eighteen feet of driveway located on the property. The garage door complies with the maximum height and width of nine feet by nine feet.

11. The proposed driveway has a maximum slope of 14% with sections at 5% (in front of the garage) and 10% (from property line to edge of street). Overall slope is 9.7% as measured from the front of the garage to the edge of the paved street.

12. An overall building footprint of 812 square feet is proposed. The maximum allowed footprint for this lot is 844 square feet.

13. The proposed structure complies with all setbacks.

14. The proposed structure complies with the twenty-seven feet (27') maximum building height requirement measured from existing grade. Portions of the house are less than 27' in height.

15. The proposed home includes a split level configuration created by a mezzanine level for the front interior entry area. The proposed structure complies with the LMC required total building height of 35' from the lowest floor plane to the highest wall plate and is in compliance with the LMC amendments adopted by City Council on November 21, 2013.

16. There is a fourteen and one-half foot (14.5') step back from the first two stories. The stepping occurs within the first twenty- three feet (23') of the rear (lower) facade.

17. The applicant submitted a visual analysis, cross valley views and a streetscape showing a contextual analysis of visual impacts of this house on the cross canyon views and the Empire Avenue streetscape. Staff finds that the proposed house is compatible with the surrounding structures based on this analysis.

18. Retaining is necessary around the home on the upper, steeper portion of the lot. There will be no free-standing retaining walls that exceed six feet in height with the majority of retaining walls proposed at 4' (four) feet or less. Retaining walls between four (4) and six (6) feet will require approval by the Planning Director and the City Engineer. Retaining of grade at rear is minimized by the stepping foundation. There are no window wells.

19. The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography. There is no existing significant vegetation on the lot.

20. The site design, stepping of the foundation and building mass, increased articulation, and decrease in the allowed difference between the existing and final grade mitigates impacts of construction on the 30% slope areas.

21. The design includes setback variations in the front and back and lower building heights for portions of the structure in both the front and back where facades are less than twenty-seven feet in height.

22. The proposed massing and architectural design components are compatible with both the volume and massing of other single family dwellings in the area. No wall effect is created with adjacent structures due to stepping, articulation, and placement of the house on the lot.

23. The proposed structure follows the predominant pattern of buildings along the street, maintaining traditional setbacks, orientation, and alignment. Lot coverage, site grading, and steep slope issues are also compatible with neighboring sites. The size and mass of the structure is compatible with surrounding sites, as are details such as foundation, roofing, materials, window and door openings, and single car garages.

24. This property is required to have independent utility services for water, sewer, power, etc. Stubbing of these utilities was completed during the Empire Avenue reconstruction project.

25. No lighting has been proposed at this time. Lighting will be reviewed at the time of the HDDR and Building Permit application for compliance with the LMC lighting code standards.

26. The applicant submitted a visual analysis, cross canyon view, and streetscape showing a contextual analysis of visual impacts of the proposed structure on the adjacent streetscape.

27. The findings in the Analysis section of this report are incorporated herein.

28. The applicant stipulates to the conditions of approval.

Conclusions of Law – 920 Empire Avenue

1. The Steep Slope CUP application is consistent with requirements of the Park City Land Management Code, specifically Section 15-2.2 for the HR-1 zoning district.

2. The Steep Slope CUP application is consistent with the Park City General Plan.
3. The application is consistent with requirements of the Park City LMC, specifically Section 15-2.2-6 (B) (1-10) regarding development on Steep Slopes.
4. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.
5. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval – 920 Empire Avenue

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. A final utility plan, including a drainage plan, for utility installation, public improvements, and storm drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers, including Snyderville Basin Water Reclamation District, prior to issuance of a building permit.
4. Separate, individual utility service is required for 920 Empire Avenue.
5. 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. A final landscape plan shall be submitted for review and approval by the City Planning Department, prior to building permit issuance.
7. No building permits shall be issued for this project unless and until the design is reviewed and approved by the Planning Department staff for compliance with this Conditional Use Permit, the 2009 Design Guidelines for Historic Districts and Historic Sites (Historic District Design Review) and the Land Management Code.
8. As part of the building permit review process, the applicant shall submit a certified

topographical survey of the property with roof elevations over topographic and U.S.G.S. elevation information relating to existing grade as well as the height of the proposed building ridges to confirm that the building complies with all height restrictions and that the driveway complies with the required slope restrictions.

9. If required by the Chief Building official based on a review of the soils and geotechnical report submitted with the building permit, the applicant shall submit a detailed shoring plan prior to the issue of a building permit. If required by the Chief Building official, the shoring plan shall include calculations that have been prepared, stamped, and signed by a licensed structural engineer. The shoring plan shall take into consideration protection of the historic structure to the north and existing retaining wall on the south property line.

10. This approval will expire on October 22, 2015, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and the request is granted by the Planning Director.

11. Modified 13-D residential fire sprinklers are required for all new structures on the lot.

12. All exterior lighting, on porches, garage doors, entryways, etc. shall be shielded to prevent glare onto adjacent property and public rights-of-way. Light trespass into the night sky is prohibited.

2. 95 King Road – Conditional Use Permit for Nightly Rental use in the Historic Residential Low Density (HR-L) zoning district. (Application PL-14-02468)

Planner Boehm reviewed the request for a nightly rental conditional use permit for 95 King Road. The applicant was requesting that the Planning Commission review the proposal to allow nightly rentals in the existing single family home located at 95 King Road. The property is located in the HR-L District where nightly rentals are a conditional use and must be approved by the Planning Commission.

The Staff had reviewed this application against the 15 conditional use permit criteria and requested discussion on three of the criterion; parking, circulation and control of service vehicles.

Planner Boehm requested discussion on the parking issue related to Criteria 5 on page 29 of the Staff report. He stated that according to the LMC 15-3-6, parking for the first six bedrooms of a nightly rental is based on the parking requirement for the dwelling. As outlined in the Staff report, this home was built prior to the current requirement, which

would be two off-street parking spaces. Planner Boehm noted that the home has two parking spaces; one in the garage and one in front of the garage. However, only one of those spots is legal because the second one extends half-way into the City right-of-way on King Road.

The Staff has determined that the existing home does meet the nightly rental parking requirement, since the parking for nightly rentals is based on the requirement for the dwelling. The existing home was built prior to the requirement for two off street parking spaces. However, due to the winter conditions on King Road, the Staff recommended that the Planning Commission add a condition of approval stating that all lease agreements for nightly rental at 95 King Road include language limiting the number of vehicles allowed to one vehicle. The Staff believed there was no possible way to fit a vehicle in the 18' x 10' space due to snow removal and the steepness of the road.

Planner Boehm stated that the second issue for discussion was Circulation, Criteria 6. Due to the narrow and steep nature of King Road, the Staff recommended a condition of approval that the nightly rental lease agreement include language indicating that access may require a four-wheel drive vehicle, and that there may be times when King Road is impassable and the renter would need to park in an approved overnight parking lot and walk to the property.

Planner Boehm remarked that the last issue for discussion related to control of service vehicles, Criteria 13; specifically trash cans being left on the street. The Staff recommended that the Planning Commission add a condition of approval that garbage receptacles shall be placed out for trash pickup no more than 15 hours prior to anticipated pick up, and that the receptacles be placed properly back on to the property no more than 15 hours after the actual pickup time.

Commissioner Phillips wanted to know how the conditions could be enforced to make sure the owner included the recommended language in the lease. Planner Boehm stated that prior to issuance of a business license for nightly rentals they would make sure the lease included the language. There were several mechanisms for enforcement. For example, parking would be enforced by the City's residential parking zone regulations. If a car is parked in the road it could be ticketed or towed.

Chair Pro Tem Strachan stated that based on past discussions it was evident that the impacts from nightly rentals were always the same. Commissioner Phillips stated that he had attended the public hearing for the nightly rental at 60 Sampson Avenue because it was in his neighborhood. He remembered the discussion and agreed that the impacts were similar. Commissioner Phillips liked the recommended conditions because it would help to mitigate some of the issues related to nightly rentals in Old Town.

Planner Boehm clarified that the Staff had based their recommendations on what they saw occurring with nightly rentals at 60 Sampson and 99 King Road.

Chair Pro Tem Strachan remarked that one issue that was never resolved for 60 Sampson was where the renters would park if they could not park next to the house. It was suggested that they park at China Bridge and walk up, but he never thought that was a realistic solution. He was concerned that there was not a parking alternative for 95 King Road if they bring more than one car. He noted that parking for guests was another impact that needed to be addressed.

Commissioner Band thought it was a condition of the lease for 60 Sampson that only one car was allowed for the rental. Chair Pro Tem Strachan recalled that they did condition the lease to limit only one car, and that it needed to be specified in the market materials. Commissioner Phillips pointed out that the Staff was recommending the same condition for 95 King Road. Chair Pro Tem Strachan reiterated his concern about guest parking. Commissioner Band noted that the parking restriction was primarily due to snow removal. If a renter had guests for two or three hours it should not present a problem. Commissioner Band pointed out that it is a two bedroom house and she believed the renters would be less likely to have two cars.

Commissioner Band wanted to know what would happen if the conditions were not met and the impacts were not mitigated. She asked if the City could pull the CUP if they consistently had issues with garbage cans and/or parking. She understood that the applicant intended to have a property manager and she believed most of the property management companies were good about following the rules, but there is always the exception.

Planner Boehm stated that the CUP is reviewed in one year to see if there were complaints or issues reported. If there appears to be a consistent issue it would come back to the Planning Commission for review. The one-year review was addressed in Condition of Approval #9.

Commissioner Phillips commented on nightly rentals in general and asked if a change in ownership would require the new owner to apply for a new business license to operate a nightly rental. Planner Boehm answered yes. Chair Pro Tem Strachan pointed out that the CUP runs with the property and that is different than a business license. Director Eddington replied that a business license must be renewed annually, which is separate from the CUP. A new owner would be bound by the conditions of the CUP and they would have to apply for a new business license in their name. Commissioner Phillips understood that the new owner would be bound by the conditions but the question was whether or not

they would abide by them. He assumed there was a mechanism but he just wanted to make sure.

Commissioner Thimm asked if there was a precedent with other nightly rentals for the four-wheel drive requirement. Planner Boehm replied that the recommended conditions were actual conditions of approval taken from the comparable nightly rental CUPs for 99 King Road and 60 Sampson to include the language in the lease agreement.

Commissioner Thimm asked if the lease becomes part of the business license application. Assistant City Attorney McLean explained that the owner just needs to abide by the conditions. The Staff does not review the lease, but not including the language would violate the CUP. Chair Pro Tem Strachan remarked that neighbors are the best regulators in those situations.

Council Member Simpson did not believe that the parking lot at the bottom of King Road was completed at the time they were discussing 60 Sampson Avenue. An alternative place to park other than China Bridge would be the public parking lot at the bottom of Hillside and King Road. Chair Pro Tem thought they should let the landlords and the tenants figure out the best parking solutions to meet the conditions of approval. Planner Boehm agreed, which was why the language was vague. Commissioner Thimm remarked that his point was to control the parking or the lack of parking on the property. How that is accomplished should be left to the people involved.

Chair Pro Tem Strachan opened the public hearing.

There were no comments.

Chair Pro Tem Strachan closed the public hearing.

Commissioner Joyce agreed with the comments regarding the parking. His concern was the language related to the garbage cans unless it applies to everyone on the street. He was unsure why they would single out the nightly rental.

Assistant City Attorney McLean recalled from previous nightly rental discussions that there were comments where people who rent over the weekend take out the garbage before they leave and the can sits out for days until the scheduled pickup day. In contrast, a resident living on the street would take the cans to the street and remove them within a 24 hour period. Ms. McLean noted that the Municipal Code states that garbage cans cannot be left on the street for more than 24 hours. The reason for including the language is to highlight it for the owner to make sure the property management company understands the

problem. Commissioner Joyce understood the reasoning, but he was still uncomfortable requiring 15 hours for one property when everyone else is allowed 24 hours by Code.

Commissioner Campbell agreed that everyone should have to abide by the Code provision that is already in place. Commissioner Phillips concurred.

Commissioner Thimm asked if the 24 hour timeframe specified in the Code was the total time for taking out the cans and removing them from the street. If that was the case, the 15 hours language as written for the nightly rental would actually allow 30 hours total. Assistant City Attorney McLean was unsure and needed to verify it with the Municipal Code.

Commissioner Campbell recommended changing the language to say that they must abide by the rule that is already in place. Ms. McLean thought that would be sufficient. Planner Boehm clarified that the language was taken directly from the conditions in the 60 Sampson Avenue approval, and the condition was placed by the City Council as part of the appeal. Commissioner Band remarked that since there were five or six nightly rentals within the vicinity they should keep it consistent.

Assistant City Attorney McLean read from the Municipal Code, "Trash collection, which ensures the trash cans are not left at the curb for any period in excess of 24 hours. And the property must be kept free from accumulated garbage and refuse". Commissioner Thimm reiterated that the condition as written suggested a period of 30 hours for the nightly rental. He thought they should change the language to be consistent with the Municipal Code.

Commissioner Phillips recalled from the 60 Sampson discussion, that parking was a major issue because the house had so many beds and there was so little parking. However, since the time the CUP was awarded he has not noticed any issues and the restrictions appear to be working.

MOTION: Commissioner Phillips moved to APPROVE the Conditional Use Permit for nightly rental for 95 King Road based on the Findings of Fact, Conclusions of Law and Conditions of Approval as amended to revise Condition #6 to state, "Property Management shall abide by the Municipal Code 14-2-18C4F regarding the trash cans". Commissioner Campbell seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 95 King Road

1. The property is located a 95 King Road. The property is improved with a nonhistoric 1,175 square foot, two bedroom, two bath single family house.
2. The subject property is located within the Historic Residential Low Density (HRL) zoning district.
3. The house at 95 King Road is located on Lots 23 and 24 of Block 76 of the Park City Survey. The total area of Lots 23/24 is 3,485 square feet which is smaller than the minimum lot size of 3,750 sf currently required in the HRL zoning district for a single family house.
4. The earliest record that staff was able to locate regarding the structure at 95 King was a building permit for fire damage repair dated March 6, 1986. The Building Department keeps records dating back to 1980 so the home was constructed sometime prior to 1980. The site is not listed on the City's Historic Sites Inventory.
5. The setback to the west property line (4'6") does not meet the current LMC required setback for front yards on lots up to 75 feet in depth (10').
6. The house has one legal parking spot in a single car garage and one noncompliant parking spot in front of the garage that is partially in the City Right-of-Way.
7. Nightly rental uses are subject to a Conditional Use Permit in the HRL zoning district.
8. On August 22nd, 2014, the owner of 95 King Road submitted a complete application requesting approval of a Conditional Use Permit to allow nightly rental use of the existing home.
9. According to the City's business license records, there are currently eight (8) active nightly rental business licenses in the surrounding neighborhood of King Road, Sampson and Ridge Avenues.
10. The business license and inspection of the property by the Building Department are required to ensure that the business owners are verified and the property meets all applicable fire and building codes.
11. Staff finds that there are no unmitigated impacts regarding size and location of the site as the existing structure is not changing.

12. Staff finds that there are no unmitigated impacts regarding traffic considerations as trip generation for long term rentals, seasonal work force rental, and/or housing for permanent residents, is generally greater than that of short term vacation rentals.

13. Staff finds that there are no unmitigated impacts regarding utility capacity as no additional utility capacity is required for this project.

14. Staff finds that there are no unmitigated impacts regarding emergency vehicle access as nightly rental use does not change the requirement for emergency vehicle access which exists on King Road and Ridge Avenue.

15. Staff finds that there are no unmitigated impacts regarding the location and amount of off-street parking as the house was built prior to the requirement of two off street spaces and the fact that the applicant has agreed to limit the number of vehicles allowed for nightly rentals to one (1).

16. Staff finds that there are no unmitigated impacts regarding circulation as the applicant has agreed to provide information in the nightly rental lease agreement regarding the occasional need for a four wheel drive vehicle and the possibility that the renter may need to find legal parking in a free or pay lot and then walk to the property during times that King Road is impassable.

17. Staff finds that there are no unmitigated impacts regarding fencing, screening and landscaping as no changes to these elements are proposed.

18. Staff finds that there are no unmitigated impacts regarding building mass, bulk, orientation and the location on site as no changes are proposed to the existing building.

19. Staff finds that there are no unmitigated impacts regarding signs and lighting as no signs or additional lighting is proposed at this time. Existing lighting was previously approved.

20. Staff finds that there are no unmitigated impacts regarding physical design and compatibility with surrounding structures as the existing home is compatible with surrounding structures in mass, scale, and style.

21. Staff finds that there are no unmitigated impacts regarding noise, vibration, odors, steam, or other mechanical factors as there is no outdoor hot tub.

22. Staff finds that there are no unmitigated impacts regarding control of delivery and service vehicles as the applicant will be using a local property management company who will adhere to the condition of approval that trash receptacles cannot be placed on the street more than 15 hours prior to expected pick-up and must be removed with 15 hours of actual pick-up.

23. Staff finds that there are no unmitigated impacts regarding expected ownership and management of the property as the applicant will be utilizing a local property management company.

24. Staff finds that Criteria #9 and #15 of LMC 15-1-10 do not apply to this application as there is no open space required for this use and the property is not in the sensitive lands overlay.

25. The applicant stipulates to the conditions of approval.

Conclusions of Law – 95 King Road

1. The proposed application as conditioned complies with all requirements of the Land Management Code.
2. The proposed nightly rental use is compatible with surrounding structures in use, scale, mass, and circulation.
3. The proposed nightly rental use is consistent with the Park City General Plan.
4. The effects in difference in use or scale of the nightly rental have been mitigated through careful planning and conditions of approval.

Conditions of Approval – 95 King Road

1. All standard project conditions shall apply.
2. All existing and any new exterior lighting shall be subdued in nature and shall conform to the City's lighting ordinance, LMC Section 15-5-5-(l) and 15-3-3(c) prior to the issuance of a nightly rental business license.
3. A detailed review against specific requirements of the Uniform Building and Fire Codes in use at the time of business license application is required as a condition precedent to issuance of a business license.

4. No exterior commercial signs are approved as part of this CUP. All signs are subject to the Park City Sign Code.
5. All lease agreements for nightly rental shall include language that limits the number of vehicles allowed at 95 King Road to one (1) vehicle.
6. Property management shall abide by Park City Municipal Ordinance 4-2-18(C)-(4)(f) which states that trash receptacles may not be left at the curb for a period longer than twenty-four (24) hours.
7. All lease agreements for nightly rental shall include language indicating that during heavy snow fall or bad road conditions, access to the lot may be limited or may require a four-wheel drive vehicle in order to gain access. There may be times when renters need to park off-site in an approved overnight public parking lot and walk to the property.
8. Nightly rental use of 95 King Road prohibits Commercial uses such as hospitality houses, screening rooms, reception centers, etc.
9. The CUP will be reviewed after one year, on October 22nd 2015, by staff. If there are recorded complaints, staff will bring the matter before the Planning Commission.

3. 510 Payday Drive – Thayne’s Creek Ranch Estates Phase II Subdivision Plat (Application PL-14-02427)

The Planning Commission held a site visit on this item prior to the meeting.

Chair Pro Tem Strachan summarized the site visit to 510 Payday Drive. The applicant, Frank Richards, met them on site and pointed out the boundaries of the no-build zone and the boundaries of the wetland area. Mr. Richards had flagged some of the contours of the various building footprints and answered the Commissioners questions regarding the location of the existing footprints and the proposed changes to those footprints.

Planner Kirsten Whetstone reviewed the request for a subdivision plat for three lots of Phase II of the Thaynes Creek Ranch Estates subdivision, which was a recent annexation that occurred a year ago between Frank Richards and the Park City Municipal Corp. Planner Whetstone noted that the annexation incorporated the City open space west of Highway 224, as well as the Franklin Richards Ranch.

Planner Whetstone noted that Exhibit H in the packet were the minutes from previous Planning Commission meetings; however, after the packets were printed they noticed that the pages were mixed-up. She provided the Commissioners with corrected copies of Exhibit H.

Planner Whetstone reported that the Planning Commission reviewed this item on September 24th and requested to see the minutes of the previous meetings to better understand the restrictions that were placed on this subdivision. The property was zoned in the single-family zone, which has an allowed height of 28'+5' for a total of 33'. When the property was annexed, a preliminary plat for seven lots and one parcel for the riding arena was approved. The January 31st, 2013 City Council minutes in Exhibit H reflect the discussion regarding the preliminary plat and no build zones. Planner Whetstone stated that the lots being discussed this evening was Lot 5, which is the existing house and ranch, Lot 6 across the driveway, and Lot 7, the lot they looked at during the site visit.

Planner Whetstone recalled discussion on Lot 1, 2 and 6 of an 80-foot no-build zone from the east property as shown on the plat, Exhibit A. There was additional discussion as to whether there should be a no-build for the northern part of Lot 7 of 50 feet. Planner Whetstone noted that the previous minutes also reflect 336'. She noted that measuring from the north property down, 336' is at the line shown on the preliminary plat that was approved with the annexation. Planner Whetstone stated that the plat also had height restrictions that called out a maximum height of 30', which would be 25'+ 5' for a pitched roof. However, Lot 7 had a maximum height of 28', or 23'+5'.

Planner Whetstone reported that at the last meeting the applicant made a request to move the line north. The Planning Staff had conducted an analysis of the plat that was submitted based on the preliminary plat and the annexation agreement. The Staff reiterated their recommendation for consistency with the preliminary plat. The maximum footprints should be 4,900 square feet for lots 5, 6 and 7. The maximum height for lots 5 and 6 would be 30' and Lot 7 would have a maximum height of 28'.

Planner Whetstone noted that the Staff had prepared a draft ordinance included on page 61 of the Staff report that reiterates some of the conditions of approval with the annexation. The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation per the ordinance in the Staff report.

Frank Richards, the applicant, did not believe that 30 feet was excessive for Lot 7 and he thought it should be consistent with the other lots. He stated that the adjacent property to the west, Aspen Springs, was 33' in height. The adjoining Lots 1 and 2 have a maximum height of 28'+5'. He did not think it was unreasonable for Lot 7 to have a maximum consistent with the next three lots they were bringing into the subdivision.

Mr. Richards stated that the no-build zone on Lot 7 was originally set at 250'. At some point it was increased to 336' and he was unsure how that occurred. He was requesting a no-build zone of 300' to give some flexibility to the location of the proposed on Lot 7. Mr. Richards remarked that the Lot is already handicapped because there is a 20' right-of-way on the west boundary, the no-build zone on the north boundary, and the wetlands and a 50-foot buffer on the east boundary. Mr. Richards noted that the remaining parcel to locate the home was approximately one-quarter of an acre of the 3.25 acre lot. By expanding to the north by 35' allows room for a barn and still keep the 75' separation required between the barn and the house; with some flexibility on where to locate the home.

Chair Pro Tem Strachan asked why there needed to be a 75' separation between the barn and the house. Planner Whetstone stated that there is a requirement in the Code on properties that allow horses that the barns must be 75' from any adjacent residence. Mr. Richards stated that of the 35' reduction they were requesting, 70% of that was no-build anyway because of the buffer zone to the wetlands.

Commissioner Joyce understood that the intent for requesting the reduction of the no-build area was to move the barn 35' to the north. Mr. Richards replied that this was correct. Mr. Richards clarified that the barn is 48' and they were asking for 35'. Therefore, the barn would project into that area. Planner Whetstone pulled up an exhibit that Mr. Richards used to identify the area he was talking about and to explain his comments.

Chair Pro Tem Strachan asked Mr. Richards to explain why the 150' x 100' foot building area was not sufficient. Mr. Richards replied that there needed to be some flexibility to locate the home. Planner Whetstone referred to the drawing Mr. Richards had submitted and noted that what he had put as a 75' barn actually measured out as 35'. She pointed out that the building area needed to be smaller because otherwise it projects into the no-build zone.

Commissioner Thimm clarified that they were looking at a two-scale drawing. Planner Whetstone replied that this was correct. She reiterated that Mr. Richard's barn setback was actually scaled at 35'. When she scaled it at 75' she ended up with the barn being in the area where he was asking for additional space. Planner Whetstone reviewed the calculations. Chair Pro Tem Strachan understood that the 150' should actually be 125'; however, the building area was still approximately one-quarter of an acre. Planner Whetstone calculated that the building area would be approximately 12,500 square feet and the footprint would be limited to 4900 square feet including the garage. The barn would be separate.

Chair Pro Tem Strachan opened the public hearing.

Roger Armstrong, a neighbor, stated that the requested extension would put the barn right behind his property. He requested that Mr. Richards find a way to keep the barn further up and cluster the development. Mr. Armstrong noted that the houses coming up that line would be impacted to a lesser extent because of the direction they face; but in terms of view sheds he would be looking over the top of the barn rather than his current view. He appreciated anything Mr. Richards could do to further mitigate the impacts. Mr. Armstrong remarked that his house faces due east and if the barn is moved north it would come down to probably the first third of his property.

Mr. Richards pointed to Mr. Armstrong's property and the 30' tall pine trees along the edge. They were unable to put the sewer line in that location because of the trees. If they move the barn 35' it would be hidden by the pine trees because the barn would only be 18' high.

Mr. Armstrong reiterated his request to cluster the development a little tighter. He noted that he purchased the house from the neighbor who previously agreed to the plan, but that person was gone and Mr. Armstrong had concerns with the impacts.

Chair Pro Tem Strachan closed the public hearing.

Regarding home size, Mr. Richards had reviewed the analysis Planner Whetstone had done on Aspen Springs. He noted that Aspen Springs permits 8,000 square foot homes on a half-acre lot. Any lot over three-quarters is allowed up to 12,000 feet. He was asking to have the same privilege of an 8,000 square foot total house on his three-quarter acre, which would give a footprint of 5,000 square feet rather than 4900 square feet.

Commissioner Campbell understood that Mr. Richards was asking the Planning Commission to change the agreement he made with the previous Planning Commission. He was comfortable with that because one Planning Commission does not have the right to bind the hands of a future Planning Commission. However, before they decide whether to overturn that agreement, it was important to make sure there was a legitimate reason to do so. Commissioner Campbell asked Mr. Richards why he did not make this request the first time when it came before the previous Planning Commission. Mr. Richards stated that at the time he did not understand the 50' buffer of the wetlands.

Commissioner Campbell believed there were many impacts on the property, particularly in terms of how much of the lot is carved up in ways that could not be used. Mr. Richards remarked that when they first started they were not aware of the 20-foot easement that the Sewer District required.

Jeff Petersen, the builder, explained that the 35' setback plus the building pad, plus the 75' barn separation really restricted the potential for building the house. They did not fully understand those impacts when they met with the previous Planning Commission. Commissioner Campbell believed that was a legitimate reason to make the request to re-negotiate.

Commissioner Band understood why Mr. Richards was requesting the reduction and she agreed that the surrounding houses have larger footprints. In her opinion, the difference was the wetlands on Lot 7. She believed that whoever purchases the property would pay a lot of money for three-quarters of an acre, but they should also understand that restrictions come with wetlands. Commissioner Band remarked that it is a beautiful property and she hoped a buyer would be excited to have it. However, she could not see the justification for moving the lines. She believed the barn location in the original plan is less impactful to the neighbors. Commissioner Band recognized that 12,500 square feet of a building pad with a 4900 square foot house is going to be tight, but she thought there was enough wiggle room to make it possible.

Commissioner Phillips concurred with Commission Band. When he was at the site he walked away from the group and went from where the lines were to where they were proposed to be. He noticed the negative impacts it would have on Mr. Armstrong and he believed it would put the barn in his view. Commissioner Phillips understood that the purpose of the no-build area was to prevent the development from going further into the field to keep the space open. In his opinion, that was another reason not to reduce the no-build area. He could not see a good reason to change what has already been platted. Commissioner Phillips stated that he is in construction business and he personally lives on a 25' x 75' lot so he understands the constraints. He also knows that architects are really good at working with the space and he believes there is enough room to fit a nice home.

Commissioner Joyce echoed Commissioner Phillips. He had not seen a good cause aside from the fact that it would make the lot worth more to the potential buyer. In his opinion, that was not a compelling reason to change what was done under the previous Planning Commission.

Commissioner Thimm agreed with his fellow Commissioners. He had visited the site three times and he tried to line up the view shed. In looking at the drawing that defined the building pad area, and thinking about the 4900 square foot footprint in comparison to 12,500 square feet, he believed there would be sufficient space. Commissioner Thimm concurred that there needed to be a very good reason to change what was put in place, and he had not found a good reason based on what was presented. Whether it was 150' or 125' he was unsure how it would fit on the lot; but if 125' leaves over 12,500 square foot of buildable area, it would be ample enough space to locate a 4900 square foot footprint.

Commissioner Campbell noted that during the site visit the question was asked about who the Planning Commission represented as their constituency. He noted that one of the Commissioners suggested that their constituency was the LMC. Assistant City Attorney McLean stated that whoever said it was correct. They are not elected officials and, therefore, they do not have constituents. Commissioner Campbell wanted to know what part of the LMC the other Commissioners were referencing when they said it was enough space to locate the house. He felt like they were making it up as they go. Commissioner Campbell stated that the Planning Commission always looks for consistency and that properties and property owners should be treated the same. He believed that Mr. Richards' argument for wanting to be treated the same as the adjacent property had more validity than their personal opinions of how large the house should be.

Commissioner Band stated that her calling card has always been to do things consistently. However, this was a different subdivision from the one Mr. Richards used as a comparison. Commissioner Campbell clarified that if there was not a specific place in the Code that was being violated, then the cause should go to the landowner.

Commissioner Joyce stated that his issue was not whether there was enough space. An agreement was put in place as part of the annexation and a lot of effort went into the discussions and the end result. They have seen the minutes and all the drawings and maps, and that was the agreement. Commissioner Joyce remarked that the wetlands did not suddenly appear and the drawings from a long time ago show the house right where it was supposed to be. Commissioner Joyce remarked that there was an annexation agreement that went into a lot of detail to force things into certain places to accomplish a certain appearance. A lot of thought went into those details and he could find no compelling reason to undo the Annexation Agreement.

Commissioner Band stated that this is an entry corridor and the LMC talks about protecting the entry corridor and as much open space as possible. That would include clustering the development in accordance with the original Annexation Agreement.

Commissioner Phillips believed that protecting the open space was the major point. He only addressed the issue of sufficient space for the house because that was Mr. Richards' reason for wanting to move it.

Planner Whetstone stated that she was the planner on the Annexation, and the entry corridor, the City open space, and clustering buildings were major considerations. At the same time they wanted to provide large lots to keep an agrarian look and feel. Planner Whetstone noted that the height restrictions placed on the lots were done for the purpose of visibility. She pointed out that the houses in Aspen Springs are all in the single family

zone and have a maximum height of 33'. However, the lots above the white barn have a height restriction of 30' because they can be seen from the entry corridor.

Chair Pro Tem Strachan stated that the Planning Commission would be forwarding a recommendation to the City Council. He pointed out that the City Council had weighed in the first time and as reflected in the minutes, they weighed in thoroughly and with a good eye, and they reached the correct conclusion. Chair Pro Tem Strachan clarified that he was not in favor of changing the original agreement. He believed that building a 4900 square foot house on a 12,500 square foot footprint was doable and it allowed some flexibility.

Chair Pro Tem Strachan noted that there was not a finding of fact or conclusions of law about how the final building footprint should be memorialized; and he suggested that Exhibit C on page 91 of the Staff report should be incorporated in the motion. Exhibit C is the preliminary plat and whoever makes the motion could make it the final plat.

Mr. Richards stated that the Commissioners were suggesting that he abide by the Annexation agreement, but the Annexation agreement identifies a 250' no-build zone. He pointed out that he was willing to give 50 feet as a compromise.

Commissioner Joyce asked where the 336' no-build zone came from. Planner Whetstone pointed to a line that was drawn in during the discussion for the preliminary plat and the annexation before it went to City Council. The Planning Commission originally suggested that the 80' on the east side be ROS zoned. She could not find in the minutes where a decision was made on that line, but they did talk about having to have a driveway, a house, a separation and then a barn. The line was drawn with rulers and the location was discussed. Planner Whetstone showed the preliminary plat with the line when it went to the City Council, and the Council left the line.

Planner Whetstone stated that it was possible that the 250' reference could have been from the cul-de-sac north. She did not think it was clear in the minutes.

Mr. Peters had a recorded copy of the Annexation agreement and on Exhibit C, and the line Planner Whetstone mentioned did not exist on the exhibit. Planner Whetstone stated that the Exhibit Mr. Peters had did not have the recorder's stamp. Mr. Richards stated that he requested that the County send him a packet including the plats and all the documents that were recorded, and those were the documents he had this evening.

Chair Pro Tem Strachan stated that Exhibit C on page 91 of the Staff report was a Concept Subdivision and Phasing Plan done by Alliance Engineering on 1/8/13. Planner Whetstone remarked that it was actually the one that was approved by the City Council and recorded.

Chair Pro Tem Strachan believed that was even more reason to make it the final plat through a motion and override the preliminary plan.

Planner Whetstone remarked that the Annexation Agreement did not mention an actual number for the no-build zone. Mr. Richards stated that the plat that was submitted did not mention a number either.

Mr. Richards stated that when the annexation was made there was a concept but no definition of exactly where the house would sit. They were trying to get the first phase approved and the Planning Commission wanted an idea of what they were proposing for Phase 2. For that reason they submitted a concept plan. It was only a concept and it was never intended to be final. Mr. Richards remarked that the home shown on the plan was only something that could potentially be built. Mr. Richards did not believe that when Phase 1 was approved that Phase 2 was approved at the same time. The concept was to place a home on the lot reasonably near the cul-de-sac and that the barn would be 75' from a home.

Commissioner Joyce clarified that he was mostly concerned about the demarcation line of the no-build zone. He understood it was not the actual house that would be built and he was not concerned with the placement because it would be restricted by the wetlands.

Mr. Richards stated that somebody will have to look at the barn. He realized that Mr. Armstrong would be looking at third of the barn, but the rest would be hidden by the trees. If they move it for Mr. Armstrong, then another neighbor would have to look at it.

Commissioner Joyce clarified that he personally was not saying that Mr. Armstrong should not have to look at the barn. That was not his issue. His issue was finding a compelling reason to change an agreement. Accommodating a buyer so he can build the house he wants is not a compelling reason because there are ways to build within the constraints of the lot. Commissioner Joyce stated that protecting the entry corridors was more important than protecting the view of one individual.

Mr. Richards pointed out that the distance between the barn and the house would not change because they could not bring it in any closer. Wherever the house and the barn sits would be as close as they could be regardless of whether they are closer to the cul-de-sac or 35' beyond the cul-de-sac. Mr. Richards stated that Lot 4 in Aspen Springs is 100 feet closer to the highway than the home on Lot 7 would be.

Commissioner Campbell was unclear as to where the no-build line came from. He was under the impression that it had to do with the Annexation Agreement but that did not

appear to be the case. Commissioner Campbell wanted to know when it was inserted into the plat, who had the idea and who approved it.

Planner Whetstone referred to page 139 of the Staff report and noted that the January 9, 2013 minutes reflect that the Planning Commission forwarded a recommendation to the City Council on the annexation. Commissioner Wintzer made a motion to forward a positive recommendation to the City Council as approved in the draft ordinance and as amended by Planner Whetstone, and the amendment to Condition 3 to include the hard surfaces, and a request to add a zone line to zone the eastern portion of Lots 1, 2 and 6 and the wetlands portion of Lot 7 to ROS. Planner Whetstone noted that the minutes show some discussion among the Commissioners and the motion was voted on and passed. Later in the minutes it states that, "Assistant City Attorney McLean recommended that the Planning Commission consider where they wanted the absolute no-build zone as opposed to defining building pads. That would add some flexibility for shifting the building pads as long as it stayed out of the no-build area. Commissioner Hontz remarked that there was already agreement on areas where building could not occur because of wetlands, and this was another added layer of protection. Commissioner Savage was comfortable with an ROS designation on the wetland area because it was already an unbuildable area." Planner Whetstone clarified that they were talking about the wetland area and the 50' foot buffer.

Planner Whetstone referred to page 140 of the Staff report, also the January 9, 2013 minutes, and read, "Planner Whetstone reviewed the proposed changes in addition to the ones she had revised earlier and condition #3 was read to define driveways and hard surface areas at the time of final plat, and the recommendation that the easternmost 80 feet of Lots 1, 2 and 6 and the northernmost 250' of Lot 7 be zoned Recreation Open Space, with the remaining portions zoned SF." Planner Whetstone remarked that the City Council did not think the lots should be separate zones and there should just be a no-build zone.

Planner Whetstone pointed out that the language talked about the wetlands area and then suddenly it was 250'. She and Director Eddington recalled that people were using rulers to figure out where the line should be based on a driveway, a house, a setback and a barn and the wetland area. The line was drawn on the preliminary plat by Alliance Engineering. She was unsure whether someone had measured it and believed it was 250' or how that came about. She clarified that the minutes say, "the northernmost 250 feet". Planner Whetstone stated that if that was the case then some of the wetlands would not be in the no-build area.

Commissioner Thimm remarked that the wetlands have their own protection for where building would not be allowed to occur. He thought it went back to the question of where the 336' no-build came from if it was identified as 250' in the minutes.

Planner Whetstone referred to the minutes of the January 31, 2013 City Council meeting on page 146 of the Staff report. She read, "She explained that the Planning Commission recommended that the north 250' of Lot 7 be zoned ROS and the easternmost portion, as opposed to the Staff recommendation which was to place a no-build designation." Planner Whetstone read from the same minutes at the end of page 146 and a comment by then Council Member Alex Butwinski, "The Annexation Agreement is consistent about the Park City Municipal Corporation parcel being ROS and the zoning of single family, except for the back 250' of Lot 7, which will also be zoned ROS."

Planner Whetstone noted that 250' keeps showing up in the minutes from both the Planning Commission and City Council meetings, but Exhibit C in the Staff report was the preliminary plat that was approved.

Chair Pro Tem Strachan pointed out that Exhibit C was dated 1/8/13 and the City Council approved it on 1/31/13. The Exhibit pre-dates the City Council's decision. Chair Pro Tem Strachan recalled that the City Council looked at the plat and the line on the plat and approved it. He was certain that the line did not somehow show up after the City Council approval.

Commissioner Campbell remarked that in the minutes Commissioner Savage had stated that the line was arbitrary. Chair Pro Tem Strachan replied that it Commissioner Savage's opinion that the line was arbitrary, and he was the lone dissenter.

Commissioner Joyce stated that if everything discussed in both the City Council and Planning Commission meetings was 250-feet, it appeared that someone may have drawn the line in the wrong place on the preliminary plat for Lot 7. Commissioner Campbell thought that was exactly what happened.

Commissioner Phillips thought the discussion where everyone sat down with rulers was where it all changed. He asked if that discussion was reflected in any of the minutes and whether it occurred at the City Council meeting or with the Planning Commission. Chair Pro Tem Strachan recalled that it was in the City Council meeting. He noted that Alliance Engineering was retained by Mr. Richards and the plat was submitted to the City Council in their packet of materials for approval.

Commissioner Campbell pointed out that all the documents say 250', except for Exhibit C, which is what the applicant submitted.

Mr. Richards wanted to know why the plat that was submitted for recording did not show the no-build zone. Planner Whetstone clarified that the annexation plat would not have shown it. It was only an exhibit that indicated that it was a preliminary plat. She explained that an annexation has to come with a master plan or some kind of preliminary plat, and gets finalized when the Planning Commission looks at the final plat, which they were looking at this evening. The first and final plat included the 80 feet and that was all clear. Planner Whetstone stated that the Planning Commission had the ability to look at this as a final plat. The Annexation agreement talks about no-build and protecting wetlands and protecting the views and the entry corridor. It does not have to comply completely but it should be consistent with the preliminary plat to the greatest extent possible.

Commissioner Joyce felt like someone had drawn a made-up line and it became the decisive line.

Director Eddington recalled that when this was first being discussed early in the preliminary stages there was concern with regard to whether a Lot 7 should even exist because it would be located between two wetlands. Six lots were proposed and the 7th lot was proposed between the two wetlands. There was concern with that lot being located between the two wetland areas. It already had so many constraints that the question was whether it should even exist. It went forward and was noted on the plat as a possible lot. The discussions went from annexation discussions to the final plat, which is where they were tonight. Director Eddington thought from the earlier discussions that there was a 250' ROS discussion on the north part of this property. He also remembered a discussion about doing something similar for Lots 1, 2 and 6 and adding the 75' no-build zone. He thought it was the 250' plus 75', but that would only total 325 not 336. Director Eddington acknowledged that he could be wrong but that was his recollection of how it all evolved. He did remember that there was significant concern about reducing that lot because of its location between the two wetlands.

Commissioner Campbell remarked that this was a conflict that the City Council would have to resolve regardless of what the Planning Commission decided. He asked if the Planning Commission could forward a recommendation to the City Council to look carefully at where the 250' zone really is, rather than try to force the applicant to live by what seemed to be an imperfect document.

Commissioner Melissa noted that the Planning Commission had continued this item at the last meeting so they could have all the meeting minutes to understand where the 336' number came from. She thought they needed to be fair to Mr. Richards, and after reading the minutes and seeing 250' consistently they were still looking to understand what happened.

Chair Pro Tem Strachan suggested that they send it to the City Council with a positive recommendation that Exhibit C should be the final plat, and let the Council determine whether it was in the right place or the wrong place. Commissioner Campbell thought their recommendation should have language that makes the City Council aware of the discrepancy. Chair Pro Tem Strachan noted that the City Council would have the minutes from this meeting. Council Member Simpson was in attendance and she would also relay their discussion.

Commissioner Joyce stated that aside from the question of how the line was drawn, he understood that they were talking about a line in the middle of Lot 7. When the first half of the subdivision was done on Lots 1 through 4, the applicant had not asked for approval for Lot 7. Since the approval of Lot 7 was part of the final plat, he wanted to know how much the Planning Commission was constrained by the previous agreements. Chair Pro Tem explained that when the applicant came in for lots 1, 2 and 3, a large bulk of the discussion was about Lot 7. Commissioner Joyce asked if the line that was drawn for Lot 7 in the preliminary plat was a definitive plat that was expected with the approval, or whether it was a concept of what Lot 7 might look like with the details to be determined at the time of approval for Lot 7. Chair Pro Tem Strachan replied that it was only a concept in the annexation discussion. However, he believed it was one of the more thorough annexation discussions because they actually talked about where the building footprint should be located. Because the site is so sensitive and delicate and contains wetlands and open space on the entry corridor, the Planning Commission and the City Council looked at this annexation petition with more scrutiny in contrast to other annexations.

Commissioner Campbell remarked that based on the minutes from both the Planning Commission and City Council meetings, everyone repeatedly assumed that the line would be at 250'. It is referenced often and no one corrects it.

Chair Pro Tem Strachan summarized that none of the Commissioners were clear as to whether Exhibit C on page 91 of the Staff report reflects the accurate no-build line. He understood that there was consensus that the current building footprint and barn footprint did not need to be changed. Chair Pro Tem Strachan stated that the Planning Commission could make a motion to forward a positive recommendation to the City Council and include those two items; and let the City Council decide whether or not to accept it.

Commissioner Campbell wanted the recommendation to include the fact that the Planning Commission was unclear about where the line should exist. He thought they should be clear that the Planning Commission was not asking the City Council to codify the existence of the line where it was currently drawn.

Mr. Richards was disappointed that Steve Schueler was unable to attend this evening because he was told by Staff to add the line and he might be able to provide some clarity. Commissioner Campbell informed Mr. Richards that Mr. Schueler could still attend the City Council meeting since they would be making the final decision.

MOTION: Chair Pro Tem Strachan moved to forward a POSITIVE recommendation to the City Council based on the Findings of Fact, Conclusions of Law and Conditions of Approval as contained in the draft ordinance, with specific reference to Exhibit C on page 91 of the Staff report as indicating the no-build zone for Lot 7. Commissioner Phillips seconded the motion.

Commissioner Campbell did not believe the motion expressed their lack of clarity on the 250' issue. Council Member Simpson stated that she understood the confusion; however, she was unsure where they would find clarity. She suggested that they amend the motion to ask the City Council to make a final determination on where the line should be; or the request could come from Staff. Ms. Simpson assured the Planning Commission that she would remember this discussion when the City Council has their discussion. Council Member Simpson questioned whether or not the motion needed to be that specific.

Chair Pro Tem Strachan amended his motion to say that the Planning Commission would leave it the City Council to determine where the no-build line should be on Exhibit C on page 91. Commissioner Phillips seconded the amendment to the motion.

VOTE: The motion passed unanimously.

Assistant City Attorney McLean recommended that the Staff include the draft minutes from this meeting in the Staff report for the City Council meeting. Planner Whetstone would notify the Planning Commission when the item is scheduled so at least one Commissioner could attend. Ms. McLean noted from the agenda that this item was scheduled to go before the City Council on November 13th.

Findings of Fact – 510 Payday Drive

1. The property is located north of Payday Drive (north of the Thayne's Creek Ranch Subdivision), south of Aspen Springs Subdivision, east of Iron Canyon Subdivision, and west of Highway 224.
2. The property was annexed into Park City with the Richards/PCMC Annexation approved by the City Council on January 31, 2013 and recorded at Summit County on April 12, 2013.

3. The property is zoned Single Family (SF).
4. Access to the property is from Payday Drive at the existing driveway to the Richard's property. The driveway has been improved to a private street known as Country Lane.
5. On January 31, 2013, concurrent with the Annexation, the City Council reviewed and approved a preliminary subdivision plat for a total of seven single family lots and one common lot for the riding arena. The proposed phase two plat is consistent with the preliminary subdivision plat and consists of four (4) lots. Three of the lots are single family development lots and one lot is a common, non-residential lot for the existing riding arena.
6. The property is not within the Entry Corridor Protection Overlay zone (ECPO) and no portion of the plat is within the Park City Soils Ordinance boundary.
7. The subdivision creates non-conforming rear setbacks for an existing outbuilding and a guest house on Lot 5.
8. The subdivision complies with the Land Management Code regarding final subdivision plats, including SF zoning requirements, general subdivision requirements, and lot and street design standards and requirements.
9. General subdivision requirements related to 1) drainage and storm water; 2) water facilities; 3) sidewalks and trails; 4) utilities such as gas, electric, power, telephone, cable, etc.; and 5) preservation of natural amenities and features, have been addressed through the Annexation and subdivision plat review process as required by the Land Management Code.
10. Sanitary sewer facilities are required to be installed in a manner prescribed by the Snyderville Basin Water Reclamation District (SBWRD).
11. The property is subject to the Employee/Affordable Housing requirements of the Affordable Housing Guidelines and Standards Resolution 20-07. One Affordable Unit Equivalent equals 900 square feet. The affordable housing obligation determined at the time of the annexation is 15% of 6 new units or 0.9 AUE (810 sf). The affordable housing obligation has been satisfied with payment of an in-lieu fee as approved by the Park City Housing Authority.
12. Land uses proposed in the second phase subdivision include three single family lots and one lot to be dedicated to the HOA for common recreation

facilities, such as the existing riding arena. Only one single family home and one barn are permitted to be constructed on each of Lots 6 and 7. Lot 6 contains an existing hay barn that may remain. Lot 5 contains an existing house, a guest house, a storage shed, and two barns that may remain. Lots 5 and 7 are allowed up to six (6) horses and therefore the barns are larger than on Lots 1, 2, and 6.

13. Per the Land Management Code, a maximum of 2 horses per acre of lot area are permitted on lots containing one acre or more, subject to an administrative conditional use permit and an animal management plan.

14. The PCMC Parcel that is adjoining Lots 6 and 7 allows only those uses permitted by the Deed of Conservation Easement.

15. The subdivision plat is consistent with the purpose statements of the SF zone. The SF zone does not allow nightly rental uses and restricting this use is consistent with the character of the surrounding neighborhood.

16. Areas of wetlands and irrigation ditches, and any required setbacks from these areas for the private road were identified during the annexation.

17. The proposed subdivision is outside the City's Soils Ordinance District.

18. Wetlands are protected by language in the LMC and Annexation Agreement requiring building pad locations, setbacks, and requirements for protection of sensitive lands during construction. Delineated wetland buffer areas are shown on the plat.

19. There is good cause for this subdivision plat in that it creates legal lots of record from metes and bounds described parcels; memorializes and expands utility easements and provides for new utility easements for orderly provision of utilities; provides access easements for adjacent property; provides no build areas for protection of the City's Open Space and wetland buffer areas, and is consistent with the approved the Richards/PCMC Annexation Agreement and preliminary subdivision plat.

20. The findings in the Analysis section are incorporated herein.

Conclusions of Law – 510 Paydrive Drive

1. The subdivision complies with LMC 15-7.3 as conditioned.
2. The subdivision is consistent with the Park City Land Management Code and applicable State law regarding subdivision plats.
3. The subdivision is consistent with the Richards/PCMC Annexation Agreement approved by the City Council on January 31, 2013.
4. The subdivision is consistent with the Richards/PCMC preliminary plat approved by the City Council on January 31, 2013.
5. Neither the public nor any person will be materially injured as a result of approval of the proposed subdivision plat.
6. Approval of the proposed subdivision plat, subject to the conditions stated herein, will not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 510 Payday Drive

1. City Attorney and City Engineer review and approval of the final form and content of the subdivision plat for compliance with State law, the Land Management Code, and the conditions of approval, is a condition precedent to recordation of the plat.
2. The applicant will record the subdivision plat at Summit County on or prior to the date that is one year from the final City Council approval. If recordation has not occurred within this extended timeframe, the plat amendment approval will be void, unless a complete application requesting a further extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Conditions of approval of the Richards/PCMC Annexation, as stated in the Annexation Agreement, continue to apply.
4. Final approval of the sewer facilities plan by the Snyderville Basin Water Reclamation District is required prior to final plat recordation.
5. A landscape and irrigation plan shall be submitted for City review and approval for each lot, prior to building permit issuance. All applicable requirements of the LMC regarding top soil preservation, final grading, and

landscaping shall be completed prior to issuance of a certificate of occupancy.

6. An industry standard Third Party inspector shall be mutually agreed upon by the Chief Building Official and the applicant prior to issuance of a building permit to provide third party inspection for compliance with LEED for Homes Silver rating, per the Annexation Agreement.

7. A construction mitigation plan (CMP) shall be submitted and approved by the City for compliance with the Municipal Code, LMC, and conditions of the Annexation Agreement prior to building permit issuance.

8. A financial guarantee, in a form and amount acceptable to the City and in conformance with the conditions of approvals has been provided to the City for public improvements. A portion of the guarantee, to be determined by the City Engineer, shall be held by the City through the warranty period and until such improvements are accepted by the City.

9. All standard project conditions shall apply.

10. Recordation of a final subdivision plat is a requirement prior to issuance of building permits.

11. The final subdivision plat shall include plat notes stating that the maximum density of the second phase subdivision is three (3) single family dwelling units and that no lot shall be further subdivided to increase the overall density of the subdivision. Lot 8 (to be renamed Parcel 8) is not a residential building lot and shall be dedicated to the Thaynes Creek Ranch Estates HOA as a common recreation parcel that may contain the existing riding arena, a storage area, and other associated uses identified in the CCRs. Barns shall not be used for human occupation.

12. All exterior lighting shall be reviewed with each building permit application for compliance with best lighting practices as recommended by the Dark Skies organization.

13. Fencing shall be consistent through-out the subdivision. A fencing plan shall be submitted with each building permit application to allow Staff to review all fencing for consistency through-out the subdivision and to review impacts of fencing on wildlife movement through the site. The fencing plan shall include location of fences and materials, dimensions, and installation methods and

shall be consistent with the fencing plan approved with the preliminary plat.

14. Construction of a five foot wide public side walk along Payday Drive connecting the existing sidewalk on the north side of the street with a pedestrian crossing at Iron Mountain Drive is required to provide connectivity to Rotary Park. The sidewalk and all required public improvements, including landscaping of the public right-of-way along Payday Drive, shall be completed prior to issuance of a certificate of occupancy for any new house located on either the Phase One or Phase Two plats.

15. A grading plan and landscape plan shall be submitted with each building permit application and this requirement shall be noted on the final subdivision plat. Excavated materials shall remain on site to the greatest extent possible and shall be addressed with the grading plan.

16. A note shall be included on the final subdivision plat requiring each new house in the development to meet LEED for Homes Silver Rating certification (at a minimum) with required water conservation requirements as further described in the Annexation Agreement.

17. A note shall be added to the final subdivision plat stating that the Planning Director may grant an administrative Conditional Use permit for the raising and grazing of horses on these lots, including a barn located within an identified building pad on the final subdivision plat, provided the application complies with the LMC requirements for raising and grazing of horses and providing an Animal Management Plan is submitted and approved.

18. A note shall be added to the final subdivision plat indicated that barns may not be used for human occupation.

19. A note shall be included on the final plat indicating that barns shall be designed to be architecturally compatible with the house on the same lot, including architectural design, materials, colors, and character.

20. All conditions and restrictions of the Annexation Agreement shall continue to apply to the Final Subdivision plat and shall be noted on the plat prior to recordation.

21. Ownership of water rights shall not affect the application of the Impact Fee Ordinance to the Property at the time of development of the lots as further described in the Annexation Agreement.

22.Modified 13-D residential fire sprinklers are required for all new construction as required by the Chief Building Official.

23.The plat shall note that Lots 5, 6 and 7 are restricted to a maximum house building footprint of 4,900 sf, including the garage. New barn footprint is restricted to 1,300 sf for Lot 6 and 1,800 sf for Lot 7. Lot 5 has an existing single family house (3,906 sf footprint), an existing guest house and garage (1,398 sf footprint), a shed with a studio apartment (2,349 sf footprint), and two barns (2,203 sf and 1,690 sf) that may remain. Lot 6 has an existing hay barn with a 1,585 sf footprint that may remain and be enclosed with no additional building footprint allowed. All new construction shall meet LMC lot and site requirements in effect at the time of the building permit and shall comply with these plat notes.

24.Maximum building height for barns is 18' (to peak of roof).

25.Maximum building height for houses on Lots 5 and 6 is 30' (25' plus 5' for pitched roof). Maximum building height for Lot 7 is 28' (23' plus 5' for pitched roof).

26.Maximum irrigated area for finished landscape (excluding pasture areas irrigated with private irrigation shares) is 12,000 sf for Lots 6 and 7. All landscaping shall comply with LMC Section 15-5-5 (M). Trees, such as cottonwoods, willows, aspens, and fruit trees may be planted in the pasture areas provided they are irrigated only with private irrigation shares.

27.Maximum LOD area (including house and barn footprints, paved driveways, patios and other hardscape, and irrigated landscaping) for Lots 5, 6 and 7 is restricted to a maximum of 45% of the Lot Area. Area necessary for utility installation is excluded from the maximum LOD area calculation and if utility installation is within the pasture areas it shall be re-vegetated with like pasture vegetation. Designated "no-building zones" and wetland buffer areas shall not be impacted or disturbed by construction activities, with the exception of necessary utilities, irrigation facilities, and fence installation and repairs. Use of these areas by horses is subject to an Administrative Conditional Use permit and Animal Management Plan.

28.All new construction on Lot 5 shall comply with the Land Management Code in effect at the time of building permit application for the new construction.

29. Lot 8 shall be renamed on the final plat as Parcel 8 and clearly noted as a non-residential parcel.

4. 1825 Three Kings Drive – Three Kings Realty at Silver Star Conditional Use Permit for Office Building (Application PL-14-02329)

Planner Whetstone reviewed the request for a conditional use permit for a 2,260 square foot single-story office building which would include 1325 square feet of real estate offices, 615 square feet for the existing mine tunnel entrance, and 320 square feet for storage for the Silver Star Café. The building is an existing historic structure. The proposal is to restore the historic structure and add the addition to the south side.

Planner Whetstone presented a slide showing the existing historic structure, the area of the proposed addition, and the affordable housing building to the north. The existing Silver Star ski shop is to the south. She indicated the Silver Star ski lift and noted that the Silver Star Café was across the plaza in a different building.

Planner Whetstone reported that the conditional use permit is required because the MPD states that any new construction requires a conditional use permit. The structure is in the RDM zone, which allows office uses in a re-use building as a CUP. She noted that the MPD already acknowledged that there would be 14,500 square feet of commercial offices. Sundance takes a larger amount of the square footage. Based on the Staff calculation there appeared to be an existing 12,692 square feet with the addition of this office building, which under the 14,500 square feet allowed by the MPD.

The Staff conducted an analysis of the project against the 15 criteria in the LMC for conditional uses and found that there were no unmitigated impacts. Since parking is always an impact at Silver Star, the Staff recommended a condition of approval that within a year of Certificate of Occupancy the applicant would come back to the Planning Commission with a parking study to show how they were managing the parking. Planner Whetstone stated that parking for this use was already part of the 110 spaces that were constructed, but the issue is how it is managed and whether the affordable housing units are impacted by the uses.

The Staff recommended that the Planning Commission conduct a public hearing and consider approving the conditional use permit for the office uses at 1825 Three Kings Drive to be located within a restored historic building with the proposed addition, in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval attached to the Staff report.

John Shirley, the architect representing the applicant, stated that he was the architect who planned Silver Star and he was excited to have the opportunity to complete the plaza. Mr. Shirley noted that a proposal was presented in 2008 for a bar use that was approved. Due to the economic downturn the bar never materialized.

Mr. Shirley presented slides and reviewed their proposal. They intend to renovate and utilize the existing mine structure as part of the entrance. He explained that the main purpose of the project is to complete the plazas and renovate and clean up the last piece of the area.

Mr. Shirley noted that a 16" inch water line comes out of the mine shaft and the applicant has been working with Roger McClelland with the Water Department to make sure the Water Department would still have access in and out. The design was modified to meet those needs.

Chair Pro Tem Strachan could not recall when the bar was approved whether the Planning Commission attached a condition of approval requiring a parking analysis after one year. Mr. Shirley could not recall. Planner Whetstone thought they had placed that condition. Mr. Shirley stated that Steve Perkins, the project manager, was present to address any parking questions. He believed Mr. Perkins has done a great job maintaining the parking, even during challenging periods. Chair Pro Tem Strachan concurred.

Chair Pro Tem Strachan opened the public hearing.

Planner Whetstone read into the record an email she had received from Claire Jackson, a resident on Kings Court, which is directly to the north of Silver Star. Ms. Jackson stated that she has been the owner of 5 Kings Court for twelve years. She had received the notice from Silver Star and she opposed the addition of any more building on that site. Noise, traffic congestion and lack of parking are all issues. Parking is so tight in that locale that people park on Kings Court. There is no need for an office building there. They should leave the open space open space.

Chair Pro Tem Strachan closed the public hearing.

Commissioner Band pointed out that a bar was approved in 2008, which would have created many more impacts than the proposed office use. She had no issues with the request.

Commissioner Campbell was unclear as to how Claire Jackson could refer to it as open space when the building already exists. Planner Whetstone stated that she had responded to Ms. Jackson and offered to provide her with additional information. She also explained

what the proposal was for and Ms. Jackson never responded back. Commissioner Campbell clarified that he was only interested in noting for the record that it was not open space. He felt that if the Planning Commission remained silent it would indicate that they agreed with Ms. Jackson that it was open space when that was not the case.

Commissioner Thimm agreed with Commissioner Campbell. He had visited the site and what was being proposed is to put building where building already exists. Commissioner Thimm thought the proposal was consistent with what was on record as having been approved.

Planner Whetstone noted that there was a small area that was not building. She had done an analysis and found that the open space is 76.4% which was provided at the time of the approval was. Sixty percent was required. Adding the entire footprint, the open space is reduced to 74.41%, which still exceeds the 60% required.

Commissioner Joyce stated that as a customer in that area for hiking, shopping and eating, the parking is very challenging. However he did not believe that adding the small addition would make it worse. Commissioner Joyce noted that over the past few years more spaces are being marked as reserved. He asked whether additional spaces would be reserved for this new business, and if so, how many. He thought the Staff report was conflicting because it said there would be four to five employees, but later stated that there would generally only be one employee in the office at one time. Commissioner Joyce was concerned that three or more parking spaces would be allocated to the real estate business.

Steve Perkins, the General Manager for Silver Star, replied that the agreement is that they could not assign any parking spaces on the southern end of the parking lot. He noted that flex parking was the easiest way to keep those problems from occurring. Commissioner Joyce asked if it was safe to assume that there would be no new allocated spaces specifically for this business. Mr. Perkins answered yes.

Commissioner Joyce did not believe it was necessary to require the applicants to return with a parking study in one year since they were only adding a small addition to an existing building in an already parking challenged area. He preferred to strike the condition.

Commissioner Band concurred with Commissioner Joyce. She had visited the site at 11:37 a.m. and there were empty spaces in front of the restaurant and retail shops. However, the parking lot for the trail access was completely full.

Assistant City Attorney McLean stated that parking for the overall subdivision came in for Planning Commission review a few years ago. She suggested that the Planning

Commission could ask the developer to come in and provide an update on how they were managing the parking. Ms. McLean understood that there was underground parking that was not being used. She thought the question was how they could better use the underground parking since Silver Star has become a popular destination.

Commissioner Phillips was satisfied with the proposal and he had no concerns. He complimented Mr. Shirley on the architecture and trying to preserve the history.

Chair Pro Tem Strachan concurred with his fellow Commissioners. He liked the proposal and he thought the parking was self-regulating. He favored the suggestion to strike Condition #11 because there was no reason for the applicant to provide a parking analysis. He noted that parking was discussed in great length when it was originally built and there were several parking studies. Chair Pro Tem Strachan was unsure what they would accomplish by having the applicant do a study because the parking was already done.

MOTION: Commissioner Phillips moved APPROVE the conditional use permit for Three Kings Realty at Silver Star based on the Findings of Fact, Conclusions of Law and Conditions of Approval in the Staff report and as amended to remove Condition of Approval #11 and renumber the conditions. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1825 Three Kings Drive

1. The subject property is located at 1825 Three Kings Drive.
2. The property is located in the Residential Development Medium density (RDM) zoning district and within the Spiro Tunnel Master Planned Development (aka Silver Star MPD).
3. The project site is located within the Residential Development Medium Density (RDM) zoning district. Office uses are allowed with an MPD. The Spiro Tunnel MPD and CUP approved office uses at this site and no MPD amendment is required for this proposed CUP application.
4. On October 27, 2004, the Planning Commission approved the Spiro Tunnel Master Planned Development and Conditional Use Permit for a mixed use development consisting of 97 residential unit equivalents (74 condominium units, 22 cottage units and one single family house with guest); an artist-in-residence campus with up to 14,500 sf of offices, studios, and gallery retail space; support commercial uses and support meeting space; and 16.11 (AUE) of affordable housing units (21 units in Buildings N and O).

5. Support commercial and support meeting space (up to 10% of the total residential floor area is 19,400 sf based on a total of 97 residential UE) was specifically allowed during the MPD approval for the Silver Star project, as the project was considered a nightly rental condominium project.
6. The CUP is subject to the Silver Star Plaza Condominiums Buildings N, O, P, Q, and R condominium plat approved by City Council on November 30, 2006 and recorded at Summit County on February 19, 2008. The building is located in the common area of this condominium plat and is currently owned by the Silver Star Plaza Condominiums Homeowner's Association.
7. The existing single story historic mine shed consists of approximately 615 square feet. The proposed single story addition consists of approximately 1,645 square feet of gross floor area, including 1,325 sf for office uses and 320 sf for storage and walk-in cooler for Silver Star Café to replace the temporary storage shed located at this site. The mine shed area will continue to be used for access to the mine tunnel for maintenance of water facilities.
8. The site is listed on the Historic Sites Inventory as a Significant Historic Site.
9. There are currently 110 shared parking spaces at the property. All parking within Spiro Tunnel MPD (Silver Star), with the exception of the private garages for the 22 cottage units, is shared parking, and was provided at the time of construction of the project in accordance with parking requirements for the approved uses.
10. No outdoor storage of goods or mechanical equipment is proposed. The existing temporary structure housing a walk-in cooler and storage for the Silver Star Café will be removed upon completion of the addition and these uses (storage for the Café) will be relocated to a 320 sf portion of the addition, completely enclosed within the building.
11. Additional traffic to the site will primarily be due to the 4-5 employees, as the office is primarily to provide real estate services to the Silver Star MPD owners. Additional trips on the surrounding streets are estimated at 20-25 trips (5 trips per employee per day) during the day between 8AM and 5 PM. A public transit stop is located at the property on Three Kings Drive near the main entrance.
12. Any additional utility capacity, in terms of water requirements due to added fire flows, will be reviewed by the Fire District, Water Department, and Building Department prior to issuance of a building permit.

13.The proposed development will not interfere with access routes for emergency vehicles.

14.No signs are proposed at this time. Any new signs will be reviewed under a separate sign permit for compliance with the approved Master Sign Plan for Silver Star.

15.Exterior lighting will be reviewed at the time of the building permit review.

16.The proposal exists within the Park City Soil Ordinance Boundary.

17.The findings in the Analysis section of this report are incorporated herein.

Conclusions of Law – 1825 Three Kings Drive

1. The application satisfies all Conditional Use Permit review criteria for residential uses as established by the LMC's Conditional Use Review process [Section 15-1-10(E) (1-15)];

2. The use as conditioned will be compatible with surrounding structures in use, scale, mass, and circulation.

3. The Applicant complies with all requirements of the LMC;

4. The Use is consistent with the Spiro Tunnel Master Planned Development and the Park City General Plan, and

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

Conditions of Approval – 1825 Three Kings Drive

1. All standard conditions of project approval shall apply to this project.

2. All signs associated with the use of the property must comply with the Silver Star Master Sign Plan and the City's Sign Code.

3. All exterior lighting shall comply with the lighting requirements in the LMC and shall be down directed and shielded.

4. No outdoor storage of goods or mechanical equipment is allowed on-site for this use. The existing temporary storage shed shall be removed from the site upon completion of the building.

5. A storm water and drainage plan shall be submitted and approved by the City Engineer prior to issuance of a building permit.

6. Prior to recordation of the plat amendment for this property a utility plan and any amended utility, drainage, and access easements shall be provided as required by the City Engineer and utility providers.

7. A utility and grading plan shall be submitted and approved by the City Engineer, City Water Department, Fire District, and Sewer District prior to issuance of a building permit. Existing water service will need to be evaluated and may need to be upgraded to meet fire flow requirements for the proposed uses and required fire sprinkler system.

8. A Historic District Design Review application is required to be submitted and the plans shall be reviewed for compliance with the Design Guidelines for Historic Buildings and Sites prior to issuance of a building permit for any work on the historic building.

9. The site exists within the Park City Soil Ordinance Boundary, therefore any soil disturbance or proposed landscaping must adhere to Park City Municipal Code 11-15-1.

10. The Silver Star Plaza Condominium plat will have to be amended prior to issuance of a building permit to identify the building and addition on the plat. If the HOA intends to sell the building then the condominium plat would have to be amended to indicate the building as a private commercial condominium unit, similar to the designation of the other buildings on the plat. If the building remains commonly owned, the amended plat can identify the building and indicate that it is common area.

11. A construction mitigation plan (CMP) shall be submitted with the building permit and shall identify how construction activity and construction parking impacts on the residential units and commercial activity on the plaza will be mitigated. The CMP shall indicate where the temporary storage building will be relocated to during construction of the permanent building.

5. **Land Management Code Amendments related to:**

1) Pet services in GC and LI zoning Districts (LMC Sections 15-2.18-2, 15-2.19.2 and 15-15-1).

2) Definitions regarding Pet Services (LMC Chapter 15). **(Application PL-14-02348)**

Planner Whetstone requested that the Planning Commission review the proposed amendments to the Land Management Code and provide a recommendation to the City Council on the amendments regarding animal services. The request is to amend Chapter 2 and Chapter 15. In Chapter 2 they were looking at the General Commercial and Light Industrial zone.

Planner Whetstone reported that on May 28th the Planning Commission discussed other LMC amendments. At that time the Staff proposed allowing animal services such as boarding, grooming, kennels and daycare. The Staff suggested that the General Commercial and Limited Industrial zones might be appropriate places where these uses could occur as either an allowed use, an administrative conditional use, or a conditional use. Planner Whetstone remarked that some of the definitions were more consistent with the Municipal Code and less specific to the types of uses that people had requested to be in these zones.

Planner Whetstone stated that the Staff did some research and looked at Aspen, Colorado; Sedona, Arizona; Santa Fe, New Mexico; and Summit County, Utah where all the proposed uses are allowed.

Planner Whetstone reviewed the proposed definitions, which addressed household pets. She noted that household pets include dogs, cats, rabbits, birds, and other small companion animals. The definitions talk about pet boarding being a commercial establishment for overnight boarding and care of four or fewer dogs and five or fewer other household pets. She explained that the language specified four or fewer dogs because five or more dogs is defined as a kennel. Planner Whetstone stated that the definition of a pet daycare would be a commercial establishment for providing same-day short-term care for household pets. It is a purposely designed establishment that excludes the keeping or boarding of animals overnight. Planner Whetstone noted that pet grooming is currently allowed in Park City and the Staff was suggesting a definition for pet grooming. They also clarified the definition for Veterinary Clinic per Planning Commission input.

Planner Whetstone stated that the Staff was proposing Pet Boarding as a conditional use in the GC and the LI zones. The Pet Daycare would be a conditional use in these same zones. There would be no limitation on the number of animals for Pet Daycare. Pet Grooming was proposed as an administrative conditional use permit in both the GC and LI zones.

Planner Whetstone explained that the Planning Commission could place these uses as a full conditional use permit where an application is reviewed against the same 15 CUP criteria. However, with a regular conditional use permit process there is a 14 day public notice period, the property is posted and notices are sent to everyone within 300 feet. The Planning Commission reviews the CUP request and conducts a public hearing. Planner Whetstone noted that with an Administrative CUP the application is reviewed against the same criteria, the adjacent property owners are notified, and the property is posted. After review and proper noticing, the Staff makes the decision to approve or deny the application.

The Staff recommended leaving kennels out of the discussion at this time to allow for further study.

Planner Whetstone noted that with animal services another layer is added to the process that involves licensing requirements for Animal Control, the Health Department or other related entities.

Chair Pro Tem Strachan opened the public hearing.

Bob Sailor stated that he had addressed the Planning Commission in May and he wanted to address the same issues. Mr. Sailor stated that he came to Park City in May and tried to obtain a license for his daughter to open a doggy day care business. Since that time it became apparent from his own observations that daycare, grooming and pet boarding are already established services in Park City, and hundreds of Park City citizens seek out and pay for those services every day. Mr. Sailor commented on the website and social media sites where Park City residents and visitors reach out to the individuals who offer these services. Because the services are not addressed or permitted in the Code, he assumed these individuals were operating without a business license. Mr. Sailor stated that in addition to the Park City residents who obtain these pet services, destination visitors also contact these service providers to arrange care for their pets while they ski, shop, and dine in Park City. He noted that pet friendly hotel and lodging establishment ask their guest not to leave their pets unattended. Therefore, they need to have a place to take them when they are out. Mr. Sailor stated that some lodging managements who are not yet pet friendly would like to be and they are looking for a solution that would empower them to be pet friendly.

Mr. Sailor commented on the taxes and license fee revenue that the City is losing by not addressing these services in the Code. The fact that these services are being provided indicates that there is a market for it. It is a thriving business market that is currently unlicensed, unregulated, uninsured and untaxed.

Mr. Sailor asked the Planning Commission to consider allowing these animal services as an allowed use rather than a conditional use permit. In his opinion a conditional use is not a solution because of the burdens attached in terms of the time and money involved in the process. He stated that if someone finds a building to locate their business and they have to wait for the conditional use permit to be approved, it would be a hardship because they would either lose the building or have to pay for it on the hope that their request would be approved. Making it a conditional use would also keep those already in the business from coming forward and applying for a conditional use for time and money reasons. If it was an allowed use those same people would be more willing to come forward and seek the proper licensing. Mr. Sailor stated that the conditional use is too onerous for those already in the business making money. He reiterated his suggestion for making it an allowable use and for the Planning Commission to forward that recommendation to the City Council.

Mr. Sailor thought the daycare, grooming and boarding services as recommended by the Staff were circular businesses. He explained how they could overlap each other and use the example of dropping your dog off in the morning to be groomed but not picking him up until after work. In that circumstance, grooming and daycare overlap. Mr. Sailor named other scenarios where daycare and boarding could overlap. He felt there was very little distinction between the three services.

Chair Pro Tem summarized that Mr. Sailor believed the proposed animal services were very necessary and he thought it should be an allowed use.

Mr. Sailor felt his comments were accurately summarized and he was happy to answer any questions.

PJ Sailor stated that they moved from Virginia specifically to set up a dog daycare business. She believed that dog daycare is an allowed use in Aspen because it evolved that way. Ten years ago people did not take their dogs to doggy daycare the way they do now. Mrs. Sailor reiterated her husband's request that doggy daycare be considered as an allowed use rather than a conditional use. She noted that restrictions and regulations are currently in place through the Health Department and Animal Control that govern how a dog daycare is run. Aspen and many other locations they researched do not believe it is a zoning issue. She believed that making it a conditional use would be a tough sell to a business owner who only charges \$25 for an entire day of care. Rent in Park City is another major consideration. Mrs. Sailor remarked that dog daycare is not an extremely profitable business. Her daughter has been in the veterinary business for 10 years. She also has autism and this is her first try at opening a business and being her own boss. Making the move from Virginia was difficult for her daughter and they did not expect to encounter these problems when they made the decision to move. She again urged the Planning Commission to consider dog day care as an allowed use

Chair Pro Tem Strachan closed the public hearing.

Commissioner Joyce believed there was good reason to make it a conditional use. He has a dog that he sometimes takes to dog daycare and there is always noise, odors and other issues. He clarified that the intent of a CUP is not to tell someone how to run their business. The purpose is to address impacts and inconveniences to the surrounding neighbors.

Commissioner Joyce was not opposed to the recommendation for pet grooming to be an allowed use. However, he was unsure why the number of dogs allowed was different between a dog daycare and a kennel. He did not believe there was enough difference between the two uses to differentiate the number of dogs.

Commissioner Thimm concurred with Commissioner Joyce. In researching zoning codes in other resort communities he was struck by the idea of a commercial kennel being enclosed and entirely soundproofed. He noted that conditions of approval address noise, odors and safety issues. Commissioner Thimm thought an allowed use made sense for a dog grooming business; however, overnight and daycare facilities should be conditional uses for the reasons stated by Commissioner Joyce.

Commissioner Phillips concurred with Commissioners Joyce and Thimm. Understanding how difficult it would be for a small business to go through the process, he suggested that the City should do whatever possible to move the process forward as quickly as possible. If the City could have a comprehensive list of items that would be addressed in the CUP, the applicant could come fully prepared to avoid having to come back with additional or missing information. Commissioner Phillips supported the Staff recommendation for a conditional use for dog daycare and boarding.

Commissioner Campbell stated that he has lived in Park City for 12 years and over time dogs are becoming allowed everywhere. He was surprised that dog owners were not already choked with regulations. Commissioner Campbell could not understand why they would want to further regulate this type of service when there are already many regulations on small businesses. He preferred that it be an allowed use. Commissioner Campbell pointed out that these types of services are not in residential neighborhoods. They are in areas with other businesses where noise and disruption already exist.

Commissioner Phillips asked if they could put requirements or definitions in the LMC to address decibel levels, etc.

Commissioner Band referred to the comments that doggy daycares already exist. She tried to look them up prior to the meeting and she tried to call Animal Control and Summit County. Commissioner Band wanted to know what the Planning Commission needed to do in terms of what was being requested to open up that type of business.

Commissioner Campbell agreed with Mr. Sailor's point that if someone wanted to open up a business the dilemma would be holding on to the building while waiting for the CUP. He personally knows that the conditional use permit process can take as long as a year. A person would use all their money paying rent on the business before getting an approval to operate it. He thought it was an unfair restriction to put on a small business that he believed would do well in Park City.

Commissioner Joyce pointed out that this same type of business was a conditional use in Summit County.

Council Member Simpson suggested that the Planning Commission could keep the conditional use aspect, but make it an Administrative CUP. The applicant would not be required to come to the Planning Commission, which would streamline the process. In reference to an earlier comment about dogs being allowed everywhere including dining decks, Ms. Simpson clarified that dogs are not allowed on dining decks unless the restaurant applies for a permit with the Health Department. She sat on the Board of Health and it was a vigorous discussion that was dog supported, much to the dismay of the Environmental Health Officer.

Planner Whetstone stated that she had contacted the County. They do not have a separate definition for doggy or pet daycare. It is all under one definition of kennels. Planner Whetstone noted that the County does a low impact permit in the commercial districts. She explained that it was similar to an Administrative CUP, and the Planning Department has the discretion of deciding whether or not to take it to the Planning Commission.

Chair Pro Tem Strachan believed that making it an Administrative CUP was the right direction. He agreed with Mr. Sailor's that the uses will overlap and one business could provide all services. For that reason, he thought all three uses should be treated the same, whether it is an allowed use, a conditional use, or an Administrative CUP. His preference was to make them all Administrative CUPs.

Chair Pro Tem Strachan re-opened the public hearing for an additional comment.

Tory Sailor understood that the Commissioners were concerned about noise and smell; but those impacts already occur in residential neighborhoods. She referred to their earlier

discussion regarding trash cans as an example. Ms. Sailor remarked that the business owners need to abide by certain rules not only for the people but also for the animals. The animals need a clean place and a good environment. She wanted to open this business and she would not be reckless.

Chair Pro Tem Strachan closed the public hearing.

Commissioner Joyce reiterated his concern regarding the restriction on the number of dogs. If they intend to address all the issues through the conditional use process, he did not understand why they would arbitrarily limit the number. Chair Pro Tem Strachan understood that the number came from limits placed in other jurisdictions. Director Eddington stated that there was a distinction between kennels and pet boarding or pet daycare and the kennel was defined differently. Chair Pro Tem Strachan noted that Summit County has the five dog restriction for kennels.

Commissioner Band understood the distinctions between the uses and she recalled that they decided not to have kennels in the City, even as a conditional use. Commissioner Band believed it was important to have doggy daycare in Park City, but they also need to recognize that they are a town full of newbies and she had concerns with it being an allowed use. She pointed out that people rarely complain that children are playing too loudly, but they will complain about barking dogs. Commissioner Band supported an Administrative CUP.

Chair Pro Tem Strachan pointed out that neighbors are noticed with an Administrative CUP and it would be left to the Staff to mitigate the impacts.

Commissioner Campbell asked about the time frame for the Administrative process, and if the application was denied, whether it could be appealed to the Planning Commission. Director Eddington replied that a denial could be appealed to the Planning Commission. He stated that once the application is received it is reviewed by Staff and letters are sent to the neighboring properties. The noticing period is ten days. Following the noticing period the Staff makes the decision to approve or deny. Commissioner Thimm understood that if the Staff identified issues with a particular circumstance, they would have the ability to send it to the Planning Commission. Director Eddington stated that a few days prior to sending the notices the Staff addresses any conditions that would be part of the application approval. He reiterated that if the Staff denied the application it would be appealed to the Planning Commission and that would start a new process. Director Eddington noted that the neighbors would also have the right to appeal the action taken by Staff.

Commissioner Joyce noted that the numbering of the conditional uses starting on page 250 of the Staff report were out of sequence and should be corrected before it was forwarded to the City Council.

MOTION: Commissioner Joyce moved to forward a POSITIVE recommendation to the City Council to adopt the Land Management Code amendments related to Pet Services in the GC and LI zoning districts, and the definitions regarding pet services found in the draft ordinance and as amended. Commissioner Thimm seconded the motion.

Chair Pro Tem Strachan clarified that the amendment is that all proposed uses would be administrative conditional use permits as opposed to conditional use permits.

VOTE: The motion passed unanimously.

The Park City Planning Commission meeting adjourned at 8:45 p.m.

Approved by Planning Commission: _____

Planning Commission Staff Report



PLANNING DEPARTMENT

Application No: PI-14-02348
Subject: Revisions to Park City Land Management Code
Author: Kirsten Whetstone, MS, AICP
Date: November 12, 2014
Type of Item: Legislative – LMC Amendments

Summary Recommendations

Staff recommends the Planning Commission conduct a public hearing and continue the item to December 10, 2014 to allow Staff additional time to complete the redlines and conduct an internal department review of the proposed amendments.

Description

Project Name: LMC Amendments regarding Transfer of Development Rights (TDR) - LMC Section 15-2.24
Applicant: Planning Department
Location: City-wide
Reason for review: Amendments to the Land Management Code require Planning Commission review and public hearing with final action by the City Council.

Planning Commission Staff Report



PLANNING DEPARTMENT

Application No: PI-14-02523
Subject: Revisions to Park City Municipal
Code- Title 12, Signs
Author: Kirsten Whetstone, MS, AICP
Date: November 12, 2014
Type of Item: Legislative – Sign Code Revisions

Summary Recommendations

Staff recommends the Planning Commission conduct a public hearing and continue the item to December 10, 2014 to allow Staff additional time to redline the draft Sign Code.

Description

Project Name: Sign Code Revisions
Applicant: Planning Department
Location: City-wide
Reason for review: Amendments to the Municipal Code regarding the Sign Code are reviewed by the Planning Commission with final action by the City Council.

Planning Commission Staff Report



Subject: 1138 Lowell Avenue
Project #: PL-14-02347
Author: Christy J. Alexander, AICP, Planner II
Date: November 12, 2014
Type of Item: Administrative – Steep Slope Conditional Use Permit

Summary Recommendations

Staff recommends the Planning Commission review the application for a Steep Slope Conditional Use Permit (CUP) at 1138 Lowell Avenue, conduct a public hearing, and consider continuing the Steep Slope CUP for 1138 Lowell Avenue to a date certain until the proposed addition meets the LMC requirements for the HDDR. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

Staff reports reflect the professional recommendation of the planning department. The Planning Commission, as an independent body, may consider the recommendation but should make its decisions independently.

Description

Owner/ Applicant: Daniel & Sherrie Winarski; represented by Craig Kitterman
Architect: Craig Kitterman
Location: 1138 Lowell Avenue
Zoning: Historic Residential (HR-1)
Adjacent Land Uses: Residential single family and duplexes
Reason for Review: Construction of structures with greater than 1,000 square feet of floor area and located on a steep slope (30% or greater) requires a Conditional Use Permit

Proposal

This application is a request for a Steep Slope Conditional Use Permit for a 2,135 square feet addition to an existing non-historic single family home containing 4,669 square feet total (including the full basement area and garage) on a 3,750 square foot lot located at 1138 Lowell Avenue. The total floor area exceeds 1,000 square feet and the construction is proposed on a slope of greater than 30%.

Purpose

The purpose of the Historic Residential (HR-1) District is to:

- A. preserve present land Uses and character of the Historic residential Areas of Park City,
- B. encourage the preservation of Historic Structures,

- C. encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,
- D. encourage single family Development on combinations of 25' x 75' Historic Lots,
- E. define Development parameters that are consistent with the General Plan policies for the Historic core, and
- F. establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

Background

On July 21, 2014, the City received an application for a Steep Slope Conditional Use Permit (CUP) for "Construction on a Steep Slope" at 1138 Lowell Avenue. The property is located in the Historic Residential (HR-1) District. The application was deemed complete on October 16, 2014. This application is a request for a Steep Slope Conditional Use Permit for construction of an addition to an existing non-historic single family home which is proposed to be 4,669 square feet total (including the full basement and the single car garage) on a single "Old Town" lot containing 3,750 square feet. The property is described as Lot A of the 1138 Lowell Avenue Subdivision, a combination of two standard "Old Town" lots. Because the total proposed structure is greater than 1,000 square feet, and the slope within the first 30' of the lot is greater than thirty percent (30%), the applicant is required to file a Conditional Use Permit application for review by the Planning Commission, pursuant to LMC § 15-2.2-6 and prior to issuance of a building permit.

A separate Historic District Design Review (HDDR) application required for the proposed addition to the existing single family house was submitted on August 29, 2014. This application is being reviewed concurrently for compliance with the Design Guidelines for Historic Districts and Historic Sites that were adopted in 2009. Issuance of a building permit for the proposed addition is dependent on approval of the Historic District Design Review.

The 1138 Lowell Avenue Subdivision was first approved by City Council on May 1, 2003 and recorded on April 19, 2004. The intent of the first subdivision was to combine the lots and add on to the existing home, however, instead of adding on to the home, a couple years later the property owner submitted a plat amendment to subdivide the property in order to sell off the other lot. The City Council approved the 1138 Lowell Avenue Subdivision First Amended plat on August 24, 2006 and was recorded on June 4, 2007. On January 29, 2014, the applicants submitted an application for a plat amendment to combine the two (2) lots containing a total of 3,750 square feet into one (1) lot of record in order to add on to the existing home. The City Council approved the 1138 Lowell Avenue Subdivision Second Amended plat on April 3, 2014 and is pending recordation but will need to be recorded prior to April 3, 2015 and building permit approval.

Analysis

The lot has an average slope, across the entire depth, of thirty-three percent (33%). The lot is a combination of two standard "Old Town" lots, one previously being vacant and

the other with the existing single family home. This property is already has independent utility services for water, sewer, etc.

The proposed addition (2135 sq. ft.) and existing single family home (2534 sq. ft.) combined contains a total of 4,669 square feet, including the basement and a single car garage. The proposed building footprint with the addition is 617 square feet and combined with the existing footprint totals 1,461 square feet. The 3,750 square foot lot allows a building footprint of 1,519 square feet. The house complies with all setbacks, building footprint, and building height requirements of the HR-1 zone. The third story includes horizontal stepping of fourteen feet (14') which is greater than the required ten feet (10') of stepping. However, the applicant still needs to revise the plans to include the stepping at the LMC required twenty-three feet (23') high as the plans show the stepping at the twenty-seven feet (27') high. The applicant at this time does not intend to make this change. See below for description of each floor:

Floor	Proposed Sq. Ft. for Addition	Existing Sq. Ft. for Existing Home	Combined Sq. Ft.
Entry	614 square feet	566 square feet	1180 square feet
Lower	617square feet	280 square feet	897 square feet
Main	615 square feet	843 square feet	1458 square feet
Upper	289 square feet	846 square feet	1135 square feet
Overall area	2135 square feet	2534 square feet	4669 square feet

Staff reviewed the plans and made the following LMC related findings:

Requirement	LMC Requirement	Existing Home	Proposed Total with Addition
Lot Size	Minimum of 1,875 square feet	1,875 square feet, <u>complies.</u>	3,750 square feet, <u>complies.</u>
Building Footprint	1,519 square feet (based on lot area) <u>maximum</u>	844 square feet, <u>complies.</u>	1461 square feet, <u>complies.</u>
Front and Rear Yard	10 feet minimum (decks, porches and bay windows may extend up to 3' into the front setback for a max width of 10')	Front- 17 feet, <u>complies.</u> Rear- 12.5 feet, <u>complies.</u>	Front- 10 feet, <u>complies.</u> Rear- 12.5 feet, <u>complies.</u>
Side Yard	5 feet minimum for combined lot (10 feet total)	2.82 feet on south side and 2.76 feet on north; when built they thought it was 3 feet on each side so technically they are <u>existing non-compliant.</u>	2.82 feet on existing south side is <u>existing non-compliant</u> , 7.5 feet new setback on north side <u>complies</u> , no window wells- <u>complies.</u>
Height	27 feet above	27 feet – <u>complies.</u>	Various heights all at or

	existing grade, <u>maximum</u> . 35 feet above existing grade is permitted for a single car garage on a downhill lot.		less than 27 feet - <u>complies</u> . <u>No height exception for garage is requested.</u>
Total Building Height	35 feet from lowest floor plane to highest wall plate	35 feet- <u>complies</u> .	35 feet- <u>complies</u> .
Final grade	Final grade must be within four (4) vertical feet of existing grade around the periphery of the structure.	(4 feet) or less- <u>complies</u> .	(4 feet) or less- <u>complies</u> .
Vertical articulation	A ten foot (10') minimum horizontal step in the downhill façade is required unless the First Story is located completely under the finish Grade on all sides of the Structure. The horizontal step shall take place at a maximum height of twenty three feet (23') from where Building Footprint meets the lowest point of existing Grade.	This requirement did not exist when the existing home was built.	Third story on rear façade is 14' back from lower levels however, this stepping does not occur until the twenty-seven feet (27') height – <u>does not comply</u> .
Roof Pitch	Roof pitch must be between 7:12 and 12:12 for primary roofs. Non-primary roofs may be less than 7:12.	7:12 for all primary roofs - <u>complies</u> .	7:12 for all primary roofs - <u>complies</u> .
Parking	Two (2) off-street parking spaces required	One (1) space within the existing single car garage and one uncovered space (18' in length) on the existing driveway, within the lot area, compliant with	One (1) space within the existing single car garage and one uncovered space (18' in length) on the existing driveway, within the lot area, compliant with required dimensions (12' maximum width)-

		required dimensions (12' maximum width)- <u>complies.</u>	<u>complies.</u>
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The current design complies with the 35 foot total height requirement from the lowest floor plane to the point of the highest wall top plate. The current design will require a slight modification to the rear roof element, as the current design exceeds the 23' by approximately 4' at the lowest point of existing grade (due to cross slope, lowest point is at the northeast corner of the footprint). Staff recommends continuing this item to a date certain until the applicant's design complies with this LMC requirement. If the Commission decides to approve the Steep Slope CUP then staff recommends a condition of approval that prior to Building Permit issuance the design shall be amended to comply with the required maximum twenty-three foot (23') height for the addition's rear façade before the required stepping. The applicant shall provide a redesign when they revise their required Historic District Design Review application.

Steep Slope Review Criteria

LMC § 15-2.2-6 provides for development on steep sloping lots (30% or greater) if the structure contains more than one thousand square feet (1,000 sq. ft.) of floor area, including the garage, within the HR-1 District, subject to the following criteria:

Criteria 1: Location of Development.

Development of the addition is located and designed to reduce visual and environmental impacts of the Structure. **No unmitigated impacts.**

The proposed addition to the existing non-historic single family house is located on an approved platted lot, (which was approved on April 3, 2014 and is unrecorded but will need to be recorded before April 3, 2015 and building permit approval), in a manner that reduces the visual and environmental impacts of the Structure. The main level is set below the grade of the street to minimize visual impacts on the Streetscape (Exhibit B). The foundation is stepped with the grade and the amount of excavation for the addition is minimized due to the existing topography. There is no vegetation present on the vacant portion of the combined lot. The proposed 617 square feet footprint of the addition complies with that allowed for the lot area. The front and rear setbacks are increased for portions of the structure.

Criteria 2: Visual Analysis.

The Applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points to determine potential impacts of the project and identify potential for screening, slope stabilization, erosion mitigation, vegetation protection, and other items. **No unmitigated impacts.**

The applicant submitted a visual analysis, cross canyon view, streetscape elevations and photographs showing a contextual analysis of proposed addition to the existing house related to visual impacts (Exhibit B). The proposed structure cannot be seen from the key vantage points as indicated in the LMC Section 15-15-1.283, with the

exception of a cross canyon view. The cross canyon view contains a back drop of two (2) and three (3) story single family and duplex homes and a large condominium building.

This site contains a combination of two “old town” lots with many similar structures in the immediate neighborhood. The lot contains an existing non-historic single family home that was built before the two lots were combined.

The visual analysis and streetscape demonstrate that the proposed design of the addition is visually compatible with the neighborhood, compatible in scale and mass with surrounding structures, and visual impacts are mitigated. Potential impacts of the design are mitigated by architectural stepping and a stepped foundation, minimized excavation and greater horizontal step in the roofline. Additionally, the garage door is located approximately 36 feet back from the edge of Lowell Avenue.

Criteria 3: Access.

Access points and driveways must be designed to minimize Grading of the natural topography and to reduce overall Building scale. Common driveways and Parking Areas, and side Access to garages are strongly encouraged, where feasible. **No unmitigated impacts.**

The proposed design uses the existing driveway from Lowell Avenue. No changes will be made to the driveway. Due to the previous construction/excavation, the 10% slope of the lot at the street, and the existing home that was built on a 25' lot width, side access is not feasible. The existing driveway has an average slope of 10% with sections at 4.2% (in front of the garage) and 10% (from property line to edge of street). Overall slope is 6.4% as measured from the front of the garage to the edge of the paved street. This slope is due to setting the existing house lower into the lot to be compatible with the neighborhood and to accomplish the required minimum 7:12 roof pitch for the main roof element while maintaining required building height restrictions. The existing driveway was designed to minimize Grading of the natural topography and to reduce overall Building scale.

Criteria 4: Terracing.

The project may include terraced retaining Structures if necessary to regain Natural Grade. **No unmitigated impacts.**

The lot has a steeper grade at the front becoming relatively gentle at the rear. Overall, the slope is 33%. There are no proposed retaining walls. The lots to the north and south of the subject lot are both vacant and retaining between them is not necessary.

Criteria 5: Building Location.

Buildings, access, and infrastructure must be located to minimize cut and fill that would alter the perceived natural topography of the Site. The Site design and Building Footprint must coordinate with adjacent properties to maximize opportunities for open Areas and preservation of natural vegetation, to minimize driveway and Parking Areas, and provide variation of the Front Yard. **No unmitigated impacts.**

The new addition's building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography. The site design and building footprint provide a front setback area (18') in front of the garage and (10') to the entry. Side setbacks and building footprints are maintained consistent with the pattern of development and separation of structures in the neighborhood. The driveway width is 12 feet. The garage door is setback 36' from the edge of the street and at least 18' from the ROW line. The front yard area adjacent to the driveway is proposed to be landscaped with drought tolerant plants and trees.

Criteria 6: Building Form and Scale.

Where Building masses orient against the Lot's existing contours, the Structures must be stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District. Low profile Buildings that orient with existing contours are strongly encouraged. The garage must be subordinate in design to the main Building. In order to decrease the perceived bulk of the Main Building, the Planning Commission may require a garage separate from the main Structure or no garage. **No unmitigated impacts.**

The new addition steps with the grade and is broken into a series of smaller components that are compatible with the District. The stepping of the addition creates the interior half story levels and allows the lower level to meet existing grade. The garage is subordinate in design in that it is setback more from the street than the home and the width is minimized.

Criteria 7: Setbacks.

The Planning Commission may require an increase in one or more Setbacks to minimize the creation of a "wall effect" along the Street front and/or the Rear Lot Line. The Setback variation will be a function of the Site constraints, proposed Building scale, and Setbacks on adjacent Structures. **No unmitigated impacts.**

Front setbacks were already increased as the garage portion of the house is currently setback 18 feet from the property line and nearly 36 feet from the edge of the street, to accommodate the code required parking space entirely on the lot. No wall effect is created with the proposed design of the addition. Side setbacks are consistent with the pattern of development and separation in the neighborhood. The articulation in the front and rear facades reduce the overall mass of the structure and does not create a wall effect along the street front or rear lot line. Rear elevation is articulated with an increased horizontal step.

Criteria 8: Dwelling Volume.

The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in this Chapter. The Planning Commission may further limit the volume of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing Structures. **No unmitigated impacts.**

The proposed house is both articulated and broken into compatible massing components. The design includes setback variations and lower building heights for portions of the structure. The design does not propose a height exception for the existing single car garage as allowed by the LMC. The proposed massing and architectural design components are compatible with both the volume and massing of single family dwellings in the area. The design minimizes the visual mass and mitigates the differences in scale between the proposed house and surrounding structures.

Criteria 9: Building Height (Steep Slope).

The maximum Building Height in the HR-1 District is twenty-seven feet (27'). The Planning Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing residential Structures. **No unmitigated impacts.**

The proposed structure meets the twenty-seven feet (27') maximum building height requirement measured from existing grade at the highest point. Portions of the house are less than 27' in height. The tallest portion of the house (27') is midway back from the front and the roof height at this location is not visually apparent from the front, back, or sides of the house. The differences in scale between the proposed Structure and existing Structures are mitigated.

While a 35 foot height is allowed for the garage on a downhill lot, this design does not propose to utilize a height exception from existing grade. The design complies with the 27 foot height allowance measured from existing grade.

Staff finds that the design allows additional design aesthetics, provides compatibility of design at the street level, meets the overall building Height requirement with no exception needed for the garage, and reduces the mass at the rear of the structure.

Process

Approval of this application constitutes Final Action that may be appealed to the City Council following appeal procedures found in LMC § 15-1-18. Approval of the Historic District Design Review application is noticed separately and is a condition of building permit issuance. Recordation of the Plat within one year of City Council approval is also a condition of building permit issuance.

Department Review

This project has gone through an interdepartmental review. No further issues were brought up at that time other than standards items that have been addressed by revisions and/or conditions of approval.

Notice

On October 22, 2014, the property was posted and notice was mailed to property owners within 300 feet. On October 22, 2014, legal notice was published in the Park Record in accordance with requirements of the LMC.

Public Input

No public input was received on this Steep Slope CUP application.

Alternatives

- The Planning Commission may approve the Steep Slope Conditional Use Permit for 1138 Lowell Avenue, or
- The Planning Commission may deny the Steep Slope CUP Permit for 1138 Lowell Avenue and direct staff to make Findings for this decision, or
- The Planning Commission may request the applicant provide revisions or provide other specific items and continue the discussion to a date certain.

Significant Impacts

As conditioned, there are no significant fiscal or environmental impacts from this application. The lot is a combination of a vacant lot and an existing residential lot with a single family home.

Recommendation

Staff recommends the Planning Commission review the application for a Steep Slope Conditional Use Permit at 1138 Lowell Avenue, conduct a public hearing, and consider continuing the Steep Slope CUP for 1138 Lowell Avenue to a date certain until the proposed addition meets the LMC requirements for the HDDR. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

Findings of Fact:

1. The property is located at 1138 Lowell Avenue.
2. The property is located within the Historic Residential (HR-1) District and meets the purpose of the zone.
3. The property is described as Lot A of the 1138 Lowell Avenue Subdivision. The lot area is 3,750 square feet.
4. A Historic District Design Review (HDDR) application is required and will be reviewed by staff for compliance with the Design Guidelines for Historic Districts and Historic Sites adopted in 2009.
5. This lot is a combination of two "Old Town" lots, one which was previously vacant and the other with an existing non-historic single family home. This is a downhill lot.
6. Access to the property is from Lowell Avenue, a public street.
7. Two parking spaces are existing on site. One space exists within an attached garage and the second is on the driveway in a tandem configuration to the garage, within the lot area.
8. The neighborhood is characterized by primarily non-historic residential structures, single family homes and duplexes. There are historic structures and condominium buildings on the street to the east on Empire Avenue.
9. The proposal consists of a 2,135 square foot addition to an existing single family dwelling that is 2,534 square feet for a combined total of 4,669 square feet, including the basement area and a single car garage.
10. The existing driveway was designed with a maximum width of twelve feet and is approximately 36 feet in length from the garage to the existing edge of street with a minimum of 18 feet of driveway located on the property. The garage door complies with the maximum height and width of nine feet by nine feet.

11. The existing driveway has a maximum slope of 10% with sections at 4.2% (in front of the garage) and 10% (from property line to edge of street). Overall slope is 6.4% as measured from the front of the garage to the edge of the paved street.
12. An overall combined building footprint of 1479 square feet is proposed with the 617 square feet addition being added to the existing 844 square feet footprint. The maximum allowed footprint for this lot is 1,519 square feet.
13. The proposed addition to the existing structure complies with all setbacks.
14. The proposed addition to the existing structure complies with the twenty-seven feet (27') maximum building height requirement measured from existing grade. Portions of the house are less than 27' in height.
15. The proposed addition complies with the LMC required total building height of 35' from the lowest floor plane to the highest wall plate and but is not in compliance with the LMC amendments adopted by City Council on November 21, 2013.
16. There is a fourteen foot (14') step back from the first two stories of the addition. However, the stepping does not occur within the required first twenty- three feet (23') of the rear (lower) facade. The rear roof form exceeds, by approximately 4', the twenty-three (23') feet at the lowest point of existing grade and will have to be modified in order to receive HDDR approval and Building Permit approval.
17. The applicant submitted a visual analysis, cross valley views and a streetscape showing a contextual analysis of visual impacts of this addition on the cross canyon views and the Lowell Avenue streetscape.
18. Retaining is not necessary around the home on the upper, steeper portion of the lot. There will be no free-standing retaining walls. There are no window wells.
19. The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography.
20. The site design, stepping of the foundation and building mass, increased articulation, and decrease in the allowed difference between the existing and final grade mitigates impacts of construction on the 30% or greater slope areas.
21. The design includes setback variations in the front and back and lower building heights for portions of the structure in both the front and back where facades are less than twenty-seven feet in height.
22. The proposed massing and architectural design components are compatible with both the volume and massing of other single family dwellings in the area. No wall effect is created with adjacent structures due to stepping, articulation, and placement of the house on the lot.
23. The proposed structure follows the predominant pattern of buildings along the street, maintaining traditional setbacks, orientation, and alignment. Lot coverage, site grading, and steep slope issues are also compatible with neighboring sites. The size and mass of the structure is compatible with surrounding sites, as are details such as foundation, roofing, materials, window and door openings, and single car garages.
24. No lighting has been proposed at this time. Lighting will be reviewed at the time of Building Permit application for compliance with the LMC lighting code standards.
25. The applicant submitted a visual analysis, cross canyon view, and streetscape showing a contextual analysis of visual impacts of the proposed structure on the adjacent streetscape.
26. The findings in the Analysis section of this report are incorporated herein.
27. The applicant stipulates to the conditions of approval.

Conclusions of Law:

1. The Steep Slope CUP application is consistent with the Park City General Plan.
2. The application is consistent with requirements of the Park City LMC, specifically Section 15-2.2-6 (B) (1-10) regarding development on Steep Slopes.
3. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

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. A final utility plan, including a drainage plan, for utility installation, public improvements, and storm drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers, including Snyderville Basin Water Reclamation District, prior to issuance of a building permit.
4. 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.
5. A final landscape plan shall be submitted for review and approval by the City Planning Department, prior to building permit issuance.
6. No building permits shall be issued for this project unless and until the design is reviewed and approved by the Planning Department staff for compliance with this Conditional Use Permit, the 2009 Design Guidelines for Historic Districts and Historic Sites (Historic District Design Review) and the Land Management Code.
7. The design of the home must be in compliance with the LMC requirement to step the rear façade back 10' within the required first twenty- three feet (23') height of the rear (lower) facade. The rear roof form currently exceeds, by approximately 4', the twenty-three (23') feet at the lowest point of existing grade and will have to be modified and come into compliance in order to receive HDDR approval and Building Permit approval.
8. The plat approved by City Council on April 3, 2014 shall be recorded at the County prior to April 3, 2015 and Building Permit approval.
9. If required by the Chief Building Official based on a review of the soils and geotechnical report submitted with the building permit, the applicant shall submit a detailed shoring plan prior to the issue of a building permit. If required by the Chief Building official, the shoring plan shall include calculations that have been prepared, stamped, and signed by a licensed structural engineer.
10. This approval will expire on November 12, 2015, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and the request is granted by the Planning Director.
11. Modified 13-D residential fire sprinklers are required for all new structures on the lot.
12. All exterior lighting, on porches, garage doors, entryways, etc. shall be shielded to prevent glare onto adjacent property and public rights-of-way. Light trespass into the

night sky is prohibited.

13. Construction waste should be diverted from the landfill and recycled when possible.
14. All electrical service equipment and sub-panels and all mechanical equipment, except those owned and maintained by public utility companies and solar panels, shall be painted to match the surrounding

Exhibits

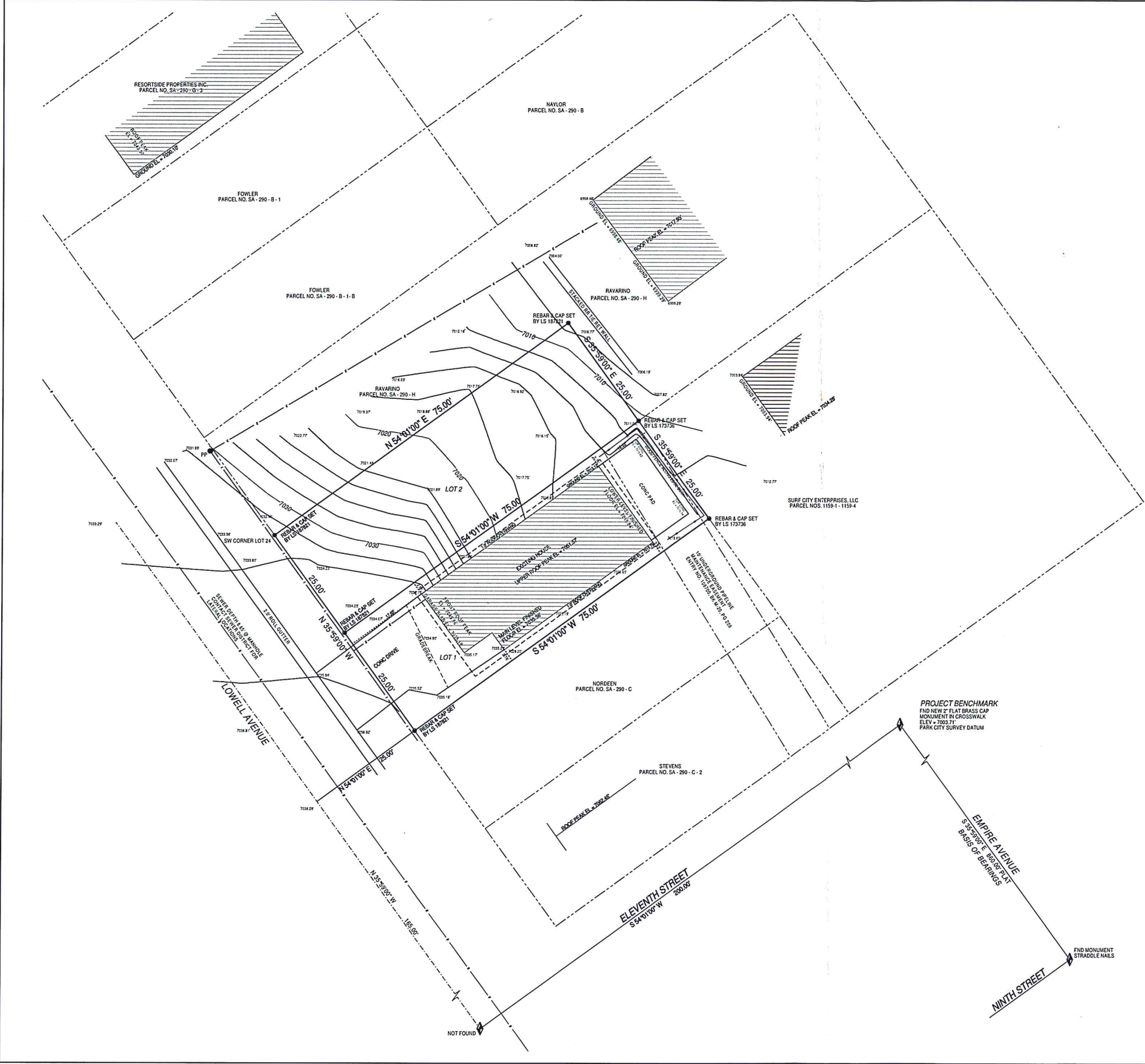
Exhibit A - Plans (existing conditions, site plan, landscape plan, elevations, floor plans (date stamped July 21, 2014)

Exhibit B - Visual Analysis and Streetscape

Exhibit C – Photographs and Vicinity Map

Exhibit D - Recorder's plat (to be recorded at the County) and Aerial

EXHIBIT A



SURVEYORS CERTIFICATE
I, BYRON T. CURTIS, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD LICENSE NO. 163486, AS PRESCRIBED BY UTAH STATE LAW. I FURTHER CERTIFY, THAT BY AUTHORITY OF THE OWNER, OR HIS REPRESENTATIVE, THAT I HAVE MADE A SURVEY ON THE GROUND OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAT.

SIGNATURE _____ DATE _____



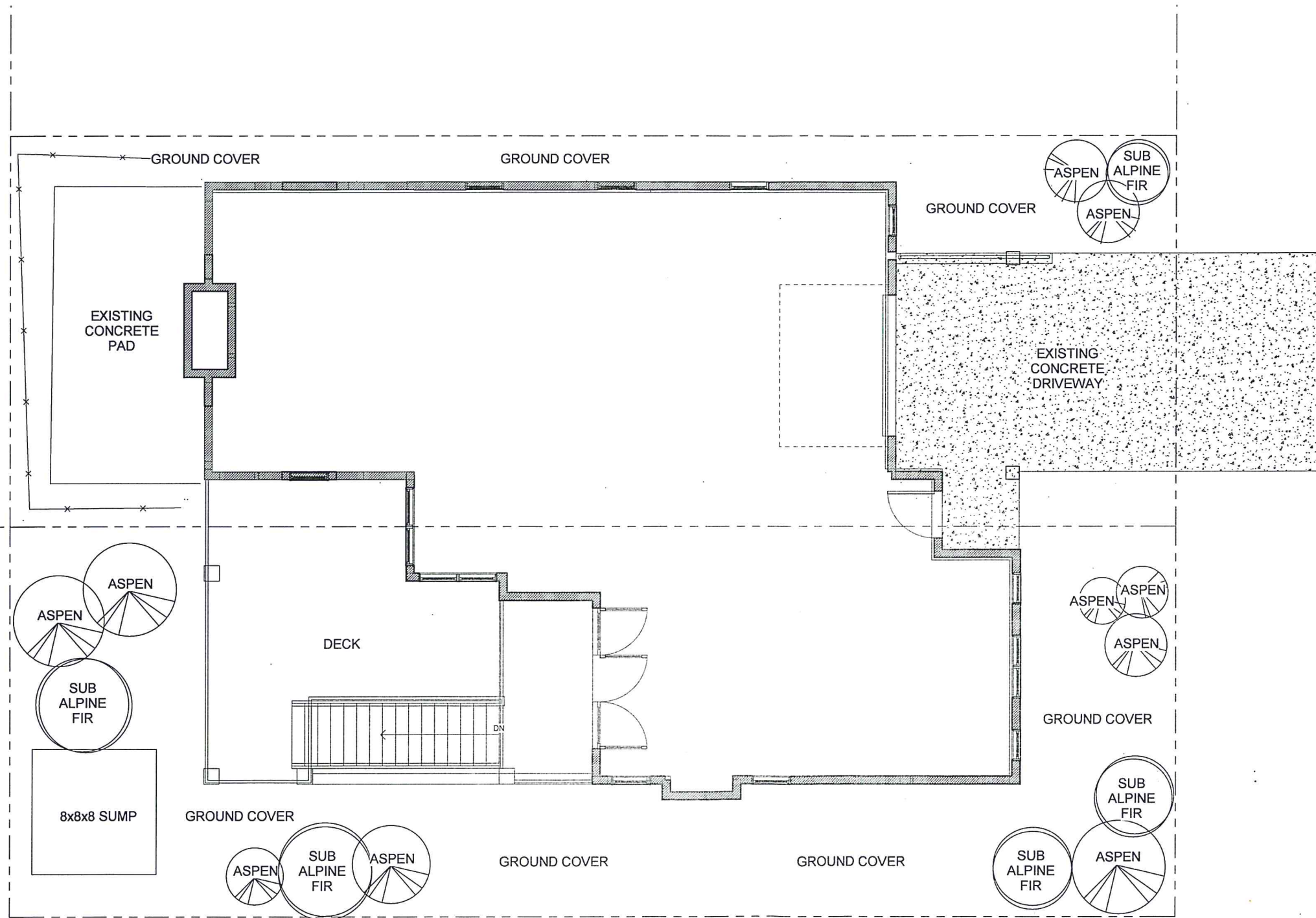
LEGAL DESCRIPTION
FROM TITLE REPORT PREPARED BY PARK CITY TITLE COMPANY, FILE NO: 20368
LOT 1, 1138 LOWELL AVENUE SUBDIVISION FIRST AMENDED, ACCORDING TO THE OFFICIAL PLAT ON FILE IN THE OFFICE OF THE SUMMIT COUNTY RECORDER. SAID LOT CONTAINS 0.04 ACRES OR 1,875 SQUARE FEET, MORE OR LESS.
LOT 2, 1138 LOWELL AVENUE SUBDIVISION FIRST AMENDED, ACCORDING TO THE OFFICIAL PLAT ON FILE IN THE OFFICE OF THE SUMMIT COUNTY RECORDER. SAID LOT CONTAINS 0.04 ACRES OR 1,875 SQUARE FEET, MORE OR LESS.

NARRATIVE
PROPERTY SURVEYED AT THE REQUEST OF THE CLIENT FOR THE PURPOSE OF IMPROVING THE PROPERTY. BASIS OF BEARINGS AS SHOWN. CORNERS NOT SET.

- LEGEND**
- SECTION, QUARTER SECTION, STREET OR OTHER SURVEY MONUMENT
 - PROPERTY CORNER, NOT SET
 - BOUNDARY OR PROPERTY LINE, WITH CORNER, FOUND OR SET
 - RIGHT OF WAY LINE
 - CENTERLINE
 - FENCE LINE
 - UTILITY LINE, TYPICAL
 - SEWER, STORM DRAIN OR OTHER UTILITY MANHOLE
 - SPOT ELEVATION
 - MAJOR ELEVATION CONTOUR
 - MINOR ELEVATION CONTOUR
 - EDGE OF PAVEMENT, ASPHALT OR GRAVEL

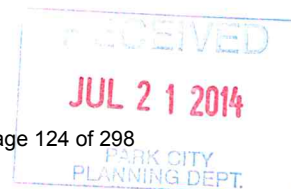
TITLE			CURTIS & ASSOCIATES LAND SURVEYORS LAND PLANNING 9921 KRAMER CIR SANDY, UTAH 84092 PHONE (801)915-6003
BOUNDARY, TOPOGRAPHIC AND EXISTING CONDITIONS SURVEY			
PREPARED FOR:	DANIEL AND SHERRIE WINARSKI		
LOCATION AND ADDRESS			
1138 - 1142 LOWELL AVENUE PARK CITY, UTAH LOTS 1 & 2 1138 LOWELL AVENUE SUBDIVISION, FIRST AMENDED LOCATED IN THE NW 1/4 OF SECTION 16, TWP. 2 S., R. 4 E., SLB&M			
DATE: JANUARY 9, 2014	SCALE: 1" = 10'	FILENAME: winarski.PCS	





LOWELL AVENUE

PLANT LEGEND	
QTY	DESCRIPTION
TREES	
10	ASPEN - 2" CAL.
5	SUB-ALPINE FIR - 5'
GROUND COVER	
96	SWEET WOODRUFF. J6PK
60	WOOLLY THYME. J6PK



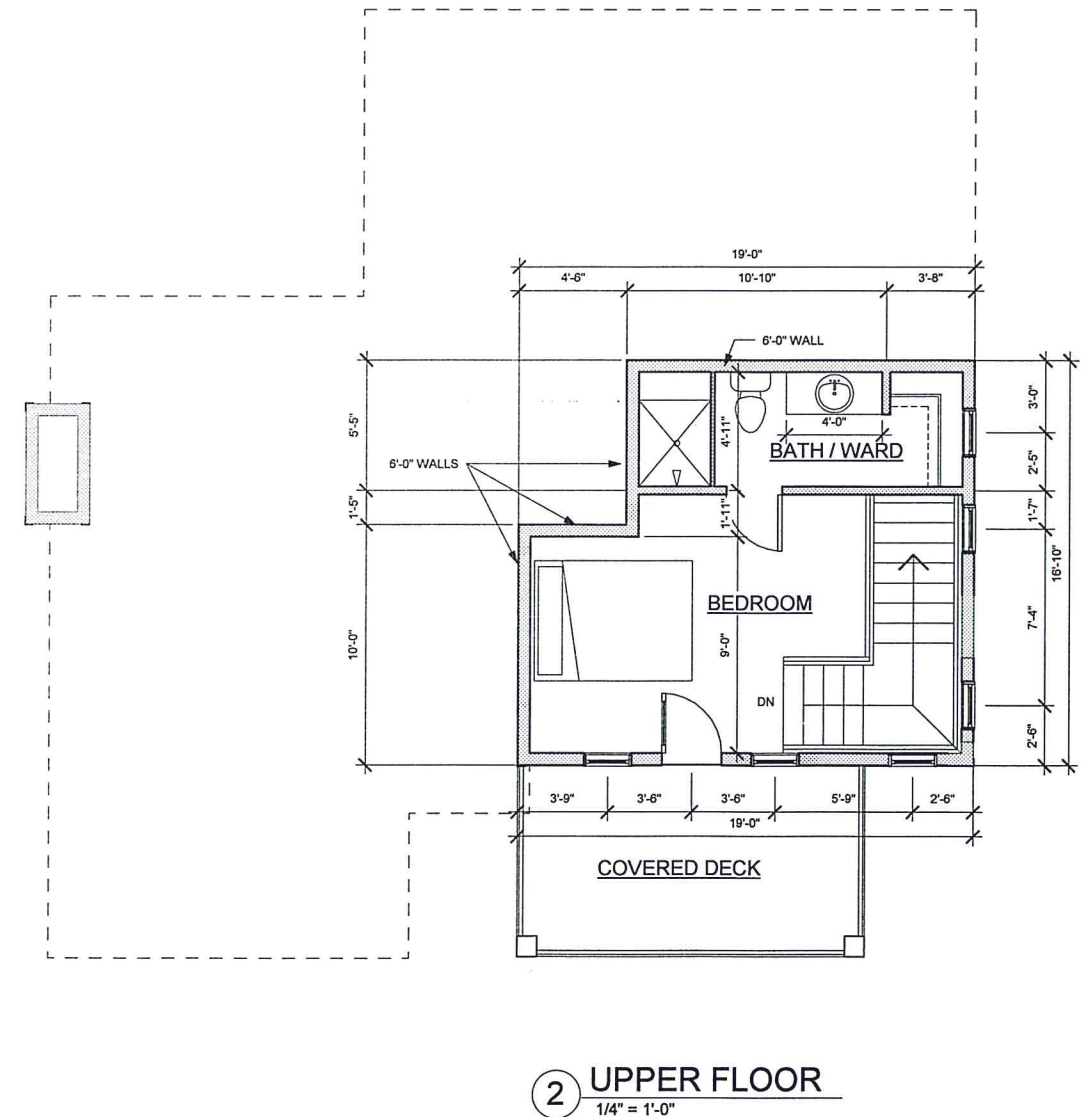


1 FRONT ELEVATION
1/4" = 1'-0"

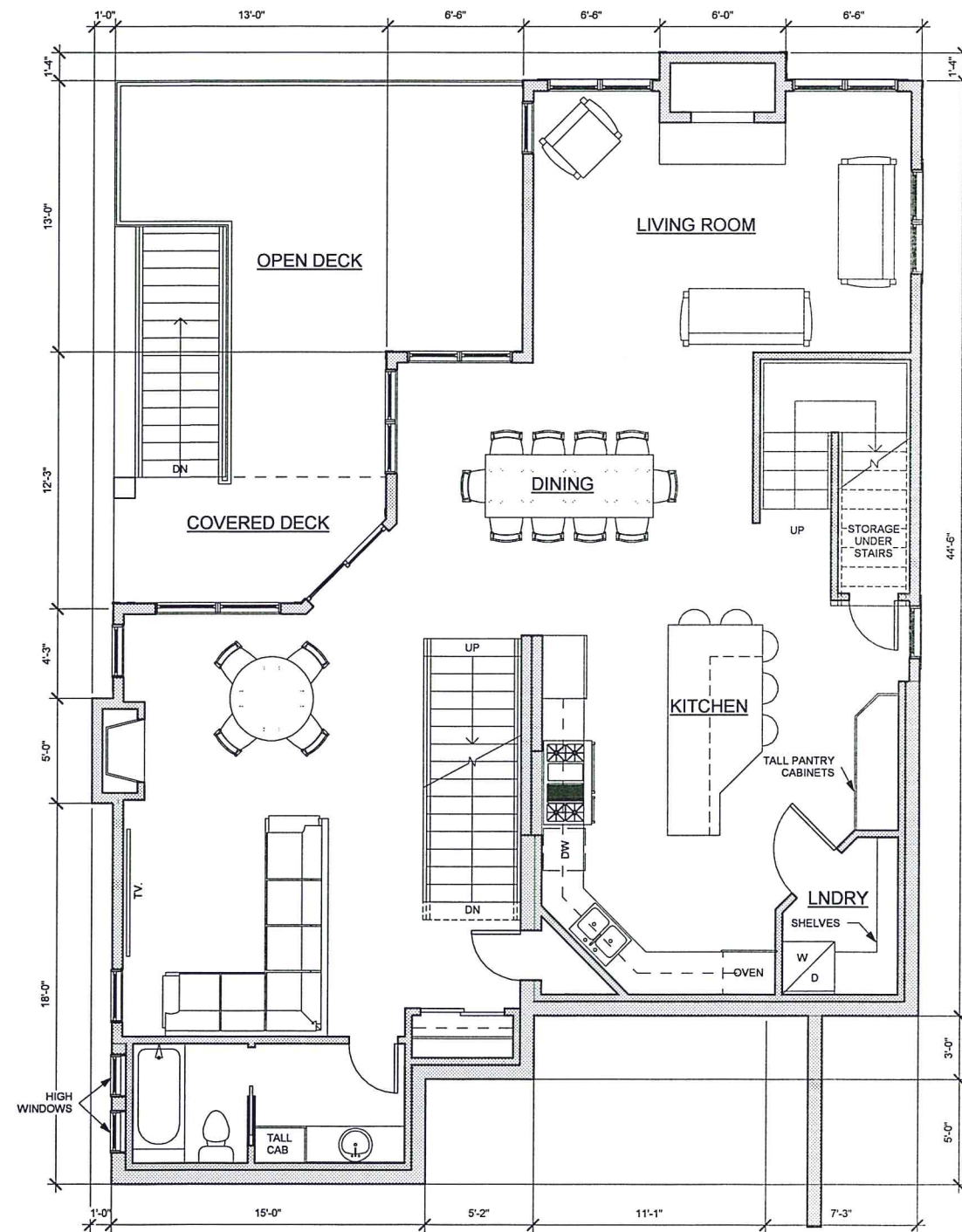


2 LEFT ELEVATION
1/4" = 1'-0"

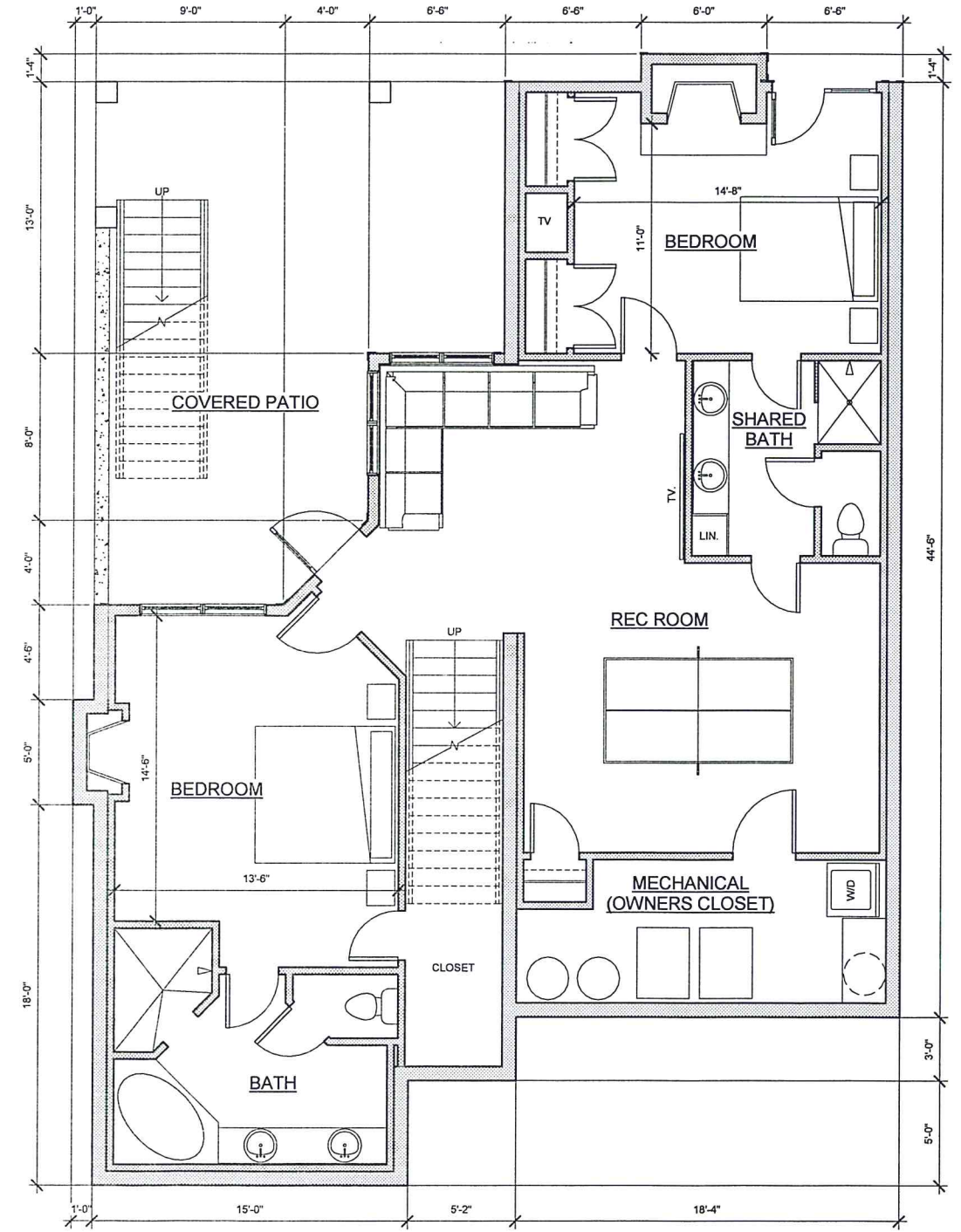




DESCRIPTION	AREA
ENTRY LEVEL AREA	912 SF
LOWER LEVEL AREA	1460 SF
MAIN LEVEL AREA	1460 SF
UPPER LEVEL AREA	289 SF



① **MAIN LEVEL**
1/4" = 1'-0"



② **LOWER LEVEL**
1/4" = 1'-0"

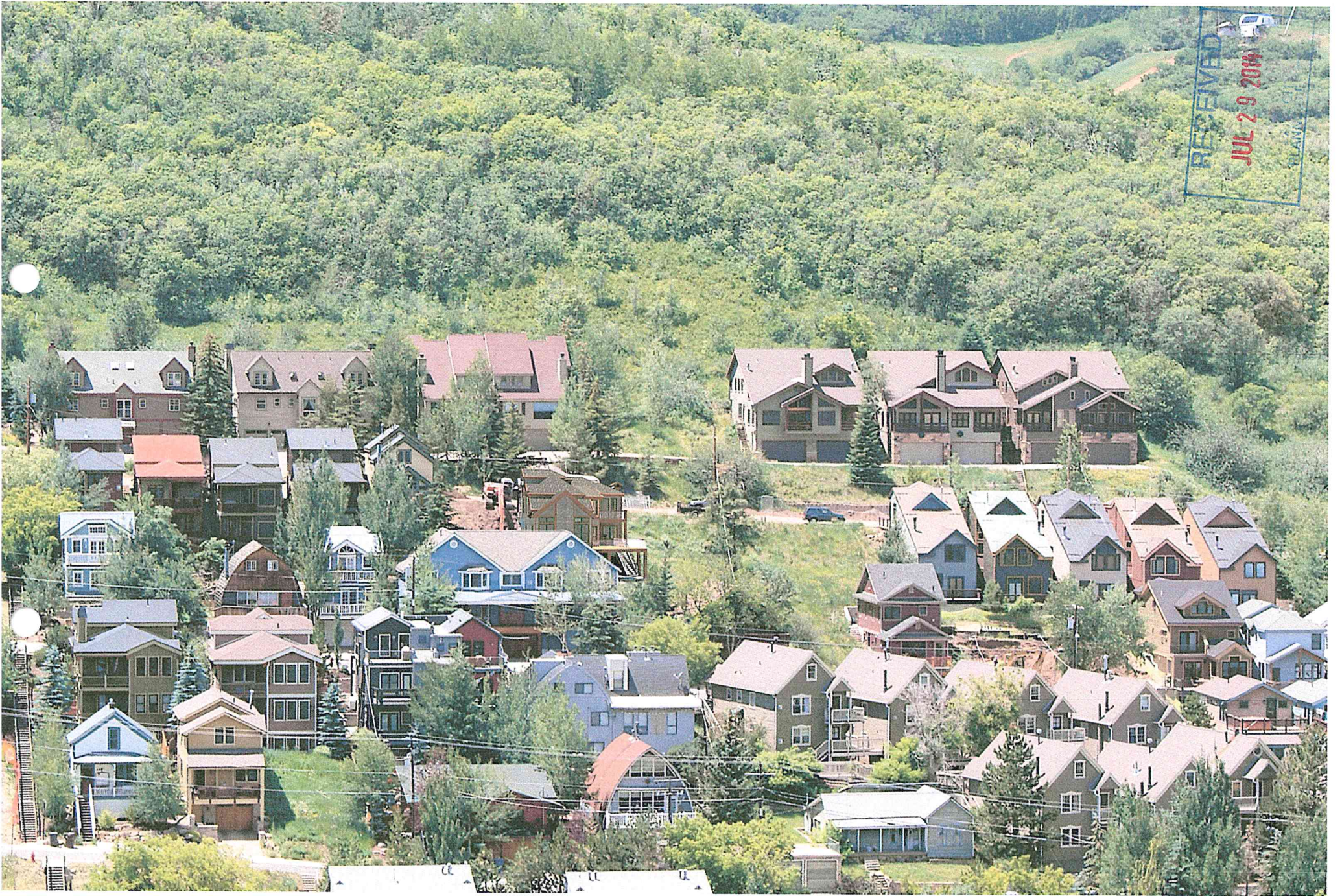
3 A5

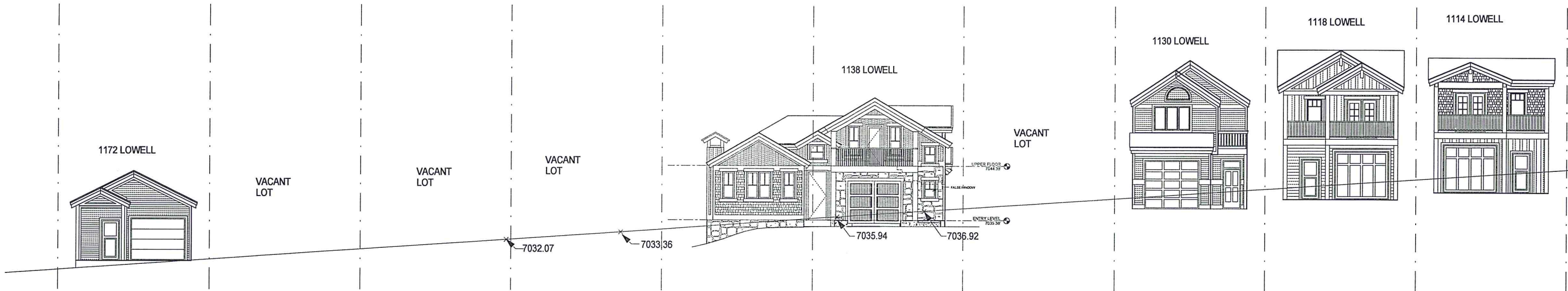
AREA SCHEDULE	
DESCRIPTION	AREA
ENTRY LEVEL AREA	912 SF
LOWER LEVEL AREA	1460 SF
MAIN LEVEL AREA	1460 SF
UPPER LEVEL AREA	289 SF



RECEIVED
JUL 29 2014
PLANNING COMMISSION

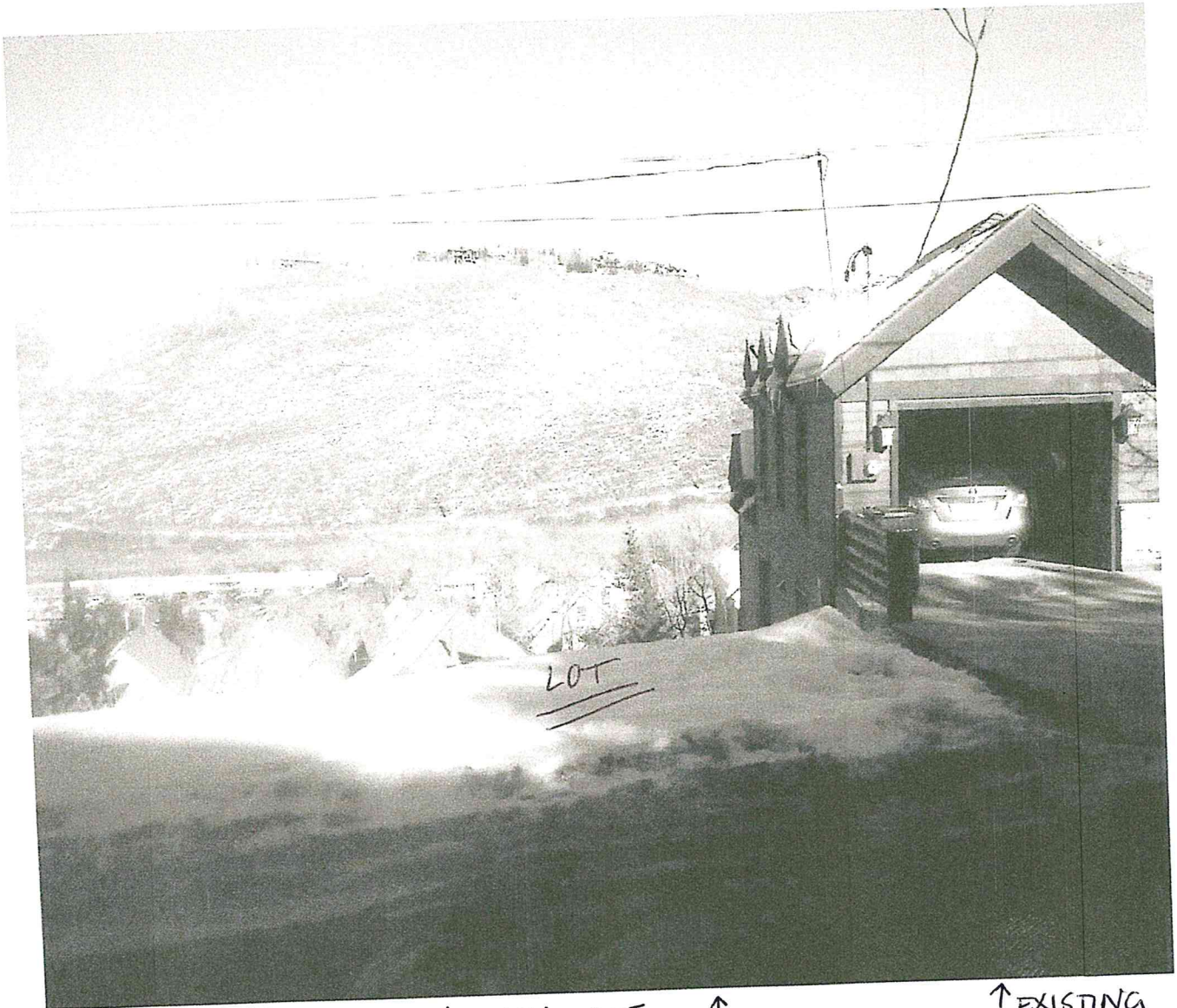






Subj: (no subject)
Date: 1/21/2014 5:55:34 P.M. Eastern Daylight Time
From: drwinarski@aol.com
To: Drwinarski@aol.com

PANO (1)



Sent from my iPhone

LOWELL AVE

↑
VACANT
PORTION

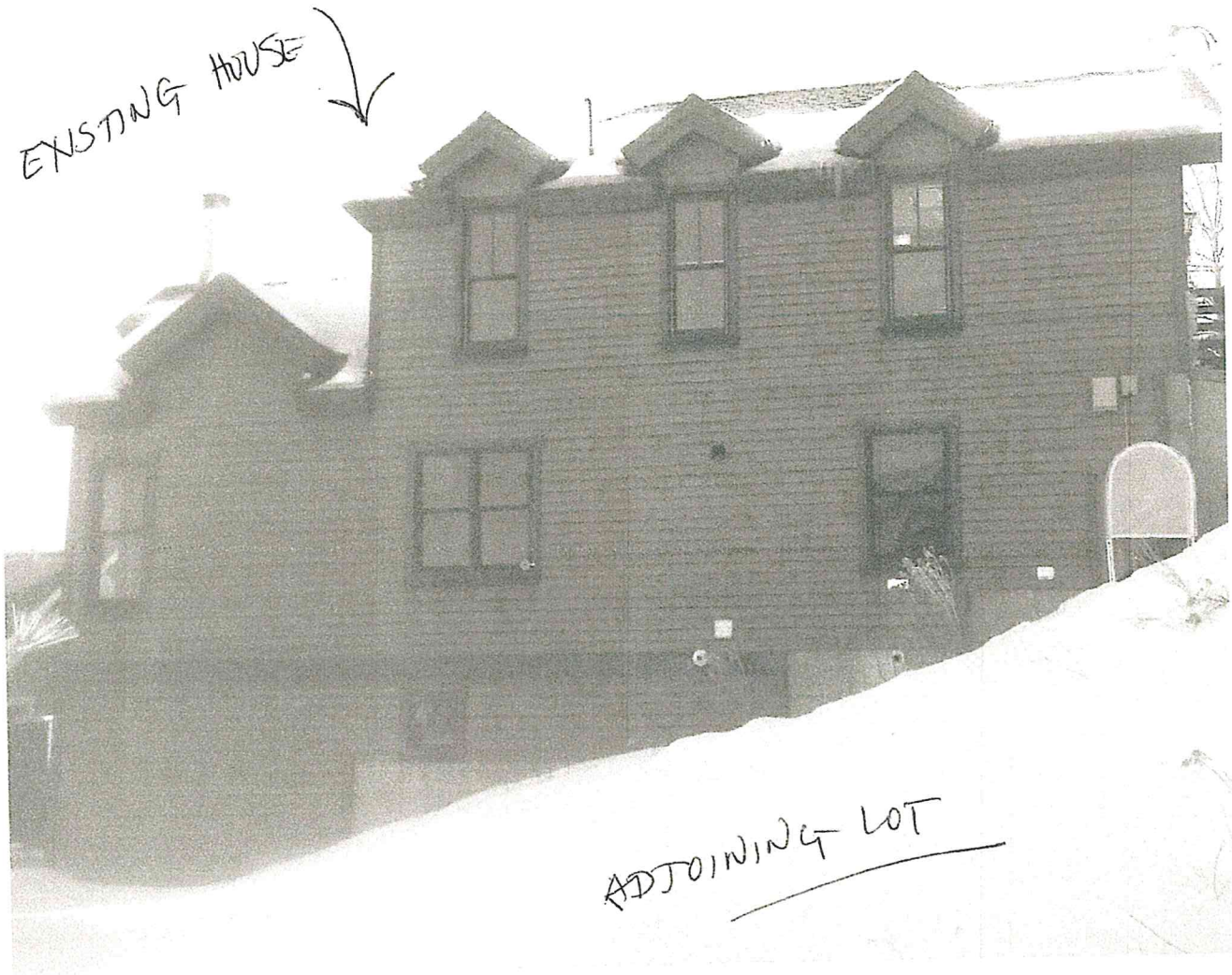
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To: Drwinarski@aol.com

PANO(2)

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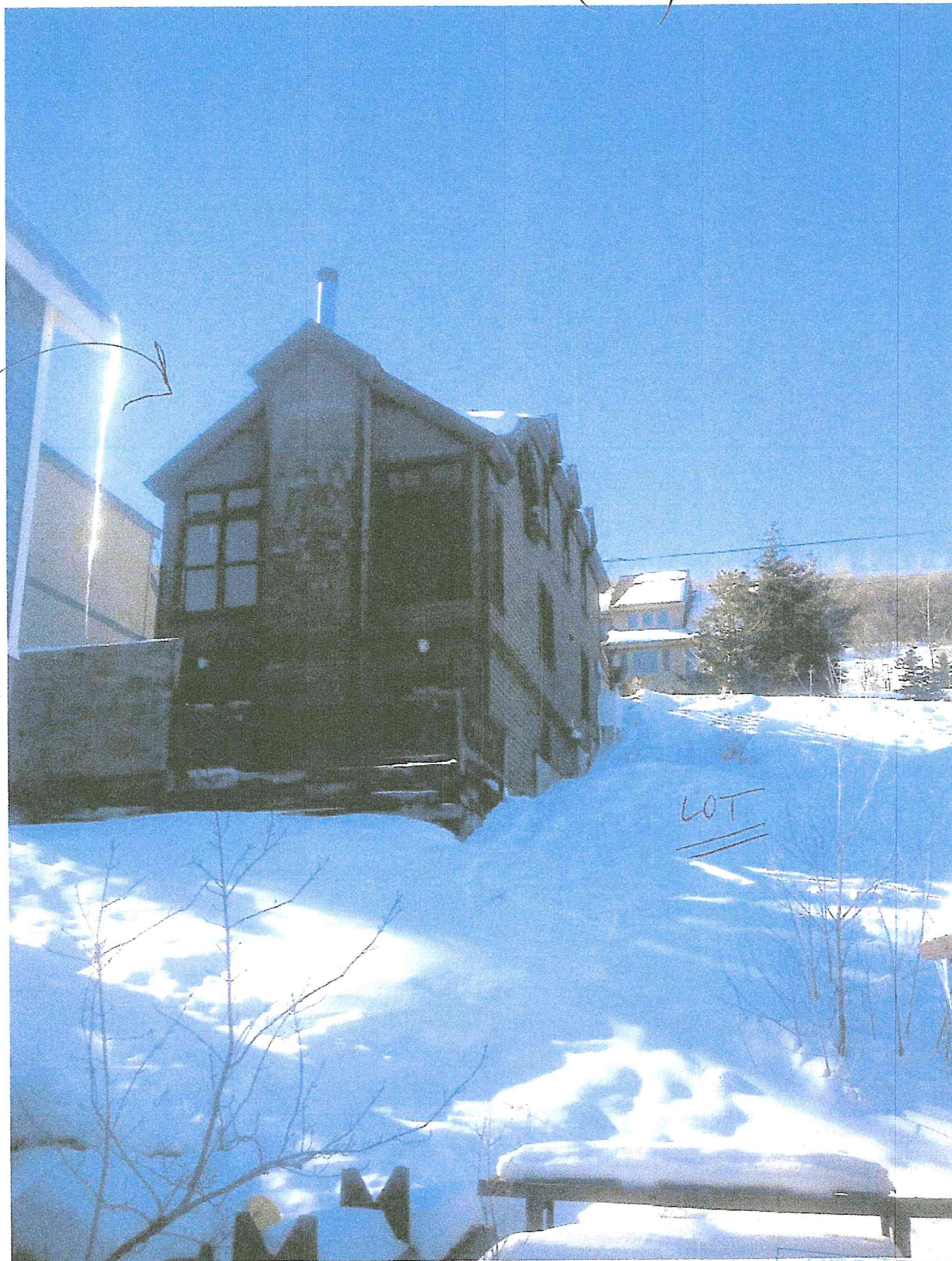


ADJOINING LOT

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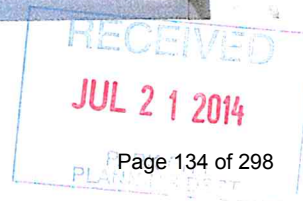
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EXISTING HOUSE

LOT

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EXISTING



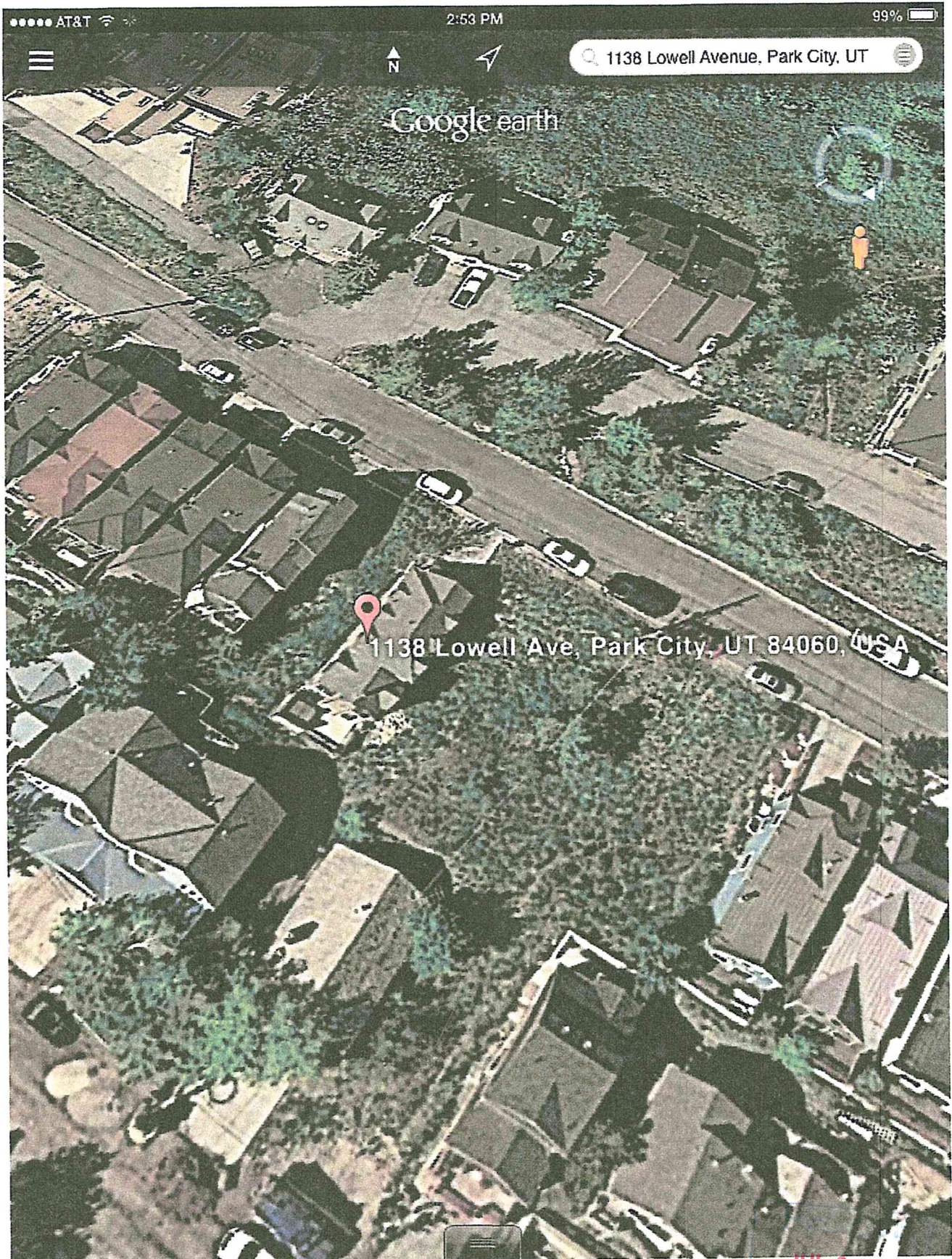
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Sent from my iPhone
Sent from my iPhone

PANO (4)



Sent from my iPhone





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PARK CITY
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Planning Commission Staff Report



PLANNING DEPARTMENT

Subject: National Ability Center (NAC) MPD
Project #: PL-14-02476
Author: Kirsten Whetstone, MS, AICP
Date: November 12, 2014
Type of Item: Administrative – Master Planned Development Pre-Application (Pre-MPD)

Summary Recommendations

Staff recommends the Planning Commission discuss the proposed Master Planned Development Pre-Application for the National Ability Center MPD, conduct a public hearing, provide input to the applicant and staff, and continue the item to December 10, 2014.

Description

Applicant: John Serio, National Ability Center representative
Location: 1000 Ability Way
Zoning: Recreation Open Space (ROS)
Adjacent Land Uses: Round Valley Open Space, Quinn's Recreation Complex, and Park City Ice Rink
Reason for Review: Pre-Applications for MPDs and MPD amendments require Planning Commission review and a finding of compliance with the Park City General Plan prior to submittal of a Master Planned Development application.

Proposal

On September 2, 2014, the City received a completed application for a pre- Application for a Master Planned Development amendment located at 1000 Ability Way. The proposed MPD Amendment proposes the following main items:

- Additional lodging (22,266 sf)
- Expansion of the indoor equestrian arena (12,188 sf)
- An addition to the existing administration building (3,400 sf)

An additional 50 parking spaces are requested, along with future improvements to the archery pavilion, expanded hay storage, additional equipment and storage sheds, a future enclosure and/or covering of the outdoor arena, a small green house for gardening programming, expansion of the challenge course, interior plaza and landscaping improvements, and a tent platform/single room cabin area to foster self-reliance in camping and outdoor skills (Exhibits A-D). A phasing plan for these improvements will be submitted with the MPD application. The property is zoned Recreation Open Space (ROS). Access to the property is from Round Valley Drive, a public street, and Ability Way, a private access drive.

Background

The site is described as Parcel # PCA-97-B, a metes and bounds parcel of land

located in the Quinn's Junction neighborhood of Park City. The 26.2 acre parcel was annexed to Park City in 2004 as part of the National Ability Center and Quinn's Recreation Complex Annexation (Exhibits E and F). The parcel was deeded to the NAC by Florence Gillmor and restricted to adaptive recreational programs, including equestrian, fitness, therapy and various related and complimentary recreational activity facilities. The National Ability Center (NAC) is a non-profit organization specializing in community sports, recreation, therapy, and education programming. A one lot subdivision to create a lot of record for this parcel will be required to be submitted with the MPD application.

Prior to annexation, the property received approval of a Specially Planned Area (SPA) from Summit County, which is similar to a Master Planned Development (MPD) in the City (Exhibits G and H), as well as a Conditional Use Permit. The NAC Specially Planned Area (SPA) allows for development of various uses and buildings. The property currently includes a 17,150 sf indoor arena, an outdoor challenge course, a playground area, an outdoor arena, an archery pavilion, a gazebo, various barns and storage buildings, a 12,200 sf residential dormitory building, a 7,500 sf support administrative building, and 140 parking spaces. The Development and Water Service Agreement (Exhibit K) describes conditions of water services as well as findings regarding the approved Conditional Use Permit.

Process

A requirement for any Master Planned Development (MPD) (or amendment to an MPD) is a pre-application public meeting and determination of compliance with the Park City General Plan and the ROS zone. The Land Management Code (LMC 15-6-4(B)) describes the pre-Application process as follows:

“At the pre-Application public meeting, the Applicant will have an opportunity to present the preliminary concepts for the proposed Master Planned Development. This preliminary review will focus on General Plan and zoning compliance for the proposed MPD. The public will be given an opportunity to comment on the preliminary concepts so that the Applicant can address neighborhood concerns in preparation of an Application for an MPD.

The Planning Commission shall review the preliminary information for compliance with the General Plan and will make a finding that the project complies with the General Plan. Such finding is to be made prior to the Applicant filing a formal MPD Application. If no such finding can be made, the applicant must submit a modified application or the General Plan would have to be modified prior to formal acceptance and processing of the Application.”

This item is scheduled as an introduction to the proposal to provide the applicant with an opportunity to present the proposal to the Commission. Staff will provide any additional requested information and analysis, as well as findings of fact regarding compliance with the General Plan, at the next meeting. Detailed MPD plans, including site plan and landscape plan details, a phasing plan, utilities, traffic and parking studies, open space calculations, architectural information, view shed studies, sensitive lands analysis, mine hazard study, and other MPD requirements will be submitted when the MPD application is submitted to the City.

Notice

A legal notice of the public hearing was published in the Park Record on October 29th and therefore Staff recommends the Commission conduct a public hearing and continue the item to the December 10th meeting. The property will be posted and notice letters mailed out on or before November 26th for the public hearing on December 10th.

Analysis and Discussion

The purpose of the pre-application public meeting is to have the applicant present preliminary concepts and give the public an opportunity to respond to those concepts prior to submittal of the MPD amendment application. Staff provided the ROS Chapter from the Land Management Code (Exhibit I) as well as relevant Goals and Strategies, and the Quinn's Neighborhood Section, of the General Plan (Exhibit J).

ROS Zoning

The purpose of the Recreation and Open Space (ROS) District is to:

- (A) establish and preserve districts for land uses requiring substantial Areas of open land covered with vegetation and substantially free from Structures, Streets and Parking Lots,
- (B) permit recreational Uses and preserve recreational Open Space land,
- (C) encourage parks, golf courses, trails and other Compatible public or private recreational Uses, and
- (D) preserve and enhance environmentally sensitive lands, such as wetlands, Steep Slopes, ridge lines, meadows, stream corridors, and forests.
- (E) encourage sustainability, conservation, and renewable energy.

The ROS zone (Exhibit I) allows for a variety of conservation, open space, and recreation uses. It was determined at the time of the annexation that the National Ability Center was consistent with the purpose and uses of the zone. The proposed uses are consistent with the existing uses and are consistent with the mission of the NAC.

Does the Planning Commission find the proposed MPD amendments consistent with the ROS Zone? Does the Commission require any additional information from staff or the applicant in order to make a determination regarding the ROS zone, in terms of purpose and use?

General Plan

The NAC is located in the Quinn's Junction neighborhood, as described in the new Park City General Plan. Specific elements of the General Plan (Exhibit J) that apply to this project include the following: (*Staff analysis and comments in italics*)

Quinn's Junction Neighborhood- The National Ability Center is listed as a neighborhood icon in the Quinn's Junction Neighborhood section of the General Plan. The Joint Planning Principles for the Quinn's Junction area recommend development patterns of clustered development balanced with preservation of open space. Public preserved open space and recreation is the predominant existing land use.

Clustered development should be designed to enhance public access through interconnection of trails, preserve public use and enjoyment of these areas, and continue to advance these goals along with the preservation of identified view sheds and passive open space areas. New development should be set back in compliance with the Entry Corridor Protection Overlay. Sensitive Lands should be considered in design and protected.

Uses contemplated for this neighborhood include institutional development limited to hospital, educational facilities, recreation, sports training, arts, cultural heritage, etc.

Amendments to the NAC MPD are primarily additions and enhancements to existing buildings and facilities intended to enhance the NACs success. The NAC was identified as an appropriate and compatible use in this neighborhood. Development is setback from the Entry Corridor to preserve the open view from SR 248. Sensitive wetland areas should be protected and taken into consideration in design of driveways, parking lots, and buildings, as well as protected from impacts of proposed uses.

Small Town- Goals include protect undeveloped land, discourage sprawl, and direct growth inward to strengthen existing neighborhoods. Goals also include encourage alternative modes of transportation.

Quinn's Junction is identified as a Development Node. The proposed MPD amendments include uses to support the existing NAC uses and mission. Housing proposed is support to the existing uses to provide additional types of short term housing. There is existing City bus service to the area on an as needed basis. Additional uses will help to validate additional services. The NAC is located on the City's trail system and adjacent to Round Valley open space.

Natural Setting- Goals include conserve a healthy network of open space for continued access to and respect for the natural setting. Goals also include energy efficiency and conservation of natural resources.

The proposed MPD amendments include expansions of existing uses, enhancement of the interior outdoor spaces, and connections to the trails and open space areas. The future tent platform/cabin area is intended to promote self reliance and appreciation of the natural setting. Additional information related to "green building" strategies for the proposed buildings should be addressed with the MPD application.

Sense of Community- Goals include creation of diversity of housing, including affordable housing; provision of parks and recreation opportunities; and provision of world class recreation and infrastructure to host local, regional, national, and international events while maintaining a balance with the sense of community.

A primary reason for the proposed MPD amendments is to provide improvements and enhancements to allow the NAC to continue to be successful and to carry out their mission. The proposed lodging will provide an alternative to dormitory accommodations for longer stays, to accommodate athletes training for local, regional, national, and international events.

Does the Planning Commission find the proposed MPD amendments comply with the General Plan? Does the Commission require any additional information from staff or the applicant in order to make a determination regarding compliance with the General Plan?

Summary Recommendations

Staff recommends the Planning Commission discuss the proposed Master Planned Development Pre-Application for the National Ability Center MPD, conduct a public hearing, provide input to the applicant and staff, and continue the item to December 10, 2014.

Exhibits

Exhibit A- NAC and surrounding properties map
Exhibit B- Applicant's letter- proposal for MPD amendment
Exhibit C- Proposed MPD Concept plan
Exhibit D- Proposed Buildings/Addition
Exhibit E- Annexation Report
Exhibit F- Annexation Ordinance and plat
Exhibit G- NAC Special Plan Area (SPA)
Exhibit H- Existing conditions- site plan and buildings
Exhibit I- LMC Chapter 2.7- ROS Zone
Exhibit J- Quinn's Junction Neighborhood and General Plan Sections
Exhibit K- Development and Water Service Agreement
Exhibit L- LMC Chapter 6- Master Planned Developments

EXHIBIT A



General Description of National Ability Center Proposal

For Amended Master Planned Development

Potential for New, Remodeled, or Repurposed Facilities

From the evaluation of existing facilities, program growth, and identified constraints a few key program areas requiring new or enhanced facilities were identified:

- Additional lodging / accommodation units in a new standalone lodge building adjacent to the existing lodging facilities. A primary goal for the design of additional units is to accommodate a better mix of single occupant participants and families with the basic amenities required for lengthier stays on property.
- An expansion of the Equestrian Arena to provide suitable areas for viewing and observation of program activities, athlete warm-up, restrooms, pre/post function gathering areas, class room space, and a therapy room. The proposed expansion would also allow for the repurposing of some existing spaces such as current staff office space.
- An addition to the Administrative Building to provide more break out meeting space, areas for pre / post meeting gathering, and flexible storage.

In addition to these primary facility needs most critical to accommodating program growth; a number of smaller improvements, enclosures, and expanded utilitarian structures typically required on a ranch are identified in the Facility Master Plan. Many of these will need further refinement and discussion as they are brought forward for implementation. Examples of this next tier of new or improved facilities with fewer impacts and budget implications but perhaps equal impact to programming include:

- Relocation and improvement of the Archery Pavilion to include enclosed spaces for equipment storage, Nordic and Summer Camp programming, restrooms, and the possibility of a shade structure or enclosure for the target lawn.
- Expansion of the existing Hay Storage / Equipment Shed as well as a location for a new Hay Storage Barn, and improved vehicle storage.
- Future enclosure and/or covering of the Round Pen and Outdoor Riding Arena
- A small green house for Garden programming, expansion area for the Ropes Challenge Course, and a central Plaza and other landscape improvements to create enhanced locations for fresh air gatherings and programs.
- A tent platform / single room cabin area to foster self-reliance in camping and outdoors skills. The goal for this important potential element would be to give National Ability Center clients the confidence they need to explore Utah's expansive system of parks and recreation areas. This programming would be consistent with the vision of the Governor's recent Council on Balanced Resources for Utah and their goals to provide ample opportunities for all Utah's citizens and visitors to experience the State's impressive landscapes.

Conceptual Budget for Key Plan Components

National Ability Center Master Facility Plan Conceptual Program						
Program Area			Area (FT2)			
Lodge			22,266			
Administration Bldg. Expansion			3400			
Arena Expansion			12188			
Archery Canopy / Classroom / rest rooms			1860			
Tent Platforms / Cabins			1000			
Hay Storage			1200			
Garden / Compost Shed			500			
Center Campus Multi-purpose Enclosure			5000			
		sub total	47,414			
Site / Landscape						
	Hardscape		5000			
	Planted		2000			
	Additional Parking		10000			
		sub total	17000			
		Overall Total	64,414			

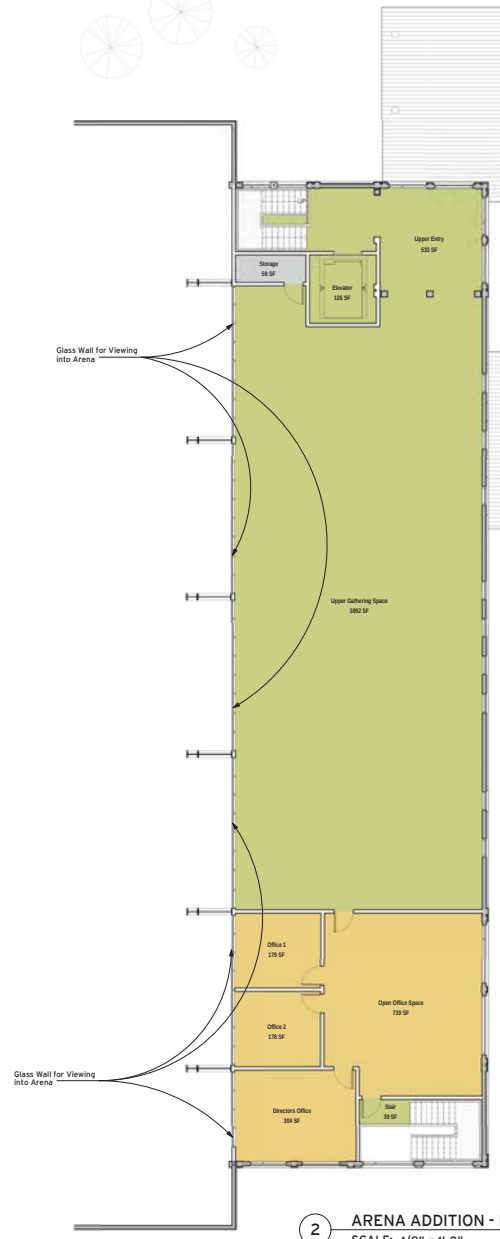
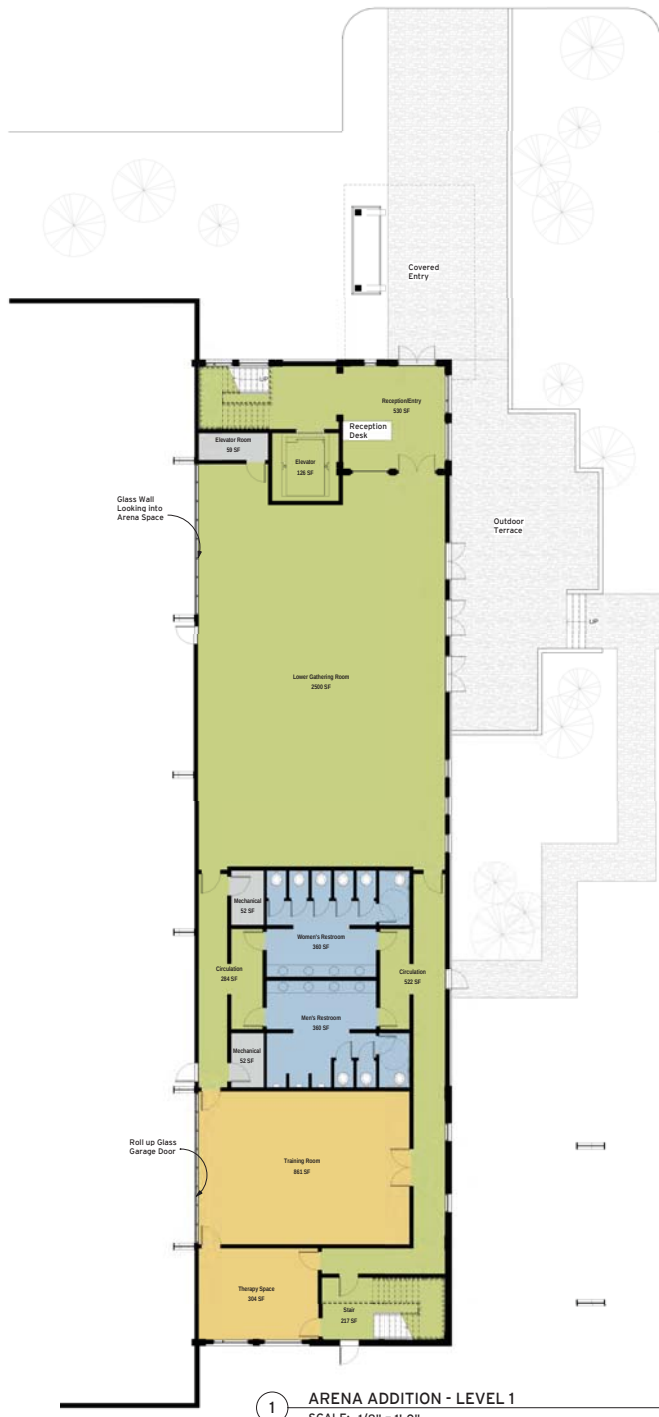
Note: Estimates provided for planning and discussion of potential site coverage. Actual footprints to be determined prior to final permitting by staff. No individual project to vary by more than 10% without planning commission approval. Overall Total site coverage not to increase by more than 10% without planning commission approval.

EXHIBIT C



Conceptual Master Plan

EXHIBIT D



1 NEW LODGE - LEVEL 1
SCALE: 1/8" = 1'-0"



2 NEW LODGE - LEVEL 2
SCALE: 1/8" = 1'-0"



3 NEW LODGE - LEVEL 3
SCALE: 1/8" = 1'-0"





1 NEW LODGE ENLARGED FLOOR PLAN - LEVEL 2
SCALE: 3/16" = 1'-0"



① AERIAL VIEW
SCALE:



② NEW ARENA ADDITION - EAST ELEVATION
SCALE: 1/8" = 1'-0"



③ NEW ARENA ADDITION - SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



④ NEW ARENA ADDITION - NORTH ELEVATION
SCALE: 1/8" = 1'-0"



1 NEW LODGE - EAST ELEVATION
SCALE: 1/8" = 1'-0"



2 NEW LODGE - SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



3 NEW LODGE - NORTH ELEVATION
SCALE: 1/8" = 1'-0"



4 NEW LODGE - WEST ELEVATION
SCALE: 1/8" = 1'-0"



4 VIEW OF NEW LODGE AND EXISTING - LOOKING NORTH
SCALE:



2 VIEW OF NEW ARENA ADDITION ENTRY - LOOKING SOUTH
SCALE:



3 VIEW OF NEW LODGE AND EXISTING - LOOKING SOUTH
SCALE:



1 VIEW OF ARENA ADDITION - LOOKING SOUTHWEST
SCALE:



1 VIEW FROM LOWER ROAD - LOOKING WEST
SCALE:



2 VIEW FROM ENRY DRIVE - LOOKING SOUTHWEST
SCALE:

**PLANNING COMMISSION
STAFF REPORT**



Author: Patrick Putt
Subject: National Ability Center and Quinn's Recreation Complex Annexation
Date: October 13, 2004
Type of Item: Legislative

Planning Department

Summary Recommendations:

Staff requests the Commission review and discuss the proposed zoning and annexation petition. Staff recommends the Commission conduct a public hearing, consider input, and forward a positive recommendation to City Council on the proposed annexation and zoning.

Description:

Project Name: National Ability Center (NAC) and Quinn's Junction Recreation Complex Annexation
Applicant: Park City Municipal and National Ability Center
Location: East of Fairway Hills Phase Two, and west of SR 248, approx 1/8 mile south of the SR 248 & I40 interchanges.
Zoning: Summit County -Developable Lands (DL) - base zoning of 1:20; 1:40 depending on any Sensitive Lands (slope, wetlands, etc.)
Proposed Zoning: Protected Open Space (POS); Recreation Open Space with underlying Master Planned Development (ROS – MPD)
Adjacent Land Uses: Single family residential, undeveloped private lands, open land, institutional use

Background

On August 11, 2004, the National Ability Center and Park City Municipal Corporation submitted a petition to annex into Park City an area located in the Quinn's Junction area located east of Fairway Hills Phase Two, and west of SR 248, approximately 1/8 mile south of the SR 248 & I40 interchange (Exhibit A – Vicinity Map; Exhibit B - Annexation Map). The overall property is approximately 136 acres, and consists of 3 parcels: A City-owned open space parcel (approx. 39.5 acres of a 119 acre parcel, tax identification # SS-97-A-1), the NAC parcel (SS-97-B, approx 26.2 acres), and an approximately 70.5 acre City-owned parcel deeded to PCMC by Florence Gillmor, for recreational uses (SS-91-B-X and SS-97-X). All of these areas are currently within Summit County's jurisdiction.

The 39.5 acre parcel included in the annexation petition (located behind the NAC to the west, adjacent to Fairway Hills Phase II) is a portion of a larger 119 acre parcel that the City purchased in 2003 from the Gillmor Family. Funds to purchase the lands were allocated from an open space bond, under the direction of COSAC II. This property is subject to an open space deed restriction maintaining it in perpetuity as open space. This parcel provides contiguity to existing City limits.

The only existing development located within the proposed annexation area is the National Ability Center (NAC) campus. This 26 acre parcel was deeded to the NAC by Florence Gillmor

and is restricted in its use to adapted recreational programs. The remaining parcel is a 70.5 acre parcel adjacent to SR 248, given to the City by Florence Gillmor. The City intends to develop a recreation complex on this site which will include sports fields and an ice facility. This parcel has a number of deed restrictions placed on it by the former owner limiting uses to recreational. The City has submitted a Master Planned Development (MPD) application to develop a recreation complex on this parcel. Design of the recreation complex is currently moving from the conceptual design stages and into schematic design and will be discussed in conjunction with the annexation as a work session item at tonight's meeting. A subdivision application will also be filed to create a developable lot to accommodate the recreation complex.

Annexation Procedural History

Municipal annexation is a legislative act governed procedurally by Utah state law. On August 26, 2004, the Park City Council accepted the petition for annexation. The City reviewed the petition against the criteria stated in Sections 10-2-403 (2), (3), and (4) of the Utah Code of the Utah Code, Annotated, 1953, as amended, and made findings that the petition complies with all applicable requirements of the Utah Code. On September 2, 2004, letters were sent to the Affected Entities giving notice that the petition had been certified and the 30-day protest period had begun. October 3, 2004 was the deadline for Affected Entities to file a protest with the Summit County Boundary Commission. No protests were filed.

Procedurally, the Planning Commission forwards a recommendation on annexation petitions and zoning to the City Council for final action. The City Council will also hold a public hearing on the proposed annexation and zoning. Once the City Council enacts an ordinance annexing the unincorporated area all applicable zoning and Land Management Code sections shall apply to the annexed property. A City Council public hearing to discuss acceptance of this annexation petition was conducted by the on August 26, 2004. There was no public input in opposition to the annexation expressed at this public hearing.

Analysis

The Annexation Policy Plan requires an annexation evaluation and staff report to be presented that contains certain items (see Section 15-8-5 (B)). The staff analysis is as follows:

1. General Requirements of Section 15-8-2

The annexation meets the general annexation requirements as stated in Section 15-8-2. See Section E of this staff report for a detailed analysis of the annexation as it relates to Section 15-8-2.

2. Map and natural features

The property consists of 136 acres, including 3 smaller metes and bounds parcels lying within the northeast ¼ of Section 3 & the northwest ¼ of section 2, Township 2 South, Range 4 East, Salt Lake Base & Meridian, Summit County. The area proposed for annexation is within the City's Annexation Expansion Area, as described by the City's Annexation Policy Plan found in Section 15-8-7 of the Park City Land Management Code. The parcel is currently zoned SL (Sensitive lands) and DL (Development lands) in Summit County, subject to the Snyderville Basin General Plan. The applicants propose to zone the COSAC purchased 39.5 acre parcel POS, and the two recreation-deeded parcels with ROS-MPD zoning. Further analysis can be found under criteria #6. The applicants have submitted an accurate map of the area showing the boundaries, property ownership, topography, natural features, and environmentally sensitive areas.

3. Residential Density

No additional residential density beyond the existing NAC dormitories is proposed as a part of this application. No additional residential or commercial density is contemplated by the NAC at this time. If Zoned ROS, the NAC could apply for a Conditional Use Permit for additional dorms, however discussions with the NAC suggest this is not likely in the foreseeable future.

4. Land Uses-existing and proposed

NAC - The only existing development located within the proposed annexation area is the National Ability Center (NAC) campus. This 26 acre parcel was deeded to the NAC by Florence Gillmor and is restricted in its use to, year-round innovative therapeutic, and adapted recreational programs... including [horse] riding, fitness center, dormitory, central lodge, and "various related and complimentary recreational activity facilities." The type of development and uses are consistent with the deed restrictions and include: an administrative building (approx. 7,500 s.f.), a dormitory (approx. 12,200 s.f.), an indoor equestrian arena (approx. 17,000 s.f.), a few small outbuildings, as well as outdoor ropes course, playground area, and support parking (Exhibit C – NAC site plan).

These types of uses are consistent with the proposed ROS zoning and would be allowed Conditionally. Staff understands that the existing equestrian center and structures for the ropes course exceed the zone height limit (28'). The underlying ROS-MPD zoning designation has been requested to prevent the creation of any non-complying structures. At this time the NAC is not proposing additional development.

Recreation Complex – An introductory summary of this proposed facility will be presented during tonight's work session. A conceptual site plan is found as Exhibit D.

Wildlife Study - The City has recently conducted a study to measure potential effects on wildlife resources of the proposed Park City annexation and development, potential effects on wildlife resources on lands adjacent to the proposed development were also evaluated. The proposed development area was determined to contain wildlife species and wildlife habitat typical for the vegetative types and elevation zone. Of significance, one Utah sensitive species, the greater sage grouse, was found on the development and on adjacent areas. Seven prioritized recommendations were made to minimize and compensate for potential impacts of the proposed development. The intent of these recommendations is to increase the probability of the perpetual continuance of wildlife and wildlife resources currently available in the area (Exhibit E). The study does not preclude development on the parcel and recognizes the adjacent 1400 acres of city-owned open space as a major mitigation area.

Environmental Issues – City staff has documented related environmental issues for the proposed annexation (Exhibit F). The annexation is outside the City's Soils Ordinance District. Furthermore, the City does not have any environmental assessments or known previous history of the site being impacted with historic mining impacts or other industry. It should be noted that the site is situated within the Silver Creek Watershed drainage, due to this classification, any work resulting in a land disturbance equal to or >1 acre will need to strictly adhere to Park City's Storm Water Management Plan and implement storm water Best Management Practices.

Utility & Access - Access and traffic discussion points have been outlined by City Engineer Eric DeHaan. A more complete review of traffic and utility impacts can be found attached as Exhibit G – Existing and Proposed Roadway Systems and Easements). The following is a key excerpt:

Access to the proposed recreation complex would come from two separated two-lane road connections to the existing frontage road serving NAC. The existing frontage road is a vestige of an earlier highway prior to the construction of U.S. 40 in its current configuration, so the frontage road has considerable traffic capacity. The intersection with S.R. 248 is not ideal and would undoubtedly require relocation farther away from U.S. 40 if a signalized intersection at 248 were ever contemplated, namely for additional development. Adequate rights-of-way and easements in terms of width and alignment exist for the anticipated trip generation from the complex, as described below, but those easements and rights-of-way need to be researched as to title and encumbrances.

A recreational complex of the scale described above will exhibit periodic high levels of trip generation during times when multiple games or other recreation activities coincide as to loading or unloading. For "base-level" calculations it is assumed that each of the ten fields and the ice facility would generate up to 75 cars every two hours as participants and spectators arrived and departed. Any bus or transit traffic would be included within these estimates since such traffic would correspondingly reduce individual vehicle trips. This maximum trip loading would correspond to a maximum of about 413 vehicles per hour using the 248 access for normal summertime usage where field activities were properly coordinated by a professional recreation department such as Park City's.

Vehicular trips to the complex would be mitigated by the anticipated pedestrian and trail connections that will be included in the final design of the proposed complex. It is further anticipated that transit service will eventually be extended to the NAC and therefore the complex, although that transit service extension will be very expensive and would only be triggered by demonstrated numbers of visitors to the complex. For that reason, this memo assumes that private vehicles will be the main source of transportation

5. Character and Development of adjacent property

Surrounding land uses include a single family subdivision to the west (Fairway Hills II), and undeveloped privately owned lands to the northeast and east. The other adjacent property to the south and northwest are City-purchased open space lands. These City-owned open space areas are currently used for passive open space uses such as hiking, biking, and wildlife observation. Much of these lands are designated as Sensitive Lands by both City and Summit County Zoning standards (view shed hillsides, steep slopes, and sensitive ridgeline areas). There is very limited development potential on these lands (trailheads, or similar development intended to preserve conservation value) because of deed restrictions placed on them at the time of purchase. The City and County are both currently under heavy development pressure from the adjacent private property owners.

In response to this pressure Park City and Summit County passed a resolution to conduct a joint study on Land Use for the entire Quinn's Junction area. It was intended that the study be a collaborative public planning process, gathering input from all stakeholders involved, ultimately creating a plan complete with implementation strategies for the area. The City and County staff has since synthesized the input and concepts that came out of the July 2003 community planning charette. The Quinn's Junction principles and map attached as Exhibit H represent an overview of the process, findings and land use principles.

6. Zoning- existing and proposed

The parcel is currently zoned SL (Sensitive lands) and DL (Development lands) in Summit

County, subject to the Snyderville Basin General Plan. The requested zoning is ROS-MPD and POS. The ROS zone allows: Trails and Trailhead Improvement and Outdoor Recreation Equipment as Administrative Conditional Uses; and Recreational Outdoor and Trail Lighting and Recreation Facility, Public as Conditional Uses (Exhibit I – Land Management Code - ROS and POS Zoning Regulations). The POS district is very restrictive and in general allows trails and trailhead parking and small accessory support buildings to recreational amenities. The proposed zoning of POS and ROS-MPD is consistent with Park City's General Plan, with the surrounding zoning, land uses, as well as the Quinn's Junction Study and Joint Planning Commission Development Principles which contemplates the uses proposed.

7. Goals and Policies of the Park City General Plan

This annexation is consistent with the goals and policies of the Park City General plan in that the annexation provides the ability to propose a development that 1) provides both community-based and tourism-based recreational opportunities 2) preserves and promotes existing trails and trail connections, 3) pursued and created consensus on appropriate development patterns in a joint-planned area consistent with findings adopted by the joint planning commissions, 4) is sensitive to wildlife resource impacts, 5) recognizes the importance of protecting and respecting the importance of entry corridors, and 6) promotes and protects open space. It is logical, reasonable, and consistent with the General Plan to provide municipal level services to this property and to combine it with surrounding vacant property already within the City limits, under common ownership, as part of a Master Planned Development to further the goals and policies of the Park City General Plan.

8. Assessed valuation

Annexation of the proposed area will not have a negative impact on the property's assessed valuation. According to the Summit County assessor's office the current assessed valuation of the annexation parcel is \$0, because the NAC is a non-profit and the two City-owned parcels are tax-exempt.

9. Demand for municipal services

All essential services will be provided by existing entities. Park City Fire District, Snyderville Basin Water Reclamation District (SBWRD - sewer), Park City School District, Questar gas, PacifiCorp - power, Comcast - cable, Qwest - gas, and BFI trash removal. For specific details, please see General Requirements (15-8-2-F) later in the analysis. There is no residential development allowed as part of this annexation. The NAC and City are exempt from paying property tax and therefore would provide no revenues to these taxing entities.

10. Effect on City boundaries

As development pressure in this area has increased, it has become a priority to bring City-owned open space and recreation areas into City limits. Staff anticipates this annexation being the first step towards expanding City limits to include all of the City's almost 1,400 acres of open space. The City has entered into pre-annexation agreements with two adjacent private property owners (Burbidge and Quinn's Junction Partners(Ericksen)).

11. Timetable for extending services

The City has hired a consultant to assist in the design of the recreation complex. At this time they are beginning to move from conceptual design stages into schematic design. Preliminary utility plans are currently being investigated. General City and County Services can be extended to the property upon approval of a Master Planned Development, subsequent platting of the property, and issuance of building permits for approved development.

The NAC is currently served with all necessary utilities. They pump sewer back into Fairway Hills. A line extension agreement with SBWRD down to either the Rail Trail or I40 will be required before additional services can be extended to serve the recreation complex. The NAC also currently has power coming down from Fairway Hills. It is anticipated that Utah Power will see this as an opportunity to connect their power loop between Park Meadows and State HWY 248. The City has currently investigated different possibilities to provide water to the location and feel confident in their ability to do so. There is existing infrastructure in Fairway Hills but it may be inadequate to cover all necessary fire protection systems. The City has also investigated bringing in water from an outside source – further detail can be found under 15-8-2(F)(6). A preliminary plan to provide natural gas is also being discussed at this time. A more complete review of utility impacts can be found attached as Exhibit G – Traffic and Utility Impacts).

12. Revenue versus costs

The total budget for the recreation complex project is \$6.5 million. The City and County bonded for a total of \$4.5 million dollars to be allocated to this project. Additional funding will be a combination of Rap tax, impact fees, sale of assets, and RDA increment.

On August 26, 2004 Park City Municipal Corporation and the Snyderville Basin Special Recreation District approved a comprehensive Interlocal Agreement regarding the construction and operation of a regional ice facility. The basic terms of the Agreement call for the City to take the lead in planning, constructing, and operating the regional ice facility. Each Party agreed to provide \$2 million dollars towards initial construction and a minimum commitment of \$50,000/year towards operating subsidies / capital replacement schedules. The executed Agreement is for 50 years and has clauses to review financial terms every three years.

It is currently expected that the ice facility will be operated seasonally for the first two years until the programming warrants moving to year round operations. It is expected that the building would be used in support of both ice sheet operations as well as summer "fields" use for components of locker rooms, restrooms, and other support operations. City staff has prepared preliminary O&M budgets for the overall facility and will be reviewing Department operating budget needs during the upcoming 2-year budget review.

A fiscal analysis report has been prepared by the City's Budget, Debt, and Grants Department. The analysis summarizes that the potential of softball, soccer and a football/rugby field at the Recreation Complex will increase the availability of fields for use during tournaments that will have an increased impact on City tax revenues and contribute to the overall tourism economy (Exhibit J – Fiscal Analysis).

Staff believes there will be two additional transit-related budgetary impacts that arise as a result of this annexation. Those impacts are providing Fixed Route Service at a cost of \$160,000 - \$270,000 annually, and ADA Para-transit Service at a cost of \$130,000 annually. In addition to these costs, a one time cost for vehicle acquisition would be \$70,000-\$125,000 assuming federal grants were secured to cover 80% of vehicle cost. Further Detail is explained in Exhibit K1 –Cost to Provide Governmental Services – Transit Impacts.

13. Tax consequences

A major portion of the proposed annexation area is owned by the City which does not pay property taxes. The remaining portion is owned by the National Ability Center (NAC), a non- for-

profit organization that does not pay property taxes, and are not expected to pay any property taxes in the future. Staff anticipates a small realization of sales tax based on anticipated sales of food concessions and a small pro shop at the ice rink.

14. Impact on Summit County

Because no property tax is being generated, and only minimal sales tax is expected to be generated, impacts on Summit County will be minimal. This recreation complex represents the first development in an area under heavy development pressure by the private sector. Staff finds that open space and recreation – related improvements which are consistent with the City's General Plan and the Quinn's Junction Study will establish an appropriate land use precedent for the area.

15. Historic and cultural resources

There are no identified historic or cultural resources in the annexation area. This project will not provide significant public benefit in the area of historic or cultural resources, nor will it diminish any existing historic or cultural resources.

Annexation Policy Plan

Purpose (Section 15-8-1)

Chapter 8 of the Land Management Code is considered Park City's annexation policy plan and declaration. In Section 15-8-1 the Code states the following:

The annexation requirements specified in this Chapter are intended to protect the general interests and character of the community; assure orderly growth and development of the Park City community in terms of utilities and public services; preserve open space, enhance parks and trails; ensure environmental quality; protect entry corridors, view sheds and environmentally Sensitive Lands; preserve Historic and cultural resources; create buffer areas; protect public health, safety, and welfare; and ensure that annexations are approved consistent with the Park City General Plan and Utah State Law.

Staff finds that the proposed annexation meets the above stated purposes in that this annexation contributes to the achievement of the goals and policies of the Park City General Plan and further protects the general interests and character of Park City by providing open space and recreation for both community-based and tourism-based recreational development, 2) preserves and promotes existing trails and trail connections, 3) developing consensus with Summit County on appropriate development patterns in a joint-planned area 4) sensitive to the importance of developing a project in the entry corridor.

In addition the Annexation Policy Plan states:

If practical and feasible, boundaries of an Area proposed for annexation shall be drawn:

- (A) Along the boundaries of existing special districts for sewer, water, fire, and other services, along the boundaries of school districts whose boundaries follow City boundaries... and along the boundaries of other taxing entities;
- (B) To eliminate islands and peninsulas of territory that is not receiving municipal type services;
- (C) To facilitate the consolidation of overlapping functions of local government;
- (D) To promote the efficient delivery of services; and
- (E) To encourage the equitable distribution of community resources and obligations.

It is the intent of this Chapter to ensure that Property annexed to the City will contribute to the attractiveness of the community and will enhance the resort image which is critical for economic viability, and that the potential deficit of revenue against expense to the City is not unreasonable.

Staff has reviewed this annexation proposal against these stated purposes and finds that the proposal is consistent with and furthers the interest of the Park City Annexation Policy Plan in that the creation of infrastructure to participate in City-purchased passive open space (trails) in addition to the promulgation of recreational opportunities is representative of our community and our resort image and tourism economy . Development within Park City of a community recreation complex, as well as a tournament and event facility, is consistent with the Community Character and Economic Development policies of the City Council and General Plan. The proposal also sets an appropriate land use precedent for the area which is consistent with the City's General Plan and Quinn's Junction Study.

General Requirements (Section 15-8-2)

Staff has reviewed the proposed annexation and preliminary plat against the following general requirements (findings in ***italics***). The following specific requirements are hereby established for annexation to Park City:

- (A) Property under consideration of annexation must be considered a logical extension of the City boundaries.

Complies. The property is contiguous to the Park City Municipal boundary at Fairway Hills Estates Phase II and within the boundary of the Park City Annexation Expansion Area. The proposed Master Planned Development is consistent with the adopted Joint Quinn's Junction Land Use Principles and will set the tone for future, adjacent development and surrounding land uses.

- (B) Annexation of Property to the City must be consistent with the intent and purposes of this Chapter and the Park City General Plan.

Complies. This annexation proposal has been submitted and processed consistent with the intent and purposes of the Annexation Policy Plan. The annexation petition has been accepted by the City Council and the petition certified by the City Recorder. The applicant submitted all required documents and information, per LMC Section 15-8-3 (A)-(J)) and including all submittal requirements as stated on the application form. The property has been posted and affected property owners have been notified of the public hearing. Legal advertisement has been posted in the Park Record. The property falls within the Park City Annexation Expansion Area boundaries.

- (C) Every annexation shall include the greatest amount of Property possible that is a contiguous Area and that is contiguous to the City's municipal boundaries.

Complies. Property is defined in the Land Management Code as Any Parcel, Lot, or tract of land, including improvements thereon, in the possession of or owned by, or recorded as the real Property of the same Person or Persons. The City owns a number of contiguous parcels but is unable to include them in this application without creating islands or peninsulas of adjacent private land which is inconsistent with State annexation statutes. To the end of annexing contiguous properties the city has contacted each of the adjacent private property owners in the Quinn's Junction area and have

entered into pre-annexation agreements with two of them.

- (D) Piecemeal annexation of individual small Properties shall be discouraged if larger contiguous Parcels are available for annexation within a reasonable time frame in order to avoid repetitious annexations.

Complies.

Timely annexation of this parcel will ensure development of an ice facility that has been a stated goal of both the Park City Council, the Snyderville Basin Recreation District, and the community at large. The annexation area represents the greatest area possible for consideration given other ownership and contiguity compliance issues.

- (E) Islands of county jurisdiction shall not be left or created as a result of the annexation and peninsulas and irregular boundaries shall be avoided.

Complies. *This annexation does not create an island, or an irregular boundary.*

- (F) In addition to services provided by existing districts, such as sewer, fire protection, and public schools, the following urban level services, consistent with those normally provided in the rest of the incorporated boundaries will be provided to annexed Areas: **Complies as outlined below.**

1. Police protection - ***City Police protection currently provided by special agreement with the County Sheriff for routine calls. Criminal investigation currently responsibility of the County Sheriff and would transfer to the City.***
2. Snow removal on Public Streets ***The City will provide snow removal as necessary on City property, namely the road system needed to serve winter time use of the recreation complex, but will not be responsible for providing snow removal on any adjacent private property. The City's Streets Department has estimated the annual cost to provide snow removal at \$5,576 (Exhibit K2 –Cost to Provide Governmental Services – Snow Removal).***
3. Street maintenance ***The City will provide street maintenance for the public road system, but will not be financially responsible for providing maintenance of private property. This line item will be incorporated into the City's long-term Capital Improvements Program budget.***
4. Planning, zoning, and Code enforcement ***Currently Summit County Planning and Building Department and would transfer to the City departments of planning and building.***
5. Availability of municipal sponsored parks and recreational activities and cultural events and facilities ***Parks are public and open to County and City residents. An interlocal agreement has been signed between the City and Basin Recreation that will regulate long-terms operations and maintenance for the ice rink.***
6. Water services as the Area is developed. Existing water treatment and storage facilities may currently be inadequate to provide services to the annexed Area. Developers of the annexed Area are required to pay for the cost of improvements related to the extension of and connection with the City lines and systems as well as participate in additional improvements such as storage capacity and distribution as necessary for safe, reliable, and efficient water flows. ***City water will be provided available upon annexation, the details of which will be addressed during the building permit process. Staff has done their best to estimate the flow requirements of this service. However, the level of planning complete at this time does not provide the detail necessary to precisely forecast the***

cost of necessary improvements to store and move water to the area. Staff estimates the financial investment required to provide the infrastructure to store pump and transport water to the recreation parcel at \$250,000 – \$750,000 (Exhibit K3 – Water Impacts). The property has no water rights associated with it.

- (G) If feasible and practical, water and sewer lines shall be extended to the Area proposed for annexation. Expenses associated with such extension shall be the responsibility of the Applicant(s). The City shall determine timing and capacity of extending water to the proposed annexation area. The Water Reclamation district shall determine timing and capacity of extending sewer service to the proposed annexation area.

Complies. Water is available (see above). Sewer service is available in the area, but will need to be extended. The City is working with the SBWRD on a line extension agreement that would be necessary prior to development. Extension of the sewer and water mains would be the responsibility of the City.

- (H) Before considering requests for annexation the City shall carefully analyze the impacts of annexation of an Area, taking into consideration whether the Area will create negative impacts on the City and considering whether the City can economically provide services to the annexed Area. Community issues such as location and adequacy of schools and community facilities, traffic, fire protection, particularly in Wildfire/Wildland Interface Zones, useable open space and recreation Areas, protection of Sensitive Lands, conservation of natural resources, protection of view corridors, protection and preservation of Historic resources, affordable housing, balance of housing types and ownership, adequate water and sewer capacity to serve the future needs of the proposed annexation Areas shall also be considered.

Complies. These impacts of annexation have been reviewed and analyzed (see Fiscal Analysis). There is a net benefit to the City as a result of this annexation, due to the community benefits of passive open space, recreational amenities, and potential tourism tax base dollars based on potential tournaments and other recreational opportunities.. The City will be financially responsible to provide all basic infrastructure and utilities including water, sewer, power, gas, cable, police, planning and building services, snow plowing, street maintenance, etc.

- (I) Situations may exist where it is in the public interest to preserve certain lands from Development where there exist Geologic Hazards, excessive Slopes, flood plains or where the need for preservation of community open space and/or agricultural lands is consistent with the General Plan. In such circumstances, annexation may occur as a means of retaining those lands in a natural state.

Complies. A primary goal of this annexation is to begin to bring into City jurisdiction the open space parcels purchased by the City. Annexation of this property will allow the city to establish a needed community open space/recreation area by master planning the site to address entry corridors, viewshed, and wildlife considerations.

- (J) The City shall consider annexation of unincorporated Areas of Summit County that are within the annexation expansion Area as defined by Exhibit A.

Complies. This property is within the Park City Annexation Expansion Area, adopted by the City Council in 2003.

- (K) In general, the City does not favor annexation of territory, which should be located within another municipality, nor does it favor the annexation of unincorporated territory solely for

the purpose of acquiring municipal revenues, or for retarding the capacity of another municipality to annex.

Complies. The purpose of this annexation is not to acquire municipal revenues or to retard the capacity of another municipality to annex this property. Provision of municipal services for this property is more efficiently provided by Park City than by Summit County. The City Council has directed Staff to process this recreation complex through City development codes and policies

(L) Annexations that expand the resort and/or tourist economy provide second home or rental residential Properties, preserve environmentally Sensitive Lands, and provide significant public open space and/or community facilities are preferred.

Complies. This annexation is beneficial in that the proposed development is resort oriented, furthers off-season economic development, provides open space and preserves existing trails. It is logical and reasonable to provide municipal level services to this property and to combine it with surrounding vacant property, under common ownership, as part of a Master Planned Development.

Staff finds that the proposed annexation, as outlined in the draft annexation agreement, complies with the requirements and criteria of the Park City Annexation Policy Plan, as outlined above.

F. Annexation Agreement

An annexation agreement is not required as part of this application.

G. Departmental Review

Several meetings between the applicant, staff, and various City Departments have also been held to better understand the issues. As required by the Annexation Policy Plan input regarding this annexation has been received from the Planning Director, City Engineer, Director of Public Works, Fire Marshall, Police Chief, representatives from applicable utility providers, and Park City School District Superintendent.

Recommendation:

Staff recommends the Planning Commission hold a public hearing and consider any public input on the annexation petition and proposed zoning. Staff recommends the Commission forwards a positive recommendation to the City Council.

Exhibits

Exhibit A – Location Map

Exhibit B – Annexation Map

Exhibit C – NAC site plan

Exhibit D - Rec. Complex conceptual site plan

Exhibit E – Wildlife Study

Exhibit F – Environmental Impact

Exhibit G – Existing and Proposed Roadway Systems

Exhibit H - Quinn's Junction Study Map & Land Use Principles

Exhibit I – LMC Zoning Regulations for ROS and POS

Exhibit J – Fiscal Impacts

Exhibit K1 – Cost to Provide Governmental Services – Transit

Exhibit K2 – Cost to Provide Governmental Services – Snow Removal

Exhibit K3 – Cost to Provide Governmental Services – Water
Exhibit L – Existing Conditions

I hereby certify that this is a true and correct copy
of Ordinance No. 04-50, adopted by the Park City
Council on October 21, 2004.

Janet M. Scott
Janet M. Scott, City Recorder



Ordinance No. 04-50

**AN ORDINANCE APPROVING AN AMENDMENT TO THE PARK CITY ZONING MAP
FOR NATIONAL ABILITY CENTER AND PARK CITY MUNICIPAL RECREATION
COMPLEX ANNEXATION PARCEL, PARK CITY, UTAH**

WHEREAS, owners of land located east of Fairway Hills Phase Two, and west of SR 248, approx 1/8 mile south of the SR 248 & I40 interchanges, including the Executive Director of the National Ability, and Park City Municipal Corporation have petitioned the City Council for approval of an annexation and zoning, known as the National Ability Center and Municipal Recreation Complex Annexation; and

WHEREAS, the National Ability Center and Municipal Recreation Complex parcels will be zoned ROS-MPD (Recreation Open Space – with underlying Master Planned Development); and the COSAC purchased 39.5 acres will be zoned POS, Protected Open Space; and

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

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

WHEREAS, the Planning Commission held a public hearing on October 13, 2004, to receive input on the proposed annexation and zoning; and

WHEREAS, the Planning Commission, on October 13, 2004, forwarded a positive recommendation on the proposed annexation and zoning to the City Council; and

WHEREAS, on October 21, 2004, the City Council held public hearings to receive input on the proposed annexation and zoning; and

WHEREAS, it is in the best interest of Park City, Utah to approve this amendment to the official Park City Zoning Map.

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

SECTION 1. APPROVAL. The National Ability Center and Park City Municipal zoning and amendment to the official Park City Zoning Map are hereby approved as shown in the attached exhibits, subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

00715425 BK01656 Pg01081-01085

ALAN SPRIGGS, SUMMIT CO RECORDER
2004 OCT 29 14:43 PM FEE \$.00 BY GGB
REQUEST: PARK CITY MUNICIPAL CORP

BK1656 PG1081

PASSED AND ADOPTED this 21st day of October 2004.

PARK CITY MUNICIPAL CORPORATION

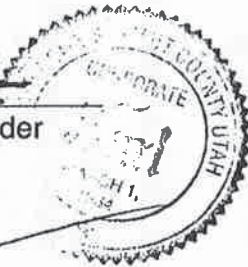
Dana Williams
Mayor Dana Williams

Attest:

Janet M. Scott
Janet M. Scott, City Recorder

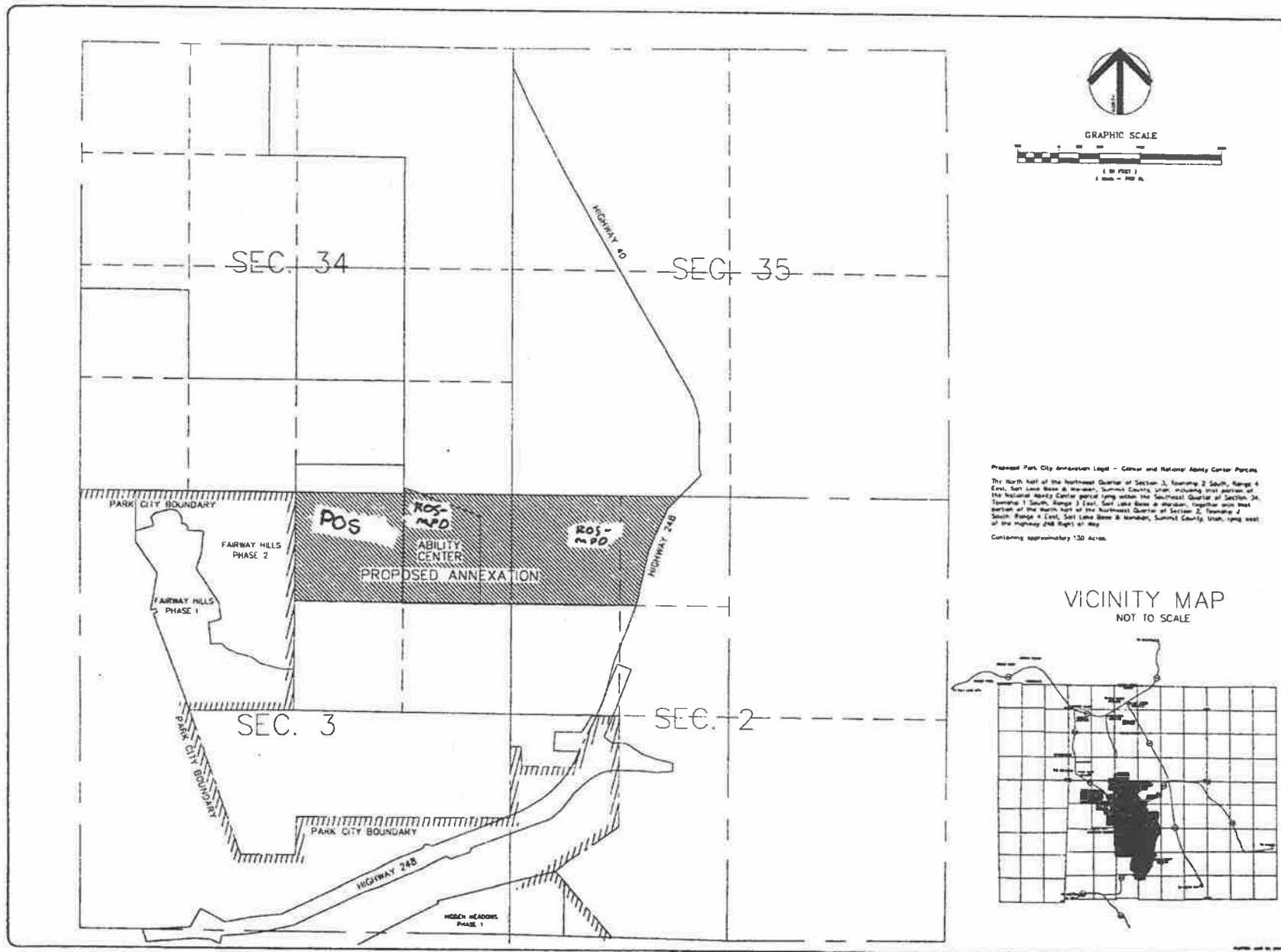
Approved as to form:

Mark D. Harrington
Mark D. Harrington, City Attorney



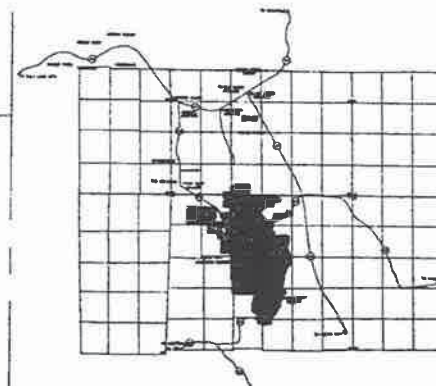
BK1656 PG1083

BK1656 PG1085.



Proposed Park City Annexation Legal - Color and National Ability Center Parcels
 The North half of the Northwest Quarter of Section 3, Township 2 South, Range 4 East, Salt Lake Base & Meridian, Summit County, Utah, including that portion of the National Ability Center parcel lying within the Southwest Quarter of Section 34, Township 1 South, Range 3 East, Salt Lake Base & Meridian, together with that portion of the North half of the Northwest Quarter of Section 2, Township 2 South, Range 4 East, Salt Lake Base & Meridian, Summit County, Utah, lying west of the Highway 248 Right of Way.
 Containing approximately 130 Acres.

VICINITY MAP
 NOT TO SCALE



Evergreen Engineering, Inc.
 1100 S. 1000 E., Suite 100
 Salt Lake City, UT 84143
 Tel: (801) 466-1000
 Fax: (801) 466-1001
 www.evergreeneng.com

DESIGNED BY
 CHECKED BY
 DATE

REVIEWED BY
 DATE

DESIGNED BY
 CHECKED BY
 DATE

PROPOSED PARK CITY ANNEXATION
GILLMOR & NATIONAL ABILITY PARCELS
 PREPARED FOR
 PARK CITY MUNICIPAL CORPORATION
 PREPARED BY
 DATE

SHEET 1 OF 1

EXHIBIT G

FINAL SITE PLAN INDEX NATIONAL ABILITY CENTER S.P.A.

- EXHIBIT "A" MASTER PLAN
- EXHIBIT "B" CONSERVATION / GRADING PLAN
- EXHIBIT "C" PRELIMINARY UTILITIES PLAN
- EXHIBIT "D" DEVELOPMENT / OPEN SPACE ZONES
- EXHIBIT "E" LANDSCAPE PLAN
- EXHIBIT "F" IRRIGATION PLAN
- EXHIBIT "G" LIGHTING PLAN

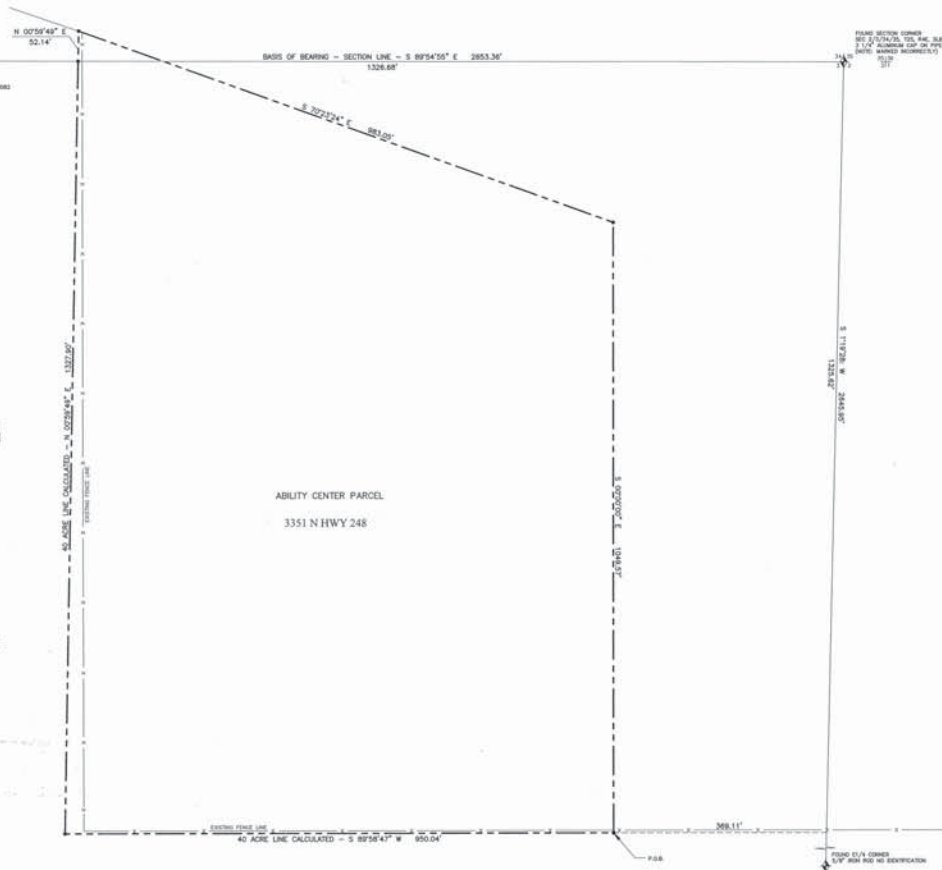
FIRE DEPARTMENT ACCESS ROADS:

An all-weather fire department access road is required to be installed and made serviceable prior to the issuance of a building permit and/or combustible construction being initiated. The all-weather fire department access road is to be maintained at all times during construction. In the event that the all-weather access road is not maintained, the Fire District reserves the right to stop work until required roads are placed back in service [Uniform Fire Code 901.3]

WATER SUPPLIES FOR FIRE PROTECTION:

Water supplies required for fire protection are to be installed and made serviceable prior to the issuance of a building permit and/or combustible construction being initiated. In the event that the fire protection water supply is not maintained, the Fire District reserves the right to stop work until the required water supply for fire protection is placed back in service. Water supplies for fire protection must be clearly identified in a manner to prevent obstruction by parking and/or other obstructions. Each water supply for fire protection must be marked with an approved flag to identify its location during winter conditions. [Uniform Fire Code 901.3 and 901.4.3.]

This Specially Planned Area is subject to conditions outlined in the Development Agreement between National Ability Center and Summit County



SURVEYOR'S CERTIFICATE

I, John Demko, certify that I am a Registered Land Surveyor and that I hold Certificate No. 152937, as prescribed by the laws of the State of Utah, and that a survey of the following described property was performed under my direction.

John Demko
Date

7/12/99
Date

LEGAL DESCRIPTION

BEGINNING at the Southwest corner of the Northeast 1/4 of the Northeast 1/4 of Section 3, Township 2 South, Range 4 East, Salt Lake Base & Meridian; and running thence N 89°36'47\"/>

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, the undersigned owner of the herein described tract of land, hereafter to be known as NATIONAL ABILITY CENTER S.P.A., does hereby dedicate to Utah Power and Light, Park City Municipal Corporation, and the Park City Fire Protection District, non-exclusive easements over the herein described tract of land for the purposes of providing utility installation, maintenance, use, and eventual replacement.

In witness whereof I have hereunto set my hand this 15th day of July, 1999.

Rebecca Water
EXECUTIVE DIRECTOR
NATIONAL ABILITY CENTER

ACKNOWLEDGEMENT

STATE OF UTAH
COUNTY OF SUMMIT

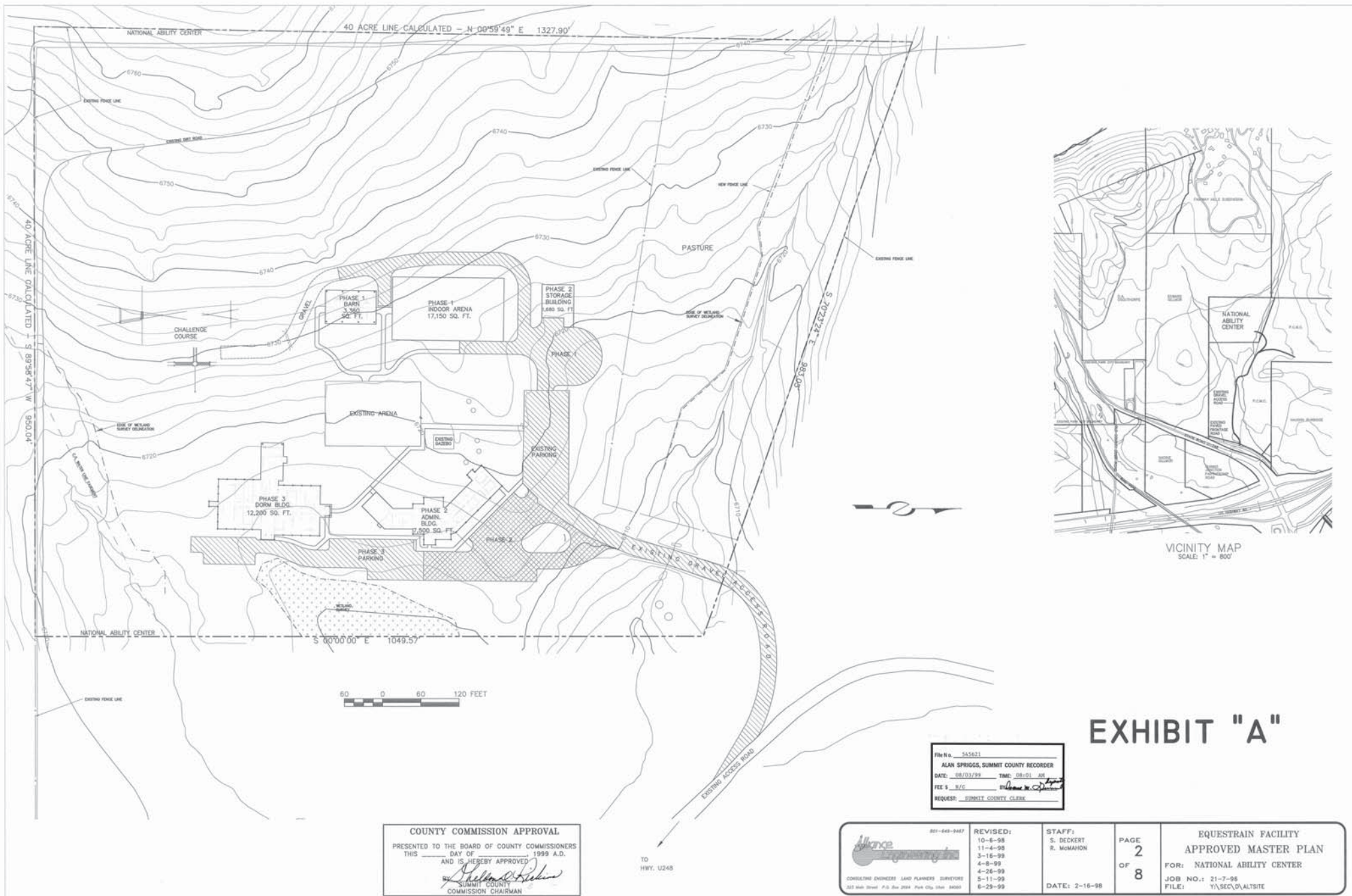
On this 15th day of July, 1999, Rebecca Water personally appeared before me, the undersigned Notary Public, and for said State and County, who being duly sworn, did say that she is the Executive Director of National Ability Center, the owner of the herein tract of land and that the Certificate of Consent to record was signed freely and voluntarily for the purposes therein mentioned.

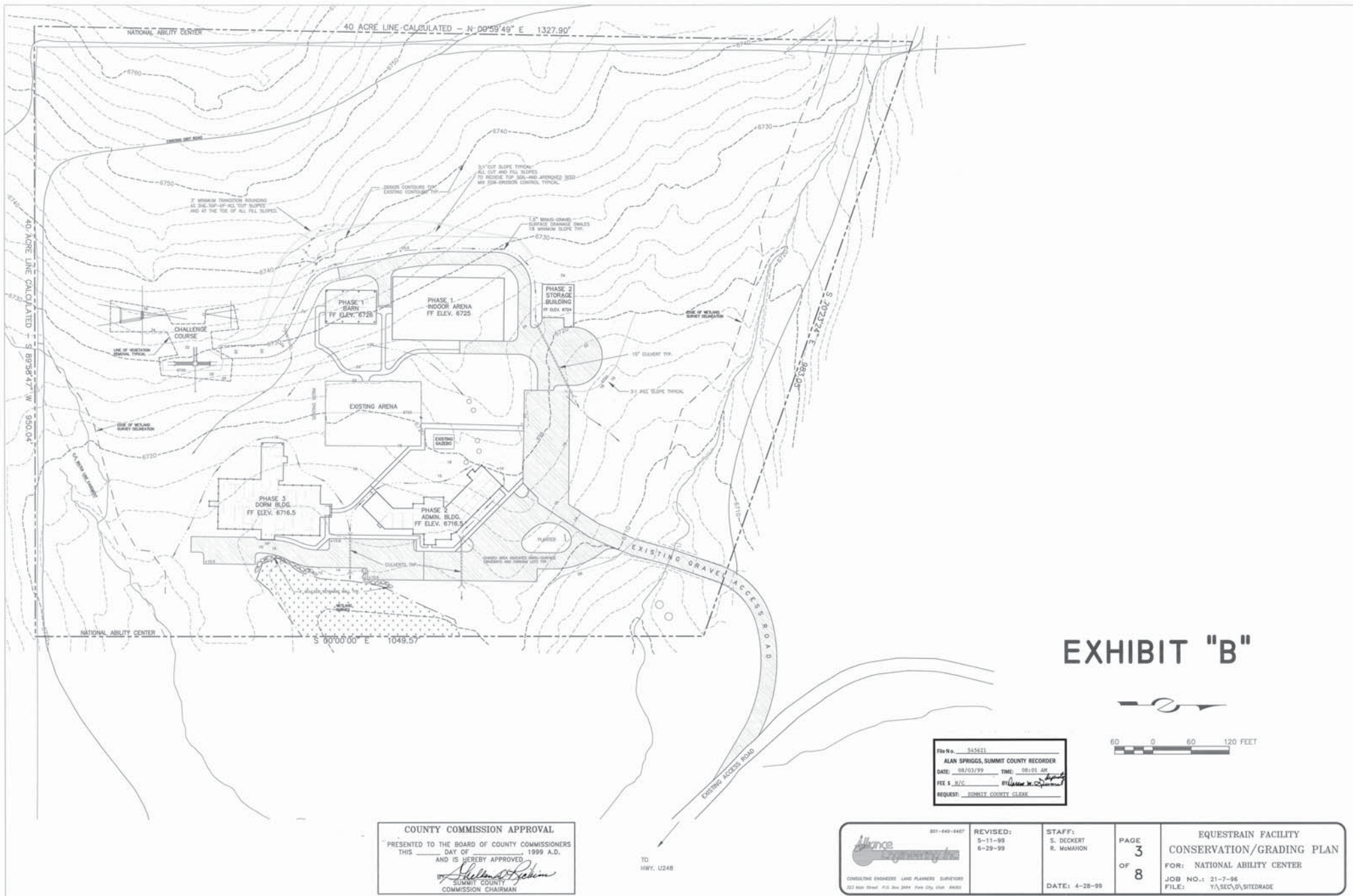
Mary L. Parnell
NOTARY PUBLIC

My Commission Expires 8-21-2002

SUMMIT COUNTY PERMIT APPLICATION NATIONAL ABILITY CENTER S.P.A. SECTION 3, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN PARK CITY, SUMMIT COUNTY, UTAH

SUMMIT COUNTY ASSESSOR ALL TAXES, INTEREST AND PENALTIES DUE TO THIS LAND HAVE BEEN PAID AS OF THIS 16 th DAY OF July, 1999 A.D. BY <i>Barbara J. Kessner</i> SUMMIT COUNTY ASSESSOR	PUBLIC WORKS DIRECTOR THIS PLAN HAS BEEN REVIEWED BY OUR OFFICE AND IS HEREBY APPROVED THIS 16 th DAY OF July, 1999 A.D. BY <i>John E. Luchini</i> PUBLIC WORKS DIRECTOR	UTAH POWER CO. THE UTILITY EASEMENTS SHOWN HEREON ARE APPROVED THIS 15 th DAY OF July, 1999 A.D. BY <i>R. R. Brown</i> UTAH POWER CO.	CERTIFICATE OF ATTEST I CERTIFY THIS SPECIALLY PLANNED AREA MAP WAS APPROVED BY PARK CITY WATER SERVICE DISTRICT ON THIS 15 DAY OF July, 1999 A.D. BY <i>John H. Scott</i> PARK CITY RECORDER	PARK CITY WATER SERVICE DISTRICT APPROVAL AND ACCEPTANCE BY THE PARK CITY WATER SERVICE DISTRICT THIS 16 DAY OF July, 1999 A.D. BY <i>Paul H. Owen</i> CHAIRMAN OF THE BOARD	FIRE MARSHAL APPROVAL APPROVED THIS 15 th DAY OF July, 1999 A.D. BY THE PARK CITY FIRE DISTRICT BY <i>Scott W. Malone</i> PARK CITY FIRE MARSHAL	SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT STANDARDS THIS 16 DAY OF July, 1999 A.D. BY <i>John E. Luchini</i> S.B.S.I.D.	COUNTY COMMISSION APPROVAL PRESENTED TO THE BOARD OF COUNTY COMMISSIONERS THIS 26 DAY OF July, 1999 A.D. AND IS HEREBY APPROVED BY <i>William M. Deann</i> SUMMIT COUNTY COMMISSION CHAIRMAN	RECORDED STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF <i>Summit County Clerk</i> DATE 8-3-99 TIME 8:41 AM BOOK - PAGE - FEE <i>100</i> REC'D <i>Deann</i>
DRAWING INFORMATION DWG: Y:\SEC\01\SPAPRVL.DWG DATE: 7-9-99 DWG BY: S. DECKERT JOB NO: 21-7-98	SNYDERVILLE BASIN SPECIAL RECREATION DISTRICT APPROVED THIS 13 th DAY OF July, 1999 A.D. BY <i>James V. Smith</i> CHAIRMAN	PLANNING COMMISSION APPROVED BY THE SUMMIT COUNTY PLANNING COMMISSION THIS 19 th DAY OF July, 1999 A.D. BY <i>David E. Allen</i> SUMMIT COUNTY PLANNING COMMISSION CHAIRMAN	ENGINEERS CERTIFICATE I FIND THIS PLAN TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 26 DAY OF July, 1999 A.D. BY <i>John H. Scott</i> SUMMIT COUNTY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS 26 DAY OF July, 1999 A.D. BY <i>John H. Scott</i> SUMMIT COUNTY ATTORNEY	CERTIFICATE OF ATTEST I CERTIFY THIS SPECIALLY PLANNED AREA MAP WAS APPROVED BY THE SUMMIT COUNTY COMMISSION ON THIS 26 DAY OF July, 1999 A.D. BY <i>William M. Deann</i> SUMMIT COUNTY CLERK	PAGE 1 OF 8		





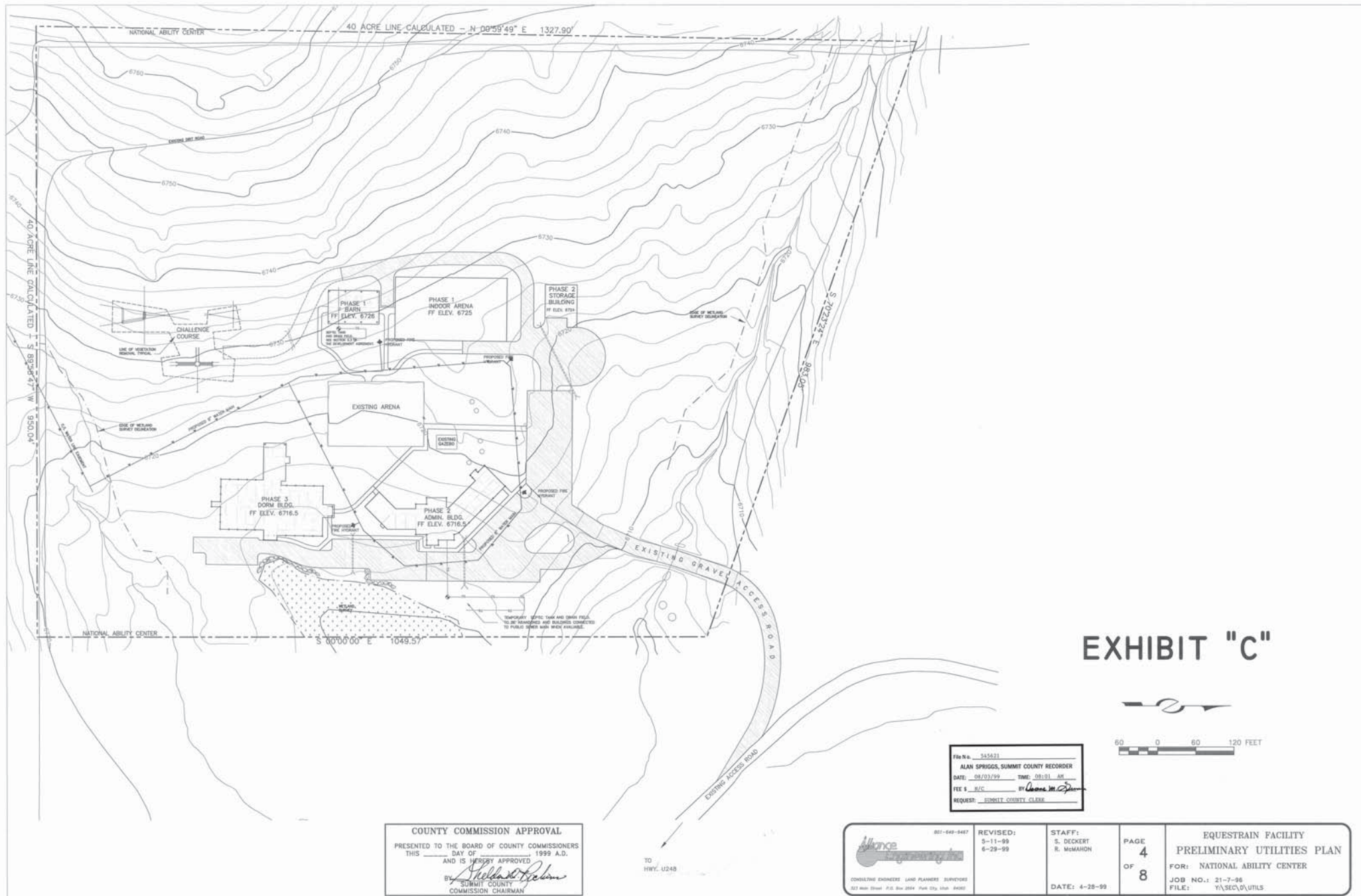


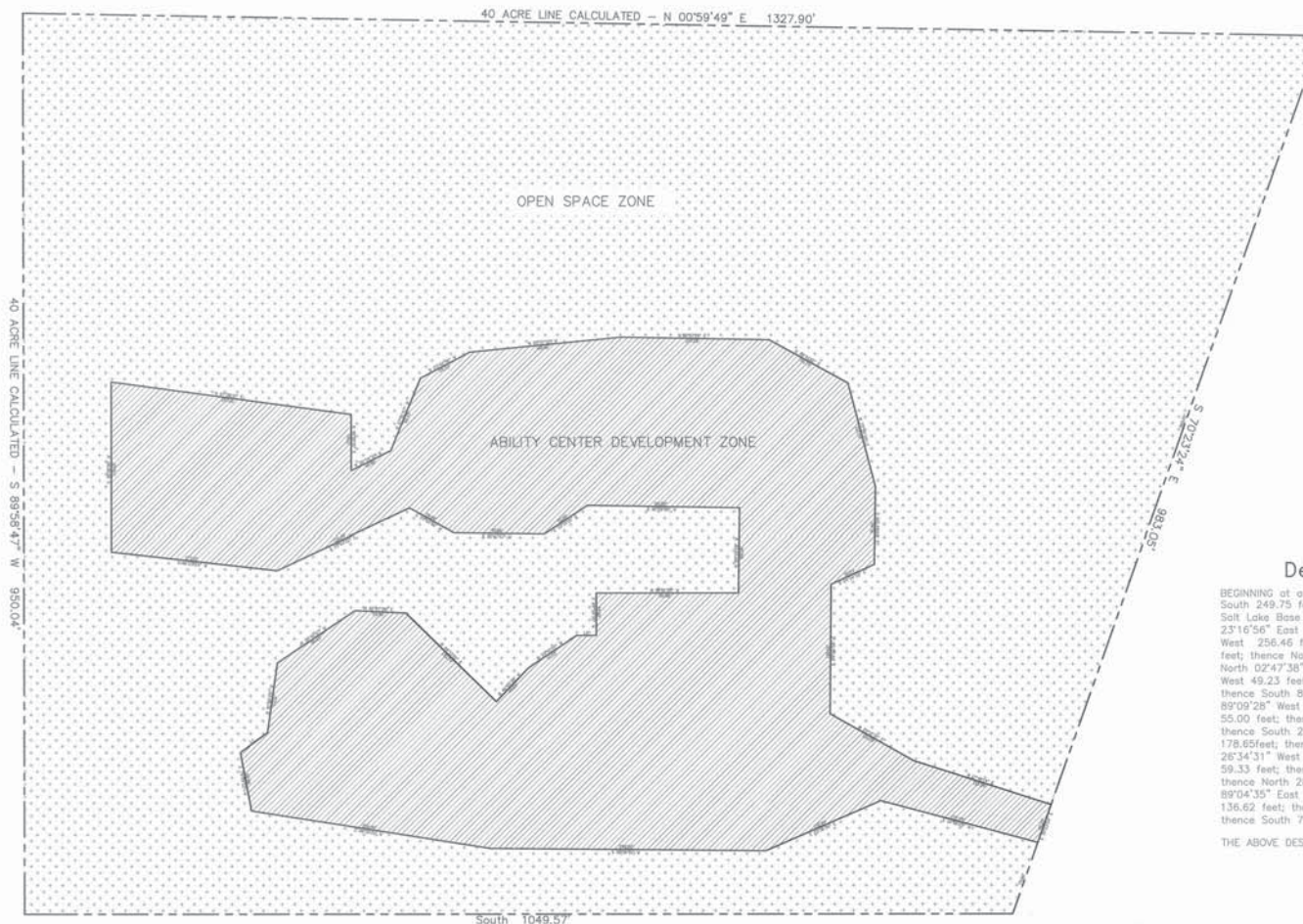
EXHIBIT "C"



File No.	345621
ALAN SPRIGGS, SUMMIT COUNTY RECORDER	
DATE	08/03/09 TIME 08:01 AM
FEE \$	820 BY <i>Alan Spriggs</i>
REQUEST	SUMMIT COUNTY CLERK

COUNTY COMMISSION APPROVAL	
PRESENTED TO THE BOARD OF COUNTY COMMISSIONERS	
THIS	DAY OF 1999 A.D.
AND IS HEREBY APPROVED	
<i>Sheldene Nelson</i>	
BY SUMMIT COUNTY COMMISSION CHAIRMAN	

 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 501 Main Street P.O. Box 2004 Park City Utah 84002	801-640-0467 REVISED: 5-11-89 6-28-99	STAFF: S. DICKERT R. McMAHON DATE: 4-28-99	PAGE 4 OF 8	EQUESTRAIN FACILITY PRELIMINARY UTILITIES PLAN FOR: NATIONAL ABILITY CENTER JOB NO.: 21-7-96 FILE: Y:\SEC\0\UTILS
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Development Zone Legal Description

BEGINNING at a point that is North 89°54'55" West 474.91 feet along the section line and South 249.75 feet from the Northeast corner of said Section 3, Township 2 South, Range 4 East, Salt Lake Base & Meridian; and running thence South 14°50'25" West 172.39 feet; thence South 23°16'56" East 132.94 feet; thence South 00°30'51" West 292.82 feet; thence South 08°50'21" West 256.46 feet; thence South 79°09'52" West 62.86 feet; thence North 36°02'23" West 35.72 feet; thence North 81°52'25" West 74.31 feet; thence North 33°42'07" West 99.43 feet; thence North 02°47'38" East 53.90 feet; thence North 44°13'02" East 133.74 feet; thence North 46°05'38" West 49.23 feet; thence North 33°42'07" West 61.55 feet; thence North 00°00'55" East 20.95 feet; thence South 89°58'35" West 44.60 feet; thence North 00°01'35" West 151.08 feet; thence North 89°09'28" West 89.34 feet; thence South 00°55'55" West 161.52 feet; thence South 33°19'21" East 55.00 feet; thence South 00°47'07" West 95.86 feet; thence South 29°03'56" West 54.08 feet; thence South 25°03'22" East 155.09 feet; thence South 06°23'24" West 177.05 feet; thence East 178.65 feet; thence North 07°38'12" East 257.01 feet; thence East 59.11 feet; thence North 26°34'31" West 46.98 feet; thence North 67°31'47" West 82.45 feet; thence North 27°42'36" West 59.33 feet; thence North 05°37'12" West 160.96 feet; thence North 00°57'19" East 157.59 feet; thence North 28°41'02" East 95.79 feet; thence North 75°09'39" East 112.79 feet; thence South 89°04'35" East 81.46 feet; thence South 24°34'37" East 50.53 feet; thence South 89°26'58" East 136.62 feet; thence North 29°12'31" East 102.29 feet; thence North 17°40'14" East 152.59 feet; thence South 70°23'24" East 42.00 feet to the point of beginning.

THE ABOVE DESCRIPTION CONTAINS 6.77 ACRES MORE OR LESS.

EXHIBIT "D"



LINE	BEARING	DISTANCE
1.	N 36°02'23" W	35.72
2.	N 81°52'25" W	74.31

File No. 3459/1
 ALAN SPRIGGS, SUMMIT COUNTY RECORDER
 DATE: 08/03/99 TIME: 08:01:08
 FEE \$ 3.00
 REQUEST: SUMMIT COUNTY CLERK

COUNTY COMMISSION APPROVAL
 PRESENTED TO THE BOARD OF COUNTY COMMISSIONERS
 THIS _____ DAY OF _____ 1999 A.D.
 AND IS HEREBY APPROVED

 SUMMIT COUNTY
 COMMISSION CHAIRMAN

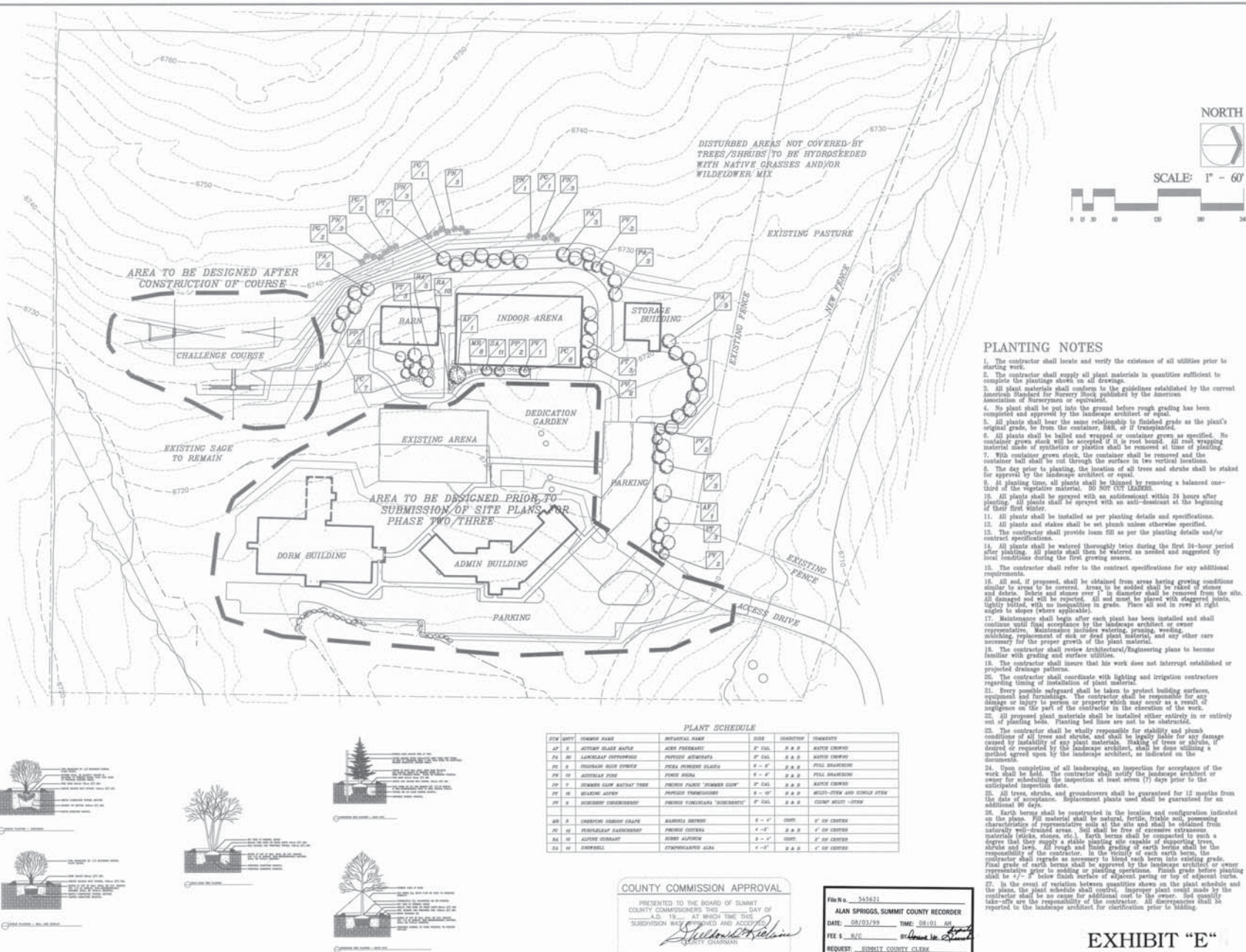
(432) 849-8427
 CONSULTING ENGINEERS (LAND PLANNERS SURVEYORS)
 323 Main Street, P.O. Box 2004 Park City, Utah 84002

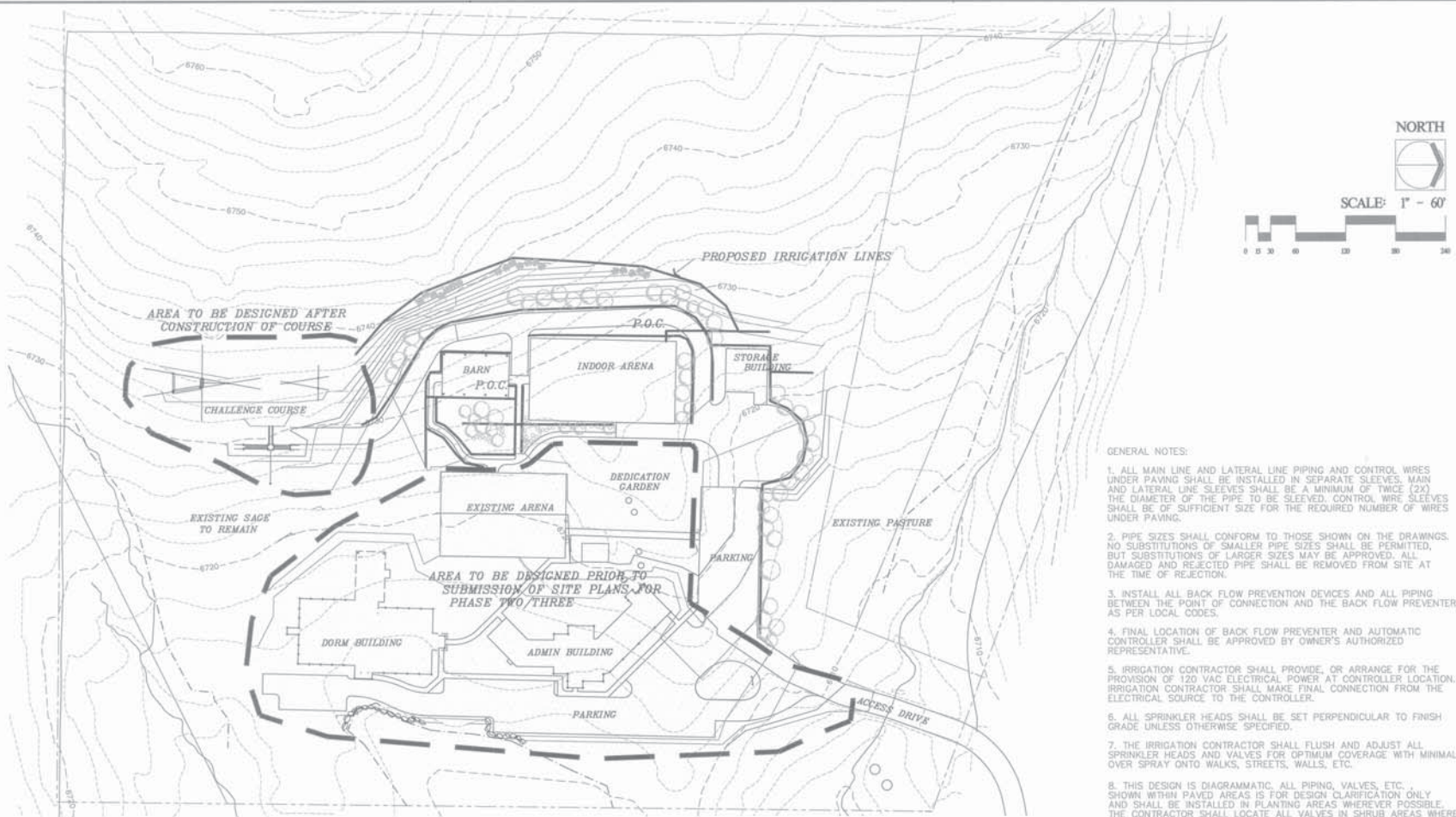
REVISED:
 5-11-99
 5-25-99
 6-21-99
 6-29-99

STAFF:
 S. DECKERT
 DATE: 4-28-99

PAGE
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EQUESTRIAN FACILITY
 DEVELOPMENT/OPEN SPACE ZONES
 FOR: NATIONAL ABILITY CENTER
 JOB NO.: 21-7-96
 FILE: Z:\SEC\DEV\DEV2ZONE





COUNTY COMMISSION APPROVAL
PRESENTED TO THE BOARD OF SUMMIT
COUNTY COMMISSIONERS THIS _____ DAY OF
_____, 19____, AT WHICH TIME THE
SUBDIVISION WAS APPROVED AND ACCEPTED
Sheldene Fischer
COUNTY CLERK

File No. 145623
ALAN SPRINGS, SUMMIT COUNTY RECORDER
DATE: 08/03/99 TIME: 08:01 AM
FEE \$ 85.00 BY *Alan Springs*
REQUEST: SUMMIT COUNTY CLERK

GENERAL NOTES:

1. ALL MAIN LINE AND LATERAL LINE PIPING AND CONTROL WIRES UNDER PAVING SHALL BE INSTALLED IN SEPARATE SLEEVES. MAIN AND LATERAL LINE SLEEVES SHALL BE A MINIMUM OF TWICE (2X) THE DIAMETER OF THE PIPE TO BE SLEEVED. CONTROL WIRE SLEEVES SHALL BE OF SUFFICIENT SIZE FOR THE REQUIRED NUMBER OF WIRES UNDER PAVING.
2. PIPE SIZES SHALL CONFORM TO THOSE SHOWN ON THE DRAWINGS. NO SUBSTITUTIONS OF SMALLER PIPE SIZES SHALL BE PERMITTED, BUT SUBSTITUTIONS OF LARGER SIZES MAY BE APPROVED. ALL DAMAGED AND REJECTED PIPE SHALL BE REMOVED FROM SITE AT THE TIME OF REJECTION.
3. INSTALL ALL BACK FLOW PREVENTION DEVICES AND ALL PIPING BETWEEN THE POINT OF CONNECTION AND THE BACK FLOW PREVENTER AS PER LOCAL CODES.
4. FINAL LOCATION OF BACK FLOW PREVENTER AND AUTOMATIC CONTROLLER SHALL BE APPROVED BY OWNER'S AUTHORIZED REPRESENTATIVE.
5. IRRIGATION CONTRACTOR SHALL PROVIDE, OR ARRANGE FOR THE PROVISION OF 120 VAC ELECTRICAL POWER AT CONTROLLER LOCATION. IRRIGATION CONTRACTOR SHALL MAKE FINAL CONNECTION FROM THE ELECTRICAL SOURCE TO THE CONTROLLER.
6. ALL SPRINKLER HEADS SHALL BE SET PERPENDICULAR TO FINISH GRADE UNLESS OTHERWISE SPECIFIED.
7. THE IRRIGATION CONTRACTOR SHALL FLUSH AND ADJUST ALL SPRINKLER HEADS AND VALVES FOR OPTIMUM COVERAGE WITH MINIMAL OVER SPRAY ONTO WALKS, STREETS, WALLS, ETC.
8. THIS DESIGN IS DIAGRAMMATIC. ALL PIPING, VALVES, ETC. SHOWN WITHIN PAVED AREAS IS FOR DESIGN CLARIFICATION ONLY AND SHALL BE INSTALLED IN PLANTING AREAS WHEREVER POSSIBLE. THE CONTRACTOR SHALL LOCATE ALL VALVES IN SHRUB AREAS WHERE POSSIBLE.
9. IT IS THE RESPONSIBILITY OF THE IRRIGATION CONTRACTOR TO FAMILIARIZE HIMSELF WITH ALL GRADE DIFFERENCES, LOCATION OF WALLS, RETAINING WALLS, STRUCTURES AND UTILITIES. THE IRRIGATION CONTRACTOR SHALL REPAIR OR REPLACE ALL ITEMS DAMAGED BY HIS WORK. HE SHALL COORDINATE HIS WORK WITH OTHER CONTRACTORS FOR THE LOCATION AND INSTALLATION OF PIPE SLEEVES THROUGH WALLS, UNDER ROADWAYS AND PAVING, ETC.
10. DO NOT WILLFULLY INSTALL THE SPRINKLER SYSTEM AS SHOWN ON THE DRAWINGS WHEN IT IS OBVIOUS IN THE FIELD THAT UNKNOWN OBSTRUCTIONS, GRADE DIFFERENCES OR DIFFERENCES IN THE AREA DIMENSIONS EXIST THAT MIGHT NOT HAVE BEEN CONSIDERED IN THE ENGINEERING. SUCH OBSTRUCTIONS OR DIFFERENCES SHOULD BE BROUGHT TO THE ATTENTION OF THE OWNER'S AUTHORIZED REPRESENTATIVE. IN THE EVENT THIS NOTIFICATION IS NOT PERFORMED, THE IRRIGATION CONTRACTOR SHALL ASSUME FULL RESPONSIBILITY FOR ANY REVISIONS NECESSARY.
11. ALL SPRINKLER EQUIPMENT NOT OTHERWISE DETAILED OR SPECIFIED SHALL BE INSTALLED AS PER MANUFACTURER'S RECOMMENDATIONS AND SPECIFICATIONS.
12. CONTRACTOR SHALL PROVIDE THE OWNER WITH AS BUILT DRAWINGS WITHIN 30 DAYS OF COMPLETION.

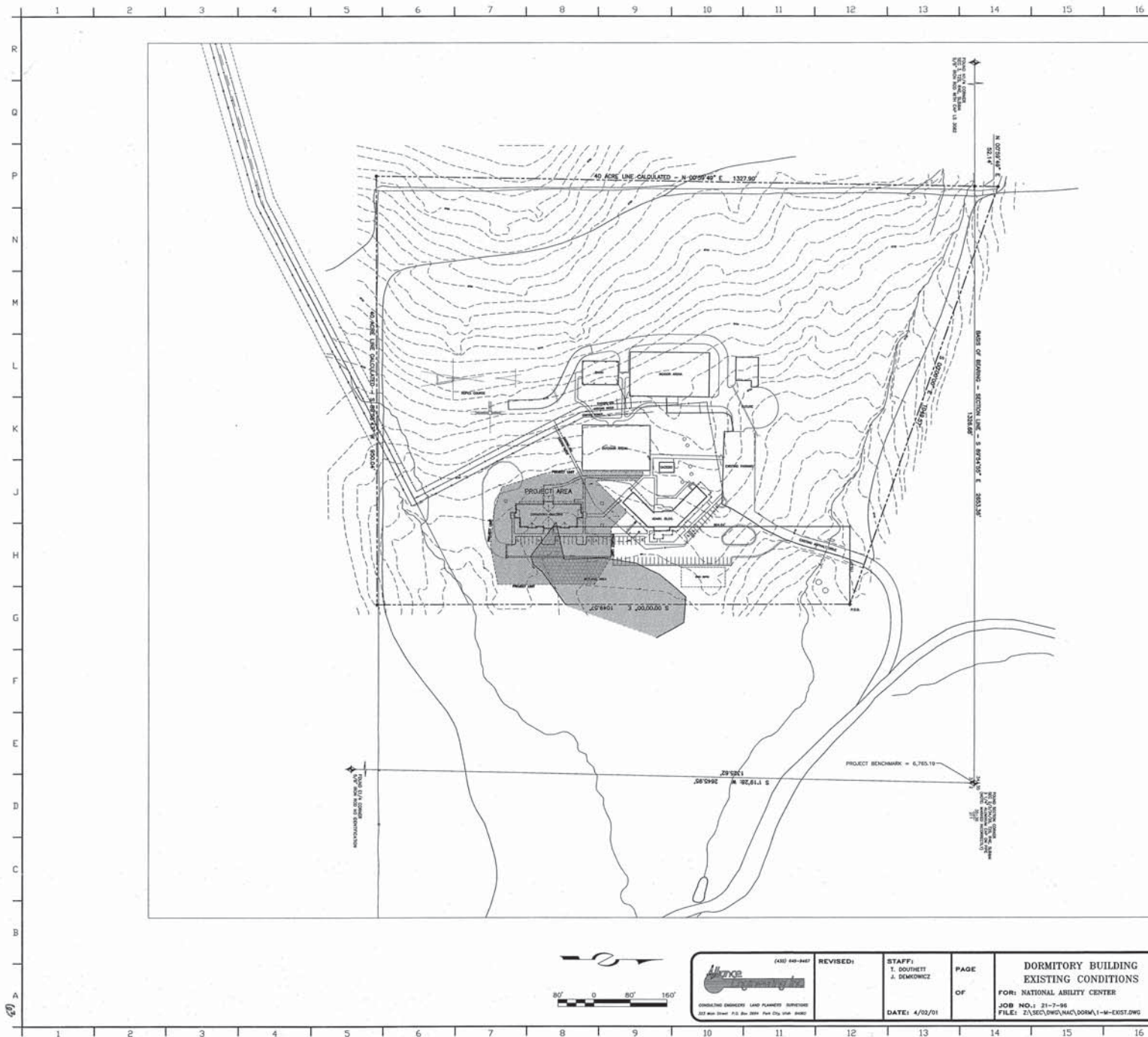
EXHIBIT "F"

PLST DATE: 8/29/99

NATIONAL ABILITY CENTER
IRRIGATION PLAN

PAGE 7 OF 8

EXHIBIT H



NOTES

1. See legal description of this property as surveyed and mapped, recording #9-2505, Summit County Recorder's Office.

CONVEYANCE
TO THE
NATIONAL ABILITY CENTER
AND PROJECT

DATE:
April 2, 2009
JOB NUMBER:
DRAWN BY:
REVISIONS:

DORMITORY BUILDING
NATIONAL ABILITY CENTER
PARK CITY, UTAH



PROJECT
CREATED BY:
REVISIONS:
LOCAL SET
SALLI, P.C. (1) 11/11/09
PARK CITY, UTAH
SUMMIT COUNTY

C-100



(435) 840-8407
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
227 West Street, P.O. Box 8899, Park City, Utah 84060

REVISED:

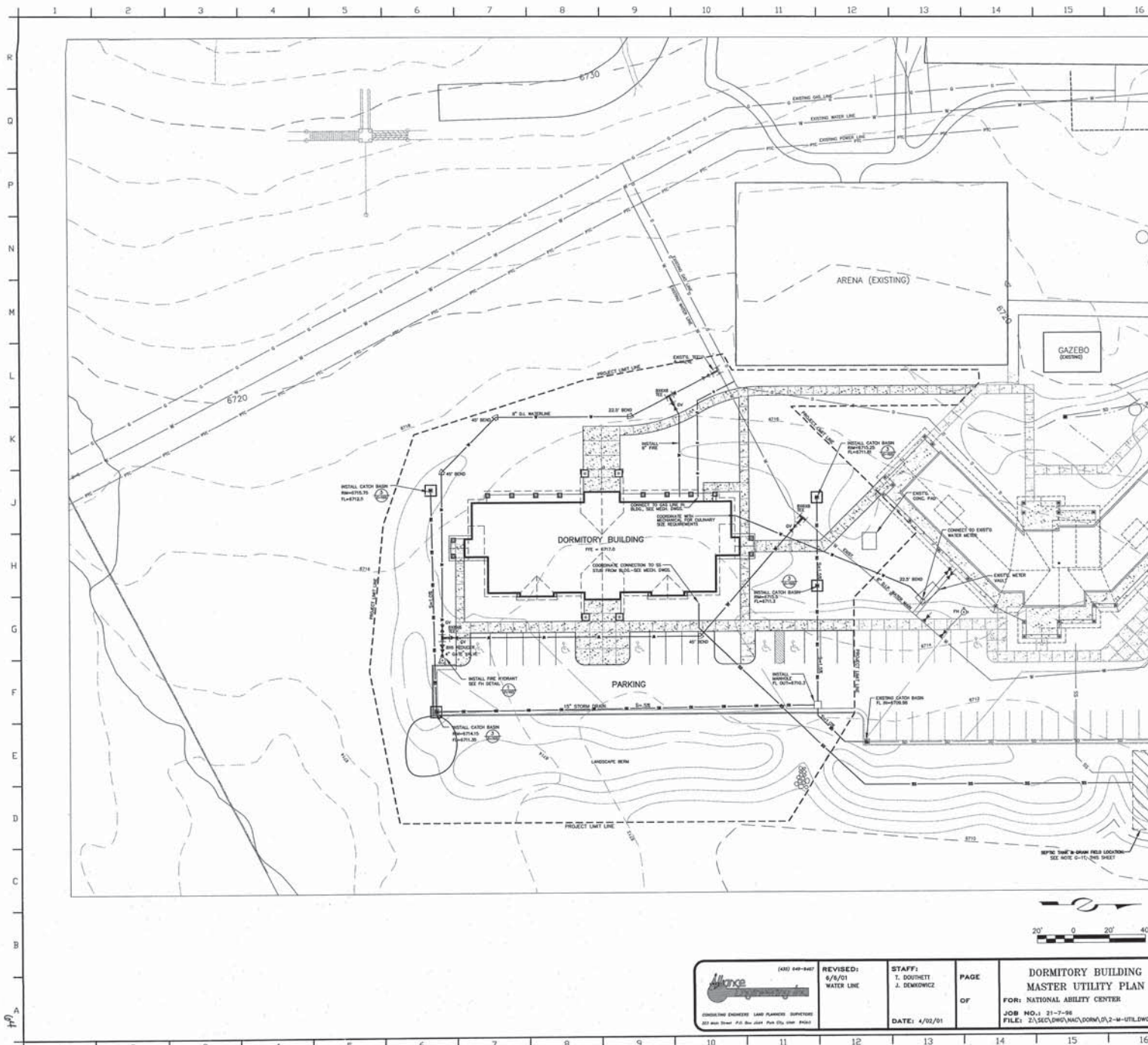
STAFF:
T. SOUTHWELL
A. DEMONOWICZ

PAGE
OF

DATE: 4/02/09

DORMITORY BUILDING
EXISTING CONDITIONS
FOR: NATIONAL ABILITY CENTER
JOB NO.: 21-7-98
FILE: D:\SEC\DWG\NAC\DOMA\1-M-EXIST.DWG





NOTES:

ALL WORK PERFORMED SHALL BE DONE IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:
(APPLIES TO SHEETS C-101 THRU C-103)

1. General conditions of materials and/or methods as required and/or stated.
2. Approved construction plans and details.
3. Any existing utility report and field verification data relative to the project site.
4. The contractor shall obtain a copy of the site plan specifications for the site. A copy of the specifications shall be kept on the job site for the contractor and available for the engineer. The contractor shall be responsible for the accuracy of the information and shall be responsible for the accuracy of the information.
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LEGEND:

- 8" DORMITORY SEWER LINE
- 4" WATER LINE
- 12" STORM DRAIN LINE
- 6" GAS LINE



DATE
April 2, 2001
JOB NUMBER
DRAWN BY
REVISIONS

DORMITORY BUILDING
NATIONAL ABILITY CENTER
PARK CITY, UTAH



DESIGN WEST
ARCHITECTS
1000 WEST 1000 SOUTH
SALT LAKE CITY, UTAH 84119
TEL: 313.333.3333
WWW.DESIGNWEST.COM

C-101

ALLIANCE
CONSULTING ENGINEERS LAND PLANNING SURVEYORS
222 West Street, P.O. Box 1000, Park City, Utah 84002

REVISIONS:
6/8/01
WATER LINE
STAFF:
T. DOUTHETT
J. DEMIDOWICZ
DATE: 4/02/01

PAGE
OF
DORMITORY BUILDING
MASTER UTILITY PLAN
FOR: NATIONAL ABILITY CENTER
JOB NO.: 21-7-98
FILE: 21-SEC(DWG)NAC/DORM/P12-M-UTL.DWG



TITLE 15 - LAND MANAGEMENT CODE**CHAPTER 2.7 - RECREATION AND OPEN SPACE (ROS) DISTRICT**

15-2.7- 1.	PURPOSE.	1
15-2.7- 2.	USES.....	1
15-2.7- 3.	LOT AND SITE REQUIREMENTS.....	2
15-2.7- 4.	BUILDING HEIGHT.....	3
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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.7 - RECREATION AND OPEN SPACE (ROS) DISTRICT

Chapter adopted by Ordinance No. 00-15

15-2.7-1. PURPOSE.

The purpose of the Recreation and Open Space (ROS) District is to:

- (A) establish and preserve districts for land uses requiring substantial Areas of open land covered with vegetation and substantially free from Structures, Streets and Parking Lots,
- (B) permit recreational Uses and preserve recreational Open Space land,
- (C) encourage parks, golf courses, trails and other Compatible public or private recreational Uses, and
- (D) preserve and enhance environmentally sensitive lands, such as wetlands, Steep Slopes, ridge lines, meadows, stream corridors, and forests.
- (E) encourage sustainability, conservation, and renewable energy.

(Amended by Ord. No. 09-10)

15-2.7-2. USES.

Uses in the ROS District are limited to the following:

(A) **ALLOWED USES.**

- (1) Conservation Activity

(B) **ADMINISTRATIVE
CONDITIONAL USES.**¹

- (1) Trail and Trailhead Improvement
- (2) Outdoor Recreation Equipment
- (3) Essential Municipal Public Utility Use, Service, or Structure, less than 600 sq. ft.
- (4) Accessory Building, less than 600 sq. ft.
- (5) Ski-related Accessory Building, less than 600 sq. ft.

¹Subject to an Administrative Conditional Use permit and/or Master Festival license review process. Master Festivals are temporary in nature. All related temporary Structures are restricted to specific time frames and shall be removed at the expiration of the Master Festival permit.

- (6) Parking Area or Structure with four (4) or fewer spaces
- (8) Temporary Construction Improvement
- (9) Raising, grazing of horses
- (10) Raising, grazing of livestock
- (11) Anemometer and Anemometer Towers

(C) **CONDITIONAL USES.**

- (1) Agriculture
- (2) Recreational Outdoor and Trail Lighting
- (3) Recreation Facility, Private
- (4) Recreation Facility, Public
- (5) Recreation Facility, Commercial
- (6) Golf Course
- (7) Passenger Tramway Station and Ski Base Facility
- (8) Ski Tow Rope, Ski Lift, Ski Run and Ski Bridge
- (9) Recreational Sports Field
- (10) Skating Rink
- (11) Skateboard Park
- (12) Public and Quasi-Public Institution, Church, and School, Park, Plaza, Structure for Public Assembly, greater than 600 sq. ft.
- (13) Essential Municipal Public Utility Use, Facility, Service, and Structure, greater than 600 sq. ft.
- (14) Accessory Building, greater than 600 sq. ft.
- (15) Ski-Related Accessory Building, greater than 600 sq. ft.
- (16) Child Care Center

- (7) Outdoor Event, Outdoor Music
- (17) Commercial Stable, Riding Academy
- (18) Vehicle Control Gates²
- (19) Resort Support, Commercial
- (20) Cemetery
- (21) Parking Area or Structure with five (5) or more spaces
- (22) Telecommunications Antenna³
- (23) Mines and Mine Exploration
- (24) Plant and Nursery stock products and sales
- (25) Fences greater than six feet (6') in height from Final Grade.
- (26) Small Wind Energy Systems

(D) **PROHIBITED USES.** Any use not listed above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. Nos. 04-08; 09-10)

15-2.7-3. LOT AND SITE REQUIREMENTS.

All Structures must be no less than twenty-five feet (25') from the boundary line of the Lot, district or public Right-of-Way.

(A) **FRONT, SIDE, AND REAR YARD EXCEPTIONS.** Fences, walls, stairs, paths, trails, sidewalks, patios, driveways, Ancillary Structures, approved

²See Section 15-4-19 for specific review criteria for gates

³Subject to LMC Chapter 15-4-14, Telecommunications

Parking Areas, and Screened mechanical and utility equipment are allowed as exceptions in the Front, Side and Rear Yards.

(Amended by Ord. No. 09-10)

15-2.7-4. BUILDING HEIGHT.

No Structure may be erected to a height greater than twenty-eight feet (28') from Existing Grade. This is the Zone Height.

(A) BUILDING HEIGHT EXCEPTIONS. To allow for a pitched roof and to provide usable space within the Structure, the following height exceptions apply:

- (1) A gable, hip, or similar pitched roof may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater.
- (2) An antenna, chimney, flue, vent or similar Structure may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.
- (3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.
- (4) Ski lift or tramway towers may extend above the maximum Zone Height subject to a visual analysis and administrative approval by the Planning Director.

(5) Anemometers and Anemometer Towers used to measure wind energy potential for future Wind Energy Systems may extend above the maximum Zone Height subject to a visual analysis and Administrative Conditional Use approval, see Section 15-2.7-8.

(6) Wind turbines may extend above the maximum Zone Height subject to a visual analysis and Conditional Use approval by the Planning Commission of a Small Wind Energy System. Height is measured from Natural Grade to the tip of the rotor blade at its highest point, see Section 15-2.7-9.

(Amended by Ord. Nos. 07-25; 09-10)

15-2.7-5. ARCHITECTURAL REVIEW.

Prior to the issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department must review the proposed plans for compliance with the Architectural Design Guidelines, LMC Chapter 15-5.

Appeals of Departmental actions on architectural compliance are heard by the Planning Commission.

(Amended by Ord. No. 09-10)

15-2.7-6. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4 ½ ') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Planning Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in LMC Chapter 15-3-3 and Title 14.

(Amended by Ord. Nos. 04-08; 09-10)

15-2.7-7. CRITERIA FOR RAISING AND GRAZING OF HORSES.

The raising and grazing of horses may be approved as a Conditional Use by the Planning Department. In making a determination whether raising and grazing of horses is appropriate, the Planning Commission shall consider the following criteria:

- (A) Any barn must be located a minimum of seventy-five feet (75') from the nearest Dwelling Unit.
- (B) There shall be a maximum of two (2) horses per acre.

(C) Terrain and Slope of the Property must be suitable for horses.

(D) The Applicant must submit an Animal Management Plan outlining the following:

- (1) waste removal/odors;
- (2) drainage and runoff;
- (3) bedding materials;
- (4) flies; and
- (5) feed/hay

(Amended by Ord. No. 09-10)

15-2.7-8. ANEMOMETERS AND ANEMOMETER TOWERS.

Anemometers and Anemometer Towers require an Administrative Conditional Use permit for temporary installation, for up to three (3) years, to measure wind energy potential for a Site. The Use must comply with Section 15-1-10, Conditional Use Review. The Applicant must submit a Site plan, Limits of Disturbance plan for all construction, including Access roads, a description and photos of the tower, manufacturers cut sheet and certification information for the Anemometer, an Application for and all other submittal requirements for Administrative Conditional Use permits and a narrative addressing the following:

- (A) No violation of the City noise ordinance.
- (B) Notification of adjacent Property Owners.
- (C) Compliance with Setbacks and height requirements, see height exceptions. Setbacks may be decreased if a signed encroachment agreement with the affected Property Owner is provided and the public Rights-of-Way and power lines are not impacted by the location.
- (D) Compliance with FAA regulations.
- (E) Compliance with the International Building Code.
- (F) At the time of Application for an Administrative Conditional Use permit, standard engineering drawings for the tower, base, and footings shall be submitted.
- (G) **BUILDING PERMIT.** Prior to issuance of a Building Permit, the plans shall comply with all applicable sections of the International Building Code, including electrical codes and all requirements and criteria of this section.
- (H) Requests for temporary Anemometer Towers that exceed the Zone Height by more than five feet (5') shall provide a visual analysis from all applicable LMC Vantage Points described in Section 15-15.1 to determine visual impacts on Ridge Line Areas and entry corridors.
- (I) **REMOVAL AND DECOMMISSIONING.** Anemometers

and Anemometer Towers shall be removed after the temporary period has expired or if the Use is abandoned. A Use shall be considered abandoned when it fails to operate for a period of twelve (12) months or more.

In no case shall the temporary Use continue beyond the permitted time frame to be identified during review of the Administrative CUP, unless an extension is requested. Upon a notice of abandonment from the Building Department, the systems Owner shall have sixty (60) days to provide sufficient evidence that the system has not been abandoned, or the City shall have the authority to enter the Property and remove the system at the Owner's expense.

The Owner is responsible for reclaiming the land using natural vegetation. To the greatest extent possible, the land shall be fully returned to its natural state within three (3) years of the removal of the installation.

(Created by Ord. No. 09-10)

15-2.7-9. SMALL WIND ENERGY SYSTEMS.

Small Wind Energy Systems (system) require a Conditional Use permit. The Use must comply with Section 15-1-10, Conditional Use Review and the following review criteria. The Applicant must submit a Site plan; Limits of Disturbance plan for all construction, including all Access roads and installation details, such as Grading and erosion control; a description and photos of the tower and turbine; manufacturers cut sheets and certification information for the

tower and turbines; Property survey showing size of Property and location of Structures, utilities, easements, Streets and Rights-of-Way on the Property and on adjacent Properties within a horizontal distance equivalent to 110% of the proposed height; an Application for and all other submittal requirements for Conditional Use permits; and a narrative addressing the following review criteria:

(A) **LOCATION**. Location on the Property and associated wind data shall indicate the optimum siting location for highest wind energy potential and lowest air turbulence from the ground and surrounding objects; measured distances to adjacent habitable Structures, Property lines, power lines, and public and private Streets and Right-of-Ways; and trails. Systems shall not be installed in known migratory bird flyways, unless a wildlife study indicates that the proposed system, due to the configuration, location, height, and other characteristics, will not negatively impact the flyway.

(B) **SETBACKS AND HEIGHT**. See Section 15-2.7-4(A) Height Exceptions. Small Wind Energy Systems shall not exceed the Setback requirements of the zone and shall be set back a minimum distance equal to 110% of the total height of the system. EXCEPTION: Setbacks may be decreased if a signed encroachment agreement with the affected Property Owner is provided, and the public Rights-of-Way and power lines are not impacted by the location.

(C) **LOT SIZE**. Small Wind Energy Systems that are greater than eighty feet (80') in height shall be located on a Lot size of one (1) acre or more.

(D) **DESIGN**. Wind Energy Systems shall be a neutral color that blends with the environment. Gray, beige, and white are recommended and all paint and finishes shall be non-reflective.

(E) **LIGHTING**. Small Wind Energy Systems shall be lighted only if required by the FAA and shall comply with all applicable FAA regulations.

(F) **NOISE**. No violation of the City noise ordinance.

(G) **SIGNS**. Signs shall be restricted to reasonable identification of the manufacturer, operator of the system, utility, and safety signs. All signs comply with the Park City Sign Code.

(H) **BUILDING PERMIT**. Prior to issuance of a Building Permit, the system shall comply with all applicable sections of the International Building Code, including electrical codes and all requirements and criteria of this section.

(I) **VISUAL ANALYSIS**. A visual analysis from all applicable LMC Vantage Points as described in Section 15-15.1 for all Small Wind Energy Systems is required to determine visual impacts on Ridge Line Areas and entry corridors.

(J) **SYSTEM CONDITIONS**. The Applicant/system Owner shall maintain the

system in good condition. Maintenance shall include, but not be limited to, painting, mechanical and electrical repairs, structural repairs, and security measures.

(K) **REMOVAL AND DECOMMISSIONING.** Any Small Wind Energy System, that has reached the end of its useful life or has been abandoned, shall be removed. A system shall be considered abandoned when it fails to operate for a period of one (1) year or more.

Upon a notice of abandonment from the Building Department, the system Owner shall have sixty (60) days to provide sufficient evidence that the system has not been abandoned and request an extension, or the City shall have the authority to enter the Property and remove the system at the Owner's expense.

The Owner is responsible for reclaiming the land using natural vegetation and to the greatest extent possible the land shall be fully returned to its natural state within five (5) years of the removal and decommissioning of the System.

(L) **REPLACEMENT.** Replacement of an already permitted turbine with a similar size and height will not require a permit modification.

(Created by Ord. No. 09-10)

15-2.7-10. SIGNS.

Signs are allowed within the ROS District as provided in the Park City Sign Code, Title 12.

(Renumbered by Ord. No. 09-10)

15-2.7-11. RELATED PROVISIONS.

- Fences and Walls. LMC Chapter 15-4-2.
- Accessory Apartment. LMC Chapter 15-4-7.
- Satellite Receiving Antenna. LMC Chapter 15-4-13.
- Telecommunication Facility. LMC Chapter 15-4-14.
- Parking. LMC Chapter 15-3.
- Landscaping. Title 14; LMC Chapter 15-3-3(D).
- Lighting. LMC Chapters 15-3 -3(C), 15-5-5(I).
- Historic Preservation. LMC Chapter 15-11.
- Park City Sign Code. Title 12.
- Architectural Design. LMC Chapter 15-5.
- Snow Storage. LMC Chapter 15-3-3(E)
- Parking Ratio Requirements. LMC Chapter 15-3-6.

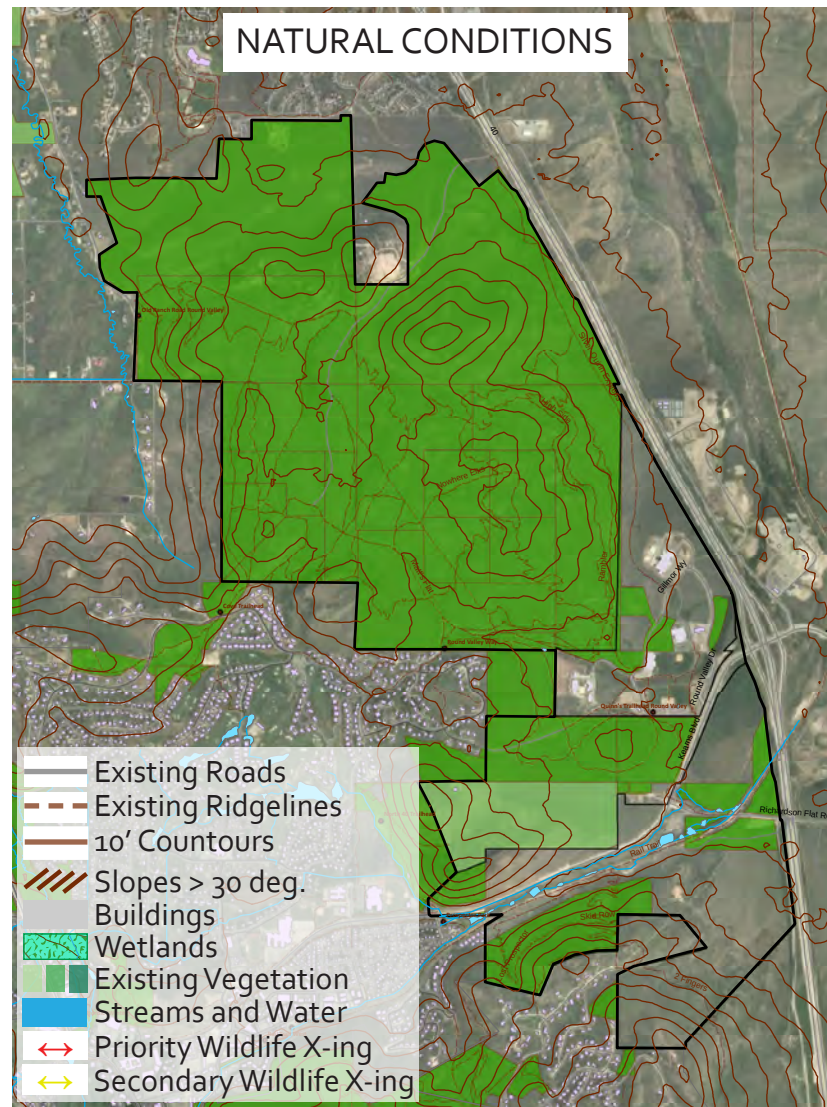
(Amended by Ord. No. 09-10)



NEIGHBORHOOD 9: QUINN'S JUNCTION

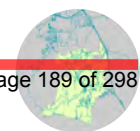


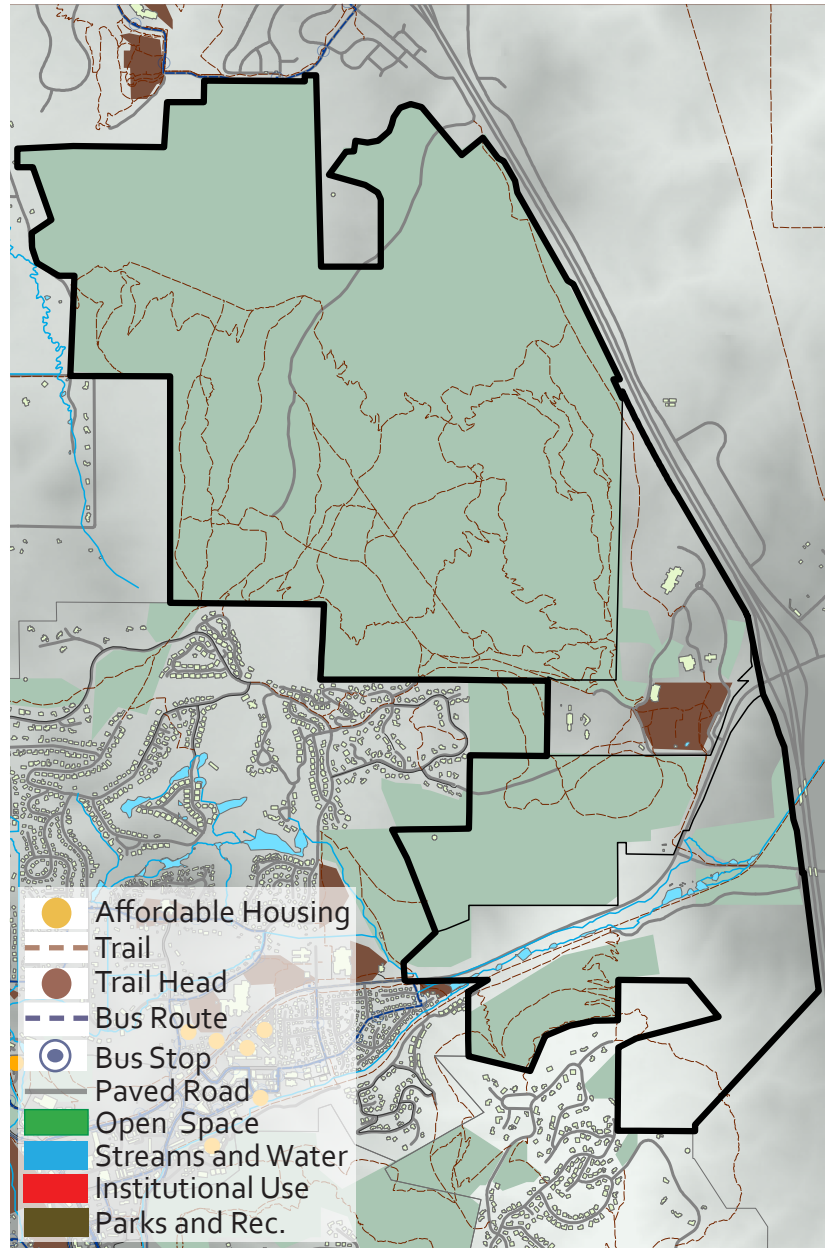
QUINN'S JUNCTION



Total Area (sq. miles)	1.20 square miles
Total Area (acres)	1,009.61 acres
Total Built Residential Units	0
Unbuilt Units	239 Residential
% of Total built PC Units	0%
Average Density	3.22 units per acre
Range of Density	0.18 - 33.3 units per acre
Population	3
Number of Businesses	5
Housing Type	Single Family and Multifamily
Historic Sites	None
Affordable Housing	

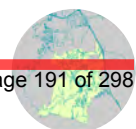
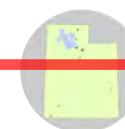
Occupancy	None
Neighborhood Icons	National Abilities Center US Ski Association Training Center People's Health Clinic PC Ice Arena and Sports Center IHC Hospital Summit County Health
Parks	Sports Center
Open Space	Round Valley
Trails	
Walkability	Extremely Low. Regional destination with no built housing.







Quinn's Junction is dominated by open space with Round Valley as the vast backyard to the existing development. On the north-west corner, regional institutional uses are located on large lots with on-grade parking. Future clustered residential development will occur on the south-west corner within Park City heights.



9.1. Quinn's Junction Neighborhood: Regional Planning to guide future development along a City boundary.

Between July 2002 and October of 2004, Park City and Summit County worked together to create a shared land use plan for future development of the area between SR-248 and Highway 40 to the Silver Summit intersection. During the collaborative public planning process, input from stake holders was collected. Also, the planning staff of both entities reviewed the two general plans to identify commonalities. The result of the combined efforts is the Quinn's Junction Joint Planning Commission Principles. On October 11, 2004, the Planning Commission adopted the planning principles with the understanding that the shared principles were not intended to be a formal land

use plan and the adoption of the principle did not modify the general plans or development codes. The stated purpose for the draft principles was to provide a higher level of detail or a greater resolution between the two existing general plans and provide guidance during future amendments to the general plan.

The Quinn's Junction Joint Planning Principles are separated into two categories: Development Densities and Land Use and Development Patterns. The principles are on the following page. A map representing the different areas discusses in principles follows.

The area has evolved since the creation of the 2004 Quinn's Joint Planning Commission Principles. Development over the past decade within Park City includes many institutional

uses including IHC Hospital, PC Ice Arena and Sports Center, the People's Health Clinic, Summit County Health Center, and the United States Ski Association Training Center. The City reviewed two master planned development projects on the south side of SR 248 during this time frame as well. The approved Park City Heights residential Master Planned Development includes 239 new residential units and the Quinn's Junction Partnership Annexation consists of 1 movie studio complex, a hotel with up to 100 rooms, and a retail area. Concurrently, approximately 1365 acres within Round Valley were purchased as open space, preserving the view corridors on the west side of Highway 40 between Silver Summit and Quinn's Junction in perpetuity.

The following Joint Planning Principles recommend development patterns of

clustered development balanced with preservation of open space:

1. Cluster in identified areas and around exiting development maintaining consistency among uses.
2. Public preserved open space and recreation is the predominant existing land use in the study area. Clustered development should be designed to: enhance public access through interconnection of trails, preserve public use and enjoyment of these areas, and continue to advance these goals along with the preservation of identified view sheds and passive open space areas.
5. Preserve a substantial open space corridor through the study area.

The West side of Highway 40 has built out following the Quinn's Junction Joint

Planning Commission Principles with clustered development at the interchanges and protected open space between the two development nodes. The East side of the highway has followed the same development pattern on the with clustered development at the Silver Summit and the Quinn's Junction interchange, with the exception of protecting the undeveloped land in-between. The City should continue to work with the County to maintain the view corridors along the East side to mirror the preserved open space to the West. The open space of Round Valley protects a wider expanse of land than originally identified within the Quinn's Junction Joint Planning Commission map. The Quinn's Junction Joint Planning Commission Principles map should be amended to reflect the protect lands and to create protected east-west wildlife corridors. Protected wildlife

corridors not only prevents fragmentation of ecosystems but also benefits the community with protected view corridors and sensitive lands and increased low-impact recreational activities. Soil contamination in this area is also of concern and under the jurisdiction of the federal government.

In a agreement called Administrative Settlement Agreement and Order on Consent for EE/CA (Engineering Evaluation/Cost Analysis) Investigation and Removal Action, the Environmental Protection Agency, Region 8 (EPA) published its revised cleanup area for the Richardson Flat Tailings Superfund Site in Park City and Summit County.

It is anticipated that

EPA will oversee the development of a cleanup plan to address historic mine tailings in the Silver Creek floodplain, which is on Utah's list of impaired waters due to contamination from cadmium, zinc and arsenic. An EPA cleanup plan would involve design and cost analysis, public comment, implementation and long-term maintenance. Federal law provides that such an EPA cleanup plan would not require state and local permitting.



Quinn's Junction Joint Planning Commission Principles (2004)

Development Densities and Land Uses

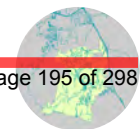
1. Initial project analysis should commence with a review of property's base density (subtracting wetlands, slopes, wildlife areas, flood plain, etc.)
2. Consider density bonuses for preservation of key open spaces identified in the study area.
3. Density should result in significant public benefits that promote Park City's resort, recreation, tourism and resort-based, second home economy.
4. Highway service commercial / convenience retail and regional/big-box retail commercial will not be considered in/along the Highway 40/SR 248 corridor.
5. A site for institutional development will be considered in the study area with the potential institutional uses limited to: a hospital, educational facility, recreation / sports training facility, or an arts / cultural heritage / history based institution.
6. A limited expansion of the existing light industrial/incubator service commercial uses along the east side of Highway 40 should be considered. Said expansion should be clustered to the greatest degree possible to minimize sprawl and should include re-development / clean-up of existing businesses, land use patterns, circulation, etc., that have been detrimental to the environment, aesthetics, or function of the area. Density incentives would be considered for preservation of key open space areas within the boundaries of the study, particularly those advancing the goals of the study for preservation of the 248 entry corridor. It should be noted that many of the above principles will be further specified by forthcoming amendments to the Snyderville Basin Development Code, which will more serve as the actual governing document for proposals including these types of uses in the study area.
7. Neighborhood Commercial uses will be considered in the Silver Summit area east of Highway 40 and a more limited (in use and overall density) neighborhood commercial node could be considered on the west side of Highway 40. Potential for expansion of these uses may be through density receiving mechanisms to be identified in forthcoming Development Code changes.
8. Recreation and Open Space will be the encouraged use in the Richardson's Flat area. The majority of this area is governed by

and must be reviewed for consistency with the 1999 Flagstaff Mountain Development Agreement, which stipulates golf course, active recreation, equestrian and preserved open space as allowed uses.

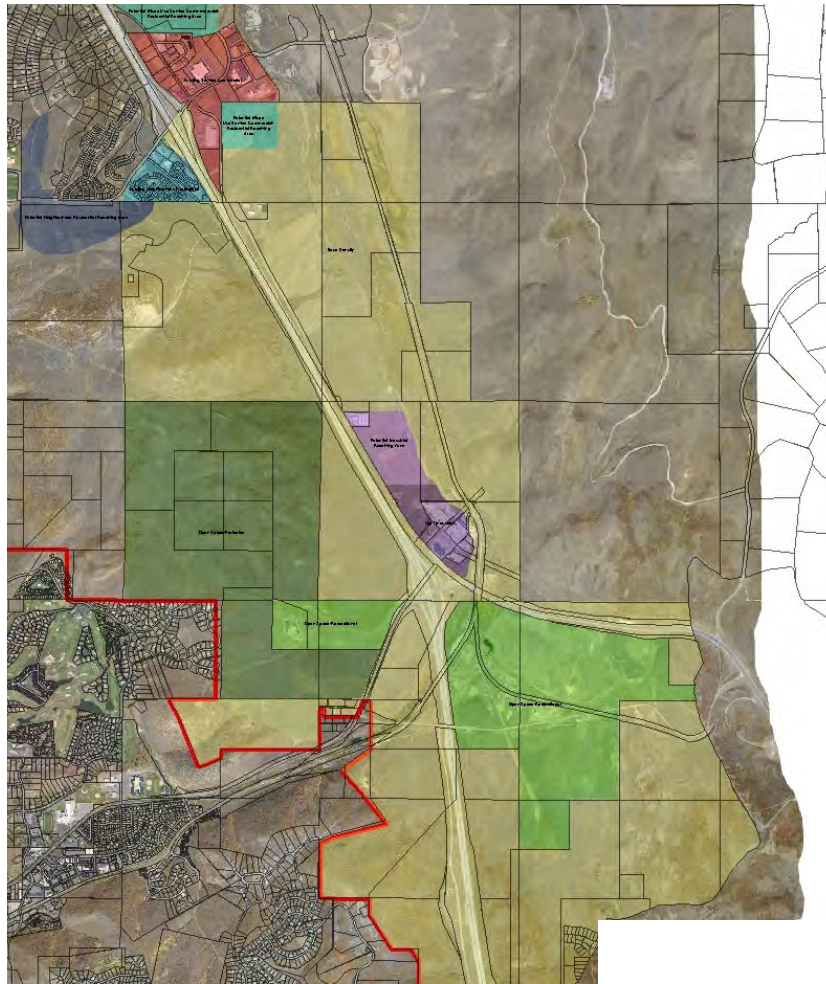
9. Clustered residential development may be considered in areas indicated on the accompanying map of the study area and specified for base density. Initial evaluation of density for projects in the study area shall be based on Summit County Base Density allowances as specified in the Code in effect at the time of application. The maximum density that will be considered in Base Density areas for projects complying with all preferred development patterns and principles will be limited to the densities specified for rural areas in the Summit County Development Code or where applicable the Estate Zoning provisions of the Park City Land Management Code. Code provisions in effect at the time of application will apply. Only potential receiving areas or the parcel identified for potential employee housing in the existing Flagstaff Mountain Development Agreement will be considered at higher densities.

Development Patterns

1. Cluster in identified receiving areas and around existing development maintaining consistency among uses.
2. Public preserved open space and recreation is the predominant existing land use in the study area. Clustered development should be designed to: enhance public access through interconnection of trails, preserve public use and enjoyment of these areas, and continue to advance these goals along with the preservation of identified view sheds and passive open space areas.
3. Apply Sensitive Land standards from City and County ordinances for all development design. This includes recreational and institutional development, which should incorporate and preserve important topographical features, natural areas and view sheds, and be of a scale and scope consistent with the primary goal of preserving the function and aesthetics of an important resort entry corridor. Planning efforts for projects in this corridor should continue to involve both City and County staff for input.
4. Large expanses of surface parking areas with high visibility from the entry corridor will not be allowed. Surface parking shall be buffered from the entry corridor and utilize existing topography for screening purposes whenever possible. Sub-surface and well designed structured parking will be encouraged whenever possible.
5. Preserve a substantial open space corridor through the study area.
6. New Development (including institutional and recreational) should be transit-oriented and linked to broader community open space and trail networks.



2004 QUINNS JUNCTION JOINT
PLANNING COMMISSION MAP

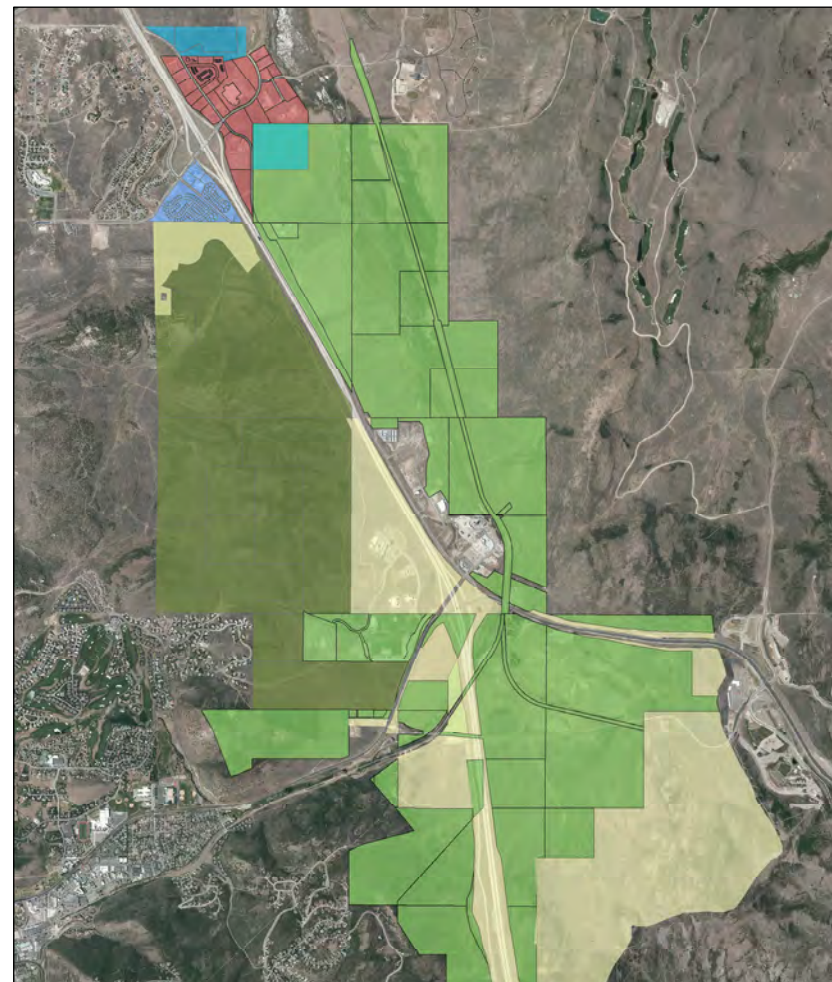


Base Density
Existing Neighborhood Residential
Existing Service Commercial
Light Industrial

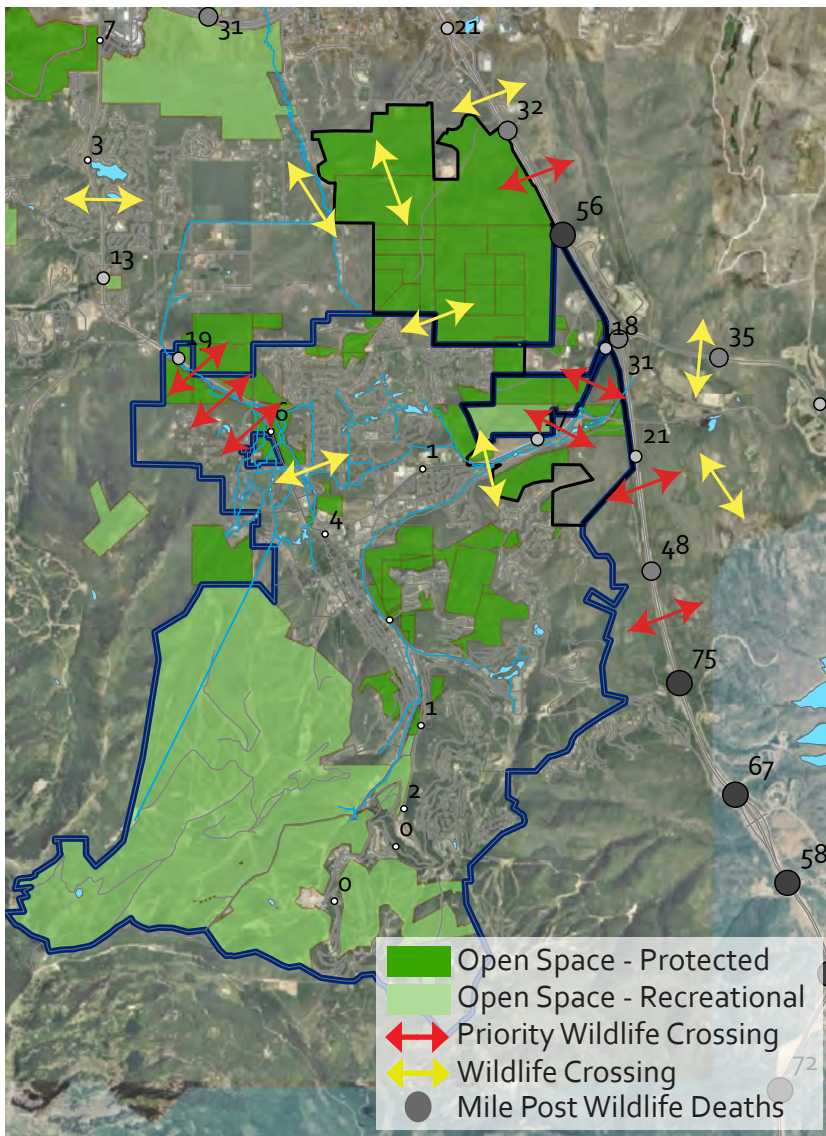
Open Space - Protected
Open Space - Recreational
Potential Industrial Receiving Zone

Potential Neighborhood
Residential Receiving Area
Potential Mixed Use Service -
Residential Receiving Area

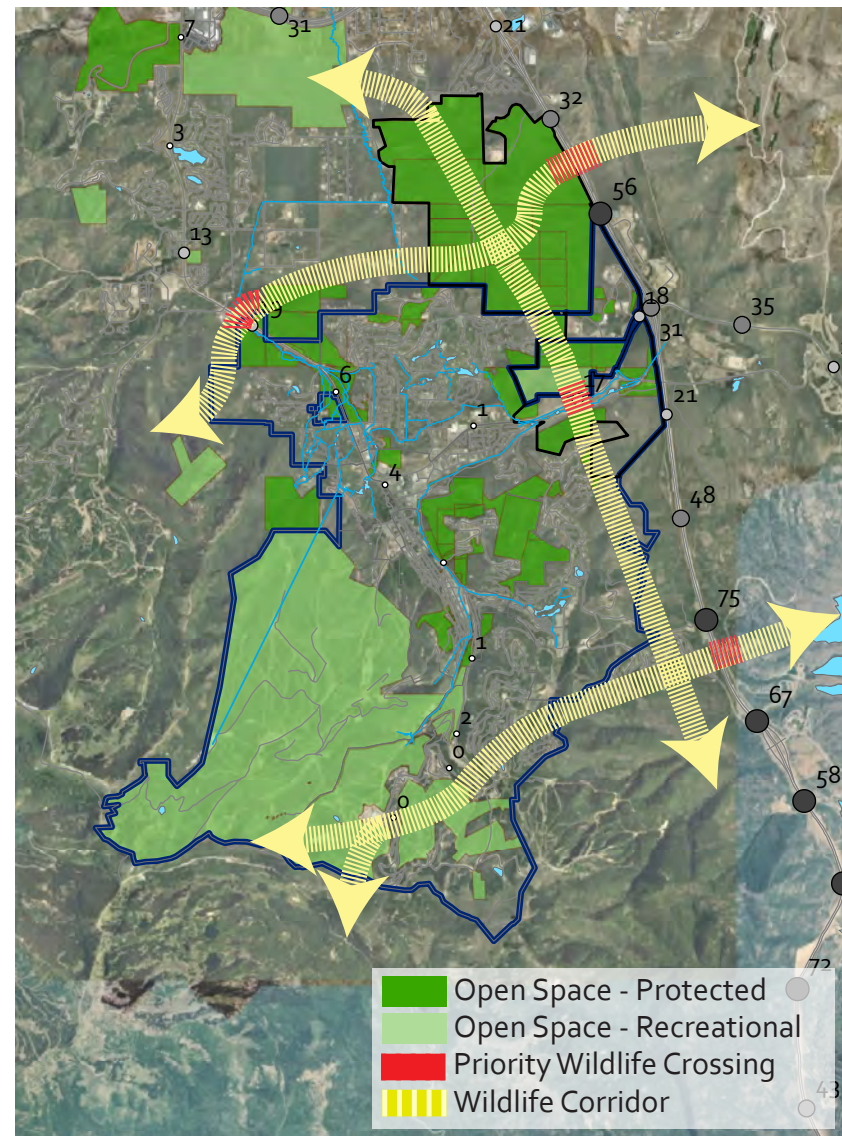
UPDATED QUINN'S JUNCTION
AREA MAP



2012 PC NATURAL RESOURCE INVENTORY WILDLIFE CROSSINGS



WILDLIFE CORRIDORS



9.2. Quinn's Junction Neighborhood: An area for Regional Institutional Uses.

New development within the Park City limit in Quinn's Junction has occurred primarily along Round Valley Drive and Gillmore Way within the north-west corner of the Quinn's Junction interchange. The area was identified within the Quinn's Junction Joint Planning Commission Land Use Principle #5 as "appropriate for institutional development with the potential institutional uses limited to: a hospital, educational facility, recreation / sports training facility, or an arts / cultural heritage / history based institution." The north-west corner should continue to build-out as a regional node for institutional development due to the location on the edge of the Park City. Institutional development in this location can serve the population of the Wasatch



Back and are designed to accommodate populations greater than Park City. An additional 250,000 sf of development is planned around the hospital.

This area is not suitable for everyday needs of Parkites, such as a grocery store or post office due to increased

dependency on personal vehicles. Big box commercial is not appropriate either as it will conflict with the purpose of the area, create increased vehicle trips, and compete with the existing commercial nodes within the City and County. The new development in the north-west corridor is linked

to the broader community through trails and the existing road network. To complement the City's goals of decreasing dependence on the automobile, the area should be considered as a destination within the public transportation network.

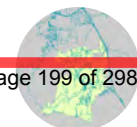
9.3. Quinn's Junction Neighborhood: An neighborhood for locals.

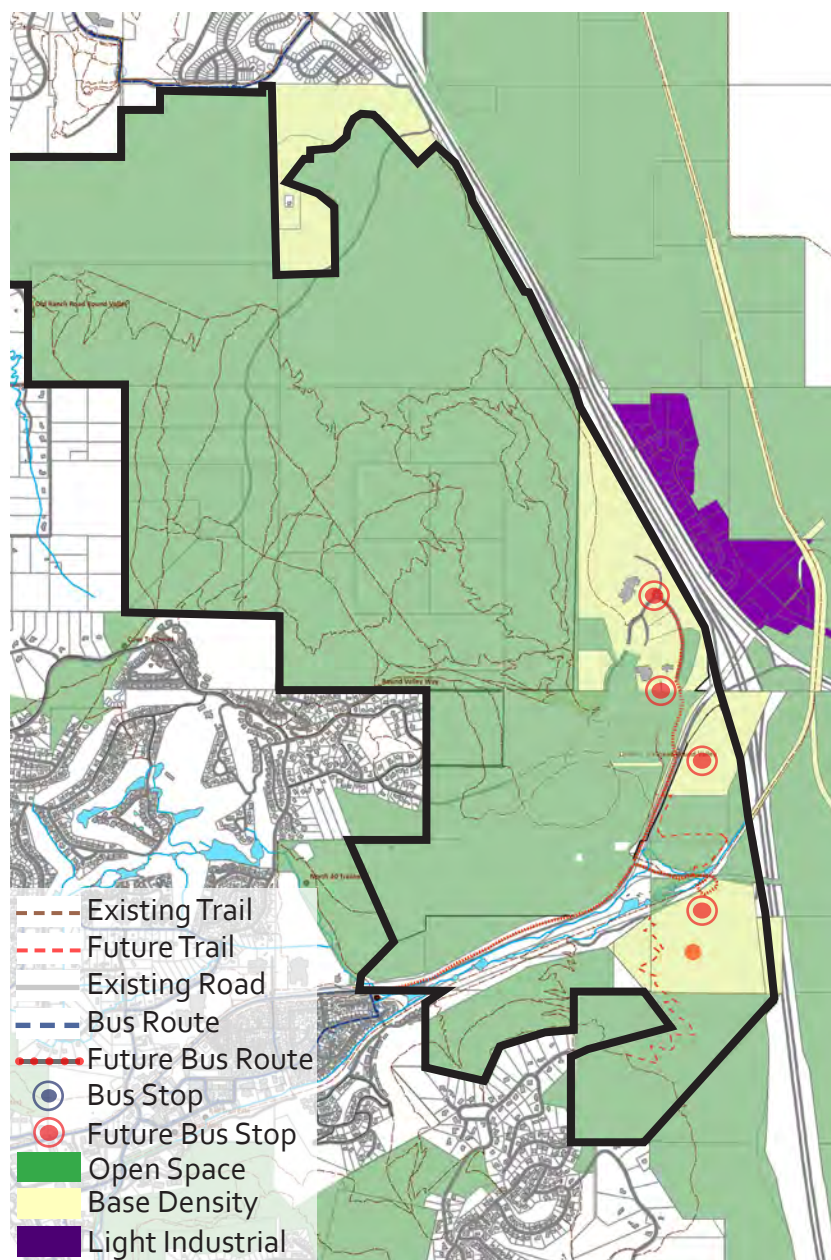
Two master planned development projects on the south-west corner of the Highway 40 interchange at Quinn's Junction were approved in 2011/2012 by the City Council. The approved Park City Heights residential Master Planned Development includes 239 new residential units upon 239 acres of land. 167 acres (70%) was protected during the MPD process as open space within the subdivision. The Quinn's Junction Partnership Annexation and MPD consists of 1 movie studio complex, a new hotel with up to 100 rooms, and a retail area. The PC Heights MPD clustered development close to the existing streets while preserving the surrounding open space and upper elevations.

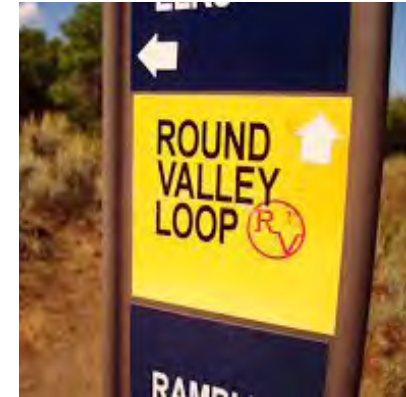
The future Park City Heights



neighborhood is linked to the broader community through trails and the existing road network. As the area is built out the City should connect these developments to the public transportation system providing additional multi-modal transportation options.







9.4: The aesthetic of the Quinns Junction shall preserve the natural setting.

As Quinn's Junction introduces 239 new residential units within the Park City Heights subdivision, an evolution

will take place in the built environment. Most commonly, the aesthetic of arriving at Quinn's junction is experienced through the car to either visit a large institution or to recreate. In the future, the neighborhood should evolve to accommodate increased

multi-modal transportation options. Sidewalks, trails, bus shelters, and benches will become common place.

The most character defining feature of the Quinn's neighborhood is the plentiful natural setting. View corridors welcome

residents and guest, and must be preserved. New development should be set back in compliance with the Entry Corridor Protection Overlay. Open space requirements within developable lots should preserve the natural setting through limits of disturbance.

SMALL TOWN

During the 2009 Community Visioning process, residents identified *Small Town* as one of the four core values of Park City that must be preserved to protect the Park City experience. Residents described *Small Town* using words such as: “quaint, charming, old mining town, historic, beautiful, lovely, does not sprawl, not overbuilt, not much traffic, lifestyle, less driving, does not change much, historic identity, traditional, has a sense of place, character, and rich history”. It is important to note that the term *Small Town* is not solely associated with a population statistic or a specific amount of land. To Parkites, “*Small Town*” reflects an experience of place through the natural and built environment.

When asked, “What would make you leave Park City?” the most common answer by residents was “Too much change or growth” followed by “Loss of natural beauty/environmental decline” also associated with growth. During the community interviews, Parkites stated what they hoped Park City would be like in 20 years, again echoing the desire to remain a *Small Town*, more specifically “stay the same, *Small Town* feel, sense of community, uniqueness” followed by “less development, smarter growth, green and open.”

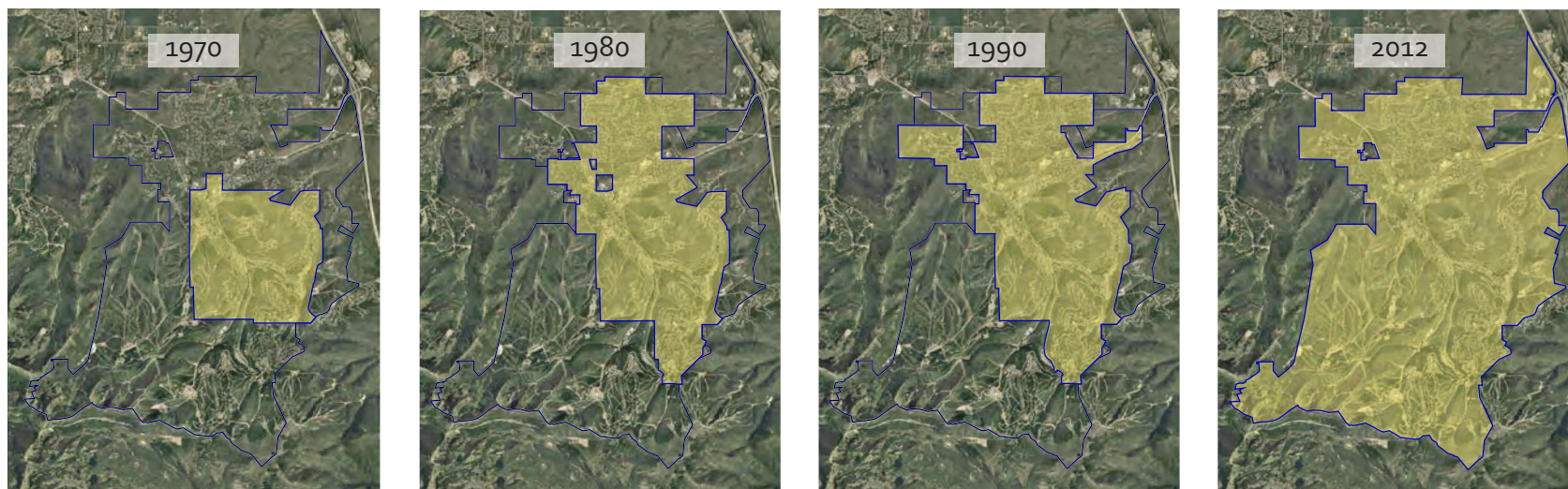


Since Park City was incorporated in 1884, the City has experienced cycles of growth and decline. First with the mining boom and its subsequent contraction. Its transition to skiing and tourism beginning in the 1960s established a second growth cycle in Park City. The original city boundaries comprised of Bonanza Park, Old Town, and Lower Deer Valley were extended through annexations to accommodate a growing permanent population, as well as an increasing tourism base. The second growth cycle had a different impact on land use due to the influence of the car.

To secure Park City for future generations to experience as we do today, an approach to balance growth must be implemented. Park City is a small town within a larger growing region. It is essential also that our planning be cognizant of our neighboring communities as each community has

influences beyond City borders.

The first step to direct and shape future growth within the City is identifying those areas in town, if any, that should not grow or should not be developed. Next, it is essential to re-look inward at the existing neighborhoods and identify areas in which some additional development could be realized in order to protect the areas that should be conserved. The government and residents of Park City have done a tremendous job of protecting lands through open space acquisitions; however to simply believe that all the areas which should be protected could be purchased as open space would be extremely expensive and unrealistic due to exponential cost burden placed on property owners. Of course, Park City should continue to create funding for open space acquisition at a rate acceptable to residents to preserve land from development.



How Park City has grown. The yellow area is incorporated Park City relative to the year - from 1970 to 2012.

The next step is essential that Park City identify the type of development that would be compatible within the existing neighborhood, ranging from an accessory dwelling on a large single family lot, to a multi-family residential building in a mixed use area, to affordable housing, or nightly rental options. A key tool to achieving this is implementing a context-sensitive, local Transfer of Development Rights (TDR) system, whereby development potential from areas we wish to preserve is transferred to areas identified as appropriate for additional development. This TDR system can help sustain Park City's *Small Town* charm while creating more diverse options for locals, the workforce, and visitors.

In 2012, Park City funded a study to identify balanced growth strategies that protect Park City's four core values. The 2012 Park City Balanced Growth Strategy Outline recommended strengthening the existing TDR ordinance through introducing multipliers to create market driven development credits. The findings emphasize that growth pressures for Park City do not end at the City boundary, as demand has placed enormous pressure on Summit and Wasatch Counties, threatening the core values of Park City and the experience of the Wasatch Back. Implementing a regional strategy to shape and channel growth to outcomes mutually desirable to the neighboring communities. Planning regionally begins with a shared vision; followed by the creation of regional

land use and transportation strategies.

The following goals focus on land use and transportation. Land use and transportation planning are key tools to direct and shape future growth thus preserving the experience of place. Directing growth and redevelopment that creates housing opportunities near commercial centers, supports public transportation, alleviates pressure on undeveloped land, and results in less pressure to widen existing roads all preserve the Small Town experience. As land use and transportation decisions are made, the decision makers must consider how land used influences transportation and vice versa; and the resulting impacts on the core value of Small Town.

GOAL 1 Park City will grow inward, strengthening existing neighborhoods while protecting undeveloped land representative of the community's core values from future development.

Our community is faced with the decision of *how* the City should grow in the face of development pressures. Simply saying NO to development and redevelopment is not an option in light of existing development agreements, MPDs and development rights allowed by current zoning that permit at least 1,965 residential unit equivalents (UEs) and 736 commercial UEs. While Park City could chose to encourage growth to occur outward, into the undeveloped lands surrounding the City, we recommend encouraging higher densities in town, so that we can preserve open space and the natural setting in and around Park City. The undeveloped land representative of the communities core values includes the expansive vistas, open space, sensitive lands, and wildlife corridors which are irreplaceable. For our guests and residents alike, it the areas that have not been built upon, the *natural setting*, that best define *Park City*.

This recommended approach protects two of Park City's core values: *Small*



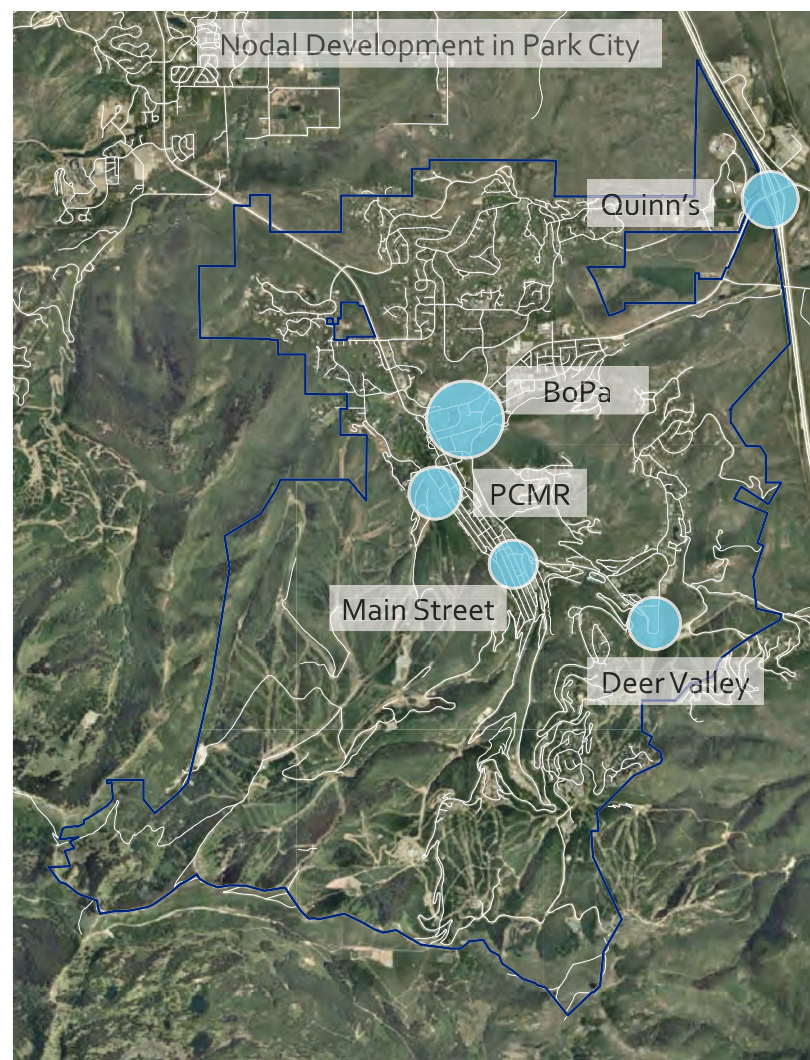
The protected open space of round valley defines the Park Meadows neighborhood boundary while providing recreation opportunities for Parkites and habitat for wildlife.

Town and Natural Setting. The Transfer of Development Rights (TDR) ordinance adopted in 2011 allows development rights to be transferred from an area that is best left undeveloped to an area appropriate for development.

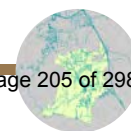
This planning tool can help Park City “grow inward” and relieve pressures on undeveloped lands.

Principles

- 1A** Direct complimentary land use and development into existing neighborhoods that have available infrastructure and resource capacity. Increased infill development should only be considered if it offsets development pressures elsewhere and/or creates affordable housing opportunities.
- 1B** Each neighborhood should have a well-defined edge, such as open space or a naturally landscaped buffer zone, permanently protected from development, with the exception of the transition areas where two adjacent neighborhoods merge along an established transportation path.
- 1C** Primary residential neighborhoods should have opportunities to enhance livability with access to daily needs, including at a minimum: a mini market, a neighborhood park, trails, community gardens, walkability, bus access, home occupation, minor office space, and other uses that are programmed to meet the needs of residents within the neighborhood and complement the existing context of the built environment.
- 1D** Increase opportunities for local food production within City limits.



Directing growth patterns away from large areas of undeveloped land and toward existing compact, mixed-use centers along priority transit corridors, prevents sprawl, protects quality of life through decreased VMT and air quality, and increases utilization of public transportation.



Planning Strategies

- 1.1** Amend the Land Management Code to allow TDR credits to be utilized within primary residential neighborhoods for additional density that compliments the existing built environment (as identified in the neighborhood section of the General Plan). This requires adoption of new context sensitive criteria within the LMC. Increased density should only be achieved through purchase of TDR credits. TDR credits may be received within existing neighborhoods under specific conditions, including:

- 1.1.1** Subdivision of existing lots of record into additional lots of record that complement the existing pattern of lots within the subdivision.
- 1.1.2** Within transition zones where two adjacent neighborhoods meet and one neighborhood has a higher density. Transition zones allow increased density within the less dense neighborhood along the connection into the more dense neighborhood. Specific review criteria shall be created for increased density in a transition zone to ensure an appropriate medium between the two existing neighborhoods.
- 1.1.3** Amend Master Planned Development (MPD) language in the Land Management Code to allow amendments to MPDs to receive TDR development credits.



Tammy Paulson ©

- 1.2** Continue to provide necessary commercial and light industrial services within the City limits by allowing a range of commercial uses within town, including industrial uses in appropriate areas.
- 1.3** Require a range of lot sizes and housing density within new subdivisions in primary residential neighborhoods.
- 1.4** Revise minimum lot size within primary residential neighborhoods to create opportunities for smaller, more compact development and redevelopment. Create specific context sensitive requirements, such as minimum road frontages and minimum lot width.
- 1.5** Implement conservation subdivision design principles in LMC subdivision requirements. Subdivision design should conserve the natural setting and natural resources, take advantage of passive solar, and minimize waste.

City Implementation Strategies

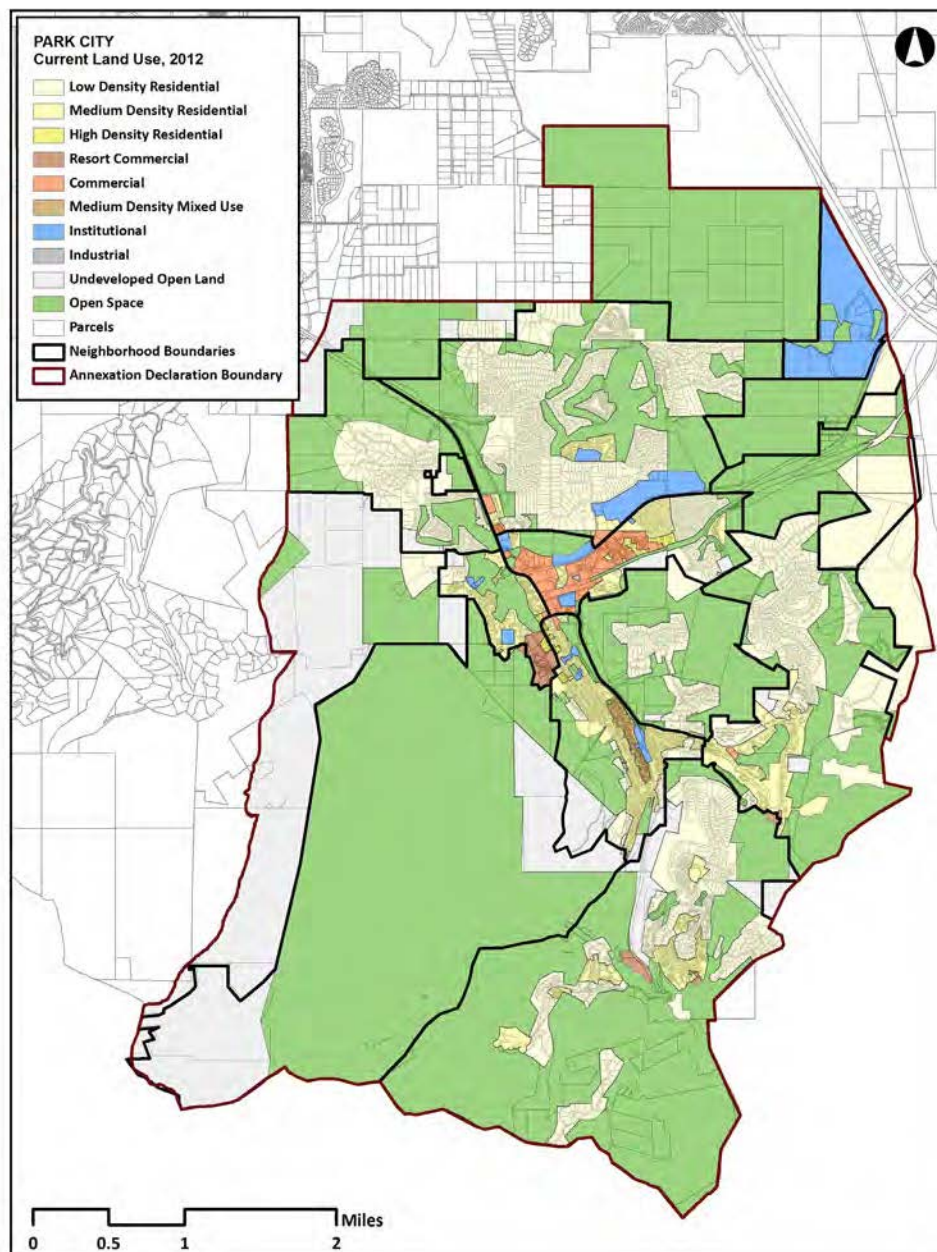
- 1.6** Require developer to pay their proportionate share for the increased burden on existing service levels and infrastructure expansions outside of current service areas. Update the capital facilities plan and LMC dedication requirements regularly to be consistent with the state impact fee legislation.
- 1.7** Redevelopment areas should be identified by the City. Once the redevelopment area is established, an Area Plan should be prepared by the City to outline principles which guide a design within the redevelopment area to reflect the Community Vision and the General Plan.
- 1.8** Identify and prioritize parcels for open space acquisition and include as TDR sending zones.
- 1.9** Update the Transfer of Development Rights (TDR) system every two years to reflect market rate valuations of included properties with incentivized multipliers.
- 1.10** Annex additional land to shape growth reflective of the City's goals for land use surrounding Park City.

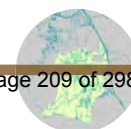
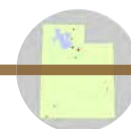
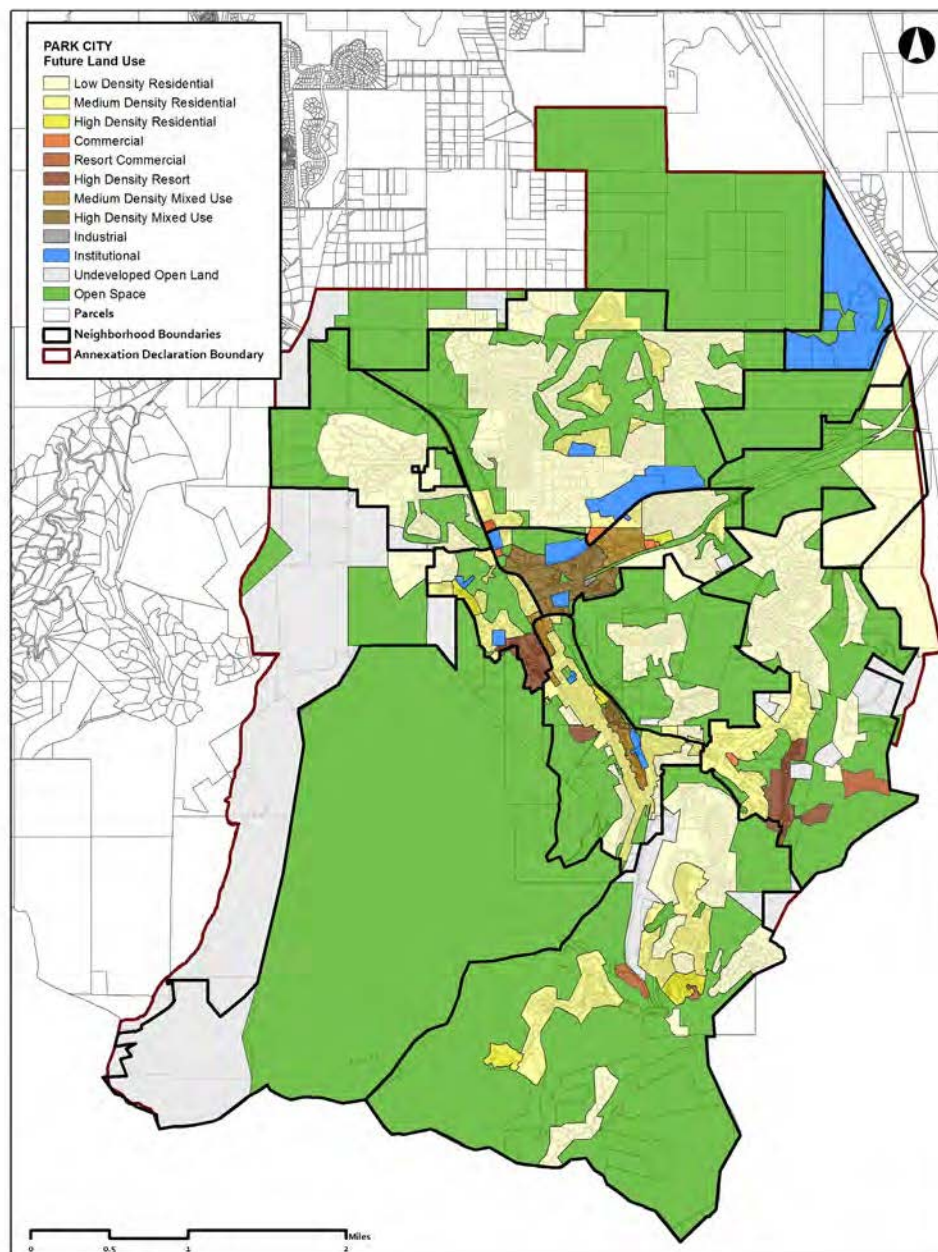


View from St. Albans Clock Tower, UK. The Town and Country Planning Act of 1947 designated green-belt land around towns and villages and has prevented urban sprawl, protect the countryside and historic towns, and promote urban regeneration.



View of St. Albans, UK from Google Earth. Development continues to evolve within the urban center promoting urban reinvestment while protecting local agriculture and open space.

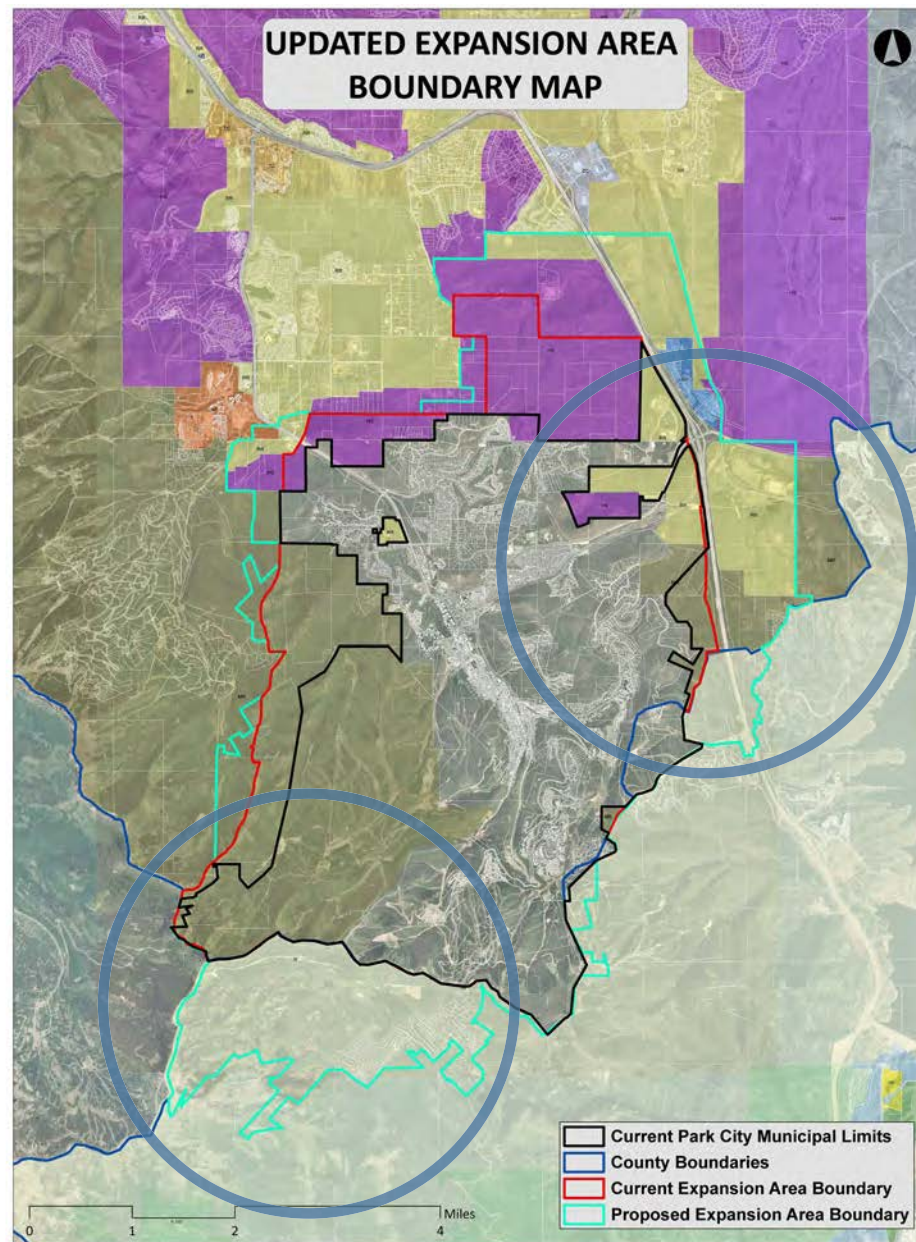




1. The regional land-use planning structure should be integrated within a larger transportation network built around transit rather than freeways.	2. Regions should be bounded by and provide a continuous system of greenbelt/wildlife corridors to be determined by natural conditions.
3. Regional institutions and services (government, stadiums, museums, etc.) should be located in the urban core.	4. Materials and methods of construction should be specific to the region, exhibiting a continuity of history and culture and compatibility with the climate to encourage the development of local character and community identity.

Modifications to the expansion area require full analysis of the annexations within the state and local code. This map represents the need to discuss expansion with our regional partners and the Park City Planning Commission and City Council. This map is a draft to be utilized within discussions toward a adoption of an expansion area that is consistent with regional planning and the state code.

Area for future discussions with our regional partners in Wasatch County.



GOAL**2**

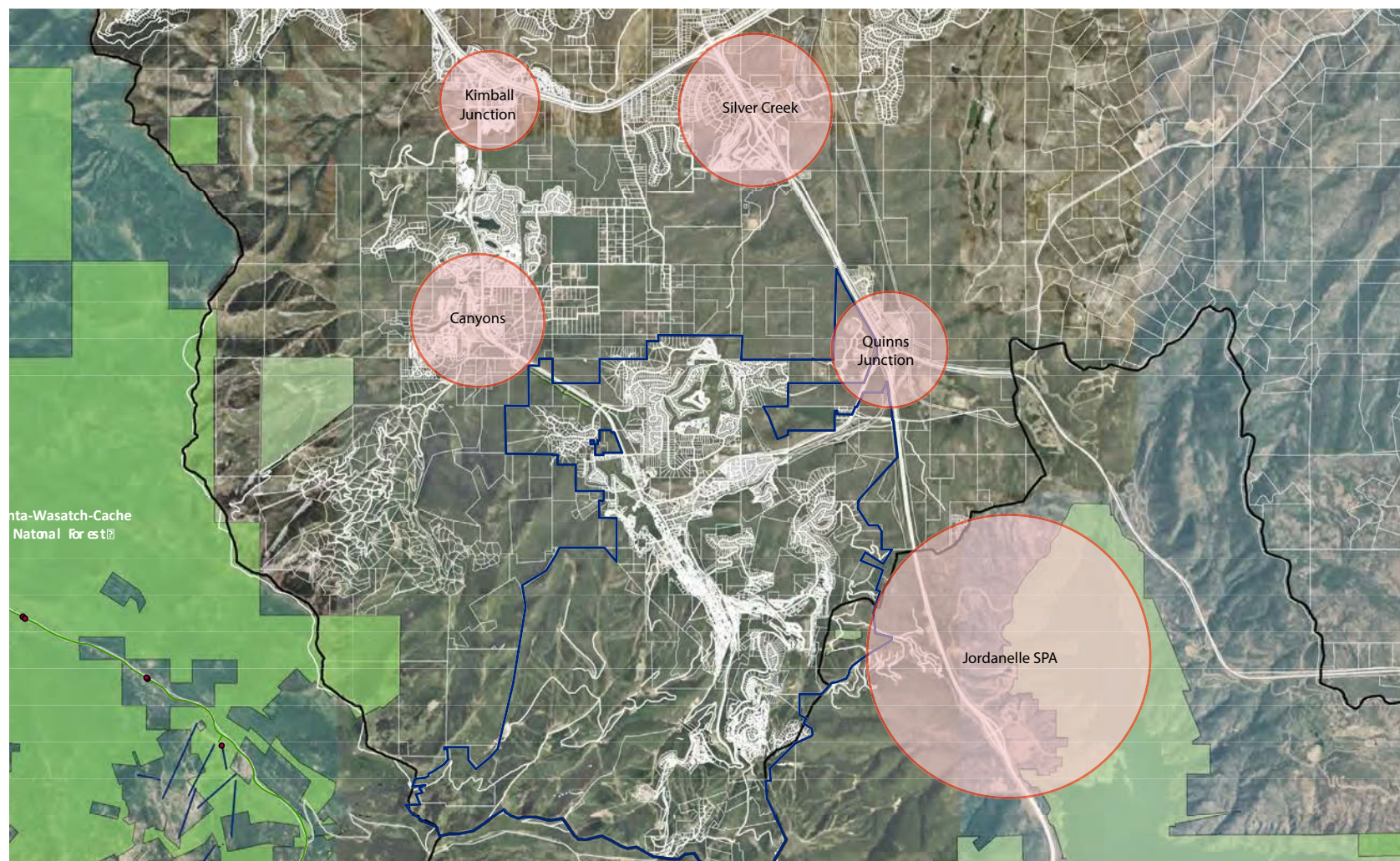
Park City will collaborate with the Wasatch Back region and Salt Lake County toward the preservation of place through regional land use and transportation planning.

Park City is part of the greater Wasatch Back region, spanning from Snyderville Basin to Eastern Summit County to Wasatch County and all the small cities and towns in-between. The decisions that we collectively make have wide-reaching consequences throughout the region. In order to maintain the collective experience of the Wasatch Back, Park City must collaborate with our neighboring communities to secure a regional vision. In many instances, our communities' goals and interests will align. When they do not, we need to engage with each other to ensure the best possible outcomes for everyone. Our ability to preserve the unique setting of the Wasatch Back region rests on the ability of all of our communities to work together. Park City must be involved in the regional planning effort, respecting the different values of neighboring communities while working to protect those values we all share.

Principles

- 2A** The regional land-use planning structure should be integrated within a larger transportation network built around transit.
- 2B** Regions should be bounded by and provide a continuous system of greenbelt/wildlife corridors to be determined by natural conditions.
- 2C** Regional institutions and services (government, stadiums, museums, etc.) should be located within existing development nodes.
- 2D** Materials and methods of construction should be specific to the region, exhibiting a continuity of history and culture and compatibility with the climate to encourage the development of local character and community identity.

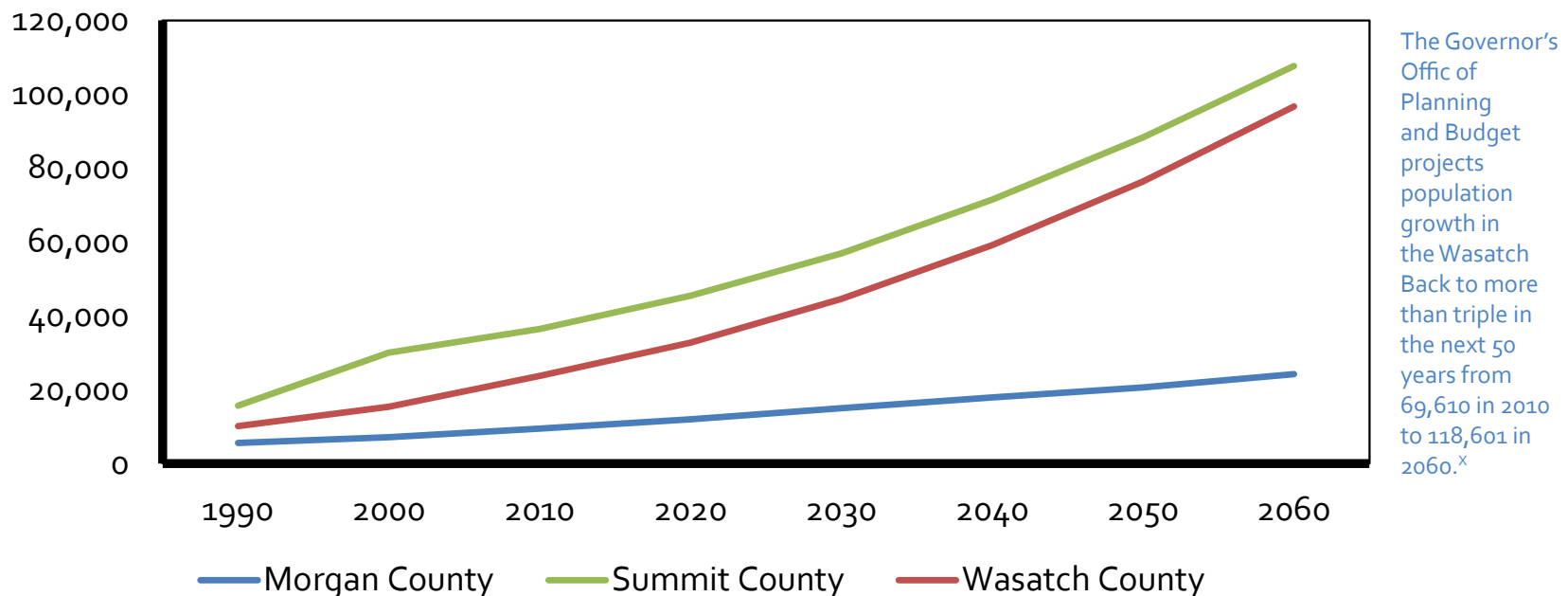




Future development within the Wasatch Back is expected to more than double with 8,720 entitled vacant units in Western Summit County and 12,175 entitled un-built units in Northern Wasatch County. The largest areas of growth will be around the Jordanelle (+/- 8000 units), Silver Creek (+/- 1100 units) and the Canyons (+/- 5,500.000 SF to build-out). An opportunity and responsibility exist to direct growth patterns away from areas between the development nodes through regional development agreements and other mechanisms, creating livable neighborhoods within the development nodes and protecting the rural experience of the Wasatch Back within the spans of undeveloped lands in between.

Planning Strategies

- 2.1** Collaborate with Summit County, Wasatch County, and Morgan County to create a shared vision for the future of the Wasatch Back.
- 2.2** Collaborate with Summit County, Wasatch County and Morgan County to create regional strategies for land use, transportation planning, and conservation which support the shared regional vision.
- 2.3** Collect and share data for the systems that have influences beyond municipal borders, including: ecosystems, waterways, wildlife corridors, air quality, shared view corridors, open space, scenic roadways, and transportation. Incorporate findings into regional planning strategies.
- 2.4** Together with Summit County and Wasatch County identify regional nodal development and regional strategies to alleviate pressures on the natural setting and decreasing vehicle miles travelled.



City Implementation Strategies

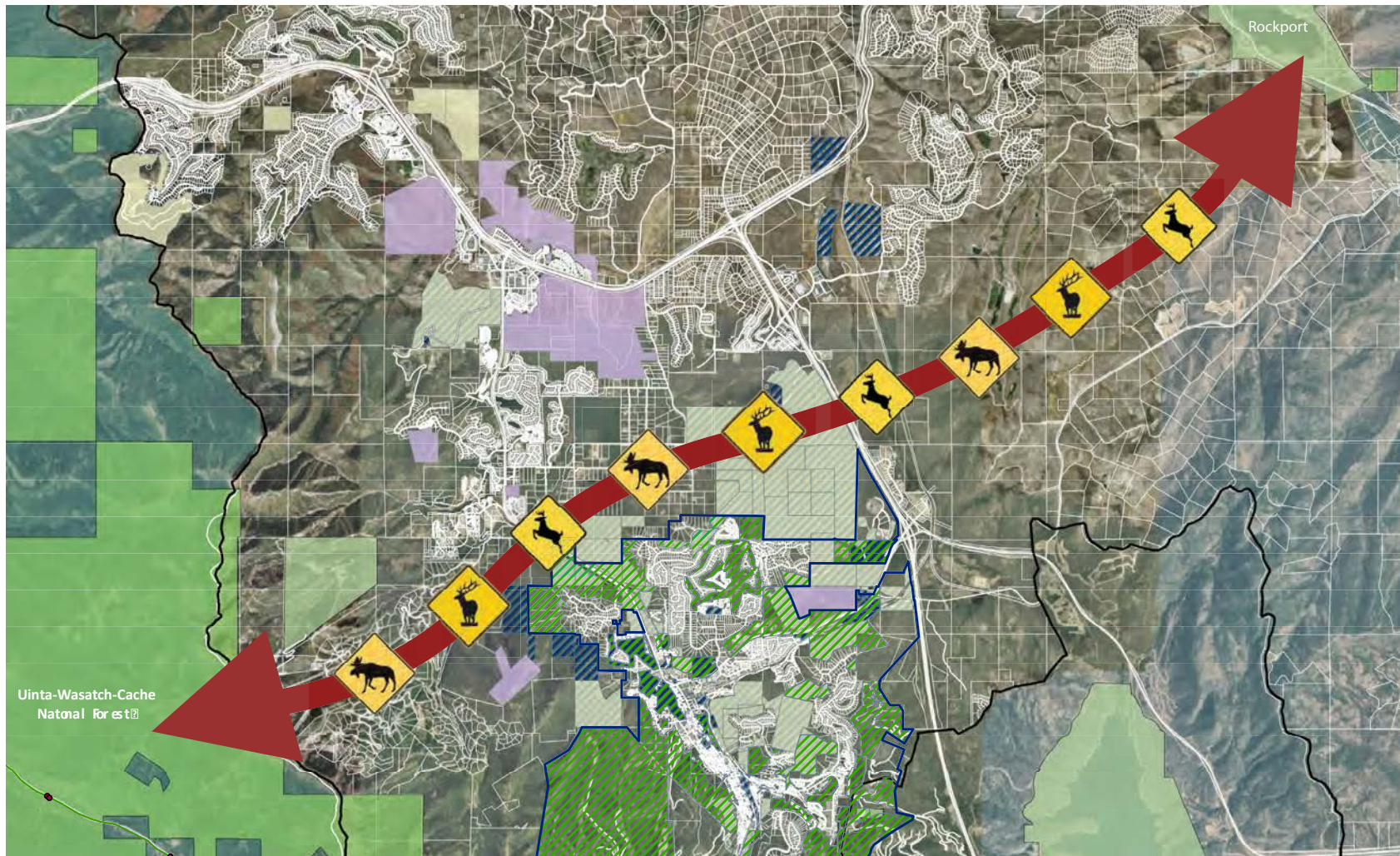
- 2.5 Research the pros and cons of a regional Transfer of Development Rights (TDR) program in the Wasatch Back. If feasible under state code, consider adoption if state legislation; otherwise identify necessary legislative steps for such a program.
- 2.6 Continue to work with regional neighbors to keep informed on adopted plans and long range planning efforts throughout the Wasatch Back.
- 2.7 Increase interregional interactions among regional officials and regional government staff.
- 2.8 Diversify review teams for City Projects to include representatives of the region.
- 2.9 Continue collaboration of transportation planning efforts with Summit County, Wasatch County, and Salt Lake County.

“I fear that we will be some huge urban sprawl from the top of Parleys out to Kamas, Coalville and Heber.”

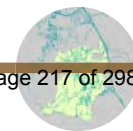
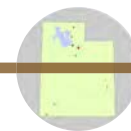
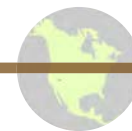
Comment from resident during 2009 Community Visioning



The 2040 Growth Concept for the greater Portland, OR region focuses on the land use and transportation connection in an effort to promote development in urban and town centers connected through efficient, multi modal transportation routes. The desired end result is balanced growth management that allows communities to evolve while creating livable communities with short commutes to jobs, enhances and supports mass transit options, protects open space and regional characteristics, and decreases vehicle miles traveled.



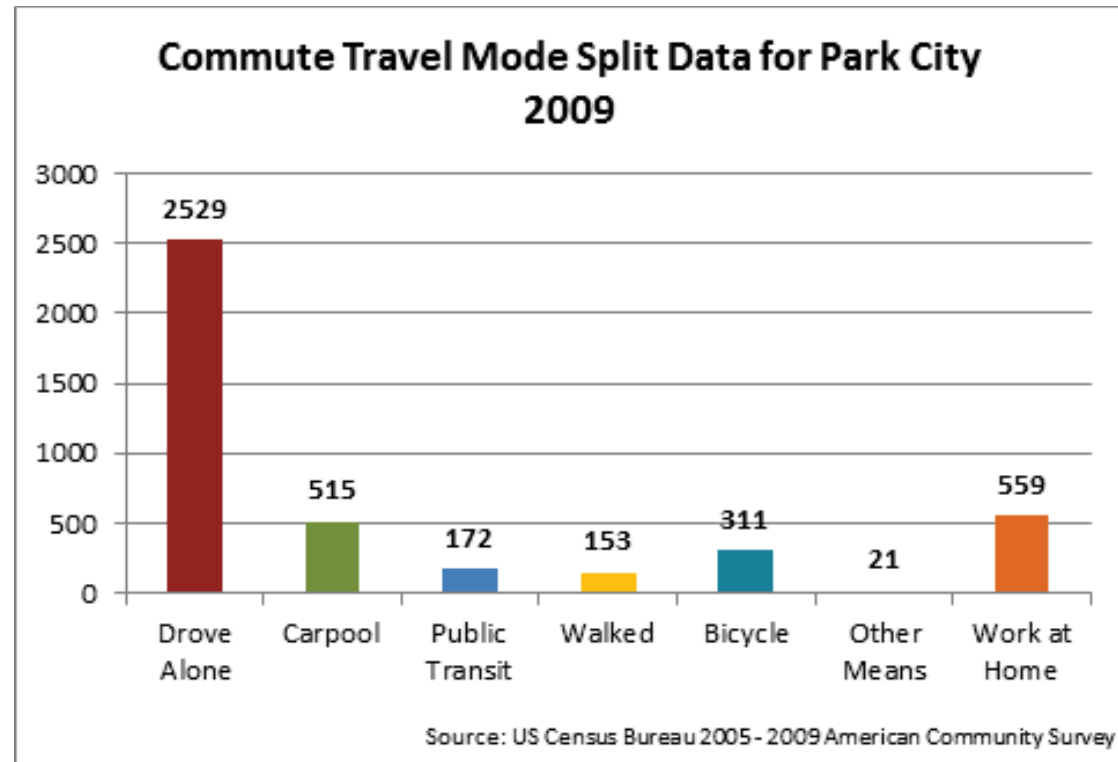
As Park City and Summit County become more developed, wildlife corridors and habitat are lost. Future regional planning should consider the remaining wildlife corridors and prevent further loss.



GOAL 3 Public transit, biking, and walking will be a larger percentage of residents' and visitors' utilized mode of transportation.

Park City's multi-modal transportation system includes diverse routes and means to where our guests stay, shop, and recreate and our residents live, work, and spend their leisure time. The system plays an integral role in shaping the overall structure, form, and function of the City. As Park City and the surrounding areas continue to evolve, the transportation system must be able to move people and goods throughout Park City and the region efficiently.

While the single-occupancy-vehicle is the most prevalent form of transportation in and around Park City, it is the least efficient in terms of carbon output per passenger. This mode of transportation has many negative consequences, including traffic congestion, air pollution, and the significant influence on climate change. Land use and transportation decisions should be made with the understanding of how a decision will impact the common goal of a more sustainable form of transportation while protecting the *Small Town* aesthetic of narrow



roads.

A major focus of transportation decisions is the end user. There are competing end-user interests in Park City between visitors and local residents. In order to effectuate a paradigm shift in

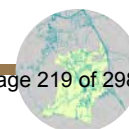
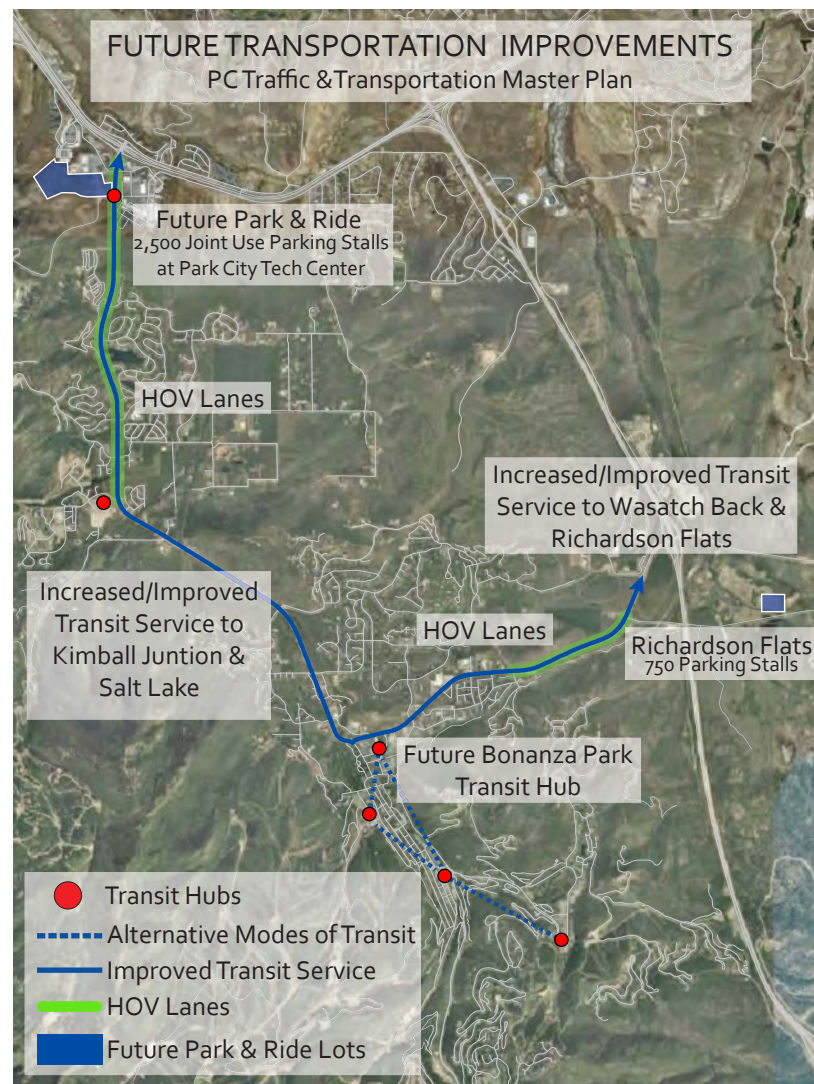
preference of public transportation over the single-occupancy-vehicle, the public transportation system must function to attract both the visitor and the local alike.

Principles

3A Streets, pedestrian paths and bike paths should contribute to a system of fully connected and interesting routes to all destinations. Their design should encourage pedestrian and bicycle use by being small and spatially defined by buildings, trees and lighting; and by discouraging high-speed traffic.

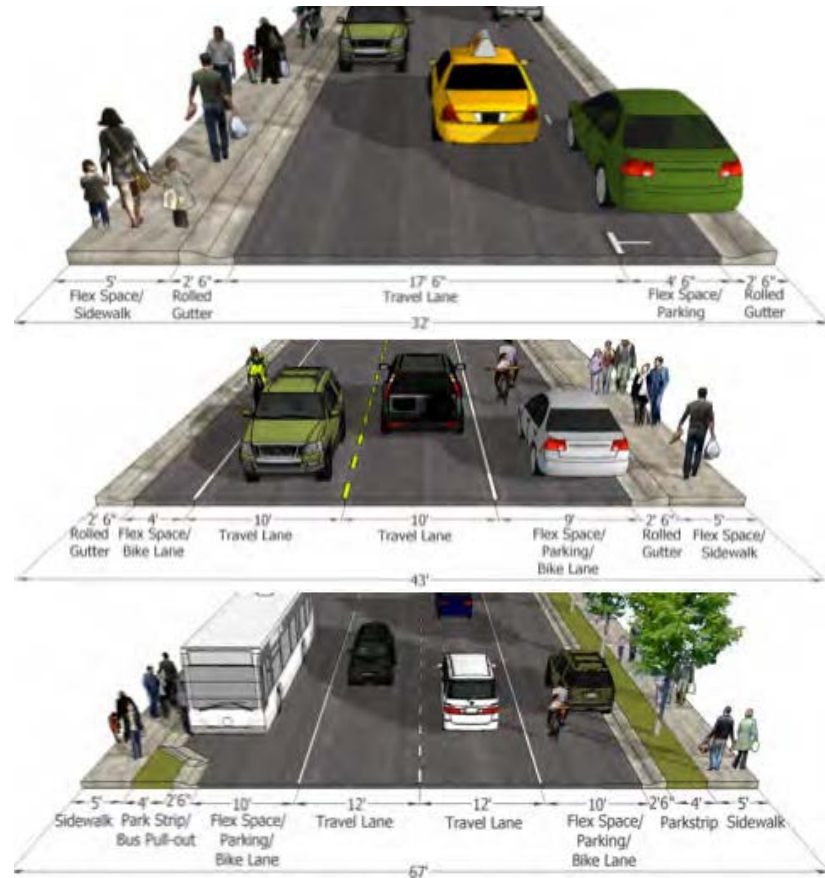
3B Prioritize efficient public transportation over widening of roads to maintain the *Small Town* experience of narrow roads and modest traffic.

3C Public transportation routes should be designed to increase efficiency of passenger trips and capture increased ridership of visitors and locals.



Planning Strategies

- 3.1 Require development and redevelopment to increase the potential for multi-modal transportation options including: public transit, biking, and walking. Require developers to document how a development proposal is encouraging public transportation over the single-occupancy-vehicle.
- 3.2 Revise parking requirements to incentivize multi-modal transportation, high efficiency vehicles, and shared parking areas. Require secure bicycle parking options.
- 3.3 Create a minimum requirement for connectivity and linkage within the City road and trail networks consistent with Utah impact fee statutes.
- 3.4 Create safe bike/pedestrian pathways between all public commons within the City limits.



Above: To accommodate multi-modal transportation alternatives within right-of-ways and decrease pressures to widen roads, the 2011 Park City Traffic and Transportation Master Plan adopted complete street strategies for future redevelopment of roads. Complete streets plans for safety and efficiency of pedestrians, bikes, cars, and mass transit circulation.

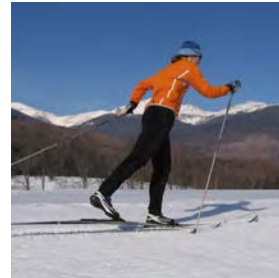
City Implementation Strategies

- 3.5** Placeholder. Identify needed connectivity of roads, sidewalks, and trail systems to decrease vehicle miles traveled and increase direct pedestrian/bicycle routes to neighborhood amenities, as identified in individual neighborhood plans.
- 3.6** Prioritize walkability improvement in identified “hot spots” (areas with existing trip demands located close to one another) in the walkability index.
- 3.7** Design redevelopment and transportation infrastructure to allow for future upgrades to mass transportation systems, including light rail, bus rapid transit, and gondolas.
- 3.8** Increase regional mass transit ridership through shared use of transit centers with private transportation carriers, where appropriate.
- 3.9** Locate Park-and-Rides, transfer stations, and transit centers in areas that will increase public transit ridership and carpooling.
- 3.10** Improve access to, efficiency, and experience of public transit. Experience includes shelter from the elements and feeling safe while waiting, free access to internet while traveling, and comfortable seating.
- 3.11** Implement the “complete streets” strategy of the Traffic & Transportation Master Plan and walkability study.
- 3.12** Seek alternatives to widening of existing streets and highways.
- 3.13** Adopt travel demand management (TDM) programs to encourage commuter trip reduction programs, including: prioritized employment hub routes, commuter incentives, and recognition of local businesses that incentivized employee use of alternative modes of transportation.
- 3.14** Implement neighborhood traffic calming measures.
- 3.15** Create a multi-modal access guide, which includes maps, schedules, contact numbers, and other information noting how to reach a particular destination by public transit.

“Traffic is an issue today that we need to figure out how to deal with for the future or else we’ll lost our appeal as a resort community.”

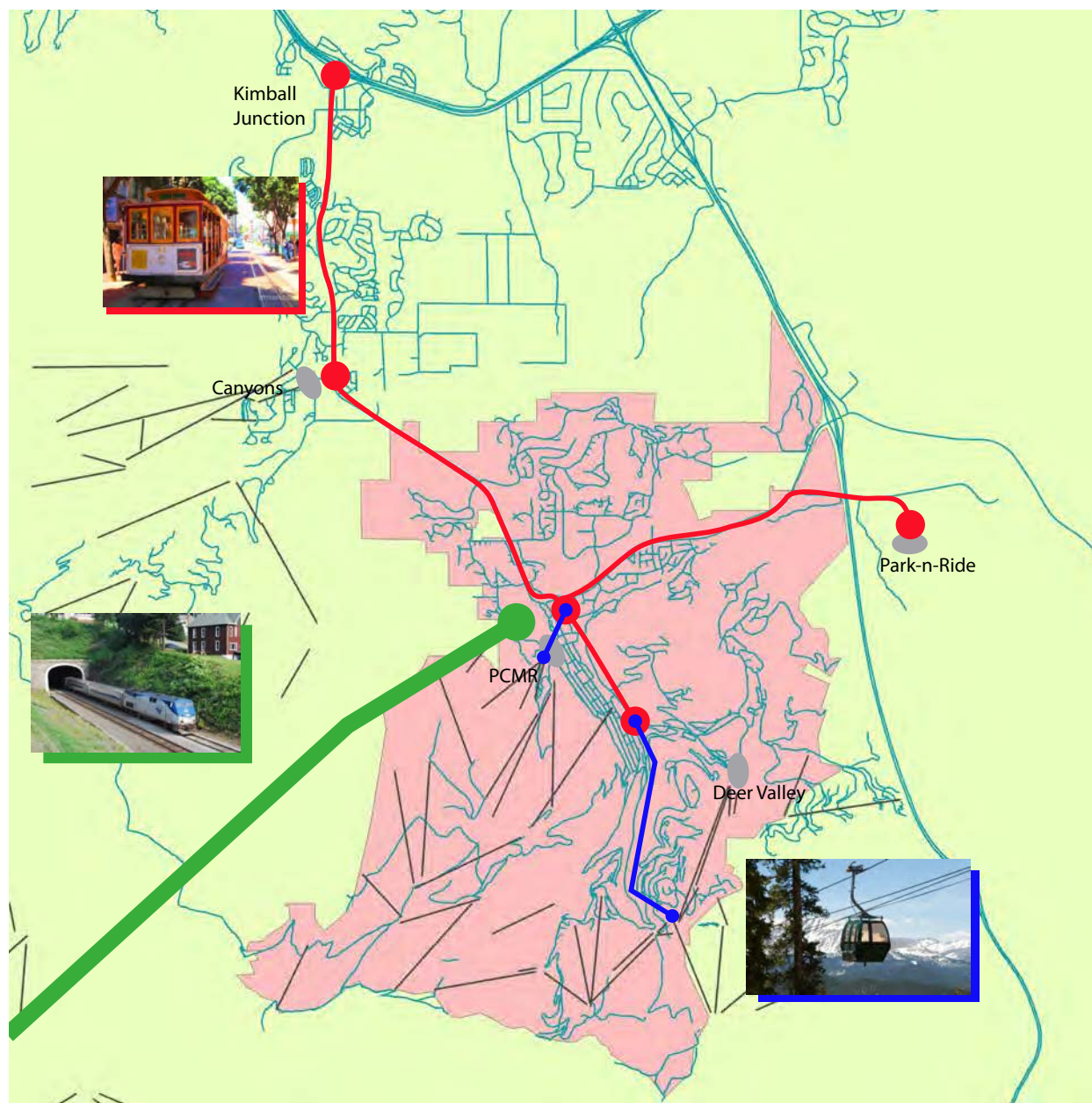
Comment from resident during 2009 Community Visioning





Alternative modes of transportation will allow Park City to become more sustainable in terms of resource expenditures while maintaining the convenient movement of tourists throughout the community - an essential element to ensure our success as a community that hosts more than 600,000 visitors a year. Both visitors and residents alike have noted in recent surveys that increased traffic would be the #1 reason that people would stop visiting or move away from Park City.

This map shows a truly connected transportation system that represents a possible solution to vehicular traffic as we look 20 years into the future. The vision illustrated here includes a streetcar (red line) from Kimball Junction to Bonanza Park, and ultimately the Main Street transit center. Phase II of such plan might include a connection out to the City's park-n-ride facility to address significant increases in traffic that will result from the build-out of the Jordanelle development area. The Plan includes possible gondola connections ((blue line) from Bonanza Park to PCMR and/or Main Street to Deer Valley resort. Finally, the proposed Interconnect is illustrated in green and simply represents a conceptual connection to Salt Lake City via rail in the future.



NATURAL SETTING

Natural Setting is one of four Park City core values identified during the 2009 Community Visioning process. Park City's natural environment is directly, or indirectly, identified as one of the main reasons most residents originally moved to town. It is at the core of who we are. The community's desire to maintain Park City's *Natural Setting* was expressed throughout the visioning through community conversations, photographs, and interviews.

One of the six key themes of community visioning is "Respect and conserve the natural environment." The core value of *Natural Setting* reflects not only the beauty of our natural environment, but also the important role of nature in Parkites' commitment to the environment. Residents voiced a need for firmer commitment to sustainability, green building practices, balanced growth, open space, and wildlife. Preserving the natural context of place within meaningful sequences of regionally distinctive landscapes reinforces the community's connection to the

Natural Setting while supporting natural ecosystem function and health. Planning for air quality, water quality, and wildlife is imperative to provide the quality of life for future generations that we Parkites experience today.

Residents also treasure the *Natural Setting* for its diverse recreational opportunities. Access to nature improves residents' connection to the *Natural Setting*, promotes health and well-being, and creates an abundance of recreational opportunities. The continued expansion of trails for downhill skiing, cross country skiing, hiking, and mountain biking has elevated Parkites' standards of living. Park City has become a lifestyle community in which residents make a choice to live here for the high quality of life, especially outdoor recreation. Within all the residential neighborhoods, Parkites have direct access to nature for recreation and viewing.

Natural Setting plays a key role in economic development. Park City's

visitors come here to experience the natural beauty and the many recreational amenities that our *Natural Setting* offers. From taking in the vast views of the Wasatch Mountains, to experiencing the epic dry powder on the local slopes, it is an essential part of what attracts visitors to Park City and what keeps Parkites here.

Over the past 20 years, the community has made a significant financial commitment through open space bonding to preserve the *Natural Setting*. Three separate open space bonds totaling \$40 million dollars were approved by an overwhelming majority of residents on each ballot. Acquiring open space is critical; managing this community asset is essential. Open space, without proper management, can lead to degradation of the natural system. As the City continues to preserve more open space it is essential that a natural resource management plan be adopted to balance human use of open space with ecosystem health.

Park City's legacy as a robust silver mining town at the turn of the 20th century came with a long-term cost of environmental degradation within certain areas of the City. The mine

related waste continues to be a focus of Park City's environmental efforts due to the high levels of metals in the soils. The mine related waste is managed through Park City's Soil Ordinance and Environmental Management System (EMS), created in cooperation with the United States Environmental Protection Agency. Implementing best practices and clean-up efforts to reduce environmental impacts related to Park City's mining past is a focus of City Hall in the efforts to ensure the health and safety of Park City's residents.

Climate change has become a great concern for our ski town. Average temperatures in the intermountain west have risen approximately 2°F over the past 100 years¹ and are projected to rise an additional 1.9°F to 3°F by 2020 and up to 8°F by 2100. The snowpack, a major contributor to the Park City economy, is projected to decrease, resulting in a shorter ski season.² Future decisions made on the neighborhood, city, and regional level must consider how they will influence climate change and resiliency. Fortunately, mitigation strategies for climate change are in line with the vision Park City residents have for our future. For instance, complete

streets with pedestrian and bicycle prioritization make the community more walkable while providing a viable alternatives to the car, therefore decreasing the community carbon footprint; a win-win for walkability, recreation, and climate change mitigation.

Park City is committed to climate change mitigation and has taken certain steps to reduce greenhouse gas emissions. The City adopted an Environmental Strategic Plan in 2009 that outlined a vision for promoting environmental sustainability within internal operations and for the community as a whole. The goals and objectives outlined in the strategic plan have been included within this section of the General Plan. The City also previously developed a Community Carbon Footprint and Roadmap for Reduction that was complemented by a "Save Our Snow" public awareness campaign. The community footprint identified, in detail, sources of local greenhouse emissions and created a high-level roadmap for the community to decrease emissions by 15% by 2020. Strategies that have been implemented include: green building upgrades and construction of City

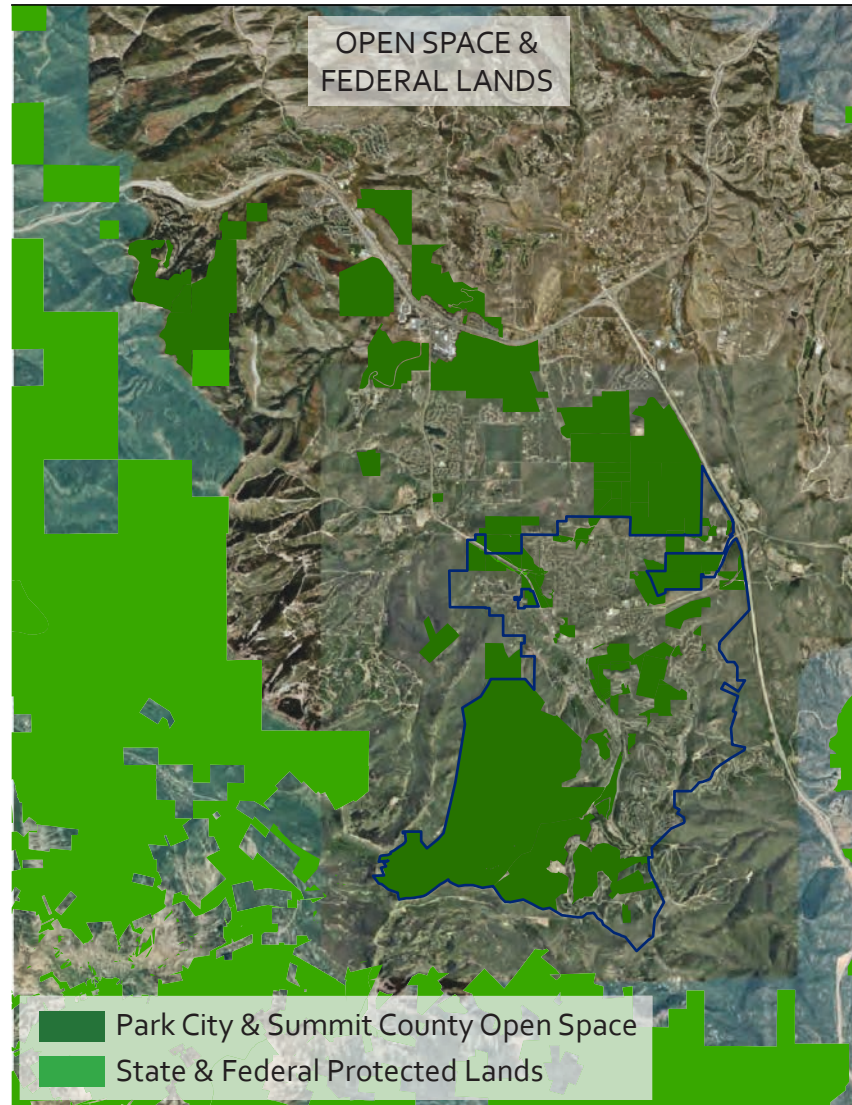
facilities, installation of solar panels on City buildings, launching a local car-share program, expansion of public transportation options, fee waivers for renewable energy permits, behavior change programs and the ParkCityGreen.org website, water efficiency programs, and ongoing support of greenhouse gas reductions through other policy and programmatic means.

To take climate change mitigation to the next level and reverse the detrimental trends, the City and residents must work collaboratively toward a paradigm shift to create profound changes in energy generation, consumption of natural resources and fossil fuels, and waste generation. Park City has the opportunity to become the greenest ski town in the United States if the citizens and its leaders so decide. The community vision certainly set the tone toward greater environmental stewardship locally.

GOAL 4 Conserve a connected, healthy network of open space for continued access to and respect for the *Natural Setting*.

The panoramic *Natural Setting* in which Park City rests sets the City apart. Our natural setting in Park City is as important as the built environment, if not more so due to the finite opportunities for additional open space. Preserving connected open space is essential to maintaining *the Park City experience* for locals, tourist, and the diversity of species which exist along the Wasatch Back.

Ecosystem health depends on the natural system working cooperatively and in balance, including healthy soils, microbes, water, flora and fauna, wildlife, and air (temperature and quality). In order to maintain healthy ecosystems and wildlife populations, the natural setting must remain connected. The City must take steps to prevent fragmentation, for once a portion of natural system is fragmented the negative impacts are difficult and costly to reverse. Along with ecosystem health, conserving a meaningful network of open space also supports the active lifestyle of Parkites. A win-win for all.



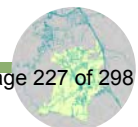
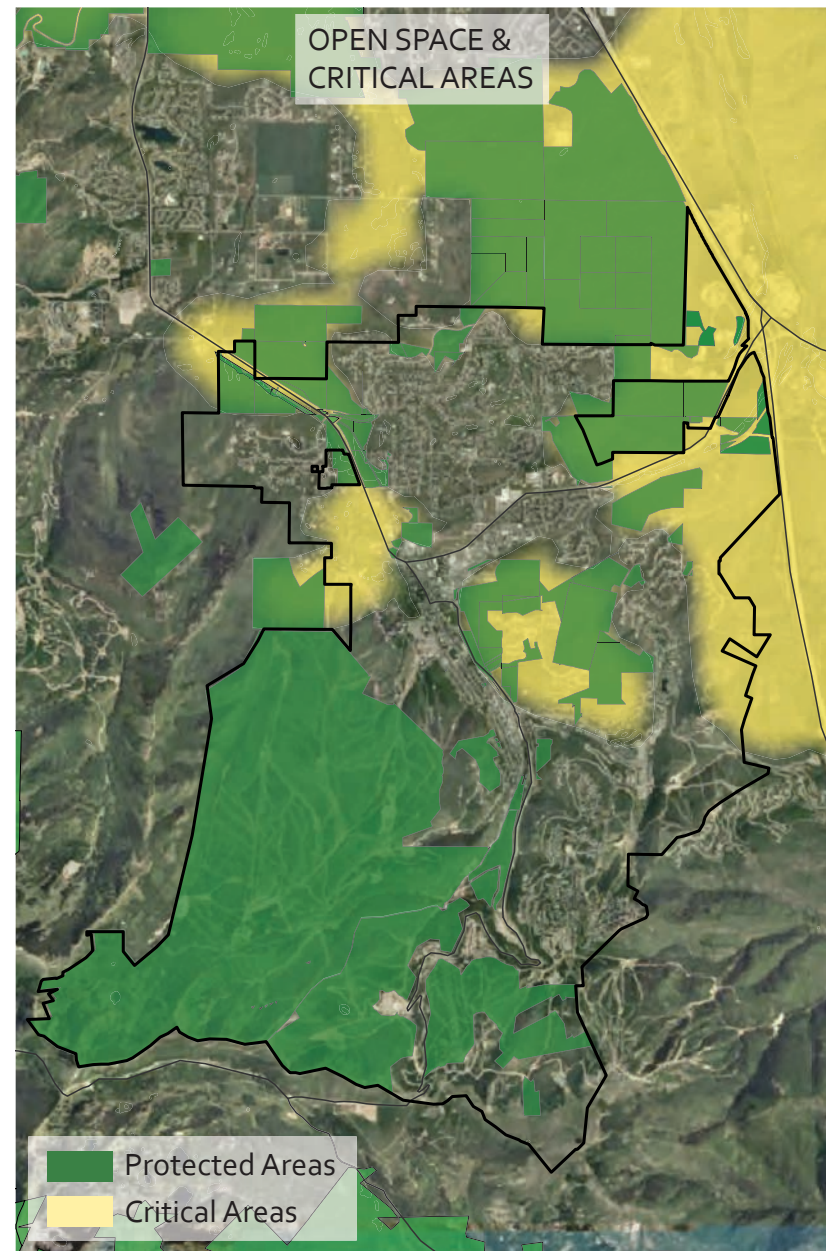
The map to the left shows all protected open space within Park City and the Snyderville Basin in 2012. Park City has done an exemplary job in preserving open space. Opportunities exist to ensure that the protected open space remains connected, avoiding fragmentation and maintaining safe wildlife corridors. Ecosystem health depends on the system remaining connected. This results in a win-win for recreation enthusiasts, nature lovers, and the wildlife.

Principles

- 4A** Protect natural areas critical to biodiversity and healthy ecological function.
- 4B** Buffer entry corridors from development and protect mountain vistas to enhance the natural setting, quality of life, and visitor experience.
- 4C** Prevent fragmentation of open space to support ecosystem health, wildlife corridors, and recreation opportunities.
- 4D** Minimize further land disturbance and conversion of remaining undisturbed land areas to development. Development means construction of a building, structures, or roads.



Tami Paulson ©



Community Planning Strategies

- 4.1** Identify local and regional wildlife corridors. Protect wildlife corridors through designation of open space and/or an overlay zone to ensure safe connections between natural areas for wildlife movement. Include overland wildlife corridors for SR 224, SR 248 and Route 40 to accommodate wildlife movement.
- 4.2** Create increased opportunities for preservation of open space through designation of TDR sending zones and identify areas appropriate for increased density within existing neighborhoods within TDR receiving zones.
- 4.3** Update the Transfer of Development Rights (TDR) system every two years to reflect market rate valuations of included properties with multipliers, to incentivize the conservation of open space.
- 4.4** Utilize findings of the Park City Natural Resource Inventory study to identify sensitive lands to be protected within the Sensitive Lands Overlay of the Land Management Code.
- 4.5** Revise Annexation Policy and ADA boundary to establish strategies to grow inward through infill development and conserving networks of open space.



- 4.6** Identify important view corridors and natural buffers that are a high priority for protection and enhancement, including the community's entryways and highway corridor. Ensure protection of the identified community assets.
- 4.7** Utilize restrictive covenants such as deed restrictions and conservation easements to aid in the establishment of open space values ensuring future conservation.

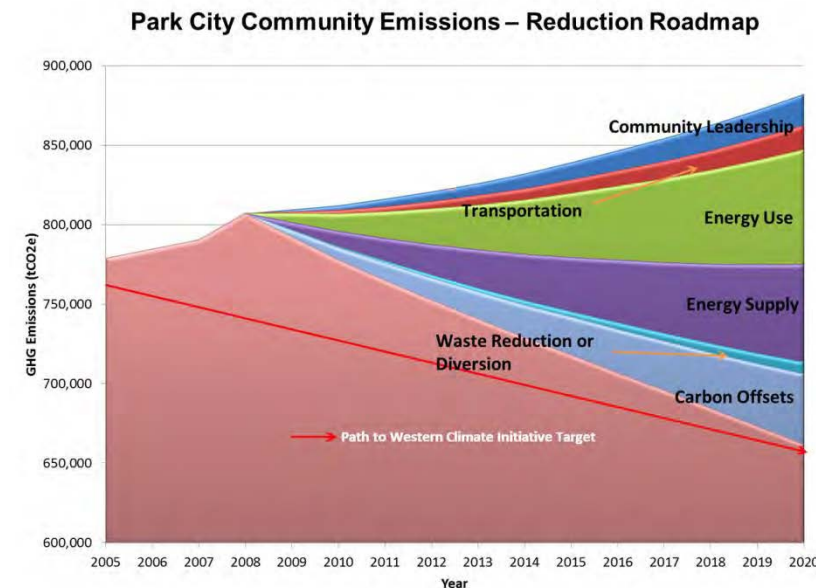
City Implementation Strategies

- 4.8** Continue to allocate annual dedicated public funds to ongoing open space acquisitions.
- 4.9** Create and adopt a natural resource management plan for public open space to balance human use of public land with ecosystem health and protection of biodiversity. Natural resource plan should address best practices for wildlife management and hunting.
- 4.10** Enhance the citywide parks and recreation system with safe pedestrian and bicycle connections between public parks, recreation amenities, and neighborhoods.
- 4.11** Create a matrix to prioritize open space acquisitions based on community values, including ecosystem health, sensitive lands, wildlife corridors, view corridors, and recreation.
- 4.12** Establish land stewardship education and incentive programs for private land owners with property dedicated as open space.
- 4.13** Provide both passive and active opportunities within the Natural Setting.
- 4.14** Collaborate with Summit County, Salt Lake County, and Wasatch County to identify and protect regional wildlife corridors and sensitive lands.
- 4.15** Manage public lands for ecosystem health. In instances where open space has be fragmented, manage wildlife and recreation in an effort to restore the ecosystem to a healthy, natural state.
- 4.16** As set forth in the Park City's Soil Ordinance and Environmental Management System, continue to maintain environmental programs that embrace the City's responsibilities to protect public health and environment.
- 4.17** Continue to comply with all environmental laws and regulations applicable to our utilities, property and public services.
- 4.18** Require City employees to keep current on training and best practices related to their functions within the City's environmental responsibilities.
- 4.19** Improve and foster communication with residents, tenants, realtors, contractors, property owners, service providers, government agencies and other participants in the City's work to promote sound environmental management practices and compliance requirements.
- 4.20** Encourage public involvement to increase the effectiveness of City's practices supporting its mission of environmental stewardship.

GOAL 5 Park City will be a leader in energy efficiency and conservation of natural resources reducing greenhouse gas emissions by fifteen percent (15%) below 2005 levels in 2020.

A Native American proverb says “we do not inherit the earth from our ancestors; we borrow it from our children.” In order to ensure that future generations are able to live, work and play in Park City, there must be a community-wide commitment to transform Park City into a more sustainable community. Our dependence on fossil fuels, our growing consumption of water, and our influence on ecosystem degradation have negative impacts on the natural system on a local and global scale. Our own health is closely linked with the health of the environment in which we live. By reducing pollution in our air, water, and soils we help to improve our quality of life. By decreasing greenhouse gas emission, Park City will contribute to the global efforts to curb climate change.

Park City has considered multiple goals toward the reduction of greenhouse gases. The 2009 Community Carbon Footprint and Roadmap to Reduction proposed the pursuit of an emission reduction goal of 15 percent below 2005 levels by 2020. To achieve this reduction



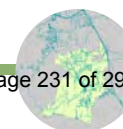
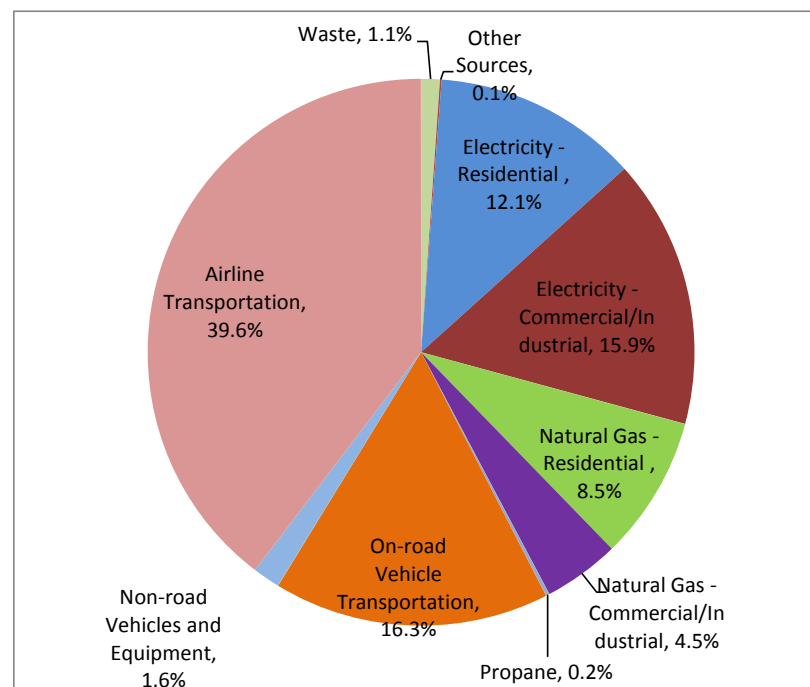
The red line represents overall decrease in greenhouse gas reduction by following the strategies outlined in the 2009 Community Carbon Footprint and Roadmap to Reduction. The roadmap strategies are included within the general plan.

target, the Park City community must collaborate to reduce projected emissions in 2020 to approximately 785,000 tCO₂e. The 2009 Community Carbon Footprint and Roadmap to Reduction outlined 16 objectives under six major influential categories, including: community leadership, transportation and land use, energy use, energy supply, waste reduction or

diversion, and carbon offsets. To achieve the objectives and relative reductions, 21 priority strategies were recommended within the roadmap. The 21 priority strategies have been included within the General Plan and identified with a snowflake. ❄ Multiple snowflakes represent an increase in tons of CO₂ reduced by each strategy. ❄ ❄

Principles

- 5A** Encourage development practices that decrease per capita carbon output, decrease vehicle miles traveled, increase carbon sequestration, and contribute to the community emission reduction goal.
- 5B** Encourage efficient infrastructure to include water conservation, energy conservation, renewable resource technology, decreased waste production, green public transit, and increased road and pathway connectivity.
- 5C** Park City Municipal Corporation will be a strong partner in efforts to reduce community GHG emissions, leading by example and providing policy guidance while promoting personal accountability and community responsibility.



Community Planning Strategies

- 5.1** Incorporate environmental considerations as an integral part of reviewing future development and redevelopment projects, including incorporation of GHG goals into land use planning – evaluate land use impacts on GHG emissions. ❄️
- 5.2** Identify locations within existing neighborhoods in which increased density and/or mixed use are compatible, located within ¼ mile of public transit, and would decrease trip generation.
- 5.3** Adopt new landscaping requirements (in the LMC) to decrease water utilization and preserve the native landscape.
- 5.4** Encourage implementation of renewable resource technology through administrative review of small systems and conditional use permit review for large system.
- 5.5** Identify appropriate areas of town for large-scale renewable resource technology. Create a renewable resource overlay zoning district for large system.
- 5.6** Adopt requirements for new development to be oriented for passive and active solar.
- 5.7** Advise HOA from prohibiting energy efficient practices within CC&Rs, including installation of solar on rooftops.



- 5.8** Require proper infrastructure, such as dedicated parking and charging stations, to support electric and alternative fuel automobiles within new development and redevelopment. Encourage energy efficient construction, infill, preservation, adaptive reuse, and redevelopment.
- 5.9** Consider adoption of a maximum home sizes for all neighborhoods. Allow owners to exceed maximum home size through compliance with home efficiency standards to prevent increased emissions.
- 5.10** Adopt consistent multiple-jurisdiction permit process for renewable resource technology to create a predictable, easy process.
- 5.11** Require recycling and waste reduction in construction mitigation plans.

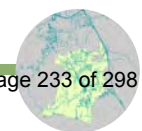
Planning Strategies continued

- 5.12** Encourage local agriculture through adoption of standards to allow community gardens within neighborhoods and public common areas.
- 5.13** Encourage local infrastructure for sales of regionally produced livestock and agriculture, including temporary structures and farmer's markets.
- 5.14** Improve visibility of night sky through continued enforcement of the night sky ordinance.
- 5.15** In existing developments challenged by site constraints, allow parking to be converted to a designated recycling area.
- 5.16** Adopt regulations to mitigate phantom energy loads of second homes and nightly rentals.



City Implementation Strategies

- 5.17** Increase options and utilization of alternative modes of transportation including light rail, bus transit, car share, bike-share, cycling, and walking.
- 5.18** Encourage public-private partnerships to pursue large-scale renewable energy projects with the intent of reducing the CO₂ output from community's electricity use.
- 5.19** Identify opportunities for micro hydropower systems in Park City's water infrastructure.
- 5.20** Continue to review and investigate best practices that have the potential of substantially improving the environment.
- 5.21** Support community- wide recycling and composting while instituting a "pay as you throw" pricing for waste disposal. Require designated recycling areas within development and redevelopment.
- 5.22** Strengthen the State Residential Energy Code through strongly advocating for state and national policies that conserve energy, reduce carbon emissions, and conserve water.
- 5.23** Establish an ongoing funding source to provide economic assistance for residents to incentivize implementation of strategies for Goal 5.



Community (or City) Led Strategies

- 5.24** Educate public on the impacts of airline transportation on the community carbon footprint. Work with residents and local businesses to create strategies to reduce and/or offset the amount of airline travel while still retaining a vibrant economy (e.g., support jet fuel efficiency research, increase length of visitor stay, adoption of carbon -offset program).
- 5.25** Act as an educational resource for the community on environmental initiatives, concepts, and best practices.
- 5.26** Develop community-wide climate challenge: personal, per capita GHG reduction targets, specific challenges (e.g., replace incandescent light bulbs with CFLs). ❄️ ❄️
- 5.27** Offer free residential energy assessments. ❄️ ❄️
- 5.28** Provide low- or no-cost commercial building energy, water, and solid waste assessment/audits. ❄️ ❄️
- 5.29** Work with Rocky Mountain Power to develop enhanced Blue Sky program- more renewable energy generation in Park City (premium tier that brings funds back to Park City). ❄️ ❄️
- 5.30** Partner with utilities and state to offer building operator training on energy management for larger businesses. ❄️ ❄️



- 5.31** Target education and incentives at second home owners to reduce energy – e.g., improved occupancy-based controls. ❄️ ❄️
- 5.32** Expand existing utility rebates/incentives – collaborate with potential funding organizations. ❄️
- 5.33** Increase awareness of existing utility rebate programs. ❄️
- 5.34** Encourage residential and commercial smart metering – electrical meters to provide real-time energy consumption. ❄️ ❄️
- 5.35** Use community carbon website to promote neighborhood “meet-ups” to discuss ideas and challenges for reducing emissions. ❄️

- 5.36 Pursue direct power purchase options with Rocky Mountain Power for renewable energy. ❄️❄️❄️
- 5.37 Work with Rocky Mountain Power to benchmark individual energy use on utility bills or carbon web site to compare neighbors within neighborhood, in an effort to encourage conservation. ❄️
- 5.38 Develop employee outreach program focused on large employers. ❄️❄️
- 5.39 Develop tiered rates for energy use – work with Rocky Mountain Power. ❄️❄️
- 5.40 Develop community revolving grant/loan program for energy efficiency projects. ❄️
- 5.41 Engage largest employers to expand commercial recycling. ❄️
- 5.42 Encourage Rocky Mountain Power to fund local Smart Grid pilot project. ❄️
- 5.43 Provide incentives for participation in green building labeling systems for existing ,leased, and new buildings. (Energy Star, LEED, Built Green, etc.) ❄️❄️
- 5.44 Provide incentives for residential and commercial renewable energy (e.g., tax credits, rebates).❄️
- 5.45 Develop shared community teleconferencing facility to host meetings therefore encouraging reduced air travel. ❄️❄️



Community and Government working Together to Curb Climate Change

To reduce greenhouse gas emissions by fifteen percent (15%) below 2005 levels by 2020 it will take more than the local government. This type of change requires a community paradigm shift in decision making. To get there, the Community must lead as well as the local government. The following strategies may be initiated by community led groups and/or the local government.

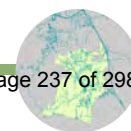
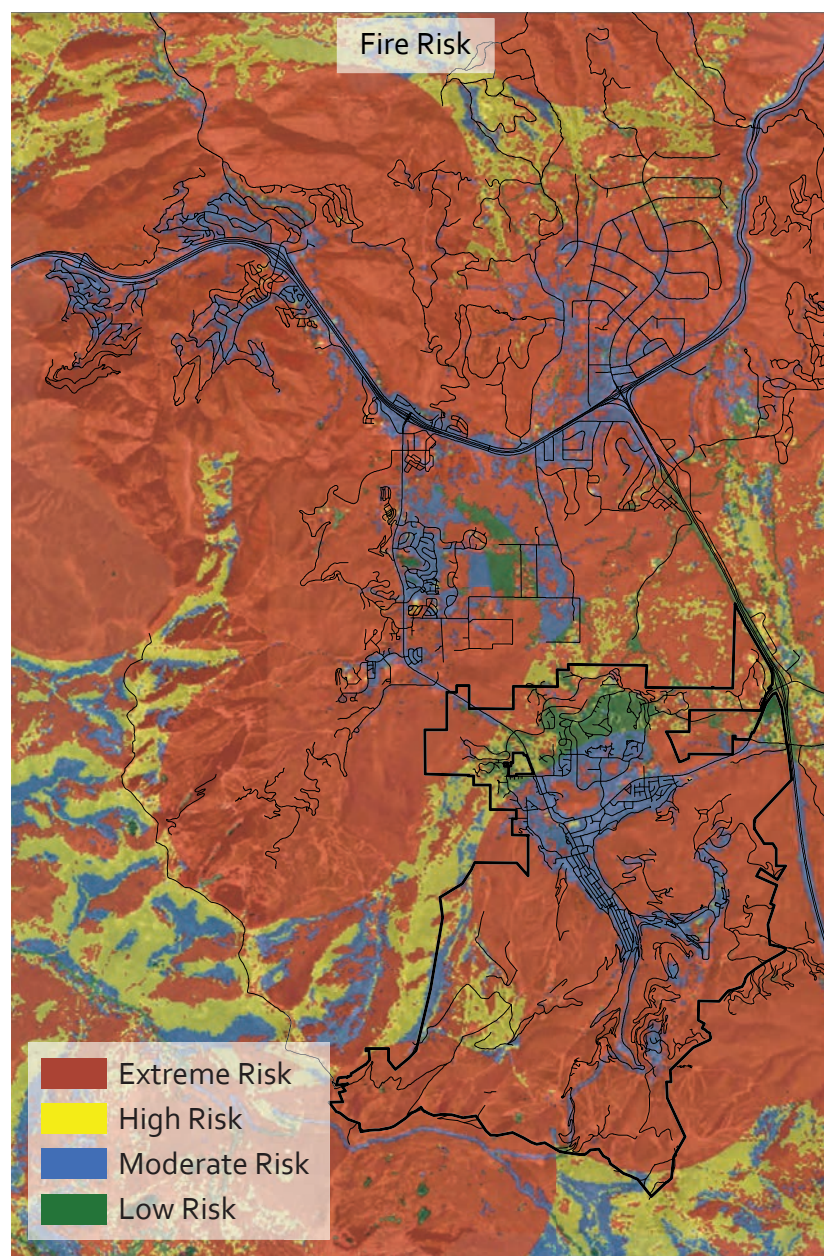
GOAL 6 Park City will implement climate adaptation strategies to enhance the City's resilience to the future impacts of climate change.

While scientists agree that our planet's climate is changing, the effects of climate change vary from region to region. Probable scenarios for the Intermountain West include drought, heat waves, diminished mountain snowpack, earlier snowmelt, catastrophic wildfires, and other disruptions to natural processes and wildlife habitat.¹ Climate change also creates economic uncertainties for our economy which is dependent heavily on snow fall. If our ski season is shortened, what would the impact on our tourism industry and economy be? Would Park City experience decline as it did in the early 20th century with the fall of silver prices? Will more people move to high elevations to escape increased temperatures in other locations thus increasing population demand in Park City? By taking a proactive approach and planning for a variety of probable climate related scenarios, Park City can be well prepared to adapt to climate change, no matter what it looks like.

Principles

- 6A** The City has an obligation to be prepared for probably scenarios that could threaten health, welfare, and safety of residents. Implementation of climate adaptation strategies is necessary to mitigate and become more resilient to wildfire, flood, and drought.
- 6B** Encourage opportunities for local food production and sales if food produced regionally.
- 6C** Support ecosystem health, biodiversity, and natural buffers between development and sensitive lands.





Community Planning Strategies

- 6.1** Implement the Community Wildfire Protection Plan in cooperation with the Park City Fire District and local partners including the ski areas.
- 6.2** Adopt a natural resource management plan to manage wildfire prevention, water conservation, energy conservation, and biodiversity protection.
- 6.3** Regulate permeable surface area of lots to ensure proper drainage, hydrology, and mitigation of heat island effect.
- 6.4** Adopt standards to allow community gardens within neighborhoods and subdivisions.
- 6.5** Zone existing agricultural lands and future agricultural land within the Annexation Declaration Area as low density (1 unit per 60 acres).

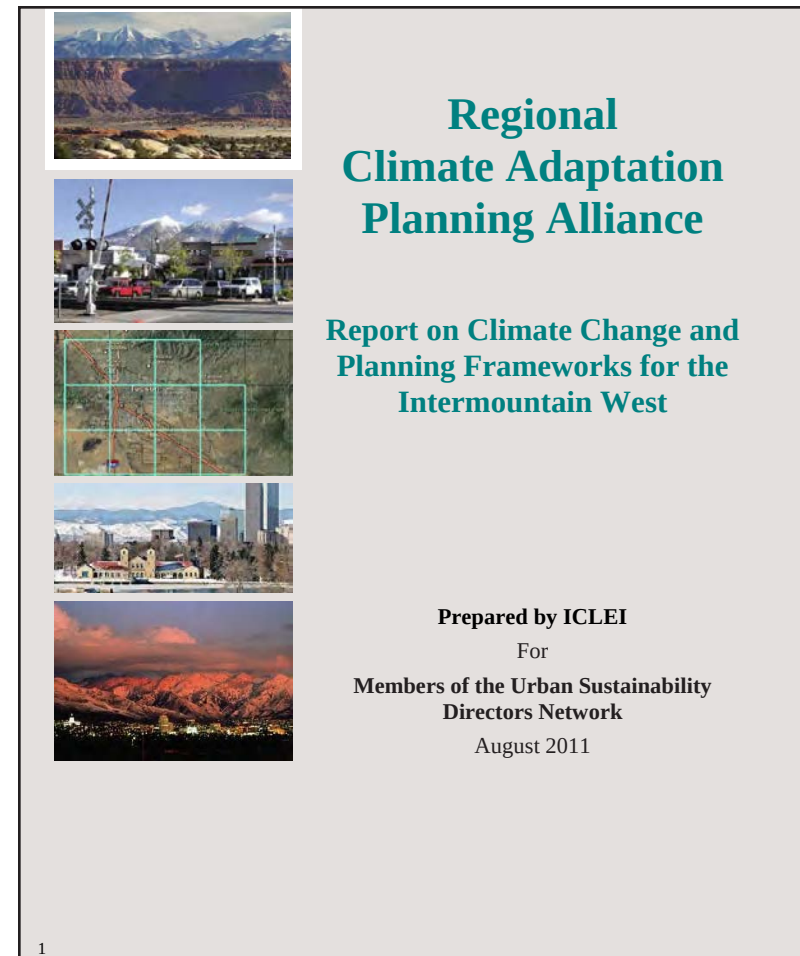
“We are in a unique position to lead with exposure to the nation and the world on how to incorporate sustainable values in the context of an existing historic place.”

Comment from resident during 2009 Community Visioning



City Implementation Strategies

- 6.6** Include climate change in the Hazard and Vulnerability analysis of the Natural Disaster Response Plan.
- 6.7** Utilize regional platforms for information sharing and ongoing dialogue among regional partners to continually improve understanding of shared climate risks and capitalize on regional adaptation opportunities.
- 6.8** Upgrade public infrastructure to manage water supply for extreme (high and low) water years.
- 6.9** Integrate climate adaptation policies into all aspects of public and private planning including water, sewer, and storm water management.
- 6.10** Support innovative technology in water conservation and sustainable snow making.
- 6.11** Explore strategies to incentivize local agriculture including local property tax abatement.



In 2011, Park City participated in a regional adaptation effort that included municipalities from Tucson, Flagstaff, Las Vegas, Salt Lake City, Boulder County, Fort Collins, and Denver known as the Regional Climate Adaptation Planning Alliance. The group's networking efforts culminated in a formal report by ICLEI titled "Report on Climate Change and Planning Frameworks for the Intermountain West".

SENSE OF COMMUNITY

The third of the four core values identified by residents during the 2009 Community Visioning is *Sense of Community*. *Sense of Community* is what unites Parkites - a common ground - despite diverse social, economic, and cultural backgrounds. Park City is a community of involved citizens from many walks of life. While our natural setting and recreational opportunities brought many people to Park City, it is the strong *Sense of Community* that keeps people here. This sentiment was echoed frequently throughout the 2009 community visioning process. It is essential to residents that the *Sense of Community* they know remains intact and retains its funkiness, diversity, and playfulness. In the community interview conducted during the 2009 Visioning, nearly 1 in two responses said the community and its people are what keep them here.

Sense of Community is experienced through the people that choose to live and/or work in Park City. Not only is it common to run into acquaintances at the grocery store, in the lift lines,

and on the trails, it is desirable. There are a number of events, from the 4th of July and Miners Day parades, to the many organized athletic competitions, and free events such as Wednesday night concerts at Deer Valley, that many Parkites attend and enjoy. When residents were asked what made them proud of Park City, second to the Olympics, the community answered "When we rise to a challenge and do the right thing for the community and its people." Community involvement is strong in Park City, evidenced through the eighty-five (85) non-profits in existence in 2012.¹

Despite our strengths, we still face our fair share of challenges. Nearly one in two respondents to the community interviews felt that our community was splitting apart along class boundaries, with the workforce being pushed out in favor of the wealthy. Nearly 15 percent felt that there is now a social separation between long-time Park City residents and newcomers. Housing affordability, social equity, and economic opportunities are three (3)

of the main challenges Parkites must confront in the coming years. If we do not, we will jeopardize our strong *Sense of Community*.

Median home prices in Park City are very high compared to the median workforce wage. The workforce and many community members find themselves in a sort of community limbo. They feel they are a part of the Park City community, but cannot actually live here because they cannot afford to buy or rent a place to call home. As affordable housing becomes ever more challenging, many residents are wondering, "For whom are we preserving Park City?" In the last decade, the number of homes occupied by full time residents decreased from 41% of all housing units in 2000 to 30% in 2010. The number of second homes increased by 66% during that same period, while primary homes grew by only 7%.² Although these numbers may seem threatening to the core value *Sense of Community*, they are simultaneously responsible for many of the unparalleled community assets that are the lure of the small town.

Currently our residents enjoy a quality of life that is unprecedented

for a town of 7,500 persons. The quality of education, recreation, and infrastructure services is due mostly in part to our tourism economy and second home owners. Tourists, attracted to the skiing and natural setting, bring substantial visitor and tax dollars into our town every year. Continued support of the tourism economy is essential to maintain the lifestyle and economic benefits that Parkites enjoy. Balance between *Sense of Community* and the function of national and international host must continue to be a focus as the City evolves.

It is essential that Park City does not lose its character in order to remain competitive in the tourism industry. It is also essential that the resorts evolve with the tourism industry. Thoughtful planning can lead to balance between the two, ensuring a place desirable for locals and tourist alike, resulting in friendly service from locals, inclusivity from the resorts, and elevated *Sense of Community*.

Our *Sense of Community* is supported also through creating a variety of local business and job opportunities for residents. The largest employment



sector in Park City during 2010 was the leisure and hospitality industry, which includes jobs in the arts, entertainment, recreation, accommodation, and food services sectors. Around 5,682 people had jobs in this industry, accounting for nearly 45 percent of all employment in Park City. In addition to being the largest employment industry in Park City, workers in the leisure and hospitality sectors are also the lowest paid, receiving an average income of \$2,063 per month. Supporting policies

to attract a mix of businesses can result in greater opportunities for Park City residents to work locally. Diversifying our economy can also provide the opportunity for higher wage jobs and overall greater stability. In theory, if higher paying jobs were created that increase the median workforce wage, there would be an increase in the number of employees that could afford to live within Park City. This would strengthen the *Sense of Community*.

GOAL 7 Create a diversity of housing opportunities to accommodate the changing needs of residents.

“Life-cycle” housing is housing stock that meets the needs of residents throughout their life providing opportunities to age in place rather than move between towns during the different stages of life to meet their needs at the time. By creating a mix of housing stock at varying price ranges, size, and design, residents will have local options whether they are seasonal workers, young professionals, families, empty nesters, or retirees. Having options on all rungs of the housing ladder ensures opportunities within the community throughout residents’ entire lives. This translates directly into neighborhood, community, and regional stability. A community that can rely upon access to adequate housing choices near employment centers and services spends less time commuting and has the opportunity for greater involvement and participation within their community. Life-cycle housing is essential to preserving the core value *Sense of Community*.



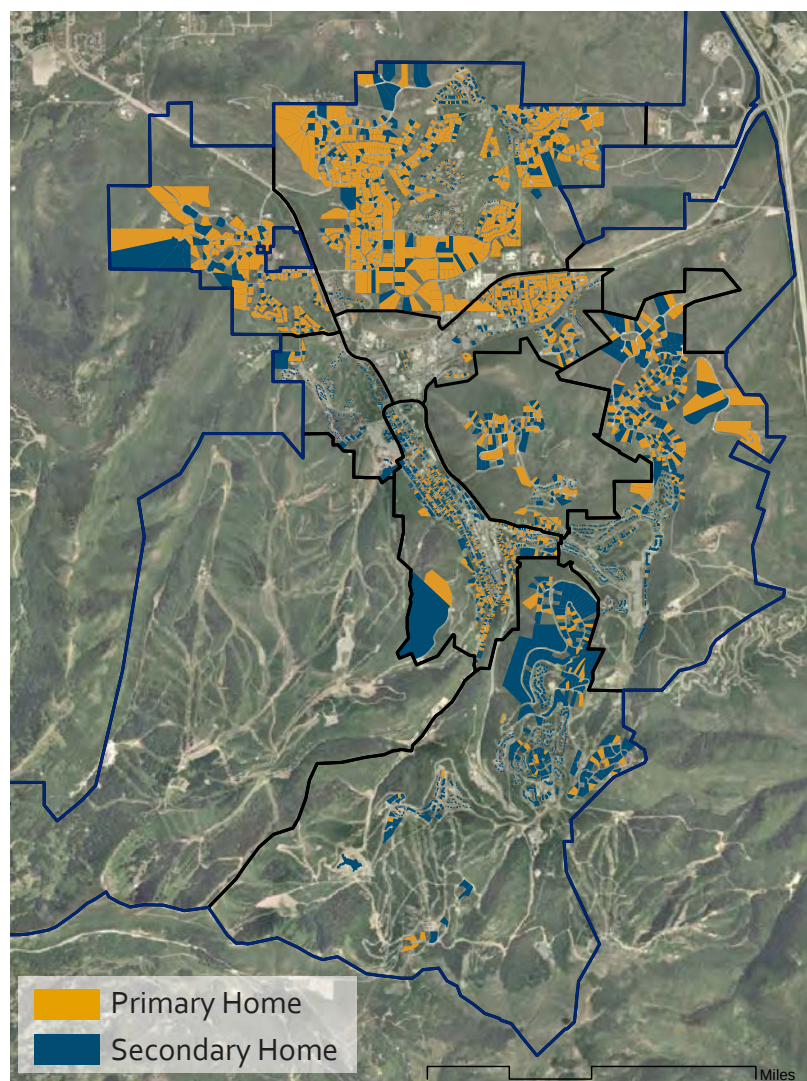
Principles

7A Increase diversity of housing stock to fill voids within housing inventory (including price, type, and size) to create a variety of context sensitive appropriate housing opportunities within all neighborhoods.

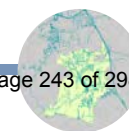
7B Focus efforts for diversity of housing stock within primary residential neighborhoods to maintain majority occupancy by full time residents within these neighborhoods.



Tammy Paulson ©



Park Meadows, Bonanza Park and Prospector, and Thaynes Canyon are the three Park City neighborhoods dominated by Primary Homes. In these neighborhoods diversity in housing stock should be encouraged within the LMC in order to maintain these neighborhoods for locals.



Community Planning Strategies

7.1 Identify sites within primary residential neighborhoods in which one or more of the following could be accommodated and/or encouraged:

7.1.1 Decreased minimum and maximum lot size requirements.

7.1.2 Increased density.

7.1.3 Smaller residential units to create market rate attainable housing in Park City and/or "move down" housing options for seniors in the community.

7.2 Revise zoning codes to permit a wider variety of compatible housing types within each Park City neighborhood.

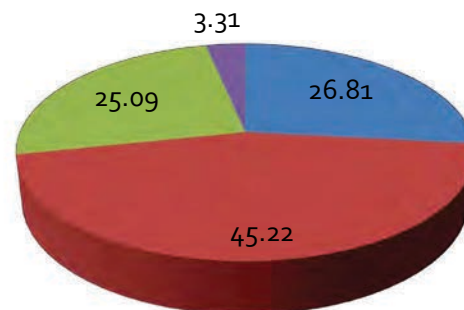
7.3 Explore new and emerging trends for non-traditional housing developments, such as co-housing, congregate housing or limited equity co-ops, within primary residential neighborhoods. Create of specific review standards to ensure compatibility and mitigation of impacts is necessary.

7.4 Focus nightly rental within resort neighborhoods.

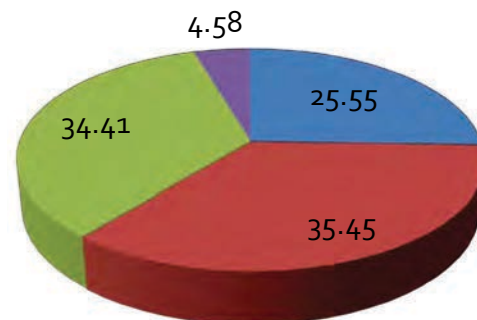
7.5 Support start-up of a scattered site land trust.

Percent of Park City Population per Age Category

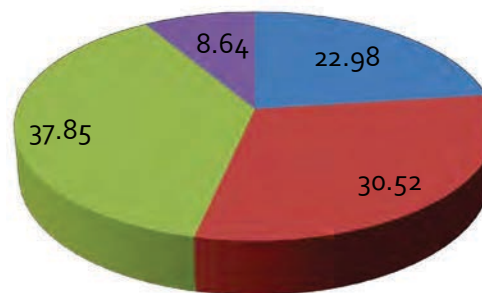
■ 0 - 19 ■ 20 - 39 ■ 40 - 64 ■ 65 +



1990



2000



2010

Park City is growing older. The age groups that have grown the most in the past two decades are 40-64 years old and 65+.

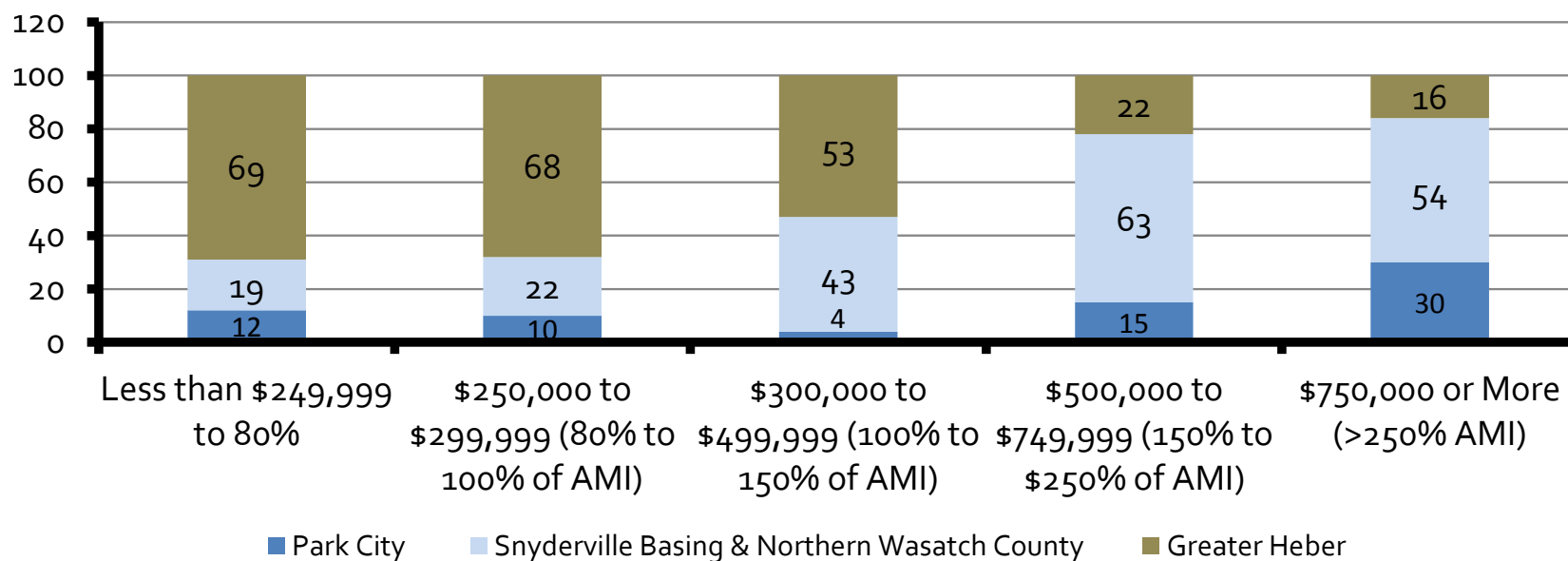
City Implementation Strategies

7.6 Update residential housing inventory analysis every 5 years with analysis on for purchase and rental price, type, and size of units. Subsequently, update affordable housing policy and general plan to guide new strategies to be implemented within the Land Management Code.

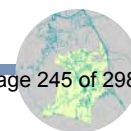
7.7 Utilize RDA funding to retrofit existing, aging residential housing stock.

7.8 Leverage the state required 20 percent of RDA funds for affordable housing to secure greater resources for housing needs city-wide.

% of Region's Owner Units at Different Income Levels in Each Place, 2010



Resident's needs change during their lifetime, creating demand for various housing types and prices. In Park City, many residents are forced to move into the Snyderville Basing, Northern Wasatch County, and the Greater Heber Area due to the lack of housing options for residents making up to 150% of area median income.



GOAL 8 Provide affordable housing opportunities for the residents and work force of Park City.

There is a broad spectrum of affordable housing needs in Park City due to the desirability and high cost of living within a resort community. The gap between housing prices and area median income has continued to grow with the median home price rising dramatically and household income increasing only marginally. The 2010 median real estate value to median income ratio was 12.14. This means that the median home price is 12.14 times the median household income. Typically, housing is within reach for purchase if it is priced at three (3) times the household income. In the past decade, there were very few opportunities for ownership for moderate-income household (80% of AMI) - zero opportunity for single-family homes and only 16.8% of condos within their buying power. This results in few housing opportunities for future residents.

The lack of housing opportunities has a negative impact upon our *Sense of Community*. In the 2011 National Citizens Survey, availability of

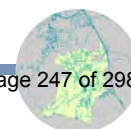
Principles

- 8A Provide increased housing opportunities that are affordable to a wide range of income levels within all Park City neighborhoods.
- 8B Increase rental housing opportunities for seasonal workers in close proximity to resorts and mixed use centers.
- 8C Increase housing ownership opportunities for local residents within primary residential neighborhoods.

affordable quality housing and variety of housing options were ranked “much worse” in Park City in comparison to 237 other jurisdiction through-out the United States. When a community no longer has housing options for its core workforce – which in Park City’s case is everyone from police officers, teachers, electricians, laborers, restaurant workers and beyond, the vibrancy and diversity of a community are threatened.

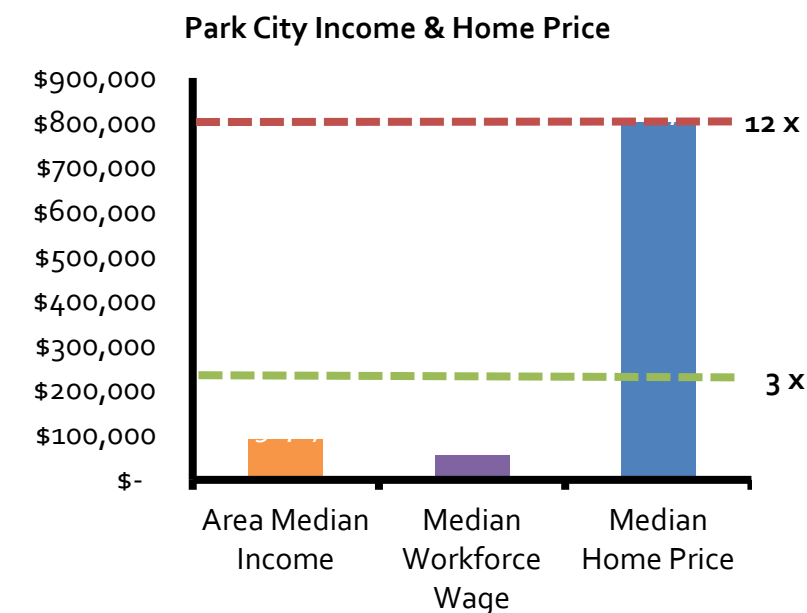
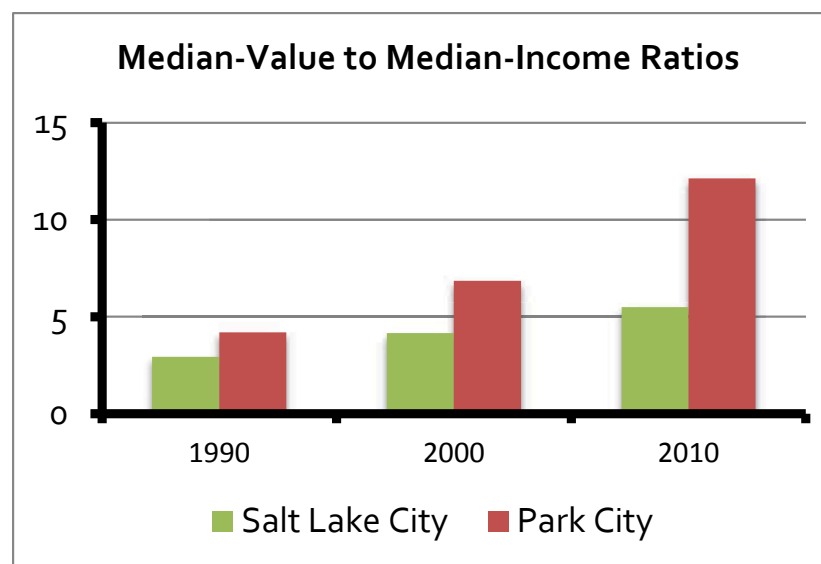
Protecting *Sense of Community* requires government officials to make difficult policy decisions. The costs associated with preserving the core values of

Natural Setting, Historic Character, and Small Town, are often placed on the developer and/or the residents. As these three core values are protected, living in Park City becomes more desirable and less affordable, threatening *Sense of Community*. This unintended consequence must be countered through difficult policy decisions regarding negative impacts of success. Reinvestment in workforce and affordable housing is essential to protect *Sense of Community*.



Community Planning Strategies

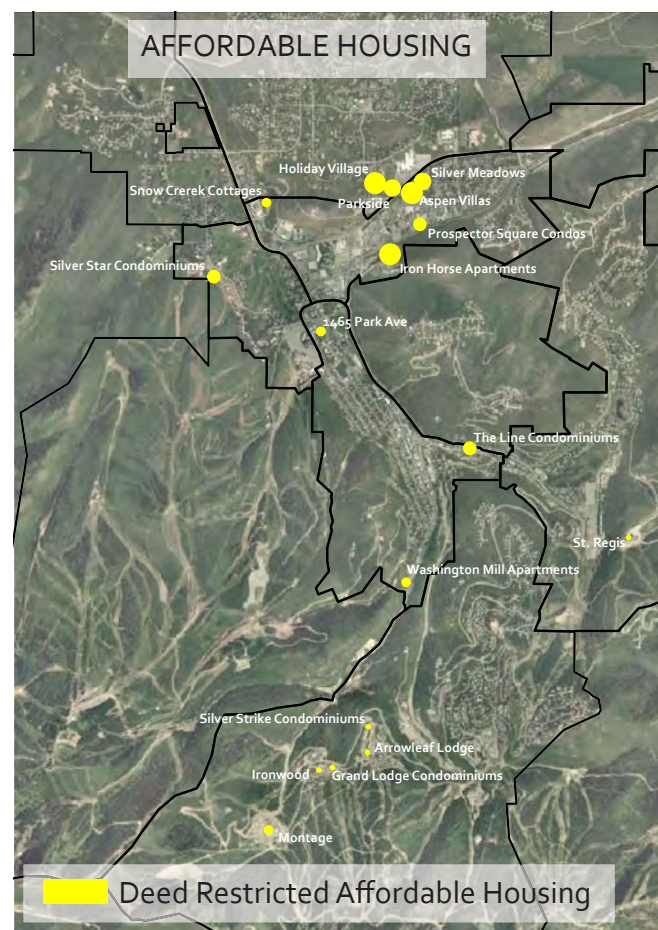
- 8.1** Increased affordable housing opportunities through implementation of strategies within the housing toolbox. (Page _)
- 8.2** Broaden income qualifications for housing programs (% of AMI) to reflect wide-range of housing needs.
- 8.3** Actively monitor the type, condition, and tenure of affordable housing options in Park City.
- 8.4** Update incentives for density bonuses for affordable housing developments to include moderate and mixed income housing.
- 8.5** Adopt streamline review process for projects that are at least 80 percent affordable housing projects.
- 8.6** Evaluate the Land Management Code to remove unnecessary barriers to affordable housing.
- 8.7** Review In Lieu fee to consider value of land of proposed development within fee.
- 8.8** Economic review of Affordable Housing Master Planned Development to amend according to existing economics. This review should be completed in conjunction with the housing needs assessment during the regular five year review.



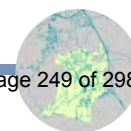
City Implementation Strategies

- 8.9** Implement a regional housing approach identifying opportunities to collaborate with Summit and Wasatch County to address the region's housing challenges.
- 8.10** Update the Park City housing resolution every five years at a minimum to comply with State and Federal regulations and continue to meet housing needs in Park City.
- 8.11** Dedicate funding stream from recognized influences on housing affordability, such as RDA funds, second homeowner taxes and/or resort sales tax, into an affordable housing fund. Utilize fund to implement strategies within the affordable housing tool box.
- 8.12** Prevent loss of existing affordable housing through retrofitting existing stock with necessary repairs, energy efficiency upgrades, and extending deed restrictions.
- 8.13** Support cost savings policies for affordable housing including fee waivers, rebates, and grants for low-income and mixed-income developments.
- 8.14** Provide best practices for employer-assisted housing to encourage large employers to provide housing assistance for employees.
- 8.15** Identify and acquire property for the future development of affordable housing.

- 8.16** Continue to act as a community resource, providing information and education of available diversity of innovative housing structures and lending options.
- 8.17** Prioritize housing acquisitions that support multiple City goals, such as historic preservation and/or carbon reduction.



In 2012, 465 deed restricted affordable housing units existed within 34 locations. The locations are labeled within the map.



GOAL 9 Park City shall continue to provide unparalleled parks and recreation opportunities for residents.

Park City is a lifestyle community and a community of choice. Year round residents that relocated to Park City, most likely did so to fulfill a lifestyle choice. Parkites were asked “what brought you here?” in the 2009 Visioning. The most common response (31%) was skiing and the snow. When asked “what keeps you here?” respondents expressed the community and people (55%) as the foremost appeal, followed by mountain lifestyle and quality of life (53%), and recreation was the fifth most popular response (24%); although one can assume that recreation is also included in mountain lifestyle (e.g. skiing, mountain biking, hiking). The results are telling—Parkites love to recreate.

Park City has done an exceptional job at providing unparalleled parks and recreation opportunities for residents and visitors. In its 2011 National Citizen Survey, residents responded with overwhelming satisfaction for the recreational opportunities in Park City. Out of 239 communities that

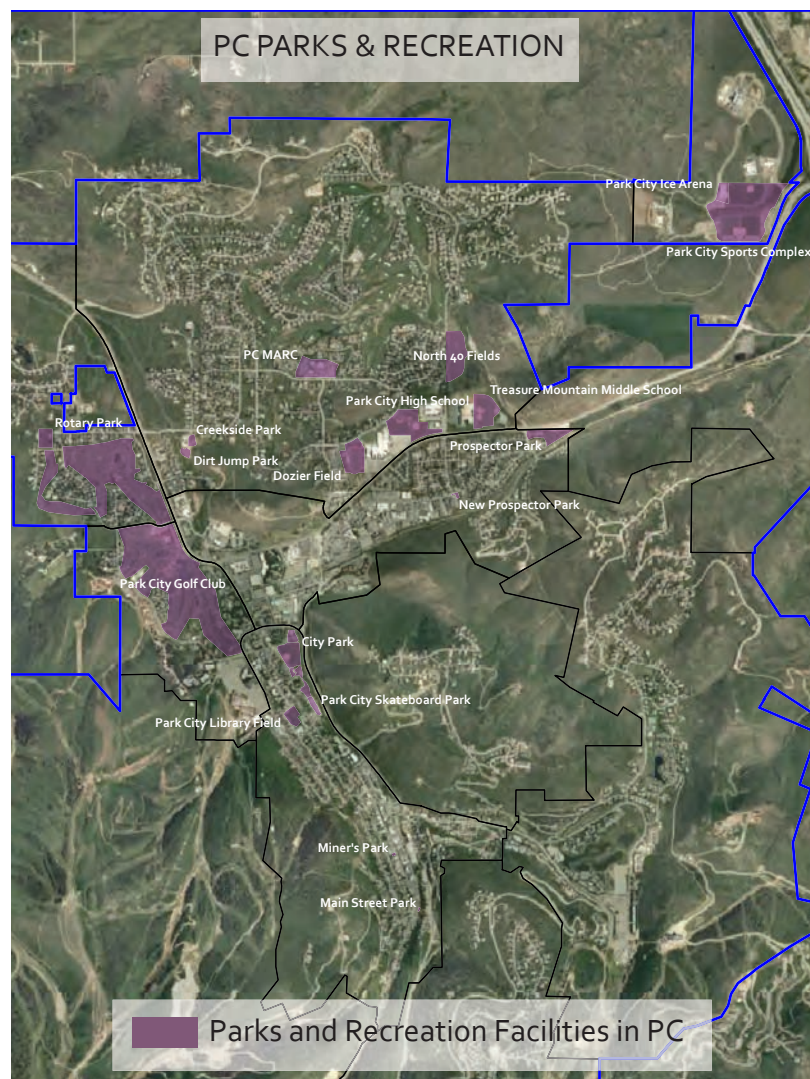


have been surveyed, Parkites were the most satisfied (Ranked #1) out of all the communities with the recreational opportunities available. The City

received a 2012 Voice of the People Award from the International City/County Management Association in recognition of this rating.

Principles

- 9A Maintain local recreation opportunities with high quality of service, exceptional facilities, and variety of options.
- 9B Locate recreation options within close vicinity to existing neighborhoods and transit for accessibility and to decrease vehicle miles traveled. Grouping facilities within recreational campuses is desired to decrease trips.



The majority of Park City's recreation facilities are located in close proximity to residential neighborhoods. This adds to sense of community through the shared public realm and decreases VMT.

Community Planning Strategies

- 9.1** Adopt design standards for sports facilities that require complimentary architectural design, local materials, and natural screening within existing neighborhoods.
- 9.2** When identifying future locations for recreation the following should be prioritized:
 - 9.2.1** Accessibility by public transportation, trail system, and/or walkability.
 - 9.2.2** Proximity to end user and neighborhood needs.
 - 9.2.3** Providing facilities for under served areas within primary residential neighborhoods.
 - 9.2.4** Impact assessment (light, noise, parking) of facilities on neighborhoods quality of life.
- 9.3** Continue long-range planning efforts to anticipate recreation needs of future generation.

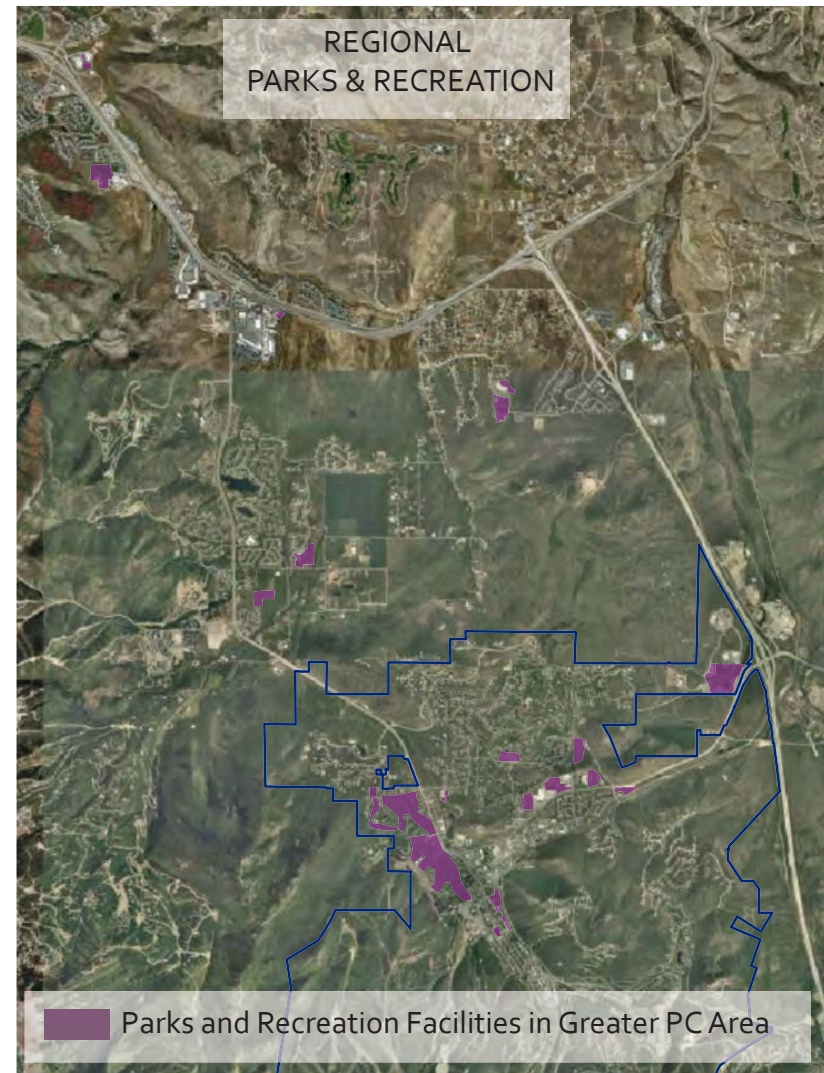


Above: The PC MARC is central to the Park Meadows neighborhood. This central location within a residential neighborhood has become a community gathering spot. The design compliments the existing neighborhood. Below: The bike jump park is located at the entry to Park Meadows neighborhood and along the popular Silver Creek trail. Trail connectivity and proximity to local neighborhoods provide safe access for children.



City Implementation Strategies

- 9.4 Create Custom Level Of Service (LOS) based on user feedback. Park City will monitor the needs of the community through demand surveys and citizen satisfaction surveys and adapt facilities and service levels accordingly.
- 9.5 Continue to work collaboratively with Snyderville Basin Special Recreation District (SBSRD) and the Park City School District (PCSD) to manage and plan facilities on a region scale.
- 9.6 Update recreation master plan to reflect regional management and long range planning effort to maintain high level of service.



Park City, Snyderville Basin Special Recreation District, and the Park City School District have collaborated to provide residents with unparalleled Parks and Recreation services that double as facilities for visitor use during tournaments and competitions.

GOAL 10 Park City shall provide world-class recreation and public infrastructure to host local, regional, national, and international events thus furthering Park City's role as a world-class, multi-seasonal destination resort community.

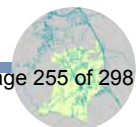
Park City's economy is dependent on recreation tourism. The City should continue to improve recreational infrastructure as an economic development tool to remain competitive as a world-class multi-season destination resort community. Professional fields, ice rinks, and recreation courts enable Park City to host large professional level events. Implementing current industry standards permits the Park City facilities can be utilized for regional, national, and international competitions. This can improve the economic health of the City year-round and especially during the shoulder session by populating hotels, restaurants, and shops. The larger events also help to subsidize local recreation programs. As Park City continues to prioritize recreation tourism with infrastructure improvements, hosting another winter Olympics may become a reality.



Tam Poulson ©

Principles

- 10A** Maintain competitive as a world-class, multi-season, destination resort community by increasing year round recreation events and demand on resort support services, such as hotels and restaurants.
- 10B** Balance increased tourism attractions with preservation of small town character and quality of life. Locate larger tourist attractions close to resorts and/or existing facilities. Locate community facilities close to primary residential areas.
- 10C** Public infrastructure improvements and programming should consider the visitor experience to Park City during large events and master festivals.



Community Planning Strategies

- 10.1** Adopt City policy to include consideration of current industry standards for new recreation facilities and remodels to enable hosting world class events while benefiting the local's quality of life.
- 10.2** Support opportunities for high altitude training centers. Allow short term housing opportunities for visiting teams and athletes.
- 10.3** Research opportunities for the location of a high altitude training center.
- 10.4** Allow cutting edge, green technology in appropriate areas to visually represent Park City's commitment to sustainable tourism.

"Park City needs to be a year round attraction with more events and activities."

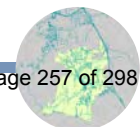
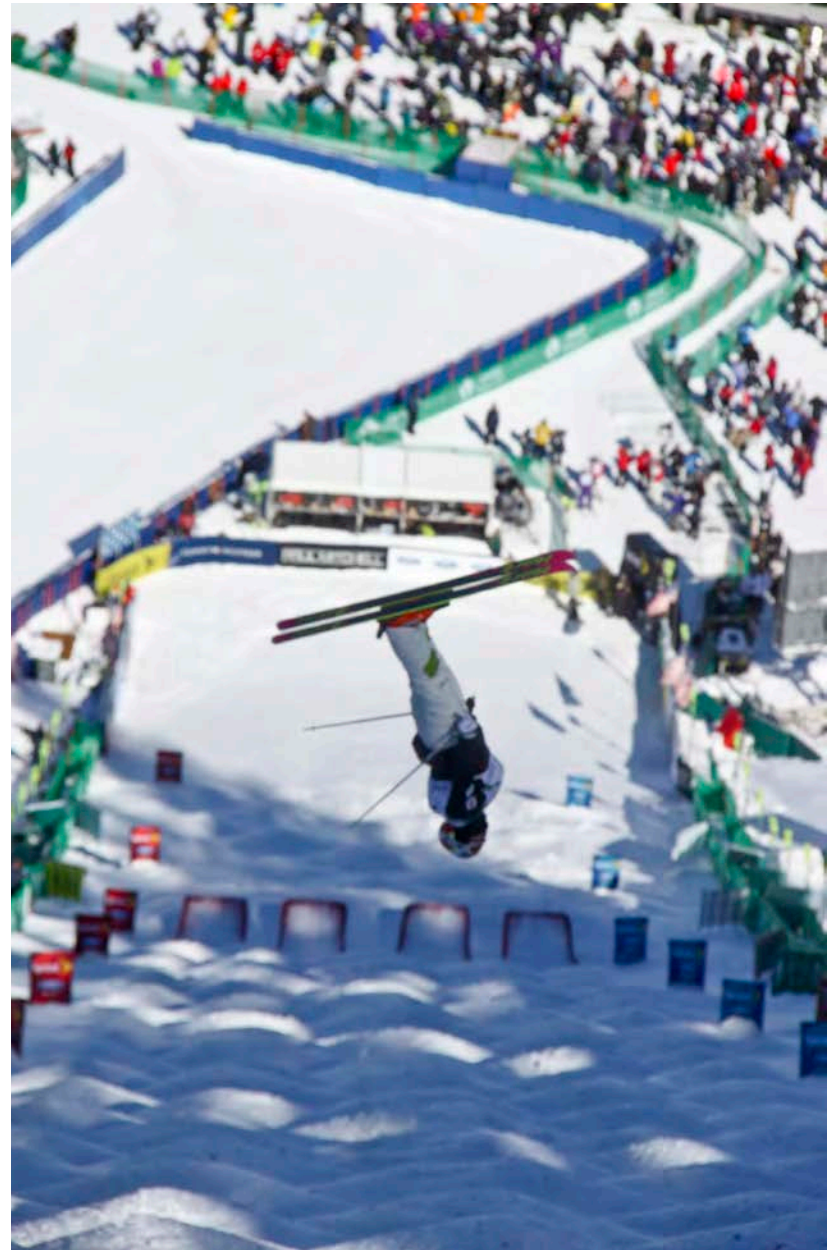
Comment from resident during 2009 Community Visioning



In 2009, the USSA Center of Excellence opened in Quinns Junction. Future Olympians utilize the facility to train year round. Lower Image by Paul Richer

City Implementation Strategies

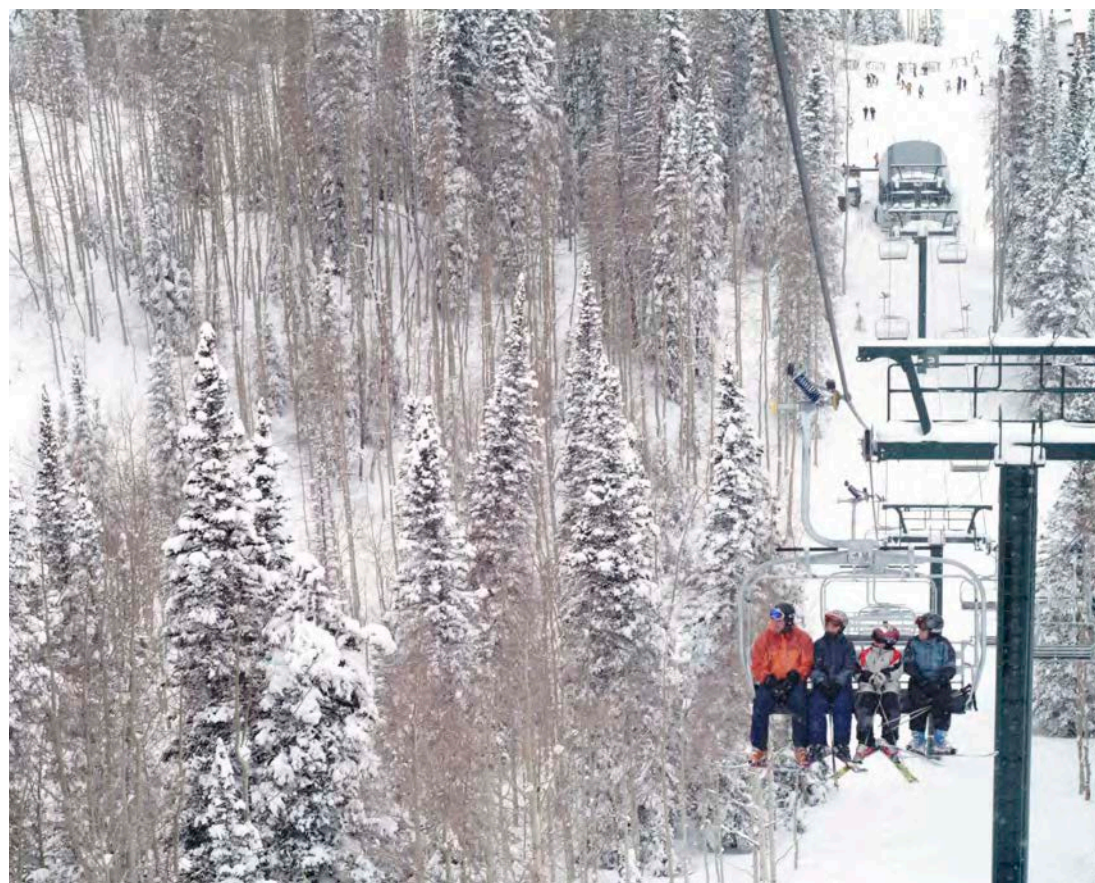
- 10.5** Maintain policies within each public recreation facility to manage local use and non-resident use.
- 10.6** Collaborate with local hosts to attract additional national and international sporting events year round.
- 10.7** Fund a study to research benefits and impacts of a connected regional ski lift system.
- 10.8** Support future efforts to host a second Winter Olympics.
- 10.9** Public infrastructure policy should provide visitors with the Park City experience, including cutting edge technology which exhibits Park City's commitment to the visitor experience and the environment.



GOAL 11 Support the continued success of the tourism economy while preserving the community character that adds to the visitor experience.

The resort economy is the primary economic engine for Park City and Summit County. Park City's resorts captured an average of 40 percent of total Utah skier days between 1996 and 2010. Since 1995, total taxable sales in Park City have more than doubled, rising from \$289,806,859 to \$605,997,311 in 2010.¹ Many business owners have chosen to invest within Park City due to the high demand by visiting tourists for retail, accommodations, and resort support. As Park City continues to grow and redevelop, it is essential that the City provides support to its resort economy and assist in the effort toward a year-round resort community.

Another key component to economic success is maintaining a distinct *Park City Experience*. The strategy of "Keep Park City, Park City" goes beyond the necessity to protect the core values identified in the community vision. It is a strong marketing tool in an age when many resort towns have become overrun by national chains



and have lost their unique identity and visitor experience. Achieving balance between resort-oriented development

and a strong sense of place is an essential strategy to protect the *Park City Experience*.

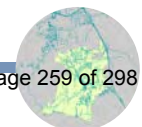
Principles

11A The vibrancy of Park City's resorts is essential to the success of resort support businesses. The City must provide flexibility to allow the primary resorts to evolve with the tourism industry, increase occupancy rates year round, and create more demand for the resort support industries throughout the City.

11B Preservation of our community core values of *Small Town, Natural Setting, Sense of Community, and Historic Character* is essential to maintaining the unique *Park City Experience* for visitors and residents. Regulate design of new development to compliment the Community's core values and protect the *Park City Experience*.



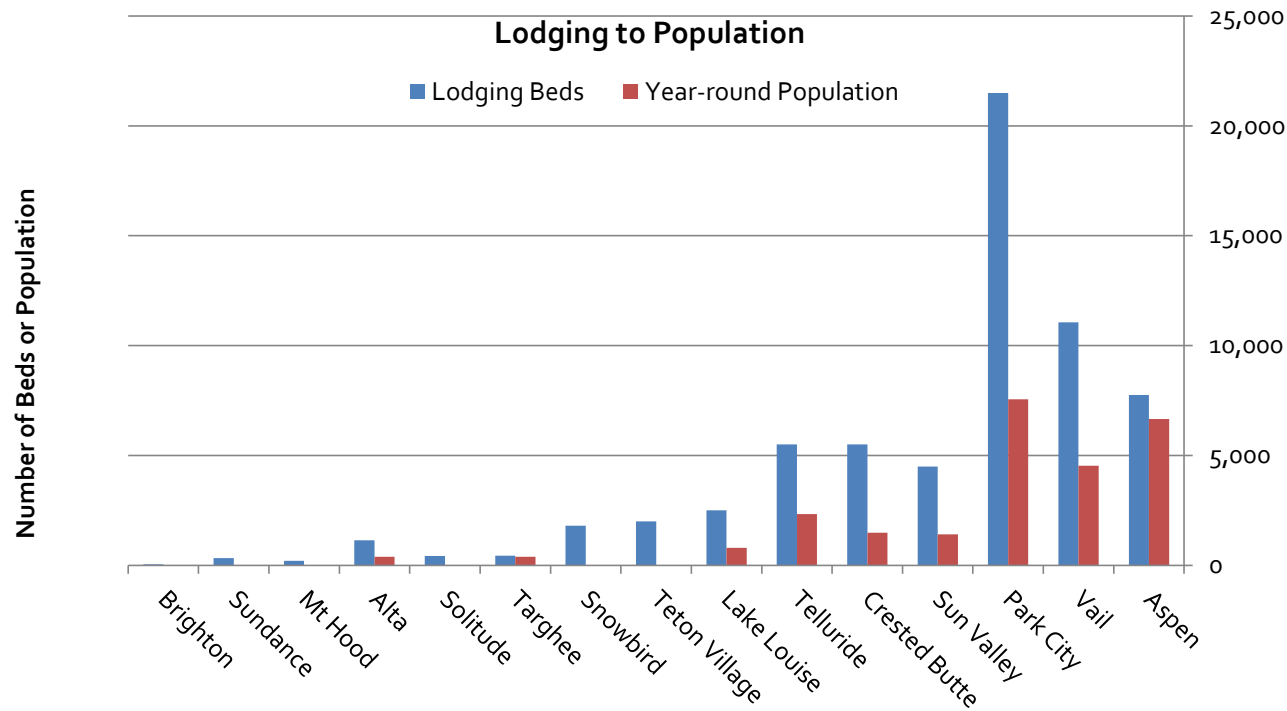
“In an era when consistency is the drumbeat of national businesses, franchises, and production builders, communities that preserve references to their past emphasize their uniqueness. Distinctive community character can be an important factor in attracting businesses and residents, and can build civic pride. Conserving buildings is thus an important strategy for promoting sustainability. Even in the absence of historic architecture, community character can be strengthened through the creation of a generous public realm, respect for topography and natural features, and the development of new residential and commercial areas that encourage social contact.”



Community Planning Strategies

- 11.1** Provide flexibility to the two primary resorts in town within Master Planned Development amendments to allow the primary resorts to evolve with the tourism industry and increase occupancy rates year round.
- 11.2** Protect the attributes of the City that make Park City unique.

- 11.3** Facilitate the establishment of more year-round visitor attractions within the resort neighborhoods and commercial districts.
- 11.4** Limit visitor-oriented development and nightly rental to existing resort neighborhoods. Restrict nightly rental from primary residential neighborhoods.
- 11.5** Adopt city-wide design standards to maintain the aesthetic experience of Park City.



The leisure and hospitality industry has grown tremendously over the past decade. The number of hotel/nightly rental beds supersedes the inventory of nearby competition. To support existing business and ensure that the market does not become over saturated, Park City should conduct a lodging supply and demand study. The findings of this study should be utilized to make land use decisions for future hotel development.

City Implementation Strategies

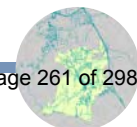
- 11.6** Implement redevelopment projects within the Lower Park Avenue RDA to allow the tourism industry to evolve while contributing positively to the residents' quality of life.
- 11.7** Acquire open space recognizing that protection of the *Natural Setting* is essential to the distinct *Park City Experience* for tourism.
- 11.8** Promote Main Street as a primary attraction within the City.
- 11.9** Support local-owned, independent businesses that reflect the core values of Park City and add to the Park City experience.
- 11.10** Research creative adaptation strategies for the ski industry to attract customers year-round, thus increasing demand on local resort support industries.
- 11.11** Promote the Olympics as a living legacy through the continued adaptation of Olympic Facilities for training, hosting world class events, and as a visitor attraction.
- 11.12** Conduct a lodging study to determine the amount of hotel, condo, and other nightly rental accommodations to meet visitors' needs, prevent over saturation of the market, support existing investments in local lodging, and increase occupancy rates.

11.13 Encourage more frequent visitation by second homeowners.

11.14 Improve and standardize Park City's way finding and signage system.



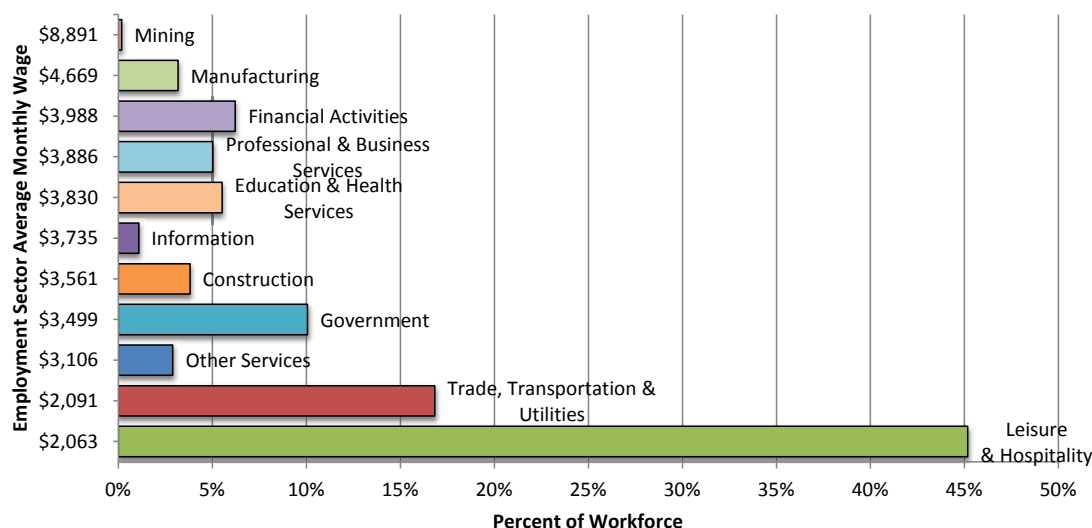
Camp Woodward in Tahoe, CA has brought balance to the seasonal ski resort with year-round vibrance.



GOAL 12 Foster diversity of jobs to provide greater economic stability and new opportunities for employment in Park City.

The largest employment sector in Park City during 2010 was the leisure and hospitality industry, which includes jobs in the arts, entertainment, recreation, accommodation, and food services sectors. Around 5,682 people had jobs in this industry, accounting for nearly 45 percent of all employment in Park City. In addition to being the largest employment industry in Park City, workers in the leisure and hospitality sectors are also the lowest paid, receiving an average income of \$2,063 per month. Over the past decade, wages in this industry have remained roughly the same, increasing only 1%, in real terms.¹ Park City's high real-estate costs combined with low paying jobs results in spatial mismatch (separating where people live from where they work), for both residents of Park City and employees within the City limits. By diversifying the local job market, more opportunities will be created for residents of Park City to make a living locally.

Park City Distribution of Workforce Wages, 2010

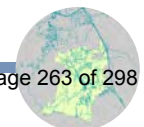


Principles

- 12A** Retain and expand existing Park City businesses.
- 12B** Improve the balance of jobs to housing ratio in Park City through efforts to attract higher paying jobs and workforce housing strategies.
- 12C** Support local owned, independent businesses that reflect the core values of Park City and add to the Park City experience.
- 12D** Discourage national commercial retail chains on Main Street and the negative impacts of big box and nation chains on the unique *Park City experience*.



Tony Paulson ©



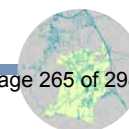
Community Planning Strategies

- 12.1** Maintain commercial and light industrial uses within the City limits to meet the needs of residents and visitors. Develop and monitor an inventory of commercial and industrial space to support local businesses, prevent economic leakage, and decrease vehicle miles travelled.
- 12.2** Foster live-work opportunities in commercial area.
- 12.3** Establish a neighborhood economic development tool for the Bonanza Park District to recycle increased tax revenues into the redevelopment area, thus creating a funding source for infrastructure, public/private partnerships, and improvement to the public realm.



City Implementation Strategies

- 12.4** Support and attract businesses through implementation of the economic development toolbox.
- 12.5** Utilize economic development tools to support start-up opportunities for local businesses that augment the *Unique Park City Experience*. Public investment in a Park City business incubator center should be considered.
- 12.6** Attract businesses focused on High Altitude training, goods, and/or services that complement Park City's sustainability initiative to relocate to Park City.
- 12.7** Provide competitive, cutting-edge technology infrastructure in areas targeting business growth.
- 12.8** Continue regional coordination with economic development partners to develop programs and support services to attract new business to the region. Inform businesses of current opportunities and advantages of the region such as site location savings, labor force, infrastructure, cost of business, portfolio of available properties, quality of life, and economic development incentives.
- 12.9** Research possibility of creating a revolving loan fund to provide gap financing for new and expanding local businesses. Criteria should be created to ensure funding only be considered for businesses that complement the community vision and goals of the City.
- 12.10** Promote Park City's exceptional quality of life to attract workforce of virtual workforce businesses.
- 12.11** Support educational opportunities for the workforce of targeted employment sectors
- 12.12** Identify and implement opportunities for public-private partnership opportunities to diversify employment opportunities in Park City and increase workforce wages.



GOAL 13 Park City will continue to grow as an arts and culture hub encouraging creative expression.

Park City has evolved into a regional center for arts and culture. In 1976, the Kimball Arts Center was created by local arts enthusiast Bill Kimball. The non-profit community center for the visual arts hosts the annual Kimball Arts Festival, Utah's first and longest running visual arts festival. Artists from across the nation display their artwork along Main Street for the three day festival. The Kimball Arts Center has acted as an incubator for local arts over the past three decades offering residents classes, forums for discussion, and a gallery. The annual Sundance Film Festival put Park City on the international map, recognizing the work of independent artists from around the world since 1981. Park City is filled throughout the ten day festival with film enthusiasts from all corners of the globe. The combined influence of the Kimball Arts Center and the Sundance Film Festival has advanced Park City's Main Street into an arts and culture district with performing arts venues and galleries lining the street.



For Parkites, the presence of arts and culture adds to our quality of life through the abundance of diverse local opportunities to enjoy and/or explore the arts through many mediums. The emerging music scene, local film and music series, and local festivals reflect the vitality and appreciation of cultural arts in Park City and contribute to our overall Sense of Community. The smaller scale special events, such as mountain town stages summer concerts, are possible in part to the large tax base generated during large

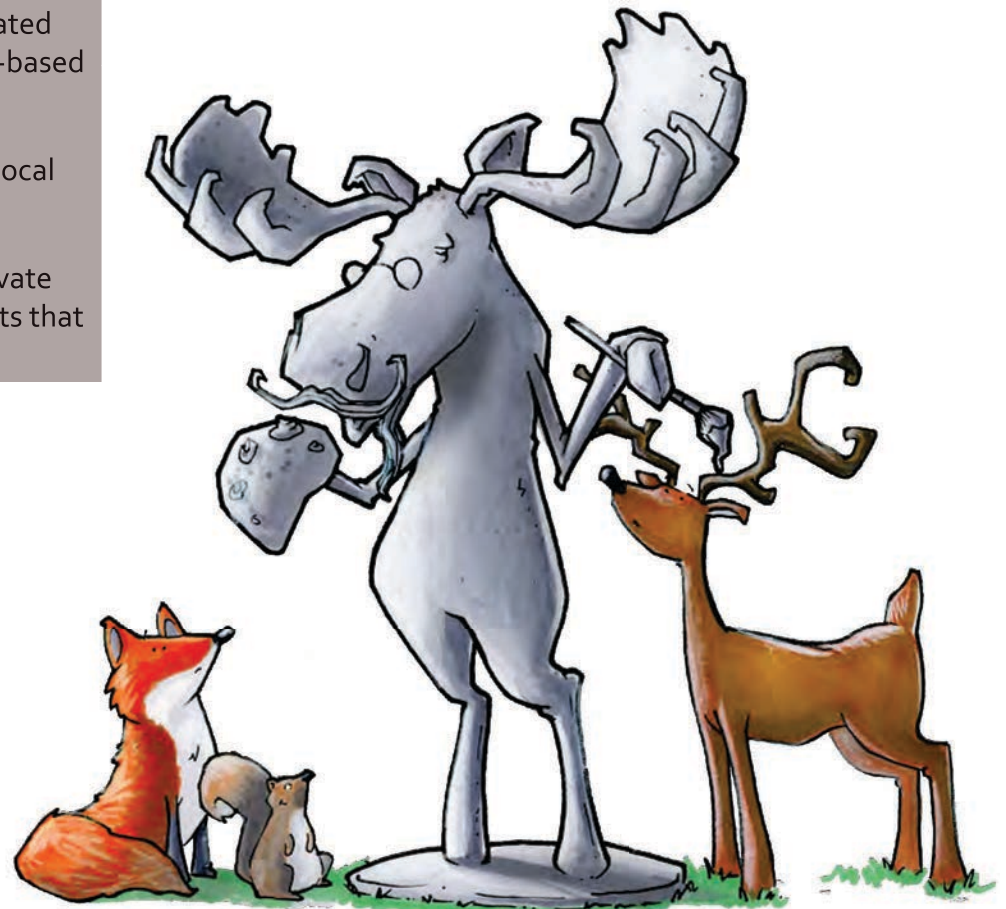
master festivals. To retain the local community arts, the City and business owners must continue to support the larger festivals and events through ongoing reinvestment into local venues and infrastructure to provide the levels of service necessary to host the international and national events. A balance must be maintained to host larger festivals to keep our Main Street healthy, maintain our tourism economy, and continue to express our unique *Sense of Community* through the arts.

Principles

- 13A** Increase cultural, arts, and entertainment-related events that diversify and support our tourism-based economy.
- 13B** Foster and enhance the vitality of Park City's local arts and cultural sectors.
- 13C** Encourage the installation of public art on private property, public space, parks, trails, and streets that represent Park City's core values.

"I wish we were better known
as a cultural destination,
not just a winter sports
destination."

Comment from resident during 2009 Community
Visioning



Community Planning Strategies

- 13.1** Review, revise, and coordinate regulations in the Park City Municipal Code to foster live street performance along Main Street.
- 13.2** Amend the LMC to encourage the installation of art within the built environment, including private property and the public realm.
- 13.3** Within Master Planned Developments, develop review criteria to suggest inclusion of arts spaces in the public realm.

During the 2012 Festival, 5,700 of the more than 46,000 visitors were international visitors. Park City, Salt Lake City, Sundance Resort, and Ogden all act as host for film venues. Approximately 93% of out-of-state festival attendees plan to see the majority of their films in Park City. In addition, 30 percent of nonresident attendees said they intended to ski or snowboard during their visit (8,828 people) with Park City Mountain Resort and Deer Valley being the most desired resorts. Approximately seventy-three percent (73%) of out of town guest choose to stay in the Park City limits.¹



City Implementation Strategies

- 13.4** Support events and programming that foster community involvement and promote arts and culture.
- 13.5** Promote the local music scene by encouraging the creation of music festivals and live music downtown during peak weekend shopping hours during the summer.
- 13.6** Showcase the work and achievements of local and regional artists and craftsmen through public art projects, festivals, and events.
- 13.7** Encourage the development and preservation of citizen groups, non-profits, and local businesses that promote arts and culture through events and educational programming.
- 13.8** Sponsor an artist-in-residence program, allowing the public to observe and interact with the artist as he/she creates public art pieces.
- 13.9** Increase funding opportunities for arts and cultural programming and events through innovative funding programs financed by the proceeds of art events and grants.
- 13.10** Support partnerships between nonprofits and businesses to fund educational programming, events, and festivals.
- 13.11** Support partnerships between the resorts and the arts communities to program seasonal workforce housing with visiting artist housing during the offseason.
- 13.12** Create opportunities for changing art exhibits by local artists within city-owned properties as well as privately-owned businesses.

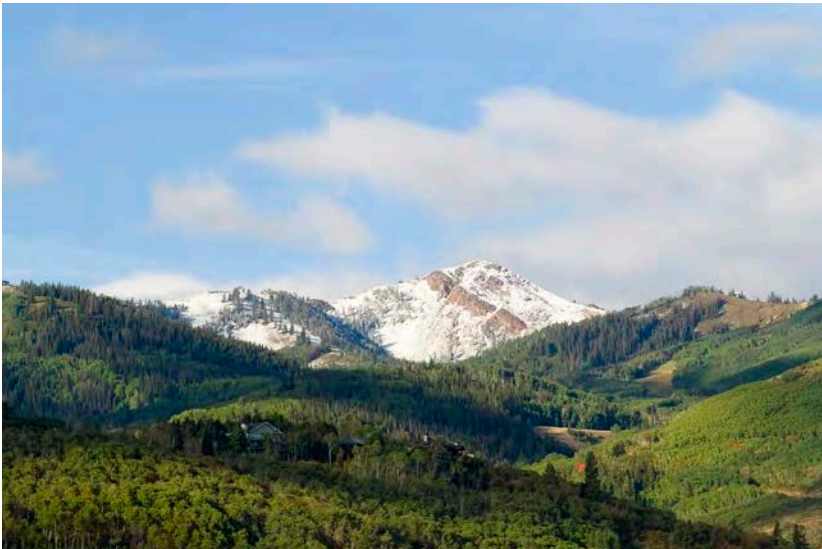


GOAL 14 The future of the City includes limits (ecological, qualitative, and economic) to foster innovative sustainable development, protect the community vision, and prevent negative impacts to the region.

Park City is a dynamic system that continues to evolve and be defined by its community values, natural resources, existing topography, property rights, public and private investment, politics, history and external pressures. The system is flexible; able to adjust to fluctuations and external pressures. As Park City continues to mature, the system should strengthen by adopting policies

that protect the community vision and core values. A healthy system requires limits to run efficiently and not overwhelm the interconnected parts. This is true of Park City. As the City has grown outward through annexations, the system reacted with expansion of infrastructure (e.g. roads, public utilities, public transportation) and increased demand on existing resources (e.g. water, air, public facilities, fire and

rescue, schools, etc.), creating ongoing costs to residents and tax payers and pressure on limited natural resources. Adopting policies to grow within set limits is imperative to maintaining the economic, environmental, and social equity balance of the City and strengthen the City's existing neighborhoods.

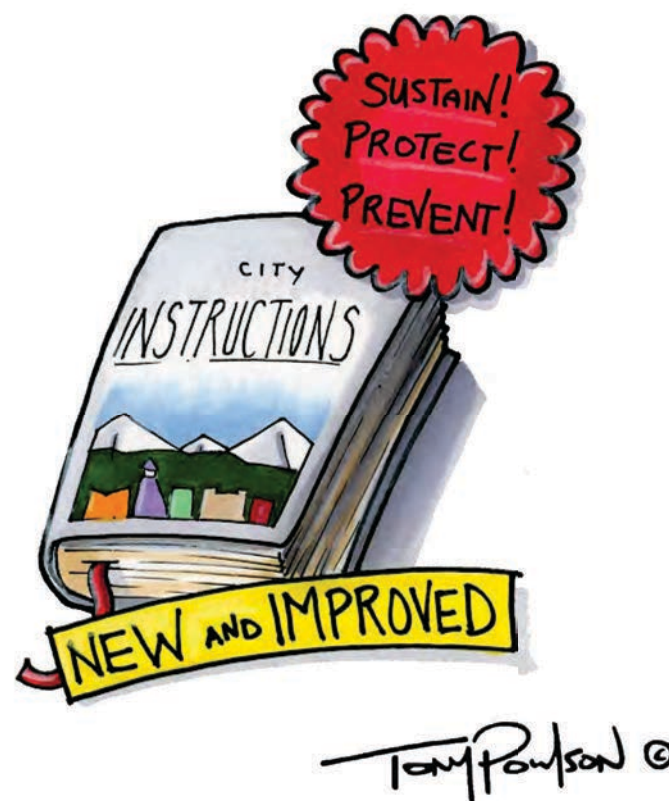


Principles

- 14A** Provide reliable public resources to ensure the health, welfare, and safety for residents and visitors.
- 14B** Manage growth to protect the quality of life and preserve the unique *Park City Experience* by recognizing limits to growth and adopting responsible policies that are consistent with those limits.
- 14C** Provide safe drinking water to residents and visitors. Set limits to future demand based on available sources and expense of available source.
- 14D** Prevent degradation of air quality through implementation of best practices for land use, clean energy, regional transportation, and growth management.

“We need to grow carefully
without taxing our
environment.”

Comment from resident during 2009 Community Visioning



Community Planning Strategies

14.1 Identify, monitor and plan for growth based on availability of natural resources (e.g. water availability, air quality) while enhancing ecosystem health.

14.2 Quantify the impacts of different land uses on consumption of natural resources and energy. Dominant land-uses specific to Park City should be considered including single-family homes, multi-family residential, hotel, nightly rental, and commercial. Implement land use policy that utilizes best practices to minimize negative impacts on natural resources.

14.3 During Planning Commission review of annexations, an assessment of the impacts of additional development on public services should be required, including: emergency response (e.g. fire, police, and ambulance), transportation, educational facilities, and parks and recreation.

14.4 Require developers to bear the costs of adding their development to Park City's infrastructure within future development consistent with Utah impact fee statutes.

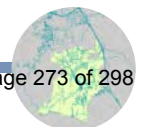
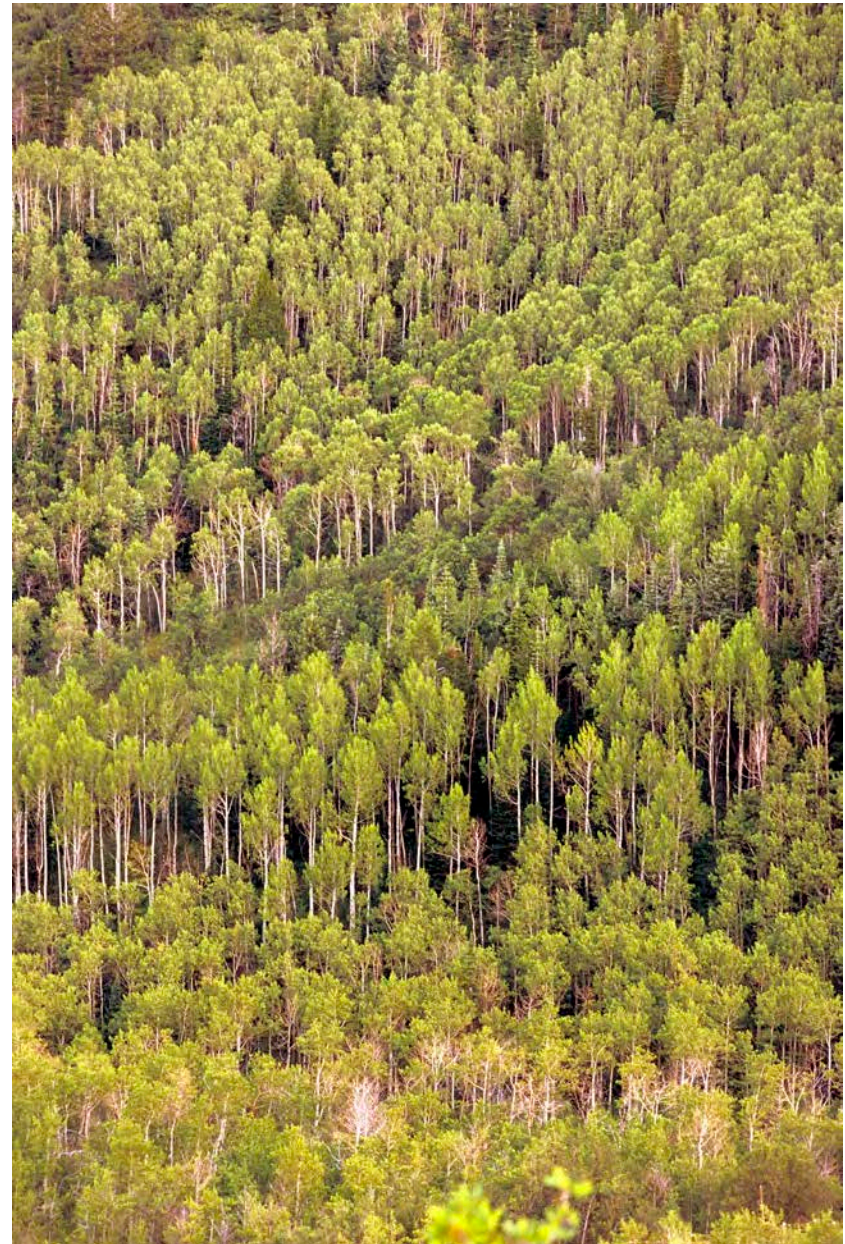
14.5 Locate future schools, libraries and other community facilities within, or in close proximity to, primary residential neighborhoods.

14.6 Research the creation of growth boundaries or other growth management tools to prevent excessive development that would stress the natural system and require unsustainable infrastructure investments.



City Implementation Strategies

- 14.7** Estimate carrying capacity limits (qualitative and quantitative) to preserve the *Park City Experience* and preservation of the core values.
- 14.8** Work with the Park City School District to guarantee the ability to expand educational services and facilities within the School District as needed.
- 14.9** Coordinate with Summit County to avoid unnecessary duplication of services and to eliminate redundancies.
- 14.10** Coordinate with communities in the region to implement transportation, growth management, and clean energy policy in an effort to maintain the clean air of the Wasatch Back.
- 14.11** Work with public utility companies to create projects consistent with the goals and objectives of the General Plan and the Community Vision.



DEVELOPMENT AND WATER SERVICE AGREEMENT

This Agreement is entered into as of this 15 day of July, 1999 by and among the National Ability Center, its successors in interest and assigns, whether in whole or in part (NAC), the Park City Water Service District (Water District) and Park City Municipal Corporation (Park City), collectively referred to as the Parties.

WHEREAS, the NAC is a private, non-profit 501(c)(3) corporation dedicated to the development of lifetime skills for persons with disabilities and the families by providing affordable, quality sports and recreation experiences;

WHEREAS, the NAC received title, by gift deed, subject to a power of reverter, to the following described property for use as an equestrian facility and administrative offices of the National Ability Center:

A PARCEL OF LAND LOCATED IN THE NE 1/4 OF SECTION 3, TOWNSHIP 2
SOUTH, RANGE 4 EAST, SLB&M AND THE SE 1/4 OF SECTION 34, TOWNSHIP
1 NORTH RANGE 4 EAST SLB&M

BEGINNING at the Southwest corner of the Northeast 1/4 of the Northeast 1/4 Section 3, Township 2 South, Range 4 East, Salt Lake Base & Meridian; and running thence N 89°58'47" E 950.04 feet along the 40 acre line; thence North 1049.57 feet; thence N 70°23'24" W 983.05 feet; thence S 00°59'49" W 52.14 feet to the Northwest corner of the Northeast 1/4 of the Northeast 1/4 of said Section 3; thence S 00°59'49" W 1327.90 feet along the 40 acre line to the point of beginning (approximately 26.2 acres).

hereafter, the Property. The Property is depicted on Exhibit A;

WHEREAS, on August 24, 1998 the NAC petitioned Park City and its Water District for water service to the Property;

WHEREAS, the Property is within Park City's annexation declaration boundary, but is not contiguous to Park City;

WHEREAS, the NAC owns an easement to extend a line from the Property to the Park City water system, which easement may be assigned to the City;

WHEREAS, the NAC appeared before the City Council on April 1, 1999 and on May 13, 1999 and offered certain assurances that the water service extension would be of public benefit and would not induce growth;

WHEREAS, in exchange for water service, the NAC is willing to restrict development of the Property in perpetuity, to submit to Park City ordinances, to annex to the Water Service District, and to annex to Park City, when appropriate;

WHEREAS, it is in the best interests of the citizens of Park City to annex the Property into the Water Service District upon certain conditions;

NOW, THEREFORE, in consideration of the mutual promises and covenants herein, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

I. ANNEXATION.

1. The NAC hereby petitions for annexation of the Property into the Water Service District.
2. The Water Service District hereby annexes the Property.

II. CONDITIONS OF WATER SERVICE.

1. **NAC Duty to Construct Line Consistent with City Specifications.** The NAC shall construct an eight (8) inch water line from the City water system, to the Property (the NAC Water Line) in a manner and location approved by the Park City Public Works Director and the City Engineer, all in accordance with applicable provisions of the Park City Design Standards and Construction Specification and Standard Drawings, and subject to City inspection.
2. **NAC Duty to Maintain Line.** The NAC shall maintain the NAC Water Line and easement until such time as Park City accepts dedication of the NAC Water Line and easement.
3. **NAC Shall Not Offer Water Service.** The NAC shall not allow any connection to the NAC Water Line without written City permission, approved by the City Council.
4. **Dedication of Water Rights.** The NAC shall immediately petition to the State Engineer to change the type and place of use, and the point of diversion of sufficient water rights to convert 11.48 acre feet of Weber River Decreed Water Right Number 35-8457 to year round municipal use from designated City sources. Upon State Engineer action changing the place and type of use and point of diversion of at least 11-acre feet of such right to the City system, the NAC shall, by Statutory Warranty Deed, convey such rights to the Water Service District. The NAC shall expend reasonable and diligent efforts to convert such rights to City use. If, after 36 months the NAC fails to convert such water, the

NAC shall promptly pay to the City all applicable water development fees, with accrued interest according to the statutory post judgment rate of interest in effect at that time.

5. **Water Connection Fees.** Prior to connection to the Park City water system, the NAC shall pay to Park City water connection fees according to City ordinance.
6. **Irrevocable Offer to Annex to Park City.** The NAC hereby irrevocably offers to annex the Property to Park City. The NAC shall actively support such annexation.
7. **NAC Commitment to Maximum Use Parameters.** The NAC agrees that, regardless of its annexation to Park City, the Property will, in perpetuity, be limited to the following uses:
 - 7.1. The Property currently supports an outdoor equestrian arena, tack shed, parking lot, and sun shelter.
 - 7.2. In June, 1999, the NAC received County conditional use permit approval for a 7,570 square foot administrative building to house the administrative offices of the NAC, a 3,500 square foot horse barn, a 17,000 square foot indoor equestrian arena, a 21,000 square foot dormitory/dining hall, a 1,680 square foot storage building, and a universal challenge (ropes) course. Such permit includes specific site plan approval and is attached hereto as Exhibit C.
 - 7.3. The NAC may, in the future, request a permit to construct a swimming pool.
8. **NAC's Commitment to City Ordinances.** The NAC hereby commits to use the Property in a manner that is at all times consistent with City ordinances, including, but not limited to, all livestock, lighting, water conservation, sign, parking lot, outdoor storage, noise ordinances, and design regulations.
9. **NAC's Commitment to Pay for Water Use.** The NAC hereby agrees to pay such water use fees as are generally applicable within Park City.
10. **NAC Easement.** Upon City request, NAC shall dedicate a water line easement to the City that will allow the City to extend the water line to other properties.

11. Park City Duty to Provide Limited Water Service. The Water Service District shall provide culinary water and fire flow to the Property to support the uses described in paragraph II.6 herein.

12. NAC's Unconditional Offer to Dedicate Water Line and Easement. The NAC hereby irrevocably offers to dedicate its water line, and to assign its water line easement to the City.

III. GENERAL TERMS

- 1. Incorporation of Recitals and Introductory Paragraphs.** The Recitals contained in this Agreement, and the introductory paragraph preceding the Recitals, are hereby incorporated into this Agreement as if fully set forth herein.
- 2. Severability.** If any provision of this Agreement or the application of any provision of this Agreement to a particular situation is held by a court of competent jurisdiction to be invalid or unenforceable, the remaining provisions of this Agreement shall continue in full force and effect.
- 3. Covenants Running with the Land.** The provisions of this Agreement shall constitute real covenants, contract and property rights and equitable servitudes, which shall run with all of the land subject to this Agreement. The burdens and benefits hereof shall bind and inure to the benefit of each of the Parties hereto and all successors in interest to the Parties hereto. All successors in interest shall succeed only to those benefits and burdens of this Agreement which pertain to the portion of the Project to which the successor holds title. Such titleholder is not a third party beneficiary of the remainder of this Agreement or to zoning classifications and benefits relating to other portions of the Project.
- 4. Notices.** Any notice or communication required hereunder between the Parties must be in writing, and may be given either personally or by registered or certified mail, return receipt requested. If given by registered or certified mail, the same shall be deemed to have been given and received on the first to occur of (i) actual receipt by any of the addressees designated below as the Party to whom notices are to be sent, or (ii) five (5) days after a registered or certified letter

containing such notice, properly addressed, with postage prepaid, is deposited in the United States mail. If personally delivered, a notice is given when delivered to the Party to whom it is addressed. Any Party hereto may at any time, by giving ten (10) days written notice to the other Parties hereto, designate any other address in substitution of the address to which such notice or communication shall be given. Such notices or communications shall be given to the Parties at the address set forth below:

If to City to:

City Manager
445 Marsac Ave.
P.O. Box 1480
Park City, UT 84060

Copy to:

City Attorney
445 Marsac Ave.
P.O. Box 1480
Park City, UT 84060

If to NAC to:

Meechie White
National Ability Center
P.O. Box 682799
Park City, UT 84068

5. **Attorneys' Fees.** In the event of a dispute between any of the Parties arising under this Agreement, the prevailing Party shall be awarded its attorneys' fees and costs to enforce the terms of this Agreement.

IN WITNESS WHEREOF, this Agreement has been executed by the NAC by persons duly authorized to execute the same and by the City of Park City, acting by and through its City Council as of the ____ day of July, 1999.

PARK CITY MUNICIPAL CORPORATION

By: Hugh A. Daniels
Hugh Daniels, Mayor Pro Tem

PARK CITY WATER SERVICE DISTRICT

By: Hugh A. Daniels
Hugh Daniels, Vice-Chairman of the Board

ATTEST: City Clerk

By: Janet Scott
Janet Scott, City Recorder



APPROVED AS TO FORM:

Jodi Hoffman
Jodi Hoffman, City Attorney,
Water Service District Attorney

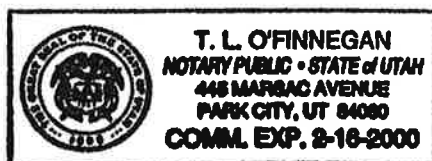
National Ability Center:

National Ability Center,
a nonprofit corporation

Richard Dudley
By: Richard Dudley
Title: President, Board of Directors

STATE OF UTAH)
 : ss
COUNTY OF SUMMIT)

On this 19th day of July 1999, before me, **Thomas L. O'Finnegan**, the undersigned Notary Public, personally appeared **Richard Dudley**, personally known to me to be the President of the Board of Directors of the National Ability Center, on behalf of the corporation named herein, and acknowledged to me that the corporation executed it. Witness my hand and official seal.



Thomas L. O'Finnegan
Notary Public, State of Utah
Residing in Park City, Utah

TITLE 15 - LAND MANAGEMENT CODE

CHAPTER 6 - MASTER PLANNED DEVELOPMENTS.....1

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 6 - MASTER PLANNED DEVELOPMENTS

Chapter adopted by Ordinance No. 02-07

CHAPTER 6 - MASTER PLANNED DEVELOPMENTS (MPD)

15-6 -1. PURPOSE.

The purpose of this Chapter is to describe the process and set forth criteria for review of Master Planned Developments (MPDs) in Park City. The Master Planned Development provisions set forth Use, Density, height, parking, design theme and general Site planning criteria for larger and/or more complex projects having a variety of constraints and challenges, such as environmental issues, multiple zoning districts, location within or adjacent to transitional areas between different land Uses, and infill redevelopment where the MPD process can provide design flexibility necessary for well-planned, mixed use developments that are Compatible with the surrounding neighborhood. The goal of this section is to result in projects which:

- (A) complement the natural features of the Site;
- (B) ensure neighborhood Compatibility;

- (C) strengthen the resort character of Park City;
- (D) result in a net positive contribution of amenities to the community;
- (E) provide a variety of housing types and configurations;
- (F) provide the highest value of open space for any given Site;
- (G) efficiently and cost effectively extend and provide infrastructure;
- (H) provide opportunities for the appropriate redevelopment and reuse of existing structures/sites and maintain Compatibility with the surrounding neighborhood;
- (I) protect residential uses and residential neighborhoods from the impacts of non-residential Uses using best practice methods and diligent code enforcement; and
- (J) encourage mixed Use, walkable and sustainable development and redevelopment that provide innovative and energy efficient

design, including innovative alternatives to reduce impacts of the automobile on the community.

(K) encourage opportunities for economic diversification and economic development within the community.

(Amended by Ord. Nos. 10-14; 13-23)

15-6 -2. APPLICABILITY.

(A) Required. The Master Planned Development process shall be required in all zones except in the Historic Residential-Low Density (HRL), Historic Residential (HR-1), Historic Residential 2 (HR-2), Historic Recreation Commercial (HRC), and Historic Commercial Business (HCB) for the following:

(1) Any Residential project with ten (10) or more Lots or with ten (10) or more Residential Unit Equivalents.

(2) All Hotel and lodging projects with more than fifteen (15) Residential Unit Equivalents.

(3) All new Commercial, Retail, Office, Public, Quasi-public, or Industrial projects with more than 10,000 square feet of Gross Floor Area.

(4) All projects utilizing Transfer of Development Rights Development Credits.

(B) Allowed but not required.

(1) The Master Planned Development process is allowed, but is not required in the Historic Residential (HR-1) and Historic Residential 2 (HR-2) zones only when the HR-1 or HR-2 zoned Properties and combined with adjacent HRC or HCB zoned Properties. Height exceptions will not be granted for Master Planned Developments within the HR01, HR02, HRC0 and HCB Zoning Districts. See Section 15-6-5(F) Building Height.

(2) The Master Planned Development process is allowed, but is not required, when the Property is not a part of the original Park City Survey or Snyder's Addition to the Park City Survey and the proposed MPD is for an Affordable Housing MPD consistent with Section 15-6-7 herein.

(C) Not Allowed. The Master Planned Development process is not allowed or permitted, except as provided in Sections A and B above and as described in LMC Section 15-6-7 Master Planned Affordable Housing Developments, or as specifically required by the City Council as part of an Annexation or Development Agreement.

(Amended by Ord. Nos. 04-08; 06-22; 10-14; 11-12; 13-23)

15-6 -3. USES.

A Master Planned Development (MPD) can only contain Uses, which are Permitted or

Conditional in the zone(s) in which it is located. The maximum Density and type of Development permitted on a given Site will be determined as a result of a Site Suitability Analysis and shall not exceed the maximum Density in the zone, except as otherwise provided in this section. The Site shall be looked at in its entirety, including all adjacent property under the same ownership, and the Density located in the most appropriate locations. When Properties are in more than one (1) Zoning District, there may be a shift of Density between Zoning Districts if that Transfer results in a project which better meets the goals set forth in Section 15-6-1 herein. Density for MPDs will be based on the Unit Equivalent Formula, as defined in LMC Chapter 15-15, and as stated in Section 15-6-8 herein.

Exception. Residential Density Transfer between the HCB and HR-2 Zoning Districts are not permitted. A portion of the Gross Floor Area generated by the Floor Area Ratio of the HCB Zoning District and applied only to Lot Area in the HCB Zone, may be located in the HR-2 Zone as allowed by Section 15-2.3-8.

(Amended by Ord. Nos. 06-22; 10-14)

15-6 -4. PROCESS.

(A) **PRE-APPLICATION CONFERENCE.** A pre-Application conference shall be held with the Planning Department staff in order for the Applicant to become acquainted with the Master Planned Development procedures and related City requirements and schedules. The Planning Department staff will give

preliminary feedback to the potential Applicant based on information available at the pre-Application conference and will inform the Applicant of issues or special requirements which may result from the proposal.

(B) **PRE-APPLICATION PUBLIC MEETING AND DETERMINATION OF COMPLIANCE.** In order to provide an opportunity for the public and the Planning Commission to give preliminary input on a concept for a Master Planned Development, all MPDs will be required to go through a pre-Application public meeting before the Planning Commission except for MPDs subject to an Annexation Agreement. A pre-Application will be filed with the Park City Planning Department and shall include conceptual plans as stated on the Application form and the applicable fee. The public will be notified and invited to attend and comment in accordance with LMC Chapters 15-1-12 and 15-1-21, Notice Matrix, of this Code.

At the pre-Application public meeting, the Applicant will have an opportunity to present the preliminary concepts for the proposed Master Planned Development. This preliminary review will focus on identifying issues of compliance with the General Plan and zoning compliance for the proposed MPD. The public will be given an opportunity to comment on the preliminary concepts so that the Applicant can address neighborhood concerns in preparation of an Application for an MPD.

The Planning Commission shall review the preliminary information to identify issues on

compliance with the General Plan and will make a finding that the project initially complies with the General Plan. Such finding is to be made prior to the Applicant filing a formal MPD Application. If no such finding can be made, the applicant must submit a modified Application or the General Plan would have to be modified prior to formal acceptance and processing of the Application. For larger MPDs, it is recommended that the Applicant host additional neighborhood meetings in preparation of filing of a formal Application for an MPD.

For MPDs that are vested as part of Large Scale MPDs the Planning Director may waive the requirement for a pre-Application meeting. Prior to final approval of an MPD that is subject to an Annexation Agreement or a Large Scale MPD, the Commission shall make findings that the project is consistent with the Annexation Agreement or Large Scale MPD and the General Plan.

(C) **APPLICATION.** The Master Planned Development Application must be submitted with a completed Application form supplied by the City. A list of minimum requirements will accompany the Application form. The Application must include written consent by all Owners of the Property to be included in the Master Planned Development. Once an Application is received, it shall be assigned to a staff Planner who will review the Application for completeness. The Applicant will be informed if additional information is necessary to constitute a Complete Application.

(D) **PLANNING COMMISSION**

REVIEW. The Planning Commission is the primary review body for Master Planned Developments and is required to hold a public hearing and take action. All MPDs will have at least one (1) work session before the Planning Commission prior to a public hearing.

(E) **PUBLIC HEARING.** In addition to the preliminary public input session, a formal public hearing on a Master Planned Development is required to be held by the Planning Commission. The Public Hearing will be noticed in accordance with LMC Chapters 15-1-12 and 15-1-21, Notice Matrix. Multiple Public Hearings, including additional notice, may be necessary for larger, or more complex, projects.

(F) **PLANNING COMMISSION**

ACTION. The Planning Commission shall approve, approve with modifications, or deny a requested Master Planned Development. The Planning Commission action shall be in the form of written findings of fact, conclusions of law, and in the case of approval, conditions of approval. Action shall occur only after the required public hearing is held. To approve an MPD, the Planning Commission will be required to make the findings outlined in Section 15-6-6 herein.

Appeals of Planning Commission action shall be conducted in accordance with LMC Chapter 15-1-18.

(G) **DEVELOPMENT AGREEMENT.**

Once the Planning Commission has approved Master Planned Development, the

approval shall be put in the form of a Development Agreement. The Development Agreement shall be in a form approved by the City Attorney, and shall contain, at a minimum, the following:

- (1) A legal description of the land;
- (2) All relevant zoning parameters including all findings, conclusions and conditions of approval;
- (3) An express reservation of the future legislative power and zoning authority of the City;
- (4) A copy of the approved Site plan, architectural plans, landscape plans, Grading plan, trails and open space plans, and other plans, which are a part of the Planning Commission approval;
- (5) A description of all Developer exactions or agreed upon public dedications;
- (6) The Developers agreement to pay all specified impact fees; and
- (7) The form of ownership anticipated for the project and a specific project phasing plan.
- (8) A list and map of all known Physical Mine Hazards on the property, as determined through the exercise of reasonable due diligence by the Owner, as well as a

description and GPS coordinates of those Physical Mine Hazards.

The Development Agreement shall be ratified by the Planning Commission, signed by the City Council and the Applicant, and recorded with the Summit County Recorder. The Development Agreement shall contain language, which allows for minor, administrative modifications to occur to the approval without revision of the agreement. The Development Agreement must be submitted to the City within six (6) months of the date the project was approved by the Planning Commission, or the Planning Commission approval shall expire.

(H) **LENGTH OF APPROVAL.**

Construction, as defined by the Uniform Building Code, will be required to commence within two (2) years of the date of the execution of the Development Agreement. After construction commences, the MPD shall remain valid as long as it is consistent with the approved specific project phasing plan as set forth in the Development Agreement. It is anticipated that the specific project phasing plan may require Planning Commission review and reevaluation of the project at specified points in the Development of the project.

The Planning Commission may grant an extension of a Master Planned Development for up to two (2) additional years, when the Applicant is able to demonstrate no change in circumstance that would result in unmitigated impacts or that would result in a finding of non-compliance with the Park City General Plan or the Land Management Code in effect at the time of the extension

request. Change in circumstance includes physical changes to the Property or surroundings. Extension requests must be submitted prior to the expiration of the Master Planned Development and shall be noticed and processed with a public hearing according to Section 15-1-12.

(I) **MPD MODIFICATIONS.**

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 Development Agreement by the Planning Commission, unless otherwise specified in the Development Agreement. If the modifications are determined to be substantive, the project will be required to go through the pre-Application public hearing and determination of compliance as outlined in Section 15-6-4(B) herein.

(J) **SITE SPECIFIC APPROVALS.**

Any portion of an approved Master Planned Development may require additional review by the Planning Department and/or Planning Commission as a Conditional Use permit, if so required by the Planning Commission at the time of the MPD approval. The Planning Commission and/or Planning Department, specified at the time of MPD approval, will review Site specific plans including Site layout, architecture and landscaping, prior to issuance of a Building Permit.

The Application requirements and review criteria of the Conditional Use process must be followed. A pre-Application public meeting may be required by the Planning

Director, at which time the Planning Commission will review the Application for compliance with the large scale MPD approval.

(Amended by Ord. Nos. 06-22; 09-10; 11-05)

15-6 -5. MPD REQUIREMENTS.

All Master Planned Developments shall contain the following minimum requirements. Many of the requirements and standards will have to be increased in order for the Planning Commission to make the necessary findings to approve the Master Planned Development.

(A) **DENSITY.** The type of Development, number of units and Density permitted on a given Site will be determined as a result of a Site Suitability Analysis and shall not exceed the maximum Density in the zone, except as otherwise provided in this section. The Site shall be looked at in its entirety and the Density located in the most appropriate locations.

Additional Density may be granted within a Transfer of Development Rights Receiving Overlay Zone (TDR-R) within an approved MPD.

When Properties are in more than one (1) Zoning District, there may be a shift of Density between Zoning Districts if that Transfer results in a project that better meets the goals set forth in Section 15-6-1.

Exception. Residential Density Transfers between the HCB and HR-2 Zoning

Districts are not permitted. A portion of the gross Floor Area generated by the Floor Area Ratio of the HCB Zoning District and applied only to Lot Area in the HCB Zone, may be located in the HR-2 Zone as allowed by Section 15-2.3-8

Density for MPDs will be based on the Unit Equivalent Formula, as defined in Section 15-6-8 herein.

(1) **EXCEPTIONS.** The Planning Department may recommend that the Planning Commission grant up to a maximum of ten percent (10%) increase in total Density if the Applicant:

(a) Donates open space in excess of the sixty percent (60%) requirement, either in fee or a less-than-fee interest to either the City or another unit of government or nonprofit land conservation organization approved by the City. Such Density bonus shall only be granted upon a finding by the Planning Director that such donation will ensure the long-term protection of a significant environmentally or visually sensitive Area; or

(b) Proposes a Master Planned Development (MPD) in which more than thirty percent (30%) of the Unit Equivalents are employee/Affordable Housing

consistent with the City's adopted employee/Affordable Housing guidelines and requirements; or

(c) Proposes an MPD in which more than eighty percent (80%) of the project is open space as defined in this code and prioritized by the Planning Commission.

(B) MAXIMUM ALLOWED BUILDING FOOTPRINT FOR MASTER PLANNED DEVELOPMENTS WITHIN THE HR-1 AND HR-2 DISTRICTS.

(1) The HR-1 and HR-2 Districts sets forth a Maximum Building Footprint for all Structures based on Lot Area. For purposes of establishing the maximum Building Footprint for Master Planned Developments, which include Development in the HR-1 and HR-2 Districts, the maximum Building Footprint for the HR-1 and HR-2 portions shall be calculated based on the conditions of the Subdivision Plat or the Lots of record prior to a Plat Amendment combining the lots as stated in Section 15-2.3-4.

(a) The Area of below Grade parking in the HR-1 and HR-2 zones shall not count against the maximum Building Footprint of the HR-1 or HR-2 Lots.

(b) The Area of below Grade Commercial Uses extending from a Main Street business into the HR-2 Subzone A shall not count against the maximum Building Footprint of the HR-2 Lots.

(c) The Floor Area Ratio (FAR) of the HCB Zoning District applies only to the HCB Lot Area and may be reduced as part of a Master Planned Development. The FAR may not be applied to the HR-1 or HR-2 Lot Area.

(d) The Floor Area for a detached, single car Garage, not to exceed two-hundred and twenty square feet (220 sf) of Floor Area, shall not count against the maximum Building Footprint of the HR-2 Lot.

(C) **SETBACKS.** The minimum Setback around the exterior boundary of an MPD shall be twenty five feet (25') for Parcels greater than one (1) acre in size. In some cases, that Setback may be increased to retain existing Significant Vegetation or natural features or to create an adequate buffer to adjacent Uses, or to meet historic Compatibility requirements. The Planning Commission may decrease the required perimeter Setback from twenty five feet (25') to the zone required Setback if it is necessary to provide desired architectural

interest and variation. The Planning Commission may reduce Setbacks within the project from those otherwise required in the zone to match an abutting zone Setback, provided the project meets minimum Uniform Building Code and Fire Code requirements, does not increase project Density, maintains the general character of the surrounding neighborhood in terms of mass, scale and spacing between houses, and meets open space criteria set forth in Section 15-6-5(D).

(D) **OPEN SPACE.**

(1) **MINIMUM REQUIRED.**

All Master Planned Developments shall contain a minimum of sixty percent (60%) open space as defined in LMC Chapter 15-15 with the exception of the General Commercial (GC) District, Historic Residential Commercial (HRC), Historic Commercial Business (HCB), Historic Residential (HR-1 and HR-2) zones, and wherein cases of redevelopment of existing Developments the minimum open space requirement shall be thirty percent (30%).

For Applications proposing the redevelopment of existing Developments, the Planning Commission may reduce the required open space to thirty percent (30%) in exchange for project enhancements in excess of those otherwise required by the Land Management Code that may directly advance policies reflected in the applicable General

Plan sections or more specific Area plans. Such project enhancements may include, but are not limited to, Affordable Housing, greater landscaping buffers along public ways and public/private pedestrian Areas that provide a public benefit, increased landscape material sizes, public transit improvement, public pedestrian plazas, pedestrian way/trail linkages, Public Art, and rehabilitation of Historic Structures.

(2) TYPE OF OPEN SPACE.

The Planning Commission shall designate the preferable type and mix of open space for each Master Planned Development. This determination will be based on the guidance given in the Park City General Plan. Landscaped open space may be utilized for project amenities such as gardens, greenways, pathways, plazas, and other similar Uses. Open space may not be utilized for Streets, roads, driveways, Parking Areas, commercial Uses, or Buildings requiring a Building Permit.

(E) OFF-STREET PARKING.

(1) The number of Off-Street Parking Spaces in each Master Planned Development shall not be less than the requirements of this code, except that the Planning Commission may increase or decrease the required number of Off-Street Parking Spaces based upon a parking analysis submitted by the

Applicant at the time of MPD submittal. The parking analysis shall contain, at a minimum, the following information:

(a) The proposed number of vehicles required by the occupants of the project based upon the proposed Use and occupancy.

(b) A parking comparison of projects of similar size with similar occupancy type to verify the demand for occupancy parking.

(c) Parking needs for non-dwelling Uses, including traffic attracted to Commercial Uses from Off-Site.

(d) An analysis of time periods of Use for each of the Uses in the project and opportunities for Shared Parking by different Uses. This shall be considered only when there is Guarantee by Use covenant and deed restriction.

(e) A plan to discourage the Use of motorized vehicles and encourage other forms of transportation.

(f) Provisions for overflow parking during peak periods.

The Planning Department shall review the parking analysis and provide a recommendation to the Commission. The Commission shall make a finding during review of the MPD as to whether or not the parking analysis supports a determination to increase or decrease the required number of Parking Spaces.

(2) The Planning Commission may permit an Applicant to pay an in-lieu parking fee in consideration for required on-site parking provided that the Planning Commission determines that:

(a) Payment in-lieu of the on-Site parking requirement will prevent a loss of significant open space, yard Area, and/or public amenities and gathering Areas;

(b) Payment in-lieu of the on-Site parking requirement will result in preservation and rehabilitation of significant Historic Structures or redevelopment of Structures and Sites;

(c) Payment in-lieu of the on-Site parking requirement will not result in an increase project Density or intensity of Use; and

(d) The project is located on a public transit route or is within three (3) blocks of a municipal bus stop.

The payment in-lieu fee for the required parking shall be subject to the provisions in the Park City Municipal Code Section 11-12-16 and the fee set forth in the current Fee Resolution, as amended.

(F) **BUILDING HEIGHT.** The Building Height requirements of the Zoning Districts in which an MPD is located shall apply except that the Planning Commission may consider an increase in Building Height based upon a Site specific analysis and determination. Height exceptions will not be granted for Master Planned Developments within the HR-1, HR-2, HRC, and HCB Zoning Districts.

The Applicant will be required to request a Site specific determination and shall bear the burden of proof to the Planning Commission that the necessary findings can be made. In order to grant Building Height in addition to that which is allowed in the underlying zone, the Planning Commission is required to make the following findings:

(1) The increase in Building Height does not result in increased square footage or Building volume over what would be allowed under the zone required Building Height and Density, including requirements for facade variation and design, but rather provides desired architectural variation, unless the increased square

footage or Building volume is from the Transfer of Development Credits;

(2) Buildings have been positioned to minimize visual impacts on adjacent Structures. Potential problems on neighboring Properties caused by shadows, loss of solar Access, and loss or air circulation have been mitigated as determined by the Site Specific analysis and approved by the Planning Commission;

(3) There is adequate landscaping and buffering from adjacent Properties and Uses. Increased Setbacks and separations from adjacent projects are being proposed;

(4) The additional Building Height results in more than the minimum Open Space required and results in the Open Space being more usable and included Publicly Accessible Open Space;

(5) The additional Building Height shall be designed in a manner that provides a transition in roof elements in compliance with Chapter 5, Architectural Guidelines or the Design Guidelines for Park City's Historic Districts and Historic Sites if within the Historic District;

If and when the Planning Commission grants additional Building Height due to a Site Specific analysis and determination,

that additional Building Height shall only apply to the specific plans being reviewed and approved at the time. Additional Building Height for a specific project will not necessarily be considered for a different, or modified, project on the same Site.

(G) **SITE PLANNING.** An MPD shall be designed to take into consideration the characteristics of the Site upon which it is proposed to be placed. The project should be designed to fit the Site, not the Site modified to fit the project. The following shall be addressed in the Site planning for an MPD:

(1) Units should be clustered on the most developable and least visually sensitive portions of the Site with common open space separating the clusters. The open space corridors should be designed so that existing Significant Vegetation can be maintained on the Site.

(2) Projects shall be designed to minimize Grading and the need for large retaining Structures.

(3) Roads, utility lines, and Buildings should be designed to work with the Existing Grade. Cuts and fills should be minimized.

(4) Existing trails should be incorporated into the open space elements of the project and should be maintained in their existing location whenever possible. Trail easements for existing trails may be required.

Construction of new trails will be required consistent with the Park City Trails Master Plan.

(5) Adequate internal vehicular and pedestrian/bicycle circulation should be provided. Pedestrian/bicycle circulations shall be separated from vehicular circulation and may serve to provide residents the opportunity to travel safely from an individual unit to another unit and to the boundaries of the Property or public trail system. Private internal Streets may be considered for Condominium projects if they meet the minimum emergency and safety requirements.

(6) The Site plan shall include adequate Areas for snow removal and snow storage. The landscape plan shall allow for snow storage Areas. Structures shall be set back from any hard surfaces so as to provide adequate Areas to remove and store snow. The assumption is that snow should be able to be stored on Site and not removed to an Off-Site location.

(7) It is important to plan for trash storage and collection and recycling facilities. The Site plan shall include adequate Areas for trash dumpsters and recycling containers, including an adequate circulation area for pick-up vehicles. These facilities shall be enclosed and shall be included on the site and landscape plans for the Project.

Pedestrian Access shall be provided to the refuse/recycling facilities from within the MPD for the convenience of residents and guests.

No final site plan for a commercial development or multi-family residential development shall be approved unless there is a mandatory recycling program put into effect which may include Recycling Facilities for the project.

Single family residential development shall include a mandatory recycling program put into effect including curb side recycling but may also provide Recycling Facilities.

The recycling facilities shall be identified on the final site plan to accommodate for materials generated by the tenants, residents, users, operators, or owners of such project. Such recycling facilities shall include, but are not necessarily limited to glass, paper, plastic, cans, cardboard or other household or commercially generated recyclable and scrap materials.

Locations for proposed centralized trash and recycling collection facilities shall be shown on the site plan drawings. Written approval of the proposed locations shall be obtained by the City Building and Planning Department.

Centralized garbage and recycling collection containers shall be located in a completely enclosed structure, designed with materials that are compatible with the principal building(s) in the development, including a pedestrian door on the structure and a truck door/gate. The structure's design, construction, and materials shall be substantial e.g. of masonry, steel, or other materials approved by the Planning Department capable of sustaining active use by residents and trash/recycle haulers. The structures shall be large enough to accommodate a garbage container and at least two recycling containers to provide for the option of dual-stream recycling. A conceptual design of the structure shall be submitted with the site plan drawings.

(8) The Site planning for an MPD should include transportation amenities including drop-off Areas for van and shuttle service, and a bus stop, if applicable.

(9) Service and delivery Access and loading/unloading Areas must be included in the Site plan. The service and delivery should be kept separate from pedestrian Areas.

(H) **LANDSCAPE AND STREET SCAPE.** A complete landscape plan must be submitted with the MPD application. The landscape plan shall comply with all criteria

and requirements of LMC Section 15-5-5(M) LANDSCAPING.

All noxious weeds, as identified by Summit County, shall be removed from the Property in accordance with the Summit County Weed Ordinance prior to issuance of Certificates of Occupancy.

Lighting must meet the requirements of LMC Chapter 15-5, Architectural Review.

(I) **SENSITIVE LANDS COMPLIANCE.** All MPD Applications containing any Area within the Sensitive Areas Overlay Zone will be required to conduct a Sensitive Lands Analysis and conform to the Sensitive Lands Provisions, as described in LMC Section 15-2.21.

(J) **EMPLOYEE/AFFORDABLE HOUSING.** MPD Applications shall include a housing mitigation plan which must address employee Affordable Housing as required by the adopted housing resolution in effect at the time of Application.

(K) **CHILD CARE.** A Site designated and planned for a Child Care Center may be required for all new single and multi-family housing projects if the Planning Commission determines that the project will create additional demands for Child Care.

(L) **MINE HAZARDS.** All MPD applications shall include a map and list of all known Physical Mine Hazards on the property and a mine hazard mitigation plan.

(M) **HISTORIC MINE WASTE MITIGATION.** For known historic mine waste located on the property, a soil remediation mitigation plan must be prepared indicating areas of hazardous soils and proposed methods of remediation and/or removal subject to the Park City Soils Boundary Ordinance requirements and regulations. See Title Eleven Chapter Fifteen of the Park City Municipal Code for additional requirements.

(Amended by Ord. Nos. 04-08; 06-22; 09-10; 10-14; 11-05 11-12; 13-23)

15- 6- 6. REQUIRED FINDINGS AND CONCLUSIONS OF LAW.

The Planning Commission must make the following findings in order to approve a Master Planned Development. In some cases, conditions of approval will be attached to the approval to ensure compliance with these findings.

(A) The MPD, as conditioned, complies with all the requirements of the Land Management Code;

(B) The MPD, as conditioned, meets the minimum requirements of Section 15-6-5 herein;

(C) The MPD, as conditioned, is consistent with the Park City General Plan;

(D) The MPD, as conditioned, provides the highest value of Open Space, as determined by the Planning Commission;

(E) The MPD, as conditioned, strengthens and enhances the resort character of Park City;

(F) The MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible;

(G) The MPD, as conditioned, is Compatible in Use, scale, and mass with adjacent Properties, and promotes neighborhood Compatibility, and Historic Compatibility, where appropriate, and protects residential neighborhoods and Uses;

(H) The MPD, as conditioned, provides amenities to the community so that there is no net loss of community amenities;

(I) The MPD, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.

(J) The MPD, as conditioned, meets the Sensitive Lands requirements of the Land Management Code. The project has been designed to place Development on the most developable land and least visually obtrusive portions of the Site;

(K) The MPD, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections; and

(L) The MPD has been noticed and public hearing held in accordance with this Code.

(M) The MPD, as conditioned, incorporates best planning practices for sustainable development, including water conservation measures and energy efficient design and construction, per the Residential and Commercial Energy and Green Building program and codes adopted by the Park City Building Department in effect at the time of the Application.

(N) The MPD, as conditioned, addresses and mitigates Physical Mine Hazards according to accepted City regulations and policies.

(O) The MPD, as conditioned, addresses and mitigates Historic Mine Waste and complies with the requirements of the Park City Soils Boundary Ordinance.

(Amended by Ord. Nos. 06-22; 10-14; 13-23)

15-6-7. MASTER PLANNED AFFORDABLE HOUSING DEVELOPMENT.

(A) **PURPOSE.** The purpose of the master planned Affordable Housing Development is to promote housing for a diversity of income groups by providing Dwelling Units for rent or for sale in a price range affordable by families in the low-to-moderate income range. This may be achieved by encouraging the private sector to develop Affordable Housing. Master Planned Developments, which are one hundred percent (100%) Affordable Housing, as defined by the housing resolution in effect at the time of Application, would be considered for a

Density incentive greater than that normally allowed under the applicable Zoning District and Master Planned Development regulations with the intent of encouraging quality Development of permanent rental and permanent Owner-occupied housing stock for low and moderate income families within the Park City Area.

(B) **RENTAL OR SALES PROGRAM.** If a Developer seeks to exercise the increased Density allowance incentive by providing an Affordable Housing project, the Developer must agree to follow the guidelines and restrictions set forth by the Housing Authority in the adopted Affordable Housing resolution in effect at the time of Application.

(C) **MIXED RENTAL AND OWNER/OCCUPANT PROJECTS.** When projects are approved that comprise both rental and Owner/occupant Dwelling Units, the combination and phasing of the Development shall be specifically approved by the reviewing agency and become a condition of project approval. A permanent rental housing unit is one which is subject to a binding agreement with the Park City Housing Authority.

(D) **MPD REQUIREMENTS.** All of the MPD requirements and findings of this section shall apply to Affordable Housing MPD projects.

(E) **DENSITY BONUS.** The reviewing agency may increase the allowable Density to a maximum of twenty (20) Unit Equivalents per acre. The Unit Equivalent formula applies.

(F) **PARKING.** Off-Street parking will be required at a rate of one (1) space per Bedroom.

(G) **OPEN SPACE.** A minimum of fifty percent (50%) of the Parcel shall be retained or developed as open space. A reduction in the percentage of open space, to not less than forty percent (40%), may be granted upon a finding by the Planning Commission that additional on or Off-Site amenities, such as playgrounds, trails, recreation facilities, bus shelters, significant landscaping, or other amenities will be provided above any that are required. Project open space may be utilized for project amenities, such as tennis courts, Buildings not requiring a Building Permit, pathways, plazas, and similar Uses. Open space may not be utilized for Streets, roads, or Parking Areas.

(H) **RENTAL RESTRICTIONS.** The provisions of the moderate income housing exception shall not prohibit the monthly rental of an individually owned unit. However, Nightly Rentals or timesharing shall not be permitted within Developments using this exception. Monthly rental of individually owned units shall comply with the guidelines and restrictions set forth by the Housing Authority as stated in the adopted Affordable Housing resolution in effect at the time of Application.

(Amended by Ord. Nos. 06-22; 09-10)

15-6-8. UNIT EQUIVALENTS.

Density of Development is a factor of both the Use and size of Structures built within a project. In order to allow for, and to encourage, a variety of unit configurations, Density shall be calculated on the basis of Unit Equivalents. Unless otherwise stipulated, one (1) Unit Equivalent equates to one (1) single family Lot, 2,000 square feet of Multi-Family Dwelling floor area, or 1,000 square feet of commercial or office floor area. A duplex Lot equates to two (2) Unit Equivalents, unless otherwise stipulated by the Master Planned Development (MPD). The MPD may stipulate maximum Building Footprint and/or maximum floor area for single family and duplex Lots. Residential Unit Equivalents for Multi-Family Dwellings shall be calculated on the basis of one (1) Unit Equivalent per 2,000 square feet and portions of Unit Equivalents for additional square feet above or below 2,000. For example: 2,460 square feet of a multi-family unit shall count as 1.23 Unit Equivalents.

Affordable Housing units required as part of the MPD approval, and constructed on Site do not count towards the residential Unit Equivalents of the Master Plan. Required ADA units do not count towards the residential Unit Equivalents.

Support Uses and accessory meeting space use Unit Equivalents as outlined in Section 15-6-8(C) and (D) below.

(A) **CALCULATING RESIDENTIAL UNIT SQUARE FOOTAGE.** Unit square footage shall be measured from the interior of the exterior unit walls. All bathrooms,

halls, closets, storage and utility rooms within a unit will be included in the calculation for square footage. Exterior hallways, common circulation and hotel use areas, such as lobbies, elevators, storage, and other similar Areas, will not be included. Common outdoor facilities, such as pools, spas, recreation facilities, ice-skating rinks, decks, porches, etc. do not require the Use of Unit Equivalents.

(B) **LOCKOUTS.** For purposes of calculating Unit Equivalents, Lockouts shall be included in the overall square footage of a unit.

(C) **SUPPORT COMMERCIAL WITHIN RESIDENTIAL MASTER PLANNED DEVELOPMENTS.** Within a Hotel or Nightly Rental condominium project, the Floor Area of Support Commercial uses may not exceed five percent (5%) of the total Floor Area of the approved residential Unit Equivalents. Any unused support commercial floor area may be utilized for meeting space Uses.

(D) **MEETING SPACE.** Within a Hotel or Condominium project, Floor Area of meeting space may not exceed five percent (5%) of the total Floor Area of the approved residential unit equivalents. Any unused meeting space floor area may be utilized for support commercial uses within a Hotel or Nightly Rental Condominium project.

(E) **COMMERCIAL UNIT EQUIVALENTS.** Commercial spaces, approved as a part of a Master Planned Development, shall be calculated on the

basis of one (1) Unit Equivalent per 1000 square feet of Net Leasable Floor Area, exclusive of common corridors, for each part of a 1,000 square foot interval. For example: 2,460 square feet of commercial Area shall count as 2.46 Unit Equivalents.

(F) **RESIDENTIAL ACCESSORY USES.** Residential Accessory Uses include typical back of house uses and administration facilities that are for the benefit of the residents of a commercial Residential Use, such as a Hotel or Nightly Rental Condominium project and that are common to the residential project and are not located within any individual Residential unit. Residential Accessory Uses do not require the use of Unit Equivalents and include, but are not limited to, such Uses as:

Ski/Equipment lockers
Lobbies
Registration
Concierge
Bell stand/luggage storage
Maintenance Areas
Mechanical rooms and shafts
Laundry facilities and storage
Employee facilities
Common pools, saunas and hot tubs, and exercise areas not open to the public
Telephone Areas
Guest business centers
Public restrooms
Administrative offices
Hallways and circulation
Elevators and stairways

(G) **RESORT ACCESSORY USES.** The following Uses are considered accessory for the operation of a resort for winter and

summer operations. These Uses are considered typical back of house uses and are incidental to and customarily found in connection with the principal Use or Building and are operated for the convenience of the Owners, occupants, employees, customers, or visitors to the principal resort Use. Accessory Uses associated with an approved summer or winter resort do not require the Use of a Unit Equivalent. These Uses include, but are not limited to, such Uses as:

Information
Lost and found
First Aid
Mountain patrol
Administration
Maintenance and storage facilities
Emergency medical facilities
Public lockers
Public restrooms
Employee restrooms, employee locker rooms, employee break rooms, and employee dining areas
Ski school/day care facilities
Instruction facilities
Ticket sales
Equipment/ski check
Circulation and hallways for these Resort
Accessory Uses

(Amended by Ord. Nos. 06-22; 09-10; 10-14; 11-05)